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HOUSE OF REPRESENTATIVES—*Wednesday, May 8, 1968*

The House met at 12 o'clock noon.

Rabbi Gerald Green, Adath Israel Synagogue, Trenton, N.J., offered the following prayer:

Sovereign of the universe and Father of mankind: In these soul-stirring times we earnestly pray that Thy guidance and Thy blessing will bring forth the best that is within us. We turn to Thee in deepest need seeking wisdom and inspiration for those who are charged with the awesome responsibility of directing the affairs of our Nation.

We ask not that we be relieved of our burdens but that we be given the strength to bear them, not for an end to problems, but for wisdom to understand them, not for an escape from challenges but for courage to face them.

Grant us compassion that embraces all men in the circle of its concerns and that registers upon our heart the anguish of the distressed, the pain of the denied, and the sorrow of the dejected.

Undergird our spirits that we may remain tireless in our efforts, unswerving in our loyalty, and invincible in our hope that a just and peaceful world may speedily be realized, when all citizens of our land will enjoy the freedom to nurture the promise that lies within them, that together we may surge forward to build a stronger nation and a better world in which the divine image Thou hast imprinted upon us may shine forth undimmed.

This we ask in Thy name, our Father in Heaven. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 11308. An act to amend the National Foundation on the Arts and the Humanities Act of 1965.

The message also announced that the Vice President, pursuant to Public Law 816, 80th Congress, appointed Mr. FANNIN to be a member of the Board of Visitors to the U.S. Naval Academy in lieu of Mr. BAKER, resigned:

The message also announced that the Vice President, pursuant to Public Law 90-259, appointed Mr. MAGNUSON and Mr. COTTON, as members on the part of the Senate, to the National Commission on Fire Prevention and Control.

COLUMBUS DAY

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BRINKLEY. Mr. Speaker, the Third Congressional District of Georgia includes the growing city of Columbus which excels in friendly people, harmonious race relations, and a spirit of cooperation and cordiality with its military neighbor, Fort Benning. In tribute to the excellence of this city, I rise in favor of H.R. 15951, which, among other things, would establish Columbus Day as a national holiday.

Christopher Columbus was a great explorer who exemplified the high standards of self-reliance which has made this Nation great and it would be most fitting to establish Columbus Day as a national holiday.

Our city of Columbus, Ga., has for many years participated in the observance of Columbus Day and I know that favorable consideration of this feature would be a splendid, nationwide reminder of the qualities of a great man. It would also serve to motivate us toward new horizons with the same faith that piloted him.

CITIZEN RESPONSIBILITY DISPLAYED IN ELECTIONS

Mr. HARVEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HARVEY. Mr. Speaker, of all the election results reported from all sections of our country from yesterday's voting, I selfishly had greater interest in just one. It was conducted in the largest community of Michigan's Eighth District which I am proud to represent in Congress.

I am even more proud of the citizen responsibility that was displayed as residents of the city of Saginaw overwhelmingly approved a new city ordinance on open housing.

The unofficial vote tabulation was 11,666 "yes" votes and only 5,214 in opposition. To my knowledge, the city of Saginaw becomes the fourth community in our State of Michigan to approve, by vote an open housing ordinance pretty well patterned after the legislation included in the civil rights law of 1968 recently enacted by the Congress.

I would also point out, Mr. Speaker, that the city of Saginaw has a population of nearly 100,000, including approximately 20 percent Negro. It is an industrial city with nearly 20 major plants including a number of General Motors Corp. factories.

To illustrate citywide support of the measure, I have been informed that the open housing issue was approved in 40 of the city's 42 voting precincts. In the remaining two precincts, it lost by only one vote in one precinct and by 28 in the other.

As I mentioned earlier, there perhaps was more glamour and more attention focused on other election contests yesterday, but none shone more brightly or carried greater impact than what was accomplished by Saginaw voters yesterday.

MAY 13 CUTOFF IN THE FEDERAL AID HIGHWAY PROGRAM BECAUSE OF FAILURE TO ACT ON $400 MILLION SUPPLEMENTAL MEANS FORCED CUT OF $1 BILLION

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, we have presently in existence another example of fiscal mismanagement of the highway trust fund. The Department of Transportation advised all States yesterday that there will be no further matching funds for highways after May 13 during this fiscal year of 1968 unless Congress acts on a supplemental appropriation of $400 million which was sent up last year. When the overall supplemental appropriation bill was under consideration early this year it was withdrawn by the administration and there is no overall supplemental appropriation bill available to carry this supplemental through by May 13 and, therefore, the program is $400 million behind, in addition to the

$600 million cut by Presidential fiat only a few months ago.

This is another example of the administration giving little leadership or foresight in this field and is another indication of fiscal management in our highway program relating to the highway trust fund which is still suffering from the $600 million cutback.

Mr. Speaker, I hope the Committee on Appropriations will find a way to unravel this matter despite the lack of leadership on the part of the administration.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 121]

Adair
Andrews, Ala.
Ashmore
Bevill
Carter
Corman
Cunningham
Davis, Ga.
Diggs
Dowdy
Edwards, Ala.
Edwards, La.
Eilberg
Feighan
Flood
Frelinghuysen
Gettys
Gibbons
Green, Oreg.
Hagan
Halleck
Hansen, Idaho
Hardy
Hathaway
Hawkins
Hays
Henderson
Holland
Jacobs
Kirwan
Landrum
MacGregor
Miller, Calif.
Moore
Morse, Mass.
Nichols
O'Hara, Ill.
Olsen
Pool
Pucinski
Resnick
Roush
Ruppe
Selden
Steed
Watts
Wyatt

The SPEAKER. On this rollcall 384 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

A REVOLTING ACT OF DESECRATION

Mr. JOELSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. JOELSON. Mr. Speaker, I was shocked to read that recently some warped person or persons took down the American flag which flies over the Marine Memorial in Arlington, and hoisted in its place the flag of the Vietcong. As my colleagues know, this monument is the famous and inspiring work which has immortalized the valor of our Marines at Iwo Jima.

In order to protect this statue against vandals in the future and also to accord it the respect and honor to which it is entitled, I have introduced a measure to have a Marine honor guard placed at the monument on a 24-hour basis.

Mr. Speaker, it is unbelievable that any American would stoop so low as to place the Vietcong flag over a monument which marks a moment of triumph of a free nation over totalitarian forces. Those who revel in dissent and dissension would be the very first to have their voices stilled if the Communists were in control. For we see daily evidences of the fact that in a communistic society, those who criticize the establishment are clamped into prison and sentenced to grinding labor, if not summarily murdered.

For my part, I shall continue to support programs to keep America free and democratic so that those who yearn for Communist victories are protected against their own stupidity and folly. And I hope that as an indication of our belief in democracy and as a symbol of our gratitude to those who have given so much to protect freedom, the Iwo Jima monument will be guarded with respect, dignity, and honor.

GEN. ROBERT E. WOOD NAMED SEARS' HONORARY CHAIRMAN

Mr. McCLORY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCLORY. Mr. Speaker, today marks another great milestone in the brilliant career of my friend and constituent, Gen. Robert E. Wood—U.S. Army, retired—of Lake Forest, Ill.

General Wood has made numerous contributions to the civic military, economic, cultural, educational, social, and spiritual values of this nation. I have commented before on some of these contributions.

Today, in Chicago, Sears, Roebuck & Co. is paying tribute to General Wood in appreciation of his 44 years of active association with that company. At this ceremony, General Wood will be named as the company's first honorary chairman.

General Wood, who will attain his 89th birthday on June 13, will be present at the luncheon, where numerous civic and public leaders will join his associates at Sears in honoring him.

I am confident that his many friends in this House of Representatives will want to join me in extending to Gen. Robert E. Wood our heartfelt congratulations and deep appreciation for the many benefits which have been derived from his career of service to the Nation and to the world.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1969

Mr. COLMER. Mr. Speaker, I call up House Resolution 1164 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1164

Resolved, That during the consideration of the bill (H.R. 17023) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes, all points of order against the provisions contained under the heading "National Aeronautics and Space Administration" beginning on page 19, line 17, through page 21, line 8, are hereby waived.

Mr. COLMER. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California, and pending that I yield myself such time as I may consume.

Mr. Speaker, this rule is reported for the simple reason that certain provisions of the appropriation bill which will presently be under consideration have not been acted upon by the other body and, therefore, would be subject to a point of order. Otherwise, of course, a rule would not be necessary since the Committee on Appropriations has the privilege of filing its report directly.

Mr. Speaker, I shall not go into any details with reference to the bill.

I now shall be glad to yield to my distinguished friend, the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I thank my friend for yielding. Is this the second consecutive year that we have had some difficulty with the NASA appropriation bill with respect to the NASA authorization bill?

Mr. COLMER. I will say to the gentleman from Iowa that my memory of that is very hazy. But I will accept that as a fact.

Also, I would like to add that one of the reasons for the granting of this rule by the Committee on Rules was to hasten the consideration of this bill. It is my opinion that the spirit of this House is pretty largely in favor of the fact that we should expedite bills now pending in the Congress as much as possible, particularly the money bills in order that we can get this Congress adjourned at least insofar as the House of Representatives is concerned without having to come back here after the conventions of the two major parties, the Democratic Party and the Republican Party.

Therefore, Mr. Speaker, as one Member of this House I am very happy to cooperate toward that end.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. COLMER. I will be glad to yield further to the gentleman from Iowa.

Mr. GROSS. That is one of the most optimistic statements that I have heard in a good many weeks, and even months, with respect to the conduct of the business of the House. I sincerely hope the gentleman is right; that we are going to get out of here about the first of August, and that would have to be the time if we are going to adjourn sine die for the national conventions.

I hope the gentleman is right. I hope his optimism is sustained, but somehow or other I am a good deal more pessimistic on that score than the gentleman.

Mr. COLMER. In reply to that I would say to the distinguished gentleman from Iowa that one never knows unless one tries, and certainly unless we try we will not get out of here by the first of August.

Mr. GROSS. Of course, I want to say to my friend from Mississippi that I do not like to see rules waiving points of order on appropriation bills, any portion of any bill. It is my understanding that this is limited to the NASA appropriation provisions of the bill.

Mr. COLMER. The gentleman is correct. I might add also for the information of the gentleman—and of the Members of the House—that the Committee on Rules has recently adopted a course of procedure where these rules waiving points of order will be limited to specific items, as has been done in this instance.

Mr. GROSS. I appreciate that statement very much. I was not aware that the Committee on Rules had adopted that policy. I want to commend the Committee on Rules.

At the same time I must protest appropriation bills coming to the House floor with points of order waived under any circumstances. I just do not believe it is good procedure, and I must protest it.

I thank the gentleman for yielding.

Mr. COLMER. I might say further to my friend from Iowa that I have never liked the idea of waiving points of order, but there are occasions where I believe it is justified, and I believe in this particular instance it is justified.

While I am on that subject I would like to add that there is a very strong feeling in the Committee on Rules that that committee, somewhat controlling the flow of legislation to the floor of the House, should place a cutoff date and so notify the various chairmen of the various committees of the House that if they want their bills considered they must be in by a fixed date. That opinion is very strong in our committee, and I certainly hope that we may have the cooperation of all Members of the House, and of course of our distinguished leadership, in bringing that about. I want to add to that what I have stated previously on this floor, and that is that if this Congress does not adjourn sine die before these conventions that we will be coming back here after the conventions, possibly around Labor Day, and we will be harangued with political speeches for the rest of the year. And I do not believe that is conducive to good legislation, and I do not believe it is for the best interests of the membership of this House, all of whom, or most of whom, will have opposition in the general elections, and will have no opportunity to visit with their people, and to acquaint their people with their viewpoints and justify their position in this Congress.

I appreciate the contribution of the gentleman from Iowa.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman.

Mr. YATES. I want to join with the gentleman from Iowa in saying that I had hoped the Committee on Rules would not grant a rule waiving points of order here.

There were two agencies that appeared before the Independent Office Subcommittee whose appropriations would have been subject to a point of order because the legislation had not passed the Congress yet. One is the space agency and the other was the housing and urban development agency. A point of order would have been appropriate to be made against both of them. However, the rule was requested only with respect to the space agency, leaving for sometime in the future the appropriations for the new year for the housing agency. I think it unfortunate. In view of the gentleman's argument that he favors accelerating and expediting the business of the House, including these appropriations, and appropriation for the housing agency as well might have been made.

Mr. COLMER. I appreciate the gentleman's observation.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman.

Mr. JONAS. In response to the comment made by the gentleman from Illinois, I think it is well to point out that there is a difference in the two cases that he cited.

The NASA authorization bill has already been approved by the House of Representatives and is pending in the other body.

The authorization to which he refers for the Department of Housing, Urban and Development has not even cleared the committee.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman.

Mr. YATES. May I say to the gentleman, I am told the other body will consider the House bill next week and it will therefore be almost in the same position that the NASA agency would be.

Mr. JONAS. If I may respond to that, it may be in "almost" the same position but it is not in the same position; and we cannot operate in the committee on the basis of the information of the gentleman from Illinois—we can only operate on the information that we have before us. We have no justification for these items.

Mr. COLMER. If I may respond to both gentlemen very briefly, I am sure they are both in accord with my observations that if we do not take some action, some positive affirmative action here to adjourn this Congress, we could well be here until after the snow flies and that would not be in the best interests of the country.

We always have to wait on those people over there. I have no desire to chastise them or to cast any aspersions upon them. But it is the fact that we do have to await their pleasure on these matters and this might be a little incentive for them to go forward on this.

The SPEAKER. The Chair recognizes the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply say that the gentleman from Mississippi has explained the situation very adequately, thoroughly, and ably. I concur in the remarks that he has made and associate myself with them, and particularly as to the statement he made relative to our desire to adjourn.

On this side of the aisle, I will say that we will cooperate in every way that we possibly can in the Committee on Rules to give everybody a chance to be heard on their bill.

I hope we can get out of here by the first of August, and not return. I urge the adoption of this resolution, Mr. Speaker.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. ROGERS].

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to speak out of the regular order.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

MR. PRESIDENT, STOP THE VIOLENCE

Mr. ROGERS of Florida. Mr. Speaker, there was another murder in Washington yesterday, during a store robbery, and nine new cases of arson. That was the third murder within a week of a storeworker, and arson is so frequent it is impossible to keep a count. The President should immediately intervene in the Washington crime situation, since the city government he appointed continues to refuse to meet the problem with force.

The government of the District of Columbia was reorganized by the President himself, and he appointed the Mayor and each member of the City Council. That government, and the men appointed to run it, have now proven themselves insufficient to the task of preserving law and order.

Under Mayor Washington, Mr. Murphy was appointed Public Safety Director. Mr. Murphy has restricted police action to such an extent that law and order has all but collapsed in the city. Mr. Murphy assured everyone, far and wide, that he would be prepared for any eventuality, and could insure the safety of the city, but he did not expect any trouble.

After all, as Edwin Lahey of the Knight newspapers pointed out recently, "the 200 million Americans who own the District of Columbia have been generous to the three-quarter million who reside here—on a per capita basis, the District of Columbia received about twice its share" of Federal grants.

It took 14,000 U.S. troops to restore order after Mr. Murphy had restricted the local police. There were errors in judgment. There were communications failures. There was confusion. And there was death, fire, and destruction.

Information is now coming to light, however, that the crime rate in Washington was spiraling even prior to the riot.

As early as 11 months ago, District of Columbia Bank Association President McLachlen said in a Washington speech:

> It is the shame of our nation that in its capital city its citizens are afraid to open their business doors or even to take a walk. In human terms and in terms of our area's economy, this cost of crime in Washington today is too high, and it is still very much on the increase.

That was a year ago.

And we have witnessed the tragic breakdown of law and order since the riot. Now it is spilling over into the suburbs, with the criminal element from the inner city crossing over into the outlying areas, then escaping back into Washington where they feel safe.

In spite of all of the efforts of concerned citizens, merchant groups, and Members of the Congress, Mayor Washington has still made no public statement or taken a single action which would indicate an intention on his part to put a stop to this criminal activity by whatever force is necessary. And Mr. Murphy continues to draw his salary, apparently content with sending a few additional policemen into the streets with their hands tied behind their backs by his restrictions on their use of necessary force.

Mr. President, this lawlessness has gone on too long. You appointed Mr. Washington and the City Council. You reorganized the city government. You are commander of the District of Columbia National Guard. It is time you take control of this situation.

A President who takes pride in great social legislation enacted during his tenure in public office, and a President who has worked long and hard to restore peace in the world, cannot sit by while his Nation's Capital is destroyed by arsonists, murderers, and looters.

This city belongs to the Nation. It is the Capital of all our people. Our President is President of all the people. He has an obligation to all of them today. He has an obligation to see that the laws are enforced in the District of Columbia, and that order is restored—now.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Florida. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Is the so-called Safety Director Murphy the same Murphy who was fired by the city of Syracuse, N.Y., and then brought to Washington, D.C., by the so-called Mayor Washington to head up the Police Department and to make of the Chief of Police a figurehead in the Police Department of the District of Columbia? Is this the same Murphy?

Mr. ROGERS of Florida. I understand he did come from New York. But I do hope that some steps will be taken. It is an absurd situation that the citizens in this city are afraid to walk even on the streets of the Nation's Capital. The President must take some action, because we are getting action from nowhere else within the city of the District of Columbia. If the President does not, this Congress ought to take away the police powers of the District of Columbia and put the Army in here to establish law and order in this city, the Nation's Capital.

Mr. WYMAN. Mr. Speaker, I share the concern expressed by the distinguished gentleman from Florida over the urgent necessity of achieving, preserving, and maintaining law and order in the Nation's Capital. The extent of crisis proportion in the District of Columbia is reflected in the full-page, paid advertisement appearing in yesterday's Washington Post by the Washington, D.C., Retail Liquor Dealers Association, Inc.

It is shocking that such an advertisement should be felt to be necessary to try bring to the attention of those in law enforcement in the executive branch the message that they are not doing their job, and they are not. The people are aroused. They want firmness. Law-abiding citizens demand protection of their persons and their property.

They are entitled to these basic protections. If the present officials fail them, they should be removed and replaced with officials who will protect our people.

This was the advertisement to which I have referred:

> ### BEN BROWN IS DEAD
>
> Brown, Benjamin: On Tuesday, April 30, 1968, Benjamin Brown of 1900 Lyttonsville rd., Silver Spring, Md., beloved husband of Freda Brown; devoted father of Miss Barbara Brown of Silver Spring, Md. Also survived by two sisters, Mrs. Faye Blanken and Mrs. Mollie Cohen, both of Silver Spring, Md. Services at the C. D. Goldberg & Son Funeral Home, 4217 9th st. nw., on Thursday, May 2, at 2 p.m. Interment B'nai Israel Cemetery. In mourning at 1900 Lyttonsville rd., Silver Spring, Md., Apt. 1106. Family suggests in lieu of flowers contributions be made to the Steven Jay Brown Memorial at the Jewish Foundation for Retarded Children, 6200 2d St. nw.
>
> ### IS LAW ENFORCEMENT ALSO DEAD?
>
> Mr. Brown was shot while defending his property.
>
> Should anarchy prevail because a small segment of the population takes the law into its own hands? Should bands of hoodlums be allowed to continue preying on law-abiding citizens, Negro and white?
>
> When hoodlums—regardless of age, sex or color—are undeterred by the prospect of effective law-enforcement, no one is safe. If criminals can loot, burn and kill in the Inner City without fear of consequences, it is only a question of time before you, your family and your business can feel the effect. It makes no difference where you live, work or play: When law enforcement ceases, disrespect for law is encouraged.
>
> When you walk or drive through many areas of Washington, do you feel safe—or scared? Do you encourage your friends and relatives to visit the Nation's Capital at this time?
>
> Is the battle over? Not for the citizens whose lives are threatened. Not for the businessmen who cannot rebuild because they cannot get insurance. Not for the few who have surmounted the obstacles of arson and looting, and have reopened only to face new threats of extortion and worse. Not for the people who are out of jobs. Not for the people who were burned out of their homes.
>
> Who is at fault? Certainly not the majority of citizens, white or Negro. Certainly not the majority of the poor, Negro or white. Certainly not the policeman on the beat, who must obey orders.
>
> This is no revolt of youth against older generations. This is no revolt of the poor against the wealthy. This is no part of the Civil Rights movement whose real leaders know that Utopia doesn't have to be built on ashes.
>
> It is an open attack by a few criminals against a community that lacks firm leadership and the courage to demand that its leaders exercise their authority—or resign.
>
> We believe that law enforcement suffers when the police are handcuffed instead of the criminals. We believe that citizens are entitled to protection and safety.
>
> Where is the safety, Mr. Murphy? Where is the protection, Mr. Murphy? Where will tragedy strike next? Today, the Inner City. Tomorrow, the residential areas, the suburbs.
>
> Today, Ben Brown. Tomorrow???
>
> *Published because some of us have lost our lives, many of us have lost our property, and all of us want to preserve law and order for all residents of the Washington area and for the United States we love.*
>
> WASHINGTON, D.C., RETAIL LIQUOR
> DEALERS ASSOCIATION, INC.

Mr. Speaker, there is another avenue of available action that should be taken. I refer to H.R. 16981 of which I am a cosponsor, reported favorably to the Rules Committee by the House Public Works Committee yesterday. It prohibits the granting of a permit for construction of shanties or structures on public property of the District of Columbia west of the Anacostia River. It prohibits this to anyone or any group, whether for the purpose of a scout jamboree or a demonstration—and rightfully so. The bill further provides that in those other circumstances where an assemblage requires a permit that it shall be granted only upon the contention that the applicant also post a reasonable bond to indemnify the Government for any damage to public property that may be involved.

This bill is before the Rules Committee at this hour. It should be reported and passed this week. This is a matter of the most vital importance to the preservation of law and order in the National Capital. It is one of the constructive steps we can take, and I urge such forehanded action now without delay.

LAW AND ORDER IN THE DISTRICT OF COLUMBIA

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri.

(By unanimous consent, Mr. RANDALL was allowed to speak out of order.)

Mr. RANDALL. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Florida.

In connection with my bill H.R. 16862 which will require persons holding demonstrations on Federal property to post a bond to cover certain costs of such demonstrations and to cover damages to public buildings and restoration of park lands, I concluded it was necessary to write to Mayor Washington, or perhaps the correct title is Commissioner Washington, also to Chief of the Metropolitan Police John B. Layton, Corporation Counsel Charles T. Duncan as well as Hon. Stewart L. Udall, Secretary of the Interior. It has been 10 days since I wrote letters to each asking of these gentlemen some of the very things the gentleman from Florida has been speaking about. Among the questions I asked were whether there were any new plans or procedures to protect the citizens in the pursuit of their business during the proposed occupancy of Washington. I inquired whether there were plans to handle the announced tactic of forming human chains to block the river bridges and the freeway tunnels.

Among other questions I asked was whether they are going to have enough police, or troops to guard the firefighters trying to control fires.

We also asked whether the policy followed during the rioting early in April when law enforcement officers ignored looters who walked away with property that did not belong to them in violation of the Criminal Statutes of the District of Columbia, was the present policy and would be adopted as the procedure to be followed during the proposed march on Washington?

These remarks may not be a significant contribution to the thoughts of the gentleman from Florida, but I wanted the Members of the House to know the content of the questions which had been asked of the principal law enforcement officers of the District of Columbia and of the fact that after the passage of 10 days no reply has been received.

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. Haley].

(By unanimous consent, Mr. Haley was allowed to speak out of order.)

Mr. HALEY. Mr. Speaker, I join my colleague, the gentleman from Florida [Mr. Rogers], in the remarks he has made. This is a deplorable situation we have in the District of Columbia, as well as in some other parts of the Nation.

While I do not think the President of the United States is any more to blame than a lot of other people, I think the Attorney General of the United States has the power and the right to enforce the law, but, in my humble opinion, when it comes to finding the criminal, I do not believe he could find a white elephant on a junior league American baseball diamond.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. EVINS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17023) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 3 hours, the time to be equally divided and controlled by the gentleman from North Carolina [Mr. Jonas] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17023, with Mr. O'Hara of Michigan in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Tennessee [Mr. Evins] will be recognized for 1½ hours and the gentleman from North Carolina [Mr. Jonas] will be recognized for 1½ hours.

The Chair recognizes the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are bringing you today a most important and significant bill—the independent offices and Housing and Urban Development appropriations bill for fiscal 1969.

This is a big bill—a significant bill—a far-reaching, forward-looking bill that touches the lives of all of our people.

I commend to you the reading of our report on this bill which is the product of more than 3 months of intensive work. Our committee held extensive hearings on every phase and facet of this bill, Mr. Chairman.

The hearings consume 3,508 pages in three volumes.

The committee heard 427 witnesses and carefully considered their testimony and recommendations.

Every member of our subcommittee and our capable and competent subcommittee staff contributed to this important measure.

At the outset I want to commend the hard work of all of our members—I refer to my colleagues, the gentleman from Massachusetts [Mr. Boland], the gentleman from Illinois [Mr. Shipley], the gentleman from Connecticut [Mr. Giaimo], the gentleman from Virginia [Mr. Marsh], the gentleman from Arkansas [Mr. Pryor]; the ranking minority member of our subcommittee, the gentleman from North Carolina [Mr. Jonas], the gentleman from Ohio [Mr. Minshall], the gentleman from New Hampshire [Mr. Wyman], and the gentleman from California [Mr. Talcott].

Certainly it was a pleasure to work with my able and distinguished colleague, the ranking minority member on our committee, the gentleman from North Carolina [Mr. Jonas].

I also want to commend Mr. Homer Skarin and Mr. Tom Kingfield, our able staff members, who contributed so much time and talent to the preparation of this bill before you today. They worked long and hard to keep the committee advised and informed—and to implement the committee's decisions with respect to the drafting of the bill.

I want to point out also, Mr. Speaker, that this bill embraces new budget concepts contained in the President's commission on Budget Concepts. In line with these concepts this bill presents the effects of the committee's recommendations in terms of new budget, obligational, authority.

GENERAL SUMMARY

Mr. Chairman, by way of summary: the committee considered budget estimates totaling $16,570,580,300 for some 20 executive agencies, commissions and offices—and the Department of Housing and Urban Development.

The committee has made substantial reductions in the budget recommendation—cuts and reductions totaling $2,899,944,300.

This is a 17.5 percent reduction—the reduction in the history of our subcommittee insofar as we can determine.

This bill carries an appropriation totaling $13,670,636,000. This—I repeat—reflects cuts and reductions totaling $2,899,000,000—almost $3 billion. This is $4,290,683,650 less than the amount for the current year.

The committee considered some 91 items of appropriation—and made limitation and reductions in 70 instances.

In some instances entire amounts recommended were deleted.

In other instances, the requested amounts were substantially reduced.

In a few instances the committee has approved the budgeted amount.

In no instance has the budget estimate been increased.

The cuts we have made totaling $2,899,944,000 represent a cutback of $789,944,000 in new appropriations requested in the budget.

These reductions also include $2,110,000,000 in proposed new funding through the sale of participation certificates. As you know, Congress is empowered to set the limitations on the amount of participation certificates that can be marketed.

Amounts under the new budget concept are considered a part of the budget for obligational authority.

Sales of $1,570,000,000 for the Department of Housing and Urban Development and $515 million for the Veterans' Administration were proposed in budget requests.

HUD and VA both have substantial carryover balances for participation sales certificate authority. This additional authority is not required at this time.

The committee therefore is not recommending that any further authority be granted for participation sales for 1969. This will not affect or curtail programs of either the Department of Housing and Urban Development or the Veterans' Administration.

We did approve one item the budget recommended for financing through participation sales, but we made a transfer to direct appropriations funding. This was a $25 million request for housing for the elderly and handicapped. We recommend a direct appropriation of $25 million to provide this needed funding for the handicapped and elderly.

Mr. Chairman, we recognize that the Congress is confronted with a difficult budgetary situation.

We have had to make some difficult choices.

We want to provide all necessary support for our forces in Vietnam.

Information is now coming to light, however, that the crime rate in Washington was spiraling even prior to the riot.

As early as 11 months ago, District of Columbia Bank Association President McLachlen said in a Washington speech:

> It is the shame of our nation that in its capital city its citizens are afraid to open their business doors or even to take a walk. In human terms and in terms of our area's economy, this cost of crime in Washington today is too high, and it is still very much on the increase.

That was a year ago.

And we have witnessed the tragic breakdown of law and order since the riot. Now it is spilling over into the suburbs, with the criminal element from the inner city crossing over into the outlying areas, then escaping back into Washington where they feel safe.

In spite of all of the efforts of concerned citizens, merchant groups, and Members of the Congress, Mayor Washington has still made no public statement or taken a single action which would indicate an intention on his part to put a stop to this criminal activity by whatever force is necessary. And Mr. Murphy continues to draw his salary, apparently content with sending a few additional policemen into the streets with their hands tied behind their backs by his restrictions on their use of necessary force.

Mr. President, this lawlessness has gone on too long. You appointed Mr. Washington and the City Council. You reorganized the city government. You are commander of the District of Columbia National Guard. It is time you take control of this situation.

A President who takes pride in great social legislation enacted during his tenure in public office, and a President who has worked long and hard to restore peace in the world, cannot sit by while his Nation's Capital is destroyed by arsonists, murderers, and looters.

This city belongs to the Nation. It is the Capital of all our people. Our President is President of all the people. He has an obligation to all of them today. He has an obligation to see that the laws are enforced in the District of Columbia, and that order is restored—now.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Florida. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Is the so-called Safety Director Murphy the same Murphy who was fired by the city of Syracuse, N.Y., and then brought to Washington, D.C., by the so-called Mayor Washington to head up the Police Department and to make of the Chief of Police a figurehead in the Police Department of the District of Columbia? Is this the same Murphy?

Mr. ROGERS of Florida. I understand he did come from New York. But I do hope that some steps will be taken. It is an absurd situation that the citizens in this city are afraid to walk even on the streets of the Nation's Capital. The President must take some action, because we are getting action from nowhere else within the city of the District of Columbia. If the President does not, this Congress ought to take away the police powers of the District of Columbia and put the Army in here to establish law and order in this city, the Nation's Capital.

Mr. WYMAN. Mr. Speaker, I share the concern expressed by the distinguished gentleman from Florida over the urgent necessity of achieving, preserving, and maintaining law and order in the Nation's Capital. The extent of crisis proportion in the District of Columbia is reflected in the full-page, paid advertisement appearing in yesterday's Washington Post by the Washington, D.C., Retail Liquor Dealers Association, Inc.

It is shocking that such an advertisement should be felt to be necessary to try bring to the attention of those in law enforcement in the executive branch the message that they are not doing their job, and they are not. The people are aroused. They want firmness. Law-abiding citizens demand protection of their persons and their property.

They are entitled to these basic protections. If the present officials fail them, they should be removed and replaced with officials who will protect our people.

This was the advertisement to which I have referred:

Ben Brown Is Dead

Brown, Benjamin: On Tuesday, April 30, 1968, Benjamin Brown of 1900 Lyttonsville rd., Silver Spring, Md., beloved husband of Freda Brown; devoted father of Miss Barbara Brown of Silver Spring, Md. Also survived by two sisters, Mrs. Faye Blanken and Mrs. Mollie Cohen, both of Silver Spring, Md. Services at the C. D. Goldberg & Son Funeral Home, 4217 9th st. nw., on Thursday, May 2, at 2 p.m. Interment B'nai Israel Cemetery. In mourning at 1900 Lyttonsville rd., Silver Spring, Md., Apt. 1106. Family suggests in lieu of flowers contributions be made to the Steven Jay Brown Memorial at the Jewish Foundation for Retarded Children, 6200 2d St. nw.

IS LAW ENFORCEMENT ALSO DEAD?

Mr. Brown was shot while defending his property.

Should anarchy prevail because a small segment of the population takes the law into its own hands? Should bands of hoodlums be allowed to continue preying on law-abiding citizens, Negro and white?

When hoodlums—regardless of age, sex or color—are undeterred by the prospect of effective law-enforcement, no one is safe. If criminals can loot, burn and kill in the Inner City without fear of consequences, it is only a question of time before you, your family and your business can feel the effect. It makes no difference where you live, work or play: When law enforcement ceases, disrespect for law is encouraged.

When you walk or drive through many areas of Washington, do you feel safe—or scared? Do you encourage your friends and relatives to visit the Nation's Capital at this time?

Is the battle over? Not for the citizens whose lives are threatened. Not for the businessmen who cannot rebuild because they cannot get insurance. Not for the few who have surmounted the obstacles of arson and looting, and have reopened only to face new threats of extortion and worse. Not for the people who are out of jobs. Not for the people who were burned out of their homes.

Who is at fault? Certainly not the majority of citizens, white or Negro. Certainly not the majority of the poor, Negro or white. Certainly not the policeman on the beat, who must obey orders.

This is no revolt of youth against older generations. This is no revolt of the poor against the wealthy. This is no part of the Civil Rights movement whose real leaders know that Utopia doesn't have to be built on ashes.

It is an open attack by a few criminals against a community that lacks firm leadership and the courage to demand that its leaders exercise their authority—or resign.

We believe that law enforcement suffers when the police are handcuffed instead of the criminals. We believe that citizens are entitled to protection and safety.

Where is the safety, Mr. Murphy? Where is the protection, Mr. Murphy? Where will tragedy strike next? Today, the Inner City. Tomorrow, the residential areas, the suburbs.

Today, Ben Brown. Tomorrow???

Published because some of us have lost our lives, many of us have lost our property, and all of us want to preserve law and order for all residents of the Washington area and for the United States we love.

Washington, D.C., Retail Liquor
Dealers Association, Inc.

Mr. Speaker, there is another avenue of available action that should be taken. I refer to H.R. 16981 of which I am a cosponsor, reported favorably to the Rules Committee by the House Public Works Committee yesterday. It prohibits the granting of a permit for construction of shanties or structures on public property of the District of Columbia west of the Anacostia River. It prohibits this to anyone or any group, whether for the purpose of a scout jamboree or a demonstration—and rightfully so. The bill further provides that in those other circumstances where an assemblage requires a permit that it shall be granted only upon the contention that the applicant also post a reasonable bond to indemnify the Government for any damage to public property that may be involved.

This bill is before the Rules Committee at this hour. It should be reported and passed this week. This is a matter of the most vital importance to the preservation of law and order in the National Capital. It is one of the constructive steps we can take, and I urge such forehanded action now without delay.

LAW AND ORDER IN THE DISTRICT OF COLUMBIA

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri.

(By unanimous consent, Mr. RANDALL was allowed to speak out of order.)

Mr. RANDALL. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Florida.

In connection with my bill H.R. 16862 which will require persons holding demonstrations on Federal property to post a bond to cover certain costs of such demonstrations and to cover damages to public buildings and restoration of park lands, I concluded it was necessary to write to Mayor Washington, or perhaps the correct title is Commissioner Washington, also to Chief of the Metropolitan Police John B. Layton, Corporation Counsel Charles T. Duncan as well as Hon. Stewart L. Udall, Secretary of the Interior. It has been 10 days since I wrote letters to each asking of these gentlemen some of the very things the gentleman from Florida has been speaking about. Among the questions I asked were whether there were any new plans or procedures to protect the citizens in the pursuit of their business during the proposed occupancy of Washington. I inquired whether there were plans to handle the announced tactic of forming human chains to block the river bridges and the freeway tunnels.

Among other questions I asked was whether they are going to have enough police, or troops to guard the firefighters trying to control fires.

We also asked whether the policy followed during the rioting early in April when law enforcement officers ignored looters who walked away with property that did not belong to them in violation of the Criminal Statutes of the District of Columbia, was the present policy and would be adopted as the procedure to be followed during the proposed march on Washington?

These remarks may not be a significant contribution to the thoughts of the gentleman from Florida, but I wanted the Members of the House to know the content of the questions which had been asked of the principal law enforcement officers of the District of Columbia and of the fact that after the passage of 10 days no reply has been received.

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. Haley].

(By unanimous consent, Mr. Haley was allowed to speak out of order.)

Mr. HALEY. Mr. Speaker, I join my colleague, the gentleman from Florida [Mr. Rogers], in the remarks he has made. This is a deplorable situation we have in the District of Columbia, as well as in some other parts of the Nation.

While I do not think the President of the United States is any more to blame than a lot of other people, I think the Attorney General of the United States has the power and the right to enforce the law, but, in my humble opinion, when it comes to finding the criminal, I do not believe he could find a white elephant on a junior league American baseball diamond.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. EVINS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17023) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 3 hours, the time to be equally divided and controlled by the gentleman from North Carolina [Mr. Jonas] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee.

The motion was agreed to.

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Mr. Chairman, we recognize that the Congress is confronted with a difficult budgetary situation.

We have had to make some difficult choices.

We want to provide all necessary support for our forces in Vietnam.

At the same time, we want to solve such domestic problems as the crisis of our cities.

We also recognize that we are confronted with a monetary crisis at home and abroad.

All of these factors have been weighed carefully in considering this appropriations bill.

We have done our best to achieve an equitable balance between the necessity for economy and the necessity of fulfilling our responsibilities with respect to domestic problems.

We have made substantial cuts and reductions.

We have deferred items which we felt should be deferred.

We have funded programs which we felt should be funded as necessary at this time.

We have deferred appropriations for unauthorized programs.

We are proceeding to recommend appropriations for the National Aeronautics and Space Administration on which the House has acted.

Time will not permit a detailed discussion of all the items contained in the bill, Mr. Chairman. I would hope that every Member would read our report carefully. We, of course, stand ready to give every Member any and all information needed on the bill.

I would like to highlight some of the larger items in this appropriations measure.

The regulatory agencies are funded at essentially the same level as last fiscal year.

FOR GENERAL SERVICES ADMINISTRATION

The committee considered budget estimates totaling $509,291,300 for the General Services Administration.

The committee is recommending an appropriation of $494,813,000.

This reflects a total cut and reduction of $64,671,900 below the level of funding for the current year.

This represents a reduction of $14,478,300 less than the budget requested.

There are no new public building construction projects funded in this appropriation.

We have approved the budget estimate of $10,995,000 for sites and planning for seven projects and increases for four others where additional funding is required. This will permit GSA to continue planning on a minimal basis—to keep the motor idling for an acceleration as conditions permit.

GSA will, of course, continue its important services to the Government. These services include the Public Buildings Service—the Federal Supply Service—the National Archives and Record Service—the Transportation and Communications Service—and the Property Management and Disposal Service, among others.

NATIONAL SCIENCE FOUNDATION

The committee considered a budget request of $500 million for the National Science Foundation.

We recommend an appropriation of $400 million.

This represents a substantial cut of $100 million.

While this is a large reduction it certainly does not indicate any lack of interest in science and research by our committee.

National Science Foundation has a carryover balance of $46,500,000—and has an unexpended balance of some $650 million. Much of this $650 million, however, is allocated to projects and commitments extended over a period of time.

The committee recognizes the competence and dedication of the Director and members of the National Science Board and recommends that they make the necessary contractual adjustments in the institutional and fellowship grants programs to effectuate the economies proposed.

The committee recognizes the importance of the work of the National Science Foundation on a long-range basis—but we also recognize the necessity of setting immediate priorities in view of our stringent budgetary situation.

APPALACHIAN REGIONAL DEVELOPMENT COMMISSION

The committee considered budget requests of $213,600,000 for the programs of the Appalachian Regional Development program.

The committee recommends a cut and reduction of $45 million.

We recommend $168,600,000 to finance this program for fiscal 1969.

The Appalachian Regional Development Act of 1965 embraces 13 States, 397 counties, and nearly one-tenth of the population of the United States.

The average annual income of the Appalachian area is estimated to be 24 percent below the national average.

Certainly we should provide appropriations to assist our cities in the solution of their problems of poverty and unemployment.

But we must also provide funding to assist this great Appalachian region in combating rural poverty and unemployment. We must help Appalachia develop its resources and provide opportunities for its people.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The committee considered budget estimates totaling $4,370,400,000 for the National Aeronautics and Space Administration.

We are recommending an appropriation of $4,008,223,000 for NASA for fiscal 1969.

This represents a billion-dollar slash in funding from fiscal 1967—a cut and reduction of $959,777,000 below the 1967 funding level.

We made a $580,677,000 cut below 1968. We have made a further cut of $362,177,000 below the budget for next year.

Appropriations for these programs of space exploration and the development of this needed technology have been on a declining curve for several years. Several years ago the agency was funded at about $6 billion. Later the funding dropped to $5½ billion and then $5 billion. Last year the space budget was cut to $4½ billion. This year we are recommending continuing the space program at a $4 billion level.

Annual funding has thus dropped from $6 billion to $4 billion in a period of the last few years.

Certainly we have made great progress in our programs of space exploration. We have dramatized our scientific leadership in many areas. We have demonstrated to the world that we can come from behind and hold our own in the scientific area.

During the space decade, we have launched more vehicles—traveled more miles—and achieved more time in space than any other nation in the world.

Our achievements in space are outstanding.

The committee commends the Administrator—our astronauts—and the great scientific and space team for their competence.

The Nation is proud of its space team.

However, because of our stringent budgetary situation we are recommending a hard-rock space budget.

The funding provided in this bill will continue the space program at a reduced level but we can achieve our objectives.

All three areas of space funding—research and development, construction, and administrative operations—are reduced and cut back.

This cut in the NASA budget reflects the current budgetary situation. NASA should have flexibility in allocating and reprograming the funds that are made available so as to best absorb the substantial cuts that are made necessary at this time.

Formerly 420,000 persons were employed in the space program in every State in the Nation.

Space employment has now dropped to 243,000—appropriations reductions have cut employment in half. Most of these employees work for NASA contractors.

There is a report that an amendment will be offered to further reduce appropriations for the space program.

We do not feel that the funding for NASA can be reduced further without compromising safety.

We do not feel that further reductions can be made without endangering or wrecking the programs.

The committee considers it important that our space team—the finest in the world—be continued and retained intact as far as possible.

We trust that no further cuts will be made—and that you will sustain the committee in the recommendations we are making in this bill.

THE CRISIS OF OUR CITIES

Mr. Chairman, it should not be necessary to emphasize the crisis of our cities.

The fact that our cities are in a crisis is an overpowering fact of life in our Nation today.

We are all concerned—we are all disturbed—we all want to see these basic problems solved.

A year ago during our discussion of the appropriations for HUD for this fiscal year, I stood in this same spot and warned that the Nation is facing the third great crisis in its history.

Our first great crisis was the Civil War.

Our second great crisis was the Great Depression of the 1930's.

And now we face the Nation's third great crisis—the crisis of our cities.

ARCHSTONE OF OUR CIVILIZATION

Our cities are the archstone of our Nation. If the archstone is unsteady and unstable the entire structure is endangered—and our cherished American way of life is challenged and endangered.

This bill is a step in the right direction.

It will help provide a partial solution to the problems of our cities.

Aristotle said that the purpose of a city is to make man happy and safe.

Nine thousand years before Christ, man moved from the field to the city to seek safety and mutual security—but today, in modern America, many Americans have fled the city in search of safety and security. And others are leaving.

This is a sad and shocking commentary on our time and our day in history.

Civilization began when man began to feel safe and secure in his cities and turned to areas of personal achievement and fulfillment.

In the safety of the city, man's creativity and diversity and talents flourished, civilization evolved into the great metropolitan cities of today—and into the crisis that unprecedented growth has created.

Our cities once again must become stable and secure centers of growth where law and order prevails—where people can work together without fear—where people can live together and prosper together—without the specter of violence haunting their days and nights.

The torch of the rioter must be put out and the torch of progress must be held high.

We must move forward through the cooperation and good will of all Americans, within a framework of law and order.

THE NEED IS APPARENT

I want to make it clear that in recommending this appropriations bill for our cities we legislate not from fear but because of concern and commitment.

We are recommending this bill with its generous appropriations for our cities because our cities are jammed with people and crammed with problems.

Congress has responded. We have passed much legislation dealing with the problems of our cities—large and small.

We cannot do the job alone but Congress must continue to provide stimulus and leadership.

We must continue to coordinate and stimulate the combined efforts of Government at all levels—of private enterprise—and, most important, of people themselves.

There must be cooperation between our people if we are to succeed in rebuilding our cities.

The basic thrust to achieve the cooperation and our goals and objectives must come from local leadership and from the people themselves.

Congress has acted decisively and substantially to help solve the problems that plague our cities.

The problems of—

Slums and substandard housing.

Crime and violence.

Poverty and ignorance and disease.

High unemployment in certain areas and groups.

The pollution of our air and water.

The traffic congestion that threatens to congeal transportation.

The exodus of leadership and taxpayers to the suburbs.

The erosion of the community spirit—the spirit of cooperation and mutual trust—that is the foundation of the democratic way of life.

Respect for law and order is the basis upon which all of our problems must be solved.

Congress has placed on the books legislation to combat poverty—to provide employment—to build better housing—to provide good schools and instruction—to curb the pollution of our air and streams—to ease the traffic congestion—and to encourage people to work and plan together in their communities.

Congress has created the Cabinet-level Department of Housing and Urban Development which is charged with the responsibilities of planning, assisting, and helping our cities with problems of inadequate and substandard housing—and the other traditional enemies of mankind in our cities.

HUD is working hard at this job and Congress is doing its part.

The President, in his special message to the Congress on the crisis of our cities, pointed out that his recommended budget includes funds totaling more than $22 billion for assistance to our cities through more than 100 programs.

A special analysis of the budget puts Federal expenditures in this area at $37 billion—more than twice the level of 1961.

Since 1957 Congress has appropriated more than $4½ billion for urban renewal alone in the war on blight and slums.

Since 1959 appropriations for public housing to provide decent homes for poor people have totaled $1.8 billion.

The open-space land program—enacted in 1962—has channeled more than a quarter of a billion dollars into our cities to assist in the establishment of parks.

The popular water and sewer grant program—enacted in 1966—has been funded to a total of $365 million—including $150 million for the current fiscal year.

Last year Congress appropriated $1,663,000,000 for the war on poverty—and much of this is being spent in our cities and metropolitan areas where 70 percent of our people now live.

CALLS FOR MASSIVE PROGRAMS

The President in an earlier message to Congress this year on our cities recommended the construction of 26 million new homes and apartments over the next decade—including units for 1 million people next fiscal year.

The President's National Advisory Commission on Civil Disorders called for a "massive and sustained commitment"—including 600,000 housing units next year.

A Senate Subcommittee on Urban Problems—the Ribicoff committee—called for a $500 billion expenditure in our cities over a 10-year period.

Governor Rockefeller recently estimated the needs of our cities exceed $150 billion, and Mayor Lindsay of New York said it would take $50 billion in New York City alone over the next 10 years to solve that great city's problems.

Mayor Cavanaugh of Detroit recently called for a $250 billion urban development fund for cities.

There is a great clamor for massive Federal expenditures and Federal appropriations—but I would point out that the Federal Government—as important as its role is in this area—cannot resolve these problems alone.

There must be a commitment—a broad-based commitment—a commitment that includes business, industry, labor, as well as assistance from the Federal Government and from government at all levels, if these problems are to be solved.

What I am trying to emphasize, Mr. Chairman, is that the Federal Government has passed much legislation in this field.

We have provided billions in appropriations—but commitments from other sectors of our economy and our society are required and absolutely essential if we are to get the job done.

CAUGHT IN A SQUEEZE

The Nation, as we all recognize, is caught in a financial squeeze—between the agony of our cities and the ordeal in Vietnam.

Our committee has carefully considered and weighed our commitment in Vietnam—our commitments at home—and our fiscal and monetary situation.

While providing a generous appropriation for HUD—for our cities—we have also made some substantial cuts and reductions in this bill.

The problems of centuries cannot be cured overnight.

The solution of these complex problems will take time and a national commitment by all sectors of our economy.

The private sector of our economy must apply the great technology and techniques of our time to the problems of our cities—and many leaders of business and industry are moving ahead with programs of their own or in cooperation with the Federal Government.

The insurance industry, as we know, has committed a billion dollars to providing housing in slum and ghetto areas of our cities. Private foundations and other groups are helping with commitments.

I commend these captains of commerce and industry.

I commend their initiative and their leadership.

As President Johnson said in his message on cities:

> The Government's concern is to stimulate private energy and local action—to provide capital where needed, to guarantee financing, to offer assistance that encourages planning and construction.

A big job belongs to the private sector—the homebuilders, the mortgage banker, the contractor, the nonprofit sponsor, the industrialist who now sees in the challenge the solution to the problems of our cities—large and small—requires this kind of cooperation and commitment.

IMPORTANCE OF SMALL TOWNS

In my view the growth and progress of our smaller cities is just as important to the solution of the urban problem as the rebuilding and improvement of our big cities.

The President's Advisory Commission on Civil Disorders also emphasized this point—as has Secretary Weaver of HUD.

Obviously, the strengthening and providing of jobs and opportunities in smaller cities will reduce the waves of outmigration into our already crowded and congested big cities and metropolitan areas.

And much of HUD's effort is concentrated in our smaller communities—a balanced effort to assist in the improvement of smaller cities and in the rebuilding and improvement of our large cities.

So, Mr. Chairman, we must proceed on both fronts—in the big cities and in the smaller cities—if we are to lead the way in the solution of these urban problems.

The appropriations we are providing in this bill should help immensely.

THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

For the Department of Housing and Urban Development we are recommending an appropriation of $1,229,686,000.

We have made some reductions but the reductions made are largely in participation certificate sales authority.

After careful study and review, the committee decided not to recommend any sales of participation certificates for either HUD or the Veterans' Administration for 1969.

These sales are not needed because of substantial carryovers in such authority. They are not expected to be used in 1969.

Last year we authorized the sale of $2,385,000,000 in participation sales for HUD.

The Department has not used all of this authority.

HUD at this time has some $255 million in unused participation certificate authority.

The carryover is sufficient for the needs of these agencies for the coming fiscal year.

As pointed out in the report, there is one exception—HUD's program of housing for the elderly and handicapped.

HUD needs $25 million for this program.

We are providing this amount by direct appropriation.

OTHER URBAN AIDS

While providing in excess of $1 billion for HUD in new money, this amount does not by any means reflect the total outlay for city programs.

Direct appropriations for urban areas are estimated in the budget at $2,740,400,000 for fiscal 1969. This includes appropriations we are recommending in this bill plus advanced funding for urban renewal provided last year.

Total Federal assistance for urban areas for 1969 will exceed $22 billion.

This includes urban assistance from many Federal departments and agencies—the Department of Transportation, the Department of Health, Education, and Welfare, the Office of Economic Opportunity, among others.

This includes direct appropriations, loans, grants, and other commitments.

In addition to these items HUD also will, of course, continue its FHA and FNMA loan insurance and loan guarantee programs.

The total of some $37,520,000,000 is provided in the President's budget for all types of urban aids and assistance.

SOME RESULTS

The ongoing HUD programs have provided much assistance for the cities.

Some 1,500 communities and 900,000 people have been served by HUD's public facility loan program.

Six hundred cities and 2 million 700 families have been assisted by the water and sewer grant program.

There are more than 2,100 public housing authorities in the Nation and 712,000 low-rent public housing units. Another 75,000 are scheduled for completion next year.

Low-income housing units built through HUD programs total 1,079,000 units of all types.

Urban renewal has carried the fight against blight and decay to 640 cities of all sizes. Since 1949 redevelopers have invested $5,700,000,000 in the rebuilding of blighted areas. Federal appropriations of $4 billion have been provided for urban renewal.

By the end of 1969 HUD will have assisted in the acquisition of 478 square miles of parkland in cities throughout our Nation.

More than 6,000 cities and towns have received planning assistance.

I cite these figures, Mr. Chairman, to enlighten those who are concerned that Congress has not acted in response to the problems of our cities.

Congress has acted—and acted decisively and substantially.

I repeat: Urban aids for fiscal 1969 total more than $22 billion.

With the various home loan and insurance programs of HUD through FHA and FNMA, urban aid funds are increased to $37½ billion.

Mr. Chairman, we have made some reductions in the space program—in the National Science Foundation—and in other agencies.

However, we are providing a generous appropriation for programs of the Department of Housing and Urban Development—programs for our cities throughout the Nation.

In addition to the full budgeted amount of $25,000,000 for housing for the elderly and $1,000,000 for Alaska housing, we are recommending $35 million for grants for neighborhood facilities.

We are recommending $38,838,000 for urban planning grants, the maximum authorized.

We are recommending $150 million for water and sewer grants.

We are recommending $350 million for annual contributions for low-rent public housing.

This bill also carries an appropriation of $75 million for open space park grants.

Despite progress made, there continues a pressing and evident need for low-income housing. In view of this, as pointed out in our committee report, we urged Secretary Weaver to concentrate much of HUD's resources on this problem.

We urged the Secretary to utilize all housing programs authorized by the Congress—all the tools available. These housing programs include the rent supplement program—the turnkey program—public housing—the leased housing program—and the rent certificate program among others.

We urged this action to help meet the need and supply the demand for low-income housing.

In this bill we believe we have presented a balanced program.

MODEL CITIES

For the model cities program, as we know, the President recommended $1 billion.

The total presently authorized for the program is $650 million. Legislation is required for the other $350,000,000 before appropriations can be provided.

We are recommending $500 million—a half billion dollars for model cities.

Two hundred million dollars for cities announced in the initial round.

Two hundred million dollars for cities to be announced in the second round.

One hundred million dollars for urban renewal in model cities areas.

I repeat: The total appropriation we are recommending for the model cities program is a half billion dollars for 1969. This is $188 million above the funding level for fiscal 1968.

I think this is a generous appropriation for the model cities program, and we should see some results.

RENT SUPPLEMENT PROGRAM

We considered a budget request for $65 million for the free-enterprise rent supplement program—the new look in low-rent public housing.

We are recommending $25 million for this program in fiscal 1969.

Some of the members of our committee felt the full $65 million amount should be approved.

Some members felt that no funds should be provided.

We struck a compromise and agreed on a recommendation of $25 million.

This represents a cut and reduction of $40 million below the budget request.

In view of the evident need for low-rent public housing, I urge that the compromise figures of $25 million be approved. This amount approved by our subcommittee has the support of the full Appropriations Committee.

This program offers the Congress an opportunity to give the housing program a generous injection of free enterprise.

This approach moves free enterprise into the field of public housing.

The program is an ongoing program.

It is being utilized.

It is considered most attractive to private enterprise, private developers, private builders.

Of the $42 million appropriated to date $41,730,000 has been committed for rent supplement projects.

Today, there are 574 projects in 348 cities in 48 States.

These projects contain a total of almost 60,000 units of housing.

As of this date 2,200 families are living in rent supplement units.

Nonprofit sponsors include church groups of virtually all denominations, service organizations like Kiwanis and Rotary, fraternal organizations, trade and craft unions, and veterans organizations.

For 30 years we have had public housing which is government owned, government managed, government financed.

In contrast the rent supplement program is privately built, privately financed, privately owned, and privately operated. It is moving ahead.

And, unlike public housing, these units are in buildings that will remain on the tax rolls and contribute their share of taxes to local government.

Insurance companies have announced that $1 billion will be provided for participation in the rent supplement program.

This program is based on the sound principle of the substitution of private credit for public credit and deserves support.

VETERANS' ADMINISTRATION

Let us consider briefly the appropriations for the Veterans' Administration, the largest item in the bill.

We considered a budget request of $7,013,480,000. This excludes the request for participation sales of $515 million which was denied because of a substantial carryover.

The committee has made only nominal reductions from the request.

We are recommending an appropriation of $6,974,207,000, for all programs of the Veterans' Administration.

There are approximately 26 million veterans in the United States and more than 66 million members of veterans' families and survivors.

It is estimated that veterans eligible for benefits will increase by 517,000 in 1969.

Nearly $5,300,000,000—75 percent of appropriations we are recommending—is to finance benefits programs.

Another $1,484,727,000 or 21 percent—is requested for medical programs.

Administrative expenses are only 3 percent.

Compensations and pensions—a fixed item by law—will require $4,654,336,000 in 1969, the largest item in the bill.

This Nation has the most effective and most comprehensive veterans assistance program in history.

Our veterans deserve the best—and a grateful Nation is providing these great benefit programs.

SUMMARY

In summary, Mr. Chairman, I want to repeat:

We considered budget request totaling $16,570,580,000.

We made cuts and reductions totaling $2,899,944,300.

This constitutes a 17½-percent reduction.

This, I am advised, is the largest percentage in the history of our subcommittee.

We have achieved two goals in this bill:

First, we achieved some substantial reductions needed because of our budgetary situation.

Second, we have provided generously for the programs of the Department of Housing and Urban Development for our cities.

We must get on with the unfinished business in our cities.

I want to commend this bill to you for your support.

This measure has been approved by the Committee on Appropriations, and I urge its adoption by the House.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Approximately 8 years ago the Veterans' Administration, the Bureau of the Budget, and the House Veterans' Affairs Committee tried to work out some agreement on a program for rehabilitation, upkeep of our veterans' hospital system in this country, which has a value of something close to $2 billion. We finally came up with the figure of approximately $100 million a year for a 10-year period.

Almost every year the Appropriations Committee has given the Veterans' Administration a figure similar to that. This year, of course, they have not. In your report you say that you have deferred the item of $25 million for the construction of a hospital at San Antonio, Tex. The question I would like to ask is as follows: There is no limitation on any other money that has been given the VA. They can go ahead and use the money they have?

Mr. EVINS of Tennessee. I would say to my friend that there are no funds in here for Federal building construction by the GSA. There is only one new hospital recommended which would be at San Antonio for about $25 million. This item was deferred at this time, consistent with our policy of no new construction.

Mr. TEAGUE of Texas. But there is no limitation on any other money the Administrator has for the VA hospital system?

Mr. EVINS of Tennessee. As the gentleman knows, we are providing for hospital programs, and the funds can be available for repairs and improvements of systems, communications, and utilities, but no new hospital construction is provided in this bill. There are five new hospitals that are being completed at this time and will be in various stages of activation in 1969.

I would say to my friends from Texas that San Antonio is the next city on the list to have a new veterans' hospital. But since we did not provide any funds for other Federal buildings, we did not think it would be proper to fund this new hospital at this time.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to my friend, the gentleman from Massachusetts.

Mr. BOLAND. What the gentleman from Tennessee, the chairman of this committee, has said, is correct. I think, in direct answer to the question of the gentleman from Texas, it ought to be indicated that there is no limitation on funds for rehabilitation, the particular item that you are specifically interested in, and one that this committee is interested in, too.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Connecticut.

Mr. MONAGAN. I think the gentleman has substantially answered the question I have in mind, which has to do with the provision of funds for construction of public buildings under GSA. Am I correct in assuming that this means that, since the $63 million is eliminated, there will be no funds for contracts for new construction?

Mr. EVINS of Tennessee. There will be no contracts for new construction, but ongoing contracts will be finished. Those that have already been let will be funded and completed. However, funds are being provided in the amount of $10 million to continue to acquire sites and planning for 11 buildings that are planned for the future. So planning will be continued.

Mr. MONAGAN. I would like to ask one further question, if the gentleman will yield. We have recently had information of a general policy agreement on the part of the executive and the legislative branch relating to the reduction of expenditures, the reduction of budget requests. Does this proposed bill fit in with that policy? If so, in what respect?

Mr. EVINS of Tennessee. Yes, I understand that there may be an amendment offered to limit expenditures. We are 17.5 percent below the budget, I would say to the gentleman. I do not know what level of funding or expenditure limitation may be proposed, but certainly we have made our cuts. We have made more than our share.

I do not think another expenditure limitation proposal should be made to this bill. We have made substantial cuts already in both appropriations and expenditures.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from New Jersey.

Mr. JOELSON. Mr. Chairman, if I understand this bill, we propose to appropriate over $4 billion for space and $1.2 billion for HUD. The distinguished chairman of the subcommittee mentioned a figure of $22 billion, which he says will be spent in the cities, but I assume that in this figure he is including health measures, welfare measures, education measures, while the fact remains that for slum clearance and for improving the horrible housing conditions in our cities we are not appropriating more than the amount of this bill.

I would like to keep this in perspective, to show our system of priorities is $4 billion for space and $1 billion for housing.

Mr. EVINS of Tennessee. Mr. Chairman, I am sorry the gentleman did not understand the message correctly. I tried to convey that the Federal Government is making financial commitments of over $22 billion in all programs for the cities. This has been pointed out by the President. I also refer the gentleman to the tables on pages 14 and 15 of volume III of our hearings showing the various expenditures in our cities. It totals $22.245 billion for 1969. This does not include the loan programs, the insurance programs, and the guaranteed financing, which is an additional $15.281 billion, for a total of $37,526,000,000.

The gentleman did not get my message that a substantial total by the Federal Government is going to the cities. This often is not fully understood.

Mr. JOELSON. Mr. Chairman, I still do not get the message of the $22 billion.

Mr. EVINS of Tennessee. The gentleman should have heard the President's speech or read the President's message. He should read the hearings of our committee. Again I refer the gentleman to the tables on pages 14 and 15 of volume III of our hearings, which go into great detail. We asked the Secretary of HUD to give us this information.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, this is a good place in the RECORD to disclose the fact that the Department of HUD will carry beyond fiscal year 1969 and into 1970 funds amounting to $23,720,000,000 of previously appropriated money, and only $6 billion of that has been obligated, and $17 billion is lying down there unobligated.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. Mr. Chairman, let me say before I yield to my distinguished friend from Illinois that he is a very valuable Member of our House, an articulate and able Congressman, and a former member of our subcommittee who has rendered a great service in presenting the case for the cities. The gentleman is a great and valued Member of Congress.

Mr. YATES. Mr. Chairman, I am grateful to the gentleman for the encomiums just heaped upon me. The gentleman is a great and distinguished chairman of this subcommittee and has just proved himself worthy of the tradition so eloquently established by his predecessor, Congressman Thomas, of Texas.

The gentleman is eloquent and able. But I look at the tables to which the gentleman has referred, in volume III, pages 14 and 15 of the hearings, and the gentleman is correct in stating the totals.

As I read those tables, however, there is no indication as to what the programs are that are supposed to be beneficial to the cities. Rather, all that is set forth in these tables is list of the departments and agencies to which is ascribed the expenditure of certain funds to the cities. There is no description of what the programs are.

I think that our committee, the Appropriations Committee should detail the programs generally listed on page 15.

Members from time to time have stated the vast amount of help made available to the cities. The figures of $22 and $37 billion have been used several times. I think it would be well if the staff of this committee were to set out in detail what programs and what amounts make up the $22 billion and $37 billion in assistance that is supposed to go to the cities.

Mr. EVINS of Tennessee. I will say to my friend, our staff has the information. It was prepared by the Department of HUD. Secretary Weaver supplied the data and information which are in the tables.

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. EVINS of Tennessee. I yield.

Mr. YATES. One cannot dispute it, because one does not know what makes it up. All we have is a summary of expenditures, without knowing to what programs those expenditures are attributed.

Mr. EVINS of Tennessee. I will tell the gentleman that for the Department of Health, Education, and Welfare, for all programs, it is $8.9 billion.

Mr. JOELSON. That is Housing and Urban Development, but the gentleman is talking about HEW.

Mr. EVINS of Tennessee. I am talking about Federal aids to urban areas, where 70 percent of our people live, and where we have critical problems to which this Congress is addressing itself.

We would be irresponsible if we voted huge sums without considering what the other agencies are doing concurrently.

Mr. YATES. Could the gentleman tell us what is the minimum amount of population that is defined in the word "cities" to which these expenditures are applicable? Would a city of 1,000 be included in this table? Would a city of 1,500 be included this table?

Mr. EVINS of Tennessee. We have problems in all of our cities. The great burden is in the large metropolitan areas, such as Chicago, which the gentleman represents. The lion's share is going to those areas. There are some planning and water projects in other areas.

Mr. YATES. Does the gentleman know that to be a fact?

Mr. EVINS of Tennessee. Yes. We had testimony that the great percentage of the appropriation goes into the metropolitan areas.

I say to my friend, if we are going to solve the problems of the big cities we also have to solve the problems of the smaller cities and the outmigration into the larger cities. Whatever we can do to relieve the pressure on the cities by assisting the smaller communities is another approach to a solution of the problems of the major cities.

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. EVINS of Tennessee. I yield.

Mr. YATES. I believe the gentleman misconstrues my attitude. The gentleman from Illinois is grateful to the gentleman for the speech he made earlier, acknowledging the great crisis which does exist in our cities.

The point I am making is that the table to which the gentleman referred is inadequate, because it does not show that 90 percent of the funds go into the cities of the size of Chicago or New York or San Francisco or Philadelphia.

I believe it would be helpful if, in addition to the information contained in these hearings, there were a statement as to where the money goes, by size of cities, and as to the programs to which the expenditures are attributable.

Mr. EVINS of Tennessee. The Office of Economic Opportunity spends another $1.6 billion in the cities.

Mr. YATES. But that program does go to cities of 1,000 population or 2,000 population and under.

Mr. EVINS of Tennessee. Does the gentleman wish to discriminate against smaller cities and the medium-sized cities?

Mr. YATES. I have no willingness to discriminate against any city. What I am trying to do is to get the facts, and I do not believe the tables give us the facts.

Mr. EVINS of Tennessee. The tables are clear and available for the gentleman's consideration.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from New Jersey [Mr. JOELSON], also a valued member of the Appropriations Committee.

Mr. JOELSON. I appreciate that statement.

Mr. EVINS of Tennessee. He is also a Member who is difficult to satisfy.

Mr. JOELSON. I am very unsatisfied, and I hope I stay that way until we get adequate appropriations for the cities.

I should like to ask a question. This Congress established a separate Department of Housing and Urban Development, as a separate Department of Government, yet this Appropriations Committee still does not have a separate subcommittee for that Department. We consider their appropriation along with that for NASA, CAB, and others. I should like to ask the gentleman why we cannot have a separate appropriation bill for the cities just as we do for the farmers?

Mr. EVINS of Tennessee. The gentleman is aware that many of our subcommittees have more than one Department. He serves on one that has three Departments. We have only one, the Department of Housing and Urban Development.

The gentleman is familiar with the history of the Department of Housing and Urban Development. It was formerly the Housing and Home Finance Agency. This of course was an independent agency and was in this bill. It has remained with this group and we have tried to recognize the demands of the cities. We believe they are treated very well in this bill.

Mr. JOELSON. I believe, if the gentleman will allow me to say so, that the subcommittee is overworked with too many agencies, and HUD should be under a separate subcommittee.

Mr. DADDARIO. Mr. Chairman, will the gentleman yield to me?

Mr. EVINS of Tennessee. I am glad to yield to the gentleman from Connecticut.

Mr. DADDARIO. It is my understanding, Mr. Chairman, that the Independent Offices Subcommittee has cut the budget for the National Science Foundation by $100 million, which is $95 million less than the present fiscal year. The question I have then goes to the way in which these cuts will take place. It is my understanding from your report that you believe in the competence, the skills, and the abilities of the Director of the National Science Foundation, Dr. Haworth, and the members of the National Science Board headed by Dr. Handler. As a result of this trust they are given the authority to make the reductions which this cut of $100,000,000 will entail where they see fit. Is that correct?

Mr. EVINS of Tennessee. The gentleman is correct. We have great respect for Dr. Leland Haworth, the Director of the National Science Foundation, and Dr. Handler, the Chairman of the National Science Board. They are doing great work in upgrading science and in making grants to universities for scholarships all through the Nation. We have generally allowed the Foundation to make a decision on priorities as to which program has the greatest importance and the highest priority. The funds for the National Science Foundation are provided in a single appropriation. We do not want to hurt the work of the National Science Foundation. They can allot the funds as the Board determines.

Mr. DADDARIO. If the gentleman will yield further, it has been the history of the National Science Foundation that when cuts are made there is a certain amount of discretion involved in the making of them and this discretion is reposed in the Director and the members of the National Science Board. As I recall it further, in 1966, when a cut of some $50 million was made, it was directed at that time that the programs to develop centers of excellence in science and engineering not be affected. Even though the gentleman in the well has said he has faith in the National Science Board, on page 22 of the bill it is provided:

> That of the foregoing amount not less than $37,600,000 shall be available for tuition, grants, and allowances in connection with a program of supplementary training for secondary school science and mathematics teachers.

So what we have here is a situation where on the one hand the gentleman in the well says that $100 million shall be cut and the economies shall be made by the Director and the members of the National Science Board, and then he puts a limitation on them in one category. If this is adhered to, the cuts must necessarily be deeper in the other NSF programs.

I would respectfully suggest to the chairman of the subcommittee that when the proper time comes it is my intention to offer an amendment so that this part I have just referred to will be struck and so that there can be a fair allotment of the cuts necessary within all programs rather than to have one program favored above the rest.

Mr. EVINS of Tennessee. We are giving them flexibility to make these allocations wherever they see fit, and the priorities can be determined by them.

A few years ago it was the thought that one of the best ways to support science was at the teaching level. A broad base was what we wanted rather than at the top scientific level. They are doing great work at the top, but we felt if the base were broadened there could be a greater growth in science. That is the reason for allocating a certain amount to the base level. I do understand the gentleman's position.

Mr. DADDARIO. If the gentleman will yield further, it is understood, I am sure, by the gentleman in the well, the chairman of the subcommittee, that the House Committee on Science and Astronautics and its Subcommittee on Science Research and Development, which I chair, looked into the National Science Foundation in depth just a short time back.

We had a discussion about it on the floor of the House and we analyzed every program with which the National Science Foundation is involved. There is not any reason that one program be given a higher priority over the others.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I am happy to yield to the gentleman from Massachusetts [Mr. BOLAND], a member of the subcommittee.

Mr. BOLAND. Mr. Chairman, I would like to amplify what the gentleman has said with reference to the training and support of the institutes programs for secondary science and mathematics teachers. Since the inception of this program many years ago, and perhaps before some of the present Members of the Congress came here to serve in this body, this committee recognized a need for Federal support in this area.

The bill provides $400 million for the Foundation for fiscal 1969. There has been a $100 million cut in the National Science Foundation. However, with reference to the strengthening of secondary science and mathematics teaching, no one who has ever served in this Congress since the National Science Foundation came into being has ever wanted to undercut it by not properly funding its requests. I say this with respect to both the Director, a very able gentleman, and those who serve on the board.

However, Mr. Chairman, there are $400 million in this bill for that agency, and the remainder we have written into this bill has been studied in every single instance and every member of the subcommittee has looked toward the goal to meet that need. However, the Congress of the United States ought to have some say as to where the money is going to be spent. This is precisely what we are saying because we were so impressed with the operations of this program that we felt that this was an area where there ought not to be severe cuts made. The reasoning behind the committee's thinking I think is very simple. We think it is a great program and is a program which is working well. And, we want to make sure that it will not be undercut.

Mr. EVINS of Tennessee. The distinguished gentleman from Massachusetts has explained the position of the committee precisely.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I shall be happy to yield to the distinguished gentleman from Iowa.

Mr. KYL. I thank the gentleman for yielding. I want him to understand that the criticism which has been leveled at the tables which appear in the hearings, particularly on page 15, is not a unanimous criticism. I think the committee has provided a valuable service in pointing out such things as the fact that $716 million, plus, in the Department of Agriculture appropriations are actually spent in urban areas. The table and the information which it contains, is of invaluable assistance in trying to determine where the money is going and to avoid duplication.

Mr. EVINS of Tennessee. I thank the gentleman for his contribution. Many of these funds go for such programs as the school lunch program and the food stamp program in the various cities of the country.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Illinois.

Mr. YATES. With reference to the table to which the gentleman from Iowa just referred and the table to which the gentleman from Tennessee, the distinguished chairman of the subcommittee just referred, there is stated therein that the Department of Defense—military and public—spent almost $1 billion—$839 million in 1969 in the cities.

What would that entail? What would be the nature of those programs?

Mr. EVINS of Tennessee. There are National Guard armories, civil defense, and other installations and programs in the cities.

Mr. YATES. In the Department of Defense?

Mr. EVINS of Tennessee. Yes, I am sure the gentleman is familiar with the program of matching grants for city hall jobs and jobs connected with civil defense, for example.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, at the appropriate time during the reading of the bill for amendment I intend to offer an amendment that would prohibit the use of any funds appropriated by this legislation for the payment of salaries to any employee who is convicted of being involved in any act of rioting or civil disobedience, and this amendment will contain the same language that was approved by the House as an amendment to the agricultural appropriation bill last week—last Wednesday, I believe—and to the NASA authorization bill last Thursday, and will also have similar language that was approved by the Congress in the HEW appropriation bill last year, and the Office of Economic Opportunity authorization bill.

If the gentleman will yield further, I wish to point out that I feel that it would be far more appropriate to act on this matter by general legislation, but we are confronted with an emergency. I recognize that the Committee on Post Office and Civil Service has acted on this matter in their committee. But as I stated before we are confronted with an emergency and cannot take a chance on any delay. We have already had one act of rioting and civil disobedience here involving several Federal employees. We have been warned that there would be other actions of disruption of Government activities and civil disobedience. It is, therefore, imperative that the Congress take every action possible to prevent this from happening and to punish swiftly and severely those involved. Under no condition should we have anyone working for the Government or on the payroll who is involved in any activities that could result in the destruction of that same Government.

Mr. JONAS. Mr. Chairman, the distinguished gentleman from Tennessee [Mr. EVINS], who is the able chairman of the subcommittee which conducted the hearings and has jurisdiction over the subject matter in the bill, has made a comprehensive and detailed analysis of it for you.

In addition, the committee has filed for your information a 40-page report containing a discussion of the most significant items taken up by the subcommittee and also detailed tables showing by agency and department a comparison of the funds provided last year, the amounts of new obligational authority requested this year, and the funds recommended by the committee for fiscal year 1969. I commend this report to your consideration and believe you will find the answers there to most if not all of the questions that may occur to you to aid you in understanding what this bill contains and the reasons advanced by the committee for actions taken by it.

There are some sections in the bill, and some comments in the narrative of the report, which need emphasis. I will confine my remarks to a discussion of these items.

The subcommittee began hearings on this bill on February 5, 1968, and did not conclude them until March 28. The hearings are contained in 3,508 pages of testimony printed in three large volumes and these are available to Members. During the hearings, which usually lasted 5 hours a day from February 5 to March 28, the subcommittee heard and examined 427 witnesses.

This is one of the largest bills, moneywise, you will have for consideration this year. It provides funds to finance the operations of 20 separate independent offices, agencies, and commissions, plus the Department of Housing and Urban Development.

To fund the 1969 operations of these agencies and HUD, the budget requested appropriations of $16,570,580,300. The bill before you represents a reduction of $2.899,944,300 in the budget. It provides $13,670,636,000 in new obligational authority. Funds provided in this bill amount to $4,290,683,650 below the amounts provided for fiscal year 1968.

The committee considered 91 separate items of appropriations and limitations. Reductions are recommended in 70 instances. In a few instances the amount requested was approved. In no instance was the budget request increased. Some requests were denied outright. But in the majority of the cases, substantial reductions are recommended. Percentagewise, the reductions amount to 17.4 percent of the budget requests.

The denial of the request to "sell" $2,085,000,000—$515,000,000 by the VA and $1,570,000,000 by HUD—of participation certificates accounts for that amount of the reduction in new obligational authority as requested in the budget.

Members will remember the fight I led last year on all appropriation bills to deny the Administration the authority to raise money for general operating expenses by the use of participation certificates. That fight was based upon the conviction that the use of participation certificates is the most expensive way for the Government to borrow money. Confirmation of this is now at hand.

On March 27, 1968, Fannie Mae raised $730 million by the use of participation certificates, and in doing so accepted a record annual net interest cost of 6.45 percent per annum as follows: $200 million due April 8, 1971, at 6.30 percent interest, $330 million due April 9, 1973, at 6.45 percent interest, and $200 million due April 8, 1988, at 6.45 percent interest.

Since the use of participation certificates is clearly the most expensive way the Government has of borrowing money, and since the agency and department that planned to use this method and which sought $2,085 million in new authority to use it, did not plan to use the proceeds to finance any of their operations—with the exception of HUD for housing for the elderly and handicapped—and the proceeds would have been used to defray general operating expenses of the Government, the committee denied the entire request. Instead, it made a direct appropriation of $25 million for housing for the elderly and handicapped fund.

On this item alone we have saved $12,052,000 in subsidy payments—excess interest to be paid over the interest derived from the mortgages pledged—in 1969. This saving will be an annual one for the outstanding life of the participation certificates. On a 5-year basis, the total saving on this item alone would be $12,052,000 times 5 or $60,260,000. On a 10-year basis, it would be $12,052,000 times 10 or $120,520,000.

THE POWER OF REPETITION

It is generally agreed that repetitive claims constitute the most effective tool available in the advertising world. This tactic is used to sell a great variety of consumer products. This tactic is also used to sell programs and mold public opinion in the field of political activity.

In the political arena, repetition of false charges is equally effective. It is well recognized that truth seldom catches up with fiction when the latter is systematically proclaimed.

An example is easily available. For a number of years now the country has been flooded with repetitive charges that Congress is cold and indifferent to the needs of our cities and equally indifferent to the needs of our people who are in the poverty category. This is a false charge and I think it is time for Members of Congress to mount a counteroffensive against those who are misleading the people.

The Secretary of the Department of Housing and Urban Development, testifying in 1966 before a committee in the other body, stated that the U.S. Government is spending more than $25 billion a year financing programs of benefit to urban communities. In his message to the Congress on cities, President Johnson pointed out that the Federal Government is currently committing more than $22 billion a year to help solve the problems of the cities and that these funds are expended through more than 100 programs. The special analysis to the budget contains the following statement:

> The Department of Housing and Urban Development estimates that the total Federal financial commitment for urban, social and community development aids could be considered to exceed $37 billion in 1969—more than twice the level in 1961.

Despite these facts, we frequently hear charges made by a mayor whose city has been torn by rioting and looting that the Congress has been sitting on its hands and failing to provide funds to combat city problems. Last year, following the summer riots, the Vice President of the United States indicted Congress in similar fashion. The facts show that Congress does not deserve critical comment, and I personally directed a communication to the Vice President expressing my own resentment over the false charges levied against the Congress. The distinguished chairman of the House Committee on Appropriations made a speech on the floor, following a similar outburst by the mayor of one of the largest cities in the land, pointing out in detail the many ways in which Congress is providing funds designed to benefit those who reside in the urban communities of the country.

In an effort to give you some ammunition to use in combating these false charges in your home districts, I am going to relate the facts with respect to just a few of the programs funded in this bill for that purpose. I would express the hope that colleagues in speeches at home before civic and other groups would take up this challenge and answer these charges because they are untrue, as the record will demonstrate.

PUBLIC HOUSING

First, let us look at public housing. This program was inaugurated in 1935 and was sold to Congress and the country as one that would solve the need for low-rent housing for the poor. Since the program began, 712,000 public housing units have been constructed around the country. These units are administered by 2,100 housing authorities. They are financed by a commitment of the Federal Government to make up the difference, in annual contributions, between what the units cost to construct and the amount of residual receipts received through rents collected from the occupants. The construction costs are amortized over a period of 40 years so the Government is thus committed to a 40-year program with respect to each of these housing units.

Since the program began, and through fiscal year 1969, the Government will have expended $2,777,201,455 in annual contributions to bridge the gap between residual receipts and amortization costs on public housing projects.

Not a single one of the 712,000 units has been paid for because the 40-year program has not expired. Nevertheless, HUD witnesses testified before the committee that 125,000 of the units need modernization and that it will cost $250 million to modernize them. It was stated that the annual cost to amortize this rehabilitation program will be $20 million a year for 40 years or $800 million. As time goes on, many of the remaining 587,000 units will have to be modernized also.

The amount of these annual contributions for which the Government is obligated is going up rapidly. The following table shows how this program grows in cost:

URBAN RENEWAL

Annual subsidy

	Million
1967	$250
1968	275
1969	350

Let me repeat for emphasis that these contributions will continue and grow in amount for 40 years.

In the early 1950's a new program was inaugurated to attack the problems of decay and blight in metropolitan areas. This program is known as urban renewal and $4,075,000,000 in Federal funds have been expended so far on urban renewal. Several years ago the committee adopted a policy providing for advance funding for urban renewal. So while it is not reflected in the totals in the bill before you, new obligational authority in the amount of $750 million becomes available for urban renewal in 1969 under prior appropriation acts. This additional $750 million will bring the total of appropriated funds for urban renewal to $4,825,000,000.

MODEL CITIES

In 1966 another brandnew program was sold to the Congress. The program was called "demonstration cities," but that title was not glamorous enough so it was changed downtown to "model cities." Who could possibly oppose the creation of a "model city"? What resident would object to his city becoming a "model city"? This is an example of using a Madison Avenue tactic because the term "model city" is much easier to sell than "demonstration city."

However, be that as it may, late in 1966 Congress made available to the administration $11 million to be used by the Department of Housing and Urban Development to make grants to a select number of cities to finance the preparation of plans to convert areas of the selected cities into model neighborhoods. But HUD moved with very deliberate speed and did not even select the 75 cities that would be recipients of the $11 million in planning grants until the early part of November 1967. It took the Department nearly a year, after the money was made available, to select the first group of cities. No one has given a satisfactory explanation for this delay. But while the Department was delaying the announcement of the first group of cities, the administration last year requested $662 million in additional funds for the program. Twelve million of this amount was to be used for planning grants for a second group of cities later to be selected. Since testimony before the committee clearly indicated that the amount requested was far in excess of what could be required, due to the extraordinary delay in selecting the cities, Congress appropriated $312 million last year. Of this amount, $12 million was to be used for planning grants for the second group of cities, $200 million was to be used to make supplemental grants to the first group of cities after their plans are filed and approved and $100 million was to be used for additional urban renewal projects within the model city areas.

Despite the administration's foot dragging that has characterized this program since its inception, the budget this year called for an additional $1 billion of funds for the model cities program, which was to include the second installment of supplemental grants to the first group of cities, initial grants to a second group of cities later to be selected, and additional urban renewal funds for both groups of cities.

Since none of the funds provided for supplemental grants last year will be expended until late this year after plans are filed and approved, it became obvious that all of the additional funds requested in the budget this year would not be required. So the committee in its wisdom approved and recommends an appropriation of $500 million for 1969. Of this amount $200 million is to be used as a second installment of supplemental grants to the first group of cities, $200 million for supplemental grants to the second group of cities yet to be selected, and $100 million for additional urban renewal projects within the model city areas. Twelve million was provided last year for grants to the second group of cities to finance the preparation of their plans. But the second group of cities has not even been announced. And if the pattern established last year is followed, it will be late in 1968 before this second group of cities will be announced.

RENT SUPPLEMENTS

Another brandnew program was inaugurated in 1966. This program is called rent supplements but in ordinary language this simply means the payment of cash subsidies to supplement rent payments made by tenants for the rental of housing units.

This program requires dual action by Congress. First we grant contract authority, which means that the administration is given authority to obligate the Government to pay rent supplements or subsidies for a period of 40 years, and the second part of the program is the appropriation of the actual dollars required to pay the subsidy due on a year-to-year basis.

So far the total amount of contract authority granted under this program amounts to $67,000,000, including the $25,000,000 in this year's bill. But to understand the cost of the program it is necessary to multiply that figure by 40. In doing so, it is found that the taxpayers are obligated to put up $2,680,000,000 over a 40-year period on this program alone. So far $19,100,000, including the $12,000,000 in this year's bill, has been provided to enable the administration to make the payments due on occupied units. This of course will also continue for 40 years and will increase as more units come on stream and are occupied.

This year the budget requested $65 million for new contract authority for additional rent supplement units and $15 million for subsidy payments on occupied units. It is crystal clear from the hearings that the rent supplement program is not moving forward as rapidly as its proponents claimed would be the case. It is therefore extremely doubtful if a sum even approaching $65 million can be used efficiently next year so the committee in its wisdom reduced that request to $25 million and reduced the request for payments to $12 million, a total of $37 million for this program next year.

OTHER PROGRAMS

I will not undertake to list all of the multitude of additional programs funded in this bill for assistance to cities, but will list a few of the most significant ones for the information of Members and those who read this RECORD, as follows:

	Million
Urban renewal (made available from prior year appropriation)	$750
Model cities	500
Public housing, annual contributions	350
Rent supplements, new contract authority	25
Rent supplements, annual payments	12
Basic water and sewer grants	150
Open space land grants	75
Neighborhood facilities	35
Urban planning grants	38
Housing for the elderly and handicapped	25

It is interesting to note that the administrative and nonadministrative expenses for the Department of Housing and Urban Development funds as provided in this bill amount to $190,439,000.

It is also interesting to note that the Department of Housing and Urban Development will have on hand at the beginning of fiscal year 1969; a total of $21,709,540,000 in unspent funds; $51,512,556,000 of this money is unobligated and $10,186,013,000 is unreserved.

Despite this record of colossal appropriations made by Congress in the field of housing and urban development, there are those who continue to say that Congress is doing nothing and continues to be indifferent about the needs and problems of urban communities. It is time for the Members of Congress to meet this charge head-on and unless we do that, and explain to the people what has been done in this field, many of them will continue to be misled by the repetition of these charges. I urge my colleagues to join me in a special effort to see that the people are made aware of the facts.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from New Jersey.

Mr. JOELSON. I think the gentleman is making a very persuasive—really persuasive argument. But on the question of authorization, we have in this bill a NASA appropriation when the other body has not even authorized any money.

Mr. JONAS. I do not want to go into that because we discussed that under the rule. I really do not think it is pertinent. I do not like closed rules any more than anybody else. But we do not want to have to go through this a second time. We had already marked up the bill. We changed it after the House approved the authorization bill and we did not bring this bill to the floor until after the funds for NASA were authorized by one House of the Congress.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Illinois.

Mr. YATES. I want to say that I am in agreement with the gentleman about foot dragging. And, yet, as one reads the hearings, one finds these are very complicated programs; second, they are programs in which the cooperation of the cities and the initiative of the cities is essential. Would not the gentleman agree that the cities, too, have been guilty of foot dragging and that they have not cooperated fully with the Federal agencies in making their proposals and plans available promptly so that the test of feasibility under the statute could be applied to them?

Mr. JONAS. I will just say it is not my purpose today to point a finger at anyone. What I am trying to do is defend the Congress against unjustified criticisms that we are indifferent to the problems of the cities and we have been delaying action. Not only is that charge made here on the floor but elsewhere.

Mr. KYL. Mr. Chairman, will the gentleman yield briefly?

Mr. JONAS. I yield to the gentleman from Iowa.

Mr. KYL. In view of the discussion regarding appropriations for other departments which go into the cities, I wanted the gentleman to assure the House that the funds he is talking about which were appropriated, but which have not been spent, are pure HUD funds appropriated to that Department to be spent by that Department.

Mr. JONAS. I have not gone down and checked the books. I am just taking HUD's word for it. They put the table in the record. We asked them for the table. The table lists carryovers and expenditures. It shows the figures that I have already related. It shows, and the gentleman can see it if he will consult page 629 of the hearings, that $10 billion is down there unreserved. The following table shows the amount of these unspent, unobligated and unreasoned funds:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—CARRYOVERS AND EXPENDITURES—FISCAL YEAR 1969 OUTLAYS AND BALANCES

[In thousands of dollars]

Appropriation or fund	1969 appropriation request	Carryover into 1969				Estimated 1969 outlay			Carryover (out of 1969)			
		Unobligated balance [1]			Obligated balance	From prior year funds	From 1969 funds	Total	Unobligated balance			Obligated balance
		Reserved	Unreserved	Total					Reserved	Unreserved	Total	
RENEWAL AND HOUSING ASSISTANCE												
Grants for neighborhood facilities	40,000	18,169		18,169	24,997	32,000		32,000	23,169		23,169	27,997
Alaska housing	1,000						1,000	1,000				
Salaries and expenses	36,360						36,360	36,360				
Urban renewal programs:												
Enacted 1969 appropriation	750,000											
Proposed appropriation for model cities.	500,000	[2] 1,697,981		[2] 1,697,981	2,786,881	700,000		700,000	[2] 2,147,981		[2] 2,147,981	2,886,881
Advance appropriations for 1970	(1,400,000)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)
Loans and planning advances			172,320	172,320	568,048	11,000		11,000		93,599	93,599	635,769
Rehabilitation loan fund			23,905	23,905	3,845	18,500		18,500		5,736	5,736	3,514
Low rent public housing:												
Annual contributions	358,000				128,512	119,512	209,406	328,918				139,594
Loan fund [4]			1,296,105	[5] 1,296,105	191,464	−8,663		−8,663		1,313,499	1,313,499	200,483
Housing for the elderly or handicapped:												
Appropriation to fund	(6)											
Participation sales insufficiency appropriation.	3,260	81,625	10,374	[5] 91,999	97,529	93,037		93,037	76,625		76,625	87,476
Collect housing loans	(7)											
Participation sales insufficiency appropriation.	[8] 63,291	240,999	2,033,247	[5] 2,274,246	283,645	326,214		326,214	291,000	2,542,230	2,833,230	232,148
METROPOLITAN DEVELOPMENT												
Urban planning grants	55,000				56,939	46,000		46,000				65,939
Open space land programs	85,000		323	[9] 323	124,391	60,000		60,000		323	[9] 323	149,391
Grants for basic water and sewer facilities	150,000	46,948		46,948	222,361	130,000		130,000	46,948		46,948	242,361
Grants to aid advance acquisition of land			3,000	3,000	1,970	500		500				4,470
Salaries and expenses	8,700						8,700	8,700				
Public works planning fund		2,598	394	2,992	14,140	2,040		2,040	2,598	304	2,902	12,190
Urban mass transportation:												
Grants:												
Enacted 1969 appropriation	175,000											
Additional appropriation for 1969.	15,000		170	170	292,724	150,000		150,000		170	170	332,724
Advance appropriation for 1970	(230,000)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)
Loans			58,753	58,753		−390		−390		59,143	59,143	
Public facility loans	(10)											
Participation sales insufficiency appropriation.	[11] 4,430	8,748	317,432	[5] 326,180	120,941	53,309	1,098	54,407	8,748	358,919	367,667	106,762
Liquidating programs			2,561	[5] 2,561	16	−599		−599		1,167	1,167	9
Investment in flood indemnity operations			500,000	500,000						500,000	500,000	
DEMONSTRATIONS AND INTERGOVERNMENTAL RELATIONS												
Model cities program	500,000	147,500		147,500	49,[illegible]	197,268	52,732	250,000				447,268
Urban renewal add-on	[12] (500,000)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)
Urban information and technical assistance	5,000				1,700	1,700	1,300	3,000				3,700
Community development training programs	7,000				2,500	2,500	2,200	4,700				4,800
Fellowships for city planning and urban studies	500				616	491		491				625
Salaries and expenses	1,860						1,860	1,860				
URBAN TECHNOLOGY AND RESEARCH												
Urban research and technology	20,000				7,364	4,800	2,500	7,300				20,064
Low income housing demonstrations	4,496			(9)	2,984	2,984	816	3,800				3,680
Special studies			295	295	100	395		395				
Housing studies [13]			2,500	2,500						2,500	2,500	

See footnotes at end of table.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—CARRYOVERS AND EXPENDITURES—FISCAL YEAR 1969 OUTLAYS AND BALANCES—Continued

[In thousands of dollars]

Appropriation or fund	1969 appropriation request	Carryover into 1969				Estimated 1969 outlay			Carryover (out of 1969)			
		Unobligated balance [1]			Obligated balance	From prior year funds	From 1969 funds	Total	Unobligated balance			Obligated balance
		Reserved	Unreserved	Total					Reserved	Unreserved	Total	
MORTGAGE CREDIT												
Federal Housing Administration												
Rent supplement program	16,600				589	589	15,511	16,100				1,089
Community disposal operations fund			1,293	[5] 1,293	197	−8,142		−8,142		935	935	197
Federal Housing Administration fund		[14] 1,100,783		1,100,783	−24,839	26,122		26,122	[14] 1,074,357		1,074,357	−24,535
Federal National Mortgage Association												
Loans to secondary market operations fund			2,406,000	2,406,000		28,000		28,000		2,378,000	2,378,000	
Special assistance functions	(15)	1,404,283	1,175,379	[5] 2,579,662	787,811	430,600		430,600	1,534,283	1,906,539	3,440,822	630,251
Management and liquidating functions	(16)			(5)	25,630	25,630	28,870	54,500				31,365
Participation sales fund		[17] 576,909		576,909	85,909	−206,190		−206,190	[17] 903,112		903,112	112,927
Secondary market operations (trust fund)			2,181,081	2,181,081	337,683	590,000		590,000		1,830,981	1,830,981	228,783
DEPARTMENTAL MANAGEMENT												
General administration	8,000						8,000	8,000				
Regional management and services	8,925						8,925	8,925				
Administrative operations fund					200	200	−3,245	−3,045				3,245
Working capital fund	2,000		881	881	369	−87	287	200		2,509	2,509	541
LEGISLATIVE PROGRAM												
Areawide development grants	10,000						3,000	3,000				7,000
HUD legislation	30,000						14,000	14,000				16,000
Subtotal, Department of Housing and Urban Development	2,859,422	5,326,543	10,186,013	15,512,556	6,196,984	2,829,320	393,320	3,222,640	6,108,821	10,996,554	17,105,375	6,614,708
Adjustment for interfund transaction and applicable receipts from the public								−6,738				
Total, department of housing and urban development	2,859,422	5,326,543	10,186,013	15,512,556	6,196,984	2,829,320	393,320	3,215,902	6,108,821	10,996,554	17,105,375	6,614,708
Advance appropriations for fiscal year 1970	(1,630,000)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)

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[1] Excludes unused balances of 1968 participation sales authorizations.

[2] Represents balances of contract authorization, not all of which has been appropriated for.

[3] Not applicable.

[4] Loan fund balances are dependent on proposed legislation pending in HUD Act of 1968.

[5] Portion of unobligated balance to be transferred to other accounts.

[6] No appropriation is being requested. However, a participation sales authorization of $25,000,000 is being requested. This amount is needed to provide the funds necessary for the program level.

[7] $300,000,000 borrowing authority becoming available. In addition, a participation sales authorization of $285,000,000 is being requested.

[8] Includes $12,061,000 from permanent indefinite appropriation for 1967 sales and $51,230,000 proposed in 1969 for 1968 and 1969 sales.

[9] Excludes unappropriated portion of contract authorization.

[10] A participation sales authorization of $80,000,000 is being requested.

[11] Includes $1,305,000 from permanent indefinite appropriation for 1967 sales and $3,125,000 proposed in 1969 for 1968 and 1969 sales.

[12] Appropriation and balances included within urban renewal programs.

[13] Reflects unused contract authorization.

[14] Represents primarily FHA insurance reserves for future expenses and loans.

[15] Participation sales authorization of $655,000,000 is being requested. In addition $525,000,000 borrowing authorization becoming available.

[16] Participation sales authorization of $550,000,000 is being requested.

[17] Reserves for retirement of participation certificates.

Mr. MINSHALL. Mr. Chairman, as a member of the Subcommittee on Independent Offices and the Department of Housing and Urban Development Appropriations Subcommittee, I am encouraged both by the wisdom of the savings we have achieved in certain areas of this bill and by the allocation of funds we have made specifically in the area of housing and urban development.

As a Representative from the greater Cleveland, Ohio, area, I am very mindful of the important partnership which must exist between our cities and the Federal Government in getting our communities on their feet again. For years Cleveland has been bogged down in one of the sorriest urban plights in the Nation. Just over a year ago, when the plight was truly desperate and no funds at all were being allocated to Cleveland, I tried to get the situation off dead center by calling a meeting of Cleveland city officials and the Secretary of Housing and Urban Development, Dr. Weaver. I am pleased that this year the situation has changed, that the funds Cleveland has so urgently needed are beginning to be returned to the taxpayers in the form of construction and action.

As our subcommittee report states, the cuts made in the HUD budget are almost entirely composed of deferral of sale of $1.6 billion in participation certificates, since the new obligational authority to be provided from such sales is not considered necessary for funding HUD programs in 1969.

Our appropriation provides for programs to attack urban blight, inadequate housing, and related social problems which have been a major factor in creating the misery and rebellion which have scarred our cities in the past few years. Housing for the elderly and handicapped, college housing loans, grants for neighborhood facilities, public housing, urban planning grants, open space land programs, water and sewage facilities, model cities, urban mass transportation, and rent supplements are included in the HUD funds before us today.

It is important to point out that the $1.2 billion for which we ask the House's approval is only a fraction of the massive attack we have mounted: HUD has substantial programs in terms of budget obligations and expenditures, financed in corporate and trust fund accounts. The Department of Housing and Urban Development is quoted in the special analysis to the budget as estimating "that the total Federal financial commitment for urban, social, and community development aids could be considered to exceed $37 billion in 1969."

Much remains to be done and this requires time as well as funds. But I hope that our action today will provide another stride forward toward an America where urban blight and slum housing will be relics of the past.

As one who has always been deeply concerned about economy in government, I would like to emphasize that our subcommittee has made sizable overall reductions in the Independent Office budget, without sacrificing any essential services or programs in any of the 23 agencies and departments involved.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Connecticut [Mr. DADDARIO].

Mr. DADDARIO. Mr. Chairman, it has not been my intention here to cast any reflection on the Appropriations Committee and its handling of the National Science Foundation budget. It is my intention to see if we can allow the cuts which this bill imposes to be made equally in all NSF programs.

It is somewhat of a surprise to me that the committee would find itself so sensitive to the admonishments which may come from members of other committees who have had some familiarity with the programs over which the Independent Offices Subcommittee finds itself in budgetary control.

The fact that the section to which I referred, on page 22, has always been in the bill cuts no ice with me at all, Mr. Chairman. The fact is that this was in at a time when the National Science Foundation was in its infancy. I would not believe that we stand here with our feet in concrete and do not realize that from time to time things in fact must change.

When the subcommittee of which I am chairman, the Subcommittee on Science Research and Development, looked at the National Science Foundation, one of the determinations it made was that certainly this program was an important one. It listed a whole series of others which were equally important.

The one place where I believe we struck a sensitive nerve, and which the Congress responded to, was that there would be support in the science areas for institutional development activities which would hit into those areas of the country where there was little activity going on insofar as science was concerned and that this geographical situation should be looked at and something in fact should be done about it. I think we can take pride in the leadership the Director and members of the National Science Board have taken in this regard. All you have to do is look at the grants and the contracts made in these areas. Take a look at the institutional support in such colleges as Grinnell in Iowa, St. Andrews Presbyterian College in North Carolina, and Hampton-Sydney and a whole multitude of schools throughout these 50 States. The fact is that as we help those universities with the highest quality we must in fact build up the areas in the country where science and research activities have floundered. It is because of that, and with no aspersions cast on this particular teachers program to which I direct my remarks.

Let us assign the necessary priorities to the programs and repose confidence, as the report indicates it is the intension so to do, in the Director and the National Science Board. I am sure that the 35,000-some teachers who participate in this program to which we are presently referring are not going to be cut off. This is a solid, integrated program. It need not stand on a pedestal such as this which is included in the bill. It has deserved support, and it is my understanding that the National Science Foundation recognizes that this is the case. If you do not give the flexibility to the Director and to the members of the Board, what you are in fact going to do is to put the emphasis of the cuts on newer programs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVINS of Tennessee. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, in view of the fact that the time which has been yielded to him by the chairman of the subcommittee is about to expire, I shall be happy to yield to the gentleman 5 minutes.

The CHAIRMAN. The gentleman will be recognized for an additional 5 minutes in addition to the time already yielded to him by the gentleman from Tennessee.

Mr. DADDARIO. Mr. Chairman, this Foundation has worked for 15 years to foster basic research in science education. Now it is time to make the Foundation into a broader instrument for forging and shaping, in company with the Federal mission-oriented agencies, the national policies to foster the national resources for science and to focus and direct them toward the attainment of great national goals. Full employment, a clean world to live in, a population imbalance with resources, swift and ready transportation and communication, pure water to drink, education of the citizenry, discovery of new resources—all of these and other needs of the Nation must depend in part upon thorough, deliberate and positive efforts to learn more about our physical world, its creatures and its peoples and their relations with one another; and to apply this knowledge skillfully and with judgment, and to have ready for application the requisite science resources.

This applies to the National Science Foundation as a whole and its place in our society. If we look back a few years, we can see that scientific activities of the country have generated the need for additional resources in science and the NSF is a developing resource structured to fill this need.

Dr. Hornig, in talking about the National Science Foundation, said its goal was to strengthen American science per se; that the National Science Foundation is, of course, the only agency that has a fundamental responsibility to help all basic American science.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, I want to commend my distinguished colleague for his excellent statement. The committee is in full accord with what the National Science Foundation is doing. It is a great agency, and it is upgrading science in this Nation in all areas. It has done a great work. We respect the National Science Foundation.

However, there is $400 million in this bill for the National Science Foundation.

Mr. Chairman, during my years of service on the committee we have seen this budget grow in amount. We know the great contributions that the National Science Foundation has made, but we know that we must make some reductions. We must set priorities because of our stringent budgetary situation. We felt that we could defer some of their activities at this time.

The gentleman from Connecticut [Mr. DADDARIO] is the chairman of the Subcommittee on Science and Aeronautics. He is a great Congressman and a great gentleman. He is to be commended for his dedication to the cause of science.

Mr. DADDARIO. Mr. Chairman, I thank the gentleman, but I would like to say that I cast no stone toward the subcommittee. The gentleman mentions that there is an unobligated carryover of $46.5 million. The fact remains that this is not because the National Science Foundation has not been doing its work. It is because it has lived up to Public Law 218, which has in fact compelled it to put this money aside.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. JONAS. Mr. Chairman, I yield an additional 2 minutes to the gentleman from Connecticut.

Mr. DADDARIO. I thank the gentleman for yielding the additional time.

The fact that these funds have not been expended, would indicate that they have not been doing their work properly. They have followed the admonishments of Public Law 218, and that is all there is to it.

But, Mr. Chairman, in the final analysis it is not my purpose here to do anything but to give an indication of my concern about the situation, and to hope that in this particular regard the subcommittee would in fact look at the agency as an agency which has a multitude of responsibilities and that no one part of it is superior to another.

And if, in fact, you do this, I believe that this would be going a long step toward recognizing the importance of the National Science Foundation, and recognizing also at this time that, cuts being in order, that the people who administer NSF ought to be given the flexibility and the authority to put things in their proper perspective. And whatever they do in this regard they will have to answer to the Congress. So I believe they ought to be given this opportunity.

Mr. Chairman, I yield back the balance of my time.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I yield to the gentleman from California.

Mr. COHELAN. Mr. Chairman, I rise to express my deep concern with several of the massive appropriations reductions made in this appropriation for the Department of Housing and Urban Development and the Independent Offices.

I am not unaware of the current fiscal situation, the demands for reductions in Federal spending and the hardships of serious inflation. But neither am I unaware of the major social responsibilities of the Members of this body with regard to the poor, the disadvantaged, and the discriminated against in this country.

We have issued a promise that the resources and energies of this country will be devoted to meeting the challenges of poverty and race. Year by year we have become increasingly aware of the tragic extent and disgrace of poverty in this country. We have had for several weeks now the report of the President's Commission on Civil Disorders. This and other reports make all too clear, in documentary form, the problems we face. To cut back in our efforts to meet these problems which have put fear and uncertainty and distrust into the hearts of tens of millions of Americans is to ignore the realities and responsibilities of citizenship. We have a commitment to the people of this country to make our cities habitable, our streets safe, our lives worthy of living—and this means for all people, black and white, poor and rich.

The model cities program is a small part of this promise and this commitment. To renege on even a part of it, as this bill does, is to avoid our responsibility.

Mr. Chairman, I would support appropriations for the full $1 billion model cities request made in the budget. I do not support the cuts made by this bill. Model cities like the city of Oakland, which I represent, sorely need the assistance provided by this bill. However, $500 million will keep the program going and I will vote for the bill.

This appropriations bill also reduces the money available for rent supplements by $40 million to only $25 million. For the life of me I cannot understand the reluctance of support for this program. Rent supplements are grants to renters in the amount above 25 percent of their income which they spend for rent. When their income increases their subsidy decreases until it ceases when rental costs fall below 25 percent of income. Recipients of rent supplements are those who would normally be eligible for public housing. Instead they receive subsidies allowing them to avoid the ghetto-like conditions of some public housing projects, and at the same time to have decent housing with adequate income left over. This program is also a boon to the construction industry which can expect to build housing for persons who otherwise could not afford it. The token levels on which funding for this program have been asked and granted are not sufficient. And certainly the $40 million reduction made by this bill is not prudent.

Mr. Chairman, to this point I have concerned myself with the urban oriented program reductions. This bill makes one other wholesale reduction which I strongly regret. The bill reduces the appropriation for the National Science Foundation by $100 million. This is a reduction of $1 in $5 from the amounts requested in the budget. These are dollars which almost entirely would go for the support of academic science.

Basic scientific research and experimentation as well as support of academic institutions of science and their students is of substantial importance to this country.

There is in this country a strong spirit of independent academic inquiry. This inquiry is not a luxury to be indulged in in fat years and avoided in lean ones. This is inquiry into the very problems of man—how we live, how our environment behaves, and how to improve our lives and our environment. There is no reason why we should not support the scientific inquiries which may enable us to meet our problems of pollution, transportation, housing, learning, and the like. To reduce this support by one-fifth is to reduce the inquiry and training of academic science by a like amount. I do not support this reduction.

Mr. Chairman, in opposing these reductions I do not do so without having in mind other areas which might yield substantial expenditure savings.

In particular, Mr. Chairman, I suggest that the members of this body take a hard, close look at the Defense budget. In military procurement, support and construction we spend tens of billions of dollars each year. Certainly there are millions if not billions of dollars of expense here which could be pared or postponed without impairing our defense posture. Mr. Chairman, I suggest that the House look to this budget in making its reductions.

Mr. JONAS. Mr. Chairman, I have no further requests at this moment for time.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 2 minutes to my good friend, the distinguished gentleman from Texas [Mr. FISHER].

Mr. FISHER. Mr. Chairman, I call the attention of the chairman of the committee to a sentence on page 14 of the committee report which reads as follows:

> The Committee has deferred funding the request for an appropriation of $25,412,000 for the construction of a new 760 bed VA hospital at San Antonio, Texas, at this time.

That project is somewhat familiar to me, being located in the part of San Antonio which I have the honor to represent.

As I understand it, there has already been expended about $1½ million on preliminary plans, architectural, and engineering work, which is now in the process of being completed, which is necessary before contracting can be done for construction.

My purpose in seeking this time is to ask the chairman of the committee to clarify the position of the committee with respect to the language which I have quoted.

Mr. EVINS of Tennessee. I will say to my distinguished colleague that there are no funds in this bill for Federal building construction. Under these circumstances, we did not feel that we should put money in the bill for the hospital construction program at this time.

There are three new VA hospitals that are being fully activated in 1969. Two others are being completed and will be staffed for part of the year after they are completed. The San Antonio hospital is in an advanced stage of planning and it is the next in order of priority for construction by the Veterans' Administration. It has merely been deferred because of the budgetary situation.

Mr. FISHER. As I understand it then, the gentleman and the committee are quite aware of the importance of this project and the justification for it?

Mr. EVINS of Tennessee. The gentleman has spoken to me about it. I assure him that the hospital will be built—it has just been deferred.

Mr. FISHER. I appreciate the gentleman's clarification.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Chairman, I wish to thank the distinguished chairman of the subcommittee and I wish to add my voice to that of my colleague, the gentleman from Texas, from the 21st District.

This hospital originally was in my district, but by reapportionment it is now in the 21st District.

Mr. Chairman, this is a vitally needed hospital. San Antonio already has some 23.5 percent of the veteran population of the State of Texas. I am glad to hear that this does have priority and at the first available opportunity it will receive the money grant.

Mr. JONAS. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I take this time to ask the chairman of the subcommittee, or some member of the committee, a question or two concerning this bill.

Only last week the House passed the authorization bill for NASA. What was the figure that was approved in that bill—which I voted against—but what was the figure that was approved?

Mr. EVINS of Tennessee. The House authorized $4,031,423,000 total as I recall, I will say to my friend at this time The gentleman will recall that there were two amendments adopted on the floor—one to cut research and another amendment to cut administrative operations.

Similar amendments were offered in the Committee on Appropriations and they were adopted to bring it in line with the reduction made.

Mr. GROSS. So the figure we have in this bill is the same as the authorization bill?

Mr. EVINS of Tennessee. No. It is $23.2 million less, I will say to the gentleman. We made further reductions. The space program had expenditures of nearly $6 billion a few years ago. This has been reduced, and last year it was $4.5 billion. We cut a half billion dollars out of the space program last year and this year we made further reductions below what the House authorizing committee made.

So I will say to my friend who is an excellent Member of this House and always the watchdog of the House for economy that we are on a hard rock-bottom budget for NASA at this time.

Mr. GROSS. I thank the gentleman for his remarks. Then this bill is what—$23.2 million above or below the authorization?

Mr. EVINS of Tennessee. It is $23.2 million below the authorization, I will say to my friend. We have made reductions in construction.

The only thing in this bill for construction is to repair and improve some launch pads and communications.

Mr. GROSS. It is still a $4 billion expenditure on the National Aeronautics and Space Administration with approximately $2 billion for a program to put a man on the moon in the dim and uncertain future. Is that correct?

Mr. EVINS of Tennessee. The gentleman is correct with regard to the money amounts, but he is not correct with respect to the 243,000 people employed in the program throughout the Nation and in all the States.

Mr. GROSS. I do not know that I said anything about employment.

Mr. EVINS of Tennessee. Oh, yes; I discussed employment. The number of employees in the NASA program used to be 420,000. Now it has gone down to about 243,000. They are laying off about 4,000 a month under these cuts.

Mr. GROSS. I had hoped that the committee would have cut it some more.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Hampshire.

Mr. WYMAN. As the gentleman remembers, some years ago I tried to take several hundred million dollars off the part of the Apollo program to which the gentleman has made reference and to increase the funds available to the Air Force to help in the military control of space. But we are now in a situation in committee where they tell us that if we do not go ahead with the $2 billion for Apollo, the $20 or $22 billion that has already been put into it will have gone down the drain. So we are just stuck with it.

Mr. GROSS. I do not say this with any disrespect to the gentleman, but that down the drain argument is one of the most shopworn arguments that we hear. The program should have been cut back when the gentleman tried to do so some years ago.

Had that been done we would not now be confronted with the statement that we must continue to spend billions because we have spent billions in the past.

Mr. WYMAN. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from New Hampshire.

Mr. WYMAN. They claim it is not just going down the drain. The problem of our dilemma relates to the long-range policy of this country to put a man on the moon before someone else does, meaning specifically the Soviets. There are a lot of people employed in this program. Many prominent citizens think it is important to the United States, and I think now we have gone so far that it should be carried through at the level to which it has been projected throughout these years to which we have committed so many billions of dollars at this time.

Mr. GROSS. I will say to my friend from New Hampshire that it is far more important to me, as one individual Member of the Congress of the United States, to know what is floating around in space; whether those vehicles carry nuclear warheads and, if so, whether we have devices for the detonation of those vehicles in space. Yes, as far as I am concerned, it is far more important to know what is happening in connection with those satellites than it is to put a man on the moon and get a handful of moon dust to take to that brandnew $14 million laboratory in Houston, Tex., for analysis.

Of course, as I have said time after time, if we ever do get a man on the moon and there is a living soul on that planet, we will be up there with a multimillion-dollar foreign aid program.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Hampshire.

Mr. WYMAN. I would like to make the observation that, as the gentleman knows, I have been trying for years to get an increased emphasis in space policy and programing on the intercept capability between here and the moon in our space program. This is squarely a military capability for our own national survival. I would like to say, too, if the gentleman would read the hearings, he would find that no less a person than Mr. Webb has admitted that once a man has gone to the moon, emphasis on the American space program in terms of manned space flight thereafter, will have to come back closer to earth. This is extremely significant because there is no place beyond the moon in terms of reality that we can ever fly human beings to and bring them back to earth in the foreseeable future. It takes too long. They are too far away. And I might add, and not facetiously, that we have vastly greater immediate concerns here on earth and near to earth.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from North Carolina.

Mr. JONAS. Before we get too far in the record from the comment last made by the distinguished gentleman from Tennessee, I am sure he meant to say that several hundred thousand employees are not in-house employees of NASA. They are contract employees. I just wanted the record to show that.

Mr. GROSS. Quite a demonstration is made of cutting a few thousand employees out of NASA. Unless we cut the dollar appropriations to NASA with respect to personnel, they simply go out and hire consultants and other contract employees.

Mr. JONAS. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. Yes; I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I am really surprised that the gentleman from Iowa did not compliment the gentleman on the cutting of the budget by $362 million in this one program. That is a pretty good slice.

Mr. GROSS. Does the gentleman mean in NASA?

Mr. JONAS. Yes.

Mr. GROSS. It could stand a much deeper cut.

Mr. JONAS. Does not the gentleman really think this is a pretty good job?

Mr. GROSS. This bill ought to have been sliced 24 percent in accordance with the cut in the Agriculture appropriations bill. This bill, we are told, has been cut 17 percent. Let us get another 7 percent out of this bill. I ask that of the chairman of the subcommittee: How about another 7-percent cut?

Mr. EVINS of Tennessee. I will say, we have cut this $2,899,000,000, almost $3 billion just out of this bill, which is a 17.5-percent cut, the highest cut ever made in the history of this subcommittee as far as we have been able to determine.

I wonder how far our good friend would like us to go? To what levels would we have to go to satisfy his desire to use the meat ax?

Mr. GROSS. I suggested we go down to the level established in the precedent set by the Agriculture bill, a 24-percent cut. Our farmers are not doing well at all, yet spending on agriculture was cut 24 percent.

Mr. EVINS of Tennessee. I am one who agrees with my friend on the necessity for our farmers to be prosperous.

Mr. GROSS. How much did the gentleman say the bill provides for rent supplements?

Mr. EVINS of Tennessee. The committee authorized $25 million.

Mr. GROSS. How much is provided in this bill?

Mr. EVINS of Tennessee. Twenty-five million dollars.

Mr. GROSS. Twenty-five million dollars?

Mr. EVINS of Tennessee. One hundred and fifty million dollars is authorized. We cut it $40 million this year, and there is a need for 60,000 houses per year for 10 years. There is a great need for low-income housing in this Nation.

Mr. GROSS. Our farmers need more than 22 cents a dozen for their eggs, too, and they are not getting it.

Let me advise the House here and now that I will try to reduce this spending still further by offering an amendment to cut the rent supplement out altogether. This program never should have been started. Why should the taxpayers subsidize the paying of rent for anybody in this country?

Mr. EVINS of Tennessee. We subsidize our farmers on some programs, and I support that.

Mr. GROSS. And we cut their appropriation 24 percent a few days ago. Let us get this down by 24 percent.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Chicago.

Mr. YATES. Mr. Chairman, I think the gentleman should say he yields to the gentleman from Illinois.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Chicago, Ill.

Mr. YATES. Mr. Chairman, it is still the gentleman from Illinois.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. YATES. Mr. Chairman, I thank the gentleman for yielding to me and for recognizing the fact that Chicago is in Illinois.

Mr. Chairman, I am an alumnus of this subcommittee, many of my happiest hours were spent in hearings with those who are now members and with the chairman of the committee. They are my friends and they are among the most able Members of the House. I question their judgment with trepidation. By and large, they have done a very good job on most of the bill.

I have honest differences with the committee on the housing portions of the bill and this is not unexpected nor unusual for each of us has his own ideas. But all of us who come from the large and great cities of the country know the validity of the statements made by President Johnson in his message to the Congress on the crisis in the cities when he said:

> For several decades, now, the tide has run against the growth, strength and vitality of our cities. Today, America's cities are in crisis. This clear and urgent warning rises from the decay of decades—and is amplified by the harsh realities of the present.
>
> We see the results dramatically in the great urban centers where millions live amid decaying buildings—with streets clogged with traffic; with air and water polluted by the soot and waste of industry which finds it much less expensive to move outside the city

> than to modernize within it; with crime rates rising so rapidly each year that more and more miles of city streets become unsafe after dark; with increasingly inadequate public services and a smaller and smaller tax base from which to raise the funds to improve them.
>
> If the promise of the American city is to be recaptured—if our cities are to be saved from the blight of obsolescence and despair—we must now firmly set the course that America will travel. There is no time to lose.

There is no time to lose.

The gentleman from North Carolina speaks of the great amounts of money which are still unobligated and unused by the Department of Housing and Urban Development. I believe his figure was $21 billion. This is a large sum, but still it is far from adequate for the purposes of the programs it relates to.

The gentleman from Massachusetts [Mr. Boland] made this point very cogently on page 16 of the hearings, where he questioned Secretary Weaver. He said:

> The figure of $37 billion includes everything, all types of programs?
>
> Secretary Weaver. Yes.
>
> Mr. Boland. That is, the total to assist individuals and communities. But this really isn't too significant a figure when we start to attack some of the problems of the cities themselves that we are trying to solve now; is that so?

I repeat, there is no time to lose, Mr. Chairman.

That is a great deal of money, I will agree with the gentleman from North Carolina, but it is still only a drop in the bucket to what must be expended if the promise of the cities is to be recaptured.

How much is it worth to build decent, slum-free neighborhoods in which to raise our children and decent housing? How much is it worth to us to provide schools in which all our children may receive quality education? How much is it worth to us to have safe streets to walk, to have air and water free from pollution, to have streets unclogged by hordes of traffic vehicles?

In short, how do we stop the flight of our young married people from the cities to the suburbs? How do we keep them in the cities?

We are moving much too slowly. We are moving too slowly in respect to appropriations, too, I would say to the gentleman.

Yes, the war in Vietnam and the whole Military Establishment have limited the funds available for civilian purposes, but our goals for the cities are still worthy and necessary goals. The life, the culture, the vitality of America's great cities must be saved and must be fostered.

How much is this going to cost? Certainly it will cost a great deal more money than the $21 billion which the gentleman from North Carolina says now is in HUD. Certainly it will cost a great deal more money than is contained in the tables which are found on page 15 of the hearings of this committee.

But funds or lack of funds is only a part of this picture. Of equal importance is the fact that these programs are bound down by enormous redtape and by the complex mechanics of achieving our goals.

The gentleman from North Carolina referred to the footdragging of the Department. I believe that in some measure this is true, but I have found the leaders of the Department of Housing and Urban Development to have been cooperative and are sincere in their efforts to try to achieve the goals of the legislation.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. YATES. Mr. Chairman, will the gentleman yield me another minute?

Mr. EVINS of Tennessee. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. YATES. I thank the gentleman.

Thus, I believe it is the cities as well that have been dragging their feet. The cities have to develop the primary thrust to implement these programs. Unless they move quickly, unless they move strongly to implement the programs they must fail, because the Federal Government cannot do it by itself.

But the cities, too, are prisoners of procedure. They are prisoners of compulsory legal processes, of laying out plans, of local consultations in neighborhoods, of eminent domain proceedings, of consultations with engineers and city planners and architects, of having to resolve disputes and arguments in order to come to some plan.

But the fact remains that we must move, and quickly, because time is running out. Procedures must be speeded up.

And funds are still needed. The funds which are available, to which the gentleman from North Carolina referred, are still inadequate to deal with the problems of the cities in the fields in which housing and urban development are concerned.

I would not, speaking for myself, have cut the model cities appropriation, as did this subcommittee, by almost 25 percent. I would not have cut the rent supplements program by approximately 40 percent. I think these programs are desperately needed by the cities today, and I think they should be corrected.

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. YATES. I am glad to yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Chairman, I thank my colleague for yielding and associate myself with his remarks.

Mr. Chairman, we are considering H.R. 17023, an appropriation bill of vital importance—a bill which can bring decent housing and a healthy environment for hundreds of thousands of families in slums and blighted areas. It is a bill which will permit scores of large and small communities to rebuild slums or blighted neighborhoods into healthy neighborhoods where people can live meaningful lives.

I, and many of us, would have been pleased if the Appropriations Committime, however, we are aware of the requested for the Department. At the same time, however, we are aware of the responsibilities they faced this year. I do not question the action of the subcommittee or that of the full committee. They have acted in the best interests of the Nation.

I urge you to support the funds voted for the model cities program and the rent supplements program. The model cities program is the first Federal program for treating the whole range of physical, economic and human problems of slums and blighted neighborhoods.

The model cities program permits the use of existing Federal programs, including a wide range of housing programs, in a frontal attack on these areas and remake them into social and economic assets. It permits the use of Federal, State, local, and private resources to attack human and physical blight. Seventy-five cities are now developing their first year action plans of their 5-year overall plans. Seventy more cities will be selected this summer to start the model cities process.

I urge you to support the committee's recommendation of $500 million for the model cities program.

This bill also provides funds for the rent supplement program which enables poor families to live in decently private-owned housing. This is a program which serves families whose incomes are low enough to qualify for public housing and this is the program which was endorsed by the National Association of Real Estate Boards and the National Association of Home Builders.

The rent supplement program utilizes the resources of private enterprise to build, own, and manage new or rehabilitated housing. The low-income families or individuals pay 25 percent of their income toward the required rent. The difference between the amount paid and the rental as approved by the FHA is paid monthly as a supplement to the project owner. For next year, the committee has recommended $25 million in new contract authority, substantially less than the original request.

Both the rent supplement program and the model cities program are what I consider "must" items, if we are sincere in our efforts to upgrade the quality of living for millions of our fellow Americans.

Mr. JOELSON. Mr. Chairman, will the distinguished gentleman yield to me?

Mr. YATES. I yield to the gentleman from New Jersey.

Mr. JOELSON. I certainly agree with the gentleman on the desirability of funding the full amount of the budget request, but I did not get the opportunity before, because I was called out, to acknowledge that the gentleman from North Carolina [Mr. Jonas] has a very valid point about all of the money lying around unused. In the city of Paterson, N.J., which I represent, there has been money available for urban renewal and because of a very unfortunate local situation, there has been inaction. Although we need a lot of money, what is equally important is that we need dedicated people who will be willing to cut through the redtape and do the job needed. I think the gentleman from North Carolina is doing a service in pointing this out.

Mr. YATES. I thank the gentleman. The cities must appreciate and assume responsibility to speed up their own programs so that, together with the Federal

Government, they may accomplish the goals set forth by the Congress in this legislation.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentleman in the well.

In the time that I have served in the Congress he has always been an eloquent spokesman for the cities. The gentleman understands the problems of the cities and he has understood them over the years. As a matter of fact, 14 years ago, when I first joined the Subcommittee on Independent Offices of the Committee on Appropriations, which was then chaired by the very great and distinguished and beloved chairman, the gentleman from Texas, Mr. Thomas, I recall so well so many of the fights that the gentleman from Chicago waged in regard to public housing. At that time it was a terribly significant part and one of the most important programs that faced this subcommittee.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. The gentleman from Illinois states the case for the cities well. He is able and articulate and eloquent in stating his deep interest and concern for the cities and their problems.

There have been some figures given with respect to public housing, and they are used in this report and appear somewhere in the hearings, indicating that we have built or will build by the end of this fiscal year some 787,000 low-income public housing units. That is a very impressive figure—if you say it fast and do not relate it to the need. The fact, of course, is that there are some 6 million substandard houses in the United States. The Federal Government got into the matter of public housing back in 1937, with the passage of the Housing Act. In that year the program was first authorized after the Federal Government expressed a willingness to do something about substandard housing and to provide adequate new housing for low-income families. Now, if you divide the number of units by the number of years, it just comes to some 2,500 units per year. I submit that this is a dismal record in low-income housing.

I could not agree more with the gentleman from Illinois that we have to make a start in this program. There is a crying need to meet the problems now confronting the cities. Indeed, we must meet these problems. If you are going to accomplish anything significant at all, we have to implement the recommendations of the Kerner report.

I note that a few weeks ago the Senate Committee on Banking and Currency did report out a housing bill which starts to strike out in the direction of solving some of the housing problems in the ghettos. There is no question about the fact that we are not going to get rid of the problems of the ghetto unless we start to solve the problems of housing, of unemployment, of education, of welfare. These are the four areas of greatest concern.

This committee, because of the sense of responsibility shown by both its majority and minority members, is beginning to unravel these four knotty problems. I hope we can continue this progress. We have the model cities program, but we have not provided the full amount in this particular legislation because there was a judgment made by this committee that the model cities program cannot develop that rapidly. The $300 million that Congress appropriated last year is still available to HUD for allocation to the communities for the model cities program, but cannot be distributed to them until they have completed their planning requirements. The community planning phase, it is estimated by HUD, will take from 6 months to 1 year, and the first round of 75 model cities participants were announced by Secretary Weaver only last November. Therefore, HUD has not only the $300 million appropriated by Congress last year, but will have an additional $500 million recommended by this committee, for a total of $800,000,000 when this bill clears Congress. The members of the Appropriations Committee well know of my concern for the success of the model cities program, I want it to succeed.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. Yes; I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman from Massachusetts has been one of the great champions of the programs pertaining to our cities over the years and I am delighted that he is a member of this subcommittee. In addition, the gentleman from Massachusetts has had the opportunity to see some of these programs implemented.

Mr. BOLAND. I appreciate the kind remarks of the gentleman from Illinois [Mr. YATES]. Let me say to the gentleman from New Jersey [Mr. JOELSON] that he has also been a champion in the Congress in this area. However, there have been problems and delays. A lot of this does not rest alone with the Federal Government. There are many reasons for delays.

Mr. Chairman, I suppose we are better off by going slowly, because, by doing so, the people involved in the program may not be unduly upset, and in the end we may accomplish a better job.

Mr. Chairman, the Secretary of the Department of Housing and Urban Development, Secretary Weaver, has done an outstanding job in pulling his Department together. He has been ably assisted by Under Secretary Robert C. Wood.

They have brought into the Department some of the most able men they could find, with experience in their particular field; namely, Philip N. Brownstein, Assistant Secretary for Mortgage Credit and Federal Housing Commissioner; Raymond H. Lapin, President of the Federal National Mortgage Association; Don Hummel, Assistant Secretary for Renewal and Housing Assistance; Charles M. Harr, Assistant Secretary of Metropolitan Development; H. Ralph Taylor, Assistant Secretary for Demonstrations and Intergovernmental relations; Dwight A. Ink, Assistant Secretary for Administration; Thomas C. McGrath, Jr., General Counsel, and formerly our colleague here in the House of Representatives from New Jersey; Ashley A. Foard, Deputy General Counsel; William B. Rose, Deputy Under Secretary for Policy Analysis and Program Evaluations; Thomas F. Rogers, Director, Office of Urban Technology and Research; L. Edward Lashman, Assistant to the Secretary for Congressional Services and Andrew Hickey of Congressional Services; John M. Frantz, departmental budget officer and Nathaniel J. Eiseman, deputy departmental budget officer.

Mr. Chairman, I am going to insert in the RECORD at this point two excellent editorials published by the New York Times and the Washington Post today, urging no further cuts beyond Appropriations Committee recommendations for rent supplements and the model cities programs.

[From the New York Times, May 8, 1968]

A VOTE FOR THE CITIES

The House of Representatives is scheduled today to consider the bill to provide money for several agencies, including the Department of Housing and Urban Development.

In deference to demands to restrain spending until the Federal deficit can be brought down to a tolerable size, the House Appropriations Committee has made substantial reductions in the sums requested by President Johnson. But in assessing the housing programs, the committee has also shown a commendable effort to recognize the severity of the crisis in the nation's slums.

The result is a defensible compromise. The sum of $25 million recommended for the rent supplement program and of $500 million for model cities is in each instance one-half or less of the sum proposed by the President. If the Vietnam war were over, we would urge a much bigger expenditure for these programs. But at least the committee has funded them at higher levels than last year and thus would make possible useful experimentation and gradual expansion until the time comes when it will be possible to move ahead on urban social problems on the scale that their magnitude actually requires.

The danger now is that a conservative coalition in the House will seek to cut these appropriations still further either through an across-the-board reduction by some arbitrary percentage or by knocking out the rent supplement money entirely. The animus in Congress against the latter program is difficult to understand and impossible to justify.

The program is a promising attempt to involve private enterprise in the rehousing of the poor. It is also an effort to get away from the stark, institutional quality of public housing projects. Those who benefit from the program are the very poor who cannot pay an economic rent and whom society will have to subsidize in one form or another if they are ever to have decent homes.

Fiscal responsibility does not require further cuts in these programs, and social responsibility demands that they be continued and strengthened.

[From the Washington Post, May 8, 1968]

ESSENTIAL URBAN BILLS

There are no panaceas for urban problems. But surely the House of Representatives can contribute significantly to the quest for solutions by passing the Model Cities and Rent Supplement appropriation bills when they come up for a vote today.

The appropriation for rent supplements, only $25 million as against a request of $65 million, is important because it would provide more housing for each dollar spent than in other programs designed to aid the poor. Last year Congress prevented the rent supplement program from going forward by killing a $10 million appropriation. Surely it would be shortsighted to reject again a program which promises to enhance efficiency.

The Model Cities program concentrates assistance to more than 3 million people who live in the most blighted areas of about 70 cities. President Johnson asked for $1 billion, and the Appropriations Committee recommended $500 million. No further cuts should be made in programs which promise to improve life in the restive urban slums.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I am glad to yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I wish to associate myself with the remarks relative to the gentleman in the well. They were very much deserved and I concur in everything which the gentleman has said about the need for harmony and the question of providing decent and sanitary housing to all homes for everyone in America.

Mr. WYMAN. Mr. Chairman, will the gentleman yield to me?

Mr. BOLAND. I yield to the gentleman from New Hampshire.

Mr. WYMAN. I would like to ask the gentleman from Illinois one question. The gentleman says we are moving too slowly with respect to appropriations for the conditions which exist in our cities.

Mr. YATES. I do not know whether I said that. If I did, I think we can still use more money in the appropriations for our cities.

Mr. WYMAN. If the gentleman will yield further, that is not my question.

Mr. YATES. I think the programs for the cities are going too slowly because——

Mr. WYMAN. Where would the gentleman get the additional money?

Mr. YATES. You could get $165 million from the model cities program, for instance, and perhaps money from other sources.

Mr. WYMAN. In terms of priorities, would the gentleman just let the other matters go, or would he take the $165 million out of the Treasury despite the fact that we now have this huge deficit?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. JONAS. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire [Mr. WYMAN].

Mr. WYMAN. If the gentleman from Illinois will remain in the well for just one moment, I would like to pursue a question. What would the gentleman, in terms of priorities, say is least important, that can be cut out, so we could find this $165 million which he says is needed for this purpose. Would he take it out of the model cities program or would he just add it on to the national debt?

Mr. YATES. For one thing, I would vote for a tax increase. For another thing, I would phase over a longer period of time programs such as the highway programs that are chargeable to appropriations. I would phase out over a longer period of time the development of the SST. I would think the defense appropriation for civil functions could stand a significant cut. And, further, I would say that some of the agricultural programs could very well be reduced.

Mr. WYMAN. The gentleman knows that the highway program is carried on under a trust fund operation.

Mr. YATES. I referred to that portion which depends on appropriations.

Mr. WYMAN. What the gentleman is saying then is that in establishing his order of priority he would accord to our cities and the needs of our cities a higher priority than he would to these other items?

Mr. YATES. I would say that there is no higher priority in our country today than the need for our cities and the people who live in them. Does that answer the question asked by the gentleman?

Mr. WYMAN. I understand that is the position of the gentleman but, continuing for just one moment, there has been much to do in the last few days about reducing Federal expenditures by $4 billion, or $5 billion or $6 billion, and reducing appropriations for fiscal year 1969, which are now before us, by $10 billion; and there are some who would like to reduce it by $14 billion.

Mr. JOELSON. Mr. Chairman, would the gentleman yield?

Mr. YATES. I did not hear the question asked by the gentleman.

Mr. WYMAN. I would like to finish, and then I will yield to the gentleman.

In meeting this challenge—which directly involves the national solvency, is it the position of the gentleman that for the city programs there should be no reduction whatsoever, although in the Department of Housing and Urban Development there is more than $20 billion backed up and unspent?

Mr. YATES. According to the gentleman from North Carolina, it is $21 billion. Did the gentleman say $37 billion?

Mr. WYMAN. The gentleman did not say $37 billion in HUD.

Mr. YATES. All right; the $37 billion appears in the table, I believe. If $21 billion is backed up in HUD then the answer to that is that many of these programs were initiated within the last 2 or 3 years, they are just getting underway. They are undergoing the preliminary requirements to get the programs moving.

Second, the very complex procedure established by Congress in this legislation that must be applied at that local level. It is enormously time consuming. I would say that within a few years the $21 billion backlog will be used up, and we will need much more money.

Mr. WYMAN. At that time it would be in order for us to make additional appropriations if justified. What I am trying to get across to the gentleman as a member of the Subcommittee on the Department of Housing and Urban Development, I can observe to the gentleman that they just did not make a case for anything more than $500 million in the model cities program.

Mr. YATES. I read all of the committee testimony, and may I say that I had the honor to serve on this subcommittee for 14 years, and I have some knowledge of the programs. The point I am making is that the problems in our cities do comprise the paramount problem of our country today. Sufficient funds, even a surplus quantity of funds, must be made available to the cities in order to deal with these problems.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. I want to commend the distinguished gentleman from Illinois, and to say that I agree with him that the problems of our cities—the crisis of our cities—constitute the No. 1 problem of our country today. I emphasized this in my opening remarks but I did not say it as eloquently as the gentleman has done.

Mr. WYMAN. I thank the gentleman.

Mr. EVINS of Tennessee. I commend the gentleman for his statement.

Mr. JOELSON. Mr. Chairman, would the gentleman yield?

Mr. WYMAN. I yield to the gentleman from New Jersey.

Mr. JOELSON. Mr. Chairman, if the gentleman would like to know where we could get an extra $150 million, we can get it today from the space program, because I believe, rather than guided missiles, we have to have guided values in this country. I would also forgo rockets to prevent rickets, and I would forgo sophisticated missiles for educated people. And I say we do need priority, but we are spending almost $80 billion for the military, and nobody can convince me there is not fat and waste there. I do not want to see urban renewal by molotov cocktails. I want to see this House exercise responsibility.

Mr. WYMAN. I want to assure the gentleman that I do not want to see urban renewal by molotov cocktails either, but I hope the gentleman will call his schedule of appropriations to the attention of his administration through which all priority requests come to Congress. Apparently this has not been done.

Mr. YATES. The administration requested $1 billion for model cities. Only $650 million was authorized. I will say to the gentleman that—I respect the judgment of the committee, but in my opinion at least $600 million should have been made available.

Mr. WYMAN. The administration also requested certain such sums as $4.5 billion for the space program, the same one to which the gentleman from New Jersey just referred.

Mr. YATES. I will say to the gentleman that I agree with the action of the committee in reducing funds made available for that program.

Mr. JONAS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I did not get into the colloquy that has just ended, but I would very respectfully say to my friend from Illinois—and he is my friend—we have not agreed on all subjects, but we have agreed on many, when we served together on the subcommittee, that I believe the danger today would be that this $500 million will be reduced instead of increased.

The gentleman has not forgotten the trouble this program has had in the past and the difficulty we have had in getting a compromise figure through this body.

That is why I am surprised when the gentleman keeps talking about this being a small appropriation. I think it is the most you can hope to get through this branch of the Congress.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman.

Mr. YATES. I thank the gentleman for his remarks. Apparently then a reduction was made because they thought that in this way they could get the whole program through the House rather than on the basis of what is considered necessary for the program.

Mr. JONAS. No; I must correct the gentleman on that. The committee recommends all it believes can be programed efficiently next year.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman.

Mr. BOLAND. Did my distinguished friend, the gentleman from North Carolina, at the time he was talking about the $21,500,000 carryover, insert that table in the Record?

Mr. JONAS. I referred to the table and at the appropriate time, after the Committee rises, I will ask permission to include it in the Record.

Mr. BOLAND. I thank the gentleman. I think it is an important table.

Mr. JONAS. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. Hungate].

Mr. HUNGATE. I should like to make crystal clear, Mr. Chairman, where I stand on this problem.

I do not think the No. 1 problem in America is cities. I think the No. 1 problem in America is people. While many live in our cities, remember, some of these people live in the country. It was developed in debate the other day that only 47 of the congressional districts now are more than 20 percent rural.

But those people, I submit, are just as important as any other people.

I speak as one who has voted for agricultural appropriations along with my friend, the gentleman from Iowa [Mr. Gross].

I speak as one who has supported appropriations for rent supplements along with my friend, the gentleman from Illinois [Mr. Yates].

Mr. Chairman, I congratulate this committee on the fine job I think it has done in getting down to the business of the country. They have cut billions from this bill. The amounts requested are what is necessary for these programs, and yet they eliminate many things that might be desirable but which perhaps we cannot at this time afford.

I think it has been asked, How are we going to halt the flight of people from our cities to the suburbs? I suggest that the answer is not by starving those people on the farms.

I hope that we can understand both of these problems. When people do not make a living on the farms, you know where they go—they go to the cities and to the suburbs and add to the overcrowding there and the housing problem and the overcrowded schools. They will need jobs, they will need more job training.

I think we must all try to understand both of these problems, urban and rural. I have looked at the press reports and the recent reports on the needs of the cities and industrial States and what they are doing for themselves. I just happen to read that in conjunction with how the support went on the agricultural appropriation.

I see that in many of our urban areas and industrial States they do not have an income tax to help themselves to fight these appropriation problems. This includes States such as Connecticut, New Jersey, Illinois, Maine, Ohio, Pennsylvania, Rhode Island, Texas, and Washington. Some 16 Members from those States opposed agricultural appropriations. I predict many of them will support this Federal aid. I would suggest in our financial crisis, we must help people wherever they are and we cannot keep talking about the best way to do it, while postponing action.

I urge everyone to vote for this bill today in the form that the committee has reported it out after careful study, hearings, and deliberations.

I think in the future, I would suggest to all our friends, that it is not only the farmers who should pull in their belts. Some of these urban and industrial States or cities that now get by without any income tax may be expected by some of the rest of us to pass a State or local income tax devised at the local level to help meet these urban problems.

Mr. JONAS. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska [Mr. Pollock].

Mr. POLLOCK. Mr. Chairman, the small appropriation for Alaska native housing contained in the bill appropriating funds for the Department of Housing and Urban Development will begin an important and vitally necessary program for the poorest and most neglected of our fellow Americans.

Two years ago the Congress authorized a housing assistance program specifically designed to meet the needs of the Alaska native. The reason for such a program is twofold—the need because of extreme poverty and the complete inability of existing programs to satisfy this need.

The Federal Government many years ago declared that it had a special responsibility for American's aboriginal people. Despite this responsibility, the conditions existing in Alaska's native villages can be described only by comparing them with villages in undeveloped foreign nations. There is nothing like it anywhere else in this country. The President's recent message on the American Indian in general stated that "most Indian housing is far worse than the housing in many slums of our large cities." Alaska's native housing is even worse than that of Indians in general and the problems is made worse by the harsh climate.

A study has been made recently of housing in the Yukon-Kuskokwim Delta region of southwestern Alaska. Median family income in this area, according to the last census, was a little over $1,400. Nine hundred households with about 5,200 members in 28 villages were surveyed. Two-thirds of the houses had only one room, and one half had less than 300 cubic feet of living space per person. Another study relating to the spread of tuberculosis considers a volume of less than 600 cubic feet per person to be very crowded and dangerous. Most houses are of frame or log construction and are without ventilation or normal sanitary facilities. A 1966 report by the Bureau of Indian Affairs stated that 97 percent of the Indian, Eskimo, and Aleut housing in Alaska is substandard. In the Bureau's opinion, the housing of the Alaska native is the worst of any group of people in the United States.

The effects of this situation on the people can readily be imagined. The health problem alone is gigantic. Today the average age of all Americans at death is about 70 years. By contrast, the average age at death of the Alaska native is 35, exactly half that of his fellow citizens. Infant mortality is astronomical. One-quarter of all native deaths are infants, and those who survive their first year risk serious disease or crippling illnesses. The rate of mental defects is high, and more than one-half of these deficiencies come from infectious diseases incurred during the first year of life.

Millions of dollars are spent annually by Federal and State authorities to improve native health. Success, however, cannot be achieved until the home environment is improved. Many natives are successfully treated for ailments in Public Health Service hospitals, only to be sent back to the same living conditions that caused the trouble in the first place. Decent housing is essential to improved health.

The program before you today is desperately needed to achieve the goals of a better life for Alaska's natives. Present programs are not suited to the job. This was pointed out in the committee report on section 1004, Senate Report No. 1455 of 1966. The cash income of most native people is far too low and erratic to enable them to take advantage of existing finance programs. Moreover, existing programs require minimum construction standards suitable to the rest of the country, but absolutely unattainable in rural Alaska. This program is designed to fit the specific remote Alaska situation, a situation so poor and deplorable that it cannot even reach up to the minimal standards of the normal programs for the poor.

The State of Alaska will operate this program and bear all administrative costs. Every penny of Federal money will go toward home construction. Self-help on the part of the homeowner will be an important part of the program. While grants are allowed, State authorities will make outright grants only where necessary. Loans will be made whenever the recipient can pay. The community must have some economics viability and each village to be eligible for this housing must have a community improvement plan.

Mr. Chairman, this appropriation is only $1 million. To the Alaska native, however, there is nothing that is more important. It is a matter of keeping faith with those for whom we have declared a special responsibility. I urge that our promise, long neglected, not be broken now. I urge an affirmative vote on this bill.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from West Virginia [Mr. HECHLER].

Mr. HECHLER of West Virginia. Mr. Chairman, I would like to commend the chairman of the subcommittee for the approach taken during the hearings in considering the budget and appropriations for the Interstate Commerce Commission. The gentleman from Tennessee has been a longtime friend of public passenger rail service in this Nation and revealed by his very penetrating questions during the hearings his appreciation of the issues involved.

However, Mr. Chairman, I was shocked by the answers that the Chairman of the Interstate Commerce Commission, the Honorable Paul J. Tierney, gave to some of the questions. For example, on page 521 of the hearings, when the subcommittee chairman commented on the need for setting certain minimum standards of passenger service, as discussed by ICC Examiner John S. Messer in the Southern Pacific case, Mr. Tierney responded:

> There is a serious question as to whether or not the Commission has the power to require a certain type of service.

I think when the Chairman of an independent regulatory commission like the Interstate Commerce Commission prejudices a case as he has, he should disqualify himself from consideration of and passing on the recommendation made by Examiner Messer.

I invite this committee's attention to other examples revealed in the printed record of the hearings, indicating that Chairman Tierney appears to have a closed mind on the issue of passenger rail service. At page 513, in his prepared general statement to the subcommittee, Chairman Tierney boldly predicts:

> Since September 1, 1967, 45 train-off notices have been filed. We anticipate increasing filings in this area during 1968.

Chairman EVINS expressed concern in the hearings that new mergers might result in abandonment of service to the public, and Chairman Tierney's best response was:

> I would expect that as time goes on and as they study their situation, we could anticipate perhaps some requests for abandonment.

Again, when Chairman EVINS asked "Can't the Commission make some firm provisions in their orders that these points will be served," Chairman Tierney was evasive and negative in his response:

> I think it would be difficult, Mr. Chairman, because conceivably some time in the future a very good case under the law could be made for an abandonment of a particular segment of the line. There may be no public need for it. So I don't think that we could say at the time the merger was being consummated that we would require the service thereafter at all points involved.

I submit, therefore, that the Chairman of the Interstate Commerce Commission appears to have fallen down on his job as a guardian of the public interest. Such a lackadaisical attitude toward the protection of the public interest does not represent what we would expect from the chairman of a body established to protect the public interest.

Mr. PELLY. Mr. Chairman, will the gentleman from West Virginia yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Washington. He has taken an active interest in the preservation of good railroad passenger service.

Mr. PELLY. Mr. Chairman, I appreciate the gentleman from West Virginia yielding so that I can associate my own views with his with regard to the responsibilities of the Interstate Commerce Commission.

I was highly gratified to read in the Report of the Committee on Appropriations on this bill that this great committee of the House is pleased that the Interstate Commerce Commission is becoming more responsive to the needs of the general public in directing improvements in service in rail and other transportation. I, too, am pleased.

I hope the Commission will uphold a recent examiner's report which takes the position that the railroads should be required to maintain adequate passenger rail service, including both short- and long-haul trains with food and sleeper facilities.

The country must have fast, frequent and low-cost public transportation. We have excellent passenger trains that serve the Pacific Northwest, such as the Empire Builder, the North Coast Limited and the City of Portland. Other areas should have similar service and ours should be continued.

Mr. HECHLER of West Virginia. I appreciate the comment of the gentleman from Washington. Although the committee report does say—

> The committee is pleased to note the Commission is becoming more responsive to the needs of the general public in directing improvements in service.

The report also significantly adds:

> The Commission is commended and encouraged to take further action in this direction.

I would like to ask the chairman of the subcommittee what he feels the role of the Interstate Commerce Commission should be.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. I do not feel that the role of the members of the Interstate Commerce Commission should be negative, or merely to say, "You can't do this," or "You may abandon this." I think they have an affirmative role to demand mandatory action by the railroads in many of these cases. I, like the gentleman from West Virginia, was pleased with the examiner's report. I have urged the Commission, if necessary, to appeal the question to the courts, to have a test case, so to speak. I think the Commission has affirmative duties as well as negative duties.

Mr. HECHLER of West Virginia. I very much appreciate that comment of the gentleman from Tennessee, because it is unfortunately true that all too often the Interstate Commerce Commission has been weak kneed in its efforts to protect the public interest. Certainly the Chairman of the Commission should speak out and act more aggressively on behalf of the public interest.

Mr. EVINS of Tennessee. Mr. Chairman, I yield one minute to the gentleman from Virginia [Mr. DOWNING].

Mr. DOWNING. I thank the Chairman.

Mr. Chairman, I note the committee deleted the sum of $500,000 for the construction of a sea wall at Wallops Island. Wallops Island is the smallest and the most economical and the most efficient facility in the entire NASA setup. In fact, it has been said that this little station produces for the taxpayer, more "bang for the buck" than any in the NASA stable of facilities.

Wallops Station is located on an island which is on the ocean side of Virginia and Maryland. It is subject to serious erosion, an erosion which threatens to cut the facility in two. In all honesty, I cannot tell you it will happen this year or next, but if we get a severe storm, there is a distinct possibility that the island could be cut in two. For that reason they asked for $500,000 for the sea wall.

I am not going to offer an amendment to restore this amount, but I would ask the committee between now and the time you go to conference with the other body that you would investigate this and see if what I have said is true. If it is true, perhaps at that time you will consider reinstating this sum of money. In my opinion, the sea wall is necessary to preserve this facility.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Chairman, I should like briefly to comment on two issues raised by the independent offices appropriation bill. One is the question of the appropriation for NASA, and on that I should like to commend the chairman and the committee for their very thorough analysis of the program.

The bill appropriates $4,008,223,000 for the National Aeronautics and Space Administration. This is $21.8 million less than the authorization figure adopted by the House on May 2.

Although I must confess some surprise that the Appropriations Committee has not cut deeper into this program as was widely expected, I think their approach is reasonable under the circumstances.

I want to call attention once again to the Nerva nuclear-rocket engine program. This is an extremely important issue, not merely because of the funds requested this year, but precisely for the long-range implications of the program which are so often cited in arguing for its presumed importance. The administration had requested $60 million for NASA's portion of the joint NASA/AEC program, and the House refused to authorize any more than $11.7 million of the request. For this reason no amount of the appropriation in excess of $11.7 million may be utilized for Nerva.

However, it is believed that strong pressure will be exerted by the Senate to restore the authorization close or up to the amount originally requested. I want to call this to the attention of the conferees and point out the importance of this issue. Beyond the fact that there is no mission requirement for this hardware program and that long-range plans for its use are highly debatable, the technical aspects and the matter of feasibility are still in question. There is a general tendency throughout the technical industry to cut hardware too soon, and I think this is one of the contributing factors to the severe cost escalations, which have come unfortunately to be taken for granted, and the high rate of technical failures which are tolerated too easily considering their enormous cost to the taxpayers.

As for the second issue, there is nothing more urgent, there is no higher priority than the conditions facing us in our major cities. At last I think Congress is beginning to recognize this. I regret the fact that the bill before us does not include full appropriations to the extent of the authorizations for the model cities program, the rent supplement program, the low-rent public housing program, neighborhood facilities grants, and other critical areas.

The model cities program offers an opportunity to bring to bear various techniques and methods in a coordinated attack on the very substantial problems of our cities, not only housing, but the sociological problems as well, the underlying conditions which have led to the disorders which have marked so many of our cities.

If our decaying cities are to be saved, then our affluent society must devote sufficient resources to the task.

The President's Commission on Civil Disorders recommended construction of 600,000 units of low- and moderate-income housing a year. That is not an extravagant amount. That is a reasonable amount. The jobs in housing bill—H.R. 16266—which I have cosponsored, would build 3 million low- and moderate-income units over a 4-year period.

The appropriation process should not be used to starve programs already authorized. This has been the sad history of the public housing program which in 1949 authorized construction of some 810,000 units which have yet to be completed.

The Housing and Urban Development Act of 1965 provided additional authorizations of $47 million in each fiscal year 1966 through 1969 for low-rent public housing, making possible new public housing construction of an additional 60,000 units each of the 4 years. The proposed Housing and Urban Development Act of 1968 would increase the authorization by an additional $100 million on the date of enactment and by an additional $150 million on July 1, 1969, and July 1, 1970, to increase the possible rate of new construction to 155,000 units annually. If such an accelerated public housing program is to begin, it is crucial that existing authorization be fully funded.

The new rent supplement program is suffering from the same underfunding that has plagued public housing.

There are currently 2,734 completed rent supplement units, another 16,108 units are under construction, and some 23,500 are in planning. That is a total of 42,342 units in one stage or another. The Housing and Urban Development Act of 1965 originally provided for a total of $150 million in rent supplement contributions over a 4-year period—$30 million, fiscal year 1966; $35 million, fiscal year 1967; $40 million, fiscal year 1968; and $45 million, fiscal year 1969. However, in fact, only $42 million of this authorization has been utilized thus far. The history of this program is sadly typical of the fate of urgently needed domestic legislation. The administration request was for $65 million; this was further reduced in committee to $25 million; $108 million is available. In terms of housing units, this cutback reduces the rent supplement program by some 90,000 badly needed low-income units, which could be easily absorbed by New York City alone.

Similarly, the model cities program is starved for funds. This program, if adequately funded, could begin to regenerate entire areas of our cities. If we fail to provide the funds, the model cities program will become just another half-measure, which falsely raises the hopes of urban residents.

Last year, the administration's request was for $667 million. This was more than cut in half, and the Congress finally allotted $310 million. As the mayor of New York City remarked, "this entire amount is needed to regenerate one slum area in New York City alone."

The present available authorization for model cities is $650 million. The administration has proposed that the authorization be increased in fiscal year 1969 and fiscal year 1970 by $1 billion each year. It is, therefore, critical that the existing authorization be fully funded, so that the program may move forward. The Appropriations Committee, unfortunately, is recommending only $500 million an amount equal to what is expended in Vietnam in a single week.

Why is it that expenditures for critical human needs are so often seen by a majority of this House as the most expendable?

The Committee on Appropriations has seen fit to reduce the budgetary request for the Department of Housing and Urban Development by more than 50 percent—from $3.015 billion to $1.229 billion. The two most critical new programs, rent supplements and model cities, have also been reduced in committee at least 50 percent.

I certainly hope that this bill will not be cut further. Let us begin to recognize the responsibilities of a great nation to save its cities.

Mr. BARRETT. Mr. Chairman, I wish the bill before us provided the maximum authorization for the housing and urban development programs so vitally needed in our urban areas. It is heartening to see that the Appropriations Committee has at least voted some funds for such programs as the model cities program and the rent supplement program. These two programs have an almost limitless potential in helping us toward our twin goals of rehabilitating our cities and providing the decent housing which our low-income families can afford and which they so desperately need.

On the other hand, Mr. Chairman, it is disheartening that the bill before us does not appropriate the maximum funds which could be made available under existing legislation and under the President's requests. For example, the committee has authorized only $25 million for the rent supplement program when the President requested $65 million. Similarly, the model cities program authorization falls substantially short of what could be authorized under existing law. Mr. Chairman, all of us in this body believe in economy and believe in the prudent use of our resources. Neither party nor any single Member has a monopoly on our common objective to use our Federal resources efficiently and for the best possible effect.

The thing that concerns me, Mr. Chairman, is that too often when people speak of economizing, unfortunately they seem to want to do so too often at the expense of our low-income families. In my judgment, this is the worst possible area in which to economize. Our urban crisis is now a stark reality before the Nation. Our urban problems and the problems of our urban poor cry out for solution and relief. The model cities program and the rent supplement program, which we fought so hard to create, provide the tools to make our urban environment better places in which to live and to provide the community facilities and the low-cost housing which our people need.

Mr. Chairman, I urge the full funding of these vitally needed programs and if it cannot be done on the House floor here today, I deeply hope that the ultimate conference report following joint Senate and House action will contain the maximum funds possible under existing law for these urgently needed housing and urban development programs.

Mr. RONAN. Mr. Chairman, the Appropriations Committee has submitted for our approval today an enormously important bill which includes appropriations for the more than 100 Federal programs that deal with the problems of urban America.

The programs of the Department of Housing and Urban Development and the legislation before us are concerned not just with clearing the slums and housing the poor, we are dealing with funds that help colleges build dormitories to house their burgeoning populations; construct water and sewer facilities in small towns; aid in urban planning; and promote open space and stimulate research into the problems of tomorrow.

The committee has reviewed the President's requests and acted prudently in reducing or deferring programs where possible. I believe we owe the committee our appreciation, and their diligence and expertise warrants our consideration.

According to some newspaper reports, an effort will be made in this House to cut back the $500 million which the Appropriations Committee has recommended for the model cities program.

I hope my colleagues will join with me in resisting any attempt to undercut a program that has been aptly described as the most promising of all the activities now underway to rehabilitate our cities. It is an imaginative program. It is a resourceful program. It gives the cities the opportunity to try new approaches and demonstrate new techniques in building better housing and supplying community facilities that are so sorely needed.

In a sense, it may be the incubator for a brand new concept in seeking workable solutions to the problem of urban blight and all communities will profit from the lessons learned in these demonstration projects.

We cannot afford to ignore the promise of this program. Let us join with our colleagues on the Appropriations Committee in supporting adequate funds for the model cities program.

Mr. FRASER. Mr. Chairman, I want to add my support to the full $500 million appropriation for model neighborhoods. The Appropriations Committee has already reduced the President's request for model neighborhoods and any further cuts would seriously cripple this key urban program.

Under the committee's recommendation, the 75 cities with model neighborhood planning grants will be able to move from planning to act. The recommended appropriation will also aid the 65 to 75 new cities that are about to qualify for planning grants.

As a representative of an urban area, I am well aware of this program's potential. My district, Minneapolis, Minn., is currently developing a model neighborhood proposal with a $255,000 planning grant. Minneapolis is requiring the widest possible citizen involvement in the development of the model neighborhood plan.

Just recently, 99 members of the Minneapolis Model Neighborhood Policy and Planning Committee were selected in a general election open to all residents of the project area. A stipulation was made that 80 percent of the members of this committee would have to be residents of the model neighborhood area. Out of this 80 percent, at least half would have to be low income and/or minority. The remaining 20 percent of the committee would be composed of model neighborhood area business and institutional representatives who need not be residents of the area. The formation of this committee will be completed when eight teenage members are chosen by youth groups in the area.

This committee will have more than an advisory function. The official Minneapolis model neighborhood agency, the Minneapolis City Council, has stated all programs related to model neighborhood will be forwarded to the council solely through the policy and planning committee. This means that in addition to developing its own proposals, the committee will have a veto power over any proposals offered by city department heads or city planners. I feel it is extremely important for local residents to have this direct role in developing programs that affect them. Too often in the past, citizen groups have felt that these programs were imposed on them by agencies that did not have a full understanding of community needs.

By involving community residents directly in development of a wide range of coordinated, concentrated urban programs, model neighborhoods represents the best hope for the solution to the problems of our cities. The future of hundreds of American cities are at stake today. We must fulfill our responsibilities to these communities by approving this appropriation.

Mr. HOLIFIELD. Mr. Chairman, I am deeply disturbed to learn that the Appropriations Committee has recommended a cut of 24 percent in the $77 million requested by the President for civil defense. The appropriation which continues the shelter program was actually cut even deeper, 54 percent, from $21.6 million requested by the President to the $10 million recommended by the Appropriations Committee. If these cuts are allowed to stand, the civil defense appropriation for fiscal year 1969 will be far less than the minimum required to continue the program at the lowest possible sustaining rate.

With Russia's nuclear strength increasing both absolutely and relative to ours, and China developing a nuclear capability at an alarming rate, this is not the time to cut back our strategic defenses.

For a number of years, the Department of Defense has studied the subject of nuclear attack and defense. As a result of intensive inquiries into this subject, both the present civilian and military authorities of our Defense Establishment, and their predecessors, reached agreement on the importance of a fallout shelter program to our strategic defense, and the protection of our military manpower and civilian population.

This country is now going ahead with the installation of an anti-ballistic-missile system which, together with fallout shelters, would save tens of millions of lives. The cost of the shelter program is relatively small, yet this is where the cuts in the appropriation have been the most severe.

The Federal civil defense program and the cooperating State and local civil defense organizations have already proven their worth in the many natural and man-caused disasters that have affected almost every State in the Union during the past few years.

If the cut in civil defense funds is allowed to remain, the Federal, State, and local civil defense organizations will be seriously weakened, and our people will suffer.

Mr. Chairman, I strongly urge the restoration of the full amount requested for civil defense.

Mr. LEGGETT. Mr. Chairman, I would like to ask support today for appropriations for the U.S. Department of Housing and Urban Development as reported to us by the Appropriations Committee. In view of the heavy demands on our budget this year, the committee was obliged to make reductions in the amounts requested. I ask you to accept its judgment and pass this bill which so vitally affects the well-being of our urban areas. I would call to your attention two items which I consider of crucial importance in our effort to meet the needs of our cities—both large and small—the request for the promising model cities program, and the request for rent supplements.

The model cities program has brought a new ray of hope into the lives of slum dwellers and into the lives of city administrators who are trying to meet their needs. This program offers the opportunity for a city to pull together and coordinate the full range of urban aids to upgrade large blighted areas. Emphasis on coordination and local flexibility will cut out the waste caused by fragmentation and insure a greater return on the Federal dollar. We cannot afford to snuff out the hope and enthusiasm alive in the 75 cities now planning for the program and the 70 other cities that will be named this year. I ask you to vote for the $400 million requested for program grants and the $100 million asked for urban renewal projects in model cities.

Also vital to the model cities and to other urban areas is the rent supplement appropriation. Our appropriations for this program last year were painfully inadequate. At a time when 20 million Americans are living in substandard housing, this program offers us an opportunity to combine Federal subsidy with the efforts of the private sector to meet the housing needs of low-income families. Thirteen thousand units have already been built under this program; private and nonprofit sponsors are lined up waiting to build more. Give them that chance, vote for the full $25 million rent supplement appropriation.

Mr. MACHEN. Mr. Chairman, we are considering today appropriations for Housing and Urban Development for the coming fiscal year. The Appropriations Committee has already done the most difficult job of trimming the original requests and given us a lean, but solid bill that would enable us to meet the most urgent needs in urban areas. I would particularly call your attention to the provisions for two of the most promising urban aid programs in recent years—the model cities program and rent supplements.

Both of these programs represent innovative approaches to the hard core problems of inner city areas and provide maximum opportunity for using the talents of the private sector.

Seventy-five cities of various sizes across the country are now drawing up a 1-year action program and a 5-year plan for a concentrated attack on the physical, social, and economic problems of blighted neighborhoods. Another 70 cities will receive model cities planning grants this year. The key to the model cities program—the element that makes it so useful is not just the possibility of extra Federal funds, for actually model cities funds are only a small percentage of Federal money already available. The key is that the cities themselves will have the chance to produce a program to meet their individual needs, and to try new ideas.

At the same time the model cities approach eliminates the fragmentation and overlapping that has too long dissipated urban efforts. The result will be a more effective local effort and a better use of the Federal urban aid dollar. The $400 million in model cities supplemental funds and the $100 million for urban renewal projects in model neighborhoods proposed in this bill are sound investments in the future of urban America.

Rent supplements is a unique means for involving the private sector in providing the huge amount of low-income housing needed in this country. It is flexible because it supplements income until the family can afford to pay the market rate for decent housing on its own. Despite our shabby treatment of this program in the past, it has already provided decent housing for 13,000 low-income families. I would point out to you that the appropriations figure for rent supplements now before Congress, calls for a 60-percent reduction over the original request. At a time when 10 percent of our population are living in substandard homes, I ask you to vote the full $25 million for this program.

Mr. VANIK. Mr. Chairman, I am very much in support of H.R. 17023, the Independent Offices and Housing and Urban Development appropriations bill of 1969, as reported out by the House Appropriations Committee. Although this appropriation does not include the expansion in the housing program set forth in this year's authorization bill, it is a critical program and must be supported.

The city of Cleveland is moving forward on a "Cleveland Now" program which depends very much on the outcome of the Housing and Urban Development appropriation.

This legislation appropriates $1½ billion for the model cities program of which $200 million will go to the 70 cities already in the program.

The hopes of our community hinge on the $200 million reserve for additional cities. The remaining $100 million in the bill is allocated to complete urban renewal programs around the Nation.

The proposal provides $25 million for additional rent supplement programs, $15 million above last year's program. While this annual outlay appears modest, it does provide for an annual commitment for the 30- or 40-year life of a rent supplement guarantee. Thus, a $25 million commitment over a 40-year period could become a total commitment of a billion dollars in the life of the program.

The revitalization of Cleveland depends critically on the adoption of the recent supplement program which appears to be the best way of involving the leadership and partnership of private enterprise in the rebuilding of our cities.

Although the city of Cleveland is a prime beneficiary of this appropriation, almost every municipality in the metropolitan area is involved and vitally affected by the outcome of this legislation which provides help to most of the communities in the metropolitan area. We must resist the attack of those who are indifferent to urban problems which threaten every metropolitan area.

Mr. BUTTON. Mr. Chairman, I rise in support of the HUD appropriations, fiscal year 1969, now before us. I submit that it is especially vital for this House to support full funding for the model cities and rent supplements programs. Any further cuts in these two programs, I believe, would seriously hamper constructive efforts being made at the local level in attacking the desperate problems of the slums. Anything but full funding would also be contrary to, and fly in the face of, the findings of the Commission on Civil Disorders.

The results of the uniquely devised model cities program have yet to be felt, simply because the program has not had time to be implemented. But I am convinced this highly promising plan for our cities, large and small, can make real headway given a chance.

The Model Cities Act was one of the first pieces of legislation to call for maximum participation of private enterprise in the effort to rebuild our cities. The skills and resources of our greatest national asset—private enterprise—have been enlisted in the model cities program, and should be given our support.

The mustering of talent, all the leadership that a community can command, was a strong factor, I believe, in the decision by HUD to award a model cities planning grant to the city of Cohoes in my district.

I recently received, Mr. Chairman, a letter from Paul G. Van Buskirk, director of the model cities agency for the city of Cohoes.

The letter from Mr. Van Buskirk emphasized that—

> An important concept of the Model Cities Program is involving the people being served, in the development and execution of the program.

And, he says:

> We have realized that one of the basic reasons why past programs have not had the effect they should is that we did not fully understand the needs and effects on the area the program was to serve.

The former Secretary of Health, Education, and Welfare and now chairman of the Urban Coalition, said it another way in an article appearing in the May 6 issue of the New York Times, asserting that stability in American cities would not be established "until we bring into the same conversation all significant leadership elements that hold power or veto power in the life of the community."

Mr. Chairman, the model cities program embraces this concept fully. In fact, it is weighted heavily as a criterion in approval of a planning grant application.

Mr. Van Buskirk makes an impressively detailed case, Mr. Chairman. He described the historical and unfortunate lack of attention given to our growing cities over the past 60 years, and the need for concentrated effort now to avoid greater cost in the future. He points to the model cities requirement of coordinating presently fragmented programs to produce better results. He calls for our Nation to accept a strong position of world leadership in solving domestic problems. And in urging that the full appropriation for model cities be approved, he states that—

> Many public and private agencies have participated in programs in the past, but have become frustrated when they were not fully funded or when the appropriation was insufficient to make any impact in solving problems.

Because Mr. Van Buskirk's letter makes such good sense, and because it raises questions critical to the direction our country is taking in facing up to our domestic problems, I am inserting it in the RECORD at this point and commend it to the close attention of all Members of this House:

CITY OF COHOES, N.Y.,
May 3, 1968.

Hon. DANIEL E. BUTTON,
House of Representatives
Washington, D.C.

DEAR CONGRESSMAN BUTTON: I have recently read that the House of Representatives will consider the appropriation for the Model Cities Program on May 8, 1968. I wish to take this opportunity to inform you of the effect I believe this important appropriation will have on the City of Cohoes, a recipient of a Model City Planning Grant, and all other cities throughout the nation, as well as the nation itself.

The problems that face our cities today are the result of a lack of foresight, and the lack of concern of society and our political subdivisions over the past 40 to 60 years. While our cities were growing and being maintained, we failed to take action in the fields of air pollution, water pollution, water resources, city planning, zoning, housing and building codes, education, job training, health, social and physical rehabilitation, housing, civil rights, equal opportunities and several others. Over the years these problems grew, and became so interrelated, that it has even become difficult to analyze them. Today, the only means of solving them is the complete mobilization of all public and private resources, each sharing in the responsibility not only to correct these problems, but to maintain the machinery to see that they do not reoccur. Unfortunately, these difficult problems emerge today as national problems that affect the entire nation. The cost of a solution today is many times what it would have been 40 or 60 years ago. I believe this nation is honest enough to admit its shortcomings and make a concentrated effort today to eliminate some of its ills, so that future generations will not be burdened with a cost that will be much greater than that which we face at the present.

Prior to the Model Cities Program, our federal government did with foresight, and a strong sense of awareness, provide programs to solve some of our national problems. Some of these programs are social security, urban renewal, housing, water pollution control, health, education and several others. In most cases these programs were fragmented while our problems are interrelated. One of the concepts of the Model Cities Program is to coordinate the present fragmented programs economically, physically and socially, so that they will produce more effective and efficient results in solving our national problems. I believe we will find that coordinating the present programs under the Model Cities Program will increase their productivity immeasurably.

In the City of Cohoes many of these programs are presently being developed but have not been executed. These programs are: Urban Renewal, Code Enforcement, Demolition, Housing, Neighborhood Facilities, Water Pollution Control.

We now have the opportunity under the Model Cities Program to show that the programs can be effectively and efficiently implemented under Model Cities and will have a greater impact on social and physical rehabilitation, business and industry, employment, physical environment as well as the sound development of our city.

The Model Cities concept also realizes that every community has different problems or different approaches to solving similar problems. This gives communities the opportunity to develop programs that do not exist and may only apply to the needs of their particular community.

Another important concept of the Model Cities Program is involving the people being served, in the development and execution of the program. We have realized that one of the basic reasons why past programs have not had the effect they should is that we did not fully understand the needs and effects on the area the program was to serve. In implementing the Model Cities Program, our country will demonstrate its ability to mobilize all resources and all segments of society will accept their responsibilities in solving our national problems.

We must also consider the fact that our nation has accepted its position as a world leader and we must be able to set an example to the rest of the world in our leadership and capability in openly solving our domestic problems. At this time, we should close ranks to demonstrate this important example.

We only have to read the recommendation of the report of the President's Commission on Civil Disorders to understand the immediate importance of implementing these recommendations and of extending our energies in solving these difficult problems.

Many public and private agencies have participated in programs in the past, but have become frustrated when they were not fully funded or when the appropriation was insufficient to make any impact in solving problems. It is essential, in order for the Model Cities Program to be successful, that the full appropriation before the House be approved.

Out of the greatest concern for our nation and our community, I am requesting on behalf of the people of Cohoes, that you, as our Congressman, use all of your influence, energies and efforts to obtain approval for the full appropriation for the Model Cities Program.

Yours truly,
PAUL G. VANBUSKIRK,
Director.

Mr. DONOHUE. Mr. Chairman, this bill before us, H.R. 17023, is both of unusual scope and complexity, covering, as it does, recommended appropriations for some 20 independent executive agencies and offices and the vitally important Department of Housing and Urban Development.

The distinguished chairman and the esteemed Appropriation Committee members truly deserve the full gratitude of this body for their dedication and diligence in preparing this bill, and the able managers of both sides merit our unanimous appreciation for their studied and painstaking efforts to clearly explain the meaning and effect of the provisions in this bill.

I know the measure, in its entirety, will be given careful examination by the Members, but I would like to urge that the most concentrated attention and sympathetic consideration be particularly granted to the appropriations suggested for the Department of Housing and Urban Development because I very deeply believe it is of imperative urgency for us to ensure the Department's wholesome program for model cities, urban planning, urban renewal and their related activities be adequately funded for full operation. The committee, I think, made what they felt was a fair compromise recommendation, but it is my conscientious conviction that a recommendation should have been made and this House should approve, today, the maximum unfunded authorization for the model cities program—$650 million.

Over the past several weeks our appropriation action today in the model cities area and associated programs has become increasingly significant to the unity of this country and our people since it does reflect the true measure of our response toward curing a disease that is threatening the very foundation of our society.

Whatever varying thoughts we may have about the unhappy violence and destruction that recently occurred in so many cities around the country, I think it is universally and unmistakably clear that this Congress has the grave duty of doing everything in our power to correct, as soon as possible, the underlying causes of this great American tragedy.

The vehicle through which this cure and correction can be most effectively carried out is approval of the full appropriation of urban program assistance to our cities which, without our adequate Federal aid, will be left, like the poor feel themselves to be now, without any hope of help in a vital task, of National interest, that is obviously beyond their individual capacities.

May I further say that inadequate funding action might well become one of the greatest imprudences of modern history since it would undoubtedly generate new and higher despair and frustration among great numbers of our people throughout this Nation.

Let me please remind you that when this Congress passed the original model cities bill, it was making practically an inherently binding promise not just to a comparatively few cities that might come to be afflicted with riots and property destruction, but to all those numerous cities qualified for assistance on the basic grounds of low-income population, adequate housing shortages, and associated standards.

At the present time, hundreds of such cities all over the country have invested much time and overtime of community officials and expert volunteers, together with community money, to apply and be approved for this assistance, and this includes my own home city of Worcester, Mass., which has a nationally recognized reputation for community cooperation, and dedication, and for efficient accomplishment in planning, and fulfillment of development programs. If this House withholds endorsement of full funding for the basically qualified and approved city applicants, it will be tantamount to a contradiction and betrayal of the words and promises that were enacted into law less than a year ago.

Mr. Chairman, I again most earnestly exhort my colleagues here to resoundingly register their approval of the administration's full appropriation request for the model cities program to enable my community, and all other qualified communities, to participate in a humane projection wisely designed to grant all of our citizens of whatever race or color or circumstance the opportunity to rightfully share in our National heritage and to enable this country to truly fulfill, in domestic tranquillity, its destiny of leadership in a world at peace.

Mr. GALLAGHER. Mr. Chairman, I rise today in support of the Appropriations Committee recommendations for Independent Offices and the Department of Housing and Urban Development. I am particularly concerned with funds recommended for the model cities program and the rent supplement program.

As the President recently said:

> America's cities are in crisis. This clear and urgent warning arises from the decay of decades—and is amplified by the harsh realities of the present.

Model cities and rent supplements can act to bring this urban decay to a standstill and to provide the setting for transforming our cities into places of beauty and hospitality.

But this job cannot be done by the Federal Government alone. The decay of our central cities cannot be cured by simply injecting massive doses of Federal money into the heart. Success can only come through a deep involvement and commitment by the private sector in the rehabilitation and redevelopment of our urban cores. Private industry, labor, business, and people must look at America's cities as not only a challenge, but, equally, as a new opportunity.

Mr. Chairman, the committee has recommended a total appropriation for model cities of $500,000,000—$400 million in supplemental grants and $100 million for urban renewal connected with the programs. This figure is a cut of $150 million from authorized funds. However, in the face of a serious budget deficit and other problems with the economy, I feel that this is a realistic and responsible figure. Hopefully, the President's full request can be filled by a supplemental appropriation. The funds recommended by the committee are above last year's level.

The model cities program is designed to show how a city, regardless of size, can be transformed and improved to give its citizens a chance for a better life. It calls for a comprehensive attack on social, economic, and physical problems in selected blighted and slum areas. In New Jersey, three cities have already been approved for planning grants and I am confident that other cities in New Jersey will be named for planning grants in the second generation of the program. Model cities is certainly in the vanguard of the new approach to urban problems.

The rent supplement program stands as a key element of the landmark 1965 Housing and Urban Development Act. It helps to provide decent housing for low-income families without the traditional resort to public housing projects. The program utilizes nonprofit, limited dividend or cooperative associations as housing sponsors. Basically, the rent supplement program provides rental payments to private landlords to supplement the potential rent payable by a low-income family, thereby allowing the low-income family to live in housing which otherwise would be too expensive.

Mr. Chairman, it is estimated that by the year 2000, 40 million more people will be living in our already overcrowded cities. The facilities of these cities are already overextended and strained to the point of breaking. We must begin now to rejuvenate our cities if we are to not be overtaken by the rush of time and people. I ask my colleagues to vote favorably on these recommended levels of funding

Mr. BOW. Mr. Chairman, we have heard a great deal today about the problems of many thousands of Americans who have inadequate housing and the need for prompt action to improve the situation.

The Housing and Urban Development Department is said to be searching for new methods of constructing low-cost homes for the poorly housed, even to the extent of spending some $10 million in research and technical development.

One solution to the problem has already been researched thoroughly by Joel S. Stahl, of Youngstown, Ohio, and has been demonstrated to the satisfaction of all concerned in various other parts of the world. Mr. Stahl's proposal should receive much more serious attention than has yet been given it by HUD officials.

I include for general information an article on this subject which appeared in the Youngstown Vindicator, April 28:

One Thousand Two Hundred Fifty Dollar House—Low-Income Housing's Solution?: Joel Stahl Says Plastic Keeps Price So Low

(By Glenn Morris)

Homes for low-income families, building for the poor, housing for the needy—whatever the label, it has been called the most pressing problem facing the American society.

Joel S. Stahl, a plastics engineer and technical consultant who is international in scope and based in Youngstown, has an idea he thinks can help solve the gigantic task, and he's trying to interest Washington in it.

By combining plastics and other common building materials, Stahl says, it is possible to build a basic one-room house of 200 square feet with all essential equipment and meeting building codes for $1,250, or a three-bedroom model of 800 square feet for $3,500, both excluding lot.

This would put home ownership within reach of just about everyone wanting it, he says.

None of the materials nor the system are new. What is new is his idea of using them in concert, he says. Also new is the country's concern to replace slum housing under the leadership of the federal government, with private business' help, and aiming at six million units in the next decade.

SEEKS FEDERAL HELP

Stahl is trying to get his idea aboard the vehicle of federal experimental housing programs. Congressman Frank T. Bow last week was officially miffed because officials of the Department of Housing and Urban Development didn't adopt Stahl's ideas immediately when he presented them in January. Stahl is still trying.

Basic to Stahl's concept is a house consisting of 4-by-8-foot sandwich panels, forming the walls, and joined into modules that, like human body cells, can be clustered to create houses of almost any size.

While many materials will suit, Stahl's demonstration panel consists of two sheets of asbestos cement board one-eighth of an inch thick, separated by insulating plastic foam. The edges are wrapped in aluminum extrusions linked by H-shaped channels. The exterior side is coated with small chipped stones that easily withstand weather and create an attractive, varied appearance. The interior side is printed to resemble wood wall paneling. The wall is about three inches thick. Stahl's firm, Stahl Industries Inc., has a patent pending on the process for making the sandwich panels.

In the process, electric lines, plumbing, heating and other utility systems are installed in the panels at a factory, where everything is assembled on an automated line, like cars at General Motors' Lordstown plant.

Then the houses are shipped as kits to the site. If the cement slab is ready, four unskilled men can erect the basic house in a day, half the time with some instruction, and occupants can move in the same day.

NOT MUCH INTEREST

Development of the house was taken abroad several years ago by Stahl because Americans weren't much interested in low-cost housing then. "People who needed low-cost housing didn't have the money and those who did weren't interested."

Stahl plunged into the remote, primitive jungle villages of South America to test how the products in his type of house could compete with government housing there. Against the government's structures of cement block and corrugated metal roofs, Stahl found his concept was competitive in price and superior in quality.

In March, Stahl and Ball Bros. Research Corp. demonstrated the ease and swiftness of erecting the house before the minister of housing in Jamaica. The official says the system may help solve his country's critical housing problem.

Today the attitude in the United States toward the need for low-income housing has changed dramatically and the drive to erradicate the slums intensified, Stahl notes. And Stahl says his house, because of its type of construction, will fit needs here as well as in hotter climates of South America and Jamaica, and carry similar prices.

So far, he notes, because of the relatively high cost of so-called "low-cost housing," few of these units will ever help the truly poor. And in conventional houses nowadays $15,000 buys only the minimum essential, and few are being built.

A few turnkey and rent-supplement projects are geared to eventual ownership he says, but the problem remains, how can home ownership be put within the reach of the truly poor? Stahl argues that his house is the answer.

NO SKILLED HELP

The low price on his type of house is the equivalent of a used car, he points out. For $1,250 the buyer can have a "starter set" that can be enlarged room by room as he can afford. The simple assembly makes the house a "do-it-yourself kit," he says; no skilled help is required on the site, to erect it.

Builders could hire unskilled people to work on home erection, thus easing the unemployment problem, Stahl says. Skilled tradesmen would work in plants making the housing kits, using their skills as they do now at conventional sites. But in the plant efficiency would rise and working time would be divorced from the weather, which is a major factor in outdoor production now. Buyers would gain the pride of home ownership that can change many attitudes.

Stahl says his answer to low-income housing would take the full apparatus of the housing industry-government, private developers, builders, cities, unions, etc. He envisions a public-private enterprise corporation, such as Comsat for space communications.

"So far," Stahl says, "housing programs have only brought a baffling welter of funds, agencies, bureaus, offices . . . but little housing. Why not a simple 'do it yourself' house package? Why not provide the necessary housing components to insure that a house can be built, if a man really wants one? Instead of trying to train inexperienced men in skills that may be beyond them (why not) provide them with something simple enough that they can handle?

"This way, adequate housing could be produced in large numbers at controlled cost. A man could build his house shell with parts provided. He could complete the house to his taste at his leisure. Labor, private enterprise and government would be cooperating in a common task.

"In many places, this would restore the dignity of man of the house. He would then have a better chance to properly influence the minds of his young and train them to be responsible citizens. This is everybody's problem, everywhere, and time will not wait forever for the solution."

Plastics' use in housing has been Stahl's major concern since his firm began making mouldingss here in 1950. He was born here, had attended South and Wilson high schools before graduating from Warren's Warren G. Harding High in 1935. He took a chemistry degree at Ohio State University in 1939, then joined Ashland Oil. In 1959 when Wasco Chemical Corp. bought his firm's plant, the company turned to specializing in technical marketing studies and production consulting. It has a staff of 15 with offices at 1200 Realty Building on Central Square and an international operation. Stahl, who is president, has been on two trade missions for the U.S. Department of Commerce, to Belgium in 1963 and the South Caribbean in 1966.

Among his clients have been Owens-Corning Fiberglas Corp., Stauffer Chemical, Johns-Mansville, Koppers Co. and Mitsubishi International of Japan.

Stahl has a film available on erection of his type of housing in the Jamaica demonstration. He will explain the system to the Society of Plastics Engineers May 8 in New York.

Mr. FRIEDEL. Mr. Chairman, the dual forces of blight and decay, nurtured by decades of apathy and disregard, have been the greatest contributors to what we now call the crisis of our cities. To overcome this crisis our efforts must be directed not only toward removing physical deterioration but also human deprivation.

As President Johnson has so correctly noted:

> The cry of the city, reduced to its essentials, is the cry of a man for his sense of place and purpose.

So the task ahead is not as simple as constructing new buildings. It is good education, it is employment, it is decent housing. But let us not use the immensity of the task as an excuse for inaction.

We have made a significant beginning on reversing the trends of human and physical blight—the model cities program.

Today, over 70 communities throughout the Nation are making plans with model cities grants to rebuild decaying neighborhoods. Another 164 have applied for planning grants so they too can offer a better future for their citizens.

Unless we in Congress are willing to provide adequate funding for the model cities program, many communities—those with planning efforts now underway and those with applications pending—will be disappointed.

The struggle of these cities to reclaim blighted neighborhoods will have reached a barrier. We cannot let their efforts go unfulfilled. We cannot tell them that this Congress is unconcerned with their problems. We cannot turn away from the consequences of years of disinterest and disregard. Time has forged ahead too rapidly while the pace of action has moved too slowly.

I urge my colleagues to join with me today in support of adequate funds for the model cities program. It is in the best interest of every community, every State, and of this Nation.

SUMMARY OF BUDGET AUTHORITY AND EXPENDITURE REDUCTIONS

Mr. MAHON. Mr. Chairman, this is the third regular appropriation bill of the session. The bill as reported from committee carries total new budget obligational authority—appropriations, essentially—of about $13.7 billion and represents a reduction of $2.9 billion below the budget requests.

The other two regular appropriation bills which the House has passed at this session—Treasury-Post Office and Agriculture—were also reduced below the budget requests. I will place in the RECORD at this point a table showing that the reductions to date on the three bills, including the one before us today, total $4.482 billion in new budget authority. The estimated impact on budget expenditures for 1969 would be a reduction of about $900 million, more or less, depending to some degree on just how the budget programs for the many items affected by the obligational reductions are precisely adjusted to comply.

The summary table follows:

NEW BUDGET (OBLIGATIONAL) AUTHORITY AND ESTIMATED EXPENDITURE REDUCTIONS IN FISCAL YEAR 1969 APPROPRIATION BILLS

[In millions of dollars]

Fiscal year 1969 bill	New budget authority				Budget expenditures estimated reductions [1]	
	Considered		Reductions			
	Amount	Cumulative	Amount	Cumulative	Amount	Cumulative
Treasury-Post Office	1,959.5	1,959.5	−181.7	−181.7	−132.2	−132.2
Agriculture	6,924.0	8,883.5	−1,400.3	−1,582.0	−414.1	−546.3
Independent offices-HUD (committee bill)	16,570.6	25,454.1	−2,900.0	−4,482.0	−360.0	−906.3

[1] Tentative calculation; subject to same refinement.

In the budget authority reductions of $4.482 billion made to date, $2.535 billion is represented by a reduction in participation certificate sales authority which, in the new budget, serves to augment the available budget authority. This new obligational authority did not increase budget expenditures for fiscal 1969, and its deletion from the budget will not reduce budget expenditures. But the reduction does reduce new budget—obligational authority—and does have a direct impact on the carryover into future years. It reduces what is commonly called the "pipeline" of unused, carryover obligational authority.

Aside from the participation certificates reduction, the reductions in the bill today are $790 million.

On the three bills, aside from the participation certificates reductions of $2.535 billion, the reductions total $1.947 billion in new budget—obligation—authority.

Mr. Chairman, on last Wednesday, the House Committee on Appropriations recommended a package looking to a total reduction by Congress below the budget requests for new budget authority for fiscal 1969, of not less than $10 billion, and a total reduction in budgeted 1969 expenditures of not less than $4 billion. These reductions would be from the 1969 Budget as submitted by the President to Congress last January. Certain limited exceptions were noted. The package also recommended a study looking to rescissions from unused carryover authority of not less than $8 billion.

THE PROBLEM OF ECONOMY AND RESTRAINT

It is easy, and there is a tendency, for Members of Congress and members of the press generally to talk somewhat glibly about vast reductions in appropriations and in expenditures. It is easy to do this if the figures are picked out of the air, so to speak, and are not related to specific items of appropriations for projects and programs included in the budget.

Making the targets of $10 billion reduction in new budget authority and the $4 billion reduction in expenditures is not going to be easy. It will require much effort and some sacrifices, some foregoing of items desired by many Members. It may even be impossible to achieve the agreement of a majority of the Members of Congress on both sides of the Capitol to make these reductions. We will hope not.

We must bear in mind that House action is not the only factor to be considered. Action by the other body is also required. Very often, specific reductions made in the House are restored in the other body and very often the House, in the conference meetings, is compelled to acquiesce in part to the demands of the other body.

In discussing reductions in appropriations and expenditures, we must be careful not to talk about overall figures grabbed from the air, so to speak, without also thinking about the realities of legislation and keep in mind that reductions must come to rest against specific items, specific projects and programs, when the knife is applied. There is no such thing as economy in the abstract, but only in the specific.

FISCAL RESPONSIBILITIES OF THE CONGRESS

Another thing to which I think I should make reference is this: There are some Members who freely concede that Congress itself would not reduce fiscal 1969 appropriations, shall we say, by $14 billion, and fiscal 1969 expenditures by $6 billion, but who are inclined to say that the reductions can more or less easily be made by the executive branch of the Government. This is a great oversimplification. Since when has the executive branch come upon some magic, easy, painless way to economize that has escaped the legislative branch? No; it has not. It is likewise difficult for the executive branch to make meaningful reductions. There is no painless, royal road to sharp reductions in spending.

We could all freely admit that a Member from an agricultural district might say that the Congress can, with relative ease, make reductions in expenditures and appropriations at the level of the highest figure suggested by eliminating or drastically curtailing programs which do not relate to a rural district. Likewise, a Member from a highly urbanized district might favor a program of reductions that would eliminate or drastically curtail programs which apply to nonurban areas. Approaching our fiscal decisions on any such basis would be sheer nonsense. Some balance, some compromise course is the only practical procedure.

Manifestly, reductions can only be accomplished by a majority of those voting in the House and in the other body. Reductions firmly supported by the Democratic leadership would have a better chance of acceptance than those not so supported. By the same token, reductions supported by the leadership of the minority party would have a better chance of adoption than if minority party support is unavailable.

For example, in the bill before us today, if the minority party, speaking reasonably for the minority position, wishes to submit amendments for reductions in the pending bill below reductions already made by the Committee on Appropriations, it is, of course, entirely in order to submit such amendments, and today is the day to offer any such amendments and test the sentiment of both the minority and majority on the issues involved. Of course, all Members are free to offer amendments.

Personally, I do not advocate amendments to increase or decrease the pending bill. I think the Committee on Appropriations, in the light of all the circumstances, has done a good job in working out a reasonably acceptable compromise and I would hope that majority and minority Members would support the compromise which this bill represents.

My only object in undertaking to clarify the situation is to make clear what I believe to be the most appropriate way to reduce appropriations and expenditures to the extent that the Congress as a whole may desire. It is the traditional way of putting the imprint of the Congress on the spending policies of the Government. It is our duty to decide how much shall be appropriated, and for what it shall be appropriated.

Mr. Chairman, I do not think it will be possible to secure the approval of Congress for a $6 billion reduction in expenditures and a $14 billion reduction in new appropriations, as has been variously discussed. As I have said, in my judgment making the $10 billion goal and the $4 billion goal will not be easy.

Of course, Mr. Chairman, I have voted against the authorization of many of the expensive and escalating programs which are now on the statute books, including several funded in the present bill. I am one who speaks from a position of restraint and economy in Government. But I cannot blind myself to the facts and realities of the situation. I know I cannot write the fiscal ticket altogether to suit my own views. No one Member can do that. But my plea is for fiscal sanity and commonsense and prudence in dealing with the issues before us.

We are in a very serious inflationary period. The dollar is under challenge at home and abroad. The budget is badly in the red—well in excess of $20 billion this year and perhaps as much as $25 billion next year without a tax bill. In these circumstances, the duty of economy and restraint is just not debatable.

THE BUDGET TOTALS IN PERSPECTIVE

Mr. Chairman, when we consider reductions of billions of dollars in appropriations and expenditures we must, for good perspective, also consider the general dollar dimensions of the areas from which those reductions must principally come.

NEW BUDGET AUTHORITY

As to new—obligational—authority, the January budget request is $201.7 billion, and only a 5-percent reduction—not a large percentage—would yield the $10 billion reduction goal recently recommended by the Committee on Appropriations. In that sense, $10 billion does not look to be a drastic reduction. But actually, the reduction of $10 billion would have to come from areas involving considerably less than $201.7 billion. I will insert a summary table that puts the $201.7 billion amount in some better focus in this respect, but perhaps the first thing to be said is that only about $141.5 billion of the $201.7 billion proposed for 1969 is required to be acted upon in bills at this session of Congress. Amounts for interest on the debt, social security, Federal retirement, and various other items will become available in fiscal 1969 on the basis of permanent appropriation provisions enacted in earlier years. Those exceed $60 billions of dollars.

Furthermore, as a very hard, practical matter, large areas of the $201.7 billion new—obligational—authority total involve objects and purposes very much fixed by provisions of various basic laws and thus are subject to very little discretionary control in the annual appropriation bills. Of course, Congress could change the basic laws and, for examples, drastically reduce social security, or public assistance grants, or various other programs. But there seems to be no likelihood that existing basic statutes will be repealed or revised downward to a meaningful degree if at all.

Let me be more specific.

Social security, medicare, and other so-called social insurance trust funds—funds held in trust—account for $46.1 billion of the $201.7 billion new budget—obligational—authority request.

Interest on the debt accounts for $14.4 billion.

Veterans' pensions, compensations, and benefits amount to $5.4 billion.

Public assistance matching grants under formulas set out in the basic laws are listed at $5.8 billion.

Farm price supports are basically determined under agricultural legislation, and they show up at $3.4 billion. The basic laws under certain conditions require price supports on certain farm production.

The July 1968 pay increase installment provided for military and civilian employees in the pay act last fall is in the budget for 1969 at $1.6 billion.

Just the few items cited, Mr. Chairman, add to more than $75 billion.

Then, for national defense as classified in the budget, the January figure for new budget authority is $82.3 billion. Some reductions can be made, but drastic cuts are not in the realm of reality under present conditions.

It can easily be seen, then, that a good deal of the $10 billion reduction goal must come from a relatively narrow, or much smaller, slice of the $201.7 billion total.

Under leave to extend, I will include further statistics on this aspect:

NEW BUDGET AUTHORITY, FISCAL 1969

[From January budget, in billions of dollars]

	Amount
1. National defense	$82.3
2. Relatively uncontrollable civilian programs (that is, relatively uncontrollable through the annual budget and appropriations process without changes in the applicable basic laws), open-ended programs and fixed costs:	
Social security, medicare, and other social insurance trust funds	46.1
Interest	14.4
Civilian and military pay increase	1.6
Veterans pensions, compensation, and benefits	5.4
Public assistance grants	5.8
Farm price supports (Commodity Credit Corporation)	3.4
Postal operations	.3
Legislative and judiciary	.4
Other	3.5
Subtotal, defense and relatively uncontrollable civilian programs	163.2
3. Relatively controllable civilian programs	43.6
4. Undistributed intragovernmental payments (—)	—5.0
Total, new budget authority proposed, 1969	[1] 201.7

[1] Of which $141,500,000,000 of this normally requires action by Congress at this session. (See table 5 of Budget for 1969.) The remainder would become available under provisions of various laws previously enacted (i.e., permanent appropriations for interest on debt, social security, and other trust funds, etc.).

Mr. Chairman, the $201.7 billion total of new budget—obligational—authority proposed in the January budget represents an increase of about $15.2 billion over the total projected for the current fiscal year 1968, of which about $2.1 billion relates to funds that would become available without current action by Congress. The remaining $13.1 billion increase is in areas requiring action this session. I include a summary that puts some focus to the significance of the $10 billion reduction goal in relation to the current year base amounts:

NEW BUDGET (OBLIGATING) AUTHORITY PROPOSED IN THIS BUDGET FOR FISCAL YEAR 1969 OVER FISCAL YEAR 1968 (ROUNDED AMOUNTS USED)

Item	Fiscal year 1969 compared to fiscal year 1968
Available through current action by the Congress:	
Department of Defense and military assistance program (excludes defense share of the $1,600,000,000 pay increment effective July 1, 1968, listed below)	+$6,200,000,000
Public assistance and payments to the medicare trust fund	+586,000,000
Foreign economic assistance	+597,000,000
Federal manpower activities (civilian agencies)	+442,000,000
Office of Economic Opportunity (excluding manpower activities)	+163,000,000
Atomic Energy Commission (largely new antiballistic missiles system)	+245,000,000
Model cities program (full funding)	+688,000,000
Military and civilian pay raises (July 1, 1968 increment under last year's pay bill)	+1,600,000,000
Later transmittal (pending enactment of proposed legislation, including $445,000,000 for investments in certain international financial institutions)	+700,000,000
Contingencies	+400,000,000
All other (consisting of many increases and decreases)	+1,475,000,000
Total increase through current action by the Congress	[1] +13,096,000,000
Available without current action by the Congress:	
Trust funds (principally social security)	+3,900,000,000
Interest on the public debt	+900,000,000
Other	—1,659,000,000
Deduct interfund and intragovernmental transactions and applicable receipts from the public	—1,013,000,000
Total, increase without current action by the Congress	[1] +2,128,000,000
Total, budget authority increase	[1] +15,224,000,000

[1] Based on January budget totals.

BUDGET AUTHORITY REQUIRING CURRENT ACTION BY CONGRESS

[In millions of dollars]

Description	1967 enacted	1968 estimate			1969 estimate		
		Enacted	Supplemental needed	Total	Transmitted herein	Later transmittal	Total
Legislative Branch	271	277	4	282	306		306
The Judiciary	90	94	1	95	101	1	102
Executive Office of the President	29	31	(*)	31	33		33
Funds appropriated to the President	5,112	4,718	10	4,728	5,763	566	6,329
Department of Agriculture	7,734	6,411	52	6,463	7,300	7	7,307
Department of Commerce	873	763	8	771	825		825
Department of Defense—Military	71,943	72,112	800	72,912	79,182	75	79,257
Department of Defense—Civil	1,391	1,383	11	1,394	1,345		1,345
Department of Health, Education, and Welfare	12,617	12,858	1,604	14,463	15,305	83	15,388
Department of Housing and Urban Development	6,402	3,330	25	3,356	3,387	40	3,427
Department of the Interior	1,586	1,592	29	1,621	1,724		1,724
Department of Justice	408	417	47	465	465	80	545
Department of Labor	638	625	29	654	730	11	742
Post Office Department	1,215	962	212	1,174	920		920
Department of State	395	389	1	390	418		418
Department of Transportation	6,204	1,511	221	1,732	2,736	85	2,821
Treasury Department	931	921	13	934	1,016		1,016
Atomic Energy Commission	2,199	2,509		2,509	2,755		2,755
General Services Administration	656	570	4	574	509		509
National Aeronautics and Space Administration	4,968	4,589		4,589	4,370		4,370
Veterans' Administration	6,598	7,499	76	7,575	7,528	9	7,537

See footnote at end of table.

BUDGET AUTHORITY REQUIRING CURRENT ACTION BY CONGRESS—Continued

[In millions of dollars]

Description	1967 enacted	1968 estimate			1969 estimate		
		Enacted	Supplemental needed	Total	Transmitted herein	Later transmittal	Total
Other independent agencies	3,174	1,510	28	1,538	1,642	30	1,672
Allowances for:							
Civilian and military pay increase						1,600	1,600
Contingencies			150	150		550	550
Total, budget authority requiring current action by Congress	135,432	125,073	3,327	128,400	138,359	3,136	141,496

*Less than $500,000.

Source: Table 5, budget for 1969.

BUDGET OUTLAYS (EXPENDITURES AND NET LENDING)

Mr. Chairman, to many who are not familiar with the size and character of the many items making up the January budget spending total of $186.1 billion, it would seem that the $4 billion expenditure reduction goal recently recommended by the Committee on Appropriations is too low. It is equivalent to only slightly more than 2 percent. But because expenditures—disbursements—are the inevitable consequence of obligations incurred, and as I have indicated, great portions of the obligational authority budget are insulated from effective control at the appropriations stage, it follows, as night follows day, that much of the spending total of $186.1 billion for 1969 is beyond practical reach of effective reduction in the annual appropriations process.

To begin with, some $55 billion is estimated to flow from authority granted for prior years. Moreover, much of the total is more or less rigidly fixed and ordained by provisions of basic legislation, and unless those laws are repealed or revised, there is little discretionary control that can be exercised in the annual appropriation bills. Thus, as a hard, practical matter, the $4 billion must fall against areas of drastically less dollar magnitude than $186.1 billion.

Let me be more specific:

Social security, medicare, and other so-called social insurance trust funds—funds held in trust—account for $38.5 billion of the $186.1 billion January budget expenditure estimate.

Interest on the debt accounts for $14.4 billion.

Veterans pensions, compensations, and benefits amount to $5.2 billion.

Public assistance matching grants under formulas set out in the basic laws are listed at $5.7 billion.

Farm price supports are basically determined under agricultural legislation, and they show up at $2.9 billion.

The July 1968 pay increase installment provided for military and civilian employees in the pay act last fall is in the budget for 1969 at $1.6 billion.

Just these few items, Mr. Chairman, total some $68 billion.

Then, for national defense as classified in the January budget, the total is about $80 billion. We can work on that to some extent, and effect some savings, but not drastic reductions. But even that total, according to the President's statement on March 31, will be revised upward by some $2.5 billion.

Thus, Mr. Chairman, the $4 billion expenditure reduction would of necessity fall principally, though not entirely, against programs and projects for which expenditures are estimated at approximately $40 billion in 1969.

Another way to measure the depth of a $4 billion expenditure reduction is to compare it against the $10.4 billion increase in estimated expenditures, 1969 over 1968, shown in the January budget. Let me list some summary figures:

Estimated expenditure increase, 1969 over 1968 (January budget)

	Billion
Trust funds, net (social security, etc.)	+$2.6
Vietnam war costs (does not reflect comparison of March 31 updatings)	+1.3
July, 1968 pay increase under previous legislation	+1.6
Interest on debt and public assistance grants	+1.4
Subtotal	+6.9
All other items, both defense and civilian (consisting of many pluses and minuses)	[1]+3.5
Total	+10.4

[1] Thus, in great measure, a $4 billion expenditure reduction would fall against projects and programs involved in this net total—and thus, in the aggregate, would mean a slight net reduction below the fiscal 1968 total.

I include a table on this matter from the budget for 1969:

BUDGET OUTLAYS (EXPENDITURES AND NET LENDING)

[Fiscal years, in billions]

Type of controllability	1967 actual	1968 estimate	1969 estimate	Change, 1968 to 1969
National defense	$70.1	$76.5	$79.8	+$3.3
Relatively uncontrollable civilian programs (that is, through the appropriations process):				
Open-ended programs and fixed costs:				
Social security, Medicare, and other social insurance trust funds	30.3	34.3	38.5	+4.2
Interest	12.5	13.5	14.4	+.9
Civilian and military pay increase			1.6	+1.6
Veterans pensions, compensation, and insurance	4.9	5.1	5.2	+.1
Public assistance grants	4.2	5.2	5.7	+.5
Farm price supports (Commodity Credit Corporation)	1.7	2.8	2.9	+.1
Postal operations	.8	.7	.3	−.4
Legislative and judiciary	.3	.4	.4	(1)
Other	2.4	2.7	2.8	+.1
Subtotal, relatively uncontrollable civilian programs	57.1	64.7	71.8	+7.1
Relatively controllable civilian programs, including outlays from prior year contracts and obligations	35.2	39.0	39.5	+.5
Undistributed intragovernmental payments (−)	−4.0	−4.6	−5.0	−.5
Total budget outlays	158.4	175.6	186.1	+10.4

[1] Less than $50,000,000.

APPROPRIATION BILLS YET TO BE REPORTED

Mr. Chairman, I think I can say to the House that in the remaining appropriation bills this year, the Committee on Appropriations, consistent with the announced goals, will bend every effort to make reductions wherever reasonably possible.

We have yet to consider the Labor-HEW bill, involving estimates of new budget authority of $18.1 billion.

The public works bill carries a request of $4.9 billion, including $2.8 billion for atomic energy. I should point out with respect to the public works bill that if we abandoned all new project starts the savings in appropriation for 1969 would only be about $27 million with consequent savings in spending for 1969 of some $15 million. It does not seem to me very wise for Congress or the executive branch to stop public works projects already well underway and incur the waste and the charge of mismanagement which would undoubtedly ensue. It is not realistic to talk glibly about cutting public works, the so-called pork barrel bill, by hundreds of millions of dollars in the light of the facts which confront us. I do think, however, that we can make significant reductions in that bill.

The foreign aid bill is yet to be considered. Last year's appropriations for foreign assistance was $2.3 billion, the lowest ever. The House has not, of course, yet acted on the reauthorization bill. The appropriation request for 1969 is $2.9 billion. There is no doubt that the committee will recommend and the House will approve very sharp cuts in foreign aid.

The Interior appropriation bill is the next bill scheduled to be reported. It involves about $1.4 billion of requests. Manifestly, this bill cannot be reduced by hundreds of millions of dollars, but many reductions will be made.

The bill for State, Justice, Commerce, and the judiciary involves requests of some $2.2 billion. Some savings can be made.

Other bills which will later come before us include the Transportation bill, the legislative bill, the District of Columbia bill, and the military construction bill.

The major bill this session, appropriationwise, is, of course, the annual Department of Defense appropriation bill. The January budget authority request for Defense, including the war, is $77.1 billion. There is no doubt but that a supplemental involving several billions of dollars will be before the Congress. The regular bill is scheduled for consideration by the House in late June. It is not feasible at the moment to project with any assurance what decreases or increases the Congress may decide to make in military spending before the session concludes.

Last year, in the regular Defense appropriation bill for 1968, the Congress made reductions in the total sum of $1.6 billion. I would hope that very substantial reductions can be made this year, but it is not possible to now pinpoint what may develop.

Mr. Chairman, my purpose in making these remarks is to lend some focus to the nature of the fiscal problem confronting us and to express a word of caution with respect to what Congress may be able to do in the way of appropriation and expenditure reductions during the current session. I earnestly hope that the goals which the Committee on Appropriations set on May 1 may be achieved. I would hope that we can do better, but we have a monumental task before us and we need to stay close to reality so that the chances for success in our efforts to promote economy may be enhanced.

Mr. NIX. Mr. Chairman, in his message to the Congress on housing and the cities President Johnson said:

> The slum is not solely a wasteland of brick and mortar. It is also a place where hope dies quickly, and human failure starts early and lingers long.

It was to attack the multifaceted problems of the slum—poor housing, inadequate job and educational opportunities, and insufficient health care—that the model cities program was devised.

It offers cities the unique opportunity to declare wholesale war on the physical, social, and economic problems of a given neighborhood.

Response to the program has been enormous. One hundred and ninety-three cities applied for the 75 grants now in effect and 164 cities are vying for the second group of 70 to 75 grants that will be announced soon.

To these cities and to other urban areas which are looking to the model cities program for new solutions to problems, the cuts which this Congress imposed on the program last year were a bitter disappointment. We must demonstrate our concern for the problems of the cities and our intention to come to grips with them.

This year the President's budget called for $500 million in program grants and $500 million in urban renewal projects to finance the model cities effort.

Our Appropriations Committee has recommended $400 million in program grants and $100 million of the $150 million presently authorized for urban renewal in these areas. We must approve this recommendation. We cannot do less. We must not foreclose hope in the rehabilitation of our cities.

The House Appropriations Committee deserves the commendation of this body for recommending $25 million in new contract authority for the rent subsidy program.

While this falls short of the $65 million recommended by the President in his budget, it is nevertheless, a substantial increase over the $10 million approved last year. And it will allow the Department to sign long-term contracts to subsidize the rent of needy tenants at an annual rate of $25 million.

As you know, the contracts may be signed with nonprofit or limited-profit organizations operating housing projects for low- and moderate-income families.

In its first 2 years the rent supplement program has made available about 40,000 housing units. If we go along with the Appropriation Committee's proposal, the program next year may achieve a goal of about 28,000 units. It is a worthy objective. I cannot see how the Members of this House fail to support it.

Mr. PRICE of Illinois. Mr. Chairman, I commend the House Appropriations Committee for bringing to the House the Department of Housing and Urban Development appropriations bill containing $500 million for the model city program.

As one who has strongly supported the model city program since its inception, I am heartened by this positive response which the Appropriations Committee has made for insuring the continuation of the program at a sufficiently funded level.

For too long urban America has been the stepchild, overlooked, misunderstood and little cared for. Until recently, congressional support for urban-oriented programs was limited. Today, congressional thinking is being restructured by the tragic course of events of recent history, which has occurred in many of our cities.

There is obvious danger in the present state of things. Congress may overreact in two directions, by appropriating too little money or by allocating sufficient money with too much Federal control.

The model city program is a rational, logical alternative. It combines the resources of the Federal Government with the talents and energies of the local citizenry. Each input complements the other, and the arrangement assures that the local residents will have control of their own destinies.

Because it is at the same time a moderate approach and a sound solution, the model city program deserves our full support. These are not ordinary times, and they demand of us the most innovative and effective proposals we can utilize for meeting the urban crisis.

I am very proud that one of the cities in my congressional district was selected in the initial round of model city designations. Since that time East St. Louis, Ill., has been taking a hard look at itself and its problems, coming to the realization that it does not have to be relegated to the graveyard as a dead city.

The model city program has breathed life into it. Its eventual recovery will be attributable in great part to its model city program—a program that will be funded because of the favorable action the Appropriations Committee has taken and because of the favorable vote we have cast.

Mr. EVINS of Tennessee. Mr. Chairman, we have no further requests for time.

Mr. JONAS. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

CIVIL AERONAUTICS BOARD

SALARIES AND EXPENSES

For necessary expenses of the Civil Aeronautics Board, including hire of aircraft; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902);

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I am intrigued by the representation allowances in this bill. The Civil Aeronautics Board, for instance, gets $1,000 but the Federal Communications Commission gets $500, and the Federal Power Commission gets $500. Then we turn over to NASA, and there is $35,000 for extraordinary expenses of some kind or another. Then we drop down to the National Science Foundation, and there is $2,500 for representation allowance.

My question is: Do they eat better food and drink better booze in the scientific organizations, or what is the story as to this wide disparity in entertainment funds?

Mr. EVINS of Tennessee. Mr. Chairman, if the gentleman will yield, I will say to my friend, the National Science Foundation has international conferences. This is not for entertainment, as the gentleman inferred.

This is for conferences. Also, the Administrator must have some flexibility in making contracts for scientists and specialists in special fields. The National Science Foundation fund does not relate to what the gentleman referred.

The Civil Aeronautics Board has conferences with respect to schedules of air lines of other countries, rates, and with respect to flights for our carriers. It is necessary for these agencies to have some funds to meet our friends from other countries, with which we have agreements.

Mr. GROSS. I do not travel in foreign countries, but I am told by those who do that liquor is a good deal cheaper over there. I still do not understand why there should be this wide difference in funds for entertainment.

Mr. EVINS of Tennessee. These representation allowances are kept to a very minimum, I say to my friend.

Mr. GROSS. In view of the austerity which is being talked about so much, I thought perhaps we might get a bill with this sort of thing eliminated altogether, but apparently that is a vain hope.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses in performing the duties of the Commission as authorized by law, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); not to exceed $41,000 for land and structures; not to exceed $11,000 for improvement and care of grounds and repairs to buildings; not to exceed $500 for official reception and representation expenses; special counsel fees; services as authorized by 5 U.S.C. 3109; and purchase of one passenger motor vehicle for replacement only, $19,750,000.

Mr. GIAIMO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, for several years we have been carrying on a discussion, in respect to the preparation of the budget for the Federal Communications Commission, relative to spectrum reallocation. We find ourselves in a position where there has not been a reallocation of the spectrum for more than 20 years.

We find, in the field of land mobile radio usage, in the area where more and more businesses, hospitals, police, and other agencies need spectrum space, that in this area there is very little spectrum space allocated to them and that most of the spectrum is taken up by the Government and by broadcasters.

This is of concern not only to our subcommittee but also to the gentleman from Michigan [Mr. DINGELL] who serves on the Select Committee on Small Business, which is under the chairmanship of our distinguished chairman, the gentleman from Tennessee [Mr. EVINS].

I know they are looking into this. They have prodded the Federal Communications Commission to come forward with suggestions as to how they are going to reallocate usage of the spectrum.

Many of us in Congress feel they have been very slow in doing this. We have been after them for some years to come up with concrete suggestions as to how they are going to reallocate the spectrum. They have come forth with certain partial solutions, which, quite frankly, we do not believe to be adequate and do not believe will do the job—solutions such as channel splitting, and the squeezing together of usage on the channels. This does not really begin to solve the problem.

This problem is critical in our country. We are talking about an industry which needs space on the spectrum, which contributes well over $20 billion to the gross national product of this Nation. We are talking about a problem which is not going to be resolved until the Federal Communications Commission comes up with suggestions for manners and methods in which they are going to reallocate portions of the spectrum.

I take this time only to stress this problem and to bring it to the attention of the House, because we intend to push the Federal Communications Commission on this.

We want action from the FCC. They have assured us and told us year after year that they are studying the problem and that they will have suggested remedies, but the fact is that time passes and all we keep hearing is they are still studying the problem. We think it is high time we get some word from them as to reallocations of the spectrum.

Mr. Chairman, I yield back my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EXPENSES, PRESIDENTIAL TRANSITION

For expenses necessary to carry out the provisions of the Presidential Transition Act of 1963 (3 U.S.C. 102, note), $900,000, to remain available until June 30, 1970.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, with reference to presidential transition, what is this? Is this $900,000 for an inaugural, or what is it?

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. I will say to my friend an act of Congress provides that every 4 years we must provide a certain sum of money to the General Services Administration for the presidential transition, whether it is needed or not. I do not think it will be needed, and so it will revert to the Treasury. We only put the money in because the law makes it mandatory for this in the fourth year to provide funds for presidential transition.

Mr. GROSS. So presidential transition means the installation of a President? Is that what it means?

Mr. EVINS of Tennessee. I think the gentleman has the right interpretation, but I do not think there will be a change. Therefore, the money will not be expended and it will revert to the Treasury.

Mr. GROSS. The gentleman hopes for the best and fears the worst.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from North Carolina.

Mr. JONAS. I was going to say to my friend, I hope that he will not try to knock this out, because there will certainly be a transition next year, and we will have to have some money to pay for it.

Mr. EVINS of Tennessee. This has been done in the past, I will say to my friend. We only put the money in because it is mandatory under the law, and we state in the report that if not used it will be returned to the Treasury.

Mr. GROSS. Is the gentleman saying that President Johnson did not mean what he said when he announced he was not going to be a candidate for the Presidency?

Mr. EVINS of Tennessee. The gentleman will have to address himself to the President for that answer. He made his statement.

Mr. GROSS. But the gentleman says he does not expect the money to be spent. Evidently he means that the same President is going to be a candidate for reelection and will be reelected. Of course, I differ on the reelection.

Mr. EVINS of Tennessee. I will say to my friend that, if the Republicans do not find a good candidate, we may have to draft the President yet to be reelected. We only did this because the law makes it mandatory, and it directed that the Congress place this money in the fund. I do not think it will be used, and I say again it will revert to the Treasury and there will be some savings.

Mr. GROSS. Yes. There will be quite a substantial savings when the next Republican President comes up for the inaugural. I am sure it will be an austere affair and one that will be appreciated by the taxpayers by returning most of this money to the Treasury.

Mr. EVINS of Tennessee. I recall a few years ago when Mr. Dewey was running and our Republican friends had a large amount in the bill at that time. As Mr. Dewey was not elected, they did not get to enjoy using the funds.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL SCIENCE FOUNDATION

SALARIES AND EXPENSES

For expenses necessary to carry out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875) Title IX of the National Defense Education Act of 1958 (42 U.S.C. 1876–1879), the National Sea Grant Colleges and Program Act of 1966 (80 Stat. 998), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881), including award of graduate fellowships; services as authorized by 5 U.S.C. 3109; maintenance and operation of three aircraft and purchase of flight services for research support; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $400,000,000, to remain available until expended: *Provided*, That of the foregoing amount not less than $37,600,000 shall be available for tuition, grants, and allowances in connection with a program of supplementary training for secondary school science and mathematics teachers: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers may be credited to this appropriation.

AMENDMENT OFFERED BY MR. DADDARIO

Mr. DADDARIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DADDARIO: On page 22 strike out "that" in line 2, and all that follows down through the end of line 6.

Mr. DADDARIO. Mr. Chairman, this was one of the objectives to which I referred during the course of my remarks during the general debate on this bill. To those who were not able to be on the floor at that time I shall very quickly reiterate what was said then so that the Members will understand what my intentions are.

Mr. Chairman, the chairman of the subcommittee, the gentleman from Tennessee [Mr. EVINS], had referred in the report to the fact that the committee recognized the competence of the Director and members of the National Science Board and recommended that they make the necessary contractual adjustments in the institutional and fellowship grant programs to effectuate the economies proposed.

Mr. Chairman, that confidence which the committee has in the Director and the National Science Board is one which I applaud. I believe those gentlemen are men of the highest capability.

Mr. Chairman, my concern is that the subcommittee having recommended a cut in the National Science Foundation of $100 million in a budget request of $500 million or $95 million less than in the present fiscal year would allow the National Science Foundation Director and the National Science Board to use their skill and to have the full discretion in deciding how much each of their programs ought to be cut. The $37.6 million which is earmarked in the bill would simply mean that this program is given a favored place among all programs.

Mr. Chairman, I would hope that this amendment would be supported so that in the cutting of programs in the National Space Foundation there will be a fair understanding of what needs to be done and that the moneys provided will be distributed equally with the hope that new programs will not be adversely affected.

Mr. Chairman, I urgently ask that this amendment be supported.

Mr. EVINS of Tennessee. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I regret to rise in opposition to the amendment offered by the distinguished gentleman from Connecticut. The gentleman is the chairman of the Subcommittee on Science, Research, and Development, but let me state that there is $400 million in this bill for the National Science Foundation. The only restriction with respect to the $400 million is that not less than $37.6 million shall be available for grants and allowances in programs for training of secondary school science and mathematics teachers. This is to encourage a broad base for the teaching of science and mathematics. If we are going to have future scientists we need to have capable teachers at the secondary level. Out of the $400 million we only ask that $37.6 million be used at the secondary level. This provision has been included by our committee for some time.

Out of the funds provided, the Foundation has complete authority and flexibility to place $362.4 million wherever it wishes. Only a small amount is earmarked for the secondary schools of the Nation.

Mr. Chairman, as I say, I regret having to oppose this amendment, but I feel it should be defeated.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I too regret having to oppose the amendment but I join the gentleman from Tennessee in his opposition to the amendment for the reasons stated by him.

Mr. DADDARIO. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Connecticut.

Mr. DADDARIO. Mr. Chairman, I would like to have it understood that I support this program also. It is my feeling, however, that it ought not to be given a position of predominance over and above other programs.

I would say further that it should not be our responsibility here today to take one program and give it special emphasis. If we do that we will be forgetting that other important programs have come along over the years and that these should not be placed in a secondary role. Some of these programs have gone into every State in the Union, some help smaller colleges, and some support research in areas of extreme importance to our society. It logically follows that the way this legislation now reads would cause all these other programs to be more harshly treated because one program must be fully funded.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to my friend from Massachusetts.

Mr. BOLAND. Mr. Chairman, I too regret having to rise in opposition to the amendment offered by my distinguished and very close friend from Connecticut, Mr. DADDARIO. The gentleman does perform a very fine service as chairman of a special subcommittee of the Science and Astronautics Committee. No one understands the programs, I believe, of the National Science Foundation, nor all the vast areas of science, more than he does. But I submit that regarding his particular amendment the recommendation of the committee in limiting these funds was proper. We have done so for the past—dozen years or so, I believe—and one of the reasons we have done so is because this committee, and the Members of Congress, have been impressed by this program. This program is a program in support of science and science education.

It provides $21 million or there is a request for $21 million for summer institutes.

For academic year institutes: $9 million.

Inservice institutes: $3 million.

On the college level summer institutes: $3 million.

Academic: $900,000.

Short course seminars: $600,000.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. EVINS] has expired.

Mr. BOLAND. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the request of the National Science Foundation for this item was around $40 million. We cut it back to $37 million and we earmarked the funds that must be spent in this area. This committee over the years, and the Congress have followed this procedure.

I repeat again, we have carried this limitation annually in this bill. I do not think there is any question that if this particular prohibition is knocked out—if this limitation is eliminated—this is one area in which the National Science Foundation will make its largest cut.

Five hundred million dollars is requested by this Foundation in the fiscal year 1969. The committee recommended $400 million.

Most of the money goes toward basic research—and for good reason. I think over the years this committee and the Congress, I am sure the gentleman from Connecticut will agree, have supported the National Science Foundation.

It is the judgment of the committee that there ought to be a prohibition against cutting these programs about which we speak.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman.

Mr. JONAS. Is it not true that the National Science Foundation was slow, well a little slow, in getting into this field?

Mr. BOLAND. That is exactly right.

Mr. JONAS. And at the insistence of our subcommittee—we have been insisting that more emphasis be given to this aspect of the science problem and we do not want to see it turned back.

Mr. BOLAND. And would not the gentleman from North Carolina agree that in the years that we have been sitting in this committee and funding these programs it was the Subcommittee on Independent Offices that fully funded the request—not only fully funded but actually added more to the budget for this particular activity?

Mr. JONAS. Because this field has been neglected more than some of the others.

Mr. DADDARIO. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I am delighted to yield to my friend, the gentleman from Connecticut.

Mr. DADDARIO. Mr. Chairman, could the gentleman from Massachusetts indicate to me where the National Science Foundation has in any way shown that if my amendment would pass that this program will in fact be the one most deeply cut?

Mr. BOLAND. No.

Mr. DADDARIO. It is my understanding from making an investigation of this program that it is one which the National Science Foundation feels is important for it does, after all, support some 35,000 teachers. It should be understood, however, that, as the National Science Foundation has grown, other activities have developed within it which are of equal importance to science and science educators. All I am advising is that we recognize this and strike language which is limiting by its very nature.

Mr. BOLAND. May I say to the gentleman from Connecticut, I have no knowledge that this particular activity will be cut by the National Science Foundation.

But I have been around this Chamber long enough and on this committee long enough to know that some of the programs that are really close to the hearts of the Congress are the programs that are cut if you give flexibility to the departments down the street.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. DADDARIO].

The amendment was rejected.

AMENDMENT OFFERED BY MR. WYMAN

Mr. WYMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYMAN: On page 22, line 9; after the word "appropriation", strike out the period and insert in place thereof a colon, and insert thereafter the following: "and, *provided further,* That no part of this appropriation shall be available for or paid out to the benefit of any individual who at any time after the effective date of this Act, wilfully refuses to obey a lawful regulation of the university or college which he is attending or at which he is employed."

Mr. WYMAN. Mr. Chairman, my amendment is a very simple one.

In recent months we have witnessed much usurpation of the proper function of the academic administration in the country by student bodies. We pay hundreds of millions of tax dollars in scholarships to students and to graduate fellows. To the extent that any of them are willfully involved in this type of action, the purpose of this amendment is to provide, if they are involved, after the effective date of this bill, that they then lose their scholarship.

The extension of criminal trespass, the resistance to arrest, the willful disobedience, the invasion of the rights of property have extended even to the denial to universities of their physical facilities with which they operate the university, by physical occupation by students of administration buildings, who have then refused to obey the lawful orders of the university to quit the premises.

The New York Times on May 5, 1968, reports that at Columbia they took papers out of the office of President Grayson Kirk, photographed them, and then peddled them around afterward. Not only is this theft, but any student engaged in this type of activity ought not to receive a Federal tax scholarship.

Students should know in advance—to the extent that any such are or may be involved—that if they do, after the effective date of this act, engage in such type of conduct, they will lose their scholarship or their fellowship or their graduate help, or whatever the aid may be.

No part of this amendment limits or otherwise restricts the grant of funds to the institution itself. It applies solely to individuals. This year, there are more than 14,000 fellowships. In the language of the justifications of the NSF in my Appropriations Subcommittee, more specifically the direct statement of the Director of the National Science Foundation, the Honorable Leland J. Haworth, on February 20, 1968:

> Although exact numbers cannot be determined at this time, we estimate that the programs as proposed will advance the research and educational endeavors of more than 85,000 individuals. These funds will support the research of about 6,000 faculty members working in all the basic fields and will promote the advanced education of about 18,000 university and college students in science and engineering through fellowships, traineeships, and employment as research associates or assistants. An estimated 50,000 teachers of science, engineering and mathematics at the undergraduate, secondary and elementary school levels will participate in projects to improve their capabilities as educators and about 11,000 secondary and undergraduate students will participate in special research and educational projects.

Mr. Chairman, this simple amendment reflects the concern of Members of Congress to do something to help restore a greater measure of order and responsibility on the troubled campuses of America. One of the ways we can do this is to make it clear that engaging in this type of offensive activity cuts off your scholarship or fellowship help if you are receiving any. I sincerely urge the support of this amendment.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. I would be opposed to a general prohibition against grants to colleges but I would like to inquire if the gentleman's amendment is directed to fellowships granted to individuals.

Mr. WYMAN. In response to the gentleman's question, it deals only with individuals. It does not apply to institutions. It would not in any way restrict the institution itself. It is intended as a help to the institutions in controlling their own internal affairs. It is intended as a warning to those who may be on a fellowship, paid for by the taxpayers of the United States, that if they engage in this kind of activity, they lose their fellowship or their scholarship as the case may be.

Mr. EVINS of Tennessee. I will say to my friend that we will accept the amendment and consider it in conference if we can perfect it.

Mr. YATES. Mr. Chairman, will the gentleman yield for a question?

Mr. WYMAN. I yield to the gentleman from Illinois.

Mr. YATES. Is this amendment intend to cover minor infractions of rules? For example, suppose the recipient of a scholarship violates a schedule of attending classes or lectures. Suppose he cuts a class, or for some important personal reason, does something that results in a minor breach of discipline. This example does not relate to the type of chaotic situation the gentleman has described, but I think we ought to know how far his amendment goes.

Mr. WYMAN. I appreciate the gentleman's concern. I would like to be candid with the gentleman. The intention, of course, is that the infraction shall relate to a disruption of the university or college administration. It is not so worded to require that, because, if it were so worded, the Parliamentarian has advised me, it would be subject to a point of order.

In my extension of my remarks I intended to offer such clarification. I was going to make that clear. There is no intention to penalize anyone by cutting off a scholarship for a minor infraction. The situation that this is directed to is the sort of thing that offends all of us: The usurpation of the administrative function and responsibilities of our educational institutions by willful disobedience and willful infraction of the law, sometimes extending to criminal conduct on the part of individual students who may be receiving a scholarship under this particular segment of this appropriation.

Mr. EVINS of Tennessee. Mr. Chairman, we will take the matter to conference and will accept the amendment.

Mr. WYMAN. I thank the gentleman.

The CHAIRMAN. The question is on amendment offered by the gentleman from New Hampshire.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MEDICAL AND PROSTHETIC RESEARCH

For expenses necessary for carrying out programs of medical and prosthetic research and development, as authorized by law, to remain available until expended, $45,850,000.

BOMBING PAUSE IN VIETNAM IS STRENGTHENING THE ENEMY

Mr. RIVERS. Mr. Chairman, I move to strike out the requisite number of words.

The CHAIRMAN. The gentleman from South Carolina is recognized.

(By unanimous consent, Mr. RIVERS was allowed to speak out of order.)

Mr. RIVERS. Mr. Chairman, on March 31, President Johnson announced the beginning of a bombing pause over portions of North Vietnam in an effort to encourage the North Vietnamese to meet us at the conference table. Since the date of that announcement, we have refrained from attacking military targets above the 19th parallel.

Now, let us look at the actions taken by the North Vietnamese in response to our indication of good faith.

The enemy has done the expected thing. They have taken full advantage of the situation to move men and supplies and to repair damaged installations and lines of communication.

What are some of the specific steps they have taken? The most significant step has been to start a feverish round-the-clock movement of land and water vehicles north of the 20th parallel. Prior to the March 31 announcement, our bombing had forced the North Vietnamese to disperse and camouflage their vehicles and to move them mostly at night. With the cessation of bombing, these vehicles are now moving freely around the clock, transporting military supplies and equipment southward. The April daily volume of truck traffic is considerably higher than the March volume, and daytime water traffic has increased nearly five times over March. Coastal craft used to support the North Vietnamese logistic effort have been sighted in numbers larger than seen at any other time in the past 3 years.

The bombing pause has also allowed the North Vietnamese to string out large quantities of supplies in open storage along highways, rail lines and waterways.

There has been increased activity in the port of Haiphong, especially in repairing the port's facilities and in dredging to clear the silt that has impeded the use of the shipping channel for the past year. Additionally, the bombing pause has allowed the North Vietnamese to accelerate repairs on their road, rail, and waterway network. Many bridges have been repaired or replaced, and new bypasses have been built. This has enabled the North Vietnamese to increase the speed and volume of supplies southward, and it has allowed them to bypass and restore damaged arteries. These repair efforts are currently underway throughout northern North Vietnam. April has seen a 2,000-ton increase in shipments of material to support NVA logistic operations.

Further, the North Vietnamese have used the pause to strengthen their surface-to-air missile defenses in the southern panhandle. One-third of the surface-to-air units now in this area entered after April 1, and additional units are expected to be shifted there if the bombing pause continues.

Are these activities indicative of a country interested in negotiating for peace?

And their activities have not even been confined to North Vietnam.

In South Vietnam, attacks on most major cities have been resumed at a cost of many lives, civilian as well as military.

Further, the enemy has begun heavy infiltration of South Vietnam. During the first 4 months of 1968, an estimated 80,000 to 100,000 North Vietnamese troops were seen moving south. About 75 percent of this movement occurred in March and April. The April infiltration total, the highest to date, exceeds the March record by some 7,000 men. This infiltration is especially significant for two reasons:

First, it will accelerate the present trend that is shifting the balance of enemy forces from VC to NVA. In 1965, only 4 percent of enemy troops in South Vietnam were NVA. Now, 75 percent of combat support groups and 33 percent of in-country strength is NVA. And this percent will increase as infiltration continues.

The infiltration is significant for a second reason because these infiltrating troops are intended as replacements for combat losses. At the present rate of infiltration, the enemy will be able to rebuild his units, thus enhancing his position for renewed attacks during the current offensive. This will be the first time in 18 months that the enemy has been able to sustain a personnel input adequate to cover its losses.

In addition to infiltration of troops, the North Vietnamese are sending in materiel arms and supplies, at a rate higher than the first 3 months of this year.

In conclusion, we can say that the enemy is taking full advantage of the bombing cessation:

To repair and construct roads and bridges;

To restore critical industries;

To increase surface-to-air missile defenses in the panhandle;

To employ additional military units southward; and, in general,

To increase their warmaking capabilities.

Most of all, we can say that the enemy is not deescalating, but rather is accelerating and strengthening its offensive and defensive capabilities. And we can say that the bombing pause has contributed significantly to the effectiveness of this effort, and the loss of the U.S. servicemen's lives.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

(On request of Mr. STRATTON, and by unanimous consent, Mr. RIVERS was allowed to proceed for 3 additional minutes.)

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I am delighted to yield to my distinguished friend and valued member of my committee, who is doing such a magnificent job, particularly on the antisubmarine warfare. I want to make this known now.

Mr. STRATTON. I appreciate my chairman's comments.

I wish to commend the gentleman from South Carolina for his remarks.

In view of the fact that more than 37 days have passed since President Johnson placed a limited halt on the bombing of North Vietnam, and in view of the fact that the evidence is, as the gentleman has just indicated, that they have not deescalated in return for our action but have, in fact, escalated their part of the conflict, would not the gentleman agree with me that there ought to be a decision in the near future that we resume the bombing so as to protect the lives of our men, if the enemy is, in fact, not going to deescalate?

Mr. RIVERS. I believe we should set some kind of a time limit whether we make it public or not.

We should not kid ourselves. These people are smart. They are trained. They are resourceful. They have up-to-date arms. They have as good arms as we have. They have terrifically sophisticated surface-to-air missiles and antiaircraft power.

These people are wise. They are intent upon driving a hard bargain. And believe me when I say they are preparing for any outcome. They do not frighten easily. Death to them is as simple as the sun rising every morning.

The American public had better get this in mind. These people are not fools and we cannot handle this crowd with kid gloves.

Thank you very much for letting me speak out of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEMONSTRATIONS AND INTERGOVERNMENTAL RELATIONS

MODEL CITIES PROGRAMS

For financial assistance and administrative expenses in connection with planning and carrying out comprehensive city demonstration programs, as authorized by title I of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255–1261), including $100,000,000 for grants for urban renewal projects within approved city demonstration programs, to be transferred to and merged with the appropriation "Urban renewal programs" for the fiscal year 1969 in accordance with and subject to the provisions of section 113 of said Act, $500,000,000: *Provided*, That the amount appropriated herein for other than urban renewal programs shall remain available until June 30, 1970.

AMENDMENT OFFERED BY MR. FINO

Mr. FINO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINO: On page 33, line 4, strike out "$500,000,000" and insert "$312,000,000".

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes in support of his amendment.

Mr. FINO. Mr. Chairman, the sole purpose of this amendment is to reduce the model cities appropriations from the $500 million in this bill to $312 million, which is the amount that was appropriated by this House or by this Congress last year.

The first thing I would like to point out is that any sum we vote in this House—and make no mistake about it—any sum we vote in this House will be increased in conference because the Senate, as usual, is bound to vote for more money. In order to keep these expenditures at a reasonable level, I urge the Members of this House to support this amendment, which will restore the amount to last year's appropriation.

Public opinion supports these cuts. Every congressional poll shows that the people oppose this program or want it cut. I have not seen one congressional district questionnaire which shows a majority of the people favoring an increase in this program.

The reasons are easy to set forth. This program, in my opinion—and I stated this time and time again last year and the year before—this program is a gimmick. It does not build housing. It does not take people off welfare. It pursues much trickier goals. Some of you will remember 2 years ago I said on the floor of this House that this program would be used for school racial-balance schemes. Needless to say, my friends on the other side said I was wrong and that the model cities program had nothing to do with school busing to achieve integration.

I do not intend to discuss this at length. It is not necessary to do that. Just let me read you a list of the model cities education programs listed in the Education News of February 5, 1968. I have picked out the school racial-balance programs. In Oakland, Calif., an educational park; in Hartford, Conn., suburban-inner city school busing; East St. Louis, school busing; Baltimore, Md., school busing; Boston, Mass., suburban-inner city school busing; Newark, N.J., educational park; Buffalo, N.Y., educational park; Rochester, N.Y., school busing; Charlotte, N.C., educational park; Pittsburgh, Pa., racial balance in elementary schools.

I remember back in 1966 when the gentleman from New York, my friend who represents the quiet, peaceful campus of Columbia, said that this Congress should not apologize for supporting school busing and similar efforts. I am sure that this gentleman, the same gentleman, would be happy to take the same position today. I hope that the rest of this House is less anxious to vote Federal dollars for school busing. I know there will be some who will say that we must vote this money to appease the so-called Poor People's March; that we must vote this money or Dr. Abernathy's riot commandoes will burn down the rest of central Washington. This brings to mind an incident of 150 years ago when the pirates of Tripoli were forcing this Nation to pay tribute. Somebody coined a new slogan of "millions for defense but not one cent for tribute." The Navy cleaned out the pirates, and that was the end of the blackmail. I think the American people are waiting for an end to blackmail today.

If these programs are not blackmail, what are they? Certainly they do not work. Each year we have increased urban spending and each year we have more riots. As the programs have increased so have the riots. Nobody has pointed out the ineffectiveness of this spending better than the distinguished chairman of the Committee on Appropriations. Time and time again he has shown how the increased expenditures in these programs have achieved nothing. Of course, I must admit that these programs have had one big effect.

All this spending has produced massive inflation and a massive Government financial mess. This we know. So I suggest that, in the name of sound economics and realistic sociology, we call this spending binge to a halt. Believe me when I say that the city voter is not for these programs—I have campaigned hard against them and won 2-to-1 reelection in the heart of New York City and I say to those of you who come from big cities you need to have no fear of that, because I am a good example of those conditions which you will face.

Mr. Chairman, I urge support of the amendment.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

I would call to the attention of the distinguished gentleman from New York that the HUD appropriation for fiscal year 1968 was $312 million for the model cities program. For 1969 the President asked for $1 billion for model cities. We were only able to consider funding to the extent of $650 million in this bill. This is all that has been authorized. We have recommended $500 million—a half-billion dollars—for the model cities program.

Mr. Chairman, the amendment, if adopted, would cut off at least half of the $200 million provided for the initial model cities. It would also have the effect of reducing the amount to be provided for some 75 additional model cities to be announced soon. There are great needs to be met in our cities. In other words, if the gentleman's amendment is adopted it would take $188 million out of the model cities program, and it would retard the effort to solve the complex problems of the cities.

Mr. Chairman, I hope the amendment will be defeated.

Mr. MICHEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, members of the Committee, last year, during the consideration of this bill, I offered an amendment similar in nature, designed to wipe out all the model cities money except that for planning. The basis of my remarks at that time was the fact that not one cent of the planning money previously appropriated had been used. My amendment lost by only eight votes on tellers and a switch of 10 votes would have made the difference on my motion to recommit.

Mr. Chairman, I also made reference last year to my own home community of Peoria, Ill., by saying:

> Mr. Chairman, I cannot help but be reminded that on this very day my hometown of Peoria, Ill., population 130,000, is formally receiving from the National Municipal League and Look magazine our second "All-America City Award." Peoria's award this year as one of the 11 cities so designated throughout the country is due to a combination of factors, not the least of which is the better than $50 million downtown development program without one thin dime of Federal money. We have demonstrated and will continue to prove that we can be a model city on our own.
>
> This $50 million development program for Peoria is significant to this discussion today, for it is mere peanuts when you are talking about the really big metropolitan cities in this country. In other words, if you took the $2.9 billion of original authorization for this program and divided it up equally among the initial 70 cities they have been talking about, you come up with less than what we are doing on our own in a community of merely 130,000 people.

In addition, Mr. Chairman, since last year we have embarked upon a program of urban renewal on our own without turning to the Federal Government for a dime. And how is it going to be accomplished? The city council passed a new 5-percent utility tax to fund the beginning of the program. Inasmuch as we are not designated as one of the cities to get any Federal money from this appropriation, I don't know why I should support it for others. Possibly if other cities around the country would do what we have done on our own we wouldn't have this crisis of the cities. The money comes from the same place—the people—and, I submit, we get a better dollars worth when we raise the money and spend it locally, rather than turning always to the Federal Establishment as some sort of bottomless pot at the end of the rainbow. I couldn't let the opportunity slip by without "tooting my horn" for my very progressive hometown of Peoria.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. The gentleman from New York has been in opposition to these programs from the start. He is being consistent. If the gentleman's amendment is adopted we will, in effect, kill the model cities program.

The very core and the very heart of the model cities program is the supplementary grant program carried in this bill. With the $500 million we have provided for the model cities, there is an amount of $200 million provided for supplementary grants for the first group of model cities that were selected last year, some 74 cities. There is an additional $200 million reserved for cities which will be selected within the next few weeks, and there is a $100 million item for urban renewal in the model cities area.

I submit, Mr. Chairman, that the failure to provide sufficient money for supplementary grants will really damage this program because supplementary grants go to the core of this innovative program. It actually permits the local communities to start some programs on their own, funded by the Federal Government, but programs which are attuned to ongoing Federal programs. The ability of the Department of Housing and Urban Development to grant extra money to the cities so that they can take these grants and use it in specific programs they wish, such as education, garbage collection, transportation—almost any single item or any single activity which assists in giving a better life for the people in the ghettos—that is precisely what the model cities program is attuned to do.

So, Mr. Chairman, I submit that this drastic cut—and it is a drastic cut—this $188 million cut—will come out of the supplementary grants program, and I submit that that is a dangerous procedure. I believe it would damage beyond repair the model cities program, and I would hope that this amendment would not be adopted.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman.

Mr. YATES. The subcommittee has already drastically cut this program; has it not? The cut was almost 25 percent.

Mr. BOLAND. The subcommittee has already cut this program by almost 25 percent; that is correct.

Mr. WYMAN. Mr. Chairman, I rise in opposition to the amendment.

We have considered this matter in this subcommittee very carefully. The mayors of the cities came before our committee and said "We need $32 billion."

We asked them where we were going to get that amount of money, and they did not have the answer. But in any event they would and did strongly favor the second increment in the model cities program.

The $100 million here is for urban renewal, being bricks and mortar, and on this I am sure everyone can be in agreement; $200 million is for a reservation for the next group of model cities—about 70 cities that are going to be included by the Department, and that do have problems. The other $200 million is for the second increment to the already designated first group of model cities.

I believe that this appropriation is warranted and needed in the atmosphere that prevails in this country today. It is not tribute, as the gentleman from New York has suggested. It is not appeasement. The cities are in a crisis, and we in this Congress should take steps to bring them out of it and help the residents in those cities that have problems.

These steps called the model city program may not be perfect, but these steps are a start in the right direction. In a very real sense this is a commitment to the challenge of our times, and it is a commitment that we should honor in this House at this time.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Michigan.

Mr. HARVEY. Mr. Chairman, I thank the gentleman for yielding. I agree with the remarks of the gentleman, and I wish to associate myself with his views.

I have voted on this side of the aisle, I think, for just about all of the Bow amendments—and in fact, I added them up the other day and I believe that last year I voted for $14 billion in cuts in voting for the Bow amendments to appropriation bills, but this is one amendment to cut the model cities program that I cannot go along with. I will oppose it with all my heart.

I believe that our cities today face very serious problems, and if we in this Congress do not realize that, then surely something must be wrong with us. I believe that the committee has cut this appropriation enough at this particular time as far as I am concerned, and I will vote to oppose this particular amendment.

Mr. WYMAN. I thank the gentleman for his remarks.

We do not know whether this program is going to work out the way it is claimed it will work out, or whether all the claims that have been made for it will be proved to be correct in application, but it is a start in the right direction, and it should, as the gentleman from Massachusetts has said, be given a chance.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I just want to take the time to compliment the distinguished gentleman from Michigan. He was sitting on the Committee on Banking and Currency when some of these programs were authorized. He has taken the floor in support of some of the great programs through which we hope to meet some of the problems that the cities are now confronted with.

As a member of the Committee on Banking and Currency, he supported the rent supplement program, the model cities program, the urban renewal program, and many others. This is the kind of leadership that the other side of the aisle ought to follow.

The gentleman has been a very fine Member of the Congress in this area of urban matters.

May I say that that also applies to the gentleman from New Hampshire. I served with him on this particular subcommittee and I recognize his knowledge and ability and appreciate the time he has put in on the problems that affect our cities.

Mr. WYMAN. I thank the gentleman.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the distinguished Speaker of the House, the gentleman from Massachusetts.

Mr. McCORMACK. In line with what our friend, the gentleman from New Hampshire, has said, I am sure that we all recognize the serious problems that confront the cities of our country.

I think one of the greatest challenges that confronts us is the challenge to municipal government with the problems involved in the population move, and the transition that has taken place in that respect, requiring great increases in services and new services as well. Then we must consider the limited field for taxation in the cities to meet these problems. This is the overall situation that we all must look at. It is certainly a basic problem and it applies to all the cities of our country, whether the chief executive who is elected is a Democrat or a Republican or an Independent, or nonpartisan.

These are the problems confronting the cities and certainly we should keep this amount in the bill. As a matter of fact, they need more. Certainly, we should keep the amount in that has been recommended by the committee.

Mr. WYMAN. I thank the distinguished Speaker.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from New York.

Mr. REID of New York. I would just add, Mr. Chairman, that I think model cities is a vital program.

What is involved here is substantially less than the recommendation of the President's Riot Commission report. I hope that we will stand behind the action of the committee as a bare minimum, as an imperative commitment of faith to the cities, and vote down the amendment which would drastically curtail and weaken the program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. Fino].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MORTGAGE CREDIT

RENT SUPPLEMENT PROGRAM

For rent supplement payments authorized by section 101 of the Housing and Urban Development Act of 1965, $12,000,000: *Provided,* That the limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under such section is increased by $25,000,000: *Provided further,* That no part of the foregoing appropriation or contract authority shall be used for incurring any obligation in connection with any dwelling unit or project which is not either part of a workable program for community improvement meeting the requirements of section 101(c) of the Housing Act of 1949, as amended (42 U.S.C. 1451(c)), or which is without local official approval for participation in this program.

AMENDMENT OFFERED BY MR. FINO

Mr. FINO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Fino: On page 34, line 25, strike out "$25,000,000" and insert "$10,000,000".

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. Fino] in support of his amendment.

Mr. FINO. Mr. Chairman, the only purpose of this amendment is to reduce the rent subsidy appropriation from $25 million to $10 million, for the fiscal year 1969, and here again, to the same amount that we appropriated last year.

I want to make several quick points.

First of all, in my good judgment this program is very wasteful.

The average monthly subsidy per family under this program is $75, almost twice the cost of public housing.

Private housing is used in this program so that economic integration can be achieved in places that public housing cannot go.

I do not believe this type of social objective is realistic or worth spending twice the cost of public housing.

Second, it has been a flop and has built practically no new housing.

The number of actual new units constructed under this program is negligible.

Five times as many persons have been helped under the rent certificate program which is cheaper and more effective, and that is the program that is in the statute books and which was sponsored by my colleague, the ranking member of the Committee on Banking and Currency, the gentleman from New Jersey [Mr. Widnall].

Third, the spending that you authorize today, and this is very important and I hope the Members of the House will pay attention to it—the spending that you authorize today means 40-year contracts.

Every time you appropriate $1 under this program you obligate yourself for 40 years, so that the $25 million absorbed by this bill actually means $1 billion.

Moreover, it is safe to say that if you vote the full $25 million, as sure as God made little apples the House-Senate conference will raise that figure. To keep this wasteful program at a realistic level and a sensible level, I think it is necessary to cut the appropriation to the $10 million that we appropriated last year. Last year when we appropriated $10 million, we obligated ourselves to $400 million.

Lastly, I would like to refer to public opinion of this program. Nowhere in the Nation does the majority of the electorate support this kind of program. Last year I put a group of congressional district polls in the Record. Support of the program ranged from 5 percent in suburban Indianapolis to 29 percent in Berkeley, Calif.

This program is, in my judgment, obnoxious to the American people and all but meaningless to the poor. As a matter of fact, it was originally designed by the administration to exclude the poor.

If we want to help the poor, we should increase appropriations for the rent certificate program.

I cannot possibly believe that this Congress would expand a program like this in a year when we want to make—and need to make—at least $6 billion worth of budget cuts. The rent subsidy scheme is a good example of the type of misguided ways which should be cut back in view of our grave economic crisis.

I urge you Members of Congress to remember that very shortly you will be asked to vote for a 10-percent increase in taxes. I hope you have good explanations for your people back home when you vote for a program such as this.

I urge the Members of this House to support my amendment.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

The gentleman from New York, I believe, suggested an alternative. He suggested that they might use the rent certificate program or some other program.

I would call the gentleman's attention to the report in which we said that in view of the evident need for substantial low-income housing, the Secretary is urged to utilize all the tools, the several approaches authorized by Congress, including the rent supplement program, the rent certificate program, which the gentleman has suggested, the public housing program, the leasing program, and others, to provide the low-rent housing that is needed throughout the Nation.

The testimony is to the effect that we need 60,000 low-rent housing units per year. In 10 years that is 600,000 units. We have had the public housing program for 30 years. The rent supplement program is a private enterprise approach, allowing private homebuilders to contract and build these units. The rent supplement units remain on the local tax rolls. There is an incentive for the tenant to own the property. Rent supplement projects are privately owned, privately managed, privately financed. The rent supplement program is quite different from public housing projects, which are Government owned, Government managed, and Government controlled.

The amendment of the gentleman from New York would cut $15 million out of the modest $25 million we have included. The request is for $65 million. The overall authorization is $150 million. The authorization is for $150 million, and the committee agreed on $25 million. My friend would slash that amount still further.

This program is needed. It is being utilized. It has broad support. It is under local control. There is language in the bill which states that there will be no rent supplement program unless it is voted and approved by the local officials.

Who is eligible in the program? The needy, the elderly, the physically handicapped, those occupying low, substandard housing—those displaced by Government action or by a natural disaster. It applies only to those who meet the income requirements for public housing.

So, Mr. Chairman, we have gone up the hill and down the hill on this program. This issue has been debated before. It is an ongoing program, privately operated and privately maintained. The insurance companies have committed $1 billion, so the Government can come forward with this commitment. I urge defeat of the amendment.

Mr. REID of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I believe that rent supplements are basically a free enterprise program that it is beginning to be successful, and that the figures as well as the principles sustain this contention.

It is my understanding that at the present time there are some 41,000 rent supplemented units either completed, under construction, or in process. This has generated $450 million in new mortgage funds. The $25 million appropriation before us here would finance 27,000 units and approximately $313 million in new mortgage money.

Further, the administrative processing time has been reduced, I am apprised, from some 18 months to 6 months.

I do not think rent supplements have been a "flop." Indeed, I think it is starting to hold out some of the first genuine hope that progress can be made in the ghettoes under free enterprise, through the participation of limited dividend corporations and nonprofit organizations, such as church groups, pension funds, fraternal and teachers' associations.

To sum up, I believe this holds the promise of encouraging a vital, new, free-enterprise housing program. It clearly taps the resources of private enterprise. It keeps the property on the tax rolls. It encourages individual initiative, rather than forcing the tenant out of an apartment when his income reaches a certain level. It fosters private ownership.

I think it is much more effective and much more humane than the stark, pedestrian public housing we have today. I think it meets the test of both fiscal responsibility and social imperative that is required by our national crisis in housing and in the cities.

The Riot Commission has recommended that we provide 6 million new housing units in the next 5 years, and the rent supplement program is at the heart of their recommendations. The Commission urges that it be revised in order to provide broader coverage and expanded in order to reach more needy families. Secretary Weaver has stressed the importance of rent supplements to the housing needs of this Nation. In a letter to me this morning, the Secretary said:

> As you know, the President has set as a goal the construction of 6 million new housing units for low- and moderate-income families in the next 10 years. If we are to meet this objective, there must be a deep commitment on the part of government, Federal, State and local, as well as the wholehearted support of private industry. . . . I cannot overestimate the importance of the rent supplement program, and the importance of its adequate funding during fiscal 1969. Of all our programs it is the one that has the solid support of almost every facet of industry, including, of course, the private sector.

I hope the Congress and the Nation will meet their responsibilities and turn down this amendment.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, there will be many Members on both sides of the aisle who would like to debate this. The issue has been debated many times before and views are generally known, so I hope we can proceed to vote on the amendment.

SUBSTITUTE AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from New York [Mr. Fino].

The Clerk read as follows:

> Amendment offered by Mr. Gross as a substitute for the amendment offered by Mr. Fino: On page 34, line 25, strike out "$25 million".

Mr. GROSS. Mr. Chairman, this rent control program, as the gentleman from New York [Mr. Fino] says, is projected 40 years into the future. I guess it is 37 years, to be exact, because I believe this is the third fiscal year. It obligates the taxpayers to the spending of a billion dollars, and we have been hearing lately much talk about how the obligational authority should be reduced.

This is a program that never should have been started, and it seems to me there is no better time than now, here, today, to put an end to this business of rent supplements.

There is in this bill approximately $72 million as a token payment—a token payment only—toward the retirement fund of Federal employees. The Federal employees' retirement fund is more than $51 billion in the red. The day is coming and coming soon when Congress will have to face up to that to the tune of $1 or $2 billion a year to make the Federal employees' retirement fund operative.

When are we going to start cutting down on these bills and prepare to meet the obligations that we have undertaken?

I witnessed the spectacle last Friday when President Johnson appeared on television. I saw the fist shaking and heard the charge that Congress was trying to blackmail him. In other words, some of us are blackmailers, because we insist on deep spending cuts to accompany a tax increase. He asserted that if Congress cuts more than $4 billion off the spending program for fiscal year 1969, we will have indulged in a phony paper cut.

In other words, if we cut more than $4 billion off the spending program of the Federal Government in fiscal year 1969 we are a bunch of "phonies."

This is an awfully good time, and I know of no better place to save $25 million than right here and now on this direct subsidy of rents. I know of no better time to begin to pare this budget more than $4 billion. I, for one, am willing to accept the challenge. I want to prove to the President, if it is possible to do it, that I am not a wooden soldier of the status quo. Perhaps some of the rest of you covet this role. Perhaps you like to be called "phonies." I do not.

I believe this is an excellent place to start. We should have adopted the other Fino amendment and cut $188 million off the euphoniously labeled model cities program.

Model cities? Congress could spend $50 billion and there still would be no model cities.

I agree with the gentleman from New York [Mr. Fino]. It is time the municipalities of this country measured up to their responsibilities and took care of their problems rather than passing them on to all the taxpayers.

I urge adoption of this amendment. I know of no better place to save $25 million for the taxpayers of this country and accept the challenge of the occupant of the White House who appears on television to shake his fist and condemn Congress. Let us accept his challenge.

Mr. YATES. Mr. Chairman, I rise in opposition to the substitute amendment offered by the gentleman from Iowa and in opposition to the amendment offered by the gentleman from New York. The views of both gentlemen are well known and I would think that it would be futile to remind them that of all the virtues, the greatest is charity. Certainly, their harsh amendments reject this truth.

For over 30 years this Government has recognized and acknowledged the responsibility of the Federal Government to help the poor and underpriviliged in our country in their housing needs. In 1936 the public housing program was initiated and over the years numbers of units have been added under its provisions. Although the program serves a useful purpose, in many instances it is found to be inadequate both in respect to the numbers of units made available and in the type of housing provided. Certainly, the program was never sufficient to take care of the numbers of people who qualify for the housing it offers.

Thus, that program was augmented by the rent certificate program under which rent certificates were given to those who qualify in order to pay a portion of their rent. Unfortunately, in so many instances this program resulted in subsidizing substandard and slum buildings. But in view of the shortage of available dealings for those of low incomes there was no alternative. Although the program filled a gap, it did not stimulate construction of new housing.

It was for this purpose that the idea of using rent supplements was conceived. It differs from recent certificates because it fosters the construction of new housing for the underprivileged. It is a reasonable addition to the measures made available for housing the underprivileged. It provides housing that is not Government owned or operated. It invites limited dividend and not-for-profit groups such as church or labor organizations to undertake and build structures to house those who qualify. These are very limited classes.

The taxpayers pay a portion of the rent in all three classes of assistance. They subsidize a portion of the rental in public housing projects; they subsidize a portion of the rental through rent certificates and they do the same through the rent supplement program. The only difference is that recipients of the subsidy under the rent certificates program are not required to live in buildings identified as public housing projects.

The rent supplement program is a very useful tool to rebuild deteriorated and blighted areas. The need is desperate for the numbers of those who cannot find housing at prices they can afford to pay continues to grow. The rent supplement is a constructive instrument to meet their needs. I urge that both amendments be voted down.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to the amendment.

Mr. Chairman, it is my recollection that last year we had the same matter before the House and did originally eliminate the entire appropriation for rent subsidies. Then it went over to the other body and they put the money back in. The House backed down from its original position. Certainly, I hope that the House this time will strike out the entire appropriation for rent subsidy and will stick by its guns regardless of what is done in the other body.

In my opinion, Mr. Chairman, this is not the manner in which to meet the needs of the poor for housing. It discourages young people in this country from trying to obtain the ownership of their own homes. It takes away the incentive to attempt to acquire home ownership when a Government subsidy is provided for rental property. The young people of the country often try to obtain home ownership, which tends to bind the family together. They make sacrifices to that end so that they can own a home of their own. Rent subsidy rewards the indolent and penalizes the ambitious. In my opinion it is a bad law and an excellent place to cut Government spending to help balance the budget.

I hope the amendment to the amendment will be adopted and this program will be eliminated.

Mr. FARBSTEIN. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I oppose both amendments. I wonder how many sitting here realize that in the large cities the cost of renovating old buildings is so high that even to occupy renovated old buildings they, the impoverished, still need rent supplements. It is not only a question of their living in newly built homes or newly built houses. The cost of building is so high today that old, ramshackle structures that are being repaired must still be supplemented. Assistance must be rendered by government to the impoverished who seek to rent these apartments. I do not think that those of you who live in small communities and who live in small towns have any conception or realization of what rents are in the large cities, because if you had you would certainly never oppose rent supplements as has been offered here. If anything, you would go along with the sum originally requested of $65 million. As far as I am concerned, I sincerely hope that the Senate increases this from $25 million to $65 million.

Mr. Chairman, certainly this is no place to seek to economize. If you can vote for $410 million as a subsidy for farmers, if you can subsidize commercial farmers and factory farmers to the tune of $410 million, then what is wrong in helping these poor people to have a half-way decent place—not a decent place but merely a half-way decent place—in which to live?

Mr. Chairman, we are trying to keep the cities cool this summer. The best way to heat them up is to pass these amendments. We are in trouble enough in the cities. You folks who come from small communities may not realize this. Appropriations are being cut down generally so that there is little money for jobs for those kids who walk the streets. Kids will be hanging around looking for trouble this summer unless something is done to increase the poverty appropriations.

Mr. Chairman, if we are going to continue to force poor people to live in broken down homes, with broken floors, with broken pipelines, we are going to have trouble in the cities. In other words, if we are going to continue to insist that the poor occupy homes that are shameful to live in there is bound to be a day of reckoning.

Mr. Chairman, I am certainly amazed that the gentleman from New York has offered an amendment to cut this appropriation down from $25 million to $10 million.

Mr. Chairman, the gentleman from New York enjoys the good fortune of living at the edge of the city where there are many adequate homes available. But for the gentleman to disregard the occupants of the tenements, the ghettos, and the other unsuitable housing areas is unbelievable.

I beg of the members of the committee to defeat this amendment—both of these amendments.

Mr. EVINS of Tennessee. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BARRETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BARRETT. It is my understanding that the 5 minutes is given, first, to the gentleman from Georgia [Mr. STEPHENS].

The CHAIRMAN. That was not the way the Chair understood the request. The manner in which the unanimous-consent request was put to the Chair was that all debate on this amendment and all amendments thereto close in 5 minutes.

Mr. BARRETT. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BARRETT. Mr. Chairman, I rise in the strongest possible opposition to the amendment. I was deeply sorry to see the Appropriations Committee cut the rent supplement authorization from the $65 million requested by the President under existing law to only $25 million. To cut the $25 million even further would be, I would think, a completely irresponsible act in my judgment. The rent supplement program, for which we fought so hard, is a most promising supplement to our great public housing program. It offers a way for private enterprise and private mortgage capital to provide decent housing for the very poor who cannot pay an economic rent. At a time when our urban problems cry out for solution and at a time when decent housing is in critically short supply for low-income families, it is unthinkable that we would authorize a further cut in the rent supplement program. Mr. Chairman, I urge my colleagues on both sides of the aisle to reject this shortsighted, ill-advised amendment overwhelmingly.

(By unanimous consent, Mr. EVINS of Tennessee yielded his time to Mr. STEPHENS.)

The CHAIRMAN. The Chair recognizes the gentleman from Alaska [Mr. POLLOCK].

Mr. POLLOCK. Mr. Chairman, I rise in support of the committee's recommendations with respect to the rent supplement program.

I do so for three reasons.

First, it seems to me that the rent supplement program complements the highly successful rent certificate program, sponsored by the distinguished gentleman from New Jersey [Mr. WIDNALL]. Both programs involve the private ownership of the rental units in question. Both programs retain the property on the local tax rolls. Both programs involve a rental subsidy to families of low income.

The only difference is that the rent

certificate utilizes existing housing whereas the rent supplement program involves either the substantial rehabilitation of existing housing or new construction.

Also it seems to me that the rent supplement program is quite comparable to the program sponsored by Mr. WIDNALL involving homeownership. In principle, it seems to me that both programs have much in common.

Second, I support the rent supplement program because it is endorsed by a very responsible number of professionals in the field of housing. For example, the rent supplement program is supported by the National Association of Home Builders, the National Association of Real Estate Boards, the Mortgage Bankers Association, the President's Committee on Urban Housing, and Urban America. I could also add a very substantial number of other groups to this list. All of these groups are oriented toward private enterprise.

Third, I support the rent supplement program because it offers a viable alternative to the conventional public housing program and at this point and time it seems to me that the rent supplement program is certainly no more costly than the public housing and in fact it may be somewhat cheaper, certainly on the short-term basis it is cheaper. Finally the rent supplement program is on the books; it is operative and perhaps it is time that we concentrate our efforts on doing something to relieve the pressures in the cities for decent, safe, and sanitary housing.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Chairman, I oppose both the amendment to the amendment offered by the gentleman from Iowa [Mr. GROSS] and the amendment offered by the gentleman from New York [Mr. FINO]. Both are designed to gut the rent supplement program. I can understand, although I thoroughly disagree with, the attitude of the gentleman from Iowa. He has probably never been exposed to the squalor and degredation of the slums. But I am baffled by the attitude of the gentleman from New York who must know the depth of the housing crisis in New York City.

According to the 1960 census, there were then 550,000 units of delapidated and substandard housing in New York City. There are 135,000 families on the waiting list for public housing in New York City. And New York City's government has been able to build only an annual average of 2,500 units of low cost public housing in the past 2 years despite the fact that the Department of Housing and Urban Development had the funds to approve 7,500 units per year.

The gentleman from New York [Mr. FINO] said the rent supplement program was a "flop." The real failure is the failure of the New York City administration to use available Federal funds for a variety of housing programs.

Under the Fino amendment $10 million would yield about 11,000 units for the entire Nation. Because of the 15 percent limitation for any single State, this would mean about 1,200 units for New York City—which would barely make a dent in the problem.

I also deplore the not so subtle appeal to the prejudices of those who continue to resist open housing in the suggestion of the gentleman from New York [Mr. FINO] that the purpose of the rent supplement program is to promote integrated housing. Assuming arguendo that it is, open housing is a proper objective. The program should be used to open the suburbs and to bring about integrated communities. Otherwise, the crisis of the cities will not be resolved.

Rather than debating amendments to gut the rent supplement program, we should be increasing the appropriation, which provides for only $25 million. Neither that amount nor the administration's request of $65 million is sufficient. The total 4-year authorization through fiscal year 1969 is $150 million, and only $42 million has been appropriated. Instead of $25 million, it would take $108 million to keep faith with the commitment made when the rent supplement program was originally authorized.

The authorization of $150 million would have produced some 175,000 units. However, Congress has obstructed the program by low funding to the point where only 2,734 units are occupied, 16,108 units are under construction, and 23,500 units are in planning for an overall total of 42,342 units. If we continue at this pace, one-fifth of our Nation will remain ill housed for years to come. And the frustration and despair of the slums will intensify. An affluent society has an obligation to all of its citizens which must not be ignored.

The amendment to the amendment, and the amendment, should be defeated.

(By unanimous consent, Mr. RYAN yielded the remainder of his time to Mr. STEPHENS.)

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. FINO].

Mr. FINO. Mr. Chairman, I listened to my colleague from New York, and I cannot quite understand all of his excitement. I want to make my position crystal clear.

I am not opposed to housing, but I am opposed to what we call expensive housing, and that is exactly what this rent supplement program is all about—expensive housing. We can provide plenty of sufficient housing for our so-called poor people if we concentrate on the programs that we have on the statute books.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. GILBERT].

Mr. GILBERT. Mr. Chairman, may I say I heard my distinguished colleague from my county, the gentleman from New York [Mr. FINO], just make some reference to this amendment. May I say that, living in the Bronx and living in the city of New York, I know the importance of the rent supplement program.

I truly join my colleague, the gentleman from New York [Mr. FARBSTEIN], in saying that I am truly dismayed and shocked that Mr. FINO does not quite understand the nature of the problem that we have in our city. I believe that we here can make this little gesture for the people who live in these ghetto areas, and in the district that I represent. I know the people want this and need it.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. HARVEY].

Mr. HARVEY. Mr. Chairman, I used to serve on the Subcommittee on Housing of the Committee on Banking and Currency, and when this program first came up I opposed it. I did so because I thought the regulations were poorly drawn and because the money was not going to the needy people who truly needed it, but these regulations have now been changed. If the Members do not believe so, then they should look at the regulations such as those I have here in my hand and study them. Do not just arbitrarily reject this program.

This is a program that is designed to help the poor, for that reason I have supported the program since the regulations were revised and I support the program today. I ask my colleagues on this side of the aisle to scrutinize it carefully. There are only two ways of helping the poor with housing. We can give them public housing or supplement their rents in rental housing. Mr. Chairman, this program deserves a chance to prove its worth. I hope both amendments will be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. STEPHENS] to close the debate.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I appreciate the fact that the gentleman from Georgia has yielded to me so that I may add my strong support to the rent supplement program. This program has already more than proven its value in West Virginia through the projects which have just recently been authorized, and for which groundbreakings have already been held. I might also mention that when we had a test vote on this issue last fall, I voted for $40 million in funds for rent supplements, even though we lost that vote in 1967.

I would like to speak briefly regarding the importance of the appropriations for the rent supplement program in the bill before us. This program is an integral part of the effort to provide decent housing for lower income families, for the elderly, the handicapped and for those who now occupy substandard housing.

Under this program, housing owners, who must be private nonprofit, limited-distribution, or cooperative mortgagors, enter into contracts with the Secretary of Housing and Urban Development to receive Federal rent supplement payments. They are thus able to provide privately built, owned, and financed housing to worthy tenants who might not otherwise be able to afford the rent. Complementing the low-rent public housing program, rent supplements help to increase the available supply of shelter for those most in need.

Since its inception, this program has been underfunded, with only $10 million in contract authorization provided for this fiscal year. I would urge that the committee recommendation for an appropriation of $25 million be granted in full. This would be an important step toward providing decent shelter for the many Americans who cannot now afford it. In broader perspective, it would be an impressive step toward meeting the President's commendable goal of ridding the Nation of its substandard housing in the next 10 years.

There is a great need for decent housing in this country. There are nearly 6 million occupied substandard homes sheltering nearly 20 million people in this country at the present time—a time of unequaled prosperity for the majority of Americans. One way of helping to meet the housing needs of this country is through the rent supplements program and I would hope that every Member of this body would vote to provide the funds which that program requires for effective implementation.

The rent supplement program depends in large measure on the private sector, which is building the needed housing in our towns, villages, and cities. Full funding of the program will maximize the number of families of low income who will be afforded an opportunity to live in decent shelter for the first time.

Tenants assisted through the rent supplement program will pay 25 percent of their income and Federal financial assistance, which will be paid to the owners of the housing, will make up the difference between the tenants' payments and the full market rent.

This program, which has gotten off to a good start—even though the funding was not what it should have been, is an important tool in our efforts to help the American city. As President Johnson has described it, the rent supplement program is "the most crucial new instrument in our effort to improve the American city." I certainly hope that the pending amendments designed to get the program are soundly defeated.

Mr. STEPHENS. Mr. Chairman, I rise in opposition to both amendments. We enacted the rent supplement program in 1965 but made no funds available to get it underway until mid-1966. Throughout its short history, it has been continually underfunded. I want to bring up to date the status of this program.

The rent supplement program is popular. It has the support of business, labor, and welfare groups. Limited dividend corporations and nonprofit groups have flocked to file applications to help in providing decent homes for low-income Americans. The funds available have never matched the number of worthy applications. At the present time, there are 132 applications, representing 12,260 units of supplemented housing, awaiting new funds for the program.

Progress under the rent supplement program has been noticeable. By the end of fiscal year 1969, there will be 384 rent supplemental projects, located throughout the country, and providing nearly 27,000 units of supplemented housing.

In his budget for this year President Johnson asked for $65 million in funds for this program. That amount would have provided about 72,000 units of supplemented housing. The Appropriations Committee has recommended $25 million for the program in the next fiscal year. This is a $40 million reduction. This will provide about 28,000 units of supplemented housing.

The program has many advantages. To repeat some of my prior arguments: The housing provided under it is privately owned, built, and managed. It remains on the tax rolls, helping a city and county to meet its financial needs. The principle in this is the same as rent certificates; same, in fact, as flood insurance.

No program does more to use Federal funds efficiently, for as a tenant's income rises, the amount of supplement paid is reduced. In addition, the tenant is not penalized if his income rises. He does not have to move from his home, but simply pays more of the actual rent.

The rent supplement program has gained the support of homebuilders, realtors, and the mortgage banking industry. All of these groups realize the advantages of involving private industry in the attempt to provide decent low-cost housing.

I believe the rent supplement program is demonstrating its worth. Let us recognize its value by accepting the committee's full recommendation of $25 million.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS] as a substitute for the amendment offered by the gentleman from New York [Mr. FINO].

The question was taken; and on a division (demanded by Mr. GROSS), there were—ayes 48, noes 85.

So the substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FINO].

The question was taken; and on a division (demanded by Mr. FINO), there were—ayes 51, noes 92.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. EVINS of Tennessee (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read in full and that the bill be open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

AMENDMENT OFFERED BY MR. BROYHILL OF VIRGINIA

Mr. BROYHILL of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROYHILL of Virginia: On page 46, immediately after line 3, insert the following:

"SEC. 308. No part of the funds appropriated by this Act shall be used to pay the salary of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned."

The CHAIRMAN. The gentleman from Virginia is recognized in support of the amendment.

Mr. BROYHILL of Virginia. Mr. Chairman, three times before I have proposed to this House that we take action to deny payment of salaries to any Federal employee who is convicted of inciting, promoting, or carrying on a riot, or of any group activity resulting in material damage to property or injury to persons. Three times the Members of this House have agreed with me that Federal money should be denied those who participate in such activities.

As I said last week during debate on the Agriculture appropriations bill, this restriction contained in appropriations measures for other agencies has enabled the employing agencies to warn their employees against participation in illegal acts. I sincerely regret that the restriction was not in effect in all of our Federal agencies during the recent Washington riots.

The amendment I offer today, like the previous three, provides that no funds appropriated under this act shall be used to pay salaries of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Unlike two previous amendments, the amendment I offer today does not extend to recipients of services or grants from any of the agencies funded under this act, so that there can be no question here of the denial of charitable services to innocent family members of recipients.

It does, however, prevent those agencies funded under this act from being forced, through lack of restrictive legislation, to continue to finance any of its employees who are intent on destroying law and order by providing them with funds from the very Government they are bent on destroying.

Again I say as I did last week during debate on the Agriculture appropriations bill, there are more than enough good citizens, black and white, seeking employment with this Government. We do not have to pay salaries to those whose chief pastime is to kick America around, while basking in the bonfires they set in our cities.

I did not know of any Agriculture employees involved in the looting when I offered this amendment last week. I have since learned there were two. I do not know of any employees affected by this amendment today. However, I again say that I sincerely believe every loyal Federal employee will agree with me that neither they nor any of their loyal fellow employees want those seeking to destroy their Government working side by side with them and being paid by that Government.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, the gentleman has discussed the amendment with me. It has been adopted before. Without objection, we will accept the amendment and take it to conference. We hope if we have some violators that we can get some convictions and some action.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. BROYHILL].

The amendment was agreed to.

Mr. BOW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall be brief. I shall offer a motion to recommit which embodies the same amendment that was accepted by the chairman of the Treasury-Post Office Appropriation Subcommittee last April 9. And, it is the same amendment that was adopted by the Committee of the Whole last Wednesday when we debated the Agriculture appropriation bill.

Simply stated, the amendment would set a ceiling on the expenditure of Federal funds in fiscal 1969 by the agencies provided for in the bill in the total amount of $15,518,483,000, or $732,808,000 less than the $16,251,291,000 which these agencies proposed in the January budget to spend next year. I want to point out that this represents a cut of only 4.5 percent in their planned spending and certainly is proper in light of the fact that we may soon be voting on an overall package to reduce expenditures and obligational authority and to increase taxes on almost everyone. Last week this House approved a cut in Agriculture Department spending of 6 percent.

I want to reiterate what has been said earlier in the debate today. The Independent Offices Appropriations Subcommittee has reduced the obligational authority requests in this bill by almost $2.9 billion, including the elimination of $2.1 billion of participation sales authorizations which do not, however, affect current plans for program activities proposed by the agencies. The subcommittee has estimated that its actions in reducing the obligational authority requests by the $2.9 billion will result in actual cutbacks totaling $360 million in 1969 proposed spending by these agencies. I commend the gentleman from Tennessee [Mr. EVINS] and the gentleman from North Carolina [Mr. JONAS] and other members of the subcommittee for accomplishing these reductions, some of which will have a real impact on the spending programs of these agencies in 1969. I do want to point out, however, that their actions would result in a cutback of only 2.2 percent in the spending plans of these agencies next year. And, I think we are all agreed that greater cutbacks must be made if we are to accomplish the goal that the Appropriations Committee set for itself last week when it endorsed a resolution proposing a cutback of $4 billion in planned 1969 spending. Of course, that resolution made certain exceptions for special Vietnam costs, interest on the public debt, payments from trust funds and other relatively uncontrollable expenditures.

Thus, the agencies provided for in this bill, as well as others which are not in the relatively uncontrollable category, will have to share to a greater extent in the cutbacks than they would if the overall cutback were applied on a straight, across-the-board basis.

The amendment in the motion to recommit takes the approach that spending in fiscal 1969 should be held at the 1968 or 1969 level, whichever is lower, plus certain mandatory increases over which the agencies have no control. These mandatory increases include such items as the annualization of salaries, postage rate increases, the Pay Act increase of last October, and increases resulting from contractual obligations previously made. The lower of 1968 or 1969 expenditures by these agencies totals $14,686,205,000 to which we have added $832,278,000 of mandatory increases, making a total expenditure ceiling of $15,518,483,000 which I mentioned earlier.

These mandatory increases include $285,975,000 for the Department of Housing and Urban Development, $362,500,000 for the Veterans' Administration and $183,803,000 for the other agencies provided for in the bill. The details of these mandatory increases were supplied to the Independent Offices Subcommittee by the agencies involved and, as submitted, they totaled $1,186 million. Analysis of these increases revealed, however, that the Department of Housing and Urban Development had included in their mandatory increases a number of items that were purely administrative determinations and reservations and were not mandatory in any sense of the word. But, I do want to make absolutely clear to everyone that their estimates of mandatory increases for the model cities program, the rent supplement program, the low rent public housing program, and housing for the elderly and handicapped were accepted by us at face value and have been included in the mandatory increases allowed by the amendment.

Mr. Chairman, this is a good amendment and worthy of an affirmative vote by the House. Although it would reduce spending in 1969 by $732 million, or $372 million more than the Appropriations Committee was able to cut, it will not curtail any of the essential services performed by these agencies. Moreover, it will help us reach the expenditure reduction goal which was approved by the Appropriations Committee last week and I urge its adoption.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been trying to overcome the general lack of appreciation of the Renegotiation Board in 2 years of speeches in behalf of strengthening the Board. Despite its general obscurity, the Board is the foremost restraint against profiteering on defense and space contracts. It is the only independent agency whose entire efforts are dedicated to determining and recovering excessive profits on Government contracts.

Since its inception in 1953, the Board has saved the American taxpayer $2 billion, either by directing contractors to return excessive profits to the Treasury, or by its activities which lead contractors to voluntarily make price reductions or refunds to the Government agencies. In addition, the very presence of the Board acts as a deterrent to profiteering, just as the policeman on the beat cuts down on temptation.

In comparison with the $2 billion recovered by the Board in excessive profits, the Board's expenses have totaled $50 million since its inception. Discounting tax adjustments and credits, I estimate a savings-cost ratio of 18 to 1. This means that the Board saves for the American taxpayer $18 for every $1 spent to maintain it. In the case of the appropriations for the Renegotiation Board, then, we are talking of spending in order to get the means to recover much more in excessive profits.

I would have liked an increase of $600,000 in fiscal 1969 over the Board's appropriation for last year. This would provide the Renegotiation Board with 44 or 45 additional positions to enable it to cope with the increased workload generated by the Vietnam conflict. Because the Board reviews the completed contracts of the larger prime and subcontractors on a fiscal year basis, its review runs 2 or 3 years behind the awarding of the contracts. Therefore, the Board is only now feeling the effects of the Vietnam procurement buildup.

The administration figure was an austerity request for an agency already pared down to the bone. It was based on a conservatively estimated increase in workload generated by Vietnam.

In my statements in behalf of a strong Renegotiation Board, I have cited example after example, trend after trend, indicating that excessive profitmaking is considerably more rampant than the Defense Department officials ever acknowledge. I think it very likely that the manhours the Board will need to ferret out this increased profiteering was estimated too low. But in any event, with a likely budget deficit of $20 billion, how can we be justified in withholding full funds from an agency which adds—not subtracts—to the Treasury, in proportion to the funds spent to operate it?

In fiscal 1967, prime military contract awards for Vietnam exceeded the high mark of $43.6 billion reached during the Korean conflict, and they are continuing at about the $45 billion level this year. Yet at the height of the Korean period, the Renegotiation Board had 742 employees and a budget of $5,093,000, as compared to a present budget of $2,600,000 and 174 employees.

Actually, one of the reasons for the relative weakness of the Board today has been a series of amendments greatly limiting the Board's jurisdiction. However, I have a bill presently under consideration by the Ways and Means Committee which would restore the Board to its Korean capabilities.

But the simple truth is that the Renegotiation Board's fight against war profiteering was fully supported during the Korean war, in terms of basic statute, in terms of manpower and in terms of budget. The Board responded in kind, with determinations of excessive profits exceeding $150,000,000 for 3 of those years.

Today there are many examples of war profiteering. Today there are ample indications of increased profitmaking on defense contracts. But the simple truth is that this Congress and this Nation is largely unconcerned about the inequality of sacrifice relative to Vietnam. Few seem to care that American soldiers are dying in Vietnam in a very hot war, while a few unscrupulous or negligent profiteers are allowed to make a killing on defense contracts in stateside comfort.

The Renegotiation Board needs a significant increase in personnel to give the taxpayer a fair chance at recovering exorbitant profits made on Vietnam procurement. There is every reason to believe that the Board would continue to save $18 for every $1 expended. Thank you.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Illinois.

Mr. YATES. I commend the gentleman for bringing this matter to the attention of the House. I read an item in the New York Times a few days ago to the effect that appearing before the House Committee on Banking and Currency Admiral Rickover made the assertion that on many defense contracts profits of as much as 25 percent were being made by defense contractors. This should not be tolerated. Certainly there is a job for the Renegotiation Board to do here, and I hope it accepts its responsibility fully.

Mr. GONZALEZ. I thank the gentleman.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I want to join the gentleman from Illinois in commending the gentleman from Texas on his presentation here. There is no question about the fact that the Renegotiation Board has done a good job with the budget and authority it has had.

As the gentleman knows, we have provided some $400,000 more for fiscal year 1969 than for 1968.

I know that the gentleman does have a bill, H.R. 6792, which would strengthen the Renegotiation Board. I hope that the Ways and Means Committee will act on this measure very soon and bring it to the floor of the House for passage.

I believe the points that the gentleman makes need attention.

Mr. Chairman, since the Renegotiation Board's inception, the determinations of excessive profits have totaled $952,436,037 before adjustment for Federal taxes. Voluntary refunds and voluntary price reductions have totaled $1,300,121,259.

Because of the normal timelag between the award of a contract and the reporting of receipts and accruals thereunder for renegotiation, as well as the time required for the processing of a renegotiation case, the effect of accelerated Vietnam procurement is not reflected in the determinations I have just mentioned.

The Renegotiation Board has authority under the Renegotiation Act of 1951, as amended, to determine and eliminate excessive profits realized by contractors and subcontractors in the defense and space programs. So, the Renegotiation Board is charged by law to look into these contracts.

Renegotiation is conducted not with respect to individual contracts, but with respect to the receipts or accruals of a contractor under all renegotiable contracts and subcontracts in a fiscal year of the contractor.

In 1967, the Renegotiation Board made 18 determinations of excessive profits totaling $15,980,214. Also, in the same period, contractors reported voluntary refunds and voluntary price reductions in the amount of $30,318,586.

Mr. GONZALEZ. I thank the gentleman from Massachusetts. It is very heartening to hear the remarks made by the gentleman from Massachusetts and by the gentleman from Illinois—and, above all, those of the chairman of the subcommittee who supported this general movement in his remarks made in the hearings on the appropriation bill.

Mr. EVINS of Tennessee. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the distinguished gentleman from Ohio announced he is going to offer a motion to recommit. I will offer an amendment to the motion.

I would say to my friend that I share his desire for economy and cutting expenditures. I think we have done this to a very substantial degree in this bill. You will be given an opportunity in voting for this bill to vote for cuts of $2,899,944,300 or almost $3 billion in new obligational authority and $360 million in expenditures this year.

My distinguished colleague, the gentleman from Ohio, would propose reducing expenditures by $372 million more. This would bring about an additional spending cut of half a billion dollars out of only a portion of the bill.

Gentlemen, we think this goes too far. We are all familiar with the Bow amendment. I share the view of the gentleman from Ohio with regard to economy, but I think this is going absolutely too deep. We have already cut this bill 17.5 percent. This is $2.9 billion below the budget request. To limit expenditures as the gentleman fom Ohio suggests means that the Government may have to defer payments to contractors. He says that payments to veterans may not be affected, but I am not sure of this. This amendment might cause some delay in payment of hospital benefits. Also the payments for local air carriers might be impaired. I would say that his amendment increases the redtape. It increases the cost to the Government and others concerned across the board.

The Bow amendment merely says that the Government must not pay its bills when they are due. Frankly, I was hopeful that I could accept the amendment offered by my friend, the gentleman from Ohio, and I hoped he would make it along the lines that we recommended, in a reasonable amount. However, I feel that the amount he recommends goes too far and too deep. We have made substantial cuts in appropriations. We estimate that the expenditures in this bill bring about reductions of $1.1 billion less than 1968 after adjusting for certain mandatory increases. The expenditure reductions made by the committee will be $360 million from the budget. The gentleman from Ohio wants to more than double the expenditure reductions. This, my friends, is unwise and unsound.

I point out further that if this amendment were adopted some 20,000 to 25,000 Government contractors throughout the Nation might have to wait for the payment of bills after they perform their work. The gentleman's amendment does not limit the obligations. The gentleman's amendment merely says that bills cannot be paid when due. Mr. Chairman, we do not want it said that contractors, after they have performed their work, cannot receive their payments on time.

I believe this amendment is unsound, I believe it goes too far, and I believe you should vote down the Bow expenditure ceiling and vote for the large and substantial reductions which have already been made in this bill. You will be given an opportunity to vote for about a $3 billion cut in this bill. I hope that the recommittal motion will not be adopted.

Mr. EVINS of Tennessee. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. O'HARA of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17023), making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed, and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. BOW. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BOW. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bow moves to recommit the bill to the Committee on Appropriations with instructions to that committee to report it back forthwith with the following amendment: On page 46 after line 3, insert a new section as follows:

"SEC. 308. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1969, only to the extent that expenditure thereof shall not result in the net aggregate expenditure of Federal funds by all agencies provided for herein (including the Office of Civil Defense) beyond $15,518,483,000, except by those Veterans' Administration and Federal Home Loan Bank Board expenditures required by law which may exceed budget estimates therefor and except by those reimbursements made by departments and agencies to the General Services Administration for services rendered."

The **SPEAKER**. The gentleman from Tennessee is recognized.

Mr. **EVINS** of Tennessee. Mr. Speaker, I have an amendment to the motion to recommit.

Mr. **BOW**. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER**. The gentleman will state his parliamentary inquiry.

Mr. **BOW**. The motion to recommit being the prerogative of the minority, and the minority having exercised that prerogative, my parliamentary inquiry is as a matter of fact whether or not an amendment is in order, and if it is in order, whether the gentleman making it must indicate that he too is against the bill in its present form?

The **SPEAKER**. In response to the inquiry of the gentleman from Ohio, the Chair will state to the gentleman that the motion to recommit is one with instructions. Since the previous question has not been ordered, it is open for amendment.

Mr. **BOW**. Mr. Speaker, I move the previous question on my motion to recommit.

The **SPEAKER**. The Chair will state that the Chair had already recognized the gentleman from Tennessee.

Mr. **BOW**. Mr. Speaker, a further parliamentary inquiry.

The **SPEAKER**. The gentleman will state his parliamentary inquiry.

Mr. **BOW**. Again, Mr. Speaker, I request the Chair to rule on whether or not if the gentleman from Tennessee offers an amendment to the motion to recommit which has been offered by the gentleman from Ohio, whether he would then have to state if he is opposed to the bill in its present form.

Mr. **EVINS** of Tennessee. Mr. Speaker, I ask that my amendment be reported and I would say to my friend that under my amendment I attempt to bring it up to $360 million and this is the foundation for my support.

The **SPEAKER**. The Chair will state in response to the second inquiry of the gentleman from Ohio that the gentleman from Tennessee would also have to qualify.

Does the gentleman from Tennessee press his amendment?

Mr. **BOW**. Mr. Speaker, I again move the previous question on the motion to recommit.

Mr. **EVINS** of Tennessee. Mr. Speaker, my amendment would provide for $360 million.

Mr. **GROSS**. Mr. Speaker, regular order.

The **SPEAKER**. The Chair will state that the gentleman from Tennessee would also have to qualify that he is opposed to the bill, or opposed to the bill in its present form.

Mr. **BOW**. Mr. Speaker, I move the previous question on my motion to recommit.

The **SPEAKER**. Does the gentleman from Tennessee still press his amendment?

Mr. **EVINS** of Tennessee. Mr. Speaker, I ask the withdrawal of my amendment.

The **SPEAKER**. The amendment of the gentleman from Tennessee had not been reported by the Clerk and he withdraws his amendment.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection..

The **SPEAKER**. The question is on the motion to recommit.

Mr. **BOW**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 173, nays 217, answered "present" 2, not voting 41, as follows:

[Roll No. 122]

YEAS—173

Abbitt
Abernethy
Andrews, N. Dak.
Arends
Ashbrook
Bates
Battin
Belcher
Bennett
Berry
Betts
Biester
Blackburn
Bolton
Bow
Bray
Brinkley
Brock
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va
Buchanan
Burke, Fla.
Burton, Utah
Bush
Byrnes, Wis.
Cahill
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Cowger
Cramer
Curtis
Davis, Ga.
Davis, Wis.
Dellenback
Denney
Derwinski
Devine
Dickinson
Dole
Downing
Duncan
Erlenborn
Eshleman
Findley
Fino
Flynt
Ford, Gerald R.
Fountain
Gardner
Gathings
Goodell
Goodling
Griffin
Gross
Grover
Gubser
Gurney
Haley
Hall
Hammerschmidt
Harsha
Heckler, Mass.
Henderson
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Keith
King, N.Y.
Kleppe
Kuykendall
Kyl
Laird
Langen
Latta
Lennon
Lipscomb
Lloyd
Lukens
McClory
McCloskey
McClure
McEwen
Mailliard
Marsh
Martin
Mathias, Calif.
May
Mayne
Meskill
Michel
Miller, Ohio
Mills
Mize
Montgomery
Morton
Myers
Nelsen
O'Neal, Ga.
Ottinger
Pelly
Pettis
Poff
Pollock
Price, Tex.
Quie
Quillen
Randall
Rarick
Reid, Ill.
Reifel
Reinecke
Robison
Rogers, Fla.
Roth
Roudebush
Rumsfeld
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Steiger, Ariz.
Steiger, Wis.
Stuckey
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tuck
Utt
Wampler
Watkins
Watson
Whalley
Whitener
Whitten
Wiggins
Williams, Pa.
Wilson, Bob
Winn
Wydler
Wylie
Wyman
Zion
Zwach

NAYS—217

Adams
Addabbo
Albert
Anderson, Tenn.
Annunzio
Ashley
Aspinall
Ayres
Baring
Barrett
Bell
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broomfield
Brown, Calif.
Burke, Mass.
Burleson
Burton, Calif.
Button
Byrne, Pa.
Cabell
Carey
Casey
Celler
Clark
Cohelan
Conte
Conyers
Corbett
Culver
Daddario
Daniels
Dawson
de la Garza
Delaney
Dent
Diggs
Dingell
Donohue
Dow
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Esch
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Fisher
Flood
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Giaimo
Gilbert
Gonzalez
Gray
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hansen, Wash.
Harvey
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Helstoski
Hicks
Holifield
Horton
Howard
Hungate
Irwin
Jacobs
Joelson
Johnson, Calif.
Jones, Ala.
Jones, Mo.
Karth
Kastenmeier
Kazen
Kee
Kelly
King, Calif.
Kluczynski
Kornegay
Kupferman
Kyros
Leggett
Long, La.
Long, Md.
McCarthy
McCulloch
McDade
McDonald, Mich.
McFall
McMillan
Macdonald, Mass.
Machen
Madden
Mahon
Matsunaga
Meeds
Minish
Mink
Minshall
Monagan
Moorhead
Morgan
Morris, N. Mex.
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Hara, Mich.
O'Konski
O'Neill, Mass.
Passman
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Pool
Price, Ill.
Pryor
Railsback
Rees
Reid, N.Y.
Resnick
Reuss
Rhodes, Pa.
Riegle
Rivers
Roberts
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Ryan
St Germain
St. Onge
Scheuer
Schweiker
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Stafford
Staggers
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Teague, Tex.
Tenzer
Thompson, N.J.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Whalen
White
Willis
Wilson, Charles H.
Wolff
Wright
Yates
Young
Zablocki

ANSWERED "PRESENT"—2

Anderson, Ill.
Dorn

NOT VOTING—41

Adair
Andrews, Ala.
Ashmore
Bevill
Carter
Corman
Cunningham
Dowdy
Edwards, Ala.
Eilberg
Frelinghuysen
Gettys
Gibbons
Green, Oreg.
Hagan
Halleck
Hanna
Hansen, Idaho
Hardy
Harrison
Hays
Herlong
Holland
Karsten
Kirwan
Landrum
MacGregor
Mathias, Md.
Miller, Calif.
Moore
Morse, Mass.
Nichols
O'Hara, Ill.
Olsen
Pucinski
Purcell
Rhodes, Ariz.
Selden
Watts
Widnall
Wyatt

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Dorn for, with Mr. Kirwan against.

Mr. Anderson of Illinois for, with Mr. Morse of Massachusetts against.

Until further notice:

Mr. Bevill with Mr. MacGregor.

Mr. Miller of California with Mr. Adair.

Mr. Corman with Mr. Rhodes of Arizona.

Mr. Eilberg with Mr. Harrison.

Mr. Pucinski with Mr. Carter.

Mrs. Green of Oregon with Mr. Halleck.

Mr. Hanna with Mr. Cunningham.

Mr. Hays with Mr. Widnall.

Mr. O'Hara of Illinois with Mr. Frelinghuysen.

Mr. Nichols with Mr. Moore.
Mr. Selden with Mr. Mathias of Maryland.
Mr. Gettys with Mr. Wyatt.
Mr. Ashmore with Mr. Edwards of Alabama.
Mr. Andrews of Alabama with Mr. Hansen of Idaho.
Mr. Dowdy with Mr. Olsen.
Mr. Karsten with Mr. Landrum.
Mr. Holland with Mr. Hardy.
Mr. Gibbons with Mr. Hagan.
Mr. Purcell with Mr. Watts.

Mr. DICKINSON and Mrs. HECKLER of Massachusetts changed their votes from "nay" to "yea."

Mr. BELL and Mr. McCULLOCH changed their votes from "yea" to "nay."

Mr. DORN. Mr. Speaker, I have a live pair with the gentleman from Ohio [Mr. KIRWAN]. If he had been present, he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

Mr. ANDERSON of Illinois. Mr. Speaker, I have a live pair with the gentleman from Massachusetts [Mr. MORSE]. If he had been present, he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. EVINS of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 353, nays 37, answered "present" 2, not voting 41, as follows:

[Roll No. 123]

YEAS—353

Abbitt
Abernethy
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Baring
Barrett
Bates
Battin
Belcher
Bell
Berry
Betts
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bolton
Brademas
Brasco
Bray
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Casey
Cederberg
Celler
Chamberlain
Clark
Clausen, Don H.
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Conyers
Corbett
Cowger
Cramer
Culver
Daddario
Daniels
Dawson
de la Garza
Delaney
Dellenback
Denney
Dent
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gardner
Giaimo
Gilbert
Gonzalez
Gray
Green, Pa.
Griffin
Griffiths
Gubser
Gude
Gurney
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harsha
Harvey
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, Calif.
King, N.Y.
Kleppe
Kluczynski
Kornegay
Kupferman
Kuykendall
Kyl
Kyros
Laird
Langen
Leggett
Lloyd
Long, La.
Long, Md.
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
Machen
Madden
Mahon
Mailliard
Marsh
Mathias, Calif.
Mathias, Md.
Matsunaga
May
Meeds
Meskill
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Monagan
Moorhead
Morgan
Morris, N. Mex.
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
O'Hara, Mich.
O'Konski
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Pool
Price, Ill.
Price, Tex.
Pryor
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Resnick
Reuss
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St Germain
St. Onge
Sandman
Satterfield
Schadeberg
Scherle
Scheuer
Schweiker
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Whalen
Whalley
White
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Willis
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—37

Ashbrook
Bennett
Bow
Brinkley
Brock
Buchanan
Clancy
Clawson, Del
Curtis
Davis, Ga.
Davis, Wis.
Derwinski
Devine
Dickinson
Eshleman
Findley
Fino
Gathings
Goodell
Goodling
Gross
Grover
Jones, Mo.
Latta
Lennon
Lipscomb
Lukens
Martin
Mayne
Montgomery
Morton
O'Neal, Ga.
Rarick
Saylor
Schneebeli
Steiger, Ariz.
Utt

ANSWERED "PRESENT"—2

Joelson
Michel

NOT VOTING—41

Adair
Andrews, Ala.
Ashmore
Bevill
Brotzman
Carter
Corman
Cunningham
Dowdy
Edwards, Ala.
Eilberg
Flynt
Frelinghuysen
Garmatz
Gettys
Gibbons
Green, Oreg.
Hagan
Halleck
Hansen, Idaho
Hardy
Harrison
Hays
Herlong
Holland
Karsten
Kirwan
Landrum
MacGregor
Miller, Calif.
Moore
Morse, Mass.
Nichols
O'Hara, Ill.
Olsen
Pucinski
Purcell
Rhodes, Ariz.
Selden
Watts
Wyatt

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Moore for, with Mr. Michel against.

Until further notice:

Mr. Kirwan with Mr. Adair.
Mr. Miller of California with Mr. Morse.
Mrs. Green of Oregon with Mr. Rhodes of Arizona.
Mr. Corman with Mr. Cunningham.
Mr. Selden with Mr. Halleck.
Mr. Eilberg with Mr. Carter.
Mr. Bevill with Mr. Fdwards of Alabama.
Mr. Holland with Mr. Wyatt.
Mr. Pucinski with Mr. MacGregor.
Mr. Flynt with Mr. Harrison.
Mr. Gettys with Mr. Brotzman.
Mr. Hays with Mr. Frelinghuysen.
Mr. Olsen with Mr. Hansen of Idaho.
Mr. O'Hara of Illinois with Mr. Dowdy.
Mr. Nichols with Mr. Landrum.
Mr. Purcell with Mr. Karsten.
Mr. Hagan with Mr. Ashmore.
Mr. Hardy with Mr. Andrews of Alabama.
Mr. Watts with Mr. Gibbons.

Mr. COLLIER changed his vote from "nay" to "yea."

Mr. MICHEL. Mr. Speaker, I have a live pair with the gentleman from West Virginia [Mr. MOORE]. If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

YOUR NEW SOCIAL SECURITY

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROONEY of New York. Mr. Speaker, under the Social Security Amendments of 1967 now effective, approximately 24 million persons became eligible to receive more money. Through much publicity, the Social Security Administration has attempted to make these amendments understood by those entitled to the benefits; however, millions of Americans still do not understand them.

Many who could receive the new benefits will lose them, as many who are eligible for coverage under the old provisions continue to lose them, because they do not fully comprehend their rights to collect these benefits.

To many, the mentioning of social security brings to mind retirement and age 65. The largest group of recipients are the so-called old folks, but about 5½ million others are also affected by the new amendments.

If the parent of a child was under

social security and is retired, dead, or disabled, that child is entitled to receive benefits while attending college and other schools up to his or her 22d birthday. Also, with the changes that have been made in the law, benefits can now be paid to persons disabled in childhood, before 18, who continue to be disabled. The benefits are payable when one of their parents receives social security retirement or disability benefits or when an insured parent dies.

Other groups under age 65 who are entitled to benefits are widows and children who get monthly survivors' insurance payments, and disabled workers and their families on disability insurance. Under survivors' insurance, monthly benefits can be paid to the widow and children of a worker under social security even though it was for only as little as a year and a half out of the 3 years before his death. One of the least known benefits included in survivors benefits is that every person covered by social security is entitled, after death, to a lump sum of from $160 to $255 to take care of funeral expenses.

One of the changes in disability insurance is particularly important to young families. It now makes benefits available to some workers before they reach 31, who could not have been eligible under the old law because they had not worked long enough under social security. As a result of this change, many young families became eligible for benefits in February of 1968.

The new law provides reduced benefits at age 50 for disabled widows, certain divorced wives, and disabled dependent widowers. They would have been eligible under the old law when they reached 60 or 62.

The amendments of 1967 provide an increase in benefit payments of 13 percent for beneficiaries on the social security rolls. The average monthly benefit paid to a retired worker with an eligible wife now on the rolls is increased from $145 to $165. The minimum benefit for a worker retiring at age 65 is increased from $44 to $55 a month. The special payments made to individuals at age 72 and over, who did not work long enough under social security to qualify for regular benefits, are increased from $35 to $40 a month for a single person and from $52.50 to $60 a month for a couple. The increased benefits are first payable for the month of February 1968 and should have been reflected in the checks received early in March.

If you retire at age 65 you get full benefits, but you can get reduced benefits, 80 percent, if you are 62 and out of work or retire early for any reason. Also, you can be age 62 if you are the wife of a retired worker covered by social security and received reduced benefits. If you are the widow of someone insured under social security you can get reduced benefits at age 60 and full benefits at age 62, which in the case of a widow is 82¼ percent of the amount that would have been paid to her husband if he were alive and retired under social security.

About 175,000 children are now eligible for benefits under the new law. These children are dependents of women who were not previously eligible for benefits because their mother was not working at the time she died. The new amendments provide that a child will be considered dependent on the mother under the same conditions that he was considered dependent on the father.

The amendments provide for an increase from $1,500 to $1,680 in the amount of annual earnings a beneficiary under age 72 can have without having any benefits withheld. Provision is made for an increase from $125 to $140 in the amount of monthly earnings a person can have and still get a benefit for the month. The law provides that now $1 in benefits be withheld for each $2 of earnings between $1,680 and $2,880 and $1 in benefits for each $1 in earnings above $2,880.

The new law also makes it easier for one to collect benefits under medicare. Payment of a physician may now be made upon presentation of either a receipted or unpaid itemized bill.

Another change in the law gives better protection to Armed Forces families. Under the old law only the base pay was counted toward social security, but the new law provides that in the future the pay of a person in the armed services would be deemed to be $100 a month more than his basic pay.

I have attempted to point out some of the highlights of the new additional benefits now awaiting those who are eligible to receive them. As you can see, these new benefits affect practically every family in the United States. However, many will lose these benefits because they do not apply for them or did not apply early enough to receive all that they could have collected. The Social Security Administration can only pay back benefits for up to 12 months and no more.

I once again take this means of advising my constituents of the 14th Congressional District of Brooklyn, N.Y., where I was born and have lived all my life, that I am at their service if they have any questions or problems about social security benefits, or any problem with any agency or department of the Federal Government. If you do, please do not hesitate to communicate with me in writing to my office, 2268 Rayburn House Office Building, Washington, D.C. 20515, and I shall be glad to do everything I possibly can in your behalf.

RENEWAL OF THE AUTHORITY OF RENEGOTIATION BOARD

Mr. MINSHALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MINSHALL. Mr. Speaker, the House will have under consideration soon a renewal of the authority of the Renegotiation Board, which has recovered nearly $1 billion in excessive profits on defense and space contracts since the Board was established during the Korean war.

I have introduced H.R. 14999, not only to extend the life of the Board which expires June 30 unless Congress acts, but also restores all the bite this Government watchdog had during the Korean conflict. In the ensuing years the Board has had some of its teeth pulled through amendments to the Renegotiation Act of 1951. Despite our entry into the Vietnam war we have not restored its original powers and, as a result, much profiteering on war contracts is going unchallenged.

As a member of the Subcommittee on Independent Offices Appropriations, I review the work and the budget of this extraordinary Government agency, one of the few Federal agencies which more than pays its own way. Our hearings this year were held on February 5 and I had occasion then to question the distinguished Chairman of the Renegotiations Board, Mr. Lawrence Hartwig.

At that time I asked him whether excessive salaries had figured in recent findings by the Board. Mr. Hartwig supplied the subcommittee with data which appears on page 498 of our published hearings.

This information prompted me to ask the Chairman for additional facts and he very promptly and courteously has elaborated further on the cases he mentioned in the hearings.

Mr. Hartwig cited four cases where persons tried unjustifiably to get rich on defense or space contracts only to have their plans foiled by the Renegotiation Board. Concerned as we all are about our ever-increasing defense expenditures, I can think of no better reason for seeing to it that this Board be maintained by us in a strong, healthy condition. How many more cases could Mr. Hartwig cite if the Board today had all the powers it possessed during the Korean conflict?

Because of the confidential nature of the proceedings before the Board, I cannot name the persons or companies involved in the four instances Mr. Hartwig presents, but I think the entire House will be interested in the particulars of each case.

Case No. 1 is that involving four officers of a corporation who received total compensation of $184,000 for the year ending December 31, 1965. Two of these individuals, brothers, owned controlling shares of capital stock. Their total compensation for the year was $94,000. This sum was completely disallowed because the two brothers devoted full time to another company which was under common control. Of this total disallowance of $94,000, $36,000 applied to renegotiable business. The contractor agreed to a determination of excessive profits in the amount of $60,000 before income taxes.

The second example given by Mr. Hartwig concerned the president-treasurer of a corporation who received a total salary of $187,000 for the year ending April 30, 1965. He owned controlling shares of capital stock. A disallowance of $102,000 was made on the basis that the total sum paid was unreasonable. All of the disallowance applied to renegotiable business. The contractor agreed to a determination of excessive profits in the amount of $300,000 before income taxes.

In the third case, the president, who owned all of the shares of capital stock in a corporation, received total compensation of $104,000, for the year ending

June 30, 1966. Of this sum, $29,000 was disallowed leaving $75,000 deemed to be reasonable. All of this disallowance related to renegotiable business. A determination of excessive profits in the amount of $250,000 before income taxes was not agreed to by the contractor.

Example four involves five officers of a corporation who received total compensation of $320,600 for the year ended June 30, 1964. The sum of $86,600 was disallowed on the ground that the amounts paid were unreasonable. Majority shares of capital stock were held by two of the officers. A third officer was related to one of these individuals. All of this disallowance related to renegotiable business. A determination of excessive profits in the amount of $100,000 before income taxes was agreed to by the contractor.

These are but a few examples of what the board has been able to accomplish even under present strictures. Chairman Hartwig and his colleagues are doing a magnificent job, although present law permits them to merely scratch the surface.

We must give the Renegotiation Board wider authority, as I have proposed in my bill, to help cut down on our tremendous defense expenditures and bring under closer surveillance profiteering on defense contracts which is now going unchallenged.

THE POOR SHOULD BE WELCOMED

Mr. **FRASER**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. **FRASER**. Mr. Speaker, in a few days thousands of low-income Americans will arrive in Washington for the poor people's campaign. I urge every Member of Congress and every other official of the Federal Government to extend to these people the courteous welcome they deserve.

The people who are coming to Washington—including a group from my district of Minneapolis, Minn.—are American citizens. Few of their fellow citizens would deny that they have grievances, urgent grievances, that deserve a fair hearing in their National Legislature. These people are exercising their constitutional right to petition for redress of their grievances. Their presence in the Capital offers an opportunity for those in positions of leadership to show our compassion and largeness of spirit.

Some persons have gone so far as to suggest turning the marchers away from the entrances to the city, using armed force if necessary. Those who make suggestions of this kind apparently fail to recognize that our Capital belongs to these poor people, as it belongs to all citizens.

Much has been said recently, Mr. Speaker, about the threat of violence posed by the marchers. Much has been said about the need to prevent violence.

The leaders of the march have emphasized repeatedly that the Poor People's Campaign is a campaign of nonviolence. I have no reason to doubt their word. The great majority of these marchers, I am sure, are sincere people who are tired of being ground down by the injustice of poverty in the world's wealthiest Nation. They are coming to Washington to make a lawful and, they hope, an effective plea for legislation to relieve their plight.

Too much attention has been focused, it seems to me, on a small but militant minority who would like to turn the campaign toward violence. There are some, I know, who have this attitude. But it should be remembered that they are a small minority. The best way for the citizens of Washington and the leaders of our Government to counteract the efforts of the militants is through a friendly welcome for the marchers. The best way to cause disorders is to meet the marchers with hostility or indifference.

Should there be some disturbances in connection with the campaign, I have every confidence that the city administration is prepared to cope with them. But violence would be most unfortunate, because it would undercut the peacefulness and legality which are the bases of the Poor People's Campaign.

The success or failure of the campaign will depend to a large extent on the type of climate we in Congress create for it. Let us talk less about violence and more about friendliness.

THE TAX INCREASE

Mr. **GERALD R. FORD**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. **GERALD R. FORD**. Mr. Speaker, President Johnson has blamed the Democratic-controlled 90th Congress for home mortgage interest rates that have reached what he called "the highest point in 50 years."

I am certainly not an apologist for the Democratic majority in the Congress. If the President wants to berate the Democrats in Congress for not passing an income tax increase up to this time and say that this is the reason for high interest rates on mortgage funds, I really should not demur.

But I nevertheless feel the American people should be given the facts with regard to high interest rates on home mortgage money. So I called the Federal Housing Administration.

In signing legislation which removes the 6-percent interest rate ceiling on FHA and VA loans, President Johnson said that while the "need for homes is always there, no mortgage credit was to be found." "We could have avoided this if we could have passed a tax increase." He said that by refusing to approve a tax increase Congress has let interest rates go from "5½ percent to 7 percent and even 8 percent—the highest point in 50 years."

An FHA spokesman informed me that conventional interest rates last were 5½ percent in early 1966 and increased steadily from that time on. They have fluctuated between 6½ and 7 percent for the last 6 months to a year and are 7½ percent now, he stated. This means that conventional interest rates on home mortgage funds have been at least 6½ percent for about 12 months. The FHA spokesman said they were higher in the latter half of 1966 when the bottom dropped out."

FHA interest rates were 5½ percent from February 7, 1966, through April 11, 1966; 5¾ percent from April 12, 1966, through October 2, 1966; 6 percent from October 3, 1966, through May 7, 1968; and now 6¾ percent by administrative action taken Tuesday.

The President rejected the idea of an income tax increase in 1966, when the interest rate spiral started—nor did he at that time try to hold down Federal spending as a curb on inflation and steadily rising interest rates. He first proposed an income tax increase in his January 1967 state of the Union message—but did not send Congress a specific tax increase proposal until August 1967. By that time conventional interest rates were, in the words of the FHA spokesman, "fluctuating between 6½ and 7 percent" and the FHA and VA rates were 6 percent.

I do not like to defend the Democratic majority in the Congress, but I do wish the President would get his facts straight before he gets out his bullwhip—even to use on his own party.

LOVE OF COUNTRY

Mr. **CLARK**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. **CLARK**. Mr. Speaker, in times like these when a vociferous but minute minority of young people are getting the headlines by burning draft cards, conducting sit-ins in our schools, and otherwise disgracing their generation, it is refreshing to view the other side of the picture.

Reflecting what I believe is the spirit of the vast majority of our young people is a letter sent to the editor of the Butler, Pa., Eagle by a young constituent of mine, Sp4c. John Chuhra, of Petrolia, Pa.

Specialist Chuhra is not a draft-card burner. He is a demonstrator of a different sort. He is in Vietnam, wearing his country's uniform and demonstrating his love of country by fighting for it.

Because of the significance of his words, I submit his letter to the Butler Eagle:

LOVE OF COUNTRY

It's hard to put into words how much I love my country. I'm in Vietnam, fighting for it, while rioters are taking advantage of it. The words "United States" to a rioter are just words, but to me they mean so much more. A place to live in peace, raise a family and be happy. How can people be truly happy with all the riots and demonstrations? Some demonstrations are for a good purpose. Others are not.

I never really knew this love for my country until I was sent away from it. I just took it for granted, like a lot of others.

Draft-card burners should be ashamed to even walk in America, because they don't love it enough to die for it. When I return to civilian life, I'll feel more like I have a place in the society, while they don't know what to do, riot or demonstrate.

Once people learn to love their country, that will end most of the demonstrations and all the riots.

It's awfully disgusting reading the newspapers of all the riots and demonstrations . . . as the late President Kennedy once said, "Ask not what your country can do for you, ask what you can do for your country." He had the right idea. If the people back in the States could see the other countries struggling to be like ours, they'd wonder what the problem is with us.

Sp4c. John Chuhra,
380 Trans. Detach Y-100, Vietnam.

SAFETY STANDARDS IN SUMMER CAMPS

Mr. DANIELS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. DANIELS. Mr. Speaker, I have introduced a bill today to set up a program designed to set up minimum safety standards for the 6 million American children who go to summer camps each year.

Joining with me in sponsoring this important piece of legislation are the gentleman from Kentucky [Mr. Perkins], the gentleman from Pennsylvania [Mr. Dent], the gentleman from New Jersey [Mr. Thompson], the gentleman from California [Mr. Hawkins], the gentleman from New York [Mr. Scheuer], the gentleman from New Jersey [Mr. Howard], and the gentleman from Pennsylvania [Mr. Holland].

Mr. Speaker, it is the purpose of this bill to protect and safeguard the health and well-being of the youth of the Nation attending day camps, resident camps, and travel camps by providing for establishment of Federal standards for safe operation of youth camps, and to provide Federal assistance and leadership to the States in developing programs for implementing safety standards for youth camps, thereby providing assurance to parents and interested citizens that youth camps meet minimum standards.

The bill which I have introduced today would encourage the States to set up the machinery necessary to supervise summer camps. This end would be accomplished by the establishment of Federal safety standards by the Secretary of Health, Education, and Welfare, after consultation with State officials and representatives of organizations concerned with youth and camping.

Camps that do meet Federal standards would be encouraged to make this fact known. In this way, parents would have something to go by when they are contemplating sending children to a summer camp. They would know, too, that the camp meets basic safety standards.

The States would be encouraged to set up programs for inspection through a system of matching grants of up to $50,000 per State to help defray the cost of the State program.

Mr. Speaker, this is a good bill. It does not provide for the establishment of any Federal bureaucracy. On the contrary, control over camps is left with the individual States. This bill is a good example of constructive federalism with the Federal Government assisting the States but not preempting the field. For this reason I hope that this bill will receive wide support on both sides of the aisle.

Mr. Speaker, this bill is supported by a wide range of organizations, including the American Camping Association, Girl Scouts, Boy Scouts, Campfire Girls, and other groups with similar purposes.

Mr. Speaker, a bill identical with the one I have introduced today has been sponsored in the other body by the very able and distinguished Senator from Connecticut, Mr. Ribicoff, and has the support of many Members of that body, Republicans and Democrats alike. I ask unanimous consent to insert at this point two editorials in support of the Ribicoff bill. One is from the Washington Post of October 7, 1967, and the other is from the Christian Science Monitor of the same date.

The editorials follow:

[From the Washington Post, Oct. 7, 1967]

Safety in Youth Camps

Every parent of the 6,000,000 children who attend resident or day camps or participate in organized tours each year doubtless has some concern for their safety. Yet it is estimated that less than half of the camps of this type functioning in the United States meet minimum safety standards. Accidents are frequent, and it is difficult for parents to determine whether the camps to which their children may go are properly managed from the viewpoint of safety.

Senator Ribicoff is attempting to do something about the problem by sponsoring a bill to set up Federal standards for youth camp safety. His measure would encourage the states to accept those standards and to provide camp inspection machinery, with the aid of Federal grants. The problem is primarily one for the states to deal with, but only a few states have adequate regulations of their own and 19 states provide no regulation whatever of youth camps.

[From the Christian Science Monitor, Oct. 7, 1967]

Safe Camping

Every year American families send an estimated five million children to private camps along shores of lakes and rivers. The kids are home now, back at school. But before another vacation season opens, it is important for states to consider the matter of camp safety.

Too many states set no safety standards for this growing activity. While the American Camping Association upholds standards, it accredits only about half the summer camps in the United States. Parents need assurance about the safeguards of the large number not accredited.

Sen. Abraham Ribicoff (D) of Connecticut is working for passage of a Youth Camp Safety bill (S 1473) which would establish a joint federal-state program. It embodies the ideas of a father who has devoted himself to promoting boating safety ever since his young son was drowned two years ago in a canoe accident at camp. Mitchell Kurman has won important support for his efforts. The American Camping Association has given its endorsement to the Ribicoff bill which Mr. Kurman has been backing. This Connecticut furniture salesman, through persistent effort, has helped six states get laws requiring small craft to carry life preservers.

In the preceding session of Congress, a camp safety bill which would have provided incentives for state action got lost in the legislative process. The current Ribicoff bill, which would offer grants to states to encourage them to set up certification facilities for summer camps, has yet to get a hearing. Its terms are such that it should only strengthen a movement which gives wholesome outdor experience to millions of children. Mr. Kurman means to keep at his volunteer mission until Congress acts. He deserves support.

Mr. Speaker, I know that all Members of this House have a deep concern for our most precious asset—our children—and those of us who are sponsoring this bill, hope that we can take effective action to protect the 6 million children who will soon be trooping off to the summer camps. I urge all Members to join with us in support of this bill.

THE HONORABLE ED FOREMAN

Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include pertinent material.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, today, our good friend and former colleague, Mr. Ed Foreman, is here to see and visit his many friends on Capitol Hill. He is here on a business tour with a nonpartisan group of civic leaders, the New Mexico Amigos, the official good will ambassadors of his native State.

Those of us who served here with Ed Foreman in the 88th Congress grew to appreciate and respect him as an effective and responsible Nation's statesman, hard working legislative leader, as an eloquent and persuasive Representative for his constituency, and as an honest, sincere gentleman of basic principle and conviction.

In discussions today with a group of his congressional friends, Mr. Foreman presented some interesting and direct-to-the-point facts and proposals concerning the perplexing problems now facing our Nation. Some of the proposals he discussed are included in a recent speech that Mr. Foreman delivered before the People, Times, and Events Forum at New Mexico State University in Las Cruces, N. Mex. I believe other Members of the Congress will also appreciate reviewing the timely, thought-provoking facts and ideas expressed by our former colleague:

A Time of Challenge and Crisis

(By Ed Foreman, Las Cruces, N. Mex.)

Thank you for the courtesy of your invitation to me to discuss with you *Constructive Alternatives to a Socialist America.* My reason for being here with you today is not to talk partisan politics, or to tell you, or anyone else, how you should think, speak or vote. However, I make no apology if politics of a sort does enter into my remarks. I don't mean purely partisan politics . . . I mean the politics of freedom—free enter-

prise—individual liberty—the politics of our American way of life. I am, and proudly so, a thorough-going partisan of American freedom. I am not so concerned with whether the Democrats or the Republican Party wins in November—*I'd just like to see America win for a change.*

While our cities burn and our sons die on foreign soil for the fourth time in 50 years, we find ourselves wondering and weary. Americans are growing weary of wars . . . weary of a welfare war on poverty which the poor are losing; weary of a political war on crime where the criminal is winning; weary of a costly war with inflation that the overburdened taxpayer is losing; and weary of a vascillating war against communism where bold young Americans are given orders enough to die, but not orders and strategic support enough to win.

VIETNAM WAR

It is unreal, unconscionable and outright un-American for our National Administration to continue increased foreign aid and trade with the Communists, when at the same time we are at war with them in Southeast Asia. There is no mood in America for a continued long drawn-out stalemate in the Vietnam war. *We should move to win . . . or get out . . . now.*

I sincerely believe that the election of a responsible Republican President will bring about an end to the Viet Nam war . . . not that I think the Republican Party has any secret special hidden weapon . . . but because past history shows us that Republican leadership has demonstrated the fortitude and intelligence to recognize and utilize informed, trained military and diplomatic leadership and counsel in time of war. To partially reply to those who ask, "How would you and end this?", I respectfully offer some practical suggestions:

(1) We should stop fighting this war on terms set forth by Hanoi . . . or the U.N. . . . or by so-called world opinion. Instead of continuing the buildup of American men in a guerrilla ground war, we should do as General Earle Wheeler, Chairman of the Joint Chiefs of Staff, has recommended . . . we should utilize our air superiority and hit the Viet Cong . . . effectively, strategically and hard in their vital supply and manufacturing centers, supply depots, transport routes, and their storage docks and logistics, support centers at Haiphong. As Air Force General Curtis LeMay and numerous other military and political leaders have wisely advised, *"We must knock out the enemy's capability to make war."*

(2) *We should stop sending aid, goods, and materials to the Communists* and the so-called free world countries who are aiding the Communist effort. The United States is now sending foreign aid supplies to some eight (8) nations that are shipping materials into the North Viet Cong Port of Haiphong . . . and the Democrat Administration controlled Congress recently passed another $2.3 billion foreign aid bill to continue this irresponsible, uncontrolled throwaway.

(3) *We should selectively destroy the North Viet Cong food crops* and important food processing centers by the simple, direct means recommended by such foreign affairs experts as Dr. Walter Judd and Congressman H. R. Gross, et al. As former President Eisenhower recently recommended, when you are in war, you should use whatever is necessary to win that war as quickly and effectively as possible to stop the senseless loss of lives and mounting expense of continuing destruction.

FOUR-STAR POVERTY WAR

The elimination of poverty is a noble, but certainly not new, idea. Our forefathers struggled with it from the beginning and many of us have carried on the battle.

The theory that underlies the present federal programs is that poverty is a deficiency which is bound to perpetuate itself through generations unless eradicated by governmental action of the type now being initiated. If that hypothesis were true, most of America's 200 million residents would still be poor, ignorant and unemployed, as their ancestors were when they landed on these shores. *The American record suggests that the condition of poverty is not so much a cause, but a result,* and that it can be remedied—in cases where it can be remedied—by the individual.

In Detroit over $200 million was spent on the anti-poverty program. The recipients expressed their gratitude by destroying property worth approximately $500 million.

At the heart of the War on Poverty boondoggle is the Office of Economic Opportunists—the highest paid, worst managed, most incompetently staffed agency in the history of the federal government. Poverty war "General" Sargent Shriver and his 5 principal assistants are each paid more than General William C. Westmoreland, our Vietnam Commander. Yearly, Mr. Shriver gets $30,000, his Deputy Director $28,500, 3 Assistant Directors $27,000 each, and another Assistant Director $26,000. General Westmoreland's salary is $24,024 a year. One of every 42 employees of O.E.O. is paid over $20,000 a year, and nearly half receive $10,000 or more annually. It takes 2800 permanent federal employees to run the O.E.O. and another 4,772 in other federal agencies to operate programs funded through the O.E.O. Approximately 75 per cent of community action funds under the program go for administrative costs . . . almost entirely in high salaries.

You cannot help people by teaching them to depend on a welfare handout as a way of life . . . you only help them when you teach them to work to provide for themselves. *The best way to uplift poor families is to help the head of the family get a job. Spending more tax dollars, initiating new welfare programs and bureaucratic agencies is not the answer.* The way to provide new jobs is to ease the tax burdens on business and industry . . . allow more business incentives to expand, develop, and invest more in new plants and services. Labor training and related programs should be based on what business, industry and our practical, working citizens determine is wise and necessary . . . not the welfare schemes of the "society planners."

Yes, Americans do want to eliminate poverty everywhere possible, but the solution is primarily that of individual effort, not governmental "handouts." In the words of a modern slogan: "I fight poverty—I work!" Some folks don't seem to understand that if they want to make ends meet, they need to get off theirs.

WAR ON CRIME?

In the past five years the population of the United States has risen eight per cent; and during the same time, despite all our welfare programs, the incidence of major crime in America has gone up 40 percent, or 5 times the increase in population. The number of serious offenses committed against American Citizens last year was around 2¾ million. *Last year you had one chance in 70 of being murdered, maimed or robbed; Whereas you had only one chance in 100 of dying from all causes, including accidents.* It has now been reported that bank robberies for the first 9 months of last year increased 40 per cent over the year before—in one year.

Yes, this administration has certainly given the people a choice. They can live in the city and get mugged or live on the farm and starve!

It is the theory of a majority of LBJ's society planners: That the cure for crime is more public housing . . . and a more equitable racial mix to be achieved by integrating neighborhoods and crosshauling children . . . And giant infusions of federal money into so-called depressed areas . . . and hiring only those policemen who promise to behave like benevolent big brothers and more relief programs and more social workers.

Oh, yes, and because a number of dope addicts have robbed in order to find money to support their habit, it has been seriously suggested that the government supply the drugs free, so its users may float around the streets in narcotic euphoria, paid for by the squares who work.

Now if poverty is the root of crime, how does it happen that crime has increased most rapidly in a period in which the general per capita income has increased more rapidly?

I suggest that crime, and especially juvenile delinquency, seems to flourish more in our so-called affluent society where so many of our youngsters are not permitted to work, than it did in days of so-called poverty where they, as most of us, had to work.

If lack of social services and relief are reponsible, how does it happen that crime is most out of hand in those cities filled with recent migrants from rural areas who were attracted to those cities for the plain reason that work was no longer necessary and relief was available to all?

There are deeper reasons for this national problem than can be cured by the simple outpouring of more public funds. It is time that people of good will and intelligence recognized that, unless the rewards for gross irresponsibility can be diminished, and unless the wages of sin can be cut, the overwhelming majority of law-abiding Americans of all races are going to be increasingly victimized by the unprincipled and vicious minority.

The Great Socialistic Society has actually promoted crime, riots and violence by making grandiose political promises they cannot fulfill. Crime is produced by atheism, immorality, liquor and drugs. Crime is produced by the false belief in a "something-for-nothing" welfare state.

The two best deterrents to crime are Christianity and law enforcement. I submit that it is time the Supreme Court begin to give the same consideration to the victims as it does to the vicious. I am tired of seeing criminals and communists flouting the laws of our land, while policemen are stifled by the bleeding-heart, fuzzy-thinking Court. Thugs, whether international or in your neighborhood, cannot be given a license to murder. Those who initiate violence must be stopped . . . even if they must be stopped violently.

WAR ON THE TAXPAYER

Ever wonder why Congress is always appointing "fact finding" committees? . . . when what we really need are some "fact facing" committees?

One of the complaints of those who wrote the Declaration of Independence was that His Majesty's Government had "sent hither swarms of officers to harass our people, and to eat out their substance." King George was a "piker" compared with the number of government employees we have today.

In the first half of this century, federal employment increased ten times while the population only doubled. When we classify federal, state and local employees together, we arrive at the alarming fact that *total governmental employment jumped 46 percent over the past ten years while U.S. population grew only 18 per cent, and private employment 16 percent.* In other words, governmental employment grew three times faster than population growth.

Did you know that between 1965 and 1968, 454,955 new bureaucrats were added to the executive branch of the Federal Government alone—that's more than TWICE THE COMBINED POPULATION of Alamagordo, Carlsbad, Hobbs, Roswell, Clovis, Portales, Las Cruces, Grants, Gallup and Farmington, New Mexico! We ought to start firing these bureaucrats in Washington, and instead, provide a portion of that money for the teachers and nurses and mailmen and our municipal employees. These people are the real public servants today and they are being shortchanged.

It required 160 years—from 1789 to 1949—for federal expenditures for *civilian purposes* to reach a level of $10 billion, it took only another seventeen years, to fiscal 1966, to lift them from $10 billion to over $54 billion. On a per capita constant dollar, basis, governmental spending (federal, state, local) for domestic purposes, grew at three times the rate of personal consumption between 1954 and 1964.

If you review the budget proposal to the present Congress for 1968, you will find that government expenditures, for other than national defense and the war in Vietnam, now exceeds 100 billion dollars. When President Roosevelt came into power, the budget of our country was only $5 billion. It is now $186 billion. This represents an increase of over 100 percent per year on the 1932 base since Roosevelt was elected President.

Dr. Colin Clark, a celebrated Australian economist, has pointed out that socialism is inevitable in any country which, over a substantial period of time, takes 25 percent or more of the national income.

At the present time our total government expenditures (federal, state, local) are in excess of 40 percent of the national income. I hasten to point out that this comparison is, in the first place, a socialistic concept, for it assumes the government can take everything you have; unfortunately, in a welfare state it can.

LBJ and his "government managers" contend that we must have *another increase in taxes* to "bolster the economy." When the *income* will not match the *outgo* . . . any responsible housewife is smart enough to recognize she must cut the *outgo!* If some of our politicians had ever managed a business budget . . . even a household budget . . . we'd be a better, stronger nation today. Yes, it's a good thing that most politicians are paid annually . . . they'd starve to death on piece work!

What we need more than anything else today—to insure the value of our dollar—is to cut federal spending . . . by stopping aid to our enemies, by sharply curtailing our expensive, unrealistic, uncontrolled foreign aid giveaway programs, by reducing the federal bureaucratic payroll, by eliminating many of our politically-oriented, incentive-killing government welfare programs, by stopping money-losing federal government competition with private enterprises, etc.

Government has no money or income that it does not first take from the people. Most folks feel that they are getting more government than they need, and more government than they want. One nice little lady was very expressive in her reply to me by penciling in the margin of my 1964 Congressional questionnaire, *"Thank goodness we don't get all the government we pay for."*

LET'S LOOK AT THE RECORD

Since 1900, the Democrat Party has been in control of our federal government for 33 years, and the Republican Party has been in control for 34 years . . . counting the Republican 80th Congress as their control.

During the past 67 years, our national budget has been balanced only 25 times . . . 22 of those 25 balanced budgets were under the Republican Party, and only 3 times in this century has the Democrat Party ever lived within its income. But let's add the totals. When we subtract the balanced budgets from the deficits, we find the Republicans, in its 34 years in office, spent $13.4 billion more than we took in. The Democrats, in their 33 years, spent a grand total of $318.8 billion more than they took in . . . 96 per cent of the national debt today was created under the Democrat Party!

Since the first Federal income tax law was enacted, income taxes have been raised 15 times. Twice the Republicans increased taxes . . . and 13 times out of 15, it was the Democrats who raised taxes. On the other hand, there have been 13 tax reductions. Nine of these tax reductions were under the Republican Party . . . only four times did the Democrats reduce taxes.

The second largest single item in our national budget today is the $14 billion a year interest on our national debt. Over $13 billion of that annual interest charge is to pay the interest on the Democrat debt . . . and nearly $3 billion of it is to pay the interest on the deficit created under the Johnson administration during the past 5 years. What a record! The Democrat Party boasts of what it is doing FOR the people . . . why not talk about what it has done TO them?

WHICH WAY—FREE ENTERPRISE OR SOCIALISM?

In attempting to improve society by substituting the false God of Government for the the supreme power of individual effort, we have substituted the welfare state for our individual responsibility and God-given freedom. This is the path that has meant the end of about twenty civilizations in past history.

If you think I am too harsh in characterizing our government as a socialistic or welfare state, let me quote from LBJ's own words in 1964, stating what he intended to do if elected President. I quote him word for word:

"We are going to take all the money we think is unnecessarily being spent, and take it from the 'haves' and give it to the 'have nots'." (CONGRESSIONAL RECORD, vol. 110, pt. 2, p. 2310.)

Contrast this philosophy with the immortal words of Abraham Lincoln who said:

"Any society that takes away from those most capable and gives to those least capable will perish."

These two statements bring into sharp contrast the self-reliant political philosophy that made us a great nation and which caused us to be revered throughout the world, and the welfare state which is fast destroying our republican form of government . . . a government in which even the majority were restricted by Constitutional limitations.

If Americans do not arise to this challenge confronting us . . . our nation can go down . . . but if we ever do, it will not be because the world developed the hydrogen bomb . . . it would be because we have developed a false philosophy that says the individual is no longer *economically responsible for his own welfare*, or *morally responsible for his own conduct*.

Thomas Jefferson gave us the great political concept that a nation governs best which governs least. Oh—how far we have abandoned that philosophy today. The party which he founded ridicules his faith and makes a mockery of his name by having Jefferson Day Dinners.

The great Frenchman, Alexis de Tocqueville, who came to America in the 1830's to study what was then described as a "noble experiment" in government, summarized his findings as to the existing, and the future status, of America in the following words:

"I sought for the greatness and genius of America in her commodious harbors and her ample rivers, and it was not there; in her fertile fields and boundless prairies, and it was not there; in her rich mines and her vast world commerce, and it was not there. Not until I went to the churches of America and heard her pulpits aflame with righteousness did I understand the secret of her genius and power. *America is great because she is good,* and if America ever ceases to be good, America will cease to be great."

My prayer at this time for you, and all of America, is that through a return to faith in God, restored confidence in the supreme worth of individual effort, and a greater devotion to our Constitution, America may continue to offer the same blessings of liberty and opportunity to our posterity as it gave to our immigrant forefathers, and to ourselves. Democracy will have availed us little, if in rescuing us from the despotism of kings, it hands us over to the tyranny of a majority who are willing to accept the shackles of a welfare state.

HAPPY BIRTHDAY, MR. PRESIDENT

The SPEAKER. Under a previous order of the House, the gentleman from Missouri [Mr. RANDALL] is recognized for 60 minutes.

Mr. RANDALL. Mr. Speaker, today, May 8, is a day on which the entire world is reminded of the debt it owes to the decisive leadership of our former President, Harry S. Truman, because on this day in 1884 Mr. Truman was born in Lamar, Mo., which is in the district I am privileged to represent. He now makes his home in Independence, Mo., only a short distance from my own residence.

It is a pleasure and a privilege we enjoy annually, to take the floor of the House to say, "Happy birthday, Mr. President."

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. RANDALL. I yield to the distinguished majority leader.

Mr. ALBERT. I join the distinguished gentleman from Missouri who has the honor of being the Representative in Congress of former President Harry Truman in wishing this great American a "happy birthday."

Mr. Truman has lived to see his place in history not only fixed but outstanding. He is already recognized by students of history as one of the great Presidents of all time. In both domestic and foreign policy he brought initiatives to American Government rarely equaled, and in my judgment never surpassed.

I congratulate the gentleman upon recognizing this great American on this anniversary of his birth.

Mr. RANDALL. I am grateful to our majority leader for his contribution.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. RANDALL. I am glad to yield to our distinguished Speaker.

Mr. McCORMACK. I join with my friend from Missouri in the splendid remarks he has made in connection with the birthday anniversary of our former President, Harry S. Truman, who is one of my dear and close friends.

President Truman, as the majority leader well said, has made his place in history—not only in American history but also in world history.

He is a man of keen vision, with the capability of looking into the future and seeing history in the making. He met the problems that confronted him as President of the United States and did so in a most courageous manner.

Former President Truman will always occupy one of the foremost pages in the history of our country. He was the Chief Executive of our country in a trying period of our Nation's history when firmness and strength of leadership was necessary in addition to vision and intuition, all of which he had. He gave to our country and to the world that firm leadership which was so essential to solve the problems of the period during which he served as President of the United States.

He is one of the most humane men that I ever have met and one with an intense love of his fellow human beings. He is a man who took advantage of the opportunities that America gives. He rose to the highest position within the gift of our people.

The life of former President Truman is an example and an inspiration for all others to follow, with particular emphasis on the youth of our country. I say this because if they have the ambition, the determination, the dedication, and the willingness to make the sacrifices necessary, any one of the youth of this country can someday become President of the United States. Among the ranks of the youth of America today are one of two who some day will become the Chief Executive of our country. I say this without regard to political affiliation. This is the greatest country in the world. We have our challenges and our problems. We have met some of them and others we still have to meet. This is the greatest form of government because unlimited opportunity exists for every individual to make progress and to overcome any obstacles or difficulties, if, as I said, they have the ambition, the determination, the willingness to make sacrifices and the courage.

If there ever was any man in the history of America who exemplifies this to the highest degree humanly possible, it is our dear friend, former President Harry S. Truman.

So, Mr. Speaker, I join with my friend from Missouri and others in extending to President Truman my hearty congratulations on his birthday anniversary and wish that God will continue to bless him and Mrs. Truman, for countless years to come.

Mr. RANDALL. Those expressions by our Speaker will, I know, be appreciated by President and Mrs. Truman, as well as all of those in the House who have known and loved him for so many years.

Just yesterday it was my opportunity to have a visit in my office with Dr. Philip Brooks, who is the director of the Harry S. Truman Library at Independence. It is my real pleasure to be able to report to you Dr. Brooks' opinion that Mr. Truman's health is much improved over what it has been at any time in the past 18 months.

Recently an incident was reported that Mrs. Truman noticed the former President was not to be found in the house or yard, and she tried to find out where he might be. She learned after awhile he had taken one of those walks for which he is famous. He had walked east to a point near the Independence Square.

So Dr. Brooks reports President Truman is much stronger and has been feeling much better than he has at any time in the past 2 years. He does not use his cane much any more. I know this improvement in his health is something that we are all overjoyed to hear about, not only those fellow citizens in the city of Independence but his friends here in the Capital and throughout this countrv and the entire world.

Mr. HALL. Mr. Speaker, will the distinguished gentleman yield?

Mr. RANDALL. I am always delighted to yield to my friend and colleague, the gentleman from Missouri [Mr HALL].

Mr HALL. Mr. Speaker, I certainly want to add my best birthday wishes to the former President, President Harry S. Truman.

As a fellow Missourian, President Truman was always most vigorous in coming to that part of the State where his cousins lived. We miss those visits.

Mr. Speaker, I am delighted to hear my colleague's report with reference to the former President's health. Knowing something about the former President, having served under him in the executive branch during World War II, and since, when he would come to Missouri and visit in various parts of the State.

Mr. Speaker, I am delighted to hear the report of all the Presidential papers and memorabilia in the Truman Museum and Library.

Mr. Speaker, I certainly hope that the former President continues to improve and that he may continue to enjoy good health, as well as his wife, Bess Truman, throughout the remainder of their lives.

Mr. RANDALL. Mr. Speaker, I am most grateful to the gentleman from Missouri and I know the remarks which he made come from the heart.

Mr. WINN. Mr. Speaker, will the gentleman yield?

Mr. RANDALL. Of course I am delighted to yield to my friend, the distinguished gentleman from Kansas, our neighbor from across the State line to the west.

Mr. WINN. I thank the gentleman from Missouri for yielding and I too would like to associate myself with the remarks of the Speaker of the House and of the majority leader and our neighbor to the east. Those of us who reside in the great State of Kansas join in wishing a most happy birthday to former President Harry S. Truman. The people from my area certainly, I am sure, wish to join in an expression of continued health and happiness and many more birthdays to the former President and we salute him as one of the fine Presidents of our land, and certainly a wonderful man whom we can call a friend.

Mr. RANDALL. I appreciate the contribution of our distinguished friend, the gentleman from Kansas [Mr. WINN].

It has been my privilege to represent the Fourth District of Missouri since 1959. This district gave to the Nation and the world one of the truly great statesmen and leaders of our time. To rise before this House each year and pay tribute to the No. 1 constituent of my district is perhaps the greatest privilege the office affords.

Each year as I begin to think about Mr. Truman's birthday, I am reminded once again of the great contribution he has made to the course of history. I am also reminded of the great pleasure and knowledge I have gained from knowing this man. My deep personal affection and friendship for this great American makes it a special pleasure for me to speak my oft-repeated praises about him.

So much has been written and said to honor this man that, indeed, anything I might say by way of praise is only an echo or amplification of something which has already been said. I feel quite sure this repetition long ago became tiresome for Mr. Truman to hear.

On this occasion, I beg his understanding that I may contribute once again words of affection—not because these words will add to his honors, but because of the privilege those of us here enjoy to pause today to meditate about this great man and his contribution to our Nation and the world.

It is not enough to praise Mr. Truman as a man or to dwell on his strengths of personal character without relating his characteristics to the tasks he faced. It is only by relation to the overwhelmingly tough jobs he filled that his very uncommon traits manifested themselves most clearly.

Of course, it was obvious from the early beginning that great abilities and strength of character were always present within this man. Even as a lad, Harry Truman was able to be among the best at various jobs around the farm. While working on the farm and doing well at it, he was also studying history and improving his mind. He was showing great ability even then—an ability which would eventually carry him to the heights of power at the most crucial time of the century and enable him to make the right decisions. His ability manifested itself when he successfully led a battery of field artillerymen in World War I as a captain. The first elective office which he held, judge of the Jackson County court, gave even greater expression to the character and ability of Harry S. Truman.

His name became synonymous with political honesty and integrity throughout the State of Missouri. This reputation led him to the Senate in 1934, where he distinguished himself even further. During his second term in the Senate he contributed greatly to the U.S. war effort as head of the Special Committee To Investigate Contracts Under the National Defense Program. As we so well recall, it was at the Democratic Convention in 1944, Mr. Truman was chosen to run for the Vice Presidency on the ticket with President Roosevelt. This choice gave recognition to the high degree of competence which Mr. Truman had exhibited in the Senate and at the same time marked him as a man who could handle the great problems which were going to confront the Nation in the years that were just ahead.

As we look back to that convention in 1944, we can be sure that the delegates were not aware of the events which were to follow. Surely they did not know that within 3 months of becoming the Vice President, Mr. Truman would succeed to the Presidency. Certainly they did not know at the convention the scope and gravity of the problems which would confront the Nation in the postwar years. Most assuredly it was not known then in 1944 that the decisions which would be made in the years which lay ahead would affect the future course of the world as profoundly as any in its history.

Even today we are still unable to conclusively and fully estimate the impact of those decisions which were made in the postwar years. We do know that they have had much more influence on the course of history than was apparent at the time. We also know that the convention chose a man who had an uncommon gift for making decisions and making right ones. The convention delegates and President Roosevelt truly could not have made a wiser choice for the vice-presidential nominee of that convention, even if they possessed a crystal ball which would have allowed them to gaze into the future.

As we reflect upon the events that followed the election of 1944, we cannot help but be thankful, a man such as Harry Truman was available. We are forever grateful that his decisiveness, his courage, his leadership, and his ability were there to guide the Nation in these perilous times.

The way in which Harry Truman took the reins of leadership and the situation in which his rise to the Presidency occurred is a story familiar to all of us. He had held the office of the vice-presidency less than 3 months when the tragic death of President Roosevelt catapulted him suddenly into the highest office in the land and thrust upon him the leadership of the entire free world at a crucial time in history. To this high office he brought an indomitable spirit and the great abilities which he had developed over the years.

It can be said with complete accuracy that no man really knows or can be trained how to be a President. The job draws on all the capabilities of a mature and knowledgeable person. In some ways one could say that Mr. Truman was not prepared for the office when he took it. He certainly did not know the details of many of the situations he would face. He had not been briefed as extensively as he might have been if he had been coming to the office to replace an incumbent on Inauguration Day. We are even told that he was not aware of the status toward development of the atomic bomb when he took office. These factors, however, did not make him much less prepared to assume the office; they just made him have to work a little harder to act quickly and effectively. In truth it is my view that Harry Truman was perhaps better prepared to assume the Presidency than any man in the history of our country.

From his study of history, which had engaged his attention since his early years, he knew what a President had to do—and he did it. He knew that the President had to make decisions and that these could not be delegated to any other person. He was aware of the tremendous responsibility he bore. He took the load and moved surely and steadily with it. He never faltered. Those were difficult days in which to function decisively. I am sure that it must have seemed to President Truman that everyone in the country had a solution to the problems about which only the President, in the final analysis, could decide. There were many different solutions to foreign problems coming out of the State Department and the Foreign Service. The more he learned of a given problem, I am sure the more obscure the best solution seemed, on many occasions. Decisions were difficult to make, but Harry Truman is a man with a capacity for making difficult decisions, and making them right.

A lesser man than Mr. Truman would not have been able to effectively assume the office and exercise the leadership that was needed in this time. Mr. Truman was not only able to do the job that had to be done, but he did it with a distinction which will be to his everlasting credit. As he had shown before in his career, each new office, each increase in responsibility, each new challenge, gave him an opportunity to exercise his innate abilities to an even greater extent. As is often the case with truly great men, the abilities which he possessed and had cultivated were essential to him at this time, and the job he faced gave him an increased opportunity to further develop and exhibit these abilities. It challenged him to go to the limit, and he rose to the challenge as few men in the annals of history have done. Mr. Truman's performance as a President constitutes a classic example of a case in which the greatness of the man shaped history, yet the course of history enhanced the greatness of the man. There was an interaction between the inherent capabilities of this man to rise and assume the responsibilities which he faced on the one hand, and the events which were taking place on the other. He helped shape the events, and they, in turn, made a greater man of him.

Mr. Speaker, one of the most recent as well as one of the finest tributes paid to former President Truman occurred on last Friday, May 3. That was the day President Johnson, when on a trip to the Southwest, stopped at Independence, Mo., to call upon former President Truman.

Of course President Johnson used the occasion of this stopover at Independence, Mo., to wish former President Truman a happy birthday. Since members of the press were not present, we may not ever know the content of their conversation. The belief is that President Johnson asked for the counsel and advice of Harry Truman. As everyone knows, we are about to engage in negotiations with representatives of North Vietnam in Paris. It is the opinion of observers that President Johnson asked for the benefit of the experience and advice from former President Truman, knowing he had encountered similar problems during the Korean conflict.

Mr. Speaker, I am sure it is the wish of every Member of this body that our dear friend Mr. Truman continue to enjoy happiness and good health with the personal enrichment of the full life which he has lived. We all hope in the years to come he will have many more happy birthdays.

We wish for him all the pleasantries of life which he so richly deserves, and all the blessings of life to be enjoyed with his beloved and devoted wife, Mrs. Bess Truman.

Mrs. SULLIVAN. Mr. Speaker, President Harry S. Truman is 84 today. As a Missourian, I am deeply proud of this courageous man's record during nearly eight of the most fateful years of any Presidency. As an American, I am deeply grateful for the leadership he gave this country and the free world as President of the United States.

This country, and the free world are passing through what to many is a most puzzling era. Most of us can remember a time when poverty, despair, and denial of basic human rights were so widespread as to be almost commonplace. Bold and imaginative approaches were necessary to meet those problems head-on, and President Truman, after completing the work of his predecessor, Franklin D. Roosevelt, in the victorious conclusion of World War II, the greatest war in history, then set about to solve the many domestic problems which had been put aside during the war.

Now we have new problems which require imaginative new solutions. President Truman proved in his tenure in office that sometimes the steps which must be taken for the good of this country are not always popular ones. We all have much to learn from his political courage.

Happy birthday, President Truman. May you enjoy many more.

GENERAL LEAVE

Mr. RANDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the subject of my special order, the birthday of former President Harry S. Truman.

The SPEAKER pro tempore (Mr. Gray). Is there objection to the request of the gentleman from Missouri?

There was no objection.

A BILL TO ESTABLISH A PRESIDENTIAL COMMISSION ON HUNGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. Goodell] is recognized for 30 minutes.

Mr. GOODELL. Mr. Speaker, bills are being introduced today by 34 Republicans and 36 Democrats to establish a Presidential Commission on Hunger. These bills are the product of an unique bipartisan coalition organized by the following 16 Members of this body:

The gentleman from Ohio, William H. Ayres; the gentleman from Washington, Thomas S. Foley; the gentleman from New York, Charles E. Goodell; the gentlewoman from Oregon, Edith Green; the gentlewoman from Washington, Catherine May; the gentleman from Illinois, Robert H. Michel; the gentleman from Maryland, Rogers C. B. Morton; the gentleman from Kentucky, Carl D. Perkins; the gentleman from Texas, Graham Purcell; the gentleman from Minnesota, Albert H. Quie; the gentleman from Iowa, Neal Smith; the gentlewoman from Missouri, Leonor K. Sullivan; the gentleman from California, Charles M. Teague; the gentleman from Arizona, Morris K. Udall; the gentleman from New York, Henry P. Smith III; and the gentleman from California, Thomas M. Rees.

Cochairmen of the coalition to help malnourished Americans are Congressmen Foley and Goodell. Our joint statement follows:

> Recent studies have portrayed in general terms the shocking plight of many Americans who are permanently impaired by malnutrition. It is incredible that in our afflu-

ent society, millions of children exist today on grossly deficient diets and that many are permanently consigned to poverty and dependence by resulting physical and mental retardation.

This problem can no longer be ignored. Immediate and urgent action must be taken. Accordingly, we have announced today the formation of this bipartisan Coalition to Help Malnourished Americans.

School lunch, school milk, food stamps, commodity distribution, the emergency food and medical aid fund and other special poverty programs are all designed to carry out a noble national commitment of our bountiful resources to banish hunger from our midst. It is clear, however, that less than ⅓ of poor children who are in school benefit from these programs. Food distribution and stamp programs reach less than ⅕ of the poor. A Department of Agriculture survey indicates that more than 10 million of our people live on a diet having less than ⅔ of the minimum nutrients considered necessary for adequate health. Fragmentary medical reports indicate widespread anemia and other evidence of malnutrition among poor children, expectant mothers and individuals of all ages.

Poverty stricken areas across the nation frequently report that school children, especially in elementary grades, suffer from extreme hunger and are thus thwarted in their efforts to learn. Public hospitals report disturbing patterns of malnutrition among infants and expectant mothers. Many among the 4.3 million aged poor suffer the pain of constant hunger and resultant debilitating disease.

It is clear that many state and local governments are not carrying their share of the load to make many existing Federal programs work. Public opinion must be aroused to insist that government, at all levels, focus on this problem with the highest urgency.

We have formed this coalition of Congressmen to press impatiently and urgently on every front available to us to alleviate this problem immediately and eliminate it quickly. As first steps, we propose:

1. Public hearings immediately to determine what can be done without delay by administrative and legislative means to improve and refocus existing programs. A member of the Coalition, Congressman Carl D. Perkins of Kentucky, is the Chairman of the Committee on Education and Labor. He announced this morning that these hearings will begin the week of May 20, 1968.

2. Establishment of a Presidential Commission comparable in size, mission and urgency to the Commission on Civil Disorders. We believe that hungry Americans in the midst of plenty present a cruel paradox that demands highest priority attention and action. We are introducing today a Resolution in the House to create a Commission on Hunger of equal stature to that of the Commission on Civil Disorders. The Commission would be mandated to complete its studies on an emergency basis and report its recommendations to the nation on January 1, 1969.

It is no longer sufficient that concerned Americans adjust to their pangs of conscience by expressing frustration and indignation. Hunger hurts. We can never break the cycle of poverty in our land until we take the indispensable first step of eliminating malnutrition. Inadequate food at any time in a person's life dulls the capacity to learn and perform effectively. The problem is immediate. We pledge ourselves to do all in our power to eliminate these conditions without delay.

For the convenience of our colleagues I include the text of the bill at this point:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the ("American Hunger Commission Act").

POLICY AND FINDINGS

Sec. 2. (a) The Congress declares that it is the policy of the United States that the President, the Secretary of Health, Education, and Welfare, the Director of the Office of Economic Opportunity, and all other officials with responsibility to administer programs designed to meet the hunger needs of the American people, shall, to the fullest extent possible, use their authority under the laws of the United States, including the National School Lunch Act (42 U.S.C. 1751) and the emergency food and medical services program authorized under the Economic Opportunity Act of 1964 (20 U.S.C. 1001 (note)), to meet such needs of the Nation's poor.

(b) The Congress finds that—

(1) surveys conducted by Government agencies and responsible groups of citizens allege that, in spite of America's abundance of food resources, our Federal, State and local food programs reach only 18 per centum of the poor, and that millions of citizens lack food in adequate quality and quantity, resulting in the lifetime impairment of children, mentally and physically, and in unnecessary disease, suffering, and premature deaths among both the young and old; and

(2) the restricted use of programs authorized by Congress, failure of local and State government agencies to use Federal food programs, reversion of funds, divisions of responsibility and authority within the Congress and administrative agencies, unwise regulations, and other obstacles may be impeding and frustrating efforts to banish hunger among the desperately disadvantaged poor within our Nation.

ESTABLISHMENT OF COMMISSION

Sec. 3. There is hereby established a bipartisan commission to be known as the Commission on Hunger (hereafter referred to in this Act as the Commission).

DUTIES OF THE COMMISSION

Sec. 4. The Commission shall undertake a complete study and investigation of the unfulfilled needs of those suffering from hunger in the United States, and shall recommend such measures as it deems necessary to secure greater use of Federal food programs by State and local agencies and to establish a coordinated program to insure the fulfillment of the basic hunger needs of every American.

MEMBERSHIP

Sec. 5. (a) The Commission shall be composed of eleven members appointed by the President, except that the President may, from time to time, appoint such additional members as he may deem advisable.

(b) Members shall be appointed for the life of the Commission.

(c)(1) Except as provided in paragraph (2), members of the Commission shall each be entitled to receive $100 for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States or Members of Congress shall receive no additional compensation on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(d) The Chairman and Vice Chairman of the Commission shall be designated by the President.

(e) The Commission shall meet at the call of the Chairman.

DIRECTOR AND STAFF OF COMMISSION

Sec. 6. (a) The Commission shall have a Director who shall be appointed by the Chairman and who shall be compensated at a rate not to exceed $25,000 per annum.

(b) The Commission may appoint and fix the compensation of such experts, consultants and organizations thereof, technicians, and clerical and stenographic assistants as it deems advisable.

(c) The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

POWERS OF COMMISSION

Sec. 7. (a) The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b)(1) The Commission shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) If a person issued a subpena under paragraph (1) refuses to obey such subpena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) The subpenas of the Commission shall be served in the manner provided for subpenas issued by a district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) All process of any court to which application may be made under this section may be served in the judicial district wherein the person required to be served resides or may be found.

(c) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpena, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(d) Powers of Members and Agents.—When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(e) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman or Vice Chairman of the Commission such department or agency shall furnish such information to the Commission.

REPORT

SEC. 8. The Commission shall submit a report to each House of Congress and to the President not later than January 1, 1969.

TERMINATION

SEC. 9. The Commission shall cease to exist sixty days after submitting its final report pursuant to section 8.

CHRONOLOGY OF INVOLVEMENT IN VIETNAM

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. POFF] is recognized for 30 minutes.

Mr. **POFF**. Mr. Speaker, on April 2 last, before the central Virginia Asian affairs study in Lynchburg, Va., Hon. Frederick E. Nolting delivered an address of unusual significance. Indeed, it is of such significance that I want it preserved for the use of future scholars and historians who write the story of the Vietnam war.

The significance of the speech which was called to my attention by Mr. Keith Harvey, copublisher of the Bedford Bulletin-Democrat, is accented by the fact that Mr. Nolting had personal involvement in the events which the speech chronicles. He served as American Ambassador to South Vietnam during the regime of President Ngo Dingh Diem. Ambassador Nolting, speaking ex tempore, documented with intricate facts and figures the economic, social, and political progress of the era which he calls "The Miracle of Diem."

At this point, omitting several paragraphs which are prefatory or personal, I will read into the RECORD the transcript of the extemporaneous speech Ambassador Nolting delivered:

Ladies and gentlemen, I have so much on my heart and mind to say tonight that I hardly know where to begin. When a man comes back home after a long absence—back to his own country and to his own well-loved native state, he is drawn by many associations and for many reasons to share his thoughts and his experience in all frankness with those he feels close to. I want to do that this evening. I cannot do otherwise with an audience like this of my fellow Virginians. I thank you for the privilege of being here, Dr. Lippard. I have been looking forward to it a great deal. As it so happens, I come home to a changed situation—a drastically changed situation in regard to the Viet Nam problem, as Senator Spong has just mentioned, and in regard to the American political scene—a situation transformed 48 hours ago by President Johnson's dramatic announcement. One of the minor casualties of that announcement was my prepared speech. But neither you nor I, I think, cares too much about the speech—it's our country and its future that we care about. We cannot see clearly at this stage where this announcement of the President's will lead. But at least it seems to me it has given a new dimension to the problem of Viet Nam and maybe the possibility of an avenue towards its solution. Frankly, for the past four years I have been pessimistic about the success of U.S. policy in Viet Nam as it has been carried on in those years. I did not want to say this and have not said it publicly, I think, up to now, for fear of undermining what chance there was of success in that policy. But I have felt that errors committed some four years ago, in the last months of the Kennedy administration—errors which were inherited by President Johnson and, I think, compounded during his administration—were so great as to be practically unredeemable. To show that I am not speaking entirely from hindsight, I will read you a letter. This letter is dated February 25, 1964:

"The PRESIDENT,
"*The White House,*
"*Washington 25, D.C.*

"DEAR MR. PRESIDENT: I am sorry I have been unable to get an appointment to see you, for I have wanted for several months to talk with you about Viet Nam and related matters. I believe you and I have seen the issues in Viet Nam in much the same light from the time of your visit there in May 1961—at least, I have that impression from talks we have had in the past. I know, therefore, how heavily this problem must now weigh on your mind, as indeed it does on mine also; and I earnestly hope that, despite certain irrevocable errors that I think have been made, a way can yet be found to fulfill our national interests there with honor.

"I take the liberty of sending this letter, Mr. President, because I feel an obligation as well as a desire to tell you frankly and directly about my future course of action, which is likely to be interpreted in the press and elsewhere as being related to my tour on duty as ambassador in Viet Nam.

"I have today sent to the Secretary of State a request to be granted retirement from the Foreign Service, in order to accept an exceptional offer in private business. That my decision has been influenced by my strong disapproval of certain actions which were taken last fall in relation to Viet Nam, with predictable adverse consequences, I do not deny. Nor do I deny that I have been uncomfortable in my association with the Department of State since returning from Viet Nam six months ago.

"Under these circumstances, it seems sensible for me to accept a very attractive position in private business. As a private citizen, I shall continue to do my best to contribute to our country's success.

"I solicit your understanding, Mr. President, and I wish for you, as you know, personal happiness and all success in looking after the affairs of our nation.

"Sincerely and respectfully yours,
"FREDERICK E. NOLTING."

For many long years now, with deepening foreboding, I have seen, as you have, the problem of Viet Nam grow and transform itself from a relatively minor concern of the United States to the raging central affliction of our times—poisoning the spirit, the confidence, and the unity of our people. I have been sick at heart—the more so because I myself participated and shared in the long series of events that led to this "bloody impasse." I must tell you at the outset that I have no magic formulas to propose. There are none, I think. The choices before our nation are hard, painful choices—much harder than they had any need to be. Yet we must somehow find a national consensus, based on the best judgment we can bring to bear, and that right quickly before events overtake us again. Your chairman, Dr. Lippard, has asked me to speak on the origins of American involvement in Viet Nam, but he was kind enough not to limit me to that aspect of the matter. Past history helps to illuminate the future if we are wise enough to draw lessons from it, but you have had a great deal of background in this seminar and the anxious eyes of our nation are fixed on the present and the future—not on the past. I shall limit myself to a sketch of the history of United States involvement in Viet Nam—putting aside innumerable pages of material. This will be incomplete and over-simplified. It will, no doubt, omit many things of importance, but I would like to save time to discuss with you the central, immediate questions—for these questions cannot wait—not even until elections.

Where to pick up the continuous thread of history in Indo-China is difficult to decide. I shall pick it up at the close of World War II—after the Japanese surrender and the return of the French—but with the important proviso that we do not assume that the history of the Vietnamese people began then. Actually, Vietnamese recorded history goes back some 2,000 years, and if I had to give the thrust of that history in one sentence it would be 2,000 years of struggle against Chinese domination.

America's *involvement* in Viet Nam began in the aftermath of World War II. America's *obsession* with Viet Nam began almost twenty years later—with the overthrow of the Diem government and the subsequent introduction of U.S. combat forces. Between the two there lies a long period of time and an enormous difference of policy.

In 1946–1947, as the opposition of the Vietminh to the return of French rule began to intensify, the United States in spite of its traditional anti-colonialism was sympathetic to France. There were two main reasons for this—which I cite without evaluation. France was a key factor in the recovery of Western Europe and the loss of Indo-China, it was feared, would so weaken her centrist government as to lead to a political upheaval and possibly a communist take-over in France itself. The other reason was the belief that a Vietminh victory would amount to communization of Indo-China. Ho Chi Minh was known to be a life-long agitator and revolutionary, trained in Leninist ideology and tactics in Moscow. In nearby Indonesia, Sukarno was regarded by the United States in those days as an indigenous nationalist. Ho Chi Minh definitely was not.

At the same time the United States urged France to support a non-communist nationalist counterforce to the Vietminh. By 1949, when the quasi-independent government of Bao Dai was established, another and more compelling reason was added for U.S. support of the anti-communist forces in Indo-China—of which about three-quarters were native Indo-Chinese. This was Mao Tse-tung's stunning victory in China. General mobilization was decreed in Vietminh territory at that time and in February 1950 Vo Nguyen Giap stated "The covert war has ended and open warfare has begun." Moscow recognized Ho Chi Minh's government on February 1, 1950, and Communist China and Yugoslavia followed suit. Ho Chi Minh proclaimed in a broadcast, "Henceforth we definitely belong to the powerful anti-imperialist bloc of eight hundred million men." Chinese aid to the Vietminh—food, arms and ammunition, military advisors and military training both in North Viet Nam and China itself—began in March 1950. For its part, the United States decided to send material aid to France and its Vietnamese allies, beginning with the very modest sums of $15 million for military aid and $25 million for economic assistance.

On June 25, 1950, the North Koreans struck in force across the 32nd parallel and the Korean War began. For two years this limited but bloody war, involving Chinese as well as North Korean forces, served to divert American attention from Indo-China where the Vietminh forces steadily strengthened. Whether planned or not, this was an example of the kind of reciprocal action for which the Communists are past masters.

After the Korean War, U.S. aid to the French and the Associated States of Indo-China increased rapidly, until in 1954 we were paying 78% of the total cost of the war. The United States, however, had no part in the policies or conduct of the war at that stage—a fact which caused considerable friction between French and American representatives in Indo-China.

The rest of this sad chapter up to the convening of the Geneva Conference in 1954, the Vietminh victory at Dien Bien Phu, and the withdrawal of France from Indo-

China, is perhaps better known to you, for it is well-publicized now.

There are three points, however, which I think deserve special attention. The first is that after eight years of warfare the armies of France and the Associated States were never defeated in any over-all military sense. The political will of France to continue the struggle simply gave out and France, under Premier Mendes-France, got out as best she could. Actually, the provisions of the Geneva Accords of 1954 were somewhat more favorable to the non-communist side than one might have expected under the circumstances. It is interesting to note that Ho Chi Minh did not want to settle for a divided Viet Nam, even temporarily, but was persuaded to do so by Russia and China, among others.

The second fact of importance is that the United States, when faced with a decision in 1954 of whether or not to intervene with combat forces, decided against doing so, despite strong voices in the Eisenhower administration who thought that we should. I am happy to say that the Honorable Walter S. Robertson is with us tonight—and I do hope that after my remarks on this period, which he knows so well, he will straighten us out about it from firsthand experience.

The third point is that even then the United States was of two minds about this matter. There were "doves" and there were "hawks" then, and people in between. There was no strong national consensus among the American people and U.S. action, while generally in support of France and the Associated States, was in that period finally ineffectual.

The second chapter starts after the withdrawal of the French Expeditionary Corps and the partitioning of Indo-China, when all the world expected South Viet Nam to stagger and to fall quickly into the arms of Hanoi. This period begins with what has been called "the miriacle of Diem." Incidentally, let me say that the pronunciation of President Diem's name is "Ziem" even though it starts with a D. I have found quite often that after a remark about this period I was accused of lisping, or people didn't understand whom I meant. I mean the former president of Viet Nam, Ngo Dinh Diem, spelled Diem. This period begins with what has been called "the miracle of Diem." It ends in 1963 with the overthrow and assassination of President Diem. The record is one of a remarkable recovery by South Viet Nam, based on a do-it-yourself philosophy and encouraged and assisted by the United States. It is, I think, a record of which both South Vietnam and America can be proud—except for the last sudden fatal months in 1963. It is a record nearly blotted out by more recent events and, I think, by deliberate intent—for reasons which will become clearer later on.

I sometimes think of the period of 1954 to the present in terms of a classic Greek drama. The first act is the story of the gradual triumph of relatively good men and good ideas over relatively bad men and bad ideas. The second act depicts the act of *hubris*, when our country setting its judgment and its power above that of the people and government it was helping, encouraged a revolution against its ally. The third and present act unfolds the dreadful consequences of that act of *hubris*. The fourth act is yet to be revealed. It will be revealed, I think, either in greater tragedy or in the regaining of America's unity, in the strengthening of her moral integrity, and in the regeneration of her leadership.

You will recall that the Geneva Accords of 1954 provided among other things for the cessation of hostilities, the independence and neutral status of Viet Nam, Cambodia and Laos, and the temporary division of Viet Nam at the 17th parallel pending a vote on unification. The armed forces of both sides were to be withdrawn to their respective territories and neither side was to be reinforced from outside. Provision was also made for an exchange of civilians, at their choice. Neither the government of South Viet Nam nor the United States signed the Accords but the United States agreed not to violate them, and South Viet Nam, under Ngo Dinh Diem, tacitly accepted them with one exception, the provision on unification.

Both halves of Viet Nam at that time were beset by great difficulties and faced Herculean tasks of reconstruction and readjustment. To the surprise of most observers, progress towards order and economic stability was faster in the South than in the North, due in part to more abundant food supplies and despite the absorption of 900,000 refugees from the North. It is noteworthy that Hanoi did not press at that time for unification as provided in the Geneva Accords. Ho Chi Minh had his hands full in coping with internal problems, including a violent peasants revolt, and was presumably as unsure of the outcome of the referendum as was President Diem. In any event, there ensued a period of competition of a relatively peaceful sort between Hanoi and Saigon, as each strove by different means to bring some order and a measure of economic viability into their shattered countries. The miracle of Diem consisted of the fact that having formed a government under conditions of wild disorder in the South, in a country which had not known independence for four generations, he was able to inspire the respect necessary to cope with the problems confronting him. I knew this man well, after the American press had largely turned against him. To me the secret of his success was his moral integrity. I wish there were one like him in Viet Nam now.

From 1955 to 1960, South Viet Nam, with American aid of about $150 million a year, accomplished the following. Rice production rose from 2.8 million metric tons to 4.6 million metric tons, rubber production rose from 66,000 metric tons to over 79,000. Diversification of crops was encouraged, resulting in large increases in jute, kapok, copra, tea, coffee, fruit, vegetables. By 1961, 80 agriculture extension agents were working in 32 provinces, 5744-T clubs (the Vietnamese version of our own 4-H clubs) with a membership of 20,681 rural boys and girls were active in 2,330 villages. New lands were opened for re-settlement. By 1961 over 200,000 people had taken up new lands, each family receiving five hectares, about 12 acres, of which one hectare had been cleared by the government—the rest they cleared themselves. Nearly one million refugees from the North had been re-settled in one way or another and enabled to become contributing members of society. I have visited a number of these villages, often in the company of President Diem. To get out from Saigon and see this progress in the countryside was always a heartening experience.

The commercial catch of fish under government help rose from about 100,000 tons in 1955 to 250,000 tons in 1961. The government's farm credit program loaned over 3 billion piastres to over one million farm families. A national agriculture college was established with a student body of 300. 97 district farmers associations were serving 778 villages and 292 farm cooperatives were established with a membership of 110,000 and a paid-in capital of over 50 billion piastres.

I don't want to bore you with statistics. I cite them because I daresay you saw little or nothing about these accomplishments in the American press. I remember giving these facts and figures and others like them to members of the press corps in Saigon. No articles appeared on them to my knowledge. Most of the reporters there were more interested in the bloody side of the struggle, and in criticizing the government's shortcomings.

This period also marked the beginning of an industrial base in a country which had had until then almost no industry whatever. 51 manufacturing firms were established in South Viet Nam from 1955–1961. The largest plants were in textiles which attracted 560 million piastres of investments. New factories reduced the imports of refined sugar from 25,000 metric tons in 1954 to zero in 1961. By manufacturing many of the things required and formerly imported, South Viet Nam saved $35 to $40 million annually in foreign exchange.

In transportation and communications, by 1958, the entire railroad line was operating for the first time in 12 years. Three major highways were completed and others were under construction. 14½ million cubic meters of infill was dredged from canals, restoring the water transport system in the delta area. Electric power generation doubled.

In health measures, 3,500 hamlet health stations were established; training facilities for health workers were developed; the number of doctors graduating from medical schools increased rapidly; facilities were developed to train 120 professional nurses annually; and 100 assistant nurses. By 1962, small but well equipped surgical wings were added to 25 of the 40 provincial hospitals in South Viet Nam. A malaria eradication program was established, dramatically reducing the incidence of malaria cases.

In education, the number of students, teachers, and classrooms were more than doubled in 5 years. Two new universities were established—one in Hue and one in Dalat. Four new technical vocational schools were opened. A government information program and library facilities were established in most of the 41 provinces and in all the major cities.

A native army of 350,000 men was raised, equipped, trained, deployed. A civil guard for the protection of the peasants in the provinces was similarly formed—all this with American equipment and training. Police for the cities, and rural police forces, were established, equipped and trained. These were major, difficult accomplishments. I cannot begin to do justice to those involved in these few sentences.

In 1955 South Viet Nam drew up, ratified, and put into effect a constitution and a system of free national elections. This was a brand new concept of government to the Vietnamese people. That it did not work perfectly was no surprise. The surprise was that it worked as well as it did. Their constitution, modeled on that of the United States, provided for an elected president and vice president, an elected legislature, a cabinet of responsible ministers, and a supreme court. Ngo Dinh Diem was elected president in 1955 and re-elected in 1961. Elections for the National Assembly were held regularly until October 1963. It is worth remembering that the roots of self-government in Viet Nam were planted more firmly under President Diem than ever before or since. And all this was done while the most vigorous efforts were underway to knit together a torn, confused, heterogeneous, and devastated country. This was "the miracle of Diem."

Next we come to what I term "the period of renewed aggression." This began in 1959. It is still continuing, but in a different form. The aggression started slowly, covertly, subtly. Alarmed by the progress in the South and having gotten a firm grip on the North, Ho Chi Minh decided that Viet Nam should be reunited, by force if necessary. He had a legal cover for this—the Geneva Accords of 1954. He also had ready tools—the Vietminh organizers, armed cadres, and sympathizers who were left behind in the South after the accords.

The first objective of the aggression was to undermine the government of the South, to set back or if possible to destroy what had been so painfully built up by the Diem government over the past years. The instruments were slander, propaganda, incitement of local grievances, promises, threats—working up to terror, destruction, kidnappings, and murders—reinforced at each stage by directions, supplies and trained agents from the North.

Here I must explain several terms. What is the difference between the Vietminh and the Viet Cong? I am sure you know. Vietminh is the term Ho Chi Minh used for his independence movement starting way back in 1946. It means roughly "Vietnamese nationalists." You can see why President Diem did not want to leave President Ho Chi Minh in possession of this term. Diem, too, was a nationalist and so were his followers, and so they began to call the terrorists in the South "Viet Cong," which means Vietnamese communists. Behind this distinction in terms lies a distinction in organization and perhaps in aims, although less so now than formerly, I think. I refer to the difference between the National Liberation Front in the South and the government in Hanoi, and to the Viet Cong military organization in the South as distinct from North Viet Nam's regular army units infiltrated into the South. The National Liberation Front was publicly proclaimed in 1960 as the political spearhead of the Viet Cong organization. It seems to have had two major purposes: to consolidate and direct the Viet Cong terrorists and guerillas and to coordinate with Hanoi. The Viet Cong leaders in the South at first had some difficulties with Hanoi, and vice versa. Some southern Viet Cong did not relish the prospect of being swallowed up by Hanoi, and most did not like taking orders from Hanoi. This reflected the widespread Vietnamese factionalism and jealousy. I saw considerable evidences of these differences when I was there, but it was clear nevertheless, even seven years ago, that the Viet Cong were dependent upon Hanoi's help to keep going and couldn't have sustained their subversive activities without it. I think it is probably too late now to count on or to exploit differences of aims between the two.

President Kennedy, you remember, came into office in January, 1961. Southeast Asia was one of his graver problems. Laos and South Viet Nam were weakening under increased communist insurgency. He and his government decided on a negotiated settlement in Laos and at the same time a substantial increase in American support to the government and people of South Vietnam. This must have seemed rather strange to the strategists in Moscow, Peking, and Hanoi, who, despite their differences, tended to look upon the whole of Indo-China as one strategic area. They saw their opportunity and did not fail to take advantage of it. The treaty on Laos, negotiated by Averill Harriman, signed in Geneva in 1962 and never lived up to by the communist signatories, promptly turned the Ho Chi Minh trail into the "Harriman Memorial Highway." (I did not coin the phrase.) The treaty on Laos gave immunity to the North Vietnamese to take control of the northern provinces of Laos and to infiltrate South Vietnam while tying the hands of our side. At best the Laotian settlement can be regarded, I think, as one of the poorer alternatives in an admittedly difficult and awkward situation.

Meanwhile, the Viet Cong attempt to undermine progress in South Vietnam and to paralyze its government was making alarming headway. One of the figures I remember from my briefings for my Vietnam assignment was the figure 2,400. This was reportedly the number of South Vietnamese government officials, non-military, assassinated or kidnapped by the Viet Cong in 1960, the year before I got there—minor officials, for the most part, who were carrying on the work of the Diem government, the agriculture extension agents, road engineers, dredge foremen, district chiefs, school teachers, doctors and nurses, anti-malaria teams, and others. Twenty-four hundred of them killed or kidnapped in one year. Was this a popular uprising against an unpopular government as some would have us believe? Or was it a planned, deliberate strategy of aggression against a constitutional free government? From all the evidence I had, and it was considerable, I have no hesitation in saying it was certainly the latter.

In May 1961, Vice President Lyndon B. Johnson arrived in Saigon. He was accompanied by his wife and a group of officials from Washington, including members of the Kennedy family. President Kennedy had requested Mr. Johnson to go to Vietnam to survey the situation first-hand. The new administration in Washington was facing important decisions. I was then the new ambassador to Saigon. My wife, my family, and I had arrived 48 hours before. Vice President and Mrs. Johnson were guests of President Ngo Dinh Diem. No such high American officials had been in South Vietnam since Vice President Nixon's trip in 1957. Mr. Johnson's visit consisted of four whirlwind days of conferences with President Diem and his advisers, inspection trips in and around Saigon, receptions, public appearances, handshakings, dinners, and more conferences. As a participant, I was impressed by the Vice President's drive and energy, by President Diem's calm determination and force of character, and above all by the enormous differences of approach to political leadership between the two men. The one occidental and the other oriental, the one forceful and the other reserved, the one seeking popular approval and the other seeking respect, the one democratic in our sense, the other paternalistic in his attitude towards his people, in the good Mandarin tradition. Yet there was an evident rapport between them.

At the farewell dinner, Mr. Johnson proposed a glowing toast to the Vietnamese president. "To the George Washington of Vietnam," he said, and we all drank a toast in warm champagne. This was the beginning of my tour of duty in Vietnam.

From the shambles of occupation, division, and war, a new society was being built. But now again it was under attack. Would it be capable of bearing the responsibilities of self-government, while at the same time fighting off a renewed and vicious subversive attack? Could the two countries, South Vietnam and America—so disparate in size, strength, outlook, and ways of doing things—find a formula for working more closely together in their common interest? What was the common interest? These were the central questions we pondered and discussed seven years ago.

That was in May of 1961—the mid-way point between the French withdrawal from Indo-China and today. President Kennedy, you remember, had been inaugurated in January. President Diem had been re-elected in April. Less than three years later, they were both dead.

The United States and the government of South Vietnam quickly arrived at an understanding. There were three agreed principles underlying increased U.S. aid to South Vietnam in 1961. One, the South Vietnamese, through their elected government, undertook to prosecute their struggle against the Viet Cong more intensively in all respect—economic, social and political—behind a strengthened military shield. Two, the U.S. undertook to help by increased material aid and by advice and training. The introduction of U.S. combat forces, however, was definitely ruled out. President Diem did not want them, and President Kennedy did not want to send them. Three, there would be no interference by the United States in the internal affairs of South Vietnam—no attempt to usurp the powers of the South Vietnamese government, nor to take control of the conduct of the struggle. Both parties agreed that it had to be a Vietnamese victory if it was to endure.

These principles formed the basis of a partnership of good faith directed toward a common end, the defense of the right of the South Vietnamese people to determine their own future without coercion, force or terror. They rested on a fact which is as sound today as it was then—that indigenous nationalism has to be the mainspring of resistance to the communists.

South Vietnam's appeal for more aid was answered by the United States under President Kennedy for the following main reasons. The South Vietnamese people under President Diem had shown courage, perseverance and progress for six years. As a people they seemed worthy of support in their determination to remain free. They appeared to be the best bet for making a stand against the southward thrust of Asian communism. South Vietnam was more accessible than Laos and relatively well-governed. The South Vietnamese were anti-Chinese as well as anti-communist. They held the key to the rice bowl of Asia, the lower Mekong Delta. They were by treaty under the protection of SEATO.

An agreement was worked out between President Diem and myself following General Maxwell Taylor's visit to Vietnam and was promptly approved by President Kennedy. It provided vigorous new programs of action to protect the Vietnamese people and to win them solidly to the government's side—without enlarging the area of conflict, without inviting outside interference, without undercutting the essential spirit of Vietnamese nationalism, and without the use of American combat forces. To make the arrangement work in practice, it was necessary to establish a high degree of mutual confidence between the members of our mission in Saigon and the members of the Vietnamese government.

My instructions, with which I thoroughly agreed, laid heavy emphasis on building a bridge of confidence strong enough to carry the load of advice and aid which we were giving. Since, as was right and proper, we could not command, we had to rely on persuasion and mutual confidence. We had to be prepared for some disappointments and frustrations, for occasional misunderstandings, for patient negotiation, and for keeping our American influence "under a bushel," in order not to give credence to the Viet Cong propaganda that the Diem government were puppets of the Americans. We had to be prepared to recognize on occasion that American prescriptions were not always the best remedies in Vietnam. Anyone who has had the experience of trying by cable to persuade Washington that a plan approved by the National Security Council has some flaws in it will know how hard this is.

By and large this program of help and advice worked well for two years. The testimony of the enemy is more eloquent than what I can say. These are quotations from Wilfred Burchett, the Australian journalist, who spent a great deal of time with both the Hanoi government and the Viet Cong. According to Burchett, Ho Chi Minh said: "1962 was definitely Diem's year." Another quotation, according to Burchett, was from the Viet Cong: "We could not have imagined that the United States would be so stupid as to pull the rug from under Diem."

Confidence was established at all levels of our mission with their Vietnamese opposite numbers, with gratifying results. This applied to civilian as well as military activities, intelligence collection and analysis, police training, the treatment of prisoners, "the Open Arms policy," land distribution, the communications network, and last but not least, the placement of the best available men for the innumerable jobs that had to be done in the countryside.

I would like to take this occasion to express my deep admiration for the Americans I worked with, military and civilian, for their accomplishments during this period. The vast majority understood their difficult and delicate advisory roles and carried them out to the benefit of our country. It is a mark of their accomplishments that in 1963, when

I left Vietnam, the government had re-established effective control in 75% of the country as against 25% two years earlier. The cost in American lives over a period of eight years was 98 men killed.

When I went to say goodbye to my friend President Diem in August of 1963, he looked at me earnestly and asked, "Does your departure mean that the United States government has changed its policy from what you and I agreed two and one-half years ago?" I replied, "Mr. President, I have been assured on highest authority from Washington that it does not. You can rely on that"—and I showed him the telegram signed by Secretary Rusk referring to "highest authority," which meant the President. Diem thought a moment and said, "Mr. Ambassador, I believe you but I am sorry to say I do not believe the message you have received." I said, "Mr. President, you must believe it. Otherwise, all that we have accomplished will be destroyed. You and I know that confidence and mutual respect is the sole basis for successful cooperation between our two countries."

When I left Saigon on August 15, 1963, I knew I had not convinced Diem that American policy would remain the same. As it turned out, he was right. Two months and fifteen days later President Diem was overthrown and assassinated, on the first of November, 1963. This was done, not by the Viet Cong, but by a group of Vietnamese generals encouraged by the U.S. government. The thing I blame myself most for in twenty-two years of government service is my failure to persuade the State Department and President Kennedy that this would be a tragedy for Vietnam and for the United States. I had at that time been relieved as ambassador and was back in Washington on another job. But nevertheless I should have been able to make our government see what would happen.

The Vietnamese generals who overthrew President Diem still rule in Saigon. Their new constitution and civilian clothes do not hide this fact. In Washington some of those who encouraged the generals and promised them support still make policy on Vietnam.

What was the explanation of this sudden disastrous change in American policy? Why did the Kennedy administration turn on its proven ally and connive in his overthrow? President Kennedy was warned against this action. Among those who warned him was Vice President Lyndon Johnson. It is indeed ironic that President Johnson is now suffering the consequences of that act. It is even more ironic that he has been under attack by members of the Kennedy administration who favored it. And it is incredible, to me at least, that he retains among his principal advisers some of those who engineered it.

The reasons for this change in U.S. policy? First, the press. American press reporting from Saigon in 1963 and earlier was generally, in my opinion, inaccurate, prejudiced, superficial, and misleading. There were some exceptions to this, but the overwhelming weight of public information on Vietnam was prejudiced and slanted—in some cases towards the editorial line of the reporter's paper. This had a profound effect on American public opinion. It also had a profound effect on Vietnamese opinion, since American press articles were played back to South Vietnam in Vietnamese by the Voice of America.

Second, in the State Department and even in the White House staff there was a small group who had been against Diem for years. They had been squelched and silenced for awhile by President Kennedy's earlier fortright decisions but they remained basically unconvinced.

Third, with American public opinion already prejudiced against the Diem government and with certain elements in the State Department working for a change in U.S. policy, there came in mid-1963 the Buddhist crisis. A sudden series of violent events in Vietnam shocked and confused the world. Whether or not, or to what extent, Viet Cong strategists were behind the Buddhist agitation, I do not know. While I was there we never got conclusive evidence, although the parallel between the Buddhist objectives as they developed and the tactical aims of the Viet Cong were striking. This much, however, is clear. A clever and inhumane political plot came through to the American public as a genuine revolt against religious persecution, exactly as the Buddhist agitators had intended.

I said then and repeat now that during my two and a half years of work and observation throughout South Vietnam I saw no evidence whatsoever of religious persecution on the part of the Diem government. Soon after my recall from Vietnam in August of 1963, I had a brief revealing talk with the Secretary of State, Dean Rusk. Pointing out that he himself had stated a few months before that he was encouraged by the progress made in Vietnam, I asked him why the State Department had turned so sharply against the Diem government. Mr. Rusk's reply was, "We cannot stand any more burnings." Behind this laconic statement there lay a dismal lack of understanding and judgment. This was the atmosphere, then, in which vital decisions were being made in Washington in the fall of 1963. "We cannot stand any more burnings." It is worth noting that these burnings were not the last protest suicides, either in Vietnam or in America.

In those hectic days American public opinion was understandably confused. But our policy makers in Washington are supposed to be more farsighted. For them to yield to popular misconceptions and encourage a *coup d'etat* was in my judgment unjust to an honorable ally and irresponsible to the American people.

I see, Mr. Chairman, that I am going over my time; I will try to summarize very quickly from that point on what happened in South Viet Nam. The overthrow of the government that had existed in South Vietnam for nine years left a political vacuum into which the Viet Cong came storming back. The government was paralyzed. The province chiefs, the district chiefs, the village chiefs, all of whom depended on the constitutional government, no longer knew what to do. The military junta which succeeded the Diem government quarreled among themselves and jockeyed for position and power. In the period of less than three years there were nine different governments. You remember this period—a revolving succession of generals and governments. To make matters worse, our own government embraced each new faction that came into power in Saigon. Finally, by late '64, the year after President Diem had been overthrown, the situation became so bad that President Johnson was faced with the alternative of having South Vietnam go down the drain or sending in U.S. combat forces. He decided to take the latter fateful step. These two events were the turning point, in my judgment, of the whole affair.

I must say in all frankness that the decision, whether to send in combat forces or not, was a very, very difficult one. In retrospect one can think of a lot of other things that could have been done rather than this involvement in a ground war in Asia—which was the very thing that all previous U.S. administrations since 1946 had avoided, with the exception of Korea. Yet, I am sure there is not a person in this room who does not respect the bravery, the devotion to duty, of our soldiers, sailors, air force, marines in Vietnam, not only those who are there now but those who have been there over the past years. Nothing that any of us says or does could have the intent of weakening their resolve and their outstanding devotion to duty. They saved Saigon—American forces did—in 1965, and they saved it again in 1968 at the time of the Tet offensive. But the trouble is Americans, or any other foreigners, can't pacify the villages and the districts and the provinces of South Vietnam. This has to be done by the South Vietnamese themselves.

This concludes my summary of the historical development of U.S. involvement. I am sorry I did not have time to go more fully into the last three or four years, but I think this is well known—the political vacuum, the increase in Viet Cong control in the countryside, the inefficiencies of the governments, the introduction of U.S. combat forces, and the continued buildup of the forces on both sides and the intensity of the war.

Let me now try if I may, Mr. Chairman, very briefly to summarize my thinking on this matter, for whatever it may be worth and perhaps as an introduction to questions.

I do not believe now, nor have I ever believed, that a military victory in South Vietnam or against North Vietnam will achieve in itself the pacification, stability, or long term independence of South Vietnam nor the permanent containment of communism in the threatened East Asian countries. I do recognize that the thrust of the communist movement, however much certain communist countries may differ among themselves, is continuous and implacable, and I do not expect it to abate soon. I expect this threat to continue in Southeast Asia—under various forms—and it will be just as implacable as it has been over the last fifteen or twenty years. I see, however, little evidence of a will among the South Vietnamese people to support their present government and its policies sufficiently to achieve the *real* victory, namely, the pacification, the restoration of law and order, and the rebuilding of a stable and viable society in South Vietnam. I'm afraid the Viet Cong cancer has gone very far indeed, spread by the destruction of the war and, in a certain sense, by the very presence of one foreign soldier for every 25 South Vietnamese men, women, and children.

My hope for the success of our policy in Viet Nam since the revolution in 1963 has diminished steadily with each failure of Vietnamese leadership and each American military escalation. I have no illusions about the evils and the dangers to our country of communist aims and methods. I have no doubts about who started the war in Vietnam and who *ought* to win it. I saw it start, and I have no moral scruples about killing those who are out to kill you. I have no illusions about the shock to our friends and allies in the far East from a change of course in Vietnam nor about the shock to our own pride. I recognize the difficulties of finding a turning place on the road of military escalation which does not risk, even more than now, the lives of Americans fighting in Vietnam.

I have no confidence in the bona fides of our enemies and their backers, and I certainly do not share the thought that the Soviet Union will lend us a willing hand to get out of our difficulties—not even to the extent that we lent them one to get out of Cuba. On the contrary, it has always seemed clear to me that the principal aim of the USSR is to catch up with America by any means, and whatever she can do to bleed us white, while bleeding herself little, contributes to the fulfilling of that aim. Neither can we expect much help from our European allies, however much they would like to see us extricate ourselves. No, we got ourselves into this predicament and it is up to us to find a way out. Opinions may—and do—differ on where we went wrong. I have given you my view—we went wrong when the Kennedy administration pulled the rug on the Diem government three months before President Kennedy died. And this comes from one who admired President Kennedy for many qualities, among them his courage to admit mistakes. But in my judgment the errors committed in Vietnam have overwhelmed the ideal—the accumulated mistakes have turned a noble effort into a near disaster. It is time, I think, to reassess, to regroup, and to recover our unity and our strength for tests that are surely to come.

President Johnson's announcement 48 hours ago opened a new possibility—the possibility of a working consensus in our country on this issue. It to me was an act of real statesmanship. His renunciation of an intention to run again multiplied many times the weight of his peace offer, and put it up much more squarely to the other side. His call for national unity was to me fundamental, right, and a sine qua non to a solution in Vietnam. Holding to his basic belief that the U.S. cannot and will not allow communist aggression to go unchecked where we can effectively prevent it, he did not, I am glad to say, weaken on that fundamental principle. Recognizing the unacceptable danger of waiting in disunity and national paralysis until after elections, he gave a new dimension, it seems to me, and a new flexibility to the whole problem, and greatly enhanced his ability to deal with it. President Johnson has never blamed his predecessor for the cruel dilemma he inherited in Vietnam in November, 1963, upon succeeding to the presidency, although he was one of the few in the Kennedy administration who opposed the fatal error in Vietnam in 1963. Yet, having said that, I think that his introduction and buildup of U.S. combat forces, as it turned out, compounded that error. Nevertheless, the fact that he did not put the responsibility on anybody else, even in the face of severe political attack by the late president's brother and closest adviser, shows considerable forbearance. I am not making a political speech on anybody's behalf but this has bearing, it seems to me, on the future of Vietnam.

The de-escalation announcement leaves many question marks, of course. Will Hanoi respond? If not, what about our 550,000 troops—their safety, their morale, their ability to carry on? If Hanoi does respond, what position will we take in negotiations? This is, of course, a crucial question. Will the South Vietnamese army, government and people shoulder more of the responsibility or will they slump as the result of this development? These and many other questions remain to be answered. But surely a new possibility has been opened by the President—the chance to achieve a national working consensus so desperately needed. This seems to me to be a time for care and forbearance in political debate and public judgment. If as President Johnson evidently sincerely hopes, our nation can find a measure of unity now, we may be able at last to retrieve some of the errors of the past five years. Thank you.

ROCKETS OR RICKETS?

Mr. JOELSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. JOELSON. Mr. Speaker, I want to discuss my vote against the NASA authorization. I think that it was an indication of the fact that I am willing to match my talk with deeds when it comes to the need for a system of priorities and fiscal responsibility.

Although I do not question the ultimate desirability of space exploration, I think that there are more pressing problems which must be faced and solved. Four billion dollars is equivalent to $4,000 million, as compared with the sum of less than $500 million which will be spent on the model cities program in the next fiscal year.

The decay and deterioration of our cities is so evident that I consider the problems on earth too urgent to allow us to spend billions of dollars on the moon. I would forgo rockets in order to eliminate rickets, and I think that sophisticated missiles are less important than educated citizens. When we give priority to guided missiles we are showing misguided values.

I reject the argument that the success of the U.S. space program is necessary in order to oppose communism throughout the world. In the long run, we will be judged by the fullness of American life, by the fairness of our society and by the happiness of our people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Eilberg, for the balance of the week, on account of official business.

Mrs. Bolton (at the request of Mr. Gerald R. Ford), for Thursday, May 9, on account of a death.

Mr. Nichols (at the request of Mr. Albert), for today and tomorrow, and the balance of the week, on account of official business.

Mr. Wyatt (at the request of Mr. Gerald R. Ford), for the week of May 6, 1968, on account of being hospitalized at Walter Reed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Ryan, for 20 minutes, on May 9, 1968; to revise and extend his remarks and include extraneous matter.

Mr. Goodell (at the request of Mr. Winn), for 30 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. Poff (at the request of Mr. Winn), for 30 minutes, today; and to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. McMillan.

Mr. Byrnes of Wisconsin and to include extraneous material.

Mr. Minshall immediately following the remarks of Mr. Jonas in the Committee of the Whole today on H.R. 17023.

Mr. Boland to revise and extend his remarks made during the Committee of the Whole.

Mr. Mahon to revise and extend his remarks in general debate immediately prior to the beginning of the reading of the bill and to include extraneous matter and tables.

Mr. Wyman to extend his remarks following those of Mr. Rogers of Florida on House Resolution 1164, today, and to include extraneous matter.

Mr. Button to extend his remarks on H.R. 17023, today, in the Committee of the Whole, and to include extraneous matter.

Mr. Randall to revise and extend his remarks just prior to the vote on the Independent Offices and Department of Housing and Urban Development appropriation bill.

(The following Members (at the request of Mr. Winn) and to include extraneous matter:)

Mr. Ruppe.

Mr. Ashbrook in two instances.

Mr. Curtis in two instances.

Mr. Del Clawson.

Mr. Roudebush.

Mrs. Bolton.

Mr. Findley in two instances.

Mr. Scherle in two instances.

Mr. Reinecke.

Mr. Wydler.

Mr. Anderson of Illinois.

Mr. Steiger of Wisconsin in two instances.

Mr. Brock in two instances.

Mr. Broyhill of Virginia.

Mr. Mathias of Maryland.

Mr. Quillen.

Mr. Derwinski.

Mr. Utt.

Mr. Johnson of Pennsylvania.

Mr. Denney.

Mr. Chamberlain.

Mr. Talcott.

(The following Members (at the request of Mr. Randall) and to include extraneous matter:)

Mr. Charles H. Wilson.

Mr. Resnick.

Mr. Garmatz in two instances.

Mr. Conyers in two instances.

Mr. Stephens.

Mr. Rarick in four instances.

Mr. Gonzalez in four instances.

Mr. Fraser in two instances.

Mrs. Kelly in three instances.

Mr. Pepper.

Mr. Pool.

Mr. Hanna.

Mr. Moorhead in two instances.

Mr. Long of Maryland.

Mr. Brinkley.

Mrs. Sullivan in two instances.

Mr. Hathaway in two instances.

Mr. Fulton of Tennessee.

Mr. Rivers in three instances.

Mr. Scheuer in two instances.

Mr. Donohue.

Mr. Carey.

Mr. Dorn.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 948. An act for the relief of Seaman Eugene Markovitz, U.S. Navy;

S. 1147. An act for the relief of Mariana Mantzios;

S. 1180. An act for the relief of Ana Jacalne;

S. 1395. An act for the relief of Dr. Brandia Don (nee Praschnik);

S. 1406. An act for the relief of Dr. Jorge Mestas;

S. 1828. An act for the relief of Susan Elizabeth (Cho) Long;

S. 1829. An act for the relief of Lisa Marie (Kim) Long;

S. 1918. An act for the relief of Dr. Gabriel Gomez del Rio;

S. 1968. An act for the relief of Dr. Jose Ernesto Garcia y Tojar;

S. 2005. An act for the relief of Dr. Anacleto C. Fernandez;

S. 2022. An act for the relief of Dr. Mario Jose Remirez DeEstenoz;

S. 2023. An act for the relief of Virgilio A. Arango, M.D.;

S. 2078. An act for the relief of Dr. Alberto De Jongh;

S. 2132. An act for the relief of Dr. Robert L. Cespedes;

S. 2139. An act for the relief of Dr. Angel Trejo Padron;

S. 2149. An act for the relief of Dr. Jose J. Guijarro;

S. 2176. An act for the relief of Dr. Edgar Reinaldo Nunez Baez;

S. 2193. An act for the relief of Dr. Alfredo Jesus Gonzalez;

S. 2256. An act for the relief of Dr. Margarita Lorigados;

S. 2285. An act for the relief of Gordon Shih Gum Lee;

S. 2301. An act for the relief of Dr. Francisco Guillermo Gomez-Inguanzo;

S. 2381. An act for the relief of Dr. Jesus Adalberto Quevedo-Avila;

S. 2403. An act for the relief of Dr. Teobaldo Cuervo-Castillo;

S. 2404. An act for the relief of Dr. Heriberto Jose Hernandez-Suarez; and

S. 2489. An act for the relief of Dr. Jesus Jose Eduardo Garcia.

ADJOURNMENT

Mr. RANDALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 37 minutes, p.m.) the House adjourned until tomorrow, May 9, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1827. A letter from the Comptroller General of the United States, transmitting a report on a review of activities of the Office of the Inspector General, Department of Agriculture; to the Committee on Government Operations.

1828. A letter from the Administrator, General Services Administration, transmitting a prospectus providing for the alteration of the General Services Administration regional office building, Washington, D.C., pursuant to the Public Buildings Act of 1959; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar as follows:

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 1168. Resolution providing for the consideration of House Joint Resolution 1224, joint resolution to authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of 1 year, the officer serving in that position on April 1, 1968 (Rept. No. 1364). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 1169. Resolution providing for the consideration of H.R. 16911, a bill to provide for U.S. participation in the facility based on special drawing rights in the International Monetary Fund, and for other purposes (Rept. No. 1365). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1366. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASHMORE: Committee on the Judiciary. H.R. 16187. A bill for the relief of sundry claimants, and for other purposes; with amendment (Rept. No. 1367). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BELCHER:

H.R. 17118. A bill to amend title 23, United States Code, in regard to the obligation of Federal-aid highway funds apportioned to the States; to the Committee on Public Works.

By Mr. BROWN of California:

H.R. 17119. A bill to provide for the issuance of a special postage stamp to commemorate the 200th anniversary of the San Gabriel Mission; to the Committee on Post Office and Civil Service.

By Mr. COLLIER:

H.R. 17120. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 17121. A bill to provide a comprehensive national manpower policy, to improve the Manpower Development and Training Act of 1962, to authorize a community service employment program, and for other purposes; to the Committee on Ways and Means.

By Mr. JOELSON:

H.R. 17122. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 17123. A bill to amend the Civil Service Retirement Act to authorize the retirement of employees after 20 years of service without reduction in annuity; to the Committee on Post Office and Civil Service.

H.R. 17124. A bill to amend the Civil Service Retirement Act to provide increased annuities; to the Committee on Post Office and Civil Service.

H.R. 17125. A bill to modernize certain provisions of the Civil Service Retirement Act, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. POAGE:

H.R. 17126. A bill to amend the Food and Agriculture Act of 1965; to the Committee on Agriculture.

By Mr. POOL:

H.R. 17127. A bill to amend the Subversive Activities Control Act of 1950 to prohibit certain acts within 2 miles of certain public buildings; to the Committee on Un-American Activities.

By Mr. ROYBAL:

H.R. 17128. A bill to provide for the issuance of a special postage stamp to commemorate the 200th aniversary of the San Gabriel Mission; to the Committee on Post Office and Civil Service.

By Mr. ASPINALL (by request):

H.R. 17129. A bill to provide for the settlement of aboriginal land claims of Alaska natives, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BARRETT:

H.R. 17130. A bill to increase the funds authorized for existing programs to build low- and moderate-income housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. DANIELS (for himself, Mr. Perkins, Mr. Thompson of New Jersey, Mr. Dent, Mr. Hawkins, Mr. Scheuer, Mr. Howard, and Mr. Holland):

H.R. 17131. A bill to provide Federal leadership and grants to the State for developing and implementing State programs for youth camp safety standards; to the Committee on Education and Labor.

By Mr. DELLENBACK:

H.R. 17132. A bill to amend the U.S. fair housing law; to the Committee on the Judiciary.

By Mr. DENT:

H.R. 17133. A bill to provide additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting and funding of private pension plans, to provide an insurance program guaranteeing plan termination protection, and for other purposes; to the Committee on Education and Labor.

By Mr. FALLON (for himself and Mr. Kluczynski) (by request):

H.R. 17134. A bill to authorize appropriations for fiscal years 1970 and 1971 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. HARVEY:

H.R. 17135. A bill to amend the act of August 30, 1935, to permit the reimposition of tolls on a bridge across the St. Clair River between Port Huron, Mich., and Sarnia, Ontario, Canada; to the Committee on Public Works.

By Mr. KEE:

H.R. 17136. A bill to provide for orderly trade in iron ore, and steel mill products; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 17137. A bill to assist local educational agencies to carry out programs for more effective schools where there are high concentrations of children from low-income families, and for other purposes; to the Committee on Education and Labor.

H.R. 17138. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. PRICE of Illinois:

H.R. 17139. A bill to provide for the issuance of a special postage stamp honoring the 100th anniversary of professional baseball; to the Committee on Post Office and Civil Service.

By Mr. SISK:

H.R. 17140. A bill to clarify the status of certain U.S. citizens performing services for the Trust Territory of the Pacific Islands; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS:

H.R. 17141. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. TEAGUE of California:

H.R. 17142. A bill to establish a Commission on Malnutrition; to the Committee on Education and Labor.

By Mr. WAMPLER:

H.R. 17143. A bill to amend the Federal Power Act in order to provide for a national powerplant siting study and a national powerplant siting plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS (for himself, Mr. Goodell, Mr. Foley, Mr. Ayres, Mrs. Green of Oregon, Mrs. May, Mr. Michel, Mr. Morton, Mr. Purcell, Mr. Quie, Mr. Smith of Iowa, Mrs. Sullivan, Mr. Udall, Mr. Adams, Mr. Addabbo, Mr. Andrews of North Dakota, Mr. Broomfield, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Don H. Clausen, Mr. Conable, Mr. Cowger, Mr. Dellenback, and Mr. Dent):

H.R. 17144. A bill to establish a Commission on Hunger; to the Committee on Education and Labor.

By Mr. ANDERSON of Illinois (for himself, Mr. Dulski, Mrs. Dwyer, Mr. Eilberg, Mr. Esch, Mr. Farbstein, Mr. Findley, Mr. Fraser, Mr. Frelinghuysen, Mr. Gude, Mr. Hawkins, Mr. Holland, Mr. Howard, Mr. Kluczynski, Mr. Kupferman, Mr. Kuykendall, Mr. Kyros, Mr. Long of Maryland, Mr. McCarthy, Mr. McDade, Mr. MacGregor, Mr. Minshall, Mr. Moorhead, Mr. O'Hara of Michigan, and Mr. Ottinger):

H.R. 17145. A bill to establish a Commission on Hunger; to the Committee on Education and Labor.

By Mr. ROBISON (for himself, Mr. Podell, Mr. Pollock, Mr. Pucinski, Mr. Reid of New York, Mr. Riegle, Mr. Ryan, Mr. Stanton, Mr. Steiger of Wisconsin, Mr. Talcott, Mr. Tenzer, Mr. Charles H. Wilson, Mr. Wydler, Mr. Yates, Mr. Brademas, Mr. Hamilton, Mr. Cleveland, Mr. Hathaway, Mr. Edwards of California, Mr. McClory, Mr. Corbett, Mr. Smith of New York, and Mr. Rees):

H.R. 17146. A bill to establish a Commission on Hunger; to the Committee on Education and Labor.

By Mr. BELCHER:

H.J. Res. 1265. Joint resolution asking the President of the United States to designate the month of May 1968, as National Arthritis Month; to the Committee on the Judiciary.

By Mr. HARRISON:

H.J. Res. 1266. Joint resolution authorizing the President to proclaim June 30, 1968, as National Original Americans Day; to the Committee on the Judiciary.

By Mr. HATHAWAY:

H.J. Res. 1267. Joint resolution proposing an amendment to the Constitution to provide for the direct election of the President and the Vice President; to the Committee on the Judiciary.

By Mr. WOLFF:

H. Con. Res. 776. Concurrent resolution to commemorate the 200th anniversary of the first landing of Greeks in the New World; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 17147. A bill for the relief of Bruno Burruto and Silvia Burruto; to the Committee on the Judiciary.

H.R. 17148. A bill for the relief of Mrs. Olivia Casiano and son, Jorge Manuel Correia-Simoes; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 17149. A bill for the relief of Sylvia Smith; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 17150. A bill for the relief of Benito Mauro; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 17151. A bill for the relief of Won Ja Yoon; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 17152. A bill for the relief of Lodovic Ancilloti; to the Committee on the Judiciary.

By Mr. McMILLAN:

H.R. 17153. A bill for the relief of Mrs. Raleigh Newton; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 17154. A bill for the relief of Juan Battista Biazzo, Margarita Biazzo, Juan Tomas Biazzo, and Carlos Antonio Biazzo; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 17155. A bill for the relief of Clarinda Merces DaSilva; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 17156. A bill for the relief of May R. Cuchapin; to the Committee on the Judiciary.

H.R. 17157. A bill for the relief of Merly Florendo; to the Committee on the Judiciary.

H.R. 17158. A bill for the relief of Margaret D. Permo; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 17159. A bill for the relief of Emil Feuerwerker, his wife, Vera Feuerwerker, their minor son, Moshe (also known as Moses) Feuerwerker, and their daughter, Sara Feuerwerker; to the Committee on the Judiciary.

By Mr. REES:

H.R. 17160. A bill for the relief of Leslie Clive Drever; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 17161. A bill for the relief of Mr. and Mrs. Paola Pesce; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 17162. A bill for the relief of Rogelio Tabhan; to the Committee on the Judiciary.

By Mr. STUBBLEFIELD:

H.R. 17163. A bill for the relief of Clarence S. Lyons; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 17164. A bill for the relief of Shahzadeh Shiri; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas:

H.R. 17165. A bill for the relief of Michel Mihailovic Predrag; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 17166. A bill for the relief of Maria Lidia Hernandez Johnson; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

307. By Mr. O'NEAL of Georgia: Petition of Peter Mulholland, Whitestone, N.Y., and others, relative to trading with the enemy; to the Committee on Foreign Affairs.

308. By the SPEAKER: Petition of James Malcolm Williams, Minneapolis, Minn., relative to action on petitions Nos. 304 and 305; to the Committee on the Judiciary.

SENATE—*Wednesday, May 8, 1968*

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. Metcalf).

Rev. Edward B. Lewis, D.D., pastor, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer:

O God of life and peace, we are grateful this morning for the experience of personal peace. We find this peace at the place of prayer where Thy spirit bears witness with our spirit that we are the sons of God. Give us, in this moment of prayer, a sense of personal peace.

As the representatives of our President prepare to negotiate in seeking peace in Vietnam, we pray for Thy presence and power to be with them as they seek a lasting peace. Empower them with Thy spirit to be shared. From these efforts as well as others, bring blessing to all mankind, Dear Lord.

May pressures of this day be met with intellectual and spiritual insight. Work through the lives of the leaders and citizens of this Nation we love, with responsible and loyal actions that benefit all our fellow men. We pray in the name of the Prince of Peace. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, May 7, 1968, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 948. An act for the relief of Seaman Eugene Sidney Markovitz, U.S. Navy;

S. 1147. An act for the relief of Mariana Mantzios;

S. 1180. An act for the relief of Ana Jacalne;

S. 1395. An act for the relief of Dr. Brandla Don (nee Praschnik);

S. 1406. An act for the relief of Dr. Jorge Mestas;

S. 1483. An act for the relief of Dr. Pedro Lopez Garcia;

S. 1490. An act for the relief of Yang Ok Yoo (Maria Margurita);

S. 1828. An act for the relief of Susan Elizabeth (Cho) Long;

S. 1829. An act for the relief of Lisa Marie (Kim) Long;

S. 1918. An act for the relief of Dr. Gabriel Gomez del Rio;

S. 1968. An act for the relief of Dr. Jose Ernesto Garcia y Tojar;

S. 2005. An act for the relief of Dr. Anacleto C. Fernandez;

S. 2022. An act for the relief of Dr. Mario Jose Remirez DeEstenoz;

S. 2023. An act for the relief of Virgilio A. Arango, M.D.

S. 2078. An act for the relief of Dr. Albert De Jongh;

S. 2132. An act for the relief of Dr. Robert L. Cespedes;

S. 2139. An act for the relief of Dr. Angel Trejo Padron;

S. 2149. An act for the relief of Dr. Jose J. Guijarro;

S. 2176. An act for the relief of Dr. Edgar Reinaldo Nunez Baez;

S. 2193. An act for the relief of Dr. Alfredo Jesus Gonzalez;

S. 2256. An act for the relief of Dr. Margarita Lorigados;

S. 2285. An act for the relief of Gordon Shih Gum Lee;

S. 2301. An act for the relief of Dr. Francisco Guillermo Gomez-Inguanzo;

S. 2381. An act for the relief of Dr. Jesus Adalberto Quevedo-Avila;

S. 2403. An act for the relief of Dr. Teobaldo Cuervo-Castillo;

S. 2404. An act for the relief of Dr. Heriberto Jose Hernandez-Suarez; and

S. 2489. An act for the relief of Dr. Jesus Jose Eduardo Garcia.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Missouri, who is to be recognized at this time under the order of yesterday, yield to me briefly?

Mr. LONG of Missouri. I yield.

Mr. MANSFIELD. I thank the distinguished Senator for his courtesy.

THE PRESIDENT, PARIS, AND POLITICS

Mr. MANSFIELD. Mr. President, as the Senate knows, I have disagreed on aspects of the conduct of the war in Vietnam. However, there has been no question in my mind about the desire of the President to end that war. I have expressed on many occasions my full confidence that President Johnson was doing whatever he could to bring about the negotiation of a settlement in Vietnam. I reiterate that confidence today.

As majority leader, I have worked with the President since the day he assumed office, and I know something of the burdens which this war has placed on him. The rising casualty figures have hurt him deeply. He has felt for the people of Vietnam in the terrible ordeal which they are undergoing. He has deplored the financial drain of the war and the constraints which it has placed on dealing with urgent inner problems of the Nation.

President Johnson has wanted peace in Vietnam for all these reasons and simply because he is a man of peace. As a case in point which underscores his willingness to act for peace, I note on the basis of personal knowledge, which predates the selection of Paris as a peace site, that Pope Paul VI made an extraordinary offer to Washington and Hanoi. His Holiness placed at the disposal of the two governments the apostolic buildings of the Vatican, as a site for peace talks.

The offer was made, properly, in secret, and it remained a secret until several days ago, until Paris was actually chosen as a suitable site for talks. It should not go unnoticed, however, that President Johnson—at a time when he was subjected to severe criticism for failing to act on a meeting place—guarded his silence even though he had already accepted, without qualification, the Pope's invitation to meet at the Vatican. That the talks were not opened in Rome sometime ago, was not the fault of the President.

Be that as it may, I am delighted that an excellent site for these crucial talks has now been found. It is my deepest hope, a hope which I know is shared by the Senate, that the meetings which are about to begin in Paris will be fruitful.

If I may, I would like to make a plea at this time for patience during the difficult days ahead. The road is extremely precarious; the pitfalls are many. The President needs and warrants every confidence, support, and encouragement which can be given to him.

I would urge at this time, therefore, reflection, restraint, and reserve in discussion of the issues of Vietnam. That seems to me to be especially desirable, as the question may arise in the heat of the political campaign during the weeks and months ahead.

The President has gone to great lengths to precipitate the negotiations which will open on May 10 in Paris. His determination to bring about an honorable peace is underscored by a profound act of self-abnegation. In taking himself out of the campaign for the Office of President, in my judgment, President Johnson took the political content out of Vietnam. It would be my hope that the rest of us will now act to keep Vietnam out of a political context.

PRIMARIES AND THE ELECTORAL COLLEGE

Mr. MANSFIELD. Mr. President, the outcome of the Indiana primary was a victory for KENNEDY, MCCARTHY, and Nixon. KENNEDY, in winning the Democratic primary, got his campaign off the ground and running; MCCARTHY, in running up his impressive total, maintained his steady momentum; and Nixon, in polling over one-half million votes, made a very impressive showing.

The tragedy of primaries is that in reality they mean very little. Very few of them are binding so far as their delegates are concerned. They cost a tremendous amount of money on the part of candidates and, therefore, in a sense, they turn into auctions on a temporary basis.

Personally, I would like to see primaries, if they are going to be maintained, conducted in all States on a day certain and under a rigid limitation of expenditures, rather than to continue the haphazard expensive procedure which is now followed. If this were done, it would mean, in my opinion, that the national conventions, at which the delegates—and not the people—make the choice, could be done away with.

In a similar fashion, the electoral college could be abolished, because in that outmoded and obsolete institution those elected to the college are sometimes free to exercise their own choice and not the choice of the people who designated them. The fact is that the electoral college is one seldom attended, with an almost invisible student body, and a nonexistent faculty.

In short, there is much in American political institutions which is in need of correction. There is much in the way of obsolescence which should be replaced.

(At this point Mr. BAKER assumed the chair.)

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

STATEMENT IN OPPOSITION TO TITLE III

Mr. LONG of Missouri. Mr. President, I am absolutely opposed to title III, the wiretap section, of this bill. Wiretapping and electronic snooping cannot be justified except where the security of the Nation is directly involved. Last year I introduced S. 928, the proposed Right of Privacy Act recommended by the administration. This proposal slightly amended should be substituted for the present provisions of title III, and it is my intention to offer such an amendment at a later time.

Mr. President, several of the provisions of title III are blatantly unconstitutional. If it were possible to establish degrees of unconstitutionality, many of these provisions would qualify for the highest rating. It is my intention to offer several perfecting amendments. However, even if all the perfecting amendments I offer are adopted, title III would still fall short of the demands of the fourth amendment. So, regardless of the action taken on these amendments, I would hope the Senate would adopt the substitute for title III or at a bare minimum, strike title III. Striking the title would then allow the Senate to consider the wiretap and electronic snooping issue on its own at some later date.

Mr. President, at this time, I would like to address a few general remarks to privacy and its importance.

Hardly a day goes by that I am not asked: "What difference does it make if the Government uses wiretaps and electronic bugs in fighting crime and protecting the national security? The innocent and law abiding have nothing to hide so they have nothing to fear if these techniques are used. Only the criminal and the subversive can be harmed."

The best answer I have found is another question, one posed a century ago in a treatise on English constitutional history:

> Men may be without restraint upon their liberty; they may pass to and fro at pleasure; but if their steps are tracked by spies and informers, their words noted down for crimination, their associates watched as conspirators, who shall say that they are free?

Privacy has been recognized as a fundamental human right since the dawn of western civilization. During the days of the Roman Empire, the sanctity of the home was almost absolute. No man could be dragged out of his home even to answer a summons of a magistrate.

Despite this ancient heritage, the right of privacy remains today a difficult and elusive concept to define. If it is thought of in terms of solitude, sanctity of the home and certain personal relationships such as man and wife, patient and doctor, client and attorney, its meaning can be easily seen and understood. As a result, this approach is commonly used. However, it is inadequate. In a truly free society, the right of privacy cannot be so limited.

Supreme Court Justice Louis Brandeis in 1928 explained the right in this way:

> The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings, and of his intellect. They knew that only a part of the pain, pleasure, and satisfaction of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, the right to be let alone—the most

comprehensive of rights and the right most valued by civilized men.

Thus, the right of privacy encompasses the freedom of the individual to share or withhold from others, according to his own selection, his thoughts, his beliefs, his emotions, his actions, and his past. It is an affirmative claim to human dignity—a claim to an inviolate personality.

Neither the Constitution nor the Bill of Rights specifically mentions the right of privacy. The fourth amendment prohibition of unreasonable searches and seizures, however, is aimed at protecting this right, and, many of the other enumerated rights would completely lack substance without the right of privacy. How real would freedom of speech be if a person's every word were recorded for future use? The individual would find himself measuring every word before he speaks it to determine how it would look to someone else on a cold record. Spontaneity, a hallmark of democracy, could not long exist. How real would freedom of association be if all gatherings were officially noted and watched? The individual would find himself wondering: Are some of the others at this meeting suspect? Would it not be safer for me to remain away? Finally, how real would freedom of of official interest and how real would religion be if all services were a matter of official interest and how real would freedom of the ballot box be if all voting booths were the subject of official surveillance?

Anyone who harbors doubts as to the basic importance of the right of privacy to the individual should look back briefly at life in Nazi Germany.

A German under Hitler had but one right, the right to serve the state with his entire being. To insure that the German people did not attempt to exercise any other rights, the Gestapo systematically destroyed privacy in the Third Reich. Through the use of wiretaps, informers, predawn raids and arrests, and other techniques designed to achieve maximum fear and intimidation, they attempted to establish and maintain total state control. Under a ruling of the Reich's Supreme Court, criticism of the state was not allowed even when passed between husband and wife, or parent and child, with secrecy vowed. An exception was made for a person talking to himself or writing in his personal diary. Only the bravest, however, criticized the state even in these circumstances, because as Gestapo Chief Himmler early in the war advised:

> Carping and criticism are permitted only to those who are not afraid of the concentration camp.

Dr. E. K. Bramstadt described the situation in his book, "Dictatorship and Political Police":

> The general atmosphere resulting from the operation of the secret police is pregnant with uncertainty, fear, suspicion and readiness to pin the onus for all troubles on one's neighbors. This atmosphere can be summed up in the formula: "No private life permitted." As Dr. Ley once said: "There is no such thing as a private individual in National Socialist Germany. The only person who is still a private individual in Germany is somebody who is asleep "

The history of the right of privacy in Anglo-American law reveals some of the brightest and darkest hours in man's struggle for freedom. As to the origin of the concept in England, one can only surmise. U.S. Senator Henry Ashurst of Arizona told the Senate in 1931 that the English brought this and other tenets of freedom with them from the continent when they landed on the island of Thanet in A.D. 449 under the leadership of Hengist and Horsa. He said they planted deep and strong in the island of Britain these fundamentals of English liberty. A less romantic theory claims the right was borrowed from Roman law through the writings of Cicero, and Justinian's Digest of 533. Both these Roman sources made reference to the sanctity of the home and were read widely by the early English legal profession.

Ironically, the earliest reference to the right in reported English court decisions is found in the Semaynes case—1603—decided during the period of Tudor-Stuart absolutism. The decision was written by Sir Edward Coke, a great judge who refused to submit to the will of King James I and was eventually removed from the bench by James. By sheer ability, he worked himself up to chief justice of the Court of Common Pleas, and at the time of his removal, he was chief justice of the King's Bench. Sir Edward in the Semaynes case wrote:

> The house of everyone is to him as his castle and fortress as well for his defense against injury and violence, as for his repose.

He did not find the house offered complete sanctuary, but under the decision, even the King could not intrude on the privacy of the home arbitrarily. Sir Edward believed that both the Parliament and the King were subordinate to the fundamental law of the land and thus the actions of both were subject to judicial review. With this concept in mind, he overruled legislative and executive actions in a number of cases. In November 1616, he was permanently removed from office.

Another court of Tudor-Stuart England was not so concerned for the fundamental law of the land. It was the Star Chamber and derived its authority not from the common law but from royal power. The Star Chamber was established by King Henry VII in 1487 and abolished by the long Parliament which convened during King Charles I reign in 1640. Star Chamber originated two writs or warrants which threatened and abused the right of privacy until the later half of the 18th century.

The first of these was the general warrant. This warrant was issued by the Star Chamber for the search of private homes and shops to discover and seize books and papers that were not properly licensed. The licensing of publications was required to control the press. After the Star Chamber was abolished, Parliament continued the licensing program and the use of general warrants in its enforcement. In 1695, the Licensing Act was allowed to expire and with it went the statutory authority to issue general warrants. Royal officials, however, continued to issue general warrants and as time passed their scope was broadened to permit the seizure of all papers and effects of a suspect which might be used to convict him of seditious libel.

John Wilkes, a Member of Parliament, started a publication in 1762 called the North Briton. The publication attacked rather severely both King George III and Lord Bute, the Prime Minister. Because of this criticism, Wilkes was prosecuted for libel. To aid the prosecution, Lord Halifax, Secretary of State, issued a general warrant to search Wilkes' home. The warrant was executed and Wilkes brought a civil suit for trespass against Lord Halifax and the men who made the search. Wilkes obtained a verdict against the defendants and the judgment of the court written by Lord Camden in 1765 is a landmark in English liberty. Lord Camden in part wrote:

> There are some crimes such for instance as murder, rape, robbery and house breaking, to say nothing of forgery and ,perjury, that are more atrocious than libelling. But our law has provided no paper-search in these cases to help forward the conviction. . . . It is very certain that the law obligeth no man to accuse himself; because the necessary means of compelling self-accusation, falling upon the innocent as well as the guilty, would be both cruel and unjust; and it would seem that search for evidence is disallowed upon the same principle. . . . The warrant to seize and carry away the party's papers in the case of a seditious libel, is illegal and void.

The next year the House of Commons joined Lord Camden's court in condemning the general warrant. It passed resolutions aimed not only at general warrants used to seize papers and effects but also those used to seize persons. These latter warrants authorized the arrest of all persons suspected of a crime.

The other privacy invading star chamber process was the writ of assistance used to help collect taxes. The writ authorized tax collectors to enter at their own discretion homes or shops to search for goods upon which taxes were owed. This writ was challenged in the courts at almost the same time as the general warrant but it was in the American colonies. Shortly after the death of King George II, in October 1760, Charles Paxton, collector of customs in Boston, filed an application with the Superior Court of Massachusetts Bay for a writ of assistance. He held a writ at the time, but since such writs were based on royal power, it was valid only during the reign of George II and for 6 months afterward. Paxton's current writ had been granted a few years earlier without public notice or public hearing.

The merchants of Boston were alert, however, to his request for a new writ and petitioned the court for a hearing. The request was granted and the hearing was set for the February term.

On a cold February day in 1761, the five judges of the superior court dressed in new fresh rich robes of scarlet English broadcloth and great judicial wigs sat around a roaring fire in the council chamber of the old Town House in Boston. At a long table sat all the barristers at law of Boston and the neighboring county of Middlesex. Each wore his black gown and tie wig. On the wall, held by splendid golden frames, were radiant portraits, more than full length of King Charles II and King James II. Presiding over the court was Chief Justice Thomas Hutchinson, former lieutenant governor of Massachusetts Bay and an ardent supporter of the crown. Representing the merchants was James Otis, a most able member of the Boston Bar and a man personally committed against writs of assistance.

The full attention of the crowded courtroom was on Otis as he rose to address the court.

> May it please your Honors . . . I take this opportunity to declare, that whether under a fee or not (for in such a cause as this I despise a fee) I will to my dying day oppose with all the powers and facilities God has given me, all such instruments of slavery on the one hand, and villiany on the other, as this writ of assistance is. . . . The writ . . . being general is illegal It is a power, that places the liberty of every man in the hands of every petty officer . . . A man's house is his castle; and whilst he is quiet, he is as well guarded as a prince in his castle. This writ . . . would totally annihilate this privilege. Customhouse officers may enter our homes when they please. . . . Their menial servants may enter, may break locks, bars, and everything in their way; and whether they break through malice or revenge, no man, no court, can inquire.

To substantiate his argument Otis cited these examples:

> Mr. Pew had one of these writs and when Mr. Ware succeeded him, he endorsed this writ over to Mr. Ware; . . . so your honors have no opportunity of judging the persons to whom this vast power is delegated. Another instance is this: Mr. Justice Walley had called this same Mr. Ware before him, by a constable, to answer for a breach of Sabbath-day acts, or that of profane swearing. As soon as he had finished, Mr. Ware asked him if he had done. He replied, Yes. Well then, said Mr. Ware, I will show you a little of my power. I command you to permit me to search your home for uncustomed goods. And went on to search his home from the garret to the cellar; and then served the constable in the same manner.

Otis concluded his argument by saying:

> Thus reason and the constitution are both against this writ. . . . Not more than one instance can be found of it in all our law books; and that was in the zenith of arbitrary power . . . when star chamber powers were pushed to extremity by some ignorant clerk of the exchequer. But had this writ been in any book whatever, it would have been illegal. . . . An act against the constitution is void.

Thus Otis echoed the voice of Sir Edward Coke that the King and Parliament were subordinate to the fundamental law of the land.

John Adams, our second President, was present in the courtroom that day and many years later he wrote:

> American independence was then and there born; the seeds of patriots and heroes were then and there sown, to defend the vigorous youth. . . . Every man of a crowded audience appeared to me to go away, as I did, ready to take arms against writs of assistance.

The court was not so moved by Otis' argument as John Adams, but it was unable to reach a decision, so it scheduled the cause for reargument during its August term. On November 18, 1761, the cause was argued all day and evening. Then, immediately at the end of the arguments, the court ordered the issuance of the writ. During the reign of George II, only eight writs had been issued by the court, but, after its decision in the Boston case, customs officers in all major ports and most smaller ports of Massachusetts Bay obtained writs.

The story in the other American colonies was strikingly different. Records show that only one New Hampshire customs officer and possibly one New York customs officer were successful in obtaining writs of assistance. Parliament also took cognizance of writs of assistance but instead of condemning them, it specifically authorized their use in the colonies in the Townshend Revenue Acts passed in 1767. Despite this, with the above exceptions, the colony courts refused to grant the writs even though many applications for them were filed.

As a direct result of their experience with general warrants and writs of assistance, seven of the original States included provisions in their constitutions against unreasonable search and seizure and the fourth amendment was added to the U.S. Constitution as a part of the Bill of Rights. Today, all State constitutions contain similar provisions against unreasonable searches and seizures.

The fourth amendment provides:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrant shall issue, but upon probable cause, supported by Oath and affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Due to the nature of our governmental system and the role of the judiciary, it was 1886 before the U.S. Supreme Court decided its first landmark case involving the fourth amendment. In its decision in Boyd against United States, the Court specifically brought Lord Camden's opinion in the Wilkes case into our law and tied it to the protection of the fourth amendment. Speaking of the 1765 opinion, the Court said:

> The principles laid down in this opinion affect the very essence of constitutional liberty and security. They reach farther than the concrete form of the case before the court, with its adventitious circumstances; they apply to all invasions on the part of the government and its employees of the sanctity of a man's home and the privacies of life. It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offense; but it is the invasion of his indefeasible right of personal security, personal liberty and private property, where that right has never been forfeited by his conviction of some public offense—it is the invasion of this sacred right which underlies and constitutes the essence of Lord Camden's judgment.

Until recent years, our courts did not have too much difficulty in preserving a substantial area of privacy, though it fell somewhat short of the promise of the Boyd case. Specific decisions varied because of disagreement as to what constitutes probable cause, what degree of search is reasonable as an incident of arrest, and a multitude of other relevant questions, but in view of the nature of our society and the means for invading privacy, the protection provided was generally adequate.

The rapid advancement of science and technology, as well as other major changes in our society in the past 40 years, has had a tremendous impact on privacy. The courts have attempted to respond. Traditional attitudes and concepts, however, have caused serious problems.

The first example of this was the Olmstead case decided by the Supreme Court in 1928. Law enforcement wiretapping had been challenged as an unreasonable search and seizure, contrary to the fourth amendment. The Court, by a 5-to-4 decision, held that wiretapping does not come within the prohibition of the fourth amendment, because there is no physical trespass and no tangible thing seized. On the basis of this latter point, the Court distinguished between a telephone conversation and a letter in the mail, which is protected by the fourth amendment under an 1898 Court decision. Justice Louis Brandeis, one of the dissenters, warned the Court as to the dangers of its narrow view:

> When the Fourth and Fifth Amendments were adopted, "the form that evil had theretofore taken," had been necessarily simple. Force and violence were then the only means known to men by which a Government could directly effect self-incrimination. . . . But "time works changes, brings into existence new conditions and purposes." Subtler and more far-reaching means of invading privacy have become available to the Government. Discovery and invention have made it possible for the Government, by means far more effective than stretching upon the rack, to obtain disclosure in court of what is whispered in the closet.

He also warned the Court as to the specific danger of wiretapping:

> As a means of espionage, writs of assistance and general warrants are but puny instruments of tyranny and oppression when compared with wiretapping.

Despite these warnings of Brandeis, and the passage of 14 years, the Supreme Court did not change its position in Goldman against United States. In this case, Federal agents had used a detectaphone placed on the common wall in an adjoining office to overhear the defendant's conversations. Since there was no physical trespass nor seizure of tangible things, the Court was unable to distinguish the case from Olmstead, and held, by a 5-to-3 vote, there was no violation of the fourth amendment.

The next dozen years began to bring a change in the Court's attitude. In Irvine against California, the Los Angeles police had secretly entered a suspected bookmaker's home and installed a hidden microphone in the hallway. Five days later, the police again entered secretly and moved the mike to the bedroom of the suspect and his wife, where it was left for almost a month. The Supreme Court finally was moved to say:

> Science has perfected amplifying and recording devices to become frightening instruments of surveillance and invasion of privacy, whether by the policeman, the blackmailer, or the busybody. That officers of the law would break and enter a home, secrete such a device, even in a bedroom, and listen to the conversation of the occupants for over a month would be almost incredible if it were not admitted. Few police measures have come to our attention that more flagrantly, deliberately, and per-

> sistently violated the fundamental principles declared by the Fourth Amendment.

So the fourth amendment was finally recognized as protecting conversation against unreasonable seizure. Adhering to this position, the Court, in 1961, held the use of a spike mike violated the fourth amendment. In this case, the police from an adjoining apartment had driven a spike mike into the common wall. The Court refused to reexamine the Goldman case relying upon the penetration of the spike into the wall to provide the physical trespass required by earlier decisions.

A 1965 decision of the Court gave encouragement that the Court would meet the challenge of modern surveillance technology and also showed how elusive the right of privacy concept remains today. The case involved the Connecticut statute banning the use of birth control devices. The Court held the statute was an unconstitutional invasion of privacy, but there was a wide difference of opinion as to the reasons why. Three concurring opinions, signed by five justices, were filed, and the two dissenters each filed an opinion.

Justice Douglas for the Court wrote that the statute was unconstitutional because it intruded into a "zone of privacy created by several fundamental constitutional guarantees." Two justices found the statute contrary to due process of law, without reference to the guarantees of the Bill of Rights. Three justices, in a concurring opinion, argued "the right of privacy in the marital relation is fundamental and basic—a personal right 'retained by the people' within the meaning of the ninth amendment." Justices Black and Stewart dissented on the grounds they could find no general right of privacy guaranteed by the Constitution and Bill of Rights. The decision in the Griswold case gave a big boost to the right of privacy, but it is difficult to foresee the ultimate consequence of it.

In the last 18 months, the Supreme Court has decided three important cases involving electronic eavesdropping. The first, Osborn against United States, approved the use of a recording device concealed on the person of an undercover agent. Two Federal judges had authorized the specific use of the recorder based on an affidavit. The second case, Berger against New York, was related to the New York statute that authorized law enforcement wiretapping and electronic bugging on court orders. The Supreme Court struck down the statute because it did not require the particularity called for by the fourth amendment.

The final case was Katz against United States. The Supreme Court overruled both Olmstead and Goldman by rejecting the need for a physical trespass. It indicated that, under certain very limited conditions, court orders could be obtained for electronic snooping. However, the Court made it clear that prior approval is required.

The Katz case was a victory for privacy. It recognized the realities of modern technology. Electronic as well as physical intrusions were held subject to the protection of the fourth amendment.

Supreme Court decisions have not been limited to defining the area of privacy protected by the Constitution. The Court has also taken steps to insure that the American people enjoy this basic right. In 1914, the Court held that the Federal Government could not use evidence obtained in violation of the fourth amendment. In 1949, the Court held that the fourth amendment was applicable to State law enforcement officers as well as Federal; and then, in 1961, the Court held that State governments could not use evidence obtained in violation of the fourth amendment. As a result, the Court removed most of the temptation for law enforcement officers to make unreasonable searches and seizures. Experience has shown that this is about the only effective means the Court has to actually protect individual rights.

This review of the history of the right of privacy shows that it has been a matter of continuing importance, and that difficulties have been encountered both in defining it and protecting it.

But what about today and tomorrow? Judge Learned Hand, one of our Nation's most able jurists, once wisely observed:

> Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it.

This observation is most relevant in assessing the right of privacy today and the outlook for tomorrow.

Our courts in the past have done much to safeguard privacy but the temperament of the whole people has also been privacy oriented. By tradition, Americans have been strong individualists. Until the last 30 years, we were a nation primarily of farmers, small businessmen, unorganized workers, professional men, and small government. It was taken for granted that the Government would leave the individual alone unless he had committed an offense, and the Government acted pretty much as it was expected to. There were exceptions such as prohibition enforcement and Attorney General Palmer's so-called Red raids, but these periods of emotionalism and overzealous Government actions were temporary, and relief was forthcoming from the courts or from other calmer Government heads.

The last 30 years, however, have witnessed a striking change in our society. The depression, World War II, and the cold war, including two major periods of armed conflict, have brought big Government, big business, big labor, and bigness in just about every other phase of our life and society. The population has mushroomed, science and technology have advanced beyond all dreams, migration has swollen urban centers, and the economy has become highly concentrated and industrialized. All of these things have placed considerable pressure on the national character. They have all tended to submerge individualism. They have all worked to level tastes, desires, ambitions, attitudes, and behavior.

They have also brought the recordkeepers. Personal data on Americans can be found in employers' and prospective employers' personnel files, credit bureaus, insurance company files, public opinion surveys, behaviorial scientists' files, and in a multitude of Government agencies, such as the Census Bureau, Social Security Administration, Veterans' Administration, Civil Service, Internal Revenue, and the Federal Bureau of Investigation. It is truly the age of the dossier, and it may be only a matter of time before there will be a Federal data center in which a great deal, if not all, of this information will be computerized for almost instantaneous retrieval.

There is no question but there exists today the institutional and technological means to establish within the United States the most severe dictatorship in history. This places a tremendous responsibility on the American people and our political institutions. Regretfully, to date, this responsibility has not been discharged too well.

In all too many instances, the increased pressures, restraints, and intrusions of progress and growth have been accepted without question or complaint. As for the future, it promises only greater pressure for conformity and regimentation.

The pressures of progress and growth do not present the only dangers to the right of privacy. National security, law enforcement, and tax collection still loom as grave threats to privacy. Each generation seems to believe that the dangers of crime, subversion, and espionage are greater in its day than ever before. As a result, there are always those who seek to justify the abandonment or limitation of some constitutional rights. The right of privacy is a frequent target. This has proved particularly true during the past 25 years. A quarter of a century of hot war and cold war has dulled the sensitivities of many Americans to individual rights. Independent research studies have indicated that several provisions of the Bill of Rights might be in serious jeopardy if put to a national referendum today. The truth, of course, is that many preceding generations have faced dangers equal to if not greater than those which currently exist. At no time in our national life has security been shakier than when our Founding Fathers were promulgating these rights. Yet they chose "the boisterous seas of liberty."

The right of privacy is in serious straits today, and the outlook for the future is bleak unless there are some changes. Recent court decisions and Presidential actions give a glimmer of encouragement, but Congress must also act. Private wiretapping and electronic eavesdropping must be prohibited to the full extent of Federal authority. Law enforcement wiretapping and electronic snooping must similarly be prohibited except where national security is directly threatened.

I know the Senate will give careful attention to the various issues that will be raised and discussed relative to title III. Many of the points I have mentioned will probably be discussed in much greater detail as debate progresses. I urge my colleagues to take the action necessary to protect the right of privacy—a right basic to our free society.

Mr. President, before concluding, I should like to comment briefly on what title III does to the right of privacy. It purports to establish a limited court order system for law enforcement snooping, but it contains the following exceptions:

First. The President or his designee would be allowed to authorize wiretaps and bugs for national security the definition of which includes "any clear and present danger to the structure or existence of the Government."

Second. Any law enforcement officer, State or Federal, could wiretap or bug for 48 hours if there were an emergency situation and there were grounds for a court order but not sufficient time to get one.

Third. The telephone company could wiretap for quality control and to protect its "rights or property."

Fourth. The Federal Communications Commission could monitor to carry out its responsibilities.

Fifth. The terms "interception" and "devices" are so defined in the bill that technically a law enforcement officer using telephone equipment, facilities, components, and so forth, for monitoring in the ordinary course of his duties would not be covered by bills prohibition.

The concept of a limited court order system is further negated by the vast number of crimes where wiretapping and bugging are authorized.

Court orders would be allowed for the following Federal crimes: Espionage; sabotage; murder; kidnaping; robbery; extortion; transmission of wagering information; influencing or injuring an officer, witness or juror; obstruction of criminal investigation; Presidential assassination, kidnaping, and assault; interference with commerce by threats of violence; and many others.

States could authorize court order snooping for murder, kidnaping, gambling, robbery, bribery, extortion, narcotics, and all other felonies that endanger life, limb, or property.

In addition to court orders, control is claimed by requiring the Attorney General or his designee or a State attorney general or a local district attorney to authorize an application to a court for an order. This control is negated, however, in the emergency 48-hour provision where any law enforcement officer can use his own discretion.

Another control is claimed through the bills requirement that notice be given to victims of taps and bugs after 90 days. This is negated, however, by authorizing the court to postpone the notice—possibly indefinitely.

All information acquired in conformity with the bill despite its many weaknesses could be used in evidence including that obtained under the Presidential authorization. The only requirement as to the latter is that the tap or bug be reasonable.

Mr. President, I urge the Senate to give this title its closest attention.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. LONG of Missouri. I yield.

Mr. McCLELLAN. I believe the Senator has introduced a bill (S. 928) to protect the right of privacy by prohibiting wire interception and eavesdropping, and for other purposes.

Mr. LONG of Missouri. That is correct.

Mr. McCLELLAN. Under the bill the Senator has introduced, would the President be permitted to order a wiretapping or electronic surveillance to overhear the conversation or to get information from one who might be plotting the overthrow of this Government?

Mr. LONG of Missouri. That is true.

Mr. McCLELLAN. What could the President do with the information after he had gotten it? Suppose he got definitive, positive information that half a dozen men, the heads of the Communist Party or some other revolutionary movement, were definitely plotting and actually making plans to carry out an overt act to overthrow the Government. What could the President do with that information after he had gotten it?

Mr. LONG of Missouri. He could not use it in evidence.

Mr. McCLELLAN. That is correct. The Senator would deny him the right to go to court with that evidence and convict the criminal conspirators.

Mr. LONG of Missouri. That is not unusual.

Mr. McCLELLAN. It is becoming not unusual, that is true. However, the Senator would not permit the President to use that evidence in court to prosecute the conspiring criminals.

Mr. LONG of Missouri. If the Senator would let me finish my answer, I should like to state that it is something that is not unusual to the extent that it is the position every Attorney General has taken in this country for generations.

Mr. McCLELLAN. It is also unusual for every Attorney General until this one to take the position that wiretapping is necessary in the enforcement of criminal law?

Mr. LONG of Missouri. Many of them have been against it.

Mr. McCLELLAN. I have not heard of any. According to the evidence I have, they have all indicated that they favor the use of wiretapping. Some have testified for it.

Every Attorney General since William Mitchell, in 1931, has advocated the wiretap for use by law enforcement officials. Does the Senator agree?

Mr. LONG of Missouri. I agree.

Mr. McCLELLAN. That is true since 1931.

Mr. LONG of Missouri. We have a number of amendments which will be offered at the proper time.

Mr. McCLELLAN. We are talking about the general proposition the Senator has presented in his bill: That he would permit the President to go out and undertake to detect conspirators who are planning to overthrow the Government, but would not let him take that evidence to court to convict those conspirators. The Senator's bill would not permit the President to use that evidence, but our bill would.

Mr. LONG of Missouri. The bill I have introduced would give the President authority in national security matters to make that investigation.

Mr. McCLELLAN. My bill would go further. But the Senator's bill would not let the President use that evidence to prosecute the criminals in court. They would go free.

Mr. LONG of Missouri. There has been no difficulty in prosecuting them before.

Mr. McCLELLAN. There has been—very much so.

Mr. LONG of Missouri. Many criminals have been successfully prosecuted.

Mr. McCLELLAN. Convictions are obtained now and then, even in the enforcement of our criminal laws. But how many criminals are going free? Far more who commit serious crimes in this country are going free than are being brought to justice.

Mr. LONG of Missouri. The Senator is willing to take away all of the rights of our citizens to privacy.

Mr. McCLELLAN. I am never willing to do that. My bill prohibits any invasion of privacy except in certain serious cases where the court orders it. If we cannot trust the courts and our officials to enforce and obey the laws, then there is no redemption for America. She is on the road to destruction. We have to have courts, and we have to be able to rely on courts.

Mr. LONG of Missouri. There are loopholes in the Senator's bill that one could drive a threshing machine through.

Mr. McCLELLAN. I am sure that the Senator recognizes that he is very much exaggerating in that statement. Title III of S. 917 meets all of the constitutional requirements set out in the Berger and Katz cases, and actually contains more safeguards for individual privacy than those cases would require.

Mr. LONG of Missouri. We have amendments that will be debated at the proper time.

Mr. McCLELLAN. When the Senator gets ready, we will debate the amendments. However, I am trying to find out what the Senator proposes by his bill. Nobody but the President, and only then in cases of conspiracy against the Government, would have the privilege of using this technique to obtain evidence, and then the Senator would deny him the right to have those criminals prosecuted and convicted on that evidence and penalized for their crimes.

Mr. LONG of Missouri. This bill is what the President and administration have asked for.

Mr. McCLELLAN. I do not always agree with the President. I do not think that he asks for enough sometimes.

Mr. LONG of Missouri. I do not always agree with him either, but I do in this particular case.

Mr. President, I yield the floor.

REPORT OF THE JUDICIAL CONFERENCE OF THE UNITED STATES REGARDING PROPOSED WIRETAP LEGISLATION

Mr. HANSEN. Mr. President, last fall I noted numerous press accounts describing a meeting of the Judicial Conference of the United States at which the Conference considered wiretapping and eavesdropping legislation pending before this Congress.

The Conference considered S. 675 which was then pending before the Senate Judiciary Committee, but unfortunately did not consider S. 2050 as introduced by the Senator from Nebraska [Mr. HRUSKA] and cosponsored by myself. As we now know, S. 2050 was redrafted and introduced in the Senate after taking specific cognizance of the judicial standards set out in the recent Supreme Court cases on this subject.

Since I considered the findings of the Conference with respect to wiretapping legislation particularly timely to the Senate debate on this issue, I requested the report of the proceedings of the Conference at its September 22, 1967, meeting.

I have since been advised by the office of the Chief Justice of the Supreme Court of the United States that the report is in the process of being printed. I have requested that report as soon as it is available. I do hope that it is available to us before the Senate debate on this issue comes to a close.

In lieu of that report, however, I ask unanimous consent that a letter from Chief Justice Earl Warren to me be printed in the Record at this point. I believe that the activity of the Judicial Conference of the United States in this regard should be of interest to all Senators.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Supreme Court
of the United States,
Washington, D.C., October 2, 1967.

Hon. Clifford P. Hansen,
U.S. Senate,
Washington, D.C.

Dear Senator Hansen: Replying to your request of September 29, 1967, the Judicial Conference of the United States at its meeting on September 22, 1967 considered several bills pending in the Congress to prohibit wiretapping or eavesdropping, or both, including S. 675, H.R. 7093, H.R. 5386, H.R. 6710, H.R. 10037 and H.R. 10090.

The Conference agreed that the provisions of S. 675 were generally acceptable, provided that the ex parte order provisions of the bill are revised to comply with the standards set forth in *Berger* v. *New York*, 388 U.S. 41 (1967).

The report of the proceedings of the Conference at its last meeting has not been printed, but a copy will be sent to you by the Administrative Office of the United States Courts as soon as the report is published.

Sincerely yours,

Earl Warren.

Mr. HANSEN. Mr. President, I ask unanimous consent to have printed in the Record the partial text of a letter to the Washington Post from G. Robert Blakey, professor of law, Notre Dame Law School.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Electronic Surveillance and the Courts

I was disappointed to see *The Washington Post* editorially conclude on Dec. 23, in reference to the Supreme Court's *Katz* decision that the "burden will outweigh the benefits" should court order electronic surveillance legislation be adopted under the Court's new guidelines, for the contrary is precisely what the two most comprehensive balanced studies to date of the problem have found. I refer, of course, to the Report of the English Privy Councillors in 1957 and the recent Report of the President's Commission on Law Enforcement and the Administration of Justice.

In June of 1957, three Privy Councillors were appointed to inquire into the interception of communications in Great Britain. The practice of the English police over a 20-year period was examined. The Councillors first found that the metropolitan police used wiretapping chiefly "to break up organized and dangerous gangs." The Board of Customs and Excise employed wiretapping primarily in the area of diamond smuggling; their experience was that the traffic was organized by a "very small, closed group" in which it was "hard to get reports from informers or by normal means of detection." Finally, the Councillors noted that in espionage the weakest link was communication and that the counter-intelligence community needed the power to break that link through the interception of communications. The Councillors then analyzed the effects of the practice on the individual citizen's privacy. They found no "conflict between the rights of the individual citizen and the exercise of the power" to wiretap. They found instead that the power under suitable limitations was an aid "to the maintenance of the true freedom of the individual." They observed that the power helped make the freedom of the individual "an effective, as distinct from a nominal, liberty." "To abandon the power," they observed, would be a concession to those who are desirous of breaking the law . . . without any advantage to the community whatever."

The issue of benefit to law enforcement was taken up at length by the President's Crime Commission. I need not set out here their findings on the nature and scope of organized crime, crime which they termed perhaps the "most sinister" in America, and crime which they noted was "dedicated to subverting not only American institutions, but the very decency and integrity that are most cherished attributes, of a free society." Some further comment is, however, required on the record of our ability to deal with organized crime without the use of electronic surveillance techniques.

Since 1961, the Federal Government has been engaged in the strongest effort yet launched against organized crime. The Department of Justice and the Department of the Treasury combined are devoting upward of $20 million a year to the drive. The services of the Nation's top investigators from the Federal Bureau of Investigation, the Intelligence Division of the Internal Revenue Service, the Bureau of Narcotics and other Federal agencies are being employed. The Department's top prosecutors are engaged in the effort. But what have been the results? Measured by the record of the past, the success of the drive has been impressive. Yet, measured by the job that needs to be done, the failure has been dismal. Prosecutions are up substantially since 1961, yet the top men in organized crime still remain largely above the law. Since 1961, for example, approximately 2000 members of La Cosa Nostra have been identified, while estimates place their probable strength at around 5000. Yet only 300 or so have been indicted and only 150 or so have been convicted. Only 3 to 8 per cent of the hard core members of organized crime, in short, have been touched by the best the Nation has to offer using conventional techniques of investigation. On this record, I suggest, it is not inappropriate that we run the risk of possible abuse that might be involved in a system of court order electronic surveillance. The alternative is a confession of impotence to enforce the law against those who would flaunt it by exploiting the weak of our society, largely among the urban poor, not out of desperation born of poverty or discrimination or a sickness of mind, but of a cold calculation of balance of advantage.

The editorial also suggests that it would be extremely difficult to square electronic surveillance with the Supreme Court's interpretation of the Fourth Amendment. To be sure, the Court struck down in *Berger* v. *New York* the permissive New York statute but not—note well—because it was unconstitutionally administered, but because it was susceptible to an unconstitutional interpretation. The significance of *Berger* thus lay not in the result, but in the way in which the majority reached that result. No line of reasoning which would strike down all electronic surveillance as unreasonable was followed on any point. Indeed, where it was advanced, it was either rejected or not even mentioned by the Court. If any doubt remained after *Berger, Katz* has surely dispelled it. What I am saying, in short, is that the Supreme Court has not outlawed electronic surveillance, but instead given us a constitutional blueprint which will permit us to draw up a fair, effective and comprehensive system of court order wiretapping and bugging. All that remains now is the question of legislative will. It is time we get on with the job.

G. Robert Blakey,
Professor of Law, Notre Dame Law School.
Notre Dame, Ind.

Mr. HANSEN. Mr. President, I ask unanimous consent that the Senate take note of an abbreviated news clipping from the New York Times of April 21, 1968, which reports that the National Council on Crime and Delinquency recently issued a policy statement supporting the regulated use of electronic eavesdropping by the police.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The National Council on Crime and Delinquency issued a policy statement yesterday supporting the regulated use of electronic eavesdropping by the police.

The statement by the council, a large nonprofit research and education group that until recently has concentrated on improving the courts and correctional agencies, is expected to help those trying to put through legislation authorizing electronic eavesdropping.

President Johnson, more than a year ago, recommended that Congress restrict rather than broaden the use of electronic surveillance devices.

Carl M. Loeb, president of the council, said in releasing the policy statement that electronic surveillance should be used only for the "prosecution of certain kinds of criminals, particularly the leaders of crime syndicates."

"The inroads of organized crime into our society threaten our way of life," he said. "The illegal billions amassed annually by these marauders are used to nullify government and infiltrate our private industry."

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in recess until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MORTON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on the completion of the prayer and the disposition of the Journal tomorrow morning, the distinguished junior Senator from Kentucky [Mr. Morton] be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISSUANCE OF MEDALS TO MRS. WALT DISNEY AND CALIFORNIA INSTITUTE OF THE ARTS

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House on House Joint Resolution 1234.

The **PRESIDING OFFICER** laid before the Senate the joint resolution (H.J. Res. 1234) to provide for the issuance of a gold medal to the widow of the late Walt Disney and for the issuance of bronze medals to the California Institute of the Arts in recognition of the distinguished public service and the outstanding contributions of Walt Disney to the United States and to the world, which was read twice by its title.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the joint resolution.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MURPHY. Mr. President, I am indeed gratified that the Senate today is approving the joint resolution authorizing the striking of a gold medal to be presented to Mrs. Walt Disney by the President of the United States as a small token of the appreciation of the American people and of the American Congress for all that Walt Disney did to make the world a little happier and a better place for all to live.

The resolution (H.J. Res. 1234) received great support from Representatives DEL CLAWSON, DOLE, and BOB WILSON.

The joint resolution is identical to Senate Joint Resolution 93, which I introduced on June 20, 1967, and which was cosponsored by 52 Senators, with the exception that under the House joint resolution the California Institute of the Arts will be required to pay the cost of the gold medal.

I am glad that the California Institute of the Arts has agreed to do that in view of the present conditions of gold in our country.

Mr. President, I ask unanimous consent that the text of the joint resolution and the remarks I made when I introduced Senate Joint Resolution 93, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ISSUANCE OF GOLD MEDAL TO THE WIDOW OF THE LATE WALT DISNEY

Mr. MURPHY. Mr. President, it is with a great deal of pride that I introduce a joint resolution authorizing the issuance of a posthumous gold medal to the late Walt Disney in recognition of his contribution to the culture of the United States and to the world.

Walt Disney was a unique man. To the end of his days, Mr. Disney remained an idealist in a world of cynics. In an age where men live each day with the awesome knowledge that they have the nuclear power to turn this planet into radioactive dust, Disney celebrated in his every creative act the innocence, joy, and optimism of childhood.

This genius, this capacity for stirring in his fellow men the remembrance of the days of their childhood, was Mr. Disney's great gift. He used it well. All over the world, in nations of every political belief, the cartoon creations of Walt Disney are received with identical delight. If music is a universal language, Mickey Mouse is a universal reminder of the power of imagination to produce a character symbolizing the wonder of childhood.

The life of Walt Disney has been told and retold until it has reached the comfortable plateau of the familiar: how Walt was born in Chicago and lived there and in Missouri steeped in the homespun virtues of a midwesterner; how Walt emigrated to California, a State that remains a golden paradise beckoning to newcomers of imagination and courage; how Walt struggled to convince others that his cartoon mouse named Mickey could be an entertaining addition to the motion picture world; how Walt prospered yet remained true to his belief that the world of entertainment should be a place where goodness triumphed and evil invariably fell in the dust.

What remains obscure to most Americans was the Walt Disney who was a patriot, and the Walt Disney who was determined to leave a legacy of patriotic devotion to the America in which he believed.

Mr. President, I knew Mr. Disney and considered him my friend. I was not surprised to learn that 95 percent of the production of Walt Disney Studios during World War II was devoted to training films for the Armed Forces and for the war effort. These films, many of which used the famous Disney characters, are remembered by every veteran as vehicles in which peacetime Americans were taught the arts of war. They were immensely successful in accomplishing their purposes. Thousands upon thousands of Americans were taught by Mickey Mouse, Donald Duck, Pluto, and other beloved Disney characters in the operation of airplanes and warships.

Walt Disney quietly served his country in another capacity, Mr. President. As all his friends knew, Walt had a special affection for our neighbors south of the border. It was given public notice in several Walt Disney productions in which our friends in Mexico and South America were treated affectionately and with love. But it also took the form of special consultations with the Coordinator of Inter-American Affairs in the State Department, the predecessor office of the present Assistant Secretary of State for Inter-American Affairs. Walt's advice and counsel were proved invaluable on many an occasion during the days preceding, during, and immediately after World War II, and did much to create good will between the continents.

Somewhat better known, Mr. President, were Mr. Disney's contributions to the U.S. exhibits at the New York and the Brussels World's Fairs. His advice on creating exhibits capable of informing and entertaining simultaneously, knowledge that he demonstrated so ably in the delightful masterpiece that is Disneyland Park, were instrumental in giving the American exhibits at these exhibitions a grace and a beauty widely commented upon.

Perhaps the least known facet of Mr. Disney's life, Mr. President, was his consuming devotion in his last years to the California Institute of the Arts. I know that Walt looked upon this school, a college-level institution for the creative and performing arts, as his final contribution to a world that had given him riches, awards, and personal satisfaction.

My joint resolution, Mr. President, would authorize the striking of a gold medal for distinguished public service for presentation to Walt Disney's widow. The resolution also would authorize the striking of not more than 100,000 bronze medals, in successive issues of not less than 2,000, which would be ordered and paid for by the California Institute of the Arts as a means of raising funds.

I am reasonably sure, Mr. President, that Walt Disney felt that his original cartoon creations—Mickey, Donald, and all the rest—would live to bring enjoyment to succeeding generations. And his all-consuming interest, in the final act of his life, was the California Institute of the Arts. It is fitting that replicas of a gold medal awarded to Mr. Disney will benefit this school, an institution that will memorialize Walt Disney in a way that he would have preferred—by the instruction of young people. I urge the adoption of this joint resolution, Mr. President, and ask unanimous consent that the text of this joint resolution be printed in full at this point in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 93) to provide for the issuance of a gold medal to the widow of the late Walt Disney and for the issuance of bronze medals to the California Institute of the Arts in recognition of the distinguished public service and the outstanding contributions of Walt Disney to the United States and to the world, introduced by Mr. MURPHY, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

"S.J. RES. 93

"Whereas Walt Disney's life personified the American dream and his rags-to-riches story demonstrated that the United States of America remains the land of opportunity; and

"Whereas Walt Disney, 'the most significant figure in graphic arts since Leonardo,' pioneered motion picture cartoons, produced spectacular feature films, and created fascinating nature studies bringing joy and pleasure to children of all ages; and

"Whereas Walt Disney developed one of the wonders of the modern world, Disneyland, a fabulous park where happiness reigns and where one can relive the nation's past as well as step into the future; and

"Whereas Walt Disney was a great humanitarian, a 'teacher of human compassion and kindness,' a master entrepreneur, a great conservationist; and

"Whereas Walt Disney's masterful touch contributed so significantly to the success of exhibits of the United States, including those at the New York and Brussels Worlds Fairs; and

"Whereas Walt Disney, always an outstanding patriot, during World War II devoted ninety-five per cent of the production of his studio to the armed services; and

"Whereas Walt Disney's vision and work with the Coordinator of Inter-American Affairs did so much to create international friendship and mutual understanding with our neighbors in Latin America; and

"Whereas Walt Disney received an unprecedented number of Academy Awards, citations and honors from governments the world over, industry civic groups, and universities, which when listed total nearly a thousand; and

"Whereas Walt Disney's greatest gifts to mankind were laughter, his steadfast faith in future generations and his belief that good will ultimately triumph over evil; and

"Whereas Walt Disney's interest in young America is evidenced by his founding of the California Institute of the Arts, a college-level school of the creative and performing arts, which he regarded as his most important contribution to posterity: Now, therefore, be it

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That, in recognition of the distinguished public service and outstanding contributions to the United States and to the world, the President of the United States is authorized to present in the name of the people of the United States and in the name of the Congress to the widow of the late Walt Disney a gold medal with suitable emblems, devices and inscriptions to be determined by Walt Disney Productions with the approval of the Secretary of the Treasury. The Secretary shall cause such a medal to be struck and furnished to the President. There is hereby authorized to be appropriated the sum of $2,500 to carry out the purposes of this section.

"Sec. 2. (a) The Secretary of the Treasury shall strike and furnish to the California Institute of the Arts not more than one hundred thousand duplicate copies of such medal in bronze. The medals shall be considered as national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

"(b) The medals provided for in this section shall be made and delivered at such times as may be required by the California Institute of the Arts in quantities of not less than two thousand. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such costs."

Mr. MURPHY. Mr. President, I ask unanimous consent that a statement on the joint resolution, prepared by Senator Kuchel, be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Kuchel

When the United States Senate today approves the joint resolution, a proposal which I am proud to cosponsor, we will add yet another honor to the memory of Walt Disney. But we will do so in a way which he would have preferred—by helping young people interested in the creative and performing arts.

This resolution will authorize not only a gold medal to be presented to Walt Disney's widow, but also will authorize the striking of bronze medals in order to raise funds for the California Institute of the Arts. This Institute, which Walt Disney was instrumental in establishing in 1961, is a place where all the performing and creative arts are are taught under one roof. Walt described the Institute as a "community of the arts". He looked upon this school as his final contribution to a world that had given him riches, awards, and personal satisfaction.

His creations and characters have been able to leap the boundaries and barriers of nations, languages, and ideologies. The world always will respond warmly to the magic that is Disney's. For this "magic", Walt Disney has received more than 950 honors and citations from all over the world including 31 Academy Awards, five Emmys, honorary degrees from many universities, and the Presidential Medal of Freedom.

Today, we honor Walt Disney again but in a manner which will help him fulfill the dream he expressed in these words: "If I can help provide a place to develop the talent of the future, I think I will have accomplished something." S.J. Res. 93 will give life to that dream and to the memory of Walt Disney.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

The joint resolution (H.J. Res. 1234) was passed.

ORDER FOR RECOGNITION OF SENATOR HOLLAND TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding the previous order under which the distinguished Senator from Hawaii [Mr. Fong] will be recognized for a period of not to exceed 2 hours, the distinguished Senator from Florida [Mr. Holland] may be recognized at this time for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REDS MAKING HAY OUT OF KING RIOTS

Mr. HOLLAND. Mr. President, the evidence continues to accumulate that the country is greatly ashamed of what has happened in Washington following the assassination of Dr. King, particularly the events growing out of the type of law enforcement that was adopted by the officials here.

Mr. President, I have several items from newspapers that were sent to me by Florida citizens which I should like to have printed in the Record.

The first is an article by the senior representative in the Capital of the Knight newspapers. The article, entitled "Reds Making Hay Out of King Riots" and written by Edwin A. Lahey, was published in the Miami Herald, of April 28, 1968.

I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Reds Making Hay Out of King Riots

(By Edwin A. Lahey)

Washington.—The man who murdered Dr. Martin Luther King gave international communism its greatest propaganda field day.

The broadcasting stations in Peking, Moscow, and Hanoi for a month now have been getting mileage out of the civil disorders that followed the King assassination.

They have made a real thing out of the disorders in Washington. It was in this capital that Safety Director Patrick V. Murphy made the compassionate decision to surrender control of the streets to angry Negroes. About $20 million worth of arson followed. Our local officials have been trying ever since to make it seem like a "trick or treat" night.

Communist commentators are still turning out new angles on these riots.

Pravda in Moscow the other day published a letter from four Soviet citizens "of Afro-American origin," named Eslanda Hood, Robert Ross, Tito Romalio, and James Patterson. The expatriates denounced the "cruel suppression of protests by American Negroes."

In Peking the popular catch phrase is the "Afro-American struggle." The Peoples Daily in the Red Chinese capital carried more than a page of articles of the Negro disorders in the United States, including a new thought by Chairman Mao Tse-tung:

"Only by overthrowing the reactionary rule of the U.S. monopoly capitalist class and destroying the colonialist and imperialist system can the black people of the United States win complete emancipation."

In Hanoi, a daily newspaper named Nhan Dan actually described the Negro riots here as a "second front" in the war against the U.S.

"The black Americans' struggle on the second front accentuates the crisis into which U.S. imperialism is sliding deeper and deeper," this newspaper said.

The Hanoi newspaper also reminded readers that Premier Pham Van Dong of North Vietnam told Stokely Carmichael on a visit last August:

"The Vietnamese regard the black people of the U.S. as their brothers and close comrades in arms in the struggle against the common enemy, U.S. imperialism."

Some of the Communist radio commentators managed to make the Negro riots in the U.S. sound like the French Revolution.

"Fight on, heroic Afro-American brothers," said the Peoples Daily in Peking. "Victory will certainly be yours."

The paper also gloated about the rampaging Negroes in the U.S. as follows: "Defying brute force, they have attacked the reactionary troops and police and set fire to shops run by white racists."

And during the height of the riots in Washington, the domestic service of Peking Radio informed Chinese listeners that sentries had been increased at the White House, "to protect the old home of white racial oppressors."

Doesn't it really warm you, the way people all over the world love us so?

Mr. HOLLAND. Mr. President, I shall read only the first three paragraphs:

The man who murdered Dr. Martin Luther King gave international communism its greatest propaganda field day.

The broadcasting stations in Peking, Moscow, and Hanoi for a month now have been getting mileage out of the civil disorders that followed the King assassination.

They have made a real thing out of the disorders in Washington. It was in this capital that Safety Director Patrick V. Murphy made the compassionate decision to surrender control of the streets to angry Negroes. About $20 million worth of arson followed. Our local officials have been trying ever since to make it seem like a "trick or treat" night.

The rest of the article speaks for itself and shows the humiliation our whole country suffers because of what happened in Washington.

The second item is a signed editorial, by Mr. William A. Mullen and published in the Pompano Sun-Sentinel of Wednesday, May 1, entitled, "Demands for Poor Ignore Obligation to Due Process." I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Viewed Editorially: Demands for Poor Ignore Obligation to Due Process

The United States of America is a Republic and by our Constitution, Article IV, Section 4, shall be guaranteed to continue as a republican form of government.

Under our due process, amendments to the Constitution are by a two-thirds vote of both houses of the Congress or of the legislatures with the approval of three-fourths of the states.

But under way now is a new attempt to change our government from a republic to a democracy or a government of coercion. Instead of the due process of amendment, reform is sought through self-appointed delegates whose qualifications are based on the acclaim they are "poor."

These, we believe, are the fundamentals involved in the so-called "Poor People's March on Washington," which began Monday with the supposed noble cause of fulfilling the "dream of Dr. Martin Luther King."

They are the elements that are putting our tortured government to the test in the context of "Do as I says, or else . . ."

And in this context, the affairs of government will not be directed by the law of the Congress, the powers of the executive or the interpretations of the judiciary. They shall be determined by the "demands" of persons who are not duly elected representatives of the people, as decreed by our republican form of government guaranteed to the several states by the United States Constitution.

To view the latest confrontation of the invested authority of our government from any other aspect would be mortal folly, no matter how just the cause may appear, no matter how idealistic the "dream," no matter how non-violent the coercion.

No group has any right to invade our national capital, to threaten laying it under siege, or to place a shotgun of violence to the heads of our elected representatives.

But that is the manifesto of Dr. King's successor as leader of the "march" and head of the Southern Christian Leadership Conference (SCLC), Dr. Ralph Abernathy. He issued the ultimatum thusly:

"We have made up our minds that there will be no new business in this country until it takes care of the old business . . ."

There is no statutory nor constitutional authority for any individual, or any group, regardless of its numbers and physical prowess, to hamstring our governmental processes, as Dr. Abernathy proposes.

The means for change are provided through elections, through our representatives in the Congress and through our President. No other methods are lawful.

Dr. Abernathy quite obviously ignores this with his edict and his assertion that "we are not going to beg for our rights any longer, but will demand them."

These "rights" include free food programs, more anti-poverty funds, a ban on immigration until "every poor American who wishes it has gained a decent acceptable living standard and is gainfully employed," and a more direct voice of the "poor" in government affairs.

What a "decent acceptable living standard" may be, humans being what they are, is anybody's guess.

If these are granted as "rights" today, what then of tomorrow's rights? They may be free housing, free transportation, incarceration of those who impede the economic satisfaction of the "poor," or whatever may strike future fancy.

Our Government representatives have an obligation to their electorate to deal with these demands and the "poor people's march" within the framework of our Constitution.

They have a sworn oath to uphold that Constitution which guarantees a republican form of government, not a mobocracy.

This should be restated to some officials in the Department of Agriculture who joined at the end of their meeting Monday with the "crusaders" in singing We Shall Overcome.

The theme of liberty today, we submit, is "We shall persevere, or we shall perish."

WILLIAM A. MULLEN.

Mr. HOLLAND. I shall simply read one part of it to the Members of the Senate, for emphasis, so that we will never forget that this particular part of the editorial calls attention to what our duties are under the conditions.

> Our Government representatives have an obligation to their electorate to deal with these demands and the "poor people's march" within the framework of our Constitution.
>
> They have a sworn oath to uphold that Constitution which guarantees a republican form of government, not a mobocracy.

The entire editorial speaks for itself.

The Pompano Sun-Sentinel of recent date published a number of letters from contributors on this subject. I ask unanimous consent that two letters, one entitled "Says Capital Disgraced," written by Mr. William Marshall, and one entitled "Negro Offers Views," signed by Willie Hayes, of Deerfield Beach, be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SAYS CAPITAL DISGRACED

EDITOR: THE SUN-SENTINEL:

May I contribute?

What a disgrace to this World War I veteran who enlisted and served in France many months to see and read what has happened in our national capital, especially, and other large cities. Black hoodlum looters burning and looting within a few blocks of the White House and carrying away their loot with police required to stand by and let them continue. Thank God the press and TV reported it well with photos. Here is a nation with officials apparently paralyzed with fear permitting a born hoodlum element that doesn't represent one per cent of the entire good Negro population to thus degrade our country and recommend taking to the streets with guns to burn, kill and loot. Two or three preaching anarchy on the public forums. Where are the guts of our elected officials?

What a spectacle this must present to other countries, especially Russia.

WM. MARSHALL.

PHILADELPHIA, PA.

EDITOR: THE SUN-SENTINEL:

I am of the Black race and have seven children and happily married. I agree with you when you state, "We deplore the death of Dr. King, but we cannot join in mourning him." He had no right in Memphis to try to stir our folks up. Such telecasters from stations in Miami to say "A man of peace meets violent death" and for Mr. Hubert Humphrey to say "An apostle of non-violence has suffered a violent death" are statements of hypocrites.

Many of our folks are afraid to speak out against Adam Clayton Powell, Rap Brown, Stokely Carmichael and other rabble rousers who bring discredit to our race. We love our country, and the hoodlums who rape, rob and steal should be treated rough. Many politicians who want our votes to stay in office or get into office talk out of both sides of their mouths and are not sincere. It was a mistake to give Dr. King the Nobel peace prize. Anyone who listened to him trying to stir up our folks knows this to be true and his preaching "nonviolence" was a sham. Our President must stop being a politician and must tackle this firmly.

WILLIE HAYS.

DEERFIELD BEACH.

Mr. HOLLAND. Mr. President, I believe that the letter by Mr. Marshall deserves a little special consideration, so I shall quote from it:

> What a disgrace to this World War I veteran who enlisted and served in France many months to see and read what has happened in our national capital, especially, and other large cities. Black hoodlum looters burning and looting within a few blocks of the White House and carrying away their loot with police required to stand by and let them continue. Thank God the press and TV reported it well with photos. Here is a nation with officials apparently paralyzed with fear permitting a born hoodlum element that doesn't represent one per cent of the entire good Negro population to thus degrade our country and recommend taking to the streets with guns to burn, kill and loot. Two or three preaching anarchy on the public forums. Where are the guts of our elected officials?

I also have an editorial from the Orlando Evening Star of Saturday, May 4. It is entitled "Can Poor March Get Results?" I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CAN POOR MARCH GET RESULTS?

Can the Poor People's Campaign which is now on its big march to Washington force the Congress to meet demands for more jobs, a guaranteed minimum annual income, better housing and better education?

The Rev. Ralph David Abernathy believes his invasion of the nation's capital with thousands of marchers will create a crisis which will force the government to give in to the demands.

And he points to previous successes of activities by the Southern Christian Leadership Conference as evidence that this capital caper will pay off in benefits for the poor. And he makes it clear too, that his group will not let a few laws interfere with its plans to create a crisis in the capital.

SCLC's successor to Dr. Martin Luther King showed his contempt for laws by declaring quite clearly "We are prepared to break those laws which we consider to be unjust," and added "We will gladly and willingly go to jail and suffer the consequences."

To the observers who say that disruptions in the capital will harden the opposition to big government spending bills for the poor, Mr. Abernathy replies that the trouble in Birmingham in 1963 helped win the 1964 Civil Rights Act and that the trouble in Selma in 1965 helped win the Voting Rights Act.

He says that demonstrations and disturbances create the "climate" for favorable legislation, and he is relying on this tactic to get what he wants in Washington this month.

But, one thing the SCLC forgets. Demonstrations and marches or even riots and burnings won't create the hundreds of millions of dollars it would take to do all the things Mr. Abernathy wants the government to do.

Mr. HOLLAND. I read the concluding paragraph:

> But, one thing the SCLC forgets. Demonstrations and marches or even riots and burnings won't create the hundreds of millions of dollars it would take to do all the things Mr. Abernathy wants the government to do.

Mr. President, we have been humiliated in the eyes of the world by what has happened, particularly what has happened in the Capital; and I want the RECORD to show that Congress knows that perfectly well, and that Congress is proposing to do its duty, but will not be swayed one iota by all of the confusion which is promised for the next few weeks.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that the President had approved and signed the following acts:

On May 3, 1968:

S. 375. An act to amend the Communications Act of 1934 with respect to obscene or harassing telephone calls in interstate or foreign commerce.

On May 4, 1968:

S. 10. An act to authorize and direct the Secretary of the Treasury to cause the vessel *Ocean Delight*, owned by Saul Zwecker, of Port Clyde, Maine, to be documented as a vessel of the United States with coastwise privileges; and

S. 1093. An act to authorize the use of the vessel *Annie B.* in the coastwise trade.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Under the previous order, the Senator from Hawaii [Mr. FONG] is recognized for not to exceed 2 hours.

Mr. FONG. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Virginia [Mr. BYRD] for 1 minute, within losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

COLUMNIST PRAISES SENATOR BYRD OF WEST VIRGINIA

Mr. BYRD of Virginia. Mr. President, the noted newspaper columnist Holmes Alexander wrote an article the other day dealing with the distinguished Senator from West Virginia [Mr. BYRD]. In the article he points out the esteem in which the Senator from West Virginia is held by the people of West Virginia.

I should like to say that we who have served with him and are serving with him in the Senate know of his great ability and know what a hard-working and conscientious Senator he is.

I ask unanimous consent that Mr. Alexander's article, published in the Richmond News Leader of May 1, 1968, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BYRD MAY BE AN ANTIDOTE FOR WALLACE

(By Holmes Alexander)

So far there isn't any stop-Wallace movement in the Democratic party, but recently there was a definite wiggle—a sign of life and motion in that direction.

On April 5, Senator Bob Byrd took the Senate floor, along with many others, to eulogize Martin Luther King, Jr. "I was shocked but I was not surprised," said the plain-spoken, up-from-poverty West Virginian. On April 8, David Lawrence approvingly ran Byrd's entire speech in the country's most widely circulated column. Byrd had spoken for 15 minutes. He drew 1,500 letters of approbation.

Then on April 20 The Beckley (W. Va.) Register and Post-Herald published its first report on a continuing 14-county poll which listed six presidential possibilities and asked for reader preference. Byrd's name wasn't on the ballot, but he drew a write-in of some significance. Of 353 votes in the incomplete sampling, Richard Nixon (92) was barely ahead of George Wallace (91), followed by Robert Kennedy (55). The Byrd write-in (35) nosed out Hubert Humphrey (34).

The poll's salient feature as viewed by Democrats in Washington, was its outcropping of the hardline for peace at home and victory abroad. The Wallace-Byrd total of 126 easily topped Nixon, a hardliner himself, and was double the softline of Kennedy-Eugene McCarthy at 62.

There is, to repeat, no stop-Wallace movement yet under way, but you don't have to draw diagrams for the desperate Democrats. The feisty former Governor of Alabama is all but conceded five Deep South States. His campaign as the American Independent party candidate is going to collect anti-riot, anti-peacenik, anti-Administration votes all over the map. Any job-description you write for a Wallace-stopper could spell Bob Byrd.

Of course, it could also spell John Connally, Governor of Texas, but "no-body runs for Vice President" and the spell-out has to be called an academic exercise at this point. Even at that, it provides a study in Democratic party necessities. That party is going to need a counter-Wallace weapon, and there isn't anybody other than Byrd in either camp who would more certainly supply a Wallace alternative for many middle-class, and labor-class Democrats who otherwise may have nowhere else to go.

Wallace is a renegade Democrat, and Byrd is a regular. Wallace has the racist-tag, and Byrd is a rationalist. The Senator has repeatedly voted for Civil Rights bills, including the recent one on open housing. He has also repeatedly taken lonely positions against welfare-racketeering and every form of crime-in-the-streets. As chairman of the Appropriations subcommitte on the District of Columbia, he has insisted relief funds go only to the eligible. He is one of the very few men in public office who backed Mayor Daley's shoot-the-looters-and-arsonists proclamation.

"That's The Law," says Byrd.

"For hundreds of years it's been the standing order of peace-officers to shoot felons who can't be stopped in any other way at the scene of the crime. Of course, no policeman should shoot a child, or open fire in a crowded place, but that's off the question. The law must be enforced if we're to be a civilized nation.

"My heart doesn't bleed for the criminal. It bleeds for the victims of his crime. I feel much the same about our military tactics in Vietnam. My heart goes out to the American fighting man and not to the enemy. We should have bombed the dikes and cut off the enemy rice supply long ago. We should have found some way to blockade Haiphong harbor."

This is counter-Wallace language because it is Wallace-made-rational, and is Wallace-within-the party system, and Wallace-without-theatrics. There is no sign whatever, as yet, that Byrd will be considered for the national Democratic ticket. But the necessity for a Wallace-stopper is going to require some inventive ticket-making by the Democrats.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, will the distinguished Senator from Hawaii yield for a unanimous-consent request?

Mr. FONG. I yield.

ESTABLISHMENT OF COMMITTEE ON VETERANS' AFFAIRS—ADDITIONAL COSPONSOR

Mr. BYRD of West Virginia. Mr. President, I am heartily in favor of a resolution which was reported today by the Committee on Rules and Administration, of which I am a member, establishing a standing Committee on Veterans' Affairs in the U.S. Senate.

The need for such a committee should really be beyond question in this day and age.

We are currently spending some $7 billion per year for veterans' pensions, survivors' benefits, veterans' hospitals, and the many other programs which a grateful nation has provided for the men who have served in its Armed Forces.

It is hard to conceive of a more important area of our national life, an area that affects so many persons, and an area that involves the expenditure of so much money from the National Treasury. Certainly an area of this much concern is worthy of recognition by the Senate in the form of a permanent Senate committee to oversee matters concerning our veterans.

Today when more than half a million young Americans are under arms in Southeast Asia fighting for the defense of freedom and giving their lives, it is essential that we convey to them, and to all Americans, our full recognition and gratitude for the services they are performing.

The creation of a standing committee in the Senate on Veterans' Affairs is one concrete way in which we can convey this gratitude as well as end forever the fragmented process by which veterans' legislation is currently considered in the Senate.

I do not use the word "fragmented" in order to deprecate in any way the manner in which the two Senate committee's having jurisdiction over veterans' affairs—the Senate Finance Committee and the Senate Labor and Public Welfare Committee—have discharged their duties in that regard. These committees have performed a dedicated work, but they are already overly burdened with other heavy responsibilities.

Today there are nearly 26.2 million veterans living in this country. And they are all underrepresented in the U.S. Senate because, instead of the consideration of proposed legislation affecting veterans by a Veterans' committee, such legislation gets parceled out to two very large and very busy Senate committees.

Both the Senate Finance Committee and the Senate Labor and Public Welfare Committee have heavy workloads of their own in their traditional fields of jurisdiction.

The Finance Committee handles, among other legislation, bills concerning taxes and social security. Needless to say, this requires an enormous amount of senatorial and staff effort. And such legislation is by no means all that this committee must cover. The Finance Committee should not be required to expend increasing time and thought on the needs of veterans and their families.

Similarly, the Committee on Labor and Public Welfare has an ever-proliferating responsibility and should not be diverted to fulfilling yet another mission concerning veterans.

Consolidation of veterans' matters into one Senate committee would have two important and immediate benefits.

First, it would create one new committee the sole "raison d'etre" of which would be the welfare of our veterans, their families, and survivors.

Second, such a consolidation would permit the two other Senate committees—the Finance Committee and the Labor and Public Welfare Committee to concentrate their efforts entirely in other fields of expertise.

I think it should be pointed out under the resolution to which I have alluded, the jurisdiction of the proposed Senate Veterans' Affairs Committee would be the same as that of the House Committee on Veterans' Affairs.

This proposed committee would have jurisdiction over veterans' measures generally, life insurance issued by the Government in connection with service in the Armed Forces, veterans' pensions and other compensation, veterans' readjustment programs such as the GI bill, veterans' hospitals, medical care and treatment of veterans, and vocational rehabilitation and education of veterans.

The Senate should have established such a committee as this a long time ago.

But because it did not do so, over the years almost all of the legislation pertaining to veterans has originated in the House.

Yet, the Senate, our Nation's greatest deliberative body, is in a unique position, because of the greater length of a Senator's term of office, as well as the greater stability of service, to offer substantial positive contributions to our veterans laws.

We ought not let the role of initiator of legislation fall by default to the House of Representatives.

Further, the existence of a standing Committee on Veterans' Affairs in the Senate will mean that House-approved veterans bills will receive more speedy and more thorough consideration than is now possible.

This does not mean that the Senate would be rushed in its deliberations on veterans matters, but only that such important measures would be given the priority which they deserve.

The chairman and members of the Senate Veterans' Affairs Committee would be powerful spokesmen for our Nation's former soldiers in arms and would insure that their interests are never neglected.

I think that the case for the creation of a permanent Senate Committee on Veterans' Affairs is a very strong one, and I was glad, therefore, for the opportunity and privilege, earlier today, of making the motion, in the Rules Committee, to favorably report for Senate action Senate Resolution 13, the chief cosponsor of which is the distinguished junior Senator from Nevada [Mr. CANNON].

I am a cosponsor of a similar resolution. I congratulate and thank the Senator from Nevada [Mr. CANNON] for his leadership in offering and promoting this legislation, and I also thank the distinguished junior Senator from North Carolina [Mr. JORDAN] for the able manner in which he has expedited the progress of this resolution as chairman of the committee which acted favorably thereon earlier today.

Mr. President, I ask unanimous consent that, at its next printing, my name be added as a cosponsor of Senate Resolution 13, to amend rule XXV of the standing rules of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

Mr. FONG. Mr. President, according to the FBI Uniform Crime Report for 1967, the incidence of violent crimes in the United States showed a sharp increase by more than 16 percent over the 1966 figure. Murder increased by 12 percent, armed robbery by more than 33 percent, property crimes by 16 percent, and the use of firearms in aggravated assault by 22 percent. In not a single category of crime did the FBI's crime index show a decline from the previous period surveyed.

During 1966 the police in our country were able to solve only 25 percent of the serious crimes reported—a slight decrease from the national police solution rate in 1965.

Since 1960, serious crime in this country has risen by an alarming 88 percent.

America's high crime rates are tremendously costly to the national economy. The President's Commission on Law Enforcement and the Administration of Justice estimated the following losses in various categories of crime:

Crimes against property: total $1.608 billion.

Robbery, $49.4 million.

Burglary, $312.7 million.

Larceny, $196 million.

Auto theft, $63.5 million.

Arson, $100 million.

Malicious mischief, $209.8 million.

Forgery and counterfeiting, $26.2 million.

Fraud—consumer—$18.3 million.

Fraud—bad checks, swindling—$368.8 million.

Embezzlement, $200 million.

Crimes against the person—homicide, assault, and other nonfatal crimes—total $815 million.

Other crimes: total $9.620 billion.

Gambling, $7 billion.

Driving while intoxicated, $1.8 billion.

Loan sharking, $350 million.

Narcotics and other drugs, $350 million.

Abortion, $120 million.

These figures represent a staggering total of $12.043 billion.

All of these statistics underscore the need for action by the Federal Government to help local and State authorities maintain an orderly society through the effective enforcement of our laws. Federal assistance is urgently required to achieve these ends.

Mr. President, the omnibus crime bill we are now considering, S. 917, consists of four titles dealing with substantive law: Title I, on Law Enforcement Assistance; Title II, on Confessions, Eyewitness Testimony, and Habeas Corpus; Title III, on Wiretapping and Electronic Surveillance; and Title IV, on Handgun Control.

For reasons which I will subsequently spell out in this statement, I strongly favor passage of title I, and I will urge the extension of the provisions of title IV to all types of firearms—long guns and rifles, as well as handguns.

However, I am adamantly opposed to title II and, in its present form, title III. I believe these sections of the bill to be extraordinary threats to the civil liberties of every American.

TITLES II AND III THREATS TO CONSTITUTIONAL RIGHTS

Titles II and III threaten to nullify some fundamental rights of equal justice guaranteed under the Constitution to all citizens of this Nation: the rights to privacy and against unlawful searches and seizures; the right to counsel at each and every stage of the law enforcement process; and the right to full, fair, and prompt administration of criminal justice.

I view efforts to protect these constitutional guarantees a part of the continuing battle to preserve the civil rights of all Americans.

With respect to titles II and III before us, equal justice under the law will most certainly be grievously threatened by their retention in the bill.

Risk for risk, for myself, I would rather take my chance that some criminals will escape detection than that one single innocent person shall be wrongly incarcerated or executed.

Titles II and III represent, in my opinion, radical assaults on the Constitution of the United States and would open the doors to such practices as holding suspects incommunicado for an indefinite period, out of touch with friends, family, and legal counsel; arresting persons on mere suspicion; questioning suspects with third-degree tactics without arraignment and irrespective of their right against self-incrimination.

It would invalidate the recent Supreme Court rulings on line-up identifications of accused persons.

It would narrowly constrict the power of Federal courts to grant writs of habeas corpus in connection with persons in State custody.

It would authorize, under a loosely drawn court order system, widespread eavesdropping and bugging by State and local police, as well as by Federal authorities, in connection with a vast number of suspected offenses.

The great Anglo-American tradition that a man's home is his castle—our greatly valued heritage of privacy and of freedom from arbitrary intrustion by the police—would be seriously undermined.

In short, the authoritarianism of police rule would be substituted for the authority of law and the majesty of due process.

> We have to choose—

Wrote Mr. Justice Holmes, dissenting in *Olmstead* v. *U.S.*, 277 U.S. 436 (1928).

> And for my part, I think it is less evil that some criminals should escape than that the Government should play an ignoble role.

TITLE I—LAW ENFORCEMENT ASSISTANCE

I wholeheartedly endorse the objectives of title I of this bill. This title represents the heart of this legislation.

Its provisions may be summarized as follows:

First. Length of programs and total authorization: Authorizes a 5-year program—section 512: $100,111,000 is authorized for the first year of operation, and $300 million for the second year—section 520.

Second. Administration: Establishes a three-member Law Enforcement Assistance Administration to administer all grants. The Administration is placed in the Department of Justice, under the general authority of the Attorney General. It will consist of an Administrator of Law Enforcement Assistant—level 4, $28,750/year—and two Associate Administrators of Law Enforcement Assistance—level 5, $28,000/year—section 101.

Third. Grants to States and local governments: Authorizes planning grants and action grants to be made to States and to units of general local government or combinations of such units with a population of not less than 50,000 persons—section 202, 302(a).

Fourth. Planning grants: Authorizes Federal grants to pay up to 80 percent of the cost of preparing a comprehensive law enforcement plan—section 202, 203. Twenty-five million dollars is allocated for planning grants for the first year of operation of the act—section 520(a).

Fifth. Requirements of law enforcement plans: Plans must encompass a State, unit of general local government, or combination of such units—section 303(b)(1). The Administration is directed to encourage plans that encompass entire metropolitan areas, that coordinate with other law enforcement plans and systems, and that deal with all law enforcement agencies—police, courts, and corrections—in the area encompassed by the plans—section 303(c).

Sixth. Action grants: Authorizes grants to improve and strengthen all aspects of law enforcement. Purposes specifically mentioned are: public protection, recruitment, training, public education, construction, control of organized crime, and riot control—section 302(b). Grants for riot control and control of organized crime may be up to 75 percent of the cost of particular programs. Construction grants may be up to 50 percent of the cost of such programs. Other action grants may be up to 60 percent of the cost of the program—section 302(c). Action grants may be used only to supplement State or local funds, section 302(b)(2), and may be made only to applicants whose law-enforcement plans have been approved by the administration—section 303(b); $50,000,000 is allocated for action grants for the first year of operation of the act.

Seventh. Limit on corrections, probation, parole: Not more than $10,000,000 of the funds appropriated for action grants may be used for the purposes of corrections, probation, and parole—section 520(b)(4).

Eighth. Riot control: Action grants for riot control are included as a specific purpose of such grants—section 302(b)(6). The administration is directed to give special emphasis to such grants—section 304(a). The amount of such grants may be up to 75 percent of the total cost of a particular program—section 302(c). Up to $15,000,000 of the appropriation for action grants for riot control—section 520(b)(3). More lenient application requirements are included for riot control grants until August 31, 1968—section 304(b).

Ninth. Organized crime: Action grants to control organized crime are included as a specific purpose of such grants—section 302(b)(5). The Administration is directed to give special emphasis to such grants—section 304(a). The amount of such grants may be up to 75 percent of the total cost of a particular program—section 302(c). Up to $15,000,000 of the appropriation for action grants may be used for grants to control organized crime—section 520(b)(2).

Tenth. Review and comment by States: State Governors and State law enforcement agencies have 60 days to comment on application for planning grants or action grants by local units—section 521.

Eleventh. Salaries: Up to one-third of any action grant may be used for the compensation of regular law enforcement personnel. However, such assistance may be used only for salary increases, and then only on a 50-percent matching basis with State or local funds. The limitation does not apply to personnel in training programs—section 302(d).

Twelfth. Public education: Action grants may be made for crime prevention programs, education programs in schools, and programs to improve public understanding of and cooperation with law enforcement agencies—section 302(b)(3). Not more than $2,500,000 may be used for such grants—section 520(b)(1).

Thirteenth. Research: Establishes a National Institute of Law Enforcement and Criminal Justice to encourage research and development in law enforcement. The Institute is placed in the Department of Justice under the general authority of the Administration—section 402(a). The Institute is authorized to conduct research of its own, including the establishment of a central research facility, and to make research grants to public agencies and private organizations—section 402(b). Research grants may be up to 100 percent of the cost of particular projects. Up to $20,000,000 is authorized for the Institute—section 520(c).

Fourteenth. FBI training: The FBI is authorized to expand its training programs for State and local law enforcement personnel at the Federal Bureau of Investigation National Academy at Quantico, Va. The FBI is also authorized to assist in conducting field training programs for such personnel, and to conduct research of its own—section 404. $5,111,000 is allocated for such programs—section 520(c).

Fifteenth. Education: Authorizes the Administration to establish programs of loans and tuition aid to law enforcement personnel—section 406. Up to $10,000,000 is authorized for such programs—section 520(c).

Loans may be up to $1,800 per year to full-time students in undergraduate or graduate programs leading to degrees in areas directly related to law enforcement. Such loans may be cancelled at the rate of 25 percent for each year of service in a law enforcement agency. The Administration is directed to give special consideration to police and correctional officers on academic leave to earn degrees—section 406(b).

Grants for tuition and fees may be up to $200 per academic quarter or $300 per semester for law enforcement officers taking courses in areas related to law enforcement. If recipients do not complete 2 years' service with their law enforcement agency after finishing such courses, the grants must be repaid—section 406(c).

Sixteenth. Allocation to States: Not more than 12 percent of the total funds appropriated under title I may be used in any one State—section 516(b).

Seventeenth. Racial imbalance: The administration is prohibited from conditioning any grant upon the adoption by a law enforcement agency of a plan to eliminate racial imbalance—section 518(b).

Eighteenth. LEA carryover: The administration is authorized to continue projects approved under the Law Enforcement Assistance Act of 1965 prior to the effective date of S. 917—section 405.

Nineteenth. Judicial review: Establishes a procedure of administrative hearings and judicial review for cases in which applications for grants are denied or grants are discontinued—section 509–511.

Twentieth. Definition of law enforcement: Law enforcement is defined broadly to include all activities pertaining to crime prevention or reduction and the enforcement of the criminal law—section 601(a).

FEDERAL HELP NECESSARY

There are certain national objectives which are vital to every citizen of this country, and the elimination of crime is one of the foremost among these objectives. We cannot sit back and expect the existing law enforcement agencies to solve the problem without aid from Congress and from all the citizens of the United States.

Title I clearly recognizes, as it must, that law enforcement in the United States is primarily a task for our State and local governments. The Constitution of the United States confers no general police power on the Federal Government. The denial of such power is soundly predicated on the fear that a too-powerful central government will become despotic.

Our citizens have always insisted and continue to insist that police power must be dispersed among the State and local governments of the Nation, as a guarantee that no single government can begin to accumulate enough power to submerge the democratic foundations of the Republic.

This basic principle of the responsibility of State and local governments for law enforcement in the United States is firmly maintained in title I of the bill. The law enforcement assistance programs authorized by the title will remain under the direction and control of State and local law enforcement agencies.

Title I strengthens the capacity of State and local governments to solve their problems of law enforcement, and thereby eliminates any tendency toward Federal domination.

At the same time, title I recognizes that there are many problems in law enforcement and crime prevention which State and local governments cannot solve on their own.

In accord with the recommendations of the President's Commission on Law Enforcement and Administration of Justice, title I provides substantial Federal financial assistance to these governments to improve and strengthen all aspects of their systems of law enforcement and criminal justice. It will speed funds to the areas of law enforcement where the need is greatest and most immediate. It will encourage the planning, coordination, and research in law enforcement that has been so seriously lacking in the past.

The additional resources which would be available under title I both to Federal and local authorities will facilitate better training for law enforcement personnel, acquisition of modern equipment and facilities, incorporation of innovative techniques for apprehension of the lawless, and improvements in rehabilitation processes and procedures.

The proposed legislation will not solve all of the problems. No simple or easy solution is available.

It will, however, firmly commit the Federal Government to provide a role of leadership and support. Within the framework of our established and traditional separation of responsibilities, it will let all levels of Government work together to fight the common enemy—crime and lawlessness.

I believe this proposal to be a sound, imaginative approach which will make a substantial contribution to the life of our society.

TITLE II—CONFESSIONS, EYEWITNESS TESTIMONY, AND HABEAS CORPUS

However bright the promise of title I, I deplore the action of the committee in accepting title II of the bill. Title II is a dangerous affront to the Constitution of the United States. It presents a grave threat to the fundamental principles of the Nation—to our basic concepts of separation of powers, to Federal supremacy, to judicial independence—in short, to our most cherished notions of justice and the rule of law.

The provisions of title II may be summarized as follows:

First. Confessions: Makes voluntariness the sole criterion of admissibility of a confession in evidence in a Federal court, whether or not a defendant was advised of his right to silence or to counsel—section 3501 (a), (b). Also provides that a confession shall not be inadmissible in a Federal court solely because of delay between the arrest and arraignment of the defendant—section 3501(c).

Second. Eyewitness testimony: Makes eyewitnesses testimony that a defendant participated in a crime non-reviewable in a Federal appellate court—section 3503.

Third. Federal court jurisdiction: Abolishes the jurisdiction of the Supreme Court and other Federal courts to review a State court determination admitting a confession in evidence as voluntarily made—section 3502.

Fourth. Habeas corpus: Abolishes the habeas corpus jurisdiction of the Federal courts over State criminal convictions. Limits Federal review of Federal claims by State prisoners to appeal or certiorari—section 2256.

Thus, title II, if enacted, would—

Require Federal courts to admit confessions and eyewitness identifications into evidence even if such evidence were obtained in violation of the specific safeguards required under the Constitution by the Supreme Court in *Miranda* v. *United States* (1966) and *United States* v. *Wade* (1967);

Abolish Supreme Court jurisdiction to review State criminal cases in which confessions or eyewitness identifications have been admitted in evidence;

Abolish Federal habeas corpus jurisdiction over State criminal conviction, in disregard of article I, section 9 of the Constitution, which provides that "the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it";

Overrule the Supreme Court's decision in *Mallory* v. *United States* (1957) and permit Federal criminal suspects to be questioned indefinitely before they are presented to a committing magistrate. Unlike the District of Columbia Crime Act, enacted in the first session of this Congress, no time limit or other safeguards on interrogations are provided.

Each of the provisions of title II is vulnerable to serious constitutional objections. Several of the provisions are almost certainly unconstitutional on their face, because they attempt to overrule by statute clear commands of the Constitution—particularly those limiting the appellate jurisdiction of the Federal High Courts and abolishing the habeas corpus jurisdiction of all Federal courts.

I had thought it settled within our Federal system that what is mandated by the Constitution may not be dismissed by legislative fiat.

CONFESSIONS—MIRANDA CASE

Moreover, the provisions of existing law that title II seeks to overturn can hardly be declared unreasonable. Under present law, prior to any questioning, a putative defendant must be warned that, first, he has the right to remain silent; second, that anything he says could be used against him in a court of law; third, that he has the right to the presence of an attorney; fourth, if he cannot afford an attorney, one will be appointed for him prior to any questioning if he so desires; fifth, opportunity to exercise these rights must be given him throughout the interrogation; and, sixth, after these warnings have been given and he has been afforded these opportunities, the individual may knowingly and intelligently waive these rights and agree to answer questions or to make a statement.

These points were spelled out in the landmark decision *Miranda* v. *Arizona*, 384 U.S. 436 (1966), where the Supreme Court held that a confession made after the suspect was taken into police custody could not be used in evidence unless the above sixfold warning had been given before questioning.

As the Supreme Court pointed out in that case, this has been a long-established practice in FBI experience. The Court said:

> Over the years the Federal Bureau of Investigation has compiled an exemplary record of effective law enforcement while advising any suspect or arrested person, at the outset of an interview, that he is not required to make a statement, that any statement may be used against him in court, that the individual may obtain the services of an attorney of his own choice and, more recently, that he has a right to free counsel if he is unable to pay. . . . The present pattern of warnings and respect for the rights of the individual followed as a practice by the FBI is consistent with the procedure which we delineate today. 384 U.S., at 483–484.

The FBI routinely uses a form to advise suspects of the constitutional rights to which they are entitled—and this practice was instituted even before the Miranda decision was handed down.

Under section 3501(a) of the bill, voluntariness is made the sole criterion of the admissibility of a confession in a Federal court. The section does not affect the application of Miranda to trials in State courts.

The procedure to be followed under the bill is as follows:

First. A preliminary determination of the voluntariness of a confession is made by the trial judge, outside the presence of the jury—section 3501(a).

Second. In making his preliminary determination, the trial judge is required to consider all the circumstances surrounding the confession, including the following specified factors, none of which is to be conclusive on the issue of voluntariness—section 3501(b): First, delay between arrest and arraignment of the defendant; second, whether the defendant knew the nature of his offense; third, whether the defendant was aware or advised of his right to silence or that anything he said might be used against him; fourth, whether the defendant was advised of his right to counsel; and, fifth, whether the defendant had the assistance of counsel during his interrogation and confession.

Third. If the trial judge makes a preliminary determination that a confession was voluntary, he must admit the confession in evidence—section 3501(a).

Fourth. The jury must then hear the relevant evidence on the issue of voluntariness and determine the weight to be accorded the confession—section 3501(a).

Sections 3501 (a) and (b), then, would overrule all of the Miranda standards and render them merely as guidelines to determine the admissibility and the weight to be given a confession.

It is very apparent to me that these provisions are in direct conflict with the Supreme Court's decision in the Miranda case and would most certainly be held unconstitutional. The Court made it clear that the procedural safeguards established in Miranda are in addition to the traditional voluntariness test.

Since section 3501 dispenses with these safeguards, the section is contrary to the present requirements of the Constitution.

CONFESSIONS—MALLORY CASE

In the leading case of *Mallory* v. *U.S.*, 354 U.S. 449 (1957), the Supreme Court held that if an arrested person is not taken before a magistrate or other judicial officer "without unnecessary delay," as required by rule 5(a) of the Federal Rules of Criminal Procedure, any confession obtained during the period of delay is inadmissible in evidence in a Federal court. The Mallory decision was based on the Court's supervisory power over the Federal courts, rather than on the Constitution.

Section 3501(c) of the bill specifies that a confession shall not be inadmissible in evidence in a Federal court solely because of delay between arrest and arraignment of the defendant.

The Mallory decision, excluding confessions obtained during a period of unnecessary delay between arrest and arraignment, is designed to withdraw any incentive that law enforcement officers may have to delay the arraignment of a suspect.

It encourages the police to bring arrested persons promptly before a judicial officer.

The outright repeal of Mallory by section 3501(c) would leave the "without unnecessary delay" provision of rule 5(a) of the Federal Rules of Criminal Procedure as a rule without a remedy.

Even in the recently enacted District of Columbia Crime Act, the Congress did not see fit to repeal Mallory completely, but provided a 3-hour period for interrogation, after which a person could be released without charge and without an arrest record.

Mr. President, I strongly believe that the prompt arraignment of arrested persons is necessary in a free society which values the fair administration of criminal justice.

Prolonged incarceration and interrogation of suspects without giving them the opportunity to consult family, friends, or counsel must be discouraged.

EYEWITNESS TESTIMONY—WADE CASE

In another leading case, *United States* v. *Wade*, 388 U.S. 218 (1967), the Supreme Court held that a pretrial lineup at which a defendant is exhibited to identifying witnesses is a critical stage of a criminal prosecution. As such, the defendant is constitutionally entitled to the assistance of counsel at the line-up. The requirement applies to both State and Federal courts.

Section 3503 of the bill repeals Wade and makes eyewitness testimony that a defendant participated in a crime not reviewable in any appellate Federal court.

Here, again, there is no doubt in my mind that section 3503 is unconstitutional. As it dispenses with the procedural safeguards established in Wade for police lineups, it is therefore in conflict with the requirements of the Constitution.

FEDERAL COURT JURISDICTION

Under present law, the Supreme Court has appellate jurisdiction over all cases in the lower Federal courts. The Supreme Court also has appellate jurisdiction over cases in the State courts raising a Federal question—see U.S.C. 1251 and the following.

Section 3502 of the bill removes the jurisdiction of the Supreme Court or any other Federal court to review or disturb a State trial court's determination that a confession was voluntary—provided the State court's determination has been upheld by the highest State court having appellate jurisdiction over the case. Thus, although State courts would be required to continue to adhere to the standards set out in the Miranda case, their applications of the Miranda standards would not be reviewable in the Federal courts.

Section 3503 of the bill removes the jurisdiction of the Supreme Court and Federal court of appeals to review or disturb any ruling of a Federal or State trial court admitting eyewitness testimony in evidence. Thus, although State courts would be required to continue to apply the Wade standards, their applications of that standard are not reviewable in the Federal courts.

Sections 3502 and 3503 would curtail drastically the jurisdiction of the Supreme Court and the lower Federal courts over State and Federal court determinations involving the voluntariness of a confession or eyewitness testimony.

These provisions are particularly serious with respect to State court determinations of these issues, since no Federal review whatsoever would be available—even though a Federal claim was obviously raised.

Any attempt by Congress to accomplish these results by statute rather than by constitutional amendment raises extremely difficult constitutional questions.

Although article III, section 2 of the Constitution provides that the appellate jurisdiction of the Supreme Court is created "with such Exceptions, and under such Regulations as the Congress shall make," the exceptions and regulations clause does not give the Congress the power to abolish Supreme Court review in every case involving a particular subject, whether that subject be confessions or any other.

To interpret that clause otherwise would give the Congress the power to destroy the essential function of the Supreme Court in our Federal system.

The Supremacy Clause in article VI of the Constitution states that the Constitution and laws of the United States "shall be the Supreme Law of the Land." The Supreme Court is the only tribunal provided by the Constitution to resolve inconsistent or conflicting interpretations of Federal law by State and Federal courts, and to maintain the supremacy of Federal law against conflicting State law.

To deny the power of ultimate resolution by the Supreme Court in any area is to nullify the principal instrument for implementing the Supremacy Clause in our constitutional system. The history of the exceptions and regulations clause is in full accord with this point.

UNWISE PUBLIC POLICY

Even if it were argued that the Congress has the constitutional power to abolish Supreme Court jurisdiction by statute, such action, in my opinion, would be extremely unwise as a matter of public policy.

Abolition of Supreme Court jurisdiction would seriously distort the delicate balance that is maintained between our three branches of Government and would greatly reduce the historic role of the High Court in our Federal system. An attempt by the Congress to abolish the traditional power of judicial review by the Federal Courts over constitutional issues in a particular area would set an extremely bad precedent that could only have dangerous ramifications in other areas—since there would be nothing to prevent Congress from enacting similar legislation whenever the Court handed down a decision with which Congress disagreed.

Sections 3502 and 3503 are thus far more serious attacks on the Supreme Court than the ill-conceived Court-packing plan of the 1930's.

The exercise by the Congress of an ultimate power such as abolition of Supreme Court jurisdiction would precipitate a constitutional crisis of the most critical proportions.

Long experience has shown that the Federal courts, and especially the Supreme Court, perform an important and useful function in reviewing State criminal convictions in the area of confessions. A long line of confessions cases in the Supreme Court, extending back many years before the present controversy over Miranda and Wade, points up the fact that there have been numerous occasions when State courts have not effectively protected the constitutional rights of accused persons.

Moreover, by abolishing the appellate jurisdiction of the Federal courts, Congress would reduce the Constitution to a hodgepodge of inconsistent decisions by making 50 State courts and 94 Federal district courts final arbiters of the meaning of the various provisions of the Constitution.

> The mere necessity of uniformity in the interpretation of the national laws decides the question—

Wrote Hamilton in the Federalist, No. 80.

> Thirteen independent courts of final jurisdiction over the same causes, arising upon the same laws, is a hydra in government, from which nothing but contradiction and confusion can proceed.

HABEAS CORPUS JURISDICTION

Under existing Federal law, the Supreme Court and the Federal district courts have jurisdiction to issue writs of habeas corpus where a prisoner is in State custody in violation of the Constitution or laws of the United States—28 U.S.C. 2241. In addition, nearly all States have laws providing collateral remedies for convicted persons.

Claims of denials of Federal rights by State prisoners must be heard on the merits and resolved. If appropriate disposition is not reached in the State courts, the Federal courts are available as an alternative forum through habeas corpus, unless the prisoner has deliberately bypassed or failed to exhaust an available State remedy.

Section 2256 of the bill would remove the habeas corpus jurisdiction of both Federal and State courts with respect to State criminal convictions. The sole Federal review of Federal claims by State prisoners would be limited to appeal or petition for certiorari to the Supreme

Court from the highest State court having appellate jurisdiction over the case.

Mr. President, this provision is in square conflict with a very specific constitutional command. Article I, section 9, clause 2 authorizes suspension of the writ of habeas corpus "when in cases of rebellion or invasion the public safety may require it."

Since 1867, Congress has made the Federal writ of habeas corpus available to all persons, including State prisoners, restrained of their liberty in violation of the Constitution or laws of the United States. The constitutional provision prohibiting the suspension of the writ does not itself confer jurisdiction on any court to issue the writ. However, once Congress has granted jurisdiction to the Federal courts to issue the writ, the jurisdiction cannot be withdrawn except in cases of rebellion or invasion.

TITLE II CANNOT STAND

Mr. President, existing law is designed to assure that confessions are voluntary, that lineups are fair, that arraignments are prompt, and that defendants receive a full and fair hearing of their Federal claims in a Federal court.

Unless we are to reject these principles, title II cannot stand.

TITLE III—WIRETAPPING AND ELECTRONIC SURVEILLANCE

I must also respectfully interpose serious constitutional and policy objections to title III of the bill. Title III, in the form proposed by the administration as S. 928, was properly described as the Right to Privacy Act. As accepted by the committee, title III is more appropriately described as the End to Privacy Act.

No one would deny that there does exist an urgent need for Federal legislation in this area, because of the extremely confused state of existing law on wiretapping and electronic surveillance.

This may be briefly summarized in chronological order as follows:

First, 1928: The tapping of telephone wires and use of intercepted messages did not constitute an unreasonable search and seizure under the fourth amendment, because no trespass into constitutionally protected areas and no seizures of anything tangible—*Olmstead* v. *United States*, 277 U.S. 438.

Second, 1934: Section 605, Federal Communications Act:

> No person, not being authorized by the sender, shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect or meaning of such intercepted communication to any person.

Third, 1937: Wiretapped evidence obtained in violation of section 605 held inadmissible in Federal courts; ruling based not on constitutional grounds, but on Supreme Court's supervisory powers over Federal courts and officers. *Nardone* v. *United States*, 302 U.S. 379.

Fourth, 1939: In the second *Nardone* case (308 U.S. 388), held, that section 605 bars not only evidence obtained directly by wiretapping, but also evidence obtained by use of leads secured by wiretapping—the so-called "fruit of the poisonous tree" doctrine.

Fifth, 1939: Held, that section 605 prohibited the interception and divulgence of intrastate as well as interstate calls. *Weiss* v. *United States*, 308 U.S. 321.

Sixth, 1942: Held, that only a party to a tapped conversation has standing to object to the use of evidence so obtained (*Goldstein* v. *United States*, 316 U.S. 114); and section 605 not violated when police officers listened in on telephone from an extension with the permission of one party to the conversation (*Rathborn* v. *United States*, 355 U.S. 107s (1957)).

Seventh, 1941: Justice Department, interpreting section 605, ruled that a violation of section 605 required both interception and divulgence outside the Government; so that Government agents could wiretap and bug so long as the Federal Government did not divulge the information in courts.

This interpretation effectively emasculated section 605, opening the door to Federal law enforcement wiretapping and bugging. With Federal officers wiretapping and bugging, the Justice Department could not and has not prosecuted State or local officers, even when these State and local officers have publicly violated section 605 by divulging wiretapped and bugged evidence in court. This same attitude is taken with respect to the prosecution of private wiretappers—so that only a handful have been prosecuted since 1934.

Eighth, 1952: Held, that, although it was a Federal crime for State officers to divulge wiretapped evidence, section 605 did not render such evidence inadmissible in State courts (*Schwartz* v. *Texas*, 344 U.S. 199). However, such evidence obtained by State officers under sanction of State law was not admissible in Federal courts (*Benanti* v. *United States*, 355 U.S. 96 (1957)).

Ninth. In the area of bugging, the Supreme Court has held that evidence obtained by electronic devices becomes inadmissible only where there has been an unauthorized physical invasion of the defendant's premises (*Goldman* v. *United States*, 316 U.S. 129 (1942)).

Another variance of this ruling is that an informer can be wired for sound to transmit a suspect's statements to officers with a receiver (*On Lee* v. *United States*, 343 U.S. 747 (1953)); no constitutional rights violated if a Federal agent concealed a small tape recorder on his person and recorded statements of the suspect who knew the interrogator was an agent but did not know he was "bugged" (*Lopez* v. *United States*, 373 U.S. 427 (1963)).

Tenth. No uniformity on the State level. Most States have "malicious mischief" statutes to protect the property of telephone companies, but not all of these laws are broad enough to cover illegal wiretapping that does not involve physical damage to the lines of communication. Eight States have no law whatever. Forty-two have laws on lines of communication, all of them weak and ineffective. Only four States have provisions for court-issued warrants for wiretapping and electronic surveillance—also, all of them weak and ineffective.

This thumbnail sketch shows very clearly that under present law almost unlimited wiretapping and electronic surveillance and the disclosure of intercepted communications is allowed. Restrictions exist only with respect to the question of admissibility as evidence in all Federal and some State courts.

TITLE III PROVISIONS

The provision of title III may be summarized as follows:

First. Wiretapping and eavesdropping by private persons: Prohibits the interception of wire or oral communications unless a party to the communication has consented to the interception. It prohibits the disclosure or use of illegally intercepted communications. Penalty for violation is $10,000/5 years—section 2511.

Second. Wiretapping and eavesdropping devices: Prohibits the manufacture, distribution, sale, possession, or advertising of devices whose design "renders them primarily useful for the purpose of the surreptitious interception of wire or oral communication." Prohibition is applicable to spike mike, infinity transmitter, martini olive transmitter, fountain pen microphone, and so forth, but not to legitimate electronics equipment, whether miniature or otherwise. Prohibits the advertising of any other device promoting use of the device for electronic surveillance. Penalty for violation is $10,000/5 years—section 2512.

Third. Forfeiture: Provides for forfeiture of devices used, manufactured, distributed, sold, possessed, or advertised in violation of the act—section 2513.

Fourth. Immunity: Authorizes a U.S. attorney, with the approval of the Attorney General, to grant immunity to a witness to compel testimony in any case involving a violation of the act, or involving a violation of any of the offenses for which Federal warrants for electronic surveillance may be issued—see item 5, infra—section 2514.

Fifth. Offenses for which Federal orders may be issued: The Attorney General or an Assistant Attorney General may apply for a surveillance order to investigate any of the following Federal offenses (sec. 2516(1)): espionage, sabotage, treason, murder, kidnaping, robbery, extortion, counterfeiting, bribery, sports bribery, gambling, bankruptcy fraud, narcotics, marihuana, dangerous drugs, obstruction of justice, Presidential assassination, kidnaping, and assault; labor racketeering, labor embezzlement, interstate transportation aid of racketeering, interstate transportation of stolen property, and conspiracy to commit any of the foregoing offenses.

Sixth. Offenses for which State orders may be issued: The principal prosecutor of a State or local government may, if authorized by a State statute, apply for a surveillance order to investigate murder, kidnaping, robbery, gambling, bribery, extortion, narcotics, marihuana, dangerous drugs, or other crime dangerous to life, limb, or property and punishable by imprisonment for more than 1 year. The offense must, however, be specified in a State statute authorizing such surveillance—section 2516(2).

Seventh. Requirements of Federal and State surveillance orders: The issuing judge must have probable cause for belief that, first, a particular offense has been, is being, or is about to be, committed, and second, particular communications relating to the offense will be overheard. The judge must also find that normal investigative procedures have been tried and failed, are unlikely to succeed if tried, or are too dangerous—section 2518(3).

Eighth. Issuing judges: Judges of Federal district courts and Federal courts of appeals are authorized to issue surveillance orders—section 2510(9)(a). Judges of State courts of general criminal jurisdiction may issue surveillance orders, but only if they are authorized to do so by a State statute—section 2510(9)(b).

Ninth. Persons authorized to execute orders: A Federal order may be executed only by the FBI or by the Federal agency having responsibility for investigating the offense named in the order. A State order may be executed only by investigative or law-enforcement officers having responsibility for investigating the offense named in the order—section 2516 (1), (2).

Tenth. Evidence of other crimes: Evidence of crimes not named in a surveillance order may not be introduced in evidence unless judicial approval is obtained subsequent to the interception—section 2517(5).

Eleventh. Length of surveillance: An order may be issued for a period no longer than necessary to achieve its objective, and in any event no longer than 30 days—section 2518(5). The judge may require progress reports during the interception—section 2518(6).

Twelfth. Extensions of an order: Extensions of a surveillance order may be granted only upon a fresh showing of probable cause—section 2518(5).

Thirteenth. Emergency surveillance: In certain emergency situations, specially designated investigative or law-enforcement officers may intercept communications without a surveillance order. An application for a judicial order approving the interception must be filed within 48 hours—section 2518(7).

Fourteenth. Recording: Intercepted communications must be recorded if possible and sealed with the issuing judge. Applications and orders must also be sealed with the judge—section 2518(8)(a).

Fifteenth. Notice: Persons named in an order must be notified of the surveillance no later than 90 days after the termination of the interception. Notice may be postponed upon a showing of good cause before a judge—section 2518 (8)(b).

Sixteenth. Exclusionary rule: Unlawfully intercepted communications are excluded from evidence in any Federal or State court, grand jury, administrative, or legislative proceeding—section 2515.

Seventeenth. Motion to suppress: The parties to an intercepted communication or the person against whom the interception was directed may challenge the validity of a surveillance order. The Government may appeal from an order granting a motion to suppress—section 2518(10).

Eighteenth. Reports by judges: The issuing judge must file a report with the administrative office of the U.S. courts within 30 days after the expiration of a surveillance order. The report must identify the officer or agency applying for the order, the offense named in the order, the length of the surveillance period, and the type of facilities involved in the interception—section 2519(1).

Nineteenth. Reports by prosecutors must file reports in January of each year with the administrative office of the U.S. courts. The reports must include the same information required in judges' reports, as well as information on the number of arrests, trials, and convictions resulting from the interceptions, the utility of the interceptions, the frequency of incriminating and innocent conversations overheard, and the manpower used in the interception—section 2519(2).

Twentieth. Reports by administrative office: The administrative office of the U.S. courts must file reports in April of each year with Congress summarizing and analyzing the reports filed with the office by judges and prosecutors—section 2519(3).

Twenty-first. Civil remedy: Parties to an unlawfully intercepted communication have a civil cause of action against any person who intercepts, discloses, or uses the communication. The parties may recover actual and punitive damages, a reasonable attorney's fee, and other costs of litigation. Liquidated damages are provided of not less than $100 per day during the interception or $1,000, whichever is higher. Good faith reliance on a court order or the emergency surveillance procedure is made a complete defense to a civil action—section 2520.

Twenty-second. National security. The act does not limit the constitutional power of the President to protect the Nation against hostile acts of a foreign power or any other clear and present danger to the structure or existence of the Government. Communications intercepted in exercise of the national security power may be introduced in evidence only if the interception was reasonable—section 2511(3).

Twenty-third. Section 605: Section 605 of the Communications Act of 1934 is amended to restrict its application to the unauthorized interception of radio communications. Under present law, section 605 is also applicable to wire communications, but these will be covered by S. 917.

THE RIGHT TO PRIVACY: CONSTITUTIONAL GUARANTEE

As Senators debate and thoroughly examine every aspect of these provisions, we are constantly reminded that the right of privacy, the right to be left alone, and the right against unreasonable searches and seizures—the right, that is, to be personally secure—are among the most highly valued rights of an American citizen.

As Mr. Justice Brandeis pointed out:

> The makers of our Constitution . . . sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred as against the Government the right to be let alone—the most comprehensive of the rights of man and the right most valued by civilized man.

These guarantees have been a part of Anglo-Saxon law ever since the 15th century. Nothing has been deemed more fundamental to freedom than the concept that a man's home is his castle. William Pitt put it in these eloquent words:

> The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter, the rain may enter; but the King of England cannot enter—all his force dares not cross the threshold of the ruined tenement.

Wiretapping and electronic surveillance are enormously dangerous practices, precisely because they present an extraordinary threat to these individual liberties.

Modern electronic devices can penetrate the privacy of every home and office; without tapping any wire, without a key being turned or a window raised, transistorized instruments can be used to overhear and record the most intimate and private conversations—the exchange of confidences between husband and wife, between business partners, between employer and employees, between sweethearts.

Whether or not the protection of the Constitution applies in a particular instance does not, as the Supreme Court recently pointed out, turn on whether the site of the intrusion is a "constitutionally protected area." What a person "seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected. No less than an individual in a business office, in a friend's apartment, or in a taxicab, a person in a telephone booth may rely upon the protection of the fourth amendment," the Court said.

Wiretapping and eavesdropping cannot, by their very natures, be limited to a particular person, place, or purpose. They are unlimited and unlimitable. Whenever a tap is placed on a telephone, for example, it monitors all conversations on that telephone, and every phone in the world which may be connected with it.

Of course, all Americans are concerned that those who violate the law are apprehended and convicted. But the question is: To what extent should wiretapping and electronic surveillance be made legal? And, to that extent, is the price we must pay in terms of the loss of personal liberty too high a price?

Mr. President, we must be very clear on one thing: what is at stake in any proposal to legalize wiretapping and eavesdropping is our very freedom embodied in those liberties inalienably guaranteed us by the Constitution.

In a democratic society privacy of communication is absolutely essential if citizens are to think and act creatively and constructively. Fear or suspicion that one's speech is being monitored by a stranger, even without the reality of such activity, can have a seriously inhibiting effect upon the willingness to voice critical and constructive ideas.

When we open this door of privacy to the Government—when the door is widely agape—as Alan Barth rightly points out, it is only a very short step to allowing the Government to rifle our mails and search our homes. A nation which countenances these practices soon ceases to be free.

PRESENT LEGAL STATUS INTOLERABLE

The chaotic conditions presently existing in this area, however, serve neither the interests of individual liberty nor the legitimate needs of law enforcement; they can no longer be tolerated.

Wholesale violations of existing law by individuals and law-enforcement agencies across the country must cease.

The virtual absence of any regulation of eavesdropping, in the face of its increasing prevalence and the exploding technology in the area must be remedied.

The confusing hodgepodge of standards under the State laws must be clarified.

New legislation is, therefore, an urgent necessity under which wiretapping and eavesdropping would be narrowly confined and stringently controlled, under uniform standards and precisely defined circumstances.

But, in my estimation, title III does not fill this bill.

If ever there were a case of putting out a fire by the deluge of the Pacific Ocean, title III is it. On the chance that by wiretapping and eavesdropping, the police will monitor and record the plotting of a crime, the instant bill would allow the police to put a virtual end to privacy in America.

To me, the sacrifice is altogether out of proportion to the gain.

To be sure, title III has incorporated, substantially verbatim, many of the provisions of S. 928, which I cosponsored.

I also strongly endorse the portions of title III concerned with protecting the individual from electronic invasions of his privacy by private persons.

I approve, too, of the excellent prohibitions on the manufacture, shipment, or advertising of electronic surveillance devices. If we are to make substantial progress toward protecting individual privacy, we must sharply curtail the supply of the nefarious devices that are so easily obtained in the market today.

TITLE III GOES TOO FAR

But these protections are scant compensation for the grave threat to privacy engendered by the permissive provisions in the remainder of title III. Police-conducted invasions of privacy are authorized to investigate a vast range of Federal or State crimes. Section 2516(1) offers a shopping list of crimes for which Federal warrants may be issued that is far too broad to be reconciled with any legitimate law-enforcement purpose. And the provisions of Section 2516(2) gives carte blanche to State and local police to engage in wiretapping and eavesdropping for any felony whatsoever.

So long as a willing judge is found to issue a surveillance warrant, there is no bar to massive electronic surveillance by the police at every level—Federal, State, or local. The statutory requirement of a judicial warrant is simply inadequate to protect the precious right of the individual to privacy. The ease with which some judges now rubber stamp conventional search warrants is notorious. No doubt, the vast majority of judges will take great care to make proper findings before issuing surveillance warrants. We shall inevitably find, however, that law-enforcement officers in search of surveillance warrants will seek out the judges who are less exacting or less cautious in their dispensation.

There are at least three other significant loopholes in the court-order system. Tapping and bugging can be conducted for 48 hours without having to secure prior judicial authorization.

The President or his designee may authorize tapping and bugging without a court order in cases other than national security, possibly including political situations.

The definitions of the terms "intercept" and "devices" are so loosely drawn, that all law enforcement officers would appear to be exempt from the provisions requiring judicial control.

Section 2815(5) of the bill allows a Court order to be issued authorizing wiretapping and eavesdropping for as long a period "as is necessary to achieve the objective of the authorization." The only limitation the issuance of open ended surveillance orders is that if an order is issued for a period longer than 30 days, progress reports must be made to the issuing judge at 30-day intervals—section 2518(6). The bill thus contemplates surveillance periods of 60 days, 90 days, or even longer.

Equally serious, the section is likely to be read as inviting the routine issuance of surveillance orders for 30-day periods.

A most serious constitutional objection may be raised against this provision, particularly in the light of two leading cases recently handed down by the Supreme Court—*Berger* v. *New York*, 388 U.S. 41 (1967), and *Katz* v. *United States*—U.S.—(1967).

In the Berger case, the Court held invalid a New York statute authorizing the issuance of surveillance orders for 2-month periods. The opinion of Mr. Justice Clark for the Court sharply criticized the lengthy surveillance period on three separate grounds:

First, authorization of electronic surveillance for the long period is equivalent to a series of intrusions over the entire period pursuant to a single showing of probable cause.

Second, the long surveillance period effectively avoids the requirement of prompt execution of the order, a requirement applicable under existing law in the case of conventional search warrants.

Third, the conversations of any and all persons coming into the area are recorded indiscriminately during the entire surveillance period, without regard to their connection to the crime under investigation.

On the other hand, the surveillance in the Katz case was extremely precise and discriminate, involving the recording by FBI agents of the subject's conversations from a public telephone booth, averaging about 3 minutes each day over a 7-day period. So that in this case a surveillance order could have been issued pinpointing the conversations to be seized within minutes of their occurrence.

At the very least, then, Berger and Katz strongly suggest that the period of surveillance must be brief. Even under a generous reading of the Court's decisions, 15 to 30 days would, in all likelihood, represent the outer limit for a reasonably statutory period.

By authorizing monitoring of the most dragnet character and in the most indiscriminate manner for unlimited periods of time, title III flouts the Court's clear intention to limit official surveillance as a form of search to plainly specified times, places, and objectives—in the same way that a search for some physical object is limited.

Although paragraph 3 of section 2517 prohibits the disclosure of law-enforcement officers of illegally intercepted communications in criminal trials or grand jury proceedings, paragraphs 1 and 2 make clear that such communications may be disclosed or used for a host of other purposes.

Under paragraphs 1 and 2, any investigative or law-enforcement officer may disclose the contents of intercepted communications to another officer if the disclosure is in the performance of his duties; any officer having knowledge of such authorized intercepted communication may use it in the proper discharge of his official duties; and any other person who has knowledge of such interceptions may disclose its contents while testifying under oath in any Federal or State criminal or grand jury proceeding.

I do not believe that such license is either wise or desirable. Indeed, it is likely to encourage illegal electronic surveillance, especially in cases where parties to a communication are not the real objects of the surveillance.

Section 2517(2), moreover, contains very inadequate restrictions on the State offenses for which surveillance orders may be issued. Although the bill specifies a range of serious Federal offenses for which a court order may be issued, the categories of State offenses if open ended and includes any crime "punishable by not less than 1 year" in prison.

In many States, minor offenses carry a maximum penalty of 1 year's imprisonment and would thus qualify as offenses for which surveillance orders could be issued.

This provision invites eavesdropping in all manner of crime, trivial as well as serious. It would allow the cloak of judicial authorization to be thrown about the police by State judges as well as Federal. The practical effect of all this is to render official eavesdropping very nearly universal.

I oppose the enactment of any permissive electronic surveillance legislation at the present time. I especially regret the action of the committee in tying such legislation to the crucially important provisions of the law enforcement assistance program in title I of the bill.

At the same time, however, I recognize that there may be areas of law enforcement in which some police eavesdropping and wiretapping may eventually be shown to be necessary. In matters of national security, for example, electronic surveillance may be essential because the stakes involved are so high.

In matters involving organized crime, electronic surveillance may be essential because of the shroud of secrecy that organized crime can and does command to the death.

I cannot believe, however, that such surveillance is needed in the investigation of the myriad other Federal and State crimes for which warrants are authorized under the bill. If title III is to be enacted in some form, I urge Congress to limit the use of surveillance to the narrow areas of national security and hard-core organized crime, and even then to allow such surveillance to be conducted only by the Federal Bureau of Investigation.

TO COMBAT ORGANIZED CRIME

The President's Commission on Law Enforcement and the Administration of Justice, in its report on organized crime, stated as follows:

> The great majority of law enforcement officials believe that the evidence necessary to bring criminal sanctions to bear consistently on the higher echelons of organized crime will not be obtained without the aid of electronic surveillance techniques.

The report went on to say that communication is essential to members of the underworld who operate their enterprises. For, in organized crime enterprises, the possibility of loss or seizure of an incriminating document demands a minimum of written communication.

Furthermore, because of the varied character of organized criminal enterprises, the large numbers of persons employed in them, and often the great distances separating elements of the national—or international—organization, the telephone remains the primary vehicle for communication.

I firmly believe, however, that, if authority to bug and tap hard-core organized crime is given, it must be granted only with very stringent limitations.

As I mentioned previously, it should be granted only to the FBI. As hard-core organized crime is national and even international, and as the FBI is the primary investigative agency dealing with this problem, there is no basis whatever to extend this authority to the States.

There should be a court-order system under which the order is to be obtained from the Chief Judge of the U.S. District Court or such judge as the Chief Judge shall designate, or the Chief Judge of the U.S. Courts of Appeals or such judge as the Chief Judge of the U.S. Court of Appeals shall designate. I advance this suggestion to restrict the possibility of judge shopping.

As suggested in the Berger case, applications to the court should be required to describe with particularity the conversations sought. The High Court said in that case that failure to do so "gives the officer a roving commission to seize any and all conversations. As with general warrants this leaves too much to the discretion of the officer executing the order."

There should be required in the applications also a showing that the normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried, or to be too dangerous.

The thought underlying this requirement is that wiretapping and eavesdropping should not be used unless absolutely necessary.

However, it should be specified that a mere "boiler plate recital" of the statutory language will not satisfy this requirement. A description, with particulars, of efforts that have been made to obtain evidence without wiretapping and eavesdropping, and a reasoned justification of the need for using such methods, should be included in the applications.

Finally, the initial period of validity should be quite short, as required by the Berger case—perhaps a week at the most. Extensions of similar duration should be granted only upon a renewed showing of probable cause, on new motion papers.

I would further urge that papers for a renewal order should set forth some evidence beyond that contained in the original papers, particularly since the anticipated conversations to be intercepted should be described with particularity.

NEW, UNTESTED AREA

In this very new and relatively untested area, I feel strongly that we should proceed with great caution, resolving doubts generally in favor of restriction and privacy—unless a strong case is made to the contrary.

The truth is that wiretapping and eavesdropping are law-enforcement weapons whose value and impact are as yet dimly perceived. At the present time, we can only speculate on the burdens and benefits involved. In our present state of knowledge, we simply ought not to create a blanket authorization for the wholesale use of such an ultimate weapon.

I am fearful that if these wiretapping and eavesdropping practices are allowed to continue on a widespread scale, we will soon become a nation in fear—a police state.

Further, if title III is to be enacted, I urge that its permissive provisions be limited to a life of 5 years. If wiretapping and eavesdropping prove in actual experience to be useful, and their cost is not too great, then Congress, I am sure, will not hesitate to make the legislation permanent. In light of the tremendously advanced state of technology today, with its vast potential for invasion of privacy, we owe it to each individual American citizen to require this second look at title III before it passes with finality into the statute books.

I also respectfully suggest that title III be amended to include a requirement that a national commission be appointed to study the results of electronic surveillance carried out under the bill, and to report to Congress on whether the legislation has been effective.

In this manner, the judgment of Congress on this basic issue will be as fully informed as possible. The right to privacy is deeply valued by our society. It deserves no less.

AMENDMENT NO. 747

Mr. President, I now introduce, for myself, the distinguished senior Senator from Michigan [Mr. Hart], and the distinguished Senator from Missouri [Mr. Long], an amendment to title III of the bill covering the points I have just raised:

First. Limitation on use of electronic surveillance to organized crime cases.

Second. Elimination of wiretapping and eavesdropping by State officers.

Third. Limitation on wiretapping and eavesdropping to FBI officers.

Fourth. Limitation on judges who may issue warrants for wiretapping and eavesdropping.

Fifth. Limitation on period of surveillance to 7 days.

Sixth. Termination of title III after 5 years.

Seventh. National commission.

I ask that the text of the amendment be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Byrd of Virginia in the chair). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment (No. 747) is as follows

On page 62, line 5, immediately after "interception", insert "is directly related to an investigation of organized crime and".

On page 67, line 22, strike out the period and insert a semicolon and the word "and".

On page 67, between lines 22 and 23, insert the following:

"(f) the relation of the application to an investigation of organized crime."

On page 53, line 7, strike out the period and insert a semicolon and the word "and".

On page 53, between lines 7 and 8, insert the following:

"(12) 'organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations."

On page 51, beginning with line 3, strike out all through line 6.

On page 52, line 8, beginning with the first "or", strike out all through the comma on line 9.

On page 58, line 19, beginning with the second comma, strike out all through the comma on line 20.

On page 61, line 17, strike out the following: "a State, or a political subdivision thereof".

On page 63, beginning with line 17, strike out all through line 11 on page 64.

On page 70, line 20, beginning with "or", strike out all through "State" on line 22.

On page 76, line 12, beginning with "or", strike out all through the comma on line 14.

On page 62, line 3, beginning with the comma, strike out all through the comma on line 5.

On page 52, beginning with line 20, strike out all through line 25 and insert in lieu thereof the following:

"(a) the chief judge of a United States district court or such judge as he may designate, or the chief judge of a United States court of appeals or such judge as he may designate;".

On page 69, line 22, strike out "thirty" and insert "seven".

On page 70, line 4, strike out "thirty" and insert "seven".

On page 70, line 10, strike out "thirty" and insert "seven".

On page 80, between lines 14 and 15, insert the following:

"Sec. 804. (a) Except as provided in subsection (b) of this section, upon the expiration of the fifth year following the date of the enactment of this Act, section 2514 and sections 2516 through 2518 of title 18, United States Code, shall have no force or effect.

"(b) During the eighteen-month period beginning on the expiration of the fifth year following the date of the enactment of this Act—

"(1) the provisions of section 2514 of title 18, United States Code (relating to immunity of witnesses) shall apply with respect to cases or proceedings before any grand jury or court of the United States involving any violation of chapter 119 of such title (or any conspiracy to violate such chapter) which occurred prior to the expiration of such year;

“(2) the provisions of section 2517 of title 18, United States Code (relating to authorization for disclosure and use of intercepted wire or oral communications) shall apply with respect to wire or oral communications intercepted prior to the expiration of such year; and

“(3) the provisions of paragraphs (8), (9), and (10) of section 2518 of title 18, United States Code, shall apply with respect to wire and oral communications intercepted prior to the expiration of such year.

“SEC. 805. (a) Within three years after the date of this Act, there shall be established a National Commission on Electronic Surveillance.

“(b) The Commission shall be composed of:

“(1) three Members of the Senate appointed by the President of the Senate,

“(2) three Members of the House of Representatives appointed by the Speaker of the House of Representatives,

“(3) three Members appointed by the President of the United States, one of whom shall be the Attorney General of the United States, whom he shall designate as Chairman, and

“(4) one United States circuit judge and two United States district judges appointed by the Chief Justice of the United States.

“At no time shall more than two of the members appointed under paragraph (1), paragraph (2), or paragraph (3) be persons who are members of the same political party.

“Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made, and subject to the same limitations with respect to party affiliations as the original appointment was made.

“Seven members shall constitute a quorum, but a lesser number may conduct hearings.

“(c) The Commission shall make a full and complete review and study of the operation of the provisions of this title, for the purpose of recommending to the Congress legislation for the amendment, revision, or repeal of such provisions, and such other changes as the Commission may feel will serve the interests of law enforcement, the administration of criminal justice, and the right of privacy.

“(d) (1) A member of the Commission who is a Member of Congress, in the executive branch of the Government, or a judge shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

“(2) A member of the Commission from private life shall receive $75 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

“(e) (1) The Director of the Commission shall be appointed by the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

“(2) The Director shall serve as the Commission's reporter, and, subject to the direction of the Commission, shall supervise the activities of persons employed under the Commission, the preparation of reports, and shall perform such other duties as may be assigned him within the scope of the functions of the Commission.

“(3) Within the limits of funds appropriated for such purpose, individuals may be employed by the Commission for service with the Commission staff without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

“(4) The Chairman of the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

“(f) (1) There is hereby established a committee of fifteen members to be known as the Advisory Committee on Electronic Surveillance (hereinafter referred to as the ‘Advisory Committee’), to advise and consult with the Commission. The Advisory Committee shall be appointed by the Commission and shall include lawyers, businessmen, and persons from other segments of life in the United States competent to provide advice for the Commission.

“(2) Members of the Advisory Committee shall not be deemed to be officers or employees of the United States by virtue of such service and shall receive no compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them by virtue of such service to the Commission.

“(g) The Commission is authorized to request from any department, agency, or independent instrumentality of the Federal Government or any State or local government any information and assistance it deems necessary to carry out its functions under this section and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

“(h) The Commission shall submit interim reports to the President and the Congress at such times as the Commission may deem appropriate, and in any event within five years after the date of this Act, and shall submit its final report within six years after the date of this Act. The Commission shall cease to exist sixty days after the date of the submission of its final report.

“(i) The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

“(j) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts, not to exceed a total of $500,000, as may be necessary to carry out the provisions of this section.”

TITLE IV—HANDGUN CONTROL

Mr. FONG. Mr. President, all citizens of the United States are aware of the danger presented by the possession of firearms by irresponsible and criminal members of our society. We have nothing to fear from the possession of firearms by responsible citizens in the pursuit of the legitimate goals of recreation or self-protection.

However, as I have repeatedly pointed out in the past, we must prevent indiscriminate purchase of weapons and control their use, so that our citizens are protected from their unlawful and destructive use.

As approved by the committee, title IV contains the following provisions:

First. Prohibits the interstate mail order sale of handguns except between federally licensed dealers.

Second. Prohibits the over-the-counter sale of handguns to persons not residing in the State in which the dealer's place of business is located.

Third. Prohibits a Federal dealer from selling a handgun to a person under 21 years of age.

Fourth. Prohibits a Federal dealer from selling a firearm to a person who the licensee believes is prohibited by State or local law from receiving or possessing a firearm. Rifles and shotguns are included in the definition of “firearm.”

Fifth. Provides higher standards for obtaining Federal firearms dealer licenses and increases the licensing fees for dealers, importers, and manufacturers.

Sixth. Regulates the importation of firearms into the United States by excluding surplus military handguns and rifles and shotguns not suitable for sporting purposes.

Seventh. Prohibits the sale of destructive devices—antitank guns, bombs, grenades—machineguns and sawed-off rifles and shotguns unless the dealer has a sworn statement from the purchaser's local law enforcement officer stating that no law would be violated by such person's possession.

Eighth. Prohibits the interstate transportation of destructive devices, machineguns, and sawed-off rifles and shotguns in interstate commerce except between licensed dealers or as authorized by the Treasury Secretary.

Ninth. Prohibits the transportation or receipt in interstate commerce of a firearm—including rifles and shotguns—knowing a felony is to be committed with it.

TITLE IV VERY INADEQUATE

Although this title represents the first step to effective Federal gun control legislation and has my support, I strongly believe that it is entirely inadequate. By limiting its coverage only to handguns and excluding rifles and long guns, title IV falls far short of the strong and effective firearms control legislation so urgently required to control crime.

These weapons, accounting for approximately 30 percent of all homicides in this country, would still be freely available in every State of the Union.

As it now stands, title IV would prohibit primarily the interstate mail order sale of pistols, thus controlling a relatively easy method of illegal supply to buyers in States with law against unlicensed handgun ownership.

The title also would limit but not prohibit over-the-counter pistol transactions by forbidding sales to nonresidents of the States in which the purchase was made. It would make gun dealers criminally liable for sales in violation of Federal or State laws.

The bill would affect long guns in only two ways. First, it would authorize the Treasury Department to control imports of weapons not suitable for sporting purposes. Second, it would prohibit the sale of any handgun or long gun in violation of the law of the State where the sale is made, or which the seller knows will be used in a felony.

In no way does the bill inconvenience hunters and sportsmen. But it does frustrate the juvenile, the felons, and the fugitives who today can, with anonymity and impunity, buy handguns by mail and in States with lax firearms control laws, regardless of the law of their own State.

Title IV represents the least Congress can do to meet the pressing public interest to protect against unrestricted gun traffic in this country. If just this much firearms regulatory legislation is ultimately enacted, it will be the first time in 30 years that any such significant law has been adopted.

But it is not nearly enough.

As one who has, since 1963, urged the adoption of a strong, comprehensive gun control law, I consider the provisions contained in S. 1, to control the indiscriminate sale of all firearms—rifles as well as handguns—as being the first effective step in that direction.

S. 1 would limit the number of firearms in the possession of minors and persons with serious criminal records. It would limit the mail order sale of all firearms in interstate commerce, unless the purchaser is positively identified.

In short, title IV should be amended so as to cover not only handguns but all types of firearms.

MANDATE FOR COMPREHENSIVE LAW

Mr. President, the Congress has a very clear mandate from the people of the Nation to pass such a strong and comprehensive law.

Two public opinion polls in the last 2 years underline this fact most emphatically.

In September 1966, the Gallup poll reported 68 percent of all Americans favored legislation making a police permit a prerequisite to any firearm purchase. The Harris poll released April 23, 1968, showed that public support of such a regulation had mounted to 71 percent—nearly three out of every four Americans favoring legislation to control the sales of firearms "such as making all persons register all gun purchases no matter where they buy them."

Quite significantly, both polls indicated that most gunowners themselves support Federal firearms control, including registration. Gallup reported 56 percent of all gunowners favored such a law; Harris registered support by a better than 2-to-1 margin, 65 percent to 31 percent.

The International Association of Chiefs of Police, representing law enforcement officers from across the Nation, have voted overwhelmingly to endorse S. 1; so have the American Bar Association, the National Association of Citizens Crime Commissions, and the President's Commission on Law Enforcement and Administration of Justice.

FACTS AND FIGURES MAKE COMPELLING CASE FOR COMPREHENSIVE LAW

In this country, according to one estimate, some 20,000 laws deal with the manufacture, sale, and use of firearms. But none are effective. They stand utterly useless in any effort to control the indiscriminate sale and use of firearms in America.

In 41 States and the District of Columbia, one can buy either a rifle or a pistol without a license of any kind; in seven States the law requires a permit to buy a handgun; one State, South Carolina, prohibits the sale of handguns; and two States, Hawaii, and New Jersey, now require the registration of all guns by description, serial number, and ownership.

Even more compelling is the fact that in States which have strong gun control laws, homicides committed with guns are less common than in States with no law or which have ineffective controls. For example: In four States having strong gun control laws, the proportion of murders committed with firearms to the total number of homicides committed in the last 4 years, according to the FBI report, was well below the national average of 57 percent. In Pennsylvania, firearm murders were 43 percent of the total; in New Jersey, 39 percent; in Massachusetts, 35 percent; in New York, 32 percent. On the other hand, States with minimal controls or no such law had much higher rates: Colorado, 59 percent; Louisiana, 62 percent; Arizona, 66 percent; Montana, 68 percent; Texas, 69 percent; and Nebraska, 70 percent.

Figures for our cities told the same story.

During 1965 hearings of the Judiciary Subcommittee on Juvenile Delinquency, Attorney General Katzenbach pointed out that in Dallas, Tex., and Phoenix, Ariz., where firearms regulations are virtually nonexistent, the percentage of homicides committed by guns in 1963 was 72 percent in Dallas and 65.9 percent in Phoenix.

On the other hand, in cities having strong regulations, the figures were markedly lower: Chicago, 46.4 percent; Los Angeles, 43.5 percent; Detroit, 40 percent; Philadelphia, 36 percent; New York, 25 percent.

The only Federal laws concerning firearms—the National Firearms Act of 1934, and the Federal Firearms Act of 1938—have been aptly described by one commentator as "antiquated and impotent legal travesties."

Facts and figures overwhelmingly support the urgent need for a comprehensive law. According to surveys taken in 1966, 59 percent of all murders were committed with guns—the highest percentage ever recorded; aggravated assaults with a gun rose by 22 percent; and armed robbery, which comprises 58 percent of all robberies, rose 10 percent.

It is also known what a staggering toll guns take annually. For example, in 1966, guns were used in an estimated 6,552 murders, 10,000 suicides, and 2,600 accidental deaths—a total of about 19,000 deaths. In addition, they were used in about 43,000 serious assaults and 50,000 robberies, and they caused an estimated 100,000 nonfatal injuries.

Since 1900, three-quarters of a million people in this country have been killed by privately owned guns—one-third again as many as have been killed in all the wars in which the United States has been involved.

No one can make even a rough guess at how many guns are in private hands in this country. Estimates have ranged from a low of 50 million to a high of 200 million.

It is known, however, that each year 2 million domestically manufactured guns and 1 million imported guns are sold. In other words, in the course of each working day, about 10,000 guns reach private hands.

These are rather frightening statistics.

Still other statistics add up to an extremely compelling case for extending the controls proposed by title IV to rifles and shotguns.

During the years 1960 through the first 6 months of 1965, in 107 cities having populations of more than 100,000: 805 rifles and shotguns were confiscated by law enforcement officials from juveniles; 23,130 rifles and shotguns were confiscated; 505 rifle murders were committed; 705 shotgun murders were committed; 919 rifle robberies were perpetrated; 1,989 shotgun robberies were perpetrated; 1,813 rifle assaults were committed; 2,361 rifles were seized on illegal weapons charges; 2,217 shotguns were seized on illegal weapons charges; 6,151 rifles were misused in crimes; 7,884 shotguns were misused in crimes; and 14,884 crimes were committed in which rifles or shotguns were used.

According to the FBI Uniform Crime Report for 1966, 1,747 persons were murdered in the United States with rifles and shotguns that year.

In a report dated August 11, 1967, the Director of the Alcohol and Tobacco Tax Division wrote that the strongest argument for including long guns in a firearms control law is the fact that they can be, and frequently are, converted into concealable weapons for criminal use.

> We have reviewed 200 recent firearms violation case reports—

He said—

> and found that there were 98 sawed-off shotguns and 14 sawed-off rifles out of a total of 207 guns involved in these cases.

It seems obvious to me that, if strict controls are imposed on handguns without imposing similar restrictions on long guns, the criminal element will continue to have ready access to concealable weapons by the simple expedient of purchasing an uncontrolled long gun and converting it into a handgun.

The controls proposed in S. 1 would reduce the easy availability of rifles and shotguns to persons with criminal records by prohibiting federally licensed dealers from making sales to felons and by making it a criminal offense for a felon to give false information to the dealer concerning his criminal record.

There is absolutely no doubt in my mind that a good, strong, Federal firearms control law is long, long overdue.

CONCLUSION

Mr. President, I recognize that the many issues I have been discussing are extremely complex—having the most profound implications for the direction American society will take in the years ahead. There are, in addition, grave constitutional questions which must be resolved.

It is my hope that all of these issues and problems will be thoroughly debated and considered during the course of discussion in the days ahead, and that Senators will take into account the points I have raised today on each of the titles of the bill.

In the final analysis, I am hopeful that we will adopt title I's aid to law enforcement and extend the application of title IV across the board to all types of firearms. But I expect that these provisions will not be purchased by the sacrifice of freedom entailed in titles II and III.

I am confident that a majority of my colleagues will scrutinize these proposals with great care and condemn them as derogations of the principles for which our Nation was founded.

For it will be recognized that our law must not have the effect of diminishing the liberties of our citizens, but to enlarge and enhance them.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Senate had passed the following bills and joint resolution of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 68. An act for the relief of Dr. Noel O. Gonzalez;

S. 107. An act for the relief of Cita Rita Leola Ines;

S. 909. An act for the relief of Paul L. Margaret, and Josephine Kirsteatter;

S. 2248. An act for the relief of Dr. Jose Fuentes Roca; and

S.J. Res. 129. A joint resolution to authorize the Secretary of Transportation to conduct a comprehensive study and investigation of the existing compensation system for motor vehicle accident losses, and for other purposes.

The message also announced that the House had passed the bill (S. 1909) to provide for the striking of medals in commemoration of the 100th anniversary of the completion of the first transcontinental railroad, with amendments, in which it requested the concurrence of the Senate.

The message further announced that it had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 3010. An act for the relief of Maria Prescilla Caramanzana;

H.R. 5783. An act to amend titles 10, 14, and 37, United States Code, to provide for confinement and treatment of offenders against the Uniform Code of Military Justice;

H.R. 8241. An act for the relief of Victorino Severo Blanco;

H.R. 10989. An act for the relief of Maria de Conceicao Botelho Pereira;

H.R. 12115. An act for the relief of Dr. Orlando L. Fernandez;

H.R. 12246. An act for the relief of Mario Santos Gomes;

H.R. 12306. An act for the relief of Ann Su Gibson;

H.R. 12502. An act for the relief of Miss Elizabeth Schofield;

H.R. 12816. An act for the relief of Christopher Sloane (Bosmos);

H.R. 14323. An act for the relief of Mrs. Elise C. Gill;

H.R. 14739. An act to amend titles 10 and 32, United States Code, to authorize additional medical and dental care and other related benefits for reservists and members of the National Guard, under certain conditions, and for other purposes;

H.R. 15345. An act to provide security measures for banks and other financial institutions; and

H.R. 15822. An act to authorize the Secretary of Agriculture to establish the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest in Oklahoma, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 5783. An act to amend titles 10, 14, and 37, United States Code, to provide for confinement and treatment of offenders against the Uniform Code of Military Justice; and

H.R. 14739. An act to amend titles 10 and 32, United States Code, to authorize additional medical and dental care and other related benefits for reservists and members of the National Guard, under certain conditions, and for other purposes; to the Committee on Armed Services.

H.R. 15345. An act to provide security measures for banks and other financial institutions; to the Committee on Banking and Currency.

H.R. 15822. An act to authorize the Secretary of Agriculture to establish the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest in Oklahoma, and for other purposes; to the Committee on Agriculture and Forestry.

H.R. 3010. An act for the relief of Maria Prescilla Caramanzana;

H.R. 8241. An act for the relief of Victorino Severo Blanco;

H.R. 10989. An act for the relief of Maria de Conceicao Botelho Pereia;

H.R. 12115. An act for the relief of Dr. Orlando L. Fernandez;

H.R. 12246. An act for the relief of Mario Santos Gomes;

H.R. 12306. An act for the relief of Ann Su Gibson;

H.R. 12502. An act for the relief of Miss Elizabeth Schofield;

H.R. 12816. An act for the relief of Christopher Sloane (Bosmos); and

H.R. 14323. An act for the relief of Mrs. Elise C. Gill; to the Committee on the Judiciary.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding the previous order recognizing the distinguished senior Senator from Connecticut [Mr. Dodd] at this time, the distinguished senior Senator from South Carolina [Mr. Thurmond] be recognized for not to exceed 8 minutes on a subject not germane, and that rule VIII be, therefore, waived.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

The Senator from South Carolina is recognized.

CONTINUING VIOLENCE IN THE CITY OF WASHINGTON

Mr. THURMOND. Mr. President, in 1 week in the city of Washington, three men have been killed in armed robberies.

The first was Benjamin Brown, who was shot and killed in his liquor store at 1100 Ninth Street, NW., on April 30, 1968.

The second was Emory Wade, who was shot and killed at the A. & P. store he managed at 821 Southern Avenue, Oxon Hill, on May 3, 1968.

The third occurred yesterday. Charles M. Sweitzer, an employee of the Brinsfield Rexall Drug Store at 3939 South Capitol Street, was shot and killed as he struggled with armed robbers.

In addition to these tragic murders, fires are occurring at an alarming and unprecedented rate in the District of Columbia.

On top of all of this, the leaders of the so-called Poor People's March openly speak of disrupting the city by blocking traffic on bridges and elsewhere. They speak of preventing Senators and Congressmen from entering their offices. There is substantial evidence that a group of militant leaders are dissatisfied with even this extreme approach. They plan to supplant this group with militant leaders who will incite riots and violence. This violence will include looting and burning—of which this city has already had more than its share.

Add to all this the rumors which are flooding Washington, rumors of more violence throughout the city, rumors of deliberate extension of the violence to predominantly white areas in and around the District, rumors of a planned and coordinated effort to burn down the Nation's Capital.

Fear has become a way of life in the city of Washington. Residents of the city have called my office wanting to know what is being done to prevent the impending violence. They want to know what they should do. Will they be safe if they stay in their homes? Should they make plans to leave the District? When is the violence likely to begin in earnest? On Mother's Day, as some rumors have it? When the poor people's march arrives? After the shantytown has been erected?

Mr. President, the inhabitants of this city are owed the protection of the responsible authorities in the District. Just as important, they are entitled to be reassured that this protection is forthcoming. They are entitled to know that effective steps are being taken to guarantee their safety.

Today, they are not reassured. They know that sufficient steps were not taken before. They know troops were not called in soon enough. They know orders were given to restrain and restrict the measures taken by the police and the troops in the city. They know this policy of restraint encouraged additional looting and burning.

They also know that this city has not been "normal" since the last siege of violence following Martin Luther King's death.

Mr. President, at this time I wish to read the article which appeared in this morning's Washington Post which described the death of Charles M. Sweitzer.

GUNMEN SLAY EMPLOYEE IN STORE HOLDUP

(By Alfred E. Lewis)

A Southeast Washington drug store employee was shot and killed yesterday—the third victim of armed robbers in the Washington area within a week.

The latest victim was Charles M. Sweitzer, 59, who supervised the sundries department at the Brinsfield Rexall Drug Store, 3939 South Capitol st.

Police said he died of an abdominal wound after he had wrestled a gun and a sack of the store's money away from one of four armed holdup men who invaded the store a few minutes before 4 p.m. Police said he was shot by an accomplice of the man he had disarmed.

Sweitzer was felled seconds after he had fired at the fleeing man he had disarmed, police said. One suspect was grabbed by an 11th Precinct policeman who also had been fired at when he tried to thwart the holdup.

Homicide Squad Lt. Patrick Burke said the policeman, Pvt. Daniel E. Keller, 23, was on duty at a polling station for the D.C. primaries in the Highland branch of the D.C. Public Library, diagonally across the street from the drug store.

Police said two children ran up to Pvt. Keller and told him some men with guns were in the drug store. Keller ran to a side entrance, but ducked around to the front when he drew a shot from one of the bandits who wore a red hood over his face.

The man with the red mask was leading the store owner, William S. Brinsfield, 63, toward the front of the store after forcing him to turn over a sack of money from the safe. As the two went by Sweitzer's counter, Sweitzer tackled the gunman, grabbing his gun and forcing him to drop the money sack, which contained between $500 and $800.

As the red-hooded man broke away and ran out the door, Sweitzer fired once at him, and a second gunman, already outside the store, fired back. Sweitzer fell in the doorway and was pronounced dead on arrival in D.C. General Hospital.

Meanwhile, as the suspect Pvt. Keller grabbed struggled to break the policeman's grasp. Keller fired three shots at the others.

They disappeared in a heavily wooded area along Oxon Run Creek and an intensive search was being conducted last night. Police sent Canine Corpsmen, a dozen foot patrolmen and a helicopter into the area for the search.

Sweitzer had worked for Brinsfield since 1960. He and his wife Mazie, made their home at 2415 St. Clair dr., Hillcrest Heights, with their son, Clarence, 21, and daughter, Margaret, 20.

Police said the suspect arrested by Pvt. Keller was 17 years old. He was sent to the Receiving Home to await Juvenile Court action on a murder charge.

It was a week ago yesterday, almost to the hour, that Benjamin Brown, 59, was shot and killed in his liquor store at 1100 9th st. nw.

On Friday, Emory Wade, 40, was shot and killed by a gunman who held up the A&P grocery branch he managed at 821 Southern ave., Oxon Hill. Police said at least one arrest has been made in all three of the fatal holdups.

Mr. President, again I call on the responsible authorities in this city—the President of the United States, the Attorney General, the Secretary of the Interior, Mayor Walter Washington, and certainly Safety Commissioner Murphy—to make known to the public that sufficient measures have been planned to protect this city. Again I urge that steps be taken to prevent this so-called poor people's march. Such actions would not only reassure the residents of the District—and the cities of all America—that the Nation's Capital is safe; it would also serve notice on those plotting violence that their actions would be stopped—by whatever force necessary—and act as a deterrent to the impending chaos in the District of Columbia.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Connecticut yield to me for a unanimous-consent request?

Mr. DODD. I yield.

STUDENT UNREST AND CRIME IN THE STREETS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record the following articles published in the Washington Evening Star for today, May 8, 1968:

"War Hero Dies Trying To Foil Bandits," written by Barry Kalb.

"Bus 'Train' Ready To Roll to District of Columbia To Build Shack City," written by Charles Conconi.

"Young People Spark March," written by Haynes Johnson.

"Arsonists in District of Columbia Start Nine Fires During Night," written by Walter Gold.

"Northeast Businessmen Ask Crime Curb," written by Paul Delaney.

"Students Across Nation Press College Demands."

There being no objection, the articles were ordered to be printed in the Record, as follows:

War Hero Dies Trying To Foil Bandits

(By Barry Kalb)

Charles (Sarge) Sweitzer was a hero again yesterday, but it cost him his life.

He was shot to death trying to rescue his boss, the hostage of a drugstore bandit.

Sweitzer was a master sergeant in the Air Force until he retired in 1960 and went to work at Brinsfield's Rexall Drug Store, 3939 South Capitol St. He was in charge of the camera counter.

Sweitzer had made it through World War II, earning the Distinguished Flying Cross, one of the Army Air Corps highest honors. But after he went to work at the drugstore, his 21-year-old son, Clarence, said yesterday, "I always wondered if something would happen." Sweitzer would have been 59 on May 31.

FOUR GUNMEN ENTER

Yesterday at 3:35 p.m., four young men, at least one of them wearing a red mask over his face, entered the drugstore and drew guns.

According to police, two young boys in the store, seeing the guns, ran across the street to where Pvt. Daniel E. Keller of the 11th Precinct was guarding the polling place in the Washington Highlands Library.

Keller ran into the side door of the drugstore, police said, where he found three of the robbers with their guns drawn. He told them to put their hands up, but the fourth, who was in the back of the store with the owner, William S. Brinsfield, fired a shot at the 23-year-old policeman. The shot missed.

At this, the four broke for the front door, the one who had fired the shot pushing Brinsfield ahead of him and trying to carry a white sack with several hundred dollars loot at the same time.

"He grabbed me by my white coat and was pushing me out with the gun in my back," Brinsfield, 63, said later.

"As we passed the cigar counter, Charles grabbed him from behind. He took his gun away. He tried to shoot—he pulled the trigger a few times—but nothing happened."

The robber dropped the sack with the money, but one of the other bandits shot Sweitzer in the abdomen.

A customer, John R. Wheatley, said Sweitzer "staggered and fell into the doorway." Brinsfield was unharmed.

When the bandits ran out the front, police said Keller ran back out the side door and around to the front, where he seized a 17-year-old youth.

Asst. Chief of Police George Donahue said Keller fired three shots at the robbers who were running away, but it was not known if Keller hit anybody.

Two of the fleeing bandits ran into a wooded hollow surrounding Oxon Run Creek, in the area of Valley and Wayne Streets SE.

THREE STILL AT LARGE

Additional police officers arrived quickly, and a helicopter was called in, but the three were still at large today.

The 17-year-old was charged with murder. Lt. Patrick Burke of the homicide squad identified him as Walter Howard Jr. of the 1300 block of D Street NE.

Sweitzer was pronounced dead at D.C. General Hospital.

Sweitzer lived with his wife, Mazie, his son, and his daughter, Margaret, 20, at 2514 St. Clair Drive, Hillcrest Heights.

His was the third slaying by holdup men in eight days in the metropolitan area.

Benjamin Brown, 58, of 1900 Lyttonsville Road, Silver Spring, was shot last Tuesday in his liquor store at 1100 9th St. NW. Emory E. Wade, 41, of Woodbridge, Va., the manager of the A&P on Southern Avenue in Oxon Hill, was shot as he knelt to open a safe at the demand of two armed robbers. Arrests have been made in both slayings.

Bus "Train" Ready To Roll to District of Columbia To Build Shack City

(By Charles Conconi)

Marks, Miss.—Some 500 demonstrators are to leave here today and be the first wave of the Poor People's Campaign to reach Washington and build a shack city.

Twelve buses were chartered to carry the demonstrators on a four-day trip across the country with a stop for a rally tonight in Nashville, Tenn. Attempts to arrange special trains have been abandoned.

The caravan will arrive in the Washington area on Sunday and will move into the city the following day to confront the government by attempting to build "the New City of Hope" somewhere on parkland.

Although Congress has been reacting angrily to the prospect of such an encampment, it is known that Southern Christian Leadership Conference organizers are still considering the use of parkland on or near The Mall.

It wasn't until late yesterday afternoon that SCLC organizers here learned they would be unable to take the demonstrators to the capital by train.

STOPS FOR RALLIES

SCLC plans require night stops for rallies and for sleeping in the homes of people in the communities along the route. Rail plans proved to be too complicated and expensive, especially with the Mother's Day weekend making heavy demand on passenger service.

Other stops scheduled for this bus-caravan are Knoxville, Tenn., and Danville, Va. It has been reported that the demonstrators will spend Sunday in Northern Virginia and march across a bridge to Washington on Monday morning.

SCLC president, the Rev. Ralph David Abernathy, has said he will lead his followers to a campsite of his choosing and drive the first nail to build the shack city.

The first contingent of demonstrators hopes to have the shack city completed for the more than 3,000 demonstrators expected in Washington by May 19.

The mule-drawn wagon caravan, scheduled to leave here today, has been delayed until tomorrow, as march organizers awaited the arrival of more mules and tried to settle the problem of how to deal with them.

Initial plans were for mules to carry 100 demonstrators on the more than 1,000-mile trip to Washington over a period of 25 days.

TWENTY-THREE MULES ARRIVE

The first 23 mules purchased arrived here yesterday. The farm wagons they are to pull still have not arrived.

The Reverend Andrew Young, SCLC's executive vice president, spent much of yesterday worrying about how to care for the animals on the long trip and the problems of fitting them out with special rubber shoes for walking on concrete and asphalt highways.

Throughout most of the day, the mostly teen-age group here that is going to the Nation's Capital was kept busy.

"You fight hatred with love," Young argued with a group of some 75 teen-agers in one of the large circus-type tents set up at the campsite here. "One of the ways to get them (policemen) to respect us is to respect him," he said.

Young advised the youths to be friendly with police, and asked if anyone knew why policemen "act bad and mean."

"They scared, that's why," he declared. "They scared of us because we look so big and strong, and because if you don't know us, we can look pretty mean and strong. We gotta show them we ain't mean or bad, but I don't mean being (Uncle) Toms—We is still men."

The articulate Young, who easily slips into "poor folk" talk when he feels he needs to, told the youths from Memphis and this Mississippi Delta county that they are going to have to deal with "the brothers from Harlem and Philadelphia (in Washington) who know they bad."

He said about 100 or so of the more militant Negroes could get together and "begin to think they can tear up" the police department. It will be up to the youths here, he said, to talk them out of it because "I can't be everywhere. Do you think they can tear up the police department?"

One boy, lying on a red air mattress and chewing on a weed, answered self-consciously, "They get a whole lot of folks killed."

"Who gonna get killed? Black folk or white folk," Young asked.

"A whole lot of black folks," a number of the youths answered.

"If you talk them out of violence, you save a whole lot of black folk," Young added.

Young People Spark March

(By Haynes Johnson)

MONTGOMERY, ALA.—The old men still speak in the language of the fieldhand or of Uncle Remus, quaint and passive.

Ask them why they are going to Washington, and they are likely to reply, "For freedom." Their response has hardly varied for a century; they are still that close to the old simple and servile heritage.

For them, this strangest of all protest caravans to move out of the Deep South is probably their last step forward. In fact, they are going to Washington more for the ride than a hope of a real change in their lives.

That is not the case with the young people who are joining up for the Poor People's Campaign in the towns and cities of Mississippi and Alabama.

To see them, is to realize how sharply attitudes have changed in only a few years in the South. These young Negroes are articulate and motivated; they speak in tones of a militancy that would have been unthinkable—and impossible—for their parents. Many of them say they are not coming back to the South

But there, too, the attitudes differ. Unlike the older group of Negroes, these young people are journeying North under no illusions about some elusive vision of a great freedom beyond the Mason-Dixon line. On the contrary, it is common to hear them say they would rather stay in the South—"if" the opportunities were present.

Take one group of Negro youths, from 16 to 20, interviewed at random, as representative. They are all from Selma, all now traveling with the poor people's procession as it winds through Alabama, then Georgia, and finally north to Washington.

They are moving, some 600 of them, in chartered Greyhound buses. At each locality, they follow an established procedure: they stop outside of town, are greeted by a local contingent, and then march through the town—and out of it. Then they board their buses again, and move ahead.

At each stop they also pick up more volunteers than they can afford to transport.

Charles B. Winston, Walter Ferguson, Harvey Goldsby, Steven Brakin, John Collins, Theodore Davis, Joe Oliver, Eli Johnson, Jesse King and one who insisted his name was Joseph Smitherman, the same as Selma's mayor—their names are unimportant, but their words are not.

"Martin Luther King said he would lead the Negro from economic oppression to the Capitol and set up some kind of camps on the Capitol grounds," one of them said, by way of explaining his involvement. "He said he would not ask for what he wanted—he will demand. He wanted economic prosperity, 'cause Mr. Charley has everything. All of us are out to help our race."

One of his friends cut in:

"Fix it, brother, fix it."

Here is another view:

"Like Hosea Williams (one of the march leaders) say last night, when that Negro serviceman goes to Vietnam and gets his legs shot out, they don't say, 'Look at that poor afflicted Negro,' they say 'Look at that one-legged Nigger.'"

"It's like you go to Hudson High (a Negro school in Salem) where they have this little lab the size of a sardine can, and Parrish High (white) has everything they need. I think if we go to Washington and let Congress know what we want we might profit more by going than sitting here at Hudson.

"Now, Mr. Charley's not going to give you some funds. You have to demand. And a few years from now Mr. Charley's going to be obsolete."

OTHER VOICES

One more voice was added:

"It's like if a Chinese citizen comes to the U.S.A., they treat him like L.B.J. But if an Afro-American goes to the Selma Del (a downtown restaurant) they tell him to eat in the pasture. We're going not only for Negroes, but for all poor people. I got to be in it as far as they will let me. I feel that's my responsibility."

Another put it this way:

"I think it's a great thing, the Poor People March, going to help the poor people at the root. It's like they say, 'We shall overcome, some day.' It's like the black horse shall ride and the white horse shall fall."

They all agreed on several main points: It was King who had got them involved (one said, "I want to make his dream a reality"); they all want to go to college, but their chances appear slim; they all come from large families and nearly half of them are fatherless.

Their aspirations are also far more realistic than similar Negro groups in the past: these young men have no illusions about whites or integration or laws, or even the old defender, the federal government.

"I don't have to eat with them (whites)," one said, "and I don't care if I live on the same block, or in the same neighborhood, with them. I just want to feel equal."

One other fact about them is worthy of note. Most of them said they first learned about the Poor People's Campaign not through their own leaders, the newspapers or at some mass meeting as in the past; they first heard about it on Johnny Carson's television show out of New York. For them at least, the medium is the message.

Arsonists in District of Columbia Start Nine Fires During Night

(By Walter Gold)

Nine cases of arson, two of them serious, were recorded in the District last night, fire officials reported. Two stores in the riot-ravaged 1100 block of 7th Street NW suffered an estimated $30,000 in damage and two 11-year-olds were arrested in conenction with those blazes.

Minor damage was suffered in the other seven fires scattered across the city, and officials said juveniles were believed responsible in nearly every case.

The first fire, at 1110 7th St. NW, destroyed a boarded-up Super Music City store. The 11-year-olds, whose names were withheld because of their ages, told police and fire investigators that they and several other youngsters poured a can of kerosene over a floor in the rear of the store before setting it on fire.

It took firemen nearly an hour to bring the blaze under control. One firefighter, Pvt. Edgar Jenkins of Engine Co. 2, was treated for heat exhaustion.

Just after firemen brought that blaze under control, they noticed smoke coming from another store a few doors away at 1140 7th St. at 6:43 p.m. Two more alarms were called to bring that blaze under control.

The fire at 1140 was set by the same youngsters who used kerosene left over from the first fire, officials said. The second blaze destroyed Frank's Men's Shop, which had been looted during the rioting but not burned. The youngsters were turned over to juvenile authorities.

During the second fire, Pvt. Robert Kelly of Rescue Squad 2, was treated for a head injury. Damage to Frank's was estimated in excess of $12,000, and to Super Music in excess of $15,000.

A crowd which at times reached about 500 persons, watched firemen fight both blazes and youngsters in the crowd occasionally harassed firemen and police.

The other fires, in order of the time they started, were:

At 7:46 p.m., juveniles set fire to a burned-out novelty store at 3301 Georgia Ave. NW., causing additional minor damage.

At 9:05 p.m., youngsters threw at least two bottles of gasoline into a basement laundry at 805 Florida Ave. NW, causing a flash fire and damage estimated at $25. One of the molotov cocktails which did not explode was recovered.

At 10:25 p.m., an arsonist set a garage door on fire at 1826 6th St. NW. Juveniles are suspected, officials said.

At 10:59 p.m., the remains of an already-gutted store at 2909 14th St. NW were set afire, and another group of juveniles was believed responsible.

Four minutes later, still another group of youths set fire to a basement storage room in an apartment building at 70 Rhode Island Ave. NW.

Shortly after midnight, still another group of juveniles set a fire in another apartment house basement at 219 T St. NE. In this case, the youths kicked open a janitor's door in the basement.

Northeast Businessmen Ask Crime Curb

(By Paul Delaney)

The Business and Professional Association of the Far Northeast has added its name to the growing list of complainants who are charging the District government with inadequate police protection.

The association has called for police crackdown on criminals to combat an increasing crime rate in the 14th Precinct. Or, the group demands, the city should request that troops return to protect the city.

The action of the association is indicative of the mounting pressure on the government, mostly by businessmen, to take bold steps immediately. The attitude of the group is a mixture of concern for crime and urging tax and insurance breaks for those affected in last month's rioting.

The association meets tonight to decide its next step after accusing Mayor Walter E. Washington of snubbing the group by refusing to acknowledge letters sent to him.

TO GO ONE STEP UP

"We've had no acknowledgement and no response from the mayor," stated association president Dr. William K. Collins. "Our next step is to contact Sen. Robert Byrd (D-W.Va.)

and the House District Committee to see what can be done."

Collins further charged Mayor Washington with overlooking "the city beyond the river completely ever since he's been in office." Collins said police coverage in the association area, bounded by Minnesota, Eastern and Southern Avenues, is inadequate and insufficient.

"The police are doing the best they can," he went on, "but the rising tide of crime is just too much for them. The number of criminals is not extremely high; it's just that a small group is being given a free hand.

"We have tried and tried to get in touch with the mayor, but we just can't get any response from him. We don't want to be ignored. We would like to meet with him and talk to him, but a letter from him would do just to show us he's interested in our situation."

CONCERN GROWS

Members of the association have held a series of meetings since the riots. Collins said the group normally meets monthly, but lately has been meeting at least weekly.

At last Wednesday's meeting, the group drafted a statement which said citizens and businessmen of the Far Northeast "are attempting to alert the city government to the problems of civil unrest which has reached proportions that require crash programs to prevent collapse of orderly government based upon respect for law and decency." The association has been leveling most of its attacks on Safety Director Patrick V. Murphy, as have other organizations.

The group recommended a program that would:

Bring back a "stern and unyielding enforcement of laws, and the protection of human life"; control known criminals and lawbreakers who return to the community, dramatically increase the police force and/or bring back the military to the city; offer favorable tax treatment of merchants in depressed, riot-torn areas.

COMMUNICATION ASKED

Also, offer riot risk, vandalism insurance; offer personal injury, income interruption insurance on all citizens who are victims of criminal attacks, and provide extensive community provisions for education, housing, employment and social development through massive government action.

On the other hand, businessman Ed Boorstein urged a program of communication with the people in the neighborhood. He proposed "town meetings" between residents and businesses "to talk, to air grievances, to correct false impressions and to learn from one another." He said the idea could be expanded to "town meeting telethons" to the whole city.

"Some of the burners and looters were our dissatisfied customers trying desperately to get our attention," Boorstein stated. "Judging from the response of our business community, we are still listening.

"We must be scrupulously fair and we must communicate to our public so they will understand we are fair. Our communication must be people-to-people, shirt sleeve, no big words and down-to-earth. Our communication must be talk between equals and it must start now."

Collins said his group has the support of other civic organizations in the area, including the Far East Community Services of the United Planning Organization.

STUDENTS ACROSS NATION PRESS COLLEGE DEMANDS

Student unrest fed by racial and political issues continued at university and college campuses across the nation today.

At California's Stanford University, where arsonists burned a Navy ROTC building yesterday, students continued an administration building sit-in in opposition to suspension of seven students for demonstrating against Central Intelligence Agency recruiters last fall.

At Pennsylvania's predominantly Negro Cheyney State College, fire destroyed a 20-room building opposite the campus, where students were occupying the administration building.

Neither fire was blamed on student demonstrators, however.

A spokesman for the Cheyney protesters said they were seeking a "better curriculum, a better faculty and a better system of student finances." He said the demonstration did not involve a "black and white" problem.

At Wellesley College, a group of Negro students said it would start a hunger strike today at the exclusive Massachusetts women's school unless the group won promises of greater nonwhite participation in its academic life. The protesters also called for an alumnae drive for funds to help Negro students.

In New York, Columbia University had its calmest day yesterday since student demonstrations erupted on the campus two weeks ago. But new trouble was feared after striking students circulated copies of papers allegedly taken from the offices of President Grayson Kirk and Vice President David B. Truman during a sit-in April 23.

Kirk sent the students a telegram warning of criminal proceedings unless papers taken from his and Truman's offices were returned immediately. When the telegram was read at a meeting of student demonstrators, they chanted, "Tear it up."

At Northwestern in Evanston, Ill., where 60 Negro students had seized a business office, the administration yielded to demands for increased Negro enrollment and African-American history classes and for establishment of separate housing and meeting facilities for Negro students.

The University of Texas in Austin also announced yesterday it would offer a course on "The Negro in America" as requested by 1,300 students in a petition last fall.

At New Hampshire's Franconia College, 35 students took over the administrative offices yesterday and demanded more say in selection of the liberal art college's next president.

At Stanford, witnesses said three young men were seen setting the fire that caused an estimated $70,000 damage to the ROTC building. It was the second arson attack on the building in recent months.

A university spokesman said, however, that Stanford demonstrators had been "scrupulous about respecting property" and there was no reason to link them with the blaze.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of Government, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized.

Mr. DODD. Mr. President, this is an historic debate in the legislative history of our country.

The fact that we are debating a Safe Streets and Crime Control Act would by itself be enough to make it historically noteworthy. But, over and above this, it is rendered noteworthy by the fact that, for the first time in 30 years, Congress is giving consideration to the need for improved gun control legislation, designed to strengthen and update the antiquated and sadly inadequate Federal Firearms Control Act.

I intend to address myself to the other titles of the Safe Streets and Crime Control Act at a later date in a subsequent statement. But today I shall confine myself to title IV, which deals with gun control, because this has been an area of primary interest for me.

That this legislation has now come to the floor is a matter for particular gratification, because the gun legislation which we are now debating represents the product of countless hearings and of 5 years of unremitting efforts against the obstructions raised by one of the most powerful lobbies in our Nation's history.

It represents a long-overdue legislative reaction to the terrible toll of life and limb exacted each year in our country by firearms. As unbelievable as it may seem, far more people have been killed by firearms in our country since the year 1900 than have died in all of our wars, from the Spanish-American War to Vietnam. Between 1900 and 1966 firearms were responsible for 280,000 murders, 270,000 suicides, and 145,000 deaths by accident—making a grand total of 795,000 since the beginning of this century. Against this figure, the total number of American war dead, from 1900 to this date in Vietnam, stands at 550,000.

In addition to those who are killed by firearms, there is a far larger number who each year are assaulted or wounded or maimed. It is estimated that the number for 1966 alone was in excess of 100,000.

These are the basic statistics, each unit of which represents a human life, which make Federal gun control legislation imperative.

Title IV, despite the fact that it is lengthy—I wish it could have been more brief—is essentially a very simple piece of legislation.

The basic purpose of title IV, reduced to its simplest terms, is to assist the States in enforcing their own firearm laws by requiring that all sales of firearms, other than rifles and shotguns, to residents of the States, be channeled through local dealers and under the control of local law.

But while it can and, I am convinced, will have a dramatic effect on law enforcement, title IV would affect the citizen who wished to purchase a handgun in only two ways:

First, if he wished to purchase a handgun from an out-of-State dealer, or a mail-order house, he would have to go through an outlet or a dealer in his own State.

Second, anyone who wishes to buy a handgun would have to identify himself to the dealer in his own State, who would get his name, his address, and his age; and, of course, he would be called upon to identify himself by social security card, automobile license, credit card, or any of the standard items that are used to establish identity.

I hope that the Senate will not be confused by the numerous auxiliary provisions of title IV, because essentially what it would do is to set up the legal mechanics necessary to prevent individuals from exceeding or circumventing their own State laws with respect to firearms.

That is what title IV is really all about.

THE LEGISLATIVE HISTORY OF GUN CONTROL LEGISLATION

Mr. President, I think it would be helpful to the Senate to briefly recount some of the history of gun control legislation in this country.

While there has been no new gun control legislation for three decades now, it was a major issue for a long time in the thirties. It is interesting to examine the legislative history of the two firearms acts passed by Congress in the thirties, because this history is pertinent in more than one respect to the travail we have gone through in trying to enact improved gun legislation in the sixties.

In 1933, a madman armed with a pistol attempted to assassinate President Roosevelt. The assassination failed; but one of the bullets took the life of the mayor of Chicago, Anton Cermak. When the assassin was apprehended, it turned out that the pistol he had used had been purchased in a pawn shop.

In the aftermath of this attempted assassination of President Roosevelt, Attorney General Homer Cummings, one of the most distinguished public officials my State of Connecticut has ever sent to Washington, had several firearms bills introduced in the Senate and the House. One of these was H.R. 9066.

H.R. 9066 applied specifically to pistols and revolvers. In an effort to placate the hunters and shooters, Attorney General Cummings deliberately excluded rifles and shotguns from its coverage. In the form in which it was introduced, the bill required first, the licensing of all dealers; second, recordkeeping; third, registration; fourth, a transfer wax; and, fifth, the photographing and fingerprinting of new firearms owners.

At hearings in the House, Milton Reckord, then vice president of the National Rifle Association, admitted that his organization had sent mass mailings and telegrams which included statements that rifles and shotguns would be added to the new law once the law was on the books.

A 1934 National Rifle Association Newsletter read:

> Within a year after the passage of H.R. 9066, every rifle and shotgun owner in the country will find himself paying a special revenue tax and having himself fingerprinted and photographed for the Federal "Rogues Gallery" every time he buys or sells a gun of any description.

The Senate began hearings on May 28, 1934, and Reckord testified at the Commerce Committee hearings. He closed his statement by asking that revolvers and pistols be removed from the Senate bill. On the day that Reckord testified, the House reported a watered-down version of the Senate bill, H.R. 9741, with pistols and revolvers—the concealable weapons—removed.

On June 26, 1934, H.R. 9741 was finally passed as the National Firearms Act. It covered only weapons habitually employed by gangsters—machineguns, sawed-off shotguns, sawed-off rifles, and gadget guns; and its major provision on this point simply required that a person pay a tax on these weapons.

On October 5, 1937, Attorney General Cummings, speaking to the International Association of Chiefs of Police, began a campaign aimed at the criminal "arsenal" of pistols, revolvers, rifles, and shotguns. He pledged a fight for the Federal registration of all firearms.

A Cummings-sponsored bill was introduced to include all firearms under the 1934 National Firearms Act.

Attorney General Cummings' legislation had the backing of the American Bar Association, the International Association of Chiefs of Police, the General Federation of Women's Clubs, and many of the Nation's top enforcement officers.

But the gun lobby, with the National Rifle Association in the vanguard, was as relentless and persistent then as it is today. The result was that by spring of 1938 Cummings had removed rifles and shotguns from his first bill as a concession to the powerful gun lobby in our country.

But even this did not satisfy the lobby. A 1937 article in the "American Rifleman" said:

> The Attorney General's previous efforts to secure drastic Federal firearms laws have been killed by the active and audible objections of the sportsmen of America.
>
> Once again, the members of the National Rifle Association will need to be represented by their officers in pointing out to Congress the hidden dangers of such a plausible legislative scheme to end crime. Once again we ask every active member to use the coupon below to say: "The right of the American citizen to bear arms shall not be infringed."

The National Rifle Association endorsed Senate bill No. 3, which had to a large degree been drafted by General Reckord, of the National Rifle Association. S. 3 passed the Senate on June 30, 1938, and was known as the Federal Firearms Act.

The key clause of S. 3, instead of requiring that gun purchasers establish their identity in a satisfactory manner to dealers and that the dealers maintain records of the identity of their customers, simply prohibited dealers from "knowingly" doing business with criminals, fugitives from justice, and persons under indictment for a felony. This was the wording that had been suggested by the National Rifle Association.

To anyone who knows anything about law enforcement, both the arrangement and the wording were so vague and clearly unsatisfactory that it should come as no surprise that the Government has never in 30 years been able to obtain a single conviction under this section of the Federal Firearms Act.

This is one of the many weaknesses of the Federal Firearms Act which title IV seeks to overcome.

At this point, I must pay an admittedly grudging tribute to the formidable lobbying abilities of the officials of the National Rifle Association. Their persistence in a bad cause is almost beyond belief. For example, not only was General Reckord able to work his will on the Federal Firearms Act of 1938, but only a few weeks ago, the doughty general, now well past his 80th birthday, played a key role in defeating State gun control legislation that had been introduced in the Maryland Legislature.

The Federal Firearms Act was inadequate even for the thirties. The soaring crime rate of the fifties and sixties, and the dangerous proliferation of arms sales to juveniles and socially irresponsible elements, has made the act totally and pathetically inadequate for the problems of today.

GUN CONTROL LEGISLATION IN THE SIXTIES

The issue of gun control legislation has been before us since 1963.

It has been suggested, and I have read it and heard it many times, that the legislation is the result of a panic reaction to the tragic slaying of President Kennedy and Dr. Martin Luther King. This is completely false. The fact is that I first drafted my bill after long study, in 1962 and I introduced it some months before the assassination of President Kennedy.

The fact is further that the Senate Judiciary Committee had completed its consideration of the pending measure prior to the assassination of Dr. Martin Luther King.

I will never forget that afternoon in the committee. We had a long, and acrimonious debate. I remember saying: "How many more people have got to be assassinated in this country?"

It was not until I got home later that night that I heard of the assassination of Dr. Martin Luther King.

So, it is untrue that the bill was introduced after the assassination of President Kennedy or that it was acted on in the committee after the assassination of Dr. Martin Luther King.

The Juvenile Delinquency Subcommittee, of which I am chairman, first embarked on a full-scale inquiry into the sale of firearms in 1961. S. 1592, the predecessor of the present measure, was introduced in the 89th Congress. During the course of 1965, it was the subject of 11 days of hearings, in which some 50 witnesses were heard. In May 1966 it was reported on favorably, with certain amendments. But I never could get the measure out of the full committee and on to the floor until very recently.

Last year, the State Firearms Control Assistance Act was the subject of another 10 days of public hearings conducted by the Juvenile Delinquency Subcommittee. In all, 47 witnesses were heard during this second round of hearings. On September 20, 1967, the subcommittee reported favorably on the proposed legislation.

I believe that the time for Senate action on gun control legislation is at hand.

WHY A GUN BILL IS IMPERATIVE

The provisions of title IV of the Safe Streets and Crime Control Act represent a forthright effort to update our presently inadequate Federal controls over the interstate traffic in firearms.

The Federal Firearms Act of 1938, which this bill seeks to update, has not been adequate to the task of regulating the interstate traffic in firearms in the United States.

The gun laws of our various States are violated wholesale, every day, almost every hour of the day. Hundreds of thousands of weapons are sold to their citizens in circumvention of their own laws, in across-the-counter transactions in neighboring States and by mail-order sales.

At present, anyone—a criminal, a juvenile, or a lunatic—may clip an advertisement from a score of magazines, order a gun from a dealer in a distant State for a few dollars, and in a matter of weeks have the gun delivered to him with virtual anonymity.

We are the only civilized nation on this earth—or the only one that pretends to be civilized—that allows such mail-order madness. And the immediate result of this stubborn laxity is that our annual rate of murder by gunfire is astronomically larger than the rate for other civilized countries.

The last year for which the Library of Congress could give me comparative statistics was 1963. In that year we showed 2.7 homicides by gunfire for every 100,000 population. The rate for Great Britain was one fifty-fifth the American rate; the rate for Germany about one twenty-fifth the American rate; the rate for Japan one sixty-fifth the American rate; the rate for the Netherlands one ninetieth the rate in this country; and so on down the line.

Reduced to round figures instead of statistical rates, the facts are equally impressive. Thus, we find that major countries like Great Britain and Japan during the early sixties averaged approximately 30 firearm homicides per year—a figure roughly equivalent to the number murdered by guns in our country in 2 days. And we also find that for a period of 3 years in the early sixties the Netherlands did not have a single case of murder by firearms.

The surest and easiest way to kill one's self is with a firearm—especially when the firearm is immediately at hand. And when it comes to suicides by firearms, the discrepancy between the rate in this country and the rate in other civilized countries is equally astounding. In 1963—the last year for which comparative figures are available—9,600 people committed suicide by firearms in the United States, to give us a rate of 5.1 per 100,000. This rate was 15 times the rate for England; more than 6 times the rate for Germany; 50 times the rate for Japan; and about 55 times the rate for the Netherlands.

How can one account for the colossal difference in the rate of deaths by firearms in this country and in other civilized countries? The answer is distressingly simple. The fact is that every other civilized country has stringent laws governing the purchase and ownership of firearms.

The gun groups in this country have frequently sought to justify their position by holding up the example of Switzerland.

For example, the American Rifleman, in an editorial, said the following about Switzerland:

> What argument do the anti-gun reformers have to offset the uncomfortable fact that Switzerland (which requires practically every able-bodied male to keep a gun in his home) has always had the lowest crime rate in Europe not excluding England?

At first reading, that is a very impressive statement.

But like virtually everything put out by the National Rifle Association, this statement was a hodgepodge of misrepresentations and distortions.

First of all, it simply is not true that Switzerland had the lowest crime rate in Europe. Her crime statistics place her somewhere in the middle of Western European countries, although her record is unquestionably far superior to our own.

Second, the loose wording of the editorial from the National Rifle Association creates the distinct impression that no one requires a permit to own a rifle or firearm in Switzerland and that all rifles are unregistered.

When Carl Bakal, the very able author of the "Right To Bear Arms," checked into this situation, this is what he found.

The Swiss maintain a militia system under which military service is obligatory for all able-bodied males between the ages of 20 and 60. It is, in fact, true that the Government requires every militiaman to keep his weapon at home, together with his uniform and 24 rounds of ammunition. On the other hand, every weapon is carefully registered, each round of ammunition must be accounted for, and the soldier has no right to use his weapon or his ammunition except for military training purposes, and even then only with specific authorization.

The Swiss people do a lot of hunting. But in order to purchase any other kind of gun in Switzerland—that is, any gun other than that issued to the militia—a person has to obtain a permit from his local police. Permits are denied not only to those who have criminal records or are under 18 years of age, but also to people who have backgrounds of drunkenness, mental illness, or emotional instability. No mail order sales are allowed in Switzerland.

And every dealer is required to verify the identity of prospective purchasers and to keep records.

Clearly, the gun legislation we are today discussing is considerably less restrictive than the gun laws in force in Switzerland. As a matter of fact, Switzerland is the last country that the National Rifle Association should have used as an example, because it has good gun laws and it enforces them strictly. But the honest sportsmen who belong to the National Rifle Association have no way of knowing the facts. And this is how this big gun lobby has built up tremendous opposition to reasonable gun legislation.

The unrestricted flow of deadly weapons is reflected every day in the growing volume of crimes of violence involving the use of guns.

We know, based on figures released by the FBI, that in 1967 murder increased 12 percent over 1966. And, in 1966, there were 6,552 gun murders committed in this country.

How high must this toll go before we do something about it, before we act decisively?

We know that armed robbery increased 30 percent in 1967 over 1966. And in 1966, there were 59,000 armed robberies by gun.

We know that aggravated assault by gun increased 22 percent in 1967 over 1966. And in 1966, there were 43,500 such assaults committed upon citizens.

For the year 1966 this adds up to more than 110,000 gun crimes of all kinds ranging from armed robbery to murder. Last year the figures jumped again. This year the trend is still upward. And so, although the great majority of gun owners in our country are responsible citizens, we can no longer ignore the fact that hundreds of thousands and conceivably millions of weapons have found their way into the hands of socially irresponsible elements—of criminals and juveniles and people with dangerous mental records.

Nor can we ignore the fact that the easy availability of guns of all kinds is in itself an important factor in our soaring crime rate.

The gun is by all odds the easiest and most suitable weapon for murder. It is also the easiest weapon with which to commit suicide or the easiest weapon with which to hold up a bank or a store or a victim on a street corner.

Mr. President, our newspapers are filled with gun stories every day. Indeed, there is not a day goes by that I do not pick up the newspaper and read about somebody being held up, or assaulted or killed with a gun.

On this point I would like to quote from an editorial description of the qualities which make guns socially dangerous, which appeared in the Washington Post on April 4, 1965:

> It can be fired from a distance, thus sparing the killer any dangerous or disagreeable contact with his victim. A child can handle it, and indeed many a child does. It is not an expensive weapon. It is easily obtainable, portable, concealable, and disposable. If you take the trouble to wipe off the fingerprints, no one will be able to tell where you got it or who fired it. Even the smaller caliber pistols are marvelously effective at reasonable ranges, and one wonders why anyone wanting to slay somebody else should ever resort to any other device for doing so. . . . One also wonders why the rational members of society interested in staying alive should permit any Tom, Dick or Harry—anyone at all, from the village idiot to the upper echelons of Cosa Nostra—to obtain one of these lethal gadgets at will.

That it is easier to kill with a gun than to kill with a knife or a club, or some other weapon, has been confirmed by virtually every responsible authority in the field of criminology.

The opponents of gun legislation say, "What about knives? Will not criminals find other weapons if they do not have guns?" I have answered by saying, "Have you ever tried to cut a loaf of bread with a pistol?" Of course, they are not the same at all. A knife may have many uses. But guns have one primary function, and that is to kill or to maim. Not merely are they infinitely more deadly than cruder weapons, but, as a University of Wisconsin study has confirmed, they make killing so fantastically simple that the mere possession of firearms serves as a psychological stimulant to murder, in the case of those who are antisocial or violence prone.

FBI Director J. Edgar Hoover has made the point in these words:

> Those who claim that the availability of firearms is not a factor in murder in this country are not facing reality . . . a review of the motives for murder suggests that a readily accessible gun enables the perpetrators to kill on impulse.

Criminologists will also confirm that the juveniles and amateur criminals who are responsible for most of our armed robberies are frequently encouraged to a career of felony by the possession of firearms. It would require a particularly coldblooded type of criminal to attempt to hold up a bank or store armed only with a knife. But a holdup becomes a terrifyingly simple business whenever a gun finds its way into the hands of a rebellious juvenile or a mentally unbalanced individual or an amateur criminal.

And I want to state again for the record with all the emphasis I can that it is not the purpose of this legislation to penalize the millions of responsible citizens who are gun owners and gun collectors, but, on the contrary, to protect the legitimate gun owners and to protect the community at large by giving each State the power to place whatever restriction it may consider necessary on the sale of guns to juveniles and to socially irresponsible elements.

Mr. President, I might add that I know a great many sportsmen. I have hunted myself, and I believe that I know something about guns. Some of our best citizens belong in the group I have described as sportsmen. They are usually outstanding people. But these are not the people I am speaking about. They have been misled by the gun lobby into thinking that, if this legislation is passed all sports activities with guns would be restricted unreasonably or even stopped altogether. The fact is that there is not a line in this legislation that would do any such thing.

All honest sportsmen should be fighting for this bill because it would help them and protect them.

WHO IS FOR THE GUN BILL?

Responsible Americans overwhelmingly support the enactment of this legislation.

Our public opinion polls show that since 1959, from 70 to 80 percent of the people have consistently supported the enactment of stronger gun controls, including the provisions which I will soon discuss.

In the most recent poll, which was published in late April, 71 percent of the people indicated their support for stringent gun control legislation.

Gun control legislation has been endorsed editorially by the overwhelming majority of our newspapers and national magazines. A study conducted just over a year ago by the staff of the Juvenile Delinquency Subcommittee showed that our legislation had the editorial backing of papers which, between them, accounted for 93 percent of all newspaper circulation in the United States.

The language used by some of the hundreds of editorials in the files of the Juvenile Delinquency Subcommittee are anything but flattering to Congress. The Washington Post, for example, on October 22, 1965, said:

> What paralysis of feeling, what hideous complacency, what failure of will and understanding, allow this kind of human sacrifice to be continued without an effort to prevent it? All of us—Congress and country alike—have sat apathetic and bemused by the perverted nonsense of the gun lobby about the right to keep and bear arms. There has now been too much of this human slaughter. Let us stop it.

The San Francisco Examiner has charged Congress with shrinking from its responsibility in the urgent matter of firearms control. And the Boston Herald on July 24, 1967, made this comment:

> For legislators to decry crime in the streets and the spiraling crime rate while allowing guns to be purchased as easily as chewing gum, is nothing short of hypocrisy.

The American Bar Association, the International Association of Chiefs of Police, and the National Association of Citizens Crime Commissions have endorsed this gun legislation and have urged Congress to act favorably upon it.

The National Council for a Responsible Firearms Policy, an organization of outstanding Americans from all walks of life, has also endorsed this bill.

Finally, the need for such legislation has been strongly endorsed by the Department of Justice, by FBI Director J. Edgar Hoover, and by the law-enforcement authorities in virtually all our major cities.

Why, then, can we not get on with the task of acting upon this reasonable proposal whose sole purpose is to aid our States in enforcing their own gun laws and in combating gun crimes within their own borders?

I know of no reason why this cannot and should not be done now.

We should no longer indulge the gun interests in their timeworn myths and their ruthless lobbying and their scare tactics, which have stalled the progress of this bill in the Senate for 5 years now.

WHO IS AGAINST THE GUN BILL?

Gun control legislation of any kind is violently opposed by the KKK, the American Nazi Party, the Minutemen, and other extremist organizations, both black and white.

Their propaganda is lurid, to put the matter mildly. For example, the Paul Revere Association Yeomen—it has as its acronym PRAY, of all things—has warned its members that, if they do not prepare stocks of firearms and ammunition:

> Your wives and daughters will be chattels in Mongolian and African brothels.

This lunatic propaganda does not, I am certain, make any impact on the average American citizen. Every cause, I suppose, has its lunatic fringe and the fact of its existence should not disqualify the cause.

A far more formidable obstacle to the enactment of gun control legislation has been the persistent opposition of powerful and, I am sorry to say, respected organizations like the National Rifle Association and of gun magazines which enjoy large circulations among law-abiding American citizens.

According to certain press accounts, officials of the National Rifle Association have boasted—I repeat, boasted—that on 3 days' notice they can inundate congressional offices with more than half a million letters, postcards and telegrams opposing any legislation designed to regulate the sale of firearms.

The sad fact is that this is no idle boast, because the gun lobby has over the past several years generated literally millions of communications of all kinds to Members of the Senate and the House.

From my own experience, from conversations with fellow Senators and from independent surveys that have been conducted by members of the press, I am convinced that the mail which our offices have received on this one issue far exceeds the mail generated by any other issue before the Senate.

I can understand the concern of Senators who receive thousands of letters and telegrams from the people of their State opposing this legislation, while hearing hardly at all from those who support it. But this imbalance seems to be in the nature of things in this country.

As a rule, those "agin" something have the fanaticism and technique and the facilities to inundate congressional offices. Those who are "for" something just do not seem to bother to write, wire, or get in touch with their representatives in Congress.

In a recent article in the New Yorker magazine, an unnamed Western Senator is quoted directly in the following terms.

> I'd rather be a deer in hunting season than a politician who has run afoul of the N.R.A. crowd. Most of us are scared to death of them. They range from bus drivers to bank presidents, from Minutemen to four-star generals, and from morons to geniuses, but they have one thing in common: they don't want anyone to tell them anything about what to do with their guns, and they mean it.

I ask the question: How much does the gun lobby really represent?

As I have pointed out, repeated public opinion polls since 1959 show that the overwhelming majority of the American people have consistently supported the enactment of gun control legislation, including the specific provisions of the legislation which I now propose again.

The fact is clear that the gun lobby, with all the hundreds of thousands of letters that it has been able to generate, does not speak for the American people—and history will so record.

The fact is, further, that the gun lobby does not even speak for a majority of American gun owners because, according to the most recent poll, 65 percent of all gun owners favor some form of gun control legislation.

For whom, then, does the gun lobby speak?

At the best it speaks for a very small, but terribly misguided minority, who do not really know what the gun bill is about.

Many of them are decent people. They do not understand what the gun bill is all about. They do not know what it is about because of the simple fact that they have been persistently misled by a handful of reckless and unscrupulous men who are in a position to mold public opinion in this very limited sector of the American community.

The misrepresentations and the lies about the gun bill have been repeated over and over again by the officials of the National Rifle Association and by the editors of the several most militant gun magazines, until they have achieved the status of dogma in the gun community.

But despite this, it is my conviction that the great majority of those Americans who have sent letters or telegrams to their legislative representatives opposing the gun bill, would support my legislation if they really understood it.

I make this statement from personal experience, because I have on some occasions in recent years been called upon to address audiences the majority of whom were critical of my bill. But their attitude changed immediately when they understood why this legislation was necessary, and what it does and what it does not do. In each case, members of the audience would come up and tell me that they really had not understood the gun bill was about and that my presentation had succeeded in changing their minds about it.

I remember one occasion in my State when I met with a sizable group of sportsmen. I presented the facts about this legislation. One fierce little man in the front stood up and said, "Now, Senator, tell us about the secret provisions of your bill."

That is the sort of thing we are up against in trying to get reasonable legislation.

And so, in appealing for the enactment of this legislation, I want to appeal in the first instance to the hundreds of thousands of decent, law-abiding, patriotic citizens who have written in to oppose the gun bill because they believed the lies and misrepresentations and distortions that have been broadcast about it.

The NRA and the other members of the gun lobby have charged repeatedly that my legislation calls for gun registration.

They keep telling that lie over and over and over again. But the word "registration" is not anywhere in the legislation, and NRA propagandists know it as well as I do.

I am not saying that it would not be wise to have it in. But I did not propose it, because it was a tough enough fight to get even this modest legislation to the floor. Still, the gun lobbyists go on lying about registration when they know it is not anywhere in the legislation.

So, again I say, the decent people, the patriotic people, sportsmen, and others, should take the time to study this bill and find out what it is all about.

The NRA has implied in its propaganda that the legislation would impose discriminatory or punitive taxes or fees on the purchase or ownership of firearms.

But again the fact is that there is no such provision in any of the legislation that has been considered in recent years.

The most that can be said for that lie is that this bill would increase the license fee from the ridiculous sum of $1 to $10, except for the first year—and it ought to be more than $1. The consequence of having the fee fixed at $1 is that every fly-by-night can call himself a licensed gun dealer, whether he has a place of business or not.

The editors of Guns & Ammo have sought to frighten sportsmen, gun collectors, and gun merchants with this blanket description of the intent of the act:

> If you, as a collector, hunter, target shooter, gun dealer, gunsmith, or small manufacturer, wish to lose your rights to own guns, to go hunting, target shoot, deal in firearms, read no further. This bill will ultimately confiscate your guns—

Think of that: "Confiscate your guns"—

> make it impossible for you to hunt or stay in business.

But thousands and thousands of people have read this statement and, I suppose, thought it was true.

Not a word of this is true. There is not a single sentence in this legislation that could possibly be construed as imposing any restrictions on hunters or target shooters or collectors.

Some of the critics of the bill have charged that it would prevent nonresidents from bringing firearms into the State for hunting purposes. Again, there is not a shred of truth to this allegation.

Finally, some of the more reckless critics of the gun bill have charged that it is all a part of a Communist plot to disarm the American people so that the Communists can take over and impose their dictatorship. Registration, they say, leads to confiscation, and confiscation, in turn, makes a Communist takeover easier.

Not only is there not a word about "confiscation" in the legislation, but to anyone who knows anything about the history of Communist takeovers, this argument is the worst kind of nonsense.

Virtually every mountaineer in Albania had an unregistered gun before the Communists took over in their country. But that did not prevent the Communists from taking over.

On the other hand, the Swiss are a nation of sportsmen and gun lovers who for decades now have practiced the strictest kind of registration. But registration has not led to confiscation—and Switzerland remains one of the most stanchly anti-Communist countries in Europe.

I suppose it is idle to dwell on this argument about passage of reasonable gun control legislation helping the Communists, but, unfortunately, there must be people who believe it. I quote it only because it is characteristic of the irresponsible campaign of propaganda and lies against this sensible measure.

If the gun lobby were to carry this argument to its logical conclusion the first measure they would have to take would be to destroy the entire membership list of the National Rifle Association and the subscription lists of the dozen or more gun magazines. For if a Communist regime were ever to take power in this country, it could, by impounding these various lists, instantly be able to compile a nationwide master list of the names and addresses of gun owners.

To my recollection, none of my colleagues has argued, as has much of the far-out mail received in my office, that the enactment of a gun bill would pave the way to a Communist takeover in our country.

But they have argued that the proscriptions contained in the measure are too severe.

Among other things, they cite the so-called inconvenience factor, arguing that a ban on the interstate mail-order sale of firearms would impose undue hardship on farmers and ranchers who may live far from any gun store and who find it more convenient to order their guns through the mail.

Even if the inconvenience factor were a reality, I would still say that the saving of thousands of human lives is far more important than any inconvenience that might be suffered by the relatively small number of farmers and ranchers who do not have ready access to gun stores in the communities in which they do their customary shopping.

But the fact is that the so-called inconvenience factor is a myth.

The fact is that under the proposed legislation isolated farmers and ranchers would still be able to order handguns, as well as rifles and shotguns, through the mails. The only difference is that they would have to order their handguns from firms operating in their respective state, and I do not believe there is a State in this Union that does not have such an outlet. If there is, I do not know about it. They can order from Sears, Roebuck; they can order from Montgomery Ward—and I do not make a point of selecting those two. There are others, I know. My point, Mr. President, is that there are outlets in every State.

I know it is going to be a little inconvenient—just a little inconvenient. But it is inconvenient to have to buy an automobile license. It is inconvenient to pay taxes. We all suffer many little inconveniences in order to achieve a better ordered society, and to save lives and curb crime.

Some of the opponents of the bill—the more reasonable and sensible ones—have also argued that it is not guns that kill people, but the criminals behind the guns. And they have further argued that, criminals being what they are, they will succeed in obtaining weapons despite any laws which we may enact.

The basic fallacy in this argument is it lumps all gun criminals together in a single criminal category.

It may be true that the hardened criminal, the so-called professional, will succeed in obtaining weapons no matter what laws we may pass. But the great majority of those involved in gun crimes are not professional criminals. They are, on the contrary, amateur criminals, some of them one-time offenders, some of them "hopped-up" juveniles involved in their first breach of the law.

In the case of these amateur criminals, it is frequently the weapon that kills rather than the criminal himself. The professional criminal—and I have known some, I have spent some part of my life in criminal work—will not attempt to hold up an old man for the paltry few dollars he may have in his pocket, and then, if he encounters any resistance, panic and fire. He does not operate that way.

But every year there are hundreds of murders perpetrated in precisely this way by amateur criminals—by kids, youngsters, and juveniles.

Criminologists will also confirm that the juveniles and amateur criminals who are responsible for most of our armed robberies are frequently encouraged to a career of felony by the possession of firearms. It would require a particularly coldblooded type of criminal to attempt to hold up a bank or store armed only with a knife. But a holdup becomes a terrifyingly simple business whenever a gun finds its way into the hands of a rebellious juvenile or a mentally unbalanced individual or an amateur criminal.

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I ask the question: How much does the gun lobby really represent?

As I have pointed out, repeated public opinion polls since 1959 show that the overwhelming majority of the American people have consistently supported the enactment of gun control legislation, including the specific provisions of the legislation which I now propose again.

The fact is clear that the gun lobby, with all the hundreds of thousands of letters that it has been able to generate, does not speak for the American people—and history will so record.

The fact is, further, that the gun lobby does not even speak for a majority of American gun owners because, according to the most recent poll, 65 percent of all gun owners favor some form of gun control legislation.

For whom, then, does the gun lobby speak?

At the best it speaks for a very small, but terribly misguided minority, who do not really know what the gun bill is about.

Many of them are decent people. They do not understand what the gun bill is all about. They do not know what it is about because of the simple fact that they have been persistently misled by a handful of reckless and unscrupulous men who are in a position to mold public opinion in this very limited sector of the American community.

The misrepresentations and the lies about the gun bill have been repeated over and over again by the officials of the National Rifle Association and by the editors of the several most militant gun magazines, until they have achieved the status of dogma in the gun community.

But despite this, it is my conviction that the great majority of those Americans who have sent letters or telegrams to their legislative representatives opposing the gun bill, would support my legislation if they really understood it.

I make this statement from personal experience, because I have on some occasions in recent years been called upon to address audiences the majority of whom were critical of my bill. But their attitude changed immediately when they understood why this legislation was necessary, and what it does and what it does not do. In each case, members of the audience would come up and tell me that they really had not understood the gun bill was about and that my presentation had succeeded in changing their minds about it.

I remember one occasion in my State when I met with a sizable group of sportsmen. I presented the facts about this legislation. One fierce little man in the front stood up and said, "Now, Senator, tell us about the secret provisions of your bill."

That is the sort of thing we are up against in trying to get reasonable legislation.

And so, in appealing for the enactment of this legislation, I want to appeal in the first instance to the hundreds of thousands of decent, law-abiding, patriotic citizens who have written in to oppose the gun bill because they believed the lies and misrepresentations and distortions that have been broadcast about it.

The NRA and the other members of the gun lobby have charged repeatedly that my legislation calls for gun registration.

They keep telling that lie over and over and over again. But the word "registration" is not anywhere in the legislation, and NRA propagandists know it as well as I do.

I am not saying that it would not be wise to have it in. But I did not propose it, because it was a tough enough fight to get even this modest legislation to the floor. Still, the gun lobbyists go on lying about registration when they know it is not anywhere in the legislation.

So, again I say, the decent people, the patriotic people, sportsmen, and others, should take the time to study this bill and find out what it is all about.

The NRA has implied in its propaganda that the legislation would impose discriminatory or punitive taxes or fees on the purchase or ownership of firearms.

But again the fact is that there is no such provision in any of the legislation that has been considered in recent years.

The most that can be said for that lie is that this bill would increase the license fee from the ridiculous sum of $1 to $10, except for the first year—and it ought to be more than $1. The consequence of having the fee fixed at $1 is that every fly-by-night can call himself a licensed gun dealer, whether he has a place of business or not.

The editors of Guns & Ammo have sought to frighten sportsmen, gun collectors, and gun merchants with this blanket description of the intent of the act:

> If you, as a collector, hunter, target shooter, gun dealer, gunsmith, or small manufacturer, wish to lose your rights to own guns, to go hunting, target shoot, deal in firearms, read no further. This bill will ultimately confiscate your guns—

Think of that: "Confiscate your guns"—

> make it impossible for you to hunt or stay in business.

But thousands and thousands of people have read this statement and, I suppose, thought it was true.

Not a word of this is true. There is not a single sentence in this legislation that could possibly be construed as imposing any restrictions on hunters or target shooters or collectors.

Some of the critics of the bill have charged that it would prevent nonresidents from bringing firearms into the State for hunting purposes. Again, there is not a shred of truth to this allegation.

Finally, some of the more reckless critics of the gun bill have charged that it is all a part of a Communist plot to disarm the American people so that the Communists can take over and impose their dictatorship. Registration, they say, leads to confiscation, and confiscation, in turn, makes a Communist takeover easier.

Not only is there not a word about "confiscation" in the legislation, but to anyone who knows anything about the history of Communist takeovers, this argument is the worst kind of nonsense.

Virtually every mountaineer in Albania had an unregistered gun before the Communists took over in their country. But that did not prevent the Communists from taking over.

On the other hand, the Swiss are a nation of sportsmen and gun lovers who for decades now have practiced the strictest kind of registration. But registration has not led to confiscation—and Switzerland remains one of the most stanchly anti-Communist countries in Europe.

I suppose it is idle to dwell on this argument about passage of reasonable gun control legislation helping the Communists, but, unfortunately, there must be people who believe it. I quote it only because it is characteristic of the irresponsible campaign of propaganda and lies against this sensible measure.

If the gun lobby were to carry this argument to its logical conclusion the first measure they would have to take would be to destroy the entire membership list of the National Rifle Association and the subscription lists of the dozen or more gun magazines. For if a Communist regime were ever to take power in this country, it could, by impounding these various lists, instantly be able to compile a nationwide master list of the names and addresses of gun owners.

To my recollection, none of my colleagues has argued, as has much of the far-out mail received in my office, that the enactment of a gun bill would pave the way to a Communist takeover in our country.

But they have argued that the proscriptions contained in the measure are too severe.

Among other things, they cite the so-called inconvenience factor, arguing that a ban on the interstate mail-order sale of firearms would impose undue hardship on farmers and ranchers who may live far from any gun store and who find it more convenient to order their guns through the mail.

Even if the inconvenience factor were a reality, I would still say that the saving of thousands of human lives is far more important than any inconvenience that might be suffered by the relatively small number of farmers and ranchers who do not have ready access to gun stores in the communities in which they do their customary shopping.

But the fact is that the so-called inconvenience factor is a myth.

The fact is that under the proposed legislation isolated farmers and ranchers would still be able to order handguns, as well as rifles and shotguns, through the mails. The only difference is that they would have to order their handguns from firms operating in their respective state, and I do not believe there is a State in this Union that does not have such an outlet. If there is, I do not know about it. They can order from Sears, Roebuck; they can order from Montgomery Ward—and I do not make a point of selecting those two. There are others, I know. My point, Mr. President, is that there are outlets in every State.

I know it is going to be a little inconvenient—just a little inconvenient. But it is inconvenient to have to buy an automobile license. It is inconvenient to pay taxes. We all suffer many little inconveniences in order to achieve a better ordered society, and to save lives and curb crime.

Some of the opponents of the bill—the more reasonable and sensible ones—have also argued that it is not guns that kill people, but the criminals behind the guns. And they have further argued that, criminals being what they are, they will succeed in obtaining weapons despite any laws which we may enact.

The basic fallacy in this argument is it lumps all gun criminals together in a single criminal category.

It may be true that the hardened criminal, the so-called professional, will succeed in obtaining weapons no matter what laws we may pass. But the great majority of those involved in gun crimes are not professional criminals. They are, on the contrary, amateur criminals, some of them one-time offenders, some of them "hopped-up" juveniles involved in their first breach of the law.

In the case of these amateur criminals, it is frequently the weapon that kills rather than the criminal himself. The professional criminal—and I have known some, I have spent some part of my life in criminal work—will not attempt to hold up an old man for the paltry few dollars he may have in his pocket, and then, if he encounters any resistance, panic and fire. He does not operate that way.

But every year there are hundreds of murders perpetrated in precisely this way by amateur criminals—by kids, youngsters, and juveniles.

The professional criminal, sad to relate, is frequently a man of better than average intelligence. The amateur criminal, on the other hand, is, more frequently than not, a person of inferior intelligence and inferior initiative who would find it very difficult to obtain a gun for himself if the law placed a few obstacles in his way, instead of making it so incredibly easy to obtain weapons of all kinds, singly or in wholesale quantities.

Again I say, Mr. President, the thing that makes the gun so deadly a weapon, especially in the case of the amateur criminal, is that it is so terrifyingly easy to kill with a gun. As any psychiatrist can confirm, it requires far less psychological effort to stand back at a distance and simply pull a trigger than it does to plunge a knife into another man's body. Because of the terrible ease with which guns can be used, it is true in countless cases of murder and aggrevated assault that it is not the finger that pulls the trigger, but the trigger that pulls the finger.

The opponents of the gun bill have also argued that there is no firm evidence that stricter control over the sale of firearms would effectively reduce the incidence of crimes of violence. I do not understand this argument. I simply do not understand it, because in making it, they fly full in the face of every statistic, national and international.

Surely there is an unchallengeable lesson to be derived from the fact that those countries that have tight regulations governing the sale and possession of firearms, have far lower crime rates than we have; and from the further fact that, in our own country, those States that have tight gun laws suffer from far fewer murders and other gun crimes, per 100,000 people, than those States that have no gun laws or ineffective gun laws or none at all, or practically none.

Mr. President, I want to make it perfectly clear that I do not claim that enacting a Federal gun law will curb all gun crimes overnight or, for that matter, at any time in the foreseeable future. But I do maintain that we can make substantial inroads into this problem and we can curtail it dramatically, I believe, so the future generations will not be victimized by the mail order gun murderer, or by the street robber who obtained his Saturday night special in a store just over the State line.

The facts that the Juvenile Delinquency Subcommittee have compiled over the last 6 years have convinced me of the need for the controls called for in title IV. I can only hope I will be able to convey to the Senate the terrible urgency of the need.

There are stronger voices that will be speaking on this matter later, but I would like to outline briefly for the RECORD the provisions of title IV.

Generally speaking, they are comprehensive and detailed, as they must be if they are to be effective.

I realize that some of the provisions are also controversial. But controversy is inescapable when we are charting a new course for effective Federal control.

Acknowledging this, I am convinced that the legislation now before us is neither unreasonable nor imprudent. It would, indeed, be imprudence of the worst kind to attempt to do less.

Let me now take each major provision of my legislation and explain why it is needed, what its intent is, and what its impact will be.

1. THE PROHIBITION OF THE INTERSTATE MAIL-ORDER SALE OF HANDGUNS

First, title IV would prohibit the interstate mail order sale of all firearms other than rifles and shotguns to nonlicensed individuals.

At the present tme, as I have tried to point out, any person, no matter what his age or what his background can purchase firearms, singly or in quantity, by the simple device of filling out a coupon and sending it in to a mail-order house.

The following facts, I believe, document the need for the mail-order proscriptions in the bill.

Testimony before the subcommittee in 1965 proved that of 4,069 Chicago mail order gun consignees from just two dealers, 948 had prior criminal records which would have precluded them from purchasing weapons in that city. Thus, a significant number of criminals, one quarter of the total number of mail order consignees, received mail-order guns. The criminal careers of these consignees run the gamut of serious crimes, including murder.

The attorney general of New Jersey told the subcommittee, in a survey of mail-order gun recipients in his State, that 40 percent of the guns sold in this manner were sold to persons without permits, a requirement of New Jersey law that was ignored. Further, he indicated that in 44 percent of the cases where permits were not issued, the person had a prior criminal record.

Additional testimony by witnesses from Philadelphia, New York, Atlanta, St. Louis, Los Angeles, and the State of California, attested to the circumvention of their laws by the interstate traffic in mail-order guns.

In addition to the testimony of witnesses, the subcommittee obtained further documentation of this problem through independent investigations and inquiries.

We found that 25 percent of the mail-order gun recipients in the District of Columbia had criminal records prior to the time of ordering and receiving mail-order guns.

In Indiana, 10 percent of the consignees had prior criminal records.

In Connecticut, 13 percent of them had such records.

And so it goes across the Nation.

The statistics, in themselves, may be cold and undramatic.

It might help to inject a bit more meaning into them if we pause to visualize a few of the cases in this category of death by mail order—the killing of a 14-year-old boy in Virginia, the slaughter of an entire family in suburban Baltimore, a double murder of a mother and son in Massachusetts, or a slain President, all prematurely and brutally cut down with mail-order guns.

2. THE PROHIBITION OF HANDGUN SALES TO NON-STATE RESIDENTS

I now turn to the second major section of title IV which will prohibit the over-the-counter sale of all firearms other than rifles and shotguns to nonresidents of any given State.

This is a serious area of criminal abuse of firearms. Perhaps the most thorough inquiry ever undertaken into the sources of guns used in crimes across the country concerns this very problem.

During the subcommittee's 1965 hearings on Federal gun control legislation, the commissioner of public safety of Massachusetts referred to what is undoubtedly the most completely documentation at the State level of just where and how criminals obtain firearms. He testified that over a 10-year period, the Massachusetts State Police had traced 87 percent of the 4,506 guns that had been used in the commission of crimes in his State to purchases made outside of Massachusetts. Massachuetts requires that a permit be obtained to purchase handguns. But this law was rendered useless and futile because of the ready availability of guns in neighboring States with no guns laws.

One Massachusetts criminal bought nine snub-nosed revolvers in a neighboring State, using a fictitious name each time. Subsequently two of the guns were found in the possession of George McLaughlin, one of the FBI's 10 most-wanted criminals.

Another case concerned a 16-year-old youth, who traveled to another State, which I shall not identify, and he bought three handguns and then sold them to youths who used them in crimes in the greater Boston area.

Should the laws of the States be contravened and abused in this manner? I leave the answer to Senators. Is this fair? Is this right? Is this intelligent?

Why, it makes a mockery of State control of firearms, and, for that matter, of State rights in general.

We know of a similar situation in Detroit, Mich. Just 1 week prior to the rioting which ravaged that city in July of 1967, the prosecuting attorney of Wayne County, which includes Detroit, testified before the subcommittee relative to gun control legislation.

He stated that 90 of every 100 guns confiscated by the Detroit police from lawbreakers are not registered in Detroit. This means that these firearms were not purchased in Detroit, or, for that matter, in the State of Michigan. The laws of that State require that a permit be obtained to purchase a handgun and that such sales be registered.

The prosecuting attorney said that the majority of these unregistered guns were traced to purchasers in a nearby city in a neighboring State which appears to serve as the unofficial armory for Detroit's gun-toting citizens. In this State, by the way, gun controls are nonexistent.

Subsequent to the Detroit disturbances, the subcommittee compiled the case histories of those persons who had been arrested on gun charges during the rioting. Their arrest records prove that many of them who had criminal records prior to the rioting had purchased their firearms outside of Detroit and then brought them into Detroit.

Additional witnesses at the subcommittee's hearings testified with regard to the problem of nonresident purchases of crime guns.

Specific instances of persons traveling outside of their residence jurisdiction to buy guns which were then used in crimes of violence "back home" were cited by police officials from Washington, D.C., Los Angeles, and Philadelphia.

The attorney general of New Jersey cited a survey of nonresident purchase of handguns by residents of that State.

Twenty-seven persons using New Jersey addresses purchased 65 handguns in a nearby State. Eight of the purchasers used either fictitious names or addresses. Five used the same fictitious address, and one of them, who purchased 12 of the guns, was found to have a lengthy record for such offenses as robbery, extortion, assault, and attempted rape.

Further investigation into this aspect of the problem by the subcommittee revealed that gun dealers in the suburbs of Washington, D.C., had sold significant numbers of their weapons to residents of the District of Columbia.

One major dealer in the Washington suburbs sold 60 percent of his handguns to residents of the District, 40 percent of whom had criminal records. They were persons who could not buy guns locally because of their criminal background, and they simply took a short bus ride to another jurisdiction, with lax gun laws, and bought their guns there.

No wonder the streets of our Nation's Capital are so unsafe.

Just recently in our Nation's Capital, a convicted felon made several trips to Martinsburg, W. Va., to buy handguns. Over a 3-month period, he bought 43 of them, all of which were foreign made, imported, inexpensive belly revolvers. He illegally sold 30 of the guns to District residents before being apprehended by police, who had been alerted to his activities by authorities in West Virginia.

The testimony repeatedly proved the ease with which any criminal could purchase guns utilizing interstate sources. The examples of abuse that I have cited are typical of a nationwide situation which can only be called scandalous and shameful.

Clearly, the nonresident purchase of handguns is a serious problem facing law enforcement and one which contributes significantly to our spiraling crime rate.

The bill now before us would prohibit this illicit activity I have described.

Yet, the impact of this provision on the law-abiding and responsible citizens would be small. He would have to buy his handguns, pistols and revolvers, in his home State. And he could simply note the make and model and order it through his local dealer.

The impact on the criminal community, however, in particular on the low-grade amateurs who constitute the great majority of this community, would be considerable. If these provisions were rigidly enforced, there is every reason to hope that many of these amateur criminals, as I describe them—these doped-up kids, these first offenders who get into bad company—would be deprived of easy access to guns. And if they did not succeed in finding weapons for themselves, the chances are that they would be discouraged from further pursuing their criminal career.

Firearms controls at the State level can never be effective until this interstate source of firearms for criminal purposes is curbed.

3. THE PROHIBITION OF HANDGUN SALES TO MINORS

The third major provision of title IV would prohibit federally licensed dealers from selling firearms other than rifles and shotguns to persons under 21 years of age.

This provision it is obvious will help curtail the misuse of firearms by minors, which we know is a problem of serious proportions and one which is increasing each year.

In 1966, minors under the age of 21 years accounted for 35 percent of the arrests for the serious crimes of violence, including murder, rape, robbery, and aggravated assault.

Twenty-one percent of our arrestees for murder in 1966 were under 21.

For robbery it was 52 percent and for aggravated assault, 28 percent.

Law enforcement authorities agree almost to a man that we can significantly reduce crimes of violence by our young people by making it more difficult for those who are crime-prone to obtain handguns.

The measure I am proposing calls for the outright prohibition of the sale of firearms other than rifles and shotguns to anyone under 21.

How would this provision affect responsible Americans?

At the most, it could cause minor inconveniences to certain youngsters who are mature, law abiding, and responsible, by requiring that a parent or guardian over 21 years of age make a handgun purchase for any person under 21.

I know that there are some youngsters under the age of 21 who are more mature than others. However, I do not know any way to legislate fairly in this area except to require that, if they are going to have a handgun, the parent or guardian must buy it for them. That is what we try to do in this bill.

But, I believe that, if a young man or woman decides to purchase a handgun, their parent or guardian should be aware of the purchase and should approve of it.

I do not believe that the requirements of this bill are unreasonable, especially in light of the continuing increase of crimes of violence by persons under 21 years of age.

4. REQUIREMENT OF IDENTIFICATION

The fourth major provision of title IV requires that all purchasers of firearms from Federal licensees be required to identify themselves by name, address and age. This does not seem to me to be very much to ask.

This is certainly not too much to ask, in view of the fact that all people are required to establish their identity, by producing a driver's license or draft card or some other document of this nature, on many occasions—for example, when they make purchases by check. He would be required to identify himself.

Title IV also provides that the licensee would have to record the identity of the purchaser and maintain this record in his files. I say that this, too, is a very mild requirement and a very simple matter.

At present, the Federal Firearms Act does not require positive identification of the purchasers of firearms from licensees. This is a shortcoming which has been documented in the subcommittee's hearings.

The use of fictitious names, addresses, and ages has been utilized on countless occasions by juveniles and criminals who want to purchase guns anonymously.

We need look no further than the assassination of President Kennedy to show just how easy it was for Lee Harvey Oswald to obtain his mail-order rifle under fraudulent circumstances. That is the most tragic and unforgettable incident of its kind, but believe me, there have been many, many more.

Other examples come readily to mind.

There was the case involving the purchase of two Lahti antitank guns by a gang of bank robbers who used them to blast open the safe at the Brinks Co., in Syracuse, N.Y.

There was the case of the two Los Angeles police killers who bought guns under fictitious names in Nevada.

There was the case of a New York felon who purchased 12 guns in Maryland using a New Jersey address.

There was the Boston criminal who traveled through New Hampshire buying guns under fictitious names.

And so on, ad infinitum.

By providing for this elementary measure of control, this measure would not only give us an enforceable law, but a law that would be tremendously helpful to law enforcement in general, in every State in the Union.

5. THE LICENSING OF MANUFACTURERS, IMPORTERS, AND DEALERS

The fifth major provision of title IV requires that all dealers, manufacturers, and importers of firearms, destructive devices, and destructive device ammunition be licensed.

Virtually all dealers today are federally licensed, but this provision would serve to make licensing universal.

Beyond this, it establishes certain minimum standards that must be met by applicants for licenses. Under the Federal Firearms Act, the standards established for the granting of licenses are, at the best, nominal; at the worst, meaningless. For example, there is no established age requirement in the Federal Firearms Act. It does not even require that the applicant be in the firearms business. The license fee is now $1 for dealers and only $25 for manufacturers.

Under the provisions of title IV, and applicant for a Federal license would have to be 21 years of age.

He could not be a felon or a fugitive—which is also a requirement of existing law.

He would be required to have a place of business, and assurance would have to be given that he, in fact, intended to begin his business operations during the term of the license applied for. Certainly, these are reasonable things to ask.

An applicant for a dealer's license would be required to pay an initial fee of $25 to partially defray the costs of investigation, and an annual renewal fee of

$10 to cover the administrative expense of processing and issuing renewals.

A manufacturer or importer applying for a license would be required to pay an annual fee of $500. I think that is not too much for a person who is in the business of importing or manufacturing firearms.

Now, it has been insidiously inferred that I am in some kind of "cahoots" with the gun manufacturers in Connecticut, where, I believe, we have 10 out of 80 manufacturers in the country. But the fact is that not a single one of the gun manufacturers in Connecticut is for my proposal.

The gun lobby has misrepresented my bill in a hundred different ways. I am used to lies. But I particularly resent the lie being peddled around that I am out to help the Connecticut gun manufacturers when, down to the last man, they oppose my proposal.

Fees for dealers, manufacturers, and importers of destructive devices—and these, in my judgment, are the worst of all—would be set at $1,000 annually.

Fees for pawnbrokers desiring to be licensed would be set at $250 on an annual basis.

For the record, I am frank to say that this last is a somewhat arbitrary figure. I do not say that all pawnbrokers are crooked. But the best advice we could get from the law enforcement people was that the figures should be somewhere in this area. Perhaps there is a reason for setting the higher licensing rate on that kind of business. In any event, I do not make a big thing of it. If pawnbrokers are properly controlled in the area in which they exist, that is not so important.

The intent of the licensing provisions, including the establishing of standards and the setting of reasonable fees, is to insure that only legitimate businessmen, actually engaged in the firearms business or intending to engage in it, can obtain licenses.

Another reason for increasing the licensing provisions is that our subcommittee has documented countless abuses in the licensing area.

For example, it is estimated by the Treasury Department that 25 percent of presently licensed dealers are not, in fact, businessmen, but simply individuals who have secured a $1 Federal dealer's license in order to ship or receive firearms in interstate commerce at substantial discounts or savings to themselves.

Then there are the gun dealers with Federal licenses who deal from the trunk of a car or the back of a truck. We know of one case of a man who traveled around as a gun dealer peddling his wares from a truck in the State of California, after he had driven across the country from Delaware. He was able to do that, because he had a Federal license which he purchased for $1.

Problems like these place a very heavy burden upon our law enforcement officials. Clearly there is need for stronger controls upon the activities of fraudulent dealers in firearms.

My legislation would provide those controls by effectively regulating the Federal licensing of dealers, manufacturers, and importers.

These provisions would not adversely affect the legitimate businessman. They are intended to insure that it is he, and he only, who becomes licensed.

That is what we need in this country—legitimate people in the gun business, and not fly-by-nights who can get a license for $1 and peddle their wares by truckload anywhere in this country. We must get rid of the fly-by-nights, the fringe operators, whom we have come to know during our inquiries. Under the licensing provision of title IV they would be eliminated—and I think they should be.

6. PROHIBITING THE IMPORT OF MILITARY SURPLUS WEAPONS

The sixth major provision of title IV would prohibit the import of military surplus handguns, destructive devices, and other nonsporting handguns. Further, it would regulate the import into the United States of all firearms.

Although this is an area of controversy, I believe that the weight of evidence proves the need for the enactment of import controls.

The first point that must be made is that the United States no longer sells its own surplus arms to the public.

Why, then, should we allow the United States to be the dumping ground for all of the cast-off military arms of the world?

The nations providing the bulk of this surplus armament to international arms traders for import to the United States do not allow the sale of surplus weapons, foreign or domestic, in their own countries.

Second, the bulk of the surplus imports which would be banned under my bill and nonsporting weapons. They are the left-overs from World War I and World War II. Many of them were originally made in the United States and then lend-leased to allies during the wars. They are subsequently imported into this country as parts rather than as assembled firearms, in order to evade the high import duties on assembled firearms.

When imported into the United States, foreign surplus handguns are frequently rebored and rechambered, and converted into snub nose revolvers.

There is no legitimate need for the continued import into the United States of such weapons.

Included in the import ban would be the so-called destructive devices—the bazookas, antitank guns, mortars and other heavy armaments of war. There has been little opposition, I want to note parenthetically, to these control provisions.

I would like someone to tell me, if there is anyone who has that view, what reason there can be for importing a bazooka into this country today. Who would like to live next door to a fellow with a bazooka? I do not know anyone who would like to do that.

Another category of weapon that would be hit by the import ban is the so-called Saturday night special, the inexpensive, easily concealed, .22 caliber pot metal pistols and revolvers, and the blank starter guns.

There have been enough starter guns imported into the United States to equip every high school, college, or other athletic track event for the next hundred years.

Clearly, the bulk of these guns have not been imported for sporting events. They are imported as blank guns, and then rifled barrels are fitted to the frame upon entry into the United States, to be sold eventually on the street corner for $12 or $14, or more, depending on what the traffic will bear.

Let me tell Senators that a rifled barrel starter gun will kill a person as quickly as will a pistol built for that purpose—and such guns have been used for that purpose.

Testimony from law enforcement authorities who appeared before the subcommittee bears this out.

The subcommittee's current inquiry into the background of America's murderers has established that it is the inexpensive, small caliber imported revolver that is used in over half of the murders where identification is made on the gun.

The impact on crime of the import prohibitions in this bill would be substantial. On this point, law enforcement leaders throughout the land are agreed.

The attorney general of South Carolina, the attorney general of California, and the chiefs of police in Atlanta and St. Louis have urged that the traffic in these small caliber handguns be curbed.

The files of law enforcement agencies throughout the country prove that 50 to 80 percent of America's crime guns are foreign imports.

The critics of this provision answer by asking, "If guns are not imported, would not there still be as much murder?" I do not think so, because the price at which these imported weapons can be brought in and sold is so much lower than the price at which a legitimate gun manufacturer or dealer can sell. This makes it much easier for amateurs, low-grade criminals to buy them.

If we seriously intend to curb crime in America, then we must certainly curb the import of surplus firearms, especially surplus handguns.

What impact would these import provisions in my bill have on the American sportsman?

The weapons which would be prohibited are not, by any stretch of the imagination, sporting firearms.

The voice of America's sportsman—to give the National Rifle Association some credit—the National Rifle Association does not even carry advertisements for these Saturday night specials; and, in product evaluation studies, the NRA has dismissed these weapons as inferior.

Military surplus rifles, such as the well-known Enfield and Mauser, which are used by America's hunters, could be imported.

There is certainly no intent in my mind to hinder or interfere with the lawful pursuit of hunting or recreational shooting.

7. THE CONTROL OF DESTRUCTIVE DEVICES

The seventh major provision of this measure would regulate by the most stringent controls the acquisition of the destructive devices, the large caliber armaments of war such as bazookas, antitank guns, and mortars.

I do not feel there is any need to dwell on this matter. I just cannot imagine anybody being in favor of having these deadly, dangerous, useless instruments around.

Today, under present Federal law, an individual may purchase a 20-millimeter antitank gun with the same ease that he would purchase a .22 caliber plinking rifle.

Such tolerance should outrage the sensibilities of all intelligent men. It is simply insane to permit it to go on.

Mr. President, I speak of the situation because it is a specific example of the laxity of present law concerning the regulation of these weapons of mass destruction.

Such weapons, as I say, have been abused by youngsters in California, and also in New Jersey.

Such weapons have been used in robberies, including the virtual blowing up of a Brink's building in Syracuse, N.Y.

This provision is undoubtedly the least controversial in my bill. There has, in fact, been little opposition to placing stringent controls over the acquisition of these weapons. What little controversy there has been involves not the substance of the controls, but just where in the Federal law such controls are to be placed.

I maintain that the destructive devices provisions in my bill are in order, and that they should be placed under the Federal Firearms Act.

The Federal Firearms Act, which title IV amends and strengthens, has, since its enactment in 1938, been the statute of general interstate control of all kinds of firearms.

On the other hand, the National Firearms Act, with its taxing provisions—and that is about all it has—covers only machineguns, sawed-off shotguns and rifles and the so-called gadget guns.

The National Firearms Act does not proscribe the sale or shipment of these weapons to felons or fugitives, but only imposes a transfer tax upon the transfer of such weapons.

All it does is impose a tax. I say, what kind of way is that to deal with sawed-off shotguns, sawed-off rifles, and machineguns?

A tax on them? A pox on them, I say.

Anyone should be punished for having any such a firearm in his possession, and anybody who sells one ought to be punished too, except if it is being put to some legitimate use in the law-enforcement branches of our Government.

It will probably be surprising to those who take the time to read what I have said here today that there is no prohibition in the National Firearms Act against the shipment of these weapons. However, there is a prohibition on the interstate transfer of firearms to felons and fugitives in the present Federal Firearms Act.

If title IV is to become the updated Federal law covering all firearms, then its provisions should clearly include those firearms that are classified as destructive devices.

8. PENALTIES FOR VIOLATIONS

The eighth major provision of this bill calls for increased penalties for violations of its provisions.

At present, the Federal Firearms Act imposes penalties of up to 5 years imprisonment and $2,000 in fines, or both.

It is my view and that of the administration that an increase in these penalties is called for if we are to accomplish the overall goals of the legislation.

In line with this, title IV provides for penalties of up to 5 years imprisonment and $5,000 in fines, or both; and, for certain specified offenses, such as the willful shipment of firearms for felonious purposes, a term of imprisonment of up to 10 years and fines of $10,000, or both.

This concludes my discussion of the major areas of title IV.

I wish now to turn for a moment to the declarations and findings section, for, while it is nonsubstantive, and simply states the problem as determined by the Congress, it is, I recognize, controversial.

This section simply summarizes the committee's findings over the last 6 years.

There is certainly no intention on my part, nor the committee's, to critize America's sportsmen or to lump sportsmen with criminals.

The declarations and findings are a straightforward summary of facts determined to be true by the subcommittee over the last 6 years, and adopted by the full Judiciary Committee in its report.

Furthermore, the section spells out what we believe to be the rights of law-abiding citizens to purchase and own firearms for lawful purposes, and makes it clear that it is not our intention to interfere with those rights.

I believe that this is an accurate reflection of the problem and a factual assessment of the impact of the title's provisions on law-abiding American sportsmen.

While there may be some emotional temptation to strip the bill of its declarations and findings—and I hope there will not be—I see no objective reason for doing so and urge its retention in the measure.

Mr. President, in conclusion, I believe that I have documented a serious problem of gun abuse in this country and I have tried to pinpoint those areas of abuse which the Federal Government has the responsibility to correct through the enactment of proper controls.

I now urge that we consider this legislation upon its merits.

I believe its merits are considerable and that it is preferable to any other gun proposal that the subcommittees and committees of this body have considered since December of 1963.

There is one possible misunderstanding of a procedural nature that I would like to set to rest.

It has been charged that title IV in effect repeals the Federal Firearms Act of 1938 and that, in doing so, it deprives us of the important protection of this pioneering firearms law.

Let me set the record straight on this point.

Title IV does transfer the Federal Firearms Act from one section of the United States Code to another section. But this is a far different matter from "repealing" it.

It transfers it to title 18 of the United States Code, where, I believe, it belongs. That is the criminal code. And we are talking about the criminal misuse and abuse of guns. And if we want to have reasonable control over this traffic, it ought to be under title 18.

I repeat: I do not want to repeal the Federal Firearms Act; I want to strengthen it and put it where it really can be enforced.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. METCALF. Mr. President, the Senator is not talking about repealing the Federal Firearms Act, but is talking about transferring it to the Criminal Code. The Senator is proposing to carry all the provisions of the Federal Firearms Act over into the Criminal Code; so that nothing is actually repealed.

Mr. DODD. The Senator is exactly correct. I am glad that the Senator asked that question. It is very helpful. That is exactly what I am trying to say.

I believe that it ought to be under title 18. I believe that it ought to be strengthened. I do not want to repeal one word of it.

It was simply my wish to transfer the Federal Firearms Act, as modified by title IV, from title 15 of the United States Code to title 18 of the Code, for the simple reason that it properly belongs in the Federal Criminal Code, or title 18 as it is commonly called.

To me it makes sense that a Federal law designed to curb the flow of firearms to criminals, juveniles and other irresponsible elements, and which establishes criminal penalties for its violation, belongs in that portion of the United States Code which contains all of our criminal laws, rather than under title 15, which takes in all the Federal laws pertaining to commerce and trade. This is not basically a problem of commerce and trade. This is a problem of law enforcement and keeping guns out of the hands of criminals and lunatics and children.

Any firearms bill inevitably bears an incidental relationship to trade and commerce. But it is immeasurably more involved with Federal crime and law enforcement.

There is no doubt in my mind that the measure I am now sponsoring is sound morally, sound juridically, sound politically, and sound by every standard against which legislation can be judged.

Nor is there any doubt in my mind that its enactment would be a major victory for the cause of law enforcement, and that it would over the coming years save scores of thousands of Americans from death or maiming at the hands of trigger-nervous criminals, most of them juveniles and low-grade amateurs.

Nor is there any doubt in my mind that the enactment of this legislation would do much to redeem America's reputation in the world community.

It should be a matter of concern for every American that our best friends look with horror upon the violence that is epidemic in our country and upon the easy traffic in guns that contributes to this violence.

That situation does not exist anywhere else in the world.

On this point I would like to quote the recent words of a British journalist by the name of Henry Fairlie, who lives in

Washington and who truly loves our country. This is what he said:

> There is an element of violence in American society which the outsider has to learn to comprehend. History and character cannot be reversed and changed overnight. But this is no excuse for allowing violence such an easy access to the weapons which it not only needs, but which actually encourage it, tempt it, incite it. However much I may love and admire America, its gun laws come near to ruling it out of civilized society.

I appeal to Senators to vote for this measure on the basis of its merits.

I appeal to them not to be misled or cajoled by the scores of thousands of letters and telegrams with which a powerful and highly organized lobby is at present—as in the past—inundating Washington.

I appeal to them to weigh the facts and to weigh the statements of our law enforcement authorities, from Mr. J. Edgar Hoover down.

I appeal for their concurrence in the proposition that the sanctity of human life and the prevention of crime are infinitely more important matters than the negligible inconvenience that our hunters and sportsmen may suffer in consequence of this bill. I appeal especially to the Senators from States in which firearms are commonly used. I know that scores of thousands of decent law-abiding sportsmen have been misled by the propaganda of the gun lobby and I wish to drive this fact home. They have been misled by the National Rifle Association, with its vast membership, and its millions of dollars, and its unscrupulous methods. I wish Senators from the States in question would understand how little the gun lobby really represents and how much they have distorted the facts about this legislation. And most of them would understand it. I am disposed to believe, if they read the bill carefully.

As the Senate knows, the terms of the bill which I originally submitted also applied to rifles and shotguns. In the course of a prolonged committee debate, however, rifles and shotguns were removed from the coverage of title IV, because I could not get that bill through the Senate committee in its original form.

In my opinion, as I said at the time, this was a mistake. My conviction has been reinforced by the fact that, only hours after the committee had voted to approve the measure without long guns, the news came that Martin Luther King had been killed by an assassin armed with a rifle.

Crime statistics prove that long arms are used in more than one-third of all gun murders committed in this country. On top of this, I do not think that anyone can remain unconcerned over the growing role played, in the current epidemic of riots, by rifles in the hands of so-called urban guerrillas, many of them men with criminal records.

It is therefore my hope that title IV will be amended so that its coverage will include shotguns and rifles. This will not be easy, perhaps, because the gun lobby has been so successful in frightening so many decent hunters and sportsmen into believing that, if this title is passed, they will not be able to engage in that sport. But I am nevertheless optimistic that they will support this measure when they know the facts.

They should be on my side. They should be up front fighting for this title, because it protects them as much as it protects the rest of our society. With such an amendment, title IV would closely parallel the gun control legislation which I introduced in 1966 on behalf of the administration.

My final appeal to Senators is that they vote for an adequate measure, that they vote for a strong measure, that they vote for title IV in its strongest possible form.

I urge them not to miss the opportunity that now presents itself, because, if the past is any guide to the future, and if we fail to enact an adequate measure in this session, it may be another several decades before Congress again gets around to dealing with this problem, so vital to the enforcement of our laws and tranquility of our society.

One of this Nation's most distinguished lawyers, Edward Bennett Williams, who is from my State, and of whom we are very proud, delivered a speech last week at Georgetown University Law School, and I quote part of what he said:

> We must at long last get Congress to stop cowering before the gun lobbies. As long as there is no effective gun control legislation in this country, violence will be so much the harder to contain.
>
> When the Congress gets the courage to stand up to the National Rifle Association, it will have taken its first significant step toward the suppression of violence in the cities.

Thus spoke one of the ablest and most experienced lawyers in our Nation, a man whom I am proud to call my friend and my neighbor.

It was a statement which, I know as a certainty, reflects the thinking of the overwhelming majority of our citizens, including our gun owners.

It was a statement which, I am equally certain, reflects the thinking of virtually all of our law-enforcement authorities.

It was a statement which would be endorsed by the hundreds of newspapers which have called editorially for stringent gun control legislation, and which, as I have pointed out, represent between them more than 90 percent of the total newspaper circulation in this country.

I now propose that, in addressing ourselves to this measure, we do our duty as the elected representatives of the American people.

Historically, every time a solid, workable proposal is made to control the sale of firearms to criminals, assassins, juveniles, and mentally disturbed individuals, the same self-styled keepers and interpreters of the Constitution drag out the same basketful of shopworn arguments which they use to befuddle the public, boggle Congress, and kill the proposed legislation.

They have succeeded admirably. Until now, for the last 30 years not a single piece of substantive firearms legislation has gotten to the floor of the Senate for debate.

And in those 30 years, the criminal, the assassin, the juvenile, the sniper, those previously known as mental patients, and certified madmen have gone on their merry way, killing and maiming, oblivious to whom they owe so much for their license to buy what firearms they will to vent their rage.

They are probably not aware that a powerful lobby made up of misled sportsmen, who have been fed a steady diet of distortion and misinformation on firearms laws and the need to advance these laws beyond the cowboy and Indian, horse and buggy requirements of a generation ago, is responsible for the great fireams freedom that they enjoy.

I am periodically bombarded with letters from "sportsmen" and "sporting groups." It is clear to me that those who wrote the letters are unsure of themselves. They are scared.

Many, for example, speak of "guns for home protection" in the event law and order breakdown, not realizing that much of their argument is the result of the gunrunners exploiting fear during a time of civil unrest, and suggesting a gun in every home as a solution. When a person is scared and unsure of himself, he should not be handling a gun.

I have received thousands of such letters. And a common thread runs through them all. That thread is fear. The gunrunners discovered it long ago. And they have exploited it. This year the biggest domestic sales of arms in our history will be recorded.

That is the effect that can be had by a powerful, well-financed, well-organized lobby.

Mr. President (Mr. BURDICK in the chair), there is a tendency to forget that the gun lobby is only a relatively small group, and that it depends on terror for its success. It moves its membership to write letters to legislators, newspapers, and Congressmen by telling them falsely the law threatens to take away their firearms. Nothing could be further from the truth. It plays on their fear.

The members try to intimidate the Congressmen by threatening to vote against them at election time.

As I said earlier, I come from one of the largest gun-manufacturing States in the Union and the gun people in my State are not for me, or at least none of them that I know of. They work very hard against me.

It interested me and comforted me that one of those large gun-manufacturing companies allowed me to go through its plant when I was home the last time. I was fearful about it, and I did not know how I would be treated. The men and women at the benches were on my side. I received a heartwarming reception. I was told, "Do not be afraid of the gun lobbies. Do not let them frighten you out of what you know is right."

Yes; it is basically a system built on terror.

And remember, at all times, this small group, motivated and financed by the self-interest of the gunrunners, is the one who has succeeded in opposing laws that most of America wants, to disarm the criminal, and those similarly unqualified to go about armed to the teeth.

Well, then, who are those who want good laws, who want the wide-open sale of firearms to criminals halted, who are sick at the thought of Americans arming against Americans, laying in stockpiles of weapons and ammunition for the long hot summer?

Recent editions of the CONGRESSIONAL RECORD are replete with public opinion polls showing that more than 70 percent of the American public are in that group.

I have never seen a legitimate public opinion poll, regardless of how the question was drawn, in which the public demand for tougher firearms laws dropped below 65 percent.

Hundreds of editorials, from both newspapers and broadcasters, have been spread on this record demanding congressional action to toughen Federal laws, at least to the point where criminals and others likely to use them on the spur of the moment cannot put together arsenals with which to prey on the public.

The Subcommittee on Juvenile Delinquency has taken thousands of pages of testimony on the need for firearms laws.

And in that testimony, law-enforcement officers at every level and from every part of the country asked for the kind of a Federal law that would be workable, effective in dealing with the interstate traffic in firearms, and a law which will penalize the criminal.

Responsible law enforcement universally supports the firearms amendment I have attached to S. 917, now known, and under debate here, as title IV of the omnibus crime bill.

There is no other legislation now before the Senate that has such support from law enforcement.

It is title IV which they most favor, and if they could work their will on this Congress they would include rifles and shotguns in its provisions.

Attorney General of the United States, the Honorable Ramsey Clark, when he testified before this subcommittee last summer, favored the legislation, and said so repeatedly though he considered it minimal. Much of his testimony was based on the considerable experience of the Federal Bureau of Investigation and its Director, J. Edgar Hoover.

Mr. Hoover himself has repeatedly asked for a stronger firearm law, a law tougher and more comprehensive than the one now under consideration here.

As recently as April 23, 1968, Deputy Attorney General Warren Christopher, speaking again for the Justice Department, strongly endorsed title IV and noted that Justice would prefer a bill including rifles and shotguns. Such a law would be "of material assistance to the States in the discharge of their responsibilities."

I ask that the full text of Mr. Christopher's letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
Washington, D.C., April 23, 1968.

Hon. THOMAS J. DODD,
Chairman, Subcommittee on Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR DODD: Pursuant to your request, and that of Senator Tydings, we have examined the firearms amendment offered by you and accepted by the Senate Judiciary Committee at its last meeting on S. 917.

Basically, the amendment embodies the provisions of Amendment 90 to S. 1 except with respect to long guns. Amendment 90 prohibited the interstate mail order sale of long guns; the current amendment does not. Amendment 90 prohibited the sale of long guns to persons under 18 years of age; the current amendment does not. The two versions are otherwise, with minor differences, virtually identical. Both versions specifically provide against any adverse impact on State law.

As with Amendment 90, the current amendment does not require the registration or licensing of rifles, shotguns, or other firearms, nor is it directed to the possession or lawful use of long guns.

The Department continues to believe that Amendment 90 is the legislation which should be enacted. If, however, the Congress is of the view that the proposed exemptions for long guns should be adopted, this amendment is technically sound for accomplishing that purpose. Consequently, while this amendment does not cover all categories of firearms which we believe should be covered, it is constructive legislation which should be of material assistance to the States in the discharge of their responsibilities.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

WARREN CHRISTOPHER,
Deputy Attorney General.

Mr. DODD. Mr. President, the International Association of Chiefs of Police, without question the most renown, most respected association of police officials in the world has repeatedly sought a better Federal firearms law.

In a letter I received recently from Mr. Quinn Tamm, executive director of the association, Mr. Tamm said:

> Our Association feels that there must be legislation enacted which will be effective in stemming the easy access to firearms by individuals to whom such weapons should be restricted.

This group, too, asks that rifles and shotguns be put back into this bill to make the controls on all firearms equally effective.

Mr. President, I ask that the text of the letter from Mr. Quinn Tamm, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION
OF CHIEFS OF POLICE, INC.,
Washington, D.C., May 2, 1968.

Hon. THOMAS J. DODD,
Senate Juvenile Delinquency Subcommittee, Old Senate Office Building, Washington, D.C.

MY DEAR SENATOR: Although I have written you on previous occasions, the most recent being February 13, 1968, expressing the support of the International Association of Chiefs of Police for your gun control legislation now being considered as Title 4 of S. 917, I wish to once again express our support.

Our Association feels that there must be legislation enacted which will be effective in stemming the easy access to firearms by individuals to whom such weapons should be restricted.

I sincerely hope the Senate will favorably consider Title 4 as a minimum requirement and hopefully will restore rifles and shotguns in the coverage of this legislation.

Sincerely yours,

QUINN TAMM,
Executive Director.

Mr. DODD. Mr. President, the chief law enforcement officer of the most populous State in the Union, Attorney General Lynch of California supports title IV wholeheartedly.

In a letter to me dated April 26, 1968, General Lynch said:

> I shall not dwell on the recurring public tragedies which have resulted from the deranged use of weapons obtained through channels which would be closed by this proposal.
>
> . . . The gun—both as a threat and as a means of protection—has come to embody the atmosphere of violence and fear which pervades our nation. The current federal proposal will not dispel this atmosphere nor will it remove firearms from American households. It will simply provide reasonable federal controls which have been desperately needed for many years. It is a step toward sanity.

Mr. President, I ask the letter be printed in full in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF CALIFORNIA, OFFICE OF
THE ATTORNEY GENERAL, DEPARTMENT OF JUSTICE,
San Francisco, April 26, 1968.

Hon. THOMAS J. DODD,
U.S. Senator, Chairman, Subcommittee on Juvenile Delinquency, Old Senate Office Building, Washington, D.C.

DEAR SENATOR DODD: As President Johnson's proposal for firearms control approaches the Senate floor, I wish to reaffirm the support for this measure which I first expressed before your Committee in 1965.

I shall not dwell on the recurring public tragedies which have resulted from the deranged use of weapons obtained through channels which would be closed by this proposal.

The gun—both as a threat and as a means of protection—has come to embody the atmosphere of violence and fear which pervades our nation. The current federal proposal will not dispel this atmosphere nor will it remove firearms from American households. It will simply provide reasonable federal controls which have been desperately needed for many years. It is a step toward sanity.

My concern in the Spring of 1968—as the chief law officer of the most populous state of the Union—centers on the current and continued acquisition of firearms by extremists, both black and white. We find that extremists persons with totally distorted views of life, persons who often are legally barred from purchasing firearms in California, continue to obtain them out of state, either personally or by mail. This is intolerable.

Due to federal inaction, California last year passed laws regulating the sale and possession of heavy military weapons—mortars, bazookas, and anti-tank guns. One of our citizens—with a highly unstable background—possessed more than *seventy tons* of such weapons. In the past few years, California law enforcement officials have encountered literally dozens of situations where quantities of heavy weapons have been found in the hands of militant extremists. While we have attempted to regulate these weapons in California, they are still freely available elsewhere in this country—in quantities sufficient to arm military forces.

We also have faced in California the problem of extremists who have obtained federal firearms dealers licenses simply for the purpose of stockpiling guns.

Daily, I deal with the law enforcement problems of America's most urban state—hundreds of miles of cities strung along our western coast. In such an environment, the uncontrolled proliferation of firearms—due to the lack of proper federal controls—forms one of law enforcement's major problems. This unseen spread of deadly weapons presents a danger which can only be estimated from that fractional portion which we are able to detect. It is a danger which can only be properly dealt with by the Federal Government.

There are too many incidents of criminals, ex-felons, who are legally barred from purchasing hand-guns in California and who purchase them in other states to commit crimes in California and to shoot California citizens. One such case involves a man who now sits on Death Row in San Quentin Prison.

California's firearms laws are among the most enlightened of any state. They are strongly supported by the people of our state. They are—at present—much stronger than the federal laws. Yet, we can only do so much.

I assure you of my wholehearted support for the President's proposal, and again, offer any assistance which I may provide to secure passage of this measure.

Sincerely,

THOMAS C. LYNCH,
Attorney General.

CITIZENS' CRIME COMMISSIONS

Mr. DODD. Mr. President, at the city, State, Federal and international level, public officials and law enforcement agencies are insistent that we in Congress enact meaningful firearms control legislation which will offer to every State and its citizens the protection of interstate and foreign commerce regulation on the traffic in lethal weapons.

From the National Association of Citizens' Crime Commissions, an organization whose members represent some of the earliest efforts of the citizenry to fortify the resources of law enforcement, comes vigorous approval for stringent controls on firearms. Several of these groups are 25 or more years old.

They are in Chicago, New Orleans, Miami, Baltimore, Philadelphia, Boston, Atlanta, Burbank, Crown Point, Ind., Dallas, Fort Worth, Kansas City, Mo., St. Louis, Waukegan, Wichita, and Wilmington.

This group's message to Congress urges:

> Controls provided in Title IV should embrace rifles and shotguns. But even as presently drafted, Title IV reflects almost unanimous popular sentiment.

AMERICAN BAR ASSOCIATION

Professionals who daily confront the anomoly of unfettered sale of firearms to criminals and children, the lawyers of this country, through the American Bar Association, have for years expressed their support for "strong legislation to restrict the interstate shipment of firearms."

In 1965 and again in 1966 the House of Delegates of the American Bar Association overwhelmingly voiced its support for this legislation. Their 1966 vote applies to this pending title IV, according to the president of the American Bar, Mr. Earl F. Morris. He continues:

> In our view title IV does not meet the full need for legislation in this critical field. I am hopeful—

He concludes—

> that the Senate will amend title IV to include rifles and shotguns.

Mr. President, I ask that the letter from the American Bar Association and the attached resolutions be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
Washington, D.C., April 26, 1968.

Senator THOMAS J. DODD,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR DODD: As you know, the American Bar Association strongly supports the Administration's firearms control legislation of which you have been a leading proponent.

After careful study of the various proposals to amend the Federal Firearms Act, the Criminal Law Section of the ABA in 1965 recommended support for S. 1592 of the 89th Congress. The House of Delegates of the ABA voted 184 to 26 to approve the recommendations of the Criminal Law Section. This vote was taken after the members of the House of Delegates heard a debate between the executive vice president of the National Rifle Association and a sponsor of the 1965 legislation.

Again in 1966, the House of Delegates overwhelmingly voiced its support for strong legislation to restrict the interstate shipment of firearms. Enclosed are copies of the two resolutions.

While Title IV of S. 917 (substitute) has the support of the Association because it would be covered by the 1965 and 1966 resolutions, in our view Title IV does not meet the full need for legislation in this critical field. I am hopeful that the Senate will amend Title IV to include rifles and shotguns.

We appreciate the efforts that you and your colleagues are making to bring about reasonable regulation of firearms.

Sincerely,

EARL F. MORRIS.

[Section of criminal law, August 1965]

FIREARMS ACT

Resolved, That the American Bar Association urges the Congress of the United States to enact S. 1592, 89th Congress, or similar legislation which would amend the Federal Firearms Act to prohibit the shipment of firearms in interstate commerce except between federally licensed manufacturers, dealers and importers; to prohibit sales by federally licensed dealers of shotguns and rifles to persons under 18 years of age, and of all other types of firearms to persons under 21 years of age; to prohibit felons, fugitives and persons under indictment of felonies from shipping or receiving firearms in interstate commerce, and to control commerce in large caliber weapons; to restrict the sale of handguns to residents of the state where purchased; and to limit the unrestricted volume of imported weapons.

Be it further resolved, that the Section of Criminal Law be authorized to present the views of the American Bar Association to the appropriate committees of Congress on such proposed legislation.

[Section of criminal law, August 1967]

LAW ENFORCEMENT AND CRIMINAL JUSTICE ASSISTANCE ACT OF 1967

Resolved, that the American Bar Association supports in principle the enactment of S. 917 (and H.R. 5037), 90th Congress, a bill known as the Law Enforcement and Criminal Justice Assistance Act of 1967, designed to assist state and local governments in reducing the incidence of crime, to increase the effectiveness, fairness and coordination of law enforcement and criminal justice systems at all levels of Government, and for other purposes.

Be it further resolved, that the Section of Criminal Law is authorized to present the views of the American Bar Association on such legislation to the appropriate committees of Congress.

NATIONAL COUNCIL FOR RESPONSIBLE FIREARMS POLICY

Mr. DODD. In recent years the proliferation of firearms of all types has been a matter of extreme concern in neighborhoods large and small, in community service clubs, and in national organizations.

Prior to that hot summer day in Watts in 1965 when sniper fire and armed resistance emerged as a part of civil disorder in our generation, police across the country asked for laws that would place even moderate controls on the sale of firearms to extremists, to criminals, to the mentally ill.

But since that time, increased volume of the sales and criminal misuse of firearms brought knowledgeable people together in an effort to do something about it.

We have heard from them. Their testimony is spread on the record. It has been available to those who would listen.

Long ago, such knowledgeable and prominent men as James V. Bennett, then director of the Federal Bureau of Prisons pleaded from the base of a lifetime of experience in penology and criminology for a law to limit effectively the free access of criminals to firearms.

After his retirement, after almost 30 years of public service, a group of concerned and public-spirited citizens joined with Mr. Bennett and formed the National Council for a Responsible Firearms Policy, largely to offset the powerful national gun lobby and its blind opposition to realistic, workable firearms laws.

I received this telegram last week:

> The National Council for Responsible Firearms Policy urges your active support in the public interest for Title IV of Crime Bill as minimum gun legislation. Also urge support of Floor amendment to include long guns.

That is direct enough, strong enough, and clear enough.

It is a forceful expression of the considered opinion of a number of men who qualify by experience to speak.

They are, in addition to Mr. Bennett who is president, such men as David L. Bazelon, chief judge, U.S. Court of Appeals; Dr. Karl Menninger, of the Menninger Foundation; the Honorable J. Millard Tawes, former Governor of Maryland; Dr. J. Elliott Corbett, director, Washington Study Program, the Methodist Church, and Rabbi Maurice N. Eisendrath, president, the Union of American Hebrew Congregations.

Mr. President, on April 29, 1968 members of the Senate received a statement from the executive committee of the national council. I ask that it be printed in the RECORD at this point and that the full list of the board of directors and officers be printed immediately thereafter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL FOR A RESPONSIBLE FIREARMS POLICY,
Washington, D.C., April 29, 1968.

The public interest demands enactment of the Administration's proposal to control the movement of firearms in interstate commerce. The Senate Judiciary Committee has approved only *half* of that proposal as an amendment to the anti-crime bill. The *total* public interest would be best served by the *total* proposal, involving rifles and shotguns as well as handguns. By prohibiting interstate sales, this would assign to states, localities, and local dealers full responsibility for controlling gun sales in the interests of their own areas.

How many more tragedies must the American people endure before the Congress recognizes and deals with all the dimensions of the firearms problem?

The Congress is being inundated with mail from sportsmen and other gun owners urging defeat of the Administration proposals. The National Rifle Association and the gun clubs do *not* speak for the nation's sportsmen. The appeals to Congress from these sources do *not* represent the views of the majority of the gun owners of this country, and certainly not the views of the great majority (over 70%) of the American people.

After careful study of the firearms issue, the imperatives of public order and safety in this matter, and the many polls of not only overall public opinion but also the views of the nation's gun owners (who number well in excess of 25 million), we believe the American people urgently want the kinds of controls the Administration has proposed. And so do the *majority* of American sportsmen.

We believe we speak for the great majority of Americans—but more than that. If any organization may be said to speak for the country's sportsmen on this issue, *our* credentials are much more convincing than those of the National Rifle Association and its sister organizations opposing firearms controls designed to meet the needs of modern America.

We urge enactment of the overall Administration proposal and firmly believe this is what the public at large, including the nation's legitimate gun owners, earnestly want.

NATIONAL COUNCIL FOR A RESPONSIBLE FIREARMS POLICY

BOARD OF DIRECTORS

Cleveland Amory, *author, columnist and critic.*

Judge David L. Bazelon, *Chief Judge, U.S. Court of Appeals, District of Columbia.*

Hon. James V. Bennett, *former Director, U.S. Bureau of Prisons (1937 to 1964).*

Hon. Leonard S. Blondes, *Attorney, member of Maryland General Assembly.*

Erwin D. Canham, *Editor in Chief,* THE CHRISTIAN-SCIENCE MONITOR.

Dr. J. Elliott Corbett, *Director, Washington Study Program, The Methodist Church.*

Dr. Lowell Russell Ditzen, *Director, The National Presbyterian Center.*

Rabbi Maurice N. Eisendrath, *President, The Union of American Hebrew Congregations.*

Dr. David Lanham, *Chief, Legal Psychiatric Services, District of Columbia.*

Hon. John V. Lindsay, *Mayor of New York City, former member of U.S. House of Representatives.*

Bishop John Wesley Lord, *Bishop of the Washington Area, The Methodist Church.*

Paul F. McArdle, *Attorney, former president of Washington, D.C. Bar Association.*

Dr. Karl Menninger, *Psychiatrist; Chairman, Board of Trustees, The Menninger Foundation.*

Rev. William R. Moors, *Associate Minister, Cedar Lane Unitarian Church, Bethesda, Maryland.*

Dr. James M. Nabrit, Jr., *President of Howard University, former Deputy U.S. Representative to United Nations.*

Frances Neeley, *Associate Secretary, Friends Committee on National Legislation.*

David J. Steinberg, *Secretary and Chief Economist, Committee for a National Trade Policy, Inc.*

Hon. Adlai E. Stevenson III, *Treasurer, State of Illinois.*

Hon. Charles P. Taft, *Attorney, member of Cincinnati City Council, former Mayor of Cincinnati.*

Hon. J. Millard Tawes, *former Governor of Maryland.*

OFFICERS

President, James V. Bennett.
Vice President, Leonard S. Blondes.
Secretary, J. Elliott Corbett.
Treasurer, David J. Steinberg.

AFL–CIO ENDORSES TITLE IV—WOULD ADD LONGARMS

Mr. DODD. On May 1, 1968, the American Federation of Labor and Congress of Industrial Organizations again endorsed the need for strong Federal firearms laws.

When the AFL–CIO met in convention in 1967 and considered the legislation then pending, S. 1, amendment No. 90, it adopted the following resolution:

RESOLUTION 50—AFL–CIO SEEKS STRONG FEDERAL FIREARMS LAWS

Whereas, The uncontrolled sale of firearms remains one of the principal factors in crime and accidental death and wounding, and was a factor in the assassination of our late President John F. Kennedy, and

Whereas, The number of Americans killed by firearms in the United States during the last 10 years is many times the number of American soldiers lost in Viet Nam, and

Whereas, Studies indicate that a high proportion—possibly one-fourth—of the persons who order guns from mail-order dealers have criminal records and thus could be purchasing firearms for illicit purposes, therefore, be it

Resolved, That the AFL–CIO actively supports federal legislation which—while not curbing the hunter or gun hobbyist—will bring the sale of firearms under at least partial control by banning the interstate sale of firearms through mail-order.

However, labor does not see in title IV all that it would like, or that is necessary. In its May 1, 1968, letter to me the labor organization said:

> Title IV does not fully meet this presumption, but it is a step, albeit a small one, in that direction. Hence we favor its adoption. We would welcome the addition of rifles and shotguns to the coverage.

Mr. President, I believe that statement is clear enough. It speaks for itself, and for the millions of members of that organization.

The support for this legislation is both impressive and prestigious. There is no question of that.

As for myself, I can imagine no more prestigious endorsement for this firearms legislation than that given by the women of America, the mothers, those who abhor the violence they have seen in an armed community.

The General Federation of Women's Clubs, which includes over 15,000 clubs in virtually every community in this land, calls on the Congress by resolution and by letter to ban the sale of all firearms to juveniles and to enable the States to "have effective laws which will control the indiscriminate sale and possession of firearms." They ask for the restoration of rifles and shotguns to the controls of title IV. Through their president, Mrs. E. D. Pearce, the federation pleads that the Senate respond favorably to their request which is based on their "desire to have our country a safe place in which to live and to raise our children."

These last two endorsements, from the General Federation of Women's Clubs and the AFL–CIO represent millions of mothers and fathers.

These two groups represent the most widely recognized organizations of individual citizens who have the most immediate concern for safety in their streets. They are the mothers and fathers of this Nation.

We must not fail to perform our duty to provide them and their local governments the means to control violence in their communities and to prevent the undermining of this control by unscrupulous gun merchants outside their jurisdictions.

Mr. President, I ask unanimous consent that the letter of the General Federation of Women's Clubs be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GENERAL FEDERATION OF
WOMEN'S CLUBS,
Washington D.C., May 2, 1968.

Hon. THOMAS J. DODD,
Chairman, Special Subcommittee on Juvenile Delinquency, Judiciary Committee, U.S. Senate, Washington D.C.

DEAR SENATOR DODD: The General Federation of Women's Clubs is the parent organization of some 15,000 women's clubs and, as President of GFWC, I am representing the many thousands of members of those clubs as I write this letter to you. Though this is only one letter with only one signature, the views I express here are not only mine but those of the clubwomen I represent.

Though we are, of course, concerned about the total crime crisis in which we find ourselves, the views expressed here will be confined to only that section of the Crime Bill which deals with firearms.

We want our States to be able to have effective laws which will control the indiscriminate sale and possession of firearms but without a strong Federal law which controls interstate shipment of firearms, the States cannot have effective gun control laws.

We need a Federal law which will provide strict control of the mail-order sale and shipment of firearms.

Section 901(b) of Title IV states: "that it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trap shooting, target shooting, personal protection, or any other lawful activity, and that this title is not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes, etc."

With this guarantee, it is difficult to see why anyone could object to the basic purpose of this title.

There is, however, a provision in this legislation which we hope might be amended and that is the provision which exempts rifles and shotguns from the controls which would be placed on other types of firearms. We are concerned also about that provision which states: "It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or deliver any firearm to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age, if the firearm is other than a shotgun or rifle".

One of the objectives of a gun control law would be to keep firearms out of the hands of certain misdirected juveniles. According to our understanding of this provision, a juvenile could still purchase and receive by mail rifles and shotguns without the knowledge or consent of his parents.

If this provision stands, it seems to us that any gun control law which is adopted would not be effective in an area of greatest need.

We know that your original bill included controls on rifles and shotguns and a ban on the mail order sale of firearms to juveniles. We hope you will be able to have these provisions restored in Title IV of S. 917 on the Senate floor.

On behalf of the members of the General Federation of Women's Clubs, I appreciate your giving consideration to our views which are based on our desire to have our country a safe place in which to live and to raise our children.

Sincerely,

MRS. E. D. PEARCE,
President.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS WANTS STRINGENT GUN LAW

Mr. DODD. Mr. President, in a letter to the Senate on May 3, 1968, Roy Wilkins, chairman, Leadership Conference on Civil Rights, supported the need for tougher Federal laws on firearms.

He said that the proposed amendment, title IV of the omnibus crime bill, should apply not only to handguns, but to rifles and shotguns as well. In Mr. Wilkins' words:

> As for Title IV, the gun control provision, we feel it does not go far enough. It would apply to handguns only. It is inconceivable, after the murders of President John F. Kennedy and Dr. Martin Luther King, that such a measure would not extend regulations to the weapons used against these two noble men. We urge that Title IV be broadened to cover shotguns and rifles.

Mr. President, S. 1, amendment No. 90 and title IV of the omnibus crime bill, S. 917, are the two major pieces of legislation to be considered by the 90th Congress.

Neither of those proposals is completely new. They are outgrowths of more than 7 years investigation by the Senate Juvenile Delinquency Subcommittee and many untold hours of patient deliberations by committee members as the sad unwholesome story of the mail-order gunrunner unfolded.

We traced firearms from rusting scrap heaps in post-World War II Europe to a book depository in Dallas, from Iron Curtain dumping grounds to Los Angeles and Washington; and from cellar workshops in Italy, France, and Germany to teenage murderers across the Nation.

In the 88th and the 89th Congress legislation was also proposed, and thousands of hours of work went into an effort to bring them before the Senate. In each case, however, the opposition to any stronger Federal laws prevailed.

The firearms lobby had its day. The arguments were generally the same then. There is no need to repeat them all. Some of them might be interesting, though.

We were told by the National Rifle Association and others that the defense of America, our homeland, would be jeopardized if S. 1592 were adopted in the 89th Congress.

Actually, nothing could be further from the truth. The Department of Defense spent several hundred thousand dollars studying the problem, and this is what then Secretary of Defense Robert S. McNamara had to say:

THE SECRETARY OF DEFENSE,
Washington, April 30, 1965.

Hon. THOMAS J. DODD,
Chairman, Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR DODD: This refers to Mr. Carl L. Perian's letter of April 14, 1965, extending me an invitation to testify before the subcommittee on May 19, 1965, with respect to the bill, S. 1592, "To amend the Federal Firearms Act."

I have asked the Secretary of the Army, Stephen Ailes, to testify on behalf of the Department of Defense in response to your invitation, and to cover in detail the specific items which are listed in the letter of April 14, 1965.

The Department of Defense strongly recommends enactment of S. 1592. No function of the Department of Defense will be in any way impaired by the enactment of this legislation. More realistic Federal control of the distribution of firearms in the stream of commerce between the States and between the United States and foreign states is clearly in our best national interest.

Beyond the official position of the Department of Defense, I would like to add my deep, personal conviction about the desirability of this legislation.

Sincerely,

ROBERT S. MCNAMARA.

During the same hearings in the 89th Congress, on S. 1592, there was again strong support from civil and religious groups. For example, after patiently listening to the arguments against a law that would disarm the criminal, Rabbi Harold P. Smith of Chicago, representing the Rabbinical Counsel of America, sent the following statement:

STATEMENT OF RABBI HAROLD P. SMITH OF CHICAGO, ILL., REPRESENTING RABBINICAL COUNCIL OF AMERICA

As national chairman of the Commission on Legislative Matters of the Rabbinical Council of America, I represent approximately 900 orthodox rabbis. As cochairman, also, of the Legislative Committee of the Chicago Board of Rabbis, I speak for 150 rabbis of Chicago—reform, conservative, and orthodox—who have authorized me to represent them here.

They have asked me to express here our strong endorsement of Senate bill 1592, proposed by the Honorable Senator Dodd, of Connecticut.

Mr. President, the list of endorsements from representatives of the public who seek, indeed demand, something be done about the dangerous domestic arms race now in full swing—and based almost wholly on fear—is overwhelming.

I have discussed many times these endorsements, actually pleas by a public concerned about public safety and the civil rights of all the people.

I will continue to call them to the attention of my colleagues until the representatives of all of the people have spoken on behalf of a sane domestic firearms law.

The most logical place for the true voice of the people to be heard is in this Chamber.

Mr. President, many Members of Congress have the impression that rural America is in the forefront of the battle to stall firearms legislation.

But that is only the impression, not the fact. Rural newspapers, many of them in small towns with small circulations, have endorsed this legislation.

The Prairie Farmer, serving the Plains States and with a circulation of about 400,000, supports this legislation. The Prairie Farmer poll, one of the best informed and most reliable and respected gages of rural attitudes, wholeheartedly supported this legislation.

I received a letter just this week from the National Grange endorsing the provision title IV of the omnibus crime bill. The Grange said:

> After a careful study of your proposal, we would conclude that it falls within the area defined by Grange Resolutions and, therefore, would support its intention and urge its passage.

Mr. President, I ask that the full text of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL GRANGE,
Washington, D.C., May 6, 1968.

Hon. THOMAS J. DODD,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR DODD: The position of the National Grange concerning the sale and transfer of firearms is that there should be no licensing on the guns that are used for hunting purposes, nor should there be any restriction on the ownership or possession of these guns.

However, the Grange also says in its Resolutions that we would support legislation to prevent the acquisition or possession of hand guns and other weapons by minors, felons, and those with a history of mental illness. We note that this last item apparently is not covered in the language of the bill which you propose to offer as an amendment.

After a careful study of your proposal, we would conclude that it falls within the area defined by Grange Resolutions and, therefore, would support its intention and urge its passage.

Respectfully yours,

HARRY L. GRAHAM,
Legislative Representative.

Mr. DODD. Mr. President, through the more than 6 years that we have been endeavoring to secure more adequate Federal firearms laws, we have had strong support from religious groups and the clergy.

Indeed, it has increased with the passage of time. On May 3, 1968, I received a letter from His Excellency, the Most Reverend Phillip M. Hannan, archbishop of New Orleans, in which he shared with me his concern over the criminal misuse of firearms. Archbishop Hannan said:

> I share your interest in obtaining effective legislation for the control of interstate commerce in firearms.
>
> Accordingly, I wish to encourage you in your efforts to this end, and I certainly endorse any enactments which, while safeguarding the rights of responsible citizens, forestall the criminal misuse of any type of ordnance.

Mr. President, it is clear that His Excellency shares the common interest of so many Americans in his desire to see effective firearms legislation. He endorses legislation that would effectively "forestall the criminal misuse of any type of ordnance."

He is also concerned that the rights of responsible citizens be safeguarded, and so am I. So are all the cosponsors of this legislation over the years.

It is precisely because of these common concerns that support for the legislation is so broad. It is a fact that responsible citizens will be more secure in the pursuit of wholesome hunting and recreational shooting as the misuse of firearms by criminals and others declines under a strong Federal law.

Mr. President, Attorney General Louis J. Lefkowitz of New York, who has one of the toughest law-enforcement jobs in the United States, was recently embroiled in a battle for stronger firearms legislation in his own State.

He was beset by critics, large and small, many of whom were inspired in their efforts by the national gun lobby.

His sensibilities, in addition to his long experience in law enforcement and public safety caused him to take a strong position on the need for effective gun laws at all levels of government, including the Federal.

Within the week, General Lefkowitz forwarded to me a statement of his views on the need for a strong Federal law. I ask, Mr. President, they be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The shocking incidents involving the use of firearms by snipers who have taken the lives of policemen, firemen and private citizens during recent violence throughout the country is dramatic evidence of the need for greater control and regulation of the sale of firearms.

Obviously, legislation at whatever level it is enacted, Federal, state or local, will never completely eliminate the misuse of firearms by some individuals but something can and should be done through legislation, to provide control and regulation to reduce the promiscuous use and abuse of rifles, shotguns and other weapons.

New York State has pioneered in enacting laws to control and regulate the possession of pistols, revolvers and other concealed weapons but it now becomes apparent that further action is needed to prevent the use of rifles and shotguns by those who abuse the privilege which the law has extended.

On November 22, 1963, a sniper firing a rifle from a window shot and killed the President of the United States.

On August 1, 1966, a sniper firing a rifle from a University tower killed thirteen people.

In December of 1966, a former mental patient purchased a rifle from a mid-Manhattan store and an hour later fatally shot two persons in Bryant Park.

More recently a young girl died while sitting in a car travelling along the Belt Parkway in Brooklyn after having been shot through the head by what was possibly a stray bullet fired in innocence.

During last year, 19,000 Americans died from gunshot wounds. Countless others were wounded. Many of these were New York citizens.

I endorse federal legislation to prohibit the mail order sale of all types of guns. This is a measure which I hope will curtail the proliferating and uncontrolled retail sale of such weapons by mail order houses.

I would also urge greater control and regulation of the purchase of firearms through state legislation which would require that permits be necessary for their purchase and that such sales be registered. Such legislation should provide that before a person can possess a firearm he must show evidence of good moral character and that he has no criminal record or history of mental disease.

I will strongly support any effort by city, state or federal legislative bodies to provide greater control over the sale of all firearms.

While legislation at state or local level is essential any measure that is adopted at the local level would be of little effect if it continues to be possible for anyone simply to buy a firearm by mail from another state. It is shocking to note that last year more than a million of the two million guns sold in the United States were sold through the mail order route.

Mr. DODD. Finally, Mr. President, I have written a letter today to my fellow Senators, to which I have attached a variety of material. I ask unanimous consent that that letter, with attachments, be printed in the RECORD at this point.

There being no objection, the letter and attachments were ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY,
Washington, D.C., May 8, 1968.

The Honorable U.S. Senate,
Washington, D.C.

DEAR SENATOR: In view of the current floor debate on Title IV of S. 917, I am enclosing for your consideration additional information that supports the need for the firearms controls proposed under this title and for certain amendments that might be offered during the course of the debate.

This material which has been reproduced from the firearms hearings of the Juvenile Delinquency Subcommittee during July and August of 1967 includes:

(1) A memorandum from the Treasury Department (dated August 11, 1967) outlining some of the reasons for an amendment I introduced on May 7, 1968 which would include rifles and shotguns under the control provisions of Title IV. As the Department indicates this amendment is particularly necessary because of the easy conversion of long arms into concealable weapons for criminal use which the Alcohol and Tobacco Tax Division found in recent Federal firearms violations.

(2) A summary of firearms crimes in the United States based on the Federal Bureau of Investigation Uniform Crime Reports. These figures show the impact of firearms on this nation's serious crimes against the person. Firearms account for 60% of our wilful killings, they are used in 40% of our robberies and in 19% of our aggravated assaults.

(3) A list of the number of persons killed in the United States through the misuse of firearms since 1900. I want to emphasize that the 800,000 persons killed by guns surpass by 250,000 the total number of men lost in all our major wars since the American Revolution. The list includes those persons who committed suicide with a firearm and those killed accidentally in hunting accidents and the like.

(4) A list of reprints showing the results of eight public opinion surveys from 1959 through 1967 regarding gun control legislation. These polls consistently show at least 70% of the public would support controls much stronger than we are proposing under Title IV.

(5) A list showing that virtually every state has an ample number of Federally licensed firearms dealers. This supports my view that restriction of the mail order traffic in firearms to licensed dealers would not be an imposition on legitimate gun buyers because a dealer is within easy reach of the vast majority of the population.

(6) Excerpt from the testimony of Mr. Ephraim R. Gomberg, Executive Vice President of the Philadelphia Crime Commission. Mr. Gomberg points out that European laws are by far stricter than the gun controls such as those proposed in Title IV and that criminal activity with the use of firearms is almost negligible on the Continent when compared to the United States.

I hope that this material will be helpful in your consideration of the firearms control provisions in the Omnibus Crime Control and Safe Streets Act of 1967.

Please feel free to call me for any additional information that could be supplied by the Juvenile Delinquency Subcommittee.

With kindest personal regards, I am
Sincerely yours,
THOMAS J. DODD, *Chairman.*

AUGUST 11, 1967.

To: Commissioner.
From: Director, Alcohol and Tobacco Tax Division.
Subject: Justification for Inclusion of "Long guns" in Proposed Controls Over Interstate and foreign Commerce in Firearms.

It is understood that Senator Dodd has asked for results of our enforcement activity under the Federal Firearms Act tending to show the need for additional controls over rifles and shotguns as proposed in S. 1 and Amendment No. 90.

Strictly on the basis of our enforcement experience, the most compelling argument for including long guns in proposed controls is the fact that they can be, and frequently are, converted into concealable weapons for criminal use. We have reviewed 200 recent firearms violation case reports and found that there were 98 sawed-off shotguns and 14 sawed-off rifles out of a total of 207 guns involved in these cases. It seems obvious that if strict controls are imposed on handguns without imposing similar restrictions on long guns the criminal element will continue to have ready access to concealable weapons by the simple expedient of purchasing an uncontrolled long gun and converting it to a handgun.

The controls proposed in S. 1 and Amendment No. 90 would reduce the easy availability of rifles and shotguns to persons with criminal records by prohibiting Federally licensed dealers from making sales to felons and by making it a criminal offense for a felon to give false information to the dealer concerning his criminal record. These controls would also afford us the opportunity, now lacking, of assisting the many states which do have some controls over purchase and possession of "long guns". A number of states do have a minimum age requirement or prohibit the purchase or possession of rifles and shotguns by aliens, drug addicts, or persons with a record of emotional instability.

Certainly, there should be some restrictions on the interstate movement of "long guns" to juveniles. S. 1 and Amendment 90 provide for controls in this needed area.

I would also point out that the sniper activity so prevalent in recent civil disorders throughout the country requires long guns—hand weapons simply do not have the range to be effective in such an activity. Accordingly, it is apparent that many states will consider additional controls over the purchase and possession of these weapons. Such controls cannot be effective without Federal implementation.

HAROLD A. SERR.

BRIEF SUMMARY OF FIREARMS CRIME IN THE UNITED STATES

(Source, FBI Uniform Crime Reports, 1966)

1. Murder by gun:

(a) 6,552 gun murders in 1966 equaled 60% of the total number of murders.

(b) 5,634 gun murders in 1965 equaled 57% of the total number of murders.

(c) 5,090 gun murders in 1964 equaled 55% of the total number of murders.

2. Rifle and shotgun murders:

(a) 1,747 persons murdered with rifles and shotguns in 1966.

(b) 1,690 persons murdered with rifles and shotguns in 1965.

(c) 1,527 persons murdered with rifles and shotguns in 1964.

3. Percentage of gun murders in individual states (1962–1965). (Overall murder rate included in parenthesis):

(a) States having gun controls: Rhode Island, 24% (1.4); Massachusetts, 35% (2.4); New York, 32% (4.8); New Jersey, 39% (3.5); Pennsylvania, 43% (3.2).

(b) States having minimal or no gun control: Louisiana, 62% (9.9); Arizona, 66% (6.1); Nevada, 67% (10.6); Texas, 69% (9.1); Mississippi, 71% (9.7).

4. Police officers killed in line of duty:

(a) In 1966, 55 of 57 police officers killed in line of duty were murdered with guns.

(b) Since 1960, 96% of the 335 police officers killed in line of duty were murdered with guns.

(c) Of the 335 officers killed, 53 were killed in Northeastern states, 60 in Western states, 71 in North Central states and 151 in Southern states. (Stringent gun controls generally pervade in the Northeastern states.)

5. Aggravated assault by gun:

(a) 1966, 43,500 (19% of the total).

(b) 1965, 34,700.

(c) 1964, 27,700.

(d) During the three years 1964-1966, assaults with a gun increased 36%.

(e) Regionally, 11.7% of the aggravated assaults in the Northeastern states were by gun, 18.5% in the Western states, 19.2% in the North Central states and 23.5% in the Southern states. (Effect of gun controls in the Northeastern states is apparent).

6. Armed robbery by gun:

(a) 59,300 armed robberies by gun in 1966.

(b) 52,000 armed robberies by gun in 1965.

(c) 42,600 armed robberies by gun in 1964.

7. In 1966, murder by gun was up 16% and aggravated assault and robbery by gun were up 25% and 14% respectively.

[From "The Right To Bear Arms," as revised by Carl Bakal, McGraw-Hill, 1966, copyright Carl Bakal]

APPENDIX III.—DEATHS DUE TO FIREARMS IN THE UNITED STATES, DEATH REGISTRATION AREA, 1900–65[1]

[Total number and rate per 100,000 population]

Year[1]	Homicide		Suicide		Accident		Total	
	Number	Rate	Number	Rate	Number	Rate	Number	Rate
1900	......	......	835	......	1,139	......	1,974	......
1901	......	......	913	......	1,082	......	1,995	......
1902	......	......	953	......	1,196	......	2,149	......
1903	......	......	1,052	......	1,151	......	2,203	......
1904	......	......	1,185	......	1,294	......	2,479	......
1905	......	......	1,435	......	823	......	2,258	......
1906	......	......	1,714	......	1,074	......	2,788	......
1907	......	......	2,027	......	897	......	2,924	......
1908	......	......	2,468	......	986	......	3,454	......
1909	......	......	2,395	......	944	......	3,339	......
1910	1,852	......	2,561	......	1,161	......	5,574	......
1911	2,347	......	2,859	......	1,327	......	6,533	......
1912	2,449	......	2,796	......	1,369	......	6,614	......
1913	2,821	4.5	2,930	4.6	1,572	2.5	7,323	11.6
1914	3,077	4.7	3,286	5.0	1,579	2.4	7,942	12.1
1915	2,885	4.3	3,608	5.4	1,501	2.2	7,994	11.9
1916	3,241	4.5	3,386	4.7	1,613	2.3	8,240	11.6
1917	3,793	5.1	3,269	4.4	1,730	2.3	8.792	11.7
1918	3,727	4.6	3,350	4.1	2,013	2.5	9,090	11.2
1919	4,567	5.4	3,302	3.9	2,350	2.8	10,219	12.0
1920	4,477	5.1	3.169	3.6	2,262	2.6	9,848	11.3
1921	5,509	6.2	4,122	4.6	2,346	2.6	11,977	13.5
1922	5,714	6.1	3,912	4.2	2,514	2.7	12,140	13.0
1923	5,648	5.8	3.900	4.0	2,578	2.7	12,126	12.5
1924	6.028	6.1	4,280	4.3	2,571	2.6	12,879	13.0
1925	6,216	6.0	4,333	4.2	2,570	2.5	13,119	12.7
1926	6,377	6.1	4,616	4.4	2,593	2.5	13,586	12.9
1927	6,310	5.8	4,989	4.6	2,714	2.5	14,040	13.0
1928	6,857	6.0	5,437	4.7	2,839	2.5	15,133	13.3
1929	6,540	5.6	5,660	4.9	3,015	2.6	15,215	13.1
1930	7,190	6.1	6,833	5.8	3,120	2.6	17,143	14.5
1931	7,532	6.3	7,543	6.3	3,041	2.5	18,116	15.1
1932	7,458	6.2	8,075	6.7	2,928	2.4	18,461	15.4
1933	7,863	6.3	7,798	6.2	3.026	2.4	18,687	14.9
1934	7,702	6.1	7,296	5.8	3,023	2.4	18,021	14.3
1935	6,506	5.1	6,830	5.4	2,854	2.2	16,190	12.7
1936	6,016	4.7	6,771	5.3	2,882	2.2	15,669	12.2
1937	5,701	4.4	7,073	5.5	2,696	2.0	15,403	11.9
1938	5,055	3.9	7,357	5.6	2,629	2.1	15,108	11.6
1939	4,799	3.7	6,944	5.3	2,582	2.0	14,325	11.0
1940	4,655	3.5	7,073	5.4	2,390	1.8	14,118	10.7
1941	4,525	3.4	6,385	4.8	2,414	1.8	13,324	10.0
1942	4,204	3.1	6,117	4.6	2,741	2.0	13,062	9.7
1943	3,444	2.6	5,076	3.8	2,318	1.7	10,838	8.1
1944	3,449	2.6	4,808	3.6	2,412	1.8	10,669	8.0
1945	4,029	3.1	5,321	4.0	2,454	1.9	11,804	9.0
1946	4,966	3.5	6,276	4.5	2,816	2.0	14,058	10.0
1947	4,922	3.4	6,691	4.7	2,386	1.7	13,999	9.8
1948	4,894	3.3	6,660	4.6	2,270	1.6	13,824	9.5
1949	4,235	2.9	7,215	4.9	2,326	1.5	13,776	9.4
1950	4,179	2.8	7,377	4.9	2,174	1.4	13,730	9.1
1951	3,898	2.5	6,873	4.5	2,247	1.5	13,018	8.5
1952	4,244	2.7	7,013	4.5	2,210	1.4	13,467	8.6
1953	4,013	2.5	7,293	4.6	2,277	1.4	13,583	8.5
1954	4,115	2.6	7,539	4.7	2,281	1.4	13,935	8.7
1955	3,807	2.3	7,763	4.7	2,120	1.3	13,690	8.3
1956	4,039	2.4	7,817	4.7	2,202	1.3	14,058	8.4
1957	4,010	2.4	7,841	4.6	2,369	1.4	14,220	8.4
1958	4,230	2.4	8,871	5.1	2,172	1.3	15,273	8.8
1959	4,457	2.5	8,788	5.0	2,258	1.3	15,503	8.8
1960	4,627	2.6	9,017	5.0	2,334	1.3	15,978	8.9
1961	4,753	2.6	9,037	4.9	2,204	1.2	15,994	8.7
1962	4,954	2.7	9,478	5.1	2,092	1.1	15,533	8.9
1963	5,126	2.7	9,595	5.1	2,263	1.2	16,984	9.0
1964	5,474	2.9	9,806	5.1	2,275	1.2	17,555	9.2
1965	6,158	3.2	9,898	5.1	2,344	1.2	18,400	9.5
1966	6,855	3.5	10,407	5.3	2,558	1.3	19,820	10.1
Total	278,519	......	369,306	......	144,518	......	792,343	......

[1] There were more firearms deaths during this period than the table indicates. This is because the death registration area did not represent the whole United States until 1933. In 1900, the year the annual collection of mortality statistics began. the death registration area consisted of only 10 of our then 45 States plus the District of Columbia and a comparatively small number of cities located n nonregistration States. By 1913, the registration area had increased to the point where its populaition was estimated at 63,200,000, or only about ⅔ of the total population of the United States. No population estimates for the registration areas are available for the years prior to 1913; for this reason, death rates cannot be shown for those years. The rates for the years 1913–32 are based on the population estimates of Dr. Frederick Hoffman, a prominent actuarial expert for the Prudential Life Insurance Co. (who died in 1946). The rates for the years since are based on Bureau of the Census population reports. The number of deaths for the years since 1900 is from the Division of Vital Statistics of the Department of Health, Education, and Welfare.

Note: Leaders indicate data not available.

PUBLIC WOULD SHARPLY LIMIT TEENAGERS' USE OF FIREARMS—ONE ADULT IN THREE WOULD DENY GUNS TO YOUTHS—LAW BANNING LOADED GUN IN HOME FAVORED

(By George Gallup)

PRINCETON, N.J., September 1.—In New York City last week, a 17-year-old "gang leader" fired a volley from his .22 rifle into a crowd and killed a 14-year-old girl.

A 15-year old boy shot and killed his "best pal" while demonstrating how the safety works on his new rifle. Another teen-ager killed his younger brother while practicing a "quick draw" with a revolver he "didn't know was loaded."

These are just several instances of the types of gun tragedies happening daily across the nation. An estimated 40 persons a day in the U.S. are killed by firearms.

The public today shows itself willing to adopt stricter firearm legislation which might possibly have averted the kind of incident mentioned above.

As parts of its special study of the public's attitude on curbing the use of guns and ammunition the Gallup Poll asked the public about two suggestions advanced by many authorities as ways in which the yearly toll of firearms deaths might be reduced.

An overwhelming majority of American adults would strictly regulate the use of guns by teenagers. One adult in three would go so far as to forbid completely the use of guns by persons under 18.

A majority of the public would favor making it illegal for the private citizen to keep a loaded gun in his house.

(*On two other suggested restrictions as reported earlier, public support is evident. An overwhelming majority would favor law requiring a police permit before the purchase of any gun. A smaller majority would back the same procedure before buying shells or ammunition.*)

This was the first question asked by Gallup Poll reporters of a cross-section of the American public:

Which of these three plans would you prefer for the use of guns by persons under the age of 18—forbid their use completely; put strict regulations on their use or continue as at present with few regulations?

Teenage use of guns

[In percent]

Forbid completely	34
Regulate strictly	51
Continue at present	12
No opinion	3

The very low percentage failing to express an opinion on this issue testifies to the interest on the public's part. Reporters found this particular question sparked a great deal of interest among the people they talked to.

Support for restriction on youngsters' use of guns is significantly higher among women than it is among men. Nine out of ten women want some kind of regulation; four in ten women would forbid the use of guns by teenagers completely.

The National Rifle Association annual casualty report for 1956 showed that youngsters in the 11-to-19 age group accounted for almost half the hunting casualties (although only about a quarter of all hunters are under 25.) A fourth of all accidental gun deaths in the U.S. happen to youths under fifteen.

A second question in the series asked the following:

Do you think it should be legal or illegal for private citizens to have loaded weapons in their homes?

Loaded weapons in home?

[In percent]

Illegal	53
Legal	40
No opinion	7

A frequently-used argument by persons opposed to additional gun regulations has been the point that the nation's gun-owners would object to restrictions.

In the case of persons owning shotguns and rifles at present (the bulk of the country gun owners), this is not true. Among shotgun and rifle owners, the weight of opinion favors this restriction—although they are somewhat more reluctant than the public as a whole to outlaw loaded guns in the home.

Among the nation's pistol and revolver owners however, six in ten feel that it should be legal to keep a loaded weapon in the home.

In all regions of the country, except one, the public is in favor of outlawing loaded guns in the home.

The one exception is the South—a region where present restrictions on guns are almost nonexistent and where rates of death by guns are some of the highest in the nation.

The final article in the Gallup Poll's current series will report the public's attitude toward outlawing the possession of all pistols and revolvers by private individuals. The article—to be published in the (Name of Paper)—will also deal with the size and type of "arsenal" Americans have in their homes. How many citizens own a shotgun? A rifle? A pistol?

Public Would Outlaw All Pistols Except for Police—One of Many Controls People Willing To Accept—One Home in Every Two Now Has a Gun

(By George Gallup)

Princeton, N.J., September 3.—Definitely of a mind to place some kind of restriction on the use of guns, the American public would go so far as to completely outlaw the possession of any pistols or revolvers by private individuals.

Such a drastic step would have an immediate effect on some 8,000,000 homes across the country where a pistol or revolver is now owned.

The current Gallup Poll series of articles has embraced several suggestions put forth by authorities as ways in which stricter control of firearms could be imposed.

The all-important findings of the series is that the public is ready to accept drastic measures in an attempt to reduce the number of firearms fatalities in the U.S. each year—an estimated 14,000 deaths a year, or approximately 40 gun fatalities a day.

Here are some of the measures the American people would be willing to accept:

1. Outlawing the possession of all pistols and revolvers except by police or other authorized persons. At present, only eight states place any restriction on the sale of handguns, chiefly requiring a permit. In the remaining states, anyone can buy a pistol without any kind of license.

As the following figures show, nearly six out of ten Americans questioned in a nationwide survey would support such legislation:

Outlaw all handguns except for police use?

[In percent]

Should	59
Should not	35
No opinion	6

2. Requiring that a police permit be obtained before being able to purchase any kind of gun. Such a move is supported by three out of four adults. No license or permit is required currently anywhere in the U.S. for the purchase of shotguns or rifles.

3. A law making it illegal for private citizens to have loaded weapons in their homes. This suggestion has the backing of 53 per cent of a cross-section of Americans interviewed.

4. Sharp restrictions on the use of guns by teen-agers are favored by 85 per cent in the survey. One adult in three would go so far as to completely forbid the use of any gun by a person under 18.

5. Requiring a police permit before being able to purchase ammunition or shells—supported by 54 per cent of the public. Authorities point out that if a person should be able to get a gun by illegal means, he would then be legally free to purchase as much ammunition as he wished, provided he had the funds.

Support for such drastic curbs comes from people in a country where the use and ownership of all kinds of guns—shotguns, rifles and pistols—is currently widespread.

About one out of every two American homes has at least one firearm of some kind.

Some 25 million adult Americans, the survey finds go hunting at some time; 16 million did some hunting during 1958.

The ownership of guns varies widely by regions of the country—from two out of three homes in the South where a gun is owned to about three out of ten homes in the Eastern states where this is the case.

Approximately four out of five farm families report that they have a firearm of some kind in the home.

SHOTGUNS MOST POPULAR

Shotguns are the most popular type of firearm—one out of every three homes has one. Rifles are owned by slightly more than one home in four, pistols or revolvers by one home in six.

Following are the figures on ownership of firearms. With many homes owning more than one type of weapon, the tables add to more than 100 per cent.

DO YOU HAVE A GUN IN YOUR HOME?

[In percent]

	Yes, shotgun	Yes, rifle	Yes, pistol	No guns
All homes	32	27	16	51
East	20	16	11	69
Midwest	37	29	14	47
South	46	37	19	33
Far West	24	30	21	53
Cities over 500,000	13	11	12	75
50,000 to 499,999	19	19	12	65
2,500 to 49,999	34	26	16	48
Under 2,500	48	39	22	32
Farms	61	53	15	19

Eight in Ten Persons Favor Law Requiring Police Permit for Gun—Proportion in Favor Has Grown Since 1959 Survey—United States Lags Behind Other Nations in Controls

(By George Gallup)

Princeton, N.J., January 11.—The assassination of President Kennedy by a man using a mail order carbine has stirred up the debate over the greater control of firearms.

When the question was put to a carefully selected sample of the American public, almost eight in ten persons said they favored a law which would require a police permit in order to buy a gun.

The following question was asked of a representative sample of the total adult civilian population of the nation:

Would you favor or oppose a law which would require a person to obtain a public permit before he or she could buy a gun?

The findings:

[In percent]

Favor	78
Oppose	17
No opinion	5

The results, by areas and groups

[In percent]

	Favor	Oppose	No opinion
Men	71	26	3
Women	85	10	5
College	80	17	3
High school	81	17	2
Grade and no school	74	18	8
21 to 29 years	74	25	1
30 to 49 years	81	16	3
50 and over	78	15	7
East	90	8	2
Midwest	77	18	5
South	72	21	7
West	73	25	2

Four years ago, the identical question was asked of a parallel sample of the American public, including hunters and gun owners.

OTHER MEASURES SUGGESTED

The results showed some of the other measures the public was willing to take at that time to curb the use of firearms:

1. Outlawing the possession of all pistols and revolvers except by police or other authorized persons. Nearly six out of ten (59 percent) Americans questioned in the survey at that time said they favored such legislation.

2. A law making it illegal for private citizens to have loaded weapons in their homes. This suggestion had the backing of 53 percent of the public.

3. Sharp restrictions on the use of guns by teenagers were favored by 85 per cent in the survey. One adult in three would go so far as to forbid entirely the use of any gun by a person under 18.

4. Requiring a police permit before the purchase of ammunition or shells—supported by 54 per cent of the public.

UNITED STATES LAGS BEHIND

Almost all nations of the world regulate the use of firearms far more stringently than does the U.S.

In fact, in some nations, such as England, even the purchase and use of ammunition must be registered and accounted for.

Opposition to stricter laws has been fought bitterly in the U.S. by one of the country's most powerful lobby and pressure groups—the National Rifle Association.

At the time of the earlier study, it was found that nearly half of the persons included in the survey possessed guns.

Public Would Favor Police Permit for Gun

(By George Gallup)

Princeton, N.J.—If a nationwide referendum were held at this time on a law to require a police permit before a person could buy a gun, such a proposal would pass with flying colors.

Today 73 per cent of Americans say they favor such legislation, 23 percent are opposed, with 4 per cent expressing no opinion.

The public has been ready to accept such a law since 1959 when the Gallup Poll first measured opinion on this issue. At that time 75 per cent, or about the same proportion as today, supported the proposal to require police permits. In 1963, one month after the assassination of President Kennedy by a man with a mail order carbine, 78 per cent were in favor of this measure.

Interestingly, if the referendum were limited to just gun-owners, the proposal would still pass. Sixty per cent of this group would vote in favor of a law requiring police permits before a gun could be bought.

A person's political and educational background appear to have little bearing on where he stands on this issue, but women back the proposal to a greater extent than men.

FIREARMS VICTIMS NUMBER 17,000

In no other nation in the world is the sale, possession or use of firearms so free as it is in the United States. In 29 states there are no restrictions whatever on the sale of firearms and guns of every description may be bought, even by children.

With respect to fatal firearm accidents, our death rate from this cause is approximately ten times that recorded in Great Britain, for example. Victims of firearms in the U.S. now number more than 17,000 annually.

To find out the public's willingness to accept restrictions on the purchase of guns by private individuals, the Gallup Poll put this question to a representative number of persons across the nation:

Would you favor or oppose a law which would require a person to obtain a police permit before he or she could buy a gun?

The results:

[In percent]

Yes	73
No	23
No opinion	4

THE PUBLIC'S CASE—PRO AND CON

Judging by their volunteered comments the position taken by those among the general public who favor the proposed law can be summed up this way:

Such a law would cut down the amount of crime in the nation. With no restrictions, it is easy for guns to get into the hands of teenagers, of careless and emotional persons, and criminals as well. The situation is too dangerous as it is now. A few persons in this group commented that they thought such a law was already in existence.

On the other side, the case can be stated in these terms:

Guns are needed for protection. Such a law would interfere with the interests of hunters and sportsmen. Criminals would be able to get guns even if permits were required. A law like this would be against a person's basic rights. It would be a violation of the Constitution.

What is being referred to in this last point is the right, guaranteed in the Second Amendment, "to keep and bear arms." Many experts on the Constitution, however, believe that the amendment's wording clearly means that the arms be specifically part of a nation's militia, e.g., the National Guard.

Although certain groups in this country have argued that laws restricting gun ownership would make it easier for a "communist take-over," this argument has little support among the public at large, judging by their volunteered comments.

PERSONS UNDER 18

On the question of the use of guns by persons under the age of 18, there is little doubt as to where the public stands—gun-owners and non-owners alike.

Eighty-three per cent of all persons interviewed would either forbid their use completely or put restrictions on their use. The replies of 75 per cent of gun-owners are in this category.

Here is the question asked:

Which of these three plans would you prefer for the use of guns by persons under the age of 18—forbid their use completely, put strict restrictions on their use, or continue as at present with few regulations?

Here are the results for the general public and for gun-owners:

Use of guns by person under 18?

[In percent]

	All persons	*Gun-owners*
Forbid completely	28	17
Strict restrictions on use	55	58
Continue as now	14	23
No opinion	3	2

GUN OWNERSHIP IN THE UNITED STATES

Support for a law to require police permits before a gun can be purchased, and for tighter restrictions on the use of guns by youths under 18, comes from people in a country where the use and ownership of all kinds of guns—shotguns, rifles, and pistols—is currently widespread.

About one out of every two American homes (48 percent) has at least one firearm of some kind.

Some 22 million adult Americans, the survey finds, are hunters.

The ownership of guns varies widely by regions of the country—from two out of three homes in the South where a gun is owned, to about three out of ten homes in the Eastern states where this is the case.

Approximately nine out of ten farm families report that they have a firearm of some kind in the home.

Following are the figures on ownership of firearms:

Gun in home?

[In percent]

Homes with guns	48
Homes without guns	52

Kind of gun owned?

[In percent]

Shotgun	33
Rifle	24
Pistol	16

(NOTE.—The percent of guns owned adds to more than the 48 percent of homes with guns, since many homes have more than one type of weapon.)

MASS SHOOTING IN TEXAS RAISES QUESTION OF FIREARMS CONTROL

PRINCETON, N.J.—The shocking mass murder in Austin, Texas, by a student sniper this week has raised the question of restricting the sale and use of firearms.

Large majorities of the public have favored a law requiring a police permit before a person can buy a gun, in regular surveys since 1959, when opinions were first measured on the issue.

In the last survey conducted, 73 per cent of the public supported such legislation. When the results were limited to just gun-owners, a majority of 60 per cent still voted in favor.

This was the question asked:

Would you favor or oppose a law which would require a person to obtain a police permit before he or she could buy a gun?

The results (general public):

[In percent]

Favor	73
Oppose	23
No opinion	4

USE OF GUNS BY YOUNGSTERS

If the public had its way, it would either forbid the use of guns by persons under the age of 18, or would put restrictions on their use. Eighty-three per cent of the general public, and 75 percent of gun-owners, held this view, in the last survey conducted.

RESULTS OF A POLL CONDUCTED BY THE GALLUP ORGANIZATION FOR THE NATIONAL BROADCASTING CO., JANUARY 1967

NATIONAL FINDINGS

The question: "Now I'd like to ask you a few questions about guns: As you probably know there are two basic types of guns. One type consists of guns with long barrels, such as rifles and shotguns. The second type is the kind of gun you can hold in your hand, such as pistols or revolvers. First I'd like to ask you about pistols and revolvers.

Some people feel that laws covering the sale and ownership of handguns such as pistols and revolvers should be made less strict than they are now. Other people feel that the laws are all right as they are. Still others think the pistol and revolver laws should be made more strict. In general, how do you feel about the laws covering the sale and ownership of this kind of gun? Should they be made less strict, are they all right as they are, or should they be made more strict? Which of these statements do you agree with?"[1]

Laws concerning handguns should be—

	Entire sample (percent)
More strict	70
Less strict	2
All right now	23
No opinion	5
Total	100

The question: "Now how do you feel about rifles and shotguns—in general, do you feel that the rifle and shotgun laws should be made less strict, are all right as they are, or should be more strict? Which of these statements do you agree with?"[1]

Laws concerning rifles and shotguns should be—

	Entire sample (percent)
More strict	61
Less strict	2
All right now	32
No opinion	5
Total	100

The question: "Are you for or against a law which would require everyone who owns a rifle or shotgun to register his gun with a state or local governmental agency?"[1]

	Entire sample (percent)
For a law which would require registration of a rifle or shotgun	73
Against a law which would require registration of a rifle or shotgun	22
No opinion	5
Total	100

The question: "How about pistols and revolvers—are you for or against a law which would require everyone who owns a pistol or revolver to register his gun with a state or local government agency?"[1]

	Entire sample (percent)
For a law which would require registration of a handgun	85
Against a law which would require registration of a handgun	11
No opinion	4
Total	100

The question: "Do you believe that a person should or should not be able to send away for guns through the mail?"

	Entire sample (percent)
A person should be able to send away for a gun through the mail	20
A person should not be able to send away for a gun through the mail	75
No opinion	5
Total	100

The question: "Some people feel that anyone who wishes to purchase a gun has a right to buy one and should be permitted to buy one. Others feel that there should be restrictions on who should and who should not be allowed to buy a gun. How do you feel—should anyone who wants to be allowed to buy a gun or should there be restrictions on who is allowed to buy a gun?"

	Entire sample (percent)
Anyone who wants to should be allowed to buy a gun	12
There should be restrictions on who is allowed to buy a gun	84
No opinion	4
Total	100

NEGROES, WHITES AGREE ON FOUR PLANS TO DEAL WITH RACIAL PROBLEMS

(By George Gallup)

PRINCETON, N.J., August 26.—Whites and Negroes are in general agreement on four measures suggested as possible ways to deal with racial problems.

The four plans surveyed are: (1) compulsory youth training programs for youth who are out of school and out of work; (2) stricter gun laws; (3) interracial councils composed of white and Negro leaders; and (4) a curfew for children under 16.

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[1] The order in which these two questions appeared on the questionnaire was reversed on half the sample.

Results reported today are based on surveys of the entire adult population.

Negroes comprise approximately 9 per cent of the adult population—the proportion of Negroes included in the latest Gallup Poll survey. The sample of Negroes therefore is relatively small, but the results reveal the direction of thinking of Negro citizens.

PUBLIC VOTES ON FOUR PLANS

Here are the four plans and the vote of whites and Negroes:

1. *Compulsory youth training programs.* A large share of the blame for the recent riots has been laid to unemployed youth seeking excitement.

As a possible solution to the high unemployment among young Negroes and the steady increase in juvenile delinquency, the public approves of a youth training plan that would reach the out-of-school and out-of-work.

Present efforts call for *voluntary* attendance at Job Corps centers. The public would go farther and make attendance *compulsory*. The plan would follow generally the CCC camps of the thirties, one of the most popular projects ever carried out by the nation.

This question was asked in an earlier Gallup survey:

"Some people say that all young men between the ages of 16 and 22 who are out of school and out of work should be required to join a Youth Conservation Corps to carry on their education, learn a trade and earn a little money. Do you approve or disapprove of this plan?"

The national findings showed 3 persons in every 4 in favor. As many as 9 Negroes in 10 backed the plan.

2. *Stricter gun controls.* The outbreak of sniping that accompanied the recent riots has rekindled the debate over gun controls. Mayor Lindsay of New York City this week called for new firearms controls for the protection and safety of citizens.

For three decades the mood of the public has favored stricter laws on the purchase of firearms. In the latest survey nearly three persons in every four (73 percent) favor a law which would require a person to obtain a police permit before he or she could buy a gun. In the previous survey on this issue (conducted one year ago), 68 percent were in favor.

The law proposed would not prohibit a person from owning a gun—either for sport or protection—but would require that a record be made of the name of the gun purchaser. The purpose of such a law would be to keep guns out of the hands of persons with a criminal record, the mentally disturbed, and others unfit to handle guns.

The latest findings show little difference between the views of Negroes and whites.

[In percent]

	Negroes	Whites	National
Favor gun registration	70	73	73
Oppose	21	24	23
No opinion	9	3	4

A further question shows that only one person in seven favors present gun laws. These laws place few regulations on the use of guns by persons under the age of 18.

3. *Curfew for all children under 16.* The recent turmoil in many areas has prompted officials of some cities to impose tight curfew regulations.

An earlier Gallup survey found 77 per cent of all persons in favor of a curfew for children under 16 for their communities. Among this group, more than 8 out of 10 would set the curfew for weekdays at 10 p.m., or earlier.

Nine Negroes in ten say they would favor such a curfew for their communities.

Many communities across the country now have a curfew law. In some communities however curfew regulations are "on the books," but are not strictly enforced.

4. *Interracial councils.* Renewed interest has been expressed in councils made up of community leaders of both races to discuss ways to deal with racial problems.

An earlier Gallup survey found widespread support for such councils; 8 in 10 among both whites and Negroes favored such councils.

[From the Mount Vernon (N.Y.) Argus, Sept. 18, 1967]

TWENTY-SEVEN MILLION WHITES ARM SELVES BUT LEAN TO REGISTERED GUNS

(By Louis Harris)

A national survey indicates that 27 million white Americans, representing 54 per cent of the nation's homes, own guns. A majority of gun owners say they would use their weapons to "shoot other people in case of a riot." Large numbers of white people in this country have apparently given serious thought to self-protection, and one person in every three believes that his own home or neighborhood might be affected by a riot.

It would be a mistake, however, to conclude from this evidence that most whites welcome the idea of unrestricted arms. To the contrary, by a decisive 66-to-28 per cent margin, white gun owners favor passage of a law in Congress which would require that all persons "register all gun purchases no matter where they buy them."

Gun ownership shows wide variants by regions of the country:

[In percent]

	Own	Don't own
Nation	54	46
By region:		
East	33	67
Midwest	63	37
South	67	33
West	59	41

Gun ownership is concentrated more in the South and the Midwest than in other parts of the country. The East, where the fewest own guns, is also the area where gun owners would be least willing (46 per cent) to use their firearms against fellow citizens.

The cross section of white gun owners was asked:

"Would you use your gun to shoot other people in case of a riot?"

[In percent]

	Yes	No
Nation	55	45
By region:		
East	46	54
Midwest	54	46
South	58	42
West	59	41

The willingness to use guns against other people seems to be related to white gun owners' attitudes toward a national firearms control law. Although a majority in the South and West favor such legislation, the percentages in favor are less than in the East and Midwest.

The cross section of white gun owners was asked:

"Do you favor or oppose federal laws which would control the sale of guns, such as making all persons register all gun purchases no matter where they buy them?"

[In percent]

	Yes	No	Unsure
Total	66	28	6
By region:			
East	70	21	9
Midwest	70	25	5
South	62	27	11
West	56	40	4

Clearly, the spate of civil disorders over the past summer has raised people's fears for their safety. This was evident in the replies of the special cross section of whites to this question:

"Do you fear that in a riot your own home or neighborhood might be affected?"

[In percent]

	Yes	No	Unsure
Total	34	58	2½
By income:			
Under $5,000	41	49	10
$5,000 to $9,999	38	60	7
$10,000 and over	32	62	6

Low income whites, many of whom live in fringe neighborhoods alongside Negroes, are most apprehensive.

It should be pointed out, however, that earlier Harris Surveys reported that when both Negroes and whites were asked how they feel about their personal safety on the streets, Negroes were far more anxious than whites. Fear of violence does not seem to show any color line.

Recapitulation by States of Federal Firearms Act licenses applied for and issued during calendar year 1966

State:	*Number of locations*
Alabama	973
Alaska	522
Arizona	1,401
Arkansas	1,340
California	6,617
Colorado	1,850
Connecticut	1,110
Delaware	174
Florida	2,531
Georgia	1,547
Hawaii	87
Idaho	894
Illinois	5,007
Indiana	2,778
Iowa	2,625
Kansas	2,315
Kentucky	2,363
Louisiana	1,280
Maine	1,131
Maryland	1,179
Massachusetts	1,068
Michigan	4,160
Minnesota	3,489
Mississippi	980
Missouri	4,677
Montana	1,417
Nebraska	1,222
Nevada	612
New Hampshire	765
New Jersey	2,164
New Mexico	1,156
New York	5,535
North Carolina	2,300
North Dakota	893
Ohio	4,844
Oklahoma	1,726
Oregon	1,709
Pennsylvania	5,606
Rhode Island	891
South Carolina	1,451
South Dakota	1,019
Tennessee	1,993
Texas	5,916
Utah	553

Recapitulation by States of Fedearl Firearms Act licenses applied for and issued during calendar year 1966—Continued

State:	*Number of locations*
Vermont	858
Virginia	2, 287
Washington	1, 399
West Virginia	1, 328
Wisconsin	3, 472
Wyoming	751
Puerto Rico	122

I have just returned from a brief visit to Amsterdam, Paris, and London. Police officials in those countries were exceedingly helpful in preparing data reflecting the nature and extent of gun control laws in Holland, France, and England.

The Philadelphia ordinance, described by the National Rifle Association as the harshest gun law in the nation, represents the most inadequate kind of control when compared to the established laws and regulations in those three countries.

In Holland I met with First Chief Inspector F. W. Perrels and Chief Inspector L. Bakker, who are responsible for administrating gun control laws in Amsterdam. While the earliest Dutch gun control law dates from 1890, the national firearms laws came in 1919 as a result of the Dutch experience during World War I. In 1919 the Dutch government forbade the manufacture, purchase, ownership, and use of all shoulder and hand guns and initiated rigid control over the importation of all such guns. Hunters and gun-club members may be licensed to use guns and may have them in their possession only to or from hunting and gun club activities. For the hunters and gun-club members, the purchase of a new gun requires the obtaining of a new and separate license. Even to sell or make a gift of a gun requires a license. A gun license is valid for one year only and must be renewed each year. If a licensee moves from one city to another, he must reapply for his license.

One of the prime arguments of those who oppose gun control legislation in the United States is that licensing and registration of guns are evil because an invading army will know precisely where to find all of the guns owned by the defending Americans. I mentioned this argument, used by the gun crowd in Philadelphia, to my Dutch police friends. Holland had experienced the plight of foreign invasion in our lifetime. They smiled and said that the possession of a gun by a Dutchman during invasion meant instant death and reprisals against hundreds of those who did not own guns. The ownership of guns, they said, does little or nothing to help resistance.

The Dutch government rigidly controls the importation of firearms. Even when guns are in transit through Holland to another country, control is exercised. Holland reports that so few crimes are committed with guns that statistical data of this nature is rarely maintained.

As of 1958, all previously owned firearms were required to be surrendered by their owners to the French government. Under the 1958 law, no one is allowed to own long barreled revolvers or rifles or to buy or sell them unless he is a police officer, a public-service officer who handles funds, or a member of the military. Ownership of weapons is not considered a right but a privilege granted at the discretion of the government, as I was informed by M. Jean Confida, Sous Prefet of the Cabinet of Police in Paris, who administers the gun control laws. There is no such thing as the mail-order purchase of firearms without a government permit. Hunters are allowed to purchase shotguns; but they must be legitimate hunters, certified as such in the communities in which they live. In all of Paris and its suburbs, with a total population of more than 5 million people, only 700 permits were issued to purchase so-called "special purpose" defense weapons of a kind that are not totally prohibited. The French procedures for securing permits is very much like that in Philadelphia, with absolute discretion vested in the police.

As with other European nations, the French government, through its War and Home Office, maintains a total and absolute control over the manufacture, import, export, and dealing in all firearms.

It is interesting to note that in Paris there were only 76 homicides and attempted homicides involving firearms in 1966; in 1966 it was 77; in 1964 it was 76; in 1963 it was 100; and in 1962, at the time of the Algerian crisis it was 145. Offenses including robbery, illegal trading or owing firearms, and carrying firearms are equally rare offenses in France. Firearms in France are the proper subject of absolute governmental control.

In England, Scotland, and Wales, the Firearms Acts of 1937, 1962, and 1965 currently are undergoing consolidation and strengthening. All automatic and rifled guns are under strict control, and firearms certificates for their use are issued by police only for very restricted purposes. Certificates are not issued generally for protection of person or property. Smooth-bore guns, such as shotguns, are soon to be licensed, as well. The government may declare any type of weapon "especially dangerous" in order to bring it under control, and while this has not yet been done, statements in Parliament indicate that even air weapons will fall into this category.

Six times since 1933 the English government has declared an amnesty for the owners of firearms who surrendered them because they were held without permits. Three of these occurred in 1946 when 76,000 guns were surrendered to the government; in 1961 when 70,000 were given up; and in 1965 when 40,660 guns were turned over. A future amnesty for shotgun owners undoubtedly will be announced when shotgun certificates become the law.

In England, there is an index maintained by the police of all firearms certificate holders. The index contains the serial number of all weapons. There is also an index of lost or stolen firearms. As of December 31, 1966, in all of vast London and its suburbs, there were only 15,584 certificate holders. Virtually all of them were confined to shooting-club members and sportsmen.

Firearms in England were used in only 3.1 per cent of the 9,201 robberies and offenses against the person in 1966 and but 3.4 per cent of the 7,980 similar offenses in 1965.

Along with total control over the importation of firearms in England, the very rigid certification requirements for the ownership of guns would make impossible the acquisition of foreign firearms surplus by the British population. In Holland, France, and England where I raised the question, I was told that the importation of foreign-made surplus firearms and their distribution to any category of citizens, as in the United States, would be unthinkable.

While in Paris and London, police officials supplied me with the statutes and the government regulations for the purchase, ownership, and transfer of firearms. For the convenience of this Committee and should they be of special interest to you, I shall be happy to make them available or, at least, to provide you with the citations.

If we can learn anything from the control over firearms exercised in Holland, France, and England, it is that the legislation you are considering, the Amendment to Senate 1, Senate 1853, and Senate 1854, continue to acknowledge that some segments of the American community have an absolute right to buy and use guns. The people of Philadelphia do not believe this is so. We have expressed our feelings in a modest, local ordinance that treats all firearms as dangerous weapons, justifying the licensing of those who would buy and use them. Senate 1 Amendment, I believe, is much more realistic in its attempt to provide some controls. But even it is hardly sufficient.

E. R. Gomberg,
Executive Vice President, Philadelphia Crime Commission.

VOTE TITLE IV, LIFE MAGAZINE SAYS

Mr. DODD. Mr. President, the May 10 issue of Life magazine has called once more for strong controls on the sale of firearms to individuals.

Calling for a step toward sanity, Life's most recent editorial comment reflects the concern of millions of Americans.

Their worry is the freedom with which fanatics and others can obtain rifles and shotguns as well as handguns to carry out their deranged purposes.

Life recognizes the mild nature of the legislation now included in title IV of the Omnibus Crime Control Act now before the Senate, and comments:

> The gun bill before Congress is not as strong as it ought to be, but it's a start and should be voted.

The article emphasizes again the near unanimity of the real voice of this country's concern about the uncontrolled mail-order murder traffic.

To assist Senators who are now considering the bill, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Life magazine, May 10, 1968]

The Gun Law—A Step Toward Sanity

When it comes to gun laws, the minority rules in America. Polls taken over the past decade consistently show that a large majority of all Americans want some kind of control over the purchase of weapons (with the latest Louis Harris poll showing 71% in favor). Each year in Congress bills are written, and committee hearings are held, but then the National Rifle Association alerts its members and friends to man the barricades against any proposals strong enough to be effective.

The barrage of letters that the NRA can call down at short notice is probably unmatched by any other lobbying group. Since the 1930s, when Congress passed two bills—one aimed at eliminating the sawed-off shotguns and machine guns favored by gangsters of that era and the other an ineffectual dealer-registration law—no bill dealing with the regulation of guns has reached the floor of Congress. The NRA's record is particularly impressive considering that it was compiled over a period and saw the assassination of one President, an attempt on the life of another and the shooting up of the House of Representatives by fanatical Puerto Rican nationalists in 1954. But after Martin Luther King was assassinated in Memphis, a gun control measure has finally been approved by a Senate committee. An amendment to the President's Safe Streets bill, the measure now before the Senate would:

Prohibit interstate mail-order sales of handguns—pistols and revolvers—to individuals.

Ban over-the-counter sales of handguns to customers from outside the state—and to anyone under 21.

Curb the imports of surplus military weapons not suitable for sporting purposes and tighten the controls on sales of anti-tank guns, bazookas, mortars, grenades and other highly destructive weapons.

None of these clauses menaces the sportsman; they might not stop an assassination either, but it is some gain to require a salesman to know the person he is selling a handgun to. Yet gun buffs have opened an intensive campaign to kill this moderate bill on the floor of the Senate. And the usual cries are heard that any control of gun sales is a direct attack on their rights, their manhood and their homes. Reasonable suggestions that there should be some way to keep a howitzer out of the possession of anybody who has the price—or a Mannlicher-Carcano out of the hands of a Lee Harvey Oswald—are countered by gun propagandists with the assertion that the citizen has a constitutional right to "bear arms." This constitutional phrase refers to state militias, not to individuals, and this is how the Supreme Court has always interpreted the right.

The gun bill before Congress is not as strong as it ought to be, but it's a start and should be voted.

HAPPINESS IS A WARM GUN

Mr. DODD. Mr. President, Charlie Walsh is the sports editor of the Milford Citizen in my home State of Connecticut, and I might add, a sportswriter harboring some sensibilities.

One recent morning he was handed an advance bulletin—press release, in short—from the National Rifle Association designed to direct the attention of editors to what the NRA considers the principal features in the forthcoming edition of the association's monthly magazine, the American Rifleman.

I think it is safe to say that the advance bulletin startled Charlie. Here is the way he began his column in the May 2, 1968, edition of the Milford Chronicle:

> The National Rifle Association has once again produced an absolute gem of unintentional irony.
>
> In an advance bulletin for their magazine, "The American Rifleman," there appears a picture of an eight-year-old boy holding a rac of what look like dead pheasants. Under the picture appears the caption, (at this point it might be wise to grab some rung on your chair) "Happiness is a Warm Gun." Yeah, right?
>
> Any comment on that statement in light of the recent rash of warm guns we have been finding in this country (i.e. Memphis doorways, Texas book storage buildings) would be wholly superfluous.

Mr. President, the remainder of Mr. Walsh's views on the NRA's exploitation of happiness and youth by the presence of a warm gun would best be told in his own word. I ask unanimous consent that the entire column be printed in the RECORD at this point in the discussion of the need for legislation to disarm criminals and the mentally disabled.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Milford Citizen, May 2, 1968]

THE STEEL MYTH: IN LEFT FIELD

(By Charlie Walsh)

The National Rifle Association has once again produced an absolute gem of unintentional irony.

In an advance bulletin for their magazine, "The American Rifleman," there appears a picture of an eight-year-old boy holding a rac of what look like dead pheasants. Under the picture appears the caption, (at this point it might be wise to grab some rung on your chair) "Happiness is a Warm Gun." Yeah, right?

Any comment on that statement in light of the recent rash of warm guns we have been finding in this country (i.e. Memphis doorways, Texas book storage buildings) would be wholly superfluous.

What might be helpful at this point would be an examination of the NRA itself, that beneficient, monolithic, semi-secret, wealthy and huge organization of gun owners, shooters, makers, collectors and lovers.

The issue, of course, is guns. Guns have one purpose and one purpose only. They were and are designed to kill living things. They were probably one of man's most efficient inventions for inflicting death. Knives, spears, clubs, bows and arrows are fine but they all have two distinct disadvantages. 1. They all require the killer to at some time, come within an unsafe distance of his victim to inflict the wound. 2. They all have a fairly wide margin of error. (If you do not strike deeply enough and accurately enough with a knife your victim will surely live.)

A gun, however, assures both safety for the user and deadliness and accuracy on the target. A gun also provides a certain freedom from the psychological problems involved with more intimate violence. How much easier it is to pull a trigger and watch a man slump one mile away than to engage in a messy eye-to-eye assault on someone.

In an old movie I saw the other night a pal of Orson Wells' made a speech about what makes one person better than another "An edge," he said, "you have got to have an edge." He went on to say that a great singer had an edge on other people in his vocal cords. And a lion's teeth give him an edge over a zebra.

The gun, he told Wells who was playing a drunk, poet, Irish sailor, was the edge most men have. He did not say over what.

The gun is man's edge over himself; his own puny body, his clawless hand, his fangless mouth and his plaguing devils.

It would, one supposes, be quite logical that men would develop an elaborate organization to develop and protect this edge. For that edge, unlike the lions teeth, is an artificial one and quite perishable.

This attempt to protect the edge was understandable when men were forced to prowl the woods for food and protect himself from the teeth of the lion and the wolf. But now the food is grown in docile herds and the lion safely in the zoo and with wolves all but extinct.

In short, the NRA is a gross anachronism. The huge amounts of energy it expends trying to convince congressmen and train young marksmen is expended over a myth—the gun.

The gun is, at this stage in history, a myth and legend. It is no more than an agonizing memory of good earthy days gone by. The place left for the gun is a locked glass case over the mantle or in a museum.

Yes, a myth, but how deadly a myth it is. It is, unlike most myths, which are made dreams and fears, made of steel and brass and black powder. It is a myth not held in the mind but in the hands. Those deadly hands.

Understand, the guns I speak of here are the guns of the hunter, "the recreational shooter." There are other guns, the guns of war and of the police that are still enmeshed in reality, although they too share at least part of the myth.

There is really only one enemy left for men to fight. It is those devils and demons which lurk in the alleys of his mind, and even all the NRA's guns can't fight them.

EDITOR SEES NRA RAVINGS AS NONSENSE

Mr. DODD. Mr. President, the Sullivan Law, New York State's firearms statute, has for generations been used by the gun lobby as a public whipping boy.

This is particularly true of the bitter abuse heaped upon it by the National Rifle Association. They see it as the ultimate in bad firearms laws, and spend considerable effort across the Nation using it as a threat to sportsmen who are not forever vigilant against the Government's insidious attempts to take their guns away.

The association's paid representatives, in thousands of forays across the country each year, give hunting and sportsmen's groups a deliberately distorted picture of the effectiveness of the Sullivan Law.

Promulgate lies about its effectiveness, if you will.

At the 1964 hearings before the Juvenile Delinquency Subcommittee, and on a number of other occasions, an NRA Director said:

> New York's so-called Sullivan Law is the most restrictive gun legislation on the statute books. Yet it is a complete failure, not only in keeping guns out of the hands of the criminal element but also at reducing the crime rate.

That, of course, is not true. The NRA knows that is not true. It is the kind of deliberate distortion they peddle to legitimate sportsmen who then echo it across the land.

But this type of lobbying activity on the part of the association is being uncovered more and more each day. Thinking people do not like being fed misinformation. Newspapers are beginning to see the twisted and slanted information for what it is, and they resent it.

There is no better example of this reaction against the NRA's massive lobbying effort than an editorial which appeared in the Charleston W. Va., Sunday Gazette-Mail of April 28, 1968.

The editors point out that the murder rate by gun in New York City is 25 percent, less than half that of Phoenix and about a third that of Dallas. The editorial then observes:

> If this is "complete failure" as contended by the NRA director, police departments of most U.S. metropolises would undoubtedly welcome a similar "sorry" record.
>
> Current gun control legislation before the U.S. Senate needs to be strengthened drastically. What the nation should have is prohibition of mail order sales to the private citizen and registration of all guns, so that law enforcement authorities across the nation know who owns a gun.
>
> It is absurd to talk about curbing crime and lowering murders rates until Congress moves against merchants of murder selling weapons of murder indiscriminately.

I say the Gazette is setting things straight. And they are getting a lot of help around the country.

I feel certain that many Senators, inundated with mail generated by the firearms lobby, have frequently read this NRA version of the effectiveness of the Sullivan Law. I should like to provide the truth about the effectiveness of that law in holding down the number of gun murders. Therefore, I ask unanimous consent that the entire editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Charlestown (W. Va.) Gazette-Mail, Apr. 28, 1968]

SULLIVAN LAW GOOD LAW DESPITE RAVINGS OF NRA

The National Rifle Assn., which for some unaccountable reason is permitted to lobby

Congress at taxpayer expense, has long argued that gun registration laws and laws forbidding the unrestricted sale of lethal arms merely aid the criminal at the expense of the law-abiding in American society.

The facts shatter such nonsense.

In 1965, a study conducted by the Massachusetts Department of Public Safety revealed that only six weapons out of 4,506 retrieved from criminals in the state over the previous eight years had been stolen. More than 4,000 had been purchased outside the state in over-the-counter sales in Maine, New Hampshire and Vermont, none of which has on statute books the strict legislation prohibiting sales that Massachusetts has.

Surveys in Newark show that 80 per cent of the guns taken away from criminals were bought beyond New Jersey's borders.

The NRA additionally delights in castigating New York State's Sullivan Law, stiffest in the nation. This law stipulates residents can't buy or possess a handgun in the absence of a police permit, and the law is sufficiently well enforced within New York City that out of a total population of 8 million only 17,000 permits are held.

At the congressional hearings of 1964, an NRA director asserted: "New York's so-called Sullivan Law is the most restrictive gun legislation on the statute books. Yet it is a complete failure, not only in keeping guns out of the hands of the criminal element but also at reducing the crime rate."

Again the facts are quite different, and, indeed, if the nation had a Sullivan Law, New York State and City would greatly benefit, because residents wouldn't be able to acquire guns through mail orders or by traveling to areas where they are easily acquired.

The rates of murder by gun in New York City, for example, is 25 per cent, in Dallas the rate is 72 per cent and 65.9 per cent in Phoenix, two cities having virtually no law regulating firearm sales. In comparison with the nation's largest cities, New York has the fifth lowest assault rate, the third lowest murder rate, and the lowest robbery rate.

If this is "complete failure," as contended by the NRA director, police departments of most U.S. metropolises would undoubtedly welcome a similar "sorry" record.

Current gun control legislation before the U.S. Senate needs to be strengthened drastically. What the nation should have is prohibition of mail order sales to the private citizen and registration of all guns, so law enforcement authorities across the nation know who own a gun.

It is absurd to talk about curbing crime and lowering murder rates until Congress moves against merchants of murder selling weapons of murder indiscriminately.

The Sullivan Law is a good law, and despite the deliberate lies concerning the law promulgated by the NRA, it is a law that does what it was designed to do—curtailing gun ownership among criminals and the mentally unstable. The law works, and it's high time Congress adopted it for all 50 states.

POLL SHOWS RURAL AMERICA DOES NOT BLOCK GUN CONTROLS

Mr. DODD. Mr. President, it has been the experience of congressional committees over the years that whenever, and regardless of the clear public need, firearms laws are proposed to disarm the criminal and others who regularly misuse them, the committee members are beseiged by a letterwriting campaign against the proposed legislation.

And when testimony is taken, as surely as night follows day, a large number of witnesses appear and claim to speak for rural America.

They say that strict controls over the sale of firearms would hurt the farmer, hurt the sportsmen, and be an inconvenience to the country dweller who lives some miles from a store or large commercial outlet.

Indeed, some of the arguments of these spokesmen tend to portray their constituents as more of the country bumpkin than the modern day sophisticate that much of rural America is.

That could not be more forcefully brought to the attention of the Senate than it was February 4, 1967, with the publication of two public opinion polls conducted by the Prairie Farmer, based in Chicago.

The 127-year-old publication is one of the backbones of Midwest journalism and is about as close to the Midwest farmer as any publication can get. Its circulation is around 400,000.

The Prairie Farmer polls covered the States of Indiana and Illinois, and show that even rural America is something less than enthusiastic about the rate at which American civilians are arming against one another.

The editor, James C. Thomson, in a personal letter to me, said:

> My own personal opinion is that the irresponsible use of firearms has become a national scandal. Our trigger-happy image beyond our shores seems to deny our own opinion that we are a peace-loving nation.
>
> Farmers still want firearms for hunting and the protection people living in isolation need, but farmers, like anyone else, feel that those who are mentally unbalanced or irresponsible in any way should be denied the right to own arms. The indiscriminate killings among 15- and 16-year-old boys in Chicago is incredible, and the stockpiling of arms by both blacks and whites is setting the stage for a national disaster.
>
> I doubt very much that the gun lobby speaks for the American people. It certainly doesn't speak for the urban citizen like myself. And we offer you proof from personal interview polls that it does not speak for midwestern farmers.

Mr. President, I ask unanimous consent to have printed in the RECORD a hard-fact editorial based on those Prairie Farmers polls. It interprets the polls better than I can. I ask also that copies of both polls be printed.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Prairie Farmer, Feb. 4, 1967]

FARMER SENTIMENT FOR GUNS IS A MYTH

Newspapers have suggested that rural people are the stumbling block in efforts to control indiscriminate use of firearms. The gun mystique, it is said, thrives in the open spaces.

But the overpowering sentiment in rural areas for the unrestricted ownership and use of guns is a myth. At least that is the case in Indiana and Illinois, according to a recent Prairie Farmer poll.

In personal interviews farm people were asked, "Do you feel that more stringent efforts should be made to control the possession and use of firearms by the public?" The consensus in both states was: Yes, 55 percent; No, 32 percent; and Undecided, 13 percent.

In the three years since the death of President Kennedy more than 50,000 Americans—10 times the Vietnam toll—have been gunned down by misfits, criminals, and of course, ordinary people who became careless. Too many fire a too-easily-available gun in anger and live to regret it.

In the last Congress efforts to pass gun control legislation were stalled because of the problem of reconciling the right of people to bear arms with the safety of a more crowded society.

But an angry, emotional group insists that any gun-control bill is a sinister plot and conspiracy to deprive Americans of their constitutional right to bear arms.

This is nonsense. Those of us who are concerned about the mounting death toll from shooting merely want guns kept out of reach of juveniles, drug addicts, convicted criminals, and the mentally unbalanced. There is no need to deprive hunters and those who have a legitimate reason.

But let the record show that people in rural areas are just as concerned about this problem as anyone else. They want action by Congress.

[From the Prairie Farmer, Feb. 4, 1967]

ILLINOIS FARMERS FAVOR RESTRICTIONS ON POSSESSION, USE OF FIREARMS

Most Illinois farm people would like to see the government take steps to limit the possession and use of firearms by the public, according to a recent Prairie Farmer poll. Women had stronger feelings in limitation.

Here is how they responded when asked the following question: "Do you feel that more stringent efforts should be made to control the possession and use of firearms by the public?"

	Men	Women	Both
Yes	51.6	62.5	57.0
No	38.8	23.0	30.9
Not sure	9.6	14.5	12.1

Older people were more strongly in favor of gun restrictions, but a majority of all age groups favored restriction. Here is how they voted by age groups:

	Under 40	40 to 59	Over 59
Yes	53.5	57.2	59.4
No	34.2	33.1	23.2
Not sure	12.3	9.7	17.4

Educational level didn't seem to make such difference in how farmers felt, but college-trained farmers felt strongest about restricting firearms. Here is how they voted according to educational groupings:

	Grade school	High school	Some college
Yes	57.8	55.3	59.9
No	27.4	33.3	28.3
Not sure	14.8	11.4	11.8

[From the Prairie Farmer, Feb. 4, 1967]

HOOSIER FARM WOMEN WOULD LIMIT THE POSSESSION AND USE OF FIREARMS

Indiana farm women feel strongly about limiting the possession and use of firearms by the public, according to a recent poll by Prairie Farmer. Indiana farm men were about evenly divided on the question.

Here is how they answered when asked, "Do you feel that more stringent efforts should be made to control the possession and use of firearms by the public?"

	Men	Women	Both
Yes	42.8	63.3	53.3
No	42.2	22.9	32.3
Not sure	15.0	13.8	14.4

Middle-aged Hoosiers with growing children expressed stronger conviction on the need for firearms limitation. Only a bare majority of older people were in favor. Here is how they voted by age groups:

	Under 40 years	40 to 59 years	60 years and over
Yes	51.0	55.6	50.4
No	35.6	30.2	33.8
Not sure	13.4	14.2	15.8

Farmers with college training felt strongest about gun restriction and licensing, but there is very little difference between this group and farmer: with grade school education. Here is how they voted according to educational grouping:

	8 years or less	9 to 12 years	Some college
Yes	60.4	48.8	61.4
No	24.2	37.2	27.6
Not sure	15.4	14.0	11.0

THE NRA, THE LEGISLATOR, AND UNRESTRICTIVE LAWS

Mr. DODD. Mr. President, States popularly known as hunting States have, relatively speaking, small populations. And, generally speaking, the hunting States have lax firearms laws, though this is not universally true.

I have often suspected that among the reasons for this is that the lobbies and special interest groups find it somewhat easier to work their will when the opinions of fewer people are needed to tip the scales against one issue or another.

I read an article recently that in effect came to the same conclusion concerning the relatively unrestrictive firearms laws in the States of Maine, Vermont, and New Hampshire.

In the Portland (Maine) Express of November 7, 1967, Sandor M. Polster analyzes the firearms problems in Maine and the need for a tightening of the gun laws. The article is entitled: "Law Officials Condemn Maine's Lax Gun Laws."

Mr. Polster recounts the recent legislative history of one lawmaker who attempted to revise the firearms laws, an attorney from Belfast who introduced a gun control bill in the legislature in 1965. It met the same demise as most of the firearms legislation introduced in State and town councils across the country—it died in the legislature's judiciary committee.

Mr. Polster quotes the author on the death of his first and only effort to legislate on firearms:

> I withdrew it not because of the . . . well, you just can't believe the mail I got . . . I was accused of being a Communist, of being an enemy . . . I received a deluge of this stuff. A number of my colleagues told me they had to oppose me. I was told it was too hot an issue to handle . . . I just felt there was no point in flying in the face of a stone wall.

Mr. Polster then adds:

> The "stone wall" is the National Rifle Association. The effective lobby group based in Washington, has managed to keep gun laws in Maine, New Hampshire and Vermont unrestrictive. It has always frightened law enforcement officers. Many would comment off the record regarding the state's laws, but when it came to a quote, they asked to remain anonymous.

It was the year of 1965 when the Belfast, Maine, attorney received so much abuse by mail and pressure from his colleagues to withdraw his firearms proposal. According to Mr. Polster, it was the year 1965 when the last serious attempt to change the firearms laws in the State of Maine died at the hands of the NRA.

Mr. President, I quote a paragraph from the 1965 operating report of the National Rifle Association. On page 21, under "Legislative Services," the board of directors reported the following:

> Information to NRA members about firearms control proposals is supplied by three principal means—(1) the regular report, "What the lawmakers are Doing," in The American rifleman; (2) NRA legislative bulletins and memoranda; and (3) direct contacts by mail or wire. During 1965, 350 bills of concern to gun owners were introduction in 47 state legislatures and the U.S. Congress. Details about the more important ones were published in 99 columns of the magazine, and 28 legislative bulletins were mailed to 300,000 members and clubs in 14 states. NRA members reacted promptly, firmly, and in force. As a result, no severe legislation was enacted on the federal or state level.

Little wonder, then, that a solitary piece of legislation that would have given the State of Maine a more effective firearms law was crushed before it had a chance.

It fell before the computerized juggernaut of the NRA lobby, as do so many other attempts in other States each year.

Mr. President, I ask unanimous consent that the entire article by Sandor M. Polster be printed in the RECORD at this point, for the information of Senators as they consider title IV of the omnibus crime bill.

Title IV is my amendment to S. 917 and is now being subjected to the same type of lobby pressure discussed in the article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Law Officials Condemn Maine's Lax Gun Laws

(By Sandor M. Polster)

Since February, 45 hand guns, 41 rifles and four shotguns have been stolen from homes, cottages and businesses in Maine.

The thefts of these firearms have been reported. It is not known how many guns have been stolen and not reported for one reason or another.

In June 1965, then Massachusetts Commissioner of Public Safety Richard R. Caples told a U.S. Senate subcommittee in Washington how a 16-year-old Cambridge, Mass., youth came into Maine, purchased 16 guns and took them back to the Bay State on a bus.

Caples added then that one of the guns was later used to kill a Medford, Mass., policeman.

These facts, and others, are cited by law enforcement officials in condemning Maine's lax gun laws. The only requirement for purchase of a firearm in this state is to be 16-years or older.

To carry a concealed weapon requires a permit, issued by city police, but that is as restrictive as the law gets.

In Maine's recent legislative history, only one lawmaker has attempted to revise the gun law. Richard W. Glass, a Belfast lawyer, introduced his measure in the 1965 legislature.

Glass, Waldo County Attorney from 1954 to 1960, was a state senator in 1965.

Whereas the present law requires a permit for concealing weapons on the person, Glass' bill would have necessitated registration of any concealable weapon, which was defined as any gun up to 12 inches long.

But Glass' proposal was short-lived—it never got out of the Judiciary Committee.

"I withdrew it not because of the . . . well, you just can't believe the mail I got," he said. "I was accused of being a Communist, of being an enemy . . . I received a deluge of this stuff. A number of my colleagues told me they had to oppose me. I was told it was too hot an issue to handle."

Glass added: "After polling the committee and in light of what other people had told me, the only thing I would be getting was publicity. I just felt there was no point in flying in the face of a stone wall."

The "stone wall," in Glass' opinion, is the National Rifle Association.

The effective lobby group, based in Washington, has managed to keep gun laws in Maine, New Hampshire and Vermont unrestrictive.

It has always frightened law enforcement officers. Many would comment off the record regarding the state's laws, but when it came to a quote, they asked to remain anonymous.

On the national level, only seven states require a license or permit for possession of firearms. South Carolina is the only state completely prohibiting sale of handguns. And nine states have no minimum age limit for purchasing guns.

While Maine's laws have come under attack from out-of-state law enforcement officials and from some within the state, they are enthusiastically endorsed by Dr. Alonzo H. Garcelon, an Augusta dentist and a director of the National Rifle Association.

"I don't see that we need any change," he said. "I think we're doing pretty well. Our crime rate isn't going up as far as I can see."

Garcelon termed Glass' measure "just tricky phraseology."

"I am not against good laws," Garcelon said. "To me, a gun law is meant to put the criminal out of business. If we could design a gun law that would interfere with the criminal, then we'd be in business."

Col. Robert Marx, former chief of the Maine state police and now director of the New England State Police Staff College in Foster, R.I., said recently he wasn't satisfied with the state's gun laws.

"My feeling has always been that certain areas of the gun control law could be strengthened," he said. "Even a child can buy a gun through the mail as the law stands now."

The answer, Marx said, rests with the legislature.

"I believe our sales of weapons should be tightened up somewhat," he said.

Marx suggested that several factors ought to enter into the purchase of firearms, including mental competency, criminal record and age.

"As I understand, it's a simple matter to buy a machine gun through the mail," he said.

Several law officials said although Maine prohibits purchase of firearms by persons convicted of a felony within five years of release "from probation, prison or parole," such a law is difficult to enforce.

Gun dealers are required to record the name of the purchaser and the gun's serial number, but officials concede this is seldom done.

And besides, as one police official put it, how is a gun dealer to know if a customer is telling the truth as to his name or, for that matter, whether he is, indeed, a felon?

COMMONWEAL POSES FIREARMS QUERY: CONSTITUTIONAL RIGHT OR LUNACY?

Mr. DODD. Mr. President, an interesting editorial statement was published in last week's issue of Commonweal, a magazine which reaches 35,000 homes each week. It comments on the pending firearms control provisions of title IV of the Omnibus Crime Control and Safe Streets Act.

John Deedy editorially takes note of the National Rifle Association's fight for their version of the second amendment and dismisses it as irrelevant. He points out that the NRA just will not countenance meaningful gun control legislation to alleviate the high rate of violence in the streets.

Of course, Mr. Deedy realizes that any appeal to the rational faculties of the NRA are futile and that, as he phrases it:

> If the past offers any clue, it will go in one ear and out the other . . . thus insuring that a willful conspirator or anyone with a nutty idea in his head will still be able to drop into shops like Abercrombie & Fitch, pick out his gun, even get some coaching, and be about his business.

As we consider title IV to the crime control bill, I desire to share Commonweal's view with Senators, so I ask unanimous consent that the article published on May 3, 1968, be in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

News and Views

(By John Deedy)

One would have to search far for an example of commercial contretemps to match that of Abercrombie & Fitch during the wake period of Martin Luther King. On April 8—four days after Dr. King's assassination and the day before the funeral—Abercrombie & Fitch took two columns of space in the New York *Times* to advertise its gun department and the availability of Rex Gage for private shooting lessons.

Mr. Gage, Abercrombie & Fitch gloried, is "one of the foremost instructors of England's renowned Holland & Holland shooting school. And to underscore his credentials, Abercrombie & Fitch offered a letter of recommendation from Norman T. Clarke, Holland & Holland's senior shooting instructor: "Mr. Gage . . . has had an extensive training by me. He teaches my system of how to shoot."

If all this weren't errancy enough, Clarke apologized that he wouldn't be at Abercrombie & Fitch's himself: "I am afraid I will not be able to see you in New York this spring, as I shall be visiting the West Coast and southern parts of the United States during April and part of May . . ."

Now, no one is charging there is something suspect about Mr. Gage's occupation. Abercrombie & Fitch's advertising or Mr. Clarke's itinerary. But four days after the King murder and the new evidence it provided of the American propensity for violence, there is something sick about the exaltation of guns and the shooting sports—since this is a land where anyone, balanced or not, can pop an order into the mails, or walk into Abercrombie & Fitch or any other sporting goods store, and freely purchase the guns and instruction that help make violence a way of life in America.

Admittedly, Article 2 of the Bill of Rights speaks of "the right of the people to keep and bear arms." But, as Gunnar Myrdal commented after Dr. King's murder, (a) the idea that everyone should be able to buy a gun is "silly," and (b) if the Constitution gives the people this right, "then to hell with the Constitution."

Myrdal is right, although the problem isn't in the Constitution. It's in the enactment of sensible gun control laws. Yet, strangely enough, to get such laws written is as tough a task as getting the Constitution amended, for one is in contention with the largest and perhaps most effective lobbying group in Washington, the National Rifle Association. The NRA just won't countenance broad gun control.

A week to the day after the King murder, NRA president Harold W. Glassen of Lansing allowed that the killing was "senseless" and "cruel," but in the same breath he argued that the King murder should have no effect on gun legislation. And, indeed, it won't, if the NRA has its way, as it likely will.

Hence, even in this tragic year, the best the nation can hope for is the mildest extension of gun control—a measure to ban interstate mail-order sales of pistols and other concealable weapons, and the prohibition of over-the-counter sales of hand-guns to out-of-state residents. Pretty weak legislation, with nothing, notice, on the regulation of rifles and other "long" weapons of the type that killed Dr. King and that are common to assassinations in America. The NRA lobby protects their sale.

At the National Rifle Association's recent convention in Boston, Massachusetts Lieutenant Governor Francis Sargent urged the NRA to spearhead gun control legislation instead of "either blocking it or offering mealy-mouthed plans that are more pablum than reform." The metaphor is bad but the thought is good.

Unfortunately, if the past offers any clue, it will go in one ear and out the other of the National Rifle Association, thus insuring that a willful conspirator or anyone with a nutty idea in his head will still be able to drop into shops like Abercrombie & Fitch, pick out his gun, even get some coaching, and be about his business.

Purchasers defend this arrangement as a constitutional right, sellers as an inescapable merchandizing risk. History will label it lunacy.

WOMEN VOTE 2 TO 1 FOR GUN PURCHASE PERMIT

Mr. DODD. Mr. President, 1,000 members of the Good Housekeeping consumer panel, a nationwide cross section of America's women, were surveyed recently on their attitudes toward gun control.

The women were asked:

> Should a permit be required to purchase a gun?

The results were published in the May issue of the magazine.

The vote was decisive, almost 2 to 1 in favor of a permit to purchase, 63.9-to-32.2 percent.

I should point out to Senators that the results of the survey are consistent with those of virtually every other public opinion poll or survey I have ever seen on the subject. They reflect a deep concern on the part of American women who feel the urgent need to pass a law that will effectively keep firearms out of the hands of criminals and the unstable.

I suggest that this is another voice in the chorus of polls, surveys, editorials, broadcasts, and expressions of deep public concern over the need for Congress to adopt a strong Federal firearms law, specifically, title IV of the omnibus crime bill now being debated.

I ask unanimous consent to have printed in the Record the text of the Good Housekeeping poll.

There being no objection, the item was ordered to be printed in the Record, as follows:

GH Poll: Should a Permit Be Required To Purchase a Gun?

According to the first nationwide survey of women's attitudes toward gun control, two out of every three American homemakers believe that no one should be able to buy a gun, pistol or rifle without a permit.

The May issue of Good Housekeeping reports the results of its findings from a poll conducted among a cross-section of over 1,000 of its readers.

Participants were asked whether they agreed with New York Mayor John V. Lindsay that a permit should be required to buy a rifle, shotgun or pistol, or with Harold W. Glassen, president of the National Rifle Association of America, who opposes such a requirement. The women's vote was very close to a decisive two to one with 63.9% in support of Mr. Lindsay and 32.2% in support of Mr. Glassen. Less than 2% were undecided.

Gun control is one of the most bitterly debated of national issues. On one side is a large body of concerned citizens who feel the urgent need to pass laws that will keep firearms out of the hands of criminals and the mentally unstable. They point to the soaring crime figures as clear evidence that guns are far too easily available. They cite the murder of John F. Kennedy as a tragedy that might have been averted if the gun laws had been stricter.

On the other side is another large body of citizens who are worried that tough gun restrictions would violate the basic freedom of law-abiding Americans. They believe that people who legitimately use guns for hunting, sports or self-protection would be penalized while criminals would easily obtain firearms by stealing and other illegal means.

The Poll revealed that the participants, while disapproving of the casual sale of firearms to all comers, were under no illusion that gun laws in themselves would turn this country into a more peaceful society. In fact, they weren't even sure that gun-control laws would reduce crime. A shade over half the respondents, 50.3% believed crime would be reduced while 42.7% foresaw no reduction.

When asked if they or a member of their family owned a gun, 57.3% said yes. Furthermore, most gun-owning households possess more than one weapon. You might logically expect that women who have a housefull of guns would be overwhelmingly opposed to gun controls. However, this is not the case. Gun owners split 50–50 between Mayor Lindsay and Mr. Glassen. Among the people who do not own guns, however, Mr. Lindsay's stand is supported seven to one.

Many readers on both sides speak out against mail-order sales of firearms, shocked by the easy access to guns offered by periodicals their children read. Many would forbid all sales to minors. One out of every ten respondents suggests mandatory training classes for gun owners. "No government would be so foolish as to issue a driver's license to someone who isn't qualified. Don't people know that a gun is dangerous?"

Mr. DODD. Mr. President, I have heard that the Senator from Wyoming [Mr. Hansen] has been patiently waiting for me to be through, and I was anxious to get through. I have been talking about 3 hours.

Do I understand correctly that the matter of the Senator from Wyoming is to go over until tomorrow, when he will have an opportunity to fire away at me?

Mr. HANSEN. I thank the distinguished Senator from Connecticut. I note that he certainly has considered this subject in all of its ramifications, and I compliment him for his display of stamina this afternoon. I am sure it has not been easy to present all of the material he has presented.

What I should like to do, in response to the Senator's question, would be to ask some questions that the Senator from South Carolina [Mr. Thurmond] would have asked if he were here; he asked me if I would ask them for him.

Then, if it is agreeable with the Senator from Connecticut, I should like to put the questions I have in my own right tomorrow, say around 11:15.

Mr. DODD. Fine.

Mr. HANSEN. Which I think the Senator from West Virginia had suggested might be an acceptable time, and agreeable with the Senator from Connecticut.

Mr. DODD. That is entirely acceptable to me.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. METCALF. I, too, have some inquiries about the effect of this bill on some of the rural areas, as to the cowboys and Indians, and so forth, which the Senator from Connecticut has talked about.

Mr. DODD. I did not mean they were there now, except on reservations.

Mr. METCALF. The Senator has reservations, and we have reservations in Montana.

I do not wish to involve the Senator in colloquy now, after his long, involved, complicated, and very eloquent and persuasive speech, but I should like to have an opportunity tomorrow to ask some questions about the impact of this bill on the people of my State.

Therefore, Mr. President, I hope it will be agreed that, after the Senator from Wyoming is through, I may have an opportunity to discuss this matter with the Senator from Connecticut.

Mr. DODD. Yes. Mr. President, if I may address my remarks to the acting majority leader, it is an open field, as far as I am concerned. I should like to have anybody ask questions who wants to.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Connecticut yield for a unanimous-consent request?

Mr. DODD. I yield.

Mr. BYRD of West Virginia. Perhaps the unanimous-consent request can be worded to accommodate both the distinguished Senator from Wyoming [Mr. HANSEN] and the distinguished Senator from Montana [Mr. METCALF].

ORDER FOR RECOGNITION TOMORROW OF SENATORS DODD, ERVIN, HRUSKA, CLARK, AND CHURCH

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, on the completion of the statement by the distinguished Senator from Kentucky [Mr. MORTON], the Senator from Connecticut [Mr. DODD] be recognized for 1 hour.

Mr. DODD. Mr. President, I do not object. I am just fearful that others may be shut off who wish to ask questions. I do not know whether that is enough time or not.

Mr. BYRD of West Virginia. This would give the Senator from Connecticut 1 hour in which to answer questions, beginning about 11:15 or 11:20 tomorrow morning.

Mr. DODD. That is perfectly all right with me. I just do not wish anyone to think I am trying to put a limitation on the time available for the purpose of asking questions.

Mr. METCALF. Mr. President, I think that will take care of my problem, and I hope that of the Senator from Wyoming.

Mr. HANSEN. Mr. President, I should think that would be adequate.

Mr. METCALF. I have no objection.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield for a further unanimous-consent request, I ask unanimous consent that at the end of the hour which has already been granted to the distinguished Senator from Connecticut [Mr. DODD] tomorrow, the Chair recognize the Senator from North Carolina [Mr. ERVIN] for 2 hours; thereupon the Senator from Nebraska [Mr. HRUSKA] for 1 hour; thereupon the Senator from Pennsylvania [Mr. CLARK] for 1 hour; and thereupon the Senator from Idaho [Mr. CHURCH] for 1 hour.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

Mr. METCALF. I thank the Senator from Wyoming and the Senator from Connecticut.

Mr. HANSEN. Mr. President, on behalf of the Senator from South Carolina [Mr. THURMOND], I address the following questions to the distinguished Senator from Connecticut.

As I read section 923(a), of title IV, all dealers must be federally licensed, no matter whether they sell only over the counter in their own States, or whether they sell through the mails to out-of-State residents. Is that correct?

Mr. DODD. That is correct.

Mr. HANSEN. Therefore, all firearms dealers must be federally licensed; is that not correct?

Mr. DODD. That is true.

Mr. HANSEN. As to a dealer who sells over the counter to persons in his own locality, he must comply with the provisions of section 922(b); is that not correct?

Mr. DODD. If the Senator will refresh my memory——

Mr. HANSF I note that the Senator from South Carolina has added a statement as to section 922(b), as follows: "922(b) says it shall be unlawful for any licensee to sell any firearm to any individual unless he has complied with the requirements of subparagraphs (1), (2), (3), (4), and (5) of section 922(b)."

Is that correct?

Mr. DODD. That is correct.

Mr. HANSEN. 922(b).

Mr. DODD. I think that is one of those sections that place requirements upon the dealer. So that would be right.

Mr. HANSEN. Is Federal criminal liability not imposed upon the dealer as well as upon the purchaser by this section?

Mr. DODD. If the dealer sold in violation of the State law, it would be a violation of the State law. That is correct.

Mr. HANSEN. Mr. President, on behalf of the Senator from South Carolina, I ask unanimous consent that the section-by-section analysis of section 922 (b), which is found on page 114 of the committee report, be printed at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

Section 922(b) contains prohibitions applicable only to licensees—These prohibitions go to intrastate, as well as interstate, transactions by licensees

Section 922(b)(1).—The sale by a licensee of any firearm, other than a shotgun or rifle, to anyone less than 21 years old is prohibited. The prohibition would usually be concerned with over-the-counter sales but would also be involved in intrastate mail-order sales. There is no comparable restriction in the present Federal Firearms Act.

Section 922(b)(2).—This paragraph was designed to implement State and local firearms controls by making it unlawful for a licensee to deliver any firearm to an unlicensed person with reasonable cause to believe the receipt or possession of the weapon would be in violation of State or local law. Again, this control measure is directed primarily toward over-the-counter sales but would also be applicable to all sales. There is no comparable provision in the present Federal Firearms Act.

Section 922(b)(3).—Under this paragraph, it would be unlawful for a licensee to sell a firearm, other than a rifle or shotgun, to an out-of-State unlicensed resident. Shotguns or rifles could be sold over-the-counter or mail-order to out-of-State residents. This prohibition implements the strict controls over the interstate movements of pistols and revolvers in section 922(a)(2) as contained in the title. It also is designed to prevent the avoidance of State and local laws controlling firearms other than rifles and shotguns by the simple expediency of crossing a State line to purchase one. There is no comparable provision in the present Federal Firearms Act.

Section 922(b)(4).—A licensee is prohibited from disposing of a destructive device or a national act weapon (gangster-type) to any unlicensed person unless that person has a statement executed by the principal law enforcement officer of the locality where the unlicensed person resides. The statement is required to be maintained as part of the records of the licensee. This prohibition is directed to over-the-counter sales and may be applied to intrastate mail-order sales. The present Federal Firearms Act has no similar provision.

Section 922 (b)(5).—This paragraph makes it unlawful for a licensee to dispose of a firearm without making a record showing the name, age, and residence of the purchaser. Of course, this prohibition implements each of the controls imposed by the title. There is a somewhat similar provision in the present Federal Firearms Act (15 U.S.C. 903(d)).

Section 922(c).—This subsection prohibits a licensee from disposing of a firearm or ammunition to a fugitive, a felon, or one under indictment. A person who has been granted relief under section 925(c) is excluded from the class of persons covered by this restriction. The prohibition here goes to all types of sales or dispositions—over-the-counter as well as mail order. The provisions of this subsection are similar to 15 U.S.C. 902(d) of the present Federal Firearms Act but go further than that subsection in that over-the-counter sales are covered. Also ammunition for destructive devices is included in the prohibition.

Section 922(d).—This subsection makes it unlawful for a common or contract carrier to transport or deliver any firearm in interstate or foreign commerce with knowledge that its transportation or receipt would be in violation of any provision of the title. Present law has no specific restrictions on common or contract carriers. However, 15 U.S.C. 902(d) through (i) of the present Federal Firearms Act could be applied to carriers in proper factual situations.

Section 922(e).—This subsection prohibits a felon, fugitive, or one under indictment from shipping a firearm or ammunition in interstate or foreign commerce. The same prohibition is contained in 15 U.S.C. 902(e) of the present Federal Firearms Act except that ammunition for a destructive device is not covered.

Section 922(f).—This subsection makes it unlawful for a felon, fugitive, or one under indictment to receive a firearm or ammunition which has been shipped or transported in interstate or foreign commerce. The present Federal Firearms Act (15 U.S.C. 902(f)) contains a similar prohibition. However, a person under indictment is added by this subsection to the class of persons restricted from receiving firearms, the presumption in 15 U.S.C. 902(f) is not carried over into this subsection, and the restriction in the present Federal Firearms Act does not go to ammunition for destructive devices.

Section 922(g).—This subsection makes it a crime to transport a stolen firearm or ammunition in interstate or foreign commerce knowing either was stolen. This subsection follows 15 U.S.C. 902(g) of the present Federal Firearms Act except that it covers ammunition for destructive devices rather than pistol and revolver ammunition.

Section 922(h).—This subsection prohibits any person from receiving, etc., any stolen firearm or ammunition "moving as", etc., in interstate or foreign commerce. This prohibition is a modified form of the restriction in 15 U.S.C. 902(h) of the present Federal Firearms Act but the restriction would go to ammunition for destructive devices rather than pistol and revolver ammunition.

Section 922(i).—This subsection makes it unlawful for any person knowingly to ship or receive in interstate or foreign commerce any firearm having the serial number removed or altered. This prohibition is found in 15 U.S.C. 902(i) of the present Federal Firearms Act except that the presumption would not be carried over.

Section 922(j).—This subsection is related to section 925(d) as contained in the title which authorizes the importation of firearms upon meeting state conditions precedent. The subsection makes it unlawful to import a firearm in violation of section 925(d) as contained in the title or knowingly receive any firearm unlawfully imported under that section. The present Federal Firearms Act contains no comparable prohibition.

Section 922(k).—This subsection makes it unlawful for a licensee to falsify records, to fail to make record entries or to fail to maintain records required. The present Federal Firearms Act requires records in 15 U.S.C. 903(d). However, this prohibition, coupled with the more detailed record requirements in section 923(d) as contained in the title, goes further than requirements in the present Federal Firearms Act.

Mr. HANSEN. Mr. President, subparagraph (1) says that it is unlawful for any dealer to sell any firearms to any person under 21. If the buyer presents false identification to the dealer to the effect that he is 21 when he in fact is under age, is the dealer, if he makes the sale, criminally liable?

Mr. DODD. The dealer would have to do it knowingly. Under the language of the title, the dealer would have to know or have reasonable cause to believe.

Mr. HANSEN. He would not be criminally liable unless he did it knowing that the person was underage. Does not the language say: "Knows or has reasonable cause to believe—?"

Mr. DODD. The Senator is correct. I think the exact language reads:

> It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or deliver any firearm to any individual who the licensee knows or has reasonable cause to believe is less than 21 years of age, if the firearm is other than a shot gun or rifle.

That is section 922(b)(1).

Mr. HANSEN. Mr. President, anticipating possibly that the Senator might have responded in the negative, which he did not, since he gave a qualified response to the effect that there would be no criminal responsibility unless he knew or had reasonable cause to believe that the purchaser was under 21 years of age, I am not certain how germane the next question is. However, since the question has been prepared by the Senator from South Carolina, I feel that I should ask it.

Would the fact that the person presenting false information had the appearance of a 16-year-old negate the presentation of false identification to the dealer?

Mr. DODD. I should think that would be a matter for the court to determine. The person might look less than 16 to one person and not to another.

My answer would have to be that that would be a question of fact.

Mr. HANSEN. In other words, would the youthful appearance of the purchaser constitute "reasonable cause to believe" that the person is less than 21?

Mr. DODD. Obviously, if a purchaser came in wearing rompers or in a kiddie cart, I would expect that would be reasonable cause to believe that he was under 21. However, again these are circumstances to be considered.

I am not trying to evade a direct answer.

In some cases that would be patently true. In others, it might be a pretty close question. However, the first part of the question would relate to making him criminally liable. It relates to what I have said. He should know. He should try to find out. That is all this section means.

Mr. HANSEN. How does an over-the-counter dealer comply with provisions of section 922(b)(2) if the purchaser who attempts to buy a gun over the counter is not from the same locality as the dealer?

Mr. DODD. Under the regulations promulgated by the Treasury Department, forms would be prepared and disseminated to licensees. These forms would have to be completed with respect to each gun sale. The form would include, I would presume, the name, age, and address of the purchaser and the statement that he is not a felon or fugitive or under indictment and that he is eligible under State and local law to purchase or possess a gun.

He would be required in addition, in my judgment, to establish his identification from the usual forms of identification—credit cards, automobile license, social security card, or any reasonable identification.

I know that those items can be forged and faked.

Mr. HANSEN. If the dealer is in Los Angeles and the prospective purchaser comes into the shop and says he is from San Francisco, Sacramento, or elsewhere in the State of California, is the Los Angeles dealer charged with responsibility of knowing the applicable ordinances of these other localities?

Mr. DODD. I think he is. As I understand title IV, he is responsible. He should know.

Mr. HANSEN. If, in fact, it would be a violation for a dealer in Los Angeles to sell the firearm to a purchaser from San Francisco because the sale would be in violation of the San Francisco ordinance, then the Los Angeles dealer would be criminally liable, would he not?

Mr. DODD. If he knew, that is correct. And he should know. It is encumbent upon him to learn. And if he were to go ahead and do it anyway, he would then be clearly in violation of the law. I do not see how else it could be. If he did it knowingly or had reason to believe that the sale was prohibited in San Francisco, then I would say that under the law he would be liable.

Mr. HANSEN. Mr. President, how can an over-the-counter dealer assume the risk for selling a gun to any purchaser who is not from his locality?

Mr. DODD. By making due and diligent inquiry as to his identification and the fact that he is a resident of the State.

Mr. HANSEN. What can he do to verify the essential facts of the transaction?

Mr. DODD. That he is 21, that he lives at such and such an address, that he is not a felon or a fugitive.

As I have said, the identification as to name, age, and address should not be too difficult. Most people have something they carry. He must inquire as to the status of the person with respect to being a fugitive or a felon, a convict.

Mr. HANSEN. There is no provision in title IV for the purchaser to submit a sworn statement or affidavit, is there?

Mr. DODD. There is no requirement of affidavit.

Mr. HANSEN. There is no requirement for a police check. What can the dealer do to protect himself from Federal criminal liability?

Mr. DODD. He can do just what I answered a few minutes ago. He should find out if the fellow is a fugitive or a convict by reasonable inquiry.

Mr. HANSEN. Senator THURMOND continues with his statement: "It certainly seems that it would be better to provide some type of protection for the dealer, preferably a sworn statement which could be confirmed by a local police officer."

Mr. DODD. A sworn statement and an affidavit are terms that are used almost interchangeably, and I believe they are different. At least, in my State they are. An affidavit must be notarized. Anyone can say, "I swear that this is true," but I do not believe it has the effect of a notarized affidavit. In any event, I am not adverse to requiring a notarized affidavit in addition to the other requirements. I thought it would be too burdensome on the party. But if that is what the Senator desires to do, I would not find it objectionable.

The Senator is speaking of both people residing in the same State? I believe all the questions dealt with people in the same State.

There is no other proposal before the Senate that would control this type of sale. I do not know whether that is particularly responsive to the question, but it may be helpful.

Mr. HANSEN. Senator THURMOND's statement continues: "Section 922(b)(3) of title IV prohibits over-the-counter sales of handguns to out-of-State residents, but a dealer can sell a long gun to an out-of-State resident. There is an identical provision in Amendment No. 90—is that not true?"

Mr. DODD. I do not believe so, but I believe Senator THURMOND is making reference to Senator HRUSKA's bill. I do not recall the number offhand. I believe it is No. 708.

Mr. HANSEN. I am sorry I cannot be more helpful. I am only reading what is written here.

Mr. DODD. My answer is that I do not know. I am not familiar with that.

Mr. HANSEN. The next statement is this: "But the dealer who sells a long gun to out-of-State residents must meet the requirements of section 922(b)(2). Is that not correct?"

Mr. DODD. Yes. The Senator is talking about the sale of a long gun to an out-of-State resident, and what does the Senator ask?

Mr. HANSEN. The statement reads: "But the dealer who sells a long gun to out-of-State residents must meet the requirements of section 922(b)(2)." Is that not correct?

Mr. DODD. Yes, I would say so. Section (2) reads:

> *(2) any firearm to any person who the licensee knows or has reasonable cause to believe is not lawfully entitled to receive or possess such firearm by reason by any State or local law, regulation, or ordinance applicable at the place of sale, delivery, or other disposition of the firearm.*

He would be prohibited, under this language, if he knew or had reasonable cause to believe that the possession of such firearm in the place where the buyer resided was unlawful but only in the case of the dealer shipping the firearm into the purchaser's State.

The section before that reads:

> *(1) any firearm to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age, if the firearm is other than a shotgun or rifle.*

Mr. HANSEN. But what can the dealer do to protect himself from Federal criminal liability if in fact the prospective purchaser is in violation of a State law or local ordinance of some other jurisdiction when he attempts to buy the long gun?

Mr. DODD. I assume he would have to do the things that any reasonable man would have to do. As was said about other questions, due diligence would have to be exercised to determine whom he represented himself to be, that he lived where he said he did, that his age was what he alleged it to be, and that the laws of the place where he resided did not prohibit it.

Mr. HANSEN. Senator THURMOND then makes some statements, and I believe he would invite your comment on them. He says: "It is my strong feeling that it would be better to provide a more tangible means of protection for honest dealers. We must keep in mind that many hardened criminals will not hesitate to purchase a gun in violation of the law and that a few unscrupulous dealers will not hesitate to sell to criminals. However, I am concerned about the possible hidden dangers of this bill for the honest dealer who, under § 922(b)(2) must now be responsible to thousands of local ordinances."

Mr. DODD. The best I can say about that—and I do not wish to be overly critical—is that if the dealer does this knowingly or with reasonable cause to believe that it is illegal, then he is liable.

Mr. HANSEN. Is it not true that the same type of burden will be placed on mail-order dealers of all firearms, whether they sell through interstate or intrastate commerce?

Mr. DODD. The same type of——

Mr. HANSEN. The same type of burden.

Mr. DODD. Well, interstate selling of handguns is altogether forbidden. So this is a different situation from the sale of the long guns, which is not forbidden, except to certain persons.

Mr. HANSEN. How can a dealer from Los Angeles check the essential facts surrounding a purchase order from an individual elsewhere in the State of California?

Mr. DODD. The same way I suppose I would if I were a dealer. I would find out. In California there is a uniform law, so that would not be difficult there. There could be States where it would pose more of a problem, but, happily, California has a uniform law.

Mr. HANSEN. Again, there is no provision for a sworn statement or a police check is there?

Mr. DODD. In the case of intrastate?

Mr. HANSEN. Intrastate.

Mr. DODD. No.

Mr. HANSEN. What if, in fact, the prospective purchaser is a convicted felon or narcotic addict or is in some other way barred by operation of Federal or State law or local ordinance from purchasing the gun? What can the dealer do to protect himself from Federal liability?

Mr. DODD. Check up on the person before he sells him the gun. He is right in his own State. But this is not an absolute requirement.

This language was written into the proposal to get at clear violations where they are easily ascertained.

Mr. HANSEN. For purposes of clarification only—and the Senator from South Carolina [Mr. THURMOND] did not ask this question but I wish to make further inquiry—would it be the Senator's judgment that there would be a responsibility and a burden upon a dealer to ascertain as best he could—without benefit of a sworn statement from the buyer or a check by the buyer's local police—that any prospective purchaser was not a convicted felon nor a narcotic addict?

Mr. DODD. Yes, and they are required to do it now under existing law, although I do not think they do. It is practically unenforced with respect to mail-order traffic. It is written in the law, but it is breached more than it is observed.

Mr. HANSEN. The final question by the Senator from South Carolina [Mr. THURMOND] is as follows: "Won't the net effect of these burdens on over-the-counter and mail-order dealers, if vigorously enforced, tend to put them in jail or drive all of them out of business?"

Mr. DODD. No, I do not think so at all. It will clean out what I call fringe operators and really not affect genuine businessmen who sell guns. I think it would help to get people out who should not be in the business anyway.

Mr. HANSEN. I thank the Senator, and I yield the floor.

Mr. DODD. I thank the Senator for his questions.

Mr. TOWER. Mr. President, the bill under consideration was originally presented to us by the administration, but it has changed form substantially, and I do not think that it can now be accurately labeled an administration measure. In any case, the Nation's No. 1 internal problem—lawlessness—is hardly the property of any political party. It is a bipartisan issue, and the bill we have before us is a bipartisan attempt to confront such lawlessness head on and to bring it completely under control.

Members on both sides of the aisle today recognize the serious situation in which we now find ourselves—an apparent breakdown of the system of law and order which has been the basic condition for progress and prosperity in this country. Acknowledging this, I may perhaps be forgiven for recalling the, shall we say, lack of seriousness, with which the so-called crime in the streets issue was greeted by many of my friends in the other party when it was first introduced into the national election in 1964. We were told by many at that time that street crime was hardly a concern of the Federal Government.

It soon became apparent, however, that anything which causes such widespread anxiety as the crime problem cannot escape becoming a concern of the Federal Government. The anxiety stems from a perception, in many parts of the country, that matters are out of control—that they are beyond the capacities of the local law enforcement authorities. As has become seemingly inevitable when such a thing happens, the public then looks to the Federal Government for help. Although many of us may find this an unfortunate state of affairs, we should remember that in view of the enormous slice of the tax dollar appropriated by the Federal Government it is not a surprising one.

Until the 1964 election, official Washington was interested in the crime problem only in the cases of organized crime, corrupt labor and management practices, antitrust violations, and so forth, or special kinds of crimes which had been made subject to Federal jurisdiction. Since 1964, Congress has been the beneficiary of an annual presidential crime message.

I am not complaining about the administration's obvious interest in the crime problem, Mr. President. To the contrary, I find it highly gratifying. And I have no doubt whatsoever that Republican Members of Congress will fully support any administration efforts to solve this problem which are constitutional and consistent with those basic principles of government to which our party is committed.

This bill which we are considering today is without question the most important feature of the administration's overall anticrime program, which, if I recall correctly, consists this year of a number of points. The main thrust of this measure is, of course, Federal financial aid for local law enforcement agencies, a principle I heartily endorse so long as the method of channeling such aid does not create dangers which I would think we all wish to avoid.

Ideally, I would prefer that the States and local communities can handle their own law enforcement problems without financial assistance from the Federal Government. However, when we face a situation which so urgently demands attention as that confronting the police today, we must be realistic and not indulge in wishful thinking. So long as Washington takes the lion's share of the Nation's tax money, it is only reasonable that the smaller units of government be assisted in this most important matter.

Let us make no mistake about it, a crisis has indeed hit America's law enforcement agencies. They have generally been doing an excellent job, but they are simply not in a position to cope with the overwhelming increase in crime and disorder that has been developing at a staggering rate of increase since World War II, particularly in our present decade. They are, for the most part, woefully undermanned. They lack money, and they lack resources for training and technical improvements. Something has to be done now, and our Federal Government is the operation most able to assist them under present circumstances.

I therefore view the assistance program provided by this bill as necessary, though we must of course guard against possible adverse effects. This bill is necessary because there is no alternative. As for any possible adverse effects, I think that we can minimize them if we select the proper means of administration. The bill as reported out of committee most certainly does not provide the proper means.

As the House bill came over to us, grants were to be in block form to the States, which would in turn be responsible for administering the program. This approach, I believe, is a sound one—much sounder than that presented to us by the Senate Judiciary Committee—an approach which would, in effect, I fear, give the Attorney General virtually all of the discretionary grantmaking authority.

Mr. President, if there ever was an area in which a grant program should not be controlled by Washington, this is it. Surely there are few who do not instinctively recoil at the thought of a national police force. I am fearful that this bill, as approved by the Senate Judiciary Committee, may well head us down that road towards such a national police force. We have, by this time, certainly had enough experience with grant programs to know that the agency which controls the flow of money also has great power over the operations of the recipient. We all know how this process works, Mr. President. A local or State agency expands its program because of the availability of Federal funds. Staff is increased, and commitments are made. At that point, the agency is, to say the least, somewhat vulnerable to suggestions or, perhaps even demands, made by the source of the extra funds. It is very hard, if not impossible, in such a case for the local agency not to adhere to those suggestions or demands.

Now S. 917, as it came from the administration, gave complete authority in administering these grants to the Attorney General or his designees. Certainly the Congress should never go along with such a dangerous approach, and, indeed, the other Chamber rose up and demonstrated that it was aware of the dangers in this approach. They rewrote the bill to lodge primary authority for administering the grants in the States. I know our own Criminal Laws and Procedures Subcommittee was also concerned with the prospect of an Attorney General calling the shots for the Nation's police forces, and, in the bill the subcommittee sent to the full Judiciary Committee, the subcommittee at least took a compromise approach which would have removed this power from the Attorney General. The subcommittee bill called for a three-man board with minority representation to administer the grant program—composed of "independent" members.

The bill which the full committee has sent us retains the three-man board provision, Mr. President, but completely omits the word "independent"; and so there is nothing, so far as I can see, which would prevent these board members from being taken from the Justice Department staff or at least selected by the Department. Indeed, it scarcely matters, since the board is explicitly made subject to the final authority of the Attorney General. So, if I have any understanding of the matter at all, the committee bill in this respect does not substantially differ from the bill drafted by the Justice Department and sent up to us last year.

Mr. President, we should all give careful consideration to the consequences of giving control of this grant program, a program which promises to expand with the years, to the chief Federal law enforcement officer. We have seen what has happened in the case of the medicare program, the Hill-Burton program, the education assistance program, and a great variety of other grant programs administered directly by the Federal Government. The pattern has repeated itself over and over again. We are always given assurances by administration spokesmen that aid will not lead to interference, but the inevitable guidelines always have a way of cropping up.

The lamentable part of it, Mr. President, is that in most instances these administration people who give us their solemn assurances really believe what they tell us. All they want to do, quite often, is to give out money in order that a problem can be solved. I do not accuse them of bad faith—it is simply that the process itself is, to at least some extent, inevitable. People who dole out money want to have some say-so about how it is to be spent; and of course they have their own ideas about what is right and what is wrong—ideas which may be considerably different from those prevalent in the community where the money is to be used.

I am in favor of giving aid to the country's policemen. I do not think we have any alternative. But if guidelines for using that aid are going to be set, if the conduct of police agencies is going to be closely scrutinized by some bureau which controls a substantial amount of the operating funds on which the police agencies are counting, I say let those guidelines and that scrutiny come from a State level, a level relatively close to the communities which the agencies serve.

Mr. President, as I have noted, I have grave reservations about the Justice Department becoming the police arbiter of the Nation, most particularly under the leadership of the present Attorney General, although I wish to make clear my very high regard for the Director of the Federal Bureau of Investigation and for the splendid job which he has accomplished in building that strong and essential arm of Federal law enforcement. In any event, no matter how excellent any given official might be or how well we might feel that he himself could do the job of administering or of advising on the administration of a grant program, we have to consider that in the future there will be new and different faces in these high positions. Congress should never, in any event, legislate with an eye to the personalities in office at the time. What we write into law will be executed by many and diverse individuals in the years ahead.

There is no question that we must write a law. There is no question that this law must provide financial as well as other assistance to the Nation's police. In the last 7 years, America's population increased 10 percent, and the number of major crimes increased 88 percent. No country can stand such a state of affairs for very long. No matter what the reasons for this development—poverty, mobility, urbanization, the decline of old standards of conduct—no matter what these reasons may be, something has to be done to prevent this land from falling into a state of anarchy. If such should happen, then all of the other fine aspects of the American dream would become irrelevant.

Along with, and, in many instances, because of, the spiralling crime rate, the police departments throughout the country have been faced with an increasingly sharp recruiting problem. Unless we do everything possible to dispel that problem, we face the unthinkable possibility of a Nation without police. There can be no doubt that even the approach of such a situation would drive us straight into the arms of a dictatorship. When law and order break down, Mr. President, people will turn to the first strong man who gives promise of restoring it. It would be folly for us to pretend that it cannot happen here.

It is for all these pressing reasons that I support the principle embodied in S. 917. However, as I have noted, I believe that it would be far better to lodge authority for administering this aid in the States.

MEDALS IN COMMEMORATION OF THE 100TH ANNIVERSARY OF THE COMPLETION OF THE FIRST TRANSCONTINENTAL RAILROAD

Mr. MOSS. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House on

S. 1909. The matter has been cleared with the majority and minority leaders.

The **PRESIDING OFFICER** laid before the Senate the amendments of the House of Representatives to the bill (S. 1909) to provide for the striking of medals in commemoration of the 100th anniversary of the completion of the first transcontinental railroad, which were, on page 2, lines 1 and 2, strike out "National Golden Spike Society, Box Elder County, Utah," and insert "Golden Spike Centennial Celebration Commission, Washington, D.C.,".

On page 2, lines 4 and 5, strike out "Utah Golden Spike Centennial Commission" and insert "Golden Spike Centennial Celebration Commission".

On page 2, line 7, strike out "National Golden Spike Society" and insert "Golden Spike Centennial Celebration Commission".

On page 3, lines 1 and 2, strike out "Utah Golden Spike Centennial Commission" and insert "Golden Spike Centennial Celebration Commission".

Mr. **MOSS**. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

STUDY OF COMPENSATION SYSTEM FOR MOTOR VEHICLE ACCIDENT LOSSES

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House on Senate Joint Resolution 129.

The **PRESIDING OFFICER** laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 129) to authorize the Secretary of Transportation to conduct a comprehensive study and investigation of the existing compensation system for motor vehicle accident losses, and for other purposes, which was, strike out all after the resolving clause and insert:

That (a) the Secretary of Transportation (hereinafter referred to as the "Secretary"), in cooperation with those other Federal agencies which possess relevant competencies, as provided in section 4, is authorized and directed to conduct a comprehensive study and investigation of all relevant aspects of the existing motor vehicle accident compensation system. Such study and investigation shall include consideration of the following—

(1) the inadequacies of such existing compensation system in theory and practice;

(2) the public policy objectives to be realized by such a system, including an analysis of the costs and benefits, both monetary and otherwise; and

(3) the most effective means for realizing such objectives.

(4) The oftentimes arbitrary and capricious cancellation or refusal to renew automobile insurance policies or the refusal to issue such policies without stated cause,

(5) The constant and costly increases in premiums for automobile insurance,

(6) The disparity between the amounts paid as premiums and the amounts paid out for claims,

(7) The frequent insolvencies of companies engaged in providing automobile insurance,

(8) Long delays in processing and paying claims arising out of motor vehicle accidents, and

(9) The efficiency and adequacy of present State insurance regulatory institutions.

(b) The Secretary shall submit to the President and to the Congress interim reports from time to time and a final report not later than twenty-four months after the date of enactment of this joint resolution. Such final report shall contain a detailed statement of the findings, conclusions, and recommendations of the Secretary, and may propose such legislation or other action as the Secretary considers necessary to carry out his recommendations.

ADMINISTRATIVE POWERS

Sec. 2. In order to carry out his functions under this joint resolution, the Secretary is authorized to—

(1) appoint and fix the compensation of such employees as he deems necessary without regard to the provisions of title 5, United States Code, governing appointment in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem;

(3) enter into contracts with corporations, business firms, institutions, and individuals for the conduct of research and surveys and the preparation of reports; and

(4) appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, such advisory committees, representative of the divergent interests involved, as he deems appropriate for the purpose of consultation with and advice to the Secretary.

Members of advisory committees appointed under paragraph (4) of this section, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be compensated at rates to be fixed by the Secretary but not exceeding $100 per day, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Members of such advisory committees shall, for the purposes of chapter 11, title 18, United States Code, be deemed to be special Government employees.

COOPERATION OF FEDERAL AGENCIES

Sec. 3. (a) The Secretary is authorized to request from any department, agency, or independent instrumentality of the Government any information he deems necessary to carry out his functions under this joint resolution; and each such department, agency, or independent instrumentality is authorized and directed to cooperate with the Secretary and to furnish such information to the Department of Transportation upon request made by the Secretary.

(b) The head of any Federal department, agency, or independent instrumentality is authorized to detail, on a reimbursable basis, any personnel of such department, agency, or independent instrumentality to assist in carrying out the duties of the Secretary under this joint resolution.

INTERAGENCY ADVISORY COMMITTEE

Sec. 4. The President shall appoint an Interagency Advisory Committee on Compensation for Motor Vehicle Accident Losses consisting of the Secretary who shall be Chairman and one representative each of the Departments of Commerce, Justice, Labor, Health, Education, and Welfare, and Housing and Urban Development, the Federal Trade Commission, the Interstate Commerce Commission, and the Securities and Exchange Commission, and such other Federal agencies as are designated by the President. Such members shall, to the extent possible, be persons knowledgeable in the field of compensation for motor vehicle accident losses. The Advisory Committee shall advise the Secretary on the preparation for and the conduct of the study authorized by this joint resolution.

HEARINGS AND PRODUCTION OF DOCUMENT EVIDENCE

Sec. 5. (a) For the purpose of carrying out the provisions of this joint resolution the Secretary, or on the authorization of the Secretary any officer or employee of the Department of Transportation, may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(b) In order to carry out the provisions of this joint resolution, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any corporation, business firm, institution, or individual having materials or information relevant to the study authorized by this joint resolution.

(c) The Secretary is authorized to require, by general or special orders, any corporation, business firm, or individual or any class of such corporation, firms, or individuals to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to the study authorized by this joint resolution. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(d) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under subsection (a) or subsection (c) of this section, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) Witnesses summoned pursuant to this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(f) Any information which is reported to or otherwise obtained by the Secretary or such officer or employee under this section and which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall not be disclosed except to other officers or employees of the Federal Government for their use in carrying out this joint resolution. Nothing in the preceding sentence shall authorize the withholding of information by the Secretary (or any officer or employee under his control) from the duly authorized committees of the Congress.

TERMINATION

Sec. 6. The authority of the Secretary under this joint resolution shall terminate ninety days after the submission of his final report under subsection (b) of the first section.

APPROPRIATIONS AUTHORIZED

Sec. 7. There are hereby authorized to be appropriated, without fiscal year limitation, such sums, not to exceed $2,000,000, as may be necessary to carry out the provisions of this joint resolution.

Mr. **BYRD** of West Virginia. Mr. President, I move that the Senate concur in the amendment of the House.

The **PRESIDING OFFICER**. The

question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

REMOVAL OF CERTAIN LIMITATIONS ON OCEAN CRUISES

Mr. BARTLETT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 12639.

The **PRESIDING OFFICER** laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 12639) to remove certain limitations on ocean cruises, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BARTLETT. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Magnuson, Mr. Bartlett, Mr. Brewster, Mr. Cotton, and Mr. Griffin conferees on the part of the Senate.

MODIFICATION OF ORDER RECOGNIZING CERTAIN SENATORS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order recognizing the distinguished Senator from Kentucky [Mr. Morton] immediately upon the conclusion of the prayer and disposition of the Journal tomorrow be vacated.

The **PRESIDING OFFICER** (Mr. Percy in the chair). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the able majority leader be recognized for 15 minutes tomorrow following the prayer and the disposition of the reading of the Journal.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous agreement under which the various Senators, including the Senator from Kentucky [Mr. Morton], were to be recognized tomorrow, be reinstated following the completion of the statement by the able majority leader.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, as I understand it, tomorrow the Senate will come in at 11 o'clock following a recess today; that after the prayer and disposition of the Journal, the able majority leader will be recognized for 15 minutes; that he will be followed by the able Senator from Kentucky [Mr. Morton] for 15 minutes; that he will be followed by the Senator from Connecticut [Mr. Dodd] for 1 hour; that he will be followed by the distinguished Senator from North Carolina [Mr. Ervin] for a period of 2 hours; that he will be followed by the Senator from Nebraska [Mr. Hruska] for 1 hour; that he will be followed by the distinguished Senator from Pennsylvania [Mr. Clark] for 1 hour; and that he will be followed by the distinguished Senator from Idaho [Mr. Church] for 1 hour.

Mr. President, is that understanding correct as to the previous agreement?

The **PRESIDING OFFICER.** The Senator is correct.

TRANSACTION OF ROUTINE BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine business, and that statements be limited to 3 minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The Presiding Officer laid before the Senate the following letters, which were referred as indicated:

Report of Title I Agreements Under the Agricultural Trade Development and Assistance Act of 1954

A letter from the Administrator, Foreign Agricultural Service, United States Department of Agriculture, transmitting, pursuant to law, a report of agreements signed under Public Law 480 in March and April 1968 for use of foreign currencies (with an accompanying report); to the Committee on Agriculture and Forestry.

Report of Federal Contributions Program Equipment and Facilities, Civil Defense

A letter from the Acting Director, Office of Civil Defense, Office of the Secretary of the Army, reporting, pursuant to law, on the Federal contributions program, equipment and facilities, for the quarter ended March 31, 1968; to the Committee on Armed Services.

Proposed Facilities Projects for Air Force Reserve

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting, pursuant to law, the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Air Force Reserve (with an accompanying paper); to the Committee on Armed Services.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for certain improvements in the administration of the Foreign Service Institute dated May 7, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, reporting, pursuant to law, a report of the examination of the financial statements of the Saint Lawrence Seaway Development Corporation for the calendar year 1966, Department of Transportation, dated May 6, 1969 (with an accompanying report); to the Committee on Government Operations.

Proposed Amendment of Immigration and Nationality Act

A letter from the Under Secretary of State, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act to facilitate the entry of certain nonimmigrants into the United States, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By **Mr. JORDAN** of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 68. A concurrent resolution to print additional hearings on amendments to the Federal Firearms Act (Rept. No. 1108);

S. Res. 276. A resolution authorizing additional committee funds for the Committee on Labor and Public Welfare;

S. Res. 277. A resolution authorizing the printing for the use of the Committee on Government Operations of additional copies of its hearings entitled "Riots, Civil and Criminal Disorders" (Rept. No. 1110);

S. Res. 279. A resolution authorizing the printing of the report "Mineral and Water Resources of Montana" as a Senate document (Rept. No. 1104);

S. Res. 280. A resolution authorizing the printing of additional copies of the committee print entitled "Planning-Programing-Budgeting: Selected Comment" (Rept. No. 1105);

S. Res. 282. A resolution to print as a Senate document a report by Senator Ellender entitled "Review of United States Government Operations in South Asia" (Rept. No. 1107);

S. Res. 285. A resolution to print as a Senate document the annual report of the National Forest Reservation Commission (Rept. No. 1106); and

H. Con. Res. 770. A concurrent resolution to authorize printing of updated pocket-size United States Constitution for Congressional distribution (Rept. No. 1109).

By Mr. BARTLETT, from the Committee on Commerce, without amendment:

H.R. 14681. An act to declare a portion of Boston Inner Harbor and Fort Point Channel nonnavigable; Committee on Commerce (Rept. No. 1113).

By Mr. BARTLETT, from the Committee on Commerce, with an amendment:

H.R. 15190. An act to amend sections 3 and 4 of the act approved September 22, 1964 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans (Rept. No. 1112).

S. 3465—THE EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT—REPORT OF A COMMITTEE—MINORITY, INDIVIDUAL, AND SUPPLEMENTAL VIEWS (S. REPT. NO. 1111)

Mr. CLARK. Mr. President, from the Committee on Labor and Public Welfare, I report favorably an original bill (S. 3465) to further promote equal employment opportunities of American workers, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the minority views of the Senator from Alabama [Mr. Hill] and the Senator from Arizona [Mr. Fannin], the individual views of the Senator from Vermont [Mr. Prouty], and the supplemental views of the Senator from New York [Mr. Javits].

The **PRESIDING OFFICER.** The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Pennsylvania.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. MONRONEY from the Joint Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records, transmitted to the Senate by the Acting Archivist of the United States, dated April 26, 1968, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BIBLE (by request):

S. 3456. A bill to provide that the prosecution of the offenses of disorderly conduct and lewd, indecent, or obscene acts shall be conducted in the name of and for the benefit of the District of Columbia; to the Committee on the District of Columbia.

By Mr. INOUYE:

S. 3457. A bill for the relief of Capt. John H. Beaumont, U.S. Air Force Reserve; to the Committee on the Judiciary.

By Mr. CLARK:

S. 3458. A bill for the relief of Natalie Tomassini; to the Committee on the Judiciary.

By Mr. HARRIS (for himself and Mr. MONRONEY):

S. 3459. A bill to name the authorized lock and dam numbered 17 on the Verdigris River in Oklahoma and the lake created thereby for Col. Auguste P. Chouteau; to the Committee on Public Works.

S. 3460. A bill to designate certain lands in the Wichita Mountains National Wildlife Refuge in Oklahoma as wilderness; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. HARRIS when he introduced the above bills, which appear under separate headings.)

By Mr. HARTKE:

S. 3461. A bill to amend the Tariff Schedules of the United States with respect to the tariff classification of invert or high-test molasses, and for other purposes; to the Committee on Finance.

S. 3462. A bill for the relief of Tommy Tung Ming Hall; and

S. 3463. A bill for the relief of Tommy Kin Ip Leung; to the Committee on the Judiciary.

(See the remarks of Mr. HARTKE when he introduced the first above bill, which appears under a separate heading.)

By Mr. LONG of Missouri:

S. 3464. A bill for the relief of Dr. Kenneth Siu; to the Committee on the Judiciary.

By Mr. CLARK:

S. 3465. A bill to further promote equal employment opportunities of American workers; placed on the calendar.

(See the remarks of Mr. CLARK when he reported the above bill, which appear under the heading "Reports of Committees.")

S. 3459—INTRODUCTION OF BILL TO NAME THE LOCK AND DAM NO. 17 ON THE VERDIGRIS RIVER, OKLA., FOR COL. AUGUSTE P. CHOUTEAU

Mr. HARRIS. Mr. President, I introduce, for myself and Mr. MONRONEY, a bill to authorize the renaming of lock and dam No. 17 on the Verdigris River in Oklahoma and the lake created thereby for Col. Auguste P. Chouteau. Also, Mr. President, I submit for the RECORD a concurrent resolution adopted by the Oklahoma Legislature memorializing members of the Oklahoma congressional delegation to introduce legislation, which I have just offered, to rename lock and dam No. 17, the Chouteau lock and dam, and I respectfully request that the concurrent resolution by the Oklahoma State House of Representatives be printed in its entirety at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the resolution of the Oklahoma State House of Representatives will be printed in the RECORD.

The bill (S. 3459) to name the authorized lock and dam No. 17 on the Verdigris River in Oklahoma and the lake created thereby for Col. Auguste P. Chouteau, introduced by Mr. HARRIS (for himself and Mr. MONRONEY), was received, read twice by its title, and referred to the Committee on Public Works.

The concurrent resolution presented by Mr. HARRIS is as follows:

HOUSE CONCURRENT RESOLUTION 586

A Concurrent Resolution memorializing members of the Oklahoma congressional delegation to the Congress of the United States to introduce legislation which will result in an official designation of a certain lock and dam on the Verdigris River under construction near Okay, as part of the Arkansas River navigation project, as "Chouteau lock and dam"; and directing distribution

Whereas, the Arkansas River Navigation Project that is presently being constructed by the Tulsa District Corps of U.S. Engineers for the purpose of barge navigation of the Verdigris, Arkansas and Mississippi Rivers, and which operation will require the construction of a number of locks and dams; and

Whereas, it requires legislation by Congress to rename a lock and dam, and Lock and Dam No. 17, four miles northwest of Okay on the Verdigris River in Wagoner County, has not yet been so designated by Congress; and

Whereas, Col. Auguste P. Chouteau built a complete shipyard at the falls of the Verdigris River near the location of this lock and dam for the construction of large keel boats to transport hides and produce down the Verdigris, Arkansas and Mississippi Rivers to the New Orleans market that reached maximum shipment early in 1824; and

Whereas, the Corps of Engineers has written a letter stating that they have no objection to such designation by Congress and feel that in considering the known history of the area that the name "Chouteau Lock and Dam" be an appropriate name: Now, therefore, be it

Resolved by the House of Representatives of the second session of the thirty-first Oklahoma Legislature, the Senate concurring therein:

Section 1. That members of the Oklahoma Congressional Delegation introduce legislation in the Congress of the United States officially designating Lock and Dam No. 17, now under construction on the Verdigris River as a part of the Arkansas River Navigation project, as "Chouteau Lock and Dam" to honor the family who visioned the feasibility of navigation of these streams for commercial purposes and brought it to fruition.

Section 2. That duly authenticated copies of this Resolution, after consideration and enrollment, shall be prepared for and sent to C. E. Chouteau, Oklahoma City, Oklahoma, and other known descendants of Jean Pierre Chouteau and Col. Auguste P. Chouteau.

S. 3460—INTRODUCTION OF BILL TO DESIGNATE CERTAIN LANDS IN THE WICHITA MOUNTAINS NATIONAL WILDLIFE REFUGE IN OKLAHOMA AS WILDERNESS

Mr. HARRIS. Mr. President, I introduce, for myself and my colleague, Mr. MONRONEY, a bill to designate certain lands in the Wichita Mountains Wildlife Refuge in Oklahoma as wilderness areas.

Mr. President, the Department of Interior last year conducted hearings in Lawton, Okla., concerning a proposal to designate certain lands within the Wichita Mountains Wildlife Refuge as wilderness in order to assure the retention of these lands in their natural state. On the basis of recommendations made at the hearings, the Department of Interior has decided to designate as wilderness areas some 8,900 acres within the boundaries of the Wichita Mountains Wildlife Refuge. These sections of the wildlife refuge afford excellent opportunities for scientific study and related educational activities, as well as for viewing this portion of our State in its natural setting. The Wichita Mountains Wildlife Refuge is an outstanding recreational facility for the people of southwestern Oklahoma and surrounding States and the establishment of a wilderness area within the refuge will certainly benefit large numbers of people who are interested in viewing the wonders of nature completely void of manmade constructions.

I would hope, Mr. President, that the bill can be enacted by the Senate with a minimum amount of delay.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3460) to designate certain lands in the Wichita Mountains National Wildlife Refuge in Oklahoma as wilderness, introduced by Mr. HARRIS (for himself and Mr. MONRONEY), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3461—INTRODUCTION OF BILL TO CORRECT THE TARIFF SCHEDULE FOR INVERT MOLASSES

Mr. HARTKE. Mr. President, I am today introducing a bill which would amend item 155.40 of the Tariff Schedules of the United States by adding within that classification the words "and invert or high-test molasses."

Under the Tariff Act of 1930 invert molasses was counted under this classification. But it is not, strictly speaking, molasses—it was in that spot under the doctrine of similitude. It is not imported for human consumption or for the commercial extraction of sugar.

The 1962 Tariff Classification Act did not make a special niche for this product, either. But it does carry a classification intended to be applicable to certain liquid sugars. As the tariff classification study on which the act was based makes clear, there was no intention to increase the duty on invert molasses.

However, under the similitude doctrine it was possible for the Customs Bureau to rule, and it has done so, that invert molasses belongs in the new items 155.30 and 155.35—in short, as a liquid sugar, to be nontechnical about it. This carries a duty rate 30 times as high, or 2.9 cents per gallon, and imposes an unwarranted excessive burden on users. The bill I offer would clarify the situation by making a specific place for this product in the classification, so that interpretations of "similitude" would not be necessary.

I might add that invert molasses is not made in this country, and that it is used only commercially in industrial manufacture. Its primary source is the Dominican Republic, and its previous—and under the bill, its restored—duty rate of 0.012 cents per pound is one to which we agreed in trade negotiations in 1949 and 1956. Thus, the higher rate under the Bureau of Customs ruling puts us in the position of violating an agreement with all members of GATT, under which we received reciprocal concessions for reducing the rate from 0.03 cents per pound.

Although Treasury has contended that under the present law the action of Customs in ruling as it has is correct, it supports this legislation in the belief that the change came about as an oversight. It also supports the retroactive application of the old rather than the higher rate, and so does the Department of State and the Office of International Trade. Also included in the bill is a provision for relief on eight entries of sugars in 1967 used in producing industrial alcohol, imported in the belief that they were dutiable at the lower rate because they were "not used for human consumption or for the commercial extraction of sugar."

When tariff matters are in consideration before the Finance Committee, I hope and trust that this bill for correction of an inadvertence will be adopted.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3461) to amend the Tariff Schedules of the United States with respect to the tariff classification of invert or high-test molasses, and for other purposes, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSOR OF BILL

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from North Dakota [Mr. BURDICK], I ask unanimous consent that, at its next printing, the name of the Senator from Oklahoma [Mr. HARRIS] be added as a cosponsor of the bill (S. 3410) to establish an advisory commission to make a study and report with respect to freight rates for farm products, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATION OF THE 100TH ANNIVERSARY OF THE ESTABLISHMENT OF YELLOWSTONE NATIONAL PARK—ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Mr. BYRD of West Virginia. Mr. President, I should like to read the following statement on behalf of the Senator from Washington [Mr. JACKSON]:

> Mr. JACKSON. Mr. President, on May 1 I introduced, in behalf of the Senator from North Dakota [Mr. BURDICK], the Senators from Wyoming [Mr. HANSEN and Mr. MCGEE], and myself, S.J. Res. 164, To commemorate the one hundredth anniversary of the establishment of Yellowstone National Park by providing for the National Park Centennial, and for other purposes.
>
> Today I ask unanimous consent that at the next printing of the joint resolution, the names of the Senators from Montana [Mr. MANSFIELD and Mr. METCALF] be added as cosponsors.

On behalf of the Senator from Washington [Mr. JACKSON], I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 287—RESOLUTION TO PAY A GRATUITY TO MARY N. BELL—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 287); which was placed on the calendar:

S. RES. 287

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary N. Bell, widow of Frank Bell, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967—AMENDMENTS

AMENDMENT NO. 746

Mr. METCALF (for himself and Mr. MANSFIELD) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 747

Mr. FONG (for himself and Mr. HART) submitted amendments, intended to be proposed by them, jointly, to Senate bill 917, supra, which were ordered to lie on the table and to be printed.

(See the remarks of Mr. FONG when he submitted the above amendments, which appear under a separate heading.)

INTERGOVERNMENTAL COOPERATION ACT OF 1967—AMENDMENTS

AMENDMENT NO. 748

Mr. MUSKIE. Mr. President, I submit, for appropriate reference, amendments which I intend to propose to S. 698, the intergovernmental cooperation bill, now pending in the Subcommittee on Intergovernmental Relations, Committee on Government Operations.

The amendments I will offer are intended to encourage simplification and improved coordination of accounting, auditing, and financial reporting requirements of Federal assistance programs.

Every Federal agency administering Federal assistance programs to State and local governments is charged by the Congress and by the regulations of the Comptroller General with assuring proper legal use of Federal funds made available to State and local governments through such programs. As a result each administering agency and each major bureau engaged in grant-in-aid administration deploys a number of fiscal auditors throughout the States at various times to audit grant-in-aid accounts. The General Accounting Office has its own field operations with its "spot audit" program, which is geared to ascertaining the effectiveness of agency audits of Federal expenditures and which also involves audits of grant expenditures at the State and local levels.

Yet, Federal agency auditing and accounting activities have had to keep pace with the growth in the number and variety of Federal assistance programs. Moreover, State governments in recent years and many local governments have made strenuous efforts to improve the capability of their own accounting and auditing systems—thanks to the rapid growth of State and local programs and expenditures.

Federal assistance programs differ in objectives, magnitude, governments, and governmental agencies involved, and the clientele served and in many other characteristics. Such programs then can hardly be expected to yield completely to uniform accounting and auditing requirements. Nevertheless, there remains the question as to whether the existing financial reporting, accounting, and auditing requirements are reasonable in their demands. Most State and local officials feel they are not. Some Federal aid administrators feel they are not. The recent experience of the Department of Health, Education, and Welfare and the Office of Economic Opportunity in placing reliance on State and local auditing, accounting, and reporting systems suggests that a rigid adherence to the status quo is not the best way to improve intergovernmental relations in this area. To help correct this condition, the Advisory Commission on Intergovernmental Relations in its fiscal balance report adopted a three-pronged recommendation urging enactment of general legislation by the Congress applicable to Federal grants-in-aid to States whereby: first, the Comptroller General would study and review the accounting and auditing systems of the States receiving Federal grants-in-aid and ascertain their general adequacy and integrity; second, for those States certified by the Comptroller General as meeting standards of adequacy and integrity, the results of State audits of expenditures of Federal grant funds would be accepted by the administering Federal agencies in lieu of their own fiscal audits with such acceptance to cease if the Comptroller General finds that the accounting and auditing system of a particular State no longer meets prescribed standards; and, third, this authorization would be extended at the discretion of the Comptroller General to units of local government receiving sizable grant-in-aid funds from Federal agencies.

The amendments I intend to propose are based on this recommendation. First, they would assign authority to the President to promulgate rules and regulations on a Government-wide basis for simplifying and, to the extent practicable, unifying the financial reporting requirements in Federal grant-in-aid programs. At the present time—thanks to diverse enabling legislation, appropriation acts, departmental regulations and various other factors—the procedures, format, frequency, and intensity of financial reporting requirements differ greatly from department to department and frequently from program to program within a department. The amendments are designed to provide the President with sufficient authority to achieve greater consistency, simplicity, and order in an area of grant-in-aid administration that thus far largely has also been ignored.

The amendments also provide the basis for acceptance of the accounting and auditing system in certain States and certain political subdivisions in lieu of Federal efforts in these fields. The Comptroller General, the Secretary of the Treasury, and the Director of the Bureau of the Budget are mandated to conduct a joint study of the principles, standards, and related requirements of executive agencies as they relate to the accounting and auditing of Federal grants-in-aid with a view to identify ways and means of developing Government-wide accounting and auditing procedures that foster greater interdepartmental coordination among financial management officials in the various Federal agencies administering grant programs. These provisions are designed then to reduce unnecessary duplication and excessive time required to perform these vital fiscal functions.

The Comptroller General is authorized to study and review the accounting and auditing systems of the States and their political subdivisions in order to determine the adequacy and effectiveness of their respective systems and what changes, if any, would be required in them to comply with the principles, standards, and related requirements prescribed by him in the area of grant-in-aid financial accountability. After consulting with the Secretary of the Treasury and the Director of the Bureau of the Budget and after assessing the statutory requirements and the administrative needs of executive agencies administering grants-in-aid, the Comptroller General is authorized to prescribe rules and regulations that would permit such agencies to substitute the accounting and auditing systems of States and local governments with their systems meet standards prescribed by him as they relate to the administration of Federal assistance programs.

The intent of these amendments is not to shortcut in any way the exercise of fiscal prudence and accountability at all levels of government. But they seek to develop new intergovernmental arrangements in the accounting and auditing field which would lead to a significant saving in time and energy and would provide the impetus for significant improvements in the whole area of intergovernmental fiscal management.

Mr. President, I ask unanimous consent that the text of the amendments I intend to propose to S. 698 be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendments will be received, printed, and appropriately referred; and, without objection, the amendments will be printed in the RECORD.

The amendment (No. 748) was referred to the Committee on Government Operations, as follows:

AMENDMENT No. 748

On page 2, line 4, strike out "1967" and insert in lieu thereof "1968".

On page 2, line 19, strike out "title VIII and title IX" and insert in lieu thereof "title VIII, IX, and X.".

On page 10, between lines 3 and 4, insert the following new sections:

"APPLICANT

"SEC. 122. The term 'applicant' means one or more States or local governments or other public or private agencies or organizations acting separately or together in seeking assistance with respect to a single project.

"PROJECT

"SEC. 123. The term 'project' means any undertaking, however characterized and whether of a temporary or continuing nature, which includes components proposed or approved for assistance under more than one Federal program, or one or more Federal and one or more State programs, if each of those components contributes materially to the accomplishment of a single purpose or closely related purposes.".

On page 59, after line 4, insert the following new title:

"TITLE X—ACCOUNTING, AUDITING, AND REPORTING OF FEDERAL ASSISTANCE FUNDS

"STATEMENT OF PURPOSE

"SEC. 1001. It is the purpose of this title to encourage simplification and improved coordination of accounting, auditing, and financial reporting requirements of Federal assistance programs, to survey the adequacy and effectiveness of the accounting and auditing systems of recipient jurisdictions, and to authorize the Comptroller General of the United States to prescribe rules and regulations for using State and political subdivisions accounting and auditing in meeting financial management requirements of such programs.

"MORE UNIFORM FINANCIAL REPORTING

"SEC. 1002. Notwithstanding any other provision of law, the President shall have authority to promulgate rules and regulations simplifying and, to the extent feasible, unifying financial reporting requirements of Federal assistance programs.

"ACCEPTANCE OF ACCOUNTING AND AUDITING OF STATES AND THEIR POLITICAL SUBDIVISIONS

"SEC. 1003. (a) The Comptroller General of the United States, the Secretary of the Treasury, and the Director of the Bureau of the Budget shall conduct a joint study of the principles, standards, and related requirements of executive agencies, as defined in chapter 1 of title 5, United States Code, for accounting and auditing of Federal assistance programs. Such study shall emphasize ways and means of developing government-wide accounting and auditing procedures that foster closer cooperation and coordination among the financial management officials of the different levels of the executive agencies, avoid unnecessary duplication, and minimize the amount of time required to perform the accounting and auditing functions. Such study with recommendations shall be submitted to Congress not later than twelve months after the date of enactment of this Act.

"(b) The Comptroller General shall study and review the accounting and auditing systems of States and political subdivisions receiving Federal assistance in order to determine (1) the adequacy and effectiveness of such systems, and (2) the nature of any changes in the accounting and auditing procedures employed in such systems which would be required for compliance with the principles, standards, and related requirements prescribed by the Comptroller General for protecting the interests of the United States with regard to accounting for expenditures of Federal assistance funds by States and their political subdivisions.

"(c) The Comptroller General, after consulting the Secretary of the Treasury and the Director of the Bureau of the Budget concerning their accounting and auditing needs, and considering statutory requirements and the needs of executive agencies responsible for administering Federal assistance programs, shall prescribe rules and regulations whereby such agencies may substitute for their accounting and auditing the accounting and auditing performed by States and political subdivisions receiving Federal assistance, when such accounting and auditing meet the requirements prescribed by the Comptroller General applicable to the administration of such assistance received by such States and political subdivisions. The Comptroller General shall make a report to Congress on the operations of this subsection at the end of such fiscal year, beginning with the first full fiscal year following the date of enactment of this Act."

NOTICE OF RECEIPT OF NOMINATION BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the following nomination: H. Brooks James, of North Carolina, to be an Assistant Administrator of the Agency for International Development, vice Herbert J. Waters, resigned.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

NOTICE OF HEARINGS ON SAVINGS AND LOAN RECEIVERSHIPS

Mr. PROXMIRE. Mr. President, on May 20 the Committee on Banking and Currency will conduct hearings on S. 3436, a bill to provide for the appointment of the Federal Savings and Loan Insurance Corporation as receiver, and for other purposes. The hearings will take place in room 5302, New Senate Office Building at 10 a.m. Persons desiring to testify should contact Mr. Lewis G. Odom, Jr., Staff Director and General Counsel.

TRIBUTE TO SENATOR HAYDEN—A GREAT AMERICAN

Mr. DIRKSEN. Mr. President, on behalf of the Senator from California [Mr. KUCHEL], I ask unanimous consent that a statement prepared by him in tribute to Senator HAYDEN be printed in the body of the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR KUCHEL

The decision of the Dean of the Senate to end an unprecedented skein of years of service to Arizona and to America evokes an almost indescribable sadness. An important page in the history of this noble body will turn. He will lay aside a public office filled for over a half-century with distinction and seldom-matched purposefulness.

Words to describe Carl Hayden and to categorize personal associations with him pour through the mind in an almost endless stream. My regard and affection best can be reflected by use of the appellation "amigo"—so reminiscent of the Old West where he was born and whose progress he influenced beyond measure.

This body will miss the challenge and presence of a member of unimpeachable integrity, who set standards which are imperishable, and whose accomplishments will inspire the best from each of us in years to come.

Though the inexorable passage of time prompts him to cease his labors in elective office, Carl Hayden will leave the Senate with more than memories and legends and he will be rich in knowledge that his beloved Arizona and the flourishing Southwest thrive because he husbanded their treasures while responding to challenges of progress. He can be content in knowledge he was a builder of an inviting and rewarding society. Though unpleasant, the breaking of ties is more easily tolerated because of his contributions toward the well-being and happiness of those who follow.

When this Congress finally adjourns an era may have ended but an ineradicable remembrance will remain as the Hayden sense of devotion motivates the membership through times ahead.

Mr. MURPHY. Mr. President, when historians of the next millennium look back with the wisdom of their hindsight to study the vibrant period in which we live, they will find ample evidence that there were among us a select few men whose vision and deeds matched the ever-expanding challenges around them.

Such a man is the senior Senator from Arizona, the distinguished CARL HAYDEN.

No State of our Union is without its share of monuments to his interest in the social programs and public works projects which have made possible our enormous progress during the past half century.

No State is without a plan for the future which is based to a large extent on his efforts.

More significantly, however, no State—and I respectfully request that I herewith be permitted a bit of regional pride—is now untouched by the expansive, exciting, visionary "Spirit of the West" which he so ably typified.

It has been an honor for me to call him a colleague and a friend. With the other Members of this Congress, I shall miss him.

At the same time, I sincerely hope that he will be able to find a great deal of justifiable personal satisfaction in the knowledge that the fruits of his labors will make this a better land and a better world for countless generations to come.

Mr. BIBLE. Mr. President, missing from the tribute to Senator CARL HAYDEN carried so voluminously in the CONGRESSIONAL RECORD yesterday were the fine remarks by Roy Elson at Tuesday's press conference after Senator HAYDEN announced his retirement. Roy, as Senator HAYDEN's administrative assistant, spoke most eloquently for himself and the Senator's staff. I ask unanimous consent that those remarks now be included in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATOR HAYDEN TRIBUTE FROM STAFF BY ROY ELSON, ADMINISTRATIVE ASSISTANT TO SENATOR CARL HAYDEN, MAY 6, 1968

For me, for my fellow staff members and for the many who have known and worked with you, Senator Hayden, let me say that it has been our honor and privilege to serve you in your service to our state and our country.

When I first came to Washington a time that was recent in the life of Carl Hayden but seems so very long ago to me, I really thought I knew some of the answers. I now realize, however, that most of what I have learned in life, I owe to Carl Hayden. For he has been my teacher, my leader, my example and, if I may say so my friend. I am certain that practically every man and woman in this room today can say essentially the same thing.

And that is about all I have to say about this great man who has, in Kipling's phrase, "walked with kings" and not "lost the common touch," the man who came from Arizona long ago to fill over 56 years of unforgiving minutes—who dared to dream dreams and lived to see their reality, not just for our time, but for all time to come.

Today we salute you, Senator Hayden, and thank you for letting us share a little in your greatness.

Mr. BROOKE. Mr. President, I shall always be profoundly grateful that I was given the privilege of serving during two sessions of the Congress with the illustrious senior Senator from Arizona and President pro tempore of the Senate, Senator CARL HAYDEN.

To those of us just beginning our service in the Senate, Senator HAYDEN's extraordinary record will ever remain a unique inspiration and example. His exemplary service to the people of his State and Nation, his unstinting courtesy, kindness, and patience with his colleagues, his devotion to the ideals and traditions of the Senate, of which he is in such a real sense a living tradition, are things for which I, as a very junior Member of this body, will retain the greatest admiration and respect.

I appreciate having the opportunity of joining my colleagues in wishing Senator HAYDEN many years of richly deserved happiness, health, together with the profound satisfaction that comes from having given of his very best to the people of Arizona, to the Senate of the United States and to his grateful and admiring fellow Americans.

THE 84TH BIRTHDAY ANNIVERSARY OF FORMER PRESIDENT HARRY S. TRUMAN

Mr. LONG of Missouri. Mr. President, today, May 8, 1968, is the 84th birthday of Harry S. Truman, one of the truly great Presidents of the United States.

It is an honor for me to be able to wish happy birthday to my good friend and fellow Missourian. He is admired and respected by all Americans. He is the favorite son of every Missourian.

The Presidency of the United States and the leadership of the Western World were thrust upon Harry Truman both at the close of World War II and the start of the quest for an enduring peace. Few periods of history have been so crucial to this country and to the future of world peace. Few men can equal the record he established in promoting the brotherhood of man and the association of nations.

In his first 4 months of office, the United Nations was chartered, Germany surrendered, the Potsdam Conference was held, and Japan surrendered. He initiated the Marshall plan for economic assistance which was designed to help refashion all of Europe into a free community of prosperous and independent states. He fashioned a peace that imposed not harsh penalties on the defeated nations, but rather attempted to restore their vitality and enable them to rejoin the postwar community of free nations.

Although a man of peace, President Truman acted always with a courageous will to protect the independence of threatened nations. His determination to check the advance of world communism will never be forgotten by free men.

Although so noted in his foreign policy, his domestic policy was just as dedicated to furthering the cause of humanity's right to freedom. He constantly advocated national fair employment practices. He brought an end to segregation in the Armed Forces. Many of the programs envisioned by President Truman have been realized in recent years, including the extension of voting privileges to all Americans, a healthcare program for the aged, and aid to elementary and secondary schools.

President Truman gained a well deserved reputation as a man of integrity and charity, as a man who kept faith with the common man—with those men whose sturdy endurance and devotion to duty comprise the strength of America.

I know I speak for all the people in my State in wishing this world statesman, this outstanding American, this great Missourian a happy birthday.

OUR YOUNG PEOPLE ARE OUR FUTURE

Mr. BAYH. Mr. President, the future of our country depends upon the character, abilities, and development of our young people. This may be a disturbing prospect to some, but, to me, the outlook is full of promise. What brings this thought to my mind is the speech that President Johnson made at a reception this week honoring the White House fellows.

More than 6,000 of the most promising young people in the country have applied to be White House fellows in the 4 years since the program began. Of that number, only 68 have been accepted. These young people come into Government from business and universities and serve for a period of 1 year. They work at the highest levels of Government policy and program operation.

The President's remarks were very inspiring. He called upon the fellows to maintain an active commitment to public service all their lives. At one point he said:

> No one can make democracy obsolete but the citizens of democracy who don't care.

Anyone who has doubts about the future of America would do well to read the comments President Johnson made to these young people. It seems to me that his statement is worthy of wide attention, Mr. President, so I ask unanimous consent that it be printed in full in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF PRESIDENT JOHNSON AT A RECEPTION FOR WHITE HOUSE FELLOWS, STATE DINING ROOM

I perhaps should have waited until you at least had time to participate in the refreshments, but I know it will be refreshing when I have gone.

Since I must go to the Senate, I think I will just start now and interrupt your meeting.

First, I want to welcome the members of the Cabinet and the President's Commission on White House Fellows, the new Fellows and the old Fellows, and all my friends.

I am happy to have this second chance to meet with the White House Fellows and their ladies. You were kind enough to invite me to come last Saturday. I was sorry I could not be there.

My own disappointment was considerable. Your invitation was most attractive to a man in my position—a short timer in Washington. It could have been my last chance to make the scene at Dupont Circle on a Saturday night.

I had another very personal reason for wanting to join you. As a man considering a new career, I think it is wise to keep up my contacts, especially with important people.

At least I think you are important people. You have been hand-picked for very high honors, and I think for very high office. You are very privileged young people.

You found room at the top for three years. Today another year begins for you.

Nineteen new White House Fellows are here as the fourth class of important and privileged young Americans.

So I am very proud and happy that I could join with Mrs. Johnson to ask you to come here, to congratulate you and to welcome you to Washington.

There are 68 of you now. That is one for each year of this Century.

I would like to think that there is some special significance to that coincidence.

I want to believe that you are the men and women who will complete the great unfinished agenda of America for this Century, so that we may launch the third Century of our continuing American adventure with even higher goals and I hope with an even greater purpose.

The next Century is crowding in on us in this room right now.

It is pressing us with a rush of change—the new challenges that are flung by science and technology; by population increases; by 40 percent of the people in the world who can't spell "dog"; 40 percent of the people in the world who can't write "cat"; by unexplored oceans and untamed weather; by poverty and injustice in our own land; by giant cities that need rebuilding; by our schools, our farms, our hospitals and our corporations that need to change to keep up with that challenge; by all the unexpected and the unknown, including the greatest of all—how to understand people and how to learn to live together in this world without war.

So that is your agenda, and that is your life. It will be your job and your privilege to work on that agenda while you are here in Washington.

I hope all of you take it as your job—your particular responsibility to repay that privilege when you leave Washington by continuing to work as private citizens on your public agenda, working in your law firms, in your executive suites, on your campuses, on your city governments, and in your own towns.

I am going to try, as one of my last orders, to see that you do that.

I am going to ask a committee of the 68 White House Fellows, who I will take great care in selecting, to work with me and some of the Members of my Cabinet, with some of those who have worked in my Administration, in the Kennedy Administration, in the Truman Administration, and the Roosevelt Administration, to make a study of the Presidency, to see how we can improve it, how we can strengthen it.

It won't be exactly another Hoover Commission on the entire Government, but it will be on the Presidency, itself, which is a rather important office.

In the years to come we need to improve it, strengthen it, and do whatever we can to make it stronger.

In addition to that, I am going to amend the Executive Order that created the selection committee, of which the most distinguished and honored Mr. Douglas Dillon is Chairman, to provide for an increase in membership.

In President Roosevelt's day that would have been known as packing the court.

I hope I can make that change without being charged with any ulterior motives.

I would like for some of you 68 Fellows who have come, who have seen, who have not forgotten, to sit around with some of these old timers who really constitute this generation gap.

I would like for you to sit with them—the Johnny Oakes of the New York Times; the John Macy's, of the Civil Service Commission; Judge Hastie.

I would like for you to talk with them as members of the board, as their equals on the board, and fellow members. Then I would like for you to go throughout the country and work with these panels so that the next group selected can even be an improvement on the group that you make up.

I look upon you as the future. You can make it or you can break it by committing yourself, or by copping out: by going home after one year at the top, or by sliding back into the comfortable routine of a cynical life, by being too busy, too timid, too awed to apply what you have learned here by staying involved, or by remaining committed.

I think you are going to learn a great deal in this town.

But it is a part of your privilege that you will come to know a basic truth. That truth is how much government can do and how much government cannot do.

If you grasp this, if you keep your eyes open and your wits sharp, you will learn the magnificent promise and the exciting truth of your own lives.

You will learn how much, very much, you can do for your own future, and particularly for the future of your country; how very much we need you, your commitment and your involvement.

And we need it now, because the future is now.

In the last century, a great English statesman looked ahead and declared, "You cannot fight against the future. Time is on our side."

Well, was Gladstone really right? Some people wonder.

Is time really on our side today, or is our century already so different, and are we already so beset and so divided by all of our problems that even time is working against us?

There are some, I think, who might answer yes, by their criticism or their cynicism.

There are others who agree by their obstruction or their silence.

There are few who surrender reason to passion and hope to frustration, who fear that they have no place in the future; or that the future, itself, is overwhelmed by the vast complexity and variety of modern life.

I understand that some of you in the White House Fellows Association have been asking yourself some of these questions.

You want to know if time is on our side, if you really have a relevant role to play; if, in fact, our problems might not have made your Association and your purposes obsolete even before you get organized and get going.

Well, I am pleased that you are concerned. That is the first evidence that we are making progress. That is the first step to commitment and, I think, to success.

I would like to try and take you just one step further in the few moments I have with you by suggesting some answers and also by suggesting some actions for you as individuals, and to your association.

Let me first make clear my own commitment.

This Nation is not going to retreat before the future. This Administration has acted for four long years now to meet the challenges of the day and to set the stage for new triumphs of tomorrow.

We have believed that time is on our side, and we have tried to work every minute to make the most of our time at the top.

I promise you here and now this afternoon, that in the time left to us we will put every last ounce of energy and strength, every last second of the day, to strong, to timely, and, I pray, to wise and to enduring purpose.

That is my personal commitment. That is my responsibility as your President.

It is the only legacy that I am concerned to leave to my successor—a Nation that has grown in achievement, a people that are richer in fulfillment, an America that is united and strong in unfearing pursuit of the greater achievement and fulfillment that the future offers us.

Now let me ask you a question: What is your responsibility? What legacy do you want to leave to your children?

I hope that you will not tell them that you gave up on your world because you couldn't roll up your sleeves, as Rex Tugwell once said, and remake it overnight.

I hope you will be able to tell them, and I hope that you will be able to show them, that you found the road of life was hard; you observed that it was steep and slow, but that you made it to the mountain top. And as you went along, you took your country with you.

You are standing on one peak of life's experience right this minute.

You are young and you are privileged Americans. You are bright. Most of you are healthy, happy, and, I hope, well off.

How do you think you got that way? How did that happen?

Some of you had to fight for the privileged position that you have this afternoon.

But all through your years, all through the life of this Nation, other Americans were fighting to raise you up. They were fighting to try to protect you. They were fighting to try to better your life; to improve your system of government; to give you new advantages and better educational opportunities; to make you what you are, because they refused to retreat before the future that has come true for you, for those of you who are very gifted and young, and I think by being both, you are very fortunate.

One of the men who fought for you, and who was fighting for you when I was a young man and first came to this town, was a close and dear friend. His name was Henry Stimson.

He was a wise man with a warm place in his heart for young people.

He left a legacy for the future: "Let them learn," he said, "from our adventures. Let them charge us with our failures. And let them do better in their turn. But let them not turn aside from what they have to do, nor think that criticism ever excuses or substitutes for inaction. Let them have hope and virtue and let them believe in mankind and its future, for there is good as well as evil. And the man who tries to work for the good, believing in its eventual victory, while he may suffer setback and sometimes even disaster, will never know defeat. The only deadly sin that I know—the only deadly sin that I know—is cynicism."

Isn't that the truth for your time, too? Isn't that the answer that you are looking for?

It is not very difficult to poor mouth. It is so comfortable and convenient sometimes to knock your own system.

It is hard to remember, sometimes, that this is really a great and a going concern, that our Nation is the envy of the world, and that there are citizens all over the world who would just give anything to trade places for it.

We can remember that without ever being satisfied with what we have or what we are.

It is difficult to put things in perspective. It is difficult to remember the giant strides that have been brought to us, despite our many problems—to the miracles of life that we have taken so much for granted, despite our plagues and our persecutions, despite our wars, despite the many calamaties that we have envisioned from time to time.

And I have endured and lived through a goodly number of them.

Man has persevered.

In the face of natural disasters, great tumults, setbacks and sins, generation after generation of Americans and our fellows on this planet have been blessed with fortune after fortune.

Through all the years, all the errors and all the dangers, reform and improvement have been the password to man's increasingly better and brighter future.

Man has been many things through all the centuries of his existence, but he has been wonderfully and mainly distinguished by one characteristic of his human nature: Man has always been, and I hope always will be, the great experimenter.

That is what you are. You are, after all, one of my first experiments.

The White House Fellows and the White House Fellows Association are really an experiment in democracy. You have succeeded beyond many of our original hopes.

I ask you now, as individuals and as an association, to commit yourself, to dedicate yourself, to organize yourself, for the greater successes that you can bring to this Nation.

You are relevant. No one can make your experiment irrelevant but yourselves.

No one can make democracy obsolete but the citizens of democracy who don't care.

Ever since we began our great experiment originally in democratic government, there have been those who wondered—sometimes in curiosity and a great many times in despair—whether this experiment would ever work.

A century ago there were many who thought we had reached a dead end. Abraham Lincoln had to remind those cynics and those skeptics that the American experiment for all its failings, was plainly still, the last best hope on earth.

Thirty-five years ago the doubters thought that we were up a blind alley. President Franklin Roosevelt had to rally a people. He had to prove the vitality of a system by urging our people not to be paralyzed by their doubts.

One of the most stirring speeches I have ever heard in this town was when he stood there on that bleak, windy March day and took the oath of office.

He said, "The only thing we have to fear is fear itself." And how true that is this moment. Just a few years ago, some of these people were saying that we had reached a deadlock of democracy, but we moved on, we moved away, and, I am proud to say, we moved up.

Again and again in the American experience, it is the pessimists who have proven to be the false prophets. It is the optimists whose courage and faith have carried us on.

That is your inheritance. That is why you are here in the White House this afternoon.

So it is your turn, now, to pick up and carry on. For every complaint about our society and about our progress, you and I can point to a new program. We can point to a new landmark act of the Congress. We can point to a new public or new private initiative; or a new partnership of business, of government, of church, of community, of university and corporation, of American with American.

That is your America.

It is a growing and going concern. It is not slack and it is not soft. But it is creative and it is challenging both to the muscle and to the mind.

It is a land of limitless opportunity and great promise for all young people. There is no more promise anywhere on this earth.

For every lament about the alienation of our young, you and I can point to millions of active, committed and involved young men and women who really deeply believe in the American experiment, who are willing to work for its improvement, who want to broaden and deepen its successes, so that every American—every single one of us—may know the full blessings of democracy.

It is a big job. It is a most difficult and hard job. But there are enough of you now in the fourth year of this program to role up your sleeves and do something about it.

Your association is new, but you can begin small. Plant an acre, put down a seed. You live and you work for all of America. You can see yourselves as the Johnny Appleseeds of a new America.

When you leave Washington, you can be the ones to go out and plant the ideas and plow the furrows that point to the future; that can awaken and unite our Americans in a new community of splendor with high, noble purposes.

You are relevant. We do care about you. You are needed.

You are a national association, and I am convinced that you have a national role to play in helping to master the human problems that concern you and concern me.

Let me suggest something to you: You might want to organize by regional committees. Our new Alliance for Businessmen has done just that, to solve a great and urgent problem, under the leadership of Mr. Henry Ford of Ford Motor Company, and Mr. Paul Austin of Coca Cola. They are out, going down the streets and the highways, finding jobs for people who can't find jobs for themselves—the hard-core unemployed.

In just a few weeks now, the businessmen have demonstrated that they are winning that battle. In less than three months since they first met here in the White House they have secured pledges for 111,000 new jobs for hard-core unemployed and disadvantaged youth.

That is quite different from what it was when I came into this town, when they had the midget on Mr. Morgan's knee, and when the President was talking to businessmen in terms of economic royalists.

Some of you are business executives. Some of you have the power and the opportunity to work as partners with this National Alliance of Businessmen, to help those who can't help themselves.

You will find many other partners who are ready and eager to cooperate with your association on a great variety of social problems—churches, law firms, universities, unions, farmers, the people of America who are working harder than ever to try to solve the problems of America.

Your regional committees could divide this nation into four quarters. You could set a target list of problems and opportunities for each region.

The first target that I had when I came to this town as a young man was to participate with a group of brain trusters, of which I did not include myself. We wrote the Report on Economic Conditions in the South. It was in the early 1930's. That report spread all across the land and people started working on the recommendations.

We haven't completed all of them yet.

One of the first ones to come out of it was the minimum wage of 25 cents an hour. Women were working in our section for 6 cents an hour.

I remember—well, I remember a lot of things about that report.

You could, I think, set a time limit for results. I think you could set that time limit with that target here today. It could be your next meeting a year from now.

Then you could come back here with a new score card. You could come back to the President and tell the President that you have worked with the National Alliance of Businessmen, that you have worked with Mr. Gardner in his Urban Coalition, that you have worked on the campuses and the city halls, in the churches, and you have many other partners.

You could come back here prepared to hold up your scorecard and say, "Mr. President, like the National Alliance of Businessmen, we have helped X number of unemployed find a job. We have helped X number of businessmen to involve themselves in the problems of the city. We have helped X number of Negroes, Puerto Ricans, Mexican-Americans, Mexican-Indians, or under privileged, get into the class room for the first time. We have gone out ourselves into X number of slums and we have worked with X number of mayors and local officials to try to get rid of those slums. We have tried to build new homes instead of burn old ones. We have used our management and our talents to help X number of small businessmen improve their lot and get ahead. We have served as a bridge between X number of city halls and universities, between X numbers of universities and community leaders, between the campus and the street corner, between the executive suite and the ghetto store, and between the police station and the church, the factory, the supermarket, the farm, the tenement and the apartment house.

A year from now, I hope that a committee from your association will be able to come to this house, to this room, and say to your President, "Mr. President, it was a privilege to work 12 months for my country at the top."

A tour of duty in Viet Nam is just 13 months, as you know.

"We have tried to repay our country. We have remained committed and dedicated. We have done our best, singly and together, to bring all of our people closer in the work of building—building one united, one progressive—yes, one peaceful America."

You should not need any greater challenge than that. I hope you don't need any more encouragement than that.

But if you do, I am sure you will find that encouragement in association with your other White House Fellows. Some of them are so good that I have never let them leave the White House. Some of them are so good that I am taking them to Texas with me.

I am sure that if you need some more encouragement, you too, can find it in the leadership of the distinguished American who has agreed to serve as Mr. Dillon's replacement.

I want to pay a word of tribute to Mr. Dillon. I first knew him as a lieutenant in the Navy in this town. I don't know what he did before he put on that Navy uniform several decades ago, but I know what he has done since.

He has served every day, doing the greatest good for the greatest number of people, trying to better humanity. I think this final job he has done as Chairman of the White House Fellows is not one of the minor undertakings he has had, and it is not one of the smaller contributions of the many that he and his wife have made to his country.

I want to salute and thank Mr. Dillon for his understanding.

He is more fortunate than some of us in his health, his brains and his pocketbook, but he has been willing to spend them all on trying to make this a better nation.

The man who succeeds him I know will have a lot to shoot at, but he will do his best. He is the Chairman of the President's Commission.

I am proud and happy to announce that Judge William Hastie of the Third U.S. District Court of Appeals will carry on for our former and our very able chairman.

Mrs. Johnson and I, finally, are very pleased to congratulate all of you, and to wish you good fortune, and to tell you that it has been our good fortune to know those who have come before. We hope we will have a chance to meet those of you as you come afterwards.

GENERAL MOTORS ADVANCES AUTO SAFETY

Mr. RIBICOFF. Mr. President, since the Subcommittee on Executive Reorganization began hearings on traffic safety more than 3 years ago, there has been great progress in this field. Two important laws have been enacted establishing Federal regulation of this area and the Highway Safety Bureau has issued more than 20 safety standards for 1968 and 1969 cars. But most significant, the automobile companies are beginning to compete in producing safer cars.

Three years ago, the industry attitude toward safety could fairly be said to be defensive. But today the industry has taken the initiative to make safety advances available to the public as rapidly as possible. Nothing better illustrates this than General Motors' recent announcement that it will install a steel bar in the doors of certain 1969 models to guard against the hazards of side impacts.

While much has been done to protect passengers in front and rear collisions, up to now, little has been done to safeguard them in side collisions. To General Motors' great credit, it did not wait for the Safety Bureau to establish a standard for this type of hazard.

On its own, it developed a bar which is 8 inches high, 2 inches deep and, in four-door sedans, will weigh about 41 pounds. This will give added protection in side crashes and help to cut down the toll of death and injury on the highway.

General Motors' action demonstrates the effectiveness of our competitive free enterprise system. It also shows the benefits which can arise from constructive regulation in the public interest. With the increasing Federal attention to automobile safety, the industry has focused more effort on this area and there is now evident a distinct trend toward more vigorous competition in auto safety. Each company is trying to develop new and improved safety devices and equipment to offer a better, safer product to the American people. In the end, both the industry and the public will benefit. As I stated in the subcommittee report on the Federal role in traffic safety:

> An aggressive competitive approach to safety would lighten the burden of regulation for the industry and increase public confidence in its cars.

So, Mr. President, I commend General Motors for the step it has taken in improving vehicle safety. I hope it will be the first of many it will take on its own to speed the progress of vehicle safety, and that this action will set a pattern for the entire industry.

I ask unanimous consent that a recent article explaining the device be included at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, May 5, 1968]

General Motors To Introduce Side Guide Rails on Most of Its 1969 Cars

(By Jerry M. Flint)

Detroit, May 4.—The General Motors Corporation has disclosed details of a new safety feature, a "guard rail" to be built into the doors of most of its 1969 cars.

The device, a steel bar that's like a typical highway guard rail, will be inside the door panels, out of sight. Its purpose is to protect passengers in broadside collisions by keeping the other car from penetrating the passenger compartment.

The "guard rail" is regarded as one of Detroit's more significant safety advances, ranking just behind the improved windshields and collapsing steering columns that are meant to reduce deaths and serious injuries in front-end collisions.

The development underlines two new aspects of the auto safety effort: the initiative appear to have passed from Government to industry and a competitive "race" in safety appears to be beginning.

Newsmen first learned of the G.M. guard rail two months ago, but it was not until this week that General Motors was willing to disclose the details. Even that was unusual, because the big automaker traditionally does not talk about future model developments.

TWO-YEAR PROJECT

"We've been working on this for over two years," said Carl Hedeen, engineering director of G. M.'s Fisher Body Division. He said that the project, including testing, engineering, and extensive changes in production lines, had cost millions of dollars.

"Every time we made the test we ruined two cars," he said.

With 50 to 70 cars turned to junk in broadside crashes, that alone would have represented a cost of about $100,000.

The new guard rail will be on G. M.'s full-sized cars next fall and on the smaller cars in later years. The body styles of the big cars was changed for 1969 to make room for the added steel in the doors.

The guard rail consists of a heavy ribbed steel beam eight inches high.

The steel in the beam is one-third to almost twice as thick as the steel in the car's outer sheetmetal. A second, U-shaped beam, four and a half inches high, is welded along the back of the ribbed beam for added strength.

The beams, which add 41 pounds of steel to a four-door car and 35 pounds to a two-door model, are welded inside the doors about 10 inches above the door step running about parallel to an occupant's rib cage.

G.M. is also strengthening the pillar sections and hinges on which the heavier doors are hung, bringing the total added weight to 49 pounds for a four-door model and 48 pounds for a two-door car. The added steel probably adds about $4 in cost per car for the rental alone.

THREE CRASH CHANGES

There are three major changes in crash effects, Mr. Hedeen said. The intrusion of the oncoming car is "limited," the hit car tends to be pushed sideways, and the hitting car tends to deflect along the sides of the hit car, he said.

The first version G.M. built had 700 pounds of added steel, Mr. Hedeen said. Then engineers discovered that to protect the occupants the beams didn't have to keep a crashing car out completely. Instead, they had to keep the car out only until enough force was put on the doors to start the hit car skidding sideways on its own tires.

This sideways skidding, away from the incrashing car, happens on present models, too, but it happens too late, Mr. Hedeen said.

Dr. Alan Nahum and Arnold Siegel, both of the University of California at Los Angeles and both among the nation's best-known vehicle safety researchers, said last month that "the side impact collision is now the most critical problem in regard to injury prevention."

"Motorists are particularly vulnerable to injury during side-impact collisions because of the lack of structural strength in this area of the vehicle, the relative proximity of the motorists to a striking car or object, and the lethal nature of the door handles and other hardware which may be attached to the oncoming door," they told a legislative committee.

AVOIDS SPECIFIC CLAIMS

In a typical side car crash, they said, the door is pushed in on the driver, crushing his chest, pelvis and bladder and causing the collapse of one lung and a contusion to the heart.

G.M. said that because of the wide variety of broadside crashes it could not make any specific claims about the reduction in the penetration of the passenger compartment. But it does say the improvement is "significant."

The only way the company will really know, Mr. Hedeen said, is when safety researchers begin picking up wrecked cars from the Los Angeles Freeway.

But he noted that dummies were almost demolished in tests of cars without the new protection, and were relatively intact after crash-testing on models with the guard rail.

The guard rail required the redesign of the whole side of the car, Mr. Hedeen said, to make sure that there was enough room within the door for the bars without interferring with the windows.

In the past, industry critics have charged that the industry gave styling precedence over safety and design.

"You always have trouble with styling, but they are getting the message, just like everybody else." Mr. Hedeen said.

PRODUCTION LINE CHANGES

The guard rail system also requires a costly rebuilding of G.M.'s door production lines, which pop out 10 doors a minute.

Two and possibly three other safety advances are expected in 1969 automobiles.

The Ford Motor Company is developing a new frame for its big cars, which Ford says collapses at a more uniform rate than current frames. That would mean less shock passed on to the riders in a front-end collision.

The Government will require head restraints on all cars built after Jan. 1, 1969, to prevent whiplash injuries.

Both General Motors and Ford are working on anti-skid systems, and some may be available on a few 1969 models.

The Government's latest safety standards for the industry call for little that isn't already on at least some cars. The reason, some safety experts say is that most of the information on vehicle safety has been exhausted.

The latest developments, such as the guard rail and anti-skid systems, are coming from within the industry without Government prodding.

The Government's safety agency probably intends to take the developments by individual companies and make them required standards for all cars.

This adds a competitive factor because the company that develops a safety item then avoids the expense of catching up, the rush redesign and tooling required when the Government makes the item mandatory.

Talks with engineers at the various companies also indicate that the car men themselves are beginning to be competitive about safety features, taking some pride in beating the competition just as they boast about styling and performance victories.

TRIBUTE TO SENATOR MORTON

Mrs. SMITH. Mr. President, on April 28, 1968, the American Good Government Society presented its cherished George Washington Award to Senator THRUSTON B. MORTON.

I ask unanimous consent that the citation accompanying that award be placed in the RECORD at this point.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

RESOLUTION OF TRIBUTE AND HONOR:
THRUSTON B. MORTON

Patriot, Statesman, and Politician of rare Courage and Ability, has served our country for 25 years—four in the United States Navy where he commanded two Men-of-War, six in the House of Representatives, three as Assistant Secretary of State, and now is in his 12th year in the United States Senate.

Though a member of the Senate Minority, his Talents for the Arts of Statecraft and Politics stood high in shaping legislation, and winning elections for his Party.

Senator Morton sees through the shams of politics that must be treated reverentially to succeed. He knows that every Nation understands its own affairs better than those of its neighbors, and that to escape our present perplexities we must look to able hard-working Politicians, and not to fine principles of salvation newly discovered by theorists, fanatics and professional demagogues. Our country needs hundreds of men of Thruston Morton's courage and competence.

CROP INSURANCE PROGRAM IN WISCONSIN

Mr. NELSON. Mr. President, more and more Wisconsin counties have indicated their interest in participating in the programs sponsored by the Federal Crop Insurance Corporation, an agency of the U.S. Department of Agriculture established by Congress 30 years ago.

Last year, in my home State, some 11,000 farmers in 28 counties carried more than $10 million protection on five separate crops—corn, oats, peas, soybeans, and tobacco—and more than 1,500 of them were paid nearly $500,000 in FCIC crop loss payments mostly on corn losses. It was not a big loss year in Wisconsin for Federal crop insurance—but during the last 20 years FCIC has paid farmers of the State more than $8½ million. The biggest 1-year loss payment was $1½ million in 1964.

Over the last 25 years, the causes of loss on which FCIC paid Wisconsin farmers included 42 percent for drought, 24 percent for excess moisture, 17 percent for winterkill, and the remaining 17 percent for wind, flood, insects, disease, and others.

Indicative of the growth of Federal crop insurance activity in Wisconsin is the fact that 20 years ago the total annual premium paid by farmers of the State was $83,000 as compared with nearly $800,000 in 1967.

Participation in this voluntary program has more than doubled nationally in the last 6 years mainly because the cost of farming has increased so greatly and with it the farmer's financial risk. Today's American farmer invests about $4 for every $1 of potential profit from a good crop. If he loses his crop, he loses with it his expected profits for that and the succeeding years, which could spell bankruptcy for many. So it isn't surprising that more and more farmers are using Federal all-risk crop insurance to be sure they can be back in business the next year, come what may in the way of unforeseen weather disaster.

Even in the good crop years, more and more farmers are finding their Federal crop insurance policies valuable as collateral for bank loans. In the last 2 years, 29 Wisconsin banks have become eligible to write FCIC applications.

THE GOOD WORK OF THE FARMERS HOME ADMINISTRATION

Mr. GRUENING. Mr. President, the Farmers Home Administration has an active program in Alaska. More than 1,000 loans totaling about $9 million were serviced by the Farmers Home Administration in my State at the beginning of 1968.

The men in charge of the national farm program here in Washington, D.C., are familiar with the development needs in Alaska. Deputy Administrator Floyd Higbee has traveled throughout much of the State. Administrator Howard Bertsch, who comes from Oregon, has long understood the desirability of developing agricultural potential of the 49th State.

Exact figures show that 1,078 loans to 977 Alaskan families had been made as of January 1, 1968. These loans totaled $8,899,768. More than 25 percent, 312 amounting to $2.6 million, were made during fiscal year 1967.

In 1967, the heavy volume of work made necessary the opening of a fourth Alaska Farmers Home Administration office at Wrangell. This office serves the area stretching from Yakatat to Ketchikan.

Farmers Home Administration credit supplements rather than supplants the financing which is available through normal channels, such as the local banks. Its borrowers would have not been able to obtain loans at reasonable rates if the services of the Farmers Home Administration had not been available.

In Alaska loans for rural housing—which in many instances enabled families to move from wholly inadequate, dilapidated and sometimes unsafe quarters into new homes—totaled $6.5 million.

Another $1 million of the $8.9 million total was used by farm operators to purchase farms, make needed adjustments in operations, or recover from an emergency situation such as a crop loss brought about by natural disaster.

Some 500 native Alaskan families, located primarily in remote areas, have obtained economic opportunity loans totaling more than $700,000 from the Farmers Home Administration. These families have bought essential equipment to increase their incomes.

A milestone was established by Farmers Home Administration in Alaska last year when the first community facilities loan ever made in the State was approved for the city of Wrangell. This loan of $408,600, supplemented by a development grant of $197,200, is being used to rebuild and extend the city's water supply system. This construction is of direct benefit to 264 Wrangell families.

Even now the State director of the Farmers Home Administration for Alaska and Oregon, Robert Pierce, of Portland, is working with our State government to initiate surveys of the water and sewage disposal needs of Alaska communities with up to 5,500 population to see how they may be aided by comprehensive planning grants which are available through FHA.

It is my hope that the $25 million which has been voted by the Senate for Farmers Home Administration programs will be approved. The development of rural America is important. We must make it possible for the positive aspects of our society to reach all of its members. Much can be done through the Farmers Home Administration to realize this goal.

TAX-EXEMPT INDUSTRIAL BONDS

Mr. HARRIS. Mr. President, I have just received a concurrent resolution adopted by the Oklahoma State Legislature urging the continuation of the tax-exempt status of industrial revenue bonds. The resolution adopted by the Oklahoma State Legislature points out that the action proposed by the Treasury Department to discontinue tax exemption for industrial revenue bonds will adversely effect financing of industrial development in the State of Oklahoma, including the Oklahoma industrial financing authorities' second mortgage loan program—for which funds are obtained from sale of the State's obligation bond—county and city general obligation bonds, revenue bonds issued by public trust authorities, and the proposal of the Treasury Department operates to bring a virtual halt to the possibility of industrial development programs in many and especially the smaller communities in Oklahoma.

Mr. President, on March 26 of this year, I joined with the distinguished Senator from Nebraska [Mr. CURTIS], in cosponsoring an amendment to H.R. 15414, which reversed the proposed Treasury Department's action and restored the tax-exempt status of industrial revenue bonds. I cosponsored a similar amendment to the bill in the

Committee on Finance, and both these amendments were subsequently adopted by the committee and the Senate. Unfortunately, during the later consideration of the so-called Williams substitute for H.R. 15414, the amendments to continue the tax-exempt status of industrial revenue bonds were deleted. I stated during the debate on this topic that in Oklahoma it has been estimated that the discontinuation of the tax-exempt status for these types of revenue bonds would immediately block the employment of as many as 16,000 people. Twelve counties and 11 municipalities in Oklahoma are geared up to provide industrial plants under this type of financing, and at least $16 million of nonexpended bond funds could be frozen if the Treasury Department were to proceed with its proposal to discontinue the long-standing practice of allowing an exemption on these tax-exempt bonds.

My position on this matter is still firm in that I believe that a great deal of study and deliberation should be given to the proposal to discontinue tax exempt industrial revenue bonds, and I would hope that the proposal of the Treasury Department would not be implemented without the appropriate action by Congress authorizing Treasury to do so.

My colleague, the distinguished senior Senator from Oklahoma [Mr. Monroney], has also spoken out firmly in opposition to the proposed action by the Treasury Department to discontinue the tax exempt status of industrial revenue bonds. Senator Monroney fully realizes the importance of industrial revenue bond financing to the future industrial development and growth of our State and has fought vigorously to continue tax exempt bonds.

Mr. President, I ask unanimous consent to have printed in the Record, Enrolled Senate Concurrent Resolution No. 52 which expresses the position of the Oklahoma State Legislature with respect to tax exempt industrial revenue bonds and which was adopted on the 18th day of March, 1968, by the Legislature of the State of Oklahoma.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S. Con. Res. 52

A concurrent resolution memorializing the Congress of the United States to invoke its rightful power to determine a question of public policy and to nullify the recent rulings of the Treasury Department imposing a nonexempt status of financing for industrial development under Section 103 of the Internal Revenue Code; and directing distribution

Whereas, the United States Treasury Department has just struck a body blow to state industrial development financing by the issuance of Revenue Ruling 54–106, C.B. 1954–1, 28, Revenue Ruling 57–87, C.B. 1957–1, 65, and Revenue Ruling 63–20, C.B. 1963–1, 24; and

Whereas, said Treasury rulings constitute a reconsideration of the Treasury Department's position on the current tax exempt status of industrial development financing under Section 103 of the Internal Revenue Code; and

Whereas, such action adversely affects financing of industrial development in this State, including the Oklahoma Industrial Finance Authority's second mortgage loan program (for which funds are obtained from sale of this State's General Obligation Bonds), county and city general obligation bonds, revenue bonds issued by public trust authorities, and operates to bring to a virtual halt the possibility of industrial development programs in many, and especially the smaller, communities in Oklahoma; and

Whereas, the obvious result of the change in the Treasury's position will be to materially reduce reliance upon private and local capital for industrial development within this State and to force greater dependence upon Federal funds for such purpose, and is in direct opposition to the Johnson Administration's endeavor to reduce unemployment; and

Whereas, such Department ruling not only arbitrarily affects the rights and functions of the government of a free people but constitutes an arbitrary usurpation and invasion of powers by an agency which rightfully belongs to Congress as a matter of public policy.

Now, therefore, be it resolved by the Senate of the second session of the thirty-first Oklahoma Legislature, the House of Representatives concurring therein:

Section 1. That the Congress of the United States be, and is hereby respectfully requested to invoke its rightful power to determine a question of public policy and to nullify the recent rulings of the Treasury Department by which tax exempt status under Section 103 of the Internal Revenue Code is removed from financing of industrial development programs.

Section 2. That duly authenticated copies of this Resolution, after consideration and enrollment, be prepared and sent to each member of the Oklahoma Congressional Delegation and to the Chief Clerks of the Senate and the House of Representatives of each State.

Adopted by the Senate the 13th day of March, 1968.

Clem McSpadden,
President pro tempore of the Senate.

Adopted by the House of Representatives the 18th day of March, 1968.

Rex Privett,
Speaker of the House of Representatives.

Witness my hand and the seal of my office at the State Capitol this 25th day of March, 1968.

Basil R. Wilson,
Secretary of the Senate.

MILITARY PROCUREMENT PRACTICES

Mr. DOMINICK. Mr. President, on several previous occasions I have called to the attention of the Senate certain practices in military procurement which I felt needed correction. In one of these instances, on September 19, 1967, I cited illustrations showing the need for the use of open competition in the procurement by the Army of a radio set which had the nomenclature AN/PRC–77, and its RT–841 radio transmitter.

The history of the procurement of this equipment showed that it was developed by RCA at a cost to the American taxpayer of $694,593. Under the first production contract awarded to RCA under date of June 26, 1966, for 5,737 units of the AN/PRC–77 radio set, the unit price was $1,222.34. This contract also included an amount of $54,834 for manufacturing drawings of this radio set. Supposedly, the purpose of obtaining these drawings was to permit the use of open competition on future procurements of this equipment.

However, on April 28, 1967, the Army negotiated a second noncompetitive production contract with RCA for 10,500 units of the AN/PRC–77 radio set, justified on the basis of "urgency of delivery and lack of manufacturing drawings." The price under this second noncompetitive production contract was $937.16 per unit. The total amount of this second production contract, including ancillary items, was $10,087,431.

In the exchange of correspondence which followed my remarks on the Senate floor during the months of September and October last year, Maj. Gen. William B. Latta, commander, U.S. Army Electronics Command, Fort Monmouth, N.J., informed me that future procurements of this equipment would be accomplished through the use of open competitive bidding.

Mr. President, I wish to advise the Senate that General Latta was true to his word. Invitation for bid No. DAAB–05–68–B–0218 issued by the U.S. Army Electronics Command for radio set AN/PRC–77 was opened in Philadelphia, Pa., on April 25, 1968. Twenty companies submitted bids to supply the 4,408 units the first year plus a multiyear requirement for 36,237 units of the AN/PRC–77 and 140 units the first year plus 3,286 units of the multiyear requirement of the RT–841.

As I expected, when the bids were opened, the price of this equipment dropped to almost half the unit price previously paid to RCA. Even RCA's unsuccessful bid dropped its own multiyear unit price to two-thirds the amount previously paid to RCA by the Army for this equipment. I think this case serves as an excellent example of the multimillion-dollar savings which can be accomplished in military procurement through use of open competitive bidding. General Latta should be commended for following through on this matter, and I hope that he will extend this procedure to many other procurement actions in the future. Very substantial savings to the taxpayers would result from this course of action.

Mr. President, on February 5, 1968, I brought to the attention of the Senate and the Select Committee on Small Business a failure on the part of the Naval Air Systems Command to make readily available to prospective bidders the essential technical information upon which to base their bids. Rear Adm. Joseph L. Howard, Deputy Chief of Naval Materiel—Procurement and Production—responded to my remarks by saying:

> Senator Dominick is right. We do have to correct and improve our information setup insofar as keeping our bidders informed of where they can obtain proper bid packages, proper specifications, blueprints, drawings and whatnot. We have a program now in being that has just started in which the Naval Ship Systems Command, for example, places in its invitations for bids and its requests for proposals—wherever the reproduction of drawings, blueprints and plans is a highly expensive effort—we have given in our invitations lists of activities throughout the country where these may be inspected on the premises by anyone wishing to travel to these points.
>
> Now, there are about 12 to 15 locations throughout the country where these may be seen.
>
> We have, in addition to that, added terms in our invitations that they can write to

> Washington to our Navy Publications and Printing Office and for a small price may obtain these drawings, blueprints, and whatever technical data that they require in order to make an intelligent bid.
>
> Now, this program is just beginning. Naval Ship Systems Command has it in being. I have a sample of one of their invitations with me here. We have not installed that as yet in the Naval Air Systems Command.
>
> Senator Dominick is correct. We should do so, and we will do so, and all the other systems commands will follow soon.

I should like to point out a further example to Admiral Howard to illustrate that following through with this procedure in other naval systems commands will produce significant savings for the taxpayer and prevent the abuses so often connected with noncompetitive sole-source procurement actions.

Among the many procurement actions which I have been following is one which involves an 8½-pound electronic device identified by the official nomenclature SB-973/SRR. This is a relatively simple piece of equipment that was designed to transfer the audio output of radio communications receivers to remote control station audio circuits. The complete assembly is housed in an aluminum cabinet 9½ inches high by 5⅛ inches wide and 7 inches deep overall. Under 10 contracts issued since 1962, this equipment has been purchased by the Navy without competition from the same manufacturer, Tabet Manufacturing Co., Inc., Norfolk, Va., at prices that ranged as high as $197 each for a quantity of 200 purchased in September 1966. The most recent price for 6,250 units, issued in March 1967, carried a unit price of $113.59.

I became interested in this procurement item when I learned that the Navy Electronics Supply Office, Great Lakes, Ill., was preparing to negotiate yet another noncompetitive sole-source contract with this manufacturer. I received a copy of a telegram which had been received by another manufacturer who sought to submit a proposal under this Navy request identified as RFP N00126-68-R-8L1003. In a single unpunctuated sentence, 205 words long, the telegram read as follows:

> This telegram constitutes amendment No. 1 RFP N00126-68-R-8L1003 dated 8 Dec. 1967 and will be confirmed by formal amendment closing date is extended to 22 Jan. 1968 it has been determined that Tech Manual Navyships 945337 is not a part of the necessary specifications describing the material covered under this solicitation and would not be beneficial to any prospective offeror either in compiling an offer or in fabrication of required material further such manual is not readily available for distribution to prospective offerors by the Govt. therefore any inference to the contrary notwithstanding such manual will not be made available upon request and is not a part of the solicitation notwithstanding any representations either direct or implied as to the applicability of the clause of the solicitation entitled patent indemnity it is reaffirmed that such clause is in fact a part of this solicitation based on presently available information in the event additional facts if any are made available to the Government after the specified closing date revealing such inclusion to be inappropriate negotiation with the low offeror(s) will be undertaken for its deletion with a resultant equitable reduction in proposal price US Navy Electronics Supply Office Great Lakes Ill.

A careful reading of this telegram disclosed that the Navy Electronics Supply Office intended to withhold from other prospective bidders the vital technical manual (Navyships 94537). Fortunately, this was brought to the attention of Mr. A. N. Spence, Director, Navy Publication and Printing Service, located here in Washington. Mr. Spence promptly proceeded to make this technical manual available to the entire electronics industry since this little handbook was actually carried as a stock item in the Navy Supply Depot, Philadelphia, Pa.

As a result of these actions by Admiral Howard and Mr. Spence, four valid bids were received. The price dropped to $80.10 per unit, saving the taxpayers a total of $123,080 this year over the price first quoted by the former sole-source supplier of this equipment before competitive bids were made possible in this procurement action.

I am sure there are many other equally valid examples where significant savings can be realized, and I urge Admiral Howard and the Navy to proceed at full speed with plans to expand the use of open competitive bidding in procurement transactions.

HUMAN RIGHTS ADDRESS IN TEHRAN, IRAN, BY ROY WILKINS, U.S. DELEGATION CHAIRMAN

Mr. PROXMIRE. Mr. President, the International Conference on Human Rights at Tehran, Iran, now in its final week, recently heard Roy Wilkins, chairman of the U.S. delegation, present a scholarly report tracing this Nation's progress in the field of human rights.

Mr. Wilkins voiced hope for the continuation of the battle to obtain liberty and equality for everyone on an international scale.

Mr. President, the United States has always manifested concern for the rights of man and it is my view that we must face the responsibilities of human life, human rights, and the fundamental question of human dignity.

Mr. Wilkins' speech is most noteworthy. I urge Senators to read the remarks of this outstanding American and ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Roy Wilkins, Chairman of the U.S. Delegation at the International Conference on Human Rights, Tehran, Iran, April 24, 1968

In a world which is round there is no center. History, however, has central points and certainly a great many of these focus on this ancient land of Iran.

We are grateful for the opportunity to meet here and to enjoy the hospitality of a wise and progressive sovereign, to see the great material achievements of his reign, and to know first-hand of his dedication to the principles of human rights. The Shahanshah's white revolution has brought new meaning to human rights in Iran, through his vast campaign for literacy, through rights for women, through social and economic development, land reform and other progressive programs.

We are certain that the President of this conference, Her Imperial Highness, Princess Ashraf, will preside with efficiency and fairness, and that under her leadership we shall do useful work.

During the darkest days of the last world war, President Franklin D. Roosevelt, whose wife became one of the principal architects of the Universal Declaration of Human Rights, met with Prime Minister Churchill and took a long look beyond the war towards peace and reconstruction. The President and the Prime Minister proclaimed the Four Freedoms: Freedom of Speech; Freedom of Religion; Freedom from Want and Freedom from Fear. Every human right enumerated since, political, civil, economic, social, including the twenty-nine articles of the Universal Declaration, are embodied within these Four Freedoms.

One may wonder why in the midst of a total war, whose outcome was then in doubt, and long before these same leaders met in this dynamic city, Roosevelt and Churchill should proclaim not a call to war but a call for human rights and fundamental freedoms. No doubt these statesmen then recognized the truth President John F. Kennedy later stated a few months before his death: "What is peace, after all, but a matter of human rights?"

It was in 1941 and it is today a fact of international life that most of the hot wars and uncertain peace are caused by deprivations, actual or threatened, of basic human rights. Warm and secure peace can only be founded on the confidence and satisfaction generated by respect for human dignity, which is the foundation of human rights.

The authors of the Four Freedoms did not engage in the sterile and useless debate over the relative merits and priorities of civil and political as compared with economic and social rights. They knew that all of these freedoms were interdependent just as all of the twenty-nine articles of the Universal Declaration are inter-related and are all priority items on mankind's agenda.

Nor were these author-statesmen naive. Surely they did not assume that a world striving to release Hitler's grip would soon be prepared for a human rights millenium. They sought as the United Nations did seven years later in the Universal Declaration to hold a goal before the world as an inspiration and a prod. In 1941 my country was apt to express an unbounded and I would say an unjustified pride in its human rights record. Measured by that of most other states, the United States did have then a fair record, but it was below the ideal. The United States possessed in 1941 the political and civil framework within which injustice, then confidently in force in a dismaying number of areas, would not permanently endure, but it was not the framework which it is now becoming and will someday be.

The deficiencies of the United States have largely been the result of a false sense of perception. The vision of the Universal Declaration and our association in the United Nations systems have been very helpful in expanding our sights.

It may be very much in point for me to outline the tortuous path by which the United States has corrected its past myopia about human rights, often by pain and once by a civil war.

We, of all people, should now know that the fabric of human rights is woven in many strands, many of which are broken in a process which is tiring and unending.

In 1787 when the United States Constitution was written, the charter was very advanced for its age but its protections were limited to civil and political rights. From most of these, one-quarter of the population was excluded as slaves and one-half as women. The fabric was certainly not complete.

In the 1860's a terrible war erupted over slavery—that supreme denial of human rights. Following the war the Constitution was amended to abolish slavery, to guarantee equally to the freed man, and to enfranchise him. Elaborate supplementary legislation was enacted. The black man soon found that the promises of constitution and law, as in so many other countries, were illusory. Segregation, inequality, and discrimination persisted in other forms. The fabric was not complete—the American ideal remained a dream for the black man.

From 1876, the date of the last post-civil war civil rights bills, until 1947 the nation slept and the new Negro American citizen suffered. In 1947, a very short time before the UN proclaimed the Universal Declaration, President Truman's Civil Rights Commission gave the nation its report. It contained the then revolutionary sentence, "Racial segregation must be eliminated from American life." President Truman led the way by abolishing, through an executive order on July 26, 1948, racial segregation in all branches of the U.S. Armed Services. From that date on, the nation has moved from apathy to action. In 1954, our Supreme Court in a unanimous decision in a historic case, outlawed differentiation between citizens on the basis of race and thus, at last, brought black Americans under the umbrella of the U.S. Constitution. From 1957 to 1968, the Congress, overcoming opposition, filibuster, and other obstructions, has enacted five civil rights bills. After each, too many thought the fabric was completed. But many wise men knew otherwise. These acts were each forward leaps and were accomplished after the American public was outraged by what it learned from a free press, radio, and television or from arousal by public protests.

Many complain that the press and broadcast media in the United States focus excessively on the bad points in the country and not enough on its virtues. Nevertheless, the Birmingham police dogs, the murder of my co-worker Medgar Evers, and the creative protest of Dr. Martin Luther King, excoriating our society—all reported on television—have destroyed apathy, excited the American conscience, and have spelled the eventual doom of discrimination in the United States. Given freedom of speech, of press, of assembly and total access to the ballot box, any other reading of the American future is as false as it is cynical.

By 1964, when federal law opened up places of public accommodation to all Americans, many thought, "now the battle is over—the human rights fabric has been completed." It was not so. For Americans have discovered that poverty—often the end product of discrimination—cripples men. It often cripples so much that its victims cannot use newly gained economic and social rights. President Lyndon B. Johnson said it best: "Thus it is not enough just to open the gates of opportunity. All of our citizens must have the ability to walk through these gates." We Americans are merely beginning to implement a full panoply of economic and social rights which will validate the promise of American life.

There is not the slightest doubt in my mind about my country's glittering future for all Americans—black men and white, Indians, Protestants, Catholics, Jews and nonbelievers. Such a statement is justified by the confidence that the President of the nation, its courts system, and belatedly its national legislature, are fully committed towards this ideal—and the country will surely follow.

However, I confess my own myopia as I have my vision extended by the young people whose sights embrace more opportunities for self-expression and self-development than I ever dreamed for my generation. And other generations to follow will further expand the range of vision. The fabric of human rights is never completed—and may its borders never be limited by the sight of one group, one system, or one generation.

In the international field, we have proclaimed more human rights than we have implemented. The Universal Declaration is properly named. Its ideals are universally accepted but it remains a declaration and not a fact.

In part the problem is the unlimited claim of national sovereignty. I submit that under the United Nations Charter no nation is entitled to wrong its own citizens. Either the Charter provisions dealing with human rights have meaning or they are a cruel fraud. If these provisions are meaningful, they must carry their trust into the boundaries of member states. Human rights violations on this planet (except in Antarctica or outer space) occur in the territories of states.

Some contend that the UN system is incompetent to discuss human rights violations except in southern Africa or in association with hostilities. This is an artificial, contrived and unbalanced view—unsupported by the Charter or the principles of the United Nations.

The United States has benefited by criticism in the United Nations forum. Much of this has been ill-informed—some even mischievous—but no actual harm is done and much good has been accomplished. What I have said does not detract from the efforts of the United Nations to modify and hopefully to obliterate colonialism where it still exists and apartheid and other disgraces in southern Africa. Some day this discrimination by a minority against the majority must yield, even more certainly than that of a majority against a minority in my own country. I predict here the end of apartheid in South Africa—if South Africa is to survive.

However, the UN system lacks the machinery to implement its human rights standards. We have been great on production—and deficient in distribution. Admittedly in the present state of the art, the most effective implementation tool is the spotlight of international conscience and concern. However, this useful principle needs to be institutionalized in order to be focused for maximum effect. This is why we have been deeply interested in the Costa Rican proposal for a UN High Commissioner for Human Rights. We meet on the 20th anniversary of the UN Declaration of Human Rights. What will be the state of human rights around the world 20 years hence? How will the UN system contribute to this development? I have no answer but I can be forgiven a flight of imagination: a rising standard of living; a revolution in communications and technology; the escalation of expectations, material and spiritual. All these will excite populations everywhere.

No state in any system will be able to fence out ideas or fence in people. All shall learn from all and mankind will enjoy a communality now unrealized. There will be national differences, but there will be aspirations for expression and opportunity which will overleap all boundaries. States of every system must prepare to accept freedoms—with South Africa included—or accept the fate of states which cannot live with liberty and with change. Change, domestic and international, will require a commitment to action. As the President's National Advisory Commission on Civil Disorders, of which I was a member, stated: "A commitment to action—compassionate, massive and sustained—new attitudes, new understanding, and above all, new will."

We in the United States are not completely changed but the tortuous record I have reviewed shows that we have worked for change, inch after excruciating inch. This commitment and will of which I have spoken, now bright, now grim, must mark the way internationally if the world is to fulfill the promise of the unprecedented step by the United Nations in 1948.

The Universal Declaration points the way for ordered liberty. It encompasses two of the abiding principles of the great Iranian teacher, Zoroaster: "good thoughts, good words."

My country's flags are still at half-mast—mourning the assassination of my friend Martin Luther King, Jr. He used the freedoms of my land to free it of the dreadful heritage of slavery and its aftermath. His life had purpose and his death will have meaning if we adopt all three of Zoroaster's principles which I now leave with you: "good thoughts, good words, good deeds."

THE BALANCE OF TRADE

Mr. PERCY. Mr. President, recent statistics show that the U.S. balance of trade has been seriously impaired and that a critical situation confronts us. The trade surplus in the first quarter of the current year was only $700 million, compared with $1.4 billion in the first quarter last year. Imports during this quarter are 15 percent higher than in the first quarter of 1967, whereas exports are only 3 percent higher. Even so, exports fell from February to March by 12 percent, resulting in an import surplus of $150 million for the month.

These are sobering statistics. There are a number of short-term, as well as fundamental, causative factors. Three of them are: The large volume of copper imports during the first months of the year, the dock strike in March, and imports resulting from steel hedging by users in this country in anticipation of a major work stoppage in the steel industry.

But there are also important fundamental economic factors at work shaping these adverse U.S. trade flows. Essentially, the continuing rate of domestic inflation creates a demand which is attracting imports, while at the same time U.S. exports are becoming more costly—and thus less competitive—in world markets.

The problems of the U.S. balance of trade are indeed serious. They underscore the urgency of necessary corrective action. A return to domestic economic stability through a tax increase and a reduction in Federal spending is very clearly in order. Such positive fundamental remedies are much preferable to regressive remedies such as border taxes, import surcharges and other barriers to trade. An excellent editorial published in the New York Times of April 26 contains a crisp analysis of the situation. I ask unanimous consent that it be printed in the Record following my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. Mr. President, concern for the continuing balance-of-payments deficit of the United States is not limited to this country. It has caused wide international consternation as well. In fact, our foreign trading partners and our allies in various international organizations have strongly urged the United States to take those fundamental steps necessary to stabilize the domestic economy by reducing the deficit in Government expenditures, just as over the years we have urged them to put their fiscal houses in order. More important, while pointing to the essential remedies of the U.S. problem, these countries have shown a sincere willingness to make important concessions on their own part to assist the United States to improve our payments position.

Particularly notable is the recent offer by the British and the other members of the European Free Trade Association, joined by Japan and other major trading countries, to speed up their application of the tariff cuts agreed to in the Kennedy round of trade negotiations, while allowing the United States to delay implementation of those same agreements. The European Community has recently indicated that it, too, would be willing to extend similar assistance to the United States, were the United States to promise to abolish by 1969 its special customs treatment for a limited number of chemical items, and to promise not to impose new trade restrictions.

Essentially, this offer was a fair one. The United States stands to gain meaningful assistance to improve its balance of trade: Accelerating European tariff cuts would give our exports a 3-year tariff advantage, while the delay in U.S. tariff cuts would tend to hold back U.S. imports. In exchange, the Community merely asked that the United States abide by commitments it has already made. In the Kennedy round we made a separate tentative agreement—which must be ratified by Congress— to abolish the special customs treatment for chemical dyes—the American selling price system or ASP—in return for meaningful European chemical tariff cuts, for a modification of the Common Market's discriminatory taxes on U.S. autos, for British cuts in tariffs on U.S. tobacco. Under the General Agreement on Tariffs and Trade, the United States and 74 other countries agree not to impose new import restrictions, particularly quotas, except under special conditions set forth in the GATT treaty.

Mr. President, the administration—particularly the Special Representative for Trade Negotiations—should take the Common Market acceleration offer very seriously. It should be treated at least as an important negotiable offer. At the same time, Europeans should understand that it would be difficult for the administration to promise to abolish the ASP system of customs valuation on dyes before the end of this year. The Europeans should consider that pressing fiscal and social legislation and the presidential election will very seriously complicate the legislative procedures that must be followed if ASP is to be removed.

Eric Wyndham-White, the astute Director-General of the General Agreement on Tariffs and Trade, has taken a leading role in proposing a solution that may be acceptable both to the United States and to the European Community. The Wyndham-White proposal is said substantially to meet the major U.S. conditions, as well as the European. If this is true, the administration should accept it, for the alternative that the administration believes itself forced to accept—a tariff surcharge on U.S. imports—would not only be an inappropriate remedy for the fundamental payments problem, but it would also seriously impair—perhaps destroy—our historically successfully reciprocal trade liberalization policy. It would seriously alienate those groups in the United States which have defended and forwarded that policy. It would open the floodgate to a sweeping wave of protectionist pressure to reestablish general high level of tariff rates in the United States.

In addition to the New York Times editorial previously mentioned, I am pleased to note three additional editorials which also analyze and support a positive approach to the liberal offer of our trading partners. A Washington Post editorial of April 14 terms the Common Market's proposal a "fair tariff offer" and concludes that "there is nothing onerous about any of" the Common Market's conditions.

A Wall Street Journal editorial of April 17 calls the Common Market proposition "eminently fair." The Journal criticizes the administration's proposed tariff surcharges in these terms:

> It's true that our trade surplus has lately been narrowed, partly by copper imports during the recent 8½ month strike. In addition, inflation is making U.S. exports relatively less attractive and imports relatively more so. The solution to this problem, however, is more responsible Federal financial policies—not new restrictions on imports.

An editorial published in the New York Journal of Commerce of April 23 states:

> By encouraging U.S. exports to the Common Market during a period in which EEC is willing to suffer a damper on its own exports to this country, this offer very well could produce that $500 million reduction that President Johnson is seeking in our balance of payments deficit.

I ask unanimous consent that these additional editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

EXHIBIT 1

[From the New York Times, Apr. 26, 1968]

THE TRADE DEFICIT AND COMMON MARKET'S OFFER

The announcement that the United States imported more in March than it exported, combined with the record gold loss registered during the same period, gives fresh evidence of the toll that inflation has been taking out the economy. It is true that the deficit in trade last month was partly due to the eleven-day longshoremen's strike on the New York docks. Yet the once huge surplus that, year in and year out, the nation enjoyed in in its trade with the rest of the world is now in serious jeopardy.

Comparatively little attention has been paid to the alarmingly rapid deterioration in the competitive position of the United States. The Administration has concentrated on plugging up the drains caused by private investment, tourism and aid, apparently taking it for granted that the surplus in trade would last forever. Even as late as last January the President predicted that the 1968 would see a trade surplus of over $4.5 billion which was mere wishful thinking in view of the shrinkage over the past three years.

It is easy to explain what has been happening. Demand for imports has been spurred by Washington's aggresively expansionist monetary and spending policies. At the same time, exports have suffered because American producers have been increasing prices relatively faster than their foreign competitors and they have also been hindered by insufficient export credit. In addition, the war in Vietnam has brought much more rapid increases in military purchases than in military sales abroad. And if the war and inflationary pressure continue, it is safe to predict that the trade balance will continue to worsen.

The Administration can no longer ignore the frightening deterioration in trade. Nor will American industry. In fact, there is danger that the shrinkage in the surplus will provoke increased pressure for protectionist measures. Such a course would be economically suicidal, because it would stimulate rather than dampen domestic inflation and because it would trigger instant retaliation against American exports. In the long run, the once permanent trade surplus might become a permanent deficit.

A much more sensible way to attack the problem is, of course, through increased taxation. A rise in taxes will not halt inflation overnight. It might even lead to some further increase in prices as manufacturers seek to protect their profits. But it would slow down demand for goods, so that the accelerating increase in imports would be halted. And if military expenditures abroad could be reduced along with nonessential domestic spending, the nation would be in a position to regain its competitive stature in world trade.

The United States simply cannot afford a prolongation of complacency. The warnings have become more and more frequent, the danger closer and closer. Failure of Congress to take action in the near future is to invite a new attack on the dollar, with all the extreme danger that that implies.

Yesterday's anouncement of the trade deficit emphasizes the desirability of accepting the Common Market's recent offer of temporary tariff concessions to the United States. If other large trading nations follow suit, the American trade balance should benefit by several hundred million dollars.

The Common Market offer does not go so far as had been hoped, but it probably went as far as was politically feasible. The two conditions attached to the offer, on French insistence, are unpleasant in their phrasing and time limit. But, in substance, the *quid pro quo* asked by the Common Market is minimal.

The proviso that the United States refrain from new protectionist measures or export subsidies was implicit in the Kennedy Round negotiation. The insistence that the United States repeal the protectionist "American Selling Price" system of chemical tariffs by January merely places a deadline on legislation the United States engaged itself to seek when it signed the Kennedy Round agreements.

The problem, of course, is that some import quota or other protectionist measure may pass Congress, attached to a bill that the President cannot veto. Or the Congress in this year's short session may postpone repeal of the A.S.P. system. Nevertheless, the Administration would do well not to resist the Common Market conditions, but to use them as further arguments with the Congress against protectionist action. Meanwhile, an important pitfall must be skirted.

The Common Market proposals would accelerate by one year the progressive tariff cuts the Europeans agreed to make during the Kennedy Round. They would also permit the United States to delay for one year in reducing its tariffs. It is unfortunate that this result could not be achieved simply by a faster acceleration of European tariff cuts, as Britain and West Germany proposed, rather than by a simultaneous slowdown in cutting American tariffs. Five years of negotiation went into achieving the Kennedy Round agreements, bringing near fruition three decades of American efforts in trade liberalization. A slowdown by any major country in applying the agreements, and particularly by the United States, could set a dangerous precedent that later might undermine the whole compact.

[From the Washington (D.C.) Post, Apr. 14, 1968]

A FAIR TARIFF OFFER

Reactions to the contrary notwithstanding, the Common Market made a fair offer when they agreed to speed up their Kennedy Round tariff reductions and thereby strengthen the U.S. balance of payments. There are, to be sure, firm conditions attached to their proposal, but they come as no surprise. Economic relations among advanced nations are based on reciprocity, not generosity, and what the Common Market is asking in return from the United States falls well within the bounds of reason and sound economic policy.

The Kennedy Round tariff reductions are scheduled to be made in five annual installments from 1968 to 1972. The United States made its first reductions on Jan. 1 and the Common Market will make two reductions together on July 1, the date on which internal tariffs among the six countries are to be eliminated. What the Common Market proposes is that the United States be exempted from making any further reductions until January, 1970, while they make their third and fourth cuts in January, 1969, and July, 1970, and the fifth in January, 1972. The second and third U.S. cuts would be scheduled for January, 1970, and the fourth and fifth would be made at the beginning of 1971 and 1972. This timing would surely bolster the U.S. payments position in 1969.

In return for the tariff scheduling concession, the Common Market insists: that other advanced countries agree to accelerate their cuts; that the U.S. practice of basing tariffs on the American selling prices of certain products, rather than those of the exporting country, be abolished by 1969; and finally, that the United States take no actions that would restrict imports.

There is nothing onerous about any of those conditions. Unless other countries go along with the plan, the U.S. payments position would not be significantly strengthened. The American Selling Price tariffs are a protectionist abomination and some of the important Kennedy Round agreements—especially those that would ease the entry of U.S. autos into European markets—are already contingent on their abolition. Neither can there be any principled objection to the condition that Congress pass no protectionist legislation. No one gets a free lunch in a world dominated by national competition for trade.

[From the Wall Street Journal, Apr. 17, 1968]

A CHANCE TO KICK THE HABIT

The conditions placed by Common Market nations on their recent agreement to hasten tariff cuts are really in America's best interests. We hope Congress and the Administration will do their parts to comply.

In return for lowering tariffs next January 1, a year ahead of schedule, the Common Market asks that the U.S. revise a special duty on some chemicals and take no further protectionist measures this year. These requests, which will be a topic in talks with the U.S. and other major trading nations at Geneva today, are eminently fair. But there are serious doubts they will be met. Like other bad habits, protectionist measures remain tempting, easy to acquire, and devilishly hard to do away with once they are established.

Industrial lobbyists continue to pump up protectionist pressure in Congress. At the same time, as Richard Janssen reported in this newspaper, even some Administration "analysts" argue the U.S. may have to raise import barriers, torpedoing the Common Market agreement. They invoke this possibility in the name of our balance of payments, the very problem the Europeans would help solve with their offer of accelerated tariff cuts.

Of course industry must be guarded from unfair, predatory foreign maneuvers, such as dumping. And limited protection may be justified for industries vital to national defense, although a tent has been spread here where an umbrella would suffice. But when protectionism is promoted and rationalized for such broad market industries as steel, chemicals and textiles as good for our payments posture, that is a bit much.

It's true that our trade surplus has lately been narrowed, partly by copper imports during the recent 8½-month strike. In addition, inflation is making U.S. exports relatively less attractive and imports relatively more so. The solution to this problem, however, is more responsible Federal financial policies—not new restrictions on imports.

It will do exports no good to protect industries whose prices have risen above world levels. Import barriers, moreover, have a way of damaging the domestic economy, as they blunt industry's incentive to compete. And price-supporting import curbs are certainly no remedy for an inflation which already strains Americans' purchasing power.

What tariffs and quotas also do, as the Common Market's conditional agreement warns us, is stimulate reciprocal barriers abroad, shrinking international trade. As a big exporter, the U.S. finds its advantage being expansionist, not protectionist.

The final folly of protectionism lies in its futility. If our current rise in imports were somehow attributable to failing American natural resources, technology or will, limitless tariffs and quotas couldn't sustain our standard of living, but would only make its inevitable decline more chaotic.

But the truth is more nearly that inflation aggravated by burgeoning demand and encountering inadequate restraint has given foreigners broader entry to our markets. At least part of the solution will be to go along with the conditions proposed by the Common Market.

Who knows? A little abstinence might help us kick the protectionist habit.

[From the Journal of Commerce Apr. 23, 1968]

DOWN TO THE WIRE

The six members of the European Economic Community have now made an offer that figuratively brings the United States right down to the wire. The conditions offered are admittedly tough, but in a world presently riddled with economic complexities they are quite simple. EEC will accelerate its own Kennedy Round tariff cuts and permit the United States to delay its own for a year provided that this country agrees to eschew any resort to border taxes, import surcharges, quotas or other new protectionist devices in the interim. They also insist that this country abandon the so-called American Selling Price (ASP) by early 1969, as indeed, it has already promised to do.

By encouraging U.S. exports to the Common Market during a period in which EEC is willing to suffer a damper on its own exports to this country, this offer very well could produce that $500-million reduction that President Johnson is seeking in our balance of payments deficit, assuming that Canada, Japan and the EFTA nations go along, too. Perhaps not all at once. Perhaps not this year, but probably next year.

We think this an eminently fair proposition and we are encouraged by the fact that France and Italy, who have the most to lose from other tariff cuts already scheduled (theirs' being steeper than those of the other four EEC members), have endorsed it.

That it is in EEC's own self-interest to prefer this kind of agreement to a rash of American protectionist devices that may prove more or less permanent is interesting, but nowhere near as interesting as what the American reaction is now to be. We think the facts of the matter are plain. It is probably even more in the interests of this country to accept the offer than it was in the interests of EEC to make it.

We quite understand that the policies of other countries (among them Japan and members of the European Free Trade Association) are involved. But for the moment we would like to limit consideration of the issues to the United States, on one hand, and to EEC on the other.

The facts are these: EEC buys more from the United States than this country buys from EEC. The six, in fact, buy a good deal more—about $1.3 billion more averaged over each of the last two years—than they sell in this country. This gives the United States a trading surplus with the EEC countries, regardless of its over-all balance of payments deficit. In addition to that, total U.S. direct private investments in EEC countries are put at well over $8 billion.

It is quite important that at a time when the over-all American trade surplus is shrinking, our commerce should not be further curtailed in terms of the EEC nations. As S. J. Rundt & Associates remarked last week "the 1966–67 trade surplus registered by Uncle Sam vis-a-vis the EEC would have been enough to cover better than half the official $4,929 million U.S. balance of payments deficit during that period—had we not been in the red elsewhere."

If it were up to the administration alone, we are confident this offer would be accepted, perhaps even gatefully, for it is clearly the best alternative available for everyone concerned. But Congress is being so heavily pressured to adopt piecemeal steps in the direction of protectionism that many sober people despair of an American-EEC quid pro quo. In an election year, it is said, it is futile to expect any demonstration of rationality from the Congress of the United States.

In view of the rather dreadful tax bill recently passed by the Senate (with its textile import quota rider), the cynics may not be altogether wrong. But we are not ourselves despairing at this point. It is customary in an election-year Congress to approach each new proposal within a very narrow context. Do important constituents want import quotas in steel? In chemicals? In textiles? Do they want crude oil imports further curtailed? Very well. Let's give it to them. And all too often the damage is done and acquires a degree of permanence on the U.S. statute books.

But one thing is surely different this year. With the firm offer from EEC waiting in the wings, Congress cannot nibble here and nibble there at the main-springs of our international trade policy without collapsing much of the entire structure. If it is going to indulge in its penchant for giving way to the individual claims of special interests, it is going simultaneously to reject the EEC offer, throw all manner of roadblocks in the path of U.S. exporters, and simply make our balance of payments and trading prospects worse than they are now.

The issue cannot this time be dodged, and that is why we are so hopeful that it won't be. It is true that 36 senators co-sponsored a measure to curb steel imports. It is also true—although this doesn't apply directly to the EEC countries—that 29 sponsored a measure to reduce oil import quotas.

But how many of these, and how many of the protectionist interests behind them, will persist in this course when confronted with the plain facts of the damage that will be done if they get their way? Those who do, alas, will have to accept their share of the responsibility for reducing a very promising means of lowering our balance of payments deficit to wreckage.

We accept, although reluctantly, the evidence that Congress does some very foolish things in election years. But they are usually small things. When the larger issues are properly presented, the House and Senate alike usually do the right thing, sooner or later.

If the wiser leaders of Congress and of the administration force what strike many as being minor measures into the larger context of our balance of payments deficit we think they may prevail, even though a lot of our contempories glumly expect the worst.

HOW RIOTS ARE STIRRED UP

Mr. ERVIN. Mr. President, some very impressive and straight-from-the-shoulder remarks about the seriousness of riots and the need for more vigorous law enforcement in this Nation are featured in the U.S. News & World Report dated May 6, 1968. This article is an interview with the distinguished Senator from Arkansas [Mr. McCLELLAN,] who has become well known as an investigator of crime and lawlessness.

I am sure that countless millions of Americans are fully in agreement with the Senator's opinion that government officials have not been sufficiently vigorous in the enforcement of law and in prosecuting violators. The Senator makes an important point that militant groups should be made to understand that the Nation simply is not going to tolerate rioting. Rioters doubtless would change their behavior if they were impressed with the promise that as much force as is necessary would be applied to halt rioting, looting, and burning in every community where trouble threatened.

Senator McCLELLAN is correct in asserting that money alone is not going to solve the great social problem which threatens the peace and security of our Nation. He affirms the need for more jobs and better education for those who are willing to work and to learn. And he is not at all optimistic about an early end to the conditions which promote rioting and continued unrest in the Nation.

I ask unanimous consent that the interview of Senator McCLELLAN, published in U.S. News & World Report, be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

HOW RIOTS ARE STIRRED UP: INTERVIEW WITH SENATOR McCLELLAN

(NOTE.—Are Government policies helping to prevent riots—or actually stirring Negroes to violence? When riots break out, is the Government moving swiftly and firmly enough to control them? Will the spending of billions of dollars in big-city slums really solve the race problem? For answers to such questions, members of the staff of "U.S. News & World Report" obtained the following exclusive interview with a veteran Senate investigator who is now studying riots.)

Q. Senator McClellan, how long have you been investigating riots?

A. The Senate Permanent Subcommittee on Investigations, of which I am chairman, began its study of riots last August.

In 17 days of public hearings we have heard witnesses on the rioting in four cities—Nashville, Houston, Detroit and Plainfield, N.J. Members of the Subcommittee staff have made preliminary investigations in several other cities, including Newark and Chicago. We have started looking into the recent riots in Washington, D.C. We will also get into other cities.

Q. What are the major conclusions that you have reached from these investigations?

A. I cannot say what may be the final conclusions of the Subcommittee. I can only express my own opinions, my conclusions up to this time. But what I say is supported and warranted, I believe, not only by testimony that the Subcommittee has heard, but also by information that the staff has gathered.

I think that a climate or condition has been created by agitators—and perhaps by an attitude of some Negroes, though certainly not a majority of them—a condition which was ready to be sparked by any incident that could be seized upon and built into a riot.

Q. Did you find any common pattern in the riots?

A. Of the four cities covered by our hearings to date, we definitely have established that militant agitators were present and had been holding meetings in three of them.

I would not say they were actually organizing a riot. They don't just decide that "we're going to have a riot in such and such a city at such and such a time."

But I would say that they were fanning the prejudices, deliberately inciting to riot, and were ready to, and did, seize upon an incident.

The three cities that I have in mind where agitators were at work are Nashville, Detroit and Houston.

Q. What do you think of the way the government has dealt with these agitators?

A. I do not think government officials have been sufficiently vigorous in the enforcement of law and in prosecuting them.

Q. What about the way the government has handled riots?

A. I don't think the government has been firm enough in its policy, in its enforcement of the laws against rioting, and in taking the necessary means and actions to prevent rioting or to stop rioting when it occurs. When I speak of "the government" here, I am speaking of government at all levels—not just the Federal Government.

Q. How do you feel about the policy of restraint that was used in the recent riots that followed the assassination of the Rev. Dr. Martin Luther King, Jr.?

A. It is hard to discuss a policy that has not been adequately defined for me clearly to understand it.

Of course, restraint should be used. The resort to force should only be done when it becomes apparent that there is the intention of rioting, with the plundering, burning and sniping that go with it. At the very inception, you can't know whether it is going to develop into a riot or remain an incident.

But when it becomes apparent that a riot is developing, I think then is the time to be firm immediately and give orders to use such force as may be necessary to stop it.

In some instances, in these recent riots, it appears that they waited too long to do this. I think they should have—and could have—been more firm and aggressive, and that they would have been more effective thereby.

Q. What is your opinion of the stand taken by Mayor Richard J. Daley of Chicago, that arsonists and looters should be shot?

A. I think if you can make rioters understand that force is going to be used, they won't riot. If a man knows he is going to be caught and convicted—or shot—he is not likely to commit a crime. We should make them understand that we are simply not going to tolerate rioting. This ought to come from the President of the United States. He should say: "We're positively not going to tolerate rioting, and we're going to use such force as may be necessary to prevent it."

If you say that and mean it, and people believe you mean it, much of this violence won't happen.

On the other hand, if you say, "Don't do anything to them," and try to placate them, you're going to invite trouble—and more of it.

Now, that's my view. I'm not following Mayor Daley or anybody. I'm simply stating my own convictions.

Q. Have your investigations revealed instances when force was applied and did bring a quick end to violence?

A. I think when real force was applied it brought an end to some of this violence. I remember Houston particularly. It was brought to an end there. In Pine Bluff, Ark., recently the mayor said, "We're not going to tolerate it," and immediately called for the National Guard, and the minute they showed the force the rioting stopped. I think you had much the same thing in Miami.

Wherever officials take a firm position and the government stands by it with all the force it can command, so that people know what is going to be done, trouble may start but it's much less likely—and it will be ended quicker, in my judgment.

Q. Some people have suggested that if more force had been used in these recent riots the situation would have gotten out of control—turned into a revolution. Do you think we really have reached the stage in this country where we cannot enforce the law and dare not try?

A. I do not think so. The question is not whether we can. The question is: Do we have the will?

Q. Are present government policies, in your opinion, serving to reduce or to increase the danger of riots?

A. I think there are attitudes on the part of government and its leadership that tend to encourage and stimulate further dissent and resentment, instead of being calculated to discourage it.

I'm speaking primarily now of Washington. The tone is set at the top.

Just to begin with, take the "war on poverty." As it has been presented by the leadership, it gives a false hope to people. So many things are promised them. They get the impression that the Government could, if it would, lift them overnight out of their economic hardship, out of the ghetto, and put them in modern homes with good jobs and middle-class incomes and standards of living.

They are not being told the realities of life and the limits of what the Government can do for them. Then, when these promises are not fulfilled, these people become resentful and bitter.

Q. Have you found evidence of antipoverty workers, paid by the Government, contributing to the violence?

A. I don't want to go into detail about that at this time. But we have information about it.

For example, we had this case in Nashville where people were setting up and the Government was ready to finance a school that was, in my judgment, teaching racial hatred. The fellow who was to be the instructor in that school, Fred Brooks, testified under oath that he would even be willing to shoot the President's wife if that was necessary to further their cause .

I think it is tragic when the Federal Government is not sufficiently prudent or adequately concerned to prevent public funds from being distributed to or administered by people who have that kind of attitude.

Q. What other official attitudes or programs do you view as fostering violence?

A. I think there have been public utterances by Government leaders that could be interpreted as encouraging—certainly not as discouraging—violence, rioting, law violation and what is called civil disobedience.

The President of the United States, as I recall, once addressed a group on the White House lawn as "fellow revolutionaries." That certainly carried a connotation to dissident groups that he was very much in sympathy with methods used. Violence, of course, is associated with a revolution. At a joint session of Congress, the President used the motto of civil-rights activists, "We shall overcome."

The Vice President of the United States once said in a speech at New Orleans that, if he lived under slum conditions, he could lead a mighty good revolt himself. In the same speech he also said that, unless Congress provides rent subsidies for the poor, "We will have open violence in every major city and county in America."

I dont' see how such statements can help having an impact on those who feel that they are oppressed and that the Government owes them something. If I were of the mood of these people and heard such statements, I might think that violence was at least being condoned.

Q. As a result of your studies, what do you feel is the best answer to the problem of rioting.

A. The best answer—particularly as a long-range solution—is to adopt measures and policies that will discourage further migration from the rural areas into the cities.

The Government, in my judgment, should encourage and assist industry to decentralize, and as it expands to build its plants in the open spaces, in the rural communities. There should be a housing program and other programs designed to get people out of city slums—those who are willing to work. And I'd associate with this a training program to prepare unskilled slum people for jobs.

This would give these people a better life—open up to them some of the opportunities they claim to want. It would also stop congesting the cities, help relieve the transportation and pollution problems.

If we could get people to move out of the slums to areas where there is work available, we will not have to spend as much on these ghetto areas. The slum landlords will soon wake up and begin improving their property if they want an income from it. At the least, it will keep the present conditions from worsening.

Q. What should the Government do to encourage the decentralization of industry to provide jobs in rural areas?

A. One way to encourage it would be by permitting tax-exempt bond issues by municipalities to induce industry to come in with new plants.

There are other methods that might be tried. Details, of course, remain to be worked out. But we should begin studying this problem and find ways to do it—instead of just talking about billions upon billions of spending in slum areas.

For example, last year the Committee on Government Operations reported a bill, passed by the Senate, to establish a Commission on Balanced Economic Development. The studies to be undertaken by that commission could point the way to finding some of the answers to our critical urban problems—jobs, transportation, crime, housing, pollution and lack of recreational facilities.

Q. Do you think such programs would induce many people to leave the cities?

A. I can't answer that with certainty. But I don't think that taxpayers who work and take care of themselves should be taxed to support people who prefer to a stay in a city slum and live on a dole. Of course, people have a right to live where they please. But there is no duty on the taxpayers to support them if they persist in living where there are no jobs, when suitable employment is available elsewhere.

People are always saying, "Oh, you've got to give these people more, you ought to give them more." Well, I'm in favor of educating people if they'll take an education. I'm in favor of getting them jobs if they'll work. I wouldn't oppose all expenditures designed to rehabilitate slum areas.

But I don't think the spending of billions of dollars in slum areas will solve the problem. I don't think we can spend enough money to do that job thoroughly. And I think this other approach to the problem is far less expensive and far more productive.

Why, the slum programs that people are talking about would cost billions upon billions. Governor Rockefeller of New York talks about 150 billions of dollars. Others, I believe, are talking about a program that would total some 350 billion dollars within the next 10 years.

I do not think that our Government can withstand that kind of impact on its fiscal resources. It just cannot afford it. Just printing money, if that's what we're coming to, will do greater harm to the poor than to anybody else.

Q. How do you feel about the recommendations made recently by the President's Advisory Commission on Civil Disorders?

A. Since I head a committee which also is conducting an investigation of riots, I don't think it would be appropriate for me at this time to comment unduly on that commission's report.

But there are some of its recommendations with which I do not agree. I think they have overemphasized two things in particular. They have overemphasized, and I believe erroneously so, the idea that the white race must bear the major if not the whole blame for the state of race relations today. That's an exaggerated accusation. And, second, I think the commission overemphasized the idea that the spending of money will cure all evils.

Q. The President's Commission spoke only about white racism. Have you, in your investigations, found a different kind of racism—a black racism?

A. I think that's apparent every day. You don't have to find it. It is forced upon you by statements that Negro agitators make that are carried by the news media every day.

And when you speak about white racism, I'm sure the commission didn't mean to imply that every white man is a racist. Likewise, when I speak of black racism, I certainly don't mean it to apply to every Negro. I'm talking about these militant groups, these agitators and organizations who preach violence and civil disobedience.

To preach civil disobedience is to sow the seeds of disrespect for law enforcement. For a citizen to say, "I will not obey a law because I think it is morally wrong"—well, if one citizen has a right to do that, regardless of his creed or color, then every citizen in the nation has the same right, and there could be neither law nor order nor a safe society if everyone practiced that philosophy.

Q. Would a stricter adherence to the law and a stricter enforcement of the law, generally, help to solve this problem of violence?

A. I think that is imperative if America is to survive. We've got to have better law enforcement. The increase in the crime rate and the attitudes of large segments of people toward law enforcement are endangering the internal security of our country—gravely so.

Q. Senator, to what extent have your investigations found subversive influences playing a part in these riots?

A. I can't say to what extent. I'm confident that subversive influences are present, though not in every instance.

I think the Communists are at work through every channel that is available to them to sow the seeds of discord and to exploit any dissent that they can find among our people. There isn't any question in my mind about that. I think you will find that Communists are right now planning to get into this "poor people's march" on Washington that is scheduled to begin soon.

Q. Is that march on Washington likely to produce violence?

A. I don't want to make any predictions on that at the moment. But there are many indications—from information that I get through our Committee staff—that a large number of these radical militants will be present. What they will do, to what extent they will promote violence, I don't know. But they will be present.

Q. Do you see Congress facing growing pressure from such things as riots and the march on Washington—pressure to vote big new programs of aid? What is likely to be the congressional reaction?

A. Well, let me answer that this way:

I don't say that there is not anything that Congress should do, and that there are not some programs which would be advisable and quite proper and that maybe I would be willing to support.

But I can't see myself yielding to blackmail. Once Congress submits to intimidation of that sort, you no longer have a Government that is free to make a choice. We must not yield to threats and blackmail, or pay tribute to criminals. That's the way I feel.

Q. The way riots are growing, are we going to have to count on National Guard and Army troops instead of police to control them?

A. Oh, there's no question about that. We have to rely on the National Guard, at times, and Army troops as well. And I think they should be given special training to meet such contingencies.

Q. Is this diversion of military forces to riot duty likely to weaken the United States in its ability to act abroad?

A. Do you mean would it detract from the force that we could bring to bear in a war? Of course it could. Any weakness at home is a handicap. It could even be fatal, if it was on a large-enough scale.

Q. Are new laws going to be necessary to cope with this riot problem, or are all the laws that are needed already on the books?

A. I never say that no new laws are needed. You often find some law could be strengthened or some problem could be solved by a new statute. But the lack of laws is not our real problem. We have the laws to handle this situation much better than it has been handled. Our problem is a lack of vigorous law enforcement.

Q. You have talked of checking migration to the cities as a long-range solution. What would you suggest as a quick answer—something that would help in the long, hot summer that lies just ahead?

A. The very first thing that should be done is to announce a firm policy of not tolerating violence, and that federal forces will be made available whenever called upon. Let the mayors of cities and the Governors of States understand that the Federal Government is ready to support them and back them up in enforcing the law and preventing violence—especially mob violence.

This assurance should come from the President and the Attorney General. As I said earlier, the tone is set at the top.

Another thing: It's time to start being honest with these people. There's been so much politics played—just trying to get their votes. They're not being realistic about the situation. We've got to quit holding out false hopes and making promises that can't be fulfilled.

Q. Looking ahead, do you see any early ending to this wave of rioting that has swept the country in recent years?

A. Well, I regret to say I cannot have as much optimism about resolving this problem at an early date as I would like to have. I'm afraid it's a problem that is going to be with us for quite a long time.

You know, gentlemen, I think this country is in a very critical condition—critical with respect to our fiscal policies and with respect to law enforcement. And I don't know but what our condition is critical also with respect to our world commitments. It seems to me that we have overreacted to world conditions. The first thing I want to do is to preserve America.

STEEL IMPORTS

Mr. HARTKE. Mr. President, the Senate Finance Committee on December 19, 1967, made public its staff study, "steel imports."

This comprehensive work was authorized following hearings by the Finance Committee in June, 1966, on my resolution calling for an investigation of the dramatic increase in steel imports which has occurred in the past decade. Testimony from various experts at that time pointed to the complexity and magnitude of the problem. The result was a conviction by the committee that such a comprehensive, expertly directed, study as that released in December was needed. The study itself warrants the conclusion that the Senate should carefully consider the merits of measures to deal with the problem, such as my bill, S. 2537, the Iron and Steel Orderly Trade Act. I have requested the distinguished chairman of the Finance Committee, Senator RUSSELL LONG, to schedule further hearings, following those held on this and related import measures last year.

Recently the Iron and Steel Institute reprinted the summary portions of the 500-page "Steel Imports" volume. Since this is the heart of the full document, and since I believe its wider dissemination will be highly useful, I ask unanimous consent that the excerpts appearing there, together with the AISI introduction, may appear in the CONGRESSIONAL RECORD.

There being no objection, the excerpts and introduction were ordered to be printed in the RECORD, as follows:

STEEL IMPORTS

(Summary of the staff study of the Committee on Finance, U.S. Senate)

BACKGROUND

For several years the American steel industry has been deeply concerned about the steadily expanding inroads of foreign steel and pig iron into domestic markets. The interest of the United States Senate was evidenced when on July 28, 1966, its Committee on Finance instructed its staff to undertake a study of the problem.

This study was completed late in 1967 and the Committee's Chief Counsel, Tom Vail, submitted the report to Chairman Russell B. Long (D., La.) on November 10, 1967. In his letter of submittal, Mr. Vail praised the work of Dr. Robert M. Weidenhammer as coordinator of the study. Dr. Weidenhammer is professor of economics at the Graduate School of Business, University of Pittsburgh.

Mr. Vail reported that Dr. Weidenhammer and his associates gathered data from Government agencies, American Iron and Steel Institute and other industry representatives, labor organizations, importers of foreign steel mill products, independent steel service centers, iron and steel scrap exporters, exporters of coal to foreign steel producers, iron ore exporters, U.S. and international finance agencies financing new steel industries in developing countries, and the steel industry federations of the United Kingdom, of the six member countries of the Common Market, and of Japan.

The study is published only for the information of the public and does not reflect the approval or disapproval of the Committee or any of the Committee's members.

American Iron and Steel Institute has reproduced from the report the portions designated "Introduction," "Summary of Conclusions" and "Summary of Factual Findings." We believe this is a valuable addition to the documents available on the subject of the steel import problem, a problem of concern to all Americans.

INTRODUCTION

The Nation has become accustomed to periodic bouts between major steel producers and the executive branch of the Federal Government. From President Truman's threat in 1949 to expand steel capacity by constructing Government-owned plants to President Kennedy's confrontation with the industry, forcing a price rollback in 1962, we have witnessed numerous charges and countercharges between the two parties. Tempers have been lost on both sides, and emotional statements have added fuel to the fire of the disputes.

Most often the friction has arisen over decisions by the steel industry to raise prices. The Federal Government has been and is concerned with the overall inflationary effect of an increase in the price of "our single most important industrial material." The industry, concerned with maintaining reasonable profits and its need to finance the modernization facilities in the face of rising costs, has felt justified in its decisions to increase prices.

A relatively new but related problem has arisen for the steel industry—the problem of maintaining competitiveness in the face of a growing volume of imports and substitutes, while at the same time preserving a reasonable profit level. This is the problem to which this study is addressed.

The steel import problem (as it is referred to in this study) is complex, intertwined not only with the economic and technological trends in our own industry and economy, but also with economic, managerial, and sometimes Government-directed political factors abroad. The problem is related to a determination by a host of newly emerging nations to establish steel industries of their own and to policy decisions by aid-giving governments and financial institutions to assist in their establishment. Trade and taxation policies, by other countries, aimed at subsidizing production and exports while restricting imports have also aggravated the steel import problem.

A study of so complex but highly important a subject as this requires an objective analysis of facts—facts on foreign and domestic costs, prices, trade practices, and financial conditions, none of which are easily obtainable. This difficulty was highlighted by Secretary of Commerce Alexander Trowbridge, who testified before the Senate Finance Committee on June 2, 1966, that:

"The hard core of the facts needed to judge this situation—those on foreign and domestic product costs and pricing—are not now available and probably are difficult to obtain. Without, at least, some data of this kind, however, a study would be inconclusive."

After a careful but mostly fruitless investigation of all sources of public information available, it was decided to seek information on worldwide costs and prices from all available private sources and through careful scrutiny of the balance sheets and profit and loss statements of major steel producers at home and abroad. This effort revealed sufficient "bargain basement pricing" by some foreign producers to conclude that comparable costs alone were by no means the basic issue.

World overcapacity of steelmaking facilities has caused some foreign steel industries to unload their surplus production on the U.S. market at prices at or below cost. In some countries they have been abetted by governments through the remission of taxes and through subsidies. In contrast, the U.S. steel industry has been unable to maintain its exports, in part because of a multitude of nontariff barriers encountered abroad, and of the lack of U.S. export incentives.

Unused capacity for steel also exists in this country. The steel industry management argues that such excess capacity is needed to meet cyclical and seasonal peaks of demand, and for national emergencies. It subscribes to the philosophy of adjusting output to demand rather than producing at rates in excess of demand and unloading the surplus on foreign markets.

The U.S. steel industry is concerned about the steadily expanding volume of foreign imports. If foreign steel-producing industries were run like prudent private enterprise in this country, the problem of the U.S. steel industry would be less troublesome. Unfortunately, however, foreign steel industries have thrown steel on the world market, especially the largest and least restricted by nontariff barriers, i.e., the U.S. market. As the High Authority of the European Coal and Steel Commission (ECSC) stated in its official report for 1966:

"The rapid expansion of new world steelmaking capacity and the slow scrapping of older plants caused prices to collapse."

Moreover, as stated in a recent report of the British Government (August 1967):

"Severe competition, induced by the surplus, has weakened prices to the point where much of the international trade is unprofitable and in many cases does not even cover full production costs."

In July 1967, the ECSC published its formal estimate that between 1966 and 1970 world steel capacity would expand by some 33 million tons a year (to 738 million tons by 1970), a figure which substantially exceeds foreseeable world demand. There is, therefore, reason to fear that foreign steel industries will not act prudently and adjust output and prices to levels permitting a reasonable return on sales and investment. The concern is that foreign producers, facing further deterioration of their financial status, will continue to sell increasing quantities of steel in the United States at prices which do not reflect their full direct and indirect costs, with the collaboration of their respective governments.

Forty-two percent of the world's steel capacity is government owned.[1] Moreover, cartel-like associations and subsidies are already at work and full or partial government ownership or control may lurk at the end of the road for many foreign steel industries, as a result of their recent financial difficulties.

It was not until the 1950's that the domestic steel industry faced the competition of substitutes and not until 1959 that imports became a challenge. Generally speaking, the industry, while less dynamic in reacting to shifting trends than some other industries, has been run by prudent management as is evident in its sound financial condition today. It faces no insurmountable problems except for the prospect that continually rising imports from lower cost or subsidized producers abroad could seriously weaken its market position.

A prudent businessman in a good financial position can usually outlast his competitors who sell at or below cost, because their days will be numbered. But no private enterprise industry can, in the long run, survive in competition with foreign industries that have become "instruments of government," unless its own government lends assistance against subsidized imports and against obstacles to exports.

SUMMARY OF CONCLUSIONS

If the trends indicated above persist, the Nation must be prepared to see steel imports ultimately reach such high percentages of the markets for certain steel products as to render them unprofitable for the domestic industry to make.

It would be unrealistic to expect an uninterrupted flow of imports when this country might most need them, i.e., in case of a major national emergency. Even in times of peace, steel imports may be interrupted for any number of reasons. Japan might choose to export only to its Asiatic neighbors, and Western Europe may concentrate on supplying Eastern Europe. It means courting a possible future national ordeal if such a highly strategic industry as steel should be permitted to drift into even partial decay. After all, it is the strategic importance of steel in other countries that has brought about most of the problems that beset our steel industry today.

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[1] In the "free world," not including the United States, 28 percent of steelmaking capacity is government owned.

This study identifies the basic issue of the steel import problem by analyzing it in the framework of the world steel industry where capacity has (and continues to) outrun demand, causing a world steel surplus. In developing countries, new steel industries are being financed through foreign aid often motivated by the political rivalries between the United States and the U.S.S.R. In contrast, the traditional steel-producing countries are installing new capacity precisely because the world surplus of steel has depressed world steel prices. Therefore, the availability of radically new and cost-cutting technology promises relief from low-profit margins or losses, but it also increases still further: debt, fixed charges, and overcapacity; the latter because of a hesitation to scrap facilities still using the old techniques.

At present, the financial structure of the U.S. steel industry is sound relative to that of its major competitors, but recent trends indicate danger ahead.

Aside from the basic issue, the world surplus of steel, the study has analyzed the domestic record of the U.S. steel industry. While finances were prudently managed, the industry's unit labor costs and capital output ratios show trends that compare somewhat unfavorably with other U.S. industries, especially in the last decade. There can be no doubt that the periodical poker game atmosphere preceding wage agreement expiration dates, and the roller coaster cycle of inventory accumulation and liquidation has damaged the competitive stance of the industry. It has exposed the steel industry to invasion of its markets by imports and substitutes, and has left lasting damages to the industry's output, employment, and profits.

An important managerial problem facing the U.S. steel industry today is how to overcome the lower wage rates abroad, especially in Japan, by heavy investment in new technology. Aside from the fact that foreign producers are also modernizing their facilities, often with assistance from their governments, these investments are greatly increasing the fixed charges of the domestic industry. Unless the output of the U.S. steel industry increases by some 2 to 2½ percent a year, such fixed charges can only mean higher, rather than reduced, costs per ton of output, and, therefore, smaller rather than higher profits.[2] This would result in less funds being available from retained earnings and the capital market for investment in research and modern facilities.

Specialty steels are constantly being developed through research for national defense and space projects. Quite aside from defense, the viability of the domestic steel industry is a problem of national welfare. Steel is still the backbone of any industrialized economy. In the United States it still accounts for 95 percent of the weight of all metals and the bulk of all processed materials used in manufacturing. If in certain product-lines imports exceed, say, 60 percent of domestic consumption, domestic facilities might be scrapped, and labor shifted to other industries. Any cessation of imports at that stage, for whatever reason, would constitute a major problem to uninterrupted output of the steel-consuming civilian economy.

It is by no means clear, however, whether such specific recommendations as a temporary levy on imports or a rollback quota would, at this time, be in the best long-term interest of the country or even of the industry. However, some responsible, short-term measure along these lines may be the prod needed to cause the steel producing nations of the world to join together in an effort to solve problems of world steel in a manner calculated to serve the best interests of all of them.

The United States singly, or in agreement with the U.S.S.R., might deemphasize the financing of steel-producing facilities in favor of financing steel-consuming industries in developing countries. This would ease the overcapacity problem which contributes to our import difficulties. In addition, a world conference of the governments of major steel-producing countries to discuss common interests in adjusting the pace of steel capacity expansion to the pace of world steel demand would be beneficial. The chances for the lasting success of this conference would be greatly enhanced if the sympathetic interest of the U.S. Government in safeguarding the industry is recognized by the countries now enjoying a market for their steel exports to this country.

A world conference may eventually restore prosperity to the world steel industry and thereby solve the problems that now concern the domestic industry. The U.S. Government should participate in such a conference with a full understanding of all the implications of the somewhat ominous trends that imperil the U.S. steel industry's future.

There is also an urgent need for fairer rules in international steel trade. Today, our steel industry must compete in the face of foreign export subsidies favoring steel imports into this country and nontariff barriers frustrating U.S. steel exports. European and Japanese steel cartels may also be contributing to unfair trade practices abroad. If fair rules of international steel trade can be achieved, the industry should be able to expand both its domestic and foreign markets. Plastics and other substitutes would still be a constant challenge to make better steels at lower costs and to clad them with aluminum or plastic, if feasible. The steel industry's great and fully intact capital resources, its highly trained engineers and labor force and its competent management and emerging research staffs should be able to preserve and develop further this important and strategic industry.

SUMMARY OF FACTUAL FINDINGS

(1) U.S. steel production has fallen from 61 percent of world output in 1945 to 26 percent in 1966, and will probably drop to 21 percent in 1975. Between 1947 and 1966 Japan's share of world steel output has increased tenfold, Italy's tripled, the U.S.S.R.'s doubled, and Red China produced more steel in 1966 than any country had in 1947, with the the exception of the United States and the U.S.S.R.

(2) Annual growth rates of steel production since 1900 have progressively declined in the United States and increased in the rest of the world, as shown below:

[In percent]

Year	United States	Rest of world
1900-18	7.4	4.4
1920-45	3.2	3.7
1950-66	1.4	8.3

(3) World steel capacity on January 1, 1966, has been estimated as 590 to 600 million tons (MT) compared to world output in 1966 of 520 MT, leaving a surplus capacity of 70-80 MT. An official estimate of the ECSC published in June 1967 projects annual increases of 33 MT in world capacity to 1970. This study estimates increases in world demand of only 20-25 MT, indicating a progressive aggravation of the world steel surplus problem.

(4) Because the U.S. steel industry promptly adjusts output to orders and in the Communist countries output and capacity are about equal, the rest of the free world has a surplus capacity of some 45-55 MT.

(5) The Kennedy round will result in a five-stage reduction of U.S. steel tariffs, from a weighted average of 7.44 percent in 1966 to 6.5 percent in 1972. Other major countries reduced their tariffs on steel generally by more than the United States, with the result that steel tariffs are now more closely harmonized among major countries. This does not, however, take into account the very high and rising nontariff barriers, which foreign countries use to their advantage.

(6) In 1966, the balance of trade in steel was:

	Million tons	In billions of dollars
Imports	10.8	1.313
Exports	1.7	.635
Net imports	9.1	.678

Imports were 12 percent of domestic shipments (90 MT) and 10.7 percent of domestic consumption (104.4 MT).

Excluding AID financed exports, the deficit was $899 million. When end-use products (machinery, trucks, etc.) are included, the deficit was reduced to $496 million. Adjusted further to include net trade in steelmaking raw materials (iron ore, coal, scrap the deficit was $499 million.

(7) Overvalution of the dollar cannot be considered a cause of increasing steel imports. The general price level between 1957 and 1965 rose faster abroad than in this country.

(8) On the basis of research and development (R. & D.) as a percentage of sales, the steel industry ranked among the lowest of 19 major U.S. industries. The largest export industries, in relation to sales, were shown by those with the highest ratios of R. & D. to sales.

(9) Steel imports are not yet a dominating factor in the regional growth of domestic steel production. Regional population shifts and relative growth rates of steel-consuming industries are more relevant factors at present.

(10) Between 1947 and 1966, the steel industry has decreased somewhat its relative standing among major industries in sales, profits, Federal income taxes, cash dividends, total assets, total employment, and total payroll, but has increased in capital expenditure and value added.

(11) Steel demand actually declined in this country between 1957 and 1963 due to these factors:

(*a*) A shift in GNP from durables to services.

(*b*) Long-term downward trend of certain steel-consuming industries such as railroads and oil-well drilling.

(*c*) Stronger, lighter gage steels and a trend toward lighter functional designs.

(*d*) Corrosion resistant steels increase life expectancy of products made from steel.

(*e*) Increase of competition from substitutes (plastics, aluminum, and other light weight nonferrous metals, etc.).

(12) Steel prices rose between 1946 and 1957 by 132.5 percent compared to 60.8 percent for all industrial commodities. This was caused by managerial decisions to obtain funds internally rather than through the capital markets in order to increase capacity and to find new sources of iron ore. Unfortunately, these higher prices resulted in greater competition from imports and substitutes thus thwarting the objective for which they were imposed. From 1957 to 1966, steel prices rose by 7.7 percent while prices of all industrial commodities rose by an

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[2] Evidence of this was provided in the first half of 1967 when a 7-percent decline in shipments was accompanied by a 28-percent drop in profits.

average of 5.5 percent. However, steels were of improved quality by 1966 and the yield of finished steel products from raw steel had declined from 75 (1959) to 67 percent, accounting in part for the steel price increases.

(13) In 1966, the steel industry ranked in 39th place out of 41 major industries in the ratio of net profit after taxes to net worth. As a result, steel equities sold at 81 percent of book value compared to 196 percent for all industries, and at only 9.5 times earnings compared to 15.2 for all industries.

(14) For the years 1956–66, capital expenditures exceeded cash flow (depreciation, depletion, amortization, and retained earnings) by $1.2 billion. As a result, long-term debt as a percentage of net worth and debt rose from 15 to 24 percent. Interest costs as a percentage of sales rose from 0.4 to 1 percent. Working capital was still satisfactory at 225 percent of current liabilities, but the liquidity of working capital as measured by the percentage of cash and securities had fallen from 72 to 49 percent.

(15) An analysis of the financial statements of U.S. and foreign steel producers shows the following salient facts:

(*a*) *Current ratio.*—Standard U.S. managerial practice requires that current assets should be at least, double current liabilities. With the exception of the British and Dutch companies, none of the West European or Japanese industries approach this standard. For Japan, current assets are only 117 percent of current liabilities, and for Italy, only 77 percent.

(*b*) *Profits after taxes as a percentage of total assets.*—U.S. profits ranked 39th out of 41 major U.S. industries in 1966, but they were 5.7 percent compared to 0.5 percent for Belgium, 1.5 percent for Germany, 0.3 percent for France, 1 percent for Italy, and 2 percent for Japan.

(*c*) *Total debt as a percentage of total assets.*—For the United States, debt as a percent of total assets was, in 1965, 34 percent as compared to 60 percent for Germany, 65 percent for France, 73 percent for Italy, and 69 percent for Japan. The German steel industry reported that for most producers long-term debt is about 180 percent of equity, which means that creditors own about two-thirds of the German steel producers.

(16) The decline in European profit margins and future profit expectations is clearly reflected in the nearly 50-percent reduction in investment between 1963 and 1965, while the United States showed almost a 50-percent increase. Data for 1966 would show a continuation of these diverse trends.

ANNUAL CAPITAL INVESTMENT PER ANNUAL TONNAGE OF RAW STEEL OUTPUT

Year	United States	Japan	ECSC	United Kingdom
1965	$15.2	$12.3	$10.9	$5.1
1964	13.9	11.6	15.9	5.9
1963	10.5	14.6	20.1	9.4

(17) By investing at an annual rate of $2 to $2.5 billion for the next 5 years, the industry expects to lower its cost of making carbon steel by about $5 a ton, assuming other costs remain constant. Even if we assume annual plant and equipment outlays of only $2 billion, depreciation charges alone in 5 years would be higher by $0.4 billion or by about $4 a ton. Unless output increases by at least 2 to 2.5 million tons annually and at prices fully compensating for all cost increases, the industry cannot expect to improve its stance in competition with foreign imports.

(18) The price differential for domestic buyers between domestic steel and imported steel appear to be in a range of $20 to $25.

(19) To gage the present competitive position of U.S. steel products in the home market, an attempt was made to compare domestic prices and average cost with average costs of Japanese and Western European steel producers. Because costs vary greatly between Western European countries, and in each country between companies and even individual plants of the same companies, and because they depend on accounting practices, it cannot be emphasized too strongly that the data given below are merely for benchmark purposes.

AVERAGE COST AT MILL AND DELIVERED TO U.S. CUSTOMER FOR A TON OF CARBON STEEL PRODUCTS

	United States	Japan	Western Europe
Average production costs at mill	$133	$100	$116
Average cost delivered to U.S. customer	163	127	143
Differential between U.S. and foreign delivered costs		36	20

On the basis of the producer's average cost of carbon steel products delivered to U.S. customers and a price differential of $20 to $25, the Europeans appear to sell here at cost or below, while the Japanese steel industry would still make a profit of from $16 to $20 a ton if it sold at a differential of $20 to $25 a ton.

These profit margins still have to be qualified in two ways:

(*a*) While Japanese mill costs are below Western European mill costs, and while cost of entry (transport from mill to port, ocean freight, tariff, and U.S. freight from port of entry to U.S. customer) are roughly equal, the average prices f.o.b. foreign ports in 1966 actually were as follows:

ECSC	$99
Japan	112
United Kingdom	114

The reason is found in the much higher grade product mix (cold-rolled sheet and strip) of Japanese and United Kingdom imports than of ECSC imports. Profit margins, however, would still be determined basically by costs at the mill.

(*b*) Indicated profit margins would exist only insofar as foreign steel mills were to sell directly to U.S. customers. If mills sell through Japanese trading companies, which may charge as high as 30 percent commission, their profit margins would be decreased in proportion. If Western European mills sell through domestic importers, their margins of profit or loss would be changed in proportion to the importers commission.

(20) Charts (and tables published in the statistical appendix) show imports of foreign steel have been stimulated by the periodical fear of steel shortages resulting from expected or actual steel strikes.

(21) For the years 1947–66 the average annual rate of increase in unit labor costs for all manufacturing industries compared with the steel industry were:

[In percent]

	All manufacturing industries	Steel industry
Output	3.6	1.7
Total compensation per man-hour	5.0	5.7
Output per man-hour	2.9	1.7
Unit labor cost	2.0	3.9

(22) The capital-output ratio measures the dollar amount of capital needed to produce a dollar of value added, and thereby indicates the productivity of the invested capital. When this ratio and the unit labor cost ratio discussed above rise, profits are squeezed; when they fall profits improve. For the domestic steel industry gross (undepreciated), plant and equipment per dollar of value added had doubled between 1947 and 1966 from $1.26 to $2.52, which, compares with a decline from $0.95 to $0.86 for all manufacturing industries (1947–55; 1966 data not yet available). This evidence is probably unexpected because of the new technology, such as the basic oxygen furnace (BOF) and continuous casting, greatly reduce investment per ton of output. Competition on a quality basis, however, has forced the domestic steel industry to invest even more in new, costlier finishing facilities than in cost-saving BOF's.

(23) Hourly steel labor costs in 1966 were $4.63 in this country compared with $1.87 in West Germany, $1.76 in Italy, $1.53 in France, and $1.10 in Japan. It is quite true that between 1960 and 1964 these hourly labor costs had increased by 61.2 percent in Italy, 41.9 percent in Japan, 40 percent in France, and 32.2 percent in West Germany as compared to only 14.1 percent in the United States. But even if one were to assume that hourly labor costs here and abroad were to rise from 1964 at the same rates as shown above for 1960–64, it would still take the following number of years for foreign wages to catch up with U.S. rates:

	Years
Italy	11
France	21
Western Germany	25
Japan	26
United Kingdom	39
Luxembourg	54

It is true that output per man-hour abroad today is still below ours, but it has been rising faster abroad. According to an official but unpublished British calculation, output per man-hour in the United States increased by 15 percent for all employees and by 20 percent for production workers between 1955 and 1965, while in Japan (for all employees) it increased 250 percent.

(24) Seven domestic steel facilities have been dismantled or idled as a result of rising imports. The impact on employment is difficult to gage, however, because during the years 1964–66 the United States experienced increased domestic production of steel despite sharply rising imports.

(25) Despite higher prices, Federal income taxes paid by steel companies in years 1958–66 average less than 70 percent of those paid in 1951 and 1955–57, due primarily to lower profits.

(26) Steel imports during the first half of 1967 approached 13 percent of domestic shipments and were over 40 percent for certain specific products.

(27) The adverse effects of a reduction in output by 7 percent on costs per ton, caused in part by heavy fixed costs (depreciation, maintenance, interest, and property taxes), were again shown in the first half of 1967 when, compared to the first half of 1966, profits declined by 28 percent. During the comparable periods, imports had risen from 4.6 million tons to 5.2 million tons.

CREDIBILITY GAP OR REALITY GAP?

Mr. GRUENING. Mr. President, on the eve of talks between the Governments of the United States and North Vietnam in Paris, many hope that the negotiators on both sides will negotiate on the basis of facts as they really are and have been and not on the basis of a misreading of history or a faulty understanding of current facts and potentialities.

I would hope that the negotiators on the part of North Vietnam would not underestimate the military might of the United States or the valor and proficiency of the American fighting men. As I have said, the United States has the military capacity to lay waste all of North Vietnam—although I would vigorously oppose a decision to do so.

On the other hand, I would hope that the negotiators on the part of the United States will bear in mind at all times not the official pronouncements distorting the reasons for the constantly escalating U.S. military involvement in Vietnam but rather the facts as they really are: how the United States promised not to disturb the Geneva accords, and then promptly proceeded, through a puppet government which it set up in Saigon, to subvert the provisions forbidding the rearming of South Vietnam and the provision requiring reunifying elections to be held in July 1956; how the United States is in Vietnam at its own invitation in violation not only of the Constitution of the United States, the Charter of the United Nations, and the SEATO Treaty; and how the United States has constantly turned an unseeing eye on the strength among the people of South Vietnam of the National Liberation Front as a very real power to be reckoned with in any negotiations to bring about a cessation of hostilities in Vietnam.

If peace is to come to Vietnam, the U.S. negotiators will have to be realistic. Will they be?

Considerable doubt on that score is cast by Pulitzer Prize winning correspondent, David Halberstam, in an outstanding article, entitled "Bargaining With Hanoi," appearing in the May 11, 1968, issue of the New Republic.

> Washington—

Mr. Halberstam writes—

> suffers less from a credibility gap than a reality gap. Our leaders are not lying, not distorting so as to mislead the public (that which they distort for the public they have already subconsciously distorted for themselves). They believe what they say. They are, nevertheless, wrong and have been wrong from the start. If the war goes on for five more years they will be wrong for five more years. They understand neither the war, nor the enemy, nor their allies. We have been trapped by the felt need to justify our previous estimates of what we and they could do.

It is this self-deception concerning the origins and present state of the U.S. military involvement in Vietnam which may prove to be the biggest stumbling block to any meaningful achievement on the part of the U.S. negotiators in Paris.

> The American military establishment in Saigon—

Mr. Halberstam continues—

> has consistently underestimated the capacity, the intent and the psychology of the enemy, and consistently overestimated the capacity and effectiveness of the Vietnamese fighting on its own side, believing its own and its allies' reports and statistics, never questioning too closely for fear of what it might learn. In order to justify its earlier forecasts, it has systematically encouraged positive reporting.

There can be no greater danger to an individual or to a nation than self-deception. This will be especially important in the negotiations at Paris.

The road of the negotiations will "be long and hard," writes Mr. Halberstam, because "those who should be best informed on Vietnam have been least informed."

I hope that Mr. Halberstam will be proven wrong—but there is nothing in the past which leads me to believe that he will be.

I ask unanimous consent that the article by Mr. Halberstam be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BARGAINING WITH HANOI

(By David Halberstam)

It is an unreal and deceptive time; we seem to be suspended on the brink of peace, as if somehow the war were over. Just like that, done one Sunday night over television. Yet there is a special irony here, for since the Tet offensive the war in any real sense for us has been over. Washington, for the first time, I think, now recognizes the resilience of Hanoi and the Viet Cong, the fact that to a large degree we have been fighting the birth rate of that country. What I doubt is whether either Washington or the American people have recognized how tough the enemy is going to be, how Hanoi views the respective positions, how willing and able Hanoi is going to be to continue the war. We think it would be magnanimous to let the Viet Cong sit at the table; they think the war is won. No easy settlement lies ahead, no partition at the 15th parallel. We're moving from one painful period to another equally painful.

Like the French before us, we control the ground we stand on, nothing more. For many tormented years we have talked about political progress in the South, but made none, for the political problems of Indochina are insoluble to Westerners. The dynamism of the Viet Cong has not been depleted by our enormous firepower. At a high price, we created over three painful years a small and fragile pacification program. The Tet offensive destroyed it. This was no small, temporary defeat, reversible by calling up another squadron of tanks. In this very special and different war, it was a defeat of consummate magnitude, for they have extended to an extraordinary degree their control over the people in rural areas. In those tiny villages, the Viet Cong have again discouraged our Vietnamese and encouraged their own. Viet Cong defections have fallen off sharply. Losses in the Tet offensive have already been replaced. The Viet Cong continue to occupy, virtually without challenge, villages you never heard of, villages unmentioned in the American papers. Spread thin like the French before us, we are poised at Khesanh and the cities and the base camps, while the enemy has been squeezing the countryside. (We call Khesanh a victory. I believe our adversaries never intended to take it. The price was too high for too little; a prolonged attack there might have united this divided America.) But as they squeeze the countryside, driving our Vietnamese more and more to district towns, the VC will gather more recruits; as they recruit more they will be able to risk more.

Despite the claims made in Washington and Saigon that Tet was a death rattle, the communists' Ardennes offensive, it will be easier henceforth, not harder, for them to mount another similar offensive. Their military intelligence on us will increase as they control more and more of the countryside; ours on them will decrease. We will be confined—even with a marginal troop increase—to base camps and isolated strong points, again like the French before us. The enemy will come closer to the mouths of these base camps, laying ambushes, planting mines right outside them until we become increasingly dependent on air as a means of travel, thus giving them an even firmer grip on the terrain and the people. ("The enemy," Vo Nguyen Giap wrote 16 years ago, in the first war, "will pass slowly from the offensive to the defensive. The blitzkrieg will transform itself into a war of long duration. Thus the enemy will be caught in a dilemma: he has to drag out the war in order to win it and does not possess on the other hand, the psychological and political means to fight a long drawn out war. . . .") This has happened before: first to the French; then in late 1963, when the Viet Cong took control of the Mekong Delta without the American command in Saigon knowing it and with few shots fired. In those days there was a very knowledgeable Catholic priest who led his own private army with a good deal of success. "Yes," he said, when I asked him about the ambushes, "they have us in the caves and now they want to keep us there."

I mention this history because it bears on my judgment that peace is not likely to break out this year, and that its achievement will be far more difficult than even the most pessimistic columnists appreciate. The enemy is not only convinced that he has won the war; he has the passion, the resources, and I suspect, the desire, to continue the war until he gets exactly what he wants. He will come to peace talks remembering with bitterness what happened at Geneva 14 years ago. We may imagine that somehow we gave in to the communists there in 1954. They feel they were about to take the entire country, and were cheated out of it. They are not about to settle for very much less; and, I suspect, given their control of the population, they will be willing to keep the war going until they get what in essence is victory.

It has been one of this war's unique features that it has lent itself to so much official self-deception—not just for a couple of weeks, but for years. What the Viet Cong did to the South Vietnamese Army in 1962 and 1963 was obvious to the peasants early in the game but did not become apparent to the American generals until very late 1964.

The subleties of a political war do not show up in statistics. For example, a VC battalion of 600 attacks a South Vietnamese outpost 20 miles from Saigon; it is a tough battle, but finally heavy American airpower is called in; the VC are driven off; 200 VC and only 30 of our Vietnamese are dead. In Saigon that night, a victory is proclaimed: *the enemy sustained very heavy losses*. But in the context of a political war, no victory has been won. What has been shown is that a battalion of Viet Cong can strike a government post close to Saigon without one single peasant warning the post; the government has been shown to have no real control over the population.

In the highly mobile desert warfare between Arabs and Israelis, if one side is stronger than the other it will be obvious within 24 hours. In the complex revolutionary war of Vietnam, if one side is on the whole stronger it may rarely show, because the weaker side (weaker politically) controls the airpower, the artillery; it can always take the turf if it makes the effort. Thus, the US mission in Saigon has spent a good deal of time pointing out that the Tet offensive was a psychological ploy. What is overlooked is that a great deal that the enemy does, and does effectively, is invisible to Western eyes. The claim that Tet was simply a propaganda maneuver minimizes what they actually did, and overrates much of what we did. For the past six years, the VC have fought to achieve precisely this—a powerful psychological effect on Vietnamese people.

Washington suffers less from a credibility gap than a reality gap. Our leaders are not lying, not distorting so as to mislead the public (that which they distort for the public they have already subconsciously distorted for themselves). They believe what they say. They are, nevertheless, wrong and have been wrong from the start. If the war goes on for five more years they will be wrong for five more years. They understand neither the war, nor the enemy, nor their allies. We have been trapped by the felt need to justify our previous estimates of what we and they could do. Some of my friends in Saigon used to complain bitterly that what Ambassador Bunker said in his private dinners with the press was what he said in public. But if Mr. Bunker began to doubt, the doubt would not have remained private for long, not with communications as they are. Besides, once you take the first step toward doubt, the rest follows as surely as if ordained. The moment our ambassador began to believe that correspondent Peter Arnett might be right about the quality of the South Vietnamese troops (and thus Westmoreland wrong), the entire commitment might crumble. So happily for the Washington reporting system, the ambassador chose to believe Westmoreland.

Semi-hawkish reporters became semi-dovish, because of what they see; whereas the officials, often because they lack personal experience of the country and the people, start out semi-hawkish and get more hawkish as they need to justify what they have said.

There is a pattern of official behavior one can trace: X was loyal; he joined the government in 1961, worked on Vietnam programming in a time which now seems light years away, when the US had a small commitment to help South Vietnam help itself (moral for those years: if you are prepared to join in a small war you must be prepared to accept a small defeat). By 1963, X began to wonder how "limited" the war was to be and whether it was worth the cost. The more he looked, the more flaws he saw, but he stayed loyal. He simply tried to point out the flaws to his colleagues. By 1965, he had concluded the whole enterprise was hopeless. He felt totally without influence and left the government. Was his place filled? Yes, by Y, who took over the job understanding the new commitment and the uses of massive power in Vietnam, and who in accepting the new position accepted all the premises which went with it. Exit Arthur Goldberg, following McNamara, Richard Goodwin, Ted Sorensen, Bill Moyers, Roger Hilsman, James Thomson, Mike Forrestal.

The slots that have been vacated can now be filled with men who have a stake in believing the war will be won, who have said publicly it will be won, and who look for evidence that they are right. Walt W. Rostow is the classic example; he has been predicting the imminent collapse of the Viet Cong since 1965, when he told a friend of mine that it would take only six weeks. He has made similar predictions ever since. The Viet Cong have not collapsed, but neither has Rostow. If a field official wants to report to Rostow, he must get the positive news in first, because Rostow will turn off once the darker side comes on. Thus does the team insulate itself from undermining doubts, from reality. And when asked where they get their information, the team answers: General Westmoreland. And then Westmoreland goes too.

One of the most incisive analyses of the Second Indochina war I know came in a recent National Educational Television conversation among four newsmen. Peter Arnett, probably the most distinguished reporter of the war (he has won one Pulitzer and deserves a second), was asked to comment on the following statement: "Ambassador Bunker has said that he bases much of his optimism on statistics—improved statistics—such as increased number of enemy killed, increased number of VC defectors. How valid do you think these statistics are as indicators of real progress?"

Arnett replied: "Well I really feel that many in the Administration—and that's the senior military commanders, are looking at Vietnam in conventional terms. General Westmoreland in other words when he looks at the battle of Dak To at the DMZ sees it in terms of World War II. . . . So in Dak To for example when four regiments of enemy troops gathered around that mountain valley, General Westmoreland's analysis of the situation was that they were determined to overthrow the Dak To area, control it, and use it as some kind of supply base and entry port around the border. Others look at it, I do and many officers in the field look at it, from the point of view that the NVA were in that region—the North Vietnamese were there to attract American forces up and fight them in the hills which is the best possible battle ground for them. Also they're interested in pulling American troops from the populated area—get them away from the pacification program by moving them from the people thereby letting the communist guerrillas go back to their people and begin working them again. . . . If the communists indeed did have the objective that Westmoreland thought, of taking Dak To, well, they failed in their objective and they lost an estimated, a body count of 1,400 dead. That means they were decisively beaten and they were driven back into their sanctuary, Cambodia, therefore it was a great success for us. But if you look at it from the other point of view, that their main objective was to engage Americans in the worst possible terrain for the Americans, fight them, get big headlines in the United States and kill a lot and actually pay less in their own lives than they would in an open area like the Mekong Delta or the coast, and also if they intended to pull Americans out of populated areas . . . then they had quite a success."

The American military establishment in Saigon has consistently underestimated the capacity, the intent and the psychology of the enemy, and consistently overestimated the capacity and effectiveness of the Vietnamese fighting on its own side, believing its own and its allies' reports and statistics, never questioning too closely for fear of what it might learn. In order to justify its earlier forecasts, it has systematically encouraged positive reporting. The best reporters in Vietnam have spent at least two years there and have assembled a dozen or so Americans and Vietnamese whose judgment they trust, who have been proved right, and who will, if protected, speak candidly. Military reporting is very different; it is inferior officer reporting to superior officer, statistics passed up, pessimism played down, doubts filtered out, little evaluation of the source. Those officials who have tried to work independently and report independently have not found it easy. "You'll have to tone down your criticism of the South Vietnamese Army," one American was told about a year ago by a sympathetic superior, "I can't protect you any more."

Westmoreland has been a classic example. Tall, handsome, able; considered even before his appointment a likely chief of staff, he is not someone to whom you send bad news without very careful consideration. Westmoreland has been surrounded by concentric circles of generals, colonels, lieutenant-colonels, each protecting him from the negative. At briefings, Westmoreland had little interest in complicated theories about the social fabric of the war; he was quickly bored by any discussion of the faults of the South Vietnamese Army, but fascinated for more than an hour by a discussion of a new way of smoking the Viet Cong out of their tunnels. The doubters and dissenters eased off for Westmoreland, in order to get a hearing. Getting through to him was not easy. He could leave a briefing with a known dissenter thinking that *even the dissenter was optimistic*. He never understood the journalists' completely different evaluation of the war. He was finally convinced, and said so publicly, that there was a cynical element in the Saigon press crew.

On and on it goes. An excellent reporter like R. W. Apple of *The New York Times* writes a detailed story last August on how the war has been stalemated. Ambassador Bunker is annoyed, tells Westmoreland that he would like to see evidence of American progress in the last two years. So the word goes out to every corps area, and division staffs stay up most of one night grinding out evidence of US accomplishments (which exist, though whether this means that the war is being won is another thing). Some of the evidence is flown to Saigon during the night by jet and, when Bunker walks into his office the next day it is there, stacks of it, well-organized, proving just what the mission wanted to hear.

If there was the rare South Vietnamese Army victory, Westmoreland would excitedly ask, was the press there?, was Arnett there?, was the *Times* there? More often than not, the answer would be no, because the press learned long ago that you cover as best you can the whole, not the isolated episode. But in Westmoreland's eyes, this simply confirmed the cynicism of the press.

So now we are haggling about where to meet the North Vietnamese to talk about peace. Despite the surging stock market, the polite things some presidential candidates are saying about the President, and the confident murmurs of the new Secretary of Defense, the way will be long and hard. And one reason is that those who should be best informed on Vietnam have been least informed.

SCULPTURE EXHIBITION AT NORTH CAROLINA GALLERY FOR THE BLIND ATTRACTS APPRECIATIVE VISITORS

Mr. ERVIN. Mr. President, North Carolina can be rightly proud of its rich tradition for the arts and humanities. The North Carolina Museum, at Raleigh, is one of the most widely renowned cultural undertakings in America. Anyone who has visited the museum is immediately aware of the strong desire of North Carolinians to preserve beauty in many forms.

Two years ago, through the generosity of the Mary Duke Biddle Foundation, the North Carolina Museum of Art established the Mary Duke Biddle Gallery for the Blind. Because of the museum's desire to make art available to everybody, blind persons can now enjoy a great deal of the art which the museum offers.

The New York Times of Friday, May 3, 1968 published an excellent article entitled: "Sculpture Exhibition at North Carolina Gallery for the Blind Attracts Appreciative Visitors."

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 3, 1968]

SCULPTURE EXHIBITION AT NORTH CAROLINA GALLERY FOR THE BLIND ATTRACTS APPRECIATIVE VISITORS

(By Milton Esterow)

RALEIGH, N.C.—Marjorie Bennett McCune, a soft-spoken, gray-haired woman, recently stood before a Berthe Morisot sculpture of which she said later:

"I enjoyed the lovely head of the beautiful little girl with a round, smiling face and pigtails hanging down her back. There was something fresh and lovely about the young face that my fingers could not miss."

Miss McCune, who is blind, had just visited the Mary Duke Biddle Gallery for the Blind at the North Carolina Museum of Art.

The gallery designed so that the blind may touch works of art, opened two years ago and is believed by its originator, Charles W. Stanford, to be the first of its kind. Mr. Stanford is its director and is also the museum's curator of education.

PLANS IN LOS ANGELES

Several museums, including the Los Angeles County Art Museum, are now considering establishing similar galleries.

The 16-by-32 foot gallery was created with a grant from the Mary Duke Biddle Foundation of New York. Mrs. Biddle, who died in 1960, was a daughter of Benjamin N. Duke, one of the founders of Duke University.

Mary Switzer, Commissioner of Vocational Rehabilitation of the Department of Health, Education and Welfare, assisted in the gallery's planning. Last month, the gallery received a grant of $25,000 from the department that will enable it to double its size.

Since its opening, 4,000 blind persons have visited the gallery, which changes its exhibitions—mainly shows of sculpture borrowed from museums, dealers and collectors across the country—every two months.

"The gallery offers an opportunity for the blind that they've never had before," Mr. Stanford said. "I believe it has helped to develop the blind person's powers of perception, his knowledge and imagination and has given him a glimpse into a realm of civilization that before now has been unavailable to him." Mr. Stanford is 38 years old and is a graduate of Princeton University, where he majored in art history and archeology.

The gallery was built so that the blind visitor needs no help at all once he arrives at the door. Instructions in Braille on how to use the gallery are attached to the wall at the entrance. Also on the wall is a relief map of the gallery with Braille labels indicating exhibition space, library and study area.

The objects are displayed on a counter two feet wide and three feet from floor level. A guide rail, raised 2 inches above the counter, directs the blind visitor through the exhibition. On the inside of the rail are Braille labels—many of them made by blind students—describing the objects.

The items are within easy reach and the blind visitor may stop and hold them in his hand. Since the gallery's opening no object has been damaged, Mr. Stanford said.

BOURDELLE AND NADELMAN

The current show, "Portraits in Sculpture," comprises 53 works, including busts of Lincoln, Washington, Sir Winston Churchill, Mark Twain, former President Dwight D. Eisenhower and Gov. Dan K. Moore of North Carolina and ancient Egyptian and African sculpture.

Also on view are a bronze of Beethoven by Antoine Bourdelle and works by Elie Nadelman and André Derain. Other shows have included pieces by Rodin, Daumier, Degas, Maillol, Henry Moore and Reg Butler.

The gallery has a reference library in Braille. The visitor also receives a Braille catalogue.

One recent visitor was John Lynn Brown, a 19-year-old student at the Governor Morehead School for the Blind in Raleigh.

"I've been here about 15 times," he said, "Each time I spend close to an hour here. I enjoy history and this makes it more meaningful for me. When we look at something with our hands, it's the same to us as when you look at something with your eyes. To a blind person there is no difference at all.

"The mental image you retain is what is important. I could give as realistic a description of a piece as anyone else. A blind person can appreciate art as much as a sighted person."

Miss McCune, after running her fingers over the bust of Lincoln by Daniel Chester French for several minutes, said:

"I gained a clear mental picture of the man's appearance, the heavy tousled hair, the high cheekbones and lined face, the firm mouth and pointed chin, the ample beard and sideburns—all were recognized by touch.

"The face impressed me as one that was serious but kind, one which reflected the burdens and grave responsibilities of the President. For me the sculptor succeeded in reaching my soul."

Mr. Stanford said that no work of art had been put on display "that does not meet the same high standards as required in the museum galleries for the sighted. All objects are selected to serve an esthetic purpose as well as a teaching one."

He added: "Most museums, of course, have a policy of 'do not touch.' Well, this gallery has become so successful that many of the sighted have been coming in."

THE GOLDEN SPIKE

Mr. MOSS. Mr. President, 99 years ago today an important national event was scheduled to take place at Promontory Summit in Utah. But 99 years ago today there was a downpour of rain which washed out the tracks in Weber Canyon. The rain continued the next day; so instead of today, May 8, Friday, May 10, will be the 99th anniversary of the driving of the Golden Spike and the joining of the transcontinental railroad.

The joining of the Central Pacific and the Union Pacific, May 10, 1869, was truly a momentous occasion. It is difficult for us today to realize just how important it was. We who are used to supersonic jets and coast-to-coast, nonstop jet flights find it difficult to comprehend the burdens of travel encountered by our forefathers.

The Mormon pioneers who settled in Utah have left diaries which describe how they would start at the break of day, travel all day long with their ox teams and wagons or hand carts, and at dusk they could turn around and still see the place from where they started the day's journey.

For our ancestors who struggled to cross this continent to settle in Utah and California, and other Western States, the joining of the railroad meant the end of such tortuous travel. Now the speed and comfort of rail travel would make their journeys and the shipment of their goods and supplies incredibly fast and easy by comparison.

The 99th anniversary will be marked in Utah, Friday, May 10, by a reenactment of the original driving of the golden spike at the original site at Promontory Summit. This reenactment has been held at the original site every year since 1952 by the Golden Spike Association.

Next year will be the centennial of this event. We have been planning for this celebration for many years, and our aim is to try to make the centennial of the event worthy of the importance of the original happening.

We now have a Golden Spike Centennial Celebration Commission, created by a joint resolution which I had the honor to introduce. Mr. Thomas M. Goodfellow, president of the Association of American Railroads, serves as chairman of the commission. He will represent the commission at the 99th celebration in Utah, Friday.

Other members of the commission include the following Senators: Wallace F. Bennett, my fellow Utahan; Alan Bible, from Nevada; Thomas H. Kuchel, from California, and myself.

There are, in addition, the following Members of the House of Representatives: Mr. Moss, from California; Mr. Brotzman, from Colorado; Mr. Rogers, from Colorado; and Mr. Burton, from Utah.

Industry representatives on the commission include: Robert L. Pierce, general solicitor, Southern Pacific Co.; Francis Joseph Melia, vice president, Union Pacific Railroad Co.; W. Ashley Gray, Jr., chairman, Railway Progress Institute; and R. R. Bryant, general secretary and treasurer, Brotherhood of Locomotive Enginemen and Firemen.

The commission has retained a public relations firm to prepare a plan for the celebration. That plan has been presented to the commission and is now under consideration. The commission has established its own public relations committee which has had several meetings to discuss plans to make the event of national importance.

In a related matter, the House this week passed my bill authorizing the U.S. Mint to strike a commemorative medal. Once the President signs the bill, the striking of the medals will begin.

We want the centennial to commemorate appropriately a historic event. Much has been written about the construction of the two railroads and their final meeting at Promontory.

One of the best informed persons on the subject is Mrs. Bernice Gibbs Anderson, president of the National Golden Spike Society. She has written many articles on the subject. One in particular deals with the events surrounding the final day and the driving of the final spike.

I ask unanimous consent that her article, entitled "The Last Spike," be printed in the Record.

There being no objection, the article was order to be printed in the Record, as follows:

The Last Spike

(By Bernice Gibbs Anderson)

The "Last Spike" which completed the Transcontinental Railroad was driven on May 10, 1869, at Promontory Summit, Box Elder County, Utah. A good road, U-83, leaves U.S. 30-South at Corinne and leads to the Monument at Promontory Summit, 25 miles west. It is 32 miles from Brigham City, the County Seat, and can also be reached by way of Tremonton and Blue Creek Junction both on U.S. 30-South.

The monument marking the spot was placed by the Southern Pacific Company about 1915, while the original line around the north end of the Great Salt Lake was still in use. This old line was removed in 1942.

Thiokol Chemical Company's plant is about ten miles to the northeast. This is where the Minuteman and other space age vehicles were developed, in cooperation with the U.S. Air Force. The community of Promontory lies along the eastern side of the Promontory range and to the south, and a few ranches are scattered through the little valley on top of the range where the Monument is located, and to the west at Cedar Springs.

The driving of the Golden, or Last spike, is re-enacted annually on May 10th at the original site by the Golden Spike Association of Box Elder County, with the cooperation of the Box Elder County Commissioners and various other groups.

In 1869 the ceremony was set for May 8th. But rain washed out the Union Pacific tracks east of Ogden in Weber Canyon and the special train bringing Union Pacific dignitaries from Omaha to Promontory was stalled in the downpour near Devil's Gate.

Central Pacific's delegation arrived at Promontory on May 7th, aboard the Stanford Special. Advised of the delay, they promptly wired word to the Sacramento office. Word came back that the people in California were ready to celebrate . . . and so they did, for three whole days and nights. Completion of the line meant that those who had left homes and families to come west to seek their fortunes in the gold fields and by other endeavors, could now return to the east by rail in days instead of months. Now the long dangerous trip across the plains by ox team or stage coach, or by boat to the west coast was not necessary.

On the Promontory, the rain poured down on the new tracks, the dismal railroad camps and the Stanford Special. Jack Casement of Union Pacific ordered a train to Promontory to bring Central Pacific's people in to Ogden where they were entertained and taken on a tour to Weber Canyon. On their return to Promontory, still in the rain, the Stanford Special withdrew 25 miles west to Monument Point, where the steward went hunting and brought in a mess of Sage Hens.

It was said that Union Pacific's construction crews heard a rumor on Saturday evening that the Central's workmen were planning to extend their spur, laid temporarily, into a permanent siding in order to claim Promontory as a Central terminal. Jack Casement and General Dodge of the U. P. rustled their gangs and worked through the night to complete their own siding and claim Promontory as Union Pacific terminal. Now the Central's record of ten miles of track laid in one day on April 28, did not seem so bitter to the Casement Irish. This record, made a few days previously on a stretch of line a few miles south of the monument site, established a world's record that has never been broken in railroad building.

The weather improved on Sunday afternoon, and the tent town of Promontory completed setting up its establishments along both sides of the right of way. The Hell-on-Wheels that had dogged the workers of Union Pacific nearly all the way from Omaha had made its last camp. Here were the company missionaries, the sleeping tents, the saloons and gambling dens, the eating houses and the "Soiled Doves" as Beadle called them. The Central had already sent most of its Chinese back along the line to the west. By way of comparison the Central allowed no saloons or gambling along its entire line while the road was being built.

The new tracks at Promontory Summit ran diagonally from Northeast to Southwest called "east" and "west" by the railroads, depending on which general direction the terminals of each company lay. The builders of each line had endeavored to be the first to reach the Salt Lake valley to secure this rich trade territory and also to acquire the huge land grants and the advance bonds given on each 100 miles of railroad. The terrific struggle to complete their lines as far as possible was intensified in the last months of the great race. On April 9th they agreed to join the rails at Promontory, and on April 10th Congress decreed: "That the common terminus of the Union Pacific Railroad and Central Pacific Railroad shall be at or near Ogden; and the Union Pacific Railroad Company shall build, and the Central Railroad Company shall pay for and own, the railroad from the terminus aforesaid to Promontory Summit, at which point the rails shall meet and conneet and form one continuous line." In this race 225 miles of parallel grades were thrown up.

On mid-morning of May 10th, the construction trains pulled in, with track and grading gangs clinging to all available space. Next came other workers, riding the grading nags, and residents of northern Utah and southern Idaho, in wagons, buggies, surreys and other conveyances. Then came the Stanford Special, returning from Monument Point, drawn by the Jupiter-60. Engineer George Booth and Fireman R. A. Murphy. Aboard were Gov. Leland Stanford, Chief Justice Sanderson of California, collector G. T. Gage of Nevada, who took the silver spike back to that state, Gov. A. P. K. Safford of Arizona and several others.

The delayed U. P. Special pulled in about 10:30 with vice president T. C. Durrant of the U.P., Sidney Dillon, Chairman of the Board of Directors, John Diff, Boston, director, Major Gen. Grenville M. Dodge, chief engineer, Gen. S. B. Reed, Gen. Superintendent, Gen. J. S. Casement and his brother, Daniel T. Casement, track laying contractors, A. P. Russell, official photographer from New York and many others, including the Rev. Dr. John Todd of Massachusetts who gave the invocation. It was drawn by the Rogers-119, not to be confused with engine No. 117, which also seems to have been on the ground. The engineer was Sam Bradford, and firemen either David Lemon of Whitehall, Illinois, or Cyrus A. Sweet of East Douglas, Massachusetts. On this train, also, were four companies of the Twenty-first Infantry in command of Gen. Patrick A. Connor from Camp Douglas, Utah, enroute to the Presidio at San Francisco. A second U. P. Train brought the Tenth Ward Band of Salt Lake City, and many Utah dignitaries, including Governor Charles Durkee of Utah Territory, Bishop John Sharp and Col. Charles R. Savage, William Jennings, Feramore Little, R. T. Burton, C. R. Savage of Salt Lake City, and F. D. Richards, Lorin Farr, C. W. West of Ogden, and Ezra T. Benson of Cache Valley. Bishop Sharp brought the regrets of Brigham Young, absent in Southern Utah, and also represented the firm of Sharp and Young, contractors, and the last three represented the firm of Benson, Farr and West, also contractors, all of whom had charge of the grading through Utah, being sub-contractors on a $2,000,000 contract made by Brigham Young and on which he later had to accept $1,000,000 of the amount in surplus railroad equipment which was used on the Utah Central and other Utah lines.

A second Central Pacific train pulled in and that official party was increased by Treasurer Mark Hopkins, engineering chiefs Montague and Gray, Superintendent and Mrs. Strobridge, and several others.

The crowd, which numbered around 1500, was cleared from the gap left between the two lines, by the military, who lined up in double column formation on the western side of the track. Crews from each line laid the last two rails and Chinese who had been preparing the roadbed for the last tie, moved back. Superintendents Reed of the U.P. and Strobridge of the C. P. carried the laurel tie from the Stanford Special and tension mounted as the dignitaries took their places. Some speeches were made and the crowd cheered the United States, the Flag, the Pacific Railway, the financiers, the workers, and the surveyors who found the path for the rails. The bands joined the uproar. Wire led from the telegraph line to a small table holding the instruments in readiness for sending the famous message, and auger holes had been made in the tie in which to set the spikes.

Edgar Mills as EmCee of Sacramento, introduced the Rev. Todd who gave a two minute prayer while the nation spanning wires were being cleared to Promontory. J. W. Haines and F. A. Tritle each drove one of the iron spikes, W. H. Nottingham, president of the Michigan South and Lake Shore Railroad also drove one. The operator tapped out the message, "We have got done praying. The spike is about to be presented." Dr. Harkness presented the gold spikes to Dr. Durant, who slid them into their holes. Gov. Safford gave the spikes of Nevada and Arizona to Gov. Stanford, who also placed them. The silver sledge was also presented. The prepared speeches, which had already been given to the press, were appropriately rendered. The silver sledge evidently was only to be used symbolically.

Now came the momentous event! Using the regular iron sledge attached to the telegraph wires instead of the silver sledge, Stanford swung at the iron spike and missed, hitting the rail instead. The telegrapher tapped out the three dots signifying "Done"! as Durant duplicated his feat. The time was 2:47 p.m. eastern standard time at Washington D.C., actually 12:47 at Promontory by "Suntime".

The crowd went wild as the engines met over the junction, the firemen taking the throttles as engineers Bradford and Booth climbed out on the engines holding bottles of champagne which were smashed on the pilots of the opposite engines, the wine foaming over the last tie and the last rail and the last spike! Pictures were taken of everything but the actual driving, probably due to the type of slow lenses used by photographers of that period.

The epic event of ocean spanning importance thrilled the world. The magnetic ball fixed on the dome of the U.S. Capitol at Washington, D.C. fell as the wire hummed. At San Francisco the fire bell in the city hall tower pealed and 200 guns thundered a salute from Fort Point, as cannons, whistles and bells joined the uproar of thousands. At Omaha and New York 100 guns boomed, and cheering throngs paraded. The Liberty Bell spoke at Philadelphia, and a parade four miles long marched in Chicago. In Salt Lake City Mormons and Gentiles overflowed the great tabernacle, their differences momentarily forgotten. In Ogden seven thousand people thronged into the new tabernacle to listen to bands and speeches.

At Promontory several of the dignitaries were invited to lightly tap the gold and silver spikes before they were removed. Some of the military officers using their sword hilts for this purpose. The laurel tie was removed and taken back to the Stanford car, and an ordinary tie set in place. Strobridge and Reed then drove an ordinary spike into it. Stanford took the Hewes spike and gave the other one to Gen. Dodge Durant having retired to his car.

The Nevada spike was given to G. T. Gage who took it back to that state and the Arizona spike was given to Gov. Safford. Both are now in the Stanford University Museum at Palo Alto, California, as is the silver headed sledge. Some of the newspapers mentioned spikes also from Idaho and Montana. The laurel tie was destroyed in the earthquake and fire of 1906 in San Francisco.

The spikes driven by Strobridge and Reed and the redwood tie replacing the laurel tie were promptly appropriated by souvenir hunters, along with several replacements. Two rails were demolished, also, so it is probable that the Chinese and Irish workmen really joined the lines after all.

During the afternoon, traffic moved east and west as the visitors left. Promontory, having grown to some thirty tent houses straggling on each side of the tracks and many small tents dotting the sage covered valley, was left to itself. The citizens indulged in a banquet, a torchlight procession, and a grand ball with an uproar which must have startled the little prairie dogs hiding in their underground "cities".

Promontory continued to be the junction of the two lines until November 1869, when Ogden became the terminal. However, a considerable population was needed here for many years and Promontory deserves a chapter of its own.

OMBUDSMAN

Mr. LONG of Missouri. Mr. President, from March 28 through March 31, 1968, the St. Louis University School of Law and the American Assembly of Columbia

University cosponsored the Mid-America meeting on "The Ombudsman."

At the conclusion of the assembly meeting, a statement representing general agreement between participants was issued. The statement deserves the attention of the Senate. Therefore, I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE OMBUDSMAN

(Report of the Mid-America Assembly sponsored by St. Louis University School of Law and the American Assembly, Columbia University, Mar. 28–31, 1968)

(NOTE.—At the close of their discussions the participants in the Mid-America Assembly on *The Ombudsman* reviewed as a group the following statement. The statement represents general agreement; however, no one was asked to sign it, and it should not be assumed that every participant necessarily subscribes to every recommendation.)

THE PROBLEM

The present-day American has ever-increasing contacts with government at all levels. The contacts are sometimes unsatisfactory, and complaints are presented with great regularity.

The doctrine that government exists to serve the people is fundamental to American political theory. It is important to the preservation of this principle that citizens have the means for protesting against governmental action or inaction which operates unfairly or prejudicially toward them.

EXISTING MEANS OF PROCESSING COMPLAINTS

1. The media of mass communication

The press has had an historic role in protecting individuals who have dealings with government, and newer media have come to share this role to a degree. The media have the advantage of being independent of the governmental structure and have a tradition of mistrust of government. The threat of adverse publicity is a powerful one, for government officials pay careful attention to the complaints of newsmen.

The media, however, have their limitations. The very independence which facilitates challenge to goverment agencies also has its disadvantages. A newspaper or a broadcasting station is essentially a private enterprise which may reflect the interests and prejudices of its proprietors. Also, because of economic considerations, the press sometimes restrains itself from looking into areas that require investigation. Penetrating inquiry and follow-up are often hindered by staff limitations. The media, however, are governed by a sense of newsworthiness. They may launch inquiries, only to abandon or de-emphasize them in favor of items of more current interest.

2. The courts

American courts have exercised control over legislative, executive and administrative actions to a greater extent than the judiciary in any other part of the world. Americans who try to contain governmental action within proper bounds necessarily look to the judicial system.

Yet it is apparent that judicial remedies furnish an incomplete answer to the problems of citizen grievances and complaints. A court acts only on the cases that are brought before it. Litigants seldom can proceed effectively without the services of lawyers, which many cannot afford. Even those able to pay counsel may have problems with government agencies in which the rights appear clear but which do not have dollar value sufficient to justify legal proceedings. Many courts, moreover, cannot dispose of their judicial business within a reasonable time.

A grand jury may sometimes proceed effectively against oppressive or unlawful conduct on the part of administrators. However, some factors limiting effectiveness of the grand jury are: lack of continuity and expertise, limited authority, and excessive dependence on prosecuting attorneys. It is unusual for a grand jury to initiate independent investigations.

Much can be done to improve the functioning of the judicial system in protecting individual rights. Legal aid can be provided for those who have no means of hiring their own lawyers to protect important rights. Those who are successful in challenging government agencies might be reimbursed for their own expenses (which is almost never done at the present time). Even with these measures, however, much of the solution to the problem of citizens' complaints lies outside of the judicial system.

Many complaints, for example, deal with government action which is within the letter of the law but which may still be unfeeling or unnecessarily rigid. The courts show great deference to the administrative agencies and sustain their actions which are not clearly unlawful. Citizens may need assistance with respect to the discretionary aspects of government action which courts cannot give.

3. Internal Processing of Grievances

Where an agency, following investigation of a complaint, finds that its action was justified, the citizen is entitled to a prompt explanation and to advice as to the method for seeking relief. Some agencies have a reputation for courtesy, fairness and thoroughness in receiving and processing citizens' complaints, while the practices of others leave much to be desired.

The members of the public, however, may not have confidence in self-policing by agencies. If a complaint is ultimately referred to the person whose action is being protested, there can be little expectation of redress. This lack of confidence is all the more likely when the agency's work is necessarily unpleasant to many citizens, as is the case with police and tax-collecting agencies. There is also understandable fear of retaliation if the complainant has frequent dealings with the agency.

Where complaints go to the agency involved, there may be problems of politics. There may be suspicion that all citizens do not receive equal treatment at the hands of the agency, and that it is necessary to seek the intervention of one who reputedly has political influence.

4. The role of the legislator

Legislators at federal, state, and local levels have traditionally concerned themselves with the problems of their constituents in dealing with the executive and administrative agencies of government. In addition to voting on bills, the legislator is expected to be the representative of his people before agencies of the government. In this respect, he affords an important humanizing function.

Legislators have often been of great assistance to their constituents in the handling of complaints. As complaints increase in number and complexity, however, legislative casework appears as only a partial solution. The legislator seldom has the time or the staff to give detailed attention to individual items. He may simply refer a complaint to the agency involved, and this will then present the self-policing situation with disadvantages as discussed above. A legislator's effectiveness may vary with his experience and prominence. Although legislators normally receive and handle complaints of all their constituents, a citizen may not have confidence in the casework of one he has consistently opposed.

Legislative handling of complaints might be improved by providing additional and more efficient staff assistance, but here there is a disadvantage of increasing the distance between the citizen and his representative. There is a danger that this may reproduce some of the very problems of bureaurcracy for which legislative casework is intended to be a corrective. Furthermore, it does not seem realistic to expect the legislator to handle the ever-increasing volume of complaints.

5. Other agencies

Clergymen, social and community workers, politicians, lawyers, service organizations, and others have frequently helped people with complaints. Their assistance is often valuable, but has wide variation in effectiveness.

DEMONSTRATED NEED FOR THE "OMBUDSMAN"

There was consensus that an independent office for the receiving and processing of complaints about governmental action or inaction could be of great value. The word "Ombudsman" has found its way into the English language and, although its use is not without problems, it appears to be an appropriate descriptive term for the officer performing the functions just described.

Possible advantages of an Ombudsman are as follows: (1) familiarity with government in its several aspects and skill in dealing with government officials and employees; (2) independence, both of the incumbent administration and of the general political process; (3) accessibility to the members of the public so that they may present complaints in confidence and without fear of reprisal; (4) a reputation for efficiency, integrity, and impartiality; (5) the manifestation to the public of concern with the problems of every individual, so that he receives the consideration he deserves in his business with the government; (6) the provision of a safety valve or catharsis for irremediable complaints; (7) identification of recurring patterns of complaints indicating the need for remedial action.

The Ombudsman should not be limited to the handling of the complaints which are brought to him. He should have the authority to initiate investigations where he has reason to believe that there are just grounds for public complaint. Many people are uninformed about facilities for receiving complaints, or are unable or afraid to present their own complaints. Those in disadvantaged circumstances, in particular, are often unable to present their own problems in such a way as to obtain effective assistance.

The very contemplation of the Ombudsman's office shows the need for a person of great insight and ability. Those who argue for self-policing may say that only one who is thoroughly familiar with agency work is able to deal with complaints in a way which is fair to the individual and to the general public. At times, however, an intelligent and experienced outsider versed in administrative methods may be able to make suggestions which are helpful to an agency which has become steeped in its own procedures. The office of Ombudsman could provide a valuable auxiliary to the self-policing process.

There is also the problem of size of the Ombudsman operation. The Ombudsman of tradition is a single individual. No such individual could possibly function in a government of any size without assistance. The office would serve little purpose and would quickly lose public confidence if it had so much work that complaints were not handled with reasonable dispatch. Yet, as with the legislator, if the staff becomes too large, the problems inherent in a bureaucracy may appear. There is a dilemma of size with no complete solution.

The Ombudsman's efforts should be designed to supplement the existing methods of redress of complaints, as listed above. Each of these techniques has its proper sphere for which there is no adequate substitute.

PROBLEMS IN ESTABLISHING THE OMBUDSMAN

1. Problems in initiating the office

The need for an Ombudsman can be sensed at all levels—federal, state and local. There was a preference for beginning with a project at the local level. In order to present a fair test, the office should not be confronted with overwhelming problems and responsibilities from its very inception. A trial at one place, however, would not necessarily preclude a trial elsewhere.

There was some interest in a federal Ombudsman project for a particular state, as an experimental matter. The State of Missouri seemed to be one of several appropriate choices.

The trial should not be for a specifically limited period, for this might weaken the effectiveness and prestige of the office. Simultaneous programs in several locations, with no definite time limits, would be highly desirable.

2. Appointment and qualifications

All discussion indicated that the Ombudsman would have to be a very exceptional person, both in his background and in his personal qualities. It is desirable that he be conversant with the processes of law and government, but he would not necessarily have to be a member of the legal profession.

The initial selection should be the ultimate responsibility of the legislative authority of the area. The compensation would have to be sufficient to attract a person of great ability.

The Ombudsman should have a term extending over a number of years and should have protection against capricious removal prior to the expiration of his term. The term should not end at the same time as those of the legislative and executive officials within the jurisdiction. There should be a prescribed retirement age.

3. Jurisdiction

There was general agreement that the jurisdiction of the Ombudsman should not include the legislative and judicial branches of government. The duties of the office should be defined by law.

4. Office organization and operation

The incumbent should be afforded broad discretion in establishing and organizing the office. Much experimentation will be necessary at the outset in the structuring of the office. The legislative authority must provide funds adequate to permit the office to do its work.

Experience indicates that many complaints may be expected over which the office has no jurisdiction. The complainants should not be simply turned away, but should be referred to the proper agency.

The office will normally refer people to an operating agency if that agency has not had the opportunity to deal with the matter itself. The Ombudsman should generally be available only where the citizen and the government agency have been unable to reach an understanding.

Where a proper complaint within the Ombudsman's jurisdiction is received, it should be processed quickly and thoroughly. The citizen should, if possible, have access to the Ombudsman himself. A screening process is necessary, however, so that the Ombudsman will be able to focus on complaints which should have his personal attention. But care should be taken not to develop a bureaucracy which would eliminate the humanizing factor of the office.

5. Powers

It is essential that the Ombudsman have access to agency files and that he have subpena power over witnesses and documents. Officers and employees who fail to cooperate with the Ombudsman should be subject to discipline or discharge.

The Ombudsman should have the power to make recommendations but not to overrule administrative decisions. He normally should proceed within the agency concerned. If the problem is not solved there, a report should be made to the superior administrative authority. In some cases, the Ombudsman may find it necessary to make a report to the prosecuting authorities.

The ultimate recourse is through publicity, by reporting to the legislature and by release of information to the news media. The authority to make public disclosure is important, but it should be exercised only after careful consideration and with due attention to the interests of all concerned.

At times there may be a difference of opinion between the administrative agency and the Ombudsman, in which each side maintains its position with sincerity. Agency personnel should not be subject to retaliation for taking a position opposed to that of the Ombudsman.

The Ombudsman should make periodic reports to the appointing authority. These reports should contain recomendations for the appropriate legislative action, the need for which has been indicated by cases he has handled.

LIMITATIONS ON THE OMBUDSMAN'S FUNCTION

As has been said earlier, the Ombudsman's office would not displace existing avenues of redress, but rather would furnish the opportunity for correction of some of their demonstrated inadequacies. The restricted scope of the Ombudsman's function should be publicized, and the public should be made aware of needs which will remain even when the Ombudsman is established.

1. Legal aid

The Ombudsman is not a substitute for a legal aid program. The theory behind free legal aid is that any citizen should be entitled to judicial determination of issues in which he has a legally demonstrable interest. He should be able to proceed with the assistance of his own lawyer, whose responsibility is to him alone.

2. "Little Hoover Commission"

It is not contemplated that the Ombudsman would be a substitute for "Little Hoover Commissions". He would have no responsibility for recommending overall reorganization of agencies.

3. Offices of Information and Referral

The public information function is important in modern government. This is so, at least partially, by reason of the very size and complexity of the modern governmental structure.

It may be expected that the Ombudsman's office will have to perform a public information function. Many people will not find their way to the appropriate agency simply because they lack information about where they should go. The Ombudsman will necessarily have to operate a referral system.

The Ombudsman is not a public information officer, nor is he a substitute for such a person. His duties and responsibilities are such that he should not spend an inordinate amount of time on public information work.

CONCLUSION

With all the problems of working out the specific details indicated above, there is a strong consensus that there is need for pragmatic experimentation with the Office of Ombudsman in the American context.

REESTABLISH THE "E" AWARDS

Mr. BAYH. Mr. President, during the Second World War, our country honored thousands of businesses and industries for their contributions to the war effort. It will be remembered that "E" Awards were presented by the Armed Forces during World War II and that handsome triangular flags featured a block "E" were flown from flagstaffs from coast to coast.

The fact that the U.S. Government no longer authorizes an award symbolizing military-industrial cooperation was brought to my attention recently when I had occasion to investigate the possibility of securing suitable recognition for an Indianapolis company for its contribution to the country's war and space efforts.

The company to which I refer is Thomas & Skinner, a 65-year-old corporation which is reported to be not only the country's first but also one of the largest manufacturers of permanent magnets, upon which our sophisticated communications systems and space efforts are very dependent.

About a year ago Thomas & Skinner's research and development people perfected a new magnetic alloy which is reported to be twice as effective, pound for pound, as any known alloy. Named Columax 9, this new alloy is now being used in place of platinum cobalt which heretofore has provided the magnetic energy of many of our country's space vehicles. Besides the increased effectiveness of this new alloy, which takes considerably less space, it will save our defense effort millions of dollars. A major defense contractor, which builds magnetrons for the U.S. Government to be used in sophisticated electronic systems used for national defense, has indicated that the Columax 9 magnet would satisfactorily replace the former platinum magnet with savings up to 95 percent.

It seems to me, Mr. President, that any American business or industry which, on its own initiative and with its own research funds, makes this kind of a contribution to our defense effort, should be accorded proper recognition by governmental authorities.

The traditional ingenuity and the competitive spirit of the American free enterprise system to meet our defense needs helped make this country great and strong. The very least the Nation can do is provide some tangible public acclaim for this kind of cooperative effort. Accordingly, I am suggesting that the Department of Defense ought to seriously consider reestablishing an award similar to the "E" award. If I recall correctly, the "E" stood for excellence, but it could refer also to energy, effort, and enthusiasm, qualities for which any country has abundant need.

INDUSTRIAL TAX-EXEMPT BONDS

Mr. CURTIS. Mr. President, I have been speaking on a number of occasions about legislation by administrative edict and particularly about the Treasury Department's ruling to eliminate the tax exemption on industrial-type revenue bonds issued by State and local units of government. I, now, have a copy of a minority report of the Municipal Industrial Finance Committee that was presented to the Board of Governors of the Investment Bankers Association of America at White Sulphur Springs, W. Va., this morning. This report goes into considerable detail about the matters I have been discussing before the Senate.

I wish to point out that this report

illustrates how the Treasury Department has been working with an ad hoc committee of the Investment Bankers Association, not really representative of the majority of the members of that association, and with a small group of national labor leaders, again not really representative of a majority of the members of labor unions throughout the United States, to eliminate the tax exemption on these bonds without an act of Congress.

I would further point out that this attempt by administrative decree to take legislative action in violation of the Constitution would be a severe blow to State and local governments throughout the United States, depriving them of the major source of financing to meet many of their governmental and quasi-governmental needs.

I would point out further, Mr. President, that if this type of action by the administrative branch of the Federal Government continues, without any doubt the States, counties, and municipalities of the United States will become vassals of the Federal Government.

The Curtis amendment, which would prevent the Treasury Department's action from taking effect and would preserve to the Congress the right to legislate in the all-important tax field, is still pending at the moment before a joint House-Senate Conference Committee considering the excise tax extension bill. I hereby ask permission to place the minority report of the Investment Bankers Association Municipal Industrial Finance Committee in the Record, and I urge the members of the Conference Committee to examine it in detail before they take final action on the industrial bond question.

There being no objection, the report was ordered to be printed in the Record, as follows

Minority Report of the Municipal Industrial Finance Committee to the Board of Governors, Investment Bankers Association of America, May 8, 1968

This Minority Report is respectfully submitted to the Board of Governors of the Investment Bankers Association of America ("IBA") in dissent from the Majority Report presented May 8, 1968 by the Municipal Industrial Financing Committee ("the Committee") to the Board of Governors. The Minority states that said Majority Report represents a continuation of arbitrary and unilateral actions by the Committee, actions which we believe do not serve the best interests of IBA. More importantly, we submit that the Majority, in its blind determination to eliminate industrial revenue bond financing, has allied the Committee with powerful forces historically inimical to investment banking; and further, that should the tax exemption privilege be removed from industrial revenue bonds, either by Congressional or Administrative action, the Committee must bear the responsibility for the erosion and potential destruction of the tax-exempt industry—and with it, the last remnant of financial independence for all Local Government. We urge the Board of Governors, the Municipal Securities Committee and the Majority of the Municipal Industrial Financing Committee to focus their attention and energy upon the vital necessity of preserving this independence. We offer the following resume in substantiation of the above allegations:

The Board of Governors is well aware that the Committee, since its formation, has been almost totally comprised of those unalterably opposed to industrial revenue bond financing. Thus, the Committee itself has never been an objective vehicle for an open-minded, thorough examination of industrial revenue bond financing. In its negotiations with the United States Treasury Department and Members of Congress, the Committee, acting in concert with IBA officials, has purported to represent a majority viewpoint of IBA. Through various reportings in national financial journals, the Committee's activities have conveyed the impression that IBA opposes industrial revenue bond financing. We submit that the majority sentiment within IBA has never been determined.

During a meeting and forum discussion of the Municipal Securities Committee at the IBA Convention, November 29, 1967, the suggestion was offered from the floor that IBA officials begin a study to determine a meaningful and feasible approach to polling IBA member firms as to their individual positions, for or against, industrial revenue bond financing. As examples, IBA could have looked to polls taken by the Municipal Forum of New York and the Ohio Valley Group of IBA. It is significant that not only were both votes heavily in favor of continuing industrial revenue bond financing, but also that the geographic location of both groups clearly refuted the oft-repeated charge that industrial revenue bond financing is sectionally influenced. Despite the evident support for a polling of IBA membership, such action was never initiated. Minority asks that the Board of Governors again consider such a poll as an equitable approach for determining the majority sentiment of IBA on this important question.

Meanwhile, the Committee has continued its Washington activities, in several instances without informing all Committee members. The incongruous nature of such activities is best exemplified by an excerpt from the April 4, 1968, Memorandum distributed to Committee members by the Co-Chairmen. Referring to the proposed regulations dealing with industrial revenue bonds published by the United States Treasury Department on March 23, 1968, the Co-Chairmen reported:

"Your Co-Chairmen and the IBA staff at this point were given an advance copy of the Treasury regulations and were in the initial stages of preparing suggestions when the Senate Finance Committee approved by a voice vote an amendment by Senator Carl Curtis to the Excise Tax Bill. This provision states that the present Internal Revenue Service rulings regarding industrial revenue bonds could only be overturned by an act of Congress.

"At this point our staff and the AFL–CIO combined forces with the Treasury Department. After a poll of the Senate, it was concluded that an effort to strike the amendment offered by Senator Curtis would be unsuccessful on the floor of the Senate. Accordingly, it was decided that the Ribicoff Amendment should be offered on the floor of the Senate as an amendment to the Excise Tax Bill. It was determined that there was significant sentiment that the Treasury had overstepped the limits of their authority but, nevertheless, the concern as to municipal industrial bonds was significant. It was believed at this time that the Curtis rider would be approved by a block vote with all the other committee amendments and, accordingly, no official vote be taken. However, strategists on the other side called for a separate vote on the Curtis Amendment and the Senate approved the Curtis Amendment 51 to 32. Two days later Senator Ribicoff, along with Senators Percy of Illinois, Murphy of California, Nelson and Proxmire of Wisconsin, Clark of Pennsylvania and Williams of New Jersey, co-sponsored the original Ribicoff Amendment which called for an August 1st cutoff date. However, on the floor of the Senate Senator Brooke of Massachusetts stated that he and Senator Kennedy would like to vote for the Ribicoff Amendment but the state of Massachusetts needed until the end of the year to get through several large deals which were pending due to the fact their state had just passed enabling legislation. The Ribicoff Amendment passed the Senate by a vote of 50 to 32 and if passed by the House would go into effect December 31, 1968."

We submit that in allying themselves with Treasury and Organized Labor, the Committee and IBA officials have apparently chosen to ignore the cogent rebuttals, offered by leaders within their own industry, to arguments advanced by Treasury and Labor. Commenting on Treasury's "loss of revenue" thesis, the Advisory Commission on Intergovernmental Relations, (Report A–18, June 1963), said:

The government's revenue loss from the issuance of tax exempt industrial development bonds is partially offset, it should be noted, by the revenue gain resulting from the fact that the private business enterprise which receives the benefits of the tax exempt borrowing through lower rental charges is a taxable entity. To the extent that tax exempt financing (and other subsidies provided by State or local government) increases the business firm's taxable net income, its Federal tax liability is increased. In this respect the revenue effect of the industrial development bond differs from that of municipal bonds generally.

The overall increase in economic activity resulting from major capital expenditures and the parallel generation of tax revenues at the Local, State and Federal levels has consistently been disregarded by Treasury and the Committee.

Organized Labor spokesmen were quoted in the August 26, 1966 edition of *Business Week* as launching an all-out lobbying effort against industrial revenue bond financing because the availability of this financing vehicle was "pirating" industry from highly unionized areas to other sections of the nation where Organized Labor was either in the minority or non-existent. Later in this same article, however, these spokesmen admitted that "over 90%" of plants financed through the issuance of industrial revenue bonds represented expansions or new construction rather than a closing of existing facilities. We question the wisdom of the Committee's allegiance with such equivocation and illogic.

Of paramount consideration, however, is the dangerous leverage being handed to the United States Treasury Department by the proposed removal of the tax-exempt privilege on industrial revenue bonds. There is no way that the Committee or IBA officials can assure the investment banking community that Treasury's action with respect to industrial revenue bonds will be its last attack against tax-exempt financing by political subdivisions. The eventual goal of Treasury is well-known to leaders in the tax-exempt industry, and the Committee's unswerving support of Treasury's attack upon industrial revenue bond financing can only be regarded as a naive and volatile flirtation with an even greater threat to the future of all tax-exempt financing. The historical pattern of regulatory practices by Federal agencies is one of expansion, not contraction. *The Daily Bond Buyer*, May 6, 1968, reproduced in full a letter written by William H. Cannon, Esq., Nixon Mudge Rose Guthrie Alexander & Mitchell, New York, New York. The following excerpts from the letter clearly demonstrates the danger inherent in any concession indicating to Treasury that it has the power and authority to determine which Municipal Securities shall be tax exempt:

. . . . please let me advise you of the contents of a meeting which I attended in Washington on Friday, April 19, 1968.

That meeting was attended by Mr. Stanley Surrey, Assistant Secretary of the Treasury for Tax Policy and Mr. Fred R. Becker of his office. Numerous other people attended and represented various educational institutions as well as various public authorities which by virtue of legislation have the ability to assist both public and private institutions for higher education and, in certain states, nonprofit hospitals. The meeting was also attended by the representatives of the American Council on Education. The purpose of the meeting was to register objection and explore alternatives to the proposed Treasury regulation which, while purportedly designed to deal only with industrial aid financing actually affects all financings by public bodies involving private or non-profit schools, hospitals, electric power and gas utilities, and other similar publicly oriented purposes when the lessee or mortgagee of the financed facility is obligated to pay to the issuer moneys which are adequate to service the debt of the issuer and to pay all other expenses of operation and maintenance of the facility. Quite clearly, the proposed regulation extends into many areas beyond the industrial aid sector. At the conference, both Mr. Surrey and Mr. Becker clearly stated that such effect was specifically intended by the proposed regulation emphasizing that the proposed regulation was not to be limited solely to industrial aid problems. It was conceded that the language of the proposed regulation referring to industrial development bonds is a misnomer and that, in fact, the proper terminology should have been industrial development "type" bonds.

On the basis of Treasury's stated position (cf. above), neither the Committee nor IBA officials have any valid reason to believe that Treasury will reverse its expanding pattern of regulation and encroachment into the financing domain of the various States, their political subdivisions and agencies.

We strongly recommend that the IBA support adoption of the Curtis Amendment and the simultaneous defeat of the Ribicoff Amendment. We further recommend that the House Ways and Means Committee be requested to schedule hearings at the earliest possible date so that the entire issue of industrial revenue financing may be publicly discussed by all interested parties.

For the Minority:

PETER C. MOHR.

THE HEARTLANDS OF THE HOME HEMISPHERE—ADDRESS BY COVEY T. OLIVER, ASSISTANT SECRETARY OF STATE

Mr. BAYH. Mr. President, Hon. Covey T. Oliver, Assistant Secretary of State for Inter-American Affairs, delivered a very significant and informative address in Indianapolis a few weeks ago in which he discussed the vast interior heartland of South America. As Secretary Oliver pointed out, in excess of 2 million miles of wilderness in this huge area "wait for the developing hand of man to add their natural wealth and productive capacity toward the well being of individuals, nations and the world."

Although in many respects the resources of the South American heartland are comparable to those which existed in this continent when our Nation was young, the neighboring countries to the south have not been able to develop those resources or to prosper at a level comparable to that of the United States. Secretary Oliver emphasized the fact that the development of the United States was largely dependent on an inflow of foreign capital; wthout sizable investments from abroad our agricultural, industrial, and commercial growth would have been long delayed.

In recent years, considerable help has been extended to Latin America through the Alliance for Progress, yet much of this huge region remains untapped. Secretary Oliver foresees a period in the not too distant future when the "barriers guarding the heartland of South America" will be overcome and great benefits will flow, not only to the people of Latin America, but also to those of the whole world. To facilitate this process, however, large-scale private investment as well as public aid will be required.

One of the ways in which we have been lending our assistance has been through the people-to-people program known as the Partners of the Alliance. I am proud to note that Assistant Secretary Oliver calls attention to the role which a number of persons from Indiana have played in this important program. Under the leadership of such Hoosiers as Dr. Robert Carmin, Dr. Robert Yoho, Mr. James Nicolas, and many others, the Indiana group has provided various kinds of assistance to its counterpart organization in Rio Grande do Sul, Brazil. Included in this aid have been several college scholarships in Indiana institutions, numerous community development projects, various items of specialized equipment and funds for local educational programs.

Mr. President, I ask unanimous consent that the comments of Assistant Secretary Oliver be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE HEARTLANDS OF THE HOME HEMISPHERE

(Address by Covey T. Oliver, Assistant Secretary of State for Inter-American Affairs and U.S. Coordinator, Alliance for Progress to the Indiana Partners of the Alliance and Sigma Delta Chi Society, Indiana State Teachers Association Building, Indianapolis, Ind., March 11, 1968)

It is always a pleasure for me to visit with the people of this country's great heartland. It seems all too seldom that I get the opportunity to return to the commercial, industrial and agricultural complex that makes up the midwest of today.

Some "coasters" in this country, both east and west, seem to think that since I am involved in foreign affairs I should limit my visits to those areas of the country which are most directly involved and most interested in international relations. They point out that the midwest has no foreign embassies, few consulates, few foreign visitors and little direct international transportation. What these people do not seem to realize is that the people of the midwestern United States not only are seriously concerned with the course and progress of this nation's foreign affairs but that many of them are just as directly involved in these affairs as any coaster. Since I was "born and raised" on the southern fringe of this great heartland some coasters may think I am a little biased in my judgment. Bias or no, however, my opinion on this issue is certainly supported by the facts.

A recent count of Peace Corps volunteers, for instance, showed that 253 Indiana youths are scattered throughout the underdeveloped countries of the world donating two years of their lives for the progress of other people. Another 79 Hoosiers serve abroad with the Agency for International Development. Some 42 are working in our Embassies and consulates with the Foreign Service of the State Department. In all, the twenty states of the midwest contribute one-third of all Peace Corps Volunteers; 1,370 A.I.D. employees and 2,653 Foreign Service Officers, reservists, and staff personnel.

These organizations, of course, by no means exhaust the list of midwesterners who help to guide United States international relations. The International Executive Service Corps—known to its members as the paunch corps—draws 26 percent of its 3,187 qualified volunteers from the heartland of this country for the administrative and managerial talents which are in such short supply in developing countries.

Before I leave these statistics of midwestern involvement in foreign affairs I would especially like to note Indiana's participation in a vital people-to-people program known as the Partners of the Alliance. Under the capable direction of Dr. Robert Carmin and Dr. Robert Yoho and supported by the efforts of people like Mr. Gene Slaymaker, Hoosiers have assisted the development efforts of the people of Rio Grande do Sul in Brazil. To date, the Indiana Partners have contributed two motors to a Brazilian trade school, are involved in eight community development projects, and collected more than $1500 for a college and another $500 for training materials for nursing education. I understand that as a result of your good work, a Brazilian will soon have a set of artificial limbs; and that a number of women's organizations are studying ways they can best help their counterparts in Rio Grande do Sul and Paraná. For a long time there has been a little Brazil in Indiana. Now there is a little Indiana in Brazil.

I thank you good people for adding a much needed personal dimension to this nation's inter-American relations through the Partners of the Alliance Program. I look forward to hearing the results of your future efforts.

From the facts I have mentioned, it is plain there is little evidence to support the view that the heartlanders of the United States are exclusively national in their outlook and interests. You are all involved in foreign affairs, and do much more than watch the course of the few pennies of your tax dollar that go for foreign assistance.

As involved as you are, however, I believe that the greatest challenge to the people of this great heartland in the field of foreign assistance is yet to come. I believe that in the next few years the Federal Government and the governments of all member nations of the Alliance for Progress will be looking increasingly to this region for the knowledge, the experience, the skills, the energy and the tools to open the other vast American heartland, the interior of South America.

That other heartland is bounded on the north and west by the Andes, the second highest mountain chain in the world. It stretches across rivers, jungles, high plateaus and grasslands southward to the swamps of Mato Grosso in Brazil and the scrub plains of the Gran Chaco in Bolivia, Paraguay and Argentina. This largely untouched area includes practically all of the Amazon River Basin, the largest watershed in the world. More than two million square miles of wilderness still wait for the developing hand of man to add their natural wealth and productive capacity toward the well being of individuals, nations and the world.

Not very long ago as national lives are measured, the United States and the newly independent nations to the south stood at the same stage of territorial development. Like them, this nation was poor, undeveloped and holding only an insecure toehold on the edge of an unknown continent. At that time, North and South American men of vision understood that opening and developing the heartlands was the key to national security and future greatness.

In this country, Alexander Hamilton, our first Secretary of the Treasury, clearly saw that the United States could not hope to acquire and develop the North American heartland with its own human and financial resources. He knew we would require huge foreign investments to build a nation out of the wilderness and to tie it together with roads, canals, bridges and rails. Since there was no international development bank and since no developed nation offered a concessional foreign assistance program to its less developed neighbors, the United States had to depend on the vision and courage of private financiers. Hamilton designed fiscal policies that would attract and give confidence to foreign investors, and he told the citizens of the United States to welcome such capital. In 1791, he said foreign capital "ought to be considered as a valuable auxiliary conducing to put in motion a greater quantity of productive labor, and a greater portion of useful enterprise, than could exist without it."

As a result of this welcoming and eager attitude, and no doubt attracted by the prospect of having a hand in the development of such a great area, foreign investment poured into the United States:

The cash requirement for the Louisiana Purchase, more than $11 million, was promptly supplied by European money markets.

The State of New York obtained financing for the Erie Canal almost entirely from England.

By purchasing $243 million worth of U.S. railroad securities, Europeans helped to finance the great cost of throwing transportation lines across the continent ahead of settlement.

During the time of our greatest territorial growth and development, foreign investments in the United States grew from $60 million in 1800 to more than $7 billion by 1914.

Our heartland simply could not have been opened and developed in the time it was without foreign capital and expertise. We were too poor to meet the tremendous costs involved in such a venture.

But while the United States grew in size and wealth and while the first successful foreign investments in this continent's development attracted an ever-increasing flow of capital from abroad, the countries of South America fell farther and farther behind in their efforts to tame their own interior. There are a number of reasons for this.

The greatest single factor was, perhaps, the great natural barriers and climatic extremes of the South American heartland. The towering Andes and the great central forests repelled all but a few attempts to open the interior. Weather and disease sapped the energy and the will of most men who tried. Sporadic booms such as the rubber boom in Brazil in the early 1900's kept alive the dream of taming the heartland and drew in thousands of would-be settlers. More often than not, however, new towns remained cut off from the developed areas of the coast and gradually were erased as man, no longer able to pay the human cost of staying, retreated to the fringes of the continent or lapsed into a primitive state.

Another reason for the lack of progress in opening the South American heartland was the absence of economic and political stability in the nations involved. Foreigners could never be sure that money they invested during one administration would be respected by the next. Ill-defined borders in the heartland led to devastating wars and destruction of what little development might have gone before.

Today, the vast South American heartland still stands virtually untouched—a problem, a dream and a challenge. Yet, things are changing.

As a direct result of the efforts of American nations under the Alliance for Progress, Latin America generally is enjoying an unprecedented period of economic and political stability. Nineteen of the twenty-one other member nations of the Alliance for Progress now have some form of investment guarantee agreement with the United States to protect private citizens from some of the major risks involved in investing in developing countries. Technological and scientific advances offer new solutions to natural problems once believed to be insoluble.

Businessmen, government officials, technicians, scientists and scholars are preparing coordinated plans for regional and international communications and transportation networks that will span the South American heartland and open it to pioneers and frontiersmen. Their work has been spurred by the American Presidents who met last year in Punta del Este and decided to make the dream of Latin American economic integration a reality by 1985. Inherent in the Presidents' emphasis on the need for greater investments in multinational infrastructure projects, agriculture, education, science and technology is the understanding that true integration will only come when the barriers guarding the heartland of South America have been overcome and that region made to yield its wealth to the further development of Latin America.

To give you some idea of the dramatic developments expected over the coming decades, it may be worthwhile to mention a few of the exciting projects for which detailed feasibility studies are already completed or now under consideration. Among them:

An improved continental telecommunications system, including the use of satellites, to tie together the nations of Latin America, and Latin America with the rest of the world;

The *Carretera Marginal* or Jungle Edge Highway which will open and link the backlands of Colombia, Ecuador, Peru and Bolivia;

The River Plate Basin Development scheme which centers on hydroelectric, transportation and industrial development of the watershed that includes parts of Argentina, Uruguay, Paraguay, Brazil and Bolivia.

These and many other projects will someday serve as loci of heartland development. New lands will be cleared, fertilized, irrigated and brought under cultivation to help meet Latin America's and, indeed, the world's present and future food requirements. New cities and new industries will spring up to take advantage of enhanced transportation, communications and greater power sources. New markets will open, demanding increased foreign trade.

I am sure you all can see the tremendous challenge entailed in the long term effort that will be required to open and develop South America's heartland and the innumerable opportunities this task affords midwesterners of this nation.

Alliance governments can plan, coordinate and support the work that must be done. Our government, for example, recently contributed additional funds to the Inter-American Development Bank which, together with Latin American government contributions will enable the Bank to finance a minimum of $300 million worth of multinational development projects over a three-year period. Our agricultural experts working with A.I.D. are helping their Latin American counterparts plan for increased agricultural productivity. Financial experts and economists from all over the Americas are working together to establish tax systems and ownership schemes that are fair both to the developing country as well as the foreign investor.

Governments, however, cannot do the whole job. The major effort for developing the South American heartland must come from private citizens willing to exert the backbreaking effort it always takes to develop a wilderness and willing to invest in an uncertain but promising future.

Those of you who live in the North American heartland, perhaps better than most, understand the nature and problems of frontier development. Many of you grew up listening to the stories your fathers told of the difficulties they encountered when they first came into this area. Your growing factories have had to invent and produce new tools to overcome a new environment and to take advantage of technological advances. And finally, as your Partners of the Alliance Program indicates, you understand the importance of consideration and understanding in human relations.

For these reasons, I believe that the people of this great heartland are particularly suited to help other Americans to the south develop their own heartland. I am not suggesting that you all pack up this afternoon and begin a new life on the frontiers of South America. South American development is, after all, primarily a job for South Americans.

What I am suggesting is that all of you actively search for ways you can best help Latin Americans in the tremendous job ahead. They need tractors, bulldozers and plows. They will need mutually acceptable capital investments. They need school teachers, nurses, doctors and engineers. The opportunities for expanding your present people-to-people, company-to-company, or church-to-church programs are innumerable. All it takes is imagination and a willingness to help.

For more than twenty years, this nation has dedicated considerable resources to support the development efforts of other countries. One does not have to delve too deeply into the underlying reasons for this unprecedented action to find a strong, general sense of moral rectitude—a basic charitable impulse that unifies our citizens.

Yet, if this were the only reason we have helped others before and are helping our partners in the Alliance for Progress today, we would, perhaps, be justified in curtailing the effort during periods such as this when other demands on our resources proliferate. Since we cannot curtail our efforts now, despite the cost of Viet Nam and the danger threatening our own cities, there must be other good reasons for making the sacrifice.

First of all, it is an article of faith with us that the security of our Home Hemisphere depends on total hemispheric development. We can no longer live as a tremendously wealthy nation in a neighborhood where others are abjectly poor. The violence that threatens our own cities today gives irrefutable evidence of the consequences that can be expected if social differences between neighbors are ignored and allowed to increase. A corollary of this is that at the present, relatively peaceful, time we can accomplish much with very little. The tiny percentage of our Gross National Product that we have contributed to the Alliance for Progress—it will approximate *sixteen-hundredths of one percent* this year—together with the development investments of our allies has already done a great deal. Since the Alliance began, for example, primary school enrollment has increased 50 percent and now includes 36 million children. Electric power has increased by over two-thirds and road mileage by about 16 percent.

Secondly, the sacrifice entailed in giving assistance to poorer nations is not as great as many think it is. More than 88 percent of all foreign aid funds spent by the Agency for International Development are spent in the United States for U.S. goods, products and services.

And thirdly, the United States benefits directly from the development of other free nations in the same way that Europe has benefited a thousandfold from the help it gave us during our development period. For example, I read recently that in 1966 Indiana ranked among the highest of the fifty states in export dollar volume, selling about $620 million worth of manufactured products abroad during that one year. How much of that sum, how many jobs in this area alone, would have been lost had we decided twenty years ago that our allies and former enemies must redevelop by themselves?

It does not take much imagination to see the potentially vast benefits in terms of trade alone that could result from the total development of the great heartland of South America.

If we officials who work directly in the Alliance for Progress, both here and in the other Americas, succeed in laying the groundwork for development—and I sincerely believe we will—you of the North American heartland will be called upon to contribute your energy, inventiveness, experience and understanding, especially to those who face problems similar to those you and your fathers faced in settling and developing the Midwest.

Look southward in the Home Hemisphere! The need and the opportunity for assisting are there. With your help, both American continents will one day be able to point with pride to dynamic heartlands. Heartlands that furnish much of the power, the food, and the human and natural resources that drive the continuous development and social improvement of our New World.

THE TALKS IN PARIS

Mr. McGEE. Mr. President, a critical time of testing—a testing of our national will—is about to open. I speak, of course, of the talks beginning Friday in Paris between the representatives of our Government and those of North Vietnam. We can, at this point, be pleased that our President stood firm in insisting upon a neutral site for these talks; that he did not listen to the voices of his critics and make the same error as we made in seeking, more than a decade ago, to end the fighting in Korea. Paris is a site that should be conducive to fairness all around.

The difficulties encountered in arranging for the first meeting indicate, I think, the type of difficulties that face us every step of the way. Charles Bartlett, writing in the Washington Evening Star of May 5, recalled the lessons from the Korean negotiations, including those set down for us by the late Adm. C. Turner Joy, who led the United Nations negotiating team. His conclusion might well be summed up in the paragraph from that column which says:

> A disciplined American attitude is the best hope that the settlement of the war in Vietnam will be any less protracted and gruelling than the two years of armistice talks in Korea.

Mr. President, I ask unanimous consent that Mr. Bartlett's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ROAD TO VIET SETTLEMENT TORTUOUS

(By Charles Bartlett)

Hanoi's agreement to meet in Paris is valuable as a reminder that a nation which does not learn from its mistakes is doomed to repeat them.

"Come to Kaesong and we'll talk," the North Koreans said in 1951 and the first mistake in pursuit of a Korean armistice was to take them at their word. The sessions behind the enemy lines proved to be little more than a prologue carefully staged to project an impression that the Communists had won the war.

The late C. Turner Joy, the vice admiral who led the United Nations' negotiating team and wrote thoughtfully of his experiences, later observed, "Communists should not be allowed unilaterally to select the site for a conference. If one cannot successfully negotiate a site for talks, why expect to negotiate substantive issues successfully?"

President Johnson obviously erred in promising to go anywhere to talk, but one happy consequence of his withdrawal from politics is that he does not have to play out every error. He can tolerate the stings of Communist propagandists and the discomfort of hearing Hubert Humphrey say that he was wrong. This is a small price for letting the North Vietnamese know that Washington does not intend to relive the mistakes of the Korean negotiations.

Washington went wrong then on a series of critical points because it allowed its desperate eagerness to end the war to foster an illusion that it is possible to conciliate Asian Communists by giving ground to them. Experience proved exactly the reverse—when Washington gave, Peking became tougher.

In the recent site discussions, Washington stood firm and the Communists slowly receded from what was a characteristically unreasonable opening gambit. This could mean that they are anxious to end the fighting but it could also mean that they are merely anxious to get on with the business of tightening the strain of impatience upon the American nerve system in the coming months.

They may find it politically preferable to hope they can deal next January with a less obdurate American president. Johnson is more emphatic in private than in public that he does not intend to participate in a settlement that will leave South Vietnam up for grabs and it is impractical for them to rely any longer upon his personal impatience.

As both sides prepare for the Paris talks, Hanoi has gone on record that it will seek total bombing pause at the outset, while the United States, under the San Antonio formula, insists that Hanoi must pledge military restraint in return.

In actual military terms a total bombing pause may seem less important to Hanoi now than the reinforcement of the Viet Cong. American estimates that the enemy has lost 80,000 men since the Tet offensive gained credibility from the unprecedented rush of recruits, many of them raw youngsters, across the border. Their negotiating strategy is apparently being tailored to a military necessity to reinforce their depleted units.

A disciplined American attitude is the best hope that the settlement of the war in Vietnam will be any less protracted and gruelling than the two years of armistice talks in Korea. The Communists have fared well by making a shadowy and confusing exercise out of peace negotiations and they have no good reason to change their style.

Of all the mistakes which Admiral Joy ascribed to the Korean negotiations, the most critical was Washington's early acceptance of the Communists' demand for a fixed truce line. This lifted the military pressure which gave the enemy its strongest incentive to negotiate and thus prolonged the war and weakened the ultimate terms.

"Do not stop fighting," Joy warned, "until hostilities have ended; not if you want an armistice with the Communist on acceptable terms within a reasonable period of time."

Joy argued strongly against the "flexibility" advocated by Johnson's critics. The Truman administration confused its own negotiators as well as the enemy by trimming its political objectives to events as they unfolded. This vacillating kept alive the expectation that delay would produce a better deal.

The White House is aware that its critical test of firmness will come on the issue of a coalition government. The Communist interest in negotiations is hinged to their concept of a coalition that will be merely a thin veil for party control. The Johnson-Thieu olive branch will be the promise of an election in which all citizens vote for candidates of their choice.

This is a democratic compromise that will yield the Communists far less than they presently have in mind. The agreement to meet in Paris holds no promise that the road to this solution will not be slow and tortuous.

SUPPORT FOR CONGRESSIONAL COUNSEL GENERAL GROWING

Mr. HARTKE. Mr. President, on March 23, 1967, I presented to the Senate a proposal for the establishment of a permanent officer of the Congress to be what might be called its "house lawyer." The bill is before the Committee on Separation of Powers and has had a preliminary consideration in its early hearings.

As I noted on several later occasions, the proposal for a Congressional Counsel General—a name which is less confusing than the original designation of "Legislative Attorney General"—has received a good deal of attention. I might add that a full-length article on it, prepared at the editor's request, will appear in the issue of the Administrative Law Review now at press.

A new popular statement of the case for this proposal has just been distributed by the North American Newspaper Alliance, written by Ernest Cuneo. It appeared earlier this week, among other places, in the Indianapolis Star, under the title "Attorney General for the Congress Held Necessary." The thoughts expressed by Mr. Cuneo are essentially those which I expressed upon introduction of the bill and in its subsequent discussion.

I ask unanimous consent that this article may appear in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ATTORNEY GENERAL FOR THE CONGRESS HELD NECESSARY

(By Ernest Cuneo)

WASHINGTON.—For a considerable time, there has been growing concern over the relegation of the Congress to a secondary role in the nation's affairs.

This has come about in two principal ways. The Senate, once all powerful in international matters, was all but completely emasculated in foreign affairs by the famous Curtiss-Wright decision of the Supreme Court in 1936. The decision held that the President was the sole spokesman for the nation in foreign matters, that he need give the Senate only such information as he saw fit, and that his actions could not be questioned even in the courts. Added to his powers as commander-in-chief, in volatile and dangerous times, it is no wonder that Prof. Corbin remarks that the nation was back to the first institution of the Anglo-Saxon race, the elected kingship.

On the domestic side, Congress faced the dilemma of all powerful bodies, the paradox that the only way to exercise power is to delegate it. Congress created the vast governmental agencies ranging from securities and exchange to the Power and the Communications Commission. These and other agencies regulate more of American daily life than it is pleasant to think about. The power of these agencies is such that it has been remarked that national elections may become irrelevant because American life is today largely governed by agency. Far from being responsive to the people, there is considerable doubt as to whether they are responsible either to the Executive Department or to the Congress.

They have been described as revolving between them, as Mohammed's coffin revolves twixt heaven and earth.

There never was the slightest doubt that the Congress was designed to be the supreme branch of the government, nor that it must be restored to its original position if we are to continue in a government responsive to the people. It is a fair statement, therefore, that the Congress failed its duty, not only to itself, but primarily to the people by allowing its power to be eroded.

The manner of the erosion of congressional power suggests the manner in which it can be restored. Assuming that the three great branches of government are equal, that is legislative, executive and judicial, it follows that the latter, the Supreme Court, usually has final say, in case of dispute. This is not provided for in the Constitution. The Supreme Court itself simply took that power unto itself in the early case of Marbury vs. Madison.

It is somewhat astonishing, therefore, that since the inception of the republic, that Congress provided for an attorney general, who is in fact, house counsel for the executive branch, and provided for no attorney general for the Congress of the United States. Since the Constitution designedly built in frictions for the purpose of dividing power, it follows that on greatest issues the Congress is represented before the Supreme Court by an attorney general who represents only the executive. Thus, the Supreme Court and the executive branch often labor mightily to ascertain the intent of Congress, with Congress across the street and totally unconsulted. Of the finality of Supreme Court decision, Mr. Chief Justice Hughes said simply and forthrightly, "the Constitution means what the Supreme Court says it means." This is the present state of the law, but it was not designed so. Mr. Justice Holmes declared, that if the Supreme Court did not have the right to declare acts of Congress unconstitutional, the Union could continue; on the other hand if it did not have the right to declare acts and decisions of the various states unconstitutional, the Union would dissolve. The original Constitution gave no power over Congress to the Supreme Court.

The Supreme Court, as do all other courts, accepts without question the rulings of the State Department on status of foreign matters. It would seem appropriate, therefore, that the Supreme Court accept the will of Congress as stated by Congress and not decide itself what the Congress intended.

This, or course, would involve fundamental procedural changes in cases where the intent of a congressional statute is before the court. There is, of course, the implied condition that if the Congress is not satisfied with the interpretation of the court, it can change it by another law. But this is a slow and cumbersome business, and of no value in the case actually before the court.

An extremely healthy compromise would be if the Congress looked to the protection of its constitutional powers by the creation of its own law office. Thus, it could create the offices of the attorney general of the Congress, with solicitor-general of the House and of the Senate. By law, it could be easily provided that when the attorney general of the Congress deems that a fundamental constitutional right of the Congress is in issue, or when the intent of the Congress is a decisive issue, then the Congress itself shall have right to appear before the court to memorialize the court on what the Congress deems its intent or its constitutional right to be. Failing in this, that body most responsive to the people will continue to be shouldered, and alarmingly, into space more confined by the courts, the agencies, the executive branch, for the reason that it did not assert its constitutional rights.

The creation of an attorney general of the Congress with solicitors-general of the House and of the Senate would instantly restore the Congress to the pre-eminence designed for it in the original Constitution.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 18 minutes p.m.) the Senate recessed until tomorrow, Thursday, May 9, 1968, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate (legislative day of May 7, 1968) May 8, 1968:

DEPARTMENT OF TRANSPORTATION

John E. Robson, of Illinois, to be Under Secretary of Transportation.

Stanford G. Rose, of New York, to be General Counsel of the Department of Transportation.

AGENCY FOR INTERNATIONAL DEVELOPMENT

H. Brooks James, of North Carolina, to be an Assistant Administrator of the Agency for International Development, vice Herbert J. Waters, resigned.

EXTENSIONS OF REMARKS

THE INTERRELATION BETWEEN BUSINESS DECISIONS AND INTERNATIONAL FINANCE

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. CURTIS. Mr. Speaker, Mr. N. R. Danielian, president of the International Economic Policy Association, made a speech on April 18, 1968, that has several points pertaining to the current U.S. economic situation that are worth considering. In his comments, he stated that the United States must balance the budget to maintain the value of the dollar; eliminate other-than-tariff barriers in foreign countries that impede U.S. exports; and eliminate the controls on private investment and lending overseas. For these and other views expressed, I commend this speech to your attention, as follows:

THE INTERRELATION BETWEEN BUSINESS DECISIONS AND INTERNATIONAL FINANCE

(By N. R. Danielian, president, International Economic Policy Association, before the joint spring meeting of the International Economic Affairs Committee, Money/Credit/Capital Formation Committee of the National Association of Manufacturers, Chicago, Ill., April 18, 1968)

I wish to take this opportunity first to congratulate Mr. Gullander and Mr. Davis for the initiative they have taken in giving new emphasis to international economic problems as they bear upon the interests of U.S. business. This undertaking promises to be of great value.

When Mr. Davis asked me to participate in this program, I was delighted to accept because I believe in it deeply. It was because we felt that freedom in economic enterprise and political institutions would depend upon the success of our system in worldwide competition that a group of us took the initiative in 1957 to organize the International Economic Policy Association. It was obvious then that military power in the atomic age would be in a stalemate between the two major powers vying for world supremacy, and that economic and political policies would determine which way the wave of the future would take us. Events have proved this diagnosis to be correct and I am delighted that the National Association of Manufacturers is broadening its interests and activities in the international field.

Business needs a profound understanding of international financial and economic trends in making decisions concerning expansion, plant location, sourcing of materials, financing and even administrative decisions such as personnel assignment. Unfortunately, such perceptive analysis and information have not always been widely available to corporate management, mainly because economists have allowed their own hopes and desires to interfere with an objective analysis of the facts. There is a saying in Washington that the trouble with public policy is that lawyers act as if they are economists and economists behave like social workers. Information and analysis based upon such a point of view cannot serve the interests of either business or government in their decision-making process.

The best way to illustrate this thesis is by reference to some recent experiences.

THE BALANCE OF PAYMENTS AND DIRECT INVESTMENTS

You are all familiar with the ultimate indignity that has befallen direct foreign investments by the application of the Trading With the Enemy Act to those of you who want to invest more than $100,000 a year anywhere in the world. In spite of repeated warnings, economists in government tended to play down the seriousness of the balance of payments deficits, because they did not wish to face the unpleasant task of revising national objectives. Yet the handwriting was on the wall for a long time.

I remember the incredulous consternation that greeted me on the long-distance telephone on the weekend prior to New Year's Day when I informed some of my friends in the business community of what was in the offing. How did we know about it? Our information came from Europe by way of Basle where the international central banking community had read the riot act to our representatives to control the balance of payments deficits—or else.

One did not need to depend upon confidential information to anticipate what was likely to happen. Our analysis indicated that ever since 1958 the balance of payments deficits had been running between $3 and $4 billion a year and that the improvements advertised for 1965 and 1966 were statistical, rather than real. Even the last figure given for 1967, that our deficits were $3.6 billion, had the benefit of what one has called "cosmetic treatment" of the deficits. If you eliminated some temporary entries in the books, the deficits last year were closer to $5 billion.

European economists and financial authorities had held for a long time to the theory that our direct investments were responsible for the balance of payments deficits. Political pressures at home and abroad also urged control of direct investments. The results were predictable. Some companies with knowledge of these facts were able to plan ahead for their financial needs abroad a year or two in advance. Others are now spending endless agonizing hours in Washington begging for exceptions.

GREAT BRITAIN AND THE EUROPEAN ECONOMIC COMMITTEE

Here is another illustration.

Americans have a sympathy and affinity with the British, rooted in common language, culture, and juridical institutions. Hence, U.S. direct investments in Great Britain are larger than in any other European country. A good deal of this is premised on the assumption that Great Britain would soon become a member of the Common Market.

Thorough analysis of Great Britain's international financial position, its world trade patterns, and the cost to Great Britain of entering the Common Market, should have led to more cautious assessment of this opportunity both in 1962 and in 1967. It is true that in certain industries British membership in the Common Market would be favorable. It is not certain, however, that this would be true across-the-board. More important, the cost of food to the British balance of payments would be increased by $500-$700 million a year, and this could not possibly be absorbed by the British economy for a long time to come. In fact, the basic motivation for British membership in the Common Market has been and still is political, which is not acceptable to the French, the Soviets, and possibly the Germans.

In the role of objective observer and adviser, as distinguished from that of a committed advocate, one must advise caution in accepting the assumption that soon, even after the passing of General DeGaulle from the political scene, Britain will be a full-fledged member of the Common Market. There are many people in important positions in Europe who feel that if DeGaulle were not there, somebody else would have to assume his unpopular role of saying "no" to the proposal. This is a prediction, and not a value judgment or an expression of preference.

EAST-WEST TRADE

East-West trade is another situation where business needs hard-headed analysis. For some time now the Administration and the State Department have been promoting the concept of increasing East-West trade. In their appeal for business support they have dangled the prospects of substantial commercial and balance of payments gains to the United States and to American business.

To sell commercially, one must be paid. For the Eastern European countries to buy more goods in the United States, they must have the ability to increase their exports, or use accumulated reserves, or borrow money. Their current exports to the United States are not of such dimensions that you can expect any substantially increased sales. They have wanted to qualify under our unconditional most-favored-nation principle in order to be able to sell more of what they produce. If you look at their export items you will find that they are primarily in the areas of consumer goods produced in ample quantities in the United States, or imported in substantial amounts from other countries. If you want to sell more to Eastern Europe, then you must be prepared to buy more from them of such items as glass, shoes, salami, wines, hams, and so on.

When you look into their reserve position you find there is little information available. This is a more guarded secret in Eastern Europe than even their military technology. The intelligence agencies of the Western world differ in their estimates of Soviet reserves.

One thing is certain, however. Eastern European countries conserve and allocate their foreign exchange expenditures with the utmost care and control, spending them only on purchases that are part of the plan approved by the central planning commission and authorized by the National Bank. You can waste a great deal of time in those countries sitting in hotel rooms or listening to American jazz in the nightclubs; if the project is not in the approved Plan with foreign exchange allocated by the Central Bank, you might as well enjoy yourself as a tourist.

This brings us to the third point—their ability to borrow. You will find that future trade prospects with these countries will depend primarily upon our willingness to lend them money through the Export-Import Bank and other agencies, and this brings us to the political question—Why should we do it? And there economic analysis stops.

I do not mean to say there are no opportunities here, but you must assess them realistically so that your allocation of corporate resources will be commensurate.

TRADE BLOCS, TRADE POLICY AND BALANCE OF PAYMENTS

It has been administration policy for quite a while to encourage development of trade blocs, common markets and free trade areas all around the world. We have sacrificed a great deal to bring into being the European Common Market. We have favored the European Free Trade Area and its amalgamation with the EEC. We are encouraging the evolution of the Latin American Common Market and pushing ahead in various degrees similar agglomerations of trading nations in Africa and Asia.

At the same time, we are proposing to give less developed countries unilateral nonreciprocal tariff concessions in manufactured and semi-manufactured products in order to accelerate their economic development. We are also encouraging the input from the United States of massive amounts of foreign aid and private investments.

A simple reading of these indications would lead one to conclude that it would be safe to establish a plant in any less developed country where the conditions of raw material supply, labor, power and transportation are satisfactory, with the purpose of re-exporting products back to the United States. Here again the easy answer is not necessarily the final one.

The United States, like any other country, must earn foreign exchange abroad to pay for its imports. This would not present any difficulties ordinarily, because we produce enough diversified products in demand all over the world to earn the foreign exchange for our commercial expenditures and investments abroad. But the United States also has other obligations in the form of foreign aid and military expenditures which are a drain upon the private earnings abroad. Therefore, the total commitments of the United States, commercial, political and military, place certain limitations upon our ability to spend money abroad for everything we want to do.

To what extent the State Department policies in promising preferential tariff treatment to less developed countries will be practical and therefore should be taken at face value in investment decisions must be examined in the light of the total trade and balance of payments position of the United States in coming years, and this, in turn, will depend upon our military and political, as well as commercial, commitments.

Lest I be misunderstood, I want to say that I favor the organization of trading blocs and I think they provide great opportunities for investment, but with the view of serving the local market needs of these countries. The export component, if it exists, is a welcome extra dividend. But if it is a necessary ingredient to justify the investment in the first place, it must be directed towards countries that are in short supply of that product, welcome its importation, and are in a balance of payments position to pay for it. It is axiomatic that balance of payments deficit countries will sooner or later be looking for domestic substitution for imported products.

PANACEAS AND REALITIES

You have heard and read about the esoteric discussion now underway concerning the gold exchange standard, the international monetary system, Special Drawing Rights, price of gold, devaluation, floating exchange rates, and the myriad of other panaceas that are offered for our present predicament. The rampant confusion is enough to drive one to the psychoanalyst's couch.

Let us first describe the symptoms.

Since 1958 the United States has been spending every year abroad for political and and military expenditures between $8 and $10 billion a year; of this, between $3 and $4 billion have not been compensated by exports, or by earnings of the private economy. We have been paying for these annual deficits by exporting, on the average, about $1.1 billion in gold each year, and the rest we have been borrowing from abroad. This has increased our current dollar liabilities, mostly to Europeans, until they stood at over $33 billion at the end of February, 1968.

Naturally our creditors are concerned about the availability of gold to make good these liabilities. Hence the pressure to eliminate the gold reserve requirement which we have done. And they are understandably worried about the purchasing power of the dollar.

If we don't have enough gold, or they are not willing to hold dollars any further, then obviously we won't be able to keep our troops in Europe, give massive foreign aid, or fight a war in Vietnam.

Our gold supply is sufficient, in the absence of frantic withdrawals, possibly for another five years. No one expects our creditors or even our government to sit calmly by while our gold supply dwindles from its present $10 billion to $5 billion, or less, in the next few years. Therefore, something must be done to bring our international accounts into balance.

Let us, therefore, analyze the proposed remedies and their effects upon private business decisions.

TAX INCREASE

The European creditors have demanded an increase in U.S. income taxes as an expression of good faith in the maintenance of the value of the dollar. They will temporarily refrain from withdrawing gold if we bring our internal budget into better balance. This decision is now in suspense.

It would be erroneous to assume, however, that containing the inflationary pressures in the United States would necessarily make us more competitive in the international markets through lowering of prices, and therefore the balance of payments problems would be solved by increased exports. U.S. price levels are suffering from the accumulated sins of the past 20 years of cost/price push. Refraining from further sinful actions is not necessarily going to give us the benefits of redemption. Forgiveness by our creditors perhaps, yes, but not redemption.

In this issue the Eurodollar market is involved, too, because if the purchasing power of the dollar continues to be eroded sharply, this market may also dry up. To the extent that the rate of inflation in other countries is greater than in the United States, people will be willing to keep their funds in dollars. Otherwise they will be tempted to shift into other currencies.

Balancing the budget is necessary to maintain the value of the dollar both domestically and internationally, as an act of good faith to U.S. creditors, both at home and abroad. There are ten times as many U.S.

Government bonds in the hands of U.S. citizens as foreign held dollar credits, and many billions more in dollar denominated securities held by ordinary citizens. These millions of people and other fixed income groups deserve a better break at the hands of their government. The correction of U.S. balance of payments deficits is only marginally involved. The real issue is confidence in the dollar.

EXPORT INCENTIVES

The highest level of export incentive has been mentioned is in the range of 2½–3 percent rebate of indirect taxes permissible under GATT rules. This does not approach the 15 or 16 percent rebate of the Common Market countries and it does not overcome the complaint in most countries of the world that American manufactured products are over-priced by as much as 25 percent. I am sure there are many products that would benefit from an export incentive even of these minimal dimensions, but one cannot expect that a 2½–3 percent export incentive would automatically increase exports by a certain percentage and wipe out the payments deficits. It will, however, give incentive to American business to devote more effort to exports and this will be a great help in broadening opportunities for products that are now exportable. To increase the motivation of American business in the international field we have proposed the creation of an Export Trade Corporation with a lower income tax rate applicable to domestic companies, to handle the export business of American companies.

Where we have price advantage, elimination of specific impediments in other countries against the import of U.S. products should be the prime objective.

The greatest opportunity for making a partial contribution to our balance of payments deficit through increased exports is in more specific efforts, product by product, in pulling down existing barriers: for example, the Common Market agricultural policy; the import prohibitions existing in Japan; the elimination of quotas against coal exports; cargo preference requirements on commercial shipments to Eastern Europe. In these specific areas we have opportunities of increasing exports.

FLOATING EXCHANGE RATES

A few highly respectable academic spokesmen have offered floating exchange rates as a solution to the balance of payments deficits. The trouble with this proposal is that it disregards three very important problems. First, it would create a chaotic international financial environment in which trade will become cumbersome, and to some, perhaps not worthwhile.

Secondly, the assumption is that the dollar will depreciate in such a floating environment and therefore imports will become more expensive and exports cheaper. Hence a favorable trade balance will correct the payments deficit. The trouble is that like a percentage increase in tariffs, affecting imported raw materials that go into manufacture, this would be inflationary in the United States.

Finally, and most important of all, since our deficits are due primarily to governmental expenditures abroad for necessary, and some think irreducible, commitments, depreciating the dollar in foreign exchange terms would merely increase the costs of Vietnam, foreign aid, and the maintenance of our troops in Europe. It will not solve the deficits. It will merely increase the numerical digits we use in denominating them.

CONTROL OF PRIVATE INVESTMENTS

The United States receives about $5 billion a year from dividends, interest and royalties from private investments and probably an additional $6 billion in investment-related exports. Twenty-five percent of our external income is from investments and related exports. Without this source of income, the United States would have to withdraw into its North American shell.

Some Europeans have opposed U.S. direct investments for a variety of motives. They are concerned about its long range balance of payments impact upon their countries. They are concerned with the political impact upon their social structure. They are also, in some instances, afraid of the competitive drive of American business.

I am convinced that most U.S. officials realize the importance of U.S. private investments to our balance of payments and would like to retreat from these controls. It is also well known in Washington that it was the European central bankers and finance ministers who forced these controls upon the U.S. Government on penalty of further erosion of the standing of the dollar, which they were in position to bring about through further withdrawals of gold by cashing in their current dollar assets.

Our estimates indicate that in the area of private investments, excepting Canada, about a billion dollars can be saved, but this will be at the expense of the long-term earning power of the United States and will be insufficient to solve the problem. The retrenchment in credit would save $500 million this year, but it is a one-short affair. Therefore, we are likely to face at the end of this year still too large a payments deficit. What consequences may flow from this should concern business.

SPECIAL DRAWING RIGHTS

The topmost financial and economic planners of the U.S. Government have been engaged during the last four years in an effort to create a new medium of international exchange that can be used in place of gold and dollars in the payment of international debts. This has now crystalized in the Special Drawing Rights which will be presented to Congress for approval soon.

This mechanism has great long range value as it eliminates the dependence of world commerce and finance upon gold production and U.S. payments deficits to make international settlements of debts. It must not, however, be mistaken for a solution of the deficits. In terms of quotas, every billion dollar increase in IMF's Special Drawing Rights would give the United States approximately $225 million. This is a drop in the bucket in comparison with our payments deficits.

Those who advocated that if we can only create some paper money which is acceptable internationally we would not have to worry about the balance of payments deficits have a rude awakening coming to them. For paper currency to be acceptable in the payment of debts, there has to be a political authority that forces its acceptance, as the dollar is legal tender in this country by authority of the United States. There is no such international authority and it is not likely to be brought about by agreement when the other partners are not willing to lend you the resources for purposes of which they disapprove. Therefore, there is little relief for us in the Special Drawing Rights.

PRICE OF GOLD

Some highly respected American voices have been raised in favor of raising the price of gold to save the international payments system from crisis and catastrophe. This might have made some sense ten years ago when our gold supply was still at $23 billion and our current liabilities at $15 billion. If we had doubled the price of gold under those conditions, we would have had $46 billion and could have paid off our current liabilities and would have been in a beautiful position to finance foreign aid and troop deployment with the capital gains.

To advocate this step, however, at a time when other countries have $30 billion in official reserves and probably another $20 billion in private hoards and Communist hands, while we have only $10 billion in gold, is incomprehensible. Doubling the price of gold would give other countries and their citizens unearned and undeserved capital gains of $50 billion. The U.S. dollar is the only currency that is tied to gold.

All other currencies are expressed in terms of the U.S. dollar. We are then committed to redeem all the gold presented to us at the new price. This would be a claim upon our resources in goods, services, and investments in the United States and abroad. No other country in the world could afford to buy gold at $70 an ounce in these large quantities and give resources in exchange for them. The agitation for an increase in the price of gold is nothing more nor less than an agitation for a windfall gain by the producers and hoarders of gold so that they will acquire more claims upon U.S.-owned resources without a *quid pro quo*.

Some say, for example, that the Soviet Union has $2 billion in gold reserves. Others say it has $6 billion. The Soviet Union would like to buy machinery and technology in the United States. It has been asking for credits. If the price of gold is raised from $35 to $70 an ounce, its purchasing power in the United States would be doubled without even a commitment to withdraw a single ruble's worth of military supplies from Egypt or Vietnam!

France's $5 billion worth of gold would be equal to $10 billion. What she would do with this capital gain is anyone's guess. Obviously, France does not want to buy our wheat which is available in plentiful quantities at two-thirds the price of European wheat, but France wishes to be the granary of the Common Market and therefore wants to shut its doors against American wheat. The French treasury could acquire securities on the American stock exchanges or government bonds. To the extent that they are buying with cheap dollars, this could be a bargain for them. Or they may decide at some point to acquire American investments in France.

Will the increase in the price of gold make it possible for us to carry on our worldwide commitments for a longer period of time without internal discipline and external reevaluation of objectives? My answer to this is, no, because the 10 billion dollars worth of gold that is left in our possession, even if revalued to $20 billion, does not give us much time. But more to the point, the likelihood is that other countries will sell gold to us in exchange for our own goods and properties without making it easier for us to pay for our noncommercial governmental activities abroad.

CONCLUSION

I do not wish to sound like Cassandra, but it would not serve your purpose well to substitute fancy for fact. In spite of the actions taken since January 1, our balance of payments problems will stay with us. We have discovered too late that there are definite limits to both our military and our economic power. This has put U.S. investments abroad on the firing line of the Vietnam war.

What lessons can we draw from this gloomy recital? The American business community must confront realistically the fact that the United States as an entity, and each business enterprise within it, will not be able to do everything they would like to do. We must adjust business decisions and corporate policy to this reality. As present policies and programs stand, we are not allowed to invest anywhere and as much as we want. We are not going to be able to spend as much abroad as we want. We are not going to be able to import and consume all the exotic products of the world as much as our palate approves. We are not going to be able to give as much foreign aid as our compassion compels. At every turn we have to assess business and financial decisions against the background of the overall world position of our country.

This will not be easy, for we are now on uncharted seas. Some questions, hitherto almost unmentionable, must be faced seriously: Can we afford to keep our troops in West Germany? And if not, what will be the consequences of a pull-out? Can we afford to hold on to Okinawa and stay in Japan and Taiwan? If not, what happens to our trade and investments in that part of the world?

What happens to Western Europe if the oil resources of the Middle East fall into unfriendly hands because we are kept preoccupied in another part of the world?

Can we contain popular rebellions in many other lands, any more than in our own cities? If not, what happens to business prospects and investments?

In short, the United States is being forced to re-examine its worldwide commitments in the light of its economic capability. At the same time, business confronts the problem of adjusting its plans to the realities of this situation. Both must review their policies and programs.

This review must involve our allies and partners abroad. The supreme lesson of these experiences is that the United States cannot assume the role of policeman and provider in the world without the active participation of our allies in the provision of manpower and resources. Collective security is a collective responsibility and not merely a one-way guarantee by the United States. The sooner our allies in Europe and Asia learn this lesson, the greater will be their and our own future security, and the safer your and their investments abroad.

The choices, therefore, that lie ahead seem to me as follows:

1. A controlled economy, wherein the government tries to squeeze as much out of the private economy as it can to accomplish its own predetermined projects at home and abroad.

2. A radical retrenchment in worldwide commitments to cut costs, and the allocation of available resources only to programs of highest priority—a withdrawal, in effect, into the Western Hemisphere.

3. A cooperative program which would work out a rational and acceptable system of allocation of costs and responsibilities, among: (a) the U.S. Government and the business community; (b) the U.S. Government and other developed countries; and (c) business interests on an international basis.

In this kind of cooperation, each participant must be willing to sacrifice some marginal interests for the survival of the whole.

THE F-111 AIRCRAFT

HON. JOHN G. TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Wednesday, May 8, 1968

Mr. TOWER. Mr. President, on May 3 the Washington Star published a thoughtful editorial about the F-111 aircraft, making some points of considerable importance. In order that others may share those views, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JUDGMENT SUSPENDED

The loss of three F-111s in one month of combat service is ample cause for concern. But it is scarcely proof of Senator McClellan's charge that it is "suicidal" for pilots to fly the planes, nor is there any reason to leap to his conclusion that "serious deficiencies" are involved.

What is very obviously involved is a serious overdose of publicity. The plane, which began its life five years ago as the TFX, has been enveloped in political controversy virtually from the moment of inception.

First, there was Defense Secretary McNamara's insistence, over military objections, that the supersonic fighter-bomber should be adapted for use by both the Air Force and the Navy. So far, the admirals' doubts have prevailed. The Navy version remains on the shelf, despite continuing efforts by Secretary Clifford to get it into the air.

Then came the explosion when the former secretary vetoed the military in the choice of a firm to manufacture the plane.

And then came the crashes.

It must be remembered, however, that the Air Force has long since been sold on the $6 million all-weather fighter as a valuable and practical addition to America's air arsenal. It must also be remembered that the causes of two of the combat crashes remain unknown—neither the crews nor the wreckage have been recovered. The remaining combat loss was caused by a tube of sealant left in the plane at the factory which jammed the controls.

In addition to the combat losses, three other F-111s crashed in the United States during flight testing and pilot training. That makes a total of six planes lost in the first 9,500 hours of flying. And that, it is worth noting, is a better record than was compiled over the same period of time by the last seven Air Force fighters—all of which are still in active combat use.

It is high time that the attempt to convert the F-111 into a political football be halted. And it is still much too early to sound off about scrapping the sophisticated newcomer.

MSGR. LOUIS MILLER: CHAMPION OF THE AMERICAN FARMER

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 8, 1968

Mr. McGOVERN. Mr. President, on Friday night, April 19, South Dakota and the Nation lost one of our most eloquent and effective champions of rural America. Msgr. Louis J. Miller, who was killed in a one-car accident near Fort Pierce, S. Dak., was for many years director of Catholic rural life for the Sioux Falls diocese. He was an absolutely dedicated spokesman for the American farmer and for Christian rural life.

His insights on the problems of family agriculture were most helpful to me as a member of the Committee on Agriculture and Forestry. He counseled with me on many occasions, always to my profit and satisfaction. His death makes me more determined than ever to carry on his fight for agricultural justice. He was one of those rare individuals who enriched the life of every person he touched. I regard his passing as a sad personal loss, but his life's achievements remain as an inspiration to everyone who seeks a better America.

I ask unanimous consent that a memorial broadcast carried by South Dakota radio and television stations KELO, KSOO, and KBRK be printed in the RECORD, together with material prepared by Mr. Arlo G. Swanson, State director of the Farmers Home Administration, which included some of the comments made by Monsignor Miller at the FHA State Advisory Committee meeting in Rapid City on April 18 and 19, shortly before his death, as well as a news account from the Huron Plainsman of April 22.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIGHTING FATHER MILLER: HIS WAR GOES ON

Father Miller believed in people.

He thought people are important.

He thought people more important than anybody.

And if you wanted to make him bristle, just hint dollars are more important than people.

The people on the land were his mission and saving souls was Father Miller's business. And right along with saving souls, he fought to save farm families. He was a man of peace, but he fought the greed and injustice that are destroying the farm families he loved.

He fought hard. He died fighting on the battle line.

Fighting Father Miller was a farm boy. As a little lad, he knew the bitter ache of weariness. Before he ever went to seminary, he was well-acquainted with the salty taste of sweat.

The hand on the wheel of the car that carried him to his earthly end was the tough, callused hand of the worker and the farmer. Father Miller stretched his meager salary by raising the most fabulous garden crops you ever saw. He's built two rectories, two churches and a school in little farm parishes, doing the lion's share of the work with those big, hard, gentle hands.

He knew how hard it is to make a dollar on the land, how hard it is to keep a little. He knew the problems of the land. He lived the problems of the family on the land.

Monsignor Miller recognized the farm as the most healthful place for a family—the most healthful place both physically and spiritually. He saw souls faring better on the farm. On the family farm—not on the corporation farm. He fought the farm-invading corporation.

For the farm to nourish souls, it must first nourish bodies. Father Miller damned the sin of starving the family that gives us all to eat and to spare. He demanded to know why there is plenty of profit for the producer of bullets and bombers that carry death the world around—but not even a living for the family that produces the bread and the beans and the beef that keep much of the world alive?

Fighting Father Miller fought the ever-tightening trend toward corporate agriculture that is grinding families off the land. In his last public statement, Father Miller said, just hours before he died, "We have gotten away from looking at agriculture in the light of people. We look at it in the light of production."

He hated this dollar-slanted lack of wisdom. He fought it. He saw with the brilliancy of a prophet that forcing families off the land cuts the foundation right out of our nation. He knew history. He knew Greece and Rome and every great nation had grown great on the foundation of thrifty farm families. He knew when the nobles and the merchants and the generals seized the land and forced the families off, those nations fell. It has happened all down through history.

And he saw it happening here.

He saw whenever dollars become more important than people, our nation suffers. He fought against the greed that says, "To hell with people. Give us dollars."

Fighting Father Miller battled the farming corporations and he battled the non-farming corporations that bulldoze families off the land with the checkbook.

He saw through their deadly game: by starving families off the land they hope to gain a stranglehold on the nation's food supply—and a stranglehold on our nation. He fought them to the death.

The rich and the powerful killed Christ.

But they didn't stop him.

They killed Gandhi.

But his cause won.

Fighting Father Miller, cut down in the Springtime he loved, lies in the land he fought for just when he was itching to get those rough, those hard, those consecrated hands back into the good earth. Cut down in the spring—but his fight goes on year-in and year-out: his fight for people, and the land, and the people of our land.

Though a general falls in battle, his war will be won.

(Broadcast in memory of Monsignor Miller April 23, 1968, on KELO-TV, Sioux Falls, and KSOO-TV, Sioux Falls; and on April 24, 1968, on KBRK, Brookings.)

U.S. Department of Agriculture,
Farmers Home Administration,
Huron, S. Dak., April 22, 1968.

To: All FHA State advisory committee members, FHA County Committee members, and all FHA employees.

From: State director, FHA, Huron, S. Dak.

Subject: Msgr. Louis J. Miller dies in car accident.

On April 18 and 19 we held an FHA State Advisory Committee Meeting in Rapid City. In attendance was Monsignor Louis J. Miller who has been a very active member of our Advisory Committee and a firm believer in the objectives of the program of the Farmers Home Administration. On returning home from the meeting Friday evening Monsignor Miller was killed in a one-car accident west of Fort Pierre.

Monsignor Miller's death is a great loss to his church, the family farmer, agriculture, rural South Dakota and all of rural America. He lived every day of his life for other people—especially for the family farmer and the rural community—endeavoring to bring about a change which would improve the standard of living for the family farmer to keep him on the land and to strengthen rural economy.

His voice was heard at all types of meetings in behalf of and regarding the family farmer and the rural community. The torch that he has layed down should be picked up by many other agricultural and community leaders to continue the work in which he was so involved—the cause of revitalizing rural America.

In Philippians 3:12–14 we read, "Not as though I had already attained, either were already perfect: but I follow after, if that I may apprehend that for which also I am apprehended of Christ Jesus. Brethren, I count not myself to have apprehended: but this one thing I do, forgetting those things which are behind, and reaching forth unto those things which are before, I press toward the mark for the prize of the high calling of God in Christ Jesus." Certainly Monsignor Miller lived every moment of his life in behalf of others.

John 15:13 states, "Greater love hath no man than this, that a man lay down his life for his friends." Certainly if we can apply this to any man's life today, it could be applied to Monsignor Miller. As this is what his life was all about—living it for others.

Matthew 25:21 reads, "His lord said unto him, Well done, thou good and faithful servant: thou hast been faithful over a few things, I will make thee ruler over many things: enter thou into the joy of thy lord."

The following are some of the comments made by Monsignor Miller at the FHA State Advisory Committee Meeting in Rapid City:

It has been only in recent years that religious groups as organized religious groups have presented programs applying the gospel to rural people.

We want better conditions for farm people in rural areas on the conviction that there are conditions of life that prevail in rural areas that are good for family living.

A Lutheran minister once stated that until recently in the Lutheran churches there was a tendency of leaders to shy away from the problems of agriculture as they were controversial. But now there has been a basic change in applying the gospel to rural people and their problems.

Pope John said "Ownership of property and land is the right of man."

An ideal to be achieved as soon as possible is to consider agriculture from the viewpoint of the human family. Religious groups have made substantial progress in this area. This can be and should be done more and more.

Land and the families on the land are of great importance to the welfare of the nation. Religious groups agree and would work together on them.

Family agriculture must be preserved on the basis of its moral and spiritual contribution to the nation. Farm families cannot compete with big corporations. We are concerned with this social aspect as well as the economic aspect.

Broad sociological research is of benefit to the Secretary of Agriculture so he might inform the American public as to what is happening socially in the United States. This type research was available until 1953 when Secretary Benson brought in the Director of Extension from California as Assistant Secretary of Agriculture. He succeeded in reorientated agricultural research—forget about the people—all our researchers from this date on have done nothing which involves the people—their human problems and social problems.

In 1966 the USDA spent $857 million. An investment in pure production research. The idea is to sharpen the tools of agricultural production know-how and forget about the people.

I am not against technology. The tragedy is that we are in a situation now where this publicly obtained technology is ending up in the hands of a few agri-business concerns.

The point right now is that in the last five years the increase in agricultural efficiency on farms was not obtained from earnings but from borrowings which means our family farmers have not been able to buy this technology.

Religious leaders must help us raise the question as to how this technology should be employed—for whose benefits—should these others be able to obtain the information at public expense?

Agri-business people or non-farm finance circles have already declared the family on the farm dead.

They have discovered a way to pull the rug right out from under the feet of the family farmers.

The alternative is that technology can be applied on a modest-sized scale but we are not raising it often enough and widely enough.

Let's adapt and as religious leaders raise the question "How do we utilize this technology; and for whose benefit?"

The sad part of it all is that we have gotten away from looking at agriculture in the light of the people—we look at it in the light of production.

How can we forestall the inevitable result?

Farm people should try to see the handwriting on the wall. They should refuse to buy the type feed used in the larger operations and buy from other sources. It is not necessary that they purchase the technology if they only apply the technology that is available to them free.

It is good to criticize but we must also try to seek a solution.

Arlo G. Swanson,
State Director.

[From the Huron (S. Dak.) Daily Plainsman, Apr. 22, 1968]

Memorial Mass Conducted in Elkton for Monsignor Miller, Crash Victim

Elkton.—A special memorial Mass was conducted Monday for Monsignor Louis J. Miller, 56, killed Friday night in a one-car accident near Ft. Pierre.

Funeral services will be at 10:30 a.m., Tuesday, with Bishop Lambert Hoch celebrating the Requiem Mass.

The memorial Mass at 9 a.m. Monday was conducted by the Rev. Paul Anderson of Huron. It was held especially for young people and other persons unable to attend the Tuesday services.

An all-night vigil was to start with chapel services at 8 p.m. Monday.

Loudspeakers were being installed outside Our Lady of Good Counsel Church in anticipation that there would be an overflow for Tuesday's funeral services.

Monsignor Miller was returning from a Farmers Home Administration meeting at Rapid City when his car left Highway 14 two miles west of Ft. Pierre Friday afternoon. He died shortly after in a Pierre hospital of injuries received when his car went into a ditch. He had attended the Rapid City meeting as an FHA Advisory Committee member.

As director of Catholic Rural Life for the Sioux Falls diocese, Monsignor Miller traveled widely and attended many meetings in the state.

His last message, given at the Rapid City meeting, was:

"We have gotten away from looking at agriculture in the light of people—we look at it in the light of production."

Telegrams received included one from Sen. George McGovern, D-S.D., sent by the senator from his office in Washington. It said:

"The death of Monsignor Miller deprives us of one of the nation's most devoted and eloquent spokesmen for social justice. He loved the people and the life of rural America. He was in the best sense a champion of the farmer. I mourn the loss of this treasured friend and inspired leader."

WHAT AMERICANISM MEANS TO ME

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. ANDERSON of Illinois. Mr. Speaker, Miss Carol Feltz, an eighth grade student from Rockford, Ill., was recently awarded an all-expense-paid trip to Washington, D.C., for an essay she submitted to the 1968 Independence Hall essay contest. Her entry in the contest was under the sponsorship of the Rockford, Ill., Jaycees, a group deeply interested in fostering patriotism and leadership among the youth of the community.

I call the Members' attention to Miss Feltz' fitting tribute to her country.

The essay follows:

What Americanism Means to Me

What does Americanism means to me? Ever since the ink was dry on the last signature of our great Constitution and the magnificent importance of the basic freedoms were recognized as set forth in the Bill of Rights, the privilege to stand and say, "I am an American," has been the spine-tingling pride of all of us.

From the very first settlers who pushed to penetrate the abundant natural resources of our rich continent, Americans have worked hard, side by side, to establish themselves as a strong people, with a habit of being generous to other people in need. They have always respected an individual's right to have his own opinion, as long as human rights are respected.

We can be proud of our forefathers. They were discoverers, pioneers, missionaries, planters, and town builders, educators and statesmen. They were the greatest! They gave our country a strong foundation, and on it they built many thriving industries and a rich agriculture. This attracted a great many immigrants to our shores, who worked hard to establish themselves so they too could say, "I am an American."

So the people worked and the country grew strong. Strong enough to survive the test of a great civil war in the nineteenth century. After which the United States rose to attain a new fullness that made it a very important factor in World History.

Today, in the twentieth century, people no longer come here in large numbers as immigrants. Instead, they stay in their own lands, looking to America for example and help to bring about in their own countries the kind of prosperity enjoyed in the United States.

Today, as we are studying our World History, World Geography, and Religion, we are learning that all over the World there are people, very much the same as we, also enjoying the natural beauties of their countries and many of them have living conditions very comparable to ours and many governments are trying very hard to take care of their people.

So, I ask myself, "Why does my inner self just know that I would not be as happy anywhere else? Why am I grateful every day that I am an American?" And I am proud, too. Proud that America is keeping the ideals and objectives that made her powerful. America is keeping freedom alive here and abroad.

Just as our forefathers founded our freedoms on the basis of man's natural rights, and the belief that God was sovereign over all men, all creeds and all colors, today, we have a greater challenge to preserve and extend these freedoms and rights, and America is meeting this challenge. To the rest of mankind the United States must be an example of order and liberty—not just a high standard of living. We must set the example of a nation of *real* people. We must show the rest of the world decency and justice at home. We must show concern and charity for the peoples of our own nation as well as the peoples of the world, who watch and wait and hope our promises are not vacuums, and that our strength is dependable.

I am proud that I am an American youth—that I can help with America's future. In an article by John F. Kennedy on "What Does It Mean to Be An American?" he writes,

"It requires each of us to be a little more decent, alert, intelligent, compassionate, and resolute in our daily lives—that we use our freedom of choice to pursue our own destiny in a manner that advances the national destiny, in the work we produce, the subjects we study, the positions we seek, the languages we learn, the complaints we voice, the leaders we follow and the inconveniences we endure."

Americanism is the fulfillment of God-given rights; the knowledge of knowing that what we have is a treasured state that we do not want changed, just preserved for ourselves and our neighbors. We are willing to share, but not to part with. We will fight to preserve and endeavor to extend.

What does Americanism mean to me?

A happy childhood today!

A challenging adulthood tomorrow!

MACHINISTS UNION PUSHES PROGRAM TO TRAIN MECHANICS IN 38 STATES

HON. JOSEPH S. CLARK

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 8, 1968

Mr. CLARK. Mr. President, I am sure that every Senator knows that a high degree of cooperation among unions, industry, and Government has made it possible for thousands of unemployed and underemployed workers to learn new and needed skills under the Manpower Development and Training Act. A good example of that cooperation is the recently announced program to be coordinated by the International Association of Machinists & Aerospace Workers, AFL–CIO, which will train 1,000 truck mechanics in 38 States. I now ask unanimous consent that an article about that program, which appeared in the AFL–CIO News, be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> A union-industry-government program has been set up to train 1000 truck mechanics in a 38-state area.
>
> The machinists will coordinate the program and work out apprentice-entry contracts with local and state affiliates of the American Trucking Association, the industry's trade group.
>
> The Machinists have been allotted $77,000 in Manpower Development and Training Act funds to get the program under way.
>
> Local school systems will conduct pre-job classroom instruction.
>
> Employers will be reimbursed for on-the-job training expenses at the rate of $15 a week for each trainee.
>
> IAM training coordinators for the program will be stationed in New York City, Atlanta, Chicago and Kansas City.

FIAT DEAL AIDS ENEMY

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. SCHERLE. Mr. Speaker, last month the Secretary of Commerce announced his decision to approve a license to export gearmaking machinery valued at $8.9 million, purchased by the Fiat Co. for use in its plant in the Soviet Union.

Originally, the administration advocated that the Export-Import Bank extend a $50 million credit to the Italian firm to finance the purchase of U.S. machine tools for use in the plant it was building in the U.S.S.R.

In letters sent to the House Banking and Currency Committee, Under Secretary of State Nicholas Katzenbach and Acting Commerce Secretary Alexander Trowbridge supported the credit arrangement. They said that there was "no evidence" that the plant might be diverted to military purposes.

This ridiculous statement was made despite the fact that it is common knowledge that the first industrial complex to be diverted to a war economy is an automotive plant. This has been done many times in Detroit. This is how we produce our tanks, planes, and weapons of war. The Secretary of Commerce later admitted that "a few of the machines could produce gears for heavy trucks or helicopters."

Members of Congress were indignant over the fact that at the very moment when the Soviet Union was supplying the North Vietnamese and the Vietcong with war materials, our own Government planned to assist them in this manner.

As a result, the second session of the 90th Congress passed an amendment to the Export-Import Act which forbids the financing of any U.S. export to Eastern European countries.

At the present time the North Vietnamese and the Vietcong are even making use of Soviet-made bicycles as a means of transportation in Vietnam. What better use could they make of a fleet of Fiat automobiles supplied to them by the Russians as a means of transport for materials, supplies, and troops?

In addition, this arrangement would assist the Soviet Union to earn precious foreign exchange with which to buy strategic goods, drain gold from the United States, and finance international communism.

The administration says that the Fiat plant would lead to more consumer-oriented production. But on December 7, 1966, before the Fiat plant's construction, the Soviet Union delivered to the German Federal Republic a major consignment of Moskvich and Volga passenger cars. Presently the Soviet Union sells cars to more than 60 countries. It exports automobiles for foreign exchange. The Russian people receive no direct benefit at all from such an arrangement.

Now we learn that the Secretary of Commerce has approved the latest request for a license to export gearmaking machinery to the Soviet Union.

At the time of its extension of the Export-Import Act, Congress took action because it was felt that we could not ask our men to fight a war and at the same time supply the enemy with the means of conducting it.

Congress believes that the life of even one American serviceman is too high a price to pay for our trading with the enemy.

Although Congress expressed its opposition to such dealings, the administration persists in approving them.

It is time for the American people to understand the implications of a policy which sends American boys to fight an enemy which we ourselves are supplying. It is time for Congress to insist that the administration honor legislative intent.

TRIBUTE TO MRS. SHOUSE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 8, 1968

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "Tribute to Mrs. Shouse," published in the Globe Newspapers, which serve Fairfax County, in northern Virginia, dated May 2, 1968.

Mrs. Jouett Shouse has donated her Fairfax County estate, Wolf Trap Farm, to the National Park Service, and has made an additional gift of $2 million for the construction of a performing arts center at the park. She deserves recognition.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TRIBUTE TO MRS. SHOUSE

Since the days of Lord Fairfax, this County has been fortunate in its many distinguished and philanthropic citizens. The centuries have changed many of the contours of Fairfax County but not the calibre of most of its citizens.

The Secretary of the Interior, Stewart Udall, recognized this publicly last week when he expressed the appreciation of the nation to Mrs. Jouett Shouse, who has generously donated her Fairfax County estate, Wolf Trap Farm, to the National Park Service. An additional gift of some $2 million was given by Mrs. Shouse for the construction of a performing arts center at the Park.

On Wednesday, Secretary Udall unveiled a comprehensive scale model of this auditorium, named the Filene Center in memory of Mrs. Shouse's parents, the late Mr. and Mrs. Lincoln Filene.

In special tribute to Mrs. Shouse, Udall commented on the Japanese custom of designating "people" as well as buildings and objects as "national treasures".

"If I had authority," Udall told Mrs. Shouse, "I would declare you a national treasure!"

And the Globe agrees.

PASTORAL PRAYER

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. QUILLEN. Mr. Speaker, the Reverend H. Reid Montgomery, pastor of the Colonial Heights Presbyterian Church, Kingsport, Tenn., delivered a pastoral prayer on Sunday, May 5, 1968, which is so appropriate and pertinent to the times. Reverend Montgomery is one of the outstanding Presbyterian ministers in my district, and his church is located in one of the fastest growing neighborhoods in the area.

The prayer was sent to me by my good friend, Ted W. Hagen, a member of this church, and I thought it should be called to the attention of the readers of the RECORD.

The prayer follows:

PASTORAL PRAYER, SUNDAY MORNING, MAY 5, 1968

Lord God Omnipotent, we come in prayer in the assurance of Thy love for us in Christ Jesus and believing the promise of Thy word that we shall be taught how to pray. May our corporate feelings be expressed in our communion with Thee. As we come into this place, set apart and dedicated for worship of You, we are aware of Thy greatness and love and thoughtfulness by the beauty of the creation in which Thou hast placed us. For this we thank You and ask Thy guidance and blessing upon the groups of our Senior High Young People and our Boy Scouts who worship Thee surrounded by natural beauty this day. We also thank You for the experiences and relationships that motivate us to seek for the higher values. We thank Thee for the things that bring health, health to body, health to mind, health to heart and health to spirit. We thank You for associations that are strengthening and constructive. Most especially do we thank You for the associations within our own homes. May they be characterized by love and understanding and the desire to succeed.

We thank You for the President's announcement that peace talks are soon to begin. May these talks be characterized by the urgency for peace, and the ceasing of killing and destruction. May they be concerned to stop the spread of hatred and bitterness. May these talks also be characterized by a sense of the destiny for the world and its people, its children and its children's children.

As the "Poor People's March" commences, may those who participate know their real motivation. May those individuals and communities who are confronted by them respond in the spirit of Christ. May the officials of government react in accordance to facts, to need, to right not to fear, or desired popularity, or coercion. If this march can lead to better understanding among classes and to the furtherance of personal development and relief of needless suffering, prosper it. If this march can lead only to confusion, mistrust, distortion, frustration and exploitation, quickly dispel its force and momentum. Help all in our nation, the news-media, the socially concerned, the politicians, the servants of Christ to know the difference between purposeful protest and wanton behaviour.

And in every way possible, may our lives be channels of grace in the problem areas of our society and to Thee be all majesty, dominion, power and praise now and to the life everlasting. Amen.

HIGHER EDUCATION FOR THE DISADVANTAGED

HON. WAYNE MORSE

OF OREGON

IN THE SENATE OF THE UNITED STATES

Wednesday, May 8, 1968

Mr. MORSE. Mr. President, my attention was recently called to an interesting and thoughtful article published in the March 1968 issue of the Southern Education Report.

It was written by Mr. John Edgerton and is concerned with the ways in which colleges and universities are meeting the problem of providing higher education to high-risk students from disadvantaged backgrounds. This is an area which, in my judgment, will be receiving increasing attention in the year ahead. In view of the interest that is developing in finding ways to solve the problem, I feel that the article will be of value to Senators.

I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HIGH RISK

(By John Egerton)

(NOTE.—It is recommended that each senior college and university adopt a "high risk" quota for the admission of disadvantaged students and provide remedial and compensatory programs as necessary to raise these students to standard levels of academic performance.)

Colleges and universities have been urged to establish quotas and programs for the disadvantaged. Here is what some are doing.

So reads a paragraph on page 36 of The Negro and Higher Education in the South, the much-discussed report issued last August by a special commission of the Southern Regional Education Board. The report attracted considerable attention, but none of the debate and controversy surrounding it [Southern Education Report, Nov. 1967] has touched on the complex question of high risk quotas.

Just how complex the question really is can be quickly discovered by even the most casual exploration. Terms like "high risk," "quota" and "disadvantaged" are relative meaning different things to different people. The effectiveness and value of remedial and compensatory programs are unproved and in dispute. Standardized tests to measure aptitude, achievement, ability or intelligence are both praised and condemned in heated arguments. And underlying all of this is an unexplored no-man's land which separates the prevailing culture of the American college—white, middle class and reasonably well-schooled—from the masses of citizens whose race or social class, or both, identifies them as "different."

For the past three months, Southern Education Report has been engaged in an intensive inquiry into the issue of higher education for these "different" students. The starting point was the SREB commission's recommendation quoted above; along the way, questionnaires were sent to 215 selected colleges and universities, a dozen campuses from Massachusetts to California were visited, about 10 others were contacted by telephone, and some 25 organizations and individuals with some expertise in the field were consulted. In this and an article to be published next month, the information gathered in that study will be reported.

The terms "high risk" and "disadvantaged" are used interchangeably in this report to designate students whose lack of money, low standardized test scores, eratic high-school records and race/class/cultural characteristics, taken together, place them at a disadvantage in competition with the preponderant mass of students in the colleges they wish to enter. They are students who are long-shot prospects for success, but who demonstrate some indefinable and unmeasurable quality—motivation, creativity, resilience, leadership, personality or whatever—which an admissions officer might interpret as a sign of strength offsetting the customary indicators of success.

It can be argued that the predominantly Negro colleges and universities, most of which are in the South, have always taken large numbers of high risk students. To the extent that lack of money, low test scores and poor high-school preparation measure a high risk, this is probably true, but in terms of race and class and culture these students are not a small minority in the setting of their particular college. For this reason, and because the intent of the SOUTHERN EDUCATION REPORT survey was to discover what is being done by predominantly white colleges, the Negro institutions were not included in the survey. Likewise excluded were all junior colleges, because they are essentially open-admission institutions without degree programs.

The 215 colleges and universities to which questionnaires were mailed are roughly 13 per cent of all the nation's four-year institutions. They include large and small, public and private, urban and non-urban, prestigious and obscure institutions which an extensive inquiry indicated are among the ones most likely to be involved in high risk programs. The questionnaire asked whether they have "an organized program of higher education for disadvantaged students whose cultural, economic and educational handicaps (in comparison with the regular student body) classify them as 'high risk' enrollees." Those having such programs were then asked several questions designed to indicate the nature and extent of the programs.

In brief outline, returns from 159 institutions (74 per cent) show 84 of them (53 per cent) to have some measure of involvement in what could be considered high risk activity, while the other 75 reported no involvement at all. Among the colleges responding affirmatively, it is difficult in some cases to ascertain how big a risk they have taken and how far they have gone to make it pay off. Of the total, however, it appears that no more than 20 have drawn extensively from the array of possible supportive elements—recruiting, lower entrance requirements, financial aid, counseling and guidance, lighter course loads, transitional year programs, pre-freshman summer programs, tutoring, five-year degree programs, separate classes, remedial courses, special housing arrangements, year-round programs, and redesigned curriculums. And of those which are using most of these compensatory practices, no more than six or eight are working with students who are unquestionably high risks.

These latter few institutions are plumbing the limits of higher education, in areas where American colleges have never dared to venture. They are, in effect, trying to see how far they can reach until their resources and knowledge are insufficient to transmit higher education of acceptable quality. This kind of experimentation is entered into with boldness by some and with fear and trembling by others, and it is variously viewed as admirable sacrifice, misguided idealism or outrageous tinkering. It is producing some failures on the part of both colleges and students, and some successes that can fairly be called spectacular. But perhaps most important of all, it is providing new information about some of the most perplexing mysteries of the education process.

Before examining some of the responses to the questionnaire, a few general observations need to be made.

On campuses where debate about higher education for high risks has begun, it often centers not on how to do it, but on whether it should be done at all. Many educators contend that the cumulative effects of race and class discrimination are irredeemable by the time a youngster reaches college age, and others say that even if colleges could help they should not be expected to make up for the deficiencies of prior education.

In spite of the federal government's sizable outlays of scholarship, loan and work-study funds for students, there is ample statistical evidence that rising costs and rising admissions standards make college progressively less accessible to the disadvantaged student. Colleges appear likely to become more stratified along class lines, and possibly along race lines as well.

No major foundation has entered the high risk field with the intent of discovering the limits of a college's capability to reach and teach disadvantaged students and with the exception of a venture by the office of Economic Opportunity, neither has the federal government. There are two federal programs, however, which are leading large numbers of disadvantaged students up to the college doors. One is Upward Bound [Southern Education Report, Sept. 1966, and Jan.-Feb. 1968], OEO's college-prep program; last fall, over 4,500 Upward Bound "graduates" were enrolled in college. The other program, known as Contracts to Encourage Full Utilization of Educational Talent, is operated by the U.S. Office of Education. It is essentially a co-operative talent search project in which colleges and nonprofit corporations seek out, counsel and help to place disadvantaged students in higher education.

A majority of the students classified as high risks by the colleges in the survey are Negroes, but poor whites, Puerto Ricans, American Indians and Mexican Americans are also included in sizable numbers.

The most daring high risk programs seem to have resulted more from the concern of a single individual than from any other factor. Key people with persuasion, flexibility, latitude and leverage—and with the support of faculty, administration and students—are the ones who have the most noteworthy programs. Most of them have developed these programs without detailed knowledge of what is being tried elsewhere in the country.

Approximately half of the questionnaires were sent to private or church-related institutions (by chance, not design), and the other half went to state or municipal institutions. If the list of 215 had not included at least one major public university in each state, the South would have been grossly underrepresented; only seven institutions in the entire region were mentioned to Southern Education Report by anyone as having, or likely to have, any involvement in high risk activity.

Response to the questionnaire almost precisely matches the sample list itself: half public, half private. But 60 per cent of the responding public institutions said they have no high risk programs of any sort, while more than two-thirds of the private ones reported some involvement. Responses from about 45 senior state universities, most of them land-grant institutions, show that fully three-fourths of them have no high risk activity. In the 17 Southern and border states, 17 of the 20 major state universities in the survey returned questionnaires, but only two of them—West Virginia University and Virginia Polytechnic Institute—reported anything resembling a program for high risk students.

Most major universities, particularly the state-supported ones, have long had high risk programs of a sort, albeit for a different kind of student. Athletes on scholarship, foreign students supported by the federal government, and even at times the low-achieving son or daughter of a prominent alumnus or benefactor, have presented institutions with the whole range of problems encountered with minorities and the poor, and every effort has been made to help them succeed.

Interest in disadvantaged students who are below an institution's safety margin, however, is in conflict with a welter of seemingly immutable hallmarks of most colleges. Admissions standards are on the rise; undergraduates diminish in importance as graduate programs and research grow more attractive; schools with selective admissions policies take the best students—and keep them—while nonselective ones have high enrollments, high attrition, and increasingly less time for even the middle-class students who get off to a slow start. And high risk students have neither the money, the prestige, the political pull nor the probability of success to make them attractive prospects for most colleges.

The reasons for having high risk programs most frequently mentioned on the questionnaire were these: a tradition of public service, a sense of social responsibility, the historic mission of state universities and land-grant colleges, and the desire to have a diversity of races, classes, cultures and abilities in the student body.

The reasons most often given for limited involvement, or no involvement at all, were: lack of funds, enrollment pressures, political worries, conflict with the institutional mission, fear of lowering institutional standards, lack of faculty support, inflexibility of the institution's system, and priority commitment to regular students.

The biggest question facing institutions helping high risk students seems to be whether they should be accorded special attention or treated in the same manner as all other students. Some say high risk students have enough problems to overcome without the stigma of identification as a risk, and institutions which subscribe to this point of view make every effort to keep the students' academic and economic handicaps concealed, sometimes even from the students themselves. The opposite argument holds that students who are genuine risks must be given support that is bound to be visible—lighter class loads, special courses, extensive tutoring and the like—or their chances for success will be greatly reduced. The risk students themselves understandably have mixed emotions about the question, expressing at times both resentment and appreciation for either approach.

Standardized tests, principally the Scholastic Aptitude Test of the College Entrance Examination Board (called SAT, or College Boards), were frequently cited by respondents to the questionnaire as being "inadequate" or "incomplete" or "biased" measurements of probable success for high risks. The tests are a live issue among educators, but the debate, though directly relevant to the high risk question, is too involved to be related here. The Winter 1968 issue of *College Board Review*, quarterly journal of CEEB, is entirely devoted to matters concerning the tests and the disadvantage student. The SAT is actually two tests—verbal and mathematical—each scored on a scale of 200 to 800. Scores on the two tests are often quoted in combined form, e.g., 1,000. The widely used tests are taken during the senior year of high school. The national average for those who take the exam is about 1,000; if all high-school seniors took it, it is estimated that the average would be about 750.

A risk for Harvard, where the median SAT score is about 1,300, would be a prize catch for many an institution which accepts any high-school graduate. Not every youngster could succeed at Harvard, nor could Harvard succeed with every youngster—without surrendering its position (based in some measure on SAT scores) as the foremost institution in the nation. Discovering how "different" it can permit some of its students to be, how many such students it can take and how much it can do to assure their success are things that Harvard—and every other college and university—can only do on its own.

These 14 general observations outlined above summarize some of the major findings of the Southern Education Report survey. A brief look at the high risk programs of eight public and five private institutions follows.

When a public university without rigid entrance requirements is faced with the pressure of rising enrollments, it generally must choose one of two courses: raise admissions standards or increase the number of failures. Those with formula budgets based on the number of students enrolled are likely to choose the latter course, and some of these institutions now lose (or drop) as much as half of an entering class by the end of the first year. In essence, they accept a good many students who might be considered risks, but they make no special effort to keep them. Some of these universities have not only raised the attrition level but become more selective in admissions as well, in an effort to become competitive and prestigious and "national" in orientation and stature. Their costs have risen too; a recent survey by the National Association of State Universities and Land-Grant Colleges showed that student charges at its member institutions are up 15 per cent from just three years ago. All of this, plus the fact that a significant percentage of disadvantaged students come from racial minority groups, has prompted little daring or urgency in the universities' approach to the problem.

There are a few state and municipal universities, however, which have begun to make some significant contributions to the education of disadvantaged youngsters. Among the most outstanding are the University of California, Southern Illinois University and the University of Wisconsin, and these three, together with two private institutions, will be reported on in detail in the April issue of Southern Education Report. Eight others are summarized here.

The University of Oregon enrolled 64 Upward Bound graduates last fall, more than any other predominantly white four-year institution in the country, and is making an effort to help these and other high risk students succeed at college. In all, 130 Oregon students (undergraduate enrollment: 10,000) are part of a program that involves recruiting, financial aid, lower admission requirements, extra counseling and guidance, some special courses and other compensations. Approximately equal numbers of whites, Negroes, American Indians and Mexican Americans are in the program, which is under the direction of Dr. Arthur Pearl, a professor of education, who also heads the university's Upward Bound project. The high risk program was started in 1964 with 75 students; about half of the entering group each year drops out or flunks out before the year is over. Dr. Pearl says the program has been "only minimally effective," and he attributes that to the institution's lack of preparation for such students. "Many faculty resent their [the risk students'] existence," he says. Few of the faculty are trained to work effectively with such youngsters, he adds.

Clashes between directors of high risk programs and the faculty have apparently taken place at several institutions. They underscore a point made earlier: that the extent and success of high risk programs are limited by the co-operation and involvement of the faculty.

Western Washington State College in Bellingham, which has 5,900 undergraduate students, is also drawing heavily on Upward Bound to include 50 high risk students a year in its freshman class. The college waives entrance requirements on the recommendation of Sy E. Schwartz, who oversees the high risk program and directs the college's Upward Bound project. Pre-college summer sessions, specially designed courses and tutoring are among the compensatory practices used.

Temple University in Philadelphia, a once-private institution now part of Pennsylvania's state system of higher education, reports 250 high risk students among its 12,800 undergraduates. About 80 per cent of the students are Negroes. The program, under the direction of Assistant Dean of Men J. Otis Smith, includes a variety of compensatory practices, up to but not including specially designed courses.

The University of Michigan this year has 327 students—about 85 per cent of them Negroes—in an opportunity awards program that involves recruiting, financial aid, and academic and personal counseling and guidance. Robert L. Marion, assistant director of admissions, is in charge of the program. The first-year dropout/flunkout rate for students in the program is about 45 per cent, compared to a reported 20 per cent for the freshman class at large. No special courses or classes are offered. One of Michigan's prime motivations in entering the program was to increase the number of minority-group students on campus. The program is limited to Michigan residents. While the recruiting effort is fairly extensive, the risk the university is willing to take is not great; in essence, it is seeking students from disadvantaged backgrounds who have at least a B-average high-school record and other indicators of probable success in college.

Virginia Polytechnic Institute in Blacksburg, the only state university in the South reporting a high risk effort of any size, has 49 students this year (among 8,500 undergraduates) who have been recruited through the university's own Upward Bound program and other sources. About two-thirds of the students are Negroes. Virginia Tech is one of six Southern universities (and the only public one) to receive Rockefeller Foundation funds for recruitment and financial aid to disadvantaged students. The primary forms of assistance offered these students are financial aid and counseling/guidance; admissions requirements are relaxed only slightly, and once admitted, the students take the same classes and course loads as other students. Like Michigan and a number of other universities, Virginia Tech is trying to broaden the racial and cultural and socio-economic makeup of its student body; it is not taking students so ill-prepared for college that they constitute a high risk for the institution.

The City University of New York, a municipal university with six senior college campuses in the city and about 25,000 undergraduate students, reports (through Dr. Leslie Burger, director of the SEEK program) that it has approximately 1,500 high risk students this year. CUNY is a tuition-free institution for graduates of academic-curriculum programs in the New York City public schools; the SEEK project will accept graduates from nonacademic programs and persons with high-school equivalency diplomas. The program, which was started a year ago, is open to students whose high-school average in academic subjects is 70 or better; normally, an average of 85 is expected of entering students. Compensatory practices supporting the SEEK program include stipends based on need, intensive counseling and guidance, tutoring and small classes. Financial support for the program comes from the city and state governments. About 90 per cent of the students are Negro or Puerto Rican.

Michigan State University announced last summer (just before the Detroit riots) that it was going to recruit high risk students from the inner-city high schools of Detroit. The program, under the direction of Dr. Gordon A. Sabine, vice president for special projects, was started last fall with 66 Negro students. Beginning next summer, 25 students will be added to the program each quarter. A Detroit high-school principal, Dr. Lloyd Cofer, has been appointed to direct the Detroit Project beginning next summer. No special classes or courses are available for the students, but their financial needs are met and they begin with a lighter class load. The major emphasis of the program thus far has been in counseling and guidance; Dr. Gwen Norrell of the university's counseling center fills a key role in this process, and she also has some authority to decide how big a risk the university will take and how long it will stick with the students. Thus far, the risk has been considerable, and while five students made all F's the first quarter and were dropped, 32 are doing quite well and 27 others are still hanging on (2 students dropped out for personal reasons). Faculty involvement in the program has not been extensive; the big factor in the students' favor appears to be Dr. Norrell's counseling, persuasion and encouragement. By all the standard predictors of success—test scores, high-school record and the like—the students in the Detroit Project rank considerably below their class. They are, by every measurement except motivation, a high risk—and nobody knows how to measure motivation.

Michigan State has between 600 and 800 Negro students in an enrollment of close to 40,000 and about a dozen Negro faculty members among 1,900 persons with faculty rank. Some of the Negro faculty accuse the university of "massive tokenism," and say there is little commitment on the part of the faculty to solving race and class problems. This feeling carries over to the Detroit Project students, who feel both appreciation for the chance to get a good college education and resentment against their identification as risks. Actually, that identification is slight; the students are scattered instead of clustered in campus housing, classes and the like, and there are few if any compensations they receive which make them stand out as separate from the rest of the student body. Beginning next summer, the university will conduct a precollege preparatory program in Detroit for students entering the project.

The University of Connecticut, with about 7,500 undergraduate students on its main campus, began last fall a high risk program for 20 students, most of them Negroes. Concerned about "our charge, our responsibility as a state university and a land-grant institution," several administrators and faculty members developed a program which started with an intensive six-week summer session and now includes lower admission requirements, complete financial assistance, counseling and guidance, lighter class loads and tutoring. Assistant Director of Admissions William Truehart, Dean of Students Robert Hewes and Dr. Richard Blankenburg, an assistant professor of English, have been the principal organizers of the project. They gathered the names of 200 prospects from throughout Connecticut and leaned heavily on recommendations and personal interviews to make the selection of 20. None of the students would have been normally admissible to the university, but they were what Truehart calls "calculated risks." They had SAT scores ranging as much as 280 points below the class median, their high-school records were erratic and they were all below the financial poverty mark, but on the basis of commendations from their home communities and their own demonstrated desire, they looked like the kind of "risk" the university felt it could and should take. Early indications are that most of them will succeed, and plans are being made to admit another 20—perhaps more—next fall.

These eight public institutions represent a range of effort—high risk and low, large numbers and small, substantial and modest institutional commitment. It would be difficult, even if every college and university could be visited, to evaluate and rank them on the basis of their involvement with high risk students, but it seems safe to say that these eight are among the most active. Others deserving mention on the basis of the survey returns include the state universities and state colleges of California—the only state in which the entire system of public higher education has expressed a resolve to help disadvantaged students—and a few universities which have apparently made some effort to admit and assist Upward Bound graduates and others handicapped by poor preparation for college. On the latter list would be the University of South Florida, Wayne State University, West Virginia University, the University of North Dakota, the University of New Hampshire, Portland State College, and the University of Washington. In addition, a few state institutions thought to have some involvement in high risk programs did not respond to the questionnaire. They include the State University of New York, the University of Illinois and Rutgers, the state university of New Jersey.

Among private institutions, Wesleyan University in Connecticut and Antioch College in Ohio stand out, and will be reported on in detail next month. Beyond these, about 50 institutions—two thirds of the private colleges responding to the survey—report some degree of activity. Most of them are only minimally engaged. Among those that appear to have an active interest and at least moderate involvement in the field are Carleton (Minn.), Gustavus Adolphus (Minn.), Barat (Ill.), Luther (Iowa), Oberlin (Ohio), Williams (Mass.) and Grinnell (Iowa) colleges, and Tufts, Detroit, Washington (Mo.), San Francisco and Northwestern universities. A few other private colleges and universities need further mention here.

Harvard University has had a "risk-gamble" program for 10 years, aimed at building diversity into the undergraduate student body. During that time, some 200 students have come and gone, their disadvantages concealed by qualities of "toughness, sparkle, resiliance, flexibility and energy"—qualities which have borne as much weight with admissions officials as SAT scores or high-school records. In an institution where there are more than five applicants for every space in the freshman class—and where acceptance based strictly on test scores would produce a SAT verbal-mathematical score average of almost 1,500—Harvard has been willing to reach at times below the 1,000 mark to take young men who have those elusive qualities quoted above. On the whole, the risk-gamble students have performed almost as well as Harvard's undergraduates as a whole: 80 to 85 per cent have graduated with their classes. To be sure, most of Harvard's "gambles" have been on youngsters lacking nothing except the chance to sparkle; they would have been star performers at scores of good, steady liberal-arts colleges around the country. What little help and personal attention they have needed has been there for them to take. The significant thing about these students is that, not knowing they ranked 400 or 500 points below many of their classmates, they generally held their own in competition with them. In short, Harvards experience seems to indicate that the very best colleges and universities have more latitude in choosing students than most of them have yet been willing to exercise.

Mercer University in Georgia has had a Rockefeller Foundation grant for the past two years to support recruitment of disadvantaged students. Dean of Men Joseph M. Hendricks recruits from predominantly Negro high schools in Georgia and from the university's Upward Bound program, and now has 48 students who have entered under somewhat relaxed entrance requirements, been given all necessary financial aid, and been provided with extensive assistance through counseling and guidance, remedial courses and tutoring. The attrition rate for the first year of the program was about the same as for the freshman class as a whole—18 to 20 per cent.

Four other Southern universities—Vanderbilt, Duke, Tulane and Emory—have also had Rockefeller funds for recruiting disadvantaged students. Duke did not respond to the survey; of the other three, Tulane appears to have provided the most compensatory services—though not as much as Mercer. One other Southern university, Miami, will begin a program of tuition waiver, relaxed entrance requirements, counseling and guidance and tutoring for 25 Upward Bound graduates next fall.

Cornell University has admitted about 160 students in the past three years who are considered high risks, "to provide educational opportunities . . . for disadvantaged students and to test the reliability of the usual admissions criteria." Only five of the students have been dropped for academic reasons thus far. Recruitment, financial aid and intensive counseling are the features of the program. About 95 per cent of the students are Negroes. Last fall, the median SAT score for the 70 freshman risk students was about 175 points below the median for all freshmen. The students are obliged to meet all the usual academic requirements of the university, and no special courses are provided.

New York University enrolled 60 high risk students in an experimental program in 1965, under a grant from the Office of Economic Opportunity. Only 15 of the students are still at NYU. The program was designed as a separate and intensive effort to structure academic and counseling experiences that would lead in five years to baccalaureate degrees for a group of severely handicapped ghetto youngsters. Such an all-out effort deserves more attention than can be given to it in this space. Prof. Virgil Clift, who directs the project, reports that NYU's experience with it "leads us to believe that there is a vast reservoir of untapped potential in the urban slum that is going to waste." The loss of three-fourths of its students halfway through the experiment indicates that NYU has not discovered how to tap that potential successfully, but what the university has learned from trying could be of great value to other institutions. Southern Illinois University (where 11 of the NYU dropouts have gone) now has an OEO grant for a similar experiment; it will be reported on in the next issue of SOUTHERN EDUCATION REPORT.

Northeastern University in Boston has the largest work-study co-operative program in the country; all the university's regular students alternate one quarter of on-campus study with one quarter of on-the-job work experience. Into this pattern Northeastern introduced 25 high risk students in 1963, with funds from the Ford Foundation; it has added 25 more each year, and continues to do so, although Ford pulled out after three years. The 25 students get whatever financial assistance they need, admissions requirements are relaxed for them (they average 100 to 150 points below their classes on SAT scores), and they attend a summer pre-college session. Counseling, guidance, tutoring, developmental reading and programmed instruction are available to them as they need it. It takes five years to get a degree at Northeastern; of the 25 who entered in 1963, about 13 will graduate with their class this year. Dr. Gilbert C. Garland, dean of admissions, views the program as highly successful, and believes one major reason for the success is the nature of the work-study program. "Within two quarters you can have walking examples of academic and job success," he says. "That means a lot to these youngsters."

Among all the high risk programs about which some information was gathered in this survey, the 15 or 20 singled out in this report merit in-depth reporting. The limitations of space and resources prevent such review here. This magazine is forced instead to skim the surface, and the danger in such an approach is that brevity may imply less—or more—involvement in high risk programs than is actually the case. It bears repeating that SOUTHERN EDUCATION REPORT is presenting a limited overview of programs at a selected sampling of American colleges and universities. On the basis of this limited inquiry, these conclusions emerge:

215 senior colleges and universities widely considered to be the ones most likely to have formal programs for high risk students were queried, but on the basis of a 74 per cent response, almost half of them have no such programs.

The bright and able student who is too poor to afford college—whether he is Negro, white, Indian, Spanish-speaking or whatever—is being sought by a growing number of colleges, but those whose past performance has been blunted by discrimination and poverty represent a risk that very few colleges are willing to take.

A great many things are being tried by a relatively small number of institutions to mine the untapped potential of disadvantaged students, but only a handful of those institutions have marshaled all the resources available to them for this task.

Most American colleges and universities are success-oriented—they cater to young people who have mastered 12 years of schooling in preparation for college, who are solvent, and who have adjusted to the style and the strictures of the prevailing culture. But thousands of potentially able youngsters do not qualify by those standards, and most of the nation's colleges and universities have not yet decided whether they have the responsibility, the resources, the skills or the desire to serve them.

SOME AGENCIES AND ORGANIZATIONS CONTRIBUTING TO THE BROADENING OF OPPORTUNITIES IN HIGHER EDUCATION FOR DISADVANTAGED STUDENTS

The National Scholarship Service and Fund for Negro Students, 6 E. 82nd St., New York City, has for 20 years been helping Negroes enter college. Last year it counseled with more than 7,000 students, more than 85 percent of whom enrolled. NSSFNS has always concentrated on students most in need of its services. In earlier years that meant the very best Negro students; now that the best are in demand at a great many colleges, youngsters with SAT scores in the 800's and 900's get a lion's share of the agency's attention.

Southern Education Foundation, 811 Cypress St., N.E., Atlanta, has been contributing to the education of Negroes in the South for more than 100 years. A 1967 booklet of the foundation, "Higher Educational Opportunities for Southern Negroes," lists a variety of programs and sources of assistance.

The College Entrance Examination Board, 475 Riverside Drive, New York City, published *Compensatory Education for the Disadvantaged*, by Edmund W. Gordon and Doxey A. Wilkerson, in 1966. It also publishes *College Board Review*, a quarterly journal which has devoted considerable space (including the entire Winter 1968 issue) to educational problems of the disadvantaged.

The Rockefeller Foundation since 1964 has funded about 20 institutional projects and two cooperative efforts involving 25 additional colleges, all designed to recruit and enroll disadvantaged students in higher education. Some of these institutions have taken considerable risks in selecting their students; most have not. All, however, have added students whose race and class are different from students previously enrolled. The intent, says a foundation official, is "not spectacular slumming, but finding minority kids who can make it."

The University of North Carolina YMCA–YWCA annually publishes a booklet called "College Opportunities for Southern Negro Students" and distributes it free to counselors at high schools in the South.

The California Co-ordinating Council for Higher Education has a booklet, "Increasing Opportunities in Higher Education for Disadvantaged Students," which reports on efforts in the state of California and contains a bibliography and information on financial aid.

The University of Wisconsin Institute of Human Relations issued a booklet in 1964 called "Blueprint for Action," in which the Big Ten universities, Wayne State University and the University of Chicago pledged themselves to take an active role in furthering educational opportunities for Negroes and other minorities.

Changing Times magazine has for a number of years published information on how to prepare for college, how to choose a college and where to find colleges with room for more students. Sidney Sulkin, a senior editor of the magazine, has written a book, *Complete Planning for College* (Harper and Row, 1968), which includes chapters on colleges for C students and educational opportunities for Negro students.

The United Presbyterian Church and the United Church of Christ are assisting disadvantaged students. The Presbyterians have an educational counseling service directed by Dr. Samuel H. Johnson of Knoxville (Tenn.) College, and the UCC's Committee for Racial Justice Now, headed by Rev. Charles E. Cobb, is asking 32 colleges related to the church to reserve 10 places in their freshman classes each year for high risk students.

Educational Associates, Inc., 1717 Mass. Ave., N.W., Washington, is a consulting firm with an OEO contract to help implement college-level activity for Upward Bound graduates.

Institute for Services to Education, another Washington-based consulting firm, is concentrating on curriculum revision that would make college more relevant to the experience and the needs of disadvantaged students.

A Better Chance/Independent Schools Talent Search, 376 Boylston St., Boston, was a forerunner of the federal program to seek out, counsel and place minority-group youngsters in better schools. The program is primarily for private secondary schools, but in most cases it leads on to college for those who participate.

Federal programs include OEO's Upward Bound and the U.S. Office of Education's Work-Study, National Defense Education Act, and Equal Opportunity Grants programs; the latter three provide scholarships, loans and work funds, part of which are ostensibly for disadvantaged students. A spot check in several states leaves doubt that the funds are in fact being used in that way. Another federal program, Contracts to Encourage Full Utilization of Educational Talent, is an expansion of the ABC/Talent Search idea described above, but at the college level. One of the best examples of the approximately 60 such co-operative programs around the country is the Co-operative Program for Educational Opportunity, 218 Prospect St., New Haven, Conn., which serves as a broker between several hundred students and about 40 colleges and universities each year.

POTATO DIVERSION AND PURCHASE PROGRAMS

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. HATHAWAY. Mr. Speaker, the potato diversion and purchase programs established by Secretary of Agriculture Orville L. Freeman in January, to help strengthen grower prices, have accomplished their objectives.

By mid-April, prices had advanced sharply in all major producing areas. In some areas, prices have doubled since the beginning of the programs.

The potato diversion and purchase programs were initiated because overproduction of the 1967 fall crop had caused grower prices to drop to extremely low levels. The programs operated in 20 States. By April 26, 14.3 million hundredweight of potatoes had been diverted to starch and flour manufacture and livestock feeding operations in 15 States. In five States which had no such outlets, the U.S. Department of Agriculture's Consumer and Marketing Service purchased 130,000 hundredweight of fresh potatoes for distribution to schools and institutions. In addition, instant mashed potatoes, which accounted for 960,000 hundredweight of fresh potatoes, were purchased for distribution to needy persons. By April 26, the three programs had reduced potato stocks by 15.4 million hundredweight.

The success of the USDA programs is readily seen in the great improvement in prices to growers.

It is perhaps unfortunate that producers were unable to move more quickly to take advantage of the USDA programs, because I am sure this price improvement could have come much sooner if they had. Let's just look at what happened.

Between January 8, when the program was announced, and February 16—6 weeks later—only 616,000 hundredweight of potatoes had been diverted. But in the next 7 weeks—between February 16 and April 5—nearly 11 million hundredweight was diverted. The total diverted through April 5, 11.5 million hundredweight, was the figure announced by Secretary Freeman on April 12, and it was after that date that the sharp price advance began.

I am certain that as a result of this experience, growers have gained increased appreciation of the role the U.S. Department of Agriculture can play in averting economic disaster.

As the Representative of Maine's potato-producing area, I wish to express appreciation to the Department and Secretary Freeman for the time and effort devoted to reducing the ill effects of a situation which could have resulted in the near bankruptcy of an industry of vital importance to my State.

REPORT TO CONSTITUENTS

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. BYRNES of Wisconsin. Mr. Speaker, under leave to extend my remarks, I include the text of a newsletter to my constituents:

REPORT TO CONSTITUENTS

West Point.—Winners of the competition for my 1968 appointments to the U.S. Military Academy at West Point were announced last week. They are:

Daniel W. Schwala, son of Mr. and Mrs. Walter H. Schwala, Rt. 2, Marinette.

James J. Lukes, son of Mr. and Mrs. Raymond J. Lukes, Rt. 1, Denmark.

In addition, John T. Nelsen, son of Mr. and Mrs. Elhart F. Nelsen, Route 5, Green Bay, who also took part in the competition, has been selected by the Army for admittance to the Academy because of his outstanding qualifications and academic record. Congratulations to these young men and their parents.

Door County refuges.—Three small islands off Door County—Gravel, Spider and Hog—aren't much to look at but they are extremely important nesting grounds for thousands of native birds. They were established as National Wildlife Refuges in 1912 and 1913. Last week, I introduced legislation to make the islands part of the National Wilderness Preservation System. If enacted, the bill will not change their status as refuges but will give them added statutory protection, insuring that they would remain in a wild, unspoiled condition.

Dairy imports.—The dairy farmer is seldom free from the threat of low-priced imports coming in to demoralize the dairy product market. Now the danger comes from foreign evaporated and condensed milk. These have previously been kept out by the Food and Drug Administration through sanitary regulations, but the Department of Justice has now ruled that these regulations can no longer be applied to milk sterilized in cans. This opens the possibility of a great increase in canned milk imports, endangering the canned milk industry in this country. I strongly urged the Secretary of Agriculture last week to take action under powers he now has (Sec. 22 of the Agriculture Adjustment Act) to stem this tide before it does great harm to the dairy farmer.

Inflation.—The nation is now starting to feel the real pain of the inflation let loose by the disastrous financial policies of the Administration. The rapid rise in prices pushes up the cost of living; it increases demands for higher wages which then add to costs and prices; exports drop and worsen the balance of payments problems; interest rates and government costs go up and add fuel to the fires, and those who cannot protect themselves—the poor, the aged, the widowed—suffer the worst.

Warning.—From *Memo, February 15, 1966:* ". . . the President, by increasing domestic spending while fighting a costly war, by submitting a budget which grossly underestimates the real deficit and by using gimmicks for one-shot revenue increases, is only postponing the day of reckoning. We (minority members of Ways and Means) called for cutting back non-essential spending and for deferring new programs until the Viet Nam emergency is ended. Unless we restrain ourselves now, we are making inevitable price rises which will lead to more tax increases and stiff federal controls—and we will be lucky if such measures avoid an inflationary boom leading to an economic bust."

Unheeded.—Such warnings went unheeded. There was no restraint. We are having the price rises; we have had the tax increases and more are on their way. There is talk of federal controls. The inflationary boom is now with us. The Administration still procrastinates. We will be lucky if we avoid the economic bust.

THE LATE MERLE McCURDY—FIRST CONSUMER COUNSEL IN THE DEPARTMENT OF JUSTICE

HON. FRANCES P. BOLTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mrs. BOLTON. Mr. Speaker, the untimely passing of Merle M. McCurdy, the Federal Government's first Consumer Counsel in the Department of Justice, is a great loss to the Nation and to the Cleveland community, where he served so well as U.S. attorney. We all owe him a debt of gratitude.

To his wife and family I extend my deep and sincere sympathy in their great loss and would remind them of the words so beautifully translated from the Sanskrit by Sir Edwin Arnold:

> Never the spirit was born; the spirit shall cease to be never; Never was time it was not; End and Beginning are dreams! Birthless and deathless and changeless remaineth the spirit for ever; Death hath not touched it at all, dead though the house of it seems! . . .
>
> Nay, but as when one layeth
> His worn-out robes away,
> And, taking new ones, sayeth
> "These will I wear today!"
> So putteth by the spirit
> Lightly its garb of flesh,
> And passeth to inherit
> A residence afresh.

As part of my remarks I include the following from the Washington Evening Star of May 7, 1968:

MERLE MCCURDY DIES—U.S. CONSUMER COUNCIL

Merle M. McCurdy, 56, who in April became the first consumer counsel of the federal government, died yesterday at a Cleveland hospital after collapsing at the airport.

Mr. McCurdy was admitted to the hospital soon after noon yesterday with an injury to a blood vessel in his central nervous system.

He had been in Cleveland to address a $25-a-plate Freedom Fund Dinner for the Cleveland branch of the National Association for the Advancement of Colored People and was at the airport to return to Washington. He had checked in his luggage and was walking to a gate with his wife, Rosetta.

Mr. McCurdy, who received his bachelor of law degree from Western Reserve University, was admitted to the bar in 1947. He served as

U.S. district attorney for northern Ohio from 1961 until he resigned April 20 to become the first consumer counsel. President Johnson announced Mr. Curdy's appointment to the new position March 20.

Mr. McCurdy, born in Conneaut, Ohio, began his practice as a criminal lawyer and became an assistant Cuyahoga County prosecutor in Cleveland in 1952. Eight years later he became Cleveland's first public defender. On appointment by President Kennedy, he became the second Negro U.S. attorney.

Last August he became a general counsel of the Advisory Commission on Civil Disorders, while on a leave of absence from the U.S. attorney's job.

As consumer counsel, Mr. McCurdy worked directly under Atty. Gen. Ramsey Clark and served on the staff of Betty Furness, special assistant to the President for consumer affairs.

When he accepted the position, Mr. McCurdy told reporters he would "try to put some teeth and a little clout" in programs for the protection of consumers.

Besides his wife, he leaves two daughters.

SURRENDER TO ANARCHY

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. BROCK. Mr. Speaker, the May 6 issue of the Chicago Tribune carried an excellent editorial on the recent disturbances at Northwestern University, and their disgraceful conclusion.

The cowardly surrender of the leadership of a great center of learning to a disorderly rabble of lawless protesters was a sorry spectacle for all those who believe in America's traditional freedoms and the respect for law which has preserved them over the centuries.

Unfortunately, the disgrace of Northwestern is being repeated, again and again, on campuses throughout the country. Because of the timeliness of this editorial, and in hopes that it may awaken many Americans to a growing national problem, I include it in the RECORD:

A SAD DAY FOR NORTHWESTERN

Alumni and friends of Northwestern university must be profoundly dismayed by the university's response to the demands of black power insurgents who seized and held the old administration building for 36 hours. At the same time a handful of white student sympathizers took possession of the dean's office and were unmolested in their assertion of squatters' rights.

The university administration's capitulation is as complete and humiliating as any event since Henry IV crawled on his knees in sackcloth to Canossa and there made penance and the act of submission to Gregory VII.

This was an invasion, pure and simple, by blacks of the premises of a private institution—in no way different from the occupation of the home of a private citizen.

A courageous university administration, with a fit sense of values, would have ended this insurrection within the first 15 minutes and driven out the interlopers. It would have said:

"This is a private university. You are here on sufferance. You will abide by the regulations which all other students are required to honor. Your color gives you no sanction and no license. If you don't like it here, you are at liberty to go elsewhere. Now, clear out, or the force necessary to throw you out will be mustered at once."

The students would then have received a remission of fees and would have been expelled and sent home.

This would have been within the administration's proper sphere of action. The black power advocates had no more warrant for trespass and seizure than had the Rev. Martin Luther King when he seized a west side apartment building and proclaimed himself conservator for its owner.

But the university officials lacked the courage of any convictions. They temporized and, in so doing, condoned the lawlessness with which they were challenged. They made common cause with the invaders in their stand that laws do not govern society and are made only to be flouted and ignored.

The university has announced that no punishment under law or thru university disciplinary action will be sought for the offenders. If a student were caught stealing an examination paper or cribbing on an examination, he would be expelled or placed on probation, but, in Northwestern's new scale of values, no penalty is to attend students who appropriate the business office, where all university records are kept, or the office of the dean, from which all student affairs are directed.

Forgotten in the disgraceful articles of unconditional surrender signed by university officials was the fact that friends and alumni who had given countless millions of dollars to Northwestern were not contributing to a Tuskegee or a Howard university and had never conceived that their gifts were directed toward creating a racial enclave and calling it Northwestern university.

In other days, the dean of a university was considered a man of stature and learning. At Northwestern we had the spectacle of the dean running back and forth between his own captive office and the captive business office where the black occupation garrison condescended periodically to hear his professions of penitence, while mattresses, blankets, and food were passed in thru the windows.

The atmosphere was more like that of an outbreak in a penitentiary than of a university dedicated to intellectual freedom and the formation of individual character.

All the university's spokesmen had to tell the rebels was that when they got out of the building they could state their supposed grievances to a committee.

Instead, the administration put its witness to an incredible document—an abject confession that Northwestern is, and has always been, the embodiment of the sins of "white racism," that invidious term coined gratuitously by the Kerner commission and eagerly accepted by every masochistic breastbeater in the white "liberal" community.

Not content with this fact of self-humiliation, the university then extended its own professed guilt to all other institutions of higher learning in America and to the whole of American society. The soft impeachment will have few takers among the white community.

The university's frail apology that it really gave away very little beyond what justice demanded is absurd on its face. It has yielded to an infinitesimal minority—no more than 1/65th of the student body—and has made incredible concessions in order to buy peace. It is only buying more trouble and more insurrection in the time to come, for the course of blackmail and appeasement always proceeds progressively.

Moreover, it has bent the knee to an element that does not ask equal consideration, but special treatment. The Negro militants were not seeking integration or fraternal equality, but their own form of apartheid. They demanded—and got—racial separatism in campus life, and the very nature of their demands showed their hatred of whites.

Especially brazen was the demand of the rebels—granted without quibble by the administration—for special tuition supplements for blacks at the expense of poor white students, equally deserving of scholarship aid. The effect is to create a special class, based on color alone, and this represents discrimination in its ultimate form.

Now that this revolt has succeeded, what may we expect next? Are all the members of the Northwestern football squad going to mount a protest strike until they are assured they will be given straight A grades? Every student, and every man who lives, labors under some degree of insufficiency of talent, or energy, or accomplishment. In the name of absolute justice, are we all to be leveled off so that no man possesses any superiorities by reason of endowment or attainment over any other? These are among the implications of Northwestern's surrender.

The university administration has taken the easy way out. It has abandoned law and principle when it had the chance to demonstrate integrity and character. It has thought more of the value of property than of the verities which it was presumed to serve. The black insurgents had as their hostage the computer, worth hundreds of thousands of dollars, which processes the university's financial records. They said it would be safe unless they were evicted. Their implied threat of sabotage paralyzed the administration.

So, when this precious instrument came thru unscathed, the administration was lavish in its praise of the black power faction for its sense of "order" and "responsibility." Property was not damaged, and clean-up squads policed the occupied premises. The wreck of the university's reputation is complete but the job was done cleanly. What a consolation!

When universities all over the country are collapsing before the campus radicals, Northwestern had the opportunity to show that the values of common sense and probity are eternal in its life. It has grievously damaged its hope of public confidence for the future.

All its alumni and friends must feel sick today. The university has made needless difficulties for itself in commanding continuing loyalty and support. It will learn the validity of the eternal question: "What is a man profited, if he shall gain the whole world, and lose his own soul?"

ABSENCE OF LAW AND ORDER

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. McMILLAN. Mr. Speaker, I have just spent 1 week visiting over my congressional district and the main topic of conversation among the people in my district is the absence of law and order existing here in the Nation's Capital and throughout the country.

Of course, anything that happens in the Nation's Capital is spread all over this country and the world by way of television and the other news media.

The people are up in arms against any further marching, burning, or looting here in the Nation's Capital. Every taxpayer in the United States feels that he has a personal interest in his Capital and no one should be permitted to come to Washington in an effort to pressurize the lawmakers to pass any type of law regardless of whether it is good or bad.

I am certain every ablebodied American citizen is anxious and willing to do everything possible for our people who are disabled and cannot work but the Federal Government has provided for the food stamp program to assist in taking care of food for people making less than $3,000, in addition to public welfare and social security programs—all combined, in my opinion, will adequately take care of poor people in this country if properly administered.

I do not think the Members of Congress or anyone would be interested in taking care of ablebodied citizens since everyone who is interested in working can get work of some nature at this time.

Criticism in connection with the Vietnam war ranks second to the absence of law enforcement. I hope the President and the Attorney General will use their authority to prevent any further marching in the Nation's Capital which is calculated to start another riot, looting, and arson which, in my opinion, will not be tolerated by the people of this Nation.

I am attaching a letter from the Baptist minister of one of the largest Baptist churches in my hometown; also an editorial, which explain themselves. You will note that Pastor Aiken is disturbed over the fact that the Baptist-sponsored Continental Congress of the Crusade of the Americas, which meets in Washington on October 10–13, will not conclude with a march as originally planned. The application for a marching permit was rejected by the Director of Public Parks in the Nation's Capital. It is rather difficult for the people in my State to understand why the good Baptist people throughout the United States are not permitted to march orderly here in the Nation's Capital when a group of people who have decided to take the Federal Government into its own hands can secure a permit to march and remain in the Nation's Capital as long as they desire. The letter and editorial follow:

MUST BE CONSISTENT

The Baptist-sponsored Continental Congress of the Crusade of the Americas which meets in Washington on Oct. 10–13 will not conclude with a march as originally planned. The application for a marching permit was rejected by the director of public parks in the Nation's Capital.

The Baptist Courier has taken an editorial position of opposition to the planned march. We believe a public demonstration of this sort by Baptists, particularly in Washington at this time, would be misinterpreted by those it would seek to influence. Our position is supported by editorials in the Baptist papers of Maryland, the District of Columbia, and Texas.

While we oppose the march, we are shocked at rejection of the application for permit. Why did the parks director decline it while permitting another group, the Southern Christian Leadership Conference, to proceed with plans for a public demonstration which its leaders freely admit is intended to disrupt the city's functions and may lead to widespread violence? Is it possible that of the two groups the Baptists are the more suspect? Hundreds of Baptists including United States citizens have marched in revival crusades in Brazil. Does this imply that we find a religious freedom abroad that is denied us at home?

The proposed march was unwise. Declining the permit may have been justified. Consistency is needed on public demonstrations, however, and an explanation is in order. We hope one is forthcoming at once.

IMMANUEL BAPTIST CHURCH,
Florence, S.C., May 6, 1968.

Congressman J. L. MCMILLAN,
Washington, D.C.

DEAR MR. MCMILLAN: Enclosed is an editorial clipped from the May 2 issue of the Baptist Courier. I agree with the editor that it is quite shocking that the poor people's march will be allowed to invade our Capital and yet a parade permit be denied a cause that would absolutely create no confusion or rioting. May I urge you to use your office to investigate this inconsistency.

Thank you very much for your kind attention to this matter.

Sincerely,

J. R. AIKEN.

REMARKS OF SECRETARY OF AGRICULTURE ORVILLE L. FREEMAN

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. STEPHENS. Mr. Speaker, for the benefit of my colleagues, I include in the RECORD an address delivered by Secretary of Agriculture Orville L. Freeman at the 54th annual convention of the Association of County Commissioners of Georgia on April 30 in Augusta, Ga., in the 10th Congressional District which I am privileged to represent.

Secretary Freeman's remarks are directed toward the problem of rural-urban imbalance and the need for regional planning as a means to resolve this problem. As a member of the Housing Subcommittee of the House, I have an interest in the multicounty planning concept and the proposed amendments to section 701 planning legislation. I believe the Secretary's remarks will be enlightening to other Members of the House and I include his remarks in the RECORD at this point:

ADDRESS BY SECRETARY OF AGRICULTURE ORVILLE L. FREEMAN AT 54TH ANNUAL CONVENTION OF THE ASSOCIATION OF COUNTY COMMISSIONERS OF GEORGIA, AUGUSTA, GA., APRIL 30, 1968

To one who has been preaching rural-urban balance and regional planning as crucial to this balance, coming to Georgia is like coming home.

I have often cited your state as a leader in the concept of multi-county planning for the wise use of resources for people, so it was exhilarating for me to visit Georgia last September and to see and hear from officials of the Oconee Area Planning and Development Commission exactly how the commissions work and what they do.

And it was a thrill, also, on that same trip to tour Louisville and to see how the resources of the Department of Housing and Urban Development and my own Department of Agriculture were being used by local leaders to clear away blight and make available decent, clean housing for low income people.

The conservation measures being taken at the clay mine at Deerstep, and that same community's FHA-financed water system were further evidence that Georgians not only are planning, but they also are acting to enhance the quality of living in their own areas, to develop to the fullest their ability to retain their population and to attract others.

I am only sorry that my schedule didn't permit me to travel farther and to see more of the dramatic action being taken in Georgia to create opportunity in Town and Country, action to halt the drift of people to the big cities—for the good of the cities as well as for the good of Town and Country.

But I saw enough to make me feel that as an apostle for rural-urban balance I stand on friendly ground in Georgia.

As you probably know, the Georgia tour was one of several I have made in more than a dozen states the past year, to see what Town and Country U.S.A. is doing in regard to rural-urban balance.

I can report to you that there is momentum there, and that it is gaining.

Town and Country multi-county systems similar to yours are emerging in the states of Missouri, Iowa and Arkansas and in such disparate areas as central Tennessee, central Colorado, upper New England, eastern Mississippi, and northern Michigan.

Dynamic local citizens are using the basic tools provided by a concerned Administration and a sympathetic Congress to help provide their young people—and their oldsters, too—with a chance for a choice between the countryside and the city.

You have heard of the statistician who stood with one foot on a cake of ice and the other on a hot stove and on the average he felt fine, but I think two figures from a blizzard of statistics show without doubt that Town and Country is making some headway.

First, the migration from country to city has slowed by two-thirds since the 1950s; and, second, the number of new jobs in Town and Country has been growing by 4 percent, double the growth rate of the 1950s.

This is good. This is progress. But I can tell you that, whatever might have been done, measured against the goal it is the barest start.

That is what I want to talk with you about for a few minutes today: The great leap, the tremendous leap that this Nation—you and I—must make into the future if we are to meet the overriding challenge of our time.

The crux of the challenge is this: To provide the chance for the 200 million of us now here to lead decent, productive lives at the same time as we are preparing this land—this society—for 100 million more Americans 25 or 30 years from now.

You have watched television and you have read the newspapers, so you are aware of the dimensions of the challenge involved in meeting just the problems of today, let alone those of the future.

The fires in our cities light up the agony of a whole people. They illuminate for the rest of us the misery in which others of us live.

Yet I am convinced that the desperation to which so many slum dwellers have been driven is more than anger at prejudice and poverty, and more than the frustration of new expectations yet unsatisfied.

Even more, I believe this desperation is the ugly fruit of an environment in which the greatest crowding of people is combined with the greatest destruction of the sense of community.

Many ghetto dwellers came from rural areas, or their parents came from rural areas. Back on the farm they also were poor, and they also were without power, but they did experience a sense of community and a solidarity of family that in too many cases the faceless city has shattered.

The crisis of our cities, perhaps the most serious ever to face us as a people, has its roots in our failure to plan for change, our failure to develop public and private institutions and directions that would shape and control the unprecedented technological and productive forces that have been unleashed in the U.S. since the end of World War II.

In this period, our population has grown by 55 million—37 percent.

Our gross national product went from $280 billion to more than $800 billion.

Nearly 3 million farms disappeared in the technological revolution that swept—and is still sweeping—through agriculture.

More than 20 million people left the countryside for the city.

A third of our total population left the city and settled in suburbia.

All of this—and more—occurred without any real national recognition of what it meant—

In terms of the stresses and strains put on our homes, our governments, our schools, our churches, our neighborhoods.

In terms of dislocation of whole peoples.

In terms of pressures on our society as a whole.

Most of you in a planning-oriented state such as Georgia know that more than 140 million Americans—seven out of every 10 now are crowded on just 2 percent of the land.

You are aware that only about 57 million people—less than 3 out of 10—live on 98 percent of the land.

You saw the effect on our cities as this insane people-space equation exploded on your television screens last summer, and again this spring.

Most of you have seen its other side in the creeping decay in the countryside, the quiet erosion of human resources in many of our small towns, farms, and small cities.

You have seen the pell-mell spread of suburbia, paving over the countryside, choking the inner city.

These conditions are all related. If we permit our small towns and rural areas to grow to weeds, if by failure to act we force people from Town and Country, we feed the fires that are consuming the inner cities and the erosion that blights so many of our suburban neighborhoods.

If present trends continue for the next 25 years, 100 million additional Americans will be piled on top of the 140 million already in our cities and suburbs.

Your action in Georgia shows your concern over these conditions, and it is indicative of the growing momentum across the country for coordinated, regional action to meet these problems.

But I am here to tell you that area concern and regional momentum are not enough. We must harness this concern and this momentum within a national framework, or we will repeat the mistakes of the past.

As I told a group in Minnesota last week: We have shown that we can build a life of quantity in this Nation—a society of abundance that is choking with 125 million tons of air pollutants a year and threatens to bury us under 1 billion pounds of garbage.

It is about time for us to start showing that we can also build a life of quality, a life that offers opportunity and something of grace for all, a life based on human dignity.

I believe we can build this life, if we start now—I believe that we can achieve a proper balance of land and people, and that we can do it by the year 2000.

The first imperative is to get rid of what one builder has called our "road block mentality"—the idea that, in the end, nothing can be done, which he called "the most devastating aspect of the American mind."

The builder is James W. Rouse, who borrowed $50 million, cut through a jungle of zoning and other laws and started the new city of Columbia, Maryland.

"A strong enough plan will generate its own power," Rouse said, and then he added this: "It is more profitable to build a good environment than a bad one. The only thing is to start to do it, and to believe it can be done."

We have in this Nation the resources to do what we will. No one questions that we are going to the moon, 240,000 miles in space. Why, then, question whether we can build a decent environment here on the earth that lies all around us?

Our builders literally move mountains; our designers can put structures where none could stand before. We can reroute rivers, reclaim land, prevent floods, link by sight and sound any part of the nation.

Our scientists can tell us of the psychotic effects of overcrowding, warn us that our rivers are dangerously polluted, and point out that auto exhaust is killing trees along city streets in the Nation's Capital.

There is virtually nothing we can't do, technically and scientifically, to build a good environment instead of a bad.

It is long past time that we grasp this fact and use these resources to seize the future, or the future will seize us sooner than we think—and by the throat.

There is no reason why we can't create a national plan for the desirable geographic distribution of economic opportunity—opportunity that will give Americans the chance for a choice of where they will live.

Private enterprise has shown, in Columbia, Maryland, and Reston, Virginia, that we can create in the countryside new communities that offer their own source of employment, esthetic satisfaction, and social and recreational opportunities.

But it will take more than a few builders with vision to prepare for 100 million more people in the time that is left in this century.

It will take dynamic and aggressive private enterprise, and it will take government—federal, state and local—and the man on the street—all of them taking a leap in imagination to meet the demands of this era.

Let us, for example, discard the old concept of distance as the criterion for housing in relation to jobs and substitute time, and let's rethink our transportation network not only in terms of time and technology, but in terms of the nationwide people-space equation of 30 years from now.

While HUD is working to help our troubled cities today, let's order the Department of Agriculture to take a new look at this vast land. Let's have it chart the best locations for new cities, new towns, and for the most likely way of organizing multi-county districts to best enable them to help ease current pressures and forestall those of the future.

At the same time, let's set minimum planning and development standards and state and federal incentives for local communities everywhere to encourage participation—proper participation—in remaking the face of the land.

And then let's allocate the massive capital investments of government—State, Federal and local—our outlays for highways, public buildings, dams, watershed projects, airports, bridges—within the context of the regional plan and national picture, and under the standards of development that we must have to make that picture worth looking at 25 years from now.

This is the kind of thinking that all of us should be doing to shake off that "road block mentality" that has brought us to the situation of today.

If we can each of us make that leap of mind from our own hillside, our own corner, to the national vista, we can easily begin to think of building new cities, 25 or 50 of them—separated from megalopolis and from other new cities by 100 or more miles of green space and farm land, but no more than an hour's ride by high-speed transit.

And we can think more clearly of multi-jurisdictional districts such as those embodied in the type of planning being done in Georgia, districts not only linked into viable communities by geography, economy and common interests, but linked to new cities and revitalized older cities and towns by transit systems and highways that have opportunity at both ends.

I am more hopeful than ever that the kind of planning being done in Georgia will be done before too long in all of our states, and I am hopeful that the kind of thinking that we have been discussing here today will be the thinking of more and more Americans.

I say this because I have become aware of a new resource in our effort for rural-urban balance, and that is the growing understanding of this new concept of living among opinion makers as well as by the man on the street.

There is increasing interest and wider use of some of the tools that have been developed to help realize this concept.

What I would call revolutionary changes have occurred in my own Department of Agriculture since 1960 to create some of these tools.

You are familiar with the system of Technical Action Panels in every rural county to tie together all of the Department's services and open a more direct route to Federal services for local communities.

The Department is now the leading source of funds to finance housing and community water and sewer systems in rural areas—27 sewer and water systems in Georgia alone last year, and 1,685 rural homes built or repaired.

In addition, we have Resource Conservation and Development and Rural Renewal programs, we run Job Corps centers, make small business and cooperative loans, give planning advice, make soils tests, plant trees—all in an effort to use the resources of the Department to help local people build a better Town and Country America.

Two important new tools for this task lie in legislation before the Congress, legislation which Georgia leadership helped mold. I am talking about amendments to the 701 planning legislation and about the new communities section of the same bill.

The 701 amendments will be a major step in encouraging the kind of cooperation between counties and municipalities and states that will strengthen the role of counties and states in creating a better community for all.

The new communities section will permit the Federal government to guarantee the large amounts of capital required for the planning and construction of "rural" new cities and towns.

I urge you, as leaders in your communities and your local governments, to help us get these new tools, and then I urge you to use your influence to insure that the resources of your community, your state and your nation are allocated to build a good environment, not a bad one.

The capital sums required to change the face of America for the better will be huge, but the cost will not be much more than what we are spending now.

It will not be so much a matter of finding added capital, as of redirecting the combined private and public outlays that now are going for haphazard, wasteful development that compounds old problems and creates new ones, of redirecting it to planned, purposeful outlays that fit the national goal of choice for all.

Just one example: The design of the new city of Columbia has eliminated the need for the school bus, not only freeing the children from the daily bus ride, but saving $1 million in transportation costs by 1975. This is but one tiny example of the savings that could be made if we plan together for the future with common sense.

We have the resources, the know-how and the institutions to build at all levels an America of 300 million people in harmony with each other, and with their environment.

It will require imagination, and it will require determination, energy and courage to break old habits, to chart a new national course.

Are we equal to the challenge? Do we have the stuff to make the right decisions—the decisions that commit our children and our grandchildren of the 21st Century?

I, for one, say we do. Let's get with it.

A 16-POINT PROGRAM FOR U.S. DESTRUCTION

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. ROUDEBUSH. Mr. Speaker, Columnist Henry J. Taylor, writing in the Indianapolis Star, has compiled a list of 16 steps leading to the destruction of the United States.

Application of these 16 steps to conditions prevailing in our Nation today is frightening. To a certain extent we can observe symptoms of these attacks today.

Henry J. Taylor is a perceptive writer who has outlined in detail the programs that are harming our Nation today.

Every American should read and memorize this article which is reprinted, as follows:

It Is Not Too Difficult: A 16-Point Program for U.S. Destruction

(By Henry J. Taylor)

A 16-point program for the destruction of the United States:

1. Pound home the preachment of individual rights instead of individual responsibility. Preach the sick sentimentality that condones criminality as society's fault and dismisses the individual from responsibility.

2. Go easy on anarchy.

3. Glorify cowardice as intellectualism and appeasement as enlightenment. Steal the liberal label and falsify the contents of the bottle.

4. Sneer at patriotism. Teach the youth to shun the battlefield. "Be a lover—not a fighter." And if the enemy is a fighter, not a lover? Dr. Martin Luther King repeatedly stated: "The Vietnam war must be stopped and one way is to have 'peace rallies' like we have 'freedom rallies.'" But would Ho Chi Minh allow those parades in the place that is holding up the peace—Hanoi?

5. Claim the aggressor can be bought off. The Carthaginians gave their sons and daughters to the Roman aggressor to prove and guarantee Cathage's nonaggressive intent. History means nothing?

6. Do not require American history. Two-thirds of our institutions of higher learning fail to require—require—students to study American history. One out of four of our teachers' colleges do not require any course in it; more than half do not require any preliminary knowledge of it. Yet good citizenship and progress in American ideals are admittedly impossible without an appreciation of our unique American heritage and the great sacrifices it took to establish and preserve them.

7. Breed distrust of the military; belittle the men who have advanced in this responsible career. Make them seem ignoble and lie about their democratic purposes long enough, and the military establishment on which a nation's security must depend becomes only a hollow shell, incompetent for a country's defense.

8. Be patient with hippies who disrupt the universities and other established institutions. Let their protests take the form of sit-ins, lie-ins, flag-burning, draft-card burnings and mayhem along with missiles and stink bombs. The first business of good government is to provide safety for its citizens. Destroy this.

9. Pound home to the population that discrimination and lack of opportunity account for all who are "underprivileged." Ignore individual capability and personal application entirely. The IQ of the American population varies from about 50 to 180. The national dropout rate for college students, reflecting both incapacity and failure to apply one's self, exceeds 50 per cent.

10. Teach all "underprivileged" that somebody else owes them a living. Preach this long enough and it is sure to create a "march of the poor" on the nation's capital, government by city-burning, government by blackmail. It is also sure to create a great many loafers who wouldn't do a day's real work under any conditions whatever. In just New York City, during history's biggest boom, 816,699 people (as of February, 1968) are drawing relief, some for the second and third generations.

11. Emphasize the "curing" of poverty as the cure for civil disorders. The report of the President's National Advisory Commission on Civil Disorders found that the average rioter did hold a job; was not unemployed and was better educated than his nonrioting neighbors. It completely demolished many of the usual contentions regarding the "causes" of the looting and disorders.

12. Sponsor unlimited government spending. Said Lenin: "The surest way to destruction is to debauch the currency."

13. Preach "permissiveness." If "anything goes" then, of course, everything goes. Every internal and external enemy knows the advantages of destroying a nation's standards. The rewards are as old as the Trojan horse. See that the TV, drama and movie critics, book reviewers, etc., accept the immoral as moral, the abnormal as normal, the obscene as valuable. Countries that praise the pigs in the pasture don't last very long.

14. Infiltrate or confuse the teaching-talking-writing intelligentsia, especially those who work behind a prominent man as ghost writers.

15. Draw the churches into politics. See that the churches gradually liquidate their influence as a spiritual power, and thus as a stabilizing force, having ministers and church leaders make the historic mistake of using the church itself as a political lever.

16. Manipulate the news.

IT IS TIME FOR FOREIGN DEBTORS TO PAY THE UNITED STATES

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. FULTON of Tennessee. Mr. Speaker, the House Ways and Means Committee has instructed its conferees to work with their counterparts in the Senate to bring before both bodies an acceptable bill reducing Federal expenditures and increasing taxes.

The step was taken to give the Members of the House and Senate an opportunity to work their will in an effort to meet the Nation's growing fiscal, monetary, and economic problems.

The recent gold crisis and continuing threats to the dollar from activities abroad contributed to the action by the committee.

Ironically, there is an ample amount of money abroad owed to the United States which, if repaid, would significantly reduce the strain on the dollar. These debts are principal and interest on loans and credits extended to our World War I allies.

For some time I, and many of my House colleagues, have been pressing for efforts to be undertaken to bring about the collection of these just debts.

The case for such action has been stated very succinctly by the Nashville Banner in an editorial which appeared Monday, May 6, 1968, entitled "GAO Is Right: It Is Time for Foreign Debtors To Pay the United States."

Mr. Speaker, I include this editorial in the Record and commend it to my colleagues for their consideration:

GAO Is Right: It Is Time for Foreign Debtors To Pay the United States

Comptroller General Elmer Staats said recently that any attempt by the U.S. to collect debts owed it by foreign nations would be unwise because it would conflict with what he termed the nation's "foreign policy interests."

It was an absurd response to a recommendation by the General Accounting Office that Uncle Sam compel his delinquent debtors to pay up as a means of reducing the imbalance of payments which is draining off American dollars so extensively as to be a threat to the national economy.

Why shouldn't these nations be asked to pay their just debts to the U.S., especially France, which obviously has embarked on a deliberate campaign to devalue the American dollar?

France owes this country $6.4 billion delinquent since World War I which President de Gaulle repeatedly has refused to pay. But at the same time the French government has relied on U.S. bounty to bolster the economies of its former allies. Records show that during the past five years the U.S. has ladled out $910.8 million in economic and military assistance to former French colonies and protectorates, including Algeria.

Meanwhile, President de Gaulle drains America's rapidly diminishing gold reserve to build France the third largest gold cache in the world.

Unpaid World War I debts alone (owed by 20 nations) total $51 billion. Only Finland has elected to pay—which she does in annual installments.

Any foreign policy based on fear that a request for payment of these long-defaulted debts might jeopardize foreign friendships simply doesn't make sense. Such friendships have only been skin-deep at best, as evidenced by almost universal opposition to the U.S. stand in Southeast Asia by these debtors.

It's about time for Uncle Sam to show some compassion and regard for the American taxpayer whose dollars were so lavishly scattered to international deadbeats.

As GAO has suggested, let's send out "please remit" notices with special emphasis on collection from those nations syphoning off our hard money through trade differentials. Or better still, issue "credit slips" instead of bullion to debtors demanding gold.

VIETNAM: AN INFORMED VIEW

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. CHARLES H. WILSON. Mr. Speaker, with the permission of the House, I would like to include part three in the series on Vietnam by Mr. Edwin

W. Dean, Jr., publisher of the Inglewood Daily News.

The article follows:

U.S. Generals Are Not Good Enough

Great generals create great armies. They overcome adverse circumstances to lead their forces to victories. Their leadership provides the spark that ignites the enthusiasm and inspiration which turns good well-equipped run-of-the-mill troops into an all-conquering force. Victories win wars. And wars are fought to be won. We have won a lot of battles in Vietnam, but we are a long way from winning the war. A big reason why is the problems which exist with our generals.

Good generals are hard to find. Thousands have marched past in history's parade, but only a few continue to draw its salutes. Their names stand out on history's roll call. At the beginning of the age of modern, mass, national armies, Napoleon marched his troops into the capitals of every major continental European power. Wellington, his resolute opponent, devised the reverse slope defense.

Winfield Scott's fine brigade caused his British opponent to exclaim, "By God, those are regulars." Zachary Taylor drove deep into Mexico with his little, outnumbered army, winning battle after battle. Lee, Jackson and Stuart held off the North for years until Lincoln found his own general in U.S. Grant. And as Grant moved relentlessly south, his own protege, Sherman, marched through Georgia to the sea and fame.

In more recent times, World War II saw the fantastic victory of O'Connor, the first desert fox, over the Italians in Libya; the string of triumphs by Rommel in the same Western Desert area; and the fast-paced drives of Patton through Sicily and across France. MacArthur's fine leadership spanned two wars, from island-hopping in the Pacific during WWII to the master stroke at Inchon in Korea.

This list doesn't include them all and it is heavy on Americans. It is intended to be an indication of the rarity of the fighting general with the touch for winning. Speed, daring, and planning are attributes of the operations of all of these generals. And these are the attributes needed for success in Vietnam.

Like artists, which they were, these fighting, winning generals were sometimes temperamental and almost always colorful. Wellington was cranky. Taylor had disputes with his commander. Jackson opposed fighting on Sunday. Grant needed protection by Lincoln and had to give his to Sherman. Eisenhower endured Patton's political blunders. And MacArthur was fired.

Napoleon dressed more plainly than his resplendent generals. Wellington wore a plain blue overcoat into battle. Scott wore gorgeous non-regulation uniforms. Taylor chose frontier dress. Lee had his white horse. Jackson nurtured his "Stonewall" and "foot cavalry" images. Stuart swashbuckled in his cape and ostrich plumes. Grant led the North in a private's uniform. Rommel was marked by his leather coat. Patton had boots and pistols. And MacArthur smoked his corn cob pipe.

A colorful image helped these generals impress the difference of their leadership on their troops. In the world of military uniformity soldiers welcome the chance to identify with the unconventional. Because of the dreariness of conformity troops readily accept the idea that something different will be better. If a colorful commander can offer leadership which is a little better his soldiers will respond with an outstanding effort in an attempt to follow him to a level above normal military mediocrity. This is the way the legends about great commanders and great armies are made.

There are other types of generals, some who fight well, some who are useful in other ways, and some who are of no use at all. Some generals have no aptitude for fighting. However, they may be brilliant in the systems of support and supply so necessary to modern armies. When properly employed they render service as valuable as any provided by the fighters.

The other major type of successful fighting general wins "set piece" battles. These are attacks from a fixed position against a fixed position, or fights from a defensive position. They are battles of force, not finesse. They are characterized by mass, not movement. Attrition is a key element in their success. The objective is to bring about a situation in which losses cause the enemy's efforts to collapse.

The "set piece" battle represents strategic or over-all war planning, concepts applied to tactical, or local battle, situations. It is a useful tool, especially in conventional, non-nuclear war. And it can be deadly if it is coupled with a good plan of pursuit, to exploit the weakness of the defeated enemy and destroy him. Unfortunately, the rigors of such a fight and the characteristics of commanders who fight them well usually prevents a good pursuit.

The "set piece" fighter is not much use in Vietnam. The basic assumption underlying this type of battle is that the enemy will stand and fight at a location chosen by the "set piece" planner. Appropriate situations seldom exist in Vietnam. The Viet Cong hit and run. They fight only when the odds are greatly in their favor, with certain exceptions for political reasons when they lie about the results of the ensuing disaster. They have few fixed positions they will defend rather than abandon.

The useless general is nothing new and we have far too many of them. Throughout history men have reached high military rank by finagling, socializing, and using political favoritism. The present times are no exception. These men are career soldiers rather than professional ones. On the other side of the coin, many men who are not career soldiers give very professional performances during their military service.

Caution is the byword of these generals. In the bureaucratic tradition, they follow all the rules (and usually make many new ones on petty matters), take no chances, grab all the credit, try to shift any blame, ingratiate themselves with their superiors, and emphasize good public relations. Most of their actions, either consciously or unconsciously, are designed to advance themselves, without much consideration for the good of the service or the United States.

Good fighting generals are hard to find and appearances and past non-battle achievements are not a reliable guide. Many poor fighting generals have a magnificent physical appearance. They look every inch the soldier and are graduates of the airborne, ranger, and special forces schools. Good fighting generals can and do look just the same. And good fighters also can be small, unattractive men, as some are.

There are some unique problems connected with our generals in Vietnam. The main one is the general's "club" approach to the war. Just like a children's athletic team almost everyone gets a chance to "play" in the game. War service, as a general, looks good on the record and can be a big help in being promoted. Everyone wants it. All too often it is the finaglers who get it.

In an attempt to keep up with the demands, generals are assigned to new jobs after nine or ten months in Vietnam. They may get another job in Vietnam, but it almost certainly won't be a fighting command. If they are good fighting generals they have just reached their peak when they are reassigned. They learn the game, form a fine fighting team, inspire their troops, and then they are gone.

Too many generals see this short tour of command as a period to be played close to the vest. Their main concern is to avoid a disaster. Success is hard to identify in Vietnam. No one is quite sure what it is or how to get it. The appearance of success can be achieved with statistics and paperwork. In the normal course of events, the VC will attack several times and be defeated. This looks good enough on the record. And a big mistake could ruin a career.

So they sit tight and play it safe. One general's own staff called his efforts "search and avoid" operations. At one time, on a search and destroy operation, with 36 rifle companies under his command only one company was looking for the enemy. All of the rest were guarding something to avoid a disaster. Not having enough troops on field operations is inviting disaster. Our searching troops are liable to be found and destroyed by a larger Viet Cong force. It has happened to this unit.

The helicopter has revolutionized warfare in Vietnam. As a flying command post it enables commanders to get to the scene of an action quickly and make decisions based on personal observation. It is an invaluable tool. Unfortunately, some generals use it like children do a new toy. They want to play with it all the time. Some divisions have three generals flying from morning to night. They fly around checking operations and visiting units, which is all to the good. But one man could probably do it as well.

When action occurs they fly to the scene. It is not unusual for a platoon, 20 to 40 men, in contact with the VC to have three generals circling above it. The frustrated platoon leader is kept so busy answering questions and taking orders on the radio he hardly has time to direct his men. As a result, some of our generals have developed into the best small unit commanders in the world. And some of them should be paid accordingly.

Some of these generals need to spend less time flying and more time thinking. It doesn't make any sense for a lieutenant colonel to do the planning for a general and for the general to do the commanding for a lieutenant. Details of plans should be done by the staff. But in many cases a better basic conception, supplied by the general, would give better results. Routine plans, limited in scope and imagination, will not catch an elusive foe like the Viet Cong.

We should stick with our winning generals in Vietnam. They should hold their fighting commands as long as they are fit and continue to get results. Generals who do not get outstanding results should be reassigned where they can function usefully or be retired from the service. Newly assigned generals should spend a fairly lengthy period observing an outstanding general at work before they are given commands. Two or three should always be doing this in order to serve as instant replacements.

The search for good fighting generals has always been a hard one. We need to look a lot harder to find them for our war in Vietnam.

BOTH SIDES USE GAS IN VIETNAM

The use of gas in Vietnam is one of the most controversial things about that wrangle torn war. Termed barbarous and inhumane by critics, its use is defended by its proponents as civilized and merciful. The truth, as usual lies somewhere between the two.

Tear gas and C/S, which causes vomiting and nausea, are the two gases used by allied forces. They can be sprayed, dropped from aircraft, fired in artillery shells, and thrown in hand grenades. The most common methods are grenades and air dropping 55 gallon drums from huge twin-rotor CH-47 "Chinook" helicopters.

Air drops generally employ C/S gas. Their purpose is either to destroy the ability of a located enemy unit to fight or to deny the use of an area to the VC. The Viet Cong have only primitive gas masks for protection from chemical agents, if they have any at all. These masks are clear plastic bags, with a draw-string around the open end and a gauze patch by the nose through which to breathe.

Supplying even these marginally useful gas masks to their troops puts an additional burden on the overworked Viet Cong supply system. Lack of protection against gas is a serious disadvantage for the VC and encourages us to use it.

Unprotected troops who are hit by gas lose a great deal of their ability and will to fight. And control of their units disintegrates. This makes them easier to catch, always a problem in Vietnam, and easier to subdue, reducing casualties on both sides.

The freedom of movement through the jungle which the VC enjoy makes it difficult to bring them to battle. Air drops of gas on roads and trails in the jungle and on river crossing sites reduce his freedom to move at will. The gas will deny these areas to the enemy for considerable periods of time, which vary according to the local weather conditions.

Air drops of gas are also used on remote jungle clearings where the Viet Cong are growing food. This prevents cultivation for a time, but does not kill the crops. Depending on the location and the military situation these crops may either be harvested at a later date by friendly forces or destroyed by other chemical agents. Either way they are denied to the VC.

Crops are usually allowed to be cultivated almost to maturity before final action is taken against them. This ties down the Viet Cong labor force and causes the maximum amount of its work to be wasteful. It also prevents them from beginning the cultivation of new crops which might go undetected.

The gases which allied forces use in Vietnam do not kill or permanently injure their victims. Both types are used by police in the United States and other countries for riot control purposes. And all U.S. Army troops are exposed to one or both of these gases without gas masks at some time during their training, so they may understand the reactions the gases cause.

Millions of American soldiers, past and present, have experienced tear gas and many have also been exposed to C/S in the last few years. None has suffered any lasting damage. But they will all tell you that for a few minutes they were almost totally incapacitated in a completely unpleasant episode.

Gas grenades are useful and merciful in Vietnam. Women and children are often mixed up with the VC. Throwing a gas grenade into a hut or tunnel will bring everyone out retching or crying, and our soldiers can take their pick. Throwing in a regular hand grenade, against which there is no complaint by angry critics, will kill everyone. If there are survivors they will be VC who have taken what cover there was for themselves.

Gas grenades have another advantage. In a twisting tunnel the VC may be protected from the blast of explosives, but gas will follow the bends and drive them out. In small tunnels this makes it unnecessary for our troops to have to go under the ground after the enemy, a dirty, dangerous job.

Protests against the use of gas, from Hanoi and from critics of the war, are loud and long. They completely ignore the use of gas by the Viet Cong. The first use of gas by the VC against U.S. troops was in November 1966, in War Zone C northwest of Saigon during Operation Attleboro. During this operation 1,200 gas grenades were found in a Viet Cong arms cache. They were not of U.S. manufacture.

The Saigon government says the VC used gas against their troops as early as September 1965. They also say that, while the gas used against Americans has been a tear type, they have encountered vomiting gas. The VC tear gas has a side effect not present in ours. It causes blisters on exposed skin. Although not as bad as the World War I blister gases, any type of injury producing gas is outlawed.

"BODY COUNT" IS ONLY AN ESTIMATE

The "body count" has come to be the accepted standard for evaluating allied performance in the war in Vietnam. It is only approximately accurate at best, and it is related to only a small part of the military operations conducted. It does not reflect any of the situation in pacification or civil development.

"Body counts" are often estimates, even when they are not presented as such. When a battle takes place at night or close to the end of daylight, as many of them do, the Viet Cong have all night to carry off their dead and wounded. We stay inside our night defensive positions and shoot out into the battlefield.

The next day we send a force out to count bodies. By that time, the only ones left are those which the VC failed to find in the dark, or the ones which fell too close to our position to remove. Hence, an estimate is made. The estimate is based on the size of the Viet Cong attacking force, the size and weapons of our force, and the length and violence of the fight.

The figure of "estimated" VC casualties, which is often reported with "body count," is based on a different concept. It represents an educated guess about the number of Viet Cong killed in the unobserved battle area by air strikes, armed helicopters, artillery, and mortars. Both of these figures are needed to get some idea of the damage done to the enemy.

The natural tendency of the military is to present figures which show their efforts in the best possible light. The "body count" figure is often five to 10 times the actual number of bodies found on the field. But it is usually a very good estimate. Sometimes the figure is expanded beyond reason by unscrupulous commanders who seek to enhance their reputations and further their careers. The "estimated" kill figure is usually less reliable since it is based less on positive fact and more on judgment.

The South Vietnamese follow our lead, especially in the face of recent criticism of their efforts. U.S. advisors with the ARVN (Army of the Republic of Vietnam) units provide a check on their efforts and prevent the possibility of their figures being grossly inaccurate. Rather than quibble about their figures, when they have obviously fought a good fight, we should applaud their efforts.

What is needed to gauge the progress of the war is an index similar to the cost of living index. This should include figures relevant to the entire scope of the conflict. It should be capable of breakdown by geographical area and sub-topic. The list of topics it should cover is too long to list here, but some sample headings are: property ownership, tax collections, transportation, agricultural and industrial production, education, communication, self-government, health statistics, pacification, and the North Vietnamese military and economic situations.

Until such an index, reliably computed and monitored by non-government sources, is developed and made available, the American people are being denied their right to know what is going on in this costly war.

VIETCONG LEARN ABOUT LITTLE PLANES

Quan moved easily, keeping in the shadows. He was almost invisible. His black pajamas blended against the dark shaded floor of the jungle perfectly. Ahead of him plodded the long line of porters, carrying woven packs, like giant thimbles, loaded with rice.

Off to the left the road wound through the trees. Its yellow mud was engraved with wheel ruts a foot deep and a foot wide. The ruts were filled with muddy, yellow water and whole sections of the road were flooded in the low spots. It was almost the end of the wet season now and for months the great, dark, rain clouds had been pushed up from the Gulf of Siam by the southwest monsoon wind to drop their loads here in the jungle on the edge of the highlands.

Quan thought about the time, less than a year ago, before the little American airplanes had found the road and mapped it. Then the trucks and oxcarts had carried supplies on the road at will, night or day, hidden by the jungle. Now the bombs and shells and the chemicals sprayed from airplanes had opened most of the road to view and the vehicles moved only at night.

And now the vehicles were mostly oxcarts, many of the trucks had been destroyed. Quan thought of the burned out truck hulks scattered along the road. And the spot, ten miles back toward the river they had crossed last night, where the planes had found six of the big, beautiful, bright yellow trucks and obliterated them in their jungle parking area. But, he mused, supplies are still moved along the road, even though rice is not as plentiful as it was.

The equipment is better now, he thought as he moved his hands over his gear, better weapons and more ammunition. Of course, it comes from the north. And while the route is hard, it is not as dangerous as bringing rice from the south. Time changes all things, he reflected, and this has been a long war. Perhaps it has been too long. We don't win much any more and we never used to get beaten. Maybe it is different other places. Our leaders tell us of many great victories. But we never win any now.

Quan remembered the night the Viet Cong had come to his village many years ago. First they had gathered all the villagers together. Then, by the light of torches, they executed the vilage chief and his family. They cut off their heads, the children first. And then they killed the priest.

A Viet Cong speaker had talked for hours, telling them it was their duty to help and fight to be free, and get land, and make things better. Then he had asked for volunteers to join the Viet Cong and help fight the government army and oppressors. All nineteen of the young men in the village had gone with the Viet Cong. Some went from conviction, some went gladly to escape the boredom of village life, and some went because they were afraid of what might happen if they refused.

At first it had been good. There was plenty of food. They were all together in the same company. The base camp was close to the village and they got leaves. They fought with the government soldiers and always won. After attacking a village they would lie and wait to ambush the government relief force. It would always come right down the road. Just like the French, the old soldiers said.

The first truck in the column and the last one were blown up and then the rest of the column was destroyed. A few men might escape but it didn't matter because the story they told just spread fear among the government soldiers and made the job easier the next time. And, usually, no airplanes or helicopters came to interfere. After the battle there was always leave to go to the villages and drink, and boast, and see the girls.

Quan had done well and been promoted to sergeant. And so had two of the others from the village. But they were all gone now. Some had been killed, some had gone over to the government side, some had gotten sick and died, and some had been wounded and sent to hospitals and had not come back. The officers said they had gotten well and been sent to other units. But Quan had heard the jungle hospitals were not too good, even though everyone worked hard to help, and he thought they were probably dead, too.

Quan had thought about leaving the Viet

Cong many times, much more recently, but escape is difficult. The base camps are deeper in the jungle now and leaves are fewer. Everyone watches everyone else because no one knows who is watching them. Men go on leave in groups to make sure they all come back.

Even now Quan, the ranking sergeant, was not alone at the rear of the column. Another man was marching even with him just across the road. Although no one had told them so, each knew part of his job was to watch the other. Even the officer at the head of the column had men with him. But he could be alone if he wished. That was one reason why many officers were able to rally to the government side.

Now the journey was almost over. The base camp was just ahead and off the road a few hundred yards. Some of the porters were stumbling under their loads and sweating profusely. But Quan, less heavily burdened and hardened by years of marching in the jungle, was cool and still hiking easily with the energy saving gait of a veteran. Just a few more minutes and they would be able to put the rice into the storeroom. Then all that remained to be done was search the guards to make sure they hadn't stolen a few balls of rice from the packs and report the success of the mission.

They heard the little airplane just before they saw it. It was flying low, with its wheels just above the treetops, as it flashed by over them. Everyone stood very still, as they had been taught to do. Movement catches the eye the instructors said. The roar of the plane's engine faded into the distance up the road. Quan and the other guards moved the porters deeper into the jungle shadows and waited to see if the plane would come back.

Quan waited and thought about the little airplanes. They had caused a lot of trouble for the Viet Cong, finding roads, base camps, crossing sites, and troops. And this one was smart, flying low so the trees absorbed much of the sound from the engine and coming from the southwest with the sun at its back making it hard to see.

And they must be brave too, flying that way this far out in the jungle where nobody could watch them. He knew several of them had crashed right in this area, and the men were always killed. In fact, the Americans had only found one of them, the rest were lost in the jungle. No French, or American, or government troops had ever been into this area. No one had, except the VC.

Five long minutes passed and the plane had not come back. The officer signalled and the column of men began to move toward the camp. Two minutes later the first artillery shell landed. They heard the dull boom as it crashed into the jungle a long way off to the west. Quan moved quickly to a clear spot and looked up into the sky. High and off to the south the little airplane circled, a tiny speck of black in the light blue sky.

The column began to move more quickly toward the base camp. There were bunkers there which would give protection and it may not have been sighted. It would be safer in the jungle, but that was thick and hard to get through and some of the porters, well supplied with rice, might use the opportunity to escape.

Another shell landed. It was closer this time. The column increased its pace. They reached the edge of the camp just as the third shell landed on the far side of it. One end of a hut on the top of the hill collapsed. The men in the camp were in the bunkers, holes in the ground covered with large logs and dirt.

With much shouting and confusion, the porters started to put their rice filled packs into an underground storage room. Several tried to run, but the guards beat them back into line. They were expendable, the rice was not. The confusion increased as the men raced to bunkers only to find them full and then ran to another. Only half of the porters had unloaded their rice when the shells began to fall in earnest around the camp. Eight men in the line went down from one blast and the rest, including the guards, broke and ran for shelter.

The ground rocked and smoke and dust clouded the air as shell after shell hit. To the men crouching in the bunkers listening to the cries of the wounded it seemed like an age. It was only 24 minutes. Suddenly the fierce noise stopped, the ground stilled, and the air started to clear. The screams of the wounded were louder, but no one moved. Movement might bring more shells.

Quan peered out of his bunker up into the sky. He saw a light gray little airplane diving down and he understood. The artillery had stopped to allow the warplanes to drop bombs. The little airplane would fire a white smoke rocket to show them the target.

And, as the white smoke billowed up from the camp the jets screamed in on their bombing runs. Everything was as before, except for the addition of the red-orange balls of fire and the searing heat of napalm. Quan shuddered, napalm terrified him.

At last, it was over. And again no one moved. They knew the jets were circling overhead while the little gray airplane flew down to check the damage. Finally the gray plane and the brown American Army one that had found them flew off toward the west together. The jets whined off to the south, and the air was empty.

Cautiously they began to come out of the bunkers. The camp was a wreck. One hut stood miraculously untouched on the hilltop, but everywhere else was desolation. The hard won rice had been destroyed by napalm. Many bunkers were collapsed or filled with charred bodies. Huts were down and burned. Over 50 men were dead or wounded.

They began to clean up, listlessly, in a state of semishock. Only about 20 men were unhurt. The sun was low in the sky. It would be dark soon. They worked doggedly, knowing they would spend a wet, hungry night in the open.

Suddenly there was an angry buzzing in the sky above them. Quan saw the little Army airplane hurtling down at them. No one had their guns with them. Puffs of smoke appeared under the wings as the plane launched its rockets.

One rocket hit the last remaining hut and it began to burn. A spectacular pillar of smoke climbed into the sky from the hilltop. Quan thought how funny it was this little plane should create a more dramatic display than all the more destructive devices used against them.

The little plane dove on and flew low over the camp. A machinegun chattered from it and it was gone. Quan screamed when the bullet hit him. It spun him to the ground, his right side mangled. He clenched his teeth and fought to keep from screaming in pain. Two men raced toward him. Now Quan knew, he would find out about those jungle hospitals.

WHO FINANCES "THE LEFT" AND HOW MUCH?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. RARICK. Mr. Speaker, Church League of America, 422 North Prospect Street, Wheaton, Ill., in its News & Views for May 1968, carries a well-documented report of who is paying for what is taking place in these United States and how much it is costing—tax free.

I include the News & Views article as follows:

WHO FINANCES THE LEFT AND HOW MUCH?—PART II

(By James T. Irwin)

Foundations are formidable contrivances, mainly for the following reasons: (1) They are tax-exempt, thus government control and regulation is nil. (2) The market assets of the foundations are stupendous—total assets of the 6,803 foundations tabulated in *The Foundation Directory* 3rd edition, 1967 are—$19,927,000,000.[1] (3) Foundations, quite naturally, in their operations, will reflect the philosophies of their trustees and executives. If this philosophy is free of any predilection toward revolutionary or ultimately detrimental panaceas for our societies' ills (real or imagined), then it can be safely assumed that this foundation is aware of its primary responsibilities as a public trust. Often, this responsibility has been compromised, and goals inconsistent with the American Constitution, and the American consensus have been promoted. (4) Many foundations gravitate into the more sensitive sectors of our society, and become active in these areas, such as: "education," "civil liberties," "internationalism," the social "sciences," and "cultural understanding." These are considered sensitive areas, because unlike the subsidizing of a hospital or a scientific research project, they involve issues that intrinsically require a modification in the structure and/or norms of our society in order to realize them. Thus, there are differing views as to the value and necessity of such fundamental societal alterations.

The ultimate objective (either wittingly or unwittingly) of many foundation-financed activities is a form of statism analogous to British Fabian Socialism. In her book Fabian Freeway, Rose L. Martin provides insight into the methods and techniques employed by Fabians to further their objective of realizing the ultimate triumph of socialism. Miss Martin's insight can be used to illustrate the way in which the grants of many foundations are used to further the desired ends of foundation executives and likewise, the recipients of the grants.

The college professor has been commissioned to oversee the trek to statism in the U.S., as Miss Martin documents:

"As the venerable Walter Lippmann said, in a keynote speech opening 'The University in America' convocation at Los Angeles in May, 1966: 'Professors have become in the modern world the best available source of guidance and authority in the field of knowledge. . . . There is no other court to which men can turn and find what they once found in tradition and custom. Because modern man in his search for truth has turned away from kings, priests, commissars and bureaucrats, he is left, for better or worse, with the professor.' The gathering which Lippmann addresed that night included some 1,500 persons among them presidents, deans and faculty members as well as bright students of the leading American universities. It was sponsored and steered by the Center for the Study of Democratic Institutions—offshoot of an offshoot of the Ford Foundation whose president was Professor McGeorge Bundy, former instructor and guide of American Presidents."[2]

Thus, the once lowly college professor becomes the modern day Pied Piper of Hamelin, chosen to lead America through the looking-glass and into the total society. Many foundation-financed projects are feverishly engaged in any number of variations on the theme of womb to tomb dependency on the beneficent bureaucrats at all three levels of government.

The Center for the Study of Democratic Institutions is a prime example of the messianic complex which grips many founda-

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Footnotes at end of article.

tions and their offshoots and beneficiaries. The Center is ahybridization (mutant to many) between a "think-tank" and monastery. It is a place where some of the world's more controversial personalities are handsomely reimbursed for their cerebrations and declamations on the state of America's "democratic" institutions. Their pseudo-sanctimonious mouthings and piously phrased platitudes are aimed at the heartstrings of "liberals" everywhere, to make them twang repentantly to the tune of the big beat of the social gospel.

The Center is not averse to tub-thumping about its contributions to American "democracy." Thus in the below quotation, the Center claims the "Dialogue" as its very own brainchild:

"Under the leadership of Robert M. Hutchins, former President of the University of Chicago, a small but influential intellectual community at the Center is attempting something not being done anywhere else in America—not by any university, corporation, religious institution, labor organization or government agency.

"This unusual group of resident scholars is enriched by an intermittent procession of visiting experts from all over the world. Together, through the dialogue, they examine the major institutions of the 20th Century—in the light of their impact upon the possibilities for the continued existence of democracy and in the light of the impact of a changing society upon those institutions." [3]

A recent example of the "Dialogue" in action is reported in *U.S.A.* Magazine, in an article by Alice Widener entitled "Guide To Tumult In America" a review of "Students and Society" a 64-page document issued in December, 1967 by the Center. The document covers a three day "Dialogue" that occurred last August between the Center elders, and various student "activists." Miss Widener's summary of this bizarre happening is classic, and her review of the dangers of such institutions as the Center is equally so. Witness the following paragraph:

"If it were not that the Center is subsidizing and giving logistic support to violent radicals with whom some Senior Fellows are afraid to go along but willing to promote and foist upon the American people, the Fund for the Republic's Center for the Study of Democratic Institutions would not be worth an iota of serious attention. But the Center—in August 1965 and August 1967—was a womb for monstrous activism such as that which took place at the National Conference for New Politics meeting in Chicago last Labor Day weekend, and the demonstration at the Pentagon last October. Evidently, what goes on at Center conferences in August does indeed furnish worried American citizens with exactly what W. H. Ferry, vice-president of the Center, says it does—a 'guide to tumult' in America, on and off campus." [4]

The same Center pamphlet that boasted of the "Dialogue" also notes the potent effect of the Center's publications and tapes upon the opinion molders of our society:

"The Center's approach is uniquely effective. Periodic convocations are widely publicized, the Center tapes are distributed in rapidly growing numbers and about 7,000,000 copies of some 175 different publications are circulating among influentials in the mainstream of our decision-making process; among leading editorial writers and columnists, television and government officials, businessmen and union leaders, teachers, clergymen, students, lawyers and a wide variety of other interested citizens. Center publications are in regular use in classrooms and in business, union and church educational programs, are often reproduced in whole or in part in newspapers and magazines of general circulation and have been used as the basis of network television programs. More than 500 universities are using Center publications and tape-recordings. Most publications promote sustained discussion in newspaper editorials and syndicated columns." [5]

In an undated letter signed by Robert M. Hutchins, the President of the Center, a new publication, *The Center Magazine* is advertised, along with membership fees, ranging from the $10 a year Associate Member to the $1,000 or more per year Founding Member. In 1959, "45 Americans (including Ford Motor Co. President McNamara, U.S. Defense Secretary) pledging $1,000 yearly as founding members." [6]

The Hutchin's letter also boasts of the influence that the Center's dialogues have on policy makers and their decisions:

"A number of these discussions—printed and circulated as 'occasional papers' or presented in book form—have had a profound effect upon the thought of many opinion-makers and have led to major policy decisions in our country." [7]

An interesting pamphlet published by the Center in 1965 was entitled "How the U.S. got Involved in Vietnam," by Robert Scheer. In the pamphlet Scheer writes:

"One of the problems in the over-protection of ideology is that it tends to become flabby or meaningless. The consensus that obtained in the United States during the cold war years aided by the systematic purging from American life of all those suspected of harboring sympathies toward communism, has suffered from not being seriously challenged internally. Big ideas, as well as little ones, lose their vitality when they are not systematically challenged—a truth acknowledged by Mao Tse-tung as well as by John Stuart Mill.[8]

The rarified atmosphere up on Eucalyptus Hill (home of the Center) must have an effect somewhat similar to the vapour that aided the Delphic Oracle in those insidiously ambiguous pronouncements. **Parson James** Pike's recent "Dialogue" with his deceased son through the medium "Fletcher" may be a symptom of this malady. These puffed-up Punjabs (self-inflated) are self-proclaimed authorities on any and all topics. After much flatulent "Dialoguing" the pretentious jackdaws spew forth their remedies for societies ills. That the only nostrum' in their pharmacopoeia is more socialism, presents no problem to these madcap meddlers.

It was *Ramparts* magazine (March, 1967) that blew the whistle on C.I.A. financing of the U.S. National Student Association (NSA) which led to the subsequent revelations of government subsidy of both the domestic and foreign left-liberal fraternity.

The revelations that followed the *Ramparts* article, in retrospect, strains the threads of credulity. Here was the United States government investing untold millions in the world-wide left-liberal establishment, in the pursuit of what were rather nebulous goals.

That this was an extremely left-liberal operation from start to finish is readily demonstrable. First, the C.I.A. bagman was Cord Meyer, and second, the recipient organizations and their personnel were rabidly leftist both in their goals and methods.

A New York *Times* article, "A Hidden Liberal", (the title tells the story) outlines the history of Mr. Cord Meyer Jr's. involvement with the C.I.A. Twenty years ago he founded and headed the United World Federalists, an organization devoted to peace through a world government:

"During those years, Mr. Meyer has been submerged in the anonymity of the Central Intelligence Agency. His name has surfaced again because he had been the 'spook' in charge of covertly subsidizing the overseas activities of the National Student Association and other youth groups, labor and professional organizations and charitable institutions. At age 47, Mr. Meyer seems no less dedicated to the C.I.A. than to world federalism." [9]

Some of the beneficiaries of C.I.A. largess, channeled through certain tax-exempt foundations are outlined below.

In their "Washington Merry-Go-Round" column, Drew Pearson and Jack Anderson described the events, groups, and personae dramatis of the C.I.A.-AFL–CIO triad:

"Revelation that the Central Intelligence Agency has paid almost $1,000,000 to the American Newspaper Guild in six years gave the public a look at only the above-water of the CIA-AFL–CIO iceberg. The rest of the CIA money paid to organized labor, estimated at around $100,000,000 a year, is probably the biggest fund dished out by Central Intelligence to anyone. This payment and the foreign policy that goes with it are the chief bone of contention between AFL–CIO President George Meany and his vice president, Walter Reuther." [10]

Messers Pearson and Anderson then reveal who disbursed the funds and made the decisions as to which groups and persons were to receive the money:

"Jay Lovestone, sometimes called Meany's minister of foreign affairs, a Lithuanian immigrant who became secretary-general of the American Communist Party, then turned strongly anti-Communist. Lovestone takes orders from Cord Meyer of the CIA. No CIA money for labor is spent without Lovestone's approval, and few labor attaches are appointed to American embassies abroad without his approval." [11]

Even old socialist Norman Thomas was drafted to join the team. He headed the Institute of International Labor Research, where leftist politicians were trained. The Institute was the creation of Sacha Volman, a Russian-born citizen of Romania who became a naturalized U.S. citizen. The New York *Times* states that Volman wanted to fight communism and the military oligarchies south of the border; so: "Mr. Volman then organized 17 left-of-center political parties throughout Latin America. . . ." [12] The Institute had such "democratic leftists" as Juan Bosch on its staff. Even Associate Justice of the U.S. Supreme Court, William O. Douglas, was included, as a board member of the Institute's Inter-American Center of Economic and Social Studies.[13]

The next item, also from the New York *Times* shows how certain private American institutions are politically undermining the governments of nations friendly to the United States:

"Government quarters have refused comment on reports that the Central Intelligence Agency is subsidizing nationalist students from Angola and Mozambique. Portuguese officials have frequently accused private American institutions of aiding rebel movements in Portuguese Africa. However, these institutions have been pictured generally as witting or unwitting aides of international Communism, which Lisbon holds responsible for its troubles in Africa. Disclosures that C.I.A. funds were being used to finance student refugees from Angola and Mozambique jarred many Portuguese, who have generally refrained from attacking the United States Government on the question. Questioned on these reports, a United States Embassy spokesman declared: 'We have nothing to say on the matter.' Nothing has appeared in the officially censored press on the presumed connections between the C.I.A. and Portuguese African students. The press has also kept silent on the report that the African-American Institute, which helped Eduardo Mondelane, Mozambique nationalist leader, also received financing from the C.I.A.' " [14]

The March, 1967 *Ramparts* article, however, was not the first notice of C.I.A. Foundation collaboration. The *Foundation News* for November, 1964 reprinted a New York *Times* article as follows:

"Representative Wright Patman has dis-

Footnotes at end of article.

closed that the Central Intelligence Agency is giving money to, and working through, at least one private foundation. And, if one, there must be others.

"The practice ought to stop. Its continuation permits the Communists and the cynical everywhere to charge that American scholars—scientists, and writers going abroad on grants from foundations are cover agents or spies for the C.I.A. All scholars—especially those involved in East-West exchanges—will suffer if the integrity of their research is thus made suspect. What evidence can American professors or field workers present to prove they are not engaged in underground activities when it is known that the C.I.A. is using its money to subsidize existing foundations, or is creating fictitious ones?

"The use of government intelligence funds to get foundations to underwrite institutions, organizations, magazines, and newspapers abroad is a distortion of C.I.A.'s mission on gathering and evaluating information. It means operating behind a mask to introduce governmental direction into cultural and scientific spheres where it does not belong—at least not in a democracy like ours.

"Foundations, for their part, have no business accepting such money. They will end by destroying their reputations as private foundations." [15]

After the *Ramparts* article, when the extent of C.I.A.-Foundation complicity was publicized, and the extreme leftist bent of many of its projects, and the politically partisan national and international activities became public, the *Group Research Report* for April 29, 1967, wrote the following, with its normal temerity:

"Disclosures of the use of tax-exempt 'conduit' foundations by the Central Intelligence Agency have focused renewed attention on the support of numerous educational, religious, charitable and other nonprofit organizations of various political and economic philosophies. None of these is permitted by the Internal Revenue Service to be political in a partisan way or to use a 'substantial' amount of its resources in lobbying.

"The left, center and middle foundations all come under scrutiny. In 1953–54 the Reece Committee of Congress attempted to 'document' charges that some of the largest and best known foundations—such as Ford, Rockefeller and Carnegie—subsidized 'international brainwashing.' These charges are still part of the right-wing credo, even though the right wing makes substantial use itself of the tax-exempt format and of foundation financing.

"In September of 1964, Group Research, Inc., published a specified report on financing of the right wing in America which included reference to some tax-exempt groups, and we are continuing to study all publicly available data on grants from such organizatinons, as well as others." [16]

Thus, according to GRI, the leftist proclivity of the C.I.A.-Foundation axis is not the problem. The real danger is that certain "reactionary" foundations continue to funnel funds to right wing "extremist" organizations. After brushing off the revelations of the C.I.A.-Foundation complicity, the Reece Committee findings, and right-wing charges of foul, the Group Research Report article refuses to be distracted from its particular "possum up the gum tree," namely right wing finances and their origins. The GRI has its prey in sight and refuses to change or modify targets.

The C.I.A.-Foundation coalition even dispensed funds to the National Council of Churches. This disclosure brought the whole noxious matter that much closer to home, as Ralph de Toledano noted:

"Perhaps the greatest shocker of all has been the disclosure that CIA has been funneling money into coffers of the National Council of Churches. This is a group that makes loud noises about the separation of church and state. Along with similar religious groups, it has shouted long and lustily over every federal penny spent on such 'subversive' projects as busing Catholic children to parochial schools. Non-sectarian prayers in the schools have also aroused the National Council of Churches as a violation of the Constitution.

"Yet CIA was able to pour dollars into the National Council, for causes and activities that we may some day be told about, with nary a complaint that the church-state provision of our federal charter was in any way being violated. The CIA's subsidy of the National Council, for purposes that must be rendered unto Caesar, did not offend the members of the organization, though it was a clear instance of governmental involvement and financing of religion." [17]

The above quote points up a question: "Should Foundations Support Religious Organizations?" It just so happens, that this was the title of an address by Yorke Allen, Jr., Associate, Rockefeller Brothers Fund. The pertinent points in answer to this question, as answered by Mr. Allen are as follows:

"The question arises: is religion an appropriate field for foundations to enter? I believe the answer is clearly 'yes.' There are a number of non-theological reasons which might be cited to support this position.

"(1) Religions—whether Christian, Jewish, Buddhist, Moslem, or whatever—bring a constructive influence to bear on the motives of most men. A man's religion provides him with a set of values in life to which he can refer and on which he may rely. His church inculcates in him a reason or motive for wanting to help his fellow man, through direct vocational service on his part, or by means of philanthropy, or otherwise. These foundations should support the churches and synagogues which inculcate these values in individual men and women.

"(2) From the point of view of society as a whole, most observers would agree that during the past twenty years the moral standards of the American people have been declining. This is evidenced by the steady increases in the various crime rates, pornography, alcoholism, homosexuality, narcotics addiction, and (compared to other nations) the persistent and undue emphasis placed on sex in American novels, motion pictures, and the theatre. Foundations might well direct their attention to ways and means of helping to reverse these moral trends, and to supporting the religious organizations which are engaged in this effort."

Continuing his speech, Mr. Allen relates the policy of deciding the beneficiaries of Rockefeller Brothers Fund grants to religious organizations:

"Rockefeller Brothers Fund pursues a general policy of contributing to Riverside Church in New York City, which. . . . The Fund also contributes to the annual operating budgets of the Protestant Council of the City of New York, the New York State Council of Churches, the National Council of Churches, and the World Council of Churches—in other words, to the four major echelons of councils within Protestantism." [18]

If Mr. Allen and the Rockefeller Brothers Fund want to donate to the churches and church groups which inculcate the eternal verities and which seek to reverse the moral trends referred to in Mr. Allen's speech, then why do they choose to subsidize the NCC and WCC?

The NCC attitude toward the moral trends of our society, and its regard for the eternal verities is candidly stated in the following quotation:

"This increased mobility and the lengthening period of postponed direction-decisions are major factors in the rise of the so-called 'new morality.' Old attitudes, which in a more static society seemed 'eternal' are now being rejected. Many theologians are arguing that the youth are right in insisting on 'freedom from law' in matters of sex and family life. Love may be 'eternal' but the laws that relate the meaning of love to particular social conditions must be subject to change as the social situations to which they were relevant disappear. Old attitudes on moral questions such as pre-marital intercourse, homosexuality, divorce, are therefore increasingly questioned, and many theologians are ready to see in these questions a new freedom for the Christian faith with its emphasis upon law as the servant of love. But others disagree with the easy suspension of laws which seem to them to be a necessary safeguard of the proper personal relations for which love must strive. They see the 'new morality' as being in danger of surrendering society to lawlessness as sinners rationalize their disordered desires, so that every man does that which is right in his own eyes. That these warnings are of great importance is clear; but it seems equally clear that the 'new morality' does point to new conditions which are forcing upon us a radical reconsideration of time-honored attitudes." [19]

This quote is taken from *For The World*, a study book for local churches by Colin Williams of the NCC staff in preparation for the 1966 General Assembly of the National Council of Churches.

On this sobering note we must take leave of our topic, not because it is exhausted, but because this gordian knot is so complex that to explore fully and to expose it would require much more time, and expenditure of funds than this and most other organizations could afford; that is unless a foundation grant were forthcoming!

FOOTNOTES

[1] *The Foundation Directory* 3rd edition. 1967, pp. 14–15.

[2] Rose L. Martin, *Fabian Freeway*, p. 447.

[3] "The Dialogue . . . Unique Contribution to Democracy," undated pamphlet outlining purposes of the Center, p. 2.

[4] Alice Widener "Guide To Tumult In America," in U.S.A. Magazine (February 9, 1968), p. 8.

[5] *Op. Cit.*

[6] *Chicago Daily News* (June 9, 1962).

[7] Undated Center letter signed by Robert M. Hutchins, p. 1.

[8] Robert Scheer, "How the U.S. Government Got Involved in Vietnam," p. 79.

[9] *New York Times* (March 30, 1967).

[10] *Chicago Daily News* (February 24, 1967), p. 11.

[11] *Ibid.*

[12] *New York Times* (February 22, 1967).

[13] *Ibid.*

[14] *New York Times* (February 26, 1967).

[15] *Foundation News* (November, 1964), p. 4.

[16] *Group Research Report* (April 29, 1967), p. 28.

[17] Ralph de Toledano "CIA Was Playing God," King Features Syndicate release.

[18] *Foundation News* (November, 1965), pp. 113–114.

[19] Colin Williams, *For The World*, 1966, p. 42.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. SCHERLE. Mr. Speaker, this is the 107th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

Footnotes at end of article.

EDWARD HAROLD LITCHFIELD: AN ADMINISTRATIVE CAREER CUT SHORT

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. MOORHEAD. Mr. Speaker, Pennsylvanians, and particularly natives of my home city of Pittsburgh, were greatly saddened by the death March 8 of Edward H. Litchfield, an inventive businessman and administrator and a former chancellor of the University of Pittsburgh.

In the March 15 issue of Science magazine, Bryce Nelson, a former faculty member at the University of Pittsburgh, wrote a perceptive and sympathetic portrait of the late Dr. Litchfield.

Mr. Nelson's article will be of interest not only to those who knew and admired Dr. Litchfield, but also to those who appreciate the excitement of reading about a life lived fully and well.

Under leave to extend my remarks, I insert Mr. Nelson's article at this point in the RECORD and commend it to the attention of my colleagues:

EDWARD HAROLD LITCHFIELD: AN ADMINISTRATIVE CAREER CUT SHORT

Edward Harold Litchfield, 53, chancellor of the University of Pittsburgh for a decade, was found dead on Saturday, 9 March, after the private plane in which he and his family were riding crashed into the fog-shrouded waters of Lake Michigan near Chicago. (Also on the plane were his wife Mary, 41; his two youngest children, Ted, 10, and DeForest, 5; his mother, Ethel Litchfield, 80; and the pilot, Jim Looker. Dr. Litchfield's body was found soon after the crash; the others were not found immediately. Dr. Litchfield also had three older children, who were not passengers on the aircraft.)

The story of Edward Litchfield, a hard-driving administrator, was one of those rare lives about which a significant novel or biography could and should be written. In many ways an outstanding "success story," Litchfield's career tells much about American university education and about big business. Edward Litchfield lived on a grander scale than most educators; if his failures were more publicly known, it should at least be remembered that he also attempted more than most men.

The son of a Detroit postal clerk, Litchfield received his Ph.D. in political science from the University of Michigan in 1940, 4 years after being awarded a bachelor's degree from that institution. After World War II, Litchfield became director of civil administration for General Lucius D. Clay's government of occupied Germany. In 1950, he became professor of public administration at Cornell; during his years at Ithaca, he served a 3-year stint as the first Executive Secretary of the American Political Science Association and founded the *Administrative Science Quarterly*. As Dean of Cornell's Graduate School of Business and Public Administration from 1953 to 1955, Litchfield further solidified his many associations with industry which were to give an unusual character to his role as an educator. Litchfield served on the board of several corporations. At the time of his death, his main business responsibility was the chairmanship of the S.C.M. (Smith-Corona Marchant) Corporation, which he had held for the last 12 years. He is reported to have greatly increased S.C.M.'s profits.

In 1954, at the age of 41, Litchfield was asked to assume the chancellorship of the University of Pittsburgh. At that time, Pittsburgh, primarily a "street car" college for commuters, was distinguished mainly by its football teams and by its central skyscraper building—the Cathedral of Learning. Pitt's trustees and other leaders of the powerful Pittsburgh business community wanted to turn Pitt into one of America's great universities. This was a difficult assignment, especially in view of the fact that Pitt was basically a private university with a small endowment and little access to public funds.

Litchfield was a man with the requisite personal audacity to accept that kind of challenge. During his administration, Pittsburgh acquired many outstanding faculty members and improved its physical facilities. One example of this progress was that the university built up one of the best philosophy departments in the nation during Litchfield's chancellorship.

But Litchfield was not able to pull the university up by its bootstraps without making enemies. Faculty members who were told to move elsewhere or who were refused promotion or pay increase because of more rigorous academic standards were naturally hostile to him. Pittsburgh academic institutions and many nonacademic Pittsburghers were suspicious of the upstart Pitt, especially when Litchfield announced grand projects and when Pitt acquired new chunks of valuable urban land, including Forbes Field, home of the Pittsburgh Pirates.

Litchfield might well have been able to pull off his whole breathtaking ambition, if he had been able to obtain the necessary money. In later years, Litchfield talked as if the trustees had promised to raise $125 million for the university. Money on that scale was never forthcoming. One principal difficulty was that an important Litchfield backer, Pitt Board Chairman Alan M. Scaife, died only 3 years after Litchfield became chancellor. Litchfield was eventually forced to resort to the kind of large borrowing which characterizes American business in order to fulfill his commitment to build a great university. But this kind of borrowing is much more accepted in industry than in university life. By 1965, the University of Pittsburgh was almost $20 million in the red and lacked the cash on hand to pay current bills and salaries. Because of this financial crisis, some of the trustees erupted in anger against Litchfield. He resigned shortly after this dispute; the explanation given was that he had suffered a mild heart attack.

LITCHFIELD REMAINED SILENT

Because he had left Pittsburgh under cloudy circumstances, Litchfield's career as an academic administrator was finished; for the last few years of his life, he devoted himself to his business affairs and to the presidency of the Governmental Affairs Institute. There is no doubt that Litchfield's family, some of his associates, and perhaps even Litchfield himself sometimes wanted to tell his side of the Pittsburgh dispute. But Litchfield never spoke out publicly. As he explained to this reporter, "A man doesn't devote that many years of his life to building an institution and then criticize after he leaves."

When this writer served as a faculty member at the University of Pittsburgh, he first came to know Chancellor Litchfield, who then seemed like the aloof head of a big corporation, a businessman in the scholarly community, an academic empire builder. As the writer learned more in subsequent years, this early judgment seemed a much too simple view of a highly complex person.

People who knew Litchfield discussed him a great deal; he was the kind of man whose personality attracted deliberation about his motivations and worth. Through the years, one learned of facts that did not fit into a simple characterization of the man—that Litchfield had taken a leave of absence as a student at Michigan so that he could pursue his love for Byzantine history, or that he was greatly respected in his position in Germany, partly because of his unusual concern for those who worked for him. During 1965, his most precarious time at Pittsburgh, Litchfield did not hesitate to take a controversial stand by backing some Pitt students involved in civil rights demonstrations in Alabama. And, as the facts of Litchfield's treatment as chancellor at Pittsburgh became more clear, it was apparent that he had a case in his defense that should have been more widely appreciated.

Like other men, Litchfield had his faults, but many of these faults were shared by the systems which he served. Litchfield made grand statements about the future of the University of Pittsburgh, but those who, perhaps unthinkingly, commissioned him to bring "instant excellence" to the university must share in the blame that the visions were never fully realized. At times, Litchfield's University of Pittsburgh may have resembled a hustling corporation, but in that respect it was no different from many other American universities which are "on the make." What should be remembered about Litchfield's career as an academic administrator is that the University of Pittsburgh did improve markedly while he was chancellor and that he deserves much of the credit for that forward movement. He was too courageous a man to have rejected the commission to build Pittsburgh into one of the nation's great universities.

Edward Litchfield was a proud and ambitious man. When this reporter talked to him a few months ago, Dr. Litchfield could not keep the hurt out of his voice when he said, "It will take me 10 years to put myself into the position of leadership in the American business community that I formerly had in the academic community." Those who knew him regret greatly that he did not have those years.

EXCESSIVE BUDGET CUTS THREATEN MARITIME INDUSTRY

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. GARMATZ. Mr. Speaker, I think my colleagues should be aware that if we submit to Federal cost reductions beyond $4 billion we might cause terrible suffering for many industries.

For example, the American shipbuilding industry might suffer a crippling blow if Republican attempts to push through excessive Federal spending reductions succeed in Congress.

Our shipbuilders are one obvious target since 10 new ships are scheduled for construction in the 1969 Federal budget, involving expenditures of roughly $50 billion.

What would happen to these plans, these jobs, and these important projects?

One effect of cost reduction in this area is that multiple production awards—a contract for more than one ship—work would stop if the keel of a ship has not been laid. Even after a ship is launched, anywhere from 35 to 45 percent of the costs are involved in outfitting.

If we do not produce the necessary funds to outfit ships, an additional half dozen new vessels will also become victims of drastic cost reductions.

It is clear, I think, that if Congress allows itself to be misled by Republican enthusiasts into cutting expenditures blindly and irresponsibly, we must face the consequences of creating an endless road to the chaos and hardship in the shipbuilding industry as well as other key industries in the Nation.

I urge my colleagues to take careful and thoughtful action to keep budget-cutting in the realm of public interest, not public suffering.

Let us do our duty; but do it wisely and compassionately.

GEN. EARLE G. WHEELER

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. FINDLEY. Mr. Speaker, since I objected yesterday to the unanimous-consent request which would have authorized an additional term of 1 year for the Chairman of the Joint Chiefs of Staff, Gen. Earle G. Wheeler, an article on the subject has been brought to my attention. It is an editorial which appears in the current issue of the Journal of the Armed Forces, a weekly journal.

Here is the text of the editorial:

No Compelling Reason

(By Louis Stockstill)

Over the years, we have heard the Defense Department unfold some unique explanations for unique proposals of one kind and another, but never one with less substance than the current pitch the Pentagon is making to win another year in office for General Earle G. Wheeler, Chairman of the Joint Chiefs of Staff.

General Wheeler is now completing his second two-year tour in the JCS Chairmanship. His term expires the first week in July. By law, he is not eligible for reappointment.

The statute governing the appointment of the JCS Chairman specifies that an officer may serve in the post for two, two-year terms, but that his term of office may thereafter be extended only "in time of war declared by Congress."

Since 1949, when the post was created, only six officers have served in it.

General of the Army Omar N. Bradley was the first JCS Chairman, and he remained in the assignment for a full four years. Admiral Arthur W. Radford, USN, who succeeded General Bradley, also served for four years (but—like General Wheeler—would have been extended in the office, except for the fact that opposition developed while the move was still in the trial-balloon stage).

The three officers who occupied the post between the time of Admiral Radford's departure and General Wheeler's appointment—General Nathan F. Twining, USAF, General Lyman L. Lemnitzer, USA, and General Maxwell D. Taylor, USA—each served less than four years.

General Twining occupied the top slot for about three years and 45 days; General Lemnitzer served as Chairman for two years, and General Taylor for slightly less than two years.

Now, the President and DoD are again seeking to break with law and precedent in order to give General Wheeler another year at the head of the JCS organization.

Because the step will require special Congressional approval, Secretary of Defense Clark Clifford has sent to the House and Senate a proposed draft of a "joint resolution" which would authorize the President to reappoint General Wheeler as Chairman of the Joint Chiefs of Staff for an additional term of one year.

In his cover letter, Secretary Clifford points out that the exception "would not otherwise affect the existing permanent law." And, he states, "In view of the existing situation and General Wheeler's unusual qualifications, the national interest will be served best by making an exception in this case."

The Secretary of Defense does not say what "existing situation" he is talking about (it could be the Vietnam war . . . it could be a belief on the part of DoD that there currently are no qualified available successors . . . it could be a political ploy to keep the job available for someone who could be appointed a year from now but not at this moment . . . it could be almost anything). The Secretary has left it all very general and very vague.

Nor does Mr. Clifford define General Wheeler's "unusual qualifications." It would be most interesting to know what special qualifications an officer might have that would make it more desirable to keep him in a particular office for five years than for four.

And, the Secretary of Defense does not explain how the "national interest" will be served by the reappointment. He just makes the bald statement that it will.

Frankly, we find the arguments less than persuasive. Someone less favorably disposed might, indeed, claim that they are entirely specious.

We admire and respect General Wheeler. He has been an excellent Chairman as far as we know. We think he would continue to serve the office with distinction. But we have heard no logical reason for setting the law aside to permit him—or anyone else—to continue in office beyond the prescribed statutory limit.

We think the definitive statement on this subject was made back in 1957 when the Defense Department floated a trial balloon to find out how it would fare in requesting a third term for Admiral Radford. Former Congressman Carl Vinson (Ga.), who was then Chairman of the House Armed Services Committee declared that he saw "no reason to perpetuate any individual in the office." We agree, and we think the argument is just as telling today.

We esteem General Wheeler, and we know that he is well regarded on Capitol Hill, but we feel that if the law is to be set aside, even temporarily, there should be special and compelling reasons for such action. If there are no such reasons—and so far none have been put forward—we believe Congress should reject the action and require the appointment of a new Chairman.

RAVNA GORA DAY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. RARICK. Mr. Speaker, today in all free countries, refugees from Communist tyranny and oppression commemorate "Ravna Gora Day."

Ravna Gora is a high plateau in central Serbia.

This is the fairly safe and sheltered area where the late Gen. Dragoljub Draza Mihailovich, the great Serbian resistance leader, established his headquarters on May 10, 1941, after the country was overrun by the Nazis. With Ravna Gora as their center, pro-American resistance forces as a unit fought the Nazis for more than 6 months, until their defeat and the capture of Ravna Gora by the Nazis late in October. Thenceforth resistance forces split into groups and carried their fight against the common enemy of National socialism until the end of World War II.

Ravna Gora has thus become a landmark in the continued fight for the liberation of Yugoslavia. The anniversary of the establishment of the headquarters of General Mihailovich's resistance forces is annually observed by free Serbians in exile. This observance is not permitted in Communist Yugoslavia today.

In remarks in the Congressional Record, volume 113, part 25, page 34855, I reported the tragic death of that great patriot and Christian friend of the free world, General Mihailovich.

We join with our many heroic Serbian people in the celebration of Ravna Gora Day—rededicating themselves as a reminder to the free world of the falsity and brutality of Communists.

A FOND DU LAC REPORTER VIEWS RIOT-TORN WASHINGTON

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. STEIGER of Wisconsin. Mr. Speaker, 2 weeks ago I had the pleasure of helping to arrange a visit to Washington by 11 newsmen from the Sixth District.

This trip was put together and supported by local business and industry in order to give the news media an opportunity to learn more of the activities of the Federal Government. Senator Proxmire was in charge of arrangements in the other body.

Out of that press trip to Washington came a number of excellent articles by the participants. Space does not permit printing all of them, but an article by Stan Gores of the Fond du Lac Commonwealth Reporter was exceptional, and I include it as part of my remarks.

I believe the experiences of those who participated will enable them to do a better job of reporting and analyzing the news, both at home and abroad.

The article follows:

Touring the Negro Ghetto of Washington, D.C.—A Cop Talks About the Riots

(By Stan Gores)

Washington, D.C.—(Special)—Lt. Harold Gipe is a tall, leather-skinned man with pale blue eyes, thick brows, a long nose, rather heavy chin and a rich, deep voice.

To most of us he's a "cop."

To those who understand the true nature of his difficult work, he's a trained plainclothes man in the Criminal Investigation Division of the Metropolitan Police Department of Washington, D.C.

Gipe is 52. He's been in police work for 28 years.

He knows the side of Washington that most visitors never get to see—the narcotics payoff corners, the dens of prostitutes, lairs of female impersonators, the hangouts for petty thieves, the dumpiest strip joints.

Since the assassination of Dr. Martin Luther King, he's gotton to know another section of Washington even better—the poverty-plagued Negro area inhabited by dissatisfied blacks who want something better. Spurred on by men like Stokely Carmichael, many are ready to turn to violence to get it.

They proved it earlier this month, after King was murdered, when they went on a rampage of looting and destruction, burning stores, homes and cars. President Lyndon Johnson was forced to call in federal troops to protect the nation's capital.

During the peak of that violence, Gipe and his fellow officers were sent into the middle of the riot area—where they were outnumbered 2,000 to 1.

HOW IT STARTED

"It was estimated that there must have been 50,000 people in here," said Gipe, driving through the Negro section. "One window was broken and the violence started. And then it went on all Friday and Saturday. First they went to the liquor and clothing stores, and then to anything that was in their path."

As he spoke, Gipe drove a red, unmarked police car, leading a two-auto caravan of press representatives through the ghetto. The second car was a convertible. Everyone in the press delegation was white.

Young Negroes on the sidewalks stopped to look. Their eyes seemed curious, unfriendly. Others paid little attention. A few appeared to smile.

Buildings had been leveled. The window frames of apartments above skeletal stores were charred from flames. Bricks formed little hills where buildings used to be. The legs of battered mannequins jutted from the ruins. Clothing that once draped their forms was gone.

"One liquor store was left on this block," said Gipe. "We learned later that he'd been real nice to these people."

We passed the liquor store. Not a window was broken.

Scrawled on the windows of other stores was "Soul Brother." Some of the windows were cracked.

Did "Soul Brother" help protect property?

"Oh, yes," said Gipe.

POINTS TO RUINS

At one corner he pointed to the ruins of a large department store. A total loss. More naked mannequins, half buried by bricks. High on a wall of a building that had been almost demolished was a pipe rack, still holding dresses that had been for sale. The dresses swayed gently in the spring wind.

Could these merchants insure their stores?

"We heard that only three-fourths of the damaged property was insured," said Gipe. "Plate glass windows are broken so often that it's become prohibitive to insure them. So store owners put steel grating in front. When the riots started, people used crowbars and went over the top to break the windows."

A husky young Negro, bearded and wearing a bright green beret, was walking along the street. He stopped and stared as the press cars drove past.

"One man I know in this area spent two nights in his store with shotguns and they knew he was in there," Gipe commented. "They'd call him on the phone and say, 'We're going to get you.' "

Gipe was asked about Chicago Mayor Richard Daley's "shoot to kill" order for serious rioting. He pointed out that an officer must try to arrest a man committing a felony, rather than shoot him. Three exceptions allow an officer to shoot—to save his own life, the life of someone else, and when there is no other way to take the man into custody.

"The Negro knows this," said Gipe. "In some cases they've walked up to an officer and said, 'Why don't you put that gun away, man; you know you can't use it.' "

Destruction of the ghetto puts many Negroes out of work. Stores and business places shut down. Sometimes they don't reopen. There have been rumors of attempted suicides over business losses.

Gipe pointed to what used to be a Sears Store. Now it's nothing.

"After taking everything from Sears garden shop, the rioters burned it," Gipe observed.

EMOTIONS VISIBLE

As our press cars moved along, it was interesting to study faces. Despair, hope, defiance, anger, apathy, annoyance. All these emotions were visible among the men, women and children on the sidewalks.

Near a corner was a drab frame structure, like a small grocery store. The sign on the window read, "Refuge Church." The window was neither cracked nor broken.

Store fronts were boarded shut, while window crews worked to make repairs. On several plywood fronts the owners had scrawled, "Open."

Rows of old wooden houses lined the curb on the street. A Negro boy walked onto a small porch, looked around, then went back inside. One home bore the label of the merchants, "Soul Brother."

Gipe was asked if he expects more trouble here. He does. He says too many people have guns.

"The National Guardsmen in Washington could help," he said. "These people (the guards) are going to have to be available."

He talked about a course he'd taken. He was one of 68 persons registered to learn more about handling civil disorders. Members of the National Guard were there, too.

What about Stokely Carmichael who was in Washington at the time of the riots, calling for more violence in the streets?

"I don't know why he isn't behind bars," said Gipe, "unless they think that if you lock him up you'll start another riot. Only a few start the riots, you know. The others are merely opportunists who take advantage of the situation."

OLDER "OPPORTUNISTS"

Were the riots confined to the young, or were older Negroes involved? Many were in the older category, he said. They were the "opportunists," the looters.

Our journey into the ghetto took us to what once must have been an attractive area for youngsters to play. It is called the "John F. Kennedy playground." Operated by the Washington, D.C. Recreation Department, it has a full-sized old-fashioned, funnel-slack train, a merry-go-round and a variety of climbing rails.

Children were there when we drove by. They were playing, as best they could, but everything is damaged.

While the riots were in progress, and police officers worked on almost endless shifts, Gipe was in a car with other officers. He made seven arrests—burglary, looting, curfew violations.

"Some of the rioters had pistols when they were picked up," he remarked. "Some fought till you had to subdue them."

What about sniping?

Not much of a problem, Gipe explained. There were only four real sniping incidents. Other reports were false. Yet guns had been taken when the pawn shops were looted.

Fires, looting. These were the main areas of trouble.

"There were so many incidents and arson cases that we formed a special unit to try to get sufficient evidence on the people involved," Gipe declared.

"They had to stay together to have strength," he continued. "Until the troops got there we were helpless. There was so much confusion that you did only what you thought you could do . . .

"In one case they got into a real fine store. My wife used to buy me just one thing there each Christmas. They got into that place and took everything, and I thought about it because there were so many things in there that I'd have liked."

TOUR ENDS

Our tour was nearing the end now. Yet Gipe's memories of the riot are fresh and he talked on, reliving the nights that made headlines around the world.

"For 12 hours there was nothing but riot calls," he said, a faint smile crossing his tired face. "There was no other crime in Washington during this time . . . They'd stop their looting when we'd drive up . . ."

There are some funny stories about the riots that are now being circulated. Whether they're true is hard to say. But Gipe had one to tell us.

"This woman was supposedly picked up for looting," he said, "and she became angry at the police. 'What's the matter with you?' she asked, 'I always do my shopping here Friday nights . . . I can't help it if there's no one here to check me out . . .' "

We laughed at that. It was a light end for a somber tour. A few minutes later we were at a new destination.

Gipe dropped us off, shook hands, chatted a few more minutes and said goodbye. The ghetto was behind us now. The smoke of early April had faded over Washington.

Gipe went back to being a "cop."

We went back to writing about what we saw.

And for the Negroes in the ghetto, nothing had changed.

TRIBUTE TO COL. HOMER GARRISON

HON. JOE R. POOL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. POOL. Mr. Speaker, today I wish to pay tribute to the memory of a great American, Col. Homer Garrison, director of the Texas Department of Public Safety since 1938. Colonel Garrison's contributions to the cause of efficient law enforcement and highway safety have long been internationally recognized, and his passing grieves his many friends and associates throughout the world.

A self-made man, Colonel Garrison, who left school in the 10th grade, transformed the Texas Department of Public Safety into a model law enforcement agency, which served as a pattern of development for many other States and nations. Through personal industry, initiative, and study he became an expert criminologist and instituted an exhaustive training program for law enforcement officers, scientific crime detection methods, and computerized records systems in the Texas Department of Public Safety. He was the recipient of many awards for his distinguished service and the counselor to foreign governments on law enforcement techniques.

Colonel Garrison enjoyed a widespread reputation for his fairness and honesty, qualities he demanded in the famed Texas Rangers whom he led. It was my honor and privilege to work closely with him when I served in the Texas Legislature in the 1950's. This association I shall always hold dear.

The friends of Colonel Garrison know that his memory will always be cherished in the annals of Texas history.

RESOLUTION ON POLAND

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. DERWINSKI. Mr. Speaker, news filtering out from behind the Iron Curtain discloses substantial unrest and frustration caused by the failure of Communist dictatorships to provide citizens in the captive nations with standards of living and freedom to which they aspire.

It is a fact that one of the propaganda issues which the Polish Communist government continuously uses to influence Polish people is the claim that only the Soviet Union is protecting the western frontiers of Poland. Therefore, a recent statement by Foreign Minister Willy Brandt of Germany on the subject of the recognition of the western frontier of Poland created substantial interest in diplomatic circles.

This statement was subject to a resolution adopted by the Illinois Division of the Polish-American Congress on April 17, 1968, and I insert it into the RECORD reemphasizing its fundamental significance:

RESOLUTION ADOPTED BY THE DELEGATES TO THE ILLINOIS DIVISION OF THE POLISH-AMERICAN CONGRESS AT A MEETING ON MARCH 29, 1968, AND APPROVED APRIL 17, 1968

Whereas the Board of Directors of the Polish National Alliance at its meeting on March 22, 1968 adopted a Statement in respect of the Vietnam conflict and the Oder-Niesse Line;

And whereas this statement wholeheartedly supports "the United States Government's pursuance of a just, honorable and permanent solution of the Vietnamese conflict", in the behalf that "the future of the free world is dependent in a large measure on the United States resolute action in the Far East";

And whereas it correctly emphasizes as a "significant development on another frontier of freedom, in Europe" recent declaration of the Foreign Minister of the Federal Republic of Germany Willy Brandt, who asserted that the time has come for permanent recognition of the Oder-Niesse boundary by the German nation, and the resolution adopted by the German Social Democratic Party to "respect and recognize" the present western frontier of Poland;

And whereas this Statement calls on the United States Government to "advance the cause of freedom and stability in Europe by official statement that it will support Poland's right to her, western territories";

Now, therefore, we, the Delegates to the Illinois Division of the Polish-American Congress, representing some 50,000 Polish-Americans, members of various fraternal, civic and veterans organizations, assembled at our annual general meeting on March 29, 1968:

Resolve and declare our full support and solidarity with the views expressed in the Statement of the Board of Directors of the Polish National Alliance; and

Request the Secretary of State to give an urgent consideration to the request that the United States Government declare in the immediate future its recognition of the Oder-Niesse Line as the permanent western frontier of Poland.

GOVERNOR REAGAN CALLS UPON US ALL

HON. ED REINECKE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. REINECKE. Mr. Speaker, I would like to share with my colleagues some excerpts from a speech made by the Governor of California, Ronald Reagan, concerning the report of the President's Commission which investigated the causes of last summer's civil disorders. Although the speech was made to a Republican group, the Governor speaks, with his usual clarity and insight, to us all. His words are not just for Republicans, not just for Conservatives, but for all Americans.

He calls upon us all to help—the businessman, the individual citizen, you and me. He calls upon us all to join the drive to make equality an economic reality instead of glibly casting blame with general phrases like "white racism."

I commend his remarks to the attention of each Member of this House as especially meaningful in the light of recent events:

SPEECH BY GOV. RONALD REAGAN, CALIFORNIA REPUBLICAN ASSEMBLY, CONVENTION, CLAREMONT HOTEL, BERKELEY, MARCH 30, 1968

The President's Commission report accuses us—you and I—all of us—of white racism.

It is a stigma we will live with from now on in our communities and with our fellow citizens unless we prove that they are wrong. You and I know that many of today's problems are the result of the prejudice that has divided mankind from the very beginning.

We know that there are those today who still spread the poison of bigotry and we cannot ignore them any more than we should overlook those others who are determined that no American will ever again have to tell his child he is denied some of the blessings of this land because he is in some way different.

And that is where you and I come in. We can take an interest. We can make the difference. We can insure equal rights and equal opportunity and equal treatment for all our citizens. We can do this by becoming invoved in this great problem.

And make no mistake about it, if you and I as citizens do not become involved, government will—and at everybody's expense, because government always tends to work toward a common denominator, without much regard for individuals.

But we have an opportunity in this nation today to prove what freedom and equality are all about. We have a chance to prove that as Americans we can live up to our responsibilities toward our fellow men.

We have an opportunity to prove that we care.

You know that I have shunned labels as divisive in our party, but now let me refer to the one applied to us and our philosophy—conservative. We have assailed many of the programs launched in the name of liberalism and as a result have been charged with opposing the humanitarian goal.

We have seen these programs fail to achieve their purpose and in failing, lead to frustration and hopelessness on the part of those they were meant to help.

Who better than conservatives is there to cope with these problems? Is not our philosophy based on a belief in the individual, his freedom and his rights?

Now let us prove that ours is the way that can best meet this challenge, because we do believe in people—in their right to equal opportunity and human dignity. Here is our chance to prove that we are more than just negative critics.

Here is a chance to prove that the conservative way is the wave of the future because it works, because it can assure a man the dignity and the freedom he is entitled to in this land of ours.

In the last few weeks I have been meeting with members of California's minority communities all over the state.

I have been learning at first hand from them how our education system has failed them . . . how they are just passed from grade to grade and graduated without being able to read and write when they should keep them and hold them if they fail to make the grade, and teach them to learn what they are supposed to learn.

I have learned how our economic system has failed them . . . failed to extend the bounty that is the right of any of our citizens. And yet, these good responsible citizens in these communities sometimes bitterly, but more often with a patience that is hard for us to understand, sit in these meetings and you learn how they are standing between us and between those who have decided that they have reached the end of the road and that the only answer is the last, hopeless gesture of the club and the torch.

They have come and they have talked to me about the problems. Now, together you and I have to do something about this—better than what has gone on before. We can do something about it. It is our responsibility, but at the same time, it is good business. The alternative is to continue to support many of them on dole, to perpetuate their poverty.

But at the same time, there isn't a business in this country that is not begging for skilled workers while these people are begging for jobs and all we need to do is to provide the skills and we have the workers; they have the jobs. We do not have to pay the support any more—for they join us, in a productive economy helping support further programs and helping to pay the taxes to bear the load with the rest of us.

Think what it would do for American business if we could simply raise the minority population of this country to the national average. It is a potential market that is bigger than all the foreign markets of today that we are trying to hang on to.

This is good business. But also it is just plain good. We shouldn't be doing this as a crash program trying to find some palliative that will head off a long, hot summer. We should do this because it is morally right.

There was a French philosopher by the name of deTocqueville, who came to this country a hundred years ago searching for the secret of our greatness and he finally found it. He said, "America is great; it is good." And he said if America ever ceases to be good, America will cease to be great. This is good—that we join with these people in the American dream. The American dream that we have nursed so long that is so almost beyond our reach any more is not a dream that every man will be level with every other man. It is a dream that every man will be free to become whatever God ordained he should be and this dream is our responsibility and the great heritage that we can pass on to our children.

FABULOUS FOURTH REPORT

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. WYDLER. Mr. Speaker, it has been my practice over the years to report regularly to my constituents and, with unanimous consent, I submit my May report for inclusion in the CONGRESSIONAL RECORD. It follows:

REPORT TO CONSTITUENTS

CONGRESSMAN WYDLER ANNOUNCES CONTEST: THERE OUGHT TO BE A LAW

Had any good ideas about new laws lately? This is a contest and your idea could win.

Everyone has said, at one time or another, "there ought to be a law about that!" Well, here's your chance. If you think there should be a new law controlling something or other, or prohibiting this or allowing that, then tell me about it in twenty-five-words on a post card.

I'll read the proposals and will personally decide on the one I consider the most deserving. That proposal I will introduce into the Congress as a bill. In a way, you will be the joint-sponsor.

That's the first and only prize, except there is a little more to it. I would like to have the author of the prize-winning law in the balcony of the House of Representatives when I introduce this bill, so, I am inviting the winner to come to Washington at my expense, on a round trip ticket. And, to bring along husband or wife. In case the winner is unmarried, then a friend. The winner must live in the Fourth District.

I cannot guarantee that the proposed law will be adopted by the Congress, of course, but the winner will receive copies of his law, just as they are given to each member of Congress.

Inasmuch as Congress does not sit on weekends, I would like the winner to arrange to come to the Capitol during the week.

I suggest you type or print your entry but there is no objection to good handwriting. All entries must be received by June 30. Address the post cards to me, Congressman John W. Wydler, House of Representatives, Washington D.C. 20515.

About 10,000 bills will be introduced this year and only a few hundred will pass. Ours should be a good one. If your law doesn't pass this year, I'll press for it again next year.

(See following for contest rules.)

JACK WYDLER,
Member of Congress.

(Gift of Old Glory: Rep. John Wydler (r) of Garden City, places the flag given him by NYC Ptl. Daniel Mahoney of Nassau County (l), on his car antenna. Looking on, at Mineola, is Ptl. Edward Lecci, Pres. of the Nassau Patrolmen's Benevolent Association—Photo caption.)

SHOW YOUR COLORS!

If there was ever a time when people of this Nation should show their colors, it is now!

And, my office, in cooperation with the Patrolmen's Benevolent Association of the Nassau County Police, is doing something about it.

If you would like a small American Flag, just the size to fly from your automobile antenna, then drop me a letter or a post card, addressed to me at my Washington office with the word "Flag" clearly written in the left hand corner.

Patrolman Edward Lecci, President of the Patrolmen's Benevolent Association, and his Board of Directors, agreed to purchase the flags and I will mail them out to those who apply for them. Get your requests in right away, so Mr. Lecci will know how many flags to order. Delivery may take several weeks.

I am proud to work with our local police and Patrolman Dan Mahoney of Nassau County who originated this idea in this display of unity and love of country.

(For our men in Vietnam, the Gamma Chapter of the Engineering Society at the Community College recently held a fund-raising dance and made $3,000. Going over the pre-dance plans in the office of Congressman John W. Wydler are Faculty Advisory Andrew Kowalik, left; President of Gamma Tau Gamma Paul Simon; Dance Chairman Tom Saad; Gamma Tau Gamma Vice-president Jerald Lane; and Mr. Wydler.—Photo caption.)

YOU'RE INVITED

The people know what they want. The goal of a public official is to find out what his constituents want and to do everything possible to obtain it for them.

There are many so-called experts who are constantly informing all who will listen what it is the people really want. More often than not they are wrong and are merely reporting what they want.

Since becoming a Congressman, I have made it my business to seek out and discover what it is that the people in my District really want. I had, of course, the usual sources such as the daily correspondence and visits to my offices in both Washington and in my District.

I believed, however, that I needed more. Almost at once I started sending a Questionnaire to every resident of my District. The response was so great that I have continued this every year.

The returns from my Fifth Annual Questionnaire are now being tabulated and I'll have the results shortly. More answers came in this time than ever before. You will receive a tabulation of the results.

Two years ago I started on a new method of keeping in touch with public views. I began visiting local post offices and inviting the whole community to visit and share their hopes, aspirations and problems with me. There are instance where I can help.

When you see signs in windows, or read in the local papers that I will be at your own Post Office on some future Saturday, don't hesitate to drop in and talk things over. If your problem is a confidential one, it will be so treated.

GOLDEN AGERS HEAR EXPERTS GIVE ADVICE

The moment an individual reaches his sixty-fifth birthday, he finds an entirely new set of living problems to cope with. This is especially true if the arrival of that significant birthday also means retirement from active, income-producing endeavor.

One of the problems is that so few people are prepared properly. Few know where to go and what to do to apply for Social Security. Even fewer know of various provisions in the laws which attempt to make living easier for the elderly. Insurance problems multiply.

The time to become informed of these matters is during the five year period prior to that birth date, but very few do.

A few weeks ago I invited everyone sixty-five and over in all the Fabulous Fourth District to come to the Sagamore Room at Roosevelt Field where I had arranged to have experts explain all the government aids available to the elderly and to answer questions. More than 400 appeared.

(Elderly people are sadly lacking in knowledge of what help is available to them. There are many Federal, State, County, Town and sometimes even local programs which will help them, but they are often unaware of them. Congressman Wydler held a seminar at Roosevelt Field, which more than 400 attended. Here he discusses problems with some who came.—Photo caption.)

FEDERAL BUILDING AT MITCHELL FIELD ASKED BY WYDLER

A bill calling for the erection of a Fifty Million Dollar Federal Building on Federally-owned property at Mitchell Field, has been introduced by Congressman John W. Wydler.

The proposed structure may also house a vast Post Office service building to help speed the mails throughout the central area of Nassau County.

The measure is co-sponsored by Congressman James R. Grover, Jr., of Babylon, the ranking Republican on the House Subcommittee on Buildings and Grounds of the Committee on Public Works. Mr. Grover said he will press for early hearings on the measure and do all he can to see it is reported out at an early date.

While costly, Congressman Wydler pointed out, the building would bring under one roof a score or more of Federal offices now located in rented quarters here and there over Long Island. The Federal rent bill runs into the millions of dollars every year, the Congressman added.

Congressman Wydler stated, "I believe, with the support of the General Services Administration and of key members on the Public Works Committee of the House, the legislation can be moved quickly in the House of Representatives. Many years must pass between the introduction of the proposal, original approval of a construction and its actual construction finally concluded, but I think this project can stand on the merits and is well underway."

CONSUMER PROTECTION: X-RAY SAFETY BILL A WYDLER PRODUCT

A bill to bar the manufacture or sale of any device which would emit potentially dangerous X-rays, has been introduced in Congress by Congressman Wydler and is presently in committee.

The Congressman had color television sets especially in mind when he drew up the measure, but made it all inclusive so as to provide protection against dangerous devices yet to be invented.

The Federal Trade Commission would administer the new law.

WYDLER BILL WILL HELP QUAKE VICTIMS FROM SICILY

Victims of the horrible earthquakes in Sicily subsequent to January 12, up to two thousand in number, can be admitted to the United States to become citizens, under the provisions of a bill introduced by Congressman John W. Wydler.

Section Two of the measure reads: "Visas authorized to be issued under section I of this Act shall be issued only to natives of Italy who were uprooted by the earthquakes in Sicily subsequent to January 12, 1968, and are unable to return to their usual place of residence in Sicily and are in urgent need of assistance for the essentials of life."

The bill provides that visas may be issued by Consular officers provided that each alien is found to be eligible to be issued an immigrant visa and that a visa is not immediately available to such alien at the time of his application. The legislation is similar to prior legislation giving relief to victims of catastrophes around the world.

(Two thousand earthquake stricken Sicilians and their families will be able to trade the piles of rubble which is all they have left for new homes in this Country under the terms of a bill introduced by Congressman John W. Wydler, Fourth District, New York. The terms of H.R. 15261 are found highly acceptable by Angelo Roncallo (center), Nassau County Comptroller, and William Laurice (right), both Italian-American leaders in Nassau, who gave Congressman Wydler detailed reports of the suffering of the earthquake victims—Photo caption.)

WETLANDS ARGUMENTS NOW SETTLED

Proving that any controversial matter can be settled to the satisfaction of everyone, Congressman John W. Wydler recently emerged from a House conference room with a broad smile on his face.

He held a sheaf of papers in his hand containing the wording of the now satisfactory Wetlands Bill, concerning which no one had been able to agree with anyone else for many years.

It required two and a half hours of closed-door discussion, said Mr. Wydler, who presided. He included some rather dramatic changes in the measure, which was originally introduced by the Democratic Chairman of the Fisheries and Wildlife Conservation Subcommittee. The original sponsors of the measure agreed to every change.

Besides members of Congress, the New York State Conservation Department and many town officials from Nassau were present and took part in the discussion.

CONTEST RULES

Who May Enter: Any resident of the Fourth Congressional District, regardless of party affiliation. Full time students are invited to enter.

How To Enter: Describe your Proposed Law in twenty-five words or less on a Post Card and mail to Congressman John W. Wydler, House of Representatives, Washington, D.C. You may submit as many proposals as you wish, but only one on each post card.

The Prize: A three day trip to Washington for two persons, including only round trip train or plane fare and hotel room at one of Washington's best hotels.

Time Limit: Your entry must be postmarked not later than midnight, June 30, 1968.

Introduction Date: The winning entry will be drawn up in proper form by the official Legislative Counsel Service. Inasmuch as Congressman Wydler would like the winner to be present when the bill is introduced, two of the three days in the Capital must fall prior to Friday, when the House seldom sits. It also never sits on Saturdays or Sundays.

The Winner: Will be announced as soon as possible after the close of the contest. Congressman Wydler expects to read and judge every entry, but if too many are received he reserves the right to invite prominent Legislators or Judges to aid him. He will make the final decision.

REGISTERED

Are you registered to vote next November? You may register now and until June 7 at the Board of Elections office in Mineola. The office will be closed then until June 24 because of Primary Day, June 18. It will then reopen and remain open until September 3. There will be the three usual registration days in local election districts later on, October 3, 4 and 5. If you are not registered you cannot vote in this Presidential year.

LEGISLATIVE BOX SCORE: SOME BILLS I HAVE SPONSORED

H.R. 16304. Manpower Development Training. Directs a comprehensive national manpower program and places basic responsibility for job training and employment with the private sector.

H.R. 16488. To make Columbus Day a Legal Holiday.

H.R. 16097. Commuter Tax Deduction on Transportation Expense. Allows a deduction of up to $500 for income tax purposes.

SOME BILLS I HAVE VOTED "YES" ON . . .

H. Res. 1099. Congressonal Ethics Bill. Creates permanent House of Representatives Committee on Standards of Official Conduct.

H.R. 11601. Truth in Lending-Consumer Credit Protection Act. Requires persons extending credit to another to make full disclosure in writing of all finance charges prior to consummation of the transaetion.

SOME BILLS I HAVE VOTED "NO" ON . . .

H.R. 14743. Gold Cover Removal. This bill ended the requirement of a 25% gold backing of Federal Reserve Notes.

H.R. 16241. Tax on Transportation. Imposes a tax on transportation of persons by air and reduces the personal exemption from duty in the case of returning residents.

THE BUCK STOPS HERE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. SCHEUER. Mr. Speaker, the Select Subcommittee on Labor continued its hearings today on H.R. 12280, a bill to provide a million new jobs in the public service area to help meet the continuing unemployment crisis, which is so seriously affecting the people in our urban centers, and in some of the rural communities as well.

The subcommittee today heard from a panel of witnesses representing the major religious groups, as well as from Mr. Bayard Rustin, representing the A. Phillip Randolph Institute. Both the interfaith panel members' and Mr. Rustin's basic point, which I think cannot be too often made, was that there is no longer time to search for a scapegoat in the unemployment problem. No longer can the affluent blame the poor for some supposed character flaw which allegedly makes the poor unwilling to seek work. No longer can the poor blame the police for violence, nor can suburbanites blame violence on the poor. And we in the Congress cannot point the accusing finger at anyone except ourselves.

It is in the hands of the Congress, Mr. Rustin suggested, to promote justice and with it civil peace and broad prosperity. Ours, and ours alone is the responsibility now. We can act, and act soon on legislation along the lines of H.R. 12280, or we can accept the responsibility for the disorder and alienation that is beginning to tear apart the very fabric of our society.

I ask unanimous consent, Mr. Speaker, that the prepared statements of this morning's witnesses be inserted in the RECORD at the end of these remarks together with the transcript of the very penetrating ad lib testimony which Mr. Rustin gave to help us come to grips with this legislation.

Tomorrow's hearings will feature testimony from the Urban Coalition.

The articles follow:

PARTIAL TRANSCRIPT OF HEARINGS ON H.R. 12280, MAY 8, 1968

Mr. SCHEUER. The Select Subcommittee on Labor of the Education and Labor Committee is now ready for business.

We are honored indeed that our kickoff witness this morning, following the first witness on this monumental piece of legislation yesterday, Mr. George Meany of the AFL, is Bayard Rustin, Executive Director of the A. Phillip Randolph Institute, and one of the most eloquent, articulate, knowledgeable, impressive Americans speaking today on the problems of poverty, alienation and the inadequacies of our society in giving all Americans a free and equal access to the boundaries of American life.

Mr. Rustin, we are very pleased to have you with us here today and the floor is now yours.

Mr. RUSTIN. I have no intentions of reading my prepared statement. I wrote it precisely to avoid reading it.

Mr. Chairman and members of the subcommittee, I am Bayard Rustin, Executive Director of the A. Phillip Randolph Institute. I am here to testify in support of the Guaranteed Employment Act. With me is Mr. Norman Hill, my associate.

What I really want to talk about this morning, Mr. Chairman, is the extraordinary need for this legislation. It is the first bit of legislation proposed which is going to have a visible effect upon the lives of the people in the ghetto, which in fact they, as a community will be able to see.

Now while I have supported the so-called war on poverty, it in fact has not been visible and I do not think that if it is continued at the present rate, to say nothing of its being cut back, that it can have any effect on the ghetto.

I want to make it also clear that I believe the revolt through which the Negro people are going at the present is, in fact, not merely a revolt about housing, schools, jobs, health, et cetera. It has deeper roots. It has to do with whether people are going to have some say over their lives, but more importantly, the revolt springs from the absence of hope. We did not have any rioting merely because there was not adequate housing, schools and jobs. We had rioting because there was not the feeling that next Thursday, or a week from next Friday, or a year from now, that things would in fact improve.

What is needed, therefore, in the situation at the present time is some dramatic effort, which will restore hope.

Now I support this bill, not because I believe that it does all that needs to be done. No single bill can, but it is a bill which can restore, because of its visibility, hope, that in the future things can be cleared up.

My second point is that we have a Congress which has an almost perverse genius for coming through with all kinds of bills which are in the interest, they say, of maintaining order. For example, all this legislation which is being proposed in regard to the Poor People's March, the "Stop Stokeley" Bill, and all of that. I think what Congress really ought to be doing is something creative, because it is a simple fact that law and order are not going to be maintained by billyclubs or stopping people from marching.

It is going to come as Isaiah pointed out, from justice, for what Isaiah said was, "Where there is justice, order can prevail."

Mr. SCHEUER. We have a rabbi coming up and I am afraid you are giving him unfair professional competition.

Mr. RUSTIN. Being part Jewish, I feel free to do this. I have been studying the Old Testament for some time. Isaiah further said, "Where there is injustice, disorder is inevitable."

Now, therefore, it seems to me that instead of Congress spending its time debating what they are going to do with billy-clubs and stopping people from exercising the First Amendment, what they ought to be doing is something creative like passing this bill, because Negro leaders and police can no longer be made patsies for the inactivity of this society.

I will not permit police or Negroes to be made fall-guys for the fact that the 90th Congress is not only inept, but intensely crippled in its social insight.

Therefore, if there is any rioting in the future, it lays precisely at the door of an inactive Congress and not at the door of the police, and not at the door of Negroes.

Mr. SCHEUER. You are saying the buck stops here?

Mr. RUSTIN. Yes, sir.

I am saying, furthermore, that the responsibility for further disorder is on this Hill, not in the ghetto.

Mr. Scheuer. I quite agree with you.

Mr. Rustin. I want to say, further, that the reason there is difficulty at Columbia as well as in the streets of Harlem springs from the same thing, that the established procedure by which the grievances of people should be heard and acted upon is frustrated and people are thereby driven into tactics of desperation. Whether it is at Columbia or in the streets of Harlem, people are driven not only to the tactics of desperation, but ultimately into violence.

This society is daily teaching youngsters, whether they be at Columbia, white, or in the streets of Harlem, black, that the ultimate method by which social change will take place is disruption, precisely because in the normal procedures their grievances are not met.

Now I want to go on record as being very much opposed to violence and social disruption. But I want also to go on record that when a society, through its normal democratic channels, does not relieve the plight in which people find themselves, that society, No. 1, ought not to be surprised that people find other methods. What they ought to do is recognize that they are the seed of the disorder.

Now, this is essentially in addition to what I have said here, what I want to make clear.

Secondly, I want to make it clear that the National Manpower Act which I shall refer to as the Republican Bill is extremely useless and will not meet the problem. It talks, for example, about finding some 80,000 jobs. Well, that won't do. That would not even deal with the problem in New York alone, where we have more Negroes and Puerto Ricans than that, who are jobless.

Mr. Scheuer. It might make an impact on the South Bronx, the district I represent.

Mr. Rustin. I am all for it if it is for the South Bronx and we are going to do comparably elsewhere. But it talks about this across the country and obviously it is fairly useless.

I think the bill also is deficient in that it tends to duplicate something we already have and that is—just let me look here for a moment—the total number of jobs in the first year is estimated at 80,000 public service jobs.

Second year, 100,000, but no estimate has been made with respect to the private sector beyond the first year.

Now anyone in his right mind ought to know that if the private sector of this economy, for all these 12 years in which we have had tremendous economic growth, has not been able to provide for these people, what makes anybody think they are going to provide for them in the future.

Now the Henry Ford example is an important one here. Mr. Ford is supposed to have gotten thousands and thousands of jobs for youngsters who are hard-core, but the reason Mr. Ford was able to do that was he had just had a protracted, long strike, and many of the men had found jobs elsewhere. Therefore, he could afford to do this. But unless something is done——

Mr. Scheuer. In other words, he replaced men who had been on strike and who had left his employee and taken jobs elsewhere with some of the manpower that had been unexploited, unused from the ghettos?

Mr. Rustin. Right. But that also makes a problem, because unless we are going to deal simultaneously with the unemployed and the underemployed, all we end up doing is playing musical chairs, and to the degree that we concentrate on the hard-core alone, we are in fact going to see them replacing youngsters who have been more ambitious and who have been to school longer, because the problem is really springing from the fact that the unemployment rate is so extremely high.

So I think we have to deal with that one.

I would like to point out an article from the Wall Street Journal, Friday, the 26th of April in which the Wall Street Journal admits in a "Politics and People" article, by Mr. Otten, that the private sector of this economy simply is not going to put these people back to work, and that the public sector must take on that responsibility, and the notion that many people are coming forward with that the Government must be the employer for these people as a last resort is perverse.

The Government must become for these people the employer of first resort, because they are not going to get jobs in any other way.

Now my colleague Mr. Hill may have some remarks he would like to make.

Mr. Hill. I think the essential point is that we really are in a situation where we need a job creation program and this is essentially where the Guaranteed Employment Act tries to move, in that basic direction, because not only do we have a problem, perhaps of playing musical chairs with the unemployed, but we are also doing something that the National Commission on Civil Disorders has pointed out, namely, furthering a tendency toward creating two societies instead of one by not providing full opportunity for everyone, black and white. What we would like to see, although we are concerned about the problem in the ghettos, is see us use our resources to create jobs for everyone and thereby reduce tension throughout our society.

I think that the bill that we are supporting does begin to make a meaningful step in that direction. This is why we are essentially supporting it.

We are not opposed to efforts in the private sector, in principle. But we also recognize that their efforts are, in fact, dependent on whether or not we have an overall growing economy, and one of the reasons why there has been some motion in Detroit toward hiring hard-core unemployed is there was a big catchup process in motion.

After the strike they needed to catch up on producing automobiles again and there was some employee turnover, as Mr. Rustin pointed out.

We also know that if there was any slack, for example, in the tendency to buy more automobiles, that these same hard-core unemployed that have now been hired, they would be the first laid off. So what we suggest, therefore, is we ought to think in terms, particularly in the public service sector, of the fact that our economy is going to be growing and we should think in such a way as to provide not just entry jobs for people, but also a real prospect of promotability in that job once they get in, both for those on the low-level jobs in public service areas, as well as those who are coming in for the first time.

So, this is another reason why we support the Guaranteed Employment Act, because it points in the direction of some kind of combined work study program which enables people to not only get in the job, but also to progress once they get in at what we hope will be decent meaningful wages.

This is, in essence, why we are supporting that bill.

TESTIMONY OF BAYARD RUSTIN, EXECUTIVE DIRECTOR, A. PHILIP RANDOLPH INSTITUTE, BEFORE THE HOUSE SELECT SUBCOMMITTEE ON LABOR OF THE EDUCATION AND LABOR COMMITTEE, MAY 8, 1968

Mr. Chairman and members of the Subcommittee, I am Bayard Rustin, Executive Director of the A. Philip Randolph Institute. I am here to testify in support of H.R. 12280 (The Guaranteed Employment Act.) Norman Hill, the Associate Director of the Institute is accompanying me.

Writing last year in the IUD's *Agenda* magazine, Congressman James O'Hara of Michigan stated: "The United States is in its sixth consecutive year of unprecedented prosperity. A record 76 million persons are gainfully employed in the civilian labor force. Total personal income has reached the astounding level of $622 billion a year. The average paycheck is larger than ever before. But there is, in prosperous America, a second America of nearly 3.5 million unemployed and over 30 million poverty-stricken. It is the America in which 14 percent of our young people aged 16 to 21 cannot find work. It is the America of the ghettos and the slums."

It is now 1968, and we are therefore in the seventh consecutive year of this "unprecedented prosperity." Yet it is still a year of slums and joblessness, particularly for the majority of black and Spanish-speaking Americans. It is the year in which Dr. Martin Luther King was planning his massive poor people's demonstrations in Washington; the year in which he paid the supreme sacrifice while carrying on the struggle in behalf of economic dignity for all Americans and especially those who are black.

Nothing has so dramatized the plight of our society, or the plight of poor people in our society, as the tragic death of Dr. King. And his murder now poses the nation with the great question of whether or not it is going to move on a massive employment program as the highest national priority as of the year 1968.

Dr. King's death, as we have seen, has polarized the society and the Negro community in an unprecedented way. Those who previously believed in violence are even more violent now. And those who were committed to democratic political strategies to bring about social change are even more strong in their commitment now.

The question is which of these two tendencies will prevail. We are by no means certain which one will, but the issue may well be determined by the willingness and readiness of the national Congress to pass the kind of massive economic legislation which will stand as a vindication of those Negro and liberal leaders who remain committed to democratic and nonviolent social change.

No other institution in our society than the Federal Government can provide the victory that will make the crucial difference. For no city or state has enough financial and other resources to provide the needed jobs and social services for the hard-core poor.

Ultimately it is not the Negro leaders, the city and state governments, or the police who will ultimately determine whether we shall have civil order in our society or whether it shall be torn apart. That power lies ultimately with the federal government.

I therefore urgently call upon the Congress of this nation to pass the O'Hara Bill (H.R. 12280) as a first step towards the upliftment of our great and restless underclass and towards the creation of order in our society. As Congressman O'Hara has said, "Jobs are not the whole answer to the problems that are facing our society, but they are an essential answer." Jobs may not take us the entire journey to social and economic dignity and civil peace, but they are the indispensable first step.

If Congress is prepared to take this step, then the A. Philip Randolph Institute, which I represent, and all other liberal and civil rights organizations will devote their full energies to mobilizing a great national campaign in support of such legislation, as well as an electoral campaign to support the election or re-election of all those congressmen and senators who would vote for such legislation.

Broadly speaking, we need legislation which urges the Federal Government to become the employer of last resort for the hard-core poor and for all who are willing and able to work.

We need billions of dollars in grants to Federal, State, and City governments as well as to nonprofit agencies to help them bear the cost of providing one million new jobs now in the public service occupations.

We need to create new human service jobs—medical and hospital aides, teacher aides, welfare aides, and public protection aides.

We need jobs in slum clearance, urban redevelopment, sanitation, transportation, and cleaning up our air and our streams.

We need to convert thousands of welfare recipients into productive citizens as long as they are not too sick or too old to work.

But the psychological nature of the jobs we create is just as important as how many we create. The hard-core poor may indeed be poor, but their basic attitudes are American attitudes, and their attitudes towards the work they do are shaped by the society. Therefore, they do not merely want jobs, but jobs under conditions that are decent American conditions.

There are at least four conditions under which all Americans will work:

1. Year-round employment—not just stopgap summer work designed merely to keep the cities cool for a few months; and not the kind of limited projects which set poor people at each other's throats in a struggle for their own share of the crumbs.

2. Jobs at decent wages—incomes adequate to the demands of existing in an affluent society; incomes consistent with the desire to be a dignified member of that society; incomes which can nourish aspirations for upward economic mobility.

3. Jobs on which the unemployed and unskilled young can learn and progress while they are being paid, and have the prospect of promotion while they are being paid.

4. Job with dignity: That is, normal wages; normal working hours and conditions; and such benefits as health insurance, paid vacations, and workmen's compensation.

The only legislation presently pending before the Congress which calls for the amount of jobs we need and the kind of jobs we need is the O'Hara Bill, and I support it unreservedly.

Testimony of Representatives of National Council of Churches, United States Catholic Conference, and Synagogue Council of America Before the Select Subcommittee on Labor of the House Committee on Education and Labor in Support of H.R. 12280 the Guaranteed Employment Act of 1968, May 8, 1968

Mr. Chairman and members of the Committee: We are appearing jointly today to testify as follows:

1. For the Social Action Department, United States Catholic Conference: Father John McCarthy, Assistant Director.

2. For the Department of Social Justice, National Council of Churches: Dr. Grover Bagby.

3. For the Department of Social Action, Synagogue Council of America: Rabbi Richard G. Hirsch, Director, Religious Action Center, Union of American Hebrew Congregations.

Our concern for the poor and the conditions which create their poverty is based on the traditional tenets of our religious beliefs. Our opposition to poverty is rooted deep in our Judeo-Christian heritage, which affirms that obedience to the will of God demands that the hungry be fed, the naked be clothed, and justice be established in the land. In a statement entitled "Poverty" published by the Interreligious Committee Against Poverty, spokesmen representing our three groups have stated:

"It is God's will that the dignity of each human person shall be respected and affirmed. Involuntary poverty, especially in a society of affluence, undermines human dignity. To sanction or allow the continuation of such indignity is to diminish man's stature and to desecrate the image of God. . . . The government should utilize all available fiscal, monetary, and economic instruments, and, if necessary, devise new means for expansion of the nation's agricultural and industrial capacity and for job creation in order to assure every employable person the opportunity to serve the community through work."

The conditions which permit the continuing existence of poverty in our country are a judgment on the moral failure of society as a whole. The unemployed Spanish speaking immigrant in New York, the chronically ill ex-coal miner in Appalachia, the seasonal farm worker in South Texas, or the frustrated school drop out in Watts is not poor because he is sinful or lazy, but rather because society has not been willing to pay the price of assuring social justice. We reject the use of scriptural quotations taken out of context which blame the unemployed for their plight or attribute poverty to some perverse kind of divine will.

The National Advisory Commission on Civil Disorders has provided a needed service in its documentation of some of the problems facing our nation at the present time. In its investigation of the conditions of unemployment and underemployment in the cities chosen for study they found that "unemployment and underemployment are among the persistent and serious grievances of disadvantaged minorities. The pervasive effects of these conditions on the racial ghetto is inextricably linked to the problem of civil disorder."

In the body of the Commission Report there is an examination of the attitudinal situation created by the culture in which we live. The Report states.

"The capacity to obtain and hold a 'good job' is the traditional test of participation in American society. Steady employment with adequate compensation provides both purchasing power and social status. It develops the capabilities, confidence, and self-esteem and individual needs to be a responsible citizen, and provides a basis for a stable family life."

In the same section, the Report quotes Daniel P. Moynihan:

"The principal measure of progress toward equality will be that of employment. It is the primary source of individual or group identity. In America what you do is what you are: to do nothing is to be nothing; to do little is to be little. The equations are implacable and blunt, and ruthlessly public."

The cultural values of this country (many directly rooted in the religious traditions we represent) are such that work becomes the basis by which a person's worth is judged. A job not only tends to determine an individual's acceptance by society but it also affects one's attitude about oneself. Studies have shown that unemployed persons have a very low level of self-esteem and that this attitude tends to provide a self-fulfilling prophecy since it then becomes more difficult to find or hold a job.

The value placed on work by middle class society has not been lost on the poor. They have a deep and driving desire to participate in a full way in society. They understand that a job is one means to that end. Among the poor and unemployed the overriding personal ambition is to hold a meaningful and creative job with the possibility of adequate and increasing wages. Only in this way will the poor achieve security, dignity, and a sense of freedom and self-determination.

In a successful program the unemployed person must believe that he is not being offered a dead-end job and that his efforts will lead to permanent, full-time employment. The individual must believe that he can under his own initiative advance up a job ladder without constantly being pushed off. This means providing new opportunities for increased responsibilities and higher wages.

We have some comments to make concerning the specifics of the legislation.

1. *Office of Guaranteed Employment Opportunity.* We support the creation of an Office of Guaranteed Employment Opportunity. We view this as a continued development of public policy, set forth in the Full Employment Act of 1946, which provides for "useful employment opportunities for all those able, willing, and seeking to work."

2. *Education and Training.* We are pleased to note the emphasis given to education and training. Training should be open-ended so that the possibility of permanent full-time employment beyond the present situation is a reality. Training programs of this type should include basic education, counselling, and opportunities to learn about appearance, management of income, health and other factors affecting personal well-being and development.

3. *Involvement of private non-profit organizations.* We strongly support this provision and believe that non-profit organizations related to our institutions will cooperate with the development of community-based social services to meet human and community needs. Recipients of funds should not conduct sectarian programs.

We recognize that the bill presently before this committee, even if enacted as proposed, will not resolve all problems of unemployment or underemployment. Even as we endorse this legislation, so we call on Congress to take initiative in development of other legislation leading toward development of vastly increased job opportunities in the private sector; higher minimum wage guarantees with complete coverage; enforcement powers for the Equal Employment Opportunity Commission; special incentives for the involvement of the private sector; and linkages with existing programs such as Job Corps and New Careers which have real potential. The complex nature of the problem requires innovative approaches and vastly increased expenditures.

There are undoubtedly those who would oppose this legislation on grounds that, even it were desirable, the present state of our economy requires the cutting of the budget rather than its expansion. In other words, they would ask the question, "Can we afford this legislation?" We would respond by asking another question: "Can we afford not to pass this legislation?"

Our society has already paid the high price of unemployment in the toll of riots, racial tension, frustration and despair. These are social costs, which should not be measured only in dollars spent, but in spent human lives. The wasteful expenditure of human resources is thus demonstrably more costly than any expenditure of money. If permitted to persist unabated, unemployment will lead to even more devastating human stultification and to the ultimate destruction of the American Dream.

The Book of Proverbs (28:27) says: "He that giveth unto the poor shall not lack, but he that hideth his eyes shall have many a curse." Our society has closed its eyes, hands and hearts to the needs of the poor for too long. Until we satisfy their search for self-respect and dignity by providing them with jobs, we will suffer the curse of our blindness.

STATE BAR OF TEXAS SUPPORTS THE FEDERAL MAGISTRATES ACT

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. GONZALEZ. Mr. Speaker, as a sponsor of the Federal Magistrates Act, I am pleased and encouraged that the board of directors of the State Bar of

Texas voted on April 27 to support enactment of the Federal Magistrates Act.

Mr. Harold Peterson, a member of the Federal Magistrates Act Study Committee of the Texas Bar, informed me by letter recently of the study committee's conclusion "that the proposed Federal Magistrates Act modernizes the antiquated U.S. Commissioner system and is a long step forward in the efficient administration of justice at the Federal level." Mr. W. W. Fowlkes of San Antonio served as chairman of the study committee.

The Tydings magistrate bill passed the Senate last June, and that bill, S. 945, was the subject of hearings by Judiciary Subcommittee No. 4 in March, at which time I submitted testimony in behalf of my similar bill, H.R. 8520.

Mr. Speaker, this magistrate legislation has been carefully and painstakingly prepared to correct glaring inadequacies at the Commissioner level of our Federal judiciary—the level closest to the people. The proposed changes in the Commissioner system are urgently needed, and I urge prompt consideration by the whole House.

GREEN POWER

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. STEIGER of Wisconsin. Mr. Speaker, one of the most significant and exciting projects underway is the green power movement.

The green power movement—though not organized officially—is characterized by the increasing efforts of black Americans to become a full part of America's economic system and to do it through orderly and businesslike methods.

Columnist John Chamberlain has long dwelt on the value of self-help efforts among those our economy has passed by. In his column of May 3, from the Boston Herald Traveller, Mr. Chamberlain describes three exciting examples of green power in action: ex-football star Jimmy Brown's Negro Industrial and Economic Union, based in Cleveland; Dr. Thomas Matthew's National Economic Growth and Reconstruction Organization, based in Queens, N.Y.; and Cora T. Walker's Harlem River Consumer Cooperative based in Harlem.

I commend this column to my colleagues as a good description of what black Americans are doing to responsibly get into the mainstream of the American economy:

[From the Boston Herald Traveler, May 3, 1968]

HARLEM TRIES GREEN POWER

(By John Chamberlain)

Dick Nixon, in Oregon, has taken the line that Black Power, to be successful, must be Green Power—meaning that Negro self-help with voluntary white assistance, can do more to rid the nation of ghetto conditions than all the marches that can be organized from now to doomsday.

This is a pretty sophisticated political pitch, and it may be that more demagogic appeals will be better vote snatchers for the short run. But Nixon is riding the long-term trend curve, because marches and demonstrations eventually boomerang. As Jimmy Brown, the old Cleveland Browns' fullback, has put it, "sit-ins, walk-ins, wade-ins, pray-ins and all those other-ins" have been useful in directing the attention of people to the wrongs suffered by Negroes. But eventually, as Jimmy says, they produce resentment.

Jimmy Brown, like the Negro neurosurgeon, Dr. Thomas Matthew, in New York City, has been using his influence to get Green Power going by building self-help enterprises of one type or another. He has found it hard sledding, but Negro athletes have rallied to help finance his National Negro Industrial and Economic Union, and now the whites are responding, too. Brown hopes to expand his operations outside the Cleveland area.

It is a good bet that he will succeed once the uproar provoked by the "walk-ins, wade-ins, and pray-ins" has subsided. The proof that the climate is right for the Jimmy Brown idea can be found in New York City's Harlem, where just a month from now, a group of Negroes will open their own cooperative supermarket at 147th Street and Seventh Avenue.

The fact that this Negro-owned supermarket—a 10,000-square-foot affair in the new Esplanade Gardens cooperative apartment area—is coming into the world with adequate financing is an almost automatic guarantee of success. It has the full support of Mid-Eastern Co-operatives, Inc., which is the regional wholesale unit of the Cooperative League of the U.S.A.

There is a tremendously encouraging story behind the creation of the new Harlem Supermarket, which will be known as the Harlem River Consumers Co-operative. The woman who put her heart into it, a Negro attorney named Mrs. Cora T. Walker, a self-help graduate of St. John's University, went everywhere in search of bank loans to get her dream under way. But it was the old story: no money unless you have collateral to pledge.

The adult members of the Negro middle class wouldn't come through, either. But, like Sen. Eugene McCarthy, Mrs. Walker found her supporters in the teenagers. Some twenty of them went from door to door in Harlem, selling shares in the co-operative-to-be. The kids collected $10,000 in six weeks at five dollars a share.

Now the Harlem River Consumers Co-operative has $100,000 in paid-up shares. It has a $150,000 loan from Litton Industries, $82,000 from Nationwide Foundation, and a $25,000 line of credit with Mid-Eastern Co-operatives. Even more important than the money, it is getting the best advice from the stalwarts of the Co-operative League of the U.S.A., who have been in the consumer co-operative business for decades.

The new co-operative supermarket will employ 80 people, and will sell everything from groceries to fish, and from housewares to toiletries, offering meanwhile "a unique appeal to ethnic tastes not presently served by big national chains." It will pay the usual co-operative rebate on purchases in addition to giving dividends to the shareholders.

Mrs. Walker takes considerable pride in the fact that her about-to-be realized dream (the opening day is June 4) is a hard-headed business proposition. "We didn't want any handouts," she says, "and we didn't want any donations. We didn't want any federally financed 'study groups' mixed up in this. We didn't want any gifts from foundations, with strings attached."

If Mrs. Walker pulls it off, it will be proof positive that Jimmy Brown's green power is here to stay. Time was when Negro grocers in Harlem couldn't get fresh produce from wholesalers who feared reprisals from the "interests." But the tie-up with the regional wholesale unit of the Co-operative League of the U.S.A. makes the new Harlem supermarket independent. If Mrs. Walker wants a good opening day gimmick, she should get Brown to come East and make the first purchase, laying out some of that green power he has been talking about.

EARL WARREN'S "DILEMMA": STILL IN COURT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. RARICK. Mr. Speaker, the strange libel case of Arnold Rose against Gerda Koch remains in court. At issue on retrial is the question of whether the authors of "An American Dilemma" were Communists or just Socialists serving the Communist cause.

The author Myrdal used the book, "An American Dilemma," as the nonadversary evidence to justify the infamous Supreme Court decision of Brown against Board of Education of Topeka in 1954. The Brown decision was a landmark in the overthrow of a century of precedent and decisions—the full impact of which the American people now reap from the nightmare of fright and violence in our land today.

I feel the decision of the Supreme Court of Minnesota is interesting enough to be placed in the RECORD for our colleagues' perusal:

[40409—No. 79—Hennepin County, Peterson, J.]

ARNOLD ROSE, RESPONDENT *v.* GERDA KOCH, AND CHRISTIAN RESEARCH, INC., APPELLANTS

SYLLABUS

1. A published statement that a person is a " 'collaborator' with Communists and Communist fronters," based upon his prior participation in the writing of a book with other persons who are allegedly Communists and Communist fronters, may to the ordinary reader have the defamatory connotation that such person is a Communist or Communist sympathizer, and, if untrue, is libelous. Under the evidence the jury could, as it did, find the statement to be untrue and of defamatory connotation as distinguished from mere factual denotement of the identity of such other persons.

2. Defendants in action for libel were not denied a fair trial either by the conduct of the trial court or by its rulings upon the admission of evidence relating to defendants' attempted proof that plaintiff or the other persons with whom he allegedly collaborated in the writing of a book were Communists or Communist fronters.

3. Defamatory and untrue statements published concerning this plaintiff, having been made at times when he was a public official and at other times when he was a public figure, are not actionable in the absence of clear and convincing proof, under constitutionally sufficient instructions from the trial court, that such statements were made with actual knowledge that the statements were false or in reckless disregard of whether or not they were false. The instructions of the court, erroneously limited defendants' conditional privilege to the times when palintiff was a candidate for public office or an elected public official and inaccurately stated the elements of actual malice for purposes of constitutional privilege, measured by decisions of the United States Supreme Court having controlling and retroactive application in this case.

Reversed and remanded with directions.

OPINION

Peterson, Justice. (Hon. Donald T. Barbeau, District Court Trial Judge.)

A jury in Hennepin County District Court awarded plaintiff, Arnold Rose, general and punitive damages in his action for civil libel against defendants Christian Research, Inc., and Gerda Koch. The jury's verdict, however, absolved a third defendant, Adolph Grinde. Defendants Christian Research, Inc., and Gerda Koch appeal from the judgment entered against them and from the order denying their post-trial motions for judgment notwithstanding the veridct or for a new trial.

The most important issue for decision is whether a person of this palintiff's position may recover from these defendants for untruthful and defamatory statements without proof that defendants made those statements either with knowledge that they were false or with reckless disregard of whether or not they were false. A contextual issue is whether the trial court's instructions to the jury concerning the burden of such proof imposed upon plaintiff were constitutionally correct. Our decision in the negative is controlled by recent decisions of the United States Supreme Court imposing constitutional limitations upon the state law of libel. Other and somewhat secondary issues will be stated in the course of this opinion.

THE PARTIES

Arnold Rose is, by the undisputed evidence of both parties, a person of prominence and public importance in this state and, indeed, nationally and even internationally. He was a state representative from a Minneapolis district in the Minnesota Legislature from early January 1963 to December 31, 1964; his record of effective service was attested at trial by former legislative colleagues. He has been a member of the faculty of the University of Minnesota since 1949 and now holds the rank of full Professor of Sociology. He possesses such other impressive credentials as advanced degrees in sociology from the University of Chicago; former Fulbright Professor at the University of Paris, 1951–1952, and at the University of Rome, 1956–1957; and author of more than 175 scholarly works, for one of which he won the First Award for Essays in Social Theory, American Association for the Advancement of Science. His writings are not directed to scholars alone, for he is a coauthor of a monumental book on race relations, entitled "An American Dilemma," [1] and he is the author of a condensation of that book, entitled "The Negro America." [2] His lectures are not limited to university student audiences alone, for he has lectured in this state on the subject of public attitudes towards Communism and has lectured in several foreign countries under the auspices of the State Department of the United States. At the invitation of the President of the United States he has served on such high-level conferences and committees as the National Advisory Committee on Housing for Senior Citizens. He absented himself during the trial for a brief period because of a current commitment to attend one such meeting in Washington, D.C.

Defendant Christian Research Inc., is a corporation,[3] and defendant Gerda Koch is its administrative head. The board of directors of Christian Research includes several Protestant clergymen.[4] "Our main goal as Christians," Miss Koch testified, is to determine "dangerous trends" in the political leanings and connections of various people throughout the United States in the "firm conviction that the target of the Communist conspiracy is Christianity and the Church." The sincerity of defendants in this fundamental motivation is, with commendable candor, acknowledged by plaintiff.

Footnotes at end of article.

Christian Research operates a bookstore in the home of Miss Koch containing some 500 hard-cover books and about 1,000 pamphlets and tracts.[5] It publishes a circular-type newspaper,[6] entitled "Facts for Action," distributed about 5 times a year to a regular mailing list of approximately 400 subscribers and to visitors of the Minnesota State Fair.

Miss Koch is the editor of "Facts for Action" and "accepts the sole responsibility for [its] contents." The vice-chairman of Christian Research testified that Miss Koch would check with him from time to time but she was responsible for gathering and sending out materials which she thought was reliable.[7] Defendants relied upon numerous sources in publishing "Facts for Action"—its own library of books and pamphlets, reports of congressional and state legislative committees, and exchanges of information with other like organizations. It would not appear from this record that Miss Koch has had any prior professional training or experience in sociology, political science, journalism, law, or research disciplines. Her vocational experience has been as an elementary school teacher, most recently as a substitute teacher in the Minneapolis, St. Paul, and Bloomington school districts.

THE LIBEL

The defamatory statements about Dr. Rose are based primarily upon his collaboration in the writing of "An American Dilemma," so a prefactory word about that book is necessary. The Carnegie Corporation decided, shortly prior to 1940, to make a large-scale study of the Negro problem in the United States. In order to have a description of the problem that would be both comprehensive and objective, Carnegie searched for a scholar of international reputation who had not lived in the United States and who came from a country having no significant number of Negroes in its population. Dr. Gunnar Myrdal, an internationally renowned social economist from Sweden, met these criteria and was selected to direct the project. Myrdal brought with him a Swedish sociologist, Richard Sterner, to assist him in the project. Many other people were invited to participate in the project—some of them were scholars and experts who offered suggestions in the general planning of the research or in planning specific research projects; others were part of the working staff who devoted all of their time to the project and prepared research memoranda on special subjects; and yet others were assistants to such staff members and to "outside collaborators." Dr. Rose, then a recent university graduate, was at that time one of such assistants. These people were acknowledged by name in Myrdal's preface to the book.

The final stage of the project was the writing of the book itself, which was done by Myrdal with the assistance of Sterner and Rose. Dr. Rose prepared drafts for chapters on problems connected with race and population, the present political scene, patterns of discrimination, and the church and education, in addition to editing other portions of the work. Myrdal in his author's preface to the first edition of the book, wrote most generously of his "collaboration" with Rose and Sterner.[8]

"An American Dilemma" is undoubtedly both a monumental and controversial book. Its theme is the struggle between the democratic ideals of equality in the "American Creed" and the lack of equality in the treatment of the American Negro—"the moral dilemma of the White American." Spokesmen of the Communist Party, including one Doxey A. Wilkerson, who had been one of the "An American Dilemma" staff members, condemned it; but several American commentators gave it high praise. The United States Supreme Court cited it in its 1954 school desegregation decision as an authority for holding that segregated schools had a detrimental effect upon Negro children.[9] Senator James O. Eastland (D-Miss.) made a speech in the United States Senate one year later attacking the book and, more particularly, its authors. Eastland labeled Myrdal "a socialist who had served the Communist cause" and charged that 16 of the social experts named in the author's preface had "Communist connections," based upon information "taken right out of lists of members of Communist and subversive organizations dedicated to the overthrow of our Constitution and the United States Government."

Defendants published "Facts for Action," Vol. I, No. 22, in November–December 1962, at times when Dr. Rose was either a candidate for election or a recently elected state representative in the Minnesota Legislature. Two pages of the 10-page issue related to Rose, under the caption "Background of Elected Assemblyman Arnold Rose—University of Minnesota Professor," and read in part:

"It is highly important for every voter to know for whom he is voting, especially since the Communists are working to conquer enemy countries through legislation. In the book—'And not a shot was fired,' the author Jan Kozal, a Communist, puts forth the plan of how to conquer any country through the legislative process!

"We feel responsible to release the following information on Dr. Arnold Rose, Professor at the University of Minnesota and candidate for the State Legislator:

"1. Arnold Rose assisted the socialist Gunnar Myrdal with the book 'The American Dilemma.' James O. Eastland, Democratic Senator from Mississippi, in his 'Modern Scientific Authorities in the Segregation Case,' (May 26, 1955) says of Rose's and Myrdal's 'American Dilemma':

" 'The American Dilemma' was written in largest part by American Communist front members, such as E. Franklin Frazier, who contributed to 28 portions of the book, and W. E. B. DuBois, (now publicly announced as a Communist. See 'Facts for Action,' No. 25, p. 2) who contributed to 82 portions of the book. Altogether, the Communist front members identified with Myrdal's 'American Dilemma' contributed 272 different articles and portions of the book officially adopted by the Communist Party and by the Supreme Court as its authority for its racial integration decision May 17, 1954. (Ed. See the Mississippi story, p. 2ff).

"Sen. Eastland mentions 17 other Communist fronters and left-wingers as co-authors of the book. He did not mention Dr. Rose, but Dr. Rose may be one of those who keep their names out of Communist fronts but be very useful to them at the same time." [10]

Miss Koch contemporaneously sent a copy of this material to Dr. Rose, together with a religious tract and Christmas greeting, for the reason, she testified, that "I felt it was honest to send [it directly to] anybody that I mentioned in the paper * * *."

"Facts for Action," Vol. I, No. 24, appeared in the spring of 1963, at which time Dr. Rose was a state legislator. The title page of "Facts for Action" stated:

"Arnold Rose, Minnesota University Professor and State Legislator, Collaborates with Communists and Communist Fronters."

The circular contained a reprint of the title page of "An American Dilemma," showing the name of its author, Myrdal, under which were the words, "with the assistance of Richard Sterner and Arnold Rose", and placed in juxtaposition was a partial reprint of what purported to be a hearing report of the Internal Security Subcommittee of the United State Judiciary Committee. The reprint was prominently overprinted with the words, (The 'Suppressed' Report)." Apparent to a reader of this document is the acknowledged excision of parts of the original document and the insertion of other matter. Not so readily apparent, however, is the fact that some of the inserted matter is a document submitted to the subcommittee by a Colonel Tom Hutton of "SPX Research Associates" entitled "The Supreme Court as an Instrument of Global Conquest," which was actually only an appendix and not part of the subcommittee report itself. In this SPX report was language calling Myrdal a "notorious Swedish Communist" and a man who had been "expelled from office as Swedish Trade Minister for double-dealing with Moscow." Those references were connected to Myrdal and Myrdal was connected to Rose by heavy black arrowlines. Defendants handprinted at the bottom of the title page the additional words, "Do Minnesotans want a teacher at its University and a lawmaker at its capitol who collaborate with a 'Communist' and with Communist fronters?" The circular concluded with these words: "Do you want a man who worked with Communists, pros and with a man of whom the Honorable James B. Utt says 'he must be a security risk for our country in any position he may hold.'?"

The third defendant, Adolph Grinde, is involved in the last episode of defamation. Certain University of Minnesota faculty members had sometime earlier formed a committee to give public lectures on Communism. Rose, who believed "that we had to do something about informing our citizens about Communism," was on the panel of speakers. He selected as his topic, "American public attitudes toward Communism," a subject on which, as he testified, he could speak as an expert sociologist. The Anoka County Library Board invited Rose, a professor of political science, and a professor of journalism to conduct a three-part series in 1963-1964, and public announcement of it was made in the fall of 1963. Defendant Grinde, an individual associated with Christian Research and a subscriber to "Facts for Action," wrote a letter to the Anoka County Board of Commissioners protesting all three invitations and stating in part: "Arnold Rose is co-author with Gunnar Myrdal (a notorious Swedish communist) of the book 'American Dilemma.'" Grinde also enclosed a copy of "Facts for Action," Vol. I, No. 22.

The incident received considerable publicity in the public media. The trial judge by his own interrogation established that defendant Grinde made no distribution of "Facts for Action" after Rose ceased to be a member of the legislature, but such distributions by defendants Koch and Christian Research did continue after that time. The jury returned a defendant's verdict as to Grinde, but not as to Christian Research and Koch.

DEFAMATION AND FALSITY

1. Defendants contend, as an absolute defense, that these publications concerning plaintiff were not defamatory and were, in any event, the truth. The jury's verdict, under proper instructions from the trial judge, clearly settled that issue. The jury gave Dr. Rose total vindication of his reputation.[11]

Implicit in the jury's verdict is a finding that the words used concerning plaintiff were defamatory, conveying the meaning to the ordinary reader [12] that plaintiff was, and now is, a collaborator or sympathizer with Communists. The word "collaborate," used by Myrdal in his preface to "An American Dilemma," has a factual, nondefamatory meaning in the denotive sense "to work jointly [especially] with one or a limited number of others in a project involving composition or research to be jointly accredited"; but it has the connotive meaning "to cooperate with or assist [usually] willingly an enemy of one's country." [13] The evidence is so overwhelming of the connotive and defamatory reference as scarcely to admit of doubt. Any doubt was removed by the opening statement of defendants' counsel to the jury:

> "* * * [Rose] is one of the most resourceful Communists in the whole United States * * *.
>
> * * * * *
>
> "* * * [He] actually collaborated with Communists in the publishing of this book and has been collaborating with them and has entered into a course of conduct over a long period of time of collaboration, although he does not come out openly; * * *."

The real concern shared by millions of Americans about Communist subversion and security risk attests to the serious defamation which attends characterization of any citizen as a willing collaborator with Communists in the pro-Communist sense.[14] To the extent that a Communist is not one dedicated to the openminded search for truth, a charge of being a Communist impugns a basic qualification of a university scholar.

Implicit in the jury's verdict is the further finding that such defamatory statements were not the truth. The only issue raised by defendants' motion for a new trial is whether the evidence of plaintiff would support that finding. It does. As he had earlier done in the legislature,[15] Dr. Rose explicitly denied that he either was or ever had been a Communist and detailed his personal history of fighting Communism. An impressive array of witnesses testified to his loyalty and integrity.[16] A respected Independent legislator avowed: "He certainly is no more a Communist than I am." A leading Conservative legislator, a member of the House Rules Committee, testified that he had "high respect for [Rose]" and had not "the slightest [reason] to think of him as a Communist sympathizer." [17] A prominent Liberal legislator testified, from even closer association with Dr. Rose in both the DFL political party and the Liberal legislative caucas, that he had never found "anything in his statements or actions that would indicate any sympathy for the Communist cause."

Because the libel was based so much upon the authorship of "An American Dilemma." Rose testified at length concerning his associates in that project, the relevant essence of which was: He collaborated with Myrdal but Myrdal was not a Communist; whether or not any of the others named by Senator Eastland were Communists or Communist fronters, he neither knew them on any personal basis nor in fact worked with them, his higher-level role being to edit monographic studies submitting to the authors and, in some cases, to reject the material.

2. An evidentiary issue is presented, in that context by defendants' attempt to prove that Myrdal and persons identified by Myrdal as participants in the "An American Dilemma" project were, as either Senator Eastland or others had asserted, Communists or Communist fronters, this being one premise for rebutting plaintiff's evidence that the charges against him were untrue. Books written about Communist philosophy and programs, from which defendants attempted to prove that Myrdal and Rose had expressed parallel thinking,[18] were generally excluded by the trial judge on grounds that they were both hearsay and opinion evidence lacking proper foundation.[19] Defendants more particularly argue that it was error to exclude so-called "privileged government documents" containing reported statements of witnesses before legislative committees of Congress or various state legislatures, which were offered by defendants to prove that persons named by Myrdal as participants in "An American Dilemma" were in fact Communists or Communist fronters. The trial court rightly ruled that such documents, being hearsay, were not admissible for the general purpose of proving the truth of such extrajudicial statements. The fact that such statements were printed in government reports, and were privileged when made would make them neither less hearsay nor of greater probative value.[20] The trial court did, however, admit numerous such books and government documents for the limited purpose of showing defendants' "state of mind" and the sources of the information upon which they had relied.[21] The trial court, in the admission and exclusion of evidence, is vested with discretion to determine whether evidence is admissible and whether, even if it has some probative value, its introduction may confuse or mislead the jury. We find no manifest injustice or abuse of discretion in the evidentiary rulings of the trial judge.

Defendants urge, further, that they were denied a fair and impartial trial by what they considered improper conduct of the trial judge during the trial. It is possible that in the course of a trial lasting 3 weeks any court may at times evince feelings of impatience. Even on this cold record, however, it is absolutely apparent that counsel for defendants was far more the offender than the offended. The attitude of the able trial judge is marked more by forbearance than by impatience. In at least one instance the court attempted to counsel Miss Koch against permitting her counsel to put words in her mouth which could only have a highly prejudicial impact upon the jury.[22] The court carefully admonished the jury that there was nothing personal in any abrupt colloque with counsel, that he did not want them to think that he leaned either way in the lawsuit, and that it was entirely up to them to decide upon the evidence, subject only to his instructions as to the law .

DEFENSE OF CONDITIONAL PRIVILEGE—JURY INSTRUCTIONS AS TO MALICE

3. The crucial issue is presented by defendants' constitutional defense of conditional privilege: That the statements published concerning plaintiff were at all times privileged and therefore, even though defamatory and untrue, were actionable only if published with actual malice in the specific sense that those statements were knowingly false or were made in reckless disregard of whether or not they were false. Our decision is controlled by recent decisions of the United States Supreme Court hereinafter discussed; and upon that authority we must hold that the trial court's instructions to the jury were constitutionally deficient in two fundamental respects:

First, the court erroneously instructed that, although the conditional privilege existed during those times that plaintiff was either a candidate for election or an elected member of the legislature,[23] the privilege did not exist after plaintiff's term of legislative public office had expired.[24] The prejudicial effect of this instruction was to permit the jury to presume malice responsive to the court's further instruction that malice is implied as an element of libel per se when not privileged.[25] We hold, to the contrary, that the conditional privilege existed without limitation of time, on the grounds that for constitutional purposes plaintiff was at all times in issue either a public official or a public figure.

Second, although the court clearly instructed that actual malice is established by proof that it was made with knowledge that it was false or with reckless disregard of whether it was false or not, it incorrectly instructed, in addition, that the jury could consider evidence of personal ill will, the exaggerated language of the libelous document, the extent of its publication, or any other factors that the jury might regard as equally relevant.[26] The latter instruction is neither, on the one hand, a substitute for the constitutional standard of calculated falsehood or reckless disregard of truth nor, on the other hand, an appropriate instruction as to the meaning of that constitutional standard.[27]

Because the instructions were thus erroneous, there cannot be implied in the jury ver-

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dict a finding that defendants acted with knowledge that their defamatory publications were false or with reckless disregard of whether or not they were. The exoneration of defendant Grinde, whose repetition of the libel was made by letter and distribution of "Facts for Action" at the time plaintiff was unquestionably a public official, argues to us the real possibility that the jury, under instructions that actual malice must be proved and not implied, found no calculated falsehood or reckless disregard of truth. In contrast, the verdict against defendants Koch and Christian Research, rendered under the instruction that malice could be implied with respect to any libel subsequent to plaintiff's term of public office, suggests that the jury found malice by implication and not by any actual malice in the constitutional sense. Considering the mass of evidence surrounding the publication of "Facts for Action," however, we cannot exclude the possibility that a jury might find such actual malice, although it might not.[28]

THE CONSTITUTIONAL LIMITATIONS UPON LIBEL

Beginning in 1964 with New York Times Co. v. Sullivan, 376 U.S. 254, 84 S. Ct. 710, 11 L. ed (2d) 686, 95 A. L. R. (2d) 1412, the United States Supreme Court has established a new law of libel, with constitutional dimension. State laws of libel that fail to provide safeguards for freedom of speech and of the press, guaranteed by the First Amendment to the United States Constitution and made applicable to the states by the Fourteenth Amendment, are constitutionally deficient. We are, in the words of Mr. Justice Goldberg, "writing upon a clean slate." [29] An examination of those cases, we think, will make the decisive application of the new law to the instant case fully apparent.

First, public officials and other public figures are subject to vigorous attack, including, under certain circumstances, defamatory and untruthful attack. Mr. Justice Brennan, writing for the majority of the court in New York Times, held that an action by a public official for libel must be considered "against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials." [30] The First Amendment is, he wrote, an "attempt to secure 'the widest possible dissemination of information from diverse and antagonistic sources,' " [31] recognizing that " 'public men, are, as it were, public property,' and 'discussion cannot be denied and the right, as well as the duty, of criticism must not be stifled.' " [32] Relevant to the instant case, the court said that constitutional protection "does not turn upon 'the truth, popularity, or social utility of the ideas and beliefs which are offered' " [33]—that "In the realm of religious faith and in that of political beliefs, * * * resorts to exaggeration, to vilification * * *, and even to false statement" [34] are simply degrees of abuses which "must be protected if the freedoms of expression are to have the 'breathing space' that they 'need * * * to survive.' " [35] Mr. Justice Black, joined by Mr. Justice Douglas, disagreed only on the ground that the constitutional protection is even more unlimited and grants the citizen an "unconditional right to say what one pleases about public affairs." [36] Mr. Justice Goldberg, joined by Mr. Justice Douglas, disagreed for like reason:

> "* * * The right should not depend upon a probing by the jury of the motivation of the citizen or press. * * *
>
> "* * * If individual citizens may be held liable in damages for strong words, which a jury finds false and maliciously motivated, there can be little doubt that public debate and advocacy will be constrained." [37]

The New York Times rule emerging from this constitutional background is:

> "The constitutional guarantees * * * [prohibit] a public official from recovering damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with 'actual malice'—that is, with knowledge that it was false or with reckless disregard of whether it was false or not." [38]

Second, the privilege of defamatory attack is applicable to public figures even though such figures are not public officials. The plaintiff in New York Times was an elected city commissioner of Montgomery, Alabama, with supervision over police, unquestionably a public official; but the court expressly reserved judgment both as to the ultimate scope of the term "public official" and the boundaries of the "official conduct" concept.[39] The New York Times concept of "public official" was broadened in Rosenblatt v. Baer, 338 U.S. 75, 86 S. Ct. 669, 15 L. ed. (2d) 597, to include a former and nonelected public official, a man who had been a supervisor of a county recreation area whose conduct while in that position was criticized by a newspaper in defamatory terms. The court made clear that a person's status as a public official is not to be determined by state law:

> "* * * [W]e reject at the outset * * * that it should be answered by reference to state-law standards. States have developed definitions of 'public official' for local administrative purposes, not the purposes of national constitutional protection. If existing state-law standards reflect the purposes of New York Times, this is at best accidental." [40]

Rather, it is for constitutional purposes to be determined by whether the person, in the Rosenblatt case a government employee, has, or appears "to the public to have, substantial responsibility for or control over the conduct of governmental affairs." [41] Rosenblatt additionally stated the role of the trial judge in the determination of privileged status:

> "* * * [A] is the case with questions of privilege generally, it is for the trial judge in the first instance to determine whether the proofs show respondent [plaintiff] to be a 'public official.' " [42]

Time, Inc. v. Hill, 385 U.S. 374, 87 S. Ct. 534, 17 L. ed. (2d) 456, extended the New York Times principle to nongovernmental issues and nongovernmental persons. In Rosenblatt the Supreme Court had said:

> "* * * There is, first, a strong interest in debate on public issues, and, second, a strong interest in debate about those persons who are in a position significantly to influence the resolution of those issues." [43]

Now, in Time, Inc., the Supreme Court holds that the "guarantees for speech and press are not the preserve of political expression or comment upon public affairs." [44] The case was a statutory action for invasion of the right of privacy arising out of a Life magazine article which falsely reported that a new play portrayed an experience suffered by plaintiff and his family at the hands of escaped convicts, whereas the play was in fact a fictionalized and exaggerated dramatization of the events grossly embellishing the hazard and harassment suffered by plaintiff at the hands of the convicts. The court, however, likened the interest protected in privacy cases to those protected in libel cases.

The defamatory publication in the instant case occurred almost 20 years after "An American Dilemma" was first published, but, as the court observed on comparable facts in Time, Inc.:

> "* * * No suggestion can be found in the Constitution that the freedom there guaranteed for speech and the press bears an inverse ratio to the timeliness and importance of the ideas seeking expression." [45]

Although Time, Inc., involved a nondefamatory invasion of privacy as to an ordinary private citizen catapulted into the news by events over which he had no control, the application of the New York Times rule to defamation of nonofficial public figures was squarely reached in Curtis Pub. Co. v. Butts and Associated Press v. Walker, 388 U.S. 130, 87 S. Ct. 1975, 18 L. ed. (2d) 1094. Wallace Butts was the athletic director of the state-supported University of Georgia and a respected figure in his coaching profession. Even though Butts had an overall responsibility for the school's athletic program, he was actually employed by the Georgia Athletic Association, a private organization and not a state agency. Edwin A. Walker, as the court stated, was a private citizen at the time of the libel, although he had previously pursued a long and honorable career in the United States Army. Seven members of the United States Supreme Court agreed that both Butts and Walker were public figures for First Amendment purposes.[46]

The rationale of the Butts and Walker cases is of instant application to plaintiff Rose:

> "* * * [B]oth Butts and Walker commanded a substantial amount of independent public interest at the time of the publications; both, in our opinion, would have been labeled 'public figures' under ordinary tort rules. * * * Butts may have attained that status by position alone and Walker by his purposeful activity amounting to a thrusting of his personality into the 'vortex' of an important public controversy, but both commanded sufficient continuing public interest and had sufficient access to the means of counterargument to be able 'to expose through discussion the falsehood and fallacies' of the defamatory statements." [47]

Butts' "position alone" was either as a university athletic director or as a "well-known and respected figure in coaching ranks." Rose is both a university professor and a well-known and respected figure in a field uniquely pertinent to public affairs. To deny application of the New York Times principle to Dr. Rose would indeed be a discredit to his stature. His access to means of public defense, moreover, was disclosed both by his publicly reported defense in the legislature following the release of the first issue of "Facts for Action" and by his "many" statements to the newspapers who called him "from time to time," particularly after defendant Grinde's episode with the Anoka County Library Board.

The Court of Appeals for the Eighth Circuit reached the same result in Pauling v. Globe-Dispatch Pub. Co. 362 F. (2d) 188,[48] even prior to the Butts and Walker decisions. Defendant newspaper publisher, reacting to Dr. Pauling's objection to nuclear testing, wrote an editorial entitled "Glorification of Deceit" in somewhat inaccurate and allegedly defamatory terms.[49] The court considered Pauling to be a public figure because he was a scholar and scientist of international prominence who had written and spoken extensively and had undertaken to provide leadership among academic and scientific people on that controversial subject. It concluded, in the words of Judge Blackmun (362 F. [2d] 196):

> "* * * [A] rational distinction cannot be founded on the assumption that criticism of private citizens who seek to lead in the determination of national policy will be less important to the public interest than will criticism of government officials. A lobbyist, a person dominant in a political party, the head of any pressure group, or any significant leader may possess a capacity for influencing public policy as great or greater than that of a comparatively minor public official who is clearly subject to New York Times."

Clark v. McBaine, 299 Mo. 77, 252 S. W. 428, decided in 1923, although not squarely in point, applied the concept of qualified privilege to adverse comment upon the fitness of a state-supported university faculty member.

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The court there said (299 Mo. 93, 252 S. W. 432):

"The School of Law is a department of the University of Missouri which is an institution established by law and governed in accordance with legislative enactments, and supported by taxation. * * * That institution and its various departments therefore become the proper and legitimate subjects of comment through the public press of the State.

"The appellant having sought to be reinstated as a teacher in the law faculty in the University, a public position of great responsibility and obvious interest to citizens generally of the State, his fitness and qualifications for that position were subjects for public comment, and the comments as such were privileged." [50]

We hold that plaintiff is a public figure for the constitutional purposes of this case. We need not determine whether he is a public figure solely by virtue of his position as a university professor, because his university position is but one of many facets in his figure. We of course do not reach the question of whether a person holding high position with the state-supported university is a public official.

Third, the meaning of "actual malice" stated in New York Times, although not fully articulated in subsequent decisions of the United States Supreme Court, has been given definition at least in terms of what it is not. It is, as Mr. Justice Black observed, concurring in New York Times, seemingly "an elusive, abstract concept, hard to prove and hard to disprove." [51] Mr. Justice Stewart, a member of the majority in New York Times, spoke critically of the malice standard in his concurring opinion in Rosenblatt v. Baer, supra:

"We use misleading euphemisms when we speak of the New York Times rule as involving 'uninhibited, robust, and wide-open' debate, or 'vehement, caustic, and sometimes unpleasantly sharp' criticism. What the New York Times rule ultimately protects is defamatory falsehood. No matter how gross the untruth, the New York Times rule deprives a defamed public official of any hope for legal redress without proof that the lie was a knowing one, or uttered in reckless disregard of the truth." [52]

Malice, we know, is not to be presumed. It must be proved by plaintiff, and with convincing clarity.[53] A reviewing court must be able to determine, both from the instructions and the evidence, that the jury found that defendant acted with actual malice. In New York Times, the state judgment was reversed and remanded because the trial court had not instructed the jury to differentiate between general and punitive damages, so that the general verdict made it impossible to determine whether it was wholly an award of one or the other. In Rosenblatt v. Baer, supra, on the other hand, the state judgment was reversed and remanded even though the trial court did give separate instructions as to compensatory damages and punitive damages, for the trial court's instructions were erroneous both as to the privilege status of plaintiff and as to the definition of actual malice.

Malice is more than negligence and is probably even more than "highly unreasonable conduct." In Garrison v. Louisiana, 379 U.S. 64, 85 S. Ct. 209, 13 L. ed. (2d) 125, a state criminal libel statute which defined "actual malice" to include a false statement not made "with reasonable belief of its truth" was held constitutionally deficient. A "calculated falsehood," the court held, means "false statements made with the high degree of awareness of their probable falsity"; [54] and the "reckless-disregard-of-truth standard" was held to require substantially more than the absence of reasonable belief of truth. In Time, Inc. v. Hill, supra, an instruction that punitive damages were justified on the basis of a "failure to make a reasonable investigation" was held constitutionally erroneous, being tantamount to "an instruction that proof of negligent misstatement is enough." [55] In Rosenblatt v. Baer, 383 U.S. 75, 84, 86 S. Ct. 669, 675, 15 L. ed. (2d) 597, 604, the court reiterated what it said in Garrison v. Louisiana, 379 U.S. 64, 79, 85 S. Ct. 209, 218, 13 L. ed. (2d) 125, 135:

"* * * The test which we laid down in New York Times is not keyed to ordinary care; defeasance of the privilege is conditioned, not on mere negligence, but on reckless disregard for the truth."

Curtis Pub. Co. v. Butts and Associated Press v. Walker, supra, discussed later in this opinion, introduced the concept that malice could be established by proof of "highly unreasonable conduct constituting an extreme departure from the standards of investigation and reporting ordinarily adhered to by responsible publishers." [56] This concept, however, was considered applicable only to public figures, constituting a less strict standard than that required in the case of public officials. It would seem, therefore, that the justices advocating that standard, as well as the justices who announced adherence to New York Times for both public figures and public officials, would agree that malice is not less than such "highly unreasonable" conduct.

Malice is not proved merely by the existence of ill will or intent to cause harm. What must be proved is an intent to cause harm through falsehood. In Rosenblatt v. Baer, supra, an instruction defining malice to include "ill will, evil motive, [or] intention to injure" was held constitutionally insufficient.[57] In Garrison the court said:

"* * * [E]ven where the utterance is false, the great principles of the Constitution which secure freedom of expression in this area preclude attaching adverse consequences to any except the knowing or reckless falsehood. Debate on public issues will not be uninhibited if the speaker must run the risk that it will be proved in court that he spoke out of hatred; even if he did speak out of hatred, utterances honestly believed contribute to the free interchange of ideas and the ascertainment of truth." [58]

Whether a failure to make a retraction of a libelous statement is evidence of malice is as yet uncertain. Although the making of a demand for retraction is prerequisite to an award of punitive damages against a newspaper under Minnesota statute,[59] this state law is not determinative. New York Times expressly reserved the question of "[w]hether or not a failure to retract may ever constitute such evidence." [60] Similarly, the repetition of the defamatory statement after a denial of the charge has been communicated to the defamer is not a determinative fact. One of the circumstances in the Butts case, noted only in the concurring opinion of the Chief Justice, was that the Saturday Evening Post editors had made no additional inquiries to determine the truth of its forthcoming article, even after Butts had notified the editors that the account about to be published was untrue.[61] It would otherwise have been our opinion, as it was that of the trial court, that such circumstance would be of real relevance on the issue.

The unsuccessful attempt to prove the truth of the defamatory statement cannot itself, in our opinion, establish actual malice. Defendant is entitled in his own defense to use more than one arrow in his bow.[62] In Hammersten v. Reiling, 262 Minn. 200, 115 N. W. (2d) 259, certiorari denied, 371 U. S. 862, 83 S. Ct. 120, 9 L. ed. (2d) 100, we held, inter alia, that defendant's failure to submit evidence to establish the truth of his libelous charges was itself an element to be considered in finding the existence of malice for purposes of punitive damages.

The Butts and Walker cases introduced seemingly a more pragmatic standard of malice, but applicable only to libels of "public figures." This new standard is evidenced both by the opinions announcing the rule and by the different disposition of the two cases to which it was applied. The main opinion, subscribed by only four between civil libel actions and the freedom of speech and press," [63] justices, stated, "It is the conduct element * * * on which we must principally focus if we are successfully to resolve the antithesis and held (388 U.S. 155, 87 S. Ct. 1991, 18 L. Ed. [2d] 1111):

" * * * [A] 'public figure' who is not a public official may * * * recover damages for a defamatory falsehood whose substance makes substantial danger to reputation apparent, on a showing of highly unreasonable conduct constituting an extreme departure from the standards of investigation and reporting ordinarily adhered to by responsible publishers. * * *

"Nothing in this opinion [however] is meant to affect the holdings in New York Times and its progeny, including our recent decision in Time, Inc. v. Hill."

Whatever this new standard of malice is, it is notably a less strict standard than that of New York Times, as the opinions of the five other justices make more obvious. The majority decision was achieved by the concurrence of Chief Justice Warren in the result. But his concurring opinion joined on that point by Justices Brennan and White, called it a "departure" and asserted their adherence to the New York Times rule for both public and officials and public figures.[64] New York Times, with its emphasis on moral culpability, has stated:

"The state rule of law is not saved by its allowance of the defense of truth. A defense for erroneous statements honestly made is no less essential here than was the requirements of proof of guilty knowldege which, in Smith v. California, 361 U.S. 147 [80 S. Ct. 215, 4 L ed. (2d) 205], we held indispensable to a valid conviction of a bookseller for possessing obscene writings for sale." [65]

Mr. Justice Black, joined by Mr. Justice Douglas, dissenting in the Butts case, asserted their own conviction that First Amendment rights are absolute and that "the Court is getting itself in the same quagmire in the field of libel in which it is now helplessly struggling in the field of obscenity." [66]

The practical effect of such public-figure standard of malice is illustrated by the different facts and different results in the two cases. In Walker, the Associated Press published a dispatch which, although in part untrue, was based on information received from a correspondent present at the scene who "gave every indication of being trustworthy and competent," and nothing on its face gave the "slightest hint of a severe departure from accepted publishing standards." [67] Because it was, as the court termed it, "hot news," immediate dissemination was necessary, so less opportunity was afforded to confirm the accuracy of the story.[68] The judgment for Walker was reversed on the ground that no actual malice was established. In Butts, in contrast, the Saturday Evening Post published a story which was wholly false and which was based on the affidavit of a stranger, one Burnett, who inadvertently overheard a telephone conversation between Butts and the coach of the rival Alabama football team. Because it was a magazine article having no daily deadline, there was ample opportunity to check the accuracy of Burnett's questionable affidavit, the substance of which was that Butts had "fixed" the frothcoming football game by disclosing his team's game plans to this rival; but the Post did not do so. The Post, moreover, published the article for no significant public purpose; rather, its purpose was commercial: To increase circulation by a new editorial policy of expose and thereby bolster declining advertising revenues. The judgment for Butts was affirmed on the basis of

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the new standard of malice applicable to public figures.[69]

Attempting to apply two different rules to this case, framing one set of instructions for so much of the libel as occurred prior to December 31, 1964, and another set for the libel occurring thereafter, would tax the ingenuity of the trial court and hopelessly confuse the jury. We hold, therefore, that only the New York Times rule is applicable to a libel of a person who is for part of the time a public official and for another part of the time a public figure without being a public official.[70]

Fourth, the standards of malice announced in these cases, and their application to both public officials and public figures are retroactively applicable, to cases pending before the announcement of such decisions.[71] In Rosenblatt v. Baer, supra, the decision of the state court was reversed because the trial court's jury instructions were constitutionally deficient; but, because the trial occurred before New York Times was decided, the matter was remanded rather than to foreclose retrial under proper instructions, particularly where the record suggested that the plaintiff might be able to present a jury question of malice as defined in New York Times.[72]

Curtis Pub. Co. v. Butts, supra, held that such retroactive application cannot be avoided on grounds of waiver. The lead counsel for Curtis Publishing had conferred periodically with counsel for New York Times and, indeed, one of the counsel for Curtis was involved as counsel in the actual trial of New York Times, so that counsel for Curtis were fully aware of the progress of the earlier case. It was only after the New York Times decision was announced, however, that Curtis sought to raise the constitutional issue, which it did by motion for a new trial. The Court of Appeals for the Fifth Circuit held that Curtis had waived its right to raise the constitutional issue,[73] but the United States Supreme Court held otherwise:

"* * * As our dispositions of Rosenblatt v. Baer * * * and other cases involving constitutional questions, indicate, the mere failure to interpose such a defense prior to the announcement of a decision which might support it cannot prevent a litigant from later invoking such a ground."[74]

We decide, therefore, that the judgment must be reversed but we remand for a new trial consistent with this opinion.

Reversed and remanded.

FOOTNOTES

[1] "An American Dilemma" was copyrighted in 1944 and 1962 by Harper & Row, Publishers, Inc.; the book in evidence is First McGraw-Hill Paperback Edition, 1964, 2 volumes.

[2] This book was copyrighted in 1944 and 1948 by Harper & Row, Publishers, Inc.; the copy examined by the courts is First Harper Torchbooks Edition, 1964.

[3] During the forepart of the period in issue it was an unincorporated association, but it was thereafter a corporation. The attorney who assisted in the incorporation was originally a defendant in this action but was dismissed by plaintiff at the opening of trial.

[4] Several of these directors were initially joined as defendants. Plaintiff dismissed as to them when they sent him letters disclaiming responsibility for the preparation of the materials in issue and disavowing any knowledge as to plaintiff's views or associations. Miss Koch's own pastor was called by her as a character witness but was not a defendant; he was never himself either a member of Christian Research, Inc., or a subscriber to its publications.

[5] One tract is entitled "Wanted! Earl Warren for Impeachment," the text of which includes such other members of the United States Supreme Court as Justices Brennan, Black, Douglas, and Harlan. It is a bit ironical that these men are authors of opinions that influence us to reverse the judgment against these defendants.

[6] Its status as a "newspaper" is determined by Minn. St. 331.01, and §548.06 provides that punitive damages for a libel by a newspaper may not be had in the absence of an unfulfilled demand for a published retraction. Soderberg v. Halver, 276 Minn. 315, 150 N. W. (2d) 27. This point was not made by any of the litigants and is not itself a basis for the present decision.

[7] No issue exists, accordingly, as to the circumstances in which an employer or corporation may be answerable for the libel of an employee or agent. See, Friedell v. Blakely Printing Co., 163 Minn. 226, 232, 203 N. W. 974, 976.

[8] "An American Dilemma," p. lvii. In his preface to the Twentieth Anniversary Edition of the book Myrdal spoke even more generously (p. xxiv): "* * * I am particularly gratified that my friend and former collaborator, Arnold Rose, has contributed to the present volume a lucid though compressed review of changes in the status of the Negro in American society in the past twenty years. * * * When he worked as one of my two assistants in preparing the book, he was a young graduate, though of unusually great brilliance and youthful learnedness. In the original preface I have accounted for his important contribution to the study. Since then he has maintained his interest in the field of race relations and is now a distinguished professor at a distinguished university. In an old and cherished tradition, he has also taken his part in popular education and practical action; he has thus, as a citizen, helped to shape the events he is describing."

[9] Brown v. Board of Education of Topeka, 347 U.S. 483, 494, 74 S. Ct. 686, 692, 98 L. ed. 873, 881, 38 A. L. R. (2d) 1180, 1187.

[10] Most of this material was a verbatim repetition of a "Special Release" issued a short time before in the election campaign Dr. Rose testified, and Miss Koch confirmed, that such material had been circulated by the incumbent and his campaign manager. It does not appear that any action for libel was considered at that time.

[11] Asked by his counsel as to whether he had experienced any change in attitude toward him as result of these libels, Rose answered: "Well, I can't say so among any of my associates at the University," but that otherwise "I have felt a little bit of suspicion that I might be a subversive character." Following daily newspaper accounts of defendant Grinde's letter to the Anoka County Library Board, Dr. Rose and his family were subjected to nasty telephone calls and other crude harassment. With great candor, however, Rose himself stated in court: "I would like to emphasize that I have no evidence that this was done by Miss Koch or any of her direct associates."

[12] The question always is how would ordinary men naturally understand the language. Jones v. Monico, 276 Minn. 371, 150 N.W. (2d) 213. See, also, Afro-American Pub. Co. v. Jaffe, 125 App. D.C. —, 366 F. (2d) 649. The trial court instructed the jury as follows: "Your first duty will be to construe ["Facts for Action"] * * * [and] you should look at them as an ordinary reader would and construe their message as a whole by looking at it as a whole as to whether or not it applies to plaintiff. If you find from such construction of ["Facts for Action"] that those exhibits did call Mr. Ross a collaborator or a sympathizer with Communists, then I instruct you that those exhibits are what we call libelous per se * * *."

[13] Webster's Third New International Dictionary (1961) p. 443.

[14] Grant v. Reader's Digest Assn. (2) Cir.) 151 F. (2d) 733, certiorari denied, 326 U.S. 797, 66 S. Ct. 492, 90 L. ed. 485; Utah State Farm Bureau Fed. v. National Farmers Union Serv. Corp. (10 Cir.) 198 F. (2d) 20, 33 A. L. R. (2d) 1186; Pauling v. News Syndicate Co. (2 Cir.) 335 F. (2d) 659; Spanel v. Pegler (7 Cir.) 160 F. (2d) 619; MacLeod v. Tribune Pub. Co. 52 Cal. (2d) 536, 343 P. (2d) 36; but cf. Clark v. Allen, 415 Pa. 484, 204 A. (2d) 42. In Friedell v. Blakely Printing Co. 163 Minn. 226, 228, 203 NW. 974, this court, without discussion, held libelous an election-campaign charge in 1925 that a candidate's claim of "'Americanism' was of such a doubtful character that during the war it was necessary for government agents to watch him" and that he had made "utterances of sympathy for the enemies of the United States."

[15] In March 1963, the chief clerk of the Minnesota House of Representatives received an envelope containing a communication from a stranger to this action which can best be described as a most venomous diatribe against Jews and Negroes, in which Rose, linked by that stranger to the members of the United States Supreme Court, was called "one of the most dangerous men in America." Dr. Rose is a Jew. Counsel for plaintiff conceded on oral argument, however, that defendants were not responsible for that communication.

Therefore, on March 20, 1963, Rose made a speech on the House floor denying all such charges. He added: "I do not pretend to be a Conservative, but I have respect for a true Conservative—one who wants to conserve and maintain what he considers good and valuable about the existing society. I am, rather, a Liberal, who believes that social forces are constantly modifying the conditions of our existence, and that government must regularly make adjustments to these social changes so that the basic values can be conserved." In the course of the speech, he warned "against these subversives" who, "dedicated and fanatic," are themselves "dangerous revolutionaries" who "parade falsely under the name of 'Conservatives.'" His speech was reported extensively in the public media of press and television.

[16] Including the Minnesota Lieutenant Governor, a Minnesota Congressman, members of the Minnesota Legislature, an outstanding University of Minnesota history professor who had served in a very high World War II position in the American Intelligence Service, and the United States Army Reserve Executive Officer of the Strategic Intelligence Detachment at Fort Snelling. Rose is an honorably discharged veteran of World War II, with the Bronze Star decoration. He had necessarily been cleared by FBI investigation in connection with his lecture trips to foreign countries under the auspices of the State Department.

[17] Another Conservative legislator, called by defendants, testified: "Now, I'm not saying that Mr. Rose is a Communist * * *. His philosophies in these areas of vital importance to the future of the country as a free nation [in welfare legislation and, more especially, in regard to a World Court] closely parallel many times the programs that will bring us to, in my opinion, eventually a Communist state. Now, this does not make him a Communist."

[18] Defendants pointed particularly to Myrdal's first chapter commentary that American conservatism had been "perverted into a nearly fetishistic cult of the Constitution"; that the "Constitution is in many respects impractical and ill-suited for modern conditions"; that "modern historical studies of how the Constitution came to be as it is reveal that the Constitutional Convention was nearly a plot against the common people"; and that "the Fourteenth Amendment inserted after the Civil War to protect the civil rights of the poor freedmen has, for instance, been used more to protect business corporations against public control." However, Myrdal in other places spoke well of American institutions and, in the foregoing context, commented that the ideological forces of the Christian religion and English law "explain why America through all its adventures has so doggedly stuck to its high ideals [and] why it has been so conservative

in keeping to liberalism as a national creed even if not as its actual way of life."

[19] William C. Sullivan, Assistant Director, FBI, in a speech at Highland Park Methodist Church, Dallas, Texas, as reported in the Minneapolis Star, November 13, 1961, quotes J. Edgar Hoover as follows: "* * * [T]he 'party line' will frequently coincide with the views of many noncommunists on specific issues.

"We must not, therefore, indiscriminately label as Communists those whose opinions on a particular question may, on occasion, parallel the official party position. We must also guard against the tendency to characterize as Communists those who merely disagree with us or who advocate unorthodox or unpopular beliefs.

"When anyone is erroneously branded a Communist, it not only constitutes an injustice to the individual, but also helps communism by diffusing the strength of anticommunist forces."

[20] The court seemed to indicate that a finding of a legislative committee would be admissible for such general evidentiary purposes, subject to the ultimate determination of the jury as to its credence and weight. Stasiukevich v. Nicolls (1 Cir.) 168 F. (2d) 474, and Pauling v. News Syndicate Co., (2 Cir.) 335 F. (2d) 659, would support that view. Defendants' post-trial motion, however, did not specify the particular books and government documents which it argues were erroneously excluded.

[21] Such evidence is important on the issue of whether or not defamatory statements were made with malice, which issue is considered later herein.

[22] The trail court's memorandum accompanying its order denying defendants' post-trial motion said: "It is the feeling of the Court that, except for the conduct of defense counsel, the trial was conducted with dignity and restrain on the theory that the issues should be presented to the jury in a proper manner of reason and fairness.

"The jury apparently reacted against the many-headed monster of racial, religious and economic prejudice espoused by the defense in the form of propaganda snowballs and slanted curves that painted a picture of grotesque distortion, prejudice and self-interest."

[23] This much has been well-settled law in Minnesota even before decision of the United States Supreme Court, Clancy v. Daily News Corp. 202 Minn. 1, 277 N.W. 264; Friedell v. Blakely Printing Co. 163 Minn. 226 203 N.W. 974; Hammersten v. Reiling, 262 Minn. 200, 115 N.W. (2d) 259, certiorari denied, 371 U.S. 862, 83 S. Ct. 120, 9 L. ed. (2d) 100.

[24] It must be noted, in fairness to the trial court, that the controlling principles of constitutional law had not been announced until after completion of the trial; but, as hereinafter detailed, these principles are fundamental and retroactive in effect. For like reason the issue was properly raised by motion for a new trial even though no exception on that ground was taken to the instructions before the jury retired for its deliberations. Rule 51, Rules of Civil Procedure.

[25] The heart of the court's instructions, repeatedly emphasized, was as follows: "* * * If you find * * * that those exhibits ["Facts for Action"] did call Mr. Rose a collaborator or a sympathizer with Communists, then I instruct you that those exhibits are what we call libelous per se, meaning libelous in and of themselves, * * *. By libelous per se we mean that there are two legal effects, as follows: Number one, damage to the plaintiff's character and reputation in the community is presumed and it is, therefore, not necessary for plaintiff to prove damage, as damage is implied through the nature of the libel itself. Number two, malice is implied and no proof of actual malice is required when words are libelous per se except insofar as the libel applies to the plaintiff as a public official in his official conduct. Now during the period while Arnold Rose was running for office and during the period when he was a member of the State Legislature, which would cover from 1962 to December 31st, 1964, I am instructing you as a matter of law that during that period of time Arnold Rose was a public official within the legal meaning of the term and during that period of time, * * * he must show that the libel was published with actual malice. * * * However, I instruct you as a matter of law that after December 31st, 1964, Mr. Rose was not a public official. His term expired on December 31st, 1964, and from there on out, as a professor at the University, I instruct you as a matter of law he was a private citizen and not a public official and if you find that he was libeled after December 31st, 1964, then, of course, no actual malice is necessary for him to recover in this case.

"* * * The republication of libelous matters constitutes a new and separate libel. * * * [A]t this point in the trial I want to point out to you because it is true as a matter of law and it will be reflected in the verdicts, there is a little different position here between Adolph Grinde and Gerda Koch on this question of redistribution of a libel and I deliberately asked Mr. Grinde that question because I knew what law I was going to give you and what law I felt I had to give you and I asked him when he made his last distribution of Exhibits A and B and he answered that he thought in November of '63, but he was quite sure by his best recollection that he never distributed after December 31st, '64. To me, knowing what law I was going to give you, that was important because Miss Koch has testified under oath that she has kept right on distributing them right up to the present date, * * * that's important on the law I just gave you, because I told you that it puts him in a little different position on some of this law because I told you that from '62 to '64 Arnold Rose was a public official, so during all of the time that Grinde distributed any of this literature, he was distributing it about a public official, whereas I have instructed you as a matter of law that after December 31st, '64, he was no longer a public official and Miss Koch, but not Mr. Grinde, continued to distribute the literature.

"* * * If you find that the charges against the plaintiff * * * were not true and that they were not privileged as being directed without actual malice against the plaintiff while he was a public official, or if you find that they were published after he was no longer a public official, as I indicated in the Koch case, then plaintiff should recover from the defendants as general damages such sum as you feel will reasonably and fairly compensate him for the injury to his reputation and standing in the community and in his profession, without specific actual proof or dollar amounts of such damages."

[26] The court's instruction was: "* * * A statement is made with actual malice if it is made with knowledge that it is false or with reckless disregard of whether it is false or not. Now, in determining actual malice you have a right to consider evidence of any personal bad feelings on the part of the parties; * * * whether or not the language or the material itself was exaggerated; * * * the nature and extent of the publication; and * * * the repetition of the material after the denial by the plaintiff; and any other evidence or factors that you think have a bearing as to whether or not there was actual malice.

"* * * If you find that * * * the plaintiff * * * [is] entitled to recover from the other side, you may award [him] in addition to [his] general damages a sum of money for punitive or exemplary damages, if you find that the parties acted wilfully, maliciously and with a reckless disregard of someone else's rights. The reason that the law in this type of case permits punitive or exemplary damages—and punitive just means punishing and exemplary means to set an example—is to deter false and malicious and provocative attacks upon a person's reputation."

[27] We consider this second ground to be basically interrelated with the first and decisive ground for decision, even though defendants did not squarely raise it. Defendants, as a matter of fact, invited instructions in terms of New York Times Co. v. Sullivan, 376 U.S. 254, 84 S. Ct. 710, 11 L. ed. (2d) 686, 95 A. L. R. (2d) 1412, and Friedell v. Blakely Printing Co. 163 Minn. 226, 203 N. W. 974, which this eclectic instruction is. Neither the court nor counsel had the benefit of the subsequent decisions which have more precisely articulated the meaning of that constitutional standard, even if in negative terms of what it is not. We should raise the issue sua sponte, in any event, for the assistance of the trial bench.

[28] It is on this issue that "government documents" and other evidence of the statements of Senator Eastland and Congressman Utt and other evidence of somewhat ambiguous nature was admitted into evidence for the limited purpose of showing Miss Koch's "state of mind." The fact that these documents are hearsay would not alone prevent exculpatory reliance except perhaps to the extent that the nature of the hearsay documents might disclose that such statements were palpably baseless. Compare the reliance in the New York Times case upon the certification of an outsider whom it considered a responsible person. 376 U.S. 260, 84 S. Ct. 715, 11 L. ed. (2d) 695, 95 A. L. R. (2d) 1423. The jury could consider, too, the use made by defendants of the "Suppressed Report" which it might find gave a deliberately false impression that it was an actual congressional finding. Miss Koch testified that she had "confidence in [her] sources"; Grinde, in turn, testified that he believed that "Facts for Action" had merit and that he "still believe[d]" it. Because Miss Koch testified that at the time she wrote the first issue of "Facts for Action" she had no other evidence than the contents of "An American Dilemma" and the names of persons named as collaborators in the book, the jury might find that she had not in fact relied on such government documents. The ultimate jury issue, nevertheless, would be whether or not defendants' reliance, although mistaken, was mere negligence rather than reckless, or even calculated, falsehood. Whatever the instructions, as a practical matter, the jury will be influenced by the conduct of the parties themselves during trial.

[29] Concurring opinion, 376 U.S. 299, 84 S. Ct. 736, 11 L. ed. 2d) 719, 95 A.L.R. (2d) 1447.

[30] 376 U.S. 270, 84 S. Ct. 721, 11 L. ed. (2d) 701, 95 A.L.R. (2d) 1430.

[31] 376 U.S. 266, 84 S. Ct. 718, 11 L. ed. (2d) 698, 95 A.L.R. (2d) 1428, quoting from Associated Press v. United States, 326 U.S. 1, 20, 65 S. Ct. 1416, 1424, 89 L. ed. 2013, 2030.

[32] 376 U.S 268, 84 S. Ct. 720, 11 L. ed. (2d) 699, 95 A.L.R. (2d) 1429, quoting from Beauharnais v. Illinois, 343 U.S. 250, 263, note 18, 264, 72 S. Ct. 725, 734, 96 L. ed. 919, 931.

[33] 376 U.S. 271, 84 S. Ct. 721, 11 L. ed. (2d) 701, 95 A.L.R. (2d) 1430, quoting from N.A.A.C.P. v. Button, 371 U.S. 415, 445, 83 S. Ct. 328, 344, 9 L. ed. (2d) 405, 425.

[34] 376 U.S. 271, 84 S. Ct. 721, 11 L. ed. (2d) 701, 95 A.L.R. (2d) 1430, quoting from Cantwell v. Connecticut, 310 U.S. 296, 310, 60 S. Ct. 900, 906, 84 L. ed. 1213, 1221. Dr. Rose himself once observed that "there is a little of the muckraker and preacher in all Americans." "The Negro in America," p. 8.

[35] 376 U.S. 271, 84 S. Ct. 721, 11 L. ed. (2d) 701, 95 A.L.R. (2d) 1431.

[36] 376 U.S. 297, 84 S. Ct. 735, 11 L. ed. (2d) 718, 95 A.L.R. (2d) 1446.

[37] 376 U.S. 298, 84 S. Ct. 736, 11 L. ed. (2d) 719, 95 A.L.R. (2d) 1446.

[38] 376 U.S. 279, 84 S. Ct. 726, 11 L. ed. (2d) 706, 95 A.L.R. (2d) 1435.

[39] 376 U.S. 283, note 23, 84 S. Ct. 727, 11 L. ed. (2d) 708, 95 A.L.R. (2d) 1436.

[40] 383 U.S. 84, 86 S. Ct. 675, 15 L. ed. (2d) 604.

[41] 383 U.S. 85, 86 S. Ct. 676, 15 L. ed. (2d) 605.

[42] 383 U.S. 88, 86 S. Ct. 677, 15 L. ed. (2d) 606.

[43] 383 U.S. 85, 86 S. Ct. 675, 15 L. ed. (2d) 605.

[44] 385 U.S. 388, 87 S. Ct. 542, 17 L. ed. (2d) 467.

[45] 385 U.S. 388, 87 S. Ct. 542, 17 L. ed. (2d) 467, quoting from Bridges v. California, 314 U.S. 252, 269, 62 S. Ct. 190, 196, 86 L. ed. 192, 206.

[46] Mr. Chief Justice Warren indicated that two members did not deem it necessary to pass on the question. 388 U.S. 162, 87 S. Ct. 1995, 18 L. ed. (2d) 1115.

[47] 388 U.S. 154, 87 S. Ct. 1991, 18 L. ed. (2d) 1111.

[48] See, also, Pauling v. National Review, Inc. 49 Misc. (2d) 975, 269 N.Y.S. (2d) 11; Pauling v. News Syndicate Co. Inc. (2 Cir.) 335 F. (2d) 659, certiorari denied, 379 U.S. 968, 85 S. Ct. 662, 13 L. ed. (2d) 561.

[49] Reminiscent of Dr. Rose's expressed motive for commencing the action in the instant case, the Globe-Democrat editorial also said (362 F. |2d| 199):

"The petition of 140 members of the Washington University facility in support of the defiance of Linus Pauling of the United States Senate dangerously compromises the good name and patriotism of that great University."

Dr. Rose said, "|A|t first I didn't think that Miss Koch was very important * * *." But then when |"Facts for Action"| became a foundation for an attack on the University, then I felt that Miss Koch was important, important enough to state what I thought about her publicly and to try to show what she stood for to the public.

[50] A possibly distinguishing fact in the Clark case, however, is that appellant, who had been dismissed by the university, had himself projected the controversy into public print by claims that his dismissal was unjust and by the countercharge against the fitness of the university president.

[51] 376 U.S. 293, 84 S. Ct. 733, 11 L. ed. (2d) 716, 95 A.L.R. (2d) 1444.

[52] 388 U.S. 92, 86 S. Ct. 679, 15 L. ed. (2d) 609. See, also, dissenting opinion of Mr. Justice Harlan in Time, Inc. v. Hill, 385 U.S. 374, 405 to 411, 87 S. Ct. 534, 551 to 554, 17 L. ed. (2d) 456, 477 to 480.

[53] New York Times Co. v. Sullivan, 376 U.S. 254, 285, 84 S. Ct. 710, 729, 11 L. ed. (2d) 686, 710, 95 A.L.R. (2d) 1412, 1438.

[54] 379 U.S. 74, 85 S. Ct. 216, 13 L. ed. (2d) 133.

[55] 385 U.S. 396, 87 S. Ct. 546, 47 L. ed. (2d) 471.

[56] 388 U.S. 155, 87 S. Ct. 1991, 18 L. ed. (2d) 1111.

[57] 383 U.S. 84, 86 S. Ct. 675, 15 L. ed. (2d) 604.

[58] 379 U.S. 73, 85 S. Ct. 215, 13 L. ed. (2d) 132. See, also, Henry v. Collins, 380 U.S. 356, 85 S. Ct. 992, 13 L. ed. (2d) 892.

[59] See footnote 6, supra.

[60] 376 U.S. 286, 84 S. Ct. 729, 11 L. ed. (2d) 710,, 95 A. L. R. (2d) 1439.

[61] 338 U.S. 169, 87 S. Ct. 1999, 18 L. ed. (2d) 1119.

[62] See, Pauling v. News Syndicate Co., Inc. (2 Cir.) 335 F. (2d) 659, certiorari denied, 379 U.S. 968, 85 S. Ct. 662, 13 L. ed. (2d) 561.

[63] 388 U.S. 153, 87 S. Ct. 1990, 18 L. ed. (2d) 1110.

[64] A new "rule" applicable only to public figures has probably not in fact been established, although it was apparently a necessary predicate for a majority disposition on those cases. The Walker case was nevertheless remanded for further proceedings "not inconsistent with the opinions that have been filed herein by the Chief Justice, Mr. Justice Black and Mr. Justice Brennan." Five of the justices then on the court obviously did not agree with that predicate and Mr. Justice Clark, one of the other four, is no longer a member of the court. In Walker, Justices Black and Douglas stated agreement with the Chief Justice's view that public officials and public figures should receive the same treatment under the rule of New York Times; but in Butts they dissented on the ground that the rule of New York Times should be abandoned in favor of no rule at all.

[65] 376 U.S. 278, 84 S. Ct. 725, 11 ed. (2d) 705, 95 A. L. R. (2d) 1434; and see the Supreme Court's footnote 19, quotation from Mill, On Liberty (Oxford: Blackwell, 1947), at 15.

[66] 388 U.S. 171, 87 S. Ct. 2000, 18 L. ed. (2d) 1120. Dean Prosser, writing in a different vein, recently observed that "the Supreme Court has practically done away with all rules as to what may be published." Der Gegenverkehr des Wasserniedersinkens in der nordlichen und der sudlichen Hemisphare, 51 Minn. L. Rev. 899, 902.

[67] 388 U.S. 158, 159, 87 S. Ct. 1993, 18 L. ed. (2d) 1113.

[68] General Walker, as the court stated, "had pursued a long and honorable career in the United States Army before resigning to engage in political activity." 388 U.S. 140, 87 S. Ct. 1984, 18 L. ed. (2d) 1102. The alleged libel in the Associated Press dispatch was that Walker had taken command of the violent crowd engaged in a riot on the campus of the University of Mississippi at the time of James Meredith's enrollment, had encouraged the use of violence, and had personally led a charge against Federal marshals sent there to enforce a court decree. The only truth in the dispatch was that Walker had been on the campus at the time and had spoken to a group of students. Walker, who had commanded Federal troops during the school desegration confrontation at Little Rock, Arkansas, had, on other occasions, spoken out strongly against such physical Federal intervention, but on this occasion he had counseled the students to use restraint and peaceful protest and had not charged the Federal marshals.

[69] Chief Justice Warren concurred in affirmance, but on the ground that the New York Times standard had actually been met by the trial court's instruction that, to find "wanton and reckless indifference" for the purposes of punitive damages, the jury should assess "the reliability, the nature of the source of the defendant's information, its acceptance or rejection of the sources, and its care in checking upon assertions." 388 U.S. 156, 87 S. Ct. 1992, 18 L. ed (2d) 1111. The Chief Justice was, however, alone in this view.

[70] Accordingly, we do not decide the degree to which "highly unreasonable conduct constituting an extreme departure from the standards of investigation and reporting ordinarily adhered to by responsible publishers" is less than "reckless disregard of the truth." Neither do we consider how a judge or jury is to ascertain who are "responsible publishers" or what are their "standards of investigation and reporting." Nor do we decide whether or not defendants having less investigative and reporting talent or training, are to be held to standards "ordinarily adhered to by [such] responsible publishers" as giant publishing houses, news services, or metropolitan daily newspapers.

[71] The New York Times case was decided March 9, 1964; the Butts and Walker cases on June 12, 1967. The instant case was commenced in late 1964; trial commenced November 1, 1965, and was completed November 23, 1965; judgment was entered May 3, 1966; and appeal was taken May 23, 1966.

[72] A similar decision had been rendered in New York Times, and the court there noted that it must independently examine the evidence of record for the purpose of determining whether it would constitutionally support the judgment. The record submitted for defendants in the instant case did not comply with the rules of this court for consideration of several issues raised by the defendants; but we have nevertheless examined the whole of the original transcript and the exhibits in compliance with this constitutional responsibility.

[73] The Court of Appeals also concluded, however, that there was ample evidence from which the jury could find that Curtis had acted with reckless disregard of whether its article was false or not.

[74] 388 U.S. 142, 87 S. Ct. 1985, 18 L. ed (2d) 1104.

JUSTICE DEPARTMENT SCANDAL: FULL SCALE INVESTIGATION NEEDED

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. CURTIS. Mr. Speaker, I would like to bring to the attention of the Congress and the public a situation in the Justice Department which is sorely in need of investigation and critical review by the Congress.

The Justice Department, along with Lawrence Callanan, ex-convict, beneficiary of a Presidential commutation in 1964, and now business manager and head of Steamfitters Local 562 in St. Louis, has been the subject of several recent newspaper articles which have already prompted my colleague, Richard Poff, a member of the House Judiciary Committee and chairman of the House Republican Task Force on Crime, to write the chairman of the Judiciary Committee calling for an investigation by the committee of the Justice Department's handling of the "entire matter of Lawrence Callanan," and now prompt me to join him in a call for immediate congressional action.

Congressman Poff made public his call for a Judiciary Committee investigation in a press release issued on May 6, 1968, in which he commented on a front page article which appeared in the Wall Street Journal of May 2. Subsequent to the Wall Street Journal article the St. Louis Globe-Democrat in an editorial entitled "Justice Department Scandal" appearing in its May 4–5 edition and in articles appearing in the same edition have brought forth additional information which emphasize the need for this investigation. These materials will follow my remarks. The Wall Street Journal article, entitled "Party on the Spot: Probe of Union's Gifts for Campaigns Poses a Risk for Democrats," is written by Jerry Landauer and Nicholas Gage. The articles which appeared in the St. Louis Globe-Democrat, entitled "Why Top Democrats Fear Trial of Callanan," by Al Delugach, and "They Avoid Taking a Stand," by Edward W. O'Brien, chief of the Globe-Democrat Washington Bureau.

Ideally any investigation of the Justice Department would be chaired by a Republican to make it more likely that all of the important facts are brought out into the open and put under the bright light of public scrutiny.

This suggestion is not without precedent in American history. Perhaps the most famous example of minority control of committee investigations occurred in 1923 when the Teapot Dome oil reserve investigation was conducted by a Democratic Senator at a time when both Houses of Congress and the executive branch were controlled by the Republican Party. This Senator, Thomas J. Walsh, of Montana, accepted the responsibility of conducting the investigation at the urgent request of Senator Robert La Follette.

Cases of this nature underline the need for a permanent Committee on Public Accounts such as that recommended by the minority members of the Joint Committee on the Reorganization of the Congress. See pages 85–87 of the final report of the committee, Senate Report 1414, second session, 89th Congress. Such a committee would be chaired by a member of the political party not in power and would be empowered to conduct comprehensive investigations of alleged wrongful activities of the Government. While both Houses of the Congress now have Committees on Government Operations which do have similar jurisdiction it is often difficult for them to carry out this function effectively when the results appear likely to reflect unfavorably on their own party's administration.

The important thing about the present situation, however, is that the matter be taken up by a congressional committee and very soon.

This situation is not, it would appear, much different from that which resulted in the Teapot Dome investigation. Allegations were made then which called into question the good faith execution of duty of several Government officials including the Attorney General. The article which I am inserting into the RECORD today do that as well.

It is this aspect of the case about which the Congress should be concerned. The facts as they have been presented so far go way beyond Larry Callanan and reach into the upper levels of the Justice Department and the Federal Government. The Congress should want to know for example why it is taking so long to get action by the Justice Department and why previous recommendations for prosecution have been turned down, if they have, by "higher ups" in the Department. We need a thorough cleanup.

Even in the event that the Justice Department belatedly takes action, proceeding with the matter before the grand jury and with other appropriate steps, the Congress through the appropriate committees should still take a hard look at the case as part of its overall investigation of the Justice Department because this is not the only case in which the Department has dragged its heels and failed to prosecute law violations vigorously. The Wall Street Journal article cited above notes that the 97 counts in the original indictment submitted to superiors by the two Justice Department attorneys closest to the case have already been cut down to one and the congressional committee should get to the bottom of this unusual action.

Mr. Speaker, the documents referred to above follow:

[From the Wall Street Journal, May 2, 1968]

PARTY ON THE SPOT: PROBE OF UNION'S GIFTS FOR CAMPAIGNS POSES A RISK FOR DEMOCRATS—U.S. AIDES SEEK TO PROSECUTE CHIEF OF ST. LOUIS LOCAL, BUT HIGHER-UPS BAR MOVE—HIDING THE SOURCE OF FUNDS

(By Jerry Landauer and Nicholas Gage)

WASHINGTON.—A labor leader who bosses just 1,200 Steamfitters Union members in one Midwestern city might seem unworthy of fretful attention from the Government's top law enforcers. Yet the Justice Department is worried about Lawrence Callanan—not so much because he's an ex-convict holding union office but because a proposed exposure of his doings might harm the Democratic Party.

Mr. Callanan, business manager and boss of Steamfitters Local 562 in St. Louis, already enjoys considerable power and notoriety in his home state. A Wall Street Journal story on Feb. 2 revealed how he is able, as a free-spending friend of numerous politicians, to hand-pick candidates for public office, dispense patronage and influence legislation in Missouri. On the national level, Mr. Callanan has been the beneficiary of an eyebrow-raising tax decision by the Internal Revenue Service and the grateful recipient of a Presidential commutation enabling him to resume union activity in 1964 following a six-year prison term for extortion.

Now Federal prosecutors would like to send him back to jail. They have presented to a grand jury in St. Louis evidence seeking to show that he has converted union dues money to political purposes, including $60,000 contributed to the Democrats six months after the Presidential commutation. If he's brought to trial, the courtroom disclosures might impel the Government to investigate how other unions, local and national, raise money to help underwrite the Democratic Party's campaign expenses. So far, however, the prosecutors' efforts to try Mr. Callanan have been blocked by higher-ranking Justice Department officials.

DUCKING A LAW

Besides drying up or scaring away millions of dollars in campaign cash, putting Mr. Callanan on trial could also expose law avoidance by certain of the party's leading fund-raisers.

It's known, for example, that Mr. Callanan met with two Democratic money men in October 1964 to receive instructions on how to divide the prearranged $60,000 campaign gift. Specifically, he was told to send one check for $25,000 directly to Doyle Dane Bernbach, Inc., the New York advertising agency that handled LBJ's 1964 campaign. In this way, the fund-raisers ducked the law requiring the national political committees to disclose the sources of all their income.

This is the kind of case that used to make Bobby Kennedy wring his hands and say, "My God, why did I ever become Attorney General?" One Government man remarks, noting that few beneficiaries of Mr. Callanan's $300,000-a-year political fund care to be identified with him. Accordingly, the White House is known to be interested in the case, and the Justice Department is handling it with particular care.

In recent months, Justice Department attorneys Brian Comboy and Edgar Brown have twice urged prosecution. Each time they have had the approval of Henry Petersen, chief of the department's organized crime section, and Robert Rosthal, chief of the election fraud unit. But each time higher-ups overruled the recommendations. From 97 counts the draft indictment has been progressively pared to one. And even this third abbreviated draft, dated March 1, seems in danger of being sidetracked. Top Justice Department officials refuse comment on any aspect of the Callanan matter, beyond saying it's still under investigation.

A "VOLUNTARY" FUND

Between last Oct. 16 and Feb. 2, a special 23-man grand jury in St. Louis spent 18 days examining stacks of subpoened records and taking testimony from more than 60 witnesses. These included many members of Local 562 who pay 50 cents a day (outsiders working temporarily in the local jurisdiction pay $2) into a "voluntary political fund" controlled by Mr. Callanan.

The witnesses' statements raised doubts that these political collections are truly voluntary, as required by law. On the contrary, witnesses indicated, the union chiefs seem to regard the contributions much like dues, collecting them systematically, periodically and rigorously.

But, for reasons that haven't been explained, the Government failed to follow up with a recommendation either to indict or to ignore the mass of testimony. Indeed, there hasn't been a peep from Washington in three months.

Meantime, the grand jury's life is being extended beyond the six-month period prevalent in St. Louis: ordinarily, it would have been dismissed about April 1. To some observers, the extension indicates that Washington may yet give the go-ahead, perhaps after waiting long enough to assure that no prominent names will be mentioned in pre-trial motions until after Election Day. But cynics think the extension is a Justice Department excuse to explain inactivity. "While the jury's sitting they can keep saying the case is under investigation," one such cynic observes.

CHECKOFF CARDS

New members of Local 562 arriving on the job routinely receive political fund checkoff cards along with medical forms and other necessary work documents; somehow, nearly every man becomes a "voluntary" contributor. Almost automatically, the job steward collects from the rank-and-file, the area foreman collects from the job steward, the general foreman collects from the area foreman and then it all goes into the local's political fund.

Steamfitters from Kansas, Illinois and other neighboring states working temporarily in Local 562's area have been similarly trained to contribute. Some simply regard the political payments as a cost of working in Mr. Callanan's bailiwick, and many don't distinguish between the union's treasury fed by dues and the theoretically independent campaign chest fed by the contributions.

In any event, the pint-sized union's political spending seems astonishingly high. In the years 1963 through 1966, the local is known to have ladled out $1,082,761 to candidates for Federal, state and local office, and even this figure may be incomplete. All told, 32 candidates for Congress received campaign funds in those years. Included, on March 1, 1966, was the first $5,000 of $13,000 the local contributed in 1966–67 to early-starting committees working for the reelection of Sen. Edward Long, Missouri Democrat; Mr. Long's current Senate term expires this year.

A look at Mr. Callanan's political operation suggests the variety of techniques being employed by contributors and candidates to keep secret the sources of much of the cash being spent for politicking this year.

Failure to report: The easiest method is to ignore that part of the Corrupt Practices Act requiring groups that support Congressional candidates in more than one state to report income and spending. Mr. Callanan's political fund supports candidates in half a dozen states, but it doesn't report. Nonreporting national unions include the National Maritime Union.

Phantom collectors: In theory the money not reported by contributors should nonetheless show up in the reports filed by recipients. The law requires a candidate to disclose all the money given to him or solicited with his "knowledge and consent." Yet he can avoid identifying contributors by ignorance, feigned or real, of who's collecting on his behalf. Consequently, a mere half-dozen of the 32 candidates known to have received contributions from the Callanan fund reported the income, and in two of these instances the contribution was listed as having come not from Local 562 but from the parent union, the United Association of Journeymen & Apprentices of the Plumbing & Pipefitting Industry of the United States and Canada.

Testimonial dinners: Steamfitters often attend (or at least contribute to) many such events raising funds for office-holders. Following Senate censure of Connecticut Democrat Thomas Dodd for keeping $116,000 raised at testimonial dinners, the term was shunned both by fund-raisers and donors. But now it's back in style.

Though unions and corporations can't contribute to campaigns for Federal office, no law prevents either from donating in the guise of no-strings testimonial gifts. Thus, most testimonial invitations carefully refrain from stating the candidate's intent to use the "gifts" for campaign purposes.

Collapsible committees: At least once each year, local 562 kicks in $1,000 or more to the Democratic Congressional Dinner Committee, a paper organization set up mostly to deflect prying eyes. It collects checks, divides receipts among the standing House and Senate Democratic campaign committees, then folds up.

Though the disclosure laws require the two standing committees to identify sources of income, those committees, in filing their reports, limit the identification to lump-sum receipts from the dummy dinner committee; individual contributors aren't named.

A similar technique enabled couples who paid $1,000 each last fall for tickets to the Democratic "President's Ball" to dance in anonymity; the sponsors refused even to put out a guest list.

It's not surprising that some in the Justice Department regard the Steamfitters local as a promising target for prosecution *on charges of illegal political contributions*. They think such a prosecution might help end lax enforcement, by Democratic and Republican Administrations alike, of laws governing political contributions. But the prosecutors' progress to date doesn't suggest stepped-up enforcement by any Government agency.

For almost a year, the Internal Revenue Service has been pursuing what one insider calls a "half-hearted" investigation of undercover corporate contributions to political candidates. (Like unions, corporations are prohibited from contributing to campaigns for Federal office.) The agency suspects that some businessmen not only violate the ban but even seek to make such gifts tax-deductible. According to this theory, these businessmen get certain law firms or public relations firms to pad their regular bills by an extra amount that can be listed on tax returns as a business expense; the lawyers and PR men then contribute the amount of the overcharge to political candidates.

[Release from the Republican Task Force on Crime, May 6, 1968]

Representative Poff To Ask Judiciary Committee To Investigate Articles' Charges

Rep. Richard H. Poff (R.-Va.), Chairman of the House Republican Task Force on Crime, declared today that "a news story on the front page of Thursday's Wall Street Journal is enough to shake the confidence of every American in our entire political system. It contains allegations of the very worst sort of conduct on the part of what the authors describe as 'high-ranking Justice Department officials'.

"I am writing to the Chairman of the Committee of the Judiciary calling for an investigation of the entire matter of Lawrence Callanan," Poff continued, and what the article pictures as the preferred treatment he is getting from the Department of Justice.

"The story is headlined: 'Probe of Union's Gifts for Campaigns Poses a Risk for Democrats—U.S. Aides Seek to Prosecute Chief of St. Louis Local *But Higher-ups Bar Move*'. That is a shocking charge," Poff said, "it spells one thing—fix!"

The GOP Chairman noted that "Callanan is described as a 'labor leader who bosses just 1200 steamfitters union members' in St. Louis but who 'is able, as a free-spending friend of numerous politicians to hand-pick candidates for public office, dispense patronage and influence legislation in Missouri'. It does not appear that his influence is confined to just one State, however," Poff continued. "It is also reported that from 1963 through 1966, Callanan's local—a relatively small organization has 'ladled out' more than *$1 million dollars* to candidates for Federal, State and local office throughout the nation."

"It is a violation of the law for a labor union to make such contributions," Poff noted. "According to the account in the Journal, it would appear that the Department of Justice has a cold case against Callanan. 'Federal prosecutors would like to send him to jail,' the Journal says, but so far 'the prosecutors' efforts to try Mr. Callanan have been blocked by higher-ranking Justice Department officials'.

"But this is only part of the story," he continued. "The other part concerns Callanan himself.

"Lawrence Callanan is an ex-convict. He was convicted many years ago of armed robbery and again in 1954 for extorting $28,000 from a construction firm while he was the business manager of the same steamfitters local. He went to prison for six years and was paroled in 1960. Under specific circumstances, the law forbids ex-convicts from holding union office. In April 1964, a significant date, Callanan, the convicted robber and extortionist, received a presidential commutation, the Journal said "enabling him to resume union activity. Shortly thereafter," Poff continued, "the bountiful treasury of the Steamfitters Union began spreading its largess to candidates for political office."

"The American people are entitled to know why a character of Callanan's record is the beneficiary of a presidential commutation in the first place. What possible justification is there for rewarding such a man as this?" Poff asked.

"The American people are also entitled to know who now is responsible for the foot-dragging in the Department of Justice. The article clearly indicates that their Organized Crime Section favors vigorous prosecution. If a decision has been made at a higher level to kill the prosecution or to stall it until after the elections, then the people are entitled to know who is responsible for this decision. Otherwise," Poff concluded, "they ought to get their indictment and get it now and bring their case out into the open."

[From the St. Louis Globe-Democrat, May 4–5, 1968]

Justice Department Scandal

For more than three months the Justice Department has frustrated efforts of a federal grand jury in St. Louis to indict Lawrence L. Callanan, Steamfitter Union boss, on charges of violating the Corrupt Practices Act by rich donations to campaigns of politicians—from the President on down to local officials.

This is the most blatant attempt at political cover-up that has ever blighted the reputation of the Justice Department within our memory. It looms the worst scandal to smirch the Johnson Administration.

Unless the White House steps in and ends the block thrown against this indictment, the Administration will be tarred by the same wanton disregard for law as it has so ringingly condemned in the national crime plague.

The Justice Department's own men helped work up the case on the Steamfitters' misuse of funds for gilding campaign coffers of their favorite candidates.

The grand jury here was ready to return an indictment against Callanan—convicted of labor racketeering 14 years ago—for massive contributions to election war chests in violation of federal law barring such gifts from unions.

Last minute postponement was ordered by Fred M. Vinson Jr., assistant Attorney General in charge of the Justice Department's criminal division.

Attorney General Ramsey Clark, the most ineffectual man who ever held this post, interested himself in the matter personally.

By conduct of this whole smelly case, Attorney General Clark has forfeited any right to continue in office. His appointment was a grave mistake from the beginning.

In an era of the brutal, most unparalleled crime wave in the history of America, he has proved himself miserably incompetent to deal with the problem.

Mr. Clark has busied himself finding ways to make it easier for criminals to escape the law, under the attitude of bolstering civil rights, permissive sociological conceits and an apparent conviction of society's guilt for all the depredations of felons over the country. His tenure has virtually shattered morale of the organized crime and racketeering section of the Justice Department.

Now he not only seems blind to political depredation of the law but determined to shield the violators from prosecution.

Ramsey Clark should be fired.

The attempted shackling of justice in the Callanan case should be the final nail in his official coffin.

* * * * *

Records of steamfitter political spending, examined by the grand jury, indicated Callanan largesse to favored Democratic politicians for their campaigns ran into millions of dollars—not only for Missouri candidates but for favored figures spotted over the nation.

Among the beneficiaries of local steamfitters' fat political spending was Lyndon B. Johnson, whose campaign was sweetened by $52,000. Mr. Johnson, who perhaps didn't even know of this donation, nevertheless commuted Callanan's remaining prison sentence in April, 1964.

* * * * *

Other campaign recipients of Callanan benevolence included Missouri Senators Long and Symington, Missouri Governor Hearnes, Attorney General Anderson, Lieut. Gov. Eagleton and various Congressmen. The Democratic National Committee has consistently been on the steamfitter giveaway list. Even Robert Kennedy's victorious campaign for Senator in New York got a $10,000 check.

With such a lineup of political prestige, Callanan et al. must have thought they were perfectly safe from prosecution in their brazen defiance of the Corrupt Practices Act.

So apparently have Attorney General Clark and other policy-makers in the Justice Department.

Politics cannot be tolerated as a shield for law violation. The Justice Department should be compelled to act in bringing this issue to indictment and trial. The Administration image—if not morals—demands such action and the President must realize his word is needed.

What a farce if the department, entrusted with justice in the United States, deliberately perverts justice in an attempted whitewash for buck-generous political friends.

[From the St. Louis Globe-Democrat, May 4, 1968]

Why Top Democrats Fear Trial of Callanan

(By Al DeLugach)

Democrats from local officeholders to the President of the United States have been beneficiaries of the opulent political spending of St. Louis Steamfitter Union boss Lawrence L. Callanan.

Among them are President Lyndon B. Johnson, Missouri Senators Stuart Symington and Edward V. Long, current presidential hopeful Sen. Robert F. Kennedy and a far-flung band of other senators and congressmen.

So are Missouri's Gov. Warren Hearnes, Lt. Gov. Thomas F. Eagleton and Attorney General Norman Anderson, as well as assorted state senators and representatives, and St. Louis and St. Louis County officials of Democratic persuasion.

Now for three months, U.S. Attorney General Ramsey Clark has been blocking prosecution of ex-convict Callanan on charges of using union money illegally in politics.

As reported in Friday's Globe-Democrat, a federal grand jury in St. Louis concurred with two of the Justice Department's own attorneys in recommending grand jury indictment of Callanan.

Despite this, no indictment has been forthcoming.

Meanwhile, since the federal investigation of the multi-million-dollar steamfitter spending machine began last October, Callanan has been busily acquiring a new image as a local labor statesman.

A portrait of a leader in no-strike pledges to industry has been superimposed on the old canvas of a convicted extortionist whose tight little local union has been known for decades of featherbedding, muscle tactics and jurisdictional feuds with other construction trades.

REPAINT JOBS

The repaint job has been handled by public relations consultant Alfred Fleishman, reportedly at the behest of August A. Busch Jr., brewing magnate, whose firm got the first no-strike pledge from the Callanan-led construction crafts.

Callanan and Mr. Busch are political allies in the campaign to re-elect Sen. Long this year.

According to Callanan, that is his No. 1 project in what he claims will be his last year of playing financial angel to politicians.

Sen. Long faces tough contests in both the primary and general elections. His situation is a good illustration of the problems posed in an election year by any prosecution of Callanan for alleged illegal spending of union funds in politics.

Sen. Long is among officeholders whose campaigns have received steamfitter donations and who was a steamfitter beneficiary on occasions even when not engaged in election campaigns.

The Senate Ethics Committee is investigating fees shared between Sen. Long and St. Louis criminal lawyer Morris A. Shenker. By chance, Mr. Shenker is representing Callanan in the federal investigation of the steamfitter political fund. Mr. Shenker is among those who have received money from the fund.

The fund has not filed required federal or state reports on campaign spending, so the extent of the largesse is veiled from public view.

However, an indication of the scope was determined last summer by The Globe-Democrat from other sources.

AN $80,000 MINIMUM

It was found that at least $80,000 was contributed to out-of-state politics in a 7½-month period of 1964 alone. And this only counted checks of $1,000 or more made out on a bank account of the steamfitter political fund.

These checks included a total of $52,000 for President Johnson's campaign and $10,000 for Robert F. Kennedy's successful race for senator from New York.

Besides Missouri's two senators, others whose campaigns have received substantial gifts from Callanan's fund in various years have been identified as including:

Sen. William Proxmire of Wisconsin, Sen. Philip Hart of Michigan, Sen. Wayne Morse of Oregon, Sen. Ralph Yarborough of Texas, former Sen. Paul Douglas of Illinois, Rep. Melvin Price of East St. Louis, Rep. George H. Fallon of Baltimore and Rep. Donald M. Fraser of Minneapolis.

Rep. Price, chairman of the House Ethics Committee, is another public official who has received steamfitter contributions on occasions other than when engaged in election campaigns.

Missouri congressmen who have received steamfitter financial support include Reps. Frank Karsten, Leonor K. Sullivan, Richard Ichord and Richard Bolling.

The Democratic National Committee also has been a regular on the steamfitter gift list.

A pre-election trial of Callanan would hardly be viewed as a proper show of gratitude by his many, many beneficiaries.

[From the St. Louis Globe-Democrat, May 4, 1968]

They Avoid Taking a Stand

(By Edward W. O'Brien)

WASHINGTON.—There was no rush among Missouri's Democratic members of Congress Friday to demand Justice Department action in the stalled prosecution of some St. Louis steamfitters officials for making political gifts with union funds.

In a survey of the delegation, the general reaction was that the congressmen did not know the facts of the case, and therefore felt it was not appropriate to take a stand.

There were two exceptions, though.

Rep. Richard Bolling of Kansas City, when asked what he plans to do to bring about a prosecution go-ahead in the Justice Department's top command, replied cryptically:

"Nothing further."

He declined to comment on the obvious implication that he had already done something to push the case along toward prosecution.

JONES COMMENT

Rep. Paul C. Jones of Kennett, who is retiring after 20 years' services, said of Republican Rep. Durward G. Hall's demand for "vigorous prosecution."

"I wish Doc luck."

But Mr. Jones made plain his skepticism that the proposed indictment will ever be cleared by the department.

"In my years in Washington, I have engaged in exercises in futility, but I try to select my areas," he said.

Mr. Jones pointed out he has been critical of Attorney General Ramsey Clark's handling of other cases.

"I don't think I have a lot of influence with his office," he said.

Among other Missouri Democrats in Congress, the reaction was this:

Sen. Stuart Symington: "I am not conversant with the charges, and therefore see no reason for injecting myself into the matter."

NO ACTION

Rep. Leonor K. Sullivan, St. Louis: "I certainly did not ask the Justice Department not to take action, so I have no intention of urging them to go ahead. I have no knowledge of whether anyone has tried to stop the case. I intend to take no action."

Rep. William L. Hungate, Troy: "I would want to know more about this case before I flatly accuse any public officials of an abuse of discretion. Discretion exists in prosecuting officials. There are times when it is not exercised to my satisfaction. That does not necessarily mean the prosecutor has violated his oath of office."

Rep. William R. Hull Jr., Weston: "If Callanan or anyone else has done this type of thing as alleged, he should be punished. But I don't know him or anything about the facts of the case. I have never received funds or had any kind of contact from any official of the steamfitters."

Reps. Frank M. Karsten, St. Louis, and Richard H. Ichord, Houston, could not be reached though their offices said they were in Washington.

Rep. William J. Randall, Independence, was in his home district to make a speech.

NATIONAL DIVIDENDS OF OUR AEROSPACE EFFORT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. TEAGUE of Texas. Mr. Speaker, our national space effort over the past decade has made a number of significant and important contributions to the daily life of every American. This has been well summarized by Mr. R. V. Mrozinski, staff member of the National Aeronautics and Space Council, in a recent discussion given by him to the National Aerospace Education Congress in Denver, Colo., on April 27, 1968. I include Mr. Mrozinski's significant remarks for your use and commend them to your reading:

National Dividends of Our Aerospace Effort

It is a great privilege for me to be able to pass along some thoughts to aerospace educators on the direct and indirect benefits of our national aerospace activities. Just as the aerospace field is in the very front ranks of modern progress—so you—as the trainers and advisors of our future leaders in this field, have key jobs in these front ranks. How well you do your job will have an important bearing on where we stand as a leader in aerospace technology in the coming decades.

Your task is at the same time both easy and difficult. On the one hand, you work with the imagination and eagerness to try new ideas, new concepts, and new frontiers of youth. On the other hand, you are faced with some of the doubts, the questions, and the go-slow approach toward the new and novel of some of your adult contemporaries in this challenging time.

The country's aerospace research effort is under fire right now as it has probably never been before in the 65 years of aviation and ten years of space history. Strong suggestions are being raised in influential circles about the desirability of "stretching out" the space and aeronautics research programs. Higher priorities are pointed out for the war in Vietnam and the country's vast requirements for domestic social welfare programs.

I am not here to downgrade the high priorities which must and should be given to these social issues. They need increased attention. Fortunately we have a hopeful glimmer of some tapering off of our heavy commitment in Vietnam.

What I am maintaining, however, is that we dare not reduce the country's allocations to advanced technology programs like those represented by space and the supersonic transport to any significant degree without doing great damage to the country's future. This is the future that we adults hold in trust for the youth whom you are educating. It is a trust that we have in our power to dispose of either wisely or foolishly.

It is the job of all of those among us who are knowledgeable about the benefits of aerospace research to point this danger out to our less well acquainted contemporaries. A definite need exists for educating the tax-paying public to the lasting benefits of aerospace research. The budgetary attitude in Congress on research and development will tend to reflect public knowledge or ignorance of this problem.

I believe that, with such knowledge, the basic good sense of the majority about the country's pressing need for a strong technological research effort will win the day.

It is relatively painless to pare future research in favor of more pressing current needs in a time of trial. However, if we adults turn our backs on research we shall undoubtedly see a shying away from the hard road of preparatory training for such research on the part of our brightest young people. Why should the young student scientist or engineer persist in taking the tough courses over a number of years required to prepare him for the front rank of technological advance? Negative actions taken this year toward technology advancement could bring on adverse reactions for many years to come. Industry would find in future years a decreasing supply of well-trained engineers and scientists. Government would lack first-rate administrators and scientists for its science-technology oriented agencies and laboratories. The public might discover too late that the national security and prosperity had been irreparably damaged.

Let's take the airplane as an example of the advantages which inventiveness, followed by continuing research and development, bring to the country. At the turn of the century the airplane was only a glimmer in the minds of the young Wright brothers. Today in the life span of some of our not too senior contemporaries the airplane plays a key role in modern life. Aerospace is one of the giants of American industry employing a total of 1.6 million of our citizens in a great variety of interesting and challenging jobs.

The industry adds over $30 billion yearly to our gross national product. It provides over $2 billion on the plus side of our international balance of payments.

In terms of moving of people the airplane has brought about a veritable transportation revolution. Today more than two thirds of all public transportation passenger miles are accounted for by the airlines. The annual U.S. increase in air transportation in recent years has been averaging 15%. This massive increase in the use of the airplane has all taken place within the last fifteen years. All these impressive growth figures can be multiplied by a similar burgeoning of aircraft activities abroad.

As a close to home note I might point out that without the airplane a number of us right here in this audience would be without employment and very few of us could have gotten to the beautiful city of Denver for this meeting with such speed and ease.

Despite this recitation of the benefits to the country which aeronautics research and development has already brought about, a strong pressure campaign is on to curtail the development of our future hope in civil aviation leadership—the SST. This, despite strong evidence that the Soviets and the British-French combine, in the face of competitive bids for scarce resources, are pushing ahead with their SST models.

A responsible estimate points out that, depending on the number of SST's built, up to $50 billion of economic growth can result. Moreover, in order to build these new planes, some 250,000 new jobs will be created. This job augmentation would equal all the jobs in the operating airline industry today. An important facet of this economic growth would be that these jobs would be with us as a permanent feature of the American economic scene.

Development of the SST is an excellent current illustration of the way in which imaginative research and development can stimulate the economy. It is an effort that will insure the well being of the country internally and internationally over future years. It will offer large return in useful employment and in return of investment made by the government. In short, it meets every test of an essential national undertaking. Certainly the British, French, and Russians have so decided!

We already have an impressive array of tangible benefits which we are deriving from the space effort. My thought is not to attempt an exhaustive listing of what these benefits are. Rather, I propose to give a sampling of the more significant ones.

NATIONAL POWER

The power of a country today is based upon its having and being able to use effectively a very modern technology to advance national policy. This means a capability in effective management, highly trained people, advanced research laboratories covering many disciplines, and highly skilled and highly motivated workmen. These resources in people and facilities can be brought to bear on the solution of urgent problems. The aerospace field is in the forefront in filling all these requirements. These resources can, with relative ease, be converted from military to peaceful pursuits, and vice versa, wherever the national need of the moment happens to be.

This constant stretching of the latest technology in a multitude of different fields characterizes the aerospace effort. For example, materials of great strength, light in weight, and able to contain the searing heat of a nuclear reactor are under constant development. The tremendous advance of our space guidance is revealed by the fact that we placed our last lunar Surveyor spacecraft less than a mile from the planned descent point at a distance of 220,000 miles. Surveyor pictures of the lunar surface have given us details as small as .02 inch. Incidentally for those interested in economical travel we have calculated planetary trip costs at 10 cents/mile. This is on par with the per mile cost of air travel in the U.S. Apparently the further out one goes the cheaper the rate!

PRESTIGE

The national power based on our advanced aerospace technology affords this country a large increase of international prestige. Our aerospace technology is the envy of the world; many relatively advanced West European countries refer to the disparity in their technologies as compared with ours as the "technology gap". They are seeking ways to bridge this gap in an effort to stay competitive in this modern fast-moving technological world.

In October 1957 the Soviet Union recognized the important prestige factor of space activity by moving into the field first and has been accelerating its efforts ever since. We entered the space exploration effort more slowly but have gradually reached world leadership. More recently, France, England, West Germany, Italy, Australia, Japan, and Communist China have either joined, or are in the process of joining, the Space Club. All these countries and others have an awareness of the national benefits that accrue from such membership.

NATIONAL PRIDE

The Mercury and Gemini flights of our astronauts, in which all Americans took tremendous pride, have served as a unifying force for the country. Here was a national effort in which all Americans had a sense of personal pride and involvement, for the astronauts individually and as a team have personified the ideal American. They have served as an inspiration to Americans of all ages—but in particular to our youth.

Our young people need some heroic figures to idealize and I can think of no finer group than the astronauts. They do an excellent job of anything they tackle, whether it be representing our country abroad, testifying before a Congressional Committee, or pioneering new paths in space.

DEFENSE BENEFITS

We are researching actively the national security implications of space. Some appreciation of this activity is gained from the fact that, of 87 successful U.S. launches into space during 1967, 61, or 70%, were carried out by the Department of Defense and 26 by NASA. This gives only part of the story, as 10 of the NASA spacecraft were relatively complicated projects aimed at lunar or planetary targets.

An important part of the military space effort is geared to helping our armed forces do a better job on the ground, in the air, and on and under the oceans. Here are some examples—(1) A highly reliable, strategic-tactical communications satellite system for direct contact with our military forces and diplomatic personnel anywhere. (2) Weather satellites providing invaluable instantaneous world weather data. (3) Navigation satellites giving our ships and submarines highly accurate and instantaneous locations data. (4) Satellites furnishing data for much more accurate map-making, (5) Satellites monitoring the nuclear test ban treaty to guard against illegal nuclear tests on earth, in the atmosphere, or in space. These are some of the areas where our space technology contributes directly to our national security.

We, of course, do not know what all the defense benefits from space technology may be in the future. It is entirely conceivable that we may need aerospace craft able to take off and land from conventional airports, equally at home in the atmosphere or in space, and capable of tremendous speeds and complex maneuvers in either medium.

Like the airplane, the spacecraft is adaptable to either civil or military uses. Indeed, the coming generation of aerospace planes now on the drawing boards tend to blend the appearance and operational characteristics of both airplanes and spacecraft.

INTERNATIONAL COOPERATION

This country is taking every possible advantage of its pre-eminent position in space research to improve our relations with other nations. Currently we have cooperative space efforts going with 83 other countries. This cooperation includes the incorporation of foreign scientific experiments on U.S. space missions, the U.S. launching of foreign spacecraft, the training of foreign scientists at U.S. space research centers, the exchange of scientific data, and the use of overseas territory for our worldwide tracking station net.

International cooperation in the weather satellite area is a particularly noteworthy development. Satellites, with their vast range of view of the earth's surface and their coverage of ocean areas where other weather reporting is sparse, have greatly improved the early detection of devastating storms. U.S. weather satellite pictures and data on overhead weather are now being picked up directly in 41 countries on all the continents, with over 375 relatively simple and inexpensive ground receivers. Coupled with other ground information, this gives promise of accurate forecasts two weeks in advance. Further along is the use of this data to control the weather.

We are exchanging a limited amount of useful weather satellite data with the Soviet Union over a special wire line installed between the weather centers of the two countries. This is one of the few areas of active cooperation, which we have been able to establish with the Soviet Union in the space realm.

Communications satellites are another area of international space cooperation that has enjoyed a widespread appeal. Currently Intelsat, the international communications satellite consortium, has 61 member countries throughout the world. It is managed by the U.S. ComSat Corporation. The international communications satellite system is serviced by four satellites and sixteen ground stations in eleven countries. The mushrooming growth of this system is shown by plans for a tripling of the number of ground stations in the next two years. Next October, the world will be watching the Mexican Olympics on television via this system.

Enactment of the Outer Space Treaty last year was one of the really significant international advances of mankind. Eighty-nine countries have endorsed this worthy sentiment with their signatures. More recently, since April 25, forty-eight governments have signed an Astronaut-Rescue Treaty which requires the signatories to give "all possible assistance to astronauts in the event of accident, distress or emergency landing and to insure the prompt and safe return of both astronauts and spacecraft." Thus we seem to be able to come to agreement more readily in space than here on earth.

EDUCATION ADVANCE

It is generally acknowledged that the space program has given the country's educational system a strong shot in the arm. School science curricula have been modernized and strengthened even at the grammar school level. Better textbooks have appeared. An across-the-board stimulus to improved education has been the result. This is all to the good as the quality of future American science and technology rests on the training that the young people get today. Only with highly trained and dedicated people will we stay out in the front rank of science and technology. Now we must all work hard to retain and improve on these gains.

NASA has given strong support to approximately 200 of the country's science-oriented universities. The Department of Defense and the AEC have similar programs. Recently this highly useful effort has had to be drastically curtailed due to budgetary problems.

ADVANCEMENT OF SCIENCE

Scientists look to the space effort to bring in valuable scientific data contributing to the advancement of knowledge. Scientists are interested in gleaning more basic data about the sun and its system of planets from the vantage point of space. Besides being necessary for life on earth, we know that the sun affects our weather and radio communications. It may have other effects on our environment as yet not known.

Scientists look to the space effort to unravel the riddle whether we earth creatures are unique, or merely one of many species inhabiting the cosmos.

EARTH APPLICATIONS SATELLITES

I have already touched on the use of earth-oriented satellites for both civil and military communications, weather forecasting, navigation, and mapping. Another space technology in this general category is the highly promising potential use of earth-oriented satellites to inventory the Earth's surface resources. Some practical uses of this technology might include:

Location of mineral and oil resources.

Surveying agricultural resources.

Surveys of surface water resources.

Monitoring of coastal ocean bottom changes.

Monitoring of water pollution and waste assimilation in coastal waters.

Mapping of ocean currents for determining the most promising fishing areas.

Monitoring of iceberg and ice field movements.

You can readily see that we're getting into very practical uses of our space capabilities.

AEROSPACE TECHNOLOGY APPLICATIONS

We are now witnessing a growing amount of aerospace technology geared specifically to the needs of the general economy. NASA's contractors reported some 4,600 examples of non-aerospace application of space technology during the past year, a 10% increase over the previous year.

The aerospace industry has aggressively and imaginatively pushed ahead toward the solution of many of our most urgent large population problems. The brains, know-how, and technical resources of the industry are being pitted aggressively against the acute problems vexing us here right in the United States.

A recent study summarizes an impressive array of non-aerospace efforts of the industry in the following fields: urban affairs, transportation, environmental control, medical applications, power generation, material applications and information systems. A sampling of these projects follows:

A project to better motivate California junior school students by showing them the ties between their study activities and their job success as adults.

Highly commendable aerospace industry efforts to provide gainful employment in big city slums.

A development effort to automate library functions by the use of computers.

Analysis, programming and computer support to a Canadian province for a comprehensive government-sponsored health plan.

A State of California study using an aerospace systems approach to provide fast, economical and convenient means of transporting both people and goods by land, sea and air.

Even our famous smog may be put to good use. We are now studying the use of pollutants from coal-field power plants to make sulphur while at the same time eliminating the pollutant. This technique would offset the cost of the purification process.

Application of precision and miniaturization techniques in the medical field, not only to assist or replace such vital organs as the heart, but also to monitor remotely and instantaneously the functioning of various human organs.

I could go on at length with a listing of these spill-off benefits. They are already with us in an impressive number and variety. I predict that we have only scratched the surface of these benefits. It is useful to note that they are being made available not just here in the United States, but most are available worldwide for man's general benefit.

THE PROSPECT

From this sampling I trust that I leave you with the impression that the nation's space effort is not one, but many different activities with many varied benefits that add to an impressive total. Some are intangible but nonetheless real and others can be more readily measured. It is up to those among us who believe in the effort that has already produced them to do some missionary work among the American public. Today we accept as commonplace the legacy left to us of the telephone, the radio, television, the automobile, and the airplane, the wonder drugs, and other marvels of science. Our generation must, in turn, provide the youth whom you are training with a continuing pattern of strong support for aerospace invention and its research and development partners. In this way we shall be doing our part to foster the onward advance of American society.

AMERICAN HUNGER COMMISSION ACT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. FRASER. Mr. Speaker, today I am joining a bipartisan group of Members in the introduction of a bill that would establish a Commission on Hunger.

It is my understanding that the chairman of the House Committee on Education and Labor has agreed to hold hearings on the proposal in the near future.

Several laws have been passed in recent years to help feed the millions of Americans, adults and children, who don't get enough to eat. Among these laws are the National School Lunch Act, the emergency food and medical services program and the food stamp program. I was gratified last week when the House approved an agriculture appropriation bill increasing the amount for food stamps by $40 million.

But surveys have made clear, as the bill introduced today points out, that we have failed to do enough, that food programs at all levels of government have been inadequate, that millions continue to suffer because of poor and inadequate food.

For these reasons, Mr. Speaker, I support the establishment of a bipartisan Commission on Hunger. The bill states:

> The Commission shall undertake a complete study and investigation of the unfulfilled needs of those suffering from hunger in the United States, and shall recommend such measures as it deems necessary to secure greater use of Federal food programs by state and local agencies and to establish a coordinated program to insure the fulfillment of the basic hunger needs of every American.

Immediate action is needed to put food in empty stomachs. There is no excuse, in the most prosperous Nation on earth, for a single citizen to go hungry. This measure should be enacted promptly so that the Commission can get to work on the urgent problems facing it.

DR. NIMITZ' COMMENCEMENT ADDRESS

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. RIVERS. Mr. Speaker, I had the honor to attend the recent commencement ceremonies at the great Clemson University which was memorable for two reasons.

The first was the presentation of an honorary degree to our great and esteemed colleague, WILBUR MILLS, the distinguished and outstanding chairman of the Ways and Means Committee. Mr. MILLS received the honorary Doctor of Law degree. The other was the inspiring comencement address of Dr. H. J. Nimitz, M.D.

As a longtime friend of the Nimitz family, I am proud to note that Dr. Nimitz was born in Charleston and received his degree from Clemson in 1917. He is now practicing in Cincinnati, Ohio.

Dr. Nimitz' address is one of the most inspiring I have been privileged to hear and I do not want to miss this opportunity to bring it to the attention of my colleagues in the House. It seems to me that Dr. Nimitz has given us precepts for using the opportunities of life in America which are valuable not only to students but to all of us. His words can be very useful to those who would improve the conditions of America today.

Dr. Nimitz' address follows:

A Pearl or Two

When I review the outstanding memories collected during the 51 years since I graduated from Clemson in 1917, there is no doubt in my mind that this moment will shine brighter than many of the others. I consider Dr. Edwards' invitation to give the commencement address a great honor and I accepted with humble pride.

The theme of my address, primarily to the graduating class, is based on a remark of one of my distinguished medical professors, who would frequently say: "Don't miss my next lecture as I may drop a 'Pearl or Two' for you". His pearls were diagnostic aids, keen observations, and above all, good sound advice.

To all of you who are about to graduate from this excellent University, you may be interested in knowing that U.S. Census Bureau figures reveal that money spent on a college education is one of the surest and most profitable available today. A college graduate earns an average of $482,000 during his career, against the high school graduate who earns about $300,000 during his lifetime.

Some of you will make more and some will make less. The potential is there but a great deal depends upon the individual. General Douglas MacArthur said, "There is no security on this earth; there is only opportunity". Of course, all of you will strive for success in your chosen field of endeavor. Success is not inherited, it has to be earned. Let me assure you that there are no short cuts to success. Success is achieved through application, loyalty, the ability to get along with other workers or associates, and continued study—in other words—hard work. On this point Thomas A. Edison wisely observed, "The reason a lot of people do not recognize opportunity is that it usually goes around wearing overalls and looking like hard work". If you find you are not enthusiastic and happy in what you are doing after a reasonable trial, by all means get into something else before you waste too much time with what you find boring and without opportunity for advancement. Happiness and pride in one's work are big factors in success.

But let me also suggest that in your work accept the fact that most everything can be improved upon. When things are going fine and we say we are in the "groove", we must remember that a groove is another name for a "rut".

The moral is clear: when one is content with things as they are, he is in danger of slipping. This is just as true for an individual as it is for an organization. All real progress is slow and all progress may be uncomfortable. This I know from personal experience, but I also know that when one loses his urge to be better, he stops being good.

In any large organization there are individuals who create problems and other individuals who help solve them. Sometime it may be a good idea to ask yourself this question: Am I part of the problem or part of the solution? The answer has an important bearing on success.

It has been stated that 85 percent of any job is routine. This holds true for the President of the United States or the president of a large industry. In fact, it is true for any position of responsibility for which you may strive. The other 15 percent of the job is really the important part, for in this area important decisions have to be made. One's ability to make the correct decision on matters important to his company determines his real value to the organization. If you make the right decision more often than you make the wrong one, then you are a valuable employee. If, however, the reverse is true, you are in danger of being replaced.

My advice to all of you is to discipline and train yourselves to weigh both sides of any problem so as to acquire the faculty to render a logical decision.

In a fairly recent address, General Mark W. Clark maintained that "Contrary to the old saying that leaders are born, not made, the art of leading can be taught and it can be mastered." He noted the characteristics that seemed to him fundamental:

Confidence.—If a leader does not believe in himself, no one else will.

Energy.—A leader must be willing to do everything he asks of his followers—and more.

Timing.—This is a combination of alertness, imagination and foresight.

Clarity.—A leader must be able to reason logically, weigh alternatives, make decisions—and then convey his thoughts lucidly.

Tenacity.—A leader must have this ability and also inspire it in others.

Boldness.—This strong and virile characteristic is akin to courage.

Concern.—Men will never follow anyone unless they feel that he really cares about them and their problems.

Morality.—A stern code of ethics, a strong sense of personal morality.

Faith.—A leader must believe in his people as well as in the goal toward which he is leading them.

General Clark's address is printed in the July, 1967 issue of Reader's Digest, under the title, "What It Takes To Be A Leader". May I recommend that all of you read and study the whole article, as it points out not only "what it takes to be a leader", but how to succeed in business.

I also suggest that in your search for advancement, professional and economic, you always take an intelligent interest in the political activities of your community, your state and Nation. Remember that poor laws are made and bad officials are elected when good citizens fail to exercise their right to vote. The sin of silence about public affairs makes cowards of men.

It is a civic duty of every good citizen to support sound local, state and national programs which help to raise the standards of living and to oppose those you consider unsound. Prevention is better and much cheaper than correction or cures for many of our community ills. What we need in this country is quality rather than quantity in our so-called give-away programs.

Our government speaks in terms of billions of dollars for current operating expenses and of our national debt of over 330 billion dollars; commitments of over 300 million dollars for payments under Social Security, even before Medicare was added to the programs. The sheer magnitude of our governmental expenditures on every level makes it urgently important for citizens to encourage only useful and wise expenditures and to oppose wasteful and harmful ones.

Few people realize just how much a billion dollars is. We speak glibly of billions when discussing government expenses and debts. With one billion dollars in the bank and expenditures of a $1,000 a day and no interest on the capital, starting with the birth of Christ 1968 years ago, there would still be approximately 770 years to go before the billion dollars was spent.

To put this in historical perspective—our Federal Government spent only one billion dollars in 61 years from 1789 to 1849. It took 143 years, from 1789 to 1931, to spend 100 billion dollars.

F. D. Roosevelt said in 1932: "Any government, like any family, can for one year spend a little more than it earns, but you and I know that continuance of that habit means the poor house".

This is a truth which too many have forgotten. Let us reassert it in our private and our public lives.

The proposed government budget for last year was 172 billion dollars and we are going further and further in debt.

There can be no doubt that we are going through a social and economic revolution, and it disturbs me as it must also disturb you. This country now needs good leadership more than at any other time in our history. The United States is still the greatest nation in the world and one hates to see the things which are now happening. Socialism and even Communism are within the realm of possibility unless headed off.

Sir Winston Churchill, who had a front row seat from which to watch the dissolution of empires, tells us that "The empires of the future are the empires of the mind". We should remember this as we try to follow the tricky maneuvers of the Communists. If they can conquer the minds of the world's people, taking over their governments will be easy. Their purpose in keeping militarily strong is not to seize new territories, but to keep other nations from interfering with their declared object—to manage the mind of mankind. Their skillful organizers and propagandists seem to be doing well in persuading people to swallow their social and economic theories.

The Communists have two immediate goals: To pit white against black in a racial civil war and to break down all confidence in, and support of, authority. From what we read in the newspapers and see on television of what has happened, it appears that they are succeeding in reaching their goals.

Sometime ago the Rev. Dr. Graham, Evangelist of world renown, had appealed publicly to President Johnson—his close friend—to identify the groups inside America 'who are teaching and advocating violence, training in guerrilla tactics and defying authority'. The dispatch also quoted Dr. Graham as saying, "The F.B.I. and the President know who they (the extremist leaders) are and what they are up to. Incredible as it may seem, we are now on the road to anarchy in some of our large cities of this country and the symptoms are ominous and dangerous . . .". He says "our leaders should not ignore this threat any longer". You can read the full account in the August 7, 1967 issue of U.S. News and World Report.

"All that is essential for the triumph of evil is that good men do nothing". How true is this statement of Edmund Burke.

This is why you, members of the graduating class, are so fortunate to have had your minds trained in a university like Clemson. It is why you must keep your minds trained—and use them effectively, but carefully weigh what you read in the newspapers, see on television and hear on radio in order to separate the wheat from the chaff.

I do not mention these dangers to paint a gloomy picture of the present or immediate future or to discourage you, but only to alert you to the challenges which face all of us and to cite the need for an enlightened citizenry. Above all, we must guard against any spirit of defeatism—a spirit which is the antithesis of all that built this country and this university.

There can be no question that many of our serious problems today are caused by a lack of good sound fundamental religious teaching and training. Such training is the basis of character and character is the basis of all that is worthwhile in our lives. The family that worships together is the family that remains together—and adds strength to each of its members. With sound character as a foundation and sound learning as a superstructure, you can and will build sound lives for yourself and your family—and your country.

Another serious problem that many families face was well covered by an editorial in the July 28, 1967 issue of Life Magazine: "In one way or another most Americans owe money. Few of these families know how much interest they are paying, and tragically, the binge of borrowing has emboldened loan sharks and slippery salesmen to take advantage of an often too trusting public. The Senate recently passed the Truth-In-Lending bill which requires merchants and lending institutions to inform their customers of the annual rate of interest they will be paying, and also the total amount of finance charges". A recent survey of 800 families showed that they estimated their finance charge to be 8.3 percent, whereas the average rate was actually 24 percent.

"A few years ago a Jersey City electrical worker bought a television set on monthly payments of $17.50 per month. By the time he finished paying for it two years later, he had paid $420.00 for a $123.00 set".

This recalls to mind a recent clipping: "America The Creditable". "America is a wonderful country. Where else can you walk out of your mortgaged house, step into a time payment car and drive down a bonded highway on credit gas to charge something at your favorite store?"

The United States is the greatest nation on the face of the earth and I have confidence and faith in its young men and women. I believe that you will accept the responsibility to see that the United States remains strong and safe, with greater opportunity for all to develop and prosper.

I am proud to have been a member of the Class of 1917. Our class sent a telegram to President Wilson volunteering to a man to enter the military service when World War I was declared. There was no such thing as draft card burning, loud protest or disrespect for our flag in those days. But even today, I believe that no Clemson man would ever be guilty of not serving honorably in the armed services of his country during a national emergency.

Some of you have completed a tour of military duty and have come back to complete your education and graduate. Others in your class will be called upon to serve in the immediate or near future. As a medical doctor who has served with army hospitals, it should be of some comfort to you and your relatives to know that the medical service to the armed forces of the United States is the best in the world. For instance, in World War I in the European Theatre, there were 23,238 deaths from disease among 2,084,457 troops from June 1, 1917 to July 1, 1918, but during World War II, in the same theatre, there were only 741 deaths from disease among 3,806,570 troops from July 1, 1942 to March 9, 1945.

More and better antibiotics, improvement in surgical procedures, available blood and plasma, helicopter evacuation of sick and wounded—all these have greatly increased every serviceman's chance of survival at the present time.

We older Clemson men have been greatly impressed with the changes and improvements made on this campus in recent years. They really are remarkable and outstanding. Competition in the world is keener today than ever before in this great nation, but you have been better educated and trained at Clemson University to meet this competition than any preceding graduating class.

At our fifty-year Class Reunion, Dr. Edwards and others in the Clemson family described plans for further growth and improvements to make this an even more outstanding university than it is today. If the outstanding, dedicated leaders of this institution have inspired you as they have inspired me, then, as alumni of this great university, you surely will give them your loyal and enthusiastic support they need to reach the goals they have set.

Finally, my sincerest congratulations to each and everyone of you. I wish for you much happiness and success and I also wish for you the continued good health that will enable you to return to Clemson for class reunions, and especially to the 50th anniversary of your graduation. It was a thrilling experience for me. Perhaps at some time you, too, will be able to say, as I say now: For whatever success I may have achieved, much of the credit belongs to Clemson University. You have every right to be proud of your University. Just make sure that Clemson University will always be proud of you.

LIMITS ON STEEL IMPORTS NECESSARY

REMARKS

OF

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. GARMATZ. Mr. Speaker, as the author of one of the bills introduced to limit steel imports, I urge the committee to take early action on this legislation, because I can see what these imports are doing to the steel industry in my own State.

Steel from abroad is flooding into the Port of Baltimore, right in the shadow of the country's largest steelmill at Sparrows Point.

During the first 3 months of this year, imports of steelmill products through the Port of Baltimore set a record of 203,000 tons for this period, 40 percent higher than they were last year. This is nearly double the tonnage coming in during the first quarter of 1965, the last year in which steel labor negotiations took place.

Steel industry people say that much of this increase, here and in other parts of the country, is due to hedging by steel users to protect themselves against a possible strike this summer.

Baltimore businessmen engaged in shipping and stevedoring say the increase in steel imports is due to normal business growth, as far as imports through the Port of Baltimore are concerned.

Whatever the reason, it is bad news for the American steel industry, the largest employer in the Baltimore area. The record shows that, in the past, when imports increased due to hedging against a strike, steel users in this country have tended to go on buying foreign steel after the strike threat was over.

Total imports of steel jumped from 6.4 million tons in 1964 to 10.4 million tons in 1965, and have kept on rising ever since. Last year, steel imports supplied about 12 percent of the domestic market. At the rate foreign steel is coming in this year, it looks as if foreign mills will supply at least 15 percent of the domestic market in 1968.

This is not normal business growth, looked at from the national point of view. Most of the normal growth in steel consumption in the United States has been taken by foreign mills.

If we look just at the beginning and the end of the last decade, steel consumption in the United States rose by about 18 million tons of products. But shipments by the American industry rose only 4 million tons, because imports increased by over 10 million and exports of the American industry dropped by about 4 million tons.

A growth in the level of shipments of only 4 million tons over 10 years is not impressive, in view of the tremendous investment which the American steel industry has made during these years to modernize its facilities and put in new ones. Because of this investment, its fixed charges and its property taxes have increased.

The Senate Finance Committee had its staff make a study of the steel import problem last year. That report concluded:

> Unless domestic steel shipments increased by 2.5 million tons a year, the industry's financial status will deteriorate to such an extent that loans to pay for the new technology will be more and more difficult to arrange for.

Certainly, this flood of foreign steel has affected the production of the huge plant at Sparrows Point near Baltimore, owned by Bethlehem Steel. Although this would be hard to estimate very closely, it is certainly correct to say that over the past decade this plant has lost several million tons of production that it would otherwise have had, were it not for steel imports. It takes about 6,400 employees in steel plants and offices, and about 1,300 workers in supporting activities one year to produce a million tons of steel products.

All this steel is coming in because it can be sold in this country for about 20 percent less than the prices charged by the American industry. This is why manufacturers right next door to the Sparrows Point plant are using foreign steel. Since prices are lower, you might ask why the Federal Government should act to limit steel imports. Why shouldn't American steel users get the benefit of cheaper steel? Why don't American companies cut their prices and compete?

The answer to that last question is that in 1967 profits plus income taxes of American steel companies were about 10 percent of the sales dollar. Matching the prices of imported steel would mean doing business at a heavy loss. It would mean a quick trip to bankruptcy, since steel imports now include every product line and are sold in every part of the United States.

The reasons why the Federal Government must act are that this is not a fair competitive situation, and it is also a threat to our national security.

With the aid of their governments, foreign mills have been selling steel in this country at prices below their domestic prices. They have been aided by protective tariffs, special tax concessions, low-cost loans, and even subsidies. Foreign steel companies have been allowed to act together in ways which would be illegal in the United States. As a matter of fact, about 42 percent of the world's steelmaking capacity is government owned.

Partly because of undue optimism, and partly for reasons of national prestige, steel industries around the world have expanded to the point where there is a big gap between worldwide capacity to make steel and worldwide demand for it.

When the capacity to produce a product gets bigger than the demand, you would expect that manufacturers would stop building new facilities until the demand catches up. This has not happened in the steel industries of the world. The gap between steelmaking capacity and production outside the United States has been getting wider over the past 10 years. This proves that the normal forces of supply and demand are not being allowed to operate.

Other countries are determined that their steel industries will not go down the drain. They know that a healthy domestic industry is essential to a modern industrial economy because supplies of steel from abroad may be cut off in periods of emergency. One way they encourage their steel industries is to help them export.

Costs of production in the steel industries of Western Europe and Japan are about the same as in the United States, except for the very important area of labor costs. Here the Japanese have a cost advantage of about $40 per ton, and the European mills an advantage of about $25 per ton. They pay their workers much less than the wage levels in the United States. But worker productivity is not far enough below what it is in the United States to offset the differences. In fact, labor productivity in the Japanese steel industry is very close to that in America although hourly wages are only one-quarter of ours.

Because of the predatory economic policies of foreign governments and low wages abroad, the American steel industry cannot compete with prices of foreign steel imported to this country. So, in order to maintain a healthy steel industry for purposes of national defense, the Government will have to provide protection sooner or later.

I suggest that the time for protection is now, before the American steel industry is seriously weakened.

The various quota bills now before this House would permit foreign countries to continue shipping the same percentage of the total steel tonnage needed by the American market as they did in the 3 years 1964 through 1966. Total imports were about 10 percent of the market in that period.

A quota would mean that this country would continue to have its own domestic supply of steel, while allowing foreign steelmills to increase sales to this country as the market in this country grows.

A quota on imports to this country, the world's largest market for steel, might help to bring some order into the present chaotic situation in the world steel market.

It might, for instance, persuade the Japanese steel industry to slow down its too ambitious plans for further expansion. If we put off the evil day and later are forced to cut steel imports back severely for national survival, the impact on Japan may be disastrous.

I say: Let us protect jobs in this country, preserve the standard of living of the American workingman, and keep this Nation strong. And let us do it now. I ask you to vote for quotas on steel imports.

THOMAS A. DOOLEY FOUNDATION MERCY MISSIONS IN MEKONG

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. TALCOTT. Mr. Speaker, the president of the Thomas A. Dooley Foundation is Dr. Verne Chaney, a thoracic surgeon who practiced in Salinas and Monterey, Calif., before volunteering to work for the Dooley Foundation. I commend Dr. Chaney for his valuable contribution and excellent service to this organization.

As a member of the board of directors of the Monterey County, Calif., chapter of the Thomas A. Dooley Foundation, Inc., I am extremely interested in the work of the foundation and particularly in its newest program in Southeast Asia—Project Showboat.

The plan is to finance and operate medically equipped houseboats in the Mekong River between Laos and Thailand. These boats, equipped with surgical, X-ray, and laboratory facilities, will bring medical care, health education, and entertainment to thousands of people who otherwise would be without medical attention. The first of the proposed fleet of showboats, *The City of San Francisco*, was launched on the Mekong in October 1967. Each showboat costs approximately $40,000 and is financed entirely by private donations.

Animated films, music, and puppets have been used to attract villagers to the showboat's immunization and treatment clinics and to instruct them in personal hygiene.

The showboat is staffed by a volunteer crew of Laotian, Canadian, and American doctors, nurses, and technicians. Crewmembers serve on a rotating basis and are drawn from the Dooley Foundation staff at Khong Island, where the showboat is based. These boats mean the difference between living and dying to millions of human beings.

In the few months it has been in operation, the showboat has established regular visiting schedules to six river villages, earned the highest award of the Laotian Government and spurred plans to launch a second showboat.

In a news conference held in San Francisco upon his return from Laos, Dr. Verne Chaney discussed the Laotian award, "The Order of a Million Elephants and the White Parasol" and reported on the showboat's activities.

The award, which was presented to Dr. Chaney by Sri Savang Vatthana, King of Laos, in a diplomatic ceremony held in Vientiane, November 14, 1967, cited the Dooley Foundation for its medical and health education programs, especially Project Showboat.

The first American ever to receive this award, Dr. Chaney noted, was Dr. Thomas A. Dooley, whose work has been continued by the Dooley Foundation since his death in 1961.

Dr. Chaney said:

> Many people in Laos still remember Tom. His impact is still being felt and this aids us tremendously in achieving rapport there.

Dr. Chaney pointed out that although the showboat has no military escort, the King of Laos has advised the Pathet Laos of its presence and that it has his government's full cooperation and approval.

He said:

> We traveled through a good deal of Pathet Lao territory on our trip down the Mekong from Vientiane to Khong Island and we never had any trouble.

This first showboat has been cruising the Mekong between its base at Khong Island—on the Cambodian border—north 50 miles to Pakse. Under its present schedule, it visits the river villages on Monday, Wednesday, and Friday, returning each evening to Khong Island. On Thursdays the showboat crew participates in the weekly Khong Island clinic.

The showboat has visited six villages so far and Dr. Chaney estimates it has contacted 20,000 people who would otherwise be isolated from any kind of medical treatment.

In describing the day-to-day operation of the showboat, Dr. Chaney said:

> As we approached each village, we began broadcasting music over the loudspeakers—this always brought a crowd down to the river. We would greet the villagers, then seek out the head of the village and discuss our plans with him. In some cases the whole crowd would follow us and sit in on the meeting, turning it into a kind of Town Hall.
>
> In every case, we were warmly received. The people were curious about our equipment and eager to help us set up the X-ray, immunization and treatment clinics. We were sometimes able to conduct clinics in village buildings, but where this was not possible, the villagers were happy to help us put up our tents and install the necessary equipment. While some of the older people were reluctant to submit to treatment, most of them wanted their children immunized against malaria, typhoid and other common diseases.
>
> We were extremely busy and will have to keep up a heavy visiting schedule to these villages for some time in order to provide adequate care and health education.
>
> The need for this kind of river medical program and its enthusiastic reception by the Laotian people has encouraged us to go ahead and order a second Showboat to be constructed. This second boat should be ready for service in about four months.

CONGRATULATIONS TO GRADUATES

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. DENNEY. Mr. Speaker, I insert the following material in the RECORD as an example of how I congratulate those graduating from high school in the First Congressional District of Nebraska:

> It is my pleasure to congratulate you upon the accomplishment of your graduation. May this day begin a further achievement in the ideals of citizenship in your community and for your country. I sincerely trust that you will continue your quest for increased knowledge.

It is my firm belief that we should take every opportunity to congratulate our youth on their past accomplishments and encourage them to continue their education. They should be made aware of our continuing interest because they are the leaders of tomorrow.

WE NEED A STRONG GAS PIPELINE BILL

HON. HERBERT TENZER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. TENZER. Mr. Speaker, last week the House Commerce Committee approved a watered down version of the gas pipeline safety legislation. Natural gas and water do not mix. By its action this distinguished committee, generally the faithful guardian and general protector of consumer and citizens' interests, did not fully recognize the danger which lies in failure to provide maximum safety in the interstate transportation of natural gas.

In his consumer protection message, President Johnson called for passage of legislation to reduce the potential hazards of natural gas pipeline failures. To this end, S. 1166, a stronger version of the legislation, was introduced in the Senate and passed on November 9, 1967.

For several months, the House Commerce Committee has been conducting hearings on S. 1166 and on similar and related bills introduced, including H.R. 13936, which I have cosponsored with several of my colleagues. These bills provide for the creation of Federal standards for the improvement of natural gas pipeline safety.

With the creation of the Department of Transportation, a single agency of the Government now has the responsibility for Federal safety regulations of air, water and land transportation as well as interstate shipment of oil through pipelines. Only the movement of natural gas by pipeline remains outside of Federal safety regulation.

Nearly 800,000 miles of pipeline crisscross the Nation, linking our natural gas producing fields to the consumer. The natural gas industry is among the most safety conscious in the Nation, but natural gas is inherently dangerous when it is being transported. It travels through pipelines at enormous pressures. It is highly inflammable. As pipelines age and as more and more of the system lies under high density population areas, the hazards of pipeline failures—of explosions—increase. Yet, 22 States have no safety regulation at all and many of the remaining 28 States have weak or outmoded provisions. There is no Federal jurisdiction whatsoever over 80 percent of the Nation's gas pipeline mileage and no clear authority to set minimum safety standards for the remaining 20 percent.

Although the gas industry has developed safety standards, they are not mandatory or binding on industry members. The basic industry code, now used by companies and regulatory agencies as a guide for design and construction, is the United States of America Standards Institute Code—USASI. The institute is a private organization not a Government agency. Its gas pipeline code is prepared by a committee of approximately 70 engineers. The code committee is rich in technical expertise and renders valuable service to the industry. This committee should continue to remain useful in the overall safety effort program. With adequate legislative mandate—the committee's efforts should be more effective.

The present USASI code does not adequately protect the public as its procedure governing new code provisions is unduly cumbersome. For example, the code procedure required a "consensus" of the code committee—composed principally of industry personnel—before any provision can be adopted. Consequently, a small segment of the industry can prevent and has prevented the inclusion of a new provision in the code. Its design standards are meant to apply to new construction and not to pipelines already constructed. The latter is where the hazards and dangers exist. Many provisions in the code are vague, such provisions would be difficult for a public agency to enforce or for a pipeline designer to rely upon.

It is unrealistic to expect any accelerated progress if the States must continue to rely so heavily on the USASI code committee itself.

On the other hand, S. 1166 would have the distinct virtue of making available in the Department of Transportation a pipeline safety expertise which would surpass the technical competence of the State agencies or even the Federal Power Commission. S. 1166 would also encourage State agencies to participate in safety programs, through the authority, to add to Department of Transportation minimum safety standards.

The age of many of the pipelines presents a burdensome problem as many were not constructed to handle the volume of gas that is now required to serve our urban areas. In a recent study, the Federal Power Commission discovered that one-half of the more than 1,000 pipeline failures since 1950 occurred in installations which have been underground for 20 years or more, and 82 percent of the failures occurred in pipe over 5 years old. The second problem in the transportation of gas by pipeline results from unrelated construction activity in the vicinity of pipelines which may cause damage, accidents and leaks. The largest single contribution to pipeline failures—28 percent in the 15-year study period—came from damage by earthmoving equipment for building and highway construction.

In my congressional district, a controversy arose involving the installation of a 30-inch natural gas pipeline to be operated at 350 pounds of pressure per square inch and to serve as a link with a transcontinental pipeline starting in Texas. The $35 million link will supply residents in Nassau-Suffolk Counties and New York City. The pipeline passes through several villages in the south shore of Nassau County.

The residents of the communities affected were entitled to know if consideration was given to every feasible alternate route for the pipeline. They also wanted to be assured that every known safeguard and safety device and safety precaution would be incorporated into the construction of the pipeline after the route was finally determined.

While no Federal agency had jurisdiction over this particular project, at that time, I nevertheless asked the Federal Power Commission to make its expertise available to me and to my constituents concerned with the project.

Some of the key lessons of this experience are reflected in the proposed pipeline safety legislation.

The Long Island pipeline has been installed. The question now in the minds of local residents is: "How safe is the pipeline and how safe will it be in 5 or 10 or 20 years from now?"

New York State has not been satisfied with the USASI code alone. The New York Public Service Commission has adopted, as its pipeline safety regulation, design and construction standards which substantially exceed those of the voluntary USASI code in several matters.

However, the bill as approved by the House Commerce Committee affords little protection to residents living near projects such as the pipeline installed on Long Island. The House Commerce Committee for some unexplained reason has exempted pipeline already in the ground from the standards to be established for the construction of new pipeline. It does not even go so far as to provide that when repairs are made, the standards for construction of new pipelines should govern.

In addition the House version contains loopholes large enough to remove all 50 States from coverage simply by accepting a State's certification that it is doing the job.

Civil penalties for violation of the proposed legislation have been drastically reduced and gathering lines have been completely omitted from coverage. If the 90th Congress is to live up to its reputation as the consumer Congress, we must pass a meaningful pipeline bill—one with teeth in it. I will support efforts on the House floor to strengthen the legislation and conform the bill to the Senate-passed version.

The need for authority to establish Federal gas pipeline safety standards is clear. While we are convinced that the safety record in the gas industry has been a relatively good one, there are a number of reasons why this industry should be included among the modes of transportation subject to effective, uniform, and comprehensive safety regulations.

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1968

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. PEPPER. Mr. Speaker, President Johnson has said that tragedy on the job cannot be written off merely as an occupational hazard—something that is inevitable. He said:

> I do not believe that a man should have to pay with his life or with his health for his right to earn a living for his family.

And yet, this is exactly what is happening to thousands of workers every year. It is happening because we do not have adequate laws on the books to protect the worker on the job. In years past, the Congress has concerned itself with the wholesomeness of the meat we eat, with the safety of our automobiles, with radiation from electronic devices—but we have somehow ignored the health and safety of most of the 70 million American workers who are the lifeblood of our economy.

I hope the Education and Labor Committee will fully explore this challenging need and report sound legislation which will promote the health and protect the lives of the working people of America.

UNITED PLANNING ORGANIZATION

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. BROYHILL of Virginia. Mr. Speaker, for some time I have been concerned about how the United Planning Organization, the top antipoverty agency for the District of Columbia, is being run by many leftists and racial agitators, including members of the Student Nonviolent Coordinating Committee. Now I have just read an important new book, "Poverty Is Where the Money Is," and am shocked to learn that such people are playing important roles in the antipoverty program all over the country.

The author of the book is Shirley Scheibla, the highly respected Washington correspondent of Barron's, a Dow Jones magazine. The publisher is Arlington House of New Rochelle, N.Y. On page after page Mrs. Scheibla offers well-documented proof that the antipoverty program is responsible for the riots which are threatening the very existence of our Nation as we know it. She proves that Federal antipoverty funds are paid to Communists and other leftists who organize and incite rioters, and lead rent strikes and school and store boycotts. Such funds also pay for propaganda against private enterprise and are used to set up cooperatives to compete with it.

The book thus shows that for the administration to harp on the theme that antipoverty dollars will buy peace in the slums is a fraud on the American people. Detroit has had the largest antipoverty program in the country—and the worst riots. For the Presidential Riot Commission to call for a gigantic expansion of the war on poverty to end riots is like calling for more oil for the fires.

In the first competent in-depth analysis of the so-called war on poverty I have seen, Mrs. Scheibla shows how it was based on a false and socialist premise and launched on a crash basis for political gain. While it is resulting in gigantic and expensive new Government programs, it is not helping the poor. By failing to deliver on its grandiose promises of ending poverty and then paying leftists to organize the frustrated poor, the Government literally is financing those who would destroy it. And as the destruction in about 100 of our cities this spring shows, they are making an impressive beginning.

Mrs. Scheibla examines the Job Corps program in great detail and exposes it for what it is—an expensive fiasco. She shows how it lacked adequate preparation or even preliminary testing before it started nationwide. She even proves that the Office of Economic Opportunity has deliberately falsified information on so-called success stories it has given out on Job Corpsmen. For the first time she makes public some of the facts in the Louis Harris surveys done for OEO. Until now the agency has been able to withhold from the public some of the unfavorable findings regarding results of Job Corps training.

I strongly recommend that every Member of Congress read "Poverty Is Where the Money Is," because Mrs. Scheibla has a message and a warning which should be heeded before it is too late. I do not believe that anyone who reads the book can conscientiously vote to continue the Office of Economic Opportunity.

PROF. GUS CHOLAS WRITES OF FREEDOM AND ITS BASIC RESPONSIBILITIES

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. TEAGUE of Texas. Mr. Speaker, Associate Professor Gus Cholas, of the College of Veterinary Medicine at Colorado State University, has written me a most interesting letter in which he discusses at great length the concept of the word "Freedom" and its basic responsibilities. In view of the many happenings over the past several years involving drastic socioeconomic changes in our country, I commend this letter to my colleagues as follows:

FORT COLLINS, COLO.,
September 26, 1967.

HON. OLIN E. TEAGUE,
House Office Building,
Washington, D.C.

MY DEAR MR. TEAGUE: I have been wanting to write you for some time now regarding your article "What is Happening in Our Country?", the Congressional Record, volume 112, part 21, page 29042. In the daily RECORD, November 21, 1966, on pages A5818–A5819, there is an article entitled "The New Morality" by the Honorable Senator Robert C. Byrd of West Virginia which is also very good. These two articles, and others similar to them that occasionally appear in the Congressional Record, are expressions of part of the basic problems found in our country today. I am very happy when our Congressmen take the time to present such articles to the other members of Congress and to the Public.

I am an associate professor in the College of Veterinary Medicine at Colorado State University and one of my classes deals with professional ethics and medical jurisprudence for students in Veterinary Medicine. I feel that such articles as mentioned above are of value to these students. I generally refer them to such material as an outside voluntary reading assignment.

I am also very concerned about the moral standards and conditions of our great Nation as we find it today. It appears to me that an increasing number of members of our society and in the world have lost the concept of the word *freedom* and its basic responsibilities. Maybe it is necessary that every third or fourth generation must either experience the near loss or complete loss of part or all of their freedom in order to fully appreciate it. I sincerely hope this is not true. I hope we can learn to appreciate and maintain those things such as freedom that previous generations gave us. At the same time we, the present generation, should try to improve the world for those that follow us, not destroy what was given us by neglecting our responsibilities and by our selfishness.

It is my humble opinion that freedom starts with the individual, carries through the family to the community, which is then reflected into our society and country, and then possibly the entire world. We don't even have to begin with the majority of the people, all that is necessary is that this concept begins with a few strong leaders in every community throughout our nation.

To understand human nature one must begin with the individual. Human nature appears to be the key to the entire problem. For example, by nature, we have certain basic instincts and desires, i.e., we have certain fundamental needs, desires, and drives that we share with all living things on earth. Examples of these are, the need for food, shelter, to be loved and to love (to perpetuate our own kind), to live (survive), and the need, desire and drive for contentment or happiness (peace of mind). Each individual's personality and character is largely the result of the genetic material received from the parents and the environment in which he or she lives in. Every individual has inherent emotional characteristics that develop with age and are subject to change by the experiences he or she has in the environment they grow up in. The environmental influences that may determine the individuals personality and character, besides those immediately related to the parents which may over-lap, include the political, cultural, religious, and socio-economic environments. Because the parents have, as a rule, the closest association with the individual, the individual will receive the greatest influence in determining the personality and character that develops from the family unit.

Emotions are intangible, but one can feel them or sense them. Emotions are expressed in many ways so that they become visible to the eye. They may be expressed by love, joy, hate, anger, greed, and in man other ways. Simply, emotions can be a good characteristic an individual developed or a bad characteristic. Some individuals are fortunate to have developed good (strong moral or ethical standards) characteristics, while others have developed weak characteristics or personality. We must help the latter. Who should do this? Where do we start? How do we approach the problem? What is the cause? I cannot answer all of these questions nor do I claim to be an expert in any of these areas. I can only give some of my ideas that may be of some significance and in some small way help an individual a little. After all someone once said that before you can like others you must learn to like yourself. This by itself requires a certain degree of responsibility. One must learn about his or her feelings and understand them. Then, to correct the parts of ones character or personality that appear to be creating difficulty. This may require assistance from doctors, councilors, clergymen, or other sources of help.

Once an individual realizes the problem and seeks help, that individual is on the road to freedom. This individual will be an asset instead of a liability to the family, the community and our country. Before the individual can begin there always is a certain amount of discipline and sacrifice involved. Remember, emotions, if stimulated strong enough, may lead an individual to join an organized group which may riot for an emotional cause—and later the individual may regret that he or she let his or her emotions lead them to such action, especially if someone is injured or killed, or if property is destroyed, or furthermore important that they find themselves attached to an organization that is not as honorable as they make others believe. This brings us to a very important point, and that is, what is right and what is wrong. Sometimes the decision becomes very frustrating and confusing—yet we still must at least make an attempt to find out. One of the responsibilities of freedom requires that we try to learn what is right and what is wrong.

What is right? The word "virtue" means right thinking and right action. But, before there can be a "right act or thought" there must be a "wrong." From a moral point of view, a wrong is bad action or thought. There are many books written about this very subject, and much of it stems from the early Greek philosophers. You can begin by starting with Aristotle and as you progress down through history don't over-look Jesus. Much of our western philosophy and morals centers around Christian doctrine.

Lets look into the concept of freedom on an individual basis from the *virtue* point of view. Some of the virtues all of us have to some degree include, humility, forgiveness, generosity, purity, love, diligence, and temperance. All of these virtues can be either over exaggerated or under exaggerated in an individual. Extremes of such virtues are not all together good. An example of over exaggeration would be like an individual that became so generous that he or she becomes poverty stricken (along with his or her family) because he or she gave everything away they owned. Another example would be like an individual that was so very humble that everyone pushes him or her around taking complete advantage of the individual. To be *humble* means to cultivate simplicity and to conquer pride (overly egotistic). The prophet said: "Pride goeth before a fall and a haughty spirit before destruction." To develop humility requires self-discipline, self-denial, self-sacrifice, and faith in God. To defeat and control anger we must learn to *forgive*. An individual must practice self-control, to tame their tongue, and to be patient with others in order to fully develop the virtue of forgiveness. Next we as individuals must learn to be truly *generous*, not to expect a *free-ride* through life at the expense of others, nor to worship little gods such as power, prestige and materialism. These attributes fall under the word covetousness, the opposite of generousity.

Covetousness breeds many enemies in the long run, but can be defeated by learning to share with others such things as our knowledge, techniques, methods, our time, and some of our material wealth. We can teach others how they can help themselves, giving them the right amount of pride they need and deserve. Taking things from others without their knowledge or permission and hoarding eventually leads an individual to unhappiness. One can be rich, famous, or powerful (politically) and still be the most lonely and unhappy person around. *Purity* is another emotional attribute we are born with and develop according to our environment. Purity should be cultivated not only in thought but deed. It is challenged by one of the most powerful desires of man, lust. Lust is one of the most difficult emotions to defeat. Added to the fact that it is inborn—to perpetuate the race—man is confronted with suggestive things daily in our mass media, way of dress, movies, and many other ways. To fight lust takes courage. The method of attack here includes avoiding sources of temptation, creating healthy habits, exercise, and if one is of a religious nature, prayer. It requires *love* to conquer envy. Love requires an individual to be truly joyful over the honest success of others. Envy is jealousy of the success of others and breeds unfriendliness and hate. To learn true love, is to develop magnanimity (a noble mind) in ones self and to rise above pettiness and down right meanness. It is difficult to develop true virtue of love.

We hear a lot about the need for socialism today, however the next virtue strikes at the heart of socialism. This virtue is *diligence*. Diligence stimulates an individual to give an *honest effort*. The opponent of diligence is laziness or slothfulness which socialism stimulates by promising security for everyone. Diligence improves an individuals dignity or worthiness, while a promise of security for all stimulates laziness. If an individual wants freedom he or she must earn it through diligence and diligence cannot be fully developed unless the individual has freedom. To develop diligence requires living by rules, respecting laws promulgated to protect us, learning to be useful to society by profitable and productive employment, doing our duties conscientiously to the best of our ability (honest effort), resisting idleness or laziness but taking proper rest and recreation. Human nature strives for both freedom and security, and both must be earned. Every individual should share the responsibilities that will secure freedom and security for society. Last but not least, is *temperance*. Temperance is a virtue that covers the total emotional, physical and mental make up of man, not to mention the spiritual aspects. We are confronted with greed when we discuss temperance. Greed is the built in desire we all have to take more than we actually need or is good for us. We must learn to be the ruler of our own desires to defeat greed and become temperate. Some of the methods include avoiding excess and take less than we desire, learn the value of moderation, and to realize that greed is not restricted to food. We can be greedy in our love, in our pride, generosity, and in our power and materialism to mention a few. We also must learn that too much freedom can be just as harmful as too little. Laissez-Faire (extreme individualism) is a form of greed, selfishness, and a disrespect for an orderly society, just as socialism or communism goes to the other extreme. We must really learn more about this word "temperance" if we want to be free and secure at the same time.

How does an individual develop the right personality or character? Does this require that everyone must think and act alike? In my opinion, to develop the right concepts requires a great deal of effort and begins in the home. Also, everyone will not be homogenized because we will come from different backgrounds (environments) with different parents (different genes) and, therefore, will, of course, see things a little different. This is as it should be. The schools, churches, and government (local, State and Federal) should follow through where the home left off.

How does an individual develop the opposite side of these virtues? There are seven steps. *First* there is suggestion. The suggestion gives us our *second* step and that is pleasure, because the suggestion is pleasurable we immediately go to the next step (*third step*), consent. Once we give consent the *fourth* step is the act itself. Now that we have discovered that the suggestion was pleasurable through the act, we may decide to do it again and again until we have reached the *fifth* step, habit. What may make matters worse is the fact that other individuals have already formed the habit so we get the idea that everybody does it so it must be right, or we didn't get caught therefore it is right, or the end justifies the means even though the means was wrong. We can rationalize the wrong into a right and feel justified. Once the habit is developed the *sixth* step is formed and that is slavery to the wrong habit which, if one happens to be of a religious nature, leads us to the *final* and, in my opinion, most important step, spiritual blindness. We, at this point, have lost faith in our Creator. Not only that, we have lost control of ourselves. We have been defeated. We have been defeated by our own weaknesses and because we are a slave, we are no longer free. An individual basically needs to be free. Before society can be free and secure, individuals must free themselves. And as mentioned previously, this requires responsibility and discipline.

Respectfully yours,

GUS CHOLAS, D.V.M., M.P.H.,
Associate Professor.

THE FULL OPPORTUNITY ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. CONYERS. Mr. Speaker, last fall I introduced the Full Opportunity Act. This bill was something both Dr. Martin Luther King and the Southern Christian Leadership Conference were very much aware of. For it was at a convention of the SCLC on August 17, 1967, in Atlanta, Ga., that I made my intentions to introduce such legislation by stating then that—

> Piecemeal programs and patchwork legislation have proven totally ineffective. It is like applying a band-aid to a cancerous growth. Only a massive Federal program can eradicate the ghettos and slums that have spread throughout the cities of America over many decades.

On October 9, 1967, the Full Opportunity Act was formerly introduced. The urgency of such a proposal had been dramatically and sorrowfully demonstrated by the events of last summer. Following the disturbances a Presidential commission was assigned to investigate and report on the causes, conditions, and effects of the rioting. Indeed, the recent report of the riot commission closely mirrors the specific provisions of the Full Opportunity Act.

Then, on December 14, 1967, the Full Opportunity Act was reintroduced with nine cosponsors. They were and remain today: Mr. BURTON, Mr. BROWN, Mr. EDWARDS, and Mr. ROYBAL, of California; Mr. RESNICK, Mr. FARBSTEIN, Mr. GILBERT, Mr. ROSENTHAL, and Mr. RYAN, of New York.

THE FULL OPPORTUNITY ACT, THE POOR PEOPLES' MARCH, AND DR. MARTIN LUTHER KING, JR.

It was on that very day of reintroduction that Martin Luther King sent this telegram:

> The alternative to the passage of the Full Opportunity Act may well be a generation of social chaos. No Nation can survive containing such extremes of wealth and poverty within her borders. The sands of time are replete with the bleached bones of civilizations which have neglected to include the masses of their citizenry into full participation in the nation's social and economic op-

portunities. The Full Opportunity Act is an excellent approach to the long-standing inequities and historic deprivation which have plagued the poor of this Nation for more than a century.

Just a few weeks later, on February 4 of this year, Dr. King, when asked if there were any legislation now pending before the Congress that would reflect the goals of the Poor Peoples' March, described the Full Opportunity Act as "the best reflection of what we seek." He said:

> It comes nearest to what we're after.

However, Martin Luther King's life of dedication, his sincere identification with the poor, and the gracious support he gave the Full Opportunity Act were suddenly left in silence. The leader had been assassinated. And the combined impact of conditions throughout the Nation, Dr. King's untimely death, and growing awarenesses of the problems that must be faced as promoted by the Kerner Commission, have brought about newer and more comprehensive demands.

Indeed, my purpose in taking the floor of the House this afternoon is to respond to the great volume of requests I have received concerning the Full Opportunity Act. Since last fall many private groups have seen fit to endorse the Full Opportunity Act. Moreover, three additional colleagues have now added their support. They are: Mr. PODELL, of New York; Mr. HELSTOSKI, of New Jersey, and Mr. GONZALEZ, of Texas. I am grateful to all who have seen fit to lend their support in this endeavor. I hope that more will soon join us in the work ahead.

I feel that it is important at this time, because of the great volume of requests for information describing the Full Opportunity Act to take this opportunity to explain its basic concepts and major provisions.

The Full Opportunity Act would authorize $30 billion a year for the next 10 years for a comprehensive effort to, in the words of its official title, "provide to every American a full opportunity to have adequate employment, housing, and education free of any discrimination on account of race, color, religion, or national origin."

Included in the bill are provisions for 3 million jobs of a subprofessional level to assure employment to all; a $2-per-hour minimum wage; family allowances; 1 million additional housing units for low- and moderate-income families; new Federal programs to assure quality education for all regardless of income, from grade school through education beyond high school; and strict Federal programs to eradicate ethnic, religious, and racial discrimination in all these areas. This is a beginning.

The most salient feature of the bill is its integrative nature, for our efforts must be exerted in a comprehensive and interrelated approach, one that would snap the major problems that beset our central cities. The eight titles of the bill include: full employment, adequate housing, more effective schools, family allowances, minimum wage, equal postsecondary education, equal employment opportunity enforcement, and fair housing.

Even though the bill is an integrated package of legislation, and must always be considered as such, for the purpose of conforming to the usual procedure in the Congress, each of the eight titles of the omnibus bill have also been introduced as separate bills so that they can be referred to the different committees of jurisdiction. In addition, reports have been requested from the appropriate Federal agencies on each of the bills. Moreover, I look forward to testifying on each of the bills as the various committees hold hearings in each of these major areas.

The special qualities of the Full Opportunity Act, then, that make it an effective and unique piece of legislation are: its massive approach, its integrated effort, and its immediacy.

I include for the RECORD certain materials which are essential to a fuller appreciation of the Full Opportunity Act, as follows:

[From the Washington (D.C.) Post, Apr. 5, 1968]

DISTRICT MARCH NOW DILEMMA OF KING'S AIDES

(By William Raspberry)

It will be no easy decision that the followers of the slain Rev. Dr. Martin Luther King will have to make: whether to go ahead with the Poor People's Campaign here.

It would well be understandable if the Rev. Andrew Young and others of Dr. King's closest advisers opted to cancel it in their grief over the death of their leader.

They could also feel that the slaying of Dr. King could become meaningful as a symbol of the anguish that so many of America's Negroes feel. It could be all the more persuasive on members of Congress, perhaps meld them into action on the proposals that Dr. King had offered.

Dr. King's followers knew that the planned Poor People's Campaign, set to begin on April 22, the day Congress reconvenes after its Easter vacation, was no mere whim in their leader's mind—he intended it as an all-out campaign.

He had hoped it would rival the 1963 March on Washington in importance, a march that largely became a coalition of whites and blacks, a coalition he was hoping to re-create in support of the campaign here this spring.

Until the bullet crashed into Dr. King's neck last night, the Congress of the United States was all but ignoring the goals of the campaign. Instead, all the talk in Congress and elsewhere centered on the campaign's potential for violence.

Even Dr. King himself had been spending less and less time talking about his specific goals and more and more time offering reassurances that the campaign would be nonviolent—in large measure because we in the press wouldn't let him talk about anything else.

While it is natural enough for citizens to be concerned about keeping the demonstration peaceful, it is not very encouraging when members of Congress—Dr. King's target—were focusing their efforts in the same direction, saying nothing about the possibility—or desirability—of meeting the campaign's demands.

Dr. King said he would accept as a reasonable satisfaction of his demands the passage of a bill introduced by Rep. John Conyers Jr. (D-Mich.).

But aside from Conyers and his nine cosponsors, nobody at the Capitol has paid the slightest bit of attention to the bill.

The bill, in its present form, has about a snowball's chance—not because its provisions don't make sense, but because too many members of Congress are apt to consider them radical.

Its key provisions include:

Creating 3 million subprofessional jobs in health, education, recreation and conservation. This modern-day WPA would funnel Government grants to public and nonprofit agencies to create those jobs, which would be tied to education and job-training opportunities.

Raising the minimum wage to $2 an hour and exempting virtually no one except servicemen from its coverage.

Arming the Equal Employment Opportunity Commission with enforcement powers, with a stipulation that the Government not be merely neutral but work positively for equal opportunity.

Payment of family allowances of $10 a month per child under age 18. The allowance would be paid to all families without regard to income, so long as the children remain in school.

This may or may not be too big a dose for Congress to swallow. But certainly important segments of the proposal could be—and should be—enacted.

The Conyers measure is not the only approach to solving the problems to which Dr. King dedicated his life. The point here is that Congress has done nothing at all about the campaign, except to worry about the possibility of violence.

Now that Dr. King is himself victim of the ultimate in violence, the Congress may be shocked into bestirring itself and getting on with what has to be done.

Pray God it does. It will take the best efforts of us all, the Congress included, to make certain that the death of Dr. King doesn't also mean the death of nonviolence—and the death of the America we dreamed could be.

EXPLANATION OF EACH SECTION OF THE PROPOSED FULL OPPORTUNITY ACT

(NOTE.—Introduced by Congressman John Conyers, Jr. Co-sponsored by Congressmen George Brown, Jr., Phillip Burton, Don Edwards, Leonard Farbstein, Jacob Gilbert, Henry Gonzalez, Henry Helstoski, Bertram Podell, Edward Roybal, William F. Ryan, Joseph Resnick, and Benjamin Rosenthal.)

FULL EMPLOYMENT OPPORTUNITY

The Department of Labor currently lists 1.8 million persons who have been unemployed five weeks or longer and are still seeking employment. Almost as many more need and want jobs but are not counted since they have stopped actively seeking work because of lack of basic education, occupational skills, work experience, or transportation, and because of various discriminatory barriers. Recent Labor Department surveys indicate that a true representation of unemployment in the ghettos of America's major cities is 30 percent to 40 percent, a level higher than that of the Depression of the thirties.

Three million sub-professional jobs would be created in such areas as health, education, recreation, and conservation which would allow even individuals with the lowest level of training to perform useful and necessary work. Public and private non-profit agencies would receive Federal grants to create these jobs, with preference given to projects located in, and providing direct benefits for the ghettos of America. All those employed under this title would receive education and job-training to qualify them for employment in fields for which there is a projected long-term need for workers. Special help would be given to those regarded as "unemployable" even in a full-employment economy due to a severe lack of basic education and job-training.

Cost: $16 billion for the first year, with $2 billion yearly decrease until phased-out after ten years.

ADEQUATE HOUSING

One million additional Federally assisted low- and moderate-income housing units would be provided every year for the next ten years. To provide this more than ten-fold increase in the present rate, current Federal programs would be expanded and improved and new ones would be authorized.

One-half million new housing units per year would be provided exclusively for the benefit of low-income families by expanding the public housing and rent supplement programs. The other 500,000 additional units would be made available to moderate as well as low income families: 200,000 units through rehabilitation; 150,000 rental units through the Section 221(d)3 program; and 150,000 units through a home-ownership assistance program offering generous no-interest loans. Home ownership also would be encouraged by providing condominium lease-purchase arrangements for most of the current rental programs. Financial aid and technical assistance would be provided for the non-profit groups which would sponsor most of these projects. Existing laws and regulations would be changed so all these programs could be used in any community or part of any community, so as to both expand the available market and promote housing integration.

Cost: $3.7 billion in the first year, increasing in ten years to $9.1 billion.

MORE EFFECTIVE SCHOOLS

Federal grants would be authorized to local boards for greater than average per-pupil expenditures in ghetto schools to finance intensive improvement of the regular school programs. Grants would be used to lower pupil-teacher ratios; to develop superior teacher-training; and to provide educational programs, materials and facilities related to the particular needs of low-income children.

Eligibility for these grants depends on a local school board's showing that per-pupil expenditure in ghetto schools is at least equal to the average for the school district since significantly greater expenditures per student in ghetto schools than in other schools is necessary to achieve any substantial improvement. This title is aimed at providing a superior education in ghetto schools to offset cultural and educational deprivation and to make some progress toward eliminating *de facto* school segregation.

Cost: One billion dollars during the first year with an increase over ten years to $5 billion. Participation in the program would increase as local school districts met the strict criteria for the program, particularly the requirement that there be at least an equal educational effort in ghetto schools financed from local sources.

FAMILY ALLOWANCES

A program of family allowances modeled after the successful 25 year-old Canadian program and similar to the programs instituted by all other industrialized nations except the United States would be established. Grants of $10 per month would be given to all children under the age of eighteen in order to help this 40 percent of the 30 million Americans in poverty. The program would be administered by the Social Security Administration which would mail the payments to the mother on the condition that all school-age children remain in school until age eighteen. The allowance would be made without regard to the financial status of the family and would be considered taxable income, so that the net benefit of the program would be focused on low income families.

Cost: $8.6 billion is authorized but income tax will recover $1.3 billion in the first year. The upward trend of average family taxable income should more than offset the small expected increase in the number of children during that period. The result is a slight decrease in net cost over the ten year period.

COMPREHENSIVE MINIMUM WAGE

The Federal minimum wage would be extended to every American worker, and increase the basic rate to $2 an hour. This would insure that all Americans, including those employed under the Federally financed programs in Title I, would receive at least $4,000 which the Social Security Administration regards as a minimal, but adequate yearly family income. This extends coverage to the one out of three American workers (about 17 million) now inadequately protected.

FULL POSTSECONDARY EDUCATIONAL OPPORTUNITY

A massive increase of Federal assistance would be provided for postsecondary education, partially by direct grants to schools and partially by loans to students. Federal grants on a two-to-one matching basis would be available for construction of facilities and direct Federal loans would be available to all students, regardless of financial status, to pay the full amount of all expenses at any postsecondary school. This program specifically includes both traditional institutions of higher education and vocational and technical schools. A student may borrow up to $15,000 over five years, and repay it over forty years at 3 percent interest. Repayment could be by a steadily increasing schedule so it would be in relation to income improvement over an entire life-span.

To encourage hundreds of thousands more students to enter public school teaching, half the loan would be forgiven for anyone who teaches in a public school for five years. The entire loan would be forgiven for anyone who teaches in a ghetto school for five years.

Cost: $1.9 billion for both construction grants and student loans in the first year, increasing to $8.8 billion in ten years.

EQUAL EMPLOYMENT OPPORTUNITY ENFORCEMENT

The Equal Employment Opportunity Commission, established by the 1964 Civil Rights Act, would now be given the full usual powers of a Federal regulatory agency to issue cease and desist orders to enforce a strict national law against discrimination in employment because of race, creed, or national origin. Orders could be issued which would require Federal agencies to not only eliminate discrimination within their operations, but to administer their programs so as to be a positive force toward ending discrimination in employment. The bill requires that the government must not only be neutral, but should positively and affirmatively promote equal opportunity.

FAIR HOUSING

Title VI would expand and strengthen the recently-enacted Federal Fair Housing Law. Instead of gradual phased-in coverage of various types of housing, Title VI would immediately require every housing unit in America to be sold or rented on a non-discriminatory basis. Instead of enforcement through individual law suits, Title VI would establish a strict national law against discrimination in housing. A National Fair Housing Board would be established with the full usual powers of a Federal regulatory agency to enforce this law by issuing cease and desist orders and by taking appropriate affirmative action. This title specifically applies the new affirmative governmental policy of positively and effectively promoting equal opportunity for housing. All Federally financed lending institutions, including all banks and savings and loan associations, would be required to include open housing clauses in any mortgage they finance. The ultimate penalty for violation of this provision would be loss of Federal insurance.

ALLOCATION OF FUNDS IN THE FULL OPPORTUNITY ACT

[Annual Federal cost over the next 10 years]

Title	Fiscal year 1969 (billions)	Change over next 10 years	Fiscal year 1978 (billions)
I. Full employment opportunity	$16.0	Decreases annually by $2,000,000,000	
II. Comprehensive minimum wage			
III. Equal employment opportunity enforcement [1]			
IV. Family allowances [2]	7.3		$7.0
V. Adequate housing	3.7	Increases annually by $600,000,000	9.1
VI. Fair housing [1]			
VII. More effective schools	1.0	Increases annually by $500,000,000 except in fiscal year 1977.	5.0
VIII. Postsecondary educational opportunity	1.9	Increases annually by $800,000,000 except in fiscal year 1977.	8.8
IX. Miscellaneous	.1		.1
Total	30.0		30.0

[1] Title IX authorizes $100,000 annually for the additional administrative costs of implementing titles II, III, and VI.

[2] $8,600,000,000 is authorized but income tax will recover $1,300,000,000 in the 1st year. The upward trend of average family taxable income should more than offset the expected slight increase in the number of children during that period. The result is a slight decrease in net cost over the 10-year period.

[From the CONGRESSIONAL RECORD, Dec. 14, 1967]

THE FULL OPPORTUNITY ACT

Mr. CONYERS. Mr. Speaker, one of our great Negro American poets, the late Langston Hughes, wrote many years ago:

> "Let America be America again;
> It never was America to me."

Mr. Speaker, in that very moving prose, it seems to me that he caught the spirit of what is our position here today in the Congress, where we have delayed so long in dealing with what should be our highest priority business, and that is the necessity of making the dream of America live to those who have never been able to redeem the promises made by the Declaration of Independence and the Constitution. There are millions of Americans whose total knowledge of life in America has been the nightmare which they have lived ever since their forebears were dragged to these shores in chains.

"Let America be America again." Is that even possible? The last few years have clearly proven that the harmony, prosperity, and progress for so many, which I like to think of as existing in America simply is not there. When Emma Lazarus penned the lines: "Give me your tired, your poor, your huddled masses yearning to breathe free," she was not speaking to the disinherited who were already in America. The "melting pot" theory of sociologists has worked for a great number of the immigrants who came here, fought for a place, were eventually accepted into the mainstream and assimilated into America.

Mr. Speaker, one of the troubles with the "melting pot" in terms of the black American is that he was never allowed to mix in the pot with everybody else. He has been traditionally excluded from the mainstream of America.

Now, Mr. Speaker, we are faced with growing numbers of Negro Americans who are not sure that they even want to get into that melting pot because results are not that great.

Unless we here in the Congress take drastic measures to eliminate the "right to unemployment," the "privilege of undereducation," and the "responsibilities of second-class citizenship", which we have, in a sense, forced on 25 million Americans, the country may indeed reap the whirlwind of prejudice and discrimination.

Mr. Speaker, as I and many others on this floor have said before, the preamble to the Constitution wisely and inextricably links the phrases, "establish justice," and "insure domestic tranquility."

In more than 107 cities, we have been shown that where there is not justice, there may not be tranquility.

The racism which is becoming increasingly apparent in America tells the Congress, "do nothing for these people because you would be rewarding the rioters."

And I say here today on the floor of the House of Representatives that the issue is not one of reward. No one wants to give any American any more than that which he justly deserves. But how can we speak of rewarding a man who has nothing—no job, little education, substandard housing, and a secondhand life gleaned from the TV and the news media?

The issue that I speak to you about today is the issue of justice.

For 300 years American justice has strained the mercy of those that it oppressed. This country has denied many black Americans so many things, and now we expect him to love and understand why it is he is still a second-class citizen.

Of course we cannot condone the violence that is tearing against the very fabric of our cities, but neither can we continue to tolerate the misery, the frustration and the alienation that is destroying the very core of the fabric of our society, for jammed into the ghettos of our major cities are millions of Negro Americans who are becoming more frustrated about the conditions under which they must live today, and apparently tomorrow. They have turned this way and that way for help. They have waited patiently for years, thinking that surely this kind of injustice could not go without redress in this great and prosperous Nation. They have accepted the premises and promises of so many experimental and pilot projects with which the various Government agencies have sought to assuage their own consciences perhaps, more than anything else, but things are not better, and only a very few have really managed to escape.

Can you imagine that some parts of Harlem today are still so crowded that if all Americans lived in areas of that same population density the entire population of the United States of America could occupy the five boroughs of the city of New York.

So, then, if we would only listen to and respond to the fact, rather than the emotionalism and the fanaticism of the backlashers who feel that a few pieces of paper marked "Civil Rights Bills" are enough—indeed, some think that they are too much to grant to the one-eighth of the citizens of this country—we could form the realistic plans for action that would eliminate some of these very basic problems—the basic problems that have led to the troubles that now mark America in 1967. The legislative and executive branches of the Federal Government have been so preoccupied with assuring the freedom of those thousands of miles away that many have forgotten the complete freedom that Negroes here in America are still trying to achieve.

It is apparently simpler to protect, love, and understand people who are far removed from the scene.

But I, like most other Negro Americans, believe that these problems should be corrected at home first.

And so the Negro American, Mr. Speaker, has truly been the invisible man about whom Ralph Ellison wrote—the man who was here all the time, but not seen. The civil rights movement, to be sure, uncovered him, and perhaps brought him a little bit more to the attention of America. But now it is no longer fashionable to speak of civil rights.

There are those who want to forget about these first 12 years of the civil rights struggle and who want to forget about this struggle for first-class citizenship which has marked it as America's No. 1 basic problem domestically across the years.

I have tried to understand the attitudes of both those who agree and those who disagree with my philosophy. I have hoped for, prayed for, and sought for an answer to the increasing tensions in our cities. And I have asked, "What can we do to make this America real to all men?"

We need drastic changes if we are to have true equally, true rights, and full opportunities. These changes need not be disruptive. We know that a change is going to be made and will be made. So we have a choice between evolutionary change or, perhaps, revolutionary change. That is basically why I am reintroducing a bill which I feel will contribute to that swift and peaceful change to which the millions of jobless and poorly educated and practically homeless people in the ghettos of America will respond.

Not all of them are black Americans, Mr. Speaker. Some of them are white Americans as well. As a matter of fact, there are many, many more white Americans who live below the poverty line than there are Negro Americans.

So this bill, the Full Opportunity Act, attempts to meet the acute problems in the areas of jobs, housing, and education.

* * * * *

What is then the scope of the problem? Why is it that the teenager in the ghetto says that so far as he is concerned, America is not real to him? I think it is because his statement to America reflect the simple facts:

That the current national unemployment rate for nonwhite is 7.3 percent after having been as high as 8.8 percent during the fall. Even that 7.3 percent rate is double the national unemployment rate for white Americans;

That in the ghettos, one in three persons is "subemployed," either unemployed or working at a part-time job or one paying very low wages;

That if a man is not working, he is far more likely to sink into apathy and frustration and perhaps ultimately into violence;

That if a Negro man is working, he is far more likely than a white man to be in a menial and unpromising job;

That Negroes make up 11 percent of the labor force, but have only 6 percent of the Nation's professional, technical, and skilled trades jobs, and only 3 percent of the managerial positions;

That the median family income for Negroes is about 60 percent of white families. That means that the average Negro man earns three-fifths as much as the average white man. You will recall that in the original Constitution, slaves were counted three-fifths of a person for representation in the Congress. Is it any wonder that the Negro male is upset because he is being paid "slave wages" after 102 years of so-called freedom in America?

That the Labor Department just yesterday released a report showing that nearly 40 percent of all the unemployed Negroes are concentrated in the Nation's 15 largest metropolitan areas. I earlier mentioned that the national nonwhite unemployment rate is double that of the white unemployment rate. Yesterday's report by the Labor Department shows that in the central cities of the 15 largest metropolitan areas, that disparity is as much as three and four times as much between the nonwhite and white unemployment rates. When you read this list of the major central cities you quickly see that these are the cities where the biggest turmoil exists. And an even closer examination of the list shows that those cities with the highest nonwhite unemployment rate are the ones that have experienced the major civil disorders that have so tragically racked this country during recent summers.

Though the plight of the Negro American suffering from poverty is particularly acute, I would like to point out that a great many white Americans are suffering from the same poverty-stricken condition, and the same desperate need for a decent job at adequate pay. In fact, the Office of Economic Opportunity tells us that the majority of the 30 million Americans who are poor are white.

The Full Opportunity Act assures all Americans the opportunity to obtain a job. The bill authorizes up to 3 million jobs in the public service field by making the Federal Government "the employer of last resort." We need 3 million jobs in order to employ both the 1.8 million persons whom the Labor Department currently lists as being unemployed for 5 weeks or longer and "the invisibly unemployed" who want and need a job, but who are not counted by the Labor Department since they have stopped actively seeking work due to the frustration of not being able to find employment. Such employment and the job training which will go hand in hand with it are worthless if the jobs themselves pay less than a living wage. The Full Opportunity Act also increases the Federal minimum wage to $2 an hour and extends it to every job in America, without exception.

No job program to eliminate poverty makes sense if we do not at the same time eliminate all forms and aspects of racial and ethnic discrimination in employment. The Full Opportunity Act gives the Equal Employment Opportunity Commission the full powers of a Federal regulatory commission to issue cease and desist orders to eliminate discrimination and its effects. A bill containing such a provision was overwhelmingly passed by the House in 1965 and I would hope could easily be passed again. The Full Opportunity Act, in addition, contains provisions extending the protection of the Commission to every job in America. It also would authorize the Commission to work on eliminating job discrimination in the Federal Government and all State and local governments.

What does the mother with several small children say to us about the unreality of life in America when she is forced to share an apartment with another family and a bathroom with no shower or tub with three other families? She tells us—

That nearly 1.7 million Negro families, 29 percent of the total, live in substandard housing;

That 28 percent of these dwelling units are overcrowded;

That 15 percent of black families have no hot water;

That 15 percent share bathrooms with other families; and

That 21 percent have no bathtubs or showers available.

The Full Opportunity Act provides 1 million additional federally assisted low and moderate income housing units every year for the next 10 years in an effort to eliminate substandard housing. It also provides a strong fair housing law with adequate enforcement procedures. We can never say that people are free unless they are free to choose a place to live because they like the place and can afford it.

What does the child in an overcrowded ghetto school with no gymnasium, no cafeteria, tattered books, and broken windows say to us about the America in which he must gain an education? This child, with little or no future, tells us—

That one-half the black children who start school drop out before completion;

That the Negro child who "stays through school" as Joseph Alsop has so aptly phrased it, has only the equivalent of an eighth-grade education when he receives his high school diploma. Thus, our national school system at present fails to give the equivalent of an ordinary white blue-collar education to nine Negro boys and girls in every 10;

That his teachers are underpaid and frustrated, and frequently ill equipped to deal with the cultural and educational gap which widens for ghetto children each year that they attend school; and

That the education which he receives does little or nothing to prepare him to live and work effectively in the society in which he must mature.

The Full Opportunity Act provides a national more effective schools program to drastically improve education in ghetto schools by authorizing Federal grants to local school boards for greater than average per pupil expenditures. These grants would be used to low pupil-teacher ratios; to develop superior teacher training; and to provide educational programs, materials, and facilities related to the particular needs of low-income children.

And what of the poor kid who does manage to finish high school and has the ability and the desire to go to college or technical school, but does not have the money. What does he tell us about the American dream of pulling oneself by one's bootstraps and achieving success? He says to us—

That only 14 percent of Negro youths between the ages of 20 to 24 are enrolled in school, while 21 percent of white youths in this age group are in school;

At this age level, they would, of course, be in some type of post-secondary school;

That his chances of being drafted right after high school are greater because he cannot get the student exemption given to those young men who can afford to attend college; and

That even if he tries to work his way through college, his chances of getting a degree are decreased in proportion to the amount of time he has to spend working to get his tuition money, since it is hard to work 30 or 40 hours a week at low pay and keep up the required average.

The Full Opportunity Act provides a massive increase of Federal assistance for post-secondary education, partially by direct grants to school and partially by loans to students. It also seeks to encourage hundreds of thousands more students to enter the teaching profession by forgiving half the loan to anyone who teaches in a public school for 5 years. The entire loan would be forgiven for anyone who teaches in a ghetto school for 5 years.

Title IV of the Full Opportunity Act is a provision to aid every child in America. It is a modest proposal to brighten the future of the deprived child at birth and to encourage him to remain in school until he is 18. The United States is the only major industrialized country which does not now provide some type of family allowance for its children. The Full Opportunity Act provides a $10 per month grant to all children from birth to age 18. The grant would be taxable so that the major benefit would fall to children of low-income families.

Mr. Speaker, as I hope this presentation indicates, this bill which has been drafted with nine other Members of the House is an attempt at being a meaningful and realistic response to the problems that I have very roughly outlined here today.

My colleagues and I are today reintroducing the entire Full Opportunity Act in order to demonstrate the vital connection between all the various provisions of the bill. However, with an eye toward the inner workings of the legislative process, each title of the overall bill is also being introduced separately, in the hope that at least some of these measures can be enacted into law in the very near future.

In closing, I would like to return to the idea on which I have based my remarks today—"Let America be America again." I have set forth the facts and statistics which I feel justifies that cry in the 1960's and makes Mr. Hughes' comments just as timely as they were a generation ago. We must not continue to turn our eyes from the real causes of our domestic crisis. Twenty antiriot bills will not do as much to ease the turmoil in our cities as one piece of comprehensive social reform legislation such as the Full Opportunity Act. We must not meet riots with repression, but with reform.

I ask my colleagues in this House and distinguished gentlemen and women in the other body to—

"Let America be America again—
The land that never has been yet—
And yet must be—the land where every man is free.
The land that's mine—the poor man's, Indian's, Negro's, me—
Who made America.
Whose sweat and blood, whose faith and pain,
Whose hand at the foundry, whose plow in the rain,
Must bring back our mighty dream again.
O, yes,
I say it plain,
America never was America to me,
And yet I swear this oath—
America will be."

H.R. —

In the House of Representatives, December 14, 1967, Mr. Conyers (for himself, Mr. Brown of California, Mr. Burton of California, Mr. Edwards of California, Mr. Farbstein, Mr. Gilbert, Mr. Roybal, Mr. Ryan, Mr. Resnick, and Mr. Rosenthal) introduced the following bill; which was read twice and referred to the Committee on Education and Labor:

A bill to assure to every American a full opportunity to have adequate employment, housing, and education, free from any discrimination on account of race, color, religion, or national origin, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided by title and sections, as in the following table of contents, may be cited as the "Full Opportunity Act".

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TITLE I—FULL EMPLOYMENT OPPORTUNITY

FINDINGS AND PURPOSE

Sec. 101. (a) The Congress finds that—

(1) unemployment and underemployment among those who are able, willing, and seeking work are major problems for the Nation and are of even greater concern among those who are unable to secure employment or who have ceased seeking employment because of lack of basic education, occupational skills, work experience, or transportation, because of excessively long distances between places of residence and employment, or because of artificial and discriminatory barriers to employment and occupational advancements;

(2) the lack of full employment opportunities for all Americans is especially serious in particular areas, communities, and parts of communities, and in those places it is reaching crises proportions and often con-

tributes, at least in part, to social unrest and civil disorders; and

(3) the lack of a full employment economy undermines the Nation's productivity, prevents the Nation from achieving many of its long-sought goals, and is a great burden for Federal, State, and local governments in providing welfare and other special services.

(b) The Congress further finds that there is a great and urgent need for increased public service employment in such fields as health; education; recreation; housing and neighborhood improvement; maintenance of streets, parks, and other governmental facilities; rural development; beautification; conservation; and other fields of human betterment and public improvement. This need for increased public service employment far exceeds the total number of individuals who are unemployed or underemployed for whatever reasons.

(c) It is therefore the purpose of this title and the policy of the United States to guarantee meaningful employment opportunities for all Americans to whatever extent the private economy is unable to do so and to contribute to the national interest by fulfilling unmet needs through the creation of public service employment opportunities.

EMPLOYMENT OPPORTUNITY GRANTS

Sec. 102. (a) The Secretary of Labor (hereafter referred to in this title as the "Secretary") shall make grants to Federal, State, and local governmental agencies or to nonprofit organizations to provide employment for up to three million individuals. These grants shall provide funds for wages, employment benefits, and other necessary related expenses, including equipment and supplies.

(b) To be eligible for employment provided by grants made under this title an individual must—

(1) be at least sixteen years of age;

(2) be able to receive and benefit from training and be able to work;

(3) be unemployed for at least five weeks; and

(4) have an annual income of less than $4,000.

(c) Employment created or made available under this title may include services and supporting facilities in activities which contribute to the improvement of the physical, social, economic, and cultural conditions of the Nation and shall, to the extent possible, be concentrated in those areas of public service employment listed in section 101(b) of this title.

EMPLOYMENT OPPORTUNITIES RESERVED FOR "THE UNEMPLOYABLE"

Sec. 103. (a) One third of the employment opportunities to be created through grants made under section 102 shall be reserved for individuals whose basic education and employment-related training are so inadequate that they are unqualified for any currently available employment.

(b) Grants made to provide employment opportunities for individuals described in subsection (a) shall provide such individuals with income and prepare them for employment opportunities which it is reasonably expected will be available for the indefinite future. Programs assisted by such grants shall include appropriate combinations of on-the-job training, basic education, and employment.

REQUIREMENTS FOR GRANTS

Sec. 104. A grant may not be made unless an application therefore has been submitted to the Secretary in accordance with such procedures as he shall by regulation prescribe. The following conditions shall be enforced by the Secretary as requirements for applicants receiving and continuing to receive grants under section 102:

(1) The wage rates and other conditions of employment shall be appropriate and reasonable in consideration of such factors as the type of work, the proficiency of the employee, and the prevailing practice in the area, except that in no case shall the wage rate be less than the minimum wage rate prescribed in section 6 of the Fair Labor Standards Act of 1938.

(2) The applicant for the grant must demonstrate that the program will result in an increase in employment opportunities without the displacement of existing employment opportunities, and shall not impair existing conditions of employment in the area.

(3) The normal hours of work for an employee shall not exceed eight per day or forty per week, except that the Secretary may authorize a longer work schedule if he determines that it is reasonable and necessary.

(4) The Secretary shall require programs to have adequate internal administrative controls, accounting procedures, personnel standards and policies, evaluation procedures, and other policies as may be necessary to promote and insure the effective expenditure of funds and the implementation of the purposes of this title.

The Secretary may withhold any payment under a grant authorized by this title when he determines that the conditions under which such grant was made are not being met.

PRIORITY TO BE GIVEN LOW-INCOME AREAS

Sec. 105. (a) In the approval of grant applications, the Secretary shall give preference to those which provide employment for eligible individuals residing in areas which have a high proportion of low-income families and individuals who have severe problems of unemployment and underemployment. The Secretary shall designate such areas without regard to political boundaries.

(b) In the approval of applications for grants for the improvement or construction of physical facilities, the Secretary shall give preference to applications related to facilities located in areas designated under subsection (a).

OTHER PRIORITIES FOR GRANTS

Sec. 106. In the approval of applications for grants under this title, the Secretary shall give preference to those for grants which will be the most effective in fulfilling the purposes of this title, especially those applications which emphasize the use of grants for—

(1) employment of individuals who have been unemployed for thirteen weeks or longer;

(2) employment of individuals who have an annual income of $2,000 or less; and

(3) the payment of wages.

TRAINING FOR INCREASED EMPLOYMENT OPPORTUNITIES

Sec. 107. (a) The Secretary shall contract with Federal, State, or local governmental agencies or with nonprofit agencies to provide appropriate training programs for persons employed through grants provided under this title to prepare them to obtain regular competitive employment in the future.

(b) Training and education under this section shall be—

(1) in addition to that provided under section 103 of this title; and

(2) coordinated with the education and training programs provided under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964 and with other relevant programs provided by Federal, State, and local governmental agencies and nonprofit private agencies.

AUTHORIZATION OF APPROPRIATIONS

Sec. 108. (a) For the purpose of carrying out the provisions of this title, there is authorized to be appropriated $16,000,000,000 for the fiscal year beginning July 1, 1968; $14,000,000,000 for the fiscal year beginning July 1, 1969; $12,000,000,000 for the fiscal year beginning July 1, 1970; $10,000,000,000 for the fiscal year beginning July 1, 1971; $8,000,000,000 for the fiscal year beginning July 1, 1972; $6,000,000,000 for the fiscal year beginning July 1, 1973; $4,000,000,000 for the fiscal year beginning July 1, 1974; $2,000,000,000 for the fiscal year beginning July 1, 1975; and $100,000,000 for the fiscal year beginning July 1, 1976.

(b) Sums appropriated under subsection (a) are authorized to remain available until expended, or until June 30, 1977, whichever first occurs. Any unappropriated portion of the amount authorized to be appropriated for any fiscal year may be appropriated in any subsequent fiscal year during the period beginning July 1, 1969, and ending June 30, 1977, in addition to the amount otherwise authorized to be appropriated for such subsequent fiscal year.

TITLE II—COMPREHENSIVE MINIMUM WAGE

FINDINGS AND PURPOSE

Sec. 201. (a) The Congress hereby finds that one out of every three American workers receives a wage rate so low that they and their families are living in a condition of poverty. The Congress further finds that in order to fulfill the promise of the Fair Labor Standards Act of 1938 (hereafter referred to in this title as "the Act") to provide "the minimum standard of living necessary for health, efficiency, and general well-being of workers", the protections of that law must be extended to every American working man and woman.

(b) It is therefore the purpose of this title to assure to every American working man and woman, without exception, the guarantee of a minimum wage necessary to provide a decent standard of living for himself and his family.

INCLUSION OF EVERY AMERICAN WORKER

Sec. 202. (a) The basic coverage of the Act is extended—

(1) by amending sections 2(a), 3(s), 5(a), 6(a), 7(a)(1), and 12(c) of the Act by inserting "affecting commerce or" immediately before "engaged in commerce" each place it appears in such sections;

(2) by amending section 3(s) of the Act by striking out "an enterprise which has employees" and inserting in lieu thereof "an enterprise which has any employee"; and

(3) by eliminating the gross volume of sales tests and other restrictions in section 3(s) of the Act by striking out in such section all after "produced for commerce by any person" and inserting in lieu thereof a period.

(b) Agricultural workers are included under the protection of the Act—

(1) by amending section 3(e) of the Act by striking out all after "employed by an employer" the first place it appears in such section and inserting in lieu thereof a period;

(2) by repealing section 3(u) of the Act;

(3) by amending section 6(a)(4) of the Act by striking out "; or" at the end of such subsection and inserting in lieu thereof a period; and

(4) by repealing section 6(a)(5) of the Act.

(c) Domestic workers and government employees are included under the protection of the Act—

(1) by amending section 3(d) to read as follows:

"(d) 'Employer' includes any person acting directly or indirectly as an agent of any employer, any person employing individuals performing domestic services, the United States, any State or political subdivision of a State, and any labor organization when acting as an employer and any agent of such labor organization.";

(2) by amending section 3(e) (defining the term "employee"), as amended by subsection (b)(1) of this section, by adding before the period the following: ", except members of the Armed Forces of the United States and the National Guards of the several States";

(3) by repealing section 6(e) of the Act; and

(4) by amending section 18 of the Act by striking out "(a)" and subsection (b).

(d) The various miscellaneous exemptions from the protection of the Act are eliminated by repealing sections 13 and 14 of the Act and renumbering the following sections accordingly.

$2 AN HOUR MINIMUM WAGE UNIFORMLY APPLIED

Sec. 203. (a) Section 6(a)(1) of the Act is amended to read as follows:

"(1) not less than $2 an hour, except as otherwise provided in this section;".

(b) Section 6(b) of the Act is repealed, paragraph (4) of section 6(c) of the Act is amended by striking out "or subsection (b)", and section 7(f) of the Act is amended by striking out "or (b)".

(c) Sections 6(c) and 6(d) of the Act are redesignated as sections 6(b) and 6(c), respectively.

TITLE III—EQUAL EMPLOYMENT OPPORTUNITY ENFORCEMENT

FINDINGS AND PURPOSE

Sec. 301 (a) The Congress hereby finds that the exclusion from coverage under title VII of the Civil Rights Act of 1964 (relating to equal employment opportunity) of various individuals due to their employment by an agency of government, their personal associations, the number of other individuals employed by their employer, or their status as applicants for employment or union membership, and the inadequate provisions for enforcement of those rights, including the requirement for individuals to initiate court suits to protect their rights, denies to millions of American working men and women adequte protection of the right to be protected against discrimination in employment due to race, color, religion, sex, or national origin.

(b) It is therefore the purpose of this title to provide enforceable guarantees of equal employment opportunity to all Americans regardless of race, color, religion, sex, or national origin to every person in America without exception and to provide for full enforcement of these rights by granting the Equal Employment Opportunity Commission (hereafter referred to in this title as "Commission") powers to issue orders requiring those found to be in violation of this Act to cease and desist from such practices and to take affirmative action to correct the effects of these practices, both on the complaint of the individual aggrieved and on the basis of information otherwise available.

EXTENDING COVERAGE TO ALL EMPLOYEES, EMPLOYERS, EMPLOYMENT AGENCIES, AND LABOR ORGANIZATIONS

Sec. 302. Title VII of the Civil Rights Act of 1964 is amended to include within its coverage all employers, employees (including applicants for employment or for labor union membership), labor unions, and employment agencies by—

(1) amending section 701(b) to read as follows:

"(b) The term 'employer' means, the United States or instrumentality thereof, a State or a political subdivision thereof, or a person engaged in an industry affecting commerce.";

(2) amending section 701(c) by inserting a period after "such a person" and striking everything following;

(3) amending section 701(e)(c) by striking "twenty-five" and inserting "one";

(4) amending section 701(f) by inserting before the period at the end the following: "or applying for employment"; and

(5) repealing section 703(f) and redesignating subsections (g) through (j) as (f) through (i), respectively.

FULL ENFORCEMENT POWERS TO THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sec. 303. (a) The powers of the Commission are expanded to include the authority to initiate and require affirmative actions to implement the purposes of this title on a broad scale by repealing section 705(g)(6) of such title and substituting in lieu thereof the following:

"(6) to require persons subject to this Act to initiate affirmative action to fully implement the purposes of this title so as to completely eliminate unlawful employment practices and their effects;"

(b) Title VII of such Act is amended to provide for more effective prosecution of valid allegations of unlawful employment practices, and patterns or practices of such violations, by all persons subject to this title, including the United States Government, by providing that the Commission instead of the Attorney General shall conduct all litigation pursuant to this title by—

(1) amending section 705(g) by inserting a new subsection (7) to read as follows:

"(7) The Commission shall conduct all litigation to which the Commission is a party pursuant to this title."; and

(2) amending section 707 of such title by substituting "Commission" for "Attorney General" wherever it appears, by striking subsection (a)(1) and renumbering the following such subsections (a)(2) and (a)(3) as (a)(1) and (a)(2) respectively, and by amending subsection (b) by striking "in his opinion" and substituting "in its opinion."

(c)(1) Section 705 of such title is amended by adding at the end the following new subsection:

"(k) There shall be a General Counsel of the Commission who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The General Counsel shall exercise general supervision over all attorneys employed by the Commission (other than legal assistants to Commission members) and over the officers and employees in any State or regional offices which the Commission may establish. He shall have final authority, on behalf of the Commission, in respect of the investigation of charges and issuance of complaints under section 706, and in respect of the prosecution of such complaints before the Commission, and shall have such other duties as the Commission shall prescribe or as may be provided by law."

(2) Section 5315 of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(92) General Counsel of the Equal Employment Opportunity Commission."

(d)(1) Section 706 of such title is amended to provide that elimination of valid complaints of unlawful employment practices will be the responsibility of the Commission through the issuance of orders to cease and desist and to take appropriate affirmative action instead of relying on the filing of court suits by the aggrieved individuals for the protection of their rights, by repealing subsections (a) through (j) and inserting in lieu thereof the following:

"PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

"Sec. 706. (a)(1) Whenever it is charged in writing under oath by a person claiming to be aggrieved, or a written charge has been filed by the General Counsel where he has reasonable cause to believe a violation of this title has occurred (and such charge sets forth the facts upon which it is based) that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the General Counsel shall furnish such employer, employment agency, or labor organization (hereinafter referred to as the 'respondent') with a copy of such charge and shall make an investigation of such charge, except that such charge shall not be made public by the General Counsel. Within one hundred and eighty days after the filing of a charge by an aggrieved person, the General Counsel shall determine whether there is reasonable cause to believe such charge is true and shall notify both the aggrieved person and the respondent of such determination. If the General Counsel shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the General Counsel shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the General Counsel without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the Commission, who shall make public in any manner whatever any information in violation of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than one year.

"(2) An aggrieved person may institute a civil action against the respondent named in the charge in the appropriate United States district court, without regard to the amount in controversy, or in any State or local court of competent jurisdiction if, the General Counsel, within one hundred and eighty days, after determining that there is reasonable cause to believe such charge is true under paragraph (1), has neither issued a complaint nor effected voluntary compliance. The court may grant any relief which the Commission is authorized to grant under subsection (c).

"(b)(1) If the General Counsel determines after attempting to secure voluntary compliance under subsection (a) that he is unable to secure from the respondent a conciliation agreement acceptable to the General Counsel and to the person aggrieved, which determination shall not be reviewable in any court, the General Counsel shall issue and cause to be served upon the respondent a complaint stating the facts upon which the allegation of the unlawful employment practice is based, together with a notice of hearing before the Commission. No complaint shall issue based upon any unlawful employment practice occurring more than one year prior to the filing of such charge unless the person aggrieved thereby was prevented from filing such charge by reason of service in the Armed Forces, in which event the period of military service shall not be included in computing the one-year period.

"(2) Such hearing shall be conducted in accordance with regulations of the Commission. The respondent shall have the right to file a verified answer to such complaint and to appear at such hearing, to present evidence, and to examine and cross-examine witnesses.

"(C) If, upon the preponderance of the evidence, including all the testimony taken, the Commission shall find that the respondent engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person and other parties an order requiring such person to cease and desist from such unlawful employment practice and to take such affirmative action as will effectuate the policies of this Act, including reinstatement or hiring of employees, with or without backpay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the discrimination). The Commission may also include in its order the awarding of damages to an aggrieved individual, including damages for humiliation and mental pain and suffering, and up to

$500 punitive damages. Such order may further require such respondent to make reports from time to time showing the extent to which it has complied with the order. If the Commission shall find that the respondent has not engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person and other parties an order dismissing the complaint.

"(d) The Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

"(e) Enforcement and review of orders of the Commission shall be had in the same manner as is provided for enforcement and review of orders of the National Labor Relations Board under subsections (e) through (i) of section 10 of the National Labor Relations Act (29 U.S.C. 160(e)-(i))."

(2) Subsection (k) of section 706 of such Act is redesignated as subsection (f).

TITLE IV—FAMILY ALLOWANCES

FINDING AND PURPOSE

SEC. 401. (a) The Congress hereby finds that the future of this or any other nation depends upon its children. It is essential that they have those necessities of life which will enable them to develop into healthy and useful citizens. Such concern has led many countries to adopt family allowances plans as an integral part of their social security systems. The United States, alone among the industrialized nations of the world, does not have this type of program. In spite of the high standards of living enjoyed by many of our citizens, millions of American children are being raised in families whose incomes are such as to afford less than a satisfactory mode of existence. Experience has shown that existing income maintenance and related measures are inadequate to cope successfully with this problem.

(b) It is therefore declared to be the purpose of this title to promote the general welfare through the payment of monthly family allowances for the maintenance, care, training, education, and advancement of all American children.

PAYMENT OF FAMILY ALLOWANCES

SEC. 402. The Secretary of Health, Education, and Welfare (hereafter referred to in this title as the "Secretary"), through the Social Security Administration, shall pay, with respect to each eligible child, an allowance of $10 per month on the first day of every month, starting on July 1, 1968, after the registration of such child. The allowances shall—

(1) be paid to the mother of the eligible child, unless otherwise provided pursuant to regulation, and shall be applied by the person receiving it exclusively toward the maintenance, care, training, education, and advancement of the child;

(2) not serve as a substitute for or result in a reduction in existing benefits paid on behalf of the child by the Federal, State, or local governments under the various titles of the Social Security Act (including title IV relating to aid to families with dependent children), the Railroad Retirement Act of 1937, programs for the benefit of survivors of veterans, or any other federally supported or assisted programs; and

(3) be paid for each eligible child regardless of the income or financial status of the parents, but the allowances shall be included as part of the taxable income of the person receiving the allowance under chapter 1 of the Internal Revenue Code of 1954 and (to the extent provided therein) under any State or local income tax law. However, no allowance shall be subject to the operation of any law relating to bankruptcy or insolvency or be assigned, charged, attached, anticipated, or given as security by or in the interest of the person receiving the allowance.

ALLOWANCE CONTINGENT ON SCHOOL ATTENDANCE

SEC. 403. (a) The allowance shall cease to be payable if the child does not regularly attend school as required by the law of the State or local community in which he or she resides. In case of children unable to attend school by reason of any mental or physical infirmity, payment may be made in accordance with regulation.

(b) In those instances in which a child, otherwise eligible for payments, is no longer required to attend school because the law of the State or local community in which he or she resides does not compel attendance until the age of eighteen, such child shall be eligible only if he or she remains in school or is enrolled on a full-time basis in an educational institution, other than a correspondence school, which provides training or instruction of an educational, vocational, or technical nature to improve the qualifications of enrollees for employment or for carrying on or engaging in a trade, business, profession, or occupation. The standards for such an educational institution shall be prescribed by regulation.

DEFINITIONS

SEC. 404. As used in this title—

(1) the term "eligible child" means any person under the age of eighteen years—

(A) who is a citizen of the United States, whether or not he or she is residing in the United States; or

(B) who has been a resident of the United States for one year immediately prior to registration, whether or not he or she is a citizen of the United States; or

(C) whose father's or mother's domicile was in the United States at the time of his birth and for one year prior thereto, and who has continued to be in the United States up to the date of such registration; or

(D) who was born while his father or mother was a member of the Armed Forces of the United States or within twelve months after his father or mother ceased to be a member of the Armed Forces of the United States;

but shall not include any person who ceases to be maintained by a parent, or who marries, or who is in the United States in violation of any of the provisions of the Immigration and Nationality Act;

(2) the term "parent" means a father, stepfather, adoptive father, foster father, mother, stepmother, adoptive mother, or foster mother, or any other person, agency, or institution who (as determined under regulations) maintains wholly or substantially, or holds legal custody of, a child; and

(3) the term "regulation" means regulations prescribed by the Secretary in accordance with this title.

PENALTIES

SEC. 405. (a) Any person who knowingly—

(1) makes a false or misleading statement orally or in writing with the intention of influencing any decision with respect to the payment of an allowance under this title either for himself or for any other person, or

(2) makes or presents to the Secretary or any agent or employee of the Secretary, in connection with any claim under this title, any statement or document that is false in any material part, or

(3) accepts, receives, or converts to his own use any allowance under this title to which he is not entitled, or

(4) being a person to whom an allowance has been but is no longer payable, fails to report that such allowance has ceased to be payable,

shall be fined not more than $500 or imprisoned not more than six months, or both.

(b) Any person who knowingly violates any other provision of this title, or of any regulation, shall be fined not more than $200 or imprisoned not more than three months.

(c) No prosecution for any offense under this section may be commenced after the expiration of three years from the commission of the offense.

ADMINISTRATIVE AND PROCEDURAL PROVISIONS

SEC. 406. (a) The Secretary is authorized to prescribe such regulations as may be necessary and appropriate to carry out the purposes and provisions of this title and such regulations shall include the following:

(1) In cases where it is considered necessary and appropriate by the Secretary because of the age, infirmity, ill health, insanity, improvidence, or other reasonable condition causing the mother of the eligible child to be inappropriate as the recipient of the allowance, or because of the failure of whomever is receiving the allowance to utilize it in accordance with the provisions of section 402(1), the Secretary shall provide that the allowance be paid to the person, agency, or institution most suitable for the carrying out of the purposes and provisions of this title.

(2) Any person aggrieved by a decision regarding his right to receive an allowance, or by any other matter arising under this title, shall have the benefit of a hearing and review procedure under the terms of the Administrative Procedure Act.

(b) The Secretary shall submit to Congress as soon as possible after the beginning of each session thereof a full report of expenditures and administration in connection with this title during the previous year.

AUTHORIZATION OF APPROPRIATIONS

SEC. 407. There is authorized to be appropriated to provide for payment of monthly allowances and otherwise carry out the provisions of this title, including administrative expenses, for the fiscal year beginning on July 1, 1968, the sum of $8,600,000,000; for each subsequent fiscal year up to and including the fiscal year beginning on July 1, 1976, the sum authorized for the preceding fiscal year increased by $50,000,000; and for the fiscal year beginning on July 1, 1977, the sum of $9,000,000,000.

TITLE V—ADEQUATE HOUSING

FINDINGS AND PURPOSE

SEC. 501. (a) The Congress hereby finds that—

(1) adequate housing, and particularly homeownership, greatly contributes to family stability and community and national cohesion;

(2) only an immediate and massive increase of Federal assistance will achieve the established national housing policy of the United States of "a decent home and a suitable living environment for every American family", and, to achieve this minimal goal as soon as possible, the Federal Government must annually for the next ten years assist the financing of an additional one million housing units for low- and moderate-income families in order that every American family will have the opportunity to obtain adequate housing; and

(3) widespread slum housing, and the many social problems related to such housing, particularly for low-income individuals who frequently reside in the center of our cities, is a serious problem which in part has contributed to major civil disorders.

(b) It is therefore the purpose of this title to establish as an immediate and priority goal the full implementation of the national policy of the United States to provide an opportunity for every American to have a decent home and a suitable living environment.

PUBLIC HOUSING

SEC. 502. In order to authorize three hundred thousand additional public housing units to be financed each year for the next ten years, section 10(e) of the United States

Housing Act of 1937 is amended by striking out "1967, and 1968, respectively" and inserting in lieu thereof "and 1967, and by $275,000,000 on July 1 of each subsequent year up to and including 1977".

RENT SUPPLEMENTS

SEC. 503. (a) In order to authorize two hundred thousand additional housing units to be financed under the rent supplements program each year for the next ten years, section 101(a) of the Housing and Urban Development Act of 1965 is amended by striking out everything in the third sentence after "July 1, 1967", and inserting in lieu thereof "and by $175,000,000 on July 1 of each subsequent year up to and including 1977."

(b) In order to eliminate the various restrictions on eligibility for receiving rent supplements by establishing that the only requirement is that the individuals or families have income levels below that established in the area as the qualification for occupancy of a public housing dwelling section 101(c) of the Housing and Urban Development Act of 1965 is amended by striking out everything in the first sentence after "been determined" and inserting in lieu thereof "to have an income below the maximum amount which can be established in the area, pursuant to the limitations prescribed in sections 2(2) and 15(7)(b)(ii) of the United States Housing Act of 1937, for occupancy in public housing dwellings."

SECTION 221(d)(3) MULTIFAMILY HOUSING

SEC. 504. The section 221(d)(3) program assisting the creation of multifamily housing is expanded as follows:

(a) In order to make the program permanent, section 221(f) of the National Housing Act is amended by striking out the fifth sentence.

(b) In order to authorize an increase in the amount of Presidential special assistance funds administered by the Federal National Mortgage Association and thereby to enable the financing of an additional one hundred and fifty thousand housing units every year for the next ten years, section 305(h) of the National Housing Act is amended—

(1) by striking out "as limited by" and inserting in lieu thereof "but without regard to the limit of"; and

(2) by adding at the end thereof the following: "The total amount of such commitments made after June 30, 1968, with respect to mortgages insured under section 221 (d)(3) shall not exceed $2,500,000,000 which amount shall be increased by $2,500,000,000 on July 1 in each of the years 1969 through 1977. The total amount of outstanding authority under subsection (c) shall be reduced by the amount determined by subtracting from $2,170,000,000 the total amount of such purchases and commitments outstanding on June 30, 1968, and such reduction shall be effective as of July 1, 1968."

(c) In order to increase the amount of rent supplement funds that may be used in connection with housing provided under the program so as to make housing under the program available to those with low incomes, section 101(j)(2) of the Housing and Urban Development Act of 1965 is amended by striking out "5" where it first appears and inserting in lieu thereof "25".

(1) In order to authorize condominium ownership, section 221 of the National Housing Act is amended by adding after subsection (h) a new subsection (i), as follows:

"(i)(1) The Secretary is authorized, with respect to any project involving a mortgage insured under subsection (d)(3) which bears interest at the rate prescribed in the proviso of subsection (d)(5), to permit a conversion of the ownership of such project to a plan of family unit ownership. Under such plan, each family unit shall be eligible for individual ownership and provision shall be included for the sale of the family units, together with an undivided interest in the common areas and facilities which serve the project, to low- and moderate-income purchasers. The Secretary shall obtain such agreements as he determines to be necessary to assure continued maintenance of the common areas and facilities. Upon any such sale, the family unit, and the undivided interest in the common areas and facilities, shall be released from the lien of the project mortgage.

"(2)(A) The Secretary is authorized, upon application by the mortgagee, to insure under this subsection mortgages financing the purchase of individual family units under the plan prescribed in paragraph (1). Commitments may be issued by the Secretary for the insurance of such mortgages prior to the date of their execution or disbursement thereon, upon such terms and conditions as the Secretary may prescribe. To be eligible for such insurance, the mortgage shall—

"(i) be executed by a mortgagor having an income within the limits prescribed by the Secretary for occupants of projects financed with a mortgage insured under subsection (d)(3) which bears interest at the rate prescribed in the proviso of subsection (d)(5);

"(ii) involve a principal obligation (including such initial service charges and appraisal, inspection and other fees as the Secretary shall approve) in an amount not to exceed the Secretary's estimate of the appraised value of the family unit, including the mortgagor's interest in the common areas and facilities, as of the date the mortgage is accepted for insurance;

"(iii) bear interest at a rate which shall be periodically adjusted in accordance with regulations of the Secretary (but which shall be not less than zero or more than the highest interest rate permissible under this section and the regulations of the Secretary in effect at the date the commitment was issued for insurance of the mortgage) so that the monthly payment of the mortgagor for principal, interest, taxes, insurance, and mortgage insurance premium does not exceed 20 per centum of his monthly income; and

"(iv) provide for complete amortization by periodic payments within such terms as the Secretary may prescribe, but not to exceed the lesser of forty years or three-quarters of the Secretary's estimate of the remaining economic life of the building improvements.

"(B) The price for which the individual family unit is sold to the low- or moderate-income purchaser shall not exceed the amount of the mortgage covering such sale, as determined under subparagraph (A)(ii), except that the purchaser shall, in addition thereto, be required to pay on account of the property at the time of purchase such amount (not less than 3 per centum which may be applied in whole or in part toward closing costs) as the Secretary may determine to be reasonable and appropriate.

"(3) Upon the sale of all of the family units covered by the project mortgage, and the release of all of the family units (including the undivided interest allowable to each unit in the common areas and facilities) from the lien of the project mortgage, the insurance of the project mortgage shall be terminated and no adjusted premium charge shall be collected by the Secretary upon such termination.

"(4) Any mortgage covering an individual family unit insured under this paragraph shall contain a provision that, if the original mortgagor does not continue to occupy the property, the interest rate shall increase to the highest rate permissible under this section and the regulations of the Secretary effective at the time the commitment was issued for the insurance of the project mortgage; except that the requirement for an increase in interest rate shall not be applicable if the property is sold and the purchaser is (i) a nonprofit purchaser approved by the Secretary, or (ii) a low or moderate income purchaser who has an income within the limits prescribed by the Secretary for occupants of projects financed with a mortgage insured under subsection (d)(3) which bears interest at the below market rate prescribed in the proviso of subsection (d)(5).

"(5) For the purpose of this subsection—

"(i) the term 'mortgage', when used in relation to a mortgage insured under paragraph (2) of this subsection, shall include a first mortgage given to secure the unpaid purchase price of a fee interest in, or a long-term leasehold interest in, a one-family unit in a multifamily project and an undivided interest in the common areas and facilities which serve the project; and

"(ii) the term 'common areas and facilities' shall include the land and such commercial, community, and other facilities as are approved by the Secretary."

(2) Section 221(g)(1) of such Act is amended by inserting after "paragraph (5) of subsection (h) of this section" the following: ", or paragraph (2) of subsection (i) of this section".

(e) In order to make local public housing authorities eligible to be sponsors, section 221(d)(3) of the National Housing Act is amended by striking out "(and which certifies that it is not receiving financial assistance from the United States exclusively pursuant to the United States Housing Act of 1937)".

REHABILITATION ASSISTANCE FOR LOW- AND MODERATE-INCOME HOMEOWNERS

SEC. 505. (a) In order to provide that rehabilitation grants and loans, which are currently authorized by law to be made available to low- and moderate-income homeowners for use only in certain designated areas, may be used in any area which either is now or gives reasonable promise of becoming a stable environment, the phrase "or in an area fulfilling the requirements established in section 221(h)(3) of the National Housing Act" is inserted—

(1) after "in an urban renewal area" in section 115(a) of the Housing Act of 1949, and

(2) after "removal of structures," in section 312(a) of the Housing Act of 1964;

and section 115(a) of the Housing Act of 1949 is further amended by inserting "may make grants or" after "the Secretary".

(b) In order to increase the maximum amount of rehabilitation grants to more effectively assist low-income homeowners, section 115(b) of the Housing Act of 1949 is amended by striking out "$1,500" and inserting in lieu thereof "$2,500".

(c) In order to allow the Secretary of Housing and Urban Development to make grants and loans to rehabilitate one hundred and fifty thousand additional housing units every year for the next ten years—

(1) section 312 of the Housing Act of 1964 is amended—

(A) by striking out "$100,000,000" in subsection (d) and inserting in lieu thereof "$225,000,000"; and

(B) by striking out "October 1, 1969" in subsection (h) and inserting in lieu thereof "June 30, 1979"; and

(2) section 115 of the Housing Act of 1949 is amended by adding at the end thereof a new subsection (c), as follows:

"(c) There is hereby authorized to be appropriated for the purpose of making grants under this section the amount of $150,000,000 for the fiscal year starting on July 1, 1968; and the same sum for each subsequent fiscal year up to and including the fiscal year starting on July 1, 1977. Amounts appropriated pursuant to this subsection shall remain available until expended; and any amount which is authorized to be appropriated for any fiscal year, but which is not actually appropriated for that year, may be appropriated for subsequent fiscal years ending before July 1, 1978."

(d) The program authorized under section 221(h) of the National Housing Act, providing low-interest loans to nonprofit organizations to finance the purchase and rehabilitation of deteriorating or substandard housing for subsequent resale to home purchasers, is expanded as follows:

(1) In order to permit the interest rate on such loans to be reduced to zero so that individuals with much lower incomes may purchase homes rehabilitated by the program, section 221(h)(5) of such Act is amended by adding at the end thereof the following new subparagraph:

"(G) Any mortgage insured under this paragraph shall bear interest at a rate which shall be periodically adjusted in accordance with regulations of the Secretary (but which shall be not less than zero nor more than the highest interest rate permissible under this section and the regulations of the Secretary in effect at the date the commitment was issued for insurance of the mortgage) so that the monthly payment of the mortgagor for principal, interest, taxes, insurance, and mortgage insurance premium does not exceed 20 per centum of his monthly income."

(2) In order to extend the eligibility requirements for sponsors of housing under the program, section 221(h) of such Act is amended—

(A) by striking out "a nonprofit organization" in paragraph (1) and inserting in lieu thereof "an organization eligible as a mortgagor under subsection (d)(3)",

(B) by striking out "a private nonprofit corporation or association" in paragraph (2)(A) and inserting in lieu thereof "an organization", and

(C) by striking out clauses (i), (ii), and (iii) in paragraph (5)(F) and inserting in lieu thereof "an organization eligible as a mortgagor or a low-income purchaser, approved for the purposes of this subsection by the Secretary".

(3) In order to extend the benefits of the program to moderate-income individuals, section 221(h)(5)(A) of such Act is amended by striking out "specified (with respect to the area involved) in section 101(c)(1) of the Housing and Urban Development Act of 1965." and inserting in lieu thereof "established pursuant to subsection (d)(3)(iii) (with respect to the area involved) for occupants of housing financed under subsection (d)(3) at below-market interest rates."

(4)(A) In order to allow the Secretary to provide assistance under the program to facilitate the rehabilitation for resale of an additional fifty thousand housing units per year, section 221(h)(4) of such Act is amended by inserting after "and outstanding at any one time shall not exceed $20,000,000" the following: ", which limit shall be increased by $135,000,000 on July 1, 1968, and on July 1 of each year thereafter through 1977".

(B) In order to provide a similar increase in the amount of Presidential special assistance funds administered by the Federal National Mortgage Association, section 305(h) of such Act, as amended by section 504(b)(2) of this Act, is amended by inserting before the last sentence the following new sentence: "The total amount of such commitments made after June 30, 1968, with respect to mortgages insured under section 221(h) shall not exceed $135,000,000 which amount shall be increased by $135,000,000 on July 1 in each of the years 1969 through 1977."

ASSISTANCE FOR HOMEOWNERSHIP BY LOW- AND MODERATE-INCOME FAMILIES

SEC. 506. In order to assist one hundred thousand low- and moderate-income families every year for the next ten years in acquiring homeownership, title II of the National Housing Act is amended by adding at the end thereof the following new section:

"ASSISTANCE FOR HOMEOWNERSHIP BY LOW- AND MODERATE-INCOME FAMILIES

"SEC. 235. (a) For the purpose of assisting one hundred thousand low- and moderate-income families every year for a ten-year period in acquiring homeownership, the Secretary is authorized to make, and to contract to make, periodic assistance payments on behalf of mortgagors to mortgagees holding mortgages meeting the special requirements specified in this section.

"(b) To qualify for such assistance payments, the mortgage shall—

"(1) be insured under section 221(d)(2) or 234 (c) of this Act; and

"(2) be executed by a mortgagor having an income which is within the limits prescribed by the Secretary for occupants of a project financed with a mortgage insured under section 221(d)(3) which bears interest at the below-market interest rate prescribed in the proviso of section 221(d)(5); and

"(3) involve a single-family dwelling which has been approved by the Secretary prior to the beginning of construction or substantial rehabilitation, or a dwelling unit in a condominium project which has been approved by the Secretary prior to the beginning of construction or substantial rehabilitation: *Provided*, That the mortgage may involve an existing dwelling which meets such standards as the Secretary may prescribe, if the mortgagor qualifies as a displaced family, as defined in section 221(f), or a family which includes five or more minor persons.

"(c) The assistance payments to the mortgagee by the Secretary on behalf of a mortgagor shall be made during such time as the mortgagor shall continue to occupy the property which secures the mortgage, and under the following terms and conditions:

"(1) The payment shall be in an amount not exceeding the lesser of—

"(A) the balance of the monthly payment for principal, interest, taxes, insurance, and mortgage insurance premium due under the mortgage remaining unpaid after applying 20 per centum of the mortgagor's income; or

"(B) the difference between the amount of the monthly payment for principal, interest, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage and the monthly payment for principal which the mortgagor would otherwise be obligated to pay if the mortgage were to bear interest at a zero rate.

"(2) Procedures adopted by the Secretary hereunder shall provide for recertifications of the mortgagor's income at intervals of two years for the purpose of adjusting the amount of such assistance payments within the limits of the formula described in paragraph (1) of this subsection.

"(d) The Secretary shall prescribe such regulations as he deems necessary to assure that the sales price of, or other consideration paid in connection with, the property with respect to which assistance payments are to be made is not increased above the appraised value on which the maximum mortgage which the Secretary will insure is computed.

"(e) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to make the assistance payments under contracts entered into under this section. The payments pursuant to such contracts shall not exceed $150,000,000 per annum for the fiscal year starting July 1, 1968, which maximum dollar amount shall be increased by $150,000,000, on each subsequent July 1 up to and including July 1, 1977."

FINANCIAL AND TECHNICAL ASSISTANCE TO SPONSORS OF LOW- AND MODERATE-INCOME HOUSING

SEC. 507. (a) There is hereby authorized to be appropriated $100,000,000 per annum starting in the fiscal year beginning on July 1, 1968, to be used by the Secretary of Housing and Urban Development to make grants or loans for organizational and development expenses of nonprofit or cooperative organizations established to provide housing for low- and moderate-income families to be financed under subsection (d)(3), (h), or (i) of section 221 of the National Housing Act, or to provide housing for elderly or handicapped families to be financed under section 202 of the Housing Act of 1959.

(b) The Secretary shall disseminate information relating to programs providing housing for low- and moderate-income families and shall provide technical assistance to organizations sponsoring such programs listed in subsection (a).

LOCAL COMMUNITIES NOT ALLOWED TO OUTLAW RENT SUPPLEMENT AND 221(d)(3) PROJECTS

SEC. 508. In order to eliminate the ability of local communities to prevent rent supplement and section 221(d)(3) projects from being located inside their boundaries by failing to present an appropriate workable program for community improvement, section 101(c) of the Housing Act of 1949 is amended—

(1) by striking out "or section 221(d)(3)" where it first appears; and

(2) by striking out "(i)" immediately before "section 220" in the first proviso, and by striking out "or (ii)" and all that follows through "commitment" at the end of such proviso.

TITLE VI—FAIR HOUSING

FINDINGS AND PURPOSE

SEC. 601. (a) The Congress hereby finds that discrimination on account of race, color, religion, or national origin in the sale, rental, leasing, financing, and occupancy of housing has—

(1) resulted in the denial of the equal opportunity to gain adequate employment, housing, and education;

(2) acted to prevent the equal enjoyment of the rights and benefits sought to be provided by the United States and State and local governments under various programs and laws to all citizens;

(3) been a burden on commerce; and

(4) resulted in the disruption of domestic tranquillity.

(b) It is therefore the purpose of this title, and the policy of the United States, to assure every American a full opportunity to obtain housing for himself and his family free from any discrimination on account of race, color, religion, or national origin.

DEFINITIONS

SEC. 602. As used in this title—

(a) The term "dwelling" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

(b) The term "family" includes a single individual.

(c) The term "to rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(d) The term "discriminatory housing practice" means an act that is unlawful under section 604.

(e) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

NATIONAL FAIR HOUSING BOARD

SEC. 603. (a) There is hereby created the National Fair Housing Board (hereafter in this title referred to as the "Board"), which shall be composed of five members, not more than three of whom shall be members of the same political party, who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, beginning from the date of enactment of this title, but their successors shall be appointed for terms of five years each, except that an individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. The Chairman shall be responsible on behalf of the Board for the administrative operations of the Board, and shall appoint such officers, agents, attorneys, and employees as he deems necessary to perform functions under this title.

(b) The Board shall make a report to Congress at the close of each fiscal year.

(c) There shall be a General Counsel of the Board who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The General Counsel shall exercise general supervision over all attorneys employed by the Board (other than legal assistants to Board members). He shall have final authority, on behalf of the Board, in respect of the investigation of charges and issuance of complaints under section 5, and in respect of the prosecution of such complaints before the Board, and shall have such other duties as the Board shall prescribe or as may be provided by law.

(d) The Board may establish such regional or State offices as it deems necessary to accomplish the purposes of this title.

(e) The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any of its powers at any other place.

(f)(1) Section 5314 of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(53) Chairman, National Fair Housing Board.".

(2) Section 5314 of title 5, United States Code, is amended by adding at the end the following new paragraphs:

"(90) Members, National Fair Housing Board.

"(91) General Counsel of the National Fair Housing Board.".

DISCRIMINATION IN SALE OR RENTAL OF HOUSING

SEC. 604. (a) It shall be unlawful, because of race, color, religion, or national origin—

(1) to refuse to sell or rent, to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person;

(2) to discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith;

(3) to make, print or publish, or cause to be made, printed or published any oral or written notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination or an intention to make any preference, limitation or discrimination;

(4) to represent to any person that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available;

(5) to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation. (b) It shall be unlawful—

(1) to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin;

(2) to deny a loan to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such a loan, because of the race, color, religion, or national origin of such person or of any person associated with him in connection with such a loan or the purposes of such a loan, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such a loan is to be made;

(3) to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section.

PREVENTION OF DISCRIMINATORY HOUSING PRACTICE

SEC. 605. (a)(1) Whenever it is charged in writing under oath by a person claiming to be aggrieved, or a written charge has been filed by the General Counsel where he has reasonable cause to believe a violation of this title has occurred (and such charge sets forth the facts upon which it is based) that any person has committed a discriminatory housing practice, the General Counsel shall furnish such person (hereinafter referred to as the "respondent") with a copy of such charge and shall make an investigation of such charge, except that such charge shall not be made public by the General Counsel. Within one hundred and eighty days after the filing of a charge by an aggrieved person, the General Counsel shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the General Counsel shall endeavor to eliminate any such alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the General Counsel without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the Board, who shall make public in any manner whatever any information in violation of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than one year.

(2) An aggrieved person may institute a civil action against the respondent named in the charge in the appropriate United States district court, without regard to the amount in controversy, or in any State or local court of competent jurisdiction if the General Counsel, within one hundred and eighty days after determining that there is reasonable cause to believe such charge is true under paragraph (1), has neither issued a complaint nor effected voluntary compliance. The court may grant any relief which the Board is authorized to grant under subsection (c).

(b)(1) If the General Counsel determines after attempting to secure voluntary compliance under subsection (a) that he is unable to secure from the respondent a conciliation agreement acceptable to the General Counsel and to the person aggrieved, which determination shall not be reviewable in any court, the General Counsel shall issue and cause to be served upon the respondent a complaint stating the facts upon which the allegation of the discriminatory housing practice is based, together with a notice of hearing before the Board. No complaint shall issue based upon any discriminatory housing practice occurring more than one year prior to the filing of such charge unless the person aggrieved thereby was prevented from filing such charge by reason of service in the Armed Forces, in which event the period of military service shall not be included in computing the one-year period.

(2) Such hearing shall be conducted in accordance with regulations of the Board. The respondent shall have the right to file a verified answer to such complaint and to appear at such hearing, to present evidence, and to examine and cross-examine witnesses.

(c) If, upon the preponderance of the evidence, including all the testimony taken, the Board shall find that the respondent engaged in any discriminatory housing practice, the Board shall state its findings of fact and shall issue and cause to be served on such person and other parties an order requiring such person to cease and desist from such discriminatory housing practice and to take such affirmative action as will effecuate the policies of this title. The Board may also include in its order the awarding of damages to an aggrieved individual, including damages for humiliation and mental pain and suffering, and up to $500 punitive damages. Such order may further require such respondent to make reports from time to time showing the extent to which he has complied with the order. If the Board shall find that the respondent has not engaged in any discriminatory housing practice, the Board shall state its findings of fact and shall issue and cause to be served on such person and other parties and order dismissing the complaint.

(d) The Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(e) Enforcement and review of orders of the Board shall be had in the same manner as is provided for enforcement and review of orders of the National Labor Relations Board under subsections (e) through (1) of section 10 of the National Labor Relations Act (29 U.S.C. 160(e)-(1)).

GOVERNMENT AGENCIES TO AFFIRMATIVELY PROMOTE FAIR HOUSING

SEC. 606. (a) The Secretary of Housing and Urban Development, and all Federal, State, and local governmental agencies, shall administer their programs and activities relating to housing and urban development in a manner to affirmatively further the purposes of this title.

(b) Any violation of the above subsection or of section 604 by any such agency or department shall be considered by the Board in the same manner as are any other violations of section 604.

RESPONSIBILITIES OF FEDERALLY INSURED LENDING INSTITUTIONS

SEC. 607. (a) Every federally insured lending institution shall require legally enforceable assurances to be provided by an applicant for a loan described under section 604(b)(2) of this title that such a dwelling will be sold, leased, rented, or otherwise disposed of without regard to race, color, religion, or national origin. Full and faithful conformity with this subsection shall be a condition of receiving and maintaining the status of a federally insured lending institution.

(b) This section shall be administered and enforced by the appropriate agency or instrumentality of the United States Government which has jurisdiction over, or provides insurance for, any lending institution. Except, that in any order issued pursuant to section 605 of this title, the Board may, in its discretion, make a finding that such an institution shall be denied the status of a federally insured lending institution. Upon such a finding by the Board, such agency or instrumentality of the United States Government shall immediately initiate appropriate action to enforce such finding.

TITLE VII—MORE EFFECTIVE SCHOOLS

FINDINGS AND PURPOSE

SEC. 701. (a) The Congress finds that children attending schools in areas where there are high concentrations of children from low-income families are deprived of educational advantages made available to children in more affluent areas; that existing Federal aid for children from low-income families is designed to provide special educational services which are essentially remedial and noncurricular in nature; and that there is an urgent need for Federal support for programs which make basic and comprehensive improvements in the regular school programs. The Congress further finds that this Nation can no longer afford to delay a national commitment to more effective schools for children in low-income families.

(b) It is therefore the purpose of this title to assist local educational agencies to carry out programs for more effective schools serving areas where there are high concentrations of children from low-income families.

PROGRAMS FOR MORE EFFECTIVE SCHOOLS

SEC. 702. Local educational agencies (as defined in section 303(6)(B) of Public Law 874, Eighty-first Congress) shall be eligible for grants from the Commissioner of Education (hereafter referred to in this title as the "Commissioner") for planning and implementing intensive programs for more effective schools in areas where there are high concentrations of children from low-income families through—

(a) improved utilization of educational personnel designed to achieve a lower and more effective per-student ratio of teachers, counselors, aides, and other educational personnel;

(b) training and development programs designed to enable teachers and other educational personnel to continuously improve their training and educational capabilities while carrying out their responsibilities in the schools;

(c) comprehensive educational programs designed to meet the particular educational needs of children from low-income families including the development and implementation of new curriculum and instructional methods, materials, and equipment;

(d) construction and remodeling programs to assure adequate physical facilities; and

(e) procedures for the maximum feasible participation of parents of children served by these schools and the effective use of their services.

For purposes of this title, "children from low-income families" means children counted under section 203(a)(2) of title I of the Elementary and Secondary Education Act of 1965 for the purpose of determining the amount of basic grants made under section 203 of such title.

REQUIREMENTS FOR FEDERAL ASSISTANCE

SEC. 703. The Commissioner shall make grants under section 702 to local educational agencies for programs for more effective schools only if he determines that—

(a) the local educational agency has a workable program of a comprehensive nature for using financial resources from all sources for more effective schools for children from low-income families;

(b) schools serving areas where there are high concentrations of children from low-income families will not receive less in expenditures per pupil from State and local sources that other schools administered by the local educational agency;

(c) each program for a more effective school will be of such size, scope, quality, and design as to assure a substantial effect in meeting the educational needs of children from low-income families; and

(d) any construction or remodeling projects financed under this title will follow the prevailing wage and labor standards requirements of section 209 of title I of the Elementary and Secondary Education Act of 1965.

AUTHORIZATION AND APPORTIONMENT OF APPROPRIATIONS

SEC. 704. (a) For the purposes of carrying out the provisions of this title, there is hereby authorized to be appropriated the sum of $1,000,000,000 for the fiscal year beginning July 1, 1968; and for each subsequent fiscal year the same sum increased by annual increments of $500,000,000 until and including the fiscal year beginning July 1, 1975, and for the fiscal years beginning on July 1 in 1976 and 1977 the sum of $5,000,000,000. Sums appropriated under this subsection are authorized to remain available until expended, or until June 30, 1978, whichever first occurs. Any unappropriated portion of the amount authorized to be appropriated for any fiscal year may be appropriated in any subsequent fiscal year during the period beginning July 1, 1969, and ending June 30, 1978, in addition to the amount otherwise authorized to be appropriated for such subsequent fiscal year.

(b) Sums appropriated to implement the purposes of this title for any fiscal year shall be apportioned by the Commissioner among the States in proportion to the number of children from low-income families within each State. Sums apportioned for any particular State beyond that needed for grants to eligible applicants shall be reapportioned to other States on the same basis.

TITLE VIII—FULL POSTSECONDARY EDUCATIONAL OPPORTUNITY

FINDINGS AND PURPOSE

SEC. 801. (a) The Congress hereby finds that—

(1) the financial costs of postsecondary education, whether in a college or a technical or a vocational institution, are creating an increasingly difficult burden for individual students and their families, educational institutions, and State and local government;

(2) it is inequitable and unreasonable that the portion of the costs of education appropriately to be borne by the individual students and their families, should primarily be paid while the student is enrolled;

(3) partly due to the above reasons, millions of Americans are being denied an equal opportunity to obtain a postsecondary education or to obtain such an education at an institution suited to their needs and abilities;

(4) a postsecondary education is increasingly necessary for citizens to secure adequate employment and further that a much more highly trained labor force is necessary if the American economy is to create the additional employment opportunities to provide full employment opportunities to all;

(5) institutions of higher education need to receive increased Federal financial assistance if they are to expand in response to the expected increased demand for education; and

(6) the growing and serious shortage of elementary and secondary teachers has resulted in the denial of equal educational opportunities at those level of education to millions more of Americans.

(b) It is therefore the purpose of this title to—

(1) assure a full educational opportunity beyond high school for all Americans through a program of longterm low interest loans to students regardless of financial status and through increased Federal grants to institutions for higher education to provide for the necessary expansion of such institutions of higher education to provide for necessary expansion of such institutions; and

(2) to encourage a greatly increased number of qualified individuals to teach in elementary and secondary schools, particularly in low income areas and in programs to combat poverty, unemployment, or cultural disadvantage.

POSTSECONDARY EDUCATIONAL LOAN PROGRAM

SEC. 802. The Commissioner of Education (hereafter referred to in this title as the "Commissioner") shall establish and administer a program of loans to students in postsecondary educational institutions. He shall issue reasonable and necessary regulations in furtherance of the purposes of this title. These regulations shall be consistent with the following:

(a) All individuals expecting to be enrolled as undergraduate students in postsecondary institutions shall be eligible to apply for loans without regard to the financial status of themselves or their families. The final granting of the loans shall be subject to the actual enrollment of the individual and the amounts of the loans granted shall be for no more than the period for which the individual is certified by the institution as being enrolled.

(b) Loans shall be for whatever amount the Commissioner determines is necessary to pay for the tuition, other educational expenses, and reasonable living expenses up to a maximum rate of $4,000 per academic year and for a maximum of five full academic years, but the total amount loaned to any individual shall not exceed $15,000.

(c) The contract for the loans shall provide for repayment over a period ending when the borrower attains the age of sixty-five years.

(d) Interest shall accrue on the loans, starting in the first year during which repayment on the principal is required, at the rate of 3 per centum on the unpaid balance.

(e) The Commissioner shall establish various and appropriate repayment schedules including—

(1) equal monthly repayments during the entire term of the loan; and

(2) a graduated schedule of increasingly larger payments during the entire term of the loan to be in relationship to the expected increase in the average incomes of borrowers during their income-producing life-span.

(f) Borrowers may elect to change from a repayment schedule described in paragraph (1) of subsection (e) to a schedule described in paragraph (2) of subsection (e) at any time during the term of the loan. Borrowers may also pay amounts on the principal and interest of the loan in advance of the schedule without penalty.

(g) No payment of the principal shall be required nor shall interest accrue for a period not in excess of five years, while the borrower is enrolled in any postsecondary educational institution, nor for a period not in excess of five years while the borrower is enrolled in any program of graduate or professional education supervised by any postsecondary educational institution, nor during service, not in excess of three years, in the Armed Forces, Peace Corps, or Volunteers in Service to America.

(h) The liability to repay any loan shall be canceled upon the death of the borrower, and shall be suspended during any period of total disability (determined under regulations of the Commissioner).

(i) As used in this section the term "postsecondary educational institution" shall have the same meaning as an "eligible institution" under subpart B of title VI of the Higher Education Act of 1965 or under the National Vocational Student Loan Insurance Act of 1965.

LOAN CANCELLATION FOR SERVICE AS A TEACHER

SEC. 803. (a) Not exceeding 50 per centum of any loan provided under section 802 shall be canceled for service as a full-time teacher in an elementary or secondary school described in section 205(b)(3) of the National Defense Education Act of 1958, at the rate of 10 per centum of the total amount of such loan for each complete academic year of such service.

(b) Not exceeding 100 per centum of any such loan, shall be canceled for service as a full-time teacher in—

(1) a school which has a high concentration of children from low-income families in accordance with the criteria used in implementing title I of the Elementary and Secondary Education Act of 1965; or

(2) a program of special, including preschool, education, or training designed to combat poverty, unemployment, or cultural disadvantage under the Economic Opportunity Act of 1964 or the Manpower and Development Training Act of 1962,

at the rate of 20 per centum of the total amount of the loan for each complete academic year of such service.

EXPANSION OF HIGHER EDUCATION FACILITIES

SEC. 804. To provide for the expansion of higher education facilities as will be required by the growing demand for higher education, especially as is stimulated by this title, section 401(d) of the Higher Education Facilities Act of 1963, is amended by—

(a) striking the Federal matching share for higher educational facilities of "33⅓ per centum" and inserting in lieu thereof "66⅔ per centum;" and

(b) striking the Federal matching share for community colleges of "40 per centum" and inserting in lieu thereof "70 per centum."

AUTHORIZATION OF APPROPRIATIONS

SEC. 805. (a) For the purposes of carrying out the provisions of this title, except for section 805, there is hereby authorized to be appropriated the sum of $1,000,000,000 for the fiscal year beginning on July 1, 1968; and for each subsequent fiscal year the same sum increased by annual increments of $500,000,000, until the fiscal year beginning on July 1, 1976; and for each fiscal year thereafter the sum of $5,000,000,000.

(b) For the purposes of carrying out the provisions of section 804 of this title, section 101(b) of the Higher Education Facilities Act of 1963 is amended by striking out everything in the first sentence following "June 30, 1968" and inserting in lieu thereof the following: "$1,800,000,000 for the fiscal year beginning on July 1, 1968; and for each subsequent fiscal year the same sum increased by annual increments of $300,000,000 up to and including the fiscal year beginning July 1, 1975; and for the fiscal years beginning on July 1 in 1976 and 1977 the sum of $4,200,000,000. Sums appropriated under this subsection are authorized to remain available until expended, or until June 30, 1978, whichever first occurs. Any unappropriated portion of the amount authorized to be appropriated for any such fiscal year may be appropriated in any subsequent fiscal year during the period beginning July 1, 1969, and ending June 30, 1978, in addition to the amount otherwise authorized to be appropriated for such subsequent fiscal year."

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1968

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. HATHAWAY. Mr. Speaker, we hear a lot of talk these days from some quarters about the Federal Government trying to impose its will on industry just because it wants to protect the health and safety of the American workers. This is nonsense. The bill we are currently considering would merely set and enforce standards in the workplace, standards most Americans think are already there. This is the Occupational Safety and Health Act of 1968.

This is not a Big Brother bill.

This is not a bullying bill.

This is a compassionate bill—an urgently needed bill.

President Johnson has stated that safety standards on the job are narrow. Research lags behind. Enforcement programs are weak. He has said:

> The Federal Government offers the worker today only a patchwork of obsolete and ineffective laws.

In fact, the last comprehensive law dealing with worker safety was passed by Congress more than 30 years ago.

Let us not be kidded by scare stories. The real scare story is the death and disability with alarming frequency to our workers on the job.

GUERRILLA WARFARE ADVOCATES IN THE UNITED STATES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. ASHBROOK. Mr. Speaker, today the House Committee on Un-American Activities issued a report entitled, "Guerrilla Warfare Advocates in the United States," which should be must reading for those concerned about the long list of rioting and civil disorders which have plagued this country in recent years. The report brings to light the nature of some of the radical groups which seek to create dissension and strife among citizens of this Nation. It was hoped that the recently issued "Report of the National Advisory Commission on Civil Disorders,"—popularly known as the Kerner Commission—would have alerted the American people to the extreme and dangerous nature of some of these organizations. Unfortunately, the Commission disposed of this very important aspect of the riots in a 1-page commentary on "Organized Activity" which they called chapter 3. To be sure, in other sections of the report mention is made of certain radical elements, both organizations and persons, but this treatment by the Commission is so superficial that it is tantamount to a whitewash.

For a birds-eye glimpse of the material which is covered in this latest report of the House Committee on Un-American Activities, a listing of the table of contents follows:

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As can be seen from the above, the riots in Harlem, Watts, and Cleveland are the subject of review. Although these disorders occurred before 1967, and the Kerner Commission dealt primarily with the riots of 1967, the very existence of these organizations and their past records should have been extensively explored by the Commission for the information of the public. The Commission did find that "militant organizations, local and national, and individual agitators, who repeatedly forecast and called for violence, were active in the spring and summer of 1967." The Commission further stated:

> We believe that they deliberately sought to encourage violence, and that they did have an effect in creating an atmosphere that contributed to the outbreak of disorder.

Despite this finding, the Commission either expressly omitted or overlooked a comprehensive treatment of these radical individuals and groups, which have been operating in the past and are still with us today.

I agree with the Commission that "the continuation of disorders and the polarization of the races would provide fertile ground for organized exploitation in the future." For this reason, and because of the deplorably inadequate treatment given this aspect of the riots, I believe that as many citizens as possible should become acquainted with the material contained in "Guerrilla Warfare Advocates in the United States." I place the press release accompanying this report, along with the foreword by Chairman EDWIN E. WILLIS of the House Committee on Un-American Activities in the RECORD at this point:

[Committee on Un-American Activities press release, May 6, 1968]

Urban guerrilla fighters will "strike by night and spare none" when they launch their revolution in the United States, according to one of their leaders. They will engage in mass sabotage; knocking out electrical power and transportation systems, blocking traffic and burning buildings. They will do these things "like panthers—smiling, cunning, scientifically."

Their weapons will include Molotov cocktails, acid bombs, sniper rifles, phosphorous matches, hand grenades and machine guns, among others, including a "simple, silent but deadly" weapon which is "most potent at night," the poisoned dart.

These claims and other statements spelling out the strategy, tactics, devices and weapons of groups and individuals who hope to launch guerrilla warfare against the United States are contained in a report released today by the Committee on Un-American Activities.

The report, "Guerrilla Warfare Advocates in the United States," quotes extensively in some cases, the leaders and official publications of the Revolutionary Action Movement (RAM) and its chairman, Robert Williams, a fugitive from justice now in Peking; the Progressive Labor Party; the New York-based Revolutionary Contingent, and Students for a Democratic Society. It also reviews the role played by certain Communist and black militant individuals and organizations in the Harlem, Watts, Cleveland and Chicago riots.

It states that mixed Communist and black nationalist elements are today planning and organizing paramilitary operations in the United States and that it is their intent to instigate additional riots which will pave the way for a general revolutionary uprising fought along guerrilla warfare lines.

The Communist Party USA, the report states, supports Negro violence and rioting, but is opposed to the launching of guerrilla warfare operations at this time, holding that conditions are not ripe for success. It has pointed out that premature actions of this type in the past have "led minority groups to slaughter and caused movements to be set back for many years."

The report also states that guerrilla warfare advocates are trying to use misguided teenagers and militant Negroes as shock troops in a racial war.

The bulk of the report was prepared by Phillip Abbott Luce, a former activist in the Communist, pro-Red Chinese Progressive Labor Party and an editor of its official publication prior to his defection from Communism. It analyzes the plans of the guerrilla warfare advocates in the light of traditional and current Communist doctrines on guerrilla warfare and finds that certain elements deemed necessary for successful guerrilla warfare operations are lacking in this country today. It draws the conclusion that the guerrilla fighters would initially succeed in creating chaos, although government forces and police would defeat them.

Committee Chairman Edwin E. Willis, in a foreword to the report, expresses the view that the guerrilla warfare plotters in this country would pose little danger to the United States if this country "did not face an international Communist threat with the ever-present possibility of its being militarily engaged in other parts of the world."

Suppressing guerrilla warfare operations in the U.S., however, would pose "a most serious problem," he said, if they were launched simultaneously in a number of major cities while our military forces were committed "in substantial numbers" to actual combat in a number of other areas of the world.

"The threat of guerrilla warfare may be completely dissipated within a few years, or it might be greater than it is today," he added. Meanwhile, he said, the Committee is releasing the report as part of its duty to inform the Congress and the American people of matters warranting their attention "if our national security is to be preserved."

FOREWORD

A few years ago, the overwhelming majority of Americans—including those best informed about security matters—would have scoffed at the idea of guerrilla warfare operations in the United States directed against our Government. Today this idea does not seem as fantastic and ridiculous as it did a relatively short time ago.

During the 1964 Harlem riot, Jesse Gray, the former Harlem organizer for the Communist Party, called for guerrilla warfare against the United States.

This committee has received testimony indicating that agents of North Vietnam have trained some Americans in guerrilla warfare in Cuba.

The Progressive Labor Party, the major Peking-oriented Communist organization in the United States—again, according to testimony received by this committee—has distributed literature not only calling for guerrilla warfare against this country, but even spelling out how it should be conducted.

Stokely Carmichael, speaking apparently for the ultramilitant black nationalist element in this country, recently stated, "Our movement is progressing toward an urban guerrilla war within the United States itself."

There can be no question about the fact that there are mixed Communist and black nationalist elements in this country which are planning and organizing guerrilla-type operations against the United States.

This committee report is designed to alert the Congress and the American people to the plans and the strategy of some of these elements—to alert them to the fact that what seemed absurd a few years ago may not be so farfetched today.

The greater part of this report was prepared by Phillip Abbott Luce, an activist in the Progressive Labor Party and editor of its official magazine prior to his break with the organization in January 1965. Mr. Luce received a bachelor of arts degree from Mississippi State University and a master's degree in political science from Ohio State University. He has authored two books and numerous articles for well-known magazines. This report is based on both Mr. Luce's study and research on the subject of guerrilla warfare and on his actual experiences in the Progressive Labor Party, whose leaders boldly spoke of inciting guerrilla warfare in the United States and played a key role in fomenting the Harlem riot of 1964.

An outline of this study was first submitted to me early in 1966. Disturbed by some of the facts contained in it, I initiated the steps necessary to finance Mr. Luce's preparation of this study for the committee. The original draft was submitted to the committee in the spring of 1967. It has since been enlarged by the inclusion of additional factual material developed by the committee staff.

Some authorities may question Mr. Luce's assessment of the precise degree of success urban guerrilla warfare elements might achieve in this country. One specialist, for example, has taken a much more pessimistic view of our Government's ability to cope with urban guerrillas.

Events which no one can foresee today will, of course, vitally affect the plans and possible success of elements plotting guerrilla warfare. No one can today predict with certainty whether such warfare will actually be attempted and just how successful it might be. Mr. Luce's accurate prediction, months before the events, of the violent and massive riots of the summer of 1967 indicate, however, that his views on this subject are worthy of consideration.

It is my personal view that if the United States did not face an international Communist threat with the ever-present possibility of its being militarily engaged in other parts of the world, guerrilla warfare advocates would pose little danger to our country. Should our military forces, in substantial numbers, be committed to actual combat in a number of other areas of the world, however, suppression of guerrilla warfare operations which were launched simultaneously in a number of major cities could pose a most serious problem.

There is no such thing as total security.

Threats and dangers to freedom are ever changing in their nature and scope. In the 30 years of its existence, this committee has seen and fought various threats to the United States. Our existence as a free and independent nation has been challenged by Nazis, Fascists, and Communists. Today a new threat is arising—a threat created by a mixture of Communists ultraracist conspirators. A few years may see this threat completely dissipated—or much greater than it is today. Whatever develops, it is my belief that the committee, in releasing this report, is carrying out its duty of informing the elected representatives of the people—and the people themselves—of matters that warrant their attention if our national security is to be preserved.

EDWIN E. WILLIS,
Chairman.

REV. H. HAROLD WELLS, JR., FIRST PRESBYTERIAN CHURCH, BRYAN, TEX.

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. TEAGUE of Texas. Mr. Speaker, the Reverend H. Harold Wells, Jr., pastor of the First Presbyterian Church, of Bryan, Tex., delivered a sermon on Sunday, April 28, 1968, which he entitled "Crisis in the Nation." I commend its reading to my colleagues in the Congress.

The sermon follows:

CRISIS IN THE NATION

(Matthew 25:31–46)

A Man, unlike any other man, once walked the streets of our earth. When He had completed His work He left a world changed and pointed in a new direction. He also left a group of people who were instructed to continue that process of change, and gave them His own truth and power to accomplish this.

His life, reaching its climax at Easter, offered to the world hope, for it is His world. The Scriptures say that He is "King of Kings and Lord of Lords".

During His years of ministry He spoke, and His words were words of change and hope to all men. Life does not have to be filled with oppression and pain. He came saying to them *"You have heard it said by men of old, but I say to you"*, and every word of change he offered was a word that led men away from suppression, rejection, and pain.

His whole ministry was one of servanthood for others. In fact, He deliberately set His ministry in that context when He began, for when He preached His first sermon he chose as a text that passage in Isaiah which said, *"The Spirit of the Lord is upon me because he has annointed me to preach good news to the poor, release to the captives, recovery of sight to the blind, to set at liberty those who are oppressed."*

Having shown the purpose of life on earth He said, this is worth dying for. He said, *"If any man would come after me let him deny himself and take up his cross daily and follow me."* A cross was an instrument of death.

While He was proclaiming such good news to men He also acted it out. He meant every word He said, and lived it. He transformed every situation He entered. He healed and restored people to respectability and meaning, and left every situation between men redeemed, except when they would not listen to Him or be willing to change. He practiced what He preached.

And then He died. He didn't just sweet talk, He put His life where His mouth and heart were, and died for what He taught. He wasn't killed because He said He would be the Saviour from sin. He died because He told men that life meant love and unselfishness and justice and peace between people, and those in authority didn't want to hear this, and they killed Him.

Now many men have died for what they believed. The difference is that Easter proved that what He believed and taught was not biased, inadequate, or optional. He is King of Kings and Lord of Lords.

Today there is in the world a group of people called by His name. We are those people, for we are Christians, Christ's men, Disciples, Servants of Jesus Christ.

As His followers we remember what He said about change, and we like others do not like to change, but since He said it was happening and should happen we become a part of every change He would make in His world.

We, too, enter into the servant role. The Scripture we just heard is one of the most powerful from His lips saying to us that when we consider how we will serve our Lord we do it by serving others, stooping to the needs of the hungry and those who receive injustice, and those in prison, and all who need us, and in serving them, we serve Him. His word is so clear, we dare not disobey.

And we, too, die. We remember the history of the church and tales of saints and martyrs, and we realize that that is part of our heritage. We may not be called upon to die literally, but we all die to ourselves and what we want in order to live to what our Lord has commanded. This is a daily dying, and it isn't easy. It's amazing isn't it, that we who have received eternal life must die, but we die to what is limited and inadequate and live to what is holy and eternal. It's a pretty good exchange.

There is, my friends, a verse spoken by our Lord that haunts and frightens me. I wish He hadn't said it, but He did, and I have to make it a part of my life as a Christian. He said *"Why do you call me Lord Lord and not do what I tell you."* When I realize that He has left a group of people in His world to carry on what He was doing, and that we are those people then this verse has special meaning. When I call Him Lord, then I enter into His work and do what He says, for He also said, *"Not every one who calls me Lord Lord shall enter the Kingdom, but He who does the will of my Father"*. We and our Lord are in His Kingdom work together.

Now, if we believe this, if He is Lord and we follow His teaching and example, then when something happens in His world we become a part of it, redemptively, in love of all men, and as servants, even to the point of death.

My friends, something is happening in His world, that world of which we are a part. Since it is His world and He is in the middle of its life, then we need to remember that our Scripture this morning made it clear that He expects to be in the middle of it through us, His church.

Right here in our own country, His country, there is racial upheaval. People are out in the streets. Groups are moving into armed camps.

Somehow our great nation, affirming all along that we are under God, with all of our wonderful history and struggle in the cause of freedom, has made one terrible error. We have brought to our shores forceably one group of people and said, "you have come to the land of freedom, where all men are created by the maker equal, that is all men but you. You can't live here like the rest of us, you are different."

We have done this for over 200 years, and then we have stood in judgment of these people. We have said, "you cannot have good schools, we will not supply you with good churches and trained ministers, you cannot have jobs as good as others and make a decent wage, you cannot have a heritage of culture and good manners," and then after 200 years of such life we have looked at them acting without education, and without Christian morals, and with poor manners, and we have said, "see, see they are not like us, they are inferior to us." May God have mercy on our souls.

Now, they are in the streets. We made the mistake of letting them see our history books telling how our forefathers would not stand for taxation without representation, and fought for their freedom.

But they have gone us one better. For ten years they have been in the streets, marching peacefully, singing, praying, facing hoses, clubs, and dogs from our people calling for equal rights. But, we have not listened. We have hated them for it.

Now, they are angry, and I don't blame them. Where did they get the patience to wait so long? Now they are in the streets, and the judgment of God is upon us. Did we really think that God would judge others' sins, and not ours?

We have inherited a society that says to them, "you are not individuals, you are a group to be rejected and in servitude." No wonder they are resentful.

Herb Meza is one of the ministers of our Presbytery who understands this. He grew up in Tampa, Florida in the Latin American Community. As a boy when he went to the beach he would see signs, "No Dogs or Latins Allowed", and he began to hate the white man. He also had trouble respecting himself. He became rebellious. But then he met Jesus Christ and received his manhood, not from whites or Latin, but from God, and now he can love and serve all men.

I can't really understand this completely like Herb does, because I am white. I have the right parents, the right color, no one ever tells me I cannot enter a place because of my ancestry or the place of my birth. I'm in the "in" group, and I'm not very proud to be there if we hold any man out.

I wonder how many of us have ever developed a close friendship with a negro family. I am not talking about your friendship with your maid or yard man or janitor, for they are not really your friends, they are you employees, and not welcome outside of working hours. I mean, how many of you have ever known personally a negro who was a PHD like some of our PHDs at the university. I remember about ten years ago when Lawrence Bottoms came to Oklahoma City. He came to a meeting like the one some of you ladies went to last month when he was the speaker again. Our church was the host church, so we had him at our home for meals and overnight. Lawrence Bottoms is a negro.

Charlotte and I wondered how our children would receive him. They loved him, and it never occurred to them that there was anything different, and the ones old enough remember him happily to this day. When we accept people as individuals, as Christ did, and not in groups, then we can be a part of the redemptive forces in our society.

I read the magazines today and I see a great awareness of the problem. Here is an article from McCalls for white America to look at its attitudes. Here is a full page ad from last week's Post placed by Insurance People reminding us that our greatest danger as a nation is not from without but when we cease to care about people. Our Government has just completed a major study on civil disorders. How many of us have read it, or care?

I remember how Jesus wept when He came to Jerusalem when He realized that the Holy City would fail to realize her destiny. Do you think He weeps today, and do you weep when you consider that the church of Jesus Christ, with His instructions of love and brotherhood and dying for His cause is one of the last great strongholds of segregation? We are the ones with the good news of acceptance and love, and the last to move.

Last year I sat in a Session meeting where a Session was considering how it would receive a Negro woman. An elder said, "My church is the last place left to me where we can keep them out. Don't let her in." I wanted to weep. His church? I thought the church belonged to Jesus Christ, and His instructions are clear.

So, I repeat, if we believe that He is Lord and we are His followers, then when something happens in His world where He is and wants us to be, then we must act as He would, in love, as servants, even to the point of death.

The Church of Jesus Christ stands today at a crossroad. We have a chance to be great. We can believe that our Lord meant what He said about interpersonal relationships and accept our heritage of love and change and suffering, or we can forget what He said and invite His judgment, and rejection.

To be faithful today means some changes, and we don't want to change. I don't want to change, I confess it. I would much rather go on peacefully and happily and surrounded by beauty and joy go my merry way. But these sweet words are not the marching orders to the church in the midst of pain in 1968.

It means we will have to love in a new way, not those whom I would choose, but those whom Christ chooses. I no longer have the alternative to be choosy about those I love, not in a time of crisis when our Lord calls us to loving action. The church must act decisively or perish.

It means that we will have to serve not just on some committee that suits our fancy and schedule but out in the world where Christ is. The church has thought too long that Christ was here in the building, and now that we know He is out in His world trying still after 2,000 years to bind up the broken lives of men, and He says to us, He shouts to us, "come out here where I am and help me. Come out here in the middle of the pain and blood and rejection and helplessness of men. That's where I am," he says.

It means we will have to die, not in body, but to what we want in order to do what He wants.

What can we in this room do? Let me make three suggestions.

1. Let us examine our attitudes. We must do this with absolute honesty. In this room this morning there are many, many shades of feeling on this matter. None of us has all the truth. I know I don't, and I'm sure there is no one else who does.

In the writings of Paul he says that we are "to take every thought captive to obey Christ". Doesn't this mean that we need to take every thought we have on the race question and examine it with scrupulous honesty, remembering how our minds play tricks on us so that we can justify the position that we want to take?

To do this will be painful. Last week I was talking to a lady about this and she said, "These will be tough days in the church," and I was grateful to her for saying this because it reminded me of two things. The great days of the church have always been tough days. It also reminded me that it was pretty tough and painful on the cross.

2. The second suggestion I have is an exciting one. I invite you to join your fellow Christians in a serious study of what all this means. Our denominational leaders at the Board of Christian Education have prepared a three months study called "Crisis In The Nation" and offered it for us to use. It will give us opportunity to look honestly at what is happening in our nation from a Christian perspective, and then point to steps to remedy it as Christians. Our Presbytery has realized the value of this and offered helps to us. The Session of your church has studied this and approved its use in all our church school classes from 7th grade up throughout our church. I invite you to join in this study, perhaps the most significant study our church has ever had. It begins next Sunday, May 5th.

3. My third suggestion to us all is that we die. I am asking you to die. I don't think any of us will die physically, but didn't all of us say when we professed our faith in Jesus Christ that we should die to self and live to Him?

Now we have an opportunity to prove this, by laying every attitude on race out bare and naked in full view, just as He was when

He was on the cross, presenting it to Him and saying, "Lord what do you want me to do about this", and let His Spirit give the answer rather than the neighbor next door or your favorite magazine.

My friends, as a Christian minister and a preacher who trembles every Sunday at the responsibility of coming into this pulpit to speak for God to you, I say to you today that Jesus Christ, the Lord of History, is calling His church to be a redemptive force in the biggest problem of human relationships of our time.

I pledge myself to face the crisis in our nation as a follower of Jesus Christ, no matter what it costs.

Will you go with me?

THE STATEMENT OF INVESTORS LEAGUE, INC., BY WILLIAM JACKMAN, PRESIDENT, BEFORE THE REPUBLICAN GOVERNORS' PLATFORM COMMITTEE HEARINGS, MAY 1968

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. UTT. Mr. Speaker, I ask unanimous consent to insert in the Extensions of Remarks a statement made by Mr. William Jackman before the Republican Governors' Platform Committee hearings. Mr. Jackman's tax recommendations are sound, and should be adopted.

The statement follows:

STATEMENT OF INVESTORS LEAGUE, INC., BY WILLIAM JACKMAN, PRESIDENT, BEFORE THE REPUBLICAN GOVERNORS' PLATFORM COMMITTEE HEARINGS, MAY 1968

My name is William Jackman, I am president of the Investors League, a voluntary non-profit, non-partisan membership organization of individual investors from every State in the nation with offices at 84 Fifth Avenue, New York, New York 10011.

Mr. Chairman and distinguished members of your Committee: I wish to thank you for the privilege of presenting our views concerning the Platform recommendations you may care to have included in the 1968 Republican National Platform which will be adopted at your Convention this summer in Miami.

We will merely summarize our proposals without elaboration. We will confine our recommendations to those fields in which America's 24 million investors have a primary interest.

FEDERAL TAXES

Our entire Federal Tax structure is in a mess and loaded with many inequities. We urge provisions in your Platform that would:

(1) Create a non-partisan "Hoover-type" commission to examine our entire Federal tax structure and our government spending programs and make recommendations for a complete reform of our fiscal policies.

(2) Amend federal income laws to gradually eliminate:

(a) Double taxation of corporate earnings (a practice grossly unfair to investors).

(b) The progressive feature of the income tax (a scheme for destroying wealth directly copied from the Communist Manifesto).

(c) The tax on long-term capital gains (this is no tax on income at all. It is a grossly unfair transfer tax. Recent independent surveys indicate that the Treasury would reap a windfall if this tax were to be cut in half at the present time).

(3) There should be no income tax surcharge. There should be drastic cuts in Federal spending instead.

(4) Oppose any attempts to reduce oil and gas depletion allowances. Such reductions would tend to curtail exploration, decrease our fuel supplies and increase the price of oil, gasoline and natural gas to the consumer.

LABOR LAWS

Strikes that threaten the national safety and wage demands that are greatly in excess of productivity are threatening the national power of the labor bosses. Remedial legislation in this field is necessary. We would recommend legislation that would:

(1) Place all unions under the anti-trust laws.

(2) Abolish compulsory unionism and adopt a national "right to work" law.

(3) Abolish the politically loaded, National Labor Relations Board and replace it with a new Labor Court where true justice could be obtained for all.

PUBLIC POWER

Government financed electric power projects should pay federal taxes on their gross income equal to the taxes paid by the investor-owned utilities. The Federal government and any of its agencies should be forbidden to lend money to anyone at an interest rate lower than the Federal government itself must pay.

CONGRESSIONAL PROCEDURE REFORM

Last, but most important, is the need for new rules by Congress to thwart one of the most glaring abuses in our legislative proc. ess. Many times bills are introduced in Congress that require immediate decision. They are frequently delayed indefinitely by a flock of non-germane amendments on which the overburdened Congressional Committees must have additional hearings. A glaring example of this abuse was in connection with the recent House passed bill to extend the Korean excise taxes on automobiles and telephone service which were due to expire May 1, 1968. This House passed bill was sent to the Senate where a host of amendments were tacked on, especially one to impose the income tax surcharge which the House Ways and Means Committee had already rejected. After all, tax-legislation is supposed to originate in the House and not in the Senate. This is a wasteful practice and must be stopped. We urge a plank in your platform to forbid non-germane amendments to any bill before either House of Congress.

We urge that Congress give serious consideration to selling the inefficient deficit ridden Post Office Department to a Government owned non-profit corporation.

We also urge that the President be given the "item veto power" of all legislation.

Gentlemen, we expect to testify before the Platform Committees of both major parties at their Conventions this summer. The above summary contains the gist of the subject matters upon which we will elaborate at that time. We have conducted a national poll of investors. The above recommendations seems to be the issues which over 90% of them favor. America's 24,000,000 investors need your attention. They are a larger group than organized labor or any other organized group in America. Their interests have been too long neglected. After all it is from their savings and investments that all jobs are made possible. We urge you to give their interests every possible consideration. We will be glad to elaborate in detail on any of the topics mentioned if you so desire.

Gentlemen, I thank you.

WILLIAM JACKMAN.

POLITICS IN FLUX—VI

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. FINDLEY. Mr. Speaker, as a member of the House Committee on Foreign Affairs, I find the recent events in Czechoslovakia very revealing. Without outside help the Slovak and Czech peoples were able to reestablish their freedoms obstructed for over two decades under Czech Stalinism. I can see the example of Slovak intellectuals—joined in common cause for their historic dedication to freedom by Czech counterparts as a true catalyst not only for Czechoslovakia but for all nations which are still ruled with authoritarian methods.

It is indeed interesting to note that it was the communication media—the press, radio, and television—which played a most important role in bringing to light the past horrifying experiences of the Stalin era the era of the cult of personality. The Czechs and Slovaks are no longer isolated. Let us resolve that they will remain free for a long time as we look with particular attention on the present and future events in Czechoslovakia watching that another Hungary will not occur inside that East European country.

I note that an interesting article appeared recently in the USIA's Problems of Communism, under "Politics in Flux—VI, Slovakia: Catalyst of Crisis," and include it in the RECORD:

POLITICS IN FLUX—VI, SLOVAKIA: CATALYST OF CRISIS

(By Stanley Riveles)

(EDITORS' NOTE.—In the light of the drama that has been unfolding in Czechoslovakia in recent months, it is worth recalling that the first article in our series "Politics in Flux" was devoted precisely to this country ("Czechoslovakia: Toward One Party Pluralism," by Morton Schwartz, January-February 1967). Nor is it altogether fortuitous that the most significant political—as well as literary—writings over the past few years (some of which were analyzed by Mr. Schwartz) emanated from Slovak rather than Czech scholars, journalists, and literary figures. The Slovaks have long considered themselves the disfranchised of the two major ethnic groups that comprise this small Central European country, and their struggle against the oppressive practices of the government in Prague, first inspired by specifically national grievances, has over the years become both the symbol and the substance of the overall struggle against the authoritarianism of the Novotny regime. In the article below, Mr. Riveles deals primarily with Slovak nationalism as such, a force that more than any other has contributed to the spectacular debacle of Czechoslovak Stalinism.)

For the first time in Czechoslovak history, a Slovak, Alexander Dubcek, has become the most powerful figure in the binational state. This article will cast a backward glance at the growth of Slovak nationalism since the founding of Czechoslovakia in 1918, and will focus major attention on developments during the Communist era.

Throughout the First Republic, or interwar period, the Czechoslovak state functioned along strongly centralist lines, with all legislative and administrative power vested in Prague. During this period, although Czechoslovakia was the only Central European democracy worthy of the name, its leaders' belief that the Czech and Slovak nations could be merged into a uniform society—and hence ruled without friction by a central government—was not to be borne out by events. The leaders of the First Republic had sadly underestimated important differences in the historical and economic development of the two peoples. The Slovaks had become considerably Magyarized and their economy had not prospered under two centuries of Hungarian rule; the Czechs, on the other hand, had laid the foundations of a competitive modern economy under the more dynamic and westward-looking Hapsburgs.

With the approach of World War II, the gradually rising level of education and political consciousness among Slovaks only increased their sense of being at a distinct disadvantage in a union dominated by a larger, more advanced nation with an alien historical tradition. This sense of inequality eventually drove significant numbers of Slovaks to the extreme Right, paving the way—in 1939—for an independent Slovak State with the fatal blessing of the Third Reich.[1]

At the close of the war, Slovakia rejoined the Czech lands [2] in a political union on the basis of the Kosice Program of 1945, which outlined the founding principles of the short-lived Second Republic. In contrast to the First Republic, the Kosice Program accorded Slovakia a measure of autonomy, providing for a regional Slovak assembly apart from the national parliament. In addition, a Slovak National Council was created and given legislative and governmental authority on Slovak territory; local government organs were subordinated to it, as were regional economic development and finance. These provisions were also embodied in the 1948 Constitution, promulgated after the Communist takeover.

But Slovak autonomy did not last long; as early as 1949 and 1950, the suppression of the Slovak CP [3] was under way, and by the early 1950's it was complete. The purges of so-called "bourgeois nationalists," that is, of Slovak Communists allegedly supporting fascism and subverting the nation from within, consigned the Kosice Program to the dustbin. (Vlado Clementis, Gustav Husak, and Ladislav Novomesky were the most prominent of those purged. The first-named, then foreign minister of Czechoslovakia, was executed in 1952 along with Rudolf Slansky. The latter two were leaders of the Slovak Communist underground during World War II and Slovak government officials afterwards; they were sentenced to prison in 1954 and rehabilitated in 1963.) Without question, these purges of Slovak "bourgeois nationalists" had the effect of restoring the Czech ethnic majority to ruling "Nation of State." Formally, the 1948 Constitution remained in force, but in fact the state was centralized, with loyal Slovak satraps directing the affairs of SCP.

THE FIRST DESTALINIZATION CAMPAIGN

In 1962, after a decade of oblivion, the Slovak party re-emerged as a political force to be reckoned with. A destalinization campaign within the CPCS as a whole provided the SCP with an opportunity to extract some important concessions from the Prague leadership in terms of organizational independence. Toward the end of that year, the 12th Party Congress of the CPCS approved the creation of a CC commission charged with investigating the "violations of party principles" committed in 1949–54.[4] This period covered the trials of the "bourgeois nationalists" as well as the Slansky trials. In April 1963, the report of this destalinization committee was delivered *in camera* [5] to a plenum of the Central Committee, and three prominent Stalinists were subsequently expelled from their party posts: Bruno Koehler and Vaclav Slavik as CC secretaries, and Karel Bacilek as a member of the CPCS Presidium and First Secretary of the SCP.[6]

In August 1963, in a brief note in *Rude Pravo*, the regime suggested that Czechoslovak destalinization had reached a successful conclusion.[7] But instead of laying the Stalinist ghost to rest and relieving Novotny of his anxieties, this announcement produced a clamor for a more thoroughgoing investigation of past iniquities.[8] Novotny and the party leadership became the objects of thinly veiled attacks in the press, and especially in the Slovak cultural and party-sponsored journals.

The storm which broke in the Slovak press in May and June of 1963 indicated that there were two main reasons why the destalinization process was considered to be far from adequate from the Slovak point of view. For one thing, a great deal had been left unsaid about the individuals responsible for the trials of Slovak Communist leaders. Men like Viliam Siroky, the grand inquisitor of the Slovak party and head of the Czechoslovak government in 1963, emerged uncompromised. Secondly, although those accused were themselves rehabilitated, the heresy of "bourgeois nationalism" as an ideological deviation within the SCP remained under official interdiction. These two important loopholes in the destalinization process [9] persuaded the Slovaks that Novotny was attempting to appease the post-Stalinist opposition with half-measures. To rehabilitate the condemned Slovak Communists without implicating the prosecutor or deny-the crime seemed to Slovak patriots an intolerable display of political legerdemain. Indeed, preserving the straw man of nationalist deviation was Novotny's way of maintaining Czech dominance over the Slovak Communists, and Siroky was Novotny's watchdog in the Slovak CP.

Slovak intellectuals, clearly acting with the consent of the Slovak party, reacted vigorously. Miro Hysko, a prominent journalist, attacked Siroky in the Bratislava *Pravda* for having initiated the purge at the at the 9th Slovak Party Congress in May 1950.[10] Hysko wrote that the campaign against "bourgeois nationalism" had continued "practically to this day," and he implied that the struggle against the suppression of national feelings could not be complete until the accusations against the Slovak party were expunged from the record.[11]

In June, at Kosice, Slovakia, Novotny defended the trials of Slovak Communists, stating that the accusation of "bourgeois nationalism" had been correct in principle;[12] in other words, a threat to the Republic from the Slovak CP had really existed. He criticized Hysko for opposing party decisions and sharply attacked the official organ of the Slovak CP:

"We will not permit *Pravda*, the organ of the Central Committee of the Slovak Communist Party, to become a platform for the proclamation of incorrect views or for the heaping of hysterical attacks upon the party; nor will we permit that with the help of these articles, made public in this organ, not only the Slovak but the Czech public be influenced falsely."[13]

Resurrection of the Slovak question in this form, he warned, served foreign interests and disturbed the harmonious relations between Czechs and Slovaks.

Novotny's threats and admonitions were so strong that any withdrawal from his stated position would have to be taken as a rout. Yet he did indeed withdraw, and in September the Central Committee relieved Siroky of his duties as Presidium member and Premier.[14] In December the CC passed a resolution which stated in part:

". . . the criticism of the Slovak Communist Party had been unjustified, based on an exaggerated inflation and distortion of some errors committed by some comrades."[15]

In fact, the December resolution went so far as to say that the decisions taken against the Slovak CP had been "unsubstantiated *in toto*."

Having made its bow in the direction of destalinization, the CC set out to restore order on the unruly literary front, and the first months of 1964 saw some tangible evidences of a reassertion of party cultural control in the form of changes in the editorial boards of some literary periodicals as well as statements of loyalty by leading Czech and Slovak figures. To be sure, the situation was not restored to the status quo ante, but a measure of stability had been introduced into the delicate political balance, and this favored Novotny. Thus, though Novotny had lost a great deal of prestige, he had not lost power. Throughout he had maintained his hold on the party apparatus, and he had even managed to appease dissatisfied elements in the Slovak CP (though not the intellectuals). Dubcek, remarking on this crisis some time later, observed that the Slovak leaders had had to labor long and hard to restore order to the party, suggesting perhaps that for the moment he had been appeased by the December 1963 plenum.[16] Thus, Novotny's retreat had in effect taken the initiative away from those Slovaks who envisaged a far-reaching reform of Slovakia's political status but whose leaders had much more limited aims.

But while destalinization may have lost its spontaneity and drama, the SCP had to some degree become politically invigorated. Slovak Communists no longer needed to identify completely with the Prague leadership in order to survive, and the worst of the ultramontanists had been eliminated. By 1964, no one occupied a high position in the SCP who had been a member of the leadership in 1954, and there was only one leader who had been in office since 1955. The most important gain for the future was that the purge of the Slovak party organization had replaced those whose loyalties were primarily with Prague by Communists who could be generally depended upon to support the Slovak viewpoint.

SLOVAK HISTORY REVISITED

In the autumn of 1964 and again a year later, two important Slovak anniversaries provided opportunities for the correction of long unchallenged misinterpretations of Czechoslovak history. The destalinization campaign had had the implicit aim of justifying Slovakia's claim to equal status with the Czech lands, and proving that Slovakia had a rich historical heritage had the same aim.

The 1944 Slovak National Uprising against Slovak Fascists and the Nazis had been depicted by Communist historians as a Communist undertaking carried out by partisans and directed from Moscow. At the time of the 20th anniversary celebrations in the fall of 1964, a carefully prepared campaign was waged in the Slovak (and to some extent in the liberal Czech) press with the aim of putting these events in more accurate perspective. To begin with, it was emphasized that the uprising had been primarily a Slovak undertaking and that Czech participation had been limited to that of individuals serving under Slovak leadership. Secondly, the uprising had attracted the participation of many anti-Fascists from all parties, and not just Communists. Thirdly, disaffected units of the army of independent Slovakia had initiated and carried the main burden of military action. And last but not least, leadership had been exercised not by Moscow and the exiles there, but by Slovak patriots.

Attending the anniversary celebrations in Bratislava, Novotny nevertheless repeated the orthodox historical interpretation of the Slovak uprising. He evidently required some

Footnotes at end of article.

moral support in venturing into hostile territory, for he was accompanied by N. S. Khrushchev, who had been in charge of guerrilla activities in Slovakia during the war.

The 150th anniversary of the birth of L'udovit Stur, the most important 19th-century Slovak nationalist, provided the occasion for another challenge to the Communist version of Slovak history. Stur and the nationalist movement which centered on him had long been pictured as reactionary. This interpretation was based on a line first laid down by Marx and Engels, who had condemned Stur's movement for its support of the Hapsburg Monarchy in 1848 against the Hungarian Revolution.

Commemorative articles on the 1965 anniversary were openly hostile to Marx's analysis.[17] They depicted the oppression of the Slovak population by their Hungarian masters as a greater evil than the Hapsburg hegemony and emphasized that Stur, like the Czech national leaders of the 19th century, had favored autonomy within a federated Austrian monarchy and rejected the Hungarians as fanatic chauvinists.

The strong anti-Hungarian sentiment evoked by the Stur anniversary became by association anti-Czech. Reviewing Slovak history before 1918, Vladimir Minac, Slovak author and candidate member of the CPCS CC, wrote that the memory of Hungarian rule had created a "chauvinistic" state of mind among Slovaks, which persisted to the present day.[18] The implication was that Slovaks react to Czech rule much as they did to Hungarian rule, and that this chauvinism, though regrettable, was not without justification.

CONSTITUTIONAL REVISION

In what seems an almost systematic progression, the release of the restraints on Slovak political activity in 1963 and the historical revisions of 1964 and 1965 led in 1966 and 1967 to a searching examination of Slovakia's grievances over the Constitution of 1960, which had brought the laws governing Slovak "autonomy" more into line with centralized practice. Clearly, any questioning of the constitution was an implicit attack on Novotny, for he was its chief architect and defender.

Before the autumn of 1967, government and party representatives at the highest level had repeatedly denied that any revision of the 1960 constitution was either necessary or desirable. The line taken was that the governmental structure provided by the constitution (a national parliament in Prague and a regional assembly in Bratislava uniting local legislative and executive functions) offered Slovakia an adequate forum for the solution of her particular problems, and that the fact that the Slovak National Council played no constructive political role in the past did not mean that it could not play such a role in the future.[19] Novotny had stated in Kosice that the Slovak representative organs had been given every opportunity for the expression of their views, but that they had not taken advantage of their rights.[20] And Prague absolutely rejected suggestions that a new constitution be drawn up along federal lines, maintaining that a federation of the Czech and Slovak lands—with each largely responsible for its own affairs—would only impede the rapprochment of the two nations.[21]

Such refusals to consider a revision of the constitution, however, underscored the contentiousness of the issue, especially within the SCP. Michal Pecho, an "ideological" secretary of the SCP, wrote in February 1966 that the constitutional status of Slovakia was a constant theme of discussion among Slovak Communists.[22] Although stating that federation would "probably" be a step backwards, he conveyed the impression that this assessment was tentative and might be subject to change, and that the 1960 constitution had yet to prove its value. Only a few months earlier, Michal Chudik, Chairman of the Slovak National Council, had flatly stated that federation was out of the question.[23] Dubcek took no stand in the debate, but he did imply his consent that the discussions should continue. At the Slovak Party Congress in May 1966, he expressed the view that the December 1963 CC plenum (at which the "bourgeois nationalist deviation" was repudiated) had "evoked a sound ideological ferment," contributing to socialist democracy and Slovak party activity.[24]

By the end of 1966, the discussion of Slovakia's political status had ceased to pose the question of whether or not some constitutional revision was necessary. Instead, people were asking what the nature of the political changes should be. Until recently, Slovak Communist functionaries maintained—by and large—an uncommitted attitude, but among historians and publicists the insistent debate revolved around the question, simply stated, of whether Slovakia was destined for autonomy or federation. Prague, of course, did not abandon its commitment to the status quo, even while dissent was obviously growing stronger in Slovakia.

The constitutional ferment continued, with most commentators agreeing that Slovakia's overall difficulties would yield to a solution that would acknowledge her political equality with the Czech lands.[25] Viktor Pavlenda, of the Bratislava School of Economics and candidate member of the Slovak CC, wrote that regardless of the provisions of national economic plans, Slovak industrialization was dependent on "national initiative"—that is, on the extent to which the Slovak population felt its political identity to be respected. The proclaimed equality of the two nationalities, he said, would have to be made real by the establishment of equal political institutions:

"After years of study of this complex of [economic and political] problems, I have come to the conclusion that the working out of . . . a concept for Slovakia demands, *in the first place*, that Slovakia be considered a *national political* area within the system of a single socialist economy."[26] (Emphasis added.)

An exponent of federation, the historian Jan Mlynarik, argued that the federal concept had idealogical roots in the thought of Bohumil Smeral, founder of the Czechoslovak CP. In Mlynarik's view, ". . . Smeral's concept for the building of a state embracing several nationalities was based on a federative system . . . of the Swiss type."[27] The author implied that after the bolshevization of the party in 1929, the CPCS lost all influence over the Slovak autonomist movement. Had the CPCS eschewed state centralization, it might have helped to prevent the gravitation of the autonomists to the extreme right and the creation of an independent Slovak state under the tutelage of the Nazis.

Again, Dubcek did not appear antagonistic to the constitutional debate, as did Chudik, for instance, but whether he had a position of his own in mind, or whether he developed one during the leadership crisis, is difficult to say. In any case, in articles published in November and December 1967, he suggested that he favored greater autonomy for Slovakia, advocating—by implication—a return to the principles of the Kosice Agreement. In November, he described the important contribution which Slovakia had made both to the creation of the Second Republic and to the Communist takeover in 1948 (an echo of the historical discussions of 1964–65).[28] He justified this digression into history because it ". . . helps to evoke a healthy and constructive dissatisfaction and new longings to continue on our road forward and not to be satisfied with the existing state of affairs, to seek and to find new roads of progress." In December, he returned to the lessons of the past and stated his meaning more precisely:

"It will be necessary to remember the ideas and principles which motivated the progressive forces of our nations, which restored the common state after the tragedy of Munich and World War II. The proposals then made by Communists in particular—from the Czech lands and Slovakia—and which became the foundation for the restoration of the state, are our everlasting heritage."[29]

Apart from national self-determination, what constitutional relationships does Dubcek have in mind when he refers to Kosice? The program of the coalition government promulgated in Kosice Slovakia, in April 1945, stated the objectives underlying the postwar reconstruction of the Czechoslovak state. The paragraphs dealing with Slovakia contained the statement that "Slovaks [will] be masters in their own lands and the Czechs in theirs"[30] and provided for the establishment of Slovak legislative, governmental, and executive organs to be "the representative of state power in the territory of Slovakia."[31] The Slovak National Council was to have control over local governmental bodies, and later agreements stipulated that funds for Slovak industrial development were to be put at the Council's disposition within the broad framework of the all-national plan.

The Constitution of 1948, promulgated after the CPCS came to power, made no fundamental modification in this program, at least on paper. The principal change after 1950, however, was the reduction of the Slovak National Council to a purely formal status with no genuine responsibility. Thus, probably the two most important revisions which the Slovaks now demand are the reinstitution of an independent executive arm, abolished by the 1960 constitution, and the subordination of local government organs to the Slovak National Council.

THE IMPACT OF REFORM

There is little doubt that Dubcek's bid for power would have gained little momentum without the support of the economic reformers, many of whom are Czech. But this is not to say that he did not harbor some reservations about decentralized economic management and the initial negative impact it could have on Slovakia. Indeed, the Slovak economy has already experienced some noticeable reverses since the "new economic model" was introduced at the beginning of 1967, prompting some Slovak economists to appeal for a kind of economic separatism for Slovakia. Before he was deposed, Novotny opposed such a step for a familiar political reason: any impingement on central authority was clearly anathema to him. For very different reasons, the reform economists opposed a separate development plan for Slovakia. They argued, not without reason, that Czechoslovakia's domestic market was so small that to shield Slovakia from the initial dislocations of decentralization and price reform would be to jeopardize the new economic model. They conceded, however, that Slovakia should be granted certain subsidies and tax exemptions in order to stimulate her flagging industrialization.

The Slovaks have nevertheless remained wary. H. Koctuch, a Slovak economist, complained in *Slovenke Pohledy* that the full play of market forces would make the task of Slovak industrialization more difficult.[32] At the same time, he tried to answer the objection raised by economic reformers in the Czech lands that the division of the nation into economic areas would duplicate production, raise its cost, and depress the general level of technology. According to Koctuch, the forces of gravitation generated by a concentrated market in an advanced economic area would draw little Slovakia into its orbit. There would be no incentive for relocating industry in Slovakia, which would remain a supplier of raw materials and semi-

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Footnotes at end of article.

finished goods, and the Slovak standard of living would rise more slowly than the Czech. He therefore proposed that an economic executive council be attached to the Slovak National Council (apart from the planning office) to carry out planned tasks—presumably with funds allocated from the center.

Since the introduction of the new economic model at the beginning of 1967, some of these fears have been justified. During the first three months of the system's existence, the profitability of Slovak industry declined about 10 percent,[33] thus decreasing the resources available for reinvestment. Various reasons were adduced for this decline: for example, the reform of wholesale prices, the lower proportion of Slovak industry engaged in finished production, and the unbalanced organizational structure of Czechoslovak industry (the great majority of the approximately 100 industrial branch managements being located in the Czech lands). Furthermore, in some cases administrative fiat was said to have prevented the reorientation of Slovak factories to more profitable finished production.[34] In other cases, the branch managements, through their control over production programs, were alleged to have prevented the participation of Slovak enterprises in the lucrative export trade.[35]

But discrimination was not the only reason for the inability of Slovak products to find a place on the world market. The new economic model clearly demonstrated that the technical level of fixed assets in Slovakia was no higher than in the rest of the country,[36] a fact which contradicted the widely-held view that because Slovak industry was relatively newer, its machinery was more modern than Czech equipment. Furthermore, the introduction of new technology was slow because, although Slovakia produced 20 percent of the nation's goods, only 11 percent of the CSSR's research and development program was carried out there.

The political disquiet which these economic shortcomings created became openly manifest in June 1967 at a plenum of the Slovak Party Central Committee, which also indicated that something less than unity prevailed within the Slovak leadership. Presidium members Michal Sabolcik and Frantisek Barbirek both dealt specifically with some of the negative aspects of economic reform.[37] Michal Chudik, however, once again acted as a defender of central interests in his own constituency. Speaking in general about the problems of the whole economy, he singled out Slovakia only to criticize the trend of economic discussions in the press:

"Unfortunately, one cannot say that the theoretical discussions, including the discussions in our periodicals and the daily press, are always marked by the necessary reliability, qualification, or circumspection." [38]

In August, Novotny once again entered the field of Slovak politics to defend the unified economy in a speech at Martin, Slovakia. He attacked those who would unfairly exploit economic problems for ideological and political ends and seek to create the impression that Slovak workers "had to pay the balance . . . for the unity of the Czechoslovak economy." [39]

Of course, Slovak politicians and economists were not saying anything of the kind. But they were saying that the united economy, in its present form, would not promote the well-being of the Slovak population rapidly enough. A month after Novotny spoke of strict economic unity at Martin, Dubcek took an opposite stand at the September plenum of the CPCS Central Committee. Observing that the long-term industrialization of his region came into conflict with some of the short-run objectives of decentralized economic development, he proposed the creation of a central investment reservoir earmarked for regional investment.[40]

SLOVAK GAINS

In retrospect, Dubcek's stand on the economy emerges as one of the earliest indications of a serious division between the Slovak CP and the central leadership. The timing here was important. At the September Central Committee plenum, the leadership had finally agreed on how to punish the impudence of the writers at the June Writer's Congress, but Novotny had barely caught his breath in the literary struggle when Dubcek challenged him with a list of Slovak economic demands.[41]

During the next three months, as the future of Novotny and his policies was being thrashed out beyond the public view, the nation's economic, constitutional, and political strings came together in Dubcek's hands, and he was to attain far-reaching concessions for Slovakia. It is an interesting sidelight to this crisis that the only signals of its intensity were transmitted by the Bratislava Pravda. Although the Slovak party daily cannot be credited with keeping its readers fully informed, Dubcek's articles in November and December clearly indicated the uncompromising opposition of the SCP to Novotny's nationality policy. In this connection, Pravda printed in an article in December which suggested that Novotny was no longer the representative of any legitimate interest or group within the party but was now fighting only for survival:

"The striving for political popularity without principle, without one's own political line, without a program, is primitive political careerism, is only utilitarian politicking." [42]

For the moment at least, the SCP was acting as an independent political entity free to align with other reformist forces within the CPCS Central Committee and to lobby among them for the best representation of Slovak goals.

Even before Novotny fell, this lobbying paid off in benefits for the Slovak economy. The draft plan for 1968 authorized state subsidies for up to 40 percent of investment costs in certain underdeveloped regions.[43] That this was a concession to Slovakia was confirmed by the announcement in the National Assembly—several days after Novotny's resignation—that the 1968 plan would provide 22 billion *korunas* (about 3 billion dollars at the official rate of exchange) for Slovak industrialization. This would raise Slovakia's share in national investment from one-quarter to one-third.[44] Of enormous political significance was the further condition that these central investment allocations would be put at the disposal of the Slovak National Council, echoing Koctuch's proposal of a year before.

A revision of Slovakia's constitutional status is also expected, although specific changes do not appear to have been decided upon. The communique announcing Dubcek's election as First Secretary stated that the Central Committee

". . . acknowledged that the government and Presidium of the Slovak National Council will submit . . . proposals concerning an improvement of their activity, proceeding especially from the new system of management, on the basis of talks and proposals submitted to the December and January sessions of the CPCS Central Committee."[45]

This suggestion that some form of Slovak home rule will be established marked the eclipse of a political generation of Stalinist vintage. But that was not the only precedent which the Central Committee broke in January: Alexander Dubcek was elected the first Slovak leader of the party.

As of the moment, Dubcek stands committed to a democratization of political life, including the right of public dissent, and to comprehensive economic reform (with due allowance for Slovakia's special circumstances). To maintain the crucial support of the intelligentsia, he must demonstrate that he will tolerate responsible criticism, as Novotny could not. To demonstrate his commitment to economic reform, he must convince the experts that his concessions to Slovakia will not adversely affect the operation of the new economic model. And to reassure those who may now feel that "Slovak rule has replaced Czech rule," he must demonstrate that he is, indeed, an all-national leader.

THE ROLE OF SLOVAKIA

"The Slovak nation is linguistically and historically a part of the unitary Czechoslovak nation. In all the cultural struggles fought by the Czech nation, the Slovaks had their share." (Addendum to the Declaration of the Slovak Nation, 1918, cited by R. W. Seton-Watson in History of the Czechs and Slovaks, Hamden, Conn., Archon Books, 1965, p. 311.)

"The nationality question plays an important role in the policies of our party and state. Developments produce one new problem after another, problems which must be solved. And this is the heart of the matter, in my opinion. We want to look ahead and we want to look at our problems with open eyes, just as we are doing with other questions. In this respect, it is also true that we must not be satisfied with what we have already attained and accomplished, and that we must bear in mind the whole complicated dialectics of development. . . . In particular, it will be necessary to remember the ideas and principles which motivated the progressive forces of our nations [and] which restored the common state after the tragedy of Munich and World War II." (Alexander Dubcek, Pravda (Bratislava), Dec. 31, 1967.)

"When the fate of dynasties, regimes, states or nations is at stake, half-measures and compromises have never helped, and never will." (Dr. Edvard Benes, cited by R. W. Seton-Watson in op. cit., p. 284.)

FOOTNOTES

[1] In March 1938, the German government promised to "protect the political independence of the Slovak State and the integrity of its territory."

[2] The Czech lands, Bohemia and Moravia, cover three-fifths of Czechoslovak territory; Slovakia two-fifths. The Czechoslovak population is two-thirds Czech, almost one-third Slovak, and there are minute minorities of Hungarians and Germans. Large numbers of Hungarians were moved out of Slovakia and many Slovaks moved from Hungary to Slovakia in 1945–46. An estimated 3,000,000 Sudeten Germans were transferred to Germany under the Potsdam Agreement.

[3] During the First Republic, the united Czechoslovak CP had a regional branch in Slovakia. During the war, a Slovak CP was formed illegally in the Slovak State and operated independently of exile leadership. The dualism of a Slovak CP and a Czechoslovak CP persisted until September 1948, when the Slovak party "voluntarily" became a regional organ of the national party in all but name.

[4] From Novotny's speech to the 12th Party Congress, *Rude Pravo*, Dec. 5, 1962.

[5] *Rude Pravo*, Apr. 5, 1963.

[6] The personnel changes approved by the April 3–4 plenum were not reported in *Rude Pravo* until May 14, 1963.

[7] The rehabilitations of some of the victims of Stalinist justice were not publicly announced until August. *Rude Pravo*, "Zprava o vysledcich revize politickych procesu z obdobi let 1949–54," (Information about the Revision of Political Trials from the Period 1949–54), Aug. 22, 1963.

[8] From a speech by CC secretary Vladimir Koucky to a cultural *aktif*, *Rude Pravo*, June 23, 1964.

[9] These Slovak grievances were aired in the destalinization committee's internal party report, a shortened version of which appeared in the West under the title "Sdeleni ustredniho vyboru KSC o porusovani stranickych zasad a socialisticke zakonnosti v obdobi kultu osobnosti." (The Violations of Party Principles and Socialist Legality during

the Period of the Personality Cult), *Svedectvi* (Paris), No. 28, Spring, 1966.

[10] Hysko made his charges against Siroky at the Congress of Slovak Journalists, May 27–28. An incomplete version of his speech appeared in *Praca*, the Slovak trade union organ, May 28, 1963; *Pravda* reprinted it in full, June 3, 1963. (All reference to *Pravda* are to the Slovak CP daily published in Bratislava.)

[11] *Pravda*, June 3, 1963.

[12] *Rude Pravo*, June 13, 1963.

[13] *Ibid.*

[14] *Rude Pravo*, Sept. 22, 1963.

[15] The portions of the plenary resolution dealing with "bourgeois nationalism" were published with considerable delay, *Rude Pravo*, Feb. 29, 1964.

[16] From Dubcek's opening speech to the Slovak Party Congress, *Pravda*, May 13, 1966. A Dubcek supporter, Michal Pecho, wrote in this vein: "In Slovakia, the period between 1963 and 1965 was particularly complicated in the political and ideological field. There were pressures from the left and from the right. . . . Thanks to the leaders . . . the atmosphere of dissension, with its accompanying passion, is behind us." "Za nove pohlady a cesty v nasej politike," (Toward New Views and Paths in Our Politics), *Pravda*, July 18, 1967.

[17] See D. Rapant, "Stur a sturcovi v sluzbe naroda a pokroku," (Stur and the Sturists in the Service of the Nation and Progress), *Slovenska Literatura*, No. 5, 1965, p. 437.

[18] V. Minac, "Tu zije narod," (Here Lives a Nation), *Kulturny Zivot*, No. 42, Oct. 15, 1965.

[19] Between 1950 and 1959, the Slovak National Council did not exercise its legislative powers; it met occasionally but passed no laws. Beginning in 1960, it did indeed pass several laws a year, but the new constitution curtailed some of the legislative and administrative authority which it possessed under the Constitution of 1948. The Board of Commissioners, or ministerial cabinet, was abolished and executive responsibilities assigned to the Presidium of the SNC, thus unifying legislative and executive responsibilities.

[20] *Rude Pravo*, June 13, 1963.

[21] At a plenary session of the National Assembly, Michal Chudik, chairman of the Slovak National Council, stated that federation would be contrary to the interests of the Slovak people (*Rude Pravo*, Nov. 12, 1965). The chairman of the National Assembly, Bohuslav Lastovicka, spoke in much the same vein (Radio Prague, Nov. 11, 1965).

[22] *Nova Mysl*, Feb. 22, 1966, "Zamysleni nad narodonostnou problematikou," (Thoughts on the Nationality Problem), p. 3.

[23] See footnote 1.

[24] *Pravda*, May 13, 1966.

[25] *Historicky Casopis*, No. 4, 1967, "K cesko-slovenskym vztahom" (A Discussion on Czech-Slovak Relations). The discusison took place in March but was not covered in the press until September.

[26] V. Pavlenda, "Uvahy o ekonomickom rozvoji Slovenska," (Considerations on the Economic Development of Slovakia), *Pravda*, Oct. 19 and 26, Nov. 2 and 9, 1966.

[27] *Ceskoslovensky Casopis Historicky*, "Dr. Bohumir Smeral a Slovenska narodnostna otazka v pociatkoch komunistickeho hnutia," (Dr. Bohumir Smeral and the Slovak Nationality Question at the Beginning of the Communist Movement), No. 5, Oct. 1967, pp. 653–66.

[28] *Pravda*, "Jednota strany a mas," (The Unity of the Party and the Masses), Nov. 18, 1967.

[29] *Pravda*, "Rok cinov," (A Year of Deeds), December 31, 1966.

[30] The relevant section of the Kosice Program is included in J. Lettrich, *History of Modern Slovakia*, New York, Praeger, 1966, pp. 317–18.

[31] *Ibid.* The Kosice agreement also provided for the inclusion of strictly Slovak units in the national army, apparently as a concession to the partisan groups still under arms. There has as yet been no reference to this point by Slovak writers.

[32] H. Koctuch, "Nova sustava riadenia v ekonomike Slovenska," (The New System of Management in the Slovak Economy), *Slovenke Pohledy*, No. 1, 1967, p. 30.

[33] From a speech by Michal Sabolcik, Presidium member and secretary of the SCP, to the May session of the Slovak CC, *Pravda*, June 10, 1967.

[34] J. Luc, "Argumenty a 'tiez argumenty'," (Arguments and So-Called Arguments), *Pravda*, Aug. 15, 1967.

[35] Sabolcik, *op. cit.*

[36] A. Sloup, "Concepcia rozvoja strojarstva na Slovensku," *Hospodarske Noviny*, Aug. 18, 1967, p. 7.

[37] See footnote 3. Barbirek's speech was published in *Pravda*, June 10, 1967.

[38] *Pravda*, June 11, 1967.

[39] Radio Bratislava, Aug. 27, 1967.

[40] From Dubcek's speech to the September Plenum, *Rude Pravo*, Sept. 29, 1967.

[41] Most likely, Dubcek considered that Novotny had mishandled the crisis in culture, for though most other speakers on economics mentioned the decisions on the writers with approval, he did not. Pecho also indicated disapproval of the Czech leadership's management of cultural affairs. He subtly chided Prague for not being able to create in the Czech lands the kind of cooperation which existed between the party and the intellectuals in Slovakia. *Pravda*, July 18, 1967.

[42] M. Kusy, "Popularita v Politike," (Popularity in Politics), *Pravada*, Dec. 16, 1967. The author has long been an ideologue of Slovak nationalism.

[43] *Praca*, Dec. 12, 1967.

[44] From Finance Minister Sucharda's speech to the National Assembly, *Rude Pravo*, Jan. 11, 1968.

[45] *Rude Pravo*, Jan. 6, 1968.

AMENDMENTS TO THE INTERNATIONAL MONETARY FUND AGREEMENTS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. HANNA. Mr. Speaker, this body will soon be voting on the question of approval of the amendments to the International Monetary Fund Agreements. That action will be among the most significant taken by this House in the present session.

In order to serve a better understanding of the context of the bill I take the opportunity to present a compressed synopsis of the separate sections for the Members' reference as set forth in the following:

Section One: Title of the Bill.

Section Two: Provides Congressional approval of the Amendments providing for the Mechanics of Special Drawing Rights. This approval was one of the requisites set forth in the original IMF legislation by Congress.

Section Three: Provides three specific things:

(a) Designates the Exchange Stabilization Fund of the Treasury Department as Agent for S.D.R.s as they are now agents for the gold reserves being used in our international exchange balances.

(b) Authorizes the E.S.F. to receive U.S. payments of interest when we are in a position of surplus with the S.D.R. section of I.M.F. and to pay out interest charges when we *use* our drawing rights in settlements.

(c) Authorizes E.S.F. to pay U.S. share of assessments for operational expense.

Section 4 & 5: Provides such changes in the Federal Reserve Act and Treasury legislation as will authorize the E.S.F. to monetize S.R.D.'s as they now monetize their gold holdings through gold certificates issued through the Federal Reserve to banks. This is necessary to allow convertibility to dollars where countries in exchange position require them from the Exchange Stabilization Fund.

Section 6: Limits prior to further action of Congress the percentage of S.D.R.'s to a formula tied to our present quota in the I.M.F. This provision assures that S.D.R.'s will not be used to artificially increase our basic commitment to the International Monetary Funds.

Section 7: Ties the effective timing of this act to our first act of participation in the now Special Drawing Rights.

These facts should be considered as strongly bearing on the approval of this legislation.

First. This is the first step in the direction of easing the burden on the dollar as a key currency.

Second. It is a long overdue step to allow for flexibility in international liquidity which can move with the requirements of a growing world trade.

Third. For the United States the 1½-percent interest charge anticipated for SDR's is better than the 6 percent to 6½ percent now being paid out for dollar reserves—all countries convert dollar reserves to Treasury bills.

Fourth. The plan for moving into the Special Drawing Rights is cautious and will provide ample opportunity to check its performance at stages where problems will not create crisis. The presentation of our officials sets expected issues at between one and two billion a year for the next 10 years. For the 123 nations in the IMF this is not an overexuberant approach.

Fifth. With the growing gross national product we need to sustain the 4 percent of gross national product ratio for our exports. We have a very heavy stake in keeping the international exchange market in a liquid and flexible state.

I hope we can give enthusiastic and strong support for the bill, H.R. 16911, the Special Drawing Rights Act.

THE LATE HONORABLE LURLEEN WALLACE

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. JONES of Alabama. Mr. Speaker, it is with deep sorrow and with a sense of individual personal loss that the people of the State of Alabama are mourning the death of our Governor, Lurleen Burns Wallace.

I was in Alabama yesterday to attend the primary election when news of her passing was announced in this Chamber by my colleague, the gentleman from Alabama [Mr. DICKINSON]. The general knowledge of her illness in no way lessened the shock and sadness of her death among all the people of her State who admired her so much.

Gov. Lurleen Wallace will be long remembered for her dignity, grace, and charm. She gallantly ignored her own illness to serve the people of Alabama with dedication and skill. Through her public service she found means to express her concern for those less fortunate, particularly those in the darkness of mental illness.

As a loyal and devoted mother and wife, Mrs. Wallace was exemplary. To her family I extend my deepest condolences.

COLUMBUS LAWYERS' CLUB

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. BRINKLEY. Mr. Speaker, as a part of Law Day activities, the Columbus, Ga., Lawyers Club annually sponsors an essay contest which was won this year by John Knox, of 2897 Florence Drive, Columbus, Ga. This young man is still in high school but his words are so timely and well put that I commend them to the attention of my colleagues.

It has been well said, Mr. Speaker, that dissent is loud and gratitude is quiet. May I today quietly express my gratitude to John and to the multitude of young Americans like him who are most assuredly the brightness of our country; who recognize that along with inalienable rights under law come corresponding responsibilities.

May I also express my appreciation to John's parents and to parents like them who have shaped these young people in an attitude of respect for law, in obedience to authority and in courageous conduct based upon conviction.

The essay follows:

(By John Knox)

The principles and truths for which our nation stands have at no time been tested and defied as they are today.

All across America, from the finest city streets to the poorest urban slums, we hear the cry for liberty, peace, equality, and happiness. Young leaders, and even younger followers, chant the militant songs of freedom.

Regretfully, all too often, these seemingly harmless thoughts of liberty and peace erupt into violence unparalleled in the history of our country. In a search for individual rights, methods that involve lawlessness, disorder, and a general disregard for the public safety are employed.

During these unpredictable events, people are killed or injured, properties are destroyed, and businesses are looted. Yet, the announced purpose of the incidents is to secure individual liberty. Ironically though, it is doubtful whether the full cost in human suffering and in property losses will ever be known.

We find that under law, our rights as American citizens are relative, not absolute. In other words, the freedoms we enjoy and exercise are proper only as far as the next man's privileges. Therefore when the other man's rights are disregarded, such as in the case of looting and property destruction, a regression of law occurs. Hence, our society can be neither lawful nor better.

This problem may well be remedied by answering one question. What is necessary in making a better society? Can the unlawful conduct by thousands of Americans supply the answer, or does it take more than a rebellious display of force?

It has remained the purpose of our nation, throughout its existence, to secure for its people the blessings of liberty. To do this we must sacrifice. By earnestly sacrificing, we can bring results never dreamed possible. We founded a country, fought a revolution, survived two world wars and a depression. Why? Because we had men who were willing to give up their fortunes and pleasures for their ideals.

George Washington once wrote: "Tyranny is not easily conquered; yet, the harder the sacrifice, the more glorious the triumph."

Discouragement may often come as demonstrators, draft-card burners, and bearded beatniks parade up and down our streets. Rioters and protestors add only fuel to an already intense flame of ignorance and unrest. However, it remains our obligation to uphold the truths upon which our way of life is based.

The opportunities of a great America exist today as they never have before. Nevertheless, the advancement that might be gained and the rights that may be secured, can be done only in a lawful society. This is why, with the richness and promise that our heritage provides, that we have likewise accepted the many challenges and burdens that are necessary in preserving our way of life.

Full respect for law will not come quickly. Oppressed by prejudice, apathy, and strife, America is in great need of new vivacity and spirit. Yet with reasoning as our strength, and God as our sustainer, we will rise up to meet this challenge. Sacrifice and understanding are necessary, because the best society is one based on law.

POVERTY IS WHERE THE MONEY IS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. ASHBROOK. Mr. Speaker, Arlington House of New Rochelle, N.Y., has recently published another in its long list of fine books entitled, "Poverty Is Where the Money Is," by Shirley Scheibla, Washington correspondent and associate editor of Barron's for the past 9 years. For those who have sympathized with the Federal program to eradicate poverty but who have not taken a look at the program in action, this treatment will be an eye opener. Though Americans spend an estimated $35 billion a year on the Federal level alone to relieve poverty, Mrs. Scheibla charges that the program is not helping the poor but is choking the American taxpayer. This is the infuriating aspect: that not only the taxpayer but the deserving poor have been "taken for a ride" by the gross mismanagement and waste of this gigantic Federal effort. The author contends that "the Nation plunged pell mell into crash programs to carry out untried and revolutionary ideas without adequate consideration or even preliminary testing on a small scale."

Some of the abuses which have turned up in the program include:

Thirteen million dollars spent by New York's Mobilization for Youth, where subversives preach revolt, stage rent strikes, aid school boycotts.

The United Planning Organization staffed with SNCC militants, hire convicted criminals as youth counselors. One such counselor's qualifications included desertion, grand larceny, forgery, and soliciting for prostitution.

Neighborhood Youth Corps, designed to find jobs for impoverished teenagers, put son and niece of millionaire Senator on the payroll.

Job Corpsmen received free plane trips home while servicemen paid their own way. One corpsmen, 90 miles from home, traveled 2 days, covered 400 miles, changed planes three times, spent a night out, charged meals, took a bus and finally a car ride, with the taxpayers footing the entire bill.

These are not isolated incidents, as Mrs. Scheibla's account will amply demonstrate. A perusal of this book should engender a healthy but objective suspicion in American voters the next time they are regaled with Federal panaceas by candidates for public office.

Shirley Scheibla, in addition to her Barron's assignment, was a Washington-based reporter for the Wall Street Journal, and has contributed to the Dow Jones publications, the Financial Times of London, Business Week, the Independent Banker, Richmond News-Leader, Human Events, Washington Star and the Woman. Her background has prepared her well for this searching probe into an area which merits all the publicity possible to prevent the further fleecing of both the taxpayer and the deserving poor in the future.

The May 1968, issue of Nation's Business carries an article, "How Poverty Program Throws Away Dollars," which is a condensation of one chapter of the Scheibla book. Under unanimous consent I insert the article in the RECORD at this point:

HOW POVERTY PROGRAM THROWS AWAY DOLLARS

Each year billions more in tax dollars are poured into the controversial federal antipoverty program, supposedly to help America's poor.

A startling new book, "Poverty Is Where the Money Is," details the waste and scandals of this federal program. The book is written by Shirley Scheibla, the respected Washington reporter and Associate Editor of *Barron's*, published by Dow Jones & Co., Inc. It will be published this month by Arlington House, New Rochelle, N.Y.

NATION'S BUSINESS condensed one chapter from the book to give you a quick but penetrating look at a federal program gone awry.

The known extent to which the Office of Economic Opportunity gave money to questionable persons, organizations and activities in the name of community action is enough to stagger the imagination.

The full extent will probably never be known because OEO lavishly parceled out money to literally thousands of local agencies.

It failed to adequately study the petitioning organizations, their employees, or what they planned to do. Moreover, to keep track of the funds granted often proved impossible. With dozens of OEO-funded agencies sometimes functioning in a single city under one umbrella agency, close administration went by the wayside.

When the inevitable scandals resulted, the course OEO pursued depended upon which side brought the most pressure. In some cases it continued to fund agencies found to be misappropriating federal money and/or dominated by leftists. In other cases it even gave new grants to groups caught in the middle of Justice Department investigations of them for possible misappropriation of funds.

After some members of Congress began to fume about communists and criminals being on Community Action Program (CAP) payrolls, OEO issued a directive saying that subversives and persons convicted for crimes of moral turpitude should not be hired. It didn't say anything about getting rid of those already on the payroll; it just said not to hire any more of them.

James Kelleher, who served as OEO Deputy Director for Public Affairs, told me that OEO turned down the idea of having the FBI do a security check on CAP directors and immediate subordinates.

When OEO concluded that there was no Negro leadership in the deep South except the militants, OEO told the CAP people not to be militant on government time or use government facilities, according to Mr. Kelleher.

The situation prompted these remarks from Sen. Robert C. Byrd (D–W. Va.):

"The purpose of the CAP's is being subverted by extremists and activists, and federal funds are being used to support activities not in the least related to constructive anti-poverty efforts. . . . Picketing, demonstrations, rent strikes and sit-ins are not activities which will provide poor people with the education, training or jobs they need. It may be fun for activists to engage in this type of program, but it seems to me of little benefit to the poor. Such activities are designed to fight city hall and not to fight poverty. Groups indulging in this type of action certainly should not be receiving federal money."

Since no one person could study in depth all that occurred under the CAP's, it is possible to take only a cursory glance at cases brought to light across the country.

PROPAGANDISTS ON PAYROLL

Anne Braden was one of the incorporators of the West End Community Council, Inc., a CAP in Louisville, Ky., which received a $28,000 anti-poverty grant.

Mrs. Braden was identified under oath as a member of the Communist Party. She and her husband, Carl, were listed on a "Call for Strike" flyer as sponsors of a national student strike which the Communist newspaper, *The Worker*, said "will include demands to bring the GI's home, to end the draft and to abolish complicity by universities and colleges with the war effort."

During hearings of the Louisiana State Joint Legislative Committee on Un-American Activities in March, 1967, Committee Counsel Jack N. Rogers testified that Mrs. Braden "is currently, along with her husband, Carl Braden, managing the Southern Conference Educational Fund, a cited communists front. She and her husband both cooperate in the publishing of the *Southern Patriot* . . . which has been cited by the United States Congress as a subversive newspaper."

Mr. Rogers also testified that Virginia Y. Collins, a community worker in the Louisiana War on Poverty, was a member of the Board of SCEF and a special assistant to James Dombrowski, director of the SCEF.

Her paid anti-poverty job was with the Social Welfare Planning Council of New Orleans which received federal anti-poverty funds.

In the fall of 1966, James J. Flynn, mayor of Perth Amboy, N.J., charged anti-poverty workers with contributing to riots there. He specifically accused the local anti-poverty boss, Milton Zatinsky, with trying to "foment and incite unrest, agitation and disorder."

Raphael O. Lewis was executive director of Community Action for Youth, Inc., a CAP in Cleveland, another riot-torn area. This is what he said in a paper for presentation to the Conference on Training for Community Action in Urban Ghettos, at Howard University in Washington, D.C., in the spring of 1966:

"The notion is that social change frequently requires prior rehearsal of actions which will not itself provide solution to problems. It is necessary for these rehearsals to proceed, no matter how painful or bloody the results may be, in order to set the stage for the next sequence of circumstances which can provide solutions to the problems at hand."

Though Saul Alinsky, a self-styled professional radical and organizer of the poor, called the war on poverty a "prize piece of political pornography," he too was on a CAP payroll. Here is what *Counterattack* said about him:

"The Community Action Training Center opened by Syracuse University appeared largely patterned upon Alinsky ideas. . . . The university placed Alinsky under contract to organize the poor at federal expense so that they could force greater concessions from the community.

"For this Alinsky was paid $10,000 a year, also from federal funds furnished the center. To earn this, Alinsky made 48 appearances at the center during 1965 'to rub the sores of discontent' in Syracuse. . . .

"They [the students] were trained in the art of sit-ins, demonstrations and marches against the community from which they expected to exact tribute on behalf of its indolents and laggards."

It is not known whether demonstrators at Syracuse City Hall were trained by Mr. Alinsky. In any event, when they were arrested, CAP funds were used to pay their bail.

In March, 1967, Wendy Goepel, an employee of OEO in Washington, was in Lowndes County, Ala., helping to prepare an application for the county to be the first in the nation to have a rural anti-poverty medical program.

The following is from a report of the Alabama Legislative Commission to Preserve the Peace, a branch of the Alabama state legislature, dated Mar. 21, 1967, and titled "OEO Personnel and Operation in Lowndes County":

"The U.S. Office of Economic Opportunity has announced it is assigning to Lowndes County, Ala., Miss Wendy Goepel. Her duties, as announced, will be to coordinate a pilot 'medicaid' program, which will be used as a pattern for similar programs throughout the United States between now and 1975. . . .

"Wendy Goepel, a 27-year-old Stanford University graduate, has established a background of 10 years of pro-communist activity, which includes:

"1. Attended communist World Youth Festival at Helsinki, Finland.

"2. Member of DuBois Club . . . identified by FBI Director J. Edgar Hoover as a youth project of the Communist Party, USA.

"3. Miss Goepel served as a lieutenant and strike organizer for Cesar Chavez, National Farm Workers Association. Chavez was trained as revolutionary by Saul Alinsky, who bills himself as a 'professional radical' dedicated to radical change in our society.

AIDING STRIKERS

"The background of NFWA is radical in the extreme. It was organized to stage the so-called grape workers strike in Delano, Calif., in 1965 and *was aided in that effort by a host of known communists*, including Bettina Aptheker, Berkeley riot leader and daughter of Communist Party theoretician, Herbert Aptheker (Miss Aptheker has publicly announced she is a member of the Communist Party); Robert Treuhaft, West Coast communist attorney and his wife, communist writer Jessica Mitford Treuhaft (now a contributing editor to *Ramparts* magazine); Holland Roberts, communist educator who is currently organizing tours of the USSR; Mickey Lima, Communist Party chairman of Northern California, and a score of other pro-communist professors, ministers, lawyers and newspaper editors (including Sam Kushner, of the West Coast Communist Party organ *People's World*.)

"The NFWA has spread through Texas, Wisconsin and other Eastern farm states, and is currently operating in Florida, Mississippi and the Black Belt of Alabama, including Lowndes County.

"The addition of Miss Goepel, with her background in the NFWA, would lend emphasis to the current 'colonizing' of radical groups of the Black Belt, while in the pay of OEO. . . .

"We here raise the question not only of why Miss Goepel and others of her persuasion should be sent to Lowndes County, Ala., but why any person with the clear communist record of Miss Goepel should be in the pay of the United States government?"

OEO also gave money to the striking grape workers mentioned in the above-quoted report.

The *Washington Star* said the following after OEO announced a $267,887 grant:

"The timing appears to have been an incredible blunder by the OEO. It embarrassed the strikers, outraged the landowners and ignited an ever-widening circle of opposition from within the city and state. . . . Although the money was approved as a community action program it came under provisions of the Economic Opportunity Act relating to migrant workers. It did not require the approval of any local or state agency. . . . At the center of all the turmoil stands one man, Cesar Chavez, the director and founder of the National Farm Workers Association and the person who will head the poverty program for the migrant workers."

The Chavez organization also was connected with a grant OEO was going to make until California Gov. Ronald Reagan vetoed it. OEO attempted to renew a $109,520 grant sought by the California Self-Help Corporation of Del Ray.

Governor Reagan thus announced his veto:

"There is no reason why the taxpayer should be forced to pay for a program in which people are trained in methods of striking and demonstrating. . . . The center has loaned its personnel to the United Farm Workers Organization Committee and its predecessor, the National Farm Workers Association in Delano, for extensive periods to help in unionizing farm workers."

A study made for the National Association of Housing and Redevelopment Officials showed that over a period of two years, community action groups financed by OEO organized a series of disruptive protests and demonstrations against public housing authorities around the country.

Said the report, "Local authorities in approximately 20 cities found themselves the targets of civil rights or tenant organizations charging the public landlords with failure to do their job and going so far, on some occasions, as to compare them with the slumlords they were presumed to displace."

In Cleveland, a group receiving OEO money piled rats and trash on the steps of City Hall to dramatize the conditions under which slum dwellers live.

These developments failed to shake Vice President Hubert H. Humphrey, however. He told a New Orleans audience that if he lived in a rat-infested slum, "there is enough of a spark in me to lead a pretty good revolt."

LAVISH SPENDERS

But the growing and seemingly endless list of examples of use of community action funds for questionable persons and activities upset others. Rep. Charles E. Goodell (R–N.Y.) expressed outrage when he discovered that in Durham, N.C., nine anti-poverty workers used anti-poverty vehicles to transport people to Democratic precinct meetings.

Rep. Robert L. F. Sikes (D–Fla.) didn't like it either when he learned that five CAP workers from Akron got $16 per diem, plus transportation and hotel expenses, to lobby in Washington for a Greater Summit County Community Action Council, a CAP agency.

The government was lavish in spending CAP money in other ways, too especially on salaries. In New Haven, Conn., the executive director of the CAP (Community Progress, Inc.) received $25,000 a year, compared with a salary of $18,000 for the mayor of New Haven.

Most of the top administrative personnel received substantial pay increases when they went to work for the St. Louis CAP, the Human Development Corporation, according to Rep. Durward G. Hall (R–Mo.). He said General Manager Samuel Bernstein went from $18,500 to $24,000, Stephanie B. Stevens from $9,111 to $16,000, Curtis Gatlin from $9,900 to $16,000, Jacquelyn A. Walton from $7,500 to $12,000, Harold Antoine from $9,000 to $12,000 and Donald Checket from $9,500 to $12,000.

Moreover, many of them had further boosts after a short time on their new jobs.

Social, Educational Research & Development, Inc., received a $105,247 anti-poverty contract to train workers in community action, as well as to acquire work experience and adult basic education. According to Rep. Albert H. Quie (R–Minn.), it was a one-man corporation run by John W. McCollum, a $90-a-day OEO consultant.

Said Rep. Quie, "SERD not only failed miserably in its assigned task of training poverty officials, but it is reported that guest speakers, who received their regular pay in federal tax dollars, were paid honorariums of $75 a day plus expenses."

In Boston, the executive director of Action for Boston Community Development received $27,500 a year while running a program which, late in 1965, was the subject of nationwide publicity concerning political corruption, misuse of funds and fiscal irresponsibility.

By March 1966, OEO, the FBI and the Labor Department all had launched investigations of ABCD, sparked by complaints from youths that they received federal income-tax forms showing more income than they actually received and by the inability of ABCD to locate some 200 persons listed as employees.

In Newark, N.J., the CAP director received $24,000 a year, only $1,000 less than the mayor of Newark and more than the salaries of the members of the city council.

In Los Angeles, an official in the city school system received $75 a day in CAP money for 28 days while he was being paid full time and overtime from the Los Angeles city school funds.

Federal auditors found that when Paul Barker was the CAP director in Indianapolis, Ind., he violated federal regulations in receiving an anti-poverty salary while he was on the payroll of another government agency.

According to President Johnson's 1967 budget, 1,032 CAP workers were to be paid $10,000 a year or more from federal funds. But New York obviously qualified for the prize for having the biggest mess in community action, even though relatively little information was available, compared with all that was going on in the big city's 80 agencies involved.

Up to Jan. 15, 1967, community action in New York City had cost OEO $125 million. OEO made a grant of $260,490 to evaluate the anti-poverty program in the city and see how it could be improved.

The evaluation never was made, and the money was returned intact.

AUDIT REVEALING

To my knowledge, the only audit of a New York CAP ever made public was the one by the city's Comptroller, Mario Procaccino, on Haryou-Act—although half a dozen investigations had been launched regarding that one organization. It was an amalgamation of Harlem Youth Opportunities Unlimited and Associated Community Teams.

Under Haryou-ACT came more than 100 community groups.

Of the $13,393,430 in anti-poverty funds which Haryou-ACT received between July 1, 1964, and June 30, 1966, Comptroller Procaccino found that over half went for salaries. Here are a few of his findings regarding the spending of the exorbitant sum of $7.3 million row salaries:

"Certain persons were hired for positions for which they did not possess the required qualifications. . . . Some employees were overpaid. However, no refunds were forthcoming . . . Employees working in one program were charged to another program. The fact that the programs may not have been funded by the same government agency was not considered . . . Some hourly employees were paid for a full week even though the time records indicated that the individual did not work a full week . . . The time clocks and time cards were not under the visual control of anyone."

In addition to the millions for salaries, Mr. Procaccino found an additional expenditure of $281,206 for "consultant fees." A number of the so-called "specialists" hired as consultants, however, were merely "routine clerical employees." Some of them, he said, had served for long periods of time at fees in excess of the maximum allowed under OEO regulations.

Here are a few other startling findings made by the Comptroller:

While the balance in the Haryou-ACT treasury was $38,943 on June 30, 1966, accounts payable were at least $600,000, although the exact amount "could not be determined." Unpaid bills were not centrally filed.

Expenditures of $569,066 were impossible to identify clearly with any program. No accountability for petty cash advances was established. Haryou-ACT withheld $199,732 in payroll taxes from salaries, but instead of giving the money to the federal government and New York State, used it to continue programs.

There was no control over personal phone calls, with the result that phone bills came to $101,530. Payments to restaurants for $15,617 were charged to meetings and conferences.

The $25,000-a-year Executive Director Livingston L. Wingate was given a leave of absence to reconstruct the books during the period of the investigation and shortly thereafter was reinstated without any public announcement that the accounts were in order.

According to Mr. Procaccino's account, they definitely were not.

The minority views in the House Education and Labor Committee 1966 Poverty Report contained some startling revelations about Haryou-ACT, too.

It said the latter leased six cars and two station wagons from a small travel agency at $90 a week, plus gas, for each car.

"The travel agency, however, reportedly rented the cars from the Hertz U-Drive-It firm for $65 a week . . . In addition . . . a member of the travel agency which leased the cars to Haryou-ACT was reported placed on the Haryou-ACT payroll at $175 a week as a 'consultant.' "

While Haryou-ACT announced a grandiose program for vest-pocket parks in Harlem, "only three were completed, and no one seems to know how much money was spent or why only three parks were completed."

Some $40,000 worth of toys from a well-known manufacturer never were used and were stored in a warehouse for more than a year with the agency paying high storage fees for them.

LeRoi Jones's Black Arts Theater obtained $115,000 in Haryou-ACT funds before being cut off by OEO. Mr. Jones once wrote:

"The force we want is of 20 million spooks (Negroes) storming American cities with furious cries and unstoppable weapons. We want actual explosions and actual brutality."

When 50 New York policemen raided his theater, they discovered a rifle range, an arsenal of deadly weapons, a pipe bomb, sharpened meathooks, pistols, knives, clubs and a cache of ammunition.

DEFYING IN COURT

Then there was the case of the Reverend Willie M. Johnson. The Bronx minister faced a 145-count indictment which alleged he had stolen $7,760 in anti-poverty funds and had tried to steal $15,199 more. It said he had presented false bills and vouchers and demanded kickbacks from staff members.

When Justice Joseph A. Sarafite attempted to hear the case on Mar. 21, 1967, supporters of the minister disrupted the courtroom by shouting in his defense, and the judge postponed the hearing. No one was arrested for that demonstration.

A $15,000-a-year New York CAP director was arrested for disorderly conduct in another instance, however. Lloyd A. Johnson, director of the Brownsville-East New York Community Progress Center, according to The New York Times, was "proud of his arrest on June 24 (1966) for disorderly conduct while trying to see Governor Rockefeller at his office in Manhattan. He was with a group seeking the Governor's help in moving an anti-poverty bill that was stuck in a state Senate committee."

Mr. Johnson was responsible for administering an anti-poverty budget for more than $1 million a year.

New York anti-poverty funds also financed a Chicago trip by four CAP workers to organize a Puerto Rican protest march. They were Ted Valez of the East Harlem Tenants' Council and three staff assistants.

Perhaps the most ridiculous use of anti-poverty funds occurred when New York's Economic Opportunity Committee put up 50 slum-dwellers at the luxurious Astor Hotel. The Committee sent them there during a cold spell in January, 1966, when their Harlem apartments were without adequate heat.

A month later, 10 of them were still there, enjoying wall-to-wall carpeting, color television and a daily allowance for eating in restaurants.

CERTIFICATE TO HIGH SCHOOL GRADUATES

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. RUPPE. Mr. Speaker, for your information I am pleased to read into the RECORD the text of a certificate I am sending to high school graduates in the 11th District of Michigan. It reads:

To All To Whom These Presents Shall Come, Greetings:

It is my pleasure to congratulate you upon the accomplishment of High School graduation. May this day begin a further achievement in ideals of citizenship in your community and for your country.

PHILIP E. RUPPE,
Member of Congress.

In The Year A.D. 1968.

Mr. Speaker, this certificate is not printed at Government expense.

AN INVESTMENT THAT PAYS OFF

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. MOORHEAD. Mr. Speaker, everywhere the private sector is being encouraged to provide jobs for the hard-core unemployed, and great promise has already been evidenced by the early efforts of such groups as the Urban Coalition and National Alliance of Businessmen.

One experimental project which other groups might well emulate is the job opportunities in business program begun by Chase Manhattan Bank. Their combination of remedial education, on-the-job training—with salary—development of proper attitudes, and the promise of a specific job proves that a good investment in youth is a good investment for the bank.

I call the enclosed article describing the bank's program to the attention of my colleagues at this point in the RECORD:

NEW TRAINING PROGRAM HELPS YOUNG MEN QUALITY FOR JOBS AT BANK AND ELSEWHERE

A new Bank training program designed to help young men qualify for employment, perform effectively and earn advancement is showing favorable results just four months after its inception.

This experimental project, intitled Job Opportunities in Business (JOB), primarily involves members of minority groups from disadvantaged areas of the city. Not only are the participants unable to meet the Bank's employment standards but most of them are high school dropouts.

Three groups, consisting of about 20 young men each, have completed the first phase of the program, which lasts six weeks. The curriculum includes reading, oral and written communications, literature, basic economics, arithmetic and orientation to the business world.

Throughout, a strong emphasis is placed on helping participants develop confidence in themselves at work. Professional teachers especially competent in remedial education assist in conducting the instruction.

"Of course," says Arthur J. Humphrey, Training Staff and the project manager, "one of the main motivating factors is the $1.60 an hour pay. But a more important motivator is the assurance of a specific job upon successful completion of the program.

"In addition," he adds, "this is the first time many of the participants have experienced a real sense of educational achievement."

FIFTY-FOUR ARE IN PHASE II

Fifty-four of the participants have moved to the second phase of the program during which they receive regular full time salaries, begin training for entry level jobs and continue remedial education on Bank time.

Five of the contingent have already mastered the training and have been assigned to regular positions. High school dropouts in the program are striving to pass the High School Equivalency Exam and still others are seeking to qualify for admittance to the American Institute of Banking and local community or other colleges.

"One major reason for the success of the program to date," says Harold B. Coburn, vice president and training director, "has been the fine attitude of the participants and the dedication and enthusiasm of the teachers and supervisors in helping them.

"It is gratifying to note," he adds, "that while discharging the Bank's social and civic responsibility in this area, we are at the same time helping to meet our staffing needs. If we can make it pay off for us we sincerely believe we can encourage other employers to make it pay off for them."

SBA DISASTER AID TO BALTIMORE AND WASHINGTON

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. MATHIAS of Maryland. Mr. Speaker, as a result of the civil disorders last month in Baltimore and Washington, many small businessmen are in dire need of assistance to enable them to recoup, rebuild, and restore normal business operations.

Such assistance is authorized under the Small Business Act, through which SBA may make low-interest loans to affected businessmen in areas which have been designated as disaster areas. Such designation has been requested by the mayor of Baltimore and Mayor-Commissioner of the District of Columbia, to make the full range of SBA aid available to those businessmen who could benefit from it now.

Unfortunately, the Administrator of SBA has so far declined to make this designation. I am again urging him to do so, and would like to include in the RECORD at this point the following correspondence:

U.S. SMALL BUSINESS
ADMINISTRATION,
Washington, D.C., May 1, 1968.

Hon. CHARLES McC. MATHIAS, Jr.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MATHIAS: Thank you for your letter of April 24, 1968, regarding the need for assistance from the Small Business Administration in Baltimore and Washington. Please be assured that I share your concern on the crisis facing both cities. To this end, we are working closely with local officials so that we can effectively provide meaningful assistance to those ready for the assistance we can make available.

Immediately following the outbreaks in both Baltimore and Washington, as well as in other cities, we moved to make conventional loan programs available to stricken businessmen on the broadest possible basis. Businessmen who were ready to resume operations were encouraged to seek assistance from SBA Regional Offices. During the first three weeks following the civil disturbances, we received approximately 300 general and specific inquiries from affected businessmen in Baltimore and Washington. We reached hundreds of others at meetings of community and business organizations. These meetings and interviews to date have resulted in a total of eight loan applications, three of which were approved within a few days of receipt. The others are being processed and will be acted upon as soon as the necessary information is submitted by the applicants and we are satisfied the businesses can reasonably be expected to resume operations on a profitable basis.

We have considerable flexibility under our Economic Opportunity Loan program and our regular business loan program to make direct loans of up to $100,000 and to guarantee all or portions of bank loans of up to $350,000. To date, with the exception of liquor stores, virtually all of the specific inquiries we have received for SBA loans could be handled under our regular lending programs. We currently are analyzing the situation faced by liquor dealers to determine the most feasible method of being of assistance.

We have discussed the desirability of a disaster declaration with the Mayors of both Baltimore and Washington. Both Mayors specifically requested that we declare their cities disaster areas. I advised them that before SBA could make an informed judgment we would need additional information, including both an estimate of the type and extent of uninsured losses and the long-range plans for those sections of the cities affected by the civil disturbance.

While the SBA lending programs vary, all have in common a requirement imposed by Congress that before a loan can be approved we must have reasonable assurance of repayment. It is for this reason that we must know the long-term plans for stricken sections of Baltimore and Washington before we can make long-term financial commitments to businesses there. Some of the stricken areas have been earmarked for redevelopment under Urban Renewal or Model Cities' legislation and we do not want to encourage the re-establishment of businesses in locations from which they may soon be displaced. Similarly, the affected businessmen do not want to incur additional indebtedness without assurance that they will be able to remain in a given location long enough to repay their loans. This is the main reason we have received so few applications to date.

We do not need "comprehensive rebuilding plans" before we can make a disaster declaration in Baltimore or Washington. We do need assurance—as do the affected businessmen—that those who borrow from the Federal Government to re-establish their businesses will be acting in a manner which is consistent with local redevelopment plans and will be able to repay their loans from business earnings. As soon as we have the information on which to make an informed decision, we will be able to determine exactly which SBA programs will be needed to provide optimum assistance to the affected cities.

The SBA, according to Section 7(b) of the Small Business Act, as amended, is empowered "to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate because of floods or other catastrophes; . . ." This Administration has construed its authority under the Act to include disaster declarations in areas stricken by civil disorders.

Prior to the declarations for Newark and Detroit in 1967, this Administration had not found it necessary to make such assistance available. Experience in these two cities has shown that only a very small percentage of the businesses which sustained damage requested any financial assistance from us. Of the more than 2,250 businesses affected in these cities, only 258 availed themselves of our disaster loan assistance. Therefore, it does not appear feasible in light of the many cities in the United States affected within the past several weeks, to move into disaster loan operations without full knowledge of what is needed and desired both by the Governmental bodies involved and the businessmen who sustained damage.

If we can be of further help, please let us know.

Sincerely yours,

ROBERT C. MOOT,
Administrator.

MAY 3, 1968.

Hon. ROBERT C. MOOT,
Administrator, Small Business Administration, Washington, D.C.

DEAR MR. MOOT: Thank you for your letter of May 1 regarding disaster loans for Baltimore and Washington businessmen who suffered severe damage during the recent disorders.

I appreciate the speed with which your regional offices have moved to make conventional loans available to businessmen who are ready to resume their operations. I can also appreciate the need for SBA to obtain assurances, as you wrote, "that those who borrow from the Federal Government to reestablish their businesses will be acting in a manner which is consistent with local redevelopment plans and will be able to repay their loans from business earnings."

Since your agency is making conventional loans promptly where those two conditions have been met, I fail to see why you have hesitated to make disaster loans available on the same basis. Your letter did not set forth any basic difference in prerequisites for disaster aid, other than the occurrence of a disaster. It seems to me, therefore, that the difference is not one of principle but rather one of interest—2½% or more.

Your conventional and Equal Opportunity Loan program were established to assist small businessmen in normal business establishment and expansion. The disaster loan program, on the other hand, was created specifically for those circumstances in which businesses have been damaged or destroyed by disasters beyond the control of the businessman. In such circumstances, low-interest, long-term assistance has been deemed appropriate not to help the businessman expand, but to help him simply return to his previous situation and resume profitable operations.

Regardless of how many affected businessmen actually seek or use such disaster aid, its availability is immensely important to those who *can* benefit from it. Disaster designation is also very valuable to the local governments involved as tangible evidence that at least one Federal agency does recognize the special urgency of the situation and is prepared to offer all possible help.

Certainly many affected businessmen in Baltimore and Washington have not made firm plans for rebuilding yet, and will not do so until many governmental decisions have been completed. I do feel, however, that disaster loans should be available now for those who are prepared to rebuild. I would therefore urge you to reconsider your position and to grant disaster designation to both cities without further delay.

Sincerely,
CHARLES MCC. MATHIAS, Jr.

TWO MARYLAND MARINES MAKE SUPREME SACRIFICE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. LONG of Maryland. Mr. Speaker, Pfc. James E. Dickerson and Pfc. John F. Hutzell, two fine young marines from Maryland, were killed recently in Vietnam. I wish to commend their bravery and honor their memories by including the following article in the RECORD:

TWO MARINES FROM STATE KILLED IN VIETNAM COMBAT

Two 19-year-old marines from Maryland were listed by the Defense Department yesterday as killed in combat in Vietnam.

They were identified as Pfc. James E. Dickerson, son of Mr. and Mrs. James G. Dickerson, of 7512 Citadel Drive, College Park, and Pfc. John F. Hutzell, son of Mr. and Mrs. John I. Hutzell, of 110 Appletree Lane, Williamsport.

Private Dickerson was killed in an explosion April 17 while on patrol in the Da Nang area, according to his father.

He attended High Point High School, in Beltsville, before enlisting in the Marine Corps in October, 1966.

He received his basic training at Parris Island, S.C., moving to Camp Lejeune, N.C., and serving five months in Cuba before being sent to Vietnam.

Mr. Dickerson said he received a letter from his son dated April 17 in which the marine said he had just returned after "being out for eight days."

The letter sounded as if he was cheerful, "I only have twelve months and five days to go," Private Dickerson wrote.

Besides his parents, Private Dickerson is survived by a sister, Kathryn Dickerson, and two brothers, Frank K. Dickerson and John G. Dickerson.

Pfc. Hutzell died last Saturday of "multiple wounds" while serving as radioman with an infantry platoon at Quang Tri province, his father said.

A graduate of the Williamsport High School, Private Hutzell took his basic and advanced training at Camp Pendleton, Calif. He left Pendleton last October for Vietnam.

Besides his parents, he is survived by a brother, Joseph V. Hutzell.

PRIORITIES IN SPENDING

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. DONOHUE. Mr. Speaker, perhaps at no time in our history has there been a more urgent need for the Congress and the people to cooperate in establishing wise and prudent priorities in Government spending in order to encourage and maintain a strengthened national financial stability. In this patriotic endeavor we must try to avoid the dangerous tendency of being "penny wise and pound foolish" in our expenditure reductions.

On this score I should like to include, at this point, a very timely and pertinent editorial, by Mr. Richard L. Kenyon, that appeared in the April 29, 1968, issue of the Chemical & Engineering News magazine. The editorial follows:

DON'T CHOP RESEARCH FUNDS RUTHLESSLY

As the world grows smaller through communication, awareness of the tragedy of the human condition grows greater. Men and women with a sense of responsibility want to attack the problem and to solve at least part of it. Money is needed—a great deal of it. But more than that, intelligence, balance, and forethought must go along with the money. And sometimes political unpopularity must be faced as part of the cost.

Our society appears to have worked itself into a corner from which delivery is likely to take massive spending. But the spending should not be done in such a way as to ignore the value of thoughtful investment for the long term. This means intelligent investment of both brains and money.

In dealing with the present war our Government has adopted a draft policy less politically unpopular than it might have. There would have been greater uproar had more consideration been given to the nonegalitarian investment of brain power in the interest of long-term goals. In the matter of reducing our spending there are threats of actions that might be politically popular but show little of the responsible long-term view we need in our leadership: There is, for instance, talk in Congress of heavily cutting investments in scientific research. One announced intention would cut the National Science Foundation budget 50%.

Cutting budgets is needed. Certainly our economic system is not in good balance, for there is danger of rapid inflation, and reduced spending and increased taxes are being called for. Perhaps there has been some fat in research support and perhaps some third-rate people have been supported. Perhaps some university departments getting funds are not getting better. Certainly many scientists and some administrators have aroused antagonism by assuming or adopting an untouchable attitude for support of science. But budget cutting should be guided with great care where moderate investment now might build solutions to severe problems that would arise 10 to 25 years hence.

There is danger in making, under the emotions of a wide-open political campaign, dramatic statements and commitments that might appeal to the public, most of whom do not feel involvement. But most of the public today benefits in one way or another from research investments of 15 to 25 years ago—through nutrition, health, and materials and services we now take for granted. The United States has developed science and technology into a resource that has become the envy of the world.

In decisions about funds for the support of scientific research our legislators and administrators ought to look at these things from the point of view of investment in the future, rather than emotional appeal in a political campaign.

THE REAL VALUE OF THE FEDERAL RESERVE NOTE

HON. THEODORE R. KUPFERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. KUPFERMAN. Mr. Speaker, in light of our Nation's current monetary and fiscal situation both at home and abroad, and the related problem of this country's balance of payments, I am sure that my colleagues will be interested in an article by Stephen Davis Hopkins, which appeared in the Commercial & Financial Chronicle of March 28, 1968, and presents an interesting analysis of the "real" value of the Federal Reserve note:

PAPER FEDERAL RESERVE NOTES AND FUTURE GOLD PRICE

(By Stephen Davis Hopkins, U.S. monetary analyst, New York City)

(NOTE.—Terming our Federal Reserve Note expansion "colossal," Mr. Hopkins says that the same rate of increase applied to the former mint price of gold could result in an eventual price of $124.02 per fine ounce and, at a 16 to 1 ratio, $7.75 for silver.)

The dollar price of gold is finally tearing loose from U.S. Treasury's grasp for the first time since March 6, 1933.

A gold two-price system was forged in the heat of crisis during the week of March 11, 1968, by the massive repatriation of our grossly redundant Federal Reserve note. The seven London Gold Pool members agreed at the end of that week to an official-private price for gold.

Erring foreign investors belatedly realized that they were speculating by holding Fed notes as our forced currency does not serve as a store for liquid savings, since it is not money but merely its paper substitutes.

Not so for our legal tender warehouse receipts, known as Silver Certificates, whose redemption feature expires June 24, 1968. At current price of $2.50 per oz., their .77 percent of a fine ounce is worth $1.92. Dealers are buying them at a premium.

Gold was first embargoed in the United States March 6, 1933 under Presidential Proclamation No. 2039. The National Emergency Banking Act, sent to the Congress March 9, 1933, was enacted into law the same day. This approved and confirmed No. 2039 and authorized the confiscation from our citizenry of all gold coins, bullion and representative certificates.

Under Presidential Proclamation No. 2072 of January 31, 1934, as authorized by the Gold Reserve Act of 1934 enacted previous day, weight of the United States gold dollar was arbitrarily reduced from 25.8 grains of standard gold, 900 fine, to 15 5/21 grains. Dollar value of one fine gold troy ounce of 480 grains was thereby increased from $20.67 to $35.00 where it remains today.

SILVER AND GOLD FUTURE PRICES

With gold in a free international market finally able to join silver in measuring the decline in purchasing power of our Federal Reserve note, domestic currency users may well wish to ponder the future dollar-price of the two precious monetary metals.

Taking the 1939–'41 period as base for the quantity of Federal Reserve notes ($6.7 billion) in circulation, we find that our forced currency reached the colossal total of $40.1 billion as of January 31, 1968 for a staggering increase of 500 per cent vs U.S. population's growth of only 50 per cent for the same period.

As the 1933–'34 dollar increase of gold was a non-monetary political expedient for those troubled times, it bore no direct relationship to free market forces. We are safe in assuming that, for the 1939–'41 period, the real dollar value of gold was still $20.67 per fine ounce which price had prevailed since 1837 when the standard silver dollar was our unit of value. The 1939–'41 period is the same as the 1913 and 1926 wholesale commodity price levels.

By applying the 500 per cent increase of our Fed notes to the $20.67 figure, we arrive at the theoretical monetary value of $124.02 per fine ounce for gold.

The historical ratio of 16 to 1 between silver and gold gives us $7.75 per fine ounce for silver. The two precious monetary metals, in free international markets, are the only true measures of a country's domestic irredeemable paper currency. Consumer price indices are apt to be inaccurate and misleading.

By the weekend of March 15th, New York City coin dealers stopped selling U.S. $20 gold pieces when bids ranged from $75 to $98 for a coin for any year in any condition. These prices seem, in view of the above, much more realistic that the record $44.36 per ounce paid the same day on the Paris Bourse.

A double eagle contains 464.4 grains of pure gold or almost a full ounce and still is legal tender at face value except in daily trade.

Monetary worth of a country's domestic paper currency can be figured by dividing latest dollar or other currency values for a precious metal into price prevailing for a base period.

When the above dollar figures are reached, and that will take time as authorities seek to conceal abject weakness of our currency, our domestic coin and currency system will be completely debauched and the purchasing power of our Fed note will have fallen in terms of gold to 16.6c and to 1c in terms silver which is known as the little man's currency.

We cannot but conclude that today's real speculation is the use, as a store of value for liquid savings, of our irredeemable non-interest earning I.O.U.'s known as Federal Reserve notes, which we are forced to accept as legal tender.

ELECTORAL SYSTEM IN NEED OF REFORM

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. CHAMBERLAIN. Mr. Speaker, if no candidate this fall receives a majority of the electoral vote, the 1968 presidential and vice presidential elections will have to be decided by the House and the Senate respectively. In this turbulent and unpredictable political year this is more than a theoretic possibility. Should this come about, it would mean, among other things, that each State would have just one vote regardless of its population, in accordance with the procedures adopted by the 12th amendment in 1804. Because I share the concern of many about the workability of this electoral machinery today, early this session I joined in sponsoring a resolution to amend the Constitution, which if acted upon promptly by the majority leadership could be ratified by a sufficient number of the States yet this year. It would provide, for example, that each State would have as many votes in electing the President as it does Representatives. In this way the election of the President by the House would more accurately reflect the views of the people of this country. While this is but one area in which there is need of electoral college reform it is one which I believe can and should be taken without delay. I was gratified to read that the State Journal of Lansing in an editorial appearing Sunday, April 28, 1968, entitled "Electoral System in Need of Reform," shares this view and I commend it to the attention of my colleagues.

The editorial follows:

ELECTORAL SYSTEM IN NEED OF REFORM

The possibility that the candidacy of George C. Wallace, former governor of Alabama, may throw the selection of the next president of the United States into the U.S. House of Representatives has stirred renewed discussion of the need for a change in the process through which this nation chooses its chief executive.

In our judgment, the change is long overdue and we believe it should come in the form of replacement of the outmoded present system with provision for election of the president and vice president directly by popular vote.

The courts have applied the "one man, one vote" principle to congressional elections, but the electoral college system under which presidents are chosen is a long way from that principle under normal conditions and would be farther away if the choice were to be made by the House of Representatives.

Under the present constitutional provision the popular vote in the several states is cast every four years for presidential electors and not directly for the candidates for president and vice president.

Each state has as many electors as the number of its representatives in both houses of Congress. In practice, the entire electoral vote of a state goes to the electors nominated by the party which polled a plurality of the votes for president in the state. The electors thus chosen in each state then meet and go through the formality of casting ballots for president and vice president.

One of the more obvious flaws in the electoral college system them is the possibility that a president can be elected even though he is not the choice of a majority of the nation's voters.

In a Lincoln Day speech this year, U.S. Sen. Robert P. Griffin, R-Mich., told his audience that unless the 1968 election turns into a landslide there is a real possibility that Wallace "will achieve a major objective of his candidacy—to throw the election of the next president into the House of Representatives—for the third time in history."

Sen. Griffin then went on to detail how this process, might be carried out, and we believe his words are deserving of the attention of every citizen.

He said:

"In this day and age, when there is so much talk about 'one man-one vote,' most Americans would be shocked if they stopped to realize how the selection in the House would actually be made.

"If and when such a ballot is taken, each representative will not have one vote. Instead, the Constitution provides, in such a situation, that each state shall have one vote.

"This means that the people of Alaska would have as much voice in selecting the President as the people of California or New York. It means that the state of Nevada, with one congressman, would count as much as Michigan with 19 congressmen.

"Consider the situation where the delegation in the House from a particular state happens to be evenly divided—half Republicans and half Democrats (and this is the case now with Illinois, Oregon and Montana). Presumably, the people of such a state would end up with no voice at all in the final selection.

"In such a situation, of course, the party which happens to control a majority of all the seats in the House of Representatives is not necessarily the party which would be able to select the next president. For it is altogether possible that the minority party in the House could be in a position to control the vote of 26 of the states. These might be small states with a small percentage of the population—but that wouldn't matter under the present system.

"When the roll is called in the House, and each state casts its one vote to determine which of the top three candidates shall be president, it is altogether possible, assuming that some votes go to Wallace, that neither of the major candidates would receive the necessary 26 votes to have a clear majority.

"Before a state's vote is cast, presumably the representatives from that state would hold a caucus. But they would not be bound by the popular vote or by the electoral vote registered by their state. It can be expected that Wallace would be favored by the representatives in at least some of the Southern states.

"Here again, the more votes that Wallace is able to gather up in the House of Representatives, the greater the likelihood that neither of the major candidates would be able to obtain a clear majority.

"I'm sure it doesn't take much imagination to visualize the 'wheeling and dealing' that could go on in smoke-filled rooms if such a situation should actually develop . . .

"Of course, it is just possible that the House of Representatives might deadlock, with none of the top three being able to get the necessary 26 votes to become president. In that case, the vice president of the United States would be selected by the Senate (each senator having one vote) from the top two candidates for that office—and then he would be installed as President.

"If all this suggests to you that our whole electoral college system is a bit archaic and in dire need of reform. I would hasten to add my wholehearted agreement."

We share the view of Sen. Griffin and many others that the electoral process is in urgent need of reform and believe the reform should be complete.

The will of the majority of the voters should be the only basis for choosing this nation's leaders.

STATEMENT BY CONGRESSMAN JOSEPH Y. RESNICK

HON. JOSEPH Y. RESNICK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. RESNICK. Mr. Speaker, I have today begun ad hoc hearings on the case involving Lt. Cmdr. Marcus A. Arnheiter and Capt. Richard G. Alexander, two naval officers who were summarily removed from shipboard commands and reassigned to shore duty.

I am holding these hearings because the U.S. Navy has, thus far, refused to do so. What is at stake here is more than the careers of two brilliant naval officers, it is the honor, tradition, and indeed, the reputation in the eyes of the American public, of the U.S. Navy.

I respectfully submit the following testimony, taken during the first day of these hearings, in the RECORD at this point:

STATEMENT BY CONGRESSMAN JOSEPH Y. RESNICK

This is the first of three days of ad hoc hearings on the case of Lcdr. Marcus A. Arnheiter and Captain Richard G. Alexander—a case which has already cost the Navy two ship commanders and its integrity in the eyes of the American public.

The Navy has, thus far, refused to cooperate or participate in this inquiry in any way. I have invited the Secretary of the Navy, as well as a number of other naval personnel who were instrumental in the relief of Lcdr. Arnheiter to testify. They have all declined.

I have also invited the three junior officers who were instrumental in initiating the action against Lcdr. Arnheiter, to testify. They, too, have declined. They have done so in spite of the fact that in repeated radio and television statements they expressed their eagerness to take part in any investigation of the Arnheiter case.

So far, the Navy has chosen to ruin the careers of two dedicated officers, rather than to admit to a possible error in judgment. Lcdr. Arnheiter is one of those men. He has been denied the open inquiry which he has repeatedly sought in order to clear his name.

Captain Richard Alexander is the other. Ironically, Captain Alexander was fired from his position as Commander of the battleship USS New Jersey for demonstrating those qualities on which the Navy has always prided itself—courage, honor and integrity. He came to the defense of a fellow officer whom he and other Naval officers believed had been grossly wronged, and was fired for his actions.

The purpose of this inquiry is not to determine the merits or demerits of the charges brought against Lcdr. Arnheiter. This investigation is to be limited to the circumstances and background behind the relief of both Lcdr. Arnheiter and Captain Alexander from their respective commands, and whether such actions were controlled by personal animosity or sanctioned by official action according to Navy Regulations, thus according both of these officers due process of law.

What is at stake here involves more than the individual problems of these two men. It involves the entire fiber and morale of our military forces. It is essential that malcontent junior officers not be permitted to rid themselves of undesirable superior officers because of mere disagreement with their policies or by reason of personal disagreement or dislike.

The men who will testify here today and during the subsequent days of this hearing do so less from personal ties to Lcdr. Arnheiter and Captain Alexander than from love and pride in the United States Navy. It has often been said that moral courage requires more from an individual than does courage in battle. The Navy has proven that it has the latter. Whether or not it has the former remains to be seen.

STATEMENT OF LT. COMDR. MARCUS ARNHEITER

All I am asking for and have repeatedly asked for is a fair court of inquiry where I can for the first time present all the evidence in my behalf before an impartial factfinding body, and where all aspects of this case will be fully exposed and reflected upon. I've requested and been denied a court.

No one wishes to officially charge me with misconduct. The Navy has not been willing to investigate the most serious of all naval charges that I have made against my accusers, even though I hold damning evidence to support my charges.

Why is the Navy refusing to hold an open hearing? What are they hiding? Why do naval spokesmen mis-state the facts in my case? Why do they continue to circumvent rules and regulations?

I concur with several admirals who have said that an attempt is being made to cover up the gross violations and derelictions of high naval officers, by deliberate smokescreening. Violations of Navy regulations and directives by high officials are set forth in my formal complaint filed in Federal court by my attorney. Among other things, these regulations which were violated require that any military man be afforded a fair chance to present his side of the story.

I was dismissed abruptly with no prior warning or chance to defend myself. At a preliminary investigation after I had departed from my ship, the officer who originally took clandestine complaints to higher authority told the ship's company it was their duty to their country to think of things the captain did which might have brought about his summary relief. After I was relieved of command, with no cause stated, what amounted to a shocking kangaroo court composed of one biased officer was held to justify the arbitrary action already taken. At this hearing I was not allowed to present the witnesses I wanted to testify in my behalf. I had no chance to have experienced counsel defend me. When I requested permission to subpoena witnesses to refute hostile testimony that was injected by mutinous and conspiring junior officers, I was not even allowed to introduce such witnesses in my behalf. Unproven accusations and charges made against me behind my back were considered by the investigating officer, but were never openly introduced, or even made known to me. As a result, I had no chance to answer these covert accusations.

Many accusations thus brought against me were completely untrue. They were fabrications. 38 of the 41 original charges were subsequently dropped after intense review by higher authority. This left only 3 minor technical charges.

What really happened on this ship was a mutiny, not on the part of the enlisted men, many of whom have been coming forth on my behalf, but on the parts of certain of my subordinate officers who resented my efforts in turning this ship from the yacht which it was, into a combat ready warship of which both the Navy and the American public could be justly proud.

As a result of the shameful, arbitrary and unprecedented manner in which my detachment from command of my ship was carried out, shocked and distressed enlisted men and various officers have come forward in my support. Others who have become familiar with the ugly details of the whole case have also rallied to my support, in my quest for a fair public hearing. I feel I should be entitled to a fair hearing. One gallant and courageous officer who spoke up for me was Navy Capt. Richard G. Alexander. He was then maneuvered into relinquishing his command of the battleship *New Jersey*. This was as a direct result of his open support for me. He has been shunted aside to a minor desk job, a professional graveyard. I am afraid that without a full scale public probe which I hope develops, his once brilliant career in the Navy is over. That would be a great tragedy for the American people, a victory for those who would hide a series of tragic errors, a signal triumph for men who have purposely distorted truth to the public detriment.

I have always been proud to wear the uniform of my country, but the Military Establishment should not be allowed to violate its own regulations, particularly those which properly safeguard and protect the very fabric of command authority. Otherwise, no military man, be he a commanding officer or a newly enlisted man, will have any protection against arbitrary, or unjustified military fiat which may contravene Navy regulations and law. Laws and constitution, after all, are above the Military Establishment, and not vice versa.

I stand before the military, and now at this congressional hearing as an officer who has always been and still is dedicated to the high principles of military justice and fair play for all. I would like to make abundantly clear, that I am not attacking the Navy, whose past fine traditions and ethics I am fighting to uphold,—but, I am merely requesting that our Navy follow its own regulations, where simple justice is involved.

It is, in reflection, a sad commentary that the Commander-in-Chief Pacific Fleet was reduced to having to issue an order to all his subordinate admirals, to obey Navy Department directives, after the admirals over me had violated every important regulation pertaining to me.

I can only reflect that this action underscores the deplorable situation I am in. As one admiral has said: "Is the Navy no longer big enough to admit a mistake and redress it?"

THE ARNHEITER-ALEXANDER CASE

On March 31, 1966, Lt. Comdr. Marcus A. Arnheiter was summarily relieved from his duties as Commanding Officer of USS VANCE a picket ship operating in the war zone in Southeast Asia. This action was the result of what has every appearance of a mutinous conspiracy engaged in by some of the ship's officers. Arnheiter was relieved of his command after a 6-day hearing which was condemned on separate occasions as "unfair and prejudiced" by the Commander of the Pacific Fleet Cruiser-Destroyer Force.

Since that time, Arnheiter has waged a continuous battle with the Navy pleading for a fair, open inquiry which he claims would clear his name, demonstrate that he was grossly wronged, and show that the Navy was derelict in prosecuting those officers involved in the alleged conspiracy.

The Arnheiter battle reached the highest levels in the Navy and gained nationwide attention in November 1967 when another Naval Officer, Captain Richard G. Alexander, spoke out in defense of Arnheiter and called for an open inquiry.

Captain Alexander was not merely a casual observer of the case. He was intimately familiar with it, and its handling by the Navy, because he had just recently completed his assignment at the Bureau of Naval Personnel. As one of the very few people who knew the "inside story", he spoke his mind in order to see justice done, fully realizing what punishment the Navy might exact for this act.

Indeed, Capt. Alexander was shortly thereafter fired from his position as Commander of our only battleship, the USS NEW JERSEY. At first, the Secretary of the Navy publicly stated that this action had nothing to do with the Arnheiter affair. Several days, later under pressure from those who disclosed facts to the contrary, the Navy changed its story and admitted that Alexander's involvement was the reason for his transfer to shore duty, and a step which brings the career of this brilliant 45 year officer to a dead end.

The official Navy position on the Arnheiter case (using quotation from letters and official Navy documents) is that:

1. Lt. Cmdr. Arnheiter "knowingly and deliberately committed many derelictions" and "displayed a serious lack of judgment".

2. "Lt. Cmdr. Arnheiter had his day in court".

3. "All of the most experienced officers in the Navy concerned with the case personally reviewed the case in complete detail and assured themselves that all administrative and legal requirements have been met and that the rights of the individuals have been zealously safeguarded".

4. Having completed its evaluation, the Secretary of the Navy is "convinced that Lt. Cmdr. Arnheiter has had a full opportunity to present his position and has done so, and that further inquiry is not warranted".

Aside from the fact that not all of the above claims are true, many questions remain unanswered in this highly complex case. The case has so far been reviewed only within the Navy, in most instances by officials commenting on actions already taken by their superiors. The open inquiry for which Arnheiter pleaded, and for which Captain Alexander sacrificed his highly successful Naval career, because he felt that the lack of such an inquiry would stain the honor and integrity of the Navy, is most certainly in order. The behavior of the Navy in the Arnheiter-Alexander case, in the opinion of many high ranking Naval officers, will have a far reaching, corrosive effect on discipline, morale, esprit-de-corps, and on the "special trust and confidence" reposed in commissioned officers by the President, which are of the greatest importance.

In its handling of the Arnheiter-Alexander case, the Navy has blackened its name in full view of the American public.

The Navy not merely permitted, but later actually defended, the overthrow of the commanding officer of a warship in a war zone by a coalition of dissident junior officers.

It relieved Lt. Cmdr. Arnheiter of command, although the record itself dismissed his alleged derelictions as "trivial".

It refused to take action on charges brought by Arnheiter against the dissident officers.

It violated its own mandatory procedures and statutory regulations (most notably Article 1404, Navy Regulations) in the way Arnheiter's relief was carried out and sustained. Article 1404 of Navy Regulations, for example, prescribes that, "whenever an accusation is made against an officer by report or by endorsement, a copy shall be furnished him at that time". This is the Navy failed to do.

It denied Arnheiter a fair opportunity to defend himself in the one-man court of inquiry that was held. Comments of the Commander of the Pacific Fleet note: "Lack of objectivity" and "considered only testimony of witnesses inimical to Captain".

It had the investigation of Arnheiter conducted by the same people who had precipitated his relief.

It concluded, on the basis of unproved allegations, that Arnheiter was unfit for command less than three months after he supposedly had been carefully selected for the job.

It failed to provide Arnheiter with a copy of the record, in plain violation of the regulations of the Judge Advocate General. It has now informed Arnheiter, however, that a copy could be purchased for $100 (400 pages at 25c a page).

It gave false information to members of Congress who inquired into the details of the case.

It issued press releases by an unnamed "Pentagon legal source", although Navy regulations require that an official source must be named at all times.

It removed Capt. Alexander from command of the USS NEW JERSEY shortly after Alexander came to the defense of Arnheiter. After first claiming that the firing was unrelated to the Arnheiter case, it admitted that Alexander's involvement in the case was the reason for its action.

It issued press releases which distorted the facts of the case, and which aimed at the character assassination of both Lt. Cmdr. Arnheiter and Captain Alexander.

The injustice done to the two Naval officers must be rectified for the good of the Navy, as well as for the good of the two men who have suffered. The whole fabric of custom, tradition and law upon which the concept of command at sea is based is at stake. Arnheiter is entitled to a court of inquiry. Alexander is entitled to reinstatement.

STATEMENT BY VICE ADMIRAL T. G. W. SETTLE, U.S.N. RETIRED

Memo to Lt. Comdr. M. A. Arnheiter, USN.
Subject: Summary of essential facts in your pending case.

1. On 31 March 1966, in violation of mandatory procedures specified in Navy Regulations and in Bupers Manual, and in violation of military ethics, you were summarily relieved of command of U.S.S. Vance. Your relief was without warning to you, without prior intimation to you that it was impending or that allegations had been made against you, without prior investigation, interrogation or cautioning of you by your seniors, without informing you of reasons, allegations, or accusers, and within time-urgency or other circumstances necessitating or warranting such violation of Navy Dept. procedural directives. Prior communications from your seniors had commended you for the conduct of your command.

2. Your relief was premised in part upon unproven allegations of minor irregularities, by a dissident junior officer in Vance, transmitted thru clandestine channels, in violation of Navy Dept. procedural directives.

3. Your relief was tantamount to severe punitive action wrecking your naval career, and violated the Constitutional guarantee that an accused be considered innocent until proved guilty.

4. I proferred my services to the legal officer assigned as your defense counsel, to serve as an assistant defense counsel and/or a character witness before a Court of Inquiry or General Court Martial, and/or to serve in any other manner in your defense. I have read the full record of the case.

5. You have requested, and have been denied, a Court of Inquiry or a General Court Martial.

6. Were I, now, again a ship commanding officer, I could no longer be confident that my seniors would obey Navy Dept. directives, I would feel in jeopardy of being similarly "torpedoed" by clandestine complaints of a dissident in my crew, I would feel constrained to "go easy" in maintaining military discipline in my ship and operating her aggressively in a war zone, and my esprit-de-corps and that of my crew would sag.

7. On request for a recommendation in the premises, I recommended to the Navy Dept. that: (a) Your "relief for cause" be *not* sustained, and (b) You be ordered to command an Atlantic Fleet ship.

T. G. W. SETTLE,
Vice Admiral, USN, Ret.

First Endorsement on COMCRUDESGRU, U.S. Seventh Fleet ltr cer 137 of 26 May 1968.

From: Commander Cruiser-Destroyer Force, U.S. Pacific Fleet.

To: Chief of Naval Personnel.

Subject: Detachment of Lieutenant Commander Marcus A. Arnheiter, USN, from Command of USS *Vance* (DER 387); request for sustainment of.

1. Forward.

2. Enclosed is the record of proceedings of the Investigation to inquire into the circumstances connected with the relief of Lieutenant Commander Arnheiter, identified in the basic correspondence as reference (d). Upon receipt of enclosure (3), Lieutenant Commander Arnheiter requested an opportunity to provide additional information and to comment on the findings and opinions of the investigation. He further requested that counsel be made available to assist him. His requests were granted. His comments concerning the findings and opinions of the Investigation are contained in enclosure. His comments, and those of his counsel, concerning the matters set forth in the basic correspondence are contained in enclosure (4). Additionally, Lieutenant Commander Arnheiter was interviewed by the Type Commander on several occasions during which time he was given an opportunity to give expression to matters he wished to emphasize. The Type Commander also received numerous letters from officers with whom Lieutenant Commander Arnheiter had served in the past. Copies of some of these letters have been included by Lieutenant Commander Arnheiter as enclosures to enclosure (4). Enclosure (--) is a copy of a letter not so included.

3. Lieutenant Commander Arnheiter alleges that the procedures set forth in reference (c) were not followed in relieving him in that his seniors in the chain of command did not "assure (themselves) that the difficulty involved, whatever its nature, was not reasonably susceptible to correction." (Article C-7801, subparagraphs 4(b) and 4(c)(1)). Article C-7801, subparagraphs 4(d)(2) of reference (c) provides, however, that where "speed is mandatory because of an emergency, impending extended deployment, or other urgency," request for relief for cause may be made by message to be followed by a detailed letter after the matter has been investigated. The return of *Vance* to independent detached duty in the Market Time Area, where a single instance of poor judgment on the part of the commanding officer could have the gravest consequences, was imminent. The immediate circumstances attending Lieutenant Commander Arnheiter's relief are contained in enclosure (5). While it is clear that there was sufficient time in which to inform Lieutenant Commander Arnheiter of the general nature of the allegations made against him prior to his relief, it is equally clear that an inquiry could not have been completed in time, considering Vance's employment, to allow Lieutenant Commander Arnheiter's superiors to proceed in any different manner. Conse-

quently, it is the opinion of the Type Commander that Lieutenant Commander Arnheiter was relieved of command under appropriate conditions. The procedural requirements contained in reference (c) are designed to protect the rights of the officer concerned. Although it might have been more prudent to have alerted Lieutenant Commander Arnheiter as to the specific items to be investigated, the record of proceedings of the Investigation, the basic correspondence, Lieutenant Commander Arnheiter's replies and comments respecting both, all bear testament, however, to the undeniable fact that his rights have been amply protected and preserved.

4. Lieutenant Commander Arnheiter contends that his relief was "engineered" by a planned conspiracy of a group of dissident officers. There is insufficient evidence in the record to support his contention. The record indicated that his relief was effected in order to investigate allegations reported to his immediate superiors which, if true, would seriously impair the confidence his seniors would have in his judgment and discretion in operating his ship in a rigidly controlled combat environment and in an atmosphere requiring the finest sense of discretion and tact in contacts with the Vietnamese. These allegations concerned both operational and administrative matters. Operational matters include, in part, the falsification of position reports, the unwarranted firing of small arms in the vicinity of junks, the neglect of his primary mission in order to "manufacture" a gunfire support situation, the use of a boat to draw fire, and the firing of a gun support mission not strictly within the rules of engagement. Administrative matters include, in part, "compulsory" church attendance, the "fining" of officers for minor errors, the submission of a false report on critical spare parts, the improper use of OPTAR and other funds, and the introduction of alcoholic beverages in *Vance*. It is evident from a reading of the record of the Investigation, enclosure (2), and Lieutenant Commander Arnheiter's comments, enclosure (3), that many of the allegations made by *Vance's* officers were based either upon a complete lack of understanding of the commanding officer's ultimate objectives and methods he employed to achieve them, or, understanding his objectives, a reluctance on their part to accept them. It is certainly apparent that there did not exist in *Vance* the two-way communications necessary to achieve the kind of CO-Wardroom and Crew rapport so essential under current conditions in a ship employed on operations encountered in Vietnamese waters. While it is true that Lieutenant Commander Arnheiter admits to using seemingly unorthodox methods in the pursuance of his command objectives, extending at times to circumventing regulations, the Type Commander is convinced that had not the *Vance* been employed in a forward area, a demand for corrective measures by his superiors would have been more appropriate than his relief from command. The foregoing should not be misconstrued to indicate that the Type Commander condones the irregularities admitted by Lieutenant Commander Arnheiter, no matter how they are explained away.

5. Lieutenant Commander Arnheiter is erudite, keenly intelligent, highly aggressive, and possessed of many of the best attributes of a naval officer. His brilliance in administrative staff work is reflected in enclosures (3) and (4). With respect to his performance in *Vance*, his goals were of the highest order; his intentions the best. Not in any derogatory sense, however, he might conceivably be termed anachronistic. In his efforts to achieve his goals, he did evidence some lack of the good judgment, tact, and common sense required in the situation then pertaining. For example, he contends that he was saddled with a cowardly Vietnamese liaison officer in Market Time Area 4. While the record lends some credence to his contention, and, indeed, the officer asked to be relieved, the fact remains that the Vietnamese Navy thereafter would not provide *Vance* a liaison officer in Areas 1, 2 and 3, and only through the persuasive efforts of CTF 115 with the Vietnamese were they willing to provide *Vance* an officer in Area 4. His insistence upon a high degree of adherence and responsiveness to his own policies and directives by his subordinates (which is commendable), was not paralleled by an equally high degree of adherence and responsiveness by him to Navy Regulations (e.g., introduction of alcohol into the wardroom) and to policies and directives of his superiors (e.g., falsification of position reports). Although there is much evidence of substantial dissatisfaction with his performance by his officers in *Vance*, this, in itself, is not considered unusual. Some highly capable commanding officers are not popular. Nonetheless, a commanding officer's efforts towards improvement of his command require the understanding and support of his subordinates. During Lieutenant Commander Arnheiter's tenure as commanding officer of *Vance*, a lack of understanding and support was evident. Admittedly, many of Lieutenant Commander Arnheiter's decisions were open to criticism, but had the expected cooperation by his officers been achieved, his relief may never have come to pass. Lieutenant Commander Arnheiter's greatest fault, therefore, was his inability to communicate his ideas to his subordinates and to inspire the performance required. It is clear that he did not recognize the underlying dissension and failed to take early remedial action.

6. Lieutenant Commander Arnheiter has an excellent grasp of the subject of personnel management in the academic sense. He understands and is able to articulate on this subject at some length and with great persuasion. His theories on the organization of a model command might be accepted as an authoritative text on the subject. In practice, the lack of two-way communication in Vance militated against the establishment of the mutual confidence necessary to create the model in Vance initially and have it function effectively thereafter. It is conceivable that given more time such communication and mutual confidence could have been achieved. In fairness to Lieutenant Commander Arnheiter there is also evident some lack of two-way communication between his immediate superiors and himself as well.

7. The Type Commander, therefore, has arrived at the following conclusions

a. Isolated, none of the alleged "irregularities" is sufficient grounds to sustain the relief for cause.

b. There emerges when reviewing the record, together with the many conversations held with Lieutenant Commander Arnheiter, and others intimately acquainted with him, the impression of a brilliant, yet complex, officer who attempted in the span of three months to mold his officers and crew in his own image; to make Vance the model of a combatant unit in the circumstances of the Vietnam conflict as he viewed it, but, withal, an officer whose actions in a number of instances, both operational and administrative (including the handling of personnel) did cast some doubt in the minds of his superiors that his judgment, discretion, and objectivity could be relied upon in an independent command status.

c. The brilliance of Lieutenant Commander Arnheiter in many other respects (his ability to write clearly, soundly and convincingly, to articulate persuasively on many professional matters, to serve as a highly creative staff officer) is such that his services ought not to be lost to the United States Navy.

d. Recognizing that successful command may be essential for promotion, in light of the circumstances surrounding this most unusual case, *his tour in "Vance" should be viewed without prejudice.*

e. A further impression gained through insight afforded by lengthy discussion in depth with his present situation as a touchstone, over a period of three months, leads the Type Commander to believe that Lieutenant Commander Arnheiter has developed a realization of many of his errors in judgment, as they affected his shortened tour as commanding officer in *Vance*, and has shown a disposition not only to admit these errors, but also to develop a fresh approach to the application of his theories of command.

8. The Type Commander, therefore, recommends:

a. That no disciplinary action be taken against Lieutenant Commander Arnheiter.

b. That his relief of command of *Vance* be sustained as for investigation in light of the circumstances then existing.

c. That he not be restored to command of *Vance*.

d. That, in view of his evident high potential and the conclusions expressed in paragraph 7 above, he be reassigned to command in a DE in this Force to provide an opportunity for reassessment of his abilities.

9. No further action respecting enclosure (2) will be taken by the Type Commander. A copy of this endorsement will be attached to a copy thereof for record purposes.

W. H. BAUMBERGER.

ROBERT FLEMING RICH—1883-1968

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I wish to insert in the CONGRESSIONAL RECORD the remarks given at the service for the late Honorable Robert F. Rich, former Congressman from Pennsylvania, by his son-in-law, the Reverend Sheridan W. Bell, of Harrisburg, Pa.

ROBERT FLEMING RICH—1883-1968

(Prepared with loving devotion by his oldest son-in-law, Sheridan W. Bell for the service in the Woolrich Community Church, May 1, 1968)

Proverbs 3:1 "My son forget not my laws, but let thine heart keep my commandments: for length of days and long life, and peace shall they add to thee. Let not mercy and truth forsake thee, bind them about thy neck; write them upon the tables of thine heart; so shalt thou find favor and good understanding in the sight of God and man. Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge Him, and He will direct thy paths."

I John 3:2 "Beloved, now are we the Sons of God and it doth not yet appear what we shall be; but we know that, when He shall appear; we shall be like Him; for we shall see Him as He is."

We are all here this afternoon in the spirit of reminiscing. Each one of us has a very special remembrance, for we are expressing by our gathering, the love, the honor, the admiration, the respect, the awe, the affection, the regard we held for Robert Fleming Rich. To some of us this expression can go back over a knowledge of 80 years or more, and to others just a few years. But in that span of time whether long or short, the judgment of the man we love has never altered.

So we have known him as the member of a family and we have looked up to him as the patriarch who was kind, thoughtful, demanding and benevolent and always consistent in his dealings, always just in his relationship. We may have known him in the context of the Mill and what stands today as the Woolrich Woolen Mills is a monument to his vision and drive and to his character where as a young man of 23 he was made a partner in John Rich and Brothers, carrying it to Corporation level with the traditions established as far back as 1811 when John Rich, a wool carder by occupation, born in Wiltshire, England, 1786, was employed at the age of 25 in a mill in Germantown, Pennsylvania. In 1814 going to Mill Hall where he rented a small woolen factory for seven years, then moving to Plum Run, but scarcity of water moved him on Chatham's Run where he built a mill in 1830, called it Factoryville, later changed name to Richville and then finally to Woolrich. The name, the product grew, and the reputation expanded from father to son, to son, to son, to son, and has so remained throughout all these years.

We have known him as a public servant and colorful member of the Government of the United States, where he was elected in 1930 to fill the vacancy caused by the death of the Honorable Edgar R. Kiess. At that time Congressman Rich received 32,392 votes and his opponent 143. In the 18 years that he served his District, he represented all the people with the same convictions that had been established in his own life.

Through it all was the same evaluation that Headmaster Irvine of Mercersburg Academy had written to his father M. B. Rich on December 21, 1901, when Robert was 18 years old. "I cannot help writing you to say how much I appreciated the manliness of your son as he showed it in the school from day to day since the time of his accident. His behavior was an object lesson to the rest of the boys and we all honor him very much for his manly spirit."

This quality never changed in an entire lifetime. Honor is evidenced by the presence of his dear Republican colleagues here this afternoon. It is reaffirmed by the message received this week from the Speaker of the House The Honorable John W. McCormack, who was always on the other side of the aisle and political opposition, but who could wire, "my dear and valued friend whom I admired very much." And the letter delivered to his daughter Margaret from President Lyndon Baines Johnson with these words, "May the remembrance of your father's long and generous public service and the knowledge of his steadfast devotion to the fiscal integrity and well being of this nation help fill the lonely moments that lie ahead."

We have known him not only in business, and in political life, but we have known him in the Church. Here was the fruit of the training and the exemplification of a father bringing to his son the example of honor and trust in God and love of fellowman. And this never left him. In 1963 when the Central Pennsylvania Annual Conference was in session on the campus of Lycoming College a dinner was a highlight of the Conference. For at that time his fellow Methodists honored Robert F. Rich, "for his stewardship that was not based on the generosity that seemed to be unlimitless and was way beyond the call of duty but was recognizing his willingness to serve." The record began in 1897 when he joined the Woolrich Church and was still being written on Sunday, April 28, 1968 when he joined the Church Triumphant.

When Mrs. Karl Mette was the sole teacher of the first five grades in the Woolrich Primary School, she and the children wrote a letter to him. "We desire to express to you our deep felt gratitude and unbounded pleasure in the gift bestowed upon our school in the Victrola and selected records during the present school term. Your thoughtful consideration for the children of this school will ever be remembered by all of us. May you live to hear the echo of the songs now located in these little hearts. Your little friends, Pauline Graham, Harvey Willow, Florence Horner, Madelyn Love, Vincent Verbeck."

And those who have listened to the music of his generosity cannot be counted. Lycoming College, Dickinson College, Mercersburg Academy, Methodist Home for Children, Methodist Home for the Aged, Y.M.C.A.s, Boy Scouts, Hospitals, young men for the ministry, old men in trouble, all mankind knew the expression of his love.

His Father wrote to him on February 10, 1908 when he was 25 years old, a partner in the Mill, the first president of the Avis National Bank, active in Masonic circles. "I have thought of what an influence you might have in the work for Christ and that influence is in living so that those who know us best as well as all others may not be offended but having knowledge of us may know we love the Christ and that we esteem his service of greater value than anything the world may offer."

And so this man, this sportsman, this hunter, this companion and this friend carved such a life. There was a higher wisdom here.

"My son forget not my laws, but let thine heart keep my commandments: for length of days and long life, and peace, shall they add to thee. Let not mercy and truth forsake thee, bind them upon thy neck; write them upon the tables of thine heart; so shalt thou find favor and good understanding in the sight of God and man. Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him, and he will direct thy paths."

On one of his cards found in his great desk where he pigeonholed evidence of all his interests were these words:

"Be strong!
We are not here to play, to dream, to drift,
We have hard work to do, and loads to lift.
Shun not the struggle, face it, 'tis God's gift.
Be strong, be strong!
"Be strong!
Say not the days are evil—who's to blame?
And fold the hands and acquiesce—O shame!
Stand up, speak out, and bravely, in God's name.
"Be strong!
It matters not how deep intrenched the wrong,
How hard the battle goes, the day, how long;
Faint not, fight on! Tomorrow comes the song."

—*Maltbie D. Babcock.*

To his children and grandchildren there are so many tender loving things I could say, so many wonderful events to recall, but perhaps the most significant came out of those great vacation days on Zavikon Island with him when each morning we would wait until we would hear his step in the upstairs hall and then all the grandchildren would come down the stairs with him as he sang "Old Soldiers never die, they just fade way." And then as was his daily custom before we could sit down to the breakfast table, we gathered around him for the reading from the "Upper Room" and then with all the grandchildren shouting "Thought for the day" he would have the final word of wisdom and then sit by his side as a family at that happy breakfast table.

The scripture for the "Upper Room" reading May 1, 1968 which is today, is from Paul's writings II Corinthians 5:15 "He died for all, that those who live might live no longer for themselves but for him who for their sake died and was raised." And the "Thought for the Day": "Today over every duty, demand, and discipline I write, "For Jesus Sake." Amen.

CIRCULAR ATTACKS BILL ON BENEFITS

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. GALLAGHER. Mr. Speaker, an unsigned handbill has been circulating through the 13th District urging opposition to H.R. 5710 and alleging that this bill would allow the Social Security Administrator to arbitrarily cut off earned social security benefits and transfer social security funds into welfare programs.

There is absolutely no truth in the allegations made by the circular and, if anything, the flyer shows that whoever conceived it has absolutely no knowledge of the actual provisions of H.R. 5710 nor knowledge of the social security law. I personally have serious doubts whether the writer of the circular has any sense at all.

In the first place, H.R. 5710 is no longer before the Congress. It is a dead bill. H.R. 5710 was the number assigned to the original administration proposal to increase social security benefits. H.R. 5710, in its original version, did not contain any provisions even remotely similar to the charges made in the circular. The House Ways and Means Committee held extensive hearings on the bill, as did the Senate Finance Committee. After these hearings, a "clean" bill was reported by Ways and Means, H.R. 12080. This bill was subsequently enacted and signed into law by the President. This legislation contained no provision either allowing the Administrator to cut off benefits or channeling social security funds into welfare payments. Under the new law, benefits have been increased and taxes will continue to be collected, benefits will still be based on wages earned in covered employment, and workers will be entitled to these benefits as a matter of right.

Mr. Speaker, the person or group that has initiated this false flyer has done a tremendous disservice and has succeeded in unnecessarily alarming many people. I cannot stress too strongly my distaste for anyone who would circulate such a gathering of lies.

Mr. Speaker, with permission I insert for the RECORD the following article from the New York Times of May 5, 1968, which helps to emphasize the extent of the falsity of these charges:

CIRCULAR ATTACKS BILL ON BENEFITS

(By John D. Morris)

WASHINGTON, May 4—For nearly a year, members of Congress have been trying to convince disturbed constituents that there is no truth in an anonymous circular attacking House Bill 5710.

The circular, contending that the bill would destroy the Social Security Act, first began showing up last May on the bulletin boards of factories and offices around the country.

It prompted a heavy flow of postcards, letters, telegrams and telephone calls to Representatives and Senators from worried constituents. Despite the combined efforts of legislators and the Social Security Administration to refute the charge, many Congressional offices are still receiving such communications.

The one-page circular points out, truthfully, that Social Security retirement benefits are fixed by law and that the Social Security Administration "has no discretionary powers to alter the amount." However, it adds:

"There is a bill before Congress that would destroy the Social Security Act and channel the money you have paid, and will in the future, into welfare programs with the administrator empowered to determine what retirement benefit, if any, you would receive, based on his determination of your need.

"If, in his opinion, you did not need it, he could reduce the amount or deny you entirely".

The circular says "only a flood of mail from all over the country will stop this outright steal." It suggests "letters and cards written in longhand, signed with your name and address," as the most effective. The origin of the circular is unknown.

It then gives the names of Representatives and Senators from the state in which each circular is distributed.

Actually, House Bill 5710 was the original version of the Johnson Administration's bill for an across-the-board increase in Old Age, Survivors and Disability benefits and various other changes in the Social Security Act.

The measure was revised extensively by the House Ways and Means Committee, which even changed its number to 12080. Neither the original version nor the final text signed by President Johnson last Jan. 2 called for alteration of the law's basic principles, as charged by the anonymous circular.

Under the final version, as under House Bill 5710, a worker's right to benefits and the amount of his benefits continue to be based on his record of work under Social Security. Benefits are still paid as a matter of earned right without any test of need.

At one point last June, so many inquiries were received from other members of Congress by Representative Wilbur D. Mills of Arkansas, chairman of the Ways and Means Committee, that he drafted a form letter to assure prompt replies.

In it, he characterized charges in the circular as "a complete misrepresentation" of the bill's provisions.

THE POLITICS OF COERCION

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1968

Mr. DEL CLAWSON. Mr. Speaker, the generation gap may not be as wide as sometimes assumed. There is a distinct resemblance between the tactics employed by students leading the spate of violent demonstrations gripping our universities and some "protesters" further along in years. There are the same angry threats, the same strident demands. Under unanimous consent, the following editorial which appeared in the Los Angeles Times of May 3 commenting on the destructive nature of "political coercion" is hereby included in the RECORD:

THE POLITICS OF COERCION

Politics, which involves getting things done, is by definition activist. But what has been taking place recently on the campuses of the nation's colleges and universities has not been simply politics to promote legitimate change.

Instead we have been seeing what might be called the politics of coercion, a process which, however rationalized, is inescapably totalitarian in methods and goals.

One of the ugliest manifestations of these direct efforts at physical intimidation aimed at imposing the will of a tiny but well-organized minority on the majority has come at Columbia University, where a few hundred students supported by some off-campus sympathizers succeeded in paralyzing the functioning of an entire campus.

For a time it appeared that the young authoritarian clique, which early made clear its refusal to reason or compromise with its proclaimed antagonists in the university administration, had been soundly rejected by other students and by a responsible faculty.

But then the fractional minority was able, by giving university administrators no other choice, to provoke what it had sought from the beginning, a major confrontation with "the system."

Irrationally, the tide of opinion shifted.

When after days of delay, police were summoned to Columbia so that the legitimate business of the university could go forward, a counter-reaction among students and faculty was evoked that probably surpassed the greatest expectations of those young militants whose guiding dictum is Mao Tse-tung's idea that the way to learn revolution is by making revolution.

Almost immediately, the illegal and obscene excesses of the radical few were forgotten in an unreasonable explosion of horror at the intervention—not necessarily the actions—of the police.

Now we find escalating calls for the resignations of university authorities, support for the basic demand of the student lawbreakers that they not be punished for their crimes, and threats of continuing and larger efforts to permit an anti-democratic handful to dictate the operations of the university.

That these views are being given voice by a fairly large number of students is discouraging; that they are also being supported by some supposedly responsible faculty members is virtually incomprehensible.

The politics of totalitarian minority coercion may yet triumph at Columbia, as earlier it has elsewhere, with an exemplary effect that is all too clear. Just the other day at San Francisco State College, for example, a handful of students and nonstudents sought through actual physical intimidation to bypass legitimate channels and force impossible action on its narrow demands. Each unpunished transgression unquestionably has a multiplying effect.

Grievances, to be sure, differ from campus to campus, and in some cases may be well-founded. In no case, however, can recourse to carefully planned coercion be tolerated, or allowed to go unpunished.

Those among the majority student body and especially the faculty who would compromise or dissimulate on this issue—let there be no mistaking it—contribute inescapably to a process that can only lead to the destruction of their university as an intellectual center and as a source of freedom in the world.

That is a high price indeed to pay for the emotions of the moment.

SENATE—*Thursday, May 9, 1968*

(Legislative day of Tuesday, May 7, 1968)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, Father of our spirits, with a faith that will not shrink though pressed by every foe, we would this day climb the altar steps which lead through darkness up to Thee. For our greatest need is of Thee.

In the crises of our times join us with those who, across the waste and wilderness of human hate and need, preparing the way of the Lord, throw up a highway for our God.

With minds burdened for the Nation and for the world, we turn to Thee in this baffling hour, praying that in this fear-haunted earth the flame of our faith may not grow dim.

We would share that sacred fire until tyranny everywhere is consumed and thus all the nations of the earth be blessed.

We ask it in the name of the dear Redeemer, who is the light of the world. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, May 8, 1968, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 948. An act for the relief of Seaman Eugene Markovitz, U.S. Navy;

S. 1147. An act for the relief of Mariana Mantzios;

S. 1180. An act for the relief of Ana Jacalne;

S. 1395. An act for the relief of Dr. Brandia Don (nee Praschnik);

S. 1406. An act for the relief of Dr. Jorge Mestas;

S. 1483. An act for the relief of Dr. Pedro Lopez Garcia;

S. 1490. An act for the relief of Yang Ok Yoo (Maria Margurita);

S. 1828. An act for the relief of Susan Elizabeth (Cho) Long;

S. 1829. An act for the relief of Lisa Marie (Kim) Long;

S. 1909. An act to provide for the striking of medals in commemoration of the 100th anniversary of the completion of the first transcontinental railroad;

S. 1918. An act for the relief of Dr. Gabriel Gomez del Rio;

S. 1968. An act for the relief of Dr. Jose Ernesto Garcia y Tojar;

S. 2005. An act for the relief of Dr. Anacleto C. Fernandez;

S. 2022. An act for the relief of Dr. Mario Jose Remirez DeEstehoz;

S. 2023. An act for the relief of Virgilio A. Arango, M.D.;

S. 2078. An act for the relief of Dr. Alberto De Jongh;

S. 2132. An act for the relief of Dr. Robert L. Cespedes;

S. 2139. An act for the relief of Dr. Angel Trejo Padron;

S. 2149. An act for the relief of Dr. Jose J. Guijarro;

S. 2176. An act for the relief of Dr. Edgar Reinaldo Nunez Baez;

S. 2193. An act for the relief of Dr. Alfredo Jesus Gonzalez;

S. 2256. An act for the relief of Dr. Margarita Lorigados;

S. 2285. An act for the relief of Gordon Shih Gum Lee;

S. 2301. An act for the relief of Dr. Francisco Guillermo Gomez-Inguanzo;

S. 2381. An act for the relief of Dr. Jesus Adalberto Quevedo-Avila;

S. 2403. An act for the relief of Dr. Teobaldo Cuervo-Castillo;

S. 2404. An act for the relief of Dr. Heriberto Jose Hernandez-Suarez; and

S. 2489. An act for the relief of Dr. Jesus Jose Eduardo Garcia.

ORDER OF BUSINESS

The **ACTING PRESIDENT** pro tempore. Under the previous order, the Senator from Montana is recognized for 15 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, the time to be taken out of the time allocated to me.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

TAX INCREASE AND BUDGET REDUCTION PROPOSALS

Mr. MANSFIELD. Mr. President, the conferees of both Houses have evidently agreed on a 10-percent surcharge on income tax for those having an income of $5,000 or more, and also on a $6 billion reduction in Federal expenditures for the next fiscal year. I would hope that before the conferees reached final agreement on this matter, they would furnish the membership of both Houses with a bill of particulars as to where they think these reductions should be applied.

As the Senate is aware, the President has said that he would be willing to accept a $4 billion reduction in expenditures—though reluctantly—but that if the cut went to $6 billion, grave difficulties would be created. I assume that what he would have to consider in the latter case would be appropriations dealing with the most difficult social problems which affect urban centers, and also public works projects under the jurisdiction of the Bureau of Reclamation and the Corps of Engineers. The latter would affect almost every State in the Union; the former would affect almost every city in the Nation.

I myself have suggested where I think expenditures ought to be cut or reduced. For the RECORD I will state them again:

I have said that an area which could—and should—be given the most serious consideration is the research and development program of the Department of Defense, for which almost $8 billion was authorized a few weeks ago, an amount 10 percent above the amount of last year. This program operates under a division of the Department of Defense having contracts with individuals, corporations, universities, and the like, and covers such subjects as population control. It has included, also, such subjects as Camelot—a social science study—civic projects in Korea, social behavior studies elsewhere, and others numbering not into the hundreds but into the thousands, even millions, of dollars.

I also stated that I anticipated, as was the case over the last several years, that there would be further cuts in foreign aid this year.

I also mentioned the space program. In my opinion, it could stand some reduction and thus provide for the needs of the people living on this planet and in this country rather than enable us to be the first to reach the moon.

Then I said there was the possibility of a reduction in public works, and also the possibility of a sharp reduction in the 600,000 troops and dependents who now comprise U.S. forces in Western Europe at a cost, I understand, in excess of $2.5 billion a year.

Another potential area is the field of defense expenditures in relation to Vietnam—when and if deescalation takes place and there is a possibility of an honorable settlement; but not, however, so long as the need is apparent for the protection of our men who are stationed there in the carrying out of policy.

Also, I see no reason why the luxury taxes which were removed only a few years ago should not be reinstituted.

I see no reason why we should not consider the raising of corporate income tax from the present level of 48 percent to the old level of a few years ago—52 percent—because, as I read the Wall Street Journal, the profits of most corporations this year are much improved compared with last year—and last year the earnings were not peanuts.

These are some categories which I believe should be considered.

Also, if need be, regulation W could be restored so as to circumscribe consumer credit buying, which at this time totals, I understand, in excess of $115 billion and is sharply increasing. I believe that figure is conservative.

If the economy is in such dire straits, consideration should be given to the reimposition of wage and price controls.

Mr. President, I must say that any one Senator cannot and should not make this decision. It is up to the committees which represent the rest of us, in their wisdom, to provide a bill of particulars. They should specify—for the consideration of the two Houses—where, how, and when the cuts in expenditures should be made.

If we do not face up to this responsibility, which is basically ours, it will mean that we are throwing the burden to the President and placing on him an additional responsibility, one that is rightfully ours. If we continue to operate on this basis merely because the job is difficult and unpleasant, we should make no complaints about centralization of power in the White House or in the hands of the President. In my opinion, such centralization is the natural result of a failure on our part to live up to the responsibilities which are ours under the Constitution.

Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. HOLLINGS in the chair). Without objection, it is so ordered.

Under the previous order the Senator from Kentucky is recognized for 15 minutes.

THE NATIONAL DIVIDEND PLAN

Mr. MORTON. Mr. President, it is becoming more and more evident that we must develop a fresh, new philosophy of economic opportunity if we are to successfully solve the many serious problems confronting our Nation today.

This need has grown over the years as the complexity of our society has increased. Having served on the Senate Finance Committee for many years, I have become deeply concerned and disturbed by current trends in our economic machinery.

The problems of fiscal stability, poverty and welfare in a land of abundance, economic thrust for our free enterprise system and equal opportunity for all segments of our population have become more pronounced. I recently had an opportunity to study in some depth a most interesting and intriguing proposal which challenges each of us to study and consideration as a possible solution.

There is much convincing evidence at hand that we can no longer delay in coming to grips with the problems through bold, imaginative action.

For example, the stock market has been going up and down like a yoyo, because prices have been entirely dependent on speculation, instead of the stability of earnings.

Our balance-of-payments deficit increased $1.8 billion during the fourth quarter of 1967. That brought the deficit for the full year up to $3.6 billion, as opposed to an average of $2.1 billion for the last 6 years. Mr. President, you will recall that it was not too long ago when we took for granted an average annual balance of $5 billion in our favor.

The very foundation of our monetary system, along with that of the remainder of the free world, was shaken only a few weeks ago by an unchecked drain on our gold reserve.

And more recently, many of our cities, including this National Capital, have been ravaged by shocking civil disorders by a segment of our population protesting the social and economic conditions which entrap them.

All these things, and they represent

only a fraction of the total, are the results of efforts to saddle the country with an economy managed and controlled by the Federal Government.

The new breed economists, who have held sway in high levels of our Government in recent years, should realize now, as most Americans do, that their crystal balls do not always work. Their fanciful theories have succeeded in distorting our economic structure to a perilous degree and, at the same time, intensifying and compounding many of our social problems.

It was these people who, in the face of mounting signs of trouble, pushed the President into an attack on the wrong front. They urged solving the problem not by earning more but by spending and investing less.

Nondefense spending has increased 97 percent since 1960. Health and welfare spending alone has increased 21 percent. However, during that same period, the Nation's population increased only 10 percent.

The 89th Congress alone passed 136 new domestic welfare programs. Yet, today thousands of burned out, looted and smashed businesses and dwelling units in scores of American cities stand as mute testimony to the futility of the effort to solve the problems at which those programs were aimed.

The time has come to restore our economy to a sound, businesslike basis. Ruinous Government attempts to manage it must be halted. We must return to the basic principles of the free enterprise system.

The late Sir Winston Churchill once said:

> Some people regard free enterprise as a tiger to be shot. Others look at it as a cow they can milk. Not enough people see it as a healthy horse pulling a sturdy wagon.

Consider it what you will—tiger, cow, or horse—free enterprise is the system that we Americans have chosen as our own. No one has ever claimed that it is perfect. It would not even be interesting if it were. But the fact remains that free enterprise is what has made this country great. From it have come products and wealth to give us the highest standard of living civilization has ever known.

It has developed and produced consumer goods for our comfort and wellbeing in such quantity and at low enough cost that we accept them as commonplace. But to those millions living under government-controlled economies such as the theoreticians would impose upon us, these goods are cherished luxuries, far beyond the reach of most.

The most significant and compelling feature of the free enterprise system is that its success has been achieved without loss of personal liberties by the American people.

As it has flourished, the basic principles of individual freedom, the right to private property and human dignity have been maintained and perpetuated. It is these fundamentals that a government-controlled economy demands must be sacrificed as the individual and his efforts are consigned to a great, gray sea of anonymity and mediocrity.

An intriguing idea has been developed by John H. Perry, Jr., a prominent Florida businessman, which would utilize the free-enterprise system to return the economy to a sound, businesslike basis, improve the general welfare and enhance the freedom of the individual citizen.

Byproducts of Mr. Perry's proposal would be a sharp increase in citizen participation in Government affairs through voting; a nationwide purging of voting lists and elimination of voting frauds; an irrefutable argument that would overcome the Communist hoax and halt Marxist and Socialist attacks on capitalism and the free enterprise system.

Mr. Perry's proposition, which he calls the national dividend plan, has been subjected to close scrutiny by some of the Nation's foremost economists. So far, none has found a fallacy in its fiscal projections, deductions and conclusions.

It has been brought to the attention of many of the Nation's business and industrial leaders and has won wide acceptance and support.

It has been the subject of numerous newspaper and magazine articles and it has been discussed in television and radio appearances.

An independent research firm tested it for voter acceptance with scientifically selected, cross-section audiences in Miami, Fla., in October 1966, and in Cincinnati, Ohio, in January 1968. An impressive majority of both audiences said they would vote for it.

It is a simple, understandable plan. It calls for bold, forthright action in its refreshingly new approach toward solving old problems.

Mr. Perry heads a firm which publishes 28 newspapers, two magazines, operates commercial printing plants and manufactures small submarines and other deep-diving craft for the rapidly developing field of oceanography. His sole motive in developing his national dividend plan is patriotic concern for his country's welfare.

I feel very strongly that all levels of government from local to Federal should draw upon the talents and brainpower of our business leaders in solving the problems of these troubled times. So, I am pleased to bring this explanation of the national dividend plan to the attention of the Senate.

The key to economic stability is full employment and adequate consumer buying power to absorb its output of goods. As we move further into the technological revolution with its automation and other labor-saving devices, maintaining full employment could become our No. 1 problem.

The solution is investment in development of new products, plants, services and jobs. The new jobs, in turn, will provide the consumer buying power for the increased production.

The capital for this is available in the private sector now but existing conditions offer few incentives to put it to work.

The national dividend plan cuts through to the core of this problem. It is based on a constitutional amendment which would:

First, place a 50-percent ceiling on corporate income taxes;

Second, exempt corporate dividends from Federal personal income taxes; and,

Third, distribute all corporate income tax collections on a per capita basis—and free of Federal personal income taxes—to all who had legally voted in the Federal general elections every 2 years.

The plan would be phased into operation over a 5-year period and it would be suspended in time of war.

The investment incentives in the national dividend plan are the 50-percent ceiling on corporate income taxes and elimination of the Federal income tax on corporate dividends, thus removing present double taxation.

You may ask how a 50-percent corporate tax ceiling would be an investment incentive when the present rate is only 48 percent. The ceiling, when imposed by constitutional amendment, would provide a stable base for planning both large and small corporate investments in research, expansion, and modernization of existing facilities, or in new plants. The worry and the danger involved in projecting these long-range investments of stockholders' money on a corporate tax rate of say, 48 percent, and then seeing the Congress increase the rate to 50 or 52 percent within a year or two to finance vast new spending programs, would be removed. America's investors would be assured of keeping at least one-half of their earnings.

Removal of Federal personal income taxes from corporate dividends would have a stabilizing effect on the stock markets. Private citizens would invest in companies on the basis of their earning rates. The present speculative game of musical chairs to take advantage of the capital gains tax rate would be replaced by solid, long-term investment in earnings and growth.

Payment of corporate income tax collections directly to the Nation's voters on a per capita basis would provide a perpetual, built-in buying power. As corporate production, sales and earnings increased, so would voter payments and consumer buying power increase.

The payments would be made quarterly by machinery now in existence, and would assure an even, sustained flow into the economy.

The American people spend their income at the rate of 94 cents on the dollar and invest the remainder. Since the national dividend payments would be based on actual corporate earnings, not on burdensome new or increased taxes, they would provide realistic, permanent pump priming for the economy. This would eliminate any need for artificially warming up and cooling off the economy, as we do today.

Diversion of the corporate income tax collections from the Treasury's general fund would not deprive the Federal Government of funds needed for its necessary functions.

Corporate income taxes amount to about 26 percent of the current administrative budget or 18 percent of the total budget. With its 5-year phase-in provision, the national dividend would require only one-fifth of that amount for its funding the first year. The second year would require two-fifths and so on. However, since 1959, four factors built into the economy have resulted in about a 6-percent-per-year increase in Federal cash receipts, considerably more than enough to fund the national dividend, without tax increases.

The factors responsible for this annual increase in cash receipts, which is expected to continue, are: 1 percent from the annual growth of the labor force; 3 percent from the annual increase in output per man-hour; 1½ percent from annual price inflation resulting from the spread between wage increases and production increases; one-half percent from taxpayers' annual advance into higher income tax rates because of wage and income gains.

While the Federal Government could continue existing programs and fund the national dividend simultaneously during the phase-in period, no new, major spending programs could be undertaken.

The ultimate aim is for the national dividend to substitute for most of the welfare and subsidy programs now in existence. These could be eliminated as quickly as the national dividend payments became large enough to replace them and as the viability of the expanding economy removed any need for them.

This, in turn, would bring about the decentralization of Federal Government, a sharp reduction in Federal controls, regulations and intervention in the lives of individual citizens, and a great strengthening of the principles of the free enterprise system.

As I understand it, the national dividend is tied firmly to the American free enterprise system. It does not call for new taxes or tax increases. It would be funded entirely from corporate earnings instead of tax increases proposed in other income maintenance plans. This feature alone sets it far apart from the present hodge podge of welfare and subsidy band-aid programs we now have, and such proposed innovations as guaranteed annual income and the negative income tax.

Based on an estimated 90 million voters and a total corporate income tax of $45 billion at the end of the 5-year phase-in period, the national dividend would pay $500 to each voter per year, $1,000 to a voting couple.

This would be net, Federal tax free, take home income. And it would only be the beginning because voter dividends would increase as the free enterprise system grew with new vigor generated by the national dividend program.

The national dividend would get us back to the laws of supply and demand.

It would make every American voter a living, sharing, integral part of our dynamic, spiritually based free enterprise system.

The national dividend could do much to help the overall civil rights program. Negro families alone would benefit by an estimated $5 billion per year. This would mean an income floor of nearly $3 per day—tax free—for every man and wife who vote. And the same amount would be paid to every white man and wife who vote. No more, no less, assuring complete equality without regard to race or social status.

Through the creation of new jobs, the national dividend plan would go far toward meeting one of the most pressing demands of the civil rights movement.

With its voting requirement, the national dividend encourages full voter participation in the Nation's affairs. It would automatically purge and update voting lists throughout the land. This would eliminate tombstone votes and rampant voting frauds of the past and present. And it would make the Congress and the State legislatures responsive to all the voters rather than the pressures of special interest groups as we have today.

Voting lists and the banking systems in each State could be used for distribution of national dividend payments, thus eliminating any need for creation of a huge, new Federal agency to administer the program.

The national dividend could play a vital role in alleviating the financial distress today's conditions have brought to those Americans living on fixed incomes, such as senior citizens, retirees, widows, and the disabled.

The national dividend would be a program of inestimable value to have ready to go into operation immediately after the fighting in South Vietnam ends—and we all hope it will end soon. Cessation of the hot war will bring immediate, sharp cutbacks in the billions now being spent. The national dividend could pick up the economic slack by putting a steady flow of money directly into the spending stream, without the brokerage of sending the money to Washington.

It should be noted that the national dividend plan, in effect, accrues a ready supply of billions of dollars which could be tapped to finance any war effort which might arise in the future. Since the payments to voters would be suspended in time of war, these funds would be readily available without imposition of any immediate, new taxes.

The national dividend would be an effective weapon in the continuing cold war with communism, from which, God forbid, a hot war could erupt. Even the simplest peasant could understand the free American voter's role as owner sharing on a per capita basis one-half the profits of the Nation's corporations and would prefer it to anything Marxism could offer.

In my remarks today I have attempted to explain the national dividend plan and its potentials to the Senate in the same manner its sponsors and supporters have explained it to me. I have not gone into great detail because it is apparent that much careful thought, study, and work have gone into every detail of the proposal by its author, Mr. John H. Perry, Jr., a Florida businessman, Perry Publications, Post-Times Building, West Palm Beach, Fla. 33402.

I believe the national dividend plan merits equally as thoughtful study and consideration by the Senate.

Mr. President, I ask unanimous consent that a report from the First Research Corp., a column by Clayton Fritchey, two columns by John Chamberlain, and a column by Ralph De Toledano, of the King Features Syndicate, be made a part of my remarks in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the First Research Corp.]

COMPARATIVE ANALYSIS OF STUDIES OF VOTER OPINIONS ON THE NATIONAL DIVIDEND IN MIAMI, FLA., OCTOBER 1966, AND CINCINNATI, OHIO, JANUARY 1968

A high degree of comprehension of the national Dividend Plan is indicated by the cross-section studies of voters in these two cities.

Methodology employed in both surveys was identical. The audiences were about the same in number, Cincinnati having a few more.

After seeing the film: 86.7% in Miami and 85.2% in Cincinnati said they understood the plan; 73.8% in Miami and 66.9% in Cincinnati said they generally favored the plan; 93.3% in Miami and 96.9% in Cincinnati said they believed the plan would stimulate more voters to cast ballots in federal general elections; 65.9% in Miami and 60.3% in Cincinnati said they believed the plan would increase the general welfare; 58.1% in Miami and 58.2% in Cincinnati said they believed the plan would enhance the freedom of the individual American citizen; 56.8% in Miami and 52.5% in Cincinnati said they believed the plan would help overcome attacks made on capitalism by Communists and Socialists.

Asked whether they would vote for or against the plan if given an opportunity in the next general election, 59.5% in Miami and 62.5% in Cincinnati said they would vote for it.

Only 13% in Miami and 11.3% in Cincinnati favored centralization of federal government, while 78% in Miami and 60.1% in Cincinnati felt that more responsibility should be given to the individual citizen. The remainder—9% in Miami and 28.6% in Cincinnati—expressed no opinion.

One question in Cincinnati was not included in the Miami survey. It asked whether the voter was familiar with the Negative Income Tax. Only 18.5% were. Those responding affirmatively were asked whether they favored the Negative Income Tax (9.1%); the National Dividend Plan (59.1%), or the present tax structure (27.3%). The remaining 4.5% expressed no preference.

[From the New York Post, Mar. 13, 1968]

THE GUARANTEED INCOME

(By Clayton Fritchey)

WASHINGTON.—It was inevitable that the report of the President's Commission on Civil Disorders would arouse criticism, which it certainly has, but it is significant that perhaps its most revolutionary recommendation seems to have inspired no adverse reaction at all.

Stripped of elaborate circumlocutions, the commission recommended, in effect, that the government aim for a guaranteed minimum income, which would insure that no families had to subsist below the recognized poverty level, currently put at $3,335 a year.

The fact that even the most conservative critics have so far swallowed this doctrine without complaint may be owing in part to the cautious way the idea was proposed in the report, but possibly a better explanation is that the idea no longer seems very radical or visionary.

Some members of the commission (reportedly a majority) wanted to recommend guaranteed income without mincing words, but in deference to their more conservative colleagues, who went along on so many liberal proposals, the language was watered down. Even so, there is no mistaking the intent.

The reader has to digest about 200,000 of the report's 250,000 words before coming to the proposal of putting a floor under poverty, but it is there, and it recommends that "the federal government seek to develop a national system of income supplementation . . ." It acknowledges that such a program "would involve substantially greater federal expenditures than anything now contemplated." But it also estimates that "the return on this investment will be great indeed."

It is this latter factor that has won over some of the nation's outstanding business leaders to the concept of the government guaranteeing a basic income in one form or another. It is dawning on the business community that the present U.S. welfare system, with its costly, topheavy bureaucracy, is wasteful and impractical.

There is the further possibility that the elimination of raw poverty by guaranteed income would stimulate the economy to such a degree that it would largely pay for itself. In his economic message last year, President Johnson launched a two-year study "to examine the many proposals that have been put forward," some of which, he noted, are advocated by the "sturdiest defenders of free enterprise."

One variation of a guaranteed income is the so-called negative income tax (NIT), which would give rather than take for those below the poverty level. It is supported by Arjay Miller, president of Ford, and also by economist Milton Friedman, a Barry Goldwater man. The National Automation Commission (including IBM's Tom Watson and Polaroid's Edwin Land) not only favored consideration of NIT, but also of guaranteed employment of all.

Besides these there are plans for universal family allowances (which most other countries already have) and guaranteed annual wages. One of the most ingenious of the newer proposals is the "National Dividend" plan conceived by John Perry, the Florida publisher, which introduces a novel idea of promoting free enterprise in the process of serving a social end.

National Dividend would divert corporate income tax money away from the U.S. Treasury and distribute it equally to all qualified voters. At present tax levels this would mean about $1,000 a year per couple. The plan calls for a ceiling of 50 per cent on corporate income taxes and the abolition of personal income tax on corporate dividends.

National Dividend is intended as a substitute for welfare and subsidy programs at a lower cost to the taxpayer.

Before the President's study panel reports back, any number of plans will have been thoroughly scrutinized. It is hard to predict what form guaranteed income will finally take, but it's on its way.

JOHN PERRY'S NATIONAL DIVIDEND PLAN PROVIDES WELFARE; PROTECTS INITIATIVE

(By John Chamberlain)

When the government begins appropriating money, "them as has, gits." We have seen it in the farm subsidy program, which started in the Nineteen Thirties with the professed aim of saving the poor farmer.

Today, there is a total of twenty-five billion dollars invested in farm equipment as compared to three billion in the Thirties. But, instead of thirty-two million people living on our farms, there are now only twelve million. So who got the government money?

There seems to be some malign law governing this sort of thing. Six billion dollars in urban renewal has made money for architects, city planners, contractors—yet when the totals were reckoned recently by Professor Richard Cloward of Columbia University it was discovered that 250,000 more low-income housing units had been destroyed than had been built.

Billions have been appropriated for education, but only a smidgen goes to train the sort of teacher who can give a slum kid in the first, second and third grades a command of the language that will keep him from being a drop-out in the high school years. The government guarantees mortgages, but the middle class benefits and the banks get the mortgage interest.

Because of the law that says "them as has, gits," I put no trust in programs designed to bring a Marshall Plan to the slums. The money will finance political machines, and subsidize social workers who speak of the poor as their "clients." The percentage of the money that actually trickles down to the poor will be just enough to rivet them in their places as wards of an arrogant elite which has assumed the prerogative of thinking for them.

From the perspective of 1967, in this year of "the fire next time" that was aimed at "whitey" yet has only succeeded in burning up Negro homes and cigar stores, the whole historical spiral has the flavor of a poem written by a mad surrealist.

Subsidy money given to farmers to buy machinery has enabled them to dispense with their tenant field hands. The displaced field hands have gone to the city slums where, after a couple of decades of "urban renewal" they find themselves with 250,000 fewer dwelling units than they might have found a few years ago. The kids grow up in a steadily tightening squalor which turns them into meanaces to teachers. So the ambitious teachers put in for jobs in suburbia. Could any sequence of events be crazier?

Because the whole welfarist program of the past thirty years has so badly misfired, some people have begun to agitate for a new approach. The idea of guaranteeing an annual income directly to everybody to spend as he or she sees fit without letting the urban renewal contractors and the social workers in on the deal is growing. Ad hoc committees have been set up in some seventy U.S. colleges to talk about the effect of an income guarantee. The U.S. Chamber of Commerce recently held a symposium on guaranteed income which was attended by some four hundred of our biggest industrial corporations.

And Professor Milton Friedman of the University of Chicago, who calls himself a conservative, is preaching the idea of a negative income tax designed to bring everybody up to an agreed-upon minimum income line.

The danger of a direct income guarantee is that it would reward idleness and so might tend to decrease the amount of goods available for sharing. But there is one scheme of income guarantee that would avoid the temptation to loaf.

It is the scheme elaborated by John Perry, the West Palm Beach, Florida, publisher, for a national dividend, to be paid to every voter out of a treasury fund drawn from dividends already earned by private enterprise. To keep the corporations docile and cooperative, Perry would place a fifty per cent limit on all corporate income taxes. Voters getting their share of the dividend would not want to hurt the free enterprise system, for if they did there would be less of a national profit to share.

Perry's idea, like Professor Friedman's sounds queer and revolutionary to those who have been brought up on "Puritan ethic" economics. But it has an order and clarity that are totally absent from our Great Society welfare programs, and there is a good chance that it might work a whole lot better.

[From the Palm Beach Times, Aug. 24, 1966]

NATIONAL DIVIDEND PROFIT-SHARING PLAN

(By John Chamberlain)

John H. Perry Jr., the West Palm Beach, Florida, publisher who also builds small submarines, was in New York City last week with a moving picture adaptation of his book, "The National Dividend." The showing was at the Waldorf-Astoria, and a goodly number of people, including some quite orthodox financial men, turned out to see something which, by the standards of other years, would have scared the life out of any conservative thinker. But, against the background of the cost of the Great Society, the pillars of orthodoxy who happened to be within eavesdropping distance of me were having a hard time trying to dismiss Perry's proposition as a scheme for rewarding lazy men.

Perry's idea of making every American voter a profit-sharing partner in the free enterprise or profit-and-loss—system to the extent of taking down a "national dividend" of $500 a year per person, or $1,000 per man and wife, brought some pie-in-the-sky comments as the pre-luncheon drinks went round. But the moving picture itself quickly served to put Perry into the company of the conservative Professor Milton Friedman of the University of Chicago, who recently offered his idea of a "negative income tax" as a money-saving way of cleaning up our current jungle of incredibly wasteful welfare programs.

Friedman's theory is that if you were to keep every family up to the $3,000-a-year mark by making up for deficiencies in income as shown on annual tax reports, you could drastically cut down on the tabs for antipoverty programs, urban renewal, crop and non-crop subsidies, federal aid to schools, and all the rest of the rigmarole that requires $25,000-a-year administrators by scores and $10,000-a-year men by the hundreds. The virtue of the Friedman approach is that it would permit the dismantling of the Washington bureaucracies without causing hunger in the streets.

Perry goes Professor Friedman one better from the standpoint of simplicity. He would simply divert existing corporate profit taxes from the general treasury fund to voting citizens. Perry insists that the voting qualification is necessary in order to make people responsible for maintaining the system of free enterprise that creates profits. Since the "national dividend" could not very well be paid out of a profitless business system, he considers that voters would soon see the connection between a flourishing free market and their share of its fruits. This perception, says Perry, would encourage them to work harder to make the system even more profitable.

Perry obviously satisfied the Keynesians in his audience, for the flow charts in the moving picture showed money flowing into consumption in a way to keep "aggregate demand" at a proper job-maintaining pitch. The picture quieted some murmurs of "perpetual inflation" by showing an uninflated supply of money going round and round. And, quite obviously, direct payments of a national dividend would cut the cost of government overhead.

Back in the Nineteen Thirties, the English economist, Major Douglas, championed something which he, too, called the national dividend. But Major Douglas accompanied his proposal with some highly fallacious mathematics purporting to prove that a "leakage" of annual purchasing power from the system made government consumer subsidies a necessity. Perry's own contention is that investment keeps creating more jobs for consumers to work at, so there is no "leakage" in the productive cycle. But when the government takes too much money from people through personal income taxes, excise taxes and social security taxes, the dollars thus siphoned off do not return to the channels of enterprise swiftly enough to keep the free market in a bouncy state, And when the government overhead is high, inflation results.

Former Vice President Richard Nixon, former New York Herald Tribune financial editor Don Rogers, and U.S. Senator George

Smathers find Perry a convincing thinker. Did he also convince the Big Town by his Waldorf-Astoria moving picture showing? Well, not far away, in Harlem and the Bedford-Stuyvesant region of Brooklyn, the murmurs have been rising. If you believe that "something's gotta be done," Perry's idea commends itself by virtue of a clarity and directness that the Great Societarians have never managed to provide.

[From King Features Syndicate, New York (N.Y.), Mar. 30–31, 1968]

THE NATIONAL DIVIDEND INCOME PLAN—CAN IT WORK?

(By Ralph de Toledano)

To the average voter, the Federal government's money troubles are complex to the point of being meaningless. The papers are full of deficit talk, of administration budgets as opposed to national budgets, of a negative income tax, of a guaranteed annual income plan. Even projections of a $20 billion deficit this year and next only stun the mind. They are almost too monstrous to grasp.

But however little the man in the street may know about these matters, or care about the polemical division of the New Economists and the old, something has to be done before the economy falls apart at the seams. Conservatives who predicted this in the past were laughed at and told that we were only spending our own money so that, say, a hypothetical trillion-dollar national debt was unimportant. Today, even the fiscal radicals are worried.

But if something has to be done to put our fiscal house in order, what is it? The highly respected American Enterprise Institute reports that if the Federal government embarked on no new programs, it would accumulate a $30 billion surplus in seven years and begin to move down the long road to wiping out the dangerous national debt. As if in response to this, the Johnson Administration added 136 new programs during the lifetime of the 89th Congress alone.

A solution has now been proposed by a Florida businessman, John H. Perry, Jr., to halt the deterioration in the buying power of the dollar and to provide a cushion for all Americans. He calls it the National Dividend Plan, and it is stirring up interest throughout the country.

Mr. Perry proposes that his National Dividend Plan be incorporated into a Constitutional Amendment, thereby nailing it down so that the politicians will not be able to tamper with it as they have tampered with all economic legislation. The Amendment would provide that no income tax in excess of 50 percent be levied on any corporation. All funds raised by the corporate income tax would be distributed on an equal basis each year to those persons who had voted in the previous national election. These sums would not be taxable.

Mr. Perry believes that this national dividend on business profits would provide an incentive for all Americans to strengthen and enhance the free enterprise system. Obviously, the more industry made, the larger would be the individual's share of profits. Those who think that treating industry and business in this manner has no personal economic consequences would change their minds.

One condition, of course, for making this plan feasible would be the imposition of a cut-off on further expansion of Federal spending programs. By giving every couple in the United States what in the first years of the plan would amount to $1,000, there would be no excuse for the current costly boondoggles or the equally costly efforts at eliminating poverty by institutionalizing it under the Office of Economic Opportunity.

As a by-product, there would be an incentive to all Americans to take part in national elections. Mr. Perry emphasizes that this is not the primary aim for making voting a requisite. Voter rolls are the most practical roster of recipients. To use them would also compel the Federal government to keep voter lists up-to-date and this in turn would prevent corrupt politicians from "voting the cemeteries."

The National Dividend Plan could be administered almost automatically, without requiring the top-heavy bureaucracies that other programs demand—and get! In wartime, the plan would be suspended. The government, therefore, would have all corporate taxes for the prosecution of the war, making the levy of higher taxes much less likely.

There are those who oppose the Perry National Dividend Plan as just another handout. It may be that this is so, but it merits serious study. Those who are interested can write to Hal Allen (Perry Publications, 2751 South Dixie Highway, West Palm Beach, Florida 33402) for more details. Many businessmen are giving the Perry plan their backing. But the final arbiter is the voter. To pass judgment, he must know the facts. This writer, for one, would like to know what his readers think about the plan.

CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, would the Senator from Connecticut [Mr. DODD], who is next to be recognized, yield to me a few minutes, without losing his right to the floor?

Mr. DODD. Mr. President, I am very happy to yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1086, and that the rest of the calendar be considered in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND PUBLIC WELFARE

The resolution (S. Res. 276) authorizing additional committee funds for the Committee on Labor and Public Welfare was considered and agreed to, as follows:

S. RES. 276

Resolved, That the Committee on Labor and Public Welfare is hereby authorized to expend from the contingent fund of the Senate, during the Ninetieth Congress, $20,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

U.S. CONSTITUTION

The concurrent resolution (H. Con. Res. 770) to authorize printing of updated pocket-size U.S. Constitution for congressional distribution was considered and agreed to, as follows:

H. CON. RES. 770

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document the Constitution of the United States (pocket-size edition), as amended to February 10, 1967, and that one hundred sixty-one thousand two hundred and fifty additional shall be printed, of which one hundred nine thousand seven hundred and fifty shall be for use by the House of Representatives and fifty-one thousand five hundred for use of the Senate.

FEDERAL FIREARMS ACT AMENDMENTS

The concurrent resolution (S. Con. Res. 68) to print additional hearings on amendments to the Federal Firearms Act was considered and agreed to, as follows:

S. CON. RES. 68

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary four thousand additional copies of the hearings before its Subcommittee To Investigate Juvenile Delinquency during the Ninetieth Congress, first session, on proposed amendments to the Federal Firearms Act.

RIOTS, CIVIL AND CRIMINAL DISORDERS

The resolution (S. Res. 277) authorizing the printing for the use of the Committee on Government Operations of additional copies of its hearings entitled "Riots, Civil and Criminal Disorders" was considered and agreed to, as follows:

S. RES. 277

Resolved, That there be printed for the use of the Committee on Government Operations one thousand additional copies of part 5 of the hearings before its Permanent Subcommittee on Investigations during the Ninetieth Congress, second session, entitled "Riots, Civil and Criminal Disorders."

MINERAL AND WATER RESOURCES OF MONTANA

The resolution (S. Res. 279) authorizing the printing of the report "Mineral and Water Resources of Montana" as a Senate document was considered and agreed to, as follows:

S. RES. 279

Resolved, That the compilation entitled "Mineral and Water Resources of Montana," a report by the United States Geological Survey, prepared at the request of Senator Lee Metcalf of the Committee on Interior and Insular Affairs, be printed with illustrations as a Senate document; and that there be printed one thousand three hundred additional copies of such document for the use of that Committee.

PLANNING-PROGRAMING-BUDGETING: SELECTED COMMENT

The resolution (S. Res. 280) authorizing the printing of additional copies of the committee print entitled "Planning-Programing-Budgeting: Selected Comment" was considered and agreed to, as follows:

S. RES. 280

Resolved, That there be printed for the use of the Committee on Government Operations five thousand additional copies of the committee print entitled "Planning-Programing-Budgeting: Selected Comment", issued by that committee during the Ninetieth Congress, first session.

REVIEW OF U.S. GOVERNMENT OPERATIONS IN SOUTH ASIA

The resolution (S. Res. 282) to print as a Senate document a report by Senator ELLENDER entitled "Review of U.S. Government Operations in South Asia" was considered and agreed to, as follows:

S. RES. 282

Resolved, That a report entitled "Review of United States Government Operations in South Asia", submitted by Senator ALLEN J. ELLENDER to the Senate Committee on Appropriations on April 2, 1968, be printed as a Senate document; and that two thousand two hundred additional copies of such document be printed for the use of that committee.

NATIONAL FOREST RESERVATION COMMISSION REPORT

The resolution (S. Res. 285) to print as a Senate document the annual report of the National Forest Reservation Commission was considered and agreed to, as follows:

S. RES. 285

Resolved, That the annual report of the National Forest Reservation Commission for the fiscal year ended June 30, 1967, be printed with an illustration as a Senate document.

MARY N. BELL

The resolution (S. Res. 287) to pay a gratuity to Mary N. Bell was considered and agreed to, as follows:

S. RES. 287

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary N. Bell, widow of Frank Bell, an employee of the Architect of the Capitol assigned to duty in the Senate Office Building at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

BILLS PASSED OVER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the next two bills, Calendar No. 1095, S. 3465, and Calendar No. 1096, H.R. 15190, be passed over.

The PRESIDING OFFICER. Without objection, the bills will be passed over.

BOSTON INNER HARBOR AND FORT POINT CHANNEL

The bill (H.R. 14681) to declare a portion of Boston Inner Harbor and Fort Point Channel nonnavigable was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I wish to thank the distinguished Senator from Connecticut for his patience and his usual courtesy.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut [Mr. DODD] is recognized.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. DODD. Mr. President, as agreed yesterday afternoon, I want to give the distinguished Senator from Wyoming [Mr. HANSEN] an opportunity to ask questions. I ask his indulgence for 2 or 3 minutes. I should like to make a brief statement.

WAR HERO SLAIN BY TEENAGE GUNMEN

Mr. President, this debate on S. 917, omnibus crime bill, was to begin on Tuesday. It was postponed by a daylong discussion of the forthcoming Poor People's March on Washington.

There is some fear that as the march nears Washington, its leadership may lose control.

There is fear that a sincere civil protest will be turned into a massive riot.

The discussion here Tuesday reflected that fear in a lengthy discussion of how to control thousands and possibly hundreds of thousands of demonstrators run amuck.

And so discussion of the omnibus crime bill began on Wednesday. I hope the result will be a law remembered for its wisdom and effectiveness.

But even if S. 917 succeeds it will be no comfort to three people shot to death in Washington Tuesday afternoon by guns in the hands of the wrong people at the wrong time.

The three killings are a profile of what the Juvenile Delinquency Subcommittee found to be happening each day across the country.

A cheap, mail-order type, small-caliber gun in the hands of teenagers in a drugstore holdup. They panicked and shot to death a 59-year-old war hero, a holder of the Distinguished Flying Cross. That happened at 3:35 p.m. Tuesday.

In the second case, a marriage of 22 years came to an end at 3:30 p.m. Tuesday, when a Washington husband shot to death his wife as she worked behind a drugstore soda fountain in Palmer Park, Md. The husband then put a bullet through his own head.

Generations ago we should have ruled in favor of the public interest and devised a way to keep guns out of the hands of frightened teenagers and distraught husbands.

It is a strange Government we have that is ready to send a man to the moon but is not ready to keep guns from known killers, certified lunatics, and irresponsible juveniles; that will endlessly debate technique while principle goes by the boards.

Perhaps the 90th Congress in 1968 will fail to do what Congress failed to do in 1938.

Perhaps the 90th Congress will pass a law geared to the needs of a 20th-century urban society where the pursuit of happiness and the common good is secured by the law, and not by a gun.

Mr. President, there is no adequate expression of sympathy for the survivors of these three needless murders on Tuesday while the Senate pondered the imponderables of the Poor People's March.

I want to express my personal regrets to the families of the victims and hope that the attention of the Senate will be focused on the need for a firearms law that could prevent similar incidents sometime in the future.

I ask the grace of the families of these victims and unanimous consent of the Senate to have printed in the RECORD at this point the news accounts of these tragedies.

Both stories are from the inside pages of the May 3, 1968, Washington Star.

I commend them to the attention of my colleagues.

There being no objection, the news articles were ordered to be printed in the RECORD, as follows:

WAR HERO DIES TRYING TO FOIL BANDITS

(By Barry Kalb)

Charles (Sarge) Sweitzer was a hero again yesterday, but it cost him his life.

He was shot to death trying to rescue his boss, the hostage of a drugstore bandit.

Sweitzer was a master sergeant in the Air Force until he retired in 1960 and went to work at Brinsfield's Rexall Drug Store, 3939 South Capitol St. He was in charge of the camera counter.

Sweitzer had made it through World War II, earning the Distinguished Flying Cross, one of the Army Air Corps highest honors. But after he went to work at the drugstore, his 21-year-old son, Clarence, said yesterday, "I always wondered if something would happen." Sweitzer would have been 59 on May 31.

FOUR GUNMEN ENTER

Yesterday at 3:35 p.m., four young men, at least one of them wearing a red mask, entered the drugstore and drew guns.

According to police, two young boys in the store, seeing the guns, ran across the street to where Pvt. Daniel E. Keller of the 11th Precinct was guarding the polling place in the Washington Highlands Library.

Keller ran into the side door of the drugstore, police said, where he found three of the robbers with their guns drawn. He told them to put their hands up, but the fourth, who was in the back of the store with the owner, William S. Brinsfield, fired a shot at the 23-year-old policeman. The shot missed.

At this, the four broke for the front door, the one who had fired the shot pushing Brinsfield ahead of him and trying to carry a white sack with several hundred dollars loot at the same time.

"He grabbed me by my white coat and was pushing me out with the gun in my back," Brinsfield, 63, said later.

"As we passed the cigar counter, Charles grabbed him from behind. He took his gun away. He tried to shoot—he pulled the trigger a few times—but nothing happened."

The robber dropped the sack with the money, but one of the other bandits shot Sweitzer in the abdomen.

A customer, John R. Wheatley, said Sweitzer "staggered and fell into the doorway." Brinsfield was unharmed.

When the bandits ran out the front, police said, Keller ran back out the side door and around to the front, where he seized a 17-year-old youth.

Asst. Chief of Police George Donahue said Keller fired three shots at the robbers who were running away, but it was not known if Keller hit anybody.

Two of the fleeing bandits ran into a wooded hollow surrounding Oxon Run Creek, in the area of Valley and Wayne Streets SE.

THREE STILL AT LARGE

Additional police officers arrived quickly, and a helicopter was called in, but the three were still at large today.

The 17-year-old was charged with murder. Lt. Patrick Burke of the homicide squad identified him as Walter Howard Jr. of the 1300 block of D Street NE.

Sweitzer was pronounced dead at D.C. General Hospital.

Sweitzer lived with his wife, Mazie, his son, and his daughter, Margaret, 20, at 2514 St. Clair Drive, Hillcrest Heights.

His was the third man slain by holdup men in eight days in the metropolitan area.

Benjamin Brown, 58, of 1900 Lyttonsville Road, Silver Spring, was shot in his liquor store at 1100 9th St. NW. Emory E. Wade, 41, of Woodbridge, Va., manager of the A&P store on Southern Avenue in Oxon Hill, was shot as he knelt to open a safe at the demand of two robbers. Arrests have been made in both slayings.

WIFE SLAIN, DISTRICT MAN SHOOTS SELF

A Southeast Washington man walked into a Palmer Park drug store yesterday, shot his estranged wife in the face while she was working behind the fountain, and then shot himself in the head, Prince Georges County police reported. The wife died today.

Both Perry Woodrow Skeen, 44, of 747 Alabama Ave. SE., and his wife Dolly, 37, of 7631 Goodland Drive, Kentland, were admitted to Prince Georges General Hospital in critical condition. Mrs. Perry died this morning.

The shooting occurred about 3:30 p.m. in the People's drug store, 8101 Barlowe Road, Palmer Park.

Skeen, a bakery worker at St. Elizabeths Hospital, and his wife separated last October, police said.

They were married 22 years ago, according to a son-in-law, Samuel W. Arbogast. Mrs. Skeen has been living with the Arbogast family.

Besides Mrs. Arbogast, the couple has two other children: a son Jerry, 15, a Kent Junior High School student, who also lives with the Arbogasts, and a second married daughter who lives in West Virginia, Mr. Arbogast said.

Police said no charges have been filed, pending completion of their investigation.

Mr. DODD. Now I am happy to yield to the distinguished Senator from Wyoming for whatever questions he desires to ask, which I trust I will be able to answer.

Mr. HANSEN. Mr. President, I thank the distinguished Senator from Connecticut for his courtesy, and I appreciate also his willingness to appear here early today, after an extremely arduous day yesterday.

Section 923(a) of title IV, which appears on pages 97 and 98 of S. 917, appears to require that all persons engaging in business as firearms manufacturers, importers, or dealers, must have a license for each place of business. At least, that appears to be the plain meaning of the language in the bill. Also, the report, on page 116, indicates the same.

My question is, Do manufacturers and dealers whose business is solely within the borders of a single State have to be federally licensed—in other words, those who deal only in intrastate commerce?

Mr. DODD. Yes; all dealers have to be federally licensed.

Mr. HANSEN. As I read it, section 923(a) sets a fee schedule for the various categories of licenses to be issued under the act. The fee for those who make, import, or deal in destructive devices is $1,000 a year. The fee for manufacturers and importers of firearms other than destructive devices——

Mr. DODD. Mr. President, will the Senator yield? Is he reading from the report or from the bill? I have tried to follow it. I think it is from the bill.

Mr. HANSEN. It could be. Let me check here just a moment.

I think in a number of instances the bill and the report are quite similar.

Mr. DODD. They are. Perhaps I could help the Senator. Is he reading from Report No. 1097?

Mr. HANSEN. I am reading from the bill.

Mr. DODD. Go ahead. I do not think it makes too much difference. In some places, there is a little different language.

Mr. HANSEN. Yes.

If I may, then, I will repeat what I started to ask. As I read it, section 923(a) sets a fee schedule for the various categories of licenses to be issued under the act.

The fee for those who make, import, or deal in destructive devices is $1,000 per year. The fee for manufacturers and importers of firearms other than destructive devices is $500 per year. The annual fee for pawnbrokers is $250. The fee for firearms dealers is $25 the first year, and $10 for each renewal.

Have I interpreted title IV and the report correctly?

Mr. DODD. Yes. As I read it, that is exactly right. I see no difference at all.

Mr. HANSEN. The Federal Firearms Act presently, in section 903(a), prescribes a fee of $25 for manufacturers and importers per year, and $1 for dealers. This proposal increases the fees for manufacturers and importers quite significantly, from $25 to $500 and $1,000. Is there any testimony in the hearing record to justify such an increase?

Mr. DODD. We had some testimony on some of these increases in license fees. There was testimony, I recall clearly, with respect to the pawnbroker's license. My best recollection is that those manufacturers, who appeared, said they had no objections. I would have to search the record to see if there was any further testimony with respect to the destructive devices. I do not recall offhand.

Mr. HANSEN. In my search, I might state to the distinguished Senator, I have found no testimony in support of it.

Mr. DODD. I think the Senator will find I am right about the pawnbrokers and the manufacturers. I am not so sure about the destructive devices.

Mr. HANSEN. I would not imagine that the large manufacturers would be particularly bothered by a $500 or a $1,000 license fee per year, but what about the small businessmen? Would not the proposed fee schedule be hard on them?

Mr. DODD. I do not think so. It would apply only to the local merchant who sells firearms, and the first year it would be $25 and afterwards $10. I do not think that is hard on merchants.

If we are to enforce this law, I think these license fees have to be raised, in order to even partially do the job. Even at this rate, it will not be adequate enough but it will help.

I do not think it is too much to ask, in the face of the growing crime rate by gun. It is a dangerous weapon. It is a dangerous commodity. It is a dangerous thing to have around; and it seems to me we have got to ask those who deal legitimately in these weapons to help enforce the law.

Mr. METCALF. Mr. President, will the Senator from Wyoming yield to me for a moment?

Mr. HANSEN. I yield.

Mr. METCALF. In the State of Montana, we have a quota system and a drawing system for licenses to hunt moose and antelope, for example. Suppose a man is fortunate enough to get an opportunity to go moose hunting. He goes down to the store and tries to get a different type of rifle than he has used for deer hunting or antelope hunting. He finds, in that small community of Twodot or Sweetgrass, or one of the other towns of 250 or less, that nobody can afford a license to sell him the kind of gun he wants.

Is this not prohibitive for the small businessman, in a community such as that, to carry out and perform the necessary services for a legitimate hunter in that community?

Mr. DODD. May I reply?

Mr. METCALF. Surely. The Senator from Connecticut has the floor.

Mr. DODD. I do not wish to interfere.

Mr. HANSEN. I yield to the Senator from Connecticut.

Mr. DODD. It seems to me that if a man wants to hunt moose, wherever it is, he would not find a $10 license for the dealer in the kind of gun he requires prohibitive or burdensome.

Mr. METCALF. If he finds such a $10 license fee prohibits some businessman of that area from carrying that kind of gun?

So that then he has to go into one of the cities, 100 miles away, perhaps, or he has to order it from Sears, Roebuck, or one of the mail-order suppliers, and go through all the process the Senator has set forth in this bill, and get a permit, and all of that?

Mr. DODD. Mr. President, let me say to my friend, the very able Senator from Montana, that I just do not think it is that burdensome. Again, I come back to what I have said over and over again: We are in a critical situation in this country. People are being killed every day with firearms of one type of another. It just will not do to go on as we have been going.

It is going to be burdensome, more so than it has been, of course; but we are all burdened. Our whole society is burdened by the use of guns in the commission of crime.

Mr. METCALF. If the Senator will permit me, however, I believe he is burdening the wrong people.

Mr. DODD. Well, everybody is going to be burdened. It will not rest on just one segment of society. We have all got to give up something in order to obtain a better situation. I wish it were not so. I do not know how else we can do it.

How can we adequately enforce this law if we do not have some money coming from licensees? Ten dollars really, at this hour in our history, is not, I think, too much to ask from any legitimate dealer. They will find ways, I am sure, to pass on the increased cost burden to the purchaser; and if they spread it out, and sell enough merchandise—it would seem to me it would not be any great burden. Here and there it may be a little more harsh on one than another, but that is the way we have to operate. I cannot give the Senator any better answer than that.

Mr. METCALF. I thank the Senator for the answer.

I am grateful to the Senator from Wyoming for yielding.

Mr. HANSEN. Mr. President, I should like to make the observation to the distinguished Senator from Connecticut that, as I understand it, my question regarding the burden that would be imposed by a $500 or even a $1,000 fee could apply to a small manufacturer.

We have a small gunsmith in my hometown of Jackson, Wyo. He is in business for himself. I do not think he ordinarily employs anyone else. It is a small business; he does not turn out very many guns a year, and yet, as I read the bill, it is my understanding that he would be required to purchase at least a $500 license, and under certain circumstances possibly even a $1,000 license. Is that not true?

Mr. DODD. No; I think the Senator is mistaken. The gunsmith, under this title, is considered a dealer and not a manufacturer.

Mr. HANSEN. No; this fellow is a manufacturer. He makes the guns. He is not a dealer.

Mr. DODD. I thought the Senator said he was a gunsmith.

Mr. HANSEN. He is a gunsmith. He manufactures his guns.

Mr. DODD. Well, we tried to protect against that kind of thing by saying that a gunsmith would be considered a dealer and not a manufacturer.

A gunsmith is not, in the general sense of the term, a manufacturer. He does not employ a lot of people, or have a lot of machinery. The average, usual type of gunsmith, as I understand, works at it himself, with his own hands.

Mr. HANSEN. How many guns would you have to make before you became a manufacturer, under the bill as drawn?

Mr. DODD. I do not think it is a question of how many guns you would have to make. It is what kind of business you are in. For example, is he a lone individual?

Mr. HANSEN. He is in the business of making guns.

Mr. DODD. If he were an individual working his own hours in his shop and did not employ anybody else, he would clearly not be a manufacturer in the usual sense of the term. He would be an individual craftsman, making special kinds of weapons. He would not be making a Remington rifle, a Winchester rifle, or any of the well-known brands of rifles. He would be making a specialty because he is a highly skilled craftsman. It would be unfair to consider him a manufacturer in the usual sense of the term, and it was never my intention to so consider it.

Mr. HANSEN. I refer to page 97 of the bill. Under section 923, "Licensing," subsection 1 reads:

> (1) if a manufacturer—
>
> (A) of destructive devices and/or ammunition a fee of $1,000 per year—

What about the person who loads ammunition?

Mr. DODD. They are excluded under this title. The loaders of ammunition would not be included.

Mr. HANSEN. Was it the purpose of the Senator in fixing these fees to regulate firearms, or was it to produce revenue. I think, if I understood the Senator correctly, he said that it was necessary to have fees to create enough revenue effectively to enforce the act.

Mr. DODD. To help enforce it. That is one of the reasons. The other reason is to get a more reasonable Firearms Control Act.

To explain it a little further, I believe that raising the fee from the present $1 fee to $10 would tend to drive out the fringe operators that I discussed yesterday, the people who travel in trucks or cars from Delaware to California and have the weapons in the trucks or in the trunks of the car. They sell these weapons along the way. These people have no place of business other than their vehicles.

Many of these $1 licensees have weapons in the trunk of a car and they take out a license so that they can buy at lower prices firearms which they want for one reason or another. I would like to see that trade stopped so that we might have a more legitimate trade or business in firearms with responsible people selling them.

I think this is one way of doing it. Increasing the license fee would help, I think, to get a better firearms control law.

Mr. HANSEN. It is the feeling of the Senator then, as I understand him, that the difference between the $1 fee and the $10 fee would exclude the fly-by-night operators and permit the continuation only of reputable people.

Mr. DODD. That is part of it. And the bill sets up standards. The people must have a place of business. For example, a large percentage of the present licensees do not have any place of business.

Mr. HANSEN. The Senator feels that the $9 differential would effectively weed out the poor or the bad operators from the good ones.

Mr. DODD. I think it will help. It will allow the law enforcement people to have more money with which to check these licensees to be sure that they are complying with the law. I think it is a healthy thing to do.

I keep saying, and I cannot say it too often, that we are dealing with highly dangerous items when we deal with firearms of any kind. We ought to take the matter very seriously.

If one can get a Federal license for $1, he is just about as free as he can be with respect to buying and selling firearms. I do not think that a $10 fee is very high. It was suggested in the hearings that it should be higher. I did not want that. I hope that the $10 fee will be a deterrent to the fringe people who should not be in the gun business.

Mr. HANSEN. If the Senator were to exclude from the application of the $500 or the $1,000 license fee, these small, independent gunsmiths and manufacturers to which I alluded some few moments ago, how many manufacturers do we have in the country today to whom this license fee would apply?

Mr. DODD. My recollection is that there are about 82. I do not have the exact figure, but it is in the neighborhood of 70 or 80.

Mr. HANSEN. Let us assume that it is 82 and assume that the full, maximum fee is applied to all of them.

Mr. DODD. The Senator is talking about the manufacturers?

Mr. HANSEN. That is correct. Would it then be fair to assume, in the judgment of the Senator, that a substantial part of the enforcement cost of the legislation would be provided by the $82,000 that would be collected in fees?

Mr. DODD. I think so. It would be a very helpful part of it, anyway, because the cost collected from each manufacturer would be far in excess of the $10 fee collected from each dealer licensee. Taken together, it would be a sizable amount of money. I believe that there are some 100,000-odd licensees in the country.

In further answer to the Senator's question about why we recommend an increase in license fees from $1 to $110, it is because it would have a deterrent effect on juveniles, many of whom get a $1 license. I do not think they are as likely to get a $10 license. I do not think they should have a license, but they do have licenses now.

Mr. HANSEN. However, if I understand section 923(c) of title IV correctly, persons under 21 would be barred from obtaining Federal firearms licenses—even if they had $25, $500 or $1,000 to pay. Now, to another question. Section 923(b), on page 98 of the bill, states:

> (b) Upon the filing of a proper application and payment of the prescribed fee, the Secretary may issue to the applicant the appropriate license which, subject to the provisions of this chapter and other applicable provisions of law, shall entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce—

In examining this provision and comparing it with section 3(c), of the existing law, title 15, United States Code 903(b) and in the section-by-section analysis of the report on page 116, some questions come to mind.

The existing law says that the Secretary "shall" issue a license. Title IV says that the Secretary "may" issue a license. Why is there different wording used?

Mr. DODD. That is to give the Secretary discretion. All cases are not alike. In my judgment, he should have discretionary power to decide that in this case it should be granted and in another case it should be denied.

Mr. HANSEN. The sectional analysis indicates that a licensee would be specifically restricted to interstate shipments and receipts in accordance with the provisions of title IV.

There is a commentary on page 116 of the report, if the Senator would be interested in referring to it. Does this mean that the licensee's intrastate shipments and receipts do not have to be in accord with the title?

Mr. DODD. What part of page 116?

Mr. HANSEN. There is a commentary on page 116 of the report. May I read it to the Senator?

Mr. DODD. Yes, please.

Mr. HANSEN. It reads as follows:

> *Section 923(b)*.—This subsection authorizes the Secretary to issue a license to one who has filed a proper application and paid

> the prescribed fee and provides that such license shall, subject to the provisions of the title and other applicable law, entitle the licensee to transport or receive the firearms and ammunition covered by the license in interstate or foreign commerce for the period stated. The subsection is comparable to 15 U.S.C. 903(b) of the present Federal Firearms Act except that no specific provision is made for revocation. However, it should be noted that the provisions of the proposed subsection specifically restrict the licensee to interstate shipments and receipts in accordance with the provisions of the title. Thus, for example, a licensee finally convicted of a felony could not continue to engage in business under the title.

Does this mean that the licensee's intrastate shipments and receipts do not have to be in accord with the title? The Senator has spoken about interstate and foreign commerce. What about intrastate shipments?

Mr. DODD. I believe that under this title he would have to comply with the law with respect to intrastate as well as interstate. All that is required with respect to intrastate shipments, as the Senator may recall, is the requirement that age, name, and address be obtained and that sales may not be made to felons and other criminals who could not buy the gun under the State or local law.

I might say to the Senator that yesterday we discussed these requirements, and I explained what I thought a dealer should do—ask for identification.

Mr. HANSEN. I beg the Senator's pardon?

Mr. DODD. The dealer should ask for identification, for example, an automobile license, or a social security card. I expect that that would be the prudent thing to do. But, actually, under the title, of course, he is required only to ask for age, name, and address. I would like to see it stronger, but I found it impossible to get stronger language agreed to by the Judiciary Committee. I believe it is a very mild requirement.

Here, again, this is all tied into the general principle of this title—to get more responsibility into the traffic in firearms. I believe the good businessman, the good dealer in firearms, will want to do more than get the age, the address, and the name of the individual. He will want to make a check. And in many States there is a waiting period. He will know the law pretty well in his own State.

So I believe it fits in at least with my concept of what we need.

Mr. HANSEN. Section 3(b) of the Federal Firearms Act provides that no license shall be issued to any applicant within 2 years after the revocation of a previous license. I do not see that this provision is carried forward in the new bill. Why has it been omitted?

Mr. DODD. To what section is the Senator referring?

Mr. HANSEN. Section 3(b) of the Federal Firearms Act.

Mr. DODD. I believe that the Senator is talking about section 903 of the act.

Mr. HANSEN. I am talking about the act presently on the books.

Mr. DODD. Yes, I know. The Federal Firearms Act.

Mr. HANSEN. Yes.

Mr. DODD. The Senator is referring to the fact that title IV does not include language that is now in section 903(b) of the act relating to revocation and reissuance of a license. Is that correct?

Mr. HANSEN. In the new bill.

Mr. DODD. I believe the answer is that we have section 925, the title of which is "Exceptions, Relief from Disability." I believe a reading of that section will make clear that it precludes the need for the provision to which the Senator refers.

To explain it a little more clearly: Under the new section, he can reapply at any time. There is no time limit. And that seemed to us more fair and more reasonable.

Mr. HANSEN. The reference that the Senator has just made, I understand, already is contained in existing law. It is section 10 of the Federal Firearms Act (15 U.S.C. 910), at least that is what the report on page 118 indicates. Is my understanding correct?

Mr. DODD. The Senator's understanding is correct.

Mr. HANSEN. The Senator from Connecticut believes, then, that there is no further necessity or requirement to carry this one specific provision into the new bill—the provision that no application shall be issued within 2 years after the revocation of a previous license?

Mr. DODD. No; I do not believe so. I believe our section clears that up.

Mr. HANSEN. I fail to see how one section of the existing law can be used to justify the removal of another section. Now, another question. Section 923(c) of title IV, which appears on pages 98 and 99 of the bill, sets forth six requirements or standards for the obtaining of a Federal firearms license. These six standards are incorporated into the five subparagraphs of the section. Subsection (2) appears to contain two separate standards, the second standard in subparagraph (2), beginning at line 13, page 99, and carrying through line 17.

In comparing this with Senator HRUSKA's substitute bill, amendment 708, I see that section 903(b), on pages 11 and 12, appears to contain four of the six standards which are in title IV. I ask the Senator whether I am correct in my conclusion.

Mr. DODD. The Senator will have to indulge me a moment while I check.

As I understand the Senator, he referred, first, to the language beginning on line 13, page 99.

Mr. HANSEN. Yes; and carrying through line 17.

Mr. DODD. This is the part that reads:

> The applicant * * * is prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under the provisions of this chapter; or is, by reason of his business experience, financial standing, or trade connections, not likely to commence business operations during the term of the annual license applied for or to maintain operations in compliance with this chapter.

That seems entirely reasonable to me. The Senator then referred to another section—I do not recall the number of it—on page 11 or 12. That must be of the report.

Mr. HANSEN. I was speaking of Senator HRUSKA's bill, the substitute bill, amendment No. 708.

Mr. DODD. Pages 11 and 12 of his bill?

Mr. HANSEN. Yes. Section 903(b), pages 11 and 12, appears to contain four of the six standards which are in title IV. Is that correct?

Mr. DODD. I have a chart which we have drawn up which I believe is correct. We have the following standards. Under title V a license would be denied to first, a person under 21 years of age; second, a felon or a fugitive or person under indictment for felony; third, a person who violated any provision of the title; fourth, a person not likely to conduct operations in compliance with the title's provisions; fifth, a person who has no business premises; and sixth, a person who falsified his application.

The proposal of the Senator from Nebraska [Mr. HRUSKA], amendment No. 708, would deny licenses, as I read it, to the following: First, a person under the age of 21; second, a felon, a fugitive, or a person under indictment for a felony; third, a person who violated any provision of the act; fourth, a person who falsified his application.

I think the two differences are, first, denial to a person not likely to conduct operations in compliance with the title; and second, for a person who has no business premises. Those are the differences. I do not believe there is a conflict here. I tried to go a little further. We had experience during the course of the hearings where we found a man who did not have a place of business. My impression is that he has one room, a loft, or something of that sort.

I think these people should have an identifiable place of business such as a store, a shop, or some place that everybody knows is his place of business so that they would not have to go searching around in some second- or third-story loft to find it. That is one of the differences, but I do not see any real conflict.

The Senator from Nebraska [Mr. HRUSKA] thinks that his four provisions are sufficient. I think the requirement of having a place of business is important. The point that no one should be granted a license who is not likely to conduct his business in compliance with the title's provisions seems to me to be important.

That is the best answer I can give.

Mr. HANSEN. I appreciate the responses of the Senator.

After having prefaced the question with what I have said, I was going to ask how the Senator would interpret the language of section 923(c) of title IV: "or is, by reason of his business experience, financial standing, or trade connections, not likely to commence business operations during the term of the annual license applied for or to maintain operations in compliance with this chapter."

What criteria would be used and how would it be determined that one is not likely to commence business operations during the term of the annual license applied for?

I have found nothing in the bill nor in the report, which contains practically the same words of the bill to clarify this requirement. It seems to me that the language left a lot to be desired to be used in the way of criteria to answer the questions. It seems that this would allow the Secretary of the Treasury or his delegate virtually unlimited discretion to approve or deny an application for a license.

Mr. DODD. The normal and usual criteria would be used. We must remember that the executive department of the Government is going to enforce the law, and that the provisions of the Administrative Procedure Act would be fully applicable in all such cases, which also gives a degree of protection to the applicant. The applicant would have to be given notice of the contemplated denial, he would have to have a chance to be heard, and he would have all rights of appeal under that act.

We have to leave to the executive department some area of establishing reasonable regulations. I am sure the Senator is aware that it is difficult for us to write out in every detail how this law or any other law will be enforced by the executive department. We do the best we can. I think that a general criteria, which we have set up, is as well as we can do.

Obviously, a ne'er-do-well person, who has a bad record in his community such as an habitual misdemeanant, a person who has been in another business and made a complete flop of it and abused it such as the two mail-order dealers I investigated who had been in the mail-order pornography business, these would not be the kind of persons to whom the Senator from Wyoming would want to give a license. In addition, I think that the person's record and reputation among his neighbors and fellow citizens is something which should be considered, as well as whether or not he has had any significant association with the criminal element in the community.

This is what I would do if I were sitting on the case of an applicant for a license. I think these are some of the things I would look for. That is what is meant by this language.

Mr. President, I do not know whether we are under a strict limitation of time or not.

Mr. BYRD of West Virginia. Yes; we are.

Mr. DODD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. McGOVERN in the chair). The Senator has 19 minutes remaining.

Mr. DODD. I thank the Presiding Officer.

Mr. METCALF. Mr. President, I shall not need 19 minutes.

The inquiries directed by the Senator from Wyoming related to problems about which I was also concerned. I do wish to say that the distinguished Senator from Connecticut has made a great contribution to law enforcement in America. I feel the efforts the Senator has made in controlling the indiscriminate traffic in guns and destructive devices has acquainted the people of America to many problems that many of us in the West, where this is not a real problem, were not aware of. I compliment the Senator for his contribution.

I also want the Senator to understand a problem we have in our area. The greatest business in Montana, Wyoming, Utah, and Idaho is the tourist business. People come into our areas to hunt and they do use the high-powered rifles and destructive weapons that the Senator has been talking about. In addition, the local people go out and everybody has weapons, everybody has shotguns, and everybody has long guns. We do not use them in riots and we do not use them in civil disturbances such as the Senator spoke of in the beginning of his presentation. This is what concerns the people of my area.

The Senator has moved the business of sporting rifles and the business of legitimate weapons over into the same area as gangster weapons and the destructive devices. I wish to ask the Senator why he has changed this division we have had heretofore and placed sporting rifles and sportsmen in the same category as weapons used for destructive purposes and people who are gangsters.

Mr. DODD. Let me respond to the Senator, first of all, by thanking him for his generous remarks which, I am sure, I do not deserve but for which I am truly grateful, particularly coming from as distinguished a Member of this body as is the Senator from Montana. I have tried to do my best on this subject.

In answer to the Senator's specific question, I have never, and I do not now, lump together legitimate sportsmen and criminals, the mentally incompetent, or the child who is now able to get guns. I know what the Senator says about his great State of Montana and other States such as Wyoming, Idaho, and others. I know that there is a great tourist business there and a great engagement in the use of sporting guns in those States. I am not trying to stop that. If anything, I am trying to encourage it. I want guns in the hands of decent, responsible people.

I stated yesterday that my experience has been that sportsmen are among the best of our people. I have known many of them. Unfortunately, the guns they use for legitimate sporting purposes have gotten into the hands of criminals, nuts, and children. That is what I want to prevent and put a stop to. In that sense, one could say that they are mixed together but I do not see how we can separate them other than to do something about it as strongly as we can. They are not the same people, but they are the same weapons. A good weapon can be used, and frequently is, for a bad purpose. So that we have to talk about the weapon and about those undesirables who get their hands on those weapons.

How would the Senator feel about a provision in this title which allowed the States, by option, to be included or to be left out?

Mr. METCALF. I feel that would be a very important provision. The problems of Montana and the problems of the West on this subject are different from the problems in urban areas of the East. I am convinced that we in Montana could take care of this business of criminal operations in both handguns, long guns, and destructive devices.

But the Senator has not quite answered by question. I used to train men in the use of the .37-millimeter cannon. I have some nostalgia about that. I was once a weapons instructor and know something about the operations of a Thompson submachinegun. One can buy a Thompson submachinegun in some areas.

Mr. DODD. And buy an antitank gun as well.

Mr. METCALF. I see no reason at all why there should be any civilian use of a .37-millimeter cannon, a .75-millimeter cannon, a Thompson submachinegun, or a hand grenade. I compliment the Senator from Connecticut on trying to control that kind of traffic in destructive devices on which there should be civilian control. But why should that be lumped with a .30-caliber sporting rifle.

Mr. DODD. They are not lumped together. Why should they not be in the same bill?

Mr. METCALF. Because it would place the purchaser of a high-powered .22, or a 30–30, in the same category as the purchaser of a Thompson submachinegun.

Mr. DODD. No. Destructive devices are controlled much more stringently than are the sporting rifles. Anyway, as I see it, it is a vastly different thing. It seems to me that these terrible devices are not truly sporting weapons.

Mr. METCALF. We are in complete accord on that. I say to the Senator I am delighted he is saying to the Senate as a part of the RECORD that he sees sporting rifles as an entirely different thing.

Mr. DODD. I do. That is why I prohibit their importation under this bill. That is why I apply stricter controls to them than I do rifles and shotguns.

Mr. METCALF. I concur in the control of handguns. I feel that that will place some burden upon Montana. For example, someone may want to go out to Montana on a camping trip and he will bring along a rifle he recently purchased or has owned for several years, and the Montana guide would say to him, "Why don't you buy a .22, which is a sporting gun if ever there was one?" He would not be able to buy that gun under this bill; nevertheless, as a result of the control of handguns——

Mr. DODD. He can buy it where he lives.

Mr. METCALF. But he lives in Connecticut.

Mr. DODD. He should buy it before he goes to Montana.

Mr. METCALF. Perhaps he would not even know that he could use it there.

Mr. DODD. Well, so that places a small hardship upon him. If he is a true sportsman and knows the law and he wants to buy that kind of gun and he really wants that particular gun, he can arrange for its purchase through his dealer in Connecticut.

Mr. METCALF. As I have said to the Senator, I concur in that. We will take care of that in Montana and live with that kind of thing. Let me ask another question about destructive devices——

Mr. DODD. If the Senator will let me answer him further, first, this point has been raised time and again, that destructive devices should be covered in the National Firearms Act rather than the Federal Firearms Act. Contention has been made that the Federal Firearms Act covers only sporting arms while the National Act covers the gangster type of weapon. This is a concept that the gun lobby and others, as well as honest and well-intentioned people, have foisted on the public for the past 30 years, I tell the Senator, and I think I am right about that.

Mr. METCALF. I do not like the word "foisted" so far as the Senator from Montana is concerned.

Mr. DODD. Of course, I do not include the Senator from Montana. I said many honest and well-intentioned people. The gun lobby has used that argument time and again. The answer to it is that, as I have tried to think it out, the Federal Firearms Act, by virtue of the definition of firearms in the act, covers all firearms including sporting and gangster-type weapons. that is one reason. A second reason is clear, that if one reads the legislative history of both acts, Attorney General Homer Cummings, who was the chief proponent, tried to have all firearms included in both acts during the years he pressed for strong Federal control. A third reason, is that the proscriptions on a felon or a fugitive from shipping or receiving firearms are contained in the Federal Firearms Act but are not contained in the National Firearms Act. I think that is a very important point.

That is another reason for specifically including destructive devices within the purview of the Federal Act which title IV, as the Senator knows, transfers to title XVIII. It seems to me there is no objective rationale for excluding destructive devices from title IV. That is why we have included it.

I should like to see one, strong Federal Firearms Act that covers just about everything in this field.

I do not want to repeal or do anything to the National Firearms Act. I do not think that is necessary. It is very limited anyway, but it is the law and the best law we have. It is not very good, in my judgment, and that is why, I think, we should put everything in the Federal Firearms Act, which I would transfer to title XVIII. I think that is where it belongs.

Mr. METCALF. Many millions of sportsmen dislike being lumped in with gangsters.

Mr. DODD. I know that, I am sure that is true of people in many areas of activity. I drive a car and I do not like to be lumped in with car thieves, but the laws enacted to prevent a car thief from stealing other people's property affect me just the same. So it goes.

One other point I overlooked about the National Firearms Act. All it does is require that one who transfers a machinegun, a sawed-off shotgun, a sawed-off rifle, or gadget guns, as I call them, pay a tax. If he pays his tax, nothing else will happen to him. If he does not pay it, he can be punished for not paying it. But I think that is a very ineffective law with respect to destructive devices. It seems to me we ought to have it in a strengthened and updated Federal Firearms Act. Who is going to be hurt by it?

Mr. METCALF. I hope the Senator understands that the Senator from Montana is not critical. In fact, the Senator from Montana is complimentary to the Senator from Connecticut for the effort to control Thompson submachineguns, burp guns, or 75-millimeter cannons, that no civilian should have any legitimate use for.

Mr. DODD. I thank the Senator.

Mr. METCALF. But why lump those with the legitimate sportsman who does have legitimate use for a .22 rifle or a .30 caliber rifle?

Mr. DODD. Because there are many people today who have Federal licenses and these destructive devices are on the sales counters.

Mr. METCALF. Let us get rid of the destructive devices.

Mr. DODD. I am trying to.

Mr. METCALF. Let us not get rid of other things which are legitimate articles of commerce and necessary as part of the sporting life of America.

Mr. DODD. Under this title, the importation of such weapons is prohibited. This is new. I truly do not understand those who argue that it ought to be under the National Firearms Act instead of the Federal Firearms Act, for the reasons I have given. The question I always ask is, Who is going to be hurt if we write one good, strong Federal Firearms Act that everybody can live with?

Mr. METCALF. A whole lot of legitimate sportsmen.

Mr. DODD. How are they going to be hurt? If they use the dreadful devices and handle them for sporting purposes, they should be stopped. I do not believe many sportsmen, have antitank guns, mortars, bazookas, and all these other weapons. So I do not think any good sportsman is going to be hurt.

Mr. METCALF. The Senator from Montana is in complete accord with the Senator from Connecticut.

Mr. DODD. I know. I take it the Senator would place destructive device coverage under the National Firearms Act rather than the Federal Firearms Act because to do otherwise might cast a shadow on the legitimate sportsman.

Mr. METCALF. Yes.

Mr. DODD. My view is I do not think that is true.

Mr. METCALF. Let me ask a question before our time runs out. The Senator has included explosive devices under the destructive portions of the act.

Mr. DODD. Yes.

Mr. METCALF. Does that mean that dynamite for mines or construction companies, and so forth, is included?

Mr. DODD. No, it does not, Senator. What I had in mind was things like hand grenades and other types of mines and bombs.

Mr. METCALF. Antipersonnel mines.

Mr. DODD. Yes.

Mr. METCALF. So that a legitimate prospector——

Mr. DODD. He is not included under the provisions at all.

Mr. METCALF. He could get dynamite?

Mr. DODD. This provision has nothing to do with that type of business. It specifically excludes such items which would be used in commercial construction or business activities.

Mr. METCALF. I was anxious to make that record, because there is much concern and interest in that.

Mr. DODD. Yes.

Mr. METCALF. I am very grateful to the Senator from Connecticut. Of course, he and I disagree about long guns. As far as sporting rifles and legitimate shotguns are concerned, I am glad they are left out of the bill, and I hope they continue to be left out of the bill. Nevertheless, we are in accord on many provisions of the bill. The Senator from Connecticut has made a great contribution in closing the door and protecting the legitimate sportsman.

Mr. DODD. I thank the Senator. I think, whatever happens, we are going to get a better law with respect to firearms. I fear it will not be as good as it should be.

Mr. METCALF. I hope it is not as good as the Senator wants.

Mr. DODD. I was beaten in the committee vote. I offered the option provision, and that was turned down.

Mr. METCALF. It would seem to me that the option would take care of many of the problems.

Mr. DODD. I though it would, but I could not convince my colleagues in the committee, and so it is not in the bill. Because I value the Senator's judgment, I wondered what his thinking was.

Mr. METCALF. I would take the Senator's view with respect to the purchase of rifles, and so forth, in the State of Connecticut; and I am sure he would respect my opinion as to the needs for a rural area.

Mr. DODD. Of course; the Senator knows that.

Mr. METCALF. And the option provision would take care of that.

Mr. DODD. It seemed to me it would.

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired.

Mr. DODD. I want to thank the Senator from Montana for his kindness.

Mr. METCALF. I thank the Senator from Connecticut.

WILDLIFE GROUPS SUPPORT HRUSKA GUN BILLS

Mr. HANSEN. Mr. President, Members of the Senate have received copies of correspondence from national groups addressed to Senator DODD which explains their positions regarding title IV of the Omnibus Crime Control and Safe Streets Act which is pending before the Senate today.

The endorsement by these national wildlife groups is particularly significant to me because I have worked on numerous occasions with these groups and I can attest to their dedication and high sense of responsibility which they carry to the many issues on which they take a stand.

On the issue of gun control which faces us today, I believe that these wildlife groups accurately and intelligently reflect the wishes of the vast majority of sportsmen and conservationists in my home State. Therefore, I will take the liberty of asking that the position of these groups be made fully clear to the entire Senate and that the text of their letters be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. HANSEN. Mr. President, I have always felt that the privilege of law-abiding citizens and sportsmen to own and bear arms is one that should not be infringed upon. My own State of Wyoming has thousands of hunters and gunowners who have demonstrated a high regard for the law and who are well aware of the responsibilities incumbent upon those owning firearms. Such is indeed the case with the majority of Americans who own guns. The rights of these individuals must be protected.

However, it is also my feeling that, in the light of the rash of crimes involving guns, some action must be taken to insure safe streets, homes and places of business for all citizens.

Because of the necessity for a careful balance between striking back at crime in America and guaranteeing the right of law-abiding citizens to legally bear arms, I have, in the past, supported two gun control bills introduced by Senator ROMAN HRUSKA, of Nebraska. The provisions contained in his proposals would require those convicted of violent crimes, fugitives and youngsters to purchase handguns in person, rather than anonymously, thereby assisting local police officials in the enforcement of local gun laws. These provisions would also tighten control over machineguns, hand grenades, bazookas, and other such weapons.

I believe that such provisions would adequately accomplish the ends sought by all Members of Congress without infringing upon the constitutional rights of our law-abiding citizenry. It is my belief that the handgun control provision in the bill as reported out by the Judiciary Committee would destroy the balance between combating crime and insuring the rights of the American people. Thus I will continue to follow the lead of the able Senator from Nebraska in attempting to restore this balance.

EXHIBIT 1

NATIONAL WILDLIFE FEDERATION,
Washington, D.C. May 1, 1968.

Hon. THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DODD: This will acknowledge receipt of your letter of April 26 sent via certified mail to request our opinion and position on Title IV of S. 917, the Omnibus Crime Control and Safe Streets Act, as approved by the Senate Committee on the Judiciary.

Time does not permit a thorough study of this proposed legislation by the National Wildlife Federation's officers, directors, and affiliated organizations prior to Senate debate which you have indicated will begin May 2–4.

The position of the National Wildlife Federation on firearms control has been made clear, however, in previous public hearings conducted by the Committee. In brief, we favor, (1) strict regulation and control of concealable weapons (pistols and revolvers); (2) we support existing regulations prohibiting the sale or interstate shipment of firearms to persons under indictment or convicted of a crime punishable by imprisonment for a term exceeding one year or is a fugitive from justice or is prohibited by state or local law from owning or possessing firearms; and (3) we firmly believe the importation, sale, shipment, use or ownership of destructive devices (such as bombs, bazookas, grenades, and other military type weapons or devices) by private citizens should be completely prohibited; not regulated as your amendments provide.

As we understand your proposal, it would repeal the Federal Firearms Act of 1938. We firmly believe this Act should *not* be repealed. If properly enforced, this Act could have been used to solve most of the current problems involved in the interstate sale and shipment of firearms to persons not legally entitled to possess them. Rather than repealing what we consider to be a very sound, workable law, we believe further amendment is necessary to assist local and state enforcement agencies in further regulating and controlling mail-order sales of concealable weapons to residents, or over-the-counter sales to non-residents, along the lines proposed in Senate Amendment 708.

Thank you for this opportunity to offer these comments and opinions. As you well know, the National Wildlife Federation has always supported adequate control, coupled with strict enforcement, over the sale, use, and possession of firearms by our citizens. We believe the basic answer to the crime problem in the United States is to resolve our current social problems and to educate all law abiding citizens on the proper, safe use of firearms and to severely punish those persons who deliberately misuse firearms or other weapons in the commission of criminal acts.

Sincerely,

THOMAS L. KIMBALL,
Executive Director.

EXHIBIT 2

WILDLIFE MANAGEMENT INSTITUTE,
Washington, D.C., May 2, 1968.

Hon. THOMAS J. DODD,
Chairman, Subcommittee To Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR DODD: We have your letter of April 26 and the enclosures concerning your amendment which appears as Title IV of the Omnibus Crime Control and Safe Streets Act, S. 917.

In your letter soliciting our views, you state that "It would be helpful to the public in understanding this issue if you would forward to me your views on my proposed legislation.

"When this comes to debate in the Senate, I want to effectively present all positions to my colleagues for consideration before they vote on this measure.

"It is essential that the Congress understand the position taken by your organization before voting on this measure."

We are pleased to respond and do so in the expectation that this letter will be presented in full context to the Senate. This reply sets forth the views of conservationists who long have recognized the problems resulting from the misuse of certain firearms and destructive devices. Our recommendations for the revision and enforcement of existing laws are a matter of record in the printed hearings of the Subcommittee To Investigate Juvenile Delinquency.

We support strict controls over the interstate shipment of handguns as proposed in S. 1853, by Senator Hruska and others, that would strengthen the Federal Firearms Act. We prefer the provisions of that bill which require notification to local law enforcement officers and an adequate waiting period before a dealer may make delivery of a handgun. We also favor the provision in S. 1853 that would prohibit the interstate shipment of any firearm contrary to state laws.

We believe that the provisions of your Title IV which would prohibit completely, rather than regulate, interstate commerce in handguns discriminate against law-abiding persons. Such a prohibition holds maximum inconvenience for all sections of the country rather than focusing attention where it is required.

We have been advocating that grenades, bazookas, crew-served weapons and similar destructive devices should be regulated rigidly. This desirable control should be achieved by amendment of the National Firearms Act as contemplated in S. 1854, by Senator Hruska and others.

Sportsmen everywhere have asked the committee not to link sporting firearms with destructive devices. They have urged repeatedly that sporting firearms continue to be handled through the Federal Firearms Act and destructive devices through the National Firearms Act. Your Title IV treats them together and puts them in the criminal code.

We are hopeful that the corrective legislation that the sportsmen have been seeking will be enacted during this session. We believe the Senate should do this by adopting S. Amendment No. 708 that was offered on April 29, 1968, as a substitute for Title IV in S. 917. That amendment incorporates the widely supported features of S. 1853 and S. 1854.

Sincerely,

C. R. GUTERMUTH,
Vice President.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session.

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Post Office and Civil Service.

(For nominations this day received, see the end of Senate proceedings.)

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from North Carolina [Mr. ERVIN] is recognized for 2 hours.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. ERVIN. Mr. President, I am glad to yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there may be a brief quorum call and that following the quorum call there may be a period of 5 minutes, prior to beginning the speech of the senior Senator from North Carolina [Mr. ERVIN], the 5 minutes to be allotted to the majority leader.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR ADJOURNMENT UNTIL 12 NOON TOMORROW AND 10 A.M. MONDAY

Mr. MANSFIELD. Mr. President, under the unanimous-consent agreement heretofore entered, the distinguished Senator from North Carolina [Mr. ERVIN] is to be recognized. If he will yield to me, I should like to take not more than 5 minutes.

The **PRESIDING OFFICER.** Unanimous consent has been granted for that purpose.

Mr. MANSFIELD. Very well.

Mr. President, for well over a year—almost a year and a half—the President has been speaking in behalf of a safe streets and omnibus crime control bill.

After long and arduous labor, under the chairmanship of the distinguished senior Senator from Arkansas [Mr. MCCLELLAN], a bill was reported by the committee. The bill is now before the Senate, and has been since a week ago Tuesday.

Up to this time, there has been nothing but conversation on the floor of the Senate, nothing in the way of action seeking to face up to the issues which confront us under the various titles. I hope that before too long we will be able to begin to vote on amendments, to the end that we can face up to our responsibilities and dispose of the bill one way or the other.

Therefore, Mr. President, I ask unanimous consent that upon the completion of its business today, the Senate stand in adjournment until 12 noon tomorrow.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Also, Mr. President, I ask unanimous consent that upon the completion of its business tomorrow, the Senate stand in adjournment until 10 o'clock Monday morning next.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. MANSFIELD. Mr. President, it is the hope of the leadership that, if possible today, hopefully tomorrow, certainly by Monday, the Senate will be able to get down to brass tacks and begin to face up to some of the differences which exist in this body. It appears to me that much time has been spent already in discussion and debate. In some respects, I think too much time. But if we are to depart Washington by August 2, as I hope, but certainly cannot guarantee, I think it is up to all Senators to spend as much time in the Chamber as possible, to forego outside engagements as much as possible, and to work together with the leadership on both sides to try to bring this debate to a head.

I have received from the President of the United States a letter relative to the pending bill. I should like to bring it to the attention of my fellow Senators. The letter, dated May 8, 1968, and addressed to me, reads as follows:

> DEAR MIKE: The Senate is approaching a moment of decision for America, as debate proceeds on the Crime Control and Safe Streets Act of 1968.
>
> I would hope that three facts—three crucial facts—can illuminate that debate.
>
> *First*, a harsh reality faces the most affluent Nation on earth. Crimes of violence threaten to turn us into a land of fearful strangers. The triple-lock door and the street that empties quickly at nightfall are unhappy symbols in modern America. The rapist and the mugger, the racketeer and the robber leave heavy scars on our society.
>
> *Second*, the key to effective crime control is effective law enforcement—at the local level. As I have repeatedly stressed, crime is a local problem. It must be defeated in the community it corrodes.
>
> *Third*, the machinery of local law enforcement all across the Nation must be strengthened before it can carry out its mission effectively. Far too many local police forces are ill-paid, ill-equipped, and ill-trained.
>
> Fifteen months ago, based on a study I had conducted by the President's Crime Commission, which was composed of the most carefully selected and outstanding experts in the field—the most authoritative study of crime in America ever conducted—I then urged the Congress to immediately launch a massive effort to revitalize local law enforcement—from crime prevention to the apprehension of criminals to the system of corrections.
>
> That proposal—the Safe Streets program—is now embodied in Title I of the bill before the Senate.
>
> Through federal *grants* to *local* communities and states, it will put new strength into the entire network of crime control and criminal justice. It will give the policeman on the beat—who risks his life to protect our homes and families—better training and equipment for his job. It will reward him with better pay for his service. It will put the resources of modern science behind his efforts.
>
> I urge the Senate to pass Title I. It is long overdue and urgently needed. Delay will be a victory for the criminal—from the petty thief to the kings or organized crime. The losers will be the American people.
>
> The pending bill also addresses itself to another urgent national concern—the need for gun control legislation.
>
> I have sought a proper and strong gun control bill for as long as I have been President.
>
> Title IV takes a long step toward public safety, by helping to keep pistols and other hand guns away from the dangerous and the deranged.
>
> But it does not go far enough.
>
> It fails to provide the same protection against weapons which are just as deadly in criminal hands—the rifle and other long guns.
>
> Now, it is time to stand up and show we are not a Government by lobby but a Government of law.
>
> Has not the high powered mail order rifle brought tragedy enough to America? What in the name of conscience will it take to pass a truly effective gun control law?
>
> The issue of immediate importance is to bring safety to our streets.
>
> We can best do this by:
>
> Strengthening the Gun Control Law.
>
> Writing the provisions of Title I (the Safe Streets Program) into the statute books without delay.
>
> Not encumbering the legislation with provisions raising grave constitutional questions and which might jeopardize the prompt passage of Title I.
>
> In the clear and compelling interest of 200 million Americans, I urge the Senate to enact Title I—now.
>
> The mugger and the murderer will not wait.
>
> Neither must we.
>
> Sincerely,
>
> LYNDON B. JOHNSON.

Several Senators addressed the Chair.

Mr. MANSFIELD. The Senator from North Carolina [Mr. ERVIN] has the floor.

Mr. McCLELLAN. Mr. President, I should like to have 5 minutes, if I may.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may be permitted to yield not to exceed 5 minutes to the Senator from Arkansas [Mr. MCCLELLAN] and not to exceed 5 minutes to the Senator from New York [Mr. JAVITS] without losing my right to the floor and without having the time thus yielded count as a part of the time allotted to me.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

Mr. McCLELLAN. Mr. President, I was seeking the time in my own right. I did not want to have the time charged to any other Senator.

Mr. MANSFIELD. Mr. President, the Senator's time will be extended if needed.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

Mr. McCLELLAN. Mr. President, the President of the United States very kindly sent to me a copy of the letter that he addressed to the distinguished majority leader. I appreciate the courtesy of the President in letting me know of the message he was sending to the Senate.

I very much appreciate a cover letter addressed to me, which the President attached to the copy of the letter sent to the distinguished majority leader.

I read it into the RECORD:

> THE WHITE HOUSE,
> *Washington, D.C., May 8, 1968.*
>
> DEAR JOHN: I wanted you to have a copy of a letter I sent to Mike Mansfield this afternoon. I know, as do all Americans, how you have devoted your life to leading the fight against crime in our Nation. I hope you will be able to add another success in your fight on crime with the passage of the Safe Streets bill I submitted to the Congress.
>
> Sincerely,
>
> LYNDON JOHNSON.

Mr. President, I have fought and worked diligently to try to get the crime bill on the floor.

I have largely supported the President's recommendations with respect to title I. It has some provisions in it now that it would not have in it, but which the President wants, except for my vote. My one vote made the difference in committee.

I felt that I would be completely derelict in meeting my responsibility had I not, during the processing of the measure that the President recommended, taken into account other areas in which legislation was needed in order to effectively wage a war on crime. We were successful in having some of these provisions incorporated in the bill.

Since the President of the United States in his message to the majority leader refers to his Crime Commission which made a study and upon which the President based his recommendations, I remind my colleagues and the country that that same Commission recommended legislation with regard to wiretapping and electronic surveillance in line with and designed to meet the same objectives as are contained in title III of the pending bill. So, I am, also, to that extent, following the recommendations of the President's Crime Commission.

Mr. President, with respect to title II, particularly some provisions of it relating to confessions, from my viewpoint—and I think it is from the viewpoint of a great majority of the people of this country, and I am basing that upon the information that comes to me from the citizens by mail, telegram, and communications from learned judges, prosecutors, district attorneys, and officials who have the responsibility for law enforcement—if Congress fails to enact legislation dealing with some of the Supreme Court decisions that are responsible today for the self-confessed murderers and the rapists and the muggers out on the streets, to which the President refers, we will fail the American people; we will fail our Government; we will fail in our responsibility. And these people will still be encouraged to go out and violate the law with a feeling of security and impunity from punishment that they deserve.

We cannot ignore the fact that the crime rate is spiraling upward every hour. Why is this so? It is not because we do not have enough laws on the books. It is because we are not enforcing those laws. That is our trouble.

We can spend all the money we want to spend. It will help some. However, we could spend billions of dollars and it would only be a drop in the bucket. We could train all the people that we wanted. However, unless the courts will enforce the law, unless the courts will sustain the convictions of self-confessed criminals—he who admits, "I killed her"; he who admits, "I robbed her"; and he who admits, "I raped her"—and unless the Supreme Court will come around to punishing criminals, we will never have effective law enforcement in the United States.

ORDER FOR RECOGNITION OF SENATOR McCLELLAN TOMORROW

The PRESIDING OFFICER. Under the previous order, the senior Senator from New York is recognized.

Mr. McCLELLAN. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. JAVITS. Mr. President, I yield to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that on tomorrow, immediately after the close of routine morning business, I be granted 1 hour in which to discuss the pending measure. I may not need a full hour.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MILLER ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Iowa [Mr. MILLER] be recognized for one-half hour at the conclusion of morning business on Monday next.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from New York is recognized.

POOR PEOPLE'S MARCH ON WASHINGTON—REALITY OF THE SITUATION

Mr. JAVITS. Mr. President, as a member of the Senate Permanent Subcommittee on Investigations, I feel it is my duty to comment, both on the executive session hearings held by the subcommittee on April 25, and on the comments of other members of the subcommittee relative to the proposed Poor People's March on Washington.

On Wednesday, the chairman of the subcommittee, the Senator from Arkansas, and the ranking Republican member of the subcommittee, the Senator from South Dakota voiced their concern that the proposed march could lead to violence and serious civil disorder. Certainly, the Senators have every right to counsel caution, and indeed, I would agree that there is always a potential for violence in such a demonstration which must be recognized by a prudent Federal Government.

I believe it is unfortunate, however, to await this event with an apprehension which in some quarters borders on hysteria. Surely, let us give thoughtful consideration to the fears which are rational—fears, for example, that extremists committed to violence for its own sake will make an effort to take over the march—and let us take steps to see that this does not happen.

I stand with what I feel is the unanimous opinion in the Congress that we will brook no violence, no anarchy and no immobilization of the Federal or District Governments or of the community. But let us remember that the leaders of this march are committed to nonviolence and let us do all we can to reinforce their positions as leaders and help them channel this great outpouring of the poor into creative and constructive petition for redress of grievances.

We would be unrealistic if we did not recognize the posibility of disorder during the march. But what many of the most fearful critics of the march seem to forget is that the city and the Federal Government also see what is evident to us. First, there are appropriate statutes on the books to arrest any participant who incites or participates in violence or conspires to do so. Specifically, I call attention to title I of the recently enacted Civil Rights Act of 1968 which makes it a Federal crime to travel in interstate commerce with the intent to incite or participate in a riot, and title X of that act which penalizes the manufacture, use or instruction for use of firearms or explosive devices in a civil disorder. The text of these sections are submitted as an appendix to these remarks.

Second. Testimony at the closed hearing by General Yarborough of U.S. Army Intelligence, by Attorney General Ramsey Clark and by Public Safety Director Patrick Murphy indicate clearly that the police, the FBI, and the Department of Defense are coordinating information on the participants' of the march and are making plans to protect the city from any attempt to turn the march into a violent demonstration. In fact, when the chairman asked General Yarborough if he had heard certain threats of violence made in connection with the march, the general's reply was:

> The implication to me is that the people who made these statements would like to carry these things out, but I see no hard organizational structure at this point, or any indications of actual numbers . . . or time-space factors that would permit these things to happen to the degree that those statements would indicate.

When the chairman cited specific instances of such threats he was asked at least four times during the course of the hearing by Attorney General Clark to make his information available to the FBI. I believe it is only prudent for any of us who have such information—whether or not it is rumor or fact—to notify the proper authorities.

Third. Government witnesses appearing before the subcommittee made it quite clear that they intend to preserve law and order and that they have made plans to do so. To quote the Attorney General, for example:

> There will be no blocking of the bridges and there will be no obstruction of Government buildings. . . . If people sit on the bridges, they will be removed. If people endeavor to unlawfully enter Federal buildings they will be prevented from entering Federal buildings.

We would be foolish, indeed, if we did not make such preparations and prepare ourselves for any contingency; but, I am sure also that Reverend Abernathy and the organizers of the march will be equally grateful if law and order are maintained.

Now that we have outlined the steps to be taken in case there is violence, let us consider what we can be doing now to see that violence does not occur. The march, after all, has been conceived and executed by men dedicated to nonviolence. We are under an obligation, I believe, to reinforce their position of nonviolence, to assist them in preserving order, and to listen to their grievances and act with justice.

First. We can turn our attention to legislation entitled to priority such as the measure referred to by Reverend Abernathy in his testimony before the Poverty Subcommittee. These are, the housing bill, the manpower employment bills, and Federal welfare reform. Congress should deal with the Senate-passed supplementary appropriations for summer employment of youth, for added Headstart and for remedying malnutrition. These measures could be considered and passed within weeks—not out of fear, but because they are just and necessary—and such an expression of good faith on the part of the Congress would give great support to leaders of non-violence.

Second. I believe our best course of action is to support and encourage in any way that we can the efforts of the leaders of the Poor People's Campaign to control their own people. There is some precedent to indicate that discipline is better imposed from within a campaign such as this, or from within a ghetto community, rather than from the outside community.

In 1963, in the stirring march on Washington conducted by the civil rights leadership, effective use was made of marshals employed by the movement itself. In 1966, when Sargent Shriver opened the Watts festival, held on the first anniversary of the riots which wracked that district, the community used its own youth to keep order and to prevent fresh outbreaks—and they succeeded in that job. In fact, when the second Watts festival was held in 1967 and the community patrol idea was again used, these young people actually prevented Stokely Carmichael from driving his car, uninvited, into the automobile procession.

There are steps that the Federal Government can take to help the marchers police themselves along the lines of these precedents. For example, the OEO and the Labor Department could encourage antipoverty organizations and youth engaged in youth programs to engage in this kind of security activity in cooperation with the leaders of the march. Government agencies could review their contracts with such groups to insert added flexibility, where needed, to allow the grantees to take on such assignments. Some funding might also be made available to appropriate community-based groups to mount such security programs.

I am pleased to say that this general approach of using community people to maintain law and order has been endorsed by over 80 Republicans in the House and Senate in the form of a provision of the National Manpower Act of 1968, introduced on March 28 of this year. In that bill, particular encouragement is given to the Secretary of Labor to fund public service employment programs in the field of public safety, including programs which would create jobs for ghetto residents in such occupations as community escort and patrol and police support activities.

Third. We in Congress certainly have the obligation to exercise legislative oversight respecting the executive branch and, if appropriate, to express our concern about the preparations for the march. But we should not, by hasty laws enacted on the spur of the moment, deprive the Federal departments that are trying to deal with the march the flexibility and adaptability to do so. Nor should we give ultimatums to Americans who are poor and who are seeking to protest to the Congress if they do so in a lawful manner, anymore than we, ourselves, would propose to legislate under ultimatums. The question of which area of parkland should be used for construction of temporary dwellings, for example, is best decided by the Department of the Interior which is in touch with the leaders of the march. It would be unfortunate, in my judgment, if Congress assumes this prerogative because it confuses flexibility with incompetence, especially as there is proof that the Federal Government departments and the District government are moving actively in the situation.

In August of 1963 a historic and most peaceful civil rights march occurred in Washington. It was preceded by many of the same warnings of disaster, some panic on the part of private citizens who rushed to arm themselves, and even a few pleas to suspend the Bill of Rights and prevent the petition from taking place. The dignity and solemnity of that demonstration was an example of American government at its best. It impressed the Congress, the Nation and it inspired the world. Far from necessitating the suspension of the first amendment, it serves today as a classic example of a free people petitioning for the redress of grievances. Many of us participated in that march—I did. Our job is to do our best to see that the spirit of 1963 will pervade this city in the coming weeks, that the demonstration will be of such a character that all the participants will say—as I do of 1963—"I am proud that I was there." And I hope and pray that the objectives of the 1968 march—economic dignity for all Americans—will be achieved with the overwhelming support which the 1963 civil rights march generated for the landmark Civil Rights Act of 1964.

Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina has the floor.

Mr. CURTIS. Mr. President, will the Senator from North Carolina yield me 3 minutes, with the unanimous-consent request that he not lose the floor?

Mr. ERVIN. Mr. President, I ask unanimous consent that I may be permitted to yield to the Senator from Nebraska, without losing my right to the floor, and without the time he uses being deducted from the time alloted to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, I wish to say something about the proposed march of the poor on Washington.

I was present at the hearing of the Permanent Subcommittee on Investigations at which the military, the Mayor, the Secretary of the Interior, and the Attorney General were called in to advise on what preparations they had made.

Last night I watched on television a news report concerning these preparations. Yes, there are plans to protect the Capitol. There are plans to protect the White House. There are plans to protect the foreign embassies. All of this should be done. But they do not have an immediate plan to protect the poor people of Washington.

Mr. President, if arson or violence breaks out, it is less likely to be in suburbia or in the financially secure sections of Washington than where the poor people live. It will be the people of both races, but it will be predominantly the colored people. Those people have a right to be secure in their homes. Those people have a right to be secure on the street. Those people have a right to be secure in their neighborhood. Those people have a right to be secure in going to and from their work.

Too much attention is being paid to noisy people, and too little attention is being given to finding out what the poor people really think about this march. And I am talking about poor people who are colored, who live in the Nation's Capital. They do not want the march to occur—great numbers of them, and I would guess a majority of them are of that opinion. They know that if a fire is set, it will endanger their homes. They know that if more lives are lost, it will be in their neighborhood.

The police and the military should be brought in in time; not against the poor, but in favor of the poor—to protect them and to make them secure in their homes.

All this is taking place in a political year, when there seems to be a contest among some politicians to cater to the noisy few and to promise them a great deal. There is an attempt to equate the need for law and order with a lack of sympathy toward the problems of great cities. Nothing could be farther from the truth. The people most needing help with respect to law and order are the poor people of our great cities.

I say now that the Attorney General, the Secretary of the Interior, the Mayor, his subordinates in the safety department, the chief of police, and the entire executive branch are not prepared to move in and protect the poor people of Washington from fires or looting or killing—accidental or otherwise—as a preventive measure, before it happens.

Mr. President, that is what the poor people want. Let us forget about the politicians, both rich and poor, who are making an issue of this, and let us give the poorest, the most humble citizen in the Nation's Capital, the safety that he wants in his home, safety in front of his home, safety in his neighborhood, and safety going to and from work.

I thank the distinguished Senator from North Carolina for yielding to me. I yield the floor.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the distinguished Senator from North Carolina may yield to me for a period of not to exceed 5 minutes, in order that the Senate may consider nominations on the Executive Calendar, without the time being charged against the time of the Senator from North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider various nominations on the Executive Calendar; and I ask that the Senate consider first the nomination of William M. Drennen, of West Virginia.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider executive business.

TAX COURT OF THE UNITED STATES

The assistant legislative clerk read the nomination of William M. Drennen, of West Virginia, to be a judge of the Tax Court of the United States.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 293 on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered. The nomination will be stated.

The assistant legislative clerk read the nomination of Wilbur J. Cohen, of Michigan, to be Secretary of Health, Education, and Welfare.

Mr. CURTIS. Mr. President, in order that we might have some information concerning possible future proposals in the field of social security, I obtained consent of the Committee on Finance to submit certain questions to Mr. Wilbur J. Cohen, the nominee for Secretary of the Department of Health, Education, and Welfare. These questions were submitted in writing and Mr. Cohen has made his replies thereto in writing.

I am aware of the fact that the answers are not as informative as they might be if the questions had been asked orally, so that followup questions might be asked in those cases where the answers appear to be unclear. I cite question 14 and the answer thereto as such an instance.

Mr. President, I ask unanimous consent that the questions and answers be printed in the RECORD at this point.

There being no objection, the questions and answers were ordered to be printed in the RECORD, as follows:

Question 1. Mr. Cohen, to which additional groups would you favor extending Medicare? How many people are involved? What would be the cost in dollars and in payroll tax?

Answer. Last year I endorsed extending Medicare to the disabled recipients of social security. The proposal made to the Senate Finance Committee would have extended hospital insurance protection to about 1.7 million totally disabled beneficiaries and to future disabled beneficiaries at a level-cost estimated at that time by Mr. Robert J. Myers, Chief Actuary of the Social Security Administration, at .30% of taxable payroll and a first year cost of $790 million. The proposal made to the House of Representatives also involved extending coverage to these beneficiaries under Part B of the program (physicians' and related services). If all 1.7 million beneficiaries were covered, Mr. Myers now estimates the first year cost at $490 million.

The Congress has since directed the Department to appoint an Advisory Council to study this entire matter (Section 140 of the Social Security Amendments of 1967). The Council is required to submit its report and recommendations by January 1, 1969 and, will also review and provide advice on cost estimates in this area.

Question 2. Mr. Cohen, what government action, if any, would you favor which might relate to existing shortages of doctors, nurses, and hospital beds?

Answer. I favor strengthening and expanding existing legislation relating to health manpower. I support S. 2095, the Health Manpower Act of 1968, currently pending before the Senate Committee on Labor and Public Welfare.

With respect to hospital and other medical facilities, I believe there should be some modifications in the existing Hill-Burton Act which expires on June 30, 1969. A special National Advisory Commission on Health Facilities is now in the process of examining various proposals. I believe it would be desirable to await the recommendations of the Commission before any decision is made on specific amendments.

Question 3. What additional medical benefits would you favor extending to the recipients of Medicare? What would be their cost in dollars and in payroll tax?

Answer. The Congress directed the Department to study the feasibility of inclusion of certain additional services under the Medicare law. (Section 141 of the Social Security Amendments of 1967). The Congress also directed the Department to study the coverage of drugs under the Medicare program. (Section 405 of the 1967 amendments). I believe it would be desirable to await the results of these studies before making any recommendations.

Question 4. Mr. Cohen, if the law is not changed further, how much will the Federal government be spending on Medicaid five years from now?

Answer. At the time of the Joint Senate-House conference last year on the Social Security Amendments of 1967, the cost of the Medicaid programs to the Federal Government under the 1967 amendments was estimated at approximately $1.7 billion for the fiscal year 1972. While there are no new estimates yet available, experience during this fiscal year indicates that the estimate for the fiscal year 1972 is likely to be about $2½ billion to $3 billion. There has not been any actual experience with the limitations imposed by last year's legislation since these do not begin to become effective until July 1, 1968.

President Johnson directed me to establish a joint Federal-State task force to bring about improvements in reporting and estimating the costs of Medicaid. The group held its first meeting on May 6. The Task Force consists of State budget directors and health and welfare officials. We are working on refining our estimating process in cooperation with these officials.

Question 5. Do you favor any expansion, additions, or additional coverage of Medicaid? If so, will you enumerate them and give their costs?

Answer. The Social Security Amendments of 1967 authorized the establishment of an Advisory Council on Medical Assistance. (Section 226 of the amendments which created Section 1906 of the Social Security Act.) I believe a reappraisal of the Medicaid, Medicare and other relevant programs with the help of the several advisory groups is essential before any further changes are proposed in the Medicaid program.

Question 6. On March 28, 1968, you were quoted as saying that we could further expand the Social Security program in raising the level of benefits, applying them to more individuals, improving the disability coverage, a number of other matters, and raising the minimum benefit to $70.00. Would you particularize what you favor doing in each of these particulars within the next four or five years? Please give the dollar cost and the payroll cost.

Answer. I favor increasing the minimum monthly social security benefit to $70 for all beneficiaries. I also believe the across-the-board level of benefits could be increased, and disability protection improved but I have not yet completed the studies necessary to make a specific recommendation. Mr. Robert J. Myers, Chief Actuary, has informed me that the level cost of increasing the minimum benefit to $70 would be .18% of taxable payroll and the first year cost $600 million. Examples of costs associated with a $70 minimum and an across-the-board increase are: $70 min. and 5%—level cost .57% of taxable payroll, first year $1.8 billion; $70 min. and 10%—level cost 1.00% of taxable payroll, first year $3.0 billion.

Question 7. Mr. Cohen, in your recent press release you stated that we have 8 million on welfare and we have 26 million people in poverty, making 18 million people in the poverty class who are not receiving welfare. Do you propose to place these 18 million people under a welfare program in which the Federal government participates? If so, what will be its dollar costs, both immediate and long range?

Answer. I have made no proposal to place 18 million additional people under a welfare program. I believe this would be impractical and undesirable.

Question 8. Mr. Cohen, do you believe that the war on poverty, about which we hear a great deal, should be dealt with within the framework of the various titles of the Social Security law? I am not asking you to criticize or condemn another Federal agency. My question is, "Do you think the Social Security program could adequately discharge the Federal government's responsibility in eliminating poverty?"

Answer. I do not think the Social Security program by itself could adequately discharge the Federal government's responsibility in eliminating poverty. I think that many approaches need to be taken to the problem of eliminating poverty, and I do not think they can all come within the framework of the various existing titles of the Social Security Act. We need, for example, job training for people without marketable skills. We need better education for the disadvantaged. Information on family planning should be available to the poor as well as to others. But I think more can be done under social security to eliminate poverty. Just increasing the minimum benefit to $70 a month would take about a million people out of poverty.

Question 9. Mr. Cohen, do you favor the guaranteed annual income?

Answer. I have not expressed myself in favor or opposed to "the guaranteed annual income." The President's Commission on Income Maintenance (the Heinemann Commission), of which I am a member, will be studying such plans, but of course it is too soon to say what conclusions it will reach or what my own opinions will be as a result of the study.

Question 10. Have you made any expressions concerning the guaranteed annual income for any portion of our population limited to such a group as our aged?

Answer. I have stated that the aged could be provided sufficient income to make it possible that no aged person would fall below the poverty line. There are several ways in which this could be accomplished. In any case the social security program would play a major role, as it does now. I have not yet come to any conclusion as to the modification of present programs or new provisions that might best accomplish such an objective.

Question 11. In your opinion, if a program of a guaranteed annual income were to be adopted, should it be part of our Social Security system? How would it operate? How would it be financed? And what would be the immediate and the long range costs?

Answer. I have not taken any position in favor or opposed to including a guaranteed annual income as part of the Social Security system.

Question 12. Mr. Cohen, under present law what will be the maximum annual wage base subject to the Social Security tax? Do you favor increasing this? If so, how much and in what steps? Have you expressed favor for a wage base of as much as $15,000 a year?

Answer. The present maximum annual wage of earnings base in the Social Security law is $7,800. I believe the base should be increased. Last year, the President recommended increasing it to $10,800 by 1974 and I was in agreement with that recommendation. Based on increasing earnings, I would think a higher sum, say $12,000 or even $15,000 would not be unreasonable by the mid-seventies. I believe it would be desirable over a period of time to increase it in steps so it would ultimately have a relationship to earnings under the social security program in any year closer to the relationship which existed in 1935–39 under the original Social Security Act. In 1959 I expressed the view that the maximum earnings base should be fixed so that about 90% to 95% of the men aged 25–44 working four quarters a year would have their full earnings covered by the program. I have not had the opportunity to re-examine this view in the light of recent wage and employment developments.

Question 13. Mr. Cohen, as to the Social Security tax rate under existing law, what will the maximum be and when will we reach it? When the maximum is reached, what will be the maximum annual tax in dollars for an employee? And for a self-employed person?

Answer. Under existing law the maximum contribution rate for the whole social security program—old age, survivors, disability and hospital insurance—is 5.9 percent for employees and employers, each, and that rate will be reached in 1987. For the self-employed the maximum rate, to be reached in the same year, is 7.9 percent. The maximum dollar amount of tax in that year for employees will be $460.20; for the self-employed it will be $616.20.

Question 14. Do you favor an increase in the Social Security tax rate? If so, how much and when?

Answer. I do not favor an increase in the Social Security tax rate unless it appears necessary to finance needed improvements in the programs which require additional income. An increase in the maximum earnings base, which I favor, would support some additional improvements in benefits. Also, as earnings levels rise in the future, the present financing structure will generate additional revenue in excess of the benefits arising from the higher earnings. These additional revenues would be available to finance increased benefits.

Question 15. Do you favor financing from general funds any part of the Social Security program which is now financed entirely by payroll taxes? If so, how much and in what proportions?

Answer. I have not expressed myself in favor or opposed to additional general revenue financing beyond what is authorized in existing law.

Question 16. Mr. Cohen, at one time you favored the Murray-Wagner-Dingell bill, which was a Medicare program not limited to the aged but for all our citizens. Prior to the adoption of our present Medicare program you stated that you no longer favored Medicare for all Americans. What is your present position on some kind of government universal health care for all Americans?

Answer. My present position with respect to "some kind of government universal health care for all Americans" is that I am not proposing any such plan. I would want to see the details of any such proposal before endorsing or opposing it. I would expect any future developments aimed at bringing a broader and more uniform scope of health benefits to the American people to be a combination of provisions and actions—private as well as public—that would build on the strengths and capabilities of existing voluntary and public programs.

Question 17. In your personal opinion, what should be the maximum Social Security old age benefit?

Answer. In 1959 I stated that the maximum old age benefit should be at least four to five times the minimum benefit. I have not had the occasion to review or revise that view. I would want to reexamine the actual situation affecting the aged and all the conditions of the program before expressing a current opinion. At present, the maximum benefit specified in the law for a retired worker alone is $218, and for a couple, $323. Under the President's proposals last year the maximum would have been $288 for a retired worker and $378 for a couple. I support such maximums now. If a higher wage base were enacted by the Congress, these amounts should be appropriately increased.

Question 18. Again in your personal opinion, what do you think should be the percentage of income replacement for a primary old age benefit—50%? 75%?

Answer. I have not favored a uniform percentage of income replacement but believe the percentage replacement should vary, being higher for lower earners than for those with higher earnings, as it does under existing law. Under present law the individual at the top of the scale—with earnings of $650 a month—receives a benefit of about 33½ percent of his average monthly earnings; at earnings of $208 a month the worker receives a benefit of 50 percent and below $208 receives more than 50 percent. I would want to reassess the amounts and the percentage from time to time depending on the changed situation as earnings rise.

Question 19. What do you personally feel about extending Medicare to those receiving Social Security disability benefits? To all beneficiaries? To all who are working and are covered by Social Security?

Answer. See my answers to questions 1 and 16.

Question 20. Mr. Cohen, have you taken a position indicating that you favored a Social Security tax wherein the amount levied on the employer might be more than the amount levied on the employee? If so, will you elaborate upon it?

Answer. I have not made a specific recommendation as to a change in the proportion of the tax levied on the employer.

Question 21. Do you regard the proposal for a negative income tax as one way of providing a maximum guaranteed income? If so, do you favor it?

Answer. While a negative income tax is one way of providing a guaranteed income, I do not now favor or oppose either that or any other method of providing a guaranteed income; I think the whole subject needs more study. As I have said, I am a member of the President's Commission on Income Maintenance (the Heinemann Commission). I expect that that Commission will study the negative income tax as well as other approaches to the problem of income maintenance. At present I have an open mind on all alternatives.

Question 22. Mr. Cohen, with reference to higher education, I believe that you stated that about 1½ million college students out of 6 million are receiving some type of Federal grant or loan at the present time and that within 5 years this group receiving financial aid would be about 2 or 3 million. What do you anticipate this would cost?

Answer. Present Federal student aid programs will assist approximately 1½ million students in the fiscal year 1969 at a cost of about $600 million. Projections for both the institutionally administered programs (Educational Opportunity Grants, College Work-Study, National Defense Student Loans) and the Guaranteed Loan Program indicate that the number of students to be aided in 5 years (FY 1973) will be about 2.7 million students out of a total student population of approximately 8.4 million. Cost to the Federal Government at this projected level of support would be approximately $1,343 million or about $750 million more than 1969.

Question 23. Mr. Cohen, do you favor any change in the Medicare program with respect to the selection of doctors, fee schedules, and manner of payments?

Answer. No. I do not now propose any change in Medicare or Medicaid to select doctors, to establish a national fee schedule, or to change the present methods of payment for doctors' services. I think we should have more experience with the provisions of the existing program and work on problems of cost and utilization with the cooperation of the profession before deciding whether it is necessary to propose any major changes relating to the three factors mentioned.

Question 24. Mr. Cohen, do you favor any changes in the Medicare law with respect to the reimbursement of hospitals and the methods used for the same?

Answer. Third party reimbursement formulas represent an area which offers possibilities for supporting improvements in efficiency. Reimbursement experimentation was authorized by Section 402 of the 1967 Social Security Amendments. This provision grew out of the concern that reimbursement on a cost basis in itself provides no incentive for participating hospitals and other organizations to furnish health care economically and efficiently since they gain no advantage under the program by lowering costs. We have proposed legislation which would permit immediate application of reimbursement methods that may be proved effective through experimentation. This provision is included in Senator Russell Long's bill, S. 3323. It would be desirable to have the results of some experimentation and of studies now underway before deciding whether basic changes are necessary in reimbursement methods.

Question 25. Mr. Cohen, in the fiscal year which begins next July 1, what are the estimated total expenditures, including both trust funds and general funds that will be made under the various titles of our Social Security law? To how many beneficiaries will this money be paid? How many of these beneficiaries are in what you would define as the poverty class? How many individuals would you estimate are in the poverty class that are not beneficiaries under some title of the Social Security law?

Answer. The fiscal 1969 budget provides for expenditures of $39 billion for the programs under the Social Security Act. This includes $33 billion from the four social security trust funds (Titles II and XVIII); and the Federal grants for public assistance (Titles I, IV, X, XIV, XVI, XIX), for maternal and child health programs (Titles V, XVII), cooperative research and demonstration grants (Title XI) and the Federal grants for adminstration of unemployment insurance (Title III). If the State withdrawals from the Unemployment Trust Fund were to be included, this would add $2.4 billion to the total.

Cash payments will be made to about 25 million social security beneficiaries and about 8.8 million public assistance recipients (a little over 1 million persons will get both OASDI and PA). About 15 million of the total 33 million will be poor.

In addition, it is estimated that about 7.6 million aged persons will get some benefits under Medicare—most of these persons will also be drawing cash social security benefits. It is estimated that 2.5 million persons will get some services under the several maternal and child health programs. Most of the latter are likely to be poor or in the very low income class.

With no major changes in programs or policies there will probably still be some 26 million persons with incomes below the poverty line as of January 1969. This suggests that there will be about 10–11 million poor persons not getting cash benefits under the programs established by the Social Security Act.

Question 26. In your recent press release, you stated that the American people, out of all public and private funds, Federal, State and local, are spending $146 billion a year on health, education, and welfare, and that amounted to about 18 or 19 percent of the gross national product. My question is "In your opinion how much should this be increased in the next 5 years and how much of this increase should be borne by the Federal government?"

Answer. Our population is still growing, the number and proportion of our young people who want and should go to college is increasing, the average pay of teachers, hospital employees and others who provide services is still below that of other occupations and undoubtedly will rise. I am sure that medical technology and new medical discoveries have not come to an end.

The increase in total expenditures for health, education and welfare in the last 5 years has reflected also several major new Federal programs—Medicare and Medicaid, Federal support for education and the programs under the Economic Opportunity Act. The expenditures for these programs will undoubtedly rise.

It would seem to me reasonable to think of a continuing increase during the next five years at about the same rate as that of the past 5 to 10 years. I would hope and expect, however, that the States, the localities and the private sector would be expanding their efforts and that the Federal share would be approximately the same as at present. If the non-Federal share does not increase to meet the needs then it may well be that the Federal share will increase.

Mr. THURMOND. Mr. President, I prepared a letter under date of May 6, 1968, and it was delivered by hand to the Honorable Wilbur J. Cohen, on the morning of May 7, 1968. The letter reads as follows:

MAY 6, 1968.

Hon. WILBUR J. COHEN,
Acting Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. COHEN: The State Newspaper, Columbia, South Carolina, of April 25, 1968, in an editorial entitled, "Freedom of Choice," stated: "In short, the mutual acceptance of partial integration by both the white folk and the black folk of a community is not acceptable to HEW. Freedom of choice is permissible only when the choice leads directly to the full-scale mixing that obsesses the Washington bureaucracy now guiding the destinies of all Americans.

"Under these circumstances, the term 'freedom of choice' is a fraud and a farce. There is no freedom where only one choice is available. And where there is no freedom, tyranny reigns—as is rapidly coming to be the case in the public school systems of America."

Is your policy going to be a true freedom of choice or is it going to be a subterfuge freedom of choice which will only be approved when it leads to integration?

In other words, can a child freely choose the school he wishes to attend or will such child be compelled to attend a school not of his choice?

Please wire reply.

With best wishes.

Sincerely,

STROM THURMOND.

Mr. President, as I said, this letter was delivered to Acting Secretary Cohen on the morning of May 7. We have received no reply; neither a wire, a letter, nor a verbal reply.

Mr. Cohen's office was contacted within the last hour and we were informed that he was not there, that he had not dispatched a reply, and, in fact, none had been prepared to this communication.

Mr. President, this nomination has been pending for several days and it looks as if he has been delaying a reply to this communication until after action has been taken on his confirmation. It seems to me that I asked him a very simple question: Whether he favored a true freedom of choice for school children, or was he going to adopt a subterfuge freedom of choice which would only be approved when it leads to integration.

I might say, Mr. President, that in my State all the schools have been open to all the children; no school refuses any child of any race, color, or national origin attending such schools.

However, there has been tremendous pressure brought upon some of the schools in my State, upon the trustees and school officials, to transfer children from one school to another school in order to bring about a greater mixing.

In some cases the teachers did not prefer to transfer, and in other cases the children and the parents of the children did not prefer them to transfer.

The PRESIDING OFFICER. The time allotted to the Senator from West Virginia has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time be extended for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, although some did not wish to transfer, these children have been forced to transfer anyway. The Supreme Court decision of 1954 provided there should be no discrimination in the matter of children attending school. It did not provide—and I repeat "did not provide"—for forced integration; but merely provided that there should be no discrimination. In other words, any child of any race could attend any school. Mr. President, our State has followed that practice and is following it today.

The Civil Rights Act of 1964 went no further than that, but despite the fact that the Supreme Court decision went no further and the Civil Rights Act went no further, the Department of Health, Education, and Welfare today has adopted its own rules and is going further than the decision of 1954, the Civil Rights Act of 1964, or any other law.

I challenge anyone to show me any law on the statutes today that gives the Department of Health, Education, and Welfare the authority to force children to go to a school they do not want to go to. In fact, that is just the opposite from the holding of the Supreme Court decision. If they are going to be forced to go to a school they do not want to go to, then, that is discrimination in reverse and it is diametrically opposite from the result of that decision of 1954.

Mr. President, in view of the failure of Acting Secretary Cohen to reply to my message, hoping, I presume—and I do not know of any other reason—that he would wait until after this confirmation, I ask that I be recorded against his confirmation as Secretary of Health, Education, and Welfare.

WILBUR COHEN GREAT CHOICE FOR SECRETARY OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. PROXMIRE. Mr. President, my State is very proud today as the Senate confirms the first Wisconsonite to hold a Cabinet post in the Johnson administration. Secretary of Health, Education, and Welfare Wilbur Cohen is a native of Milwaukee who has gone far in the Nation's service. He first came to Washington in 1934 as research assistant to the Executive Director of President Roosevelt's Cabinet Committee on Economy Security which drafted the original Social Security Act. And more than 30 years later he played a key role in the passage of the revolutionary medicare program—the most basic change in social security since its inception.

But he is not simply Mr. Social Security. He has fought long and hard for sweeping changes in the Federal approach toward education—a fight that culminated in the Elementary and Secondary Education Act as well as the Higher Education Act. His concern over air pollution, occupational health, and, most recently, comprehensive health care, is a key to the significant advances the Federal Government has made, and is making in these fields.

It is most appropriate that Secretary Cohen, who has labored in the vineyard of social welfare for most of his lifetime is now to receive the recognition which must go with his cabinet post. His appointment and confirmation are a tribute to his tremendous contributions to the fabric of our society over the past 30 years.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Wilbur J. Cohen to be Secretary of Health, Education, and Welfare? [Putting the question.]

The nomination was confirmed.

Mr. THURMOND subsequently said: Mr. President, on May 9 the Senate confirmed the nomination of Mr. Wilbur Cohen as Secretary of the Department of Health, Education, and Welfare, and I was recorded in opposition to this appointment. At that time I had not received an answer to my letter to Mr. Cohen and made a statement about his failure to respond. However, since this nomination was confirmed, I have received two letters from Mr. Cohen.

The first letter was an attempt to justify the guidelines recently propagated by the Department of Health, Education, and Welfare to carry on their policy of forced integration even against the will of the children and parents involved. Here we are not talking about eliminating discrimination or even desegregation as such, but we are dealing with a bureaucratic policy of forced integration to bring about a type of racial balance which is deemed advisable by the Office of Civil Rights.

Contrary to the position taken by the Department of Health, Education, and Welfare, there is no firm legal precedent for their policy of forced integration by busing children, pairing schools, and gerrymandering school districts. Neither the Civil Rights Act of 1964 nor the decisions of the Supreme Court require forced integration; the present law only requires the elimination of discrimination so that every student has an unrestricted choice to enroll in the school he prefers to attend.

HEW has seized upon a single court of appeals decision of the fifth circuit to justify its unlawful policy of reverse discrimination; this decision is contrary to a number of decisions in other circuits which have affirmed the principle that the Constitution does not require forced integration but only prohibits racial discrimination. The 10th circuit court of appeals in *Downs* v. *Board of Education of Kansas City* (336 F. 2d 988 (1964), cert. den., 380 U.S. 914), upheld the proper interpretation of the Brown decisions and rejected the policies espoused by the Department of Health, Education, and Welfare. In that case the circuit court said:

> Appellants also contend that even though the Board may not be pursuing a policy of intentional segregation, there is still segregation in fact in the school system and under the principles of *Brown v. Board of Education*, supra, the Board has a positive and affirmative duty to eliminate segregation in fact as well as segregation by intention. While there seems to be authority to support that contention, the better rule is that although the Fourteenth Amendment prohibits segregation, it does not command integration of the races in the public schools and Negro children have no constitutional right to have white children attend school with them.

In his second letter, Mr. Cohen makes the request that his response be made a part of the permanent RECORD of May 9, 1968. I believe a fair reading of my letter indicates that I submitted the questions in connection with his nomination and that an immediate response was desired. However, if we assume that Mr. Cohen did not know why I took the trouble to ask him two very specific questions and requested an answer by wire, then I feel compelled to grant his request.

In conclusion, I might also point out, as I did at the time of my previous remarks, that when we contacted Mr. Cohen's office, we were given no indication that an answer was on its way or was even being drafted.

Mr. President, I remain opposed to the policy of forced integration; I am opposed to the HEW guidelines which go beyond the law to enforce this policy; and I sincerely hope that the Supreme Court does not condone this policy when it hands down the opinion in the New Kent County, Va., case pending before the Court.

Mr. President, I ask unanimous consent that these two letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., May 9, 1968.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: This is in response to your letter of May 6 concerning the use of freedom of choice in desegregating schools under Title VI of the Civil Rights Act of 1964. I appreciate this opportunity to explain the Office for Civil Rights policies.

I want to assure you that these policies are based in both substance and procedure on relevant Federal court decisions. We believe they are consistent with provisions of the Civil Rights Act.

The Fifth Circuit Court of Appeals in March 1967 upheld the validity of the Department's school desegregation policies or guidelines. The court said the guidelines "comply with the letter and spirit of the Civil Rights Act of 1964, and meet the requirements of the United States Constitution." A copy of the decision is enclosed. As you know, the Supreme Court rejected a petition for a writ of certiorari.

The Department's position in this matter is in accord with the Solicitor General's Memorandum filed with the Supreme Court in three pending school desegregation cases involving freedom of choice in Virginia, Tennessee, and Arkansas. A copy of the memorandum is enclosed.

The Department's new School Compliance Policies (copy enclosed) make it clear under Subpart C, Section 12a on page 8 that freedom of choice is only one method of eliminating the illegal dual system. If it fails to achieve this objection, local school officials have the obligation to use an alternative, more effective plan.

In short, as the enclosed legal memorandum accompanying the Policies points out, the issue in the affirmative constitutional duty of local school officials to bring about promptly a unitary, non-racial system by whatever method can best accomplish this purpose. The responsibility for preparing and carrying out such a plan rests with local school authorities.

Sincerely,

——— ———,
Acting Secretary.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., May 10, 1968.

Hon. STROM THURMOND,
U.S. Senate, Washington, D.C.

DEAR SENATOR THURMOND: I have just read your remarks in the *Congressional Record* of May 9 concerning my nomination and your presumption that my "failure" to reply to your letter of May 6 (received on May 7) was that I would "wait until after this confirmation."

In all fairness, Senator, you gave me no indication whatsoever that you wanted this information in connection with my nomination. I worked for three days to prepare the answers to the 26 questions which Senator Curtis asked me and which he specifically said to me he wanted before the Senate acted on my nomination and which appear in the *Record* immediately prior to your remarks. If you had done likewise I would have worked the evening of May 8 to get you the reply.

At the time your office called on May 9 for my reply I was preparing for a 2:00 p.m. session with the House and Senate Conference Committee on the Tax Bill. I interrupted my work on that matter and signed the letter and sent it to you by special messenger and notified your office by telephone, which I learned later was a few minutes after the Senate had acted on my nomination.

Under these circumstances I deeply regret that you imputed to me a presumption that was incorrect. I value deeply my working relations and reputation with the members of Congress over the past 34 years and do not want my many Congressional friends on both sides of the aisle to believe the presumption you stated on page S5203. Hence, in fairness, I trust you will ask permission to include this letter in the *Congressional Record* and that it will be included in the permanent *Record* immediately following action on my nomination.

Sincerely yours,

WILBUR J. COHEN,
Acting Secretary.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Calendar Nos. 294, 296, 297, 298, and 300 be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant legislative clerk read the following nominations:

DEPARTMENT OF THE TREASURY

John R. Petty, of New York, to be an Assistant Secretary of the Treasury.

TAX COURT OF THE UNITED STATES

William M. Fay, of Pennsylvania, to be a judge of the Tax Court of the United States for the term of 12 years from June 2, 1968.

C. Moxley Featherston, of Virginia, to be a judge of the Tax Court of the United States for the term of 12 years from June 2, 1968.

Charles R. Simpson, of Illinois, to be a judge of the Tax Court of the United States for the term of 12 years from June 2, 1968.

DEPARTMENT OF STATE

Frank E. McKinney, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that these nominations be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

DIPLOMATIC AND FOREIGN SERVICE

The assistant legislative clerk read the nominations beginning Donald C. Bergus, to be a Foreign Service officer of class 1, and ending Miss Joanna W. Witzel, to be a Foreign Service officer of class 6 and a consular officer of the United States of America, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 12, 1968, and which had been placed on the Secretary's desk.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Aeronautical and Space Sciences be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I want to thank the distinguished Senator from North Carolina [Mr. ERVIN] for his usual courtesy and patience. I know that there have been many impositions upon him today. He has now waited 50 minutes to begin his speech, and I hope that there will be no more interruptions for him.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. ERVIN. Mr. President, I rise for the purpose of urging the Senate to approve certain sections of title II of S. 917.

Specifically, I refer to section 3502 which reads as follows:

> Neither the Supreme Court nor any inferior court ordained and established by Congress under article III of the Constitution of the United States shall have jurisdiction to review or to reverse, vacate, modify, or disturb in any way, a ruling of any trial court of any State in any criminal prosecution admitting in evidence as voluntarily made an admission or confession of an accused if such ruling has been affirmed or otherwise upheld by the highest court of the State having appellate jurisdiction of the cause.

I am prompted to urge the adoption of this section because of the decision of the Supreme Court in the Miranda case, reported in 384 U.S. 436.

I also urge the Senate to approve section 3503 of title II of S. 917, which reads as follows:

> The testimony of a witness that he saw the accused commit or participate in the commission of the crime for which the accused is being tried shall be admissible in evidence in a criminal prosecution in any trial court ordained and established under article III of the Constitution of the United States; and neither the Supreme Court nor any inferior appellate court ordained and established by the Congress under article III of the Constitution of the United States shall have jurisdiction to review, reverse, vacate, modify, or disturb in any way a ruling of such a trial court or any trial court in any State, territory, district, commonwealth, or other possession of the United States admitting in evidence in any criminal prosecution the testimony of a witness that he saw the accused commit or participate in the commission of the crime for which the accused is tried.

I urge the Senate to approve this section because of the decisions of the Supreme Court of the United States in the *Escobedo* case, 378 U.S. 478; the *Wade* case, 388 U.S. 218; the *Gilbert* case, 388 U.S. 263; and the *Stovall* case, 388 U.S. 293.

In the course of my remarks, I shall necessarily have to make some comments upon the decisions of the majority of the Supreme Court in the cases which I have just cited.

In making these remarks, I exercise the right vouchsafed to every American citizen by the statement of Chief Justice Harlan F. Stone when he said:

> Where the courts deal, as ours do, with great public questions, the only protection against unwise decisions, and even judicial usurpation, is careful scrutiny of their action and fearless comment upon them.

Mr. President, I expect to make such fearless comment upon these decisions.

I conceive it to be my duty to the American people to do so.

I take the position I do because of this truth: enough has been done for those who murder, rape, and rob.

It is time for Congress to do something for those who do not wish to be murdered, raped, or robbed.

Let me say this about each of these decisions: In each of the decisions, the majority of the Court added to the Constitution something which is not in the Constitution, something which not only is not in the Constitution, but which is also contrary to the words of the Constitution.

In saying that, I wish to assert that I am not questioning the good intentions of the majority of the Justices who concurred in the opinions.

I concede their good intentions. I am satisfied that in joining in the majority opinions in these cases the justices who concurred in them thought they were doing something for the American people and thought they were improving upon the Constitution of the United States. I do not question their good intentions, but I do wish to call to the attention of the Senate, in this connection, what Daniel Webster had to say concerning public officers who substitute their good intentions for constitutional principles and rules of law. Daniel Webster said this:

> Good intentions will always be pleaded for every assumption of authority. It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters.

The decision in the Escobedo case is allegedly based upon the right-to-counsel clause of the sixth amendment.

It was handed down 174 years after the right-to-counsel clause was inserted in the sixth amendment. The Wade case, the Gilbert case, and the Stovall case profess to be based upon the same clause, which had been inserted in the sixth amendment on June 15, 1790, 177 years before these three cases were decided.

However, there is no doubt that the Escobedo case, the Wade case, the Gilbert case, and the Stovall case are contrary to the words of the sixth amendment and are contrary to every decision construing those words handed down during the more than 170 years since those words became a part of the sixth amendment.

The Miranda case is professedly based upon the self-incrimination clause of the fifth amendment, and is contrary to the words of the self-incrimination clause and to every decision handed down by the Supreme Court construing those words from the day they became a part of the Constitution on June 15, 1790, down to the day the Miranda case was handed down on June 13, 1966.

Mr. President, these are strong assertions. I would like to call attention to the point that I am not a lone voice crying in the constitutional wilderness in saying these things. A majority of the Supreme Court as now constituted was charged with making interpretations of this kind as far back as the days of Justice Robert Jackson. He said, in his concurring opinion in Brown against Allen, 344 U.S. 443, 553, these words:

> Rightly or wrongly, the belief is widely held by the practicing profession that this Court no longer respects impersonal rules of law, but is guided in these matters by personal impressions which from time to time may be shared by a majority of the Justices. Whatever has been intended, this Court has also generated an impression in much of the judiciary that regard for precedents and authorities is obsolete, that words no longer mean what they have always meant to the profession, that the law knows no fixed principles.

I could cite many remarks similar to those made by Justice Jackson, in which he said that the impression had been generated in much of the judiciary that words no longer mean what they have always meant. And in no decisions ever handed down by the Supreme Court of the United States is this truth better exemplified than in the Miranda, the Escobedo, the Wade, the Gilbert, and the Stovall cases.

Before I come to discuss these cases with particularity, I would like to say the following to those opponents of subsections 3502 and 3503 who assert that these subsections are unconstitutional: These sections are in perfect harmony with the provisions of the third article of the Constitution, and they are in perfect harmony with every decision of the Supreme Court of the United States I have been able to find in the books dealing with the constitutional power of Congress to regulate the appellate jurisdiction of the Supreme Court of the United States.

Article III of the Constitution is so plain that it really interprets itself. The article says:

> The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

That is section 1, in part.

Section 2 provides:

> The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands

> under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

The portion of the second section of article III which I have just read states the cases to which the judicial power of the United States extends. Thus article III makes it crystal clear that while the Constitution says that the Supreme Court and other Federal courts may exercise jurisdiction in these cases enumerated, the actual jurisdiction, the actual power to take jurisdiction in these cases—except for a limited number which are said to be in the original jurisdiction of the Supreme Court—is dependent upon legislation enacted by Congress. This original jurisdiction is set out in these words:

> In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction.

That is the clause which gives the Supreme Court the only jurisdiction which it can exercise without the authority of Congress. I say this because the next clause says:

> In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The good and wise men who drafted the Constitution could not have used plainer words than those; and those words state in unmistakable language that Congress has the constitutional power to define the appellate jurisdiction of the Supreme Court.

There are a multitude of decisions to this effect. I shall call attention to only three of them. One of them is the case of Daniels against Railroad Co., which was reported in 3 Wall. 250. I read the pertinent portions of that decision:

> To come properly before us, the case must be within the appellate jurisdiction of this court. In order to create such jurisdiction in any case, two things must concur: the Constitution must give the capacity to take it, and an act of Congress must supply the requisite authority.
>
> The original jurisdiction of this court, and its power to receive appellate jurisdiction, are created and defined by the Constitution; and the legislative department of the government can enlarge neither one nor the other. But it is for Congress to determine how far, within the limits of the capacity of this court to take, appellate jurisdiction shall be given, and when conferred, it can be exercised only to the extent and in the manner prescribed by law. In these respects it is wholly the creature of legislation.

That decision holds that article III of the Constitution means exactly what it says, that the Supreme Court has appellate jurisdiction in the cases specifically enumerated only if such jurisdiction is allotted to it by the Congress.

The next case I cite is the Francis Wright case, which was handed down in 1882 and is reported in 105 U.S. 381. I quote from that decision:

> The language of the Constitution is that "the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as Congress shall make." Undoubtedly, if Congress should give an appeal in admiralty causes, and say no more, the facts, as well as the law, would be subjected to review and retrial; but the power to except from—take out of—the jurisdiction, both as to law and fact, clearly implies a power to limit the effect of an appeal to a review of the law as applicable to facts finally determined below. Appellate jurisdiction is invoked as well through the instrumentality of writs of error as of appeals. Whether the one form of proceeding is to be used or another depends ordinarily on the character of the suit below; but the one as well as the other brings into action the appellate powers of the court whose jurisdiction is reached by what is done. What those powers shall be, and to what extent they shall be exercised, are, and always have been, proper subjects of legislative control. Authority to limit the jurisdiction necessarily carries with it authority to limit the use of the jurisdiction. Not only may whole classes of cases be kept out of the jurisdiction altogether, but particular classes of questions may be subjected to re-examination and review, while others are not. To our minds it is no more unconstitutional to provide that issues of fact shall not be retried in any case, than that neither issues of law nor fact shall be retried in cases where the value of the matter in dispute is less than $5,000. The general power to regulate implies power to regulate in all things. The whole of a civil law appeal may be given, or a part. The constitutional requirements are all satisfied if one opportunity is had for the trial of all parts of a case. Everything beyond that is matter of legislative discretion, not of constitutional right.

The most celebrated case of this kind is the case of ex parte McCardle, 6 Wall. 318. In that case, a Mississippi editor wrote an editorial criticizing the military occupation of Mississippi in the days following the Civil War. Mind you, this Mississippi editor did not violate any law in so doing, because the first amendment to the Constitution guaranteed to him the freedom of the press.

This Mississippi editor was arrested under the authority of a military commission for exercising his constitutional rights under the first amendment. And it was proposed that he should be tried before a military commission rather than a civil court, despite the fact that under the Constitution he had the right to be tried by a jury in a civil court, being a civilian.

Furthermore, he had a right under the due process clause not to be held in custody by a military commission for exercising a right guaranteed to him by the first amendment. And so he applied to the Circuit Court of the United States for a writ of habeas corpus to release him from confinement that was clearly in violation of the Constitution. The confinement was clearly in violation of the due process clause, in violation of the first amendment, and in violation of the provisions of the original Constitution guaranteeing the right of trial before civil courts and before juries.

This Mississippi editor appealed an adverse ruling of the circuit court to the Supreme Court of the United States under a statute which gave him the right so to appeal. His case reached the Supreme Court, was argued before the Supreme Court, and was taken under advisement by the Supreme Court.

Congress then passed a statute repealing the statute under which the appeal was taken, and specifying that the Supreme Court should not have jurisdiction to decide the case the Court had already heard.

In a unanimous opinion rendered by Chief Justice Chase, it was held that the Court could do nothing whatever in the case except to dismiss it for want of jurisdiction because Congress had deprived it of jurisdiction by this statute.

In the course of his opinion, Chief Justice Chase had this to say:

> It is quite true, as was argued by the counsel for the petitioner, that the appellate jurisdiction of this court is not derived from acts of Congress. It is, strictly speaking, conferred by the Constitution. But it is conferred "with such exceptions and under such regulations as Congress shall make."
>
> The exception to appellate jurisdiction in the case before us, however, is not an inference from the affirmation of other appellate jurisdiction. It is made in terms. The provision of the act of 1867, affirming the appellate jurisdiction of this court in cases of *habeas corpus* is expressly repealed. It is hardly possible to imagine a plainer instance of positive exception.
>
> We are not at liberty to inquire into the motives of the legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of this court is given by express words.

I digress momentarily from reading the decision to remark that Congress passed this law to keep the Supreme Court from inquiring into the constitutionality of the Reconstruction Acts which undertook to authorize the trial of civilians before military commissions.

The Court concludes by saying this:

> It is quite clear, therefore, that this court cannot proceed to pronounce judgment in this case, for it has no longer jurisdiction of the appeal; and judicial duty is not less fitly performed by declining ungranted jurisdiction than in exercising firmly that which the Constitution and the laws confer.

In order that it may appear that I have read these passages correctly and not lifted them out of context, I ask unanimous consent that copies of the decisions in the Daniels, the Francis Wright, and the McCardle cases be printed at this point in the Record.

There being no objection, the decisions were ordered to be printed in the Record, as follows:

The "Francis Wright"

1. The act of Feb. 16, 1875, c.77, whereby the appellate jurisdiction of this court in admiralty causes is limited to the determination of questions of law arising on the record is constitutional.

2. Where the court below, when thereunto requested, refuses to give any finding upon an ultimate disputed fact, established by competent evidence and which is involved in the cause, and material to its determination, or where, against remonstrance, it finds such a fact, in the absence of all evidence, the ruling, if excepted to at the time, and incorporated in a bill of exceptions which states the alleged error and the ground relied on below to sustain the objection presented, may, as a question of law, be reviewed here.

3. The court condemns the practice of drawing up bills of exception, which, so far from being "prepared as in actions at law," are framed as, if possible, to secure here a re-examination of the facts.

4. The court, upon the facts found, affirms the decree below.

Appeal from the Circuit Court of the

United States for the Southern District of New York.

Duncan & Poey, the libellants, entered into the following charter-party with Woodhouse & Rudd, the claimants:—

"This charter-party, made in the city of New York this thirteenth day of September, in the year one thousand eight hundred and seventy-two, between Messrs. Woodhouse & Rudd, owners of the steamer 'Francis Wright,' of New York, of the burthen of 600 tons or thereabouts, now lying in the harbor of New York, of the first part, and Messrs. Duncan & Poey, merchants of Philadelphia, of the second part, witnesseth:

"That the said party of the first part, in consideration of the covenants and agreements hereinafter mentioned, to be kept and performed by the said party of the second part, does covenant and agree on the freighting and chartering of the said vessel to the said party of the second part for the term of six months, to run between Philadelphia or New York and Galveston, or any intermediate safe port in the United States, or any foreign port not prohibited by the insurance.

"It is further understood and agreed, that the said parties of the second part are to have the privilege of cancelling this charter at the expiration of three months, upon giving the parties of the first part fifteen days' notice, and the payment of fifteen hundred dollars bonus on the terms following, viz.:

"*First,* The said party of the first part agrees the said vessel, in and during the said voyage, shall be kept tight, stanch, well fitted, tackled, and provided with every requisite for such a voyage.

"*Second.* The said party of the first part further agrees the whole of the said vessel (with the exception of the necessary room for the sails, cables) shall be at the sole use and disposal of the said party of the second part during the voyage aforesaid.

"*Third,* The said party of the first part further agrees to take and receive on board the said vessel, during the aforesaid voyage, all such lawful goods and mercandise as the said party of the second part, or their agents, may think proper to ship.

"And the said party of the second part, in consideration of the convenants and agreements to be kept and performed by the said party of the first part, do covenant and agree with the said party of the first part to charter and hire the said vessel, as aforesaid, on the terms following, viz.: To man, coal, and victual steamer, and pay all expenses of every nature (including port charges, &c.) connected with running of the steamer, except insurance on vessel and repairs, and to pay to the said party of the first part, or their agent, for the charter or freight of said vessel, during the voyage aforesaid, in manner following, viz.: Eighty-five ($85) dollars per day, United States currency, due daily, but payable at the expiration of each and every month, in New York; vessel to be returned to the owners at the expiration of this charter, in the same order and condition as she is now in, less the ordinary wear and tear. Charterer to take and deliver the steamer at New York; owners to nominate and charterers to appoint chief engineer, to be paid by charterers at rate of one hundred and twenty-five ($125) dollars per month. Charterers to appoint captain subject to the approval of the owners. It is also agreed that this charter shall commence at New York on the 18th of September, 1872.

"If from any derangement of machinery steamer is delayed, the time lost is not to be paid for by charterers, and in case such derangement, if any, owners to have privilege of cancelling charter. In case of any wreckage, towage, or salvage, accruing to the vessel whilst under this charter, one-half of said earning to be paid to the owners of the steamer. To the true and faithful performance of all the foregoing covenants and agreements the said parties do hereby bind themselves, their heirs, executors, administrators, and assigns, and also the said vessel, her freight and appurtenances, and the merchandise to be laden on board each to the other in the penal sum of estimated amount of this charter.

"In witness whereof the said parties have hereunto interchangeably set their hands and seals the day and year first above written.

"WOODHOUSE & RUDD.
"DUNCAN & POEY.

"Sealed and delivered in presence of "W. H. STARBUCK, witness to both signatures."

The libel filed in the District Court alleges that, in accordance with the terms of the charter party, Sherman was appointed chief engineer of the steamer, and Denison her captain; that the libellants took her to Philadelphia, where they fitted her with refrigerators and other appliances for bringing a cargo of fresh beef from Galveston to Philadelphia, and then despatched her to Galveston; that on the outward voyage the vessel gave signs of unseaworthiness in the blowing and leaking of some of her boiler-tubes, by which the time of the voyage was fourteen instead of ten days, the usual time; that at Galveston the chief engineer was notified by the libellants to make repairs, &c., but he refused, whereby she, having taken a cargo of about seventy tons of fresh beef, was, Oct. 31, 1872, being then four hours at sea, out of the port of Galveston, compelled to put back there for repairs by reason of the boiler-tubes again blowing out and leaking, and was detained at Galveston seven days for repairs, leaving there again Nov. 7, 1872, and was fifteen days making the passage to Philadelphia, owing to the unseaworthy and defective condition of the boiler; and that by reason of these detentions and of the unseaworthy condition of the boiler, and also of the hot water which escaped from the boiler-tubes and was negligently allowed to run into the steamer's bilge and melt the ice in the refrigerators where the fresh beef was stowed, the beef became spoiled and entirely lost, to the damage of libellants $30,000, which they claim to recover.

The steamer was attached, but was subsequently released, upon the claimants entering into the usual stipulations conformably to the rules and practice of that court. The claimants answered, admitting the making of the charter-party, the appointment of the chief engineer and captain, and the libellants' taking possession of the steamer. They deny all the other material allegations of the libel, and aver that she, as far as they were bound to do, was kept as required by the contract.

The District Court dismissed the libel, and the Circuit Court entered a decree of affirmance. The libellants excepted to certain of the findings of fact and to the refusal to find certain facts by them requested and to the conclusions of law. They thereupon appealed here. The bill of exceptions is incorporated in the record.

The remaining facts appear in the opinion of the court.

Mr. Robert D. Benedict and *Mr. Benjamin Harris Brewster* for the appellants.

Mr. William Allen Butler, contra.

Mr. CHIEF JUSTICE WAITE delivered the opinion of the court.

Three questions have been presented on the argument of this appeal:—

1. Whether Congress has the constitutional power to confine the jurisdiction of this court on appeals in admiralty to questions of law arising on the record;

2. Whether, upon the bill of exceptions, the court below erred in refusing to find certain facts which, as is claimed, were established by uncontradicted evidence, and in finding others which had no evidence at all to support them; and,

3. Whether, on the facts found, the decree below was right.

1. As to the jurisdiction.

If we understand correctly the position of the counsel for the appellants, it is precisely the same as that which occupied the attention of the court in *Wiscart* v. *Dauchy,* decided at February Term, 1796, 3 Dall. 321. There the question was, what, under the Judiciary Act of 1789, could be considered on a writ of error bringing to this court for review a decree in admiralty. The decision turned on the construction to be given the twenty-second section of the act, and Mr. Justice Wilson, in his minority opinion, said: "Such an appeal," that is to say, an appeal in which all the testimony is produced in this court, "is expressly sanctioned by the Constitution; it may, therefore, clearly, in the first view of the subject, be considered as the most regular process; and as there are not any words in the judicial act restricting the power of proceeding by appeal, it must be regarded as still permitted and approved. Even indeed, if positive restriction existed by law, it would, in my judgment, be superseded by the superior authority of the constitutional provision." Mr. Chief Justice Ellsworth, however, who spoke for the majority of the court, said: "If Congress has provided no rule to regulate our proceedings, we cannot exercise an appellate jurisdiction; and if the rule is provided, we cannot depart from it. The question, therefore, on the constitutional point of appellate jurisdiction, is simply whether Congress has established a rule for regulating its exercise." And, further on: "It is observed that a writ of error is a process more limited in its effects than an appeal; but whatever may be the operation, if an appellate jurisdiction can only be exercised by this court conformably to such regulations as are made by the Congress, and if Congress has prescribed a writ of error, and no other mode, by which it is to be exercised, still, I say, we are bound to pursue that mode, and can neither make, nor adopt, another." And again: "But surely it cannot be deemed a denial of justice that a man shall not be permitted to try his cause two or three times over. If he has one opportunity for the trial of all the parts of his case, justice is satisfied; and even if the decision of the Circuit Court has been made final, no denial of justice can be imputed to our government; much less can the imputation be fairly made, because the law directs that, in case of appeal, part shall be decided by one tribunal and part by another—the facts by the court below, and the law by this court. Such a distribution of jurisdiction has long been established in England."

This was the beginning of the rule, which has always been acted on since, that while the appellate power of this court under the Constitution extends to all cases within the judicial power of the United States, actual jurisdiction under the power is confined within such limits as Congress sees fit to prescribe. As was said by Mr. Chief Justice Marshall in *Durousseau* v. *United States* (6 Cranch, 307, 314), "The appellate powers of this court are not given by the judicial act. They are given by the Constitution. But they are limited and regulated by the judicial act, and by such other acts as have been passed on the subject." The language of the Constitution is that "the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as Congress shall make." Undoubtedly, if Congress should give an appeal in admiralty causes, and say no more, the facts, as well as the law, would be subjected to review and retrial; but the power to except from—take out of—the jurisdiction, both as to law and fact, clearly implies a power to limit the effect of an appeal to a review of the law as applicable to facts finally determined below. Appellate jurisdiction is invoked as well through the instrumentality of writs of error as of appeals. Whether the one form of proceeding is to be used or another depends ordinarily on the character of the suit below; but the one as well as the other brings into action the appellate powers of the court whose jurisdiction is reached by what is done. What those powers shall be, and to what extent they shall be exercised, are, and always have been, proper subjects of legislative control. Authority to limit the jurisdiction necessarily carries with it authority to limit the use of the jurisdiction. Not only may whole classes of cases be kept out of the jurisdiction altogether, but particular classes of questions may be subjected to re-examination and review, while others are not. To our minds it is no more unconstitutional to provide that issues of fact shall not be retried in any case, than that neither issues of law nor fact shall be retried in cases where the value of the matter in dispute is less than $5,000. The general power to regulate implies power to regulate in all things. The whole of a civil law appeal may be given, or a part. The constitutional requirements are all satisfied if one opportunity is had for the trial of all parts of a case. Everything beyond that is matter of legislative discretion, not of constitutional right. The Constitution prohibits a retrial of the facts in suits at common law where one trial has been had by a jury (Amendment, art. 7); but in suits in equity or in admiralty Congress is left free to make such exceptions and regulations in respect to retrials as on the whole may seem best.

We conclude, therefore, that the act of Feb. 16, 1875, c. 77, is constitutional, and that under the rule laid down in *The Abbotsford* (98 U.S. 440), and uniformly followed since, our inquiries are confined to questions of law arising on the record, and to such rulings, excepted to at the time, as may be presented by a bill of exceptions prepared as in actions at law.

2. As to the questions arising on the bill of exceptions.

It is undoubtedly true that if the Circuit Court neglects or refuses, on request, to make a finding one way or the other on a question of fact material to the determination of the cause, when evidence has been adduced on the subject, an exception to such refusal taken in time and properly presented by a bill of exceptions may be considered here on appeal. So, too, if the court, against remonstrance, finds a material fact which is not supported by any evidence whatever, an exception is taken, a bill of exceptions may be used to bring up for review the ruling in that particular. In the one case the refusal to find would be equivalent to a ruling that the fact was immaterial; and in the other, that there was some evidence to prove what is found when in truth there was none. Both these are questions of law, and proper subjects for review in an appellate court. But this rule does not apply to mere incidental facts, which only amount to evidence bearing upon the ultimate facts of the case. Questions depending on the weight of evidence are, under the law as it now stands, to be conclusively settled below and the fact in respect to which such an exception may be taken must be one of the material and ultimate facts on which the correct determination of the cause depends.

In the present case the ultimate fact to be determined was whether the loss for which the suit was brought happened because of the insufficient refrigerating apparatus, or the unseaworthiness of the vessel. It is found in express terms that the loss was "caused by the defective construction and working of the refrigerating room and apparatus connected therewith, either from inherent defects in said apparatus, or from not using a sufficient quantity of ice, and not by any fault of the claimants." As to this both the Circuit and District Courts agree. This fact being established, it was unimportant to inquire whether the vessel was seaworthy or not. If the unseaworthiness was not the proximate cause of the loss, it is not contended the vessel can be charged with the damages.

But if it be conceded that the case depended on the seaworthiness of the vessel, we think the exceptions which have been taken cannot be considered here. The only unseaworthiness alleged was in respect to the boiler, and as to this the court has found that the boiler was a tubular one; that tubular boilers are liable to leakage in the tubes; that such leakage does not necessarily interfere with the capacity or fitness of the boiler for the purposes of navigation; that this particular boiler had one hundred and forty-four tubes; that some of these tubes gave out from time to time and were plugged up; that when the vessel arrived at Philadelphia at the end of her voyage, twenty-six of the tubes had been plugged up, but that the boiler was still efficient and seaworthy. It was also found that the voyage from Galveston to Philadelphia was two days longer than was usually occupied by well-equipped steamers, and that the vessel put back for repairs, by which an additional week's time was lost at Galveston.

The complaint now made is, that the court refused to state in its findings that there was leakage in the tubes and stoppage for repairs while the vessel was on her voyage from Philadelphia to Galveston, and while she was lying in the harbor at Galveston taking in her cargo, and that when the vessel put back to Galveston the engineer had not sufficient tools with which to make his repairs. All these are mere incidental facts, proper for the consideration of the court in determining whether the boiler and the vessel were actually seaworthy or not. It is not pretended that the question at issue was to be determined alone by the probative effect of these circumstances. They were part only of the evidence on which the ultimate finding depended, and occupy in the case the position of testimony rather than of the facts to which the law is to be applied by the judgment of the court. The refusal of the court to put such statements into the record, even though established by uncontradicted evidence, cannot properly be brought here by a bill of exceptions, unless it also appears that the determination of the ultimate fact to be ascertained depended alone upon the legal effect as evidence of the facts stated. Such, clearly, is not this case.

There is another equally fatal objection to this bill of exceptions. An evident effort has been made here, as it has been before, to so frame the exceptions as, if possible, to secure a reexamination of the facts in this court. The transcript which has been sent up contains the pleadings and all the testimony used on the trial below. The bill of exceptions sets forth that at the trial the pleadings were read by the respective parties, and the testimony then put in on both sides. This being done, the libellants presented to the court certain requests for findings of fact and of law. These requests were numbered consecutively, sixteen relating to facts and three to the law. Afterwards, six additional requests for findings of fact were presented. It is then stated that the court made its findings of fact and of law and filed them with the clerk, together with an opinion in writing of the circuit justice who heard the cause. The libellants then filed what are termed exceptions to the findings and the refusals to find. In this way exceptions were taken separately to each and every one of the facts found and the conclusions of law, and to the refusal to find in accordance with each and every one of the requests made. The grounds of the exceptions are not stated. Many of the requests of the libellants are covered explicitly by the findings as actually made, some being granted and others refused.

We have no hesitation in saying that this is not a proper way of preparing a bill of exceptions to present to this court for review rulings of the Circuit Court such as are now complained of. A bill of exceptions must be "prepared as in actions at law," where it is used, "not to draw the whole matter into examination again," but only separate and distinct points, and those of law. Bac. Abr., Bill of Exceptions; 1 Saund. Pl. & Ev. 846. Every bill of exceptions must state and point out distinctly the errors of which complaint is made. It ought also to show the grounds relied on to sustain the objection presented, so that it may appear the court below was properly informed as to the point to be decided. It is needless to say that this bill of exceptions meets none of these requirements. From anything which is here presented no judge would be presumed to understand that the specific objection made to any one of his findings was that no evidence whatever had been introduced to prove it, or to one of his refusals, that the fact refused was material and had been conclusively shown by uncontradicted testimony. No ground whatever is stated for any one of all the exceptions that have been taken. To entitle the appellants to be heard here upon any such objections as they now make to the findings, they should have stated to the court that they considered the facts refused material to the determination of the cause, and that such facts were conclusively proven by uncontradicted evidence. Under such circumstances it might have been permissible to except to the refusal and present the exception by a bill of exceptions, which should contain so much of the testimony as was necessary to show that the fact as claimed had been conclusively proven. And so if the exception is as to facts that are found, it should be stated that it was because there was no evidence to support them, and then so much of the testimony as was necessary to establish this ground of complaint, which might under some circumstances include the whole, should be incorporated into the bill of exceptions. In this way the court below would be fairly advised of the nature of the complaint that was made in time to correct its error, if satisfied one had been committed, or to put into the bill of exceptions all it considered material for the support of the rulings.

From this it is apparent we cannot on this appeal consider any of the rulings below which have been presented by the bill of exceptions.

3. As to the sufficiency of the facts found to support the decree.

Upon this branch of the case we have had no more difficulty than upon the others. The case made may be generally stated as follows:—

The libellants, being about to engage in the business of transporting fresh beef by the use of a newly patented process, applied to the claimants for a charter of their steamer for six months, to be put into that trade. The claimants knew for what business the vessel was engaged, and the libellants knew that she was furnished with a tubular boiler. Such boilers are liable to leak, but that does not necessarily interfere with their capacity or fitness for the purposes of navigation. The charter-party contained this clause:—

"*First,* The said party of the first part agrees the said vessel, in and during the said voyage, shall be kept tight, stanch, well fitted, tackled, and provided with every requisite for such a voyage."

The charter-party makes no mention of the special business in which the vessel was to be engaged. She was chartered generally for six months to run between Philadelphia and New York and Galveston, or any intermediate safe port in the United States, or any foreign port not prohibited by the insurance. The only complaint made as to her seaworthiness, is in respect to her boiler, and about this it is found that though to some extent leaking, as boilers of that class are liable to be, it was still efficient and seaworthy. The libellants fitted the vessel with the necessary apparatus for the use of their patented process, and with a full knowledge that her boiler was apt to leak, put a cargo of fresh beef on board to be taken from Galveston to Philadelphia. The vessel was twenty-three days in making that voyage instead of fourteen, which was the usual time of well-equipped steamers. The beef was spoiled before it got to Philadelphia, but it is expressly found that this was because of the defective construction and working of the refrigerating room, and the apparatus and machinery connected therewith, for which the claimants were in no respect responsible.

Upon these facts the court below dismissed the libel, which we think was clearly right. That the vessel was in fact seaworthy is settled by the findings. All the claimants covenanted for was, that she was provided with every requisite for safe navigation. While they knew that her charterers intended to use her in connection with their contemplated business, it is neither found nor insisted that any higher degree of seaworthiness was required for that kind of transportation than any other, much less that the claimants knew it. Under these circumstances the language of the charter-party is to be construed only as an agreement that the vessel was seaworthy for the purpose of navigating such a voyage as she was chartered to make, without any regard to what she was to carry. The claimants did not contract that their vessel was in a condition to make her voyages in any particular time, but only to make them safely. They were not applied to for a vessel suitable for carrying fresh beef, but for one suitable for navigation generally between the designated ports and places. Such a vessel according to the findings they got. It was their fault alone if they did not apply for what they wanted. They took all the risks of the undertaking, except such as arose from the general unseaworthiness of the vessel when she was delivered into their possession, for after they got her she was to be subject to their entire control within the terms of the charter. If repairs were necessary to keep her in a seaworthy condition, while under the charter the claimants might be chargeable with the expense of making them, it would be the duty of the charterers to see that they were made, or to notify the claimants of what was required. The provision that the claimants were to nominate and the charterers appoint the engineer, and that the appointment of the captain by the charterers should be subject to the approval of the claimants, did not affect the relation of the parties in this particular. Delays growing out of derangement in the machinery were to be deducted from the charter time, and the pay for the use of the vessel correspondingly reduced, but beyond that the owners were not to be bound if the vessel was actually seaworthy when delivered into the possession of the charterers under the charter.

Affirmed.

DANIELS *v.* RAILROAD COMPANY

STATEMENT OF THE CASE

Under the act of April 29, 1802 (§ 6), providing "that whenever *any question* shall occur before a Circuit Court upon which the opinions of the judges shall be opposed, *the point* upon which the disagreement shall happen shall . . . be certified . . . to the Supreme Court, and shall by the said court be finally decided"—the court will not even by consent of parties take jurisdiction, unless the certificate of division present in a precise form, a point of law upon a part of the case settled and stated. Hence where the record stated certain facts, and with this statement presented the testimony of numerous witnesses which was directed to the establishment of others,—the whole case being, in fact, brought up with a purpose, apparently, that this court should decide both fact and law—and the question certified was whether in point of law upon the facts as stated and *proved* the action could be maintained,—the court dismissed the case as not within its jurisdiction.

The sixth section of the act of Congress of 29th April, 1802,[1] provides:

"That whenever *any question* shall occur before a Circuit Court upon which the opinions of the judges shall be opposed, *the point* upon which the disagreement shall happen, shall, &c., be stated under the direction of the judges and certified . . . to the Supreme Court . . . and shall, by the said court, be finally decided."

With this act in force Daniels brought a suit in the Circuit Court for the Northern District of Illinois against the Rock Island Railway Company for injuries done him by a collision on its railroad; there being a special plea to one of the counts of the declaration—of which there were several, denied generally—that the collision referred to was brought about by the carelessness of the defendant's servant, and without the knowledge or consent of the defendant, and that at the time of the injury the plaintiff himself was a servant serving as a fireman on the locomotive. The record went on:

"On the trial it was proved that the defendant was a common carrier of passengers; that at the time alleged the plaintiff was on the engine of the defendant, for the purpose and *in the manner hereinafter stated*, proceeding over the road of the defendant, when by the negligence and carelessness of the engineer of the locomotive (the said engineer being at the time a servant of the defendant), upon which the plaintiff was riding, a collision took place, which resulted in great personal injury to the plaintiff. The circumstances connected with the plaintiff's trip and the manner and purpose of his firing the engine, as well as some conversation of his after the injury, are detailed by the witnesses as follows."

Then followed the testimony of seven witnesses—two on one side, five on the other—examined and cross-examined. These witnesses testified that the plaintiff *had* been, a week previously to the accident, a fireman on the railroad, but had been—as some signified it might be—"dismissed"—though, as it rather appeared, possibly—"suspended;"—that is to say, owing to the diminished business of the road at that exact season, had been taken off the pay-list; as the company did continually with its hands on the decrease of its business at particular times in the year, and put on a list of persons who would be preferred when, with the increase of business, the company would again require more aid. "Its business was unsteady." Such persons, it was testified, were under no obligation to come back, nor was the company bound to employ them again, but it was a custom if they were at hand to set them to work again as soon as there was work. Daniels, it was testified, had been inquiring two or three days previously to the day of the accident when he should be employed again, and was told that it might be in one, two, three, or four weeks; that it would depend on the business of the road.

On the day of the accident he came to the master mechanic, within whose business it was to employ and discharge firemen, and asked, as some witnesses testified, for "a pass"—though others heard nothing about "a pass"—to go to a place called Peru to get his clothes. The master, according to his own testimony, told him that the company was going to send an extra engine down that night or the next, and that he could "fire" that engine down; though according to the testimony of another witness, the master told him that if he would fire that engine down he would give him a pass: "that was the understanding between them." The master himself swore that there was no agreement that he should fire the engine in consideration of his passage on it. The company, it was sworn to, was not in the habit of making that sort of agreement, and the master mechanic had no right to make such arrangements or to give "passes." He supposed, according to his own testimony, that a sub-officer whose duty it would be, unless directed to the contrary, to put the man's name on the payroll when he saw him serving on the engine, would put his name on the roll accordingly.

There was other testimony, all directed to the fact whether or not the man was actually reinstated or whether he was hanging on only, expecting to be, and had now, in consideration of "firing" the engine on a particular trip, been given the privilege of a passage on it to go and get his clothes.

The record, after mentioning certain facts that were proved, thus went on:

"This was all the evidence bearing upon the case, and thereupon it occurred as a question whether, in point of law, upon the facts *as stated and proved*, the action could be maintained, and whether, consequently, the jury should be instructed that under the facts as proved the plaintiff could not recover; upon which questions the opinions of the judges were opposed. Whereupon, &c., the foregoing points upon which the disagreement has happened is ordered by the judges to be stated and certified to the Supreme Court of the United States, &c., for its decision."

The case came here accordingly by a certificate that the opinions of the judges were opposed on the points set forth, and was argued by *Messrs. Hurd and Booth, for the plaintiff, and by Messrs. Cook and Winston, contra*, on the questions of law and fact presented;—questions, however, which this court did not consider; their opinion going to the matter of jurisdiction only.

OPINION OF THE COURT

Mr. Justice SWAYNE delivered the opinion of the court.

This case is brought before us by a certificate that the opinions of the judges of the Circuit Court below were opposed upon the points set forth; the proceeding having been taken under the sixth section of the act of the 29th of April, 1802.

To come properly before us, the case must be within the appellate jurisdiction of this court. In order to create such jurisdiction in any case, two things must concur: the Constitution must give the capacity to take it, and an act of Congress must supply the requisite authority.[2]

The original jurisdiction of this court, and its power to receive appellate jurisdiction, are created and defined by the Constitution; and the legislative department of the government can enlarge neither one nor the other. But it is for Congress to determine how far, within the limits of the capacity of this court to take, appellate jurisdiction shall be given, and when conferred, it can be exercised only to the extent and in the manner prescribed by law. In these respects it is wholly the creature of legislation.[3]

The section referred to of the act of 1802 mentions several particulars, all of which must appear in the certificate. They are jurisdictional, and a defect as to either is fatal.

The one which has most frequently been the subject of discussion, and which it is necessary to consider in this case, is "the point upon which the disagreement of the judges" occurs.

It must be a question of law, and not of fact.[4]

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[1] 2 Stat. at Large, 159.

[2] Marbury *v.* Madison, 1 Cranch, 137; Sheldon *v.* Sill, 8 Howard, 448.

[3] Durousseau *v.* United States, 6 Cranch, 314; United States *v.* Moore, 3 Id. 159; Barry *v.* Mercein, 5 Howard, 119.

[4] Dennistoun *v.* Stewart, 18 Id 565.

It must arise in the progress of the cause, and not incidentally, or in relation to a collateral matter, after the rendition of the judgment or decree. Where the question certified was as to the amount of the bond to be given upon the allowance of a writ of error, and where it was as to the retaxation of costs after the principal of the judgment had been collected, this court held that it could not take jurisdiction.[5]

It cannot arise upon a motion for a new trial, the decision resting in the discretion of the court, and not being subject to exception.[6]

It may arise upon a special verdict, or a motion in arrest of judgment.[7]

The question, whether a demurrer shall be sustained? is not sufficiently definite. The precise legal point involved, upon which the judges were divided in opinion, should be stated. The court is not bound to look beyond the certificate to ascertain the point.[8]

Nothing which may be *decided* according to the discretion of the court can be made the subject of examination here in this way.[9]

But if in connection with the discretion which the court below is asked to exercise, questions are presented which involve the right of the matter in controversy, this court will entertain them.[10]

Except under peculiar circumstances, this court will not take cognizance of a question certified upon a division *pro formâ*.[11]

The determination of the question certified does not affect the right to bring up the whole case, by a writ of error or appeal, after it is terminated in the court below.[12] When a certificate of division is brought into this court, only the points certified are before us. The cause remains in the Circuit Court, and may be proceeded in by that court according to its discretion.[13]

Where the question certified was, whether a letter written by a cashier without the knowledge of the directors was binding on the bank, this court declined to answer, because the solution of the question depended in part upon facts not stated in the certificate.[14]

The *whole case* cannot be transferred to this court. Chief Justice Marshall says:[15] "A construction which would authorize such transfer, would counteract the policy which forbids writs of error or appeal until the judgment or decree be final. If an interlocutory judgment or decree could be brought into this court, the same case might again be brought up after a final decision; and all the delays and expense incident to a repeated revision of the same cause be incurred. So if the whole cause, instead of an insulated point, could be adjourned, the judgment or decree which would be finally given by the Circuit Court might be brought up by writ of error or appeal, and the whole subject be re-examined. Congress did not intend to expose suitors to this inconvenience; and the language of the provision does not, we think, admit of this construction. A division on a point, in the progress of a cause, on which the judges may be divided in opinion, not the whole cause, is to be certified to this court."

Where it appears the whole case has been divided into points—some of which may never arise, if those which precede them in the certificate are decided in a particular way—the case will be dismissed for want of jurisdiction.[16]

The questions must be separate and distinct, and each one must be particularly stated with reference to that part of the case upon which it arose. They must not be "such as involve or imply conclusions or judgment by the judges upon the weight or effect of the testimony or facts adduced in the cause.[17]

The question must not be general nor abstract, nor a mixed one of law and fact. If it be either, this court cannot take jurisdiction.[18]

SYLLABUS

In the case before us the questions certified are, "whether, in point of law, upon the facts as stated and proved, the action could be maintained; and whether, consequently, the jury should be instructed that, under the facts as proved, the plaintiff could not recover?"

Upon looking into the record, we find a body of facts stated as having been proved, and the testimony of numerous witnesses set forth at length, as respectively given. The entire case is brought before us, as if we were called upon to discharge the twofold functions of a court and jury. At the threshold arises an important question of fact, not without difficulty. It is, whether the plaintiff is to be regarded as a passenger, or a servant of the defendant, at the time he received, upon the locomotive, the injury for which he sues? Upon the determination of this question depend the legal principles to be applied. They must be very different, as the solution may be one way or the other.

The Constitution wisely places the trial of such questions within the province of a jury, and it cannot be taken from them without the consent of both parties. Here, such consent is given; but it is ineffectual to clothe us with a power not conferred by law. In the light of the authorities to which we have referred, it is sufficient to add that the questions certified are not such that we can consider them.

According to the settled practice, the case will, therefore, be dismissed for want of jurisdiction, and remanded to the Circuit Court, with an order to proceed in it according to law.

DISMISSED, AND ORDER ACCORDINGLY.

[See *infra*, p. 294, *Havemeyer* v. *Iowa County*, 2.—REP.]

EX PARTE MCCARDLE

STATEMENT OF THE CASE

1. The appellate jurisdiction of this court is conferred by the Constitution, and not derived from acts of Congress; but is conferred "with such exceptions, and under such regulations, as Congress may make;" and, therefore, acts of Congress affirming such jurisdiction, have always been construed as excepting from it all cases not expressly described and provided for.

2. When, therefore, Congress enacts that this court shall have appellate jurisdiction over final decisions of the Circuit Courts, in certain cases, the act operates as a negation or exception of such jurisdiction in other cases; and the repeal of the act necessarily negatives jurisdiction under it of these cases also.

3. The repeal of such an act, pending an appeal provided for by it, is not an exercise of judicial power by the legislature, no matter whether the repeal takes effect before or after argument of the appeal.

4. The act of 27th of March, 1868, repealing that provision of the act of 5th of February, 1867, to amend the Judicial Act of 1789, which authorized appeals to this court from the decisions of the Circuit Courts, in cases of *habeas corpus*, does not except from the appellate jurisdiction of this court any cases but appeals under the act of 1867. It does not affect the appellate jurisdiction which was previously exercised in cases of *habeas corpus*.

Appeal from the Circuit Court for the Southern District of Mississippi.

The case was this:

The Constitution of the United States ordains as follows:

"§ 1. The judicial power of the United States shall be vested *in one Supreme Court*, and in such inferior courts as the Congress may from time to time ordain and establish."

"§ 2. The judicial power shall extend to all cases in law or equity arising *under this Constitution, the laws of the United States*," &c.

And in these last cases the Constitution ordains that,

"The Supreme Court shall have appellate jurisdiction, both as to law and fact, *with such exceptions, and under such regulations, as the Congress shall make*."

With these constitutional provisions in existence, Congress, on the 5th February, 1867, by "An act to amend an act to establish the judicial courts of the United States, approved September 24, 1789," provided that the several courts of the United States, and the several justices and judges of such courts, within their respective jurisdiction, in addition to the authority already conferred by law, should have power to grant writs of *habeas corpus* in all cases where any person may be restrained of his or her liberty in violation of the Constitution, or of any treaty or law of the United States. And that, from the final decision of any judge, justice, or court inferior to the Circuit Court, appeal might be taken to the Circuit Court of the United States for the district in which the cause was heard, and *from the judgment of the said Circuit Court to the Supreme Court of the United States*.

This statute being in force, one McCardle, alleging unlawful restraint by military force, preferred a petition in the court below, for the writ of *habeas corpus*.

The writ was issued, and a return was made by the military commander, admitting the restraint, but denying that it was unlawful.

It appeared that the petitioner was not in the military service of the United States, but was held in custody by military authority for trial before a military commission, upon charges founded upon the publication of articles alleged to be incendiary and libelous, in a newspaper of which he was editor. The custody was alleged to be under the authority of certain acts of Congress.

Upon the hearing, the petitioner was remanded to the military custody; but, upon his prayer, an appeal was allowed him to this court, and upon filing the usual appeal-bond, for costs, he was admitted to bail upon recognizance, with sureties, conditioned for his future appearance in the Circuit Court, to abide by and perform the final judgment of this court. The appeal was taken under the above-mentioned act of February 5, 1867.

A motion to dismiss this appeal was made at the last term, and, after argument, was denied.[19]

Subsequently, on the 2d, 3d, 4th, and 9th March, the case was argued very thoroughly and ably upon the merits, and was taken under advisement. While it was thus held, and before conference in regard to the decision proper to be made, an act was passed by Congress,[20] returned with objections by the President, and, on the 27th March, repassed by the constitutional majority, the second section of which was as follows:

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[5] Devereaux *v.* Marr, 12 Wheaton, 213; Bank United States *v.* Green, 6 Peters, 26.

[6] United States *v.* Daniel, 6 Wheaton, 545.

[7] Somerville Executors *v.* Hamilton, 4 Id. 230; United States *v.* Kelly, 11 Id. 417.

[8] United States *v.* *Briggs*, 5 Howard, 208.

[9] Davis *v.* Braden, 10 Peters, 288.

[10] United States *v.* The City of Chicago, 7 Howard, 185.

[11] Webster *v.* Howard, Id. 54; United States *v.* Stone, 14 Peters, 524.

[12] Ogle *v.* Lee, 2 Cranch, 33; United States *v.* Bailey, 9 Peters, 273.

[13] Kennedy et al. *v.* The Bank of the State of Georgia, 8 Howard, 610.

[14] United States *v.* The City Bank of Columbus, 19 Howard, 384.

[15] United States *v.* Bailey, 9 Peters, 278.

[16] Nesmith et al. *v.* Sheldon et al. 6 Id. 41.

[17] Dennistoun *v.* Stewart, Id. 18, 565.

[18] Ogilvie et al. *v.* The Knox Insurance Company, Id. 577.

[19] See Ex parte McCardle, 6 Wallace, 318.

[20] Act of March 27, 1968, 15 Stat. at Large, 44.

"*And be it further enacted*, That so much of the act approved February 5, 1867, entitled 'An act to amend an act to establish the judicial courts of the United States, approved September 24, 1789,' as authorized an appeal from the judgment of the Circuit Court to the Supreme Court of the United States, or the exercise of any such jurisdiction by said Supreme Court, on appeals which have been, or may hereafter, be taken, be, and the same is hereby repealed."

ARGUMENT AGAINST THE OPERATION OF THE ACT

The attention of the court was directed to this statute at the last term, but counsel having expressed a desire to be heard in argument upon its effect, and the Chief Justice being detained from his place here, by his duties in the Court of Impeachment, the cause was continued under advisement. Argument was now heard upon the effect of the repealing act.

Mr. Sharkey, for the appellant:

The prisoner alleged an illegal imprisonment. The imprisonment was justified under certain acts of Congress. The question then presents a case arising under "the laws of the United States;" and by the very words of the Constitution the judicial power of the United States extends to it. By words of the Constitution, equally plain, that judicial power is vested in one Supreme Court. This court, then, has its jurisdiction directly from the Constitution, not from Congress. The jurisdiction being vested by the Constitution alone, Congress cannot abridge or take it away. The argument which would look to Congressional legislation as a necessity to enable this court to exercise "the judicial power" (any and every judicial power) "of the United States," renders a power, expressly given by the Constitution, liable to be made of no effect by the inaction of Congress. Suppose that Congress never made any exceptions or any regulations in the matter. What, under a supposition that Congress must define when, and where, and how, the Supreme Court shall exercise it, becomes of this "judicial power of the United States," so expressly, by the Constitution, given to this court? It would cease to exist. But this court is coexistent and co-ordinate with Congress, and must be able to exercise the whole judicial power of the United States, though Congress passed no act on the subject. The Judiciary Act of 1789 has been frequently changed. Suppose it were repealed. Would the court lose, wholly or at all, the power to pass on every case to which the judicial power of the United States extended? This act of March 27th, 1868, does take away the whole appellate power of this court in cases of *habeas corpus*. Can such results be produced? We submit that they cannot, and this court, then, we further submit, may still go on and pronounce judgment on the merits, as it would have done, had not the act of 27th March been passed.

But however these general positions may be, the case may be rested on more special grounds. This case had been argued in this court, fully. Passing then from the domain of the bar, it was delivered into the sacred hands of the judges; and was in the custody of the court. For aught that was known by Congress, it was passed upon and decided by them. Then comes, on the 27th of March, this act of Congress. Its language is general, but, as was universally known, its purpose was specific. If Congress had specifically enacted "that the Supreme Court of the United States shall never publicly give judgment in the case of McCardle, already argued, and on which we anticipate that it will soon deliver judgment, contrary to the views of the majority in Congress, of what it ought to decide," its purpose to interfere specifically with and prevent the judgment in this very case would not have been more real or, as a fact, more universally known.

Now, can Congress thus interfere with cases on which this high tribunal has passed, or is passing, judgment? Is not legislation like this an exercise by the Congress of judicial power? *Lanier* v. *Gallatas*[21] is much in point. There a motion was made to dismiss an appeal, because by law the return day was the 4th Monday in February, while in the case before the court the transcript had been filed before that time. On the 15th of March, and *while the case was under advisement*, the legislature passed an act making the 20th of March a return day for the case; and a motion was now to reinstate the case and hear it. The court says:

"The case had been submitted to us before the passage of that act, and was beyond the legislative control. Our respect for the General Assembly and Executive forbids the inference that they intended to instruct this court what to do or not to do whilst passing on the legal rights of parties in a special case already under advisement. The utmost that we can suppose is," &c.

ARGUMENT FOR THE OPERATION OF THE ACT

In *De Chastellux* v. *Fairchild*,[22] the legislature of Pennsylvania directed that a new trial should be granted in a case already decided. Gibson, C. J., in behalf of the court, resented the interference strongly. He said:

"It has become the duty of the court to temporize no longer. The power to order new trials is judicial. But the power of the legislature is not judicial."

In *The State* v. *Fleming*,[23] where the legislature of Tennessee directed two persons under indictment to be discharged, the Supreme Court of the State, declaring that "the legislature has no power to interfere with the administration of justice in the courts," treated the direction as void. In *Lewis* v. *Webb*,[24] the Supreme Court of Maine declare that the legislature cannot dispense with any general law in favor of a particular case.

Messrs. L. Trumbull and M. H. Carpenter, contra:

1. The Constitution gives to this court appellate jurisdiction in any case like the present one was, only with such exceptions and under such regulations as Congress makes.

2. It is clear, then, that this court had no jurisdiction of this proceeding—*an appeal from the Circuit Court*—except under the act of February 5th, 1867; and so this court held on the motion to dismiss made by us at the last term.[25]

3. The act conferring the jurisdiction having been repealed, the jurisdiction ceased; and the court had thereafter no authority to pronounce any opinion or render any judgment in this cause. No court can do any act in any case, without jurisdiction of the subject-matter. It can make no difference at what point, in the progress of a cause, the jurisdiction ceases. After it has ceased, no judicial act can be performed. In *Insurance Company* v. *Ritchie*,[26] the Chief Justice, delivering the opinion of the court, says:

"It is clear, that when the jurisdiction of a cause depends upon the statute, the repeal of the statute takes away the jurisdiction."

And in that case the repealing statute, which was passed during the pendency of the cause, was held to deprive the court of all further jurisdiction. The causes which were pending in this court against States, were all dismissed by the amendment of the Constitution denying the jurisdiction; and no further proceedings were had in those causes.[27] In *Norris* v. *Crocker*,[28] this court affirmed and acted upon the same principle; and the exhaustive argument of the present Chief Justice, then at the bar, reported in that case, and the numerous authorities there cited, render any further argument or citation of cases unnecessary.[29]

4. The assumption that the act of March, 1868, was aimed specially at this case, is gratuitous and unwarrantable. Certainly the language of the act embraces all cases in all time; and its effect is just as broad as its language.

The question of merits cannot now, therefore, be passed upon. The case must fall.

OPINION OF THE COURT

The Chief Justice delivered the opinion of the court.

The first question necessarily is that of jurisdiction; for, if the act of March, 1868, takes away the jurisdiction defined by the act of February, 1867, it is useless, if not improper, to enter into any discussion of other questions.

It is quite true, as was argued by the counsel for the petitioner, that the appellate jurisdiction of this court is not derived from acts of Congress. It is, strictly speaking, conferred by the Constitution. But it is conferred "with such exceptions and under such regulations as Congress shall make."

It is unnecessary to consider whether, if Congress had made no exceptions and no regulations, this court might not have exercised general appellate jurisdiction under rules prescribed by itself. For among the earliest acts of the first Congress, at its first session, was the act of September 24th, 1789, to establish the judicial courts of the United States. That act provided for the organization of this court, and prescribed regulations for the exercise of its jurisdiction.

The source of that jurisdiction, and the limitations of it by the Constitution and by statute, have been on several occasions subjects of consideration here. In the case of *Durousseau* v. *The United States*,[30] particularly, the whole matter was carefully examined, and the court held, that while "the appellate powers of this court are not given by the judicial act, but are given by the Constitution," they are, nevertheless, "limited and regulated by that act, and by such other acts as have been passed on the subject." The court said, further, that the judicial act was an exercise of the power given by the Constitution to Congress "of making exceptions to the appellate jurisdiction of the Supreme Court." "They have described affirmatively," said the court, "its jurisdiction, and this affirmative description has been understood to imply a negation of the exercise of such appellate power as is not comprehended within it."

The principle that the affirmation of appellate jurisdiction implies the negation of all such jurisdiction not affirmed having been thus established, it was an almost necessary consequence that acts of Congress, providing for the exercise of jurisdiction, should come to be spoken of as acts granting jurisdiction, and not as acts making exceptions to the constitutional grant of it.

The exception to appellate jurisdiction in the case before us, however, is not an inference from the affirmation of other appellate jurisdiction. It is made in terms. The provision of the act of 1867, affirming the appellate jurisdiction of this court in cases of *habeas corpus* is expressly repealed. It is hardly possible to imagine a plainer instance of positive exception.

We are not at liberty to inquire into the

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[21] 13 Louisiana Annual, 175.

[22] 15 Pennsylvania State, 18.

[23] 7 Humphreys, 152.

[24] 3 Greenleaf, 326.

[25] 6 Wallace, 318.

[26] 5 Wallace, 544.

[27] Hollingsworth *v.* Virginia, 3 Dallas, 378.

[28] 13 Howard, 429.

[29] Rex *v.* Justices of London, 3 Burrow, 1456; Yeaton *v.* United States, 5 Cranch, 281; Schooner Rachel *v.* United States, 6 Id. 329; United States *v.* Preston, 3 Peters, 57; Com. *v.* Marshall, 11 Pickering, 350.

[30] 6 Cranch, 312; Wiscart *v.* Dauchy, 3 Dallas, 321.

> motives of the legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of this court is given by express words.
>
> What, then, is the effect of the repealing act upon the case before us? We cannot doubt as to this. Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause. And this is not less clear upon authority than upon principle.
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> Several cases were cited by the counsel for the petitioner in support of the position that jurisdiction of this case is not affected by the repealing act. But none of them, in our judgment, afford any support to it. They are all cases of the exercise of judicial power by the legislature, or of legislative interference with courts in the exercising of continuing jurisdiction.[31]
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> On the other hand, the general rule, supported by the best elementary writers,[32] is, that "when an act of the legislature is repealed, it must be considered, except as to transactions past and closed, as if it never existed." And the effect of repealing acts upon suits under acts repealed, has been determined by the adjudications of this court. The subject was fully considered in *Norris* v. *Crocker*,[33] and more recently in *Insurance Company* v. *Ritchie*.[34] In both of these cases it was held that no judgment could be rendered in a suit after the repeal of the act under which it was brought and prosecuted.
>
> It is quite clear, therefore, that this court cannot proceed to pronounce judgment in this case, for it has no longer jurisdiction of the appeal; and judicial duty is not less fitly performed by declining ungranted jurisdiction than in exercising firmly that which the Constitution and the laws confer.
>
> Counsel seem to have supposed, if effect be given to the repealing act in question, that the whole appellatee power of the court, in cases of *habeas corpus*, is denied. But this is an error. The act of 1868 does not except from that jurisdiction any cases but appeals from Circuit Courts under the act of 1867. It does not affect the jurisdiction which was previously exercised.[35]
>
> The appeal of the petitioner in this case must be
>
> DISMISSED FOR WANT OF JURISDICTION.

Mr. ERVIN. Mr. President, sometimes some of our friends in construing the Constitution agree with the Constitution where the words of the Constitution are in harmony with their ideas. But when the Founding Fathers say something in the Constitution which they do not like, they try to attribute to the plain words of the Constitution a meaning which is wholly incompatible with those words.

Some of them seek to evade the plain consequences of the words of the Constitution which say in substance, in section 2 of article III, that the Supreme Court shall have appellate jurisdiction both as to fact and law with such exceptions and under such regulations as the Congress shall make.

They say that while Congress can define the appellate jurisdiction of the Supreme Court, Congress cannot pass any law which would deny any citizen the right to have any constitutional right such as due process of law.

However, in the McCardle case Congress did not give process at all—no due process, no process. Many acts of Congress, deny jurisdiction to the courts—both original jurisdiction to the Federal trial courts and appellate jurisdiction to the Supreme Court of the United States. One of them is the Norris-La Guardia Act.

About the only power a court of equity really has is the power to issue injunctions. Yet, under the Norris-La Guardia Act, Congress enacted a law, which has been sustained by the Supreme Court, denying the Federal courts, sitting as courts of equity, virtually all of their power to issue injunctions in cases involving labor disputes. Congress did this before enactment of the Taft-Hartley Act and before the enactment of the Wagner Act in order to prevent Federal district courts from ruling labor controversies by injunctions.

(At this point Mr. BYRD of Virginia assumed the chair.)

Mr. ERVIN. The Wagner Act, as amended by the Taft-Hartley Act constitutes the National Labor Relations Act. This act denies Federal courts jurisdiction in respect to all unfair labor practices—that is, original jurisdiction—and gives all that jurisdiction to a board.

As a matter of fact, Congress denied Federal courts of the major portion of the jurisdiction allowable to them in respect to civil cases of a civil nature. It did this by an act which has long been upon the statute books and which was amended a few years ago, with respect to the jurisdictional amount, by the vote of an overwhelming majority of the U.S. Senate.

I cite title 28, section 1331, of the United States Code:

> The district courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of $10,000 exclusive of interest and costs, and arises under the Constitution, laws, or treaties of the United States.

That statute is a recognition of the fact that Congress can define the jurisdiction of Federal courts, in respect to both the original jurisdiction of the inferior courts and the appellate jurisdiction of the Supreme Court. The great majority of cases and controversies which arise in the United States under the Constitution, under the laws, and under the treaties of the United States involve $10,000 or less, exclusive of interest or costs; and this statute denies the Federal courts of jurisdiction of those cases.

One of my colleagues delivered a speech on the floor of the Senate a few days ago in which he cited the case of United States against Klein—a decision reported in 13 Wall. 128—as an authority for the proposition that the two sections I have read into the RECORD are unconstitutional insofar as they attempt to withdraw certain appellate jurisdiction from the Supreme Court of the United States. I am compelled to say that United States against Klein holds exactly the contrary.

United States against Klein declares that if it had been a case in which appellate jurisdiction had, in fact, been denied to the Supreme Court by Congress, the statute would have been a valid enactment of Congress, and the Court would have had to dismiss the case for want of jurisdiction.

The Klein case is very interesting. During the Civil War, Congress passed several statutes providing for the seizure of property. A statute provided, in substance, that any property which was used in the carrying on of the war should be forfeited to the United States. It did not undertake, however, the confiscation of private property. Although it provided for the seizure of private property, it provided that any person who was loyal to the United States—that is, to the Union—could recover any private property seized by the Government; and if the property had been sold by the Government, he could recover the proceeds which had been deposited in the Treasury of the United States.

One of the acts provided that, in furtherance of the purposes of the war, the President could grant pardons upon such conditions as he saw fit, and that the grant of such pardons would in essence entitle a person who had adhered to the Confederacy the right to reclaim his property or the proceeds of his property, in case it had been sold and the proceeds had been paid, as the law required, into the U.S. Treasury.

When Congress created the Court of Claims as an inferior court under article III, it gave the Court of Claims original jurisdiction of cases involving contract claims against the Federal Government and expressly provided that the Supreme Court should have appellate jurisdiction to review the decisions of the Court of Claims. Upon an appeal, the Supreme Court of the United States held that although he had adhered to the Confederacy, Padelford had been pardoned by the President on condition that he should take an oath of loyalty to the United States and abide by that oath. The Court held that the pardon of the President had the effect, from a legal standpoint, of wiping out all the consequences of the man's offense in adhering to the Confederacy, and that consequently he was entitled to the proceeds which the Government had received from the sale of his property and paid into the Treasury.

This decision displeased Congress which passed a law providing, in substance, that a pardon should not have that effect, and that any claimant who had allegedly adhered to the Confederacy would have to prove his case otherwise than by a pardon. Also he would not be entitled to his property where he relied on a pardon because the pardon would be construed to be evidence of his offense unless he had protested at the time he received the pardon that he had not committed the offense and did not need the pardon. The law further provided that wherever a man relied upon a pardon as blotting out his offense, and entitling him to restoration of his property or its proceeds, that the pardon should be construed as evidence of the man's guilt, and, when that appeared, the court should dismiss the case for want of jurisdiction.

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[31] Lanier *v.* Gallatas, 13 Louisiana Annual, 175; De Chastellux *v.* Fairchild, 15 Pennsylvania State, 18; The State *v.* Fleming, 7 Humphreys, 152; Lewis *v.* Webb. 3 Greenleaf, 326.

[32] Dwarris on Statutes, 538.

[33] 13 Howard, 429.

[34] 5 Wallace, 541.

[35] Ex parte McCardle, 6 Wallace, 324.

The Supreme Court held that the statute was unconstitutional, but not because it denied the Court appellate jurisdiction. The Court said it did not deprive the Court of appellate jurisdiction. The Court said that Congress created the Court of Claims as an inferior court and had expressly given the Supreme Court appellate jurisdiction to review its decisions.

I wish to call attention to the portion of the Klein opinion which expressly recognizes the power of the Congress to deprive the Supreme Court of appellate jurisdiction. I read these words from page 145:

> The Court of Claims is thus constituted one of those inferior courts which Congress authorizes, and has jurisdiction of contracts between the government and the citizen, from which appeal regularly lies to this court.
>
> Undoubtedly the legislature has complete control over the organization and existence of that court and may confer or withhold the right of appeal from its decisions. And if this act did nothing more, it would be our duty to give it effect. If it simply denied the right of appeal in a particular class of cases, there could be no doubt that it must be regarded as an exercise of the power of Congress to make "such exceptions from the appellate jurisdiction" as should seem to it expedient.
>
> But the language of the proviso shows plainly that it does not intend to withhold appellate jurisdiction except as a means to an end. Its great and controlling purpose is to deny to pardons granted by the President the effect which this court had adjudged them to have.

The Court proceeded to hold further that Congress had not withheld appellate jurisdiction but on the contrary had given the Supreme Court appellate jurisdiction to review decisions of the Court of Claims.

With respect to the act under consideration in the Klein case, the Court said:

> It seems to us that this is not an exercise of the acknowledged power of Congress to make exceptions and prescribe regulations to the appellate power.

Then, it proceeded to hold that Congress had left the Supreme Court with its appellate jurisdiction of claims originating in the Court of Claims but it attempted to require the Court to make decisions conforming to the will of Congress instead of to the evidence in the case.

The Supreme Court held, in essence, in the Klein case that Congress had expressly given it appellate jurisdiction to review decisions of the Court of Claims when it created that court and had recognized the continued existence of such jurisdiction in the statute whereby it undertook to circumvent the ruling made in the Padelford case by providing that the Court should dismiss the appeal for want of jurisdiction to entertain it if, and only if, it found on its consideration of the appeal that the claimant was entitled to the relief he sought under the law announced in the Padelford case because he had received a Presidential pardon granting him amnesty for adhering to the Confederacy.

So, Mr. President (Mr. TYDINGS in the chair), the Supreme Court condemned the statute, not because it deprived the court of appellate jurisdiction but because it tried to tell the court what kind of decision it could make and required the court to give a false interpretation to a Presidential pardon. The Court said that the statute was unconstitutional because it violated the principle of separation of powers which leaves making of the laws to the Congress and deciding of cases to the Court.

It said on page 147:

> The court is forbidden to give the effect to evidence which, in its own judgment, such evidence should have, and is directed to give it an effect precisely contrary.
>
> We must think that Congress has inadvertently passed the limit which separates the legislative from the judicial power.

Then, the Court proceeded further to say that the statute not only violated the doctrine of separation of powers by trying to tell the court what kind of decision it should make, but also said it violated the provision of the Constitution which gives the President the power to grant pardons.

The Court said:

> It is the intention of the Constitution that each of the great co-ordinate departments of the government—the Legislative, the Executive, and the Judicial—shall be, in its sphere, independent of the others. To the executive alone is intrusted the power of pardon; and it is granted without limit. Pardon includes amnesty. It blots out the offence pardoned and removes all its penal consequences. It may be granted on conditions. In these particular pardons, that no doubt might exist as to their character, restoration of property was expressly pledged, and the pardon was granted on condition that the person who availed himself of it should take and keep a prescribed oath.
>
> Now it is clear that the legislature cannot change the effect of such a pardon any more than the executive can change a law. Yet this is attempted by the provision under consideration. The court is required to receive special pardons as evidence of guilt and to treat them as null and void. It is required to disregard pardons granted by proclamation on condition, though the condition has been fulfilled, and to deny them their legal effect. This certainly impairs the executive authority and directs the court to be instrumental to that end.

Mr. President, I ask unanimous consent that a copy of the decision of United States against Klein be printed in the RECORD.

There being no objection, the Supreme Court decision was ordered to be printed in the RECORD, as follows:

UNITED STATES *v.* KLEIN

"1. The act of March 12th, 1863 (12 Stat. at Large, 820), to provide for the collection of abandoned and captured property in insurrectionary districts within the United States, does not confiscate, or in any case absolutely divest the property of the original owner, even though disloyal. By the seizure the government constituted itself a trustee for those who were entitled or whom it should thereafter recognize as entitled.

"2. By virtue of the act of 17th July, 1862, authorizing the President to offer pardon on such conditions as he might think advisable, and the proclamation of 8th December, 1863, which promised a restoration of all rights of property, except as to slaves, on condition that the prescribed oath be taken and kept inviolate, the persons who had faithfully accepted the conditions offered became entitled to the proceeds of their property thus paid into the treasury, on application within two years from the close of the war.

"3. The repeal, by an act of 21st January, 1867 (after the war had closed), of the act of 17th July, 1862, authorizing the executive to offer pardon, did not alter the operation of the pardon, or the obligation of Congress to give full effect to it if necessary by legislation.

"4. The proviso in the appropriation act of July 12th, 1870 (16 Stat. at Large, 235), in substance—

"That no pardon or amnesty granted by the President shall be admissible in evidence on the part of any claimant in the Court of Claims as evidence in support of any claim against the United States, or to establish the standing of any claimant in said court, or his right to bring or maintain suit therein; and that no such pardon or amnesty heretofore put in evidence on behalf of any claimant in that court be considered by it, or by the appellate court on appeal from said court in deciding upon the claim of such claimant, or any appeal therefrom, as any part of the proof to sustain the claim of the claimant, or to entitle him to maintain his action in the Court of Claims, or on appeal therefrom, . . . but that proof of loyalty (such as the proviso goes on to mention), shall be made irrespective of the effect of any executive proclamation, pardon, amnesty, or other act of condonation or oblivion. And that is all cases where judgment shall have been heretofore rendered in the Court of Claims in favor of any claimant on any other proof of loyalty than such as the proviso requires, this court shall, on appeal, have no further jurisdiction of the cause, and shall dismiss the same for want of jurisdiction:

" 'And further, that whenever any pardon shall have heretofore been granted by the President to any person bringing suit in the Court of Claims for the proceeds of abandoned or captured property under the act of March 12th, 1863; and such pardon shall recite, in substance, that such person took part in the late rebellion, or was guilty of any act of rebellion against, or disloyalty to, the United States, and such pardon shall have been accepted, in writing, by the person to whom the same issued, without an express disclaimer of and protestation against such fact of guilt contained in such acceptance, such pardon and acceptance shall be taken and deemed in such suit in the said Court of Claims, and on appeal therefrom, conclusive evidence that such person did take part in and give aid and comfort to the late rebellion, and did not maintain true allegiance or consistently adhere to the United States, and on proof of such pardon and acceptance the jurisdiction of the court in the case shall cease, and the court shall forthwith dismiss the suit of such claimant'—

is in conflict with the views expressed in paragraphs 1, 2, and 3, above; and is unconstitutional and void. Its substance being that an acceptance of a pardon without a disclaimer shall be conclusive evidence of the acts pardoned, but shall be null and void as evidence of rights conferred by it, both in the Court of Claims and in this court; it invades the powers both of the judicial and of the executive departments of the government."

This was a motion by *Mr. Ackerman, Attorney-General,* in behalf of the United States, to remand an appeal from the Court of Claims which the government had taken in June, 1869, with a mandate that the same be dismissed for want of jurisdiction as now required by law.

The case was thus:

Congress, during the progress of the late rebellion, passed various laws to regulate the subject of forfeiture, confiscation, or appropriation to public use without compensation, of private property whether real or personal of non-combatant enemies.

The first was the act of July 13th, 1861.[1] It made liable to seizure and forfeiture all property passing to and fro between the loyal and insurrectionary States, and the vessels and vehicles by which it should be attempted to be conveyed.

So an act of August 6th, 1861,[2] subjected to seizure and forfeiture all property of every kind, used or intended to be used in aiding, abetting, or promoting the insurrection, or allowing or permitting it to be so used.

These statutes require judicial condemnation to make the forfeiture complete.

A more general law, and one upon which most of the seizures made during the rebellion was founded, is the act of July 17th, 1862.[3] It provides for the punishment of treason, and specifies its disqualifications and disabilities. In its sixth section, it provides that every person who shall be engaged in or be aiding the rebellion, and shall not cease and return to his allegiance within sixty days after proclamation made by the President of the United States, shall forfeit all his property, &c. The proclamation required by this act was issued by the President on the 25th day of July, 1862.[4] The sixty days expired September 23d, 1862.

On the 12th of March, 1863, Congress passed another species of act—the one entitled "An act to provide for the collection of abandoned property, &c., in insurrectionary districts within the United States." The statute authorized the Secretary of the Treasury to appoint special agents to receive and collect all abandoned or captured property in any State or Territory in insurrection: "*Provided*, That such property shall not include any kind or description which has been used, or which was intended to be used, for waging or carrying on war against the United States, such as arms, ordnance, ships, steamboats, or other watercraft, and their furniture, forage, military supplies, or munitions of war."

The statute went on:

"And any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims; *and on proof to the satisfaction of said court* of his ownership of said property, of his right to the proceeds thereof, and *that he has never given any aid or comfort to the present rebellion*, to receive the residue of such proceeds after the deduction of any purchase money which may have been paid, together with the expense of transportation and sale of said property, and any other lawful expenses attending the disposition thereof."

Some other acts, amendatory of this one or relating to the Court of Claims, required proof of the petitioner's loyalty during the rebellion as a condition precedent to recovery.

By the already-mentioned confiscation act of July 17th, 1862, the President was authorized by proclamation to extend to persons who had participated in rebellion, pardon, and amnesty, with such exceptions, and at such times, and on such conditions as he should deem expedient for the public welfare.

And on the 8th of December, 1863, he did issue his proclamation, reciting the act, and that certain persons who had been engaged in the rebellion desired to resume their allegiance and reinaugurate loyal State governments within and for their respective States. And thereupon proclaimed that a full pardon should be thereby granted to them, with restoration of all rights of property, except as to slaves, and in property cases where rights of third parties shall have intervened; and upon condition that every such person shall take and subscribe a prescribed oath of allegiance, and thenceforward keep and maintain said oath inviolate, &c.

Under this proclamation, V. F. Wilson, who during the rebellion had voluntarily become the surety on the official bonds of certain officers of the rebel confederacy, and so given aid and comfort to it, took, February 15th, 1864, this oath of allegiance, and had kept the same inviolate.

He himself having died in 1865, one Klein, his administrator, filed a petition in the Court of Claims, setting forth Wilson's ownership of certain cotton which he had abandoned to the treasury agents of the United States, and which they had sold; putting the proceeds into the Treasury of the United States, where they now were, and from which the petitioner sought to obtain them. This petition was filed December 26th, 1865.

The section of the act of 1862, by which the President was authorized to extend pardon and amnesty on such conditions as he should deem expedient for the public welfare, was repealed on the 21st of January, 1867.[5]

The Court of Claims, on the 26th May, 1869, decided that Wilson had been entitled to receive the proceeds of his cotton, and decreed $125,300 to Klein, the administrator of his estate. An appeal was taken by the United States June 3d, following, and filed in this court on the 11th December, of the same year.

Previously to this case of Klein's the Court of Claims had had before it the case of one Padelford, quite like this one; for there also the claimant, who had abandoned his cotton and now claimed its proceeds, having participated in the rebellion, had taken the amnesty oath. The Court of Claims held that the oath cured his participation in the rebellion, and so it gave him a decree for the proceeds of his cotton in the treasury. The United States brought that case here by appeal,[6] and the decree of the Court of Claims was affirmed; this court declaring that although Padelford had participated in the rebellion, yet, that having been pardoned, he was as innocent in law as though he had never participated, and that his property was purged of whatever offence he had committed and relieved from any penalty that he might have incurred. The judgment of this court, to the effect above mentioned, was publicly announced on the 30th of April, 1870.

Soon after this—the bill making appropriations for the legislative, executive, and judicial expenses of the government for the year 1870–71, then pending in Congress—the following was introduced as a proviso to an appropriation of $100,000, in the first section, for the payment of judgments in the Court of Claims, and with this proviso in it the bill became a law July 12th, 1870;[7]

"*Provided*, That no pardon or amnesty granted by the President, whether general or special, by proclamation or otherwise, nor any acceptance of such pardon or amnesty, nor oath taken, or other act performed in pursuance or as a condition thereof, shall be admissible in evidence on the part of any claimant in the Court of Claims as evidence in support of any claim against the United States, or to establish the standing of any claimant in said court, or his right to bring or maintain suit therein; nor shall any such pardon, amnesty, acceptance, oath, or other act as aforesaid, heretofore offered or put in evidence on behalf of any claimant in said court, be used or considered by said court, or by the appellate court on appeal from said court, in deciding upon the claim of said claimant, or any appeal therefrom, as any part of the proof to sustain the claim of the claimant, or to entitle him to maintain his action in said Court of Claims, or on appeal therefrom; but the proof of loyalty required by the Abandoned and Captured Property Act, and by the sections of several acts quoted, shall be made by proof of the matters required, irrespective of the effect of any executive proclamation, pardon, amnesty, or other act of condonation or oblivion. And in all cases where judgment shall have been heretofore rendered in the Court of Claims in favor of any claimant, on any other proof of loyalty than such as is above required and provided, and which is hereby declared to have been and to be the true intent and meaning of said respective acts, the Supreme Court shall, on appeal, have no further jurisdiction of the cause, and shall dismiss the same for want of jurisdiction.

"*And provided further*, That whenever any pardon shall have heretofore been granted by the President of the United States to any person bringing suit in the Court of Claims for the proceeds of abandoned or captured property under the said act, approved 12th March, 1863, and the acts amendatory of the same, and such pardon shall recite in substance that such person took part in the late rebellion against the government of the United States, or was guilty of any act of rebellion against, or disloyalty to, the United States; and such pardon shall have been accepted in writing by the person to whom the same issued without an express disclaimer of, and protestation against, such fact of guilt contained in such acceptance, such pardon and acceptance shall be taken and deemed in such suit in the said Court of Claims, and on appeal therefrom, conclusive evidence that such person did take part in, and give aid and comfort to, the late rebellion, and did not maintain true allegiance or consistently adhere to the United States; and on proof of such pardon and acceptance, which proof may be heard summarily on motion or otherwise, the jurisdiction of the court in the case shall cease, and the court shall forthwith dismiss the suit of such claimant."

The motion already mentioned, of the Attorney-General that the case be remanded to the Court of Claims with a mandate that the same be dismissed for want of jurisdiction, as *now* required by law, was, of course, founded on this enactment in the appropriation bill of July 12th, 1870.

Mr. Ackerman, Attorney-General, Mr. Bristow, Solicitor-General, and Mr. C. H. Hill, Assistant Attorney-General, in support of the motion:

The United States as sovereign are not liable to suit at all, and if they submit themselves to suit it is *ex gratiá*, and on such terms as they may see fit.

Accordingly the right of the Court of Claims to entertain jurisdiction of cases in which the United States are defendants, and to render judgments against them, exists only by virtue of acts of Congress granting such jurisdiction, and it is limited precisely to such cases, both in regard to *parties* and to the *cause of action*, as Congress has prescribed, which body may also define *the terms on which judgments shall be rendered against the government*, either as to classes of cases or as to individual cases.

Rules of evidence are at all times subject to legislative modification and control, and the alterations which are enacted therein by the legislature may be made applicable as well to existing as to future causes of action. In prescribing the evidence which shall be received in its courts, and the effect of that evidence, the state is exercising its acknowledged powers.

From the foregoing propositions it follows:

1. That Congress may prescribe what shall or shall not be received in evidence in sup-

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[1] 12 Stat. at Large, 257.

[2] Ib. 589.

[3] Ib. 319.

[4] Id. 1266.

[5] 14 Stat. at Large, 377.

[6] United States v. Padelford, 9 Wallace, 531.

[7] 16 Stat. at Large, 235.

port of a claim on which suit is brought against the government, or in support of the right of the claimant to maintain his suit, and, on the other hand, may declare what shall be the effect of certain evidence when offered in behalf of the government.

2. That it may withdraw entirely from the consideration of the court evidence of a particular kind in behalf of the claimant, even after the same has been submitted to and received by the court.

3. That it may, upon the presentation of proof of a certain description in behalf of the government, determine the jurisdiction of the court over the particular subject.

4. That it may, even in cases where judgment has been rendered in favor of the claimant on certain proof, and not withstanding the proof was competent at the time of the rendering of the judgment, interpose when such cases are afterwards brought before the appellate court and require the same to be dismissed by the latter.

These different things are what are done, and no more is done by different parts of the proviso in question.

Messrs. Bartley and Casey, P. Phillips, Carlisle, McPherson, and T. D. Lincoln, arguing in this or similar cases against the motion.

The Chief Justice delivered the opinion of the court.

The general question in this case is whether or not the proviso relating to suits for the proceeds of abandoned and captured property in the Court of Claims, contained in the appropriation act of July 12th, 1870, debars the defendant in error from recovering, as administrator of V. F. Wilson, deceased, the proceeds of certain cotton belonging to the decedent, which came into the possession of the agents of the Treasury Department as captured or abandoned property, and the proceeds of which were paid by them according to law into the Treasury of the United States.

The answer to this question requires a consideration of the rights of property, as affected by the late civil war, in the hands of citizens engaged in hostilities against the United States.

It may be said in general terms that property in the insurgent States may be distributed into four classes:

1st. That which belonged to the hostile organizations or was employed in actual hostilities on land.

2d. That which at sea became lawful subject of capture and prize.

3d. That which became the subject of confiscation.

4th. A peculiar description, known only in the recent war, called captured and abandoned property.

The first of these descriptions of property, like property of other like kind in ordinary international wars, became, wherever taken, *ipso facto*, the property of the United States.[8]

The second of these descriptions comprehends ships and vessels with their cargoes belonging to the insurgents or employed in aid of them; but property in these was not changed by capture alone but by regular judicial proceeding and sentence.

Accordingly it was provided in the Abandoned and Captured Property Act of March 12th, 1863,[9] that the property to be collected under it "shall not include any kind or description used or intended to be used for carrying on war against the United States, such as arms, ordnance, ships, steamboats and their furniture, forage, military supplies, or munitions of war."

Almost all the property of the people in the insurgent States was included in the third description, for after sixty days from the date of the President's proclamation of July 25th, 1862,[10] all the estates and property of those who did not cease to aid, countenance, and abet the rebellion became liable to seizure and confiscation, and it was made the duty of the President to cause the same to be seized and applied, either specifically or in the proceeds thereof, to the support of the army.[11] But it is to be observed that tribunals and proceedings were provided, by which alone such property could be condemned, and without which it remained unaffected in the possession of the proprietors.

It is thus seen that, except to property used in actual hostilities, as mentioned in the first section of the act of March 12th, 1863, no titles were divested in the insurgent States unless in pursuance of a judgment rendered after due legal proceedings. The government recognized to the fullest extent the humane maxims of the modern law of nations, which exempt private property of non-combatant enemies from capture as booty of war. Even the law of confiscation was sparingly applied. The cases were few indeed in which the property of any not engaged in actual hostilities was subjected to seizure and sale.

The spirit which animated the government received special illustration from the act under which the present case arose. We have called the property taken into the custody of public officers under that act a peculiar species, and it was so. There is, so far as we are aware, no similar legislation mentioned in history.

The act directs the officers of the Treasury Department to take into their possession and make sale of all property abandoned by its owners or captured by the national forces, and to pay the proceeds into the national treasury.

That it was not the intention of Congress that the title to those proceeds should be divested absolutely out of the original owners of the property seems clear upon a comparison of different parts of the act.

We have already seen that those articles which became by the simple fact of capture the property of the captor, as ordnance, munitions of war, and the like, or in which third parties acquired rights which might be made absolute by decree; as ships and other vessels captured as prize, were expressly excepted from the operation of the act; and it is reasonable to infer that it was the purpose of Congress that the proceeds of the property for which the special provision of the act was made should go into the treasury without change of ownership. Certainly such was the intention in respect to the property of loyal men. That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal, appears probable from the circumstance that no provision is anywhere made for confiscation of it; while there is no trace in the statute book of intention to divest ownership of private property not excepted from the effect of this act, otherwise than by proceedings for confiscation.

In the case of Padelford we held that the right to the possession of private property was not changed until actual seizure by proper military authority, and that actual seizure by such authority did not divest the title under the provisions of the Abandoned and Captured Property Act. The reasons assigned seem fully to warrant the conclusion. The government constituted itself the trustee for those who were by that act declared entitled to the proceeds of captured and abandoned property, and for those whom it should thereafter recognize as entitled. By the act itself it was provided that any person claiming to have been the owner of such property might prefer his claim to the proceeds thereof, and, on proof that he had never given aid or comfort to the rebellion, receive the amount after deducting expenses.

This language makes the right to the remedy dependent upon proof of loyalty, but implies that there may be proof of ownership without proof of loyalty. The property of the original owner is, in no case, absolutely divested. There is, as we have already observed, no confiscation, but the proceeds of the property have passed into the possession of the government, and restoration of the property is pledged to none except to those who have continually adhered to the government. Whether restoration will be made to others, or confiscation will be enforced, is left to be determined by considerations of public policy subsequently to be developed.

It is to be observed, however, that the Abandoned and Captured Property Act was approved on the 12th of March, 1863, and on the 17th of July, 1862, Congress had already passed an act—the same which provided for confiscation—which authorized the President, "at any time hereafter, by proclamation, to extend to persons who may have participated in the existing rebellion, in any State or part thereof, pardon and amnesty, with such exceptions and at such time and on such conditions as he may deem expedient for the public welfare." The act of the 12th of March, 1863, provided for the sale of enemies' property collected under the act, and payment of the proceeds into the treasury, and left them there subject to such action as the President might take under the act of the 17th of July, 1863. What was this action?

The suggestion of pardon by Congress for such it was, rather than authority, remained unacted on for more than a year. At length, however, on the 8th of December, 1863,[12] the President issued a proclamation, in which he referred to that act, and offered a full pardon, with restoration of all rights of property, except as to slaves and property in which rights of third persons had intervened, to all, with some exceptions, who, having been engaged in the rebellion as actual participants, or as aiders or abettors, would take and keep inviolate a prescribed oath. By this oath the person seeking to avail himself of the offered pardon was required to promise that he would thenceforth support the Constitution of the United States and the union of the States thereunder, and would also abide by and support all acts of Congress and all proclamations of the President in reference to slaves, unless the same should be modified or rendered void by the decision of this court.

In his annual message, transmitted to Congress on the same day, the President said "the Constitution authorizes the Executive to grant or withhold pardon at his own absolute discretion." He asserted his power "to grant it on terms as fully established." and explained the reasons which induced him to require applicants for pardon and restoration of property to take the oath prescribed, in these words: "Laws and proclamations were enacted and put forth for the purpose of aiding in the suppression of the rebellion. To give them their fullest effect there had to be a pledge for their maintenance. In my judgment they have aided, and will further aid, the cause for which they were intended. To now abandon them would not only be to relinquish a lever of power, but would also be a cruel and astounding breach of faith . . . For these and other reasons it is thought best that support of these measures shall be included in the oath, and it is believed the Executive may lawfully claim it in return for pardon and restoration of forfeited rights, which he has clear constitutional power to withhold altogether or grant upon the terms which he shall deem wisest for the public interest."

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[8] Halleck's International Law.

[9] 12 Stat. at Large, 820.

[10] Ib. 1266.

[11] Ib. 590.

[12] 13 Stat. at Large, 737.

The proclamation of pardon, by a qualifying proclamation issued on the 26th of March, 1864,[13] was limited to those persons only who, being yet at large and free from confinement or duress, shall voluntarily come forward and take the said oath with the purpose of restoring peace and establishing the national authority.

On the 29th of May, 1865,[14] amnesty and pardon, with the restoration of the rights of property except as to slaves, and that as to which legal proceedings had been instituted under laws of the United States, were again offered to all who had, directly or indirectly, participated in the rebellion, except certain persons included in fourteen classes. All who embraced this offer were required to take and subscribe an oath of like tenor with that required by the first proclamation.

On the 7th of September, 1867,[15] still another proclamation was issued, offering pardon and amnesty, with restoration of property, as before and on the same oath, to all but three excepted classes.

And finally, on the 4th of July, 1868,[16] a full pardon and amnesty was granted, with some exceptions, and on the 25th of December, 1868,[17] without exception, unconditionally and without reservation, to all who had participated in the rebellion, with restoration of rights of property as before. No oath was required.

It is true that the section of the act of Congress which purported to authorize the proclamation of pardon and amnesty by the President was repealed on the 21st of January, 1867; but this was after the close of the war, when the act had ceased to be important as an expression of the legislative disposition to carry into effect the clemency of the Executive, and after the decision of this court that the President's power of pardon "is not subject to legislation;" that "Congress can neither limit the effect of his pardon, nor exclude from its exercise any class of offenders."[18] It is not important, therefore, to refer to this repealing act further than to say that it is impossible to believe, while the repealed provision was in full force, and the faith of the legislature as well as the Executive was engaged to the restoration of the rights of property promised by the latter, that the proceeds of property of persons pardoned, which had been paid into the treasury, were to be withheld from them. The repeal of the section in no respect changes the national obligation, for it does not alter at all the operation of the pardon, or reduce in any degree the obligations of Congress under the Constitution to give full effect to it, if necessary, by legislation.

We conclude, therefore, that the title to the proceeds of the property which came to the possession of the government by capture or abandonment, with the exceptions already noticed, was in no case divested out of the original owner. It was for the government itself to determine whether these proceeds should be restored to the owner or not. The promise of the restoration of all rights of property decides that question affirmatively as to all persons who availed themselves of the proffered pardon. It was competent for the President to annex to his offer of pardon any conditions or qualifications he should see fit; but after those conditions and qualifications had been satisfied, the pardon and its connected promises took full effect. The restoration of the proceeds became the absolute right of the persons pardoned, on application within two years from the close of the war. It was, in fact, promised for an equivalent. "Pardon and restoration of political rights" were "in return" for the oath and its fulfillment. To refuse it would be a breach of faith not less "cruel and astounding" than to abandon the freed people whom the Executive had promised to maintain in their freedom.

What, then, was the effect of the provision of the act of 1870 [19] upon the right of the owner of the cotton in this case? He had done certain acts which this court [20] has adjudged to be acts in aid of the rebellion; but he abandoned the cotton to the agent of the Treasury Department, by whom it has been sold and the proceeds paid into the Treasury of the United States; and he took, and has not violated, the amnesty oath under the President's proclamation. Upon this case the Court of Claims pronounced him entitled to a judgment for the net proceeds in the treasury. This decree was rendered on the 26th of May, 1869; the appeal to this court made on the 3d of June, and was filed here on the 11th of December, 1869.

The judgment of the court in the case of Padelford, which, in its essential features, was the same with this case, was rendered on the 30th of April, 1870. It affirmed the judgment of the Court of Claims in his favor.

Soon afterwards the provision in question was introduced as a proviso to the clause in the general appropriation bill, appropriating a sum of money for the payment of judgments of the Court of Claims, and became a part of the act, with perhaps little consideration in either House of Congress.

This proviso declares in substance that no pardon, acceptance, oath, or other act performed in pursuance, or as a condition of pardon, shall be admissible in evidence in support of any claim against the United States in the Court of Claims, or to establish the right of any claimant to bring suit in that court; nor, if already put in evidence, shall be used or considered on behalf of the claimant, by said court, or by the appellate court on appeal. Proof of loyalty is required to be made according to the provisions of certain statutes, irrespective of the effect of any executive proclamation, pardon, or amnesty, or act of oblivion; and when judgment has been already rendered on other proof of loyalty, the Supreme Court, on appeal, shall have no further jurisdiction of the cause, and shall dismiss the same for want of jurisdiction. It is further provided that whenever any pardon, granted to any suitor in the Court of Claims, for the proceeds of captured and abandoned property, shall recite in substance that the person pardoned took part in the late rebellion, or was guilty of any act of rebellion or disloyalty, and shall have been accepted in writing without express disclaimer and protestation against the fact so recited, such pardon or acceptance shall be taken as conclusive evidence in the Court of Claims and on appeal, that the claimant did give aid to the rebellion; and on proof of such pardon, or acceptance, which proof may be made summarily on motion or otherwise, the jurisdiction of the court shall cease, and the suit shall be forthwith dismissed.

The substance of this enactment is that an acceptance of a pardon, without disclaimer, shall be conclusive evidence of the acts pardoned, but shall be null and void as evidence of the rights conferred by it, both in the Court of Claims and in this court on appeal.

It was urged in argument that the right to sue the government in the Court of Claims is a matter of favor; but this seems not entirely accurate. It is as much the duty of the government as of individuals to fulfill its obligations. Before the establishment of the Court of Claims claimants could only be heard by Congress. That court was established in 1855 [21] for the triple purpose of relieving Congress, and of protecting the government by regular investigation, and of benefiting the claimants by affording them a certain mode of examining and adjudicating upon their claims. It was required to hear and determine upon claims founded upon any law of Congress, or upon any regulation of an executive department, or upon any contract, express or implied, with the government of the United States.[22] Originally it was a court merely in name, for its power extended only to the preparation of bills to be submitted to Congress.

In 1863 the number of judges was increased from three to five, its jurisdiction was enlarged, and, instead of being required to prepare bills for Congress, it was authorized to render final judgment, subject to appeal to this court and to an estimate by the Secretary of the Treasury of the amount required to pay each claimant.[23] This court being of opinion [24] that the provision for an estimate was inconsistent with the finality essential to judicial decisions. Congress repealed that provision.[25] Since then the Court of Claims has exercised all the functions of a court, and this court has taken full jurisdiction on appeal.[26]

The Court of Claims is thus constituted one of those inferior courts which Congress authorizes, and has jurisdiction of contracts between the government and the citizen, from which appeal regularly lies to this court.

Undoubtedly the legislature has complete control over the organization and existence of that court and may confer or withhold the right of appeal from its decisions. And if this act did nothing more, it would be our duty to give it effect. If it simply denied the right of appeal in a particular class of cases, there could be no doubt that it must be regarded as an exercise of the power of Congress to make "such exceptions from the appellate jurisdiction" as should seem to it expedient.

But the language of the proviso shows plainly that it does not intend to withhold appellate jurisdiction except as a means to an end. Its great and controlling purpose is to deny to pardons granted by the President the effect which this court had adjudged them to have. The proviso declares that pardons shall not be considered by this court on appeal. We had already decided that it was our duty to consider them and give them effect, in cases like the present, as equivalent to proof of loyalty. It provides that whenever it shall appear that any judgment of the Court of Claims shall have been founded on such pardons, without other proof of loyalty, the Supreme Court shall have no further jurisdiction of the case and shall dismiss the same for want of jurisdiction. The proviso further declares that every pardon granted to any suitor in the Court of Claims and reciting that the person pardoned has been guilty of any act of rebellion or disloyalty, shall, if accepted in writing without disclaimer of the fact recited, be taken as conclusive evidence in that court and on appeal, of the act recited; and on proof of pardon or acceptance, summarily made on motion or otherwise, the jurisdiction of the court shall cease and the suit shall be forthwith dismissed.

It is evident from this statement that the denial of jurisdicion to this court, as well as to the Court of Claims, is founded solely on the application of a rule of decision, in causes pending, prescribed by Congress. The court has jurisdiction of the cause to a given point; but when it ascertains that a certain state of things exists, its jurisdiction is to cease and it is required to dismiss the cause for want of jurisdiction.

It seems to us that this is not an exercise of the acknowledged power of Congress to make exceptions and prescribe regulations to the appellate power.

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[13] 13 Stat. at Large, 741.

[14] 13 Stat. at Large, 758.

[15] 15 Id. 699.

[16] Ib. 702.

[17] Ib. 711.

[18] 14th January, 1967.

[19] 16 Stat. at Large, 235.

[20] United States *v*. Padelford, 9 Wallace, 531.

[21] 10 Stat. at Large, 612.

[22] Ib.

[23] 12 Ib. 765.

[24] 2 Wallace, 561.

[25] 14 Stat. at Large, 9.

[26] 14 Stat. at Large, 44, 391, 444.

The court is required to ascertain the existence of certain facts and thereupon to declare that its jurisdiction on appeal has ceased, by dismissing the bill. What is this but to prescribe a rule for the decision of a cause in a particular way? In the case before us, the Court of Claims has rendered judgment for the claimant and an appeal has been taken to this court. We are directed to dismiss the appeal, if we find that the judgment must be affirmed, because of a pardon granted to the intestate of the claimants. Can we do so without allowing one party to the controversy to decide it in its own favor? Can we do so without allowing that the legislature may prescribe rules of decision to the Judicial Department of the government in cases pending before it?

We think not; and thus thinking, we do not at all question what was decided in the case of *Pennsylvania* v. *Wheeling Bridge Company*.[27] In that case, after a decree in this court that the bridge, in the then state of the law, was a nuisance and must be abated as such, Congress passed an act legalizing the structure and making it a post-road; and the court, on a motion for process to enforce the decree, held that the bridge had ceased to be a nuisance by the exercise of the constitutional powers of Congress, and denied the motion. No arbitrary rule of decision was prescribed in that case, but the court was left to apply its ordinary rules to the new circumstances created by the act. In the case before us no new circumstances have been created by legislation. But the court is forbidden to give the effect to evidence which, in its own judgment, such evidence should have, and is directed to give it an effect precisely contrary.

We must think that Congress has inadverently passed the limit which separates the legislative from the judicial power.

It is of vital importance that these powers be kept distinct. The Constitution provides that the judicial power of the United States shall be vested in one Supreme Court and such inferior courts as the Congress shall from time to time ordain and establish. The same instrument, in the last clause of the same article, provides that in all cases other than those of original jurisdiction, "the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make."

Congress has already provided that the Supreme Court shall have jurisdiction of the judgments of the Court of Claims on appeal. Can it prescribe a rule in conformity with which the court must deny to itself the jurisdiction thus conferred, because and only because its decision, in accordance with settled law, must be adverse to the government and favorable to the suitor? This question seems to us to answer itself.

The rule prescribed is also liable to just exception as impairing the effect of a pardon, and thus infringing the constitutional power of the Executive.

It is the intention of the Constitution that each of the great co-ordinate departments of the government—the Legislative, the Executive, and the Judicial—shall be, in its sphere, independent of the others. To the executive alone is entrusted the power of pardon; and it is granted without limit. Pardon includes amnesty. It blots out the offence pardoned and removes all its penal consequences. It may be granted on conditions. In these particular pardons, that no doubt might exist as to their character, restoration of property was expressly pledged, and the pardon was granted on condition that the person who availed himself of it should take and keep a prescribed oath.

Now it is clear that the legislature cannot change the effect of such a pardon any more than the executive can change a law. Yet this is attempted by the provision under consideration. The court is required to receive special pardons as evidence of guilt and to treat them as null and void. It is required to disregard pardons granted by proclamation on condition, though the condition has been fulfilled, and to deny them their legal effect. This certainly impairs the executive authority and directs the court to be instrumental to that end.

We think it unnecessary to enlarge. The simplest statement is the best.

We repeat that it is impossible to believe that this provision was not inserted in the appropriation bill through inadvertence; and that we shall not best fulfill the deliberate will of the legislature by DENYING the motion to dismiss and AFFIRMING the judgment of the Court of Claims; which is ACCORDINGLY DONE.

Mr. Justice MILLER (with whom concurred Mr. Justice BRADLEY), dissenting.

I cannot agree to the opinion of the court just delivered in an important matter; and I regret this the more because I do agree to the proposition that the proviso to the act of July 12th, 1870, is unconstitutional, so far as it attempts to prescribe to the judiciary the effect to be given to an act of pardon or amnesty by the President. This power of pardon is confided to the President by the Constitution, and whatever may be its extent or its limits, the legislative branch of the government cannot impair its force or effect in a judicial proceeding in a constitutional court. But I have not been able to bring my mind to concur in the proposition that, under the act concerning captured and abandoned property, there remains in the former owner, who had given aid and comfort to the rebellion, any interest whatever in the property or its proceeds when it had been sold and paid into the treasury or had been converted to the use of the public under that act. I must construe this act, as all others should be construed, by seeking the intention of its framers, and the intention to restore the proceeds of such property to the loyal citizen, and to transfer it absolutely to the government in the case of those who had given active support to the rebellion, is to me too apparent to be disregarded. In the one case the government is converted into a trustee for the former owner; in the other it appropriates it to its own use as the property of a public enemy captured in war. Can it be inferred from anything found in the statute that Congress intended that this property should ever be restored to the disloyal? I am unable to discern any such intent. But if it did, why was not some provision made by which the title of the government could at some time be made perfect, or that of the owner established? Some judicial proceeding for confiscation would seem to be necessary if there remains in the disloyal owner any right or interest whatever. But there is no such provision, and unless the *act* intended to forfeit absolutely the right of the disloyal owner, the proceeds remain in a condition where the owner cannot maintain a suit for its recovery, and the United States can obtain no perfect title to it.

This statute has recently received the attentive consideration of the court in two reported cases.

In the case of the *United States* v. *Anderson*,[28] in reference to the relation of the government to the money paid into the treasury under this act, and the difference between the property of the loyal and disloyal owner, the court uses language hardly consistent with the opinion just read. It says that Congress, in a spirit of liberality, constituted the government a trustee for *so much* of this property as belonged to the faithful Southern people, and while it directed that *all* of it should be sold and its proceeds paid into the treasury, gave to *this class* of persons an opportunity to establish their right to the proceeds. Again, it is said, that "the measure, in itself of great beneficence, was practically important only in its application to the *loyal Southern* people, and sympathy for their situation doubtless prompted Congress to pass it." These views had the unanimous concurrence of the court. If I understand the present opinion, however, it maintains that the government, in taking possession of this property and selling it, became the trustee of all the former owners, whether loyal or disloyal, and holds it for the latter until pardoned by the President, or until Congress orders it to be restored to him.

The other case which I refer to is that of *United States* v. *Padelford*.[29] In that case the opinion makes a labored and successful effort to show that Padelford, the owner of the property, had secured the benefit of the amnesty proclamation *before* the property was seized under the same statute we are now considering. And it bases the right of Padelford to recover its proceeds in the treasury on the fact that *before the capture* his *status* as a loyal citizen had been restored, and with it all his rights of property, although he had previously given aid and comfort to the rebellion. In this view I concurred with all my brethren. And I hold now that as long as the possession or title of property remains in the party, the pardon or the amnesty remits all right in the government to forfeit and confiscate it. But where the property has already been seized and sold, and the proceeds paid into the treasury, and it is clear that the statute contemplates no further proceeding as necessary to divest the right of the former owner, the pardon does not and cannot restore that which has thus completely passed away. And if such was not the view of the court when Padelford's case was under consideration I am at a loss to discover a reason for the extended argument in that case, in the opinion of the court, to show that he had availed himself of the amnesty before the seizure of the property. If the views now advanced are sound, it was wholly immaterial whether Padelford was pardoned before or after the seizure.

Mr. ERVIN. Mr. President, I now read this passage from volume I of the commentary on the Constitution of the United States written by Bernard Schwartz, on page 375:

> What the appellate powers of the Supreme Court shall be, declares Chief Justice Waite (in what has been termed the Court's strongest pronouncement on the extent of Congressional control over its appellate jurisdiction), "and to what extent they shall be exercised are, and always have been, proper subjects of legislative control. Authority to limit the jurisdiction necessarily carries with it authority to limit the use of the jurisdiction. Not only may whole classes of cases be kept out of the jurisdiction altogether, but particular classes of questions may be subjected to re-examination and review, while others are not." Under this approach, it is for the Congress to determine how far appellate jurisdiction shall be given and, when conferred, it can be exercised only to the extent and in the manner prescribed by statute. In Justice Frankfurter's words in a more recent case: "Congress need not give this Court any appellate power; it may withdraw appellate jurisdiction once conferred and it may do so even while a case is *sub judice*."

Mr. President, Mr. Schwartz does an excellent job in commenting upon the Constitution when the words of the Constitution are in harmony with Mr. Schwartz' ideas.

But sometimes when the words of the

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[27] 18 Howard, 4299.

[28] 9 Wallace, 65.

[29] 9 Wallace, 532.

Constitution are incompatible with what Mr. Schwartz thinks the Constitution ought to have said, he unconsciously falls into the error of assigning to a judicial opinion an erroneous significance.

For example, he cites United States against Klein as authority for the proposition that Congress cannot deprive the Supreme Court of appellate jurisdiction in some cases which he does not define. In so doing, he directly contradicts his own correct analysis of what the Constitution says.

Mr. President, I have said that the Escobedo, Miranda, Wade, Gilbert, and Stovall cases were rather startling decisions, that they were contrary to every decision the Supreme Court handed down prior to the time they were handed down, and that they were incompatible with the words of the Constitution itself. In commenting on the opinions of the Supreme Court, I ignore Mark Twain's advice, "Truth is very precious; use it sparingly."

Let me point out that the decisions in the Escobedo and Miranda cases were 5-to-4 decisions. I suggest to anyone who thinks that the judicial aberrations of five Supreme Court justices should be regarded as sacrosanct, the reading of the dissenting opinions in each of these cases.

When the Supreme Court is divided 5 to 4, one cannot be on one side of a question exclusively and say it is sacrosanct and the other is not.

Human experience has shown what are the two most convincing kinds of evidence which can be produced in courts of law. The decisions which I am discussing, and which give rise to the two sections of the pending bill which I have read, attempt either to end or to place severe limitations upon the two most convincing kinds of evidence of guilt which exist—voluntary confessions of the accused and statements of eyewitnesses or victims of crimes.

The Escobedo case and the Miranda case are efforts to put an end to the use of voluntary confessions in the courts of our land. I am not alone in making that assertion. That assertion was made by Justice White in his dissenting opinion in the Escobedo case and also in the Miranda case.

To my mind, the most convincing evidence of the truth of a criminal charge is the voluntary confession of the accused that he committed the crime with which he stands charged. Innocent men do not go around making voluntary confessions that they have committed crime. And yet the Escobedo case and the Miranda case are attempts to place limits upon the admission of a voluntary confession made by a suspect to an officer while the suspect is in custody.

The Miranda case says that no confession, though it may be absolutely voluntary in nature, made to an officer by a suspect in custody can be received in evidence in any court, Federal or State, unless the officer first tells the suspect that he has a right to remain silent, that anything he says derogatory to his cause can be used against him, that he does not have to answer any questions until he has a lawyer present, that if he does not have a lawyer of his own present, the court will provide him with a lawyer before he can be questioned, and that the suspect cannot waive these warnings unless he does so expressly.

Justice White asked a question which I think may be designated both pertinent and impertinent. He said Miranda is not very logical; that when a suspect is asked by an arresting officer if he wants a lawyer, and he says that he does not want one, how is one to say his negative answer is not as tainted as his voluntary confession would be supposed to be.

The Wade, Gilbert, and Stovall cases attempt to limit by an impossible condition the next most convincing evidence available to establish the guilt of a defendant; namely, the positive testimony of an eyewitness that he saw the accused commit the crime with which the accused stands charged, even in cases where the witness is also willing and ready to testify positively on oath that he bases his identification of the accused solely upon what he saw at the time the crime was committed.

As I have stated before, these decisions were handed down 170-odd years after the fifth and sixth amendments had become parts of the Constitution, and were contrary to every decision of the Supreme Court construing those amendments handed down at any time before the decisions themselves were made. And, furthermore, they are absolutely inconsistent with the fifth and sixth amendments.

If we are to understand the impact of these decisions on law enforcement in the United States, we should ponder for a moment the fundamental purpose of the criminal law of the United States and the criminal law of the 50 States. The overall purpose of the criminal law is to protect society against criminals. Its fundamental purpose is to promote the general security of the people of this Nation in their persons and in their property.

I assert, as Justice White did on pages 537 to 539 of his dissent in the Miranda case, that society's interest in general security is at least of equal weight as the assigned reason for placing limits upon interrogation of suspects in custody is to the dignity of the suspect.

How does the criminal law undertake to protect society? It does so in three ways. These are set forth in Justice White's dissenting opinion in the Miranda case, at pages 539 to 541, in a very eloquent manner. He points out in these passages that, in the first place, the criminal law undertakes to protect society by confining in prison those who commit serious offenses and preventing them while so confined from repeating their offenses.

Manifestly, this purpose of criminal law is thwarted by rulings which say self-confessed murderers and self-confessed rapists and self-confessed arsonists and self-confessed burglars and self-confessed thieves must be freed, notwithstanding their voluntary confessions, if the warnings enumerated in the Miranda case are not given to them by the officer having them in custody and to whom the confession is made.

Before any Senator ought to vote against these sections, he should read the record of the hearings of the Subcommittee on Criminal Laws and Procedures, headed by the Senator from Arkansas [Mr. McClellan]. There are 1,205 pages in that record.

During the hearings, I put this question to judges, to prosecuting attorneys, to law enforcement officers, and to lawyers:

> What percentage of persons charged with serious crimes do not already know that they have the right to remain silent, that anything derogatory they may say will be used against them, and that they have a right to a lawyer?

Those witnesses, without exception, said that in their opinion, based upon long experience in law enforcement, in presiding over courts, and in prosecuting and defending criminals, virtually every person taken into custody for a serious crime already knows all of these things.

Then I put this question to those witnesses:

> Then is it not true that under the Miranda case, every day, in Federal and State courts throughout the length and breadth of this land, self-confessed murderers, rapists, robbers, burglars, arsonists, and thieves are being freed, to prey again on society, simply because a police officer did not tell them something they already knew?

The witnesses agreed.

That shows how absurd these decisions are.

Justice White points out in the same dissent, in the Miranda case, that the criminal laws undertake to protect society by deterring others from emulating the example of criminals and violating the laws. Any decision which allows self-confessed criminals to escape punishment and to walk the streets has no deterrent effect upon others, but, on the contrary, tends to encourage others to violate the law also.

Justice White points out that the third great purpose of the criminal laws is to reform the offender; and that when an offender is given freedom rather than punishment for his offense because an arresting officer does not tell him something he already knows, he is not likely to be reformed.

Prior to these cases, both the Federal courts and the State courts had good laws to make it as certain as possible that no innocent person should ever be convicted of a crime. The fundamental purpose of the criminal law is to protect society against criminals. The law desires, however, to avoid the conviction of any innocent man. To this end, it erects, in favor of any person charged with crime, the presumption of innocence. It requires the prosecution to establish every essential element of his guilt beyond a reasonable doubt, secures to him the services of a lawyer, gives him compulsory process to obtain the attendance of witnesses in his behalf, and secures to him the right of cross examination, through the agency of his lawyer, of the witnesses against him.

These things are as they should be, and they make it just as certain as it can be made in this uncertain world that no innocent person shall be convicted of a crime that he did not commit.

In addition to these rules, we have a rule of law, which has been the law in the Federal courts since the time this country was established, that the only confessions of guilt made by the accused which can be used against them in their trials are voluntary confessions.

Under that rule, a voluntary confession is admissible in evidence against an accused, and an involuntary confession is not admissible in evidence. The test of whether a confession is voluntary or involuntary under that rule was laid down in a very understandable and practical fashion by Justice White in his dissenting opinion in the Miranda case. This is what he said:

> The test has been whether the totality of circumstances deprived the defendant of a free choice to admit, to deny, or to refuse to answer, and whether physical or psychological coercion was of such a degree that the defendant's will was overborne at the time he confessed.

As the judges in the dissenting opinions in the Miranda case so well state, this rule was effective to give a suspect in custody every protection he is entitled to receive.

This rule was not only controlling in the Federal courts, but, ever since the case of *Brown* v. *Mississippi*, 297 U.S. 278, it has also been the rule in the State courts. As a matter of fact, it was a rule in the State courts under State law from the time of the foundation of the States to the present; but it became a rule by virtue of the due process clause of the 14th amendment in the Brown case, and was enforced by the U.S. Supreme Court when it reviewed appeals from State courts thereafter.

When the Court handed down the Escobedo case and the Miranda case, it invented a new rule governing voluntary confessions. In the Escobedo case, it undertook to base the rule upon the right to counsel clause of the sixth amendment. And in doing so, it not only acted contrary to every decision of the court construing that clause, but it also acted in direct violation of the words in which that clause is couched.

The right to counsel clause is as follows:

> In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defense.

The words "in all criminal prosecutions" mark the time when the right to have counsel for one's defense accrues. That was the plain purport of these words. That was the interpretation placed upon these words by the Supreme Court from 1790 down to 1964.

In 1964, however, the 5-to-4 decision in the Escobedo case was made, and the majority of the court held that the right to counsel accrued not when a criminal prosecution is initiated by someone having authority to initiate a criminal prosecution, but when an officer has a suspect in custody and begins to suspect somewhere in the innermost recesses of his mind that the suspect may have committed a criminal offense.

So no human being now has any objective standard by which to tell when the right of counsel accrues under the majority decision in the Escobedo case. That is true because no human being can invade the mind of an arresting officer and determine when a suspicion arises in that mind. An arresting officer has no authority to institute a criminal prosecution.

Under all of the decisions antedating Escobedo, the criminal prosecution did not begin until some officer or some agency authorized by law to prefer a charge made a formal accusation of the commission of crime by a warrant, a bill of indictment, an information, or some other formal proceeding authorized by law.

Justices Clark and Harlan and White and Potter asserted in substance in the Escobedo case and also in the Miranda case that the Court was inventing new rules under a power which the Court is forbidden by the Constitution itself to exercise.

The requirement in the Miranda case that the officer must give a warning, as enumerated, to a suspect in custody before he can interrogate the suspect and before the suspect can be permitted to say anything to the officer prescribes a rule of conduct for all law enforcement officers, Federal and State.

A rule of conduct is nothing in the world but a law, and a law is nothing in the world but a rule of conduct prescribed by the lawmaking power of the Government.

The Court has no power to make laws.

Section 1 of article I of the Constitution says:

> All Legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

I think, although I do not affirm so absolutely, that this is the only place in the Constitution where the word "all" is used. It says that all of the power to make law on the Federal level belongs to Congress and that none of it belongs to the Supreme Court.

Then again, in section 8 of article I, the Constitution provides that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

As Justice Harlan said, at page 509 of his dissent in the Miranda case:

> The limitations imposed by Miranda were rejected by necessary implication in case after case, the right of warnings having been explicitly rebuffed in this Court many years ago.

So we find new rules created; rules which had been rejected by the Supreme Court itself time and time again in the past; rules which were inconsistent with all prior holdings of the Supreme Court; rules which were inconsistent with the words of the Constitution, under which the Court professed to be acting.

I wish to say something about the voluntary confessions which the majority of the Supreme Court made in these cases; although I do not know whether they were really voluntary. They might have been made under compulsion, because the Court knew it had no power to make law, although it recognized that it was doing so.

Mind you, Mr. President, these words, the words on which these cases were based by the majority, had been in the Constitution for more than 170 years. The writer of the majority opinion in the Miranda case and the writer of the majority opinion in the Wade case recognized that they were exercising lawmaking power, because they said, in substance, that the reason they were doing so was because Congress had not seen fit to pass laws on the subject.

They said that Congress could pass laws on the subject in the future, provided the laws that Congress passed were at least as stringent as the new rules invented by the court. But the court did make a voluntary confession. It made the voluntary confession that it was making law and was amending the Constitution. The writer of the majority opinion in Miranda made such voluntary confessions twice, once on page 476 and again on page 477. He referred to the principles announced today and to the warnings enumerated today, which was a recognition of the fact—a voluntary confession—unless the writer of the opinion was acting under some kind of compulsion, that he was creating some laws, some alleged constitutional principles, on the 13th day of June 1966, instead of expounding the words of the Constitution which became effective on June 15, 1790.

But there is a confession by the writer of the majority opinion in the Wade case which constitutes even a more complete and unequivocal confession that the court in the Wade case was making law and amending the Constitution rather than interpreting the Constitution. I will read that confession. The reason why that confession was made by the writer of the opinion in the Wade case, when he wrote the opinion for the majority in the Stovall case, was that a question arose as to whether the new rule, limiting the right of a jury to hear the positive testimony of an eyewitness that he—the eyewitness—saw the accused commit a crime with which the accused stood charged, should apply to offenses in cases which originated before the day the decision was announced, June 12, 1967.

Now, if this new rule announced in the Wade case and in the Gilbert case was rightfully a part of the Constitution, then it should have been applied in every case which was tried between the 15th day of June 1790, and June 12, 1967. But the Court said the new rule, which allegedly originated on the basis of words put in the Constitution, the sixth amendment, on June 15, 1790, does not have any application to any case which arose before the 12th day of June 1967.

I read from page 299 of the report in the Stovall case, which appears in volume 388 of the U.S. Supreme Court reports. This is a most startling confession by a majority of the Court which fashioned these new rules.

> The law enforcement officials of the Federal Government and of all 50 States have heretofore proceeded on the premise that the Constitution did not require the presence of counsel at pretrial confrontations for identification. Today's rulings will not foreshadow our cases; no court announced such a requirement until Wade was decided by the Court of Appeals for the 5th Circuit, 358 Fed. Second 557.

In other words, to depart from the quotation for a moment, the writer of the majority opinion was stating, in substance, that none of the law-enforcement officials of the Federal Government or of any of the governments of the 50 States had any idea that the rule in the Wade case had any place in the Constitution. The writer of the majority opinion said that there is nothing in any of the cases, any of the decisions of the Supreme Court, which could have made them anticipate that any such rule was implicit or explicit in the sixth amendment right-to-counsel clause.

Now I wish to read further from pages 299 and 300 of the majority opinion in the Stovall case:

> The overwhelming majority of American courts have always treated the evidence question not as one of admissibility but as one of credibility for the jury.

I digress for a moment from the quotation to say that that is a statement of the law, and that is a statement of the meaning assigned to the right-to-counsel clause of the sixth amendment by the overwhelming majority of American courts from June 15, 1790, until June 12, 1967, a period of 177 years.

Now I continue reading the voluntary confession of the majority of the Court in the Stovall case:

> Law enforcement authorities fairly relied on this virtually unanimous weight of authority now no longer valid in conducting pretrial confrontations in the absence of counsel. It is, therefore, very clear that retroactive application of Wade and Gilbert would seriously disrupt the administration of our criminal laws.

Mr. President, that is the end of the voluntary confession. However, I am going to make an assertion that the future application of the rule announced in Wade and Gilbert for the first time in American legal history on June 12, 1967, will seriously disrupt the administration of our criminal laws in the future.

This is a voluntary confession by Supreme Court justices that they are making new law which they are forbidden to make by the Constitution in two sections, and they are amending the Constitution which they have no power to amend except by usurpation. Why should Congress be asked to treat the words of five out of nine Justices as sacrosanct when they themselves confess they had no authority under the Constitution to utter those words?

Mr. President, these new rules, according to Justice Harlan, are contrary to the thinking of the people of the United States. I do not wish to lift anything out of context, so I shall read the words of Justice Harlan. However, before doing that, I wish to read what Justice Harlan said about the Miranda decision. Justice Harlan set out his views in the Miranda case on page 518 of his dissenting opinion in volume 384, U.S. Supreme Court Reports. I quote from the dissenting opinion of Justice Harlan:

> On March 3, 1963, an 18-year-old girl was kidnapped and forcibly raped near Phoenix, Arizona. Ten days later, on the morning of March 13, petitioner Miranda was arrested and taken to the police station. At this time Miranda was 23 years old, indigent, and educated to the extent of completing half the ninth grade. He had "an emotional illness" of the schizophrenic type, according to the doctor who eventually examined him; the doctor's report also stated that Miranda was "alert and oriented as to time, place, and person," intelligent within normal limits, competent to stand trial, and sane within the legal definition. At the police station, the victim picked Miranda out of a lineup, and two officers then took him into a separate room to interrogate him, starting about 11:30 a.m. Though at first denying his guilt, within a short time Miranda gave a detailed oral confession and then wrote out in his own hand and signed a brief statement admitting and describing the crime. All this was accomplished in two hours or less without any force, threats or promises and—I will assume this though the record is uncertain, *ante*, 53–54 & nn. 66–67—without any effective warnings at all.
>
> Miranda's oral and written confessions are now held inadmissible under the Court's new rules. One is entitled to feel astonished that the Constitution can be read to produce this result. These confessions were obtained during brief, daytime questioning conducted by two officers and unmarked by any of the traditional indicia of coercion. They assured a conviction for a brutal and unsettling crime, for which the police had and quite possibly could obtain little evidence other than the victim's identifications, evidence which is frequently unreliable. There was, in sum, a legitimate purpose, no perceptible unfairness, and certainly little risk of injustice in the interrogation. Yet the resulting confessions, and the responsible course of police practice they represent, are to be sacrificed by the Court's own finespun conception of fairness which I seriously doubt is shared by many thinking citizens in this country.

It is not to be wondered that Justice Harlan proclaimed he was astonished that the Constitution could be read to accomplish that result. Now, Congress is asked to make it possible under newly prescribed rules, which Justice Harlan said thinking people of America do not countenance, to continue to permit criminals to go unwhipped of justice notwithstanding the fact that they have voluntarily confessed their crimes.

Not only is this decision out of harmony, or at least as Justice Harlan said, not shared by many thinking citizens of our country, but also it is opposed by the overwhelming majority of law-enforcement officers of the Federal Government of the United States and the States.

Justice Harlan states at pages 520 and 521 of his dissenting opinion that the U.S. Government and 30 of the States had intervened in the Miranda case and opposed the creation of a new rule by the Court.

Virtually everything which I have had to say by way of criticism of the Escobedo, Miranda, Wade, Gilbert, and Stovall cases, is in complete harmony with what was said by three or four of the Justices of the Supreme Court in their dissents in these cases.

I wish to call the attention of the Senate to the assertion by Justice Harlan at pages 515 and 517 of his dissent in the Miranda case; the statement of Justice Clark on pages 499 and 500 of his dissent in the Miranda case; and the statement of Justice White on pages 533 to 535 of his dissent in the Miranda case, that there is no factual basis for the rule which five of the justices invented for the first time in our history on June 13, 1966, in that Miranda case. The same would apply to the Wade case.

Justice White added, in substance, on page 532 of his dissent in the Miranda case that

> The majority of the Supreme Court was engaged in formulating a fundamental policy based on speculation alone.

Justice Harlan said, in essence, on page 517 of his dissent in the Miranda case that

> The court was exaggerating the evils of normal police interrogation.

One is not only astounded, as Justice Harlan was, by the decision of the court in the Miranda case, he is even more astounded by——

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. ERVIN. Mr. President, I ask that I be recognized independently of the time limitation.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—and I would have to object to that kind of request—would the Senator indicate how much additional time he needs?

Mr. ERVIN. Well, it is rather difficult to indicate. I still have to analyze the Miranda case.

Mr. BYRD of West Virginia. The distinguished Senator from Nebraska [Mr. HRUSKA], who was to be recognized under the previous order at this time, has indicated his desire to relinquish the time, which was 1 hour under the order.

Mr. ERVIN. I would be glad to relinquish the floor to the Senator from Nebraska and anyone else who wants it because then I would have the privilege of getting the floor in my own right at a later time to complete my arguments.

Mr. BYRD of West Virginia. What I was about to ask was, in view of the fact that the Senator from Nebraska has indicated his desire to relinquish his time, whether this 1 hour would be sufficient for the Senator from North Carolina?

Mr. ERVIN. I would hope so.

The PRESIDING OFFICER (Mr. TYDINGS). The Chair, in his capacity as a Senator from the State of Maryland, suggests the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that the time allotted to the Senator from Nebraska under the previous order be vacated, and that that time be allotted to the distinguished Senator from North Carolina [Mr. ERVIN].

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none and it is so ordered.

Mr. ERVIN. I wish to thank the assistant majority leader.

Mr. President, prior to the expiration of the time allotted to me under the unanimous-consent agreement, I had analyzed the right-to-counsel clause of the sixth amendment. I would point out the fact that the right-to-counsel clause, under the words of the sixth amendment, does not accrue until there is a criminal prosecution, and that a criminal prosecution does not begin until a formal charge has been preferred in an authorized manner by some official or agency having authority to make such charges under law, in the form of a warrant, or a bill of indictment or information, or some other authorized legal charge.

Justice Harlan, in a great dissenting opinion in the Miranda case, pointed out that the Miranda case was faulty for two reasons. He said there was no warrant in the Constitution for the ruling in the Miranda case. Further, he said the Miranda case, in addition to being unconstitutional, represented the adoption of an unwise policy in respect to law enforcement.

The Miranda case is allegedly based on the words of the self-incrimination clause of the fifth amendment, which states:

> No person * * * shall be compelled in any criminal case to be a witness against himself * * *.

In a multitude of cases antedating the Miranda case, it had been pointed out, in sound and well-considered opinions, that the words which I have just read from the fifth amendment—that is, the so-called self-incrimination clause—have no possible relevancy or reference to voluntary confessions.

As Justice Harlan and Justice White pointed out in their dissenting opinions in the Miranda case, the words of the fifth amendment have no possible application to voluntary confessions, because voluntary confessions are voluntary, and not compelled, confessions.

Justice Harlan stated, on page 510 of his dissent in Miranda, that, historically, the privilege against self-incrimination did not bear at all on the use of extralegal confessions. That is obvious, because not only does the self-incrimination clause apply to testimony which is given under compulsion, but it applies to testimony given by a witness; and a witness is a person who testifies in court or before some tribunal in obedience to some statute or some rule of court.

So it is absolutely inconsistent with the words of the self-incrimination clause to say that they apply to voluntary confessions when the words themselves apply only to compelled testimony. And it is ridiculous to assert that a voluntary confession made to an arresting officer is forbidden, directly or indirectly, by the fifth amendment, because what a suspect says to an arresting officer is not testimony in a criminal case or any other kind of case.

So the court does violence to language, and distorts words from their plain and obvious meaning, to accomplish a result which the Constitution does not authorize.

As Justice Harlan says, in substance, in his dissent in the Miranda case that

> The Court by the Miranda decisions reads something into the Constitution and for that reason it has no place in constitutional law.

Another criticism that is made in the dissents in the Miranda case, the Escobedo case, and the Wade case is that the new rules which the majority of the court invented in those cases are insupportable as a matter of public policy and are not workable in this practical world in which we live. The truth of it is that the majority opinions in those cases attempts to wrap up law enforcement officers into some kind of judge-made cellophane and isolate them from the realities of the world in which human beings live, move, and have their being. So the fact is that Justice Harlan was speaking correctly when he said of the Miranda decision:

> I believe the decision of the court represents poor constitutional law and entails harmful consequences to the country at large. How serious these consequences may prove to be only time can tell. But the basic flaws in the court's justification seem to me readily apparent now once all the sides of the problem are considered.

These cases have had terrific effect on the administration of criminal justice in the United States. No one will dare to assert the contrary if he will read the testimony which was given in the hearings before the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary, which covers 1,205 pages.

We received testimony from many prosecuting attorneys and a number of judges to the effect that the Miranda decision has increased the number of acquittals and has made it impossible to get convictions in many cases.

Arlen Specter, district attorney for the city and county of Philadelphia, testified, as shown at pages 205 and 206 of the hearings, that prior to the Escobedo case only 10 percent of the persons arrested on criminal charges in his jurisdiction refused to make statements, but that since the Miranda decision was handed down the percentage of those who refused to make statements has increased from 10 to 59 percent.

We received similar testimony from the district attorney of Kings County, N.Y. We had testimony to the same effect from other district attorneys and law enforcement officers.

The evidence established that self-confessed criminals who voluntarily confessed their guilt are now walking the streets of the land and, in many cases, are repeating their offenses because of the newly made, unrealistic rule in the Miranda case.

As pointed out in the dissenting opinions of Justice Clark and Justice Harlan in the Miranda case, the questioning of suspects constitutes an essential tool of effective law enforcement and is a practice which has always been recognized. But it was pointed out in the testimony taken by the subcommittee on Criminal Laws and Procedures that it is impossible to bring many criminals to justice unless they can be interrogated. This is because many crimes are committed in secret or are committed by persons who are not known to their victims.

If the wisest man on earth had studied for a thousand years to devise a rule to prevent criminals from confessing, he could not have perfected a more effective one for that purpose than the decision in the Miranda case.

The Miranda case says, in effect, that a suspect being held in a police stationhouse is entitled to a lawyer, and the rule was extended this week by the Supreme Court in the Mathis case to include a convict in a penitentiary.

It now appears that the decision in the Miranda case is not confined to suspects in the custody of police. It now applies to a revenue officer who does not have an accused in custody; he may merely go to a penitentiary to make inquiries of an inmate about an income tax return.

If Horace Greeley were on earth today and were to read the recent extension of the Miranda case, I think that instead of saying to a young man—who happened to be a lawyer—"Go west, young man, go west," he would say, "Go to the penitentiary, because there is plenty of opportunity for an enterprising young man to practice there, and you will be compensated by the Government."

Even a revenue agent, must give the Miranda warnings to an inmate of a Federal penitentiary before he can constitutionally question him about his income tax returns.

This is a remark which Justice White makes in the Miranda case, in his dissent, at page 541. Speaking of the decision, he says:

> It is a deliberate calculus to prevent interrogations, to reduce the incidence of confessions and pleas of guilty and to increase the number of trials.

Justice White proceeds further, on pages 542 and 543 of his dissent in the Miranda case, to say that the effect of the Miranda decision is to return self-confessed criminals to the streets to repeat their crimes, and to cause those who have heretofore relied on public authority for protection against violence to rely on self-help; and he further says that it will cause the criminal law to lose its deterring effect, and that it will result in injury to the accused himself, because, if the accused is stopped in his criminal course instead of being freed, he is likely to be, to some extent, reformed by the law.

Justice White also points out that the effect of the Miranda case is injurious to innocent suspects, in that it not only applies to confessions of guilt, but applies equally to exculpatory statements made by persons in custody. The dissenters point out what is undeniable: That many innocent people are freed without the necessity of a trial, without the necessity of employing counsel, and without the necessity of being put to trouble, by being interrogated by officers, because the officers check on their statements and find they are innocent, and turn them loose without trial. Thus these rules do great injury to society, in that, if officers can interrogate suspects, and if eyewitnesses to crimes can look at suspects in custody, they can determine in many cases that the suspects in custody are innocent; and it is highly important to the innocent as well as to society for these matters to be determined at the earliest possible moment.

Now I wish to talk just for a few minutes about the holding in the Wade case.

The Wade case holds, in effect, for the first time in our history, that an eye witness to a crime, even though the eyewitness may be the sole surviving victim of the crime, and even though, as the sole surviving victim of the crime, he may be at the point of death, the eyewitness cannot look at a suspect in custody for the purpose of determining whether the suspect is or is not the person he saw commit the crime, unless a lawyer representing the suspect is present.

Senators may inquire, "What can a lawyer do under those circumstances"?

I have mentioned the Stovall case. The Stovall case was the case in which the Supreme Court held that the appellant had to go to his death, although his rights were violated by the newly invented constitutional principle, because he committed the crime before the 12th day of June, 1967.

When the Stovall case was before it sitting en banc, the U.S. Court of Appeals for the second circuit had this to say on page 734 of 355 F. 2d:

> Thus, the only issue upon this appeal is: can the police, following an arraignment at which the person arraigned advised the court that he was going to get his own lawyer, continue their identification efforts by taking such person to the hospital room of the victim to ascertain whether or not she recognized him as her attacker? Obviously the victim of the crime, if he or she has had an opportunity to see the attacker at the time of the attack, is the person most likely to be able to confirm or refute the identity of the person arrested.

The case involved the admissibility of the testimony of Mrs. Behrendt. She was living with her husband on Long Island. Someone entered their house at midnight and killed her husband, and, when she attempted to prevent her husband from being killed, the intruder stabbed her 11 times.

She was taken to a hospital and was operated on in an effort to save her life. They arrested the accused on suspicion, and took him before the magistrate, and he said he wanted to get a lawyer of his own choice.

Then they took him by her hospital room, not knowing whether Mrs. Behrendt would live or die, so she could determine whether he was or was not the person who had murdered her husband and stabbed her 11 times.

She identified him, and when the case was tried, she testified positively as a witness on the trial that she identified the accused as the man she saw murder her husband and stab her 11 times, and that she based her identification, in substance, upon what she saw at the time the crimes were committed.

Yet the rule that was adopted in the Wade case and recognized but not applied in the Stovall case was asserted to bar her testimony.

In rejecting the contention of Stovall's counsel that Mrs. Behrendt's testimony was inadmissible under the self-incrimination clause because Stovall had no lawyer present, the Court of Appeals for the second circuit made some commonsense observations which the majority opinion in the Wade case ignores.

I read from page 736 the opinion of the U.S. Court of Appeals for the second circuit:

> [7, 8] The law has made and continues to make a definite distinction between testimonial evidence and identification. And for good reason. Physical characteristics such as facial features, color of hair and skin, height, weight and even manner of walk may be observed by all who may be present at the scene of a crime. A person does not become a witness against himself merely by possessing these individual characteristics. When it was discovered that the fingerprints of persons differed one from the other, this form of identification was added to the list of reliable distinguishing features which the police and the prosecution may, without violating the privilege, compel a defendant to reveal. Thus for generations it has been legal to require the accused to stand up in court for purposes of identification, State v. Carcerano, 238 Or. 208, 390 P.2d 923 (1964); People v. Oliveria, 127 Cal. 376, 59 P. 772 (1899). However, the opportunity for courtroom identification may well first be presented many months after the occurrence of the crime. Interests of the accused and society alike demand that this opportunity be afforded at the earliest possible moment. When this "moment" exists will of necessity be dependent upon the facts and circumstances of each particular case. No ironclad rules can be or should be laid down. But what better guides can there be than common sense?

Mr. President, I appeal to the Senate to say that there is no better guide than commonsense and that there is no commonsense in the Escobedo, the Miranda, the Wade, the Gilbert, and the Stovall cases.

It was also urged when the Stovall case was before the court of appeals that he was denied the right to counsel under the sixth amendment. And the court asked some very pertinent questions on that point. They were:

> If Stovall had had counsel, what could counsel have done to thwart the identification? He could not have demanded Stovall's immediate release so that no one might see him. He could not have arranged to have Stovall continuously wear a hood or mask over his face to avoid identification, nor could he have ordered the police forthwith to halt their identification activities. Counsel would not have said "Cease further efforts at identification; Stovall has admitted his guilt" because Stovall had not done so.

The court rejected the claim that there is any prejudice to a party in letting an eyewitness to a crime look at a suspect in custody in the absence of his lawyer for the purpose of identifying or exonerating him as the perpetrator of the crime.

When all is said, the decisions of the majority in these cases are based on the assumption that society needs little, if any, protection against criminals; but criminals need much protection against law-enforcement officers. This assumption is unjust to the overwhelming majority of law-enforcement officers, who have no desire to do anything except to perform their duty and enforce the criminal law against those who are guilty.

The Wade case is clearly based on the assumption that not only are law-enforcement officers disreputable men who seek the conviction of the innocent, but that eyewitnesses are also sadly lacking in character, and that if they are permitted to look at a suspect in custody in the absence of the suspect's lawyer, the police officer may suggest to the eyewitness that the eyewitness should identify the suspect as the guilty party regardless of whether he is the real party to the crime, and that the eyewitness is so disreputable that the eyewitness will either testify falsely that the suspect is the person he saw perpetrate the crime when the eyewitness knows that is not the truth, or that the eyewitness is willing to assert something which the eyewitness does not know to be true.

I have a higher opinion of law-enforcement officers than that. Every day and every night they jeopardize and, in many cases, lose their lives in order that other people might live and in order that other people might sleep in peace in their habitations and in order that other people might enjoy their property.

As the dissenting Justices say, there is no factual support for such low esteem of law-enforcement officers; there is no factual support for such low esteem of the character of people who are witnesses in courts.

The majority seem to suggest in the Wade case that a woman who has been raped may be so desirous of getting vengeance that she will succumb to the temptation to identify the wrong party in order to get somebody convicted.

I have been associated for many years with the administration of the criminal law both as a practicing lawyer and as a judge. It is my experience that nobody desires to wreak vengeance upon anyone other than the person committing the actual or fancied wrong.

I cannot accept the theory that there is danger that someone who has been raped may falsely identify an innocent suspect in custody as the guilty party merely to wreak a supposed vengeance if she takes a look at the suspect in custody in the absence of the suspect's lawyers.

As Justice White so well declares in his dissent in the Wade case, the opinion of the Court in their cases is far reaching. I quote his words.

> The Court has again propounded a broad constitutional rule barring use of a wide spectrum of relevant and probative evidence, solely because a step in its ascertainment or discovery occurs outside the presence of defense counsel. This was the approach of the Court in *Miranda* v. *Arizona*. I objected then to what I thought was an uncritical and doctrinaire approach without satisfactory factual foundation. I have much the same view of the present ruling and therefore dissent from the judgment and from Parts II, IV, and V of the Court's opinion.
>
> The Court's opinion is far reaching. It proceeds first by creating a new *per se* rule of constitutional law: a criminal suspect cannot be subjected to a pretrial identification process in the absence of his counsel without violating the Sixth Amendment. If he is, the State may not buttress a later courtroom identification of the witness by any reference to the previous identification. Furthermore, the courtroom identification is not admissible at all unless the State can establish by clear and convincing proof that the testimony is not the fruit of the earlier identification made in the absence of defendant's counsel—admittedly a heavy burden for the State and probably an impossible one. For all intents and purposes, court-

> room identifications are barred if pretrial identifications have occurred without counsel being present.
>
> The rule applies to any lineup, to any other techniques employed to produce an identification and a *fortiori* to a face-to-face encounter between the witness and the suspect alone, regardless of when the identification occurs, in time or place, and whether before or after indictment or information. It matters not how well the witness knows the suspect, whether the witness is the suspect's mother, brother or long-time associate, and no matter how long or well the witness observed the perpetrator at the scene of the crime. The kidnap victim who has lived for days with his abductor is in the same category as the witness who had had only a fleeting glimpse of the criminal. Neither may identify the suspect without defendant's counsel being present. The same strictures apply regardless of the number of other witnesses who positively identify the defendant and regardless of the corroborative evidence showing that it was the defendant who has committed the crime.
>
> The premise for the Court's rule is not the general unreliability of eyewitness identifications nor the difficulties inherent in observation, recall, and recognition. The Court assumes a narrower evil as the basis for its rule—improper police suggestion which contributes to erroneous identifications. The Court apparently believes that improper police procedures are so widespread that a broad prophylactic rule must be laid down, requiring the presence of counsel at all pretrial identifications, in order to detect recurring instances of police misconduct.[1] I do not share this pervasive distrust of all official investigations.

It will be a rare case when a trial judge can penetrate the recesses of an eye witness' mind and hold that the evidence establishes by clear and convincing proof that the eye witness was not influenced in any way in his conviction that he saw the accused commit the crime charged against him by his view of the accused when his lawyer was not present. This is true simply because his memory of what he saw when the crime was committed is likely to be reinforced by such view.

It is just as impossible to unscramble a mental egg as it is a hen's egg.

These are serious matters. I had intended to say something about the incidence of crime. I had intended to recount the facts in the case which was mentioned in the editorial of the Washington Star entitled, "Justice and a Dead Child," and recount how the mother who had murdered her own child and had voluntarily confessed to her guilt had to be turned loose in a New York court because the arresting officers had not told her she was entitled to have a lawyer.

I was going to review the facts in a New York case in which a man murdered his common law wife, their three children, and two other children. They had to turn him loose because of the Miranda case.

I will support these sections.

I do not like to deprive the Supreme Court of jurisdiction, but when the Supreme Court takes the words of the Constitution and attributes to them a meaning which allows self-confessed murderers and rapists and arsonists and burglars and thieves to go free of justice, then I think it is time for us to do something because we are the only power on earth which can do anything to protect American people against decisions like this, decisions which constitute a usurpation of power denied to the majority of the Supreme Court by the very instrument they profess to interpret.

Mr. President, enough has been done for those who murder and rape and rob. It is time for Congress to do something for those who do not wish to be murdered or raped or robbed. And the only way Congress can do this is to enact title II of the pending bill.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Maryland, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPONG in the chair). Without objection, it is so ordered.

Mr. MURPHY. Mr. President, as a coauthor of amendment No. 715 to S.917, I congratulate the distinguished minority leader for his leadership in this matter. Certainly, this is one of the most important policy decisions that the Senate will have to make in connection with this bill. S. 917, as reported by the Senate Judiciary Committee, recommends a program of direct grants-in-aid to local governments. This amendment offers the Senate an alternative, one which was endorsed by the full House of Representatives—namely, a system of block grants giving the States an important and necessary role in the war against crime.

Those who believe in the federal system cannot help be concerned with the trend and the tendency of Federal programs to bypass the States. Nearly every Member of this body and leading students of this subject have spoken on the need to restore and strengthen the States' role. All too often actions of Congress do not match our expressions. The result has been a proliferation of Federal grant-in-aid programs, many of which bypass completely the proper function of the States. The States must once again be given the opportunity to provide leadership as was intended by our federal system. States must be the program head, not the tail chasing the body of Federal grants to the cities and local communities. The practice of the Federal Government to detour the States and deal directly with local governments must be ended, if for no other reason than the practice provides, in the words of former Gov. Terry Sanford, of North Carolina, "overlapping, duplication, triplication, conflicting goals, cross purposes, lack of consistency, and loss of direction." Even more important, partly because of these problems, Federal programs are falling far short of their objectives. No better example can be found than in the area of manpower policy, where numerous Federal agencies create even more numerous programs, each with a laudable objective, but none knowing or frequently even caring what the other is doing. This organizational nightmare must not be permitted to creep into the law enforcement area.

Mr. President, no one questions the need to embark an all-out war on crime. The question is, how? The spiraling crime rate and the disrespect for law and order are national disgraces. The FBI reports that a murder takes place every 48 minutes, a rape every 21 minutes, a robbery every 3½ minutes and a burglary every 23 seconds. Every 10 minutes that the clock ticks, a serious crime is committed in America. A survey conducted by the National Crime Commission shows that 43 percent of a representative sample of all Americans fear it is unsafe to walk alone at night. This is a shocking indictment of our society. The same survey indicated that 30 percent keep watchdogs for protection and that 20 percent would like to move to another neighborhood because of the fear of crime.

That we must provide the resources to assure the American people the "domestic tranquility" promised in the preamble of the Constitution is undebatable. But, to win this battle against lawlessness, I am convinced that the States, the local communities, and the Federal Government must be mobilized. I am also convinced the States are in the best position to direct this total attack on crime within their borders, and I hope that the Senate will adopt the block grant approach.

Some of the cities have indicated concern that the States will not respond to the crime problem in the metropolitan areas. I do not believe this to be the case, and safeguards built into this amendment requiring that 75 percent of the action-grant funds going to a State must go to local agencies should remove these concerns.

Mr. President, the National Council on Crime and Delinquency recently argued persuasively for this amendment. I ask unanimous consent that this statement be printed in full at this point in the RECORD.

Also, I ask unanimous consent that a letter from Mayor A. Fredric Leopold, of Beverly Hills, Calif., supporting the block grant approach, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the National Council on Crime and Delinquency]

STATE RESPONSIBILITY IN LAW ENFORCEMENT AND CRIMINAL JUSTICE

The major result of House action on the Law Enforcement and Criminal Justice Assistance bill (H.R. 5037/S. 917) was to change the emphasis of the program from Federal-local to Federal-state-local. Before the Senate acts on the bill, it might be useful to examine the law enforcement and criminal justice system which this program would attempt to improve.

Responsibility for crime control is shared by state and local governments, with the role of the state expanding steadily. The growth of inter-county and interstate crime, the inability of local governments to provide services, and the complexity of local crime control have demanded greater state and Federal involvement. Local agencies cannot meet the problem because effective law enforcement, as well as courts and corrections, cannot be operated by individual communities acting alone.

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[1] Yet in *Stovall* v. *Denno*, —, U.S. —, the Court recognizes that improper police conduct in the identification process has not been so widespread as to justify full retroactivity for its new rule.

Eighty-three per cent of crime is committed in the 212 Standard Metropolitan Statistical Areas. These 212 SMSA's include 313 counties and 4,144 cities. Each of these 4,457 jurisdictions has its own police department, and their effectiveness suffers from overlap, inadequate communication, and incomplete cooperation. A sound program, even one purely of assistance to police, would not encourage this fragmentation by giving funds to local agencies, since as the President's Commission on Law Enforcement pointed out, one of the major problems of law enforcement is its diffusion.

"The machinery of law enforcement in this country is fragmented, complicated, and frequently overlapping. America is essentially a nation of small police forces, each operating independently within the limits of its jurisdiction. The boundaries that define and limit police operations do not hinder the movements of criminals, of course. They can and do take advantage of ancient political and geographic boundaries, which often give them sanctuary from effective police activity."

A serious program of law enforcement assistance will promote at least pooling of police departments in the major metropolitan areas. The President's Commission recommended this, and there really cannot be a question of doing it. Regionalization, sharing of facilities and services, and realistic planning are going to occur. The real question is who will decide how and which combinations will take place. Cities, even those with a population of 50,000, cannot do it. Metropolitan areas are beyond the jurisdiction of cities. It must be done either by the state or Federal governments.

The Administration's new bill would leave this decision to the Attorney General and the 331 cities with populations over 50,000. For the law enforcement agencies serving the other 58 per cent of the population, state governments would make the decisions. The bill passed by the House would leave to the state planning body the decision in all jurisdictions. To choose between these it is necessary to look beyond the law enforcement, narrowly construed, to see it as what it is, part of a larger system.

Few believe that effective police action and vigorous prosecution alone deter crime. Equally important in crime control is improving the institutions which are responsible for preventing convicted criminals from committing crimes again. This fact—that law enforcement and criminal justice agencies do not exist in isolation, but are part of a system—is the central theme of the multi-volume report of the President's Commission. It can be illustrated easily.

When a crime is committed and the police called, the major responsibility for investigation and apprehension belongs to the local police department. It may ask for laboratory and criminal identification assistance from the state police, and assistance in apprehension if it believes the suspect may have fled the city. But even if the arrest is made by the city police, if the crime committed violated a state law (and all felonies and most misdemeanors are state law), the suspect will be prosecuted by a state prosecutor in a state court. If convicted, he may be committed to a state institution, and given occupational training by the state education system. (Or if placed on probation, he will be in a state system.) When his term ends, he will be released into the state parole system, and the state employment service will help him find a job. The Federal government cannot possibly supervise all these agencies. The city does not have jurisdiction over all of them. But the state does.

It is widely argued that the states have no responsibility or experience in law enforcement, and are not equipped to plan and administer such programs. But if law enforcement is seen as part of a larger system, the importance of state government becomes clearer. All states run prison and parole systems. Forty-five states operate or subsidize adult courts and probation, and fifty control the bail and justice-of-the-peace systems. Juvenile and criminal courts are state courts. All fifty states have systems of prosecution. In forty-seven states the Attorney General is the chief law enforcement official, and has broad authority.

The possibilities for productive state action are unlimited. Where as funds given directly to cities or counties might permit them to build new jails, a state-operated regional detention center would meet the needs both of that city and other towns nearby. Whereas assistance directly to cities can reinforce the disparity of sentencing within states, funds to states can be used to establish state training institutions for judges and local probation staff to attack the disparity, and to increase use of non-institutional services. State administration of jails can free local law enforcement personnel to do law enforcement work. State administration permits construction of small correctional centers near communities with industries and colleges to develop training, education, and work release programs both for people confined and people on probation or parole.

Even in law enforcement, narrowly confined, the states have great responsibility. They determine the division of police responsibilities among jurisdictions and agencies, and decide what will be done by the state police, county sheriffs, and city, township, borough, and village police. They define by law the permissible behavior of police dealing with suspects. Moreover it is not true, as many contend, that the direct law enforcement responsibility of states is limited to traffic control. Twenty-eight states have programs of police training. In Connecticut, the State Municipal Police Academy trains all police. Increasing numbers of states are adopting the Model Police Standards Code, and, as in Oregon, are setting standards for local forces in the state. The Governor of Maryland, concerned about local inability to solve growing problems and support new programs developed a state assistance program for local police. Thirty-one states operate criminal identification bureaus and laboratory facilities, which provide assistance in crime scene and other analysis to local police. The Michigan Attorney General and State Police are developing a cooperative attack on organized crime. Both have created special units, and their jurisdiction includes Detroit. New York has established a state criminal identification and intelligence system to make information instantly available to local police. The California Department of Justice has operated a similar system for many years. State responsibility in law enforcement is growing steadily and rapidly.

As the state role in law enforcement has expanded, so has interstate cooperation. All fifty states have long belonged to the Interstate Compact for the Supervision of Patrolees and Probationers. Nearly all the states have now joined a similar compact for juvenile offenders. Twenty states have ratified an agreement on detainers lodged against prisoners in other states, making possible speedy trials for multiple offenders. Twelve western states and all six New England states are members of regional corrections compacts. Four of the New England states have formed a police compact to provide for central collection of police intelligence and mutual aid. New England also has a well-developed cooperative program for advanced training of state police officers.

The development of interstate cooperation in law enforcement should be encouraged by the Federal government. Some sparsely populated states, for example, do not need individual criminal intelligence bureaus. But regional bureaus to which all could belong by computer would be economically feasible and professionally desirable. The list of productive interstate cooperation is endless; and none of it would be possible in a program which gives primary emphasis to cities.

So the states do have a strong role in law enforcement, as well as courts and corrections; and their role is constructive and should be encouraged. Some say that the states are ill-prepared to plan law enforcement and criminal justice assistance programs. In many cases, states *are* less prepared than large cities, which have far more planning experience. (It should be pointed out that the smaller cities, those of 50,000 to 250,000, have little capacity to do high quality planning because they have difficulty competing for trained personnel, their problems are not as serious, and they are not as experienced.) But the fact is that in law enforcement and criminal justice, few governments are really prepared now to plan.

CITY OF BEVERLY HILLS, CALIF.,
September 11, 1967.

Subject: Law Enforcement Assistance Act (S. 917, H.R. 5037).

Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C

DEAR SENATOR MURPHY: California's leadership in programming actions to raise the capability of local law enforcement agencies is nationally known and emulated. Our program, conducted by the State Commission on Peace Officer Standards and Training, was inaugurated in 1960. The creating statute charges the Commission with establishing and securing compliance with minimum standards for recruitment and training of Peace Officers. State funds pay to local government one-half the cost of administering 200 hours of basic training to recruit Police and Deputy Sheriffs, and advanced training for supervisory and administrative levels within Police and Sheriff Departments.

Our State's Commission has recently undertaken use of a small federal grant, through the Federal Crime Commission, toward broadening the field for Peace Officer acquisition by local jurisdictions.

Subject bill seeks a result which California and other states have long sought. Since crime recognizes no political boundary and its causes can't be attributed to politically defined areas, there rests within the concept of federal grant-in-aid programs ample justification for federal assistance in upgrading law enforcement capability throughout the United States.

With this, we hold that the most orderly method of distribution of federal assistance to local government is through the respective state governments. I recognize that this principle may be more effectively supported in such states as California, which honors the home rule principle and whose local agencies are effective and continuous participants in the decision-making processes of state government. The Commission to which I refer, for example, comprises exclusively elected and principal administrative officials of cities and counties. Only one member, in ex officio capacity, represents the State Department of Justice.

The House modifications of the Senate's bill, expressed in H.R. 5037, coincide with our opinion of the best method for federal assistance to local law enforcement. They provide for direct grants to local government *only* where a state government has not contributed to the non-federal share of the local program, and where a state government hasn't taken initiative such as California's.

I assure you that a bill which would provide this urgently-needed federal aid directly to local government, administered exclusively by regional functionaries of federal departments, is not compatible with the situation in California. I admit that it may be the only available course in states whose governments are laggard.

For these reasons, we urge your aggressive support for the Law Enforcement Assistance Act, as amended and passed by the House, in H.R. 5037.

Yours sincerely,

A. Fredric Leopold,

Mayor.

TITLE II—ABOLITION OF SUPREME COURT APPELLATE JURISDICTION

Mr. TYDINGS. Mr. President, on Friday, May 3, and again on Monday, May 6, I discussed in some detail those provisions of title II of S. 917 which are intended directly to overrule the Supreme Court's decisions in the Miranda, Mallory, and Wade cases. I presented the reasons why I believe those provisions should not be adopted—the fact that the provisions are directly contrary to Supreme Court decisions based on the Constitution and are thus patently unconstitutional; and the importance of the constitutional rights recognized in those decisions to safeguard our historic rights against self-incrimination and guard against the shocking abuses in police interrogation which have been revealed in Federal courts since at least Brown against Mississippi in 1935.

Today I wish to discuss another provision of title II which attempts to achieve the same result—to overrule Miranda, Mallory, and Wade—but by a means which, I believe, is even more threatening to our fundamental scheme of government. This provision would deny the Supreme Court any jurisdiction to review State criminal cases in which confessions or eyewitness testimony had been admitted in evidence. In a single stroke, this provision would overturn 150 years of our constitutional history—from the Supreme Court's decision in Martin against Hunter's Lessee, and even earlier—and would abolish the historic role of the Supreme Court as ultimate guardian of the supreme law of the land.

This abolition of jurisdiction is, I believe, patently unconstitutional. The controlling language of the Constitution on this question is article III, section 2, which reads, in pertinent part:

> The judicial Power (of the United States) shall extend to all cases, in Law and Equity, arising under this Constitution, the laws of the United States, and Treaties made, or which shall be made, under their Authority.

Then other classes of cases, such as those affecting ambassadors, admiralty and maritime cases, and so forth, are enumerated. And the section continues:

> In all cases affecting Ambassadors, other Public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original Jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions and under such Regulations as the Congress shall make.

The proponents of title II argue that this last-quoted language gives the Congress authority to deprive the Supreme Court of jurisdiction over State cases admitting confessions and eyewitness testimony; that this is simply an exception to and regulation of the Supreme Court's appellate jurisdiction which Congress is authorized to make. I submit that this argument is totally incorrect.

By depriving the Supreme Court of appellate jurisdiction of these State cases—and, in addition, by removing any postconviction review of State criminal cases in any Federal court through the writ of habeas corpus—title II flies directly in the face of the first sentence of article III, section 2—that "the judicial power" of the United States "shall extend"—and I emphasize the word "shall"—"to all cases"—and I emphasize the word "all"—"arising under this Constitution." If title II is adopted, this clear language of the Constitution would be violated; the judicial power of the United States would not extend to all cases arising under the Constitution.

My reading of this constitutional provision is not novel. In fact, this interpretation of the Constitution has been established doctrine since at least 1816, when the great case of Martin against Hunter's Lessee was decided.

In that case, Mr. Justice Story in the opinion for the Court, stated:

> If some of these cases [arising under the Constitution, laws and treaties of the United States] might be entertained by state tribunals, and no [Federal] appellate jurisdiction as to them should exist, then the appellate power would not extend to *all*, but to *some*, cases. If state tribunals might exercise concurrent jurisdiction over all or some of the other classes of cases in the constitution, without control, then the appellate jurisdiction of the United States might, as to such cases, have no real existence, contrary to the manifest intent of the constitution (14 U.S. at 339).

I believe that this statement by Mr. Justice Story, speaking for the Supreme Court in 1816, conclusively establishes the unconstitutionality of the provisions of title II which would deny individuals any Federal review of claims that confessions or eyewitness were admitted in violation of the Constitution of the United States.

Because of the central importance of Martin against Hunter's Lessee in establishing the central role of the Supreme Court in upholding the supremacy of the Constitution, I think it is important to consider the background of this case in detail.

Martin against Hunter's Lessee was the culmination of years of litigation involving the 300,000-acre estate of Lord Fairfax in the Northern Neck of Virginia. The opinion was Justice Story's first substantial exposition of constitutional law and closely resembles the views of the Chief Justice, John Marshall. That Marshall did not himself deliver the opinion or participate in the decision was due to the circumstance that his brother, James M. Marshall, was involved in the controversy, as a real party in interest. This, together with the personal hatred of Marshall by the head of the Virginia Republican organization, had much to do with the agitation which surrounded disposition of the controversy.

At the time of the events which gave rise to the decision, the head of the governing Republican organization in Virginia was Spencer Roane, president of the court of appeals, the highest court in the State of Virginia. Jefferson had intended to appoint Roane Chief Justice of the United States, but before Jefferson took office, Chief Justice Ellsworth resigned and President Adams appointed Marshall. Roane's highest ambitions were thus thwarted by the appointment of the man for whom he had nurtured lifelong disdain.

Five years before the Marshall syndicate made its investment in the lands in controversy, one David Hunter had secured from the State of Virginia a grant of 788 acres. The grant was made pursuant to confiscatory acts by the Virginia Legislature passed during the Revolution. These acts had not been effectuated prior to the grant, however, and in 1783 the treaty of peace put an end to subsequent proceedings under them.

Denny Martin, the devisee of Lord Fairfax, denied the validity of Hunter's grant on the ground that Virginia did not execute her confiscatory statutes during the war, and that all lands and property to which those acts applied were protected from confiscation by the treaty of peace, signed in 1783. In 1794 the Virginia trial court gave judgment for Martin. Hunter appealed. But proceedings in the case were halted after the passage of the Act of Compromise in the Virginia Legislature. That act provided that in exchange for the relinquishment by the Fairfax claimants of any rights to unappropriated waste lands, Virginia would give up its claims to such lands as had been specifically appropriated by Lord Fairfax. The case slumbered in the court of appeals until it was reargued 13 years later and decided in 1810 by Judges Roane and Fleming in favor of Hunter.

The Fairfax claimants appealed and the U.S. Supreme Court issued a writ of error to the Virginia Court of Appeals. Justice Story, writing for the Court, reversed the Virginia court, holding that title had not passed to Hunter because there had been no inquest of office to divest title from those claiming under Lord Fairfax and that the property title which remained in Martin was protected from subsequent State action by the anticonfiscation clause of the Jay Treaty. The U.S. Supreme Court remanded the case to the Virginia Court of Appeals. On reconsideration the Virginia Court of Appeals raised the issue of the Supreme Court's power to review judgments of State courts. The issue was joined.

The decision caused much concern in the Old Dominion. The case was soon set down for argument and members of the bar generally were called to argue the question. The issue was argued for 6 consecutive days in the spring of 1814. Although the opinions were ready shortly thereafter, they were not published until December 16, 1815. The unfavorable attitude in New England toward the war with England had led to the calling of the Hartford Convention and talk of secession; the Virginia court, although strongly in favor of State's rights, did not want to encourage such extremism.

The Virginia court's decision was unanimous that section 25 of the Judiciary Act of 1789 which conferred the power on the Supreme Court to review

State court decisions was unconstitutional. Judge Roane's opinion was lengthy and discussed in detail all phases of the controversy.

He held that section 25 of the Judiciary Act of 1789 was invalid for national courts could not be allowed to control State tribunals. It would, said Judge Roane, be a "plain case of the judiciary of one government correcting and reversing the decisions of that of another."

> The Virginia Court of Appeals—

He continued—

> is bound, to follow its own convictions . . . anything in the decisions, or supposed decisions, of any other court in the contrary notwithstanding.

Thereupon the Virginia trial court was instructed to execute the mandate of the State court of appeals.

Immediately the case was taken to the U.S. Supreme Court by writ of error. Again, Chief Justice Marshall did not sit, but, as it was later reported, he "concurred in every word" of the opinion rendered for the Court by Justice Story and restated the principles of the decision in McCulloch against Maryland 3 years later.

The Supreme Court, as I have indicated, overruled the Virginia Court of Appeals, and held that the U.S. Supreme Court did have authority to review the interpretation which State courts made of the Constitution, laws, or treaties of the United States.

The reasons underlying the Court's decision in Martin against Hunter's Lessee—that Federal review necessarily exists over State court decisions on Federal questions—is rooted in the essential framework of our institutions of government. As Justice Story indicates, in his opinion:

> The Constitution has presumed . . . that state attachments, state prejudices, state jealousies, and state interests, might sometimes obstruct, or control, or be supposed to obstruct or control, the regular administration of justice (14 U.S. at 345).

As we have seen in the cases I discussed earlier where shocking coercion of confessions by State law enforcement officials was overlooked by State courts, and constitutional rights against coercion were only upheld by Supreme Court review—this constitutional principle noted by Justice Story is justified by historical experience.

Let me recall the facts of some of these cases. In Brown against Mississippi, 1935, three ignorant Negroes were beaten with leather straps, one was hung from a tree by his neck and whipped, let down, and then hung again, all three were threatened with mob vengeance, and finally confessions were extracted. The State supreme court ruled that these confessions were voluntary, and that the defendants' rights to due process of law under the U.S. Constitution had not been violated. But, because the judicial power of the United States extended to all cases arising under the Constitution—under article III, section 2—the defendants could appeal to the Supreme Court of the United States.

> Our rights under the Fourteenth Amendment to the Constitution of the United States were violated—

They said.

> We were deprived of due process of law.

The Supreme Court took the case and reversed this shocking and brutally obtained conviction. But title II of this bill purports to deprive the Supreme Court of this review authority—and would leave Brown and his codefendants to the tender mercy of the State courts.

Can anyone deny that Federal review of State court decision in Ward against Texas, 1942, was vitally necessary? In that case, the defendant was taken alone by the local sheriff from one town to another, over 100 miles from his home where he was arrested, he was whipped and beaten by the sheriff and burning cigarettes were snubbed out on his bare skin. Finally a confession was extracted, and the State supreme court ruled this voluntary. The U.S. Supreme Court reversed, of course. In all of the other shocking and brutal cases which I described in this Chamber on Monday, the State supreme courts found confessions to be "voluntary" and only review by the U.S. Supreme Court saved this country from the blights on its conscience which those State decisions would have represented.

Justice Story's words in Martin against Hunter's Lessee were not idle concerns. The history of this country clearly establishes that Federal review of constitutional claims is necessary to protect essential liberties under the Constitution.

I wish I could tell you that this was not the case—that these instances of official misconduct by police, that shocking and unjust interrogation practices, are things of the past. But this is not the case. Let me remind you of just one case which occurred in New York City a few short years ago.

At 7:30 a.m. on April 24, 1964, George Whitmore, a slow-witted 19-year-old Negro drifter with no previous arrest record, was ushered into the back room of a Brooklyn police station. Within 22 hours, he had confessed to an attempted rape and two murders—the double killing of career girls Janice Wylie and Emily Hoffert, New York's most sensational crime in recent years.

Six weeks after Whitmore had confessed, the Supreme Court issued its decision in the case of Escobedo against Illinois. That ruling, which was the direct precursor of the Miranda decision, sent shock waves through the Nation's prosecutors and is one of the major Supreme Court decisions that, like Miranda, the proponents of title II now seek to overrule.

When the Escobedo decision was announced, the prosecutors took to the press. From public platforms and in private interviews, they charged that the Court was "coddling the criminal element" and "swinging the pendulum too far" in favor of defendants' rights as against the public's safety.

In a long harangue directed at a reporter, one of the top assistants of Manhattan District Attorney Frank S. Hogan explained the connection between the Escobedo and Whitmore cases.

> Let me give you the perfect example of the importance of confessions in law enforcement—

He said—

> This, more than anything else, will prove how unrealistic and naive the Court is.
>
> Whitmore: The Whitmore case. Do you know that we had every top detective on the Wylie-Hoffert murders and they couldn't find a clue. Not a clue.
>
> I tell you, if that kid hadn't confessed, we never would have caught the killer.

Yet, in January 1966, 6 months after this passionate statement by his top assistant, District Attorney Hogan dropped the charges against Whitmore for the Wylie-Hoffert murders. Shortly after Whitmore's confessions, another man, a drug addict named Richard Robles, was arrested for minor offenses and he volunteered information about the Wylie-Hoffert murders which demonstrated that he alone was the killer. Then it was learned that Whitmore was prompted in the details of the crime by the police officers who questioned him in isolation for 22 hours.

If Whitmore's tragically false confession could have been obtained in the office of Frank Hogan, one of the great district attorneys in the Nation, it could have been obtained anywhere. Yet, title II preaches that George Whitmore and others like him must be sacrificed in the greater interest of the needs of law enforcement.

> In the development of our liberty—

Wrote Justice Brandeis—

> insistence upon procedural regularity has been a large factor.

And this is especially true in the realm of criminal justice, where loss of liberty, or loss of life itself, may turn on the integrity of the inquiry made into the charges preferred against the accused. The accused's general bad character, or even his probable guilt, is not an acceptable excuse for the shoddy administration of justice. As Judge Cuthbert Pound of the New York Court of Appeals once put it:

> The defendant may be the worst of men, but [t]he rights of the best of men are secure only as the rights of the vilest and most abhorrent are protected.

The community that fails to insist on scrupulous observance of high standards by its police, by its prosecutors, and by its judges and juries, has surrendered responsibility for its own most awesome institutions. Such a community has lost track of the purposes that brought it into existence.

We cannot close our eyes to the fact that in interrogation and line-up practices, State and local officials have in the past—and may be expected in the future—to violate the constitutional rights of some of our citizens. We cannot escape the further fact that State courts have not in the past always been scrupulous in vindicating these Federal constitutional rights. And, as Justice Story said, the presumption rooted in our Constitution is that State institutions—because of "State attachments, State prejudices, State jealousies, and State interests, might sometimes obstruct or control the regular administration of justice." Federal review of cases arising under the Constitution is thus essential—and the Constitution, in article III, section 2, assures this. But title II of this bill would ignore this overriding constitutional principle.

This is not the only argument which supports Federal review of State court decisions where constitutional rights are at stake. In Martin against Hunter's Lessee, Justice Story continued with another equally compelling argument:

> A motive of another kind, perfectly compatible with the most sincere respect for state tribunals, might induce the grant of appellate power over their decisions. That motive is the importance, and even necessity of uniformity of decisions throughout the whole United States, upon all subjects within the purview of the constitution. Judges of equal learning and integrity, in different states, might differently interpret the statute, or a treaty of the United States, or even the constitution itself: if there were no revising authority to control these jarring and discordant judgments, and harmonize them into uniformity, the laws, the treaties, and the constitution of the United States would be different, in different states, and might, perhaps, never have precisely the same construction, obligation or efficiency, in any two states. The public mischiefs that would attend such a state of things would be truly deplorable; and it cannot be believed, that they could have escaped the enlightened convention which formed the constitution. What, indeed, might then have been only prophecy, has now become fact; and the appellate jurisdiction must continue to be the only adequate remedy for such evils.

It is this great constitutional principle which title II throws to the wind, by abolishing any Federal review of claims that confessions or eyewitness evidence had been admitted as evidence in State cases in violation of the U.S. Constitution.

As Alexander Hamilton eloquently stated, in Federalist No. 80:

> The mere necessity of uniformity in the interpretation of the national laws decides the question. Thirteen independent courts of final jurisdiction over the same causes, arising upon the same laws, is a hydra in government, from which nothing but contradiction and confusion can proceed.

Title II carries Hamilton's example to a nightmare extreme: a 50-headed hydra, with each State court having final jurisdiction to interpret the Constitution in its State regarding confessions and eyewitness evidence.

These arguments are, I believe, conclusive that the provision of title II, withdrawing Supreme Court jurisdiction over confession and eyewitness cases, is unconstitutional and unwise.

The power to regulate and make exceptions to the jurisdiction of Federal courts may and has been used for diverse legitimate purposes. Certainly as was the framers' intent, it is important that the Federal judiciary be arranged so that it can conduct its business in an expeditious and efficient manner. This should be the primary purpose to which the power is put. For example, there should be a sufficient number of Federal district courts to handle the case load present in their respective areas. It has been found desirable to establish specialized Federal courts like the Tax Court or the Court of Claims to more efficiently handle discrete categories of cases.

The Congress, by providing the Supreme Court with discretionary jurisdiction over cases which arise through certiorari jurisdiction has made it possible for the Court to stay relatively current with its docket. These are all legitimate exercises of the power vested in Congress to "regulate and make" exceptions to the jurisdiction of Federal courts. But the power to "regulate and make" exceptions to Federal court jurisdiction does not—and cannot, under article III, section 1—extend to abolishing all Federal jurisdiction over the claims arising under the Constitution. Title II of this bill attempts to do this, and therefore is not a legitimate exercise of the "exception and regulation" power.

THE M'CARDLE CASE: NO PRECEDENT FOR ADOPTION OF TITLE II

Proponents of title II have argued that one clear precedent does exist to justify the extreme exercise in removing Federal review from State confession and eyewitness cases; that precedent is, they assert, the Supreme Court decision in Ex parte McCardle, handed down immediately following the Civil War. In that case, briefly stated, the Congress abolished the Supreme Court's appellate jurisdiction over habeas corpus cases while McCardle's habeas corpus appeal—challenging the constitutionality of the Reconstruction Act—was in the Supreme Court. The Court thereupon dismissed McCardle's appeal, ruling that Congress could validly withdraw its jurisdiction. But the crucial aspect of the Court's holding, which was made evident a few years after McCardle in Ex parte Yerger, was that the Court retained under the Judiciary Act of 1789 the power to issue an original writ of habeas corpus, and McCardle could obtain Federal court review of his claims under the U.S. Constitution by using this route. In title II, defendants would be deprived of any Federal court review of constitutional claims in confession and eyewitness identification cases; and McCardle clearly does not authorize the extreme abolition of Federal review power.

That, in brief, is the holding of the McCardle case. And this summary indicates why the case cannot be used by the proponents of title II either to justify removal of Supreme Court appellate review over State confession and eyewitness cases, or the abolition of all Federal habeas corpus review over State criminal convictions. I think we should review the history of the McCardle case in greater detail, however, because it is the most notorious instance in the history of our country in which the Congress tried to intimidate the Supreme Court and undermine the Constitution by depriving the Court of jurisdiction.

I believe this case serves as a present-day warning to us. I believe that, if title II is enacted, historians will view it as just as notorious—and potentially destructive to our institutions of government—as the actions of Congress which gave rise to the McCardle case.

The McCardle case arose out of the punitive and oppressive legislation enacted by the Reconstruction Congress immediately after the Civil War. In March 1867, Congress enacted, over the constitutional objections of President Andrew Johnson's veto, a series of statutes providing for military governments over the Southern States. These statutes raised constitutional questions of enormous magnitude, posing as they did the question of the validity of military government in time of peace in a democratic nation. Needless to say, Congress was extremely apprehensive as to the attitude of the Supreme Court toward the legislation.

The constitutionality of the reconstruction legislation was brought promptly before the Court in December 1867. The manner in which it reached the Court, however, was bizarre. As a procedural part of the reconstruction legislation, Congress had enacted the Habeas Corpus Act of February 5, 1867. This statute was intended to protect Federal officials and other loyal persons against antagonistic action by the courts or officers of the Southern States. Under the act, appeals from the Federal trial courts to the Supreme Court in habeas corpus cases, which until that time had been authorized in only a limited category of cases, were extended to "all cases where any person may be restrained of his or her liberty, in violation of the Constitution or any treaty or law of the United States.

By a supreme irony, this procedural statute, designed to help enforce the substantive reconstruction legislation, was seized upon by the opponents of Reconstruction as a weapon to test the constitutionality of the legislation.

McCardle himself was an editor in Mississippi who had been arrested and held for trial by a military commission in the State, under the authority of one of the first reconstruction acts. Before his trial, McCardle petitioned for a writ of habeas corpus in the Federal trial court. The writ was denied by the court, and McCardle filed an appeal with the Supreme Court under the terms of the 1867 statute.

On January 10, 1868, McCardle's lawyer moved in the Supreme Court that the case be advanced for speedy hearing. According to the contemporary press, the argument by McCardle's lawyer was "an extremely bitter Copperhead harangue on States rights and the unconstitutionality of the reconstruction laws. He evidently argued the McCardle case con amore."

The Attorney General of the United States, Henry Stanbery, told the Court that he had already advised President Johnson that the Reconstruction laws were unconstitutional and that he could not act on behalf of the Government to defend the laws in the Supreme Court. Stanbery also informed the commanding military officers in Mississippi and Washington of his decision.

On January 17 the Supreme Court granted the motion for speedy hearing and set the case for argument on the first Monday in March. The radical Republican newspapers boasted that the decision would not disturb the Reconstruction program in Congress, since the Reconstruction members intended by the time of the Court's decision to have affairs in such a condition in the States of Mississippi and Alabama that even if the Court held the Reconstruction Acts unconstitutional, the decision would not seriously impede the work in those States.

The press reported that the Justices of the Court were divided 5 to 3 in favor of granting the speedy hearing. The newspapers believed that the result would be the same on the question of the constitutionality of the laws. Chief Justice Chase himself was one of the three dissenting justices.

In a short time, however, rumors increased that the Court intended to hold the reconstruction laws invalid. In order to avoid an adverse decision by the Court, the Judiciary Committee of the House of Representatives reported a bill to require that, in any decision against the validity of an act of Congress, two-thirds of the Justices must concur in the holding. In the debate on the bill Congressman Samuel Marshall of Illinois stated:

> The bill is revolutionary and dangerous. It is one of the worst of the revolutionary measures brought forward to subvert and destroy the institutions of our country, which have caused such widespread gloom and despondency. The measure is a confession of guilt on the part of the majority. It is evident that they feel and know in their hearts that their legislation will not bear investigation by a legal tribunal.

The bill passed the House by a vote of 116 to 39, and was warmly supported by the radical Republican press. These views, however, were not shared by the country at large. The general public and much of the press were opposed to so bald an attempt to interfere with the judiciary. A leading newspaper in the West, the Chicago Republican, said:

> The Supreme Court is the judicial bulwark against tyranny and justice on the part of either the President or Congress. It will never permit this safeguard against oppression to be swept away.

The Senate, after some hesitation, declined to adopt the House bill. It appears that the reconstructionists in the Senate believed that, even with a two-thirds requirement, the Reconstruction laws would be held unconstitutional.

On February 3, 1868, one week before the argument began on the merits in the McCardle case, the Supreme Court rendered a decision upholding its jurisdiction to hear the case, and on March 2 arguments in the case were begun before the Court. The case was argued for the Government by Senator Matthew Hale Carpenter, who spoke 2½ hours and told his wife that he had been "praised nearly to death" for the eloquence of his argument. When he had finished, Secretary of War Stanton, with tears in his eyes, exclaimed fervently, "Carpenter, you have saved us."

Meanwhile the impeachment trial of President Johnson had begun. On March 5, in the midst of the McCardle argument, Chief Justice Chase was withdrawn from the bench in order to preside over the impeachment proceedings in the Senate.

Several days later, shortly after the end of the oral argument in the case, Congress decided to intervene to render any decision in the case impossible, in spite of the fact that, because of the absence of the Chief Justice, the Court was expected to postpone a decision until the following year. On March 12, 1868, the House added on to a harmless and unimportant Senate bill an amendment entirely repealing the appellate jurisdiction of the Supreme Court under the Habeas Corpus Act of 1867 and specifically prohibiting the exercise of jurisdiction by the Court over appeals in pending cases. At the time, unanimous consent had been obtained in the House for consideration of the Senate bill, and the amendment was passed without any explanation or debate.

When the bill as amended by the House went back to the Senate the moderate Republicans and Democrats in the House awoke to the fact that they had been deceived. Congressman BOYER, of Pennsylvania charged that the amendment had been smuggled through to prevent a test of the constitutionality of the Reconstruction Acts. However, on March 12, 1968 the Senate concurred in the amendment, again with no explanation or debate, by a vote of 32 to 6.

Within a few days, but only after both Houses of Congress had passed the bill, the country was aroused to the fact that Congress had been tricked into passing without debate a measure of the utmost importance to the Nation. The radical Republican press was exultant, however. One newspaper said:

> The passage of that little bill which put a knife to the throat of the Supreme Court was a splendid performance. Congress will not abandon its Reconstruction policies to please any Court. The safety of the nation demands that Congressional Reconstruction will be successful, and if the court interferes, the Court will go to the wall.

Although his impeachment trial had already begun, President Johnson did not hesitate, even at this most desperate moment in his career, to challenge the congressional attack upon the Court with a powerfully worded veto. The President declared that the bill would clearly be regarded by a large portion of the people as an admission of the unconstitutionality of Reconstruction legislation, and predicted that the attempts to evade the wisdom and impartiality of the Supreme Court in an area affecting the liberty of the citizens would agitate the country and provoke grave consequences.

The Senate finally heard a full debate on the question of passing the bill over the President's veto. The debate was replete with vicious attacks upon the Court and its motives, but equally strenuous defenses of the Court were made by the moderates. The bill passed the Senate, however, on March 26, 1868, by a vote of 33 to 9, and it passed the House on March 27 by a vote of 115 to 57.

During the period of debate on the bill, the Supreme Court had delayed its final decision in the McCardle case. When the bill was finally passed over the President's veto, the Court was squarely confronted with the necessity of deciding whether Congress had the power to limit its appellate jurisdiction. McCardle's lawyer moved that the question be set down for argument, and the Court agreed to do so on April 2. Shortly thereafter, however, a majority of the Justices decided that the issue should be postponed until the next term of the Court in the following year.

With the passage of the act limiting the Court's jurisdiction, however, Congress reached the limit of its attacks upon the Supreme Court. Public reaction in favor of the Court arose throughout the country. The acquittal of President Johnson in the impeachment proceedings in May 1868 broke the power of the radicals, and the country at large acquired a cooler and saner point of view. Many of the Southern States accepted reconstruction as an inevitable fact, ratified the 14th amendment and were admitted to participate in the National Government.

On March 19, 1869, the McCardle case was again reached, and argument was held on the validity of this regulation of the Court's jurisdiction by the Congress. On April 12, by unanimous decision, the Court held that the statute repealing the Court's appellate jurisdiction under the 1867 Habeas Act was constitutional. Accordingly, the Court did not reach the merits on the case.

The decision in McCardle, however, must be viewed in context. Although the legality of McCardle's incarceration could not be tested in the Supreme Court through the exercise of its appellate jurisdiction conferred by the 1867 act, the Court retained the power to issue original writs of habeas corpus. This was made clear in Ex parte Yerger, decided on October 15, 1869, a short time after the McCardle decision. The Yerger case arose from the denial of a petition for a writ of habeas corpus filed in a trial court in Mississippi. Yerger, like McCardle, was a newspaper editor who had been imprisoned by military authorities pursuant to Reconstruction Legislation. Unlike McCardle, however, Yerger took his appeal to the Supreme Court under the provisions of the Judiciary Act of 1789, not under the Habeas Corpus Act of 1867. The jurisdiction issue was argued first.

Only 1 week after oral argument in Yerger, Chief Justice Chase rendered a decision which exhaustively reviewed the powers of the Supreme Court under the various habeas statutes and thereupon upheld the Court's jurisdiction over the appeal in the Yerger case under the 1789 act. Before the Court could reach the merits of the case, Yerger was released. Thus, the hotly contested question of the validity of the Reconstruction laws was mooted without any express decision, and more importantly, without lasting harm to the fundamental role of the Supreme Court in our tripartite system of government.

This examination of the history of McCardle makes clear that the case does not support the view that the Congress may tell the Supreme Court how to decide those cases which properly come before it; the McCardle case does not offer a precedent for the legislation proposed today.

These, then, are the essential reasons why this provision of title II depriving the Supreme Court of jurisdiction over State cases must be rejected. Because this provision is so clearly directed at overruling the Supreme Court's decisions in confession and eyewitness identification cases, and because Congress has no power to act by simple statute to amend the Constitution and change Supreme Court rulings based on the Constitution, it is clear that this backhanded jurisdictional attempt to reverse the Supreme

Court and change the Constitution will be held unconstitutional. In addition, this provision is flatly contrary to article III, section 2 of the Constitution, and it would undermine the historic role of the Supreme Court as the ultimate tribunal to vindicate and establish uniform interpretations of Federal constitutional rights. Justice Oliver Wendell Holmes stated, more than 50 years ago:

> I do not think the United States would come to an end if we (the Supreme Court) lost our power to declare an Act of Congress void. I do think the Union would be imperilled if we could not make that declaration as to the laws of the several States.

By depriving the Supreme Court of the power to review State court decisions based on the U.S. Constitution, title II would, in Justice Holmes' words, "imperil the Union." We must not take that disastrous step. We must reject title II.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Pursuant to the previous order, the Chair recognizes the Senator from Pennsylvania [Mr. CLARK] for 1 hour.

Mr. CLARK. Mr. President, few countries have a history as closely tied to the gun as America. No country has contributed as much to the development of the small arms gun as our own. America invented the revolver and developed the first breech-loading rifle. America is indebted to them both.

It was the small arms gun which protected our pioneers, won us independence, preserved our independence, won the West, and helped deter invaders from our shores for 150 years.

Few States have produced as many successful gunsmiths as my own great State of Pennsylvania.

It was the immigrant German armorers of Pennsylvania who invented the first distinctly American firearm in the 18th century—the Kentucky rifle—the rifle which outshot and outgunned the inferior muskets of the British and German mercenaries in the War of Independence.

Another Pennsylvanian, Christian Sharps of Philadelphia, more than 100 years after the invention of the Kentucky rifle, produced the first breech-loading rifle. Sharps' breakthrough led to such famous weapons as the Winchester and Springfield rifles.

American weapons, the Winchester, the Springfield, the world's first revolver, the Colt .44, and many others, were copied by gunsmiths around the world but rarely if ever improved. American armorers have led the world in the development of the small arms gun.

The gun has played a dramatic and constructive role in American history. It has played an equally dramatic and destructive role.

The problem with having our history so intrinsically tied to the gun, and having been so supremely successful in the manufacture of guns, is that it is difficult now to be objective about the gun. The rifle and the revolver have been romanticized. The gun stands today as a symbol of manhood. It is not beyond criticism but it has a loyal and powerful lobby to protect it.

But the gun is only as safe as its owner. It is only as wise as its user. It is only as useful as the hands in which it is held. It has a potential for good and evil, but its owner or user is the only person who can determine which potential will be realized.

The lesson we can learn from the past is that in irresponsible hands, the gun is a threat to our very existence. Four times a gun has been used to commit the gravest crime in our country—the assassination of the President, and only a few weeks ago, a gun was used to murder this country's greatest apostle of nonviolence, Martin Luther King. These last two gun murders—that of Dr. King and President Kennedy, throw a cruel spotlight on the state of gun control in America in the sixties.

President Kennedy's murder was committed by a man with an established record of defection and mental instability, but who, by renting a post office box under an assumed name, was able to buy both the rifle with which he shot the President and a pistol, with which he killed a police officer only minutes after his murder of the President.

The rifle which killed John Fitzgerald Kennedy in 1963 was one of 1 million small arms guns purchased that year through mail-order firearms dealers.

From the information we have thus far, it appears that Dr. King was killed by an escaped convict with a gun bought over the counter in another State. No one knows just how much damage was perpetrated by the million mail-order guns sold in 1963—or for that matter the hundreds of thousands of small arms guns sold over the counter in the same year.

But we do have figures on the damage wreaked by all 50 million guns in this country. We do have statistics which point to a correlation between multiplying gun sales and the massive increase in crime. We can demonstrate the degree to which uncontrolled gun sales encourage crime. And we have positive proof of the effectiveness of gun control as a means of cutting down crime.

An estimated 2 million guns are sold in America every year. In one State alone, California, sufficient guns are sold each year to equip two military divisions. But too many of the guns have been falling into the wrong hands. For $10, any juvenile can write off to a mail-order firm and purchase a rifle, a shotgun, or a pistol. Many mail-order dealers have pistols as cheap as $5.

Teenage gang warfare has been a menace to the safety of our society for some time, but the savagery of the warfare in this last decade as the gangs have become armed with guns, poses a threat to the essential stability and security of our social system.

Teenage terrorism in Philadelphia was described in detail to a Senate subcommittee by Philadelphia Police Commissioner Howard Leary 2 years ago. More than 200 juveniles were arrested in Philadelphia in 1 year and charged with crimes involving firearms. The charges included homicide, robbery, assault, and carrying a concealed weapon. More than 200 firearms were confiscated from Philadelphia teenagers in a year, but in 1964 the confiscations came too late to save two 17-year-olds, one 18-year-old, and one 20-year-old who died in teenage gang clashes.

The mail-order dealers' cache of weapons, most of them surplus World War II firearms discarded by foreign governments, is not available merely to juveniles. Even bigger spenders with the mail-order dealers have been criminals—both the smalltown crook and the bigtown gangster.

There are more than 400 mail-order firearms dealers. The sales of just three firms to just one city, Chicago, were investigated 2 years ago. The investigators discovered that over a period of 3 years, 4,000 people bought weapons from the dealers—and that almost one-fourth of the purchasers had criminal records. The notorious fourth included 13 who had been arrested for murder, 58 for robbery, 42 for burglary, 111 for various types of assaults, 83 for carrying concealed weapons, and 426 for disorderly conduct. All 950 of them had been able to purchase guns with as much ease as a Book-of-the-Month Club member orders the latest best seller. This is only one city, Chicago.

The sales in Chicago are not an exception, as testimony to a Senate subcommittee by the police commissioners of New York, Washington, Atlanta, and Philadelphia only too clearly established.

The tragedy of our present gun control system is that juveniles and criminals are not just limited to mail-order dealers when shopping for weapons. Loose Federal, State, and local laws have allowed over-the-counter dealers to compete with the mail-order companies for the sale of arms to juveniles, crooks, and an assortment of other customers. Other customers have included psychopaths and homicidal maniacs, thugs, drunks, spurned lovers, irate spouses, and depressed neurotics—a whole host of people whose lack of stability, once armed with a gun, places everybody in our society in danger.

Only a few miles from where President Kennedy was assassinated, an ex-marine named Charles Whitman, accumulated sufficient weapons in 1966 to fill a footlocker. Under the law there was no obligation for Whitman to register his lethal weapons. No police officer knew of the cache until one tragic day Whitman first killed his wife and mother with a gun and then climbed to the top of a tower at the University of Texas where, in less than an hour, he fatally shot 13 people and wounded 30 others.

There is a long list of victims shot and killed by the deranged and disturbed, but in an even more poignant category are the people—many of them children—killed in shooting accidents. An average of six people a day are unintentionally killed by guns. Some of the victims are hunters who have been mistaken for deer, bear, or other wildlife, by their colleagues. But the majority of the victims are children. Hardly a day passes without some news story of the death of a young boy or girl who was playing with an old family rifle or revolver. The tragedy is made more poignant by the similarity of the circumstances. Father thought the rifle was unloaded. Mother did not even know the children were playing with the gun. Neither was aware of the reality until the report of the gun shattered the laughter of the children and the illusions of the parents—but by then it was too late.

Just as sad, and even more cruel, have been the accidents in which the family rifle or revolver has been used to defend the home only to discover that the suspected burglar was, in fact, a member of the family.

One typical tragedy was reported by Associated Press from Indianapolis:

> A high-school girl who arose before dawn to quiet the family dog was shot to death when her father mistook her for a burglar. Larna Kay Wilson, 18, cried "Oh, Daddy," then collapsed and died. Her father, Jack Wilson, 45, was sobbing beside the body when police arrived.

Nowhere in the civilized world is a gun as easy to obtain as in America. Guns are at hand for any and all purposes—for the pursuit of sport such as in hunting and rifle club shooting but also for the purposes of homicide, suicide, fratricide, or patricide.

What is the result? A procession of expert witnesses before a Senate subcommittee investigating the problem of gun control testified to the rising role of guns in the overall crime picture of America and to a spiraling death toll from accidental and criminal shootings.

What are the facts? Let us take a look at some of them:

Last year more than 100,000 Americans were shot—more than 19,000 of the shootings proved fatal.

Every year more than half the 10,000 murders in the United States are committed with guns; more than half the 20,000 suicides are carried out with guns; and over 2,000 accidental deaths are caused by guns.

Every day more than 50 Americans die in a civilian shooting incident. Since 1900, more Americans have been killed by privately owned guns than have died in battle in all the wars in which this Nation has fought. Think of the slaughter of the Civil War, the two World Wars, the Korean and Vietnam wars and then remember that the carnage caused by civilian guns is greater than the bloodshed of all these terrible wars.

Civilian shooting casualties are increasing year by year as the sales of guns rise. Even more alarming, a similar increase in the incidence of crime is also recorded.

Last year guns were used in more than 40,000 aggravated assaults and 50,000 robberies. More and more bank robbers are now armed with guns; more and more burglars are using guns; more and more street assaults involve guns.

In the first 5 years of this decade, more than 200 policemen were murdered with firearms. Only nine were killed by other means. More than four law officers continue to be killed every month in this country while attempting to preserve law and order.

The coldblooded murder of Detective David McCann in Philadelphia in 1964 is a typical example of the dangers to which our policemen are exposed in carrying out the most ordinary police duties. The 37-year-old police lieutenant, a father of three, was called to a bar in Philadelphia to evict a woman who had been annoying the customers. The detective evicted the woman, but outside the bar, she murdered him with a .38-caliber pearl-handled revolver. The detective was defenseless. He didn't stand a chance. The murder was cold, stark, and brutal. But it is a murder which is repeated, with a few variations, almost every week in America. Almost every week a policeman in some American city is shot down and killed in cold blood. Almost every day some policeman in some American city is shot at. Almost every day, some policeman in some American city is wounded by a gun fired by an assortment of thugs, crooks, criminals, teenage toughs, and deranged individuals, all of whom have been able to purchase their firearms with less difficulty than it takes to buy a car. Lieutenant McCann's killer, a former resident of a correctional institution, had no trouble buying her pistol in a local gunshop just a few minutes before the murder.

The situation was critical when Congress first began to attempt to tighten the control of gun sales in 1960. Eight years later, with still no new Federal gun law in the statutes, the crisis has become acute.

Last summer guerrilla warfare raged in the streets of America. Tanks and armored cars rolled down the main streets of Detroit. Troops or police armed with rifles or machineguns were called out in more than 100 cities. Riots in 75 cities were hit by outbreaks of violence. At least 117 people were killed—more than 2,000 were injured. Most of the deaths and the majority of the serious injuries stemmed from the pitched gun battles between police and snipers in Newark and Detroit. In the bloodiest battles in America since the Civil War, police, national guardsmen, and Federal troops lined up on one side against angry, frustrated, and belligerent rioters on the other. Snipers from the cover of shop doorways and upstairs windows, blasted away at police and firemen attempting to subdue the riot and put out the blazing fires. In Detroit 43 people were killed. In Newark 26 people died.

In January of this year, U.S. News & World Report, after an extensive survey of our cities, declared the summer of 1968 could be worse. The news magazine told of organized groups of Negroes plotting new tactics of violence.

The magazine quoted a message sent by a militant Negro leader to police departments, predicting a violent and bloody revolution in America this year. The message said in part:

> Battle lines are being drawn. A condition of open warfare between the police and the black community and certain white allies is developing. Let there be no mistake, gentlemen. We are no longer talking about bricks and bottles. We are now talking about a state of total, hostile and aggressive guerrilla warfare carried out on streets and highways of our communities.

What law is there to stop these militants from arming? There is none.

What law is there to stop them purchasing cannons and bazookas which still continue to pour into this country from overseas? There is none.

What law is there to stop the militants purchasing antitank guns and flamethrowers which are still stocked by many dealers? There is none.

What law is there to stop the purchase of mortars and mines and grenades? There is none.

How difficult is it for a militant group to arm itself in America in 1968? What would a group have to do?

The task is a simple one. It merely has to walk to its nearest newsstand, pick up any of a dozen magazines in which the mail-order firearms dealers advertise, and send off its request with the necessary amount of money.

This was the means by which the Minutemen, a fanatical rightwing organization attempting to establish an underground guerrilla army in America, began arming its cadres.

A Senate investigator who infiltrated the Minuteman organization, received extensive training in weaponry by the organization's officers. Later to demonstrate how easy it is to equip a private army in America, the Senate investigator went out and bought a Finnish mortar, a bazooka, a rifle with grenade launcher, grenades, and mortar and bazooka ammunition.

There is nothing in our present laws to prevent leaders of private armies setting themselves up as gun dealers in order to arm their units.

What, if anything, do the present laws prevent and preserve? There are only two Federal laws. Both passed in the 1930's, but each contains such glaring loopholes that even their weak restrictions can be ignored with impunity.

The National Firearms Act of 1934, the so-called Machinegun Act, is limited to controlling the sales of bazookas, rockets, heavy field artillery, and similar heavy-arms weapons. The law expressly exempts pistols and revolvers from its control. Its restrictions amount to a $200 transfer tax on the sale of each weapon, and a national registration system for all weapons. As the Senate investigator so clearly demonstrated, the law can be easily bypassed.

The only Federal law which covers small arms is the 1938 Federal Firearms Act. The law fixes licensing requirements for those who trade in firearms, and prohibits the shipment of guns in interstate commerce to persons under indictment, ex-felons, and fugitives of the law. It does not forbid the sale of guns to criminals within a State. Its license provisions are completely inadequate. The license fee is so low that almost 100,000 people registered themselves as dealers in 1964 to buy guns at wholesale prices. The law is without teeth. No conviction has ever been secured under its provisions.

State gun control laws vary enormously but most of the laws are inadequate. Only one State, New York, requires a permit to possess a handgun. Only four States require registration of handguns. More than 20 States do not require a license to sell guns. More than 20 States do not require a license to carry a gun. More than 40 States do not require a permit to purchase a gun.

Even in the few States with strict provisions, the laws become ineffective when the people of the State need only to cross a border to deal with unrestricted gun dealers in a neighboring State.

The situation is so critical that some stores have stopped selling guns. Sears and Roebuck, one of the country's largest chainstore corporations, has withdrawn its stock of guns and ammunition from many of its big city stores. But it should not be left to individual corporations to provide adequate gun protection. If all stores and firearms dealers were to follow Sears' example there would be no firearms left for the sportsmen.

What we need is a fair but strict Federal law covering the sale and purchase of all firearms in all parts of the United States. Philadelphia has demonstrated that not only is such a law feasible, but also that it can play a significant role in cutting down the crime rate.

A local gun control ordinance was passed in Philadelphia in 1965—the first ordinance in the United States to regulate the purchase of all types of handguns. In the very next year, the number of murders in the city dropped 17 percent below the corresponding figure for 1965. In the Nation as a whole, murders increased by 9 percent.

In the first 18 months of its existence, the Philadelphia law prevented 110 convicted criminals from purchasing guns locally—among the 110 were two murderers, four people convicted of assault with intent to kill, two rapists, five dope addicts, 13 robbers, 22 people with convictions for aggravated assault, and 25 burglars.

Last year a strong gun control bill, S. 1, was introduced and referred to the Committee on the Judiciary. The bill, which I cosponsored, was backed by the administration. It would have attacked gun sales on three vital fronts—firearm imports; mail-order gun sales; and over-the-counter sales.

The bill would:

First. Prohibit interstate mail-order sales of all firearms.

Second. Prohibit over-the-counter sales of handguns to nonresidents of the State in which the dealer is situated.

Third. Provide for the stringent control over such destructive devices as antitank guns, bazookas, and mortars.

Fourth. Prohibit the sale of handguns to anyone under 21 and the sale of rifles or shotguns to anyone under 18. All purchasers would have to identify themselves and provide the dealer with proof of their age and address.

Fifth. Prohibit the importation of all handguns and most military surplus weapons. Importation of rifles which could be used for hunting purposes would be permitted.

Sixth. Provide new standards and increase the licensing fees of all firearms dealers, importers, and manufacturers.

Let me stress that the rights and interests of the hunters of this country would be fully protected by the bill. Rifles and shotguns could still be bought by the sportsman who could instruct the dealer to ship the rifle to his home. The bill would not prohibit sportsmen from carrying their shotguns or rifles across State lines, and pistols could be carried in conformity with State laws. The bill does not deal with gun permits or registration, leaving it to the States and local communities to decide what local firearms laws, if any, they want. In addition, any State could exempt itself from the total ban on mail-order sales, under an amendment subsequently proposed by the bill's sponsors. This exemption would allow States to permit the mail-order sales of rifles. This amendment was accepted to help the hunters of rural States who might not have a convenient local gun dealer.

President Johnson, in two special messages to Congress and on several other occasions, urged passage of the bill. He described it as "the cornerstone of the Federal anticrime effort to assist local law enforcement." In his message on crime last year, the President declared:

> To pass strict firearms control laws at every level of government is an act of simple prudence and a measure of civilized society. Further delay is unconscionable.

Senator ROBERT KENNEDY, testifying in behalf of the bill last year, stated:

> It is a necessary bill and I urge its immediate enactment. It would save hundreds of lives in this country and spare thousands of families all across the land the grief and heartbreak that may come from the loss of a husband, a son, a brother or a friend. It is past time that we wipe out this stain of violence from our land.

Attorney General Ramsey Clark has asked:

> How long will it take a people deeply concerned about crime in their midst to move to control the principal weapon of the criminal: guns? How long will it take us to realize that times have changed, that indiscriminate traffic in guns needlessly subjects thousands annually to death, injury, fear and property loss?

The Attorney General answered his own questions before a Senate hearing last year:

> We are not the pioneer venturing into the wilderness, dependent on his rifle for food and protection. We are 200 million highly urbanized and interdependent citizens of the most technologically advanced and affluent nation in history. We must control the indiscriminate flow of firearms to those who use them for crime.

Support for gun control legislation has not been limited to leaders of the Democratic Party. Leaders of the Republican Party have also been strong supporters of a gun control law. Mayor John Lindsay, of New York, campaigned for 7 years as a New York Congressman to pass a gun control bill. Appearing before a House hearing last year, Mayor Lindsay said:

> As a Mayor I am even more strongly convinced than ever of the critical need to regulate what I believe to be an irresponsible and dangerous interstate traffic in lethal weapons.
>
> We in New York have a strong bill. The New York State's "Sullivan Law" makes it a criminal offense to purchase or possess a pistol or other concealable weapon without obtaining a police department permit. The law on sales can be easily contravened however, simply by purchasing the gun in another State where the law is not as strict.

In addition to the support of the leaders of both political parties, the gun control bill is also supported by the mass of the people. Opinion polls indicate that as much as 71 percent of the people are in favor of gun control legislation. Yet all attempts to enact gun legislation since 1960 have failed. What has prevented a Federal law being passed?

The blockage has come from one of the country's most effective and most sinister lobbies—the gun peddlers' lobby—a coalition of arms importers, gun manufacturers and dealers, extremist groups like the Minutemen, and the executive council of the National Rifle Association.

At least four gun manufacturers have set up full-time lobbyists in Washington and they have been joined by a covey of lobbyists from the mail-order dealers. The main coordinator of the coalition is the 800,000-member NRA. By blatantly misrepresenting the purposes of gun control legislation, the NRA has won some naive hunters and riflemen to its cause.

On the desk next to me, the desk of my dear colleague, Senator FRANK CHURCH, of Idaho, is a stack of petitions a couple of feet high, indicating the opposition of the petitioners to sensible and strong gun legislation. I suggest that the overwhelming majority of the individuals who signed those petitions have not the remotest idea of what the gun legislation proposed by President Johnson would do; and I suggest further that if they did know, they would not sign the petition. It is the sinister gun lobby is which obfuscating the issue and fooling people all over the United States with false claims about what this legislation is about and the even falser claims that it would adversely limit the right of every American individual who wants to go hunting to own a gun and shoot a deer.

But there are many members within the NRA who do not share the executive council's views. There are many members of the NRA who are disturbed by the uncontrolled sales of firearms. There are many members of the NRA who would like to see the administration's bill passed. Several members of the NRA have written to me supporting the bill. One of the most recent letters was from Weston Tomlinson, of Chester, Pa. Mr. Tomlinson is the immediate past president of the Delaware County Rod and Gun Club, a member and legal counsel of the Delaware County Anglers and Conservationists Association, a member of the Delaware County Federation of Sportsmen Clubs, and a member of the NRA. He wrote to tell me of his support for S. 1 as "a sensible and reasonable step" to preventing crime and violence.

By itself, Mr. Tomlinson's letter could hardly raise the question of the degree to which the NRA reflects its national membership. But there was an important paragraph in his letter. His last paragraph read as follows:

> To my knowledge, none of the more than 10,000 sportsmen in Delaware County have been polled or asked their opinion by any national organization in regard to any proposed federal "gun control" legislation.

If anyone in Delaware County is likely to know of an NRA poll, that man would be Mr. Tomlinson. But Mr. Tomlinson knows of no poll.

Meanwhile the national leadership of the NRA continues its propaganda in the name of its 800,000 members. The gun lobby's campaign against meaningful gun control legislation has continued unabated. The sophistry of its arguments continues to show no bounds. Let us take a look at some of its arguments.

It began its campaign with the charge that gun legislation was unconstitutional. It quoted the second amendment:

> The right of the people to keep and bear arms shall not be infringed.

By using this quotation out of context, the gun lobby was able to win over a large number of supporters to its side. Indeed, if the second amendment was limited to those words I have just quoted, then gun legislation would be unconstitutional. But the second amendment is not limited to those words. There is an important clause which precedes the words. The full text of the second amendment reads:

> A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

The Supreme Court has put this constitutional issue beyond doubt. It has ruled conclusively that the guarantee of the right to keep and bear arms must have "some reasonable relationship" to the maintenance of a well-regulated militia, which in this day and age means the National Guard and Reserve Forces.

It does not mean the crooks; it does not mean the thugs; it does not mean the people who are mentally deficient; it does not mean the murderers, whether in the country or on the streets of the cities. It never did have any such intention, and it does not have now; and the Supreme Court has made that abundantly clear.

There is no basis in law for the contention that gun control legislation is unconstitutional and finally lobbyists in the gun lobby woke up to that fact, and found they could not sell that argument. So, having failed to win its constitutional argument, the gun lobby next attempted to misrepresent the provisions of the administration bill. It implied that the bill would deny sportsmen the use of guns. It implied the bill would deny citizens the use of guns. As pointed out earlier both suggestions are patently untrue.

The latest move by the gun lobby is to attempt to substitute Senator HRUSKA'S quite ineffective proposals for the compromise version, far too weak, in my personal judgment, reported by the Committee on the Judiciary.

The Hruska proposal makes no attempt to even regulate, let alone stop the importation of foreign weapons.

It makes no attempt to stiffen the standards for licensed dealers.

It leaves the mail-order business virtually untouched. There are no regulations at all over the mail-order sales of carbines, rifles, or shotguns. There are minor regulations over mail-order handgun sales. The regulations amount to an affidavit procedure. The only purpose for replacing an outright ban on mail-order handgun sales as contained in the committee bill, by an affidavit procedure, is to make the ban ineffective. An affidavit system can be ignored by local law enforcement officers. It is unlikely that any check will be made on the accuracy of the information in the affidavit and thus the criminal, the juvenile, and the maniac will still be at liberty to arm themselves with handguns with impunity.

The Hruska bill also provides for an affidavit system for over-the-counter sales of handguns to out-of-State residents. Thus the criminal can drive to a neighboring State, fill out the affidavit with whatever false statements he might wish to make to cover up his record, and walk out with a handgun.

The Hruska bill would simply not do the job. We need strong gun control measures. We need effective gun control measures. Guns must not be denied to hunters under appropriate safeguards, but they must be denied to juveniles and criminals.

The flood of foreign antitank guns, bazookas, and other tools of the infantryman must be stopped.

The tragic toll of shootings in this country must be reduced. Laws cannot end crime but they can make it less prevalent. We must work to end the uncontrolled gun folly. And we must not be afraid to do so, in spite of the shrill and unceasing stream of falsehood, calumny, and vilification poured forth by the gun sellers and their organized allies.

Mr. President, this is a subject on which I speak with personal knowledge, for the gun lobby has been taking out after me. I undertook to state publicly in Pennsylvania, before the late primary election, that I would vote for strong gun control legislation. My opponent took the other position.

I have no doubt that some votes went to my opponent because I spoke in Pennsylvania the way I have spoken on the floor of the Senate today. But I am convinced that I received many more votes from people who know what is happening because of the lack of gun control legislation than I lost from those hunters and marksmen who do not really understand what we are talking about, who are innocent, fine, and generous people, but who are being duped by the gun lobby and the executives, if not the members, of the National Rifle Association.

"Outdoor People," the official publication of the Pennsylvania Federation of Sportsmen's Clubs, which purports to represent 132,374 of my constituents—but does not—contained an advertisement last month suggesting that "If you want to keep your rifles and shotguns, defeat JOE CLARK in the primary on April 23."

Well, they did not, and they will not; and I do not intend to change my stand on this legislation. And I have no doubt that the people of Pennsylvania will support me in that position.

Incidentally, I was not alone. Some of the other objects of this effort at defamation were President Johnson, Senator TYDINGS, Senator KENNEDY of New York, Senator DODD, Representative MCCARTHY, of New York, Representative VANIK, of Ohio, Governor Hughes, of New Jersey, Governor Rockefeller, of New York, Mayor Daley, of Chicago, Mayor Lindsay, of New York, and Mayor Tate, of Philadelphia.

Mr. President, I am happy to stand in the company of those men who put America first, who put safe streets and anticrime legislation first, and who turn their backs on the gun lobby.

There was another advertisement before the primary election, purporting to have been paid for by the Butler County Sportsmen's Conservation Council, in violation of Federal law, containing the name of no individual who was willing to take responsibility for the advertisement.

It reads:

> ATTENTION: LAW-ABIDING CITIZENS
>
> It is important to your protection to oppose the re-election attempt of U.S. Senator Joseph Clark on April 23. * * * Crime is on the increase . . . more riots have been promised . . . Ask Joseph Clark how law abiding citizens can protect their families when attacked in their homes.

And so forth. The general purport is that every man in this country should arm himself with a gun. For what purpose, I should like to know? Certainly not to kill a deer. Certainly not to shoot grouse. How does the gun lobby want people to use their guns? Presumably against criminals. But how do we know? It could be an effort to take over the U.S. Government by force—and the Minutemen have such an intention.

Despite the pressures of a vocal, irresponsible, and ill-informed minority, careless of the public welfare, I am confident that the great mass of the American people agree with our leading law enforcement officers that an effective gun control law must be passed if we are to make any headway in our war against crime.

Mr. President, the support of police chiefs and district attorneys for a strong law is unequivocal and overwhelming. Let me cite a couple of samples.

Frank L. Rizzo is police commissioner of my hometown of Philadelphia. I do not know of another man in this country who shares Frank Rizzo's reputation as a tough warrior in the fight against crime. Commissioner Rizzo is 100 percent behind the strong administration gun-control bill which I cosponsored. Here is a quotation from a letter I received from him not long ago:

> I wish to commend you for your foresight and initiative in sponsoring this present bill—

S. 1, the administration's gun-control bill—

> to control the sale of guns at the Federal level. You are certainly doing a service to the law abiding citizens of our Nation by your support of this legislation and you are giving the police forces of our country great aid and assistance in the suppression of violent crimes.

Mr. President, I ask unanimous consent that the complete text of Commissioner Rizzo's letter, my response, and a memorandum sent to me by Commissioner Rizzo on the operation of the Philadelphia gun control law be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. CLARK. Mr. President, the Philadelphia gun control ordinance is a model for all cities.

I hope that the gun lobby spokesmen who have been so casual with their facts about the effect of Philadelphia's law, will give some study to the memorandum. To me, it demonstrates convincingly both the effectiveness of the Philadelphia ordinance and the clear need for a strong Federal law to make it even more effective.

Another instance: Recently I received a letter from Mr. Alvin B. Lewis, Jr., president of the District Attorneys Association of Pennsylvania. Mr. Lewis is also a director of the National District Attorneys Association. In his letter, Mr. Lewis enclosed a number of resolutions adopted by the National District Attorneys Association, which deal with problems of law enforcement, problems which, in Mr. Lewis' words, "are extremely severe, and gravely require the attention of Congress."

Mr. President, in their resolution on firearms control, the Nation's district attorneys clearly state their strong support for "efforts presently being made in the Congress to regulate the interstate and mail-order shipment of firearms, over-the-counter sale of handguns to out-of-State purchasers, and the sale of firearms to minors." I ask unanimous consent that the full text of this resolution may be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit B.)

Mr. CLARK. The International Association of Chiefs of Police are strongly behind the administration bill. Not long ago I received a note from the secretary of the Police Chiefs Association of Southeastern Pennsylvania, Mr. Clarence R. Culp. Mr. Culp—who was kind enough to urge me personally to "keep up the fight" for a strong gun control law, enclosed a copy of an editorial written by Thomas F. McDermott, the president of the Police Chiefs Association of Southeastern Pennsylvania, which was published in the January–February 1967 issue of Police. The editorial is entitled, "Guns: Their Association With Crime." It is sound, it is sensible, and it is written by a man who knows what he is taking about. Mr. President, I ask unanimous consent to have this editorial placed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit C.)

Mr. CLARK. The Philadelphia Inquirer has consistently given its quite considerable editorial support to the effort to pass a meaningful Federal gun control law. Its editorial of April 26 on this subject clearly states the position on this subject with which I agree, and I ask unanimous consent that the editorial, entitled, "Gain for Mail-Order Gun Ban," be placed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit D.)

Mr. CLARK. From time to time I have placed in the Record communications which I have received from my constituents, who are hunters, indicating their disagreement with the gun sellers' lobby and their support for an effective gun control law. Just recently I received a letter from Mr. Harry P. Frantz, of Merion, Pa., which I think merits the attention of my colleagues. Mr. Frantz writes:

> I want to express my support for your petition in favor of gun control legislation. I own several hunting rifles and belong to a gun club in Pennsylvania but believe me the National Rifle Association does not speak for me.

I would like to know how many of its members it does speak for. I would hazard a bet that it is less than one-third.

Mr. Frantz also suggested in his letter that I place in the Record the excellent article in the New Yorker magazine of April 20 on gun control. I agree that this article should be made available to all the readers of the Record, and I ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit E.)

Mr. CLARK. Mr. President, I also ask unanimous consent to have printed in the Record at the conclusion of my remarks an excellent article from the Titusville, (Pa.) Herald, entitled "For a Strong Gun Control Law," and three editorials entitled "Gun Controls Needed," from the Boston Globe.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits F and G.)

Mr. CLARK. I hope my colleagues in the Senate will take heart from these words of encouragement from the individuals who are responsible for the material I have had printed in the Record. I hoped that my colleagues will give heed to the comments of the men who know most about controlling crime and know what they are talking about—the chiefs of police and district attorneys, and not the lobbyists for the manufacturers of guns who erroneously called themselves sportsmen, a title to which they have no right.

I hope my colleagues will summon the resolve to stand up to the gun lobby and vote for the strongest and most effective gun control law possible, as I am going to do.

Speaking as one Senator, let me say that I intend to stand with Chief of Police Frank Rizzo, the chief of police of Philadelphia, and with the other chiefs of police and the district attorneys of my State and the Nation and with all the decent, law-abiding hunters who agree that a strong, effective gun control law is desperately needed if we are even to call a halt to the spiraling rise of crime.

What is at stake here is not only our own safety, or that of our wives and children. What is at stake is America's place among the nations of the civilized world.

We built a golden calf called the gun. We have knelt before it in worship. Let us throw over this idol and build for ourselves and our children a decent, safe, and sane society.

Mr. President, it is time we grew up. I yield the floor.

EXHIBIT A

POLICE COMMISSIONER,
Philadelphia, Pa., March 15, 1968.

Hon. JOSEPH S. CLARK,
U.S. Senate, Washington, D.C.

DEAR SENATOR CLARK: I am well aware of the importance of controlling crime in our nation and one important assist that can be given to all law enforcement officers is a federal gun law similar to Philadelphia's gun control ordinance.

This ordinance has been of considerable aid to us in keeping guns out of the hands of undesirables. Almost 300 persons have been denied the ownership of guns through the provisions of this act. Without this law, we would have no way to deny these guns to unqualified persons. However, the Philadelphia Ordinance does not apply outside the city limits, so that an unqualified applicant or a criminal can obtain a gun by going across the city or state line to purchase such a weapon. This is where the need for federal legislation is greatest. Federal legislation controlling the sale of guns would cut off the illicit supply and hamper the actions of those criminals with illegal intentions.

Mayor Tate has led the way in this field with his unqualified support of our local gun control ordinance.

I wish to commend you for your foresight and initiative in sponsoring this present bill to control the sale of guns at the Federal level. You are certainly doing a service to the law abiding citizens of our nation by your support of this legislation and you are giving the police forces of our country great aid and assistance in the suppression of violent crimes.

I have attached information relative to our city ordinance and other statistical material which may be of value to you in support of this proposal.

Sincerely,

FRANK L. RIZZO,
Commissioner.

MARCH 21, 1968.

Mr. FRANK L. RIZZO,
Police Commissioner,
Philadelphia, Pa.

DEAR FRANK: Many thanks for your splendid letter of March 15, 1968, letting me know of your enthusiastic support for the Administration's gun control bill.

I can assure you that your advocacy of this vital legislation willl be a tremendous help in rallying support for it among the public and in the Congress.

Sincerely,

JOSEPH S. CLARK.

FIREARMS REGULATIONS AND CRIMES INVOLVING FIREARMS IN PHILADELPHIA

On March 15, 1965, through the efforts of Mayor James H. J. Tate Bill 560–A, known as the Philadelphia Firearms Ordinance, was signed into law. This Ordinance became effective on April 15, 1965. Philadelphia's Firearms Ordinance makes it mandatory for any person purchasing a firearm (rifle, pistol, revolver, gun or shotgun) in Philadelphia or outside the City, which is brought into the City, to first obtain a license to purchase. This purchase license can be disapproved for the following reasons:

a. Under eighteen (18) years of age.

b. A person convicted of either a crime of violence, any violation of the Uniform Firearms Act, or Carrying a Concealed Deadly Weapon.

c. A person convicted of selling, using or possessing narcotics.

d. A habitual drunkard.

Following are the firearms purchasing statistics from April 15, 1965 to December 31, 1967:

	Applications	Disapprovals
Apr. 15 to Dec. 31, 1965	2,285	7
Jan. 1 to Dec. 31, 1966	3,592	114
Jan. 1 to Dec. 31, 1967	4,175	108
Total	10,052	299

The following are the reasons for disapproving firearms purchase licenses from April 15, 1965, to December 31, 1967:

Homicide	5
Robbery	27
Burglary	55
Assault with intent to kill	16
Rape	11
Aggravated assault and battery	47
Violation uniform firearms act	42
Carrying concealed deadly weapon	27
Narcotics	5
Mental patient	8
Habitual drunkard	3
Wanted person	1
Stolen firearm	1
Alien	2
Falsified application	47
Could not sign application	2
Total	299

In the early summer of 1967, Mayor James H. J. Tate and Police Commissioner Frank L. Rizzo saw a need for further control of firearms in Philadelphia and had the following Ordinances introduced in City Council; they became effective on August 17, 1967.

City Ordinance 9-606—Ammunition: An Ordinance relating to the regulation of ammunition, to require those in the business of selling ammunition to provide for its safe storage.

a. During business hours no ammunition may be displayed on any open counter or in any other place readily accessible to the public.

b. During non-business hours ammunition may not be displayed in windows.

c. A storage space, steel vault or steel safe, approved by the Police and Fire Departments of a sufficient size to hold all the ammunition held for sale in any place in which ammunition is sold shall be provided for use during business and non-business hours whenever ammunition is unattended.

d. No person shall sell any ammunition which can be used in firearms unless the purchaser supplies satisfactory written identification and registers his name and address.

City Ordinance 9-607—Storage of Firearms: An Ordinance relating to security measures in the sale and storage of firearms by those engaged in the business of selling firearms.

a. During the hours that they are not regularly open for business, dealers shall store all firearms in accordance with the following requirements:

1. No firearms shall be displayed in windows.

2. All firearms must be placed in an approved secure storeroom.

City Ordinance 10-818—Firearms in Public Places: An Ordinance relating to safety in connection with individual conduct and activity by prohibiting the carrying of firearms upon the public streets, under certain terms and conditions.

a. Definition: Firearms means any revolver, pistol, gun, shotgun or other weapon capable of propelling a projectile by means of an explosive material or charge.

b. Prohibited Conduct: No person shall carry a firearm upon the public streets or upon any public property at any time unless that person is

1. Licensed by the Commonwealth of Pennsylvania to carry a firearm or license to hunt.

2. Actively engaged in the defense of his life or property from imminent peril or threat; or Police Officer or members of the State or Federal Militia on active duty.

In 1967, information was received by the Philadelphia Police Department that one hundred twenty (120) residents of Philadelphia had purchased firearms outside the Commonwealth of Pennsylvania. Investigation revealed that six (6) of these persons had criminal records that prohibited them from ownership of any firearms; these weapons were confiscated. Since there is no existing requirement that compels out of state distributors to inform local Police Departments of impending sales and delivery of firearms, our information in this area is far from complete.

The following are some case histories involving firearms wherein the source of purchase was unknown or out of state:

1. On Wednesday, December 28, 1966, three (3) men entered a branch office of the Provident National Bank in South Philadelphia and attempted a holdup. These men were met by two (2) Policemen of the Police Stake Out Squad. In the ensuing gun fight, one (1) holdup man was killed and the other two (2) were seriously wounded, these two subsequently died.

The three holdup men were all armed and the origin of these firearms has never been determined. The first holdup man had a total of fourteen (14) arrests with five (5) convictions for Burglary and one (1) for Aggravated Assault and Battery. The second hold up man had a total of nine (9) arrests with four (4) convictions for Robbery and one (1) for Burglary. The third had a total of four (4) arrests with four (4) convictions for Robbery.

All three (3) men were residents of Philadelphia and under our existing laws could not legally purchase any firearms in this City.

2. In April of 1967, we received information that a resident of Philadelphia had purchased a .22 caliber revolver in Norfolk, Virginia. Our investigation revealed that this purchaser, being short of money, had sold the revolver to an acquaintance. The second purchaser and the revolver have never been located.

3. Also in April of 1967, we received information of the purchase of a .25 caliber revolver in Oak Hill, Virginia, by a resident of this City. Our investigation revealed the firearm was purchased in October 1966, brought to Philadelphia and given to a second party who has since died.

In February 1967, a grandson of the second recipient had taken the firearm and in showing it to some friends shot an eight (8) year old and a nine (9) year old boy. A record check on the grandson revealed that he had been convicted of Burglary and could not own or possess a firearm in Philadelphia. This firearm was confiscated and the grandson arrested.

4. In September 1967, a resident of Philadelphia purchased a .22 caliber revolver in Tulsa, Oklahoma. We received information of this purchase in October and our investigation revealed the purchaser had been arrested in Philadelphia and extradited to Cleveland, Ohio, to stand trial for Murder. This firearm has never been located.

5. On December 2, 1967 at 3:00 A.M., two (2) men from Fort Gibson, Oklahoma, forced their way into an apartment in Philadelphia and forced the male occupant at gun point out of the apartment and into a 1959 Pontiac sedan. A third man was driving the vehicle. The abducted man was put into the front seat between the driver and one of the abductors who was armed with a revolver. The third man got into the rear of the vehicle, armed with a shotgun. While they were driving around the city, the abducted man struggled with the armed abductor in the front of the vehicle, took the revolver from him and shot the man in the rear of the car. The man who had lost his revolver reached into the rear seat for the shotgun and he too was shot. There was then a struggle with the driver who was knocked out of the car into the street. One man was killed and one other was paralyzed for life.

The source of the firearms used in this abduction and killing has never been determined.

In 1966 and 1967, a total of 4,363 crimes were committed with a firearm in Philadelphia. The following table represents a statistical analysis in each category.

	1966	1967
Homicide	69	79
Robbery	566	660
Assault with intent to kill	256	255
Aggravated assault and battery	183	129
Aggravated assault and battery on a police officer	2	3
Violation of Uniform Firearms Act	1,056	787
Other firearms violations	198	120
Total	2,330	2,033

In 1966, nineteen (19) juveniles under age eighteen (18) were arrested for Homicide involving a firearm, and in 1967 there were twenty (20) arrests in this category.

In 1966, a total of fifty six (56) firearms were confiscated from persons under eighteen (18) years of age by the Gang Control Unit of the Juvenile Aid Division. In this same year there were ninety six (96) gang clashes, twenty seven (27) of which involved firearms. Twenty seven (27) juveniles were arrested in this year for Violation of the Uniform Firearms Act by the Gang Control Unit. In 1967, a total of seventy nine (79) firearms were confiscated and fifty eight (58) juveniles were arrested for Firearms Violations by the Gang Control Unit. In this same year there were eighty three (83) gang clashes with thirty two (32) of these involving firearms.

Opponents of firearms control regulations repeatedly state that these controls discourage residents from obtaining hunting licenses. A survey of the years 1963 to 1966 revealed there was no appreciable increase or decrease in hunting licenses issued in the City and County of Philadelphia. The below listed totals do not show the total number of hunting licenses issued to Philadelphia residents because a citizen of this Commonwealth may obtain his hunting license in any County.

1963	21,597
1964	22,602
1965	21,759
1966	22,294

COUNCIL OF THE CITY OF PHILADELPHIA, OFFICE OF THE CHIEF CLERK, CITY HALL, PHILADELPHIA

Certification: This is to certify that the following is a true and correct copy of the original Ordinance adopted by the Council of the City of Philadelphia and approved by the Mayor on March 15, 1965.

NATHAN WOLFMAN,
Chief Clerk of the Council.

BILL No. 560-A

[Explanation: *Italics* indicate new matter added to existing ordinance.]

An ordinance amending chapter 10-800 of the Philadelphia Code, relating to safety in individual conduct and activity, by adding a new section regulating the acquisition or transfer of firearms, under certain terms and conditions, and providing penalties for violations

The Council of the City of Philadelphia hereby ordains:

SECTION 1. Chapter 10–800 of the Philadelphia code, relating to safety in individual conduct and activity, is amended, by adding a new section, as follows:

§ 10–814 Acquisition or Transfer of Firearms

(1) Definition.

(a) Firearm. Any rifle, pistol, revolver, gun or shotgun.

(b) Departmental. Department of Licenses and Inspections.

(2) Prohibited Conduct. No person shall acquire or transfer any firearms in the City, and no person shall acquire a firearm outside of the City, which is brought into the City, unless application has been made to, and license obtained from, the Department.

(3) Application. The applicant for a license shall pay a fee of one (1) dollar, for each transaction of acquisition or transfer regardless of the number of firearms transferred or acquired at that time, and supply the following information on forms provided by the Department:

(a) the name, and any other names by which applicant has been known;

(b) the home address, and any other addresses of which applicant resided within five (5) years immediately prior to application;

(c) the present business or occupation, and any business or occupation, in which applicant has engaged for five (5) years immediately prior to the application;

(d) the date and place of birth of applicant;

(e) the caliber, length or barrel, make, model and, if known, manufacturer's number of the firearm;

(f) a statement by applicant indicating the date, place, nature and disposition of any criminal proceedings brought against the applicant for any offense other than traffic violations;

(g) name, address and occupation, of the person from whom the firearm is to be acquired or transferred; and

(h) a copy of applicant's fingerprints and his photograph.

(4) License.

(a) No license shall be issued unless the Police Department, after due investigation, approves the application. The Police Department shall not approve the application if it finds that applicant is either:

(.1) under eighteen (18) years of age;

(.2) a person convicted of either a crime of violence, any violation of the Uniform Firearms Act or carrying a concealed deadly weapon;

(.3) a person convicted of selling, using or possessing narcotics; or

(.4) an habitual drunkard.

(b) A license shall be issued or refused within thirty (30) days after the filing of an application.

(c) The license shall bear applicant's name, age, place of residence, and a full description of the firearm; and shall also have affixed thereto applicant's photograph, signature, and a copy of his fingerprints.

(d) All persons licensed hereunder carrying a firearm on or about their persons shall carry the license for that firearm on their person as provided herein with the exception of:

(.1) Employees of common carriers, banks or business firms whose duties require them both to protect moneys, valuables or other property in the discharge of such duties, and to carry firearms owned and supplied by their employers, but such employees shall carry a copy of said license; and

(.2) persons less than eighteen (18) years of age accompanied by the parent or guardian licensed to acquire or transfer that firearm.

(e) The Department shall revoke the license of any person who, subsequent to obtaining a license, has either:

(.1) been convicted of a crime of violence, a violation of the Uniform Firearms Act or carrying a concealed deadly weapon;

(.2) been convicted of selling, using or possessing narcotics; or

(.3) become an habitual drunkard.

(5) Duty of Transferor or Vendor.

(a) No transferor or vendor shall give, transfer, sell or deliver possession of any firearm to any person unless the transferee or vendee supplies to the transferor or vendor the required license for the scrutiny of the vendor or transferor.

(b) If no manufacturer's number of the firearm appears on the license, the transferor or vendor shall insert said number in the designated space, and shall forthwith notify the Police Department of the sale or transfer of the particular firearm and advise the Police Department of the manufacturer's number of said firearm which was inserted on the license.

(6) Exclusions. No license shall be required under this section:

(a) by any governmental agency which owns or acquires firearms; or

(b) for transfer of firearms between a manufacturer and a daily licensed dealer, or between one licensed dealer and another dealer, in their usual course of business; or

(c) for licensed pawnbrokers, accepting a firearm as security or pledge for a loan, until the pawnbroker makes a sale or transfer of the firearm pledged to a person other than the owner, at which time a license shall be obtained for the sale or transfer, as provided herein.

(7) Penalty. The penalty for violation of this section shall be a fine of not more than three hundred (300.00) dollars, or imprisonment of not more than ninety (90) days, or both.

SECTION 2. This ordinance will take effect thirty (30) days after enactment.

EXHIBIT B

RESOLUTION 5: FIREARMS CONTROL

Whereas, the easy accessibility to firearms is a significant factor in criminal homicides and other crimes of violence; and

Whereas, federal and state firearms control laws will assist law enforcement in reducing the number of offenses committed with firearms and will aid in the detection, arrest and successful prosecution of persons using firearms in the commission of crimes; now, therefore

Be it resolved, that the National District Attorneys Association supports efforts presently being made in the Congress to regulate the interstate and mail order shipment of firearms, over-the-counter sale of hand guns to out-of-state purchasers, and the sale of firearms to minors; and

Be it further resolved, that we urge the Congress to consider expanding such legislation to prohibit the sale of firearms to convicted criminals and to persons suffering from mental disorders; and

Be it further resolved, that we support legislation at the local level requiring the registration of all firearms.

EXHIBIT C

GUNS: THEIR ASSOCIATION WITH CRIME

(NOTE.—This editorial feature was prepared by Thomas F. McDermott, president of the Police Chiefs Association of Southeastern Pennsylvania.)

To the wavering mind opportunity for successful crime keenly prompts a temptation to the unlawful act. Money or valuables exposed and unwatched or carelessly displayed may, on many occasions, turn an honest person into a thief. The fast automobile and the ready or easily obtained revolvers are in themselves opportunities. These two held in unauthorized possession stimulate in the mutinous imagination possible ventures of unlawful success.

Without the gun most of the great and small of the more daring robberies would never be attempted. Does anyone think the Brinks robberies would have been attempted without guns; can anyone visualize the holdups committed on armored cars, banks, payrolls, and even the small storekeeper without the revolver or shotgun being used.

Millions of instruments, the sole purpose of which was to kill human beings, were manufactured and distributed (scattered would be a better word) throughout the United States last year. The same thing happened the year before and the year before that.

The chief beneficiaries are manufacturers who sell to anyone who has the money, and even to those who do not have the full price. The prospective purchaser can send a down payment, receive his gun—then commit a holdup, and then forward the balance owed.

Believe me, it is just as simple as that; of course, the applicant or purchaser must send a signed statement to the effect that he is twenty-one or over, not an alien, never been convicted of a crime, not under indictment, not a fugitive, or a drug addict. Laughable—isn't it? to even believe that anyone whether he be a convicted felon, drug addict, insane or partly sane, would so state on his request to purchase, when everyone knows there is no check made on the purchaser by the manufacturer.

Many companies advertise for sale every kind of a gun and rifle available from a U.S. 30–06 Springfield and Garand 30–06 automatic rifle; Fleetwood pump shotgun, down to a .22-calibre six shooter magnum for $1.00 down and the balance in twenty-two weeks. All you need is the names of two companies you have had credit with. Surely a convicted thief or drug addict is never going to advise someone from whom he is buying on credit that he is a felon or an addict. All that is needed is to send $1.00, lie like H—, and receive your gun.

My personal opinion is that the dealers handling business of this kind care little whether the guns fall into the hands of criminals or not. The dealers cannot be so naive that they believe the tremendous amount of guns they ship all go into legitimate channels and not into the hands of those who should never possess a gun.

According to crime statistics six of every nine persons slain in the United States last year died from a bullet. These people might still be walking the streets if it were not for these makers and dealers. How many other unfortunates will fall maimed and crippled before something is done to put a stop to this practice.

The methods employed by the gun interests to defeat legislation is crafty. Whenever further regulation of firearms is suggested, usually following on a series of atrocious crimes, there is an equally emotional rebuttal from sportsmen and patriots who like to quote the Bill of Rights. And when this is done as loudly as it is done by all the gun clubs it has a tendency to cause the lawmakers to become afflicted with severe cases of foot-dragging. These same defenders of liberty argue that the reputable householder has a right to protect his home and business. Much care these objectors have for the reputable citizens. A great many persons are injured every year in private homes by "I didn't know it was loaded" accidents. In cases of holdups and burglaries, "Who has the advantage, the armed citizen or the felon?" The felon of course! The storekeeper cannot keep his gun in his hand or treat every customer as a suspect. In the experience of the writer it is better for the citizen not to run if a firearm is ever pointed at him close range, be he in his place of business or his home, and most of all not reach for, or try to get a firearm to protect himself. His best chance is to stand still, and under no circumstances start to run—if he should do so the age-old instinct of the hunter will press the trigger. The revolver is, in itself, an urge to kill.

EXHIBIT D

[From the Philadelphia Inquirer, Apr. 26, 1968]

GAIN FOR MAIL-ORDER GUN BAN

The Senate Judiciary Committee has finally released an anticrime bill for floor action which would provide limited controls on gun sales and in other ways strengthen the hand of law enforcement agencies in fighting crime. However, the measure remains a long way from enactment by Congress as a whole, and at best it is no guarantee against the kind of irresponsible gun peddling that enabled Lee Harvey Oswald to buy a mail-order rifle.

The committee's bill would prohibit interstate mail-order sales of handguns to individuals, but not of rifles and shotguns. It would also ban over-the-counter sales of handguns to nonresidents of a State and to those under 21. Additional curbs would be placed on imports and sale of surplus firearms, antitank guns, bazookas and similar weapons.

It has long been a tradition to draw a line between handguns and rifles on the ground that the smaller weapons may be concealed by holdup men and other criminals, whereas rifles and shotguns are too unwieldy and obvious for most criminal purposes, but suitable for sportsmen who have nothing to hide. The validity of the argument has been undermined, however, by use of rifles by assassins and snipers in riot areas.

Unrestricted distribution of lethal weapons to anyone with the money to pay goes far beyond the intention of the Nation's basic concepts of individual liberty. There are many persons who for one reason or another should not be permitted to possess handguns, rifles or more lethal firearms, if it can be prevented. Children, those with criminal records and the mentally ill are obvious examples. Yet it has been 30 years since any really meaningful gun-control legislation has reached the Senate floor. Possibly at last there is hope for progress toward responsible controls over mail-order gun sales.

EXHIBIT E

[From New Yorker magazine, Apr. 29, 1968]

ANNALS OF LEGISLATION: IF YOU LOVE YOUR GUNS

Nothing renders Congress less capable of action than the need for it. The more urgent the need, the more controversy it is likely to create, and the more controversy it creates, the greater is the danger for any member who takes a stand. Among the many controversies that Congress has been embroiled in during recent years, few have engendered the wrath, the deceit, the frustration, and the stalemate that have attended the controversy over what should be done about one of the most spectacular ways in which this country has for a long while surpassed every other country—our crime rate. In 1960, William H. Parker, the chief of the Los Angeles police department, said, "The United States has the dubious distinction of being the most lawless of the world's nations, and the statistical experts foretell a continued increase." The subsequent rate of increase was steeper than even the most pessimistic experts had predicted. To foreign observers, nothing is more astonishing than our casual recourse to violence in personal disputes, unless it is our failure to restrain it by law—in particular, our failure to control the indiscriminate sale and use of guns, which in recent years has lain at the heart of the controversy and at the same time has made it politically insoluble. "There is an element of violence in American society which the outsider has to learn to comprehend," Henry Fairlie, a British journalist living in Washington, wrote in 1966. "History and character cannot be reversed and changed overnight. But this is no excuse for allowing violence such an easy access to the weapons which it not only needs, but which actually encourage it, tempt it, incite it. However much I may love and admire America, its gun laws come near to ruling it out of civilized society."

In this country, some twenty thousand laws deal with the manufacture, sale, and use of firearms, but most of them are technical provisions that don't amount to much. In forty-one states and the District of Columbia, one can buy either a rifle or a pistol without a license of any kind; in seven states the law requires a permit to buy a handgun that is, a revolver or an automatic pistol); one state (South Carolina) prohibits the sale of handguns; and two states (Hawaii and New Jersey) now require the registration of all guns by description, serial number, and ownership. The only federal laws concerning firearms—"antiquated and impotent legal travesties," according to one commentator—are two in number. One is the National Firearms Act of 1934, which effectively limited the traffic in sawed-off shotguns, sawed-off rifles, and fully automatic weapons such as machine guns by requiring their registration and a two-hundred-dollar tax on their transfer; that is, it was effective until part of the registration system was found un-Constitutional by the Supreme Court a few weeks ago, on the ground that this amounted to a requirement that a man be forced to testify against himself, and it thus violated the Fifth Amendment. The other is the Federal Firearms Act of 1938, which requires anyone making interstate sales of guns to obtain a federal license, and also prohibits interstate shipment of guns by or to convicted felons, persons under indictment for felony, and fugitives.

Laws aside, no one can make even a rough guess at how many guns are in private hands in this country; estimates have ranged from a low of fifty million to a high of two hundred million. But it is known that each year two million domestically made guns and one million imported guns are sold. In other words, in the course of each working day around ten thousand guns reach private hands. And it is also known what toll guns take annually. In 1966, for example, guns were used in an estimated sixty-five hundred murders, ten thousand suicides, and twenty-six hundred accidental deaths—an estimated total of ninteen thousand deaths; in addition, they were used in an estimated forty-three thousand serious assaults and fifty thousand robberies, and they caused an estimated hundred thousand non-fatal injuries. Since 1900, three-quarters of a million people in the United States have been killed by privately owned guns, or a third again as many as have been killed in all our wars.

In his book "The Right to Bear Arms," Carl Bakal points out that since Congress took its last, rather weak, step to control guns, in the nineteen-thirties, a number of bills intended to further regulate the sale, possession, and use of firearms have been introduced, but, because of determined opposition from owners, dealers, and manufacturers of guns, nothing has come of any of them. In later years, he goes on, one of the leading congressional advocates of stricter firearms control was Senator Thomas C. Hennings, Democrat of Missouri, who sponsored several bills providing for such control but finally gave up in despair. "Many members of the House and Senate will vote for construction of dams costing millions of dollars," he remarked in the late fifties. "But they won't vote a nickel to stop the tide of waste and tragedy." Not until after the most shocking of the tragedies—the assassination of President Kennedy—were there signs that Congress might stem, if not stop, the tide, for after the events in Dallas public insistence on federal action to control firearms appeared politically irresistible. As early as 1959, polls had shown that a majority of citizens favored stricter federal gun laws, and after Kennedy's death in November, 1963, that majority had climbed toward unanimity. Early in 1964, a Gallup Poll showed that seventy-one per cent of the men and eighty-five per cent of the women in the country felt that no one should be permitted to own a gun without a police permit.

As it happened, a gun-control bill had been pending before Congress for several months prior to the assassination. Introduced in August, 1963, by Senator Thomas J. Dodd, Democrat of Connecticut—Hennings' successor as chairman of the Subcommittee to Investigate Juvenile Delinquency—the bill was a modest affair that fell far short of what the Gallup Poll indicated the public wanted. Officially designated S. 1975, the measure, drafted after more than a year of investigations and hearings, was aimed at limiting the mail-order sales of handguns, which, according to F.B.I. figures, were used in seventy percent of the murders committed with guns, and which could be obtained through the mail for as little as three dollars and fifty cents by, among others, minors who were prevented by local ordinances from buying them over the counter. Dodd's bill required the buyer of a handgun by interstate mail order to send the seller a notarized statement to the effect that he was over eighteen, that he was not a convicted felon or under indictment for a felony, and that shipment of the gun would not violate any law in the area where he lived. As for the seller, the bill required him to notify the carrier (normally Railway Express, since federal law had long prohibited the shipment of handguns by mail) whenever he dispatched a package containing a handgun, and the carrier was required to refuse delivery to anyone he knew, or had reason to believe, was under the age of eighteen. Although the bill was glaringly weak—for one thing, a notarized statement that someone has said he is over eighteen means nothing more than that this is what he has said, and, for another, anyone over the age of eighteen could arm a battalion of twelve-year-olds without violating the law—it was the best that Dodd could come up with after months of negotiating with gun manufacturers and representatives of hunters and other gun owners. The manufacturers (so many of whom have plants in Connecticut that it is sometimes referred to as "the arsenal of America") went along with the proposal because it was a protectionist measure, mail-order guns being mostly cheap imports that cut into their business. And the sporting groups were not unduly put out, because it did nothing to limit traffic in rifles and shotguns, which are the arms used in most gun sports, and because the leaders of these groups feared that if they didn't accept a halfway measure then, they would sooner or later—probably sooner—be forced by public demand to accept a much more comprehensive one.

At the time the bill was introduced, there were fourteen million licensed hunters in the country, four or five million members of gun clubs devoted to target and skeet and trap shooting, and a million or so additional gun collectors. For many years, the unofficial but widely acknowledged leader of this assemblage had been the National Rifle Association. Founded in 1871 by some officers of the New York National Guard who were distressed by the sloppy performance of Northern riflemen during the Civil War (the soldiers were said to have hit what they were aiming at only once in a thousand shots), the N.R.A. had as its original purpose "to promote and encourage rifle shooting on a scientific basis." Chartered as a nonprofit organization, the N.R.A. later redefined its aims more grandly, stating that its principal goal was "to promote social welfare"—a statement that, as it happened, rendered it exempt from federal taxation and from any requirement that it be registered as a lobby.

Today, the Association operates from a three-and-a-half-million-dollar, nine-story marble-and-glass Washington headquarters, which houses two hundred and fifty employees, and which, according to the Association, "stands as a symbol of an ideal." It also stands as a reminder that the N.R.A. has more than ten million dollars in assets and an annual income of better than five million; sixty-three per cent of the latter sum comes from dues paid by eight hundred and fifty thousands members, and twenty-six per cent comes from arms and sporting-equipment manufacturers and dealers who buy advertising space in the Association's monthly magazine, the *American Rifleman*. Although the N.R.A. has nowhere near the means or the membership of groups like the American Legion and the A.F.L.-C.I.O., it is far more successful in exerting pressure on Congress. In fact, it is considered to do the most effective lobbying of any non-lobby in Washington, and no one in the government doubts its repeated boast that it can produce within seventy-two hours more than half a million letters, postcards, and telegrams to members of Congress on any gun-bill issue. "I'd rather be a deer in hunting season than a politician who has run afoul of the N.R.A. crowd," a senator from the West remarked not long ago. "Most of us are scared to death of them. They range from bus drivers to bank presidents, from Minutemen to four-star generals, and from morons to geniuses, but they have one thing in common: they don't want *any*one to tell them *any*thing about what to do with their guns, and they *mean* it."

The N.R.A. claims that it always approaches proposed firearms legislation—whether local, state, or federal—with a positive rather than a negative attitude, but the record shows that just about the only firearms legislation that it has approached positively has been legislation that would weaken existing laws. In 1963, for example, a bill was submitted to the Montana legislature that would make it legal for children under the age of fourteen to use guns under certain conditions; for children over fourteen there were no conditions anyway. The N.R.A. labelled the proposal "Good" in a bulletin to its Montana members, and the bill was enacted. To substantiate its claim about its positive attitude, the Association often cites the part it played in getting the 1934 and 1938 federal laws passed. Indeed, it did support both bills—after fighting them to a standstill until provisions in them making it illegal to sell handguns in interstate commerce were dropped. In the eight years preceding the introduction of S. 1975, thirty-five gun-control bills were introduced in Congress and the N.R.A. opposed all of them. (One of them, which was designed to protect the Massachusetts gun industry, was submitted in 1958 by Senator John F. Kennedy and would have prohibited "the importation or reimportation into the United States of arms or ammunition originally manufactured for military purposes." The main target of the bill was the largest-selling import, the Mannlicher-Carcano 6.5, one of which Lee Harvey Oswald bought with a mail-order coupon cut out of the *American Rifleman*.)

After ninety-two years of opposing restrictive firearms bills, the N.R.A. was apparently at a loss for ways in which it might support one, for its endorsement of S. 1975 was possibly the most reticent, and certainly the most ineffectual, act in its long history. The year the bill was introduced, the Association sent out forty-two "legislative bulletins" to several hundred thousand of its members notifying them of impending gun bills in state legislatures and county and municipal councils. It sent out nothing on S. 1975. When the bill was filed in the Senate, the *American Rifleman* described it in detail but did not identify it by number or sponsor, as it always did when it opposed a piece of legislation. Expressing its views in a roundabout fashion that was unprecedented for the magazine, it gave the impression that it was not against the bill but never explicitly stated that the N.R.A. had endorsed it. Instead, after saying in an editorial that "steps must be taken to stop the traffic of mail-order guns into unauthorized hands," it made it appear that it had no particular bill in mind by observing, "It is reassuring that proposed solutions to this particular situation are being directed at irresponsible merchants and purchasers. With this approach, steps can be taken toward a reasonable solution to the problem of mail-order guns."

Four days after President Kennedy's assassination, Dodd amended S. 1975 to include rifles and shotguns. A few days later, he amended it further, to require each buyer of a gun by mail order to list the name and address of the chief law-enforcement officer in his area, and to require the seller to notify that officer by registered mail, before shipping the gun, that the purchase had been made. Alarmed by the public mood following the assassination, the N.R.A. told Dodd privately that it would go along with these changes, but again it did nothing to generate support among its members.

"You keep after that gun bill," Senator Mike Mansfield, the Majority Leader, told Dodd at the beginning of December, 1963. "I'm with you." So, it appeared, were many other senators, including Everett M. Dirksen, the Minority Leader, who agreed that some kind of gun legislation was essential—which meant he agreed that it was inevitable. Warren Magnuson, chairman of the Commerce Committee—which, under Senate rules, had final jurisdiction over the bill—assured Dodd about this time that a majority of the sixteen committee members had told him they were for it, and that he was willing to send it directly to the Senate floor for a vote without holding any further hearings. When about a week had passed after Magnuson's statement and nothing more happened, Dodd got in touch with each member of the committee urging action on the bill; most of the replies were evasive and apologetic. Then, on December 10th, Magnuson unexpectedly announced that his committee would hold hearings on S. 1975 after all. He did not announce that he had reached this decision only after he and other members of the committee had heard from the N.R.A. Better than two-thirds of the committee's members were from so-called hunting states, and nine were coming up for reelection the following year.

When the hearings opened, on December 13th, it was clear that just about everyone on the committee had taken fright. Magnuson himself didn't appear at all the first day but sent in a statement opposing the bill on the ground that it might appear to be a solution but was too weak to be really effective. Although Magnuson could presumably have remedied its defects by conducting rigorous hearings and then proposing strong amendments, he rarely attended the sessions, which ran on and off until March, 1964. Apparently, the chairman's seat was considered a hot one, for no one seemed to want to occupy it, and finally the job of chairing the hearings fell to the lowest-ranking Democrat on the committee—Howard Cannon, of Nevada. Although by this time more than eighty per cent of the people polled by Gallup on the subject wanted the strictest gun law possible, of the thirty-seven witnesses who were invited to testify before the committee only seven, including Dodd, gave S. 1975 their outright support.

Most of those who opposed all or parts of the bill tirelessly reiterated arguments that the N.R.A. had tirelessly reiterated for years, until they had acquired the force of incantations. The first, and most sacred, of these was that S. 1975—and, for that matter, any bill that controlled guns in any way—was un-Constitutional, because the Constitution guaranteed every citizen "the right to keep and bear arms." The reference was to the Second Amendment, which states, "A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." Usually, the N.R.A. quotes only the last half of the sentence. The courts, on the other hand, have always been more interested in the first half and have consistently interpreted the amendment to mean that the states have the right to maintain armed citizen militias. Attorney General Nicholas deB. Katzenbach, testifying before the Subcommittee to Investigate Juvenile Delinquency, said that "the Supreme Court of the United States long ago made it clear that the amendment did not guarantee to any individuals the right to bear arms." Although the N.R.A. has asserted that it "takes the bedrock stand that law-abiding Americans are Constitutionally entitled to the ownership and legal use of firearms," it has never been confident enough of its footing to carry a test case to the Supreme Court, which has yet to knock down any local, state, or federal law regulating firearms—with the exception of part of the 1934 federal law, which it faulted on the basis that it was an infringement of the Fifth, not the Second, Amendment. In the Court's own words, in its 1939 decision in the case of the United States v. Miller, the Second Amendment applies only to those arms that have a "reasonable relationship to the preservation or efficiency of a well-regulated militia."

A close second in popularity among gun men is the argument—or slogan—that goes, "Guns don't kill people; people kill people." Like the first one, this has appeared in millions of copies of the *American Rifleman* and in other millions of N.R.A. pamphlets, brochures, leaflets, bulletins, and letters, and, in the form of posters and stickers, it has been plastered all over the countryside on gun-club buildings and at firing ranges. Those who are fond of it are endlessly amused by carrying it to its illogical conclusion, which is that if one is going to regulate the use of guns because they are sometimes used to kill people, one should then regulate the use of knives, hammers, baseball bats, rope, fireplace pokers, hands, feet, and on and on. The counter-arguments put forth by gun-bill proponents—that more than half of all the murders committed in this country are committed with guns; that on the basis of the N.R.A. argument the sale of narcotics and poisons should not be regulated, either; and that although the other lethal instruments mentioned have a variety of legitimate uses, guns have only one use, which is to destroy something, whether a target, a clay pigeon, an animal, or a person—have been utterly without effect. One witness at the Commerce Committee hearings, Senator Bourke B. Hickenlooper, Republican of Iowa, made a favorite N.R.A. point when he testified, "I am perfectly aware that tens of thousands of people are killed in this country every year by automobiles . . . I don't think anyone proposes to make it impossible to buy an automobile because tens of thousands of people are killed." The analogy was very popular in gun circles, even though no one had proposed to make it impossible to buy a gun. Moreover, as the backers of the bill, repeatedly pointed out, again without effect, automobiles are essential to modern life, whereas guns aren't, and, in any event, the increasing death toll from automobile accidents has led to increasingly strict regulation.

An inevitable corollary of the contention that people, and not guns, kill people, is that people, and not their guns, must be more strictly regulated. Ultimately, a plea for harsh penalties against anyone using a gun criminally became the gun lobbyists' sole alternative to any proposal for new gun laws. One of the many witnesses to advance this alternative proposal during the hearings was William H. Beers, outdoor editor of the Prescott, Arizona, *Evening Courier*. He asked for "a broadening of the search and seizure laws, an enlargement of the powers of arrest so police officers can make arrests without fear of reprisal, and, above all, mandatory penalties for crimes committed with firearms—that is, five years without parole for the first offense, ten years without parole for the second offense, and up to life on subsequent conviction." Senator Ralph W. Yarborough, a liberal Democrat from Texas, the only member of the committee who was anything but courtly to the bills' opponents, heard Beers out and then said, "A number of witnesses have stressed 'No more laws, but tough penalties. Send them to the penitentiary longer, or do away with their rights of defense, anybody that is charged with crime.' Some of the testimony has assumed you have two classes of citizens: the law-abiding and the non-law-abiding. There are, but the only way you tell which is which is after trial. . . . Many of the witnesses here have offered what seemed to me harsher alternatives than the things we propose."

To a man, the gun people lined up behind Representative Bob Casey, a conservative Democrat from Texas, when he later filed a bill in the House to make any serious crime committed with a firearm a federal offense carrying a mandatory sentence of twenty-five years in prison. The proposal had some drawbacks. For one, it would have usurped the states' jealously guarded police powers. (Even so, a number of states'-rights states, such as Alabama and Louisiana, were sufficiently influenced by the gun men to pass resolutions in their legislatures supporting the Casey bill.) For another, it would have converted the hundred thousand and more crimes that are committed each year with guns into federal crimes—a change that would have required the creation of an immense federal police force, of the kind that has heretofore been known only under dictatorships. And, for still another, it would have produced the largest federal construction program since the public-works days of the Depression, since the present capacity of the federal prison system is only twenty-one thousand. Such legal and economic aspects of the proposal aside, the notion that stiff penalties deter criminals has few defenders among criminologists today. That approach has often been tried, they say, and it has always failed. For example, as recently as the early eighteen-hundreds in England, when more than two hundred offenses were capital crimes, one of them, picking pockets, was most frequently practiced during public hangings. Instead of making a criminal hesitate to use a gun, the criminologists say, the most probable effect of a bill like Casey's would be to make an armed marauder hesitate to let the witness to his crime live.

Still another N.R.A. argument against restrictive firearms legislation is that laws of this sort "disarm the law-abiding citizen without affecting the criminal." Of course, S. 1975 would not have disarmed anyone. Even its most fervent backers saw the bill as little more than a means of making it slightly harder for the young and the deranged to get hold of guns. As its proponents repeatedly explained, always without effect, their hope was that the law would deter some of those who couldn't buy a gun over the counter from trying to buy one by mail, simply because it made mail-order purchases somewhat more difficult to carry out. As they also explained, the bill would certainly not prevent a determined criminal from getting hold of a weapon, but it might well dissuade a boy or someone who was unbalanced from going to the trouble of ordering one by mail if he had nothing more in mind than the notion that it would be fun to have a gun—a notion that has far too often led to accidents and mayhem. In addition, they noted, the business of sorting out the law-abiding was far from an easy task when it came to murder. They cited F.B.I. figures showing that eighty-two per cent of all murders were committed within families or among acquaintances—generally by people who had been law-abiding citizens until the murder occurred.

Although the N.R.A. officially conceded again and again in congressional hearings that there was an urgent need to do something about making guns less available to felons, addicts, mental incompetents, and minors it hotly contested at the same time the idea that the general availability of guns had anything to do with the crime problem. "Much has been said in public and in the press about the part that firearms play in the commission of crime," John M. Schooley, who had recently stepped down as president of the N.R.A., asserted in the hearings that followed the Kennedy assassination "Some persons have gone so far as to maintain that the accessibility of firearms plays a major part in the increasing crime rate." Indeed, some had including most of the country's leading law-enforcement officers and criminologists. Unable to outweigh this body of opinion, the N.R.A. did its best to outtalk the proponents of S. 1975 on this point, depending, as usual, on frequent repetition. Here, it relied on two arguments One, which Schooley brought up at the hearings, consisted of a quotation from a book called "Patterns in Criminal Homicide," by Marvin E. Wolfgang, a professor of sociology at the University of Pennsylvania, which went, "It is the contention of this observer that few homicides due to shootings could be avoided merely if a firearm were not immediately present, and that the offender would select some other weapon to achieve the same destructive goal." The statement was constantly quoted by the N.R.A. and its allies, and it still is, even though it was repudiated by Dr. Wolfgang in March, 1964, in a letter to former U.S. Bureau of Prisons Director James V. Bennett: "I am one of those persons who believe that violence and instruments of violence breed violence. Legislation which makes more restrictive the manufacturing, sale and distribution, and licensing of firearms is, I think, desirable in almost any form. If pushed to the wall, I would probably support the Japanese ruling that no one except a police officer should be allowed to possess or carry a pistol." The second N.R.A. argument was that the F.B.I.'s annual *Uniform Crime Reports*, which is the most comprehensive statistical and analytical compilation of information on crime in this country, did not list among the factors contributing to the crime rate the availability of guns. At one hearing on S. 1975, a member of the N.R.A.'s board of directors cited the 1963 F.B.I report to substantiate this point. A staff member pointed out to him that the list he was referring to was in the introduction to the report, and that on page 7 of the body of the report was a full analysis of murder by guns, which concluded, "The easy accessibility of firearms and the lethal nature of the gun are clearly apparent in these murder figures." The witness retorted, "Director Hoover is entitled to his opinion, and you are entitled to yours, and I am entitled to mine." J. Edgar Hoover has, on various occasions, taken an even stronger position on this subject, saying, among other things, "Those who claim that the availability of firearms is not a factor in murders in this country are not facing reality," and "A review of the motives for murder suggests that a readily accessible gun enables the perpetrator to kill on impulse," and "The spotlight of public attention should be focussed on the easy accessibility of firearms and its influence on willful killings," but the N.R.A. has continued to cite the supposed omission in the *Uniform Crime Reports*.

Another of the N.R.A.'s arguments against any legislation designed to control guns is that it would have no effect on the use of guns in crimes because, as one of the Association's pamphlets has put it, "most weapons used by criminals are stolen guns." Since the criminals in the country have never been polled on how they got their guns, no one knows what their usual source of weapons is. However, statistics submitted during the Senate hearings indicated that many of them bought guns legally. According to a study made in 1965 by the commissioner of the Massachusetts Department of Public Safety, only six guns out of forty-five hundred and six recovered from criminals in that state during the previous eight years had been stolen. Nearly eighty-seven per cent of the weapons, the commissioner added, had been obtained not in Massachusetts, which has had fairly strict firearms laws since 1957, but by over-the-counter purchases in Maine, New Hampshire, and Vermont, which have lenient laws. According to the Newark police, eighty per cent of the guns confiscated from criminals there in recent years were found to have been bought outside the state. New Jersey's Attorney General, Arthur J. Sills, reported during the hearings on S. 1975—in rebuttal of a claim by members of the gun fraternity that strong gun laws would delight criminals, because the laws would create a nation of helpless citizens—that when he proposed that New Jersey adopt very strict firearms regulations, he checked on the writers of three hundred and thirty-five of the thousands of letters he got in opposition and found that twenty-five of them had been convicted of crimes ranging from highway robbery to manslaughter.

As part of the N.R.A. campaign to prove that restrictions on guns are irrelevant, the organization has repeatedly attacked what it invariably calls "the vicious" or "the notorious" Sullivan Law, which for fifty-odd years has made it illegal for New York State residents to buy or own a handgun without a police permit. (The law is so sternly administered that out of New York City's population of about eight million people only seventeen thousand hold permits.) According to one of the N.R.A.'s directors who testified at the 1964 hearings, "New York's so-called Sullivan Law is the most restrictive gun legislation on the statute books. Yet it is a complete failure, not only in keeping guns out of the hands of the criminal element but also at reducing the crime rate." This contention has been made thousands of times, in thousands of places, by thousands of people—in fact, by just about everyone except people who have some knowledge of the law and its effect. During Senate hearings held in 1965, Attorney General Katzenbach pointed out that in the country as a whole fifty-six per cent of all murders were committed with guns, and he went on, "In Dallas, Texas, and Phoenix, Arizona, where firearms regulations are practically nonexistent, the percentage of homicides committed by guns in 1963 was 72 per cent in Dallas and 65.9 per cent in Phoenix. In cities where there are strong regulations we have the following figures: Chicago, 46.4 per cent; Los Angeles, 43.5 per cent; Detroit, 40 per cent; and Philadelphia, 36 per cent. And in New York City—which has been disparaged in many ways as being thought of by some as the center of crime in America—with its much maligned Sullivan Law, the rate of murder by gun was 25 per cent." Despite New York's fearsome reputation, when compared with the country's nine next-largest cities it turned out to have the fifth-lowest assault rate, the third-lowest murder rate, and the lowest robbery rate. Not the least noteworthy effect of the Sullivan Law, Leonard E. Reisman, deputy commissioner of the New York City Police Department, testified, was that it had enabled the police "to make many arrests for the illegal possession of pistols and revolvers before the possessor has had the opportunity to commit a crime of violence," and he added, "On this score, we have had a substantial degree of success. We have been able to prevent many crimes of violence by such arrests."

Although Dodd had long been known as the Senate's foremost anti-Communist, an astonishing number of gun owners considered his bill prima-facie evidence that he was either a Communist agent or, at least, a Communist dupe. One of the many inexpert witnesses who testified at the hearings in 1964, a physician from Bagdad, Arizona, by the name of William E. Gorder, stated that S. 1975 was patently un-Constitutional, and added, "I further believe the Dodd bill represents a further attempt by a subversive power to make us part of one-world Socialistic government." Taken aback, Senator Yarborough asked him, "You don't really think that Senator Dodd's bill represents any effort by any subversive power to take over this government, do you?" Dr. Gorder nodded. "Yes, sir, I do," he answered firmly. Still unable to believe it, Yarborough repeated his question. Dr. Gorder repeated his answer. His conviction reflected a fear shared by many gun owners that the bill would be used to disarm the populace and render it helpless before an invading army. Senator Yarborough listened as several other witnesses expressed concern over this dire eventuality, and then he finally lost his patience and told one of them, "I was on the staff of an infantry division, and I saw the invasion of Germany. Hitler called on every German to die in his home, at his post, and the first time a sniper fired in a town at an Allied soldier, they learned. [Our] men were trying to be nice to the civilians, and the snipers fired, and after that the towns were simply sawed down. And pretty soon there was total surrender. . . ." The rebuttal had no effect on those who were persuaded that they were about to be turned over, empty-handed, to an invader. In fact, this complaint grew so clamorous that Dodd, forgetting for the moment that his bill wouldn't disarm anyone, asked Secretary of the Army Stephen Ailes for an official opinion on the defense of the nation in the event of an invasion. "I have not seen any contingency war plan where the citizenry was included," the Secretary replied.

Far and away the most persistent complaint about S. 1975 concerned a feature that it did not contain—registration of firearms. Gun registration ordinarily means that anyone who owns a gun registers it with the police, but for many years the N.R.A. has been spreading the idea that a registration system gives the police the power to grant or withhold permits for gun ownership. In one of its pamphlets, entitled "The Pro and Con of Firearms Registration," the Association stated:

"As to the argument that 'you don't object to registering your automobile, why object to registering your gun?', this is a 'smoothy.' In the first place, the registration of an automobile is automatic. The police register the car, the city and state collect their taxes and no one questions the right of the citizen to own the car. The whole essence of gun registration is to permit the police to say WHO may own a gun! The difference is obvious and vital!"

Since the whole essence of gun registration is the same as the whole essence of automobile registration—that is, to let the police know who owns which car or gun—the obvious and vital difference was the false distinction made by the N.R.A. In the opinion of a senator who has been one of the N.R.A.'s leading antagonists, the reason for its misleading statements on this score is fairly simple. "A lot of people wouldn't buy guns if they had to record them, because of the embarrassment that often entails," he explained. "And if there were fewer owners, there would be fewer N.R.A. memberships, fewer guns sold, and fewer of those lucrative, nontaxable ads placed in the *American Rifleman.*" Whatever the explanation, the Association has done such a thorough job of terrifying its followers about the perils of registration that the mere mention of the word is enough to make those who own guns reach for them. In addition to equating registration with permits, the N.R.A. has encouraged the fear that a registration system would lead to personal disarmament. A member of the Association's board of directors testified at the hearings, "Gun-registration lists, no matter how subtly obtained nor how intensely desired by law-enforcement agencies, can and will provide the most effective and convenient way of disarming the private citizen should a subversive power infiltrate our police systems or our enemies occupy our country." (A subsequent witness suggested that a simpler way for an occupying power to find out where a lot of the guns were would be to drop in at the N.R.A. office and look at its membership list.) Most of the gun clubs and gun collectors' associations that sent witnesses to Washington at the time of the hearings or submitted resolutions to the committee for the record were convinced that S. 1975 called for the registration of all privately owned firearms. Ben Avery, the secretary-treasurer of the Arizona *Republic* and an officer in the Arizona State Rifle and Pistol Association, read a statement at the hearings expressing his opposition to registration, and then submitted several resolutions adopted by gun clubs in his area.

"Mr. Avery. The first is a statement by the Mesa Gun Club, in which they oppose the registration and licensing of all firearms. I have another from the Miami—

"Senator Cannon. You say they opposed registration and licensing. That, of course, is not required in the bill. Do they take a position on the bill that we are considering or not?

"Mr. Avery. Sir, they didn't know what was in the bill. They were honestly trying to express their opinion."

The members of the Mesa Gun Club and millions of other sportsmen around the country didn't know what was in the bill because the N.R.A. had done nothing to inform them and a great deal to confuse them. Besides neglecting to tell its members that it supported the bill, to explain to them what the bill would accomplish, and to urge them to lend their support, the N.R.A. implied during the hearings that the bill contained practically everything it had long taught its followers to fight to the death. On the first day of the hearings, Franklin L. Orth, the Association's executive vice-president and its chief spokesman, devoted most of his opening statement to matters that were not under consideration. After telling the senators on hand that the N.R.A. was "highly respected at all levels of government for fairness, logic, and a wealth of information and experience," he outlined in detail what the Association opposed, including "the registration of the ownership of firearms," "the requirement of a license to purchase or possess a firearm," "police approval" to buy or own a gun, any kind of law that "would have the effect of disarming the honest man," and "discriminatory or punitive taxes or fees on the purchase or ownership of firearms." As for the Association's positive approach to gun legislation, he said that it consisted of support for "increased and mandatory sentences where armed force has been used in the commission of a crime" and, finally, for S. 1975 "as originally introduced." His statement did not mention S. 1975 in the version before the committee.

Ordinarily, reporters who cover congressional heaings base their stories on witnesses' prepared statements, which are distributed to them in advance, so press reports seldom cover the clarifying questions and answers that follow. As a result, many of the stories appearing in newspaper around the country after the first series of hearings on S. 1975 concentrated mainly, and sometimes entirely, on what the N.R.A. objected to. And this, of course, gave newspaper readers the impression that what the Association objected to was what S. 1975 contained. They were not the only ones who were confused about the N.R.A.'s stand. Earlier on the opening day of the hearings, Senator Dodd had taken pains to praise the N.R.A. and to announce its endorsement of his bill. By the time Orth had completed his statement some hours later, however, no one was sure where the Association stood. One member of the committee who was intent on finding out was Senator Philip A. Hart, Democrat of Michigan, who had eight hundred thousand licensed hunters back home to deal with.

"Senator Hart. Lest a reader of this record or others present may have any doubt, does the association support the bill in the form introduced this morning by Senator Dodd?

"Mr. Orth. In the form introduced this morning, the association supports the bill of Senator Dodd. I would like to add, parenthetically, that normally we are opposed to legislation relative to guns of any kind because we don't think that they reach the criminal. We think the criminal gets the gun anyway. You mentioned, Senator Hart——

"Senator Hart. Don't leave me hanging there. Is that a 'Yes, but . . .' or——

"Mr. Orth. No, it is not a 'Yes, but . . .' We support Senator Dodd's bill as presented here this morning."

Senator Dodd and his aides later came to believe that the N.R.A. had only pretended to support S. 1975 and had all along been covertly urging its followers to oppose it—a stratagem that they feel was evidenced by Orth's confusing testimony. It seems more likely, however, that Orth's testimony was confusing because it reflected bitter dissension within the top echelon of the Association, which was said to be split into two factions—one that wanted to take the Dodd bill then rather than risk getting something far worse later on, and one that wanted to fight all gun legislation to the end, whatever the cost. That Orth's testimony was misinterpreted by some reporters and most readers did not prove that Orth had meant this to happen, or even that he could have expected it to happen; the probable explanation is that he devoted most of his testimony to describing what the Association would *always* oppose both as a warning to the committee and as a sop to the hard-liners on his board. If he had, as Dodd thought, purposely misled the N.R.A.'s members into believing the bill contained all the features that the Association had opposed for years, then his subsequent outright endorsement of it, under Senator Hart's cross-examination, could be construed only as executive suicide.

When word got out that Orth had actually appeared before a Senate committee and spoken in support of a gun-control bill, the reaction among sportsmen was much like what the reaction of members of the A.F.L.-C.I.O. would be if George Meany were to come out for the Taft-Hartley Act. A typical response was an editorial that appeared shortly after the hearings in Seattle's weekly Fishing & Hunting News:

"NRA STABS SPORTSMEN IN BACK ON GUN BILLS

"Sometimes your best friends will turn on you . . . so don't turn your back. Fishing & Hunting News has been forging its Postal Protest against proposed anti-gun legislation in Washington, D.C., with the endorsement of the National Rifle Association (NRA) as our fighting brother in the big capital. Our fighting brother just stabbed us and every sportsman who ever belonged or believed in that organization in the back. . . . We don't want the Dodd Bill or any other anti-guns bill. And if the NRA wants to compromise with politicians and jilt the sportsmen who paid for their big building in Washington, their suites of plush offices and their stuffy ranks of personnel, then we at F & H News say: To hell with NRA—we'll fight this thing from the home front."

A large number of members angrily resigned from the N.R.A., some of them demanding as a condition for their return to the fold that Orth and anyone else who had a hand in the endorsement resign. Others wrote letters or made telephone calls threatening to assassinate Orth and his family. (This was reported to have convinced him that there were indeed some people who should not be allowed to have guns.) Apparently in the hope that the clamor would subside if the issue was ignored, the N.R.A. left matters up in the air by neither repudiating its policy nor asking its members to support it. In the January, 1964, American Rifleman, the Association observed, "The use of a rifle to assassinate our nation's leader is a calamity," and then washed its hands of any responsibility for remedial legislation by saying, "It is important that each gun owner formulate a policy to govern his own thinking and that he accept the responsibility, as well as the privilege, of making his views known to his elected representatives."

Following the abdication of the N.R.A., others quickly moved into the power vacuum with a bid for leadership. Foremost among them were various independent gun magazines, most of which had been frightening their readers with phantom gun legislation for years. *Gun World* ran an editorial mourning the President's death, observing that the assassin had used inferior equipment, and warning its readers, "The enemies of freedom, of our right 'to keep and bear arms,' are not removed by sublime character from seizing opportunity at this time of bereavement." *Guns* offered a "7-Point Program of Action to Stem the Anti-Gun Hysteria," of which the four main points were harsher penalties for the misuse of guns; a thirty-day moratorium on congressional action, because "the country is in a state of hysteria and we cannot hope to get clear thinking;" legislative assurance following the moratorium that the right to keep a gun on hand would "in no case ever be restricted;" and a mass mailing of letters to members of Congress from "responsible individuals and gun enthusiasts." *Guns & Ammo* observed in an editorial, "Congressional hearings have been underway which would seriously hamper all shooters from buying firearms," and added, "It seems imperative that all of us get in touch with as many casual shooters and hunters of our acquaintance as possible and let them know what is happening. The more good, well-written, and factual letters we can get to legislators and the news media, giving our side of the story, the better the chances of educating the general public to the idiotic proposals which will be cropping up for some time to come. This job is up to us. If you value your great Constitutional rights and your sport, now is the time to shed your coat and go to bat."

Immediately after Dodd had submitted his amended bill, in December, 1963, his mail ran eight to one in favor of it. Within weeks, his mail became much heavier—"It was stacked knee-deep all over the subcommittee offices," a member of the staff has recalled—and almost all of it opposed the bill. Over a two-week period around that time, the Commerce Committee received twenty thousand letters, postcards, and telegrams, exactly two of which supported the bill. The Commerce Committee hearings ended on March 4, 1964, and that month *Guns & Ammo* informed its readers that S. 1975 was "virtually assured of passage." The statement would have been familiar to the kind of Washington lobbyist who warns his clients about the imminent passage of an undesirable bill that actually has no chance, so that he can take the credit when it isn't passed. By this time, it was well known in Washington that the Dodd bill was dead for that session, because the negative response had been strong enough to scare most members of Congress in an election year. At the N.R.A. convention, held that April, Frank Daniel, the secretary of the Association, told the delegates, "It would appear that there is little likelihood of our being forced to accept, in 1964, any legislation at either the federal or state level which does violence to the N.R.A.'s announced policy on firearms legislation." Two days later, the board of directors, in a closed session, passed a resolution praising Senator Magnuson for "displaying leadership and calm judgmentment . . . in the face of hysteria" and for thwarting "impulsive attempts to disarm our law-abiding citizens." Magnuson kept the news of the citation to himself until late in June, when his committee was in executive session, to decide what should be done about S. 1975. Then he released the news to the press. As far as the majority of the committee's members were concerned, what was good enough for the chairman was good enough for them, and they agreed to defer action on the bill. According to one of them, "There was an overwhelming sentiment for doing nothing."

In January of 1965, after President Johnson's landslide victory and the convening of the most liberal Congress since the days of the New Deal, there was suddenly an overwhelmingly sentiment for doing everything in sight. Two days after the new Congress convened, Dodd reintroduced his bill, which was numbered. S. 14. But the Administration was in far too ambitious a mood to settle for that measure, which it had felt all along was something less than half a loaf. On March 9th, the President sent Congress a Crime Message, in which he called for stringent firearms legislation, and then, on March 22nd, to show that he meant it, he sent over his own gun bill, of which Dodd became chief sponsor. Compared to S. 14, the new measure, which was designated S. 1592, was a full bakery. It prohibited all mail-order sales of firearms to individuals in interstate commerce and restricted interstate traffic to transactions between manufacturers and dealers, importers and dealers, and dealers and dealers. It prohibited over-the-counter sales of pistols or revolvers to people under the age of twenty-one and to those who were not residents of the state in which the sale was to be made, and it prohibited over-the-counter sales of rifles and shotguns to those under the age of eighteen. (In both cases, parents could buy the guns in question for under-age children.) It prohibited the importation of surplus military arms not suitable for sporting purposes and of all "destructive devices"—a catchall phrase for such heavy arms as bazookas, mortars, and siege guns, which were freely available to anyone who had the price—and, as Dodd's staff had found, thousands of youths and older paramilitary extremists had it. The bill required all firearms dealers to keep detailed records of their sales, which were to be available to the government, so that it could prosecute violators of the federal law and turn violators of local law over to local authorities. It raised the annual license fee for manufacturers of ordinary guns and ammunition (except shotgun ammunition) from twenty-five dollars to five hundred, and for manufactuers of destructive devices from twenty-five dollars to a thousand. Finally, it raised the annual license fee for gun-and-ammunition dealers from one dollar to a hundred dollars. (Under existing law, anyone who went to the nearest federal building, filled out a short application form, and paid his dollar was entitled to a dealer's license. Between fifty and sixty thousand people took advantage of this opportunity every year, though most of them were not legitimate dealers. The licenses enabled them to buy guns at wholesale prices and also rendered them exempt from local firearms laws.)

"The purpose of this measure is simple," said Attorney General Katzenbach, who was responsible for drafting the Administration bill. "It is merely to help states protect themselves against the unchecked flood of mail-order weapons to residents whose purposes might not be responsible, or even lawful." His statement was based on evidence uncovered by field investigators on the staff of the Subcommittee to Investigate Juvenile Delinquency. They had learned, for example, that of slightly more than four thousand guns shipped from two mail-order firms in Los Angeles to buyers in Chicago twenty-five per cent had gone to people with criminal records—an indication that the 1938 federal law was unenforceable. They had also learned that although Chicago law required a permit for a handgun, ninety-five per cent of those who had bought handguns by mail order did not have permits. A similar check made in the District of Columbia revealed that a quarter of the buyers of mail-order guns had criminal records, and, moreover, that in some precincts of the capital with high crime rates the figure rose to eighty per cent. Behind the provision prohibiting over-the-counter sales of handguns to non-residents was another study made by the subcommittee investigators, which showed how easily local gun laws were circumvented. In the District of Columbia, for instance, any prospective buyer of a pistol or a revolver was required by law to give his name and address to the seller and then wait for three days before picking up the gun; the waiting period gave the purchaser time to cool off if he was bent on an impulsive act, and it gave the police time to check on him and make sure that he wasn't an ex-convict or a mental patient. But a few miles away, in Chillum, Maryland, anyone could walk into a hardware or sporting-goods store, buy a pistol or a revolver, and walk out with it. As the staff investigators had learned, that was exactly what many Washington residents did; a check of the Apple Hardware Store in Chillum showed that fifty-eight per cent of all its handgun sales were made to people who lived in the District, and that forty per cent of the buyers had criminal records. Other spot checks and reports from police departments indicated that the situation was much the same elsewhere in the country. If S. 1592 was enacted, Katzenbach asserted, each state would have a far better chance of enforcing the laws on its books, and the states that had not bothered to pass gun laws because they could be so easily circumvented could now enact measures of this sort with some hope of making them stick.

If the Dodd bill had stirred up bitter strife within and around the National Rifle Association, the Administration's bill brought about an immediate truce among the disputants. The gun people again united behind the N.R.A., which, on April 9th, reasserted its leadership by sending a letter, signed by Orth, to all the Association's members (there were then about seven hundred thousand) and its eleven thousand affiliated clubs, which had four hundred thousand additional members. The letter criticized S. 1592 on nine grounds. According to an analysis prepared by the Treasury Department, which would have been responsible for administering the law, all nine were misleading, meaningless, or false. The N.R.A.'s arguments and the substance of the Treasury's rebuttals went as follows:

N.R.A.: "S. 1592, the latest bill, prohibits all mail-order sales to individuals and permits such sales only between licensed importers, manufacturers, and dealers. Thus, it places harsh and unreasonable restrictions upon law-abiding citizens who wish to order sporting firearms (rifles and shotguns) by mail, especially those citizens who do not have convenient access to licensed dealers for over-the-counter sales."

Treasury. The inconvenience would have been minimal, because the bill prohibited mail-order sales in interstate commerce only, and did not limit intrastate transactions in any fashion. Further, since large, and reputable, mail-order houses have outlets in each state, anyone who wanted to buy a gun advertised in one of their catalogues could get it from the branch outlet, either by mail or in person. If he wanted a gun from a mail-order concern that didn't have an outlet in his area—say, Abercrombie & Fitch—he could easily obtain the gun by writing to or visiting a dealer in his own state and ordering it through him. In addition to cutting down on gun sales to all comers by mail-order gunrunners, the bill created an incentive for local businessmen to set up their own dealerships, which would have given a small boost to local economies and would have given the states, for the first time, the means to control gun dealers within their jurisdictions.

N.R.A.: "This bill, if enacted, would give the Secretary of the Treasury, or his delegate, unlimited power to surround all sales of guns by dealers with arbitrary and burdensome regulations and restrictions."

Treasury. The Secretary's power, like the power of anyone in the executive branch who is responsible for administering a law, is strictly limited—by the requirement that all implementing regulations must not exceed the bill itself, as indicated in the intent of Congress; by the strictures of the Administrative Procedure Act, which affords hearings to all interested parties before regulations are put into effect (an opportunity that the N.R.A. had "taken full advantage of" in the past); and by the legal right of anyone affected to take the issue to the courts.

N.R.A.: "Anyone engaged in the manufacture of ammunition would be required to have a thousand-dollar manufacturer's license. Apparently, this would apply to a club engaging in reloading for its members."

Treasury. First, the fee for manufacturing any ammunition except ammunition to fit destructive devices was, as the bill made eminently clear, five hundred dollars. Second, reloading—that is, putting new shot in old shells—is done largely with shotgun ammunition, which was specifically, and clearly, excluded from the bill's coverage. And, third, a gun club that reloaded for its own members was "not to be construed to be a manufacturer for the purposes of this act."

N.R.A.: "If you transported your rifle or shotgun to another state for a lawful purpose, such as hunting, you would have to comply with burdensome restrictions and red tape . . ."

Treasury. There were no restrictions in the bill pertaining to a person (other than a felon or a fugitive) travelling in interstate or foreign commerce and transporting his rifle or shotgun for a lawful purpose, such as hunting.

N.R.A.: "A dealer could not sell to a nonresident of his state. This provision, and the restrictions on transporting guns from one state to another, could be unduly restrictive on a great many people who live near state boundaries or those who must go into another state to shop."

Treasury. As even a casual reading of the bill made clear, the provision applied only to handguns, which are rarely used in hunting.

N.R.A.: "A gun shipped for service repairs could only be shipped under the regulations of the Secretary of the Treasury, and then only for 'authorized' service. Again, burdensome restrictions [are] threatened."

Treasury. There was no control whatever over guns shipped for repair within a state's borders. As for those shipped outside, the bill contained a specific exemption designed to permit individuals to ship rifles, shotguns, pistols, and revolvers to a licensed importer, manufacturer, or dealer for repair or service.

N.R.A.: "A dealer's license could be refused to an applicant if the Treasury believes that by reason of business experience, financial standing, or trade connections he is not likely to operate in compliance with the Act. What does this mean?"

Treasury. This meant that the government hoped to keep dealerships out of the hands of those associated with, or reputed to be associated with, the underworld. Anyone who was refused a license would be granted a hearing, and also, if he desired it, a judicial review. This standard for the denial of licenses—for liquor dealerships, among others—had long since been upheld by the Supreme Court.

N.R.A.: "An importer could not bring in any new firearm unless the Secretary deemed that such importation 'would not be contrary to the public interest.' What does this mean?"

Treasury. This meant that the government hoped to reduce sharply the number of guns imported into this country every year, which amounted to a million or so, the majority of which were surplus military weapons and handguns that were of inferior quality and often defective, and that were of no conceivable use to hunters or sportsmen. In any case, the bill specifically exempted guns that were "particularly suitable for lawful sporting purposes."

N.R.A.: "This bill could conceivably lead to administrative decisions imposing such a burden on the sale, possession, and use of firearms for legitimate purposes as to totally discourage, and thus to eliminate, the private ownership of all guns."

Treasury. At most, the bill might inconvenice some people, but this was of little importance when weighed against the public interest.

When Orth was later asked about the misleading and downright inaccurate material in the N.R.A. letter, he said that it had been based on a study of the bill made by a committee of the Association's directors, including "two presiding superior-court judges and four prominent practicing attorneys," and that if the committee was "guilty of an error, it was not with any intent to mislead."

A few days later the N.R.A. letter was sent out, the firearms industry and some of its friends rolled up another heavy battery—the National Shooting Sports Foundation. Set up in 1961 to fight any and all gun-control legislation—or, as the magazine *Shooting Times* put it, "to educate the American public, to get across the *facts* about guns and shooting, and counter the Red-inspired propaganda 'scare' articles"—the Foundation had by 1965 acquired eighty-seven high-powered sponsors. Among them were gun manufacturers (Browning Arms, Colt Industries, Daisy, E. I. du Pont de Nemours, Savage Arms, High Standard, Smith & Wesson, O. F. Mossberg, Remington Arms, Sturm-Ruger, Winchester), gun dealers (Abercrombie & Fitch, the Buffalo Gun Center, Firearms International), gun and sports magazines (*Shooting Times, Field & Stream, Sports Afield, Trap & Field, Shooting Industry, Argosy, Guns & Ammo, Guns & Hunting, Gunsport, Gun World, Guns*), and assorted allies (the Amateur Trapshooting Association, the National Sporting Goods Association, the American Trophy & Award Co.). It also had a non-sponsoring ally, the National Police Officers Association of America, which in 1962 joined it in endorsing a resolution condemning firearms legislation. This action was later cited over and over by gun devotees as proof that law-enforcement officers supported their position. "The anti-gun forces make a heap of noise," an outdoor writer for the Arkansas *Democrat* observed. "They discount the fact that all major organizations of police and law enforcement officers in the nation have gone on record as opposing the Dodd bill." He could have had in mind only the National Police Officers Association. According to Carl Bakal, it had been founded in 1955 by a detective in the Chicago Police Department's "homicide-and-sex" unit, and was a semifraternal insurance-benefit organization without a single high-ranking police officer among its members, most of whom were from small towns. The reporter for the *Democrat*, like other members in the gun forces, also discounted the fact that the International Association of Chiefs of Police, the leading outfit of its kind, supported S. 1592, and that sixty-three of the police chiefs of the country's sixty-nine largest cities did, too.

In the process of educating the American public during the spring of 1965, the National Shooting Sports Foundation sent out thousands of copies of various bulletins to individuals and groups across the country. In one, addressed to sportsmen and sporting-goods dealers, it asserted, "A new bill has been entered in Congress which would severely restrict the sale and possession of sporting firearms and ammunition. It would make it difficult for any dealer in America to buy and sell sporting firearms and ammunition. If passed, the bill would mean virtual registration of firearms." "Virtual" soon came to mean "actual." Another bulletin, sent to all farm magazines, declared, "In many regions, 90% of the farm and ranch homes have one or more firearms. . . . A bill has been entered in the U.S. Senate which would allow the Secretary of the Treasury to register all firearms. The history of registration all over the world is that registration finally leads to confiscation." The last statement, which also became a popular rallying cry among gun owners, has never been supported by any evidence—possibly because the only countries in which registration of guns has led to the wholesale confiscation of guns have been dictatorships. In a bulletin to hardware and sporting goods magazines and associations, the N.S.S.F. warned that the bill would "work a hardship on every firearms dealer and distributor in America," whereas actually every retail firearms dealer would have been handed a sizable bonanza under the bill, since it would have eliminated mail-order sales to individuals but not to dealers.

Another bulletin went to outdoor writers, who, if they were not better informed about the bill, were more likely to have access to accurate information about it. This one stated, "Although the word 'registration' is not mentioned, the bill would give the Secretary of the Treasury the power to register all firearms if he so chose, with a central registration bureau in Washington." This bulletin, reinforcing the N.R.A. letter, sent scores of outdoor writers to their typewriters. M'Fadden Duffy, outdoor editor of the New Orleans *Times-Picayune,* wrote in his column, "Although the word 'registration' is not mentioned, the bill would give the Secretary of the Treasury the power to register all firearms if he so chose, and the power to establish a central registration bureau in Washington." John Wootters, of the Houston *Post*, described the situation this way: "Although the word 'registration' is not used in the bill, it would empower the Secretary of the Treasury to register all firearms." Jimmy Jordan, of the Pittsburgh *Post-Gazette,* called the bill's supporters in Congress "ill-informed salons [*sic*]" and notified his readers that it would force "each citizen to register any gun he happens to own." Others, apparently unimpressed by the N.S.S.F.'s misrepresentations of the bill, added some of their own; Grits Gresham, author of a column called "Bayou Browsing" in the Amite, Louisiana, *Tangi Talk,* wrote, "S. 1592 would very definitely give to the Secretary of the Treasury awesome power to govern all transactions of firearms and ammunition. He could insist on such severe and unreasonable requirements of identification, waiting period, finger-printing, photographing, and reporting on the part of gun buyers and gun dealers that it would virtually end them. He could seize your guns and ammo if he thought that you 'intended' to use them for unlawful purposes."

By this time. Magnuson had agreed to let Dodd's Subcommittee to Investigate Juvenile Delinquency hold hearings on the Administration's bill as long as Dodd sent whatever came out of the hearings on to the Commerce Committee for its consideration. That Dodd was being allowed to conduct hearings on "his own bill" (actually, on both his and the Administration's bills) produced howls of indignation among the leaders of the gun fraternity, even though the practice has long been the rule rather than the exception in Congress. Announcement of the hearings also produced another batch of bulletins from the N.S.S.F.—these being sent to all outdoor writers and broadcasters in the home states of the subcommittee's members. Each bulletin began, "The future of hunting and shooting in America may depend on . . ." and then filled in the name of the subcommittee senator from the state in question. The claim that S. 1592 called for registration was included in all the bulletins except those sent to Hawaii, the home state of Senator Hiram Fong, who was one of the bill's supporters on the subcommittee; at that time, Hawaii was the only state in the Union that required the registration of all guns. For the people of Connecticut, Dodd's own state, the N.S.S.F. prepared a special bulletin, addressed to all daily and weekly newspapers. "Many sportsmen fear this bill would lead to the eventual confiscation of all firearms," the bulletin said without mentioning any cause of such a fear. "If so, the bill would also affect the economy of Connecticut—the leading state in the manufacture of sporting firearms." The bulletin went on to relate a homely history of the Connecticut firearms industry.

In still another special mailing, the Foundation offered to lend a hand to sportswriters across the country, saying, "In the event you decide to do a story on hunting, shooting, or firearms legislation, perhaps we can save you considerable time on research." Not all of those who saved time were sportswriters; the head of an outfit called Washington-Exclusive, which put out canned editorials as "an editor-saving service," included one on gun legislation that was based on N.S.S.F. bulletins. It is not known to what extent Richard Starnes, a top columnist for the Scripps-Howard chain, had been influenced by the N.S.S.F., the N.R.A., or his own imagination when he wrote an article on the gun bill for *Field & Stream,* which is an N.S.S.F. sponsor, and whose advertising revenue from gun and hunting-equipment manufacturers was reported to have come to around half a million dollars that year. "The anti-gun kooks insist they are not trying to disarm the United States," Starnes wrote, and continued, "This, as we are about to demonstrate, is nothing but a plain old garden variety of lie, and the fact that it is uttered in the strident accents of the right-thinker makes it no less so." Included in his demonstration were statements that the bill "flatly prohibits sale of firearms of any description through the mail to individuals;" that it "would give the Secretary of the Treasury, or anyone he delegated, unlimited power to impose any regulations he saw fit regarding retail sales by dealers to individuals;" and that "hunters taking guns from one state to another for hunting or any other lawful purpose would have to comply with regulations and restrictions as burdensome as any future gun-hating Treasury Secretary wanted to make them." Whatever Starnes' source of misinformation, his outlet for it was undoubtedly effective, for *Field & Stream* had a monthly circulation of a million and a half.

Late that April, another prominent outdoor writer, Don Carpenter, whose column "Outdoors" appears in the Washington *Daily News,* which has a circulation of more than two hundred thousand, wrote:

"American sportsmen are being shot at with their own tax dollars by Senator T. J. Dodd, who is trying to ram through Congress gun bill S. 1592. Dodd's subcommittee has an appropriation of roughly $220,000 in taxpayers' money for 1965, and he employs Carl Perian to write propaganda against guns for all public media; staff, paper and postage are paid for by suckers, the taxpayers. Charley Dickey, of Riverside, Conn., reveals this flagrant misuse of Federal funds to lobby a bill right in the halls of Congress. I wonder if Carl Perian is a registered lobbyist? Senator Dodd has harassed sportsmen for four years—his wings need clipping.

Another outdoor writer, Jim Falkner, of the Baton Rouge, Louisiana, *Advocate,* had an audience of only seventy thousand readers but a somewhat similar viewpoint:

"Senator Dodd's subcommittee has an appropriation for 1965 of about $220,000. Dodd has a publicity department run by a Carl Perian, a sociologist, for writing speeches, articles, press releases and other propaganda. [Dodd] doesn't have to pay for his staff, paper or stamps. All is paid for by the American taxpayers. . . . The American sportsman is in the ironic position of having his tax dollars turned against him."

It was true, as Carpenter reported, that Dickey was from Riverside, Connecticut. Carpenter did not report that Riverside was the home base of the N.S.F., of which Dickey was the executive director. In a press release that had been sent to outdoor writers before either Carpenter's or Falkner's column appeared, Dickey wrote:

"Senator Dodd's subcommitte has an appropriation for 1965 of roughly $220,000. Senator Dodd, in his harassment of sportsmen the past 4 years, has had similar amounts at his disposal. Senator Dodd has a publicity department run by Carl Perian, a sociologist, for writing speeches, articles, press releases and other propaganda. Senator Dodd does not have to pay for his staff, paper, or stamps. All of the above is paid for by the American taxpayer. The sportsman is in the ironic position of having his general tax dollars turned against him."

Perian was not head of Dodd's publicity department, for there was no publicity department. He was staff director of the subcommittee. As for Dodd's "flagrant misuse of federal funds to lobby a bill," it was a "misuse" that every committee on Capitol Hill is guilty of, because all of them use the taxpayers' money against the interests of some taxpayers. Perian wasn't registered as a lobbyist because he wasn't one. Dickey and Orth weren't registered as lobbyists, either. When Orth was asked why he didn't consider the N.R.A. a lobby, he answered, "It has nothing to do with monetary or personal profit. It is for the purpose only of the good of the United States." According to the N.R.A.'s operating report for 1965, its outlay that year on "legislative and public affairs" was $171,485.86, which was more than twice what it had spent before the Dodd bill was introduced. That figure did not include the salaries paid to officers who, like Orth, spent much of their time directly or indirectly opposing gun legislation, nor did it include the expenses that the *American Rifleman* incurred in printing sixty-six pages of editorial material on legislative matters that year, or the cost of running the magazine and the publicity department, both of which were largely directed at securing the Association's place as the leading spokesman, in Congress and out, of the country's gun owners. According to the subcommittee staff, if all these expenses were totted up they would come to more than two million dollars a year. That sum seems inflated, but, whatever the costs to the N.R.A., they were tax-exempt, which meant that the eighty per cent of the population that wanted strong gun laws was subsidizing the battle waged against it by the remaining twenty per cent. In some cases, those "being shot at with their own tax dollars," as Carpenter figuratively expressed it, were also being shot at literally.

For a time, it appeared that the N.R.A. and the N.S.S.F. had a corner on the misrepresentation of S. 1592, but before long a number of other operators began trading in the same commodity. One of the first of these was the American Sportsmen's Foundation, of Parlin, New Jersey, which, though it was a small outfit, billed itself as "a national organization for the promotion of shooting sports and wholesale gun legislation." On May 15th, *Shotgun News,* a bimonthly tabloid that billed itself as "the trading post for anything that shoots," ran a banner headline at the top of its usual front-page collection of want ads, asking its readers to "See Important Notice Page 4." The notice turned out to be a full-page advertisement inserted by the American Sportsmen's Foundation, stating, "Attention Sportsmen—Target Shooters—Arms Collectors—Firearms Dealers. This is to alert you to the most serious anti-firearms legislation ever proposed." It went on to list seven adverse provisions of S. 1592, all of which were falsified, and concluded by urging its members to write a million letters to the eight members of the subcommittee, four of whose names it got wrong.

Soon afterward, another comparatively small group moved in—spokesmen for some natural-resource-conservation and wildlife-preservation outfits, who were led by the National Wildlife Federation, representing some two million people, and the Wildlife Management Institute, representing some fifteen thousand. Although one might expect such people to be the first to want strong gun laws, they have long been among the last. One of their chief functions is to keep the wildlife population up high enough so that they can stake out hunting preserves and give hunters something to shoot at. The hunters repay them by spending seventy-two million dollars a year on hunting licenses and twenty-seven million dollars a year in federal excise taxes on guns and ammunition; almost all of this money is used to pay the salaries and underwrite the various projects of state game and conservation departments. On May 28, 1965, the National Wildlife Federation's weekly *Conservation Report* included a feature article with the title "Would Firearms Control Lead to Total Disarmament of Individuals?" The text replied to this question by saying that the Administration's witnesses at the hearings had given testimony that "apparently was based on the belief that the ultimate answer to crime prevention in this country is total disarmament of the public." The Wildlife Management Institute was less given to hedging. "The anti-firearms factions make no effort to mask their intention to disarm the American sportsman," it informed its members. "They call S. 1592 the first step." Conservation leaders around the country passed these remarks on, along with the more outright misrepresentations put out by the N.R.A. and the N.S.S.F., at hundreds of conservation-association meetings and gun-club get-togethers. The result was another round of articles by conservation writers, such as one by Earl Schaeffer, author of a column called "Conservation Close-Ups," in the Columbus, Ohio, *Booster.* Schaeffer took the opportunity, in his report on the annual fish fry of the Clintonville Conservation Club, to lace into S. 1592:

"This bill, while it does not mention registration, means just that. It means that all power, all regulation, all authority, and all ownership rights would be in the hands of one person—the Secretary of the Treasury who is under direct orders from the President. . . . It also definitely means that permission could be given or withheld for the purchase of any type of gun, owning it, transporting it in any way and this be left to the judgment of one person. . . . This is not for sportsmen only—it is of interest and should be the concern of all people who have become accustomed to the American way of life and who love that life. Believe me, if this bill should pass, that life will never be the same."

The agitation stirred up was so extreme that a number of state wildlife and conservation departments immediately produced and sent on to the subcommittee, resolutions and memorials officially opposing S. 1592 and stating, among other things, "This proposed legislation poses a direct threat to the continuation of this traditional form of outdoor recreation and calls for further infringement of the right of Americans to keep and bear arms as guaranteed by the Bill of Rights . . . [and] may lead to total gun registration followed by confiscation and the disarming of the sportsmen of this country" (Louisiana); "It has been shown (as in the case of the Sullivan Law in New York) that restrictive legislation will not prevent criminals from obtaining firearms" (Montana); "Guns don't kill people; people kill people" (Wyoming); "This bill must be viewed as the first fatal step toward registration and complete control of the acquisition, possession, and use for lawful pusposes of all firearms typical of a police state and completely un-American" (New Mexico); "Truly there exists a foul conspiracy to disarm the law-abiding American public" (Virginia). Because state and local conservation organizations ordinarily devote a large part of their newsletters to notes on what those who support them are doing—that is, to gun-club meetings, hunters' reports, gun collectors' awards, and the like—their publications are widely read, and in this case their attacks on the Administration's bill set off still another flood of communications to the subcommittee. One of these, from the Wabash Valley Gun Collectors' Association of Indiana, asked, "Are these bills in the best interest of the honest God-fearing American citizens who value the heritage of their Founding Fathers very highly of their right to keep and bear arms or, are these bills designed by bureaucrats and power-mad politicians for reasons best known to themselves?" Another, from the Sportsmen's Council of New York State, charged that enactment of S. 1592 would create "a substantial and prolonged increase in the rate of violent crime throughout the nation." A third, from the Boone and Crockett Club of New York City, stated that such a law "would be an inconvenience that would be resented."

Most of the people who own guns and frequently use them live on farms or in villages, towns, and small cities. The only newspapers most of them read are their local ones, many of which subsist, in part, on "news" items distributed free by various special-interest editorial services, such as the one the N.S.S.F. provided. In the spring and summer of 1965, hundreds of stories on the contents of S. 1592 appeared in the guise of straight news reports in small papers around the country. For example, the Cold Spring, New York, *News & Recorder* repeated the seven falsified provisions of the bill publicized by the American Sportsmen's Foundation and went on to say, "The present time is regarded as an ideal time for the sporting fraternity to rise up and protest vehemently against more governmental control." Other papers, such as the San Angelo, Texas, *Standard-Times* and the Great Barrington, Massachusetts, *Berkshire Courier*, printed stories quoting at extensive length, and without question, statements made by local gun sportsmen, gun collectors, and gun dealers who were repeating the charges made by the N.R.A. and the N.S.S.F. Other papers went further. One of them, the Gonzales, Louisiana, *Weekly*, ran a news article under the headline "MAIL ORDER GUN BUSINESS," which, except for the deletion of two brief sentences and one clause, was an exact replica of the N.R.A.'s April 9th letter, without quotation marks. And others went further still. For example, the Fort Dodge, Iowa, *Messenger & Chronicle*, in a news story headed "GUN BILL MAJOR THREAT," repeated the N.R.A. letter almost verbatim and, here and there, added some fabrications of its own to make the bill seem even worse. Then, in case any of their readers had missed the point, many of these papers filled their letters-to-the-editor columns with correspondence that again repeated verbatim the material sent out by the N.R.A. and the N.S.S.F.

Newspapers that helped spread this kind of word about the bill were not unduly energetic about correcting their errors. The Pulaski, Virginia, *Southwest Times*, for instance, published a couple of columns on S. 1592 by Jack Lovett, Jr., who totally misreported the bill's contents. A reader sent Lovett's article on to Senator Dodd and demanded an explanation. Dodd replied, "For your information, Mr. Lovett is in error and I consider his reporting to be irresponsible," and included with his reply a copy of the bill and some material explaining it. The reader passed all this on to the editor of the paper, Dan Rooker, who ran a half-page editorial on the subject, most of which consisted of a reply by Lovett to Dodd's charges. Accusing Dodd of "ruthlessness," Lovett wrote, "Every word I said in my two columns regarding S. 1592 was true and checked." His sources, he wrote, were the N.R.A. ("a fine, patriotic organization"), the N.S.S.F. (whose sponsors included firms that "certainly . . . would not be a party to sending out false and irresponsible information"), and the National Wildlife Federation (which "no one can truthfully call . . . irresponsible").

Dodd had no greater success when he confronted misinformed opponents face to face. During the hearings, he continually ran into the kind of intransigent disbelief that was revealed during a colloquy he had with a witness named Harry R. Woodward, who was director of the Colorado Game, Fish, and Parks Commission:

"Mr. Woodward. Colorado is a great hunting state, and this form of outdoor recreation represents a very tangible and important factor in its economy. Last fall, a hundred and fourteen thousand non-residents hunted in Colorado, paying three million, a hundred and seventeen thousand dollars for hunting licenses. This represents sixty-six per cent of all revenues derived from hunting and fifty per cent of total revenues realized by the Colorado game, fish, and parks department in 1964. Since this department is financed entirely by license revenues, fines, and taxes on sporting goods, anything that affects hunting or fishing, and especially hunting or fishing by non-residents, deals a body blow to this department's self-financing ability.

"Senator Dodd. Can you point out anything in this bill that will restrict any hunter in Colorado paying his license from doing what he has been doing right along?

"Mr. Woodward. Senator, we are concerned with the question of interstate traffic and the permission of an individual to transport his firearms interstate.

"Senator Dodd. That is what I am talking about. You point out to me anything in this bill which says he can't carry his shotgun or rifle into Colorado.

"Mr. Woodward. We are concerned here that the powers of the Secretary of the Treasury could be construed to the point that regulations, that his regulations, could make it difficult, if not impossible, to do this.

"Senator Dodd. You are not serious about that? Are you saying that the Secretary of the Treasury could by regulation write into this legislation something that is not in it?

"Mr. Woodward. He could make it most difficult for a man to get a permit.

"Senator Dodd. I can say only what the Secretary and the Attorney General said yesterday—that is preposterous. You heard him when you were here yesterday say that the applicant is protected by the Administrative Procedure Act, and that is what our courts are set up for. He has to apply the rule of reason that if the applicant doesn't agree with his judgment, he has an appeal; he has more than one. But, in any event, the most important thing I want to point out here is that you obviously haven't read the bill if you think that any word of that would prevent a sportsman from going to your state with a rifle and shotgun and go hunting. There is just no such thing in the bill.

"Mr. Woodward. Well, it is obvious, Senator, that we are anxious about this provision and how it might be implemented in terms of administrative procedure.

"Senator Dodd. I know. But you can't implicate a case of legislation that way by regulation; your attorney general will tell you that. Go ahead.

"Mr. Woodward. Thank you, sir. To restrict, in any way, the non-resident's ability to bring firearms into Colorado with which to hunt, as S. 1592 proposes to do, poses a serious threat to the financing of this department's work.

"Senator Dodd. I want to say again that there is no such restriction in the bill.

"Mr. Woodward. In addition, it poses a serious threat to the economy of the whole state of Colorado, for it proposes to tamper with a form of outdoor recreation that provides nearly one hundred and fifty million dollars annually to Colorado's economy, spread out over every county, community, municipality, and hamlet in the state. This is an economic factor that no state can afford to have jeopardized. And it is an economic factor that receives the majority of its stimulus from the non-resident big-game hunter and more specifically the non-resident elk hunter. Stringent restrictions on transporting hunting rifles into Colorado by non-resident big-game hunters would seriously threaten this source of income to Colorado.

"Senator Dodd. There is no restriction in this bill. I want this record to be clear on that. There is just no restriction on transporting a hunting rifle into Colorado. I don't know where you got this information from. But if you take the time to read this bill, you would agree with me. There is no such language in the bill.

"Mr. Woodward. I am happy to have you assure us of that, Senator.

"Senator Dodd. All you have to do is read it. I think you have been reading some of this propaganda. Go ahead.

"Mr. Woodward. Economics aside, the restrictions that would cause Colorado to lose its non-resident hunter would seriously impair the game, fish, and parks department's ability to manage its game-animals and birds. The non-resident is a major asset to a state's program for managing its game.

"Senator Dodd. Let me interrupt you to say that there is no restriction; the hunter-sportsman can bring his guns in your state. The only restriction you have on him will be your own state law under this bill.

"Mr. Woodward. That is reassuring, Senator. I will move on. I realize that time is of the essence.

"Senator Dodd. I don't want you to think that I am aggressive about it, but we have been putting up with this information for a long time, and it shocks me that a commissioner of fish and game in Colorado should be thinking that. There is just no such thing in the bill.

"Mr. Woodward. Senator, this hunting is, of course, our lifeblood, and we are going to be extremely watchful of all these measures.

"Senator Dodd. But lifeblood is not by falsehood."

When Woodward moved on, it was to say

that he objected, in addition, to there being "no limitations written into the legislation that would place any curbs whatever on the regulatory power over firearms to be exercised by the Secretary of the Treasury or his agent."

Once again, Dodd had a try at setting him right: "I would say in answer to that that there are limitations on the regulatory power. We have the Administrative Procedure Act, as I said earlier, and we have the courts. And here again the propaganda has been outrageous about this. We have just the same protection with respect to regulation under this law as you have under every other law of the United States, no less, just as much."

Woodward nodded, and said, "Unlimited power of this nature is inherent only in a dictatorship form of government, never historically in a government that is 'of the people.' "

A little later, the witness got around to another favorite argument, which led to the following exchange:

"Mr. Woodward. S. 1592 would infringe on the explicit Constitutional right of the nation's citizens to bear arms. It is our contention that this Constitutional guarantee, provided in the Bill of Rights, was conceived by those who wrote and signed this document, which is everything to all citizens of this country, to guarantee each person the right to bear arms in defense of his liberty and for peaceful pursuits. Any infringement on that right would be met, quickly and with determination, by serious legal challenge.

"Senator Dodd. Are you a lawyer, Mr. Woodward?

"Mr. Woodward. No, I am not.

"Senator Dodd. Have you consulted competent lawyers as to the Constitutionality of this bill?

"Mr. Woodward. I haven't at this stage.

"Senator Dodd. You have not?

"Mr. Woodward. I am sure that we would.

"Senator Dodd. I should think you would have done so before you made this statement. I don't think you really know anything about the Constitutional aspects of it, do you?

"Mr. Woodward. No. I am concerned about the Constitutional aspects of it.

"Senator Dodd. Being concerned about it is something else. Are you in a position to give us advice on the Constitutionality of this bill?

"Mr. Woodward. No. I have no legal training.

"Senator Dodd. You didn't hear the Attorney General, what he said yesterday about it?

"Mr. Woodward. No.

"Senator Dodd. Have you read the cases of the Supreme Court, sir?

"Mr. Woodward. No, I haven't."

By one recent count, there are in this country fifteen magazines devoted entirely to firearms. The *American Rifleman* is the most widely distributed, but the others have a combined circulation that is twice as large. The leader among these is *Guns & Ammo*, with average monthly sales of close to two hundred thousand copies. From the time it was founded, in 1958, *Guns & Ammo* had built up its circulation in part by periodically bombarding its readers with threats of impending gun legislation, and it had continually warned them that the price of firearms freedom was eternal political vigilance. As the magazine saw it, gun owners faced an uphill fight, because, as it told its readers in 1960, "every do-gooder, pacifist, subversive, pinko, traitor, and gangster misrepresents them." This theme was a favorite at the magazine. "For the most part, the anti-gun tirades have been insidious half-truths, downright lies, with a goodly measure of slander thrown in," Thomas J. Siatos, the publisher and editorial director, wrote in an editorial shortly after S. 1592 was introduced. "We have seen some of our own editorial material completely twisted and taken out of context and used as an illustration of the 'irresponsibility of this country's shooters.' We don't deny it hurts." More recently, the magazine observed editorially that "the gun owners of this country are the subject of one of the most vicious propaganda campaigns ever." No one could have agreed more wholeheartedly with this assessment than the leaders of the movement to enact a gun bill. In their view, *Guns & Ammo* had misled more people more often than any other outlet in the entire campaign. "*Guns & Ammo* has been to truth as guns are to life," one of them said not long ago, and added, "Or maybe I should say, 'Magazines don't lie to people; editors and writers lie to people.' " The editors and writers of *Guns & Ammo* were apparently unprepared for the introduction of S. 1592, for it wasn't until summer that they joined the battle against it. When they did, they made up for lost time. In the July issue, Siatos published an article called "The Real Facts Behind S. 1592," which stated at the outset, If you, as a collector, hunter, target shooter, gun dealer, gunsmith, or small manufacturer wish to lose your rights to own guns, to go hunting, target shoot, deal in firearms, read no further. This bill will ultimately confiscate your guns, make it impossible for you to hunt or stay in business." For those who read further, there was a section-by-section analysis of the bill, preceded by the admonition "It is time consuming, but if you love your guns or want to stay in business, you had better take the time." Almost nothing in the analysis—not even the letters and numbers identifying the sections—was correct. Of the thirty-odd points made, a few of the more blatant distortions were that if S. 1592 was enacted there would be "no more mail order of firearms of any type;" that collectors of antique guns living in states with strict firearms laws would have to take out licenses, which "will probably not be granted . . . and your guns will be confiscated;" that it would be "illegal for any dealer to sell a firearm except to a resident of his state;" that all gun club reloading would require a $500 or $1000 license and "if for any reason they do not like your looks, your politics, your religion, or anything else, you may not be allowed a license in the first place;" that there would "be no more fine foreign sporting guns of any type;" and that the bill constituted "an open demand on the state, cities, counties to impose the true restrictive legislation which, summed up in a few brief words, is registration, then confiscation." When Siatos was asked later about the misrepresentations that the article contained, he replied, "All I can say is this is what we call editorializing."

Siatos was never called upon to characterize the magazine's actual editorials. A typical one, which appeared the following month, concluded, "Summing up, no matter what the proponents may whine in support of restrictive firearms legislation, no matter how they may lie and connive, manipulate and manage news, their efforts can have but only one ultimate result—no firearms in the hands of our citizenry." Although the editors of *Guns & Ammo* often found the language a slippery business, they never entirely lost their hold on it, as some of their competitors occasionally did—for example, *Guns & Game*, whose editorial writer once proclaimed, "It's up to us to convince every legislator, everywhere, that we mean exactly what we say. This means that gun owners, gun clubs, and sportsmen's groups must begin giving active, open support to the avowed enemies of the people's right to bear arms." When it came to vituperation, though, *Guns & Ammo* had few rivals. In that same August issue, the editorial complained about "the wishy-washy legislators and milk-sop news-disseminating media which have stuffed down our throats the kind of insulting drivel we have been subjected to the past year and a half," and added, "It's time we throw up." In that issue, too, the magazine admonished its readers, "In everything we do for this cause, we must approach it with dignity, avoiding any language or intemperate statements which might cause more harm than good."

As any demagogue knows, once a band of followers has been recruited and stirred up, it has to be kept stirred up or its members will lose interest and drift away. *Guns & Ammo* kept its readers stirred up by continuing to print scare editorials and articles about S. 1592, and also by giving its followers specific tasks. In an article entitled "Operation Gun-Law '65," the magazine reproduced a model anti-gun-law advertisement, which, it stated, had been "specifically designed by experts on firearms legislation and by people who know how to persuade readers to *act*," and which, it went on, could be placed "at nominal cost" in local newspapers. A banner headline at the top of the advertisement asked, "Are you a killer?" and the text below answered, "Some lawmakers think so. That is, if you own a gun. Or import, sell, repair, or collect firearms of any size, shape, or caliber. In fact, these *few* lawmakers mistrust you so completely that their anti-gun bill now pending in Congress would ultimately deny you the right to own or buy a gun ever again." The magazine also presented a two-minute script that readers were asked to have recorded by the telephone company (preferably in a woman's voice), so that when a certain number was dialed the record would be played back. "You have probably been aware of the biased anti-gun news coverage," the script began, and it went on, "Buried in the text of the Dodd bill are provisions which would empower the Secretary of the Treasury or his agent to prevent the purchase (or possibly confiscate) guns used for hunting, target shooting, collecting, or other legitimate pursuits." In addition, the magazine began pushing a "promotional kit," consisting of a lapel pin, an embroidered cloth emblem, and five bumper stickers, and selling for two dollars and a half. Each item in the kit was emblazoned at the top with the legend "Guns & Ammo Magazine" and, below that, "Support Your Right to Keep and Bear Arms." Just what it was promoting most was not clear. The magazine urged its readers to buy promotional kits for themselves and their acquaintances, to read *Guns & Ammo* for news of the latest developments on the gun-bill front, to renew their subscriptions to *Guns & Ammo* in order to stay abreast of the issues, and to give their friend subscriptions to *Guns & Ammo*.

The sole purpose of the entire campaign of deception was to persuade all those in the country who owned guns and wanted to keep them that their only hope lay in making their total opposition to S. 1592 known to their lawmakers—preferably in writing. The N.R.A. letter of April 9th concluded by exhorting all members of the Association and their friends to let the President and the Congress know how they felt. "Write now, or it may soon be too late," Orth warned. To make the task easier, he included a page-long list of instructions, headed "How to Write Your Letter" and giving such advice as "Do not send the enclosed letter to your representative," "Do not doubt for one second the effectiveness of your one voice. Something you say may be the one thing to change an opinion," and "Do not leave this to someone else to do. If the battle is lost, it will be your loss and that of all who follow you." The N.S.S.F. invariably included a plea of this sort in its bulletins, too: "It is imperative that you write the President and express your opinion on S. 1592 and ask for public hearings on S. 1592. You should also write the U.S. representatives and senators from your state. . . . *Letters from you and your friends are important!*" And *Guns & Ammo* pounded away at the need for letters several times in each issue. "Nothing impresses an elected lawmaker as much as a massive amount of mail from people who vote in his district," it told its readers in

August. "It is the one *proven* way to persuade a legislator to act."

During the month preceding the campaign set off by the N.R.A., the White House received fifty letters on S. 1592, divided just about equally pro and con. During the following month, it received twelve thousand letters, all but a few opposing the bill. Within two weeks after Orth alerted his followers, the Subcommittee to Investigate Juvenile Delinquency got fourteen hundred letters, forty-seven of them favoring the bill, and the Commerce Committee got over two thousand, four of them favoring it. When the N.S.S.F., the conservationists, the small-town newspapers, and the gun magazines entered the campaign, the mail stepped up so sharply that during the whole spring and summer of 1965 congressional offices were hard put to it to answer it even with form letters and automatic typewriters. "I have received many more letters on this question than any other so far this year," Senator Roman L. Hruska, Republican of Nebraska, said that May. "By actual count, only three letters supporting the bill have been received so far out of more than three thousand." Over the years, Hruska had led so many fights for special-interest groups, including the fight against the earlier gun bill, that he had become known as the Senate's most fearless defender of the strong—a record that prompted H. L. Hunt, the Texas billionaire and *Ur*-rightwinger, at about that time to name Hruska as his choice for the Presidency. This prompted some observers to question Hruska's figures, but, as it turned out, other senators reported similar responses. "I have received an enormous amount of mail, really enormous, almost unbelievable . . . expressing opposition to this bill," announced another Republican, Senator Jacob Javits, of New York, who supported the bill. And the situation across the aisle was the same. "I can recall no issue, either international or domestic, in my tenure in the Senate that has aroused the people of the state of Wyoming as this one," said Senator Gale McGee, who opposed the bill. In most Senate offices, it was reported, mail on S. 1592 was running far heavier than it had in recent years on any other issue—even the Medicare bill, which had been a matter of intense controversy, in Congress and out, for a generation, or the war in Vietnam. And, unlike the mail on these two issues, almost all the letters on S. 1592 opposed it. To those who were involved in the day-to-day struggle to push a workable gun bill through, the overwhelming opposition was as saddening as it was frustrating. "These sportsmen are mostly ordinary, decent fellows," William Mooney, Jr., a field investigator on the subcommittee staff, remarked at one point. "They have no idea that they have been intentionally misled for someone else's personal gain, and that they are indirectly responsible for thousands and thousands of unnecessary deaths and injuries every year. If we could only get the truth across to them, they'd back us all the way."

Though many senators mentioned the number of letters they had received on the gun bill, few of them said anything about what the letters were like. In all probability, this was because no senator who does his job has time to read the mail from constituents—unless they are personal friends or notably influential citizens—and it appears that not many senators have the inclination to. "I tried it for a time when I first came here," one of them remarked not long ago. "I nearly went into another line of work." If he had read his mail on the gun bill, he very likely would have. Ordinary and decent as the grass-roots members of the gun lobby may be, they include a disproportionate number of people who become highly intemperate, or worse, when any kind of gun legislation comes up. Since members of the Senate whose aides had told them about this tendency were unlikely to bring it up, and thereby reflect on their constituents' manners, the subject was left to a couple of outsiders who made statements before the subcommittee in the course of its hearings that year. One of them was Leonard S. Blondes, a member of the Maryland Assembly, who had introduced a bill there some years earlier to require a three-day waiting period between the purchase and the delivery of a hand-gun. Blondes thought that he had the support of the N.R.A., which had helped him draft the bill, but, as it turned out, the N.R.A. sent a special bulletin to all its members and clubs in Maryland telling them about the bill and urging them to get in touch with their assemblymen and express their views. (In the case of unobjectionable proposals like Blondes', the Association seldom advised its members to oppose them, preferring instead to suggest that they "get in touch with" or "make their views known to" the lawmakers involved, which added up to the same thing.) The assemblyman who was got in touch with the most was Blondes, and he testified that he was "deluged with letters, telegrams, and telephone calls in opposition," many of which were "ugly, obscene, and threatening to my wife and children." The second outsider was Rabbi Harold P. Smith, chairman of the legislative committee of the Rabbinical Council of America, who reported to the subcommittee that after he had written several letters to newspapers stating that the Council supported S. 1592 he began getting "fury-saturated letters" that amounted to "a stream of invective." Responses of this sort were clearly no news to the N.R.A., which always asked its members to write "courteous" letters, or to the N.S.S.F., which urged recipients of its bulletins to "avoid abuse," or to *Guns & Ammo*, which, at one time or another, called on its readers to write letters that were "calm," "rational," "sensible," "intelligent," and, finally, "sane."

An examination of some four thousand letters received by several members of the Senate Subcommittee to Investigate Juvenile Delinquency revealed that many of the opponents of S. 1592, or any other gun bill, did not heed the advice. The two following letters—from men in Indiana and New York, respectively—fairly represent about ten per cent of all those received (and perhaps more than fairly, since they, unlike many others, are printable):

"The news paper statement that you crack pot senators were passing your illegal and contemptible gun Laws whether we like the results or not sounds just like crooked cheap two-bit politicians. Particularly one who's state is loaded with gangsters and hoodlums. We all know the number of gang murders you've enjoyed in your state. We wonder why these gangsters have such a haven and protection as they enjoy. Got any ideas? Rifle Association members uphold the law, not violate the law. We are not about to surrender our firearms. Not to you or to your appointed Gestapo. I'll kill anyone who tries to take away my gun.

"I wonder if you scum really know anything about what your talking about or if your just yelling as a smoke screen to cover up some of the dirty work in Washington. The trouble with you scum in office you shirk your jobs and pass it on to others to do so it doesn't get done. I often wonder if you really want to stop crime or if you would rather keep it going just to get the funds that go with it."

Another group, representing perhaps two or three per cent of the correspondents, had clearly gone beyond the point of anger, like a man in Georgia who wrote a fifteen-page letter, part of which went:

"Senator Dodd and Drew Pearson are partners in crime, not enemies, and both are multimillionaires. Both made their millions selling British Fabian ideas and merchandise in this country. They got over a million dollars apiece for selling millions of dollars worth of inferior quality guns made in Communist countries, for the red British Fabian bosses, to the American armed forces."

And like a woman living on upper Fifth Avenue who remarked that she couldn't understand the support for the bill, and added:

"It seems a bit odd because with the Jews so powerful in the U.S. what they did to the Arabs could be done to the American people."

A far larger group demanded that the government, and particularly the Supreme Court, "stop coddling criminals." Many of the letter writers in this group urged passage of the Casey bill, and several went further, among them a man in Massachusetts who wrote:

"A society that attempts to legislate against the gun is a sick society. Obviously the solution is to legislate against the man. Anyone committing a crime of any kind with a gun should be given a mandatory death penalty."

But excerpts from the bulk of the letters—upward of eighty per cent, including many in the categories already listed—indicate how thoroughly the leaders of the gun fraternity had done their job:

"It is your sworn duty to uphold the Constitution. Preserve our sacred right to keep and bear arms. Oppose the Dodd bill. Don't take our guns from us. They are just for target shooting and hunting. Vote against S. 1592."

"I am against the registration of rifles and shotguns. History shows that registration leads to confiscation."

"Please send me a copy of S. 1592 so I can see what's in it. May I urge you to vote against such restrictive measures."

"I understand hunting guns will be confiscated. I am against that and anybody who is for it. Vote no on S. 1592."

"We have seen articles on the LBJ-Dodd bill and advertisements stating that it is a bill to deprive the people of the right to own firearms. Please, please, oppose it."

"Do not pass anti-gun bill S. 1592! We enjoy our hunting and sportsmanship."

"Register Communists, not firearms!"

"I understand that Johnson and the Commies want to pick up our firearms. Don't let them do it. Vote against S. 1592."

"The notorious Sullivan law has never worked, why should Dodd's vicious bill. Vote no.

"S. 1592 will just disarm the law-abiding citizen and not affect the criminal."

"I want to protect my home and loved ones. Stop the Dodd bill."

"The Dodd bill will disarm the people and make them an easy prey to the enemy. Stop S. 1592, the Communist plot."

"Guns don't kill people; people kill people."

Some writers were apparently so lost in the gun lobby's smokescreen that they endorsed what the N.R.A. feared the most:

"The Dodd bill is too strong. Why not just require that every gun owner have a permit for each gun?"

"I am opposed to any gun law other than the registration of all firearms. No on S. 1592."

Difficult as it may be to believe that any senator would be influenced by mail of this sort, the fact that many voters are vicious, nutty, or misguided does not alter the fact that they can vote. And if millions of voters support or oppose a measure for the wrong reasons, they are still millions of voters. "Sometimes large groups of constituents can be ignored, but sometimes they can't," the administrative assistant to a senator on the subcommittee remarked not long ago. "What we try to determine first about our mail on a given issue is whether the writers are organized. If most of the mail comes down on one side of an argument and makes the same points, valid or not, that's one sign that an organization is behind it all. Another sign is if many of the writers refer to the bill by its number. Newspapers rarely mention bill numbers in news stories, so if a letter does we can be pretty sure that someone put the correspondent up to writing it. For example, we got a lot of flak when the boss supported the consular treaty with Russia. The mail against it was very, very heavy. But the letters were not strikingly similar, few of the writers mentioned the treaty bill by number, and we knew from experience that the total of letters from rightwingers, who were naturally the chief opponents, practically equalled the total of right-wingers. All this made it possible for the boss to support the bill. However, the mail on the gun bill has been a different story altogether. It has been immense in number and obviously coordinated. Besides these factors, we have reason to believe, again from experience, that for every hunter or gun sportsman who has written us there are from fifty to a hundred others who feel the same way but haven't got around to speaking out. So, to see what would happen to us the next time Election Day rolled around if we supported the bill, all we had to do was multiply the number of letters against the bill by fifty or a hundred, because these gun people are the kind of people who never forget. In 1965 alone, we got over five thousand letters opposing S. 1592—or what the writers thought was S. 1592. My boss won by a comfortable margin last time, but I can't imagine that he would intentionally toss a quarter to a half million votes into his opponent's lap next time."

The blizzard of letters that swept through the halls of Congress that year—some say it was the greatest in American political history—prevented the first session of the do-almost-everything Eighty-ninth Congress from doing anything about S. 1592. That August, the bill's supporters were temporarily encouraged when the American Bar Association, at its annual convention, rejected a plea made before it by Orth and endorsed S. 1592 by a vote of a hundred and eighty-four to twenty-six. And when the riots broke out in Watts and Cicero later that month, interest in gun legislation flickered again. In the end, though, it appeared that the people who favored strong gun controls as a means of keeping guns out of the hands of Negro rioters were greatly outnumbered by the people who opposed gun controls as a means of keeping guns in the hands of whites living near ghetto areas. "In the final analysis," *Guns & Ammo* noted that fall, "rampaging hoodlumism such as experienced in Los Angeles, Chicago, and other major cities may yet be a blessing in disguise which will do a great deal to preserve our precious right to keep and bear arms." Figures that were gathered later indicated that the magazine's estimate of the riots' effect was probably right. Of the four thousand guns bought in one day in and around Watts during the riot there, only thirty-seven were bought by residents of Watts itself.

Dodd, who was still hoping that some action might be taken, began pressing Hruska, the ranking Republican on the subcommittee, to agree to a date for a vote on the bill—a matter of senatorial courtesy rather than anything required by the rules. Hruska, for his part, displayed little concern for the legislative amenities; he stalled for weeks, and then suggested a date that happened to be two days after Congress was expected to adjourn. Apparently unaware of this fact, Dodd agreed. Congress adjourned on schedule, and the bill was postponed until the next session. Even if the bill had been pried out of the subcommittee—and an informal tally indicated that it would have been, on a full vote—it would have faced a series of other traps: the subcommittee's parent body, the Judiciary Committee, which was controlled by conservatives; the Commerce Committee, most of whose members were from hunting states; the Senate itself, with a similar imbalance; and, finally, the House, which ordinarily suffers from excessive timidity when it is confronted by powerful special-interest groups.

The second session of the Eighty-ninth Congress convened in January, 1966, and in March Senator Dodd amended his bill to meet generally agreed upon valid criticisms made of it during the previous year's hearings, and also to make it conform more closely to the Administration's measure. In the end, the two bills came out much alike, the principal differences being that Dodd's bill retained an affidavit procedure for the mail-order purchase of rifles and shotguns in interstate commerce instead of the outright prohibition of their sale to individuals via mail order; that it raised the license fee for dealers from one dollar to twenty-five dollars instead of to one hundred dollars, as the Administration's measure required; and that it exempted from control the antique arms so popular with collectors. This time, Dodd didn't wait for Hruska to settle on a date for a vote but brought the bill up himself, on March 22nd, and got it through the subcommittee by a vote of six to three. (The number of members on the subcommittee had recently been raised from eight to nine, Senator Edward M. Kennedy, Democrat of Massachusetts, being the ninth.) The victory was a modest one, for now the bill was in the hands of the full Judiciary Committee's arch-conservative chairman, Senator James O. Eastland, of Mississippi—the master among chairmen when it came to keeping legislation in his committee rather than getting it out. He kept S. 1592 there throughout that spring with little difficulty, and most of the summer as well. Then, on August 1st, in Austin, Texas, a student named Charles Whitman lugged an arsenal of weapons to the top of a tower at the University of Texas and proceeded to kill sixteen people and wound thirty-three more. At once, public demand for strict gun laws rose. Although opponents of the two gun bills before the Senate were quite right when they pointed out that nothing in either measure would have hindered Whitman from going on his homicidal spree, the bill's proponents ignored the fact and cited the incident as further evidence of an urgent need for new gun laws. President Johnson said that it was high time to put a stop to the unnecessary toll of human life taken at gunpoint (at the time, the annual civilian casualties from gunfire at home were three and a half times as great as the casualties among American soldiers in Vietnam, though this was a statistic that he did not cite), and Senator Dodd once again called for immediate action on S. 14 or S. 1592.

The gun owners responded quickly, vociferously, and in far greater numbers than before. On August 3d, Scripps-Howard papers around the country ran an article discussing the slaughter in Austin and reporting on the status of gun legislation, under the headline "Gun Control Bill Up To Eastland." Within a few weeks, Eastland's office received over three thousand letters, telegrams, and postcards urging the Senator to sit tight. At the same time, the gun magazines went back into action. "Once again the millions of legitimate, law-abiding citizens across the nation are compelled to try to reason with hysteria, counter half-truths with logic, and stand up to overwhelming opposition from the comparatively few rabid anti-firearms proponents who control most of the nation's press, radio, and television," *Guns & Ammo* stated. "We can be certain that elements such as the Communists are sure to make an issue of this again—and would rejoice to see our nation disarmed." The magazine did not explain why, if that was so, some Communists persisted in dumping their surplus military weapons here. In the course of the hearings the year before, Dodd had brought this fact out while questioning Robert N. Margrave, director of the State Department's Office of Munitions Control. "You know we have warehouses all across this country filled with small-arms ammunition bearing the label 'Made in Russia.' We know all about this. You must know about it, too," Dodd said. Margrave replied, "Yes, indeed, sir." Later evidence revealed that some of the ammunition was for tens of thousands of Tokarevs, semiautomatic rifles, made in the Soviet Union, that had been shipped to the United States, via other Iron Curtain countries, since the end of the Second World War. The largest mail-order firearms concern in the country, Interarmco, which has been said to have more weapons in its warehouses, in Alexandria, Virginia, than all those possessed by the United States military forces, imported forty-five hundred Tokarevs in 1962 alone. A number of these were subsequently found to have been sold to members of the Ku Klux Klan in McComb, Mississippi, and Selma, Alabama. Almost none of them have been traced to hunters, who are not disposed to use semi-automatic weapons, however intent they may be upon getting their quotas. ("Let us sustain abiding faith in the Second Amendment of the Constitution," Interarmco appealed in an advertisement opposing S. 1592. "Let us also not forget what took the Minutemen from Lexington and Concord to Yorktown and the Marines from Guadalcanal to the top of Mount Surabachi on a place called Iwo Jima.") Nor was the arms trade with the Communists restricted to Tokarevs and Interarmco. The Service Armament Company, of Ridgefield, New Jersey, one of the many mail-order firms that have sold Russian weapons, advertised the "M.K.V.D. secret police pistol" for sale at forty-nine dollars and ninety-five cents in its catalogue, saying, "Fantastic Russian Secret Police Agents used these rare revolvers to terrify and kill enemies of the State. These tools could tell of many a bloody tale when being used during the purges of the 1930s. Guns have original Bolshevick markings which identify them as to their ownership." The firm also offered a 120-mm. "colossal Russian siege morter still used by the Red Army" for sixty-nine dollars and ninety-five cents. Some observers wondered whether the rate at which Americans were currently shooting one another down hadn't made disarming them unnecessary. And others pointed out that Americans' resort to the use of guns to commit mass murders was a definite plus, politically speaking, for enemies abroad. As Karl E. Meyer, a columnist for the Washington *Post*, wrote from London, "Not all the gold in Moscow and Peking could have purchased more wretched publicity for the United States than Charles Whitman's salvo of bullets in Austin."

At the end of the summer, S. 14 and S. 1592 were still locked fast in the Judiciary Committee, and their supporters saw little chance of dislodging them. It was rumored that although most of the committee's members didn't want to incur the gun lobby's wrath by approving a bill, neither did they want to be charged with cowardice by their constituents, a majority of whom favored the bills. Apprehensive that the latter sentiment might prevail, Hruska, at the end of August, submitted a new bill, which was much like the one that Dodd had introduced before the Kennedy assassination. This move produced a countermove, led by Senator Edward Kennedy, who proposed that the new measure be voted out at once. Hruska was puzzled by this, until Kennedy announced that he intended to amend the Hruska bill on the Senate floor by replacing it with S. 1592. On September 22nd, the committee voted out the Hruska bill, by a vote of ten to five. Gun owners were alerted at once and asked to appeal to all senators not to amend the measure. Once again, a storm of mail hit Congress. This time, however, pressure wasn't necessary, for Hruska put off filing the report on the bill until October 19th, and three days later the Eighty-ninth Congress adjourned. Since no bill survives the Congress in which it is introduced, all three measures expired with adjournment.

To prepare for the next round, in the coming Congress, the N.R.A. and its allies continued to mislead their followers, and their followers continued to make their misguided views known to their representatives. That December, the *American Rifleman* ran an editorial entitled "The Big Half-Truth and Smear by Association." The smear turned out to be "a calculated campaign" to associate men and their guns with "a sinister suggestion of illegality," and the big half-truth was that "even distorted facts are now being misquoted by firearms critics." The best example the magazine could come up with was the use made of a recent poll showing that a majority of the people wanted a gun law. The poll itself, the magazine charged, had been "whipped up in part, no doubt, by the tidal wave of phony publicity," and the editorial went on to point out that those who cited the poll "neglected to say that the demand was 5% *less* than in a previous survey 18 months earlier." The editorial neglected to say that at this lower point the demand stood at seventy-three per cent of those polled, and that what they demanded was not a modest law like S. 1592 but a strict one, requiring the registration of all firearms; the magazine also neglected to say that only twelve per cent of those questioned in the later poll wanted no new gun laws.

Next to the ability to deluge Congress with mail, probably the best thing the leaders of the gun fraternity had going for them was the standing of their chief opponent. During his tenure in the Senate, Dodd had not been highly regarded by his colleagues. For one thing, he was something of a loner, and a rather unpredictable loner at that; for another, he often avoided the hard day-to-day work on committees, including the one of which he was chairman (the surest way for a senator to earn the disrespect of his colleagues); and, finally, he had little of the dogged aggressiveness that is needed to get any kind of controversial legislation moving These faults had made Dodd a poor leader inside the Senate, and as 1967 began the columnist Drew Pearson was making him a poor one outside it. By the time the Ninetieth Congress convened and Dodd once again submitted his bill (now numbered S. 1) and the Administration's bill (now numbered S. 1—Amendment 90), Pearson had been accusing Dodd of malfeasance for nearly a year, and the Senate Select Committee on Standards and Conduct had been investigating the charges for several months. Dodd's sponsorship of the gun bill was said to be an acute embarrassment to the White House, but the President was known to be personally fond of him and to value loyalty above all other political virtues. In any event, it was too late to get another sponsor, for in the public mind Dodd's name was ineradicably linked with gun legislation. The increasing burden of Dodd's sponsorship did little to increase the hopes of the bill's supporters in the Senate. Nor did they unequivocally welcome the report by the President's Crime Commission, released in February, 1967, which strongly recommended registration of all guns and a federal Sullivan Law within five years if the states failed to pass such measures themselves. This confirmed the gun lobby's worst fears that its "first-step" theory had been right all along, and aroused its determined opposition to all firearms legislation, including the Hruska bill, which had also been reintroduced. "It's as dangerous politically being for the Hruska bill as it is being for the President's bill. These wildeyed types just don't want any bill at all," Senator Birch Bayh, Democrat of Indiana, who was a member of the subcommittee, remarked. Another reason that hopes for the enactment of a gun law were fading was that many of the liberals who had been flung into Congress on President Johnson's coattails in 1964 were flung out again in the off-year elections of 1966, which put the old coalition of conservative Northern Republicans and Southern Democrats back in control.

At the beginning of April, 1967, ten thousand members of the National Rifle Association gathered in the capital for their annual convention. For the most part, the convention was an open-and-shut affair—open to critics of gun-control legislation and shut to its defenders. Senator Edward Kennedy, who had begun to take over the leadership of the forces pushing for a gun law, was one of the first defenders to find this out. When he asked for an opportunity to address the general assembly of the N.R.A., his request was refused, on the ground that the meeting had been cancelled; instead, he was invited to address a closed session of the seventy-five man board of directors—an N.R.A. move, the *Times* observed, that "showed something less than robust confidence in its position on gun control." Delighted at being given a chance to prove that the Association was more deeply devoted to the Second Amendment than to the First, Kennedy made up for the exclusion of the press from the directors' meeting by distributing advance copies of his speech to reporters. After expressing "the hope that what is said here will eventually be communicated to your membership and to the public," Kennedy launched into a slashing attack on the Association. He cited "the tragic statistics" of deaths from guns, which, he said, "the National Rifle Association is fully aware of;" the support of gun legislation by just about every responsible government official and law-enforcement agency; and the people's demand for it. "And what has been the response of the National Rifle Association?" he asked, and answered, "As the result of your efforts, we in Congress have been flooded by mail, wires, and telephone calls. All too often these communications are abusive and irrational. We have been labelled un-American, Socialistic, and unconcerned with the true causes of crime. We have been described as opposed to the legitimate use of guns for sport and hobby. At worst, these charges are ridiculous and cruel, at best they are simply wrong. And in almost every case it is apparent that nothing is being done by opponents of gun legislation to foster understanding, intelligent debate, and compromise." Moving on, he described the Administration's proposal point by point to demonstrate that it did none of the things the N.R.A. had claimed it did. "Now it is up to you," he concluded. "Millions of Americans want the benefits of [this bill]. If it is passed, you are the ones who will have to bear some slight inconvenience to pursue your hobbies. Is this not a reasonable burden to bear in the public interest? Is this not the true meaning of patriotism and love of country? You are riflemen and pistol shooters and collectors and competitors and hunters, of course. But you are citizens first, and if your fellow-citizens ask you to make these minor concessions, can you really refuse?"

They could, and they did. While passing on the briefest précis of Kennedy's appeal to their members in the following month's *American Rifleman*, they also passed on to them sixteen pages of articles and editorials recommending that more "law-abiding citizens" arm themselves. The worst riots in America since the Civil War were just getting under way, and the magazine's principal message that month was an appeal to its readers to take arms against a sea of troublemakers who were fomenting anarchy. The articles, preceded by a note stating that they did not necessarily represent N.R.A. policy, had such titles as "Is There Any Best Firearm for Home Defense?" and "Teaching Women Defensive Pistol Shooting," and the lead-off editorial observed, "Most of the current crop of firearm 'control' bills . . . are the kind that discourage home ownership of protection guns. There is little indication that their sponsors have given any thought to the fate of citizens who may be trapped and beleaguered by howling mobs and that brush aside police."

Around three-quarters of the country's newspapers and magazines, including all the leading ones, had been pushing for enactment of strong gun laws for years. (One newspaper, the Washington *Post*, did more than push; during 1966 it ran a hundred and sixty-six editorials by Alan Barth calling for a firearms law.) When the May issue of the *American Rifleman* came out, other publications reacted much as Little Rock's *Arkansas Gazette* did:

"The *American Rifleman*, in the nakedest sort of appeal to the darkest sort of fears and prejudices, has seized upon scattered instances of slum rioting and related disorders in the hope of reversing the tide of public opinion that now is strongly in favor of controlling gun sales. . . . It would be harder to imagine a larger public disservice than this deliberate yelling of 'Fire!' in a theater, especially when—let us face it—the N.R.A.'s appeals increasingly are directed to an increasingly unstable audience."

The N.R.A. responded to the charges that the editorial had called for vigilantism by issuing a statement that it had merely "posed an interesting and provocative question" in pointing out that "the present firearms legislation under consideration in the Congress could so disarm the law-abiding citizen that he would be virtually defenseless in any contingency or emergency." As the Association may have known, none of the bills before Congress would have disarmed any law-abiding citizen. As it also had every reason to know, the effect of the Administration's bill would have been to make it harder for many lawbreaking citizens to get hold of guns. Since a number of large cities have ordinances prohibiting anyone with a criminal record from buying a gun, an ex-convict who wants to get hold of one but won't go into a store and furnish his name and address, and sometimes his fingerprints, and have these checked by the police, can always send away to a mail-order house for a weapon. In the Watts area of Los Angeles—a city that has such an ordinance—police found that seventy-two per cent of the rioters there who were arrested with guns in their possession had criminal records. In Detroit, which also has such an ordinance, police found that ninety per cent of the revolvers and automatic pistols taken from rioters there were cheap foreign models—handguns of the kind that are most widely imported and sold by mail-order firearms concerns.

Most readers of the May *American Rifleman* interpreted its vigilante stand as part of the general attempt to block gun legislation. Others interpreted it as a summons to buy, and sell, more guns. One of the latter was Ed Agramonte, a dealer in mail-order guns in Yonkers, New York, who placed a full-page advertisement in *Shotgun News* on June 1st announcing a "Long Hot Summer Special." The special featured .45-calibre thirty-shot semi-automatic Eagle carbines, for $99.95; twelve-gauge six-shot Mossberg riot guns, for $64.95; twelve-gauge five-shot High Standard riot guns, for $69.95; and Belgian F.N. 7-mm. semi-automatic rifles, for $59.50. Although the sale of fully automatic rifles is illegal under existing federal law, most semi-automatic rifles can be easily converted to fully automatic operation, and Agramonte advertised a "conversion kit," for $18.50.

At a dinner held at the National Press Club, in Washington, on June 29th, Senator Joseph Tydings, a liberal Democrat from Maryland, a member of Dodd's subcommittee, and, incidentally, a skilled hunter, delivered a speech on the gun bill, which, he said, "was hardly closer to passage now than the day it was introduced." Like Edward Kennedy—whom Tydings had joined in leading the fight for the bill after Dodd was censured by the Senate, on June 23rd—he attributed the stalemate to "a campaign of misrepresentation by the gun lobby, especially by the National Rifle Association." He went on to cite a couple of 1967 examples of "conscious misrepresentation" by the N.R.A., and added that the Association's efforts had "inspired waves of mail, which have inundated many congressional offices." Actually, by now the mail had dwindled to a trickle. "The N.R.A. made it perfectly clear two years ago where it stood and what kind of a response it could generate at the drop of a new piece of legislation," Tydings explained recently. "No one here needs to be reminded of that."

On the grass-roots and asphalt levels, as Senator Tydings and others have pointed out, the contention over bills to control the sale and use of guns has become a matter of country versus city, or West versus East. City dwellers want something done, and done now, about the murders, assaults, and general mayhem being committed on and around them, and rural residents want to be left alone to do as they please. "Take Montana, for instance," Senator Tydings said not long ago in discussing this difference of outlook. "Out there, you have maybe four people per square mile. It's great outdoor country. The life there is a wonderful life, different from anything known by people who live in Eastern cities—or, for that matter, in the Eastern countryside. Every filling station, every drugstore, every little crossroads store sells hunting licenses, guns, bullets. Nearly all the males over the age of fourteen have guns, and most of them read the *American Rifleman*. What the N.R.A. has been able to do is to instill in the minds of the people of Montana the notion that there is a conspiracy back here in Washington to take away a substantial part of the life they know. The N.R.A. has convinced outdoor people—manly people who mean to protect their way of life and what they consider their inalienable rights—that the gun bill would deprive them of their right to hunt, or to shoot a marauding coyote or a human predator. In their minds, this is only the first step in a conspiracy to disarm them altogether. The N.R.A.'s lies have had a very great effect—so great that I don't know whether we can ever reverse it. As things stand, I can't see how any Western senator could possibly support the bill."

None of them has. Last summer, Senator Hruska insisted on holding another set of hearings, even though every conceivable aspect of gun legislation—except why nothing was being done about it—had been discussed at the hearings in 1963, 1964, and 1965. Tydings angrily opposed the new hearings, on the ground that they were an obvious delaying tactic, but Dodd was easily intimidated by Hruska's pugnacity and soon gave in, and then Kennedy, who didn't wish to offend the chairman, gave in, too. (At the first day's session, Hruska, whose twang is so Western that it is almost Chinese, complained at length about how the timing of the hearings had inconvenienced him, until Kennedy reminded him that the date had been selected at his request.) Far more significant than the testimony at the new hearings, which covered the same old ground, was the list of senators from the West who appeared in person or sent statements opposing the Administration's bill. Chief among them was Mike Mansfield, the Majority Leader, who had formerly urged Dodd to push for gun legislation. Another was Senator Frank Church, Democrat of Idaho. In trouble back home because of his strong opposition to the war in Vietnam, Church had become increasingly aware of his constituents' fear that their guns were going to be taken away from them and had distributed hundreds of petitions in Idaho asking support for his stand against *any* gun legislation. Church appeared at the hearings carrying two large stacks of petitions and a handful of envelopes; the petitions bore forty-four thousand signatures opposing gun bills, and the envelopes contained five letters backing them. Obviously, Church appeared not in order to convince the subcommittee members that they should oppose the Administration's bill but to convince his constituents, through newspaper and television coverage of the hearings, that *he* opposed it.

A number of senators, it was reported, found the problem of taking a stand on the bill more unsettling. "The man in the middle," *Guns & Ammo* informed its readers in February, 1966, "is Sen. Philip A. Hart, a Democrat from the hunting state of Michigan, who has been reluctant to anger the gun lobby." Michigan was indeed a hunting state, the number of its licensed hunters having risen from around eight hundred thousand when the first Dodd bill was introduced to well over a million by the summer of 1967. And Hart was indeed reluctant to anger this many constituents. A moderate who is known in the Senate both for his integrity and for his habit of publicly wringing his hands over moral dilemmas (to such an extent that he has been called "the Hamlet of Detroit"). Hart was said to have had tears in his eyes when he voted against the bill in the subcommittee the year before. Last summer, when he faced another roll-call vote in the subcommittee, a reporter asked him if he had changed his mind, and he replied that he hadn't. "I came to a decision on this issue shortly after the assassination," he explained. "When the Dodd bill first came up, I happened to meet a man from Michigan on a plane trip to Detroit. The meeting was quite accidental—he wasn't lobbying me or anything. He practiced law in Lansing and was active in conservation matters. We had a long talk about the Dodd bill, and he expressed his concern about the move to include long guns in it, since they were rarely used in crimes. I heard him out, and he convinced me that he was right. At the end of our talk, I told him that I would oppose any bill covering rifles and shotguns."

"Do the sportsmen in Michigan understand what's in the bill?" the reporter asked.

"No," Hart answered promptly.

"If they came out for the bill, would you?"

"No," he answered, after some hesitation.

"Are you happy with your position?"

"I'm content," he answered, not looking it.

Senator Hart did not mention that between the time he made his decision and this conversation close to six thousand people in the country had been murdered with rifles and shotguns. Nor did he mention that the man he had talked with on the plane was Harold Glassen, who is the current president of the National Rifle Association.

Since the lineup on the subcommittee, without Hart's vote, was thought at that time to be four to four, Hart was very much the man in the middle. However, when the vote was finally taken, on September 20th, his support was not needed, and it was not given. Senator Bayh, who had co-sponsored the 1963–64 Dodd bill but had later climbed on the fence to escape the tidal wave of opposing mail, climbed back down to support it, making the vote five to four in its favor. (Hruska immediately complained that the vote had been recorded when he was not present, but the majority replied that his vote had been included in the minority. When this stratagem failed, he took advantage of the prerogative that permits senators to edit their remarks in transcripts of hearings, and so extensively rewrote and expanded his that at many points the published version of what he said during the hearing bears little resemblance to the original transcript.)

Once more the bill was in the hands of the Senate Judiciary Committee, and once more Senator Kennedy threatened to call for a vote on the Hruska bill. Before he could take that or any other action, the White House, which had done almost nothing to help its bill along, suddenly moved in with a stratagem of its on. On September 28th, it sent Dodd an amendment to its bill that would permit states to exempt themselves from the provision controlling the mail-order sale of rifles and shotguns simply by passing acts to that effect in their legislatures. Senator Dodd dutifully filed the amendment, saying that it did not appreciably weaken the bill. Senator Kennedy dissented, saying that it did, since state legislatures are hopelessly susceptible to pressure, and that the nation would be left with a hodgepodge of conflicting gun laws. Whatever the merits of the amended version, it was not given much of a chance. It still had to be approved by the Senate Judiciary and Commerce Committees, by the Senate, by the House Judiciary Committee, and, if it claimed jurisdiction, by the House Committee on Ways and Means, then by the House itself, and, finally, by a joint Senate-House conference—and time was running out, for adjournment was near.

As predicted, adjournment came without any action on any of the gun bills that were pending before Congress. When it reconvened, on January 15, 1968, the outlook remained much the same, even though President Johnson clearly meant to wage an all-out legislative offensive against crime, which the polls had shown was of even more concern to the voters than the war in Vietnam. At best, it was thought, some sort of law called the Gun Control Act, whose strongest feature would be its title, might be passed, but few believed that anything more than a law in name only would be enacted. On April 4th, less than an hour before a sniper armed with a 30.06 rifle killed Dr. Martin Luther King, Jr., in Memphis, the Senate Judiciary Committee voted eight to five to reject the modified Administration bill and nine to four to reject the Dodd version. In the aftermath of the assassination and the rioting that followed, clamor again rose for passage of a strict gun law, and again the opponents rallied. In a move designed to please both sides, the Judiciary Committee partially reversed itself on April 6th, and approved, by a vote of nine to seven, a proposal to prohibit the sale of handguns by interstate mail order as well as over the counter to anyone not a resident of the state where the sale takes place. At best, it was a halfway measure, but its defenders held that it was better than nothing. Others felt that its passage would give the public false comfort and thereby postpone for another generation necessary action, including action toward finding out where those fifty million to two hundred million privately owned guns are. In the end, the prospects for strict gun-control legislation appeared to be as dim as ever—unless, of course, members of Congress decided to put the public interest above their own.

—Richard Harris.

Exhibit F

[From the Titusville (Pa.) Herald, Apr. 29, 1968]

For a Strong Gun Control Law

This week for the first time in 30 years a piece of gun control legislation will be debated on the floor of the Senate. All previous bills of this nature have been shot down in committee by the National Rifle Association and the National Shooting Sports Foundation.

These two organizations, aided by other groups of sportsmen, have heretofore prevented a floor debate by their campaigns of distortion, deceit, hysteria and misrepresentation.

Watch out for more of the same, starting immediately.

To set the record straight at the beginning, here is what the proposed legislation would do—and ALL it would do:

Prohibit interstate mail order sales of hand guns—pistols and revolvers—to individuals.

Ban over-the-counter sales of handguns to nonresidents of a state and to persons under 21 years of age.

Curb the imports of surplus military weapons and other firearms and place tighter controls on sales of antitank guns, bazookas, mortars, grenades and other highly destructive weapons.

We believe the bill should go farther. It should prevent not only the mail order sales of pistols and revolvers, but of rifles and handguns. President Kennedy and Dr. King were both killed by mail order rifles.

This ban on the sale of rifles and shotguns will be terribly inconvenient—we can hear the opponents using those very words—to persons in remote areas, far from stores selling merchandise.

True, but our changing ways of national life make necessary certain inconveniences that were unknown to previous generations. Our Pennsylvania grandfathers, for example, didn't have to trot down inconveniently to the sporting goods store and buy a hunting license. And they weren't hemmed in by the inconvenient bag limits.

But the national interest—the interest of hundreds of lives lost annually to rifles and shotguns fired in anger—means that we must put up with the inconvenience of a strict national gun control law.

Let's make it clear right now, in anticipation of the barrage that is sure to be laid down by the NRA and the NSSF, that the measure now before the Senate will not take any person's rifle or shotgun away from him. It will not put any federal restrictions on hunting or other uses of firearms. It will not provide for the registration of any rifles or shotguns—although we think it should make registration mandatory. (We have a dandy semi-automatic .22 that we'll be happy to register).

In short, the legislation presently proposed is mild, too mild. It should be adopted, with the addition of the long provision. Write Senator Scott and Senator Clark and tell them so. Write them before the NRA people start their attempt to convince the public that the present proposal is the most vicious Communist-inspired measure ever to reach the Senate floor. Because, if the past is any guide, that is what the NRA and the NSSF are about to do.

Ignore these special interests, Mr. Senator. Put the lives of Americans first. How many more Kennedys and Kings must die before we get federal gun control legislation with teeth in it?

EXHIBIT G

[From the Boston Globe, Apr. 22, 1968]

GUN CONTROLS NEEDED—I

(First of a series)

Lt. Gov. Francis W. Sargent, himself the owner of a sporting goods store that sells firearms, spoke the truth recently when he bluntly told the convention of the National Rifle Assn. in Boston that its public image is terrible and it had better support serious and sensible gun control legislation.

A Harris poll today shows that 71 percent of Americans favor tight controls over the sale of guns and that, though 51 percent of American homes contain guns, those who own them favor gun control laws by 65 to 31 percent, better than two-to-one.

The N.R.A. bases its case primarily on the Second Amendment to the Constitution, part of the Bill of Rights. And surely few will disagree with this amendment, particularly if they knew how the courts have applied it.

The amendment states: "A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed." Note that this right is related directly to the need of a well regulated militia.

The amendment has been cited by some as guaranteeing an individual's right to keep and bear arms, but the court decisions do not support this. As early as 1886, in Presser vs. Illinois, the Supreme Court upheld a state statute forbidding men to drill or parade with arms unless authorized by law.

What prompts the present pressure for better gun controls is, of course, the April 4 assassination in Memphis, Tenn., of Dr. Martin Luther King, Jr. The rifle and telescopic sight that killed him were purchased, apparently, in Birmingham, Ala. But this was only the latest of a long series of assassinations with guns.

The nation will not easily forget that the weapon which killed President John F. Kennedy in 1963 had been purchased under a false name by Lee Harvey Oswald from a mail-order firm in Chicago. Guns have also taken the lives of three other American Presidents.

Firearms in 1966 accounted in this country for 6400 murders, 10,000 suicides and 2600 accidental deaths. By contrast, in Japan where no one but a police officer may own a pistol, there were only 37 murders by firearms in 1962.

This is not to say that this country should adopt the sweeping Japanese law. There are many sound reasons for protecting the right to own a gun, but there are even more reasons for controlling and regulating such ownership.

Past and present legislation to control the sale of guns, and the N.R.A.'s powerful opposition to most of this legislation, will be discussed in a later editorial.

[From the Boston Globe, Apr. 23, 1968]

GUN CONTROLS NEEDED—II

(Second of a series)

The story of the long series of efforts to pass adequate gun control legislation in Congress is a sordid one, for the successful opposition to such laws has been marked by unprincipled maneuvering behind the scenes and outright misrepresentation by the National Rifle Assn. and its publication, The American Rifleman.

Anyone doubting this is urged to read an exhaustive account of it in the current New Yorker magazine by Richard Harris.

It took President Kennedy's assassination in November, 1963, to arouse mass interest in gun controls, but a study by a Senate Judiciary subcommittee had shown the need for them in 1961, and had also noted a vast increase since 1955 in the number of foreign military surplus weapons sold in this country—many of them, by the way, Russian made.

A year after the attempted assassination of President-elect Franklin D. Roosevelt in 1933, Congress had passed the National Firearms Act, but it was aimed principally at "gangster" type weapons such as machine guns, and made it a crime to possess such weapons unregistered.

Only last Jan. 29 the Supreme Court voided the section of this law requiring registration, on the grounds that it violated the Fifth Amendment's protection against self-incrimination. But the high court made it clear this did not affect Congress' authority to "regulate the manufacture, transfer or possession of firearms."

The only similar law on the books, the Federal Firearms Law of 1938, requires licenses for interstate dealers (a loophole through which until recently gun fanciers could declare themselves "dealers" and get discounts from wholesale houses), but did not prevent criminals from falsifying statements to dealers in order to buy a firearm.

In 30 years, there has been only one conviction under the section prohibiting the mailing of firearms to private individuals in the eight states that require permits. Yet in 1966 alone, accordng to the government, there were nearly 10,000 "possible violations."

But in 1963 Sen. Thomas Dodd introduced S. 1975 to restrict the mail-order sale of hand guns. About all it did was to require a sworn affidavit from purchasers, with a copy sent to his local law enforcement officer. Later amended to cover rifles and shotguns, it got nowhere, even after President Kennedy was killed.

The N.R.A., which had helped draft its original provisions, never told its members it had done so. It told them instead that it had prevented the bill from being voted out of committee. In 1964 the bill was killed by deferring action on it.

A later editorial will discuss subsequent attempts to control gun sales, the pending legislation, and how to overcome the attempts being made even now to kill it again.

[From the Boston Globe, Apr. 24, 1968]

GUN CONTROLS NEEDED—III

(Third of a series)

For an organization that takes pride in its marksmanship, the American Rifle Assn., has consistently been far off target in its opposition to gun control legislation. It needs badly to adjust its sights, and to allow for its own windage.

Take, for example, its opposition to bills introduced in 1965. They would have prohibited the interstate mail-order sale of all firearms to individuals and over-the-counter sales of handguns to non-residents of the state. But no bill came out of committee, not even one by Sen. Bourke B. Hickenlooper (R.-Ia.), an N.R.A. member, exempting rifles and shotguns.

Instead, the N.R.A. on April 9 sent a letter to its 700,000 members urging them to write their congressmen, and warning that the legislation could end "the private ownership of all guns." This was but one example of what Congressional Quarterly meant recently when it said, "By any accounting, the letter was replete with distortions of the fact," The N.R.A.'s president said he would consider sending another letter with corrections, but it was never sent.

It was the same story in 1966, even after Charles J. Whitman carried a small arsenal to the top of a University of Texas tower and killed 16 persons and wounded 30 before police could kill him. Even a bill filed by Sen. R. L. Hruska (R.-Nebr.) failed to reach a floor vote, and thereby hangs a tale.

The bill would merely have banned interstate shipment of pistols to those under 21. On Sept. 22 the Judiciary Committee ordered it reported out, 10-to-5. But knowing that Sen. Edward M. Kennedy (D.-Mass.) would amend the bill on the floor, Hruska did not report it till Oct. 19, three days before Congress adjourned, when it was too late for action.

Again in 1967, firearms legislation never reached the floor, despite pressure for it from the White House and FBI Director J. Edgar Hoover. The N.R.A. letter-writing campaign continued. Though the N.R.A. had supported the weak Hruska bill in testimony, it did not urge its members to write in favor of it. (It this time would have required handgun purchasers to file an affidavit that they were 21 and eligible, and prohibited shipments violating state laws.)

Instead, the N.R.A. again falsified, claiming the administration bill "would prohibit outright the interstate sale of handguns, rifles and shotguns to individuals." The bill did nothing of the sort.

Not until 1968, and then only after Rev. Martin Luther King Jr. was assassinated, did the N.R.A. get its first real comeuppance. But it may win yet. How to keep it from winning will be discussed in this series' last editorial.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Pursuant to the previous order, the Senator from Idaho is recognized for a period of 1 hour.

IDAHO'S CASE AGAINST RESTRICTIVE FEDERAL GUN CONTROLS

Mr. CHURCH. Mr. President, the long debate over firearms legislation has become so clouded by emotion that it is difficult to present an objective criticism of the proposals before the Senate. But on one score there can be no doubt: The people of Idaho are overwhelmingly opposed to restrictive Federal gun controls.

The proof is here. Piled high on this desk, within reach of any Senator who may care to examine them, are petitions opposing the enactment of new Federal gun laws, signed by more than 50,000 Idaho residents. In my hand I hold six letters from Idaho favoring stronger Federal gun controls—the total number I have received during the past year. The ratio of proponents to opponents, as registered with my office, is about 8,000 to 1.

If there is a better way to ascertain the opinion of the people of my State on the subject of Federal legislation requiring the purchase of firearms, I do not know it. These petitions are not the work of any lobbying organization. The signatures bear no correlation to the membership of the National Rifle Association or any other organized group.

These signatures come from the rank and file of Idaho citizens—the husbands and housewives, the lawyers and loggers, the farmers, the bankers, the policemen. They are customers who came into the country stores, sporting goods shops, and gas stations throughout Idaho and found this petition on the counter. They volunteered their signatures in such numbers that we simply could not furnish enough petition forms. The torrent of names which came pouring back into my office was so great that we had to call a halt. We lacked the physical capacity to process the returns.

Even though Idaho is a sparsely populated State, I have no doubt, had we left these petitions in circulation another month, I could have come here armed with a hundred thousand signatures.

The wording on these petitions, to which the people of Idaho so strongly subscribe, is as follows:

> I agree with Senator Church that guns are part of the wholesome, outdoor, Western way of life. I also agree with him that if individual states want gun control laws, they have the right to enact them. But I support Senator Church in his opposition to the Dodd bill and all other Federal gun law proposals. I ask that my name, signed below, be submitted to the Senate in support of Senator Church's stand on Federal gun controls.

Mr. President (Mr. HART in the chair), I have already had occasion to present these petitions, or many of them, to the Senate committee which considered the various gun control proposals. I bring them here this afternoon to the Senate Chamber to dramatize the very strong feeling of the people of my State against the enactment of legislation of this kind.

Mr. President, I have opposed Federal firearms legislation as a misconceived attempt to deal with big city crime at the expense of rural areas. I do not deny that crime is a growing menace in our big cities. I think we are finally awakening to its danger. The police need more public support; the courts should be as vigilant in upholding the rights of the accosted as they have been mindful of preserving the rights of the accused.

Indeed, numerous provisions in the pending bill are intended to deal with these very problems by strengthening State and local law enforcement agencies. The underlying philosophy of this anticrime measure is sound, for it keeps the primary responsibility for the maintenance of law and order where it belongs—in the localities of our land.

We strenuously oppose the establishment of a national police force in this country. The President's Crime Commission itself recognizes the validity of the general principle that law enforcement should remain a local responsibility. Let me quote directly from the Commission's commentary on the American system of justice:

> The entire system represents an adaptation of the English common law to America's peculiar structure of government, which allows each local community to construct institutions that fill its special needs.

But the proponents of the various amendments to graft onto this bill restrictive Federal gun controls urge a course of action in direct contradiction to the underlying philosophy and approach of this legislation. They ask for Federal laws, national in scope, regulating the sale of guns. The mischief is that such laws would have uniform applicability; the restrictions would be as binding in Boise, Idaho, as Newark, N.J.

But conditions are totally different in the two places. We in Idaho are not free of crime, but we do not live in daily fear of violence in the streets. We have many sportsmen, few gunmen. Idaho boys are taught at an early age by their fathers to handle rifles and shotguns. They grow up learning to hunt. Their guns are the implements of a wholesome outdoor life, not the tools of crime or defiance. Why, then, should Preston be treated like Chicago, or Lewiston like Los Angeles?

Apart from the constitutional right of free citizens to "keep and bear arms" which must be scrupulously preserved, I have no quarrel with New York's decisions regulating the sale of firearms. Let the States adopt such lawful controls, or the big cities such ordinances, as local crime conditions may warrant. The Federal Government could then support local law enforcement the way it now supports States that prohibit gambling, simply by outlawing the interstate movement of gambling devices into States where local laws ban them. This avoids the one-mold approach, and leaves it up to each State to decide upon its own needs.

Mr. President, I simply do not believe that any of the amendments being proposed—not even the most restrictive among them—will keep deadly weapons out of the hands of dangerous psychopaths. Anyone determined to do violence can find a way to obtain a gun. We must not make the mistake of fettering law-abiding citizens with blanket Federal controls which are unnecessary in a State like Idaho, and may well prove ineffectual even in the big cities.

I do not claim, by any means, to know all the answers to the spread of crime. But let us seek our solutions in reasoned ways, and in a manner which gives proper recognition to the fact that the problem in Twin Falls, Idaho, is very different from that in Pittsburgh.

Still, it is argued that uniform Federal regulation of the purchase of firearms is justified as a possible means of combatting crime in the big cities, particularly inasmuch as the amendments now contemplated would impose no undue burden on the rural areas. We are asked, in effect, to enlarge the scope of Federal control on the theory that the price to the countryside will be small, while the gains to the cities might be great.

But this argument can be only as valid as the two propositions it rests upon. How small is the price to the countryside of America? If Federal control of firearms becomes our chosen method for dealing with big city crime, do we not stand now at the threshold of the course? Once commenced, who here can foretell how far the pursuit will carry us? Will it really stop with the enactment of the moderate Hruska proposals? Or is this but the opening wedge, the first concession to expanding Federal control which will then grow larger with the passing years? The truth is that, once the process starts, no one here can prophesy, let alone guarantee, what the final price will be.

And what of the other proposition? What are we actually going to buy with the price we finally pay? More effective crime prevention? Where is the proof of it? New York City, with its Sullivan Act, imposes regulations so strict upon the acquisition of firearms that only 17,000 out of a municipal population of 8,000,000 own registered handguns. Yet, in 1965, the city's rate per 100,000 persons for the crimes of murder, robbery, and aggravated assault was 244.2. In Idaho, for the same three crimes most generally perpetrated by a gun, the rate was 65.7. If there are statistics to prove that the strict provisions of the Sullivan Act have diminished crime growth in New York City, I have not seen them.

On the other hand, Alabama and Vermont impose little or no restriction on the purchase of firearms. Proponents of Federal controls point to Alabama, which had the highest homicide rate in the Nation in 1965. But opponents of Federal controls point to Vermont, which had the lowest. Where is the proven correlation between gun laws and existing levels of crime?

A thorough-going empirical study of legislative regulation of firearms was completed last fall by the American Bar Foundation.

I quote from its report:

> A fundamental assumption of those who support the drive for stricter regulation of firearms is the belief that easily available weapons are a stimulus to crime, and that absence of these weapons would significantly reduce criminal activity. In our own inquiry, we have discovered no convincing evidence on this question.

Mr. President, I placed this report in the CONGRESSIONAL RECORD on March 6, 2 months ago, and I again invite attention to it. The report shows just how little hard evidence is available upon which any valid case for new Federal gun controls can be based. The American Bar Foundation researchers found affirmative evidence for gun laws so wanting that they were unwilling to take a position on their effectiveness. They concluded that such legislation could be justified as an "experiment with social reform."

I doubt, when the experimenting is finished that crime will have been much affected by all the gun laws combined. It simply stands to reason that a man who wants a gun to commit a crime will find a way to get one. Law-abiding citizens, not criminals, turn out to be people who are regulated by gun laws. As for sudden crimes of passion, they will continue to be committed by whatever weapon is at hand—a club, a gun, a knife, or broken bottle. Logic alone would seem to compel the conclusion that the realistic control of crime depends upon how effectively we track down and deal with the offender, not upon futile attempts to foreclose his choice of weapons.

This, at least, has been our experience in Idaho, where a hunting rifle and a shotgun are implements of outdoor sport, every bit as much as a flyrod and a spinning reel. Idaho boys and girls grow up learning to hunt and fish. Most Idaho families keep guns. The percentage of our people owning guns is much higher than the national average. But our crime rate is much lower. We have not found it necessary to restrict the purchase of firearms.

Idaho does not ask to write the gun laws for California or Illinois. We ask only to be left the master of our own house. We are against new Federal gun controls because they wrap all States, large and small, in the small blanket.

I am fully aware, Mr. President, that uniform Federal firearms legislation is being urged upon the ground that State laws are too easily circumvented. If an objectionable person cannot lawfully obtain a gun in his own State, it is said that he can readily buy one in a neighboring State. Thus lax laws in some States, it is argued, undermines strict laws in others.

I am not persuaded by this argument. A person bent on crime, so determined to get a gun that he will travel into another State to purchase it, will find a way to get hold of one in his own State, if need be. If he cannot do it lawfully, he will devise a means for doing it unlawfully. This is easily done. All of the gun control amendments now pending before us—from the limited Hruska bill to the encompassing Dodd bill—are sieves not shields. Law-abiding citizens will comply with them; criminals will ignore them.

But one must go further. Can we safely base the case for new Federal law upon the argument that State laws differ, one from another? If so, what becomes of the States? The genius of our system is that it has resisted centralized authority, recognizing the diversity which exists within a land of continental dimensions and the consequent necessity for leaving much jurisdiction to State and local governments. Especially has this been so in the field of law enforcement.

The President, himself, recognizes the fact. In his own declaration to the Congress, submitted on February 6, 1967, House Document No. 53, entitled "The War on Crime—Message from the President," Lyndon B. Johnson acknowledges:

> Our system of law enforcement is essentially local: based upon local initiative, generated by local energies, and controlled by local officials. But—

He goes on to say—

> the Federal Government must help to strengthen the system, and to encourage the kind of innovations needed to respond to the problem of crime in America.

Mr. President, we do not strengthen the system by supplanting State law with Federal law. Every other Presidential recommendation takes the form of Federal aid to State and local law enforcement agencies, the kind of help the Federal Government can give without impairment of States rights. The glaring exception is firearms control, where the President asks Congress for a national licensing system which would, in his words:

> Prohibit certain mail order sales and shipments of firearms, except between Federal licensees;
>
> Prohibit over-the-counter sales of firearms, other than rifles and shotguns, to any person who does not reside in the state in which the Federal licensee does business;
>
> Prohibit Federal licensees from selling handguns to any person under 21, and from selling rifles and shotguns to any person under 18.

Mr. President, if amendments embracing controls of this scope and character are written into the pending bill, the disruption of our way of life in Idaho will be real, not imaginary. There are remote parts of my State where hunting is more than just a sport; it is a means for supplementing the family food supply. The mailorder of guns is a common practice, not for the purpose of escaping police surveillance, but because sporting goods stores are a long ways off, particularly those supplied with an adequate inventory. Under these circumstances, many a mountain man relies on a Sears, Roebuck, J. C. Penney, or Montgomery Ward catalog, or some other listing, from which to order needed guns.

As for ammunition, large numbers of Idaho people depend upon the small supply that is regularly kept at general-purpose stores in the mountain regions and rural areas, frequently located long distances from the cities. I should think that most of these dealers, carrying ammunition as a side item only, would find their modest profit from this line so seriously impaired, if not extinguished, by a high license fee, as to cause them to quit stocking ammunition entirely. Again, many people in my State will be seriously inconvenienced.

And to what end? Does anyone really believe that hiking up the license fees for doing business in firearms will deter undesirable dealers from entering the trade? Yes, many a small, country dealer may be eliminated. But not the shady operator. His dealings are much too profitable to be affected by the cost of a license.

There are provisions in the pending bill, and in certain of the proposed amendments, which seek to prevent dealers from selling firearms to persons under indictment, or who have been convicted of crimes of violence, or who are fugitives from justice.

Laudable as this objective is—and certainly I am amenable to the inclusion of such provisions in the law—I nevertheless must wonder how the dealer can be expected to distinguish between the upright and the felonious, among the customers who come to buy, most of whom will be strangers.

Since we stopped branding felons three centuries ago, it escapes me as to why we believe that such provisions will really accomplish their goal.

Unless it is proposed that all guns be sold only through police departments, where every purchaser can be subjected to a thorough investigation beforehand, no effective means is really provided in this legislation, or in any of the amendments that are being proposed, for actually precluding purchases by undesirables. In my judgment, these provisions cannot possibly accomplish their avowed objective. They will be ineffectual—they will be an harassment, nothing more. Requirements being proposed that each purchaser sign an affidavit of qualification to buy a gun under the law, may give some pause to the cautious, conscientious, and honest purchaser, it may indeed provide a cover for the dealer, but I cannot believe that it would constitute any problem for a felon intent upon getting a weapon. There are too many ways to falsify.

Mr. President, I am not unmindful nor insensitive to the grave problems posed by the spreading tide of crime in this country. I believe it entirely proper—indeed, obligatory—for the Federal Government to curb the import of surplus military firearms from abroad which are unsuitable for sporting purposes. Within the United States, I believe the Federal Government has a duty to so regulate interstate commerce as to prevent dangerous traffic in weapons of civil strife and disorder, such as bombs, grenades, cannon, machineguns, and bazookas.

But as for guns which, by their very nature, may be used by private citizens for right, as well as for wrong, purposes, I would leave their regulation to the State and local governments, so that each might adopt such controls as they find suitable to their own situation. If the Federal Government then wants to back up the States by prohibiting the sale or shipment of guns into any State, contrary to its own laws, I would favor that also.

But I oppose the imposition of new Federal controls, written with an eye toward big city crime, but uniformly applicable to the country as a whole. We have a different way of life in Idaho than anything known to the East. We hope to keep it different. There are 700,000 people in Idaho, all told. In 1966, 167,000 resident hunting licenses were sold. In 1965, we had 14 murders. The people of my State do not think we need national gun regulation. Neither do I.

So, Mr. President, in casting my votes on the various amendments which seek to add new Federal gun controls to this bill, I shall be guided by a simple formula. When faced with a choice between one of two proposals, I shall vote for the least restrictive; when given an opportunity to adopt or reject any new expansion of Federal gun controls, I shall vote to reject.

Of course, I cannot now foretell, which, if any, of the proposed gun control amendments will be adopted. Once the voting on amendments has been completed—and the bill has taken its finished form—I shall weigh the good in it against the bad, as best I can judge the matter, and cast my final vote accordingly.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 1268) making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes, in which it requested the concurrence of the Senate.

ROUTINE BUSINESS

The following routine business was transacted by unanimous consent:

ENROLLED BILL SIGNED

The PRESIDING OFFICER announced that on today, May 9, 1968, the Acting President pro tempore (Mr. METCALF) signed the enrolled bill (S. 1909) to provide for the striking of medals in commemoration of the 100th anniversary of the completion of the first transcontinental railroad, which had previously been signed by the Speaker of the House of Representatives.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

Maj. Gen. Clarence C. Haug, U.S. Army, to be a member of the Mississippi River Commission.

By Mr. PASTORE, from the Committee on Commerce:

Frederic G. Donner, of New York, to be a member of the board of directors of the Communications Satellite Corp.

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without reservations:

Executive O, 90th Congress, first session, Convention on the International Hydrographic Organization (Ex. Rept. No. 3); and

Executive C, 90th Congress, second session, six amendments to the International Convention for the Safety of Life at Sea, 1960 (Ex. Rept. No. 4).

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. JORDAN of North Carolina, from the Committee on Public Works, without amendment:

S. 3159. A bill authorizing the Trustees of the National Gallery of Art to construct a building or buildings on the site bounded by Fourth Street, Pennsylvania Avenue, Third Street, and Madison Drive NW., in the District of Columbia, and making provision for the maintenance thereof (Rept. No. 1114).

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BOGGS:

S. 3466. A bill for the relief of Bartolo Marco Vassallo; to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 3467. A bill for the relief of Dr. Jose A. Suarez-Caabro; and

S. 3468. A bill for the relief of Dr. Miguel Angel Ponce De Leon; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3469. A bill to suspend for the 1968 campaign the equal-time requirements of section 315 of the Communications Act of 1934 for nominees for the offices of President and Vice President; to the Committee on Commerce.

(See the remarks of Mr. HARTKE when he introduced the above bill, which appear under a separate heading.)

By Mr. ANDERSON (for himself and Mr. MONTOYA):

S. 3470. A bill to amend title II of the act entitled "An act to prescribe penalties for certain acts of violence or intimidation, and for other purposes," approved April 11, 1968; to the Committee on the Judiciary.

By Mr. MONDALE (for himself, Mr. CLARK, Mr. HARTKE, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, Mr. McGOVERN, Mr. MORTON, Mr. MOSS, Mr. PELL, Mr. PERCY, and Mr. YOUNG of Ohio):

S.J. Res. 169. Joint resolution on East-West trade; to the Committee on Banking and Currency.

(See the remarks of Mr. MONDALE when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. HARTKE:

S.J. Res. 170. A joint resolution to authorize the temporary funding of the Emergency Credit Revolving Fund; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. HARTKE when he introduced the above joint resolution, which appear under a separate heading.)

S. 3469—INTRODUCTION OF BILL MAKING PRESIDENTIAL CANDIDATE DEBATES FEASIBLE UNDER THE COMMUNICATIONS ACT

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill to suspend for the 1968 campaign the equal time requirements of section 315(a) of the Communications Act of 1934 for nominees for the offices of President and Vice President.

Perhaps the most primary function of Congress is to act in the best interest of the public, and to do for her people what they as individuals cannot do for themselves. Here is a classic case in point.

It is estimated that well over 100 million persons in this Nation will be eligible to vote in the fall for his or her choice for President and Vice President. However, because of one minor section of the 1934 Communications Act, section 315(a), the Nation's entire citizenry is quite possibly going to be denied the opportunity to view through the media of television the various candidates seeking the two highest and most powerful offices in the United States. To provide such an opportunity is a public responsibility which the Congress should assume by adopting the legislation I now offer.

Because of the inhibiting and restrictive law I introduced legislation in 1959 to ease the restrictions imposed upon broadcasters. This was, in fact, the first official recognition by Congress that the communications media are mature enough to make their own public affairs and news judgments.

In 1960, provisions of section 315(a) were suspended as I had proposed, so that the public could see two candidates for the Presidency debate the issues and answer questions from panels of newsmen. Without this suspension, networks and stations would not have given freely of their precious time for the great Kennedy-Nixon debates. Without this suspension, the same privileges would have to be given to an assortment of minor candidates whose position does not warrant such expensive attention.

The bill I am introducing today also directs the Federal Communications Commission to make a report to the Congress within 6 months after the election as to the results of the suspension.

Although I am strongly in favor of completely repealing section 315(a), and have offered a bill for that purpose, I feel that we should at least provide for suspending section 315(a) for the 1968 election. Consequently I would urge that if section 315(a) cannot be entirely erased from the books, that we pass this measure as quickly as possible.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3469) to suspend for the 1968 campaign the equal-time requirements of section 315 of the Communications Act of 1934 for nominees for the offices of President and Vice President, introduced by Mr. HARTKE, was received, read twice by its titles, and referred to the Committee on Commerce.

SENATE JOINT RESOLUTION 169—INTRODUCTION OF JOINT RESOLUTION RELATING TO EAST-WEST TRADE

Mr. MONDALE. Mr. President, I introduce today, for myself and Mr. CLARK, Mr. HARTKE, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, Mr. McGOVERN, Mr. MORTON, Mr. MOSS, Mr. PELL, Mr. PERCY, and Mr. YOUNG of Ohio, a joint resolution on East-West trade. It is intended to indicate that the Senate favors East-West trade in peaceful goods. Trade relationships do not develop when they are plagued with uncertainties and with financing and licensing restrictions.

Mr. President, nearly 2 years ago President Johnson, in recognition of the vast possibilities for peaceful ties to be found in the development of trade between East and West, said:

> Our task is to achieve a reconciliation with the East, a shift from the narrow concept of co-existence to the broader vision of peaceful engagement. And I pledge you today that Americans now stand ready to do their part . . . We seek healthy economic and cultural relations with the Communist states.

His words increase in timeliness with the recent turn of events in Eastern Europe. Changes in Rumania, Czechoslovakia, and Poland indicate efforts at greater independence within Eastern Europe and better relationships with the West. A central premise of economic reform in these countries is the necessity sooner or later of large Western credits and a sharp increase in trade with the West.

Yet today the American environment for increased East-West trade is far from reliable. In response to the President's leadership, the executive branch of the Government has encouraged American business interest in Eastern Europe; Congress, meanwhile, has done its part to destroy the kind of confidence business and private investors must have to develop a market. This subtle psychological barrier arising from an uncertain Government policy is the worst barrier of all to American participation in East-West trade.

The harshest restrictions coming from Congress have ended Export-Import Bank assistance for exports to Communist countries. Beginning with the Foreign Assistance Appropriation Act of 1964, all foreign aid legislation has included a provision prohibiting the Export-Import Bank from guaranteeing export credits to any Communist country unless the President determines it to be in the national interest to do so. He determined they were.

But the President's discretion ended in February with final passage of the bill to extend the lending authority of the Export-Import Bank. A provision was added to the bill forbidding the use of Eximbank credit to finance sales of American goods to any country whose government trades with nations with which the United States is engaged in armed conflict—North Vietnam. Congress in effect denied credit guarantees to American companies for their exports to the nations of Eastern Europe. The amendment included exports to be used in Communist countries such as the American machinery for the Fiat plant in the Soviet Union.

Another amendment attached to the excise tax bill and intended to limit East-West trade even further narrowly met defeat on the Senate floor in late March. It would have set up an insuperable barrier to such trade by imposing upon any American businessman who engages in export trade with any Communist country supplying material to North Vietnam a tax equal to 20 percent of the total taxable income of the taxpayer for that year.

The presumptions behind the amendments are that the nations of Eastern Europe supply major assistance to North Vietnam and that the nations of Eastern Europe, without nonstrategic foodstuffs and goods from the United States, would have no other sources of supply.

Both presumptions are wrong. Our exports to Eastern Europe are primarily agricultural commodities. In turn, the Eastern European countries trade only to a limited extent with North Vietnam. Their aid tends to be a pro forma commitment, designed to diminish the embarrassment in the Communist world, and not a fundamental or material commitment to North Vietnam.

When Congress prevents American businessmen from supplying certain peaceful commodities to consumers in Eastern Europe, other nations are only too willing to fill the breach. By our actions, either the Eastern Europeans are thrown back into the arms of the Soviets, or the French and other Western Europeans take over all of the growing, consumer-oriented markets of Eastern Europe.

Mr. President, we must prevent efforts in Congress attempting to block the expansion of economic relationships between Eastern Europe and the United States. With this in mind, we intend to begin hearings in the International Finance Subcommittee of the Banking and Currency Committee on problems of East-West trade. As you know, the subcommittee has responsibility for the Eximbank and the export control regulations.

We hope the hearings will provide legislative suggestions for increasing trade in peaceful goods and a hearing record of use in educating Congress and our people about the difficulties our policies are creating for our businessmen, for our diplomatic efforts abroad, and for those Eastern European leaders who are struggling to establish their independence.

I believe that our policy should be aimed at encouraging independence and bringing the United States and the nations of Eastern Europe into a better relationship through increased trade.

I base my views on a 3-week study tour of Europe which I made for the Subcommittee on International Finance in January. I talked with government officials, businessmen, journalists, and our diplomats in Western and Eastern Europe—in Brussels, London, Paris, Geneva, Vienna, Bucharest, Moscow, Prague, and Warsaw—identifying some of the problems and possibilities of expanded trade with Eastern European nations and Russia.

Let me relate a few of the things I learned.

Western Europeans are astonished by the repressive attitude Congress has taken toward trade with Eastern Europe. But they are frank to admit that they benefit from the absence of our competition. The volume of East-West trade in 1966 exceeded $10 billion, and other Western countries accounted for 96 percent of it. In the market experiencing the most rapid growth in world trade, the United States trails behind Sweden and Austria, accounts for less than one-half the volume of Italy and of France, less than one-third the volume of Japan and of Britain, and less than one-sixth the volume of West Germany.

The main effect of our export control policies and restrictions on export credits is the loss of a great deal of business to Western European competitors. Trade with Communist countries is subject to Government control and limitation in the form of quota and licensing restrictions. The Export Control Act of 1949 authorizes the President to prohibit the exportation of commodities which would prove detrimental to the security of the United States. Although the number of items on the export control list was reduced several years ago, American export licensing is still more stringent than COCOM's—the instrument of our allies for assessing the strategic nature of exports. By maintaining uniform export control policies, the United States fails to take account of changes within Eastern Europe. For example, the Czechs are 80 to 100 percent dependent on the Soviet Union for oil and iron ore. We do not prevent them from obtaining oil and iron ore, we only determine the source.

Although Eastern Europeans complain that U.S. export control legislation is an important inhibiting factor in our trade, it is probably more the uncertainty and delay in receiving licenses than the actual restrictions which make this a significant factor in trade relations. While the American businessman is waiting for approval of his proposed contract, his West German counterpart supplies the goods.

Since 1964 the Export-Import Bank has been prohibited from lending its own funds for the financing of American exports to any Communist country and since February, as I mentioned earlier, the Bank has been prohibited from guaranteeing or insuring loans extended by private lenders to finance American exports to Communist countries. Before the Eximbank credits to Communist countries were cut off, Russia and Eastern European countries had to prove their credit worthiness to a greater extent than was required of other nations.

These precautions are needless and counterproductive. There has never been default on any Western transaction with any Eastern European nation. The denial of Export-Import credits prohibits any trade which is not paid for on the spot. Goods and industries normally are bought on terms as long as 8 years and more. Especially for a country such as Rumania engaged in making great investments, cash deals are impossible.

Romania's dramatic increase of trade with the Western nations, her rapid pace of industrialization,and her corresponding economic independence within the Eastern bloc has been made possible by the willingness of Western trading nations to extend substantial medium- and long-term credits supported by Government guarantees or insurance. The American holdback in extending longer credit terms arises from the cold war conviction that the extension of longer credit terms represents an indirect extension of aid to our adversaries.

On the other hand Eastern countries have felt free to extend credit for the sale of hydroelectric or industrial equipment in the West, and the countries of Western Europe and Japan have extended credits in the 10- to 12-year range for sales to the East. In addition the British and Italians guarantee transactions at much lower rates than the Eximbank can.

Export-Import guarantees are vital if American suppliers are to compete in Eastern European markets. The lack of such a guarantee will be a serious barrier to American participation in East-West trade—and as long as this barrier remains in effect, we can expect to see American exports lose ground in their current 4 percent of the market.

I must add that American corporations are trading a great deal more with Eastern Europe and Russia than official figures show. This trade, which may run as high as $300 or $400 million a year, is carried on through American subsidiaries in Western Europe. Thes subsidiaries are eager to expand their trade with the Eastern European nations, and Eastern Europeans are eager to purchase goods of the quality developed with American know-how. Ironically, the balance-of-payments measures which limit American investment in Europe mean that a large increase in the American share of the Eastern European market will not be forthcoming through the mechanism of American subsidiaries.

Eastern Europeans, despite their inclination to favor American quality, are reluctant now to look to the United States for trade. They have learned that they simply cannot depend upon American trade. An Eastern European trade minister may be taking his life in his hands—certainly his job—by committing himself to a trade deal. When we back off, he pays the price. A high official in the Polish Foreign Ministry told me that there is great uncertainty there about U.S. trade policy; he cited the constant threat of the removal of most-favored-nation treatment for Poland—along with Yugoslavia, Poland receives the benefits of lower tariffs under most-favored-nation arrangements with the United States—changes in Public Law 480, and the recent restrictions on the Export-Import Bank.

With the exceptions of Yugoslavia and Poland, Eastern European nations pay the prohibitively high Smoot-Hawley rates for their products. The lack of most-favored-nation treatment, a routine concession to most nations of the world, is a serious barrier to U.S. participation in East-West trade. A high Romanian trade official told me that lack of most-favored-nation treatment by the United States means that Romanian exports are directed to Western Europe, thereby limiting the potential for import of goods from the United States.

The most-favored-nation clause has been gradually extended to most of the Eastern countries by a very large number of Western countries. Refusal to apply it may be regarded as an exception except in the case of the United States. The President submitted an East-West trade relations bill of 1966 to give the Executive authority to negotiate trade agreements extending most-favored-nation treatment to European Communist states; Congress should enact such legislation.

Perhaps the most formidable opposition any American business wishing to trade with Eastern Europe faces is the threat of attacks or an actual campaign by certain groups which fear any contacts at all with Eastern Europe. Despite the State Department's efforts to reassure American businessmen, the groups inject themselves into the operation of our foreign policy through intimidation of individual companies.

Unfortunately, the campaign launched by Young Americans for Freedom against the Firestone Rubber Co.'s proposed synthetic rubber plant, a plant approved by our Office of Export Control—and Firestone's consequent withdrawal of its plans—left Romania with little faith in arrangements with American companies. At a time when Romania is attempting to assert her independence, this lack of faith becomes critical.

The apprehensions about East-West trade center on our participation in the economic advancement of a rival economic system. The presumption is that Eastern European countries cannot achieve economic success without us. The Soviet Union's achievements in space and the growing volume of trade on the part of Western Europeans with Eastern Europe show the weaknesses of that theory.

There is little support in either Western or Eastern Europe, among Government officials, economic and political experts, American diplomatic officers, and American and European businessmen for the fears commonly expressed in the United States that trade with Eastern Europe strengthens communism. Indeed, quite the opposite is felt to be the case—that America's restrictive policies force Eastern European nations to depend on Russia, and therefore strengthen Moscow's failing attempt to keep her former satellites dependent on her.

The time has come when we must deal head-on with the recurring myth of the efficacy of economic warfare. This is no longer a matter of question—hard evidence indicates that economic warfare measures are ineffective even under ideal "laboratory conditions."

In fact, economic warfare may have exactly the opposite effect from that we intend. By withholding trade, we encourage a nation to develop its own resources. Rigid export restrictions result in a denial forcing the creation of new industrial capacity to produce the item denied.

On the other hand, freely encouraged trade creates a certain dependency. Western Europeans today are chafing at the "technological gap" which grew from European overdependence upon U.S. industry and technology.

Internally, Western trade can have a profound effect on the nature of life in Russia and in Eastern Europe. An Italian official pointed out to me the implications of the Fiat contract with the Russians: they will need repairs, gasoline, highways, and insurance, all factors in social change.

As Communist economic policy devolves, producers may become more responsive to market demands. If Eastern European countries are to participate in greater trade with the United States, they will have to pay for their imports with increased exports since credit is difficult to obtain. To export, their products must be competitive with the highly sophisticated Western products and they must develop sales techniques which will meet Western consumer demands.

The United States can assist in a variety of ways. One is by the above-mentioned loosening of restrictions on Export-Import Bank credit. Another is by helping these nations find markets in the United States or elsewhere in the world. In many respects the Eastern European nations are more comparable to the developing nations of the world than to the Western European nations and the United States. A dialog to help the Eastern Europeans find markets is engaged in everywhere except the United States.

Eastern Europe is at an economic crossroads. It is not at all certain that they must move toward Western-type relationships. In chaos and with little encouragement from us they could go back to the older practices.

Changes are coming faster than we can keep track of them in Eastern Europe. A power struggle appears underway in Poland. With a change of government in Czechoslovakia have come astounding liberalizations in the areas of free speech and press. Romania's continued participation in the activities of the Soviet bloc's military and economic alliances is in question. And last week the Soviet Government announced ratification of a consular convention with the United States.

At the moment many of these changes are rebounding to favor the West. The Soviets canceled a quarterly delivery of wheat to Czechoslovakia; the Czechs turned to Canada for wheat to replace the Soviet imports. Instead of wheat shipments, the Russians offered the Czechoslovaks a $400 million loan in hard currency to be paid back with goods which Moscow buys from the West. The Czechs intend to use the loan to buy construction equipment and licenses for the chemical industry in the West, to expand warehouse and transport facilities, and to build hotels for Western tourists.

And while we are watching the current events in Eastern Europe, we must not forget that trade opportunities there provide a chance to add exports which assist a favorable balance of payments. In March, for the first time in 5 years, the United States had a trade deficit—our exports were outstripped by our imports. Now is not the time when we can afford to overlook the fastest growing market in the world—Eastern Europe.

We need to examine the relevancy of our trade policies—their relevancy to the events in Eastern Europe, to our payments problems, and to the competitive position of American business. It is time to dispel the public misconceptions saddling American participation in East-West trade with unnecessary and unproductive restrictions. Most important of all we must indicate that the Senate believes increased East-West trade in peaceful goods to be in the best interests of the United States. Only then will we overcome the subtle psychological barrier to such trade arising from an uncertain Government policy.

Winds of change are blowing across Eastern Europe, but the breezes rarely enter Congress. We must respond to these changes. If we do not, the nations of Eastern Europe and of the West will correctly decide that we have shunned an opportunity to alter the economic dependency with the Communist bloc. History will make the same judgment.

I ask unanimous consent that the joint resolution be printed in the Record.

The **PRESIDING OFFICER.** The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 169) relating to East-West trade, introduced by Mr. Mondale (for himself and other Senators), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S.J. Res. 169

Whereas current export credit and other restrictions on United States trade in peaceful goods with Eastern Europe impede the response of the United States to changes within the Communist world; and

Whereas the changes in Eastern Europe are vital to the maintenance of United States objectives in building a peaceful, democratic world; and

Whereas an increase in United States exports to Eastern Europe will assist in meeting the United States balance of payments problems; and

Whereas public misconceptions plague efforts to expand East-West trade; Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the Export Control Act regulations and the Export-Import Bank financing restrictions should be examined and modified to promote the best interests of the United States by permitting an increase in trade in peaceful goods between the United States and the nations of Eastern Europe.

SENATE JOINT RESOLUTION 170—INTRODUCTION OF JOINT RESOLUTION TO INCREASE FARM DISASTER LOANS

Mr. HARTKE. Mr. President, we have a serious situation across the country. The Farmers Home Administration is without funds for emergency loans. The Indiana Office of the Farmers Home Administration has $1,250,000 in disaster loan applications. These are from farmers in 76 "disaster" designated counties. The Farmers Home Administration revolving fund cannot meet the financial requirements for $250,000 in loans which have been approved. Another $1 million in applications are in process—with absolutely no hope of funding.

If the situation is so desperate in Indiana, then other States are similarly crippled in their financial needs to farmers. Therefore, Mr. President, I introduce a joint resolution to transfer $30 million from the Commody Credit Corporation to the Farmers Home Administration. The funds would be returned by appropriation and when proceeds of other loans are realized.

I urge swift passage of my joint resolution before the lack of funds forces more farmers off the land, creates any more hardships on our farm families and causes serious legal and financial problems for our Nation's farmers.

The very nature of the emergency loan system makes it imperative that we pass my resolution, Mr. President. Many of the farmers in Indiana's 76 counties were ruined by natural disaster—drought and later, by rains which flooded fields. The Federal Government offered a helping hand with the eligibility for loans. Now our people are being told there are no funds to fill these requests for help. It is a sorry state when we renege on our Federal promises.

The **PRESIDING OFFICER.** The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 170) to authorize the temporary funding of the emergency credit revolving fund, introduced by Mr. Hartke, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

Mr. CLARK. Mr. President, I ask unanimous consent that, at its next printing, the name of the junior Senator from Montana [Mr. Metcalf] be added as a cosponsor of the bill (S. 2938) to extend certain expiring provisions of the Manpower Development and Training Act of 1962.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. CLARK. Mr. President, also I ask unanimous consent that, at its next printing, the names of the senior Senator from Massachusetts [Mr. Kennedy] and the junior Senator from Montana [Mr. Metcalf], be added as cosponsors of the bill (S. 3063) to provide employment and training opportunities for low-income and unemployed persons.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from South Dakota [Mr. Mundt], I ask unanimous consent that, at its next printing, the name of the Senator from West Virginia [Mr. Randolph] be added as a cosponsor of the joint resolution (S.J. Res. 165) authorizing the President to proclaim August 11, 1968, as Family Reunion Day.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 9, 1968, he presented to the President of the United States the enrolled bill (S. 1909) to provide for the striking of medals in commemoration of the 100th anniversary of the completion of the first transcontinental railroad.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967—AMENDMENTS

AMENDMENT NO. 749

Mr. PERCY. Mr. President, I submit an amendment, intended to be proposed by me, to the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, and I ask that it be printed.

The **PRESIDING OFFICER.** The amendment will be received and printed, and will lie on the table.

Mr. PERCY. Mr. President, I will not take the time of my colleague, who has been kind enough to yield briefly to me this afternoon, to discuss the amendment I have just introduced. I would hope tomorrow to have the opportunity to make some extended remarks for the Record on my amendment.

The purpose of the amendment is to provide authorization in the bill for the formation and utilization of community service officers under the provisions of title I of the Omnibus Crime Control Act. My amendment parallels the Community Service Officers Act of 1968 which is today being introduced in the House of Representatives by Congressman Charles E. Goodell, of New York.

Mr. President, this amendment is designed to implement the recommendations of two blue-ribbon Commissions appointed by this administration which dealt with the problems of law and order in our cities. The Presidents Commission on Law Enforcement and the Administration of Justice recommended the constitution of community service officer programs in its report published in February 1967. The National Advisory Commission on Civil Disorders made a nearly identical recommendation in March 1968. Mr. President, I would hope that other Senators who are familiar with these reports and who are interested in the sensitive area of police-community relations will join me in both sponsorships and support of this amendment.

AMENDMENTS NOS. 750 THROUGH 768

Mr. HART. Mr. President, I submit 19 amendments to title III of the pending bill, S. 917, and ask that they be received and printed in the Record. With each amendment I have also submitted a short explanation which I ask be printed following the amendment.

Mr. President, I hope the Senate will seriously consider these amendments to title III as well as those amendments to title III which have been submitted by the Senator from Missouri [Mr. Long] and the Senator from Hawaii [Mr. Fong].

The **PRESIDING OFFICER**. The amendments will be received and printed, and will lie on the table; and, without objection, the amendments and explanations will be printed in the RECORD.

The amendments and explanations are as follows:

Amendment No. 750

On page 68, line 24, insert the following new subsection after subsection (3):

"(4) No order shall be issued under this Chapter if the facilities from which, or the place where, an oral communication is to be intercepted are being used primarily for habitation by a husband and wife."

Redesignate subsections (4)-(10) as (5)-(11), respectively.

The explanation presented by Mr. HART is as follows:

EXPLANATION

Title III draws no distinction between homes and other places with respect to wiretapping and eavesdropping. Homes should not be completely immunized, since there is a strong possibility that they may be used for illegal activities. The amendment would permit wiretaps on home telephones, but would prohibit the installation of bugs in homes. The use of bugs presents a far more serious threat to privacy and the sancity of the home than the use of wiretaps. Until we know more about the needs of laws enforcement and the usefulness of bugging, bugs in homes should be banned.

Amendment No. 751

On page 70, line 4, after "days" add the following: "and no order and extensions thereof shall be issued for a total period longer than ninety days, and no series of orders naming the same individual shall be issued for a total period longer than ninety days in a calendar year."

The explanation presented by Mr. HART is as follows:

EXPLANATION

Title III authorizes orders for wiretapping and eavesdropping to be issued for periods of up to 30 days in length, with unlimited extensions for additional 30-day periods. The present amendment would place an absolute limit of 90 days on the total period of surveillance. Three 30-day surveillance periods, or their equivalent, is a generous dividing line between legitimate investigation of specific offenses and unconstitutional general intelligence-gathering. The final clause of the amendment prevents evasion of the limitation by prohibiting the use of separate orders naming the same person over a period totaling more than 90 days in any calendar year.

Amendment No. 752

On page 70, line 24, after "exists" insert the following: "that involves a threat of immediate danger to life and".

The explanation presented by Mr. HART is as follows:

EXPLANATION

The provisions of Title III, which authorize emergency wiretapping and eavesdropping with judicial warrants, contain a broad loophole inviting serious evasion of the other safeguards of the title. The amendment would prohibit emergency surveillance except in cases of immediate danger to life, such as investigations involving kidnapping, threats to murder, attempts to apprehend dangerous felons, etc. In other cases, a prior court order would have to be obtained before communications could be intercepted.

Amendment No. 753

On page 72, line 1, amend the phrase "Immediately upon the expiration" to read as follows: "As soon as practicable, and in any event no later than immediately after the expiration".

The explanation presented by Mr. HART is as follows:

EXPLANATION

Section 2518(8)(a) of Title III requires recordings of intercepted communications to be sealed with the issuing judge only after the period of surveillance has ended, regardless of the length of the surveillance period or the number of extensions of the original period that have been granted. The present amendment would require such recordings to be sealed with the judge as soon as practicable during the investigation. In this manner the recordings will receive increased protection from alteration.

Amendment No. 754

On page 73, line 4, after "application," insert "and such other parties to intercepted communications as the judge may determine in his discretion and the interest of justice,".

The explanation presented by Mr. HART is as follows:

EXPLANATION

Title III requires notice of wiretapping or eavesdropping to be served only on the persons named in the court order. The communications of many other persons, innocent or otherwise, may also be intercepted. The amendment would give the judge who issued the order discretion to require notice to be served on other parties to intercepted communications, even though such parties are not specifically named in the court order. The *Berger* and *Katz* decisions established that notice of surveillance is a constitutional requirement of any surveillance statute. It may be that the required notice *must* be served on *all* parties to intercepted communications. Since legitimate interests of privacy may make such notice to all parties undesirable, the amendment leaves the final determination to the judge.

Amendment No. 755

On page 73, line 15, at the end of paragraph (d), add the following sentence: "The judge may, in his discretion and the interest of justice, require that the contents of intercepted wire or oral communications shall be disclosed to the parties to the communications.".

The explanation presented by Mr. HART is as follows:

EXPLANATION

Title III merely requires notice to a person named in a court order that his communications were intercepted. The present amendment would allow the judge, in his discretion and the interest of justice, to disclose the contents of the intercepted communications to such person, as well as to the other parties to the communication. It is intended that, in exercising his discretion, the judge shall take into account the legitimate privacy interests of the parties in the nondisclosure of their communications.

Amendment No. 756

On page 52, line 13, after "offenses," add: "but shall not include any legislative or judicial officer.".

The explanation presented by Mr. HART is as follows:

EXPLANATION

Title III authorizes legislative investigating committees and probation and parole officers to engage in wiretapping and eavesdropping. The amendment would restrict the use of such techniques to officers of the Executive Branch of Federal, State, and local governments. By the operation of Section 2517, the amendment would also prohibit the disclosure of intercepted communications to executive committees.

Amendment No. 757

On page 52, lines 22–25, delete paragraph (b).

On page 61, line 24, delete the word "Federal."

On page 63, line 20, delete the words "State court".

The explanation presented by Mr. HART is as follows:

EXPLANATION

Although Title III places narrow restrictions on the Federal judges who may issue surveillance warrants, the title is essentially open-ended with respect to the State judges authorized to issue such warrants. The amendment would allow wiretapping and eavesdropping by State officers, but would require them to go through a Federal court. Reliance on 50 separate judicial systems would make it extremely difficult to achieve uniform standards. Title III in its present form encourages judge-shopping in the State courts, since applicants for warrants will undoubtedly go to the judge who is most sympathetic to such applications. Wholesale intrusions on privacy are likely to result.

Amendment No. 758

On page 53, line 7, add the following at the end thereof: "or a person against whom the communication, or evidence derived therefrom, is sought to be used.".

The explanation presented by Mr. HART is as follows:

EXPLANATION

Section 2510(11) of Title III gives standing to challenge a surveillance order to any person who was either (1) a party to an intercepted communication, or (2) the person against whom the interception was directed Title III is thus likely to encourage *illegal* electronic surveillance in cases where the parties to a communication are not the real objects of the surveillance. For example, Title III will encourage *illegal* surveillance of petty hoodlums by law enforcement officers to gain intelligence against their bosses, secure in the knowledge that their illegal activities cannot be challenged in court. The proposed amendment gives standing to challenge a surveillance order to any person against whom an intercepted communication is sought to be introduced in evidence.

Amendment No. 759

On page 55, line 10, after the word "employment" insert the following: ", pursuant to such regulations as the Federal Communications Commission shall promulgate,".

The explanation presented by Mr. HART is as follows:

EXPLANATION

The present version of Title III offers a wide loophole for invasion of privacy by switchboard operators and employees of communications common carriers. The present amendment would place such activities under the control of the Federal Communications Commission.

Amendment No. 760

On page 56, lines 1–4, amend paragraph (c) to read as follows:

"(c) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire or oral communication, where at least one of the parties to the communication has consented to the interception."

The explanation presented by Mr. HART is as follows:

EXPLANATION

Although Title III contains broad prohibitions against all non-consensual ("third party") interceptions of wire or oral communications—i.e. interceptions without the consent of at least one of the parties to the conversation—and places strict controls on the use of such interceptions by law enforcement officers, it is totally permissive with respect to the surreptitious monitoring of a conversation by one of the parties to the conversation without the consent of the other parties. Such consensual wiretapping and eavesdropping by private persons is a widespread and insidious practice in our society, and constitutes a serious invasion of privacy. The proposed amendment would expand the prohibitions of Title III to include such consensual eavesdropping by private persons. It would not be applicable to the activities of law enforcement officers, or of private persons acting in cooperation with law enforcement officers. The amendment thus interferes in no way with the legitimate needs of law enforcement. At the same time, it accomplishes a significant protection of the right of privacy.

AMENDMENT No. 761

On page 56, lines 1–4; amend paragraph (c) by adding the following at the end thereof:

"*Provided*, however, That this exception shall not apply where such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State, or for the purpose of committing any other injurious act."

The explanation presented by Mr. HART is as follows:

EXPLANATION

There are a limited number of situations in which private persons placed in compromising circumstances may legitimately desire to surreptitiously record the statements of other parties to the conversation. The present amendment is designed to prohibit the flagrant abuses that now exist with respect to the practice of consensual wiretapping and eavesdropping, but at the same time to allow private persons to use the technique for lawful purposes. The amendment places no restrictions on law enforcement officers acting in the ordinary course of their duties.

AMENDMENT No. 762

On page 56, line 23, insert in lieu of the word "reasonable" the following: "authorized or approved by a Federal judge of competent jurisdiction".

The explanation presented by Mr. HART is as follows:

EXPLANATION

Section 2511(b)(3) of Title III authorizes the admission into evidence of communications intercepted in national security cases if the interception was "reasonable." The present amendment is intended to prohibit the use of communications intercepted in the exercise of the national security power in any judicial, legislative or administrative proceeding, unless a court order was obtained authorizing or approving the interception under the probable cause standards of Title III. The amendment in no way restricts the exercise of the national security power. At the same time, it eliminates the danger of potential abuses of the power against private citizens. The requirement of subsequent judicial approval is mild, and can be met if the approval is obtained within a reasonable period after the need becomes apparent for the use of the information in a judicial or other proceeding.

AMENDMENT No. 763

On page 60, lines 11–12 and 13–14, delete the phrase "or any of the offenses enumerated in section 2516".

On page 107, line 5, substitute S. 677 as a new title V, and redesignate the present title V as title VI.

The explanation presented by Mr. HART is as follows:

EXPLANATION

Title III contains a vast and indiscriminate immunity provision that goes far beyond any showing that has been made of the need for such a powerful weapon. Under the present version of Title III, the Federal Government is authorized to grant immunity in connection with the investigation of any of the named offenses for which wiretapping and eavesdropping warrants may be used, however minor the particular offense, and whether or not it is related to organized crime.

The immunity procedure authorizes the Federal Government to grant immunity against criminal prosecution to any witness who claims his Fifth Amendment privilege against self-incrimination, and to thereby compel his testimony on the subject matter of the investigation.

The immunity provision places a powerful weapon in the hands of a prosecutor. To be sure, it has proved extremely valuable in investigations of organized crime. At the same time, however, its use should be carefully circumscribed because of the serious dangers of abuse that it contains.

In the first session of the 90th Congress, the Senate passed S. 677, an immunity bill which was thoroughly considered by this body, and which authorized grants of immunity in four carefully chosen areas directly related to the activities of organized crime: interstate or foreign travel in aid of racketeering enterprises; obstruction of justice by intimidation of witnesses or jurors; bankruptcy frauds; and bribery, graft, and conflict of interest. By contrast, the present broad immunity language of Title III was not included in the version of Title III as reported out by the State Judiciary Subcommittee on Criminal Laws and Procedures, and its inclusion in Title III was not specifically considered by the full Committee when the present version of Title III was reported out.

The House has not yet acted upon S. 677. The present amendment would delete the blunderbuss immunity language of Title III, and would add S. 677 as a new title of S. 917. The amendment would make no change in the use of immunity authorized by Title III for investigation of offenses involving illegal wiretapping and eavesdropping.

AMENDMENT No. 764

On page 64, lines 17 and 25, after "therefrom" insert "intercepted in accordance with the provisions of this chapter".

The explanation presented by Mr. HART is as follows:

EXPLANATION

Although subsection (3) of Section 2517 of Title III prohibits the disclosure by law enforcement officers of *illegally* intercepted communications in criminal trials or grand jury proceedings, subsections (1) and (2) contain a broad loophole that may permit such communications to be disclosed or used for other purposes. The loophole arises from the fact that the phrase to be added by the amendment to subsections (1) and (2) already appears in subsection (3). Title IV is therefore likely to encourage *illegal* electronic surveillance, especially in cases where the parties to a communication are not the real objects of the surveillance. The amendment would make subsections (1) and (2) of Section 2517 completely parallel to subsection (3), and would prohibit the disclosure or use of illegally intercepted communications in any circumstances.

AMENDMENT No. 765

On page 66, line 24, after the word "intercepted," add the following: "and the particular time of the day or night at which the communications sought to be intercepted will take place,".

On page 68, line 15, after the word "interception" insert the following: "and that such communications will take place at particular times of the day or night;".

The explanation presented by Mr. HART is as follows:

EXPLANATION

The present version of Title III violates the specific constitutional requirement, established by the Supreme Court in the *Berger* and *Katz* decisions, that judicial warrants for electronic surveillance must *particularly* describe the conservations to be overheard.

The circumstances of the *Katz* case offer a clear example of what the Supreme Court intended by the "particularity" requirement. In *Katz*, the Federal investigating agents obviously had probable cause to believe that particular communications made by the suspect from the public telephone booth would take place at particular times of the day. A judicial warrant for the surveillance in *Katz* could therefore have been obtained that would have satisfied the requirements of the Fourth Amendment, which has long been held to require a precise description of the article to be seized under a search warrant. By contrast, under the present version of Title III, *all* conversations of the person named in the warrant may be intercepted and seized over the entire period of the surveillance, which may be up to 30 days in length. Such a blanket surveillance is nothing but a general search, and is therefore invalid under the Constitution.

AMENDMENT No. 766

On page 67, line 22, at the end of paragraph (e), add the following new paragraph:

"(f) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or by a reasonable explanation of the failure of obtain such results."

The explanation presented by Mr. HART is as follows:

EXPLANATION

Title III leaves open the possibility that extensions of a surveillance warrant may be obtained merely on the basis of the original showing of probable cause. The amendment requires an applicant for an extension of an order to make a fresh and timely showing of probable cause in order to obtain the extension. If a prior surveillance has been unproductive, a judge should not grant an extension of the order unless a reasonable explanation is given for the failure to obtain results under the original order, even though the original showing of probable cause remains valid.

AMENDMENT No. 767

On page 68, line 24, insert the following new subsection after subsection (3):

"(4) If the facilities from which, or the place where, a wire or oral communication is to be intercepted are public, an order issued under this Chapter shall be limited to the interception of wire or oral communications of named or otherwise specifically identified persons."

Redesignate subsections (4)–(10) as (5)–(11), respectively.

The explanation presented by Mr. Hart is as follows:

EXPLANATION

Title III authorizes blanket monitoring of public telephones and other public facilities. As the facts of the *Katz* case itself make clear, surveillance equipment can easily be activated when, for example, the person named in the warrent enters the phone booth. The amendment would require this procedure.

Amendment No. 768

On page 68, line 24, insert the following new subsection after subsection (3):

"(4) No order shall be issued under this chapter if the facilities from which, or the place where, a wire or oral communication is to be intercepted are being used professionally by a licensed physician, licensed lawyer, or practicing clergyman."

Redesignate subsections (4)-(10) as (5)-(11), respectively.

The explanation presented by Mr. Hart is as follows:

Explanation

By authorizing wiretapping and eavesdropping in circumstances that may involve the interception of communications between attorney and client, doctor and patient, priest and penitent, and husband and wife, Title III carries a drastic potential for the serious disruption of professional relationships. There is no compelling evidence that professional offices are being used as headquarters for criminals. Sound professional relationships require public confidence that such communications will be kept secret. The present amendment would prohibit the use of wiretapping or eavesdropping on premises used professionally by a lawyer, doctor, or clergyman. It would not apply in the case of premises merely listed in the name of such persons. Title III is clearly in the experimental stage. Until professional offices are shown to be used as criminal sanctuaries, the balance in Title III should be struck in favor of privacy.

NOTICE OF HEARINGS ON NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Thursday, May 16, 1968, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Halbert O. Woodward, of Texas, to be U.S. district judge, northern district of Texas, vice Joe B. Dooley, retired.

William Wayne Justice, of Texas, to be U.S. district judge, eastern district of Texas, vice Joe W. Sheehey, deceased.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas [Mr. McClellan], the Senator from Nebraska [Mr. Hruska], and myself, as chairman.

CORPORATION FARM HEARINGS WILL OPEN IN OMAHA ON MAY 20

Mr. NELSON. Mr. President, my recent announcement that the Subcommittee on Antitrust and Monopoly of the Select Committee on Small Business would begin an investigation of corporation farming has stimulated a phenomenal number of inquiries from farm organizations, large and small businesses, and many other individuals and groups concerned about the future of rural America.

Our first hearing will be held in the Federal Building, Omaha, Nebr., at 11 a.m., Monday, May 20. Subsequent hearings will be held in the upper Midwest, the Northeast, the Northwest, and in Washington, D.C., . over the coming months.

The subcommittee will initially be developing testimony in four areas—the implications of corporation farming on small businesses in local communities, the consequences regarding the sociological, educational, and moral structure of rural America, the effects on the independent family farm, and how the country's natural resources will be used.

Again, I wish to make it very clear that incorporation by family farmers is not questioned. Instead, it is the rapid movement of large, conglomerate corporations and other absentee nonfarm interests into agriculture that the subcommittee wishes to study.

I ask unanimous consent that an article entitled "Will Corporation Farming Doom the Small Farmer?" published in the April issue of National Grange magazine, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Will Corporation Farming Doom the Small Farmer?

Rapidly rising land prices that limit expansion of family farms and entry of young men into farming can be blamed partly on a new and well-financed competitor—the city-based corporation farmer.

"The boom in farmland prices is city-based," a farm writer concludes. He cites tax avoidance, speculation, and investment as major land-buying reasons.

The 60% increase in farm real estate prices in the last 10 years (1967 compared with 1957–59 average) reflects this feverish competition for land.

Non-farm interests, whether incorporated or not, normally buy land quietly through local real estate people. This avoids ruffling local feathers. Occasionally, however, a big purchase makes headlines and stirs public indignation.

This happened when Gates Rubber Co., a Denver-based conglomerate, announced it had options to buy up to 10,000 acres in Yuma County, Colo., for a huge corporation farm. Local people were stunned and angered.

Petitions were signed and a determined delegation called on Gov. John Love to protest. But nothing happened. It soon became clear there was no way to turn out the intruder, no way to fight it.

The company assured local businessmen the "new industry" was a plus and that the loss of business from the 50–75 farms involved would be made up. It told farmers the land buying was in the best interests of their neighbors who had sold out.

"Most of the people we're buying from" a Gates spokesman said, "will in turn buy a small home at the edge of town, put the rest of his money in the bank, cut his 16-hour working day, and live on his rocking chair income."

This conglomerate, typical of many large companies going into farming, announced it probably would start similar operations later in other states. Gates already has a 180,000-acre ranching operation and is one of the nation's biggest egg producers.

Is this wave of the future for agriculture? Is this the community-development answer to out-migration that has sent millions of rural people to the cities? Will the Gates plan be copied by other companies and applied in other farm states?

There are many who insist the answer is "yes" unless action is taken to head off invasion of farming by corporations and other non-farm interests.

It is clear that family farm agriculture, unchallenged more than 100 years as the world's most efficient farming system, is directly threatened by these powerful non-farm interests.

Involved are some of the big-name companies (H. J. Heinz, Del Monte, Gulf & Western, W. R. Grace & Co., Monsanto Chemical, etc.) and a lot of "big money" that has been providing investment capital for oil, shopping centers, and other get-rich-quick ventures. No longer is it limited to "hobby" farmers seeking a home in the country and, if possible, a tax writeoff as well.

The change is coming so fast that the *Wall Street Journal*, the big news magazines, and business publications are sending reporters out to look the situation over.

It's unlikely the trend to corporate farming can be stopped, the *Wall Street Journal* reported. It said economists foresee the day when family farms will fade away and corporations will do the farming as impersonally as they now make vacuum cleaners.

With farm prices down and overproduction a constant downhold on output, farmers wonder why anyone would want to pour a lot of money into agriculture. What's behind this sudden and intense non-farm interest in farming?

Secretary Orville Freeman says one factor is the ability of a diversified corporation to gain by taking heavy losses in farm operations, writing them off against income made in other business ventures.

"In periods of overproduction financial reserves built up from non-farm activities allow such corporations to farm on a very narrow margin or even at a loss, posing a serious and perhaps fatal threat to family-operated farms," he says. "Obviously this is detrimental to farmers."

Freeman ordered studies of the extent of land buying and farming by corporations, industrialists, and other non-farm investors. He indicated the tax laws may be one trouble spot that can be remedied.

Sen. Lee Metcalf (D-Mont.) also sees the tax "shelter" as a major factor in high land prices and the stepped-up move against the family farm system.

"Wealthy people find it pays to buy farms and pour capital into fences, buildings, machinery and stock," he points out. "They claim losses for several years as a credit against their other income, then sell off the farms with all gain taxable at the much lower capital gains rate rather than at rates applying to regular income."

Tax records made public by the Internal Revenue Service confirm Metcalf's claim that wealthy off-farm investors are using "farms" to avoid paying federal income taxes.

An analysis of these records, which cover 1965 income, showed 103 of 119 millionaires filing farm income returns reported a loss on farming. Of 202 with incomes between $500,000 and $1 million, 196 reported a "farming" loss. Loss figures were similar for wealthy taxpayers in lower brackets.

Metcalf, in examining these records, found "farmers in 31 of 85 of our biggest metropolitan areas claimed $141 million more in farm losses than profit. The Los Angeles-Long Beach area, where movie and entertainment people are among the big investors, was the biggest claimant for farm losses in excess of profits—$41.8 million.

A bill to stop this writeoff abuse has been introduced by Metcalf. Other members of Congress are joining this tax fight, which obviously must be waged in Washington.

There's political activity at several state capitals, too, on the corporation farming issue. Some is due to farmer-backed efforts. Some, too, is set off by interest trying to repeal state restrictions on corporation farming.

A typical example is North Dakota, where a drive to wipe that state's anti-corporation farming law off the books succeeded last year. Gov. William Guy vetoed the legislation, but it was re-passed over his protest.

"Our broad prairies with their huge fields and cash grain crops are ideally suited for out-of-state ownership and large-scale machinery which could make a summertime project of cereal grain production . . .," he said in vetoing the bill.

"Perhaps I am being unfair when I suggest that our economy is stronger through direct ownership of land by people than it would be if that ownership of land and property were filtered through corporation stock."

The people of North Dakota are being urged to back their governor's position in this fall's election. A petition drive put the repeal provisions on the general election ballot so corporation farming can be voted up or down by the public.

Similar fights are underway in Kansas (a bill to remove all corporation farm restrictions was killed in January) and in Oklahoma (a drive is underway to remove a constitutional restriction on corporation farming).

Off-farm interests are getting plenty of encouragement from advisers who feel tax benefits, rising land prices, and good long-term prospects for agriculture make farming a sound investment.

"Thinking of buying a farm for weekending and retirement later?" a national magazine asks its business oriented readers. "Handle it right," it advises, "and you can have a good long-term investment, tax benefits—and even some current income."

Economic studies prepared for big investors, it is reported, also urge them to plunge into farming.

Gene L. Swackhamer, farm economist for the Federal Reserve Bank of Kansas City, told a farm audience recently that many investors now are convinced agriculture's future is bright.

He said a feasibility study made on a "conservative basis" by a private consulting firm recently showed that, with good management, a continuous corn farm of about 2,000 acres in Iowa could yield 12.1% on stockholder equity the first year and 18% by the sixth year.

Is the profit-and-loss statement to be the dominant factor in agriculture? What about soil and water conservation? The farm coops and Main Street businesses? The schools and churches? The welfare problems created by the seasonal nature of corporate farming? All the displaced rural people?

The investors aren't talking much about these problems but everyone familiar with farming and rural people should be. So should city people, who have a stake in our land and water resources and who will have to pick up the tab for heavy social costs of an industrial agriculture.

Former state Sen. Phil Doyle of Beloit, Kan., has raised these questions repeatedly in recent speeches. Is it sound national policy to permit corporations to control large land areas, he asks, or to put them in charge of a national resource that must be handled from generation to generation?

"You can always replace a factory building when it is rundown or obsolete (or) get away with polluting a river in an industrial area, as every corporate executive knows, or fill the air with soot and smoke," he says. "But the land is too precious to allow it to be exploited."

Finally, there's the intangible called management and the evidence is strong that the farm family is unsurpassed in this category. The independent operator has the incentive of ownership, on-the-spot decision-making authority, and a reservoir of labor that knows no time card.

"When the chips are down," as one farm writer puts it, "the family farmer and his family can put in 18-hour days, 7-day weeks with no fixed charge on the books for time and a half or double time."

Surely this nation can afford the family farmer, who has repeatedly demonstrated his efficiency and productive capacity, and provide him with a decent return for his management, long hours of labor, and growing investment. If it decides it cannot, it had better be prepared for all the consequences and the billions it will cost to underwrite them.

HIGH-SPEED RAIL TRANSPORTATION

Mr. McINTYRE. Mr. President, for many years, now, travelers on the east coast have been looking forward to modern, high-speed rail transportation along one of the busiest travel corridors in the world.

Landing delays at airports, hundreds of near collisions every month along the east coast air corridor, and major ground transportation bottlenecks between busy airports and center-city terminals have created a significant need for better rail transportation between the heavy population centers that make up the megalopolis.

The U.S. Department of Transportation, in a unique venture with private industry, is attempting to satisfy this need by developing two new high-speed trains to operate between Boston and New York and between Washington and New York.

Much criticism has been leveled at the railroads and the two manufacturers who are constructing these new trains because of a 6-month delay in the inauguration of service between Washington and New York.

But I think we have been too hasty in handing out the criticism and somewhat lax in handing out compliments for private industry's excellent cooperation with Government in bringing about this new service.

The two new high-speed trains will be the most advanced trains in the world. Building these new trains required many new advances in technology and electronic circuitry.

It was not merely a question of making a bigger and more powerful engine to make the new trains go faster. Instead, many new advances in electronics, design, and operation and going into making these trains the best ever made.

That is precisely why it has been difficult to meet deadlines set long before anyone really knew what it would require to build the type of high-speed train network that is needed along the east coast.

In fact, the Budd Co. and United Aircraft Corp., manufacturers of the new high-speed trains, should be complimented for their hard work, cooperation, and innovative design techniques, rather than roundly criticized for a 6-month delay in putting their product into service.

America's railroads have been neglected—and neglectful—for some 30 years. So I think that we can be patient for just a few more months.

EXCESSIVE DEFENSE CONTRACT PROFITS

Mr. AIKEN. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Listen to Rickover," published in the Barre, Vt., Times-Argus of May 6, 1968. The article relates to testimony given by Admiral Rickover concerning excessive profits made by many defense contractors.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LISTEN TO RICKOVER

Congress, in its decisions about a tax increase and budget cuts at Washington, might give serious thought to the testimony presented last week by Admiral Rickover that many defense contractors are making excessive profits with the acquiescence of an "industry-oriented" Defense Department.

Many taxpayers have suspected that, over the years, and this is not the first time it has been publicly alleged.

It does seem like an opportunity for Congress to improve its reputation.

If defense contracts have been returning profits of 25 per cent, as Admiral Rickover charged in testimony before a Congressional committee, there must be other firms that would like to take over some of the contracts for smaller profits.

EXPENSIVE FARM PROGRAMS

Mr. RIBICOFF. Mr. President, several weeks ago I introduced the Wheat and Feed Grains Act of 1968, S. 3158. At that time I stated that current farm programs are costing American taxpayers billions of dollars each year, but that in spite of those billions, family farms continue to disappear and parity income of farmers stands at depression levels. Too few of us actually know how much of a mess our current farm programs have become.

Direct farm program costs are paid through the Commodity Credit Corporation. This $14.5 billion Government enterprise borrows money from the U.S. Treasury to make price support and diversion payments for such crops as wheat, feed grains, and cotton. These payments appear on CCC books as losses which are reimbursed by congressional appropriations after the payments are made.

Founded in 1933, the CCC had losses of $10,624,936,000 through June 30, 1963, for wheat, feed grains, and cotton programs—slightly more than $10.5 billion during the first 30 years of farm programs. While that is a rather sizable sum, spread over 30 years it is not what one would call staggering.

However, "staggering" is mild in describing what has happened since 1963. In 4 years' time—from June 30, 1963, through June 30, 1967—CCC losses for programs for wheat, feed grains, and cotton were $9.9 billion. In other words, farm program costs over the past 4 years nearly equaled that which was spent during the first 30 years.

And costs continue to rise at a fantastic rate. During the first 6 months of fiscal 1968, CCC losses for wheat, feed grains, and cotton programs were $2,041,095,000. Thus, the cost of farm subsidy programs in the last four and a half years has surpassed that spent in the previous 30 years. This is too much for too little.

Even if the farmers were faring well under current programs, this outlay of funds would be a subject of concern. But the farmers are in trouble. At the end of 1967 the farm parity ratio stood at 74 and at the end of March it was 73—the lowest since 1933. Even by adding Government payments into the parity tables, the 1967 ratio was only 79—again the lowest level since 1933.

While some would say that per farm net income is up, I say it ought to be. In 1963, 13,367,000 people lived on farms. By 1967 that number had dropped to 11,000,000. With fewer people sharing in net farm income, per farm net would have to go up unless total net had dropped drastically. These fewer farms represent larger investments which require increased per unit income just to stay even.

American agriculture is suffocating in its own regulatory programs. But, the only tangible result, so far as I can see, is that farm population has dwindled by 21 percent and the Department of Agriculture's bureaucracy has expanded by 11 percent. Meanwhile, the taxpayer is paying the tab for the whole mess.

Hearings have been held by the Senate Committee on Agriculture and Forestry and are now being conducted by the House Committee on Agriculture on the subject of extending the Food and Agriculture Act of 1965. The Senator from Louisiana [Mr. ELLENDER], the distinguished chairman of the Senate committee, has repeatedly stated that the present farm programs should be carefully studied before extending them. I commend Senator ELLENDER, for the act in question does not expire until following the 1969 crop year. In my opinion, action is not necessary at this time. To extend now a program which is driving people off farms, driving farm income down, and costing taxpayers billions of dollars each year would be a mistake.

As I stated earlier, I have introduced a bill which I believe would turn this trend around. My proposal is offered as an alternative to what we now have. To fail in our search for an alternative could prove to be an economic disaster for farmers and taxpayers alike.

WHEN LAND IS GONE, WHAT THEN?

Mr. HANSEN. Mr. President, a recent feature article published in the Billings, Mont., Gazette brings into focus some of the questions which must be considered by those who are concerned with preserving portions of the virgin lands of this country in their natural state for this and future generations.

The article, entitled "When the Land Is Gone, What Then?" makes no particular recommendations regarding the uses to which the Nation's undeveloped land areas should be put, but rather seeks to illustrate the myriad of considerations which come into play when the question comes up for specific legislative action.

The author, Sid Moody, raises vital questions such as these:

Should man be allowed to continue changing the land and the course of nature by clearing forests, building dams, causing the extinction of some animal, plant, and bird species, and unearthing treasure from beneath the soil?

If he continues to "meddle" in the affairs of nature, will he someday find himself unable to survive because of it? There are those who contend that by destroying vast areas of plant life, man is removing oxygen-producing green and taking chances on the serious adverse effect such action could have on man and his environment.

Should large portions of our land and the plant and animal life on it be preserved and protected in its natural state for reasons of esthetics or, perhaps, survival?

If so, how much land? Where? Will certain industries be allowed to use these areas "just a little" in order to capitalize on their richness in natural resources?

To what extent will these lands be equipped with the conveniences of humanity in order for the citizenry to enjoy them?

These and other pertinent questions are the same ones which almost daily concern members of the Committees on Interior and Insular Affairs of both Houses, who wrestle with the same problems and choices as they pertain to legislation affecting our lands.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHEN THE LAND IS GONE, WHAT THEN?

(By Sid Moody)

In the beginning was the land, all there would be, then and forever: mountain and meadow, forest and prairie.

Man came later.

He humbled the land, mile upon mile, town upon town. The wide spaces narrowed and narrow still. And will it end only when the suffering land, all of it, is gone, rutted and shorn by man's plow and his axe?

The Dust Bowl of the 1930s; the clawed scars of strip mines in the Kentucky hills of yesterday and right now; scummed rivers lethal to life; man has done it all.

Such rape and its consequences, says Stewart Udall, is America's "quiet crisis."

Not just because of its sheer waste, but because man, as he changes the land, is tampering with the very house in which he was created. And no one, none, can say if after millenia of such tampering man will not stand homeless in an alien nature he desecrated. An example:

A young boy desirous of a bike saved up money by trapping skunks around his family's upstate New York farm. The bike finally bought, he pedalled to the pond where he used to enjoy watching wild ducks raising their young. They were gone. Why? The skunks he trapped fed on turtle eggs. No skunks more turtles—who ate the ducks.

SIMPLE STORY

That has the simplicity of a bedtime story. Consider, then, this potential nightmare. In Brazil there is talk of making a reservoir in the Amazon basin as large as Western Europe. "Has any one asked what withdrawing this much oxygen-producing green might mean to mankind?" asks David Brower, outspoken executive secretary of the Sierra Club, a U.S. conservationist group.

Can man, who dams rivers, levels forests and paves the swamp, be so arrogant as to be sure he is no more than that little boy traveling a path whose end he knows not?

Voices have been heard before: keep America's air fresh, her streams pure, her cities clean. Now there are those that warn: save the wilderness while some remains.

They argue for reasons of aesthetics, for traditional reasons of conservation. And for a newer one: that the virgin wilderness may some day be man's ultimate chance for his own survival.

"It is not given man to make a wilderness," said Brower, quoting from author Wallace Stegner. "But he can make a desert. And has."

And cut off in such a desert, having blighted the plant and animal whose destiny he shares, man conceivably could wither. Some day.

SOME FACTS

The land and water area of the 50 states totals 2.3 billion acres.

Of this, about 10 per cent remains as time has made it. The rest: cities, farms, highways, reservoirs, factories.

From this 10 per cent the United States will set aside large areas of wilderness. This was decided by the Wilderness Act of 1964.

But pivotal questions have not been decided: how much wilderness is enough: for aesthetics, for conservation, for, perhaps, survival? And what, to be sure, is a wilderness?

The act defines wilderness as "an area where earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain."

But . . .

Congress, confronted with political realities, will permit mining in wilderness areas of the U.S. Forest Service until 1984.

Mining? In a wilderness? What, then is a wilderness? Others wonder.

WAGON TRAIL

A lodge owner who owns land within a Forest Service wilderness is suing because, under the act, the service will only allow him to reach his property by wagon, not a gasoline-powered jeep.

Poachers have all but eliminated the American crocodile in the Everglades National Park to supply the market for ladies' shoes and handbags.

Udall, secretary of the interior, whose department contains the Park Service, battled with Orville Freeman, whose Department of Agriculture contains the Forest Service, over a proposed four-lane highway through Sequoia National Park to open up a skiing center on national forest land.

Trees thunder to the ground daily while the argument goes on whether to create a redwoods national park.

"Every day they constantly chip away more of our resources."

That is a timber industry lobbyist talking of land set aside for conservation.

"They are constantly whittling away our resources."

That is a conservationist talking of the commercial users of the land. Clearly, each does not see each other's forest for the trees.

Some more facts:

The major land holders of the United States are the Bureau Land Management, 452 million acres, about two-fifths of the nation, the Forest Service, 186.3 million acres, two-fifths of the nation's forests, the Fish and Wildlife Service, 28.5 million acres, and the Park Service, 27.5 million acres. The lands of the latter three agencies will be sites of the proposed wilderness areas.

PRIMITIVE AREAS

The Forest Service, which allows multiple use of its lands including mining, grazing and logging, has, nonetheless, set aside 15 million acres as wilderness and primitive areas in a program begun in 1924.

By the act, however, these lands will have to be restudied as well as proposals of the other agencies and receive congressional approval.

The Forest Service has studied wilderness areas totalling 1.9 million acres so far and has designated one million to be presented to Congress. The Park Service is studying 57 areas ranging in size from 5,000 acres, the minimum under the act, to 100,000 acres, including such national parks as Isle Royale in Lake Superior and Lassen in California. Fish and Wildlife is considering about 90 refuges ranging from the huge 1.8 million-acre Kenai Moose Range in Alaska to the 5,900-acres Great Swamp refuge in New Jersey.

Last month President Johnson sent Congress the first actual proposals for official designation: 24 areas in 13 states totalling almost one million acres.

Making a capital "W" wilderness out of a wilderness, is, however, a thorny business. The Forest Service has proposed a 142,000-acres San Rafael Wilderness Forest in California. The Wilderness Society, a conservationist group that treads more softly but as determinedly as the Sierra Club through the nation's forests, claims the wilderness should include several thousand additional acres the Forest Service insists is vital for fire control.

MORE TROUBLE

The Park Service, too, has difficulties with its friends and foes. There are those, even in the department, who feel, stridently, that national parks should remain as primitive as possible. Few roads. Few lodges. None of the mob scenes that descend on Yosemite on summer weekends, littering the valley with trailers, beer cans and film wrappers.

Yet national park attendance, 130 million in 1966, rises about 10 per cent yearly.

What should be the over-all policy of the Park Service which welcomes many thousands to its Washington Monument and tens, if that, to the summit of its Mt. McKinley?

It tries to strike a mean of the greatest good for the greatest number—without impairing the virginity of the park. But does that mean all trails should be blacktopped, as some are, to keep the tourists off the greenery? Should Yellowstone's bears be behind bars looking out, or should the people be, looking in?

As competition for the finite land increases so does the necessity for the American genius for compromise. But can a compromised wilderness be a wilderness? Or even a park?

The Cape Cod and Fire Island National seashores have glittering sandy beaches. And they have the private homes of residents it would have been too costly in time and effort to dislodge.

Assateague Island in Maryland and Point Reyes in California are to become national parks. But land speculation has boomed the cost of their acquisition.

WHICH?

The Glacier Peak Wilderness in Washington has 450,000 acres of virgin land and the Kennecott Copper Co. owns 320 acres of ore-rich land right in the middle. Conservation, or copper?

Canals cut by the Corps of Engineers have cut off natural water flow to the Everglades, endangering its flora and fauna. Wildlife, or waterways?

The Great Swamp in New Jersey, a rare virgin wild only 30 miles from New York City, is the site the Port of New York Authority wants for a mammoth airport. Birds, or jets?

The effort to make Wilderness out of the wilderness creates some fine points, some small, some not.

Fish and Wildlife would like to create a Wilderness in Michigan in a refuge that is the nesting ground for the Kirtland warbler. But to provide optimum nesting characteristics for the little bird, the area must intentionally be burned over periodically. Which contradicts the definition of a wilderness under the act. What to do?

No one has determined even if it can be determined how much camping a wilderness can take and remain pristine. And camping guides are grumbling that they can no longer use power saws to clear trails and cut firewood as are snow gaugers who can no longer fly into the fastness by helicopter to estimate spring runoffs. What to do?

And what to do about intragovernmental competition?

The dispute between the Forest Service, with its multiple use program for national forests, and the Park Service with its creed of minimal interference of the land, reached such a pitch in the 1960s that Udall and Freeman had to sign a peace pact that is now known as the "Treaty of the Potomac."

WHO WINS?

But who is the ultimate winner—or loser? The skiers, who can roam the Rockies for snow? Or the giant sequoias, who have but one home in the world?

On the other hand, if Freeman's assurances prove wrong and the sequoias are harmed, so what? Who really needs sequoias or Kirtland warblers or crocodiles or undammed mountain streams in a West always wondering where tomorrow's drinking water will come from? Who needs wilderness, really?

Surely, said a Forest Service planner, to the average man in the street a drive down the Blue Ridge Parkway in Virginia may be as much wilderness as he will ever see. Or ever want to.

"But at the same time there is a deep personal comfort to almost everyone knowing that somewhere out there is a rugged land that is hard to get to but is there, unspoiled. Maybe some day, he'll go, maybe not, but it's there."

"Man is a part of nature," said Udall. "He needs Great Swamps and Yellowstones and Alaskas. They are his tie to the earth. The more we build a pressure cooker society, the more we need the wilderness as an escape valve."

FIFTY YEARS HENCE

"Maybe 50 years from now we'll be thanked more for what we didn't build than what we did," said an aide.

"More people go to movies than art galleries," said Nadel. "But we don't eliminate art galleries. I don't think anyone can halt what we call progress, but we need these oases where man can get back to himself."

"The wilderness is land that can be found in balance scientifically. It is run by the laws of nature, not man," said Nadel.

Suppose at some future day man finds he has tipped the balance of nature too far. Suppose he finds that he needs the seed, the animal, the unadulterated genetic resources that are the bases of his evolution? And suppose they are gone, or hopelessly distorted?

Then, indeed, may he cry ah, wilderness.

It is to prevent the possibility of such a dead end that a growing number of conservationists are looking to the wilderness as a gene "bank." If, for some reason, man needs a bighorn sheep or a sequoia or the delicate harmony of a forest acre, it will be there, in the wilderness.

The key question, then, as Udall put it, "is whether we can draw laws in these areas (of conservation) with some certainty they won't be changed."

"The wilderness can't be won once and for all," said Brower. "It can only be lost once and for all."

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Mr. CLARK. Mr. President. I am overjoyed by the Senate's unanimous approval of the bill extending the National Foundation on the Arts and the Humanities authorization.

In the 3 years since Congress approved the creation of the National Foundation on the Arts and the Humanities, we who were among the Foundation's early supporters have observed ample justification for our enthusiasm.

With meager funding, the two Endowments which make up the Foundation—the National Endowment for the Arts and the National Endowment for the Humanities—have had a remarkable salutary effect on our society. The funds appropriated to them have been used with imagination and with great economy.

Through grants to individual creative artists and humanists, the Endowments have stimulated new efforts in research and in the actual production of works of art.

Significantly, the Endowment for the Arts has succeeded in creating a far broader, more receptive environment which leads toward greater support of the arts from the private sector.

Even if this were not the case, I would still favor the extension of the arts and humanities program. I believe that an enlightened Federal Government owes as much to the encouragement of the artist as it does to the scientist, the teacher, or the businessman. Each, in his own way, contributes to the lasting greatness of our Nation and its people.

However, I think it is important that we recognze the unique abilities demonstrated by the endowments in their effort to encourage private, local, and State government support for valuable programs.

The Arts Endowment, for example, through the skillful and intelligent use of $10.5 million of Federal funds, has been able to generate $16 million in contributions to the arts from private and local government sources during the past 2 years.

Largely because the Federal Government at long last has recognized the need for encouragement of the arts, local arts organizations have been able to approach private corporations and foundations with modest requests for funds. Today, far more than at any other time in our history, those requests are being given a respectful hearing.

Although the endowments have participated in some projects in which the Federal share has been relatively large, the majority of the grants approved by them have been small in scale and large in impact.

Working with the Woodrow Wilson Fellowship Foundation, the Arts Endownment created a program in which both Negro and white writers were able to visit developing colleges, lecture on writing, give public readings, and conduct sessions on the art of writing in student seminars. The response, from students and faculty members at the colleges, has been overwhelmingly favorable.

In my own State, for example, the Arts Endownment and the Academy of American Poets jointly funded a remarkably successful program which took top-flight poets into the secondary school classrooms for the first time in history. Pittsburgh, where the experiment was initiated in Pennsylvania, is one of six major areas in which it has been received with great enthusiasm by young men and women who had, until then, never been exposed to the personal work of a modern American writer.

The National Endowment for the Arts has been equally successful in the encouragement of new playwrights and in the production of their work, in the stimulation of renewed interest in the visual arts, and in support of innovative educational techniques and the experimental use of public media.

In Pennsylvania, the arts endowment has approved grants enabling three outstanding teaching artists to take sabbatical leaves and devote their full creative energies to the completion of new work. The endowment has given recognition to six students in the arts and has provided meaningful assistance to three major resident professional theaters, to our State's leading ballet company, and to the city of Philadelphia's urban center through a matching grant for the commissioning of a major work of sculpture.

Through matching grants to the Pennsylvania State Arts Council in both fiscal 1967 and fiscal 1968, the National Endowment for the Arts has made it possible for this agency—newly formed—to initiate broad new programs of benefit to local communities throughout the Commonwealth.

I am delighted that the Senate has passed H.R. 11308 as amended by the Committee on Labor and Public Welfare. It is a measure of great and continued importance to this country, for it will mark the reaffirmation of our belief, as Members of the Senate and as citizens of the United States, in the creative and lasting work of men's minds.

As a part of the declaration of purpose stated by Congress in 1965, we said of this foundation:

> That the world leadership which has come to the United States cannot rest solely upon superior power, wealth and technology, but must be solidly founded upon worldwide respect and admiration for the nation's high qualities as a leader in the realm of ideas and of the spirit.

The need for us to affirm that belief is as strong today as it was 3 years ago.

RUMANIAN INDEPENDENCE

Mrs. SMITH. Mr. President, I invite the attention of Senators to the fact that today the independence of the Rumanian people and the founding of the Kingdom of Rumania are commemorated.

YOUTH CORPS FRAUD

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an article by Mr. William Federici, which appeared in the New York Daily News on May 9, 1968, entitled "Bare Multimillion Youth Corps Fraud."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BARE MULTIMILLION YOUTH CORPS FRAUD

(By William Federici)

Millions of dollars have been stolen from the city's Neighborhood Youth Corps program, the News learned exclusively last night.

Despite a tight lid of secrecy—clamped on the investigation by Mayor Lindsay and City Investigation Commissioner Arnold Fraiman—it was learned that eight agencies have been probing the records and questioning top-echelon personnel of the antipoverty program for the last four months.

Charges of payroll padding, using fictitious names, using names of people eligible for jobs but never employed by the multimillion-dollar program, stealing petty cash, and "burying records which would have shown the theft" are reportedly being prepared by the district attorneys of four boroughs.

Although the investigation is "not nearly completed," a source said, "it looks as though the final amount stolen will run well into the millions."

Last year Neighborhood Youth Corps program received $13.1 million in federal funds alone. It also received a large amount of city and state aid.

HOLD UP NEW FUNDING

According to figures released by the Human Resources Administration, which controls the program, the funds were intended to provide 23,900 youths with 30-hour-a-week jobs.

The Federal Office of Economic Opportunity, the News was reliably informed, is delving deeply into this new scandal and is awaiting results before any new funding of this year's $9.9 million allotted to the Youth Corps program.

Since the disclosure of the apparent thefts, new payroll procedures have been incorporated to prevent further thefts.

COMPLAINTS POURED IN

Preliminary investigation four months ago disclosed that the "stealing was on a wholesale basis with the actual thefts taking place in almost as many places as the program had offices," a source revealed.

According to probers, the inquiry began after complaints began pouring into the four district attorney offices, to City Controller Procaccino, City Council President Frank O'Connor and the Office of Economic Opportunity.

At first officials were told of rumors that involved petty thefts and payroll padding. The rumors became fact after a surface investigation, it was disclosed.

Toward the middle of January, hundreds of complaints were lodged with the district attorneys and Controller Procaccino.

Withholding income tax statements had been mailed to thousands and thousands of young people who had officially been on the payroll of the Youth Corps. But the complaints said they had been turned down in their job applications and yet they were supposed to have made X amount of money at the job.

A SIMPLE OPERATION

Investigation disclosed that the operation was simple. The payroll is made up in a central office and mailed to the various field offices.

According to the charges, checks written for nonexistent people and others who were supposedly on the payroll but weren't, were snatched, forged and cashed.

According to investigators, the applicants would give all of the pertinent information about themselves, including social security numbers, and then would be told they would be notified if the Youth Corps could find a job for them.

NONEXISTENT CHINESE

Armed with this information, it became a comparatively easy job of "ghosting the payroll," the source revealed.

In one Negro neighborhood, probers found a list of Chinese names to whom checks were mailed. All the names were fictitious. "There were no Chinese families anywhere in the area," a source said.

An initial audit by the controller's office, sources disclosed, revealed that almost $500,000 had been stolen. All of this information was turned over to Commissioner Fraiman.

PROTEST U.S. CUTBACKS

It was reported Fraiman's office, in turn, has been turning over the results of his investigation to Queens District Attorney Thomas Mackell, Kings District Attorney Aaron Koota, Manhattan's Frank Hogan and Bronx DA Isidore Dollinger.

Revelation of the octopus-like probe came on the heels of heavy criticism by top Human Resources officials of severe cuts in aid from the federal government for the coming summer.

In Washington, spokesman for the Office of Economic Opportunity explained the cutbacks early last week as part of an over-all trend around the nation. The spokesman said that New York City had not used all of the federal money allotted last year.

RICHARD NIXON ENDORSES WIRETAPPING

Mr. HANSEN. Mr. President, yesterday former Vice President Richard M. Nixon released from his New York office a 6,000-word document concerning crime in America. Entitled, "Toward Freedom From Fear," a major portion of the statement was devoted to the question of organized crime and measures to help fight it. One of the major recommendations was for a "limited use of wiretapping after a court order showing probable cause."

Mr. President, organized crime poses a very real danger to the maintenance of law and order in this country. Carefully hidden behind legal businesses and well established fronts, it is well entrenched in many areas of the economy which, on the surface, appear innocent. But behind the innocently appearing businesses, organized crime is busily involved in gambling, narcotics, shylocking, prostitution, extortion, and other activities accumulating takes estimated to be many billions of dollars a year.

While the areas of organized and street crime are separate and the causes for each are entirely different, nevertheless, there is a definite relationship between the two. The example that the young mobster offers to the children of the ghetto is far from a good one. To the youth in the ghetto it appears that the sure path to money and prestige is that of a "soldier" in a Cosa Nostra family.

It is ever to the credit of Mr. Nixon that he has brought this problem to the attention of the American people and has recommended the passage of wiretapping legislation so as to put an end to organized crime.

Because of the highly secretive nature of organized crime, one of the few effective means of combating it is the use of electronic surveillance. As Eliot Lumbard, Gov. Nelson Rockefeller's special assistant counsel for law enforcement, pointed out—

> If wiretapping is lost, we will lose the most important and effective source of information—that we wouldn't get otherwise—in the

most difficult kinds of cases. Without that source, we practically give an immunity bath to the really sophisticated operators.

Mr. Lumbard is not alone. The need for carefully circumscribed electronic surveillance legislation has been endorsed by a number of prestigious individuals and organizations, including the National Judicial Conference, the Association of Federal Investigators, the National Association of Attorneys General, and the National Council of Crime and Delinquency.

I believe it is imperative that this particular provision of the safe streets bill be passed. The need to put an end to organized crime has been well documented. All that remains is for favorable action to be taken by the Members of Congress. In light of the threat that organized crime poses both to our system of government and to our Nation's poor, on whom such crime preys, I hope that this action will be forthcoming.

I ask unanimous consent that an article describing Mr. Nixon's recent statement with regard to crime in America, published in the New York Times, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON DECRIES LAWLESS SOCIETY AND URGES LIMITED WIRETAPPING

(By Robert B. Semple, Jr.)

Richard M. Nixon endorsed yesterday legislative proposals that would authorize some forms of wiretapping and modify Supreme Court decisions that broadened the rights of suspects.

The former Vice President said that the United States had become a "lawless society" and that the Johnson Administration had been "lame and ineffectual" in checking a "staggering 88 per cent" rise in crime in the last seven years.

The charges were made in a 6,000-word document issued by Mr. Nixon's New York office.

Entitled "Toward Freedom from Fear," the document represented Mr. Nixon's blueprint for ending crime in America, restoring safety to the streets and "removing from this nation the stigma of a lawless society."

The statement also represented an attempt to detail what Mr. Nixon has meant by the charge that "some of our courts have gone too far in weakening the peace forces as against the criminal forces."

The charge, which he has made in nearly every speech in six months of campaigning for the Republican Presidential nomination, has always drawn vigorous applause from his listeners.

The statement was divided into four parts. The first dealt with measures to help fight organized crime, the second with measures to deter "street crime," the third with measures to strengthen law enforcement machinery and the fourth with prison reform.

"In the last seven years, while the population of this country was rising some 10 per cent, crime in the United States rose a staggering 88 per cent," the statement said.

"If the present rate of new crime continues, the number of rapes and robberies and assaults and thefts in the United States will double by the end of 1972.

"This is a prospect America cannot accept if we allow it to happen, then the city jungle will cease to be a metaphor; it will become a barbaric reality."

Mr. Nixon, who returned from two days of campaigning in Nebraska for next Tuesday's primary, said that poverty played a heavy role in causing crime.

CONVICTION RATE SCORED

But he said its role had been "grossly exaggerated" by the Johnson Administration. He said that a doubling of the conviction rate—roughly one arrest in eight now results in conviction—"would do more to eliminate crime in the future than a quadrupling of funds of any governmental war on poverty."

To increase the conviction rates and thus deter "street crime," Mr. Nixon recommended Congressional approval of Title II of the omnibus crime bill now pending before the Senate.

This bill, he said, will "correct the imbalance" resulting from two landmark Supreme Court decisions—Escobedo v. Illinois, and Miranda v. Arizona.

In both cases, the Court held that no confession could be used as evidence unless the police had warned the suspect of his right to counsel and to silence.

"From the point of view of the peace forces," Mr. Nixon declared, "the cumulative impact of these decisions has been to very nearly rule out the confession as an effective and major tool in prosecution and law enforcement."

The legislation now before Congress, which the Administration opposes, would permit a case to come to trial and let judge and jury decide whether a confession was voluntary and valid.

Mr. Nixon strongly endorsed a limited use of wiretapping after a court order showing probable cause. The order would be limited to major crime and national security cases.

He described as "puzzling" and "astonishing" the Administration's "adamant opposition to the use against organized crime of the same wiretap and electronic surveillance the Government employs to safeguard the national security."

The former Vice President also recommended the strengthening of the Justice Department's organized crime section, a substantial increase of Customs Bureau officials, legislation making it a Federal crime to invest in legitimate businesses money that had been acquired illegally, a permanent joint Congressional committee on organized crime and the passage of a Republican-sponsored measure to broaden the immunity of witnesses willing to testify on the activities of organized crime.

Mr. Nixon urged higher salaries for policemen. He said this was largely the responsibility of state and local governments, but he did not rule out substantial Federal aid.

"You cannot attract first class men to do the difficult and complex and dangerous job of police work if you simply give them a gun and $100 a week, which is the median beginning salary for patrolmen in our greater cities," Mr. Nixon declared.

He suggested a "major overhaul" of the prison system.

He called for further Federal assistance to the states, a rapid increase in the number of psychiatrists, teachers and others involved in the rehabilitation of prisoners, and the repeal of Federal legislation that "discriminates against prison-made goods" and thus inhibits the development of work-training programs in prisons.

GOLDBERG DISCUSSES THE NONPROLIFERATION TREATY

Mr. CHURCH. Mr. President, last week, at the opening of the resumed session of the U.N. General Assembly, Ambassador Goldberg made a noteworthy statement on the draft nuclear weapon nonproliferation treaty.

In his statement, Ambassador Goldberg asked the following six questions:

1. Does this treaty sufficiently reflect the participation and the ideas of both nuclear-weapon and nonnuclear-weapon states?
2. Will this treaty increase the security of both nuclear-weapon and non-nuclear-weapon states?
3. Will this treaty promote the application of nuclear energy for peaceful purposes, especially in the developing nations?
4. Will this treaty help bring nearer an end to the nuclear arms race, and actual nuclear disarmament, by the nuclear-weapon states, and will it help achieve general disarmament?
5. Does this treaty, in all its provisions, and in its historical setting, contribute to a fair balance of obligations and benefits as between the nuclear and non-nuclear states?
6. Finally, will the interests of all nations be best served by prompt action on the treaty at this resumed session of the General Assembly?

Mr. President, I commend the answers to these questions to the attention of all Senators and ask unanimous consent that Ambassador Goldberg's entire statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY AMBASSADOR ARTHUR J. GOLDBERG, U.S. REPRESENTATIVE TO THE UNITED NATIONS, IN COMMITTEE I, ON THE DRAFT TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS, APRIL 26, 1968

This is indeed an important moment in the history of the United Nations. We are now about to consider what may prove to be one of the most significant and hopeful steps toward world peace that we have ever taken together: the Draft Treaty on the Non-Proliferation of Nuclear Weapons.

This draft treaty has been negotiated in response to repeated and overwhelming mandates of the General Assembly. It will serve three major purposes.

First, it is designed to assure that control over nuclear weapons, with their catastrophic power of destruction, shall spread no further among the nations of the earth.

Second, it is designed to facilitate the way for all nations, particularly those in the earlier stages of economic development, to share in the peaceful blessings of nuclear energy—without arousing fear lest that energy be diverted to nuclear weapons.

And third, it is designed to establish a new and solemn treaty obligation, especially upon the nuclear-weapon powers, to press forward the search for nuclear disarmament; and thereby to create a much more favorable atmosphere in which to progress toward our long-sought goal of general and complete disarmament.

This treaty will do more than any treaty of our time to push back the fearful shadow of nuclear destruction. It will brighten the hopes of all nations, great and small, for a more peaceful world.

I do not ask that these assertions be accepted uncritically by any delegation. The United States, as a major participant in the negotiations, is convinced that the substantial new obligations which we shall assume as a party to this treaty are far outweighed by the degree to which it will serve our national security and our national interests. We fully expect that every sovereign state represented here, in deciding its own attitude, will measure the treaty by the same yardstick: its own enlightened national interest and its national security. And we expect that the draft treaty will pass the test of such a measurement, for the purposes it serves are common to the entire world—purposes of peace, with which the fundamental interests of every nation and people are deeply in harmony.

As this process of measurement and evaluation proceeds during the present debate, many points will undoubtedly be raised concerning the detailed provisions of the draft treaty, whose text is contained in the report that lies before us. Other points will likewise be raised concerning the related matter of security assurances, which is also treated in the same report.

In this opening statement I shall concentrate on certain broad questions which are important to us all, and particularly important to the non-nuclear-weapon states which make up the overwhelming majority of the nations of the world. These questions are as follows:

1. Does this treaty sufficiently reflect the participation and the ideas of both nuclear-weapon and non-nuclear-weapon states?

2. Will this treaty increase the security of both nuclear-weapon and non-nuclear-weapon states?

3. Will this treaty promote the application of nuclear energy for peaceful purposes, especially in the developing nations?

4. Will this treaty help bring nearer an end to the nuclear arms race, and actual nuclear disarmament, by the nuclear-weapon states, and will it help achieve general disarmament?

5. Does this treaty, in all its provisions, and in its historical setting, contribute to a fair balance of obligations and benefits as between the nuclear and non-nuclear states?

6. Finally, will the interests of all nations be best served by prompt action on the treaty at this resumed session of the General Assembly?

In this statement I shall present in brief form the considered answers of my Government to these important questions.

1. Does this treaty sufficiently reflect the participation and the ideas of both nuclear-weapon and non-nuclear-weapon states?

The answer is yes.

In tracing the origin of this treaty, the first point to recall is that the General Assembly itself gave us our first mandate for a non-proliferation treaty more than six years ago, in Resolution 1665 (XVI) proposed by Ireland, and adopted unanimously on December 4, 1961.

In that same year, the Assembly also endorsed the creation of a new negotiating forum for disarmament, the Eighteen-Nation Committee on Disarmament or ENDC, comprising not only the then nuclear-weapon powers and certain of their allies in NATO and the Warsaw Pact, but also eight nations which are not in these alliances, which do not possess nuclear weapons, and which represent every region of the world. That representative committee, meeting in Geneva, became the main negotiating forum for disarmament measures, including the present treaty.

In 1964, after the successful conclusion of the Limited Nuclear Test Ban Treaty, non-proliferation became a principal subject of discussion in the ENDC. Despite wide differences of view among the nuclear-weapon powers, the negotiators were encouarged to press on with this project by the widespread concern which a great many nonnuclear nations expressed over the danger of the further spread of nuclear weapons. That concern was manifested, for example, in the Declaration on the Denuclearization of Africa, adopted by the Summit Conference of the Organization for African Unity on July 21, 1964, which reads in part as follows:

"We, African Heads of State and Government, . . .

"1. Solemnly declare that we are ready to undertake, through an international agreement to be concluded under United Nations auspices, not to manufacture or control atomic weapons;

"2. Appeal to all peace-loving nations to accept the same undertaking;

"3. Appeal to all the nuclear Powers to respect this declaration and conform to it."

The same concern was further manifested in the Declaration by the Second Conference of Heads of State or Government of Non-aligned Countries, issued in Cairo on October 10, 1964, which reads in part as follows:

"The Conference requests the Great Powers to abstain from all policies conducive to the dissemination of nuclear weapons and their by-products among those States which do not at present possess them. It underlines the great danger in the dissemination of nuclear weapons and urges all States, particularly those possessing nuclear weapons, to conclude non-dissemination agreements and to agree on measures providing for the gradual liquidation of the existing stockpiles of nuclear weapons."

Then on June 15, 1965, the same concern was voiced by the United Nations Disarmament Commission when it recommended by a vote of 83 to 1 that the ENDC "accord special priority" to a non-proliferation treaty.

When the General Assembly met in the fall of 1965, the non-aligned eight members of the ENDC offered a resolution calling on the ENDC to meet as early as possible to negotiate a non-proliferation treaty. It also set forth five basic principles to guide the negotiations.

a. The treaty should be void of any loopholes for the direct or indirect proliferation of nuclear weapons in any form;

b. It should embody an acceptable balance of obligations of nuclear and non-nuclear powers;

c. It should be a step toward disarmament, particularly nuclear disarmament;

d. There should be acceptable and workable provisions to ensure its effectiveness;

e. It should not adversely affect the right of states to join in establishing nuclear-free zones.

This important General Assembly Resolution, 2028 (XX) was adopted by a vote of 93 to 0. My Government voted for it, and our representatives in Geneva have kept its principles in mind throughout these two and a half years of negotiation. We believe that the draft treaty fully embodies those principles.

Again in 1966 and 1967 the Assembly addressed itself to this subject in resolutions adopted with virtual unanimity. Most recently, last December 19, Resolution 2346 (XXII) reaffirmed "that it is imperative to make further efforts to conclude such a treaty at the earliest possible date." For this purpose the resolution called on the ENDC "urgently to continue its work" and to report to the Assembly not later than March 15, so that the Assembly could meet in resumed session to give further consideration to this important question.

That timetable was met. On March 14, six weeks ago, the ENDC submitted a full report on the negotiations regarding a draft treaty on the non-proliferation of nuclear weapons, together with the pertinent documents and records. That report lies before us in Documents A/7072 and A/7072 Add. 1, dated March 19, 1968.

The report contains the text of a complete draft treaty, jointly submitted by the United States and the Soviet Union as co-chairmen of the ENDC. This treaty text incorporates a number of views and proposals made by various members of the committee. The report also includes the specific proposals made by various delegations to amend the text, as well as a list of the verbatim records setting forth the views of various delegations, indicating the extent to which they support or remain at variance with the text presented. Finally, the report includes an important related proposal on security assurances, sponsored by the ENDC's nuclear-weapon participants.

It is to consider that report that the Assembly has now resumed its 22nd Regular Session.

Thus it is clear that from its very beginning this treaty project has corresponded to the repeated, virtually unanimous, and increasingly urgent resolutions of the General Assembly, in which the non-nuclear states are of course in the overwhelming majority.

It is equally significant that the non-nuclear states have played a prominent part throughout the actual negotiation of this treaty. This is particularly true of the non-aligned eight members of the ENDC, whose ideas have at many points strengthened the treaty draft and ensured its proper balance of obligations and benefits. This is not to say that all of the suggestions those members made have been incorporated in the treaty text. Indeed, all participants, including the nuclear-weapon states, had to modify some of their concepts as the negotiations developed. The very important changes from the text submitted last August 24 by the United States and the Soviet Union, to the extensively revised text of January 18, and finally to the text of March 11 which is now before us, demonstrate that this is a compromise text to which all participants, nuclear and non-nuclear alike, made their contributions. In addition, many non-nuclear nations not members of the ENDC were able to make important contributions to the present text as a result of intensive consultations by the nuclear powers.

Let there be no mistake: The Non-Proliferation Treaty, in the form in which it lies before us in this Committee today, is not a creation of the United States. It is not a creation of the Soviet Union. It is not a creation of the United States and the Soviet Union. It is the creation of all nations, large and small, which share the knowledge and the determination that man can, and must, and will control these cosmic forces which he has unleashed.

2. Will this treaty increase the security of both nuclear-weapon and non-nuclear-weapon states?

The answer is yes.

The main provisions of the treaty bearing on this question are Articles I, II, and III. The first two articles, taken together, are designed to lock the door to nuclear weapons proliferation for both sides. To this end Article I prescribes for each nuclear-weapon party, and Article II for each non-nuclear-weapon party, certain corresponding prohibitions.

First, Article I forbids each nuclear-weapon party to transfer nuclear weapons, or control over them, directly or indirectly, to any recipient whatsoever—whether that recipient be a party to the treaty or not. Article II locks the same door from the other side by forbidding each non-nuclear-weapon party to receive the transfer of nuclear weapons, or of control over them, directly or indirectly, from any transferor whatsoever—whether that transferor be a party to the treaty or not.

Second, Article I forbids each nuclear-weapon party to assist, encourage, or induce any non-nuclear-weapon state—whether a party to the treaty or not—to manufacture or otherwise acquire nuclear weapons or control over them; and Article II, conversely, forbids non-nuclear-weapon parties to manufacture or otherwise acquire these weapons or to seek or receive any assistance in doing so.

Finally, all that Articles I and II forbid as regards nuclear weapons, they likewise forbid as regards other nuclear explosive devices. This provision is essential because every nuclear explosive device contains the same nuclear components as a nuclear weapon. I shall return to this point in discussing Article V.

These prohibitions are so comprehensive that, in the judgment of my Government, they fully meet the criterion established by the General Assembly in its resolution 2028 (XX) of 1965, that "the treaty should be void of any loopholes which might permit nuclear or non-nuclear powers to proliferate, directly or indirectly, nuclear weapons in any form."

Having thus locked the door to nuclear weapons proliferation from both sides, the treaty then proceeds in Article III to make sure that that door will stay locked. It does this by prescribing international safeguards which have but one function: to verify the treaty obligation that nuclear material shall not be diverted to nuclear weapons. These safeguards are to be governed by agreements to be negotiated and concluded with the International Atomic Energy Agency, which already operates an extensive safeguards system covering peaceful nuclear activities in over 25 countries and is in an excellent position to adapt that system to the requirements of the treaty.

Those are the essential provisions of this treaty in regard to the security of the parties. There are other provisions which are also important to this major goal, notably, Article VII, which gives explicit recognition to the concept of nuclear free zones in which the Latin American States have given the world such an important lead in the treaty recently concluded.

My Government believes that this strict and reliable ban on the proliferation of nuclear weapons will enhance the security of nations, and especially of non-nuclear-weapon states. Let me now submit to the judgment of the members of this Committee the essential reasoning by which we have reached this conclusion.

This reasoning is quite simple and, in my view, incontrovertible. He who acquires nuclear weapons does not thereby gain any lasting security, because the situation which enables him to acquire them also enables his neighbor—perhaps his unfriendly neighbor—to acquire them also. In this way all the points of friction and hostility among nations, large and small, could one after another be escalated to the nuclear level. Thus, at enormous expense, the community of nations would purchase the most dangerous insecurity in human history.

No one knows these truths better than my country, which was the first to develop these awesome weapons. They were born in an age of global war—a tragic age on which, with the establishment of the United Nations, we hope and pray that man has turned his back forever. It is not a privilege to be a nuclear-weapon power. It is a heavy burden—one which my country has sought for 22 years to lay down in safety, by agreement with the other powers that also carry it; and, as I shall show later in this statement, we believe this treaty will help us greatly to move in that direction—a direction which would be welcomed by the whole community of nations.

It would be idle to pretend that the Non-Proliferation Treaty will in itself confer perfect security on any nation. But it will make all of us more secure than we would be in the absence of such a treaty.

If any non-nuclear power still cherishes the theory that the option of some day "going nuclear" somehow gives it additional security, I suggest that that power should consider the sobering report which our Secretary General submitted last fall to the General Assembly "on the effects of the possible use of nuclear weapons and on the security and economic implications for States of the acquisition and further development of these weapons." That report makes eloquently clear, among other things, that the spread of nuclear weapons to still more states "would lead to greater tension and greater instability in the world at large," and that these weapons require a very large and continuous technological and economic investment. And this, on behalf of my Government, I can verify with the greatest certainty. The Secretary General also stated as follows:

"It is hardly likely that a non-nuclear-weapon country, living in a state of hostility with a neighbor, could start to furnish itself with a nuclear arsenal without either driving its neighbor to do the same or to seek protection in some form or other, explicit or implicit, from an existing nuclear weapons power or powers."

Finally, I wish to refer to one other aspect of this matter: the security implications of the relation between non-nuclear and nuclear powers. The United States fully appreciates the desires of the many non-nuclear-weapon states that appropriate measures be taken to safeguard their security in conjunction with their adherence to the non-proliferation treaty. This is a difficult and complicated problem. It is one to which the three nuclear-weapon participants in the ENDC have given their most earnest attention, and as a result they have proposed a solution which we believe to be of major importance. This solution takes the form of a draft resolution on security assurances, to be sponsored in the Security Council by the United States, the Soviet Union, and the United Kingdom. The text of this draft resolution can be found in the report of the ENDC which we have all received, and to which I have already referred.

The matter of security assurances is too important a subject for me to discuss definitively in this statement today. I do wish to emphasize, however, that, in the view of the United States, aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear state would create a qualitatively new situation—a situation in which the nuclear-weapon states which are permanent members of the United Nations Security Council would have to act immediately through the Security Council to take measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter. Later in the course of this debate my delegation expects to set forth in more detail the position of the United States on this highly important subject.

3. Will this treaty promote the application of nuclear energy for peaceful purposes, especially in the developing nations?

The answer is yes.

This aspect of the treaty is covered in Articles IV and V, which reached their present form chiefly as a result of the efforts of several of the non-nuclear and non-aligned members of the ENDC. In addition, the safeguards provisions in Article III have a most important and constructive bearing on this aspect of the treaty, as I shall show in a moment.

Perhaps the most significant provision of Article IV is contained in paragraph 2, which lays a specific, positive obligation on parties to the treaty that are in a position to do so to contribute to the peaceful applications of nuclear energy, especially in the territories of the non-nuclear-weapon parties—among which are notably the developing nations. The promotion of such peaceful applications was one of the major considerations underlying our proposal, 15 years ago, to establish the International Atomic Energy Agency. We are very glad to see this obligation embodied in this multilateral treaty. We are well aware of what its implementation can mean for the building of new industries, the lighting of cities, the manufacture of chemical fertilizers, the desalting of sea water, and many other aspects of economic development requiring large inputs of energy.

On behalf of the United States, and with the full authority of my Government, I pledge unreservedly, in this open forum and before this important Committee of the Assembly, that, in keeping with the letter and spirit of this treaty provision, we will appropriately and equitably share our knowledge and experience, acquired at great cost, concerning all aspects of the peaceful uses of nuclear energy, with the parties to the treaty, particularly the non-nuclear parties. This is not only a promise; when this treaty takes effect it will become an obligation under a treaty which, when approved by our Congress and President, will be, under our Constitution, a part of the supreme law of the land.

However, the importance of this treaty to the peaceful uses of the atom is by no means confined to Article IV. Many people do not realize that there is an extremely practical reason why, when we close the door to the proliferation of nuclear weapons, we thereby also help to open wider the door to the benign use of the atom throughout the world—particularly as a source of peaceful power.

The reason for this is rooted in a basic fact of nuclear reactor technology. It has been estimated that before the end of this century nuclear power stations may be supplying as much as half of the world's fast-growing requirements for electrical energy. But these same power stations would produce as a byproduct plutonium, which can be used in nuclear weapons. And it has been further estimated that long before the end of the century—by 1985, in fact—a date close at hand—the world's peaceful nuclear power stations alone will be turning out as a by-product enough plutonium for the production of 20 nuclear bombs every day.

Faced with this awesome prospect, we have only three choices. First, we could allow this production of plutonium, with its terrible potential for destruction, to grow unchecked and unsafeguarded in nuclear power stations throughout the world. This is clearly an unacceptable choice to people everywhere.

Second, we could decide that the non-nuclear-weapon states of the world, despite their fast-growing energy needs, must do without the benefits of this extremely promising energy source, nuclear power—simply because we lack an agreed means of safeguarding that power for peace. This too is an unacceptable choice—indeed, it is unthinkable.

Third, we can agree on safeguards that will help insure against the diversion of nuclear materials into nuclear weapons, yet will not impede the growth of peaceful nuclear power among nations that desire it for their development—on the contrary, will create the very atmosphere of confidence that is so essential to that beneficial growth. This is precisely the course of action embodied in Article III.

I have gone into this point at some length because there has been in some quarters an understandable concern lest the safeguards become an actual obstacle to peaceful nuclear development. As a matter of fact, paragraph 3 of Article III directly meets this concern by stipulating that the safeguards shall not hamper peaceful development. As proof of my country's confidence in this provision, the President of the United States announced last December 2 that when safeguards are applied under the treaty, the United States—above and beyond what the treaty will require of us as a nuclear-weapon-power—will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States except those with direct national security significance.

Moreover, for the reasons I have given we believe the safeguards will prove to be a great spur to the spread of nuclear power. We look forward to the day when the International Atomic Energy Agency will not only serve as the responsible agency for safeguards under this treaty, but will also, while performing that function, make a vital contribution to the sharing of peaceful nuclear technology.

Turning to Article V, we come to an aspect of peaceful nuclear technology which is still in the development stage: namely, peaceful nuclear explosions. This technique promises one day to yield valuable results in recovering oil, gas, and minerals from low-grade or otherwise inaccessible deposits in the earth, and also for large-scale excavations. The problem, however, is how to make these benefits available to all parties without defeating the treaty's main purpose of non-proliferation—since there is no essential difference between the technology of peaceful nuclear explosive devices and that of nuclear weapons.

Article V solves this problem by requiring that benefits from this technology shall be made available to the non-nuclear-weapon parties without discrimination, through appropriate international procedures, and at the lowest possible charge—excluding any charge for the very costly process of research and development.

My country has a large and expensive research and development program in the field of peaceful nuclear explosions. Again, on behalf of my Government, and with its full authority, I state categorically to this Committee that the United States will share with the parties to the treaty, in conformity with Article V, the benefits of this program. Insofar as the United States is concerned, when this treaty goes into effect this obligation too will become, under our Constitution, the supreme law of the land.

No country outside the United States, under this commitment, will be asked to pay one cent more for this service than our own nationals. Moreover, all indications are that when this technology is perfected, there will be no scarcity of explosive devices, and therefore that all requests can be handled without raising problems of priority.

Let me add that, whether such services are provided through multilateral or bilateral channels, the United States intends—in order to ensure compliance with Articles I and II of the treaty—that they shall be provided under appropriate international observation.

This entire subject of "programs for the peaceful uses of nuclear energy" is on the agenda of the scheduled Conference of Non-Nuclear States, which will convene this coming August. Last December 18 I gave in this very Committee a categorical assurance that the United States would support that conference. I reaffirm that assurance in the same categorical terms.

Without prejudging any decision of that conference, in my view it could perform a useful service, among others, by giving consideration to the question of the best means of putting Articles IV and V of the treaty into effect so as to meet the needs of the non-nuclear-weapon states which are the beneficaries of them.

4. Will this treaty help bring nearer an end to the nuclear arms race, and actual nuclear disarmament, by the nuclear-weapon states, and will it help achieve general disarmament?

Again, the answer is yes.

Once again, it was chiefly at the initiative of the non-nuclear states that this problem was directly addressed in the operative section of the treaty by the insertion of Article VI. In that article all parties "undertake to pursue negotiations in good faith" on these further measures. This is an obligation which, obviously, falls most directly on the nuclear-weapon states.

Ideally, in a more nearly perfect world, we might have tried to include in this treaty even stronger provisions—even, perhaps, an actual agreed program—for ending the nuclear arms race and for nuclear disarmament. But it was generally realized in the ENDC that if we were to attempt to achieve agreement on all aspects of disarmament at this time, the negotiating difficulties would be insurmountable and we should end by achiving nothing.

However, this treaty text contains, in Article VI, the strongest and most meaningful undertaking that could be agreed upon. Moreover, the language of this article indicates a practical order of priorities—which was seconded in the statement read on behalf of the Secretary General—headed by "cessation of the nuclear arms race at an early date" and proceeding next to "nuclear disarmament" and finally to "general and complete disarmament under strict and effective international control" as the ultimate goal.

Let me point out that further force is imparted to Article VI by the provision in Article VIII for periodic review of the treaty at intervals of five years, to determine whether the purposes of the preamble and the provisions of the treaty are being realized. My country believes that the permanent viability of this treaty will depend in large measure on our success in the further negotiations contemplated in Article VI.

The commitment of Article VI should go far to dispel any lingering fear that when the Non-Proliferation Treaty is concluded the nuclear-weapon parties to it will relax their efforts in the arms control field. On the contrary, the treaty itself requires them to intensify these efforts. The conclusion of it will do more than any other step now in prospect to brighten the atmosphere surrounding all our arms control and disarmament negotiations. Conversely, its failure would seriously discourage and complicate those negotiations—especially if the number of nuclear-weapon powers should increase still further.

Following the conclusion of this treaty, my Government will, in the spirit of Article VI and also of the relevant declarations in the Preamble, pursue further disarmament negotiations with redoubled zeal and hope—and with promptness. And we anticipate that the same attitude will be shown by others.

As President Johnson told Congress last February, in discussing the significance of this pledge:

"No nation is more aware of the perils in the increasingly expert destructiveness of our time than the United States. I believe the Soviet Union shares this awareness.

"This is why we have jointly pledged our nations to negotiate toward the cessation of the nuclear arms race.

"This is why the United States urgently desires to begin discussions with the Soviet Union about the buildup of offensive and defensive missiles on both sides . . .

"Our hopes that talks will soon begin reside in our conviction that the same mutual interest reflected in earlier agreements is present here—a mutual interest in stopping the rapid accumulation and refinement of these munitions.

"The obligations of the non-proliferation treaty will reinforce our will to bring to an end to the nuclear arms race. The world will judge us by our performance."

5. Does this treaty in all its provisions, and in its historical setting, contribute to a fair balance of obligations and benefits as between the nuclear and non-nuclear states?

The answer again is yes.

This question is sometimes asked in a way which seems to assume that the right of a state to possess and further develop nuclear weapons is something greatly to be prized, and that the giving up of that right, or any part of it, is a great loss. As I have already indicated, in view of the burdensome, perilous, and almost self-defeating character of the arms race, and the very tenuous security that nuclear weapons confer, this is at best a dubious premise. But for the sake of argument let me for the moment grant it, and see whether even on that basis the obligations and benefits of this treaty are in or out of balance.

The major obligation which this treaty will impose on the non-nuclear-weapon states is, of course, not to acquire nuclear weapons.

A second obligation is to accept the safeguards procedures in Article III.

Against those obligations by the non-nuclear powers, the nuclear powers will assume—or have already assumed by virtue of treaties already in force—the following obligations:

1. Not to carry out test explosions of nuclear weapons in the atmosphere, in the oceans, or in outer space.

2. Not to place nuclear weapons in orbit around the earth, or on the moon or any other celestial body, or anywhere else in outer space, or in Antarctica.

Those obligations are already in force. Under the Non-Proliferation Treaty the nuclear-weapon powers will assume several further obligations, lengthening the list as follows:

3. Not to transfer nuclear weapons, or control over them, to any recipient whatsoever. This is a most substantial restraint in both the strategic and political terms, and in connection with the sovereignty of the nuclear-weapon states.

4. To contribute to the peaceful nuclear development of non-nuclear weapon states.

5. To provide peaceful nuclear explosion services at prices far below their true cost.

6. To pursue negotiations to divest themselves of large arsenals of existing and potential nuclear and other armaments.

Such is the balance of *obligations*. But we should also bear in mind—indeed, it cannot be emphasized too strongly—that the *benefits* of Articles IV and V, on the peaceful uses of nuclear energy, including peaceful nuclear explosive devices, will flow primarily to the non-nuclear-weapon states.

I have listed these items in order to show that even if we were to look on the negotiation of this treaty as some sort of adversary proceeding, with no element of common interest but only a balancing of opposing interests, then the balance in this text would not necessarily or obviously be in favor of the nuclear-weapon powers. In fact, it would be to the contrary.

But that is not the way in which my country views this treaty. To be sure, the interests of all powers are not identical, and where they differ some equitable balance must indeed be found; and we believe it has been. But in a larger sense, the balance of opposing interests in this great enterprise is of quite minor importance when it is placed beside the overriding common interest of all nations in the sheer survival of the human race. Make no mistake, members of this Committee; sheer human survival is the elemental common interest that imperatively requires us all to work together to bring the nuclear arms race under control. This treaty is a great step in that vital effort. If we are to go forward toward the goal of general and complete disarmament, this step must be taken and taken now; and we can only take it together. Our common interest in doing this outbalances all other considerations.

6. Will the interests of all nations be best served by prompt action on the treaty at this resumed session of the General Assembly?

Again my answer is yes, definitely yes.

Time is not on our side. As we at the United Nations well know, this is a dangerous world with many points of international tension and conflict. Many nations possess the technical expertise necessary to develop nuclear weapons; and, in a world without treaty restraints and safeguards, they may soon be tempted to do so, notwithstanding the extraordinary drain on their resources which this effort would impose.

There is a further reason which impels us urgently to endorse this treaty at this very session. At this moment this troubled world needs above all to be reassured that detente, rather than discord, will be the prevailing atmosphere in the world affairs, in order that other points of conflict may be resolved by the preferred Charter means of negotiated peaceful settlements. The endorsement of this treaty now will be a major contribution to this detente, and will improve the atmosphere for peaceful settlement of other conflicts, the resolution of which brooks no delay.

Time indeed is not on our side. Every addition to the number of nuclear weapon powers will multiply once again the difficulties of stopping this step-by-step proliferation. The longer we wait, the more difficult our task will become—until, perhaps, a day arrives when it will have become impossible.

We must master our fate—or fate will master us.

My country is deeply convinced that this treaty will accomplish its great purposes—if we act in time.

The immediate necessity is that we should take the next step: the endorsement of the treaty by the General Assembly at this session. In this resumed session, as I said at the beginning of my statement, we stand at an historic point of decision. From this point we survey not merely the immediate subject matter of this treaty, but a much wider vista, embracing the long struggle of modern man to conquer the demon of fratricidal war among the nations of the earth. It is a point at which we cannot stand still, for events will not permit us to stand still. From this point we must move either forward or back.

If we insist upon a perfect treaty—each member with its different ideas of perfection—then we shall be unable to move forward, for there is no perfection in this world.

If after careful deliberation we insist that the last grain of uncertainty be removed, then we shall be unable to move forward, for there is no complete certainty in this world.

We are at the moment when all of us, united by our common interest in peace and sheer human survival, must together summon the courage to take this long stride forward. We must always remember the excellent advice given by the greatest of British poets, a poet who is the property of all mankind:

"There is a tide in the affairs of men;
Which, taken at the flood, leads on to fortune;
Omitted, all the voyage of their life,
Is bound in shallows and in miseries."

Fellow representatives, this fateful tide is at the flood now. Let us take it now while we have the opportunity. It may never recur.

STOKES AWARD FOR JOURNALISTS OF WATERTOWN, N.Y., TIMES

Mr. JAVITS. Mr. President, three journalists of the Watertown, N.Y., Times have just been designated as the 1968 recipients of the coveted Thomas L. Stokes Award for excellence in public service journalism.

Reporters, columnists, and editors on every newspaper in the United States and Canada are eligible for the award, and it is a source of great pleasure to me that the recipients this year are all associated with the Watertown Times, one of the finest and most complete newspapers in the Nation. The winners are Alan Emory, Washington correspondent of the Times and a past member of the Standing Committee of Correspondents of the Congressional Press Galleries; news Editor Frank Augustine; and John B. Johnson, editor and publisher of the Watertown Times.

Mr. President, it is appropriate that the three New York newsmen have been honored in this way: First, because the award tends to highlight the outstanding journalistic work being done every day on some of the smaller newspapers in this country—work that is often overlooked when such awards are made; and second, these New Yorkers received the Stokes award for their work on a very complex issue, an issue which they examined from every angle and presented with such clarity and conviction that public opinion in my State was interested and made articulate far beyond the circulation area of the Watertown Times itself.

The award winners established that a proposal made in the New York State Legislature which would have allowed only private utility companies to borrow money from a State agency to finance atomic power production would have made it impossible for New York's public power organization to get into this vital field. Within the past week, following the suggestion of a State task force, the Governor recommended to the legislature that the State power authority should be authorized to build a nuclear powerplant.

Mr. President, I publicly commend these newsmen for their efforts. They have not only won an award but have earned the gratitude of all New Yorkers for clarifying the elements of this important debate, the outcome of which could greatly affect the supply and cost of electric power in our State for many years.

VICTORY AT KHESANH

Mr. BREWSTER. Mr. President, the last week of March and the first week of April were exciting times in the history of this country. But due to domestic events, one of the most remarkable victories of the Vietnam war, which took place during this time, received only routine coverage in many American news media.

This, of course, was the victory of American forces at Khesanh.

The story of the North Vietnamese withdrawal from Khesanh deserves to be retold. A brief but informative account was published in U.S. News & World Report on May 6. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HISTORY-BOOK BATTLE: THE RED DEFEAT AT KHESANH

(NOTE.—Here is a real story of a misunderstood battle: Despite prophecies of disaster, Marines at Khe Sanh were never in serious danger. From the outset of the 71-day siege, it was a case of pitting massive firepower against manpower. Victory was won by guns, bombs and logistics.)

The full story of what historians will call "the 71-day siege of Khe Sanh" can now be told. By any military standards, it was a clear U.S. victory.

At the end, the North Vietnamese not only failed to achieve their objectives, but abandoned the battlefield, leaving behind mounds of supplies and piles of unburied dead—a rare and, in Asian eyes, particularly disgraceful act.

Despite reports to the contrary, the 2-square-mile outpost, manned by 6,000 Marines, 500 South Vietnamese Rangers and 50 Navy Seabees, was never in danger of being overrun.

ACCORDING TO PLAN

Khe Sanh was a textbook example of what the military calls "occupying terrain by firepower." It was planned that way.

In the course of the operation, Navy, Air Force and Marine pilots flew 24,449 combat sorties, including 2,500 by B-52 strategic bombers. They dropped 103,500 tons of bombs on the North Vietnamese troops, who were also hammered by 104,741 rounds of artillery and mortar fire. Only 21 aircraft were lost to enemy fire, three in the air.

Army and Air Force estimates of enemy casualties range from 6,000 to 20,000 dead, although the Marines, who are sweeping the hills to the north, west and south of Khe Sanh, are inclined to the lower figure. So far the Marines have found 600 bodies. Undoubtedly, however, hundreds of bodies were carried into Laos for burial.

Some Air Force enthusiasts are referring to Khe Sanh as history's first victory of air power over ground forces. A more balanced view, now emerging, is that, while air power played the major role, it was by no means the only pressure that forced the enemy to flee the battlefield.

As much as anything, Khe Sanh was a classic example of combined operations spread over thousands of square miles in which the prime objective of 250,000 U.S. soldiers, sailors, airmen and marines and South Vietnamese troops was support of the beleaguered outpost.

There are officers in each of the services who maintain that Khe Sanh was the least-understood military operation of the Vietnam war.

From the outset, correspondents with little or no military experience predicted disaster. The Marines say this caused unnecessary anguish among the families of the men at Khe Sanh.

Most of the top military men, on the other hand, were completely calm and confident about the outcome from the start.

During the operation, the outpost received only 10,800 rounds of enemy artillery and mortar fire, the maximum in any one day being 1,300 rounds. During the Korean War, one tiny outpost covering 275 square yards received 14,000 rounds in a 24-hour period.

Marine casualties at Khe Sanh and its environs during the siege were 199 killed and 830 wounded seriously enough to require evacuation. By Korean and World War II standards, these are "light" casualties for 71 days of active operations.

By Marine reckoning, the siege of Khe Sanh began January 19 and ended March 31. Operations of this magnitude do not normally develop in a vacuum—and Khe Sanh was no exception.

HOW THE SIEGE BEGAN

The Khe Sanh operation actually had its origin in September, 1967, when the North Vietnamese attempted to punch through the Marine positions along the Demilitarized Zone (DMZ) by attacking at the outpost called Con Thien.

The enemy objective during the 24-day battle at Con Thien, as at Khe Sanh, was to open an invasion route into the Quang Tri River valley and thus outflank the Allied defense positions along the DMZ.

Failure to hold at either Khe Sanh or Con Thien would have forced an Allied withdrawal of nearly 50 miles to the south—the next defensible ground—and delivered nearly 100,000 South Vietnamese civilians to the Communists.

The attack by the North Vietnamese at Con Thien was beaten back. Shortly thereafter, Allied intelligence discovered the North Vietnamese were side-slipping three divisions westward to the mountains where North and South Vietnam meet Laos.

About 15 miles south of this junction is the east-west Highway 9, which runs from Laos through part of the Quang Tri Valley and meets Highway 1, the main north-south artery, north of Quang Tri City.

Intelligence concluded that the North Vietnamese had not abandoned the idea of outflanking the DMZ, and that the next logical point of attack was at the Khe Sanh, then held by 1,000 Marines.

THE 3-MONTH CYCLE

Further, intelligence calculated the attack would develop in mid-January. This was not guesswork. North Vietnamese military operations run in measurable cycles. After a major operation, it normally takes the Red units three months to regroup, resupply and obtain replacements.

After consultation with the Marines, Gen. William C. Westmoreland, the U.S. commander in Vietnam, ordered Khe Sanh reinforced. Early in January, three additional Marine battalions were moved to the outpost. They immediately began fortifying the enlarged perimeter around the airfield, maintained by the Seabees, and the high group to their front.

At the same time, General Westmoreland began shifting two Army divisions into the Marine sector.

By January 19, it was apparent to the Marines that the North Vietnamese had at least 2½ divisions and an artillery regiment—20,000 men—in the hills around them.

From the outset, the Marines were confident Khe Sanh could be held, for they were supported by more than 30,000 troops within immediate striking distance, plus enormous air power and artillery.

The Marines were actually hoping the enemy would attempt to take Khe Sanh, for to do so the Reds would have had to mass their forces in the open. The Marines were anticipating a "turkey shoot." So were Air Force, Marines and Navy pilots.

Contrary to widespread reports, the Marines were never completely "buttoned up" inside their main perimeter. Throughout the 71 days, they maintained hill outposts and even kept the Second Battalion of the 26th Marine Regiment "outside the wire" along high ground overlooking an enemy approach route from the north. It was supplied entirely by truck. Even the Marines' main water supply point was outside the perimeter and was never in jeopardy.

During the time Khe Sanh was supposedly "sealed off" by the enemy, the Air Force proceeded calmly to airlift 1,000 mountain-tribe refugees from the perimeter.

THE ROLE OF LOGISTICS

Behind the Marines a sort of minor miracle in logistical support was taking place. Armchair strategists often ignore logistics, but professional military men note that battles are won principally on the supply routes.

Good logistics is the art of delivering the right material to the right place at the right time.

During the Khe Sanh operation, the Allied forces along the DMZ needed more than 3,000 tons of goods daily. Khe Sanh itself needed only 200 tons—roughly the cargo capacity of 10 Air Force C–130 aircraft. There was always a 21-day supply of food, ammunition and medicine on the ground at Khe Sanh.

There are three ports of entry for supplies into the five northern Provinces known as I Corps—the 8,000-man naval support activity at Da Nang, and the small ports at Hue and Cua Viet. The latter is just below the DMZ.

During the 71-day siege, there was actually more fighting along the supply routes than at Khe Sanh.

From January 19 to March 31, the North Vietnamese lost 5,373 men in I Corps operations.

During this period, the Marines elsewhere in I Corps, outside Khe Sanh, had 384 killed, while the South Vietnamese lost 215 and the U.S. Army 11.

Every day, 500 tons of supplies moved northward from Da Nang by truck over Highway 1. Between Da Nang and Hue there are 110 bridges, 23 of which had been destroyed by saboteurs. The Navys' Seabees rebuilt 17 and bypassed the others, losing 12 men killed and 105 wounded in the process.

The bulk of the supplies were delivered by small Navy boats up the rivers and canals. What didn't move by truck or boat went by air.

VICTORY BY FIREPOWER

In mid-March, just when the predictions of disaster were most widespread, the Marines learned that the enemy was withdrawing, unable to withstand the pounding from the air and artillery.

There is little doubt that the victory at Khe Sanh was achieved by massive firepower. Prisoners picked up later by the Marines reported that, at the end, their rice ration had been cut to one sixth of an ounce a day instead of the normal two pounds.

One enemy group reported they had been part of a 270-man patrol which was hit by the B–52s near the hamlet of Ba Lai. Only 60 survived.

Still other prisoners estimated that 10 men in every unit suffered concussion, which was evidenced by uncontrolled bleeding from the mouth, ears, nose and intestines. All such cases had to be evacuated, they said.

Already the Marines have found 193 crew-served weapons abandoned. Two mounds of mortar shells, totaling 11,000 rounds, have been found along with crates of rocket shells and 50 cases of 50-caliber ammunition.

All this indicates to the Marines that the enemy withdrawal may have been less than orderly.

ANOTHER TRY?

In the aftermath of Khe Sanh, the evidence is accumulating that the North Vietnamese have not abandoned the idea of outflanking the DMZ, this time further south at the A Shau Valley, which juts into South Vietnam between Hue and Da Nang. One of the divisions mauled at Khe Sanh has been sent toward the A Shau Valley.

Even so, the Marines and Army are freed from the Khe Sanh operation and, like the enemy, they have regained their mobility.

Intelligence looks for another attempt to outflank the DMZ to develop in May, although it is reasonably certain that the divisions involved at Khe Sanh will not be in shape to contribute much.

A Marine briefing officer summed up the end of Khe Sanh:

"Matters are back to normal. We are conducting routine sweep operations."

THE MARCH ON WASHINGTON AND CRIME IN THE DISTRICT OF COLUMBIA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD the following articles:

"District Planning To Aid Marchers and Cope With Any Civil Disorders," written by Carl Bernstein, and published in today's Washington Post.

"March Means New Life in District of Columbia to Delta Youth," written by Charles Conconi, and published in today's Washington Evening Star.

"He'll Be Tough, Abernathy Says," written by Ron Speer, and published in today's Washington Evening Star.

"District of Columbia Police Patrols Boosted Up to 20 Percent," written by Paul Delaney, and published in today's Washington Evening Star.

"Man Is Charged in Arson Threat," published in today's Washington Evening Star.

"District of Columbia Guards To Train Nearby This Summer," published in today's Washington Evening Star.

"Seven More Fires Set Here, Catholic University Art Building Burns," written by Walter Gold, and published in today's Washington Evening Star.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 9, 1968]

DISTRICT PLANNING TO AID MARCHERS AND COPE WITH ANY CIVIL DISORDERS

(By Carl Bernstein)

Despite an official "hands-off" policy, the District government is reluctantly mapping plans to make the Poor People's Campaign feel at home here.

At the same time, city officials are vigorously updating plans to cope with a civil disturbance should the campaign trigger new violence in the Capital.

Military authorities are also preparing for the Campaign and have ordered specially designated troops in the Washington area put on standby alert. The District National Guard has informed its men they will not leave the city for annual two-week tours of active duty this year, but instead will spend summer camp at nearby Army posts in a "readiness state."

The District's planning for the Campaign falls into three categories: police and fire protection, which is being coordinated by Public Safety Director Patrict V. Murphy; arrangements to feed the demonstrators and make community services available to them, a task being handled by the Health and Welfare Council and quietly coordinated with the city, and emergency operations for all city departments should the gathering evoke disorder.

Although the city government is not expecting the Poor People's Campaign to produce violence, it is "taking all the eventualities into account and planning for any eventuality," as Mayor Walter E. Washington told a Senate subcommittee last month.

Because of the city's official position of noninvolvement with the marchers, plans to provide assistance to the demonstrators are being coordinated by the Health and Welfare Council, a nongovernment agency.

However, the effort to make community services available is being supervised by both HWC and Julian R. Dugas, director of the Department of Licenses and Inspections and one of the Mayor's chief troubleshooters. Dugas also has been chosen by the Mayor to supervise the city's emergency planning for the Campaign, exclusive of police and fire operations.

Explaining the city's link with HWC, one District official said yesterday that "if we had our druthers we'd prefer that the marchers stay away, not because of the merits of the Campaign, but because this is a particularly bad time for the city. But since they are coming, we feel they should be made welcome and assisted, like other visitors to the city. That's where HWC comes in."

Glenn Watts, president of the Health and Welfare Council, said, "The city has pretty much said, 'You're our agent.' "

Watts said that the Council has arranged to provide up to 4000 meals a day to the demonstrators for at least four weeks, if necessary. A committee representing the city's retail food industry has agreed to supply provisions, Watts said.

Other HWC plans, including emergency housing and health services, are still indefinite, he added.

Like city officials, Watts is concerned that the Southern Christian Leadership Conference, which is sponsoring the Campaign, has provided virtually no information about what the marchers plan to do when they reach Washington later this month.

City authorities say SCLC has told them the site they want for their tent city is on the Mall—in an area bounded by the Washington Monument, 17th Street and Independence and Constitution Avenues.

"If SCLC's style is to keep everybody else off balance said Watts, "they're certainly succeeding."

One city official who has been in touch with SCLC's leadership described the group's planning for the Campaign as "basically nonexistent." March leaders, he said, "are just beginning to think of what you do about sanitation and water and health problems."

Some of Mayor Washington's closest aides have expressed anger at the move by some members of Congress to prevent the demonstrators from getting a permit to camp on the Mall and speculate that the vocal discontent on Capitol Hill has contributed to SCLC's secrecy about plans for the Campaign.

In his role as chief emergency planner, Dugas has received detailed reports from city department heads in the past week listing the services that agencies would perform in the event of another disorder in the city.

Although Dugas has refused to comment on the reports, sources in several city agencies said yesterday that their emergency plans have been considerably altered on the basis of lessons learned from last month's disorders. Changes include:

Arrangements to reserve special telephone circuits for virtually all city departments during an emergency. In the April outbreak, several agencies were unable to maintain contact with their employes because of busy circuits.

Abandoning Welfare Department plans to use several public schools and—if necessary—D.C. Stadium to house persons displaced in a disorder. From last month's experience, it was determined that the Department had overestimated the number of persons likely to be displaced and that use of public schools was inefficient. In the altered plans, displaced persons would be housed at Welfare Department institutions, where food and medical services are regularly available.

Health Department plans to move—if necessary—teams of physicians and nurses to a central location near the staging area of the Campaign and preparations to make food inspections and maintain sanitation standards at the camp site.

Police plans to use a new arrest form, similar to a traffic ticket, that would enable policemen to remain on the streets while their suspects are taken to jail and arraigned.

Arrangements to photograph suspects at the scene of their arrest with Polaroid cameras and eliminate identification procedures at cellblocks.

Plans to segregate prisoners by offenses with which they are charged to eliminate confusion in cellblocks.

[From the Evening Star, May 9, 1968]

March Means New Life in District of Columbia to Delta Youth

(By Charles Conconi)

Marks, Miss.—The lanky 17-year-old wearing a red baseball cap had made up his mind—if everything goes right, he could complete school in Washington, get a good job and send for his mother and seven sisters and brothers.

Joseph Freeman, a painfully serious youth, left home yesterday for a bus ride to the Nation's Capital and, as he sees it, perhaps the opportunity for a new life.

Behind him in the Mississippi Delta roadside town of Crenshaw, some 18 miles from here, his family lives on $99 a month in a small sharecropper's home.

Joseph, the oldest of his family, is like many youths who joined the Poor People's Campaign caravan here—he is talking about staying in Washington or somewhere in the North "because there is no work here to do."

TALK OF OPPORTUNITIES

It is impossible to estimate how many of the thousands of demonstrators converging on Washington this month will stay there. But many are talking about the opportunities in the North and the chance to get a free ride there by joining the Southern Christian Leadership Conference campaign.

SCLC field organizers have not discourged this idea and some, like the fiery Rev. James Bevel, have said at mass rallies how easy it is to get on welfare in Washington, which pays considerbly more than do similar programs in this state.

Joseph is not interested in welfare. He is interested in finishing school and finding a job.

"When you find work," the youth related, nervously rubbing his nose, "you are not getting nothing for it. You kill yourself driving a 40-20 (a big tractor) all day because there is nothing but tractor driving, and when you come home you is so tired you just lay around."

Joseph, who dropped out of the 10th grade nearly two years ago when his stepfather died, said he had only one steady job since—one for four months running a chainsaw for a tree service at $1.55 an hour.

The rest of the time, Joseph has had jobs driving tractors for brief stints, wheeling the heavy machines across the dusty fields from sunrise to sunset for an average wage of $82 a week.

Joseph, whose father deserted his mother before he was born, is the kind of person SCLC was looking for when it decided to bring representatives of the poor to Washington.

REPRESENTS POOR

In his quiet, careful way of unemotionally talking about what he wants for himself and his family, Joseph is the Mississippi poor.

He represents the poor of this state who sit in sagging tarpaper shacks, without plumbing, on the back acres of grand plantations that their ancestors helped farm and build.

"I am going (to Washington) because I think every person should have an opportunity for himself to take care his own people for his own way of living," he explained.

"Maybe when I get to Washington, maybe I can pick up where I left off (in school). Two years isn't too much," he said almost trying to convince himself. "And maybe then I can find a better job or something."

Then, looking a little frightened and a little sad for the first time, Joseph added: "Maybe I can send back money and bring my mother and family up."

[From the Washington Evening Star, May 9, 1968]

He'll Be Tough, Abernathy Says—King Only Rocked Boat, March Told

(By Ron Speer)

Birmingham, Ala.—The Rev. Ralph D. Abernathy, flexing his muscles as the head of the Southern Christian Leadership Conference, says he "won't be nice the next time I go to Washington."

The successor to the late Rev. Dr. Martin Luther King, Jr. as head of the civil rights organization said last night that he won't rely on violence when he leads the Poor Peoples Campaign into Washington.

"I won't be violent—but I'm going to tell them that time has run out," Abernathy said, wrapping up a day of Alabama marches on the Southern leg of the campaign.

"A STEP FARTHER"

"I was in Washington last week, and I was nice," Abernathy said. "But I won't be nice the next time."

Abernathy told about 1,000 Negroes in the Sixth Avenue Baptist Church that he plans "to go a step farther" than King.

"Under Dr. King, we were just going to rock the boat," Abernathy said. "The white people didn't know him, and they killed him.

"But under the leadership of Dr. Ralph Abernathy, I'm going to go a step farther.

"We're going to turn this nation upside down and rightside up," he said, "because we are sick and tired of poverty, and our babies dying in Mississippi, Alabama, and Georgia.

"We're tired of them getting all the money," he added. "When my grandfather was freed they promised him 40 acres and a mule.

"I'm going to Washington to collect those 40 acres and that mule—and I want the interest, too."

Abernathy, Dr. King's lieutenant since the SCLC was founded, said he turned down a request in Atlanta yesterday that he pay a visit to his former chief's grave.

"I haven't got the time to go to his grave," he said. "I served him when he was alive." Abernathy, pointing out that King was a man with a dream, said that "I've got some dreams, too," and he added that he plans to name a campsite to house the poor in Washington "Resurrection City, U.S.A."

Abernathy said he would be in Boston today to kick off the Northeast leg of the campaign, but he called on the campaigners in Alabama to "make one more march before you go to Georgia."

"I think you folks ought to march through the 16th Street Baptist Church," he said, pointing out that five years ago four young Negro girls died there when the church was bombed.

REGROUP FOR GEORGIA

The campaigners, who were halted by authorities in Montgomery earlier yesterday when a march was ruled in violation of parade regulations, spent the evening in Birmingham listening to speeches and regrouping for the advance into Georgia today.

Children were fitted to used shoes donated to the campaign. Teen-age girls grabbed fresh frocks from a pile. And everyone searched for friendly residents willing to provide a bed for the night.

Campaigners also bowed their heads in a minute's silent prayer for Alabama Gov. Lurleen Wallace who died Tuesday. And Hosea Williams, one of the SCLC leaders, chastised them for buying badges, buttons and books about Dr. King from "white people selling this stuff who hated Dr. King."

"A million dollars is being squandered for this stuff—and not a dime goes to the SCLC," said Williams, who is in charge of the upcoming activities in Atlanta.

INDIANAPOLIS RALLY

The first campaign contingent from the Midwest, including people from Milwaukee and St. Paul, arrived in Indianapolis by bus late last night after a rally in Chicago. Their plans called for a downtown rally in Indianapolis today.

About 400 travelers spent the night in Nashville, Tenn. About 300 of them rode air-conditioned buses from Marks, Miss., to Nashville yesterday.

Another group leaves from Marks today in a mule train, led by the Rev. Andrew Young, an SCLC leader and longtime associate of King.

About 400 marchers from Alabama and Mississippi plan to arrive in Atlanta by bus by noon today.

In Atlanta, plans call for a march to the Auburn Avenue home where King was born and the placing of a memorial plaque there.

TO HEAR MRS. KING

The group will gather this evening at Atlanta's plush new civic center where they will hear King's widow, Coretta, speak.

Also planned for the civic center gathering is a benefit performance by some of the top names in the recording business, an SCLC spokesman said, including Harry Belafonte and the Supremes.

Marchers in Nashville leave for Knoxville, Tenn., today. They plan then to go on to Danville, Va., and to Washington where they will build the shantytown, probably in a park location.

[From the Washington Evening Star, May 9, 1968]

District of Columbia Police Patrols Boosted Up to 20 Percent

(By Paul Delaney)

The District government last night took another step—authorizing extra police parols on an overtime basis—to try to curb the rising crime rate in the city.

Safety Director Patrick V. Murphy said in a statement that the extra overtime will permit up to 20 percent more policemen on the streets than "the normal complement." He said that policemen working a normal five-day week will be permitted to earn extra overtime.

"This action is being taken immediately, and additional patrols will be on the streets of the District within 24 hours," Murphy said.

He said the action came after consultation with Mayor Walter E. Washington. It is the third move in nine days in an attempt to deal with the continuing problems of arson, looting and holdups. Last Friday, Murphy added extra uniformed and plainclothes patrolmen to riot areas, and on April 29 he ordered additional patrols within the special operations division.

The safety director said he doesn't know how much the extra overtime will cost the city, saying: "We didn't stop to check the cost. The mayor made the authorization and we weren't thinking about the cost."

RIOTS ENDED IMPROVEMENT

Murphy indicated that officials, with the announcement, were responding to growing concern and pressure from citizens and business groups. In his statement he noted that the District's crime picture had been looking better earlier in the year, before last month's riots.

"The rate of increase of major crimes for the first three months of the year had been less than the rate of increase for the same period the previous year," he said. "Then the tragic civil disturbances took place early last month."

Murphy reported that major crimes averaged 875 per week the first 13 weeks prior to the riots. These included housebreaking, robbery, stolen automobiles and larceny. He said only one week since the disturbances has the figure topped that average—the week of April 15 to 21, with 951.

"In the week immediately following the disturbances (April 8 to 14) 498 major crimes were reported," Murphy said, "and in the last week of the month the figure was 797.

"The average for those last weeks in April—after the troops left the city—was 894, which is virtually on par with the 875 average of the 13 weeks preceding the civil disturbances."

Murphy said city officials are very concerned with the crime rate, "and we plan to utilize all of our resources in protecting our citizens."

"However, we point to these figures as strong indication of the continued effectiveness of our law enforcement efforts," he stated, "we are taking these additional measures now being announced to further strengthen those efforts."

The additional men will be assigned to foot and motor patrols as well as special surveillance points, the safety director said.

CITES CITIZENS INFORMATION

"As a result of the recent appeal to businessmen and citizens to respond and cooperate in the strict enforcement of law and order, police have received additional information and assistance.

"They are thus able to place additional patrols in areas of the city which appear to be high incidence areas. The deployment of men based upon the valuable information and cooperation being received daily will significantly aid the crime preventive measures now being taken."

Murphy termed this as a "difficult period" and said the mayor and Police Chief John B. Layton have joined him in commending the men on the force "for their untiring efforts in maintaining law and order during this difficult period."

"It has not been overlooked that careful and courageous police work has resulted in the past few days in the arrest of suspects now charged in connection with the murders at three business establishments located in the District and in nearby Prince Georges County," he said.

"We urge all our citizens not to react to false rumors. The response by citizens in the last few days to facts has permitted the department to act more effectively in apprehending criminals and enforcement of the law."

[From the Washington Evening Star, May 9, 1968]

Man Is Charged in Arson Threat

A 21-year-old man has been charged with threatening to burn down three downtown Washington restaurants if the owners did not have the words "soul brother" written on their windows by May 14.

Bernard O. Read of the 1300 block of Kalorama Rd. NW was arraigned in the Court of General Sessions yesterday on a charge of making threats. Bond was set at $500, and the case was continued for a jury trial on June 7.

Two restaurant owners in the 1900 block of Pennsylvania Ave. NW and another in the 2100 block reported to police Tuesday that they had been threatened.

All said they were instructed to write the words on the display windows and that if they did not their places would be burned down.

Police said Reid was arrested on a description provided by the owners.

[From the Washington Evening Star, May 9, 1968]

District of Columbia Guards To Train Nearby This Summer

The D.C. National Guard, more than 1,800 of whose members were activated during last month's riots, will train at nearby military posts this summer on a split schedule instead of as a unit in past years at Indiantown Gap, Pa.

A Guard spokesman today said the reason for this summer's schedule was "the obvious one," and said that no decision yet had been made whether summer training would be at Ft. Myer, Ft. Belvoir or Ft. Meade.

The D.C. Guard, primarily a military police unit, for many years has taken summer training at Indiantown Gap, 125 miles away, although last summer some units received training in halting civil disorder at Ft. Meade and at Camp Picket, below Richmond.

The Guard spokesman said the schedule this summer would involve subunits undergoing training at various times instead of the Guard, as a whole, taking the annual two-week session.

MARCH PLANS PUSHED

Meanwhile, preparations for the arrival of the Poor People's Campaign in the Washington area proceeded on several other fronts.

In the District, officials of the United Planning Organization met yesterday with representatives of the Poor People's Campaign to discuss ways of cooperation. The National Council of Churches has opened an office to coordinate activities of religious groups over the nation wishing to assist in the campaign.

Maryland Attorney General Francis B. Burch met with law enforcement and military officials to map strategy for handling the marchers passing through the state next week.

SCHOOL USE UNCERTAIN

But the Northern Virginia Committee for the Poor People's Campaign which applied a week ago for permission to use the Hayfield Elementary School in Franconia for an 8 p.m. meeting but was told yesterday its application has not yet been granted.

Werner E. Petterson, a committee member and pastor of Gethsemane Methodist Church in Franconia, said the group had no trouble in obtaining permission to use the Mark Twain Intermediate School near Springfield for a meeting last week.

He said the organization, which has mostly white members, wants to explain the march to Northern Virginia residents to ease their fears and "bridge the gap between the people in the march and residents of the suburbs."

Petterson said he was told yesterday by Mrs. Dorothy Hoge, Hayfield principal, that the school had not received notification from the Fairfax County school administration that the application had been granted.

The clergyman added that he had been told last week by the office of Samuel J. Coffey, associate superintendent of schools, that the request was granted.

Coffey claimed last night that no decision about the application has been made but said he would make one today.

UPO OFFERS HELP

The meeting with UPO officials was held at the invitation of Wiley A. Branton, UPO executive director, who said in a telegram to Anthony Henry, Washington coordinator for the Southern Christian Leadership Conference:

"The United Planning Organization's Board of Trustees has adopted a resolution supporting the aims of the Poor People's Campaign. Our staff is vitally concerned about your efforts, and believes that your success is important to our nation and to the program we operate."

Branton explained at the meeting attended by some 30 UPO division heads and neighborhood center directors that UPO community organizers could work with neighborhood groups wishing to participate, and that UPO staff members had expressed interest in volunteering their services after working hours.

BREWSTER ASKS PROTECTION

Sen. Daniel B. Brewster, D-Md., told the Bowie Democratic Club yesterday that the entire Washington community has a legitimate concern about the march and what may happen when the demonstrators arrive.

Residents and marchers alike, he said, "have the right to be assured by the proper government officials that life and property will be protected, the law obeyed and order maintained."

[From the Washington Evening Star, May 9, 1968]

Seven More Fires Set Here, Catholic University Art Building Burns

(By Walter Gold)

Arsonists set at least seven more fires in riot-torn sections of Washington during the night, bringing the number of arson cases here to 19 since Monday.

An eighth fire of suspicious origin heavily damaged an old arts building on the Catholic University campus around midnight. Although arson was a possibility in that blaze, fire officials were reluctant to link it with the string of vandalism-type fires that has plagued the city since the riots here in early April. It was the third CU fire in a week, however.

Damage from the other seven blazes was light and there were no injuries. No suspects were picked up in connection with any of the fires.

SOME PAINTINGS SAVED

The university fire was reported at 11:54 p.m. in the Salve Regina Building, a long split-level structure that was being used for art studios and classes. When firemen arrived, flames were coming from one end of the building and students were trying to save an exhibit of their paintings, which only this week went on display.

More than two dozen pieces of fire equipment were used to bring the blaze under control within 20 minutes. About half of the interior of the building was either destroyed or heavily damaged, fire officials said.

Hundreds of student paintings and sketches were lost in the fire, along with art equipment. Some of the contents was saved by students and faculty members, hundreds of whom witnessed the fire.

The blaze started in a janitor's storage closet on the west side of the mid-campus building, according to the fire marshal's office. Cause of the blaze was under investigation today.

Still under investigation also is a case early Monday morning where someone threw a fire bomb into a room of the university's new law school, causing about $50 in damage. Attached to the broken gasoline-filled bottle was a note which read, "You should help too," officials said.

University spokesmen said the third fire occurred earlier in the week in another university building, a warehouse at 9th and Kearney Streets NE, where clothing donated for the Poor People's Campaign is stored. Some clothing was burned, but damage was slight.

OTHER 7 BLAZES

Last night's seven other fires, in order of the time they started, were:

At 5:03 p.m., arsonists believed to have been youngsters set fire to a pile of debris and trash in a burned-out dime-store at 2008 14th St. NW, causing minor damage.

Five minutes later, another group of youths set fire to a pile of trash in the basement of a vacant house at 1941 16th St. SE, causing little damage.

At 9 p.m., arsonists set fire to a furniture warehouse door in the rear of 919 9th St. NW, causing about $100 in damage.

Fourteen minutes later, trash behind a house at 1006 Massachusetts Ave. NW was set on fire, causing minor damage.

At 12:59 a.m., trash was set on fire in the basement of a market at 3005 14th St. NW, which previously had been burned, causing little damage.

At 1:11 a.m., two empty garages were set on fire behind 1326 Irving St. NW, drawing a small crowd of spectators and causing moderate damage.

And at 1:48 a.m., several trash cans were set ablaze in the basement of 80 New York Ave. NW, a four-story apartment building. Some of the tenants left the building but later returned. Damage was minor, fire officials said.

While firemen were kept busy throughout the night, police rounded up several young looting suspects who were caught inside business establishments, including a High's dairy store at 2804 14th St. NW.

CIVIL RIGHTS AND GOVERNMENTAL ACTION

Mr. NELSON. Mr. President, the time has long passed merely for lending a sympathetic ear; men of conscience are all agreed that the cause of America's poor must be acted on and resolved. Ten million Americans suffer from hunger and nutritional problems; decent housing is unknown to many of our citizens; educational opportunities are virtually nonexistent to some. But at the heart of the problem is our attitude—the failure to realize that all men are human beings and deserve equal treatment and understanding.

Recently, the Southern Wisconsin Council of the B'nai B'rith Youth Organization passed a resolution on civil rights and governmental action. The statement articulates the concern that is felt by all of America's responsible citizens. Accordingly, I ask unanimous consent that it be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

A Resolution of the Southern Wisconsin Councils of BBYO on Civil Rights and Governmental Action

Whereas there are twenty million Negroes and members of other minorities in America relegated by birth to second class citizenship, forced into substandard living in decrepit ghettos, prohibited from engaging in activities that all Americans are entitled to, shunted into low quality schools which educate them for low quality jobs, and are still de facto slaves in a country where they were freed 100 years ago

And whereas there is tension, hatred, repression, and frustration among the black people of America which leads some or them to looting, arson, sniping, and other destructive actions because they see no other direction for them to go

And whereas the death of the Rev. Dr. Martin Luther King, Jr. and outbursts of civil disorder in Newark, Detroit, Milwaukee, Washington, Chicago, Baltimore, Harlem, Pittsburgh, Cincinnati, Memphis and over 110 other cities in America have brought to light the crisis not of the riots but of the living conditions in the riot areas, the crisis not due alone to action by ghetto dwellers but due also to inaction by the American populace, the crisis that threatens every citizen of this country and places America in its greatest danger since the Civil War.

And whereas to alleviate these problems and give the ghetto resident a reason and a purpose for his life will require an all out effort by all Americans to at last show that men are equal and all men are entitled to live

Be it resolved that the members of the Southern Wisconsin Councils of the B'nai B'rith Youth Organization urge the congressional and executive branches of the United States government to act immediately and positively on all civil rights, poverty, and ghetto aid legislation that has been proposed to the congress so that a moral and just internal peace can be established in America

And be it resolved that the members of the Southern Wisconsin Councils of the B'nai B'rith Youth Organization pledge to commit themselves to the cause of freedom, justice, and equal opportunity for all in the United States through their actions as individuals and as a council.

THE PROTECTION RACKET

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the Record an excerpt from a column by Don Maclean, which appeared in the Washington Daily News, on May 8, 1968.

There being no objection the item was ordered to be printed in the Record, as follows:

We are now entering the second phase of law and order. The first phase, of course, was the riots and looting. The second phase: The protection racket has re-emerged in the ghetto and elsewhere.

It had to happen. When the Government fails to provide protection the forces of lawlessness will.

Listen to this nightmarish account by a person who runs, or is trying to run, a liquor store located within walking distance of the White House:

"We are still cleaning up the mess here, trying to get stock back on our shelves. Our plate glass windows are gone. We have boards there now, with the word 'Open' written on them. Of course, you can't see that at night; it's not like the big neon sign I once had. The other day we were stacking rubble, broken glass, empty cases, etc., in the big cans in the alley. A gang of tough boys came around, watched us for awhile and laughed. 'That's right, Whitey, get some more booze. We're almost out. We'll be back for it one night soon.'

"We try to ignore them. That gang leaves and another comes around. A friend of ours, he runs a liquor store, too, calls and says a gang of hoodlums were just in his store, 'looking around,' they said. Finally one of them says, 'You know, I can keep this gang from wrecking your place again. For only $500.' Our friend said he didn't have it. The gang left, the spokesman said, 'We'll be back.' Right after our friend's call, the phone rings again. A voice says, 'Got your place fixed up? Want to keep it that way? We're going to send someone in to see you. You'd better take care of him.' We called the police. They said, 'Pretend you'll pay. Try to make an appointment with the collection man. Tell us and we'll grab him.' Sure they will. Just like the police 'stopped' the looters who cleaned us out.

"A man walked in here yesterday and asked us if we wanted to buy a picture of Martin Luther King. 'Put it in your window and they won't hit you next time. It's a special picture, it has our mark on it.' He wanted $25 for the picture. We told him we didn't have a window to put it in any more. He said he'd be back when we did. Another friend, he bought the picture. Has it in his store window right now. He figures his taxes don't get him protection, maybe the $25 will."

CRISIS AND RESPONSE

Mr. NELSON. Mr. President, today the American people are being challenged by the problems of the Negro and of the poor. We must neither shy away from nor shirk our responsibility to respond posititvely to this national emergency. All of our resources must be mobilized to attack the conditions which have polarized our society.

Now is not the time to hesitate; rather it is the moment for action. We can no longer be content with stop-gap measures, but must level a comprehensive attack against poverty and the conditions which breed despair for many of our citizens. If tomorrow morning every American—black and white—awoke with the determination to work together honestly toward his mutual betterment, the tragedy of the first days of April would never again be repeated.

The crisis created by racial discord, while being reprehensible, is understandable in many respects. Recently, the eminent Chancellor J. Martin Klotsche, of the University of Wisconsin—Milwaukee, delivered an excellent talk entitled "Crisis and Response," in which he comprehensively surveyed this problem.

Chancellor Klotsche displays great insight, and his observations should be considered by all Senators. I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CRISIS AND RESPONSE

(By Chancellor J. Martin Klotsche, University of Wisconsin—Milwaukee, April 5, 1968, Wisconsin Anti-Tuberculosis Association)

This country is faced with the most serious crisis in its history. If there are any doubts about this, they were removed as the result of the tragic death of Martin Luther King.

We all recall the happenings of the summer of 1967: 164 disorders in 128 cities, 25 cities with two or more disturbances and eight major riots including the one in Milwaukee. The results of the summer were 83 persons killed, 2000 injured, 16,000 arrested and property damage estimated at more than $150 million.

Yet the physical destruction of last summer was the least sordid part of the story. Property that is destroyed can be replaced and buildings can be repaired.

What was tragic about last summer's riots was not that buildings were gutted and leveled. More important was the damage to the common spirit. For the summer of 1967 saw class warfare and social strife threaten to tear a whole society apart. This is why the summer of 1967 was a turning point in our history.

And what of the future? Reports from city after city indicate that the seeds of major outbreaks for the coming summer already have been planted. Dr. John Spiegel, director of the center for the study of violence at Brandeis university, reports that conditions have not changed since last summer and that there has been virtually no substantial improvement in the situation since then. Some facts are worth reciting to underscore the urgency of the problem which now faces us.

FACT 1

The population of our ghetto is growing at an alarming rate.

There will be 500,000 more people living in the ghettos of American cities in 1968 than was the case a year ago. In Chicago three blocks a week are changing from a predominantly white to a predominantly black population.

FACT 2

It has been estimated that by 1985 the Negro population in our central cities will increase by 72%.

We now already have several major cities in the north with a Negro population in excess of 50%. Within 5 years there will be five such major cities and within 15 years, 15 such cities.

FACT 3

The Negro age group between 15 and 24 will grow faster than the Negro population as a whole and faster than the white population in the same age group.

Yet this is where the highest school dropout rate is to be found as well as the highest incidence of unemployment.

In Milwaukee we too have a serious situation. But there are some elements of hope. Compared to other cities, the number of Negroes is smaller. Twelve percent of the city population is Negro and the percentage is even smaller for the whole metropolitan area. So we still have a manageable problem in Milwaukee compared to other cities.

Yet this very fact may cause us to pause, to delay and to procrastinate. For us to pursue such a course would be folly and could only lead to disaster. What we now need is a genuine and areawide commitment to remedy the major problems of our urban ghettos.

There are a number of myths that need to be exploded in analyzing the urban crisis now facing us.

MYTH 1

Riots are the work of outside agitators and subversive trouble makers.

The University of California-Los Angeles study of riots in Watts revealed these interesting facts. Fifteen percent of the Negro adult population was active at some point during the riots, while an additional 30 to 40% were active spectators at the riots. Support for the riots was as great among the well educated and economically advantaged as among the poorly educated and economically disadvantaged. Thirty-four percent of the people interviewed in the riot were favorable to what had taken place. Thirty-eight percent felt the riots would help the Negro cause while only 20% felt the riots would be harmful. It is the favorite pastime to blame outsiders. Yet no conspiracy theory can explain four summers of rioting in more than 1000 cities.

MYTH 2

Strong arm methods and repressive measures will solve the problem of our cities.

Violence and disorder must, of course, be met with firmness in order to bring about restoration of law and order. Without order no society is viable. But after order is restored, then what? Unless the causes of disorder are removed there will be even more disorder. There is danger that improved riot control will be uppermost in the minds of some this coming summer with only minimum interest in social change and in a fundamental attack on the problems that cause riots and violence.

MYTH 3

Immigrants from Europe rose from the ghettos; why is it not possible for Negroes to do likewise?

The parallel is not a valid one. When immigrants came to this country in the last century there were many unskilled jobs available and work for everyone. Most important, these immigrants were white and could be absorbed by the larger society. They often left the ghettos of the inner city and moved to outlying neighborhoods in order to get better housing and schooling.

MYTH 4

We have made progress in recent years and therefore should not be too impatient.

It is true we have made some headway in the war against poverty, social discrimination and urban blight. Some people are bewildered when they see that the response to such progress is hatred and violence. Yet one of the important facts of history is that when people begin to improve and are on the way up, they become impatient and rebellious. It is when they see a way out that they become militant.

Democracy is a never ending quest for a better way of life. The eminent jurist, Oliver Wendell Holmes, has expressed it this way: "A man's mind once stretched to a new idea never returns to its former dimensions." It is precisely because some progress has been made that Negroes have achieved a new militancy.

Those who think we have made progress point to improved industrial opportunity for Negroes, passage of civil rights legislation in recent years and the growing size of our Negro middle class. Yet Negroes view the situation quite differently.

It is recently reported, for example, that no state school system in the south was any longer completely segregated. But this statement does not really impress Negroes. What does impress them is that 90% of the Negroes are still in segregated schools more than a dozen years after the supreme court desegregation decision.

Again, it is hard for Negroes to cheer when two Negroes were admitted to a southern university with an enrollment of 4,500 a few years ago. These admissions changed the racial composition of the university from an all white student body to 99.95% white. And it took the army, the FBI, the national guard, the justice department, the White House staff and the Chief Executive to accomplish this task.

Negroes do not buy the "progress thesis" when inferior schools still persist, ghetto life continues, when there are double standards of justice and limited employment opportunities. And the gains which are made by some Negroes and the great majority of whites only make the burden of poverty heavier for those who have not shared in that improvement.

The only conclusion we can then come to is that we are in grave trouble. We have underestimated the magnitude of the crisis. We have not adequately measured the degree of hatred and prejudice that has been generated. We have failed to sense the fact that our society is in danger of being torn apart. Because both our assessment of the crisis and our response to it have been inadequate, we are now faced with difficulties—grave and complicated ones.

Our alternative is not to follow a course of blind repression, nor is it to capitulate to lawlessness and vigilante methods. Rather we need to realize that there are common opportunities for all within a single society.

This means a national commitment to action which is massive and substantial. This will require new attitudes, new understandings and a new will. Only in this way will the nation be saved from splitting into two societies—black and white—with continued violence and retaliation resulting finally in an urban apartheid society.

There can be no higher priority for national action. It must be placed first on our national agenda. This will mean a reordering of our present priorities. There must be an escalation of the war against poverty and discrimination at home, even if it means a de-escalation of our efforts in Vietnam.

In reordering our priorities, let's put the matter in perspective. Last year we spent $75 billion for defense, but only $7 billion for welfare programs. We spent $17 billion for tobacco and liquor, but only a little more than $1½ billion on our poverty program. We spent $3½ billion dollars on cosmetics and toilet articles but only $400 million for training our adult unemployed. We spent almost $4 billion for new highways, which is as much as we spent on the poverty war, public housing, rent supplements and our model cities program combined.

In our personal lives too we have been obsessed by the quest for affluence and have continuously catered to our own personal enjoyments. A second summer home, elaborate vacation travel, sports cars for our children, a second color TV set, all have had higher priority than the need for sharing our affluence with others.

We cannot solve our domestic problems unless we give the plight of the disadvantaged the same sense of urgency we give to foreign obligations abroad, and are at the same time willing to share some of our affluence with others less advantaged than we. In short, we need a greater sense of urgency and a more realistic allocation of our resources.

Our approach must be a comprehensive one. We need to attack all problems related to the human and physical deterioration of our cities. We must rebuild and revitalize our slum and blighted areas, expand housing, enact open housing legislation to cover the sale and rental of all housing, expand job and income opportunities, create new jobs both in the public and private sector, develop on the job training by both public and private employers, improve educational facilities and programs, combat disease and ill health, enhance recreational and cultural opportunities, reduce the incidence of crime and delinquency and in general improve the quality of urban life.

The President's National Advisory Commission on Civil Disorders has addressed itself to all of these matters. While we may not agree with all of its proposals, it does chart a course and set guidelines that are significant and worthy of study.

It we expect to achieve our goals we will need to make a concentrated and coordinated effort—federal, state, local and public as well as private. Increased federal funds will be essential, but local initiative is also paramount.

Some resources can only be generated by the National government, but we also need a coordinated effort involving all levels of government and including the private sector. State and local governments can do a great deal at a minimum cost and without delay. There are many state, county and metropolitan agencies responsible for programs in health, education, planning, employment, welfare, pollution control, recreation, that can make major contributions to local programs.

The role of private enterprise also is critical. The assistance of the private sector needs to be enlisted, including both profit-motivated and community-oriented non-profit organizations. The advice and consultation of business leadership needs to be sought. We need to work with employers and unions in developing and training manpower programs.

Widespread citizen participation is also essential. City-wide and metropolitan-wide citizen groups should be encouraged to participate, while the views of slum area residents in policymaking and program development is critical in planning and carrying out our program.

Our society is in danger of being polarized and split apart unless we set our house in order and make a massive and sustained attack on the root causes of disorder resulting from discrimination in employment, education and housing against great numbers of Negro Americans.

We need to make a breakthrough in our thinking and in the commitment of our resources comparable to the one we made in December of 1941 when the Japanese attacked us at Pearl Harbor, when faced with a national crisis we were prepared to make any sacrifice to preserve our way of life.

In another time of national crisis, a great president, Abraham Lincoln, said to congress in an annual message, "The dogmas of the quiet past are inadequate to the stormy present. The course is piled high with difficulty and we must rise with the occasion. As our course is new, so we must think anew and act anew."

This, I believe, is the best response we can give to the crisis which now confronts us.

THE COMMUNITY PHARMACY—A VITAL HEALTH RESOURCE

Mr. LONG of Louisiana. Mr. President, there have been efforts to blame the local pharmacy for the high cost of drugs. I do not think that the local pharmacy is at all to blame.

Recently, I received from a member firm of the Pharmaceutical Manufacturers Association a letter recommending that the way to bring about lower cost prescriptions is to "eliminate" the wholesaler and the pharmacist and to encourage dispensing of drugs by physicians.

There is no question in my mind that some doctor-dispensing is necessary—particularly in rural areas where no local pharmacies are available. Beyond that, however, there are a whole host of problems, as Senator HART's Subcommittee on Antitrust and Monopoly has so ably reported to the Senate.

Simply stated, I told the drug manufacturer that I would not be party to any effort designed to "eliminate the wholesaler and the pharmacist" in supplying and dispensing drugs under the public programs. The community pharmacy is a vital local health resource manned by a health professional. That pharmacist and that pharmacy should not be bypassed as recommended by that member of the Pharmaceutical Manufacturers Association. To the contrary, it is my intention to do everything possible to encourage greater reliance on local pharmacies.

THE DIRKSEN BLOCK-GRANT AMENDMENT

Mr. PERCY. Mr. President, I am happy to join my distinguished senior colleague, the able Senator from Illinois [Mr. DIRKSEN], and other Senators in cosponsoring amendment No. 715 to the Omnibus Crime Control and Safe Streets Act of 1967. The purpose of the amendment is to make Federal financial assistance provided by the act available to the States in the form of block grants. These administrative revisions would replace the provisions of the bill as reported by the committee, which contemplate that the grants be made directly by the Department of Justice to individual local law enforcement agencies.

The block-grant approach has the endorsement of at least 47 State Governors, including my own, Gov. Otto Kerner, of Illinois, and also a Republican candidate for Governor and now president of the Cook County Board of Commissioners, Hon. Richard Ogilvie. The Association of Attorneys General has passed a resolution of approval. The President's Commission on Law Enforcement and the Administration of Justice, in recommending additional Federal assistance for local law-enforcement efforts, emphasized the need for the unified statewide planning and implementation capability that this amendment would permit and encourage. The overwhelming approval of the House of Representatives is indicative of the merit of this proposal.

The block-grant amendment would shift the responsibility for the administration of both planning grants—title I, part B—and law enforcement or "action" grants—title I, part C—to the law-enforcement planning agencies in the several States. The agency would be created or designated by the Governor and subject to his jurisdiction. Under the amendment, each State is entitled to $100,000 for the purpose of planning, upon formation of a planning agency. Increments of additional funds are awarded to qualifying States according to the population of the State. The planning agency develops a comprehensive statewide plan for the improvement of law enforcement, correlates and coordinates the programs throughout the State and establishes the priorities for the execution of the plan.

Once the State plan is formulated, and after it has been approved by the Law Enforcement Assistance Administration under the guidelines of the amendment, 85 percent of the action grant money is allocated according to population. Fifteen percent of the total appropriated is to be disbursed at the discretion of the administration. In special cases where a State fails to apply to file a comprehensive plan within the allotted 6 months, a procedure is available so that an individual municipality or group of municipalities can secure a grant direct from the administration. Acting under this special procedure, the local governmental unit of general jurisdiction can only receive a grant for not more than 60 percent of the cost of the project or program.

These alternatives have immediate advantages over the procedures of the bill as reported by the Judiciary Committee. As even this brief analysis shows, the amounts available to the State for planning assistance will be predictable upon passage of the bill. For instance, in the case of my own State of Illinois, authorities could count on at least $27 million over the next 3 years in Federal assistance to ongoing State law enforcement programs.

Under the amendment, planning can be put on a predictable, businesslike basis. The availability of the Federal assistance will not depend upon the whims of the administrative application process—quite aptly referred to as "grantsmanship" in the minority views in the report. It would assure immediate, widespread allocation of the financial stimulus to improved law enforcement.

The amendment proposes to continue the development of the "creative Federal partnership" called for by the President when he signed the Law Enforcement Assistance Act of 1965. Under the stimulus of that program—as we are instructed by the recent annual report to the President and the Congress of activities under the Law Enforcement Assistance Act—some 27 States have formed State planning committees on criminal administration. This progress reflects—in the words of the report—"a growing desire on the part of many States to establish such planning agencies and thereby prepare for intensive crime control programs." It recognizes the primacy of State court jurisdiction, and the efficiency of Federal tax collecting prowess. The block-grant amendment proposes that we take advantage of these capabilities of the States, rather than ignore them.

The amendment would encourage the increase and broadening of this State capability as well as stimulate and enable other States to exercise the same initiative. I ask unanimous consent that the list of States who have already taken this action together with the report explanation of this progressive program be printed in the RECORD, immediately following my remarks.

It is a basic principal of our constitutional government that State and local government is charged with the basic responsibility for law enforcement. As the President said in his message on crime in February 1967:

> Our system of law enforcement is essentially local: based on local initiative, generated by local energies and controlled by local officials.

The President's call for a "creative Federal partnership," in view of the constitutional role of the States in law enforcement is hardly consistent with the bypassing of State Governors in projects designed to improve the system of law enforcement in his State. The preference expressed in the committee bill for initial direct approval by an appointed Federal official or officials over the duly elected State Governor may be understandable, in view of this administration's policies on law enforcement. But it is basically unsound national policy.

The Federal Government has no monopoly on the expertise or the judgment required to upgrade law enforcement in the States. A review of the number of recommendations of the President's Crime Commission—implemented by the Department of Justice—particularly insofar as legislative proposals are concerned—would indicate they are either very busy with other matters, or that they do not agree with conclusions of the experts on the Commission. The block-grant approach of this amendment will maximize the opportunity for the expertise of the States to play its full and important role in developing new methods, techniques and programs for the improvement of law enforcement.

The Federal Government can and should provide financial stimulus and reinforcement in the improvement of law enforcement. But the leadership and initiative must come from the States. As our experience under the Law Enforcement Assistance Act has clearly shown, the States are already on the move to meet the demands of their individual jurisdiction. The block-grant amendment provides necessary funds and encouragement to speed up progress.

For those Senators who find the increasing size of the Federal Government of great concern, as I do, let me commend the example that can be set by the adoption of this amendment. Under the Law Enforcement Assistance Act, the Department of Justice has authorized 330 separate projects for a total amount of $19 million. Obviously, they have reviewed more than that number of applications for grants during that period.

The pending bill contemplates expenditures of $100 million for fiscal years 1968 and 1969 and $300 million for fiscal year 1970. Can Senators imagine the number of Federal employees that will be required to review and supervise this increased program?

Aside from the disruptive infusion of funds to individual localities on an ad hoc basis, the bill as written will only contribute to the burgeoning bureaucracy, to no demonstrable advantage to law enforcement. I would suggest that the Federal effort in the Justice Department be directed to Federal problems—of which there are a great number—and let the States exercise their responsibilities with the added incentive of these additional revenues.

I urge the adoption of the amendment.

I ask unanimous consent that a statement on this subject be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

State Planning Committees in Criminal Administration. The goal of this program, announced in March of 1966 by letter to each of the State Governors, is to further the establishment of state committees or bodies to assess local problems and plan integrated law enforcement and crime control programs spanning all areas of criminal justice activity. The need for such coordinated study and planning has long been recognized and was stressed by the President's Crime Commission as a necessary first step for effective criminal justice improvement. LEAA funds—up to $25,000 in grant aid matched by equal state contributions in funds, services, or facilities—have thus far helped support the establishment and operation of 27 such committees. Applications are under development in two other states.

Activity during the report year was considerable. Notwithstanding the modest support involved, particularly for larger states, the number of state planning committee grantees increased from 10 on April 1, 1967 to 27 on April 1, 1968, reflecting a growing desire on the part of many states to establish such planning agencies and to thereby prepare for intensive crime control programs. State commissions now in existence and receiving LEAA support include Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Utah, Washington, Wisconsin, West Virginia.

Three state committees, in existence for more than one year, have qualified for and have received continuation support.

A ROUTINE(?) WEEKEND IN WASHINGTON

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the Record an excerpt from Bill Gold's column "The District Line," which appeared in the Washington Post on May 7, 1968.

There being no objection, the item was ordered to be printed in the Record as follows:

The District Line—So What Else Is New These Days?

(By Bill Gold)

There may have been unrest and violence elsewhere in the world, but here at home it was a routine weekend.

A Georgia Avenue drug store that had been burned during last month's riot was finished off completely this time. Four bus drivers were held up at gunpoint and in one instance the robbers fired three shots into the bus as it drove away. Near 14th and Park Road, a woman was shot dead and a man suffered gun wounds. An Arlington man was seriously wounded in a shooting at a party.

On Monroe Street ne., a gang of 20 teenagers threw rocks and bottles through the windows of a motel, tried to force their way into a room, upset a soft drink machine and broke plumbing connections, thereby causing water to flood through several rooms.

Then the gang went out on the street, beat up a lone pedestrian, cut him with a knife, hit him on the head with a soft drink bottle, and took $74 from his pocket.

If it hadn't been for the shocking news from D.C. Stadium where the Baltimore Orioles did violence to our beloved Nats, we might have considered this a placid, routine and thoroughly enjoyable weekend.

But we must face reality, and waste no time on "ifs." Remedial action is urgently needed. Facts are facts. The Nats need more hitting—and quickly.

DISCLOSURE BY SENATOR JAVITS UNDER NEW SENATE CODE OF ETHICS

Mr. JAVITS. Mr. President, a new code of ethics has been adopted by this body; its provisions are mainly prospective in effective dates. Nonetheless, I am today pursuing my practice of many years of filing a report which follows the precedent of the disclosure laws of the State of New York; and includes additional information about contributions and honorariums which are referred to in the code.

ANNUAL DISCLOSURE OF FINANCIAL INTERESTS

I hereby publish this list of companies subject to regulation by the Federal Government, in each of which I have an interest—direct or indirect—in an amount exceeding $5,000.

These are normal investments in publicly owned corporations and constitute no element of control alone or in combination with others, directly or indirectly: American & Foreign Securities Corp., Cities Service Corp., Corinthian Broadcasting, Criterion Insurance Co., General Telephone & Electronics, Government Employees Corp., Government Employees Financial Corp., Government Employees Insurance Co., Government Employees Life Insurance Co., South Carolina Electric & Gas Co., Southern Co., Transamerica Corp. of Delaware, First National City Bank of New York, Trans World Airlines.

CONTRIBUTIONS FOR CALENDAR YEAR 1967

In connection with my campaign for reelection to the Senate, I have authorized two fundraising efforts, one entitled "Javits in 1968"—chairman: John A. Wells; treasurer: Irving Mitchell Felt; address: 45 East 45th Street, New York, N.Y.—and the Javits dinner committee—testimonial dinner held on December 11, 1967—chairman of the finance committee: Armand Erpf, 42 Wall Street, New York, N.Y.

In each of the above cases, a list of contributors and the amount each has contributed will be made part of my report to the authorities of the State of New York and to the Secretary of the Senate, as required by law.

HONORARIUMS FOR CALENDAR YEAR 1697

The aggregate amount of honorariums received for the year 1967 is $9,850. This includes fees for articles and lectures.

HUMAN RIGHTS YEAR OFFERS HOPE FOR MANKIND

Mr. PROXMIRE. Mr. President, the International Human Rights Year Conference, meeting now in Tehran, Iran, is seeking methods to advance the cause of humanity throughout the world.

The profound truth of our age—the indivisibility of peace and human rights—is being forged into what, hopefully, will become a new legal order, dedicated to the dignity of man.

A well-written article published in the spring issue of Odyssey, the Journal of the U.S. Experiment in International Living, accurately gages the keen efforts of the International Human Rights Year to unite mankind.

I ask unanimous consent that the article, entitled "Year 1968: International Human Rights Year," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

YEAR 1968: INTERNATIONAL HUMAN RIGHTS YEAR

The General Assembly of the United Nations has designated 1968 as International Human Rights Year. This particular year was selected because it marks the twentieth anniversary of the adoption of the Universal Declaration of Human Rights. In recognition of its importance in the promotion of peace, the General Assembly has called upon all its members and agencies to undertake appropriate activities throughout the year.

When the U.N. Charter was drafted in San Francisco in 1945 there was considerable discussion over the inclusion of an international bill of rights, but limited time prevented the spelling out of separate articles. The conference concluded, moreover, that such provisions would be considered separately and subsequently adopted as an appendix to the Charter or by other means.

At the closing session in San Francisco, President Truman expressed this expectation in these words:

"Under (this Charter) we have good reason to expect the framing of an International Bill of Rights, acceptable to all nations involved. That Bill of Rights will be as much a part of international life as our own Bill of Rights is a part of our Constitution. The Charter is dedicated to the achievement and observance of human rights and freedom, and unless we can attain these objectives for all men and women everywhere—without regard to race, language or religion—we cannot have permanent peace and security."

Some three years after the adoption of the Charter, the General Assembly, meeting in Paris, adopted the Universal Declaration of Human Rights. It is not of itself a treaty. It was intended as a statement of principles and it does not have binding effect although legal implications are suggested by the comments in two concurring opinions by four justices of the U.S. Supreme Court.

Political organizations, at best, are not eternal. The nobly inspired United Nations could disintegrate some day. But ideas never die. If nothing else comes of the attempt in our time to unite mankind, the Universal Declaration of Human Rights will stand as a record that men of goodwill recognized that rights came into existence for every man by the very fact of his birth.

RICHARD NIXON'S POSITION ON THE CRIME PROBLEM

Mr. THURMOND. Mr. President, this morning's Washington Post contains an article outlining the views of former Vice President Richard Nixon on the crime crisis facing this Nation. Mr. Nixon's position was outlined in a paper entitled "Toward Freedom From Fear." Among his recommendations are: Strong endorsements of legislation overturning recent Supreme Court decisions which place limitations on the use of voluntary confessions; endorsement of legislation permitting the use of wiretapping in criminal investigations under court order; an endorsement of the block grant approach to Federal aid for law enforcement.

The former Vice President also strongly disagreed with the contention that crime is caused by poverty. Mr. Nixon pointed out that crime has increased about three times as fast as the national wealth. He also criticized those in public life who "excuse" crime and sympathize with criminals because of past grievances the criminal may have against society.

I believe the statement of Mr. Nixon is particularly relevant to the debate we are now having concerning the omnibus crime control and safe streets bill, and I believe it deserves the attention of all of us in this body. Mr. Nixon is to be commended for his forthright statement on this vital subject.

Mr. President, I ask unanimous consent that the article, entitled "Nixon Hits Rise in Crime" by Chalmers M. Roberts, which appeared in the Washington Post on May 9, 1968, be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON HITS RISE IN CRIME—CITES LAWLESS SOCIETY IN POLICY PAPER

(By Chalmers M. Roberts)

Richard M. Nixon yesterday castigated the Johnson Administration for the massive increase in crime while it has been in office.

In a lengthy policy paper, the frontrunning Republican presidential candidate declared the United States to be a "lawless society" in which crime has skyrocketed 88 per cent in the last seven years while population was rising only 10 per cent.

Nixon strongly criticized Supreme Court decisions limiting interrogation of suspects and the use of confessions. He also called for legislation permitting use of wiretapping.

If the crime rate continues, he said, "the number of rapes and robberies and assaults and thefts" today will double by 1972, "a prospect America cannot accept."

"If we allow it to happen," said Nixon, "then the city jungle will cease to be a metaphor. It will become a barbaric reality, and the brutal society that now flourishes in the core cities of America will annex the affluent suburbs.

"This Nation will then be what it is fast becoming—an armed camp of 200 million Americans living in fear."

It was Nixon's first major position paper on the crime issue, which may well be the preeminent domestic concern of the presidential campaign. He has touched the crime question repeatedly in his stump appearances.

Nixon characterized as a "myth" for which the Johnson Administration "bears major responsibility" the idea that crime can be charged off to poverty.

"The role of poverty as a cause of the crime uprise in America," he said, "has been grossly exaggerated" and "we would not rid ourselves of the crime problem even if we succeeded overnight in lifting everyone above the poverty level."

The former Vice President charged that the Johnson Administration "seems to have neither an understanding of the crisis which confronts us nor a recognition of its severity. As a result, neither the leadership nor the necessary tools have been provided to date to enable society's peace forces to regain the upper hand over the criminal forces in this country."

At one point Nixon declared that "the forces of peace are in disorganized retreat" in Washington where since 1960 crime has increased by 100 per cent. The national capital, he said, "should be a model city as far as law enforcement is concerned—a national laboratory in which the latest in crime prevention and detection can be tested and the results reported to a waiting nation. The record, however, is otherwise."

The Nixon statement, entitled "Toward Freedom From Fear," was strongly critical of several Supreme Court decisions, especially those in the Miranda and Escobedo cases. He said those two decisions had the effect of "seriously ham-stringing the peace forces" in favor of the criminals.

He called for legislation to "redress the balance" and went on to say that if such legislation would not satisfy the Supreme Court then consideration should be given to amending the Constitution.

The two decisions lay down limitations on interrogation of suspects and the use of confessions. Nixon also criticized other decisions dealing with a prisoner's right to have a lawyer present during interrogations.

Nixon called for legislation permitting use of wiretapping under safeguards which he outlined. Here he was critical of President Johnson's opposition to the use of such devices.

In effect, Nixon was calling for approval of two highly controversial sections of the omnibus crime bill now before the Senate. One section would overturn some Court decisions while another section would authorize wiretapping under court order. Both are opposed by the Administration.

Nixon also called for block grants of Federal funds to the states for law enforcement assistance, a GOP proposal already approved by the House but opposed by the Administration which wants the money to go direct to the cities.

Other measures proposed by Nixon would make it a Federal crime to invest criminally-gained money in legitimate businesses, creation of a permanent Joint Congressional Committee on Organized Crime, more Federal personnel to fight crime and a GOP bill to jail witnesses who refuse to testify once they have been granted immunity.

Nixon said that he was not dealing in this statement with the "special problem" of urban riots but only with "the crisis of daily crime in America."

In downgrading the link between poverty and crime, Nixon said crime has increased about three times as fast as the national wealth.

"The success of criminals in this country," he said, "plays a far greater role in the rising crime rate than any consideration of poverty. Today, an estimated one-in-eight crimes result in conviction and punishment.

"If the conviction rate were doubled in this country, it would do more to eliminate crime in the future than a quadrupling of the funds for any governmental war on poverty. In short, crime creates crime—because crime rewards the criminal. And we will reduce crime as we reduce the profits of criminals."

Nixon added that another "attitude that must be discarded" is the "socially suicidal tendency—on the part of many public men—to excuse crime and sympathize with criminals because of past grievances the criminal may have against society. By now Americans, I believe, have learned the hard way that a society that is lenient and permissive for criminals is a society that is neither safe nor secure for innocent men and women."

Nixon also called for strengthening the Nation's police forces, which he called undermanned and underpaid, for use of more modern crime detection techniques for lifting bars to the sales of prison-made goods, for reforms in the Federal and state prison systems and for speedier disposition of criminal cases in the courts.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 39 minutes p.m.) the Senate adjourned until tomorrow, Friday, May 10, 1968, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 9 (legislative day of May 7), 1968:

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Lynwood Junkins, Kennedy, Ala., in place of Felton Jones, retired.

ARIZONA

Willard W. Tolman, Avondale, Ariz., in place of L. F. Skubitz, retired.

ARKANSAS

Rollie H. Rea, Caraway, Ark., in place of F. S. Tucker, retired.

William H. Hundhausen, Jr., West Memphis, Ark., in place of D. W. Hall, retired.

COLORADO

Roscoe H. Dotter, Jr., Genoa, Colo., in place of W. D. Kaufman, removed.

GEORGIA

Hyman C. Miller, Cherrylog, Ga., in place of L. R. Miller, retired.

IDAHO

Acel L. Leaf, Cascade, Idaho, in place of T. R. Bowlden, removed.

ILLINOIS

Robert H. Robke, Germantown, Ill., in place of J. G. Robben, retired.

Ted L. Dickman, Meredosia, Ill., in place of E. E. Harbert, retired.

IOWA

Charles J. Seda, Cedar Rapids, Iowa, in place of W. C. Anawalt, deceased.

Anita A. Walgenbach, Hospers, Iowa, in place of D. W. Stover, transferred.

KANSAS

Margaret L. Albright, Pretty Prairie, Kans., in place of P. J. Voran, deceased.

KENTUCKY

Terry C. Watkins, Cadiz, Ky., in place of W. H. Cundiff, deceased.

MICHIGAN

Jack Lee Kelly, Olivet, Mich., in place of L. W. Church, deceased.

Carl Wudarcki, Ortonville, Mich., in place of F. A. Leece, retired.

Paul S. Sinnott, Owosso, Mich., in place of G. A. Gale, retired.

MINNESOTA

Gerald W. Strem, Fertile, Minn., in place of Elmer Reseland, deceased.

James C. Kuchera, South St. Paul, Minn., in place of A. C. Tweit, deceased.

NEW MEXICO

Mary S. Martinez, Abiquiu, N. Mex., in place of Joe Ferran, retired.

NEW YORK

Marion L. Pontello, Brewerton, N.Y., in place of N. M. McKinney, retired.

John J. Sullivan, Rock Hill, N.Y., in place of E. C. Yaple, retired.

OHIO

Ruth F. Weaver, Kansas, Ohio, in place of A. M. Schoendorff, retired.

Eugene J. Crusie, Lyndon, Ohio, in place of G. L. Taylor, transferred.

James E. Weiher, Rio Grande, Ohio, in place of W. D. Wickline, transferred.

SOUTH DAKOTA

Harry L. Nelson, Scotland, S. Dak., in place of H. W. Grace, retired.

TENNESSEE

Linus L. Sims, Memphis, Tenn., in place of A. L. Moreland, retired.

Oren W. Johnson, Parrottsville, Tenn., in place of E. S. Dawson, retired.

Arthur J. Robinson, Sherwood, Tenn., in place of J. S. Maxwell, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 9 (legislative day of May 7), 1968:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Wilbur J. Cohen, of Michigan, to be Secretary of Health, Education, and Welfare.

DEPARTMENT OF THE TREASURY

John R. Petty, of New York, to be an Assistant Secretary of the Treasury.

TAX COURT OF THE UNITED STATES

The following-named persons to be judges of the Tax Court of the United States for the term of 12 years from June 2, 1968:

William M. Drennen, of West Virginia.
William M. Fay, of Pennsylvania.
C. Moxley Featherston, of Virginia.
Charles R. Simpson, of Illinois.

DEPARTMENT OF STATE

Frank E. McKinney, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

IN THE DIPLOMATIC AND FOREIGN SERVICE

The nominations beginning Donald C. Bergus, to be a Foreign Service officer of class 1, and ending Miss Joanna W. Witzel, to be a Foreign Service officer of class 6 and a consular officer of the United States of America, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 12, 1968.

HOUSE OF REPRESENTATIVES—*Thursday, May 9, 1968*

The House met at 12 o'clock noon.

His Holiness Vasken I, Supreme Patriarch and Catholicos of all Armenians, Etchmiadzin, Armenia, offered the following prayer:

In the name of the Father and of the Son and of the Holy Spirit. Amen.

We thank You, O Lord, our God, for granting us the opportunity of standing at this time in the midst of this venerable legislative assembly, as the humble spiritual head of the Armenians and a servant of Your church.

As we visit this wonderful land, we offer You our gratitude for the peace and prosperity that the children of our church, the descendants of the world's most ancient Christian state, have found in this hospitable country.

We fervently implore, O Lord, that You guide the minds and wills of all legislators everywhere, to bring about justice and peace, love, and happiness in this strife-torn and restless world of ours.

You, O Lord, who are the true destiny of men and of nations, grant, we beseech You, Your wisdom and guidance to these distinguished Representatives of the people of the United States of America that they may lead this country with courage and compassion toward purposes pleasing to You. We ask Your blessings in Christ's name and we glorify Him together with You and the Holy Spirit now and forever. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 1234. Joint resolution to provide for the issuance of a gold medal to the widow of the late Walt Disney and for the issuance of bronze medals to the California Institute of the Arts in recognition of the distinguished public service and the outstanding contributions of Walt Disney to the United States and to the world.

The message also announced that the Senate agrees to the amendments of the House to a bill and joint resolution of the Senate of the following titles:

S. 1909. An act to provide for the striking of medals in commemoration of the 100th anniversary of the completion of the first transcontinental railroad; and

S.J. Res. 129. Joint resolution to authorize the Secretary of Transportation to conduct a comprehensive study and investigation of the existing compensation system for motor vehicle accident losses, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 12639) entitled "An act to remove certain limitations on ocean cruises," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. BARTLETT, Mr. BREWSTER, Mr. COTTON, and Mr. GRIFFIN to be the conferees on the part of the Senate.

THE CARMEL, N.Y., HIGH SCHOOL BAND

Mr. OTTINGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OTTINGER. Mr. Speaker, the marvelous music that my colleagues heard as they entered the Capitol today was presented by the Carmel, N.Y., High School band, led by band director, Dan Mooney, and band president, Nick Chapis. I think everyone will agree that they gave a superior and exciting performance.

Seventy-six members of the 85-member band came to Washington from Putnam County. This fine musical organization was formed in 1960 and has given 10 concerts each year since then. They performed at the New York State Teachers Association Conference and at the New York State World's Fair in 1964 and 1965. The band toured upstate New York, Canada, and New England, also.

The band's performance today opened with a very thrilling rendition of the "Star Spangled Banner" and continued with selections by George Gershwin and a march composed by Dan Mooney.

It was my very great privilege to have arranged this concert. Here is a group of young people who typify the very best in America's youth. They are proud of their country and proud to display their talents at the Nation's Capitol. We all join in welcoming them.

THE POOR PEOPLE'S CAMPAIGN

Mr. RYAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, next Monday some one thousand participants in the Poor People's Campaign are expected to be in Washington. I have been distressed by the reaction of many Members to that campaign.

The Constitution expressly guarantees the right of petition and peaceably to assemble. Judging by the reports issued by the National Advisory Commission on Civil Disorders, the Citizens' Board of Inquiry into Hunger and Malnutrition, and the President's Advisory Council on Public Welfare, and a host of other studies dealing with the plight of the poor in America, and the impact of existing Federal Government programs on their conditions, the poor have ample reason to petition and to assemble.

About 66 Members have introduced legislation designed to impede their campaign by restricting the right to peaceably assemble. The Public Works Committee has ordered reported H.R. 16981, as amended, which restricts camping and requires the posting of a surety bond for the use of public property. To attach a financial condition to the right of assembly is of doubtful constitutionality.

Congress regularly accepts and welcomes lobbyists and spokesmen for various interests—so long as they are wearing suits and ties. But let grassroots lobbyists arrive in dungarees and in mule carts, representing the downtrodden and oppressed of America, let them come and try to open hearts and minds, and the response is repressive.

The other day a young lady was told by a Capitol Guard that she could not set foot on the Capitol Grounds unless she removed a button honoring the late Martin Luther King.

Let us greet the representatives of the Poor People's Campaign as citizens exercising constitutionally protected rights, seeking to redress longstanding and proven grievances, and let us listen carefully to what they have to say.

SURTAX PROPOSAL

Mr. VANIK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, I am shocked to learn that the House-Senate conferees are demanding an unholy ransom for the surtax proposal.

This action completely disregards the overwhelming vote in the Ways and Means Committee of last Monday, which rejected the $6 billion budget cut as a condition for the surtax.

The Nation cannot suffer the emasculation of vital programs such as education, health, and welfare, as well as programs directed toward the solution of critical urban needs.

I recognize the need for a surtax, but not at this price.

LEGISLATIVE PROGRAM FOR REMAINDER OF THIS WEEK

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, I take this time to ask the distinguished majority leader if he has an announcement to make relative to the program for the remainder of today and possibly tomorrow.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority whip, the first order of business today will be a conference report, which the gentleman from Pennsylvania is about ready to call up.

The second order of business will be the Higher Education Act Amendments. The third order of business will be H.R. 15951, uniform annual observance of certain legal holidays on Monday, and the fourth will be H.R. 16911, the Special Drawing Rights Act.

It is hoped these bills will be finished today, but in any event it is planned that they will be finished this week, which means meeting tomorrow if they are not finished today.

SUBCOMMITTEE ON INVESTIGATIONS, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—PERMISSION TO SIT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Investigations of the Committee on Interstate and Foreign Commerce may sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ARMS CONTROL AND DISARMAMENT ACT AMENDMENTS—CONFERENCE REPORT

Mr. MORGAN. Mr. Speaker, I call up the conference report on the bill (H.R. 14940) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 124]

Andrews, Ala.
Ashmore
Bevill
Bolton
Brown, Calif.
Buchanan
Carter
Casey
Corman
Cunningham
Dickinson
Dingell
Dowdy
Dwyer
Edwards, Ala.
Eilberg
Flood
Frelinghuysen
Gardner
Gettys
Green, Oreg.
Gubser
Hagan
Halleck
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Harrison
Harsha
Hawkins
Hays
Holland
Jarman
Jones, Ala.
Karsten
Kornegay
Landrum
Lukens
MacGregor
Matsunaga
Miller, Calif.
Mize
Moore
Morse, Mass.
Nichols
O'Hara, Ill.
O'Hara, Mich.
Olsen
Pryor
Reifel
Resnick
Rivers
Selden
Stubblefield
Teague, Tex.
Thompson, Ga.
Tunney
Watts
Wyatt

The SPEAKER. On this rollcall 375 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ARMS CONTROL AND DISARMAMENT ACT AMENDMENTS—CONFERENCE REPORT

The SPEAKER. The Clerk will read the statement of the managers on the part of the House.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 1347)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14940) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1 and agree to the same with an amendment as follows: On the first page, line 2, of the Senate engrossed amendments, strike out "$17,000,000" and insert "$18,500,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same.

Thomas E. Morgan,
Clement J. Zablocki,
Edna F. Kelly,
Wayne L. Hays,
Wm. S. Mailliard,
Peter H. B. Frelinghuysen,
Managers on the Part of the House.

J. W. Fulbright,
John Sparkman,
Mike Mansfield,
Wayne Morse,
G. D. Aiken,
Bourke B. Hickenlooper,
Frank Carlson,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14940) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amended the House bill in two respects: (1) the House authorization of $20 million for the two fiscal years 1969 through 1970 was reduced to $17,000,000 for the same period and (2) a limitation of $7,000,000 (not including funds for field testing) was imposed on the amount of such funds which could be spent for research conducted outside the Arms Control and Disarmament Agency.

FUNDS AUTHORIZED

The managers on the part of the House agreed to a figure of $18,500,000 for the two year period, a reduction of $1,500,000 below the House figure and an increase of $1,500,000 above the Senate figure.

LIMITATION ON RESEARCH

The managers on the part of the House accepted the limitation of $7,000,000 on the funds which may be spent for external research (research conducted outside the Agency whether by other government agencies or by public or private institutions or by persons) provided this limitation does not apply to field test activities.

The managers on the part of the House concurred in the position taken by the Senate that the research program being financed by the Arms Control and Disarmament Agency included projects which could be curtailed or eliminated without detriment to the effectiveness of the Agency's operations.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
EDNA F. KELLY,
WAYNE L. HAYS,
WM. MAILLIARD,
PETER H. B. FRELINGHUYSEN,
Managers on the Part of the House.

The SPEAKER. The gentleman from Pennsylvania [Mr. MORGAN] is recognized for 1 hour.

Mr. MORGAN. Mr. Speaker, there were two differences between the House and Senate bills.

The bill passed by the House authorized $20,000,000 for the 2-year period including the fiscal years 1969 and 1970.

The Senate amended the House bill by reducing the authorization for the same 2-year period to $17,000,000.

The conference committee agreed to split the difference between the House and Senate amounts and accepted a figure of $18,500,000.

The other difference was a limitation of $7,000,000 on the use of funds for external research, not including funds for field testing, imposed by the Senate.

The House bill did not contain such a limitation.

The House conferees accepted the Senate provision.

The Executive had programed $11,872,000 for external research, of which $3,378,000 was for field testing.

The Senate limitation of $7 million, plus the $3,378,000 for field tests make a total of $10,378,000 for external research, including field tests for the 2-year period.

This would mean a cut of $1,494,000 in the external research program requested by the Executive.

The House conferees believe that a cut of this amount would not do any serious harm.

Mr. Speaker, I wish that all of our conferences were as simple as this. I do not believe that anyone can have serious objection to what the managers on the part of the House have done, and I urge the approval of the conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. GROSS. Is the $7 million for research per year, or is that a total amount?

Mr. MORGAN. It is the total for the 2-year period.

Mr. GROSS. Total for the 2-year period?

Mr. MORGAN. That is correct.

Mr. GROSS. The House, I believe the gentleman said, passed a bill for $20 million?

Mr. MORGAN. Yes; for a 2-year period.

Mr. GROSS. The other body passed a bill for $17 million?

Mr. MORGAN. That is correct.

Mr. GROSS. In view of the financial crisis that faces this country, is there any valid reason why the House did not accept the Senate version of $17 million, with a consequent $3 million cut in this program?

Mr. MORGAN. Of course, the gentleman knows that the original request was for $33 million for a 3-year period. This was debated and the House approved a motion to recommit with instructions to reduce the authorization to $20 million for a 2-year period.

It was the obligation of the House conferees to defend the $20 million which was approved by the House in conference, and we did our best.

Mr. GROSS. You did your best, I would say to the gentleman, by failing to adopt the Senate version and thus save the taxpayers $3 million.

Mr. MORGAN. I will say to the gentleman, I am one who does not very often agree with the position taken by the Senate, and I did not think the gentleman from Iowa belonged to the Senate club, either.

Mr. GROSS. It is not a question of enchantment with the Members of the other body. This is a question of having some regard for and enchantment for the taxpayers of this country, who, after all, have to put up the money. This was an excellent opportunity—I cannot think of any better way—to save $3 million, but apparently the House conferees muffed the ball. Whatever happened I do not know, I simply cannot understand why the lower figure was not accepted.

Mr. MORGAN. I will say to the gentleman again, the reason is that we supported the position of the House.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Illinois.

Mr. DERWINSKI. I should like to point out to the distinguished chairman of the committee and to the gentleman from Iowa that perhaps I am partly responsible for the problem the gentleman from Iowa foresees because, as the author of the motion to recommit, evidently I was a little too liberal with the figures. If we had had a motion to recommit cutting the figure down, let us say, to $18 million instead of $20 million, then the chairman would have had an opportunity to accept a figure close to the Senate figure. I do not believe the chairman of the committee, as much as those of us who worked on the motion to recommit, is to be blamed for excessive liberalism of the House. The next time I will try to cut it a little lower, and then we will not have this problem.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Speaker, I rise in support of the conference report that has been presented here today with regard to the Arms Control and Disarmament Act.

In my opinion, this bill has been substantially improved by the actions taken by the House, the Senate, and subsequently by the House-Senate conference.

You will recall that the bill we considered on the floor of the House on March 6 called for a 3-year authorization and for the sum of $33 million. The House, in my judgment, acted wisely in cutting the original authorization request from 3 years to 2 years, and in reducing the dollar amount to $20 million.

Additional improvements were made in conference, cutting the dollar amount further to $18,500,000 for the 2-year period, and setting a limitation of $7 million on external research, not including field test activities.

Many of you will recall that a number of us in our supplemental views on the House bill had expressed great concern over the extent and type of external research being conducted by the agency. So, I am gratified that a limitation on external research has been set. I am also pleased that under this bill, as amended, the next Congress will have an opportunity carefully to examine the work of the Arms Control and Disarmament Agency. In view of these improvements in the act, I support its passage.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. GROSS. I simply cannot understand what has come over the House of Representatives, in that it now covets the role in all too many instances of being the big spender in Congress. At one time the House was known as the economy body of the Congress. Apparently it covets this role of being the big spender. I am surprised and disappointed.

Mr. MORGAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 269, nays 90, not voting 74, as follows:

[Roll No. 125]

YEAS—269

Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Ayres
Barrett
Bates
Bell
Bennett
Berry
Betts
Biester
Bingham
Blanton
Blatnik
Boland
Bolling
Brademas
Brasco
Bray
Brooks
Broomfield
Brown, Ohio
Broyhill, Va.
Burke, Mass.
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Chamberlain
Clark
Cleveland
Cohelan
Conable
Conte
Conyers
Corbett
Cowger
Culver
Daddario
Daniels
Davis, Ga.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Diggs
Dingell
Donohue
Dow
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Fino
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gonzalez
Goodell
Goodling
Gray
Green, Pa.
Griffiths
Gude
Hamilton
Hammerschmidt
Hanley
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Horton
Howard
Hungate
Hunt
Hutchinson
Ichord
Irwin
Jacobs
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, Calif.
Kleppe
Kluczynski
Kornegay
Kupferman
Kyl
Kyros
Leggett
Lloyd
Long, Md.
McCarthy
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
Machen
Madden
Mahon
Mailliard
Martin
Mathias, Md.
May
Mayne
Meeds
Michel
Miller, Ohio
Minish
Mink
Monagan
Moorhead
Morgan
Morris, N. Mex.
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
O'Hara, Mich.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Price, Ill.
Pucinski
Purcell
Quie
Railsback
Randall
Rees
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St Germain
Sandman
Scheuer
Schneebeli
Schweiker
Schwengel
Scott
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steiger, Wis.
Stephens
Stratton
Sullivan
Taft
Taylor
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watkins
Whalen
Whalley
White
Widnall
Wiggins
Williams, Pa.
Willis
Wilson, Charles H.
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zwach

NAYS—90

Abbitt
Abernethy
Ashbrook
Baring
Battin
Belcher
Bow
Brinkley
Brock
Brown, Mich.
Broyhill, N.C.
Burke, Fla.
Burleson
Burton, Utah
Cabell
Casey
Clancy
Clausen, Don H.
Clawson, Del
Collier
Colmer
Cramer
Curtis
Davis, Wis.
Devine
Dole
Dorn
Downing
Duncan
Findley
Fisher
Flynt
Fuqua
Gathings
Griffin
Gross
Grover
Gurney
Haley
Hall
Henderson
Herlong
Hosmer
Hull
Jones, Mo.
Jones, N.C.
King, N.Y.
Kuykendall
Langen
Lennon
Lipscomb
Long, La.
McMillan
Marsh
Meskill
Mills
Minshall
Montgomery
O'Konski
O'Neal, Ga.
Passman
Pool
Price, Tex.
Quillen
Rarick
Reid, Ill.
Reinecke
Rhodes, Ariz.
Roberts
Rogers, Fla.
Satterfield
Schadeberg
Scherle
Sikes
Smith, Calif.
Smith, Okla.
Snyder
Steed
Steiger, Ariz.
Stuckey
Talcott
Teague, Calif.
Thompson, Ga.
Tuck
Waggonner
Walker
Watson
Whitener
Whitten
Zion

NOT VOTING—74

Andrews, Ala.
Ashley
Ashmore
Bevill
Blackburn
Boggs
Bolton
Brotzman
Brown, Calif.
Buchanan
Carter
Cederberg
Celler
Corman
Cunningham
Dickinson
Dowdy
Dwyer
Edwards, Ala.
Eilberg
Everett
Flood
Frelinghuysen
Gardner
Gettys
Green, Oreg.
Gubser
Hagan
Halleck
Halpern
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Harrison
Harsha
Hawkins
Hays
Hébert
Holland
Jarman
Jones. Ala.
Karsten
Kirwan
Laird
Landrum
Latta
Lukens
McCloskey
MacGregor
Mathias, Calif.
Matsunaga
Miller, Calif.
Mize
Moore
Morse, Mass.
Nichols
O'Hara, Ill.
Olsen
Pryor
Reifel
Resnick
Rhodes, Pa.
Rivers
St. Onge
Saylor
Selden
Stubblefield
Teague, Tex.
Tenzer
Utt
Watts
Wilson, Bob
Wyatt

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Bob Wilson for, with Mr. Dickinson against.

Mr. Kirwan for, with Mr. Andrews of Alabama against.

Mrs. Dwyer for, with Mr. Gardner against.

Mr. Hébert for, with Mr. Ashmore against.

Mr. Latta for, with Mr. Blackburn against.

Mr. Frelinghuysen for, with Mr. Utt against.

Mrs. Bolton for, with Mr. Buchanan against.

Mr. Harrison for, with Mr. Carter against.

Mr. Celler for, with Mr. Bevill against.

Mr. Miller of California for, with Mr. Hagan against.

Mr. Matsunaga for, with Mr. Jarman against.

Mr. Eilberg for, with Mr. Teague of Texas against.

Until further notice:

Mr. Corman with Mr. McCloskey.

Mr. Ashley with Mr. Cunningham.

Mr. Tenzer with Mr. Halpern.

Mr. Nichols with Mr. Edwards of Alabama.

Mrs. Green of Oregon with Mr. Saylor.

Mr. Hays with Mr. Halleck.

Mr. Hanna with Mr. Reifel.

Mr. St. Onge with Mr. Morse of Massachusetts.

Mr. Brown of California with Mr. MacGregor.

Mr. Flood with Mr. Laird.

Mr. Gettys with Mr. Harsha.

Mr. O'Hara of Illinois with Mr. Moore.

Mr. Jones of Alabama with Mr. Brotzman.

Mr. Watts with Mr. Gubser.

Mr. Landrum with Mr. Mize.

Mr. Olsen with Mr. Hansen of Idaho.

Mr. Rivers with Mr. Mathias of California.

Mr. Rhodes of Pennsylvania with Mr. Lukens.

Mr. Everett with Mr. Wyatt.

Mr. Resnick with Mr. Hawkins.

Mr. Holland with Mr. Dowdy.

Mr. Stubblefield with Mr. Karsten.

Mrs. Hansen of Washington with Mr. Hardy.

Mr. Pryor with Mr. Cederberg.

Mr. COWGER and Mr. PETTIS changed their votes from "nay" to "yea."

Mr. BURTON of Utah changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PROVIDING ADDITIONAL COMPENSATION FOR SERVICES PERFORMED BY CERTAIN EMPLOYEES IN THE HOUSE PUBLICATIONS DISTRIBUTION SERVICE

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 1368) on the resolution (H. Res. 1159) providing additional compensation for services performed by certain employees in the House Publications Distribution Service, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 1159

Resolved, That, notwithstanding any other provisions of law, there is authorized to be paid out of the contingent fund of the House of Representatives such sums as may be necessary to pay compensation to each employee of the Publications Distribution Service of the House of Representatives in a position at compensation level 4 or lower as established in accordance with the House Employees Position Classification Act for all services performed by such employee in excess of the normal workday where such services are authorized by the Committee on House Administration. Such compensation shall be paid on an hourly basis at a rate equal to the rate of compensation otherwise paid to such employees.

This resolution shall take effect on its adoption and payments made under this resolution shall be terminated as the Committee on House Administration determines necessary.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR THE EXPENSES OF CONDUCTING STUDIES AND INVESTIGATIONS AUTHORIZED BY RULE XI(8) INCURRED BY THE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 1369) on the resolution (H. Res. 1160) providing for the expenses of conducting studies and investigations authorized by rule XI(8) incurred by the Committee on Government Operations, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 1160

Resolved, That the further expense of conducting the studies and investigations authorized by rule XI(8) and H. Res. 110, Ninetieth Congress, incurred by the Committee on Government Operations acting as a whole or by subcommittee, not to exceed $250,000, including expenditures for employment of experts, special counsel, and clerical, stenographic, and other assistants, which shall be available for expenses incurred by said committee or subcommittee within and without the continental limits of the United States, shall be paid out of the contingent fund of the House on vouchers authorized by said committee, signed by the chairman thereof, and approved by the Committee on House Administration.

SEC. 2. The official stenographers to committees may be used at all hearings held in the District of Columbia, if not otherwise officially engaged.

SEC. 3. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Government Operations shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

With the following committee amendment:

On page one, line 5, strike out "$250,000" and insert "$225,000" in lieu thereof.

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF HIGHER EDUCATION STUDENT ASSISTANCE PROGRAMS

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16729) to extend for 2 years certain programs providing assistance to students at institutions of higher education, to modify such programs, and to provide for planning, evaluation, and adequate leadtime in such programs.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16729) with Mr. DONOHUE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Kentucky [Mr. PERKINS] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. AYRES] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I yield myself 6 minutes.

If I recall correctly, on the opening day of subcommittee hearings on the Higher Education Amendments of 1968, the gentlewoman from Oregon [Mrs. GREEN], chairman of the subcommittee, said:

> The most important issue in the bill is the timing of the legislation.

U.S. Commissioner of Education, Harold Howe, agreed with the subcommittee chairman saying:

> I am particularly grateful for your emphasis on the problems of timing connected with this legislation procedure. The colleges will benefit tremendously if the consideration of this legislation can be advanced.

I doubt if there is a Member of Congress who is not aware of the severe problems brought about by late authorizations and late funding. This is particularly so in the administration of the student aid programs. The four student aid programs being extended by H.R. 16729 will expire at the end of June. It is necessary therefore at this time to enact authorizing legislation so as to provide for the orderly continuation of these programs. H.R. 16729 proposes such an extension.

In addition—and very importantly—the bill provides not only for an extension in fiscal year 1969 but also an extension through fiscal year 1970. There is a related provision which proposes advance funding authority for the four student aid programs. Enactment therefore of this legislation will enable not only an orderly continuation of the programs next year, but also in fiscal year 1970.

H.R. 16729 is another example of the fine bipartisan cooperation that has been characteristic of the Special Subcommittee on Education under the chairmanship of the distinguished gentlewoman from Oregon [Mrs. GREEN]. Not only am I, but the Congress and the American people are appreciative of the untiring efforts she has made over the years for our colleges and universities and for our college students. In this effort, she has been joined ably by the ranking majority member of the subcommittee, the gentleman from Indiana [Mr. BRADEMAS], and the ranking minority member of the subcommittee, the gentleman from Minnesota [Mr. QUIE]. To these gentlemen, and to the other members of the subcommittee on both sides of the aisle, I offer my congratulations for an excellent piece of legislation.

I wish to acknowledge also the excellent contribution which the chairman of the House Banking and Currency Committee, the gentleman from Texas [Mr. PATMAN], has made to this legislation. On two occasions he appeared as a witness before the special subcommittee and on numerous occasions, his staff has been of assistance to me and to members of my staff. It is largely through Mr. PATMAN's efforts that we were able to find a satisfactory solution to what has been a severe problem in the guaranteed student loan program. On the basis of his testimony, the subcommittee dropped from the administration's bill the very controversial provision for placement and conversion fees to local lenders. In lieu of that provision, H.R. 16729 contains a much more preferable approach to the problem under which the ceiling on interest rates for student loans is raised to 7 percent.

Mr. Chairman, it is always a pleasure to bring a well-considered and designed bill to the floor of the House. It is particularly a pleasure, and an honor, to bring before you today legislation which was approved in subcommittee and in the full committee by unanimous votes. But more than this, I feel privileged to be a part of a Congress which is saying to needy young men and women that the Federal Government will help them obtain a college education.

During the hearings on the higher education bill, the president of one of the colleges in my district indicated that 75 percent of the students at his institution rely on some form of financial assistance to go to college. Unquestionably the percentage of students receiving financial aid is not as high in many other institutions as it is in this individual situation. Whether it be 10 or 75 percent, we cannot—and I am confident that we will not—deny students the benefits from our student assistance programs.

Mr. Chairman, I will review briefly the major provisions of the bill.

H.R. 16729 proposes a 2-year extension of the three college-based student aid programs—national defense student loans, college work-study and educational opportunity grants. The total annual authorization proposed for the three college-based programs is at the same level as the 1968 authorizaton. A total of $495,000,000 was authorized in fiscal year 1968 for the three programs. An identical sum is proposed for fiscal years 1969 and 1970.

Since the inception of the NDEA student loan program in 1958, over 2 million students have borrowed one and a quarter billion dollars. With the fiscal year 1968 appropriation of $190 million, approximately 400,000 students received loans this year. Section 1 of the bill proposes a 2-year extension of the NDEA student loan program, with an annual authorization of appropriation of $200,000,000. The proposed authorization is $25,000,000 less than the fiscal year 1968 authorization.

However, with an authorization of $200,000,000, the anticipated repayment of $64,000,000 to institutional revolving funds and the respective institutional contributions to the program, $274,000,000 will be available for loans to approximately 422,000 student borrowers during fiscal year 1969, and 432,000 students in fiscal year 1970.

During consideration of this legislation by the Rules Committee, questions were raised with regard to the eligibility of student borrowers. Based on our discussion, I requested of the Office of Education information which would clarify the eligibility criteria for participation in the program. The Office of Education has supplied me with a memorandum which I should like to insert in the RECORD at this point:

ELIGIBILITY OF STUDENT BORROWERS: NATIONAL DEFENSE STUDENT LOAN PROGRAM

THE ACT

Section 205(d) of the Act provides:

An agreement under this title for payment of Federal capital contributions shall include provisions designed to make loans from the student loan fund established pursuant to such agreement reasonably available (to the extent of the available funds in such fund) to all eligible students in such institution in need thereof.

Section 204(4) of the Act provides:

An agreement with any institution of higher education for Federal capital contributions by the Commissioner under this title shall—provide that in the selection of students to receive loans from such student loan fund special consideration shall be given to students with a superior academic background;

Note: The amendment substituting "students with a superior academic background" in lieu of all previous special considerations is applicable to the selection of students made in or after the second month following the month in which Public Law 88–665 was enacted.

THE REGULATIONS

Section 144.7(d) of the Regulations provides:

Loans from the Fund shall be made reasonably available (to the extent permitted by the Fund and subject to the provisions of section 204(4) of the Act) to all eligible applicants.

In the event applications exceed available funds, the order of selection shall be made on the basis of objective criteria established by the institution and made a part of the agreement for Federal capital contributions.

Section 144.7(e) of the Regulations provides:

No eligible applicant shall be denied a student loan from the Fund on account of sex, creed, race, color, or national origin.

THE TERMS OF AGREEMENT

Section E of the Terms of Agreement provides:

In the selection of students to receive loans from the Fund:

1. Special consideration shall be given to students with a superior academic background.
2. To the extent permitted by the Fund, loans shall be made available to all eligible applicants.

Section K of the Terms of Agreement provides:

The Institution agrees to comply with Title VI of the Civil Rights Act of 1964 and the Regulation issued by the Secretary of Health, Education, and Welfare pursuant thereto and with the Assurance of Compliance with such Regulation (Form HEW 441) which has been filed or is hereby filed with the Secretary of Health, Education, and Welfare.

THE MANUAL

Section 10301(d) of the Manual provides:

No eligible applicant shall be denied a National Defense Student Loan on account of sex, race, creed, color, or national origin. Also, the loan funds must be made available to eligible applicants without restriction as to State residency or marital status.

ELIGIBILITY OF STUDENT

An eligible student is defined by the Act as one who:

1. is in need of the amount of the loan to pursue a course of study at an institution,
2. is capable, in the opinion of the institution of maintaining good standing in such course of study,
3. has been accepted for enrollment as a student in such institution or, in the case of a student already attending such institution, is in good standing there either as an undergraduate, graduate, or professional student, and
4. is carrying at least one-half of the normal workload as determined by the institution.

Thus, a student who meets the above criteria is eligible regardless of his class, i.e., freshman, sophomore, junior, senior, graduate, or professional. However, in the last analysis, it is the responsibility of the Student Financial Aid Office of the institution to determine who will receive a loan. If funds are short of his requirements, some students will inevitably not be able to receive loans.

I should like to indicate, however, that it is clear that a student who meets certain requirements of the act is eligible for a loan regardless of his class—that is, freshman, sophomore, junior, senior, graduate, or professional.

The Office of Education memorandum further indicates that if funds are short—and this is the case at present—some students will inevitably not be able to receive loans. I intend to give this entire matter further consideration with a view to determining whether additional measures might be necessary to insure that no student is discriminated against on the basis of his class.

Section 2 of H.R. 16729 proposes a 2-year extension of the college work-study program and authorizes an annual appropriation of $225,000,000. Two million dollars was authorized in fiscal year 1968 for this program. The matching provisions for the work-study program are modified so as to provide, beginning in fiscal year 1969, an 80-percent Federal share of program costs.

Since 1964 and the beginning of the college work-study program, over a million needy students have been provided employment. Last year, 350,000 students participated in the program. Authorizations contained in H.R. 16729 will enable over 500,000 students to participate in the program each year.

Section 3 extends the educational opportunity grant program for 2 years with an annual authorization for initial-year grants of $70,000,000. The authorization level for initial grants is identical with that in fiscal year 1968.

This year, 135,000 students received initial year educational opportunity grants. Approximately 90,000 received continuation grants. The opportunity grant program will provide 133,000 new grants each year under the proposed annual authorization of $70 million for initial-year grants. Approximately 220,000 students in academic years 1969–70 and 230,000 in academic years 1970–71 will receive continuation grants under the authority proposed.

Also, this section would qualify college work-study earnings as matching for educational opportunity grants and would permit colleges to transfer opportunity grant money to their work-study program. With regard to this latter provision, I wish to make clear that my views are identical to the discussion of this issue in the committee report. I agree with the approach in H.R. 16729 which does not set an arbitrary percentage limitation—let us say 15, 20, or 25 percent—on the amount an institution may transfer from its grant program to the college work-study program—but in saying this, I do not wish to be interpreted as approving of a transfer which even approaches 15 percent.

Unquestionably the administration of the educational opportunity grant program is difficult, because it means that an institution of higher education must actively search out and motivate underprivileged but promising young students. If an institution does not wish to participate in the program, then there is no reqirement that they do so. No institution, however, should volunteer as a participant only in order to obtain additional funds for its college work-study program.

Briefly, the amendments to the guaranteed loan program are as follows:

Section 4 extends authority for payments to reduce student interest costs.

Section 5 extends the Federal loan insurance program.

Section 6 provides for a Federal guarantee of student loans insured under State and nonprofit private student loan programs.

Section 7 provides an authorization of $10,000,000 for additional advances to reserve funds of State student loan insurance programs.

Section 8 increases the maximum interest rate under the student loan insurance program to 7 percent.

Section 9 merges the national vocational student loan insurance program with the guarantee program under the Higher Education Act.

Since the beginning of the guaranteed loan program, 938,000 loans totaling $801 million have been made to college students. In fiscal year 1969, it is estimated that 750,000 new loans will be made totaling $641 million. In fiscal year 1970 it is anticipated that 923,000 new loans will be made totaling $794 million.

It is anticipated that the program will cost the Federal Government in terms of interest benefits and claims paid—$63,500,000 in fiscal year 1969 and $114,200,000 in fiscal year 1970. These annual costs include $2,500,000 in fiscal year 1969 and $9,500,000 in fiscal year 1970 in in additional costs resulting from the proposal in H.R. 16729 to raise the ceiling on interest rates to 7 percent and to provide for Federal reinsurance of State guaranteed loans.

Finally—and perhaps the most important provision in H.R. 16729, as I have indicated—is the provision of advanced funding authority for the four student aid programs.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Texas.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. PERKINS. I yield myself 2 additional minutes.

Mr. PATMAN. Mr. Chairman, the gentleman from Kentucky has discussed in some detail the student loan program. I wish to ask the gentleman this question:

The original bill that was presented provided for a considerable amount of money to be used for fees that would have to be paid in addition to the 6-percent interest rate. The fees and the interest on the money with the interest rate presently existing, the interest rate would be 10, 12, or 14 percent, based upon the manner in which it was figured.

The gentleman's committee is to be commended and the gentleman in particular is to be commended for taking action against that. The interest rate was high enough already and this is a rate which I do not like. However, it is so much better than what it was in the original bill. I just wonder what the difference is between the original bill and the bill as now being presented on the floor of the House.

I wish the gentleman would take time to explain that, what the committee did to improve the bill from the time it was offered until it was actually reported out on April 23.

Mr. PERKINS. Let me first preface my remarks by stating that the gentleman from Texas, in my judgment, made a great contribution to this legislation. The subcommittee eliminated the proposed placement and conversion fees largely on the basis of the gentleman's testimony.

The principal change in the bill is the deletion of the proposed conversion and placement fee proposal. In lieu of that the bill provides for an increase in the ceiling on interest rates. The committee feels that this is a far more preferable approach in encouraging greater participation in the program by local lending agencies.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that the gentlewoman from Oregon [Mrs. Green] may extend her remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mrs. GREEN of Oregon. Mr. Chairman, today we consider the future. The future of over 2 million students who will be affected by this legislation; 1.2 million students will receive financial assistance in fiscal year 1969, and about 1.9 million students will receive financial assistance in fiscal year 1970 if these programs are continued. Their future represents also the future of this country, for in providing the financial assistance proposed in H.R. 16729, Congress insures not only this Nation's increased security and productivity but also the freedoms and benefits to its citizens that justify a nation's continued existence.

H.R. 15067 is a bill approved without a dissenting vote in the Special Subcommittee on Education or in the full Committee on Education and Labor.

H.R. 16729 is a 2-year extension of the four major Federal student aid programs. The principal provisions of the bill are designed to:

First. Extend through fiscal year 1970 the student loan program carried on under title II of the NDEA.

Second. Extend through fiscal year 1970 the college work-study program carried on under title I of the Economic Opportunity Act.

Third. Extend through 1970 the educational opportunity grant program carried on under part A of title IV of the Higher Education Act of 1965.

Fourth. Extend through fiscal year 1970 the provisions of the guaranteed student loan program carried on under part B of title IV of the Higher Education Act of 1965, and strengthen its provisions by raising the ceiling on interest rates for student loans from 6 to 7 percent, providing for Federal reinsurance of loans guaranteed by the States, authorizing additional funds for advances to the reserve funds of State programs, and merging the National Vocational Student Loan Insurance Act into the Higher Education Act.

The proposed authorization for fiscal years 1969 and 1970 for the college-based programs is the same as was authorized in fiscal year 1968. More funds are needed, but the committee, recognizing the financial difficulties of the time, has authorized only what is most urgently needed to continue existing programs.

H.R. 16729 contains provisions that were considered in 25 days of hearings. The provisions in H.R. 16729 are similar to provisions contained in H.R. 6232, the Higher Education Amendments of 1967 on which, during the first session of the 90th Congress, the Special Subcommittee on Education conducted 12 days of public hearings. On 4 of these days, the subcommittee considered, exclusively, amendments to the guaranteed student loan program. This year the special subcommittee, in considering H.R. 15067, the Higher Education Amendments of 1968, conducted 13 days of hearings. Again much of the testimony dealt with the student financial assistance programs.

The committee acted separately and first on the student assistance part of the higher education amendments because it was particularly urgent that this legislation be passed as soon as possible. Universities and colleges throughout the country need to know right now what funds are available for student assistance so they can make commitments to presently enrolled students and incoming freshmen for the next academic year.

I wish to thank at this time the distinguished chairman of the full Committee on Education and Labor Mr. Perkins, who has assisted us and made available all the resources of the full committee in helping us expedite this legislation. He has been resourceful in his assistance and generous in his services. I would also like to thank all the members of the subcommittee who have devoted long hours of hard work in preparing the legislation for consideration on the floor today. I would particularly like to express my gratitude to two members of the subcommittee, Mr. Brademas, the ranking majority member of one subcommittee, and Mr. Quie, the distinguished minority leader of the subcommittee for their excellent contribution to this legislation.

The bill represents a response to the desperate need for immediate action in this field. But it is also a continuation of Congress understanding of the long-term needs of student assistance during a time of ever-increasing educational costs. Annual current expenditures of institutions of higher education increased from $4.5 billion in 1956–57 to $13.2 billion in 1966–67, almost a threefold increase. They are expected to reach $25.3 by 1976–77, or nearly double during the projected 10-year period.

While enrollment is not expected to increase at as rapid a rate as during the 10 years, this factor will be more than offset by increasing expenditures per student. This school year, costs of "student education" averaged $1,400 per student in public institutions and $1,864 per student in nonpublic colleges.

Section 1 of H.R. 16729 deals with title II of the National Defense Education Act. The NDEA was enacted in 1958 in a period of some uneasiness about recent Soviet accomplishments. It is perhaps a sad commentary on our country that the first major Federal assistance to students continuing their education beyond high school resulted from fear of another country. Federal assistance to students should not have to be justified as a defense measure. Since its inception, however, NDEA has visually affected the quality and the availability of education in the United States. Probably the best known part of the act is title II which provides loans to college students. It is estimated that more than $1 billion has been advanced to 1.4 million students borrowing at 1,700 institutions with the average annual loan amounting to $460.

Section I of H.R. 16729 would extend the student loan program under title II of NDEA for 2 years and authorize appropriations of $200 million for each fiscal year. It is estimated that the authorization figure of $200 million in fiscal year 1969 will provide student loans for approximately 422,000 students. No other amendments to the student loan programs are proposed.

Section 2 of H.R. 16729 proposes the extension of the college work-study program for 2 years with an authorization of appropriations of $225 million for each year. The college work-study program since its enactment in late 1964 has proved to be an efficient means of providing assistance to college students and enriching their education. In 1965 more than a thousand institutions provided employment for 1,500 students, and in 1966, 1,500 schools employed 275,000 students in work-study programs. For 1967, 1,700 institutions provided work for 300,000 students. When this legislation was first enacted, it was clearly understood that it would be of benefit to the student and to his educational institution, and so it has proven to be, allowing students to perform necessary services and functions in colleges; working in libraries, doing research projects for professors and in many ways not only enriching the students' education but providing a substantial contribution to the school itself.

As the work-study program developed, it became clear that it provided another benefit. It allowed students to serve many necessary and frequently neglected functions in their communities. This is particularly true during the summer months when the student is able to work full time for the community. There are many examples of meaningful work that has been done in the community.

At Appalachian State University, Boone, N.C., 20 students are employed under the college work-study program at Western Carolina Center, a residential facility for the care and treatment of mentally handicapped children. These students spend 12 weeks during the summer as aides at the center. The university has indicated that these work assignments furthered student interest in the care and treatment of mentally handicapped children and enlightened students about the professional possibilities in this field.

Close to 100 students from South Dakota State University, Brookings, S. Dak., are employed each summer under the college work-study program in extension offices in most of the counties of the State.

Presbyterian College, Clinton, S.C., reports that 19 college work-study students will be employed at the community's first YMCA. Students will work as activity directors, lifeguards, coaches, counselors, and supervisors in the initial program starting this summer. The newly formed YMCA is the first activity of its kind in the city and will provide a much-needed program for young people.

The proposed authorization of $225 million for fiscal year 1969 with the institutional contributions will allow about 509,000 students to participate in the work-study program. This authorization for fiscal years 1969 and 1970, which is slightly more than the authorization for fiscal year 1968 is based on the committee's conviction that even more can be done in this program to provide essential community services during the summer months. The educational institutions' request for work-study funds were in substantial excess of the proposed authorization.

By increasing the authorization even more, college students will work in their communities during the summer months. In this limited way it is the committee's hope that the program can assist in alleviating some of the grievous conditions in our urban areas.

Also section 2 modifies the college work-study matching provisions. Currently the Federal share is 85 percent; on August 20, 1968, it will drop to 80 percent; and on August 20, 1969, it will drop to 75 percent. Section 2 terminates the Federal share of 85 percent as of June 30, 1968, and provides that thereafterwards the Federal share be 80 percent.

An exception is provided in cases of a private nonprofit agency which would be unable to continue the program because of insufficient funds. This is a recognition by the committee that in these cases students employed by private nonprofit organizations are frequently providing necessary services for their community, which should be continued even though the employing agency does not have sufficient funds. This modification of the Federal matching share is consistent with the committee's wishes that to the fullest extent possible students under the work-study program be employed in the community during the summer months.

Section 3 proposes the extension of the educational opportunity grant program for 2 years; $70 million would be authorized for initial year grants for fiscal year 1969, and the same amount for initial year grants in fiscal year 1970. In these 2 years such sums as are necessary will be authorized for continuing grants. The EOG program provides grants for college expenses to students of exceptional financial need. It is a very effective part of the total Federal financial aid package and is extremely important in providing an educational opportunity for the most needy students.

During the first year of the program $46,400,000 was awarded to the more than 123,000 needy students at 1,400 participating institutions. About 30,000 were from families whose gross income was under $3,000 and 71 percent came from families with incomes of under $6,000. This year it is estimated that about 226,800 students have received grants, 135,200 for the initial year and 91,600 for the first renewal year. About 1,600 institutions are currently participating in the program. Out of the proposed fiscal year 1969 authorization there will be 13,000 initial year grants and 221,000 continuation grants.

In student assistance there is rarely unanimous agreement. The testimony, though, on the Higher Education Act of 1968 was unanimous in the assertion that the present prohibition of college work-study funds as matching funds for the grant program was without grounds and could not be justified. Therefore, section 3 of the bill specifically permits college work-study assistance be considered in determining the amount of an EOG furnished a student. The section also permits EOG money to be transferred to the institution's college work-study program. These funds, however, must be matched by the institution in the same manner as is prescribed for the work-study program. This provision in no way reflects disillusionment of the Committee with EOG. I believe the EOG has and will continue to serve a useful and necessary purpose. This provision merely allows greater flexibility of the administration of funds at the institutional level.

Section 4 extends for 2 years the authority of the Commissioner to enter into agreements under which the Federal Government makes payments to reduce student interest costs on guaranteed student loans. It is under this authority that the Commissioner pays all of the interest charges on student loans while the borrower is in college and up to 3 percent of the interest charge during the repayment period of the loan. The Office of Education estimates that the cost of the interest subsidy in fiscal year 1969 will be $61,383,000 and in Fiscal Year 1970 $98,006,000.

The guaranteed student loan program was enacted as part of the Higher Education Act of 1965. It represents the attempt of the Federal Government to involve the states and the private sectors of the economy in providing sufficient funds for all who want to continue their education. In the more than 2 years since the enactment of this landmark legislation, guaranteed student loan programs have been established in one form or another in each of the States, the District of Columbia, and Puerto Rico. During that time and through February 29, 1968, over 796,000 loans totaling more than $682 million have been made by State or private nonprofit agencies or insured by the Federal Government.

In fiscal year 1967, the programs' first full year of operation, 330,088 loans were made totaling $248,494,000. As of February 29, 1968, a total of 418,204 loans totaling $357 million had been made. The anticipated volume for the two programs during fiscal year 1968 is estimated at 560,000 loans totaling $476 million. If this goal is reached loans will be made to approximately 7.2% of first year enrollment. In fiscal year 1969, this percentage figure is expected to increase to approximately 9.7 percent with approximately 750,000 new loans made totaling $641,250,000.

Section 5 extends for 2 years the program of federally insured student loans. Under this provision, the principal amount of new loans insured under the Federal program in fiscal years 1969 and 1970 could not exceed $1.4 billion per year. At the present time the Federal insured loan program is operative in 19 States principally because the reserve funds of those States are presently insufficient to enable continuation of their program. Under the proposed amendments in this bill, particularly those proposing Federal reinsurance of State guaranteed loans, the operation of the Federal insurance program in many of these States will be obviated. The Federal program is still viewed by the committee as purely a standby program.

Section 6 introduces a new form of assistance to State loan guarantee programs. It provides a way of increasing the loan capacity of State programs but does not discourage State participation in these forms of programs. This section would authorize the Commissioner to enter into agreements with the States to insure, on behalf of the United States, 80 percent of each student loan guaranteed by the State. Presently most guarantee agencies have been operating on a 10 to 1 ratio, that is $1 of reserve funds for each $10 of loans outstanding. With the Federal Government reinsuring 80 percent of the loans, the guarantee agency is able to guarantee a great many more loans.

An example might best clarify the purpose of this provision. Under existing law, a student in the State of New York obtains a loan from a local bank which is guaranteed by the New York State agency. If he is from a family with an income of $15,000 or less, then the Federal Government will subsidize the student's interest charges, but the Federal Government does not participate in the guaranteeing of the loan as this is the role of the State agency. Thus, if the student defaults, it is the State agency, not the Federal Government, who reimburses the lender.

Under the proposal contained in this section, the State would still guarantee the loan. However, the Federal Government would reinsure the loan. Thus, if the student should default, the Federal Government will reimburse the lender 80 percent of the loss and the State will reimburse 20 percent. This has the effect of greatly expanding the guarantee capacity of State agencies. The guarantee would not be available to those insurers which are precluded by State statute or regulation from using the Federal guarantee in lieu of a portion of its reserve fund.

The 1965 Higher Education Act provides for $17.5 million in Federal "seed" money advances to help State programs get started. These funds have now largely been used up, and in a number of States loans cannot be provided unless additional funds are made available. For this reason, section 7 of the bill would authorize an additional $10 million which would be available in fiscal years 1969 and 1970, and would be advanced to a State or nonprofit private program only to the extent that the advance is equally matched by amounts from non-Federal sources.

The crucible of the guaranteed loan program is the participation of the private lending institutions of the country. Without their substantial participation in the program it cannot succeed. Although the program has made an encouraging start under difficult circumstances, the number of loans is not as great as anticipated. There are grave doubts about lending institutions' ability to participate in this program under prevailing financial conditions. These doubts were foreshadowed in the Special Subcommittee on Education's "Study of the U.S. Office of Education." The study suggested that this might be an ever increasing problem for this program. Subsequent studies have verified this fear about the inability of banks to participate in the program.

A 1967 interagency study concluded that while the guaranteed loan program is sound in conception, there was a shortage of funds provided, and unless some changes were made in the program the shortage of lending resources and of loan guarantee capacity would increase and jeopardize the very purpose of the program. It should be remembered that this program anticipates a large national extension of credit. In 1969 it is estimated that there will be 1,688,600 loans outstanding amounting to $1,433,177,000. For fiscal year 1970 it is anticipated that there will be 2,612,100 outstanding loans amounting to $2,146,408,000. In subsequent years it is further estimated that there will be an even greater increase in the number and the amount of loans outstanding in this program.

Obviously then, this program requires the participation of national lending institutions far beyond that of a mere contribution such as a contribution to the Community Chest or a sideline of their lending portfolio.

Finally, a "Study of Federal Student Loan Programs" conducted this year by the college entrance examination board also revealed that lending institutions were not receiving a reasonable return to insure their continued participation in this program. That study concluded that—

> In the final analysis, success or failure of the GSLP—based as it is on private credit—will depend on the amount of private credit available. A State or Federal guarantee is obviously a stimulant to availability but, by itself, does not assure availability in the amounts required to meet student demand. Lenders seem willing as a social responsibility to meet demands (up to a point), depending on total resources available.

The failure of the lending institutions to participate and thereby jeopardizing the program was also verified by most of the testimony in the hearings on H.R. 15067.

It is clear then that some means must be devised to make the program more attractive and reasonable for the lending institutions of this country. Many suggestions were considered. I wish at this time to thank Congressman Wright Patman, the distinguished chairman of the House Banking and Currency Committee, for his great assistance to the special subcommittee in this matter. He certainly was influential in convincing the committee that the proposed placement and conversion fee was not a correct solution to this problem.

Under existing law where there is a State-guaranteed student loan program, lenders may not charge an interest rate which exceeds 6 percent. Where the Federal guarantee program is operative, lenders are also precluded from charging more than 6 percent, unless the Commissioner makes a special finding that a higher interest rate—up to 7 percent—is required. This latter discretionary authority has never been used. Section 8 of the bill sets the maximum interest rate for student loans guaranteed by the State programs or by the Federal Government at 7 percent. In the case that money was loaned at 7 percent, the Federal Government would pay an interest subsidy of 7 percent while the borrower is in school, and the borrower would pay 4 percent instead of 3 percent during the repayment period, providing the borrower is from a family with an adjusted income of $15,000 or less.

Many recent events have indicated the need for this action. The cost of money has steadily increased. The Federal Reserve has recently raised the discount rate to 5½ percent, which is the rate the Federal Reserve lends money to member banks across the country. The present rate of interest which banks charge to preferred borrowers known as the prime interest rate has been raised by many banks to 6½ percent.

This week the interest rate on FHA and VA home loans was raised to 6¾ percent. In these circumstances the committee views raising of the permissible interest rate to 7 percent as necessary and desirable to the successful achievement of the purposes of this program. To insure that the purpose of raising the interest rate would not be frustrated in some States, the committee decided it was necessary to preempt certain State usury laws which would apply to student loans. Failure to do so would result in students in those States being unable to receive sufficient funds for their educational needs.

The committee feels that this is a necessary and proper exercise of Congress' power to effectuate the purposes of the Higher Education Act of 1965 and also believes that this program sufficiently affects the national pool of credit to allow the exercise of Federal authority.

Section 9 proposes the merger of the National Vocational Student Loan Insurance Act of 1965 with the student loan program of the Higher Education Act of 1965. Again this is one of those rare areas of total agreement. The testimony in the hearings was unanimous in support for it. This merger will eliminate needless duplication of paper work and provide students in vocational education with readier access to the guaranteed loan program.

The members of the House Education and Labor Committee have become increasingly aware of the problems created by the late timing of authorization and appropriations. The education institutions, trying to implement education programs, must have adequate notice of their allocations, if the various programs are to be used effectively. Education legislation falls short of expectations because funds are not effectively used; institutions are unable to estimate accurately their own budget needs, and the total effectiveness of federally assisted programs is lost.

With the increasing flow of Federal money, the number of Federal education support programs has grown—and with this growth, the number of extension and authorization cases have also increased. In the case of both the Elementary and Secondary Education Act and the Higher Education Facilities Act, extension and appropriations in 1966 came so late that funds did not become available to the local schools until mid-November—6 months after the completion of typical school budgets.

Our colleges and universities need firm commitments under the Federal student assistance programs during the vital spring months. Since the institutions of higher education usually provide students with financial aid from many different sources of funds, it is essential that they know at the time they have to make their determinations how much money will be available from each source. The very enrollment of a great number of students depends upon the assistance they might be granted, and institutions are greatly handicapped when funds are not received until after the academic year has begun.

To alleviate this problem, this bill proposes advanced funding authority for the four student assistance programs as amended by H.R. 16729. The provisions are similar to those adopted by Congress last year under the Elementary and Secondary Education Act. In addition to providing authorizations for program planning and evaluation and requiring evaluation reports, this section of the bill authorizes appropriations for the student aid programs to be included in appropriation acts for the fiscal year preceding the fiscal year for which they would be made available. The section further provides that appropriations for any fiscal year for the student assistance programs could, in accordance with regulations, be made available for expenditure on the basis of an academic or school year differing from such fiscal year.

I wish to thank my colleagues of the House for their consideration today of H.R. 16729 and I think that they will find it worthy of their support.

Mr. AYRES. Mr. Chairman, I yield 10 minutes to the ranking member of the subcommittee, the gentleman from Minnesota [Mr. Quie].

Mr. QUIE. Mr. Chairman, we have before us today a bill that extends some of the student-assistance programs. The purpose of the legislation is to extend those authorizations now rather than wait for the total higher education bill. The reminder of the higher education bill can wait. I wish it did not need to, but, with the student-assistance program, the colleges and universities and area vocational schools should know as soon as possible what they can promise the students when they attend their institutions this fall.

This will happen if we can pass this authorization speedily; and, if it speedily passes in the other body, it can be a part of the regular HEW appropriation bill.

We feel that, even though some of the Members might want some changes in this bill, we ought to adopt the student-assistance programs today as they are. Our committee in just a little while, just a few weeks, I hope, will have the higher education bill up for a 5-year extension, and any changes that should be made could be made at that time, anything the Members would raise now could be brought up; we could have additional hearings on them, and consider it again at the later date.

But the most important part is that students be able to plan for the future and for the colleges and universities to plan to meet the students financial needs.

This bill provides the same advanced funding as the elementary and secondary education bill carried out last year. This will permit the Committee on Appropriations to not only make a determination for appropriations in the 1969 fiscal year, but for 1970 as well, and again give the kind of assurance to the institutions of higher learning that the money will be forthcoming in later years.

Colleges have had difficulty in the past to do forward planning, not knowing what the Congress would do, both in the authorizations and in the appropriations.

If there are going to be any drastic changes, we ought to give enough lead-time for the institutions of higher learning to make the change.

Each of the four programs is due to expire with the close of fiscal year 1968. Each one is urgently needed if the continued education of hundreds of thousands of young men and women is to be assured.

Very briefly, here is what the bill would do:

Continue the low-interest student loan program conducted under title II of the National Defense Education Act, an authorization of $200 million for each of the fiscal years 1969 and 1970. The fiscal year 1968 authorization was $225 million.

Continue the program of educational opportunity grants carried on under part A of title IV of the Higher Education Act, with an authorization—identical to present law—of $70 million for each fiscal year for initial educational opportunity grants, plus such sums as are necessary to continue previously awarded grants. One modification allows a student's earnings from the institution's work-study program to be counted as matching money to meet the requirement that a grant cannot exceed one-half the total aid he receives. The second change permits the college to transfer EOG funds received by it to the work-study program, subject, of course, to the applicable work-study program matching requirements.

Continue with modification of matching provisions the college work-study program with an authorization of $225 million for each of the fiscal years 1969 and 1970—up from $200 million for fiscal year 1968. The modification limits the Federal share to 80 percent for each of the fiscal years, effective with the start of fiscal 1969. Present law limits the Federal share to 80 percent for the year starting August 20, 1968, and to 75 percent for the year starting August 20, 1969. The Commissioner of Education would be permitted to provide a Federal share in excess of 80 percent in certain cases of off-campus jobs with private, nonprofit agencies, where to insist upon 20 percent matching might prevent employment of the student by the agency.

Continue with amendments the guaranteed loan program under part B of title IV of the Higher Education Act, with an authorization of an additional $10 million to be used for additional advances to strengthen the reserve funds of State programs. The Federal advances must be matched on an equal basis by the State. The amendments include the merger of the similar program for vocational students under the National Vocational Student Loan Insurance Act of 1965; permission to the Commissioner to pay an interest subsidy of 3 percent on loans bearing interest up to 7 percent, whether guaranteed by State or private nonprofit agencies, or pursuant to the standby Federal student loan insurance program; provision that State usury laws will not be applicable to insured student loans bearing interest up to 7 percent; and adoption of Federal reinsurance of loans guaranteed by State agencies, under which 80 percent of the claims paid by that agency to a lender on default will be reimbursed by the Federal Government.

Provide authority for advanced funding of the four assistance programs to allow appropriations to be included in appropriations acts for the fiscal year preceding the fiscal year for which the appropriated funds would be made available.

Mr. Chairman, the Members will recall that, just 10 years ago, the Congress enacted the National Defense Education Act and so launched the landmark student loan program. Ten years later, it is estimated that more than 2 million students will have received loans through this program. Loans outstanding by the close of fiscal 1968 will total approximately $1.25 billion. We expect some 422,000 students will receive loan assistance under this program in fiscal 1969.

It is encouraging to note that repayments of these loans—expected to total $64 million in fiscal 1969, and more in fiscal 1970—will provide added funds that will be recycled into new student loans.

Each of the four programs that H.R. 16729 would extend has applicability to a somewhat different group of students because of varying eligibility standards. Those standards are as follows:

National defense student loan program:

Preference in the selection of students shall be given to students with a "superior academic background." Eligibility is limited to a student who, first, needs the loan in order to pursue his studies at the institution; second, is deemed capable, by the institution, of maintaining good standing in his course of study; third, is accepted for enrollment or is in good standing at the school; and, fourth, carries at least one-half the normal full-time academic workload.

Educational opportunity grants program: Eligibility is limited to a student who, first, is of exceptional financial need, second, shows evidence of academic or creative promise and capability of maintaining good standing in his course of study, third, is accepted for enrollment or is in good standing at the school, and in full-time attendance there as an undergraduate, and fourth, would not, but for an EOG, be able to pursue a course of study at such institution.

Work-study program: Preference in the selection of students for employment shall be given to studens from low-income families. Employment shall be furnished only to a student who, first, needs the earnings from such work in order to pursue his studies at the institution, second, is deemed capable, by the institution, of maintaining good standing while so employed, third, is accepted for enrollment or is in good standing at the school and in full-time attendance there either as an undergraduate, graduate, or professional student.

Guaranteed student loan program: Benefits of this program are not to be denied any student because of his family income or lack of need if his adjusted family income at the time the loan is executed is less than $15,000. To be insurable, the loan must be made to a student who, first, is accepted for enrollment or is in good standing, and second, carries at least one-half of the normal full-time workload at the institution.

Only in the guaranteed student loan program is financial need not considered a precondition of assistance. In the other three, the necessary finding of need ranges from exceptional, in the case of educational opportunity grants, to an unqualified need for assistance to enable the pursuit of academic studies in the case of the national defense student loan and work-study programs. Preference in the latter program goes to students from low-income families, whereas in the former, it goes to students of superior academic achievement.

Mr. Chairman, it may be that we can design better or more efficient programs to assist young men and women, particularly the needy, obtain a college education. Indeed, I will be among those Members who will seek to improve the operation and administration of these programs when the Committee on Education and Labor resumes its work on an omnibus bill for higher education. But for the immediate future—that is, fiscal years 1969 and 1970—I am convinced that the extension of these programs is of utmost significance, not only to the students who will directly benefit therefrom, but to our institutions of higher learning, who derive a substantial percentage of their operating revenues from tuition payments of these and other students.

The vocational education insured loan program is also made a part of this bill, but the vocational work study program was not a part of it, and, if we are going to have a complete and effective Federal program for students past high school, this should be a part of it.

That is why I am going to offer an amendment to include the extension of the vocational work study exactly as it is now in the law for an extension for 2 years, at the same authorization it is in fiscal 1968.

So, when the Committee on Appropriations considers the student assistance program, they can consider vocational work study at the same time.

Mr. Chairman, I think this is so well written that we need not take a great deal of time explaining and talking about it, but rather that we move quickly to the passage of the bill. I urge the House to pass the bill, H.R. 16729.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to my colleague, the gentleman from Iowa.

Mr. GROSS. Why is this a 2-year program?

Mr. QUIE. Why is it a 2-year program?

Mr. GROSS. Yes; is it not a 2-year program?

Mr. QUIE. It is a 2-year program in order that we can put the advance funding into operation.

If it is just authorized for 1 year, then the Committee on Appropriations would not be able to do their forward funding as they are now planning to do, as I understand it.

So, in talking to our colleagues on the Subcommittee on Appropriations, they let it be understood that they would like this to be a 2-year extension rather than just for 1 year, so that they can now make a decision as to what should be done for the fiscal year 1970 rather than to wait until next year.

Mr. GROSS. Does the gentleman not think that a program of this kind, providing for an expenditure of $1 billion, deserves an annual review on the part of the legislative committee as well as the Appropriations Committee?

Mr. QUIE. I believe it deserves annual review, but not to endanger the program or to prevent the kind of forward planning of the institution that is necessary, and for that reason we need to be 2 years ahead all the time.

Our problem is the fact that education institutions do their planning long before the college year or the school year begins. That makes it necessary for us to have the money appropriated before that planning process, which, for instance, for this coming school year should have been in January. We just do not appropriate money that early. We have to get a year ahead in order that colleges can use that money more wisely than they have.

Mr. GROSS. If the gentleman will yield further, there is another factor that enters into this question. I would not have the vaguest idea of what is going to happen in this country in the next 8 months, 10 months, 12 months, or 15 months, by way of financial crises. I do not know when this fiscal ball of wax is going to blow apart. I doubt if the gentleman from Minnesota does. I think now, of all times, instead of projecting these multimillion- and multibillion-dollar programs into the unknown and uncertain future, we should be dealing on an annual basis.

Mr. QUIE. I would say to the gentleman from Iowa that generally I would agree with him on that point, but in relation to student assistance, there is so much uncertainty in the world today, the students find they are facing a most uncertain world that students have ever seen. At least this kind of assurance would permit them to know that, when they need the money, the college can give the assurance to them that money is going to be available.

The Appropriations Committee undoubtedly cannot make its plans for 1970 with complete detail. But they do know that at least there will be the level of student need in 1970 that there was in 1969, for which they are planning now. But just so that the institutions of higher learning know that they will be able to receive in 1970 what the Appropriations Committee now feels is a conservative need, I think the authorization should be made available to them on this 2-year basis.

Mr. PERKINS. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Indiana [Mr. BRADEMAS], who has worked diligently and consistently on this legislation for the past several years.

Mr. BRADEMAS. Mr. Chairman, I count it a great privilege to serve as a member of the Special Subcommittee on Education which unanimously approved H.R. 16729, as did our entire Committee on Education and Labor. Our subcommittee's deliberations on this bill have been extensive. There were some 25 days of hearings in the 90th Congress on legislation to expand and modify higher education programs. Much of the testimony and discussion during our hearings focused on the subject matter of the measure before us today, namely, modifications and revisions in the four major student assistance programs contained in H.R. 16729.

Mr. Chairman, at the outset I wish to pay particular tribute to the talented and hard working chairman of our subcommittee, the gentlewoman from Oregon [Mrs. GREEN], who unfortunately, because of illness, is not able to be with us today. But it is in large part because of her tenacious and dedicated work on this bill that we are able to bring it before this Committee today.

I wish also to pay tribute to the other members of the subcommittee, the gentleman from Minnesota [Mr. QUIE], on the minority side, and his colleagues, as well as the majority members of our subcommittee.

We have brought out a bill that has strong bipartisan support, a bill that we feel provides in the coming year for the orderly administration of student aid programs and the expansion of benefits to our needy college and university students.

The necessity for the extension of these programs is well known. Every Member in this House has received hundreds of letters from prospective college students, outlining the difficulties they have experienced in finding adequate financial resources to go to college. Without this bill, the existing programs of Federal student aid will terminate on June 30, 1968. The impact of such a termination on the college-bound population, and on their parents, would be catastrophic.

Mr. Chairman, it is clear to us all that college has ceased to be the exclusive preserve of the well-to-do in our society. In President Johnson's words:

> It is one of the triumphs of American democracy that college is no longer a privilege for the few.

The increased complexity of modern-day life, a thirst for knowledge on the part of young people, and a growing demand on the part of all employers for college graduates have had a profound effect upon our higher education system. College enrollments have doubled in the past decade; there are today more than 6 million students in our Nation's colleges and universities. By 1975, enrollments are expected to reach 8.6 million.

Although increasing numbers of students are seeking undergraduate and graduate education, rising costs of such education are making it increasingly difficult. Costs to the undergraduate student in public institutions averaged $850 in 1940; by 1965, that cost had almost doubled—$1,560. By 1980, the cost of an undergraduate education in a public institution will be even higher—an estimated $2,400. In private institutions, the costs have risen from $1,100 in 1940 to $2,370 in 1965; by 1980, it is estimated that the average annual cost will be $3,640.

During the past decade, we in Congress have voted a number of programs whereby the Federal Government has assisted students in meeting these spiraling costs. Under the National Defense Education Act of 1958 more than $1 billion in student loans has been advanced to 1.4 million student borrowers at 1,700 institutions, with the annual average loan amounting to $560.

H.R. 16729 would continue the National Defense Education Act loan program for 2 years, with an authorization of $200 million for each of fiscal years 1969 and 1970. In fiscal year 1969, this authorization, plus student loan repayments and institutional contributions, will make possible an estimated $274.6 million for loans to 422,000 borrowers attending 1,788 institutions across the country. By fiscal year 1970, funds will be available for loans to approximately 432,000 student borrowers.

A second financial assistance program extended by H.R. 16729, originally enacted as part of the Economic Opportunity Act of 1964, is the college work-study program. This program provides part-time and summer work opportunity for students, especially those from low-income families, to enable them to pay all or part of their college expenses. Under this program, approximately 1,800 institutions provided earnings for an estimated 300,000 students. Under the college work-study program, students have been given jobs on college campuses and in career-related positions in the community. During the academic year 1965–66, approximately 35 percent of the students employed were from families with annual incomes of less than $3,000. Clearly, this program has been successful in reaching those students who need it most.

H.R. 16729 proposes the continuation of the college work-study program, with an authorization of $225 million for each of the fiscal years 1969 and 1970. I share the hope of the Committee on Education and Labor that this increased authorization will help many colleges and universities to put their resources at the disposal of their communities during the coming summer months.

The other two financial aid programs extended by H.R. 16729 were originally enacted in 1965, as part of the Higher Education Act. The guaranteed loan program is designed to help assure that every student accepted into an institution of higher education would be able to obtain the financial resources needed to pay for his education. This program recognizes that the rising costs of a college education have placed a severe burden on middle-income families, as well as those in lower income brackets. Banks, savings and loans associations, insurance companies, credit unions, and similar lending institutions may make loans of up to $1,000 to $1,500 per year. In the more than 2 years that the program has been in operation, more than 796,000 loans totaling more than $682 million have been made by participating lenders in all 50 States, the District of Columbia, and Puerto Rico.

The volume of loans, while impressive, falls substantially below that which had been anticipated. I am sure many Members of this House have received letters similar to the ones sent to my office, letters which tell of students who want to borrow money under this program, but who have been unable to find a bank in their community willing to lend them the funds.

Part of the problem has been that the money market has changed drastically since 1965. Many banks are unable to make loans to students at the 6-percent rate specified in the law, without suffering financial loss. It was clear from the testimony received by the subcommittee and from a very careful consideration of an exhaustive study by the college entrance examination board that revisions had to be made in the program to provide a reasonable return to local lenders. A variety of alternative ways of increasing the yield on student loans was considered by the subcommittee. Chairman PATMAN of the Banking and Currency Committee was most helpful to us during these considerations. It was felt the subcommittee concluded and has proposed in H.R. 16729, that an increase in the ceilings on interest rates applicable to student loans has become necessary. Under existing law, the interest rate is set at 6 percent. It is important to note that the bill does not set an interest rate on student loans; it provides that the interest rate may not exceed 7 percent. It is my hope, of course, that local lenders will, to the maximum extent practicable, charge interest rates which are less than the statutory ceiling proposed by H.R. 16729. The Commissioner of Education would continue to pay the entire amount of interest accruing on a student's loan while that student was in school; on graduation, the student would pay 4 percent, and the Commissioner would continue to subsidize the interest charged at the rate of 3 percent.

Several States have had difficulty establishing viable State agencies to guarantee loans under this program. For this reason, H.R. 16729 provides an additional authorization of $10 million, to be used for advances to strengthen the reserve funds of State programs and to be matched equally with State funds. In order to promote the continuation of existing State guarantee agencies and to encourage the development of adequate State programs where none now exist, the bill also proposes that the Higher Education Act be amended to provide for what has come to be called Federal "reinsurance" of loans guaranteed by State agencies. Under this provision, the Commissioner of Education would be authorized to reimburse an agency for 80 percent of claims paid by that agency to the lender if a loan went into default. As the agency would be responsible only for payment of 20 cents on the dollar, this would have the effect of multiplying the guarantee capacity in the State's reserve fund by a factor of 4.

I will not go into any detail concerning the other changes in guaranteed loan programs contained in H.R. 16729. I fully support the merger of the National Vocational Student Loan Insurance Act into the Higher Education Act.

Finally, the legislation proposes the continuation of the educational opportunity grant program. This program, enacted in 1965, is designed to make a college education available to high school graduates of exceptional, financial need—students who, without the grants, would be unable to attend any institution of higher education. This grant can be no more than half of the financial aid supplied by the college from its own resources. It must be matched by institutional scholarship funds, employment, or NDEA loan funds. This year it is estimated that 226,800 students have received grants, 135,200 for their initial year and 91,600 for their first renewal year. About 1,600 institutions are currently participating in the program.

Based on the testimony presented to the subcommittee, I am convinced that the educational opportunity grant program is being utilized by our colleges and universities as an effective instrument to motivate and encourage exceptionally needy students to pursue a college education. I am convinced that the program has only one major deficiency—it is not large enough as yet to fully meet the needs.

The proposed authorization is a realistic proposal, I believe, only when viewed in terms of the current tightening in the Federal situation. It is not a realistic proposal when viewed in terms of what must be done in order to assure that no competent student is denied a higher educational opportunity. I base this observation on personal discussion with college administrators and on testimony received by the subcommittee.

Mr. Chairman, I have spent just a few moments in describing what appears to me to be the inadequacies of our effort to motivate the disadvantaged and exceptionally financially needy students. I do so in part because this issue is related somewhat to one of the provisions in H.R. 16729. Under the provision, institutions of higher education are permitted great flexibility with respect to educational opportunity grant funds. Under it they may transfer any or all of their educational opportunity grant money to the college work-study program. I believe the committee report places this provision in proper context by indicating that a transfer should only be made when an individual institution feels that it can better serve the needs of low-income students better by a heavier investment in the college work-study program. I wish to make abundantly clear my view that the grant program is presently not meeting the need to which it is directed and my hope that institutions of higher education will utilize this flexible provision only in individual situations when it is abundantly clear that a transfer of funds is necessary to serve more adequately the requirements of exceptional financially needy students. Mr. Chairman, as has been said many times today, this legislation was reported from subcommittee unanimously and from the full committee unanimously. I urge the House to accord similar treatment to this legislation. Thank you.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Chairman, I congratulate and commend warmly the able chairman and the members of the Education and Labor Committee for what they have done to provide assistance to the young men and women trying to get college and graduate school education.

But I ask the distinguished gentleman from Indiana, is it not a fact, with what we have done and what we propose to do in this legislation, that still there is a shortage of funds to enable all the needy boys and girls of this country, who have the competence and character to do so, to go to college and to get an appropriate education?

Mr. BRADEMAS. Mr. Chairman, I do not think there is any question about that, I will reply to my friend from Florida. I sit on the Advisory Council of the College of Liberal Arts at Notre Dame, which is in my district. We had a meeting last Saturday in Indiana. A member of that board, a distinguished vice president of the National Broadcasting Corp., asked the question:

> If a needy student, a talented student, who did not have the money but had the ability to do a good job at the University of Notre Dame, is there any doubt that he would be able to get the funds to go to college?

The dean of the college said:

> Yes, there is, for we do not have the money.

So I agree fully with what the gentleman from Florida has just said.

Mr. AYRES. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. REID].

Mr. REID of New York. Mr. Chairman, I rise in support of H.R. 16729, the extension of higher education student assistance programs.

First I wish to pay very real compliments and respects to the chairman of the committee, the gentleman from Kentucky [Mr. PERKINS], and to the ranking minority member, the gentleman from Ohio [Mr. AYRES], and also, of course, to the principal members of the subcommittee, the gentlewoman from Oregon [Mrs. GREEN], the gentleman from Minnesota [Mr. QUIE], the gentleman from Illinois [Mr. ERLENBORN] and the gentleman from Indiana [Mr. BRADEMAS].

The 2-year extensions and specific authorizations made in this bill for the student loan program under title II of the National Defense Education Act, the work-study program, the educational opportunity grants, and the guaranteed loan program of the Higher Education Act of 1965 are, in my view, the bare minimum of what must be done for higher education.

The rising costs of college have ceased to be a subject of concern only to those parents and students paying the bills. They are a matter of vital importance to all Americans who recognize the value of postsecondary education in order to compete in modern America. Perhaps ways will be found to reduce these costs through the sharing of facilities and other methods, but the essential need is to provide assistance to each qualified American, so that he or she can attend the college of his or her choice, regardless of financial means.

The inclusion of vocational students under the Higher Education Act's guaranteed loan program will make available to them the broader terms of this assistance. In total, the variety of aids available under these four programs should provide a package of financial assistance that can be adjusted to the needs of the individual student.

Unfortunately, even this range of programs does not meet the total need. There are some 2.5 million to 3 million high school graduates each June, and yet on the basis of the 1969 projections, only 1,172,000 students—less than one-half—will receive NDEA or guaranteed loans.

There is no question but that many qualified high school graduates do not go on to postsecondary education because of a lack of financial means. But, at the same time, many lack the qualifications and motivation. To this end, it is important that our financial assistance programs be structured at two levels: First, to provide the special assistance that disadvantaged students require, including first, broadening the OEO upward bound program to cover 600,000 poverty-area students who need assistance. Incidentally, Mr. Chairman, of the 23,000 covered in 1967 under this program, 52 percent of whom are Negro, some 83 percent went on to college; second, provision of Federal funds for 1-year college preparatory education programs for underprivileged youth; and third, cancellation of Federal education-loan repayment requirements for those willing to work in poverty areas. This is in keeping with the statement of the Riot Commission's recommendation which I quote:

> By enactment of the Higher Education Act of 1965, the Congress committed this nation to the goal of equal opportunity for higher education for all Americans, regardless of race or economic circumstances. While progress has been made, this goal, the key to virtually all managerial and professional jobs, remains for the disadvantaged student an unfulfilled promise.

Second, Mr. Chairman, scholarship and loan programs are still not adequately directed at the middle-income family earning over $15,000, with several children in college. Many families in this range started putting money away for their children's education years ago, and now find that current costs far exceed their once adequate savings for this purpose.

The increase in the permissible interest rate under the guaranteed loan program from 6 to 7 percent will, hopefully, encourage banks to participate in this program to a greater extent than they are presently doing, although it must be remembered that this makes education more expensive to the students. In addition, the committee amendment permitting a college to transfer a portion of its educational opportunity grant funds to its work-study program, on a matching basis, should provide greater flexibility in the latter program.

Nevertheless, a broader means of relief must be found for these families and I hope that the Congress will study more far-reaching proposals before these extensions of authority expire in 1970.

Finally, Mr. Chairman, this bill is only a portion of the entire higher education amendments to be acted upon by the Congress this year. It has been brought to the floor before the remainder of the bill in order that the Appropriations Committee may have the necessary authority to act on relevant appropriations bills as soon as possible. Colleges must know well before the end of the preceding academic year the Federal student assistance funds they can count on in order to plan scholarship allotments. Students' own plans are also based to a great degree on the availability of financial assistance. The educational community cannot come to a standstill while the Congress engages in its quaint parliamentary niceties. Protracted delays in acting vitiate academic planning, as well as the substantive programs directly affecting the student. In an effort to deal with this problem, the bill before us authorizes advance funding: appropriations for the student aid programs may be included in appropriation acts for the fiscal year preceding the one for which they would be made available. Initially this will require two separate appropriations—one for the current fiscal year and one for the succeeding fiscal year.

I would also hope, Mr. Chairman, that the Congress will enact appropriations at the levels authorized in this bill. Our record in this endeavor has not been consistently good—while more than 90 percent of the NDEA loan funds were appropriated in the current fiscal year, only 5 percent of the work-study funds were actually made available.

In short, not only is it essential that the Congress enact this bill, it is of paramount importance that it do so now. The future of our children and of our Nation and its leadership demands no less.

I include in the RECORD, Mr. Chairman, a table comparing present authorizations and appropriations and numbers of students assisted with those requested in this legislation:

	Previous record		Proposed authorization		Fiscal year 1969 request	Number of students to be served by new bill
	Dollars	Students served	1969	1970		
NDEA title II student loans	Authorized, 190,000,000, 1967; 195,000,000, 1968.	2,000,000 since 1958	200,000,000	200,000,000	190,000,000	Fiscal year 1969, $274,900,000 will be available to serve 422,000 students; fiscal year 1970, $291,800,000 will be available to serve 432,000 students.
Higher Education Act IV C, work-study.	Authorized, 165,000,000, 1967; 195,000,000, 1968.	Appropriated, 1965, $55.71 mil., 115,000 students; 1966, $99.12 mil., 275,000 students; 1967, $134.1 mil., 300,000 students.	225,000,000	225,000,000	145,500,000	435,000 each year.
Higher Education Act IV A, educational opportunity grants.	Authorized, 70,000,000 1967; 70,000,000, 1968.	123,000, 1966; 226,800, 1967; 276,100, 1968.	70,000,000	70,000,000	[1] 149,600,000	425,000 in 1969–70 academic year.
Higher Education Act IV B, guaranteed loans.	1967, $248,494,000, 330,088 students; 1968, $357,000,000 (to February), 418,204 students; estimated total $476,000,000, 560,000 students; 1969, $641,250,000; 750,000 students (estimated).		$10,000,000 for additional advance to States; new loans in 1969 and 1970 not to exceed $1,400,000,000 per year.			$641,250,000; 750,000 students.

[1] Total that will be available.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I am happy to yield to the gentleman from New York.

Mr. PIRNIE. Mr. Chairman, 10 years ago the Congress developed and passed the National Defense Education Act—a law which unlocked the college gates for thousands to whom a higher education had been only a dream. Since that time the funds provided under this legislation have enabled nearly 2 million young Americans who, without some outside financial assistance, might have been forced to terminate their education with high school, to obtain college training.

As we look at the record of this fine program, we can take pride in the fact that NDEA was merely the beginning of our continuing commitment to higher education. In subsequent years, other bills have been approved to expand educational opportunities for our youth. The college work-study program, the educational opportunity grants, the guaranteed loan program, and the national student vocational loan program have all been sound investments in our country's future. They have provided the means for those who had the desire and the ability.

Since 1958 the number of NDEA participating institutions has doubled, from 1,100 to 2,200, and the dollar amount of funds provided has increased from $59 million to over $400 million in fiscal year 1968. The number of students has jumped sevenfold over the 115,000 borrowers of NDEA funds that first year.

While this record is outstanding, our task must be to provide the same opportunity to needy students in future years. This bill would extend the National Defense Education Act for 2 years, through 1970, and authorize $200 million for each year. These funds will make it possible for 422,000 students to borrow $274,600,000 in fiscal year 1969.

In my view, the approach taken by this legislation is of utmost importance. It doesn't provide cost-free education to anyone, but rather gives timely credit. I think this is far more preferable than the grant approach, which demands little or nothing in return. NDEA places the ultimate responsibility of payment upon the recipient, causing him to realize the value of his education. Further, these payments constitute a revolving fund permitting help for succeeding generations of students.

Education is and must continue to be one of the Nation's priority items. Accordingly, I believe this program should receive support consistent with its importance. Despite our mounting budget deficit, our expensive commitments overseas, and our need to reduce spending, we cannot shortchange the youth of this country who desire an education. Every American should have the opportunity to obtain as much education as his talents allow. To deny this is to forsake America's future.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas [Mr. PATMAN].

STUDENT LOAN PROGRAM—INTEREST RATES TOO HIGH—SIZE OF NATIONAL DEBT SMALLER THAN REPRESENTED

Mr. PATMAN. Mr. Chairman, I congratulate the members of the Committee on Education and Labor and particularly the members of the Special Subcommittee on Education for the diligence and hard work they devoted to bringing this legislation to the floor of the House.

I cannot say that I feel it is a perfect bill; the economic situation of this country alone would prevent its being perfect. But it is certainly a most acceptable bill and a far better bill than the original version considered by the committee.

As Members know, the original bill would have authorized millions of dollars in subsidy payments to banks for making guaranteed loans to students. The original also would have provided retroactive payments of such subsidies amounting to almost $20 million.

The subsidies and the retroactive feature were the brainchildren, as you might expect, of the American Bankers Association. Dr. Charles Walker, of the American Bankers Association, actually had told the banks of this country they should make student loans because the Congress would approve subsidy payments retroactive to July 1, 1967.

In short, Dr. Walker had implied that he was carrying the Congress around in his back pocket. I am happy and proud to say that the members of the Committee on Education and Labor were neither impressed by Dr. Walker's proposals nor coerced by his tactics.

I want to thank the members of the full committee, its distinguished chairman, the gentleman from Kentucky [Mr. PERKINS], the members of the special subcommittee and its outstanding chairman, the gentlewoman from Oregon [Mrs. GREEN], for the consideration they gave this bill. The members were most attentive to my argument that the subsidy feature should be dropped. I hope that in some small way my argument was responsible for the committee's removal of the bankers' bonus payments.

But I would be less than honest if I were to say I am happy with two major features of this bill. The first increases the interest rate charged to the students and to the Government from 6 to 7 percent. The second stipulates that State usury laws shall not apply to the guaranteed student loans.

If the needs of our students, possibly the greatest resources of this country, were not at stake, I would oppose the increase in the interest rate. But since this Congress and the country must take all action necessary to provide the best possible education for every American child, I do not intend to oppose the increase nor the legislation.

I take this position because I feel that members of the Education and Labor Committee truly have done their best to make certain that this bill helps the students and does not line the pockets of the bankers who make the guaranteed loans.

As the student loan program moves along, I hope the Education and Labor Committee will keep watch to see that interest rates on these loans do not exceed a reasonable return to the lenders. I hope the 7-percent rate will be returned to the 6-percent level or lower as quickly as possible.

In addition, Mr. Chairman, I trust the committee will continue to search for other sources of financing so that the cost of a college education to the student may be kept as low as possible.

At this point, perhaps I could suggest two possible sources. There are increasing amounts of money coming into private pension plans and trust funds. These funds could be tapped as a source for direct loans to students. To attract these funds, a Government earning asset—with a guaranteed return of, say 6 percent—could be issued.

I also have in mind another source. As Members know, the Federal Reserve Open Market Committee is holding in its portfolio $50 billion worth of Government bonds. These holdings overstate the national debt. They contribute greatly to the financial stress to which this country's economy is being subjected and to the shortage of funds available for student loans.

These holdings represent nothing more than loose practice by the Federal Reserve to avoid the congressional appropriations process. The Congress can get at this loose practice and stop it. The Congress simply can pass a bill to cancel the $50 billion in bonds for which the taxpayers are paying twice.

Such action would help not only the students who need financing for their college educations. It also would help the entire economy. I recommend this course of action to my colleagues in the House.

CAUSE OF OUR PROBLEMS

What I want to say relates to the question of the size of our national debt. Our national debt is $50 billion larger than in fact it should be, and if the true facts were known and considered, it would be $50 billion less. Let me make this just as simple and plain as it possibly can be made. I believe it is very, very simple.

If you bought a house and it has a mortgage of $10,000 on it which is due in 20 years with interest payable every year and you wanted to pay that off, you would ask your broker to take your check, find out who owns the mortgage and pay it off so that you would not have that indebtedness against your home. Now, assume the broker finds the person holding the mortgage and finds out how much it costs and gives your check for it. Your check is cashed and the money is taken out of the bank and given to this person.

However, instead of the broker canceling the debt, he has it transferred to himself. Every year when the interest would come due, he would come to you and say, "I want the interest." Well, you would not like that at all. It would not be fair, right, or just.

That is exactly what the Federal Reserve is doing right now. People who have these long-term bonds that are drawing rates of interest would rather have the cash. Through the Federal Reserve they tender these bonds, let us say $1 million of them, drawing so much interest. The Federal Reserve, through the Bureau of Engraving and Printing, gets $1 million worth of currency that says this is a debt of the United States and it is an obligation of the United States. The Federal Reserve takes one form of Government obligation, that is, currency, and gives it in return for this interest-bearing obligation. Would you not consider that as paying off that much of the Government's debt? Of course it would be. There is no question about that. But instead of that they take this obligation, this currency, and put it out as one Government obligation and then do not cancel the $50 billion they have now that this money was used to pay for or to exchange for. That doubles the national debt to that extent. In other words, we have $100 billion of Government obligations outstanding where there ought to be $50 billion.

Nobody can dispute that. It is a fact. Over the years I have been calling this to the attention of the Federal Reserve, and Mr. Martin not only does not deny it but continues to do it. In the course of the discussion and in response to a question which I asked him he admitted that the Federal debt has already been paid once in these high interest rates, but I suggest that it has been paid twice and in some cases our debt has been paid twice and three times. No one can deny that. The Federal Reserve cannot deny it. They have been doing it, and they do it this way: After they buy these bonds in the manner in which I described the operation, then they feel they ought to cut down the money supply in existence and sell these bonds back into the market and they get back into the market, and when those banks need more reserve, they buy the bonds back. In other words, the Bureau of Engraving and Printing is paying for it and the Government is paying the debt sometimes once, sometimes twice, or sometimes three times.

Mr. Chairman, how can the Congress of the United States justify that type of action? We cannot. The truth is that the Congress is not doing its job.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. PERKINS. Mr. Chairman, I yield the gentleman 1 additional minute. Will the gentleman yield to me?

The CHAIRMAN. The gentleman from Texas is recognized for 1 additional minute.

Mr. PERKINS. First, let me state to the gentleman from Texas that the committee was very reluctant to increase the ceiling on interest rates. But at the same time we realized that lending institutions were not receiving a reasonable yield on their loans. This resulted in many—too many— students being denied a loan. It was the thinking of the committee that this was the best way to approach the problem instead of providing for placement and conversion fees. The gentleman from Texas advised us on this issue and we took his advice. We did not authorize any fees for the processing of these loans. I want to state to the gentleman from Texas that the committee will continue to watch very carefully this program, with the hope that we can reduce the interest rate ceiling at the earliest possible date.

Mr. PATMAN. I will say to the gentleman from Kentucky that the first words I uttered were to commend the committee for doing as well as it did, and I now reiterate that statement.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. PERKINS. Mr. Chairman, I yield the gentleman 30 additional seconds.

Mr. PATMAN. Well, anyway, if we were not required to pay our national debt more than once, we would not be worrying about interest rates here. We would not be worrying about the budget. We would have plenty of money. Therefore, I ask each Member of this body to think about this, because I say that the Congress is to blame. If I were to have to name a particular Member who has contributed toward this situation, I could not say which Member, because insofar as I know every Member is entitled to proceed and to vote in his own way. I do not question the motives of any Member. But I say that the Congress is not doing its job.

Mr. AYRES. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. ERLENBORN].

Mr. ERLENBORN. I thank the gentleman for yielding this time to me.

Mr. Chairman, the Special Subcommittee on Education has before it the Higher Education Act. We have held considerable hearings on this act. During the course of those hearings it became apparent that the act incorporated substantive changes and which cannot be made through the legislative process in time to extend the four student-assistance programs contained in this bill now before us, H.R. 16729.

For that reason this bill was introduced to extend these student-assistance programs prior to their expiration June 30 of this year.

This bill before us was made as noncontroversial as possible. Substantive changes in the student-aid programs will be left in the main to the later enactment of the comprehensive bill of the Higher Education Act.

Timely extension of these four programs are important for the students and the student loan officers of the colleges and universities. As a matter of fact, we are already late in this extension, because the students who plan to go to college in the fall of this year now should know—and should have known some time before this—what aids would be available to them.

This act does have one substantive feature, and that is the 2-year extension of these programs is coupled with the authority for advance funding. I believe this is important.

In view of the questions by the gentleman from Iowa, I believe it should be made clear from the standpoint of utilizing the funds available under this act that forward funding is an important feature. We have seen in the Elementary and Secondary Education Act the waste of Federal funds going into education by reason of the fact that the funding has been too late. The funds were not made available to the schools in time for them to do the kind of planning they should so they could utilize the funds in a proper manner.

I believe that it is important that we get this concept of forward funding, which is now in the ESEA, into the higher education legislation so that the schools, universities, will know in advance of their planning period what funds will be available, so that they may make proper provision to utilize these Federal funds and get a dollar's worth from a dollar spent.

Without this advanced funding, without timely appropriation and authorization, we will continue to have wasteful practices forced upon the schools by reason of lack of proper planning at the Federal level.

Mr. Chairman, I am happy to support the bill H.R. 16729, and I hope that it will receive unanimous approval of the Members.

Mr. AYRES. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. RUMSFELD].

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. RUMSFELD. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Chairman, I rise today to speak in favor of H.R. 16729, the extension of programs providing financial assistance to students at institutions of higher education.

As you know, Mr. Chairman, the bill currently before the House contains a variety of proposed amendments to a number of bills that touch on all aspects of financial aid to college and university students. But, at the outset, we should not lose sight of the fact that, as varied as these programs are, their final purposes are identical: to assure the maximum number of students at institutions of higher education in this country the opportunity to pursue their educational careers with a minimum of financial worry. The degree of success that these programs have enjoyed in this endeavor is much in evidence.

Under title II of the National Defense Education Act of 1958, a total of 394,359 students in fiscal year 1967 were provided with $218,911,602 in low-cost loans, loans that often spelled the difference between the successful completion of a college career and the unhappiness attendant on withdrawal for financial reasons. As of June 30, 1968, 1,738 institutions will have extended loan assistance to 2 million students with an outstanding loan volume of $1¼ billion.

Mr. Chairman, we are requesting that this fine program be provided with $200 million each for the fiscal year ending June 30, 1969 and the next fiscal year.

In 1965, this Congress passed a landmark law, the Higher Education Act. Among the host of important programs initiated by this act were a number devoted to financial assistance for college and university students under title IV. Congress authorized the appropriation of $70 million in fiscal year 1966 for educational opportunity grants to aid needy prospective college students. From an institution of higher education participating in the economic opportunity grants program, a student of exceptional financial need may receive for his college expenses a grant of from $200 to $800. If his financial need continues, he may receive renewal grants for a maximum of 3 additional years, allowing him to complete his post-secondary education. If he places in the upper one-half of his college class, he is eligible to receive an additional award of $200 the following year; this supplementary grant does not have to be matched by the institution.

Mr. Chairman, we are requesting the extension of this program for an additional 2 years.

Under part B of title IV, the Higher Education Act of 1965 also provided for a guaranteed student loan program. Again, this program was designed to help assure that every student accepted into an institution of higher learning would be able to obtain the financial resources needed to pay for his education. Federal advances of "seed money" were forwarded to State loan agencies to establish or strengthen their research funds. As you know, Mr. Chairman, the act further provided that if a State would not be able to establish such a program during any year, the Office of Education could make advances to a nonprofit private agency to do the job. In the event that neither approach would provide students reasonable access for loans, the Congress authorized a standby program of Federal insurance.

In fiscal year 1967, the program's first full year of operation, 330,088 loans were made toaling $248,494,000. For fiscal year 1969, it is hoped to provide 9.7 percent of the estimated opening fall degree credit enrollment in colleges with about 750,000 of the aforementioned loans totaling $641,250,000.

I am strongly opposed to raising the interest rate ceiling on student loans and had hoped we could hold the line against an increase above the present 6-percent ceiling. However, inasmuch as the bill contains many important and desirable provisions, I cannot oppose its passage simply on the basis of the higher rate ceiling alone. But I will continue to work to reduce that rate even after this unfortunate increase is enacted, should that occur.

The Higher Education Act Amendments seek to strengthen the guaranteed loan program by providing for Federal reinsurance of loans guaranteed by the States, by authorizing additional funds for advances to the reserve funds of State programs, and by merging the National Vocational Student Loan Insurance Act into the Higher Education Act.

Finally, Mr. Chairman, H.R. 16729 extends the scope of the college work-study program under title I of the Economic Opportunity Act of 1964. The unique feature of the work-study program is that, while it helps the student earn funds necessary to finance his education, it also provides the college and the community with the valuable services of well-trained young men and women.

The work-study program boasts tremendous variety in the nature of the projects in which students are involved. In Arkansas, students from the State's colleges offer assistance to rural communities in the areas of soil conservation and modern farming methods. In Chicago, former gang leaders attend the Chicago Central YMCA College and work part time in the ghetto to help to "keep the lid on." In North Carolina, the department of welfare employs 2,400 young men and women from all State colleges who work in their home districts on various welfare projects, while in New York City 2,500 students from 90 colleges work with the underprivileged of that city's ghetto in the attempt to improve reading and mathematics skills in the urban corps program. And in Montana, students from each of that State's colleges and universities work to improve the living conditions and the level of literacy among the Indians.

Each of these programs, Mr. Chairman—national defense loans, educational opportunity grants, guaranteed loans, and the college work-study plan—must be maintained and expanded if we are to continue to provide America with the trained personnel that her Government and industry so sorely need. But more important, Mr. Chairman, it is the duty of this Nation to make sure that we allow as many young men and women to aspire, to the best of their abilities, to take their places in that select but ever-widening circle of educated human beings.

Mr. RUMSFELD. I thank the gentleman from Ohio for yielding me this time. Mr. Chairman, last weekend an agreement was reached between 13 faculty and administration officials of Northwestern University, in Evanston, Ill., and 10 students representing two or more student organizations. The agreement resulted from a demonstration and the seizure of an administration building on the campus at Northwestern University.

The pattern we saw at Northwestern is certainly not terribly dissimilar from other campus demonstrations and protests which are taking place not only across this land, but in other countries.

I personally am concerned about the situation, and particularly so since from a study of the text of the agreement I believe there is some question as to whether or not the agreement which was entered into between the students and the faculty might violate, if implemented, some of the provisions of the 1964 and possibly the 1968 Civil Rights Acts.

Mr. Chairman, I raise this subject today during debate on the Higher Education Act because Northwestern University, although a private university, receives substantial funds from the Federal Government, just as do most private educational institutions.

I refer to grants and programs under the Department of Health, Education, and Welfare, as well as the Department of Defense, the National Science Foundation, NASA, and other Government agencies.

It is useful to raise the subject here in a discussion of this bill on higher education because of the possibility that by discussing it and developing a dialog on the subject, we might be able at least to begin to set the outer limits within which such discussions and negotiations can take place.

I would like to ask the gentleman from Maryland, a member of the House Judiciary Committee, who has been one of the architects of many of our civil rights laws, what his thoughts are on two or three statements from the agreement. For example, it states:

> Starting with the fall of 1968, the university will reserve separate sections of existing living units of the university in which black students, upon their individual requests will be housed.
>
> Moreover, the university will move toward providing separate housing units for black male and female students, and will inform the black students of progress in this direction during the spring quarter of 1969.

It further states:

> The university realizes the special needs for activity space for black students. By September 1968 the university will provide a room on campus in an attempt to meet some of these needs.

I would like to ask the gentleman from Maryland [Mr. MATHIAS] if he believes there is a possibility we might be running into difficulties with various Federal civil rights statutes by an agreement such as this?

Mr. MATHIAS of Maryland. The gentleman from Illinois has done a great service in bringing this kind of a situation to the attention of the Members of the House.

Certainly, if the facts are as they have been outlined by the gentleman from Illinois, they direct our attention to the provisions of the Civil Rights Act of 1964.

The gentleman has said that Northwestern University is a private institution, and that immediately does raise the question of jurisdiction and as to whether the statutory definition of "public institution" would apply to Northwestern University. This is one of the first questions a university, I think, would have to study in order to determine where it stands.

Second, of course, the existence of the large numbers of grants which the gentleman has described which are paid every year from the Federal Treasury to Northwestern creates special conditions. This relates to the provisions of title VI of the act of 1964.

The existence of various categorical grants to Northwestern will compel careful study by the U.S. Commissioner of Education in determining whether these grants either should or could be continued in the future in the light of the character of the agreement that he has described.

Further, there is the question relating to title IV of the act of 1964, whether or not anyone will come forward claiming to be aggrieved. It is not a self-executing title, at least as far as that portion is concerned.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. RUMSFELD. I yield to the gentleman.

Mr. QUIE. It is my view that with the amount of Federal money going to Northwestern University, they would be under the Civil Rights Act of 1964, whether they are private or not.

Mr. RUMSFELD. The gentleman is referring to title VI?

Mr. QUIE. Yes. It applies to anyone who receives Federal funds.

Mr. RUMSFELD. That is exactly what brought about my concern. As I recall, title VI provides that since taxes are collected without regard to color or race, Federal programs funded with those dollars must be administered in a nondiscriminatory manner. That is what concerned me.

Mr. MATHIAS of Maryland. I agree with the gentleman from Minnesota that this immediately becomes the problem of the Commissioner of Education to give immediate attention to, and that is irrespective of the fact whether anybody claims under title VI that he is aggrieved. And let me say, if I may, I think these agreements certainly go contrary to the spirit of this act, because it was intended to promote unity, national unity and harmony.

Mr. RUMSFELD. There is no question in my mind but that the officials of Northwestern University certainly have no desire to violate Federal law. I raise this question because I am concerned about the possibility that if this agreement is implemented it might be in conflict with the civil rights law.

Mr. Chairman, I have received permission to insert in the Record, at the conclusion of my remarks, the full text of this agreement and several editorial comments on the subject.

The agreement resulted from the seizure of the Northwestern University business office and reportedly a threat to destroy the business office computer. After reaching agreement, the protesting students peacefully left the occupied areas.

I have the highest respect for Dr. Roscoe Miller, president of Northwestern University, and for this outstanding institution of higher learning, which is located in Evanston, Ill., in the 13th Congressional District. Further, I can fully appreciate the difficulties faced by the university in this situation. I bring up this matter today because it appears that the Northwestern protest pattern may well become a model for protest on other campuses, and it would seem that there are some lessons which could be learned through a dialog on the subject.

While the agreement appears to have been more advisory than substantive, there are some specific points to be noted.

The agreement stated:

> Northwestern University recognizes that throughout its history it has been a university of the white establishment. Its members have also had in common with the white community in America, in greater or lesser degree, the racist attitudes that have prevailed historically in this society and which continue to constitute the most important social problem of our time. This university, with other institutions, must share responsibility for the continuance over many past years of these racist attitudes.

It states further:

> The events of this week, which have given us new and broader insights, have led us to a reappraisal of the attitudes with which we confront these problems.

It is to be assumed that the "events of this week" refers to the unlawful occupation of the university's business facilities.

In adding the administration agreed, among other things, to provide separate living units for Negro students who wish to live apart, and meeting facilities exclusively for Negro students.

It would appear from the text of the Northwestern agreement that the general goals of the students were: First, to achieve free access of blacks to all activities of the university. Certainly this is a legitimate goal, but one which must be understood to specifically mean that whites would not have access to separate facilities or separate activities, and second, to achieve the right for blacks to have separate facilities and separate activities. Obviously, this apparent contradiction is part of the difficulty and complexity of the problem. Certainly the terms of this agreement and its prospective implementation require detailed analysis.

Our society's aim is to attempt to strive to see that life is fulfilled and made more humane. To progress toward this end, there must be a structure. Our goal is to work to develop a system which is best able to achieve that aim. That we have not arrived at perfection is obvious. There is no question but that Negroes have, over a period of time, not had the opportunities that have been available to whites and that today substantial numbers of Negroes do not have an equal stake in our society. However, that we have not achieved perfection is not cause to reject that system which has enabled us to move closer to perfection than any system ever devised. But because this system is not perfect, we must continue to strive to strengthen and improve it in a society of continuing change.

Our's is a society based on law. In a free system each has the right to express views, to protest, list grievances, demonstrate, and to use political and economic power to its fullest. But what is the inevitable result of coercion by lawlessness?

System and procedures are the essence of a free society. Anarchy is not total freedom—rather, it denies freedom to all. Agreements made in the face of disobedience to law may well prove to be not solutions but, rather, preludes to escalating lawlessness. Let us remember that the law society is both the pinnacle of man's struggle to date and the foundation for his future hope. Our imperfections do not justify tearing down the structures which have given us our progress. Order is the sine qua non of the constitutional system.

The Declaration of Independence is a recognition of the natural law, right of men to revolt against an "unjust" regime.

Some may today conclude that our system is, in fact, unjust. This I reject. Clearly our system contains a variety of methods for change and reform, for improvement. These provide the framework within which those wronged can obtain redress, but to destroy the system itself would have the inevitable result of furthering not justice but injustice.

What are the avenues for reform? Protest, demonstrations, moral exhortation through the media, the use of political power and of economic power. It is hard work. These are not easy. But lawlessness is no true shortcut. And, these devices can be successful. It is my view, for example, that the fact that a Negro can today ride in the front of a bus was not brought about by a violation of the city ordinance against it, but rather that the boycott of the bus system and the exercise of economic power brought about this important and needed reform.

Protest, hate, and violence are building up. One act tends to cause another. All sides during this period must attempt to moderate their demands. Today, Americans of various persuasions are raging at their institutions, and while these institutions are admittedly far from perfect, upon those who would challenge, upset, or destroy what exists falls the clear responsibility to recommend something better.

What we see in events that have transpired over the past few years is an escalation of dissent from peaceful nonviolent protest to lawlessness. Peaceful petition is being changed to forceful demand. Representative government is being changed to forceful demand. Representative government is being replaced or supplemented by coercion.

The root causes for this escalation are many. They are far too complex to be dealt with here. Many are probably not yet known. Certainly, I do not pretend to know them all. But, it appears to me that the events of today have sprung forth in part from the early civil rights protests in the late 1950's and early 1960's.

There black people—first in the South and, then, in the North and West—came to realize that, in a society of growing affluence and a world of growing aspirations and self-determination, they were being left by the side of the road.

Black nations were gaining independence and, yet, they could not vote for the local sheriff or mayor. Huge shipments of surplus food were being sent abroad while they, in many cases, were going hungry. The Nation's' wealth was constantly rising and, yet, they were without jobs. Increased stresses on education were forcing ever-widening gaps between the haves and the have-nots. Model suburbs were pushing out for miles while slums festered and expanded in central nonmodel cities. Modern throughways were constructed mile upon mile through city blocks and open country while public transportation grew scarcer, more expensive and more square wheeled. Television boomed forth the attractions and benefits of an opulent and material fairyland while the hard realities of empty pockets and high credit meant that little of value could be acquired.

By itself, perhaps, this realization would not have led to much change if it had not been electrified by the dynamics of youth.

White youths and black youths born during the war years when parental discipline was partially lacking. White youths and black youths born or brought up in an atmosphere torn asunder by unfamiliar surroundings—having migrated to urban centers from rural communities. Youths teethed on a philosophy of permissiveness and self-expression. White youths and black youths encouraged, through improved education and expanded communication, to seek and want improved values, a better life, a commitment to service; yet, confronted by false affluence, irrelevance, phony values, inequality, and lack of opportunity.

These youths—charged with high idealism, confronted with the upheaval of nations abroad and technological revolution at home, and nursed on a sense of permissiveness and self-expression—seized upon the black man's unequal status and sufferings—frequently joining dedicated and concerned members of more mature age—to find a fulfillment and sense of purpose theretofore lacking in their own lives.

The weapons they chose to launch this revolution were peaceful protest, nonviolent demonstrations, petitions, communications, and political and economic action.

At the time, these were the weapons that could be employed realistically. The forces to be moved or overcome were too entrenched or, at least, seemed to be. The goals to be reached too distant. The nature of the movement too new. The ranks of the participants too few.

These weapons proved effective, however. Successes were realized. Civil rights legislation was enacted which only a few years previously looked impossible—voting rights, equal accommodations, equal employment, equal educational opportunities, open housing, and others. New economic assistance programs were launched and billions of dollars appropriated which also would have been impossible a short time earlier—job training, urban redevelopment, mass transportation, and educational facilities and programs.

This movement had the endorsement of a wide majority of the population—white and black. Generally, the forces to be moved willingly or grudgingly moved but with little overt force or resistance.

There may well exist racist attitudes in American life, as the Riot Commission Report suggested, but the majority of American citizens have been reared and educated in the belief that the rights of the majority in a free society cannot outweigh those of the minority. Whereas, in a democracy, the will of the majority must govern, this will should not be imposed in ways which interfere with the minority's enjoyment of equal rights.

Admittedly, this is theory and many in practice failed to live up to it. But its seed had been planted and firmly rooted. When, then, a dedicated group of citizens—charged by or emulating the zeal and exuberance of youth—sought to put into practice this theory long learned, the forces of resistance and intolerance began to give way rapidly. As indicated above, the changes that have taken place during the past decade are tremendous and would have been little conceived of or hoped for only a decade earlier.

We well know, however, that success and frustration are twin pillars of hope and despair out of which, as I see it, subsequent events were founded.

Many who engaged in the early civil rights movement and many who observed the events of this period, discovered the potential of mass protest. In particular, it was discovered how effective a small, but dedicated group of persons could be in influencing or even controlling far greater numbers of people. What may have been overlooked, however, or recognized but discarded, was that such influence and control can only be successful if the cause is thought to be basically right by the majority and the majority is psychologically and philosophically attuned to accepting the results. If not, then, a minority's attempt to impose its will upon the majority can only lead to defeat or to the overthrow of the majority under conditions in which the majority are controlled through coercion, intimidation, fear and force. In the latter case, violence is almost always present; in the former, the existence and degree of violence is generally in direct proportion to the strength and dedication of the minority.

If this analysis of recent events is correct, the early successes in the civil rights movement—together with vast promises, incapable of short-term fulfillment, made by various public officials—raised false hopes among the black people as to the early elimination of all inequality and imbalance in the economic, social and political spheres of society. The long history of these conditions, together with the vast resources that would be needed to correct them, meant that quick and easy successes were no longer possible. This inevitably led to deep frustrations among members of the black race. And, since the means of earlier successes were those of protest, they were again applied to this new situation. But, this time, the force to overcome was greater and the justice of the cause not so readily understood by the majority. In consequence, success was not as apparent. So, in the nature of frustrated man, especially youth, weapons of a similar but more forceful nature were resorted to. This has resulted in an escalation of protest which has moved toward the violence, and unlawfulness which face us today.

This cannot be long tolerated by any society. Society, as the macrocosm of the human beings within it, carries the instinct for self-preservation. It will resist destruction, but if weak, it will be overturned. But, as indicated, this may well be accomplished by violence.

Much needs to be changed and improved in our society. The rising demands and expectations of persons everywhere, whether at home or abroad, whether rich or poor, whether educated or illiterate, whether young or old, require that we weed out that which is wrong or outdated in our society and replace it with more workable and responsive procedures and methods. But, we must also seek to preserve and defend that which remains sound and sensible. When changes are to be made, they must be based upon knowledge and reason—not at the barrel of a gun or in reaction to fear and intimidation. That which has, on the whole, made our country the strongest and freest society in the world should not be cast out irrationally or through coercion unless there exists a more perfect substitute. All benefits of society are clearly not equally available yet to all its members. Yet, a society cannot be dismantled, philosophies and practices cannot be disowned, and social mores cannot be overthrown and replaced only by pet theories, disjointed philosophies, random wants, desires or, worse yet, by a vacuum, without a society being thrown into chaos. And that is what would occur if the country fails to come to grips intelligently with the situation now facing it.

With militants it is often difficult to detect a coherent and logical philosophy or purpose in what they are seeking, or what they hope to accomplish. We see much that is negative. In fact, as one views the statements of militants, one sees the conflicting attitudes, between desire for an open society for some and a closed society for others.

The majority of the people in the country, while of course not totally satisfied with life and events, recognize the merits, benefits and purpose of our society. Certainly most of those who give endorsement to militants or radicals do not actually support or want an overthrow of our society. Every effort must be made, therefore, to initiate actions which spell out clear guidelines of behavior, which let people know what the alternatives are, which strive to reduce or prevent violence, and which apprise those on both sides what are acceptable and unacceptable courses of action.

People in public life—especially the President, Governors, mayors, Cabinet officers, Members of Congress, and other high officials—must take on this responsibility. Businessmen, academicians, labor leaders, leaders of the black race, religious leaders, and others must assume a similar responsibility.

This will not be easy, it cannot be of short duration, it will require cooperation and effort from all segments of society, and it will have to call forth originality and innovation in methods and techniques.

It would seem, however, that immediate consideration should be given to adopting procedures whereby all citizens who are essentially law abiding—and that is the overwhelming majority—would know with greater precision what is lawful and what is unlawful behavior. As we experience an escalation of dissent, the weapons and methods used are increasingly crossing over into areas of illegal behavior. These must be resisted and I am convinced that most people would so resist if apprised of the boundaries. Today, unfortunately, this is lacking and the boundaries are not clearly delineated. This can lure people into supporting, tolerating or making concessions to militants—black or white—which would not be made if legal rights and wrongs were more precisely spelled out.

The most desirable way of doing this would seem to be in the courts. On the whole, the Federal judiciary is impartial, learned in the law, and reasonable. The issuance of rulings by these courts would generally be recognized and respected by an overwhelming majority of the people.

There presently exists in Federal law the judicial device known as the declaratory judgment. This procedure enables a controversy to be laid before a court to issue a ruling which lays down the legal rights of the parties. It is similar to an injunctive proceeding, but the court in a declaratory judgment does not impose orders or restraints directly upon individuals. In this sense, it seems far preferable to an injunctive proceeding because the rights of the parties can be enumerated and clarified without anyone being punished or made to feel that he is being punished. The saving of face and the recourse to reason can thereby be better preserved under such circumstances. Once a declaratory judgment is issued, a court is in a position to take action by way of injunction, fine or penalty much more rapidly than if such action were only just initiated.

I am informed that an actual controversy must exist between contesting parties before a court will undertake a declaratory proceeding. That is, there must be present a legal dispute which is subject to rather immediate legal redress and which is the subject of only a single contingency. Thus, a court could accept jurisdiction if a right is being threatened under law and will be invaded if one party to the dispute takes action. A double contingency is not recognized, however, where both parties must first take or threaten action. Regular injunctive proceedings may also be available in certain instances where a single contingency exists, but aside from the face saving aspects discussed above, injunctive relief generally must await the actual commitment of a legal violation. Frequently, at that late date, reasonable restraint or noninvolvement by otherwise responsible people may not be obtained.

For these reasons, I would hope that responsible public officials and judicial officers will give consideration to the use of declaratory judgment procedures to lay down the rights and obligations of individuals before violence erupts or before such violence rises to the level whereby otherwise well-intentioned persons are entrapped into foolish or illegal actions through ignorance or fear.

This subject is raised today, during the debate on the higher education bill, because Northwestern University, like most of our major private institutions of higher education, receives substantial sums of Federal tax dollars. For fiscal year ending August 31, 1967—the last period for which complete figures are available—Northwestern's expenditures were $60,371,000, of which at least $17,336,000 was received through a variety of Federal programs. Some of the Federal programs included:

HEW	$9, 242, 217
Navy	765, 649
Air Force	333, 013
National Science Foundation	2, 059, 858
AEC	348, 261
Army	340, 261
Sec/Defense	1, 318, 188
NASA	1, 374, 206
Other	1, 555, 098
Total	17, 336, 999

After careful examination of the agreement entered into between officials of the university and representatives of the black students, I believe that it is possible that violations of two Federal laws will be committed if the agreement is implemented as written. And, that the seeds were laid for the possibility of committing at least three other violations.

The agreement provided that the university would provide the option of segregated housing facilities for black students. This could well constitute a violation of the open-housing provisions of the 1968 Civil Rights Act.

Under section 803 of that law, all housing provided in "whole or in part with aid of loans, advances, grants, or contributions made by the Federal Government" after November 20, 1962, and not yet paid in full, if repayment required; and all housing provided in "whole or in part by loans insured, guaranteed, or otherwise secured by the credit of the Federal Government" after November 20, 1962, are required under section 804 to be made available without discrimination on account of race and shall be offered without any preferences, limitations or discrimination on account of race in any "notice, statement, or advertisements".

Similarly, title VI of the 1964 Civil Rights Act provided:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Since the Federal Government extends financial assistance to Northwestern University, by way of grants, loans, insurance, and guarantees, it is quite possible that the university could be in violation of these laws if it proceeds to set aside segregated housing facilities for black students. The same may also be the case if segregated activity rooms within such facilities are also set aside on the grounds of race.

If the officials of Northwestern and the student representatives had been apprised of the possible legal requirements under these laws through a declaratory judgment proceeding, the text of the agreement might have been written differently.

As it is, if this interpretation of the agreement and the law is accurate, the Secretary of Housing and Urban Development is empowered to investigate this agreement under title VI of the 1964 Civil Rights Act and section 808(d) of the 1968 Civil Rights Act, and to consider the desirability of commencing education and conciliation activities under section 809 of the 1968 Civil Rights Act. In addition, the Attorney General is authorized to investigate the agreement with respect to section 813 of the 1968 Civil Rights Act which directs him to obtain injunctive relief against persons engaging in a pattern or practices of resistance to granting the full enjoyment of the open-housing provisions to other persons. Under the same law, he may have the authority to investigate the matter with respect to title IX of the 1968 Civil Rights Act wherein persons are prohibited by means of force, threats, and intimidations to deny the rights under the open housing laws to others because of race, color, religion, or national origin.

Finally, the actions taken by the black students may also constitute a violation of title I of the 1968 Civil Rights Act which prohibits the use of force, intimidation, or interference by anyone for the purpose of interfering with the many enumerated federally protected rights and activities of others on grounds of race, color, religion, or national origin.

The thrust of the student demands seems to revert back to the "separate but equal" racial philosophy of pre-1954. This being the case, I can readily understand the difficulties faced by the officials of Northwestern University in their recent negotiation. Indeed, this aspect of the problem will have to be better understood and dealt with by our society as a whole.

Officials of the university might well consider seeking the advice and assistance of the Secretary of House and Urban Development, the Attorney General, the Commissioner of Education, and the heads of other appropriate Departments to avoid unknowingly committing the university to a course of action which could place it in violation of any of the above-mentioned statutes.

Equally important, I would hope that other universities will profit from the Northwestern experience.

I recognize, of course, that the declaratory process is no panacea. It will certainly not prevent all violence and illegal activities. It undoubtedly has little validity in urban riots. It may well be too narrowly drawn or interpreted to be adequately effective—thereby requiring careful consideration of broadening its application. I do believe, however, that it or some procedure like it can be used as one effective tool in the arsenal to prevent, deter, or ameliorate the escalation of lawlessness which is sweeping the country today.

Eric Sevareid has said:

> Our freedom will be imperiled only if it turns into license, seriously impairing order. There can be no freedom in the absence of order. There can be no personal or collective life worth living in the absence of moderation.

Edmund Burke put it this way:

> Men are qualified for civil liberties in exact proportion to their disposition to put moral chains upon their own appetites. Society cannot exist unless a controlling power upon will and appetite be placed somewhere, and the less of it there is within, the more there must be without. It is ordained in the eternal constitution of things that men of intemperate minds cannot be free. Their passions forge their fetters.

The Chicago Tribune article follows:

[From the Chicago (Ill.) Tribune, May 5, 1968]

Here Is Text of Agreement Between Northwestern University and Students—School Tells of Plans To Aid Negroes—Black Demands Answered

Following is the text of the "draft agreement between the Afro-American Student union and FMO (For Members Only) and a committee representing the Northwestern university administration as reprinted in the Chicago Tribune.

POLICY STATEMENT

Northwestern university recognizes that thruout its history it has been a university of the white establishment. This is not to gainsay that many members of its administration, its faculty, and its student body have engaged themselves in activities directed to the righting of racial wrongs. It is also true that for many years a few blacks have been members of its administration, faculty, and student body. But the fact remains that the university in its overwhelming character has been a white institution. This it has had in common with virtually all institutions of higher learning in the United States. Its members have also had in common with the white community in America, in greater or lesser degree, the racist attitudes that have prevailed historically in this society and which continue to constitute the most important social problem of our times. This university with other institutions must share responsibility for the continuance over many past years of these racist attitudes.

A few years ago, the Northwestern administration became increasingly concerned with the problem of doing something to improve race relations and to provide educational opportunities in greater measure than ever before for the black people in its community. Within a relatively short period the number of black students, tho still small, has grown to the point at which it can now be said that there is a definite, significant, and important black community within the larger community of the university. Despite the difficulties of understanding that we have attended this process, we mean to and shall approach our role as constructively in this area. We wish to face these new challenges and to enhance, both quantitatively and qualitatively, the role of black men and women in the activities of the university at all levels.

LEAD TO REAPPRAISAL

The events of this week, which have given us new and broader insights, have led us to a reappraisal of the attitudes with which we confront these problems. For many of us, the solution has always seemed to be one of simply obliterating in our laws and in our personal relations the distinction between the races: that is, if only man would ignore in his human relations the differences in skin colors, racial problems would immediately disappear. We are now learning that this notion does not come fully to grips with the problems of the present turbulent period of transition. In short, this means that special recognition and special concern must be given, for some unspecifiable time, to the black community that is emerging within our institution.

Accordingly, we cannot be complacent with institutional arrangements that ignore the special problems of black students. An important and difficult problem is that of an essentially white leadership to understand the special needs and feelings of the black student, as well as the difficulty arising because the black student does not regard the white university authorities as capable of appreciating all of the nuances of his decidedly separate culture.

ACCEPTS BASIC SENTIMENTS

The university therefore accepts the basic sentiments expressed in the black students; petitions, and urges the following in addition: that there be established a special Northwestern University Advisory council as an instrument of university administration to function at all administrative levels as the administration deals with problems of the black community related to the university. We believe that membership on this council should consist only of black leaders who have distinguished themselves within the black community in educational and professional affairs. This council to consist of ten (10) members, should be chosen by the university administration from a list of twenty (20) nominees to be made by the black members of the university community. We believe that the insight and the choice of this council will be valuable in assuring that the university will be more responsive in reacting to the particular needs of its black students.

An urgent function for such a council would be to recommend to the university what changes in its procedures are needed to handle better the problems of black students. We believe that such a council could play in future years an important role in recommending the selection of members for the newly appointed University Committee on Human Relations. But until the council is formally constituted, the President will appoint a University Committee on Human Relations and will make appointments in a way that elicits and recognizes the recommendations of the black students. The university will inform the black student community of the date by which recommendations for membership on the committee must be submitted.

INTENT OF DISCIPLINE

The university also recognizes in the matter of student discipline that the intent of disciplinary action is to improve the standard of personal conduct rather than to punish per se, and it recognizes that in this purpose it is necessary to take account of the racial, cultural, and personal characteristics of all students concerned. In keeping with this principle, the administration will instruct the University Discipline Committee to review the case growing out of the Dec. 2 incident. It also agrees with the complaint that the judiciary function must proceed as rapidly as is consistent with the justice of decisions. All ways of expediting the judiciary process will be pursued.

We acknowledge and respect the black students' desire for a guarantee of an immediate proportionate representation in Northwestern freshman classes. We cannot in good faith offer such explicit guarantees and wish to explain why. Hitherto, we have confronted three major problems in this regard: recruitment, competition from other colleges and universities, and support for a program of financial aid to black students.

The University welcomes assistance in resolving these problems from black students at Northwestern and from any other interested quarter, but especially we welcome assistance on recruitment and related issues, including admissions criteria for black students.

It is hoped that in the future, thru the combined efforts of the black students and the office of admission, a greater number of applications will be received from black high school students. If such efforts are successful, it is realistic to assume that the black community in the nation at large will soon be proportionately represented in the Northwestern student body. It should be noted that the university has received the following number of applications from black students in the past three years: in 1965–66, 70; in 1966–67, 90; and in 1967–68, 120. The office of admission will provide an annual progress report of the number of black students who have applied and who have been accepted by the university.

SEEKS AN INCREASE

The office of admission of the university is committed to increase the number of black students at Northwestern as rapidly as possible, and to seek at least 50 per cent of these students from the inner-city school systems. The university is further committed to intensify present recruitment efforts in order to assure such an increase. Altho the university is committed to accelerate the increase, it is unable to cite a specific number because of ever-increasing competition from other colleges and universities.

In pursuing this goal of a guaranteed increase in black students the office of admission will welcome a committee of black students selected by the black community to advise, assist, and counsel the committee on admission. The faculty committee on admission prescribes policy governing the philosophical concerns of admission, for example, it determines criteria for admission. In the daily operations of the admission office black students will be asked to provide direction as to which high schools, other institutions or persons the office of admission should contact. In addition, black students will be asked to advise with respect to the admission and financial-aid candidacies of individual black applicants and on other operational concerns as they arise. Salaried positions in the office of admissions will be created for such students who assist in student recruitment.

CANNOT PERMIT DECISIONS

The university, however, cannot permit students to make individual admission decisions. The evaluation of a candidate's folder is confidential and is a privileged communication between the candidate and the office of admission. The university is legally and morally bound to honor such privileged communication.

The student affairs office of the university routinely provides lists of students to campus organizations. [A list of all black students, as far as they are known to the student affairs office, will be provided to FMO. Such a list will include names and addresses of presently enrolled black students and those accepted in each entering freshman class.]

We agree that an orientation program will be arranged for entering black students. For students entering in the summer program, block time will be allocated for scheduled meetings and programs which will be organized and conducted by an orientation group selected by the black student community. Similarly [two days will be arranged at the beginning of the fall quarter for the orientation of entering black students.] A minimum amount of $500 will be made available for these purposes.

FINANCIAL AID

In principle, the university agrees that the amount of grant aid for black students should be increased. The development office of the university is constantly seeking additional funds for financial aid purposes. An example of this effort is the recent gift which has been committed and restricted to black students from inner-city Chicago.

The university agrees to a committee selected by the black student community to advise the university's committee on financial aid to students on policy matters regarding financial aid to black students. A special subcommittee will be established comprised of equal representation of black students and faculty members of the committee on financial aid to students. The purpose of this committee will be to review and advise on individual black students' complaints regarding financial assistance. It is anticipated that such requests will include the elimination of job requirements, the increase in a student's assistance, and the granting of special funds to students to attend the summer session.

The university wishes to reply to the statement made by the black student community. "The university has already acknowledged the deficiency in our high school preparation." That acknowledgment by the university only is relevant to individual cases and cannot be categorically applied to all black students at Northwestern.

MODIFIES HOUSING POSITIONS

While reaffirming our previously stated belief that a mixture of student types should characterize living arrangements within the university, we have modified that position in response to two impinging influences: one is the distinctiveness of existing racial concerns; the other is the admitted inconsistency between the ideal of nondiscrimination in housing and the recognized practice of discrimination that exists in certain living units of the university.

Accordingly, starting with the fall of 1968, the university will reserve separate sections of existing living units of the university in which black students, upon their individual requests, will be housed.

Moreover, the university will move toward providing separate housing units for black male and female students, and will inform the black students of progress in this direction during the spring quarter of 1969.

The administration shares your concern as to the importance of expanding studies of black history and black culture in the university. The introduction of such material thru visiting lectureships, courses, and research is a matter which the dean of the college of arts and sciences will urge upon his departmental chairmen for consideration. The procedure for the introduction of new courses is their recommendation by the department or departments concerned, approval by the divisional council which is elected by the faculty, and their approval finally by the faculty of the college. The curriculum committee of the college recommends degree requirements, but does not officially recommend new course offerings. We encourage you to present curricular suggestions to the individual members of departmental faculties, the department chairmen, or the dean of the college.

Further, we welcome suggestions from the black community as to qualified potential faculty members. Nevertheless, it should be pointed out that appointments are initiated by the department faculties and they are the groups to whom suggestions should be addressed.

We must, in all candor, state that the administration cannot provide more specific replies to the demands under this heading since the initiative in all these matters is a prerogative of the faculty.

MEETING TO BE SET

Dean Strotz will also arrange for a meeting of the black students with Prof. Jean Hagstrum, Chairman of the Faculty planning committee, so that their views and ideas regarding curriculum may be expressed to him.

The university reaffirms its confidence in the newly appointed black counselor in the dean of students office and in the office of admission, and in his value to the Northwestern community at large. Although he was appointed without consultation by the dean of students. We sincerely hope that this past procedure will not hinder the black student community from communicating fully and openly with the new appointee.

STAND ON HOUSING

The university has taken a strong stand on open occupancy in Evanston, as evidenced by Mr. Kerr's recent statement to the Evanston city council. In the housing under its ownership—that is—the N. U. apartments, Dryden Hall, and faculty homes—there is no segregation whatsoever. A list of occupants in this housing is available. Furthermore, when the committee appointed to deal with discrimination in housing makes its report within the next two weeks, the University will be prepared to implement the measures recommended. The university is committed to working for just living space and conditions for all black people.

We share your concern for open occupancy, and concur that meetings should be held with the committee on housing discrimination to review the relevance and effectiveness of their conclusions. We ask you to convene a committee of black students in order to participate in these reviews and discussions.

This document has been drafted by and is concurred in by the president, the several vice presidents, certain other officers of administration, and several senior faculty members.

TELLS OF PLANS

The university realizes the special needs for activity space for black students. By September 1968 the university will provide a room on campus in an attempt to meet some of these needs. The space should provide for general lounge activity and also be usable for meeting activity as well. It is clear that because all of the space needs of black students cannot be met through the provision of such a room, every effort will be made to schedule other multiple-use space to assist in meeting these special needs.

Some cultural activities and many social activities presently available on campus are irrelevant for the black students; new activities must be developed to meet these needs.

The university asks that the black students select a committee to work with it in all these efforts.

Specific consideration should be given to the following details:

1. Adequate library and artistic display space.
2. Flexibility of house to meet the special social needs of black students.
3. The provision of maximum privacy of the area.
4. Sufficient financial resources to carry on a reasonable program.

Mr. Chairman, following are the editorial comments of three Chicago newspapers. The editorial viewpoint of the Chicago Tribune was inserted in the Record earlier this week by my colleague the gentleman from Illinois [Mr. Michel].

[From the Chicago (Ill.) Daily News, May 6, 1968]

NORTHWESTERN "VICTORY"

On the surface, the weekend events at Northwestern University have an ominous quality that bodes no good for that institution or others like it. The seizure of the NU business office, the ever-present threat of violence to persons and property, the claims of "total victory" by the black students—these were the tactics of lawlessness and blackmail, and the settlement is made to sound like appeasement or, worse, abject surrender on the part of the university.

But the surface view is just always the correct one, and instant judgments based upon it may not be valid. The trustees, alumni and friends of the university would be well advised to look deeper and wait for the dust to settle before drawing any final conclusions.

In all of the confusion on the normally quiet Evanston campus, one fact stands out clearly: This was not a repeat of the tragedy that occurred at Columbia University. There was no flaring anger and violence; the police were not brought in to sweep out the protesters; the negotiations were carried out in an atmosphere of mutual respect in spite of the outrageous seizure of the business office. And, when an agreement was reached, the black students left the building in spic-and-span condition and volunteered to pay for any unintended damage.

The contrast with the pig-sty conditions left by the Columbia students is notable; so is the absence of bloody brawling. Something must have been done right, or the outcome would not have been so peaceful in Evanston.

The terms of the settlement will require not only detailed analysis, but time to determine in which direction they are leading. It is clear that the black students believe they have "won" a significant victory, and it sticks in the craw to think that victories can be won by the sort of tactics the students used. But it is growing clearer that the university gave away no powers of final decision to the students.

Most of the students' demands that were granted were on their way to being achieved anyway, though too slowly to suit the students. Their principal gain was in advisory status. Certainly if Northwestern is to help black students in this crucial stage of their churning development, it will need their advice and counsel as well as their good will. If Northwestern can continue to keep cool in the face of extreme provocation and if the students are persuaded that democratic procedures are available to them, the real winner in this confrontation may yet be the university.

[From the Chicago (Ill.) Daily News, May 7, 1968]

CHANGE AT NORTHWESTERN

Northwestern has never been regarded as a pacesetter of liberalism, and one of the surprises to come out of its showdown with black students was the university's ability to cope with radical change. Whether it has coped correctly can't yet be determined with full confidence; the cycle of action and reaction has not yet run its course. But the avoidance of violence and the establishment of open lines of communication with students look promising.

As we noted yesterday, the sit-in tactics of the students cannot be condoned. If the student leaders believe that similar tactics will win no matter how outrageous the demands may be, they will be making a grave mistake. Faced with this situation, the university would have no choice but to respond with whatever degree of force became necessary.

In this instance, however, the more extreme demands emerged as bargaining points to be dropped in the final settlement. And the concessions "won" turned out not to be unreasonable. Northwestern already had plans, for example, to admit more Negro students, and to take many of them from inner-city areas. Negro counselors and advisory committees of Negro students already in residence will be needed to carry out the plans.

One sticking point in the negotiations was the demand for separate living and meeting accommodations for black students. The administration at first took the stand that this was intolerable racism and would move away from the integration policies the university was trying to foster.

But the fact is that current thought among Negro students runs to the idea that integration can be successful only if black and white students meet on equal planes. Their aim now is not instant integration, but consolidation of a "power" base which in turn will lead to mutual respect. This is the "black power" concept, widely misunderstood and widely abused, yet one that may prove to be constructive once it is divorced from the rantings of the violent fringe.

It is charged that the small minority of black students at Northwestern has been subject to "hazing" of many kinds, and that this situation can be remedied only if the Negroes band together. This may be true. It is also true that Northwestern has long accommodated groups of like mind and background by providing separate living and meeting quarters. The whole fraternity-sorority system is such an accommodation. Students of differing religious faiths have their own meeting places. In this context, the demand of the black students looks less sinister.

Many questions remain, and students and faculty alike will have to be alert for individual or group actions that cross the bounds of rational conduct. No individual or group can be allowed to impose a particular brand of "freedom" by trampling on the freedom of others, and if a university fails to teach that lesson nothing can save it.

[From the Chicago American, May 7, 1968]

AGE OF SURRENDER

To those who believe in law and order, the settlement of Northwestern university's black power sit-in can only be viewed with dismay. The university felt impelled to respond to force by capitulation—a reaction that's turning up with such frightening regularity in this country that it is virtually a way of life.

Many young persons think this is fine. We ought to break with tradition and the old order, they argue. People who believe that anything useful can be learned from history earn only contempt from youthful leaders. They are breaking new trails; lessons from the past, in their opinion, mean nothing.

No amount of logic or exhortation is going to change the iconoclastic views of youth in rebellion. If they are consistent young people will not even be impressed by the fact that the original American Revolution was led by young people—in their early thirties and younger—because, in their view, history doesn't mean anything. Some of the young Negro leaders, of course, do say they want more Negro history taught.

Such history will relate to them the accomplishments of many great Negro men and women, some now forgotten. It will also tell them that the first Negro slave in North America was brought to Virginia, and owned there, by another Negro. [It's documented in "Black Odyssey," by Roi Ottley.]

The problem faced by educational administrators today is a difficult one. How can you stand up for principles you know to be right and yet remain in touch with the young people who reject anything you or your generation stand for? Do you give in, sell out, surrender? Or are there some basic principles for which you fight to the death?

There was a time when heroes and martyrs shed their blood for the truth as they saw it, and most of the social institutions we enjoy resulted from their sacrifices. But in recent years the new leadership has repudiated tradition. The new leadership, which has its own martyr in Dr. Martin Luther King, asserts that the individual is above the law, that the active minority can win its way by use of "non-violent" blackmail—which so often precipitates violence.

The activists at Northwestern university won the day partly by capturing invaluable records, partly by imposing on the guilt complex of those who are ready to plead guilty to a charge of white racism. The settlement may repudiate such principles as integration and respect for law, and it may be unfair to poor white students, but it is the pattern of our times.

This nation can't afford many more victories like that which black power won at Northwestern. Our young activists may want to forget history, but history won't let them. The excesses of the activist minorities today are little different from those in the streets of Rome or Constantinople, Paris, or Moscow. Entire societies collapsed in the past, and it could happen again.

The capitulations at Northwestern, Columbia, and Berkeley result because the intellectual sees more issues than are really there. Black power which seizes the buildings of a private industry may be wrong, but it acts for right reasons, or to correct old wrongs—so the thinking goes. Most of the young people on the campus do not engage in these demonstrations and excesses, but it is felt practically all of youth understands and sympathizes, and the dialog with youth must be maintained.

So, we give up. We accept wrong-doing. And all the people, black and white, who so desperately yearn for leadership that will help us to live in an organized, decent society, begin to understand the appalling truth: That good men and women, from the loftiest of motives, are betraying us into a future of disorder and anarchy.

[From the Chicago (Ill.) Sun-Times]

RESPONSIBILITY AT NORTHWESTERN UNIVERSITY

All law-abiding citizens must deplore the means taken by Negro students to bring Northwestern University officials to the conference table to discuss their particular problems and grievances.

The seizure of university property was an extreme measure of the type usually employed by desperate groups that have been turned down arbitrarily and unreasonably when they seek a hearing for just complaints. There is no evidence that Northwestern had refused any such meeting.

Although the students were wrong, we believe the university officials acted responsibly and intelligently in listening to their complaints and responding to them.

The easy way—we repeat, the *easy way*—for the university to respond when the black students staged a sit-in at the bursar's office and sympathetic white students took over the office of the dean of students would have been to call police and use force to evict the trespassers. The offending students then could have been expelled.

To have done this would have solved no problems and undoubtedly would have created new ones.

Many faculty members as well as white students were sympathetic with the demands made by the black students and with the special problems on which the sit-ins wanted a hearing by university officials. To show compassion for their point of view and to try to understand what motivated them does not necessarily condone the extreme measures they took to attract attention to their complaints. The university wisely took the positive route—it was more concerned with the causes for the behavior of the students than with the extreme behavior itself.

Certainly the students—white as well as black—committed an unlawful trespass which outraged many other students and Evanstonians and for which the students might have been punished. But their intentions were not to be destructive but to emphasize their complaints.

In the discussions that followed, university officials learned of the special problems of the growing Negro student body, including the existence of discriminatory practices. The officials were given new and broader insights into the problems of the black community that is emerging in the university—a black community like that which is emerging in Chicago itself and which must be viewed with the same patience and intelligence shown at Northwestern.

As in all settlements there was a certain amount of give and take. But Northwestern gave nothing that it could not defend on principle.

It should be clear in appraising the settlement that brought an end to the sit-ins that the university did not give up any of the real functions of administrative responsibility. The university turned down a demand for a voice in student admissions and faculty appointments to which no students, white or black, are entitled.

The university was guided by its fundamental philosophy—which should be held by all institutions of higher learning—that it has a responsibility for developing and producing mature and productive citizens from the black communities, thus strengthening American society. It was in line with that philosophy that Northwestern three years ago began its special preparatory course for Chicago inner-city high school students, mostly Negro. Many of those students now are attending Northwestern and other colleges.

In view of its own record and its present compassionate response to Negro problems, we do not think Northwestern needed to make a public confession of guilt for previous "racist attitudes." Nevertheless the statement that white university leadership has much to learn about the special needs and failings of the black student and his separate culture was a candid admission that adjustments must be made. To make a start, the university acknowledged that it can benefit by consultation with Negro students. It agreed to set up activity space for Negroes; special private facilities already exist for Catholic, Protestant and Jewish students.

Living quarters for Negroes who wish to live in separate units also will be reserved for them; but we hope that the students themselves will come to realize that such institutionalizing of segregation is not in their own best interests or those of the university.

The university put in writing its hope of increasing Negro enrollment and of financing more black students. This has been a goal of the university for some time, as is evidenced by the growing number of Negro students who have special help.

In sum, Northwestern over the weekend showed its responsibility not only in the field of education but in the broader concept of responsibility to society. To say there was abdication of university responsibility in taking no punitive action against the students simply isn't true. The university put first things first.

We trust that the students who staged the rebellion will now recognize that the conference table and not illegal seizure of property is the only right way to social justice.

Mr. Chairman, following is a statement by presidential candidate, Richard Nixon, on the subject of "Racial Accommodation." Time magazine on May 3, 1968, said in reprinting excerpts of the former Vice President's statement that—

> No candidate has addressed himself more realistically to the plight of the Negro slum dweller thus far in the 1968 campaign than did Richard Nixon last week. In a nationwide CBS broadcast, the former Vice President defined a philosophy that combined pragmatism, compassion and faith in the black American's will to achieve his aims within the framework of society.

The statement follows:

NIXON ON RACIAL ACCOMMODATION

Today we commonly speak of the urban crisis. And yet the problems wrenching America today are only secondarily problems of the cities. Primarily, they are problems of the human mind and spirit. For years now, the focus of talk, of debate, of action has been on civil rights—and the result has been a decade of revolution in which the legal structure needed to guarantee equal rights has been laid in place. Voting rights, schools, jobs, housing, public accommodations—in all of these areas, new laws have been passed, old laws struck down. The old vocabulary of the civil rights movement has become the rhetoric of the rearview mirror.

DISMAL CYCLE

And yet these victories have not brought peace or the fullness of freedom. Neither have the old approaches of the '30s—the Government charities that feed the stomach and starve the soul. For too long, white America has sought to buy off the Negro—and to buy off its own sense of guilt—with ever more programs of welfare, of public housing, of payments *to* the poor, but not *for* anything except for keeping out of sight: payments that perpetuated poverty and that kept the endless, dismal cycle of dependency spinning from generation to generation.

Our task—our challenge—is to break this cycle of dependency, and the time to begin is now. The way to do it is not with more of the same but by helping to bring to the ghetto the light of hope, and pride and self-respect. We have reached a point at which more of the same will only result in more of the same frustration, more of the same explosive violence, more of the same despair. The fiscal crisis now confronting America is so great, and so urgent, that only by cutting the federal budget can we avert an economic disaster in which the poor themselves would be caught calamitously in the undertow.

The reality of the national economic condition is such that to talk of increasing the budget to pour additional billions into the cities this year is a cruel delusion. But this does not mean that because we cannot do more of the same, we must do nothing new. For the fact is that all the money in the world wouldn't solve the problems of our cities today. We won't get at the real problems unless and until we rescue the people in the ghetto from despair and dependency. If the ghettos are to be renewed, their people must be moved by hope. What we do not need now is another round of unachievable promises of unavailable federal funds.

What we do need is imaginative enlistment of private funds, private energies and private talents in order to develop the opportunities that lie untapped in our own underdeveloped urban heartland. We need incentives to private industry to make acceptable the added risks of ghetto development and of training the unemployed for jobs. Bridges of understanding can be built by revising the welfare rules so that, instead of providing incentives for families to break apart, they provide incentives for families to stay together; so they respect the privacy of the individual; so they provide incentives rather than penalties for supplementing welfare checks with part-time earnings. We must make welfare payments a temporary expedient, not a permanent way of life, something to be escaped from, not to. Our aim should be to restore dignity to life, not to destroy dignity.

Black extremists are guaranteed headlines when they shout "Burn!" or "Get a gun!" But much of the black militant talk these days is actually in terms far closer to the doctrines of free enterprise than to those of the welfarist '30's—terms of pride, ownership, private enterprise, capital—the same qualities, the same characteristics, the same ideals, the same methods that for two centuries have been at the heart of American success. What most of the militants are asking for is not separation but to be included in, to have a share of the wealth and a piece of the action. And this is precisely what the central target of the new approach ought to be. It ought to be oriented toward more black ownership, for from this can flow the rest: black pride, black jobs, and, yes, Black Power—in the best sense of that often misapplied term.

PROMISE AND FULFILLMENT

We should listen to the militants, hearing not only the threats but also the programs and the promises. They have identified what it is that makes America go and, quite rightly and quite understandably, they want a share of it for the black man. The ghettos of our cities will be remade when the people in them have the will, the power, the resources and the skills to remake them. They won't be remade by Government billions. We have to get private enterprise into the ghetto. But at the same time, we have to get the people of the ghetto into private enterprise.

At a time when so many things seem to be going against us in the relations between the races, let us remember the greatest thing going for us—the emerging pride of the black America. That pride, that demand for dignity, is the driving force that we all can build upon. These past few years have been a long night of the American spirit. It's time we let in the sun. It's time to move past the old civil rights and to bridge the gap between freedom and dignity, between promise and fulfillment.

Mr. Chairman, nationally syndicated columnist, Charles Bartlett, wrote the following on the subject of the "Confrontation on the Campus" on May 8, 1968:

[From the Chicago (Ill.) Sun-Times, May 8, 1968]

CONFRONTATION ON THE CAMPUS

(By Charles Bartlett)

WASHINGTON.—The student activists have made a game out of forcing change, but the outer limits of their participatory democracy are going to have to be set somewhere between confrontation and chaos.

The American college student is a newcomer to political activism and he is feeling his way. His short record has high spots, particularly the brave efforts to register Negroes in the Deep South in 1962 and the brilliant intervention in the 1968 New Hampshire primary.

But he is increasingly beguiled by the myopic romanticism that is generated by the radicals of the New Left. Unwilling to work patiently among the poor and unable to incite them to instant rebellion, the New Leftists have evolved a putsch type of activism, a might-makes-right technique for imposing their will upon society. The students are tapped to serve as their shock troops.

The cancellation of final examinations at Columbia is the most recent demonstration of how effectively confrontation works on the campus. No institution has managed to shrug off the demands of radical leaders once they have succeeded in finding the issues around which students will rally.

It does not seem too much to hope that national authority could be challenged in the same fashion.

"Perhaps next time we should keep going, occupying for a time the rooms from which orders issue . . . until those who make policy for us . . . consent to enter into dialog with us and mankind," theorized Staughton Lynd, the history professor who has just been denied a full-time contract at Chicago's Roosevelt University.

The attraction of this activism is obvious for a restless generation that is troubled by its nation's posture and impressed by students' accomplishments on other continents. A swelling distaste for authority, a respect for stylish tactics, and an instinct to disrupt the status quo combine to make the putsch more appealing than petition or the ballot box as an instrument of change.

From the sit-ins to the non-violent demonstrations to the riots, that is the pattern of radical dissent in the 1960s. The progress achieved in race relations bears powerful testimony to the potency of dramatic tactics as a means of forcing society to consider change.

The danger is that the campus radicals are more absorbed in the tactics than in the causes. The civil rights protests prevailed because the cause had an undeniable moral force. But now the tactic is being adapted to causes in which the morality is more obscure, to causes which do not evoke the instinctive sympathy of the majority.

The rallying cries of the New Left are disappointingly flat. They are more anti-American than anti-capitalist, more nihilist than dogmatic, and far more concerned with freedom than with responsibility. They reject the culture without having found a plausible substitute.

They would establish the new radicals as a new elite committed to the concept that all the generations before them have been wrong and hypocritical. The students will run the universities, the workers will run the industries, and the worst sin will be to attempt to wrest control from the mob. The villains are the men who become leaders, from the president of the university to the President of the nation.

This is not the stuff of which revolutions are made, particularly in a society which has many more blessings than problems. It is not even a realistic fulfillment of the ideal of participatory democracy. It is not even an answer to youths' need for a clear-eyed reassessment of the society into which they are moving.

The New Left is more concerned with ferment than with progress and the worst evil of the tactic of confrontation is its prospect of stirring resentments that will damage the right of the young to make their criticisms heard.

Mr. AYRES. Mr. Chairman, I ask unanimous consent that the gentlewoman from New Jersey [Mrs. DWYER] may extend her remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mrs. DWYER. Mr. Chairman, I wholeheartedly support the pending bill, the Higher Education Act Amendments of 1968. This bill will extend, expand, and improve the administration of a package of four highly successful programs under which students without adequate financial resources to attend college are provided the necessary assistance, primarily through interest-bearing loans and through remunerative work opportunities.

Briefly, the bill would extend the following programs: First, the student loan program under title II of the National Defense Education Act of 1958, second, the college work-study program under title I of the Economic Opportunity Act, third, the educational opportunity grant program under part A of title IV of the Higher Education Act of 1965, and fourth, the guaranteed student loan program under part B of title IV of the Higher Education Act of 1965.

In addition, Mr. Chairman, the bill would extend these programs through fiscal year 1970 and would provide for advanced funding of the programs, a highly desirable objective which will permit Federal and State Governments, institutions of higher education and students themselves to do more effective planning and will eliminate the delays and uncertainties which have hampered the optimum utilization of the assistance Congress is providing.

The importance of these programs is demonstrated impressively by the widespread acceptance they have received and by the growing demand for the assistance. By the end of the present fiscal year, for example, 2 million students will have received help under the NDEA student loan program. In calendar year 1967, 1,700 institutions provided work for an estimated 300,000 students under the college work-study program, and this figure should grow to 435,000 students in each of the next 2 years under the present bill. Under the educational opportunity grant program, an estimated 226,800 students having exceptional financial need have received grants. Finally, in the 2 or more years of the guaranteed and national vocational student loan programs, which will be merged by this bill, implementing State programs have been established in all 50 States, Puerto Rico, and the District of Columbia, and through February of this year over 796,000 loans have been made by participating commercial lending institutions, and guaranteed by State or private nonprofit agencies or insured by the Federal Government.

This is a remarkable achievement, Mr. Chairman, and the Nation and its people are benefiting considerably from the assistance Congress is providing. Yet, the demand for help continues to outreach the supply of assistance. This is especially true, from my own experience, in my own State of New Jersey, where many students applying for loans and related assistance have been disappointed. This bill should help greatly to meet this need.

Not only do these programs fulfill compelling needs, Mr. Chairman, and bring significant benefits to the country, but the fact that most of the assistance is in the form of repayable loans, and the fact that matching requirements multiply the available assistance, mean that these programs are producing maximum results at minimum cost, a happy situation which should not go unremarked at this particular time.

I feel privileged, therefore, to endorse these programs emphatically, Mr. Chairman, and to urge our colleagues to join in giving the pending bill the broad support it deserves.

Mr. AYRES. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. Esch] may extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ESCH. Mr. Chairman, all of us are anxious to see programs flourish which help deserving young people get a good education.

As we assess the guaranteed loan program, it is well to keep its development in full perspective. This is a program developed over a number of years by painstaking and devoted work—by the private sector and by the States.

In this connection I should like to call particular attention to the pioneering work of the United Student Aid Funds Corp. As many Members know, United Student Aid Funds Corp. is a private, nonprofit, tax-exempt corporation whose sole purpose is helping deserving students through the medium of guaranteed loans. The May 1968 issue of Nation's Business carries an enlightening article about the history, the philosophy, and the activities of this organization. I am including excerpts from the text of this article in the Extensions of Remarks of the Record.

May I also express the hope—and I know I speak for many Members of the House—that with the further development of the student financial aid programs on which we vote here today, there will be the necessary ingenuity and willingness on the part of all who are involved to keep as an integral and growing part of student financial aid the constructive private effort exemplified by the United Student Aid Funds Corp.

Mr. AYRES. Mr. Chairman, I yield myself 3 minutes.

I would like to ask the able gentleman from Kentucky, the chairman of our committee, to comment on what has been referred to me by four different Members; that is, proposed amendments to this bill dealing with college and university students who become involved in the disturbances with which we are all so familiar that have occurred recently. Is it the desire of the chairman to have our committee investigate what has transpired and bring some of the individuals who have been involved and who are directly affected before our committee?

Mr. PERKINS. The gentleman from Ohio, the distinguished ranking minority member, writes me quite often about these problems. I certainly regret the disturbances that have taken place on various college campuses. We all regret these situations. These incidents should not be tolerated.

However, I feel the gentleman will agree with me that we should approach this problem in an orderly way, and that we should not act without ascertaining the facts. These programs involve thousands and thousands of students and over 2,000 colleges, so we must thoroughly consider the problems involved.

The Committee on Education and Labor, as I advised the gentleman by letter, will conduct hearings. I have asked the chairman of the Special Subcommittee on Education, the gentlewoman from Oregon [Mrs. Green], to conduct hearings and explore this situation thoroughly. I will personally see that the entire matter is carefully reviewed. This would be a reasonable approach to the problem—a better approach than coming in here and acting hastily before we have the facts.

Mr. AYRES. I thank the gentleman for his comments. I did write the chairman and I received polite and prompt answers along those same lines. But in view of the fact, notwithstanding the statement of the gentleman, that there are going to be amendments offered to the bill dealing with problems that have arisen in this field, I would like to discuss it further.

Mr. Chairman, I am pleased to be a cosponsor of this legislation to continue programs of financial assistance for students. This September will mark the tenth anniversary of the National Defense Education Act, one of the many great achievements of President Eisenhower's administration, which authorized the student loan program. We have since added other forms of student assistance, but the national defense student loan program is still the basic means of meeting the needs of students. It has made possible a college education for hundreds of thousands of needy but able youngsters and their contributions to the national welfare are beyond calculation.

An amendment will be offered to this bill to extend the authorization for work-study assistance for vocational students. I trust that it shall be approved despite the unfortunate recommendation of the Johnson administration that this valuable program be terminated. We as a Congress, and the American people, should be giving as much support to vocational students—and encourage their efforts to learn to earn—as we do to those seeking a college education. They are equally deserving and equally important to our society and to our country. I look forward to the time when these student assistance programs will benefit equally the youngster learning a skilled trade and the youngster working toward a college degree. Our action to extend the vocational work-study program is the first step toward that goal.

Mr. Chairman, several of my colleagues have expressed concern about the unlawful and violent behavior of a small minority of students whose actions in recent days have disrupted the work of Columbia University and several other institutions. Personally, I doubt that very many of those involved are aided by this legislation, and we should not in any case permit the actions of a few to blind us to the value of these programs for the many. Nevertheless, I do believe that our committee has a responsibility to find out why these disgraceful incidents occur and their relationship, if any, to federally supported programs. Accordingly, I have requested Chairman Perkins to hold hearings on this matter at an early date, and I hope that he will agree to this request. Our colleges and universities are a great national resource which, in a very real sense, belong to all the people, as witnessed by the Federal investment of billions of dollars of the people's tax money in these institutions. The American people have a right to be assured that this great resource is not imperiled by actions which cannot be described other than as common vandalism.

As the ranking Republican member of the full committee, I wish especially to commend the gentleman from Minnesota [Mr. Quie] for his untiring work on behalf of education, and also to commend his colleagues, Messrs. Reid, Gurney, Erlenborn, Esch, and Gardner, for their support in this work of the Special Subcommittee on Education. The subcommittee, under the able chairmanship of the gentlewoman from Oregon [Mrs. Green], has made notable contributions to American education.

Mr. PERKINS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York [Mr. Carey].

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. CAREY. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, H.R. 16729, the extension of the higher education student assistance programs, before us today constitutes another in a series of significant educational advances. The first beneficiaries are, of course, the additional young men and women of college age—in my own State of Washington and across this country—who will continue to receive from the increased federally assisted types of student financial aids. These include loans, direct grants, work-study grants, and guaranteed insured loans.

The ultimate effect of this legislation, I believe, goes much further. It is one of the triumphs of American democracy that college is no longer a privilege for the few. Last fall, more than 50 percent of our high school graduates went on to college; a national goal by 1976 is to increase that number to two-thirds.

This means to the Nation that we are removing economic and other barriers to higher education. But, beyond that, this bill is another in a series of enactments designed to strengthen and undergird the basic concept that any society to be free must first be an educated society.

Mr. Chairman, H.R. 16729 will extend for 2 years the major programs of student financial assistance which have meant much to our colleges and universities and the young men and women enrolled in them. You have already heard some of the able members of the Committee on Education and Labor describe, in detail, the history and achievement of these programs.

Despite difficulties at home and abroad, it is clear that these times will also be remembered as an age of unprecedented achievement in American education. It should be abundantly evident to all of us that education, in all its forms, must be one of the significant aspects of any great Nation that expects to continue forward toward the ideal of individual attainment.

For our young men and women, the doors to college and university education lead to the creative, self-disciplined understanding of society needed for good citizenship.

For some, the doors to college will never open. They will seek alternate routes to attaining job skills or other postsecondary education. For that reason, I am proud to be coauthor of vocational education legislation which will provide those opportunities for the young men and women needing vocational and technical skills to seek employment. A college education is not necessarily a necessity. Many young citizens are capable of attaining a vocational education and, then too, the country ultimately benefits.

But on the level of higher education particularly, the growth in enrollment portrays the coming crunch of students confronting colleges.

Enrollment in the early 1950's was slightly over 2 million students and was approaching 6 million students in 1966, a trend reflecting not only the growth of young persons of college age but also an increased national awareness of the importance of a college education.

In 1966, Washington State, according to U.S. Office of Education estimates, had 133,138 students enrolled in institutions of higher education and this figure will rise sharply in the coming decade.

Simultaneously, the costs of attending college have risen drastically in the past decade. Tuition and fees alone rose 30 percent at public institutions during this period and 73 percent at private ones.

In today's challenging world, college expenses, while not the only problem confronting higher education, are a major one.

In recent years, the Committee on Education and Labor and the distinguished chairman of the subcommittee reporting H.R. 16729, have achieved a solid and progressive record of assistance to our colleges and universities and the teachers and students in them. The important Higher Education Act of 1965 helped strengthen continuing education in our colleges and universities. It provided new library resources and helped developing institutions. It gave increased financial assistance and fellowships. It set up a Teacher Corps and it expanded support for facilities and audiovisual and instructional equipment.

Now, in the area of student financial aid, we have a chance to reaffirm that commitment.

The legislation before us will:

Expand opportunities for college age students through amendments to title II of the National Defense Education Act student loan program.

Carry on the college work-study program originally authorized by title I of the Economic Opportunity Act of 1964.

Extend the educational opportunity grant program of 1965 which provides direct grants ranging from $200 to $800 for each academic year. These grants, directed as they are towards students of exceptional financial need, allow students to go to college up to a maximum duration of 4 years.

Extend the guaranteed student loan program in a variety of ways.

Provide advanced funding authority for the four student assistance programs now available. Three of these student aid programs were started during the 89th Congress; their record of progress is a solid one.

At this point, Mr. Chairman, I would like to direct my remarks to a districtwide educators conference which I held in Washington State in November. It was attended by leading educators from my congressional district, the State of Washington, and the Department of Health, Education, and Welfare.

Two recommendations stemming from that conference merit comment since they are related to the legislation before us today.

Comments and suggestions of educators were made on improvements that can be made in Federal programs. Three panels reported on some new legislative directions that could be taken in all fields of education but in the area of higher education, two complaints were frequently voiced, and I called them to the attention of our committee, and to educational organizations.

The first was that Washington State educators felt there was a definite need for increased flexibility in the operation of the student financial aid programs by the individual colleges and universities.

The higher education conference panel noted that they also called for an expansion of guaranteed student loan programs, allowing banks more interest to increase their participation. I am happy to note that both of these recommendations are contained in H.R. 16729.

The legislation allows a single authorization beginning in fiscal year 1970 for NDEA loans and college work-study grants; separate authorizations for educational opportunity grants and the insured loan program. In essence, this allows "packaged" student financial aid program for the individual college and university. The legislation also will make some of the needed changes in the guaranteed student loan program which have not carried this program to full participation.

The second recommendation was one voiced by other panels at the educators conference: the need for advance funding and leadtime in preparing for Federal funds. It also applies to higher education.

This legislation is a sound step in the right direction. Advance, or forward funding, has been an important measure in allowing educators necessary time to plan next year's directions.

As the House report on the legislation states, it is necessary for institutions to know how much money they can expect for the following year before they can plan their package form of assistance.

The bill proposes advanced funding authority for the four student assistance programs: NDEA loans, college work-study, educational opportunity grants, and the guaranteed student loan program. These provisions are similar to those adopted for the Elementary and Secondary Education Act. They allow appropriations for the student aid programs to be included in the appropriation acts for the fiscal year preceding the fiscal year for which they would be made available.

We have done much in past years to advance the cause of education in this country. Today, we reaffirm the national goal that every qualified young person must have all the education he wants and can absorb.

The rising tide of enrollments and the increasing costs of higher education are an urgent necessity in this land which needs all the educated manpower it can graduate from our institutions of higher education. And this is true not only because it will ultimately benefit our young men and women and relieve the burden of increasing costs from their parents, not only because the country will be made stronger or better capable to meet the challenges of drastic changes in the fabric of our society, but because it is right.

Beyond pragmatism, we must realize that an educated individual has—in the long run—an infinitely better opportunity to become a free individual; a person better capable of distinguishing and choosing between those aspects of our society which will allow this country to flourish or to wither and die as civilizations before us have. It is not the only answer to today's problems but the urgency of our college needs calls for the strong support of this legislation before us.

Mr. Chairman, at this point, I would like to present some brief statistical summaries of the four student financial aid programs and their projected impact in Washington State for the benefit of educators in my district.

WASHINGTON STATE PROGRAMS OF STUDENT FINANCIAL AID

There are four main programs of Federal assistance for undergraduate college students in Washington State. State participation is similar to that of other schools on the national level. H.R. 16729 extends all four existing programs, also providing increases and new flexibility through such provisions as advanced funding and "packaged assistance" for the individual colleges and universities participating in the student loan program, college work-study, educational opportunity grants, and guaranteed insured loans.

1. NATIONAL DEFENSE EDUCATION ACT

Originally authorized by title II of the NDEA of 1958, this program—over 10 years—has benefited an estimated 8,631 students in Washington State during the present academic year, 1967–68. A total of 23 colleges participating in the program receive an estimated $4,154,236. This is the largest source of Federal funds and is administered by individual colleges and universities, allowing students to borrow up to $1,000 each academic year, a total not to exceed $5,000. Repayment of the loans, with 3 percent interest, does not begin until the borrower is graduated, leaves the school, or ceases to carry the necessary half-time academic schedule needed to qualify for the loan. Graduates who enter time-teaching positions are "forgiven" loan repayments.

In 10 years of operation, the number of colleges participating nationwide has doubled—from 1,100 to 2,200. Nearly 2 million students have borrowed necessary funds to continue their college education.

Washington State is expected to receive $4,157,257 in fiscal year 1969.

2. COLLEGE WORK-STUDY PROGRAM

The college work-study program, originally part of the Economic Opportunity Act of 1964, provides part-time employment to college students, particularly young men and women from low-income families. Students enrolled work in institutions of higher education or in community nonprofit and public agencies and are reimbursed for their services. Up to 20 hours a week are allowed for students during the academic year and full-time employment during the summer. The impact of this program—in the Second Congressional District, State of Washington—will next year affect an estimated 361 students. The breakdown: Edmonds Community College, $11,136, 39 students; Everett Junior College, $43,050, 93 students; Peninsula College, $13,876, 25 students; Skagit Valley College, $7,225, 24 students; and Western Washington State College, $116,053, 180 students.

In addition, many Second Congressional District residents attend other institutions within Washington State receiving funds. The University of Washington, for example, will receive $390,412 under this program to help provide employment for an estimated 406 students. Statewide, 38 colleges and universities participate in the program, 3,120 students receive benefits of college work-study programs, and an estimated $1,487,133 will go to participating institutions of higher education. Federal funds, now providing 85 percent of the funds, are matched by 15 percent from individual institutions. The legislation drops the Federal share from 85 percent to 80 percent beginning fiscal year 1969 and 1970.

3. EDUCATIONAL OPPORTUNITY GRANTS

Educational opportunity grants are awarded by colleges and universities to students of exceptional financial need. The legislation provides for fiscal year 1969 a statewide Federal share of $1,455,267 and 35 institutions participate. Grants range from $200 to $800 for each academic year of study up to a maximum duration of 4 years. An equal amount of financial assistance to a student must be provided from other sources, including State, private, or Federal grant aids. Next academic year's funds will help an estimated 503 students in the Second Congressional District who will share in $196,300,411. Individual institutions and the number of students estimated to participate next year include: Edmonds Community College, $3,800, 19 students; Peninsula College, $1,920, 9 students; Skagit Valley College, $3,800, 19 students; Western Washington State College, $167,140, 411 students.

In addition, nearby University of Washington will receive $483,520 to benefit an estimated 1,000 students.

4. GUARANTEED INSURED LOANS

The guaranteed loan program, another new means of financial assistance, is for young men and women from middle-income families, providing the means for college students to borrow money at low interest cost with the Federal Government paying part of the interest for qualified students. Banks and other lending institutions in Washington State make loans directly to students. A State agency or private nonprofit agency "guarantees" the loans, protecting the lender against loss in case the borrower defaults on his loan, and the Federal Government pays a portion of the interest. To underwrite the program, Washington State, in fiscal year 1969, will receive an estimated $152,950 in insured loan program advances and reserve funds under the legislation.

All four of these programs comprise a comprehensive package of student financial assistance, the dollar amount increasing tenfold from $59 million nationally to over $400 million in fiscal year 1968 under all three programs: NDEA student loans, college work-study, and educational opportunity grants.

Our institutions of higher education, the young men and women enrolled in or planning to attend college, the overburdened parents, all appreciate this further direction toward free higher education.

This legislation carries on what we have begun in the past several years in the field of education.

Because it represents a sound investment in the future of this country, it merits our strong support. The Committee on Education and Labor has thoroughly reviewed and evaluated the existing program and, while some of us always seek new and alternative ways to help meet the burgeoning enrollments on the college level, student financial aid is a necessary and vital component of higher education in this country and merits our immediate support.

Mr. CAREY. Mr. Chairman, as the chairman of the full committee correctly pointed out, the bill we are extending here in considerable measure is the National Defense Education Act. The raison d'etre of that act is that we felt we needed it back in 1958 and, indeed, we need it in 1968—in order to strengthen the defense of our country. Education was described by Admiral Rickover as the first line of defense of our country, because educated and trained personnel in the physical sciences and other disciplines are required to respond to our country in time of need.

However, the kind of response we have been getting from some of the students who are applying for benefits under this act, I think, stray far from the pattern of constructive dissent in terms of national defense and go into patterns I find indefensible. I hope we can anticipate an amendment that will come to this point in the act. I know such an amendment may be offered.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. CAREY. I yield to the gentleman from New York [Mr. PIKE] a member of the Armed Services Committee.

Mr. PIKE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I assure the chairman of the committee and the ranking minority member of the committee that I am going to support this legislation, whether my amendment passes or not. I commend them for having brought the bill out. But there are four loan programs involved, or funding programs, involved in this legislation. My amendment only approaches one of them. That is the National Defense Education Act.

I honestly do not think that it requires great hearings to come to the conclusion that a student who burns his draft card is not contributing to national defense, or that a student who disrupts troop movements is not contributing to national defense.

My amendment, which I will spell out in some detail, simply says that any student who has engaged in such activities during the preceding 12 months will not be granted a National Defense Education Act loan.

There will be other sources of funds available to the students, and there may be universities who will want to give them other sources of funds, but I think we make a mockery of the National Defense Education Act when we allow students who participate in such activities to get loans from the National Defense Education Act.

Mr. CAREY. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I have studied the amendment the gentleman will offer. It has reference within it to protections for the traditional forms of dissent, and even for some of the sophisticated new forms of dissent, which we all recognize in terms of our ideals and dedication to the great freedoms of the first amendment. But I do think—and I agree with the gentleman from New York—there are an adequate number of non-defense related programs for student support, this one program which is tied to our national defense should not be used as an instrument in order to cripple and demean our national defense effort.

I think this is a timely amendment. I am going to support it. We can go on from this position and hold additional hearings and possibly improve on the amendment in terms of further discussion in conference, but I think the people who are paying for this bill, the taxpayers of America and others who are paying for it with something even dearer than taxes, those defending our country in the farflung fronts of the world, expect that we are going to channel the benefits they are paying for with their lives into the hands of those who are interested in defending our country at some point during and after their careers in higher education.

Mr. Chairman, I am going to support the amendment of the gentleman.

Mr. PERKINS. Mr. Chairman, I yield the remaining time to the distinguished gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Chairman, I wish to add my support of H.R. 16729 and to extend my compliments to the committee, and particularly to the chairman of the full committee, the gentleman from Kentucky [Mr. PERKINS], and the chairman of the subcommittee, the gentlewoman from Oregon [Mrs. GREEN], for extending one of the most significant programs that I have had any contact with in the field of higher education. Personally, I cannot think of anything more important than the programs which afford students an opportunity for a higher education, whether it be in a community college or a junior college or a university.

This bill, I think, is excellent and deserves the support of the entire House. It modernizes the programs and affords a new concept of reinsurance in order to make more funds available for private loans for students.

This legislation comes at a particularly critical time in our country's history. I believe that a strong vote approving this legislation will serve as the best possible evidence that we have to demonstrate not only to our country but particularly to the youth of our country our confidence not only in their future but also in their performance as students and as our future leaders.

In extending this assistance, we not only reaffirm our pledge to provide the country with well-qualified professional personnel for the coming years but also maintain our promise to the parents, which we made 2 years ago, to assist them in every possible way in meeting the high cost of sending their children to college. We will again also publicly announce our desire to aid each and every young man and woman in this country who has the ability, the determination, the desire, and the motivation to pursue an education after high school and go on to college.

As I said, this request comes at a time when great stresses are being exerted upon the Congress to reduce Federal spending and Federal commitments. I believe it is a tribute to the good judgment of this committee and of our leaders that we have been asked to consider this extension of the program today.

I consider this one of the most worthwhile programs this Congress is being asked to enact. Without it, our country would suffer immensely.

I am informed that at least 1 million students might not be in college today were it not for Government loans, scholarships, grants, and loan insurance. Last year, one student in five attended college with Federal assistance.

The U.S. Office of Education estimates that average annual undergraduate college costs for the 1966–67 school year ranged from $1,102 for students attending community colleges to $3,360 for students attending high-cost private colleges. At State universities, the estimated average cost was $1,890.

H.R. 16729 will extend—

First. The NDEA program of Federal loans of $1,000 a year to undergraduate college students. An authorization of $200 million for each of fiscal years 1969 and 1970 is included in the legislation. Hawaii received for the 1967–68 academic year a total of $271,354 for the two colleges participating in the program.

Second. The work-study program, which is continued through fiscal year 1970 and authorizes appropriations of $225 million for each of the fiscal years of 1969 and 1970. The legislation provides that the Federal aid will offer 80 percent of the student assistance as of June 30, 1968. In general, the basic pay rate is $1.25 an hour, although up to $3 an hour may be paid for highly specialized campus jobs.

Third. The educational opportunity grants with an authorization of $70 million a year for the fiscal years of 1969 and 1970. Scholarships are made under the program to students of exceptional financial need and can range as high as $800 annually.

Fourth. Federal assistance to non-Federal student loan insurance programs is extended for 2 years and will permit insurance of loans in a total principal amount of $1.4 billion each year. This is the same dollar amount as the 1968 authorization.

I urge favorable action on H.R. 16729 today as one of the most important pieces of legislation to come before us this year.

Mr. ALBERT. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Chairman, we can be proud—and justly so—of our comprehensive program of Federal assistance for needy college and university students. The hearing record on H.R. 16729 is filled with individual examples of students whose attendance at college was made possible only because of assistance obtained under one or more of our four programs. Additional examples were discussed as we worked on this bill in committee. And I am sure that every Member of the House knows personally, as I do, of students in their districts who have benefited from this program.

Mr. Chairman, in my own State of Oklahoma, the growth of federally assisted student-aid programs has been significant. In 1959, 25 colleges provided $571,000 to 828 students under the NDEA program. In 1968, $3,400,000 is being provided to over 12,000 student borrowers.

In 1965, $134,000 was made available for college work-study programs at 15 Oklahoma colleges; 1,318 students participated in the program that year. Twice as many institutions are providing programs this year to 6,600 students with over $2,000,000 in Federal funds.

Two million dollars is being made available at 30 institutions to 5,600 students under the educational opportunity grant program this year. These figures are double what they were in 1966.

Under the guaranteed student loan program, 4,486 loans have been made totaling $3,169,000.

This is an impressive record in terms of individual successes and program effectiveness in my own State alone. The national picture is even more impressive.

This year financial assistance was provided to an estimated 660,000 students through the National Defense Education Act student loan program, the college work-study program, and the educational opportunity grants. An additional 500,000 students received loans under the guaranteed student loan program. Yes, the record is impressive, but we must not lose sight of President Johnson's statement this year that "for millions of capable American students and their families, college is still out of reach."

If today one capable young man or woman, because of financial inability, decides not to pursue a college education, we have suffered a loss this Nation cannot afford. Just as each of us knows of individual success stories related to the student-aid program, I am sure that each of us has known of parents whose sons or daughters were unable to secure the necessary funds for their college expenses. Unfortunately, in spite of our action today, there still will be able students who will have to forgo a college education because they cannot afford it. But, because of our action today, we will help 1,500,000 students to attend college next year, through the full range of the student-aid programs being extended by H.R. 16729.

I have heard this legislation described as worthwhile. Mr. Chairman, it is not only worthwhile—it is absolutely essential. Without the extension of the National Defense Education Act student loan program being proposed, over 400,000 students will be unable to obtain loans for their college expenses next year.

Without the extension of the college work-study program, needy college students will find little employment on college campuses and in community service programs.

Without the extension of the educational opportunity grant program, promising but exceptionally needy high school seniors of today will be unable to enter college in September.

Mr. Chairman, more than an extension of the guaranteed loan program is needed if the program is to be a meaningful one next year.

This program for college students affords long-term, low-interest loans which students obtain from banks, credit unions, savings and loan associations, and other lenders. Federal interest benefits are paid on behalf of students with an adjusted family income of less than $15,000 a year. And the lenders are guaranteed against default, either by a State or private nonprofit agency or by the Federal Government.

The program began in a "tight money" market. But in spite of this, and in spite of technical and other problems involved in getting such an unprecedented program underway, between November 8, 1965, and March 1, 1968, $670.5 million was loaned to 781,500 student borrowers.

As great as this program has been, problems have arisen which hamper its continued growth. The law now limits the interest rate to 6 percent. Lenders have assured us in our hearings that at these rates student loans are a losing proposition and that they cannot long continue on this basis. The recent increase in the prime interest rate further adds to this problem. The testimony of local lenders was substantiated by college and university student aid officers and officials of State guaranteed student loan programs.

H.R. 16729 proposes that the existing ceiling on interest rates be raised from 6 percent to 7 percent. Such a change will make the program more attractive to lenders and thus increase their participation in the program. The ultimate beneficiaries will be our students—many of whom were unable to obtain loans this year because of tight money.

State guarantee agencies have likewise found it difficult to continue because of the lack of reserve funds. H.R. 16729 contains two provisions to correct this situation. First, the Federal Government would be authorized to reimburse an agency for 80 percent of claims paid by that agency to lenders in case of defaults. The agency is therefore only responsible for 20 cents on the dollar which has the effect of multiplying the guarantee capacity in the States Reserve fund by a factor of four. Second, the bill authorizes an additional $10 million for Federal advances to reserve funds.

Mr. Chairman, this legislation should be viewed not as an extension or expansion of programs, but rather an expansion of opportunity in higher education. H.R. 16729 was unanimously approved in the subcommittee and in the full committee. The House of Representatives should today overwhelmingly approve this legislation.

Mr. AYRES. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire [Mr. WYMAN].

Mr. WYMAN. Mr. Chairman, I take this time, in view of the fact that there is now taking place some preliminary discussion of amendments, to refer to an amendment which, at the appropriate time, I shall offer, which will provide that no part of the money authorized under the bill shall be available to be paid to the benefit of any individual who willfully refuses to obey a lawful regulation or order of the university or college which he is attending or at which he is employed when that willful refusal is certified by the appropriate university authorities as having contributed to a serious disruption of the university or college administration.

This amendment is a little different from that which is intended to be offered by the gentleman from New York. It does not go into the national defense situation or burning draft cards, and it is not retroactive; it will apply only to acts committed or taking place after the effective date of the legislation now before us.

I believe this is important. It is essential that leverage be given to university and college administrators to be able to tell those who may be on tax supported scholarships that if they continue in the future to willfully refuse to obey the college administrators and regulations they will lose their scholarships.

This is the same amendment, essentially, as was adopted yesterday with respect to the National Science Foundation in the consideration of the Independent Offices appropriation bill, and the transcript showing what happened at that time and explaining more in detail what is involved appears in the RECORD, now at each Member's seat, on page 12252. I respectfully commend its reading if there is any remaining uncertainty with respect to what this amendment is designed to accomplish.

Mr. AYRES. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. SCHERLE].

Mr. SCHERLE. Mr. Chairman, this year marks the 10th anniversary of the National Defense Education Act of 1958 and the landmark student program contained therein.

I am happy to join my colleagues this afternoon in support of the Higher Education Act of 1968. I am also very pleased to hear the chairman, the gentleman from Kentucky [Mr. PERKINS], admit, and also to establish the fact, that we will have hearings in which our committee does not condone the actions of the students of our major universities and colleges throughout the United States.

It is a sad commentary in this great Nation of ours, where tax dollars must be spent to continue riots and demonstrations, and the upsetting of the regular and normal routine of our educational system.

I feel also that an amendment is necessary this afternoon. It seems too bad we would have to legislate this sort of thing, but apparently it is necessary.

We seem to have an apparent breakdown of law and order throughout this entire Nation. We have to legislate what is right and not what we think ought to be. I will support an amendment this afternoon to make sure that this is done. I am sure other Members of Congress will do likewise. I commend the gentleman from New Hampshire on his amendment. I am interested in the one proposed by the gentleman from New York, also. After due and just debate my decision will be based on the one that I think will be the most stringent and the most restrictive.

Education has been in the news in recent days, often in an unfortunate way.

A handful of students at Columbia University in New York City were able to close down that school. Several hundred students deprived more than 27,000 of their right to an education.

At Ohio State University on April 26, students took over the administration building, fastening the doors and detaining two university vice presidents.

At Boston University, students took charge of the administration building for 12 hours, and at Virginia State College students took over the administration building for a whole week.

There is nothing more important for our society than quality education. The minority of students must not be permitted to interfere with the education of the hundreds of thousands of young people who view college as an opportunity for a better life, not a staging ground for violence.

It is through education that men are able to obtain the skills which will provide them with meaningful lives. It is not through parades and protests and demonstrations that jobs are obtained. It is through hard work and training.

This year marks the 10th anniversary of the National Defense Education Act of 1958 and the landmark student loan program contained therein. During that 10-year period additional student aid programs have been established with the result that today there is a comprehensive federally assisted package of student assistance made up of loans, direct grants, and work-study grants.

I am pleased to join with my colleagues in supporting the Higher Education Act of 1968.

This act extends the student loan programs. It extends the work-study program and the educational opportunity grant program. It provides authorization for advanced funding authority and extends the provisions of the guaranteed student loan program.

During the first 10 years of this act's history, the number of participating colleges and universities has doubled from 1,100 to 2,200. The dollar amount of funds provided to students has increased tenfold from $59 million in loans in the first full year of the NDEA loan program, to over $400 million in fiscal year 1968 in the three programs of NDEA loans, student employment, and educational opportunity grants.

The number of students served by these programs has increased nearly sevenfold over the 115,000 borrowers in the first year of the student loan program.

Of more recent establishment is the guaranteed student loan program. Under it, every student accepted to a college can be sure of financial assistance. Over 796,000 guaranteed student loans were made from the inception of the program in November 1965, to March 1968.

The college work-study program was enacted in late 1964 and has been an effective means of assisting college students in financing their education through meaningful and career related employment.

In fiscal year 1966, 1,500 schools employed 275,000 students in work-study programs and in calendar year 1967, 1,700 institutions provided work for an estimated 300,000 students.

This year we have extended and reaffirmed our commitment to education. That we do so at a time when our universities seem to be on the verge of becoming battlegrounds should make us aware of the fact that Federal money must not be used to foment disorder, but only to foster knowledge, training, and information.

Education of the traditional kind merits the support of all of us and I have every hope that this act will be in the forefront of its advancement.

Mr. CULVER. Mr. Chairman, I represent a congressional district unique in the number of small independent institutions of higher education—eight in an 11-county area, offering an extraordinary variety of tradition and emphasis which have served as a magnet to draw young people who are seeking educational excellence, not just from Iowa but from across the country.

Like private colleges everywhere, these schools are now facing serious problems—both financial and academic—

which give rise to fundamental questions not just about the nature of their role in the future, but about their very existence.

It is, perhaps, ironic that these institutions, which have been a key to the strength and diversity of our balanced educational system, are confronted with such problems at the very time that our national needs call for the highest quality of post-high school education, for the largest number of young men and women in our history.

If we are going to fulfill those needs, then we are going to have to utilize as effectively and efficiently as possible all of our educational facilities—from the small private undergraduate college to the largest State university. It makes little sense to pour millions of tax dollars into construction and academic costs of the already overcrowded universities, if at the same time the existing facilities of the small independent institutions are being used far below their capacity.

It is essential, therefore, that we seek creative solutions to the problems of these schools—first through the innovative ability of such institutions to help themselves, but with appropriate assistance from both public and private sources at every level.

Since we do have as large a cluster of private colleges as perhaps any district in the country, I felt that it would be useful to call together the presidents and other personnel from the schools, State and Federal officials, and representatives from the private financial sector, to explore in an open and imaginative way, the problems and their solutions. I was pleased to have at the day-long meeting my distinguished colleague, the gentleman from Indiana, JOHN BRADEMAS, who is not only one of the most able Members of the House of Representatives in terms of education legislation, but an educator himself with personal experience with small private college problems, as a former teacher and a trustee.

We were joined, also, by Dr. Peter Mousolite, the acting regional assistant commissioner and director of higher education for the U.S. Office of Education in Chicago. Dr. Mousolite spoke with professional and administrative experience in the public and private colleges in the Midwest, as well as 7 years of service in the Government in educational programs. We were particularly happy to have him with us because he is a former resident of Cedar Rapids, where the conference was held, and a graduate of Iowa schools.

Our third distinguished guest was Dr. Franklin Littell, the president of Iowa Wesleyan College and chairman of an ad hoc committee of the Iowa Association of Private Colleges, which is presently undertaking a study of financial and academic problems of the smaller institutions.

Dr. W. L. Roy Wellborne, the director of the Higher Education Facilities Commission in Des Moines, also participated in the conference as the administrator of the guaranteed student loan program in Iowa.

We deliberately planned the conference to be informal, exploratory, and candid, and thus tried to avoid the rigidities of a detailed agenda or fixed order of discussion.

The meeting, composed of about 100 participants from the colleges, Government, and the private sector, opened with a provocative keynote address by the gentleman from Indiana, Congressman BRADEMAS, and remarks by Dr. Mousolite. The texts of these speeches, which provided the basis for a stimulating morning discussion, are included in this report.

Dr. Littell offered the luncheon address, and the rest of the day was directed to an examination of the guaranteed student loan program which we established in Congress in the Higher Education Act of 1965.

The afternoon discussion was lead by a panel of men directly involved with the loan program in the Second District: Dr. Wellborne; Fred Breckner, the vice president of City National Bank in the largest city of the district, Cedar Rapids; William Ronan, president of the Decorah State Bank in a community with one of the largest of the district's private colleges; and Churchill Williams, president of the Oelwein State Bank in a middle-sized city of the district which, though without a local college, sends increasing numbers of its students from the two high schools on to further education.

I would like to share with my colleagues here in the House the problems which we identified at the Second District conference, as well as the proposals offered for their solution, because I think that they are relevant to the small independent colleges in every section of the country.

I hope that this report will be helpful in the examination of the legislation before the House today to extend national student financial aid programs, and in the weeks ahead as we consider the balance of the 1968 omnibus Higher Education Act as well as appropriations for these programs.

PROBLEMS OF SMALL PRIVATE COLLEGES: ACADEMIC AND FINANCIAL

Every school, regardless of its size, must deal with the problem of rapidly rising costs for the construction of new facilities, maintenance of its existing plant, acquisition of equipment and materials, teachers and administrative salaries, and student services.

The gentleman from Indiana, Congressman BRADEMAS, made reference to Office of Education figures which place the figure for capital and recurrent expenditures at $16.8 billion—four times the total costs 10 years ago. But of even greater concern are the projections that, by 1975, the figure will have doubled again, to $34 billion.

The small independent college faces this problem then in competition with larger universities, both public and private, for limited funds—from student fees, private gifts, and public sources.

The traditional major source of income for the independent colleges are endowments and gifts, and from tuition and fees. But according to the president of the Carnegie Corp., Alan Pifer, and other authoritative observers, these will constitute a declining share of total support for higher education.

Yet the increased assistance to higher education from the Federal Government has gone chiefly to the large universities with major graduate facilities, especially in science and engineering, which can perform contract research for the Government.

In Iowa, for example, last year while 26 private colleges received $5.5 million, the three State-supported institutions were awarded a total of $28.9 million.

The private school cannot turn simply to the student for increased support through continually rising tuition and fees, because the results can only be an even greater transfer of young people, particularly lower and middle income students, to the State-supported schools where their personal costs are much lower.

This leads to the corollary problem of attracting and maintaining a full student population and providing a curriculum relevant to the demands of students and the needs of society.

This year, the 29 private colleges in Iowa have an enrollment of 36,505 students, compared with 40,356 in the three State universities. This represents a loss from last year of 2,350 students for the private schools, with a gain of 3,383 in the already crowded State schools. If present trends continue, the Iowa Association of Private Colleges estimate that by 1980, the private schools will enroll only 22 percent of the State's students, with 44 percent in the State universities and 34 percent in public junior colleges.

Thus the solution of these problems is important not just to the survival of the small schools themselves, but to the future of the board of regents universities as well.

APPROACHES TO SOLVING THE PROBLEMS OF THE PRIVATE COLLEGE

Our objective in the conference was not to discover hard and fast solutions, but rather to suggest paths of development which might lead to solutions. The following is a summary of the suggestions which were offered by participants, examined in three categories: what the individual school must do, what institutions must do in cooperation, and what role the government at both the State and Federal level should play.

They do not necessarily represent the consensus of opinion at the conference, nor are they equally applicable to every school's particular problems. But they do provide ideas for further examination, and I would hope that they might be helpful not just to Second District schools, but to institutions with similar problems in every area of the country.

THE RESPONSIBILITY OF THE INSTITUTION

The future of the small private colleges will largely depend upon their capacity to carve out distinctive and meaningful roles for themselves—to attract both students and investment. Various suggestions were offered as to how this might be done:

First, curriculum and teaching methods; small private colleges take justifiable pride in their independence and diversity. Free of the public restraints which State-supported institutions must face, the independent colleges should seek out creative, innovative ideas and implement them—involving today's informed, concerned, and often impatient students in new and mutually beneficial ways so that education has meaning to them and relevance to society's present and future needs.

Second, diversified student populations: Many of these institutions were founded specifically for the education of a select group of young men and women from middle class or upper middle class families, with common cultural and religious backgrounds. As the mission of the schools have changed, and the demand for higher education extended to virtually every sector of our society, the student populations of every institution have diversified.

Nevertheless, the typical small private college remains essentially a white middle class institution. By seeking out students from minority groups, from lower income levels, and from foreign countries, such schools can not only offer opportunity to young men and women who are being denied, but will enrich the educational experience of the advantaged students on campus as well.

Obviously, one of the serious problems with such an approach is financial. If the institution must depend upon high student fees as a major source of income. We must seek additional means for overcoming that difficulty.

Third, faculty development: The small schools were urged to strengthen their instruction through enrichment of faculty members themselves—participating in both domestic and international faculty exchanges, encouraging faculty involvement beyond the campus, utilizing visiting scholars.

Fourth, precollege guidance and counseling: If the small private college is going to reverse the trend of students away from them and toward the large university, not only must it offer attractive and innovative programs, it must insure that the high school student, the adult seeking further education, the returning serviceman is aware of the opportunities which exist at that school.

This involves greater "promotional activity," if you will, not only among prospective students themselves, but with parents, community leaders, high school guidance counselors, opinionmakers, and others who influence young people in their plans for further education.

COOPERATIVE EFFORTS OF INSTITUTIONS

Perhaps the single most emphasized point in the entire conference was the need for greater cooperation between institutions—among the small private colleges, between the small college and the large university, and with independent research institutes and the community as a whole.

First, shared resources and facilities: With rising educational costs and limited resources, it is more essential than ever before that small colleges share equipment and facilities which singly they might not be able to afford or fully utilize. The exact nature of such facilities would depend upon the individual needs of the institutions, but would hopefully include such cooperative efforts as library networks, shared computers and data processing equipment, closed circuit television, and faculty and student exchanges.

Second, cooperative arrangements with large universities: Both the gentleman from Indiana, Congressman BRADEMAS and Dr. Littell stressed the dangers—to individual schools and to higher education in general—if the interests of the small private colleges and the large public universities are polarized. Creative links between the private college, with its innovative ability and strong humanistic traditions, and the large university with its capacity for advanced technological and scientific inquiry, will be far more beneficial than competitive conflict. And the more flexible independent college is in the best position to stimulate that contact and communication.

Third, creative relationship with the community—the Metro Council: Dr. Mousolite advanced the concept of the "metro council"—a voluntary council for post-high-school education—which has relevance for rural areas just as much as for major metropolitan centers.

Such a council would inventory needs and resources on a continuing basis, permitting institutions of higher education to plan ahead and anticipate problems rather than responding to crisis situations. It would conduct manpower studies to eliminate the conspicuous lag which now exists—in areas like allied health professions, for example—between the public need and institutional response.

In addition, it would contrive ways whereby area institutions could share resources and facilities and jointly finance new projects. It could also play a leading role in informing students of available educational opportunities and providing guidance and counseling services.

The Second District of Iowa, with its unusually large number of educational institutions, has a unique opportunity to become a model for such interplay and cooperation, and I am hopeful that this conference may have stimulated additional thinking along such lines.

THE ROLE OF THE GOVERNMENT

Finally, we examined the role of State and Federal Government in the small private college, based on the premise that income from private contributions and student fees will continue to decline and that colleges will look more and more to the Government to assume a larger share of the total support of higher education.

At the outset, it was emphasized that the success of the efforts of the small schools to obtain such assistance will depend primarily upon their ability to convince the public that this is a good way to spend State and Federal tax money.

First, State assistance: The Iowa Association of Private Colleges has proposed a tuition-equalization program, similar to one now in operation in Michigan, whereby students receive grants from the State, based on family income, to help meet tuition costs at private schools.

The arguments for such a program were outlined by the Des Moines Register in an editorial of October 29, 1967. Describing the plan as "a sound investment in higher education," which would provide "better and more diverse education opportunities at less cost" and would assist State institutions "because quality improvement funds would not be drained by sheer expansion," the editorial said:

> Soaring costs are rocketing tuition rates to dizzying heights. Within a few years the gap between private and public college tuition has spread from about $300 to over $700. It is in the interest of the state as a whole, its student in all institutions and the private colleges themselves for the state to act now to narrow that gap for Iowa students.
>
> If it does not, Iowa may find itself spending millions to build new state college classrooms while existing private ones are not fully utilized. Any consequent deterioration in quality among the private colleges would accelerate a student swing away from them.

Second, Federal investment: The decision as to the wisdom of that proposal must be made by the Iowa State Legislature. Our concern here in Congress must be with appropriate Federal aid to the small private colleges, and the conference discussions on this point are relevant to today's debate on the Higher Education Act Amendments of 1968.

While the imbalance of Federal funds toward the larger institutions awarding doctoral degrees, for contract research, can be explained and is largely unavoidable, the Congress must take steps to insure that the expenditures for programs designed to aid undergraduate institutions are equally shared.

One of the major reasons why smaller schools may not share proportionately in even this latter type of assistance is that they do not have the same kind of administrative personnel, nor the same experience in dealing with the Federal Government which the large universities have had in the past.

It is essential therefore that we make every possible effort to minimize the bureaucratic requirements for such programs—streamlining application forms and procedures, avoiding duplicated efforts, and eliminating unnecessary and irrelevant eligibility requirements.

Part of the responsibility for this kind of change rests with the Congress, in its review of existing programs and in the requirements which it writes into new legislation.

I am also emphasizing these problems to the Office of Education and urging them to take administrative steps to accomplish the same objectives. I am recommending to the Commissioner of Education that the Office of Education give greater consideration to the unique problems of the smaller schools and bring them into the process of developing guidelines and application procedures in an advisory capacity.

In addition, I am recommending that the Office of Education consider specific activities designed to acquaint administrative personnel of the smaller institutions with all of the available sources of aid, and to provide advice where requested for developing the administrative ability to deal with these programs.

It is particularly appropriate that the Federal Government act to stimulate the increasing interest in consortia and cooperative arrangements among institutions. The Omnibus Higher Education Act contains such a proposal in its "Networks for Knowledge," title VIII.

This program would provide funds for planning cooperative efforts, sharing curricular material, developing data processing systems for student and financial records, joint utilization of facilities and equipment including computers.

As the gentleman from Indiana, Congressman **Brademas** pointed out, such assistance would provide extra force for the movement already evident in higher education across the country, and I urge its approval by the Education and Labor Committee and by this body.

Financial assistance to disadvantaged students: I noted earlier the suggestions that were made at the conference to diversify student populations by increasing the numbers of students from lower income levels, minority groups, and foreign countries. I also pointed out the financial problems which this entails for schools who must depend upon relatively high tuition schedules to meet operating costs.

Congress has developed several programs designed specifically for the disadvantaged students, and the Second District schools participate in them—Upward Bound, the college work-study program, and economic opportunity grants. Authorization for the latter two is included in the legislation before the House today. I urge its passage now, and the continued support and development of similar programs for the future.

THE GUARANTEED STUDENT LOAN PROGRAM

As I explained earlier, the conference gave extensive consideration to the guaranteed student loan program as it has operated in Iowa since it was enacted by the Congress as part of the Higher Education Act of 1965.

We are considering the revision and extension of that program today, and I would suggest that the report of the Iowa experience and the recommendations of the conference might be useful to this debate.

According to recent available information, we have the largest number of participating lenders of any State in the Union—610 banks, savings and loan associations, and credit unions. This outstanding cooperation has resulted in over 20,000 loans in 2 academic years, totaling more than $12½ million.

This record is evidence of the strong belief in education as a valuable investment, and represents a public spiritedness on the part of lending institutions throughout the State in their willingness to make these low-interest loans, even though there are much more immediate and shortrun lucrative means to utilize that money.

Even with this outstanding record, however, less than half of all lending institutions in the State are participating in the guaranteed student loan program. And because of the great increase in the number of applications, more lenders are being forced to limit their loans to their own customers.

Dr. Wellborne reported that, to date, only 15 students had come to the Higher Education Facilities Commission because they were unable to find a lender willing to take his application. But unless greater participation by lending institutions is encouraged, the numbers of those disappointed students will be greatly increased, thereby defeating the stated purpose of Congress in establishing the program—to provide a source of aid to any qualified student who wants to borrow money to continue his education.

The conference participants, and particularly the lenders themselves, had several suggestions for increasing this participation, both by attracting more lenders and by enabling lenders already in the program to make additional loans.

First, financial relief for low-interest loans: The participants favored some type of relief to lenders either through a direct placement fee paid to the lender each time he makes a loan, or through a direct increase in the interest rate.

Second, reduction in the amount of paperwork required to process loans and maintain records.

Third, realistic limitations on the size of the loans approved: It was pointed out that colleges tend to approve a great majority of applications for the maximum loan, regardless of need. This not only means larger repayments for the student when he finishes school, but reduces the total number of loans which might be made. It was felt that in many cases, with a realistic assessment of the student's actual needs, the size of the loan could be cut down.

Today the House of Representatives will vote on legislation which is designed to increase the extent and effectiveness of the program by enlarging assistance to the States by one-third, by Federal reinsurance of State insurance, by raising the maximum allowable interest rate from 6 to 7 percent, and by combining the vocational student loan program with the guaranteed student loan program. I urge approval of this legislation.

CONCLUSION

This conference on the small private college was extremely valuable to me personally, and I have received favorable comments from a large number of the participants from colleges and lending institutions who said that it was useful to them as well.

I hope that my colleagues in the House will find the report of the conference interesting and helpful, and would encourage them to consider similar meetings in their own congressional districts.

I include at this point in the Record the text of speeches by the gentleman from Indiana, Congressman Brademas and Dr. Mousolite:

KEYNOTE ADDRESS OF CONGRESSMAN JOHN BRADEMAS, OF INDIANA

As John Culver has said, I have served in the House of Representatives for nearly ten years now. I can tell you, therefore, that yours is one of the most gifted, courageous and hard working Congressman that I have known in nearly a decade of service in Congress. I know that all of the people in the Second District and the State of Iowa must be proud to have a Congressman like John Culver serving them.

The conference that Mr. Culver has organized here this morning is solid evidence that he gives leadership to the people in his district and is not content simply to reflect prevailing attitudes.

A question often asked a Congressman is, "Do you vote the way the people of your district feel or do you vote your own conscience—the national interest?"

Such a question presumes that a Congressman is some kind of walking Gallup poll who knows exactly how the people of his district feel on every single issue which comes before Congress. We try to respond, and we do the best we can to seek the views of people in our districts. But on great issues of national concern, a Congressman has a responsibility to the entire country.

John Culver is the Representative of the Second District of Iowa, but he is also a United States Representative—and that is his proper title. And in John Culver you have a Congressman devoted to the national interest as well as a Congressman dedicated to serving his district.

I am also glad to be here with my old friend, Peter Mousolite, the regional representative of the Office of Education in Chicago, who is going to be meeting with you this afternoon. Peter and I have certain traits in common, chief of which are that we are both of Hellenic origin, and both devoted to education. By the way, until last year I was the only Member of Congress of Greek origin and the only native American Congresman of Greek origin ever elected.

I want to say, however, Congressman Culver, just, to set everything straight, that I am a Methodist, which I understand is a condition for entering this part of Iowa. And to Monsignor Driscoll, I would like to say that I happen to represent the district where the University of Notre Dame is located.

The next reason that I came to Iowa is that Congressman Culver invited me to talk about education. I serve on the committee in Congress with chief responsibility for education legislation. In that capacity I have had the very exciting experience over the last ten years of talking with students, professors, school teachers and college presidents here in our own country and in a number of other countries as well.

In all those experiences I have repeatedly been reinforced in my own conviction that the future of all of these peoples, as well as of our own country, can in large measure be determined by the national commitment to first class education and to widening access and opportunity to achieve a first class education.

The final reason that I am pleased to be with you is that you have invited me to talk about the role of the small private colleges in America. I used to teach at a small private college, St. Mary's College, at Notre Dame, Indiana, and I now serve as a member of the board of trustees of that college.

I am, therefore, all the more concerned about your destinies because as a trustee of a small private college, I have much the same interest and responsibility as you do.

I have been very much impressed with what Congressman Culver has told me about the extraordinary diversity and strength of private colleges in Iowa. I understand that you have some 29 private colleges in this state and that you have a substantial number here in the Second Congressional District.

If I may then, let me talk to you about American higher education with particular emphasis on the place of private colleges and the impact of the Federal Government on private colleges.

A SPECTRUM OF CHALLENGES

The first point that I should make is that not only you, but all leaders of higher education in the United States, are confronted with a wide spectrum of challenges. In the academic year 1955–56 there were some 2.6 million students enrolled across the country in degree granting programs in junior colleges, colleges and universities.

Today that figure has mushroomed to 6½ million students. More important, we are told that by 1975—and this is a conservative estimate—the number of these students will leap to over 9 million, an enormous figure.

We must therefore keep in mind the ballooning costs of higher education. When we examine the overall capital and current expenditures of all higher education institutions in this country, we find that in the year 1955–56 the figure was $4.1 billion. You may be interested to know that 23% of that figure came from Federal programs.

In 1975, according to U.S. Office of Education estimates which take into account anticipated rises in costs and enrollment, the current figure for capital and recurrent expenditures of $16.8 billion—four times the figure a decade ago—will have doubled to 34 billion dollars. And I will shortly show that this is a conservative estimate.

In his fine paper on financing higher education, which I hope you will read if you have not already done so, Don D. Millet, chancellor of the Ohio Board of Regents, analyzes the several sources of support for higher education in the United States: fees charged to students, philanthropy, and Government funds. Chancellor Millet concludes by warning that the prospects are not bright for adequate support for higher education in the future.

Alan Pifer, the president of the Carnegie Corporation, who succeeded Mr. Gardner in that capacity, said in an important speech last month that higher education in the United States must accept the Federal Government as a principal source of financial support. Therefore, Mr. Pifer contends, representatives of higher education must engage Federal officials in a high level, dispassionate, nonpolitical debate about the future of higher education.

Mr. Pifer predicted that whatever form the aid takes—whether, for example, it is general aid or some form of categorical aid—the Federal share could come to represent 50% of all support for higher education by the year 1975. This figure assumes that the Vietnam war will end by 1970.

He predicts that income from endowments and gifts and income from tuition and fees will constitute a declining share of the total support for higher education.

He likewise foresees the same proportional decrease in income from State and local governments. Mr. Pifer concludes, therefore, that if the Nation's needs for higher education are to be met, the Federal Government must necessarily accept the principal part of the burden.

This perceptive foundation executive then wisely acknowledges that many educators are less than happy about the prospect of the Federal Government providing the lion's share of higher education support.

THE FOOD IS TERRIBLE, BUT THE PORTIONS TOO SMALL

He tells a story that John Gardner sometimes adds when commenting on this fearful attitude of some higher education leaders toward increased Federal aid. Mr. Gardner tells about the little boy who wrote his parents from summer camp that the food was terrible and, anyway, he said, the portions were too small. This is an attitude that will not be unfamiliar to many of you, and it is certainly an attitude with which we as Members of Congress are familiar.

This, however, may seem to be a very strange time to be talking about increased Federal support of education in view of President Johnson's budget request for education which he sent to Congress a few weeks ago. As I think all of you are aware, the budget for higher education programs in particular are being painfully squeezed. In some areas, especially, the field of classroom construction, major cutbacks are in store.

According to the President's proposed budget, grants for higher education facilities in fiscal year 1969 will be cut by almost $82 million below the current fiscal year. In other areas the President has called for a hold-the-line approach with modest increases for certain programs.

The President's budget proposes, for example, that total student aid funds and educational opportunity grants, national defense student loans, work study programs, and guaranteed student loans under title IV of the Higher Education Act be increased to $622 million for fiscal year 1969, a jump of $112 million over the present fiscal year.

Some new increases are also called for in the budget to support the Education Professions Development Act which, you will recall, Congress passed last year for the purpose of streamlining and consolidating Federal legislation authorizing training for teachers and other education personnel.

But all in all, one must report that the curtailed budget requests, coupled with the unhappy prospect of further trimming by Congress, make for a bleak outlook for Federal support of higher education. In the next year or two, the Federal bounty is not likely to expand to the extent warranted by the increasing financial needs of higher education. The money simply will not be there.

And yet, in the gloom cast by these observations I think we must not overlook some of the brighter prospects embodied in legislation currently before Congress. In this session, Congress will be considering major legislation to extend the Higher Education Facilities Act of 1963, the Higher Education Act of 1965 and the National Defense Education Act. The President has asked for a number of new legislative ideas to be incorporated in a package Higher Education Act.

In spite of the overall emphasis on holding down expenditures on current programs, the President is seeking new authorization for programs which, if now enacted by Congress, can be fully funded in later years. One such proposal merits particular reference this morning because it has special relevance to small private colleges.

NETWORKS FOR KNOWLEDGE

This proposal, the so-called "Networks for Knowledge" title of the bill, emphasizes the need of our institutions of higher education to pool their resources. This program is designed to encourage colleges and universities to share facilities and to join in cooperative arrangements. Federal grants under the proposed new title VIII will be available for planning and arranging for sharing of curricular material, for developing systems for processing student and financial records, for joint use of facilities and for the use of electronic computer networks.

In my judgment, such Federal assistance would provide extra force for the movement already evident in higher education across the country for developing cooperative arrangements among institutions.

Let me here discuss a bill which I sponsored, the International Education Act of 1966. Some of you have indicated your interest in this legislation, but as you know, not a penny as yet has been appropriated. But at least, there has been a useful byproduct, for the planning process initiated by passage of the International Education Act has caused many colleges and universities to inventory their own international education resources in terms of faculty, libraries, and students.

I would like to cite one other proposal that Congress is considering a bill that would consolidate into one authorization, the National Defense Student Loan, the college work study, the educational opportunity grant, and the guaranteed loan programs.

Now, having shared with you my observations about current congressional business, let me turn especially to the problems of small private colleges, for the high cost of education, the large growth of tax-supported universities, and the increasing demands of society upon our colleges and universities have combined to keep the small private colleges fearful of the future and unsure of their mission.

I know full well that increased support by the Federal Government of higher education has gone chiefly to public and private universities with large graduate facilities, especially in the sciences and engineering. Both my own observations as a member of the House Committee on Education and Labor and the correspondence with the Office of Education that was initiated by Congressman Culver on behalf of small colleges in his own congressional district reflect this fact. Simply stated, Federal funds have gone principally to those institutions performing contract research for the Federal Government.

Conversely, there is a relative lack of major Federal financial aid to private colleges or public community colleges. The point is not so much that Congress has been discriminating in favor of public as against private institutions. Rather, Congress has been favoring large universities to the detriment of small colleges. The University of Notre Dame, for example, is a sizable private university and has enjoyed substantial Federal support.

STATE ASSISTANCE TO PRIVATE COLLEGES

Let us consider for a moment the possibility of help from State funds. In the New York Times a few days ago there was a report on a speech by the president of Hamilton College in Hamilton, New York. And what he said then anyone of you in this room might have said to me:

"The private liberal arts colleges are in a real bind, they are struggling to maintain competitive salary levels. Hamilton is well above average, but our rate of improvement is not rapid enough. We are outgrowing our library into a building across the street. The eventual solution to financial problems of Hamilton and other liberal arts colleges must be in the form of increased public funds, not only Federal, but also State."

I saw a newspaper story the other day in a paper published in East Dubuque in which the headline read, "Meeting Hears Life or Death Plea of Iowa's Colleges and Universities; Must Receive State Financial Assistance or Gradually Disappear." You are all familiar, I am sure, with the contents of that article.

And then I noticed what happened in the State of New York only a few days ago. A select committee on the future of private and independent institutions of higher education of New York State was appointed by Governor Rockefeller. McGeorge Bundy was its chairman. On the 31st of January of this year, the Bundy panel recommended that New York State begin an annual program of assistance to most of the State's 143 independent institutions of higher education with about $33 million in unrestricted aid in the year 1970, including aid to church-related institutions. Now, State aid to private colleges is still an unsolved problem in the State of New York, especially aid to church-related institutions.

As you know, Congress provides in the Higher Education Facilities Act that grants may be made to both church-related private institutions as well as public institutions. This was not a principal problem in Congress in the passage of the 1963 act. But, I dare say, you still have church-state problems in many States, and I imagine that you have that problem here in Iowa.

I have also noted some of the suggestions made by your Iowa Association of Private Colleges in calling upon your State legislature to provide some assistance. Let me make a general observation that is perhaps in the nature of a warning. I believe that it is especially important that the small private colleges and the large public universities do not become embroiled in disputes with each other here in Iowa or elsewhere. So manifold are the opportunities and so urgent is the need for first class college and university education in our country that there must be cooperation rather than strife on the part of all concerned with higher education, small colleges and large, private universities and public.

If you will allow me to speak with great candor, I have read some of the language that was contained in a memorandum entitled, "Legislative Information," that was prepared by the Iowa Association of Private Colleges and Universities. If I am stepping on somebody's toes, that is my nature and you will have to forgive me. But I was frankly a little distressed to see the way in which the author of this memorandum felt compelled to make a case for small private colleges. Here is his phrase, "They could help to prevent a State monopoly in higher education of pattern and thought control." Quite honestly, I don't think that kind of observation is really helpful to an understanding of your dilemma, because that kind of rhetoric suggests that private colleges mean no "thought control" and that public universities do. This of course is just not true.

My point is this: If private colleges in Iowa expend all of their energies fighting with the State universities, I think you are travelling down the wrong road. We all have a common stake in this enterprise of higher education, and I think a State like Iowa, where there exists such a strong fabric of small private colleges as well as strong publicly supported universities, affords an extraordinary opportunity to develop strong patterns of cooperation among all sectors of higher education.

Now I fully understand that simply advocating cooperation doesn't solve a lot of problems. I am urging something more, namely that you conduct this dialogue with the large, public institutions in a way that makes clear that fundamentally both Iowa's public universities and private colleges are on the same side—the side of educating the young people of Iowa and of our Nation.

AN APPROPRIATE TIME FOR REASSESSMENT

It seems to me that this is a good time for reassessing the role of the small private colleges in the United States. I am glad to report to you that one major reassessment is underway. This study will be published in the fall; I believe, the book will be entitled "Struggle and Promise: A Future for Colleges." I participated in some of the discussions related to this study, and I want to share with you some of the recommendations this study makes. They are recommendations which I support, and I think they are directly relevant to your responsibilities.

Before I list several of these recommendations, let me state first my strong conviction that small private colleges make an indispensable contribution to the diversity and competition essential to a strong system of higher education in America. I think that the enterprise in which you are engaged is an essential one, and I for one want to see that enterprise strengthened rather than weakened.

Having said that, I want next to say that the future of small private colleges in America will largely depend on their capacity to carve out distinctive roles for themselves. Perhaps their purposes will need to be changed significantly, or at least clarified, if private colleges are to avoid becoming obsolete while the great public universities forge ahead. Let me therefore, offer a few recommendations for the future that I hope you will consider.

First, I believe that small colleges should establish links with a variety of other institutions in ways that will enhance the educational opportunities of their students. For example, small private colleges could collaborate with a large university in the United States or in another country, or with a major research institute, or with a local school system. You probably cannot do all of those things. You must therefore take great care to decide what it is you can do best and what it is that you have no business doing.

I would like to suggest a concrete example. I have in mind international studies and the provisions of the International Education Act of 1966. In Indiana there are also many small private colleges. I wonder to what extent those institutions are really aware of the resources in international studies of the universities in Indiana. Do they know, I wonder, what Notre Dame or Indiana University have in the way of international activities and studies?

It might well be that cooperative arrangements could be worked out whereby a small college is not simply wired into another small college rather a small college could establish a link with a large university such an arrangement would be conductive to the strength of both institutions. So, inter-institutional cooperation is one goal with which small colleges should be concerned, cooperation not just among colleges or even between colleges and universities, but cooperation with research institutes and local school districts as well.

THE SMALL COLLEGE: A NATURAL INNOVATOR

Second, I believe that small colleges must not shy from innovations in curriculum and teaching methods, rather, small colleges should be the principal generators of new ideas for American higher education. You glory in your freedom, then why not use it? Why not be the reservoirs or creativity and imagination in the American educational system? You may have a greater opportunity to experiment because you are responsible to private boards of trustees.

By contrast, publicly supported institutions, which of course, use tax money, may feel more inhibited about certain kinds of undertakings. Let's see more ideas originated by the 29 private colleges in the State of Iowa, ideas that can be helpful to the State universities of Iowa and ideas that can be useful to public higher education in general.

Third, I believe that small colleges should strengthen their undergraduate instruction through more faculty exchanges, visiting scholars, enabling their students temporarily to study elsewhere, and through increased field work opportunities. I know that it is easy for the faculty of a small college to become inbred and to fail to look outward. But if you are to be 20th century institutions, your faculties must have their eyes open to what is taking place in the world at large.

I remember speaking at Earlham College in Indiana last year and attending a dinner that night to which was invited every member of the Earlham College faculty who had ever taught abroad or studied in a foreign country. Nearly the entire faculty came to that dinner. Now that is really impressive: it is precisely the kind of orientation I am talking about.

A fourth recommendation: I believe that small colleges should welcome students from more diverse backgrounds than they have in the past. I particularly have in mind minority group students such as Negroes and Puerto Ricans. There are many small colleges in the Midwest with student bodies drawn almost exclusively from middle class or upper middle class white families. Often very few if any Negro students or very poor students enroll.

By enrolling a student body drawn from one class, these colleges not only deny the opportunity for a good education to many young people of talent, but these practices also impoverish the educational experience of the advantaged students who comprise virtually the entire student body. I feel strongly that you have not only the opportunity but the obligation to reach out actively and to seek to broaden the kind of student body you have.

I believe, then, that the mounting pressure on small private colleges bring not only peril, but, if properly approached, promise as well.

One very critical determinant will be the future availability of federal assistance to colleges and universities. I refer to the common expectation that as soon as the war is over in Vietnam, billions of dollars will be diverted to meet urgent domestic problems, including adequate funds for colleges and universities, schools, hospitals, research and all the rest. In my opinion this optimistic expectation is dangerous, for history reminds us that when war ends, very often a formidable public pressure demands tax reductions. More likely than not, congressmen, being elected representatives, will be receptive to the cries of their constituents for a lighter tax burden.

You all know what a rich country ours is. We are incredibly wealthy. Yet you are all also aware that we don't invest enough in what the economists call the public sector. I want to predict to you right now that once Vietnam is behind us—hoping that day will not be far off—the needs of education at all levels in our country will be generally by-passed unless you, the leaders of the education community in Iowa and in every State in the Nation, carefully plan and execute a program designed to focus attention on the mounting necessities of education.

As McGeorge Bundy said to the American Council on Education last October. "You and I may know that the needs of our colleges are more urgent than ever, but to the country as a whole, we have not made our case."

A NATIONAL POLICY FOR HIGHER EDUCATION

A further point I want to discuss is a question that I hope has been running through your minds. I refer to the need to devise an intelligent national policy for higher education. Some educators have suggested that the formulation of a truly comprehensive national policy for education is urgently needed if we are to meet the needs of small private colleges as well as institutions representing other parts of higher education.

We ought to give very careful consideration to this issue of whether we should develop a comprehensive national policy, and, if so, how we should go about it. Should we continue to turn our backs on the traditional pattern of sporadic response to various crises in education by the executive branch and by Congress? Or, should we look down the road and plan intelligently for the future?

Should a committee or a panel be created at the highest levels of Government? To whom should such a panel be responsible? How should the committee be appointed?

The point I am making here is that small private colleges can get lost in the shuffle unless they have an opportunity to express themselves where the critical decisions are going to be made. And, as I have already suggested, the Federal Government will likely be playing a larger role in general support for higher education.

As I conclude, let me emphasize that the question of how small private colleges can best meet the cost of providing high quality education is a question that must vitally concern all persons with any responsibility for formulating education policies. You as presidents and leaders of small private colleges obviously must be involved. But the problems of small private colleges must be placed high on the agenda of State legislators and Governors as well, as Congressmen and other Federal officials, of the administrators of the private foundations and of State university presidents. For I think that all of us would agree that the goal we pursue is a healthy network of colleges and universities of every kind—large and small—public and private. America and, indeed, our entire civilization, cannot afford to settle for less.

"WHAT IDEAS DOES FEDERAL SUPPORT ENCOURAGE?"

(Remarks of Dr. Peter S. Mousolite)

Ladies and Gentlemen: It is a pleasure and privilege to be with you today. Cedar Rapids is my home and always shall be. My debt to this fair city is great. The purpose of my being with you—to discuss ways and means by which the colleges in this area can continue offering their services to this nation is an opportunity I look forward to. I owe so much to my years of experience at Macalester College and several public universities.

May I add that my acquaintance with the Honorable John Culver began last night. Hearing what he has to say on education matters leads me to state that you have an outstanding representative in the U.S. Congress. Keep him close to your hearts

I must add, also, that the Indiana Congressman, the Honorable John Brademas, in his remarkable, sensitive, keynote address this morning has demonstrated his usual excellent versatility He not only is knowledgeable in all areas of education but verbal and articulate.

You and I, as educators and citizens, must be proud to have such distinguished men of high caliber involved in what is our life's work and its great impact on our nation. We should feel confident that matters are in good hands.

The liberal arts colleges over the years have made unique and valuable contributions to American Society. It is no exaggeration to say that if they did not exist they would have to be invented.

We praise diversity in our nation as well we should. A nation that spreadeagles a continent can afford great waste, if only to avoid greater waste that would come with uniformity. But even as we sing the praises of diversity, we must acknowledge the need for linkages that encourage cooperation. And it is on this front that your institutions and others of like vintage make significant contributions to a stronger society and serve as an example to our educational system.

Today the need for what the liberal arts college stands for is urgent, imminent and great. Whirling about America's campuses there are revolutionary dogmas which extoll violent means to achieve ends believed sanctified by universal human aspirations. Their ivy-colored walls seem no longer tall enough to still the anguished cries against social injustice and past exploitations. To some these are troubled days of doubt and frustrations, of uncertainty and indecision while others experience unique opportunities for intellectual growth and individual identity. To me and I would hope to you, this is a most exciting era in which to test the promises of the past against the realities of the present, in which to strengthen barriers against irrationality, fear and superstition.

Most of all, this is an age in which we must be candid with our country's youth. Let us tell them we have made progress but that we are only at the beginning of a tragically long struggle for sharing human dignity with all mankind; that there are no simple solutions to solve the fantastically complex problems of war and peace, of poverty and tyranny, of integrity and greed; that the human situation will continue to remain poised in a precarious balance between opportunity and disaster, justice and injustice; and, above all, that the vision of a more decent tomorrow depends for its realization on the painfully small contributions daily rendered by each one of us.

The harbingers of doom that forecast extinction for the liberal arts college are mistaken. We must look for new directions to be taken. This will require individual and cooperative efforts—painful perhaps but exciting as well—to examine many so called inviolable fundamentals of your institutions. Fundamentals that have gone unquestioned for so long that they have hardened to the inflexibility of "myths." They should be discussed at length. Pertinent and impertinent questions should be asked about them—not with the thought they should all be punctured and discarded, but with the conviction that your most cherished beliefs will stand stronger for argument; that worthy dogmas will become still worthier after critical observations.

I am referring to a rigorous look at the four year baccalaureate, the major, the standard curriculum, the small class, the unit or grade, the calendar, the teacher, the student, the trustee, teaching versus research or should we say teaching and research, counseling, construction of buildings, fiscal management, use of hardware specifically the computer, admissions, city ghettoes, rural poverty and isolation and yes such community problems as housing, law enforcement, juvenile delinquency, transportation, air pollution, water pollution, rats, jobs and job training and retraining, meaningful programs for under-educated adults as well as dropouts and "monosyllabic preschoolers" and perhaps finally the ideal of giving every citizen that can profit from it—an equal opportunity to an education enabling him to reach the zenith of his potential.

In speaking of American education—2 points must be made clear—one—revolution or unrest in American education is not new. The student of a history of education can state with some validity that the present unrest may be traced back to Athens when it made its appearance toward the end of the Peloponnesian War and thereafter when Aristophanes made it the basis of one of his comedies. It continued in the first century of the Roman Republic when Tacitus, Seneca, and Petronius criticized the practices of their day; we see it again in the period of the Renaissance, in the 17th century when the early scientists saw the hope of a new world shaped by science; in the 18th and 19th centuries when the humanistic schools and the new academies devoted to instruction in the sciences fought tooth and nail until the equivalence of all subjects of instruction was recognized. The unrest on what to teach was paralleled by continued unrest on how to teach until a synthesis between the two aspects of the educative process was found in the contributions which began to come from psychology, "The Black Art," as Stephen Leacock called it, toward the end of the 19th century and beginning of the 20th.

The influence of Dewey and his followers is well known to us as is that of the critics Bestor, Rickover and others following the ascent of the first Russian Sputnik—that "aggravating cinder" in the eyes of the American citizenry.

The second point has reference to criticism of American education. I harbor no great criticism on my part. Its contributions the past 50 years or so are well known to me. As a son of immigrant parents I am proud to be considered one of its products during the era of the "Melting Pot." I know that American education is unique in its democratic heritage and emphases. As Henry Steele Commager stated, "It has shaped the hearts and minds of the American people. It has given momentum to our heralded inventiveness and resourcefulness; to our technological achievements and economic well being; to our standard of living which is the envy of the world; to our social unity, political order, and stability. It has contributed immeasurably to our growth—intellectual, moral and spiritual." In so doing it has made teaching "the most noble and arduous of all professions" as the distinguished George Counts has so aptly stated. But what is facing us will require renewed efforts for many of our problems are not isolated—nor will they be solved as Dr. James Allen, Chief State School Officer of the State of New York, stated recently—"by using the same old formulae."

What we are witnessing is a major shift in the whole complex of relationships—relationships of different levels of educators to each other and relationships between educators and other groups. (1) The increasing impact of the Federal government and new Federal-state-local relationships; (2) the emergence of a "new" establishment and its quarrel with the "old" establishment; (3) increasing cooperation between all levels of education—between colleges and elementary and secondary schools, between groups of public schools, and between public and private schools; (4) the changing role of the teacher and the professor in establishing educational policy. Along with these major shifts we have the problems of integration, financing education, the impact of technology, curriculum changes, better use of the school plant, increasing public understanding of the function of education to win broader support from many more citizens.

This array of challenges is formidable but the long view of our history tells us that we must take courage from our past, our heritage. We must continue with renewed efforts and faith to foster and promote the spirit of education that has been so successful in the past and will most assuredly bring continued success and, that is, to quote the Connecticut born educator, Edward D. Mansfeld, "an education that has all the characteristics of the American mind; fresh, original, vigorous, enterprising; embarrassed by no artificial barriers, and looking to a final conquest over the obstacles to the progress of human improvement."

Most of our efforts in solving these challenges are directed at the "nuts and bolts" requisites of our responsibilities. This time-consuming yet vital and necessary task leaves little or no time for thought and action on basic problems of the human condition-problems of spirit, value and attitude. All of us—you at the local and state levels and those of us in the Federal government—are called leaders in education. We have many and varied functions. We must manage our offices well. We must supervise our staffs in good manner. We must carry out our program responsibilities. However, if we are truly leaders—then we must conceive our task also, and basically working in concert—as the nurturing of whole persons of broad vision, humane sensibilities, and great hearts.

The idea of mass education was implied centuries ago when the Greek philosopher, Epictetus, recalling the fall of Athenian democracy because only the few were educated stated, "The State says only free men will be educated. God says only educated men will be free." Across the span of time to only a few years ago, Dr. George Counts, the distinguished educator-philosopher, restated this premise by using the words of a Norwegian national song, "Every child's soul we unfold is another province added to our country."

The new era of mass education was previewed nearly a decade ago by the President's Committee on Education Beyond the High School. It is worth saying that mass education comes about not by the arguments of theorists, but by the choices of the American people. The new generation have "voted with their feet." They have swarmed in unprecedented numbers into any institution that opened its doors to the new wave. Our lot is not to wring our hands, but to fashion a system of variety and high quality to match the rising expectations of this new generation. This is the task facing us.

Most of us believe strongly in expanding educational opportunity. It is part of the conventional rhetoric. But public affirmation hides private skepticism. Some of us are elitists at heart. We look with private anguish upon the so-called "lowering of standards, upon watered down courses, upon students that in no way fit our stereotype of how a student looks, talks and behaves." As a consequence, we embrace the rhetoric of "excellence", and speak of high admissions standards, greater selectivity, more rigorous discipline, the true liberal arts, and the like. Some of us, happily few in number, are willing to consign large numbers of students to institutions and programs that we regard as educational wastelands. In short, we embrace a revolution timidly, even fearfully.

It is time that we decide where we stand. What is our view of the learning capacity of every man? What about that high school dropout, and even the college dropout? What about the lower third or lower half of the high school graduating class?

It is time we faced up to the tough questions. What can be done to minimize the talent drain? How can education beyond the high school be structured and organized to attract the right students to the right programs in the right institutions? How can we invent new programs, new institutions, new ways of sharing faculty, facilities, and even ideas?

These are questions as relevant to rural America as to urban America. Rural America that is still troubled with too many one room school houses, uncertified teachers, and where we find too many disadvantaged youth unable to finish high school and go on with their education for many reasons.

Such questions seem to me to have special force and poignancy against the backdrop of the cities. It is the city that shapes the American style of life—in architecture, art, dress, manners, and civic performance. It is here in the ghettoes and in the decaying city centers that American education is at its worst. It is here, in the great metropolitan centers, that the battles for innovation, experiment, and progress must be fought. Moreover, the city is a natural unit for planning. Here public and private, secondary and post secondary institutions co-exist in close proximity. No geographical constraints limit efforts at inter-institutional cooperation.

However, our much praised pluralistic educational system is not doing the job. There is not sufficient variety in types of institutions. Colleges and universities stand apart from one another; their instinct is isolationist. They do relatively little in sharing specialized libraries, or laboratories or faculty. The American educational system, for all its inventiveness and flexibility, has yet to provide the rich array of educational options that the times require. There is not yet the variety of offerings that match the variety and talent and promise in our society.

May I respectfully suggest that in your deliberations you may wish to consider some of the following suggestions of a cooperative nature. (Dr. Harold Enarson, President of Cleveland State University, presented some of these ideas in a speech to the College Entrance Examination Board Regional Meeting some time ago in Chicago. I am indebted to this highly articulate, imaginative and forward looking colleague for not only the substance of the ideas but wording as well.) No major city should be without a voluntary council for post high school education. Here as in health, transportation, and land use planning, it is the metropolitan area that serves as the logical focus for planning. The first task of such a "Metro-Council" is to take inventory, both of needs and resources. A data bank should be created and updated continuously. It should permit the institutions to plan ahead, and to anticipate problems rather than respond by reflex action to crisis situations. It should conduct manpower studies, as for example in the allied health professions, an area where the lag between the public need and the institutional response has been most conspicuous. It should also contrive ways to which institutions in the same metropolitan area could share specialized library resources, jointly fund high cost scientific hardware, and share time on a computer facility that would be beyond the reach of each institution acting alone.

Let us consider another area most pertinent to the deliberations of this conference—guidance programs and counseling. This area of endeavor is performing under duress. There is a shortage of counselors. Many are over worked, not too well trained, and some not doing the work of their profession. As a former Dean of Students, immersed in the guidance and counseling processes, I say that we are astonishingly casual about the process by which persons select institutions, programs, and careers. I should like to see the cities experiment with what I call, for want of a better name, "Opportunity Centers", e.g. centers for testing, counseling, and guidance open to persons of all ages. Just as the public employment services try to match skills and jobs, so the opportunity centers should provide, at public expense, professional advice designed to match talent and promise with the right educational opportunity. Such a service would open its doors wide to the housewife, and professional person, and the entering freshman—all of whom can profit from expert counsel. More skillful counseling about training and jobs and careers will mean little unless at the same time there is a greater variety of offerings, especially those that will appeal to those from lower socio-economic backgrounds.

What about adult education? The city must be the university and the need to renew skills as well as to renew the human spirit makes continuing education the great new imperative or our age. As a former dean of adult education I think it is fair to say that the public believes in adult education—but not quite enough to pay for it. In the competition for funds, education for adults definitely runs a poor second. In the university world, adults are second class citizens—unless they have dollars and prerequisites jangling in their pockets. Perhaps this is true because priority is given to young people. But surely this is not the whole story. The university community of scholars is a bit stuffy about adult education. We distrust it instinctively, perhaps because adults are less tolerant of the conventional wisdom, more insistent that learning be relevant—either to jobs or to the human conditions. It is openness and flexibility that are needed.

Adult education is a concept whose vitality and promise must be restored. Why? Simply because through adult education in the broadest meaning of the term, we are more apt to be able to live healthy, socially useful, and personally satisfying lives, because man, by his very nature, was intended by his Creator to be capable of living a significant life and to be creative; because the world will be a better place in which to live as men have the opportunities, make use of them, for thinking, communicating, creating, and living together in harmony and peace.

Now these suggestions will have real meaning and relevance to society only if our citizens, particularly those of the lower socio-economic group, can be reached. We have too long expected these citizens to come to us—where we are. But this is not happening. Therefore we must go to them. In a vital area of how to finance education we are not getting to those living in the ghettoes, despite our modern means of communication. The OE has a massive program of financial aids but we find in many areas that even the counselor is not aware of such aids let alone the deprived, disadvantaged citizen. May I suggest that we emulate the English Minstrel, the French Jongleur, the Spanish Trobador, the Chautauqua enterprise so popular not so many years ago, the steamboats that piled their way up and down the "Father of Waters." All of these were media of communication and were eagerly awaited by citizens in isolated communities for entertainment and information purposes. More recently we have had ample evidence of getting library resources to rural areas by the mobile unit device. Similarly, mobile units containing foreign language laboratories were well received by schools in rural and isolated communities.

We need such mobile units that will go to the heart of the ghettoes. Our youth will see and hear first hand of opportunities available to return to school if they have dropped out or to continue their education beyond high school. In addition to material resources the mobile units will be occupied by counselors, admissions officers and financial aids officer, young people—peers of those in our target areas—who have succeeded in surmounting common obstacles, representatives of business and industry who will tell of opportunities available to college graduates, etc. This personal confrontation will need the backing of schools, colleges and agencies of the community.

It is my hope that this conference may bring about specific ways and means to help the individual develop his potential. We have too long talked of the moral obligation to innovate. We are on the "Edge of the Chair." The time for action is now. It is the American city that produces students in floodtide in search of opportunity beyond the high school. It is the American city in crisis—with its deepening anguish over slums and racial violence and joblessness—that forces us to come to grips with the opportunity crisis. The crisis of the cities is *the* domestic problem of our time, and we shall have neither tranquillity, dignity nor decency, nor safety in street or home unless we *expand the opportunity to participate in the American economy and the American dream*. It is that simple, that complex and that demanding.

It is time that we use some of our administrative energy to express a concern over the lack of inspirational teaching rather than placing it all on physical expansion. Do we really mean it when we say that teaching is the "most noble and arduous" of all callings? Teachers should teach students who are not alive, *how to come alive;* they should teach students who are alive, *how to think;* and they should teach students who can think, *how to live*. In the process they should keep in mind the Emersonian adage—"What you are speaks so loudly, I cannot hear what you say." For those who do not fit such thinking—should we not ask them to pay rent for the space they occupy so indifferently in front of their students?

It is time that we express concern over the climate of an institution and the values it has (or does not have), and instills (or does not instill), not by a program but by its existence.

It is time that subject matter also be taught in a way that has relevance to society's present and future needs. To paraphrase Christopher Jenks, colleges are organized on the assumption that the good life is in fact the academic life. The student often experiences "literature courses which treat novels in terms of form and style rather than substance; philosophy courses which talk about work games and mathematical puzzles rather than ethics, suffering and death; political science courses in which social justice is never mentioned; economics courses in which computer analysis has precedence over hunger, poverty and human irrationality; sociology courses which explain why the world is the way it is but say little or nothing about how it might be changed for the better".

It is time for the graduate schools to rejuvenate themselves or, at least become more flexible if we believe what we read—*The Immutable Ph. D.* by Walters; *The Lingering Ph. D.* by Neff; *The Shame of Our Graduate Schools* by Arrowsmith. Less and less time to acquire the Ph. D. More and more emphasis on the thesis. Are we forgetting that the basic purpose of training for the doctorate is to turn out alert intellectuals, not merely to produce scholarly works? The thesis once done by somebody, remains more or less just a contribution to the Ph. D., and I would suggest that the value of its pseudo-scholarly qualities is limited by and large to its use by a few specialists. But to send out of the university trained men *of high scholarly, capacity, of living, creating minds, of perspective and understanding* is to do something which is of the highest direct value for the whole educational process in our country and in our age.

It is time that a college or university frankly admit not only to the goal of intellectual excellence in the academic sense, but to a set of ideals that hopefully will be firmly planted in the hearts and minds of seniors as they leave the campus. The world in which they will live may not be completely ready to accept these ideals, but without impertinence we should say "It is so much the worse for the world."

A college should state that: *First*, on its campus everybody counts for one, no religious prejudice, no racial discriminations, no nationalistic barriers, no petty, divisive groups, simply a wide circle of friends; *second*, the curriculum is centered around the concept of the wise and good individual, deeply rooted in the traditions, the culture and the history of western civilization; *third*, within every major department, there are vocational outlets, careers for which youth is encouraged to prepare on the theory that all work is worthy and all learning is essentially one; *fourth*, is the ideal of the community where each one lives for the other and all for God and His Coming Kingdom. A community where enough young people think of themselves as the servants of the common good is bound to be a better community than one in which young people climb over the backs of others to obtain so-called success; *fifth*, is world mindedness, which leads youth to recognize that their world is not the divided world of their fathers, but one world which requires the acceptance and understanding of many nations and many ways of life; *sixth*, is the principle that to achieve these ends in the world there must be in the hearts of those who would serve mankind humility and courage and patience and love that can come only in and through a truly religious spirit.

It is time that education in a free society give ample room to the constructive impulses and the uninhibited ideas of *informed* and *intelligent* youth. If they are not informed and intelligent, it is up to us to make them so and in the process become more informed and intelligent ourselves. It is important for us to listen to our youth, to recognize what they say as they go through their own world, to understand what it is they are beginning to believe about themselves, to know what is the particular truth of their generation. We who wish to teach well and to form new programs of education appropriate to the young we are teaching are well advised to listen, as we listen to music, to the generation as it tries to tell us what it is and what are its private truths. We must listen to the total orchestration of the communiy of the young and to the individual voices which speak with different sounds.

Most of our youth are dedicated, they are thoughtful, they are impatient (for which we should be grateful). They most certainly are concerned about their individual and collective futures beyond the academic life, but I add there is ample evidence that they are concerned about humanity and what is most important they are doing something positive and constructive. In short, they are dynamic young people of high quality on whose good sense and intelligence our future depends. This is the great hope of our times.

The college students of America in the second half of this the twentieth century may be the group that will turn the course of history for the next one thousand years. The reason I make this seemingly extravagant statement is that America must quickly decide whether it will continue to go forward as one of the champions of the rights of mankind or whether it will pull in its crusading ideas and substitute safety for adventure, materialism for idealism, and conformity for freedom. Many Americans, especially old ones, favor these substitutes. But young America has never surrended its long high dreams of liberty and justice for all people, and I see no reason why American college youth in 1967 should make that surrender and commit that apostacy.

In short, on the college campus of this period the battle for the ancient liberties may be won again, and having been won there, these liberties may yet be established in the dark recesses of our American civilization and out to the farthest corners of the world.

I have high hopes that from the thousands of campuses will come our leaders who will take their places in the local, state, national and international arenas where vital issues are being discussed—young men and women who will dedicate their lives to the ideals and principles of our past and present leaders that have made our nation great—(1) love and God, (2) love of freedom coupled with a readiness to accept the responsibilities of freedom, and (3) a disposition to put honor and integrity above every personal consideration, (4) patience and a capacity for suffering in a good cause, (5) courage in struggle, (6) perseverance in adversity, (7) magnanimity in victory, (8) in everything, a kind of selflessness that keeps first things first.

Peter Drucker, some months ago, stated, "Now that we have a national commitment to education in quantity for everyone, what we need is a national commitment to our educational values, purpose—our goals and objectives."

The time has come to take a look at our values. We must ask ourselves in all soberness, what are the moral and spiritual foundations of a democratic society? This means that we must strive with sure vision to cultivate in the young at all levels of their education the morality, the loyalties, and the understandings of free men. Moreover, we must strive to develop not only a deep love of freedom, but also a sense of concern regarding the future of liberty and a readiness to discharge all the responsibilities of citizenship in a free society. It is at this point that the distinctive quality of our education must show itself. And it is at this point also that our education manifests one of its most serious weaknesses.

Today we are prone to criticize and question our nation and our way of life. This is an activity which is our privilege. However, on occasion, and the occasions are becoming too frequent, statements concerning the future of our nation are so cynical, so hopeless, so despairing, so moribund that "what we need"—to quote Oliver Wendell Holmes—"is less inquiry into the abstruse and more thought about the obvious."

Several years ago on July 4, Mr. Herbert Hoover, our 31st President, addressed a large audience assembled at the Brussels World's Fair. As President Eisenhower's special representative, he spoke on those ideals which have made this nation great and give promise of an even greater and glorious future. Filled with great pride and faith in his country and fellow Americans, he reminded everyone that the "United States and its citizens are decent, orderly, compassionate and peaceful." "The ideals in a nation," he stated, "do not spring along from their method of government. They spring from the depths of their religious faith, from their pride of country, from their trials, from their glorious victories and from their memories of their great leaders. At my time of life and because of my experience with many nations, I know that far more vital than even economic blessings are the spiritual and moral impulses and ideals which motivate the lives of people."

Concerning the dignity and worth of the individual, Mr. Hoover continued, "We must unceasingly strive by all peaceful means to make the world safe for representative government from which alone can come respect for your dignity as men and women, your flowering as individuals, your right to a rising chance in life, to self-expression and to security from sodden uniformity."

America is recognized for its achievements in business, industry, technology and possessing the highest standard of living in the world. It is given greater recognition for its concern and care of the aged, needy, the sick and the helpless, for as Mr. Hoover concluded, in giving reasons for his pride in his country's ideals, "I must include the spirit of compassion toward suffering humanity. It spreads from every American home to all mankind."

Dr. John Gardner, Secretary of HEW, has reaffirmed the words of President Hoover by stating, "No one can say that we moved with impetuous haste toward the idea of the worth and integrity of the individual. *But we have moved*. In fact, the idea has gained an increasingly powerful grip on the American mind. The consequences are uncomfortable, as we reflect on how we treat some of our fellow Americans, but we cling to the idea of fulfillment of the individual because it expresses with incomparable clarity what this country is about.

Given that fact, we have been driven to an increasingly serious, increasingly painful re-examination of our society—and this has been very, very good for us. We have begun to explore energetically, seriously, sympathetically, the conditions—all the conditions—that prevent people from achieving their full potential."

As we strive to do away with all forms of injustice, our efforts possess the same great themes: The release of human potential, the enhancement of individual dignity, the liberation of human spirit for as Dr. Gardner concluded in his remarks, "These themes ought to be regarded as the heart of the American commitment, the heart of what holds our nation together and gives it meaning."

So, my dear friends, when we begin to lose faith in our nation, when we begin to entertain doubts as to the path it has taken and criticize its leaders as we should and must, let us pause for a moment and look about us, seeking the greatness that has made it what it is today. In doing so, we will encounter a splendid spirit that lifts a light above the times and glows not less but more in being reflected against the special needs of particular moments. We will encounter an inspiring, balanced blending of Christian-Judaic idealism and commonsense, of glowing optimism and candid realism, of world-minded citizenship and patriotic Americanism, of faith in reason and confidence in the common man, of devotion to law and dedication to democracy, of spiritual objectives and practical adjustment, of abiding values and progressive advance.

We are people striving for a world that will have no lines established by small, petty, divisive groups or cliques. We look with confidence beyond the clouds of atomic explosions toward the day when the nations of the world shall be truly the family of mankind and all men shall be at peace. Freedom, justice and peace for all must be the elements of our hope. Our loyalty to this must never change, for any reason whatsoever, the purpose to make these ideals prevail.

Thus, we can attain what are America's goals—"A world at peace, a world of freedom, a world in which mankind is lifted above the ancient conditions of poverty, hunger, disease, and ignorance, a world in which men enjoy individual dignity, a world in which every man has the means to understand the mysteries of the universe and to fulfill the potential of his own soul—a world of kindness—and love."

May I respectfully suggest that we take the noble ideals and principles embodied in our most sacred documents "out of mothballs" where we have kept them carefully shielded from contact with the workaday world. Let us work for them even if "contact with harsh reality occasionally knocks chips off them here and there."

From the beginning the whole of our American experiment has been made up of an "infinite number of aspirations and unremembered bits of heroism, devotion, and hope lodged in the hearts of innumerable separate Americans." When all of these are brought together, the people of a nation go forward—forward to attain "The Promise of America," penned by the distinguished poets, Carl Sandburg and Thomas Wolfe, as a fitting tribute to the future of our nation:

"I see America, not in the setting sun of a black night of despair ahead of us.
I see America in the crimson light of a rising sun fresh from the burning, creative hand of God.
I see great days ahead, great days possible to men and women of will and vision."

"So, then, to every man his chance, to every man, regardless of birth, his shining, golden opportunity.
To every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision combined to make him.
This, seeker, is the promise of America."

Mr. MIZE. Mr. Chairman, because of longstanding commitments in the State of Kansas it will be necessary for me to be absent from the House floor at the time of the debate and the vote on H.R. 16729, the bill to provide for the extension of higher education student assistance programs.

I have studied the bill and the report and I am in agreement with the extension of these programs. During my tenure in Congress, I have become acquainted with the success of the student loan program under the National Defense Education Act and the work-study program of the Economic Opportunity Act. I voted for the Higher Education Act of 1965 and I am familiar with the assistance provided under the educational opportunity grant program and the guaranteed student loan program. I support the extensions of these aid features as provided for in this bill.

What we are doing is helping every qualified student who wants to advance his education, the opportunity to do so. Over and above this, we are also assisting the colleges and universities in broadening their programs to reach more students and continue their operations.

Our fine educational institutions in Kansas participate in the programs and the college administrators of the institutions in the Second District of Kansas tell me that it is vitally important to not only continue these programs but to explore additional ways of providing assistance to more students.

It is obvious that the Congress has recognized its obligation to be of assistance in these areas and with the extension of these proven programs, consideration will be given to sound proposals for developing a broader base for help to the increasing number of college students.

Mr. Chairman, I announce my support for the bill as unanimously reported by the Education and Labor Committee.

Mr. BOLAND. Mr. Chairman, I rise to state my strong support for H.R. 16729 and to urge its immediate consideration. The intent of the bill is to extend several very important programs of student financial assistance and to make certain amendments increasing their efficiency and flexibility. I would like to recall some remarks made by our late President Kennedy which seem so appropriate regarding this legislation. In a 1963 education message he noted that:

> Our present American educational system was founded on the principle that opportunity for education in this country should be available to all, not merely to those who have the ability to pay. Now a veritable tidal wave of students is advancing inexorably on our institutions of higher education, where the annual costs per student are several times as high as the cost of a high school education, and where these costs must be borne in large part by the student or his parents. The future of these young people and the Nation rests in large part on their access to college. For this country reserves its highest honors for only one kind of aristocracy—that which the Founding Fathers called an aristocracy of achievement arising out of a democracy of opportunity.

I think that we must continue unrelentingly to strive for a genuine democracy of opportunity. We have made an admirable beginning.

The National Defense Education Act student loan program has been assisting a limited number of students each year for nearly 10 years. And in 1964 a work-study program was initiated to help stimulate the part-time employment of students who needed earnings to continue their education. In 1965 the Higher Education Act expanded the work-study program and initiated two new ones—a program of scholarships or educational opportunity grants, as the legislation calls them, and a program of guaranteed student loans. The National Vocational Student Loan Insurance Act of 1965 authorizes a similar program for vocational and technical study. But if there is one common limitation to all of these programs it is their supply. According to an analysis of student financial need conducted by Mr. Joseph N. Froomkin, of the Office of Education, approximately $2 billion in student financial aid was needed for full-time study during the 1966–67 academic year. Only slightly over $1.2 billion was available, however. How can we measure the loss in human resources because capable and motivated high school youth could not afford the heavy expense of higher education?

It is true that the NDEA loan program, the Higher Education Act student aid programs including work-study, and the vocational loan insurance program have brought postsecondary education within the reach of an unprecedented number of young people. And the success of the programs is verified by the enthusiastic responses they have drawn from administrators, parents and students. We certainly cannot allow these vital programs to expire this June 30.

H.R. 16729 would not only extend the programs for 2 years but would also make several greatly needed changes. Of all the federally assisted programs of student aid none is more suitable for middle income families than the insured loan program. Unfortunately the program has not been as successful as it was hoped it would be. Many banks have been reluctant to participate because the maximum interest rate is 6 percent. The banks have not found it feasible to make long term student loans at this rate. Testimony presented during Education Subcommittee hearings indicate that a large number of lending institutions do not participate because they cannot expect reasonable returns from their investment. H.R. 16729 would increase the maximum interest rate under the insured loan program to 7 percent, making it more practical for banks to participate. The bill would also authorize $10 million to be used for additional advances to strengthen the reserve funds of State guaranteed student loan programs. Hopefully these amendments would insure access to a guaranteed student loan program for every student who needs a loan to continue his education.

H.R. 16729 proposes another administrative change which would greatly increase the effectiveness and efficiency of federally assisted student aid programs. The tardy funding of such programs is a problem which has plagued colleges and played havoc with student aid efforts since the NDEA loan program was initiated. The colleges, in attempting to plan and allocate their assistance funds, have not been able to anticipate the amount of Federal support which, in some instances, has not reached them until after the school year has already begun. H.R. 16729 would eliminate that problem by authorizing the appropriation of student aid funds in the fiscal year preceding the fiscal year in which they would be made available. The bill would further provide for the authorization of funds for program planning and evaluation and would require evaluation reports.

Mr. Chairman, student assistance is one of the most valuable and sensible investments we can make in the youth of this Nation. The NDEA student loans, the insured loans, the work study program, and the educational opportunity grants present a flexible package of aid programs which can be tailored to meet the individual needs of students. Last year an estimated 1,175,000 students received assistance under one or more of these programs. I suspect that a large number of these young men and women would not be attending college at all were it not for the Federal assistance provided them. There is no doubt in my mind that we should continue and expand our programs of student financial assistance.

I urge swift passage of H.R. 16729.

Mr. SCHWENGEL. Mr. Chairman, ever since I have been a Member of the Congress, the State legislature, and before that in the teaching profession, I have been vitally interested in the problems of education. I have been keenly sensitive to the fact that there are serious educational problems that need to be met with forthrightly, adequately, and in such a manner that the highest possible quality of education be maintained and extended.

While a member of the Iowa Legislature, it was my privilege to work with the great educational leaders in Iowa. I was an early supporter of State aid, I advocated programs for improvement for teachers and I supported propositions that would increase teacher's salaries and provided for their well being. It was a part of and a pioneer in the movement to take the superintendent of public instruction out of partisan politics, and to raise the level of quality of education through encouragement of programs that bring greater value and effectiveness to education at the secondary level.

In the area of education beyond high school I worked closely with the President of the State colleges and the late Dr. Virgil Hancher, in particular, to map programs and to help in the development and passage of necessary legislation and to promote financial support to the State institutions.

Since a Member of the Congress, I have followed closely the educational needs and for the most part have supported the sound programs and approaches to attempted solutions but always it seems to me we have been inadequate in meeting the total challenge.

Mr. Chairman, today we are considering H.R. 16729 and I am going to support it in the final vote but with the knowledge that again we are making no real attempt to solve the real total problem for the students nor for the colleges.

One of the problems, Mr. Chairman, and a very serious one, is the problem of inflation in the recent issue of the New York Times.

They show that the average annual all-inclusive cost to a resident student at a private institution of learning was $1,850 in 1957 and $2,570 in 1967, and will be an estimated $3,280 in 1977. They indicate that the average annual cost to a resident student at a public college or university was $1,260 in 1957 and $1,640 in 1967, and will be $2,160 in 1977.

In other words, each school year heralds an inexorable rise of roughly 3 to 5 percent. According to a study by the College Entrance Examination Board, to which over 850 colleges and universities belong, even a student who lives at home and commutes to a tuition-free college can expect to pay approximately $1,000 a year for books, supplies, fees, transportation and general living expenses.

Statistics such as these cause millions of parents whose incomes are adequate for most ordinary purposes to ask searching questions. One distraught mother wrote her Congressman, Representative CHARLES S. JOELSON, of New Jersey:

> My husband and I pay tax on about $9,000 income. Average middle-class American family. We have two children, a boy and a girl—again, average American family. Now both these children have reached their college years. Both children have above-average ability and potential and will, more than likely, go on to receive their doctorates. Lovely! Something, as parents, we are proud of. But, as parents, how do we pay for it?

How do we pay for it? A plaintive cry heard not only from distraught parents and students but from the educational institutions themselves. They, too, are very much in a financial bind. The crucial matters for both are the population explosion and the changing socio-economic pattern of American society—as well as the rising expectations it reflects.

Forty years ago, only 8 percent of all American families earned more than $8,000; today their number has quadrupled. Forty years ago, college was a way station for the well-to-do, with a sprinkling of lower-income students—many from immigrant families—whose parents scrimped and saved to put them through. Today the broad middle class clamors at the university's gates, demanding to be let in, demanding quality education. Result: a bachelor's degree is very nearly an indispensable requirement for even moderate success in job or career, and the pressures of our technological age—as well as the quest for status—are making graduate work increasingly popular.

Though higher education is becoming less a privilege for the wealthy and more a right for everyone, it should be noted that the disadvantaged—despite scholarship and community-action programs designed to help them—are not in college in significant numbers. U.S. Office of Education statistics show that only 4.6 percent of the campus population is Negro. At the moment, for groups with very low incomes, failure to be academically prepared and motivated for college is more of a problem than finding the money to pay for it.

Thus, its clientele drawn primarily from the middle classes, higher education is undergoing its own population explosion. Enrollment swells unchecked, with a 3-million increase in the past decade and a similar one expected in the next. This means more construction, more services, more instructors and spiraling costs, all down the line. Paradoxically, as high as they are, tuition and fees pay a surprisingly low percentage of the total costs. Joseph Froomkin, Assistant Commissioner for Program Planning and Evaluation at the U.S. Office of Education, estimates that, on the average, the student pays only about 20 cents of every dollar it costs to educate him, even if he pays full tuition. This figure may be low, especially for the more expensive private institutions, but Froomkin insists that "college is still a bargain in that only a small percentage is being paid for by the student." It is a point worth making.

In another sense, though, a bargain is a bargain only if one is able to pay for it. To the family making, say, $10,000 a year before taxes, with two or more children away at college, even a low-cost state university proves exorbitant.

Should parents not have been saving over the years for this contingency? Ideally, yes. But a survey commissioned by the College Entrance Examination Board shows that the majority of families whose sons and daughters will go on to college fail to, or aren't able to, plan adequately ahead. And even if money has been systematically put away for college, the sum frequently turns out to be painfully short of the mark because of unexpected tuition boosts. The same holds true for many insurance plans begun a couple of decades back.

Commonplace among parents who saved for their children's education is the New Jersey couple who years ago put aside $1,500 for each of their two children, thinking that this would cover most or all expenses. They now maintain both youngsters at private universities at a combined annual cost of $7,000; family earnings are $9,500 a year. The schools are prestigious, the children were readily accepted, the parents wanted their youngsters to take advantage of the opportunity; the family is now saddled with heavy long-term debt.

> We didn't really pay much attention to college costs, to the way they were taking big jumps—

Explained the mother in this unremarkable case history—

> not till Alan was in his senior year in high school and we had to come face to face with the thing.

It is time that we in the Congress came face to face with the problem of inflation, especially as it relates to education beyond high school.

Mr. Chairman, the real answer to this whole area of education beyond high school is a new and adequate approach to the total problem. We need a plan that will help the students meet the increasing cost and that will help the institutions to adequately prepare for the additional millions of students who will be wanting to go, and who will need to go, to our colleges in the years ahead. After a number of years of research, with the assistance of students, graduate students, college professors, and many other interested persons, I have developed a plan called the Iowa plan. It is called the Iowa plan because most of the basic research and judgments were made in Iowa with the help and counsel and advice of Iowa students, professors, and educational leaders.

Broadly outlined, the Iowa plan consists of three phases. Phase 1 would grant to parents a $50 tax credit each year for each child until he or she reaches college age, providing that educational certificates are purchased at a bank, approved savings and loan association, insurance company, or some other financial institution. Money set aside in this manner would earn interest and would grow to a fund of $1,200 to $1,400 by the time the child entered college. This would provide $300 to $350 assistance each year to parents financing their child's education.

Phase 2 would grant a $200 yearly tax credit to the person sustaining the major burden of a student's expenses while in college. This would raise the total support available to a student to a minimum of $2,000 over a 4-year period. For those who would find that the $2,000 is not enough, he may borrow an additional $1,000 per year more.

Phase 3 would require that a specified percentage of the money set aside for educational investment be used by private banks and other financial institutions for the purpose of loans to educational institutions, and particularly to students who need to borrow money for their education. The management of this revolving fund would be the task of a specially constituted board, which would review the educational needs of the State, and approve loans to students and institutions.

Thus, the Iowa plan assists those who bear the burden of college costs with direct tax credit, and at the same time ample funds are made available to meet the growth needs of the colleges, universities, and vocational schools on very easy terms. Let us examine the plan in closer detail. The money set aside each year under phase 1 would be deposited in a restricted educational account at any private financial institution meeting the requirement of law. The depositor would receive educational investment certificates valued at $50 per child per year. The amount of money paid for such certificates would be allowed as a credit on the purchaser's Federal income tax. For example, if a man buys three certificates, one for each of his three children, it costs him $150. Let us assume that his Federal income tax calculated after all deductions, are made, comes to $600. He then subtracts the $150 from his total tax liability of $600 and pays the Government $450. In other words, instead of paying the full $600 to the Government, $450 is paid in taxes and $150 is put away for the education of his children.

The certificates would ordinarily be purchased by the beneficiary's parents or legal guardian. But in the event that the parent or guardian did not have sufficient tax liability to purchase a certificate, a relative or some other designated person could make the investment and receive tax credit.

The certificates could be redeemed only when applied to the payment of tuition, books, room and board expenses at an approved institution of higher education. An approved institution is taken to include colleges, universities, junior colleges, professional schools, trade schools, or any other educational institutions beyond the high school level. The money in the student's restricted educational account will be distributed equally over a 4-year period, paid directly to the institution at which the student is enrolled.

Mr. Chairman, here is a bold new total approach to the problems of higher education. It is a plan that is adequate, flexible, and equitable. I invite all Members and all who are interested in real and permanent solutions to give serious thoughts to the advantages of the Iowa plan for progress and growth in education.

Mr. VANIK. Mr. Chairman, I rise in support of the bill before the House today, the 1968 amendments to the Higher Education Act. These amendments extend for 2 years, four very important student aid programs: the NDEA loan program, the college work-study program, the educational opportunity grant program, and the guaranteed student loan program.

Never has a college degree been more important. Never have more people wanted to go to college. And yet never has education been more expensive. A family with one child must plan and save for years to provide their child with a college education. A family with several children who are capable of going to college is strained to the limit to provide an education. In all too many cases, the family is unable to put an able and deserving child through school. For those children from lower income families, the cost of college education is totally prohibitive.

I am in favor of a tax credit for families who must bear the expense of a college education. The enactment of a tax credit must be one of the first orders of business once we pass the present crisis in fiscal affairs. However, the tax credit must be in addition to and not a substitute for the present Federal programs directed toward excellence in the classroom and teacher development. Many legislators claim to support a tax credit as a reason for not supporting important programs in education, including the Elementary, Secondary and Higher Education Act.

The Federal programs are directed toward quality education. In the higher education field, the high quality of instruction results from Federal programs which provide fellowships and research grants to scientists and instructors who also teach. If these programs are cut back or abolished, the quality of our teaching faculties would suffer and the cost of tuition would many times multiply the cost of any tuition credit benefit.

It is also important to consider the relationship of medicare and social security programs to the problem of higher education. As a parent, I would prefer not to have to determine whether my family resources should be spent for the education of my children or for the support or the medical and health requirements of my parents. The improvement of social security and the enactment of medicare has relieved many American families from the terrible choice of establishing priorities.

The extension of the four programs in the bill before us today will provide an education for hundreds of thousands of deserving youngsters. I have kept a record of these college-assistance programs and their impact in the county I represent: Cuyahoga County, Ohio. As the following table shows, these programs have grown dramatically over the past 5 fiscal years. They have obviously been crucial in helping provide assistance to the post-World War wave of children seeking entrance to the Nation's colleges.

Fiscal year	NDEA	Work study	Education opportunity grant	Guaranteed loan
1963	$702,064			
1964	984,409			
1965	801,482			
1966	[1] 1,450,000	$100,173	$383,190	$118,000
1967	1,469,470	364,520	609,850	0

[1] Estimated.

The table shows that the guaranteed loan program was not used in the Cleveland area in fiscal 1967, because banks did not want to participate in it. I am proud to report, however, that beginning last fall, a number of area banks realized the importance of the program, put civic spirit above the lack of attractiveness of the loans, and again began participating in the program.

The table also shows that there has been a more than threefold increase in student assistance between fiscal 1963 and fiscal 1967. These programs have meant the difference between limited opportunity and limitless future for thousands of Cleveland area youngsters.

Mr. Chairman, I urge the adoption of the amendments before us.

Mr. BINGHAM. Mr. Chairman, the bill before us, the Higher Education Amendments of 1968, which I support, permits low-interest loans, some outright grants, and funds for student jobs. The main approach—low interest loans—is desirable, but also has some drawbacks. First, the amount which may be borrowed is far below the minimum amounts needed for students in many of our universities. Second, many youngsters, and their families, would prefer not to finish their training encumbered by a deep indebtedness which young families will find to be a strain as they set up households and start on their careers.

This bill does not, in my judgment, go far enough. Last week I introduced tax incentive legislation—H.R. 16982—which would provide tax credits for students or family members for tuition, fees, books, and equipment costs. I see these two bills as complementary. Millions of families of modest income are willing, even anxious, to pay for their children's education. However, in a period of rising prices and taxes, they find the burden of mounting school costs just beyond their means. My bill would help reduce this burden.

There is no inconsistency between encouraging family assistance, as my bill does, and providing Government assistance. What we should seek is a variety of means to stimulate and facilitate the pursuit of higher education. My bill and the bill before us are two such compatible means.

Mr. DONOHUE. Mr. Chairman, this Higher Education Act Amendments bill, H.R. 16729, now before us certainly ranks very high among the most important measures presented to the Congress and I most earnestly hope we will follow the example of the esteemed Committee on Education and Labor by speedily and unanimously approving it.

This afternoon we have heard a most impressive recital of expert and authoriative testimony to show the incredible growth, over these past several years, of the number of students entering our higher institutions of learning. For the next decade it is reliably anticipated that the student population will increase to a figure of more than 8 million.

As this phenomenal growth has occurred it has strikingly revealed the imperative need to provide and expand scholarship and loan programs to help qualified and ambitious students, whose families are financially unable to assist them, to continue their education. That is the basic and wholesome objective of this measure we are now considering.

The principle provisions of this measure are designed to extend, through fiscal 1970, the National Defense Education Act, student loan programs, the educational opportunity grant program, and the work-study program and to expand student loan insurance programs to permit the insurance of more student loans by increasing the Federal assistance to State and private student loan insurance agency reserve funds by one-third and by providing a new program of Federal reinsurance of 80 percent of the value of the loan. As the Members here are aware all of these programs are due to expire next June 30 and there is, therefore, an urgent requirement for our authorization action now.

A further timely and sensible proposal in this measure provides for the inclusion of appropriations requests for these higher education assistance programs in the fiscal year prior to the one in which they would be made available which will obviously enable both the educational institutions and the students to utilize the programs in the best of order and to the fullest advantage. Mr. Chairman, the fundamental projection of this legislation is to foster and to nourish the talents we need to preserve the security and insure the progress of this Nation now and hereafter. These talents, for development, reside in the youth of our Nation. This bill represents an investment in our youth by providing the means for the fulfillment of the individual's capacity for intellectual and personal development through advanced educational training. Such a fulfillment returns an untold contribution to our society of economic, scientific, cultural, and social benefits. As Benjamin Franklin so well said long ago, "an investment in knowledge pays the best interest."

Very truly the continuing welfare of a nation primarily depends on the investment it makes in the human capacities of the citizens who live in it.

Mr. Chairman, upon our best judgment, but quite often with real misgiving and doubt about future benefits, we authorize a great many investments here in this body every year. Today we have the opportunity of approving a reasonable investment in the young people of this country, an investment about which, no matter by what priority spending standards it is judged, there can be no doubt at all of the future benefit that will be returned to the Nation. Let us, then, wisely adopt this measure, in the national interest, without further delay.

Mr. PICKLE. Mr. Chairman, one of the most significant and exciting results of Federal higher education student assistance programs has been the remarkable growth in terms of aid we have given our youth and our systems of higher education.

I strongly favor H.R. 16729 and its approach to extend for 2 years programs providing assistance to students at institutions of higher education.

I am disposed to believe that if anyone will carefully look at the facts and read the legislation closely it is unlikely they could deny this assistance.

During the 10-year period since the beginning of the National Defense Education Act of 1958, there have been additional student aid programs established with the result that, today there is a comprehensive federally assisted package of student assistance made up of loans, direct grants, and work-study programs.

In this 10-year period, the number of participating colleges and universities in these student aid programs has doubled from 1,100 to 2,200. The dollar amount of funds provided to students has increased tenfold from $59 million in loans in the first full year of NDEA to over $400 million in fiscal year 1968.

And, the number of students served by these programs has increased nearly sevenfold over the 115,000 borrowers in the first year of NDEA.

The real significance, however, of what we have done in American education is reflected, not in statistics, but in the experiences of individual Americans, young and old, whose lives are being shaped by better education.

Yet, for all our progress, we still face enormous problems in education that cannot be met by half-hearted measures which directly effect the young people of America and will eventually effect the civilization and fabric of our society.

Our failure to recognize the priorities of education can result only in human costs. These costs may be explainable but they are not tolerable.

In my State, Federal funds have been used wisely and consistently; and there is a strong need for Federal assistance in extending the educational opportunities for rapidly growing numbers of youth who aspire to a higher education.

We face in Texas the problems of an increasing population and an increasing percentage of college-age groups seeking higher education.

I might add that the problem in Texas is more serious than in most States since each 5-year period since 1950 shows the percentage of population growth in Texas has exceeded the national growth figure.

For example, in 1960–65, the percentage of population growth in Texas was 10.6 as compared to the U.S. growth rate of 8.1 percent.

Our college-going rate has increased steadily and whereas 21.6 percent of the 18 to 24 age group was attending college in 1961, there was 27.3 percent of this group in college in 1967.

In my district alone programs to aid education are visibly demonstrated. Within a radius of 40 miles, we have some 50,000 college students in some of the best universities in the Nation.

Paralleled with agricultural interests, there is not a higher priority than interests in education. Investment in students represents the best investment we can make to the future of America.

Both increasing population and an increasing college-going rate are placing heavy pressures on our colleges and universities in Texas.

The pressure would not be bearable except for the Federal assistance of such sound programs as work study, direct grants, and loans to those who seek fulfillment as humans through better education.

Mr. FRASER. Mr. Chairman, I would like to strongly endorse H.R. 16729, which would continue our college student aid programs for 2 more years. The best ticket for success in American society is a good education, and we must make sure that every youth who is willing and able to get a college education will have the opportunity to do so.

The costs of a college education are continually rising. Annual charges at many private schools are now over $3,000 a year, and costs at public institutions are going up as well. Even with careful planning and saving in advance, it is difficult for many families to keep a son or daughter in college. The problem is magnified for each additional member of the family of college age.

The four student aid measures which would continue to be funded enable many young people from a variety of backgrounds to get college educations. Some need only guaranteed loans to make ends meet, and some need more help, such as that provided by grants, work-study programs, and NDEA loans. With these programs the burden of financing an education is spread equitably. Part of the cost is paid by a student and his family while he is in school, part is paid by the student when he is out of school, and part is paid for by the Government.

The program is not excessive in cost—$500 million a year. We can afford it. Further, we must be able to afford it. The money spent via these programs is an investment not just in the education of a few young people; it is, rather, an investment in the future of our Nation. To continue to lead in the world, we must have a continuous flow of leaders from our universities. Hence, H.R. 16729 deserves the support of us all.

Mr. COHELAN. Mr. Chairman, I rise to express my opposition to the amendment to the higher education assistance programs legislation which is now before us. This amendment as I understand it would deny the benefits of this act to any student or employee of a college or university who violates a rule of the institution certified by the institution to be a serious type violation or one which is disruptive.

Mr. Chairman, I do not believe that it is right or proper for the Congress of the United States to lend the weight of its sanctions to the rules of public and private universities, especially when those rules are not passed upon publicly and are not even subject to the constitutional limitations which would be attendant to usual governmental actions.

Certainly the threat of losing financial assistance will have a serious inhibiting influence on the expressions and actions of students dependent on that assistance, and it will cause them to be chary of taking action on even clearly legitimate matters.

Mr. Chairman, I believe that relations between universities, and their staff and students are best left to the parties. Every time the government, and especially the Federal Government, takes action to influence the conduct of university affairs it threatens to intrude upon the traditional freedom of thought and inquiry which is the essence of a university. It is because of the dampening effect upon academic freedom more than any thing else that I am so deeply concerned by this amendment.

Mr. Chairman, I will vote against this amendment, and I urge my colleagues to do likewise. It is a provision which has no place in the academic environment—if students and universities are to improve their relations it will not be through the intimidation of expression by the use of Federal sanctions.

The **CHAIRMAN.** All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

EXTENSION OF NATIONAL DEFENSE STUDENT LOAN PROGRAM

SECTION 1. (a) Section 201 of the National Defense Education Act of 1958 is amended (1) by striking out "and" before "$225,000,000", (2) by inserting after "June 30, 1968," the following: "and $200,000,000 each for the fiscal year ending June 30, 1969, and the next fiscal year;" (3) by striking out "and such sums for the fiscal year ending June 30, 1969" and inserting in lieu thereof "and there are further authorized to be appropriated such sums for the fiscal year ending June 30, 1971", and (4) by striking out "July 1, 1968" and inserting in lieu thereof "July 1, 1970".

(b) Section 202 of such Act is amended by striking out "1968" in subsections (a) and (b) and inserting in lieu thereof "1970".

(c) Section 206 of such Act is amended by striking out "1972" each time it appears in subsections (a), (b), and (c) of such section, and inserting in lieu thereof "1974".

EXTENSION OF AND AMENDMENT TO WORK-STUDY PROGRAM

SEC. 2. (a) The first sentence of section 442 of the Higher Education Act of 1965 is amended (1) by striking out "and" before $200,000,000", and (2) by inserting after "June 30, 1968," the following: "and $225,000,000 each for the fiscal year ending June 30, 1969, and the succeeding fiscal year".

(b) Section 144(f) of the Economic Opportunity Act of 1964 is amended by striking out all that follows "this Act" and inserting in lieu thereof the following: ", 85 per centum during the period beginning August 21, 1967, and ending June 30, 1968, and 80 per centum thereafter; except that the Federal share may exceed 80 per centum of compensation for work performed after June 30, 1968, by a student employed by a private nonprofit agency or organization (other than the institution entering into the agreement) if the Commissioner determines, pursuant to regulations adopted and promulgated by him establishing objective criteria for such determinations, that a Federal share in excess of 80 per centum is required in furtherance of the purposes of this part;".

EXTENSION OF AND AMENDMENTS TO EDUCATIONAL OPPORTUNITY GRANT PROGRAM

SEC. 3. (a)(1) Section 401(b) of the Higher Education Act of 1965 is amended—

(A) by striking out "two succeeding fiscal years" in the first sentence and inserting in lieu thereof "four succeeding fiscal years"; and

(B) by striking out the second sentence.

(2) Sections 405(b), 406(b), and 407(b)(2) of such Act are each amended by striking out "third sentence" and inserting in lieu thereof "second sentence".

(b) Effective July 1, 1968, section 402(1) of such Act is amended by striking out ", but excluding assistance from work-study programs" and inserting in lieu thereof the following: "and including compensation paid under a work-study program assisted under part C of title I of the Economic Opportunity Act of 1964".

(c) Section 407 of such Act is amended by adding at the end thereof the following new subsection:

"(c) An institution which has in effect an agreement to carry out a work-study program under section 143 of the Economic Opportunity Act of 1964 may use to carry out such work-study program any of the funds paid to it from sums appropriated under the first sentence of section 401(b) of this Act for the fiscal year ending June 30, 1969, and the succeeding fiscal year. The requirement in section 144(f) of such Act shall apply to any funds used under the authority of this subsection for such purpose."

EXTENSION OF AUTHORITY FOR PAYMENTS TO REDUCE STUDENT INTEREST COST

SEC. 4. Paragraph (4) of section 428(a) of the Higher Education Act of 1965 is amended by striking out "1968" and inserting in lieu thereof "1970", and by striking out "1972" and inserting in lieu thereof "1974".

EXTENSION OF FEDERAL LOAN INSURANCE PROGRAM

SEC. 5. Subsection (a) of section 424 of the Higher Education Act of 1965 is amended (1) in the first sentence by striking out "and" after "1967," and by inserting after "June 30, 1968" the following: ", and each of the two succeeding fiscal years"; and (2) in the second sentence by striking out "1972" and inserting in lieu thereof "1974".

FEDERAL GUARANTY OF STUDENT LOANS INSURED UNDER NON-FEDERAL PROGRAMS

SEC. 6. (a) Section 421(a) of the Higher Education Act of 1965 is amended by striking out "and" before "(3)", and by inserting before the period at the end of that subsection the following: ", and (4) to guarantee a portion of each loan insured under a program of a State or of a nonprofit private institution or organization which meets the requirements of section 428(a)(1)(C)".

(b) Section 428 of such Act is amended by adding after subsection (b) the following new subsection:

"(c)(1) The Commissioner may enter into a guaranty agreement with any State or any nonprofit private institution or organization with which he has an agreement pursuant to subsection (b), whereby the Commissioner shall undertake to reimburse it, under such terms and conditions as he may establish, in an amount equal to 80 per centum of the amount expended by it in discharge of its insurance obligation, incurred under its loan insurance program, with respect to losses (resulting from the default, death, or permanent and total disability of the student borrower) on the unpaid balance of the principal (other than interest added to principal) of any insured loan with respect to which a portion of the interest (A) is payable by the Commissioner under subsection (a), or (B) would be payable under such subsection but for the adjusted family income of the borrower.

"(2) The guaranty agreement—

"(A) shall set forth such administrative and fiscal procedures as may be necessary to protect the United States from the risk of unreasonable loss thereunder, to insure proper and efficient administration of the loan insurance program, and to assure that due diligence will be exercised in the collection of loans insured under the program;

"(B) shall provide for making such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this subsection, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and certification of such reports;

"(C) shall set forth adequate assurance that, with respect to so much of any loan insured under the loan insurance program as may be guaranteed by the Commissioner pursuant to this subsection, the undertaking of the Commissioner under the guaranty agreement is acceptable in full satisfaction of State law or regulation requiring the maintenance of a reserve;

"(D) shall provide that 80 per centum of such amounts as may be made as payments of principal on loans in default, and with respect to which the Commissioner has made payment under the guaranty agreement, shall be paid over to the Commissioner for deposit in the insurance fund established by section 431, but shall not otherwise provide for subrogation of the United States to the rights of any insurance beneficiary; and

"(E) may include such other provisions as may be necessary to promote the purposes of this part.

"(3) To the extent provided in regulations of the Commissioner, a guaranty agreement under this subsection may contain provisions which permit such forbearance for the benefit of the student borrower as may be agreed upon by the parties to an insured loan and approved by the insurer. Nothing in this subsection shall be construed to require collection of the amount of any loan by the insurance beneficiary or its insurer from the estate of a deceased borrower or from a borrower found by the insurance beneficiary or its insurer to have become permanently and totally disabled.

"(4) For purposes of this subsection—

"(A) the terms 'insurance beneficiary' and 'default' shall have the meanings assigned to them by section 430(e), and

(B) permanent and total disability shall be determined in accordance with regulations of the Commissioner.

(5) In the case of any guaranty agreement entered into prior to September 1, 1969, with a State or nonprofit private institution or organization with which the Commissioner has in effect on that date an agreement pursuant to subsection (b) of this section, or section 9(b) of the National Vocational Student Loan Insurance Act of 1965, made prior to the date of enactment of this subsection, the Commissioner may, in accordance with the terms of this subsection, undertake to guarantee loans described in paragraph (1) which are insured by such State, institution, or organization and are outstanding on the date of execution of the guaranty agreement, but only with respect to defaults occurring after the execution of such guaranty agreement or, if later, after its effective date."

(c) Section 431 of such Act is amended (A) by inserting in the first sentence of subsection (a) ", or in connection with payments under a guaranty agreement under section 428(c)," after "insured by him under this part"; (B) by inserting in the third sentence of subsection (a) ", or in connection with such guaranty agreements," after "insured by the Commissioner under this part"; and (C) by inserting in the first sentence of subsection (b) ", or in connection with any guaranty agreement made under section 428(c)" after "insured by the Commissioner under this part".

(d) Section 432(a)(5) of such Act is amended by inserting "or any guaranty agreement under section 428(c)" after "such insurance".

FEDERAL ADVANCES TO RESERVE FUNDS OF NON-FEDERAL STUDENT LOAN INSURANCE PROGRAMS

SEC. 7. (a) Section 421(b) of such Act is amended by striking out "and" at the end of paragraph (2); by striking out the period at the end of the first sentence of that subsection and inserting in lieu thereof ", and"; and by adding thereafter the following new paragraph:

"(4) there is authorized to be appropriated the sum of $10,000,000 for making advances under section 422 during the two-fiscal-year period ending June 30, 1970, for the reserve funds of State and nonprofit private student loan insurance programs."

(b) Section 422(a) of such Act is amended—

(1) by striking out "clause (3)" in the first sentence of paragraph (1) and inserting in lieu thereof "clauses (3) and (4)", and by striking out "of the fiscal years ending June 30, 1966, June 30, 1967, or June 30, 1968," and inserting in lieu thereof "fiscal year" in the second sentence of such paragraph; and

(2) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following new paragraph:

"(2) No advance shall be made after June 30, 1968, unless matched by an equal amount from non-Federal sources. Such equal amount may include the unencumbered non-Federal portion of a reserve fund. As used in the preceding sentence, the term 'unencumbered non-Federal portion' means the amount (determined as of the time immediately preceding the making of the advance) of the reserve fund less the greater of (A) the sum of (i) advances made under this section prior to July 1, 1968, (ii) an amount equal to twice the amount of advances made under this section after June 30, 1968, and before the advance for purposes of which the determination is made, and (iii) the proceeds of earnings on advances made under this section, or (B) any amount which is required to be maintained in such fund pursuant to State law or regulation, or by agreement with lenders, as a reserve against the insurance of outstanding loans."

(c) Section 422(b) of such Act is amended by inserting "(1)" after "(b)", by inserting "prior to July 1, 1968" before "pursuant to subsection (a)" where it appears in the first and third sentences, by deleting the last sentence of such subsection, and by adding at the end of such subsection the following new paragraphs:

"(2) The total of the advances from the sums appropriated pursuant to clause (4) of section 421(b) (A) to nonprofit private institutions and organizations for the benefit of students in any State and (B) to such State may not exceed an amount which bears the same ratio to such sums as the population of such State aged eighteen to twenty-two, inclusive, bears to the population of all the States aged eighteen to twenty-two, inclusive, but such advances may otherwise be in such amounts as the Commissioner determines will best achieve the purposes for which they are made. The amount available, however, for advances to any State shall not be less than $20,000, and any additional funds needed to meet this requirement shall be derived by proportionately reducing (but not below $20,000) the amount available for advances to each of the remaining States.

"(3) For the purposes of this subsection, the population aged eighteen to twenty-two, inclusive, of each State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him."

INCREASE OF MAXIMUM INTEREST RATE UNDER STUDENT LOAN INSURANCE PROGRAMS

Sec. 8. (a) Section 427(b) of the Higher Education Act of 1965 is amended by striking out "6 per centum" and all that follows and inserting in lieu thereof "7 per centum per annum on the unpaid principal balance of the loan."

(b) Section 428(b)(1)(E) of the Higher Education Act of 1965 is amended by striking out "6 per centum" and inserting in lieu thereof "7 per centum".

(c) Section 428 of such Act is amended by adding at the end thereof the following new subsection:

"(d) No provision of any law of the United States (other than this part) or of any State (other than a statute establishing a State student loan insurance program), which limits the rate or amount of interest payable on loans shall apply to a loan—

"(1) which bears interest (exclusive of any premium for insurance) on the unpaid principal balance at a rate not in excess of 7 per centum per annum, and

"(2) which is insured (A) by the United States under this part, or (B) by a State or nonprofit private institution or organization under a program covered by an agreement made pursuant to subsection (b) of this section."

MERGER OF NATIONAL VOCATIONAL STUDENT LOAN INSURANCE ACT OF 1965 WITH STUDENT LOAN INSURANCE PROGRAM OF HIGHER EDUCATION ACT OF 1965

Sec. 9. (a) Section 435 of the Higher Education Act of 1965 is amended—

(1) by redesignating subsections (a), (b), (c), (d), (e), and (f) as (b), (d), (e), (f), (g), and (h), respectively;

(2) by inserting before subsection (b) as so redesignated the following new subsection:

"(a) The term 'eligible institution' means (1) an institution of higher education, (2) a vocational school, or (3) with respect to students who are nationals of the United States, an institution outside the States which is comparable to an institution of higher education or to a vocational school and which has been approved by the Commissioner for purposes of this part.";

(3) by striking out in subsection (b) as so redesignated "eligible institution" and inserting in lieu thereof "institution of higher education", by striking out in the second sentence of such subsection "any institution outside the States which is comparable to an institution described in the preceding sentence and which has been approved by the Commissioner for the purposes of this title, and also includes"; and

(4) by inserting after subsection (b) the text of subsection (a) of section 17 of the National Vocational Student Loan Insurance Act of 1965 amended as follows:

(A) Strike out "(a)" and insert in lieu thereof "(c)",

(B) Strike out "eligible institution" and insert in lieu thereof "vocational school",

(C) Strike out "Act" in clause (4)(C) and insert in lieu thereof "part".

(b) Section 421(a) of the Higher Education Act of 1965, as amended by this Act, is further amended by striking out "and" before "(4)", and by adding before the period at the end of that subsection the following: ", and (5) to authorize direct loans to students attending vocational schools who are unable to obtain insured loans at interest rates that do not exceed rates prescribed by the Secretary for federally insured loans".

(c) Section 422(b)(1) of such Act (as amended by section 7(c) of this Act) is amended (1) by striking out "$700,000,000" in the first sentence of such subsection and inserting in lieu thereof "$775,000,000"; (2) by striking out "$25,000" each time it appears in the second sentence and substituting in lieu thereof "$35,000"; and (3) by adding at the end thereof the following: "For purposes of determining whether the maximum or minimum amount of advances under this paragraph has been received by a State or by nonprofit institutions or organizations for the benefit of students in such State, there shall be included any advance made to such State and to institutions or organizations for the benefit of students in that State under section 3 of the National Vocational Student Loan Insurance Act of 1965."

(d)(1) Section 425(a) of such Act is amended by striking out "(1)" after "Sec. 425. (a)" and by striking out paragraph (2).

(2) Section 427(a)(2)(C)(i) of such Act is amended by striking out "institution of higher education or at a comparable institution outside the States approved for this purpose by the Commissioner" and inserting in lieu thereof "eligible institution".

(3) Section 427(a)(2)(C)(iv) of such Act is amended by inserting "full-time" before "volunteer".

(4) Section 428(a)(6) of such Act is repealed.

(5) Section 434 of such Act is amended by striking out "10 per centum" an inserting in lieu thereof "15 per centum".

(6) Section 436(a) of such Act is amended by striking out "title and the National Vocational Student Loan Insurance Act of 1965" and inserting in lieu thereof "part".

(e) Part B of title IV of such Act is amended by inserting at the end thereof a new section, designated "Sec. 437.", which shall contain the section heading and subsection designations and text of section 10 of the National Vocational Student Loan Insurance Act of 1965, amended as follows:

(1) Subsection (a) of such text is amended by striking out "student who would be eligible for an insured loan under this Act" and inserting in lieu thereof "student who would be eligible for an insured loan for study at a vocational school under this part".

(2) Subsections (a) and (b) of such text are amended by striking out "section 8(a)(2)(D)" each time it appears and inserting in lieu thereof "section 427(a)(2)(D)".

(3) Such text is amended by striking out "Act" at each place it appears and inserting in lieu thereof "part".

(f) Section 435 of such Act is amended by adding at the end thereof the following new subsection:

"(i) The term 'State', as defined in section 801(b), includes the Trust Territory of the Pacific Islands."

(g)(1) The National Vocational Student Loan Insurance Act of 1965 is repealed.

(2) All assets and liabilities of the vocational student loan insurance fund established by section 13 of the National Vocational Student Loan Insurance Act of 1965, matured or contingent, shall be transferred to, and become assets and liabilities of, the student loan insurance fund established by section 431 of the Higher Education Act of 1965. Payments in connection with defaults of loans made on or after the sixtieth day after the date of enactment of this Act and insured by the Commissioner (under the authority of subsections (h)(3) and (h)(4) of this section) under the National Vocational Student Loan Insurance Act of 1965 shall be paid out of the fund established by such section 431.

(h)(1) Except as provided in paragraphs (2), (3), and (4):

(A) This section (and any amendment or repeal made thereby) shall apply to loans made on or after the sixtieth day after the date of enactment of this Act.

(B) In computing the maximum amounts which may be borrowed by a student who obtains an insured loan on or after such sixtieth day, and the minimum amounts of repayment allowable with respect to sums borrowed by such a student, there shall be included all loans, whenever made, (i) insured by the Commissioner, or a State institution, or organization with which the Commissioner has an agreement under section 428(b) of part B of title IV of the Higher Education Act of 1965 or section 9(b) of the National Vocational Student Loan Insurance Act of 1965, or (ii) made by a State under section 428(a)(2)(B) of such part or section 9(a)(2)(B) of such Act, or by the Commissioner under section 10 of such Act.

(2) Clause (iv) (VISTA service) and clause (i) (attendance at eligible institution) of section 427(a)(2)(C) of the Higher Education Act of 1965, shall apply to loans made by the Commissioner and, with the consent of the lender, loans insured by the Commissioner, to students for study at vocational schools, which are outstanding on the sixtieth day after the enactment of this Act, but only with respect to periods of attendance or service occurring on or after such sixtieth day.

(3) This section (and any amendment or repeal made thereby) shall not apply so as to require violation of any commitment for insurance made to an eligible lender, or of any line of credit granted to a student, prior to the sixtieth day after enactment of this Act, under the Higher Education Act of 1965 or the National Vocational Student Loan Insurance Act of 1965, or, except with the consent of the State or nonprofit private agency concerned, impair the obligation of any agreement made pursuant to section 428(b) of the Higher Education Act of 1965 or section 9(b) of the National Vocational Student Loan Insurance Act of 1965. The Commissioner of Education shall undertake to obtain necessary modifications of agreements entered into by him pursuant to section 428(b)(1) of the Higher Education Act

of 1965 or section 9(b) of the National Vocational Student Loan Insurance Act of 1965 and in force upon the date of enactment of this Act so as to conform the provisions of such agreements to the requirements of such section 428(b)(1). If, however, such modifications cannot be obtained because a party to such an agreement is subject to a statute of a State that prevents such party from complying with the terms of such modification, the Commissioner shall not, before the fourth month after the adjournment of such State's first regular legislative session which adjourns more than sixty days after enactment of this Act, exercise his authority to terminate, or to refuse to extend, such agreement.

(4) A certificate of insurance or of comprehensive insurance coverage pursuant to section 11 of the National Vocational Student Loan Insurance Act of 1965 may be issued or made effective on or after the sixtieth day after the date of enactment of this Act with respect to loans made prior to such sixtieth day without regard to any amendment or repeal made by this section.

PROVISIONS FOR ADEQUATE LEADTIME AND FOR PLANNING AND EVALUATION IN HIGHER EDUCATION STUDENT ASSISTANCE PROGRAMS

Sec. 10. The Higher Education Act of 1965 is amended by adding after section 804 the following new sections:

"PROGRAM PLANNING AND EVALUATION FOR HIGHER EDUCATION PROGRAMS

"Sec. 805. (a) There are authorized to be appropriated, for each fiscal year for which appropriations are otherwise authorized by any provision of law specified in subsection (b), such sums as may be necessary, to be available to the Secretary, in accordance with regulations prescribed by him, for expenses, including grants, loans, contracts, or other payments, for (1) planning for the succeeding year programs or projects for which such appropriations are authorized under such provision of law, and (2) evaluation of programs or projects for which appropriations are so authorized.

"(b) The provisions of law referred to in subsection (a) are as follows:

"(1) Parts A and B of title IV and section 442 of this Act.

"(2) Title II of the National Defense Education Act of 1958.

"(3) Part C of title I of the Economic Opportunity Act of 1964.

"ADVANCE FUNDING

"Sec. 806. To the end of affording the responsible State, local, and Federal officers concerned adequate notice of available Federal financial assistance for education, appropriations for grants, loans, contracts, or other payments under any provision of law referred to in section 805(b) are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation. In order to effect a transition to this method of timing appropriation action, the preceding sentence shall apply notwithstanding that its initial application under any such provision of law will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

"EVALUATION REPORTS AND CONGRESSIONAL REVIEW

"Sec. 807. (a) No later than March 31 of each calendar year, the Secretary shall transmit to the respective committees of the Congress having legislative jurisdiction over any provision of law referred to in section 805(b) and to the respective Committees on Appropriations a report evaluating the results and effectiveness of programs and projects assisted thereunder during the preceding fiscal year, together with his recommendations (including any legislative recommendations) relating thereto.

"(b) In the case of any such program, the report submitted in the penultimate fiscal year for which appropriations are then authorized to be made under such program for assistance to students who have not received assistance under such program during prior fiscal years shall include a comprehensive and detailed review and evaluation of such program (as up to date as the due date permits) for its entire past life, based to the maximum extent practicable on objective measurements, together with the Secretary's recommendations as to proposed legislative action.

"AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL YEAR BASIS

"Sec. 808. Appropriations for any fiscal year for grants, loans, contracts, or other payments to educational agencies or institutions under any provision of law referred to in section 805(b), may, in accordance with regulations of the Secretary, be made available for expenditure by the agency or institution concerned on the basis of an academic or school year differing from such fiscal year."

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Chairman, reserving the right to object, I have no desire to prolong the debate or procrastinate on this bill, but it would be my hope the gentleman would not insist on time limitations on the bill until at least the amendments are out of the way.

Mr. PERKINS. I do not intend that. I want the bill thoroughly debated, and unless there is some unreasonably lengthy amendment somewhere along the line, I will not insist on time limitations anywhere, but I thought we could expedite this.

Mr. GROSS. Mr. Chairman, I withdraw my reservation with that assurance.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Quie: On page 2, line 16, after "PROGRAM" insert "AND EXTENSION OF VOCATIONAL WORK-STUDY PROGRAM".

On page 3, after line 11, insert:

"(c)(1) Section 13(e) of the Vocational Education Act of 1963 is amended by striking out the second sentence and inserting in lieu thereof: 'From a State's allotment under this section for the fiscal year ending June 30, 1967, and for each of the three succeeding fiscal years, such payment shall equal 75 per centum of the amount so expended.'.

"(2) Section 15 of such Act is amended by striking out 'and $35,000,000 for the fiscal year ending June 30, 1967, and the succeeding fiscal year' and inserting in lieu thereof 'and $35,000,000 for the fiscal year ending June 30, 1967, and for each of the three succeeding fiscal years'.

Mr. QUIE. Mr. Chairman, what this amendment does is to extend the vocational work-study program exactly as it is. It is the same authorization as exists in fiscal year 1968. It would extend it for the 2 years as we do with the other student assistance programs, for the year 1969 and the year 1970. Again I would say on this program that if there is to be any change in it, we ought to make that change in the subsequent legislation, but now in order that we might be able to pass the legislation as quickly as possible with the least amount of controversy, I believe we ought to extend this as a part of the act in order that a vocational education work-study program can receive its appropriations as well.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I have had an opportunity to examine the amendment and I believe it should be accepted. I say this because it is imperative that there be a new authorization for the program. Since the Committee on Appropriations is going to act Tuesday on the Labor-HEW appropriation bill, there must be an authorization so that the Appropriations Committee can provide for this particular program. Is that correct?

Mr. QUIE. That is correct. That is the purpose of the amendment.

Mr. PERKINS. Mr. Chairman, if the gentleman will yield further, that is the sole reason why I feel that this amendment should be accepted at this time. I am concerned about the matching provisions which presently govern the program.

The law now provides for a Federal share of 75 percent. Some of us would like to change it. But I am concerned whether it should be done at this time.

My only objective is to see to it that there is an authorization for this program. I do not think we should jeopardize this possibility in any way. I am concerned that amendments to the matching provisions may jeopardize or hinder us in reaching our objective.

The **CHAIRMAN**. The time of the gentleman from Minnesota has expired.

(On request of Mr. Pucinski, and by unanimous consent, Mr. Quie was allowed to proceed for 5 additional minutes.)

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I would have no objection to proceeding along these lines today in view of the fact that this bill expires on June 30.

Mr. Chairman, this represents one of the finest programs which we have in operation in this country. However, I would like to remind the members of the Committee of the Whole House on the State of the Union that the general Subcommittee on Education is now concluding its hearings on amendments to the Vocational Rehabilitation Act, and we hope to bring to this Congress before this session is over legislation which will not only deal with this program and problems but others as well which are so important to this country.

First of all, Mr. Chairman, I would like to ask the gentleman in the well, the gentleman from Minnesota [Mr. Quie], who has offered this amendment, whether or not I can get any assurance from him that the adoption of his proposed amendment does not preclude us from coming in with other amendments to the Vocational Education Act and I hope we can count on the support of the gentleman from Minnesota when we propose other substantial amendments.

Mr. QUIE. Mr. Chairman, in response to the statement of the gentleman from Illinois, the adoption of this amendment would not preclude his general Subcommittee on Education from coming in with additional substantive amendments to the Vocational Education Act which is in the same situation as the Higher Education Act. Further, I can say to the gentleman that I can give him that assurance and hopefully the assurance to our colleagues in this body that I want to extend the vocational education bill this year to further strengthen our school systems and these various programs. It is my opinion that there should be a dramatic improvement and that it is most important that we make great strides in these fields in the coming years. We need to do more to improve the Vocational Education Act in order to improve the opportunities for all people to learn and utilize vocational skills.

Mr. PUCINSKI. Mr. Chairman, if the gentleman will yield further, in view of this assurance on the part of the gentleman from Minnesota I shall not offer the amendment which I had intended to offer to the gentleman's amendment which would provide for 80 percent of Federal funds and only 20 percent of State funds, simply because your work-study program now provides for the 80-percent formula as well as other programs encompassed in this bill.

We should provide for this formula with reference to the work-study program as we do in the gentleman's amendments.

But, Mr. Chairman, in view of the fact that the gentleman from Minnesota [Mr. QUIE] has assured me that we will have bipartisan support, we can quickly move with our hearings and study on the bill now pending before the general Subcommittee on Education in the next few weeks.

Mr. Chairman, I would like to associate myself with the remarks which have been made by the gentleman from Minnesota, and it is my hope, and I know, that he will stand behind them when this other bill comes up for consideration.

Mr. LANGEN. Mr. Chairman, the vocational work-study program under consideration with H.R. 16729, the Higher Education Act Amendments, is a working and workable program aimed at providing vocational training for young people who come from families that are considered in the poverty classification. This program helps these young people to attend vocational schools by working part of the time in jobs that are related to their training.

Most of these students would drop out of school for lack of finances if this program was not continued. It is an investment in the future, providing training for youth who would otherwise go untrained, and providing needed skills for our mechanized and computerized business community.

As we attempt to set priorities and try to come up with new ideas in the dual fight against poverty and a cumbersome, deficit-laden budget, we must be careful not to bypass the programs that are already making significant contributions and are producing concrete results for the modest sums spent. As one of the area technical schools recently wrote me from my district in Minnesota:

> In the three years that we have had this program, our school district has not received one penny for administration of the program. How many other government sponsored programs can make this statement?

In other words, the money spent went directly to the training and maintenance of the needy students.

A modest investment in the training of a person who will become a reliable, tax-paying citizen is far superior to any program of assistance that merely doles out tax dollars under our 20th century welfare schemes without measurably reducing poverty or ending the cycle of unemployment. I believe the vocational work-study program should be preserved.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 16729, a bill to extend the present higher education student assistance programs. This occasion marks the 10th anniversary of enactment of the National Defense Education Act of 1958, a landmark in the Federal effort to make available to our ambitious young people the opportunity to achieve a higher education. Many of us on the Education and Labor Committee worked on these earlier student assistance bills, and can look today with some pride at the way these programs have grown. This pride is not a mere gloating over legislative victories. It rather arises from the recognition that today, in 1968, the United States is firmly committed to the maintenance and expansion of programs to help insure that all of our young men and women are financially able to attend college.

Many speakers today will undoubtedly discuss the critical importance of higher education in our society. Our Nation depends on the colleges and universities to educate and train the young men and women who will inherit our Government, help run our industry, add to our scientific knowledge, and teach in our schools. Our young people depend on the colleges and universities to prepare them for a more useful and meaningful life. Approval of the programs which are before us today will reaffirm our national commitment to student assistance, and will continue our national investment in America's greatest resource—our children.

A capitulation of the numbers of students helped during the last 10 years, or of the amount of aid which has been rendered, is not in my opinion a complete measure of the success of these higher education student assistance programs.

To someone uneasy with statistics, recitation of these large numbers can act as a narcotic, and dull the ability to understand that each number represents an individual. For instance, knowing that in fiscal year 1967, 3,770 students attending institutions of higher learning in my State of New Jersey received over $3,000,000 in NDEA student loans does not tell the human story. How many of these students would have been unable to pursue their education without this help? How many were inspired by their experience during that academic year to become teachers, doctors, social workers, or clergymen? The mere number of students and amount of funds fail to tell us the significance to the individual student and to our national future of these NDEA loans.

But our concern today must be more with the future needs than the past success. President Johnson summed up the problem in his education message of last February:

> For millions of capable American students and their families, college is still out of reach. In a nation that honors individual achievement, financial obstacles to full educational opportunity must be overcome.

The financial obstacles the President referred to exist for many students today, and they will not become less serious in the future. Recent figures show that the average annual cost of college to resident student at a private college or university was $2,570 in 1967, and will grow to $3,280 in 1977. The average annual cost to a resident student at a public college or university was $1,640 in 1967, and will be $2,160 in 1977. In other words, each school year in the next decade will bring a rise in the costs of a college education of roughly 5 percent. To parents of the lower and middle income groups, and even to parents of high incomes with several children, these increasing costs mean that sending their children to college will be at best difficult, and at worst impossible.

This bill, H.R. 16729, represents a congressional commitment that these increasing costs will not put a college education out of the financial reach of millions of young men and women.

I ask the Members to make this commitment to our young people, and to vote with me today in support of H.R. 16729.

Mr. Chairman, the bill before the House, would extend through fiscal 1970 four major student assistance programs. These programs are: the student loan program of the NDEA; the college work-study program carried out under title I of the Economic Opportunity Act; the educational opportunity grant program authorized under title IV of the Higher Education Act; and the guaranteed student loan program of title IV of the Higher Education Act.

I should point out that this bill was unanimously reported both by the Special Subcommittee on Education, and the Full Committee on Education and Labor. This consensus reflects the growing recognition that we must undertake to insure that no American youth of industry and ambition is denied the opportunity to pursue a college education because of lack of money. This consensus exists not merely because these student assistance programs contribute to making the American promise of full opportunity a reality.

In a very real sense, every Federal dollar which helps a young man or woman attend college is an investment in America's future. The problems of today's world, and those of the world which our children will inherit, demand for their solution highly trained minds. If we are to successfully confront the population explosion, the problems arising from the technical and scientific revolution, and the poverty that we see around us in this country and abroad, then we must insist that all our young people have the opportunity to get the most advanced education which can be offered. H.R. 16729 is a step in that direction.

One of these student assistance programs has already begun to demonstrate its benefits, not just to the student receiving aid, but to society. I refer to the college work-study program, conducted under title I of the Economic Opportunity Act. This program seeks to stimulate the part-time employment of college students to help them meet their college costs. In 1966, some 275,000 students were employed by reason of this program, and it is estimated that 35 percent of these students were from families with annual incomes of less than $3,000. At its inception, most of the jobs created through this program have been directly related to the college the student attended. However, an increasing number of students are now being employed in programs of direct benefit to their community. For example, last year some 50 students from Hardin-Simmons College were enabled to work during the summer for the Abilene, Tex., YMCA, to extend the Y's programs into lower income areas of the city which had not been served before. In another program, Boston University law students have worked in various positions with municipal governments in the Boston area, and with the local legal aid and public defender organizations. In Pittsburgh, students from Chatham College have undertaken projects to help the residents of the inner city, including mobile health units and remedial speech clinics. These students get much more from this work-study program than a job to help defray their college expenses. They are doing work which directly helps their community and which may offer them inspiration for later public service. The bill before us today would continue and expand this extremely worthwhile program.

Mr. Chairman, I refer to this work-study program in detail only to give some flavor to the happy combination of personal and national benefit which these student assistance programs offer. The other programs are of importance also. The authorization in H.R. 16729 for the NDEA student loan program for fiscal 1969 will help approximately 422,000 students. The grants provided under the educational opportunity grants will benefit some 425,000 students. The insured loan program will make available some $10 million, and seek to enlist more directly in this educational venture private lending agencies.

I am sure that many of the Members recall the statement of the ancient Greek philosopher, Diogenes, that "the foundation of every state is the education of its youth." This truth has not changed since the 4th century, B.C. If the United States is to continue its position as the leader of the free world, if we are truly to make of our own society a model for other nations to emulate, then we must attend to the education of our young. This bill, H.R. 16729, will help in this effort. I urge its approval.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in commenting on the amendment offered by the gentleman from Minnesota [Mr. QUIE], my time ran out while I was pointing out that while many well-meaning people in this country are looking for answers to what is happening to the young people in this country, there is no question but that one of the issues raised in the expanded program for aid to education is this work-study program which will be continued by the amendment offered by the gentleman from Minnesota, which is one of the most successful programs in this country, and it is probably the best means we have of reducing the staggering figures that plague us every day when we are faced with the strange paradox that in this great industrial country—the greatest industrial country in the world, reaching for an $850 billion gross national product by July 1 of this year—that we find the strange dilemma of our young people being among the highest percentage of unemployed.

We find in America in the age groups between 16 and 19 years of age some 22 percent are unemployed among the white boys, 23 percent among the white girls, and a staggering 33 percent among the Negro boys in the age group of 16 to 19, and the percentage is 48 percent of unemployed among the young Negro girls in the age group 16 to 19.

Certainly the wisest thing is to continue this program and keep this work-study program going. It is through this program that we are trying to make industry accept this educational opportunity of giving youngsters the experience they need in order to join the mainstream of our national economy.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, as the gentleman from Illinois says, this program provides excellent benefits in the urban areas of our country, but I would like to mention the effect it has on our rural areas.

As an example, in Staples, Minn., we have an outstanding program. This is in northern Minnesota, and is not in my district. In fact, it is one of the best area vocational schools in the country. More than 80 percent of the students in the Staples Vocational School receive assistance under this work-study program.

Mr. Chairman, I certainly share my colleague's great support for this program, and I am hopeful that this amendment will meet the speedy action that is necessary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. QUIE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: On page 22, line 20, add the following:

"SEC. 809. No loan, guarantee of a loan or grant authorized pursuant to this Act shall be awarded to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or assistance of others in the use of force, trespass or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies."

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] is recognized in support of his amendment.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. PERKINS. As far as the committee is concerned, I believe there are no objections to the gentleman's amendment.

The gentleman and I discussed it, and he modified his original amendment so that an individual would have to be convicted before the prohibition becomes effective.

Mr. Chairman, we accept the gentleman's amendment.

Mr. SMITH of Iowa. I thank the gentleman.

Mr. GIBBONS, Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. GIBBONS. I commend the gentleman for his amendment. I think it is a very fine amendment. I regret that it is necessary to take such action, but I think action is appropriate.

Mr. SMITH of Iowa. I thank the gentleman.

I just want to say it does involve all Federal student finance programs and is not limited to one type of loan or grant.

I do not take particular pride in the language. I think the committee in conference can work out better language, but I want the principle established in the bill.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. THOMPSON of New Jersey. Mr. Chairman, I find this an acceptable amendment because it requires a conviction. This guarantees due process of law to that person who may be affected by the amendment.

I think, therefore, it is a pretty reasonable amendment on the surface.

Mr. SMITH of Iowa. I thank the gentleman.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. WAGGONNER. Some of us have not had the advantage of having seen this amendment prior to this time nor the advantage of an explanation of it.

The gentleman from New Jersey [Mr. THOMPSON] just now speaks of this not applying until due process of law has been completed.

I think that this requires then that we have a little explanation before this amendment is adopted because it is conceivable that appeals may be unresolved long after the period of 4 years that some student might be eligible for these benefits.

Mr. SMITH of Iowa. It applies to conviction in any court of general jurisdiction and the prohibition is not delayed pending an appeal in the criminal case.

Mr. WAGGONNER. Then would an individual be denied the right of appeal so far as the benefits of this legislation are concerned?

Mr. SMITH of Iowa. Yes.

Mr. WAGGONNER. Does the gentleman's amendment carry language which would deny the benefits of the moneys provided in this legislation to those who are not convicted by a civilian court but who were in violation and convicted by a student government group or by the administrative authority of some college?

Mr. SMITH of Iowa. It does not carry an automatic prohibition in that type of case. That would be left up to the institution to determine whether or not they want to make a loan to that person.

Mr. WAGGONNER. If I may ask my colleague one other question.

The administration of an individual institution could, in their discretion, should the university regulations be violated, make a loan or a grant to such an individual?

Mr. SMITH of Iowa. They could, provided they have not been convicted in a court of general jurisdiction of the type crime covered. In that event they have no discretion at all.

Mr. WAGGONNER. I would like to say to the gentleman that his amendment goes part of the way, but I believe we need to go further. I will support his amendment, but I am going to support another one which I think goes a little further.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. ROSENTHAL. Did I understand the gentleman correctly to say that the force and effect of this amendment would be in effect without any right of appeal?

In other words, if there was a conviction in the lower court, it would not go into effect some year or so later if the conviction was reversed?

Mr. SMITH of Iowa. This provision has no effect upon the criminal prosecution, but it does have an immediate affect upon his privilege to secure the Government funds or loan.

Mr. ROSENTHAL. I am not so sure that that is what the gentleman really intends.

Suppose the conviction is reversed a year later?

Mr. SMITH of Iowa. In the meantime we have thousands and thousands of applicants who want to go to school and who are not able to go to school because the financial support is not available and I think we ought to give them that priority during that year.

Mr. ROSENTHAL. I am not necessarily disagreeing with that at the moment, but I do think that due process and fair play would indicate that an appeal would lie.

I am really surprised that the gentleman would indicate that he would want to preclude anyone from the right of appeal.

Mr. SMITH of Iowa. I will say that all I am precluding is a person's right to secure Federal money. A student is not prohibited from going anywhere else to secure other financing nor is a school prohibited from permitting him to enroll.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. WYMAN. If the person appeals and then the conviction is set aside, then he would qualify and his entitlement to a loan would be reinstated, would he not?

Mr. SMITH of Iowa. Yes, he would be reinstated.

Mr. ROSENTHAL. But the time lag involved could be detrimental to the individual.

Mr. SMITH of Iowa. There is also a time lag involved when other students who want to go to school cannot go to school for several days due to other students forcing them away from classes.

Mr. ROSENTHAL. But you are being the judge and jury. It is the same as finding a person guilty without them having any right of appeal. It just does not make any sense to me.

Mr. SMITH of Iowa. I think it is a privilege to receive Government funds for this purpose, and we should not give them to students who then violate the civil liberties of other students by excluding others who wish to secure an education.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. PUCINSKI. Mr. Chairman, I want to establish some legislative intent here so we know what we are doing. There is no question that the amendment offered by the gentleman from Iowa is timely and necessary. I think we can say there are hundreds of thousands of decent young people in this country who benefit from these programs and are working their way through school and getting a higher education. As a member of this committee for the last 10 years, I am proud of the role I have played and the contribution I have made in helping this program get through the Congress. I think it is absolutely correct for us today to deal with that small handful of self-styled leaders who can tear up a campus or who can tear up a community in pursuit of what they call their rights.

What about the rights of the thousands of students who want to continue to go to school and who do not want to participate in this kind of activity?

What about those decent students who do not want to see their schools torn up?

What about the young people who are sincere in their purpose, and those young people who believe in the established institutions of this country and the Constitution of this country and who know they can find redress for any grievances through the orderly process of law instead of lawlessness? I think the gentleman from Iowa has offered a timely amendment.

I want to ask the gentleman from Iowa this question: Do I correctly understand that upon the finding of guilty in any lower court, as of the rendering of that decision, the benefits inuring to an applicant under this act would cease at that time; they could be reinstated at some subsequent date in the event the defendant perfects an appeal and the appeal reverses the original finding. But as of the time the guilty finding is entered by the lower court, would the benefits that inure from this bill at that time cease to this particular applicant? Is that correct?

Mr. SMITH of Iowa. He would get no future benefits. That is correct.

Mr. PUCINSKI. Can we establish further in this House that any rules or regulations issued by the Office of Education interpreting this amendment, in the event this amendment is adopted, such regulations will be published, under the rules of the Administrative Procedures Act, in the Federal Register, and that all interested parties will have an opportunity to comment on them, instead of slipping in with guidelines, as they have been doing, without anyone knowing what they have been doing until they become final, and then they rewrite completely what we in this legislative Chamber have decided? Can we get that?

Mr. SMITH of Iowa. I think that would be a proper contribution.

Mr. PUCINSKI. Then I congratulate the gentleman on his amendment. I know that most of the young people in our colleges and universities are law-abiding, decent citizens who sincerely seek a higher education. I do not believe our entire higher education community should be indicted for the scandalous acts of a few. Most young people are proud of their college or university and condemn the actions of the small minority who have brought disgrace on many of our campuses. I believe these young people who want no part of this wrecklessness should be protected and I believe this amendment will restore some degree of sanity to our campuses.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. SMITH].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PIKE

Mr. PIKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PIKE: On page 2, line 9, after section 201 of the National Defense Education Act, insert the following new paragraph as an addition to section 201 of the National Defense Education Act:

"No part of the funds made available under this section shall be provided to any student who, during the preceding 12 months, engaged in overt acts aimed at disrupting the national defense program of the United States of America. Such acts shall include, but shall not be limited to, defacing or destroying draft cards, disrupting or attempting to disrupt military operations, including the operations of draft centers, or disrupting or attempting to disrupt programs conducted by any institution in cooperation with the Department of Defense. Nothing contained in this paragraph shall be construed to limit the freedom of any student to verbally express his views on any such law, operation or program. Any issue of fact arising under this paragraph shall be determined by the administrative officers of such institution."

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes in support of his amendment.

Mr. PIKE. Mr. Chairman, a moment ago someone said he thought the Smith amendment was excellent—as did I—but that we ought to go a little further.

This does go a little further. It goes without saying that this is going to arouse a certain amount of opposition. I have discussed it with both sides of the aisle and have had mixed results. A member of the fourth estate has accused me, with the presentation of this amendment, of having come down on the senior side of the generation gap, and this may well be true. But it seems to me that in all fairness to my own children I ought to offer some such amendment.

I have told my own children—and I have one in a little college in New Jersey and one at a nameless place up in Massachusetts—that they can do anything they want to at college. They can tie up the dean. They can do all these things. They can steal papers out of the office. They can do anything, because I am physically unable to prevent them. My son can beat me up, and my daughter is too old for spanking. But, if they do these things, they are not going to do them at my expense. They are going to do them at their own expense—and they are going to relatively expensive institutions.

In this amendment we are not saying anybody cannot do anything he wants to do. We are just saying that if he does these things, overt actions aimed at disrupting the national defense of the United States of America, he is not going to get National Defense Education Act loans.

I think it is a travesty on the whole concept of the National Defense Education Act loans that we should be providing money for people who do these things.

The question has been raised that we do not demand a conviction of a crime. No, we do not demand a conviction of a crime. That is why this goes further. It is an administrative determination made by the college.

How do they get the NDEA loan in the first place? They get it by an administrative determination of the college. The administration determines that they are in need of the loan. And there is no appeal from that. The administration determines they are qualified to get the loan. And there is no appeal from that.

There is not any right to a National Defense Education Act loan. This is a privilege. I think when there are people needing these loans all over the United States of America, we ought simply to provide the administrators with some new criteria, some new and additional criteria, which they can use in carrying out their judgment as to who shall get NDEA loans in the first place.

I think it would be a travesty on justice to allow some worthy people to be deprived of such loans because there simply are not enough to go around.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, in his amendment, the gentleman enumerates card burning and interfering with military installations, as types of offenses but the gentleman says, "but not limited to." What other activities does the gentleman's amendment contemplate?

Mr. PIKE. I would say quite frankly, if a student lies down in the street and stops a troop movement, this would be such an activity. I do not pretend to be able to list them all. I would say if a student prevents the normal operations of the ROTC program on campus, this would be such an act.

Mr. PERKINS. Mr. Chairman, does the gentleman agree with me that before we enact blanket authority of this type, we should thoroughly explore the matter, conduct hearings, and specify the offenses and the crimes which we felt should preclude a college student from obtaining a loan.

Mr. PIKE. No, Mr. Chairman, I regretfully do not agree with the gentleman on that, because I think there is a very broad area which do not always constitute crimes, but other things which may well be detrimental to the national defense. I do not think we ought to have to label everybody a criminal. We label people criminals in order to take rights away from them. Here we are merely taking away a privilege and giving it to someone else.

Mr. REID of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the chairman of the committee.

Mr. PERKINS. Mr. Chairman, inasmuch as we have numerous amendments along this line, I wonder if we can on this particular amendment agree to close the debate on this amendment in 10 minutes.

Mr. Chairman, I ask unanimous consent for that.

Mr. GROSS. To do what?

Mr. PERKINS. To close debate in 20 minutes.

Mr. GROSS. Mr. Chairman, I object.

Mr. PERKINS. Mr. Chairman, I withdraw my request.

The CHAIRMAN. Objection is heard.

Mr. REID of New York. Mr. Chairman, this is a very sensitive and serious question we are dealing with today, and I believe this particular amendment raises serious questions of constitutionality.

First, it goes back in time. The language includes the following: "During the preceding 12 months."

This raises ex post facto questions in that it deals with conduct in the past, prior to enactment of the statute.

Second, this amendment does not deal with conviction in a competent court of jurisdiction, but uses the words, "engaged in overt acts." And it further deals with "overt acts" aimed at disrupting or attempting to disrupt programs conducted by any institution in cooperation with the Department of Defense."

Perhaps the author of the amendment has in mind Columbia University in this regard.

I believe, very simply stated, as I said before, that this amendment raises questions of constitutionality. It is unreasonable and quite possibly discriminatory. It does run counter, in my judgment, to the protections of the first amendment, as speech and some kinds of action have been held by the Supreme Court to be so intermingled as to constitute expression protected by the first amendment, symbolic speech.

I believe further that it might touch on the right of the people peaceably to assemble and petition the Government for redress of grievances.

I urge the defeat of the amendment.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I am happy to yield to the gentleman from New Hampshire.

Mr. WYMAN. There is one thing I might observe in connection with the amendment presently pending. It applies to students who during the preceding 12 months might have engaged in some type of activity.

Mr. REID of New York. That is correct.

Mr. WYMAN. This amendment offered by the gentleman from New York is retrospective. It applies to prior acts. It would penalize action taken at a time when there was no such penalty. We have settled constitutional principles to prohibit this sort of thing.

The amendment also talks about overt acts "aimed at disrupting the national defense program." What does "aimed" mean? This is a subjective test. This is a test not specified in the amendment.

While it is undoubtedly possible to improve any amendment when the matter goes to committee, or is considered in the other body or in conference, it is submitted that the Pike amendment, in the way it is presently worded, does not accomplish that which is desired to be accomplished by a majority of the membership of this body.

Mr. REID of New York. I thank the gentleman for his contribution, which I believe is clear and to the point.

Mr. CAREY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the language of the amendment offered by the gentleman from New York [Mr. PIKE].

The amendment does not refer to any kind of ex post facto principle. It does not invoke any kind of ex post facto principle. The amendment of the gentleman from New York [Mr. PIKE] in no sense does anything to make these acts a crime, more than they are a crime under the laws of the United States right now. All it would do is suggest, as the gentleman so eloquently said in his presentation of the amendment, that there is here involved a system of benefits, and this system of benefits is conferred based upon definite criteria which are published in journals and adopted as part of university practices and in accordance with criteria laid down by the Office of Education.

They refer to income. They refer to standing. They refer to the educability of the person in the college program. There are ample criteria now in the law. This just steps up the criteria in the thrust of the NDEA principle of this act, so that in looking for eligible beneficiaries—and we do not have enough money to go around to all of the beneficiaries who seek these benefits—a little priority is given to those who do not engage in violence or disruption against our country.

For the purpose the legislative history of the intent of the amendment which the gentleman offers, am I correct that it refers to students?

I would ask the gentleman, since it refers to funds we give to students under any provision of this act, would the act cover those graduate students who may be faculty members, who certainly know what they are doing? There is no generation gap that exists here. These are well-informed people who are supposed to lead our students. If they are seeking fellowships and seeking NDEA graduate benefits and they engage in these acts, would these grants that are fellowship grants be included in the denial of benefits intended in his amendment?

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. CAREY. I am glad to yield to the gentleman from New York.

Mr. PIKE. I would answer the gentleman in this way: I believe that it is explicit in the language and it is certainly the legislative intent. If the gentleman will let me say one additional thing, this question has been raised about acts which took place previously. Quite frankly, I happen to believe that the school administrators ought to be considering such acts right now. I think it is only sad that we have to rub their noses in it to determine who should get NDEA loans but the amendment is wholly prospective in that it applies only to loans which shall be granted in the future. They can use criteria which took place in the past. In fact, what a student's marks are when he applies for such a loan is nothing but a criterion that took place in the past.

Mr. CAREY. The gentleman makes it very clear that the NDEA program is by its very nature a selective program. What he does in the selection process is put in some reasonable additional criteria which preserve the spirit of this system of benefits as the NDEA is related to the defense of the country. Therefore, I can find no quarrel with the thrust of the wording of his amendment.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. CAREY. I yield to my colleague from Indiana.

Mr. BRADEMAS. Mr. Chairman, I heard with interest my other friend, the gentleman from New York [Mr. PIKE] speak about a travesty of justice. What I am wondering about is the justice involved in one aspect of his amendment. Maybe he can explain it to me. The NDEA loan program is supposed to be for needy college students. Therefore, they are the only ones vulnerable to seeing a cutoff of their loan funds if such students were determined to be in that category by the college president, under the language of Mr. PIKE's amendment.

Mr. CAREY. I do not yield further, I will say to the gentleman. I do want to point out to my distinguished colleague from Indiana that there are more needy college students seeking loans than there are loans to go around. I think he knows this, too.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BRADEMAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not think my friend, the gentleman from New York [Mr. CAREY], got the thrust of my question, let me explain. If you are a rich student, then you do not need an NDEA loan. There is no penalty at all for such students if they engage, in the language of Mr. PIKE's amendment, in acts such as defacing or destroying draft cards or disrupting military operations and all of the rest of it. The wealthy students would not be vulnerable. I respectfully suggest to him, if he is really anxious to have an act which is equitable and just that he ought to, in all fairness, offer an amendment to the internal revenue code, I suppose—I am not a tax expert—that would impose some sort of a penalty or fine on the rich kid who does not find himself eligible to apply for an NDEA loan and is therefore able freely, without any penalty whatsoever, to engage in all of these acts which are contained in the gentleman's amendment.

Mr. PIKE. Mr. Chairman, will the gentleman yield for a response?

Mr. BRADEMAS. Of course.

Mr. PIKE. I would simply say to the gentleman that there are right in this bill provisions for loans and grants which are not touched by my amendment. There are student funds made available under the poverty program, which are right in this bill. My amendment seeks only to deny funds to those students who carry on or perpetrate these activities, whether they are rich or poor.

Mr. BRADEMAS. No, the gentleman's statement is not accurate, for his amendment penalizes only those students who, being needy, qualify to obtain an NDEA loan. His amendment, being confined to needy students, would impose no similar penalty on those students who may also carry on activities which disrupt the operation of the school but who, not being needy, are not vulnerable to having their NDEA loans cut off.

If the gentleman is trying to be fair, he would impose some penalty upon these students as well in the form of an additional tax burden. Otherwise, I find it hard to take his amendment seriously.

Mr. PIKE. Mr. Chairman, will the gentleman yield further?

Mr. BRADEMAS. I yield further to the gentleman from New York.

Mr. PIKE. I would say, perhaps, the gentleman is correct.

Mr. BRADEMAS. Then the honorable thing for the gentleman to do would be to come up with a proposal which would apply equitably to rich and poor and not just to needy college students, as his present amendment does.

Mr. PIKE. Will the gentleman really yield to me at this time?

Mr. BRADEMAS. Of course; for an answer to my question.

Mr. PIKE. I would say to the gentleman that perhaps the gentleman is correct and that it should apply to all segments of the educational field. I would be inclined to support it. I would penalize any student, rich or poor, who obstructed the national defense in an educational way, whether it is under the NDEA or any other education act.

Mr. BRADEMAS. In that event, Mr. Chairman, I think the gentleman would be a little more straightforward with us if he proposed an amendment which would provide for penalizing students be they rich or poor. In other words, it would apply to all students. His amendment in its present form is highly discriminatory.

The CHAIRMAN. The time of the gentleman has expired.

SUBSTITUTE AMENDMENT OFFERED BY MR. WYMAN

Mr. WYMAN. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. WYMAN as a substitute for the amendment offered by Mr. PIKE: On page 2, line 15, after section (c), add the following new section:

"(d) No part of the funds authorized under this Act shall be available for or paid out to the benefit of any individual who, at any time after the effective date of this Act, willfully refuses to obey a lawful regulation or order of the university or college which he is attending or at which he is employed when such willful refusal is certified by the appropriate university or college authority to have been of a serious nature and contributed to the disruption of university or college administration. Nothing herein shall be construed to limit the freedom of any student to verbally express his individual views or opinions."

Mr. WYMAN. Mr. Chairman, as one can see from the reading of this amendment, it is offered in an effort to be constructive and to help in working out something in place of the pending amendment—something on which I feel we can all agree.

Mr. Chairman, the thrust of the substitute amendment is to leave administration and control at the academic level. It will be of some assistance to university authorities in dealing with these difficult situations. Essentially it was adopted by the House yesterday in connection with the National Science Foundation appropriation and can be found at page 12253 of the CONGRESSIONAL RECORD.

It requires that no part of the funds authorized under this act shall be available for or paid out to the benefit of any individual who, at any time after the effective date of this act, willfully refuses to obey a lawful regulation or order of the university or college which he is attending or at which he is employed when such willful refusal is certified by the appropriate university or college authority to have been of a serious nature and contributed to the disruption of university or college administration.

Mr. Chairman, in my opinion this language is preferable and helpful especially after we have seen what has happened at Columbia University, for example, where students took over the administration building and refused to get out, and also took over the office of the president of the university and took pictures of personal papers taken by them from his desk. This is a sort of conduct toward which my substitute amendment is directed. In other words, in the future when a student willfully refuses to obey the lawful regulations of his university authorities he should know that he will lose any Federal scholarship to which he is entitled.

Mr. HATHAWAY. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I cannot yield to the gentleman in the few minutes that I have available. Should I finish in time, I would be glad to yield to the gentleman.

The institution itself retains control of the situation under my substitute. If they certify commission of a serious infraction, then there will be no more Federal scholarship for that student.

I believe this is essentially sound. It does not and cannot hamper the students' right to freedom of speech.

It is hard to say how anyone could object to this reasonable restriction. It is not retrospective as in the case of the amendment offered by the gentleman from New York, which seeks to apply to conduct by a student in the past, at a time when there were no sanctions. Under the amendment offered by the gentleman from New York, to which this is offered as a substitute, the university officials will be the sole judges of the issues and of the facts and they may go back to conduct occurring last summer and say to the student, "Because you engaged in such activity last summer, you are going to lose your scholarship." This is not what we in Congress should provide.

In my substitute amendment the activity must be willful refusal, it must be prospective, it must be refusal to obey a lawful regulation or order of the institution, and it must relate to a serious infraction that results in the disruption of the university administration.

Mr. Chairman, I submit that this is a reasonable compromise, and a desirable substitute, and it is offered in a spirit of cooperation. I hope the House will support it.

Mr. Chairman, I now yield to the gentleman from Maine [Mr. HATHAWAY].

Mr. HATHAWAY. I thank the gentleman for yielding, and I appreciate the substitute amendment offered by the gentleman from New Hampshire, and I believe it is better than the amendment originally offered, but I still have some questions with regard to it.

Does the gentleman mean to say that if a school had a regulation that a student had to attend all classes, and a student willfully cut one class, that he would then be subject to the provisions of this amendment?

Mr. WYMAN. Of course not.

Mr. HATHAWAY. The way the amendment offered by the gentleman from New Hampshire as a substitute is phrased, it does; it says "any regulation."

Mr. WYMAN. No; it does not say just that. If the gentleman will please read the language, in line 8 of my amendment it says "is certified by the appropriate university or college authority to have been of a serious nature and contributed to the disruption of university or college administration."

I am sure that no reasonable college administrator is going to certify as seriously disruptive, conduct such as the gentleman has referred to.

Mr. HATHAWAY. I beg the pardon of the gentleman, but that was the way it was printed in the RECORD yesterday.

Mr. WYMAN. Yesterday we could not put this language in because it was a limitation on an appropriation measure, and I tried to clarify that in the debate with the gentleman from Illinois [Mr. YATES], the fact that the intent of the limitation was serious infraction disrupting the university.

Mr. HATHAWAY. Will the gentleman yield further?

Mr. WYMAN. I yield further to the gentleman from Maine.

Mr. HATHAWAY. Is the gentleman aware that most of the schools now with respect to NDEA loans can do it now? There is no restriction on the school administrator's decisionmaking ability with respect to the conduct of a student receiving a scholarship; he can take it into consideration or not.

Mr. WYMAN. I understand the gentleman's position, but in this situation it is essential that the university authorities have the added leverage of the expression of the order of the Congress that when this type of activity involves a willful refusal, and there is certification of that fact, that the money authorized by this act may not thereafter be used for such scholarships.

The gentleman knows that these things are hard to control once they get started. We should try to help here. We do not want any restriction on constitutional freedom of speech, but if conduct involves the taking over of a campus and willful trespass in school buildings, along with refusal to obey orders and instructions to go back to class, then the student should know himself that he is not going to continue to get support from the taxpayers. Under my substitute amendment this would be mandatory upon certification.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, may I inquire of the distinguished gentleman from New Hampshire as to what is a lawful regulation, or order, of a university or college?

Mr. WYMAN. A lawful regulation, or order, of a university or college would be a regulation promulgated by the administrative officials entrusted by the charter of that college with the responsibility for making regulations to run the college pursuant to and in accord with the Constitution of the United States and the laws of the State in which the college is chartered.

Mr. PERKINS. Mr. Chairman, I wonder if we could agree on a time limit of 10 minutes to close debate on the pending amendment and all amendments thereto.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Chairman, I object.

Mr. ECKHARDT. Mr. Chairman, I rise in opposition to the substitute and to the amendment.

Mr. Chairman, I am not so old as not to remember the time when I attended college. I can imagine some situations that existed then, quite different from the situation at Columbia, which would be covered by this amendment.

At that time an editorial was printed in the Daily Texan called "Leeches Don't Like Light." It attacked a local politician. It was considered that this was so disruptive of the university and its administration that the regents passed a rule, just as this amendment would envisage, making it a violation of the university regulations to print any remark in the daily newspaper of the University of Texas that would in any way disparage officials of the State of Texas, thus strictly restricting the students of the University of Texas, it seems to me, in an entirely wrongful manner.

They felt strongly that this type of editorial would disrupt the administration of the University of Texas.

Now I point out to the Members here that what is attempted to be done is to create thousands of tribunals who, on the basis of their own prejudice, may determine what is disruptive to a university. This is not submitted to a court. It is not tried in a hearing. It permits no defense with the right of compulsory attendance of witnesses. It simply permits the predilections of the administration of an institution to determine whether a worthy young man without the money to pay for his own education may go to that institution.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman.

Mr. WYMAN. Does not the gentleman think that those who preside over a university's management ought to be in a position to judge whether or not they want a particular student to continue there? Or whether or not his conduct contrary to regulations has seriously disrupted the university? He is not being tried for a crime. He is not being prosecuted. The standards for university and college administration are entirely different. The purpose of this substitute amendment is to leave the leverage of the control of the administration with the administrative officials of the university.

Mr. ECKHARDT. My answer to your question, sir, is: No, that the predilections of those who preside over that university's management ought not to be in a position to judge whether or not they want a particular student to go there.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman.

Mr. THOMPSON of New Jersey. I had the privilege of going to a college or university dominated by the great and wonderful North Carolina Baptists, Southern Baptists in fact. That university or college would still today by its standards consider it to be a serious disruption of the aims and objectives of the university if students were to be caught playing cards or dancing.

I would assume it to be logical then that any youngster who likes to dance or to play cards would not apply to that university and try to get any NDEA assistance if he or she were caught dancing or playing cards—and other things of course were not so prohibitive.

Mr. ECKHARDT. I would assume that that administration thought that was the worst disruption possible in the university.

Mr. THOMPSON of New Jersey. And in the minds and hearts of the wonderful people who control that university, those rules still stand today and they adhere to them.

Mr. ECKHARDT. I would like to say further, if this amendment were passed, it would lead toward a disparity of treatment between those citizens who are attending a university and are poor and can attend only because they can get aid under this bill, and those who are attending the university and who can pay their own way without this assistance.

If we make second-class citizens of those young people of the United States who seek the programs afforded by this Congress, we do a great disservice to the entire structure of our educational system in America, because we tend to select those who are tractable.

If one is guilty of a crime, let it be proven in court and let him pay the penalty prescribed for it. If he be guilty of an infraction of an institution's rules, let his case be heard and decided absolutely independently of whether or not he is a recipient of federally provided loans or benefits. If the offense is sufficiently serious, he may be expelled, regardless of his financial ability to attend college without financial assistance.

Mr. ESCH. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. PERKINS. Mr. Chairman, will the gentleman yield for a unanimous consent request?

Mr. ESCH. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close within 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ESCH. Mr. Chairman, I think it is very important for us to recognize, as we look at the amendment of the gentleman from New Hampshire, that we are discussing the basic question of academic freedom, that is the right of free inquiry on a college campus. But we must distinguish between freedom of inquiry and license to disrupt, and it is this line that we need to find and walk on our college campuses today.

Certainly on today's campuses traditional structures are being reexamined. Today's students are demanding, and in many cases rightly so, more involvement and participation in the life of the academic community.

Yet, I still believe that attendance at any university in this country, whether it be a private college or a State-supported institution, is a privilege and not a right. It is a privilege of those who follow the regulations promulgated by the proper authorities within that institution. After due consideration to the views of the students and faculty, the sole discretion for the development and the administration of those regulations rests with the authorities of a given institution, subject to review in the courts.

Our colleges, and indeed our country, then face a crucial test, for while we must not do anything to disrupt freedom of speech, we must not give license to those individuals who would attempt to disrupt that very atmosphere that creates freedom of speech. For freedom of speech also implies certain responsibilities, and those are the responsibilities which can be developed and must be developed by the college administrators and faculty, and they alone must have the discretion to determine that atmosphere of freedom of speech on a college campus, the right of free inquiry, subject always to judicial review.

That is the real issue we are debating today. I would suggest that it is not discrimination in any sense, but it is upholding the very basis of the principle of the right of free inquiry, which is at the heart and the real strength of our system of higher education.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. I yield back the 1 minute, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. STRATTON].

(By unanimous consent, Mr. STRATTON yielded his time to Mr. PIKE.)

The CHAIRMAN. The Chair recognizes the gentleman from Washington [Mr. MEEDS].

Mr. MEEDS. Mr. Chairman, I rise in opposition to the amendment. I would merely like to point out that under the amendment of the gentleman from Iowa already adopted, conviction for any of the reasons enumerated in the amendment of the gentleman from New York would be automatically taken care of by the operation of the amendment offered by the gentleman from Iowa. I think we have amply protected ourselves in this area and have also protected academic freedom, which I think is essential.

I think these amendments should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Maine [Mr. HATHAWAY].

Mr. HATHAWAY. Mr. Chairman, I rise in opposition to the amendment and the substitute, although I think the substitute is better.

I think what has been indicated by the debate which has gone on here this afternoon, after adoption of the Smith amendment—which I believe is at least a good start in the direction all of us want to go—is that we need considerably more time to look into many of the questions that have been raised.

This is not the end of the Higher Education Act. This is only a segment of it. I understand further hearings will be held on the remaining portion of the act, and that it should be on the floor in about a month. That will give us ample opportunity to look into these various ramifications of defaulting students from getting loans because of their activities on campus.

This is an important area. The students and the public have rights which have to be protected. I do not think we can give adequate consideration in the brief time we have here this afternoon.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. ANDERSON].

Mr. ANDERSON of Illinois. Mr. Chairman, I should like to indicate my support for the substitute amendment offered by the gentleman from New Hampshire [Mr. WYMAN].

I think the language of the substitute amendment is drawn far more precisely and more clearly than the amendment offered by the gentleman from New York.

I want to say one word about this very curious argument raised by some, that somehow we are discriminating against the poor students and making second-class citizens out of the poor students. That is about like saying that because more poor people violate laws against larceny in this country, that somehow we should not have laws against stealing, because we make second-class citizens of the poor people. That is about as illogical as the argument we have heard that this amendment should fail for that reason.

I think there is a difference between free speech—and the kind of riot and disorder which has convulsed college and university campuses across the length and breadth of our land in recent months. In specifying, "Nothing herein shall be construed to limit the freedom of any student to verbally express his individual views or opinions"—this amendment clearly protects the legitimate rights of free speech. Mr. Chairman, if we would truly witness a rebirth of freedom in our country we must have a renaissance of regard for law. It stands as the difference between true liberty and mere license. Too many of our citizens, young and old alike, have been carried away on a wave of utter permissiveness. Unless this pernicious notion is supplanted by true respect and regard for lawful authority it carries with it the seeds of our own destruction.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. WYDLER].

Mr. WYDLER. Mr. Chairman, I rise in support of the amendment.

(By unanimous consent, Mr. WYDLER yielded his time to Mr. PIKE.)

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. PIKE].

Mr. PIKE. Mr. Chairman, I would simply say, first, that the language preserving freedom of speech is contained in both the amendment and the substitute thereto, and there is no restriction of the freedom of speech in my amendment. It is precisely so stated.

I might be inclined to support the substitute myself, except for the colloquy which took place, in which the author of the substitute admitted that it adds nothing, nothing whatsoever, to the power of the administrative officers in a university to reject an applicant for a National Defense Education Act loan, and it does not add anything.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield very briefly to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, I just want to say the gentleman misunderstood whatever colloquy took place between the gentleman from Maine and me. This is a limitation on the funds authorized.

Mr. PIKE. Mr. Chairman, the language offered by the gentleman does not include anything which adds to the present power of a school administrator to say, "No, the student may not have such a loan."

Now, as to those who say that the Smith amendment takes care of all these things, they are just dead wrong. The Smith amendment does not take care of all these things. The Smith amendment does require a criminal conviction in order to cut off such loans.

I am interested only in the NDEA loans. That is all the amendment goes to. I do not think that it should be required that a student be a criminal in order to be denied the National Defense Education Act loans. I think a student should be required to contribute to the national defense, and that is what the gist of this amendment is.

Furthermore, if we are going to require a person be made a criminal in order to deprive him of these funds, we are saying to the people who burned the flag in Central Park, "You can get these loans, because nobody bothered to prosecute you."

We all supported the Smith amendment. I supported it myself.

One does not make anybody a criminal unless one prosecutes some of these things, and there has been no will to prosecute whatsoever.

I hope the substitute will be defeated, because it does not add anything. I hope the amendment will be accepted.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from New Hampshire.

Mr. WYMAN. I should like to call the gentleman's attention to the very first part of the substitute, which says:

> No part of the funds authorized under this Act shall be available for or paid out to . . .

That covers paying out the funds.

Mr. PIKE. To anybody who does anything under which he can already have the funds cut off. That is what the amendment says. It does not add one thing.

The **CHAIRMAN.** The Chair recognizes the gentleman from Kentucky [Mr. Perkins] to close debate.

Mr. PERKINS. Mr. Chairman, we have just accepted an effective amendment. I see no reason why it is necessary for us to adopt additional prohibitions at this time. The committee will be conducting hearings on this matter and will explore the issues thoroughly. I am deeply concerned about the amendment offered by the gentleman from New York [Mr. Pike], for I do not think it is specific enough. Many questions will arise about the types of disturbances or offenses which will be of the kind to preclude benefits being extended to students.

We must be specific and we must clearly express our intention or we run the possibility of denying benefits to students whom we really wish to assist.

I have doubts also about the substitute amendment offered by the gentleman from New Hampshire [Mr. Wyman], although frankly, I would prefer his substitute over the original amendment. But again, I am concerned that there will be numerous problems which will result from our legislating as we are. I am concerned about the impact of these amendments on the guaranteed reduced interest student loan program. What will happen in a State where a student obtains a loan that is guaranteed by the Federal Government or reinsured by the Federal Government? If the student commits one of the offenses being talked about today, will the reinsurance be revoked? Will the Federal guarantee for the loan be revoked? Will the Federal Government cease in its interest subsidy payments? It would appear to me that if these amendments are applicable to the guaranteed student loan program, we stand the risk of being in direct conflict with the objectives of this bill. Many of the provisions in H.R. 16729 are designed to encourage local lenders to participate more fully in the program. It seems to me that if we approve these amendments, which may result in a withdrawal of the Federal guarantee or the Federal reinsurance, then this will be another reason why local lenders will not participate in the program. Commercial banks may be placed in the position where they will not feel secure in making future loans. We must take the time, and I have assured the House today that the committee will take the time, to find satisfactory solutions to these issues. We must do this in an orderly and reasonable fashion.

These are serious incidents which have occurred on college campuses in the last weeks, situations which I consider intolerable. Nevertheless, we must not add to the confusion and turmoil by acting hastily without full consideration of the possible impact of our actions.

The **CHAIRMAN.** The time of the gentleman from Kentucky has expired. All time has expired.

PREFERENTIAL MOTION OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Gross moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. GROSS. Mr. Chairman, up to the point of the limitation of debate to 1 minute each, I am sure I am correct in saying that members of the Labor and Education Committee consumed 90 percent of the time which had previously been consumed on this bill.

I had the assurance, when I permitted the bill to be considered as read this afternoon, that there would not be a severe limitation of debate. I always thought that time for debate ought to be spread around on these bills, particularly among the Members of the House who are not members of the committee. I did not object to the bill being considered as read. That is the condition we are in now.

I have a word of assurance for the gentleman from Kentucky, that the next time he brings a bill to the House floor—I do not care whether it is 50 pages or 150 pages—every period, comma, and word will be read, if I am around here and can get that job accomplished.

Mr. Chairman, little has been said about the cost of this bill, and as I understand it, there is an increase over last year. It is an increase of $10 million or $15 million over last year. In other words, we have a billion-dollar bill before as the cost on a 2-year basis.

Let me point out that the House cut the agriculture appropriation bill the other day by 24 percent, but this bill has been increased and will cost approximately $500 million for each of the next 2 years.

We are confronted with slicing some $6 billion out of the budget, if a tax increase is to be given consideration.

Where is it proposed to cut the budget? How is it proposed to accomplish a $6 billion cut in spending unless some of it is taken out of this bill, some of it out of the next bill, and the one to follow that? When is it expected to start practicing some fiscal responsibility around here?

This bill ought to be cut. Every bill must be cut below the spending of last year if Congress intends to meet the financial crisis which confronts this country.

Mr Chairman, I would like to quote one paragraph from an article that appeared in the Des Moines, Iowa, Register earlier this year. It says:

> Nine university graduate students—

And this is at the University of Iowa—

> who receive NDEA grants, said Thursday they will donate part of their monthly NDEA checks to antiwar organizations.

I would like to ask the gentleman from New Hampshire [Mr. Wyman] whether his amendment would do anything about students, who are the beneficiaries of NDEA grants, and who donate part of their checks to the antiwar movement in this country.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Hampshire.

Mr. WYMAN. No, sir.

Mr. GROSS. I would like to ask the gentleman from New York [Mr. Pike] whether his amendment would do anything about these characters?

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from New York.

Mr. PIKE. I will simply say that this is an issue of fact to be judged by the Administrator. Under my amendment there is no question in my mind but that my amendment would cover it.

Mr. GROSS. I hope something or somebody will reach out and stop this misuse of funds. It is a sad state of affairs when money is made available for NDEA grants and then it is used for the financing of antiwar demonstrators. What is the purpose of this bill? Is it to provide help to get an education, or what?

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Minnesota.

Mr. QUIE. I have a bit of difficulty understanding how the amendment of the gentleman from New York would apply to NDEA grants. The NDEA grants are made at the fellowship level and I understand the amendment only applies to the loans in title II. Therefore, it would not apply to the question that the gentleman from Iowa inquired about.

Mr. GROSS. Does the gentleman agree with me that something ought to be done about these characters who get these grants from the Federal Government—either loans or grants—and then donate part of the funds they receive to finance demonstrations?

Mr. QUIE. I think something ought to be done, but the decision ought to be in the hands of the college or university administration.

Mr. GROSS. I wrote to the Department of Health, Education, and Welfare to find out whether there was any authority vested in the Government to put a stop to this kind of business. I have a reply to the effect that officials of that department have no power to do anything about it. Well, Congress can do something. It can see to it that the funds are cut to the point that those who administer the program take proper action.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, first let me apologize to the distinguished gentleman from Iowa [Mr. GROSS]. I certainly did not intend to deprive the gentleman of an opportunity to speak on the amendment. In fact, we proceeded under a unanimous-consent request. We certainly have never intended to rush this legislation through the House without it being thoroughly debated. We felt that the request for 15 minutes was reasonable, and, as I indicated, there were no objections at the time that the unanimous-consent request was made.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Ohio.

Mr. AYRES. Thank you, Mr. Chairman.

I think perhaps we should state that the reason the bill was brought to the floor of the House without any provisions dealing with those provisions under the Wyman substitute or the Pike amendment was because, Mr. Chairman, at that time the situation on our campuses had not reached the problem stage as it has since this bill was considered in the committee. But I can assure the members of the Committee that had these conditions existed or had we anticipated their happening, that there would have been thorough consideration given to these conditions which, of course, none of us support or condone.

Mr. PERKINS. I wish to concur in the statement of the gentleman from Ohio as to why hearings have not been conducted on this subject. The disruptive events have occurred only recently, the major ones after the subcommittee had completed the markup of the bill.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Iowa [Mr. GROSS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROSENTHAL. Mr. Chairman, on that I demand a division.

Mr. WAGGONNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Louisiana will state his parliamentary inquiry.

Mr. WAGGONNER. Would it not be improper for the Chair to rule before a division is required?

Did the Chair rule?

The CHAIRMAN. The Chair did rule and then there was the request for a division.

Mr. WAGGONNER. Then, Mr. Chairman, the gentleman from Louisiana did not hear what the Chairman said.

Mr. McCORMACK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The distinguished Speaker will state his parliamentary inquiry.

Mr. McCORMACK. Will the Chair state what we are voting on now?

The CHAIRMAN. The vote is on the preferential motion to strike out the enacting clause.

Mr. McCORMACK. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The distinguished Speaker will state his parliamentary inquiry.

Mr. McCORMACK. Is the Chair asking for the ayes or the noes?

The CHAIRMAN The noes.

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Is it permissible to vote twice on the same question?

The CHAIRMAN. The answer of the Chair is in the negative.

Mr. WAGGONNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. Did not the Chair tell me in answer to my previous parliamentary inquiry that he had ruled in favor of the "ayes"?

The CHAIRMAN. The Chairman informed the gentleman from Louisiana that he had not.

Mr. WAGGONNER. Then the gentleman from Louisiana did not understand the response of the Chair. I was merely seeking a clarification of the situation.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. ROSENTHAL) there were—ayes 6, noes 49.

So the preferential motion was rejected.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New Hampshire [Mr. WYMAN] for the amendment offered by the gentleman from New York [Mr. PIKE].

The question was taken; and on a division (demanded by Mr. WYMAN), there were—ayes 70, noes 25.

So the substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. PIKE] as amended by the substitute.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. SCHERLE

Mr. SCHERLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHERLE: On page 22, after line 19, insert:

"PROHIBITION OF ASSISTANCE TO PERSONS COMMITTING UNLAWFUL ACTS

"SEC. 809. No part of the funds authorized under this Act shall be used to provide payment, assistance, or services, in any form, with respect to any individual convicted in any Federal, State, or local court of competent jurisdiction of inciting, promoting, or carrying on a riot, or convicted of any group activity resulting in material damage to property, or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned."

Mr. SCHERLE. Mr. Chairman, the amendment I propose is already law. It is a part of the Health, Education, and Welfare-Labor Appropriations Act for fiscal year 1968. I am proposing to make this amendment a part of the basic law that authorizes the programs funded by that Appropriations Act.

The American people since 1958 have committed hundreds of millions of dollars of their hard-earned tax money to help students attend college and to help teachers advance their professional preparation. This has been one of the best expenditures of tax funds we could have made, and I support the legislation before us to extend the student-aid programs.

But I cannot believe that the American people ever intended that one penny of these funds should be spent to aid those few individuals who are acting to destroy the very colleges and universities they are privileged to attend. We authorize these programs to assist serious students who need help—not to assist rioters and vandals.

The amendment does not attempt in any way to interfere with freedom of expression, or lawful dissent, or freedom of assembly, or any constitutionally protected activity, whether or not it is one with which most of us would agree. The amendment has but one aim—to bar from Federal aid provided by the taxpayer's money those who are convicted—

I repeat, convicted—by a court of competent jurisdiction of a criminal act which destroys property or endangers or destroys human life in the course of any riot or demonstration.

I recognize that it would not be proper or desirable for the Federal Government to tell any university how it should conduct its affairs, or how it should treat students or faculty who violate university rules or the laws of the community or State. But the Federal Government does have a responsibility to the taxpayers to say how, for what purposes, and for whom Federal tax dollars will be expended. In my judgment, it is irresponsible to spend these taxes to support rioters and vandals who stand convicted under law of criminal acts in connection with riots.

The vast majority of American students and teachers are serious, hardworking citizens who deserve every encouragement, including financial aid when they need it. They are not engaged in activities intended to interfere with education. The few who are causing the trouble do not deserve our support, and should not get it. I urge that this amendment be adopted.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that debate on the pending amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Chairman, I rise in opposition to this amendment. Again I wish to state my position on these issues.

Clearly, there are problems and issues which have arisen just in recent weeks because of the disruption on various college campuses. Earlier today I indicated that the Committee on Education and Labor would consider these matters extensively and conduct hearings. I want to remind the House again that these programs involve over 2,000 colleges and universities and hundreds of thousands of students. They are complex programs involving not only colleges and universities, but local banks and other types of local lending institutions.

Again, I say the reasonable approach, the best approach, is to allow the committee time to find satisfactory and constructive solutions. We should be permitted to conduct hearings, obtain facts, and evaluate the various approaches which may be utilized to meet these issues. We must consider this matter thoroughly.

Mr. Chairman, I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. Scherle].

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair Mr. Donohue, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 16729), to extend for 2 years certain programs providing assistance to students at institutions of higher education, to modify such programs, and to provide for planning, evaluation, and adequate leadtime in such programs, pursuant to House Resolution 1150, be reported back to the House with sundry amendments adopted by the Committee on the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. AYRES. Mr. Speaker, I demand a separate vote on the amendment offered by Mr. Wyman of New Hampshire as a substitute for the amendment offered by Mr. Pike of New York.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

> Amendment, on page 2, line 15, after section (c), add the following new section:
>
> "(d) No part of the funds authorized under this Act shall be available for or paid out to the benefit of any individual who, at any time after the effective date of this Act, willfully refuses to obey a lawful regulation or order of the university or college which he is attending or at which he is employed when such willful refusal is certified by the appropriate university or college authority to have been of a serious nature and contributed to the disruption of university or college administration. Nothing herein shall be construed to limit the freedom of any student to verbally express his individual views or opinions.

The SPEAKER. The question is on the amendment.

Mr. AYRES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 306, nays 54, not voting 73, as follows:

[Roll No. 126]

YEAS—306

Abbitt
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashbrook
Aspinall
Ayres
Baring
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bow
Bray
Brinkley
Brock
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson
Burton, Utah
Bush
Button
Byrnes, Wis.
Cabell
Cahill
Carey
Carter
Casey
Chamberlain
Clancy
Clark
Clawson, Del
Cleveland
Collier
Colmer
Conable
Conte
Corbett
Cramer
Curtis
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Derwinski
Devine
Dingell
Dole
Donohue
Dorn
Downing
Dulski
Duncan
Edmondson
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fino
Fisher
Flynt
Ford, Gerald R.
Ford, William D.
Fountain
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gathings
Giaimo
Gibbons
Goodell
Goodling
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Gurney
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Harvey
Heckler, Mass.
Henderson
Herlong
Hicks
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Mo.
Jones, N.C.
Karth
Kazen
Kee
Keith
Kelly
King, Calif.
King, N.Y.
Kirwan
Kleppe
Kornegay
Kupferman
Kuykendall
Kyl
Kyros
Langen
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Machen
Madden
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
May
Mayne
Meeds
Meskill
Michel
Miller, Ohio
Mills
Minish
Minshall
Monagan
Montgomery
Morgan
Morris, N. Mex.
Morton
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
O'Hara, Mich.
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pollock
Pool
Price, Ill.
Price, Tex.
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Reinecke
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roush
Rumsfeld
St Germain
Sandman
Satterfield
Schadeberg
Scherle
Schneebeli
Schweiker
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Tuck
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Walker
Wampler
Watkins
Watson
Whalley
White
Whitener
Whitten
Widnall
Williams, Pa.
Willis
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Young
Zablocki
Zion
Zwach

NAYS—54

Annunzio
Ashley
Barrett
Bingham
Bolling
Brademas
Brasco
Brown, Calif.
Burton, Calif.
Byrne, Pa.
Cohelan
Culver
Daddario
Dent
Diggs
Dow
Eckhardt
Edwards, Calif.
Farbstein
Flood
Foley
Gallagher
Gonzalez
Green, Pa.
Hathaway
Hechler, W. Va.
Helstoski
Irwin
Jacobs
Kastenmeier
Leggett
Macdonald, Mass.
Mink
Moorhead
Moss
Nix
Ottinger
Podell
Rees
Reid, N.Y.
Reuss
Ronan
Rosenthal
Roybal
Ryan
St. Onge
Scheuer
Tenzer
Thompson, N.J.
Tunney
Waldie
Whalen
Wiggins
Yates

NOT VOTING—73

Abernethy
Andrews, Ala.
Ashmore
Bevill
Bolton
Brotzman
Buchanan
Cederberg
Celler
Clausen, Don H.
Conyers
Corman
Cowger
Cunningham
Dawson
Denney
Dickinson
Dowdy
Dwyer
Edwards, Ala.
Edwards, La.
Eilberg
Everett
Fraser
Frelinghuysen
Gardner
Gettys
Gilbert
Gray
Green, Oreg.
Hagan
Halleck
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Harrison
Harsha
Hawkins
Hays
Hébert
Holland
Ichord
Jones, Ala.
Karsten
Kluczynski
Laird

Landrum
Latta
Lukens
McCarthy
MacGregor
Mathias, Md.
Matsunaga
Miller, Calif.
Mize
Moore
Morse, Mass.
Nichols
O'Hara, Ill.
Olsen
Pryor
Purcell
Resnick
Rivers
Ruppe
Saylor
Schwengel
Selden
Stubblefield
Teague, Tex.
Watts
Wyatt

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Laird.
Mrs. Green of Oregon with Mr. Saylor.
Mr. Rivers with Mr. Halleck.
Mr. Corman with Mr. Frelinghuysen.
Mr. Celler with Mrs. Dwyer.
Mr. Nichols with Mr. Don H. Clausen.
Mr. Kluczynski with Mrs. Bolton.
Mr. Miller of California with Mr. Morse of Massachusetts.
Mr. Matsunaga with Mr. Wyatt.
Mr. Bevill with Mr. Edwards of Alabama.
Mr. Stubblefield with Mr. Schwengel.
Mr. Eilberg with Mr. MacGregor.
Mr. Hays with Mr. Cederberg.
Mr. Abernethy with Mr. Buchanan.
Mr. Gilbert with Mr. Moore.
Mr. Hanna with Mr. Mathias of Maryland.
Mr. Gettys with Mr. Lukens.
Mr. Ashmore with Mr. Harrison.
Mr. Fraser with Mr. Mize.
Mr. Gray with Mr. Latta.
Mr. Holland with Mr. Harsha.
Mrs. Hansen of Washington with Mr. Cunningham.
Mr. Selden with Mr. Denney.
Mr. Andrews of Alabama with Mr. Ruppe.
Mr. Ichord with Mr. Hansen of Idaho.
Mr. Edwards of Louisiana with Mr. Dickinson.
Mr. Teague of Texas with Mr. Cowger.
Mr. Jones of Alabama with Mr. Brotzman.
Mr. Watts with Mr. Gardner.
Mr. Landrum with Mr. Pryor.
Mr. Hardy with Mr. McCarthy.
Mr. Olsen with Mr. Dawson.
Mr. Karsten with Mr. Conyers.
Mr. Dowdy with Mr. Purcell.
Mr. Resnick with Mr. Hawkins.
Mr. Hagan with Mr. Everett.

Mr. SCHEUER changed his vote from "yea" to "nay."

Mr. WRIGHT and Mr. DULSKI changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GROSS. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GROSS moves to recommit the bill, H.R. 16729, to the Committee on Education and Labor with instructions to report the bill back forthwith with the following amendment: On page 22, after line 19, insert a new section to read as follows:

"SEC. 809. That no funds authorized by this Act shall exceed by 80 percent the sums herein authorized."

Mr. PERKINS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 349, nays 5, not voting 79, as follows:

[Roll No. 127]

YEAS—349

Abbitt
Adair
Adams
Addabbo
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Barrett
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Carter
Casey
Chamberlain
Clancy
Clark
Clawson, Del
Cleveland
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Cramer
Culver
Curtis
Daddario
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dent
Devine
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Downing
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fino
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gathings
Giaimo
Gibbons
Gonzalez
Goodell
Goodling
Gray
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Gurney
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Herlong
Hicks
Holifield
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Mo.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, Calif.
King, N.Y.
Kirwan
Kleppe
Kornegay
Kupferman
Kuykendall
Kyl
Kyros
Langen
Leggett
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
Machen
Madden
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Mathias, Md.
May
Mayne
Meeds
Meskill
Michel
Miller, Ohio
Mills
Minish
Mink
Minshall
Monagan
Morgan
Morris, N. Mex.
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
O'Hara, Mich.
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Pool
Price, Ill.
Price, Tex.
Pucinski
Quie
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roush
Roybal
Rumsfeld
Ryan
St Germain
St. Onge
Sandman
Satterfield
Schadeberg
Scheuer
Schneebeli
Schweiker
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Taft
Taylor
Teague, Calif.
Tenzer
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Walker
Wampler
Watkins
Watson
Whalen
Whalley
White
Whitener
Whitten
Widnall
Williams, Pa.
Willis
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—5

Colmer
Gross
Montgomery
Passman
Utt

NOT VOTING—79

Abernethy
Albert
Andrews, Ala.
Ashmore
Bevill
Bolton
Brotzman
Buchanan
Burton, Utah
Cederberg
Celler
Clausen, Don H.
Corman
Cowger
Cunningham
Dawson
Denney
Derwinski
Dickinson
Dowdy
Dwyer
Edwards, Ala.
Edwards, La.
Eilberg
Everett
Fraser
Frelinghuysen
Gardner
Gettys
Gilbert
Green, Oreg.
Hagan
Halleck
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Harrison
Harsha
Hawkins
Hays
Hébert
Holland
Horton
Ichord
Jones, Ala.
Karsten
Kluczynski
Laird
Landrum
Latta
Lukens
McCarthy
MacGregor
Matsunaga
Miller, Calif.
Mize
Moore
Moorhead
Morse, Mass.
Nichols
O'Hara, Ill.
Olsen
Pryor
Purcell
Quillen
Resnick
Rivers
Ruppe
Saylor
Scherle
Selden
Stubblefield
Talcott
Teague, Tex.
Waldie
Watts
Wiggins
Wyatt

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Laird.
Mr. Miller of California with Mrs. Bolton.
Mr. Rivers with Mr. Halleck.
Mr. Celler with Mrs. Dwyer.
Mr. Albert with Mr. Horton.
Mr. Teague of Texas with Mr. Frelinghuysen.
Mr. Eilberg with Mr. Morse of Massachusetts.
Mr. Bevill with Mr. Burton of Utah.
Mr. Corman with Mr. Cederberg.
Mrs. Green of Oregon with Mr. Saylor.
Mr. Gilbert with Mr. Moore.
Mr. Andrews of Alabama with Mr. Quillen.
Mr. Ashmore with Mr. Harrison.
Mr. Hays with Mr. Latta.
Mr. Selden with Mr. Harsha.
Mr. Nichols with Mr. Mize.
Mr. Walden with Mr. Brotzman.
Mr. Hanna with Mr. Cunningham.
Mr. Abernethy with Mr. Talcott.
Mr. Hardy with Mr. Wyatt.
Mr. Edwards of Louisiana with Mr. Cowger.
Mr. Stubblefield with Mr. MacGregor.
Mr. Jones of Alabama with Mr. Don H. Clausen.

Mr. Kluczynski with Mr. Derwinski.
Mr. Matsunaga with Mr. Denney.
Mr. Everett with Mr. Lukens.
Mr. Gettys with Mr. Edwards of Alabama.
Mr. Landrum with Mr. Dickinson.
Mr. Ichord with Mr. Hansen of Idaho.
Mr. Purcell with Mr. Buchanan.
Mr. Pryor with Mr. Ruppe.
Mr. Dowdy with Mr. Scherle.
Mr. Watts with Mr. Wiggins.
Mr. Hagan with Mr. Gardner.
Mr. Moorhead with Mr. Olsen.
Mrs. Hansen of Washington with Mr. Holland.
Mr. O'Hara of Illinois with Mr. Hawkins.
Mr. Resnick with Mr. Dawson.
Mr. Fraser with Mr. McCarthy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, H.R. 16729.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I have requested this time in order to make the personal explanation that I missed voting on rollcall No. 126. Had I been present, I would have voted "nay."

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 17216 BY MIDNIGHT SATURDAY

Mr. O'NEAL of Georgia. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight Saturday to file a report on H.R. 17216.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1968

Mr. MAHON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 1268) making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes, and that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 1268

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes; namely:

CHAPTER I—DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS (TRUST FUND)

For an additional amount for "Federal-aid highways (trust fund)", to remain available until expended, $400,000,000 or so much thereof as may be available in and derived from the "Highway trust fund", which sum is part of the amount authorized to be appropriated for the fiscal year 1967.

CHAPTER II—CLAIMS AND JUDGMENTS

For payment of claims settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in House Document Numbered 254 as amended by House Document Numbered 258, Ninetieth Congress, $50,980,863, including $174,334 payable from the postal fund, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided,* That no judgment herein appropriated for shall be paid until it shall become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further,* That unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, chapter II of this bill provides $50,980,863 for the payment of claims and judgments. This amount previously passed the House in the urgent supplemental bill, H.R. 15399, but that bill has not been enacted into law. These claims are quite urgent and must be paid.

Chapter I relates to the Department of Transportation, and the gentleman from Massachusetts [Mr. BOLAND] is the chairman of the subcommittee that handles appropriations for this Department.

I now yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, the item of $400 million for the Federal aid to highways was considered by the Department of Transportation Subcommittee, and was unanimously approved by the Members of that subcommittee. As the membership of this House knows, the funds for highway construction are obtained from the highway trust fund, but before funds can be withdrawn from the trust fund they must be appropriated by the Congress.

The $400 million supplemental amount before the House today is to be derived from the highway trust fund. The Federal Highway Administration indicated to us in the hearings that they would run out of money by next Monday.

The work to be paid for has been done. The contractors have presented to the various State highway administrators throughout the Nation bills for the work that has been performed.

The Federal share of these bills are obligations of the U.S. Government, and in my judgment—and I believe in the judgment of the committee—they ought to be paid, and this amount should be approved by the Congress.

Mr. MINSHALL. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Ohio.

Mr. MINSHALL. Mr. Speaker, speaking on behalf of the minority, we are in complete accord with this resolution. As I believe that the gentleman from Massachusetts [Mr. BOLAND] pointed out, the bill passed unanimously in the whole committee.

The money is to come out of the highway trust fund. I would point out that this action will leave, at the end of the fiscal year 1968 a balance of $930 million in the highway trust fund, after this $400 million is taken out.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding to me.

Of the $51 million authorized in this supplemental for fiscal year 1968, I notice, of course, from the committee print of the bill that so much is from the postal fund, and it simply states that more is needed to pay interest, another for judgments, and another is a law passed by the Congress.

Could the gentleman give us a breakdown on this, how this $51 million will be broken down? Particularly how much of it is allocated to private bills that have passed the Congress?

Mr. MAHON. This has nothing to do with the private bills.

There are Indian Commission claims, and other claims and judgments which have been allowed by the Court of Claims, district courts, and executive departments. Payment of these claims is mandatory, as the gentleman well knows.

Mr. HALL. I do understand that, but I was confused because of the preamble to the second chapter here, wherein it says:

> For payment of claims settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and United States district courts.

Et cetera, et cetera.

I would presume that many of the private bills or the reliefs that have been granted would also be covered along with interest and along with these judgments by law, and the courts in the supplemental. If that is not true, and the gentleman is sure, then that relieves my problem.

But I would like to have the $51 million broken down other than by the $174,334 payable to the postal fund—if the gentleman has those figures available.

Mr. MAHON. They are set forth in detail in House Documents Nos. 254 and 258.

Mr. HALL. I thank the gentleman.

What relationship is there between the $600 million cutback made by the administration in January in the highway program and this $400 million emergency supplemental act?

Mr. BOLAND. This item does not have anything to do with that $600 million cutback. This relates to actions taken last year.

When the Highway Administrator was before our subcommittee last year, he indicated that they would require a supplemental appropriation of some $450 million this year because he felt they had underestimated the demands which would be made upon the trust funds at that time. They did come back and this is the amount requested—$400 million.

Mr. HALL. I appreciate the gentleman's response.

But is the statement true that the program is $400 million behind because funds at one time frozen were subsequently released?

Mr. BOLAND. This is one of the reasons.

There was a slowdown, as the gentleman from Missouri knows, in the highway program last year. It was a slowdown, I presume, for reasons of holding back expenditures.

Mr. HALL. In view of that admission, is the statement then true that I asked in the beginning, that had that cut not been restored we would not now be enacting an emergency deficiency appropriation bill for the $400 million?

Mr. BOLAND. No; it is not entirely true, because when the highway administration was before us, it was indicated that the program was underfunded and that they would come in for a supplemental appropriation.

They also indicated that the work speeded up in the latter months of 1967, in part due to fairly good weather to work under with the result the work was performed more rapidly and more work was done and consequently the bills were coming in more rapidly than they anticipated. Also, a new and faster payment procedure was instituted. All of these things resulted in the request for this supplemental.

Mr. HALL. Then, Mr. Speaker, the gentleman is really informing the Members of the House that this is an answer in this very excellent action by the Committee on Appropriations to the Department of Transportation advice of yesterday that all States would have no further matching funds after May 13 unless some such action as this was taken to supplement the 1968 appropriations?

Mr. BOLAND. The gentleman is precisely right.

Mr. HALL. I thank the gentleman.

Mr. GROSS. Mr. Speaker, I move to strike out the last word.

Let me ask the distinguished chairman of the Committee on Appropriations what happens to the $400 million if this resolution is not passed? Does it stay in this fund sterile? What would happen?

Mr. MAHON. It would remain in the fund.

Of course, the contractors who have performed their services will have to be paid and this will authorize payment to them out of the highway trust fund. We have to appropriate the money.

Mr. GROSS. I am speaking now solely with reference to the $400 million in the trust fund.

Would not the President have available to him the trust fund and usage of this money?

Mr. MAHON. I do not believe this could be used for any other purpose.

Mr. GROSS. It would be in this trust fund and it would be held there sterile if we do not do something about it today, is that correct?

Mr. MAHON. The gentleman is correct.

Mr. Speaker, I move the previous question on the joint resolution to final passage.

The previous question was ordered.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MONDAY HOLIDAYS

Mr. ROGERS of Colorado. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15951) to provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes.

CALL OF THE HOUSE

Mr. JONES of Missouri. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. MILLS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 128]

Anderson, Tenn.
Andrews, Ala.
Ashmore
Bevill
Bolton
Brotzman
Buchanan
Burton, Calif.
Burton, Utah
Bush
Cederberg
Celler
Clausen, Don H.
Corman
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Dawson
de la Garza
Dellenback
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Dickinson
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Edwards, Ala.
Edwards, La.
Eilberg
Everett
Fraser
Frelinghuysen
Gardner
Gettys
Green, Oreg.
Griffiths
Gubser
Hagan
Halleck
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Harrison
Harsha
Hawkins
Hays
Holland
Irwin
Jones, Ala.
Karsten
Kastenmeier
Kluczynski
Landrum
Lukens
MacGregor
Matsunaga
Miller, Calif.
Mize
Moore
Moorhead
Morse, Mass.
Mosher
Nichols
O'Hara, Ill.
Olsen
Pool
Pryor
Purcell
Quillen
Resnick
Rivers
Ruppe
Saylor
Selden
Stephens
Stubblefield
Talcott
Teague, Tex.
Tuck
Waldie
Watts
Wiggins
Willis
Wright
Wyatt

The SPEAKER. On this rollcall 345 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MONDAY HOLIDAYS

The SPEAKER. The question is on the motion offered by the gentleman from Colorado.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15951, with Mr. GIAIMO in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Colorado [Mr. ROGERS] will be recognized for 1 hour, and the gentleman from Illinois [Mr. MCCLORY] will be recognized for 1 hour.

The Chair recognizes the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the plain explanation of this bill is to be found on page 4 of the committee report.

At the present time we have eight national holidays. We propose an additional holiday to be known as Columbus Day, thereby making nine national holidays.

In addition to that we propose to make Washington's Birthday, Memorial Day, Columbus Day, and Veterans Day fall on a Monday.

That is the full intent of this bill. It has been discussed in Congress for a long time. We had extensive hearings for 4 days in Subcommittee No. 4 of the House Committee on the Judiciary and received much favorable testimony.

Mr. Chairman, I have a telegram from the Denver Chamber of Commerce, signed by James O. Hickman, which reads as follows:

DENVER, COLO.,
May 7, 1968.

Hon. BYRON G. ROGERS,
Rayburn House Office Building,
Washington, D.C.:

The Denver Chamber of Commerce urges passage of H.R. 15951 for uniform Monday holidays. It will reduce absenteeism, improve employee morale, and promote traffic safety. It will enhance Colorado's tourist industry by making a Colorado week end vacation available to more persons from population centers of the United States.

JAMES O. HICKMAN,
President, Denver Chamber of Commerce.

Mr. Chairman, the bill before us today embodies the collective judgment of the Committee on the Judiciary with respect to the manner in which Congress ought to respond to the strong public desire for a Monday holiday program. Although it is a bill which will bring about some changes in holiday observances, in formulating this program our committee has been careful to avoid any change which would do violence to our Nation's great history and traditions.

As all of us know, the 90th Congress has seen the introduction of a wide variety of proposals calling for the observance of public holidays on Monday. If all of these proposals were combined, the effect would be to change the date of observances of each one of our eight public holidays. In the deliberations of our committee we concluded that a complete Monday holiday program would not be in the national interest since there are some holidays such as the Fourth of July, Christmas Day, New Year's Day, and Thanksgiving, the specific dates of which are deeply embedded in our traditions—and in some cases, have a religious significance.

In addition to a wide variety of proposals for the establishment of Monday holidays, the 90th Congress has also seen the introduction of almost 500 bills calling for the new observance of additional holidays and other commemorative events. Obviously, if any new holidays are to be created, we in the Congress are faced with the difficult task of being selective.

H.R. 15951, has bipartisan support and was formulated after extensive hearings and the most careful evaluation. It is a moderate proposal which would serve a twofold purpose. On the one hand, it would provide for the annual observance on Mondays of George Washington's Birthday, Memorial Day, and Veterans Day. On the other hand, it would establish an additional public holiday in honor of Christopher Columbus—a holiday which would also be observed on Monday.

First, if I may, I would like to discuss the benefits which our citizens will derive from the Monday holiday features of this bill. Second, I would like to review for you the considerations in favor of the observance of Columbus Day as an additional public holiday.

One of the principal advantages of the observance of holidays on Monday is the increased enrichment which such observances will bring to the family life of our Nation. In our complex, highly industrialized society we have witnessed a growing tendency for families to become separated. Sons and daughters often venture great distances from the homes of their parents in pursuit of educational and occupational advantages. Grandparents in many families rarely have the opportunity to enjoy the company of their grandchildren. At the same time, within the immediate family unit fathers are often called upon to commute considerable distances to their jobs, diminishing the number of precious hours available for family togetherness.

The proposed Monday holiday program will help to ameliorate these conditions. It will provide the many families that are geographically separated with greater opportunities to come together. It will also provide increased opportunities for the enjoyment of recreational facilities and the development of cultural activities in which the whole family can participate.

I believe that these benefits are obvious and are known to each of us. Indeed, no one can deny that under our present holiday program we get a special enjoyment out of those holidays which now fall, by chance of the calendar, either immediately before or immediately after a weekend. The present bill would merely serve to remove the element of chance, and provide for several 3-day weekends on a regular and planned basis.

While enriching our Nation's family life, the Monday holiday program will also enrich our economic life. In this regard, our committee heard extensive testimony both from representatives of business and from labor. The evidence is conclusive that the Monday Holiday program will stimulate greater industrial production and contribute to an increase in our gross national product. It will reduce employee absenteeism and contribute to increased employee morale. Both the employer and the employee will benefit and neither at the expense of the other.

Turning now to the second feature of the bill, the establishment of Columbus Day as a public holiday, which would also fall on Monday. Let me first point out that of all the proposals before the Congress for the establishment of additional holidays, there is none which enjoys the same widespread popularity that is enjoyed by the Columbus Day proposal. Unlike any of the other proposed new holidays, a Columbus Day observance has already been established as a matter of law in some 34 of our States. As a result, it is currently being celebrated by more than 75 percent of our Nation's population.

Now there is an obvious explanation for this great popularity of Columbus Day. Our late President Kennedy often described us as a "nation of immigrants." It has been our immigrant spirit—our continuous striving to broaden our horizons in search of new experiences and new frontiers—which has given our history its distinctive flavor. This same spirit has also caused us to represent to the world prospects of new hope and new freedom. Columbus' voyage to America has come to be an important symbol of this immigrant spirit. Since this symbol has already been adopted by most of our State legislatures in State laws calling for the celebration of Columbus Day, we in the Congress ought properly to add our voices in affirmation of the significance of this occasion.

When the proposed bill is considered in its entirety, there can be no doubt that the whole program has the support of an overwhelming majority of our citizens. In this regard, I would like to point out that at the hearings we held on Monday holidays strong support for such a program was expressed by a wide variety of associations including such diverse groups as: the U.S. Chamber of Commerce, the National Association of Manufacturers, the American Federation of Government Employees, the National Retail Federation, the National Association of Travel Organizations, the International Amalgamated Transit Union, and the National Association of Letter Carriers. In addition, we received testimony favoring Monday holiday legislation from the representatives of the Department of Labor, the Bureau of the Budget, the Department of Commerce, and the U.S. Civil Service Commission.

Under all of these circumstances, I am thoroughly convinced that the bill before us embodies a holiday program which is highly responsive to a strong public need. It is a program that preserves and reaffirms our traditions—while affording greater opportunities for a fuller participation in holiday observances by all of our citizens, I, therefore, urge all of my colleagues in this body to give this measure their complete support.

Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. EILBERG] may extend his remarks at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. EILBERG. Mr. Chairman, I am convinced that H.R. 15951, making provisions for most holidays to fall on Mondays, should be enacted.

Much support for this legislation has already been shown. Polls of businessmen and the public both indicate that most Americans would like Congress to provide that all nonreligious holidays be celebrated on Mondays. This would mean 3-day weekends.

The support for this provision has been shown by two specific polls. One was conducted by the National Chamber of Commerce among its membership, and the other by This Week magazine. The chamber survey recorded 85 percent of its 10,000 respondents were in favor of making most holidays fall on Monday, while more than 180,000 readers-at-large responded in favor and only about 10,000 persons expressed opposition to uniform Monday holidays.

Why do people apparently prefer Monday holidays? They may feel that they can get more accomplished—take the family fishing or visit relatives or finish those nagging do-it-yourself chores. A midweek holiday simply does not, and never will, offer the variety of activities and creative opportunities that a longer holiday period makes available.

Monday holidays, in addition to the benefit to the worker, also offer attractions to the executives charged with getting the work completed. People seem to work better when the week is not broken up, and there are fewer sudden illnesses or time-off requests when the holidays are not interrupting normal midweek schedules.

Most of our nonreligious holidays are neither historically accurate nor traditional, so there is no reason not to change them. Why celebrate George Washington's birthday on February 22 if, under the calendar at the time, he was really born on the 11th? Why do we celebrate Independence Day on the 4th of July? It was July 2 when the Continental Congress actually adopted the resolution of independence, and it was July 19 when Congress ordered the document engrossed.

Since few of our holidays are historically accurate, since many of them have had to be adjusted because of changes in calendar usage, let us be realistic about our approach to legal public holidays. Let us celebrate New Year's Day, as always, January 1. Let us, however, celebrate Washington's birthday the third Monday in February, and Memorial Day the last Monday in May. We should continue the celebration of Independence Day on July 4, regardless of its accuracy because the date bears such traditional significance.

Labor Day, always that eagerly awaited first Monday in September, already stands as a Monday legal holiday. Columbus Day should be made a legal holiday as well. Let us observe it on the second Monday in October, and Veterans Day on the fourth Monday of that same month.

To finish out the year's holidays, we have Thanksgiving and Christmas, both of which should maintain their traditional dates of celebration.

All holidays not bearing traditional dates for observance should be uniformly celebrated on Mondays. It is rare that Congress is called upon to approve a measure which has mustered so much support from the American public. I urge your support of H.R. 15951.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. BARRETT] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. BARRETT. Mr. Chairman, when I first came to the Congress, 22 years ago, the first bill I introduced was to establish a national holiday to honor Christopher Columbus. Many States today already observe Columbus Day as a State holiday. I am most pleased that H.R. 15951, which provides for Monday observance of certain national holidays, establishes a national holiday in honor of Columbus which would be observed on the second Monday in October.

I would also take this opportunity to announce that I have today introduced a proposal to establish a national holiday in honor of the late Rev. Martin Luther King, Jr., as well as a bill to establish a national holiday in honor of the late John Fitzgerald Kennedy, the 35th President of the United States.

The passage of H.R. 15951 would allow for the people of this great Nation to appropriately enjoy our national holidays. By celebrating them on a Monday, it provides an extended weekend so that one can completely relax from the hectic activities of the week and of daily living. A family can plan to be together and properly observe the occasion. In addition, passage of this bill should have favorable results in terms of efficiency in plant operations of our industries and improved employee morale. I urge the support and passage of H.R. 15951.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. MCCLORY].

Mr. McCLORY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members, I realize the hour is late and I do not want to take a lot of time. I am sorry that the bill is coming up at this late hour. I did not plan it that way but the bill is scheduled at this time and it is being considered.

I do not want to suggest that this is not an extremely important piece of legislation. It is important to the families of America. It is important to the businesses of America. It is important to the cultural, social, spiritual, and educational life of America. It is an important piece of legislation for us to consider at this hour. Now is the time for us to act favorably upon it.

First of all, let me express my appreciation to the chairman of our subcommittee and to the chairman of the full committee for the great amount of time that was extended to provide for hearings where support from all for this legislation was shown.

There was one witness against the uniform Monday holiday bill—just one. He was a witness representing the Lord's Day Alliance.

Now let me just say this in response to that.

I received a letter from an elder in the St. Mark's Presbyterian Church of Lubbock, Tex., which I think represents what the religious and spiritually-minded people of America think with regard to this bill.

That letter reads as follows:

> St. Mark Presbyterian Church is a small congregation of approximately 125 family units, and is affiliated with the Presbyterian Church, U.S. The officers of our congregation have authorized me to write to you and other public officials mentioned in the enclosed correspondence for the purpose of expressing our view on its content.

That is the uniform Monday-holiday bill. The letter reads further:

> I would like first to say the Lord's Day Alliance of the United States is an unknown organization insofar as our congregation is concerned. We have not been able to discover upon what authority it seeks to represent our church or the views of the people of our church.
>
> Our officers have expressed the belief that this legislation which would change certain holidays and provide for at least six legal holiday week ends a year is good legislation, and we do not consider valid the argument which the Lord's Day Alliance of the United States expresses against this legislation.

I would like to emphasize, first of all, what this legislation does, because I think there is a misconception on the part of some of the Members as to what it does. It only changes title V of the United States Code affecting holidays in the District of Columbia and with regard to Federal employees. It does nothing with regard to Christmas Day, the Fourth of July, Thanksgiving Day, or New Year's Day, and, of course, not with respect to Labor Day. It merely changes the dates upon which certain holidays are celebrated.

We are not changing George Washington's Birthday, although there is some doubt as to the exact date of his birth. But we are changing the date when his birthday will be observed to the third Monday in February.

We are providing that Memorial Day shall be celebrated on the last Monday in May. Memorial Day has been celebrated on a number of different dates throughout the year. It is still celebrated on dates other than the 30th of May in some States of the Union. Five or six States celebrate it on some other date. But this bill will provide that Memorial Day will be celebrated on the last Monday in May.

Veterans Day, which is now celebrated on November 11, would be celebrated on the fourth Monday in October. The bill would add one new holiday Columbus Day, on the second Monday in October.

Let me ask, first of all, why are we adding a new holiday? That is a very good question and I want to answer it specifically. We are adding a new holiday, Columbus Day, to commemorate not only Christopher Columbus, but everyone who came to this country either as discoverer, explorer, citizen, settler, or pioneer.

Thirty-four States of the Nation now observe Columbus Day. So we are not making a great change insofar as making this a national holiday.

What effect do you think it has on the Federal employees when they work in a State which observes Columbus Day where the State employees, private industry, and banks are not available to transact business? Naturally they take a holiday. So it is going to have very little effect on the Federal employees in those States. It is going to have a beneficial effect in that Columbus Day will be observed on the second Monday of October, and it will not add another midweek holiday.

Mr. ROUDEBUSH. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Indiana.

Mr. ROUDEBUSH. I would like to know if the gentleman would explain why Veterans Day was moved from November to October. There must be a logical reason behind that proposal. Traditionally, as you know, it has been celebrated on Armistice Day, November 11, and to change months for a national holiday of this type I do not understand.

Mr. McCLORY. I will answer the gentleman in this way: Originally a suggestion was made that Veterans Day should be changed to the spring of the year because there is a long period of time between Washington's birthday in February and Memorial Day when there is no holiday. We considered, first of all, whether we should have Veterans Day celebrated in March or April. This is a day which is to honor all of our veterans and, of course, Armistice Day relates only to World War I. It has been changed from Armistice Day to Veterans Day to commemorate all veterans. For many reasons which I will not enumerate it was not possible to change Veterans Day to the spring of the year. By designating it the second Monday in November, we would bring it very close to Thanksgiving Day and it might interfere with election day. So we made it the fourth Monday in October, which is fairly close to the present Veterans Day. It will never be on Halloween and it will never interfere with a national election. It would still be 4 weeks, I believe in every instance, from Thanksgiving Day.

Mr. ROUDEBUSH. Mr. Chairman, will the gentleman yield further?

Mr. McCLORY. I yield to the gentleman from Indiana.

Mr. ROUDEBUSH. You have not affected Lincoln's Birthday, have you?

Mr. McCLORY. We have not affected Lincoln's Birthday. There was a proposal made that we should commemorate all Presidents on a day which would be called "Presidents Day." But that was considered and was rejected. Since

George Washington's Birthday is a national holiday for Federal employees now, we retained George Washington's Birthday on the third Monday in February.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, at the present time Lincoln's birthday is not a holiday, so we do not change it in any manner whatsoever. So that there will not be any question about what the gentleman from Indiana was referring to in respect to Lincoln's birthday, it is because it is not a national holiday.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Iowa.

Mr. GROSS. Would it be possible, does the gentleman think, to put all holidays over to Tuesday and thus establish 4-day holidays?

Mr. McCLORY. Mr. Chairman, I am not going to answer the gentleman's question, because the gentleman is being facetious about the legislation, and this legislation merits serious and heartfelt consideration. I do know there is an attitude on the part of some to make light of the legislation. But, in my opinion, this legislation is very serious and very important. It affects the lives of all our citizens. I hope it will be considered in that light.

Let me say this. I understand there was a telegram or letter sent from an American Legion executive director. I would like to say something on behalf of the men in the service today, because I have had some communication with them. I have in my district the largest Naval training center, I believe, where we have about 40,000 men stationed all the time. From my communication with some of them I know that they want sincerely to have Monday holiday legislation. They want the opportunity, when they have a long weekend to visit their folks, to visit with their wives and loved ones. They want to have the opportunity for their families to be able to come and visit with them at Great Lakes and at Fort Sheridan, from States like Ohio, Indiana, and Missouri, and other nearby States. An opportunity could be afforded them to have visitors on these long weekends. That is the overwhelming view of those I communicated with who are in uniform and in the service today.

I know it has been suggested that it is dangerous, that it is going to increase traffic fatalities. I have put statistics into the RECORD of May 6 which emphasize very definitely that that is not the case.

According to a Federal highway study that was made, it was shown that the most critical time, the most dangerous time to be on the highway is on a single midweek holiday. A 3-day weekend holiday is much safer insofar as any one of these holidays is concerned. That is supported by the statistics.

I want to emphasize again this is something important to the young people of our country, providing an opportunity for members of families to be together. They do not have to travel. They can travel and visit the historic sites, but they do not have to. They can stay at home and work on family projects and have the benefit of the families' being together.

Mr. Chairman, I know the Members are anxious to vote on this, and I want them to vote on it, and I am anxious to have them vote on it soon.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, when does this bill become effective?

Mr. McCLORY. This would become effective on January 1, 1971. I am glad the gentleman asked that, because the reason for postponing the effective date of this legislation is to enable the people to work out their schedules with respect to accommodating to this legislation, and to enable the State legislatures to follow the pattern which we are setting if they choose to do so. All the State legislatures will have had that chance by January 1, 1971.

Our failure to act is apt to cause some confusion with regard to Monday holidays, because one State, Massachusetts, has already enacted Monday holiday legislation, and 9 or 10 other States have legislation pending. As a matter of fact, New York State is deferring action on their Monday holiday legislation, awaiting action by Congress, so they may take similar action.

Mr. ARENDS. Mr. Chairman, I had not completed my question to the gentleman. I know it is not the fault of the gentleman, but if this does not take effect until January 1, 1971, what are we doing here today, tonight, staying here to try to pass this bill?

Mr. McCLORY. Let me answer that. I did not ask to have the bill called at this hour, but I repeat this is important legislation to consider at any hour and it is up now. I want it to be considered seriously and I hope favorably.

Mr. Chairman, first let me express my appreciation to the gentleman from Colorado [Mr. ROGERS] for the thoughtful and conscientious chairing of the hearings on the uniform Monday holiday bill, as well as on the Columbus Day legislation, both of which were before the subcommittee of which he is chairman; and to the chairman of the committee, the gentleman from New York [Mr. CELLER], for his willingness to understand and permit this bill to be reported favorably by the committee for consideration by this committee.

I am also grateful, Mr. Chairman, to the 15 cosponsors of this legislation, and particularly to the gentleman from New York [Mr. STRATTON], the gentleman from New Jersey [Mr. RODINO], the gentleman from Ohio [Mr. MCCULLOCH], and the gentleman from Illinois [Mr. ANNUNZIO], for the special interest they have shown in this measure.

Let me mention at this time that this legislation has been revised substantially since it was originally introduced. Let me also point out that the bill will not affect any religious holidays. Christmas Day will continue to be celebrated on December 25, Thanksgiving Day on the fourth Thursday of November, and our Independence Day, on July 4. In addition, I would like to explain that the legislation affects only Federal employees and the District of Columbia.

Section 6103(a) of title 5 of the United States Code designates these eight Federal legal holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day. Of these eight, Labor Day is already celebrated on Monday, the first Monday of September.

New Year's Day, Independence Day, Thanksgiving Day, and Christmas Day will remain as they are at present under this bill. Changes are being made only with regard to the observance of Washington's Birthday, to be celebrated on the third Monday in February; Memorial Day, to be celebrated on the last Monday in May; and Veterans Day, on the fourth Monday in October.

In addition, the measure establishes Columbus Day as a new legal public holiday, to be celebrated on the second Monday in October.

Let me emphasize that we are establishing Federal legal holidays. We are not changing any birthday or rewriting the history of any event that has occurred in the past. No one is being asked to admit that George Washington was born on any day other than February 22 under the existing Gregorian calendar. Indeed, his birthday will be celebrated frequently on February 22, which in many cases will be the third Monday in February. It will also be celebrated on February 23, just as it is at the present time when February 22 falls on the Sunday preceding.

As a matter of fact, I am informed that George Washington's birthday was celebrated for the first time on February 23, when Count de Rochambeau, who was in charge of the French forces in the Revolutionary War, decided in 1792 to designate George Washington's birthday as a time for honoring the revolutionary forces. February 22 fell on a Sunday in the year 1792, and the celebration consequently occurred on Monday, February 23. In other words, George Washington's birthday was a "Monday holiday" before it was a Tuesday, Wednesday, Thursday, or Friday holiday.

It is interesting to recall that George Washington was in fact born on February 11 under the calendar that was used in the United States at the time of his birth in 1732. Upon adoption of the Gregorian Calendar in 1752, all calendar dates were advanced 11 days, and George Washington thereafter selected February 22 as his birth date.

It is interesting to note that in Canada, the Queen's birthday is always celebrated on a Monday—the first Monday preceding May 25. Indeed, Canada also celebrates two other holidays on a Monday—Thanksgiving Day, the second Monday in October, and civic holiday, the first Monday in August. These have received overwhelming support from the Canadian population.

Memorial Day has been celebrated on various dates in the spring of the year, and the date of May 30 appears to have been designated by Gen. John A. Logan in 1868 while he was serving as the first

Commander in Chief of the Grand Army of the Republic. He designated May 30, 1868, as "Decoration Day."

Today most of the States appear to follow this pattern. However, June 3 is designated as Memorial Day in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, Tennessee, Texas, and Arkansas.

Under this bill, the last Monday in May would be designated as Memorial Day and, of course, this would occur on May 30 in a number of years, and would seem to provide an appropriate time for honoring all veterans who have fallen in line of battle.

Veterans Day is observed as a national holiday to provide recognition for veterans of all wars. Its designation on the fourth Monday of October would fall at least 4 weeks before Thanksgiving—to be celebrated on the traditional fourth Thursday in November—and this Monday holiday would never interfere with any State or National election day.

Furthermore, the fourth Monday in October will never coincide with Halloween.

Most important, the opportunity for appropriate annual observances will be greatly augmented by establishing Veterans Day on the fourth Monday in October. It will certainly enable more persons to travel to Arlington National Cemetery, to Gettysburg, and to many of our other historical sites for appropriate observances.

This measure also establishes a new holiday—on the second Monday in October—Columbus Day.

The support for designating Columbus Day as a national legal holiday is borne out by the hearings of the committee, including the testimony and statements of 33 Members of this House.

Legislatures of 34 States have already established Columbus Day as a holiday. Indiana and North Dakota have designated October 12 as "Discovery Day" and the State of Wisconsin has designated it as "Landing Day."

Of course, Columbus Day will be included as a holiday for Federal employees and the District of Columbia under this bill.

It is alleged that this part of the bill may result in some expense to the Federal Government. However, the record shows that no additional Federal appropriations will be required. All except about 5 percent of our Federal employees are paid on an annual basis and observance of Columbus Day will not affect the cost of paying these employees.

I am of the opinion that in those 34 States where Columbus Day is already a holiday, a great many Federal employees already take this day off.

On the other hand, I should point out that substantial savings that will result from the designation of this holiday on a Monday. Absenteeism will be eliminated. Sick and annual leave will be reduced. The inefficiency that results when most employees stay home on a Monday before a holiday or the Friday after a holiday will be avoided. These and many other economic benefits would seem to more than compensate for the designation of Columbus Day as a holiday, just as some 34 State legislatures have already done.

There are many valid reasons why Columbus Day should be honored as a national public holiday. Certainly, the discovery of this great continent, by Christopher Columbus, is reason enough to set aside that one day for this special observance. In addition, it seems to be appropriate to honor one day in memory of all of the intrepid voyagers who journeyed to the New World as discoverers, settlers, pioneers, and citizens.

This is not intended to disparage in any way the feat of Leif Ericson in being the first to come to the New World. We may ask why we should not honor Leif Ericson instead of Christopher Columbus. Indeed, it was brought out in testimony before the committee that St. Brendan, a brave man from Ireland, may have arrived before Columbus. But, to quote from the testimony:

> When Columbus discovered America, it stayed discovered.

It is reported that many nationalities were represented in Columbus' crew. So, in effect, by designating Columbus Day as a national holiday, we honor the Irish, the Spanish, Portuguese, Negroes, and others, who came to this continent in the earliest days of its discovery and settlement.

We may ask again why Columbus Day should be designated a new holiday, to be celebrated on the second Monday in October and not on October 12.

It is my strong feeling that the economic and practical advantages of celebrating a holiday such as this on a Monday outweigh the historical significance of the date of Columbus' birth, and that appropriate honor can be bestowed on Christopher Columbus and all others whom we honor on the second Monday in October of each year. Of course, this observance will be on October 12 in a number of years, and October 13 in a number of other years, when October 12 falls on a Sunday.

It seems to me that the logic of this legislation is most convincing when we consider its effect on the American home and family. If there is one reason above all others that appears to adversely affect the morals and development of families and family life, it is the modern day influences that tend to keep family members apart. Monday holidays should provide cogent reasons for members of family units to be joined together—for those who may live some distance from home to be reunited with their loved ones, for family projects around the home, for enjoyment of hobbies and other family activities, which require time for planning and execution.

In addition, of course, the 3-day weekends will provide opportunities to visit historical, cultural and recreational sites, to enjoy the observances of Memorial Day and Veterans Day at famed battlegrounds and monuments associated with these particular national holidays. And, in my State, the opportunity for visiting the colorful and inspirational Land of Lincoln, particularly in this year of the Illinois sesquicentennial. Lincoln's home, the original restored State Capitol in Springfield, and the restored community of New Salem, will inspire our sons and daughters with the spirit of America and the great Emancipator.

Let me say emphatically that holidays take on much greater meaning and their observance is more respectful and more comprehensive when the celebration occurs on Monday, after careful preparation on the previous Saturday or Sunday. Think for instance of the Veterans Day parade or Memorial Day observance that takes place following the preparatory work of the 2 preceding days. Think also of the opportunities for honoring persons of particular significance at such observances. This, of course, applies equally to the observance of George Washington's Birthday on a Monday, and the chance to visit Mount Vernon where he lived, or Williamsburg where he served in the House of Burgesses, or Philadelphia where he served as President of the Constitutional Convention, or Yorktown where he received the surrender of Cornwallis. Treks to any or all of these places by many persons would be possible on Washington's Birthday if the celebrations could take place on the third Monday in February.

Of course, this could not occur under the present system where Washington's Birthday is observed as it was this year—on a Thursday, or on a Tuesday or Wednesday of the week.

The most frequent objection to the Monday holiday proposal appears to be that a greater number of traffic accidents and fatalities occur during 3-day weekends.

While you can establish a great many things by statistics, I want to emphasize that the record does not bear out the charge of the accident rate as alleged by some opponents of this legislation. This statistical information was inserted in the RECORD on Monday for the benefit of the membership, as compiled by the Legislative Reference Service of the Library of Congress.

Let me say that Memorial Day appears to be an exception to the rule. In other words, a 3-day Memorial Day weekend appears to be more fatal to the person who travels by automobile than the 1-day midweek Memorial Day.

However, with regard to all other holidays for which statistics are available—including the Fourth of July, Christmas, and New Year's—the average accident rate per day is far greater on the single midweek holiday than when the holiday is part of a 3-day weekend.

The Secretary of Commerce prepared a report in 1959—which was filed in the 86th Congress, first session, as House document 93—that embodied the automobile accident statistics relating to 1-day midweek holidays as well as 3-day weekend holidays.

The conclusion from these statistics is inescapable and unequivocal—1-day midweek holidays were the most potent producers of accidents, with an average danger rating of 1.83, as compared with 1.18 for 3-day holiday weekends.

Now take for instance the statistics upon which the gentleman from North Carolina relies in his attempt to establish that 3-day weekend holidays are more dangerous for those who travel by automobile. Let us look for instance at the deaths that occurred in 1956 on the Fourth of July—a single midweek holiday—210. In the same year, 580 deaths occurred on the 3-day Memorial Day weekend. By dividing 580 by three, we find that the average per day on the 3-day weekend was 193 as compared to 210 during the midweek Fourth of July holiday. In other words, there were approximately 10 percent fewer deaths on 1 day of the 3-day weekend holiday than on the single midweek holiday.

Again, take the situation relating to the year 1957. Memorial Day—a single-day holiday—produced 145 deaths. The Fourth of July was a 4-day weekend holiday that year, and by dividing the total of 535 deaths by four, we find the single day fatalities were 133 as compared with 145 on the midweek holiday, a drop of almost 10 percent.

I would like to touch on one other aspect of this bill at this time; namely, the need for Federal legislation with regard to Monday holidays. While it is true that this legislation affects only Federal employees and the District of Columbia, it is true also that the Federal pattern tends to influence State legislatures in their designation of legal holidays.

The State of Massachusetts already has enacted a Monday holiday bill which designates three Monday holidays: George Washington's Birthday, the third Monday of February; Memorial Day, the last Monday in May; and Patriots' Day, the third Monday in April.

I am informed that a Monday holiday bill has already passed the New York House of Representatives and is being held in abeyance pending action on the bill now before this Committee. And a number of other States have Monday holiday bills pending, the outcome of which will be governed in part, at least, by the direction that the Congress provides in the pending measure.

Certainly, we have a responsibility to designate those national public holidays that will affect Federal employees and which will apply in the District of Columbia. It follows that this will be a pattern for the entire Nation.

In order that State legislatures may have time to act, the effective date of the bill is postponed until January 1, 1971. All of the State legislatures will have met by that time, to consider what, if anything, they may choose to do with regard to designation or redesignation of their own State legal holidays.

In addition, schools, business and labor organizations, clubs, calendar manufacturers, and others, will be granted ample time by postponing the effective date of this bill to accommodate the new Monday holiday observances.

The record shows conclusively that this is popular legislation—popular with the great cross-section of the American people; popular with American business; popular with American labor, popular with governmental departments and agencies; and popular, of course, with those who are interested in encouraging the recreational, cultural, and educational benefits that can flow from this useful legislation.

I urge an overwhelming vote in support of the uniform Monday holiday bill—H.R. 15951.

The CHAIRMAN. The gentleman from Illinois consumed 13 minutes.

The Chairman recognizes the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Chairment, I yield such time as he may consume to the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Chairman, the legislation now before the House represents the culmination of yeoman efforts by our committees and by many groups of citizens, directed toward introducing reforms into our Federal holiday calendar.

H.R. 15951 would reschedule 3 of our existing Federal holidays—Washington's Birthday, Memorial Day, and Veterans Day—to certain designated Mondays. In addition, the second Monday in October would be officially set aside as a national holiday in honor of Christopher Columbus.

The only legal impact of a given date being designated as a public holiday by the Congress is that such a date becomes a nonwork day—but without loss of pay—for the overwhelming majority of Federal employees and employees of the government of the District of Columbia. However, virtually all the States and possessions have included the existing eight legal public holidays on their own holiday calendars, and on the dates specified by the Congress. Additionally, some 64 official holidays were observed in 1967 by one or more of the several States and U.S. possessions. Of this number, one date stands out prominently in that it is observed by a far greater number of States than any of the other, primarily locally oriented, holidays. That date is October 12, Columbus Day. Thirty-four States and Puerto Rico thus pay tribute to the Grand Admiral of the Oceans. Two other States have set the day aside as a memorial day, and in all of the remainder, Columbus' achievements are heralded in suitable public celebrations and ceremonies.

The following list shows the State laws relating to celebrations of Columbus Day:

Alabama: *Code of Alabama*, title 39, § 184. Legal holiday. Is called Columbus and Fraternal Day.

Alaska: No provisions found.

Arizona: *Arizona Revised Statutes Ann.* Title I § 301. Legal holiday.

Arkansas: *Arkansas Statutes*, Title 69 § 101. Is not a legal holiday but is to be commemorated by an appropriate proclamation by the Governor as a so called "Memorial Day".

California: *West's Annotated California Codes. Government Code* § 6700. State holiday. Known first as Discovery Day then changed to Columbus Day.

Colorado: *Colorado Revised Statutes*, Title 67–1–2. Legal holiday.

Connecticut: *General Statutes of Connecticut* § 8880. Legal holiday.

Delaware: *Delaware Code Ann.*, Title I § 601. Legal holiday.

Florida: *Florida Statutes Ann.* § 683.01. Legal holiday. Known as Columbus Day and Farmers' Day.

Georgia: *Georgia Code Ann.* Title 14 § 1808. Legal holiday.

Hawaii: No provisions found.

Idaho: *Idaho Code*, Title 78 § 108. Columbus Day was a legal holiday until repealed in 1945.

Illinois: *Illinois Revised Statutes*, Chap. 98 § 18. Legal holiday.

Indiana: *Burns' Indiana Statutes* § 19–1916b. Legal holiday. Commonly known as Discovery Day.

Iowa: *Iowa Code Annotated*, § 31.6. The Governor is authorized and requested to issue an annual proclamation urging appropriate commemoration.

Kansas: *Revised Statutes* § 35–105. Public holiday.

Kentucky: *Kentucky Revised Statutes* § 2.100. Legal holiday.

Louisiana: *Louisiana Revised Statutes* § 1.55. Legal holiday.

Maine: *Revised Statutes*, Chap. 41 § 154. School holiday—upon a vote of school officials.

Maryland: *Annotated Code of Maryland* Art. 13 § 9. Legal holiday.

Massachusetts: *Annotated Laws of Massachusetts*, Ch. 4 § 7. Legal holiday.

Michigan: *Statutes Annotated* § 18.891. Public holiday.

Minnesota: *Statutes Annotated* § 645.44. Legal holiday.

Mississippi: No provisions found.

Missouri: *Vernon's Ann. Mo. Statutes* § 10.020. Public holiday.

Montana: *Revised Code of Montana* § 19–107. Legal holiday.

Nebraska: *Revised Statutes* § 62–301. Legal holiday.

Nevada: *Compiled Laws* § 8412. Nonjudicial day.

New Hampshire: *Revised Laws*, Chap. 367 § 2. Legal holiday.

New Jersey: *Statutes Annotated.* Title 36 § 1–1. Legal holiday.

New Mexico: *New Mexico Statutes*, Title 56 § 1–3. Legal holiday.

New York: *McKinney's Consolidated Law, General Con.* § 24. Legal holiday.

North Carolina: No provisions found.

North Dakota: *Revised Code* § 1–0301. Legal holiday. Called Discovery Day.

Ohio: *Pages Revised Code* § 1303.45. Legal holiday, known as Columbus Discovery Day.

Oklahoma: *Oklahoma Statutes*, Title 25 § 82.2. Additional annual holiday. Optional transaction of business.

Oregon: *Compiled Law Annotated* § 65–101. Legal holiday.

Pennsylvania: *Purdon's Statutes Annotated*, Title 44, § 11. Legal holiday.

Puerto Rico: *Session Laws*, 1913. Ex. Jt. Res. 31. Legal holiday.

Rhode Island: *General Laws* § 25–1–1. Legal holiday.

South Carolina: No provisions found.

South Dakota: No provisions found.

Tennessee: *Code Annotated* § 55–203. Duty of Governor to proclaim Columbus Day.

Texas: *Vernon's Statutes Annotated* § 4591. Legal holiday.

Utah: *Code Annotated* § 63–13–2. Legal holiday.

Vermont: *Vermont Statutes* § 19. Legal holiday.

Virginia: *Code of Virginia* § 2–19. Legal holiday.

Washington: *Revised Code*, Chap. 116. Legal holiday.

West Virginia: *West Virginia Code*, § 24. Legal holiday.

Wisconsin: *Wisconsin Statutes* §§ 256.17, 40.75. Legal holiday.

Wyoming: *Compiled Statutes* § 49–105. Public Holiday.

Mr. Chairman, I am convinced that the Federal Government should follow the lead of the great majority of the States and of our sister republics in Latin America. The accomplishments of Columbus truly merit a "day" in his honor.

I envision Columbus Day as a multipurpose national holiday. In honoring the Grand Admiral of the Oceans who braved the mysteries of the uncharted

Atlantic to open the New World to civilization and settlement, we will simultaneously be paying equal tribute to all who came from abroad to build a strong, vital and thriving America.

George Washington is deservedly called the Father of Our Country, and we commemorate his memory by a special day. In what President Kennedy most appropriately termed "a nation of immigrants," should not the "Father of Immigration" receive equal tribute from all Americans? The distinguished historian and biographer, Samuel Eliot Morison, in his book "Admiral, of the Ocean Sea," says "the whole history of the Americas stems from the four voyages of Columbus." Let us remember that the second and later voyages of Columbus represented the first real efforts at colonization of the New World. And let us also remember that Columbus, an Italian, made his initial discovery in a Spanish fleet with a largely Portuguese crew.

Columbus Day, then, should be the occasion for Americans of all origins to reaffirm their faith in the future and declare their willingness to face with confidence the imponderables of unknown tomorrows.

Mr. McCLORY. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman from Illinois for yielding me a few minutes, because I am opposed to this legislation and I know he is very keenly in favor of it. I appreciate his cooperation in letting me present some views of mine.

Mr. Chairman, in this time of turmoil and social revolution when every standard of the past is being challenged it was to be expected, I suppose, that this challenge should reach even our holidays.

The promoters of this bill are usually found on the side of preserving our American heritage and I am dismayed to see them in this instance swept up in the turbulence of the time and determined to wrench our settled holidays from their historic moorings.

WASHINGTON'S BIRTHDAY

They would even deny to the Father of Our Country his rightful birthday. Henceforth, if this bill becomes law, Washington's Birthday will be the third Monday in February. Never again would it be observed on February 22. The third Monday in February will always fall between the 15th and the 21st. The committee in its report excuses this by asserting some conjecture about the exact date of Washington's birth. There has never been any legitimate conjecture about it. The day George Washington was born in Westmoreland County, Va., the calendar on the wall read Friday, February 11. But that was the old Julian Calendar. And when, 20 years later, the government of George the 3d adopted the corrected Gregorian Calendar throughout his realm, February 11 became February 22, and George Washington observed February 22 as his birthday from his 21st year and thereafter. Had England corrected its calendar when the Roman Catholic world corrected theirs, the calendar on the wall the day Washington was born would have read, February 22, 1732. There has never been any conjecture about it.

If, as the committee report states, the French commander of forces in America during the Revolution ordered the troops under his command to observe February 12 as Washington's Birthday one year, that mistake of the Comte de Rochambeau can hardly be taken as creditable evidence of the date of Washington's birth.

A holiday to be observed on the third Monday in February to be called Washington's Birthday will not only be unfortunate in that it will never fall on his birthday; it will also happen that in those years when the third Monday is the 15th it will fall only 3 days after another holiday observed in many of our States—Lincoln's Birthday, on February 12. In the familiar cycle of the calendar where the same date falls on the same day of the week first in 6 years, then in 5, then in 6, then in 11, then in 6, and so on, this holiday inaccurately called Washington's Birthday will fall only 3 days after Lincoln's Birthday in that rotation.

In those years and in a State like Michigan where Lincoln's Birthday on February 12 is also a holiday, I suppose we will have a 4-day holiday starting on Friday the 12th and running through the following Monday the 15th. This development will probably be favored by those who support this legislation but in Northern States like Michigan February is quite inhospitable weatherwise. And a 4-day holiday in mid-February is hardly conducive to travel or for families widely separated to get together. As a result while both Washington's Birthday and Lincoln's Birthday are holidays in my State, they are largely bank holidays and I can already hear in my mind's ear the public complaint which will be heard in those years when all of the banks close on Thursday afternoon not to open until Tuesday morning.

MEMORIAL DAY

There are three summer holidays generally observed throughout the United States today—Memorial Day, Independence Day, and Labor Day. Labor Day always falls on Monday. This bill will put Memorial Day on Monday in each year. The promoters of the legislation wanted to change the Fourth of July too, but fell short of their goal. Quite likely, once this bill becomes law, the push will be on to make Independence Day and Thanksgiving Day, Monday holidays as well.

For an even hundreds years May 30 has been observed as Memorial Day or Decoration Day. In 1868, just a century ago, Gen. John A. Logan, then Commander in Chief of the Grand Army of the Republic, designated Saturday, May 30, as the day when the thousands of Civil War veterans who then comprised the GAR should strew with flowers or otherwise decorate the graves of their departed comrades, and that day, May 30, has been observed for 100 years as a day of mourning for our soldier-dead. It has been so recognized in most of our States, in my own State of Michigan since 1875. On that day, ceremonies are held in cemeteries in nearly every community. They are usually under the sponsorship of veterans organizations and the flag of our country flies at half staff until noon as a sign of mourning.

The proponents of this bill would tear this holiday from its historic moorings and set it adrift as it floats between the 25th and the 31st of May. During the last hundred years there has always been precisely 5 weeks between the day we observe in mourning our loss on the field of battle and the day we celebrate our country's success in battle—our national independence. This legislation will destroy the historic time relationship between these two holidays.

VETERANS DAY

When Congress chose a national holiday to honor the Nation's living veterans it set aside for the purpose the World War I Armistice Day. The cease order effected at the 11th hour of the 11th day of the 11th month in 1918 is peculiarly meaningful to the veterans of World War I, and the congressional selection of that day was a tribute to them. Now comes this bill to thoughtlessly cast them aside. It will abolish the World War I Armistice Veterans Day as a holiday and instead will create a holiday on the fourth Monday in October, moving between October 22 and 28 called Veterans Day without any historical significance whatever. They would even change the month.

I think that it is significant that we are asked to abolish the November Veterans Day exactly 50 years after the event it memorializes—the end of fighting in World War I. I say it is significant because it appears to me these changes in our holidays are really a rejection of our historic past, so the timing is significant. May 30 as Veterans Memorial Day is being destroyed on the centenary of its founding and November 11 as a living Veterans Day is being destroyed exactly 50 years after the first Armistice Day—still within the lifetime of some who went through it. While those who promote this change in holidays will deny any such purpose, the destruction of Armistice Day during the year of its half century observance is at least an unfortunate coincidence.

COLUMBUS DAY

I think it is generally known in the House that this bill would not have survived the Judiciary Committee had it not been for a coalition of Columbus Day and Monday holiday advocates. So we are to have another day in October when all Government offices including the Post Office will be closed. It will be called Columbus Day.

I do not know what schoolchildren are taught these days about dates in history, but I can well predict that the new generation may be under the impression that George Washington was born on the third Monday in February and Columbus discovered America on the third Monday in October. As a matter of fact October 12, 1492, fell on the Lord's Day, Sunday, and it was considered a propitious omen to Columbus.

Like February 22 and November 11, Columbus Day is largely a bank holiday. A few years ago the Michigan Legislature designated the Saturday nearest October 12 as a holiday. The banks in my part of Michigan are still apologizing to the people that they must be closed for business on that day. They even advertise that they would like to stay open but the State law requires them to close. When, assuming the State adheres to the provisions of this bill, the banks will have to be closed on the second and fourth Mondays in October, think what public outcry may arise over that.

If Congress is determined to create holidays tied to a day of the week rather than an historic event, we ought not to do it under the pretext that we can change a great man's birthday or the date of a great event in history.

We now have 3-day holidays more than half the time. In a span of 28 years our present holidays fall on Friday, Saturday, Sunday or Monday in 16 of those years. At no time does more than 3 years elapse between a weekend observance of the same holiday. Out of the 12 years in the cycle when the holiday falls on either Tuesday, Wednesday, or Thursday, there are two spans of 3 years and three spans of 2 years between weekend observances. I insert a table showing the days of the week on which Memorial Day, May 30, and Independence Day, July 4, will fall during the 28-year cycle beginning in 1968:

1968	Thursday.
1969	Friday.
1970	Saturday.
1971	Sunday.
1972	Tuesday.
1973	Wednesday.
1974	Thursday.
1975	Friday.
1976	Sunday.
1977	Monday.
1978	Tuesday.
1979	Wednesday.
1980	Friday.
1981	Saturday.
1982	Sunday.
1983	Monday.
1984	Wednesday.
1985	Thursday.
1986	Friday.
1987	Saturday.
1988	Monday.
1989	Tuesday.
1990	Wednesday.
1991	Thursday.
1992	Saturday.
1993	Sunday.
1994	Monday.
1995	Tuesday.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York [Mr. Rooney].

Mr. ROONEY of New York. Mr. Chairman, I am going to vote for this bill.

Mr. Chairman, I have long sought legislative action which would make Columbus Day a legal public holiday and I am pleased that the House this evening is taking the first step to bring this about. This proposal to give honor on a national basis to the intrepid Italian, Christopher Columbus, is completely justified as a reminder of the debt we owe this great navigator. In honoring the memory of Columbus, we make of his virtues a noble inspiration to our youth.

On Wednesday morning, August 12, 1964, I had the privilege of appearing before the Senate Subcommittee on Federal Charter for Holidays and Celebrations of the Senate Committee on the Judiciary on pending legislation making Columbus Day, October 12, a national holiday. When I testified before the Senate subcommittee I was the sole Member of the House present. The following is the statement I submitted that morning:

Mr. Rooney of New York. Mr. Chairman, members of this distinguished committee of the Senate, I am pleased to have this opportunity to submit for your consideration my views relative to the importance of making Columbus Day October 12 a national holiday.

The proposal to give honor on a national basis to the intrepid Italian, Christopher Columbus, who was the first from across the sea to set foot on the shores of this continent is completely justified as a reminder of the debt we owe this great navigator. As Americans, we cannot recall the historic voyages of Columbus without also recalling the deeds of scores of other great explorers and early pioneers and the debt we owe each of them.

We are reminded of great heroes who came here before our nation came into being—the men of many nationalities who braved the wilderness in their explorations. When we think of Columbus we think of Vespucci, of Raleigh and Drake, of de Gama and Cortez, of Champlain and Frontenac, of Hudson and de Soto, of Magellan and scores of others. We think, too, of the veritable parade of heroes from other lands who march across the pages of our history—Lafayette and Steuben, L'Enfant and Shurz, Pulaski, Fermi, Sikorsky, Einstein and the hundreds of other great people to whom this country owes so much.

Although Christopher Columbus did not find it possible to remain on these shores in the true sense of a migrant, even in spite of three bold visits, he is responsible for initiating the steady flow of migrants from Europe. His charting the seaway to America permitted and stimulated the wave of explorers of many nationalities, English, French, Portuguese, Dutch, Spanish, and Italian. On the heels of the explorers came the settlers. With the arrival of these colonists the pattern for American citizenship was established—a nation of many nationalities, of many traits, and of many beliefs—yet a people dedicated to the principle of one nation, independent, indivisible, with liberty and justice for all.

Among these settlers—the farmers, the merchants, the printers, the preachers, the bankers, the fishermen, and the craftsmen of all kinds came the men who became in America's hour of need the great soldiers and the great statesmen who fought for her independence and planned for her survival as a nation.

The debt we owe these outstanding men of history, and the saga of their deeds should be kept constantly before us and preserved for posterity.

I suggest, Mr. Chairman, that without in any way minimizing the honor which we seek to do to the memory of Columbus and without in any way depreciating the honor we pay him as an Italian, but because of him and because he was Italian we consider Columbus Day as national Immigrant Day.

What greater honor could we pay to the discoverer of our Country than to pause each October 12 as we commemorate his birth date and think, too, of our other forebearers for whom he opened the door of America.

Columbus Day has long been proclaimed a holiday in some states and in many localities. I believe the time has come when all Americans in every state and in every locality—Americans of all faiths and descendants of all nationalities should observe Columbus Day as a national holiday to be observed with fitting ceremonies.

Americans—native born and adopted—all have reason to be reminded of the historic deeds and actions of our immigrant forefathers. All of us need to be reminded of Christopher Columbus' bravery, his tenacity and his courage of convictions which established him as an example for all the multitude of not only his fellow countrymen but the men and women of other nations who would follow him to these shores.

We speak reverently of George Washington as the "Father of our Country." We may speak equally as reverently of Christopher Columbus as the "Father of our Continent."

It is my hope, Mr. Chairman, that your committee will adopt my suggestion and that favorable action will be taken by the Congress to enact the necessary legislation to give all Americans an official national holiday to commemorate the birth date and pay homage to Christopher Columbus and to honor the succession of great foreign born heroes who because of his explorations and discoveries could add their noble deeds to his.

On August 15, 1964, the Senate passed that legislation designating Columbus Day, October 12, as a legal holiday but the House failed to take action and the bill died in that 88th Congress.

Last October in testimony before a subcommittee of the House Committee on the Judiciary, I stated that I believed that it was only a question of time until we in the Congress heeded the voice of the people and gave this day its due recognition. I hope that before another October 12 rolls around the Members of Congress will have seen fit to perfect legislation which will make Columbus Day a legal holiday.

Mr. Chairman, we could go on and on delivering words of praise for Christopher Columbus and words of justification for making Columbus Day a legal holiday. However, I think that I would have trouble in doing it as eloquently as Harry H. Schlacht did on October 12, 1949, in an article entitled "Honor to Columbus, Discoverer of America" published in the New York Journal American. Under leave to extend my remarks I include that article at this point in the Record.

HONOR TO COLUMBUS, DISCOVERER OF AMERICA

(By Harry H. Schlacht)

"O glorious city of Genoa!
Lost in the midst of the ages
Is the record of your birth.
But you gave to fame immortal
One whose praises now fill the earth."

Today we honor Christopher Columbus on the four hundred and fifty-seventh anniversary of the discovery of America.

Today we honor one of the greatest souls that ever wore the clay of earth about him.

Today we honor ourselves by remembering to honor him.

The great souls of history who have conquered in the face of adversity, who have hitched their chariot to the star of hope, achieved victory and snatched immortality from the ruins.

Thus did Columbus.

We can see backward across the centuries of the past a few sunken mountain peaks jut out of oblivion's sea.

We can see through the telescope of time the historical horizons.

We can see great stars whose magnitude is unabating through the ages.

Among them is Columbus.

His supreme confidence, his heroic endurance, and his unfailing faith in providence combated the superstitions of his day and made him the benefactor of the ages.

Columbus was a man of faith.

He acted by faith.

He achieved by faith.

He lived by faith.

He became by faith in Providence the divine instrument to blaze the pathway that marks the destinies of the centuries.

We know that the silent stars must have looked down with wonder upon the strange sight of three crude ships struggling with death on the briny deep of an angry unplowed sea.

We know that the God who rules over the winds and waves looked down upon him with his approving smile.

A great miracle occurred upon the earth.

A new continent was discovered.

A new civilization was born.

A new race was to rise.

This land was called America.

It was named after an Italian—Americus Vespucius.

It was to become the birthplace of democracy.

It was God's country.

Columbus brought to humanity a treasure trove of God-given gifts, surpassed only by the blessings flowing from the miracle of Bethlehem.

Here was a world with endless plains richer than the Nile.

Here was a world with cascades that sparkled in the sunlight.

Here was a world with majestic mountains that rose in towering grandeur to the very feet of the Creator.

Here came the blended blood of the best people of every land.

Here came the pillars of all races and of every creed.

Here they brought the finest fruits of their nations.

Here they have become the defenders of American civilization.

Let us today tender our loving tribute to Columbus and his people.

The Italian people have contributed to the greatness of our country.

The Italian people have fought with heart, head and hand for the country they love—for the institutions they cherish, and for the principles that gave it birth.

Italy has given us her theme of freedom.

She has given to exploration, a Columbus.

She has given to sculpture, a Michelangelo.

She has given to painting, a Titian.

She has given to science, a Marconi.

She has given to military art, a Garibaldi.

She has given to theology, a St. Thomas Aquinas.

She has given to music, a Toscanini.

She has given to the world a code of laws that will stand as a sheet anchor for all mankind.

Let us thank God that Italy has been liberated from her oppressors.

Let us pray that the golden morning of peace and freedom will shine forever o'er the world.

We send our greetings across the sea.

We shout, "Long live liberty-loving Italy."

Viva Italia Libera.

Mr. ROGERS of Colorado. Mr. Speakman, I ask unanimous consent that the gentleman from New Jersey [Mr. DANIELS] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. DANIELS. Mr. Chairman, I rise in support of H.R. 15951, a bill to provide for uniform annual observances of certain legal holidays.

I think all Members ought to support this bill because it is clear that the people of America are solidly behind the concept of the 3-day weekend. I know that the people of the 14th District of New Jersey support this measure. While the overwhelming majority of my constituents are working men and women, the business and professional classes are also supporters of the concept of the 3-day weekend.

Mr. Chairman, this seems to be one of those happy pieces of legislation which has the support of both organized labor and organized business.

Mr. Chairman, there is one provision in this bill which is dear to my heart and to millions of other Americans of Italian extraction. I am happy that the Judiciary Committee followed the lead of the beloved dean of the New Jersey delegation in the House, Congressman PETER W. RODINO of the 10th District, by including Columbus Day as a national holiday, to be observed on the second Monday in October. I commend my good friend from New Jersey who is truly the people's Representative.

Mr. Chairman, Columbus has special meaning to Italian-descended Americans because he symbolizes the deep ties which exist between those of us whose ancestors came from Italy and the United States. To every Italian-descended person this day underscores not our Italianness but rather our love of this country and its traditions. The contribution of Columbus gives every Italian-descended person a sense that we too have done our share toward the greatness of this Nation.

Mr. Chairman, I do not want to give you and other Members of this House the idea that this bill is only worth supporting because it declares Columbus Day a national holiday. While this is a goal which I have supported in the House since first taking the oath of office 9 years ago, there are other reasons why I support H.R. 15951.

Mr. Chairman, this bill also moves to Monday the observance of Washington's Birthday. This holiday will be observed annually on the third Monday in February. Memorial Day will be observed on the last Monday in May and Veterans Day will be observed on the fourth Monday in October.

Mr. Chairman, I have heard the arguments against this bill and I am not impressed with the notion that 3-day holidays will result in national bacchanals. I think there is nothing in this bill which precludes the spiritual nature of these holidays. I deeply reject the notion that our God is a God of gloom.

Somehow, I do not think the Sabbath of the New England Puritans of the 17th century is part of the divine plan.

Because I represent a district where a great many of the residents are of modest means, I know what 3-day holidays mean. I know of hundreds of families in the 14th District who use these long weekends to take short trips to the mountains or the Jersey Shore. I also know that the churches along the Jersey Shore are packed when vacationers are in town. I think Almighty God has no objection to a workingman and his family enjoying a brief respite from the workaday world. I am sure that the God whom I worship does not look down with displeasure upon such scenes.

Mr. Chairman, this is a good bill, and it deserves the support of every Member of this House.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York [Mr. STRATTON] who has worked so hard and long and who has labored for so many hours in bringing forth his thoughts in support of this legislation.

Mr. STRATTON. Mr. Chairman, I want to thank the distinguished chairman of the subcommittee, the gentleman from Colorado [Mr. ROGERS], my good friend, for yielding this time to me.

Mr. Chairman, I appreciate and understand the temper of the House tonight. I hope it means a favorable response to the effect that this legislation that is now pending before us will be passed.

I sympathize with my friend, the distinguished minority whip, although I too had nothing to do with the scheduling of the consideration of this bill.

Mr. Chairman, I rise for just a moment or two for one reason, and one reason only, and that is because I suppose I might be regarded as the father of Monday-holiday legislation.

I have introduced this bill ever since I came to this Congress 10 years ago. Last year we suddenly began to get some attention to the subject, both in this House and over in the other body, and the gentleman from Illinois [Mr. MCCLORY] is to be congratulated for his action within the House Judiciary Committee.

Even though the hour that we are finally beginning to act on this bill is a late one, and this makes it difficult, I just want to express my support for this legislation.

Mr. Chairman, I said that I was the father of this legislation. Perhaps this is being a little bit immodest because actually I found in an issue of the Reader's Digest of May 1937—31 years ago—an article by Henry Morton Robinson proposing exactly the same thing. And in the beginning of his article is a complete endorsement of the idea signed by James Truslow Adams, Margaret Culkin Banning, Bruce Barton, Walter Damrosch, Lloyd C. Douglas, Dorothy Canfield Fisher, Harry Emerson Fosdick, Mrs. Ogden Reid, Booth Tarkington, Deems Taylor, Lowell Thomas, Dorothy Thompson, William Allen White.

Let me just make one further point, Mr. Chairman. This is probably not the most popular session of Congress that any of us will have had the pleasure to serve in. We are being asked to vote this year on a number of difficult and unpopular pieces of legislation, not the least of which will be the conference report which the gentleman from Arkansas [Mr. MILLS] will be bringing before us in the next few days. But here in this bill we have something that I believe we all desperately need in this Congress, a bill that is overwhelmingly supported by the majority of the American people, broadly supported by labor, broadly supported by business. And the gentleman from Texas, my good friend, the chairman of the Committee on Appropriations [Mr. MAHON], will be happy to know that it is not going to cost the taxpayers a single cent. This is the kind of rare legislation we need in the 90th Congress, and we ought to get it enacted.

Mr. MAHON. Mr. Chairman, will the gentleman who has made reference to me yield?

Mr. STRATTON. I will be happy to yield to the gentleman from Texas.

Mr. MAHON. I have been disturbed because I have heard it reported that this bill, because it establishes Columbus Day as a national holiday, will cost us an annual sum of $90 million additionally.

I understand there is some explanation of that, but I do not know how valid the explanation is, and I would like to understand that.

Mr. STRATTON. Strictly speaking, the Monday holiday proposal itself, which seems to be the one to which the bulk of the opposition is being addressed, is not going to cost anything.

Now, I am personally very happy that the recommendation of the gentleman from New Jersey [Mr. Rodino] has been included, because, like many other Members of this body, I too have been pushing for Columbus Day to be added to our holiday roster. It is true that this action may cost something, but I would like to point out to the gentleman from Texas that whatever it is—and I do not know exactly what it will cost—the fact of the matter is, as the gentleman from New Jersey has already pointed out, that 34 of our 50 States already celebrate this holiday, so it is not going to cost anything there.

But let me also point out to my friend from Texas that whatever the cost may be, and I believe it will be very small, it will be more than made up by the loss of absenteeism and the added costs that are required when a business starts up its plant on a Monday, and then has to shut it down on Tuesday when that is a holiday and then start it up again on the following Wednesday. So we are going to be saving money, with holidays established on a Monday. And I believe it will more than make up for any cost incurred by our opportunity to celebrate the birthday of the great discoverer, that great Italo-American, Christopher Columbus.

Mr. MAHON. If the gentleman will yield further, my main problem is that there are many of us who do not like to vote for a bill that probably would cost an additional $90 million because of the Columbus Day holiday aspect.

I believe we are entitled to a very clear, convincing and well-documented explanation of this problem.

Mr. STRATTON. Let me yield to my good friend from New Jersey [Mr. Rodino], who is an expert on that aspect of the legislation.

Mr. RODINO. Mr. Chairman, I am not an expert, but I understand my proposal.

John W. Macy, Jr., Chairman of the U.S. Civil Service Commission, testified on this bill, to whom this $90 million figure was attributed.

He states further:

> Later, in a letter of September 25, 1967, to Honorable Emanuel Celler, Chairman of the House Judiciary Committee, in response to a request by a staff member of the Committee, I estimated that the additional cost of making Columbus Day a national holiday would be around $90-million a year for the Federal civilian work force.
>
> Granted that a new holiday for the Federal work force would cost about $90-million a year, I believe that the proposal for uniform observances of three or four holidays on Mondays, by avoiding disruption of normal business operations, would clearly offset the added cost of the extra holiday.

Mr. MAHON. Then it would cost $90 million, but more efficiency would be promoted by the uniformity which would tend to offset it; is that the idea?

Mr. RODINO. That is correct.

Mr. STRATTON. That is why the chamber of commerce is overwhelmingly for the legislation.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman.

Mr. McCLORY. In further explanation, I would like to point out that most of the civil service employees are paid on an annual basis and the $90 million estimated comes from computing what 1 day of that total annual payroll would cost.

As I mentioned in my statement, when you are in a State where you celebrate Columbus Day—and there are 34 States that have a Columbus Day—there is apt to be lost time anyway.

This further statement which has been presented by the Chairman of the U.S. Civil Service Commission today demonstrates that the cost would be more than offset by a uniform Monday holiday bill in the Federal service. This, it seems to me, completely negates any loss that the Federal Government might incur.

Mr. STRATTON. In other words, as has already been brought out, this cost will actually be a bookkeeping cost.

As Mr. Henry Morton Robinson said back in 1937 in his article in the Reader's Digest of that date, the Monday holiday legislation would do so much to re-create and refresh and restore the spirits and the energies of the Federal and private employees involved that their production when they go back to work again would be so much greater it would more than make up for any bookkeeping losses.

Mr. Chairman, I urge the adoption of the bill.

Mr. McCLORY. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. Fino].

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. FINO. I yield to the gentleman.

Mr. McCLORY. I want to point out that Monday holidays are observed in other countries such as Canada, New Zealand, and Australia.

In those countries they have designated as one uniform Monday holiday the Queen's birthday which is celebrated on the Monday nearest to May 24.

I am sure that there is no irreverence intended toward the Queen of England when they celebrate the Queen's birthday in that way. As a matter of fact, it is a day of great respect. The 3-day week provides the opportunity for a great celebration with appropriate observances because they have 2 days preceding the day of observance in which to prepare for the celebration of the birthday.

Mr. FINO. Mr. Chairman, I rise in full support of this bill which calls for the observance of three of our national holidays on Mondays and the addition of Columbus Day as a new national holiday to be observed on the second Monday in October.

I am very happy to say that proper recognition of Columbus Day as a national holiday is a longtime objective of mine, and during my 16 years in Congress I have introduced many bills in this respect. I am delighted, finally, to see this measure before us today.

I might add at this point, in answer to the gentleman from Michigan, who is complaining about celebrating Washington's birthday on a Monday, I think someone mentioned sometime ago that Washington was born on a Monday so we are doing proper justice to his birthday by celebrating it on a Monday.

My own State of New York, Mr. Chairman, first made Columbus Day a State holiday in 1908. Many other States have done likewise.

I believe, however, that Columbus Day should not just be a State holiday; it should be a national holiday.

Consider our other national holidays.

Veterans' Day is important to us because it commemorates the veterans of all of the Nation's wars.

Memorial Day commemorates the sacrifice of those of our soldiers who have died to keep America strong and free.

February 22, of course, is the birthday of America's first President and Founding Father, George Washington.

I further believe that Columbus Day is equally important because it marks the discovery of a new world—the American continent.

Now there will be those who dispute Columbus' claim to discovery. And I suppose if we were really precise, we would have to admit that the Indians were first. What I am talking about, however, is the discovery and exploration by which the New World became open to the European settlement which ultimately built the present-day United States. This, beyond doubt, was Columbus' discovery. His efforts and no others resulted in permanent European settlement of the New World. It is all very well and good to talk about the Vikings, but if Columbus had not made his 1492 voyage, nobody would even know about the Vikings. When Columbus arrived in the Western Hemisphere, there was nothing left of Viking efforts save a few dubious rocks and relics. To use contemporary language, Columbus was the man who got the job done, and I think that the opening of the New World to European settlement is as much of a milestone in our history as the events celebrated by our other holidays. Today there is little doubt that Columbus Day should accordingly be made a national holiday.

Mr. Chairman, I would like to read a telegram that I have received from Gov. Nelson Rockefeller concerning Columbus Day:

> New York State has long appreciated the tremendous inspiration, deeds and daring of Christopher Columbus. We in the Empire State are especially thankful for the countless contributions this dauntless explorer's fellow countrymen have made and continue to make to the development of our culture.

> Their love of liberty means much to the steady growth of our state and nation. In recognition of the contribution of Christopher Columbus, Columbus Day is a legal holiday in New York State.
>
> I would hope that the federal government would accord similar appropriate national recognition to Columbus Day.
>
> NELSON ROCKEFELLER.

Of course, the Columbus Day holiday is just one aspect of the bill before us today, but I feel that it is the most important. I urge the Members of this House to support H.R. 15951 not only as a way of beneficially rearranging the schedule of national holidays, but as a means of finally giving national recognition to the great achievements of Christopher Columbus.

The legislative action this House takes today will not only be popular with a majority of our people but a very significant one.

In closing, I might mention that in the State of New York we are concerned about industry and what effect it might have on industry and labor. The New York State Council of Retail Merchants, Inc., in a letter to the Members of Congress, said:

> On behalf of the members of the New York State Council of Retail Merchants, Inc. and on behalf of their employees, we urge that you vote in favor of this measure in order that industry may function more efficiently and that the tremendous numbers of employed workers in New York State may have the privilege of enjoying a number of long weekends.

Mr. ANNUNZIO. Mr. Chairman, after many years of effort, we have at last an opportunity to give our affirmative votes to a measure which will bring some commonsense and uniformity to our observance of national holidays.

The measure before us today, H.R. 15951, establishes that certain nonreligious legal holidays—Washington's Birthday, Memorial Day, Labor Day, and Veterans Day—shall all fall on specified Mondays. Certain other traditional holidays—New Year's Day, Independence Day, Thanksgiving Day, and Christmas—remain to be celebrated on their customary dates. The result is, of course, the creation of four new official 3-day weekends, like our present weekend observance of Labor Day.

I am delighted to have had a part in the sponsorship of this measure, and I also heartily commend my distinguished colleague from Illinois, Congressman ROBERT McCLORY, for his tireless and effective work in obtaining prompt Committee approval of it. I want to congratulate Chairman EMANUEL CELLER of the House Judiciary Committee and his committee members for their expeditious and favorable consideration of H.R. 15951. The committee, by its action, has demonstrated its wisdom and foresight in bringing about some uniformity to our observance of national holidays.

In asking for the support of the House Members for our bill, I put the question—What could be more reasonable and logical? Opponents have argued that we would somehow be tampering with history to alter the day of celebration of certain holidays. Yet if we look closely at our traditions, we see that many of our holidays are presently celebrated on dates that were originally fixed arbitrarily.

For example, George Washington was born on February 11. With the introduction of the Gregorian calendar during his lifetime, however, his birthdate became February 22. He himself accepted this change, and celebrated his birthday on February 22. It would hardly dishonor the memory of the Father of Our Country to pay homage to him on a date other than February 22.

Memorial Day was originally fixed in 1868 as a day to honor those who had died in the Civil War. Since there is little or no historical significance to the date, May 30, our deepest respect might as readily be paid, with proper reverence, on another day.

Veterans Day, customarily celebrated on the anniversary of the Armistice of World War I, honors veterans of all wars. Again, would our honors be regarded as insincere if we were to fix a different date?

And finally, the measure before us provides that Columbus Day shall at last be made a legal holiday—elevating to the highest level of respect our observance of Christopher Columbus' discovery of the New World. It is a goal that I have worked many years to attain and I am thoroughly delighted that it may now come to pass.

The proper observance of Columbus' epic voyage and discovery ought to be the right and privilege not only of Italian-Americans, but of all Americans. For, in a very real sense, Columbus and his crew were the first immigrants in what has been called a nation of immigrants. They discovered America which became a haven of hope and peace for generations of downtrodden people from all over the globe. They opened a land where men could live in freedom from oppression—a land which grew and became richer with each new wave of immigration from abroad. And so, it is only right that we should offer our highest tribute to Columbus, the man who started it all.

There are, of course, other compelling reasons for establishing these holidays on Mondays. A 3-day weekend offers the general public wider latitude for planning vacation and recreation activities than do holidays in midweek. Monday holidays will cut down on lost work time and will increase production in goods and services by minimizing the disruption in work schedules caused by a midweek holiday.

Opponents to H.R. 15951, and to the idea of celebrating certain of our holidays on Mondays, have failed to make this case. In the face of the logic of the favorable arguments, and in the face of overwhelming public opinion in support of this measure, I say we have no alternative but to pass this bill.

Editorials have appeared in the Chicago press, as well as newspapers across the country, endorsing this measure. In addition, it has merited the support of the Chamber of Commerce of the United States, the National Association of Manufacturers, the National Association of Travel Organizations, the National Retail Federation, the American Federation of Government Employees, the Government Employees Council of the AFL–CIO, the International Amalgamated Transit Union, and the National Association of Letter Carriers, as well as many other business groups and organizations.

In addition, the Department of Labor, the Bureau of the Budget, the Department of Commerce, and the U.S. Civil Service Commission have submitted official views supporting the passage of this legislation.

The House Judiciary Committee, during extensive hearings, also conducted opinion polls on the bill, and found that almost 93 percent of the persons polled supported the concept of Monday holiday legislation, while little more than 7 percent were opposed.

Our national holidays are significant and symbolic events—and our reverence shall not be diminished by celebrating them in a sensible manner. The significant advantages to establishing these four holidays on Monday far outweigh the traditional arguments which have been offered in opposition.

I am pleased to cosponsor this measure, and I ask my colleagues to join me in voting for H.R. 15951.

Mr. MINISH. Mr. Chairman, I rise in support of H.R. 15951, the Monday holiday bill. By the scheduling of Veterans Day, Memorial Day, and Washington's Birthday on Mondays, Americans will gain 3-day periods for recreation, travel, and visits every year, businesses will have an unbroken workweek, and widespread absenteeism will be avoided. At the same time the commemorative purposes of the holidays would be preserved with even more time available for the planning of proper ceremonies and observances.

The bill we are now considering also would designate the second Monday in October, to be known as Columbus Day, as a national holiday. I have sponsored legislation to honor the great explorer and adventurer with a national holiday since I entered the Congress in 1963. In view of my ancestry this is a cause that is close to my heart, but the celebration of the anniversary of Columbus' landing in the New World is by no means of interest only to Americans of Italian descent. All of us owe our civilization and way of life to Christopher Columbus who opened the door to the New World and thus all Americans would wish to pay honor to him. Without Christopher Columbus there might not be a Veterans Day, a Memorial Day, or a Washington's Birthday.

Mr. Chairman, H.R. 15951 calls for the observance of Columbus Day as a day for honoring the United States as a nation of immigrants. By commemorating the voyage of Columbus to the New World we will be paying fitting tribute to the courage and resourcefulness which enabled generation after generation of immigrants from every nation to broaden their horizons in search of new hope and a renewed affirmation of freedom.

A practical aspect of this issue is that it is a convenience for any form of interstate business if the holidays in our country at least approach uniformity of observance. Today almost every State observes Columbus Day in one form or another, ranging from a complete shutdown of commerce to the closing of State agencies or public schools. Since the majority of our States do assign October 12 the status of a legal State holiday, I think it would contribute to the general well-being and convenience if the holiday were made uniform across the entire country. We have an opportunity today to do our part toward that end.

Lastly, I would stress that at no time were Columbus' singular virtues of daring and determination more necessary than today, as we face new worlds of space, new worlds of scientific discovery, new worlds of human relationships. The time is long overdue for us to extend to Columbus the official and permanent recognition he receives in this legislation. I urge passage of the Monday holiday bill with its Columbus Day provision intact.

Mr. HANLEY. Mr. Chairman, on October 4, 1967, I spoke here on the floor of the House in support of H.R. 8443 and related measures which would have declared Columbus Day a national holiday. I was also privileged that same day to appear before the House Judiciary Committee in support of my bill.

Today, 7 months later, I am happy to rise in support of the bill before us which will provide for uniform annual observances of holidays on Mondays. The instant measure contains the basic objective of my bill introduced last year, to pay honor to the memory of Christopher Columbus.

I am pleased and gratified that the House Judiciary Committee has seen fit to call this bill up for consideration, and I call upon my colleagues to respond with a resounding vote of confirmation.

Mr. LEGGETT. Mr. Chairman, we have before the House this afternoon a bill to change the official date of certain legal holidays and to make the customs of the country more uniform by establishing Columbus Day as a fourth legal holiday. Some have opposed this act, feeling that holidays in some manner are sacrosanct from tampering by Congress once they are enacted.

I say what Congress has done, it can do better.

Holidays, of course, have a purpose—to honor certain persons and causes as a day of rest. With the growth of our great society, however, and the great surge on weekends and holidays to camps, national parks, the Federal highways and the great outdoors, these days of rest have been turned into days of recreation and leisure.

This secondary purpose by long experience by both business and labor is much more meaningful, economic and pleasureful if the holiday falls on a weekend.

The Judiciary Committee has done an excellent job with the pending bill, which really should be labeled the "Guaranteed Four Holiday Weekend a Year" legislation. The bill will do more to help more people than anything we do in the Congress this session.

The committee has determined to include Washington's Birthday, Memorial Day, Columbus Day, and Veterans Day as the four equally spaced guaranteed weekend holidays.

Columbus, a great Italian, with Spanish fortune, discovered this New World which today generates two-thirds of the economic power in the free world. Columbus should be honored and I am pleased that the committee has chosen to formally make uniform and national the annual celebration tribute to this great Italian.

Mr. JOELSON. Mr. Chairman, I am pleased that at long last we are recognizing the discoverer of America, Christopher Columbus, by declaring a national holiday in his honor. I have long advocated this step, and wholeheartedly endorse this measure.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, when we had the rule under consideration, I made some brief remarks evidencing my opposition to this bill and the total concept of the bill. The committee report contains dissenting views which I wrote which set forth in greater detail than I will undertake today here my opposition to this legislation.

I am quite interested in some of the argument that is made. Originally the Commerce Department and the Civil Service Commission sent forward their letters of complete opposition to Monday holiday legislation. Later, under the pressures of some of the business community these two agencies of the Government changed their views. Now today we have the rather remarkable argument that Mr. Macy, Chairman of the Civil Service Commission, has decided that, after all, another holiday would not cost in excess of $90 million.

These are rather strange doings that we have here. To comment briefly on the argument made by my friend, the gentleman from Illinois [Mr. McClory], I do not understand what the relevancy of holidays in other countries is to the question we are considering. Other countries have many practices that I hope our country never adopts, and it comes with little persuasiveness to me that some country elsewhere might take a different view on matters from ours.

I take the view that instead of being concerned about profit, some of these gentlemen who are so concerned with profit should be thinking about prayer.

Instead of being so concerned about profits, perhaps some of them should be concerned about patriotism. So much concern is expressed about traveling, that I wonder if we should not be giving a little attention to tradition.

The American Legion has said that their executive committee opposes a change of the date of Veterans Day and of Memorial Day. The churches—the only organization testifying before the committee in behalf of the churches—say the holiday program proposed by this legislation would be disastrous to the program of education in the religious institutions of our Nation.

I am not going to belabor the matter. There will be amendments offered which will seek to change some of this proposal. I just hope when my grandchildren and great-grandchildren look at the Congressional Record for this day, they will not have to say that the one mark their forebear left was to change the legitimate birthdate of George Washington to another date, and that when the Nation was concerned about tax increases and about her financial condition and about the international relations which seem about to destroy the world, their grandfather was up there on the floor of the House concerned about whether folks would have more fun and pleasure, and that a few business organizations would make more profit on Mondays, and disregarded all of the tradition and background of our Nation.

Mr. McCLORY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. Smith].

Mr. SMITH of New York. Mr. Chairman, I rise in support of this legislation. I think it makes good sense to have order in our holidays. I must say all of the people back home to whom I have spoken about this particular legislation seem to be in favor of it.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. Hungate].

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from New Jersey.

Mr. JOELSON. Mr. Chairman, I may say I hear a great deal of talk about precedent, but I think in this body there is ample precedent for Monday holidays.

Mr. HUNGATE. Mr. Chairman, as a cosponsor I favor this legislation and rise in its support.

Mr. Chairman, the officers and members of the chamber of commerce in my district, and the labor unions and members of the labor unions have communicated with me in support of this bill. I think when we get that much agreement between labor and management, that in itself calls for a holiday.

Mr. Chairman, in the 88th Congress in 1964 a Columbus Day bill was introduced by over 30 Senators, and passed the Senate, so we would not break new ground there.

Mr. Chairman, I urge support of the bill.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. Pucinski].

Mr. PUCINSKI. Mr. Chairman, I rise in support of this legislation. I am happy we are going to recognize Columbus with a national holiday for there is no question that Columbus was the first to colonize America. But I would like this committee to know that when Columbus arrived on these great shores, he was greeted by the Indian chiefs with great pomp and ceremony. He was very overcome, when the Indian chief told Columbus that he was the first white man to come here to settle permanently. Columbus was deeply moved and said, "Thank you very much. But I am somewhat puzzled, because if I am the first white man to settle here, I would like to ask who are those white people up there against the mountain?"

The Indian looked back and said, "Oh, those are our good Polish friends who come here every year to pick mushrooms."

This legend demonstrates the warm friendship that has always existed between the Polish people and those of Italian descent.

I am pleased to support this legislation because certainly a grateful nation ought to declare as a national holiday the day we honor Columbus—the discoverer of America.

Mr. McCLORY. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut [Mr. MESKILL].

Mr. MESKILL. Mr. Chairman, I rise to support with enthusiasm the Monday holiday bill, H.R. 15951, of which I am a cosponsor. This measure is a modern legislative rarity: it will improve the lot of all our citizens, smooth the paths of commerce, benefit the working man, save money for the country, and possibly lives, and it will not cost the government a penny.

Furthermore, by establishing Columbus Day as a new national holiday, it will accomplish a goal which I have personally sought to bring proper recognition to the Great Discoverer and his valiant countrymen.

The bill provides that three of our present national holidays will be observed on Mondays: Washington's Birthday, third Monday in February; Memorial Day, last Monday in May; and Veterans Day, fourth Monday in October. The new holiday, Columbus Day, will be observed on the second Monday in October.

It should be noted that this legislation technically affects only Federal employees and residents of the District of Columbia. The States, however, traditionally follow the Federal Government in enacting State holidays.

Initially, I had great concern that an increase in long holiday weekends would increase the fearful toll of traffic deaths. During the course of the hearings before my committee, however, very interesting figures were produced to show that this is not likely to be the case.

The Judiciary Committee, of which I am a member, was given data on this point by the Department of Commerce. The Department's study conclusively showed:

> On the basis of duration, the one-day, midweek holidays were the most potent producers of accidents, with an average danger rating (holiday death divided by non-holiday death rate) of 1.83, as compared with 1.18 for 3-day weekends and 1.16 for 4-day holiday weekends.

Another study prepared by the Legislative Reference Service of the Library of Congress compared the number of traffic fatalities over 1-day, 2-day, 3-day and 4-day holidays for five major holidays. Figures for the years 1957–66 were used. This report concluded:

> On the Fourth of July, Christmas and New Year's holidays, more people died per day on a 1-day holiday than on a 3-day holiday. Labor Day is always a 3-day holiday but it is significant that the average number of deaths per day for that holiday is lower than the average for most of the other 1-day holidays.

It was also suggested that, as 3-day holidays become more frequent, our inclinations to travel on any particular holiday may be reduced. If this is so, that fact would reduce the number of Americans on the highways at any given time. I think this is quite likely to happen. The pressure to visit Aunt Sadie over Washington's Birthday, when the weather is not so nice, would be considerably reduced if you know there is another 3-day holiday coming along pretty soon. We will have to see. But it is on the basis of these studies that I feel this bill will save lives and reduce accidents.

The effective date of this measure is very wisely put off until January 1, 1971, however, to give the legislatures of the States sufficient time to adopt the Federal schedule.

The delay is also necessary in order to permit calendar manufacturers to adjust their schedules as well as other businesses and organizations.

The bill promises to reduce the heavy rate of absenteeism among workers which is currently an expensive characteristic of holiday periods. For many industries, it will eliminate costly shutdowns and start-ups caused by mid-week holidays.

For these reasons, Mr. Chairman, I am pleased to have been associated with the progress of this legislation, as a cosponsor and as a member of the distinguished Committee on the Judiciary. I recommend it to the House wholeheartedly.

Mr. McCLORY. Mr. Chairman, I yield myself 2 minutes.

I want to emphasize, before we close the debate on this legislation, that I hope the membership will resist and will not support any amendments to this legislation. The reason for my request and hope is that we have considered various other holidays. We have considered various alternative dates. We have taken a great deal of time considering this in committee.

This does seem to be the best we can come up with.

It is true that other legislation recommended a Monday holiday for the Fourth of July and for Thanksgiving Day, but those were rejected. Those changes did not seem to be popular. The legislation came out in this form.

I believe it would weaken the effect of the legislation if amendments eliminating one or more of the holidays were approved.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Iowa.

Mr. GROSS. This is a great economy measure, as it was pictured here a little while ago. Why have you left out New Year's Day, on January 1, and Christmas on December 25, and Independence Day on the 4th of July? If this is the great economy measure, why not go all the way?

Mr. McCLORY. Let me say that Christmas Day, the date of the Lord's birth, was celebrated on different dates until, I believe, the year A.D. 300 to 400, at which time one of the Popes designated December 25; so now all Christian sects recognize December 25. But that was an arbitrary date set by the Pope.

I might say that not all sects have followed this, because the Armenian sect still celebrates the Lord's birthday on January 6.

There would be support for that, but it is a religious holiday. I believe that people want to keep it that way.

The 4th of July is an important date, because we recognize Independence Day as the Fourth of July. The committee did not want to support any changes there. I go along with the committee. I believe this is good legislation as it is.

Mr. GROSS. Does the gentleman have some comment with respect to January 1?

The CHAIRMAN. The time yielded by the gentleman from Illinois has expired.

Mr. McCLORY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. McCULLOCH], the ranking minority member of the Committee on the Judiciary.

Mr. McCULLOCH. Mr. Chairman, I rise in support of this legislation. It will serve a useful public purpose and it will be in the best public interest.

I have been amused and entertained—and I do not say that in any derogation whatsoever of this debate—by the importance we give to names and dates.

If Gertrude Stein were alive and were here she would probably say, "A rose is a rose is a rose."

And Shakespeare did say to us, if I can claim a little bit of deviation from the exact quotation, that a rose by any other name would smell as sweet.

I repeat, I support this legislation.

This bill would establish that Washington's Birthday, Memorial Day and Veterans Day would be observed on appropriate Mondays. The bill would also establish a national holiday, Columbus Day, to be observed on the second Monday in October.

I cosponsored H.R. 15951 because I believe that it will allow employees to use their leisure time efficiently. Those who will be most affected by this bill—both labor and management—have indicated their overwhelming support for this legislation.

Hearings were held on the Monday-holiday bill, and the witnesses who testified indicated their enthusiastic support for this legislation. Several privately conducted polls have been taken. The results of these polls, printed on page 11827 of the CONGRESSIONAL RECORD for May 6, indicate strong support for a Monday-holiday bill.

Several arguments have been raised against this worthwhile legislation.

First, it is argued that this bill would increase the slaughter on our Nation's highways. But the facts are to the contrary. A report by the U.S. Department of Commerce relying on data supplied by State highway departments and the Bureau of Public Roads conclusively indicated that the 1-day, midweek holiday is the greatest nemesis for the Nation's motorists.

Taking the danger rating for a typical nonholiday as 1.00, the report indicated that the danger rating of a midweek holiday was 1.83, as compared with 1.18 for a 3-day holiday weekend and 1.16 for a 4-day holiday weekend.

Furthermore, it is just plain commonsense that people will not take long trips on every 3-day weekend. So if more 3-day holiday weekends are provided, the traditional family outings will be spread over several holidays, rather than being concentrated in one or two.

Second, it is argued that the observance of the new holiday on Columbus Day will cost the Federal Government some $90 million. This is untrue.

The figure represents the productivity value of the typical workday for those covered by this legislation.

But Columbus Day is not a typical workday. At present, it is a day where absenteeism is high and productivity and efficiency are low. The Federal Government does not work in a vacuum. It works in conjunction with State and local governments and private industry. When the employees of State and local governments and of private industry are celebrating the Columbus Day holiday—as is true in 34 States—it becomes very difficult for the Federal Government to get its work done.

This bill simply recognizes a loss that has already occurred, it does not create a new one.

Third, it was argued in committee that this legislation should not take effect until a majority of the States have indicated their advance consent to the Monday holiday proposal. However, that argument overlooks the fact that this legislation, as a matter of law, applies only to employees of the Federal Government and of the District of Columbia. Of course, it is true that the cosponsors of this bill hope that the State legislatures will decide, in their wisdom, to follow this Federal legislation. That is one reason why the effective date of this bill is January 1, 1971, some 2½ years away.

We have every reason to believe, as the Governors of the States have indicated to the gentleman from Illinois, that the States do like the Monday holiday proposal. However, the bill yields ample time for a second look at the matter, if such indications were incorrect.

Moreover, this is good legislation. It would be psychologically improper to require that the States take the lead in this area.

Fourth, it is argued that Washington's Birthday should be changed to President's Day. It was the collective judgment of the Committee on the Judiciary that this would be unwise. Certainly, not all Presidents are held in the same high esteem as is the Father of our Country. There are many who are not inclined to pay their respects to certain Presidents. Moreover, it is probable that the members of one political party would not relish honoring a President from the other political party while he was in office, no matter how outstanding history may later find his leadership.

Fifth, it is argued that we should not add Columbus Day to the list of Federal holidays. It is said that we should not disdain Leif Ericson and St. Brendan and others who also lay claim to discovering America. But the purpose of recognizing Columbus Day is not to decide as a matter of law who discovered America, but rather to give expression to our well-settled and longstanding cultural tradition of celebrating Columbus Day.

I have tried to answer some of the arguments that are made against this legislation.

I support this legislation because I believe that it will enrich the spirit of our people. I urge the Members of the House to lend their support to this legislation.

Mr. McCLORY. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. STEIGER].

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in support of the legislation. I want to pay tribute to both the gentleman from Illinois [Mr. McCLORY] and the gentleman from New York [Mr. STRATTON], for their leadership in bringing this bill to the House. It was my privilege to testify on behalf of similar legislation before the Committee on the Judiciary. I had hoped that certain other holidays would be brought into line with the uniform Monday holiday approach.

Nonetheless, I support this bill to provide uniform observance of certain national holidays on Monday and believe the Congress would do well to act favorably on it. The holidays to be established are: Washington's Birthday, to be observed on the third Monday in February; Memorial Day, to be observed on the last Monday in May; and Veterans Day, to be observed on the fourth Monday in October. An additional purpose of the bill is to establish a national holiday in honor of Christopher Columbus—a holiday which would be observed on the second Monday in October.

There are, Mr. Chairman, some significant reasons why this bill is worthy of passage.

First. It would help to build real family life by giving our families greater opportunities to relax and vacation for longer periods of time throughout the year.

Second. It would, I believe, cut down traffic fatalities. The National Safety Council has said that the 1-day midweek holiday, such as we will have this year on the Fourth of July, has the highest highway kill rate. Our colleague, the gentleman from Illinois [Mr. McCLORY], inserted into the CONGRESSIONAL RECORD some very pertinent material on this matter to which I would call your attention.

Third. As the Wisconsin State Chamber of Commerce has pointed out:

> It would help the economy by cutting down on absenteeism at work. Split-week holidays also drive-up production costs.

I have received a substantial number of letters from businessmen in the Sixth District of Wisconsin endorsing this principle, Mr. Chairman.

Fourth. In line with my first point, this plan would benefit the important recreation and tourist industry in a State like Wisconsin. Tourism is rapidly becoming one of our Nation's largest industries and its importance cannot be minimized when discussing this bill.

It seems to me that the 3-day holiday idea makes sound, reasonable sense in the years ahead as leisure time becomes more important. The week is not broken up, the working men and women of this country would benefit, and business and industry would not be disrupted.

I first became interested in the uniform Monday holiday concept as a member of the Wisconsin Legislature. A good friend and constituent, Erbin Harenburg, of Oshkosh, called my attention to this matter and has been a consistent supporter of the idea.

In addition, the proposal has substantial nationwide support.

The Oshkosh Wisconsin Chamber of Commerce in the Sixth District found that 75 percent of those responding to its membership questionnaire in March of last year favored the uniform Monday holiday plan.

The Wisconsin State Chamber of Commerce surveyed 259 Wisconsin communities and found that 76.7 percent of the people who responded were in favor of this plan.

A number of newspapers and radio stations in the Sixth District and Wisconsin have indicated their support for legislation of this kind. They include the Hartford Times-Press, radio station WHBL in Sheboygan, and both WTMJ-TV and WITI-TV of Milwaukee. In addition, many citizens of the Sixth District have written urging adoption of this bill. The Sheboygan Chamber of Commerce has wired me today stating:

> We respectfully urge your support for passage of this measure.

Radio station WHBL of Sheboygan summed up very nicely the reasons for this legislation in its editorial of March 27, 1967, when it said:

> We believe there are several good reasons for this change. First, the three-day weekend would make more time available for family vacation trips and outings which cannot be done so easily when the holiday is observed on a single day in the middle of the week. This, we think, would make holidays more meaningful.
>
> Second, it would reduce the absenteeism and disruption on adjoining days which business and manufacturing plants report always occurs when holidays fall in the middle of the week.
>
> Some (opponents) also assert that changing the dates of national holidays would be improper because of the historical precedent. But history shows that most holidays are not observed on the day of the event which they honor, such as the Fourth of July. The Declaration of Independence was actually signed on July 2.

This bill, of course, does not affect the July Fourth holiday.

I believe the case is clear in favor of making these changes. I trust my colleagues will act favorably on this legislation today.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. DULSKI] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. DULSKI. Mr. Chairman, I rise in support of H.R. 15951, a bill to set observance of certain national holidays on Mondays.

I particularly support the proposed designation of Columbus Day as a national holiday. Under this bill, Columbus Day would be observed as a national holiday on the second Monday of each October.

This is long overdue national recognition for Christopher Columbus, although he already is honored officially each year in 34 of the 50 States. I have sponsored legislation for a national holiday repeatedly since I came to Congress.

In this Congress, I introduced H.R. 512 to designate October 12, Columbus Day, as a legal public holiday. Hearings were held last October 4 and 5 by House Judiciary Subcommittee No. 4.

There were 51 individuals or groups who offered testimony, including 35 Members of Congress, strongly supporting establishment of Columbus Day as a national holiday.

My indicated preference and that of most all sponsors in the past has been to designate October 12 for the holiday.

But I am not wedded to that particular date, and I am assured by many of those who have supported my bill that they likewise are not insisting on the October 12 date. What we seek to accomplish is recognition for Columbus with a national holiday.

Thus, I am supporting wholeheartedly the proposal in this bill to designate the second Monday in October as Columbus Day.

There is much to be said for changing as many holidays as possible to Mondays. I recognize that there are some people who have different views and I respect their beliefs.

However, in these days of shorter work weeks and a greater mobility by our population, it seems to me that there would be less disruption to commerce, to education, to family life, if more holidays were added to weekends.

Mr. Chairman, I support, without amendment, the pending bill, H.R. 15951, as reported by the House Committee on the Judiciary.

Mr. Chairman, the National Columbus Day Committee is headed by Mariano A. Lucca, a resident of my home city of Buffalo, N.Y.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WAGGONNER. Mr. Chairman and members of the committee, since we know so much about how these holidays began and the part played by the different races of people, I believe we ought to afford the gentleman from Illinois [Mr. PUCINSKI] an ample opportunity, since time did not allow him to do so, to explain to the House how the Indians knew the people they faced were white people, when the first settlers got here.

You know, I sit here and listen to this discussion and I am reminded of a story that perhaps many of you have heard from time to time, which involves a conversation on one occasion between an architect, a doctor, and a politician. They sat discussing among themselves which of their professions was first and which of their professions was the oldest. The architect said he was sure his profession was older than any of the others because somebody had to bring order out of chaos and nobody but an architect could do that. The doctor attempted to justify his belief that his profession was the oldest by saying that in the beginning it took the rib from one to help make another. Nobody but a doctor could have done that. The politician responded to the question, "Well, who do you think created the chaos that made it necessary to bring some of the order to this world you talk about?"

It is no wonder that this country is in the shape it is when this Congress in these critical days spends the time that they spend arguing about such trivial matters as changing the dates of holidays. There are better things that this Congress could do. Some people attempt to justify the need for establishing Monday as a uniform holiday as being one which will reduce the cost of these holidays to the Government. Well, if it will reduce the cost of the holidays to the Government, why do we not go all the way and make every holiday fall on Monday, if this is a logical, legitimate, and factual argument? It is not. That is the answer. It will not reduce the cost of the holidays to the Government.

But I will tell you what it will do. By adding a Monday holiday like Columbus Day, it will cause the Federal Government to declare an additional Federal holiday when it will pay time and a half or double time for an additional holiday. Now, if you can tell me how that reduces the cost, you are good with arithmetic and figures, but you cannot prove the point. You can say it until hell freezes over, but it does not make it so.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I will be glad to.

Mr. McCLORY. I thank the gentleman for yielding, because the testimony before the committee was that the most disruptive effect on the civil service was a Tuesday or a Thursday holiday, because of the absenteeism and because of the inefficiency which occurred when people were not there and when they take a 4-day weekend holiday because of the holiday not falling on Monday or Friday. It is to overcome that as well as to provide this opportunity for people to be together with their families on the holiday 3-day weekend that we favor this legislation.

Mr. WAGGONNER. Will the gentleman answer me this question: Are the same people who furnished him that information the same people who have been preparing estimates of the financial status of the Government for these many years? Would it not be just about as accurate to say that they are wrong here as they have been in so many of the other instances?

Mr. McCLORY. If the gentleman will yield further, I will answer his question in this way: Private industry, it seems to me, recognizes what the problem is when you have Monday and Friday holidays. The Chamber of Commerce of the City of New York estimates that 40 percent of New York's business will close down on the Friday after Memorial Day and on the Friday after the Fourth of July this year because those days both fall on Thursday this year. They figure these as complete losses. It is that sort of a situation that private industry is trying to overcome and that sort of a situation which we in the Federal Government also want to overcome.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I will be happy to yield to my friend from Florida.

Mr. HALEY. If this bill is such an important bill, I wonder how this great Nation has not taken this action before. Nobody in this Nation today seems to be giving enough time and thought to work. The result is that we are in the worst financial crisis that we have ever been in and we have spent beyond our income. We continue to tear down the traditions of the American people and make light of the holidays that should be held sacred by every loyal American. I think it is one of the most ridiculous bills that has ever been brought before the Congress of the United States, and I hope it is defeated.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. WAGGONNER. Will the gentleman yield me some additional time?

Mr. ROGERS of Colorado. I yield the gentleman 5 additional minutes.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I shall be happy to yield to my distinguished friend, the gentleman from North Carolina.

Mr. WHITENER. I think it may be well for the RECORD, although I know the gentleman from Louisiana is familiar with it, to read a sentence or two from a letter addressed the Honorable EMANUEL CELLER from Mr. John D. Macy, Jr., Chairman of the Civil Service Commission. The letter is dated May 16, 1967. Bear in mind that this letter was addressed to the chairman of the Committee on the Judiciary. He said that the cost of an additional holiday would differ under various circumstances and that there are different considerations to be taken into account. He points out the question about overtime for certain employees, a question which has already been pointed out by the gentleman from Louisiana [Mr. WAGGONNER]. His observation is that it would run roughly $4 million or $5 million and that the man-days lost each year would be extremely heavy and that the question of premium pay would become involved in the situation which would run the total to around $90 million. This was before the latest pay raise for Federal employees.

Mr. WAGGONNER. Mr. Chairman I ask what was the purpose of establishing any holiday to commemorate any individual or any occasion? It was to make meaningful that event or something about that individual. To record it for history. Holidays and commemorative events were not created for the purpose of trade or commerce. They should not be so used.

And, Mr. Chairman, if we through this legislation here today take any of these specific holidays from their long accepted observance as they have been so recognized, then we will have abandoned the principle for which the holiday was established in the first place and you have made it a tool of trade and commerce. This was never intended to be.

You have further commercialized and made further meaningless something that has the respect of the people of this country. You have helped to destroy history for future generations.

Now, you talk about the chamber of

commerce supporting this proposal. This means, because no other has been mentioned, the Chamber of Commerce in New York. But there are other chambers of commerce which do not support it. You have forgotten that the American Legion opposed it; you have forgotten that many of the churches oppose it, because you talk about what it is going to do by having a long holiday. The churches are not for having these long holidays because some of the preachers of the Nation know that it is going to take some of the people from the churches on Sunday, and this is the truth.

Mr. Chairman, this will open the door and it is just the foot of the Federal Government intruding into an area into which we should not intrude. What you are doing is making it a tool for the Congress to assume unto itself the responsibility of establishing by whim for example a uniform Sabbath under the guise of aiding and abetting commerce. I call upon those who support this legislation to convince me that we ought to pass it. If you cannot do so, then you have forfeited your right to support this legislation.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Your own State of Louisiana recognizes Columbus Day as a holiday.

Mr. WAGGONNER. That is right.

Mr. ROGERS of Colorado. Is that wrong in the State of Louisiana?

Mr. WAGGONNER. Not if they want to do it.

Mr. ROGERS of Colorado. Well, what is wrong then if we want to do it?

Mr. WAGGONNER. But they do not do it on Monday and you are telling the State of Louisiana what to do from now on. We have already gotten in enough trouble doing what you say we ought to do.

Mr. ROGERS of Colorado. I am sure that the State of Louisiana would not lose anything if you did put Louisiana on a uniform Monday holiday system.

Mr. WAGGONNER. But, would they gain anything?

Mr. ROGERS of Colorado. Yes, they certainly would.

Mr. WAGGONNER. What?

Mr. ROGERS of Colorado. First of all, they would gain because, as has been pointed out here, if the holiday fell in the middle of the week you have absenteeism workers and you lose certain economic benefits.

In addition, under a Monday holiday program if the gentleman wanted to come out to my State he would have 3 days in which to do it.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 1 additional minute to the gentleman from Louisiana.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding.

I know that the gentleman would not deny to any of the State legislatures the right to enact Monday holiday legislation if they so chose, and I might point out to the gentleman from Louisiana that the State of Massachusetts has already enacted Monday holiday legislation. The State of New York is considering it. A bill has already passed the House and is now pending in the Senate.

There are nine or 10 other States that have legislation pending.

Mr. Chairman, I believe that the great value we have in having Federal legislation is that it would set a pattern for the States to follow.

Let me say further that the committee sent communications to Governors of the various States, and of those who replied 15 of them indicated their support for the legislation, and only four of them indicated opposition to the legislation.

Mr. WAGGONNER. In other words, the committee had less than one-third of the Governors of the States supporting the legislation, 15 out of 50? That is not very much of a percentage, that is a rather weak percentage, it seems to me.

Also, the gentleman spoke of Massachusetts. Massachusetts has tried to lead us in some other things. They have a young man who, I believe, originally came supposedly from Massachusetts who now wants to be President of the United States. Does the gentleman mean to follow him because he is from Massachusetts?

The gentleman is not responding. He is a member of the other party, it would be easy for him to reply.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. McCLORY. Mr. Chairman, I yield 1 additional minute to the gentleman from Louisiana.

Mr. Chairman, I did not hear the question asked by the gentleman.

Mr. WAGGONNER. I said that the gentleman made reference and much to do about the fact that Massachusetts—one State, only one, out of 50—had taken some official action in this direction. So now 49 other States are to be herded in line.

But the point I want to make: There is a young man who is supposed to be leading us who originated in Massachusetts. Does the gentleman want to follow him, too?

Mr. McCLORY. I do not know to whom the gentleman is referring. I come from Illinois, and I can answer only for our great patriots in Illinois.

Mr. WAGGONNER. He has had a haircut lately, if that will be of help.

Mr. McCLORY. There were more Governors who have indicated that it is up to Congress, for they did not want to interfere with our prerogatives. But 15 of those Governors did indicate that they were in favor of it; only four of them indicated opposition.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia [Mr. HECHLER].

Mr. HECHLER of West Virginia. Mr. Chairman, I strongly support this legislation, and have introduced companion legislation and publicly indicated my approval of the pending bill. Change will always be disturbing to some who revere tradition, yet all of us realize that this bill does not in any way affect tradition and in fact it enables the people of this Nation to honor and observe these holidays in a more appropriate fashion.

How many times have we asked "Why do holidays have to come in the middle of the week, when we have to rush within a short period to observe them in a frantic fashion?" Many people have raised the question why it is not possible to schedule the observance of holidays when they are the least disruptive of the average person's work schedule and the regular business which the Nation must carry on. To interrupt a regular work schedule during a week, at odd times, is not conducive to a meaningful tribute to the day or person we honor. It also disturbs the momentum of a week's work.

Mr. Chairman, perhaps it may seem strange for a bachelor to extol the virtues of family life, yet I honestly feel that this is a family bill which will help weld the families of our Nation closer together. The uniform observance of these holidays on Mondays will enable families to be together, to travel together, and for members of the family from faraway spots to return home to their loved ones.

I believe that this is sound legislation which will meet with the approval of an overwhelming majority of the citizens of our Nation. It will enance the pride and patriotic feeling which all of us demonstrate in honoring these observances.

I certainly hope that the bill will pass without amendment.

Mr. BOLAND. Mr. Chairman, we in the House will act today on a bill calling for changes in the dates of three national holidays to make them fall on Mondays and for the establishment of a new national holiday honoring Christopher Columbus.

I want to express my support for this bill—H.R. 15951—and to urge its prompt enactment into law.

The bill would change the date of Memorial Day from May 30 to the last Monday in May, of Washington's Birthday from February 22 to the third Monday in February, of Veterans Day from November 11 to the fourth Monday in October. These changes are identical to the ones proposed in H.R. 12771—a bill I introduced on September 11 of last year. The benefits of such changes, Mr. Chairment, are legion. Aimed at creating three new extended weekends, the bill we are considering today would give this country's millions of working men and women more time to spend with their families. It would grant them greater opportunities to travel, to pursue hobbies, to take part in cultural and educational activities. The bill, moreover, would clear away a significant barrier now standing in the way of industrial and commercial efficiency—midweek holidays that snarl production schedules. H.R. 15951 has earned support from a wide range of organizations throughout the United States. Groups advocating the bill range from the U.S. Chamber of Commerce, to the National Association of Travel Organizations, to the Government Employees Council of the AFL–CIO. Public opinion polls, furthermore, indicate that an overwhelming 93 percent of the people are squarely behind this legislation.

The dates on which the three holidays are now celebrated are not of great historical significance. The dates, in fact, are highly disputable. The precise date of Washington's birth is a matter of conjecture. Memorial Day has been celebrated on several diverse dates in the past, and, since this holiday now commemorates the dead of all our wars, there is no valid reason for retaining the May 30 date established a century ago as a Decoration Day honoring the Civil War dead. Similarly there is no valid historical reason for retaining the November 11 date for Veterans Day. Originally known as Armistice Day, its date determined by the cease-fire that brought World War I to a close, the holiday now honors all this country's veterans instead of just the veterans who fought in World War I.

I am particularly delighted, Mr. Chairman, that H.R. 15951 calls for a national holiday honoring Christopher Columbus. A national Columbus Day, as the gentleman from New Jersey, Congressman RODINO, has pointed out, would constitute "an annual reaffirmation by the American people of their faith in the future, a declaration of willingness to face with confidence the imponderables of unknown futures." Columbus, the 15th century mariner who risked his life searching out new worlds for his homeland, stands as an exemplar of the kind of courage and faith the gentleman from New Jersey [Mr. RODINO] has cited. The holiday, moreover, would serve as a reminder to our citizens that the United States is a "nation of immigrants"—a phrase used often by our late President John F. Kennedy. In opening up the New World to exploration and colonization, Columbus inaugurated a tradition of immigration to the Americas that has continued to the present time.

Again, Mr. Chairman, I urge swift passage of H.R. 15951.

Mr. TIERNAN. Mr. Chairman, I rise in support of H.R. 15951, as amended, which provides for the uniform annual observance on a Monday for the national holidays of Washington's Birthday, Memorial Day, Columbus Day, and Veterans Day. With the passage of this legislation, five of our nine national holidays including Labor Day will be observed on a Monday thus giving greater opportunities for families to get together and for commercial and industrial business to operate more efficiently.

I am particularly pleased that the Judiciary Committee has recommended that Columbus Day be established as a national holiday. My congratulations go out to the distinguished gentleman from New Jersey [Mr. RODINO] for his perserverance and diligence over the last 20 years in seeking to have Christopher Columbus so honored.

All of us are immigrants and we derive our strength as a nation from all nationalities. Surely, the opening of the New World was one of the greatest milestones in the history of mankind. By honoring Columbus, we recognize the many contributions made by those of Italian ancestry who followed Columbus to America. Columbus Day as a national holiday will give all Americans an opportunity to pause and remember the great achievements accomplished by men such as Columbus and a chance to reflect on the courage and spirit of the discoverer of the New World.

As a Knight of Columbus and as a citizen of Rhode Island, one of the 38 States that officially honors Columbus with a State holiday, I feel that we can do no less to remember this brave adventurer than by the establishment of a national holiday in his honor.

The Monday holiday bill will encourage greater participation by more citizens in civic cultural of educational endeavors. It will also improve commercial and industrial production by minimizing disruption of production schedules by midweek holidays. Employee absenteeism should also be reduced as a result of this legislation because the temptation to stretch a midweek holiday into a long weekend will be eliminated in at least four instances.

My mail has been overwhelmingly in favor of this change and I believe this to be the case with most of my colleagues. I am convinced that the people want a change and I believe we have a responsibility to them to heed this reasonable request. Mr. Speaker, I urge speedy passage and enactment of this legislation.

Mr. PODELL. Mr. Chairman, I wholeheartedly support the passage of H.R. 15951.

This bill does exactly what many ordinary citizens across the land have been suggesting for years: To set the observance of three national holidays on Monday. These holidays are Washington's Birthday, which would be observed on the third Monday in February, Memorial Day which would be observed on the last Monday in May, and Veterans Day on the fourth Monday in October. In addition, the bill provides for a long overdue additional holiday, Columbus Day, to be observed on the second Monday in October.

There is a double thrust to this bill, for it makes holidays into 3-day weekends and also promotes Columbus Day to the position of a nationally recognized holiday. I support both these objectives.

The observance of holidays on Mondays is more convenient. It seems to me that the important thing is the observance, not the date. To me, the best holiday is the one that is observed and enjoyed by the most people. Midweek holidays prevent many people from joining their families and friends for celebrations. The popularity of 3-day holidays is evident, I think, in some of our own offices, where many of our staff people prefer to work the day of the holiday and take a Monday or a Friday instead.

I would like to mention one objection that I have heard voiced—that 3-day holidays are an occasion for more highway accidents, since they would encourage more traveling. According to all the statistics that I have been able to accumulate, just the opposite is true. With 3 days in which to travel, people do so at a more leisurely pace, knowing that they do not have to make the trip and return all in 1 day. Drivers are therefore more rested and more alert.

I consider the second part of the bill to be equally important as the first. Columbus Day has too long remained a helter-skelter holiday—here it is, there it is not. If we can have a national holiday to honor our independence, the ends of our wars, and our working men and women, surely we owe one to the remembrance of the man who discovered our land and took the news of it back to Europe, thus beginning our whole history.

The time is long overdue to honor this brave and farseeing Italian navigator, and I applaud this move to give him the official recognition he deserves. For both of these good reasons, I endorse H.R. 15951.

Mr. PATTEN. Mr. Chairman, I enthusiastically support the bill that would change the observance of four Federal holidays to Mondays: Washington's Birthday; Memorial Day; Columbus Day; and Veterans Day.

I support the measure for several reasons, because it would: Enable families to spend more extended time together; eliminate interruptions in the school curriculum; prevent expensive midweek factory shutdowns; furnish additional revenue for the resort industry—one of the most important in New Jersey.

Although traditionalists may object to the proposed changes, hearings conducted by the House Judiciary Committee showed that the idea is "a popular one." Support at the hearings was "broad and varied."

For instance, among those supporting the bill were: the U.S. Chamber of Commerce; the National Association of Manufacturers; the National Retail Federation; the American Federation of Government Employees; the Government Employees Council of the AFL–CIO; and the U.S. Departments of Commerce and Labor.

Hearings also noted that public opinion polls showed that most Americans support Monday celebrations for the four holidays.

The bill, of course, covers only Federal employees. However, there is strong hope that all 50 States will eventually pass similar legislation. Massachusetts has already passed such a law and eight other States may do so in the near future.

One of the outstanding daily newspapers in the congressional district I represent—the Evening News of Perth Amboy, N.J.—recently published an editorial supporting the bill we will vote on today.

It is called, "Holiday Bill Has Merit," and the contents of the editorial follow:

HOLIDAY BILL HAS MERIT

The effort continues in Congress to have more holidays fall on Monday.

Among those supporting a bill to provide for the holiday changes is Rep. Edward J. Patten, D-Middlesex. The bill he favors calls for observing Washington's Birthday, Memorial Day, Veterans' Day and Columbus Day on Mondays.

If enacted it would benefit both workers and businessmen. Businessmen would be able to set up more efficient work and production schedules. Travel agencies also favor the bill for obvious reasons.

The plan would enable families to spend more time together, eliminate interruptions in school calendars, reduce the number of mid-week plant shutdowns and give the state's resort industry an opportunity to attract more patrons—and more revenue.

The U.S. Chamber of Commerce, the National Association of Manufacturers, the National Retail Federation, the American Federation of Government Employes, the Government Employes of the AFL–CIO and the U.S. Department of Labor and Commerce want the bill passed.

There does not seem to be any valid reason why these four holidays cannot be observed on a Monday.

Washington's Birthday would be on the third Monday in February; Memorial Day on the last Monday in May and Veterans' Day on the fourth Monday in October.

Columbus Day as a national holiday is proposed for the second Monday in October. Many states observe Oct. 12 as Columbus Day.

Although Lincoln's Birthday and Independence Day are not mentioned in the pending bill, there is no valid reason why both holidays also could not be observed on a Monday.

The bill on Congress has been approved by the House Judiciary Committee.

Although the bill would apply only to federal employes, the expectation is that eventually all 50 states would pass a similar measure.

Mr. DERWINSKI. Mr. Chairman, a number of Members hold to the historic argument that America was first discovered by Leif Ericson. Others support the historic view that Irish monks were the first to reach the shores of the New World.

However, I direct to your special attention the fact that there is a very strong historic argument that Jan z Kolna, a Polish sea captain, reached the New World in 1476.

The following historic account is from "Polska w kulturze powszechnej: dzielo zbiorowe, pod red," published in 1918:

> Jan z Kolna . . . heard the call of Christian II, the Danish King, and set sail to save the remains of the Danish settlements in Greenland, where the first brilliant period of Norse colonization came to a tragic end at the close of the fourteenth century. Jan z Kolna did not reach Greenland, but discovered, on the other side of the ocean, lands which Lelewel in his analysis interprets as Labrador, Baffin Land and the Hudson Straits. Jan z Kolna's voyage took place in the year 1476, thus preceding the voyages of the Cabotto Brothers and of Cortereal to the same region by twenty years.

This is in accordance with an account in the standard Polish encyclopedia of 1900:

> A Pole, Jan z Kolna, serving in the Danish Navy, discovered in 1476, the Anjun (Anian) Straits and the coast of Labrador . . .; (he) is considered therefore one of the predecessors of Columbus.

In addition, Mr. Chairman, the French Jesuit Charlevoix—circa 1750—referred to "Jean Scolve, a Pole" as having reached America in 1476.

Many Members have expressed to me the belief that Columbus Day should be designated "Discoverers of America Day." This will do historic justice to the Irish monks, Leif Ericson, and above all Jan z Kolna. In addition to providing a more practical designation honoring the various explorers who reached the Western Hemisphere, long overdue recognition of the achievement of this great Polish sea captain will put an end to the Polish jokes which have swept the country in recent years.

Mr. WYMAN. Mr. Chairman, I rise in support of H.R. 15951—the so-called Monday-holiday bill. Nearly a year ago I introduced a bill similar to the one presently under consideration which would have provided that Washington's Birthday, Memorial Day, Independence Day, and Veterans Day should be observed on Monday. The bill we now have before us has added Columbus Day as a national holiday while continuing the observance of Independence Day on the 4th of July—regardless of the day of the week upon which it falls. I accept this compromise and believe that the bill should pass.

The observance of these four holidays on Monday will provide added opportunities for families to plan and to carry out family-type activities; whether traveling to be with others in the family or visiting one of the various historic sites associated with each holiday or just enjoying three uninterrupted days of one's favorite leisure activity.

Substantial economic savings will also be realized by observing these holidays on Monday. These would manifest themselves in improved production schedules resulting from reduced midweek shutdown time and in greatly reduced personal absenteeism on the days immediately proceeding or following a holiday. Experience has shown that when a holiday comes in the middle of the week, absenteeism rises sharply.

Mr. Chairman, the support for this legislation is widespread, bearing the support of business, business groups, labor, government, and most importantly the general public.

But this is not to say that there is no opposition to this bill. There is, and this opposition is sincere.

Those who oppose the observance of these holidays seem to fall into two general categories; those who fear for the loss of historic or patriotic or religious significance, and those who are concerned from the standpoint of safety that these long weekends will bring about additional highway deaths.

Mr. Chairman, I do not believe that these arguments are compelling. Memorial Day, of course, was originally observed as a day to honor those who gave their lives during the Civil War. However, that day is no longer set aside to honor the war dead from that war alone, but to honor those who have made the supreme sacrifice in all wars—and I believe that there will be no loss in significance if this day does not happen to fall on May 30. The same argument, I think, can be successfully applied to Veterans Day. Originally this was known as Armistice Day and its date determined by the cease-fire that was arranged between Germany and the Allies bringing World War I to a close. But it is no longer a day honoring the veterans of that war alone. Rather it is now a day to pay tribute to our veterans of all wars and its observance can be appropriately celebrated on a day other than 11 November without any loss of historical association.

As for the safety aspects of added 3-day weekends, my understanding is that midweek 1-day holidays have a higher incidence of accidents than 3-day weekends, which in turn has a higher incidence than a 4-day weekend. It seems to me that added time in which to travel will greatly reduce the numbers of those on the highways trying to rush too much into too little time and hence will bring about an actual reduction in the number of accidents involving holiday travelers.

H.R. 15951 is a good bill, with widespread support across the land, and I urge its adoption.

Mr. McCORMACK. Mr. Chairman, with the arrival of Columbus in the New World, the history of America as we know it begins. And with that arrival also begins the history of Italian contributions to the growth of the American colonies—first Spanish, later English—and to the subsequent American Republic.

The countless Italians who have contributed substantially to American history and progress are perhaps best epitomized in the person of Filippo Mazzei, who first penned the phrase, "All men are by nature created free and independent," later so eloquently paraphrased by Thomas Jefferson in the Declaration of Independence. Filippo Mazzei was well acquainted with Jefferson, Washington, Franklin, Patrick Henry, and other famous Revolutionary patriots. He came to Virginia at the invitation of Jefferson and Franklin in 1773, after having lived in England for 18 years. He continued, after the Revolution, to serve his adopted country in a variety of capacities—including those of foreign minister and purveyor of valuable art.

Italians helped to explore the Southwest long before the English ever settled the east coast. In 1539 Fra Marco da Nizza led Coronado's famous expedition beyond the Grand Canyon into what is now the State of Kansas.

Italians were also prominent among the early settlers of Colonial America:

A glass factory was being operated by Italians in Virginia before the Pilgrim Fathers had colonized Plymouth.

A group of Italians, who, on Christmas Day, 1656, had set sail from Holland, founded New Castle, Del., in 1657; these were Protestant Piedmontese who previously had suffered persecution throughout Europe. Other Italians subsequently settled in Staten Island, N.Y., North Carolina, and Georgia.

In 1679, an Italian, Enrico Tonti, built the *Griffon*, the first ship to sail the Great Lakes, and accompanied LaSalle on his exploration of the Mississippi.

Records indicate that a large number of persons of Italian blood died in the American War for Independence.

In 1779 an Italian friend of Filippo Mazzei was appointed as the first teacher of modern languages in America, at the College of William and Mary in Virginia.

And it is perhaps not widely known that the influence of Francesco Vigo, a prominent Italian fur trader in the West, assisted the victory of General George Rogers Clarke at Fort Vincennes in 1779, which preserved American sovereignty over the area which was to include the States of Ohio, Indiana, Illinois, Wisconsin, and Michigan.

Italians continued to serve the United States as it developed its national identity. It is estimated that over 200 Italian officers fought in the Civil War, and that nearly a million men and women of

Italian extraction were members of the U.S. Armed Forces during each of the world wars.

The list of Italo-American names figuring prominently in the rise of contemporary America is as impressive as it is long. I mention, only by way of example, the names of men such as Louis Amateis, who sculpted the bronze doors of the west entrance of the Capitol; and Constantine Brumidi, who painted the walls in the Capitol corridors. The contributions of these men to the visible symbol of our national unity is indicative of Italy's place in the American spirit.

Let us consider the 20th century:

In politics, the name of Fiorello la Guardia is immortal.

In science, the name of Enrcio Fermi is an enduring testament to the spirit of discovery that we admire in Columbus.

The American opera stage has been dominated by men and women of Italian origin: Enrico Caruso, Rosa Ponselle, Antonia Scotti, Renata Tebaldi, and Anna Moffo are representative.

The name of the master conductor—Arturo Toscanini—is synonymous with music itself.

It is altogether fitting that we pay tribute to a man who embodied the best qualities of Italy. For, in Columbus was incarnate the study determination which led Italy first to rule the world by force of arms, and then, later, by the power of her intellectual heritage. He is a symbol of his countrymen's finest qualities.

It is also true, however, that Columbus, though the special son of Italy, belongs to all Americans.

Columbus was an altogether exceptional man, one of the few human beings whose actions changed the course of world history. He was a man of restless energy, who dared to defy the convention of prevailing prejudice for the sake of conviction. He was the first American. And all Americans honor him.

Mr. FASCELL. Mr. Chairman, I wish to add my support to the bill now being considered, the Monday holiday bill.

This bill, H.R. 15951, is similar to the bill I cosponsored to establish uniform Monday holidays, and thereby create 3-day weekends. H.R. 15951 would move three of our present legal holidays to Monday—Washington's Birthday, Memorial Day, and Veterans' Day—thereby establishing 3-day weekends.

In addition, this bill will establish a new national holiday in honor of Columbus. It seems only fitting that we set aside one day to remember the courageous man who discovered America and introduced our continent to the Western World.

Several polls have been conducted which have indicated strong public feeling in favor of these changes to provide for 3-day holiday weekends. One such poll was conducted by This Week magazine. The results clearly showed that the public had a definite preference for 3-day weekends. In another poll, conducted by the Chamber of Commerce of the United States, 85 percent of the membership indicated that they preferred the principle of the uniform Monday holiday and 90 percent indicated that they believed their employees would like the idea.

The uniform Monday holiday proposal has also been endorsed by many public and private groups in my own State of Florida. This includes an endorsement by the Governor and the entire State cabinet. In addition, the Monday holiday proposal has the enthusiastic support of the Miami-Dade County Chamber of Commerce and other local business organizations. It also has enjoyed widespread editorial support throughout Florida.

The only substantial objection to the uniform Monday holiday plan, that has come to my attention, has been on the grounds of the heavy traffic fatality toll on holiday weekends. This objection, it seems to me, is satisfactorily answered by the statistics taken from a report of the National Association of Travel Organizations based on figures supplied by the National Safety Council. The report says:

> One-day midweek holidays are the most potent producers of accidents, with an average danger rating of 1.83, as compared with 1.18 for 3-day holiday weekends and 1.16 for 4-day weekends.

The American public has repeatedly shown its interest in having additional 3-day holiday weekends. This bill would accomplish that goal without decreasing the number of workdays each year and with a probable increase in worker efficiency.

I urge that this proposal be adopted by the House of Representatives.

Mr. ANDERSON of Illinois. Mr. Chairman, as a result of the enactment of the legislation we have under consideration here on the floor of the House of Representatives this afternoon, the official recognition so long overdue Christopher Columbus will at last be provided by the designation of national holiday in his honor.

As every school child in America knows, though Columbus died believing he had merely found a new passage to the East Indies and never dreamed he had found a New World, the credit for the discovery of the American continents belongs to him. It was Columbus' courage and his deep faith that sustained him and drove him to continue to seek a way to prove his theory. After securing the financial backing of the King and Queen of Spain and after more than a month at sea, on October 12, 1492, his faith was vindicated and his theory proven as a member of his crew spotted land ahead. The land undoubtedly was one of the islands of the Bahamas and a new page in the history of mankind was written.

The poet, Santayana, very aptly observed:

> Columbus found a world, and had no chart,
> Save one that faith deciphered in the skies;
> To trust the soul's invincible surmise
> Was all his science and his only art.

Over the years I have worked closely with the grand lodge of the State of Illinois, Order of the Sons of Italy, and its Grand Trustee Miss Mary Misuraca of Rockford, Ill., in a continuing effort to secure the establishment of this holiday. We are thus delighted that at long last this dream has been realized.

Mr. SCHWEIKER. Mr. Chairman, for many years I have sponsored legislation to make Columbus Day a holiday. I am glad that the House is finally moving to make such legislation a reality.

The bills which I have introduced repeatedly in the past years would have established October 12 as a nationally recognized holiday in the same category as New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving, and Christmas.

There is every reason why the Federal Government of the United States should act in conformity with the overwhelming majority of the States of our country in recognition of the discovery of America by Christopher Columbus.

The declaration of Columbus Day as a holiday will give recognition at once to one of the greatest events in history, the discovery of the New World; to one of the noblest characters in history, Christopher Columbus; and to the vast contributions made by the Latin element, and particularly the Italian, in the discovery, exploration, and total development of America.

The Italian Americans have made a tremendously rich contribution to the United States and it is high time that we take action to recognize their contribution, along with that of Columbus, in making Columbus Day a holiday. I am proud to have played a small part in this.

Mrs. KELLY. Mr. Chairman, I rise in support of H.R. 15951 to provide uniform annual observances of four legal public holidays on Monday and to include Columbus Day by declaring October 12 to be a legal holiday.

H.R. 15951 as reported recommends that these four legal holidays be celebrated on a Monday: George Washington's Birthday, Memorial Day, Columbus Day, and Veterans Day. This bill, if enacted, would apply to observances of holidays by employees of the Federal Government and of the District of Columbia. The States would then have until January 1, 1971, to enact similar legislation if they wished, since H.R. 15951 is designed to go into effect in 3 years.

On September 18, 1967, I introduced H.R. 12957 declaring October 12 to be a legal holiday. The introduction of a number of similar bills and resolutions in the 88th, 89th, and 90th Congress is indicative of the continued interest and support in declaring October 12 a national legal holiday. In the 88th Congress, 31 bills and resolutions were proposed; in the 89th Congress, 43; and in this Congress, the 90th, at least 37 such measures have been introduced.

Recent scholarly studies of North America's history now tell us that Columbus might not have been the first explorer to reach these shores. However, his voyage to the New World is deserving of commemoration by our Nation. To everyone regardless of descent, Christopher Columbus was the real discoverer of America and a significant contributor to world development, economy, and science.

As a young man, Columbus studied

maps, charts, and books of travel. In his youth he traveled from Genoa to England. His convictions, often scorned by his contempories, were that the earth was spherical as well as circumnavigable. Columbus worked for 8 years to convince Ferdinand and Isabella, the King and the Queen of Spain, of the necessity for them to finance his voyage, to find a westward passage to Asia, a shorter route than was known at that time.

On October 12, 1492, Columbus landed in the New World, with three small ships and his company of 120 men. Thus, he opened the door to the Western World.

In the Western Hemisphere, 13 Latin American countries celebrate Columbus Day. In Canada the discovery of the New World is celebrated by practically every province. In our own country, 34 of our 50 States, plus Puerto Rico, join in the observance of this day.

In order to pay tribute to the courage and the determination of Christopher Columbus, discoverer of the New World; to join our Western Hemisphere neighbors; to unify the individual holidays of 34 of our States with the Federal Government; and to unify our heritage with Spain and Italy, I respectfully urge favorable consideration of H.R. 15951 which includes declaring October 12 to be a legal holiday.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 15951, a bill which has great support among the people, industry, and labor. This legislation has been discussed for many years and there are many arguments in its favor.

The observance of the three national holidays, Washington's Birthday, Memorial Day, and Veterans Day on Mondays will in no way detract from the meaning of the days. We will still revere the dates, but we will have uniform days for commemoration. Under present practice, when a holiday falls on a Sunday, it is celebrated on Monday, and when the holiday falls on a Saturday, it is celebrated on Friday. This bill will simply give us a uniform day for the commemoration of the event.

A preponderant number of the States now commemorate the birth of Christopher Columbus, and the Federal Government owes no less a debt of recognition to this great explorer and to those who have followed him to the shores of this hemisphere. The commemoration of his birthday on the second Monday in October will lead the way for the States to bring their commemoration into line with the Federal date of recognition and give uniformity to it.

Mr. Chairman, I believe this is a good bill and urge my colleagues to give it their support.

Mr. DONOHUE. Mr. Chairman, I most earnestly hope that the House will speedily approve this bill before us (H.R. 15951) to provide for uniform annual observance of certain legal public holidays on Monday.

I submit that the testimony presented to our Judiciary Committee, and revealed here this afternoon, in favor of this measure, is substantial and impressive, coming as it does from every segment of our society that would in any way be affected by the adoption of this bill.

The objective of this measure is to provide that the national holidays of Washington's Birthday, Memorial Day, and Veterans Day be celebrated on Mondays and to add the observance of Columbus Day as a national holiday also to be celebrated on Monday.

The purpose for establishing these holidays to occur on Mondays is to encourage the realization of substantial benefits to both the spiritual and economic life of this nation. It would afford increased opportunities for families to be together, especially those families of which the various members are separated by great distances. It would enable our citizens to enjoy a wider range of recreational facilities since they would be afforded more time for travel.

In addition, by affording more time to our citizens for travel, the Monday holiday program would increase the opportunities for pilgrimages to the historical sites connected with our holidays, thereby increasing participation in the commemoration of historical events. At the same time, the program would also afford greater opportunity for leisure at home so that our citizens would be able to enjoy fuller participation in hobbies as well as educational and cultural activities. Finally, the Monday holiday program would stimulate greater industrial and commercial production by reducing employee absenteeism and enabling workweeks to be free from interruptions in the form of midweek holidays.

Mr. Chairman, in response to some who may have reservations about Columbus Day, may I very strongly urge the retention of the inclusion of it as a national holiday and may I emphasize that it is a most appropriate means of recognizing the United States as a "nation of immigrants" as our late and beloved President Kennedy described it; may I remind you further that some 34 of our 50 States already observe Columbus Day as a holiday and there are a great number of legislative proposals, including my own, now pending in the Congress to establish Columbus Day as a national holiday.

By commemorating the voyage of Columbus to the new world, we would be honoring the courage and determination which enabled generation after generation of immigrants from every nation to broaden their horizons in search of new hopes and a renewed affirmation of freedom.

Mr. Chairman, by all standards and by overwhelming testimony, it appears clear that this legislation is unquestionably in the national interest and I again urge my colleagues to register resounding approval of it without extended delay.

Mr. HELSTOSKI. Mr. Chairman, I rise in support of the legislation which will establish a uniform annual observance of certain legal holidays, and the establishment of Columbus Day as one of these legal holidays.

The observance of certain legal holidays on a Monday will provide the American citizen with a greater opportunity to enjoy a 3-day span of leisure time—with their hobbies or enjoying the reunions with family and friends, visiting areas of historical significance, or taking part in civic observances of such a holiday.

Moreover, a uniform observance will enable many businesses and industry to maintain a schedule of hours and production schedules, which are frequently disrupted because of the varying dates upon which these holidays occur.

I am very pleased that Columbus Day has been included in this legislation as a national holiday and the observance of this holiday will occur on the second Monday in October.

Mr. Chairman, I am one of many Members of Congress who have introduced legislation to establish such a national holiday, honoring Christopher Columbus who discovered the New World and inaugurated a new era in human affairs.

This new holiday, already celebrated in 38 States, is a tribute to the achievements of a great navigator and a gesture of praise and recognition to all Italian-Americans.

With the passage of this legislation, we demonstrate, in a concrete and effective way, the appreciation and gratitude of this country for the great contributions to our national welfare and development made by Italian-Americans, in peace and war since the discovery of our country in 1492.

The historical record of Italian-Americans in the furtherance of our American progress in a free government, in musical fields, in the sciences, in the many professions, and at every level of our national life is unsurpassed by any segment of our American population.

To achieve this objective has been a long and determined battle. As early as 1906 the Congress made its first efforts to establish the holiday in areas under Federal jurisdiction. A joint resolution was passed in 1934 which directed the President to proclaim October 12 of each year as Columbus Day—and today we see the culmination of that effort when we pass the pending legislation to establish a uniform annual observance of certain legal holidays, which includes Columbus Day.

After 475 years, we finally give recognition and honor to a man who laid a foundation for what has become a great and free nation. We are repaying our gratitude to him by making October 12 a national holiday.

Mr. ROGERS of Colorado. Mr. Chairman, I urge my colleagues to approve this bill, and I yield back the balance of my time.

Mr. McCLORY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6103(a) of title 5, United States Code, is amended to read as follows:

"§ 6103. Holidays

"(a) The following are legal public holidays:

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. GROSS. Mr. Chairman, reserving the right to object, I believe that at this hour of the day this is so important that it had better be read in full.

Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk read as follows:

"New Year's Day, January 1.

"Washington's Birthday, the third Monday in February.

"Memorial Day, the last Monday in May.

"Independence Day, July 4.

"Labor Day, the first Monday in September.

"Columbus Day, the second Monday in October.

"Veterans Day, the fourth Monday in October.

"Thanksgiving Day, the fourth Thursday in November.

"Christmas Day, December 25."

(b) Any reference in a law of the United States (in effect on the effective date of the amendment made by subsection (a) of this section) to the observance of a legal public holiday on a day other than the day prescribed for the observance of such holiday by section 6103(a) of title 5, United States Code, as amended by subsection (a), shall on and after such effective date be considered a reference to the day for the observance of such holiday prescribed in such amended section 6103(a).

AMENDMENT OFFERED BY MR. POFF

Mr. POFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POFF: On page 1, line 8, after the comma, strike out the remainder of line 8 and line 9 and insert "February 22".

The CHAIRMAN. The gentleman from Virginia [Mr. POFF] is recognized.

Mr. POFF. Mr. Chairman, the temper of this House can be a terrible tyrant. I want to say that I admire the gentlemen who took the well of this House and voiced a dissent. I admire those who will not be intimidated by the temper of this House.

Mr. Chairman, the amendment I have offered, I think is self-explanatory. It would simply reaffirm what has been a historical reality now for the life of this Nation, so that we will continue to observe Washington's birthday on the anniversary of the birth of George Washington.

Mr. Chairman, the distinguished gentleman from Michigan has already eloquently addressed this subject and I will try not unnecessarily to repeat what he said, but in order that the matter might be in proper focus, let me explain that under this bill the birthday of the Father of our Country hereafter will be observed on the third Monday of February.

Now what that really means is never again will the birthday of the Father of our Country be observed on February 22 because the third Monday will always fall between the 15th of February and the 21st of February.

As the gentleman from Michigan pointed out, when the 12th day of February which we celebrate as Lincoln's birthday falls on a Friday, we will under this legislation hereafter observe a 4-day holiday weekend.

Parenthetically, at that point let me inquire how anyone can be so sure that the passage of this legislation will solve the problem of absenteeism? I suggest that it is reasonable, Mr. Chairman, that the same employees who would seize the occasion of a national holiday to absent themselves from their work under the present system would be even more tempted to do so under the system that this legislation proposes.

As they approach a 3-day weekend, would not the temptation be greater to absent themselves on a Friday or on a Tuesday and make a 4-day weekend of it?

The day of February 22, I suggest, does hold a very special significance for the people in this country. Perhaps it is not so for those who are not sentimental about such things. It is said that it is not sacred; that it is not even certain; it is true that the calendar on the wall when George Washington was born in Westmoreland County, Va., read February 11. But 20 years later the Gregorian calendar was substituted for the Julian calendar and that advanced the nominal date 11 days, making Washington's birthday not February 11, but February 22.

After his 21st birthday, George Washington celebrated February 22 as his birthday, and notwithstanding the unfortunate mistake of LeCompte de Rochambeau we have celebrated the 22nd of February as Washington's Birthday ever since.

Mr. Chairman, for the sake of some small fidelity to tradition, do you not think that the birthdate of the Father of our Country ought to be celebrated on the anniversary of his birth—that is, February 22?

Mr. McCLORY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. McCLORY. Mr. Chairman, I do so not out of any disrespect for George Washington, and I do not think any of us are undertaking in this legislation to change George Washington's birthday. We could not possibly do that.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from New York.

Mr. STRATTON. The gentleman from Virginia has made the point that although George Washington was born on the 11th day of February, now his birthday is celebrated on the 22d because of a change from the Julian to the Gregorian Calendar. What the gentleman from Virginia did not point out—and I have this from the highest authority—is that to make a completely proper switch from the Julian to the Gregorian Calendar, you not only have to add 11 days, but every 100 years you have to add one more day; so that if we really wanted to go back to February 11th when George Washington was born, we would have to celebrate that day in 1968 on February 24 rather than the 22d. I think this shows the weakness of this kind of argument.

Incidentally, if the gentleman from Illinois will yield to me further, the gentleman from Virginia was also pointing out that we would have all kinds of absenteeism if we put this system into effect. I would like to point out that George Washington's birthday was celebrated on Thursday this year, just as Memorial Day will be celebrated on Thursday in a few days. That means that for those of us in privilged positions, such as Members of this House, we can observe a holiday on Thursday and then we do not have to worry about coming back to work on Friday. We can take a real long weekend. But the little fellow who is working for wages has got to go back to work again on Friday. He cannot take his family away for a vacation. That is the kind of discrimination that this bill would eliminate. It would be the working girls' bill, and the little fellows' bill. And this Congress can become the working girl's friend by passing this bill.

Mr. McCLORY. Mr. Chairman, I do feel that George Washington's birthday is important. But I want to point out that celebrating George Washington's birthday on Monday will provide many more opportunities for people to visit historic sites associated with George Washington. People in greater numbers would visit Yorktown, where the surrender of Cornwallis took place. There would be many who would take the opportunity to visit Williamsburg, where the House of Burgesses in which Washington served is located. They could go to Philadelphia, where Washington served as President of the Constitutional Convention. Of course, many more opportunities would exist to visit Mount Vernon, Washington's historic home. It seems to me that this bill would afford many enriching and cultural advantages which we could have through the proposed Monday holiday legislation.

We are not changing George Washington's birthday. We would make George Washington's birthday much more meaningful to many more people by having it observed on a Monday.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Virginia.

Mr. POFF. I would like to have a brief opportunity to respond to the gentleman from New York, who made a valid mathematical point. It is true that in the course of a century another day must be taken into account. Yet between the time of Washington's birthday in 1732 only 20 years expired before the change to the Gregorian Calendar in 1752. Except to the extent the entire calendar is now 2 days slow, I suggest that February 22 is indeed the anniversary of the birth of George Washington.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. SCOTT. Mr. Chairman, I am quite sure that my constituents would not forgive me if I failed to take the floor in support of the amendment of my colleague from Virginia [Mr. POFF]. George Washington was born in Westmoreland County, which is in my congressional district; he grew up in Fredericksburg, which is also in my district; he lived his adult life and is buried at Mount Vernon, also within my congressional district.

I submit that if we pass this bill without the amendment that Mr. POFF has offered, we are going to run into just as much of a hornet's nest as the one during President Roosevelt's regime when he changed the date of the observance of Thanksgiving Day. I do not think the people of this country are concerned about what calendar was in effect during the lifetime of George Washington because there is nobody alive today that lived when the calendar was other than it is today.

People are accustomed to commemorating the birth of George Washington on the 22d of February. I think it should remain the 22d of February for that reason alone. This is the day when we happen to have George Washington's Farewell Address read in this Chamber. He is known not only as a Virginian but as the Father of his Country. I am fully confident and hope that the House will adopt the amendment of the gentleman from Virginia [Mr. POFF].

Mr. ROGERS of Colorado. Mr. Chairman, I rise in opposition to this amendment.

I point out that the gentleman from Virginia [Mr. POFF] stated that we had no assurance that absenteeism would be any greater or any less if and when we adopt the four uniform Monday holidays.

I am usually not accused of reading statements of the National Association of Manufacturers, but, nevertheless, any Members who are interested can turn to page 123 of the hearings which were conducted on August 16 and 17, 1967. I will read one paragraph:

> NAM endorses 3-day holiday week ends because a midweek holiday necessitates an additional production shutdown and start-up. Reduction of work and interruption represents an important step toward improved productivity in industry. Further, Monday holiday observance would lead to increased employee income and improve production efficiency by reducing employee absenteeism on days preceding and following midweek holidays.

Mr. Chairman, I urge that we reject the amendment offered by the gentleman from Virginia.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, there are 434 Members in the House presently who normally anticipate that their Friday will be free, added to a Saturday and Sunday weekend. I think in a moment, when we have a vote on this proposition, the gentlemen will see that even though there is normally a Friday and Saturday provided for a weekend along with Sunday, some individuals perhaps have had a few extra hours by leaving on Thursday. I think this in itself proves the argument which the gentleman just made.

Mr. KUYKENDALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I shall not take the full 5 minutes. I think there are probably quite a few Members of this House who are concerned about this one particular holiday. I know that with the gentleman's amendment I shall support this bill, and without it, I shall not.

But in our manipulation of the dates, I think it quite interesting that those who call themselves members of the Christian faith, and all of us who recognize the so-called Christian calendar have not chosen to dabble with the birthday of Christ on Christmas Day. We do not even know that this was the right month, and we certainly know that the birthday of the founder of the Christian faith was not 1,968 years ago, but was 4 years before then. Yet, this date is accepted.

I think possibly next to the date of December 25, the accepted birthday of the founder of our country is to this Nation almost as sacred.

The idea of interjecting commercial matters into this, the idea of trying to cloud the issue by trying to cloud the calendar a little is foreign to what I believe the real birthday of the founder of our country should be.

If we do this, 10 years from now our schoolchildren will not know what February 22 means. They will not know or care when George Washington was born. They will know that in the middle of February they will have a 3-day weekend for some reason. This will come.

I strongly urge the amendment of the gentleman from Virginia be accepted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. POFF].

The question was taken; and on a division (demanded by Mr. POFF) there were—ayes 50, noes 49.

Mr. McCLORY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. POFF and Mr. ROGERS of Colorado.

The Committee again divided, and the tellers reported that there were—ayes 59, noes 67.

So the amendment was rejected.

PREFERENTIAL MOTION OFFERED BY MR. WAGGONNER

Mr. WAGGONNER. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. WAGGONNER moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Louisiana is recognized for 5 minutes.

Mr. WAGGONNER. Mr. Chairman, I take this time to ask of the gentleman from Colorado [Mr. ROGERS] who is the floor manager for this legislation, a question or two.

Is it true that when the Committee on the Judiciary considered this legislation that the committee voted by a vote of 15 to 2 to pass this legislation to the floor for action?

Mr. ROGERS of Colorado. Is it true that the committee did?

Mr. WAGGONNER. Yes. Was the vote 15 to 2 in the committee to approve this legislation?

Mr. ROGERS of Colorado. No. As I remember it, it was about 25 or 30 to 4 or 5.

Mr. WAGGONNER. What does the gentleman mean, as he remembers it? Is there no record?

Mr. ROGERS of Colorado. I do not have the committee records before me.

Mr. WAGGONNER. Was there a rollcall vote?

Mr. ROGERS of Colorado. Yes, I think there was. However, I do not know whether it was a voice vote or whether it was tallied.

Mr. WAGGONNER. The gentleman says in one breath it was a rollcall vote and then in another he says he does not know whether it was a voice vote.

Mr. ROGERS of Colorado. Let me say to the gentleman that when this bill was submitted to the House Committee on the Judiciary for consideration the appropriate procedures were followed necessary for its report from the committee. As to the exact number, and who voted for which and what, I do not know. I was present at the time it was reported, and it met all the requirements. The report was filed. It went to the Committee on Rules, and it is now before the House. So your question, whatever it may be, is immaterial to the issue now before us.

Mr. WAGGONNER. The gentleman is right in that it is a little bit late to ask the question, but I am told——

Mr. ROGERS of Colorado. Why did you ask it, then?

Mr. WAGGONNER. I have the time now.

Mr. ROGERS of Colorado. I know, but why do you ask the question?

The CHAIRMAN. Does the gentleman from Louisiana yield?

Mr. WAGGONNER. I do not yield further at this point, Mr. Chairman.

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. ROGERS of Colorado. A point of order, Mr. Chairman.

Mr. WAGGONNER. I do not yield further at this time.

Mr. ROGERS of Colorado. A point of order. The gentleman said he wanted to ask me questions.

The CHAIRMAN. But the gentleman from Louisiana has refused to yield. The gentleman from Louisiana refuses to yield further.

Mr. WAGGONNER. I know it is late to raise this question, but a member of the Committee on the Judiciary has, since this debate began, and since the beginning of the 5-minute rule, told me that he was there and that there was not a quorum present and that the vote was 15 to 2 to pass this legislation to the floor. Now, with a cloud of doubt like that hanging over this legislation, when we think back and consider that we claim great support for it because 15 Governors out of 50 support it, I think this House needs to know beyond a doubt whether a quorum was present and whether or not this vote was 15 to 2.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I would be glad to yield if I can get an answer from the gentleman.

Mr. ROGERS of Colorado. I gave you one answer heretofore and I shall repeat it.

Mr. WAGGONNER. The gentleman did not have a rollcall vote. He said there was a rollcall vote and then in the next breath he said he did not know whether it was by voice vote or not.

Mr. ROGERS of Colorado. I did tell the gentleman that a quorum was present, that it was regularly passed out of the committee and the report filed in the House without any objection having been made to it. We then went to the Committee on Rules and got a rule and no objection was raised. Hence, the gentleman's question is irrelevant.

Mr. WAGGONNER. No; the question is not irrelevant; but a point of order would be out of order and I know that the gentleman knows and understands the rules of the House better than that.

Mr. ROGERS of Colorado. The Judiciary Committee reported it properly out of the committee. It now comes to the House under a rule and it is now before the House for consideration.

Mr. WAGGONNER. Does the gentleman contend that my question is irrelevant and out of order?

Mr. ROGERS of Colorado. Yes; I do.

Mr. WAGGONNER. Upon what basis?

Mr. ROGERS of Colorado. Upon the basis that if it were not proper when it was reported by the Committee on the Judiciary since no objection was filed within the proper period of time anything connected with the procedures that may have occurred heretofore is irrelevant. We are now considering the bill by a vote of the House of Representatives and any objection which the gentleman may have to it comes too late.

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the preferential motion. It is a motion to strike the enacting clause which, of course, if the Members support it, would effectively defeat the bill. I think this bill deserves an opportunity to be voted upon in the manner in which it is presented to the House of Representatives.

Mr. Chairman, it is true that we have only affected holidays that are already holidays for Federal employees and employees in the District of Columbia. And, I want to emphasize again the fact that this legislation only affect those employees. It only affects employees in the civil service, it only affects employees in the District of Columbia. We do not undertake to affect non-Federal employees in Louisiana or any other State.

It is true that in some cases the States have followed the pattern of the Federal Government, but they do not always do that. But generally they do, as in the case of George Washington's Birthday.

Mr. Chairman, in regard to the question as to whether a quorum was present, I can assure the gentleman from Louisiana that it was a regularly called meeting; that there was a quorum present, and that it was overwhelmingly supported and reported out.

And, Mr. Chairman, I ask that this motion be defeated and that this bill be voted upon by the full membership of this House of Representatives. I hope it will be voted upon in the form in which it has been presented to the House.

Mr. WAGGONNER. Mr. Chairman, the gentleman from Illinois indicated you are changing no dates in Louisiana. When is Columbus Day commemorated now in Louisiana?

Mr. McCLORY. This legislation does not affect Louisiana with regard to any day which is commemorated at the present time. It only affects holidays for Federal civil service employees and employees of the District of Columbia. It does not establish any State holidays. The States designate their own holidays.

I have been trying to emphasize that this bill sets a pattern which may be followed in the States, although it does not establish a fixed pattern. There is a groundswell rising for Monday holiday legislation throughout the country. That in my opinion is why it is important that we provide direction and guidelines to establish a pattern for the States to follow for the benefit of the total population of the country.

Mr. WAGGONNER. The gentleman from Illinois talked about establishing patterns in the various States as, for instance, my State of Louisiana. However, if the State of Louisiana does not wish to celebrate Columbus Day on the day that this legislation calls for, does this make it mandatory or does the State have the option to follow what they have been doing in the past?

Mr. McCLORY. Yes, they do.

Mr. Chairman, I yield back the balance of my time.

The **CHAIRMAN.** The question is on the preferential motion offered by the gentleman from Louisiana.

The question was taken; and on a division (demanded by Mr. Waggonner) there were—ayes 31, noes 76.

So the preferential motion was rejected.

AMENDMENT OFFERED BY MR. ROUDEBUSH

Mr. ROUDEBUSH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Roudebush: On page 2, line 4, strike out "Veterans Day, the fourth Monday in October,", and insert "Veterans Day, November 11".

Mr. ROUDEBUSH. Mr. Chairman, I repeat that I know the hour is late, and I do not intend to take the 5 minutes.

I believe the purpose of this amendment is reduntantly clear. It merely strikes the language of the bill and inserts "November 11," and allows Veterans Day to be reinstated to the traditional holiday on which it has been celebrated for many, many years.

Mr. Chairman, I have been relatively active in veterans' organizations over the past few years, as the Members of this body know, and I will tell the Members—and I believe it is a matter of record—that the American Legion, that great veterans' organization, absolutely and unalterably opposes the change in Veterans Day. I am aware that the legislative Committee of the Veterans of Foreign Wars when this matter was discussed, and likewise that committee was opposed to changing Veterans Day.

I would like to point out another thought, if I might, that so very many of our Federal employees are veterans, and to change the date and thereby affect the lives and traditions of some 20 million men and women who have served this Nation from celebrating the day which they have commemorated for many years in honor of the veterans of this Nation I believe is very, very wrong.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I yield to the gentleman from North Carolina.

Mr. WHITENER. I thank the gentleman for yielding. I commend the distinguished gentleman from Indiana for the position that he has taken, which is consistent with that of the executive committee of the American Legion. This is true not only of the national organizations, but the gentleman from Illinois [Mr. McClory] will be interested to know that his own State Legion executive committee took that position also.

Mr. Chairman, all of us know of the very able work and the results of the work of the gentleman from Indiana [Mr. Roudebush] in veterans' affairs. He has served as national commander of the Veterans of Foreign Wars, in which so many of us are members. I commend him. I hope that the House will follow his lead in preserving Veterans Day on November 11.

Mr. ROUDEBUSH. I thank the gentleman from North Carolina for his comments.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I yield to the gentleman.

Mr. GROSS. Mr. Chairman, I want to join in commending the gentleman from Indiana for offering this amendment.

As the gentleman has said, Veterans' Day has been observed for years but November 11 has a special meaning for the veterans of World War I.

Again, I commend the gentleman for his amendment.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I am happy to yield to the gentleman.

Mr. HALEY. I, too, want to commend the gentleman for offering this amendment to this bill.

I think those who have served in World War I, of which I am one, think of Veterans' Day or Armistice Day as the 11th hour of the 11th day of the 11th month. I think if this were submitted to the veterans of this Nation, 20 million of them would say—Do not change it.

Mr. ROUDEBUSH. I think the gentleman is so right and I thank him for his comments.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I yield to the gentleman.

Mr. RANDALL. The observation was made a moment ago by some other Member that the gentleman from Indiana [Mr. Roudebush] happens to be on the Committee on Veterans' Affairs. That may be an error but we should not neglect to mention that our colleague from Indiana is a past national commander in chief of the Veterans of Foreign Wars.

I do not know about the rest of you, but over the Easter recess I received several protests from members of the VFW and other veterans saying "Please do not let Congress tamper with the date we observe Veterans' Day."

Mr. Chairman, I do not know who is in favor of this bill but I know many groups that are against it. This bill should be defeated.

Mr. ROUDEBUSH. I thank the gentleman.

Mr. McCLORY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I also want to pay tribute to the gentleman from Indiana. He is a distinguished veteran and also a distinguished leader of the Veterans of Foreign Wars and a past national commander.

I also want to point out that all of the sponsors of the uniform Monday holiday legislation themselves are veterans of one war or another.

I also would like to point out that on Veterans' Day we are not just honoring the veterans of World War I. We are honoring all veterans of all wars including the veterans of World War II and of the Korean war. The Korean war happened to have ended in July; and World War II, in August.

I would like also to point out now, if November 11, Armistice Day, happens to fall on a Sunday, then we celebrate it on Monday, November 12.

I do not think we do any disrespect if that happens. We are not changing Armistice Day; we cannot do that. Armistice Day at the time when World War I ended will always be November 11. We cannot change that. Under this bill we are going to honor veterans on Monday, the fourth Monday in October.

Let me just add this: I have talked to some servicemen; many are still in the service today. Men who can enjoy the opportunity of a 3-day veterans' holiday on Monday appreciate this. Their families appreciate this. If we want to do something for the men in the service, we will provide this uniform Monday holiday legislation for their benefit and the benefit of their families. That is the logical thing and it seems to me to be much more important as a service by our country to the men who are in the service of our country.

Mr. ROUDEBUSH. Mr. Chairman, will the gentleman yield?

Mr McCLORY. I yield to the gentleman.

Mr. ROUDEBUSH. I would just like to observe if I might that the gentleman refers to the observance of holidays and so forth and how the families would enjoy this extra day of no work.

To me Veterans' Day means honoring those who have borne the brunt of battle for this Nation. That has been observed on November 11 and I hope this amendment is adopted.

Mr. McCLORY. Let me say this, when this day or the Fourth of July or any other day is observed on a Monday, the opportunities for appropriate observances are much greater because of the preparations that can be made on the Saturday and Sunday preceding the day of observance. Hence, the observance is much more spectacular, much more appropriate and much more impressive than it could be if it happened to fall on some day in the middle of the week.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. ROUDEBUSH].

The question was taken; and on a division (demanded by Mr. ROUDEBUSH) there were—ayes 53, noes 76.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 2, after line 7, insert the following:

"Every Friday when the Congress is in session shall be observed as a holiday by the House of Representatives."

Mr. ROGERS of Colorado. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ROGERS of Colorado. The amendment is not germane to the legislation we are now considering.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. GROSS. No; except I would like to know why.

The CHAIRMAN. The Chair is ready to rule on the point of order of the gentleman from Colorado. The bill before the Committee deals with national holidays, and the amendment of the gentleman from Iowa deals with holidays of the House of Representatives of the Congress of the United States, and is, therefore, in no way, in the opinion of the Chair, germane to the issue before us, and the point of order is sustained.

Mr. GROSS. Mr. Chairman, I offered the amendment simply to make official the unofficial holidays in which the House indulges itself almost every Friday when Congress is in session.

It is designed to lend respectability to the "T and T Club"—the out-on-Thursday, back-on-Tuesday operation. It is also designed to make it uniform—a word we have heard so much in connection with this bill.

Mr. Chairman, I have no intention of voting for this bill, and if I thought the amendment had the slightest chance of being adopted I would not have offered it.

AMENDMENT OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITENER: On page 1, line 10, strike out "Memorial Day, the last Monday in May."

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. WHITENER. Mr. Chairman, this amendment is self-explanatory. It would eliminate as a Monday holiday Memorial Day, and would say, in effect, that hereafter Memorial Day will be observed on May 30, just as it has been since May 30, 1868. There is nothing else to the amendment. I merely point out that Memorial Day was established by General Logan, a general of the Northern Army, as a result of the example set by the fine ladies of Ohio, who had for some 2 years adopted a practice on May 30 of taking flowers to the graves of those who had fallen in battle on both sides in the War Between the States.

Mr. Chairman, my good friend the gentleman from New York [Mr. STRATTON], and my equally good friend the gentleman from Illinois [Mr. McCLORY], say we should take Memorial Day and make it a day of frivolity rather than a day of mourning. They say this, along with those witnesses who testified and who filed statements, about this day of mourning, which resulted from the American spirit of good women in Ohio, who had been on the side of the war on which my forebears did not happen to be. They felt men who had fallen were entitled to have tribute paid to them once a year.

My friends who propose that we do away with Memorial Day on May 30 say that, because the travel people said it would increase travel, we should do away with the significance of this day.

They further say that, because it would meet the convenience of certain segments of our American industry, we should do away with this meaningful observance on May 30. They say we should not be concerned about tradition. They say that we should not be concerned about these emotional feelings which have made this country so great.

But let us not peg everything to the dollar. Let us not peg everything to pleasure. Let us not put more people on the highways on long weekends to destroy themselves and their neighbors.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, the gentleman mentioned my name.

Mr. WHITENER. I yielded to the gentleman.

Mr. STRATTON. Mr. Chairman, I appreciate the gentleman yielding.

The gentleman said Memorial Day was first celebrated on the 30th of May I would like to point out to the gentleman a fact.

Mr. WHITENER. It was called Decoration Day.

Mr. STRATTON. Mr. Chairman, I would like to point out to the gentleman that last year, in the gentleman's own committee, that committee reported a bill favorably and the bill was enacted into law, legislation which I introduced declaring that Waterloo, N.Y., in my district, was the birthplace of Memorial Day. I would like to advise the gentleman that the first celebrated date of Memorial Day was on May 5 in Waterloo, N.Y., in 1866, and the gentleman supported that legislation.

Mr. WHITENER. Happy days are here again.

Mr. GROSS. There ought to be some end to this tinkering and gimmickry. This bill is designed to provide that Memorial Day be made a shoppers' day, a bargain basement day. That is what is being attempted here.

Mr. WHITENER. And a "See America

Day" is the main burden of the testimony.

Mr. McCLORY. Mr. Chairman, I rise in opposition to the amendment.

Let me say that until Memorial Day was designated by General Logan on May 30, Memorial Day was celebrated on May 25, on April 26, and on June 9. It is now celebrated in most of the Southern States in June. It is one of the national legal holidays.

Mr. Chairman, I urge the defeat of this amendment.

Mr. ROGERS of Colorado. Mr. Chairman, I want to point out that if the amendment is adopted, we will have no Memorial Day at all.

Mr. MARTIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have heard stated repeatedly this evening in the course of this debate that there is overwhelming support for this legislation throughout the country. We heard the same statement made when we held hearings on this bill before our Rules Committee.

In questioning the witnesses, to prove that statement, we had only a very, very general platitudinous reply.

Let me give some information from a Harris poll which was published in the Washington Post on January 1 of this year.

64% Do Not Want Monday holidays.

I quote from the article:

> Although Americans this holiday season are enjoying long weekends because both Christmas and New Year fell on a Monday, a law requiring most national holidays to be celebrated on Mondays would meet with public disfavor.
>
> The argument made in behalf of the proposal is that people would consistently be able to enjoy longer and more enjoyable holidays if the Monday rule were enacted.
>
> However, the Harris Survey results clearly show that observance of Memorial Day, Veteran's Day, Washington's Birthday, Independence Day and Thanksgiving—as well as Christmas and New Year—all have special meaning in their own right and are not looked upon as merely "another day off."

Let me give the results:

Opposed, 64 percent; in favor, 31 percent; 5 percent not sure.

In the East: 55 percent opposed, 41 percent in favor, and 4 percent not sure.

In the Midwest: 63 percent opposed, 30 percent in favor, and 7 percent not sure.

In the South: 77 percent opposed, 18 percent in favor, and 5 percent not sure.

In the West: 64 percent opposed, 32 percent in favor, and 4 percent not sure.

Among the men those opposed were 56 percent, 38 percent were in favor, and 6 percent not sure.

And mark this, for the women. Do not overlook the power of the women in this country. Among the women surveyed, 72 percent opposed this legislation, with only 23 percent in favor, and 5 percent not sure.

Now let me give some other figures specifically on the days included in this legislation before us.

As to changing Memorial Day to a Monday holiday, 59 percent were opposed, 38 percent in favor, and 3 percent were not sure.

As to Washington's Birthday, 60 percent were opposed, 35 percent were in favor, and 5 percent not sure.

As to Independence Day, 64 percent were opposed, 33 percent were in favor, and 3 percent not sure.

Mr. Chairman, I am currently receiving replies to my annual questionnaire. I asked a question with regard to these Monday holidays. The information has not been completely compiled as yet, but the results we have tabulated up to this afternoon are running over 3 to 1 in opposition to a change to Monday holidays.

I submit, Mr. Chairman, that the people of the United States are opposed to this legislation, and I hope it will be defeated here this evening.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in support of the amendment and move to strike the requisite number of words.

I would hope that the Members would use a little bit of judgment on the matter of changing the date of Memorial Day.

The previous speaker pointed out the strong opposition in his district to touching the date customarily and traditionally held to be May 30.

During the recent recess I had the experience of speaking to many people in my district, and they were quite upset about these proposed changes, and particularly about Memorial Day.

I realize there are those in this country, who are interested in the almighty dollar. But I believe we should put ahead of this type of thinking a reflection of the spirit of the day. Let us forget about the money changers. Let us think of this day as the day it really is, a sacred day when those people of the South and of the North joined hands together to decorate the graves of fallen heroes on both sides.

If you tinker with Memorial Day, you tinker with one of the most sacred days in our Nation's history.

Mr. Chairman, I say to you I am supporting the bill to make Columbus Day a national holiday, but I do not think you should clutter up that bill with a provision that will change Memorial Day from what has been our custom and tradition down through the years. I can tell you in my district all of the veterans organizations, have contacted me and asked me to oppose this bill. Every responsible person that knows about this proposed change does.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Massachusetts. I am glad to yield to the gentleman from New York.

Mr. STRATTON. The gentleman says he feels strongly about Memorial Day. Is he aware of the fact that if the pending amendment is carried, Memorial Day will be eliminated? So if the gentleman from Massachusetts wants to retain Memorial Day as a national holiday, the pending amendment should be defeated.

Mr. BURKE of Massachusetts. That is not my understanding. It is my understanding of the gentleman's amendment that May 30 will continue to be a national holiday. However, if the gentleman from New York is correct then the amendment should be changed.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from North Carolina.

Mr. WHITENER. Of course, the gentleman from Massachusetts is correct. The present law says "the following are legal public holidays," and among those it says "May 30, Memorial Day." My amendment is to strike from the bill now before us the words "Memorial Day, the last Monday in May." If we do that, we will leave the present law which says, "The following are legal public holidays." They do not indicate striking the "The following are legal public holidays," and May 30 Memorial Day would still be in.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from New York.

Mr. STRATTON. If the gentleman from North Carolina reads the legislation carefully, he will see that this legislation strikes cut and replaces that part of the United States Code which deals with national holidays. Therefore, if the gentleman's amendment carries, we would have no Memorial Day in the United States included.

Mr. WHITENER. If the gentleman will yield to me further, my reply to that is that if the gentleman from New York is correct in his statement, that then consideration of this bill is subject to a point of order, because the Ramseyer Rule has not been complied with. The report shows that those sections of existing law that are to be stricken are those which come after the words "Subsection (a) The following are legal public holidays." If the gentleman is saying that the Ramseyer Rule has not been complied with, I would like to hear from the gentleman from Colorado so that we might make a point of order.

Mr. ROGERS of Colorado. First of all, may I say that the objection, if any, to be made, which has not been made, would come too late. Secondly, the gentleman from North Carolina and any other Member would be interested to know that so far as the Ramseyer Rule is concerned, on pages 4 and 5 we outline the amendment to section 6103, "Holidays," wherein we show those that are going to be destroyed or taken away from the present set-up and substitute in place thereof "Memorial Day, the last Monday in May."

Now, if you want to strike out "the last Monday in May," the amendment that has been offered by the gentleman from North Carolina, then you have taken it out of this bill completely and out of the law, because we have set forth the same in the Ramseyer Rule, and hence the amendment should be defeated.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WAGGONNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. BURKE].

Mr. BURKE of Massachusetts. I thank the gentleman for yielding. It is quite apparent that there is a great deal of confusion here as far as the committee is concerned as to just what this amendment does.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Massachusetts. I will be happy to yield.

Mr. WAGGONNER. Mr. Chairman, a point of order. I have the time.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I have yielded to the gentleman from Massachusetts, and I choose to continue to yield to him at this point.

The CHAIRMAN. The gentleman from Louisiana is recognized for 5 minutes, and he yields to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. This shows how ridiculous it is and how far we can go when you come in with legislation of this type tinkering with Memorial Day.

You know, Mr. Chairman, some Members take this subject of Memorial Day as a laughing matter, some laughed that way at the time we had the rat bill under consideration in this House of Representatives. However, a few weeks later they stopped laughing.

I say here that if we are going to preserve those things we hold sacred in this Nation and what it stands for, we will not tinker with Memorial Day.

However, I say to the members of the Committee that this would be a serious mistake on the part of the Congress.

Mr. Chairman, I hope we at least have an opportunity to adopt this amendment and then have a rollcall vote thereon. That is what I want. I want to see you stand up and be counted.

Mr. WAGGONNER. Mr. Chairman, the gentleman from Colorado [Mr. ROGERS] just a few moments ago while involved in a colloquy with the gentleman from New York and the gentleman from North Carolina, referred to pages 4 and 5 of the report and said that we would find a listing of the holidays that would be "destroyed." Now, this is a word upon which I would like for the gentleman to enlarge, having said that it would "destroy" certain holidays, or does the gentleman want to attempt to clarify his answer?

Mr. ROGERS of Colorado. Mr. Chairman, would the gentleman yield to me for the purpose of clarification?

Mr. WAGGONNER. Yes.

Mr. ROGERS of Colorado. May I read from page 2 of the bill:

> * * * section 6103(a) of title 5, United States Code, as amended by subsection (a), shall on and after such effective date be considered a reference to the day for the observance of such holiday prescribed in such amended section 6103(a).

Mr. WAGGONNER. But does the gentleman from Colorado stand by his position that we are "destroying" some holidays? The gentleman made this statement just recently during the colloquy and it will show in the RECORD.

Mr. ROGERS of Colorado. We are removing some of the days upon which certain activities have been observed as holidays.

Mr. WAGGONNER. You refuse to apparently answer the question or have been unable to get through to me.

Mr. ROGERS of Colorado. I have in days past not been able to get through to the gentleman nor to convince him.

Mr. WAGGONNER. You have been through this procedure a lot more than I have been through it and you have never as yet convinced me of anything.

Mr. ROGERS of Colorado. The point I raise is that if we adopt the amendment which has been offered by the gentleman from North Carolina, we would effectively remove Memorial Day as a national holiday.

Mr. WAGGONNER. Would not that, in effect, be "destroying" a legal holiday?

Mr. ROGERS of Colorado. Yes; it certainly would.

Mr. WAGGONNER. Then the gentleman from Colorado advocates destroying Memorial Day?

Mr. ROGERS of Colorado. No; and this bill certainly would not destroy the observance of Memorial Day.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from North Carolina.

Mr. WHITENER. I suppose in order to answer that question and to retain the date on which Memorial Day is observed is for every single man to vote for my amendment and then to support an amendment writing in May 30.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Illinois.

Mr. McCLORY. I want to mention this fact: The distinguished gentleman from Massachusetts [Mr. BURKE] in a very impassioned plea with regard to Memorial Day made certain relevant statements. However, I wish to call the attention of the Members to the fact that the Legislature of the State of Massachusetts has adopted a uniform holiday system designating Memorial Day on Monday.

Mr. BURKE of Massachusetts. Mr. Chairman, I would like to inform the gentleman that the legislature did that, but the people of Massachusetts and the people throughout the United States of America will observe Memorial Day on May 30 of this year and that they will ignore the legislature.

Mr. Chairman, there are thousands of people in Massachusetts who have signed protest petitions against it.

SUBSTITUTE AMENDMENT OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

> Amendment offered by Mr. KYL as a substitute for the amendment offered by Mr. WHITENER: On page 1, line 10, after the comma, strike the remainder of the sentence and insert "May 30."

Mr. ROGERS of Colorado. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ROGERS of Colorado. Mr. Chairman, this constitutes an amendment to the Whitener amendment, and the Whitener amendment is to strike the whole line. Therefore you cannot offer a substitute when you change it in the manner in which the gentleman does.

The CHAIRMAN. The gentleman from Colorado makes the point of order that the amendment offered by the gentleman from North Carolina is to strike out. The Chair feels that the proposed substitute of the gentleman from Iowa to the motion to strike out offered by the gentleman from North Carolina is not in order as a proper substitute.

Mr. ROGERS of Colorado. Mr. Chairman, then I raise the question that that would take unanimous consent.

The CHAIRMAN. Does the gentleman from Colorado suggest that the motion to strike which is inherent in the amendment offered by the gentleman from North Carolina should be disposed of before there are any amendments to line 10?

Mr. ROGERS of Colorado. That is my contention, Mr. Chairman.

The CHAIRMAN. The gentleman from Colorado is correct; that it is not in order to offer a substitute amendment for a motion to strike out and the Chair will rule that the point of order is valid. The Chair sustains the point of order.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent to withdraw my amendment in order that the gentleman from Iowa may now offer his amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. There being no objection, the amendment of the gentleman from North Carolina is withdrawn.

AMENDMENT OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. KYL: On page 1, line 10, after the comma, strike the remainder of the sentence and insert "May 30."

Mr. KYL. Mr. Chairman, I certainly did not intend to precipitate any parliamentary discussion. I originally offered this amendment as a substitute simply to accomplish the task that the gentleman from North Carolina sought to accomplish and to expedite our business at this late hour.

This amendment would preserve Memorial Day on the date it has traditionally been observed, and I shall not take any further time on it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

AMENDMENT OFFERED BY MR. THOMPSON OF GEORGIA

Mr. THOMPSON of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. THOMPSON of Georgia. On page 1, line 8, strike "Washington's Birthday" and substitute in lieu thereof "Uniform Holiday No. 1".
>
> On page 1, line 10, strike "Memorial Day" and insert "Uniform Holiday No. 2".

On page 2, line 2, strike "Labor Day" and insert "Uniform Holiday No. 3".

On page 2, line 3, strike "Columbus Day" and insert "Uniform Holiday No. 4".

On page 2, line 4, strike "Veterans Day" and insert "Uniform Holiday No. 5".

The CHAIRMAN. The gentleman from Georgia [Mr. THOMPSON] is recognized.

Mr. THOMPSON of Georgia. Mr. Chairman, I do not think I need to take much time on this. But this is basically and precisely what we are doing.

We state on line 8, Washington's Birthday, the third Monday in February. Certainly, the third Monday in February is not Washington's birthday.

What we are attempting to do is to establish a system of uniform national holidays.

Now why do we not just recognize this fact? If that is what we want to do, if we want to disregard the day on which the event actually occurred or which has been traditionally recognized as being on those particular dates, why are we not forthright about it and simply designate them uniform national holiday No. 1, uniform national holiday No. 2, uniform national holiday No. 3, uniform national holiday No. 4—and so forth.

Mr. Chairman, I yield back the balance of my time.

Mr. McCLORY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to emphasize that all of us who are supporting this legislation are just as dedicated to these patriots and to these days that we are commemorating, as are any other Members of the House. I truly believe that through the adoption of a uniform Monday holiday bill, we can pay more respect and make more appropriate observance and recognition of these historic days.

We are not changing George Washington's birthday—we are retaining it but we are providing here for celebrating it on the third Monday of February every year.

Mr. Chairman, that is the purpose of this bill.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman.

Mr. WHITENER. I have observed how sensitive the gentleman is about this and I just wonder how sensitive he will be a year from now when he sits on a service station bench and moves about out in Illinois and hears these folks he represents talking about these holidays.

Mr. McCLORY. I think we have a great opportunity to pay a fitting tribute to all of the people of the Nation by this legislation, and to the service men and women.

I think that above all we are making a great contribution to the families of America through this legislation

Mr. Chairman, I urge the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. THOMPSON].

The amendment was rejected.

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKLE: On page 2, line 3, strike out "Columbus Day, the second Monday in October".

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, it seems to me in including in this bill the creation of a new national holiday, we are going beyond what was apparently the initial intent of the legislation—namely, to establish Monday—uniform Monday holidays in three particular instances.

I do not share the strong feelings of some in the committee that havoc will be wreaked if we move some of these holidays to Mondays.

I suggest that you are creating a new national holiday here.

I would like to make two or three points. In the first place, this is going to cost somewhere in the neighborhood of $90 million to $95 million. This is the testimony of the Chairman of the Civil Service Commission, Mr. Macy. They can give you some other kind of interpretation—that this might result in the saving of money by better efficiency, but that is just slicing it in a different way and it comes out exactly the same still, in the neighborhood of some $90 million. Perhaps it would be less, and we all hope so.

Second, you are including two Mondays in October and that means in the month of October, you are going to have two periods of three days each or six days, and if you get a long month, and sometimes October is, you are going to have anywhere from four to six additional holidays in October. You are just not going to get to work before you have another holiday.

I do not think this is something that businessmen want with respect to October. I admit that some of my business people have said that moving some of these dates would be favorable to them, but I have not found that the majority of them wanted to include Columbus Day in this. I think they have gone beyond the intent of the bill in this particular instance.

We do not need to interefere with the way the States want to celebrate Columbus Day. I, for one, would want to see them continue it because it is a great day in our history. To all American immigrants Columbus Day is vitally important to us, but we can observe that day as we are—and should—and it would not have to be made a national holiday.

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman.

Mr. ANNUNZIO. I thank my distinguished friend, the gentleman from Texas, for yielding.

Mr. Chairman, I would like to point out to the gentleman since he mentioned the $90 million figure that I have had the opportunity to serve as commissioner of labor in my State and there were in my State 4,000 employees in the department of labor; 3,800 of those employees were civil service employees and 200 were temporary employees.

For your information, when a holiday fell in the middle of the week, those employees that were civil service used up their sick time and did not report to work the following day, and they had a long weekend.

I should also like to point out to you that we are talking about employees who are on a yearly salary, and I agree with the conclusion of the Chairman of the Civil Service Commission, that it will not cost the taxpayers of this country a dime, and that we are going to have more efficiency in our Government offices.

Mr. PICKLE. I appreciate the gentleman's views. In reply to the gentleman, I should like to observe that I have also served as State commissioner of the Texas Employment Commission, which is a division of the bureau of employment and a part of the department of labor. We do not have this problem in Texas. It caused no difficulty whatsoever. We still observe the spirit of Columbus Day in its fullest sense. The gentleman must surely admit that there has apparently been a conflict in testimony as to what has actually occurred, but the report clearly shows it would probably cost a considerable amount of money. I do not think these are the times when we need to create a new holiday. I think my amendment is valid and does not violate the spirit of what the committee originally intended.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

I recognize that the gentleman offers the amendment in good faith. However, I would like to point out, first of all, what has already been indicated, but which I believe needs reemphasizing, that the Chairman of the Civil Service Commission, who originally was supposed to have made the statement that this new holiday would have added a certain amount of money, stated explicitly that he believed the proposal for a uniform observance of three or four holidays on Monday, by avoiding disruption of normal business operations, would clearly offset the added cost of the extra holiday.

What are we talking about? We are talking about October 12. We are talking about celebrating a day which is already being celebrated in 34 States. I believe this Congress certainly recognizes the greatness of Christopher Columbus. I need not reemphasize here or take the time of this Congress to tell about Christopher Columbus' exploits and what we owe to this man of whom it has been said by historians that "the whole history of America stems from the four voyages of Columbus." That is a quote that comes from Samuel Eliot Morison in his "Admiral of the Ocean Sea"—a noted historian and biographer.

I would also remind the gentleman that there are over 50 bills in the House declaring Columbus Day a national holiday, and that this holiday bill was considered in the Senate of the United States and was passed by that body in 1964. There is presently a bill under consideration now. For that reason I oppose the amendment and urge its defeat.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from North Carolina.

Mr. WHITENER. I appreciate the gentleman yielding. In view of the fact that

I earlier referred to the statement of the Chairman of the Civil Service Commission, it is only proper that I call to the gentleman's attention page 15 of the hearings conducted by Subcommittee No. 4 of the Judiciary Committee on Columbus Day legislation. The Chairman of that Commission, Mr. John W. Macy, Jr., sent a letter to the committee, dated September 25, 1967, saying that Columbus Day would cost the Federal taxpayer $90 million. There is no "supposed" about it. It is in the record.

Mr. RODINO. The gentleman, however, has to agree that in a later letter the Chairman states:

> I believe the proposal for a uniform observance by avoiding disruption of normal business operations would clearly offset the added cost of the extra holiday.

Mr. WAGGONNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. Mr. Chairman, I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, it seems to me if the Chairman of the Civil Service Commission can say it is going to cost $90 million on 1 day, and then almost on the next day say it is not going to cost anything, we badly need a change of administration in the Civil Service Commission, because if $90 million mistakes are made that easily and that speedily, it really deserves some attention.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, in view of that, perhaps we should make every Monday a legal holiday and make money for the Government.

Mr. LONG of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to my friend, the gentleman from Louisiana [Mr. LONG].

Mr. LONG of Louisiana. Mr. Chairman, I should like to make this observation, that I believe there is a march being made on Washington, and if my history is correct—and it may not be—the day before Richmond fell, the Confederate Congress spent all day debating how many newspapers should be placed on each member's desk.

Mr. WAGGONNER. Well Nero fiddled while Rome burned.

I think it needs to be said since we seem to be so proud of Columbus, that when he left for this country he did not know where he was going, and when he got here, he did not know where he was, and when he got back, he did not know where he had been.

I think we should amend this and call it General Dayan Day. General Dayan did not have much to do with discovering America, but he sure did learn how to fight a war, did he not?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. PICKLE].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> SEC. 2. The amendment made by subsection (a) of the first section of this Act shall take effect on January 1, 1971.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair [Mr. GIAIMO], Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15951), to provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes, pursuant to House Resolution 1149, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. POFF. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. POFF. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. POFF moves to recommit the bill (H.R. 15951) to the Committee on the Judiciary with instructions to report the same back to the House with the following amendment: On page 1, line 8, after the comma, strike out the remainder of line 8 and line 9 and insert "February 22."

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. POFF. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 141, nays 153, not voting 139, as follows:

[Roll No. 129]

YEAS—141

Abbitt
Adair
Andrews,
N. Dak.
Arends
Aspinall
Baring
Battin
Belcher
Bennett
Berry
Blackburn
Blanton
Bow
Bray
Brinkley
Brock
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Cabell
Carter
Chamberlain
Clawson, Del
Collier
Colmer
Cramer
de la Garza
Devine
Dole
Dorn
Dowdy
Downing
Duncan
Edmondson
Evans, Colo.
Feighan
Findley
Fisher
Ford, Gerald R.
Fountain
Fulton, Pa.
Fuqua
Galifianakis
Gathings
Goodling
Gray
Griffin
Gross
Gubser
Haley
Hamilton
Hammer-
schmidt
Harvey
Henderson
Herlong
Hull
Hutchinson
Jarman
Jonas
Jones, Mo.
Jones, N.C.
Kee
Kleppe
Kuykendall
Kyl
Langen
Lennon
Lipscomb
Long, La.
McCloskey
McMillan
Mahon
Marsh
Martin
Mathias, Calif.
Mathias, Md.
Mayne
Miller, Ohio
Montgomery
Morton
Myers
Natcher
Nelsen
O'Neal, Ga.
Passman
Patman
Pepper
Perkins
Pettis
Pickle
Poage
Poff
Pool
Price, Tex.
Quie
Randall
Rarick
Reid, N.Y.
Reifel
Reinecke
Rhodes, Ariz.
Robison
Rogers, Fla.
Roth
Roudebush
Rumsfeld
Satterfield
Scott
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Okla.
Snyder
Springer
Staggers
Stanton
Steiger, Ariz.
Stuckey
Thompson, Ga.
Thomson, Wis.
Tuck
Utt
Waggonner
Wampler
Watkins
Watson
White
Whitener
Widnall
Winn
Wylie
Zion
Zwach

NAYS—153

Adams
Addabbo
Anderson, Ill.
Annunzio
Bates
Bell
Biester
Blatnik
Boggs
Boland
Brooks
Brown, Calif.
Button
Byrne, Pa.
Byrnes, Wis.
Carey
Casey
Clark
Cleveland
Conable
Conte
Conyers
Culver
Daddario
Daniels
Delaney
Diggs
Dingell
Donohue
Dow
Dulski
Eckhardt
Edwards, Calif.
Erlenborn
Eshleman
Fallon
Fascell
Fino
Flood
Foley
Ford,
William D.
Friedel
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gibbons
Gonzalez
Green, Pa.
Halpern
Hanley
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Howard
Hungate
Irwin
Jacobs
Joelson
Johnson, Calif.
Johnson, Pa.
Kastenmeier
Kazen
Keith
Kelly
King, N.Y
Kupferman
Kyros
Leggett
Long, Md.
McClory
McClure
McCulloch
McDade
McDonald,
Mich.
McEwen
McFall
Macdonald,
Mass.
Machen
Madden
Mailliard
May
Meeds
Meskill
Minish
Mink
Minshall
Monagan
Morgan
Morris, N. Mex.
Mosher
Murphy, Ill.
Nix
O'Hara, Mich.
O'Konski
O'Neill, Mass.
Ottinger
Patten
Pelly
Philbin
Pike
Price, Ill.
Pucinski
Railsback
Reid, Ill.
Reuss
Riegle
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
St Germain
St. Onge
Sandman
Scheuer
Schneebeli
Schweiker
Schwengel
Shipley
Smith, Iowa
Smith, N.Y.
Stafford
Steiger, Wis.
Stratton
Sullivan
Taylor
Teague, Calif.
Tenzer
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Walker
Whalen
Whalley
Williams, Pa.
Wolff
Wyman
Yates
Young
Zablocki

NOT VOTING—139

Abernethy
Albert
Anderson,
Tenn.
Andrews, Ala.
Ashbrook
Ashley
Ashmore
Ayres
Barrett
Betts
Bevill
Bingham
Bolling
Bolton
Brademas
Brasco
Brotzman
Burton, Calif.
Burton, Utah
Bush
Cahill
Cederberg
Celler
Clancy
Clausen,
Don H.
Cohelan
Corbett
Corman
Cowger
Cunningham
Curtis
Davis, Ga.
Davis, Wis.
Dawson
Dellenback
Denney
Dent
Derwinski
Dickinson
Dwyer
Edwards, Ala.
Edwards, La.
Eilberg
Esch
Everett
Evins, Tenn.
Farbstein
Flynt
Fraser
Frelinghuysen
Gardner
Gettys
Gilbert
Goodell
Green, Oreg.
Griffiths
Grover
Gude
Gurney
Hagan
Hall

Halleck
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Harrison
Harsha
Hawkins
Hays
Hébert
Holifield
Holland
Horton
Hosmer
Hunt
Ichord
Jones. Ala.
Karsten
Karth
King, Calif.
Kirwan
Kluczynski
Kornegay
Laird
Landrum
Latta
Lloyd
Lukens
McCarthy
MacGregor
Matsunaga
Michel
Miller, Calif.
Mills
Mize
Moore
Moorhead
Morse, Mass.
Moss
Murphy, N.Y.
Nedzi
Nichols
O'Hara, Ill.
Olsen
Pirnie
Podell
Pollock
Pryor
Purcell
Quillen
Rees
Resnick
Rhodes, Pa.
Rivers
Roberts
Ruppe
Saylor
Schadeberg
Scherle
Selden
Sisk
Steed
Stephens
Stubblefield
Taft
Talcott
Teague, Tex.
Tunney
Waldie
Watts
Whitten
Wiggins
Willis
Wilson, Bob
Wilson, Charles H.
Wright
Wyatt
Wydler

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Kirwan against.

Mr. Abernethy for, with Mr. Celler against.

Mr. Ashmore for, with Mr. Brasco against.

Mr. Roberts for, with Mr. Gilbert against.

Mr. Quillen for, with Mr. Dent against.

Mr. Betts for, with Mr. Eilberg against.

Mr. Denney for, with Mr. Holifield against.

Mrs. Bolton for, with Mr. Kluczynski against.

Mr. Bob Wilson for, with Mr. Miller of California against.

Mr. Gude for, with Mr. Murphy of New York against.

Mr. Rivers for, with Mr. Podell against.

Mr. Andrews of Alabama for, with Mr. Bingham against.

Mr. Flynt for, with Mr. Corman against.

Mr. Gettys for, with Mr. Farbstein against.

Mr. Hagan for, with Mrs. Green of Oregon against.

Mr. Kornegay for, with Mr. Matsunaga against.

Mr. Stephens for, with Mr. Charles H. Wilson against.

Mr. Whitten for, with Mr. Barrett against.

Until further notice:

Mr. Albert with Mr. Michel.

Mr. Karsten with Mr. Cederberg.

Mr. McCarthy with Mr. Corbett.

Mr. Moorhead with Mr. Dellenback.

Mr. Moss with Mr. Ayres.

Mr. Evins of Tennessee with Mr. Laird.

Mr. Davis of Georgia with Mr. Harrison.

Mr. Burton of California with Mr. Harsha.

Mr. Brademas with Mr. MacGregor.

Mr. Bevill with Mr. Morse.

Mr. Ashley with Mr. Cahill.

Mr. Jones of Alabama with Mr. Clancy.

Mr. King of California with Mr. Cunningham.

Mr. Cohelan with Mr. Curtis.

Mr. Hanna with Mr. Frelinghuysen.

Mr. Selden with Mr. Halleck.

Mr. Sisk with Mr. Talcott.

Mr. Rhodes of Pennsylvania with Mr. Goodell.

Mr. Waldie with Mrs. Dwyer.

Mr. Tunney with Mr. Derwinski.

Mr. Teague of Texas with Mr. Dickinson.

Mr. Anderson of Tennessee with Mr. Burton of Utah.

Mr. Landrum with Mr. Ashbrook.

Mr. Everett with Mr. Brotzman.

Mr. Edwards of Louisiana with Mr. Moore.

Mrs. Griffiths with Mr. Latta.

Mr. Hardy with Mr. Hosmer.

Mr. Hays with Mr. Horton.

Mr. Nedzi with Mr. Pirnie.

Mr. Mills with Mr. Saylor.

Mr. Watts with Mr. Taft.

Mr. Wright with Mr. Gardner.

Mr. Willis with Mr. Grover.

Mr. Steed with Mr. Don H. Clausen.

Mr. Stubblefield with Mr. Cowger.

Mr. Pryor with Mr. Davis of Wisconsin.

Mr. O'Hara of Illinois with Mr. Pollock.

Mr. Ichord with Mr. Bush.

Mr. Karth with Mr. Scherle.

Mr. Fraser with Mr. Edwards of Alabama.

Mrs. Hansen of Washington with Mr. Ruppe.

Mr. Hawkins with Mr. Esch.

Mr. Rees with Mr. Wyatt.

Mr. Nichols with Mr. Gurney.

Mr. Resnick with Mr. Wiggins.

Mr. Olsen with Mr. Hall.

Mr. Purcell with Mr. Lukens.

Mr. Lloyd with Mr. Hunt.

Mr. Schadeberg with Mr. Mize.

Mr. Hansen of Idaho with Mr. Wydler.

Mr. Dawson with Mr. Holland.

The result of the vote was announced as above recorded.

The doors were opened.

The **SPEAKER**. The question is on the passage of the bill.

Mr. **GROSS**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 212, nays 83, not voting 138, as follows:

[Roll No. 130]

YEAS—212

Adair
Adams
Addabbo
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Aspinall
Ayres
Baring
Bates
Battin
Bell
Berry
Biester
Blanton
Blatnik
Boggs
Boland
Bray
Brinkley
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, Va.
Burke, Mass.
Button
Byrne, Pa.
Byrnes, Wis.
Carey
Casey
Clark
Cleveland
Conable
Conte
Conyers
Cramer
Culver
Daddario
Daniels
de la Garza
Delaney
Diggs
Dingell
Dole
Donohue
Dow
Dulski
Eckhardt
Edwards, Calif.
Erlenborn
Eshleman
Evans, Colo.
Fallon
Fascell
Feighan
Findley
Fino
Flood
Foley
Ford, Gerald R.
Ford, William D.
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Giaimo
Gibbons
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Halpern
Hamilton
Hanley
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Howard
Hull
Hungate
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Kastenmeier
Kazen
Keith
Kelly
King, N.Y.
Kleppe
Kupferman
Kyros
Leggett
Lipscomb
Long, Md.
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McFall
Macdonald, Mass.
Machen
Madden
Mailliard
Mathias, Calif.
Mathias, Md.
May
Mayne
Meeds
Meskill
Minish
Mink
Minshall
Monagan
Morgan
Morris, N. Mex.
Morton
Mosher
Murphy, Ill.
Myers
Nix
O'Hara, Mich.
O'Konski
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Pettis
Philbin
Pickle
Pike
Price, Ill.
Pucinski
Quie
Railsback
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Riegle
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roush
Roybal
Rumsfeld
Ryan
St Germain
St. Onge
Sandman
Scheuer
Schneebeli
Schweiker
Schwengel
Shipley
Shriver
Skubitz
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steiger, Wis.
Stratton
Sullivan
Taylor
Teague, Calif.
Tenzer
Thompson, Ga.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Walker
Whalen
Whalley
Widnall
Williams, Pa.
Winn
Wolff
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—83

Abbitt
Arends
Belcher
Bennett
Blackburn
Bow
Brown, Mich.
Broyhill, N.C.
Buchanan
Burke, Fla.
Burleson
Cabell
Carter
Chamberlain
Clawson, Del
Collier
Colmer
Devine
Dorn
Dowdy
Downing
Duncan
Edmondson
Fisher
Fountain
Gathings
Gross
Gubser
Haley
Hammerschmidt
Henderson
Herlong
Hutchinson
Johnson, Pa.
Jonas
Jones, Mo.
Jones, N.C.
Kee
Kuykendall
Kyl
Langen
Lennon
Long, La.
McEwen
McMillan
Mahon
Marsh
Martin
Miller, Ohio
Montgomery
Natcher
Nelsen
O'Neal, Ga.
Passman
Patman
Perkins
Poage
Poff
Pool
Price, Tex.
Randall
Rarick
Rhodes, Ariz.
Roudebush
Satterfield
Scott
Sikes
Slack
Smith, Calif.
Smith, Okla.
Staggers
Steiger, Ariz.
Stuckey
Thomson, Wis.
Tuck
Utt
Waggonner
Wampler
Watkins
Watson
White
Whitener
Wylie

NOT VOTING—138

Abernethy
Albert
Anderson, Tenn.
Andrews, Ala.
Ashbrook
Ashley
Ashmore
Barrett
Betts
Bevill
Bingham
Bolling
Bolton
Brademas
Brasco
Brotzman
Burton, Calif.
Burton, Utah
Bush
Cahill
Cederberg
Celler
Clancy
Clausen, Don H.
Cohelan
Corbett
Corman
Cowger
Cunningham
Curtis
Davis, Ga.
Davis, Wis.
Dawson
Dellenback
Denney
Dent
Derwinski
Dickinson
Dwyer
Edwards, Ala.
Edwards, La.
Eilberg
Esch
Everett
Evins, Tenn.
Farbstein
Flynt
Fraser
Frelinghuysen
Gardner
Gettys
Gilbert
Goodell
Green, Oreg.
Griffiths
Grover
Gude
Gurney
Hagan
Hall
Halleck
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Harrison
Harsha
Hawkins
Hays
Hébert
Holifield
Holland
Horton
Hosmer
Hunt
Ichord
Jones, Ala.
Karsten
Karth
King, Calif.
Kirwan
Kluczynski
Kornegay
Laird
Landrum
Latta
Lloyd
Lukens
McCarthy
MacGregor
Matsunaga
Michel
Miller, Calif.
Mills
Mize
Moore
Moorhead
Morse, Mass.
Moss
Murphy, N.Y.
Nedzi
Nichols
O'Hara, Ill.
Olsen
Pirnie
Podell
Pollock
Pryor
Purcell
Quillen
Rees
Resnick
Rhodes, Pa.
Rivers
Roberts
Ruppe
Saylor
Schadeberg
Scherle
Selden
Sisk
Steed
Stephens
Stubblefield
Taft
Talcott
Teague, Tex.
Tunney
Waldie
Watts
Whitten
Wiggins
Willis
Wilson, Bob
Wilson, Charles H.
Wright
Wyatt
Wydler

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Kirwan for, with Mr. Hébert against.

Mr. Celler for, with Mr. Abernethy against.

Mr. Brasco for, with Mr. Ashmore against.

Mr. Bob Wilson for, with Mr. Denney against.

Mr. Gude for, with Mr. Quillen against.

Mr. Lloyd for. with Mr. Betts against.

Mr. Gilbert for, with Mr. Roberts against.

Mr. Dent for, with Mr. Rivers against.

Mr. Eilberg for, with Mr. Andrews of Alabama against.

Mr. Holifield for, with Mr. Flynt against.

Mr. Kluczynski for, with Mr. Gettys against.

Mr. Miller of California for, with Mr. Hagan against.

Mr. Murphy of New York for, with Mr. Kornegay against.

Mr. Podell for, with Mr. Stephens against.

Mr. Farbstein for, with Mr. Whitten against.

Mr. Morse of Massachusetts for, with Mr. Dickinson against.

Mr. Ruppe for, with Mr. Gardner against.

Mr. Mize for, with Mr. Edwards of Alabama against.

Until further notice:

Mr. Albert with Mr. Laird.

Mr. Corman with Mr. Latta.

Mr. Bingham with Mr. Hunt.

Mrs. Green of Oregon with Mr. Harrison.

Mr. Matsunaga with Mr. Michel.

Mr. Charles H. Wilson with Mr. Pirnie.

Mr. Barrett with Mr. Bush.

Mr. Karsten with Mr. Cederberg.

Mr. McCarthy with Mr. Corbett.

Mr. Moorhead with Mr. Cahill.

Mr. Moss with Mr. Saylor.

Mr. Evins of Tennessee with Mr. Cunningham.

Mr. Davis of Georgia with Mr. Davis of Wisconsin.

Mr. Burton of California with Mr. Talcott.

Mr. Brademas with Mr. Esch.

Mr. King of California with Mrs. Dwyer.

Mr. Ashley with Mr. Goodell.

Mr. Cohelan with Mrs. Bolton.

Mr. Bevill with Mr. Burton of Utah.

Mr. Jones of Alabama with Mr. Clancy.

Mr. Hanna with Mr. Don H. Clausen.

Mr. Selden with Mr. Pollock.

Mr. Rhodes of Pennsylvania with Mr. Moore.

Mr. Waldie with Mr. MacGregor.

Mr. Mills with Mr. Hall.

Mr. Tunney with Mr. Horton.

Mr. Teague of Texas with Mr. Hosmer.

Mr. Anderson of Tennessee with Mr. Brotzman.

Mr. Landrum with Mr. Frelinghuysen.

Mr. Everett with Mr. Ashbrook.

Mr. Hardy with Mr. Halleck.

Mr. Edwards of Louisiana with Mr. Wydler.

Mrs. Griffiths with Mr. Schadeberg.

Mr. Hays with Mr. Cowger.

Mr. Nedzi with Mr. Curtis.

Mr. Sisk with Mr. Dellenback.

Mr. Wright with Mr. Derwinski.

Mr. Willis with Mr. Grover.

Mr. Steed with Mr. Hansen of Idaho.

Mr. Stubblefield with Mr. Gurney.

Mr. Pryor with Mr. Lukens.

Mr. O'Hara of Illinois with Mr. Harsha.

Mr. Ichord with Mr. Scherle.

Mr. Karth with Mr. Taft.

Mr. Fraser with Mr. Wiggins.

Mr. Rees with Mr. Wyatt.

Mr. Hawkins with Mr. Resnick.

Mr. Nichols with Mr. Olsen.

Mr. Holland with Mrs. Hansen of Washington.

Mr. Purcell with Mr. Watts.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **ROGERS** of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks, and include extraneous material, on the bill, H.R. 15951, which was just passed.

The **SPEAKER**. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CONGRESSMAN DOMINICK V. DANIELS WELCOMES ARMENIAN PATRIARCH

Mr. **DANIELS**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from New Jersey ?

There was no objection.

Mr. **DANIELS**. Mr. Speaker, in welcoming His Holiness Vasken I, we pay homage to the Armenian Church and its faithful in America and to the millions of martyred Armenians who have given their lives because of their faith.

Mr. Speaker, I would like to take this opportunity to again call to the attention of my distinguished colleagues the resolution I introduced, House Joint Resolution 1151, which asks that the President, each year, proclaim April 24 as Armenian Martyrs' Day to commemorate the 2 million Armenian martyrs of 1915.

The cathedral that his holiness consecrated in New York City on April 28 will stand as a majestic symbol in America of the revitalization of the Armenian faithful after the tragedy of the massacres of 50 years ago.

His holiness honors us with his presence today. I hope that his journey throughout the United States will be as successful as his just completed visit to the New Jersey-New York area.

Mr. Speaker, I include after my remarks the message of his holiness upon the occasion of the consecration of the Armenian Cathedral:

MESSAGE OF HIS HOLINESS THE CATHOLICOS ON THE OCCASION OF THE CONSECRATION OF THE ARMENIAN CATHEDRAL IN NEW YORK, APRIL 28, 1968

"Return, we beseech thee, O God of Hosts: look down from heaven, and behold, and visit this vine and the vineyard which thy right hand hath planted." Psalm: 80:14–15.

Holy is the hour for us all, as the Patriarch of the Armenians opens the doors of this newly built temple with prayer and praise and offers the first Divine Liturgy before this holy altar.

Under the magnificent vaults of this church we see you, dear faithful, a true image of a living church. As we watch your faces we are aware of the wave of sacred emotions with which your souls are filled and rendered radiant with the light invisible. This is an admirable picture of spiritual grace; this is a rare moment of spiritual bliss, of which we all are witnesses.

Glory to God the Omniscient who has enabled us to live these hallowed moments.

How consoling, how significant, especially in our day, is the powerful glow of religious fervor, the glow of the light of victorious Christianity.

Thou, O Lord God our Saviour, thou art truly, yes truly, the light of the world, the hope of the world.

Observe, dear faithful, observe with the eyes of your soul the blessed hand of Christ which descends upon us all. Let us unite and bow before that hand which is the preserver, guide and Saviour of our faithful ancient people and our Holy Church.

Many centuries ago, since the times of the Apostles, the Armenian people saw and believed in Christ, especially through the historic vision of St. Gregory the Illuminator of Armenia. For nearly seventeen centuries the Armenians remained faithful to the Gospel of Christ, remained faithful to the great hope of salvation, consistently, throughout their history, despite the heavy blows of fate. The last and greatest tragedy of the Armenian nation, in 1915, is well known throughout the world. Our people became the victim of the first genocide of the twentieth century, on its native soil, in Western Armenia, with the martyrdom of nearly two million Armenians.

The history of the Armenian people and their church has been an authentic witness for the Christian faith and martyrdom in the name of Christ and of freedom. Nevertheless the Armenian spirit, vitalized by St. Gregory's historic vision has had life and abundant life, creating the marvelous treasury of its distinctly original culture and has left to the centuries to come the book of its heroic history.

Today, on the fourth week of the fourth month of the year of our Lord, 1968, when Armenians everywhere are commemorating the martyrs of the nation, here on the soil of this great and magnificent city, you are gathered in your newly erected house of worship to confess once more your Christian faith and your national and cultural traditions.

We came in response to your invitation from the distant land of Armenia, from Holy Etchmiadzin, the center of Armenia's Christian faith, so that by praying together in this temple we may bear witness that the Armenian people remain loyal to their two thousand year vow, and continue to keep alive God's word and their Christian mission in our day, in Armenia and throughout the world.

This thought presents itself especially today, for every time a Christian church is built, we are reminded of our mission to rebuild the world through the Gospel of Christ. We believe, especially in our day, that Christian churches, together in a new spirit, should come to a full realization of their mission relative to the facts and issues of life in contemporary world.

Dear faithful, God is not dead, neither is humanity in man. We believe that men are destined to know God and immortality. Let us, therefore, preach Christ's Gospel with renewed faith in a new spirit, as though it were written especially for the men and women of our day, for their spiritual guidance, and their active participation in the solution of the great issues which confront the world today. Individual men and peoples are all in the midst of crisis today and are directing their gaze to the horizon searching for the shores of a new life "where mercy and truth are met together, righteousness and peace have kissed each other." Ps. 85:12.

As the Patriarch of the Armenian Church we will always pray for the peace of the world, the brotherhood of men, and harmonious cooperation of nations.

We also pray that your great and glorious land, Christ-loving America, exist in peace and prosperity through the continued flowering of the spiritual vitality, moral virtues, and constructive genius of its people.

On this memorable hour, we deem it a duty of conscience to express our gratitude for all the benefits which the sons of our church have been enjoying here, whose duty, of course, it is to duly appreciate those benefits as virtuous Armenian Christians and as honest and loyal American citizens.

Along with these thoughts, we greet cordially and gratefully the distinguished representatives of our sister churches, all our true brothers in Christ who prayed with us today in the holy temple. May the Lord accept our prayers and further strengthen our unity.

We fervently greet and congratulate your industrious Primate and the clerical order, the dedicated members of the Building Committee and of the Diocesan Council, who brought to a glorious realization the historic tasks of the construction of this Cathedral. Our commendation and paternal greeting to all the contributors and our blessings to all the people.

And thus, dear faithful, we wish to end our words with this statement:

Remain firm and unshaken on the rock of your faith as Armenian Christians. Live and work united in love, *as one man*, firm as an indivisible church, persevering and "submitting yourselves one to another in the fear of Christ" (Ephes. 5:21), retaining your sacred traditions, the values of your national heritage, and your Christian Armenian spirit under the blessings of Holy Etchmiadzin. Keep your newly erected Cathedral bright and luminous, approach with faith its holy altar, and open your hearts to the grace which will be distributed from this altar to you and your children. You will live by these graces, you will be enlightened and will shine by the work of your hands. It is through these graces that the great hope of salvation and eternal life will shine upon your soul. You, Armenian people, are destined to live forever, for Christ is eternal.

"Rejoice and be exceeding glad, for great is your reward in heaven"

"Ye are the salt of the earth, . . . ye are the light of the world. . . ."

"Let your light so shine before men that they may see your good works and glorify your Father which is in heaven." Math. 5:12-14. Amen.

Mr. NIX. Mr. Speaker, it is indeed a significant honor to have with us today such a distinguished and high-ranking church dignitary as His Holiness Vasken I, the supreme patriarch of the Armenian Church. His holiness in coming here honors us and we in our welcome to him pay tribute to a venerated and ancient church that has kept alive the Christian faith through centuries filled with many tragedies for its faithful.

I am happy to say that the Armenian faithful in America have provided their fellow Americans and for their children an evidence, a symbol, of their faith by erecting a magnificent cathedral in New York City. I am also happy that his holiness was able to journey here, as I understand he promised to do in his prior visit in 1960, to consecrate this cathedral. I congratulate those of my fellow Americans who had a part in the erection of this House of God.

I wish his holiness a successful journey as he travels to bring his blessings to his spiritual flock in America. We will be looking forward to the next visit of his holiness to the United States.

GENERAL LEAVE TO EXTEND

Mr. DANIELS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in respect to the visit of His Holiness Vasken I.

The **SPEAKER.** Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONGRESSMAN ANNUNZIO WELCOMES SUPREME PATRIARCH OF THE ARMENIAN CHURCH

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER.** Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, in behalf of my constitutents from the Seventh Congressional District of Illinois, many of whom are of Armenian descent, it gives me great pleasure to welcome His Holiness Vasken I, supreme patriach of the Armenian Church who honors us with his presence here today.

During his current visit to the United States, as in his previous visit in 1960, his holiness has brought his patriarchal blessings to the faithful of his church, to Americans of Armenian descent, and indeed to all our citizens.

The Armenian Church has through the centuries been the source of spiritual nourishment for the Armenian nation and in fact has been the most important factor in the preservation of the identity of this ancient and noble nation.

I am happy that such a distinguished prelate as his holiness is able to honor us with his presence this morning. I am confident that he will receive welcomes and honors throughout his visit to our country as he has already received from his faithful flock, from civic leaders, and from religious leaders of the highest rank.

Mr. Speaker, I want to extend to his holiness my best wishes for continued success and a long and fruitful pontificate.

WELCOME TO HIS HOLINESS, VASKEN I

Mr. JOELSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. JOELSON. Mr. Speaker, I want to add my words of welcome to His Holiness Vasken I, of the Armenian Church, who honors us with his presence here today. He is the leader of an ancient and noble church who has journeyed from the Holy Cathedral of Etchmiadzin in Armenia to consecrate a majestic Armenian cathedral in New York City and to visit throughout the United States to bring his blessings to Americans who are of Armenian descent.

His Holiness' last journey to the United States was in 1960. Then as now he brought great joy to the Armenian faithful by his visit. I join with my constituents to whom His Holiness has a special meaning in welcoming His Holiness to the United States, to this House, and wishing him continued success in his Christian endeavors.

Let me say that the cathedral in New York City consecrated by His Holiness located at 34th Street and Second Avenue should be visited by all who are interested in and sympathetic to the Armenian Church and its faithful. It is a worthy memorial to the Armenian martyrs.

I want to thank His Holiness for honoring us with his presence here today.

Mr. Speaker, I am pleased to insert the address of welcome delivered by Archbishop Cooke upon the occasion of the visit of His Holiness to St. Patrick's Cathedral, and the response of His Holiness.

Address of Welcome in Honor of His Holiness Vasken I, Supreme Patriarch and Catholicos of All Armenians, Given by Archbishop Cooke, April 29, 1968

Your Holiness: In the name of the priests, the religious and faithful of the Archdiocese of New York, and in my own name, we welcome you to our Cathedral of St. Patrick. We are honored by your presence. With hearts filled with Christian friendship, we greet you as the Patriarch and Catholicos of the ancient Church of Armenia which owes its foundation to the Apostles, Saint Thaddeus and Saint Bartholomew. I am grateful that I had the opportunity of being with you at the historic and joyful occasion of the dedication of the Armenian Cathedral of St. Vartan in New York. Your Cathedral is a symbol—witnessing the Christian faith and martyrdom of the Armenian people in the name of Christ and the cause of freedom.

The Decree on Ecumenism of the Second Vatican Council reminds all Christians of the debt of gratitude they owe to the venerable Churches of the East when it declares: "From their very origins the Churches of the East have had a treasury from which the Church of the West has drawn largely for its liturgy, spiritual theology, and jurisprudence. Nor must we underestimate the fact that the basic dogmas of the Christian Faith concerning the Trinity and the Word of God made flesh from the Virgin Mary were defined in Ecumenical Councils held in the East. To preserve this faith, these Churches have suffered and still suffer much." (m. 14)

The Decree also mentions those gifts that we share with our Eastern brethren: the celebration of the Eucharist, which is the "source of the Church's life and pledge of future glory", and the veneration of the Mother of God, Mary ever Virgin, to whom "in their liturgical worship, the Eastern Christians pay high tribute in beautiful hymns of praise."

In our prayerful service of welcome to you, Your Holiness, we are bearing witness to this profound communion of faith and charity which unites us. At the same time, we Catholics join in prayer with our brethren of the Armenian Church that our Lord's prayer for the fullness of unity among His disciples may soon be fulfilled. Then, in the words of the Fathers of Vatican II, "with the removal of the wall dividing the Eastern and Western Church, at last there will be but one dwelling, firmly established on the cornerstone, Christ Jesus, who will make both one."

May we rededicate ourselves to our mission of rebuilding the world through the gospel of Christ.

May we pray together for Christian Unity, for the brotherhood of men and peace among the nations of the world.

Response of His Holiness Vasken I, Supreme Patriarch and Catholicos of All Armenians, to Archbishop Cooke's Welcome, April 29, 1968

Most reverend brothers and dear faithful, the Patriarch of the Armenian Apostolic Church has come to you bringing warmest Christian greetings from Holy Etchmiadzin and Biblical Ararat.

In uttering the name of Holy Etchmiadzin, we Armenians are reminded of the tradition according to which, on a blessed day, St. Gregory the Illuminator witnessed in a vision the descent of the Only Begotten upon the soil of Armenia on which the Apostles had trod, and there he laid the foundations of the Mother Cathedral and Patriarchal See of the Church of Armenia.

The vision of long-suffering St. Gregory is for us the actuality whereby early in the fourth century the Armenian nation took Christ into its heart and lived creatively the experience of Christian spirituality, to this very day.

The Armenian Church presents itself to the contemporary world and to sister churches with the experience of seventeen centuries.

With these words, the 133rd Patriarch of the Armenian Church today brings greetings to you all, from Holy Etchmiadzin, and prays for God's divine blessing.

We rejoice, for in our day the doors of all churches have been opened wide for brotherly embrace, to pray and to work together.

This bright era opened for the great Roman Catholic Church by Pope John XXIII of blessed memory, whose work is today carried on by his most worthy successor. His Holiness, the Pontiff Paul VI, with such noble inspiration and well-founded spiritual authority.

Through the establishment and progress of the great movement of the World Council of Churches and of the ecumenical spirit of the Roman Catholic Church, the ideal of love and unity among all Christians has become crystallized and with which we all, all churches have become imbued. Thus gradually the ideal of brotherhood will gain strength, making it possible to carry on the dialogue with the world more successfully.

Even though the term "Dialogue with the contemporary world" is a new expression, its beginnings, as a mode of Christian life and action, go to the time of the apostles. Where they met Christ's apostles who initiated the great dialogue with their contemporary world? And is it not true that the luminous personalities of the Church constantly, for centuries, followed the same course? We believe that they well understood the signs of the times, understood the social degraduation, crying injustices, and moral ills of their time and knew how to plunge into the torrent of life so as to renew human life through the light of the Gospel, dispensing peace, consolation, and the great hope of salvation.

In the course of their history, all churches have produced apostle-like spiritual fathers. When St. Francis of Assisi cast away his garments of silk to put on the rags of a mendicant, when he kissed the leper and when he stated to the Bishop of Assisi that if we amassed riches we would have to provide weapons with which to defend our wealth—were these not bold attempts in his time to seek forms of dialogue with the contemporary world?

These thoughts have occurred to me, dear brothers, on the occasion of visiting you and your celebrated cathedral.

We are moved by your gracious words you, our brothers in Christ, Archbishop Cooke and feel obligated for your warm hospitality.

You and we preach the same Holy Gospel with the same faith and same hope. We are, therefore, one in Christ. May God enlighten our hearts and the course of our labors, and lead us towards the fulfillment of His will.

"Cast not away, therefore, your confidence, which hath great recompense of reward. For ye have need of patience, that, after ye have done the will of God, ye might receive the promise." (Hebrews 10: 35–36) Amen.

TWO STEPS FORWARD, ONE STEP BACK

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, the Communist Party parley held in Dresden recently, and the visit to Moscow by Czech Communist Party Chief Alexander Dubcek last weekend, should serve as clear examples of the sudden checks which can so easily be put on the optimistic accounts in the Western press of recent political dissent in Eastern Europe. At the meeting of the comrades of the Warsaw Pact, Czechoslovakia was sternly warned that restraint is safer than reform when walking the road to socialism; in Moscow the Czechs and Russians, after a hastily called meeting, publicly renewed their mutual aims, despite apparent private disagreement.

The waves of enthusiasm stirred in the United States at even the slightest ripple from behind the Iron Curtain may tend to give readers here the certain satisfaction that the Soviet Bloc is becoming more "capitalist" by the day, and freer from the political and economic controls of the Soviet Union.

However, our wishful interpretation of the limited details about recent signs of dissent in Eastern Europe may at times outpace the more sober facts, and the renewed solidarity proclaimed at Dresden and Moscow are excellent, if somewhat chilling, examples of the strict patterns which determine political developments in the Soviet sphere.

We certainly do encourage the expressions of Rumania, Poland, and Czechoslovakia for a more democratic way of life. But we should also temper our enthusiasm and support with a realistic respect for the economic and social facts of their situation.

For example, in Czechoslovakia it has recently been made clear that "democratic" progress will not go so far as to permit the existence of several political parties. Democracy will be developed by independent groups within the Communist Party, says Chairman Dubcek. Franticek Kriegel, secretary of the National Front Organization, is in charge of all political activites.

These countries are making progress toward greater freedom of political and individual expression, but it is progress measured in steps rather than strides or leaps forward, and in most cases it follows the cadence of "two steps forward, one step back." They are marching to a different drummer, and this we should remember.

WORKING PAPER ON THE NORTH VIETNAMESE ROLE IN THE WAR IN SOUTH VIETNAM

Mr. EVANS of Colorado. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. EVANS of Colorado. Mr. Speaker, at the heart of the current controversy in America regarding the nature of the conflict in Vietnam has been the question of the extent to which this is simply an internal civil war in South Vietnam or whether it is a mix of internal civil war and direct political and military aggression by North Vietnam against the South pursuant to a Communist policy of instigating, controlling, and supporting "wars of national liberation."

In view of the critical importance of this issue at home and abroad, I personally requested Vietnam experts in the Department of State to set forth the facts they had and could obtain regarding the involvement of North Vietnam in the conflict in the South.

This report has taken considerable time to put together. It is the result of months of work reviewing literally thousands of sources from which some of the items of greatest clarity and importance have been selected. Although this is not an official State Department paper, it is, I believe, a scholarly attempt to illustrate events bearing on the situation.

I hope that this document will attract the wide attention of the Congress and the American people, for a critical study of its contents may shed important light on the nature of this conflict. I include it herewith:

WORKING PAPER ON THE NORTH VIETNAMESE ROLE IN THE WAR IN SOUTH VIETNAM

This working paper discusses the role of North Viet-Nam in the origin, direction and support of the war in South Viet-Nam. It is based on the appended compilation of more than 100 verbatim captured documents, intelligence briefs and the whole or part of interrogations edited for security. The information in this compilation goes as far as is now justifiable in the public interest. Obviously such a compilation cannot include information from sensitive sources who could be easily compromised under present wartime conditions. If such information were releasable, the paper would be considerably more conclusive. Nonetheless, even with these limitations, it is believed that the paper and accompanying compilation are both useful and informative.

The footnotes to this paper are based largely on the material in the compilation. The nature of the material is, however, fully described in the footnotes so that the reader can get a fairly good idea of the kind of information involved even if he does not have the compilation fully before him.

Among the documents in the compilation, perhaps the three most important ones, captured within the past two years and of great interest to any student of this subject, are as follows:

(a) *CRIMP Document:* A 23,000-word review of the "Experience of the South Viet-Nam Revolutionary Movement during the Past Several Years" which was written about 1963 by an unidentified Communist cadre and was captured by Allied Forces in early January 1966 during Operation CRIMP.

(b) *Le Duan Letter:* A letter dated March 1966, presumably written by Le Duan, First Secretary of the Lao Dong [Communist Party of Viet-Nam] Central Committee and member of the Politburo; captured by units of the 173rd Airborne Brigade, January 21, 1967 during Operation Cedar Falls.

(c) *Talk of General Vinh:* A talk by General Nguyen Van Vinh, Chief of Staff of the North Vietnamese High Command and Chairman of the Lao Dong's Reunification Department, made before the Viet Cong Fourth Central Office (COSVN) Congress in April 1966. It was captured by U.S. Forces in Ninh Thuan Province in early 1967. The reader may find that the style of these and other documents is heavy and frequently hard to follow. These characteristics make close scrutiny of the texts and a knowledge of the historical context essential to their interpretation.

The following discussion of North Viet-Nam's role in the current war is in two parts. The first deals briefly with certain aspects of the setting in which the war started. The second outlines what can be said, on the basis of this documentary material, about the origins and evolution of the war.

I. THE SETTING OF THE WAR

This paper does not attempt to provide an accout of the complex series of events that led up to the current war. However, there are two features of the Vietnamese political landscape in the period following the French decision to end the fighting in 1954 that require mention.

A. The Geneva Accords, 1954

The Geneva Accords constitute the first of these features. Although much has already been written about them, their most important practical effect was to create two separate international entities in Vietnam. That a separate national entity—South Viet-Nam—existed against which aggression could be committed is evident from the following facts:

1. Anyone reading the Accords will recognize that the establishment of the 17th parallel as a dividing line between North and South Viet-Nam, the provision for the movement of the Vietnamese people north or south of the parallel according to their political preferences, the postponement of general elections for two years, and the ambiguity as to how such election could be organized—all point to the conclusion that the country was being divided. Arthur Schlesinger, Jr. makes this point in his book, *The Bitter Heritage*, when he says that the negotiations in Geneva "resulted in the *de facto* partition of Viet-Nam at the 17th parallel and the independence of Loas and Cambodia."[1] As far back as 1955, South Viet-Nam was recognized, *de jure*, by 36 countries, and North Viet-Nam had full relations with 12 countries. Today the Republic of Viet-Nam has *de jure* diplomatic relations with 52 nations. North Viet-Nam has diplomatic relations with 24 countries, 12 of whom belong to the Communist bloc.

2. The situation had ample precedent in what had happened in Korea. There, the country had been divided at the 38th parallel, and remained so even though a resolution of the United Nations General Assembly in 1947 recommended elections not later than the end of March 1948, to be followed by the convening of a Korean national assembly, and the formation of a national government.[2]

3. The Soviet Union, in 1957, proposed to admit North Viet-Nam, South Viet-Nam, and the two Koreas to the United Nations as four separate states. In fact, Soviet spokesmen have specifically said: "The realistic approach was to admit that there were two States with conflicting political systems in both Korea and Viet-Nam."[3] They later reversed their position regarding South Viet-Nam; the United States was opposed to the admission of both North Viet-Nam and North Korea.

4. The United States, for its part, indicated in 1954 that it would "refrain from the threat or the use of force to disturb" the Geneva Accords. But it also stated that "it would view any renewal of the aggression in violation of the aforesaid Agreements with grave concern and as seriously threatening international peace and security."[4]

5. When President Kennedy wrote to President Ngo Dinh Diem on December 14, 1961, announcing a major increase in U.S. assistance to South Viet-Nam, he noted that "the campaign of force and terror now being waged against your people and your Government is supported and directed from the outside by the authorities in Hanoi." He further referred to the U.S. declaration of 1954: "At that time, the United States, although not a party to the Accords, declared that it 'would view any renewal of the aggression in violation of the agreements with grave concern and as seriously threatening international peace and security.' We continue to maintain that view."[5]

B. The Communist apparatus in South Vietnam

A second feature of the Vietnamese landscape both before and since 1954 has been the existence of a Communist political and military apparatus in South Viet-Nam. Party documents captured by French forces during their war against the Viet Minh described the Communist organization of the period.

1. In the South, the apparatus was broadly divided between two regions, or "interzones," and a special zone in the area of Saigon. Each of these zones originally reported directly to Communist Party headquarters in Hanoi. Interzone 5 (Trung Bo) encompassed the northern and central part of South Viet-Nam. Interzone Nam Bo consisted of the south and southwest, including the Delta. Province, district, town, and village cells reported to these "interzones."[6]

2. In 1951, when the Communist Party in the North was reconstituted as the *Lao Dong* Party, its apparatus in the South was reorganized under a six-man *Trung Uong Cuc Mien Nam*, or Central Office for South Viet-Nam (COSVN).[7]

3. The head of COSVN and senior Party representative in the South was Le Duan, an Annamite, who is now First Secretary of the *Lao Dong* Party in Hanoi. His deputy was Le Duc Tho, a northerner, who today is also a member of the Politburo of the *Lao Dong* Party. Le Duan and Tho appear to have had considerable independence of action in directing day-to-day military and political operations in the South, but remained answerable on broad policy questions to the heads of the *Lao Dong* Party in the North.[8]

4. The end of the war against France in 1954, and the establishment of North and South Viet-Nam, brought no significant change in the centralized control of the Party by Hanoi. Although COSVN was phased out, its functions in the southern and southwestern provinces were assumed by the Regional Committee for Nam Bo. Hanoi took direct charge of party activities in Interzone 5, the northern part of South Viet-Nam.[9]

II. ORIGINS AND EVOLUTION OF THE CURRENT WAR

It was in this setting that the current war in South Viet-Nam started and evolved. Five major phases in this development can be readily identified. The evidence for each of the five phases and the inferences that can be drawn about the role played by North Viet-Nam are summarized below.

A. The political phase, 1954–56

This was the period in which both Hanoi and Saigon were working to secure control over their respective parts of Viet-Nam. At the same time, although one cannot be certain about the precise numbers, approximately 900,000 people fled the North to the South; about 90,000 people chose to go North under the terms of the Geneva Accords.[10] During these years, Ngo Dinh Diem—first as Premier, then as President of South Viet-Nam—undertook his campaigns to bring various dissident factions and sects under the authority of the Government of South Viet-Nam. Ho Chi Minh consolidated his power in the North, and North Viet-Nam, for its part, took the following steps with respect to South Viet-Nam:

1. Deputy Premier Pham Van Dong, at the closing session of the Geneva Conference on July 12, 1954, expressly stated that "We shall achieve unity. We shall achieve it just as we have won the war. No force in the world, internal or external, can make us deviate from our path . . ." Ho Chi Minh emphasized this determination the next day by calling publicly for a "long and arduous struggle" to win the southern areas, which he characterized as "territories of ours."[11]

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[1] Arthur M. Schlesinger, Jr., *The Bitter Heritage* (Boston: Houghton Mifflin Co., 1967), p. 10.

[2] William Reitzel, Morton A. Kaplan, and Constance G. Goblenz, United States Foreign Policy, 1945–1955 (Washington: Brookings Institution, 1956), pp. 176–177.

[3] John Norton Moore, "The Lawfulness of Military Assistance to the Republic of Viet-Nam," in *American Journal of International Law*, Vol. 61, No. 1 (January, 1967), pp. 1–34.

[4] Statement by the Under Secretary of State, Walter Bedell Smith, at the concluding Plenary Session of the Geneva Conference, July 21, 1954; Department of State *Bulletin*, August 2, 1954, pp. 162–163.

[5] Letter from President Kennedy to President Diem, December 14, 1961; Department of State *Bulletin*, January 1, 1962, pp. 13–14.

[6] A report of "The Expansion of the Party" and other matters by the Party Central Committee in 1948; "Remarks on the Official Appearance of the Vietnamese Workers' Party," dated November 1951; "Report on the Work of Edification of the Party During the July/September Quarter of 1949." "Principles and Organizational Structure of the Committee for Zones Occupied by the Enemy"; March 12, 1949; "Resume of Decisions Taken by the Permanent Central Committee of the Party Regarding the Organization of the Party in the Army"; Instructions dated August 13, 1949 to the Nambo Regional Committee. (Items 1–6)

[7] "Decision to Create the Central Office for South Viet-Nam"; a *Lao Dong* Party document dated June 7, 1951. (Item 211)

[8] See a 1961 intelligence summary, compiled during the Indo-China War, describing Le Duan's and Tho's positions. (Item 11)

[9] Report of the interrogation of Tran Ba Buu after his capture in 1956. (Item 12) Intelligence summary from ralliers, cadres, infiltrated agents and captured documents; deals particularly with Nambo Region (southwestern provinces). (Item 210)

[10] *Fourth Interim Report of the International Commission for Supervision and Control in Viet-Nam* (April 11, 1955 to August 10, 1955) (London: HMSO, 1955, 30, Appendix IV) *C.f.*, B.S.N. Murti, *Viet-Nam Divided* (New York: Asia Publishing House, 1964), pp. 88–91; Bernard B. Fall, *The Two Viet-Nams* (New York: Praeger, Revised Edition, 1964), pp. 153–154, 358, uses the figure 860,000 from North to South; Fall *Viet-Nam Witness* (New York: Praeger, 1966), p. 76. For estimates on movements from South to North, see Murti, *op. cit.*, p. 224; R. P. Stebbins and the Research Staff of the Council on Foreign Relations, *The United States in World Affairs*, 1954 (New York: Harper and Bros., 1956), p. 285, quoted in Kahin and Lewis, *United States in Viet-Nam* (New York: Dial Press, 1967), p. 75; both the latter cite figures in excess of 100,000. The Viet Minh claim 140,000; e.g., Wilfred G. Burchett, *Viet-Nam, Inside Story of the Guerrilla War* (New York: International Publishers, 1965), p. 128. The 1965 White Paper gives the figure 90,000; U.S. Department of State, *Aggression from the North* (Department of State publication 7839, February, 1965), p. 11.

[11] Ho Chi Minh, "Appeal made after the successful conclusion of the Geneva Agreements", (July 22, 1954). *Ho Chi Minh on Revolution*, Bernard B. Fall, ed., (New York: Praeger, 1967) p. 272: "North, Central and South Viet-Nam are territories of ours. Our country will certainly be unified. Our entire

2. Hanoi did withdraw the bulk of its fighting men from the South. However, most of these "regroupees" were placed in special units. They formed into the 305th, 324th, 325th, 330th, and 338th Divisions of the North Vietnamese Army. At least until 1959, these divisions were reportedly composed entirely of South Vietnamese.[12]

3. Hanoi also left a small but experienced military force in South Viet-Nam. Although its exact size is unknown, in 1956 the U.S. military attache estimated it at about 5,000 men.[13]

4. In addition, and perhaps more decisive to long term Communist strategy, North Viet-Nam continued to maintain its political network in the South.[14] Even in the first year after Geneva, it sent a small number of cadres across or around the 17th parallel.[15] A notable arrival was General Van Tien Dung, then and since chief of staff of the North Vietnamese Army, who dropped abruptly from public view in the North for a period in 1955–56. Intelligence reports placed him in South Viet-Nam, where he was working to organize additional units of former Viet Minh cadres who had not gone North, and to prepare for future infiltration and expansion of the apparatus in the South.[16]

5. Most important of all, Hanoi ordered its apparatus in the South to go underground. As the *CRIMP Document* puts it: "The party apparatus in South Viet-Nam . . . became covert. The organization and methods of operation of the party were changed in order to guarantee the leadership and focus forces of the Party under the new struggle condition." A Party policy paper of the time defines as part of "the immediate mission of Nambo . . . the consolidation and reformation of Party organisms and popular groups on a clandestine basis, based upon vigilance and revolutionary procedures designed to safeguard our forces . . ."[17]

6. These orders were apparently obeyed. There are reports of Party meetings in 1956–57 to discuss a change of tactics, and Le Duan is represented as urging increased military action. "Our political struggle in the South will sometimes have to be backed up with military action to show the strength of [our] forces," he told a Party conference in the South on March 18, 1956. "Therefore we should increase our forces in the South and develop military action.[18] Nonetheless, despite these outbursts, the apparatus seems to have followed the line of the *Lao Dong* Party through 1956, and to have worked for unification by political means; i.e. by subversion and all means short of resorting to open armed conflict.

It is clear from this evidence that:

1. Hanoi was indeed both committed and determined to bring the South under its control.

2. Hanoi was also willing to accept unification by way of the Geneva Accords, provided that it could manipulate these Accords so as to ensure victory for the *Lao Dong* Party and control of the South by the North.

3. Even so, the North Vietnamese leaders hedged their bets. They were willing to rely upon political means according to their own interpretation of the Geneva Accords. They left enough of their political and military apparatus in South Viet-Nam so as to weaken it from within and be able to take advantage of any elections should these come about. But they also were prepared to expand the apparatus in order to return to "armed struggle" or an all-out military effort if the political gambit failed. And, of course, the political gambit did fail.

Indeed, the period from 1954 through 1956 saw the consolidation of the Diem government in South Viet-Nam, and what has sometimes been described as a "miracle" of settling down and accomplishment, at least in relation to what may well have been North Viet-Nam's expectations of early collapse.

Moreover, the elections scheduled for July 1956 under the Geneva Accords never did take place. On this much-debated issue, the key points to recall are the fact that the Geneva Accords called for "free" elections and that, as all responsible observers at the time agreed, North Viet-Nam would not conceivably have permitted any supervision or any determination that could remotely have been called free. Hence, Diem refused to go through with the elections, and we supported him in that refusal.[19]

B. The outbreak of the war, 1956–59

The period from 1956 to 1959 is a particularly difficult one to characterize in a few words. In South Viet-Nam, despite earlier political and economic gains, President Diem was becoming increasingly repressive in his efforts to maintain his authority; in the process he undoubtedly contributed to growing, if relatively disorganized, opposition. In the countryside, peasant discontent was aroused particularly by his brother's excessive measures to ferret out Communist cadres; and urban discontent was aroused by his efforts to discredit and neutralize any opposition that went beyond mere dissent.

This dissatisfaction was exploited by the Communist underground apparatus which now became less reluctant to use overt means, and, in areas where its strength was relatively unchallenged by the Government, to resort to selective terrorism. Although statistics for the period are neither complete nor entirely reliable, a sharp rise in terrorism seems to have begun as early as 1957. It appears that by 1958 the Government was losing about 40 civilian officials and 40 military personnel per month, and it is widely conceded that an organized uprising against Diem got underway sometime between then and 1960.[20]

What about the role of North Viet-Nam in this uprising? The evidence indicates the following:

1. There was considerable debate within the Communist apparatus in the South as to what strategy they should follow, given the failure to achieve unification by political means.

2. By 1958, according to the CRIMP document, "the majority of the party members and cadres felt that it was necessary to launch immediately an armed struggle in order to preserve the movement and protect the forces. In several areas the party members on their own initiative had organized armed struggle against the enemy." Yet at the same time, there were others who were hesitant to push the armed struggle. "These people did not fully appreciate the capabilities of the masses, of the Party and of the movement and therefore did not dare mobilize the masses in order to seek every means to oppose the enemy." The Nam Bo Regional Committee leadership hesitated, "but the principal reason was the fear of violating the party line."[21]

3. During this period, the *CRIMP Document* reports that "the political struggle movement of the masses, although not defeated, was encountering increasing difficulty and increasing weakness; the Party bases although not completely destroyed were significantly weakened, and in some areas quite seriously; the prestige of the masses and of the revolution suffered."[22]

4. Meanwhile, Le Duan left South Viet-Nam sometime in 1957, emerged in Hanoi, and became First Secretary of the *Lao Dong* Party—an indication that those favoring the armed struggle had prevailed.[23]

5. In 1958, there is evidence that Hanoi took the first steps to organize the movement of men and supplies both through Laos and across the Demilitarized Zone (DMZ).[24]

6. Then, in May 1959, the Politburo of the *Lao Dong* Party announced the decision for war against South Viet-Nam. Although the decision itself may have been taken earlier, the directive of the Politburo, again according to the *CRIMP Document*, "stated that the time had come to push the armed struggle against the enemy. Thanks to this . . . in October 1959 the armed struggle was launched." As described by the *CRIMP Document*, "it immediately took the form in South Viet-Nam of revolutionary warfare, a long-range revolutionary warfare."[25]

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people will surely be liberated." Also, Department of State, Intelligence Brief, August 5, 1954. (Item A)

[12] Interrogation of Le Van Thanh, Viet Cong signal platoon leader, in which five divisions were described that were composed of South Vietnamese were regrouped in the North following the 1954 Geneva Accords. (Item 84)

[13] U.S. Army Attache situation report, Saigon, July 1956. (Item 25)

[14] Interrogation of a man who handled Viet Cong agents at the time of his capture in 1964; 1958 South Vietnamese counter-espionage report; Memorandum to All Provincial Committees from Eastern Interzone Committee, Lao Dong Party, obtained November 29, 1964; Intelligence report of November 1955. (Items 27, 28, 29, 205)

[15] South Vietnamese counter-espionage report of 1958 giving details of DRV intelligence activities; and Intelligence report of November 1955, noting the arrival of 50 experienced regroupees in South Viet-Nam in October 1965. (Items 28 and 205)

[16] Interrogation of Viet Minh cadre who deserted in 1956; document taken from a political officer with Communist forces in South Viet-Nam on November 27, 1956; description by a North Vietnamese of the Van Tien Dung/Pham Van Bach missions; summary of intelligence reports concerning Van Tien Dung and the Hoa Hao. (Items 16, 19, 21, 22)

[17] *The CRIMP Document;* also a Viet Minh policy paper on strategy issued by the Central Committee on the Lao Dong Party to the Nam Bo Interzone, obtained in November 1954. (Item 200)

[18] Interrogation of Viet Minh cadre who surrendered in March, 1966, in which Le Duan's disgust with DRV policy toward the ICC and his eagerness to invade South Viet-Nam are described; see also a document taken from a political officer of communist forces in South Viet-Nam on November 27, 1956, in which Le Duan is reported to feel the time for a military struggle has come; see also a document issued by the Lao Dong Party Central Committee for guidance of cadres, probably dated late Spring 1956. (Items 18, 19, 204)

[19] A somewhat more detailed discussion of the election problem, including the contemporary comments of Senator John F. Kennedy and Professor Hans Morgenthau, will be found in "The Path to Vietnam," by William P. Bundy, published by the Department of State in the Fall of 1967. (Item L)

[20] Robert Seigliano, *South Viet-Nam: Nation Under Stress* (Boston: Houghton Mifflin, 1964), p. 138; Bernard B. Fall, *Viet-Nam Witness* (New York: Praeger, 1966), pp. 185–188. Denis Warner, *The Last Confucian* (New York: Macmillan, 1963), p. 154ff.

[21] The CRIMP Document.

[22] *Ibid.*

[23] Intelligence report, March 1, 1956; intelligence report, June 15, 1956; Radio Hanoi broadcasts of September 3, 1957 and October 19 and 30, 1957, describing Le Duan's activities. (Items B–F)

[24] Interrogation of a Montagnard in Quang Tri Province, who turned out to be a Viet Cong agent, and infiltrated into South Viet-Nam in October, 1961. (Item 70)

[25] *The CRIMP Document;* see also Party Communique, May 13, 1959 and Comments on Party Communique, May 14. (Items J and K)

7. By the end of 1959, more than 400 civilians had been murdered and another 579 kidnapped in South Viet-Nam.[26] Armed attacks had increased significantly in size, with company-strength Viet Cong units appearing in assaults on army outposts and patrols. In January 1960, a Viet Cong battalion some 500 strong successfully attacked an ARVN regiment.

The history that seems to emerge from these data is as follows:

1. Hanoi had committed itself publicly and irrevocably to a return to armed struggle in the South.

2. The southern part of the Communist apparatus had become restive with the political approach by 1956, and Le Duan in particular was persuaded that force would be required to bring about unification.

3. The Diem regime's trend toward repression made the "objective" conditions seem ripe for launching the struggle.

4. The Party apparatus was gradually reactivated into militant actions where local conditions permitted.

5. By May 1959, at the latest, Hanoi in effect declared war on South Viet-Nam and committed its political and military apparatus in the South to the struggle.

It is at least conceivable that Diem strengthened Hanoi's hand by virtue of the measures he was taking against both the dissident sects and the Communist apparatus in the South. It may even be that the sense of weakness felt by the leaders of Nam Bo, and Hanoi's fear that it would lose control over the apparatus, triggered the decision. But the fact is that Hanoi decided to reunify the country by force. Moreover, it appears to have had the only apparatus in the South capable of organizing and controlling an outbreak of violence of the magnitude that then occurred.

C. The special war, 1959–63

For the next four years, from the end of 1959 to the end of 1963, the Viet Cong engaged in what the *CRIMP Document* called a long-range revolutionary warfare against the Diem regime and its immediate successor. During those four years, the strength of the Viet Cong increased substantially, and a revolutionary apparatus emerged in South Viet-Nam that was ostensibly independent of North Viet-Nam.

What role did North Viet-Nam play in these developments? On the military side, there is the following evidence of Hanoi's activities:

1. The North Vietnamese authorities formed border-crossing teams in early 1959 to transport medicines, ammunition, food, and documents across the DMZ.[27]

2. The Central Committee of the *Lao Dong* Party ordered the formation of the 559th Transportation Group to provide for the support of Viet Cong bases in the South. Founded in May, 1959, the 559th was placed directly under the Central Committee and in close liaison with the Ministry of Security, the Army General Staff, and the Logistics Bureau.[28]

3. The 70th Battalion of the 559th, also formed in May 1959, was sent to the panhandle of Laos. Its responsibilities were to transport weapons, ammunition, mail, and supplies by way of 20 stations along the Laotian trails into South Viet-Nam. The Battalion was also charged with guiding infiltrating groups, and with bringing the sick and wounded back to North Viet-Nam.[29]

4. In June 1959, the 603rd Battalion was formed with a strength of 250 men. It was placed under the command of the Army General Staff and located near Quang Khe, a naval base in North Viet-Nam. It had the responsibility for clandestine maritime operations into South Viet-Nam.[30]

5. In January 1960, a special training base for infiltrators became operational at a North Vietnamese Army base in Son Tay, northwest of Hanoi.[31]

6. The 324th Division, the Nghe Au Province, was ordered to begin training infiltrators early in 1960.[32]

7. During this same period, the Xuan Mai Infiltration Training Center was set up southwest of Hanoi in the former barracks of the 228th Brigade. Once in operation, it apparently was capable of handling several 1000-man classes at one time.[33]

8. Infiltration on a substantial scale began in 1959. At the end of 1960, Viet Cong Main Force strength was estimated at 10 battalions and 5,500 men. Regional and local guerrillas probably had a strength of about 30,000. By the end of 1963, Viet Cong Main Force strength had risen to 30 battalions and around 35,000 men. It is important to note that this figure represents only a fraction of the total Viet Cong political/military apparatus operating in the South. During this same period, infiltration is estimated to have proceeded at the following rates: [34]

Year	Confirmed	Probable	Total
1959-60	4,556	26	4,582
1961	4,118	2,177	6,295
1962	5,362	7,495	12,857
1963	4,762	3,180	7,906
Total	18,798	12,878	31,676

9. Until late 1963, most of these infiltrators were ethnic Southerners, veterans of the Viet Minh with years of military experience and training, who had regrouped to the North. They were preponderantly officers or senior noncommissioned officers; through 1961, a high proportion of them were members of the *Lao Dong* Party. They assumed command positions in the Viet Cong forces and also carried out a wide range of political assignments. They provided, in sum, the core of the Viet Cong military and political apparatus.[35]

10. Prior to 1961, the Viet Cong had equipped themselves from Viet Minh caches of old French and American weapons, by the local manufacture of crude hand guns and rifles, and by capturing weapons from South Vietnamese units. Hanoi became an active supplier of weapons in 1961. At that point, modified versions of the French Mat–49 rifle began to appear on the battlefield. Their chambers had been reworked to use the standard Communist 7.62 mm. cartridge, a technique which required factory tooling.[36]

On the political side, the evidence about North Viet-Nam's activities is as follows:

1. On September 10, 1960, a resolution was adopted at the Third National Congress of the *Lao Dong* Party which highlighted the dominant role the North would play and stated guidelines for what was to become the National Front for the Liberation of South Viet-Nam (NLF). The resolution stated: "In the present state, the Vietnamese revolution has two strategic tasks: first, to carry out the socialist revolution in North Viet-Nam; second, to liberate South Viet-Nam from the ruling yoke of the U.S. imperialists and their henchmen in order to achieve national unity and complete independence and freedom throughout the country. . . . To insure the complete success of the revolutionary struggle in South Viet-Nam, our people there must strive to establish a united bloc of workers, peasants, and soldiers and to bring into being a broad national united front directed against the US.-Diem clique and based on the worker-peasant alliance."[37]

2. On January 29, 1961, Hanoi announced that the National Front for Liberation had been formed the previous month, on December 20. The principal function of the Front was to conduct overt propaganda campaigns. Even so, the Front committee leadership has included *Lao Dong* Party agents who directed the work.[38] One high-ranking member of the Front is apparently Major General Tran Van Tra of the North Vietnamese Army, a top Viet Cong commander and an alternate member of the *Lao Dong* Party Central Committee in Hanoi. He seems to use the alias of Tran Nam Trung.[39]

3. Shortly after the foundation of the NLF, Hanoi announced that the insurgent forces in the South had been joined together in a "Liberation Army of South Viet-Nam" under the NLF. However, captured documents of 1962 state explicitly that "the present Liberation Army has been organized by the [*Lao Dong*] Party." [40] Other documents state that

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[26] See Table IV.

[27] Interrogation of member of North Vietnamese border-crossing supply team. (Item 71)

[28] Interrogation of two members of 603rd Battalion. (Item 72)

[29] Interrogation of a Senior Sergeant, Viet Cong, 5th Military Region, captured in Quang Ngai. (Item 73)

[30] Interrogation reports of Viet Cong agents dispatched by maritime infiltration unit of Hanoi's Directorage, captured in July, 1961; intelligence summary based on interrogation of numerous Viet Cong agents, captured in June and July, 1961. (Items 75 and 76)

[31] Interrogation of a Viet Cong communications cadre. (Item 78)

[32] Interrogation of Viet Cong infiltrated into South Viet-Nam in 1962. (Item 79)

[33] Interrogation of former North Vietnamese Army officers who surrendered in 1963; interrogation of former North Vietnamese Army officer who surrendered in 1963; interrogation of an officer of 1st Viet Cong Regiment, who turned himself in in April 1963. (Items 80, 81, 83)

[34] See Table I for infiltration data since 1959; Table II for growth of Main Force strength.

[35] Summary of 19 interrogations of Vietnamese officers and senior noncommissioned officers who infiltrated into South Viet-Nam during the period 1959–1963; also interrogation of former North Vietnamese Army officers who surrendered in 1963. (Items G and 80)

[36] Based on a technical analysis done at the John F. Kennedy Special Warfare Center, Fort Bragg, North Carolina, in November, 1965.

[37] Resolution of the Third National Congress of the *Lao Dong* Party, September 10, 1960. (Item H) It is sometimes alleged that the NFL had already been formed as early as March of 1960, in the southern tip of South Viet-Nam. However, if this had been so, it would surely have been enormously to the advantage of Hanoi to endorse the existence of a truly southern organization. Instead, the Resolution of September 1960 clearly speaks of *future* creation of an NLF, and the January 1961 announcement in Hanoi clearly states that such an organization was established, *in Hanoi*, in December of 1960. The allegation that there was any pre-existing NLF, formed in the South, has no evidence other than obviously self-serving later statements of NLF spokesmen abroad, and must, on any fair reading of the evidence, be dismissed as a myth.

[38] Interrogation of cadre from Western Region Committee, captured in 1962; document turned in by a Viet Cong deserter who subsequently lead GVN forces to a buried cache of Communist documents on training and propaganda. (Items 40 and 41)

[39] Interrogation of Le Xuan Chuyen, former operations officer of the Viet Cong 5th Division, deserted in August, 1966; background information on Le Xuan Chuyen. (Items 56 and 110)

[40] Training bulletin, written in 1962 and captured in November, 1963. (Item 38)

"the Liberation Army is . . . an instrument for the Party . . . for the Liberation of South Viet-Nam and the reunification of the Fatherland." [41]

4. In January, 1962, Hanoi Radio announced that a conference of "Marxist-Leninist" delegates in South Viet-Nam had organized a "People's Revolutionary Party" (PRP), which had immediately "volunteered" to join the NLF. However, documentation shows that in Hanoi's own words, "The People's Revolutionary Party has only the appearance of an independent existence; actually, our party is nothing but the Lao Dong Party of Viet-Nam, unified from North to South, under the direction of the Central Executive Committee of the Party, the chief of which is President Ho." [42] The PRP's Central Committee was later stated to comprise of 30 to 40 high-ranking Communists, with the size and composition of the committee varying from time to time as members rotated to and from the North and between regions of South Viet-Nam.[43]

5. Within this Committee, the real decision-making power lies in a select group of its highest ranking members, a standing committee known like its forerunner of the 1950's as the *Trung Uong Cuc Mien Nam*, or Central Office for South Viet-Nam (COSVN). The new COSVN was apparently formed in Hanoi after the *Lao Dong* Party Congress of 1960.[44] At that time, several Southern and Central Vietnamese were chosen to organize the COSVN, and were elevated to membership in the *Lao Dong* Central Committee. Since 1965 and perhaps earlier, COSVN and its military committee have been heavily weighted with North Vietnamese general officers. Political and military directives for the conduct of the war, captured by allied forces in South Viet-Nam, have consistently issued from Party and military organs and not from the NLF.[45]

6. Hanoi has tried to conceal its role in the political military campaigns in the South. A Southern party unit was reprimanded for copying and distributing a message from the North Vietnamese Ministry of Public Health to the party medical section in South Viet-Nam; this was considered a violation of party "secrecy regulations." [46] A party letter states: "The Central Party Committee directs that propaganda should rather praise nationalism, patriotism, revolutionary heroism and the role of the National Liberation Front. Indoctrination and propaganda referring to Uncle Ho, Party, class struggle, etc., should be conducted orally within internal organizations and among the people only." [47] Further, a recently captured cadre notebook for late 1967 indicates that: "The Central Headquarters of the [*Lao Dong*] Party and Uncle [Ho Chi Minh] have ordered the [*Lao Dong*] Party Committee in South Viet-Nam and the entire army and people of South Viet-Nam to implement a general offensive and general uprising in order to achieve a decisive victory for the Revolution within the [1967] Winter and 1968 Spring and Summer. . . . The above subject should be fully understood by cadre and troops; however, our brothers should not say that this order comes from the Party and Uncle [Ho Chi Minh], but to say it comes from the [Liberation] Front." [48]

The evidence on both the military and political side leads to the following conclusions:

1. From 1959 onward, Hanoi established an extensive organization for the training and infiltration of personnel, and at a later point major equipment, into the South.

2. The personnel infiltrated from the North between 1959 and 1963 provided the core and cutting edge of the Viet Cong military and political apparatus.

3. Hanoi established, from the outset, firm control over the direction and policy-making structure of the whole campaign against South Viet-Nam.

4. The National Liberation Front was established, in Hanoi, in December of 1960 in order to give the appearance of local leadership. In fact, the NLF has never been in charge of the political and military conduct of the war. The covert nature of the total apparatus, and the desire for outward appearances that it was totally indigenous to the South, did contribute to its ability to attract and hold local support in South Viet-Nam.

5. The evidence suggests that Hanoi hoped to avoid overt intervention in this period and was seeking to overthrow the Saigon Government and set the stage for unification through the Viet Cong, with only leadership and control from the North.

D. Expansion of the war, 1963–65

The period from late 1963 to the end of 1965 is in some ways the most intriguing period of the current war. During those two years, which witnessed the downfall of the Diem regime, great political instability in South Viet-Nam, and an expansion of the war toward its current dimensions, both the United States and North Viet-Nam committed regular military units to the conflict. That Hanoi became overtly involved in the South during this period is generally recognized; exactly why and how is not so widely understood.

On this score, there is evidence to the following effect:

1. Hanoi probably took the decision to commit units of the North Vietnamese Army (NVA) to the South as early as December, 1963. This was shortly after the overthrow of Diem (November 1, 1963); when it became clear that the overthrow of Diem had not produced any significant defections to the Communist cause whatever, Hanoi simply changed its anti-Diem propaganda line and intensified the struggle. The 9th Session of the *Lao Dong* Party's Third Central Committee held a meeting in December and, according to a captured document, "assessed the balance of forces between us and the enemy and set forth plans and guidelines to win special war." [49]

2. Starting in early 1964, Hanoi began to develop its infiltration trails through Laos into an army-scale supply route, capable of handling continuous truck traffic to South Viet-Nam. A large group of North Vietnamese army construction battalions in at least three "Combined Forces" (Binh Tram 3, 4, and 5) was deployed in the area by 1964 to oversee the development of this roadnet.[50]

3. Some regular NVA units are known to have begun preparing for infiltration as early as April, 1964. Several prisoners from the 95th Regiment of the 325th Division have reported that their unit was recalled in that month from duty in Laos. Back in North Viet-Nam, the 95th underwent special military and political training for operations in the South.[51]

4. Hanoi also began to form new regimental-sized units for dispatch to the South. One of these, the 32nd Regiment, was activated sometime in the Spring of 1964, with personnel drawn from a number of established units. Trained draftees were added from the Son Tay and Xuan Mai infiltration centers which were in operation by 1961.[52]

5. In October, 1964, the first complete tactical unit of the North Vietnamese Army, the 95th Regiment, left the North. This was a new unit, with cadre drawn mainly from the 325th Division. It reached South Viet-Nam in December.[53] The 32nd Regiment left the North in September or October, 1964, arriving between January and March, and a second regiment of the 325th Division, the 101st, had left North Viet-Nam by December 1964. All of these dates of departure were prior to the beginning of U.S. bombing of North Viet-Nam in February, 1965. In short, the evidence does not support the claim, sometimes made, that the sending of regular North Vietnamese units was only in response to the U.S. bombing.

6. Between November, 1964, and the end of 1965, a buildup of 33 NVA battalions (about 10 regiments) took place in South Viet-Nam. Of these, about 3 NVA battalions (2,000 men) had arrived by the end of 1964. By the end of 1965, the NVA already constituted about 30 per cent of the total Main Force operating in South Viet-Nam.[54]

The following inferences can be drawn from this evidence:

1. Hanoi probably became dissatisfied with the failure of the Viet Cong, by itself, to capture South Viet-Nam.

2. It therefore decided to provide the increment of strength necessary to ensure seizure and control of the South. NVA regular units were to be the means to this end.

3. The relatively slow pace of the buildup is probably explainable in terms of poor transport and logistics, and the belief that time was on Hanoi's side.

4. Far from triggering the regular North Vietnamese buildup, U.S. actions were in response to it: the bombing of the North and the introduction of U.S. troops all followed not only the earlier movement of men

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[41] "Regulations for the Party Committee System in the South Viet-Nam Liberation Army", a party document captured by the U.S. 173rd Airborne Brigade in March 1966. (Item 54)

[42] Instructions from the Provincial Committee of the *Lao Dong* Party in Ba Xuyen to the Party's district committees concerning the formation of the new People's Revolutionary Party; dated December 7, 1961. (Item M)

[43] Interrogation of North Vietnamese Army Lt. Col. Le Xuan Chuyen, who defected in August 1966; states that the PRP is the same thing as the LDP and that the PRP directly controls the NLF. (Item 46)

[44] Intelligence summary on *Lao Dong* Central Committee membership in COSVN, from interrogation of a party cadre arrested in 1967. (Item 208)

[45] Interrogation of a Viet Cong officer who defected in the Spring of 1967; interrogation of Le Xuan Chuyen; document captured by U.S. 173rd Airborne in March 1966, entitled "Regulations for the Party Committee System in the South Viet-Nam Liberation Army", cited under Note No. 41; intelligence summary in *Lao Dong* Central Committee membership in COSVN, cited under Note No. 44. (Items 47, 48, 54, 208)

[46] Instructions to cadres, March 23, 1965, captured by the U.S. 503rd Infantry in September 1965. (Item 44)

[47] Directive to Propaganda and Training Section, April, 1966, captured by U.S. 1st Infantry Division in April 1966. (Item 45)

[48] Party document instructing subordinate level party activists that the final phase of the revolutionary war is near, captured by the U.S. 101st Airborne Division in Quang Tin on November 13, 1968. (Item I)

[49] The Talk of General Vinh.

[50] Interrogation of a North Vietnamese officer of a support regiment who was responsible for the transportation of supplies from Cambodia, through Laos, to Route 96. (Items 100 and 101)

[51] Interrogation in 1965 of four North Vietnamese Army soldiers of the 325th NVA Division. (Item 86)

[52] Interrogation of a member of the 32nd Regiment, North Vietnamese Army, captured by South Vietnamese forces in November, 1965 in Pleiku. (Item 91)

[53] See Table III.

[54] See Table II for growth of Main Force strength.

and supplies from the North, but specifically came after regular North Vietnamese units had begun to be sent in quantity.

E. The current phase, 1965–67

The past two years, from 1965 to the end of 1967, have been marked particularly by major clashes between U.S. and NVA units, by the heavy bombing of North Viet-Nam, and by continuing efforts, thus far abortive, to negotiate a settlement of the conflict.

Here again, there is considerable evidence regarding North Viet-Nam's role in this phase of the war:

1. By early 1966, NVA units were described by Hanoi as "the organic mobile forces of South Viet-Nam".[55]

2. By the end of 1967, NVA strength in South Viet-Nam had risen to the point where its units constituted at least 45 per cent of the enemy Main Force. If one includes the NVA personnel who are in Viet Cong Main Force units, North Vietnamese troops now account for more than 50 per cent of the Main Force total.[56]

3. Dependence on logistic support from North Viet-Nam has increased commensurately. From aerial photography and pilot sightings, it is estimated that more than 300 trucks are operating on the infiltration routes in Laos alone during the dry season.

4. Since 1964, the Viet Cong Main Forces have been extensively re-equipped with the latest Communist Chinese and Soviet automatic weapons. In addition to small arms, the Viet Cong Main Forces and the NVA units are now supplied with Soviet and Chinese heavy machine-guns, mortars, and rocket launchers. Modern Communist firearms have also been supplied to some of the local forces, although French, American, and homemade weapons still figure in the guerrilla arsenals.[57]

5. As a result of the large NVA presence in the South, it has become necessary to explain their role to the rural populace of South Viet-Nam. Communist political cadre are told to say that "we are backed up by a large war area which is the heroic socialist North Viet-Nam. It constitutes a major factor for success . . . North Viet-Nam is a large and stable rear area for South Viet-Nam and is providing us everything we need, including soldiers." Recruits from North Viet-Nam are described as having been "assigned to South Viet-Nam to liberate this part of the country. . . ."[58]

6. Although the COSVN Military Affairs Committee supervises both Viet Cong and North Vietnamese Army military activity, the North Vietnamese Army command in Hanoi has increasingly assumed direct control over military operations in the northernmost provinces of South Viet-Nam.[59]

7. There is close consultation between Hanoi and COSVN before policy is decided, and the recommendations of the latter are influential. COSVN also has much leeway in applying the policy thus decided. But all basic matters are firmly reserved for direct decision by the *Lao Dong* Politburo-specifically including the nature and continuation of the war, the diplomatic program of the NLF, and the peace terms described in the public statements of the Front.[60] This can be vividly seen in the *Le Duan letter* and the talk of General Vinh, both of which lay down strategic and negotiating policies extensively with hardly a reference to the NLF. No one who reads these documents can have any doubt of Hanoi's control.

8. Thus, Resolution 12 of the Twelfth Conference of the Third Central Committee of the *Lao Dong* Party, passed in secret in December, 1965, required that the "buildup of all types of forces was to be accelerated and the pace of battle increased."[61]

9. Thus, Resolution 12 also laid down the line about the relationship between fighting and negotiating. According to Le Duan's report of it: "At present the U.S. imperialists. . . are trying to force us to the negotiation table for some concessions. . . [but] our strategy on negotiations must serve in a practical manner our concrete political aims. For this reason, the Party Central Committee has unanimously entrusted the Politburo with the task of carrying out the above strategy in conformity with the policy of our Party and on the basis of the situation between us and the enemy whenever necessary."[62] *The Talk of General Vinh*, discussing the same Resolution, reports the view of the *Lao Dong* Central Committee that "The future situation may lead to negotiations. . . while negotiating, we will continue fighting the enemy more vigorously. (It is possible that the North conducts negotiations while the South continues fighting, and that the South also participates in the negotiations while continuing to fight.) . . . We must fight to win great victories with which to compel the enemy to accept our conditions. . . we will take advantage of the opportunity offered by the negotiations to step up further our military attacks, political struggle and military proselyting."

The evidence for this phase of the war speaks for itself. It leaves no question but that Hanoi not only directs and controls the war in South Viet-Nam, but also plays the dominant role in the Main Force war.

CONCLUSION

The foregoing is intended as a meticulous summary of the releasable evidence of the North Vietnamese role in the conflict. While improved intelligence in the past two years makes it possible to document North Viet-Nam's role most completely for this period, the evidence appears conclusive that the North was the driving force in bringing about the conflict from 1959 onward and in raising it to its successive dimensions at all stages. Likewise, the evidence seems conclusive that Hanoi had every intention of taking control over South Viet-Nam by one means or another from 1954 onward.

Yet, this being said, it is important to add one final note. Although the evidence is substantial that native North Vietnamese and North Vietnamese-trained personnel, coming from the North, dominate the Communist apparatus in South Viet-Nam, one cannot preclude the possibility that individuals within the apparatus now question and may come to reject the line imposed by Hanoi and the *Lao Dong* party. Reconciliation of all elements within South Viet-Nam is the declared policy of the South Vietnamese Government, which seeks also a determination of the political future of the South under Constitutional processes. Even as the United States must remain committed to assisting in resisting and bringing to an end the aggression from the North, its ultimate objective must be that the people of South Viet-Nam be free to work out their own system without external interference.

TABLE I.—INFILTRATION OF PERSONNEL FROM NORTH VIETNAM, 1959–67 (1ST HALF)

Year	Confirmed[1]	Probable[2]	Possible[3]	Total[4]
1959-60	4,556	26		4,582
1961	4,118	2,177		6,295
1962	5,362	7,495		12,857
1963	4,726	3,180		7,906
1964	9,316	3,108		12,424
1965	23,770	1,910	8,050	33,730
1966	44,300	10,500	30,000	84,800
1967 (1st half)	20,700	5,100	14,100	39,900
Total	116,848	33,496	52,150	202,494

[1] A confirmed unit/group is one which is determined to exist on the basis of accepted direct information from a minimum of 2 prisoners, returnees or captured documents (any combination), in addition to indirect evidence.

[2] A probable infiltration unit/group is one believed to exist on the basis of accepted direct information from 1 captive, returnee or captured document, in addition to indirect evidence.

[3] A possible infiltration unit/group is one which is believed to exist on the basis of indirect evidence, even though no captive, returnee or document is available to verify the report or reports directly. This category was not listed separately before 1965.

[4] The total does not represent all infiltration data on hand. Other information is held which, based upon the application of consistent criteria and the professional judgment of analysts, has been evaluated as insufficient to warrant inclusion in one of the above categories.

Note.—There is normally a long leadtime between the infiltration of a given unit or group and the collection of sufficient intelligence to confirm the fact and time of the infiltration. In 1967, the infiltration has continued at a very substantial rate, but it will be some months before comparable figures for the year can be compiled.

TABLE II.—EXPANSION OF COMMUNIST MAIN FORCE UNITS IN SOUTH VIETNAM

[End of year]

	1960	1961	1962	1963	1964	1965	1966	[1] 1967
Vietcong battalions[2]	10	20	26	30	69	91	83	83
Vietcong main force, local force strength[2]	5,500	26,700	33,800	35,000	51,300	64,300	68,000	64,000
North Vietnamese battalions					3	33	63	69
Strength of North Vietnamese Army units					2,000	26,600	46,400	54,000

[1] End of 3d quarter.

[2] These units do not include a substantial number of native North Vietnamese. Guerrilla forces are not included in these figures. It is important to note that these figures for main force units represent only a fraction of the total strength.

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[55] "Letter of Division Party Committee to Youth Members", captured by USMC in Quang Tri in July, 1966. (Item 66)

[56] See Table II for growth of Main Force strength.

[57] See Table V.

[58] Document to serve as a guide for the cadre, Party members and others in answering questions likely to be asked of them, captured by the US 199th Infantry Brigade in February, 1967; also, document on "Guidance for Handling of Recruits", captured by US 25th Division in February, 1967. (Items 111 and 112)

[59] Interrogation of Viet Cong officer who defected in Spring of 1967 in which Viet Cong command organization in northern province of South Viet-Nam is discussed. (Item 47)

[60] Intelligence report on command relationships between *Lao Dong* Party and COSVN from an intellectual proselyting cadre arrested in Spring 1967. (Item 207)

[61] Le Duan letter.

[62] *Ibid.*

TABLE III.—INFILTRATION OF NORTH VIETNAMESE ARMY REGIMENTS INTO SOUTH VIETNAM, SEPTEMBER 1964 TO JUNE 1967

Unit	Infiltration data			Number of prisoners on which confirmation based	Number of captured documents on which confirmation based	Total number of prisoners taken from each unit
	Dep NVN	Arr SVN	Strength			
95th Regiment	October 1964	December 1964	2,000	7	1	35
32d Regiment	September to October 1964	January to March 1965	1,800	4	4	53
101st Regiment	December 1964	February 1965	2,000	3	2	13
18th Regiment	February 1965	April 1965	2,000	5	2	43
22d Regiment	July 1965	September 1965	2,000	5	1	42
33d Regiment	do	October 1965	2,000	2	0	53
250th Regiment	do	do	1,000	2	2	13
6th Regiment	Unknown	do	1,500	7	1	18
21st Regiment	August 1965	do	2,000	7	3	37
66th Regiment	do	November 1965	1,500	6	1	34
18B Regiment	December 1965	February 1966	2,000	4	1	62
24th Regiment	January 1966	do	2,000	3	0	19
95B Regiment	December 1965	March 1966	2,000	2	1	17
141st Regiment	January 1966	do	1,500	6	1	10
88th Regiment	do	do	2,000	5	0	22
3d Regiment	February 1966	do	1,500	2	1	34
812th Regiment	June 1966	June 1966	1,500	2	0	15
90th Regiment	do	do	1,500	3	0	12
803d Regiment	do	do	1,500	2	0	7
165th Regiment	February 1966	July 1966	2,000	1	3	1
52d Regiment	March 1966	do	1,600	3	1	3
84th Artillery Regiment	do	August 1966	1,200	1	3	1
5th Regiment	Activated in SVN	February 1967	1,800	0	2	0
95C Regiment	August 1966	March 1967	1,550	1	2	1
29th Regiment	Unknown	April 1967	2,200	3	1	6
368B Artillery Regiment	do	May 1967	1,400	2	2	2
174th Regiment	January 1967	June 1967	2,000	2	2	10

TABLE IV.—ASSASSINATIONS AND KIDNAPINGS IN SOUTH VIETNAM

	1958		1959		1960	
	Assassinations	Kidnapings	Assassinations	Kidnapings	Assassinations	Kidnapings
January	10	25	10	17	96	37
February	36	5	11	6	122	72
March	26	43	31	21		
April	17	12	13	16		
May	13	5	16	22		
June	21	15	5	15		
July	11	24	16	22		
August	7	18	12	11		
September	8	24	22	34		
October	15	26	29	42		
November	8	19	35	[1] 89		
December	21	20	33	[1] 48		
Total	193	236	233	343		

[1] Incomplete.

Source: Saigon Situation Report; January, 1960.

TABLE V.—COMPOSITION OF VIETCONG WEAPONS

[In percent]

	Chinese	Soviet	United States	French	Home-made and other
Vietcong main force:					
1963	13	2	40	39	6
1964	28	4	38	25	5
1965	38	5	35	17	5
1966	51	7	24	13	5
Irregular forces:					
1963	0	0	14	63	23
1964	0	0	24	49	27
1965	1	0	35	37	27
1966	3	0	38	32	27
Total (main force and irregular):					
1963	7	1	28	50	14
1964	15	2	32	36	15
1965	21	3	35	26	15
1966	29	4	30	22	15
1967 (mid)	35	6	26	18	15
North Vietnamese Army:					
1963	0	0	0	0	0
1964	0	0	0	0	0
1965	90	8	0	0	2
1966	80	18	0	0	2
1967 (mid)	80	18	0	0	2

Source: Defense Intelligence Agency report, July 1967.

AUTHORITIES CALLED ON TO MAINTAIN LAW AND ORDER DURING POOR PEOPLE'S MARCH ON WASHINGTON

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HICKS. Mr. Speaker, we are at the eve of the much-publicized Poor People's March on Washington. I am very much concerned about what the next several days hold for us here in Washington, D.C., and what the next several months hold for us throughout America.

Thousands of poor people are to begin arriving in the next day or two in a massive effort to direct the attention of their country, and particularly the attention of their Congress, to their plight.

This is all to the good. This is exercising their constitutional right of petition. This is the way all of the tremendous changes that are taking place should be handled—through the legally established institutions.

In concept, the Poor People's March is in the best American tradition.

It is the possibility that they will not remain strictly within their concept of nonviolent petition that worries me. That, and what we do about it if they resort to violence.

I have, Mr. Speaker, a voting record in Congress which the Americans for Constitutional Action rates as zero and the Americans for Democratic Action rates as 93 out of a possible 100. This, I believe, demonstrates that I have strongly supported the programs which will help these people.

This year alone, Mr. Speaker, we are putting some $37 billion into our cities in 100 or more programs, and most of it will help the urban poor. Other billions will help the rural poor.

I am concerned about their desperate situation. I extend my sympathy and my hand to them in the best way I know how, that is, by taking action in this House to help the poor out of their poverty and the uneducated out of their ignorance and the jobless into jobs and the hopeless into hope for themselves and their children.

But I cannot tolerate violence, on their part or on anyone's part.

I can well understand their frustrations, but I cannot tolerate their violence. I can understand their anger, but I cannot tolerate their violence.

I call on the authorities here who are responsible for maintaining law and order to act swiftly and decisively to put down any violence at its earliest beginning. And I stress the word maintain, for what I want to see is maintenance of law and order, not restoration of law and order after violence has run rampant as it did here last month.

It took the entire Washington police force and 14,000 troops to restore order after that orgy of destruction and death. If it takes 14,000 troops to maintain order during the Poor People's March, I would hope we are wise enough and strong enough to have those troops where they will do the most good at the right time.

What is done here, if violence occurs, could very well become the pattern for coping with outbreaks of violence in other American cities. If we hesitate, others will hesitate in the face of violence. If we act swiftly and firmly here, others will act swiftly and firmly.

We are at the turning point right now, Mr. Speaker, I am convinced of that. What happens here in the immediate future is likely to determine what happens to our country. We can decide in the next several days whether we will have law and order, or whether we will have burning and looting and destruction and death and insurrection throughout America.

Just as I have voted for the poor people throughout my career in Congress, I now vote for the maintenance of law and order among them—and by whatever means necessary.

KING MURDER HATCHED ABROAD?

Mr. ICHORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ICHORD. Mr. Speaker, the Washington Star carried a very interesting article by columnist Carl T. Rowan yesterday in which he comments upon the growing possibility that Martin Luther King was assassinated by a hired killer in a plot which involves Cuba and Red China. There has been considerable evidence uncovered which does give credibility to this theory. Certainly, the enemies of this Nation could have taken few courses of action that would have caused this Nation more trouble and chaos. If the killer were James Ray, he must have been a hired killer. An escaped convict, under constant threat of apprehension, would not be a logical person to carry out a racial killing. There is very little doubt that Cuban money has been coming into the country to finance left-wing activity. In 1964 the House Committee on Un-American Activities was able to trace approximately $20,000 cash coming from a bank in Mexico to finance travel to Cuba by persons associated with the Progressive Labor movement. This is a group that has been quite active in fomenting strife throughout the Nation.

As a member of the House Committee on Un-American Activities investigating the extent of subversive influence in riots throughout the Nation, I have become increasingly concerned about the President's Riot Commission ignoring or playing down the very important part played by radical revolutionaries, some of whom were local residents and others who came from the outside. This is particularly true of the Newark riots where a local poverty program office was used for the purpose of printing propaganda leaflets designed to foment discontent and violent reaction. An investigator of the Newark police force has testified before the committee that agitation by revolutionaries was one of the primary causes of the Newark riots.

Mr. Speaker, I include Mr. Rowan's article in the RECORD at this point, followed by an article from the Time magazine of May 10, 1968, setting forth a theory of Truman Capote:

KING MURDER HATCHED ABROAD?

The entire U.S. intelligence apparatus, including the military and the Central Intelligence Agency, has now become involved in the investigation of the murder of Dr. Martin Luther King.

Evidence gathered by FBI agents in one of the most massive probes in the nation's history has forced serious investigation of these possibilities:

1. That James Earl Ray, the alleged assassin, was the hired killer in a Cuba-Red China plot.
2. That the "assassin squad" of the Soviet secret police was somehow involved in the plot.
3. That Ray was hired indirectly by certain black nationalists who paid him with money made available by foreign sources.

The FBI has had as many as 2,000 agents working at one time, in cooperation with hundreds of local policemen and other U.S. intelligence agents, to track down every lead—including the above possibilities that the assassination was plotted with the intention of creating internal chaos in the United States.

It should be emphasized that the dominant theory—and hope—among those directing the investigation is still that the killer was a loner who murdered King out of his own crazy, racist views.

But this theory loses supporters as each day goes by without agents turning up any trace of Ray, who is linked to the murder and murder weapon by fingerprints and ballistics data.

FBI agents believe he no longer could get food and drink for so long a period in this country without being detected in the massive day-and-night search that is under way.

This point, added to the now known fact that Ray had plenty of money, has given credibility to the theory that King's assassin was a hired killer.

A growing fear in FBI circles is that the killer was given $10,000 in advance to murder King with a promise of much more upon completion of the job. When he returned to his U.S. racist employers for the final payoff, the theory goes, he was slain and his body dumped where agents may never find it.

International intelligence agents have entered the investigation, however, because of Ray's mysterious trips to New Orleans—and certain of the suspects trips out of the country. The FBI reportedly has pinpointed Ray's movements even to knowing which prostitute he spent which night with in certain countries, but it,has not yet produced meaningful evidence of an international plot.

But there is deep suspicion of a Cuba-Red China plot. The assumption is that, if the Cubans had made arrangements to spirit their hired killer out of the United States, they very likely killed him and dumped him in the ocean.

Totally informed sources here say, however, that there is no evidence whatsoever of involvement by the communist party of the United States, or of any splinter group of U.S. Communists.

One source called the King killing "one of the most baffling cases in memory."

He also theorized that the slaying and escape were so smoothly organized that they tend to discredit suspicions of black Nationalist involvement—but that "every possibility must be checked."

The FBI is pouring vast amounts of manpower and money into the search because it knows its reputation is at stake. It also knows that if King's killer is not found all sorts of rumors will arise.

Some of those directing the investigation are openly hoping that it will turn out to be the work of one man. They fear the explosive repercussions if it turns out that the murderer was a hired killer for white U.S. racists—or for a foreign power.

THE ASSASSINATION ACCORDING TO CAPOTE

On the rare occasions when writer Truman Capote agrees to submit to a television interview, it is usually because he has something that he wants to say. Last week, when he appeared (for the first time) on Johnny Carson's *Tonight* show, he wasted little time in getting to the point. "I have a theory," announced the author of *In Cold Blood*, "about the murder of Martin Luther King."

So, of course, does almost everybody else, but Capote's credentials make him worth listening to—wild though his theory may be. The FBI, he says, is looking for the wrong man. James Earl Ray, alias Eric Starvo Galt, was indeed in on the assassination plot—which Capote believes was carried out by "leftists, not rightists," for political gain. Ray did not, however, kill Martin Luther King. "I have studied his record very carefully, and in my experience with interviewing what I call homicidal minds [Capote has talked at length with 100 murderers in the past nine years] he's simply a man not capable of this particular kind of very calculated and cruel, and exact and precise kind of crime."

In Capote's reconstruction of the crime, in fact, Ray's only function was to throw the FBI off the assassin's trail, first by assuming the name of Eric Starvo Galt ("My theory is that there are two Eric Starvo Galts"), and finally by planting his fingerprints on the gun that was later to be used for killing King. "This was a setup," Capote believes. "The central factor of what happens is that, after the assassination, this assassin rushes out of the rooming house, and what does he do? He does a very amazing, unusual thing. He takes a suitcase and very carefully props it up in front of a store. And in this suitcase there is a shotgun, very carefully left. And what is on it is Mr. James Earl Ray's fingerprints."

And where was Ray at the time? "Dead." Capote believes he was killed "and disposed of" at least ten days before the assassination. "He didn't quite understand," said Capote with a grimace, "what his part in the plot was going to be."

CONGRESSMAN CHAMBERLAIN REPORTS FREE WORLD SHIPPING TO NORTH VIETNAM CONTINUES TO INCREASE

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CHAMBERLAIN. Mr. Speaker, as we hopefully await further developments on the diplomatic front, the war in Vietnam continues, and so should our concern about the enemy's sources of supply which permit this tragic conflict to be prolonged.

This past April, there arrived in North Vietnam, 13 more ships flying free world flags, according to information just made available to me by the Department of Defense. These included one Greek, one Singapore, and one Lebanese, and 10 British ships. This makes a total of 43 free world arrivals so far during 1968, representing a potential cargo capacity of over 285,000 tons. This is more than double the first 4 months of 1967, when there were 19 arrivals representing some 127,000 tons.

North Vietnam attaches great importance to this free world help but the administration finds it easier to try to ignore it than to stop it.

Again in April I am advised that strategic goods were transported to North Vietnam in ships flying flags of free world nations, and in increasing amounts. Still all this goes on as it has for months on a business-as-usual basis, almost as if there were no war at all. As the captain of a British-flag freighter recently told a reporter in Haiphong, whenever he sights any U.S. Naval vessels:

> We just put up the ship's call sign and the British ensign . . . nobody pursues the matter any further than that actually.

And so it goes on. The statistics I have cited may seem rather cold and remote, failing to convey the importance of this free world source of support for the Hanoi regime. However, we have fresh evidence of just how much the North Vietnamese value this aid as well as their interest in boasting about this trade to the American people.

On April 19, 1968, millions of Americans, I am sure, watched CBS correspondent Charles Collingwood's televised report on his visit to North Vietnam between March 29 and April 5. In his commentary Collingwood stated that he was only permitted to bring back film of what the North Vietnamese wanted him to bring back. He also indicated that he was not allowed to bring his own cameraman or even to do all of his own interviewing. Instead the Hanoi Government saw to it that Collingwood was "assisted" in his search for truth by photographers and a journalist of proven reliability in terms of North Vietnam's own interests. In view of this meticulous news management, it is all the more significant that one of the major film segments, approved by Hanoi for distribution in the United States, dealt with the matter of free world shipping to North Vietnam. With unmistakable intent two British-flag vessels were shown with a good closeup shot of their names—the *Androwan-Gibraltar* and the *Pundua-London*. The latter's captain, W. G. Ogilvie, was then interviewed at some length by Wilfred Burchett, who was identified by Collingwood as "an Australian journalist who usually writes for Communist papers and is a frequent visitor to North Vietnam." In other words Collingwood was not himself permitted to interview the captain. It is clear therefore that the Hanoi regime attaches great importance not only to the goods that these ships bring but to the considerable propaganda value of having free world flag vessels steaming into their ports with help for their effort.

The State Department's response to all this sordid business seems to be only more unconvincing attempts to play down the problems. Secretary Rusk, for example, told the Senate Committee on Foreign Relations on March 11, 1968:

> The trade between North Vietnam and the Free World is very small indeed and has been rapidly diminishing.

As I have just pointed out, free world-flag ship traffic during 1968 has been increasing, not diminishing. Regardless of whether these ships carry free world or Communist goods the fact remains that they are a significant factor in North Vietnam's supply lines, a fact the Secretary chose to obscure.

The importance of this free world traffic is clearly reflected again by the fact that it constitutes more than 25 percent of the total number of merchant ship arrivals in North Vietnam so far this year, as the following chart indicates:

MERCHANT SHIP ARRIVALS IN NORTH VIETNAM BY FLAG OF REGISTRY

Date of arrival	Free world	U.S.S.R.	East European	Chinese	Total
1967					
January	6	16	4	11	37
February	5	24	3	10	42
March	3	23	4	12	42
April	5	18	4	10	37
May	9	18	2	10	40
June	11	8	4	11	34
July	5	10	2	5	22
August	6	12	1	4	23
September	7	8	2	8	25
October	6	13	1	6	26
November	5	15	1	5	26
December	10	16	1	5	32
Subtotal	78	181	29	97	385

	Free world	U.S.S.R.	East European	Chinese	Cuba	Total
1968						
January	10	20	3	11	2	46
February	8	14		7		29
March	12	20	3	8		43
April	13	18	1	7		39
Total	43	72	7	33	2	157

Our fervent hope for a negotiated peace should not permit our resolve to weaken. We still have over a half million servicemen in Vietnam who are making great sacrifices for their country. We owe them our best efforts. The administration must do more to prevail upon our so-called friends to stop carrying supplies to the enemy.

1968 FREE WORLD SHIP ARRIVALS IN NORTH VIETNAM BY FLAG OF REGISTRY

	British	Cypriot	Italian	Singapore	Greek	Lebanese	Total
January	9	1					10
February	7	1					8
March	10		1	1			12
April	10			1	1	1	13
Total	36	2	1	2	1	1	43

SALUTE TO THE MARINE CORPS

Mr. TEAGUE of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TEAGUE of California. Mr. Speaker, I have received a letter from a constituent, Mrs. George Shaffner, of Ventura, Calif., that is quite unusual and which I wish to share with my colleagues.

Mrs. Shaffner's letter is in high praise of the U.S. Marine Corps, particularly of its recruit training program and what it accomplished in the building of her son into "a full grown man in every sense of the word."

Under leave to extend my remarks in the RECORD, I am inserting Mrs. Shaffner's letter at this point:

MAY 3, 1968.

DEAR CONGRESSMAN TEAGUE: I'll bet this will be the most confusing complaint you have ever received.

My complaint is about my son, Pvt. E. D. Shaffner, U.S.M.C. What happened to my "Little Boy"? In four months I now have a *full grown man* in every sense of the word.

In November 1966, Eddie tried to join the

Army but he was rejected because of a physical disability. He was broken hearted. In November 1967, he went into the Marine Corps recruiting office and found out he could go into the Marine Corps if he would have surgery, which would be paid for by the Government at Balboa Naval Hospital. Ed enlisted and was sworn in on December 15, 1967. He underwent surgery the first week in January and waived the six weeks recuperation barracks and twelve days after surgery went into full unrestricted boot training. Ed graduated March 19, 1968.

Now back to my complaint. Where did the Marine Corps find the mould for the son they sent to me in place of my *"boy"*.

I do believe that Drill Instructors should be turned loose on some of our kids when they are about thirteen years old. Only for about three months, that is all the time it would take. If the Drill Instructors in the Marine Corps can't take "boys" and make "men" of them, no one can. I guarantee it would cut juvenile delinquency 75%.

Ed has been taught to respect authority. I only wish I had had a set of their methods five years ago. Believe me I never knew you could *absolutely demand* and *receive* respect but I know it now.

Ed had some rough times and suffered a few *hard knocks*, but he learned by each one of them. When he came home on leave, I told him I could understand getting cussed and ridiculed but I couldn't understand the physical punishment and these are his exact words. He said, "Mother some times people can talk until they are blue in the face and it doesn't do any good, but this discipline is like teaching a baby, if a baby does something wrong where he can hurt himself, if you yell at him all of the time it won't do any good, but if you turn him up and give him a darn good spanking, *then* he is going to listen. In the Marine Boot training you not only learn by your mistakes, but by your buddies mistakes also." He was taught that the word "can't" meant "won't" and won't is disobeying an order. We have nothing but the highest respect for the Marines. So you see Mr. Teague, I do have a complaint. I did lose a "boy" but oh what a fine young man the Marines replaced him with.

I just thought you would like to know what a fine bunch of Drill Instructors there are in San Diego at the Recruit Depot. Namely: Sgt. N. E. Stotlemyer, Sgt. R. L. Johnson, and Sgt. R. J. Caldwell, G. Co. PLt. 210, 2nd Btn. R.T.R. M.C.R.D., San Diego. They deserve a special award for each platoon they put through boot training. What courage and patience they must have to take a group of bedraggled, hateful, sissy, tough, know it all, lazy, but basically good boys and make them all equal, clean, neat, quiet, proud, polite, and respectful. I wish you were able to see a group go into boot and then not see them again until graduation day. You would certainly be proud not only of the boys, but their Drill Instructors too. They certainly know their job. When Ed left M.C.R.D. he didn't feel sorry for the new recruits he felt sorry for the D.I.'s.

Mr. Teague, I do hope you had time to read this letter and you weren't bored by it. I'm just so darn proud of what the Marines have done for and to Ed. In closing, I'll just say "Please disregard complaint."

Sincerely,

Mrs. GEORGE SHAFFNER.

THOMAS L. STOKES AWARD TO JOHN B. JOHNSON, ALAN EMORY, AND FRANK AUGUSTINE

Mr. McEWEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McEWEN. Mr. Speaker, it is my distinct pleasure to advise my colleagues that the Thomas L. Stokes Award has just been announced, and the recipients are three fine journalists and an outstanding daily newspaper in my congressional district, the Watertown Daily Times. Receiving the Thomas L. Stokes Award will be John B. Johnson, editor and publisher, Alan Emory, Washington correspondent of the Times, and Frank Augustine, news editor.

Mr. Johnson, Mr. Emory, and Mr. Augustine are being honored for their excellent work in the field of conservation of natural resources, particularly with relation to the development and wise use of nuclear power in New York State.

The Thomas L. Stokes Award was established in the spring of 1959 by friends of the well-liked and respected Washington correspondent and Pulitzer Prize winner who died on May 15, 1958. The first annual award was given posthumously to Mr. Stokes on May 5, 1959. The late journalist was widely recognized for his efforts in the field of conservation of natural resources.

The Watertown Daily Times, always a strong public power advocate, opposed last year a move by private power companies to press for a plan under which only private utility companies would be permitted by the State to establish nuclear powerplants. The Times waged a well-documented editorial campaign to hold firm to a public power concept as administered by the Power Authority of New York State.

The three journalists, through their reporting, interpretive stories and editorials, told the successful history of a partnership of public and private power in New York State. The editorial campaign was well received in the State. The climax came last week when Governor Rockefeller recommended to the legislature that the State build a nuclear powerplant, thus upholding the State's fine record in this category.

It is certainly fitting that Mr. Johnson, Mr. Emory and Mr. Augustine tonight will receive the Thomas L. Stokes Award in a presentation by Marquis Childs, Washington bureau chief of the St. Louis Post-Dispatch.

Appropriate, too, is the fact the ceremony takes place on the shores of the St. Lawrence River, one of America's mightiest sources of power—harnessed and made available through the Power Authority of New York State.

WHO OWES WHOM?

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, recent internal developments in Czechoslovakia, as reported in the press, appear to be most encouraging. The spirit of liberty, so long a heritage of that nation's brave people, is reasserting itself.

Certainly the U.S. Government will want to do all it can to encourage these liberalizing trends in Czechoslovakia and throughout Eastern Europe. Perhaps the time is coming when the President's proposal to build bridges to the East can be realized.

In connection with the seeming desire on both sides to improve relations between our two countries, I want to commend the Czechoslovakian Foreign Minister for recently calling attention to $20 million in gold belonging to his country which the United States now has in its possession. As chairman of the House Government Operations Committee's Subcommittee on Legal and Monetary Affairs and as a member of the House Foreign Affairs Committee, I am hopeful that his mention of this gold indicates a new desire on the part of Czechoslovakia to reach a settlement agreement with the United States on international claims between the two countries. It certainly would benefit relations between our countries if such an agreement could be promptly worked out.

Mr. Speaker, the United States has long realized the importance which these unsolved payment claims play in relations between our two countries. We have, in fact, patiently awaited action on the part of Czechoslovakia to reach an agreement with us on payment of the more than $282 million Czechoslovakia owes the United States as a result of World War I and II. Incidently, I might mention that Czechoslovakia is presently overdue in its repayments to the United States in an amount totaling more than $194 million.

In addition, it is my understanding that Czechoslovakia has nationalized an estimated $40 million worth of American-owned property for which our citizens are also patiently awaiting reimbursement.

Mr. Speaker, I submit that the United States has shown admirable restraint regarding settlement claims and the Czechoslovakian Foreign Minister might well have taken this into account when he requested that the United States show its good faith by promptly returning this gold. Further, I submit that it is the United States which is due some good faith by Czechoslovakia. Perhaps the rush of events have obscured it, but the United States did make a proposal on claims settlements to Czechoslovakia in November of last year. Unfortunately, to date, we have not received a reply on our proposal. Clearly, the next step is up to Czechoslovakia and not to the United States.

The $20 million in gold to which the Foreign Minister referred is held jointly by the United States, Britain, and France as a result of World War II. Britain and France have already given their consent on the returning of the gold.

I am sure, however, that the new, more liberal regime in Czechoslovakia, concerned as it is with the welfare of its own individual citizens, will recognize that our Government's chief responsibility is to our own citizens. Further, I am sure that the new Government will undoubtedly understand that it would be irresponsible for our Government to agree to the release of the $20 million in gold until our own patient citizens are given adequate assurances that the Czechoslovakian debt to us of more than $320 million will be repaid.

Exact figures on Czechoslovakia's outstanding debt to the United States, including interest, are as follows:

World War I	$275, 997, 024
World War II	6, 607, 972
Total	282, 604, 996

The amount of the debt and interest which is now overdue is as follows:

World War I	$189, 642, 024
World War II	4, 660, 025
Total	194, 302, 049

GOV. LURLEEN BURNS WALLACE, 1926–68, GOVERNOR OF ALABAMA

Mr. RARICK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. RARICK. Mr. Speaker, Alabama's first and only lady Governor, Lurleen B. Wallace, now rests in that peace this world cannot give or take away.

A gentle and gracious lady, Gov. Lurleen Wallace radiated goodwill and deep compassion for her fellow countrymen. Through her genuine charm she captivated the hearts of the people not only of Alabama but throughout the Nation.

Without rancor or malice toward anyone, she executed the duties of her office in a manner which reflected her personal dignity and high character.

Mrs. Wallace's unflinching courage, both in keeping the public trust given her and in facing a slow tortuous death, is inspirational.

In life, she walked by faith—not by sight—in obedience to our Lord. Now, at her passing, her source of strength must provide comfort to those who survive her.

My prayers are with her husband and her family. To the people of her State, her many friends and admirers who loved her so dearly, I offer my most profound sympathy.

Mr. Speaker, I ask that the news account of her career follow my comments.

[From the Washington Post, May 8, 1968]

GOV. LURLEEN WALLACE, CAREER MARKED BY STORY-BOOK RISE

Gov. Lurleen Wallace of Alabama, who succeeded her husband, George, in 1967 to become the Nation's only woman governor, died in her sleep of cancer early yesterday at the Governor's mansion in Montgomery.

Six months after her inauguration, Mrs. Wallace underwent the first of a series of operations for the malignancy she believed had been checked by nonsurgical treatment several years earlier.

In her final weeks, she spent little time in her office, and her chief aides attended to the administrative affairs of the state.

Mrs. Wallace campaigned without apology for her election as her husband's handpicked successor to the office in which he could not legally succeed himself.

She was born in Tuscaloosa, where she graduated from high school at the age of 15. Waiting to become 18 so she could be eligible for nurse's training, she began clerking in a dime store, while taking a business college course.

She married Wallace in 1943, and she traveled with her husband during his Army Air Corps Service until he went overseas.

At one point, she set up housekeeping in a converted chicken coop because of the wartime housing shortage near military bases.

Called affectionately by her father, "Mutt," the nickname followed her into the governor's mansion, first as Alabama's first lady and then as her husband's gubernatorial successor.

Mrs. Wallace, a 17-year-old dimestore clerk in Tuscaloosa when she married Wallace during World War II, was elected to succeed her husband as governor with the largest vote ever given a gubernatorial candidate in Alabama.

She enjoyed joking with her husband about counties she had carried which he had lost.

Wallace became her "No. 1 adviser" and made the major decisions after she took office. He worked from an unmarked office directly across the hall from his wife's office in the Capitol.

Though she lacked her husband's flair for off-the-cuff oratory, Mrs. Wallace was an effective speaker who spoke with poise and clarity.

Mrs. Wallace, who was 5 feet 2-inches tall and weighed barely 100 pounds, had brown hair, streaked with gray, which she had set at a local cut-rate "beauty college" once a week. Her clothes were neat and attractive.

In her four years as Alabama's first lady, Mrs. Wallace acquired new poise steadily. Long before her own candidacy, she attracted attention, for her social graces, her impeccable taste in clothes and the way she wore them.

She came to the governor's seat admittedly as her husband's "stand-in" and carried out his policies faithfully, but it was on her own initiative that Alabama's mental health facilities were expanded greatly in her short regime.

Her interest in this field was obviously whetted by the things she found in a tour of the State's homes for retarded children in the first few weeks of her governorship.

Surviving besides her parents and her husband are three daughters and a son. They are Mrs. James Parsons, of Birmingham; Peggy Sue, a 17-year-old Montgomery High School cheer leader; George Jr., 16 who attends the same school and leads a rock-and-roll band, and Janie Lee, a 6-year-old first grader at a Methodist Church parochial school.

Among her inaugural remarks in January of last year was her promise that "when there are challenges, we will meet them; where there are obstacles, we will surmount them."

Mrs. Wallace's personal challenge was the disease which claimed her life. It was a challenge she met bravely, but it was an obstacle she couldn't surmount.

Although her rise to the governorship was on the strength of her husband's popularity, and she carried out his policies faithfully while in office, Mrs. Wallace soon won a place of her own in the hearts of her constituents.

The bond between her and her constituents was strengthened by her long, poignant struggle against the cancer that took her life. In recent months, she received a steady stream of sympathetic messages from well-wishers in the U.S. and abroad.

Her body will be moved to the Capitol in a funeral procession tomorrow morning. It was to be removed Thursday afternoon for 2 p.m. services at St. James Methodist Church, with burial at Greenwood Cemetery in Montgomery.

NEW YORK CITY'S HOUSING CRISIS—THE NEED FOR A FEDERAL EXPEDITER

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. RYAN] is recognized for 20 minutes.

Mr. RYAN. Mr. Speaker, last April 3 I testified before the Housing Subcommittee of the House Committee on Banking and Currency in support of innovations in Federal Housing programs and a massive increase in the levels of existing programs. We need dramatic increases in expenditures for low-rent public housing and rent supplements, in the availability of low-interest mortgage funds both for moderate-income rental housing and homeownership. We need new programs to stimulate cooperative and condominium forms of homeownership for urban residents. In addition, I proposed modifications in the urban renewal program, more adequate relocation procedures, improvements in the public housing program, guarantees of adequate code enforcement, and other improvements in the Federal Government's effort to provide adequate housing for all Americans.

There is, of course, another level of government which is intimately involved in housing policy. The ultimate responsibility still falls upon local government. Urban renewal and public housing are channelled through agencies of local government. Local governments are responsible for the maintenance of the existing housing stock through the enforcement of health and safety codes. Rent supplements require the approval of local government. Much moderate income housing is furnished through the efforts of municipal government. And the new model cities program is largely administered by local agencies.

No matter how much Federal assistance is offered, it will not result in the provision of safe, sanitary, and attractive housing for our citizens without the best efforts of municipal governments as well.

The Nation's largest city is a case in point. New York City faces a massive shortage and an increasing deterioration in low- and moderate-income housing.

The New York City Planning Commission has estimated that about 1 million units out of some 3 million are substandard and in need of major rehabilitation or replacement. According to the 1960 census, New York City then had about 550,000 housing units which are "deteriorated, dilapidated, or lacking essential facilities." Another 100,000 housing units were seriously overcrowded. And conditions have worsened.

The present New York City administration promised to build at least 160,000 low- and moderate-income housing units between 1965 and 1969. This would barely keep up with the demand for new housing and for families relocated from demolished housing. More recently, in a report released in 1966 the Mayor's Task

Force on Housing chaired by Edward Logue recommended 45,000 new units yearly, or 180,000 over 4 years.

Despite the percentage limitations on public housing, and urban renewal funds available for any single State, the fundamental failure today is not a lack of Federal funds allocated to New York City. The Federal Government has offered more assistance than New York City has used. Today the failure to meet New York's massive housing crisis is the failure of the New York City administration.

As one who has repeatedly called for an expansion of Federal housing programs, I say this with considerable sadness. But the fact is that over the past 2 years, the New York City administration has failed to make full use of available Federal funds and programs to build new housing. It has failed to maintain present housing. It has accomplished less in housing than any recent administration in New York City.

In New York City 48.9 percent of all families have incomes within the public housing range, yet only about 7 percent now live in public housing.

Another 32.5 percent of New York City families have incomes that qualify them for subsidized middle-income housing, such as the Federal 221-d-3 or State and city Mitchell-Lama programs which offer low-interest, direct loans, coupled with limited profit and tax abatement to keep rentals moderate; yet such units have been built to provide for only about 3 percent of families who qualify for them.

There are 145,000 New York City families now living in low-rent public housing. Some 135,000 families are waiting to get in. Thus, for every family now in public housing, nearly one is on a waiting list.

New middle-income housing construction has an even poorer record; 85,000 units have been built under the city and State Mitchell-Lama programs since the programs began in 1955. And construction for only 394 Mitchell-Lama units was started in 1967. As of January 1968, only 1,430 middle-income units had been built under the Federal 221-d-3 program.

Thus, there is a great need for more low- and moderate-income housing in New York City. Any city administration has two clear responsibilities: first, it must take advantage of subsidized programs to generate new housing, which in New York includes public housing, rent supplements, Federal section 221-d-3 and 202 programs, urban renewal generally, and Mitchell-Lama, and redevelopment and limited dividend companies; secondly, it must maintain and improve the existing inventory of housing. This is accomplished through enforcement of maintenance codes, and through rehabilitation efforts under various Federal programs. In low- and moderate-income housing, both code enforcement and new construction depend upon the efforts of the city as much as upon the existence of adequate Federal programs.

Let us look at New York City's performance in the provision of new housing.

In 1965 Mayor Lindsay published a formal white paper on New York City's housing crisis. In the white paper he pledged to add 160,000 new units to city housing between 1965 and 1969: 50,000 low-rent public housing units, 50,000 low-rent units built privately with rent supplements, and 60,000 middle-income units under city and State limited profit or Mitchell-Lama programs. In 1967 certificates of occupancy issued for new construction were the lowest number since 1948, except in 1954: 1967, 22,900; 1954, 22,300; 1948, 20,150. The average number of certificates of occupancy for the 1962–65 period was 52,000 per year, or more than double the 1967 rate.

Low-rent housing is at the base of our shortage.

Although the city administration promised to build 50,000 low-income units over 4 years, it started construction for only 5,068 during the 2 years, 1966 and 1967.

Although funds are available, public housing construction has slowed to a rate of about one-third that of the previous administration.

Over the last 2 years the number of low- and middle-income apartments built has barely exceeded the number demolished, abandoned, or declared unfit for human habitation.

Although the city has had authority for more than a year to lease 1,500 units for low-rent public housing, it has leased only 510 units, of which 421 are occupied.

In 1965 Congress appropriated new funds for public housing. New York City was authorized to build a total of 28,000 units over the following 4 years.

The Federal Government has been prepared, and waiting, to accept and approve plans for 15,000 units during 1966 and 1967. Yet only about 6,700 have been approved.

From 1962 to 1965 the increase in the total number of occupied public housing units averaged 7,000 a year. For the last 2 years, the average increase in the total number of occupied public housing units has not been 7,000 a year but only about 2,500.

In 1966 construction was begun on only 1,730. In 1967 the number was 3,338.

The situation in regard to middle-income housing is equally bleak.

Over the past 2 years, 15,754 units have been built through city and State Mitchell-Lama programs. In most cases, the city's principal function is to agree to tax abatements. The State supplies financing.

Because of administrative ineptitude, builders have been turning away from the city Mitchell-Lama program to the State program, despite its higher interest rates. I understand that one of the most prominent developers of middle-income housing, the United Housing Foundation, will not do business under the city program. The notable middle-income project in the Bronx, Co-op City, is based not on a city, but on a State loan.

We can anticipate that the city will count the 15,372 units in Co-op City as a part of the new construction statistics for which it will take credit in 1968.

Perhaps the most dramatic of all housing is urban renewal. Unfortunately, the value of urban renewal as a device for slum clearance for the benefit of slum dwellers has been minimal. Little public housing has been built on urban renewal sites. Most urban renewal in New York has been used for commercial, civic, or luxury redevelopment. The inclusion of the profit motive in the urban renewal concept has in most cases worked to the detriment of low-income families. In New York City urban renewal is just beginning to be utilized in hard-core slum areas for the first time.

As the well-known city planner, Charles Abrams, has said of the urban renewal program:

> When the entrepreneurial and the general welfare are bracketed in the same legislation, it should not be surprising that the social purpose will be subordinated. It was.

At present, urban renewal as a program to aid lower income city dwellers depends largely on the improved production of low- and middle-income housing. Until tenants can be adequately relocated, urban renewal projects cannot move forward. Existing residents must be relocated, generally into new low- and middle-income housing.

Existing urban renewal projects in New York City will require the relocation of some 33,000 families. Relocation in New York is proceeding at the rate of about 1,000 families a year.

Urban renewal in New York City has slowed to a virtual standstill. The city now has almost $200 million in unused Federal urban renewal funds. Eight urban renewal projects have been completed. Eight are in various stages of planning. Twenty-four are theoretically being executed.

By last November the urban renewal backlog became so huge that the Federal Government announced it would make no new money available until the city digested funds already committed to it.

Many months ago the city administration under pressure from the Federal Government announced that it would concentrate urban renewal projects in low-income areas. Three urban renewal projects were approved for core areas in 1966 and 1967. No construction has yet begun. The total backlog in these areas alone represents over $83 million in Federal funds.

Two pending projects extend back 8 years, Brooklyn Bridge Southwest and Washington Market. In the case of the Brooklyn Bridge project, demolition began only last year.

That is the nature of the city administration's performance in meeting its responsibility to engender and construct new housing.

Why has this happened?

One reason is a major administrative reorganization of agencies dealing with housing. A "super agency," the Housing and Development Administration, was created, combining all housing functions except low-rent public housing. Unfortunately, little has been accomplished, and the combination of old offices into a new unwieldly agency has brought only delay.

Also the city administration has been plagued by personnel problems and resignations.

Third, the city administration has been preoccupied with experimentation and gimmickry. Certainly, innovation is an important function of government, and some effort should be spent on experimentation, but not to the detriment of the major task of providing adequate numbers of housing units.

The problem is not a lack of dedication although there is always a need for more dedicated public servants; or is it an absence of Federal assistance, although I would be the last to maintain that Federal housing programs are adequate. It is simply a problem of administration.

I would suggest two actions which the Federal Government can and should undertake to alleviate New York's catastrophic housing dilemma.

First, the Congress should enact new housing programs better suited to the needs of our large cities, and should greatly increase the funding of programs that are working well. I have proposed such a program.

Second, in the case of critical administrative failure, such as New York City, the Secretary of Housing and Urban Development should appoint a Federal expediter to oversee the use of Federal housing programs, to insure that Federal funds are not wasted, squandered, or permitted to lie fallow.

If someone such as the Federal Regional Administrator, Judah Gribetz, were appointed in the nature of a Federal receiver, he could help New York City realize its goals.

This would serve a two-fold purpose. First, it would protect the legitimate Federal interest in the proper use of Federal funds; and secondly, it would help New York City straighten out its housing program so it would be in a position to compete with other major cities for what are unfortunately very limited Federal funds.

In addition, it would set a precedent which would be useful for the Department of Housing and Urban Development to use in the South and in suburbia where discrimination prevents the effective use of Federal funds to achieve balanced communities.

As long as we have a federal system of government, in which programs are funded and developed from Washington but depend on the effectiveness of local government for their implementation, adequate measures of supervision are as necessary as the development of sound programs.

At a time when we face an uphill battle in the Congress to increase Federal expenditures for housing, I profoundly regret that the city of New York is not efficiently utilizing the limited available funds to provide decent homes for her citizens.

Mr. Speaker, I include at this point in the RECORD a speech which I made on New York City's housing crisis on January 12, 1968, before the New York City League of Women Voters. I have reiterated in my remarks today many of the points which I made then. The statistics have been brought up to date as far as they could be ascertained.

NEW YORK CITY'S HOUSING CRISIS

(Address of Congressman WILLIAM F. RYAN before the New York City League of Women Voters, January 12, 1968)

In 1968 New York City faces a monumental crisis in housing. We have a massive shortage and an increasing deterioration of low and middle income housing.

The New York City Planning Commission has estimated that about one million housing units are substandard and in need of major rehabilitation or replacement.

According to the 1960 Census, New York City has had about 550,000 housing units which are "deteriorated, delapidated, or lacking essential facilities." Another 100,000 housing units have been seriously overcrowded.

About 144,391 New York families are now living in low-rent public housing. About 135,000 families are waiting to get in. Thus, there is about one family on the waiting list for every family now living in public housing.

Mayor Lindsay in his campaign promised that the City would build at least 160,000 new low and middle income units between 1965 and 1969. This would only keep up. More recently, the Logue Report recommended a housing production of 45,000 units a year—or 180,000 over a four-year period.

In any consideration of New York City housing, we must be very careful to distinguish between promises and performance. It is easy to promise and to talk about the future. But, as I used to say with the last Administration, in political administration, the only future is now.

Do not tell me what you are going to do. Just tell me what you have done. Then you don't have to tell me anything. I know what you are going to do.

New York City cannot meet the housing crisis alone, with only its own resources and its own funds. We must have far greater Federal assistance—in public housing, urban renewal, model cities, rent supplements.

I will talk about Federal failures, and essential improvements and programs, in a few minutes.

But as of today, 1968, the fundamental failure is NOT the Federal government. For the Federal government has offered more assistance than the City has used. Today, the failure in meeting our massive housing crisis is the failure of the New York City Administration.

I say this with considerable unhappiness. As you know, I was one of the most severe critics of the last Administration for its failures to act in housing. Politics played no part in my call for action then. It plays no part now.

But the fact is that over the last two years, the City Administration has totally failed to use available funds and programs to build new housing. It has failed to maintain present housing. It has brought us face to face with disaster. For two years, it has acted not as an inspiration but as an undertaker for New York City housing.

In housing, a New York City Administration has a dual responsibility. First, it must engender and construct new housing. Second, it must maintain and improve existing housing.

Let's look at the first responsibility: to engender and construct new housing.

In 1965 Mayor Lindsay published a formal White Paper on New York City's Housing Crisis. In the White Paper, he pledged to add 160,000 new units to City housing between 1965 and 1969: 50,000 low-rent public housing units; 50,000 low-rent units built privately with rent supplements, and 60,000 middle-income units under City and State Limited Profit or Mitchell-Lama programs. In 1967 certificates of occupancy for new construction were the lowest since 1948, except in 1954: 1967—22,900; 1954—22,300; 1948—20,150. The average number of certificates of occupancy for the 1962–65 period was 52,000 per year, or more than double the 1967 rate.

Low rent housing is at the base of our shortage. What has the Administration been doing about low rent housing.

Although the Administration promised to build 50,000 low income units over four years, it has issued building permits for only about 4,000.

Although funds are available, public housing construction has slowed to a rate about one-third that of the Wagner Administration's.

Over the last two years, the number of low and middle income apartments built has barely exceeded the number demolished, abandoned or declared unfit for human habitation.

Although the City has had authority for more than a year to lease 1,500 units for low rent public housing it has leased only 995 units.

Statistics are dull, but only statistics give a picture of the deterioration in Administration and construction of low rent housing.

In 1965, Congress appropriated new funds for public housing. New York City was authorized to build a total of 28,000 units over the following four years.

The Federal government has been prepared—and waiting—to accept and approve plans for 15,000 units during 1966 and 1967. Yet only 4,263 have been approved.

From 1962 to 1965 the increase in the total number of occupied public housing units averaged 7,000 a year. In 1965 construction began on 3,363 low rent public housing units.

For the last two years, the average increase in the total number of occupied housing units has been not 7,000 a year but only about 2,000. In 1966, construction was begun on only 1,730. In the first eight months of 1967, the number was 1,933. According to the City Public Housing Authority, construction has started on only three projects in the past six months, totalling 1,588 units.

We have an equally vast shortage of middle-income housing.

Over the last two years, 18,000 units have been built through City and State Mitchell-Lama programs. In most cases, the City's principal function has been to agree to tax abatements. The State supplied financing.

Because of Administrative ineptitude, builders have been turning away from the City program to the State program, despite its higher interest rates. I understand that one of the most prominent developers of middle-income housing, the United Housing Foundation, will not do business with the City. The middle-income project, Co-op City in the Bronx, is based not on a City but on a State loan.

Perhaps the most dramatic of all housing programs, covering low and middle and luxury housing, is Urban Renewal.

But unfortunately, the future of Urban Renewal depends to a great extent on advances in construction of low and middle income housing. Until tenants can be adequately relocated, you can't move ahead with an urban renewal project. Generally, the tenants must be relocated into low or middle income housing.

Existing urban renewal projects will require the relocation of some 33,000 families. Relocation in New York City is proceeding at the rate of about 1,000 families a year.

Urban renewal has slowed to a virtual standstill. The City now has some $200 million in unused Federal urban renewal funds. Eight Urban Renewal projects have been completed. Twelve are in various stages of planning. Twenty-two are theoretically being executed.

By last November, the Urban Renewal backlog became so huge that the Federal government announced it would make NO new money available until the City digested funds now committed to it.

Many months ago, the City Administration under pressure from the Federal government, announced it would concentrate Urban Renewal projects in low income areas. Eight Urban Renewal projects were approved for "core" areas in 1966 and 1967. No new construction has yet begun. The total backlog in these areas alone represents over $83 million in Federal funds.

Two pending projects extend back eight years, Brooklyn Bridge Southwest and Washington Market. In the case of the Brooklyn Bridge project, demolition began only last year.

That is the nature of the City Administration's performance in meeting its first responsibility in housing, to engender and construct new housing.

The situation in New York City is so critical that the Secretary of H.U.D. should appoint a Federal expediter to oversee the use of Federal housing programs in New York City, to insure that Federal funds are not wasted, squandered, or permitted to lie fallow.

If someone such as the Federal Regional Administrator, Judah Gribetz, were appointed in the nature of a Federal receiver, he could help New York City realize its goals. This would serve a two-fold purpose. 1. It would protect the legitimate Federal interests in the proper use of Federal funds, and 2. It would help New York City straighten out its housing program so it would be in a position to compete with other major cities for what are—unfortunately—very limited Federal funds.

In addition, it would set a precedent which would be useful for H.U.D. to use in the South and in suburbia where discrimination prevents the effective use of Federal funds to achieve balanced communities.

Now let's look at the second responsibility—the maintenance and improvement of the existing housing inventory.

With a massive shortage of housing, it is all the more important to enforce the housing and health codes and to ensure proper maintenance. Rent controls must be continued to keep rents and profits within reason. And because low rent units are in shortest supply, it is the low income tenant who is suffering the most from our million-unit shortage.

In 1965 the present City Administration spoke out on the need for enforcement and continued rent controls. The Administration pledged, for instance, to double the number of inspectors, to make better use of receivership and to strengthen rent controls. But the Administration has spent its time, apparently, on reorganization and not on enforcement. Even with reorganization, you can do a lot of enforcing in two years.

For eight months the City Administration postponed a Federal grant of $4 million dollars for code enforcement. Under the program, low-interest loans are available to landlords for rehabilitation. Not one such loan has yet been approved.

In 1965, the present Administration quite correctly criticized the Wagner Administration for not making better use of receivership. Under the program, the City places badly dilapidated buildings in temporary receivership so they can be repaired or rehabilitated.

The last Administration repaired or renovated 115 buildings under the receivership program. The present Administration has processed only six in 1967. It has virtually refused to use the program.

Nearly a year ago, the City Administration announced the Receivership program was being discontinued in favor of a new program to turn deteriorated buildings over to non-profit managers or neighborhood cooperatives. Receivership ended. But nothing has taken its place for a year.

The so-called Landlord Repair Schedule Program is supposed to be cooperative rather than punitive. A landlord promises to make needed repairs. In exchange, the City refrains from taking him to court. Since January, 1966, only about 211 buildings have been repaired under the program. But countless other landlords, who have broken the law, have been able to delay or escape entirely.

In one building with which I am familiar (209 West 100th Street), the landlord entered into a contract to make the necessary repairs. Nine months passed. The City has failed to take court action despite the default.

The City Administration has all but abandoned the Rent Escrow Program, under which rents were paid to the court which then could use the funds to make repairs.

The City has all but abandoned the Emergency Repair Program, which had been the most successful of the reconstruction efforts. Today, it takes days or even weeks for the City to authorize or implement repairs. Last summer, for instance, the City said a lack of hot water was not serious enough to warrant action under the so-called Emergency program.

In 1965, the present Administration said the number of building inspectors should be increased to 1200. In Fiscal 1965–1966, the Housing Division of the Buildings Department had a budget of $5,440,894, and 517 inspectors. In the next fiscal year, which ended last June, the budget had increased 80 per cent, to $9,025,093. The inspectors had increased 25 per cent to 654.

The City Administration has also all but abandoned cyclical inspections, under which all buildings in an area were periodically inspected. It still takes months to take a landlord to court. When he gets there, the average fines levied have decreased from about $22 to about $13.

And finally in rent controls, the present Administration has drastically weakened the whole program, driving out the middle class and permitting increases throughout the City.

Those who claim that rent controls discourage investment in real estate in New York should be reminded that the law permits landlords to apply for increases whenever their rate of return falls below eight per cent. During 1966 only 538 buildings showed they had not earned the legal rate of return. The landlords were granted rent increases.

Because of the critical housing shortage in the City, rents between 1961 and 1965, even with rent controls, rose twice as fast as the national average. During the last decade, rents in New York have gone up faster than any other major city, with the sole exceptions of Boston and San Francisco.

In 1965 the present Administration said that rent controls should not only be preserved, they should be "strengthened." John Lindsay said, "With no rent control or with the relaxation of controls, rents will shoot up. The slumlords will gouge the poor. The middle income tenant will be hit hard. As mayor, I will not allow these things to happen."

The decision to decontrol apartments renting for over $250 and the agreement to increase rents after the strike last June threaten rent control with extinction.

Thus I think it is obvious, the City Administration has failed in housing—in new construction and in maintaining present housing. It has brought us face to face with a real housing disaster.

But in the present situation, the City's problem is not purpose. It is not intent or goals. It is not even a problem of imagination. The problem is simply Administration. The City is not doing the job.

How do you solve such a problem?

You don't solve it with reorganizations and more programs and promises and press releases. You can start solving it in only one way—with driving, determined, efficient Administration. That is what we must have if we are to meet the crisis before we are engulfed in the disaster.

Now we also need a lot more, of course.

The Federal government is not doing its part.

President Johnson asked for $667 million dollars for the Model Cities program, which would develop all social and other resources as well as housing in deteriorating areas. Congress approved only $310 million, an amount which could be absorbed in one section of New York City. As it is, New York can expect not much more than $30 million in Federal Model City funds.

The Rent Supplement Program to help low-income families rent decent housing was also badly short-changed by Congress. President Johnson asked for $40 million. The Congress approved $10 million, which will provide 11,000 new units across the country. In New York City there are now only 2,067 rent supplement dwelling units under contract.

Another recent Federal program, 221–D–3, is of limited use to New York because of our high construction and land costs. The program provides low-cost loans on condition that apartments are built for $17,500 dollars per unit or less in order to keep rentals low. But in New York attractive apartments cannot be built at these costs. Thus far, since the program began in 1961, only 1,430 units have been completed with another 2,650 under construction. I have suggested the Federal government subsidize the interest rate on the loans so large apartments can be built and rented within the middle-income range in New York City.

Our Federal government must soon begin to look realistically at our housing needs not only in New York City but all across the country.

Over the last few years, I have introduced legislation to increase the availability of public housing funds, to require more adequate relocation of persons displaced by Federal programs, and to prohibit construction of luxury housing with Federal funds.

I have introduced a measure which would raise the permissible per-room construction costs of public housing so that projects can be designed in something other than institutional architecture.

Let me touch on some other legislation which may be of interest.

One bill I have introduced would prohibit landlords who violate local building codes from taking advantage of tax depreciation allowances.

Another measure would expand the rent supplement program and permit local housing authorities to directly sponsor these projects instead of depending solely on private enterprise.

Last November, I introduced a bill to provide long-term, low interest loans so tenants could buy out a landlord who refused to maintain the building. As a cooperative, the tenants could make necessary repairs and renovation.

But I should like to emphasize that all the Federal programs, all the appropriated funds, and all the ideas and plans for housing depend, first and foremost, on Administration.

Today, in New York City, that remains our greatest lack, or greatest failure, and the greatest threat to any hope that we will avoid a housing disaster.

That is the challenge. Aristotle once said, the cities exist for "the sake of the good life and not for the sake of life only."

A $5,000 TAX EXEMPTION ON RETIREMENT DAY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, it is extremely difficult for our older people, whose only income is their retirement pay, to try to make ends meet in these days of spiraling prices. Many of them are no longer able to work to earn extra money, and unexpected expenses hit them particularly hard.

Very often, they find that after working all those years, the income they thought they would have to keep them comfortable, and allow them a few pleasures, has been reduced by inflation to a bare subsistence.

There is, presently, a provision in the Internal Revenue Code exempting from taxation whatever percentage of retirement pay the employee may have contributed to his pension plan while he worked. The purpose of this exemption is to prevent double taxation, since the employee, while he worked, paid tax on the full sum of his paycheck, before deductions were made for pension contributions.

Nonetheless, this provision is clearly inadequate to offset the inflation pinch on retired people living on fixed incomes.

This is because, in many cases, the bulk, is not all, of retirement fund reserves come from the employer, and these funds are completely taxable when received by the retiree. Government employees, whose pension plans generally require employee contribution, tend to be the exception rather than the rule. The net effect is that many retirees from private industry cannot take advantage of the existing exemption.

Therefore, I am introducing today a bill that would exempt from the Federal income tax the first $5,000 of retirement pay, whether the employee had contributed or not. My bill would retain the employee contribution exemption, so that if a retiree's pension exceeded $5,000, he could still exempt from the excess whatever percentage he had contributed, and thus avoid double taxation on that portion.

For example, a retiree receiving $5,200 contributed entirely by his employer, would pay tax on $200. A person receiving $5,200 based on 50–50 contribution between himself and his employer would get the first $5,000 tax exempt, and pay tax only on that 50 percent of the remainder contributed by his employer. In other words, on $100.

I should point out that $5,000 is not an unreasonable figure for tax exemption, whatever the type of pension plan. Most pensions pay considerably less. But even assuming a pension of $5,000, I think everyone here would agree that when a person has worked and earned all his life, and has acquired a home, and a family and has developed a pattern of living commensurate with his earnings as a productive member of society and has assumed the normal, and often very substantial, obligations concomitant with his progress through life that $5,000 does not go very far these days.

The people who would benefit from this legislation are not looking for a handout. They have worked steadily and faithfully for many years, or they would not be receiving pensions and annuities. They have helped to build society, and they have taken the trouble to make provision for themselves in later years. They certainly deserve to have some protection against the inflation that is cruelly diluting their only sustenance.

I urge every Member of the House to give this measure his full support.

COMMUNITY SERVICE OFFICER PROGRAM

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from New York [Mr. GOODELL] is recognized for 10 minutes.

Mr. GOODELL. Mr. Speaker, today I have introduced the Community Service Officer Act of 1968.

This bill is yet another embodiment of the basic theme of the Republican-sponsored human renewal fund—prudent cuts or deferrals in low priority Federal spending coupled with a plowback of part of the savings into programs designed to meet the crisis in our cities.

Its purpose is quite simple, to encourage the States and their major municipalities to institute community service officer programs, primarily in the ghettos, as both community relations and as crime control measures.

Today, in the other body, my Republican colleague, Senator CHARLES PERCY, is offering an amendment to the omnibus crime bill, now under debate, which accomplishes precisely the same thing. We hope it is adopted. If it is not, the Senator from Illinois will introduce this bill in the other body, and we hope both Houses will act upon it promptly.

There is really no reason why we should not act promptly.

The community service officer concept is not new, nor is it controversial. It was first proposed by the President's Crime Commission in early 1967 and was again endorsed by the Commission on Civil Disorders a short time ago.

As conceived by both Commissions, the community service officer would be a frontline soldier in the war on crime. For the most part, as they see it, he would be recruited from among those who are presently ineligible for most police cadet training programs, currently the lowest tier of police enrollment.

This might mean waiving the usual high school diploma requirement or the absence of an arrest record.

At the same time, however, CSO's would be encouraged to achieve the basic educational requirements to make them eligible for later police cadet training.

CSO's could be issued uniforms or other insignia but not, of course, weapons, nor would they have the power of arrest.

Their functions?

They could walk beats in the neighborhoods where they live and are known and trusted. Our undermanned regular police forces are unable to do this now.

They could provide badly needed additional eyes and ears on the street to report crime as it happens or even to prevent crimes from happening.

They could serve as neighborhood grievance channels and contribute immeasurably to the improvement of lines of communication between police forces and the communities they serve.

They could serve as valuable sources of official information about rising tensions and impending civil disorders.

They could also provide a permanent "white hat" force and serve as officially recognized counter-rioters.

In short, the possible functions of a community service officer are virtually without limit. The concept is eminently worthwhile.

What is the role of Congress in these programs? Put another way, what does this bill do to promote this eminently worthwhile concept?

The Community Service Officer Act of 1968 follows the thrust and language of the House-passed version of the omnibus crime bill. It provides Federal grants-in-aid to the States for the establishment and operation of community service officer programs.

We would authorize a modest appropriation of $21 million for the first fiscal year of its implementation.

This is a separate bill with a separate appropriation. We propose this for the very practical reason that the needs of conventional law enforcement are going to be met first under the grant programs envisioned by the crime bill, and there simply is not going to be much left over for programs like this.

We are persuaded that the CSO idea has much merit. We believe it is in keeping with the philosophy that the real way to attack the urban crisis is to allow ghetto residents every opportunity to help themselves.

PREMISE TO CHAOS

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from West Virginia [Mr. STAGGERS] is recognized for 5 minutes.

Mr. STAGGERS. Mr. Speaker, the city of Washington is about to receive an influx of visitors. It is expected to be a large organization. The length of stay is intended to be prolonged. The city should be prepared to receive them. It is not prepared.

What do I mean by this? Two things, in particular.

First, where does the city propose to put them?

There is no reliable estimate of the number expected. The preliminary wave may be 3,000, according to reports. Later many more may arrive.

Suppose a coherent group of business- or civic-minded individuals were coming to town. Let us say 3,000 delegates to a national convention of the BPOE. Arrangements would have been made for their housing accommodations months ago. The city's hotel and motor inn facilities would be taxed to the limit. Perhaps other visitors would be unable to find any accommodations. But the members of the convention would be reasonably sure of food and lodging and so on under pleasant and sanitary conditions. No danger to their health, or to the health of the city, would be posed.

But what we are looking forward to is not a convention of the BPOE. So far as is known, not one iota of preparation has been made for their living accommodations. It has been suggested that they put up, with their own resources, some sort of tent or shack city, on the Mall or on other Government property. It is not known whether or not they have the materials necessary for such construction, or the skills needed to put the materials together. No mention whatever has been made of sanitary provisions.

Mr. Speaker, it is possible that in an age when we know something about the problem of taking care of large numbers of people, even for a day, the city could await with unconcern such an invasion?

Recently some Federal and city officials were queried by a congressional committee on the matter of what living quarters were being planned by Government. If I understood correctly, these officials asked to be excused from committing themselves, thus leaving themselves free to meet conditions as they arise.

Such an attitude is inconceivable in a responsible public official. To me, it means one—or both—of two things. Either these officials have no slightest idea of where or how the visitors will live; or, they propose to let them live wherever they choose to live.

Mr. Speaker, the officials of this city would not permit you to hold a Sunday school picnic some Sunday afternoon without assurance of sanitary resources at the site.

In another and far more frightening respect, the city is not prepared for the coming visitors. These visitors, they state officially, are coming here to make "demands." Just what the demands are is not spelled out. They intend to stay until they get what they want. At the beginning, every attempt will be made to keep their behavior "nonviolent." If nonviolence does not work, other forms of protest must be resorted to, according to some who would like to see chaos in this Nation. It is specifically proposed that "sit-ins" of Government buildings and offices, obstruction of traffic on the highways, and especially on the bridges, would be useful forms of protests. Beyond that are veiled hints of more drastic measures.

It has been said that this march will be joined by extremists from all over the Nation, sooner or later. These extremists are dedicated to violence, and the Communists are always found to be where there are large disturbances. Whatever may be the disposition of the organizers of this march the extremists could take over. It is far too good a chance for them to miss.

During the riot-spawning days of last summer, in a speech in this Chamber, I called upon the executive branches of the Federal, State, and local governments to enforce existing law which prohibits civil disturbances. I contended then, and I contend now, that there is adequate law to take whatever steps necessary to stop riots. Executive officers all along the line take upon themselves a solemn oath to enforce the law. Their function is not to enact law, but to enforce it.

The Washington riot of a month ago was sudden and unexpected. The regular police force of this city was then, and will be in the foreseeable future, insufficient to cope with it. There is no excuse available for anything that may happen in the coming summer.

The officials here in Washington, Federal and city, have already supplied the formula for dealing with trouble. They say that as soon as an adequate force of Federal and federalized troops were employed in the city, the rioting was brought under control.

In the newspapers and over TV it has been reported within the last day or so that the police force on patrol is being increased by 20 percent, and further that National Guard and regular Federal forces have been placed on a standby basis near the city.

Mr. Speaker, it is not enough. A riot is much easier to prevent than to stop. Once the looting and burning starts, it will go on until somebody is hurt.

I therefore call upon the President and the Attorney General to put Federal troops within the city immediately, before our visitors arrive. The purpose is to protect the marchers as well as the citizens of this city. For surely if any violence begins, many people will lose their lives. It must be prevented. The military aspect of the situation is amply justified by the real emergency that exists.

Mr. Speaker, the citizens of that part of West Virginia which I have the honor to represent have part ownership of the city of Washington. The Government here is the joint property of all the citizens of the Nation. No one has the right to take that property and use it for his own purposes, no matter how defensible those purposes may be. Gentlemen of the executive department, from the President on down, I convey to you the demands of my constituents that you protect lives and property. And do it now.

THE HONORABLE ESTER SAVERSON

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE of Illinois. Mr. Speaker, on Monday of this week I received news that the Honorable Ester Saverson, city commissioner, East St. Louis, Ill., passed away at the age of 62. I take this time to express my deepest condolences to the family of this fine man. Mr. Saverson was the first Negro city commissioner of East St. Louis; he was a major figure in the Democratic Party in the State of Illinois but most of all he was a good man and a good personal friend.

I knew Ester for over 40 years and worked with him through all those years on many programs in the interest of his people and the community. Our enduring friendship was based on mutual trust, integrity and honor. Ester's word was his bond. Commissioner Saverson distinguished himself throughout his public service career. He worked diligently and resolutely for the betterment of the whole community. He was a leader of the community, and was respected by everyone. Ester did not recognize the bipolarization of racial attitudes which afflicts many of our inner cities today. In his view, a man was a man, regardless of his race or creed.

Ten years ago he foresaw the chaos and problems the lack of employment would bring to our cities.

The family of Ester Saverson, the city of East St. Louis and the State of Illinois have sustained a very sad loss. I have lost one of my best friends. He will be missed by his countless friends and associates.

BASEBALL'S 100TH ANNIVERSARY

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE of Illinois. Mr. Speaker, yesterday I introduced a bill to provide for the issuance of a special postage stamp honoring the 100th anniversary of professional baseball which will be celebrated in 1969.

For a century, 1869 to 1969, millions of young and old, first in the United States and later in such widely dispersed and culturally distinct areas as Japan, Germany, and Africa have enjoyed the tense but quiet excitement of "America's national pastime." This sport along with those who have played it for a living have been excellent ambassadors of good will for our country throughout the world.

Indeed, the refrain "Take Me Out to the Ball Game" is worldwide, appealing to all ages and all groups in many nations.

For years the world and the Nation have watched each October during the fateful days of the world's series, to see if the league of Ruth, Gehrig, DiMaggio, Williams, and Mantle can best the league of the Dean brothers, Hornsby, Ott, Musial, and Mays.

When a sport such as professional baseball can draw such interest and attention throughout this country and the world for so many years and is thought of as the national pastime, it is indeed appropriate that baseball be accorded the national recognition inherent in the issuance of a commemorative postage stamp in honor of its centennial anniversary.

POTENTIAL FOR TRAGEDY IN POOR PEOPLE'S MARCH

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, I have addressed a letter to the Department of Justice in which I pointed out the potential for tragedy in the Poor People's March currently heading for Washington. This action was essential because the frame of mind of some of the leaders of the march has been made clear by the fact that they have delivered tongue-lashings to Cabinet members and have by their conduct indicated a lack of respect for orderly government and its official representatives, and an absence of desire to find equable solutions.

On April 11, 1968, following the costly riots here, I wrote a letter to President Johnson to protest the permissive action of Federal authorities based on the theory that a little destruction or lawlessness is to be condoned in order to avoid greater trouble. At that time, I called for a firm and clear statement of intention that the Federal Government will enforce the law and use adequate force to protect the lives and property of all citizens.

I have had a response to that letter from Assistant Attorney General Fred M. Vinson, Jr., who agrees that—

> Local authorities must not wait until the critical moment to alert . . . the National Guard—

And who also states:

> It is our—

Justice Department—

> understanding that the District of Columbia officials were quite prompt in considering the possible need for military assistance.

I have replied to Mr. Vinson that obviously what was required in this tense and dangerous situation was not to be "quite" prompt in "considering" the problems, but to be prompt in taking firm action to deal with criminality and the threat to public safety.

I am concerned about the dangerous implications of the Poor People's March on Washington and it is my hope that the responsible authorities are also concerned to a point of making adequate preparations for any emergency.

With your permission, Mr. Speaker, I include here the text of my letter of May 8, 1968, to Assistant Attorney General Vinson. I also include a copy of Mr. Vinson's letter of May 6, 1968:

MAY 8, 1968.

Hon. FRED M. VINSON, JR.,
Assistant Attorney General,
Department of Justice,
Washington, D.C.

DEAR MR. VINSON: Thank you for your letter of May 6, 1968 which replies to my letter of April 11, 1968 to President Johnson in which I expressed deep concern about the recent rioting and looting in the District of Columbia and which criticized dilatory enforcement by local authorities and a misconceived policy on the part of the Department of Justice.

Your letter agrees that local authorities "must not wait until the critical moment to alert . . . the National Guard." But you say that it is the "understanding" of the Department of Justice that "District of Columbia officials were quite prompt in considering the possible need for military assistance."

Obviously, what was required in this tense and dangerous situation was not to be "quite" prompt in "considering" the problem, but to be prompt in taking firm action to deal with criminality and the threat to public safety.

Nearly 24 hours elapsed between the time when serious disorder broke out in the District on Thursday evening, April 4, and the time when the troops were called out late on Friday. In the meantime, we had the incongruous situation where Marines in the barracks on 8th and I Streets, S. E. were on the alert but uncalled while looters were doing their work across the street.

I write this letter not to indulge in incrimination nor to rake up what is past but because I am concerned about the dangerous implications of the projected Poor Peoples March on Washington. Already the temper of some of the leaders has been made clear by the fact that they have "delivered tongue-lashings" to Cabinet members and have by their conduct indicated a lack of respect for orderly government and its official representatives and an absence of desire to find equitable solutions. Clearly, the poor of this demonstration have the assistance of energetic organizers and public relations people as recent proposals to erect shanties on the Mall opposite the Smithsonian attest. What other, more dangerous, proposals they may be considering, no one knows. The important need for the Department of Justice and the Executive Branch now is to make the decisions and plan the policies with local officials which will preserve the integrity of the District and protect its people and their property.

The rule which you quote from the Federal Bureau of Investigation's Manual on the "Prevention and Control of Mobs and Riots" requires the use of "the minimum force necessary to effectively control the situation." With this statement all would agree. I do point out, however, that it does require the use of necessary force in the appropriate circumstances and this is far different from the position which was taken in the riots that only minimum action should be taken even though the threat was a major one to property and life.

I am sure that we all have the same end in view and that the Department is concerned about the potential for tragedy which lies in the proposed demonstration. At the same time, I do feel that failure to act forcefully and promptly, or the espousal of an unduly permissive policy in the face of illegality, may, as in the case of the recent riots, balloon into tragedy. This is an eventuality which we must prevent at all costs.

Sincerely yours,
JOHN S. MONAGAN,
Member of Congress.

MAY 6, 1968.

Hon. JOHN S. MONAGAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: Your letter to the President dated April 11, 1968 regarding the recent disorder in the District of Columbia has been referred to the Department of Justice for consideration and reply.

Since some of the matters mentioned by you would be of interest to officials of the District of Columbia, we have forwarded the letter to Mayor Washington for appropriate action.

In your letter you observed that military assistance should be brought in promptly if it becomes obvious that local forces cannot cope with the emergency. There can be little doubt that the national experience indicates this to be the proper course of action. As you may know, the Report of the National Advisory Commission on Civil Disorders at page 270 states:

"Local authorities must not wait until the critical moment to alert . . . the National Guard. Outside control forces will then be unable to mobilize and respond on time."

It is our understanding that the District of Columbia officials were quite prompt in considering the possible need for military assistance.

With regard to the degree of force that should be employed to quell civil disorder, you may be interested in the following extract from the Federal Bureau of Investigation manual entitled "Prevention and Control of Mobs and Riots";

"The basic rule, when applying force, is to use only the minimum force necessary to effectively control the situation. Unwarranted application of force will incite the mob to further violence, as well as kindle seeds of resentment for police that, in turn, could cause a riot to recur."

Sincerely,
FRED M. VINSON, Jr.,
Assistant Attorney General.

RURAL ELECTRIFICATION PROGRESS IN THE 1960'S

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE of Illinois. Mr. Speaker, I am pleased to join in the tribute which is being paid to the Rural Electrification Administration for 33 years of outstanding service to the Nation and rural America. This is one agency which has remained "young" in spirit and its response to the developing needs of its constituency, the rural electric and telephone systems which have utilized Federal financing to bring initial and improved service to rural residents.

This is made apparent in the annual report which the Honorable Normal M. Clapp, Administrator of REA, made to Congress recently. In the opening section of the report Mr. Clapp highlights the magnificent progress made in the "decade of the 1960's" by the REA-financed rural electric and telephone systems.

Mr. Clapp reports that the REA electric and telephone programs are valuable utility services—"crucial to the living standards and economic productivity of the people served."

In the decade of the 1960's, he says:

> The broad potential of rural electrification and rural telephony for the economic growth of rural America is emerging. With it comes a necessary recognition of its vital role in developing the rural-urban balance which the future welfare of our Nation will require as its population moves toward 300 million.

In listing the major advances made during the last 7 years in both the rural electric and telephone programs, Mr. Clapp says:

> These measures of progress must also be evaluated against the rapidly growing need for these vital utility services in rural America.

He says this is particularly true in the telephone program where the needs of growth have increased faster than available REA loan sources.

I believe every Member of Congress will find Mr. Clapp's remarks of particular interest. For this reason, I am inserting in the RECORD the text of the introduction to his annual report. It follows:

I. REA PROGRAMS—PROGRESS OF THE 1960's

The activities of the Rural Electrification Administration for fiscal year 1967 made it possible to score continued and substantial progress in expanding and improving electric and telephone service in the rural areas of the Nation. With it has come further expanding collateral benefits, both social and economic, to the entire Nation, its life, and its economy.

To fully evaluate the significance of the progress made in the single year of 1967, it needs to be examined against the background of the new approaches and emphasis which have been necessary in the 1960's to fit the changing character of Rural America. It is significant too in relation to a growing national awareness that economic development of Rural America and expanding employment opportunities there help prevent further aggravation of the congestion and social problems of the Nation's urban communities.

Both electric and telephone service are vital utility services which are crucial to the living standards and economic productivity of the people served. Now in the decade of the 1960's, the broad potential of rural electrification and rural telephony for the diversified economic development of Rural America is emerging. With it comes a necessary recognition of its vital role in developing the rural-urban growth balance which the future welfare of our Nation will require as its population moves toward 300 million.

In the past seven years the loan authority and technical assistance of REA have been directed with new emphasis toward attainment of the threefold implications of the REA program and its public purpose to:

Make electric and telephone service generally available in rural areas on an area coverage basis;

Make available in rural areas service comparable in quality and cost to that offered people in urban communities;

Make this service available through feasible, sound, reliable and permanent systems and organizations which can offer assurance of future service comparable to what the city dweller enjoys.

These have been the objectives to which REA has given renewed emphasis in the past seven years through our joint efforts with the electric and telephone borrowers and their associations. Together we have achieved these measures of progress:

IN AREA COVERAGE

In our continued drive for full area coverage we have brought service to an estimated 1 million new electric consumers and 770,000 telephone subscribers in the areas served by REA-financed rural systems.

More than 25 million rural people are now receiving the benefits of these vital services through a total of 5,760,000 electric meters and 2,300,000 telephones.

The percentage of farms served by all suppliers of central station electric service has moved up from 96.5 in 1960 to 98.4 in 1967; 80 percent of farms have telephone service, compared to 67 percent in 1960.

About 332,000 small commercial loads are now served in rural areas by REA-financed electric systems, an increase of more than 50,000 since 1960.

Nearly 20,000 large commercial and industrial loads are served in rural areas by REA-financed electric systems, an increase of about 7,500 between 1960 and 1966.

PROGRESS TOWARD PARITY

In our new emphasis on providing parity of electric rates for rural people and rural business expansion the number of rate reductions increased from 14 in fiscal 1961 to 31 in 1962, 77 in 1963, 111 in 1964, 126 in 1965, 151 in 1966 and 92 in fiscal 1967—a total of 602 for combined annual savings to rural consumers of $19 million.

The average charge per kilowatt-hour of REA-financed rural electric distribution systems fell in 1966 to 1.96 cents, down from 2.32 cents in 1960. This compares with the average for Class A and B commercial electric utilities of 1.53 cents in 1966 and 1.69 cents in 1960.

In the telephone program, REA-sponsored research has produced technological development now making higher quality service, primarily all-weather single-party service, possible for rural subscribers at rates close to the cost of previous standards of 4- or 8-party service.

DEVELOPMENT OF BORROWERS' SECURITY AND EFFECTIVENESS

In building the operating and financial strength of REA-financed rural electric systems as a necessary step to insure their development to meet future demands, power sales rose from 27 billion kilowatt-hours in 1960 to nearly 49 billion in 1966, a total increase of 21.2 billion kwh, compared with an increase of 13.4 billion in the 1954–60 period.

The dollar net worth of all REA electric borrowers has been raised 81 percent since 1960. As a percentage of total assets it has increased from 19.7 percent to 26.3 percent.

The average net worth of telephone borrowers has almost tripled since 1960. Their composite net worth is now 13.6 percent of total assets.

Some degree of legal protection against territorial loss or invasion is now provided for rural electric cooperative systems in 32 states, 14 more than in 1960. Without such protection, their consumers are threatened with higher costs and the systems with piecemeal extinction as they lose the more attractive sections of their service areas to outreaching commercial or municipal power suppliers.

The percentage of electric borrowers' revenues received from commercial and industrial consumers increased from 18.8 percent in 1960 to 22.4 percent in 1966. Although still far short of the more than 50 percent which Class A and B commercial utilities realize from such loads, this is substantial progress.

Net toll revenues of telephone borrowers almost trebled between 1960 and 1966. Many factors have contributed to this increase, including plant improvements which make distance calling more attractive to rural people and earn a larger share of revenue per toll call for the rural system.

Substantial progress has been made since 1960 in developing more favorable power supply arrangements for REA-financed rural electric distribution borrowers. In 1960 there were 19 companies which had dual rate provisions in 189 contracts with REA-financed systems. Today the number of companies holding REA-financed rural systems to such restrictive contracts is down to three and the number of such restrictive contracts has been cut from 189 to 21.

The average cost of wholesale power purchased from all sources by REA electric borrowers has been pushed down to a low of 6.4 mills per kwh, from 6.9 mills in 1960. For REA borrowers this means an annual saving in wholesale power costs of more than $25 million in fiscal year 1967 over 1960 rates.

The largest reduction in wholesale power costs since 1960 has been in the cost of power from REA-financed systems—a reduction from 9.2 mills per kwh in 1960 to 8.1 mills in 1967. These reductions reflect use of larger, more efficient generating units, location of large units near fuel sources, and economies of interconnection and power pooling with other power systems, public and private.

LOANS MADE

All this has taken a record-breaking amount of REA financing. Total electric loans for the seven-year period of fiscal years 1961 to 1967, inclusive, have amounted to $2.183 billion. This is an increase of 49 percent over the total for the previous seven-year period.

In our accelerated attack on the problems of wholesale power supply, total loans for generation and transmission facilities in the past seven years have added up to $1.130 billion, which is 129 percent greater than the previous seven-year period and more than the total of generation and transmission loans in the entire 25-year period of the REA program prior to 1961.

Total loans made for telephone facilities in fiscal years 1961 to 1967, inclusive, amounted to $727 million. This was an increase of 25 percent over the pervious seven fiscal years.

SUPPLEMENTAL FINANCING IS URGENT

These measures of progress must also be evaluated against the rapidly growing need for these vital utility services in Rural America.

Particularly in the rural telephone program the needs of growth have increased faster than available REA loan resources. Despite increased loan levels each year, 1963–67, inclusive, a record $252 million backlog of unsatisfied loan applications was carried into fiscal year 1968.

It is anticipated that rural electric systems presently financed by REA will require $8 billion of new capital in the next 15 years to meet growth needs at annual rates increasing to as much as $700 million per year, compared to the 1967 level of $353 million.

It is similarly expected that the rural telephone systems presently financed by REA will require $3 billion of new capital in the next 15 years with annual requirements as high as $225 million, almost double the amount of REA loans available in 1967.

These present facts and future expectations have produced a growing concern over the urgent need for developing a practical source of financing from the private money market to supplement available REA loan funds.

In both programs this need is urgent. In the rural telephone program it is both urgent and immediate.

PRESIDENT SIGNS BILL TO HELP HOME FINANCING

Mr. DORN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, President Johnson has signed into law, amendments to the VA housing bill which, in the President's words, are of "vital importance to all the people who want to build or who want to buy homes." I am proud to have played a leading role in their passage.

The amendments empower the Government to adjust the interest rates of FHA and GI loans to meet changing market conditions. No longer will arbitrary interest rates be a bar to homeownership.

Because of our action today, the veteran returning from Vietnam, the young wage earner looking for his first house, the family seeking an escape from a blighted neighborhood, will find it easier to buy a home.

America's home loan programs, as the President remarked, have "helped to fulfill the dream of homeownership for 16 million American families."

But we must not let soaring interest rates cripple these programs. Mortgage credit is the lifeblood of the homebuilding industry—yet interest rates are approaching their highest point in 50 years.

The American economy and the homebuilding industry are at the crossroads. One road leads to easier credit—and to more home buying; the other leads to higher interest rates—and a depressed housing market.

We must all look into our hearts and take the action on the President's tax bill which will best strengthen our economy, reduce interest rates, and help millions of Americans buy the home of their dreams.

We have taken an important step in these amendments to the VA housing bill. We have harder steps ahead.

I insert the President's remarks upon the signing of these important amendments into the Record:

Remarks of the President Upon Signing H.R. 10477, Amendments to the VA Housing Law, May 7, 1968

Secretary Weaver, Members of Congress, Mr. Clark, Mr. Rogg, my friends the Home Builders:

I have not been too closely in touch with homebuilding recently, but I can tell you about a nice house where there is going to be a vacancy in January.

It is a good location. You have a four-year lease, with an option to renew at the pleasure of the landlord.

It is very close to where you work. We have a playroom for dogs, children and grandchildren—and, Helen, for Godmothers.

Open occupancy, too.

I am particularly glad that you homebuilders timed your meeting to come to Washington at this period. As you know, I am getting ready to move from my present residence, and I thought that some of you might want to give me some tips on how to remodel a Home on the Range for one of the unemployed, or maybe how to purchase a home on the Avenue for Presidents at Palm Springs.

I come here to sign a measure that I think is of vital importance to all the people who want to build or who want to buy homes.

It empowers our distinguished Secretary, Mr. Weaver, and the Administrator of Veterans Affairs, to adjust interest rates on FHA and GI home loans to changing market conditions for the next 17 months. Those market conditions are changing and they are going to change more, if we don't get a tax bill soon.

Thanks to this particular act, the veteran who has come home from Vietnam, the young wage earner who is on the way up in life, or the family that is seeking escape from the ghetto will find it easier to buy a home.

I think you homebuilders should know that I am very proud of America's home loan programs. They have helped to fulfill the dream of home ownership for 16 million American families, but unrealistic and arbitrary interest ceilings can cripple these programs.

The bill we will sign today which Congressman Dorn and Senator Randolph, and others, have helped to pass and brought here, will prevent that.

This bill, important as it is, though, cannot guarantee the prosperity of the homebuilding industry because homebuilding, like every other industry, flourishes best in a well-balanced and an expanding economy.

The past seven years of unprecedented prosperity have shown what a free economy can do. We have created 10 million new jobs. We have added nearly $250 billion to our real output per year.

This increase alone is more than the United States was able to produce in any year up to 1939.

That is very significant, and I hope all of us understand it. We are not saying you never had it so good. We are just saying that the increase in the Gross National Product has been more than the entire Gross National Product in the year 1939.

So that is one of the things that your industry has contributed toward and the economics of this country have contributed toward. It is something we really don't want to lose.

We had a situation like that in 1929, and we did lose it very shortly. We can lose it here if we are not careful.

The real income of the average American has risen 31 percent. That is a bigger gain than in the previous 19 years combined.

For the past five years of our period of prosperity, homebuilding was one of the leaders in the advance. It contributed to our prosperity and it also benefitted from our prosperity. We were building at least a million-and-a-half homes a year, and we showed that the housing industry need not suffer the sharp ups and downs.

But in 1966 the performance took a sharp turn for the worse. Homebuilding sagged to the lowest level in 20 years.

Thousands of builders were deprived of their livelihood and their profits were wiped out. Hundreds of thousands of Americans lost their opportunity to buy or to build better homes.

The need for homes has always been there and the income was there. But the mortgage credit, which is the life blood of home building, was nowhere to be found. We just couldn't get the credit to build the homes that we needed and that we had the income to pay for.

We could have avoided this if we could have passed a tax increase. I knew it and the homebuilders knew it.

I called together the leadership of the Congress and they told me we couldn't get four votes in the entire committee of 25 for the tax bill.

I called together the business group of this country, some 300 businessmen. There wasn't a one of them who would raise his hand for a tax increase.

I called together the labor people and they did not favor a tax increase.

In 1967, though, we went ahead and urged the Congress publicly to pass it.

In August 1967 we repeated the recommendation.

In January 1968 and again in March of 1968 we have done the same thing.

The sad lesson of history is that it has this meaning: It is time to show that America has learned its lesson.

While we have let this tax bill languish, we have seen mortgage interest rates go from 5.5 percent to 7 percent and even 8 percent. Three years ago, no one would have believed that an 8 percent mortgage rate was possible in the United States. But today interest rates are nearing the highest point in 50 years and I think this is something that should disturb every American. If we do not act now, an even worse shock is in store for you. I want to warn you about it.

If we do not act, 10 percent mortgage rates are not outside the realm of possibility, according to the best economists who can see into the future. Tight money is the price that we pay for excess deficits and our refusal to act on a tax bill in wartime. We have never had a war during which we wouldn't pass a tax bill. But now, for three years, we have said first we didn't need it; second, that we couldn't afford it; third, it would hurt the economy; and fourth, we ought to take care of spending first. One excuse after the other.

Only responsible fiscal policy can check inflation and prevent another disastrous credit crunch. Yesterday's long-awaited action by the House Ways and Means Committee gives us some hope that we can soon have a realistic tax bill.

I congratulate the Congress and the committee on that action. I asked the Leadership this morning to please ask each conferee to stand up and do what is best for his country.

If we must cut $4 billion in expenditures to get $10 billion in taxes, we will do it. But if you cut more than $4 billion, you involve great dangers. If the Congress will go along and take the action on the 10–8–4 formula, if some individual can find another $2 billion that he can cut, he can always offer that in an amendment the rest of the year and let the Congress vote on it.

We must act now to chart a course of fiscal prudence. We are willing to accept the 10–8–4 formula that the Appropriations Committee of the House voted and that the Ways and Means Committee voted yesterday.

We must do that if America is to fulfill her promise to her people, and most of all, her responsibility to the world.

Today our economic future is being decided up here on Capitol Hill. We have come to a crossroads. One road leads to stable economic expansion.

We have had 87 months of the greatest prosperity any nation has ever known, and the only time in all of our history we have gone this long. Why must we sit idly by and reverse that and go back downward?

The other road leads to a feverish boom.

One road leads to stable prices; the other road leads to a step-up in inflation.

One road leads to easier credit; the other leads to soaring interest rates.

We have already paid more in extra interest rates and extra costs and extra high prices than we would get out of the whole tax bill.

With these choices before us, I believe this Nation will travel the road of reason, the road of restraint, the road of prudence, and the road of responsible fiscal policy.

I hope America will travel the right road, because America must, I am doing everything I know how to give the Congress and the country the kind of leadership they need in this trying hour.

I have never thought that tax bills were popular. I have never relied on polls for them. You can ask anybody, "Do you favor a tax increase?" and the answer will be "No."

But if you ask them, "Do you favor a tax increase, or do you favor increased inflation, increased prices, and increased fiscal ruin?" that is a different matter.

I think the average person in this country is a prudent person and a fair person. We cannot fight a war in our cities, we cannot fight a war on poverty, we cannot fight a war on ignorance and illiteracy and disease, we cannot fight aggressors in Vietnam and reduce taxes at the same time.

Yet I want to show you what we have done.

These are the individual income tax rates. Now, when I became President, the person who made $1,000 a year was paying a 20 percent rate. We reduced that to 14. The person who earned from $2,000 to $4,000 was paying a 20 percent rate. We reduced that to 17. The person who made $8,000 to $12,000 was paying 26 percent. We reduced that to 22 percent.

The person who earned $44,000 to $52,000 was paying 59 percent. We reduced that to 50 percent. The person who was earning over $400,000 was paying 91 percent. We reduced that to 70 percent.

If we had the same tax rates that we had when I became President, before we got into the difficulties that we have, the extra expenditures, we would take in $24 billion more this year.

Now, I am not asking you to go back to the rates that we had here under the Kennedy Administration and the Eisenhower Administration. I am asking you to just go back enough to get not $24 billion, but $10 billion of the $24 billion. That is all.

Here is the corporate tax rate. This is your corporate tax rate. I reviewed these this morning with the Leadership.

The corporation that had earnings of $25,000, we charged them 30 percent. We reduced that when we came in to 22 percent. A corporation here was paying 52 percent. We reduced that to 48 percent. Now we are just asking for a part of it.

Here is your personal income. Let me show you what we were doing.

Here is where we were when we came in. That is the income in America. I hope every one of you will see that. When you really "poormouth" and you feel sorry for yourself, think about your mother and your father and what they did in '29 to '31.

Here is what you have done. You have gone from $466 right here to over $700. That is during these four years. You have almost doubled your personal income. Congressmen have not doubled theirs, but the country as a whole has doubled it. Maybe the reporters have not doubled it. But the facts are here: from $466 to a little over $700. That is personal income. (The President was speaking in billions of dollars.)

Here is your corporate profits. Let's see about your income to your corporations. They were a little under $60 billion; here they are over $90 billion. Up 33 percent in 3½ to 4 years.

Here is your personal income and your tax receipts. Here it was $466. Then it moves up to $498. Then $538, $584, $626, and that is '67; '68, you remember, goes up to $700.

Here is the tax receipts. All the time the income was going up, even though we reduced taxes, tax receipts went up.

This is the last one, the corporate profits before taxes and income tax receipts. Here is the corporate profit. This is what they made after taxes. You see, when we came in here in '63 how much they had to make? They made $60 billion and they kept only $20 billion. Here they got $66 billion but they kept $24 billion. Here they got $76 billion and they kept $26 billion. Here they made $83 billion and they kept $31 billion. Here they made $80 billion and they kept $33 billion. Look at this line here, the blue line.

So those are not going down. Now, if you want to keep them going up, every businessman I know, every labor man I know, every economist I know who is a student of this situation, they tell us that if you have a gross national product running over $800 billion, with the expenditures that we have to make in the cities, in Vietnam, and our poverty program, if you would avoid inflation, if you would avoid runaway prices, if you would avoid high interest rates, if you would avoid a slump in the home-building industry, then you must have a moderate tax bill.

We have had it in every war we have been in. We must have it now.

I don't know what is going to happen, but I am going to do my best and I hope that all of you will do yours.

LEGISLATION TO CORRECT SERIOUS INEQUITY IN MEDICARE PROGRAM

Mr. MINSHALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MINSHALL. Mr. Speaker, today I am pleased to join my distinguished and beloved colleague, the gentlewoman from Ohio [Mrs. Bolton], in sponsoring legislation to correct a serious inequity in the medicare program which is working hardships on many of our older citizens with limited incomes.

In 1965, the social security amendments we enacted included medicare, which I vigorously supported.

But, at the same time, this legislation wiped out a provision in the law which heretofore had permitted persons over 65 to deduct all of their medical expenses on their personal income tax returns. The bill stated that persons over 65 could deduct only medical expenses which amounted to more than 3 percent of their income. And, the 1965 amendments allowed only that amount which exceeds 1 percent of their income to be deducted for money spent on drugs.

The House had no opportunity to vote on this specific portion of the massive social security bill which was reported by the Ways and Means Committee. If we had, I would have opposed any removal or reduction of medical tax benefits granted to people past 65.

But, as is the case in so many pieces of major legislation, the House was presented with a "package" bill. The Ways and Means Committee and the House leadership permitted us to record our votes on only two occasions—the substitute medical aid offer by the gentleman from Wisconsin [Mr. Byrnes] and the medicare bill reported by the committee.

I voted for the Byrnes substitute on roll No. 70, Congressional Record, volume 111, part 6, page 7443, because I felt it provided much broader benefits, financed from the Treasury rather than from our somewhat shaky social security system and because it was a voluntary plan which did not compel participation by all citizens. The Byrnes substitute failed in a record vote of 191 to 236.

I then voted "yes" for passage of the medicare bill on roll No. 71, Congressional Record, volume 111, part 6, page 7444, because of my firm conviction that it is essential that our senior citizens receive proper medical and nursing home care.

In other words, I have supported medicare all the way.

I do think that a majority of my colleagues on the Ways and Means Committee were ill advised to penalize our older citizens, those whom we were trying to help because a majority of them live on limited means, by erasing their tax benefits.

Therefore, I am hopeful that the committee will take prompt action on the bill which Mrs. Bolton introduced last year and by way of indicating my strong support I today am introducing an identical bill.

REVIEWING THE RECORD ON THE HAWAII OIL IMPORT QUOTA PROBLEM

Mrs. MINK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Reocrd and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Mrs. MINK. Mr. Speaker, the mandatory oil import program has worked to the detriment of the State of Hawaii and its people ever since it was instituted by Presidential Proclamation No. 3279 in 1959.

I, and virtually every leader of government, industry, and labor in Hawaii, have endeavored for some years now to gain recognition for Hawaii's special geographical and insular status by the officials responsible for administering the mandatory oil import program.

So that the public record may be clear, I wish to submit a statement of my position including a brief résumé and selected documentation of Hawaii's efforts with regard to this situation.

The decision by President Eisenhower to impose "temporary quotas" in 1959 was predicated on the concern that continued free importation of cheap foreign crude oil and oil products would undermine domestic petroleum prices so that oil companies would be without economic incentive to explore for new sources of oil and to further increase domestic oil production. The reasoning was, that in spite of oil depletion allowances, company profits would not have been adequate to warrant the risky undertaking of exploration for new reserves. Without such exploration, it was argued, the United States could not develop the domestic oil reserves that are essential to our national security when a foreign crisis such as the Suez Canal denies us access to foreign crude oil.

As implemented, the mandatory oil import program operates by allocating licenses to authorized importers under a quota system. This is done in terms of five geographic areas into which the Nation was divided by the Petroleum Administration for Defense in 1950 and are known as PAD districts.

In the area east of the Rockies—PAD district I through IV—the level of imports—except residual fuel—are designated to be 12.2 percent of the quantity of crude oil and natural gas liquids which it is estimated will be produced in that area during the allocation period. Allocations of the available imports are then made to refiners and petrochemical plants in districts I–IV, regardless of location, who qualify under the terms of the program. The allocations are based on the input of a refiner or plant for a previous period or a percentage of their last voluntary quota whichever is larger. Allocations based on inputs of refiners are awarded on a sliding scale inversely according to the size of the refinery, thus theoretically favoring the smaller processor.

The west coast and Hawaii were lumped together from the outset as PAD district V. The quotas for this district are calculated from the difference between domestic demand and production in this district plus receipts from other districts and overland imports, which are not licensed. Inland refiners are permitted in all districts to work out exchanges with coastal refiners, since they do not run imported oil. By this system, they trade their oil import quotas for domestic oil which they then must process in their own plants.

The experience of the past 9 years has cast considerable doubt on the continuing validity of the initial national security hypothesis on both a national and regional level, as evidenced by the statement by Secretary Udall reported in a Department of Interior press release issued March 31, 1965:

> There is in my judgment a very serious question whether the national security interest warrants the continuation of this program and this was reflected in the initial decision that I had made.

With respect to Hawaii, as early as 1960 in a special report done by the Stanford Research Institute for The Hawaiian Electric Co., Ltd., it was concluded that removing import controls on residual fuel oil for Hawaii would not affect the national security of the United States. The Institute report specifically stated:

> Removing the controls for Hawaii would not discourage domestic exploration for or production of crude oil, and other factors influencing national security would be unaltered by exemption.

In addition to the inapplicability of the national security rationale to Hawaii, the oil import controls and the concommitant higher cost of petroleum probably damage the Hawaii economy to a greater degree than any other State in the Nation. Because it is an island State, Hawaii lacks indigenous sources of energy—gas, oil, coal, oil shale, timber, hydroelectric power—and consequently there is no competition among energy suppliers.

Although several different petroleum products could be utilized, the only economically feasible fuel energy source presently available to the islands is residual fuel oil. This product has been used almost exclusively in Hawaii the past 18 years. Through processing, residual fuel oil provides our industrial energy, electrical power-generation and utility gas manufacture.

Thus, imported oil and oil products are virtually the only source of energy available in the islands, which in turn, makes the islands almost wholly dependent on the five oil companies which supply us, that is, Standard Oil of California, Union Oil, Phillips Petroleum, Shell Oil, and Texaco, Inc. These companies obtain allocations in District V enabling them to import their quota of cheap foreign oil. Consequently, not only are they the nearly sole suppliers of all energy to the islands, but they constitute a closed shop with regard to their exclusive access to allowable quantities of foreign oil. Their market position essentially allows them to charge any price which they desire to their captive customer, Hawaii. Accordingly, although well over 90 percent of the oil and oil products purchased by Hawaii civilian consumers is of foreign origin, the price of these petroleum products is arbitrarily set as though they were produced in the west coast and the price also includes transportation costs from the West Coast to Hawaii in American ships whereas, in fact, the oil is shipped from Iran, Saudi Arabia, and Indonesia in foreign vessels.

In material supplied by the Department of the Interior, a certain gravity crude oil shows a post price of $3.17 per barrel at Signal Hill, Calif. The same kind of crude oil is listed at $1.80 per barrel in the Arabian Gulf and a Far East price shows it at $2.15 a barrel. This indicates that Hawaii consumers pay from 50 to 65 percent more per barrel than its actual price since Hawaii is charged the California price for the foreign oil.

This false price has the predictable result of raising the cost of nearly every item manufactured or consumed in Hawaii, and substantially contributes to an increased cost of living for every citizen in Hawaii which is, on the average, 15 percent higher than on the mainland United States. It causes the gas utility rates to be the highest in the Nation and the cost of electricity in Honolulu is exceeded in the United States only by the cost in New York and Boston. The higher fuel charges discourage stops in Hawaii by transoceanic shipping as records indicate that only Cape Town, South Africa, charges more for fuel oil than is charged in Hawaii which, of course, means dollars lost to our economy. By way of domestic comparison, Hawaii charges $2.775 per barrel for fuel oil used by ships as against $2.25 in New York and $2.20 in Tampa, Fla.

Gasoline prices in Honolulu are higher than anywhere in the west coast, averaging more than 6 cents more per gallon than those charged in Los Angeles, San Diego, and Seattle.

Also, it should be noted that Hawaii has a growing problem of air pollution which is caused in part by the burning of high sulfur content residual oil. The Honolulu Gas Co. expressed concern over this fact at an early date to the officials of the Oil Import Administration. For this reason and for economic considerations, the company sought in 1965 to obtain a special import allocation for clean-burning propane which could be shipped to Hawaii from Canada at a price considerably under that charged for landing residual oil in Honolulu. In addition, they had been assured of a long-term quantity of propane from the proposed Canadian supplier while, at the same time, propane in the United States was in such short supply that no domestic company could be found which could guarantee the needed amount of propane. Had this allocation been granted, it would have engendered considerable savings to customers of the gas utility and would have, in large measure, alleviated the air pollution problem in tourist-conscious Hawaii. However, due to still current Federal controls, supposedly directed at crude oils and liquid petroleum fuels, the Honolulu Gas Co. could not accept the offered natural gas component since it was deemed to fall within the term "finished products" as defined in the oil import regulations.

Since the propane in question is produced in a neighboring country, its import is permitted in liquid form to all States of the United States other than Hawaii under the exception provided in section 1(2)(4) of Presidential Proclamation No. 3279. This exemption permits the unrestricted overland import from Canada and Mexico of their indigenous petroleum and natural gas liquids, but forbids overwater transport, the only manner by which gas, oil, or any bulk product can possibly reach Hawaii. Thus, Hawaii alone of all the States was and still is, subject to an unjust discrimination in policy which denies it a major economic privilege extended to all other States simply because there is no land-bridge between Hawaii and the North American continent.

In still a further effort to reduce air pollution in Hawaii, there is currently pending before the Oil Import Administration a request by the Honolulu Gas Co. for a special allocation of foreign oil which would allow the company to convert to low ash, low sulfur residual fuel oil. A decision is still to be rendered on this application but clearly, up to the present time, the policy of the Oil Import Administration in this matter has measureably contributed to the dirty air breathed by the citizens of Honolulu.

I am advised that the U.S. Navy, a large oil consumer in Hawaii, uses almost exclusively cheap foreign oil. This, in turn, makes it clear that if these sources are deemed satisfactory from the standpoint of security by the Department of Defense, then they would certainly be secure for use in the Hawaiian civilian economy. Also, since oil coming either from the mainland or from foreign sources must travel over more than 2,000 miles of open water, the security of overland supply argument seems irrelevant.

Not only would removing import controls on oil and oil products consumed by Hawaii have no deleterious effect on national security but it might well be strengthened by providing economic justification for alternate sources of supply, additional means of overseas transport, increased shore storage for fuel oil and it could perhaps lead to the establishment of a second oil refinery in the strategic Hawaiian Islands. Exempting Hawaii would allow larger fuel oil consumers such as gas, electric, and water utilities to negotiate and develop alternative fuel oil sources and a more economical supply than is presently available. Thus, in time of a national crisis these utilities and companies would be in a better position to guarantee uninterrupted services at a critical time to the Army, Navy, and Air Force facilities based in Hawaii.

The Stanford Research Institute report conclusively found that removal of the import quotas with respect to Hawaii would have no effect on petroleum product prices elsewhere in district V and the lowered energy cost would enable Hawaii to broaden its manufacturing and industrial base thus strengthening its competitive capabilities in regard to the foreign Pacific Rim countries. An adequate quota of foreign crude oil feedstocks could foster the creation of a petrochemical industry in Hawaii which would provide increased labor, stimulate the building of satellite industries, bolster the construction industry, and generally enhance the industrial development in Hawaii. This would undoubtedly have a positive effect on the U.S. balance of payments in the long run. This is an especially compelling consideration at the present time and in light of the fact that in 1966 Hawaii imports from foreign countries amounted to $107.2 million as compared to only $40.6 million of exports.

Also, by way of analogy, I would like to point out that special insular situations of both Puerto Rico and the Virgin Islands have been recognized by the Oil Import Administration with regard to oil import allocations. As reported in a Department of the Interior news release of November 4, 1967, a plan was approved implementing construction of a petrochemical plant in the Virgin Islands with a special allocation of feedstocks being granted. It was said that the special allocation would have "minimal impact" on the total United States Oil Import Program. As is well known, Puerto Rico's special island status has long been recognized in terms of special allocations of foreign oil imports. In fact, a further allocation was given to the Sun Oil Co. in Puerto Rico as recently as April 19 of this year. In addition, Puerto Rico is allowed to export finished products to the mainland United States. Certainly, the State of Hawaii is entitled to at least equal consideration.

The tremendous concern and interest in the plight of Hawaii in this matter can best be illustrated by the following letters and statements by a great number of public-spirited citizens and businessmen of the State of Hawaii over the course of the past several years while I have been privileged to serve as a Member of Congress from Hawaii. I am sure that they will provide a most eloquent statement of Hawaii's case and amply justify our demand for an exemption from the foreign import quotas under the mandatory oil import program.

The material mentioned follows:

[Letter of Lewis W. Lengnick, Senior Vice President, Hawaiian Electric Co., to Mr. Buford Ellington, Office of Emergency Planning, May 27, 1965]

Dear Mr. Ellington: Pursuant to your letter of April 26, 1965, addressed to Mr. Philip E. Spalding, Chairman of the Board of Hawaiian Electric Company, Inc., that an investigation was being undertaken by you to determine the effect, from the standpoint of the national security, of imports of residual fuel oil, Hawaiian Electric Company, Inc., as a party interested in such investigation, is filing herewith a written statement with respect to the relationship to the national security of residual fuel oil imports into the State of Hawaii.

Hawaii is the only state that must rely on a single industrial fuel. It is the position of Hawaiian Electric Company, Inc. that there should be no restriction on imports of residual fuel oil into the State of Hawaii. Our position is based upon a detailed written study entitled *Impact on National Security of Residual Fuel Oil Exemptions for Hawaii*, prepared by Stanford Research Institute with the assistance of this Company in 1961, which study is submitted herewith. The analysis presented in this report has not changed, even though some of the raw data is not current. The conclusion of this report is that an exemption for the State would provide a broader base for Hawaii's fuel supply and would not impair or threaten to impair national security.

Also submitted herewith are our views on the five subjects as requested in the second paragraph of your letter.

We would like to emphasize that the importation of residual fuel oil from other than domestic sources will not, in any way, impair or threaten to impair national security.

One of the major reasons that the oil quota was originally established was because of the vulnerability of tankers to submarine attack. On the continental United States national security could be strengthened by users purchasing oil that can be delivered by tank car or pipe line instead of by tankers. However, no such condition exists in Hawaii, and regardless of source or type, fuel must be imported by ship over long stretches of international waters.

There is little difference between shipping fuel oil from California to Hawaii and shipping it from the Caribbean to Hawaii. It is obvious that the government itself has reached that same conclusion because the U.S. Navy, a large consumer of residual fuel oil in Hawaii, has for many years been using foreign sources for its supply. If the Navy is satisfied that foreign sources of residual fuel oil are secure for its usage it is obvious that these sources are equally secure for Hawaii's civilian economy.

The State of Hawaii is an isolated group of islands 2500 miles out in the Pacific. All fuel must be imported. Geographically, Hawaii is in a position completely different from any of the other forty-nine states, but is in a position similar to Puerto Rico. We believe that the same logic which led to the exemption of Puerto Rico from the import quota restrictions on residual fuel oil should lead to the same exemptions for Hawaii. Both areas must import their fuel requirements and both areas have historically imported residual fuel oil for these fuel requirements.

Residual oil is the only fuel—solid, liquid, or gaseous—which can be economically burned by Hawaiian Electric Company, Inc. Neither coal nor gas, which compete for utility business on the U.S. Mainland, is feasible for use in Hawaii. Hence the competition between fuels on the Mainland is non-existent in Hawaii.

It is a well-known fact that the supply of residual fuel oil in District V is diminishing with respect to the demand. A recent article by Robert D. Eilers of the Richfield Oil Corp. in the Annual Review, *California Oil World*, forecasts that by 1969 District V production of residual fuel oil will be about 163,000 barrels a day. The tabulation below shows the continuing reduction in residual fuel oil production in District V, with production in 1969 estimated to be only 46% of 1952 production.

[Barrels per day]

Year:	
1952	357, 000
1957	348, 000
1963	256, 000
1969 estimate	163, 000

With the possibility that the demand for residual oil in District V may exceed the available supply within a few years, the Hawaiian economy should not be subjected to the increased fuel costs which would logically result, particularly when Hawaii's geographical location permits it to be insulated from California's supply problems. Hawaii now has one of the highest fuel costs of any section of the United States. The largest civilian user of fuel, Hawaiian Electric Company, Inc. has rates that automatically change with changes in the fuel oil price, as do all other electric and gas utilities in the State of Hawaii. While other industries that use fuel do not change their prices automatically with price changes of fuel, nevertheless the cost of this fuel is inevitably reflected in the cost of their product. In the end it is the consumer in Hawaii who pays the additional amount for high fuel costs.

One of the best ways for the people of Hawaii to be assured of a reasonably priced and dependable supply of fuel oil is to increase the sources of supply that can furnish residual fuel oil to this market. The most satisfactory way of doing this would be to permit these isolated islands, which must import fuel oil in any circumstance, to import such oil from either overseas or domestic sources. The Hawaii market for residual fuel oil would then be a truly competitive market and the benefit of this competition would accrue to the people living and working on these islands.

In closing we would like to emphasize two major points. First, the lifting of import controls for the State of Hawaii would in no way affect national security. Second, the lifting of import controls would definitely be of economic assistance to the State of Hawaii and would not have a detrimental effect on the economy of any other part of the United States.

We appreciate this opportunity to present and explain our position concerning this investigation of the lifting of residual fuel oil controls.

Very truly yours,
Lewis W. Lengnick,
Senior Vice President,
Engineering and Operations.

[Comments on the five subjects requested in the letter dated Apr. 26, 1965, from Mr. Buford Ellington, Director, Office of Emergency Planning]

(1) Changes in the cost of residual fuel oil in the absence of residual fuel oil import controls: Under present import controls fuel oil users in Hawaii can purchase residual fuel oil only through a very limited number of residual fuel oil suppliers. If these users could purchase from other suppliers of residual fuel oil then the economic forces of competition would provide both a more reliable and more economic supply of residual fuel oil.

(2) Price at which coal would become competitive with oil: Because of Hawaii's isolated position and because of the lack of any coal handling facilities both locally and on the West Coast, the cost of coal delivered in Hawaii would be quite high and the cost of fuel oil would have to approximately double for coal to become economically competitive.

(3) Effects of residual fuel oil controls on electricity cost to users by types (Household, Commercial, Industrial and Others): Hawaiian Electric Company, Inc.'s electric rates fluctuate with the price of fuel oil. A 10 cents a barrel reduction in the price of fuel oil will automatically be passed on to the 135,000 customers of Hawaiian Electric Company, Inc. as a reduction of $378,000 per year in the cost of electric service. The breakdown of this saving per 10 cents a barrel reduction by type is: Residential consumers, $127,000; Commercial consumers, $69,000; Industrial consumers, $176,000; and Other consumers, $6,000.

(4) Effects of these controls on the making of long term purchase contracts: In the making of long term purchase contracts these controls limit us to dealing with companies that have an import quota for foreign oil, or an assured supply of domestic residual fuel oil. Lifting of these controls would allow us to negotiate with other domestic companies which have an adequate supply of residual fuel oil available to these Islands, but not necessarily of domestic origin. Such a change could not help but benefit the State of Hawaii.

(5) Effects of import controls on the attractiveness of energy sources other than oil and coal: Oil is the only important source of energy available to Hawaii now or in the immediate future. The cost of coal delivered here is prohibitively high, and hydro is only a minor source of energy. The economics of nuclear power generation favor generating units larger than 300 mwe. At the present time the largest unit feasible for use in the Islands is 100 mwe, and there is no prospect that nuclear units of such size will produce economically competitive electric energy for us in the immediate future.

Lewis W. Lengnick.
Senior Vice President.

[Letter of Paul C. Joy, Honolulu Gas Co., to Buford Ellington, Director, Office of Emergency Planning, June 3, 1965]

Dear Mr. Ellington: Pursuant to your press releases of April 6, 19, and 28, 1965, relating to the Office of Emergency Planning's investigation of the national security basis for control of residual fuel oil imports, the Honolulu Gas Company, Limited, wishes the following opposition statement concerning continued controls to be considered and included in the record.

Because Hawaii has no natural gas, economics dictate that this state's fuel gas be manufactured from imported petroleum. Residual fuel oil subjected to high temperature thermal decomposition has been the source of utility gas since 1904 and today Gasco is Hawaii's second largest consumer of residuum (550,000 bpy).

Our company not only provides utility fuel gas service to three of the five major islands, but also is the major LP-gas (propane) distributor serving the entire state and neighboring strategic Pacific islands (120,000 customers). We are the only gas utility in the United States fully dependent on a reliable economical source of residual fuel oil for our total gas supply.

Continued import controls on residual fuel *oil will result in damaging Hawaii's economy to a far greater degree than any other U.S. area.*

1. Hawaii lacks indigenous sources of energy (gas, oil, coal, oil shale, timber, hydroelectric power) and consequently is the only major strategic community which (a) does not enjoy the competition among different fuels which tends to make for low-cost industrial energy, and (b) is totally dependent on fuel oil from an overseas source for its industrial energy, electrical power generation and utility gas manufacture.

2. Restricted by import controls and geographic location, (a) Hawaii's fuel oil must be obtained from the West Coast, a decreasing residual fuel oil area which itself is so short of petroleum production that it must import over half of its refinery crude runs, and (b) unlike other areas of the United States, unrestricted inexpensive overland import of oil as well as natural gas, hydroelectric power and coal is impossible to Hawaii.

3. The high value of West Coast fuel oil is compounded by (a) the additional West Coast shore tank and port costs, (b) U.S. Maritime Law which requires use of expensive U.S. bottoms to move the fuel from West Coast ports to Hawaii, (c) the lack of deepwater ports in the Islands to enable utilization of the larger, more economical tankers, (d) the trend current among West Coast refiners to boost gasoline production at the expense of fuel oil which will surely result in diminishing fuel oil availability, rising residual fuel oil prices, and (e) the lack of true competition for this relatively small domestic fuel oil market (5.6 MM bpy**) supplied through nine widely separated port terminaling facilities on five islands.

Removing the import controls on Hawaii's basic source of industrial energy would not adversely affect national security nor discourage domestic crude oil exploration, production or refinery capacity. Conversely, lifting such controls on Hawaii might well strengthen our national security by providing the economic justification for alternate sources of supply, additional means of overseas transportation, increased shore storage for fuel oil, and perhaps a second oil refinery in these strategic islands.

Exempting Hawaii should place the larger fuel oil consumers such as the gas, electric and water utilities in a position to negotiate and develop alternate fuel oil sources and more direct economical supply lines than are presently available. This recognition of Hawaii's relation to world oil reserves and movements, the diminishing West Coast domestic residual oil availability, and rising domestic fuel costs will result in strengthening the energy base of Hawaii's industry-weak economy. In time of national defense, the local utilities and community will be in a stronger position to render uninterrupted vital services to the essential "frontline" Army, Navy and Air Force facilities based in Hawaii.

Although the removal of residual fuel oil restrictions in the Islands will have no effect on petroleum product prices elsewhere in District V, the lower energy costs would enable Hawaii to broaden its manufacturing base and competitive stature with the foreing Pacific Rim countries; the latter would have a positive side effect on the U.S. balance of payments.

When comparing Hawaii to the contiguous Western States or to Alaska, the only other State distant from the continental limits of the U.S., with its wealth of indigenous coal, crude oil, natural gas and potential sites for low-cost hydroelectric power development, one wonders what reasoning is used in imposing on Hawaii the full restrictions of the District V crude oil and residual fuel oil rulings. If there is to be any relaxation of restrictions on imported petroleum, Hawaii should certainly be included and be given the maximum benefits.

In conclusion, the following effects referred to in Director Ellington's release of April 28, 1965 can be expected in Hawaii if residual fuel oil controls are eliminated.

1. The price of fuel oil should decrease without effecting crude oil or coal prices.

2. Imported residual fuel oil will most likely be imported from (a) Venezuela, (b) Trinidad or (c) Canada.

3. Permitting Hawaii to use foreign fuel oil will ease the anticipated future shortage in West Coast District V States; but since the Island domestic market represents less than 4 percent of District V, it should be difficult to recognize any effect.

4. Since no coal is produced and only minor quantities consumed in Hawaii, fuel oil imports will have no effect on coal production, or employment.

5. The State of Hawaii Harbors' Division statistics for 1963 fail to list the importation of any coal although approximately 100 tons/year of coke is used by local speciality foundries.

6. No rail transportation is used for coal or petroleum products in Hawaii.

7. No rail revenue is generated by coal.

8. No effect on railroad employment.

9. Because of prohibitive overseas transportation costs on coal and lack of economical coal sources in the Pacific, coal has not been used for several decades for electric power or fuel gas generation in Hawaii.

10. (a) Four of the five major islands making up the State of Hawaii have the highest electric rates in the nation: Oahu, the fifth island has domestic power rates comparable to New York and Boston.

(b) The utility gas, all produced from oil, has rates exceeding those in any other area of the nation. Refer to the attached U.S. Department of Labor Statistics for March of 1965. Removal of import restrictions if followed by a fuel oil price decrease will result in lower residential, commercial and industrial gas and electric rates since utility energy rates in Hawaii escalate automatically with posted fuel oil prices. In other words, the savings will be passed on to the consumer.

11. Hawaiian Electric announced two weeks ago that a study just completed indicated neither imported natural gas nor nuclear power could compete over the next 5 years with electric power generated from fuel oil. Hawaii lacks any sizable potential hydroelectric supply.

12. The largest electric utility currently has a long term (6 year) fuel oil contract. The State's only gas company which manufactures its gas from residual fuel oil must renegotiate a new contract before December, 1965: it hopes to obtain more favorable terms than its current residual oil contract price of $2.885 per barrel. Because West Coast refineries are now converting to hydrocracking the gas utility has found the local fuel oil marketers reluctant to commit themselves to residual oil supply beyond the fall of 1966. Honolulu's current posted price for Bunker C Fuel Oil ($2.775/bbl) is higher than any major world port. * The predicted domestic fuel oil shortage is of very great concern to our management and can only be corrected by lifting restrictions on foreign derived residual fuels or eliminating foreign crude oil quota restrictions on Hawaii.

In support of national defense and in fairness to the citizens of the 50th State, Hawaii should be recognized for the vunerability of its offshore geographical position, lack of indigenous energy resources, the handicap imposed by its inability to be interconnected via power lines, pipelines, railroad or highways to receive energy overland from neighboring states, and for the complete dependence of its economy on imported petroleum energy. Restrictions not only on imported residual fuel oil, but restrictions on all petroleum products consumed in Hawaii should be lifted immediately for this area of energy poverty. Insular Hawaii, like Puerto Rico, should be treated as the separate geographical entity it is for purposes of nation energy laws, rules and regulations!

very truly yours,

PAUL C. JOY,
Director, Management Research Services Division.

Fuel oil data for Hawaii, 1964

Import, barrels per year:	
Oahu	4, 405, 700
Hawaii	148, 600
Maui	306, 000
Kauai	101, 600
Total	4, 961, 900
Produced, estimated, barrels per year:	
Gasco consumption (0.15x =560,000) (x=3,730,000 (15 percent of Minas crude is residuum))	560, 000
Total crude to Barbers Point=10,052,700 barrels (10,052,700—3,730,000) x 0.20=(Estimated residual oil from remainder of crude is 20 percent)	1, 264, 500
Fuel oil produced	1, 824, 500
Total available fuel oil, barrels per year	6, 786, 400
Export, barrels per year:	
Oahu	1, 189, 600
Hawaii	3, 500
Total	1,193, 100
Export, barrels per year:	
American ships	362, 200
Foreign ships	859, 400
Total	1, 221, 600
Net consumption in Hawaii, barrels per year	5, 593, 300
Consumption data of some companies, barrels per year, 1964:	
Electric utilities (from PUC)	3, 820, 400
Gasco	560, 000
Hawaiian Cement Co	90, 000
Kaiser Cement Co. (estimated)	150, 000
Dole Co.	80, 000
Hawaiian Western Steel	23, 000
California-Hawaiian Sugar, 0.80 barrels per ton of sugar	32, 000
Ewa Plantation, 0.10 barrels per ton of sugar	6, 000
Assume sugar to be 0.50 barrels per ton of sugar	500, 000
Total	5, 261, 400
Unaccounted (other pineapple canneries and small fuel burning businesses)	331, 900

[Letter of N. R. Potter, Jr., president, Hawaii Manufacturers Association, to Mr. Buford Ellington, Director, Office of Emergency Planning, July 2, 1965]

DEAR MR. ELLINGTON: On behalf of the industrial community of Hawaii, and all people of the State who use our products and utilities, we urgently ask your cooperation in affecting changes in the existing mandatory oil import controls that will put the islands in a more favorable position.

Apparently we were not alert enough when the control program was established five years ago, as we fared very poorly. As we had no importers of oil on a historical basis, not one Hawaiian firm receives any part of the import quota. All states are permitted to bring in Mexican and Canadian oil *overland*, but we are the only State which does not have an overland route to these areas. Puerto Rico has special consideration and is allowed to bring in foreign oil for their needs, with a limited U.S. mainland export quota.

Oil is the only fuel we can use on the basis of today's economics and technology. Studies have been made on the use of coal, for example. It was found that the price of oil would have to double before we could consider this source energy.

We are stuck with the use of oil. And, under present import controls our costs are based upon West Coast prices, which with minor exceptions are the highest in the U.S. And, we must then ship this oil 2,500 miles. As a consequence, our fuel costs are exorbitant.

If Hawaii is permitted to import foreign oil the people of the State will directly benefit as all of our utility franchises contain provision for adjustment of rates based on the price of fuel.

We of the Hawaii Manufacturers Association urge you to give the islands the fullest consideration in making adjustments to the control act. It is our hope that we will be allowed to import foreign oil for our own use with limited authorization to ship processed products into the continental U.S. This might allow us to make the first struggling step into the petroleum-chemical field. We feel that Hawaii is handicapped by being classed with existing groups as our conditions are so far different to those found in any other State of the Union. It is our hope that we will be reclassified into a separate category as Group VI.

Your assistance will be greatly appreciated.

Sincerely yours,

N. R. Potter, Jr.,
President.

[Letter of L. C. Blackburn, general manager, Hawaiian Flour Mills to Mr. Buford Ellington, Office of Emergency Planning, July 6, 1965]

Dear Sir: As a citizen of the State of Hawaii as well as Manager of a manufacturing facility, I would appreciate a few minutes of your time to read my views on our fuel liquid petroleum problem here in Hawaii.

As you probably know, Hawaii is the only state which is dependent entirely upon one fuel—liquid petroleum, all of which must be imported from overseas. We are the only state which cannot import foreign oil from Canada or Mexico, as present controls allow only overland transportation. Because of the historic basis of import allowances, not one Hawaiian firm is qualified to obtain special import licenses under present rules. Therefore, Hawaii's petroleum prices, and cost of all power sources and essential utilities, are necessarily based upon domestic oil from areas which with minor exceptions are the highest in the nation. Then, we ship this expensive oil 2,500 miles. The result is unreasonably high costs for our fuel and power.

Puerto Rico has received exceptional treatment under existing import controls, and is allowed to import their requirements, plus limited export to the continental U.S. Our problems are more serious than Puerto Rico on cost of fuel.

I might add here sir, that I lived in Puerto Rico for five years, and am aware of the cost of electricity there, versus Hawaii, as well as aware of the cost of motor fuel oil in Puerto Rico versus Hawaii. Puerto Rico is a Commonwealth whereas Hawaii is a State of the Union and certainly Hawaii should receive at least equal benefits as does the Commonwealth.

Anything that you can do would accrue directly to the public of Hawaii, and the manufacturing firms. Please review our situation here. Our state is growing and needs the help people like you can offer. Our state can be a new frontier not only for the state itself, but for the Pacific Basin.

Sincerely,

Hawaiian Flour Mills, Inc.
L. C. Blackburn,
General Manager.

[Letter by Representative Patsy T. Mink to Mr. Buford Ellington, Director, Office of Emergency Planning, July 15, 1965]

Dear Mr. Ellington: This is in regard to letters you have received, dated, July 2, 1965, from N. R. Potter, Jr., president of the Hawaii Manufacturers Association. In them, Mr. Potter presses Hawaii's case for changes in the existing oil import controls as applied to Hawaii.

It is of the utmost importance to the State of Hawaii that every effort be made to lower the costs of doing business and of living. The cost of liquid petroleum is a key factor in this sector. Hawaii is solely dependent on petroleum as a commercial and industrial fuel, yet is the only state unable to import oil from Canada or Mexico.

As I understand it, the importation of foreign oil into Hawaii would allow for reductions in the cost of electricity, manufactured gas and several other products, all of which are basic to the necessities of life. These savings could be passed on to the consumers and industries which use oil.

In addition, allowing of the import of oil into Hawaii could lead to establishment of a petro-chemical industry, which would be of great benefit both to Hawaii and the nation.

It is important to note, I think, that a 1961 survey by the Sanford Research Institute on the impact on National Security of residual fuel oil exemption for Hawaii found that granting of such an exemption would not affect national security, would not discourage national oil production and would have no effect on the national balance of payments.

As the report said: "Exempting Hawaii would merely be a recognition of that state's location in relation to domestic and foreign sources of residual fuel oil."

I therefore respectfully urge you to give whatever favorable consideration possible to such an exemption, under the rules and regulations of your agency. I appreciate your attention to this matter, and request that you keep me informed of your actions concerning it.

Sincerely,

Patsy T. Mink,
Member of Congress.

[Letter from Newton Miyagi, secretary-treasurer, ILWU, Local 142, Hawaii, to Secretary Udall on Sept. 29, 1965, on the oil import program]

Dear Sir: Our union with a membership of 23,000 and as consumers of oil in one form or another have a vital stake in the current revision of Presidential Proclamation 3279 authorizing the Mandatory Oil Import Controls.

With the knowledge that the Oil Import Program and its background are well known to you, the following is submitted as briefly as possible to solicit your action to correct the glaring inequity imposed thereby upon the State of Hawaii.

The 1959 Presidential Proclamation authorizing the Mandatory Oil Import Controls was predicated upon national security requirements for a healthy, domestic petroleum industry, capable of meeting the nation's energy needs in times of emergency. The threat of submarine attack and disrupted oil shipments from overseas was a major consideration in formulating this goal.

Had Hawaii's limited oil consumption as related to national production capacity been properly evaluated at the time oil import restrictions were established, it is hard to believe that more liberal application would not have been provided for these islands. The use of foreign oil in Hawaii could have no adverse effect on the initiative to develop new oil reserves in the producing areas of the United States. On the other hand, it would improve the economic climate in these isolated islands by bringing into play the forces of competition and at the same time, develop multiple fuel supply lines to this strategic area.

The effort to minimize the import of oil by tanker to Hawaii is meaningless because ocean transport is the only available means of supplying fuel to this state. Nor are the California-Hawaii shipping lanes more secure from submarine warfare than those extending from the Caribbean, Canada, Mexico or other foreign areas.

To further complicate the matter, oil is the only energy source economically available in Hawaii.

In developing the oil import regulations, variations in continental supply between areas east and west of the Rocky Mountains was recognized, as was Puerto Rico's unique insular situation. At that time, however, there was no refinery capacity of consequence in Hawaii and little or no foreign oil was imported to the islands. Consequently, there were no vitally interested parties in the Territory who would have otherwise pointed out the inequity inherent in treating Hawaii as a contiguous extension of the continental United States.

On the other hand, Puerto Rico, in an identical geographical position, was able to gain a special status under the regulations, presumably by outlining its unique circumstances. The Commonwealth of Puerto Rico, an insular area like Hawaii, was permitted imports "adequate for the purposes of local consumption, export to foreign areas, and limited shipment of finished products to the continental United States". By contrast, Hawaii, with no petroleum reserves and much greater distances over which it must ship its oil, was simply included in District V.

Furthermore, Hawaii finds itself at a tremendous disadvantage in comparison to all other states. They have available to them an exception to the quota system, permitting the overland import of Canadian and/or Mexican oil. The inequity of this overland limitation is self-evident.

Recently, economic opposition to the easing of oil import controls has come from coal and railroad interests. While the arguments set forth may have merit in the 49 continental states where coal competes with oil and the railroads have heavy investments in coal handling equipment and personnel, they are totally inapplicable to Hawaii. The Fiftieth State has no coal or other natural fuels; it burns no coal, and there are no railroads in Hawaii.

It can only be concluded from the above that the inequity of present oil import controls as they are applied to Hawaii is very real. The problem, however, is not insoluble. It is therefore requested and strongly recommended that the unjust and discriminatory application of oil import controls to Hawaii be corrected in the current revision of Presidential Proclamation 3279.

This could most equitably be accomplished by providing that:

1. The State of Hawaii be placed in a new District VI and permitted free access to all foreign petroleum products. Under this proposal, shipments of finished products from Hawaii to the continental states should, of course, be limited to current levels.

2. A second alternative would be to include the Fiftieth State under the more applicable existing controls covering oil imports to the Commonwealth of Puerto Rico. This would permit the just and unrestricted import of oil for local consumption and re-export with limited shipment of finished products to the continental United States.

Barring affirmative action on one of the above equitable proposals, it is imperative that special exception or quota be included to allow the import of residual oil and other finished products to meet Hawaii's local market demand. In addition, energy-poor isolated communities such as Hawaii and Puerto Rico must continue to be permitted to freely import foreign oil for consumption or conversion in Foreign Trade Zone operations.

Yours very truly,

ILWU Local 142.
Newton Miyagi,
Secretary-Treasurer.

[Statement before the Department of the Interior hearing on the long-term relationship of the U.S. petrochemical industry to the mandatory oil import control program]

DEPARTMENT OF THE INTERIOR,
Washington, D.C., October 28, 1965.

GENTLEMEN: I am honored indeed as a Representative of the State of Hawaii to add my views on the oil import control program to those of the distinguished experts in the field who appear before you today.

I would like to confine my statement to the impact of the program on the State of Hawaii and to point out an inequity that the program imposes upon my State.

Hawaii is unique among the States in its isolated geographical position, complete lack of indigenous energy resources, full dependence on ocean shipping to supply its energy requirements and total reliance on liquid petroleum fuels to power every utility service, agricultural operation, and military or industrial activity.

Because of its geographical location, Hawaii is the only State which may not import without quota oil from Canada and Mexico, and thus it is prohibited from access to less expensive free world supplies of petroleum.

The result of this requirement that Hawaii use petroleum at the domestic price is the creation of a very real block against the development of Hawaii industry and expansion of Hawaii's international trade.

Hawaii, relying on petroleum to generate electricity and gas, has retail utility charges significantly higher than those of other major cities, because these charges must reflect the relatively high domestic price of oil.

I have already joined other members of the Hawaii congressional delegation in urging the adoption of an amendment to Presidential Proclamation 3279 which would permit the importation of oil and oil products to Hawaii from the Western Hemisphere in the same manner as other States. I would like to repeat that plea at this time. The amendment would read as follows:

"Add a new item (5) after (4) to section 1 (a) to read: ', or (5) crude oil, unfinished oils, or finished products which are transported into the State of Hawaii by any means of transportation for local consumption in Hawaii or for re-export to foreign areas from the free countries of the Western Hemisphere where they were produced, which countries, in the case of unfinished oils or finished products, are also the countries of production of the crude oils from which they were produced or manufactured.' "

Adoption of this amendment would have two extremely beneficial effects. By lowering the cost of feedstocks, it would lower the cost of electricity and gas within the State of Hawaii, thus opening the way for expansion of industrial and other activity within the State.

In addition, by providing relatively inexpensive feedstocks, it will lay the basis for a petrochemical export complex that would be of great benefit to our national efforts to increase our exports to foreign markets.

At least one expert in the field has commented upon Hawaii's ability to develop such activity if foreign oil can be utilized. I need not enumerate before you who are so familiar with the field, the vast range of products that could be produced for export should Hawaii be enabled to develop a petrochemical complex utilizing its Central Pacific location.

In conclusion, allow me to respectfully point out to you that Hawaii's complete dependence on liquid petroleum as an energy source means that the amendment I have cited would generate absolutely no conflict with domestic coal, railroad, natural gas, REA or related continental interests.

Therefore, it is my earnest recommendation that Hawaii be removed from the current restraint on oil imports with all possible speed. It is my sincere conviction that adoption of the cited amendment would be in the best national interest.

I respectfully request that this statement be made a part of the record of these proceedings and that favorable consideration be given to adopting the cited amendment in new import controls to become effective on January 1, 1966.

Respecting submitted,

PATSY T. MINK,
Member of Congress.

[Letter to the President by the Hawaii congressional delegation on Oct. 20, 1965, and reply dated Dec. 8, 1965, From Lee C. White, Special Counsel to the President]

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As members of Hawaii's congressional delegation, we are deeply concerned that in reply to our several letters, Secretary Udall has made no direct comment on any of our suggested means of correcting inequities to Hawaii under the existing oil import program.

We deem it necessary, therefore, to jointly offer a specific amendment to Presidential Proclamation 3279 which is designed to correct the inequities to Hawaii without detriment to the purposes of the controls. The proposal presented herein has our unanimous support.

Your review of the suggested amendment as it affects the national security, domestic exploration and production of crude oil, the U.S. balance of payments, and Hawaii's security and economy, will show that it fairly recognizes the 50th State's geographical location in relation to today's domestic and foreign petroleum resources. Hawaii's unique situation is acknowledged without hampering the present goals, policies, or economics of the Oil Import Control Program.

In recent years there has been a drastic change in the mid-Pacific petroleum supply and transportation pattern. For many years Hawaii relied upon domestic oil brought in from California, but today she receives over 85% of her oil supplies from foreign sources, priced, however, on the basis of domestic production, plus shipping. The switch to foreign oil has thus accentuated the discriminatory effect of the Oil Import Regulations imposed upon Hawaii's petroleum consumers while benefiting mainland oil interests with historical oil import quotas. Perhaps the plight of Hawaii's oil consumers can best be illustrated by the following table, comparing current posted prices of petroleum products in Hawaii with West Coast and East Coast postings:

SELECTED PETROLEUM PRODUCT POSTINGS

Consumer price ex tax	F.o.b. rack TT 90 octane gas (cents per gallon)	F.o.b. rack TT light fuel oil (dollars per barrel)	F.o.b. rack TT 50–55 di. diesel (cents per gallon)	F.o.b. rack TT LPG (cents per gallon)
Honolulu, Oahu, Hawaii	18.4	3.475	16.4	9.25
Hilo, Hawaii	18.9	3.475		
San Francisco, Calif	11.3			6.0
New York, N.Y	11.8	3.15	9.75	

We urge you, Mr. President, to recognize the uniqueness of the 50th State: its singularly vulnerable, isolated geographical position; its complete lack of indigenous energy resources; its full dependence on ocean shipping to supply its energy requirements; and the state's total reliance on liquid petroleum fuels to power every utility service, agricultural operation, military and industrial activity.

At the same time, you will recall that while all other states are permitted unlimited overland imports from neighboring nations, Hawaii is the *only* state which may not import quota-free petroleum directly from Canada and Mexico. This prohibition on a state whose entire oil supply must be moved over at least 2,500 miles of international waters has eliminated the opportunity to obtain petroleum products from the less expensive, yet reliable, free world sources. This creates a severe and very real economic barrier to the expansion of Hawaii's industry and free trade with friendly nations. Since Honolulu's electricity and fuel gas are both generated from oil, this handicap is best illustrated by comparative utility prices in six major U.S. cities, as follows:

RETAIL UTILITY CHARGES, JULY 1965

City	Electricity, 250 kw per month	Fuel gas, 40 therms per month
Atlanta, Ga	5.72	4.85
Buffalo, N.Y	7.09	4.51
Chicago, Ill	6.62	5.77
Honolulu, Hawaii	8.50	13.53
Los Angeles, Calif	6.31	4.73
Washington, D.C	7.14	5.96

Source: Department of Labor, Bureau of Labor Statistics, "Real Prices and Indices of Fuels and Electricity."

We accordingly urge that the existing oil import controls be corrected by the following amendment to Presidential Proclamation 3279, as amended:

"Add a new item (5) after (4) to section 1(a) to read: ', or (5) crude oil, unfinished oils, or finished products which are transported into the State of Hawaii by any means of transportation for local consumption in Hawaii or for re-export to foreign areas from the free countries of the Western Hemisphere where they were produced, which countries, in the case of unfinished oils or finished products, are also the countries of production of the crude oils from which they were produced or manufactured.' "

The effect of the amendment would be to permit the importation of oil and oil products to Hawaii from the friendly nations of the Western Hemisphere in the same manner as all other States in the Union are permitted quota-free overland imports from neighboring countries.

Since economics dictate Hawaii's complete dependence on liquid petroleum-derived energy, inclusion of the recommended amendment in the forthcoming proclamation should in no way create any conflict with coal, railroad, natural gas, REA, or related continental interests.

It is earnestly requested that the unwarranted oil import restraints on Hawaii, so contrary to the national interest, be relaxed, and that all possible means be employed to expedite the inclusion of the recommended amendment in the new oil import controls which are to become effective January 1, 1966.

Aloha and best wishes.

Respectfully yours,

DANIEL K. INOUYE,
HIRAM L. FONG,
U.S. Senators.
SPARK M. MATSUNAGA,
PATSY T. MINK,
Members of Congress.

DECEMBER 8, 1965.

DEAR CONGRESSWOMAN: This is in reply to your thoughtful letter to the President of

October 20, signed jointly by you and the other members of Hawaii's Congressional delegation, recommending an amendment to the proclamation on oil import controls.

While we are in sympathy with your objective, we believe that as far as petroleum supply is concerned the situation in Hawaii is analogous to that of several other States on the Mainland. New York, for example, is a major consumer of petroleum and lacks significant indigenous supplies. In fact, the entire east and west coast regions of the United States are deficient from the standpoint of petroleum availability. Under these circumstances, the President must take into account not only Hawaii but also similarly affected States in considering modifications in the oil import control program.

Although the terms of Proclamation 3279, as amended, legally permit movement of Canadian and Mexican overland exempt oil into all 50 States, economic and transportation factors have limited refining of overland exempt oil from Canada to nine States, all of which are located near the border. Imports of Mexican oil represent a special situation and have little influence on the U.S. supply.

As your letter indicates, residual fuel oil is the principal fuel used to generate electricity in Hawaii. The Office of Emergency Planning, at the request of the Department of the Interior, last April initiated an investigation to determine whether or not national security considerations still require retention of import controls on residual oil. More recently, the Departments of the Interior and Commerce have undertaken a special study of the relation of the oil import control program to investments and growth in the petrochemical industry. I understand that Hawaii has been actively represented in hearings relating to both of these studies. The results of these studies should be helpful in consideration of future changes in the oil import control program.

We appreciate receiving your views on this important matter.

Sincerely,

LEE C. WHITE,
Special Counsel to the President.

[Letter to Representative PATSY T. MINK from Bruce A. McCandless, president, Honolulu Gas Co., Mar. 9, 1966, with status report on the oil import program]

DEAR CONGRESSWOMAN MINK: Because of the continued importance of the Mandatory Oil Import Control Program as it is applied to Hawaii, it is felt that the enclosed summary will be of interest to you. The review of recent developments was prepared as a quick reference and progress report for the individuals and organizations that have supported Hawaii's efforts to gain relief under the program.

Although the inequities of the controls as applied in our State have been carefully outlined to the responsible Federal officials, to date no concrete gains have been made. A license is still required to import foreign oil to Hawaii. No provision has been made for increased quotas for Hawaii. Uncontrolled imports from Canada and Mexico remain unavailable only in Hawaii. No exceptions or concessions have been granted. The widely publicized liberalization of controls affects only the East Coast, Puerto Rico and large producers of petrochemicals.

Interior Department news releases state that further liberalization of the program will be effected for the allocation year beginning April 1, 1966. Unless the new modifications are very broadly stated or specifically compiled, to correct the inequities of application to the Fiftieth State, no immediate relief can be expected.

However, at a recent meeting with New England Senators and Congressmen, traditional critics of residual fuel oil controls, Secretary Udall is reported to have predicted that the 1966–67 allocation year would be "the last year of controls." Although his informal remark has not been confirmed or explained, it is believed that the Secretary was referring to expected changes in the oil import program which will be affected as a result of the final report by the Office of Emergency Planning on its residual oil study. Thus, it appears that relief for Hawaii, at least with respect to residual fuel oil, may be forthcoming in the second quarter of 1967.

Inasmuch as the goal of the New England group coincides with one of Hawaii's major objectives, the freedom to import foreign residual fuel oil, it is suggested that if you have not already done so, an offer be made to work with that group toward the furtherance of our joint aims. The addition of a voice so geographically removed from New England, with an identical purpose, would likely enhance the cause. It is understood that Senator Pastore of Rhodes Island chairs the committee.

Very truly yours,

BRUCE A. MCCANDLESS,
President.

Status Report on Mandatory Oil Import Control Program

During the year 1965, the Honolulu Gas Company, Limited, in cooperation with the Hawaii Manufacturers Association, the State Administration and Hawaii's Congressional Delegation, among others, attempted to point out the gross inequity of the Oil Import Program as it is applied to Hawaii. The matter was discussed with representatives of the Department of the Interior, the Department of Commerce, and the Office of Emergency Planning. In addition to extensive correspondence with these departments, Hawaii's dilemma was brought to the attention of the White House, the Department of Defense and the Treasury, and other interested government offices. Testimony was also presented at several public hearings held in connection with the program.

The latter hearings were held in furtherance of investigations conducted by the Interior and Commerce Departments. As a result of these investigations, Presidential Proclamation 3693 was issued on December 10, 1965, modifying Proclamation 3279 which established the Mandatory Oil Import Control Program in 1959. A brief synopsis of the changes in the program affected by Proclamation 3693 and the attendant revisions to the Oil Import Administration regulations is attached (A).

Basically the changes:

1. Eliminate access to quota-free foreign oil through Foreign Trade Zones,
2. Extend eligibility for import licenses to independent producers of petrochemicals,
3. Authorize more liberal oil imports to Puerto Rico.

Conspicuous by its absence was any specific relief for Hawaii. If anything, the extension of the oil import control program to encompass imports to Foreign Trade Zones was detrimental to Hawaii's position.

It is conceivable that the provisions making petrochemical plants eligible for oil import licenses may, under some future circumstances, aid Hawaii's industrial development. Under the currently proposed regulations, however, the authorized imports are too insignificant to be of practical value. As now conceived, the regulation would not permit the import of more than approximately 10% of plant inputs. Excepting very large plants with ready access to low-cost foreign feedstocks, it would economically be unfeasible to import such a small proportion of plant inputs.

RESIDUAL FUEL OIL

The Office of Emergency Planning which is responsible to the President and advises him on Oil Import Controls as they relate to national security has, for several months, been investigating their applicability to residual fuel oil.

Although the final report on the study has not been published, it has been predicted that no national security basis will be found for the continued restriction of residual fuel oil imports. An interim report (see attachment B) dated December 18, 1965, substantiates this prediction and recommends that the residual fuel oil import level be increased substantially.

The resulting widely-publicized liberalization of residual fuel oil import controls does not apply in Hawaii. The entire 35 million barrels made currently available by Secretary Udall was assigned to PAD District I (the Eastern Seaboard). The announcement of the liberalization, however, indicated that after April 1, 1966, the Oil Import Appeals Board would be empowered to grant "incremental allocations to eligibles and others in all PAD Districts" when necessary to "prevent threats to price stability". Revised regulations affecting the residual fuel oil control program are to be published prior to April 1, 1966.

It has been speculated that the revised regulations will exempt residual oil used as a fuel from the import controls. Barring this, however, many industry commentators have expressed the belief that, when released, the final report resulting from the Office of Emergency Planning study will recommend this exemption. Thus, until the new Oil Import Administration rules are published and until the final O.E.P. report is issued and implemented, consumers of residual fuel oil in Hawaii are in no better position than previously.

Proclamation Changes

The 1965 Proclamation Amendments and attendant rules have:

1. Eliminated access to uncontrolled foreign oil imports in Foreign Trade Zones.

Heretofore foreign oil could be brought into Foreign Trade Zones for processing, refining, etc., without an import license. The resultant products (largely petrochemicals), if they were not controlled under the oil import restrictions, were importable without license.

Under the amended Proclamation and attendant regulations, foreign oil may not be entered into a Foreign Trade Zone without an import license.

2. Authorized the allocation of licenses for the import of crude and unfinished oils to persons having petrochemical plants.

Formerly only *refiners* of petroleum qualified for crude and unfinished oil import allocations.

The December 10, 1965 Proclamation (#3693) extended eligibility for limited import licenses to persons having petrochemical plants. Allocations for petrochemical producers are to be granted without increasing total import allocations.

Under the rules proposed by OIA to implement this amendment, the petrochemical quotas will be a fixed percentage of plant input. The percentage for each allocation period will be the ratio between imports available for allocation and total annual inputs of all eligible applicants.

It has been variously estimated that the proposed rules will make available import licenses of from 8% to 10% of input for each qualified producer of petrochemicals. For most operations this percentage may be significant enough to make importation practical, but for small producers it would not.

3. Authorized more liberal special treatment for Puerto Rico.

The Commonwealth has always enjoyed a special status under the Oil Import Control Program. The Secretary of the Interior has, from the outset, had the authority to adjust the maximum level Puerto Rican oil imports "to meet local demand in Puerto Rico or demand for export to foreign areas".

The new Oil Import Administration regulations re-emphasizes Puerto Rico's special status. They permit the Commonwealth limited exports of finished products to the Eastern United States and authorize the Secretary to grant even larger allocations of crude and unfinished oils as feedstocks for facilities which, in his opinion, will promote substantial expansion of employment in Puerto Rico.

YEAR 1965 LIBERALIZATION OF CONTROLS ON RESIDUAL FUEL OIL

By letter of December 18, 1965, Buford Ellington, Director of the Office of Emergency Planning, advised Stewart L. Udall, Secretary of the Interior, as follows:

"A thorough consideration of all issues covered by my residual fuel oil investigation indicates that control of these imports could be substantially relaxed without impairment of the national security. This is consistent with recent advice from the Secretary of Defense which takes into account the current military situation.

"Accordingly, I recommend that the residual fuel oil import level should be increased substantially for the remainder of the current fuel oil year and should be set as high as possible for the year beginning April 1, 1966."

As a consequence, the Secretary immediately announced a 35 million barrel increase effective January 1, 1966, in the maximum import level for residual fuel oil in PAD District I for the period ending March 31, 1966. It was indicated that the program would be further liberalized for the allocation year beginning April 1, 1966. The Oil Import Appeals Board will be authorized to grant incremental allocations to eligibles and others in all PAD Districts where necessary to prevent threats to price stability.

[Honolulu Gas Co., Ltd., testimony before the Oil Import Administration hearing on May 23 and 24, 1967]

Mr. Chairman, thank you for this opportunity to submit testimony on the hardship imposed by the Oil Import Control Program on Hawaii's only gas utility, the Honolulu Gas Company, Limited. This island enterprise was franchised by Act of the Congress of the United States in 1904 to provide fuel gas service to the City and County of Honolulu.

Hawaii's insular isolation and complete lack of fossil fuel resources necessitates the importation of almost all its energy from overseas sources in the form of liquid petroleum products. Thus, the fuel gas provided Honolulu's 65,000 customers through a conventional underground piping network is not natural gas, but a "synthetic natural gas" manufactured by the high temperature cracking of a straight run petroleum feedstock. LPG, naphtha, diesel oil, gas oil, uncracked residual oil and crude oil are all satisfactory raw materials for the gas manufacturing process. However, all of these petroleum products are considerably higher in landed cost when purchased on the domestic market than when purchased from foreign sources.

The Oil Import Regulations specifically exempt natural gas from import quota restrictions to the benefit of the continental United States who are importing increasing quantities of pipelined foreign gas to meet their fuel requirements. Yet, the same Oil Import Regulations fail completely to consider the fuel gas requirements of the 50th State which has no overland pipeline access to natural gas reserves. It is this inconsistency that imposes a major economic and energy supply hardship on our community and its gas utility, the Honolulu Gas Company, Limited.

If natural gas can be imported quota free, then why not provide that an area such as Hawaii, which must produce its fuel gas or "synthetic" natural gas from petroleum feedstocks, be given specific exemption (or a full quota) for petroleum feedstocks that are specifically used to produce essential fuel gas supplies? Hawai is the *only state* in the union not now provided natural gas from indigenous resources or by major pipeline. It is time the discrimination against Hawaii's gas industry be corrected by permitting the Honolulu Gas Company to purchase from its most economical source of supply those quantities of petroleum products needed to operate its fuel gas manufacturing operation.

During the year 1966, the gas utilities in the United States sold 125 billion therms of gas. Of this, less than one-tenth of one percent (50 million therms) is estimated to be fuel gas manufactured from oil. The Honolulu Gas Company, Ltd. accounted for forty percent of this manufactured gas which it produced from 600,000 barrels of petroleum feedstock.

Hawaii is the only state which does not now have nor can ever expect to have an economical indigenous or pipeline supply of natural gas. Yet, many industrial processes and modern civilian conveniences are dependent upon the use of a gaseous form of energy. Thus, the State of Hawaii's lack of an abundant inexpensive supply of clean burning gas is a major economic deterrent that should be given proper consideration.

The restriction on foreign oil use by utility gas manufacturing plants requires the use of refined petroleum priced at West Coast terminals plus U.S. tanker tariff (about 60¢ bbl.) to Hawaii. For example, rather than paying East Coast-West Coast prices of $2.00 to $2.20 per barrel for residual bunker oil, Honolulu consumers pay about $2.77 per barrel. Such inflated pricing applies to all bulk petroleum products in Hawaii, directly contributing to the highest utility gas prices anywhere in the United States (see attachment, Bureau of Labor Statistics).

1. The Honolulu Gas Company is one of the last remaining base load oil-gas utilities in the United States and its operation cannot be economically replaced with pipelined natural gas as the utilities in the continental United States have done.

2. Honolulu will have to continue to rely on manufactured oil gas to supply its growing economy and increasing number of customers (65,000) for the foreseeable future.

3. The quantity of foreign petroleum feedstock (1,700 bpd. increasing five percent per year) that is required to manufacture Hawaii's gas requirements is a miniscule quantity to the U.S. petroleum industry. Its import will have no effect on the security of supply of the other 49 states nor any major impact on the quantity of foreign oil imports entering District V even if the entire gas making feedstock requirements were supplied from foreign production.

4. The provision of an import quota for utility oil-gas plant feedstock to be used exclusively in the production of synthetic natural gas (gas yield about sixty percent by weight of feedstock) will have an important supportive effect on the economy of Hawaii by encouraging the establishment of gas consuming industries heretofore economically unfeasible. Not only will it benefit industry, but the use of lower cost foreign petroleum for gas making will likewise result in future saving to thousands of domestic and commercial gas customers.

5. Because Honolulu's utility gas operation is somewhat of an oddity, it is easy for it to be overlooked by a major national program such as the oil import control regulations. However, such oversight and the resulting gross inequity does not reduce the economic hardship or the impact of the discrimination imposed upon the citizens of Hawaii.

CONCLUSION

Since the importation of natural gas from foreign sources is unrestricted and actively practiced by a great number of the continental states, there is no justification for prohibiting Hawaii from importing foreign petroleum feedstocks to be used in the production of synthetic natural gas for distribution by a gas utility.

We request that the mandatory oil import control program be modified to either (1) exclude import restrictions on foreign petroleum utilized in the production of synthetic natural gas or (2) provide an oil quota allocation to permit a utility gas manufacturing operation to import up to one hundred percent of its petroleum feedstock requirements.

Thank you.

HONOLULU GAS CO., LTD.,
PAUL C. JOY, *Vice President.*

TABLE 5.—NET MONTHLY BILLS TO RESIDENTIAL CUSTOMERS FOR SPECIFIED AMOUNTS OF GAS, BY AREA, MARCH 1967

Standard metropolitan statistical areas	Monthly bills for uses other than heating					
	10 therms		25 therms		40 therms	
	March 1967	February 1967	March 1967	February 1967	March 1967	February 1967
Atlanta	$2.22	$2.22	$3.62	$3.62	$4.85	$4.85
Baltimore	2.82	2.81	4.75	4.77	6.68	6.69
Boston	4.08	4.08	7.34	7.33	9.97	9.95
Buffalo	1.69	1.69	3.00	3.00	4.29	4.34
Chicago	2.22	2.22	4.09	4.09	5.88	5.88
Cincinnati	1.57	1.57	2.44	2.44	3.63	3.63
Cleveland	2.05	2.05	3.15	3.15	4.26	4.26
Dallas	1.47	1.47	2.40	2.39	3.49	3.48
Detroit	2.38	2.38	3.93	3.93	5.28	5.26
Honolulu	4.79	4.79	9.31	9.31	13.54	13.54
Houston	2.19	2.19	3.62	3.63	5.00	5.00
Kansas City	1.08	1.80	2.85	2.86	3.75	3.76
Los Angeles	2.51	2.51	3.62	3.62	4.69	4.69
Milwaukee	2.00	2.00	3.98	3.98	5.72	5.72
Minneapolis	2.41	2.41	4.15	4.15	5.69	5.69
New York	3.31	3.31	6.54	6.54	9.13	9.13
Philadelphia	2.55	2.55	5.25	5.25	7.71	7.71
Pittsburgh	2.71	2.71	3.88	3.87	5.09	5.09
St. Louis	2.10	2.09	4.41	4.40	6.36	6.35
San Diego	2.39	2.39	4.08	4.08	5.59	5.59
San Francisco	1.77	1.77	2.74	2.74	3.65	3.65
Seattle	2.73	2.73	5.49	5.49	7.89	7.89
Washington, D.C	2.39	2.39	4.75	4.75	6.86	6.86

[Honolulu Gas Co., Ltd., testimony before the Oil Import Administration hearing on May 23 & 24, 1967]

Mr. Chairman, thank you for this opportunity to submit testimony on the hardship the Oil Import Control Program is imposing on securing the projected essential propane supplies for the State of Hawaii.

Hawaii's geographical location and its lack of natural gas and propane necessitate the importation of almost all of its energy sources in the form of petroleum and LPG.

The Honolulu Gas Company which distributes propane as a substitute for natural gas throughout the rapidly-developing State of Hawaii, anticipates Hawaii's demand for

LPG to exceed the propane-producing capability of the only refinery in Hawaii. In line with current Oil Import restrictions on propane, we have been diligently seeking alternate future supply sources in the United States but have been unable to locate any uncommitted domestic production of sufficient magnitude to meet Hawaii's growing gas energy demands.

The Honolulu Office of the Bureau of Customs, U.S. Treasury Department, reports Hawaii's importation of 4,155,800 gallons LPG from foreign sources during 1966. This importation by the only refinery in Hawaii of foreign LPG, substantiates Hawaii's domestic LPG shortage and indicates a very serious Island propane supply problem, aggravated by the West Coast District V LPG shortage. Even as a source of uncommitted propane existed on the West Coast, there is no LPG bulk-loading shipping terminal available to load our barge or tanker for overseas shipment to Hawaii.

Foreign sources of LPG have been sought and several long term offers to meet our optimum requirements have been received. The propane has been priced competitively with that purchased from the local refinery so could provide the assured needed LPG supply to the economy of Hawaii.

Clean-burning propane fuel is needed in ever-increasing quantities to alleviate Honolulu's growing air pollution problem. Reduction of air pollution has a very tangible economic benefit to Hawaii for clean air is an asset to tourism, our second-largest industry.

Our propane supply predicament cannot be corrected by substituting another liquefied gas such as butane, for butane is in even shorter local supply. Our insular location precludes the use of the "overland" importation exemption available to the continental border states to obtain quota-free propane from Canada or Mexico. For example, what would the State of Washington do without foreign propane imports? Hawaii is obviously placed at a great economic and energy supply disadvantage by the current Oil Import Regulations and we ask that this injutsice be given due consideration.

The Standard Oil Company of California's Hawaii Refinery, our sole propane source, has been a reliable supplier for the past seven years. However, should there be a fire or accident at the refinery, we know of no known alternate domestic propane supply source. Hawaii's reliance on this single refinery supply and its limited storage creates the following undesirable situations:

1. Because there are no competitive alternate domestic propane suppliers, we do not have the desired competition or flexibility in negotiating our supply contract.

2. Any major interruption in refinery operation will cut off propane used for utility gas service to thousands of customers without any foreseeable relief from alternate domestic sources. Activities and housing at military posts, vital communication centers, essential civilian functions, and many homes and businesses will immediately be affected by such an interruption.

Although there are no import restrictions on natural gas, Hawaii cannot take advantage of this exemption in the Oil Import Control Program, since a 2,500-mile undersea natural gas pipeline is impractical. Futhermore, the importation of liquefied natural gas by ship has not yet proven economically feasible for Hawaii's relatively small energy market.

In review, Hawaii's insular geographical isolation and complete lack of natural gas and LPG energy resources, complicated by the current discriminatory oil import restrictions on propane, have created insurmountable LPG supply problems peculiar to this one island state. We solicit your correction of this serious propane supply shortage and request the complete exemption from the Oil Import Control Program of foreign LPG (butane and propane) in the State of Hawaii.

Thank you.

PAUL C. JOY,
Vice President.

[Joint statement of DANIEL K. INOUYE, SPARK M. MATSUNAGA, PATSY T. MINK, members of Congress from Hawaii, on the oil import control program, before the Honorable Stewart L. Udall, Secretary of the Interior, and members of the Panel, Department of the Interior, May 24, 1967]

Mr. Secretary and members of the Panel, I am Congressman Spark M. Matsunaga. I thank you for this opportunity of testifying at these hearings on the Oil Import Control Program and expressing the joint views of the Democratic members of the Hawaii Congressional delegation. Congresswoman Patsy T. Mink is here with me, and Senator Daniel K. Inouye had also planned to be present but is unable to do so because of illness. However, he is represented by his executive assistant, Dr. Orland S. Lefforge.

Hawaii has long suffered the inequity of being bound by the same import controls as those which govern the western states of the mainland United States. We in Hawaii would be willing to continue to suffer the injustice if it were in the nature of a sacrifice for the national good. The sad truth of it all is that the imposition of these controls on the insular State, some 2,300 miles from the West Coast, is not in any way contributing toward the national good, but is in fact detrimental to our national interest.

A review of the establishment and maintenance of the Oil Import Control Program discloses the underlying national effort to foster overland sources of oil supply in order to avoid the vulnerability of tankers to submarine attack in time of any national emergency. Indeed, within the limits of the continental United States, national security would definitely be strengthened by users purchasing oil that can be delivered by tank car or pipeline instead of by a sea vessel. In the case of Hawaii, however, regardless of the source, oil and oil products must be imported by ship over long stretches of international waters whether there is a national emergency or not. For security reasons, as well as for its economy, Hawaii, therefore, ought to be permitted to import oil from foreign sources via multiple shipping lanes.

Where military requirements are concerned, it appears that the Federal government has reached this very conclusion because the U.S. Navy, a very large consumer of oil in Hawaii, has for many years been using foreign sources for its supply. If foreign sources of oil are deemed satisfactory, even from the point of view of security, to the Navy, then certainly these sources ought to be acceptable for Hawaii's civilian economy.

Consistent with the aims of the Oil Import Control Program, Hawaii, therefore, should be removed from District V and be placed in a separate District with a different set of controls or be released from the program's restrictions altogether. Exemption of Hawaii from the Oil Import Control Program could actually have the effect of removing the possibility of disastrous consequences which would flow from a fire or accident at the major oil company refinery which is Hawaii's sole propane supplier. Propane is distributed throughout the rapidly developing State of Hawaii as a substitute for the non-available natural gas, and any major interruption in the operation of the sole refinery would cripple the operation of military installations and vital communication centers, as well as thousands of businesses and homes. Such a disaster could be avoided and Hawaii's recognized position in our national defense picture could be considerably strengthened by complete exemption of Hawaii from the Oil Import Control Program.

For reasons of national security alone, if not for any other, we strongly urge that this be done as soon as possible.

There are, however, other compelling reasons for excluding Hawaii from District V.

Hawaii, by virtue of its inclusion in District V must pay heavily for its energy supply. It has no hydro-electric power or coal. Its only energy sources are petroleum fuels. The prices Hawaii must now pay for these fuels are of course based on the domestic price of District V crude oil, a price which with transportation to Honolulu included amounts to about $3.85 per barrel. But if Hawaii were permitted to buy its oil from foreign producers at world prices, this price, transportation and all fees included, would amount to but $3.15 per barrel, or a net saving per barrel of about $.70. When we consider that Hawaii's consumption is over 55,000 barrels per day or around 20,000,000 barrels per year, this cost differential amounts to an impressive $14,000,000 a year.

The State cannot afford to overlook an annual loss of this dimension. In contrast to many states, our population is but 750,000, our economy is relatively small. It is a cost which every automobile user, every user of electricity, every user of propane gas must share, and it is a hidden cost in every item produced or consumed in the Hawaiian economy.

Further the high cost of crude oil adversely affects the ability of goods produced in our economy to compete with mainland and world markets. The basic cost of manufacturing plus a fair margin of profit must be met in any enterprise to survive. Since the sale price of Hawaii produced goods is determined by competition outside the State, our margins of profit inevitably are narrowed when our production costs are high. And our production costs are high because of the great distance for our suppliers and markets: extra freight charges must be added to the price of all materials shipped in or out; loss of earnings on capital invested while merchandise is in transit, and losses because of the need to maintain unusually high volumes of stock in our warehouses must also be included in production costs. Also contributing to high overhead is the high cost of land and rentals brought on by land shortages in an insular community. These factors add to the high cost of living because they inflate the cost of produce consumed at home. When products are sold outside the State they encounter the ceilings set by our competitors. As a result our profit margins inevitably narrow. Such costs are intrinsic to our being an insular economy. But because we are insular we must examine all ways in which our economy may compete more advantageously. The extraordinary high prices we must pay for fuels are not all intrinsic. Were they lowered they would ameliorate some of the disadvantages our economy must now assume.

But aside from considerations of what would be good for Hawaii's economy, is it fair to include Hawaii in District V? We believe that it is not, and cite for your consideration the following factors:

(1) Other districts are in geographic proximity, their boundaries set according to the availability of local oil and other fuels. Import quotas are geared to District needs so that something of a fuel cost balance is maintained between Districts. For Hawaii, however, this entire concept of availability is violated for we are a non-contiguous State, 2,300 miles from the remainder of District V.

(2) Other States have authority to bring in overland Canadian and/or Mexican oil imports in addition to the quota. In addition it is possible within a district to transport a finished product from one place to another economically. By both these means a District

is able to achieve a degree of price competitiveness. Hawaii enjoys none of these advantages. On the contrary our consumption is tied almost entirely to but one supplier.

Hawaii is endeavoring in every way to expand its economy. It wants to attract industry; it is attempting to develop itself into a mid-Pacific trade center and a bridge between East and West through the services it can render. The people in our State are willing to plan and work, but they need assistance in removing unjustifiable roadblocks.

To impose the same quota and price regulations on Hawaii fuels as are placed on those for the West Coast is equivalent to a tariff on all Hawaii produced goods. It is as stultifying to the growth of industry as is any tariff against any developing economy.

Beyond the hopes and dreams of the State, however, is a national consideration which also has been too long overlooked. Right now the Department of Defense is purchasing in the vicinity of $1.4 billion in petroleum products annually. About $400 million of this amount is bought from foreign suppliers, and about sixty percent of this $400 million is spent in the Pacific. We have no quarrel with this policy, for it is necessary for logistic reasons—it is just too far to serve our Asian needs with oil brought all the way from the West Coast when the same product can be obtained in the Persian Gulf; and it is economically foolish to pay mainland prices when the same product can be bought overseas for 35 to 40 percent less for limited military use.

In the future, as this country continues and deepens its involvement in Asia, and as the need for petroleum, fertilizers, plastics and the host of other oil derivitives needed by developing countries grows, it will be increasingly beneficial to this country both logistically, and for our balance of payments to have an oil center develop in the Hawaiian Islands. But this manifestly cannot happen so long as we are married to District V quotas.

Hawaii offers no opposition to the Oil Import Program as such. It only seeks equitable consideration for national circumstances beyond its control. The stated purpose of the Oil Import Program is to insure a healthy domestic oil industry for reasons of national security.

It is to be noted that under the actual operation of oil import controls, virtually all crude and unfinished oil consumed in Hawaii is imported from foreign sources in any event, and the oil import controls have not encouraged in Hawaii the use of United States-produced oil, as it had been hoped for under the 1959 Presidential proclamation. The controls have merely tended to raise the cost of energy on the local market to excessively high levels so that Hawaii's energy costs to the consumer are the highest in the Nation.

Foreign oil imports into an isolated island state, 2,300 miles southwest of California, for local use, foreign export and limited export to the United States, should in no way impair the expressed purposes of the controls. On the contrary, a just consideration of Hawaii's needs will lessen the heavy economic burdens now carried by the citizens of the State of Hawaii and at the same time contribute materially to the Nation's economic and defense posture.

We therefore again urge that Hawaii be exempted from the crippling and unfair restrictions of District V and be placed in an entirely different category, under terms which are commensurate with the unique needs and opportunities found in Hawaii.

Thank you very much.

[Letter from the Hawaii State Federation of Labor, AFL–CIO, to Secretary Udall, on June 5, 1967]

DEAR MR. SECRETARY: The Hawaii State Federation of Labor, AFL–CIO, is pleased to respond to your invitation to comment on the effects of the Federal oil import quota program in this State.

In summary, the effects of the program as applied to Hawaii are beyond any doubt extremely high in discriminatory prices for petroleum and petroleum products in Hawaii. Additionally, the program as applied to Hawaii cannot possibly strengthen the national defense. On the contrary, the long run effects of the program must be to weaken Hawaii's economy, continue its high dependence upon imports for its basic food and other needs and increase the deficit in the U.S. balance of payments.

As we understand the purpose of the import quota program, the program is supposed to limit imports into the United States of foreign oil, including the products refined from such oil, and thus reserve U.S. markets for oil drawn from reserves within the United States. The resulting high prices in domestic markets are thus expected to provide a special incentive for exploration and discovery of new oil reserves in the U.S., with benefits to the national security.

In Hawaii we have the high prices in double measure, but our consultations with geologists make it clear that no one in his right mind would explore for oil in the volcanic substances which make up the Hawaiian Islands.

The Hawaii market is, moreover, being supplied with foreign oil. The quotas only determine which companies can bring in the foreign oil. The quotas make it impossible for any company not a member of the little club of oil companies to bring in foreign oil or foreign oil products.

The principal marketers in Hawaii are Standard California, Shell, Texaco, Phillips and Union. Standard operates the only refinery in the State and supplies the other companies with regular gasoline, which the latter companies may sell as regular gasoline under their own name or to which they may add coloring and odors and sell as their premium gasoline.

The crude oil refined in Hawaii comes from these different sources: from the consortium operated by Standard, Shell, Texaco and others in Iran; from the concession held by Standard, Texaco and others in Saudi Arabia and from a joint enterprise of Standard and Texaco in Indonesia.

According to the U.S. Customs Bureau, imports of crude oil into Hawaii in 1965 were from the following sources:

	Barrels
Iran	464, 928
Saudi Arabia	7, 678, 024
Indonesia	4, 042, 152
Total	12, 185, 104

When Standard wishes to have an asphalt residue, it also brings in and refines a small quantity of crude from the U.S. West Coast, because of the high asphalt content of crude from this area; and Standard ships some gasoline back to the West Coast, where it is sold at delivered prices which are about two-thirds the delivered price charged in Hawaii.

Professor John L. Hazard, Michigan State University, in a study of Hawaii's potential as a distribution and processing center cites a letter from Standard Oil of California of October 1962, indicating that the company supplied its Hawaii refinery in 1961 with only 2.5% of California crudes and 97.5% with crudes from Arabia and Indonesia (Sumatra).

And the reasons are, of course, the much lower costs of the Middle Eastern and Southeast Asian crudes, plus Hawaii's proximity to these producing areas. The Federal Trade Commission's 1952 report on the oil cartel placed the actual production costs of Middle Eastern crudes at between 27 cents and 40.6 cents per barrel.

And even at posted prices, prevailing in 1960–61, Professor Hazard found that—

"The average tanker rates were such that during the year of 1960–61 it would have cost less to deliver crude petroleum to Hawaii from any major production center in the world than from Southern California.

"The areas of particular interest to Hawaii are the Middle East (Fao, Iraq, and Adaban, Iran, $13.19–$13.42 per ton of 36° A.P.I. crude) and Oceanic Southeast Asia (Lutong, Sarawak, $18.34 F.O.B. per long ton), the lowest cost sources of crude petroleum for Hawaii.

"During the year of 1961, either of these sources could lay down comparable crudes in Hawaii for less than the base F.O.B. price at Coalinga, California ($23.95 per long ton of 36° A.P.I. crude). Fao, Iraq, could deliver to Hawaii for $17.90 per ton ($13.19 F.O.B. tanker and $4.71 tanker rate to Honolulu. Lutong, Sarawak, could lay crude down in Honolulu for about $22.84 per long ton ($18.34 F.O.B. Lutong and $4.50 constructed tanker rate to Honolulu)."

In addition, the major oil companies supply large percentages of the Hawaii market for fuel oil and jet fuel from their refineries in the Persian Gulf and Caribbean areas—all made of foreign oil. For 1965, the Customs data are as follows:

	Barrels
Fuel oil:	
(SUV 145 AO):	
Venezuela	599, 496
Saudi Arabia	2, 641, 054
Bahrain	303, 818
(SUV UN 145):	
Saudi Arabia	223, 000
Jet Fuel:	
Dutch West Indies	1, 461, 558
Venezuela	1, 917, 814
Saudi Arabia	97, 642

By way of supporting the fiction that the Hawaii market is supplied from high-cost West Coast oil, the oil companies rig their prices in Hawaii on the basis of West Coast posted prices, plus the cost of shipping from the West Coast. This means that consumers in Hawaii pay prices which are a fictitious and artificially high West Coast price (that is, posted prices, not actual market prices on the West Coast) plus phantom freight from the West Coast.

We understand, of course, that the Federal oil import program does not require the oil companies marketing in Hawaii to set prices here on the basis of a West Coast basing point or, as for that matter, to use any basing point as a method of setting prices. We emphasize, however, that since the program limits imports of oil and oil products to the small club of established oil companies, the program creates the basic conditions whereby these companies can set prices in non-competitive ways in Hawaii.

Hawaii's problem does not, moreover, arise from an insufficient overall quota. In recent times Standard has been re-exporting about 20% of the output of its local refinery.

Accordingly, some of the suggestions which have been made for increasing Hawaii's quota, or for giving Hawaii a separate quota from the rest of District 5, would not have the slightest effect on the competitive situation or the prices being charged in Hawaii. Merely allocating a larger quota among the same oil companies would not solve our problem. And setting Hawaii up as a separate district could well lessen the possibility of a solution, in that such an arrangement might well close the Hawaii market to other companies now marketing on the West Coast, and having an overall District 5 quota.

There are quite a few large users of petroleum products in Hawaii who could purchase their requirements of these products in tanker lots, and if permitted to make such purchases at the lower prices prevailing in the various production centers, they would doubtless do so. Or, alternatively, the oil companies would adopt prices for Hawaii computed from the correct basing point.

In any case, imposition of the oil import quota program on Hawaii does not serve any national emergency purpose. The effect of the program is to weaken the national defense. Accordingly, we recommend that Hawaii be completely removed from the program. Hawaii would have an expansion of its processing industries, an expansion of job opportunities, an expansion of business profits, a stronger preparation for national emergencies and a smaller deficit in its trade balance.

The same would be true of Hawaii's trade balance with the West Coast.

We recommend that Hawaii be relieved of the Federal oil import quota program and thus be freed of the oil companies' closed shop. Since Hawaii is using foreign oil anyway, we think that any and all companies willing and able to bring in this oil should be permitted to do so, whether for the company's own use or for resale at reasonable prices.

Sincerely,

ROBERT C. KNIGHT,
Executive Secretary.

[Letter by Honolulu Building & Construction Trades Council, June 6, 1967]

Hon. STEWART UDALL,
Secretary of the Interior, U.S. Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: On behalf of the Honolulu Building & Construction Trades Council, AFL–CIO, I appreciate the opportunity to comment on the effects of the Federal oil import quota program.

The first and most obvious effect of this program, as imposed on Hawaii, is to create a closed shop for the international brotherhood of big oil companies. All of the bad effects on workers, consumers and business in Hawaii flow from this closed shop.

In Hawaii, unfortunately, this kind of closed shop permits the oil companies to set prices and extract profits without any countervailing restraints.

Hawaii's business community is at all times prepared to resist any request for a cost-of-living wage increase. But as is well known, when Hawaii businesses, consumers and workers are being robbed by some big business interests, Hawaii's business community looks the other way and whistles "Sweet Leilani". So there is little effective pressure from the business community to restrain the oil companies.

Furthermore, there is no Federal or State regulation of prices and profits of the oil companies, as is the case with other monopolies. Certainly these companies ought to be under strong public regulation, but they are not.

According to the Presidential Proclamation (No. 3279) which imposed this program, the purpose of the program is to limit the use of imported oil—and products of same—in domestic markets. As applied to Hawaii, the quotas in no way limit the use of imported oil, they only restrict the privilege of importing the oil to the favored few. The result is stratospheric prices for which the people of Hawaii pay, and pay many times over, both in hard-earned money and in lost job opportunities.

In the case of gasoline, consumers in Hawaii pay the oil companies more in overcharges than they pay the State in gasoline taxes.

A fully valid comparison of gasoline prices would take account of the fact that gasoline sold in Hawaii is refined from low-cost foreign oil.

On the West Coast, gasoline is made in part from high-cost domestic oil, and in part from foreign oil from the same sources as the oil refined in Hawaii, but shipped over much greater distances and at greater costs.

Even so, comparisons between Hawaii and West Coast prices will throw some light on the subject, though they will not fully illuminate the subject.

According to the *Oil and Gas Journal*, one of the Bibles of the oil industry, spot prices of regular 90 octane gasoline on April 26 averaged 12.5 cents per gallon, f.o.b. refinery in the Los Angeles area—exclusive of taxes. In Hawaii, the major oil companies—with one exception—were charging their dealers 18.4 cents, delivered in the Honolulu metropolitan area. One enterprising company, Union, was delivering Standard's regular gasoline to its dealers and charging the dealers 19.4 cents.

Comparing the prices paid by consumers at the retail service station in Honolulu on April 25, with corresponding prices of major-brand regular gasoline reported by the *Oil and Gas Journal* for several West Coast cities on the same date, we find the following—exclusive of taxes:

Major-brand regular gasoline (excluding taxes)

Honolulu	28.7
Los Angeles	22.9
San Diego	22.9
San Francisco	23.9
Seattle	22.4
Spokane	20.4

Keeping in mind that crude oil costs on the West Coast are higher than in Hawaii, it is apparent that Honolulu customers of gasoline are being overcharged by 8.3 cents per gallon, even as compared to Spokane; and overcharged 6.3 cents per gallon even compared to Los Angeles, San Diego and Seattle.

The overcharge compared to Spokane means that consumers in Honolulu are paying $15.4 million a year in overcharges on gasoline. Alternatively, the overcharge compared to Los Angeles, San Diego and Seattle means that Honolulu consumers are paying $11.7 million a year in overcharges.

In contrast, consumers in Hawaii are paying the State $9.3 million in gasoline taxes and paying the Federal government $5.4 million in gasoline taxes. In other words, Hawaii consumers are paying the oil companies more in overcharges than they are paying in taxes to the Federal and State governments combined.

As compared to the 28.7 cents per gallon, exclusive of all taxes being charged in Honolulu, the *Oil and Gas Journal* gives prices for other cities—in addition to those already quoted—as set out below. Some of these include ½ and 2 cents per gallon local tax. The Honolulu price is one quarter higher than the average of U.S. cities.

Retail prices of major-brand regular gasoline, exclusive of taxes

Albany	22.90
Albuquerque	23.40
Amarillo	21.90
Atlanta	22.40
Baltimore	22.90
Birmingham	18.90
Boston	22.40
Buffalo	22.90
Charlotte	22.90
Cheyenne	26.90
Chicago	24.90
Cleveland	21.90
Corpus Christi	16.90
Dallas	20.90
Denver	24.90
Des Moines	23.90
Detroit	22.90
Fort Worth	21.90
Houston	20.90
Indianapolis	24.90
Jacksonville	21.90
Kansas City	22.90
Little Rock	21.40
Louisville	21.90
Los Angeles	22.90
Memphis	19.90
Miami	13.90
Milwaukee	18.90
Minneapolis-St. Paul	23.90
Newark	21.90
New Orleans	20.90
New York	23.90
Norfolk	18.90
Oklahoma City	23.40
Omaha	24.40
Philadelphia	18.90
Phoenix	23.90
Pittsburgh	20.90
Portland, Oreg	22.90
Salt Lake City	22.90
San Antonio	21.90
Springfield, Ill	24.90
St. Louis	24.90
Tampa	14.40
Texarkana	21.90
Tulsa	23.40
Wichita	23.90
Wichita Falls	21.90
Week's average	22.10
April average	22.17

In view of the widely known facts of the oil business, we do not imagine that the major oil companies suffer from any really competitive prices anywhere in the world. Thus the objection we are making is not that these companies normally take monopoly profits. We would have to expect them to make monopoly profits even if they had no Federal import quota program to help them.

What we are objecting to is the special additive of super high-octane monopoly profits—the TPC, or Territorial Profits Concentrate—which they are taking in Hawaii.

Let the record be clear that the monopoly profits are not at the retail service station level—the segment of the oil industry which usually gets investigated when loud complaints are made about the high gasoline prices in Hawaii. There is neither record nor rumor of anyone's ever getting rich from operating a retail service station in Hawaii.

In point of fact, at the present time some of the oil companies are expending generous portions of their monopoly profits in erecting new service stations, thus bringing about more intense competition among the retail operators.

Indeed, Hawaii's land area is rapidly being overlaid with filling station architecture—a traditionally hideous prefab which now comes in Space Program colors that paralyze the eye and leave it incapable of seeing the blossoms of bougainvillea and flame tree. Our younger citizens think the Outdoor Circle refers to the great orange ball which now dots the Hawaii landscape.

Aside from this highway and byway beautification program, however, we are unable to discern any good use being made in Hawaii of the monopoly profits which the oil companies are taking from the State. Nor are we persuaded that these oil companies really need these premium profits to pay the rent, keep the children in shoes or make the stockholders happy.

Hawaii has a population of only three-fourths of a million people. The huge burden of overcharges these people bear cannot really make a significant difference in global profits of the oil companies doing business here. According to Moody's Manual, the admitted profits of the 5 big oil companies marketing in Hawaii totaled in excess of $1.9 billion in 1966—after taxes. Thus if these companies had taken $100 less, last year, per each family in the State than they actually did take, their combined after-tax profits would have been reduced by only about 1%.

The book value of the assets of these 5 companies—$27.7 billion—is more than 5 times the gross value of all the land and other real property in Hawaii.

WORLDWIDE SALES, ASSETS, AND AFTER-TAX PROFITS OF 5 BIG OIL COMPANIES DOING BUSINESS IN HAWAII IN 1966

[In billions]

	Sales	After-tax profits	Assets
Phillips	1.7	0.15	2.7
Union [1]	2.4	.21	2.7
Standard of California	3.3	.23	3.8
Texaco	4.4	.63	6.4
Shell group [2]	10.3	.71	12.1
Total	22.1	1.93	27.8

[1] Includes Tidewater.

[2] Shell's data is for 1965.

Source: Moody's Manual of Industrials.

From the standpoint of labor—and from the standpoint of the State's general welfare—the worst effect of the oil companies pricing practice is not that it robs us of a large portion of our low wages. The worst effect is that it robs us of job opportunities for earning any wages.

Imported oil is the only source of power available in Hawaii. Power costs are, moreover, a very important factor in determining where industries will locate and grow.

Hawaii imports such of its processed food and other products from Japan, for example. And the Japanese business community is not noted for whistling "Sweet Leilani" when it is handicapped in competing either in world markets or its local market. Such admirable qualities are worthy of imitation in Hawaii.

We suggest that if the American oil companies would sell oil to Hawaii at the same f.o.b. point-of-origin prices which they charge Japan for the same oil from the same sources, Hawaii would have an expansion of its processing industries, an expansion of job opportunities, an expansion of business profits, a stronger preparation for national emergencies and a smaller deficit in its trade balance.

The same would be true of Hawaii's trade balance with the West Coast.

We recommend that Hawaii be relieved of the Federal oil import quota program and thus be freed of the oil companies closed shop. Since Hawaii is using foreign oil anyway, we think that any and all companies willing and able to bring in this oil should be permitted to do so, whether for the company's own use or for resale at reasonable prices.

Sincerely,

HONOLULU BUILDING & CONSTRUCTION TRADES COUNCIL, AFL–CIO,
J. C. REYNOLDS, *Secretary-Treasurer.*

[Resolution adopted by the City Council, City and County of Honolulu, July 18, 1967]

RESOLUTION NO. 294

Whereas, the Oil Import Administration of the Department of the Interior has held public hearings for the purpose of receiving testimony and statements on all phases of the mandatory oil import control program; and

Whereas, the Director, Office of Emergency Planning, Executive Office of the President, is conducting an investigation into the question of liberalizing the petroleum import quotas with respect to asphalt as it affects the national security and this question is directly related to the oil import control program; and

Whereas, in his statements to the Department of the Interior and to the Office of Emergency Planning, the Honorable John A. Burns, Governor of the State of Hawaii, has requested that Hawaii be exempted from the provisions of the oil import program because the program as it applies to Hawaii (1) has no effect on the national security by which the program may be justified but does substantial injury to the national security, as well as creating a dollar drain; (2) does not meet the stated purposes of preserving the domestic market for crude oil products inasmuch as substantially all of the crude oil requirements in Hawaii are provided by foreign oil; and (3) enables the major oil companies to charge excessively high and discriminatory prices for petroleum products in Hawaii; and

Whereas, petroleum products sold in Hawaii are generally priced at West Coast prices, plus shipping and other costs, thereby imposing a disproportionate burden upon the people of the State of Hawaii; and

Whereas, imported oil and oil products are the only significant source of energy available to Hawaii and their excessively high costs are of critical importance not only to the economy of the State but to our national security as well; and

Whereas, under its present provisions Puerto Rico and the Virgin Islands have been exempted from the oil import quota program; and

Whereas, the Council of the City and County of Honolulu wishes to go on record as supporting the Governor of the State of Hawaii that Hawaii be exempted from the provisions of the oil import control program; now, therefore,

Be it resolved by the Council of the City and County of Honolulu that the Oil Import Administration of the Department of the Interior and the Office of Emergency Planning, Executive Office of the President be, and they are, hereby respectfully urged to exempt the State of Hawaii from the provisions of the oil import control program; and

Be it further resolved that the Clerk be, and she is, hereby directed to transmit copies of this resolution to the Honorable Elmer L. Hoehn, Administrator, Oil Import Administration of the Department of the Interior, Washington, D.C.; the Honorable Farris Bryant, Director, Office of Emergency Planning, Executive Office of the President, Washington, D.C.; to each of Hawaii's Congressional representation, the Honorable Hiram L. Fong and Daniel K. Inouye, members of the Senate, and to the Honorable Spark M. Matsunaga and Patsy T. Mink, members of the House of Representatives; the Honorable John A. Burns, Governor of the State of Hawaii; and to Dr. Shelley Marks, Director, Office of Economic Planning and Development of the State of Hawaii.

[Letters and statement of James F. Gary, president, Honolulu Gas Co., to Mr. Hoehn, on the import of low-sulfur residual fuel oil to district V, Aug. 18, 1967]

DEAR SIR: The following changes are recommended to the proposed OIA Rules concerning the import of low-sulfur residual fuel oil to District V.

1. Modify by insertion of the *underlined* phrase in the definition of residual fuel oil or interpret it to read "Residual fuel oil—topped crude oil or viscous residuum which has a viscosity of not less than 45 seconds Saybolt Universal at 100 Degrees F. and crude oil which has a viscosity of not less than 45 Second Saybolt Universal at 100 Degrees F, and which is to be used *as a raw material for producing methane-rich utility fuel gas in an existing public utility gas-making plant* or as fuel without further processing other than by blending by mechanical means; this new definition expands the viscosity range of fuel oil and permits imports under a residual fuel oil license of oil of lower viscosity than was heretofore permitted."

2. Modify by insertion of the *underlined* phrase or interpret the words "residual fuel oil to be used as fuel" wherever they appear to read "residual fuel oil to be used as fuel *or processed to methane-rich utility fuel gas.*"

The attached indicates where the above changes should be made and contains our arguments for such rule modifications.

Very truly yours,

JAMES F. CARY.

COMMENTS BY HONOLULU GAS CO., LTD., ON PROPOSED RULES COVERING LOW-SULPHUR RESIDUAL FUEL OIL IMPORT ALLOCATIONS, AUGUST 21, 1967

The Department of the Interior's proposed rules provide that, for the first time, residual oil may be imported for further processing instead of being limited to use for fuel only. To help alleviate air pollution, oil import regulations have been modified to allow the quota-free import of low-sulfur residual fuel oil or crude and unfinished oils which can be processed into low-sulfur residual fuel oil.

FEDERAL AIR POLLUTION ABATEMENT PROGRAM

The Secretary of Health, Education and Welfare recently made the following air-pollution abatement recommendations enforceable eventually in the Federal courts, to a two-state area:

1. Prohibit construction of new power-generating facilities without a guaranteed 20-year supply of 0.3% sulfur fuel oil.

2. Restrict fuel used in existing plants to a sulfur content of no more than 1.0% wt after October 1, 1969, or require sulfur dioxide removal from stack gases.

3. Restrict fuel used for space heating and other domestic, commercial and industrial purposes after October 1, 1969 to natural gas, coal of no more than 0.2% sulfur, or oil with no more than 0.3% sulfur.

In order to meet the low-sulfur flue gas quality recommended by HEW, the energy industry has the following alternatives to obtain the required fuels:

1. Greatly increase the availability of natural gas;

2. Desulfurize the currently available high-sulfur domestic fuel oils;

3. Remove sulfur dioxide from oil and coal-burning stack effluents;

4. Import finished low-sulfur fuel oil from foreign sources; or

5. Import and process foreign low-sulfur crude or unfinished oils in U.S. refineries to produce low-sulfur fuel oil.

During the year 1966, the gas utilities in the United States sold 125 billion therms of gas. Of this, less than one-tenth of one-per cent (50 million therms) is estimated to have been utility fuel gas manufactured from oil. The Honolulu Gas Company, Ltd., manufactured forty per cent of the nation's manufacture utility fuel gas which it processed from 600,000 barrels of heavy residual fuel oil.

HONOLULU'S AIR POLLUTION ABATEMENT PROGRAM

Natural gas, which already supplies one-third of our nation's energy, is not economically available in sufficient quantities to supplant industry's use of high sulfur fuel oil in urban areas. Therefore, utilities and heavy industries using available high sulfur residual fuel oil would have to bear the total additional desulfurizing costs to meet air pollution abatement regulations unless the additional import allocations of lower cost foreign low sulfur residual oil and foreign crude or unfinished oil to produce it were being permitted.

Under the proposed interpretation of low sulfur oil import rules, the low sulfur residual fuel oil used for the manufacture of utility fuel gas may not clearly qualify for the proposed additional allocations. This, we believe, is an oversight. Utility gas manufacturing plants process by reforming residual fuel oil to produce a synthetic natural gas form of energy.* Similarly, electric generating plants and heating plants process the same type of fuel oil to electrical or steam energy. All these types of utilities compete directly with fuel oil for the heat and power markets.

The Honolulu Gas Company, Ltd., now pays a premium for a low sulfur residual fuel oil processed from Indonesian crude oil imported by a local refiner. This higher priced fuel is voluntarily selected over much lower priced high sulfur residual fuel oil because of our concern with air pollution abatement at our gas manufacturing plant in downtown Honolulu and the costs of sulfur removal. Although the manufactured raw fuel gas has the same sulfur content as the residual fuel oil from which it is produced, deep chemical desulfurization and refining of the sour gas results in a fuel equally desirable to natural gas in the air pollution battle. Since Hawaii may never have natural gas pipelined 2,500 miles from overseas producing fields, methane-rich utility fuel gas manufacturing from low sulfur residual fuel oil may continue to supply indefinitely this island state's natural gas energy requirements. Although this synthetic natural gas costs approximately three times as much as continental U.S. natural gas, it supplies the critical use requirements of some 70,000 homes, businesses and industrial operations. Hawaii's utility fuel gas service is obviously fulfilling a vital state energy requirement as gas use has increased eight per cent during the past eight months!

NATURAL GAS EXEMPTION FROM OIL IMPORT REGULATIONS

Natural gas (methane) has always been specifically excluded from the Oil Import Administration's control, regardless of whether it is burned as fuel, used as petrochemical charging stock, or processed in the refinery to assist in the production of premium liquid petroleum fuels. This fact indicates the intent of the Presidential Proclamation 3279 as amended should be to similarly exclude Hawaii's methane-rich fuel gas from the controls placed on all other petroleum (liquefied gases, crude oil, unfinished oils, residual fuel oil, and finished products). If such is not done, there would exist a clear-cut case of discrimination against Hawaii's only gas energy resource.

Since the Department of Health, Education, and Welfare has publicly recognized the premium value of natural gas (methane) energy in air pollution abatement where natural gas is available, the Federal Administration should fulfill this request to include clearly in the current O.I.A. amendment rules for the allocation in District V of imported low sulfur residual fuel oil required for the production of Hawaii's petroleum derived substitute "synthetic" natural gas (methane-rich utility fuel gas).

Since quota-free foreign low-sulfur residual fuel oil is being made available through import allocations for electrical power generation, steam production, heating, incineration and air conditioning at nearly the same price as domestic high-sulfur oil, such operations will have complied with the air-pollution regulations without any major increase in operating cost. The same economic opportunity to utility gas-making operations which produce an even higher quality, cleaner gas fuel should certainly be provided for in the final rules.

DEFINITION

Utility fuel gas (but not liquefied gases), which has a specific gravity of less than 1.0, is produced by the processing (reforming) of crude oil or unfinished oil. Its manufacture is economically limited to heavily populated areas where pipeline natural gas is not available. This methane-rich substitute natural gas is used directly as fuel in the generation of heat or power without further processing other than by mechanical blending. Utility fuel gas is normally produced and distributed by the same gas utility company, and the only oil gas plants still operating are in a few geographically isolated cities such as Honolulu, Hawaii and Bangor, Maine.

DEAR MR. HOEHN: This is in reply to your public offer to submit written suggestions concerning the proposed rules on allocations of imports covering low-sulfur residual fuel oil.

The City of Honolulu and the State of Hawaii are extremely sensitive to air pollution. Consequently, the City and State strongly support the Presidential amendment which will enable our energy industries to obtain a higher quality low-sulfur residual fuel oil at reasonable costs.

However, the amendment and the proposed rules do not provide clearly for the import allocation of low-sulfur residual fuel oil need for the manufacture of utility fuel gas (substitute natural gas) required only by Hawaii in District V. This can be corrected by accepting the recommendations in the attached presentation.

The suggested revisions to the proposed rules contained in the attached presentation would:

1. Make available more economical low-sulfur foreign residual fuel oil required for the manufacture of utility fuel gas in District V.

2. Reduce air pollution in Hawaii and especially in Honolulu and the Island of Oahu where natural gas is not and may never be available.

3. Provide an alternate to the direct consumption of low-sulfur residual fuel oils as the principal means of combating air pollution. It will permit the necessary production of premium-quality utility fuel gas for commercial and smaller industrial consumers ill-equipped to properly control and maintain oil-fired equipment.

This proposal does not conflict with the objectives of the Oil Import Program and supports the intent of the recent amendment. It will permit a manufacturer of utility fuel gas to obtain from a refiner or marketer foreign-derived residual fuel oil which has been imported under the new low-sulfur residual fuel oil allocation procedure.

Furthermore, decontrol of the low-sulfur oil required for utility gas manufacture will also remove controls from methane-rich utility fuel gas which is Hawaii's current substitute for natural gas. This complies with Presidential Proclamation 3279 which specifically *excludes natural gas and methane* from the oil import control program.

Approval to obtain foreign residual fuel oil outside of the oil import quota will result in reducing the high cost of low-sulfur residual fuel oil required to produce Hawaii's synthetic natural gas, directly benefiting both Hawaii's economy and its clean-air program.

If we can be of assistance in providing further background material, we shall be pleased to so cooperate.

Very truly yours,

JAMES F. GARY,
President.

[Resolution adopted by the second biennial convention in Honolulu, Hawaii, of the Hawaii State Federation of Labor, AFL–CIO, Sept. 1967 regarding the oil import program]

RESOLUTION 42

Whereas, Hawaii is unique among the fifty states of the Union in that, being 2,200 miles from the Mainland, it does not have available to its economy such energy sources as coal, natural gas, or hydroelectric power;

Whereas, since the industrial revolution, those areas of the world that have been fortunately endowed with low cost energy are those that have enjoyed high productivity and high incomes and conversely, others have made little economic progress;

Whereas, Hawaii depends upon imports of foreign oil for its energy and such oil and the refined products therefrom is used to generate our electricity, make our synthetic gas, drive our trucks, automobiles, agricultural machines and the ships and aircraft which take our products to markets and bring from overseas our necessary supplies;

Whereas, on the basis of prices at which this foreign oil is offered for sale f.o.b. points of origin, plus costs of shipping at commercial tanker rates, independent buyers in Hawaii would be able to obtain their supplies at substantially lower prices than they are charged by the oil companies which are permitted to refine foreign oil or market the products of such oil in Hawaii;

Whereas, studies by the Stanford Research Institute have shown that the overcharges imposed upon Hawaii by these companies amounted to at least $14 million a year on the volume consumed in Hawaii five years ago:

Whereas these overcharges at the present time are conservatively estimated to exceed the State's total revenue from the general 4% general excise tax on food and drugs;

Whereas, these overcharges on oil and refinery products sold in Hawaii are a direct result of a Presidential Proclamation of President Lyndon B. Johnson, which Proclamation prohibits any person from importing into Hawaii any foreign oil or refinery products of same, except those oil companies which had oil refineries in operation in the U.S. during the year 1958;

Whereas, these overcharges imposed upon Hawaii by President Johnson's Proclamation have been well known by and fully discussed with political leaders for a number of years, but nothing has been done,

Whereas, it is now time to recognize that relief through political channels may never come; and the time has now come to turn to the Federal Courts for justice;

Whereas, success in the courts will require for Hawaii an advocate of unusual skill and unquestionable determination; and Hawaii is fortunate to have such an advocate in the person of Lieutenant Governor Thomas P. Gill, the principal architect of Hawaii's anti-trust laws;

Whereas, Lieutenant Governor Gill has exceptional expertise in the legal and political issues involved in our present problem, and his persistent championship of consumer protection measures in Hawaii has proven his loyalty to consumers beyond a doubt;

Whereas, preliminary consultations with experts in the fields of constitutional and anti-trust laws indicate that Hawaii might obtain relief from the "oil import quota program" imposed by President Johnson in either of two ways: One way is through a suit by the State of Hawaii on behalf of its citizens; and the other possibility is a suit by a group of taxpayers on behalf of Hawaii;

Whereas, the AFL–CIO Federation of Hawaii, representing as it does 32,000 members of organized labor in Hawaii, is by far the most responsible body of taxpayers to bring such a suit;

Now, therefore, it is hereby resolved that Lieutenant Governor Gill is requested to make a determination as to the best legal method of obtaining for Hawaii exemption from the "oil import quota program" and to take such steps as may be necessary to achieve the legal remedies which we seek and which Hawaii so sorely needs;

It is further resolved, that Governor John A. Burns is requested to employ his good offices to provide the resources and staff of the Attorney General and other government departments as required for the successful achievement of this resolution;

It is further resolved, that copies of this resolution be transmitted to Governor John A. Burns, Lieutenant Governor Thomas P. Gill, to each member of Hawaii's Congressional delegation, and to the national office of the American Federation of Labor, AFL–CIO.

[Letter of Representative Patsy T. Mink to Mr. Hoehn Nov. 16, 1967]

Dear Mr. Hoehn: I am writing to urge that you give every consideration to re-examining your recent decision not to allow exemption for Hawaii from the import quota restrictions which were recently reviewed by the Department.

Having been advised that the exemption was denied on the basis that it would be discriminatory against other States, may I respectfully point out how discriminatory it is to Hawaii, the only insular State, to be forbidden to purchaser larger quantities of fuels which are brought to our State from foreign countries, especially since we lack any domestic source of fuel.

The consumers of my State would be able to save an estimated $14 million per year from the excessive power costs they must bear if Hawaii's geographic uniqueness, along with the immediate availability of foreign oil at reasonable prices, were taken into consideration.

On behalf of my State, I will be deeply grateful for a review of the effects on Hawaii's economy of being included in District V, and for reconsideration that can be given to our previous request for establishment of Hawaii as a single District with an exemption from existing import restrictions.

Very truly yours,
Patsy T. Mink,
Member of Congress.

Hon. Stewart L. Udall,
Secretary, Department of the Interior, Washington, D.C.

Dear Mr. Secretary: I am forwarding a copy of a Concurrent Resolution approved by the Hawaii State Legislature requesting that Hawaii be relieved of the mandatory oil import quota program created pursuant to Proclamation No. 3279.

I would appreciate all consideration that you may extend to this request as the need for additional imports of oil is growing daily.

I would also appreciate a review and reply as soon as possible.

Thank you very much.
Very truly yours,
Patsy T. Mink,
Member of Congress.

[Fourth State Legislature of the State of Hawaii, concurrent resolution adopted Mar. 28, 1968]

CONCURRENT RESOLUTION

Whereas, Hawaii is unique among the fifty states of the Union in that, being 2,200 miles from the mainland United States, it does not have readily available to its economy such energy sources as coal, natural gas, or hydroelectric power; and

Whereas, Hawaii is dependent upon imports of foreign oil for its energy to turn the wheels of its industries, generate its electricity, make its synthetic gas, and drive its trucks, automobiles, agricultural machines and the ships and aircraft which take its products to market and bring from overseas necessary supplies; and

Whereas, Presidential Proclamation No. 3279 established a mandatory oil import quota program to safeguard our national security by providing special incentives for exploration and discovery of new oil reserves in the United States; and

Whereas, the foreign oil import quota program does not serve any national defense purpose in Hawaii since the program does not result in the use of crude oil or crude oil products from the continental United States, and there is no indigenous oil supply nor is any supply expected from the volcanic substances which make up the Hawaiian Islands; and

Whereas, the effect of the quota program has been to lessen the normal forces of competition among oil companies in Hawaii; and

Whereas, prices charged by the oil companies in Hawaii for oil products refined from low-cost foreign crude oil are generally as high or higher than prices charged on the west coast for products refined from the higher-cost west coast crude oil; and

Whereas, the present high cost of oil is detrimental to the entire economy of Hawaii; and

Whereas, there is presently in Hawaii no feasible alternative source of energy to oil; now, therefore,

Be it resolved by the Senate of the Fourth Legislature of the State of Hawaii, Budget Session of 1968, the House of Representatives concurring, that the President of the United States is requested to review the effects of the foreign oil import quota program in Hawaii, re-evaluate Hawaii's unique geographic and economic situation, and provide relief by exempting Hawaii from the program with respect to oil and oil products consumed in Hawaii or exported to foreign countries; and

Be it further resolved that Hawaii's delegation to the Congress of the United States be and they are hereby requested to use their best efforts to secure relief for Hawaii by convincing the President of the United States that Hawaii should be exempted from the Oil Import Quota Program; and

Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to President Lyndon B. Johnson, Senator Hiram L. Fong, Senator Daniel K. Inouye, Congressman Spark M. Matsunaga, Congresswoman Patsy T. Mink, and Miss Betty Furness, the President's advisor on Consumer Affairs.

[Letter of Lt. Gov. Thomas P. Gill to Mr. Hoehn, April 4, 1968]

Dear Mr. Hoehn: We have recently received copies of your notice of proposed rule making dated March 13, 1968 asking for written comments, suggestions, or objections with respect to the proposal.

This office is not sufficiently informed on the intricacies of the industry generally to comment on the specific language used in the proposed regulation.

However, the State Legislature recently passed a concurrent resolution asking that Hawaii be relieved of the oil import program because of its damaging effect on our economy. The reports from both committees concerned, and the resolution as passed, are enclosed.

In line with this concern, the Attorney General of the State has recently filed an antitrust action against certain oil companies doing business in the State. A copy of the complaint is enclosed for your information.

In view of the foregoing, we can say that any change in the oil import regulations which would make it more difficult for a small independent refinery-petrochemical enterprise to establish itself in Hawaii and operate using foreign or unfinished oil would be a step in the wrong direction. We are deeply in need of alternative sources of petroleum products so that there can be some viable element of price competition in our small rather specialized market. We also need alternative production facilities in case of a natural disaster or national defense emergency. We have further been informed there is a reasonable possibility of certain new industries based on petrochemicals providing a reasonably priced source of raw material is available.

We hope that public hearings will be held on these and related matters so that interested parties in the State may make a more complete presentation.

Sincerely,
Thomas P. Gill,
Lieutenant Governor.

[Letter of Roy J. Leffingwell, executive vice president Hawaii Manufacturers Association to Mr. Hoehn on the proposal to auction oil import licenses, Apr. 19, 1968]

Dear Mr. Hoehn: Thank you for this opportunity to comment on the proposed change in OIA Regulation to auction oil import quotas instead of providing free quotas to eligible persons.

The Hawaii Manufacturers Association represents a membership which produces approximately 80% of the diversified manufactured volume in Hawaii. We are vitally concerned with the effect OIA regulations have and will have on costs, availability and security of petroleum fuel and energy supplies for Hawaii's growing economy, and the impact they are certain to have on our industrial growth and diversification.

The position of our association, and we feel this representative of the average citizen of Hawaii, is that this Island State should not come under the proposed oil import quota "auction system." HMA offers no opposition to the national security aspect of the Oil Import Program, but requests equitable consideration due to natural economic circumstances beyond our control. We are separated by 2,200 miles of international waters. (Puerto Rico has received special consideration when separated by only 1,000 miles.) And, the lack of indigenous fossil fuels precludes any justification in having Hawaii under the same OIA regulations that govern the North American continent.

The additional cost of purchasing import quotas must be passed on to the consuming public, resulting in increased petroleum products prices. Petroleum-derived energy is the only available power for our manufacturing industry, and price increase in this primary energy source will further raise our already high manufacturing costs and price Hawaii-manufactured products out of the local market.

Creation of a foreign trade zone or separate District VI encompassing the entire six-Island State of Hawaii and exempting this district refining and marketing area from continental oil import quota requirements would establish a more equitable and fair treatment of Hawaii. Such a classification for Hawaii would not in an way jeopardize the Oil Import Program for:

1. Hawaii does not have, and geologically is impossible to have, a fossil fuel recovery (coal mining, crude oil or natural gas production) industry that needs the encouragement and protection of the Oil Import Program;
2. All crude and finished petroleum products must be imported over at least 2,200 miles of international waters, which negates security of overland supply reasons of the North American Program;
3. Virtually 100% of the crude and 85% of all petroleum products are now imported from foreign sources and would not materially affect consumption of domestic petroleum products (see attachment).

Should the foreign trade zone or District VI concept be accepted for Hawaii, import allocation credits now used for Hawaii should be abolished. This will maintain the present status of importation to the other continental states of District V. Any Hawaii refined product exported to the Mainland would then come under the existing foreign product quota system.

The concept of a Hawaii foreign trade zone or District VI is fully justifiable under the refining-marketing areas into which OIA classified the five (5) oil import districts. Puerto Rico, the Virgin Islands and Hawaii do not sensibly come under the continental refining and marketing areas. OIA currently recognizes this discrepancy in classification since Puerto Rico and the Virgin Islands have just been granted special quotas. However, Hawaii is still strictly bound to the outdated quota system of District V as though it was supplied by West Coast petroleum fuels.

Another example of inequity is our inability to import overland quota-free products. During 1967, approximately 50 per cent of all imported foreign crude and petroleum products entering District V was produced in Canada and entered our sister states "quota free." Hawaii's geographic isolation does not permit the same flexibility, economic benefit or security of this quota-free crude and finished product supply.

We, therefore, again urge that Hawaii be exempt from the unfair discrimination of inclusion in District V and that this geographically isolated State be placed in an entirely different category as District VI with the right to import quota-free oil without the proposed fuel "tax" inherent in the auctioning plan.

Sincerely,

ROY J. LEFFINGWELL,
Executive Vice President.

[Letter of Paul C. Joy, vice president, Honolulu Gas Co., to Mr. Hoehn on the proposal to auction oil import licenses Apr. 19, 1968]

DEAR MR. HOEHN: Thank you for this opportunity to comment on the proposed change in OIA Regulation to auction oil import quotas instead of providing free quotas to eligible persons.

Honolulu Gas Company offers no opposition to the national security aspect of the Oil Import Program, but requests equitable consideration for natural economic circumstances beyond Hawaii's control. This multi-island State's geographical isolation from the Mainland, separated by 2,200 miles of international waters (Puerto Rico is separated by 1,000 miles) and its lack of indigenous fossil fuels precludes any justification in having Hawaii under the same OIA regulations that govern the North American continent. Therefore, *Hawaii should not come under the proposed oil import quota auction system.*

Hawaii's cost of living is already 15% higher than the 48 contiguous Mainland states and the additional cost of purchasing import quotas passed on to the consuming public will result in increasing currently high petroleum prices and a further increase to our cost of living.

Creation of a foreign trade zone or a separate District VI encompassing the entire six-island State of Hawaii and exempting this distinct refining and marketing area from the continental oil import quota requirements would establish an equitable and fair treatment for Hawaii. Such a classification for Hawaii would not in any way jeopardize the Oil Import Program for:

1. Hawaii does not and will never have a fossil fuel recovery (coal mining, crude oil or natural gas production) industry that needs the economic encouragement and security protection of the Oil Import Program;

2. All crude and finished petroleum products must be imported over at least 2,200 miles of international waters, which negates security of overland supply reasons of the import program for North America;

3. Virtually 100% of the crude refined and 85% of all petroleum products consumed in Hawaii are now imported from foreign sources; thus, the recommended change would not materially affect consumption of domestic petroleum products (see attachment) as the present rules do not accomplish the objective as stated by Mr. Hoehn, "by reserving a portion of the domestic market for domestic petroleum," as far as Hawaii is concerned.

Should the foreign trade zone or District VI concept be accepted for Hawaii, District V import allocation credits now generated by petroleum consumption in Hawaii should be abolished. This will maintain the present ratios of importation to the other continental states of District V. Any Hawaii refined product exported to the Mainland would then come under the existing foreign product import quota system unless equitable consideration is granted to Hawaii as has been to Puerto Rico and the Virgin Islands.

The concept of a Hawaii foreign trade zone or District VI is fully justifiable under the refining-marketing areas into which OIA classified the five (5) oil import districts. Puerto Rico, the Virgin Islands and Hawaii do not sensibly come under the continental refining and marketing areas. OIA currently recognizes this discrepancy in classification as Puerto Rico and the Virgin Islands have just been granted new special quotas. However, Hawaii is still strictly bound to the outdated discriminatory quota system of District V as though it was using domestic crude oil derived fuels refined in District V supplied from the West Coast by pipeline, rail or truck.

Another example of the discrimination inherent in the present regulation is Hawaii's inability to import "overland" quota-free products from Mexico and Canada. During 1967 51.5% of all imported crude entering District V entered from Canada; 48.5% of all imported refined finished products entering District V were produced in Canada. Hawaii's overseas position forbids us the economic benefit, flexibility or security of Canada's quota-free crude or product supply yet this State is physically as close to Canada as to the State of District V.

"Synthetic natural gas," Honolulu Gas Company's major fuel product, does not come under the jurisdiction of OAI. Because of Hawaii's lack of natural gas and liquefied petroleum gas, we are required to produce this substitute natural gas from residual fuel oil and the liquefied petroleum gas from unfinished oils. Gas companies on the Mainland can import natural and LP gas from Canadian sources or other States without any restrictions from OIA. Our utility gas product is essentially similar (925 Btu/cf and 0.74 Sp. Gr.) to natural gas except in its origin it is made by man instead of by nature. Therefore, the importation of foreign residual oil used for the manufacture of "synthetic natural gas" should be exempted from OIA regulations. The auction program you propose must not apply to such residual fuel oil or liquefied petroleum gas as required to supply Hawaii's gas consumers for it would only result in an unfair "tax" and a resulting increase in energy cost to both utility gas and bottled gas consumers.

Ours is the only base load utility gas generation operation of its type in the United States; we do not foresee the Honolulu Oil Gas Process becoming economically feasible on the North American continent as long as pipelined natural gas, liquefied petroleum gas, or coal for the production of synthetic natural gas is available. Therefore, we see no future difficulties in or proliferation of the requested ruling to exempt from "quota and auctioning" Hawaii's residual oil and liquefied petroleum gas uniquely required in this multi-island State to meet its natural gas fuel requirements.

We, therefore, again urge that Hawaii be exempt from the inequity of inclusion in District V and that this geographically isolated island State be recognized for what it is and placed in an entirely separate petroleum production, refining and marketing category as District VI with the full right to import quota-free energy from our most convenient, reliable and economical sources.

Very truly yours,

PAUL C. JOY,
Vice President.

PETROLEUM DATA FOR HAWAII, 1966—1966 OIL IMPORTS INTO HAWAII, U.S. CUSTOMS

Commodity	Code	Country	Quantity (barrels)
Fuel	517	Saudi Arabia	2,318,986
	225	Panama	428,585
	307	Venezuela	304,111
	519	Arabian Peninsula States (Yeman, Muscat and Oman, etc.)	336,362
	525	Aden	824,182
Total			4,212,226
Crude	517	Saudi Arabia	6,903,219
	560	Indonesia	3,521,026
	507	Iran	1,286,053
Total			11,710,298
LPG	517	Saudi	98,949
Jet	277	Netherlands Antilles	2,213,752
	307	Venezuela	2,996,288
	274	Trinidad	102,765
	122	Canada	1,377
Total			5,314,182
Total imports (1966)			21,335,655

[Statement of Hawaii State Senate President John J. Hulten to Mr. Elmer L. Hoehn, Administrator, Oil Import Administration, Apr. 26, 1968]

In response to Administrator Hoehn's announcement of April 5, 1968, I am pleased to have an opportunity to comment on the proposed Section 24 which would grant allocations of crude and unfinished oils to new or rehabilitation refineries as soon as they go on stream.

Imported oil and oil products are virtually the only source of energy available to Hawaii. Consequently, the cost of oil and oil products is a crucial factor in Hawaii's economy and of paramount concern to the people of the State.

Section 4 of the present Oil Imports Regulations requires that a person in District V operate his refinery for fifteen months before he can receive an allocation of crude or unfinished oil. This regulation has the effect of limiting the potential sites of refineries to those areas where domestic supply of crude oil is readily available to allow the plant to operate for fifteen months. This fifteen-month operating requirement has special significance in Hawaii where there are known petroleum deposits.

There is only one refinery in Hawaii—the Standard Oil Company of California. Company officials estimated that in 1961 97.5 per cent of the crude oil processed at this refinery was foreign crude oil. With no petroleum deposits available locally, any potential refiner who wishes to build a plant in Hawaii must import his entire supply of crude oil—either "exchanged" oil or domestic oil. Both the "exchanged" oil and the domestic oil are much more expensive than the foreign crude oil processed by Standard Oil. Thus for the first fifteen months, the new competitor would be at a substantial financial disadvantage. This situation has resulted in discouraging potential refiners from entering the Hawaii market.

The proposed rule eliminating the fifteen-month qualifying period is welcomed by the people of Hawaii. It eliminates a major entry barrier to the building of additional refineries in Hawaii. It is hoped that the entry of one or more new refiners will result in price competition that will benefit all the people of Hawaii.

The Oil Import Quota Program has had many adverse effects in Hawaii due to the imposition of controls on an insular state, some 2,300 miles from the West Coast. The present change alleviates part of the disadvantage our economy must assume, and we hope that in the future other changes may be made which will recognize, and be commensurate with, the unique needs and position of Hawaii.

[Letter of Roy J. Leffingwell, executive vice president, Hawaii Manufacturers Association, to Mr. Hoehn on the proposal to permit new refineries to obtain immediate allocations, Apr. 26, 1968]

DEAR MR. HOEHN: Thank you for this opportunity to comment on the proposed amendment to OIA Regulation enabling the granting of allocations of crude oil and unfinished oils to new or rehabilitated refinery and petrochemical plants as soon as they go on stream rather than having them wait a year or more to develop qualifying inputs.

The Hawaii Manufacturers Association is wholeheartedly in favor of this proposed amendment to OIA Regulations. The amendment will allow new companies to initiate the refining and petrochemical activities without a major delay in obtaining their just import quota allocation. It is certainly a step toward more equitable treatment of petroleum processing companies by OIA.

The stifling of competition by the current OIA ruling that a refining company must operate one year on domestic crude before becoming eligible for a foreign crude allocation with its inherent economic advantages, can only deter the establishment of additional refining and petrochemical plants which would otherwise be economically feasible.

We wish to also restate our position that Hawaii should be separated from District V (as we are by 2,200 miles of ocean) and exempted in such a manner so as to enable this area to import its requirements of most certainly crude oil and possibly finished products. Petroleum prices, especially in the five (5) out-islands of Hawaii, are higher than in any Mainland district. Since energy is so essential to manufacturing, both small and large, and Hawaii's industry (because of the Islands limited population) must compete in the world-wide market, this area cannot be expected to continue to thrive and increase its standard of living without the full benefits of competitively priced petroleum fuels, our primary source of heat and power.

Sincerely,

ROY J. LEFFINGWELL,
Executive Vice President.

[Letter of Paul C. Joy to Mr. Hoehn on the proposal to permit new petrochemical operations to obtain immediate allocations, Apr. 26, 1968]

DEAR MR. HOEHN: This is in reply to your request for comments concerning the proposed amendment to OIA regulations which will permit new petroleum processing operations to obtain immediate eligibility for oil import quotas.

We firmly support this proposed amendment, especially as it pertains to Hawaii. Should a new refiner or petrochemical operation be planned for Hawaii, it would, under current rules, be forced to operate during its first year on imported domestic fuel oil shipped from the West Coast at premium U.S. tanker transportation tariffs amounting to as much as 60¢ a barrel. Assuming domestic crudes in District V have a premium value 70¢ a barrel over equivalent foreign crude and a West Coast/Hawaii transportation cost of 50¢ a barrel would be incurred, this new petroleum operation would be economically handicapped by approximately $1.20 a barrel for each barrel of domestic crude it would be forced to run that first year because of its foreign oil quota ineligibility. For a "small industry plant," such as might be most feasible in Hawaii, this unfair "tax" during its first year of operation would be a strong economic deterrent.

You are to be commended for proposing this change in rulings and we urge its early adoption.

Very truly yours,

PAUL C. JOY.

[Letter of Representative PATSY T. MINK to Mr. Hoehn on the proposed regulation to permit a new refinery to obtain an allocation as soon as a new plant goes on stream, and the proposal of auctioning oil import licenses, Apr. 29, 1968]

DEAR MR. HOEHN: Thank you for this opportunity to comment on the proposed system for auctioning oil import licenses and the proposed new regulations which would permit a new refinery or petrochemical plant to obtain an allocation as soon as the new plant goes on stream, rather than having to wait a year or more to develop qualifying inputs as the present system requires.

With regard to the latter, I am wholeheartedly in support of the proposed amendment. Although at present there is only one refinery in Hawaii, this new amendment should encourage new companies to initiate refining and petrochemical activities in our state since they will not be placed in an economic and competitive disadvantage by having to use domestic fuel oil shipped from the West Coast for the first 15 months of their operation.

The proposed change is a positive step toward eliminating discriminatory barriers in the petroleum industry in Hawaii. It is my hope that new refineries and petrochemical operations will now locate in Hawaii so that the consumer public and affected industries will benefit from the lower prices resulting from genuine price competition in the crude oil and petroleum products areas. However, the proposed new system of auctioning oil import licenses represents little or no improvement for the Hawaii situation.

As you may well know and as I can only once again reiterate, my position is that Hawaii represents a special situation as an insular state having no indigenous fossil fuels. In addition it has been clear for a number of years now that the national security rationale for the oil import program does not have validity when applied to the State of Hawaii since it does not have a fossil fuel recovery industry which needs economic encouragement and protection. It is equally clear that all petroleum products must be shipped to Hawaii over at least 2,200 miles of international waters regardless of the source, foreign or domestic, and therefore the security of overland supply argument is not persuasive.

Hence, I believe that Hawaii should not come within the oil import program as presently constituted or as it may be revised with regard to auctioning of oil import licenses. As I understand it, the proposed auction system would provide just a new way of allocating the oil import quotas thus retaining the old evil in a new form.

What Hawaii seeks is not a change in form but substantive and equitable consideration by the Oil Import Administration which would take account of its special economic and geographic circumstances, e.g. as has been done in the case of Puerto Rico and the Virgin Islands.

Presently, Hawaii's cost of living is approximately 15 per cent higher than the 48 mainland states and the additional cost of purchasing import quotas is a hidden cost passed on to the consuming public in nearly every retail transaction in the State. The current limitation on crude oil imports has put Hawaii at the mercy of one oil combine which has resulted in an artificial price of gasoline averaging six cents more per gallon than that charged on the mainland, which in turn, costs the Hawaii public, on this item alone, nearly 15 million dollars a year.

Virtually, 100 per cent of the crude refined and 85 per cent of all petroleum products consumed in Hawaii are now imported from foreign sources yet Hawaii is charged as if they were produced on the mainland and in addition a phantom freight cost is tacked on when, in fact, the oil is shipped to Hawaii in foreign bottoms. In your letter to me of November 21, 1967, you stated that a major justification for the oil import quota program was to reserve a portion of the domestic market for domestic petroleum. Clearly the facts belie this contention and a free system of quotas for Hawaii would not materially affect consumption of domestic petroleum products.

Hawaii suffers from the further inequity of being unable to import overland quota-free products from Canada. Nearly 50 per cent of all imported foreign crude and petroleum products entering District V during 1967 was produced in Canada and thus entered the other states in our District without being subject to the oil import quota imposed on Hawaii. Thus, the present policy of the Oil Import Administration as embodied in the quota system still fails to take account of Hawaii's isolated geographic position. This results in forcing Hawaii's continuing dependency on one oil source and deprives our State of the economic benefits of a more flexible, multi-based product supply system.

I believe that these facts mandate Hawaii's exemption from its unfair and baseless inclusion in the present District V and that Hawaii should either be placed in a separate District VI classification with the right to import foreign oil quota-free or that a foreign trade zone be authorized encompassing the entire State of Hawaii and exempting this area from continental oil import quota requirements.

I should like to point out that virtually the entire State of Hawaii stands united on this proposition and as evidence of this, the Hawaii State Legislature recently appropriated one hundred thousand dollars in order to obtain equitable consideration for Hawaii under the oil import program. Pursuant to this appropriation, the State of Hawaii has, within the past month, initiated an antitrust action against the Standard Oil Company of California.

The Oil Import Administration has recognized the special situation of Puerto Rico and the Virgin Islands and has accordingly given them special consideration based on their insular status. In light of their treatment, I submit that the concept of a Hawaii foreign trade zone or Hawaii as a separate District VI is clearly rational and fully justified.

At this time, therefore, I respectfully urge that now is the time for fair and equitable treatment for Hawaii also.

Very truly yours,

PATSY T. MINK,
Member of Congress.

[Letter of Paul C. Joy, Vice-President, Honolulu Gas Co., regarding Oil Import Administration control over source of raw materials for production of natural gas (April 19, 1968) and Representative PATSY T. MINK's letter to Elmer L. Hoehn, Oil Administrator on same subject (May 1, 1968)]

DEAR MRS. MINK: I thought you would be interested in the attached testimony which the Honolulu Gas Company has just submitted to the Oil Import Administration.

The Oil Import Administration's contemplated plan to auction oil import quotas could well result in further increasing energy costs in Hawaii by requiring Hawaii' present and possible future refiners to be the successful bidder for crude oil import tickets to process in his refinery. His only alternate source of refinery input would be U.S. crude shipped to Hawaii in relatively small, expensive U.S. owned and operated tankers.

We have also taken the position that it is incorrect for the Oil Import Administration to control the source of the raw materials required to provide the "synthetic natural gas" and LP gas needed by Hawaii. The importation and inter-state movement of natural gas is controlled by the FPC rather than the OIA for the other 49 contintental states and we believe that Hawaii's gaseous forms of energy should likewise be excluded from Oil Import Administration regulations.

PAUL C. JOY.

DEAR MR. HOEHN: In his letter to you of April 11, 1968, Mr. Paul C. Joy, Vice President of the Honolulu Gas Company, Ltd., requested your decision as to whether his company qualifies under Oil Import Regulation 1 (Revision 5) Amendment 5, paragraph (b) entitling the local refinery to receive an additional import allocation on behalf of his company.

I have carefully read his letter and the facts submitted to you in support of his request for your affirmative decision and believe him to have stated a persuasive and meritorious case for the additional allocation.

Not only does Honolulu Gas have a unique gas production operation but, in addition, it seems clear that within the context of the Oil Import Administration's regulations, Gasco's Fuel Gas Generating Process is one which results in the burning of the residual fuel oil.

Also, I should like to indicate my concern over the growing air pollution problem in Honolulu which could, to a large degree, be alleviated by a favorable decision allowing Honolulu Gas to convert to the low ash, 0.5 weight per cent maximum sulfur residual fuel oil.

I call to your attention the fact that the Department of Interior is the executive department of government primarily responsible for the maintenance of our natural beauty and the preservation of a clean and healthy atmosphere as is attested by the many public statements by Secretary Udall. Yet, the policy of the Oil Import Administration in this matter has measurably contributed to the dirty air breathed by the citizens of Honolulu.

In this respect then, your favorable decision would be consistent not only with the policy of the United States and the sense of Congress as embodied in the Air Quality Act of 1967, Public Law 90–148 but also with that of your own department.

Therefore, on behalf of the people of Hawaii and the Honolulu Gas Company, I urge your early and favorable consideration of Mr. Joy's request.

Thank you very much.

Very truly yours,

PATSY T. MINK,
Member of Congress.

U.S. DEPARTMENT OF LABOR IS NOT QUALIFIED IN THE FIELD OF LEGISLATIVE EMPLOYMENT

Mr. BROYHILL of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BROYHILL of Virginia. Mr. Speaker, I would like to draw attention of the House to another act of stupidity on the part of the executive branch of our Government.

The U.S. Department of Labor is now conducting an investigation of "discrimination" in the staff-hiring practices of individual Members of Congress.

As of May 1, three investigators have been examining all 1968 vacancy notices filed by Members with the branch office of the U.S. Employment Service located in room 1016, Longworth House Office Building. A list is being compiled for a news exposé of all Members who listed requirements for their vacancies considered—by the Department of Labor—to be unfair.

My name is on the list; because I requested a female secretary. This is discrimination by sex.

The Vice President's name is on the list, because he asked that any applicant referred be a "HUMPHREY backer." That is considered political discrimination.

Mr. Speaker, it is obvious that the Department of Labor is not qualified in the field of legislative employment. There has been considerable support for the establishment of a central personnel assistance office in the House of Representatives. I think it is time we took action.

A central employment office for the House of Representatives could provide a coordinated businesslike procedure in obtaining references, giving shorthand, typing, and other skill tests. The office could also develop office management systems which would be of great benefit in helping freshmen Members get organized. I would hope such an office would also work toward establishing job classification standards for our individual staffs which would put an end to our present salary bidding competition and perhaps recognize experience gained by length of service through in-grade increases.

Should an investigation ever be needed within our own central personnel office, I am sure the Committee on House Administration could accomplish it without the assistance of the Department of Labor.

The current investigation arises because the House and Senate have provided space in the Capitol Buildings for branch offices of the U.S. Employment Service for the District of Columbia. These branch offices provide a service only to Members of Congress in interviewing and, upon request, referring applicants to congressional offices in accordance with the qualifications listed for the vacancy.

In the District of Columbia the U.S. Employment Service is a function of the Federal Government rather than of the District of Columbia government. The employees are paid by the U.S. Department of Labor.

The investigation is being conducted at the direction of Arthur A. Chapin, special assistant for equal opportunity in manpower programs. Evidently Mr. Chapin believes a Congressman should hire an equal number of Democrats and Republicans for his personal staff and that we should also hire a proportionate number of those just out of high school and those just under the age of 70 to show that age is not a factor.

Of course the Department of Labor is also interested in the question of race. If the law condoned it I am sure the Department of Labor would also investigate our discriminatory practices on the questions of intelligence level, spelling ability, typing and shorthand skills, and mini-skirts.

MR. FEIGHAN WINS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, on May 7, the knowledgeable and discerning electorate of the 20th Congressional District of Ohio gave our colleague, the Honorable MICHAEL A. FEIGHAN, the right once again to represent his party in the crucial election of November next.

May I call the attention of this body to the many splendid attributes of this gentleman from Ohio, who works amongst us quietly and efficiently with unfailing courtesy, pleasing humor and kindly dignity; his wise counsel has been available to all and his consummate statesmanship has endowed our proceedings with great distinction.

Mr. FEIGHAN has just emerged from a confrontation with the significant issues of our day and his success indicates to me that his years at Princeton and Harvard Law School, and as an indefatigable member of the Committee on the Judiciary as well as his decades of scrupulous and scholarly attention to thousands of legislative chores, have not dulled his perceptions of people nor removed him from an awareness of human needs, but have instead made him acutely sensitive to the gropings of our society toward the great objectives of American democracy—illuminated and invigorated throughout by his deep spiritual devotion.

May I offer my sincere congratulations to one of this country's great humanitarian legislators, and one of the Olympians of this House, our distinguished colleague, Mr. FEIGHAN of Ohio.

THE POOR PEOPLE'S MARCH ON WASHINGTON

Mr. REINECKE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. REINECKE. Mr. Speaker, this weekend the first contingent of the Poor People's March is scheduled to arrive in Washington. The goals—and the possible consequences—of the march are a matter of deep concern to all of us in the Nation's Capital. Even the President has admitted that there are "inherent dangers" in a gathering of such proportions in a city which is still in a state of unrest following an outbreak of disorder barely a month ago.

I do not take issue with the fact that injustice, poverty, and hunger exist in various parts of our country. This is regrettable, and steps are being taken to enable every American to have an equal opportunity to build for himself a full and meaningful life. I do dispute the claim, however, that any group—be they black or white—has the right to move into a city like Washington for the express purpose of disrupting its normal functions until its demands are met. This is not the democratic process, this is government by blackmail.

If lawlessness and disorder are permitted to prevail in Washington during the forthcoming demonstration, the United States, as a nation, will be greatly weakened in the eyes of its law-abiding citizens and in the eyes of the world. The President has a responsibility and an obligation to make it very clear to those who would "turn Washington downside up and upside down" that violence and disruption of the Government will not be tolerated. He should state firmly that whatever force is necessary will be used to deal with violent and unlawful activities on the part of the demonstrators.

Congress has already made it quite clear that it is ready to act, even if the President is not. A bill to prohibit a mass "camp-in" on Federal property in the District of Columbia, and to require the posting of bonds for damage done to Government property in order to obtain a permit for organized demonstrations, has been ordered reported by the House Committee on Public Works. It can be taken up by the House at any time if the need arises. I heartily support this legislation because I believe the Mall area and the public parklands are for all the people to use and to enjoy; they were never intended to be used by a relatively small minority group whose main purpose is to pressure the administration and the Congress to bow to its demands.

I am deeply concerned and apprehensive about the forthcoming march on Washington. It seems to me that the combination of large numbers of people in temporary shelters for a prolonged period of time will almost inevitably lead to disruption and violence. I am hopeful that the President and city officials will have the good sense to move in quickly with whatever force necessary if the need arises. Looting, burning, and anarchy cannot, must not, prevail in the Nation's Capital.

RUMORS OF DETENTION CAMPS UNFOUNDED

Mr. CULVER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. CULVER. Mr. Speaker, as a member of the House Committee on Un-American Activities, I feel constrained to comment on the recent report on "Guerrilla Warfare Advocates in the United States" and the subsequent publicity it has received regarding possible use of detention centers to counter such activities.

Though issued under the aegis of the committee as part of its responsibility to investigate and report to Congress on matters of national security, a report of this kind does not necessarily represent the personal opinions of the members of that committee.

While it is essential that genuinely subversive activities in this country be under the careful, persistent, and professional surveillance and control of appropriate law-enforcement officials—as they are, reckless reprisal statements only serve to provide fuel for those trying to inflame further the emotions of our already highly charged ghetto communities.

A disproportionate concentration on presumed conspiratorial dangers diverts us from the principal sources of urban unrest and protest, which are essentially social and economic.

The report itself concedes that guerrilla uprisings are "alien to both the American mentality and to the vast majority of Negroes in the ghettos," and states that "there is little doubt that such an uprising could be effectively and quickly controlled."

It is, therefore, most regrettable that it has served to again stimulate baseless and highly misleading rumors about detention camps, as a solution to uprisings which it admits are not likely to occur.

Consequently, I contacted the Department of Justice to obtain once again a clarification of the detention camp provisions of the Internal Security Act. In a letter addressed to me today, Assistant Attorney General J. Walter Yeagley, who is in charge of the Internal Security Division, has stated that "a review of emergency detention provisions of the Internal Security Act of 1950 will reveal that there is no support therein for the establishment of detention centers for the purpose set forth in the HCUA report."

Mr. Yeagley points out that, while detention camps were maintained for a few years after the McCarran Act was passed, with funds authorized by Congress, they were never used for that purpose. And, in fact, they were abandoned more than 10 years ago.

Some of those installations are now being used as regular Federal prison camps. One has been taken over as a State correctional institution. Another is now used for grazing cattle.

Mr. Speaker, circulation of rumors about "concentration camps" for Negro militants can only heighten tensions and fears at a critical time when responsible public officials should be moving to reduce them.

I urge the Members of this House and the American people to reject those rumors, and include at this point in the RECORD the text of Mr. Yeagley's letter:

DEPARTMENT OF JUSTICE,
Washington, D.C., May 9, 1968.

Hon. JOHN C. CULVER,
House of Representatives,
Washington, D.C.

DEAR MR. CONGRESSMAN: Considerable public attention has recently been focused on the subject of "emergency detention" and "concentration camps or detention centers" allegedly maintained by the United States under the provisions of the Internal Security Act of 1950, otherwise referred to as the McCarran Act.

Rumors about the existence of "concentration camps" in the United States started spreading in 1966, probably as the result of allegations contained in an article captioned "Concentration Camps USA" written by Mr. Charles R. Allen, Jr., at the request of the Citizens Committee for Constitutional Liberties. This pamphlet has been reviewed by this Division and found to be replete with inaccuracies. You may wish to refer to the reports of the hearings before the House Committee on Un-American Activities for background information on the Citizens Committee for Constitutional Liberties which commissioned Mr. Allen to write his article.

More recently, an article in the May 6, 1968 issue of "The Washington Post" captioned "HUAC Would Intern Any Negro 'Guerrillas'" attributes to the HUAC a suggestion that "guerrilla warfare" advocated by militant black nationalists might be countered by "detention centers" among other devices. According to this article Committee Chairman Willis declared that "mixed Communist and black nationalist elements across the Nation are planning and organizing guerrilla-type operations against the United States. In the event of such violence the Committee contended that "the guerrillas would be declaring a state of war within the country and therefore would forfeit their rights as in wartime." According to the HUAC report "The McCarren Act provides for various detention centers to be operated throughout the country and these might well be utilized for the temporary imprisonment of warring guerrillas."

A review of emergency detention provisions of the Internal Security Act of 1950 will reveal that there is no support therein for the establishment of detention centers for the purposes set forth in the HCUA report. That Act provides that in the event of (1) invasion of the territory of the United States or its possessions, or (2) declaration of war by Congress, or (3) insurrection within the United States *in aid of a foreign enemy*, the President is authorized to proclaim the existence of an internal security emergency and during such emergency, acting through the Attorney General, to apprehend, and by order, detain persons as to whom there is reasonable grounds to believe that such persons will engage in or conspire with others to engage in, acts of espionage or sabotage.

In keeping with the provisions, facilities were maintained for a few years with funds appropriately authorized by the Congress for this purpose. These facilities were located at Tule Lake, California; Wickenburg and Florence, Arizona; El Reno, Oklahoma; Allenwood, Pennsylvania; and Avon Park, Florida. These facilities were never used for the foregoing purposes. About 1957, the project was discontinued, the camps abandoned and since that time no such camps have been maintained and no funds have been appropriated for this purpose.

The installations at Allenwood and Florence are now used as regular Federal Prison camps where minimum security inmates charged with a variety of offenses are confined. The site at El Reno is used as grazing land for cattle kept by the Farm operated by the nearby Federal Reformatory in which youthful offenders are confined. The Avon Park installation was taken over by the State of Florida as the Avon Park Correctional Institution. The Wickenburg site, which had been leased from the City of Wickenberg was turned back to the City in 1956. The Tule Lake site, which formerly belonged to the Department of Interior, was returned to the Bureau of Reclamation, Department of the Interior in 1956.

Attorney General Ramsey Clark stated, during his appearance on April 7, 1968, on NBC's "Meet The Press," that there are no concentration camps in this country and there will be no concentration camps in this country. He added that "Rumors, and fear that arises from rumors, are a great threat to us. Fear itself is a great threat, and people who spread false rumors about concentration camps are either ignorant of the facts or have a motive of dividing this country."

The following appeared in an article in the March 3, 1968 issue of "The Washington Post," captioned "Negro Detention Camps: Debunking of a Myth":

Assistant Attorney General J. Walter Yeagley, whose Internal Security Division of the Justice Department would administer Title II of the McCarran Act if it were invoked, says there are two basic reasons why the Act could not be legally applied against a nameless mass of Negroes who happen to be in a street where a riot is taking place:

The Act requires that each "detained" person be arrested on a warrant specifying his name and stating the Government's belief that he may engage or conspire to engage in sabotage or espionage.

Even if the rioting were formally declared an "insurrection," there is no evidence to date that it is or may be fomented "in aid of a foreign enemy," as required before Title II could be applied.

"I know of no contingency plan for mass Federal detention of Negroes under Title II or any other statute," says Yeagley. "It would be absolutely unconstitutional for us to do what Rap Brown accuses us of doing."

Sincerely,

J. WALTER YEAGLEY,
Assistant Attorney General.

THIRTIETH NEW ENGLAND CONVENTION OF THE NAACP

Mr. TIERNAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. TIERNAN. Mr. Speaker, on April 28, the 30th annual convention of the New England chapter of the NAACP was held in Providence, R.I. I include my remarks prepared for that occasion in the RECORD at this point:

THIRTIETH NEW ENGLAND CONVENTION OF THE NAACP

It is with great pleasure that I extend to the 30th New England Convention of the NAACP the greetings of the Congress of the United States and Rhode Island's Congressional Delegation.

A story in last Thursday's *Journal-Bulletin* stated that Rhode Island's four-man Congressional team was highly rated by Washington's leading liberal organizations, the Americans for Democratic Action and the Committee on Political Education. Three of our delegation, myself included, were grouped with neighboring Senator Edward W. Brooke at the top of the liberal scale with COPE ratings of 100 percent.

I am sure I can speak for my colleagues when I state that this liberal voting record is a source of great satisfaction to us. This is especially true when one considers the classic description of liberalism advanced by Professor J. S. Schapiro.

In his famous analysis, Professor Schapiro contends that liberalism has always been characterized by its unshaken belief in the necessity of freedom to achieve every desirable aim. The basic principle of liberalism has been the moral worth, the absolute value, and the essential dignity of the human personality. Thus, liberals have ever sought to free the individual from unjust restraints imposed upon him by governments, institutions, and traditions.

Equality is another fundamental liberal principle. Liberalism has proclaimed the principle of equality for all mankind. It must be borne in mind, however, that equality does not mean that all have equal ability, or equal moral perception or equal personal attraction. What it does mean is that all have equal rights before the law, and that all are entitled to civil liberty. No law or system should confer special privileges upon some, and impose special discrimination upon others: It must be the same for all. Thus, liberalism has waged an unceasing war against privilege whether based on birth, wealth, religion, sex or race. In fact, in the liberal view, the chief end of government is to uphold the liberty, equality, and security of *all* citizens.

Professor Schapiro's analysis of liberalism describes my views. The actual measure of my sentiments, however, is reflected in my voting record and in the ratings which I have cited.

Since entering the Congress of the United States last April, it has been my privilege to share in the responsibility for the passage of such humane legislation as the Model Cities and Rent Supplement Programs, the Truth-in-Lending Law and the Extension of the Civil Rights Commission.

My greatest satisfaction, however, came earlier this month when H.R. 2516, the Omnibus Civil Rights Bill passed the Congress of the United States. As you well know, that measure contained provisions strengthening Federal protection for persons exercising—or urging others to exercise—rights established by Congress and the Constitution. It also contained a declaration guarding and defining the rights of another oppressed and long-neglected minority—the American Indian. Finally, it contained a satisfactory open housing provision which represented the first legislation dealing with racial discrimination in housing to pass the United States Senate since reconstruction.

While the debates over the 1968 Civil Rights Bill were concluding, I had the privileges of co-sponsoring a bill which would authorize the Secretary of the Interior to establish a national museum and repository of Negro history and culture at Wilberforce, Ohio. This community was chosen because it is the seat of Wilberforce University, the first Negro institution of higher learning in the United States, and because Wilberforce was a center of the Abolitionist Movement and on the mainline of the famous underground railroad.

This bill is in accord with my belief that there should be a greater emphasis placed upon the important and unique contributions which the Negro has made to our common American heritage and tradition. I believe that this desirable aim can also be advanced by our states and our municipalities if they introduce and support a program of instruction which places in proper perspective the significant role of the Negro in American Historical Development. Let our young Negro youth and the white community as well know that Jackie Robinson, Jesse Owens, Willie Mays, Louis Armstrong and Lena Horne are not the only great Negro Americans. Let us tell them of the Negro patriots like Crispis Attucks and the many Negro military and naval heroes of all our wars; let them know of the outstanding Negro intellectuals like John Hope and Booker Washington and such eminent scientists as George W. Carver. Tell them of the prominent Negro statesmen like Ralph Bunche and Frederick Douglass, the distinguished Negro Congressmen of reconstruction, Hiram Revels, Blanche Bruce and John R. Lynch, and such eminent contemporary leaders as Senator Edward Brooke, Justice Thurgood Marshall and the late Martin Luther King.

Finally, let us not forget those learned historians such as Rayford Logan and John Hope Franklin who have chronicled and preserved the distinguished record of their people.

That record deserves to be known, and it is the responsibility of our schools and our teachers to reveal it, so that our Negro youth can have, as James Baldwin phrased it, a sense of identity, and so our white community can be assisted in developing the proper appreciation and respect for their Negro brethren

In conclusion, I would like to leave you with a quotation which epitomizes the liberalism of which I have spoken. Here is that quote, "I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident, that all men are created equal' ". Let us resolve not only to share that dream of Martin Luther King's, but let us also make that dream a reality.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MATSUNAGA (at the request of Mrs. MINK), from today through May 13, on account of official business.

Mr. HICKS, for Friday, May 10, on account of official business on behalf of the House Armed Services Committee.

Mr. EVANS of Colorado, for May 10, 1968, on account of official committee business of the Armed Services Committee.

Mr. SAYLOR (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. BURTON of Utah (at the request of Mr. GERALD R. FORD), for today, and the balance of the week, on account of official business.

Mr. HORTON (at the request of Mr. GERALD R. FORD), for today, and the balance of the week, on account of official business.

Mrs. GREEN of Oregon (at the request of Mr. ULLMAN), for today, May 9, on account of illness.

Mrs. HANSEN of Washington (at the request of Mr. DANIELS), for May 9 through May 13, 1968, on account of official business.

Mr. DICKINSON (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. EDWARDS of Alabama (at the request of Mr. GERALD R. FORD), for May 8 and May 9, on account of official business.

Mr. BUCHANAN (at the request of Mr. GERALD R. FORD), for today, on account of official business.

ENROLLED JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that

that committee had examined and found truly enrolled a joint resolution of the House of the following titles, which was thereupon signd by the Speaker:

H.J. Res. 1234. Joint resolution to provide for the issuance of a gold medal to the widow of the late Walt Disney and for the issuance of bronze medals to the California Institute of the Arts in recognition of the distinguished public service and the outstanding contributions of Walt Disney to the United States and to the world.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1483. An act for the relief of Dr. Pedro Lopez Garcia;

S. 1490. An act for the relief of Yang Ok Yoo (Maria Margurita);

S. 1909. An act to provide for the striking of medals in commemoration of the 100th anniversary of the completion of the first transcontinental railroad; and

S.J. Res. 129. Joint resolution to authorize the Secretary of Transportation to conduct a comprehensive study and investigation of the existing compensation system for motor vehicle accident losses, and for other purposes.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HALPERN (at the request of Mr. WINN) for 10 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. GOODELL (at the request of Mr. WINN), for 10 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. STAGGERS (at the request of Mr. TIERNAN), for 5 minutes, today; and to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. HECHLER of West Virginia.

Mr. ICHORD.

Mr. DORN and to include extraneous matter.

Mr. GROSS and to include a telegram.

Mr. RUMSFELD to revise and extend his remarks and include extraneous matter during debate on higher education bill.

All Members (at the request of Mr. MAHON) to revise and extend their remarks on House Joint Resolution 1266.

Mr. REID of New York to include a table in the general debate on the Higher Education Act.

Mr. SCHWENGEL to revise and extend his remarks and to include extraneous matter during debate on the Higher Education Act today.

(The following Members (at the request of Mr. ROGERS of Colorado) during debate on H.R. 15951:)

Mr. LEGGETT.

Mr. HANLEY.

Mr. MINISH.

Mr. ANNUNZIO.

Mr. JOELSON.

Mr. GROSS to extend his remarks following the disposition of the amendment offered by him to the bill H.R. 15951.

(The following Members (at the request of Mr. WINN) and to include extraneous matter:)

Mr. REINECKE in two instances.

Mr. CURTIS in two instances.

Mr. UTT.

Mr. HUTCHINSON.

Mr. SAYLOR.

Mr. ROUDEBUSH.

Mr. ASHBROOK in two instances.

Mr. KUPFERMAN in five instances.

Mr. MCDADE.

Mr. QUILLEN.

Mr. SCHERLE in two instances.

Mr. BRAY in four instances.

Mr. ESCH.

Mr. GOODELL in five instances.

Mr. BROOMFIELD.

Mr. WATSON in two instances.

Mr. RUPPE in three instances.

Mr. WAMPLER.

Mr. SKUBITZ.

Mr. BROWN of Ohio.

Mr. SCOTT.

Mr. HOSMER.

Mr. O'KONSKI.

Mr. BOB WILSON.

Mr. DERWINSKI in two instances.

Mr. FINDLEY.

Mr. SCHWEIKER.

Mr. SHRIVER.

(The following Members (at the request of Mr. TIERNAN) and to include extraneous matter:)

Mr. PUCINSKI in 10 instances.

Mr. CHARLES H. WILSON.

Mr. OTTINGER.

Mr. LONG of Maryland.

Mr. BROWN of California.

Mr. PATTEN in two instances.

Mr. VIGORITO in two instances.

Mr. PEPPER.

Mr. RESNICK.

Mr. ANNUNZIO in two instances.

Mr. BRINKLEY.

Mr. NIX.

Mr. HOWARD.

Mr. GONZALEZ in three instances.

Mr. JARMAN.

Mr. ST GERMAIN.

Mr. HOLLAND in two instances

Mrs. GRIFFITHS in two instances.

Mr. GREEN of Pennsylvania in two instances.

Mr. O'HARA of Michigan.

Mr. DINGELL in two instances.

Mr. MOSS.

Mr. WOLFF in three instances.

Mr. IRWIN in three instances.

Mr. HAGAN in six instances.

Mr. THOMPSON of New Jersey in three instances.

Mr. DOWNING.

Mr. LEGGETT.

Mr. RARICK in six instances.

Mr. MOORHEAD in two instances.

Mr. ROYBAL in five instances.

ADJOURNMENT

Mr. TIERNAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 23 minutes p.m.) the House adjourned until tomorrow, Friday, May 10, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1829. Under clause 2 of rule XXIV, a letter from the the Comptroller General of the United States, transmitting a review of peanut price-support programs of the Commodity Credit Corporation, Department of Agriculture, was taken from the Speaker's table and referred to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRIEDEL: Committee on House Administration. H. Res. 1159. Resolution providing additional compensation for services performed by certain employees in the House Publications Distribution Service (Rept. No. 1368). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. H. Res. 1160. Resolution providing for the expenses of conducting studies and investigations authorized by rule XI(8) incurred by the Committee on Government Operations; with amendment (Rept. No. 1369). Ordered to be printed.

Mr. PERKINS: Committee on Education and Labor. H.R. 14314. A bill to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child care centers for preschool and school age dependents of employees; with amendment (Rept. No. 1370). Referred to the Committee of the Whole House on the State of the Union.

Mr. HENDERSON: Committee on Post Office and Civil Service. S. 1028. An act to amend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes; with amendment (Rept. No. 1371). Referred to the Committee of the Whole House of the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 14907. A bill to amend the Federal Credit Union Act; with amendment (Rept. No. 1372). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. H. J. Res. 1268. Joint resolution making supplement appropriations for the fiscal year ending June 30, 1968, and for other purposes (Rept. 1373). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By **Mr. FULTON** of Tennessee:

H.R. 17167. A bill to amend the Renegotiation Act of 1951, and for other purposes; to the Committee on Ways and Means.

By **Mr. HECHLER** of West Virginia:

H.R. 17168. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

H.R. 17169. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By **Mr. JOELSON**:

H.R. 17170. A bill to amend the Public

Health Service Act to provide for the establishment of a National Eye Institute in the National Institutes of Health; to the Committee on Interstate and Foreign Commerce.

By Mr. LIPSCOMB:

H.R. 17171. A bill to provide for the issuance of a special postage stamp to commemorate the 200th anniversary of the San Gabriel Mission; to the Committee on Post Office and Civil Service.

By Mr. MESKILL:

H.R. 17172. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 17173. A bill to amend the Internal Revenue Code of 1954 to restore to individuals who have attained the age of 65 the right to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

By Mr. ROBISON:

H.R. 17174. A bill to amend the Nurse Training Act of 1964 to provide for increased assistance to hospital diploma schools of nursing; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES H. WILSON:

H.R. 17175. A bill to reclassify certain key positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BARRETT:

H.R. 17176. A bill to designate the birthday of John Fitzgerald Kennedy, as a legal public holiday; to the Committee on the Judiciary.

H.R. 17177. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 17178. A bill to amend the Tennessee Valley Authority Act of 1933 to provide that the issue of just compensation may be tried by a jury in any case involving the condemnation of real property by the Tennessee Valley Authority; to the Committee on Public Works.

By Mr. GOODELL:

H.R.17179. A bill to assist and encourage State and local governments to establish and operate police-community relations programs, and for other purposes; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H.R. 17180. A bill to amend the Military Selective Service Act of 1967 in order to provide for a more equitable system of selecting persons for induction into the Armed Forces under such act; to the Committee on Armed Services.

By Mr. RIEGLE:

H.R. 17181. A bill relating to the deduction for income tax purposes of contributions to certain organizations for judicial reform; to the Committee on Ways and Means.

By Mr. TEAGUE of California:

H.R. 17182. A bill to amend section 205 of the act of September 21, 1944 (58 Stat. 736), as amended; to the Committee on Agriculture.

By Mr. VANDER JAGT:

H.R. 17183. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WILLIAMS of Pennsylvania:

H.R. 17184. A bill to amend title 28, United States Code, to provide for the holding of court by the U.S. District Court for the Eastern District of Pennsylvania at Easton and Philadelphia or its environs; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 17185. A bill to amend the Civil Service Retirement Act, as amended, to provide that accumulated sick leave be credited to the retirement fund or that the individual be reimbursed; to the Committee on Post Office and Civil Service.

By Mr. HALPERN:

H.R. 17186. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. O'KONSKI:

H.R. 17187. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. ROUDEBUSH (for himself and Mr. MYERS):

H.R. 17188. A bill to amend title 38, United States Code, to provide increases in rates of compensation for disabled veterans; to the Committee on Veterans' Affairs.

By Mr. SCHWEIKER:

H.R. 17189. A bill to provide for orderly trade in footwear; to the Committee on Ways and Means.

By Mr. MAHON:

H.J. Res. 1268. Joint resolution making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes; to the Committee on Appropriations.

By Mr. LONG of Louisiana:

H.J. Res. 1269. Joint resolution proposing an amendment to the Constitution of the United States relating to the selection, term of office, and qualifications of certain Federal judges; to the Committee on the Judiciary.

By Mr. WATKINS (for himself and Mr. WILLIAMS of Pennsylvania):

H.J. Res. 1270. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of the late Gen. Douglas A. MacArthur; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 17190. A bill for the relief of Guiseppe LcBuono; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 17191. A bill for the relief of Filippo Ciaravino; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 17192. A bill for the relief of Enrique Lalinde Velasquez; to the Committee on the Judiciary.

H.R. 17193. A bill for the relief of Andre and Elvire Yazbek; to the Committee on the Judiciary.

By Mr. CAREY:

H.R. 17194. A bill for the relief of Stefano Affatigato; to the Committee on the Judiciary.

H.R. 17195. A bill for the relief of Dr. Peter F. X. O'Neill; to the Committee on the Judiciary.

By Mr. CURTIS:

H.R. 17196. A bill for the relief of Dr. Caesar Octavio Jimenez-Pazos; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 17197. A bill for the relief of Baruch Rouven; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 17198. A bill for the relief of Dr. Antonio Gomez Hernandez; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 17199. A bill for the relief of Ambrosio Andreo Martinez; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 17200. A bill for the relief of Dr. and Mrs. Ahmad Farhoody; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 17201. A bill for the relief of Angelo Russo; to the Committee on the Judiciary.

By Mr. REES:

H.R. 17202. A bill for the relief of James Shwee Fone Liu; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 17203. A bill for the relief of Doo Howi Koo; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 17204. A bill for the relief of Etta Wilmot; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 17205. A bill for the relief of Dr. Rafael Arias; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 17206. A bill for the relief of Lucas R. Tapias and his wife, Ana Valencia Hernaiz Tapias; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

PROPOSED EXPANSION OF NATIONAL AIRPORT

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, May 9, 1968

Mr. SPONG. Mr. President, the airlines serving the Greater Washington metropolitan area have indicated to the Federal Aviation Administration their desire for a vast expansion of National Airport, including the construction of new terminal facilities, new runways, and additional parking spaces—at an estimated cost in excess of $40 million.

For those of us who question the logic of National's overcrowded condition at a time when Dulles International Airport sits relatively idle nearby, this proposal by the airlines is disappointing but not necessarily surprising.

National Airport is crowded far beyond its capacity, and its proximity to Washington is substantially negated by the congestion, lack of adequate parking facilities, and increasing delays in takeoffs and landings. It is only natural to expect demands for better facilities so long as National continues to handle as much of Washington's air traffic as it does.

The answer, it appears to me, is to require the transfer of as much of the area's air traffic as possible to Dulles, the airport Congress created to serve the Nation's Capital in the jet age. Expansion of National is unthinkable. The traffic there has introduced into the urban area such unpleasant factors as noise, pollution, and safety problems, and should be abated, not increased.

The Civil Aeronautics Board currently is investigating ways to relieve the congestion at National Airport. I have urged the transfer of substantial amounts of the Washington air traffic to Dulles and have proposed a formula by which that transfer could be accomplished. I earnestly hope that the CAB will soon direct the airlines to use Dulles and thereby create an improved situation at National. That is the most sensible and certainly the least expensive approach.

SENATOR RIBICOFF SPEAKS AT VIRGINIA MENTAL HEALTH SYMPOSIUM

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, May 9, 1968

Mr. SPONG. Mr. President, it was my privilege last night to introduce Senator Abraham Ribicoff, of Connecticut, at a symposium on mental health and the community in Alexandria, Va.

In his address, Senator Ribicoff discussed the development of various mental health programs and cited the strong community support for Project Promise, a pilot project of the Alexandria Community Mental Health Center which stresses rehabilitation and resocialization.

This imaginative program could serve as a model throughout the country. A key component is rehabilitation designed to reduce chronic disability to the extent that the individual under treatment can function within the community as effectively as possible.

Senator Ribicoff said:

> This innovative program is attracting outstanding area professionals and volunteers like a magnet. It is also attracting interest elsewhere in the nation.

Senator Ribicoff's appearance is part of an extensive program of public education and information sponsored by the center, together with the Alexandria Bar Association, the Alexandria Medical Society, the Alexandria Board of Education, the Alexandria Ministerial Association, and the Alexandria Mental Health Association.

These agencies have sponsored a series of symposia to disseminate information related to mental health. Besides Senator Ribicoff, speakers have included former Gov. Otto Kerner, of Illinois, and psychoanalyst-author, Dr. Rollo May, of New York University.

Later this year Margaret Mead, the renowned anthropologist, will speak at a center-sponsored symposium.

Mr. President, Senator Ribicoff's thoughtful address last night will be of interest to every member of the Senate, and I ask unanimous consent that it be inserted in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

REMARKS BY SENATOR ABRAHAM RIBICOFF AT A SYMPOSIUM ON MENTAL HEALTH AND THE COMMUNITY, MAY 8, 1968, ALEXANDRIA, VA.

You men and women who are deeply concerned with the welfare of your community;

You who give of your time and resources to help bring a healthy life to your community;

You know that mental health is public health—that mental health must be a community endeavor.

This notion is fairly new. For only recently did we conclude that mental health is the sum total of the quality of a man's environment, the quality of his life and the way he lives it. And the community has an important role in all three.

Your work in the field of mental health in Alexandria shows that here is a community that chooses to meet its responsibilities—that cares about each and every man, woman and child.

Though it is not simple to define a human being—we do have a deep inner sense of what he is.

That is why we are overcome with a sense of tragedy when we hear the words of a five-year-old boy who lost his family in a bombing raid. "Now I am nobody's nothing," the child said.

That is why we who share the human condition know that a human being is never nothing—whether he has lost his family, or is relegated to the back ward of a mental hospital.

That is why we know in our hearts that there is no real community without shared interests and compassion for the welfare of every person in our midst.

But our nation has not always acted in this spirit.

In the early 19th century, the retarded and the mentally ill were kept in the community—but in unheated jails, back bedrooms, in barns and stockades. It took a long, one-woman crusade by an expert lobbyist named Dorothea Dix to create a system of state-supported hospitals for the care of the mentally ill.

During the last part of the 19th century their numbers grew. But then their numbers stopped increasing. The overcrowding began—and continued with gathering speed. With few exceptions the passing years turned these hospitals into antiquated institutions—mainly of a custodial nature. Most were isolated in rural settings far from the patient's home.

Society turned its back on the mentally ill by the thousands—out of the fear that comes from a lack of understanding and the knowledge of how to heal. Out of sight—out of the community's mind—the mentally ill languished, cared for as best they could be in unfavorable circumstances. Their treatment—set apart from the mainstream of medicine—remained nearly static for many years.

But World War II brought a change in public attitude. When a high proportion of young men were found emotionally or psychiatrically unfit for service in the armed forces, there was public alarm. Later—in the early 1960's—drugs effective in the treatment of certain types of mental disease were discovered. And as the decade progressed—and treatment techniques improved—there was evidence that in many cases mental illnesses could be alleviated and controlled.

The public became dissatisfied with custodial care for the mentally ill and retarded. Compassion overtook fear. The public saw its responsibility and accepted it. Citizens contacted their state legislators—and the legislators talked to their governors—who in turn called mental health conferences and mapped out some programs. They also made their point with Congress. Public pressure brought political action—and important things began to happen.

When the National Institute of Mental Health was established in 1946, the Federal Government accepted for the first time some responsibility for mental health research, the training of skilled mental health manpower, and the support of State programs to improve mental health services.

Yet there was no real effort toward a nationwide mental health program until 1961. Then the Joint Commission on Mental Illness and Health, established by the Congress, released its report entitled "Action for Mental Health." It was a call to action that could not be ignored—an indictment of both the national conscience and the quality of care for the mentally ill. The facts and figures startled even those knowledgeable in the fields of mental illness.

I remember well. For as Secretary of Health, Education and Welfare when the report was published in 1961, I traveled through the states of our nation—the bearer of sorrowful findings such as these: 80% of our 277 State mental hospitals still provided only custodial care for patients; only 20% participated in modern advances designed to make them truly therapeutic; more than half of the patients in most State hospitals received no active treatment to improve their mental condition; and many patients in State hospitals did not need to be there at all.

That was in 1961. Soon after, Congress appropriated funds for matching grants to States to finance statewide comprehensive planning of mental health services. And for the first time mental health planning cut through some of the old-fashioned, wrong-minded thinking.

President Kennedy's new historic mental health message to Congress early in 1963 must be seen in the context of this beginning. Congress answered the President's call for a "bold new approach" to solve the problem of mental illness with the passage of the Community Mental Health Centers Act in 1963 which I was proud to co-sponsor.

At last the roots were firmly planted for a new era in the care of the mentally ill.

At last there was recognition that the mental health of every person is the concern of the community—and that mental illness can best be prevented and treated within the framework of the community. The talents of professionals and volunteers from many fields must often be enlisted.

Now—with five more years of work behind us—we have even more assurance that many forms and degrees of mental illness can be prevented or treated more effectively through educational programs, diagnostic treatment and rehabilitation services in the community, than by the care in large state mental hospitals isolated from the community. In other words, with a continuum of services in the community, we are getting away from the outmoded idea of "putting people away."

This is community psychiatry.

To fulfill its bright promise, the interest, purport and resources of a broad spectrum of the community must be lent to the effort.

This approach is concerned with whole men and women in their whole environment. My favorite example—if somewhat atypical—comes from Brooklyn.

Several psychiatrists were providing psychiatric rehabilitation to six patients. Each had received a crippling physical injury from accidents along the same span of railroad track.

An investigation revealed that the fence along the railroad right-of-way was in disrepair. Railroad accidents had long been a community hazard, especially among children.

The staff of the Maimonides Community Mental Health Center called a community meeting to discuss the problem. The Neighborhood Center, churches and synagogues, PTA's and other groups in this community not known for homogeneous efforts doubted that anything could be done. "You can't buck the railroad," they said.

But to their own surprise and delight they did buck the railroad. Their weapons were public pressure and the due process of law.

The local Congressman became interested, and one of his aides—a lawyer—prepared the brief. The case went to court and the community won. In the end the Health Center psychiatric staff provided effective rehabilitation to their patients, and the whole community gained new confidence and a healthy, common spirit. If they could win over the railroads, the residents decided, they could do just about anything they chose.

I doubt that many psychiatrists will find themselves testifying in court against a railroad. But those involved in community psychiatry can give many examples of people with important needs—and with the deep desire to help themselves with the aid of intelligent guidance.

This belief—based on experience gained in treatment of mental disorder and emotional disturbance in the years since World War II—is at the heart of the Community Mental Health Centers Act of 1963.

It provides Federal assistance to communities for the construction of centers—centers that could diagnose and prevent disorders before they become serious—centers that mean patients can stay on the job and need no longer leave their families—and all because these centers include at least five essential services:

Inpatient services for people who need short-term hospitalization on a 24-hour basis.

Partial hospitalization, during the day or overnight.

Outpatient services.

Emergency services, available around the clock.

Consultation and education to aid other community professionals.

There are reasons besides pride in our accomplishments why you who are deeply interested in the most effective mental health program for your community should know about this landmark legislation.

First, in concrete cash terms it means that deserving communities can get grants of from one-third to two-thirds of the cost of constructing community mental health centers. And certainly every American taxpayer—whether he lives in California, Virginia or Connecticut—should know of the opportunities available for his community to obtain Federal assistance for worthy projects and programs.

Second, the Centers Act prompted additional, equally important legislation in the form of an amendment adopted in 1965; staffing support during the first 51 months of operation could be obtained by the center to allow a community a breathing space for gathering up financial resources to make the center self-sufficient. Last year the Congress again voted approval of the program by extending support to fiscal year 1970.

And the third reason you should know about the Centers Act is because it has had a profoundly positive influence on the organization and delivery of mental health services in many more than the 265 communities that to date have either established or received funds for centers. This influence is bound to spread as more experience in community psychiatry is gained.

Your Mental Health Center here in Alexandria—with the new features and programs added under the leadership of your very able Director, Dr. Sidney Shankman, is a wonderful example of a community health center becoming more comprehensive—and therefore more significant in its work—with the addition of each new service.

Your goal is to provide total mental health services—both preventive and treatment—to meet the total need of every man, woman and child in the community. And you are moving rapidly in that direction.

Strong community participation and support—from the Mental Health Association, city council, schools, the recreation department, many groups, clubs and agencies—complementing each other in a smoothly running operation—is one big reason. Increased financial assistance from the city and state and an HEW grant for a now flourishing, innovative program—Project Promise—are others. Add to the work of a strong staff the dedication of an active volunteer association—many on-going services—a working arrangement with the hospital—University affiliations that bring field workers from Howard, Maryland and Catholic universities—current events discussion groups—and recreation activities. In short, you have the fuel and motor to propel an imaginatively designed vehicle that is moving rapidly toward a definite goal.

And your Project Promise is a model which many communities in the country will want to copy. Designed to help people vocationally handicapped because of emotional problems, this innovative program is attracting outstanding area professionals and volunteers like a magnet. It is also attracting interest elsewhere in the nation.

The Commissioner of Mental Health in Connecticut has invited the Director to speak at a large meeting of psychologists, psychiatrists and volunteers in my State this June. The title of his keynote address is "Project Promise." It is a project aptly named—one that in so many ways reflects recent events in the field of mental health. "Change" is the word that describes these happenings.

People are changing their attitudes about mental illness. Psychiatrists, psychologists, sociologists and other mental health professionals are changing methods of treatment. Government—at the local, state and Federal levels—is changing its idea about responsibility in the field of mental health. And all of these changes bring with them changes in mental health research—changes in the needs and training of mental health manpower.

Here are some major areas in which all of us—mental health professionals and volunteers, elected officials, administrators and the community at large—can encourage still more positive developments.

Manpower is the first of these. The National Institute of Mental Health gives substantial support to the recruiting and training of people to work in the field of mental health. Yet, all mental health centers have one thing in common: their need for trained personnel.

In testimony before a Congressional Committee last year, the Director of NIMH listed a few unhappy figures:

"There are 23 jobs available for every one person looking for a job in the area of psychiatry.

"Sixteen percent of budgeted positions for social workers with mental health training are unfilled in the states.

"Only six percent of all physicians and only three percent of all nurses have had some psychiatric training or experience."

But not only are greater numbers of mental health personnel needed; there is also a call for new kinds of workers—whose training prepares them to meet community needs.

Some medical schools are considering the need in their curriculum for social and behavioral sciences. These disciplines are basic to community medicine and psychiatry, since they give the physician some knowledge of the social action needed to to prevent, control and treat disease.

Let me urge all of you who have contact with young people to encourage those with energy, intelligence and compassion to enter the field of mental health.

The second area of our concern is Child Mental Health. A family with a retarded child or one with severe emotional problems knows the full meaning of the word "tragedy."

Both as Governor of Connecticut and Secretary of HEW, child mental health was a special interest. My concern was translated into concrete form shortly after coming to the Senate. I introduced legislation—which passed the Congress—providing project grants to the states for comprehensive maternity care for women in low income groups where the incidence of mental retardation is high.

Then, several months later, tragedy struck our nation—and President Kennedy was killed.

Through the mass of discussion and statistics of the Warren Commission Report—and through the deed itself—ran one indisputable fact: Lee Harvey Oswald, the murderer, was mentally ill, and his illness had come to the attention of authorities in New York City when he was 13 years old. Yet Oswald received no psychiatric help. Society had let him slip through its fingers. Certainly a strong, effective mental health program for our children was needed.

I introduced legislation in 1965 which established the Joint Commission on Mental Health of Children. The Commission is carrying out a close study of our nation's resources for dealing with the problems of emotionally disturbed children. Its report will be completed in 1969. We hope that these recommendations will serve as the blueprint for comprehensive children's services.

The third area of concern must be improved delivery of General Medical Services. Two weeks ago the Senate Subcommittee I chair held a series of hearings on the organization, financing and delivery of health care in America. We heard testimony from high government officials as well as from member of the medical profession. Dr. Martin Cherkasky, director of a large hospital and medical center, and chairman of the Department of Community Health at Albert Einstein College of Medicine, summed up much of what our witnesses said in this statement:

"While the care for the poor is obviously disastrous, the care for the people who pay their own way leaves much to be desired in this country. We have magnificent cases of medical care, but across this land the capacity that medicine has to provide good care is not equalled by the performance for rich and poor." The situation has reached crisis proportions in many places, he added.

Witness after witness described fragmented health services—many overlapping—others not existing where needed desperately.

We learned that intelligent planning and organization are clearly required.

Community mental health planning—which I've already described—preceded comprehensive health planning—to which we are now giving our attention. Certainly mental health professionals—whose mental health centers by the nature of their programs already integrate many phases of the health resources in the community—must be encouraged to help apply their experience in comprehensive planning.

This brings me to our fourth task: to encourage Community Mental Health Centers to take an active part in solving urban problems. Modern mental health includes the emotional and psychological health of individual people—of groups and of every part of the community environment. Therefore, mental health professionals, supported by the resources of the mental health center, must increase and broaden their efforts to help solve mass violence and the problems of poverty and the ghetto.

The Center for Studies of Metropolitan and Regional Mental Health Problems at NIMH is pointing the way with support for several applied research projects in urban problems. And some mental health centers work closely with various groups in their communities—in an attempt to discover the root causes of discontent that too often explodes into violence.

They often find that a feeling of alienation from the rest of society has reached a dangerous level. And it is not just alienation of the young; but of older people, too. There is no age limit to people who feel unable to relate to or change an unacceptable world—or their own lives. And there is alienation between generations.

Mental health professionals—supported

the airlines to use Dulles and thereby create an improved situation at National. That is the most sensible and certainly the least expensive approach.

SENATOR RIBICOFF SPEAKS AT VIRGINIA MENTAL HEALTH SYMPOSIUM

HON. WILLIAM B. SPONG, JR.

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During the last part of the 19th century their numbers grew. But then their numbers stopped increasing. The overcrowding began—and continued with gathering speed. With few exceptions the passing years turned these hospitals into antiquated institutions—mainly of a custodial nature. Most were isolated in rural settings far from the patient's home.

Society turned its back on the mentally ill by the thousands—out of the fear that comes from a lack of understanding and the knowledge of how to heal. Out of sight—out of the community's mind—the mentally ill languished, cared for as best they could be in unfavorable circumstances. Their treatment—set apart from the mainstream of medicine—remained nearly static for many years.

But World War II brought a change in public attitude. When a high proportion of young men were found emotionally or psychiatrically unfit for service in the armed forces, there was public alarm. Later—in the early 1960's—drugs effective in the treatment of certain types of mental disease were discovered. And as the decade progressed—and treatment techniques improved—there was evidence that in many cases mental illnesses could be alleviated and controlled.

The public became dissatisfied with custodial care for the mentally ill and retarded. Compassion overtook fear. The public saw its responsibility and accepted it. Citizens contacted their state legislators—and the legislators talked to their governors—who in turn called mental health conferences and mapped out some programs. They also made their point with Congress. Public pressure brought political action—and important things began to happen.

When the National Institute of Mental Health was established in 1946, the Federal Government accepted for the first time some responsibility for mental health research, the training of skilled mental health manpower, and the support of State programs to improve mental health services.

Yet there was no real effort toward a nationwide mental health program until 1961. Then the Joint Commission on Mental Illness and Health, established by the Congress, released its report entitled "Action for Mental Health." It was a call to action that could not be ignored—an indictment of both the national conscience and the quality of care for the mentally ill. The facts and figures startled even those knowledgeable in the fields of mental illness.

I remember well. For as Secretary of Health, Education and Welfare when the report was published in 1961, I traveled through the states of our nation—the bearer of sorrowful findings such as these: 80% of our 277 State mental hospitals still provided only custodial care for patients; only 20% participated in modern advances designed to make them truly therapeutic; more than half of the patients in most State hospitals received no active treatment to improve their mental condition; and many patients in State hospitals did not need to be there at all.

That was in 1961. Soon after, Congress appropriated funds for matching grants to States to finance statewide comprehensive planning of mental health services. And for the first time mental health planning cut through some of the old-fashioned, wrong-minded thinking.

President Kennedy's new historic mental health message to Congress early in 1963 must be seen in the context of this beginning. Congress answered the President's call for a "bold new approach" to solve the problem of mental illness with the passage of the Community Mental Health Centers Act in 1963 which I was proud to co-sponsor.

At last the roots were firmly planted for a new era in the care of the mentally ill.

At last there was recognition that the mental health of every person is the concern of the community—and that mental illness can best be prevented and treated within the framework of the community. The talents of professionals and volunteers from many fields must often be enlisted.

Now—with five more years of work behind us—we have even more assurance that many forms and degrees of mental illness can be prevented or treated more effectively through educational programs, diagnostic treatment and rehabilitation services in the community, than by the care in large state mental hospitals isolated from the community. In other words, with a continuum of services in the community, we are getting away from the outmoded idea of "putting people away."

This is community psychiatry.

To fulfill its bright promise, the interest, purport and resources of a broad spectrum of the community must be lent to the effort.

This approach is concerned with whole men and women in their whole environment. My favorite example—if somewhat atypical—comes from Brooklyn.

Several psychiatrists were providing psychiatric rehabilitation to six patients. Each had received a crippling physical injury from accidents along the same span of railroad track.

An investigation revealed that the fence along the railroad right-of-way was in disrepair. Railroad accidents had long been a community hazard, especially among children.

The staff of the Maimonides Community Mental Health Center called a community meeting to discuss the problem. The Neighborhood Center, churches and synagogues, PTA's and other groups in this community not known for homogeneous efforts doubted that anything could be done. "You can't buck the railroad," they said.

But to their own surprise and delight they did buck the railroad. Their weapons were public pressure and the due process of law.

The local Congressman became interested, and one of his aides—a lawyer—prepared the brief. The case went to court and the community won. In the end the Health Center psychiatric staff provided effective rehabilitation to their patients, and the whole community gained new confidence and a healthy, common spirit. If they could win over the railroads, the residents decided, they could do just about anything they chose.

I doubt that many psychiatrists will find themselves testifying in court against a railroad. But those involved in community psychiatry can give many examples of people with important needs—and with the deep desire to help themselves with the aid of intelligent guidance.

This belief—based on experience gained in treatment of mental disorder and emotional disturbance in the years since World War II—is at the heart of the Community Mental Health Centers Act of 1963.

It provides Federal assistance to communities for the construction of centers—centers that could diagnose and prevent disorders before they become serious—centers that mean patients can stay on the job and need no longer leave their families—and all because these centers include at least five essential services:

Inpatient services for people who need short-term hospitalization on a 24-hour basis.

Partial hospitalization, during the day or overnight.

Outpatient services.

Emergency services, available around the clock.

Consultation and education to aid other community professionals.

There are reasons besides pride in our accomplishments why you who are deeply interested in the most effective mental health program for your community should know about this landmark legislation.

First, in concrete cash terms it means that deserving communities can get grants of from one-third to two-thirds of the cost of constructing community mental health centers. And certainly every American taxpayer—whether he lives in California, Virginia or Connecticut—should know of the opportunities available for his community to obtain Federal assistance for worthy projects and programs.

Second, the Centers Act prompted additional, equally important legislation in the form of an amendment adopted in 1965; staffing support during the first 51 months of operation could be obtained by the center to allow a community a breathing space for gathering up financial resources to make the center self-sufficient. Last year the Congress again voted approval of the program by extending support to fiscal year 1970.

And the third reason you should know about the Centers Act is because it has had a profoundly positive influence on the organization and delivery of mental health services in many more than the 265 communities that to date have either established or received funds for centers. This influence is bound to spread as more experience in community psychiatry is gained.

Your Mental Health Center here in Alexandria—with the new features and programs added under the leadership of your very able Director, Dr. Sidney Shankman, is a wonderful example of a community health center becoming more comprehensive—and therefore more significant in its work—with the addition of each new service.

Your goal is to provide total mental health services—both preventive and treatment—to meet the total need of every man, woman and child in the community. And you are moving rapidly in that direction.

Strong community participation and support—from the Mental Health Association, city council, schools, the recreation department, many groups, clubs and agencies—complementing each other in a smoothly running operation—is one big reason. Increased financial assistance from the city and state and an HEW grant for a now flourishing, innovative program—Project Promise—are others. Add to the work of a strong staff the dedication of an active volunteer association—many on-going services—a working arrangement with the hospital—University affiliations that bring field workers from Howard, Maryland and Catholic universities—current events discussion groups—and recreation activities. In short, you have the fuel and motor to propel an imaginatively designed vehicle that is moving rapidly toward a definite goal.

And your Project Promise is a model which many communities in the country will want to copy. Designed to help people vocationally handicapped because of emotional problems, this innovative program is attracting outstanding area professionals and volunteers like a magnet. It is also attracting interest elsewhere in the nation.

The Commissioner of Mental Health in Connecticut has invited the Director to speak at a large meeting of psychologists, psychiatrists and volunteers in my State this June. The title of his keynote address is "Project Promise." It is a project aptly named—one that in so many ways reflects recent events in the field of mental health. "Change" is the word that describes these happenings.

People are changing their attitudes about mental illness. Psychiatrists, psychologists, sociologists and other mental health professionals are changing methods of treatment. Government—at the local, state and Federal levels—is changing its idea about responsibility in the field of mental health. And all of these changes bring with them changes in mental health research—changes in the needs and training of mental health manpower.

Here are some major areas in which all of us—mental health professionals and volunteers, elected officials, administrators and the community at large—can encourage still more positive developments.

Manpower is the first of these. The National Institute of Mental Health gives substantial support to the recruiting and training of people to work in the field of mental health. Yet, all mental health centers have one thing in common: their need for trained personnel.

In testimony before a Congressional Committee last year, the Director of NIMH listed a few unhappy figures:

"There are 23 jobs available for every one person looking for a job in the area of psychiatry.

"Sixteen percent of budgeted positions for social workers with mental health training are unfilled in the states.

"Only six percent of all physicians and only three percent of all nurses have had some psychiatric training or experience."

But not only are greater numbers of mental health personnel needed; there is also a call for new kinds of workers—whose training prepares them to meet community needs.

Some medical schools are considering the need in their curriculum for social and behavioral sciences. These disciplines are basic to community medicine and psychiatry, since they give the physician some knowledge of the social action needed to to prevent, control and treat disease.

Let me urge all of you who have contact with young people to encourage those with energy, intelligence and compassion to enter the field of mental health.

The second area of our concern is Child Mental Health. A family with a retarded child or one with severe emotional problems knows the full meaning of the word "tragedy."

Both as Governor of Connecticut and Secretary of HEW, child mental health was a special interest. My concern was translated into concrete form shortly after coming to the Senate. I introduced legislation—which passed the Congress—providing project grants to the states for comprehensive maternity care for women in low income groups where the incidence of mental retardation is high.

Then, several months later, tragedy struck our nation—and President Kennedy was killed.

Through the mass of discussion and statistics of the Warren Commission Report—and through the deed itself—ran one indisputable fact: Lee Harvey Oswald, the murderer, was mentally ill, and his illness had come to the attention of authorities in New York City when he was 13 years old. Yet Oswald received no psychiatric help. Society had let him slip through its fingers. Certainly a strong, effective mental health program for our children was needed.

I introduced legislation in 1965 which established the Joint Commission on Mental Health of Children. The Commission is carrying out a close study of our nation's resources for dealing with the problems of emotionally disturbed children. Its report will be completed in 1969. We hope that these recommendations will serve as the blueprint for comprehensive children's services.

The third area of concern must be improved delivery of General Medical Services. Two weeks ago the Senate Subcommittee I chair held a series of hearings on the organization, financing and delivery of health care in America. We heard testimony from high government officials as well as from member of the medical profession. Dr. Martin Cherkasky, director of a large hospital and medical center, and chairman of the Department of Community Health at Albert Einstein College of Medicine, summed up much of what our witnesses said in this statement:

"While the care for the poor is obviously disastrous, the care for the people who pay their own way leaves much to be desired in this country. We have magnificent cases of medical care, but across this land the capacity that medicine has to provide good care is not equalled by the performance for rich and poor." The situation has reached crisis proportions in many places, he added.

Witness after witness described fragmented health services—many overlapping—others not existing where needed desperately.

We learned that intelligent planning and organization are clearly required.

Community mental health planning—which I've already described—preceded comprehensive health planning—to which we are now giving our attention. Certainly mental health professionals—whose mental health centers by the nature of their programs already integrate many phases of the health resources in the community—must be encouraged to help apply their experience in comprehensive planning.

This brings me to our fourth task: to encourage Community Mental Health Centers to take an active part in solving urban problems. Modern mental health includes the emotional and psychological health of individual people—of groups and of every part of the community environment. Therefore, mental health professionals, supported by the resources of the mental health center, must increase and broaden their efforts to help solve mass violence and the problems of poverty and the ghetto.

The Center for Studies of Metropolitan and Regional Mental Health Problems at NIMH is pointing the way with support for several applied research projects in urban problems. And some mental health centers work closely with various groups in their communities—in an attempt to discover the root causes of discontent that too often explodes into violence.

They often find that a feeling of alienation from the rest of society has reached a dangerous level. And it is not just alienation of the young; but of older people, too. There is no age limit to people who feel unable to relate to or change an unacceptable world—or their own lives. And there is alienation between generations.

Mental health professionals—supported

by the resources of their centers—must use their specialized knowledge and clinical practices as they explore thoroughly the life and problems of the community. Working closely with other groups and agencies, they can help to diagnose community ills—to design and coordinate programs which will assure that large proportions of current and future generations will not be embittered toward the larger society. It will be a big job to see that all are prepared for parental, vocational and other citizen roles. But this is the essence of mental health.

It is basic to the goal of the national mental health program. And this goal will only be achieved when we learn to prevent mental illness—to promote mental health—and to provide a continuity of care for people who are already emotionally disturbed—wherever they may live.

We can do it—when there is strong community support throughout the country for programs like yours.

Then nobody will think he is "nothing." For each person in our nation will have assurance that he is a very important "something."

GARY: A CITY WITHOUT HOPE

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. UTT. Mr. Speaker, I include in the Extensions of Remarks a series of four articles written by Mr. John J. Synon, concerning the hopelessness of life in a city which has suffered a breakdown of law enforcement. It is not a pleasant description. The articles follow:

GARY: A CITY WITHOUT HOPE—I

(By John J. Synon)

If a person were to choose, carefully, the thought to properly describe Gary, Indiana, it is likely the most accurate would be this: Gary is criminally malicious. It is a city without civic pride, without hope. It is the only city in the nation that is intellectually and spiritually dead, almost totally devoid of the graces normal to a civilized community. The word a visitor hears most often to describe Gary is "jungle".

Gary is a city where merchants overtly wear six-guns strapped to their hip.

Gary is a city where retail business is done behind bolted doors; each customer is examined—a la speakeasy—before being admitted.

Gary is a city hag ridden by racketeers.

Gary is a city with more than 3,000 criminal cases backlogged in courts that sit, on an average, of but two hours a day.

Gary is a city without a middle-class citizenry. As a result, there is no discernible effort being made to alleviate its debased nature.

Gary is 65 per cent black. On November 7, 1967, Gary elected a Negro as its mayor. Since then, the degree of lawlessness in always-lawless Gary has worsened to a point that boggles the mind. There simply is no way, today, to catalogue or to analyze its debauched nature.

Gary, withal, has had no race riots and none are foreseen.

This monster, a city of about 180,000 people, sits amid swirling dirt just south of Chicago. It was created in 1906 by U.S. Steel as a site for its blast furnaces. Elbert Gary, then Big Steel's board chairman and whose brain child the town is, worked better than he knew. Whether the furnaces of Gary are up or down, the city blasts away. That it is beyond redemption, few dispute. None, not even its lone daily newspaper, make any pretense at uplift.

Gary is a thriving, money-worshipping cesspool of crime and corruption, with human life one of its cheapest commodities.

"We are not interested in red-white-and-blue", a cynical real-estate appraiser said, "only green".

How it happened, how Gary became the jungle it is makes a fascinating study.

For 40 years after Elbert Gary put fire to the town's first furnace, the mills of Gary were manned by waves of immigrant Poles, Italians, Croatians, and Slavs—Middle Europeans. They were brawlers, these people, among the roughest, most physical ever grounded in this nation. They were, in addition, herculean workers, brawny. But their women, by contrast, were gentle and deeply religious; 90 per cent Catholic. While the men worked by day and fought by night, the women of Gary sought—as women always seek—to make their new home both moral and habitable. It wasn't easy. For, tugging at the paychecks of their ham-fisted husbands, as leeches, were hordes of prostitutes, pimps, crimps, flick-fingered gamblers and hawkers of narcotics.

Despite these problems of the "new world", the women of Gary made progress. Their decency became apparent.

Thus, during the first four decades of its life, Gary knew a double life: The physical—with a criminal element always in the political saddle—and the spiritual, the nature of its immigrant women. Gary, for 40 years, then, was no different in essence—only in degree—than any other American city.

Perhaps Gary would have worked out its problems; other towns have. But no one will ever know, for the war—World War II—with its insatiable demand for steel, brought the Negroes. Mothlike, they flocked to the hearth flames of Gary and high wages. They came in thousands upon multiple thousands. Thus concentrated, the Negroes of Gary became perfect foils for politicians without honor or conscience. The Negroes were lied to by succeeding national administrations, made to believe they were a cut above the law. The result was inescapable: This combination—naive, ignorant Negroes and coldly-evil politicians—ended whatever chance Gary had of evolving into a decent community.

GARY: A CITY WITHOUT HOPE—II

(By John J. Synon)

On November 7, 1967, Richard Hatcher, a law-trained, 34-year-old Negro was elected Gary's first Negro mayor. His election proved to be calamitous for the brawling steel town that sits just south of Chicago.

By common acknowledgement, Mayor Hatcher is an honest man; money honest. But that his election doomed Gary is equally true. Gary is now a city without hope, locked in a vise of terror and crime from which it sees no escape.

Richard Hatcher, the evidence indicates is either incapable of competent service as mayor of this rolling town of 180,000 people, or is only superficially interested in its welfare. Critics say he is in residence about one day a week. When inquiry is made as to the reason for his peripatetic travels, word comes back that "the mayor is improving his national image"—speaking somewhere. His choice of topic, generally, is a hymn of praise to (1) Richard Hatcher, or (2) Bobby Kennedy, his political godfather.

This is an understandable combination. From the point of view of both, it is a politically profitable arrangement; they wash each other's shirt: Kennedy has the money; Hatcher has the votes. An executive of the town's bland daily newspaper says, "the Bobby Kennedy Foundation is sending in money to upgrade the mayor's staff". No one can fault that; if money can upgrade, even by a cubit, the motley, mostly-Negro entourage now cavorting at Gary's city hall, it will be money well spent. Gary's municipal government, since Hatcher's inauguration, has become a circus. The staff's ludicrous inefficiency is attributed by some to inexperience, to their being amateurs A not-so-friendly voice calls it "a Kingfish operation".

"Nobody in his right mind", the voice said, "would ask the City Attorney" (a Hatcher-appointed Negro) "for a legal opinion".

Stories of the staff's hilarious incompetence abound. A stringer for a great Chicago daily has said he once waited two hours for an answer to a routine question. "They couldn't find the answer". Another tells of a secretary who snatched back a posed, dignified photograph of the mayor with the silly comment, "Nobody is supposed to see that".

A favorite tale deals with the clever method Hatcher designed to discourage black office seekers. Shortly after his election, amid a clamor for jobs, the new mayor pompously announced it would be the policy of his administration to hire only the best, that is, Ph. D. holders, preferably, but college graduates, certainly; none other need apply. That took care of that.

Gary's tax rate is becoming a macabre sort of joke and its public schools have become custodial institutions: Of 47 practice teachers who trained last year in Gary, only two would consider contracts; no assurance could be given they would not be assigned to Negro schools. "We never get Big Ten graduates any more," the father of a teenage student said. "They all come from unknown places. You should see them in action. If they are teachers, I'm Kenyatta."

Gary, to use a trite phrase, has had it. Its situation is hopeless.

Why wouldn't it be? The two opposing forces—the black Ins and the white Outs—that today make up Gary's public life, apparently are controlled by evil. There are no pro-bono-publico spirits in this absentee-landlord town, none in sufficient number to make a difference. A group of concerned private citizens—shop owners, mostly—some months ago did form themselves into a Committee For a Safer Gary; they hoped to slow the robbery rate, the assaults and the murders. Unfortunately, they proved ineffectual. The group is now withering into a nothingness.

Roving gangs of black criminals hold the town in thrall. Apparently they are untouchable. Even The Syndicates, the world's hitherto toughest, avoid crossing lances with this new breed of cutthroat and Mayor Hatcher seems unwilling to vigorously prosecute the murderous acts of the apes. It may be he has in mind his "national image" as Gary's first Negro mayor and the politics of "civil rights." Whatever the reason, the national news media will not touch the story, either. As a result, every decent person in Gary—black and white, alike—lives in a self-spun cocoon, withdrawn from civic problems as though the land were ruled by these phantom terrorists, as indeed, for all practical purposes, it is. A venturesome opera star, Roberta Peters, last fall, sang in Gary to "row upon row of empty seats." It isn't likely she will return.

The police—those of them who are not involved, themselves—are almost helpless. The Chief of Police, a Hatcher appointee, keeps them hooded. Thus, the town is stultified. There is no hope.

GARY: A CITY WITHOUT HOPE—III

(By John J. Synon)

If any city in this nation should be able to integrate successfully, it should be Gary, Indiana. And yet, except for "tokenism" and except for forced public-school integration, Gary is as segregated as any Southern city—more segregated than many.

Theoretically, though, social integration in Gary should pose no problem. This is why:

Gary was created from a wasteland only 62 years ago. It has never known a middle class, and the upper class, the town's owners, live elsewhere. Its workers, with rare exception were, as they remain, muscled immigrants—now the sons of immigrants—who make steel. Until World War II, its citizenry had seen Negroes, a few even lived in Gary, but "race" as we know it today was not among the problems besetting the town built by U. S. Steel. There was no overt "prejudice"; there were not enough Negroes in residence to form an opinion.

Since 1940 or thereabouts, and the coming of the war, the unprecedented demand for the output of the mills has maintained an extraordinarily high demand for labor—any strong back will do, white or black. Today, the lowest paid receives about $3.00 per hour, $25.00 a day, and many such jobs go begging.

Because of this high hourly rate, servants are practically unknown in Gary. Every man is his opposite's economic equal, if he has what it takes. If not, there is an abundance of Federal "relief" money—no stigma attached—for those who find both millwork and domestic employment not to their liking. Moreover, with the Negroes now in complete political command, with a Federal government anxious to spend whatever is needed to make the town's Negro mayor (and thus, its own policy) look good, there is no cause for riot—nor have there been any riots.

Gary, then, is a near-perfect hotbed for the theories of the integrationists.

But there is no social integration in Gary, nor any sign of it.

Instead, the "native" population, pushed off balance by the black newcomers, eyes them warily and goes its own way. Where integration is forced, however, as in the public schools, racial troubles do exist. They are vicious, unceasing and unreported. There is little on-the-job trouble because the white workers of Gary, as elsewhere, are not really in competition with the Negroes since the whites hold the straw-boss and supervisory positions while the Negroes seem unable to rise above the lowest—the $3.00—rung. There are exceptions.

Thus, while there is no integration, in the sense sought by the Federal government, neither is there any threat of grand-scale racial troubles. Times are too good for that.

But if the employment situation changes, if hard times come to Gary, if job competition develops, a holocaust seems inevitable. It will be Raw Power vs. Black Power in that case and there is little question as to who would win such an imbroglio as that. If Gary's Poles and Slovaks, its Croatians and its Italians, those who go to make up the town's indigenous population, if such as these begin to move, they will clean Gary's sinkholes like rotor-rooters, the good and the bad, alike. Physical violence is the stuff they are made of.

A number of knowledgeable Garyites were questioned as to the upcoming November election. They were in near-unanimous agreement: Against Nixon, and anybody else but Bobby Kennedy, George Wallace would carry Gary (Lake County). But if Bobby Kennedy is the Democratic nominee, they were not so sure of a Wallace victory. "Wallace would have a fight on his hands". Their reasoning turned on the voting practices of Gary's Catholic women. In their opinion, the white women of Gary would thoughtlessly abide by what the church urged them to do, vote for Kennedy. Their votes could spell the difference.

They would do so, it is believed, despite their resentment of the preferential treatment being given Negroes. They would do so despite these facts.

Public housing—mostly Negro occupied—is being erected in Gary at a cost of $16,000 to $18,000 per unit, and is eligible to people making to $9,000 per year.

Public schools have degenerated to such a point some Negroes, now, are refusing to allow their children to attend.

Lawlessness is universal. In a Gary area known as Tolleston, Negroes have armed patrols to protect themselves from other Negroes.

Gary's present is black. Its future is blacker.

"It is inevitable", a resident said, "Gary will be totally black, one day. And the blacker it gets, the worse it gets. It is hopeless; just hopeless".

That's Gary, Indiana, a city without hope.

GARY: A CITY WITHOUT HOPE—IV

(By John J. Synon)

A friend had told me I could not get a meaningful impression of Gary, Indiana, without talking to one of the merchants "on the firing line."

I asked if he had any suggestions. He named several possibilities. I asked which was the closest. He said, of the four, Lake County Furniture Company.

Lake County Furniture Company is located at 2172 Broadway, Gary. It is owned by a friendly, middle-aged man named Richard Burke. Mr. Burke proved to be the only person in Gary I found who would allow himself to be quoted.

It was early afternoon when I arrived. Even so, the door of the store was bolted. But a rattle brought the owner and I expressed surprise at his closing at that time of day.

"We aren't closed", he said, as he replaced the one-inch steel rod that locked the door. "This is the way we do business—and so is that," he added, pointing to a neat, round hole in his plateglass window. "Bullet," was his laconic explanation.

"And so is this", he said, patting the six-gun that swung from his hip.

My eyes must have bugged.

"Sit down", he grinned. "What would you like to know?"

I told Mr. Burke I was trying to get a line on Gary; the sort of town it is.

"You came to the right place; how many holes can you count in the ceiling?"

I looked, and tallied four.

"See that hole in the lamp shade; see the one in the stove—all bullet holes. I have undergone 12 unsuccessful attempts to rob me; I have been actually robbed three times, and I have had three shoot outs."

"Shoot outs?"

"Shoot outs. After I got tired of turning over my receipts to the black criminals that scrounge this town, I prepared for them. They got to me one day, shortly afterwards, took my money and made me lie face down on the floor. Then they took a can of gasoline, sprinkled it all over the place and set it afire—then they ran."

"Did you catch them?"

"Catch 'em? I dropped them as they went through the door."

I asked if his case was unique, isolated.

"Oh, no. I'm about average. Some places have been held up twice a day. You should see Midtown Market, at 16th and Jackson. That place looks like a fortress. It should; it's been held up 40 times in 37 months.

"Or Comays; they are the biggest jewelers in town. Everybody on the floor, there, wears a six gun in plain view. That's something to see; swankiest jeweler in town".

I asked what kept him at such a business, in such a town. He answered: "I've got accounts receivable". And when I made no response to so shallow an answer, he added:

"I came to Gary 20 years ago with nothing. I'm not going to leave with nothing. I've worked hard. These blacks have this place bulldogged; people are afraid to come into the city; my daughters in college, for instance. They are afraid to come home. Even my wife won't come into the store".

As we talked, the door rattled. Mr. Burke eyed the newcomer, then beckoned his clerk to permit entrance.

"That fellow comes as my friend", he said, sotto voce, "but he isn't. He is a stooly for city hall. Just keep your voice down".

After chatting with the clerk a moment, the newcomer left. The door was again bolted.

"What did he want?" Mr. Burke asked his employee.

"He wanted to know who your visitor is. I told him a salesman".

"Good".

It was time to go and I asked Mr. Burke if he would call a cab. He saids cabs were not available. I offered to walk; it was about 14 blocks to my mid-town hotel—straight down Broadway, the town's main street.

"Oh, no, don't do that—that's a pretty good suit you have on. I'll drive you".

It was a memorable drive. Mr. Burke knows all the merchants, those still in business and those who have fled. He pointed to their places as we passed—some are boarded up now—recounting the times their owners had been robbed, beaten or murdered—"poor Mr. Rosenberg".

"See that place", he said, as we neared my hotel. I nodded.

"Two years ago it was offered to me at $200 a month. Today, it houses Youth Opportunity, or something like that. The government pays $975 a month rent to a trust".

"Who owns the trust?" I asked. And Mr. Burke's answer told me all I needed to know about Gary.

"That's anybody's guess".

In 30 minutes I was out of town.

DISTRIBUTION OF MOTOR VEHICLE TIRES

REMARKS

OF

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, May 9, 1968

Mr. METCALF. Mr. President, on March 18 of this year I introduced S. 3178 to provide for the distribution of motor vehicle tires. The measure is for the purpose of protecting small retailers from the unfair competition of their suppliers who both manufacture and distribute automobile tires.

I have recently received from Mr. George J. Burger, vice president of the National Federation of Independent Business, a letter describing reports of the spread of this distribution practice by manufacturing firms, to the detriment of small business operators. This is not a desirable trend.

I ask unanimous consent that Mr. Burger's letter be printed in the RECORD in order that Senators may have the benefit of his warning.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
San Mateo, Calif., May 2, 1968.

Re S. 3178.
Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: The above bill, if enacted by the Congress, would go a long way to provide the fullest protection for the free enterprise system and stimulate present small businesses throughout the nation. Even more important, it would attract the present day youth and urge their establishing their own retail businesses. It would eliminate the unfair competition of major producers owning and operating retail stores. These major producers are operating retail stores and they are, at the same time, soliciting the business of independent retailers in the various industries.

We have been receiving alarming reports from small businessmen as to the dual distribution problems emanating in the tire business, retail clothing, automobile dealerships, gasoline dealerships and more recently in the radio and TV field. Where will it all end before we have a controlled economy resulting in monopoly in high gear?

I am well acquainted with the independent retailers in your State of Montana and their problems are duplicated due to the unfair competition.

It is interesting to note the public hearings of the then Senate Small Business Committee headed by the late Senator Murray of your State. The hearings I make reference to were held in April–May 1943 on S. Res. 66 on the 78th—The Tire Dealer and Rebuilder Problems, Part 19. On page 2623 note the type of opposition a president of a rubber company, which is still in existence and might be classed among the big ones of the industry, stated:

"This legislation, if put through, may very well open the floodgates to similar proposals from every type of retail merchant, and may set a precedent which will cause similar trade restrictions to be applied to hundreds of other items."

The Federation membership as of April 1968 totals 248,651, all individual members in the 50 states and they have repeatedly voted in the affirmative since 1947 recommending the adoption of this legislation.

In talking with a group of small businessmen of the nation, I stressed the importance of your legislation and urged them to ask their people to come forward to testify if public hearings are held.

Sincerely yours.

George J. Burger,
Vice President.

SOUTH AFRICA'S AND RHODESIA'S ANSWER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. RARICK. Mr. Speaker, the recent News From South Africa speaks typically straightforward. First, in denying it owes the American people anything; second, that South Africa would accept the illegal portion of the International Olympic Committee in a "gentlemanly manner," which is far more than can be said about the discriminatory ruling of the committee; third, that South Africa is proceeding with separate development of the races.

Judging her stability compared with the chaos in the rest of the world, who are we to judge her system wrong—when we cannot even find leaders to defend our cities and citizens on the street?

Mr. Speaker, I insert the News From South Africa for May 1, the Rhodesian Commentary for April 15, and an editorial from the Manchester, N.H., Union Leader of April 25, as follows:

[From News from South Africa, May 1, 1968]

South African Ambassador Answers Unfair Statement

South Africa should not be blamed for the fact that the United States was "broke", as mentioned in an advertisement that appeared in the "U.S. News and World Report", South African Ambassador H. L. T. Traswell said in a letter to Warner and Swasey of Cleveland, Ohio, the company responsible for placing the advertisement.

The full text of his letter reads as follows: "On looking through U.S. News and World Report of April 29, 1968, our Embassy came across your advertisement "No wonder we're broke." In it you say: "Here are your gifts". You then list South Africa as one of the recipients of the "gifts" and mention an amount of $150 million.

"Let's look at this so-called "gift". It is made up of two types of *credit*. The first was a credit of $1.3 million allowed for the purchase of overseas war surplus in 1947. That amount has long since been repaid in full.

"The balance of the amount, namely $152.8 million, is made up of credits from the Export-Import Bank for the following purposes:

"Credits of $146.7 million were granted in the early 1950's by the Bank to a number of South African mining companies, and their electricity supplier, in connection with a uranium extraction program which was developed *at the urgent request of the United States* and British Governments.

"The South African Airways purchased several Boeing aircraft, repair equipment and spare parts with further credits of $6.1 million granted by the Bank in 1960.

"The greater part of these loans has already been repaid with interest, in an orderly and business-like manner. By 1966 about $167.9 million had been repaid. This included over $31 million in interest and commission. Since then further repayments have been regularly made.

"You may also be interested in the following facts:

"In 1967 American exports to South Africa reached a figure of $426 million. Your imports from us were only $227 million giving you a very favorable balance of trade. Your investments in our country are valued at between $489 million and $650 million. On these you obtain a very substantial return.

"We have also paid all our war debts—one of only about four countries in the whole world to have done this. If, in your opinion, your country is "broke and getting worse", don't blame South Africa.

"I trust that you will bring the incorrectness of your advertisement, insofar as South Africa is concerned, to the notice of the readers of U.S. News and World Report.

"Your advertisement was also read into Congressional Record by the Honourable Louis C. Wyman of New Hampshire on Monday, April 22, 1968 (page 10214).

"You will no doubt wish to draw the distinguished representative's notice to the erroneous impression you have created regarding South Africa."

GENERAL DISAPPOINTMENT AT IOC DECISION

The news of the decision to exclude South Africa from the Olympic Games in Mexico was a grievious disappointment to South African sportsmen and women of all colors and races and was a sad reflection on the Olympic Games authorities who seemed to have capitulated to political pressures, the Leader of the Opposition, Sir de Villiers Graaff, said in the Assembly last week. Sir de Villiers said the Olympic authorities appeared to have surrendered to political pressures by a militant group which had far less interest in sport than in politics and which could make no meaningful contribution to the Olympic Games.

The decision was a hard blow to non-white sportsmen who were deprived of the opportunity of making their first bow in the international sporting arena.

Referring to the IOC decision, Prime Minister John Vorster said that like the Leader of the Opposition he wished to express his deep regret that South Africa's young people who had very much looked forward to the forthcoming Olympics, would no longer have the chance of participating. But he was pleased at the way they accept it, particularly as expressed by the young swimmer, Karen Muir, who had said that this was not the end of the world. In this particular case South Africa behaved as she behaved at all times in the international sphere, namely, with correctness, dignity and firmness. So also South African sportsmen were behaving.

To the representative of the Olympics who had had discussions with him, he had stated his standpoint clearly. But what was of significance now was that South Africa was prepared and wanted to let her non-white athletes who deserved selection on merit, to participate in the Olympic Games, and it was now for the Olympic world to decide whether it wanted to allow them to do so.

Apart from everything that had been said and still would be said about the IOC decision, it had struck him that Mr. Brundage, chairman of the IOC, had said, according to a news report that it was not South Africa's fault that she was excluded, but that it should be blamed on the chaotic conditions in which the world found itself today. With this opinion he agreed wholeheartedly.

Mr. Frank Braun, president of the South African Olympic Games Committee, said at an executive meeting that in spite of the shocking rebuff by the International Olympic Committee, South Africa would accept the illegal position as it stood now in a gentlemanly manner. Mr. Braun said that South Africa's readmission to the Games based on the Grenoble vote came about in a legal and correct manner following a fully democratic vote which represented an absolute majority in South Africa's favor.

"It is regrettable that our present exclusion from the Games has been brought about illegally, immorally and unconstitutionally."

Mr. Braun also announced that South Africa's account for the expenses involved in preparing for the Olympic Games in the past two months will be sent to the International Olympic Committee.

"We have spent a lot of money," said the South African Olympic president. "We are asking all the associations to calculate their costs so far, and then we will ask the IOC who will reimburse us, in terms of legal advice of Mr. Brundage's American lawyers."

The legal opinion, read by Mr. Braun at the meeting of the South African Olympic Council last week, was that reimbursement of expenses would not even be adequate compensation for the withdrawal of South Africa's invitation.

Mr. Arthur Foster, chairman of the South African Amateur Wrestling Association, said that his sport had spent a considerable amount in transporting wrestlers and officials to trials. The Olympic Council itself has had to pay for a trip around the country for Mr. Braun when he traveled to Cape Town, Port Elizabeth and Durban to form a multiracial selection committee.

At an executive meeting of the SA Olympic Games Committee, Mr. Braun read out a telegram which he had received from Mr. A. Orrie, president of the SA Non-White Boxing Association and a non-white selector on the multiracial selection committee. The telegram read: "Regrets new decision. Non-white participants chief sufferers." Mr. Braun pointed out that there were no fewer than 2,000 non-white boxers who had been training energetically in Johannesburg in view of the Games.

COLOUREDS' OPPORTUNITIES TO ADVANCE

House of Assembly, Cape Town: The Prohibition of Improper Interference Bill, taken together with its counterpart, the Coloured Persons Representative Council Amendment Bill, would give the Coloured people of the whole of the South African Republic opportunities for political development such as they had never enjoyed before in any period of its history, the Minister of the Interior, Mr. P. M. K. le Roux, said in the Assembly last week.

The Minister, who was replying to the debate on the second reading of the Prohibition of Improper Interference Bill, said the Coloured Persons Representative Council Amendment Bill would give the Coloured People a Parliament of their own of which two-thirds of the members would be elected from constituencies throughout the Republic. For this purpose the franchise would be extended to all Coloured persons over the age of 21—both men and women.

The Minister said that even though some members were still to be nominated, this was not improper interference as suggested by opposition interjections, but rather constructive uplift. It was necessary that some members should be nominated because the Coloured people had never before been given an opportunity to develop constitutionally. Since 1910 and even before that, many Governments had participated in the political exploitation of the Coloured people. It had been left to the National Party to develop a pattern for the self-development of the Coloured people. But Rome was not built in a single day. Under no previous Government had so much been done to bring about the positive uplifting of the Coloured people. Now they would also be able in the political field to look after their own interests. Because of this they would also achieve economical and social advantages.

Because this new era was being introduced, the four white representatives of the Coloureds in the Cape Province became redundant. That was why the separate Representative of Voters Act could in due course be repealed.

After all arguments were considered, the basic fact remained that the Bill was an anti-integration measure. Its aim was to separate but at the same time to create the opportunity for the Coloured people to promote their own well-being politically and otherwise.

The motion for the second reading of the Bill was passed by 107 to 33 votes.

Supporting the second reading of the Bill, leader of the Opposition Sir de Villiers Graaff said the reconstitution of the Council on the lines of the Bill did not measure up to the standards which the United Party would like to see for a communal council for the Coloured people. But it was a step in the right direction, however, faltering. In the committee stage of the Bill the Party would propose certain amendments.

TRANSKEI ASSEMBLY SESSION OPENS

Umtata: In the first five years of its existence the Transkei Government had made steady, and in some cases remarkable, progress in general administration and development, the Minister of Finance, Dr. Nico Diederichs, said in Umtata, the territory's capital, on April 24 when he opened the seventh session of the First Legislative Assembly of the Transkei. Dr. Diederichs, opening the Legislative Assembly on behalf of the South African State President, said the conferment of self-government on the Transkei in 1963 had provoked great interest, not only in South Africa but also in the outside world.

The conferment of self-government was, after all, perhaps the most advanced and significant step yet taken in the practical implementation of the Republic's policy of separate development.

When this was done about four and a half years ago, people naturally adopted a wait-and-see attitude. They were interested to see whether the Transkei Government would be responsible and whether conferment of self-government would herald a period of advancement and progress or whether, as had sadly happened elsewhere on the continent of Africa, it would bring in its wake misery, retrogression and chaos.

"I think many fears have been allayed and many doubts removed during the past four and a half years", Dr. Diederichs said. Great progress had been made in education, and the number of pupils at school had increased by 33 per cent to 325,400 in the past four years. Almost 1,700 additional teachers and administrative officers had been appointed, and nearly 50 new schools established. In agriculture, 42 per cent of the area available for agricultural purposes had been planned, and the first 90 irrigation settlers had been settled on the Quamata irrigation settlement.

SELF-RULE WILL NOT AFFECT S.W.A.'S STATUS

House of Assembly, Cape Town: The legislation which had been introduced in Parliament dealing with the development of self-government for native nations in South West Africa, did not mean any change of status for South West Africa. Speaking in Committee of Supply on his Vote, Prime Minister John Vorster said it would be remembered that the Ovambos who would be affected by the legislation constituted roughly about 43 per cent of the total population for South West Africa. They had their land in the north of the territory. With the Ovambos there was no wish to own the rest of South West Africa or to control it. They were satisfied with their own land and wanted to develop it for their own people.

"If a system of one-man, one-vote in South West Africa is instituted, such as the United Nations wants, one need not be a prophet to say that there would be the greatest amount of murder and homicide in the history of the continent. As of the moment peace and order are reigning there."

UNDERSTANDING DESPITE DIFFERENT POLICIES

House of Assembly, Cape Town: Agreement had been reached with Portugal for the supply from the proposed Cabora Bassa hydroelectric project on the Zambesi River of electricity which would be led to Irene near Pretoria, Prime Minister John Vorster said in the Assembly last week. South Africa already generated 57 per cent of the electricity on the African continent and when the new project was completed that percentage would be very much higher. Good relations and understanding existed between South Africa and her neighbor, Portugal, from which this project had flowed. This good neighborliness was in keeping with the stand taken by South Africa that there could be such relations between nations despite different domestic policies.

[From Rhodesian Commentary, Apr. 15, 1968]

ROOM FOR ALL OF US—STRENGTH AND RESOLUTION MUST RESIST EXTREMISM

The European was entrusted with the responsibility of safeguarding the interests of all the people—every single one of them, said the Prime Minister, Mr. Ian Smith, in an address at Gwelo when he appealed for racial tolerance and resistance to extremism.

"If we fail in this most important mission—and I stress this to you in the heart of the right-wing's centre of Rhodesia—we shall fail at our peril and if we ignore this we do so at the risk of losing Rhodesia, and the very way of life that we have given so much for in the fight over the last few years, and for which our young Rhodesians are still fighting today."

It was no good being weak in this world. If one lay down, nobody would offer one a hand up; they would walk over one.

"We have got to be strong and resolute: nevertheless, we have enough sense to realize that this does not mean we must become extremists and selfish racialists."

Rhodesians had enough intelligence and common sense and had too much invested in the country and their roots went too far down in the soil to allow them to be party to any such reckless irresponsibility.

BIRDS OF PASSAGE

There were people who indulged in this, but the majority were birds of passage who rarely had a stake in the country and who, if things went wrong, could pack their bags and leave.

Extremism did not denote strength, said Mr. Smith. Europeans in Rhodesia today were in complete çontrol and could do pretty well what they liked.

"But don't forget there is one other ingredient which is absolutely essential if power is going to be used wisely and for all the people—and that is responsibility. Power without responsibility is a vicious thing, an immoral thing."

NO LICENCE

The previous Government had led people to believe that every man was entitled not only to his own share but to others' as well.

"But what we must ensure is that the pendulum does not swing to the other extreme. Two wrongs don't make a right. There is enough room in this country for all of us.

"There were people in the country who misinterpreted our standing up for our own rights as licence to interfere with the other man's rights.

"Just because there are people to the north of us who have gone mad it does not mean that people here will do the same or that we have a right to think they will."

[From Rhodesian Commentary, Apr. 15, 1968]

COURSE WE FOLLOW IS THE RIGHT ONE

In his national broadcast Mr. Smith gave an explanation of his statement some time ago that because the country had two roads before it, it was in a very strong position. He said: "I would like to assure you that I and all of my colleagues in Government, after carefully considering all the advice and evidence which is available to us, are satisfied beyond any shadow of doubt that the course which we are following is the right one."

When Rhodesia rejected the Tiger terms, Mr. Wilson immediately severed his relations with the Rhodesian Government and handed the issue over to the United Nations.

"After showing commendable restraint and patience with the British Government for more than a year following our Declaration of Independence, your Government came to the conclusion that they could not rely on the British Government and their policy of stop, start—the talks are on, the talks are off," said Mr. Smith.

"Therefore, we decided to create a second road towards our goal and accordingly set up the Constitutional Commission.

DELIBERATE STEP

"In other words, we were not prepared to allow a policy of drift to develop and so this deliberate and positive step was taken.

"The first of the roads was the one which we had to travel along mutually with the British Government. There could be no doubt in anybody's mind that if the British Government were prepared to play their part and co-operate, this road provided the quickest and the best means towards our goal of world recognition.

"Thus it was not only in Rhodesia's interest, but also in keeping with the wishes of our good friends in the world, who were trying desperately to help us, often at great danger to themselves.

"The second road, through the Constitutional Commission, was more in the shape of a deviation and therefore was a rougher and harder road and would mean taking longer to reach our destination.

"But it was our own road and Britain was unable to interfere with it in any way and therefore it provided the certainty which was lacking from the first road.

"It must be obvious that the first road, if open to us, would provide the best and quickest means towards our objective, provided there were three very important qualifications, and these we have always insisted on.

"Firstly, we do not allow ourselves to be deceived into any false sense of complacency as far as the first road is concerned and therefore, no matter what happens, we continue to make maximum and steady progress along the second road;

"Secondly, we will only use the first road if we are satisfied that the end result is what we want, is in the interests of Rhodesia, always remembering that in the end the final decision will not be made by myself, or Government, but by Rhodesians themselves through a referendum; and

"Thirdly, we accept that there is a time limit to this plan, which means that if the first road is not opened to us in time and we reach our destination of a new constitution via the second road, thereafter it will be too late to go back to the first road—the die will have been cast."

WISDOM AND RESTRAINT

The Prime Minister believed that reasonable and fair-minded people in the world, far from criticizing us for making this decision, "would compliment us for the great wisdom, patience and restraint which we have shown".

To those who have felt that, because the British Government misbehaved itself in its relations with Rhodesia, that we should not be prepared to talk to them again, firstly he would remark that two wrongs never make a right and because their behaviour has been irresponsible, this is no excuse for ours to be likewise.

"Secondly, our guiding principle in everything that we have done is that we should judge our actions on whether they are in the interests of Rhodesia and should we deliberately close off a road which could lead Rhodesia to its goal of world recognition quicker and more effectively than any other road, then we are not acting in the interests of Rhodesia."

There was a lot of information available to him and his Cabinet colleagues which was confidential. However, he could say that Rhodesia had contact with a number of friendly Governments in different parts of the world who were helping us in the battle of sanctions.

Without their co-operation we could not possibly maintain our exports, the life blood of the economy, or imports of vital strategic materials essential for survival.

[From Rhodesian Commentary, Apr. 15, 1968]

REQUEST TO U.N. FOR HEARING

"Even if it is your last shirt, you can bet this—that we won't get an audience," commented Mr. Ian Smith following the dispatch on April 1 of a cabled request to the Secretary-General of United Nations, the President of the Security Council and its other 14 members to participate in the Security Council's latest debate on Rhodesia.

The request was made in terms of Section 32 of the United Nations Charter.

The Prime Minister said: "Last time we asked an audience because our case was being heard. This is one of the most fundamental principles of justice in any civilized country—that you never condemn anybody in his absence, you never condemn anybody without listening to his side of the story."

Mr. Smith quoted Article 32 of the U.N. Charter, which reads:

"Any member of the United Nations which is not a member of the Security Council or any State which is not a member of the United Nations, if it is a party to a dispute under consideration by the Security Council shall be invited to participate without vote in the discussions pertaining to the dispute."

"We are making the representation, but according to their Charter they should invite us to attend when somebody attacks us," said Mr. Smith.

"But just in case they forget about us, just in case they don't know where Rhodesia is, just in case they don't hear clearly who is being attacked by Britain and who sanctions are being imposed against we are going to ask them to listen to our case."

PATTERN REPEATED

When a U.N. spokesman said there was "no change" in that body's attitude, a Rhodesian Government official recalled the perfidy of the U.N. Secretary-General in the events following Rhodesia's previous application for a hearing. In 1968 the pattern was repeating itself.

[From Rhodesian Commentary, Apr. 15, 1968]

AFRICAN RUNNER BEATS OLYMPIC TIME

African carpenter, 26-year-old Bernard Dzoma, became the first Rhodesian to break the 14-minute barrier for the three miles when he recorded the international class time of 13 min. 48.8 sec.

This was well within the Olympic qualifying standard of 13 min. 53 sec. at Salisbury's altitude and should make Dzoma a certainty for a place in Rhodesia's team for Mexico in October.

A 16-year-old Bulawayo schoolboy, Dermot Allen, equalled the 16-year-old half-mile record of 2 min. 0.5 sec. held by one of this country's greatest athletes, Terry Sullivan.

[From the Manchester (N.H.) Union Leader, Apr. 25, 1968]

SURRENDER TO THE BLACKS

The United Nations was not set up to decide what sort of race relations there should be inside a country. Likewise, the Olympic Games and their governing committee were not set up for the purpose of expressing like or dislike for a given nation's internal racial policy.

Yet, both of these organizations are being misused by the Soviet bloc and a group of African tribes, misnamed "nations," for this purpose.

One week Great Britain calls on the United Nations to place an even heavier embargo against Rhodesia, because the Rhodesian government does not recognize British rule and won't turn over the control of that well-developed country to the African savages in the Rhodesian jungles.

Likewise, this week the executive committee of the Olympic Games reversed itself and decided that it would not allow South Africa to participate in the forthcoming Olympic Games in Mexico City because these same African tribes said they wouldn't participate in the games if South Africa, which they don't like, was allowed to enter them. The African tribes, of course, were backed up by the trouble-making Communist nations which make quite a profession out of pointing to the alleged racial discrimination of other nations while discriminating at full blast, themselves.

A better way of eventually destroying the United Nations and the Olympic Games would be hard to imagine. If the United Nations can interfere in the internal affairs of Rhodesia, then it can interfere in the internal affairs of the United States.

For instance, suppose that there are more racial disorders in the United States. What is to prevent the Afro-Asian majority in the United Nations from sending a "peace-keeping" force into the United States to throw the balance of power in favor of the blacks?

The Communists are geniuses at entering a wedge in what looks like an inoffensive little crack and then developing it for their own purposes.

If South Africa is to be barred from participating in the Olympic Games, what is to prevent the Africans from eventually barring the United States because of alleged racial discrimination inside the United States?

It is not surprising that these savages from the tribes, now called "nations," should attempt this type of lawless behavior in both the United Nations and in the Olympic committee. You can't expect people who know no rule except force, and who have no tradition or culture or civilized background behind them, to behave in any other fashion. Nor can you be surprised at the Communists stirring up the fight.

What is incredible is that responsible nations in the world should go along with this type of blackmail by the blacks. Perhaps what we need is a Society for the Prevention of Discrimination Against White People.

Obviously many blacks think discrimination is a one-way street, and they will continue to do so until some of the white nations of the world stand up and demand their rights.

Meantime, this attack by the United Nations and the Olympic Committee on the only two nations in all of Africa, where law and order are maintained and where constant progress is being made in raising the standard of living of all individuals both black and white, is an affront to reason and an utter disgrace.

If the United Nations and the Olympic committee are to be used as instruments of Black Power, it is high time the United States withdrew from both.

WILLIAM LOEB, *Publisher*.

COMMISSION ON HEALTH SCIENCE AND SOCIETY

HON. WALTER F. MONDALE

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Thursday, May 9, 1968

Mr. MONDALE. Mr. President, recent hearings on the proposed Commission on Health Science and Society revealed that this Nation today is deciding between life and death for thousands, often without being conscious that the decisions are being made.

Dr. John Najarian, of the University of Minnesota, and others testified about the 7,000 to 15,000 persons who die in this country each year for lack of kidney transplants or dialysis, because sufficient funds are not available for their treatment.

Numbers never hit quite so hard as pictures. A picture published in the Evening Star of May 3 caught my attention. I was appalled when I read the caption, for pretty 16-year-old Marrianne Baratta is destined to join those who will die this year of kidney disease if the $40,000 she needs cannot be raised.

Surely this, the richest nation in the world ought to reexamine and make conscious choices about its priorities. This the proposed Commission would help it do.

Mr. President, I ask unanimous consent that the brief synopsis concerning Marrianne Baratta be printed in the RECORD.

There being no objection, the synopsis was ordered to be printed in the RECORD, as follows:

NEEDS $40,000 TO LIVE

Marrianne Baratta of Granada Hills, Calif., holds a jar of jelly beans that may help to save her life. The 16-year-old girl has been told that she has less than a month to live unless $40,000 can be raised to buy an artificial kidney machine and pay for a transplant operation. The jelly beans were a gift from Gov. Ronald Reagan, and will be among items to be auctioned off in an attempt to raise the money.

IN GODDARD WE TRUST?

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. BOB WILSON. Mr. Speaker, Dr. James L. Goddard, the pot smoker's Government guru, has announced hearings on May 24 on vitamins. He is against them. Columnist James J. Kilpatrick, writing in the April 22 Pasadena, Calif., Star-News has labeled him "Superdoc" and says he yearns to exercise Olympian power over the vitamin industry. Goddard already this year has pronounced bioflavonoids as being ineffective, despite the fact that many doctors prescribe them. Now he is out after food supplements.

Goddard wants every vitamin bottle to bear the label:

> Vitamins and minerals are supplied in abundant amounts by commonly available foods. Except for persons with special medical needs, there is no scientific basis for recommending routine use of dietary supplements.

Kilpatrick says:

> Consider, if you please, the sheer effrontery of this remarkable rescript. The element of danger is no part of the picture. Once again, it is a matter of Dr. Goddard's undertaking to assert, by edict, what he regards as good for mankind—or in this case, what he regards as a waste of money.

Dr. Goddard's sense of values is, indeed, strange. He wants to save people money, so he wants to label vitamins as really superfluous. However, alcohol—which some consider a poison, which is more expensive, which costs industry billions in lost man-hours, and so forth—has escaped Dr. Goddard's keenly honed sense of outrage entirely.

Dr. Theodore Van Dellen, in the Knoxville Journal of April 26, writes of older people, and says:

> Surveys show that many over 60 consume diets lacking in calcium, ascorbic acid (vitamin C), riboflavin, thiamin, iron and vitamin A. Fruits, vegetables, and proteins such as meats, eggs, milk, and dairy products are advisable along with a multiple vitamin every day.

So, here is a medical doctor, whose column is read by millions, recommending that the 18 million people over 60 take a multivitamin pill every day, in addition to a good diet.

Writer John Chamberlain in the Richmond Times-Dispatch of April 13 says of the vitamin vendetta:

> Now this is all very funny for the Department of Agriculture, which is another arm of Big Brother, has recently put out a statement that half the families in America subsist on a diet that is deficient in recommended amounts of vitamins and minerals. And 20 percent of the U.S. people eat foods that are two-thirds short of the necessary levels.

The crux of the matter is that Dr. Goddard confuses supply and consumption. True, plenty of vitamins exist in commonly available foods—but what about commonly consumed foods? Candy bars, sweet rolls, Coke—the major components of many teenage and adult diets—are not the best suppliers of vitamins.

OUR FIRST AMERICANS

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, May 9, 1968

Mr. FANNIN. Mr. President, one of the daily newspapers in my State has recently done an outstanding job in reporting the problems of the poor.

The Tucson Daily Citizen, under the editorship of Paul A. McKalip, has presented a series of articles delving into the poverty problem in one of our Nation's most progressive cities. He assembled a staff from his own city room, and they took a hard look at the problems on their own doorstep.

For this work, he has already received the Tucson Community Council's President's award and the thanks of community leaders for alterting them to areas which require active community support.

Of particular interest to me, Mr. President, are some of the articles that deal with the problems of our "First Americans," the American Indians. I sometimes think that we tend to completely overlook the experience we have had in this field where the U.S. Government has undertaken to supply and look after the Indian's needs. There is no more tragic plight in all America of unfulfilled promises and failure to live up to our solemn obligations.

Mr. President, in considering further legislation and funding of Federal programs purporting to help the poverty stricken, I say let us learn from our experience and realize that all programs of this kind must basically be ones of self-help and self-motivation. We cannot lightly pass over the problems we have created for the Indians by failing in our responsibility to them.

We promised them much and delivered little. In the meantime we have set up programs to help them in such a way that it has had the result of stifling motivation, and tending to reduce the realization that true progress only comes from within. Mr. President, we cannot legislate initiative. Indeed, by our very well-intentioned act of wanting to help we must be careful not to do for people what they can and must do for themselves.

Mr. President, we will be shortly subjected to many demands from those who may be deliberately deluded into thinking that Washington can solve all their problems. These demands are, indeed, unfortunate in that they have no real hope of lasting solution other than by economic means; and economic laws—as this administration is finding out every day —are not always subject to the laws that men may pass.

So I ask unanimous consent that four articles of this series be printed in the RECORD so that others may see the poverty plight that has been created, in many instances, by Government action. May we learn from our past mistakes and undertake to help those less fortunate than ourselves in a way which is genuinely intentioned to put them in position to help themselves.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE PAPAGO RESERVATION: A GIANT POCKET OF POVERTY

(By Margaret Kuehlthau)

While Tucson may view with alarm its own areas of deprivation, it has only to look just outside its city limits for the biggest poverty pocket in Southern Arizona.

This is the 2.8 million-acre Papago Indian Reservation where its population of 5,282 persons has an average per capita cash income of $489.99.

AS MANY AS 13 PEOPLE SHARE ONE MOTHER'S ADC CHECK

On the reservation conditions are so bad for many families that as many as 13 people crowd into hovels and share one mother's ADC (Aid to Dependent Children) check, an official said.

Housing for most Papago Indians (shelter would be a more appropriate word) is deplorable, with 1,125 reservation residences built of crumbling adobe, ravaged by torrential rains, the roofs and the side walls crumbling back into dust.

For the most part, the small rooms are unheated and the family cooks on an outdoor fireplace.

Saguaro cactus rib frames hold together 225 reservation homes, and only 150 homes are of frame or brick construction.

"Of 1,600 homes on the Papago Reservation, a total of 1,500 are substandard according to the U.S. minimum standards for housing," reports John Artichoker, Bureau of Indian Affairs (BIA) superintendent for the reservation.

FUNDS FOR HOMES FOR THE HOMELESS HAVE BEEN DEPLETED

To care for the most destitute whose homes were severely damaged or destroyed by last December's rains, federal funds were provided for so-called "transitional" homes. But these funds have been depleted and there will be no more of this type of assistance in the immediate future—although the need is great.

Papago men, volunteering their services free, cut the cost of building transitional homes from the original $2,000 to $1,300, enabling several additional homes to be built.

BIA authorities hope these homes will be "transitional," but experience has proven that almost anything is better than the homes now occupied by the majority of Papago families.

It is significant that 50 per cent of the Papago Indians on the reservation are 21 years of age or younger, and 40 per cent of the children are in school, on or off the reservation.

When Sen. Paul Fannin and members of the Indian Special Education Committee visited the reservation last month, there was discussion on the need for building more day schools and developing better roads to reach the most remote village.

TALK OF ELIMINATING BOARDING SCHOOLS "INCREDIBLY NAIVE"

There was some talk of eliminating, completely, boarding schools for Indian children but Sherman Tenney, principal of the BIA day and boarding school at Santa Rosa, dismissed the idea as "incredibly naive, impractical and detrimental to many, many Indian children."

Of the 69 children in the Santa Rosa boarding school, 80 per cent are from areas that have no schools and one "can scarcely get to their homes on horseback," Tenney said.

Many of these children, according to Tenney, are from broken homes, 20 per cent are children whose parents "just abandoned them," and 80 per cent are children whose parents are migrant workers, following the crops.

"If it were not for BIA boarding schools, how would these kids get an education?" he asked.

PARENTS MUST LEAVE RESERVATION TO EARN A LIVING

Education for jobs, obviously, is the answer to bringing the Papago children into the mainstream of life. But it is not that simple.

Parents of young children must leave the reservation to earn a living and often they leave their children with grandma and grandpa—sort of "a leap frog deal backward," explained a BIA official.

"The result is these kids are not carried forward into their own generation as are other children. They are taken backwards to live in the old ways, taught to revere the traditions and superstitions of their grandparents, along with distrust of the white race."

In addition to financial problems, according to a BIA official, many Indians have overwhelming family and personal problems, not easily resolved as he moves from one culture to another.

Said Artichoker:

"Rarely do you find an Indian who fits comfortably in both societies.

"The man who makes it is either dumber than Hell or a man of superior intelligence and ability."

Help for the Indian: Education and Jobs

(By Margaret Kuehlthau)

When you talk to Indians living in Tucson's poverty pockets, the needs of this underprivileged group are heard over and over—like a broken record.

First and foremost are additional education and job opportunities. But almost of equal importance, they say, is a decentralization of public agencies.

Most underprivileged Indians living off the reservation—even in this modern age of space craft and television—are a timid people afraid of big offices too far away from home.

Probably the most successful in reaching them has been a project sponsored by the Tucson Indian Center in South Tucson which has, among other things, made arrangements for an Indian employe of the State Employment Office to hold regular office hours at the center.

"I am not afraid to come here to the center," said an Indian man applying for work. "The employment officer knows me now—knows my name. He's one of us. He understands my problems. That place down on Congress Street is too big. I'm nobody there."

A worker with Indian youth in southwest Tucson had a similar criticism of the Youth Opportunity Center, an agency set up to aid young people find work.

"They say the questioning they undergo there is like an inquisition—just to apply for a dishwashing job," he said. "Most of them say they're never given a job, and they don't go there any more."

Many Indian families have no private means of transportation. Trips to the Pima County Hospital, Pima County Welfare Department, or downtown for surplus foods are nothing less than a nightmare, they say. Especially is this true for aged persons and mothers with small children.

One man who works hours every week coordinating school and community programs in a poverty area spoke of the importance of the school as a center of activity.

"The school is the heart of every community." "It is a familiar route of travel for children and parents alike.

"Why can't we have mobile health units traveling on specified days from neighborhood to neighborhood? Why can't we have community centers, set up near the schools, where social workers and employment office people can meet with families who need help?

"Why can't a way be developed to bring surplus foods into the poor neighborhoods?"

Countless recommendations were offered by people in the poverty areas—educated and uneducated—to alleviate conditions that are causing unrest. Briefly stated, their gripes include:

School playgrounds that are closed during summer vacations and weekends; not enough recreational facilities for girls; citizenship classes held "downtown"—too far away from home; poor cooperation between governmental units and schools in the field of recreation; poor bus transportation after 6 p.m., limited job opportunities for many who have no automobile; not enough college scholarships, especially for Indian young men and women; and little opportunity to learn a trade at most of Tucson's high schools.

But improvements in all the above areas will come to nothing if the Indians themselves make little or no attempt to move forward.

This was best expressed by a Yaqui Indian student who is working his way through the University of Arizona. He said:

"The big problem among the Yaqui men is drunkenness and dope addiction. It is part of their withdrawal from society—their passive acceptance of things as they are.

"There is no one answer to the problem of the Indian. The change must come slowly and this means correlating education, job opportunities and health education."

Present Aids Not Helping Indians

(By Margaret Kuehlthau)

Poverty is a way of life for the majority of off-the-reservation Indians living in Tucson.

With deprivation dogging their footsteps, generation after generation, they have become withdrawn and dispirited.

"We've been called second-class citizens for so long we have come to believe it ourselves," said a young Yaqui Indian who attends the University of Arizona.

Theirs is a culture of poverty—a culture that propagates itself from generation to generation, explained a minister who works with minority groups.

I found that the city's poor Indian families cannot, or will not, with the aids now available to them break the vicious cycle of poverty.

I talked to Yaqui and Papago Indians, for the most part, but the group also included members of tribes from northern Arizona and New Mexico.

They are a proud but passive people and almost fearful of anything new or different. One knows there will be no Indian "uprisings" and certainly Tucson's Indians will not take to the streets "to demand their rights."

But, after days of interviews, a reporter becomes intensely aware of a quiet bitterness that pervades their thinking.

Much of their anger is directed against the war on poverty which, say many Indians, hasn't helped their families "one bit.'

"Financially, most of my people are no better off today then when the highly-praised poverty war got underway," reported an articulate Indian whose home is in South Tucson. "We can't fight 'The Establishment'—The government and the culture of Tucson which is predominantly white."

However, only a few Indians said they are discriminated against in school, by labor unions, restaurants, stores or in housing.

There are many reasons for the Indians' poverty.

The young among the Indians are outspoken, asking mostly "for an understanding of their culture." The older people say only that they "want things better" for their children.

It is a harsh question you ask yourself after days of talking here and there to Indians in Tucson's poverty areas.

Are the young people of today making enough progress to become the stable parents in Indian homes of the future, enabling the Indian to enter the mainstream of American life?

The upcoming generation is receiving more—though, on-the-average, not enough—education to compete in today's economic world. Too many Indian boys and girls drop out of school at about the 10th grade.

Here is a sampling of the reasons they give for leaving school:

"I am a Yaqui Indian and I live in Pascua Village. In school, I was accepted like everyone else and made friends. But I was ashamed to bring my new friends home to the shack where I live."

"When your family has beans for breakfast, for supper and for lunch, there is no money for gym suits. If you want a vocational education, you have to pay an extra fee. Most of us don't even have money for bus fare to get to high school."

"There wasn't anything in school that interested me."

Indian families whose children are attending kindergartens, supported by Head Start programs or civic or charitable groups, believe their children "will do better in school."

At one kindergarten, the teacher said most of the parents of her children had an education "equivalent to the fourth or fifth grade." Some of the little boys and girls had never owned a book, or crayons, or a coloring book. Some did not know how to use the bathroom.

The complaint of many Indian families is that they are laughed at, ignored, or misunderstood by public agencies.

"It is because we don't speak English so good," volunteered one Indian mother. "We go for help planning to speak out, but when we get there we are afraid and we keep our mouths shut. It is better this way."

And wherever they go, others say, they have to "wait and wait and wait—at the welfare office, where social workers are often rude, and at the Pima County Hospital."

While the poor among Tucson's Indians do not have any complaint about the care they are given once they are admitted to the county hospital for treatment, many bitterly denounce the waiting.

"Every appointment is set for 8 o'clock in the morning and we sit and wait and wait, sometimes until nearly 5 o'clock in the afternoon," said one person. "And sometimes people fall off their chairs in a faint."

The Goal: To Equip Men for Steady Jobs

(By Charles Turbyville)

Jobs, expanded recreation programs and continued antidiscrimination efforts make up the community's formula for helping erase poverty and avoiding trouble this year and in years to come.

A new national emphasis on job training seems likely to result in months to come in several hundred thousand dollars in federal funds for local job training and job creating efforts.

Tucson's business leadership seem receptive, as evidenced by the Chamber of Commerce and the Tucson Job Council effort in this direction.

The Job Council and the Chamber of Commerce will seek federal funds to hire a full-time staff, which will work closely with businessmen in an attempt to find jobs.

The chamber has had an active committee headed by Henry Quinto, president of Levy's, and Martin Ginsberg, a land developer, which has held meetings with groups of employers who were asked to open up opportunities for the hard-core unemployed.

City Councilman James J. Murphy, chairman of the job council, says the work of his group and others "is starting to take hold in a lot of areas."

But Murphy, who has been a central figure in the community's drive to find jobs for many people previously thought to be unemployable, doesn't minimize the difficulties.

MANY OF THESE MEN HAVE NO SALABLE SKILLS

"The problem still is to find some type of incentive for industry to employ and train the hard-core unemployed," he said. Many of these men have no salable skills, he notes. Others, beaten down by past failures, are difficult to motivate.

"A problem in Tucson is that we have so many small employers who simply can't afford to take a chance on a man," he added.

For this reason also, the community can't expect any dramatic announcements that hundreds or thousands of jobs are being made available, such as has been done in some of the major industrial centers of the nation.

For this summer, the Job Council has formed a Summer Jobs for Youth committee with the announced aim of finding 3,000 jobs for young people. In this instance, a job is defined as anything from a full-time position lasting all summer to a two-hour stint pushing a lawn mower.

The Youth Opportunity Center, an arm of the Arizona Employment Service, plans to establish four neighborhood offices to make it easier for employers and young people to get together.

"We also plan some very basic training programs: such things as how to operate household appliances and power mowers, or, for babysitters, how to call the police or fire departments," Murphy said.

"Each of the neighborhood offices will have a small revolving fund—$25 or so—to pay for haircuts or bus fare to the first job," he added. "We'll be able to call on various church and school clothing banks to put the kids into clean, presentable clothes.

THE FIRST IMPRESSION YOUNG PEOPLE MAKE WILL BE A LASTING ONE

"We're doing these things because we know the first impression the young people make on an employer—who may well be a housewife—will be a lasting one."

On the anti-discrimination front, the Tucson Commission on Human Relations recently hired an executive director at $14,000 a year, filling a post vacant since October. The new man, Leonard L. Carter, 34, is the first professional in this field to be hired by the commission.

The commission also has announced it intends to seek around $40,000 in city funds for the next fiscal year, up sharply from its current appropriation of $14,500. The higher fund request presages a much more active role for the commission, which has much more to do under legislation passed recently by the City Council.

These amendments to the city's human relations code outlaw racial discrimination in housing and employment and provide for enforcement by the commission. Previously, the commission's authority was limited to fighting bias in public accommodations.

The city government also is seeking to ensure that its contractors don't discriminate in their hiring. An ordinance forbidding this has been passed and Carl A. Coley, city contracts administrator, and the city purchasing department have been instructed to enforce it.

THE CITY IS SEEKING TO PUT ITS OWN HOUSE IN ORDER

And the city is seeing to it that its own house is in order. City Personnel Director Paul Miner says he and his staff are avoiding setting job standards at unnecessarily high levels and are not making use of written testing material which excludes persons of some cultural backgrounds.

Miner said there are proportionately more Negroes and Mexican-Americans on the city payroll than in the city's population.

The principal emphasis in the community's program seems to lie in equipping men for permanent jobs which carry dignity, decent pay and a future.

"I don't know of any better way to change a man's life for the better," says Oliver Switzer, head of the Youth Opportunity Center.

A VARIETY OF TOOLS WILL BE AVAILABLE

A variety of tools are either available now or soon will be:

—Vocational training programs, for which $275,000 in federal funds recently were made available. This is enough to train 150 persons.

—Operation Mainstream, in which men are trained in construction skills at the same time valuable public improvements are built. A program for some 40 men at Kennedy Park is now nearing completion. Another to refurbish the South Park neighborhood has been applied for and is said by officials to be likely of approval.

—New Careers, a new program, in which youths unable to qualify for various public service jobs are hired and given job training and basic education over an 18-month period, readying them for civil service tests. The city government has applied for funds to train 60 men as policemen, firemen, recreation workers and relocation and conservation workers. Other local government agencies are to take 40 trainees.

—Urban League and the League of United Latin-American Citizens programs, paid for by the federal government, which pay private employers to give on the job training.

An expanded summer recreation program aimed principally at youths has been in the planning stages for several weeks. The City Council has ordered City Manager Roger O'Mara to devise an ideal program and not to worry about the cost. Once the plan is finished, the council plans to try to come up with the money to do as much as possible.

SMALL BUSINESS

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. GROSS. Mr. Speaker, for a number of years I have had pending in the House of Representatives legislation to make the Small Business Committee a permanent committee of the House.

The small businesses of the Nation constitute a substantial and important segment of the economic structure. The small businessman is vital to the perpetuation of the free and private enterprise system which has been the backbone of this country's great productive and distributive capacity.

In an effort to obtain consideration of the legislation making the Small Business Committee a permanent standing committee of the House, Mr. George J. Burger, vice president of the National Federation of Independent Business has sent Chairman WILLIAM COLMER, of the House Rules Committee, the following telegram:

Hon. WILLIAM COLMER,
Chairman, House Rules Committee, Rayburn House Office Building, Washington, D.C.:

In view of the continuing reports of the unemployed in the many States, the action of the States and the Federal Government, and the financial relief or doles to ease or relieve this unemployment situation, with no end in sight, it does not bring about a cure-all. With half a century experience in small business, I would suggest giving legislative authority to the Small Business Committees of the Congress and in so doing, it would be a step in the right direction. I am referring to House Resolution 60 which is presently pending in your Committee and has been for some time. It has been stated that small business, both in the production and distribution fields, is the greatest employer of labor. If this holds true, then why not act on the request.

Acting officially for the Federation and its nationwide membership, which as of March 9, 1968, totals 245,503, all individual members in the 50 States who have repeatedly supported by majority vote the legislative action I have heretofore mentioned.

Your Committee's action on this resolution now can go a long ways to protect the present small business structure and even more important it would encourage the present generation to go into business for themselves and this action would go a long ways in employing the unemployed.

What can we expect and advise small business nationwide?

GEORGE J. BURGER,
Vice President, National Federation of Independent Business.
WASHINGTON, D.C.

COMMENDATION OF LT. GEN. VICTOR H. KRULAK, U.S. MARINE CORPS

HON. JOHN G. TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Thursday, May 9, 1968

Mr. TOWER. Mr. President, it is with a feeling of profound respect that I commend Lt. Gen. Victor H. Krulak who, after serving his Nation for over three decades in the Marine Corps, has requested retirement. I use the words "respect and regret" advisedly, knowing the scope and depth of General Krulak's outstanding service and the loss that this Nation shall feel with his departure.

General Krulak, for the past 4 years the commanding general, Fleet Marine Force, Pacific, is perhaps best known for his proficiency in the field of counterinsurgency—especially for the major role he played in the development of the clear-and-hold tactics used by the Marines in Vietnam. Indeed, Gen. Maxwell D. Taylor, then Chairman of the Joint Chiefs of staff, presented him with his third Legion of Merit decoration for exceptionally meritorious service from 1962 to 1964 as special assistant for counterinsurgency activities, Organization of the Joint Chiefs of Staff.

I might add that excellence is not a stranger to General Krulak. Indeed, it has been a constant companion to him throughout his professional career. A

1934 graduate of the U.S. Naval Academy, he served aboard the U.S.S. *Arizona*, at the Naval Academy, and later as a company commander with the 4th Marines in China. With the outbreak of World War II, he volunteered for parachute training, after which he assumed command of the 2d Parachute Battalion, 1st Marine Amphibious Corps at New Caledonia. In the autumn of 1943, the then Colonel Krulak commanded the diversionary landing at Choiseul to cover the Bougainville invasion. Refusing to give up his command even though he sustained one wound in the face and another in the arm, he was awarded the Navy Cross and the Purple Heart. He later joined the 6th Marine Division and took part in the Okinawa campaign and the surrender of Japanese forces in the China area, where he was awarded his first Legion of Merit with Combat "V" and the Bronze Star Medal.

Following the war, General Krulak served as assistant director of the senior school at Quantico, and later as regimental commander of the 5th Marines at Camp Pendleton. At the outbreak of the Korean conflict, he was assistant chief of staff, G–3, Fleet Marine Force, Pacific. General Krulak served in Korea as chief of staff, 1st Marine Division where he earned his second Legion of Merit with Combat "V" and an Air Medal. Following the Korean war, he spent 4 years as secretary of the general staff, headquarters, Marine Corps. General Krulak next served as chief of staff, Fleet Marine Force, Pacific; he then had a tour at Quantico as director of the Marine Corps Educational Center, followed by the command of the Marine Corps Recruit Depot, San Diego. It was from this position that he assumed duty as special assistant for counterinsurgency to the Joint Chiefs of Staff.

From his position as special assistant, he was designated commanding general, Fleet Marine Force, in March of 1964, a position that he has held for the last 4 years. General Krulak has visited Vietnam on some 50 occasions, and under his command the Marine Corps forces in Vietnam have grown to 84,000 men. It would be difficult if not impossible to think of an officer not actually in Southeast Asia who is more familiar with the Vietnam war. In fact, it was General Krulak who was quoted as saying:

> The Vietcong fight fairly well but they are not 11 feet tall.

It was General Krulak who concluded his July 1966 article in the Marine Corps Gazette with the following:

> The point of all the above is this: While we cannot leave any operational sector untended, all of them being important, the main target is still the little man in black pajamas with his burp gun. The war turns primarily on his destruction, and this can be achieved only by a painstaking program which aims first and foremost to separate him from the people upon whom his survival depends.

I can, therefore, say without exaggeration that I am today commending a most remarkable man—a man whose career has led him to almost every type of command a Marine officer can hold, from combat to school to staff; a man who has fused to scholarship and military leadership, constantly concerned about the intellectual development and practical efficiency of America's men in combat; a man who has rapport with and respect for enlisted men; a man who is a perfectionist demanding excellence first from himself and then from others; a man who is both rugged and articulate, driving, and compassionate; a man who when told that something cannot be done invariably asks "Why?"; a man who as a boy decided he wanted to serve his country, so he served for some 34 years, giving himself and his energies to his Nation.

May I say in conclusion that a commendation such as the present one is by definition inadequate, for in a few minutes one cannot possibly relate what General Krulak's lifetime of dedication has meant to the defense of this Nation. We can, however, pause, and register deep respect for a brilliant man and deep regret at his forthcoming departure from active duty. We can thank him for the benefits this Nation has reaped from his intellect, his courage, and perhaps above all, his dedication. And we can wish a great marine our very best. Thank you.

CAN DETERIORATION OF THE AMERICAN MERCHANT MARINE BE STOPPED?

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. DOWNING. Mr. Speaker, last week the Maritime Administrative Bar Association of Washington, D.C., was privileged to hear Mrs. Helen Delich Bentley, maritime editor of the Baltimore Sun.

Mrs. Bentley is probably the most knowledgeable maritime editor in this country and her remarks were extremely timely and interesting.

I believe my colleagues will find her speech enlightening and I place it in the RECORD, as follows:

CAN DETERIORATION OF THE AMERICAN MERCHANT MARINE BE STOPPED?

(By Helen Delich Bentley)

Last year I was fortunate enough to spend some time in South Vietnam to view first hand the excellent job performed by the American merchant marine and our troops under adverse conditions. We have indeed been fortunate that we have been able to keep up with that task as admirably and remarkably as we have with the old rusty tubs available. This would not have been possible if there had been even a single enemy ship out there shooting or a wild man running around out there in a submarine as we see in the movie thrillers. These vintage ships have been able to perform because their only obstacles have been their own rather worn engines and hulls; as long as baling wire was available, nothing else mattered.

Tonight I come to you after having a crowded ten-day brainstorming session in Norway about the Norwegian merchant marine. Norway, I might point out, is probably the foremost maritime nation in many ways, but particularly in ship operations. Therefore, I feel the ten-day course was particularly valuable and will be useful.

Toward the end of the session there, one of my colleagues who had been through all of the same briefings on shipping quipped, "The easy solution to all of the problems of the American merchant marine is to sink all of the old ships and turn the operation of what's left over to the Norwegians. Let them build it up."

Although one might think that my associate was joking, there was a lot of meaning in that tongue-in-check remark. As a matter of fact, some who might make a quick judgment as to the worthiness of this statement would be inclined to agree with him.

And if he was to be taken up on it, we would find that there actually wouldn't be much to turn over to the Norwegians or to anybody else as far as that is concerned. There is not too much left in the American merchant marine that anybody would have unless it was an outright gift because the worn out old rustbuckets are just too expensive to keep patched up and most of them are at the point now of where the patch ups are almost impossible at any price.

You've heard a great deal about the sorry plight of the American merchant marine already, but it is so critical that I want to spell out that disaster-heading situation in detail for you:

1. Of the 971 privately owned ships in the American merchant marine, only 357 will be less than 25 years old in three years. In other words, some 600 ships in the American merchant marine already are 22 years or older. Fifty-six of the 971 already are not operating. I am saying that it is highly probable—very likely—that the privately-owned active American merchant marine only THREE YEARS from now will consist of fewer than 400 ships! I honestly do not see how, at this point, this plunge to the bottom can be avoided. We have waited too long. We have passed the point of no return as they say on a long airplane journey over ocean waters. The American merchant marine is beyond that point right now.

The acting maritime administrator told the House Merchant Marine Committee recently that in 1971, only 37 of the ships now on inactive status in the reserve fleets would be usable—and then for only four years. Hopefully, he added, 130 of the 148 now serving in the Vietnam pipeline could also be used for those four years. But that is the end.

And then to reactivate these ships for service, the cost will range anywhere from $800,000 upwards per vessel.

2. In 1967, this country dropped to the lowest point in the amount of its foreign commerce carried on American-flag bottoms; the preliminary figure shown is only 5.5 per cent, a drop of 1.9 per cent from the previous all time low of 7.4 per cent. The decrease in the one year was more than one-fourth of the 1966 figure.

3. The United States ranks about fifteenth in the world in merchant ship construction.

Let's compare this rundown with that of a small country like Norway, whose total population is 3,900,000, less than 4,000,000 persons—about the size of the State of Maryland.

1. The age of the Norwegian merchant marine averages 6½ years. Remember that of the United States is 22 years!

2. The Norwegians carry about 40 per cent of the foreign commerce of their country, which understandably is very small by comparison to that of the United States. Let's look at some other countries on this score: Japan carries 39 per cent of its imports and 42 per cent of its exports and is heading for 57 per cent of both—and all on new ships being added in at an average of more than 1½ million tons a year. Great Britain transports 45 per cent of its own commerce. Every small country that is able to do so is going in for merchant ships because they know if they have them, their balance of payments

will be improved. And yet which nation today faces the near fiscal disaster because of its balance of payments, but yet ignores totally the value of having more of its own commerce carried on its own ships?

3. And in shipbuilding, this small country of Norway ranks fifth building ships for its own owners and for those from other countries.

Ironically a large portion of the financing used by the Norwegians to build their new ships in the past decade or two came from American financial institutions. One Chicago-based insurance company alone had $900 million out in loans to Norwegian shipowners two years ago. Yet American shipowners have said repeatedly that they are unable to get support from this country's banking institutions and others unless there is a Government guarantee involved.

Surely something along the way is wrong!

Norwegian owners have several advantages over the Americans as I picture it:

First of all, there is a healthy labor situation aboard the ships. There is no fighting between unions over ridiculous jurisdiction that could force a company to go into bankruptcy or make it so undesirable as an investment that its owners would liquidate. There has not been any strike by Norwegian seamen in foreign trade since 1921 so the shippers aboard Norwegian ships are not scared off constantly by labor interruptions. They have what might be interpreted a form of compulsory arbitration or "mediation to finality," if you will, in that when an impasse in negotiations is reached, the Government intervenes by appointing a mediation board. If the mediators' recommendations are not acceptable to both parties and a tieup seems imminent, the Parliament takes the matter up and usually passes special legislation to prevent a walkout while talks continue—until a conclusion is reached.

Their foreign trade is so important to them that they do not want any kind of a foulup to interfere with it. Their union leaders say with pride that they too have a sense of responsibility to see that Norwegian ships keep sailing.

There has not been any problem in reducing the size of the crews as more efficient ships have been produced in Norway. In fact, an overall agreement was made in the last negotiations that any ship built after 1961 could have a crew reduction of about 25 per cent or nine men, regardless of whether the ship was automated or not. Here again a firm sense of responsibility is presented by the unions who realize that their owners must be able to compete if they are to have jobs. But also here, perhaps the owners have handled the situation better than many in the United States—instead of waiting until the ship was built and ready to sail to talk to the unions, the Norwegian Shipping Association has had the union leaders on hand from the very beginning in all talks on crew curtailment.

While we're on the subject of the labor unions, I must cite the *disgraceful race* the seagoing unions have been running against each other to see which would have the largest increases for its members despite the fact that "firm" contracts had been concluded in the presence of President Johnson's cabinet officers in September, 1965. This race is known as the "me too" or "favored nations" race. Mind you, since these FIRM contracts were signed, the increases have soared somewhere in the neighborhood of 21 to 48 per cent, depending on the union and the terms. And the drain on that spigot has not been completely shut off yet.

If a union couldn't get it one way, they got it another. Each is equally guilty.

But what are they going to do when the heavily drained spigots run dry, the steel pipes rust away with the steel plates, and there is nothing left to flow them any more?

Secondly, all of their shipowners seem to be thinking far ahead of anyone else in types of ships and practicality. They have been moving ahead on new types such as liquified gas carriers and big bulkers which will be highly profitable to them. For reasons which I'm certain are valid, they are avoiding the containerships—in their opinion, the investment is too great for the return. They feel that ships which can handle unitized cargoes on pallets and the like will be much more profitable and economical; the investment is less than half. They are always thinking ahead on the most economical ways to move cargoes.

Thirdly, the shipowners have a free hand in building ships wherever they want to. They are not bound by any restrictions, nor are the ships built in foreign yards assessed when placed under the Norwegian flag. This is true whether the Norwegian shipyards are full or not. The shipowner builds his ship when and where he sees he is going to have the best advantage or get the best price from a yard.

To encourage the shipowners to keep their fleets young and efficient, the Government has set up a tax free capital reserve fund for all shipowners and the funds remain tax free as long as they are used for reinvestment in ships.

As a matter of fact, their Government also encourages efficiency by permitting an efficient owner to amortize his ship more rapidly than if he is not. For example, if a Norwegian shipowner should earn $2 million in a given year, he could, if he chooses, amortize as much as 25 per cent of his ship in that particular year. This would enable him to write off his ship in 3 to five years. The less efficient operator would be given 10 to 20 years to depreciate his vessel fully.

The latter points key in with my fourth point—namely, that the Norwegian Government goes all out to encourage shipowners and to give them firm moral support. There is no subsidy money around or what one would call cargo preference, but then their foreign commerce is so limited that the latter would not be feasible anyhow.

But because shipping is so vital to Norway—14 per cent of its Gross National Product is derived from the sea—the Government encourages the owners in every way possible except by giving them hand outs and this feeling of support, of the need for a merchant fleet, permeates down through the people. One can begin a conversation about the maritime activities with almost any man, woman or child in Norway and he will be able to talk fluently on the subject.

Their entire attitude and approach to the subject is so different from ours. And, as a result, they have something to show for it.

One of the Norwegians who was critical of our subsidy system asked:

"With all of this subsidy money, what have you got when it comes to shipping?"

I had never stopped to really think about it in that context before. And the answer one must come up with is—"not really much." Not really much when one realizes that when the present contracts are completed, the United States will have only 155 dry cargo ships or about 1,700,000 tons ten years or younger in age. The Norwegians have 1,500 ships totaling 19,000,000 tons with an average age of 6½ years. This means that a number of our so-called new or replacement fleet already is twice as old as most of the Norwegian ships.

The CASL group likes to emphasize that the general cargo ships owned by their companies are the most modern and efficient in the world. This undoubtedly is true, but there are so few of them—155 including those now under construction. And these date back ten years.

There really are two forms of subsidy this Government has been paying out to the shipowners—one the direct about which there has been so much criticism both internally and externally. The other is under Cargo Preference which requires that at least one-half of all the aid cargoes this country gives away or finances for practically nothing must move on American bottoms if available at reasonable rates. Certainly there is nothing wrong with this provision, but there has definitely been something wrong with the way it has been handled.

First of all, there are too many outs for Government agencies if they don't want to give American ships anything or the bare minimum. This should be rectified. But more serious, in my book, is the fact that there has been no requirement by the Government to have any of the owners of the tramp ships hauling the cargo preference at Government-established rates (the only ones considered reasonable) replace their fleets. In some instances, the amount of subsidy paid indirectly to the shipowner for hauling aid cargoes has amounted to two and three times per vessel per year than the direct subsidy paid to a so-called subsidized line.

Granted that the tramp or independent shipowners are not that fortunate every year—in fact they have long periods of lean years sometimes—certainly a formula of some kind could be devised perhaps along the line of the recapture provision in the subsidized agreement so that the extra freight charges paid out by the Government to guarantee the existence of these ships also would guarantee a replacement in years to come. Coupled with this, of course, should be a tax free capital reserve fund provision for all owners, particularly those in foreign trade.

I feel certain that the authors of the Cargo Preference Act certainly had the intent that this provision should be made in order to assure this country of having such ships available over the long-range, not just to keep the World War II hulks going until they fall apart. And fall apart they are beginning to. There is a serious question as to how many of these ships will even try to meet their next Coast Guard inspection because they face costs ranging from $400,000 per ship upwards. And at that, there is serious doubt as to whether any amount of money would put them in the shape necessary.

Also looming over all of the ships in this quarter-century vintage category is the constant threat that by one swoop of a pen or a decree, the foreign insurance circles could put every one of these ships out of business simply by raising the insurance premiums for vessels in this age category. One or two major disasters at sea and this will happen.

Now it appears that not even a disaster will be necessary. Only yesterday, the Maritime Administration reported the cancellation of a "trade-out" agreement because the new owner was unable to obtain insurance on a Victory ship which had only three years of service and had been mothballed ever since. It wasn't the condition of the ship, but her age, as far as the insurance company was concerned. That Victory ship is no older than most of the ships in the American merchant marine.

When one looks over this sweeping picture of gloom, one cannot help but recall the controversial remark made by Luther Hodges in his early days as Secretary of Commerce—that this country is subsidizing mediocrity. And it does seem that despite the hundreds of millions provided for each year in the direct and indirect subsidy system, the bulk of the United States flag fleet is only mediocre.

It's true that the portion of the fleet which is directly subsidized is more modern—but remember, not even as new as the Norwegians. Hodges was criticized by many, including myself, for that remark. Unfortunately, the Government can be blamed for the situation as much as anybody else, so if his remark was directed at the shipowners, it was not justified. But if it was directed at the overall picture, he was right. Certainly Hodges did nothing during his tenure as Secretary, during which time the merchant marine was under his direction, to rectify this situation. This holds true for his predecessors and for his successors, just as it holds true for successive Administrations in the White House.

The chaos created in the maritime field by powerful unions who hate each other and who would not hesitate for a minute to put one owner out of business to show up another union or a personal enemy—by weak managements who have been divided and divisive, who have limited their interest to their own selfish segment—has placed an aura of "untouchable" on the maritime picture.

The shipbuilding industry has not helped the overall picture one bit with its very selfish immovable position that merchant ships shall be built only in United States yards, although that same shipbuilding industry does not hesitate for one minute to buy equipment for its yards from Germany, Norway, and Japan. But an American shipowner dare not have a ship built in Germany, Norway or Japan. It's not what is good for the goose is good for the gander by any means in this instance!

Let's take that shipbuilding subsidy anyhow. Last week I asked several of the chief executives of leading shipbuilding yards of the United States how much of the cost of the ship went to suppliers of components and how much to the yard. Most of the answers were 50–50 or one-half to the suppliers and one-half to the yard. Two of them said the amount going to the suppliers actually was 55 to 60 per cent. What this means then is that at least one-half of the money that the shipyards have been hollering about is going to General Electric, Westinghouse, Duval, Foster-Wheeler, and other manufacturers.

These same companies supply components for airplanes manufactured in this country, but they have to compete against foreign suppliers on price and quality. Although there is no direct subsidy for airplane production, certainly there is enough indirect assistance from the billions spent on research and development and through the facilities provided the manufacturing companies that there should not be any difference between the availability of the components by nation.

Why shouldn't American shipowners or American shipyards be able to invite bids from foreign suppliers just as airplane manufacturers do? This conceivably could reduce sharply the amount of construction subsidy that would have to be made available for new ships and maybe we could get some built.

The basic purpose of the subsidy to the shipyards or for American ships built in American yards was to assure the preservation of the skills among the shipyard workers. However, if at least half of the cost of constructing a ship goes to the suppliers, it means that nearly all of the subsidy portion of the money goes to workers other than those in the shipyards.

American shipowners must be able to go out and order as many ships as they desire and need at world prices without being hamstrung by appropriations from Washington if this country is to survive on the high seas.

Maybe one way to break this deadlock regarding building here and abroad would be to permit the big bulkers—tankers and dry cargo vessels—of which the United States has practically none—to be ordered from foreign yards inasmuch as they already have the facilities to build them. By the time this country prepared the facilities on which these could be constructed, two or three years would be lost—and then another two or three before the ships are out.

This is just a suggestion. Something has to give somewhere if the United States is to have even a handful of ships to push out into the water to replace the old tubs wearing out so rapidly.

The very complexities which I've outlined here causes every Cabinet officer who begins to explore the maritime picture immediately to want to shut the door because the flames are too hot and the smoke seemingly impossible to cut through to quench the searing bitterness which prevails.

Instead of improving in any fashion I feel the picture has deteriorated to such a point that I doubt very much whether it can be improved in any fashion without very drastic changes in attitude and policy.

Those who have been counting on President Johnson pulling the magic rabbit out of the hat this year because it was a political year and he would need this support suddenly had the rug pulled out from under them when he announced he would not run. This means that the next White House tenant is going to start fresh, that he will have to get his feet wet, that another year or two or three easily could go by before he begins taking the merchant marine and the maritime crisis seriously.

Unless the new President is inclined otherwise, he will be able to stall without any threats to his future, to put things that he believes are more politically important first. And once again the merchant marine will be shoved in the background where it always has been except in times of crisis.

Certainly the next five years will be our nation's years of maritime crisis. By 1972, the United States of America, the richest country on earth and the one charged with the responsibility of the free world today, will be left with a fifth rate fleet trying to support the needs and urgencies that accompany such responsibility. Again, in other words, to emphasize the criticalness of the situation, I point out that two-thirds of our ships will be beyond the 25-year mark before the next Presidential race rolls around.

Neither labor nor management has done too much to prevent this meteor from jettisoning to the bottom of the ocean. And the Government—from every quarter—has speeded up the jettisoning. For instance, right now, the Military Sea Transportation Service has contracts with a number of independent owners of C–2's in what is referred to jokingly as the 2880 club. The 2880 comes from the daily time charter cost being paid by the Government for those ships. The owners' costs have risen from 200 to 400 a day since those two and three charters were made; if an owner goes out on the open market to charter a similar ship, he has to pay 3,500 to 3,600 per day right now . . . and so would the Government. MSTS knows these owners are losing money; the Defense Department knows it, but will not adjust the contract terms unless someone will stipulate that these ships are absolutely vital to the defense of this country. MSTS says they are not so will not make such a stipulation.

The inconsistencies are difficult to understand. Quite recently, Vice Admiral L. P. Ramage, commandant of the MSTS, stood at Tulane University, and discussed the importance of the tramp fleet not only in the Vietnam sealift, but more so in the future for all emergencies. In fact, he literally said that the new concept in transportation—the intermodal movements—would very well preclude liner ships from being available for Vietnam, which would mean that the tramps would play an even more important role. But today, the owners of tramp ships are truly caught in a bind. When their ships come up for Coast Guard inspection and renewal of certificate, they will not have the money to pay the high requirements because they could not afford to lay these ships up a single day for routine maintenance repairs.

This is the same Defense Department that one year ago circulated an in-house report that this country's reserve fleet could take care of its emergency needs for another 25 years. This is the same Defense Department that has testified repeatedly that this country's merchant marine fleet was adequate—but never adequate for what, or spelled out why it was adequate.

This is the same Defense Department whose leaders had been persuaded that the Air Force could handle all of the lifting to any point of combat in the world but found itself flat on its face when the Vietnam situation was presented to them. As I said earlier, the Vietnam pipeline has been able to be maintained by World War II hulks because there has not been an enemy vessel out there to fend them off.

This is the same Defense Department whose cost effectiveness program called for the installation of six million to 15 million dollars worth of elaborate electronic equipment aboard World War II hulks like the Pueblo whose top speeds are 12 knots. Therefore, when these ships are caught doing their duties in restricted waters—and I'm not saying the Pueblo was there—their pickup speed is so limited that a speedy PT boat can easily outmaneuver them.

It would have cost a few more million to build fast new hulls to accommodate all of this elaborate equipment, thereby assuring its safety and usefulness, but DoD wanted to save money. It has.

There are many ways that the Defense Department has been negligent, but most glaringly on the high seas. The McNamara Administration just didn't believe in seapower—all the theories of Admiral Mahan were tossed aside as they looked to the skies. All of the pie hasn't been in the sky either!

Actually in many ways, we might say that the industry deserves this treatment by the Pentagon. For decades, until very recently, the shipowners cited "national defense" as the only reason for a subsidized American merchant marine. They completely avoided the economic benefits to the country and to the commercial segment of this nation. They have never done any national promotion of the value of the American merchant marine as an asset both in an economic and commercial sense. Therefore, it hasn't been difficult for the various Government agencies to neglect the merchant marine. Yes, one can truly say that the Defense Department has neglected the American merchant marine. But so have the Departments of State, Agriculture, and Commerce.

Our own Maritime Administration had the nerve to recently say that we need not fear the growth of the Soviet merchant marine, that they are honorable people and certainly would never use their massive fleet, soaring in size at the rate of more than 1 million tons a year, to try to control trade or freight rates. But the experts in the Library of Congress seem to feel completely otherwise—that the cold war on the high seas can become very critical.

Historically, one of the biggest faults of the overall United States Government has been that it has never followed the practices of governments of other maritime nations—that is, it has never recognized the value, the importance of a merchant marine from a national standpoint of view.

With the exception of Franklin Delano Roosevelt, every President has given only lip service to the merchant marine and no one has really taken it seriously as being necessary to meet the needs of the world's greatest trading nation.

And to date, no Congress has either. No Administration since nor any Congress has seen fit to follow the requirements set up by the Merchant Marine Act of 1936. Part of this probably can be attributed to World War II when the entire free world looked to Uncle Sam to provide it with sufficient bottoms to keep raw materials moving and the military supplies delivered and the surplus that resulted. That surplus has been the albatross around the neck of this country because the vast numbers left over have been used constantly as the excuse why no more ships should be built here. We have enough, all of the Federal agencies always argued.

The American merchant marine still continues to survive on crisis and emergency. Well, both that crisis and emergency are on hand right now. And unless drastic changes in policy and thinking are forthcoming, this country will have to turn over all of its commerce to foreign shipowners.

The next five years are the critical ones. If a program were signed into law tomorrow, it is doubtful that 30 ships could be delivered by American shipyards by the end of the five year period unless an all out war emergency was declared and all holds were lifted.

The drastic changes must come from Government attitude, from management operations, from shipyard selfishness, and the union's be damned attitude.

No, the industry—neither management nor labor—has not done much to alleviate the critical situation in recent years. All have played an important role in the plummeting of this country's merchant fleet to the ocean depths.

(Refer to recent consolidation movements by officers' unions and the management groups)

But it has taken decades just to progress this far. The industry cannot wait for such slow deliberate movements any longer.

Ladies and gentlemen, I submit to you that this country has a crisis on its very doorstep. It no longer is around the corner. It is here, but few people recognize it. Unfortunately, this industry has cried "Wolf" for so long, that today it is meaningless. The mass of people undoubtedly conclude that the old hulks can continue limping along for another decade or two, just as they have while the cry of "Wolf" has been shouted.

As a member of my staff remarked to me the other night,

"How else can you say it so that people will realize the crisis is here? It's been said so many times and nothing has really happened that it's hard to say it's here now."

Yes, friends, time is rapidly slipping away, and it will run much farther from this industry when and if Vietnam ends. Then what? I'm afraid we have waited far too long that it is too, too late.

Drastic measures are needed overnight, but I fear they will not be forthcoming. I submit that it is needless for Uncle Sam to pour billions into the salvation of this industry, if this industry on the part of management and labor, shipyard and ship operations, is not fully prepared to accept this help and work for the overall benefit of the American maritime industry, the American merchant marine—not just for XYZ corporation, or the PFQ Union. A revitalized industry cannot help but benefit everybody.

If they are not, then I submit that we do what my colleague recommended—sink the rust buckets and turn the rest over to the Norwegians.

In connection with King Olav's visit to the United States, several leaders in the Norwegian shipping industry are here also. I had the occasion to have dinner with them in a much more relaxed atmosphere here the other night than on the tight schedule we were on in Norway—and there I was being a reporter, trying to find out all about them rather than exchanging views.

When the dinner ended in Washington, Johan Horn, president of the Norwegian Shipowners Association, remarked,

"You must be an expert in public relations. Here I was all ready to make extensive pleas for our cause over here, to let my owners have more cargo, etc. But after listening to you describe the plight of the American merchant marine, I feel so sorry that I will say nothing about our situation."

Ladies and gentleman, it doesn't take an expert in public relations to get this plight across. It simply takes one who can grasp the facts and realize that we are on the edge of the precipice as far as merchant shipping in the United States in concerned. The pieces on the edge are breaking off so rapidly that I'm frightened. That's the only story I have to tell.

PUBLIC NEEDS HELP IN RATE CASES BUT UTILITIES SUBSIDIZE EXPERTS

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, May 9, 1968

Mr. METCALF. Mr. President, S. 2933, my utility consumers' counsel bill, has drawn strong support from the academic community and from some State utility commissioners and staff members. On April 30 I placed in the RECORD, beginning on page 10983, some of the letters I have received from such persons.

I have just received a letter and a newspaper column which add to the case for the bill. The letter is from Dr. Joseph R. Rose, chairman of the Department of Transportation and Public Utilities at the Wharton School of Finance and Commerce, in Philadelphia. The article is by Jerry Holloron, of the State bureau of the Lee newspapers, in Montana.

Dr. Rose comments on the first two objectives of S. 2933, reporting and publication of more basic data on operation of electric, gas, telephone, and telegraph utilities, as follows:

> Referring to your statement appearing in the Congressional Record (February 6, 1968), I agree without reservation with your first and second objectives and the provisions in your bill relating to them. These provisions, if enacted into law, would not only be of great aid to the Federal regulatory authorities but also to State and local agencies. I refer here particularly to Title II, which would also serve as a step in the direction of a uniform original cost rate base.

Then he comments on the third objective, establishment of an Office of Utility Consumers' Counsel empowered to represent the public interest and to make grants to State and local governments for that purpose:

> I agree with your third objective insofar as it pertains to the establishment of an office of Utility Consumers' Counsel at the Federal level. I am not convinced, however, of the desirability of such an office in the states.
>
> The efficacy of state regulation depends, in my opinion, upon an articulate public opinion. Where it exists consumers' counsel is unnecessary; where it does not exist the office of counsel can do little. Federal aid may stimulate the creation of such offices but can not ensure their effectiveness.
>
> I do not intend to be dogmatic; I have other objections to consumers' counsel in the states, particularly when financed by Federal funds, but in a communication of this kind I must be brief . . .
>
> I am herewith enclosing a news release of Duquesne Light announcing a plan to form a holding company system of eight electric utility companies. This plan may be legal under the Public Utility Holding Company Act of 1935, but is surely repugnant to its policy. The subject is the primary concern of the Securities and Exchange Commission and also of the Federal Power Commission. Perhaps other Federal agencies will be interested, as will be the three state commissions. But in spite of the multiplicity of agencies in the field, this is precisely the kind of situation in which a Federal Consumers' Counsel could most effectively protect the public interest.

Dr. Rose then comments on the fourth provision of S. 2933, which would provide grants for studies of regulatory matters:

> The establishment of a grant program to finance the study of regulatory matters is an immediate and urgent necessity in view of the activities of the utilities, which you mention. The fact is that these companies, particularly the Bell Telephone System, are now subsidizing in one way or another a very large number of university professors. In the recent investigation by the FCC of the American Telephone and Telegraph Company, for example, the Company introduced as expert witnesses an interminable procession of academic men. In addition these men and many others are engaged in research and publication for the purpose of publicizing the industry's point of view. The grants you recommend, if wisely administered, should stimulate objective study and redress in some measure the effect of the overwhelming bias of the pro-utility professors.

The pertinence of Professor Rose's letter to today's outmoded methods of utility regulation, which cost electric consumers alone more than a billion dollars annually in overcharges, is illustrated by Mr. Holloron's article. It deals with the application of the Montana Power Co., now being considered by the Montana Public Service Commission, for a 26-percent rate increase.

Montana Power's rates are already exorbitant. The company enjoys a return of 17.7 percent annually on its common stock equity. Only three power companies take as much or more—Ohio Power, 20 percent, Indiana and Michigan Electric 18.9 percent, and Tampa Electric 17.7 percent. Montana Power's annual interest costs on long-term debt are only 3.3 percent, well below the industrywide average of 3.9 percent. It claims that it has only a 5.33 percent rate of return although actually, according to its own reports as published by the Federal Power Commission, its actual rate of return is 11.33 percent. That is the third highest rate of return of all the 189 major electric utilities in the country. Only New Orleans Public Service, with 14.19 percent and New Mexico Electric Service, with 16.83 percent, have higher rates of return, as can be easily determined by reading "Statistics of Electric Utilities in the United States," published annually and available from the Government Printing Office.

The company made these excessive earnings despite dilution of the holdings of ordinary stockholders through the most abusive stock option plan in modern-day utility history. Ten percent of the company's stock, some 750,000 shares, is subject to option by company insiders. Already they have acquired more than 500,000 shares at prices far below those charged ordinary stockholders. Whenever the company sells stock to its own insiders at one-half, one-third or even one-fourth of what it could get on the market, it loses money. The company in its advertising makes a great to-do about Widow Jones in Twodot and other stockholders who own the company. Yet the company robs her of some of her equity every time the insiders buy stock at cut rates under the leadership of the company's board chairman, who set an all-time record in the utility industry by picking up a windfall profit of more than a third of a million dollars in 1 day through his options.

Why, one asks, would the company be requesting a rate increase? Why is not the Public Service Commission pushing for a rate decrease?

At this point, Mr. Holloron's remarks are pertinent. I ask unanimous consent that his column, headlined "Public Needs Help in Rate Cases," published in the May 5 Missoulian and also in the Billings Gazette, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Public Needs Help in Rate Cases

(By Jerry Holloron)

HELENA.—The Montana Power Co. spent hours last week giving predictably well organized, documented and detailed evidence supporting its request for a sizeable increase in electric and natural gas rates.

It would be nice but virtually impossible, for its customers to do the same at the second half of the rate hearing in July. But circumstances weigh against the customer, and opposition to the rate increase probably will be underfinanced, divided and at times unknowledgeable about the highly technical field of rate regulation.

Perhaps Montana Power needs the rate increase, as it claims; maybe it doesn't. The point is that the power company, despite its claims to the contrary, enjoys at least a semimonopoly in the fields under consideration, and monopoly must be checked by a strong counterforce representing the public interest.

Ideally, the Montana Public Service Commission, which must rule on the company's request, would be such a force. It is in some states where the commission or its counterpart operates with a healthy budget and a highly skilled staff.

But such financing and staffing is absent in Montana, through no direct fault of the three commissioners. The result is that the commission—largely through circumstance but partly, one suspects, through inclination—sits more as a judicial than investigatory body.

Thus, the side which presents the more thorough, detailed and documented case has a head start. And in 1968 Montana, that means the advantage goes to the utility—whether the power, telephone or water company.

The situation can be corrected by strengthening the state commission. And one gubernatorial candidate—State Sen. Eugene Mahoney, a Democrat—has proposed a moratorium on all pending gas and electric rate increases until a committee is appointed "to hire highly qualified power experts to investigate all aspects of the generation and sale of power in Montana."

That would be a good move, if handled responsibly. It could replace with fact much of the petty sniping that now results whenever the power company as much as adjusts a transformer.

But another answer would be through federal assistance. Montana Sen. Lee Metcalf, no friend of Montana Power, is supporting federal legislation which, among other things, would establish a U.S. Office of Utility Consumers' Counsel.

Metcalf's bill would allow the counsel and his staff to represent the federal government and the public before federal and state regulatory commissions and courts.

It would make federal funds available for up to 75 per cent of the cost of the state consumers' counsels and for local jurisdictions with populations of at least 100,000 people. The counsel, perhaps, would be an arm of the public service commission or state attorney general—but his job in any case would be to represent the public.

In short, the bill would allow governments to help people do what they apparently cannot do for themselves—have an active, effective voice in utility rate regulation.

The only other possibility, which apparently has worked with some success in Virginia, is for a private but broad-based consumers group. Such an approach was attempted in Helena several years ago, but failed when strong interest sputtered after the first meeting.

Its proponents blame the failure on pressure from the power company, but perhaps the main reason for its collapse was a hesitancy among people to become associated with a group they felt had a political ax to grind.

Anyway, the ironic situation continues under which Montana Power's customers are paying through their monthly bills for the company's presentation supporting higher rates; yet, the average MPC customer has no effective means of battling to keep his power and gas bill down.

And that's the way it will stay until something is done.

Mr. METCALF. Mr. President, as Holloron says, "that's the way it will stay until something is done." And the way it is, this one company annually collects from its customers, who cannot go to the marketplace to shop from a competitor for electricity, $13.5 million more than necessary to provide Montana Power Co. a reasonable 6 percent rate of return. The 6 percent rate of return because of the company's low interest rates on its long-term debt, would provide a return on common stock equity of about 9.5 percent. That is a substantial and adequate return, especially for a utility having a risk-free monopoly on an essential service.

EQUAL "RESULTS" OR "RIGHTS"

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. RARICK. Mr. Speaker, the weapon of words presents a never-ending concern to our people as they awaken to the Aesopian doctrine so skillfully utilized today.

This is a good sign especially when intellectual men in positions of responsibility notice and speak out on the issue of semantics.

Mr. Speaker, I include the letter in today's Washington Post following my comments:

Equal "Results" or "Rights"?

In order to clarify the issues of the Presidential campaign. I wish to call attention to Vice President Humphrey's address in Philadelphia on Thursday, May 2, to a conclave of the African Methodist Church. As reported in the Philadelphia Evening Bulletin, he set his goal as the achievement of "equal results," rather than "equal rights."

I ask your readers to consider these questions. Can a government dedicated by law and principle to equal opportunity, promise to achieve "equal results," either among individuals or among groups? Do egalitarian intentions transmute the evil of "racism" into a good? The Communists set out to achieve this goal, among individuals (from each according to his ability, to each according to his needs) and for ethnic groups; they gave up the attempt as utopian.

Only God can promise that "equal results" with issue out of the application of laws of equal opportunity, without regard to creed, color or ethnic origin. Furthermore, the very promise of "equal results," to be imposed by an all-powerful government, is likely to induce apathy and indifference to the opportunities for employment that are actually available. As a student of religion, I recall that the biblical prophets made only conditional promises, while the Apocalyptic authors offered the vision of glorious "results." Is it any wonder that the apocalyptic hysteria is sweeping the Nation, with threats to "burn America down" being shouted in the Nation's Capital?

All will agree that the channels of upward mobility should be improved for all "the poor"—the lower 20 or 30 per cent of the population, however this category be defined. All are entitled to equal favors from the government.

I submit that the phrase "equal results" is likely to plague us in the future, if meant as prediction; that it is pernicious if used as campaign rhetoric; that it is deserving of a "great debate" if "equal results" on the basis of racism is proposed as a substitute for "equal opportunity for all."

Dr. JACOB B. AGUS,
Rabbi, Beth El Congregation.

BALTIMORE.

YOUR OPINION, PLEASE: 1968

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. BRAY. Mr. Speaker, there have been few times in the history of the American Republic when our country seemed so troubled and when the problems, both at home and abroad, seemed as great as they are today.

One thing is certain: Nothing is lost on the American people. No place in the country is so remote that it is insulated from or unaware of the Vietnam war, Government budget problems, inflation, rising taxes, crime, riots, and a host of other foreign and domestic matters that seem to be shaking the very foundations of our system of government. From my congressional mail and from the many personal contacts I have with the people, it is clear that Americans are extremely well informed about these issues and are fully aware of their importance.

I receive thousands of letters, telegrams, and telephone calls, and in addition, I have extensive personal contact with the people. Since in the United States all power and authority are based upon the people, it is most important that the people speak. I know many of today's questions are difficult to answer with a "Yes" or "No," but in voting in the Congress, these are the only answers open to me.

An opinion poll is an extremely useful supplement to the other contacts I have. This year's questions are on major issues, and the possible answers have been suggested at one time or another by various groups. The replies will be tabulated, the results inserted in the CONGRESSIONAL RECORD and a copy of the results sent to all those who were polled.

I have sent such questionnaires each year for many years, and I am asking for "Your Opinion, Please: 1968." The questions follow:

YOUR OPINION, PLEASE: 1968

1. Vietnam: In negotiations, the United States should (check 1):
    - (a) Insist on terms insuring South Vietnam will be free from further Communist attack and subversion ☐
    - (b) Meet Hanoi's demands halfway, arrange a compromise, and take our chances on the Communists keeping their word ☐
2. Vietnam: During negotiations (check 1):
    - (a) Complete cease-fire; hold positions; if Commmunists violate these terms, stop negotiations and resume fighting ☐
    - (b) Do not insist on cease-fire; fight while negotiating, as in Korea ☐
3. Vietnam: If negotiations fail (check 1):
    - (a) Resume past policy of limited war ☐
    - (b) Immediate all-out offensive for military victory (but no nuclear weapons) ☐
    - (c) Immediate and complete U.S. withdrawal ☐
4. In dealing with major civil disorders (check 1):
    - (a) Authorities should "go easy" to avoid brutality charges and possible escalation of violence ☐
    - (b) Proper officials should stop trouble at once with whatever force necessary ☐

	Yes	No
5. More massive Federal spending programs for cities running into tens of billions?	☐	☐
6. Federal registration and control of privately owned firearms?	☐	☐
7. A federally financed guaranteed annual income for all?	☐	☐
8. In our foreign policy, should we:		
(a) Recognize and admit Red China to the U.N.?	☐	☐
(b) Increase trade with Communist countries?	☐	☐
(c) Recognize Castro's Cuba?	☐	☐
(d) Withhold foreign aid to countries Supplying North Vietnam?	☐	☐
(e) Punish U.S. citizens giving aid and comfort to enemy?	☐	☐

DR. GEORGE E. MUELLER DELIVERS DEDICATION ADDRESS

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. ROUDEBUSH. Mr. Speaker, Purdue University on May 2, 1968, dedicated two academic halls in honor of two of its most eminent alumni, Virgil "Gus" Grissom and Roger Chaffee. The dedication speech on this occasion was delivered by "the man behind manned space flight," Dr. George E. Mueller, the Associate Administrator of NASA for Manned Space Flight.

I am pleased to call my colleagues' attention to this eloquent address by Dr. Mueller, himself a distinguished Purdue alumnus, and under unanimous consent include it in the RECORD:

DEDICATION OF GRISSOM AND CHAFFEE HALLS, PURDUE UNIVERSITY, LAFAYETTE, IND., MAY 2, 1968

(Address by Dr. George E. Mueller, Associate Administrator for Manned Space Fight, National Aeronautics and Space Administration)

For one to have the opportunity to return to his Alma Mater is always pleasure enough, but to be honored with a request to participate in an occasion such as this is especially rewarding. It is indeed a proud moment for me to be able to share in the dedication of these buildings as living memorials to two gallant men, Virgil Grissom and Roger Chaffee.

The loss of these men, along with Ed White, was deeply and personally felt by the people of America. Those of us who were privileged to know them felt this loss even more deeply, even more personally. We worked with these men. We respected their dedication and ability. We had been able to evaluate their greatness close up. The nation lost three heroes; we lost three heroic friends.

The widows and families of these men—they too have bestowed their treasure for the progress of man. They knew the risks, and they will be forever proud of the contributions which their men have made to our ultimate goals in space.

It is most fitting, therefore, that we pay tribute to two of these men here, and to breathe a prayer of thanksgiving that the United States of America has the vitality and the national idealism to produce such young men as these.

The achievements of Gus Grissom and Roger Chaffee symbolize the contributions that Purdue University has made and is making to the Space Age.

I take much pride both in my connection with Purdue and in its accomplishments since my days as a graduate student here, some 28 years ago. This occasion gives us further cause to acknowledge that here in Lafayette is one of the great engineering schools of the country.

Purdue also has an important connection with the nation's manned space flight program. In addition to the men we honor today, two other Purdue alumni are members of NASA's astronaut corps—Neil Armstrong, the command pilot for the historic Gemini 8 mission, the first "docking," or joining, of two objects in space; and Gene Cernan, who flew as pilot on the Gemini 9 mission.

Gus Grissom, of course, will go down in history as the first man to be launched twice into space, and as the first man to maneuver his spacecraft into a new orbital plane on Gemini 3.

Purdue's contributions to the Space Age, as symbolized by its astronaut alumni, are indeed many. In addition, through its faculty and staff here at the University and the Purdue Research Foundation, and through many hundreds of alumni in industry throughout the country, its influence upon the growth of space technology is widespread. Here on this campus, in addition to your university-sponsored teaching and research, a number of important research projects have been carried out directly for the National Aeronautics and Space Administration.

Purdue ranks as one of the leading participants in NASA's program of university grants and research contracts. This effort for NASA has amounted to a cumulative total of more than three and one-half million dollars in contracts and grants for research facilities and graduate training.

Your research for NASA is indicative of the breadth and depth of Purdue's capability and interest. Purdue has conducted research for NASA in the areas of lunar and planetary exploration, geophysics and astronomy, aeronautics, electronics, chemical propulsion, and launch vehicle development. In addition, the fundamental studies conducted at the University's Jet Propulsion Research Center have placed Purdue in the forefront among American universities in rocket propulsion study.

NASA, of course, relies heavily on the university community, for knowledge and trained people are essential elements in our space program, as well as being basic to the nation's overall technological strength.

Our nation's universities have traditionally been the main source of new ideas in science through research carried out by faculty members and graduate students. This interaction of education and research contributes both to the training of scientific and technical manpower and to the advancement of research.

The future advancement of the nation's welfare, economic growth, and security is tied to the advance of our scientific and technical knowledge. Particularly important in this regard is basic research, concerned with increasing our knowledge of man and the universe, which lays the groundwork for applied research and development. It is most imperative to augment our reservoir of knowledge with new concepts that can come only from basic research.

The importance of the universities' role becomes particularly apparent when we consider that the half-life of an engineer today is only about ten years. Half the knowledge an engineer had when he graduated in 1958 is now obsolete. At the same rate of change, you graduates of 1968 will find at least half of your present knowledge obsolete by 1978. Or to put it another way, half of what we will need to know in 1978 is not now available to us. No one knows what it is.

While the academic community is thus playing a leading role in the space effort, the space program in turn is exerting a significant and beneficial influence on education and science. New approaches to established disciplines have appeared and there has been a tremendous increase in interdisciplinary research activity.

A particularly significant aspect of the space program is that, in its breadth, it involves almost every known science and technology—physics, chemistry, biology, astronomy, geology, geodesy, and cartography, to name but a few—and its needs spread across the entire industrial spectrum—electronics, metals, fuels, ceramics, machinery, plastics, instruments, textiles, and many others.

The nation's space program has brought about more than 12,000 products and techniques that did not exist just a decade ago. The nation's investment in space, coupled with our national security requirements, has brought advances that would have taken centuries at the pre-1939 pace.

In this connection, I read recently an interesting comparison of the physical world in which King Solomon lived relative to that of George Washington. Both Solomon and Washington wore homespun clothing, both used oil lamps for illumination, both heated with wood, both traveled in horse-drawn vehicles, and both use the same primitive means of communication.

Since Washington's time, we have developed new machine-made fibers, synthetics, metals, and even paper for clothing. We have seen the inventions and efficient production and distribution of electricity, revolutionizing illumination everywhere. We have seen the development and use of coal, oil, gas, electricity, and now nuclear and solar energy for heat.

The period of human development between King Solomon and George Washington covered almost 3,000 years. That between Washington and ourselves is less than 170 years. But what a contrast in human progress!

Let us consider communications. Fundamental to all of man's activities is his ability to communicate rapidly and with precision. One measure of our ability to communicate is the number of bits of information that can be transmitted per unit of time. Up through George Washington's time, communication was by signal fires, mirrors, drums, runners, pigeons, post riders, and sentinels who relayed shouted messages. Today, you can "rent" over 50 million dollars worth of telephone equipment for a dime, and radio and television reach into every corner of the land. About 5,000 bits of information per second must be transmitted for intelligible voice communication, and some ten million to 100 million bits per second for high quality television.

Or, let us look at transportation. Up through Washington's time, the top speed was about 30 miles an hour—the speed of a very fast horse over a one-mile distance.

Over long distances, the fastest speed was about 10 miles an hour, the pace maintained by the Pony Express riders in the 2,000 miles from St. Joseph, Missouri, to Sacramento, California.

Since that time, we have witnessed the development of steam-driven locomotives and boats, vehicles using internal combustion engines, propeller-driven airplanes, jets, helicopters, air cushion vehicles, supersonic aircraft, nuclear propulsion, and, now, rocket propulsion and space flight. Today, the top speed is 25,000 miles an hour, the re-entry speed of a space-craft returning from the moon.

In Washington's time, human labor furnished a quarter, and the labor of animals furnished half, of all the energy required for life. At the persent time, every man, woman, and child in the United States has more than ten horsepower working for him, 24 hours a day, and the figure is going higher every year. Had man lived like this in the Periclean Age of Ancient Greece, it would have taken the exhausting labor of ten billion human workers to provide the same benefits.

We will not have to wait another 170 years, however, to see the results of our present-day research and technology. The technological advances of today and tomorrow will influence your lives in ways unimagined as the dawn of the Space Age brightens into full day. And this influence spreads, sometimes slowly, sometimes violently, into other areas.

Not only will you be confronted with technological change and with the associated material changes, but also with social changes and even spiritual changes. Following in the wake of these changes will come problems of adjusting to new ways of life. Human beings often resist change, clinging tenaciously to entrenched attitudes and habits—especially adults. Sometimes we seem confused, frustrated, and even angered by an advance that upsets our normal routine or outlook. In fact, some of our adults are still being dragged, kicking and screaming, into the Space Age.

All of this presents an exciting prospect. Because of the instruments of exploration now available to us, along with the quest for scientific discovery and the power of historical force, we may be on the verge of the greatest "revolution" of all time—a revolution of human affairs.

One of the major forces of this revolution will be our probe into space. The impact of space exploration will extend far beyond science and technology. Its effects will be felt, and applied, in every area of human activity and thought.

This revolution of the immediate future is not only exciting, it is challenging. It will be so extensive as to require the fullest cooperation between the scientists who evolve the principles; the engineers and technicians who develop and apply them; the pioneers, including the astronauts, who test them; and the social scientists and humanists who interpret their effects.

Your generation, as is true for all generations, underestimates the meaning of the events of our time at your own peril. For make no mistake. We are on the leading edge of a great movement, not limited to space alone, under the wing of which man can do great things. Human society rises out of its lethargy to new levels of productivity only under the stimulus of deeply inspiring and commonly appreciated goals. In the conquest of space, men, ideas, and materials are pushed beyond previous limits and capabilities. The seemingly impossible is brought within the range of daily employment.

Thus what is at stake are not only the new marvels to be found in space, but also the profound transfiguration of the source of the search. As the European Renaissance was sparked by the discovery of new seas and continents, so a new Age of Discovery in many arenas may well be awakened by man's adventure into space.

After the voyage of Columbus, the Old World was never again the same, in social, intellectual, cultural, political, economic, military, or spiritual terms. In like manner, the exploration of the space frontier can well provide the seed for a new flowering—sparking a Twentieth Century Renaissance, stirring man's imagination, ennobling his ambition, and igniting his spirit with fresh hope and excitement.

Indeed, in the final analysis, this may be the enduring answer to the problems that are plaguing this nation and the world today.

This brings me to the next subject I want to discuss—the role of space at a time when increasing emphasis is being placed on programs to better our country through elimination of poverty and greater attention to human welfare.

In this connection, it is well to remember that the space program is being conducted on earth, in this country, not one dollar has ever been spent on the moon.

The direct economic impact of the space program is quite obvious, in terms of new jobs, new products, new processes, new companies, and whole new industries.

Not so obvious, but of even greater importance in the long run, are the basic contributions of the space program to the economic growth of the Nation and its various regional components.

The process of economic growth necessitates the rapid development, acceptance, and implementation of new technologies. In an economically developed nation such as ours, this is accomplished by invention and innovation. Thus, the nation's efforts to push into the frontiers of space have accelerated materially a fundamental aspect of economic growth—the generation of new technology.

Further, as the program contributes to the promotion of educational and intellectual ferment, a strong new force is added for the development and maintenance of social attitudes and behavior so essential to economic growth. This aspect possesses particular significance for relatively underdeveloped regions of the nation.

It is thus apparent that the space program is not in conflict with efforts to end poverty and improve human welfare. On the contrary, it contributes to the fundamental solution of these problems by bringing about advancement in economic and technological growth, giving people the opportunity to help themselves through new economic activities.

In addition, one of the most important of the capabilities being provided by the space program is experience in the management of large scientific and technological enterprises. The scope of the effort to manage the Apollo Program, for example, is several times greater than that of even the largest industrial operations. The techniques, skills and trained people being developed and used in Apollo have great potential application to aid in other large-scale enterprises to satisfy important national needs.

One of these skills is that of systems analysis, which has been described as an approach to a project which encompasses the whole, rather than a separate handling of component parts. From this viewpoint a road is not just a road. It is but one element in a transportation system that includes bus lines, subways, railroads, freeways, air transport, and so forth.

Systems analysis techniques are being adapted to the solution of other national problems, and may well lead to the solution of many of the intricate and urgent problems of modern life. For example, several states, as well as a number of aerospace companies, have initiated programs to evaluate these skills and techniques to help solve the whole gamut of problems involved in comprehensive urban planning and development, including housing, jobs, schools, transportation, air and water pollution, waste disposal, and water management.

The pressing sociological problems besetting this nation will require a high order of technological skill to solve. By doing in space those things that only a few years ago were thought to be impossible, we stimulate confidence that we can solve the difficult problems here on earth. Space flight helps the public to understand the great and growing ability of our industry, science and government to work together. As a result of this understanding, we now see new and imaginative efforts underway to mobilize our nation's resources to rebuild our cities, revolutionize transportation and communications, harvest the riches of the oceans, conquer disease, wipe out poverty, and grow enough food for a hungry world.

The space program will thus help to shape our future. In building this future, the nation will continue to rely upon the vision and dedication of men such as Gus Grissom and Roger Chaffee.

It is important, today, as we honor these men, that we remember that every giant step forward that mankind has ever taken has been at the risk, and usually the cost, of life. Whenever we expand our horizons, we do so at our peril. It would be impossible to count the human loss which has accompanied each of man's faltering steps over the centuries. The discovery of America, the conquest of the West, the opening of the polar regions—all took their toll in lives and human suffering. Every advance, every improvement in man's long struggle against darkness, has exacted a terrible cost—the lives of some of the noblest men of each era. But all mankind moves forward through the sacrifice of a few.

If mankind over history had foregone its greatest enterprises because they endangered life, we would still be uncivilized, earth-bound, ignorant, and weak.

These astronauts knew and understood the risks of their profession, and they accepted these risks as a part of their job. They did not expect to meet death, but they were prepared to meet it if such a confrontation should occur. They were deeply concerned that if an accident did happen, there should be no pause or slackening in our efforts to reach the moon and beyond. As Gus Grissom said, shortly before he died: "The conquest of space is worth the risk of life."

There are, and will continue to be, hazards and uncertainties associated with the exploration of space, as with the opening of any new frontier. But let us also remember the hazards of *not* exploring space—the hazard of technological atrophy, the hazard of loss of world leadership, the hazard of technological "surprise" by others in this complex and competitive world, if we should fail to act.

Thus, while we honor these heroes of space, we shall continue to press forward, with even greater vigor, our program to explore the moon, the planets, and, in time, the stars. The conquest of space will be our most enduring memorial to these men. To do less would be to dishonor the memory of those who have given their lives, and would be a betrayal of our future and the future of those who will follow in the path of the men to whom these buildings are dedicated.

This is the legacy of Virgil Grissom and Roger Chaffee.

MOTHER'S DAY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. BRAY. Mr. Speaker, this coming Sunday, May 12, 1968, is Mother's Day, a day set apart each year to pay tribute to all mothers throughout the world. The idea of honoring motherhood is not of recent origin, nor is it restricted to just 1 day out of each year. I, therefore, think it fitting that we give special recognition to Mrs. M. B. McClure, of my hometown, Martinsville, Ind., who was recently named "Indiana's Mother of the Year for 1968."

Mrs. McClure is the wife of a retired Methodist minister and the mother of five fine sons, all of whom have followed in their father's footsteps. The couple's sons are Paul E. McClure, program associate for the Indianapolis Church Federation; M. Allen McClure, chaplain to Episcopal students at Ball State University; L. Edwin McClure, a Methodist minister at Kentland; Karl E. McClure, a Methodist minister at Princeton, and Bruce E. McClure, chaplain at Bethesda Methodist Hospital, Cincinnati.

Before coming to Martinsville 4 years ago, Mrs. McClure lived in numerous places with her husband during his 41 years in the ministry. Although Reverend McClure is now retired, both he and his wife are very active in work for the First Methodist Church in Martinsville.

Last year Mrs. McClure was honored as one of four "merit mothers" of Indiana, and this year the American Mothers, Inc., announced Mrs. McClure's selection as Indiana's Mother of the Year. At this very moment she is representing Indiana at an awards week conference in New York City.

Martinsville, the State of Indiana, and the entire country are extremely proud of Mrs. McClure. Through her never-ending efforts toward her family, her State, and her country, she has proven to be an outstanding woman, one of whom all of America can be proud.

IN SAM GOMPERS IMAGE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. LEGGETT. Mr. Speaker, if Sam Gompers had a boy I know he would want him to grow in the stature of Stanley Lathen, Sr., who was honored this past weekend on the occasion of his formal retirement as executive manager of Retail Store Employees Union No. 373 in Solano County, Calif.

Because of Stan's efforts, thousands of Californians, the beneficiaries of his bargaining contracts, enjoy fairer and better wages for a fair day's work and provisions for limited hours of work. Because of his efforts and some like him in organized labor, now working people in the West enjoy the benefits of an equitable agreement for medicare benefits; vacation time and pay are provided, and in most cases retirement pay trust funds will be more adequate.

In a nutshell, many of the working people of my constituency will enjoy a better way of life because of the efforts locally and statewide of this outstanding representative of organized labor.

What Gompers did to organize the labor crusade of people, Stanley Lathen, of Vallejo, did to improve it. He has earned his retirement; however, knowing his vitality, I doubt that he will really use it.

If the cause for social and economic justice has work left undone, this fair-minded worker's representative from the West will not rest easy.

Stan's record of accomplishment printed in his official banquet program follows:

IN SAM GOMPERS IMAGE

Stanley, born in 1908, is a native of Phoenix, Arizona. Soon after, his family moved to Lake County, California and a little later to the Marin County area where he was reared and educated. Stanley served an apprenticeship under the program of the Plaster's and Cement Masons Union in Marin County, starting in his late teens and while working at that trade moved to Vallejo in the early 1930's.

Always active in Labor affairs, Stanley assisted in the reorganization of the Solano County Building Trades Council. He served as Chairman of the Building Codes Committee for the revision of city building codes and the establishing of building codes in Solano County. He also served as the first Chairman of a county Apprentice Training Program (prior to the formation of a State Training Program).

In October, 1941 Stanley accepted an Executive position with Retail Store Employees Union Local No. 373, and was later elected Executive-Manager and Treasurer of that organization, a position he has most ably held for the past twenty years. Stanley was instrumental in establishing the Local's first Health Insurance Plan and acted as its administrator for many years. He has since served with distinction as Trustee and Chairman on the Local's Health Insurance/Pension and Drug Trusts.

Other labor activities include: a term as President of the Solano County Central Labor Council in 1946, and a continuous member of the Council's Executive Board since that date. A very proud achievement is a Vice-Presidency in the California Labor Federation AFL–CIO as representative of the 12th District comprising Colano, Napa, Marin and Sonoma counties, a position he plans to retain.

In the political field: Stanley helped to organize, and served as first president of, the Greater Vallejo Democratic Club (the first Democratic Club in Solano County). He has attended, as a delegate, three Democratic National Conventions. He also served several terms as Executive Officer of the Solano County Labor League for Political Education, and is a former member of the Solano County Democratic Central Committee.

Stanley's participation in civic affairs has been lengthy and includes: a term on the Solano County Grand Jury, County March of Dimes Chairman, member of the first Board Directors Greater Vallejo Recreation District, member area Appeals Board War Man Power Commission, Publicity Director Civilian Defense Council, Panel member War Labor Board, member of Merchantile Wage Board. Served on Board of Directors of: YMCA, Red Cross, Salvation Army and United Crusade. Served on Charter Revision Committee for City of Vallejo. He is a member of the Commonwealth Club, Loyal Order of Moose and First Presbyterian Church.

Stanley has three sons: Stanley, Jr., Donald and Robert; two step-daughters, Mrs. Ron Messer and Miss Christina O'Dell, and six grand-children.

After twenty-seven years of service to the officers and members of Local No. 373, with a devoted dedication to the principles of the trade union movement, Stanley ended his career as Executive Manager of this Union on January 1, 1968. He and his wife Bernice plan to travel extensively after retirement.

STATE SENATOR KRUEGER SPEAKS ON WATER POLLUTION

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. O'KONSKI. Mr. Speaker, the State of Wisconsin and my congressional district are proud of State Senator Clifford "Tiny" Krueger, Republican of Merrill, and we all highly respect his knowledge of water pollution problems.

Senator Krueger is chairman of the State senate conservation committee, and I include his remarks on the matter of water pollution in the RECORD so my colleagues can benefit from his thinking on this subject:

LEGISLATOR PUTS POLLUTION IN PROPER PERSPECTIVE

I earnestly welcome this opportunity to discuss some of the many problems of water pollution with you. There is no doubt one of the most urgent needs in this field is public understanding of the many diverse and conflicting factors involved.

Even our experts do not pretend to know all the answers. We aren't even certain we know all the causes—much less all the effects. This "knowledge gap" is the reason I have introduced and fought for increased appropriations for research on water research management during the past sessions of the legislature.

However there is one thing we in state government do know. We know we will need the understanding, cooperation, and support of the public to accomplish all that needs to be done.

I think, or at least I hope, my discussion here today will give you a better picture of the problems we in Wisconsin face. At least it should illustrate that the problems of pollution are not the difference between all-black, or all-green and all-white.

When we talk of water pollution, it is natural for people to think first in terms of the visible forms or effects. There are, of course, many forms. Some of them are invisible but deadly to human and aquatic life. Some are unsightly and some you can't miss because of the stench.

For example, one of the visible forms of pollution in the past has been excessive foam on our surface waters. In addition to wind, wave and flood action, part of this foam was caused by detergents. Through the cooperation and voluntary action of the detergent industry, this part has been eliminated—by research and the investment of more than $150 million to develop biodegradable detergents and convert production facilities.

Another more serious form of pollution is creating deep concern here in Wisconsin where we rely heavily on our surface water for our recreational activity and economy—to say nothing of the aesthetic values of our water resources.

I refer to the excessive growth of weeds and algae which are beginning to strangle some of our lakes and cover them with green, foul-smelling scum.

Actually, weeds and algae in normal amounts are not pollutants. However, excessive growth chokes out desirable aquatic life, consumes dissolved oxygen and cripples the capacity of the water to purify itself.

This growth is the result of overfertilization by chemicals put into the water both by nature and by man. These chemicals are called "nutrients." Nitrates, phosphates, and carbon are the types of nutrient-chemicals most commonly associated with the overfertilization of lakes—with phosphates considered to be the major causes.

And this is where our troubles begin. In the first place, phosphates are found abundantly in nature. They are chemical compounds of the basic element phosphorous. The U.S. provides one-third of the world's supply of phosphorous and it is estimated we possess one-third of the known phosphorous reserves.

Our waters absorb these phosphates directly from natural sources. In addition, decaying plant and animal life in the forests and on the bottom of the lakes themselves are another abundant source of this nutrient. Thus, as the excessive growths of weeds thrive, die, and decay, they create a self-perpetuating problem of over-fertilization.

This is why lakes naturally have a birth-life-death cycle like almost everything else in nature. Lakes are formed, flourish, gradually become choked with weeds, slowly fill in, become swamps and, finally die.

This process normally takes place over hundreds or thousands of years, but it is an inevitable and inescapable fact of natural life.

Unfortunately, man—through his sheer numbers, his needs, and his activities—has been accelerating this process.

Ironically, phosphates which are a significant factor in the life-death cycle of our lakes also are one of man's most useful and essential chemicals.

For example, it is estimated that somewhat more than 78% of the phosphates produced by man are used in agriculture for fertilizers and animal feeds. They have enabled Wisconsin farmers to increase the quality and yield of the crops and livestock dramatically during the past several decades.

Furthermore, it is predicted that at the present rate of population growth, food surpluses will disappear and the remarkably productive capacity of our farms will be essential to provide food for this nation—even without our commitments to the rest of the world!

Similarly approximately 13% of the phosphates produced by man are essential ingredients of the detergents which have enabled Americans to establish and maintain the highest standards of cleanliness in the world.

Detergents are used in hospitals, homes, food processing plants, restaurants, dairies, meat-packing plants, and industry. They are an important weapon in man's constant battle against golden staphyloccocus, TB organisms and other harmful or lethal bacteria. Their high-performance cleaning and germicidal action is responsible for the hygienic environment we enjoy in America.

Unfortunately, NO OTHER known chemical compound or combination of materials could replace phosphates as an active ingredient in detergents with the same degree of cleaning and hygienic action.

The other 9% of man-made phosphate compounds are used by industry in processing metals or producing products such as insecticides and gasoline additives.

Thus in addition to the abundant supply of phosphates normally produced by nature herself Americans have been adding additional amounts to our waters through their daily life which represents the highest standard of living anywhere in the world.

Obviously, we in Wisconsin cannot and must not misuse and abuse our water resources today as we did with our timber resources almost a century ago.

In the case of excessive weed and algae growth, the question is: How can we halt the over-fertilization and acceleration in the normal life cycle of our lakes?

Phosphates find their way into our waters from a variety of sources as I indicated earlier.

Cultivated and forest lands contribute significant amounts—especially in periods of heavy rainfall and water runoff. Public sewerage treatment plants and private septic tanks add to the load with phosphates from human waste as well as household or industrial detergents. And the waste from industrial processes which use phosphates as an essential ingredient may also increase the amount.

However—

Even if we were to tell our farmers to stop fertilizing their crops at a time when we are going to need every scrap of food we can raise for an exploding population;

Even if we were to tell people to stop using their toilets and close down our sewerage plants;

Even if we were to prohibit the use of any product or process in which phosphates are used;

Even if we did all these things, scientists cannot assure us the process of over-fertilization in our lakes will not continue from natural sources we cannot control.

These are things we can do. We can improve and encourage the use of contour farming and other techniques to reduce or impede the rapid runoff of water which carries the phosphates of commercial fertilizers and animal waste into our waterways. Through research we can seek to develop less persistent forms of fertilizer which are absorbed more rapidly by the soil and crops.

We can establish and enforce more rigid standards for private septic tanks—especially for homes, cottages and resorts on the shores of our lakes. Where the soil does not meet absorption or percolation standards, we can require other methods of sewage treatment.

We can also reduce the amount of sewerage-borne nutrients entering our waters plants by expanding their capacity and improving their efficiency for removing nutrients from the effluent.

All of these steps will require more research, time and the expenditure of money—substantial amounts of money—both public and private.

As you can see, there are no single answers, no simple solutions to this problem. We must act as promptly and as vigorously as possible. At the same time, in my opinion, we must avoid "panic procedures" which in the end waste precious time and money without providing effective, long-range solutions.

The interdependence of the numerous factors involved and the scope of effects which would affect every facet of our lives make the potential cost of such mistakes prohibitive.

Thank you.

THANKS TO TEACHERS

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. WAMPLER. Mr. Speaker, I insert the following material in the RECORD as an example of how I express my appreciation to the teachers in the Ninth Congressional District of Virginia:

I am sure we share the view that educated youth is the hope of the Commonwealth, the Nation—and indeed the world.

I am enclosing a small token of my appreciation for the fine job you are doing in helping to educate the young people of Southwest Virginia. Please accept this with all my best wishes.

If I can be helpful in any way, please call on me.

Mr. Speaker, it is my firm belief that teachers of today share a position of utmost importance in preparing our youth to be the leaders of tomorrow. I certainly feel that we should pause from time to time to express our thanks for the vital job they are doing.

CHAIRMAN OF THE BOARD OF PAN AMERICAN WORLD AIRWAYS, JUAN TRIPPE

HON. JOHN JARMAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. JARMAN. Mr. Speaker, Mr. Juan Trippe, chairman of the board of Pan American World Airways, and one of the foremost pioneers in the field of aviation, has announced his retirement.

From its founding in 1927, as an airline with a little over $300,000 in assets and a route of travel between Key West, Fla., and Havana, Cuba, Pan American has become one of this country's major sources of air travel. Under the leadership and direction of Juan Trippe, Pan American has grown to have more than $1 billion in assets, and a travel system encompassing over 80,000 miles and linking the United States with 85 other countries.

So much of the progress in air travel that we see today has come as a result of the vision and foresight of Juan Trippe. He obtained the first international airmail contract, between Florida and Cuba, for his new-founded airline in 1927. Afterward, Mr. Trippe began negotiations for landing rights in South America and far off Asia. For many years, Pan American was the only U.S. airline scheduling transpacific as well as transatlantic flights. In 1947, Pan American became the first airline to offer round-the-world trips, and in 1958, pioneered American overseas jet service.

Juan Trippe has demonstrated in all his endeavors the mark of our greatest American pioneers—vision and foresight, as well as a conviction that the dream of air travel for every American, and not just the well-to-do, could be achieved. In addition to being a leader in the industry, Juan Trippe has shown remarkable insight to the importance of air travel to America's world position. He has maintained for many years that our Nation must continue to hold the lead in atomic weapons, missiles, and military airpower. He has been convinced throughout his career that the American aviation industry must aid and assist the neutral nations of the world, through partnership and our own capital investments, and in this way has been one of our most influential ambassadors.

Mr. Speaker, the life and accomplishments of Juan Trippe are worthy of recognition and admiration from all Americans. His many contributions in new air routes across the continents and oceans of the world will stand as great achievements in a lifetime of service to the aviation industry. I wish to extend my personal best wishes to Mr. Trippe on his retirement, and hope that he will continue to enjoy the happiness and personal enrichment of the full life which he has lived.

VIETNAM: AN INFORMED VIEW

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. CHARLES H. WILSON. Mr. Speaker, I include in the RECORD part IV in the series on Vietnam by Mr. Edwin W. Dean, Jr., publisher of the Inglewood **Daily News**:

VIETNAM—IV

GLOSSARY OF TERMS

Active—The runway being used at that time.

Affirmative, Affirm—Yes.

FAC—Forward Air Controller.

Go—Send your message (in radio procedure).

Negative—No.

Orbit—A circular flight pattern.

Over—I have finished, go ahead and transmit.

Out—End of my transmission.

Roger—I have received your transmission satisfactorily.

Shoot—Fire artillery rounds.

Shot—Artillery rounds have been fired.

Splash—An artillery round hitting the ground.

Wilco—I understand and will comply.

Zapped—Slang in Vietnam for being shot.

READY FOR TAKEOFF

The jeep sped across the parking area past the little 0–1 "Bird Dog" reconnaissance airplanes parked in their protecting revetments. At the far end it made a sweeping right turn, throwing a rooster tail of dust and dirt into the air, and pulled to a stop under the wing of an olive-drab Army 0–1.

A captain climbed out of the jeep and greeted the pilot of the plane, another captain, who was leaning against the wing strut smoking a cigaret.

"Hello John, good to have you flying for us again."

"Hi Sam, nice to be back. At least, this job isn't boring. Where do we go today?"

"Let me get my gear stowed, John, and I'll show you on the map."

"Right. Need any help?"

"No thanks, I can handle it."

When the gear was stowed in the plane they spread an acetate covered map on the body of the 0–1. Talking earnestly and pointing at the grease pencil markings on the map they planned the day's work. Then the observer climbed into the back seat and the pilot walked around making his preflight checks.

Minutes later the engine coughed into life and the pilot tested his flight controls. The observer watched to make sure his flight controls were working too. Everything checked out and the observer called the pilot on the intercom.

"How do you hear, John?"

"Loud and clear. You?"

"Same. Let's go."

"Roger. Rolling."

The little plane taxied across the parking area over to the edge of the runway. It stopped and turned at an angle so its prop blast would not blow dirt on any other aircraft. Then the engine was run up in a final test.

"Tower, this is niner-seven-five. Ready to take the active. Request three-one departure."

"Nine-seven-five, this is tower. You are clear to take the active. Call takeoff."

"Niner-seven-five."

The "Bird Dog" moved onto the runway.

"Tower, nine-seven-five. Ready for takeoff. Request right break."

"Nine-seven-five. You are clear for takeoff. Right break OK."

"Seven-five. On the go."

The engine roared, the plane started rolling slowly, gathered speed, and left the ground in less than a city block. It wobbled twice as the pilot fought the turbulence between the rubber trees. Then it leveled off and climbed above the trees as it flew down the runway. At the end of the airstrip it made a climbing right turn and headed east.

The observer switched his radio to a transmitting position and called his ground control station while the pilot radioed far artillery clearance.

"Peril Snoopy, Snoopy X-Ray."

"Snoopy. Loud and clear. How me?"

"X-Ray. Same. Out."

The pilot came on the intercom.

"Sam, do you want to fly it out?"

"Sure John, always glad to get in some stick time."

"Roger, you've got it."

Like many observers Sam had learned to fly, even though he was not pilot qualified, in case something happened to the pilot.

The morning passed quietly. Areas were checked and reports made. The pilot made periodic calls to his company to report his location and radioed for artillery information on the areas into which they were flying. After a little more than three hours flying they landed at the nearest air field for gas, oil, and food.

Airborne again they headed east into War Zone D.

"Let's do the 'rice route' on the deck today, John."

"Roger. Might as well do the river the same day."

"Affirmative."

"OK. Going down."

Seconds later the tree lined banks of the river were flashing past. They never flew very high, seldom over 1,500 feet. "Under 100 or over 1,000" was their slogan. At any altitude in between they were sitting ducks.

Minutes later they reached the crossing site. They circled twice and then flew north along the yellow mud slash in the jungle that was the "rice route." They rushed along just above the trees, the observer peering into the shadowy jungle and the pilot concentrating on his flying. The plane twisted and turned as it followed the winding road through the trees.

"It doesn't look like there has been any recent vehicle traffic."

"No. It looks clean."

"They could be moving it by foot though. The crossing looked used."

"If they are, they'll be moving just off the road to stay out of the mud."

"Roger."

"There. Did you see them, John?"

"No. Where?"

"Off to the right. Don't pull up. Let them think we missed them. I got a good fix on them. Follow the road for a couple of miles and then make a big circle to the right and we'll come back from the south at 2,000."

"Right. Good idea. How many were there?"

"Looked like about 60. Ten guards and 50 porters. They had packs, probably rice. When we get up to 1,000 call in to your people and then give me our frequency on your radio. I'm switching over to get artillery."

"Wilco."

"Snapper 83, this is Peril Snoopy X-Ray."

"X-Ray, this is Snapper 83."

"X-Ray. Fire mission. Coordinates, Yankee Tango 12146301. Sixty VC in jungle. Will adjust."

"83. Say again target."

"Roger. I say again. Sixty VC in jungle."

"83. Roger. Wait. Out."

"Peril Snoopy, Snoopy X-Ray."

"Snoopy. Go."

"I have a supply column of 60 VC in the jungle at Yankee Tango 12146301. Getting artillery. Can you get me some air?"

"Snoopy. We'll sure as hell try. Good hunting, Wait. Out."

MISSION COMPLETE, "HEAD FOR HOME"

"This is good right here, John. Let's just keep circling this area. We can adjust from right here."

"OK. Got them spotted?"

"Negative. I can't see them, but I know where they are. We've got them cold if we can just get the stuff out here to hit them."

"Good. It's been awhile since we got any. They're calling you."

"Yeah. Got it."

"X-Ray."

"Snoopy. A FAC is on the way to your location and a flight of F–100s will be there in 20 or 30 minutes. What's the situation now?"

"X-Ray. Situation unchanged. Artillery should start any minute so I'll be off the net for a while. Tell the FAC to circle south of us until his planes get here. He'll be able to pick up the target from the artillery rounds going in. We'll come up on his push for coordination when his air arrives, Over."

"Snoopy. Wilco. Out."

"Snoopy X-Ray, Snapper 83."

"X-Ray. Go."

"83. Ready to fire."

"X-Ray. Shoot. Over."

"Shot. Splash in 47 seconds, Over."

"Roger."

"Splash."

"Splash. Roger. Wait."

"You see it, Sam?"

"Negative. They must be way off. There it is. See the smoke at seven o'clock? Come around tight, John."

"Yeah, that's it. Not too close. Better give them a big adjustment to get a bracket."

"I'm going to.

"83. X-Ray. Add 800. Right 100. Over."

"83. Roger. Wait."

"83. Shot. Time in flight, 54 seconds. Over."

"X-Ray. Roger."

"Splash."

"Splash. Roger. Wait."

"There it is, Sam. At eleven o'clock."

"Roger. Got it. Much better."

"83, X-Ray. Drop 100. Right 50. Over."

"83. Roger. Wait."

"X-Ray, 83. Shot. Splash in 52 seconds. Over."

"X-Ray. Roger. Out."

"Splash."

"Splash Roger. Target! Fire six rounds for effect."

"Wilco. Out."

"Number one splash."

"Number two splash."

"Number three splash."

"Do you see a hut just to the north of that last one, Sam?"

"I think so. It looks like we may be starting to open up a base camp."

"Number four splash."

"Yeah, there's two more huts. Looks like we got one with that round."

"We did. Some bodies lying around down there, too.

"Number five splash."

"Number six splash. Rounds complete."

"83, X-Ray. Good shooting. We have a base camp down here and you're getting some body count. Looks like five or six huts and eight bodies so far. Fire six more rounds for effect. Drop 50. Right 50. We have air on the way but they won't get here for about 20 minutes. We want you to keep firing until they arrive, so pace yourselves. Over."

"83. Wilco. We'll keep it coming. Over."

"X-Ray. Roger. We'll adjust after every six. Out."

"A FAC is coming in from the west, Sam."

"Right, John. Got him. Switch to his freq and have him orbit south of us. Tell him to park his jets up above his position when they get here."

"Roger. Switching."

"John! When you take care of him, call my people and tell them about the base camp and ask for more air."

"Wilco!"

"Your people say, 'Congratulations' on the base camp, Sam, and 'negative' on the air. It's all committed."

"Yeah, I'll bet it is. Out pruning trees in empty jungle for the generals, no doubt. Well, we've got enough stuff to do a pretty good job, anyway."

Minutes flew by as the artillery continued to fire and adjustments were made. A continually-widening spot of destruction opened in the vast sweep of jungle below. It was like a cork in a sea of green.

"The jets are on station, Sam. Want to send them in?"

"Affirm. Let me get the guns shut off. Only two more rounds to go in this bunch. Get the FAC going as soon as you hear the guns quit. I'll give the artillery a damage assessment and you honcho the Air Force."

"Roger."

"83. X-Ray. Target. Cease fire. Mission complete. The air is going in now. You got four huts destroyed, two partial, eleven bodies and a double that estimated. Over."

"83. Roger. Ceased fire. Mission complete. Thanks for the business."

"X-Ray. Roger. You gave them the business. Real good shooting. Thanks for the help. Out."

"Boy, look at that napalm. It's a real hot time in the old base camp today. Glad we're not down there."

"You and me both. They're really taking a pasting. Everything's been right on target. The guns were great and the air is right on, too.

"It looks like the jets have expended. Sure doesn't take long once they finally get here. That place is a mess, but they left one hut on the top of the bill. See it?"

"How the Hell did they miss that? Want to go down and get it?"

"Affirmative, but not right now. Let's fly out of here with the FAC after he goes down and makes his damage assessment. There's probably still some of them alive in the holes. We'll give them a few minutes to come out and then come back and shoot the place up. Might get a body or two that way."

"Good idea. Where do you want to go?"

"I've got an area north-west of here we can check and get back in about twenty minutes. Should do just fine."

"Sounds good. Here comes the FAC. The jets will head home as soon as he gives them the damage."

"OK. As soon as he finishes, give them a big 'well done' from us."

Twenty-five minutes later they were approaching the base camp again, flying above 2,000 feet with the engine throttled back to reduce the noise.

"Let's make our run from the south-west out of the sun. John, I'll have the submachine gun out the left window, so make a left break."

"Will do. I'm going to use smoke rockets on the hut and try to burn it."

"Good. Let's glide in and dive at the last moment, so they won't hear us coming."

"Right. Here we go."

"That's good shooting, old buddy. You put that rocket right in the center and the other one didn't miss by much. Look at that thing burn. That smoke must be up 200 feet. That's more spectacular than all the rest of the other stuff."

"Looks good, doesn't it. You get any VC?"

"One, maybe. He went down and the tracers were all around him."

"Good show. Can you see him now?"

"I've got the glasses on him. There's a lot of blood. He's hit bad, but he's still moving."

"Want to make another run on him?"

"No. Let's forget it. They're ready now and we'd probably just get zapped. That guy doesn't look like he's going to make it anyhow. His right side's all blood. Head south and let's go home."

"MAYDAY, MAYDAY—WE'RE GOING DOWN"

The little plane flew an irregular route to the south. Like a bee, it buzzed from one spot to the next searching continually. Circling, comparing the way an area looked today with the way it did yesterday, it hunted for the tiny bits of information that are the pieces in the jigsaw puzzle of Viet Cong dispositions.

"It seems quiet out here today, John, except for those people back there."

"Yeah, it does. But that show will make up for a lot of lean days. People back home seem to think we just fly out and there they are. They don't realize how thick this jungle is or how much we fly between the hot ones."

"No, I guess that's right. But we didn't know either until we got over here. How's your tail?"

"Getting numb. How about you?"

"Same. I think the guy who designed these seats was on the other side."

"Probably was. Want a cigarette?"

"No thanks. I'm going to heed the message your hilarious ground crew put on the lid of the ash tray back here."

"I didn't see it, What's it say?"

"Would you believe, 'Warning: Cigarette smoking may be hazardous to your health?' "

"Very funny." "Have you seen the one some of the choppers have on the back of the pilot's seat?"

"No. What is it?"

"LBJ is alive, and living in Washington."

"Very bitter. Probably guys who have lost some friends."

"Yeah, like we all have. It's a bitter war."

"Yes, it is. It's amazing how callous you become about killing VC after you've lost a few friends. It isn't just part of the job; it's something you really look forward to."

"It sure is. All those beatniks call us hardened killers, but out here you really learn what life is worth."

"Yeah, ten cents for a bullet, in a war."

"Yeah, we're the ones who put it on the line. I'd sure like to see some of those 'love the VC' people over here to put their money where their mouth is. They'd be singing a different tune—quick."

"Hey, there's something moving in that clearing at ten o'clock. Fly over and let's take a look."

"Roger. Can you make it out?"

"Negative. I'm putting the glasses on it now."

"Hey. It's oxen. Oxcart teams. About ten of them in the southeast corner of the clearing. We've still got two HE (high-explosive) rockets left. Let's make a run right in at them. They can't belong to anybody but the VC way out here."

"Right. I'll make a real low run with the wheels right on the ground. That'll give us a shallow burst and throw the most shrapnel around. You going to use the M-16?"

"You bet, if we're down that low. Might be someone in the bushes. I'll have it out the left window."

"OK. I'll line it up that way. Push the down button when you're ready to go."

"I'm glad I don't have a full stomach, if you're going to play elevator. It's pushed. Go on down. How come they don't teach you airplane drivers to chauffeur sedately?"

"Going down! They did, but those guys are all dead."

"Yeah, that's another way to get an upset stomach."

"Sure is. How low do you want to go?"

"Let's get right on the trees and dive into the clearing."

"OK. Yell when you can't see over the grass."

"Like Hell! I'll be out walking long before that. OK, watch your driving. Here it comes."

"Nice flying! Pull around to the right and we'll see what we got."

"Roger. You hit any?"

"At least four that I saw. But we went by so fast most of mine dug weeds. That little bounce didn't help any."

"Sorry about that. Had to climb to get the wheels up over their backs. Looks like three down down there."

"There goes number four, not bad. The rest are making it into the jungle though. Didn't know they could run so fast. They'll be gone before we can get in another run.

"Want to spray the jungle?"

"No. It'd just be a waste of ammunition. It's about that time; let's go home."

"Righto. TWA does it again, another great flight completed."

"What's this TWA?"

"Teeny Weeny Airlines. Who do you think has been providing you with this great passenger service?"

"Oh boy, for this I pay all those taxes. Not even stewardesses."

"No. But I can get the Vietnamese ten top tunes on your personal entertainment center for you."

"Go ahead, get some music on the radio. Anything is better than playing straight man for you."

"How about a ball game?"

"Fine, but do you think we have enough room in here?"

"Verrry funny. That is a great one on the radio, the Ben Cat Mud Cats versus the Saigon Sampans."

"Come off it."

"Would you believe, the Yanks versus the Viet Cong?"

"Come on you goof off, get some music on the radio. And start thinking about what you're going to do about those clouds in front of us. You might use some of the rain to wash the mud off the windshield."

"Oh, I always take the mud home with me. It gives the ground crew a vicarious thrill."

"It gave me quite a thrill when it hit as we flew the rocket blast. At least this way no one can say you weren't low enough."

"Right. You know, those clouds don't look too good. I'm going to climb over them. That music OK?"

"Just fine. You're right about those clouds. They lined up in a hurry. Don't look too high, though. How we fixed for gas?"

"We've got plenty, another hour and a half at least."

"Good. This rain really blows in like clockwork these days. Why don't you open your windows and cool off a bit as we go up."

"OK. Got all the maps and stuff secured?"

"Affirm. Go ahead and open them up."

"We should be high enough now."

"Looks like it. Really chilly up this high. What's our altitude?"

"3,700. We can fly between the tops here and not have to go any higher. Plenty of holes to keep a check on our ground position."

Suddenly the engine began coughing and the little plane was shaking violently. It started to fall. Instantly the pilot was a blur of motion as he flipped switches and checked gauges trying to find the trouble. The observer sent out a distress call on the radio.

"Mayday, Mayday. Peril Snoopy, this is Snoopy X-Ray. Engine quitting. We're going down. Position Yankee Tango 124201. Over."

THE ENGINE COUGHED ONCE AND QUIT

"X-Ray, Snoopy. Roger on Mayday. Understand location Yankee Tango 124201. Over."

"X-Ray. Roger. Position correct. Send us some help. Over."

"Snoopy. Wilco. Right away. Keep sending us positions."

"X-Ray. Wilco. Out."

"How's that engine, John?"

"Bad. We're not going to shake apart, but I've got it on full and we're still losing altitude. Did you get help?"

"Affirmative. Have you called in?"

"Yeah. Tom is in the area. He's going to meet us over the abandoned Special Forces camp, if we make it.

"Better buckle up though. We may have to go into the rapids."

"Why not just go into the river? Those rocks will tear us apart."

"Yeah, they will, but if we go into the water we'll flip over when the wheels go in."

"That's a damn good argument for retractable landing gear."

"I can give you a better one for twin engines."

"Wait a minute. My people are calling."

"X-Ray."

"Snoopy. We have two gunships on the way to you. What's the situation now?"

"Engine has smoothed out, but its down on power. Even full on we're still losing altitude. We're going to try to stretch it to the abandoned Special Forces camp and use the strip there. Over."

"OK. We'll have the gunships meet you there. What's your position?"

"Don't know for sure. We've dropped down into the clouds and can't see the ground all the time. We're following the river into the camp. Over."

"Roger. Keep us informed and give us positions whenever you can. Over."

"Wilco. Out."

"Tom's over the camp, Sam. We should see him the next time we break into the clear."

"Roger. We're coming out now. Yeah, there he is, two o'clock high."

"I see him. He's got us too. Here he comes down. He'll ride high on our tail from here. Listen Sam, I'm going to try to stretch this thing out and get into Ding Hoa. If nothing gets worse we should get there just about the time we run out of sky."

"You're the driver. If you think this thing will do, let's go. There's nobody down below but VC."

"Right, and Tom's here in case we go down. So they'll be able to find us."

"For what that would be worth. There's nothing between here and Ding Hoa but jungle. I'll call in and tell them what we're going to do."

"Snoopy, X-Ray."

"Snoopy."

"X-Ray. Another 'Bird Dog' is with us, but no gunships. We're still losing altitude, but we're going to try to make Ding Hoa. Our heading will be 225. Have the gunships join up on that. Over."

"Snoopy. Aren't the gunships with you? Over."

"X-Ray. Negative! I just told you that. Over."

"Snoopy. Well they're with somebody. They called us five minutes ago and told us they had picked up a plane. Over."

"X-Ray. Roger. Well, it isn't us. Must be a rather unnerving experience for whoever they are following. How about switching them over to us where they'll do some good. Over."

"Snoopy. Wilco. Good luck. Over."

"X-Ray Thanks. Our position is X-Ray Tango 961898. Out."

"How are we doing, John?"

"OK, if nothing happens. We're down to 1,600 feet and still dropping, but we should get to Ding Hoa with a couple of hundred feet to spare. Tom still with us?"

"Affirm. Seven o'clock high, probably in your blind spot. Our gunships are lost.

"Yeah, I heard. My people are sending a plane with a mechanic to meet us at Ding Hoa."

"Looks like some rain up ahead. We'll be in it in about two minutes."

"Roger. I'll give another position now. Any lightning in it?"

"Haven't seen any yet. It doesn't look too heavy."

"Is it raining at Ding Hoa?"

"Don't know. It doesn't make any difference because we don't have any choice. We'll have just one shot at it, straight in."

"Right. OK, I'm going to send our position."

"Good. I'll call Ding Hoa now."

"Ding Hoa tower, this is Army niner-seven-five. Over."

"Army niner-seven-five, this is Ding Hoa tower. Over."

"Seven-five. Engine failure. Declaring an emergency. On final ten miles due east. Request straight in approach. Over."

"Ding Hoa tower. Roger, seven-five. You are clear for straight in approach. Call one mile final. Over."

"Seven-five. Wilco. Thank you. Out."

"We're clear straight in, Sam."

"Good. They didn't have much choice. It's that or scrape us up."

"Yeah, that's about right."

"I sent the gunships home. Don't want them looking for us in this rain."

"Good thinking. We don't have enough stuff for evasive action."

"No, we sure don't. This rain isn't too heavy. Can you see Ding Hoa yet?"

"Not yet. Should in another minute or two."

"Hope our course is right on the runway."

"Bet you a drink we are."

"Just get us down on it and I'll buy the drinks, regardless."

"You always get down one way or another."

"Thanks a lot."

"Hey, there it is and we're right on it."

"I see it. Beautiful."

"Ding Hoa tower, Army niner-seven-five. Calling one mile final."

"Ding Hoa tower. Roger seven-five. Land short and turn off on first taxiway."

"Seven-five."

"Snoopy, X-ray. We're on short final at Ding Hoa, just about to touch down. I'll be home for supper. Over."

"Snoopy. Congratulations. We'll save chow in case you're late. Over."

"X-ray. Roger. Thank you. Out."

"Nice landing, John, very nice."

"Yes, wasn't it. Here's the taxiway."

The engine coughed once and quit.

DIVISIONS NEED MORE MOHAWKS

A strange looking airplane purrs through the night sky over Vietnam. It has two huge prop-jet engines mounted on stubby wings, almost no nose, and a triple tail. Inside the canopy, which bulges out over the sides of the plane, two men sit reading instruments lighted with a pale red glow and watch a small screen dancing with weird green light. At irregular intervals they talk on the radio with the many ground stations listening to their frequency.

Early next morning another of the odd looking planes is streaking through the sky. The pilot spots his target and pulls the plane around in an incredibly fast, tight turn. The plane does a wing-over and screams down in a dive, pulling out just above the trees. Air brakes pop out from the sides of the fuselage, cameras click and the plane streaks away, accelerating to almost 400 miles per hour before it pulls up into a steep, climbing turn.

Minutes later the plane is on the ground. Men run out and remove the film container from the side of the fuselage, while the propellers are whirring to a stop. Within an hour a preliminary readout report of the pictures is at division intelligence.

These planes are Army OV-1 "Mohawks." Built by Grumman, they are designed for short takeoffs and landings on relatively unimproved air fields. They gather intelligence, using radar, infra-red detectors, and cameras, operating around the clock. Two divisions in Vietnam, the 1st Infantry and the 1st Cavalry, have "Mohawks" under their direct control. The rest of the aircraft of this type in Vietnam are controlled by headquarters above the division level.

When they are assigned to a division, "Mohawks" are formed into an aerial surveillance and target acquisition (ASTA) platoon. This platoon is part of the division aviation battalion. It consists of four airplanes and the necessary pilots, technical operators, and ground crewmen. The technical operators fly in the "Mohawks" to run the electronic detectors and assist with the cameras.

The electronic detectors produce a filmed record of their sensings. This filmed record, as well as the pictures taken with the cameras, is processed by a military intelligence imagery interpretation detachment, which is located adjacent to the ASTA flight line. With modern, sophisticated equipment they inspect the film to locate and identify targets.

The ASTA platoon and the military intelligence (MI) detachment are under the operational control of the division G-2 Air (aerial intelligence). G-2 Air selects the missions the ASTA platoon will fly and controls the inflight and post-flight reporting systems. The detailed flight planning is done by the MI detachment located with the ASTA platoon.

This scheme is very responsive, and works well in fast moving situations. The results of photo missions may be obtained as little as two hours after the mission was ordered. Targets perceived by the airborne electronic sensors may be engaged within minutes after they were observed. Speed and flexibility are assured because the aircraft belong to the division they support.

The "Mohawks" flying for higher headquarters, Field Force (the equivalent of a corps) and Army, perform the same type of missions. They gather data for these headquarters and for the divisions which do not have their own "Mohawks." The Air Force also has planes equipped to do these jobs. Generally speaking, Air Force planes are used to cover areas too large for the "Mohawks."

The aircraft controlled by higher headquarters and the Air Force lack the responsiveness necessary to adequately support division and lower commands. Because of the time lag, due to the additional processing and priorities required, results are delivered days or weeks later than similar work done by division controlled planes.

There is a move under way to take the "Mohawks" away from the divisions that have them. The initiative for this move comes from the higher headquarters that have control of most of these aircraft now. The rationale being used to justify such a move is that the "Mohawks" will be more efficiently used and maintained if they are consolidated at a higher command level.

It appears this is another attempt at empire building by the under employed bureaucrats who abound in our higher headquarters in Vietnam. There is little evidence to support their contention. While, on the other hand, there is a good deal of evidence to show these higher headquarters have not provided adequate technical or supply support for any of the "Mohawks." As the motto of one ASTA platoon puts it, "We have done so much, with so little, for so long, that now we can do everything with nothing forever."

The purpose of any military equipment is to perform a useful military mission. If there is any reorganization more "Mohawks" should be given to divisions, where they will be more responsive to the needs of the people fighting the war. The work they are doing for higher headquarters now could be performed by Air Force planes.

M-16 RIFLE IS GOOD BUT NOT PERFECT

No piece of equipment has provoked as much controversy as the M-16 rifle in the war in Vietnam. The military has defended it. Individual soldiers have castigated it. Congress has investigated it. The root of the argument is the reliability of the weapon. Everyone agrees its performance is first rate.

The M-16 is a very modern rifle built of metal and plastic. Dull black in color, it is light weight, fast shooting, and hard hitting. With a switch on the side of the weapon, it can be set to deliver either single shots or fully automatic fire. The metal used in its construction will not rust (with the exceptions of the bolt dust cover on the right side of the weapon and the front sight stand). It is well designed for quick breakdown and easy maintenance. An experienced soldier can clean it in less than 10 minutes.

The M-16 rifle has been in existence for some time. It was tested by the Army in the late 1950s, during the search to find a replacement for the old M-1 rifle. The M-1, famous and familiar in World War II, was first issued in 1936. The M-16 was not chosen, although it outperformed the rifle that was selected. The M-14 rifle was adopted as the standard Army weapon, and its issue to troops began in 1961. The M-14 was chosen because it was basically an improved M-1, and hence, easy to learn to use, and because it fired the standard NATO (North Atlantic Treaty Organization) 7.62 millimeter round. At that time our attention was focused on Europe, and we were pushing the standardization of NATO weapons systems to simplify our logistical problems. The M-16 fires a nonstandard 5.56 millimeter round, a sort of super .22 caliber. Both rifles carry 20 rounds in a magazine.

Early experience in Vietnam indicated the need for improvements in the soldier's basic weapon. Because of the hot, damp climate it needed to be lighter and more resistant to rust. Because the Viet Cong used ambushes as a primary tactic it needed to have an automatic fire capability. Large volumes of fire, quickly delivered, are necessary to break up ambushes. Automatic fire uses far more ammunition. The troops were already suffering under the loads they were carrying in the heat. A lighter round, allowing more bullets for the same weight, had to be adopted. The M-16 solved all these problems.

The need was urgent, and the M-16 was rushed to the troops. Like most new equipment, especially that operating in severe climates, the rifle had some teething troubles. A body of experience had to be built up before these could be solved. Now the experience has been acquired, needed changes made and instruction performed, and the weapon is becoming more reliable.

Jamming, the failure to feed, chamber, or extract a round properly, caused most of the problems. The M-16 must be kept clean and fired correctly to prevent it from jamming. Cleaning is easy, due to the design of the weapon. However, a shortage of chamber brushes, now in good supply, caused problems for awhile. The rifle should be cleaned often, several times a day in field use.

Dirty weapons have caused most of the jamming. Improper firing procedure has also caused a great deal. The M-16 must be fired in short five or six round bursts when it is used automatically. This is simple enough, but is often forgotten in the heat of battle.

A change in the type of powder used in the round has also been blamed for some of the jamming problems. The new powder, according to reports, does not burn as cleanly as the old. However, the rifle should easily fire a man's entire basic load of ammunition, and probably much more, before it is too dirty to operate properly. In judging the performance of the M-16 it is important to remember they will fire as many rounds before they need to be cleaned as other more "reliable" weapons.

A dirty weapon will usually refuse to fire at the start. Jamming during firing is mostly poor firing technique. During the firing of dozens of magazines of very "dirty" carbon producing tracer ammunition I had only one jam. And this one was caused by firing too long a burst, while right on a target.

The M-16 is a good weapon, not perfect, but good. It is the best rifle available to do the job in Vietnam. And it is probably the best rifle we have ever had, compared with those of other armies. But, like any piece of good equipment, it must be properly handled to give its best performance.

PATROLS COULD BE MORE EFFECTIVE

Long Range Reconnaissance Patrols (LRRPS) go into the jungle to seek information about the Viet Cong. Their job is to spy and not to fight. They are usually small teams of five or six men, specially trained for the job and part of a special unit. Teams are normally inserted and extracted by helicopter. They operate beyond the range of regular patrols. Stealth and deception are integral parts of their operations.

Hiding in the jungle they observe and report on the Viet Cong and their activities. They direct artillery fire and air strikes against targets they discover, if it does not jeopardize their mission. Missions generally last several days and are oriented to a particular area of interest. The objective is to develop a detailed, current picture of VC activities in the area.

The LRRPS have been very successful at doing this. The information they gather has great value, when coordinated with other intelligence data, because it can be gained in no other way. Because of the terrain and the nature of Viet Cong operations, it is difficult to get good, reliable, first-hand information about the enemy in Vietnam. At least, one division has increased the size of its LRRP organization, from a platoon to a company, to help solve this problem.

Another type of operation designed to help solve this problem is run by the Special Forces. In this type of operation an area in the vicinity of a Special Forces camp is searched for enemy activity. Special Forces camps are usually located in areas where the surrounding country is dominated by the Viet Cong. A larger force than employed by the LRRPS is used. It is made up of a few Special Forces men and some of the local troops they use to defend the camp. This force is large enough to fight if it has to, and it frequently does.

However, the operations are oriented on an area, and not on the enemy. The men march out and march back, usually staying out about a week. They carry all the supplies they will need with them. If they get into a fight, aerial resupply is sometimes used. These patrols often gather useful information, particularly about threats to the Special Forces camp. Their usefulness in the overall intelligence gathering scheme is limited by their proximity to the camps.

A type of reconnaissance in force is also run by the Special Forces. This is a combat patrol. It is meant to fight as well as spy. It is conducted by a large group of mercenaries led by Special Forces personnel, called a Mobile Guerrilla Force.

They operate for fairly long periods of time, deep in the jungle, using VC tactics. When they can win, they fight. When they cannot, they run. They also gather intelligence and direct fire onto appropriate targets, like a reconnaissance patrol. Moving in force they cover more ground than other patrols. They generally move over a planned route, covering a number of areas as they go.

Mobile Guerrilla Force casualties are usually light compared to the number of VC they kill. No other type of offensive operation we use is as profitable in terms of the resources committed. A big reason for the success of this sort of operation is that it turns some of the prime Viet Cong assets, the night and the jungle, to our advantage. Like us, they have not found any really good way to cope with this problem.

Operations of this sort can achieve a number of desirable objectives. They can restrict the freedom of movement of the VC at night and in the jungle. With the threat of this type of operation to cope with the Viet Cong must move in force, just as we must outside of our base camps, because of the danger of ambushes.

These operations can reduce the security of the Viet Cong, because they are no longer alone in the jungle. Their locations strengths, and movements are more likely to become known to us, cutting the advantage of secrecy they enjoy. More Viet Cong can be killed, and in the way most damaging to morale, without meaningful retaliation. And our intelligence picture of the enemy can be enhanced tremendously.

All of these benefits could accrue to us except for two things. There are too few Mobile Guerrilla Forces. And the Special Forces which runs them is controlled by Military Assistance Command, Vietnam (MACV, pronounced mackvee) and not by the United States Army, Vietnam (USARV, pronounced yew-sar-vee). Both of these organizations are commanded by General Westmoreland, but for maximum utilization and responsiveness the regular Army units need forces of this type under their direct control.

This could be accomplished by converting one battalion in each division into a patrol battalion. Each division has nine infantry battalions, presently. Infantry battalions have four rifle companies and a headquarters company now. In the patrol battalion, one company should perform long range reconnaissance patrols and the rest combat patrols.

The patrol battalion should be lightly equipped for patrol work. It should use all the special gear and supplies that have been developed for this specialized type of war. But it should also have available all the equipment of a regular infantry battalion to enable it to serve in a conventional infantry role when the need arises. All members of the battalion should be volunteers, as the LRRPS and Special Forces are now. They should have distinctive items of uniforms to enhance their esprit de corps.

Patrol battalion combat operations should be patterned on those of the Mobile Guerrilla Forces, with the exception that more use should be made of helicopters. The primary use of helicopters should be for emergency extractions. Marching should be the primary means of transportation. Point to point routes should be used rather than the out and back type. Routes should be from one camp to another. Strong points in current operations could also be used as the start or terminus of a route. Enough insertions and extractions by air should be used to avoid establishing a pattern of operations which the Viet Cong could detect. This would also permit penetration of areas which are not easily reached by other methods.

Combat patrols should sow mines and detection devices at key points along their routes. These would hinder and detect Viet Cong movements after the patrol had left the area. Ambush techniques should include the use of decoys to lure VC into the trap. Propaganda material should be left behind at the scene of each success to increase the demoralization of the enemy.

Elaborate deception measures would be necessary to insure the continuing success of these operations. Most of these measures are well understood and require only imagination to work well. One additional one that would work well for these operations harks back to World War II. This would involve the use of a heavy-duty balloon, shaped and colored to resemble a row of seated soldiers.

This could be folded on the seats of troop-carrying helicopters and quickly inflated with compressed air after the actual troops had gotten out. Any watching VC would be unable to tell whether or not the troops had unloaded.

If the Viet Cong had to consistently worry about large forces running loose in their rear areas it would increase their difficulties tremondously. They would have to face many of the same problems we face now. And they would lose many of the advantages they have at present. The creation of a patrol battalion in each division would allow us to maintain a consistent program of patrolling which would accomplish all of this.

THE MILITARY HAS AN OFFICER PROGRAM

Officers in the United States Army are divided into three classes, company grade, field grade and general officers. Company grade officers are all lieutenants and captains. Field grade officers are majors, lieutenant-colonels and colonels. In numbers, they are distributed on a scale roughly like a pyramid, the higher the rank the fewer officers in it.

In theory, this structure results in only the best officers being promoted to the higher ranks, since all are available for selection but only some part of them are chosen. In practice this is not the case. Many officers elect to end their association with the Army at the end of their obligation as soon as they are able, or early in their careers.

The result is promotions to higher ranks are made from a modified pyramid with a narrower base and much steeper sides. This means selections are made from a smaller group of candidates. And the net result is a lower standard of quality for career officers, because many very good officers with tremendous potential simply never become candidates for promotion to the higher ranks.

This loss of quality is especially apparent among the ranks of the majors and lieutenant-colonels. These ranks have the lowest level of average ability of any among Army officers. Among the members of this group are the time servers, and they tend to drag the average down. The time servers are the officers who are planning to retire after 20 years of service, and draw their pensions.

Their primary objective is to achieve retirement. They know that, in the normal course of things, in 20 years they will have become lieutenant-colonels. The size of their pension is determined by the rank they hold at retirement. Thus, their concern is to be promoted from major to lieutenant-colonel.

They reason, rightly, this is possible if they do not make any big mistakes. To protect themselves, they replace imagination and daring with caution and reliance on orders. Their productivity becomes limited by regulations and paperwork, rather than expanding into the more risky areas of innovation. Driven by timidity, they insist upon their subordinates conforming to this pattern, stifling whatever enthusiasm these younger officers may have brought to their jobs.

The time servers try to ingratiate themselves with their superiors, rather than let their work speak for itself. They try to show their diligence by working themselves and their subordinates long hours. Usually, this would not be necessary if they organized and operated efficiently. Like many of their other efforts, it is a superficial show designed, often subconsciously, to aid their own ends rather than the legitimate needs of the Army.

Subservient to a mean ideal, they willingly sacrifice their subordinates' interests, and their own integrity, to the whims of superiors cast in their own mold. Loudly proclaiming "us" to be the Army, they appropriate the credit due to others. While "you," the men who work for them must be satisfied with any scraps left after their greed and lack of security have been placated. "You," of course, are entitled to any blame which may accrue.

Among the majors and lieutenant-colonels are many fine officers, some of whom go on to brilliant, useful careers. And even among the 20 year officers are many who, secure in their confidence in their own abilities, make fine contributions to the Army and their nation. Unfortunately, some fine officers are tainted by their exposure to this bueraucratic (in the worst possible sense) philosophy during their service in this group and their value diminished thereby.

Company grade officers are usually good raw material. The extremes are there, the brilliant and the incompetent, as they will be in any large group of men. But the majority are capable of performing the job for which they were recruited, the command of small units.

They come from a number of sources. The majority are products of the Reserve Officer Training Corps (ROTC) in colleges and universities. A steady supply of regular Army officers comes from the United States Military Academy at West Point, New York. During periods when the size of the Army is being rapidly expanded, such as we have experienced the last few years, a great number come from Officer Candidate Schools (OCS).

These are men entering the Army who have been offered the opportunity to become officers because of their educational backgrounds and their scores on Army tests. After a short, rigorous training program, they become the "90 day wonders" of World War II fame. A very few officers have been directly promoted from enlisted status.

During their first years in service they receive training in one of the branches of the Army, usually a combat arm, armor, artillery, or infantry. They get experience serving in units, establish the basis for their military competency, form what will remain their permanent impressions of the Army, and decide their future career plans.

Unfortunately, all too often they decide to leave the service. Many who had planned an Army career are diverted from that goal. Few are converted to it. The same problem exists for all the military services. They consider it serious.

Questionaires are circulated from time to time as part of an attempt to find a solution. The questionaires seem to indicate the reasons for the problem have been predetermined. Data to support these judgments is what is being sought. As yet the Army seems unprepared to come to grips with all of the reasons for the problem.

The Army is convinced young officers leave the service because of the hardships it involves. They feel low pay, poor housing, often inferior schools, and a constantly disrupted family life are the causes of the problem. They believe the solution lies in improving what can be improved as much as possible and hoping it is enough to overcome the other disadvantages of service life which they see as the causes of disaffection.

The Army doesn't see the forest for the trees. They see a part of the problem because it applies to them and their selfish interests. But they miss a major part of the problem because it concerns an area they have come to terms with at sometime during their service. This thing they have missed is a major part of the problem and if it is not solved the problem will not be solved either. It concerns the dignity and integrity of the individual.

Every officer entering upon active duty is aware of the hardships of military service. He knows about the long hours, physical hardships, rigid discipline, and the family turmoil caused by moving to new assignments or by separation when he is serving in an area where his family may not go. Most accept these things as part of the job, and reconcile themselves to them. Many accept them willingly as part of a military career.

Two things in this area do particularly irritate new officers. One is the ridiculously low rate of pay. They can hardly live on it and it is not competitive with what they would receive in any other employment. They feel the government is not paying them fairly because it can force them to do its will. Reserve officers, who are not planning an Army career, especially resent this. They feel they are giving up two years of their productive life to serve, while the career man is at least following his chosen profession.

They all know pay increases sharply after the first few years of service. And, indeed, the pay scale from that point seems adequate. There is little doubt many mediocre officers are earning more in the military than they would be able to as civilians. By the same token, many very good officers are not earning as much. But the financial payoff in the military scheme comes after active duty is completed. The retirement pay is as generous as any system in the world.

The second annoyance of early service applies to reserve officers. Since they are serving two year tours the Army will not pay the expenses for moving their families if they are assigned overseas. The Army will pay these expenses if the reserve officer agrees to serve an additional year to make a normal three year tour. New reserve lieutenants, with limited financial resources, regard this as a form of extortion, which it is.

But the more important part of the problem concerns people, not things. A great many of today's young men are interested in serving their nation and their fellow men. But they are very interested in with whom they will serve. All too many look at their fellow officers, especially their superiors, and find them wanting. And in many cases, their decision not to pursue an Army career is not a rejection of the Army but of a part of its officer corps.

They perceive too many of their fellows to be neither militarily-competent officers nor gentlemen. They see instead small, selfish men, unable to offer them knowledge or inspiration. They find their dignity assaulted by boorish superiors churlishly exercising their authority. And they find their integrity threatened by orders from these same superiors to lie and cheat to falsely attest to the superior's nonexistent success.

Another disillusionment to young officers is they are often underemployed. After a training period emphasizing the responsibility they will hold, actual duty often consists of many chores having no valid military purpose and which are inconsistent with their rank and abilities. For instance, a lieutenant being ordered to personally water a plant in a vacant general officer's quarters, or to have an ashtry made, or to "get a contribution from every man" for a charity drive, or to line up a cake for a ladies tea.

Another irritant is the lack of consideration given assignment requests. Consider the case of an officer serving in Vietnam. One of his wife's parents had an illness which was certain to be fatal within the next year or two. He requested his next assignment be at the nearest Army post, so his wife might visit as often as possible. The Army wrote back that his request was not consistent with the needs of the service. He was assigned to a post over 1,000 miles away to do a job available at the location he had requested. His next letter to the Army was his resignation.

All too frequent instances of injustice also deter the junior officer from pursuing a military career. In another illustration from Vietnam, routine harassing fire was being processed in a tactical operations center one night. One possible target was located in a Vietnamese Army area. The Vietnamese were contacted to ask if it could be fired. They gave their permission. The artillery round was exactly on target. It landed on a Vietnamese Army outpost, killing several men. The senior officer in the U.S. operations center was relieved of his job, putting a blot on his record that destroys any chance of a successful career. His job had nothing to do with processing harassing fire He was just a scapegoat.

Many more examples could be cited, but they would all have the same point. The way officers are treated, and the way they see their peers treated, by those in authority over them is a major factor in determining whether or not they make the Army a career. Until the Army recognizes this part of its problem and does something about it the retention of the young officers it needs will not be possible on a voluntary basis.

The effectiveness of armies is largely determined by the quality of the officers who lead them. All peoples are capable of being good soldiers, if properly trained and equipped. They can all fight well, especially near home, if they are well led.

Good leadership devises tactics and strategy to get the most benefit from advantages and reduce the liabilities of disadvantages. It compensates for equipment deficiencies and for the physical and environmental characteristics of its troops. It supplies the thought that guides the muscle and the inspiration that leads to greatness.

If the Army ever solves its officer retention problem it will need much more sophisticated evaluation techniques than it uses to judge officer performance now. These will be necessary to select the best officers for promotion from the larger number from which the Army will be able to choose. However, reforms in this area do not need to wait for the retention problem to be solved. The system is weak now and needs improvement.

The present system is based upon two things, officer efficiency reports and the length of time an officer has held his present rank. Officer efficiency reports are filled out at specified intervals by an officer's immediate superior. The report is his opinion of the quality of the performance of the rated officer and his potential value to the service. Reports are reviewed and endorsed by the rater's superior.

The reports are supposed to compare an officer with others of the same rank. Most of the sections are the fill-in or check-off types, but one requires the rater to give a verbal picture of the officer he is rating. These can be interesting. Examples are, "this officer never makes the same mistake twice, but has made them all once," or "He tends to be brilliant and so must be carefully watched."

Obviously a report so completely subjective is colored by personal feelings. Promotions are based almost entirely upon these reports at present. This gives an undue advantage to the politician and the yes man, who are not always, or even often, the most competent officers. The system needs to be more objective. It should include facts as well as opinion. And a basis should be established for judging the validity of the rater's opinions.

The efficiency reports should be modified to include the facts pertaining to the officers performance during the rating period. These facts should include his individual performances, the status of the equipment with which he has been entrusted, the achievements of his men, and the accomplishments of the unit he is responsible for as a whole. Individual facts would cover scores on his individual weapons qualification and physical fitness test, standing in schools, etc.

Equipment maintenance should be measured by actual use, for instance, how many tanks did his platoon take to the field each time compared with every other platoon in his unit. The achievements of his men would be based on their individual scores. Unit accomplishments should be measured as factually as possible, perferably by men who are not part of the parent unit.

With these items included the report would more accurately measure the officers performance by factually comparing it with his peers. It would no longer be so dependent on an officer's relationship with his rating superior. In addition to recording these items, which are available now, an annual proficiency test should be established for officers and the scores entered in their reports. No test is completely valid, but some test is better than none.

These tests should be different for officers in each branch. They should test his general military knowledge, including both history and the latest developments, and his grasp of the technical aspects of his branch specialty. Supplemental tests should cover any specialized training, such as aviation or nuclear weapons.

Another step should be taken to increase the objectivity of promotion decisions. Subordinates should rate their immediate superiors. The present efficiency report forms would be adequate for this purpose. The ratings would have to be subjective. They would provide vital information because they would show the impression an officer's leadership is making. Copies of all these reports should be included in the files of all officers whom the superior is rating. Ratings by subordinates should be mailed directly to the Department of the Army, and not processed through the unit.

A consistent series of poor ratings by subordinates would indicate an officer should be eliminated from the service. The number of reports involved would prohibit personal malice from becoming a factor in this instance. Such a system would force mediocre officers to at least attempt to improve their performance, since they are more likely to fool their superiors than their subordinates.

A final step that should be taken is that each rating officer should have his ratings averaged and his average rating level indicated on each efficiency report he writes. This should be done at Army level, probably on a computer. The reason for this is the guidelines on the reports generally are not followed. Practically all officers rated are placed somewhere on the upper half of the scale. This narrows the range for selections. If an average was included it would show exactly how each rater feels about the man he is evaluating.

UNIFORMS AND GEAR SHOULD BE BETTER

Throughout history, soldiers have fought all over the world in all sorts of uniforms and gear. Some of it has been designed for utility and some for appearance. A great deal of it has given little or no consideration to the soldiers' comfort or ease of movement.

The hired mercenaries of early armies wore colorful personal clothing as they moved from place to place fighting for the highest bidder. The minutemen of early America wore their normal civilian clothing. Regular army soldiers of the same period wore uniforms that were basically civilian clothes. The coats were standarized and trimmed to a military pattern and the brims of the hats were pinned to the crowns for a smarter appearance, but there were no major differences in pattern.

During the first part of the last century, uniforms became very colorful and highly stylized, distinctly military in appearance and very uncomfortable. This trend reached its peak during the middle of the century when there was a long period of peace. Pants became too tight to allow a man to bend, collars too high to allow his head to turn, and jackets too snug to raise the arms above the head.

Toward the end of the century, led by the United States Army during its Indian fighting and Civil War experience, uniforms changed to simpler, less colorful patterns. This change was caused by the demands of field service, the larger size of wartime armies, and the greatly increased effectiveness of modern weapons. The old uniforms just couldn't do the job and made too good a target.

By World War II the global scope of military operations and the development of new technical weapons had caused the creation of a large variety of special fighting dress. Clothing for all kinds of climates was developed, covering the whole range from the arctic to the desert. Special uniforms for men in planes, tanks, and other modern weapons were made. They recognized the particular needs of men in coping with their environments.

But following the Korean War the Army attempted to streamline itself and modernize for future wars. As part of this it was decided to have one basic uniform supplemented for extremes in climate, but not for the differences in environment caused by serving in specialized equipment. In the ensuing span of years this idea has proven unsatisfactory.

The special environments created by modern equipment do require uniforms that take them into consideration. The first breakthrough was in the area of high performance aircraft, such as the 400 miles per hour "Mohawk." It became obvious the same clothing provided the infantryman was not suitable for their pilots. Now special clothing for tankers and other crewmen of armored vehicles is under test at Fort Knox, Ky.

In Vietnam, the need for a tropical field uniform arose with the commitment of large numbers of American troops. The very hot, humid climate was too much for the regular fatigue uniform. A very fine uniform was developed and issued to the troops in record time. Although there are still shortages of it, all of the active soldiers in the field have it.

It is light-weight, air-breathing material, with a long, loose jacket worn outside the pants for air circulation. Long sleeves are provided for protection against mosquitoes, but are usually worn rolled up for coolness except under extreme provocation. The pants have two large, expandable pockets on the legs next to the thighs and the jackets have four, which makes it possible to carry plenty of odds and ends with flexibility.

There are three criticisms of this uniform, two concerned with the uniform itself and one with the gear worn in conjunction with it. Some of the uniforms are being made without epaulets. Epaulets are useful for securing the straps of gear being carried. Without them there is the constant tension caused by worring about keeping the straps on the shoulder.

The adjustment for waist size on the pants is not sufficient. In Vietnam most men moving around in the field lose 20 to 40 pounds in the course of a year. The pants, issued upon arrival in the country, quickly become too big. More waist adjustment would correct this problem, since it is the only critical dimension that changes.

The final problem is with the gear, the things a soldier carries rather than wears. Pack, canteen, and ammunition containers have been carried by soldiers since firearms were introduced. What we are using in Vietnam was designed to complement the basic uniform, now discarded there. It fits close to the body. This restricts the flow of air and defeats the main design purpose of the jungle fatigues. It would be no great chore to replace it with more appropriate items, which would increase the comfort and efficiency of the troops.

SHELTERS COULD BE BETTER IN VIETNAM

In Vietnam the United States faces the problem of providing shelter for several hundred-thousand men and millions of items of supply. All of these shelters must withstand extreme climatic conditions, of heat and moisture. Many must be mobile enough to move into the field with the troops. Others must provide protection from enemy attack. Some must offer an environment suitable for modern technological equipment. Almost all of these requirements have been met with old, or even ancient, methods.

The headquarters of Military Assistance

Command, Vietnam (MACV) is the largest building in southeast Asia, in terms of floor space. It is a conventional, air-conditioned office building, uninspiring in appearance except for its size. U.S. Army headquarters at Long Binh is the same sort of thing, but much smaller. Large buildings, like hangars, which must have vast, unobstructed open spaces are constructed with structural steel.

Smaller buildings, including some of fair size like small hangars, are constructed of wood, brick, corrugated steel, screen, and glass. Defensive structures, to protect men and materiel from enemy attack, are built of concrete, steel, logs, wood, and dirt. Canvas in various forms gives temporary shelter. It is used in tents, set up until buildings can be constructed or erected at forward locations. And also it is used in personal shelters of men in the field. These are made of ponchos, a rectangular piece of rubberized canvas designed to be worn for protection from the rain. The familiar "pup" tent is seldom seen in Vietnam.

The scope of the shelter problem is considerable. Consider the case of one man, he needs a place to sleep and a place to work in base camp. Near each he must have a place in a protective structure. He also must be given space in food service, sanitation, and recreation facilities. Multiply this by more than 500,000 and you have an idea of what is involved.

The requirements for combat unit soldiers, who are assigned line as opposed to staff duty, are less, only a place to sleep and one for protection. But only about ten per cent of the men are in this classification. In the field each man has a place to sleep and a bunker for protection, although at brigade and higher headquarters working shelters for the staff are usually provided as well.

Construction work on all these shelters is done by the troops, by engineer units, and by Vietnamese civilians working under U.S. direction and control. Construction equipment will include everything from the most modern to the most primitive. Large cranes lift steel beams into place and rocks are used to pound stakes into the ground.

Construction work is often slow, quality poor, and designs outdated, especially when the work is done by Vietnamese crews. The local work gangs include many women, use only conventional hand tools, and have low productivity. Most of the shelters they build have wood and screen sides and rest on a concrete slab. They are covered with a roof of corrugated steel, much of it made in Korea. Most of them are hot dirt traps.

Air-conditioning is used in some working area buildings. Generally, it is worth the investment in generators, power lines, fuel, maintenance personnel, and the air-conditioning units themselves. Interior temperatures in a crowded shelter bustling with activity can rise to 130 degrees with humidity near 100 per cent. Limitations in electrical generating capacity prevent this sort of thing from being installed in all shelters.

Some modern solutions to the shelter problem have been used in Vietnam. House trailers belonging to the General Services Administration have been provided for some senior officers. These are a waste because of the amount of shipping space they take up. A hospital that blows up like a balloon has been developed and is in use. It is not entirely satisfactory because, like a balloon, it can be burst. Pod type shelters carried by aircraft are also in use with satisfactory results.

But the solutions for providing the majority of the shelters are those of two or three or more wars ago. Tents go far back into history as do the simple building forms. Modern technology certainly offers solutions to the shelter problem which have many advantages for an army. The exact formulas are matters for the scientists, but the possible advantages are common sense.

Shelters that are lighter, stronger, more quickly constructed, more durable, and more comfortable are within the realm of easy possibility. Plastics are probably the material offering the most potential, possibly sprayed over air-inflated molds. Lightweight, they could even be preformed and air-lifted into field positions to be used as the basis for protective structures. Engineered for proper stress distribution, they could be covered with dirt and sandbags, instead of the logs, wood, and cardboard used now. Properly shaped they could be carried stacked in sling loads beneath helicopters.

The number, type, and location of the shelters being built in Vietnam indicates two things about the war there. One, the military is planning for a long war or a considerable long-term U.S. presence in the country. And two, they have no plans for sustained operations in the majority of the jungle that is the Viet Cong stronghold.

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OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. ST GERMAIN. Mr. Speaker, at this time I would like to express my continued support of legislation to remove an inequity that has been allowed to exist for over three decades.

I am referring, Mr. Speaker, to the $600 exemption allowed to our citizens under present income tax laws. For over three decades this exemption, which was to have some relationship to the cost of living for each member of the family, has remained the same while, as all of us are certainly aware, the cost of living during this period has approximately tripled.

Therefore, I continue to urge that legislation be enacted to increase this exemption from $600 to $1,000.

In addition to removing a glaring injustice this legislation would make more income available to the head of a household for use in educating and raising his children, a responsibility that has too often been assumed by the Government in the form of expensive and ever-expanding welfare programs. This legislation, I believe, would help to reduce the number of welfare participants in the future.

Today, I wish to call the attention of my colleagues to a resolution passed by the General Assembly of the State of Rhode Island pertaining to a substantial increase in the individual tax exemption from the present $600, as follows:

RESOLUTION H. 1547

Resolution memorializing the Congress of the United States to raise the individual tax exemption from six hundred dollars ($600.00) to one thousand dollars ($1,000.00)

Resolved, That the members of the Congress of the United States be and they are hereby respectfully requested to enact such legislation as may be necessary to raise the individual tax exemption from the present six hundred dollars ($600.00) to one thousand dollars ($1,000.00); and be it further

Resolved, That the secretary of state be and he hereby is requested to transmit to the senators and representatives from Rhode Island in the congress of the United States duly certified copies of this resolution in the hope they will exert every effort to effect its purposes.

THE RIGHT TO LIFE A CIVIL RIGHT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. RARICK. Mr. Speaker, the most sacred foundations under any civilization are the rights of the individual to life, liberty, and the pursuit of happiness.

Without these basic rights, a civilization is nonexistent. To obtain and perpetuate these rights, individuals surrender a portion of their individual rights to a common government.

Washington, D.C., is the Capital of a constitutional republic and should be exemplary in law and order and safety for its citizens and visitors.

But what is the record? Now, over 60 fires and three murders, plus untold other crimes of violence since April 15—the day of the big civil rights attack and revolution.

Why? Because our national leaders from the top down are afraid—or unwilling—to fulfill their obligations to protect the rights of the American citizens.

Under laws of this Congress, civil rights actions have been instituted against elected and appointed State and local officials over the South for violations of citizens' civil rights—both by acts of commission and omission.

Why not, then, civil rights actions against the national leaders whose dereliction to duty denies basic rights to the great mass of lawful citizens? The right to life—even in a so-called free society—must preempt all other politically manipulated protections.

The laws are available—not just to defend the civil rights of the criminal and the rowdy element but also to the lawful citizens.

If a lawful citizen cannot prosecute a civil rights action against a Federal official derelict in his duty—then, it has come time to disband the police, who are handcuffed to ineffectiveness by orders of those who discriminate against the law abiding—and notify each citizen no law exists but the code of the mob, that he is his own defender—because our Government is defunct, our leaders do not or cannot perform their basic function; that is, protection of life and property.

Imagine the unelected Federal judges of the United States trying to avoid their complicity in the violation of the civil rights of the law-abiding citizen—piously washing their hands of guilt and seeking to place the blame on you and me.

Law and order cannot be bought? We do not need more laws. All that is needed is to free the law-enforcement officers to enforce the existing laws.

Mr. Speaker from the May 8, Washington Evening Star, clippings on crime in the District, the judges' plea, and a paper by Dr. Susan L. M. Huck from American Opinion for June 1968, follow:

[From the Washington Evening Star, May 8, 1968]

Arsonists in District of Columbia Start Nine Fires During Night

(By Walter Gold)

Nine cases of arson, two of them serious, were recorded in the District last night, fire officials reported. Two stores in the riot-ravaged 1100 block of 7th Street NW suffered an estimated $30,000 in damage and two 11-year-olds were arrested in connection with those blazes.

Minor damage was suffered in the other seven fires scattered across the city, and officials said juveniles were believed responsible in nearly every case.

The first fire, at 1100 7th St. NW, destroyed a boarded-up Super Music City store. The 11-year-olds, whose names were withheld because of their ages, told police and fire investigators that they and several other youngsters poured a can of kerosene over a floor in the rear of the store before setting it on fire.

It took firemen nearly an hour to bring the blaze under control. One firefighter, Pvt. Edgar Jenkins of Engine Co. 2, was treated for heat exhaustion.

Just after firemen brought that blaze under control, they noticed smoke coming from another store a few doors away at 1140 7th St. at 6:43 p.m. Two more alarms were called to bring that blaze under control.

The fire at 1140 was set by the same youngsters who used kerosene left over from the first fire, officials said. The second blaze destroyed Frank's Men's Shop, which had been looted during the rioting but not burned. The youngsters were turned over to juvenile authorities.

During the second fire, Pvt. Robert Kelly of Rescue Squad 2, was treated for a head injury. Damage to Frank's was estimated in excess of $12,000, and to Super Music in excess of $15,000.

A crowd which at times reached about 500 persons watched firemen fight both blazes and youngsters in the crowd occasionally harassed firemen and police.

The other fires, in order of the time they started, were:

At 7:46 p.m., juveniles set fire to a burned-out novelty store at 3301 Georgia Ave. NW, causing additional minor damage.

At 9:05 p.m., youngsters threw at least two bottles of gasoline into a basement laundry at 805 Florida Ave. NW, causing a flash fire and damage estimated at $25. One of the Molotov cocktails, which did not explode was recovered.

At 10:25 p.m., an arsonist set a garage door on fire at 1826 6th St. NW. Juveniles are suspected, officials said.

At 10:59 p.m., the remains of an already-gutted store at 2909 14th St. NW were set afire, and another group of juveniles was believed responsible.

Four minutes later, still another group of youths set fire to a basement storage room in an apartment building at 70 Rhode Island Ave. NW.

Shortly after midnight, still another group of juveniles set a fire in another apartment house basement at 219 T St. NE. In this case, the youths kicked open a janitor's door in the basement.

War Hero Dies Trying To Foil Bandits

(By Barry Kalb)

Charles (Sarge) Sweitzer was a hero again yesterday, but it cost him his life.

He was shot to death trying to rescue his boss, the hostage of a drugstore bandit.

Sweitzer was a master sergeant in the Air Force until he retired in 1960 and went to work at Brinsfield's Rexall Drug Store, 3939 South Capitol St. He was in charge of the camera counter.

Sweitzer had made it through World War II, earning the Distinguished Flying Cross, one of the Army Air Corps highest honors. But after he went to work at the drugstore, his 21-year-old son, Clarence, said yesterday, "I always wondered if something would happen." Sweitzer would have been 59 on May 31.

FOUR GUNMEN ENTER

Yesterday at 3:35 p.m., four young men, at least one of them wearing a red mask, entered the drugstore and drew guns.

According to police, two young boys in the store, seeing the guns, ran across the street to where Pvt. Daniel E. Keller of the 11th Precinct was guarding the polling place in the Washington Highlands Library.

Keller ran into the side door of the drugstore, police said, where he found three of the robbers with their guns drawn. He told them to put their hands up, but the fourth, who was in the back of the store with the owner, William S. Brinsfield, fired a shot at the 23-year-old policeman. The shot missed.

At this, the four broke for the front door, the one who had fired the shot pushing Brinsfield ahead of him and trying to carry a white sack with several hundred dollars loot at the same time.

"He grabbed me by my white coat and was pushing me out with the gun in my back," Brinsfield, 63, said later.

"As we passed the cigar counter, Charles grabbed him from behind. He took his gun away. He tried to shoot—he pulled the trigger a few times—but nothing happened."

The robber dropped the sack with the money, but one of the other bandits shot Sweitzer in the abdomen.

A customer, John R. Wheatley, said Sweitzer "staggered and fell into the doorway." Brinsfield was unharmed.

When the bandits ran out the front, police said, Keller ran back out the side door and around to the front, where he seized a 17-year-old youth.

Asst. Chief of Police George Donahue said Keller fired three shots at the robbers who were running away, but it was not known if Keller hit anybody.

Two of the fleeing bandits ran into a wooded hollow surrounding Oxon Run Creek, in the area of Valley and Wayne Streets SE.

THREE STILL AT LARGE

Additional police officers arrived quickly, and a helicopter was called in, but the three were still at large today.

The 17-year-old was charged with murder. Lt. Patrick Burke of the homicide squad identified him as Walter Howard Jr. of the 1300 block of D Street NE.

Sweitzer was pronounced dead at D.C. General Hospital.

Sweitzer lived with his wife, Mazie, his son, and his daughter, Margaret, 20, at 2514 St. Clair Drive, Hillcrest Heights.

He was the third man slain by holdup men in eight days in the metropolitan area.

Benjamin Brown, 58, of 1900 Lyttonsville Road, Silver Spring, was shot in his liquor store at 1100 9th St. NW. Emory E. Wade, 41, of Woodbridge, Va., manager of the A&P store on Southern Avenue in Oxon Hill, was shot as he knelt to open a safe at the demand of two robbers. Arrests have been made in both slayings.

[From the Washington Evening Star, May 2, 1968]

Brennan Tells Lawyers: Attack Problem of Poor

Lawyers must do more to help solve the problems of persons who are disadvantaged because of race or poverty, Justice William J. Brennan Jr. of the Supreme Court has asserted.

"A great society above all else keeps its promises," Brennan said last night in a Law Day talk in New York.

"I can't personally affirm for myself that we have afforded our disadvantagd citizens these rights and opportunities in a really significant way," the justice said.

"Only a revolution in attitudes can translate equality in law into equality in fact," he said. "No segment of our society has a greater responsibility to bring about this revolution than our own profession."

The justice's views were expressed in a talk before the Federal Bar Associations of New York, New Jersey and Connecticut.

At another Law Day observance in Baltimore, Sen. Joseph D. Tydings, D-Md., said that proposals before Congress to strengthen police forces with additional funds should be broadened to aid courts and corrections systems in the same way.

"Criminal justice is a system," Tydings told the Baltimore Ad Club. "The police depend completely on the ability of the courts to try promptly and effectively those they apprehend, and on the ability of the corrections system to deal with those the courts convict."

In a third speech, retired Supreme Court Justice Tom C. Clark told members of the Los Angeles County Bar Association that the public, rather than the Supreme Court, bears responsibility for crime, in part for failure to provide the police with respect and financial backing.

"To say that a bank robber reads our cases before he robs a bank in order to develop a loophole to his conviction is ridiculous," Clark said.

Brennan, in his talk in New York, asserted that the great amount of social change that has been launched in the United States in the last decade proves that "our system does provide alternatives to violence as a means to change the status quo."

"Why is it, then, that excesses of protest have seemingly become the rule, rather than the exception?" the justice said.

"I think it is too easy an answer, and a wrong one, to say that by nature we are a violent people," he said. "Rather, we should ask ourselves whether, while we increasingly acknowledge that we have denied 20 million of our citizens rights and opportunities to which they are entitled, we have, in fact, done anything as yet actually to afford them those rights and opportunities."

Brennan said that he has sensed "a dangerous failure—or a scarcely less dangerous sluggishness" by lawyers and the legal profession. He called on these groups to "pull their weight" in solving problems of housing, jobs, education and crime.

Insurrection: Is America Sleeping Through Civil War?

(Note.—Susan L. M. Huck is a graduate of Syracuse University, with advanced degrees from the University of Michigan and Clark University. Dr. Huck has taught as a university professor of both geography and sociology, lectured before academic audiences on four continents, acted as advisor to one of the world's leading encyclopedias, and is Analysis Editor of The Review of the News.)

Don't look now, but we've been escalated. The Revolution took a Great Leap Forward in the Ten Days that Shook America—if they did. If not, we may become the first nation ever to sleep through a civil war. Those ten days, April fourth through thirteenth, included the following events:

The fiction of "non-violence" had served its purpose; Martin Luther King was phased out by assassination and a big funeral.

Leadership of the radicalized young Negroes was solidified in the hands of open Marxist revolutionaries.

America was provided, by the Government and mass media, with another secular politician-saint to worship en masse, often by public decree.

The whites of America were thumped into submission by phony accusations of collective guilt.

A new, hitherto secret federal policy of permitting massive violation of the law was revealed—by the Government itself.

And, finally, America endured the most widespread civil uprising in a hundred years—except for the Civil War, the largest in American history.

The scale alone represented a quantum jump. In one week, as many cities were hit by civil conflict as in all of 1967—which, until now, we had considered a bad year. Terrorism was judged by the federal authorities to be "serious" in forty-nine American cities, though the criminals struck with violence, looting, and arson, according to *Time,* in 168 urban areas.

Arrests totaled well over twenty thousand. Washington, D.C., reported more than a thousand fires set by arsonists, Baltimore between seven and eight hundred, Pittsburgh five hundred, two hundred in Chicago, and so on. Insured property damage was estimated at about $50 million—a fraction of the total economic costs.

The point was more than adequately made that a few thousand hoodlums, well-led, and guaranteed immunity from serious consequences by the politicians in charge of law enforcement, could shut down whole cities. The federal government was itself effectively shut down on Friday afternoon, April fourth, as word of unchecked, marauding mobs ranging freely in the downtown District spread through government offices. Personnel went home early, that's all. It was that simple.

All over the world, sophisticated people must have laughed at us uproariously, and a hundred million no doubt lost any faith they ever had in us, seeing pictures in their newsmagazines of battle-ready troops guarding smoke obscured monuments like the Capitol and the White House. The sophisticated knew that this was all quite unnecessary, quite preventable; the hundred million didn't! They think we're falling to pieces.

We're certainly in danger, but the problem might better be diagnosed as a chronic disease of the central nervous system—of the organs of control, of thought and communication, of perception and of decision. That is, a disease centered in government, mass media, and the "intellectual" Establishment.

And then there's the interesting matter of military "posture." A few hundred coddled, protected seditionists and revolutionaries, a few tens of thousands of Marxist followers and hangers-on, adolescents, criminals, and finally just *anybody* willing to loot, and they had to stand *seventy thousand* soldiers on street-corners, and keep *three hundred thousand* dawdling around armories. In Washington alone they used fifteen thousand regular troops—twice the number which it took to hold KheSanh against a North Vietnamese army. Half of our entire "Strategic Reserve" was deployed to watch people set fires and loot stores. Since they were ordered not to use their weapons, arrests weren't made unless the malefactors were surrounded and outnumbered by uniformed bodies—at least according to the Government's new "humanitarian" script.

Oh, it was beautiful! And it was only a curtain raiser.

I

The first of our Annual Summer Riot Festivals occurred in 1964. It is no doubt coincidental that, in February of 1964, revolutionary tracts were being widely distributed in the United States. The Communists "had a dream." It went like this:

When massive violence comes, the U.S.A. will become a bedlam of confusion and chaos. Factory workers will be afraid to venture out on the streets and report to their jobs. All transportation will grind to a complete standstill. Stores will be destroyed and looted. Property will be damaged and buildings reduced to ashes. Violence and terror will spread like a firestorm. U.S. workers who are caught on their jobs will try to return home to protect their families. . . .

This racist imperialist oppressor will not be brought to his knees simply because of the fighting ability and military power of the Black Freedom Fighters and their allies inside the U.S., but because of the creation of chaotic economic conditions, total disorganization . . . of his essential organs of production, and adverse conditions created by the world-wide liberation struggle. . . .

The new concept of revolution defies military science and tactics. The new concept is lightning campaigns conducted in highly sensitive urban communities. . . . The new concept is to huddle as close to the enemy as possible so as to neutralize his modern and fierce weapons. The new concept creates conditions that involve the total community, whether it wants to be involved or not. It sustains a state of confusion and destruction of property. It dislocates the organs of harmony and order. . . .

The dream goes on to envision, with unbounded joy, America in the grip of "all-out warfare, organized fighting, and unlimited terror"—but that's a few years off, maybe, so we can all go back to sleep a little longer.

The quoted material is from the February, 1964, issue of *The Crusader,* put out under the name of Robert F. Williams, head of the Communist "Revolutionary Action Movement," better known as R.A.M. Comrade Williams resides in various Communist capitals. He was ensconced in both Havana and Peking for long periods, and his broadcasts have been beamed at American troops in Vietnam from Radio Hanoi. Other of his broadcasts come into the United States over "Radio Free Dixie," based in Havana.

Comrade Williams was a bit premature with his own uprising, which occured in North Carolina in 1961, and it was necessary for the white Comrades in the United States to arrange for his escape, via New York City, Montreal, Vancouver, and Mexico City. Inasmuch as Mr. Williams was a hot piece of property at the time, being wanted for kidnapping by the F.B.I., this represents a well-executed operation. Small wonder that the Communists boasted of it in their own publication, *Negroes with Guns.*

But that is water long under the bridge; it is just a bit of background on the "dreams" of an American Red—leader of R.A.M.'s paramilitary forces in Chicago, Washington, Baltimore, Newark, New York, *etc.* The other incidental tidbit concerns the Canadian couple in charge of North American distribution of *The Crusader.* As reported in *The Review of the News* for December 16–22, 1965, this bit of "literature" is remailed from Cuba and China to Comrades in the United States by Verne and Anne Olson of Toronto, Canada. Mr. Verne Olson works in the Electrical Research Division of the Ontario Hydro Power Commission, the source of the massive blackout which affected the Northeastern United States in November, 1965.

Such information was of absolutely no interest to the "Liberal" mass media and apparently not even to the Federal Power Commission.

You see, our government, and our mass media, dominated by the self-serving, incredibly smug Liberal Establishment, prefers to tell us about the most amazing series of coincidences, rather than permit itself to be accused of seeking witches at the switches.

We are in fair danger of being destroyed by a remarkable set of accidents, coincidences, lone assassins, and even lone assassins of lone assassins. The latest of these is the "lone assassin" who killed Martin Luther King, thus providing the "cause" of the most impressive insurrection in a hundred years.

At this writing, just a little information is beginning to leak through cracks in Attorney General Ramsey Clark's "Paper curtain." Immediately after the killing, we were informed that the assassin was "a white man," and all further details were cut off. For nearly a week we had to make do with little Ramsey's assurances that the investigation was in the bag, an arrest was imminent, and there was no conspiracy.

It was enough to make you think he knew something.

After nearly a week of profound silence, the Press finally became restive, and a tantalizing assortment of revelations began to see print. But none of this leaked out soon enough to mar the wonderfully featureless image of *Every white, the King-Killer,* which was so vital to the propaganda pitch which kept "white America" cowed into submission while the Revolution shifted into a higher gear. That becomes more and more interesting, the more you consider the Ramifications.

The "lone assassin," also known as "white America," is turning up with several other possible aliases lately. One of them is "Eric Starvo Galt," an "unemployed seaman" who isn't that at all, according to the records. He seems to have materialized in Birmingham, Alabama, last September and set about creating an identity. We also hear the testimony of a King aide about a second person dashing from the shrubbery, testimony about *two* white Mustangs instead of one, and the word from the Memphis Police Department that other conspirators were playing games on the police radio frequency in Memphis, broadcasting thrilling accounts of fictional chases in the wrong direction.

This sounds ever more like a Communist coup, with the assassination itself the work of Soviet agents. If the car abandoned in Atlanta on Friday, April fifth, is the *right* car, one can imagine the assassins as either back beyond the Iron Curtain, or else holed up with a case of vodka, watching America burn, live on TV, right there in King's home town. Who knows? Maybe Ramsey Clark knows.

The *Wall Street Journal,* on April eighth, quoted a "federal official" as saying: "I can't think of any other single act that could have played more directly into the hands of the Stokely Carmichaels, Rap Browns, and other radicals." The Communists were clearly the chief beneficiaries of the assassination.

Be that as it may, Attorney General Ramsey Clark seems exceedingly determined to protect Marxist Stokely Carmichael from a far less drastic form of "martyrdom" than caught up with King. *Human Events* reports, on April thirteenth, that Clark, who "not only controls the actions of the Justice Department, but has a strong influence over the local D.C. government . . . has always been opposed to prosecuting Stokely."

"Clark, it is recalled, refused to take action against Stokely last year, even after he had threatened to kill L.B.J. at a guerrilla warfare conference in Cuba."

Just let the village drunk threaten to kill the President, and the Feds come out of the very woodwork. But Stokely seems to be something else. After his appearance on the platform with Fidel Castro and the rest of the international terrorist pack, after chortling to the world about destroying Western civilization as Newark and Detroit burned, and offering to kill a fair range of people, Stokely made a long, leisurely tour of the Communist nations, raving against his adopted country (he was born in Trinidad), and promising bloody revolution when he got back.

The government acted sternly. It failed to give back his passport when he checked through immigation; a matter the Supreme Court quickly remedied.

You can bet *that* shook him up—with convulsive laughter!

Ever since then, Stokely has been based in Washington, preparing for what has happened and will happen. According to Martin Luther King himself, Stokey Carmichael was working hand-in-glove with him on the "Poor People's March" which was supposed to tie up the capital from April twenty-second onwards. While April twenty-second *is* Lenin's birthday, King said that Communist Stokely had promised to be non-violent. . . .

Maybe even a pretense of non-violence just wasn't good enough; maybe it was time to put *Stokely* in charge.

Whatever the case, Carmichael was *first* on the streets when King was killed. On the night of April fourth, Stokely led a marauding band through Washington, within an hour of King's death, looting stores and smashing windows—the excuse being that they had failed to "honor Dr. King" by not closing up and getting out of town. According to Stokely, as well as most of our other Red propagandists, "white America" had killed King. Thus, you see, "white America" had thereby proclaimed the failure of non-violence, and had better submit to unholy retribution.

On Thursday night and Friday morning, Carmichael unleashed such statements as: "We have to retaliate for the deaths of our leaders. The execution for those deaths will not be in the courtrooms. They're going to be in the streets," and "Go home and get you a gun and then come back because I got me a gun," and "this made it easier for a lot of Negroes—they know it's time to get guns now," and "Our retaliation . . . will be in the streets of America." He is also reported to have waved his pistol in the air in front of a gang, on Thursday night. That same night, shortly after Carmichael screamed for "executions," a white youth was stabbed to death when he stopped for gas; he was one of the first casualties—casualties which soon reached forty-three dead and 3,500 injured or wounded.

One would think that there might have been something illegal about all this incitement to violence, especially since the District Crime Reduction Bill of last December was supposed to cover precisely such little contretemps.

However, Stokeley's immunity to the law goes even a mite further. On April sixth, Saturday, with the city in flames and twelve or thirteen thousand troops on the streets, District police were busy collecting people who were out after the 4:00 p.m. curfew. Thousands were collected, but not Communist dialectician Stokely Carmichael. Police came upon him, in the company of three fellow hoodlums (the *Washington Post* is always careful to describe them respectfully as "aides" or "S.N.C.C. officials") just moseying over to their car at about five o'clock.

The Fearsome Foursome were stopped, and a police officer was so bold as to try to frisk Carmichael. (Maybe he thought he might have that gun.) But Stokely is quoted as saying: "Get your hands off me!" The officer then asked him whether he knew about the curfew, Carmichael said no, and that was that. He and his friends went to the car and, presumably, drove off, thus continuing to violate the curfew enforced against less privileged members of our society.

Somebody Up There in the Justice Department *likes* Stokely.

Any time the Justice Department is asked why the laws don't seem to apply to Carmichael, the reply is that his words and actions are being "studied" to see whether perhaps there might be some connection between those words and actions and the sort of thing that is going on in our country. But, according to the *Washington Star,* "A decision on Carmichael and other individuals suspected of riot-law violations is not expected immediately." They're just so awfully busy right now. . . .

At the federal level, where the politicians who conspire best are to be found . . . because conspiracy is the key to success in politics . . . well, at the federal level, they just don't *believe* in conspiracy. They often laugh publicly at "the conspiracy theory of history," trusting that the masses will thereby conclude it is unthinkable for powerful men to get together to influence events.

Very funny. At any rate, the official federal "line" remains that the Revolution is just one darn coincidence on top of another. It was far from amusing to watch this in the case of Baltimore.

Baltimore really got going only on Palm Sunday, when the center of the city was contributing more smoke to the air pollution problem than Sparrows Point steel mill. By Monday things were roaring. On Tuesday, April ninth, Major General George M. Gelston, head of the Maryland National Guard, was asked whether the uproar was organized. A general he may be, but he is also a politician. He said he didn't know how one could determine such a thing! When asked about the presence of the same people at many different fires, he suggested that perhaps they were just more sensitive to where the fun was. Yes General, maybe they had E.S.P.

No conspiracy. No organization. Well, Governor Spiro Agnew spilled the beans to some extent on April eleventh, when he said it was "no mere coincidence" that Carmichael had dropped by on April third (the day before King's murder) to meet with "local Black Power leaders and known criminals. . . ." And, the Governor blurted, "It was no accident that one such advocate [of violence] appeared at eight separate fires before the fire chief could get there."

Of course the Governor wasn't naming any names, but newsman Gene Oishi of the *Baltimore Sun* filled in the reader from what must have been the fund of common knowledge among reporters. He said Governor Agnew was making "an apparent reference to Walter H. Lively, director of the Baltimore Urban Coalition and head of the Union for Jobs or Income Now." We pay Walter $13,000 a year to "fight poverty." He has so *many* talents.

Also without naming names, leaving them to be filled in by reporters, Agnew referred to the recent activities of S.N.C.C.'s man on the scene, Robert B. Moore, and the collection of Negro "leaders" and "known criminals" Stokely had been meeting with when he paid the city that visit, three days before it burned. On April tenth, Baltimore's Mayor Tommy D'Alesandro told reporters for the *Baltimore Sun* that "there is evidence that some of the street gangs acted under the direction of leaders working with well-laid plans."

Out in Chicago, Mayor Richard Daley was even more explicit in his press conference of April 16, 1968. With the evidence from his Police Intelligence Division at hand, he declared: "Anyone who doesn't think it was a conspiracy should go out and take a look at it and see which buildings have been spared." Concerned about the Revolution, Daley issued new orders to Chicago's police: In the event of arson—shoot to kill. In Chicago, at least, the Reds had thrown one Molotov cocktail too many.

Further down in the political ranks, there were others mad enough at the moment to say in public what the public is not supposed to hear. Reporter Alvin Sanoff caught one of the overworked judges snapping at a rioter in Baltimore. "When you left North Carolina, did you know there was going to be a riot here?"

The rioter's lawyer answered for him, saying that his client had come to Baltimore "a week ago."

(Let's see, a week ago. That would be . . . April third, the date of Stokely's tour.)

"Yes, I know," the judge is reported to have said. "It takes a week or so to get ready for these things." Fifty dollars, please. *That was the penalty*. Well, Judge, why not? When Assistant U.S. Attorney General Fred Vinson Jr., who was in charge of your city while it was occupied by twelve thousand Army and federalized National Guard troops, said on April tenth, "there is absolutely no hard evidence of any outside agitation," that becomes the line. Right? That became the word from on high. You should be able to fib in support of it at least as well as Maryland's General Gelston! Only in an election year, and when your support may mean a Presidential election, can you dare to do what Mayor Daley did. Truth is a *political* problem for *you,* Judge. Right?

But you *do* wonder what sort of problem we have in the Attorney General's shop in Washington, don't you?

Governor Agnew offered some other choice quotes from Stokely's contributions to a constructive dialogue in America. Exactly a year before King was eliminated, Carmichael, then just beginning the Reds' campaign to convert Negro colleges into Revolutionary academies, had these thoughts to offer the impressionable young of Miles College, in Birmingham, Alabama:

To hell with the laws of the United States. . . . Your brothers in the ghettoes are going to wake up with matches . . . if a white man tries to walk over you, kill him . . . one match, and you can retaliate. Burn, baby, burn. . . . We're going to tear the cities up. . . .

We understand that, a year later, the government is still "studying" this sort of thing, to see whether there might not be something wrong with it, whether perhaps there might be some casual relationship between such words and the cadres the Reds post on campuses, and the destruction which seems to follow in their wake. Stokely tells us what the Communists are going to do, and then it happens, and we wonder why. Coincidence. Right?

Early this year, the student newspaper of the New York University Law Center reported, in a tone of gasping admiration, a speech by John Wilson, another S.N.C.C. terrorist who returned from a briefing in Czecho-Slovakia and North Vietnam last fall. Wilson, who was invited and handsomely paid to do this, belabored the tittering assemblage of sick-minded whites with casual offers to wipe them out. Yes, he said, we intend to destroy America. What do we want? "Maybe a dictatorship," said Wilson, who can tell? Yes, many Negroes will be killed, but lots of whites, too. And if Wilson's team wins, he told these decayed specimens of humanity inhabiting the Law School of New York University, there won't be enough of *you* out there left to represent a problem.

His white audience cheered!

What else? We have alluded to the Communists' recent campaign to convert Negro colleges into training camps of the Revolution. They have been allowed to do so almost without impediment. One of the wildest of these insurrectionist encampments, Howard University, supplied a good deal of the leadership for the Washington attack.

Barely a month before, the radical element of the student body had taken over the University (which is supported by the federal government, of course), and remained in control for days, engaging in such intellectual exercises as massed chanting of "Umgowa! Black powa!"

What the mass media did not choose to report, at the time, was the sort of thing which editors of *National Review* dug up and published in their issue for April 23, 1968. Quoting a "popular leader" at Howard University:

"I had a dream. Darkness, all black. Then a big 1968 blazed. The letters were all flaming, man. Then mobs. Mobs of Negroes, man. Swarming up to the White House and into the White House. And grab Johnson, and drag him outside and cut off that motha's head right there on the front porch. And

then into Mayor Washington's office. And Negroes stabbing, stabbing, killing *that Tom. Swarms of Negroes. Streets running with blood. And I hear shots. And then a voice comes to me out of the thunder—jus' as plain, man—and says, "The Negro millennium is close at hand."*

On April fifth, Howard University replaced the American flag with the flag of the Revolution, and on April sixth it was worth a picture and story in the section of the *Washington Star* devoted to civic events.

Howard University's President James Nabrit, who was nearly deposed by revolutionaries, seems to have been humbled and disciplined by the event. He praised Martin Luther King at a student gathering, "while black students pulled down the American flag they rejected, and in its place raised the 'Black Nationalist' flag of black, red, and gold."

Those colors probably stand for black revolution, blood, and loot; but the *Star* didn't say, though it noted:

A few in the crowd protested . . . but they were outvoted. . . . There was a slight tussle as a faculty member attempted to stop the lowering, then quiet, then cheers as the American flag was neatly folded and carried away and the Black Nationalist flag was raised.

The crowd was quiet, orderly, cheering only as speakers declared, "If I die, I will take one white man with me. Correction, the ratio is two-to-one. I'll take two white men." Fists shot up *in the Black Power salute as a girl warned, "The white man has committed genocide for years. Now we shall commit genocide."*

That Communist clinched-fist salute really gets around, doesn't it?

The American taxpayer, through the federal government, supinely continues to nurture this nest of vipers; we, the people, support Howard University—it is a *federal* institution. As usual, we are paying for the cost of our own destruction. Federal authorities won't stop this and they won't allow anyone else to stop it—even as Washington and more than a hundred U.S. cities burn.

We need some new federal authorities, that's all. Men who will stand up for America.

II

The extent of the thievery during the insurrection was literally unparalleled in American history. It was so ridiculously simple. The police were *ordered* not to bother with anything so petty as stealing, and the word went around. It began with the brassiest young hoodlums. Nothing happened to them, so their numbers multiplied like cultured germs. Within hours, no more, people of all ages and sexes were smashing windows and grabbing loot—nearly two thousand homes and shops were wrecked or ransacked. *Time* magazine of April 19, 1968, noted that in New York City lone patrolmen were even "ordered to ignore the plundering and avert traffic backups that could make riot scenes more perilous"—for the escaping looters.

Then there was the burning. Now, looting means free goodies; everyone can understand and enjoy that, the benefits are immediate and tangible. And those who loot think no more of the consequences than a drunk worries about the hangover. But, by "restraining" the police, the "Liberals" permitted tens of millions of dollars worth of buildings to be burned. Washington had over a thousand fires deliberately set; Baltimore had nearly eight hundred. Whole blocks were burned out, stores and industries destroyed, hundreds, perhaps thousands of families left homeless and destitute, and workers left jobless.

Clearly, the arson was not a spontaneous affair at all. It was deliberate destruction, with no tangible benefits for the arsonist. It was a terrorist tactic, period. So what if an eleven-month-old baby burns to death in its crib, as happened in Chicago? You can't make a Revolution without that sort of thing happening. Mayor Daley called it the work of revolutionary conspirators—small consolation to the mother of an asphyxiated child.

Still, is there an over-all, dominant federal policy behind letting the insurrectionists get away with everything? Yes, there is. In the aftermath of nine days of unparalleled violence, the Administration has even had the gall to brag about it to the public.

On Sunday, April fourteenth, the *New York Times* reported the following lunacy:

Officials confirmed today the impression gained by many observers during the latest urban rioting that the Federal government had evolved a new and "humanitarian" plan for the control of disorders with minimum violence.

The new concept [in interesting contrast to R.A.M.'s "new concept"], planned in secrecy and great detail for the rioting expected later this summer, places life above property in the suppression of looting and burning and thus accepts property loss *to avoid killing.*

But the overall objective is to reduce both the loss of property and the loss of life by the use of overwhelming law enforcement manpower—including liberal deployments of National Guard and Army troops, newly trained in the government's tactics of restraint—as a substitute for gunfire.

The policy . . . is largely the work of Attorney General Ramsey Clark, officials said.

Government lawyers who participated in the secret planning for what one of them called "this ad hoc shift in balance between human and property rights" described the legal implications as "enormous" and "profound."

Yes, one would have to say that. The distinction between "human" and "property" rights is as phony as Ramsey Clark himself; the property does not suffer anguish and feel the pain of watching all it worked for crushed and burned, but the owner, who is human, does. The right to own property, and to protect it happens to be a very human right, and a very basic one. If Ramsey Clark and "government lawyers" have decided that it hardly exists any more, then they are either insane or Communist gangsters. It's that simple. The *Times* continues:

. . . under ancient common law, it is justifiable to defend property by force, even by killing, to forestall a serious crime such as robbery, burglary or arson.

"The law hasn't changed," one informed official said, "But the way it's being enforced has changed tremendously. *That old stuff about looters will be shot on sight is for the history books and maybe the movies."*

And then, dear reader, we get to a most interesting point. Not only do our "leaders" not intend to be beastly to those who want to steal or destroy our property and burn and loot our homes, but they even stand there and tell you that the revolutionaries are now so well armed and organized that the forces of law and order don't dare to shoot for fear of casualties!

This is also nonsense, basically, but take a look at the line of thought:

"We are going to be greatly misunderstood," a Justice Department lawyer said. "Our critics think we are just being thoughtful of Negro hoodlums. In fact, we have operated on a number of assumptions. . . . We say this is a matter of effectiveness as well as saving lives. There really is no alternative, and the people who are saying, 'Why didn't you shoot?' don't understand that yet."

He added, "The other side has guns." Most officials were reluctant to discuss the implication that the police restraint was dictated in part by a new tactical capability of some of the rioters to shoot back.*

But one Defense Department official was frank about it. "I would say," he said, "that it has taken us a long time to recognize what a Black Power demonstrator means with his placard, 'I Am A Man.' If you want to say that it took a lot of these people arming themselves to emphasize that they are human beings and cannot just be shot down even when they are terribly wrong, then you would be somewhere near the mark."

None of the officials questioned would allow the use of their names. They acknowledged that their worst doubts were whether local officials, who retain their authority until Federal force is requested, would follow the policy of restraint.

These federal officials think they are perfectly brilliant. Look, in Detroit last year, forty-nine people were killed, and in this past uproar, only forty-three were killed by their incomplete tally. Did you ever see such a success? The statistically-minded officials were not even interested in a distinction between victims and criminals! And, *is* the "other side" too well armed for the U.S. Army?

Another aspect of this vastly clever plan was the widespread use of curfews. Although full data are not available at this time, it is likely that at least *ten million* urban and suburban Americans had to stay off their own streets for anywhere between a day and a week or more. Cook County (Chicago) accounts for more than five million Americans, and then there were Detroit, Pittsburgh, Kansas City, Baltimore, Washington, and a host of smaller cities.

So more than ten million Americans can be ordered off the streets and confined to what amounts to house arrest—because the forces of law and order need elbow room? Hardly that!

The *Times* explains: "The curfew in Washington yielded more than half of the 6000 arrests. *It gave the police grounds for arrest on the relatively minor charge of curfew violation with far less danger of confrontations requiring force,* such as the pursuit and apprehension of suspected looters."

It's difficult to say exactly what that means; if it means what it says, however, the Government was afraid of "confrontations requiring force," and was also solicitous of the *police records* of the insurrectionists. *Anybody* could be swept up as a curfew violator (and the penalty is currently twenty-five dollars collateral, in Washington). This would be a "minor charge" compared to attempted murder, burglary, or arson. A man wouldn't risk losing his federal job, or his security clearance, over a mere curfew violation, now would he? *U.S. News & World Report* of April 22, 1968, thought it worth noting that of those arrested for looting and rioting during the insurrection in Washington, a significant number "held government jobs."

Things reach this point in the first place through "restraint." For example, before troops were called to Washington on April fourth, Police Commissioner Murphy admitted, without apology, that he had frequently either failed to put men in action, or had pulled them out of action, because they might otherwise have had to use their guns. Commenting on the matter, the *Boston Globe*, on April fourteenth, reported:

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* The *Chicago Tribune* of March 10, 1968, noted: "White men identifying themselves as Communists have offered a south side Negro gang hand grenades and automatic rifles in the event of a riot, a gang leader marked for death by his comrades has told intelligence unit detectives.

"The standing offer includes automatic weapons mounted on jeeps that could be transported to any riot area in the city in semi-trailers, according to the gang leader. . . .

"The gang since has obtained several cases of weapons from black nationalist groups, according to the leader, and now has hand grenades, automatic rifles, and sniper scopes in its arsenal."

The District Police went far not to provoke an incident, or to get involved to the point where their guns might be necessary for self-protection. At one point on Friday, a squad of police were ordered to withdraw from a location of mass looting. Says Public Safety Director Patrick V. Murphy, "Their continued presence could easily have turned the situation into an even more dangerous one."

The *Globe's* Washington Bureau Chief evidently buys the line that, as a result of this "restraint," the "property damage ended relatively soon."

A week is "relatively soon"? Relative to what? World War II?

When the downtown area of the District lay literally under a pall of smoke, by mid-afternoon of April fourth, it was time to put into effect long-prepared plans for the military occupation of the capital. Officials who insist, on the one hand, that the insurrections are quite "spontaneous" affairs, had on the other hand "spontaneously" devised a nation-wide scheme which could be used to fill *every* American city with federal troops in a matter of hours or days.

The *Globe* report continues: "The Army's national riot plan is . . . called Operation Garden Plot. When Washington erupted . . . its individual contingency riot plan. Operation Cabin Guard, went into effect after months of planning. General Ralph E. Haines . . . formally took charge of 'Task Force Washington.'"

Troops had already been briefed, it seems, on the city's geography and socio-economic problems, and officers in mufti were prowling Washington even as the violence erupted. Why? Because the government knew that the Conspiracy was planning to move. And the military was made to sit on its hands and *wait* to contain the insurrectionists with "restraint" while whole cities burned. You doubt it was planned; you doubt anyone knew? Drew Pearson, hardly ever accused of being a Rightwing Extremist, reported in his column of April 12, 1968:

It's now learned that the original schedule for burning the capital was June 18–19.

It was also planned that, after federal troops had moved into Washington, black terrorists would move on to Baltimore before troops could get there.

The target date was stepped up from June to April after King's assassination. It's significant that Baltimore was quite peaceful during the first two days of rioting in Washington.

According to a *Boston Globe* report of April twelfth, General Haines had explained that "establishing contact with local officials and police, and advance planning, are important in easing the dispatch of thousands of troops into a strange city, *especially if it's in flames.*" Preventing a city from being burned in the first place, you see, is not in the General's book—even when the timetable of the conspiracy is *known*.

Of course, the *plan* worked well enough as far as military-police coordination was concerned. In Washington, each precinct was simply turned into a company or battalion headquarters, and the troops were used like extra policemen. There were shades of Vietnam in the language used—military officers had police and civilian "counterparts," for instance.

Well, one nice thing about fighting a civil war in your own country—you don't have the language problem.

Washington's Second Precinct was under the command of Colonel Joseph B. Conmy Jr. He described his operation to James Doyle, the *Boston Globe's* Washington Bureau Chief, as follows:

"By 7:45 p.m. on Friday evening I had more than two companies of men and my command post set up. By 9 p.m. we were in position."

"In position," according to Doyle, meant "dug in around Seventh and Fourteenth Streets, where the burning and looting was concentrated."

"First," said the Colonel, "We conducted a sweep of the street to provide fire-fighting protection. Then we set up patrol and static positions. Saturday morning we were reinforced by another company. By Sunday we had narrowed the area down to one between Sixth and Ninth Streets, and on Sunday it was narrowed to Seventh Street itself."

This situation briefing was made before a large map of the precinct in which the major tactical objectives—liquor stores—were marked in red. Stores of lesser interest were also marked.

"Once the area was secured," Doyle reports, "all these stores were posted with guards, and the looting came to an abrupt end."

There wasn't much left by Sunday night anyway.

General Haines said "there were almost no incidents of sniping," but neither the General nor the Colonel explained *why it took a battalion of troops two days to reach Seventh Street.*

Operation Cabin Guard (would the Cabin happen to be the White House?) is accounted by its creators a great success. General Haines was detached, you might say, from his Pentagon duties as *Army Vice Chief of Staff*, so that he could step across the Potomac and command 15,246 men in the field—Task Force Washington.

It makes you wonder what he considered a secure rear area. The Pentagon courtyard, perhaps.

And, the General points with pride to the fact that his men fired precisely *fifteen* rounds during the operation.

That's right. Fifteen shots.

Meanwhile, of course:

The United States was the laughing stock of the world for ten days. Even Senator Philip Hart, the Michigan "Liberal," complained that Washington looked like a "banana republic," and the Dominican Republic offered us troops to protect their Embassy and help restore law and order.

About fifteen million dollars worth of insured property was destroyed in the nation's capital.

More than one thousand fires were set in Washington.

About 1,400 citizens of the capital District were left homeless.

Eleven Washingtonians were killed (only one by the forces of law and order).

Commercial aircraft seeking to land at Washington National Airport were told by Air Traffic Control to stay above five thousand feet over the city, due to reports of planes being fired upon.

Only fifteen shots fired. Magnificent performance! Perhaps Adam Yarmolinsky or someone like him can decorate General Haines. How about the Good Conduct Medal with chicken-feather cluster?

But then, he was only following orders.

In *anticipation* of all these "spontaneous" riots, the *New York Times* noted that the Pentagon had thoughtfully set aside fifteen thousand Regular Army troops, and organized them into "seven small, brigade-level task forces of more than 2000 men each, which have been tailored for riot-control work." The *Times* also reported, on April sixth, that the Army Chief of Staff, General Harold K. Johnson, and the Army Operations Center in the Pentagon, served "in effect, as a national command post for riot-control work." The War in Vietnam could wait in line, it seems, for the attentions of the Army Chief of Staff.

As if that were not enough, in the first *weekend* of rioting, over twenty thousand Regular Army troops were in action around the country, and we were hearing about how the Strategic Reserve could supply another twenty thousand, if necessary.

"Army generals stressed," said the *Washington Post* on April ninth, "that if trouble broke out overseas, Strategic Reserve units could be airlifted directly from their big-city bivouacs to staging areas abroad."

Physically possible, but it just doesn't sound very brilliant to leave the nation's cities in flames to fight Reds elsewhere.

Over the weekend of April sixth and seventh, a total of 55,000 Army and National Guard troops were in action in twelve states and the District of Columbia, while another 300,000 National Guardsmen waited around, in uniform, for *more* "spontaneous" riots to escape the control of the politically "restrained" police. The Military Airlift Command and Tactical Air Command made over six hundred troop-carrying flights in three or four days, and in addition, "sixty-eight giant troop transports" were standing ready to move *armored* forces into Memphis, from Fort Knox, Kentucky.

Those who wonder why more than half a million troops can't seem to get anywhere in Vietnam might look closer to home for the answer. By Sunday, April seventh, about 12,500 troops were trying to get some sort of a lid back on Washington. The total later went to 15,246. Their orders were very strict on the subject of not being discourteous to rioters, not mistreating looters, never-never even to *load* a weapon without special orders, and to detain, perhaps, but not really arrest kindly looters and insurrectionists.

For this there were required, in addition to the Washington police (about 2,400 men) and the D.C. National Guard, and miscellaneous forces like the National Park Police, the following units:

A brigade of the 82nd Airborne Division, brought in from Fort Bragg, North Carolina; a brigade from the First Armored Division, brought from Fort Hood, Texas; 2,000 men of the III Corps Artillery Brigade, brought from Fort Sill, Oklahoma; the 6th Armored Cavalry Regiment, from Fort Meade, Maryland; the Third Infantry Regiment, from Fort Myers, Washington; the 91st Combat Engineer Battalion, from Fort Belvoir, Virginia; the 716th Transportation Battalion, from Fort Eustis, Virginia; the 544th Supply and Service Battalion, from Fort Lee, Virginia; the 503rd Military Police Battalion, from Fort Bragg, North Carolina; the Marine Corps School Battalion, from Quantico, Virginia.

It was quite a spectacle. Imagine if you can the dull glow of dozens of snipercopes around the White House—to keep a horde of thieving adolescents from walking off with Lady Bird's Easter bonnet right out of the bedroom closet!

You wonder what they're going to do about campaign ribbons for this one.

The policy of "humanitarian" restraint of the police, and concern for "human" rights over property rights, was carried to rather ludicrous lengths everywhere the "Liberals" were in control. In Chattanooga, Tennessee, according to a U.P.I. report dated April ninth:

Police fed fried chicken and steak to 150 chanting Negroes Tuesday, but after eating their fill, they surged into downtown streets and began breaking windows and looting. They scattered before a police show of force. Officers arrested about two dozen youths, but Police Commissioner James (Bookie) Turner cautioned his men, "Don't press curfew arrests yet," referring to a 24-hour curfew imposed by the Mayor.

That's something of it in a nutshell, isn't it? A round-the-clock curfew on the decent, law-abiding majority, and free goodies and immunity from prosecution for law-breaking for the revolutionaries and their juvenile troops:

Police said . . . About 150 youths stopped at the Greyhound bus station and began chanting "We want food! We want food!" Police finally told them to go inside and *help themselves, even though they had no money.*

"It's a good thing they're giving it to us because we would have taken it if they hadn't," one of the youths yelled, his plate piled high with fried chicken, vegetables, and bread.

Chattanooga's Mayor Ralph Kelley blared through a bullhorn. "You have made your point. We are doing all we can to provide the Negro community with a better way of life. This will not help." Meanwhile, the destruction went on.

This was almost as craven a performance as that of James Miller, President of Western Michigan University at Kalamazoo, who signed a confession of white "guilt" for the King assassination and was then allowed to have the trappings of administration restored to him—like control of the Administration Building, for instance.

The arrogance of the army of pillagers which occupied so many of our cities early in April was simply boundless. *Philadelphia Inquirer* reporter Joseph Gouleen described the scene in downtown Washington late Friday, April fourth:

Young Negro looters danced into smashed store-fronts within two blocks of the White House, jeering police, cursing any white person who came into sight, grabbing cameras, clothing and jewelry. . . .

"Hey, honkie, let me take your picture," one youth yelled to a policeman on F Street, waving a Polaroid camera with flash attachment he had just snatched from a window display. The policeman didn't answer. "Hey, you white _ __, don't hear me?" There were two dull plops as the tear-gas canisters hit. . . . A high-pitched, nervous giggle and then fifteen Negroes were running north. . . .

Such stories were multiplied a thousandfold. Those razzed, cursed, and jostled in the streets included such ranking luminaries as Governor Richard Hughes of New Jersey (who absorbed it with practiced grace) and Lieutenant General Robert York, in charge of the twelve thousand men "restraining" the Baltimore revolutionaries.

Leonard Downie, a *Washington Post* right-thinker and writer, took his soft, safe, self-righteous person down to one of the District of Columbia police stations and listened disapprovingly to the remarks of exhausted and frustrated policemen coming off a twelve-hour shift. Mr. Downie must have had to scribble furiously. He detected "racial epithets" and such "veiled racial taunts" as calling the rioters "welfare people." One can just imagine Leonard straining to get the men's badge numbers, so that they can be informed more clearly about who is allowed to scream unrestrained vilification—and who has to take it and like it.

He reports further that "there were strong complaints about the orders for restraint" given by Police Commissioner Patrick Murphy:

"Have you heard of any trouble in Philadelphia?" a policeman asked a reporter. "Of course not," the officer continued, "They've got Rizzo there."

(Philadelphia police commissioner Frank Rizzo is well known for the tough tactics he uses in policing the ghetto there.)

But the significant fact is that these policemen were complaining because they were *restrained in their actions on the streets. For the most part,* they did what they were told to do.

Oh, there were lapses of decorum at times, and Mr. Downie does not excuse them. He reports that there were even "isolated examples of policemen firing into looted stores or in pursuit of looters. One fleeing looter was shot and killed. But these were exceptions."

Too bad Mr. Downie couldn't have been accommodated with a brick through his windshield, perhaps square in the face. Plenty of people were.

One of them was little Teddy Hasko, seven-year-old son of a Hungarian Freedom Fighter now living in Wilmington, Delaware—although for how much longer one really couldn't say. "Teddy was the victim of roving gangs of Negro youths who terrorized the area called 'the Valley,'" reports the *Wilmington Morning News* on April twelfth. "Teddy was hit in the face with a brick" as he sat in his father's pickup truck. He was operated on April tenth; "he is in fair condition, but his parents say their oldest son doesn't recognize them."

Maybe we could send some "Liberal" preacher around to explain to the family that they must be patient and react with love, because after all, *they* killed Martin Luther King. . . .

Mr. Tybor Hasko, when interviewed, said: "I came from a country with no freedom to a country with all freedom. But you have no freedom with all this freedom today." The *News* explained that, "Hasko says freedom without law, freedom without respect for others is really no freedom at all. His tears are bitter. 'Work, work, work. I come here and work for $30 a week. I work seven days a week. I have no time for my children. I save. I fight for freedom. I fight against Communism. My wife shot machine-gun in 1956. . . . I know what war is. But this is worse than war. And always the little man suffers.'"

Here are some other glimpses of the Revolution, as its fingers reach more and more sleeping Americans.

On Monday night, April eighth, reporter Joe Nawrozki of the *Baltimore News-American* saw it this way:

"Baltimore's streets were converted into concrete battlefields last night and, for a while, I wondered if the jungles of Vietnam wouldn't have been safer. Hidden snipers, perched on rooftops, took pot shots at National Guard troops and police almost at will. Home-made firebombs were tossed out of the darkness into business establishments . . . bands of youths roamed the avenues, heaving bricks through windows and looting merchandise.

"And I thought I had seen the last of that when I left Vietnam. Where was the peace and quiet that every soldier longs for when he comes home. It wasn't here last night. At night, helicopters hovered over different sections of the city, blinking their lights. Military guardposts were set up on virtually every downtown corner, shaking down vehicles as they passed through checkpoints. . . .

"Around eight p.m. police reported sniper fire from the high-rise project section in the vicinity of Lombard and Exeter Streets. National Guardsmen sped to the scene, only to be greeted by bottles and bricks that came crashing to the pavement from catcalling Negroes in upper storeys. . . . Profanities were hurled at policemen and soldiers, who hugged walls and crouched behind automobiles. Two shots rang out, and newsmen loaded with cameras scurried for cover. . . .

"In almost a spring carnival atmosphere, residents of the project screamed, 'Go home, honkie!' Federal troops rushed the building but couldn't root out the sniper. The Viet Cong would have been proud of him—or maybe her."

Another *News-American* reporter, Chris Hartman, accompanied troops who tried to root out snipers from nice subsidized housing which has been erected to eliminate the root causes of this sort of thing, you know:

"Within seconds the guardsmen left their trucks and hit the ground. Another two shots rang out. 'They're trying to kill us!' someone shouted. . . . Flames licked at us as we inched along the street. . . . About 10:15 four more shots rang out. . . . Apartment residents were enjoying the show. 'Burn, baby, burn!' they screamed. The police tried to get them out of the windows but they wouldn't budge. . . . They jeered, leered, and shouted obscenities. . . ."

Police and guardsmen finally rushed the apartment entrance.

"When we reached the door, a young soldier was stretched out on the floor at the foot of the steps. He apparently had had a heart attack. Ten minutes had gone by since an ambulance had been called but none arrived. He lay there . . . in the heavy smoke from the blazing store behind the apartment. Troops leaped over him and raced upstairs. . . .

"A man came racing out of an apartment with two children in his arms. 'Please let me down,' he cried, 'I've got to get my children out of here.' He was followed by two women who wept and cried, 'Oh, my God, we're all going to die.'

"A young trooper said he saw a rifle pointing out of a window on the seventh floor. A police major ordered the apartment broken into. . . . 'Open up, this is the police.' A frightened Negro opened the door. He threw up his hands and troopers pushed him against the wall. 'Don't, don't,' he entreated, 'Please God, don't my children are asleep in the next room.'"

The apartment was searched but nothing was found. Other apartments on the same floor were searched, too, but the sniper was gone.

Still, isn't this a lovely slice of life?

The Communists had a dream, in 1964 (and fifty years earlier, as a matter of fact) called "When massive violence comes. . . ." And thanks to our "Liberals" the United States Post Office had to deliver it in *The Crusader*, a revolutionary Communist rag, to Americans who wanted to get their instructions. There it was: "the U.S.A. will become a bedlam of confusion and chaos. Stores will be destroyed and looted. Buildings will be reduced to ashes. . . . The new concept creates conditions that involve the total community, whether it wants to be involved or not."

Incredible, in February of 1964. Not in the least incredible today. Another triumph of our "moderate, responsible" leadership!

Back to Baltimore, and the look and feel of revolution in an American city in April of 1968:

"The fire on Lombard roared. 'Isn't anyone going to put that out?' a police officer asked. 'I'll check, sir,' a sergeant said. He got on the walkie talkie and was told the fire department refused to come back in the area until the sniper was caught. . . . The fire had now leaped to the roof of the next building. . . . As police watched the store burn, residents of the apartment screamed obscenities. 'If you try to put it out, we'll get you,' a voice shouted from somewhere.

"A disgusted policeman turned to his superior . . . 'You try to help them,' the officer said, 'and they try and kill you.'

"Two blocks away were the firemen. They sat on the ground crouched under their trucks as the flames turned the sky a brilliant orange. . . ." They did not dare to do their job for fear of being killed by snipers.

When Wilmington, Delaware, had its turn at terrorism, it was worth little more than a mention, nationally. But what was life like for the victims of this "minor" skirmish?

The *Wilmington Morning News* for April 11, 1968, offers a few samples:

"'I was so mad, I couldn't stand it. I just couldn't believe it could happen in Wilmington,' said Miss Virginia Delong. She was the driver of a Delaware Coach Co. bus in the vicinity of 2nd and Washington Sts. Tuesday, and her 30 passengers felt just as she did.

"They came upon a group of Negroes—'men, women, and even little children, some not more than nine years old, throwing bricks and "slaughtering" two young white women and two young children in a little blue coupe.'

"'I sat there for a few seconds, just stunned,' said Miss Delong. 'Every window either failed to put men in action, or had pulled them out of action, because they might otherwise have had to use their guns. Commenting on the matter, the *Boston Globe*, on April fourteenth, reported:

> *The District Police went far not to provoke an incident, or to get involved to the point where their guns might be necessary for self-protection. At one point on Friday, a squad of police were ordered to withdraw from a location of mass looting. Says Public Safety Director Patrick V. Murphy, "Their continued presence could easily have turned the situation into an even more dangerous one."*

The *Globe's* Washington Bureau Chief evidently buys the line that, as a result of this "restraint," the "property damage ended relatively soon."

A week is "relatively soon"? Relative to what? World War II?

When the downtown area of the District lay literally under a pall of smoke, by mid-afternoon of April fourth, it was time to put into effect long-prepared plans for the military occupation of the capital. Officials who insist, on the one hand, that the insurrections are quite "spontaneous" affairs, had on the other hand "spontaneously" devised a nation-wide scheme which could be used to fill *every* American city with federal troops in a matter of hours or days.

The *Globe* report continues: "The Army's national riot plan is . . . called Operation Garden Plot. When Washington erupted . . . its individual contingency riot plan. Operation Cabin Guard, went into effect after months of planning. General Ralph E. Haines . . . formally took charge of 'Task Force Washington.' "

Troops had already been briefed, it seems, on the city's geography and socio-economic problems, and officers in mufti were prowling Washington even as the violence erupted. Why? Because the government knew that the Conspiracy was planning to move. And the military was made to sit on its hands and *wait* to contain the insurrectionists with "restraint" while whole cities burned. You doubt it was planned; you doubt anyone knew? Drew Pearson, hardly ever accused of being a Rightwing Extremist, reported in his column of April 12, 1968:

> *It's now learned that the original schedule for burning the capital was June 18–19.*
>
> *It was also planned that, after federal troops had moved into Washington, black terrorists would move on to Baltimore before troops could get there.*
>
> *The target date was stepped up from June to April after King's assassination. It's significant that Baltimore was quite peaceful during the first two days of rioting in Washington.*

According to a *Boston Globe* report of April twelfth, General Haines had explained that "establishing contact with local officials and police, and advance planning, are important in easing the dispatch of thousands of troops into a strange city, *especially if it's in flames.*" Preventing a city from being burned in the first place, you see, is not in the General's book—even when the timetable of the conspiracy is *known*.

Of course, the *plan* worked well enough as far as military-police coordination was concerned. In Washington, each precinct was simply turned into a company or battalion headquarters, and the troops were used like extra policemen. There were shades of Vietnam in the language used—military officers had police and civilian "counterparts," for instance.

Well, one nice thing about fighting a civil war in your own country—you don't have the language problem.

Washington's Second Precinct was under the command of Colonel Joseph B. Conmy Jr. He described his operation to James Doyle, the *Boston Globe's* Washington Bureau Chief, as follows:

"By 7:45 p.m. on Friday evening I had more than two companies of men and my command post set up. By 9 p.m. we were in position."

"In position," according to Doyle, meant "dug in around Seventh and Fourteenth Streets, where the burning and looting was concentrated."

"First," said the Colonel, "We conducted a sweep of the street to provide fire-fighting protection. Then we set up patrol and static positions. Saturday morning we were reinforced by another company. By Sunday we had narrowed the area down to one between Sixth and Ninth Streets, and on Sunday it was narrowed to Seventh Street itself."

This situation briefing was made before a large map of the precinct in which the major tactical objectives—liquor stores—were marked in red. Stores of lesser interest were also marked.

"Once the area was secured," Doyle reports, "all these stores were posted with guards, and the looting came to an abrupt end."

There wasn't much left by Sunday night anyway.

General Haines said "there were almost no incidents of sniping," but neither the General nor the Colonel explained *why it took a battalion of troops two days to reach Seventh Street.*

Operation Cabin Guard (would the Cabin happen to be the White House?) is accounted by its creators a great success. General Haines was detached, you might say, from his Pentagon duties as *Army Vice Chief of Staff*, so that he could step across the Potomac and command 15,246 men in the field—Task Force Washington.

It makes you wonder what he considered a secure rear area. The Pentagon courtyard, perhaps.

And, the General points with pride to the fact that his men fired precisely *fifteen* rounds during the operation.

That's right. Fifteen shots.

Meanwhile, of course:

> *The United States was the laughing stock of the world for ten days. Even Senator Philip Hart, the Michigan "Liberal," complained that Washington looked like a "banana republic," and the Dominican Republic offered us troops to protect their Embassy and help restore law and order.*
>
> *About fifteen million dollars worth of insured property was destroyed in the nation's capital.*
>
> *More than one thousand fires were set in Washington.*
>
> *About 1,400 citizens of the capital District were left homeless.*
>
> *Eleven Washingtonians were killed (only one by the forces of law and order).*
>
> *Commercial aircraft seeking to land at Washington National Airport were told by Air Traffic Control to stay above five thousand feet over the city, due to reports of planes being fired upon.*

Only fifteen shots fired. Magnificent performance! Perhaps Adam Yarmolinsky or someone like him can decorate General Haines. How about the Good Conduct Medal with chicken-feather cluster?

But then, he was only following orders.

In *anticipation* of all these "spontaneous" riots, the *New York Times* noted that the Pentagon had thoughtfully set aside fifteen thousand Regular Army troops, and organized them into "seven small, brigade-level task forces of more than 2000 men each, which have been tailored for riot-control work." The *Times* also reported, on April sixth, that the Army Chief of Staff, General Harold K. Johnson, and the Army Operations Center in the Pentagon, served "in effect, as a national command post for riot-control work." The War in Vietnam could wait in line, it seems, for the attentions of the Army Chief of Staff.

As if that were not enough, in the first *weekend* of rioting, over twenty thousand Regular Army troops were in action around the country, and we were hearing about how the Strategic Reserve could supply another twenty thousand, if necessary.

"Army generals stressed," said the *Washington Post* on April ninth, "that if trouble broke out overseas, Strategic Reserve units could be airlifted directly from their big-city bivouacs to staging areas abroad."

Physically possible, but it just doesn't sound very brilliant to leave the nation's cities in flames to fight Reds elsewhere.

Over the weekend of April sixth and seventh, a total of 55,000 Army and National Guard troops were in action in twelve states and the District of Columbia, while another 300,000 National Guardsmen waited around, in uniform, for *more* "spontaneous" riots to escape the control of the politically "restrained" police. The Military Airlift Command and Tactical Air Command made over six hundred troop-carrying flights in three or four days, and in addition, "sixty-eight giant troop transports" were standing ready to move *armored* forces into Memphis, from Fort Knox, Kentucky.

Those who wonder why more than half a million troops can't seem to get anywhere in Vietnam might look closer to home for the answer. By Sunday, April seventh, about 12,500 troops were trying to get some sort of a lid back on Washington. The total later went to 15.246. Their orders were very strict on the subject of not being discourteous to rioters, not mistreating looters, never-never even to *load* a weapon without special orders, and to detain, perhaps, but not really arrest kindly looters and insurrectionists.

For this there were required, in addition to the Washington police (about 2,400 men) and the D.C. National Guard, and miscellaneous forces like the National Park Police, the following units:

> *A brigade of the 82nd Airborne Division, brought in from Fort Bragg, North Carolina; a brigade from the First Armored Division, brought from Fort Hood, Texas; 2,000 men of the III Corps Artillery Brigade, brought from Fort Sill, Oklahoma; the 6th Armored Cavalry Regiment, from Fort Meade, Maryland; the Third Infantry Regiment, from Fort Myers, Washington; the 91st Combat Engineer Battalion, from Fort Belvoir, Virginia; the 716th Transportation Battalion, from Fort Eustis, Virginia; the 544th Supply and Service Battalion, from Fort Lee, Virginia; the 503rd Military Police Battalion, from Fort Bragg, North Carolina; the Marine Corps School Battalion, from Quantico, Virginia.*

It was quite a spectacle. Imagine if you can the dull glow of dozens of snipercopes around the White House—to keep a horde of thieving adolescents from walking off with Lady Bird's Easter bonnet right out of the bedroom closet!

You wonder what they're going to do about campaign ribbons for this one.

The policy of "humanitarian" restraint of the police, and concern for "human" rights over property rights, was carried to rather ludicrous lengths everywhere the "Liberals" were in control. In Chattanooga, Tennessee, according to a U.P.I. report dated April ninth:

> *Police fed fried chicken and steak to 150 chanting Negroes Tuesday, but after eating their fill, they surged into downtown streets and began breaking windows and looting. They scattered before a police show of force. Officers arrested about two dozen youths, but Police Commissioner James (Bookie) Turner cautioned his men, "Don't press curfew arrests yet," referring to a 24-hour curfew imposed by the Mayor.*

That's something of it in a nutshell, isn't it? A round-the-clock curfew on the decent, law-abiding majority, and free goodies and immunity from prosecution for law-breaking for the revolutionaries and their juvenile troops:

> *Police said . . . About 150 youths stopped at the Greyhound bus station and began chanting "We want food! We want food!" Police finally told them to go inside and*

help themselves, even though they had no money.

"It's a good thing they're giving it to us because we would have taken it if they hadn't," one of the youths yelled, his plate piled high with fried chicken, vegetables, and bread.

Chattanooga's Mayor Ralph Kelley blared through a bullhorn. "You have made your point. We are doing all we can to provide the Negro community with a better way of life. This will not help." Meanwhile, the destruction went on.

This was almost as craven a performance as that of James Miller, President of Western Michigan University at Kalamazoo, who signed a confession of white "guilt" for the King assassination and was then allowed to have the trappings of administration restored to him—like control of the Administration Building, for instance.

The arrogance of the army of pillagers which occupied so many of our cities early in April was simply boundless. *Philadelphia Inquirer* reporter Joseph Gouleen described the scene in downtown Washington late Friday, April fourth:

Young Negro looters danced into smashed store-fronts within two blocks of the White House, jeering police, cursing any white person who came into sight, grabbing cameras, clothing and jewelry. . . .

"Hey, honkie, let me take your picture," one youth yelled to a policeman on F Street, waving a Polaroid camera with flash attachment he had just snatched from a window display. The policeman didn't answer. "Hey, you white - --, don't hear me?" There were two dull plops as the tear-gas canisters hit. . . . A high-pitched, nervous giggle and then fifteen Negroes were running north. . . .

Such stories were multiplied a thousandfold. Those razzed, cursed, and jostled in the streets included such ranking luminaries as Governor Richard Hughes of New Jersey (who absorbed it with practiced grace) and Lieutenant General Robert York, in charge of the twelve thousand men "restraining" the Baltimore revolutionaries.

Leonard Downie, a *Washington Post* right-thinker and writer, took his soft, safe, self-righteous person down to one of the District of Columbia police stations and listened disapprovingly to the remarks of exhausted and frustrated policemen coming off a twelve-hour shift. Mr. Downie must have had to scribble furiously. He detected "racial epithets" and such "veiled racial taunts" as calling the rioters "welfare people." One can just imagine Leonard straining to get the men's badge numbers, so that they can be informed more clearly about who is allowed to scream unrestrained vilification—and who has to take it and like it.

He reports further that "there were strong complaints about the orders for restraint" given by Police Commissioner Patrick Murphy:

"Have you heard of any trouble in Philadelphia?" a policeman asked a reporter. "Of course not," the officer continued. "They've got Rizzo there."

(*Philadelphia police commissioner Frank Rizzo is well known for the tough tactics he uses in policing the ghetto there.*)

But the significant fact is that these policemen were complaining because they were *restrained in their actions on the streets. For the most part*, they did what they were told to do.

Oh, there were lapses of decorum at times, and Mr. Downie does not excuse them. He reports that there were even "isolated examples of policemen firing into looted stores or in pursuit of looters. One fleeing looter was shot and killed. But these were exceptions."

Too bad Mr. Downie couldn't have been accommodated with a brick through his windshield, perhaps square in the face. Plenty of people were.

One of them was little Teddy Hasko, seven-year-old son of a Hungarian Freedom Fighter now living in Wilmington, Delaware—although for how much longer one really couldn't say. "Teddy was the victim of roving gangs of Negro youths who terrorized the area called 'the Valley,'" reports the *Wilmington Morning News* on April twelfth. "Teddy was hit in the face with a brick" as he sat in his father's pickup truck. He was operated on April tenth; "he is in fair condition, but his parents say their oldest son doesn't recognize them."

Maybe we could send some "Liberal" preacher around to explain to the family that they must be patient and react with love, because after all, *they* killed Martin Luther King. . . .

Mr. Tybor Hasko, when interviewed, said: "I came from a country with no freedom to a country with all freedom. But you have no freedom with all this freedom today." The *News* explained that, "Hasko says freedom without law, freedom without respect for others is really no freedom at all. His tears are bitter. 'Work, work, work. I come here and work for $30 a week. I work seven days a week. I have no time for my children. I save. I fight for freedom. I fight against Communism. My wife shot machine-gun in 1956. . . . I know what war is. But this is worse than war. And always the little man suffers.'"

Here are some other glimpses of the Revolution, as its fingers reach more and more sleeping Americans.

On Monday night, April eighth, reporter Joe Nawrozki of the *Baltimore News-American* saw it this way:

"Baltimore's streets were converted into concrete battlefields last night and, for a while, I wondered if the jungles of Vietnam wouldn't have been safer. Hidden snipers, perched on rooftops, took pot shots at National Guard troops and police almost at will. Home-made firebombs were tossed out of the darkness into business establishments . . . bands of youths roamed the avenues, heaving bricks through windows and looting merchandise.

"And I thought I had seen the last of that when I left Vietnam. Where was the peace and quiet that every soldier longs for when he comes home. It wasn't here last night. At night, helicopters hovered over different sections of the city, blinking their lights. Military guardposts were set up on virtually every downtown corner, shaking down vehicles as they passed through checkpoints. . . .

"Around eight p.m. police reported sniper fire from the high-rise project section in the vicinity of Lombard and Exeter Streets. National Guardsmen sped to the scene, only to be greeted by bottles and bricks that came crashing to the pavement from catcalling Negroes in upper storeys. . . . Profanities were hurled at policemen and soldiers, who hugged walls and crouched behind automobiles. Two shots rang out, and newsmen loaded with cameras scurried for cover. . . .

"In almost a spring carnival atmosphere, residents of the project screamed, 'Go home, honkie!' Federal troops rushed the building but couldn't root out the sniper. The Viet Cong would have been proud of him—or maybe her."

Another *News-American* reporter, Chris Hartman, accompanied troops who tried to root out snipers from nice subsidized housing which has been erected to eliminate the root causes of this sort of thing, you know:

"Within seconds the guardsmen left their trucks and hit the ground. Another two shots rang out. 'They're trying to kill us!' someone shouted. . . . Flames licked at us as we inched along the street. . . . About 10:15 four more shots rang out. . . . Apartment residents were enjoying the show. 'Burn, baby, burn!' they screamed. The police tried to get them out of the windows but they wouldn't budge. . . . They jeered, leered, and shouted obscenities. . . ."

Police and guardsmen finally rushed the apartment entrance.

"When we reached the door, a young soldier was stretched out on the floor at the foot of the steps. He apparently had had a heart attack. Ten minutes had gone by since an ambulance had been called but none arrived. He lay there . . . in the heavy smoke from the blazing store behind the apartment. Troops leaped over him and raced upstairs. . . .

"A man came racing out of an apartment with two children in his arms. 'Please let me down,' he cried. 'I've got to get my children out of here.' He was followed by two women who wept and cried, 'Oh, my God, we're all going to die.'

"A young trooper said he saw a rifle pointing out of a window on the seventh floor. A police major ordered the apartment broken into. . . . 'Open up, this is the police.' A frightened Negro opened the door. He threw up his hands and troopers pushed him against the wall. 'Don't, don't,' he entreated, 'Please God, don't my children are asleep in the next room.'"

The apartment was searched but nothing was found. Other apartments on the same floor were searched, too, but the sniper was gone.

Still, isn't this a lovely slice of life?

The Communists had a dream, in 1964 (and fifty years earlier, as a matter of fact) called "When massive violence comes. . . ." And thanks to our "Liberals" the United States Post Office had to deliver it in *The Crusader*, a revolutionary Communist rag, to Americans who wanted to get their instructions. There it was: "the U.S.A. will become a bedlam of confusion and chaos. Stores will be destroyed and looted. Buildings will be reduced to ashes. . . . The new concept creates conditions that involve the total community, whether it wants to be involved or not."

Incredible, in February of 1964. Not in the least incredible today. Another triumph of our "moderate, responsible" leadership!

Back to Baltimore, and the look and feel of revolution in an American city in April of 1968:

"The fire on Lombard roared. 'Isn't anyone going to put that out?' a police officer asked. 'I'll check, sir,' a sergeant said. He got on the walkie talkie and was told the fire department refused to come back in the area until the sniper was caught. . . . The fire had now leaped to the roof of the next building. . . . As police watched the store burn, residents of the apartment screamed obscenities. 'If you try to put it out, we'll get you,' a voice shouted from somewhere.

"A disgusted policeman turned to his superior . . . 'You try to help them,' the officer said, 'and they try and kill you.'

"Two blocks away were the firemen. They sat on the ground crouched under their trucks as the flames turned the sky a brilliant orange. . . ." They did not dare to do their job for fear of being killed by snipers.

When Wilmington, Delaware, had its turn at terrorism, it was worth little more than a mention, nationally. But what was life like for the victims of this "minor" skirmish?

The *Wilmington Morning News* for April 11, 1968, offers a few samples:

"'I was so mad, I couldn't stand it. I just couldn't believe it could happen in Wilmington,' said Miss Virginia Delong. She was the driver of a Delaware Coach Co. bus in the vicinity of 2nd and Washington Sts. Tuesday, and her 30 passengers felt just as she did.

"They came upon a group of Negroes—'men, women, and even little children, some not more than nine years old, throwing bricks and "slaughtering" two young white women and two young children in a little blue coupe.'

"'I sat there for a few seconds, just stunned,' said Miss Delong. 'Every window in that coupe was broken. They were trying to drag the driver from the car. Both women—they were 21 or 22 years old—were hysterical and the little children, probably about four or five years old, were screaming.'

" 'I sat there and then I said to my passengers, "Are we just going to sit here?" and they chorused "No!" and they all scrambled out, even the old ladies.'

" 'I don't know what we thought we were going to do. We didn't have any weapons. But we all got out together and the Negro people backed away. The white woman driver was able to start her car and get out of there.' "

After that, the bus passengers were mobbed, one boy hospitalized by a thrown brick, but they all escaped. Since then, however, the bus driver, Miss Delong, has been "staying with friends" due to a series of threatening phone calls. . . . Nothing organized, of course. . . .

Two ministers ("Liberals," perhaps?) saw another car attacked at the same intersection. "They broke every window. . . . The man was hunched over the steering wheel, his hands over his head. The woman was crouching on the floor. Some of the young Negro boys, six or seven of them, walked over to the car. There was a kind of glee coming from them—but I thought they were going to see if the people had been hurt." (Oh, they've got to be "Liberals"!) "Then the man at the wheel stuck out his arm. He was handing out a womans handbag. Then he reached to the seat behind him and handed out a shopping bag. It was a primitive barter. They were bartering for their lives. Two youths took the package and the handbag. They turned away, laughing. After a few minutes the man, still hunched over, drove off slowly. There was blood on his clothes."

Incidentally, the *Wilmington Morning News*, which provided these reports, is in the hands of provincial "Liberals" of the sort who are eager to ape their betters by pumping the current propaganda lines. Barely *hours* before the Revolution hit Wilmington, this newspaper had the usual snarfy editorial in favor of disarming the citizenry—you know, gun control, strict limitations, *etc.*

Three days later, on April twelfth, their own news columns carried such items as the tragic story of Mr. Hasko. That account of the Hungarian Freedom Fighter included mention of how, "On Monday night, he stayed at his restaurant with two friends and three rifles. He can't afford to have his windows broken as they were last July during the civil disturbances."

"Liberals" like to tell you that the physical safety of hoodlums and revolutionists is more precious than mere property—and by logical extension, as it happens, more precious than little Teddy Hasko himself. "Liberals" are powerful enough to shackle the police so that *they* dare not discourage the armies of insurrectionists destroying our property by shooting at them. Their next task, clearly, is to disarm honorable Americans like Mr. Hasko and his friends so that they can't "overreact" and shoot at the wild animals in the night who menace their loved ones and everything they own.

III

Just how much does this policy of humanitarian "restraint" *cost*, in cold cash, and who pays for it? It seems impossible to add up all the kinds of losses, really. There are losses covered by insurance, but what about those uninsured, or not fully insured? What of lost business, lost jobs, lost time? What of the disruption caused by curfewing more than ten million people? What is the cost of riot training and riot equipment? What is the cost of overtime for police and firemen, and compensation for those injured or killed? How much does it cost to have 375,000 troops playing games with hoodlums for a week? How much does it cost to move in brigade after brigade from North Carolina, Texas, Oklahoma, Colorado—as was done?

This is just another way to drain us economically. The same "humanitarians" who will squander a hundred million dollars to avoid shooting ten looters, are the "humanitarians" who don't want to build a missile defense system because forty million Americans who might otherwise die just aren't worth the outlay. Or, so we once heard from the Department of Defense!

On the small matter of insurance—in the well-known "fine print" of most policies, it says that riot or insurrection damage isn't covered. Ah yes, but the companies will pay anyway, because they are state-regulated, and they can be squeezed by the politicians more ways than anyone can tell. So they make a deal—for higher premiums, for government re-insurance. And guess who picks up the tab in the end?

"Liberals" say that this humanitarian restraint, and the ensuing incredible damage and loss, must be "a charge on the whole community." Well, it won't be; it will be a charge only on the responsible, law-abiding, productive portion of the community.

They are still a majority, but they'd better wake up!

Incidentally, "Liberal" economists are already telling us they do not see any reason to regard this damage and loss as damage and loss. They stand right there and tell you that it stimulates the economy, just like war. It gets money circulating, doesn't it? All that rebuilding, all that re-stocking of looted stores stimulates the market, and then you have the overtime pay of police and firemen.

To them, there is no significant difference, it seems, between productive activity and destructive activity, as long as money circulates. Like blood, you know.

Yes, gentlemen, like blood. But it makes a difference whether blood is circulating through a healthy system, contributing to the maintenance of that state of balance known as "health"—or whether the blood is merely spreading infection more widely, or merely spilling onto the ground.

To the fools and knaves who are now called "economists," it's all the same thing. The blood is moving, isn't it?

Maybe the key to the Government's long-range thinking lies in a speech by Undersecretary of Commerce Howard J. Samuels, delivered on April tenth to the National Association of Manufacturers, and reported in the *New York Times* on April eleventh. Their headline was, "U.S. Aide Urges Nation to Curb Living Standard." "The question," Mr. Samuels said, "is are we going to spend that money [an estimated twenty billion dollars in the hands of consumers who work for it] on things like color television, or on better schools and housing, and other social needs." He called for half of this extra twenty billion available for "personal consumption" to be diverted into "the public sector," so as "to carry out a war on blight." As the *Times* noted, he's talking about taking "half the annual increase in the things that improved Americans' level of living"—as a payoff for the insurrectionists.

Incredible! But, the man is Undersecretary of Commerce. He doesn't even seem worried about the businessmen destroyed by the riots, does he?

The ruined businessmen may be granted some monetary compensation, but it won't cover all their direct losses, and for the small owner-operator of a business, it won't compensate him for the danger, the anxiety, the risk of staying in the area. Unchecked destruction will drive property owners out of the area, and render their property nearly worthless on the open market. Once the owners have been ruined and driven out, the property—the land and surviving buildings—can be taken over by an "anti-poverty agency" or a "model neighborhood" group. The gang in control can be as incompetent and irresponsible as can be, but there will always be more government money for them. Interesting?

There is really no end to the clear symptoms of our illness. Businessmen, some of them Negro, who were burned out of their stores on Fourteenth Street, in the Cardozo area of Washington, were asked to attend a meeting sponsored by the "anti-poverty" agency called C.H.A.N.G.E. And it became amazingly clear that the "change" they want couldn't be for the better. Those businessmen who showed up probably didn't realize that they were being invited to a "people's tribunal." If they are at all bright, they realize it now. If they don't do something about it in time, they'll be shot instead of insulted in the all-too-near future.

Just another federal "anti-poverty" agency, you know. Let's listen—at least up to the point where the reporters were thrown out.

The *Washington Star* carried this story on Saturday, April thirteenth, in the "Metro Area" section. The meeting took place on April twelfth, with the city still occupied by over fifteen thousand troops and a curfew and emergency regulations still in effect.

Mrs. Ruth R. Webster, president of the executive board of C.H.A.N.G.E., had the meeting called at the group's offices . . . in the heart of the burned-out area. The meeting was supposed to give residents a chance to tell white businessmen why their stores were burned during the civil disorders last week. . . .

Then, like a teacher of little children, you might say, Mrs. Webster asked her "class" of white adults, presumably businessmen: "What were the majority of Negroes saying when they burned your stores?"

Possibly the businessmen were dumbfounded. Or perhaps they hadn't been properly brainwashed by their preachers before coming, and felt insufficiently penitential. Or perhaps the only words welling up were unprintable.

George E. Storey, representing a group called "Build Black," told the meeting: "those lily-white businessmen should lend us the money to establish Negro businesses." He predicted that, unless people like him are paid off with non-commercial "loans," then "civil disorders will occur over and over again."

The threats grew uglier!

About that time, Reed Scott, President of the Columbia Heights Businessmen's Association, arose to mention that a number of Negro members had been burned out, too.

"They were a colored front." someone shouted. Another crowd member shouted for a moratorium on all city planning and on all attempts to rebuild the area. Mrs. Webster asked the crowd to "let us plan together." "You don't plan with cameras and newsmen present," crowd members shouted back. The crowd went into an uproar.

One Negro businessman told a crowd member, "You don't own anything on this block but your big mouth." "We'll plan this city with gasoline," another crowd member shouted.

Then the Press was deprived of the privilege of covering this uproar. However, it is possible that Mr. Reed Scott was getting the message: "Scott later told newsmen that he did not believe the fires and disorders were primarily racial in origin, and he did not know if the businessmen would want to rebuild their stores in the area." Maybe Mr. Scott is quietly figuring out that the fires and disorder are primarily a part of the Communist Revolution, with the Negroes being used as troops.

Nowhere at all, in any discussion along these lines, is there even a mention of the rights of property owners.

Property ownership is just being phased out.

If property owners permit this to happen, one will have to conclude that they deserve what they're going to get. For them, you could almost say that the long and short of it lay in those two sentences: "You don't own anything on this block but your big mouth," and the retort: "We'll plan this city with gasoline."

And our present Government is on the side of the gasoline-planners!

IV

Of course, some cities *didn't* blow, which was interesting. Neither Memphis nor Atlanta, where feeling might have been expected to run high, had more than minor disorders. In Memphis, police smothered trouble. In Atlanta, something else seems to have happened.

As we know, every white "Liberal" politician known to man was in Atlanta for the funeral, jostling for position in front of the cameras. They didn't want to be caught in the midst of 150,000 or whatever the number present, and possibly be trampled by their constituents in some type of disorder. The lid was on—tight.

Detroit and Philadelphia, both severely singed in past uprisings, had rumblings and minor disorders which were immediately suppressed this time. The "Liberals" are complaining about this intrusion on the right to riot, but the citizens definitely are not! In Philadelphia, consensus seems to credit that brutal, racist Police Chief, Frank Rizzo. In Detroit, the millennium may have come—the collection of city and state "Liberal" politicians tried "overreaction" just for kicks, and it worked. Perhaps Governor George Romney is sadder and wiser, counting the ways in which the Liberal Establishment has made a fool of him in recent years.

What about the West Coast? Strangely quiet. Perhaps there has been a recent strengthening of resolve on the local level. At any rate, *Time* of April 19, 1968 quoted a key Westcoast Red as saying the time was not yet right for the Revolution.

Something *was* neatly nipped in the bud in Oakland, California, however. A pack of Communist Black Panthers tangled with police on April sixth, and the police acted without the federally-recommended humanitarian restraint. One wild animal was shot and killed during a gun battle, and the Black Panther "Minister of Information," one Eldridge Cleaver, was jailed.

Needless to say, committees of "faculty members of San Francisco and San Jose Colleges, the University of San Francisco, and the University of California" are demanding an investigation of the police department by federal authorities, and committees of "intellectuals" of the *Ramparts* crowd are gathering to "Free Eldridge Cleaver" to strike again—the usual Red agitation.

Hollywood deputized actor Marlon Brando to attend the funeral of the deceased Black Panther, and he had his picture taken with a scowling "panther" commanding a military formation of about a hundred lesser-ranking "panthers." Their top commander, also in the pokey at the moment, is Marxist revolutionary Huey Newton, who has had *his* picture taken surrounded by spears and assegais, and is a candidate for Congress—running on the ticket of the California Communists' new Party, the Peace and Freedom Party!

Fifteen hundred "panthers" and sympathizers gathered for the laying away of a brother who was overcome, and eight hundred packed into the church to hear the "Reverend" E. E. Cleveland, of the Ephesian Church of God In Christ, praise the paramilitary for doing "a tremendous job."

"We need to know that America is on the threshold of destruction," he proclaimed. Yes, "Reverend," we need to know that.

Incredibily, New York City was not classed as a center of major trouble in the insurrection. Mayor Lindsay, we were told, perambulated the city's streets, charming the inhabitants into decorum.

Lindsay reportedly described his city, in hippie terms, as "up-tight," but not really disorderly. He was praised nationally for "keeping the lid on."

Actually, New York is now at such a constant boil that heat there isn't even news any more. It isn't news when, in one neighborhood alone, hoodlums and vandals have driven both owners and tenants from over *five hundred* buildings. Or when uptown mobs surge as far south as Forty-eighth Street before police can mass enough men to arrest them the new, humane, restrained way.

However, by April tenth, and by no means out of the woods yet, the level of destruction matched the five-day level of 1964. Back in 1964, the Communist-led Harlem and Bedford-Stuyvesant rampages shocked the nation. In April of 1968, insurrection of an equal velocity didn't even make Page thirty-seven of an out-of-town paper.

The *New York Times* reports encouraging progress, however. While damage and losses are as high as ever, and the Fire Department can't tally all the cases of arson yet, at least the destruction is more widespread—more "integrated," you might say. "And," says the *Times*, "there have been fewer injuries because there have been fewer direct confrontations between the police and crowds of rioters."

That's one way to keep the injuries down, you must admit. There are also hardly any claims of "police brutality," since police in New York are so scarce these days. "Liberal" psychologist Kenneth Clark notes approvingly that, in the present series of disorders, "the police showed understanding and concern" for the malefactors and so the hoodlums have had little cause for complaint. You'd better believe it. The *New York Times* of April 16, 1968 quotes a Lindsay representative as stating New York City's current riot code this way:

First, do not shoot unless absolutely necessary. Second, arrest looters only if you have enough men. Third, do not chase looters, because to do so spreads panic throughout the community.

The result? The *New York Times* was required to admit it on April 16, 1968:

One hundred Negro and Puerto Rican operators of small business charged yesterday that Mayor Lindsay had minimized the damage caused by arson and looting in the six days after the April 4 slaying of the Rev. Dr. Martin Luther King.

They also declared that police protection was inadequate and that "an attitude of appeasement and condoning seemed to perpetuate the trouble."

The merchants, many of whom said they had been wiped out by looters, met . . . to determine what emergency measures might be taken to restore their businesses.

From different areas of the city came reports of wholesale looting and arson, with most of the heavier losses in Harlem and the Bedford-Stuyvesant, East New York and Brownsville sections of Brooklyn.

Louis Hernandez, an official of the Bedford-Stuyvesant Puerto Rican Merchants Association, said he felt Mayor Lindsay was "minimizing what has happened. The Mayor makes it seem as if nothing is going on," Mr. Hernandez said. "But places in Brownsville look like they were bombed out and you can see the shells of many stores—groceries, beauty parlors, barbershops, restaurants—that are no longer in business. . . ."

Orrin Judd, chairman of the corporation's Brooklyn division said many Negro and Puerto Rican merchants stayed in their stores throughout the night during the six-day period, guarding them against looters. "Hundreds of stores were totally destroyed," he said.

That same day the *Wall Street Journal* was reporting with the rest of the nation's Press that Lindsay had the answer, and that "officials from cities around the nation, including the Deep South, are flocking (to New York City) to find out the reasons New York has avoided violence this long." Incredibly, the article went on to tell how Mayor Lindsay has made friends with machete carrying Black Muslims and followers of the Mau Mau Blood Creed, and all about how open Communist insurrectionists think so very much of the Mayor of Fun City.

Why not? Lindsay tied the hands of the police so that the terrorists could do their work without tiresome interference.

V

Okay, let's take the gloves off. This insurrection didn't just happen. It was set-up—just as the assassination of Martin Luther King was a set-up. The Communists and their Black Power fanatics have been working to create just such a situation for years. They even *told* us what they were planning to do, again and again, as they did it.

This is only the beginning! And, this time the Administration used only seventy thousand troops to stop them. This time our politicians who have tied the hands of our police officers put only ten million or so good citizens under house arrest—employing curfews enforced by federal soldiers. This time the insurrectionists hit only 168 towns and cities; they killed only forty-three people; and, they set only three thousand or so major fires.

And remember, the Reds and their Black Power troops have promised us that this is only the beginning! Stokely has said that his forces plan to burn down America.

They're sure going to try.

How do you stop it? It's *very* simple. You stop Communist racial agitation; you arrest the leaders for conspiracy to commit murder, arson, and burglary, prove their guilt in a court of law, and lock them up; and, you free the hands of our police so that they can *prevent* rioting and looting and arson by those citizens now convinced by the actions of our "Liberals" that theft, incendiarism, and assault will be tolerated.

Don't kid yourself. The people who are behind all of this mean to have a civil war. We either stop them now or they will escalate this thing.

VOTING RECORD

HON. RICHARD (DICK) ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. ICHORD. Mr. Speaker, 6 years ago I began the practice of compiling my voting record for the people of the Eighth Congressional District of Missouri in order that they may know exactly how I voted. By this compilation, numerous speeches, press releases, and newsletters, I have endeavored to keep those I represent informed of my activities in their behalf on legislative issues considered by Congress. Of the 564 rollcalls of this Congress as of May 7, 1968, I answered to my name 89 percent of the times. Most of the absences were due to my presence in the combat areas of South Vietnam as chairman of a House Armed Services Committee investigating excessive malfuntionings of the M–16 automatic rifle last June.

My district, Mr. Speaker, is composed of 445,523 people in 23 counties in mid-Missouri. Under the new redistricting act it consists of 15 out-State counties and three townships in St. Louis County. It is a large district with many and diverse political, economic, and sociological views and interests. The complexity of interests and myriad of pursuits such as farm-

ing, both small and large businesses, education, labor, and mining make it impossible for everyone to agree with every vote I cast. Many of my votes would have been different if the vote had been taken at different times and under different circumstances. Our present serious financial situation, for example, which I have anticipated for many months dictated my vote against many programs. Some organizations may say that my vote agrees with their position 71 percent of the time and others only 13 percent of the time. But whether one may consider my vote right or wrong, the record does show, I submit, that my work and votes have been the product of my own thinking as to what is best for my district, State, and Nation.

My voting record for both sessions of the 90th Congress, covering major bills and other important votes, up to and including May 7, 1968, is shown on the following chart:

Bill No.	Description of bill	My vote
H. Res. 278	Resolution to exclude Adam Clayton Powell as a Member of the 90th Congress.	Yes.
H. Res. 221	Resolution authorizing operating funds for House Un-American Activities Committee.	Yes.
H.R. 9960	Housing and urban development appropriation bill amendment to delete $10,000,000 rent supplement funds.	Yes.
H.R. 9960	Amendment decreasing funds for "Model City" program	Yes.
H.R. 7819	Bill to strengthen elementary and secondary education programs including education of Indian children, overseas dependents' schools, education of the handicapped, etc.—final passage.	Yes.
S. 1432	Bill amending and extending the Selective Service System for 4 years	Yes.
H.R. 10480	Bill to prohibit desecration of the U.S. flag—final passage	Yes.
H.R. 10943	Amendment to title V to Higher Education Act to delete Teacher Corps	Yes.
H.R. 10943	Final passage of extension of title V, Higher Education Act	Yes.
H.R. 10340	National Aeronautics and Space Administration appropriation bill amendment to decrease 1968 authorization by $135,700,000.	Yes.
S.J. Res. 81	Joint resolution to settle railroad labor dispute by determination of special board.	Yes.
H.R. 421	Antiriot bill prohibiting use of any facility in interstate travel with intent to to incite a riot or other violent disturbances.	Yes.
H. Res. 749	For consideration of bill providing new Federal programs of rat control and extermination.	No.
H.R. 9547	Inter-American Development Bank Act—motion to recommit to decrease U.S. payment from $900,000,000 to $750,000,000.	Yes.
H.R. 5037	Anticrime bill providing for program to assist States in reducing crime and to increase effectiveness of law enforcement.	Yes.
H.R. 12080	Social security benefits increase and provisions requiring recipients of welfare able to work to either go to work or train for work.	Yes.
S. 16	Bill to increase veterans' pension rate	Yes.
H.R. 12048	Ichord amendment adopted to 1967 foreign aid bill to reduce the Developmental Loan Fund by $150,000,000.	Yes.
H.R. 12048	Foreign aid appropriation bill amendment to decrease authorization from $248,000,000 to $210,000,000.	Yes.
H.R. 12048	Final passage of foreign aid bill	No.
H.R. 478	Bill amending Fair Labor Standards Act of 1938 to relieve domestic industries and workers injured by increased imports from low wage rates.	Yes.
H.R. 7977	Recommittal motion on Federal Salary Act for the purpose of deleting provision creating Presidential Commission to fix salaries of Federal judges, Members of Congress, Federal executives, and other purposes.	Yes.
H.R. 7977	Final passage on above bill	Yes.
H.R. 13510	Adjustment of military pay scales	Yes.
H.R. 12144	Bill to clarify and amend Meat Inspection Act	Yes.
S. 1872	Conference report on foreign aid bill recommittal motion to prohibit sending aid to countries trading with or supplying arms to North Vietnam.	Yes.
S. 1872	Adoption of conference report on foreign aid bill	No.
S. 2388	Recommittal motion reducing poverty program funds from $2,060,000,000 to $1,060,000,000.	Yes.
S. 2388	On final passage of poverty program bill	No.
H.R. 13893	Appropriation of $2,020,000,000 for foreign aid	No.
S. 1031	Motion to recommit Peace Corps bill reducing appropriation from $115,700,000 to $105,000,000 and excluding salary payment to any employee attempting to avoid military obligation.	Yes.
H.R. 12601	Bill updating the Internal Security Act and providing registration of Communist organizations (Ichord was an author of this bill).	Yes.
H.R. 2516	Civil Rights Act of 1968 with open housing amendment	No.
H.R. 11601	Truth in Lending Act of 1967—requiring disclosures of costs of credit, annual rate of charge on loans and installment credit.	Yes.
H. Res. 1099	Creation of Committee on Standards of Official Conduct to establish and enforce codes of conduct for Members, officers, and employees of the House of Representatives.	Yes.
H.R. 5037	Law Enforcement and Criminal Justice Act providing Federal grants to States for aid to State and local law enforcement agencies for programs to control riots and combat organized crime.	Yes.
H.R. 15827	Vocational Rehabilitation Act amendments to extend programs of grants to States for training and special projects in research.	Yes.
H.R. 14743	Gold cover bill—removing gold cover from our currency	No.
H.R. 12555	Bill permitting veterans to earn more income without suffering a reduction of pension.	Yes.

THE AMERICAN'S CREED

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. HUTCHINSON. Mr. Speaker, in this time of turmoil, when principles which our fathers accepted in an ordered society must be proven all over again, we have a duty to avow to our young citizens our pride in America, in confident expectation that they, too, will keep fervently in their hearts the pride of patriotism.

I know of no better statement of our American political philosophy than that written just 50 years ago by William Tyler Page, who later, from 1919 to 1931, was Clerk of this House. He titled it "the American's Creed." With the purpose of reminding our young citizens of its virtues, I am presenting to each high school senior whose name I have in the Fourth Congressional District of Michigan, a copy of "The American's Creed," with a presentation certificate, in the following form:

THE AMERICAN'S CREED

(By William Tyler Page)

I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a Republic; a sovereign Nation of many sovereign States; a perfect Union, one and inseparable; established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes.

I therefore believe it is my duty to my Country to love it; to support its Constitution; to obey its laws; to respect its flag; and to defend it against all enemies.

Presented to (Name of Graduate) with congratulations upon graduation from High School. May the highest ideals of American citizenship guide you in a life of success, happiness, and achievement.

EDWARD HUTCHINSON,
Representative in Congress,
Fourth District, Michigan.

NATIONAL HOLIDAY FOR THE RUMANIAN PEOPLE

HON. JOSEPH P. VIGORITO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. VIGORITO. Mr. Speaker, it gives me great pleasure today to salute all those people of Rumanian descent both in the United States and in other lands on this occasion of their traditional national holiday, the 10th of May.

I would also wish to honor today all those Rumanians in their homeland who struggle under the oppressive yoke of an unfriendly government. I know that my colleagues in the House of Representatives join with me in the hope that we will soon be able to see the Rumanian people again masters of their own destiny. It is the right of every nation to be free; to enjoy the fruits of freedom.

The Rumanian people, strong in faith that this will come about in the future, are to be praised for their courage and steadfastness in the face of numerous odds. With such faith as this we know they will emerge successful in the future.

DEVELOPMENTS IN POLAND

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. DERWINSKI. Mr. Speaker, a very timely and penetrating article on developments in Poland appeared in the May 3 Chicago Daily News emphasizing fundamental points.

It is interesting to note that the Daily News very properly pointed out that U.S. Ambassador John Gronouski should have walked out of the ceremony in which Poland's Communist leader Gomulka mouthed off against the United States. The commentary also points out the legitimate and continuing interest the Polish-Americans have for developments in the land of their forefathers which might produce freedom from Communist rule.

The article follows:

GIVE POLES FREE CHOICE

Wladyslaw Gomulka, Poland's Communist leader, has challenged the United States to demonstrate that it treats its millions of citizens of Polish descent any better than Poland is currently treating its relative handful of Jews.

Listening to this ridiculous accusation was the U.S. ambassador, John A. Gronouski, former postmaster general, whose grandfather was born in Poland. Gronouski would have been fully within his rights as a diplomat and a human being had he turned his back and walked out on the ceremony. He probably should have done so.

Gomulka is fighting for his political life. Student unrest and intellectual discontent with his retreat from the bright promise of 1956 are widespread. The familiar tactic of purging Jews has brought him some support but it has not been a full success domestically. And it has done new damage to Gomulka's international standing. His irrational lashing out at the United States may perhaps be understood; it cannot be excused. There is too much solid evidence to refute it.

If things are so tough on Americans of Polish descent, why are there so many millions of them who prefer it here? If they are so economically underprivileged, where do all those precious dollars come from that flow regularly back to Poland to help families who need it there? If they have no political future in the United States, why are there so many on the roster of the Congress, among the judges, in the business community and the professions?

If Gomulka still has any doubts there is one very certain test he could apply. Let him open the borders for those to leave who would like to embrace the uncertainties and the "discriminations" of the West in exchange for the freedoms and privileges they now enjoy in Poland. The result would be startling, for all the deep feeling Poles have for their homeland.

THE CAB STAFF STUDY OF AIR FARES

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. MOSS. Mr. Speaker, during the last year I have endeavored to share with my colleagues in the House and Senate views expressed by Richard W. Klabzuba concerning the airline industry's fare structure.

It has been Mr. Klabzuba's contention that fares should be related to the passenger-hour because costs are in fact determined by the passenger-hour. Further, Mr. Klabzuba has contended that since fares are now related to mileage, the public has suffered pecuniary damage.

Up until now all Mr. Klabzuba has done is to criticize the airlines' fare structure as being inequitable, its statistical structure as being inaccurate, and its earnings being as a result inadequate. Now I am pleased to bring to your attention Mr. Klabzuba's recommendation, which he published in three articles in Air Transport World.

The recommendations are quite extensive, taking into consideration practically every facet of the industry, such as cost of service, value of service, available capacity, demand, load factors, distance, reduced fares, and so forth. Yet, Mr. Klabzuba seems to have advanced a relatively simple formula which can be figured by hand, or calculated by the most sophisticated computer.

In regard to Mr. Klabzuba's proposal, I should like to bring to my colleagues' attention the fact that the staff of the Civil Aeronautics Board found at page 5 of its recent staff report, "A Study of the Domestic Passenger Air Fare Structure," that—

> There is a close relationship of fares to distance.

In addition, on page 3 the staff stated:

> In general, fares should be related to distance or time traveled since this would be a generally understood basis and since costs would also vary, but not exactly, with distance or time.

Now while it is true the staff recommends on page 75—

> The fares should be primarily related to the distance. . . . Fare per mile should decline with distance at a rate generally consistent with the behavior of unit costs—

It should also be pointed out revenue and costs were compared only on a mileage basis; no comparison was made on a time, or passenger-hour basis.

For example, on page 49 the staff states:

> Revenue yields represent the average passenger revenue per passenger mile received by the carrier.

If fares can be related to distance or time, why were not yields also computed per passenger-hour?

Again, on page 35 the staff states:

> In this phase of the study (*cost-of-service*), efforts were directed to ascertaining representative unit costs per passenger mile by length of haul for jet first class and jet coach services offered by the domestic carriers.

Why were not costs compared on a representative unit cost per passenger-hour, especially since the staff notes on page 44:

> For example, in the current study, direct aircraft operating expenses by equipment type have been related to aircraft revenue block hours, producing a unit cost per block hour.

Possibly if the staff had conducted a study on both a passenger-mile and passenger-hour basis, it might have arrived at a different recommendation.

I am however, pleased to see that the staff does support Mr. Klabzuba's recommendations in other respects.

On page 72, the staff recommends:

> Single factor local fares should be published for all markets in which service by a single carrier is authorized, and publication of single factor joint fares in all markets in which connecting service is offered.

And on page 73–74, it states:

> More liberal or flexible tariff rules relating to routing should be developed. Routing restrictions could largely be eliminated by a rule permitting travel over any route other than through or via a point(s) having a higher fare. Carriers should realize fairly substantial cost savings in revenue accounting and fare prorating and their program to automate fare quotation and ticket issuance would be facilitated.

Together, these two recommendations substantially support Mr. Klabzuba's "hub-point" routing thesis set forth in the first article that follows and which is subsequently supported in the second article on a value-of-the-service basis. Such a price-fixing scheme is particularly of growing importance in cases of medium-sized cities, such as in my own district.

Finally, I note with interest that the CAB staff pleads on page 74 of its report:

> It should be possible to develop a formula or standard on which jet day coach, the basic class of fares, would be based.

And on page 75:

> The criteria should be drawn in such a manner as to allow leeway for the carriers to adjust fares, within the criteria, to meet the various unforeseen problems which will undoubtedly arise.

In his final article Mr. Klabzuba states:

> Thus, the passenger-hour formula reflects the vital interests of the marketing-man as well as the lawyer and economist. It insures equitable treatment without inhibiting an airline's freedom to establish fares it feels necessary to develop its market potential. It provides a norm against which specific fares can be tested without attempting to force all proposals to conform to fixed pre-set scales.

If this be true, this may well be the formula which the CAB staff has been seeking. Therefore I believe it deserves serious consideration.

The articles referred to follow:

[From Air Transport World, October 1967]

WHY PASSENGER-HOUR SHOULD BE FARE BASE

(By Richard Klabzuba)

The airline industry needs a new fare structure—one geared to the productivity of jets. It should be based on the *passenger-hour*.

The passenger-hour would enable airlines to provide the public with more adequate and more efficient service, in a more economical manner. The passenger-hour would provide air carriers with greater operating flexibility thereby encouraging the development of a system more properly adapted to the present and future needs of the world in the jet era.

The passenger-hour fare structure not only would decrease airline costs, but increase airline productivity and earnings.

When constructing airline rates, careful attention should be given the applicable rules of rate-making set forth in governing statutes and prior decisions of the regulatory agency.

In the United States, these rules are rather specific. They require, among other things, consideration be given the need of each air carrier for revenue sufficient to enable it to provide *adequate, economical* and *efficient* airline service at the *lowest cost* consistent with furnishing such service, and at *reasonable charges* (without unjust discrimination, undue preference or advantage, or unjust competitive practices).

Every airline serving the U.S. has a statutory duty to establish, observe and enforce just and reasonable individual and joint rates, fares, and charges.

What is the test by which the reasonableness of fares should be determined? The theory of rate-making ranges from a strict "cost-of-service" principle to an equally extreme "what-the-traffic-will-bear" concept. While it is doubtful whether any single rule can be laid down applicable to all cases, it is now well settled that the principal test in the U.S. is the cost of producing the service.

This is not a strict cost test however. Cost is not the sole criterion for determining reasonableness. The CAB repeatedly has stated that there may be special circumstances which warrant a departure from the cost principle—that economic considerations do not demand that rates must at all times cover fully allocated costs, "rather that rates must be at all times, reasonably related to costs."

It is generally recognized that hours are the best measure of airline operating costs. The major portion of the variable and direct costs are incurred by the number of aircraft-hours flown by type of equipment.

While the remainder of the expenses are either fixed or related to the number of ground handlings, there is a substantial amount of evidence indicating over-all costs historically have been proportional to the total number of aircraft-hours flown by equipment type.

A BETTER STANDARD

It is a phenomenon of airlines that the costs for a given aircraft remain about the same per flight-hour regardless of the number of passengers carried, duration of flight, or block-to-block speed.

In addition, regardless of how rates are constructed, once fares are fixed, sales and revenues become a function of aircraft utilization and speed.

With an aircraft, increasing its capacity, or utilization of available capacity, or block-to-block speed tends to simultaneously increase revenues and reduce unit costs.

Limiting the recommendation made herein primarily to airline fares, traffic routings, and legal rules pertaining to such fares and routings, its evident that revenues can be significantly increased (and costs decreased) by:

(1) *Minimizing* the elapsed flight-time needed to render a service, and

(2) *Maximizing* the average load carried per aircraft-hour.

Unfortunately, it is becoming less feasible to achieve both objectives simultaneously. The increased speed, capacity, and range of new jet equipment is causing many markets to become marginal. Whereas a 40 passenger-a-day (15,000 per annum) market used to be more than adequate for 21-seat DC–3s, it is a borderline service for a 90-seat DC–9.

As a result, it is becoming increasingly necessary to weigh the advantages of minimizing the flight time against those maximizing the load carried.

While a direct nonstop flight will always provide the shortest enroute time and lowest overall aircraft operating cost, it will not necessarily provide the greatest overall earnings, nor the lowest cost consistent with furnishing the service to an individual passenger or shipment.

In those cases where the traffic is no longer sufficient to support a direct point-to-point nonstop service at reasonable load factors, frequencies, or costs, the most practical alternative is to combine the traffic with other marginal markets. Usually this can be accomplished by simply increasing the distance factor slightly, and routing both markets through the nearest larger demand center or hub-point.

UNITED AIR LINES, INC., LOCAL FIRST CLASS AND COACH FARES

[In U.S. dollars]

	1st class			Coach		
	1-way fares		RG No.	1-way fares		RG No.
	Jet F	Propeller A		Jet Y	Propeller T	
Between Akron and West Palm Beach	$77.85	$76.70	50	$66.85	$57.85	102
Do	79.60	78.80	56	67.60		56
Do	80.10	80.10	88	70.00		88

Akron-West Palm Beach is a typical small market (about 200 passengers a year) with a multiplicity of fares. United has 10 base fares not including youth, military, Discover America and family plan. Under passenger-hour concept there would be only one base fare for each class of service.

At present, there are many situations where a routing through a beyond hub-point not only would provide the highest average load, but also improve the frequency of service and reduce the elapsed enroute flight-time; e.g., Oklahoma City-Washington via Dallas, as opposed to via Tulsa and Nashville.

Although an airline is a business, it is also part of an international common carrier system. Unlike other businessmen, airline executives have a dual obligation which they must consider in setting fares.

A business is carried on with a view to private gain. Increased profits through increased business is a stimulating thought to a businessman. In fact, because increased business indicates growing demand (and increasing demand enhances value), it is a more stimulating thought than increased earnings through decreased costs.

To encourage such growth, businessmen take a variety of actions. Advertisements, solicitations, inducements, favors, etc., are all freely proffered to build up business in one place or another, or in one direction or another, with but a single purpose—increased business, higher revenues, and greater gain.

On the other hand, the objective of a pure system such as the post office or city water department is equal service to all at uniform rates. No person in any city or town can get a special rate for carrying his mail. No one can be favored in the promptness with which his mail is carried. No one can be assisted in the kind of service which is rendered without paying an additional fee.

BUT DIFFERENT OBJECTIVES

Growth, revenue, and profits are not the primary objective of a pure system like the post office. No effort is made through special inducements to build up increased business nor to balance the flow of traffic.

Instead, there is a simple classification and uniformity of rates. All persons and places are served with equal facilities. Should expenses exceed revenues, the deficit is subsidized by the general treasury.

Now, if an airline was a mere private business, the public would leave entirely to the interest and judgement of management how the airline should be developed, giving to them thereby the power to foster industries and cities here and there. The effect of airline service on local property values is deserving of serious consideration.

By making metropolitan centers and non-hub points more or less accessible to a greater number of people, airlines (as a group) can have an effect on the value of local commercial and residential property.

When businessmen contemplate locating a factory, branch office, or hotel, they normally do not consider the cost of mail service. Rather, the frequency, availability, and cost of transportation are usually principal factors.

Just as the railroads provided New York with the opportunity to outdistance Boston and Philadelphia in economic importance, so the airlines have increased the importance of Atlanta, Bangkok, Dallas, San Juan, Sydney, and Tucson. They have literally brought into being such communities as Acapulco, Anchorage, Las Vegas, and Tahiti.

While the public is quite naturally reluctant to vest airline executives with the sole power to determine future property values, it is equally loathe to adopt a rigid pricing system which will not stimulate increased business activity. The test of reasonableness must, therefore, also include a recognition of variations in the ability of traffic to carry a full share of fully allocated costs, the effect of more equitable rates in generating new traffic, and the resultant effect of increased volume on increasing revenues and reducing unit costs.

The public is generally willing to accept a reasonable amount of preference, disadvantage, and discrimination, so long as it is not undue nor unjust, and provided there remains an overall absolute certainty and uniformity of rates.

Thus, to assure adequate, economical and efficient airline service in the jet age at the highest earnings and lowest cost consistent with furnishing such service, airline fares should be established in such a manner to:

(1) Permit traffic in marginal markets to flow through hub-points without regard to the direction of flight;

(2) Recognize the natural advantage of each community's geographic location (proximity between two points), even when there is not sufficient traffic to make a direct jet flight economically feasible; and

(3) Consider the value of the service to the consumer.

The fare structure should not govern the pattern of airline service, nor vice versa. Individual and joint rates should be constructed in such a way as to minimize the passenger or shipment's enroute time, subject to maximizing the load carried per aircraft-hour.

Generally speaking, voluminous evidence indicates a sound fare structure requires that the respective fares increase with block-flight-time because costs increase with block-flight-time, and that a departure from this principle (except for considerations of value-of-service) will tend to lessen the revenues of the carriers, weaken their economic position, and impair their capacity to render adequate, economical and efficient service.

This principle does not set up an absolute bar to the establishment of lower, identical, or common fares to more distant points, but rather only indicates that such fares should not be established in the absence of special justification, such as geographic location, value-of-service, etc.

In its simplest form, a just and reasonable fare is the product of a base rate per block-hour (by class of equipment and service) multiplied by the selected block-time applicable to the points being served. This base charge should subsequently be adjusted upward or downward to conform to the value-of-service, competition, provide for costs peculiar to the particular service, etc.

A YARDSTICK FOR REASON

It cannot be stressed too strongly that, although it is mathematically possible to compute a fare from the foregoing formula, it does not follow that such a computed fare is necessarily the "correct" or "ideal" fare for any city pair. Rather, it merely represents a kind of average or norm by which the reasonableness of the published fare should be determined.

The distance or passenger-hour element should normally be established by computing the average scheduled block-time (in both directions) by way of the shortest practical routing over which the *majority* of the traffic is expected to flow.

Between the major or primary demand centers or hub-points, this figure generally should be the nonstop flight-time. In most cases, the distance element will nearly always involve one or more enroute stops.

The passenger-hour element must also take into consideration deviations in elapsed flying time. Weather conditions, traffic peaks, airways and terminal congestion alter block-times. Airline schedules are periodically amended to reflect such seasonal changes.

While these deviations have little or no effect on hourly costs, they do have an impact on revenues. Yield varies with block-time. These differences should be incorporated in the average scheduled block-time.

Increased airport congestions should not automatically increase the distance element. Neither should the inauguration of a faster service between two points imply an immediate reduction in the passenger-hour element used to construct fares.

Normally, no change should be made until the airline and the regulatory agency have considered all the facts of the particular case. They may, for example, want to weigh the merits of a lower fare for a single nonstop service against a possible reduction in the frequency of service.

Second, there would appear to be little or no justification for charging a lesser amount for a superior service. It is obvious that a nonstop or faster service is superior to a multi-stop flight. It has a higher value-of-service. On the basis of value, the airline is justly entitled to a higher revenue yield per hour, provided the over-all revenues and rates are reasonably related to costs.

The new fare structure should greatly simplify tariffs. One reason for the multiplicity of fares to-day is the fact they are constructed on a mileage basis. The present rigid pricing system can sometimes result in a single airline having four first-class, four coach, and maybe four youth/military fares between two points, each one being slightly different depending upon the route utilized.

With the greater routing flexibility of the passenger-hour, and emphasis on value and service rather than mileage, it is anticipated each airline will usually file only one first-class, one coach, and one youth/military fare for *all* routings. One fare for each class of service, three fares instead of 12.

The airline industry needs a new fare structure—one geared to the productivity of jets.

Everyone recognizes that the major markets produce the greatest revenue. The big problem is to serve the increasing number of marginal markets.

The larger capacity, higher speeds, and longer range of the new generation of subsonic and supersonic jets make it increasingly more desirable and profitable to route passengers via the fastest possible service regardless of mileage.

In view of these facts, it is recommended that the new fare structure be based on the passenger-hour.

With the greater operating flexibility of the passenger-hour, the airlines could provide the public with more adequate and efficient service, in a more economical manner. The passenger-hour fare structure would reduce airline operating costs, while increasing airline productivity and earnings.

[From Air Transport World, January 1968]

HOW "VALUE OF SERVICE" FIGURES IN FARES

(By Richard W. Klabzuba)

Airline rates should be geared to value-of-service as well as the passenger hour.

The test of an individual fare's reasonableness must include a recognition of variations in the ability of traffic to carry an equal share of costs, the effect of different rates in generating traffic, and the resultant effect of increased volume on reducing unit costs.

Hourly rates adjusted for value-of-service would enable the airlines to provide the public with even more adequate, efficient and economical service. Differential pricing can increase airline productivity and earnings, and decrease unit costs.

Since a just and reasonable price is not exclusively a function of costs, cost-of-service cannot be used as the sole criterion for establishing airline rates. The determination of rates must also take into consideration the effect of such rates upon the movement of traffic; that is, the value-of-service. In the U.S., the CAB is under a statutory injunction to consider this factor.

What is value-of-service? What makes one airline service commercially worth more than another—merely as a service, excluding differences in the *amount* of transportation?

Value-of-service refers to the monetary worth or quality of a particular air service to an individual passenger. The value is not a quality intrinsic in the service, rather a state of mind concerning it. It is a condition.

An airline or regulatory agency's determination of value-of-service is simply an attempt to ascertain upon the basis of market analysis what the condition or state of mind is at a particular time.

When the public exhibits a decided preference for a certain service over others (irrespective of any obligation to prefer it), then it may be classified as a more desirable service. Some examples are: faster service, reliability, frequency, convenience, through-plane service, safety.

If one or more of these services is preferred to any alternate choice, and it is preferred to any quantity of the other service, then a superior quality may be justifiably ascribed to that service. Hence, quality-of-service has a commercial value which, like quantity, can be measured by comparison.

Objectively, value-of-service is by definition equivalent to the maximum-demand-price. It is the highest rate which can be charged without losing the traffic. It has no inherent relation to cost, even though cost is often used synonymously with the price. Value-of-service can exceed, be proportional to, or fall short of costs.

Under the railroads' monopoly conditions, the maximum charge was established by "what-would-the-traffic-bear" before being entirely *abolished*. In the modern competitive environment, however, value-of-service rate-making is concerned with charging what the service is reasonably worth. The maximum rate is affected by the charge the traffic will sustain without being *diverted* to another carrier.

Value-of-service is not a single figure. Rather it is a schedule of quantities of service consumers will purchase at various possible rate levels at a particular time. In addition, this schedule periodically shifts.

Finally, value-of-service is meaningless with respect to the over-all rate level. Value-of-service is concerned with the pecuniary worth of a *particular* service, as opposed to the entire system. Over-all value embraces the demand schedules for specific markets, rather than an over-all schedule.

Since earnings are essentially determined by value (selling price), the idea of increasing value and shifting the demand schedule is very exciting. Free reservations, rapid baggage and cargo handling, special waiting facilities, and exclusive in-flight services are all freely offered with but a single purpose—to build-up value, increase business, and raise revenues.

Value, however, is a condition which is not a function of costs. Improving the quality of service does not always enhance its value (although a reduction in quality of service usually diminishes value-of-service). As a consequence, airline executives sometimes discover they have incurred an additional cost with little or no accepted increase in value. Since this is a normal business type risk, the test of reasonableness must incorporate a recognition of the willingness of traffic to pay readily for additional services; that is, the elasticity-of-demand.

Price elasticity is determined by the differential between the value-of-service and the prevailing fare. When this spread is relatively narrow, as it can be in the case of personal travel, the market will be highly price-motivated and relatively responsive to price changes. It will have an *elastic* demand. But, if the gap is substantial, demand will be priced *inelastic*.

DEMAND LOW, VALUE LOW

When demand is not too great, traffic growth depends upon both a larger rate reduction to compensate for the lower value-of-service, and a greater creative sales effort to enhance the value of the service and shift the demand schedule.

Conversely, if the value-of-service is relatively high, customer demand will not be too sensitive to minor price changes. Passengers in this category must be courted with non-price service features. In this market, the ancillary services are an essential part of a competitive transportation service.

With regard to airlines, the general consensus is that over-all demand is at present composed of two rather distinct price markets: *One,* the so-called "nondiscretionary" market composed of businessmen and others who fly for nonpleasure reasons; and *Two,* the "discretionary" consumer market of personal and pleasure travel.

The maximum rate a businessman will pay for air transportation is determined primarily by the earnings *he* expects to realize as a result of his purchase. Because almost all time in transit is non-productive, the maximum fare an executive will pay for faster services varies with his productivity or decision making position. The biggest cost of a business trip is the executives' time, not the fare. The value of airline service to a businessman is determined by his income and actual travel time, including layovers.

As regards the discretionary market, the maximum fare an individual will spend for pleasure travel turns primarily upon the level of his income, and his "travel habits." The value of personal travel varies with disposable income and the subjective aspirations of the individual.

Unlike business travel, personal travel involves non-productive leisure time and the expenditure of earnings. No pecuniary return is anticipated. One of the biggest costs of a personal trip is the fare.

The difference is further complicated by the fact businessmen spend *pre-tax* funds and pleasure travelers make *post-tax* purchases of similar services. The combination of these three elements creates a substantial difference in the value-of-service—even though the cost-of-service may be identical.

All of these factors—salary, disposable income, nature of the trip, etc.—must be taken into consideration in fixing airline prices since they affect the movement of traffic.

There is also another school of thought which assumes the basis of value depends upon distance. The distance theory of value (which is analogous to the cost-of-production theory of value) does not deny that potential earnings, disposable income, general "travel habits," etc., are the basic condition of all value. Rather the theory asserts the *cause* of value-of-service, as distinct from the condition, is determined by distance.

According to this hypothesis, airlines should charge more for longer and more circuitous trips as compared to direct routings. The principle of charging more for a circuitous routing has historically been applied to U.S. domestic services. Under this principle, routings have governed the fare structure.

Value-of-service, however, is indefinitely related to distance. A $100,000 contract signed at the end of a five-hour flight is not necessarily more valuable than one involving a two-hour flight, or even no flight at all. A service which is useless is worth nothing, irrespective of aircraft-hours and cost involved. Without some value to the *user,* a service is commercially valueless.

While costs increase with flight-time, there is no reason why value should do likewise. One reason rates so frequently ignore distance at present is that there is no innate relationship between distance and value-of-service.

On the contrary, the relationship between rates between points is much more important due to the effect it can have on local property values. Differences in the price of transportation can dictate location of plants and warehouses, determine which markets can be penetrated, and influence the "pull" on tourists.

NOT DISTANCE ALONE

Distance is only one of the elements to be considered in measuring reasonableness. If rates increased uniformly with flight-time, the charge for many longer trips would exceed the value-of-service, and not be purchased. For this reason, the test of reasonableness must include a recognition of variations in the ability of traffic to carry different rates from different points.

Finally, the continued dependency of many light-density operations upon the financial support received from high-density services has unfortunately led to a popular feeling that *all* short-haul services are a drain on profits derived from long-haul operations. This narrow view, however, completely overlooks the fact that many low-density short-haul routes are actually stub-end extensions of long-haul services.

Airline service is inherently a high leverage operation. Since aircraft-hourly costs are inclined to be relatively constant, added traffic doesn't require any material increase in manpower, fuel, oil, maintenance, etc. However, when traffic turns soft and load factors begin to decline, earnings can disappear rapidly. The loss of connecting short-haul traffic would depress trunkline revenue.

To a certain degree, connecting traffic from low-density non-hub short-haul markets is the cream which tops-off trunkline traffic. If this market was not important, why do the trunklines devote so much time, money and effort to promoting and financially supporting air taxis (such as Metro Air Taxi and Piper Twinair), helicopter services, and interline sales?

SHORT-HAUL FEEDER VALUE

The test of reasonableness should not overlook the feed-in value of short-haul segments to long-haul flights.

As a general principle, a sound rate structure requires that the determination of airline rates should take into consideration, among other things, the nature of the trip—whether it is for commercial or leisure purposes—the customer's position, earnings, disposable income and aspirations, in addition to the quality of the airline service itself and the nature, quality, "pull" and over-all cost of competitive destinations and services. The public's willingness and ability to purchase air transportation varies principally with these factors.

The principle sets up an absolute bar to the establishment of higher fares. The public will not pay such charges. At the same time, lower rates tend to lessen the potential revenues of the carriers.

The value of airline service at most non-hub points is generally substantially less than similar service at hub points. Recognizing this, it has been suggested that a considerable degree of experienced judgment be utilized in fixing rates, especially when the geographic proximity of points conflicts with efficient and economical routing.

With regard to the horizontal fare structure—the relation of rates between points—common fares and identical charges should be used to a greater extent as a marketing tool to (1) increase traffic generated at non-hub points, and (2) encourage the flow of traffic through hub points. Hub point routing improves service in many markets by reducing actual elapsed travel time, and erases the present limiting effect of the route structure on the fare structure.

Charging the same fare for a longer distance as for a shorter one is not unsound. While it is almost axiomatic in air transportation that earnings derived from high-density operations serve to support low-density services, it is likewise a fact that the interline revenues derived from marginal light-density short-haul routes contributes to the earnings, profits, and lower unit costs of long-haul trunklines.

PRICE MUST REFLECT VALUE

Although it is undoubtedly much easier to simply increase charges with distance in conformity to Euclidean geometry, this does not appear to be the most profitable course of action. Such a mechanical pricing system completely overlooks the important ingredients of value-of-service, and the feed-in value of short-haul segments to long-haul flights.

Commercial airline service should form a single integrated system of air communication, and tariffs charged over the system should be on a common basis. The need for tariff rationalization has been apparent for some time, including common-rating.

While over-all corporate expenses are ascertainable with much more precision and capable of more tangible expression than over-all value-of-service, because the latter is meaningless, it is still virtually impossible (even with today's more refined accounting methods) to establish accurately a unit transportation cost in a specific situation where all services are performed jointly.

Nevertheless, the fact that various qualities of service have commercial value which can be measured by comparison indicates that value is not completely intangible. Value is capable of mathematical expression.

A refined market analysis is one definite and tangible measure of the general consensus of what a specific service is worth at a particular time. Such analyses are now sufficiently practical in their application to permit an objective determination of unit value in a particular situation. Strictly speaking, in a specific situation, value-of-service can normally be measured much more precisely than cost-of-service.

Scheduled airlines proffer a time-space/weight sharing transportation service, whose economy and efficiency depends upon high utilization of capacity. Differential pricing can improve the utilization of that capacity—increase airline productivity—enhance airline earnings—and decrease unit costs. A just and reasonable rate must, therefore, recognize a variation in the ability of traffic to carry an equal share of costs. Both cost and value must be considered in setting airline rates.

[From Air Transport World, April 1968]

AIRLINE FARES NEED A NEW RATE FORMULA

(By Richard W. Klabzuba)

The airline industry badly needs a new ratemaking formula.

One of the most important responsibilities of airline management is the adoption of a realistic and profitable rate policy.

It is not too difficult to come up with a few fares which will meet the statutory test of "just and reasonable." The trick is to determine them by the hundreds.

In any business where a large number of important pricing action is not to establish charges must be quoted, management's most individual fares, but rather to ascertain a formula by which rates are computed.

The formula must reflect value-of-service as well as costs. It must not impair the carriers' *right* to initiate fares, stifle fare experimentation, nor sacrifice their flexibility to meet changes in the economy.

The first step in pricing airline service is to narrow and define the underlying economic issues. After all, there is nothing intrinsic or absolute about any selling price. It is merely a condition dependent upon market demand and supply, as well as cost and subjective value-of-service. Capacity and demand are as indispensable in airline ratemaking as in any other industry.

Market demand means *effective demand*—that is, potential buyers both "desire" certain quantities of service at assumed rate levels and have the "ability to pay" for them.

With exception of a very small group who fly for the sheer pleasure of travel, airline traffic must be considered a reluctant market. Purchase of airline service is nearly always ancillary to some other activity. There probably is not a businessman or pleasure traveler who would not like to eliminate his transportation expenditures.

Since there is no inherent desire for airline service, it must be continually stimulated. When rates go up, many executives take a hard look at their whole pattern of production, marketing and distribution. This fact must not be overlooked in fixing airline rates.

Demand for air transportation can be classified according to traffic flow and ability to pay. Market demand, for example, may be separated in terms of density of traffic—high, medium, low. Traffic flow is determined primarily by population and its propensity to travel and ship.

Air travelers willingness to pay appears to be divided into two rather distinct price markets: business and pleasure.

With regard to the impact of capacity on price, air transportation is in a stage of economic transition. As aircraft have become technologically more economical, efficient and readily available, the source of capacity has expanded to include commuter, independent and supplemental airlines and air taxies in addition to leased and privately-owned equipment.

Markets are also sometimes segregated according to the number of buyers and sellers. This classification attempts to indicate the degree of competition.

On this basis, airline service can be grouped into two broad categories (1) individually ticketed scheduled route service and (2) non-scheduled on-demand transport (charters, leased and privately-owned aircraft).

On-demand service can generally be considered relative "perfect" free competition. There are usually a large number of sellers. No one operator can demand or offer a quantity of service sufficient to materially affect the prevailing rate. Nor can one operator effectively gauge the impact of his ratemaking decisions upon similar decisions by competitors.

On the other hand, since route authorities are limited, scheduled services are distinguished by varying degrees of "imperfect" competition.

Traffic demand for non-competitive services is an ordinary demand. It can be enchanced by advertising or extra services, or abated by poor service.

Airlines with exclusive or pooled routes cannot dictate demand for service, they can only discover it. Such carriers, however, can dictate capacity. In order to obtain a maximum profit, the classical monopolist primarily attempts to regulate supply.

Non-competitive fares are fixed by predetermined control over capacity. The rate may be relatively high or low depending upon the nature of the service and demand. Density of traffic and cost-of-service form the basis for the monopolists choice of capacity and rate level.

Most discussions concerning price begin with an assumption that the costs of the service have been determined. In the long-run, cost-of-service is an important condition influencing available capacity.

Businessmen quite naturally are willing to provide more available capacity at higher than low rates. They gain more at a high price for the same quantity of service. High rates, reduce the break-even load factor. In addition, most businesses tend to experience rising incremental costs as output increases from existing capacity since the added variable factors usually diminish average over-all productivity.

Consequently, barring regulation or other disturbing factors, competing firms tends to adjust their output to a given demand and price in such a manner that minimum average cost plus normal-profit will be equal to receipts.

When some firms are failing to make a normal-profit, replacements will not be made and some capacity will eventually be scrapped. If some firms earnings are in excess of the normal level, additional capacity will be offered.

In competitive regulated markets, a high rate level can result in excess capacity being offered to reduce earnings to a more normal level. In noncompetitive markets, the slightly higher earnings will be used to offset losses which may have to be incurred in competitive markets.

Airlines are also distinguished by relatively (1) small-scale individual operating units—aircraft; (2) limited fixed facilities with (3) relatively little fixed costs in comparison to variable expenses—10% to 20%; and (4) local sales conditions which require close, personal supervision.

These internal economies approximate a *constant cost* industry. In such an industry, permanent increases in demand normally do not materially affect the rate level, for when earnings rise in excess of the normal level, new capacity is added.

Moreover, since the additional capacity does not enhance load factors nor profit margins, the capacity will normally be added (in absence of legal restraints) by increasing the number of airlines rather than enlarging the size of any one carrier.

Cost reductions resulting from technological improvements, by the way, should not be confused with the tendency of operating costs to remain relatively stable when the scale of production is expanded using existing techniques.

In a constant cost industry, changes in traffic demand influence capacity—not the level of costs.

All of these factors must be taken into account in setting fares because they affect demand and capacity.

Since capacity and demand can have a different immediate influence on present value, economists like to explain prices in terms of two separate time periods, short-run *market-price* and long-run *normal-price*.

Normal-price is by definition a long-run equilibrium price. It suggests an average price over a relatively extended period, whereas market-price indicates a prevailing value at a given moment.

The general ratemaking rule laid down by the CAB in 1953 is that the over-all level of fares should be correlated to long-run normal-price because "it is neither possible nor desirable to regulate this industry by attempting to relate fares to returns in the short-run."

Ratemaking must therefore be related to present traffic and operating characteristics, and at the same time give consideration to the foreseeable future.

Ideally, the establishment of an airline fare should involve a considerable degree of judgment. An across-the-board formula seems impractical. Pricing considerations include a wide range of factors such as personnel costs, landing fees, fuel expenses, market characteristics, etc. It is difficult to see how these could be reflected in a formula.

Nevertheless, neither does it appear feasible to apply an element of judgment on a case-by-case basis. It is too complex and detailed a procedure to be used for routine price decisions. There are literally thousands of interwoven rates. Disturbing just one fare can collapse an entire rate structure.

For these reasons, among others, the usual procedure has been to adopt a formula and establish rates mechanically, subject to an occasional intervention by management to adjust the calculated fare when competition or other practical problems warrant a departure from the distance principle. U.S. airlines embraced the tapered mileage formula on April 9, 1952.

Generally speaking, due to the number of markets and relationship between fares (including proration of joint rates), consideration of individual fares must usually be limited to those particular changes presenting unusual issues or having a significant impact on the airline or economy.

The criteria established in these cases must then be applied to all other similar (and unfortunately dissimilar) situations. This is particularly true in the case of regular passenger fares, mail, express and general commodity rates, as opposed to promotional fares and specific commodity charges.

Most pricing formulas attempt to measure total costs and add a desired profit element. Airline operating expenses are proportional to flight-time. Earnings are the balance of revenues that remain after deducting related costs. Hence it is essential to the safety and value of the financial investment that the total yield exceeds the rather stable hourly operating costs by an amount sufficient to assure an adequate return.

Even though one airline can provide both scheduled and non-scheduled service, there still is a significant difference in the effect of the economic factors which determine the rates for each type of service.

On-demand service ratemaking is a relatively simple task compared with pricing scheduled services. Regardless of whether the trip is a plane-load or split charter, the charge is usually related directly to the entire aircraft.

Since only one service is normally provided at a time, the cost of each service can be determined with a fair degree of accuracy. Only two elements are required to set the base-rate: overall aircraft-hourly operating costs (direct and indirect) and profit element. On-demand rates thus tend to be at all times reasonably related to costs.

Scheduled route service presents a different problem. Scheduled services proffer a *time-space/weight-sharing transport service*. Passenger, mail and cargo transport are the inseparable result of a single productive process.

When expenditures benefit more than one service, they are considered joint or common costs. Common costs include both fixed and variable expenses. Such costs are not amenable to long-run analysis. There is no way of showing a precise relationship between the fare and average cost of a given service.

Allocation of joint costs is difficult in any industry, but it is virtually impossible for regularly scheduled services because the major portion of the fixed and variable costs are incurred on a common basis.

Under conditions of common costs, normal-price is not related directly to cost. Instead, market demand determines the rate level. Demand rates are prices at which consumers are willing to purchase given quantities of service.

When demand for one service increases, its value is enhanced and more of it is offered. This, however, may increase the output of available capacity for other services. If demand for these other services remains unchanged, their rates may be reduced if demand is price-elastic.

ECONOMIC CHECKLIST ON AIRLINE RATEMAKING

	Scheduled service	On-demand service
Degree of competition limited	✓	
Serve multiple markets (passenger, mail, freight) simultaneously.	✓	
Cost characteristics:		
Majority common costs	✓	
Expenses distributed by space or weight	✓	
Expenses distributed by time or distance	✓	✓.
Overall operating expenses relatively constant	✓	✓.
Traffic density of markets served regularly:		
Heavy	✓	✓.
Medium	✓	
Low	✓	
Carriers have ability to control supply	✓	
Carriers have ability to control demand		
Carriers have ability to influence demand	✓	✓.
Establishment of rates normally controlled by	Demand	Costs.
Passenger market characteristics:		
Income elastic	60 percent plus of total market	Owned or leased equipment, air taxies, etc.
Price elastic	40 percent minus of total market.	Charters.

Note: Scheduled service: all carriers regulated, and all routes restricted. On-demand service: private carriers unregulated, and no routes restricted.

Thus, since the Board has held "rates must at all times be reasonably related to costs," the big issue confronting the regulatory agency is what cost standard to use in judging the propriety of fares.

Two measures most frequently discussed are the so-called "out-of-pocket" and "fully-allocated" cost standards. Under the "out-of-pocket" or profit impact test, rates are essentially legal if they simply cover the actual expenditures associated with handling the traffic. The general theory is that it is more profitable to accept a lower yield than to reject the sale.

The "fully-allocated" cost standard requires each service to cover out-of-pocket expenses and make an appropriate contribution to overall costs. The argument most frequently advanced in support of such distribution is that, in the long-run, each service must bear its full allocated share of common costs to insure recovery of all expenses and earning of an adequate return.

The argument, however, appears to be fallacious and inappropriate where the entire capacity of an aircraft is only rarely sold. Common costs are not materially affected by fluctuations in load factors. Added traffic can reduce unit costs significantly.

The "out-of-pocket" test, thus, does not go far enough, and the "fully-allocated" standard goes too far.

Recognizing this cost, earnings and regulatory situation, it appears that the ratemaking formula for scheduled route services must incorporate five elements. In addition to a composite overall operating cost and profit, three additional factors are needed: available capacity, load factor and value adjustment.

Available capacity can be stated in terms of seats, cube or weight.

Passenger rates should be based on a particular (the dominant) class of service with the other services related to it on the basis of relative floor space per seat. Comparisons between services should be based on net *yield* after allowing for circuitry, discounts and surcharges, not the list price.

From a practical standpoint, the spread in published fares cannot be established as a fixed and unchanging standard. Stratification of fares would deprive the carriers of the flexibility needed to develop airline service to its maximum possibilities. To make a maximum contribution to earnings and lower rates, fares must reflect relative market value as well as costs.

When a sizeable portion of the market prefers a particular class of service (first-class) but is unwilling to pay a rate related purely to costs, then the differential in published fares must be reduced to a more realistic relationship. The resulting reduction in yield should be treated as an ordinary "discount" in the value adjustment element.

Since a calculated rate is not necessarily the "correct" or "ideal" charge, the computed fare must be adjusted upward or downward to conform to value-of-service, competition, etc. The base-rate must compensate for these deviations. The *value adjustment* element provides the necessary reconciliation. By matching effective net yield to traffic flow, it accommodates for value-of-service.

Here's a passenger-hour formula for regularly scheduled route services. It incorporates the five principal elements: By matching net yield to traffic flow, the formula compensates for discounts, surcharges, circuitry, common ratings and the like.

$$\frac{\text{(Direct operating cost)} + \text{(indirect operating cost)} + \text{(profit element)}}{\text{(Available capacity)} \times \text{(load factor)} \times \text{(value adjustment)}} = \text{Uniform base rate (per passenger-ton or cube by class of service or equipment)}$$

(1) Value of service as percent of uniform base rate (net yield) (percent)	(2) Market demand as percent of traffic flow (percent)	(Col. 1 multiplied by col. 2) Value adjustment to uniform base rate
106	5	5.3
100	55	55.0
75	10	7.5
66⅔	15	10.0
50	15	7.5
Value adjustment needed in base rate		85.3

$$\text{Example: } \frac{\$530+\$430+\$240}{110 \text{ seats} \times 60\% \times 0.85} = \$21.50 \text{ per passenger-hour}$$

To reduce the base-rate, discounted fares and specific commodity rates must do more than generate traffic—they must increase capacity or load factors by an inversely proportional amount. Otherwise, the base-rate and costs which have to be apportioned to the other traffic will be increased.

One of the principal objectives in allocating common costs is to aid in the determination of what is a just and reasonable rate. Fundamentally, the goal is to load against service an appropriate share of common costs. Unless costs are properly allocated, it will not be possible to achieve a proper matching of revenues and expenses.

In the long-run, over-all revenues from all services must be equal to total costs plus a reasonable return. However, because different services inherently earn different profits, the excess of receipts over out-of-pocket costs may differ widely for each service.

The generally accepted accounting principle is that common costs should be distributed on an appropriate cost incurrence basis. But changes in load factors have no significant influence on airline costs. Little or no expense is incurred in carrying additional traffic.

Using the value adjustment element, the passenger-hour formula attempts to achieve a fair distribution by fully allocating costs on the basis of the traffic to absorb them. At the same time, the formula estops any traffic being saddled with higher fares *by augmenting* the test of the ability of a rate to contribute something to overhead, with its effect on the base-rate.

The passenger-hour test essentially requires a fare to have a positive impact on the base-rate. It goes further than the "out-of-pocket" standard, while avoiding the pitfall of mechanically apportioning costs solely on the basis of space or weight. It recognizes that rate relationship is more important.

Thus, the passenger-hour formula reflects the vital interests of the marketingman as well as the lawyer and economist. It insures equitable treatment without inhibiting an airline's freedom to establish fares it feels necessary to develop its market potential. It provides a norm against which specific fares can be tested without attempting to force all proposals to conform to fixed pre-set scale.

Any formula is an imperfect tool. Its ultimate success or failure is determined by whether or not it generates a volume of traffic and earnings appropriate to the prevailing economic climate.

The passenger-hour formula attempts to meet this test. Does this present mileage formula?

CONGRESSMAN BRASCO ADDRESSES AMERICAN COTTON SHIPPERS ASSOCIATION

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. ANNUNZIO. Mr. Speaker, I am delighted to call to the attention of my colleagues a speech delivered recently at the 44th Annual Convention of the American Cotton Shippers Association in Atlanta, Ga., by the distinguished gentleman representing the 11th Congressional District of New York, Hon. Frank J. Brasco.

Mr. Brasco, who was elected to the 90th Congress, has already earned the respect and admiration of his colleagues by his deep understanding of the legislative process and the constructive contribution that he is making as a member of the House Agriculture Committee.

Frank Brasco understands the needs and wants of the American people, especially the American farmer, and the important role that agriculture is playing in feeding the people of America and the world. He brings to the Agriculture Committee a profound knowledge of urban problems, and I know that his unique experience as a leader in an urban area, coupled with his sympathy with the problems of the small farmer and the problems of agriculture, render him an invaluable member of the House Agriculture Committee.

It is Representatives like Frank Brasco who will continue to keep America strong and free. I commend the gentleman from New York for his excellent speech and congratulate him for his outstanding service to his constituents and to our great Nation.

The complete text of his remarks follow:

Address of Hon. Frank J. Brasco, Democrat, 11th District of New York, Before the 44th Annual Convention of the American Cotton Shippers Association, Atlanta, Ga., April 26, 1968

I wish to direct my remarks today to principles of *social* and *economic policy* which I believe would sustain the public interest in the most effective use of our industrial and agricultural potentials. I *shall primarily* emphasize the problems we are faced with in *agriculture*, but also intend to touch on their relation to broader aspects of *economic change* and *growth*.

Considering that I am an urban person facing an audience largely made up of agricultural experts, you can appreciate the trepidation under which I approach this task. But I think you will admit that agricultural policy is something in which other than farmers and agricultural specialists ought to be interested. I hope you will also agree that even a person from Brooklyn, which is about as far from plow and field as one can get, might have something of worth to contribute.

I shall briefly summarize some of the recent discussions in Congress concerning the *underlying factors behind the contributions and high cost of farm programs*. Then I shall turn to the issue of *continuing these programs in light of recent employment and other trends*. Finally, I want to comment on the matter of consensus and understanding among the rural and urban segments of our society.

I need not rehearse at length for this sophisticated group the reasons why America has accomplished such magnificent progress in agricultural development. Five important factors most often cited are as follows:

(1) The United States has an excellent piece of agricultural real estate. The only other areas in the world even remotely approaching it both in size and fertility are Northwestern Europe and parts of Argentina and India.

(2) Besides having good farmland, we have done an excellent job of developing it through the application of scientific soil and water management. Our farmers have not shown the "management gap" so dramatically evident in other countries. Although we have relied primarily on the family farm as the production unit, we have experimented with other forms of production organization. But it is the family farm that has worked best for us in providing the link between effort and reward. Furthermore, it is continuing to do so even though the family-sized farm is becoming larger and larger.

(3) Another contributing factor has been wide agreement on what the Federal Government's role should be. I am told that this is the single most troublesome issue faced by the hungry nations of the world in formulating national agricultural policies. In the United States, we have decided that government should not be directly engaged in agricultural production, nor in producing and distributing the various inputs such as machinery and chemicals which modern agriculture requires. All of this has been left to private enterprise.

(4) By contrast, it has been our decision that Government *should* play a major role in agricultural education and research. The "land grant" universities and the experimental stations have been principal instruments of this policy. Whatever discoveries evolved have become public property and available to private industry and individuals for exploitation. The Extension Service has helped immeasurably to extend new ideas and techniques from the laboratory, experimental plot, and industry to the farm.

(5) Finally, it has been our policy to assist the very large numbers of family farms, producing dozens of different products, in bargaining at the market place. This approach, involving assured price levels for products, has encouraged farmers to invest their earnings and savings in technological progress—fertilizers, improved seeds, drainage and irrigation improvements—which in turn has helped increase the productive capacities of the land. Because many farmers have taken advantage of these new time, energy and labor saving innovations the trend has been toward larger and larger units.

As you are all aware, our advances in research and technology together with increasing capital investments have made it possible for fewer and fewer farmers to supply the needs of larger numbers of Americans. But one of the difficulties of this agricultural success has been human beings. We've been too successful with our agricultural technology, letting it race ahead of the needs of farm labor.

When agricultural technology began in a big way, the great thrust was to upgrade productivity. But we have witnessed such a rapid pace of growth together with the willingness of aggressive farmers, sustained by government subsidy, to invest more and more of their capital in technology—that today a balance is lacking. The confrontation is between capital-intensive technology and agricultural communities with nothing to spare but human beings.

Marginal farmers—those who have not kept up with the times and trends, possessing neither sufficient capital or land—simply have not been able to move out of the agricultural business fast enough. Consequently, our economy is not reflecting conditions of complete efficiency in agriculture. What we are experiencing is a heavy pressure toward urban migration ahead of a suitable pattern of urban employment to absorb the farm migrants.

Because of this situation, our national agricultural effort has struggled along, continuing to apply protective policies in various forms of financial subsidies for programs which were largely designed to deal with low demand and low income problems of the 1930's and the high demand and high income of the World War II years. What we are doing today is to provide subsidies under false shields which in fact are nothing more than investments in social welfare:

Government purchases products at prices above the free market;

Government limits production to keep prices up;

Government subsidizes the continuation of agricultural industries that would be unprofitable without the subsidy;

Government attempts to sustain prices by limiting imports.

If we could move the marginal farmers who are not making an adequate living on the farm into other businesses and industries, then a major problem of efficiency in agriculture would be solved. Those who remained on the farm would exist on economically-sized production units, taking advantage of the potentials for mechanization and other techniques, and eventually be able to achieve a suitable profit between cost and sales price.

To move the marginal farmer, we must face up to the conditions existing in the urban areas, and for that reason I would argue that the excessive costs of subsidizing inefficient farm programs should be re-channeled at least partly into this sphere.

Here we have two problems. The first is: What broad policies will help overcome the problems faced by the marginal farmer such as high costs of movement, lack of training for nonfarm work, insufficient job opportunities.

And the second question: What mechanisms should we use in applying these policies?

Taking the first one first, I would suggest that the policies to be emphasized are those which will retrain workers, absorb any temporary loss of income, finance movement and create appropriate employment. One advantage of this broad approach is that it stimulates adjustment to the economic changes that have already taken place. Another is to prevent any undue hardship on the people involved. Still another is to encourage greater overall productivity in the economy.

What I am saying is that employment is the key to the problem. Healthy agriculture requires a healthy economy as a whole, a balancing of *farm and nonfarm jobs.*

Although industrialization began as a means of providing useful employment for millions of underemployed rural workers, the latest trends are toward automatic factories, some of which are virtually workerless installations. Recently, I heard of a refinery that had been built costing some *$27 million*, but employing *only 350* persons.

In the urbanized areas, we now see many migrants crowding into slums, accepting employment in unskilled service work or manufacturing. They move out of the slums only if they acquire skills and their incomes rise sufficiently to enable them to pay higher rents and greater transportation costs. Often the case is that one generation is sacrificed in poverty to provide the way for the succeeding generation.

This pattern is one we must learn to work with. It is one we must learn to overcome. Somehow we must devise the means to engage the migrants in gainful work at a faster pace. This requires a strategy and programs of economic development not now existing for the cities.

Let me outline just three of the opportunities for usefully re-channeling some of the government subsidies now going into agricultural land programs.

We can begin with education—train not so many young in vocational agricultural courses. This simply perpetuates the farm labor problem. Larger numbers of farm youth should be encouraged to attend college to obtain the necessary education required to find other work. There are many possibilities at this level of policy to train the young as a means of curtailing the excessive farm labor force.

Second, we should consider how best to inform and guide potential farm migrants into suitable urban employment. This will require better manpower controls than now exists in rural areas, better job information and retraining programs before the worker leaves his farm home. It also requires greater effort in the urban areas to help place job applicants.

Third, we could devise new employment innovations in the city. An increase in construction jobs to clear slums is one area worth considering. But there are many other opportunities more directly related to the needs of affluent consumers—in recreation, health services, sanitary services, education, a cleaner countryside, and so on. These are areas not heavily oriented to material consumption.

I merely cite these few examples to indicate the wide range of needs that exist in the complex field of adjusting the changing economic conditions.

Now I should like to turn briefly to the issue of consensus and understanding between the rural and urban communities. The population division in this country is presently *about 6 percent* on the farm and *94 percent off the farm.*

In my judgment, most urban people do not adequately appreciate the agricultural problems of this Nation either because they are *uninformed* or they are simply too immersed in the concerns and interests of the city. By the same token, most farmers fail to comprehend the problems of ghettos, industrial slums, and all the other negative aspects of the urban scene.

Not one American in a hundred clearly understands the issues on both sides of the urban-rural coin. Yet the fact that rural areas must increasingly look to the urban areas for help is undeniable. Quite obviously the balance of power is in the city. I seriously doubt that 94 percent of our people will long continue to allow inefficiency in agriculture.

I feel strongly that it is up to the agricultural community, because it is such a small minority, to strive to put its own economic house in order. If it doesn't, I am convinced that the strong majority of urban voters will soon demand that farm programs be cut indiscriminately as a means of finding the funds needed for the solution of the extraordinary problems of deterioration, decay and rioting that one finds in most of our cities.

To accomplish this, the agricultural community must realize that the solution to its own problems lies beyond the purview of the Federal Department of Agriculture, and includes the policies, programs and departments dealing with employment and social trends in the city. By working together and by urging and supporting new economic innovations to handle changing employment and social conditions in the cities, the agricultural community will help create a much more efficient use of our great agricultural and industrial potentials.

Thank you.

FIFTH ANNUAL QUESTIONNAIRE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. BROWN of California. Mr. Speaker, I am again sending a questionnaire to my constituents for the fifth year in a row. For the benefit of those of my colleagues who might find it of interest, I insert the text of a report I sent to the newspapers in my district concerning the questionnaire, and the questionnaire itself, as follows:

QUESTIONNAIRE TO BE SENT OUT

The past week in Washington has been quiet, as the House of Representatives took its traditional recess for the Easter holiday. I spent the entire week at home in the 29th Congressional District, and, with appointments, speeches, meetings, luncheons, and the like, it will be restful to go back to Washington and a peaceful 12-hour day of committee hearings, Floor debates, and letter writing.

One thing I got under way this week was my annual questionnaire. It is at the printers now and should be in the hands of everybody in the District in a couple of weeks. I had planned on sending it out somewhat earlier, but with the excitement and surprises of the last few weeks it is a good thing I waited. The questions will relate much more to current situations, whereas they would have been completely outdated on, for instance, the Vietnam problem if they had been sent out just prior to the President's nationwide speech concerning attempts to negotiate a peace.

In this regard, I would like to comment on Congressional questionnaires in general, their value and their shortcomings. The practice has grown tremendously during the past five years, and I would venture to say that nearly half of the Congressmen in the nation are now sending questionnaires to their constituents.

FAIR QUESTIONS DIFFICULT

One of the most difficult problems is to develop questions that will be meaningful, fair, and—as pointed out above—not out of date before the replies are received and tallied. In my own defense I would say, first, that it is probably impossible to ask a question that isn't going to strike some people as being "loaded", or, worded in such a way as to make certain that the response will be favorable to my own way of thinking.

Let me say that I make every effort to prevent this from being the case. I see no value in finding out, for instance, that 90% of those answering would oppose an "oppressive tax increase" or an "unwise foreign policy" if they were described in this way in the question asked. I notice many of my colleagues making sure that they point out the high cost of a program in their questions, such as: "Do you favor paying higher payroll contributions so that Social Security benefits can be increased for persons receiving them now?" I am sure that they would defend such a question on the basis that they are simply being realistic and presenting all the facts, but this is, obviously, a question that show the questioner's bias.

At the same time, leaving out an important consideration such as the fact that payroll contributions would necessarily be higher could also be construed as "loading" the question, so, the only thing one can do is to do his best. I certainly cannot guarantee that every one of my questions will satisfy everyone, but I will repeat that I have tried to be as fair as possible.

RESULTS NOT A MANDATE

The use that questionnaires are put to is another variable. A Congressman could not promise to be guided completely in his votes or actions by the results to a particular question. First of all, his decision must be made on the basis of having a great deal more information at hand than the average citizen as a result of committee hearings, debate, and other avenues of contact. Secondly, it is highly unlikely that the voting situation will be identical to the question asked. Often the bill that is finally voted on is a compromise version, for instance, rather than the proposal first offered.

Therefore, I try to frame my questions around general feelings and I try to give the appropriate weight to the feelings of my constituency on that particular issue when the time comes to make a decision.

I would like to mention that my questionnaire this year will be a different style than I have used previously. It will be in the form of an IBM data processing card. The person answering the questions will use a pencil to push out the pre-scored hole that indicates his reply. In this way, the cost of tallying the results is reduced considerably, since the card is ready for the computers when it is returned to me.

Note: Please do not bend, spindle, or multilate card. Ah, automation!

QUESTIONNAIRE FROM CONGRESSMAN GEORGE E. BROWN, JR.

Please answer these questions first (Optional—Answer only if you wish to):

		b	c
Age: (a) 20 to 35. (b) 36 to 55. (c) 56 and over	☐	☐	☐
School: (a) Under 12. (b) High school graduate. (c) College graduate	☐	☐	☐
Years lived at present address: (a) Less then 2. (b) 2 to 5. (c) More than 5	☐	☐	☐
Political party: (a) Republican. (b) Democratic. (c) Other	☐	☐	☐

CONGRESSMAN GEORGE E. BROWN, JR

	Yes	No	Undecided
1. Do you approve of President Johnson's recent change in our Vietnam policy to a policy of deescalation and attempts to begin negotiations for peace?	☐	☐	☐
2. Do you feel that President Johnson's withdrawal from the election race will help bring peace in Vietnam?	☐	☐	☐
3. If it becomes apparent that an end to the war can be negotiated only if the National Liberation Front (Communists) has a strong voice in the government of South Vietnam, would you favor making such an agreement?	☐	☐	☐
4. The cost of fighting in Vietnam is near $30,000,000,000 a year, while the antipoverty program costs about $2,000,000,000. If the war is deescalated, would you favor using a major part of the savings to cure problems of the poor here at home?	☐	☐	☐
5. Do you feel that the Government should be an "employer of last resort," making jobs available to all who are able to work and cannot find work elsewhere, thereby keeping the welfare rolls limited only to the physically unfit?	☐	☐	☐
6. Should such a program which provides jobs for able-bodied welfare applicants require all women who have minor children at home to accept employment even if they are willing to care for their children?	☐	☐	☐
7. Realizing that strong police action must be taken immediately to stop a riot that has already started, do you feel that programs aimed at bettering living standards through jobs, housing, and education are effective in helping to prevent future riots?	☐	☐	☐
8. If you were a Congressman, how would you have voted on the recently passed "open housing" bill that forbids discrimination because of race, color, religion, or national origin in the sale or rental of most homes and apartments?	☐	☐	☐
9. Do you favor admitting mainland China to the United Nations?	☐	☐	☐
10. Do you approve of the proposal for a Federal income tax increase this year?	☐	☐	☐
11. Do you feel that Federal aid for strengthening local police forces would be effective in stopping the rising crime rate?	☐	☐	☐
12. Do you favor steps to strengthen local government powers, in relation to Federal Government powers, by broadening the local tax base (with a corresponding decrease in the Federal tax base) and by providing greater local authority to deal with local problems?	☐	☐	☐

A BILL FOR THE RELIEF OF DR. CAESAR OCTAVIO JIMENEZ-PAZOS

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. CURTIS. Mr. Speaker, I am introducing today a bill on behalf of Dr. Caesar Octavio Jimenez-Pazos, M.D., a citizen of Mexico. The bill asks that Dr. Jimenez-Pazos be held to have been lawfully admitted to the United States for permanent residence as of the enactment of this bill and payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State is required to instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Dr. Pazos was born in Guadalajara, Mexico, on April 20, 1939. He has received extensive and thorough training in medicine in Mexico. Dr. Pazos came to the United States on June 26, 1964, under the exchange visitor program. Immediately following his entrance into the United States, he was admitted to the St. Louis City Hospital for 1 year of internship in internal medicine. In 1965, Dr. Pazos began a 3-year residency at St. Luke's Hospital in St. Louis, also in internal medicine. This program ends June 30, 1968.

Dr. Pazos' application for an additional year of residency under the exchange visitor program was recently denied, even though it is often possible for a participant in the exchange program to study for 5 years under the program. The American Medical Association, however, approves only 3 years of residency training in internal medicine of which cardiology is a part. Thus, while another year of study is necessary for Dr. Pazos to qualify as a specialist in cardiology, because he has completed a 3-year residency program in internal medicine he is not guaranteed under Immigration and Naturalization Service policy the opportunity to take a fifth year on the visitor exchange program. This means in light of the decision denying him an extra year of study in this country, that unless some action is taken Dr. Pazos will have to return to Mexico this June, when his 3-year residency in internal medicine ends.

Dr. Pazos' skills are much needed by St. Luke's Hospital. I have been told by one of Dr. Pazos' friends that great things are expected of him because of his unique abilities especially in cardiology. Dr. Sim F. Beam, under whom Dr. Pazos has served while at St. Luke's notes:

> His work at St. Luke's is recognized as being of unusually fine calibre. His interest and care of the patient as an individual personality is unusual. It is physicians such as he that will add much to our care of patients in this area.

Dr. Pazos' ultimate hope is to become a U.S. citizen and to practice medicine in this country. Passage of this bill will enable him to take a significant step toward this goal and will mean a considerable benefit to the hospital and patients he serves in the interim.

RESULTS OF A QUESTIONNAIRE TO THE 25TH CONGRESSIONAL DISTRICT OF NEW YORK

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. OTTINGER. Mr. Speaker, in February, I sent a comprehensive questionnaire on major national and international issues to my constituents in the 25th Congressional District of New York. Two copies of the questionnaire were sent to each business and household in the district. I present for the RECORD the final questionnaire tabulation.

A group of Westchester and Putnum County college students attending schools in the Washington area joined volunteers in the district in the complex task of tabulating the more than 30,000 responses.

I do not intend to present at this time a lengthy analysis of the results of this questionnaire. However, I do wish to call to the attention of my colleagues the very decided support of my constituency for increased negotiation efforts in Vietnam and for reordering our national priorities, including tax reform and cuts in defense spending, farm subsidies, and the supersonic transport. Overwhelming support was also expressed for tying social security benefits to the cost-of-living index, and for auto insurance reform. All of these are positions I have strongly advocated since coming to Congress in 1965.

I also wish to call attention to the overwhelming opposition of my constituents to the administration's proposed 10-percent surcharge on Federal income taxes:

QUESTIONNAIRE

	Percent		
	Yes	No	Undecided
VIETNAM WAR			
1. Do you approve our present Vietnam policy?	23	70	7
2. If you were to change our present policy which of the following possible policy changes would you prefer:			
a. Increased military effort? 35 percent.			
b. Increased negotiation effort? 38 percent.			
c. Unilateral withdrawal? 19 percent.			
d. Limiting U.S. military efforts to protecting population centers in South Vietnam? 8 percent.			
3. Do you favor testing North Vietnam's offer of negotiations by trying an unconditional pause in the bombing of North Vietnam?	43	52	5
CRIME			
1. Do you favor Federal aid for training and equipping local police forces?	53	39	8
2. Should Federal eavesdropping and wiretapping restrictions be relaxed?	44	49	7
3. Do you believe that police should be allowed to use confessions obtained before the suspect has been formally arraigned and advised of his rights?	48	46	6
4. Should Federal restrictions on interstate gun sales be enacted?	75	22	3
5. Should mandatory sentences be increased for narcotics pushers, riot instigators, crime syndicate operators, and other criminals?	90	6	4
6. Should prison rehabilitation programs be improved to decrease the number of ex-convicts returning to crime?	88	6	6
7. Do you believe that a major part of any crime reduction program should be measures to eliminate the social and health factors that lead to crime?	73	19	8
8. Should possession of LSD or other hallucinatory drugs be made a Federal crime?	68	23	9
9. Do you favor legislation preventing the sale of automobile master keys except to authorized dealers and service personnel?	91	4	5
ECONOMY			
1. Do you favor:			
a. The administration's proposed 10-percent surcharge on personal and business income tax?	22	71	7
b. Wage and price controls?	40	50	10
c. An excess profits tax?	51	38	11
2. Should our tax laws be revised by:			
a. Reduction of oil and other depletion allowances?	60	20	20
b. Taxation of presently exempt municipal bond interest?	43	42	15
c. Taxation of presently exempt industrial development bond interest?	54	30	16
d. Taxation of the 50 percent of capital gains now exempt?	35	51	14
e. Elimination of dividend credit?	23	60	17
f. Elimination of 90 percent charitable deduction?	28	58	14
g. Elimination of fast real estate writeoffs?	55	23	22
h. Elimination of Western Hemisphere corporation privileges?	35	21	44
i. Establishment of a minimum 14 percent tax rate on adjusted net income (14 percent being the rate now paid by the lowest income tax payer)?	41	29	30
j. Application of a 14 percent minimum rate to all presently exempt income?	31	45	24
k. Increasing the exemption for dependents to $1,200?	77	17	6
3. Should Federal expenditures be cut for:			
a. The Vietnam War ($25,000,000,000)?	50	44	6
b. Non-Vietnam defense ($51,000,000,000) and military construction ($2,000,000,000)?	52	41	7
c. Anti-ballistic-missile project ($5,000,000,000)?	34	57	9
d. Public works projects ($10,400,000,000)?	41	52	7
e. Highway construction ($4,400,000,000)?	37	56	7
f. Supersonic jet transport subsidy ($351,000,000)?	60	32	8
g. Space program ($4,600,000,000)?	48	45	7
h. Agricultural subsidies ($2,400,000,000)?	65	32	3
i. Education ($11,600,000,000)?	22	74	4
j. Housing ($2,900,000,000)?	34	61	5
k. Antipoverty program ($2,000,000,000)?	44	51	5
l. Model cities ($250,000,000)?	48	45	7
ECONOMY—Continued			
3. Should Federal expenditures be cut for—Continued			
m. Rent supplements ($16,100,000)?	57	34	9
n. Medicare ($5,800,000,000)?	36	58	6
o. Medicaid ($2,100,000,000)?	45	49	6
p. Aid to dependent children ($1,500,000,000)?	29	64	7
q. Park acquisition ($32,300,000)?	33	60	7
r. Air and water antipollution programs ($358,000,000)?	11	86	3
s. Health programs ($15,600,000,000)?	26	68	6
t. Foreign aid ($2,700,000,000)?	71	23	6
BALANCE OF PAYMENTS			
To reduce our balance-of-payments deficit, do you favor:			
a. A tourist head tax of $5 to $6 per person per day?	31	64	5
b. Restriction or a tax on the amount U.S. travelers may spend abroad?	45	51	4
c. Restriction on U.S. business investments abroad?	48	74	8
d. Export incentives (indirect tax rebates, expanded guarantee program, etc.)?	55	21	24
e. Extension of credit to expand East European exports?	40	41	19
f. Withdrawal of U.S. troops from Europe?	53	38	9
g. Requirement of increased European payments to retain U.S. troops abroad?	25	18	7
h. Withdrawal of troop and diplomatic dependents from abroad?	54	38	8
i. Reduction of diplomatic and aid personnel abroad?	52	39	9
j. Reduction of foreign economic aid and commitments?	72	22	6
k. Reduction of non-Vietnam foreign military expenditures (aside from troop withdrawals)?	74	18	8
l. Reduction of Vietnam expenditures?	56	37	7
m. Assertion of World War I debt against France?	72	20	8
n. Devaluation of the dollar by increasing price we pay for gold?	8	76	16
o. Removal of gold dollar commitment altogether, leaving the price of gold to be determined by the free market?	24	49	27
p. Removal of the gold backing requirement for Federal Reserve notes in order to free gold for defense of the dollar?	36	41	23
q. Increasing restrictions on foreign lending by U.S. institutions?	63	26	11
r. Increasing tariff protections and import restrictions?	40	48	12
s. Tightening of controls on Vietnamese repatriation of dollars?	74	7	19
t. Increasing U.S. arms sales abroad?	29	59	12
u. Encouragement of foreign travel in the U.S.?	91	7	2
SOCIAL SECURITY			
1. Should additional social security costs be met from general revenues rather than social security tax increases?	47	44	9
2. Should social security benefits be tied to the cost-of-living index to keep pace with inflation?	76	18	6
POST OFFICE			
Should the Post Office operations be run by a nonprofit private corporation?	48	39	13
WELFARE			
1. Should Federal, State, and local governments be employers of last resort for people willing to work but unable to find jobs in private industry?	55	35	10
2. Do you favor the negative income tax proposal for automatic payments to low or nonincome people with incentives to work?	32	49	19
3. Do you favor requiring welfare mothers to work or take job training and to place their children in day-care centers?	67	24	9
AUTO INSURANCE			
Are you satisfied with present auto insurance rates, procedures and policies?	17	75	8
If not, would you favor a revision that would have policies written to compensate all victims for actual losses, doing away with the need to prove who was at fault?	68	20	2

BALLOT ARRANGEMENT

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. HECHLER of West Virginia. Mr. Speaker, the following notice is made necessary by the placement on the ballot in one county of the delegates at large to the national conventions:

On Primary Day, Tuesday, May 14, the ballot will be long and there is one complication which occurs on the voting machine in Cabell County.

The State of West Virginia Election Law requires, where possible, that candidates of either party for Delegate to the National Presidential Nominating Conventions be placed high up on the ballot right underneath the National Ticket. This has not been done on the Cabell County ballot, because it has been stated that there is insufficient room on the voting machine.

Candidates for delegate to the national convention are placed on the extreme right of the voting machine, in columns 8, 9 and 10.

Therefore, if you wish to take part in choosing those delegates who will nominate your party's candidate for President at the national nominating conventions be sure and look on the extreme right side of the voting machine in columns 8, 9, and 10, when you cast your vote on Tuesday, May 14.

RUMANIAN INDEPENDENCE DAY

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. BROOMFIELD. Mr. Speaker, I wish to note the historic commemoration of May 10, a joyous occasion for thousands of Americans of Rumanian descent who celebrate this Rumanian Independence Day. It is on this day that they commemorate the anniversary of their independence from Ottoman rule.

For two centuries prior to their independence in 1877, Rumania was dominated by the Turks. With the assistance of Czarist Russian troops, the Rumanian army defeated the Turkish forces and effectively severed her ties with the Ottoman Empire.

In 1881, 4 years after their proclamation of independence, the Rumanian people crowned Charles, Prince of Hohenzollern-Sigmaringen, as their first king. There followed more than 60 years of prosperity which contributed to the peace and stability of the Balkans and Eastern Europe.

World War II and its aftermath, shattered the plans but not the hopes of the valiant people of Rumania. The enslavement of Rumania by the Communists following the war again placed this freedom-loving nation under the domination of a ruthless conqueror.

Rumanians all over the world are bringing to this day the honor which is its due, except those residing within Rumania. Today not only commemorates Rumania's past glories and achievements, but it is a symbol of the hope and dauntless faith, which is in the hearts of all Rumanians the world over, for when Rumania will once again be restored her precious freedom. Therefore, let us pay tribute to the gallant people today on their independence day and pledge our support in striving to achieve freedom once again.

BEN BROWN IS DEAD—IS LAW ENFORCEMENT ALSO DEAD?

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. WATSON. Mr. Speaker, in recent days a very poignant full-page article has appeared in metropolitan Washington newspapers entitled "Ben Brown Is Dead." Ben Brown and untold others have died, not by natural causes, but simply from defending their property against the lawless hordes which roam the streets of Washington seeking victims.

The article asks a question, "Is law enforcement also dead?"

Mr. Speaker, I can answer that question. The answer is "Yes." Law enforcement officers in the Nation's Capital are handcuffed in the performance of their duties. The city of Washington cannot protect its citizens from widespread criminal activity, because Washington city officials are an inept lot whose only concern is to accommodate and appease a vociferous group of militants who want to control this city.

They were not concerned about Ben Brown, a hard-working businessman, who did not feed at the welfare trough. They were not concerned about his brother either, who met the same fate several years ago. After all, Ben Brown only paid taxes that in turn went toward salaries for these weak-kneed bureaucrats. Like the overwhelming majority of Americans, he was a law-abiding citizen victimized by a criminal minority.

Mr. Speaker, let us put the blame where it must lie—squarely on the shoulders of people like Washington Public Safety Director Patrick Murphy. Most of us have heard of Mr. Murphy by now. He is the man who told patrolmen not to use their guns in any manner to prevent looting, arson, or damaging of property during the recent riot in Washington. He is the man who told the poor law enforcement officer to use only his nightstick and then only in cases of dire need for self-defense. He is the man who said he would resign rather than order the police to shoot looters and arsonists in a riot.

Mr. Speaker, Patrick Murphy's title of Public Safety Director is a misnomer. It should read Public Liability Director. He and others fiddled very handsomely while a sizeable portion of Washington burned last month. He and Mayor Washington were well aware by 9 p.m. Thursday, April 4, that the city was ripe for total violence, and yet, it was not until 4 p.m. the following day that the Mayor asked President Johnson for Federal troops—exactly 19 hours later. By that time entire blocks were ablaze.

As incredible as it may seem city officials are still fiddling on the eve of the so-called Poor People's March. In fact, everyone is so terrified of the lack of law enforcement that businesses have been badgered into writing such expressions as "soul brother" on their store windows, and our local transportation line has even capitulated to the point of advertising on the rear of each bus in bold print how delighted they are to have the marchers in Washington.

Yes, the law-abiding citizens of this city are scared and they have a right to be. Washington is ripe for total anarchy, and no matter how many troops come in, so long as Murphy and other city officials wring their hands and do headstands in the face of the mobs, then innocent people are going to be hurt. I fear many of them, like Ben Brown, will die.

I for one am sick and tired of hearing the well-worn cliches about the underlying sociological causes of riots. Washington experienced a riot—which incidentally is still going on as witnessed by the arson and looting nightly—because there was an anxious desire not to offend the criminal. The old view that a crime is a crime and should be dealt with by swift, certain and impartial justice is completely alien to Murphy and the other criminal coddlers. But, he had better be given to understand that people are fed up with these riots, and unless the city of Washington takes quick and effective steps to control the march on Washington, this entire city will go up in flames. I suppose amid the ruins, the Public Safety Director, like his predecessor Nero, will just fiddle.

Mr. Speaker, because Congress and the Nation should read "Ben Brown Is Dead," I include it as a part of my remarks, as follows:

Ben Brown Is Dead—Is Law Enforcement Also Dead?

"Brown, Benjamin—on Tuesday, April 30, 1968, Benjamin Brown of 1900 Lyttonsville rd., Silver Spring, Md., beloved husband of Freda Brown; devoted father of Miss Barbara Brown of Silver Spring, Md. Also survived by two sisters, Mrs. Faye Blanken and Mrs. Mollie Cohen, both of Silver Spring, Md. Services at the C. D. Goldberg & Son Funeral Home, 4217 9th st. nw., on Thursday, May 2, at 2 p.m. Interment B'nai Israel Cemetery. In mourning at 1900 Lyttonsville rd., Silver Spring, Md., Apt. 1106. Family suggests in lieu of flowers contributions be made to the Steven Jay Brown Memorial at the Jewish Foundation for Retarded Children, 6200 2d st. nw."

Mr. Brown was shot while defending his property.

Should anarchy prevail because a small segment of the population takes the law into its own hands? Should bands of hoodlums be allowed to continue preying on law-abiding citizens, Negro and white?

When hoodlums—regardless of age, sex or color—are undeterred by the prospect of effective law-enforcement, no one is safe. If criminals can loot, burn and kill in the Inner City without fear of consequences, it is only a question of time before you, your family and your business can feel the effect. It makes no difference where you live, work or play: When law enforcement ceases, disrespect for the law is encouraged.

When you walk or drive through many areas of Washington, do you feel safe—or scared? Do you encourage your friends and relatives to visit the Nation's Capital at this time?

Is the battle over? Not for the citizens whose lives are threatened. Not for the businessmen who cannot rebuild because they cannot get insurance. Not for the few who have surmounted the obstacles of arson and looting, and have reopened only to face new threats of extortion and worse. Not for the people who are out of jobs. Not for the people who were burned out of their homes.

Who is at fault? Certainly not the majority of citizens, white or Negro. Certainly not the majority of the poor, Negro or white. Certainly not the policeman on the beat, who must obey orders.

This is no revolt of youth against older generations. This is no revolt of the poor against the wealthy. This is no part of the Civil Rights movement whose real leaders know that Utopia doesn't have to be built on ashes.

It is an open attack by a few criminals against a community that lacks firm leadership and the courage to demand that its leaders exercise their authority—or resign.

We believe that law enforcement suffers when the police are handcuffed instead of the criminals. We believe that citizens are entitled to protection and safety.

Where is the safety, Mr. Murphy? Where is the protection, Mr. Murphy? Where will tragedy strike next? Today, the Inner City. Tomorrow, the residential areas, the suburbs.

Today, Ben Brown. Tomorrow???

Published because some of us have lost our lives, many of us have lost our property, and all of us want to preserve law and order for all residents of the Washington area and for the United States we love.

WASHINGTON, D.C., RETAIL LIQUOR DEALERS ASSOCIATION, INC.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. SCHERLE. Mr. Speaker, this is the 108th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

HUMAN RENEWAL

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. RUPPE. Mr. Speaker, these are difficult times for America. Our rural areas are facing serious difficulties and our cities are exploding. Certainly, we must forthrightly face urgent human problems that cry out for solutions. At the same time, however, rising inflation is robbing the workingman and the retired person on a small fixed income. Government programs directed toward Government solutions to the problems we face require tremendous expenditures. Huge spending programs feed the fires of inflation which not only rob the poor and those of middle income fighting to keep ahead, but inflation wrecks the base of a sound economy as rising prices rapidly outstrip expanding production.

Thus, we in Government are confronted with a terrible dilemma. The solution, in my opinion, is nothing short of reorienting our spending priorities, cutting back where we can, and putting money where it will do the most good. In line with this philosophy, several Republican Members of the House of Representatives have developed a program known as the human renewal fund. This plan calls for deferring $6.6 billion in spending while directing $2.2 billion toward urgent programs to meet critical human needs. I endorse this concept. The programs of vocational education, housing, pollution, crime prevention, and rural revitalization must be undertaken if we are to meet the challenges of the future.

Simultaneously, the program calls for trimming the budget and, thus, acts as a break on inflation. This is not to say that I am in agreement with each specific cutback recommended in the human renewal fund, because I am not. For example, the plan suggests a substantial cutback in forest highway construction. Rural revitalization, which is an object of the human renewal fund, is a key to balanced economic development throughout the United States. Rural revitalization is closely linked to the orderly development of these forest roads in many nonurban areas. To cut back on the construction of forest roads would be self-defeating and disastrous for important areas of the country which are now attempting to surge forward. Therefore, I will steadfastly oppose any effort to destroy the orderly development of forest roads.

Like any broad new proposal, human renewal must be studied and refined. I believe most of the suggested budget deferments to be sound. For example, Western Europe has now developed to the point that I feel we can afford a 60-percent reduction of U.S. military personnel in Europe. There is fat in the civilian space program, and the reductions made in that program, here in the House of Representatives last week, will not seriously endanger our space effort. Some $85 million for highway beautification, $9 million for specified building construction, $6 million for earth description and mapping, $400 million of the President's contingency reserve, and $200 million of the public works appropriation can certainly be stretched out. To provide money to meet urgent human needs we should consider freezing Federal employment at 97 percent for a savings of $961 million. There is no reason why we cannot defer construction of a supersonic transport, and portions of the National Science Foundation program. In my opinion, there are many areas where the Federal budget can be substantially cut back. Then we can direct available resources to the solutions of top priority human problems.

The concept of human renewal, as a framework for responsible Government action, deserves the thoughtful attention of every Member of Congress.

VERTICAL OR HORIZONTAL RELIGION

HON. CLARENCE J. BROWN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. BROWN of Ohio. Mr. Speaker, in a day when church and lay leaders have spoken out increasingly on public issues and have indicated their views speak for a church, a denomination, a religion, and even an omniscient God, the following sermon should be required reading for all concerned.

It was prepared and delivered on Sunday, April 28, by the Reverend Edward L. R. Elson, S.T.D., Litt. D., LL.D., pastor of National Presbyterian Church of Washington, D.C., from the pulpit of that church. The logic and theological authority of Dr. Elson is impressive and his view of the relationship of the church to God and man in modern society is convincing to me:

VERTICAL OR HORIZONTAL RELIGION

(By the Reverend Dr. Edward L. R. Elson, minister, the National Presbyterian Church, Washington, D.C., April 28, 1968)

"A teacher of the law was there who heard the discussion. He saw that Jesus had given the Sadducees a good answer, so he came to him with a question: 'Which commandment is the most important of all?' 'This is the most important one,' said Jesus. 'Hear, Israel! The Lord our God is the only Lord. You must love the Lord your God with all your heart, and with all your soul, and with all your mind, and with all your strength.' The second most important commandment is this: 'You must love your neighbor as yourself.' There is no other commandment more important than these two.' " (Mark 12: 28–31).

Throughout the Church today there is a tension over whether it is the business of the Church to change men or to change society. There is a conflict between the concept that the business of the Church is the nurture of the soul and the concept that the mission of the Church is the total reformation of society. Is the chief mission of the Church to relate men vertically to God, or to transform human relationships horizontally? There is a tendency to a polarization of positions between those who say the role of the Church is to win men to Christ and minister to their soul, and those who say the mission of the Church is to be a social-reforming institution by corporate participation in political, economic, and social concerns.

Once evangelism was defined as the heralding of the "good news" of what God had done in Christ and the response of a person to our Lord's invitation to "follow Him." Conversion was personal commitment to the Lordship of Christ. To be "in Christ" was to be in His Church, which is the projection of the incarnation in the world. Now evangelism is considered as identifying with areas of human need and "getting with" the places of suffering, and conversion is said to be discovering one's true humanity. By the new evangelists we are bidden to "redeem society" on the assumption that by creating a better environment you therefore get better people. Recently conferences have been held in various areas of the Church to discuss discrepancies that exist in viewpoints toward "a traditional, individualistic, church-centered evangelism" and "a style of evangelism that expresses concern for persons in the total context of their society." In this conference the Rev. George Peters of our Division of Evangelism remarked, "Many pastors and laymen see the necessity for Church engagement in the affairs of the society in which we live. Others feel the Church should stay out of the social, economic, and political arena and therefore are hostile about the Church's current engagement in these activities. These opposing convictions," he said, "have created a conceptual gap between clergy and laymen and a credibility gap between the Church and the world. The concept of the Church's mission, while including both viewpoints, is much broader than either."

Two summers ago the World Council of Churches sponsored a conference on Church and Society which was attended by 400 delegates in Geneva, Switzerland. The conference, which included laymen and clergymen, specialists and nonspecialists, in the space of just a few days made supposedly authoritative Christian declarations on a host of subjects, from the Vietnam war to the white supremacy regime in Rhodesia, the vestigial anti-Semitism existing among Christians, the urban crisis, the sexual revolution, the youth-age gap, and so on. The documents of this conference have been widely circulated and discussed, sometimes evoking commendation and sometimes condemnation. The conference prompted the discriminating Professor of Christian Ethics at Princeton University, Dr. Paul Ramsey, to write his book, "Who Speaks for the Church?" which I regard as the most significant book addressed to the inner state of the Church to appear in this decade. Dr. Ramsey is to be the speaker at the annual Churchmen's dinner in just a few days. Dr. Ramsey's chief complaint is that the Church tends to speak too dogmatically on too many subjects without sufficient competence, frequently from erroneous presuppositions, while neglecting the primary role of the nurture of souls and the strengthening of the whole community of faith and life.

It remained for Billy Graham, the noted evangelist, to assert that pronouncements such as were made in Geneva, and later by the National Council of Churches in Detroit, are frequently made "as though society were made up of Christian men." He went on to say that injustices cannot be redressed so long as men remain spiritually unchanged and that once men are converted they will have the power to love. Changed men precede a changed society, society is not permanently improved until a man's whole orientation is transformed. Billy Graham has a point, but not the whole point, as I shall later point out. It is readily observed that socially involved churchmen do tend to assume that there are more Christians in our society than there really are. It is simply unreasonable, disappointing, and disillusioning to expect Christian responses from people who are void of Christian commitment.

Ours is a Biblical faith, and the ethical injunctions of Scripture are without exception addressed to men of faith. The Ten Commandments were not delivered to the world at large but to the covenant people, Israel. For this reason the Commandments should never be read apart from the prologue, which is the way we actually read the Law at our Communion services, "I am the Lord, thy God, who brought thee out of the land of Egypt, out of the house of bondage."

Writing in the *Princeton Theological Seminary Bulletin*, The Rev. Dr. Ernest T. Campbell, one-time National Church Preacher, properly points out that "prophetic pleas for justice were not directed toward Egypt or Babylon or Assuria, but toward Israel and Judah. I Corinthians: 13 is not 'the moral code' as the pretty coed thought who had heard it at a wedding ceremony." This magnificent poem in which love is celebrated and described is addressed to Christians, who had both heard of the love of God and experienced it. So, too, New Testament counsel regarding purity, forgiveness, temperance, meekness, and all the other graces of Christian living is laid upon believers, in the Church in Rome, in Corinth, in Philippi, and elsewhere.

Philippe Maury similarly writes, "We cannot know the content of the ethic of faith without first passing through the experience of faith. Every attempt to apply directly the ethical text of the Bible without passing through the medium of faith is bound to lead to moralizing and vigilistic formalism, which is contrary to the Gospel" (*Politics and Evangelism*).

"The first word to the world outside the Church then is to repent and believe," as Dr. Campbell put it in his instructive article, to which I am much in debt. And our new Confession of Faith, the Confession of 1967, quite properly is not addressed to the world but to the Church.

Nothing is more disillusioning, and indeed downright discouraging, than to expect better results from society than we are likely to get. At a recent Presbytery meeting we were all admonished to strip ourselves of the old myth of the self-made man and the economic rewards of and personal satisfactions derived from hard work. At the same time the speaker was pleading for a full stomach, a suit of clothes, good shoes, and a guaranteed annual income of $6,000 per year for every human being. That, I submit, is not only a colossal myth but also stark Christian heresy—the assumption that a full stomach, a suit of clothes, a pair of shoes, and so many thousand dollars a year produce a better man, and therefore a better world. People who have had all of these things, and more too, have demonstrated hate, injustice, arrogance, and viciousness.

It ought to interest us further that some of history's greatest soul winners have also had great social passion—William Booth and the Salvation Army, Toyohiko Kagawa in the slums of Japan, Dwight L. Moody and his concern for workers and boys, Billy Sunday and his crusades against drunkenness. That is the historical, the classical tradition of the Christian thrust in the world.

The message of the New Testament is that human personality can be changed, that the Gospel can make men new, that through Jesus Christ the old can pass away and the new can come. Psychiatry supports this fact as Dr. Paul Tournier asserts in his little book, *The Strong and The Weak:* "We may still see today men delivered from the chain of their natural reactions after experiencing the grace of God. We see sick people regain physical vitality; we see neurotics delivered from psychological inhibitions on which sometimes even the best treatment has had no effect. But we also see the strong becoming gentle, we see them throwing off the armor plating which imprisons them, their armor of health, insensitiveness, and self-confidence."

The old Gospel song was speaking a truth when it sang out:

"Down in the human heart crushed by the temper,
Feelings lie buried that grace can restore.
Touched by a loving hand, wakened by kindness
Cords that were broken can vibrate once more."

It is the essence of the Gospel that changed people can make a better world. Changed people with the dynamic message of the Gospel went out across an ancient world once upon a time, not with a sociological blueprint but by proclaiming the good news of the Gospel of God validated by the resurrected Savior, by that message did in fact transform an ancient pagan world—banishing slavery, uplifting womanhood, eliminating false deities, dethroning unjust rulers. Changed people do make a difference in the world. With this the Christian who knows his history must be in agreement.

Although changed men make a tremendous difference and men in whom the Kingdom of God is already a reality give promise of the coming Kingdom of God on this real earth, it is an untenable assumption to believe, as Dr. Campbell points out, that once some men and women are led to Jesus Christ they will automatically do the right thing in every situation. This is too much to expect, just as it is too much to expect that the millennium will have come when only part of the people at most are truly Christians. Observe what history reveals!

In human nature there is a tendency to remain aloof from involved questions of social righteousness. Moreover, not infrequently experience of the grace of God actually pulls people away from the problems of the world into the cozy, reassuring shelter of the Church, or the monastery, or the convent. In any case, to have the grace of God, to know the love of Christ, to be forgiven, to have the vertical relationship, the God-man relationship well established and thoroughly confirmed in one's own experience sometimes produces such an inner state of confidence and assurance that withdrawal rather than encounter becomes the rule of life. Much mysticism and some pacifism flourish on this basis. The problems of this world are so complicated and the life with God so prized by many that non-involvement and non-participation are very appealing. The hide-away Christian, the spiritual recluse, the pietistic separatist is not the best imitation of his Master, nor is he likely to exercise any transforming impact upon his fellow man. Instead of withdrawal to the comfortable insulation of the Church, ours is a go-go religion. The Master directed us to go teach, go heal, go preach, go love, go hope, and then promised, "And, lo, I am with you always."

But the question today turns on how to go into society in a healing and redemptive manner, and to what extent the corporate Church itself should be implicated in economic, social, and political affairs. It is one thing for an individual Christian in the light of his own insight and wisdom to become involved in the affairs of the world and make his Christian witness there. It is quite another thing when some men attempt to make their own views of economics, politics, and society the views of the whole Church, and commit the Church as an institution to such views. This is what the Stated Clerk of our General Assembly, Mr. William P. Thompson, a lawyer, had in mind when he was speaking about the mission of the Church in these difficult days. He said laymen find it "desperately difficult" to "follow Jesus out of the sanctuary into the world." With greater emphasis he also declared, "Neither the pulpit nor classes and forums in the Church should be used as a sounding board for partisan interests. Neither a particular congregation nor a judicatory should give the impression that it speaks for the whole Church. Certainly, no Church official dare do so. Christians must act as responsible citizens. Some individual Christians will be impelled to seek political office." But, said Mr. Thompson, "the Church must not support a particular candidate for office." Mr. Thompson declared the Church must "help its members discern and evaluate the moral issues involved in the political process. In the coming election such issues are sure to center in the Vietnam war, the urban crisis, poverty, etc."

The truth of the matter is that knowing the right thing to do in society requires more than a heart-warming experience of love. And it also requires a lot more wisdom than some of our social actionist churchmen possess.

There are people in the Church today who reject or neglect personal evangelism and disdain Billy Graham, who reject the New Testament concept of radical, immediate, instantaneous conversion, but who in their approach to the world want immediate, radical, and instant transformation of the complicated structures of human society. Some of them would be disturbed and embarrassed if they were asked to point a wistful, struggling soul to an experience of the saving love of the living Christ. But they have no hesitation about prescribing pat panaceas for every social ill, every economic injustice, and nuclear warfare. The achievement of justice and the fulfillment of the perfect society is a weightier matter than either the apostles of individual salvation or the evangelists for social action as such really understand.

As between the new and the old fundamentalists, the new one is the more difficult to live with. What do I mean by the new fundamentalist? The new fundamentalist tends to take the economic, political, and social pronouncements of Church bodies, absolutize them, and lift them to the level of theological dogma. For him they become theological doctrine and he regards everyone who differs with him or with these pronouncements as a heretic. The new fundamentalist goes to Selma, the old fundamentalist might or might not. But the older fundamentalist had at least his Biblical proof texts, while the new fundamentalist at best rests his case for Biblical authority only on implication.

The fact of the matter is that Christians and non-Christians participate in the solutions to the problems that effect our total world. Not Christians alone, not even Americans, determine all the factors which have to be taken into consideration, as we are learning in the situation in the Southeast Pacific. It is naive to assume that simply because one is a Christian he will know what the best thing is in so many matters. Take, for example, as Dr. Campbell points out, the plan for a four-lane bypass for through traffic. Where should it be located? Whose farm should be stripped? Whose sleep shall be interrupted by the noise? How do you determine what is pornographic and therefore harmful, and what is simply human, natural, and therefore harmless? What is a just wage for a policeman, or a school teacher, or a soldier? What is an equitable draft law? How long is a doctor obliged to keep a dying patient alive? How do you protect society from the depredations of the criminal and at the same time assure the rights of a criminal before the law? How do you achieve and preserve freedom with justice and honor in Southeast Asia and determine the precise amount of military force necessary to implement political policy?

It ought to be clear to us that an experience of grace and love in one's heart needs wisdom for Christian living. It should also be very clear that the earnest worker for social rehabilitation and re-creation needs the humble spirit and the warm heart and the love which only Christian grace can bring. The Christian has no monopoly on justice, but we have a large stake in it. It seems to me the Christian ought always to be on the side of the oppressed and the poor. An indifferent Church might be denied an evan-gelistic hearing. Concern for justice and human welfare may win a hearing for the Gospel. Structures of society can and do forward or retard God's will for men. It could be that our indifference to the political, social, and economic arrangements that damage life could produce an answering indifference to the Gospel itself. This is the real and substantive case for Christians as Christians working at points of human need, as so many people did in the Washington crisis of Black Friday to the Good Friday this year. Sad at the necessity, it was nevertheless thrilling to see the immediate response of Washingtonians to human suffering.

The Christian faith is both personal and it is social, or it is not Christianity. Today nothing is more needed than a synthesis of the two, namely personal piety and wise, social concern—the living out of the Christian life in the here and now of this present world. It is the business of the Church to change men who by being Christians where they are, at their work, in their decision making, in their judgments, in the rough and tumble of everyday life, can change the world.

Nothing is clearer about the Gospel and the life of the Christian than what Jesus taught about the vertical and the horizontal. It was a teacher of the law who pressed Jesus for the answer to the meaning of the Kingdom of God—the relation of law and grace to love. And Jesus began his answer by the most important statement of all: "Hear, Israel! The Lord our God is the only Lord. You must love the Lord your God with all your heart, with all your soul, with all your mind, and with all your strength. The second most important Commandment is this: You must love your neighbor as yourself. There is no other Commandment more important than these two."

When Jesus said that, the teacher of the law said to Jesus, "Well done, teacher! It is true, as you say, that only the Lord is God and that there is no other God but he. And so man must love God, and he must love his neighbor as himself. It is much better to obey these two Commandments than to bring animals to be burned on the altar and offer other sacrifices to God." Fulfilling these two commandments transcends all liturgical niceties.

Jesus noticed how wise the lawyer's answer was, so he told him, "You are not far from the Kingdom of God."

Here was the synthesis we have been talking about, and this passage comes out of the oldest of the Gospels, the Gospel of Mark, and concludes, "After this, nobody dared to ask Jesus any more questions." No wonder!

THE IDES OF FEBRUARY: 1 MINUTE OF VIOLENCE IN ORANGEBURG

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. CONYERS. Mr. Speaker, the events in Orangeburg represent a crime, not only of one citizen in uniform against another in plain clothes, but of an obviously detached society that can ignore such acts.

A review of this tradegy is to come closer to the sickness of America; that its citizens must be killed for trying to eradicate the pervasive racism that must somehow be rooted out.

Perhaps some of our colleagues have not yet had the opportunity to examine in detail the incidents in Orangeburg, S.C., in the early days of February. For that very reason, I now offer this series of articles and reports which describe what occurred in 1 minute of violence in Orangeburg.

The material referred to above follows:

Events at Orangeburg

(A report based on study and interviews in Orangeburg, S.C., in the aftermath of tragedy, by Pat Watters and Weldon Rougeau)

INTRODUCTION

The events of the tragic week of February 5–10, 1968, in the small (population, 13,852) Negro college city of Orangeburg, South Carolina, tell a story in microcosm of years of racial struggle in the southern pattern in that one locale, centering overtly on segregation of a bowling alley, but involving deeper down such public problems as poverty, racial animosity, discrimination, and educational deprivation. The events also would at least suggest the implications of forces in motion not just in Orangeburg but across America in 1967–68, including black power and white over-reaction to its emotional mood, the tendency to violence by Negroes dismayed by the failure of nonviolence and other peaceful protest against social injustice and inequity still enduring, the national tendency nearing public policy to a fear of riots amounting to phobia and a response to Negro unrest with massive police and military force. The events also point to the emergence, in the South at least, of the Negro college with its legacy of discrimination, educational deprivation, and lack of academic freedom as a setting for the meeting of these dangerous and explosive tendencies.

In Orangeburg, the result was tragedy—the death of three students and wounding of 28 others, the death of whatever true and whatever false was contained in a South Carolina image of nonviolent settlement of ancient racial animosities, and the death of one knows not what amount more of hope in the hearts of white and Negro Americans alike for the achievement of racial justice and peace.

The following report, based on interviews with students and faculty of South Carolina State College and Claflin College, with newsmen, and with townspeople and officials, and based on press and other data about Orangeburg past and present, is submitted in the hope that a careful and impartial reading of the surface facts and underlying complexities in this one specific situation might provide insights into preventing its tragic pattern being repeated in a coming spring and summer of unprecedented national racial tension.

I. MONDAY THROUGH WEDNESDAY

On Monday night, February 5, a group of Negro students from South Carolina State College and Claflin College in Orangeburg visited the All-Star Bowling Lanes, the only bowling alley in town, in a shopping center just east of the downtown business section, and about three blocks from the two campuses. (South Carolina State, the only state-supported predominantly Negro college in the state with 1,854 students, and Claflin College, also predominantly Negro, a private, church-related institution with 818 students, are located side by side on Watson Street.)

In the background of the visit to the bowling alley was Negro resentment of its segregated status, the resentment dating back at least to 1963 and 1964 when massive demonstrations protested and the Civil Rights Law ended for the most part segregation of public accommodations in the city. Negotiations since then on the local level (and efforts to involve the national government) to desegregate the bowling alley had all failed. The students seeking service that Monday night included some members and/or followers of a small State College organization called the Black Awareness Coordinating Committee, variously described as black power oriented or devoted to black culture. Harry L. Floyd, proprietor of the bowling alley, refused service to the Negroes and asked them to leave. He had contended that the bowling alley was a private club and that lanes every night were contracted for by members of bowling leagues.

When the students refused to leave, according to the local newspaper, the *Times and Democrat*, he went out to obtain warrants for their arrest on trespassing charges. While he was gone, Orangeburg Chief of Police Roger E. Poston cleared the bowling alley of all persons and closed it for the night. On Tuesday morning, Mr. Floyd protested this action to the City Council and asked for city police protection and arrests of Negroes should they return Tuesday night, saying also he had conferred with state police officials. Chief Poston was quoted as telling Mr. Floyd anent Monday night, "I am not going to ask my men to violate the law in interfering with those who are not breaking the law by being in your place." The *Times and Democrat* carried no story in its Tuesday edition about the Monday night confrontation at the bowling alley, but later in the week began referring to rock-throwing by students that night. Persons interviewed on campus and off, however, were adamant: no rock-throwing occurred Monday night.

On Tuesday night, February 6, local police were present when a group of students appeared again at the bowling alley seeking service. It was not clear whether state police were on hand at this time, about 7 p.m. The door of the bowling alley was locked to the students. When Chief of Police Poston arrived on the scene, the door was opened to him, and some 25 students rushed the door, gaining entrance. They were asked to leave; some did. Fifteen who refused were arrested on trespassing charges, and taken to jail.

Word of the arrests quickly spread across the two campuses and by 7:45 p.m., a crowd of approximately 300 students gathered in the shopping center parking lot. By this time state police, members of the State Highway Patrol, and the State Law Enforcement Division (SLED), along with city police and, either then or subsequently, sheriff's deputies, were on hand. The students apparently had no organized protest strategy; they were, as one faculty member who was there described it, an unstructured group milling around. A mark of their emotional distance from the extreme alienation and cynicism of northern ghettos was the fact that they were singing freedom songs, reminiscent of the naive spirit of the early 1960's Negro movement in the South.

Alarmed at the potential danger of their presence in the parking lot, city officials, including the chief of police, decided to release the fifteen Negroes who had been arrested on the promise that they would urge the students in the parking lot to go back to the campus. They arrived at the parking lot to big cheers, and kept their part of the bargain but saying, with their urgings to go home that night, that they had made no promises about the following night. According to sympathetic witnesses, at this point students were in a jovial mood, a sense of victory in the air, and were slowly dispersing. But at this moment also, for reasons not clear, a city fire engine pulled into the parking lot, and because perhaps of a memory which would date back to grade school for most of the students of the use of fire hoses by the city of Orangeburg on nonviolent sit-in demonstrators in 1960, there was a return of anger, and a return by most of the crowd to the parking lot, to surround the fire engine. Still, at this point, there had been no violence. The truck was ordered out of the lot, but the students addressed to men of faith. The Ten Commandments were not delivered to the world at large but to the covenant people, Israel. For this reason the Commandments should never be read apart from the prologue, which is the way we actually read the Law at our Communion services, "I am the Lord, thy God, who brought thee out of the land of Egypt, out of the house of bondage."

Writing in the *Princeton Theological Seminary Bulletin*, The Rev. Dr. Ernest T. Campbell, one-time National Church Preacher, properly points out that "prophetic pleas for justice were not directed toward Egypt or Babylon or Assuria, but toward Israel and Judah. I Corinthians: 13 is not 'the moral code' as the pretty coed thought who had heard it at a wedding ceremony." This magnificent poem in which love is celebrated and described is addressed to Christians, who had both heard of the love of God and experienced it. So, too, New Testament counsel regarding purity, forgiveness, temperance, meekness, and all the other graces of Christian living is laid upon believers, in the Church in Rome, in Corinth, in Philippi, and elsewhere.

Philippe Maury similarly writes, "We cannot know the content of the ethic of faith without first passing through the experience of faith. Every attempt to apply directly the ethical text of the Bible without passing through the medium of faith is bound to lead to moralizing and vigilistic formalism, which is contrary to the Gospel" (*Politics and Evangelism*).

"The first word to the world outside the Church then is to repent and believe," as Dr. Campbell put it in his instructive article, to which I am much in debt. And our new Confession of Faith, the Confession of 1967, quite properly is not addressed to the world but to the Church.

Nothing is more disillusioning, and indeed downright discouraging, than to expect better results from society than we are likely to get. At a recent Presbytery meeting we were all admonished to strip ourselves of the old myth of the self-made man and the economic rewards of and personal satisfactions derived from hard work. At the same time the speaker was pleading for a full stomach, a suit of clothes, good shoes, and a guaranteed annual income of $6,000 per year for every human being. That, I submit, is not only a colossal myth but also stark Christian heresy—the assumption that a full stomach, a suit of clothes, a pair of shoes, and so many thousand dollars a year produce a better man, and therefore a better world. People who have had all of these things, and more too, have demonstrated hate, injustice, arrogance, and viciousness.

It ought to interest us further that some of history's greatest soul winners have also had great social passion—William Booth and the Salvation Army, Toyohiko Kagawa in the slums of Japan, Dwight L. Moody and his concern for workers and boys, Billy Sunday and his crusades against drunkenness. That is the historical, the classical tradition of the Christian thrust in the world.

The message of the New Testament is that human personality can be changed, that the Gospel can make men new, that through Jesus Christ the old can pass away and the new can come. Psychiatry supports this fact as Dr. Paul Tournier asserts in his little book, *The Strong and The Weak:* "We may still see today men delivered from the chain of their natural reactions after experiencing the grace of God. We see sick people regain physical vitality; we see neurotics delivered from psychological inhibitions on which sometimes even the best treatment has had no effect. But we also see the strong becoming gentle, we see them throwing off the armor plating which imprisons them, their armor of health, insensitiveness, and self-confidence."

The old Gospel song was speaking a truth when it sang out:

"Down in the human heart crushed by the tempter,
Feelings lie buried that grace can restore.
Touched by a loving hand, wakened by kindness
Cords that were broken can vibrate once more."

It is the essence of the Gospel that changed people can make a better world. Changed people with the dynamic message of the Gospel went out across an ancient world once upon a time, not with a sociological blueprint but by proclaiming the good news of the Gospel of God validated by the resurrected Savior, by that message did in fact transform an ancient pagan world—banishing slavery, uplifting womanhood, eliminating false deities, dethroning unjust rulers. Changed people do make a difference in the world. With this the Christian who knows his history must be in agreement.

Although changed men make a tremendous difference and men in whom the Kingdom of God is already a reality give promise of the coming Kingdom of God on this real earth, it is an untenable assumption to believe, as Dr. Campbell points out, that once some men and women are led to Jesus Christ they will automatically do the right thing in every situation. This is too much to expect, just as it is too much to expect that the millennium will have come when only part of the people at most are truly Christians. Observe what history reveals!

In human nature there is a tendency to remain aloof from involved questions of social righteousness. Moreover, not infrequently experience of the grace of God actually pulls people away from the problems of the world into the cozy, reassuring shelter of the Church, or the monastery, or the convent. In any case, to have the grace of God, to know the love of Christ, to be forgiven, to have the vertical relationship, the God-man relationship well established and thoroughly confirmed in one's own experience sometimes produces such an inner state of confidence and assurance that withdrawal rather than encounter becomes the rule of life. Much mysticism and some pacifism flourish on this basis. The problems of this world are so complicated and the life with God so prized by many that non-involvement and non-participation are very appealing. The hide-away Christian, the spiritual recluse, the pietistic separatist is not the best imitation of his Master, nor is he likely to exercise any transforming impact upon his fellow man. Instead of withdrawal to the comfortable insulation of the Church, ours is a go-go religion. The Master directed us to go teach, go heal, go preach, go love, go hope, and then promised, "And, lo, I am with you always."

But the question today turns on how to go into society in a healing and redemptive manner, and to what extent the corporate Church itself should be implicated in economic, social, and political affairs. It is one thing for an individual Christian in the light of his own insight and wisdom to become involved in the affairs of the world and make his Christian witness there. It is quite another thing when some men attempt to make their own views of economics, politics, and society the views of the whole Church, and commit the Church as an institution to such views. This is what the Stated Clerk of our General Assembly, Mr. William P. Thompson, a lawyer, had in mind when he was speaking about the mission of the Church in these difficult days. He said laymen find it "desperately difficult" to "follow Jesus out of the sanctuary into the world." With greater emphasis he also declared, "Neither the pulpit nor classes and forums in the Church should be used as a sounding board for partisan interests. Neither a particular congregation nor a judicatory should give the impression that it speaks for the whole Church. Certainly, no Church official dare do so. Christians must act as responsible citizens. Some individual Christians will be impelled to seek political office." But, said Mr. Thompson, "the Church must not support a particular candidate for office." Mr. Thompson declared the Church must "help its members discern and evaluate the moral issues involved in the political process. In the coming election such issues are sure to center in the Vietnam war, the urban crisis, poverty, etc."

The truth of the matter is that knowing the right thing to do in society requires more than a heart-warming experience of love. And it also requires a lot more wisdom than some of our social actionist churchmen possess.

There are people in the Church today who reject or neglect personal evangelism and disdain Billy Graham, who reject the New Testament concept of radical, immediate, instantaneous conversion, but who in their approach to the world want immediate, radical, and instant transformation of the complicated structures of human society. Some of them would be disturbed and embarrassed if they were asked to point a wistful, struggling soul to an experience of the saving love of the living Christ. But they have no hesitation about prescribing pat panaceas for every social ill, every economic injustice, and nuclear warfare. The achievement of justice and the fulfillment of the perfect society is a weightier matter than either the apostles of individual salvation or the evangelists for social action as such really understand.

As between the new and the old fundamentalists, the new one is the more difficult to live with. What do I mean by the new fundamentalist? The new fundamentalist tends to take the economic, political, and social pronouncements of Church bodies, absolutize them, and lift them to the level of theological dogma. For him they become theological doctrine and he regards everyone who differs with him or with these pronouncements as a heretic. The new fundamentalist goes to Selma, the old fundamentalist might or might not. But the older fundamentalist had at least his Biblical proof texts, while the new fundamentalist at best rests his case for Biblical authority only on implication.

The fact of the matter is that Christians and non-Christians participate in the solutions to the problems that effect our total world. Not Christians alone, not even Americans, determine all the factors which have to be taken into consideration, as we are learning in the situation in the Southeast Pacific. It is naive to assume that simply because one is a Christian he will know what the best thing is in so many matters. Take, for example, as Dr. Campbell points out, the plan for a four-lane bypass for through traffic. Where should it be located? Whose farm should be stripped? Whose sleep shall be interrupted by the noise? How do you determine what is pornographic and therefore harmful, and what is simply human, natural, and therefore harmless? What is a just wage for a policeman, or a school teacher, or a soldier? What is an equitable draft law? How long is a doctor obliged to keep a dying patient alive? How do you protect society from the depredations of the criminal and at the same time assure the rights of a criminal before the law? How do you achieve and preserve freedom with justice and honor in Southeast Asia and determine the precise amount of military force necessary to implement political policy?

It ought to be clear to us that an experience of grace and love in one's heart needs wisdom for Christian living. It should also be very clear that the earnest worker for social rehabilitation and re-creation needs the humble spirit and the warm heart and the love which only Christian grace can bring. The Christian has no monopoly on justice, but we have a large stake in it. It seems to me the Christian ought always to be on the side of the oppressed and the poor. An indifferent Church might be denied an evan-gelistic hearing. Concern for justice and human welfare may win a hearing for the Gospel. Structures of society can and do forward or retard God's will for men. It could be that our indifference to the political, social, and economic arrangements that damage life could produce an answering indifference to the Gospel itself. This is the real and substantive case for Christians as Christians working at points of human need, as so many people did in the Washington crisis of Black Friday to the Good Friday this year. Sad at the necessity, it was nevertheless thrilling to see the immediate response of Washingtonians to human suffering.

The Christian faith is both personal and it is social, or it is not Christianity. Today nothing is more needed than a synthesis of the two, namely personal piety and wise, social concern—the living out of the Christian life in the here and now of this present world. It is the business of the Church to change men who by being Christians where they are, at their work, in their decision making, in their judgments, in the rough and tumble of everyday life, can change the world.

Nothing is clearer about the Gospel and the life of the Christian than what Jesus taught about the vertical and the horizontal. It was a teacher of the law who pressed Jesus for the answer to the meaning of the Kingdom of God—the relation of law and grace to love. And Jesus began his answer by the most important statement of all: "Hear, Israel! The Lord our God is the only Lord. You must love the Lord your God with all your heart, with all your soul, with all your mind, and with all your strength. The second most important Commandment is this: You must love your neighbor as yourself. There is no other Commandment more important than these two."

When Jesus said that, the teacher of the law said to Jesus, "Well done, teacher! It is true, as you say, that only the Lord is God and that there is no other God but he. And so man must love God, and he must love his neighbor as himself. It is much better to obey these two Commandments than to bring animals to be burned on the altar and offer other sacrifices to God." Fulfilling these two commandments transcends all liturgical niceties.

Jesus noticed how wise the lawyer's answer was, so he told him, "You are not far from the Kingdom of God."

Here was the synthesis we have been talking about, and this passage comes out of the oldest of the Gospels, the Gospel of Mark, and concludes, "After this, nobody dared to ask Jesus any more questions." No wonder!

THE IDES OF FEBRUARY: 1 MINUTE OF VIOLENCE IN ORANGEBURG

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. CONYERS. Mr. Speaker, the events in Orangeburg represent a crime, not only of one citizen in uniform against another in plain clothes, but of an obviously detached society that can ignore such acts.

A review of this tradegy is to come closer to the sickness of America: that its citizens must be killed for trying to eradicate the pervasive racism that must somehow be rooted out.

Perhaps some of our colleagues have not yet had the opportunity to examine in detail the incidents in Orangeburg, S.C., in the early days of February. For that very reason, I now offer this series of articles and reports which describe what occurred in 1 minute of violence in Orangeburg.

The material referred to above follows:

EVENTS AT ORANGEBURG

(A report based on study and interviews in Orangeburg, S.C., in the aftermath of tragedy, by Pat Watters and Weldon Rougeau)

INTRODUCTION

The events of the tragic week of February 5–10, 1968, in the small (population, 13,852) Negro college city of Orangeburg, South Carolina, tell a story in microcosm of years of racial struggle in the southern pattern in that one locale, centering overtly on segregation of a bowling alley, but involving deeper down such public problems as poverty, racial animosity, discrimination, and educational deprivation. The events also would at least suggest the implications of forces in motion not just in Orangeburg but across America in 1967–68, including black power and white over-reaction to its emotional mood, the tendency to violence by Negroes dismayed by the failure of nonviolence and other peaceful protest against social injustice and inequity still enduring, the national tendency nearing public policy to a fear of riots amounting to phobia and a response to Negro unrest with massive police and military force. The events also point to the emergence, in the South at least, of the Negro college with its legacy of discrimination, educational deprivation, and lack of academic freedom as a setting for the meeting of these dangerous and explosive tendencies.

In Orangeburg, the result was tragedy—the death of three students and wounding of 28 others, the death of whatever true and whatever false was contained in a South Carolina image of nonviolent settlement of ancient racial animosities, and the death of one knows not what amount more of hope in the hearts of white and Negro Americans alike for the achievement of racial justice and peace.

The following report, based on interviews with students and faculty of South Carolina State College and Claflin College, with newsmen, and with townspeople and officials, and based on press and other data about Orangeburg past and present, is submitted in the hope that a careful and impartial reading of the surface facts and underlying complexities in this one specific situation might provide insights into preventing its tragic pattern being repeated in a coming spring and summer of unprecedented national racial tension.

I. MONDAY THROUGH WEDNESDAY

On Monday night, February 5, a group of Negro students from South Carolina State College and Claflin College in Orangeburg visited the All-Star Bowling Lanes, the only bowling alley in town, in a shopping center just east of the downtown business section, and about three blocks from the two campuses. (South Carolina State, the only state-supported predominantly Negro college in the state with 1,854 students, and Claflin College, also predominantly Negro, a private, church-related institution with 818 students, are located side by side on Watson Street.)

In the background of the visit to the bowling alley was Negro resentment of its segregated status, the resentment dating back at least to 1963 and 1964 when massive demonstrations protested and the Civil Rights Law ended for the most part segregation of public accommodations in the city. Negotiations since then on the local level (and efforts to involve the national government) to desegregate the bowling alley had all failed. The students seeking service that Monday night included some members and/or followers of a small State College organization called the Black Awareness Coordinating Committee, variously described as black power oriented or devoted to black culture. Harry L. Floyd, proprietor of the bowling alley, refused service to the Negroes and asked them to leave. He had contended that the bowling alley was a private club and that lanes every night were contracted for by members of bowling leagues.

When the students refused to leave, according to the local newspaper, the *Times and Democrat*, he went out to obtain warrants for their arrest on trespassing charges. While he was gone, Orangeburg Chief of Police Roger E. Poston cleared the bowling alley of all persons and closed it for the night. On Tuesday morning, Mr. Floyd protested this action to the City Council and asked for city police protection and arrests of Negroes should they return Tuesday night, saying also he had conferred with state police officials. Chief Poston was quoted as telling Mr. Floyd anent Monday night, "I am not going to ask my men to violate the law in interfering with those who are not breaking the law by being in your place." The *Times and Democrat* carried no story in its Tuesday edition about the Monday night confrontation at the bowling alley, but later in the week began referring to rock-throwing by students that night. Persons interviewed on campus and off, however, were adamant: no rock-throwing occurred Monday night.

On Tuesday night, February 6, local police were present when a group of students appeared again at the bowling alley seeking service. It was not clear whether state police were on hand at this time, about 7 p.m. The door of the bowling alley was locked to the students. When Chief of Police Poston arrived on the scene, the door was opened to him, and some 25 students rushed the door, gaining entrance. They were asked to leave; some did. Fifteen who refused were arrested on trespassing charges, and taken to jail.

Word of the arrests quickly spread across the two campuses and by 7:45 p.m., a crowd of approximately 300 students gathered in the shopping center parking lot. By this time state police, members of the State Highway Patrol, and the State Law Enforcement Division (SLED), along with city police and, either then or subsequently, sheriff's deputies, were on hand. The students apparently had no organized protest strategy; they were, as one faculty member who was there described it, an unstructured group milling around. A mark of their emotional distance from the extreme alienation and cynicism of northern ghettos was the fact that they were singing freedom songs, reminiscent of the naive spirit of the early 1960's Negro movement in the South.

Alarmed at the potential danger of their presence in the parking lot, city officials, including the chief of police, decided to release the fifteen Negroes who had been arrested on the promise that they would urge the students in the parking lot to go back to the campus. They arrived at the parking lot to big cheers, and kept their part of the bargain but saying, with their urgings to go home that night, that they had made no promises about the following night. According to sympathetic witnesses, at this point students were in a jovial mood, a sense of victory in the air, and were slowly dispersing. But at this moment also, for reasons not clear, a city fire engine pulled into the parking lot, and because perhaps of a memory which would date back to grade school for most of the students of the use of fire hoses by the city of Orangeburg on nonviolent sit-in demonstrators in 1960, there was a return of anger, and a return by most of the crowd to the parking lot, to surround the fire engine. Still, at this point, there had been no violence. The truck was ordered out of the lot, but the students newly agitated, moved now to the bowling alley, swarming about its glass front.

Police from 15 or 20 cars in the parking lot closed in behind them. Someone kicked in a glass panel of the bowling alley door. Police seized a student presumed to have done the kicking, grabbing and jerking him roughly. The other students pressed close, refusing to clear a path for police with the arrested student. Police shouted at them; they shouted back, such violence of language common in 1968 to both races, previously only to the whites. Police pushed at the crowd and then, city and state police alike, they began beating back the crowd with billy clubs. The crowd broke, students, shouting of police brutality, fleeing. More than one witness told of a young woman held by one policeman, hit with a billy club by a second, also of a young woman begging not to be hit again, even as a policeman swung his club.

The brief melee sent eight students and one policeman to the hospital. Four of the students were kept overnight for observation of head lacerations. Only the one student was arrested. From responsible reports, students did not fight back. The local radio station alleged a student had attacked police with a lead pipe; Chief of Police Poston later was quoted as saying a young women had squirted hair spray at one policeman.

The students from both colleges poured back onto the State College campus. In this retreat, students—availing themselves of an ample supply of bricks from a partially demolished building—broke windows in white businesses along the way. The *Times and Democrat* listed four businesses reporting such damage, including an automobile agency where it said cars were damaged also.

M. Maceo Nance, Jr., acting president of State College, was quoted in the Columbia *State* as saying the next day to a city official: "I do not condone destruction of property, but for the record, it happened after the young ladies were hit." When the students got back to the campuses (some time after 9 p.m.), an impromptu mass meeting began in one of the college buildings. Among speakers was Cleveland Sellers, a 23-year-old native of nearby Denmark, South Carolina, former leader of southern nonviolent demonstrations and voter registration efforts of the Student Nonviolent Coordinating Committee. Apparently still a part of the dwindled SNCC organization but also apparently acting on his own, Mr. Sellers had moved into a house across the street from the two campuses in the fall of 1967, some said on the presumption (later proved wrong) that his wife would enroll at South Carolina State. Frequently on campus, Mr. Sellers had been an advisor to, if not instrumental in, organization of the BACC. A soft-spoken man, he said at the mass meeting he could not tell students what to do, but would offer suggestions if requested.

Other speakers, including Robert Scott, president of the State student body, and George Campbell, president of the State College NAACP branch, strongly asserted the need for a further show of student indignation, but eventually urged waiting until morning when a permit for a protest march might be obtained from the city. Asked for his suggestions, Mr. Sellers urged students to go back out that night and block with their bodies key intersections in the city, with a demand that Chamber of Commerce officials come immediately to confer about the bowling alley. This essentially nonviolent mode of action was, according to all witnesses, the extent of recommendation from Mr. Sellers, who was later to be lambasted in the South Carolina press and by the governor as the prime fomenter of black power violence in the situation. Students at the mass meeting meanwhile not impractically asked what strategy they might follow to keep from getting beaten by police again. Finally, the plan to seek a city permit to march the next day was adopted, and two Negro attorneys advised the students on their legal rights of protest. The students agreed to meet at nine o'clock the next morning.

The attempt to obtain the permit to march began at about eleven Tuesday night, resumed at about seven Wednesday morning, finally succeeded about 8:30. A meeting was held with the mayor, the chief of police, and City Manager Robert T. Stevenson, who were urged to allow the march even if it meant seeking federal troops to keep order. They countered with a proposal that the mayor and city manager and heads of the Chamber of Commerce and Merchants' Association appear before the students and attempt to answer grievances. This unprecedented gesture was accepted.

The effect of the appearance on students was described as devastating. One who was there said it reflected glaringly both the inappropriateness of the white dignitaries' approach to the serious mood of the students, and the students' distrust of the dignitaries. When the mayor tried to say with southern effusiveness that he was glad to be there, he was hooted. When he said the city believed in good race relations, he was hooted even louder. An assertion by the city manager that the city had not made a lot of progress in race relations, but had made some, met the same response. Only the Chamber president seemed to impress the students. He agreed to read at the next meeting of his organization a list of grievances the students had drawn up hastily the night before.

State College President Nance, sharply critical in remarks during the day of police treatment of students Tuesday night, urged a boycott of merchants rather than further direct action. Similar recommendations were made by the administration at Claflin. Students met through the day, trying to decide what to do.

The list of student grievances asked (1) closing of the All-Star Bowling Lanes and a change of its policy of segregation before reopening; (2) investigation of police brutality . . . ("The action taken by the SLED officers was uncalled for, especially the beating of the young ladies."); (3) "immediate suspension pending investigation of the officer who fired a shot unnecessarily into the State College campus"; (4) establishment by the mayor of a biracial Orangeburg Human Relations Committee, with the recommendation that each community select its own representatives; (5) that the Orangeburg Medical Association make a public statement of intent to serve all persons on an equal basis regardless of race, religion, or creed; (6) a fair employment commission; (7) a "change [in] the dogmatic attitude of the office personnel at the Health Department and the segregated practices used there"; (8) "extension of the city limits of Orangeburg so as to benefit more than one segment of the community"; (9) that officials "give constructive leadership toward encouraging the Orangeburg Regional Hospital to accept the Medicare program"; (10) the "elimination of discrimination in public services, especially in doctors' offices"; (11) integration of drive-in theaters; (12) that officials "fulfill all stipulations of the 1964 Civil Rights Act by leading the community so that it will serve all the people."

It was not until Friday that the *Times and Democrat* reported City Council reaction to the grievances, the story on the front page beneath photographs of students slain by police gunfire. The City Council's answers, drawn up at a meeting Thursday afternoon before the shooting, were essentially negative, saying either that the city had no authority to do what was requested, as with closing the bowling alley, or that present arrangements were adequate to needs, as with fair employment, or that the council saw no legitimate cause of complaint, as with the allegations of police brutality.

If in its essence the list of grievances might be interpreted as an eloquent plea by the students to the city for law and order, specifically adherence to the 1964 Civil Rights Law and the federal constitution, the events of Wednesday evening (February 7) indicated the degree to which the situation had deteriorated during that day of meetings and indecision, frustration and anger. On Wednesday evening, students from both campuses, mainly males, rampaged for several hours, shouting and moving in large crowds, and (the extent of their violence) throwing rocks at automobiles with white passengers passing the campuses. A 19-year-old State College student, mild and middle-class, evoked the mood of the evening a few days later in telling how he had attended a meeting "over their whipping our girls" ("We said no young man could stand to see ladies beat. There were on hand a group of fellows who had one thing in mind: 'Get Charlie,' ") and of how, later, on the yard of the campus, he encountered a mob on the move. "What's up?" he asked. "We're going to get Charlie," they answered.

"So, I picked up a brick and went with them."

Campus police and later state police moved quickly to avert cars with white passengers from streets leading by the campuses. But cars were hit and the rampage went on for a matter of hours. Two other instances of violence occurred. Three male students from Claflin were wounded by buckshot fired from a dwelling just off the State College campus. There were apparently no arrests in connection with the shooting. The white residents claimed they were defending their property; the students denied trespassing. Word of the shootings, with presumably the usual exaggeration in such an atmosphere, fed the mood of anger and hysteria. So did word of the second incident, the appearance on the State College campus rather amazingly of a car containing whites. A student described the apparition: "Nobody in the car hollered 'Soul' so we began to holler 'Honkey.' " At one point, the driver, ducking down, raced the car toward a crowd of students. The car was hit by a number of rocks and bricks, and damaged considerably. "We stoned it," the student said. "How they ever got out of that was just luck." Two shots were fired from the car while it was on the campus; a student witness said this was after the stoning. The car was stopped by state police about a mile after it left the campus, with no accounting in the local press of the disposition of the case.

At one point, the students on that rambunctious Wednesday evening were throwing rocks at cars on Watson Street. Some stood in the yard of the State College campus where the next night, Thursday, they gathered again in a similar mood. Meanwhile, units of the National Guard, alerted by Governor Robert E. McNair after Tuesday night's melee, moved into active duty Wednesday night, guarding the shopping center, and state police in larger numbers than the previous night were strongly in evidence. The stage was set for Orangeburg's lethal confrontation of student protest turned to rampage with the full force of South Carolina's measures of riot control.

II. THURSDAY NIGHT

On Thursday, February 8, there was a crucial meeting of the students who had met with the mayor on the previous day. Everyone was dissatisfied with the outcome of that meeting. Many were disappointed with a memo from Dr. Nance requesting that students remain on campus, for many still wanted to march. Almost everyone felt something should be done in protest of police action Tuesday night.

At this meeting on Thursday, there occurred a split between the Black Awareness Coordinating Committee (BACC) and other elements of the student leadership. BACC members learned that an agreement to refrain from marching had been reached without consulting them. They felt betrayed and voiced their disapproval of this change in plans. Moreover, BACC members felt that the students in the NAACP chapter and the other student leaders had compromised their original position.

BACC members reportedly asked participants what was to be done in light of the "betrayal." A high-ranking member of the administration said, "Do what you want to do," and the meeting broke up with no one having decided on a course of action. Most students returned to their dormitories. Between 75 and 130 male students milled around the edge of the campus facing Watson Street and Highway 601. They were frustrated and without leadership. They wanted to do something.

Someone suggested building a bonfire on Watson Street, the street that borders the campus area near Highway 601. Everyone agreed. It was cold. The fire was started and students gathered materials from a delapidated house adjacent to the campus. The flames licked straight up at the sky. There was no perceivable wind. The fire grew in intensity.

According to one observer, about 50 highway patrolmen along with 45 guardsmen and a number of city police were present. The patrolmen along with a few policemen were closest to the students and the bonfire, while the guardsmen were in the background with their rifles at port arms.

Another observer (a coed from South Carolina State) told of seeing an undetermined number of students gathered on the embankment above Watson Street as highway patrolmen, city police, and guardsmen drew closer to the bonfire area. Everything was quiet in the area except for the students' sporadic shouts of, "Hey honkey! Hey honkey, here we are. Hey honkey, come on and get us!" The "popping" sounds the coed had heard coming from the Claflin College area had stopped almost a half hour earlier. (Another student interviewed said these may have been shots from a .22 caliber weapon that one of the students was firing in an attempt to break a street light.) Cars and trucks passed on Highway 601 and in some of these, the occupants brandished rifles and shotguns and looked toward the State campus area. There was a tenseness, a foreboding, that made one of the coed's friends say, "Something's gonna happen tonight. Look how all those men [the police forces] are down there [near the Highway 601 and Russell Street intersection]. Something's gonna happen *tonight*, child!"

The bonfire, which had been fed by the addition of bannisters, shutters, sticks, grass, and a "Yield" sign, began losing its intensity. Then a fire truck appeared, accompanied by an ambulance. The students looked at the police, the fire, and the fire truck and shouted, "Floyd's a bastard! Honkies, get him! Hey, honkey, here we are. Go get Floyd!" From all accounts, the police said nothing and firemen had still not attempted to extinguish the waning fire.

There is some question about whether Molotov cocktails were thrown. One reporter on the scene, Warren Koon, of the Charleston *Evening Post*, stated that the students threw some into the street. There is no account of any officer's being hit by a Molotov cocktail. Some students in the crowd contend that only torches made of sticks and sheets from their dormitory rooms were thrown. One eyewitness told of a torch or something resembling a flaming roll of toilet tissue on a stick thrown near the house adjacent to the campus. It quickly died out.

At this point, firemen began putting out the dying bonfire. A fireman reportedly yelled that they were being shot at from the campus. Warren Koon described the scene:

"A line of patrolmen trotted, in orderly ranks, to the bank in front of the campus [the bank referred to is a part of the campus], to protect the firemen. They had rifles, pistols, and shotguns at port arms.

Suddenly the line of patrolmen began shooting over the bank toward the mob. It was a crackling gunfire, almost as if an order had been given for all patrolmen to shoot at once."

Persons who were injured or who were on the scene essentially agreed with Koon's account of what happened up to the time of the shooting. There is one exception: Many said a whistle was blown prior to the shooting and just before the gunfire ceased.

The state government maintains that no order to fire was given. According to Governor Robert McNair, the officers began shooting only after students fired upon them. But no one has been able to find any weapons that the students might have used. No one, including newsmen on the scene, saw any students with guns. And students said they heard no shots immediately preceding the gunfire of the patrolmen.

Another account of what precipitated the gunfire is that Officer D. J. Shealy was felled by a missile thrown by one of the students. Shealy apparently shouted, "I'm hit," or someone else shouted, "He's shot," and the officers, thinking Shealy had been shot, began firing without either warning the students or verifying Shealy's injury. One report had it that Shealy was in an open space between the delapidated house on Watson Street and the thicket which separates the State campus from private residences in the area. If this was the case, it raised the question of why was Shealy that near the crowd of students.

Three students (Samuel Hammond, 18, of Fort Lauderdale, Florida; Henry Smith, 18, of Marion, South Carolina, and Delano Middleton, 18, a high school student of Orangeburg) were killed and at least 28 others were injured during the short, intensive burst of gunfire. One of the injured was Cleveland Sellers. As an indication of the mood of extreme distrust in the Negro community, some of the most responsible adult Negro leaders were in the aftermath of the shootings giving serious consideration to a theory that a deliberate effort was made to shoot Mr. Sellers. They cited as circumstantial evidence similarities in size, clothing, or hair style to those characteristic of Mr. Sellers among the three fatalities. Mr. Sellers was arrested and charged with arson (a capital offense), breaking and entering, larceny, and assault and battery, and placed under $50,000 bond, later reduced to $20,000.

In the air of shock and tension and onrunning anger after the shooting, a report circulated that students had been armed with rifles taken from the ROTC armory. Later, both sides generally agreed that rifles had been taken after the shooting and then returned without being fired. College officials said there were ten .22 caliber rifles in the armory, one inoperable.

Police and student accounts of the shooting and the moments leading up to it were at variance. The police version was that they opened fire in self-defense against gunfire, fire bombs and hurled missiles. The student version was that without warning shots were fired into a defenseless, unarmed crowd, and that persons in the yard were hit while running or hugging the ground for protection. Questions of fact and of national significance beyond Orangeburg were raised. In the aftermath, there were to be calls for further investigation and clarification.

III. IN THE AFTERMATH

The Friday, February 9, front page of the *Times and Democrat* of Orangeburg described the events of Thursday night with the banner headline: "All Hell Breaks Loose—Three Killed, Many Wounded In College Nightmare," and with a sub-head: 'Officers Blast Rioting Negroes." The Associated Press story of that day said in morning papers that Negroes "opened fire" on the state police, and in afternoon papers that the three Negro students were killed in a "brief exchange of gunfire with police."

Later, an AP photographer whose eyewitness account of the shootings was featured in the stories was quoted by the Los Angeles *Times* as saying he had been misquoted on Negroes' having opened fire on state police. NBC reports from the scene on national television that Friday forthrightly stated that most eyewitnesses agreed the Negro students had not opened fire on or exchanged gunfire with the state police.

During the day Friday, Governor McNair expressed what came to be a sort of official version of the shooting and the justification thereof. According to AP, "Governor McNair, calling it 'one of the saddest days in the history of South Carolina,' said the deaths and injuries came only after a long period of sniper fire from the campus 'and not until an officer had been felled during his efforts to protect life and property.' The governor said, 'Although the patrolman's injury was caused by some type of thrown missile, there was reason to believe at that instant that he had been shot. The other patrolmen, with instructions to protect themselves and others, responded with gunfire.' "

The same story also quoted the governor as saying: "It has become apparent that the incident last night was sparked by black power advocates who represented only a small minority of the total student bodies at the schools." The story continued: "The governor said the trouble had been caused by Cleveland Sellers, 23 years old, state coordinator for the Student Nonviolent Coordinating Committee." In an interview in the New York *Times* a weeek later, the governor was still making these charges, and his official representative in Orangeburg, Henry Lake, was still maintaining that students firing on state police precipitated the killings. Mr. Lake was quoted in the Los Angeles *Times* as saying: "A fire truck moved in to douse that fire and another one the students started near a warehouse across the street. Policemen moved in to protect the firemen. Some shots were fired from the campus, I don't know whether for harassment or what because the fire truck was not hit. Then students came off the campus throwing rocks, pipes, sticks, and bannisters. One thrown by Sellers . . . hit Officer Shealy in the mouth. Some shots were fired about the same time and anyone seeing it would assume Shealy had been shot. Then a Molotov cocktail was thrown by a dwelling and that just sparked it." (This, Mr. Lake said, was based on police accounts. Student witnesses repeatedly asserted that students had not fired at the state police and that it was not Mr. Sellers who hit Shealy.) All concerned agreed that the National Guard had not fired.

The South Carolina press and apparently its white public for the most part seemed to accept the official interpretation and justification of events at Orangeburg. The national press did little to look behind it, with the already noted exception of NBC's initial coverage, and of such reports as that of Jack Nelson in the Los Angeles *Times* and Jack Bass in the Charlotte *Observer*. Mr. Nelson, in a story February 18, reported that "at least 16 of 28" wounded students and at least one of the dead "were struck from the rear," and quoted on-the-scene newsmen as saying that the state police "panicked" when they mistakenly thought one of their number had been shot.

Mr. Bass, in an interpretative story on February 15, seemed to raise a key issue of the police situation. "It was perhaps the first real test of the new riot control strategy devised since the burning of some U.S. cities last summer," he wrote. "The consequences for South Carolina were tragic. If underreaction by civil authorities may encourage rioters, events at Orangeburg indicate that overreaction may escalate a legitimate protest into a riot."

With the initial impression awry of exactly what transpired and with the official stance of white South Carolina, all the way up to the governor's office, adamantly supporting the state police, it was not surprising that national reaction was, if not indifferent, muted. There was no general public outcry for a fuller investigation of the specific incident, or the national implications. Such demands came either from all-Negro or biracial civil rights organizations. These included the Orangeburg, South Carolina NAACP who sent telegrams to the White House and Justice Department asking that National Guard troops be sent in "from neutral areas outside of South Carolina."

The Justice Department declined comment; the White House said it had not received the telegram. Later, 800 Orangeburg Negroes called for removal of the South Carolina National Guard, a measure of their distrust of this arm of white power. Roy Wilkins, executive director of the NAACP, sent a telegram to Governor McNair asking for a "prompt and thorough investigation" of the shootings and disciplining of those responsible. SNCC proposed to protest the "Orangeburg massacre" to the United Nations, and various SNCC leaders spoke of eye for an eye revenge. The South Carolina Council on Human Relations, a biracial organization of 1,350 members (affiliated with the Southern Regional Council) called for a Justice Department investigation, and urged an official state biracial commission, saying emphasis should be placed on righting the wrongs that cause racial unrest rather than on "the state government's capacity for violence."

Investigations were underway in Orangeburg immediately after the shootings by the state police, the United States Justice Department, and the South Carolina Advisory Committee to the U.S. Commission on Civil Rights. There were indications that the latter might subsequently hold a public hearing. The Justice Department probe, according to press reports, included examination of whether there had been violation of the civil rights of the slain students.

In the meantime, the Justice Department initiated two suits in Orangeburg, one calling for the desegregation of the All-Star Triangle Bowl, Inc., the other seeking desegregation of the Orangeburg Regional Hospital, actions which at least raised the question of why they came so late—both in the life of the 1964 Civil Rights Act and in the day of Negro hope in Orangeburg.

On Saturday, Governor McNair had under emergency powers declared a nighttime curfew in Orangeburg which remained in effect for more than a week. State troopers, which at their peak numbered 200, and the South Carolina National Guardsmen, who at their peak numbered 600, were still on the scene more than a week later. Students from the two campuses were dismissed Saturday after the shootings, and the colleges were closed for the following two weeks. Ku Klux Klansmen who had planned to hold a rally in Orangeburg on the Sunday after the shootings were dissuaded. A full page John Birch Society advertisement addressed "To the Negroes of America," advising them that the civil rights movement was Communist led, appeared in the *Times and Democrat* on that Sunday. The Monday paper described "Race Relations Sunday" sermons by local ministers, deploring the violence, urging love. Twenty ministers had on Friday signed a statement endorsing a biracial committee and urging restraint of passion.

Under the leadership of the NAACP, a boycott by Negroes of all white businesses was announced on the Sunday following the shooting. It was accompanied by an extensive list of demands, including most of those previously made by the students, calling for: restitution by the state to the families of the slain and wounded students; suspension of law enforcement officers "responsible for the police brutality"; inclusion of an equitable number of Negroes in all levels of law enforcement, city, county, and state; establishment of a police-community relations force; desegregation and fair employment at the bowling alley; investigation of alleged discriminatory practices within the Orangeburg penal system, and employment of Negroes in it; investigation of local radio station WDIX for possible violation of FCC regulations in attacks on Negro leaders; establishment of a food stamp program; payment of national minimum wage levels to Negro domestic and other workers; establishment of job training programs; adoption of Medicare at the Orangeburg Regional Hospital; creation of public housing and passage of fair housing laws; appointment of additional Negro registrars; annexation of large areas of Negro residences where citizens have already petitioned for same; integration of the county draft board; elimination of dual public school systems and full and complete integration of schools, faculty, and students; acceptance of public school compulsory attendance laws in the county; placing of Negroes on school boards; "positive and concrete steps to change the status of South Carolina State College from a state-supported institution of higher learning designed to educate Negro youth to a regular branch of the University System, serving the whole community"; a biracial community relations task force with immediate goals of establishing a fair employment commission, investigation of complaints about discrimination in medical services, specifically in hospital wards, physicians' offices and public health centers; evaluation of coverage of the Negro community in news media, and integration of drive-in theaters.

The combination of the boycott, though not well organized at its outset, and the curfew hurt business, local merchants were quick to acknowledge. Of the complaints, the one regarding status of State College came closest, from all indications, to representing the strongest discontent of students, the real issue for which the bowling alley was a surface outlet for outrage. And the recommendation for a biracial community relations commission had already been acted on. The mayor and city council (which had seemed to reject the notion only the day before, though saying it would welcome further suggestions) began Friday the formation of such a group, reportedly on strong direction of Governor McNair. Almost immediately, the organizational effort became embroiled in factional dispute among Negro leaders, white officials having designated a Negro minister who formerly headed the NAACP to name Negro members, and the current officials of the NAACP insisting that they should have this prerogative.

Of these matters in the aftermath of tragedy, three—the issue of quality education, the record of Orangeburg in race relations past and present, and the question of the extent and meaning of black power influence on the two college campuses—seemed at the center of the events at Orangeburg and their significance for the South and the nation.

IV. THE SCHOOL ISSUE

Clearly the most pressing issue in the minds of the students at South Carolina State College was not black power, but the quality of education they were receiving there. Students at State College, like students at other black colleges in the South, had begun to see the disparity between their school and its white counterparts, Clemson, and the University of South Carolina. A corollary of this recognition had been a campus revolt in the spring of 1967.

At that time, the failure of State College to renew the contracts of three white instructors, among other things, had led to a "98 per cent effective" boycott of classes and the subsequent granting of numerous concessions by the administration. Among some of these concessions were the abolition of certain Sunday dress regulations, a halt in compulsory vesper attendance, and the promise that the students would receive more and better educational facilities and a permanent president to replace the retired Dr. B. C. Turner. The students left school last spring thinking that when they returned in the fall they would at least have a permanent president who could plead their case for more funds from the 1968 General Assembly.

Instead, the students were greeted by an acting president, Dr. Maceo Nance, who did indeed submit a budget calling for more funds to make needed improvements in the physical and academic plants at State College. Dr. Nance submitted, in addition to an early request of $3.3 million, a $5.5 million budget to the General Assembly. The latter amount was to cover costs for maintenance and permanent improvements. The $3.3 million was appropriated but only about $300,000 of the $5.5 million had been granted when the school was closed on Friday, February 9. Many students were angered by this action of the General Assembly and felt that it amounted to a total disregard for the amount requested by Dr. Nance.

The budget breakdown for state-supported schools from 1967 through 1969 was:

	1967-68 appropriation	1968-69 request
University of South Carolina	$10,702,813	$16,518,250
The Citadel	2,604,735	3,193,114
Clemson University (education and general)	7,320,534	9,793,500
Winthrop College	3,125,809	3,809,582
State Medical College	8,930,318	13,603,006
State College of South Carolina	2,588,690	3,298,414

These figures indicate that white or predominantly white schools in South Carolina received $32,684,209 in 1967–68 as compared to $2,588,690 for the only state-supported Negro college. These figures, and the differences included therein, said many students, constitute the major problem: inferior education.

Students cited other disparities between the two systems of higher education. For instance, Clemson's library is worth more than two-thirds of the entire plant at South Carolina State. And the University of South Carolina is now building a stadium in Columbia that is worth more than the entire plant at South Carolina State College.

At the time the bowling alley emerged as a target of nonviolent direct action, the students still rankled over not having the permanent president they had been promised and over the cutbacks in the budgetary requests of Dr. Nance. Harry Floyd's bowling alley was a symbol of segregation and the educational strangulation the students experienced as a result of it. So, the bowling alley became a catalyst for igniting a revolt that was to involve the entire black population of Orangeburg. The students merely reacted to this overt symbol by waging a campaign of moral rectification against it.

And so news of the killings in Orangeburg cited the bowling alley as the apparent cause of troubles there. But as one ranking member of the State College administration said, "The simple problem at South Carolina State College is *money* and the students' recognition that they are not getting the type of education that white kids get at Clemson and the University of South Carolina."

V. BLACK POWER

The Black Awareness Coordinating Committee (BACC) on the South Carolina State College campus is a black power oriented student organization. First organized in the spring of 1967, the group was described as starting out as nothing more than a kind of "study group." BACC was organized according to the rules governing formation of student organizations at State College and remained a legitimate organ of the student community. In the words of a ranking member of the administration, "My position as a member of the administration did not allow me to discourage the formation of the Black Awareness group. They had as much right to organize as anyone else." Approximately 35 persons joined initially.

BACC members provoked discussions of contemporary social movements and personalities involved in them. They also invited speakers like George Ware of SNCC and Julian Bond of the Georgia House of Representatives. An instructor at neighboring Claflin College felt that BACC served a very useful and constructive purpose on the college campus. But its appeal was ostensibly not very great; membership fell to around 12 or 13 persons. BACC was small and its ideology was not overly attractive to the largely rural-oriented student body. Up to and including the tragedy of February 8, BACC's membership made no appreciable gains.

Indications were that Mr. Sellers, though popular with BACC, had little influence on the campuses. He was a frequent visitor to the State College campus, but from what was said of him, Cleveland Sellers was not one who possessed charismatic authority on the campus. Students interviewed, from the conservatives to the radicals, said he was respected for his ideas, but did not have a following. Students were emphatic in saying Mr. Sellers was not responsible for student actions on the night of February 8. And each said the confrontation at the bowling alley would have come without black power.

Such opinion needed to be weighed in assessing statements linking black power with the violence. The Orangeburg *Times and Democrat's* editor, Dean B. Livingston, stated that "Floyd and black power were on a collision course"; perhaps it was merely that Floyd and black Orangeburg were on a collision course. Similarly, the "strength" that State College trustee Wallace C. Bethea was "shocked" by in Orangeburg was rather than black power as an ideology espoused by "15 or 20" followers, the kind of unyielding unity of black people that white Orangeburg had seen before—in 1955, 1960, and 1963.

Black power was not the issue in Orangeburg.

VI. RACE RELATIONS BACKGROUND

The two sets of Negro demands on the city of Orangeburg were a profile of perceived failure in most of the nation's objectives in race relations and against poverty. The statistical profile of Orangeburg and Orangeburg County in rawest census data indicated the extent of need for success rather than failure of national objectives in this one rather typical southern locale. County population by outdated but indicative 1960 census figures was 68,559, with 41,221 or 60.1 per cent Negro, and 13,852 (5,516 or 39.7 per cent Negro) in the city of Orangeburg. (The disparity in proportion of Negroes in the city is one result of a city limits which Negroes termed gerrymandered, running through what seems a continuous urban area, the outside mostly Negro, the inside mostly white.) Between 1950 and 1960, for whatever it says of past race relations and opportunity, despite a gain in overall population, the county saw a total of 15,429 citizens move away, all but 1,668 of them Negro.

Median family income, according to the 1960 census, was $2,603 in the county, $4,617 in the city. For Negroes the figures were $1,461 and $2,075.

Median school years completed, according to 1960 census data, in the county was 8.2 years, in the city, 11.1 years. But for Negroes (and this in a college community), the medians were 5.7 in the county, 6.5 in the city.

Orangeburg is in rich farm country, is a trading center, and has four sizeable manufacturing plants among industries. The amount of desegregation as required in the various aspects of community life by the 1964 Civil Rights Law was in 1968 in the southern pattern of tokenism; this included six Negro officers on the police force. Negro leaders termed a War on Poverty Community Action Program less than fully effective. Voter registration in the county prior to the 1968 reregistration was 48.8 per cent of potential Negroes, 99.0 per cent of potential whites.

A perhaps unusual degree of right wing influence has been at work in the city and county for some time. Besides the Klan, local residents said there exists a Wallace-for-President headquarters, a strong Citizens' Council organization, strong John Birch Society organizations, a Carl McIntire organization, and the home base of a state association of private schools.

Desegregation disputes of sizeable dimensions began as early as 1955 when 57 Negroes petitioned for public school integration. A white Citizens' Council was formed and began a campaign of economic intimidation against the 57, soon reducing their number to a hard core of 26 who would not budge. Negro leaders countered with a boycott of white merchants involved in the economic intimidation.

A fund of $50,000 was raised around the country to provide small loans to victims of the Citizens' Council intimidation. By the spring of 1956, both sides were willing to compromise on the economic impasse, but there was small success with integration. Indeed, the city—which until then even as in 1968 after the campus slayings held in its white public opinion a belief that race relations were excellent—suffered a setback in these relations typified in a refusal during 1955 of white ministers to meet with Negro ministers merely to discuss the problems.

In 1960, Orangeburg was among the first southern cities to experience sit-in demonstrations by Negro college students seeking service at lunch counters. Official white resistance was notably fierce; police used fire hoses and tear gas against the demonstrators, arrested some 338 students, and incarcerated them in an outdoor compound.

In 1963, massive marches by much of the adult and student Negro population protesting segregated public facilities again resulted in numerous arrests, rough police tactics, and little desegregation until the 1964 Civil Rights Law got merchants "off the hook," as one citizen put it. A full-page story in the *National Observer* of December 23, 1963, by George McMillan included a quotation with obvious portent for 1968 from a young man who was then a student at South Carolina State College: "Sometimes I think the only places where anything has been accomplished is where there has been some rioting . . . Then I thought how would you feel if somebody got killed, maybe somebody's daughter. But I'll say this: The white man has forced his religion on the Negro, the religion that has taught the Negro to turn the other cheek. Now the Negro has only one cheek left. He doesn't have another one to turn."

The bowling alley in Orangeburg slipped by efforts to secure compliance with the 1964 Civil Rights Law. As one leader explained it, those who had marched were mainly people who couldn't afford to bowl. It was decided to leave the problem up to bowling enthusiasts among the Negro population who had to drive the 50 miles to Columbia for their sport. Complaints about the bowling alley to the U.S. Commission on Civil Rights which were forwarded to the Justice Department date back to 1965, and various unsuccessful local efforts—including pleas by other white merchants—were made to persuade the owner to change his policy.

Establishment of a biracial committee was urged in various quarters during the 1963 impasse (which also included an economic boycott by Negroes), but met with no success. A white citizen who was involved in an effort to establish one then told of almost solid public opinion against it. By contrast, he said, when news of the 1968 attempt to form one was made known, congratulatory calls came from all over town. "Before," he said, "you could walk the streets up and down and not find two to support you." An unofficial committee with three white members and a representative group of Negro leaders met from October, 1966, to January, 1967, and then just gave up out of failure to atttract other white members, and adamant refusal of the mayor to grant it official status. Even in the aftermath of the events of the week of February 5–10, Mayor Pendarvis, admitting there were problems, was saying, "I would put our race relations up against any in the world for a town this size and proportion of races."

Governor McNair, generally considered a racial moderate and supported heavily by Negro votes, included in most of his statements about the events at Orangeburg praise for the state's good race relations, and lament over Orangeburg's being the first notable outbreak of racial violence in recent South Carolina history. Behind such statements lay a disparity in what white and what Negro citizens perceived as good race relations. This was expressed by an Orangeburg Negro leader who recalled the official attitude when Clemson University was desegregated. "They said they didn't want that Negro student, but if they had to take him, they would do it without violence. Not being wanted—that hurts worse than any violence."

Whatever hope there was of a real turn in Orangeburg race relations in the aftermath of the campus slayings centered on whether the biracial committee would effectively represent Negro interests, and whether the city would honestly deal with problems. At the outset, there were no provisions for student membership, let alone representation of the black consciousness element. A measure of hope might be seen in the enthusiasm of some white citizens at least for a new try. But the gap, as in so much of the South, seemed frighteningly wide between what whites conceived of as "being good" to the Negroes, and what Negroes, in expectation of full citizenship and dignity of treatment, were demanding. And patience and faith of Negroes was sorely strained. The student rampage, the withdrawal aspects of the scant black consciousness movement on the campus, were only the most raw of manifestations of this general despair among all classes of Negroes. A student leader may have expressed the mood that would continue to influence the future in Orangeburg, the South, and the nation when he said slowly, "I don't believe in violence. But I don't blame Negroes for becoming involved in extremism, since there is extremism on the other side."

VII. REFLECTIONS AND CONCLUSIONS

Investigations that were underway by federal and state authorities would, one assumed, eventually resolve conflicts in interpretation and fact about the events at Orangeburg. It was of national importance that full findings of such investigations might somehow be made public. A thorough hearing by the state Advisory Committee to the United States Commission on Civil Rights seemed eminently desirable. For the events at Orangeburg had significance for all Americans, Negroes across the land already wary and bitter and fearful and angry by varying degrees, whites alarmed over black power and riots. Some of the significance is suggested in the following points:

1. Police Action. Some assessment needs to be made of whether the killing and wounding of students by gunfire might have been averted. Why were not less lethal methods of riot control such as tear gas or MACE (a stronger irritant) employed? Why were there not warnings by shots overhead or by bullhorn? If, as official versions seem to have it, officers were under campus sniper fire for a period of hours and were in a state of tension where a hurled missile made them think they were being attacked by gunfire, why had not member of the administration been asked to clear the campus and break up crowds?

Beyond these immediate questions, broader ones emerge. In South Carolina, public policy not unlike that being enunciated by most other American states and indeed by the federal government had been stated by Governor McNair (among southern governors a generally progressive and moderate chief of state) on June 15, 1967. In an address to the South Carolina Law Officers Association, he said:

"Today we are faced with the so-called advocates of nonviolence *who leave a trail of violence* [our emphasis] wherever they go. Throughout our nation there are groups and increasing numbers of individuals who would take the law into their own hands . . . but should it come [to South Carolina], let me assure you that the full weight and authority of the state is behind you as keepers of the peace and enforcers of the law."

Such "get-tough" policies, wherever put into effect carry into highly volatile situations new elements of danger. Order must be maintained, but the duty of society and of police is that it be so with a minimum of force. At least suggested in Orangeburg and evident in other situations that have arisen in the South and in other parts of the nation is the frightening spectacle of an over-escalation of police and military force (the question has been raised of whether alerting of the National Guard on Tuesday night was necessary), a pouring of large numbers of heavily armed men into tense situations, increasing the emotionalism of race involved, increasing a dependence on force to suppress people rather than honestly deal with the social problems at the source of their disorder or violence, and a conditioning of the American public already far along to an acceptance of violence and death in the resolution of problems. In the South, where state police have records of violence against Negroes through history, and where in the recent past such police have been instruments of segregationist policy, there is considerable cause for concern and caution regarding "get-tough" policies. This is a concern for riot control; a breakdown in respect and trust for law enforcement officers is at a crisis point among Negroes and protesting whites in the South and nation.

2. Law Enforcement. Order must be maintained; law must be enforced. In the South, a terrible tradition of defiance of federal law regarding desegregation, centering at the top of state governments and permeating much of white society, has only recently somewhat abated. In Orangeburg. Negroes on Tuesday night were confronted by the spectacle of policemen seeming to guard an establishment whose adherence to the 1964 Civil Rights Law was at best questionable. Allegations of other violations of this law within the city and county were parts of Negro grievance lists, and of the two federal court suits filed after the shootings. Failure of the federal government across the South to enforce civil rights laws, laggardness in filing the necessary suits has been an increasing cause of Negro anger. And failure of the poverty program to reach the root causes of an even more explosive anger extends across the nation. Rioting and black racism are not rational responses to these failures, but the nation must correct the failures if it is to expect rationality from citizens.

3. Black Power. It is possible to suggest that the events at Orangeburg, with their fatal consequence, converted more Negroes in that city and across the nation to the kind of violent anger that white hysteria over black power envisions that Cleveland Sellers or all the advocates of black power might ever achieve. The findings of this report were that few students on the two campuses were attracted to the black-consciousness movement there. The findings of this report were also that protest over the bowling alley began in traditional nonviolent fashion.

Indeed the events in Orangeburg contain in microcosm the history of this decade in civil rights: A nonviolent protest was met with police resistance and ensuing violence, all of the violence to persons by police. The response to this was violence against property and a state of near-riot by Negroes which in turn prompted heavier violence from police. It seems worth noting that the record of violent resistance to Negro rights in the South spawned the black power movement and turned the very organizations and individuals who did most during direct action days to maintain nonviolence among volatile crowds of untrained student demonstrators into agencies and people whose current enunciated beliefs encourage violence. Meanwhile hysteria over black power, a failure of white America to see its positive values and an inclination to over-react to its negative ones, was evident in the events of Orangeburg, from the readiness of whites up to the highest levels of government to believe the worst about intentions of the protesting students, to the possible lessening of effectiveness of adult Negro leadership, a standing-off attitude, out of fear of being tarnished with the black power brush. In such hysteria, the real causes of conflict, the real issues of discontent are lost.

4. Student Revolt. A distinction needs to be made between campus protest, campus rioting, and urban ghetto rioting, if only in the superficial sense that students are able to enunciate their grievances better for middle-class white understanding than poor and hopeless ghetto dwellers.

The findings of this report are that students in Orangeburg were acting on a legitimate grievance against the bowling alley, were enunciating other legitimate grievances of the larger Negro population (later amplified by the adults of the NAACP), and, most of all, were expressing their resentment of palpably inequitable educational opportunity. Such inequity begins in most southern locales in predominantly Negro kindergartens and comes to its sad climax in many of the predominantly Negro colleges. Such failure to provide equal education is not restricted to the South. But it is notable that the most of the violence approaching riot proportions that has occurred in the South (and this has not been a great deal) has occurred at colleges—in Jackson, Mississippi; Nashville, Tennessee; Houston, Texas; Baton Rouge, Louisiana; and Alcorn, Mississippi. Demonstrations protesting the shooting in Orangeburg spread across southern campuses; rock-throwing and window-smashing erupted at one—in Durham, North Carolina. The nation would be as tragically deceived as in ghetto rioting if it viewed Negro student protest only as a police problem in riot control. However unruly in the past or in what seems likely a continuation of them, these protests go to the center of the nation's racial problem—deprivation of opportunity. They also suggest a hope not always evident in the equally eloquent anguish expressed in ghetto riots; the students are demanding equal opportunity to participate in the American system. The president of the five colleges that compose Atlanta University, among the most prestigious Negro institutions of higher learning in the nation, addressed themselves to another aspect of the campus situation in the aftermath of Orangeburg. In an open letter to President Johnson, they declared:

"The invasion of college campuses by various police powers in the United States is a trend which can no longer be continued without public protest by responsible educators and other persons interested in preserving the freedom of institutions of higher learning in our country.

"Here in America we seem to have adopted a 'get tough' national policy based on the use of armored and armed police and guardsmen in killing American citizens at the slightest provocation.

"The frustrations of our society which stem from the perplexities of our present involvement in Vietnam coupled with the complexities involved in solving the dual problems of race and ghetto have led many officials to believe that a resort to naked police power and brutality is the proper avenue for handling major social problems.

"That was the avenue taken by Nazi Germany and other police power states. This has not been the way of modern America."

A few days after the tragic events of Thursday night at Orangeburg, Dr. Benjamin F. Payton, who is from Orangeburg, the president of Benedict College in Columbia, a private Negro institution, happened to be the first Negro ever to address a white civic club in Columbia. During the course of his remarks to the Kiwanis Club there, he said: "Was it necessary that three people be killed because one hundred of them threw bricks? I have difficulty conceiving in my imagination of the highway patrolmen firing point-blank at students at the [predominantly white] University of South Carolina and Clemson on doing the same thing."

At a small church on the outskirts of town, plowed fields alongside it and across the highway, funeral services were held for Delano Middleton. There was no official representation from white Orangeburg. As his family (his mother a maid at State College where he had hoped to be a student) and a large crowd of Negro citizens of all ages wept (his father crying out, "He never bothered nobody . . ."), the funeral's ritual of death's meaning and the special ache of death of the young brought the sober and somber reality of the events at Orangeburg home. America somehow needed to find the way to nurture the hope of all its youth, not killing nor allowing hope to die.

[From the Washington (D.C.) Post, Feb. 19, 1968]

South Carolina Negroes Unarmed, Study Shows

(By Jack Nelson)

Orangeburg, S.C., February 18.—An exhaustive study has produced no material evidence that any Negro students were armed with firearms in a clash here with state police that resulted in the killing of three students and the injuring of at least 25 others Feb. 8.

Moreover, medical records show that at least 16 of the 28 Negroes shot by troopers during a violent student demonstration were struck from the rear.

Two of the three who were fatally injured were shot in the back. One of those who died was beaten by officers and dragged away after being shot, witnesses have told investigators. A number of the students were on the ground when shot, some crawling, others lying flat. Two were shot in the soles of their feet.

Records of some of the injuries were inspected by a Los Angeles Times reporter at the Orangeburg Hospital. Other records were cited to the reported by Mrs. Ida Dash, head nurse at the South Carolina State College infirmary, in a telephone interview. Newsmen are barred from the campus, which is still guarded by police and National Guardsmen.

Although some news accounts of the shootings referred to an exchange of gunfire, officers acknowledge they have found no material evidence that any students fired weapons immediately before being fired upon.

No officers were shot and no weapons were confiscated from students. No one reported seeing any students with firearms at any time that evening.

Civil rights leaders are calling the shootings a "massacre." Police officials insist the shooting was justified, and that the officers believed their lives were threatened. The FBI is investigating.

The shooting occurred on the fourth night of demonstrations over a segregated bowling alley. They were confronted by 50 State Troopers, about 45 National Guardsmen and some city policemen.

The students built a bonfire, hurled missiles at officers and tossed at least two Molotov cocktails—one at a warehouse and the other a dilapidated house.

Many witnesses agree that earlier in the evening occasional shots were fired from the campus and from adjoining Claflin College, also predominantly Negro. But there are conflicting accounts of whether shots were fired from the campus just before the State Troopers opened fire. (The Guardsmen and city police say they did not fire.)

An Associated Press photographer, Dozier Mobley, said he "didn't hear a shot" from the campus immediately before the police charge. He said an AP story quoting him as saying the Negroes had opened fire was erroneous.

Mobley said several officers, upon seeing officer D. W. Shealey hit by a missile, did apparently think they were being fired upon.

"The police panicked," Mobley said. "He estimated that six or eight officers fired three or four rounds each, which would mean they had to reload their shotguns.

Four members of a television network camera crew also said they heard no shots immediately before the police gunfire. "The police panicked," one of them said. "The officer got hit and kids broke and ran. The cops swarmed over the embankment after them. About 10 officers started firing."

[From Jet magazine, Feb. 22, 1968]

THREE SOUTH CAROLINA STUDENTS KILLED IN POLICE GUNFIRE

Three Negro students were killed and more than 40 wounded in a gun battle between law enforcement officers and students of South Carolina State and Claflin colleges in Orangeburg, S.C. Killed in the fourth straight night of violence, triggered when the operator of a bowling establishment refused to admit Negroes, were Henry Smith, 18, a sophomore from Marion, S.C., and Samuel Hammond, 18, a freshman from Fort Lauderdale, Fla. Both were South Carolina State students. Delano Middleton, 17, the third victim, was a local high school student.

Among the wounded was Cleveland Sellers, 24, South Carolina field co-ordinator for SNCC, who was struck under the arm by shotgun pellets but believed not seriously hurt. Sellers had earlier said he was on the scene to observe and not to lead students in their demands for "fuller integration of the community." At least one law enforcement officer was wounded. He was identified as State Highway Patrolman D. J. Shealy, who was struck in the head by a bullet. Orangeburg police said the shooting erupted after police and National Guardsmen entered the campus where the students had set fire to grass. The bowling establishment, closed by police the previous three nights, reopened Thursday night with National Guardsmen standing by. About 100 National Guardsmen were on duty in the city of 15,000 located 40 miles south of the state capitol at Columbia. Classes were suspended at South Carolina State and students were ordered to stay in dormitories until college officials, trustees and law enforcement officers announce a solution to the problem.

[From Jet magazine, Feb. 29, 1968]

ORANGEBURG TENSION HIGH—MOVE TO FORM BIRACIAL GROUP STALLED

(By Bernard Garnett)

Orangeburg looks like a ghost town . . . all stores are closed . . . Army trucks, vehicles roam streets . . . It's like a war-occupied town . . whites and blacks remain behind closed doors. A week after three black students were killed (one other later died) and 37 injured in murderous gunfire by policemen at South Carolina State College in Orangeburg, racial tensions were still at a peak.

Gov. Robert E. McNair was gradually, day-by-day, lifting a strict curfew, extending it to later hours at night, and withdrawing the National Guard until its strength was whittled from the original 600 men to little more than 300. Yet both Negro colleges—State and Claflin—remained closed. Editorials in white South Carolina newspapers have generally supported police action, categorically blaming "black power activists" for fomenting the trouble. NAACP-led students say they will not return to classes until the atmosphere vastly improves.

In the more than 200-mile radius extending from Charleston in the southeast corner of the state to Orangeburg and Columbia near the center tensions were high. A move to establish a bi-racial Human Relations Council on the part of Orangeburg Mayor E. O. Pendarvis, was jeopardized when Orangeburg NAACP chief Charles H. Thomas walked out of a meeting because he felt Negroes on the panel were "handpicked" by Pendarvis. He rejected a proposal by the mayor that whites be selected by the NAACP.

Despite claims that state troopers fired only in self-defense, eyewitness students said no shots were fired by them or anyone in their group. A semi-official autopsy report said that "one, maybe two" of the students killed were shot in the back.

JUSTICE DEPARTMENT SEEKS TO FORCE MIXING OF BOWLING ALLEY

Students insist they had no weapons and said some of them ignited firecrackers just before the state police charged. Albert Dawson, an 18-year-old S.C. State freshman who had to be taken 75 miles to a hospital in Charleston because the Orangeburg hospital refused to remove a bullet two inches from his heart, said state troopers opened fire without warning. Thomas added that many students were shot in the back while fleeing. Negroes in Charleston, Orangeburg, and Columbia are generally interested in the U.S. Dept. of Justice's court action to force Harry K. Floyd, the Orangeburg bowling alley owner who triggered the trouble in the first place by refusing to integrate his establishment. They are also interested in the Justice's move to force desegregation of Orangeburg Regional Hospital. But they are highly incensed by the "wanton killing" of the Negro students, and white attitudes against so-called "black power" that triggered the killings, JET was informed.

Willie Ricks, Student Nonviolent Coordinating Committee's firebrand field secretary, called the killings "a Sharpeville, South Africa massacre." He snorted at reports that SNCC's South Carolina Field Secretary Cleveland Sellers, who was slightly injured by gunshots, was "stirring up trouble on campus with black power activity." "Cleve," said Ricks, "would not be leading any kind of action to integrate anything." Sellers remained in jail under a $50,000 bond.

[From Jet magazine, Mar. 7, 1968]

UNTOLD STORY OF FATAL RIOT AT A NEGRO COLLEGE: YOUTHS SAY TROOPERS SHOT

(By Bernard Garnett)

Minutes before Delano Middleton died from numerous gunshot wounds suffered in the bloody siege at South Carolina State College, he whispered to his mother that he'd done nothing to provoke highway patrolmen to kill him. "I was sitting on the front steps of Lowman Hall (a South Carolina State men's dormitory) when they came up and shot me."

As incredible as the story of the 17-year-old Negro seemed, it was backed by numerous eye-witness accounts of events on that eventful night in Orangeburg, S.C., as riot-equipped state troopers left three youths dead and 39 injured after a hectic one-minute shooting spree. Students displaying hip, back-of-the-neck, heel and leg wounds claimed they were attacked while lying face down.

"It was like a reverse Pearl Harbor," said State College Senior Class President Jordan Simmons III, hospitalized in Charleston with a neck wound. "We were so certain that as long as we didn't bother them, they wouldn't bother us." Many of the defenseless youths shot said they recalled seeing victims dragged from the campus and beaten.

These statements refuted official claims that the patrolmen merely acted to save the troubled town of 15,000 from anarchy by 2,100 black students (the combined enrollment of State and adjoining Claflin College) and aroused passionate sentiment throughout South Carolina. In Negro colleges throughout the state, students demonstrated and demanded changes not only for Orangeburg, but for Negroes throughout the Palmetto State.

Gov. Robert E. McNair, who once boasted of racial tranquility in South Carolina while the rest of the country fumed, suddenly found himself sitting on a keg of dynamite, as militants and moderates joined to blast him for upholding police action. Orangeburg newspaper editorials criticized him for not viewing the problems objectively. With tempers aroused throughout the state, NAACP President Rev. A. W. Holman and Field Coordinator Rev. I. Dequency Newman were able to strengthen member chapters and launch a state-wide boycott of products manufactured in Orangeburg. The city's NAACP chief, Dr. Charles H. Thomas, announced the local "buy black" drive was 90–95 percent effective.

National Guardsmen relaxed their watch on the town and the curfew following the violence was gradually eased, but city officials nervously watched as Claflin resumed classes and State was expected to follow suit. Students returning to the two schools had vowed to press for racial reforms until they met total success, signalling months of turmoil for Orangeburg. They returned with bitter memories of how 15-year old Harvey Miller was shot in the side and right hand while lying on the ground, and how Robert Davis, a State student from Columbia, sustained a gunshot wound near the spine that could permnaently end his football playing days. Many expressed bitterness over a State senior, Mrs. Louise Kelly, reportedly teargassed for demanding that officers allow her to drive wounded students to a hospital about a mile from the campus.

SEVERAL COEDS WERE BEATEN, EYEWITNESSES SAY

The memories of the holocaust will compound the anger they already have over the bowling alley integration attempts preceding it, when 12 of them were arrested and several female students were beaten.

Civil rights leaders are incensed over the shooting and arrest of SNCC Field Secretary, Cleveland Sellers, an Orangeburg resident, who frequented both campuses and advised students on his methods to achieve equality. The 23-year-old militant was shot at several times—while he shielded himself behind a waste can—before suffering a superficial wound under the left arm and jailed in Columbia.

He was held under $50,000 bond (later reduced to $20,000, with a stipulation that he stay out of Orangeburg) on charges ranging from inciting a riot to hurling the piece of wood that injured a highway patrolman. Police officers are the only ones who believe Sellers is guilty of any of the charges. Harold Riley, a 20-year-old State psychology major who suffered hip and heel injuries, said, "I saw him most of the time, and if he had hit that cop, I would have known about it." Rev. Newman accused officers of "trying to make Sellers the scapegoat of their wrongdoings."

Attractive, African-coiffed Mrs. Sandy Sellers, the militant's wife, argued, "Integrating bowling alleys is not our bag. We strive for the one thing that will result in true dignity for black people." Though the eventual racial holocaust revolved around Harry K. Floyd's refusal to desegregate All-Star Lanes, the Orangeburg protest goes much deeper. A list of grievances presented to city officials included irregular employment, inadequacies of U.S. food stamps and other welfare programs and discrimination of the local draft board and Medicare for the city's only hospital.

SHOW LITTLE INTENTION OF MEETING NEGRO DEMANDS

Mayor E. O. Pendarvis named a bi-racial committee to negotiate the grievances, but the effort immediately got bogged down in black vs. white dissension. Dr. Thomas charged that "hand-picked" Negroes on the board would not represent the true feelings of the black community, and whites showed little intention of meeting the demands. White Orangeburg, in fact, seemed more concerned with investigating the disturbance and blaming "influence by black power agitators."

The task before the local NAACP is combating the fears of apathies that moved State and Claflin students to become the vanguard of protest in Orangeburg. Many students are still frightened, especially after learning that two whites drove through the campus firing weapons, the night after the bowling alley protest.

South Carolina NAACP leaders are confident that a housewives' phone call campaign against Easter shopping in Orangeburg and the Youth Charter's door-to-door selective buying drive will be successful. Their chief concern is over what will happen when State and Claflin students—out of school since the patrolmen's siege—return to classes. Rev. Holman hoped for suspension of classes until racial tensions eased, but Claflin President Dr. H. B. Manning decided a longer layoff would harm his students' studies and State College officials were expected to follow suit.

No one is sure Orangeburg's troubles are over. Predicted one Negro businessman, "this could be the new Birmingham or Selma."

[From Jet magazine, Mar. 7, 1968]

Mississippi Police Use Tear Gas To Quell School Riots

Police in Lorman, Miss., used tear gas and gunfire to put down an outbreak at predominantly Negro Alcorn A & M College. Six persons were injured. Students charged that the trouble began with the dismissal of three students who had passed out campaign literature for a congressional candidate Charles Evers, one of the top Negro leaders in Mississippi, and brother of slain civil rights worker Medger Evers. J. D. Boyd, president of the college, said the students were dismissed after they cursed him when he accused one of them of being drunk. The violence which centered in two of the dormitories began following a student demonstration to protest the dismissals.

[From the New York Times, Feb. 15, 1968]

Orangeburg Calm As Guard Patrols—Students May Be Allowed To Return to College Sunday

(By Douglas Robinson)

Orangeburg, S.C., February 14.—An uneasy quiet settled in the city of Orangeburg today as units of the National Guard and the Highway Patrol continued to patrol streets near the campus of the South Carolina State College.

Armored personnel carriers and soldiers armed with rifles blocked the entrances to the deserted school, which was the scene last week of rioting that left three Negro students dead and 34 persons wounded.

Henry Lake, a personal representative of Gov. Robert E. McNair, said that if the tension continued to ease, students at the predominantly Negro school and those at the adjacent Claflin College, also largely Negro, would probably be allowed to return on Sunday.

The students, more than 2,500 of them, were sent home when classes were suspended after the rioting.

FORCE NOW REDUCED

Mr. Lake said that both the National Guard and the Highway Patrol would be withdrawn before the students returned, "so we don't get them all fired up."

Already the force of some 600 guardsmen has been reduced, leaving about 350 at barricades at the two colleges and to cruise the streets of the Negro section in jeeps and trucks.

Meantime, the Negro community, outraged by what it believes was "police brutality" last week, has begun what one Negro leader referred to as a "nonbuying quarantine" of white-owned businesses in Orangeburg. So far, the quarantine has been about 60 per cent successful.

Although most white businessmen were disdainful of the boycott, one pharmacist downtown indicated the degree of pain when he said:

"Don't let anyone fool you, this hurts."

MAJORITY OF POPULATION

Negroes make up 62.9 percent of the population in Orangeburg County and their buying power is estimated between 60 and 70 percent.

Local businessmen, however, were delighted today when the nightly curfew was shortened to the hours of 9 P.M. to 6 A.M. Last night, the curfew began at 7 o'clock, the night before at 5.

Dr. Charles H. Thomas Jr., president of the local chapter of the National Association for the Advancement of Colored People, said that efforts to form a biracial Human Relations Commission in the city would lead to "nothing but a talkathon."

COMMENTS ON COMMISSION

"They won't have any power so I just decided not to go and help set it up," he said. "I've been after the city since 1950 to start something like this, but it won't do any good unless it's led by the N.A.A.C.P."

The violence here was set off by student efforts to desegregate the All Star bowling lanes in a nearby shopping center. The Federal Government has filed suit against the bowling center, charging violation of the public accommodations section of the Civil Rights Act of 1964.

In another development, the Orangeburg newspaper, The Times and Democrat, in its first editorial on the violence, called for a study by the state legislature and the Federal Bureau of Investigation, not only of the shootings, but also of an alleged black power movement at the two colleges.

"As to State College, we do not believe that black power is deeply rooted," the editorial said, "If it is found to be a black power cell, then it should be closed, and no one, white or Negro, wants that."

"But on the other hand, if it is cleared, then the administration could continue along its way of providing a comprehensive and quality educational program for the young people of the state for which it was created."

[From the New York Times, Feb. 27, 1968]

Classes Resumed by 1,500 Negroes—South Carolina State Opens 17 Days After Strife

(By Douglas Robinson)

Orangeburg, S.C., February 26.—Some 1,500 Negro students, their arms filled with books and their eyes wary of passing whites, returned this morning to college. The college closed 19 days ago after the students clashed with the police. Three youths were killed and 34 were injured at that time.

Today students strolled under oak trees draped with Spanish moss on their way to classes that began at 7:35 o'clock. The National Guardsmen and members of the State Highway Patrol, who had sealed off the college from the community, were gone.

A mile away, however, in an armory, a unit of guardsmen relaxed on cots—on standby in case trouble developed.

Outside a motel a few blocks away, 24 highway patrol radio cruisers were lined up in a parking lot.

"All of us here have experienced a loss in our family," the students were told by M. Maceo Nance Jr., acting president of the school, at a morning assembly in the auditorium. "You don't overcome this kind of loss in a day, a week, a month or even a year."

APPEAL FOR CALM

He described the clash with the police as "one of the darkest moments in the history of this institution."

Mr. Nance appealed to his audience to remain calm and reminded them that the Justice Department was investigating the incident.

But, he added that "justice in itself is a slow process and we'll have to wait."

He also encouraged the students to remain on the campus as much as possible, particularly at night, when there is a 10 P.M. to 6 A.M. curfew in the city of Orangeburg.

"This is not a time for fooling around," he said. "We must pull together and together will overcome."

George Campbell, a senior from Charleston and president of the Campus Chapter of the National Association for the Advancement of Colored People, outlined to the students a five-page list of demands that have been submitted to city and state officials.

"We're going for broke on this thing," Mr. Campbell said. "We won't stop until 90 per cent of our demands are met."

This list of demands, which is called the Orangeburg Declaration, calls for the immediate suspension of law enforcement officers responsible for "police brutality," the inclusion of an "equitable number of Negroes" on city, county and state police forces, the institution of an Orangeburg police community relations program and the formation of a fair employment commission.

The encounter with the state highway patrol grew out of efforts to integrate a bowling alley in Orangeburg. The police had fought with demonstrators two nights before the main clash on the night of Feb. 9, when troopers fired shotguns loaded with buckshot into a milling mass of students.

NO EVIDENCE OFFERED

State officials, including Gov. Robert E. McNair, have contended that the students fired first. However, no evidence that the students were armed at the time of the shootings has been reported. A state trooper was struck in the face by a heavy object just before the firing began.

The state has also blamed nonstudents, including Cleveland Sellers, a field representative of the Student Nonviolent Coordinating Committee, for stirring up the violence. Mr. Sellers is now in the state penitentiary at Columbia where he is being held in $20,000 bail.

Students have told newsmen and others that Mr. Sellers had nothing to do with the incident.

[From the New York Times, Feb. 27, 1968]

Two Negroes Bowl

ORANGEBURG, S.C., February 26.—Two Negroes integrated today Orangeburg's only bowling alley, three weeks after attempts to break down its racial barrier touched off violence.

Barry K. Floyd, owner of All-Star Triangle Bowling Lanes, admitted two Negro bowlers four days after a Federal court placed him under a nondiscrimination order.

[From the New York Times, Feb. 27, 1968]

No Evidence Found

ATLANTA, February 26.—The Southern Regional Council said today an investigation of the deaths of the three students during rioting in Orangeburg turned up no evidence that any of the students had pistols fired at the police from the crowd.

The results of the investigation were contained in a 42-page report released by the council, a nonprofit organization financed by foundations and individuals to conduct research for publication primarily in the field of civil rights.

[From the New York Times, Feb. 12, 1968]

Carolina Negroes Bid Guard Depart—Plans for Boycott Mapped at Orangeburg Meeting

ORANGEBURG, S.C., February 11.—Eight hundred Orangeburg Negroes called today for the immediate removal of National Guard troops from the city and made plans for a boycott of white businesses.

Reacting to last week's racial violence that left three dead and some 50 persons injured, the Negroes met and voted overwhelming approval of a broad civil rights campaign.

A cross-section of the city's Negro community was represented at the meeting, held in the Trinity Methodist Church.

The Negroes also called for "immediate suspension of the law enforcement officers responsible for the police brutality" in the Thursday night incident that resulted in the three deaths.

Following the meeting a dusk-to-dawn curfew went into effect at 5 P.M. for the third straight night. More than 600 National Guard troops resumed patrols. The nightly curfew has been in effect since Friday by order of Gov. Robert E. McNair.

The Rev. I. D'Quincey Newman, South Carolina field director for the National Association for the Advancement of Colored People, said the boycott would begin at once.

WITH NO NONSENSE

"We will pursue the implementation of this program immediatley with no nonsense," he said.

Several "declarations" included in the statement adopted at the meeting were approved last week by the student bodies of the city's two predominantly Negro colleges—South Carolina State and Claflin. The South Carolina State campus was the scene of Thursday night's violence.

The statement called for the state to make adequate restitution to families of the three dead and the 50 injured.

No deadline was set for the boycott, which is to continue until action is taken to comply with a list of objectives. The list includes: placing Negroes in appointive county and city jobs; adding "an equitable number of Negroes" to local and state police forces; and elimination of the Orangeburg County dual school system together with full integration and the busing of pupils for racial balance.

"We call upon the total Negro community and other interested citizens to participate in a no-buying quarantine with shopping to be confined to Negro businesses," the statement said.

Dr. C. H. Thomas Jr., local N.A.A.C.P. president, said that Negroes comprised 62.9 per cent of the population of Orangeburg County and that their buying power in the city of 17,000 population was between 60 and 70 per cent.

One of the objectives of the campaign will be desegregation of the city's only bowling alley. Efforts to integrate the facility led to the student demonstrations and the violence last week.

Meanwhile, it was announced that classes at South Carolina State College had been suspended indefinitely.

[From the New York Times, Feb. 13, 1968]

Carolina Youth Was Shot in Back—Doctors Study Bodies of Three Negroes in Orangeburg

ORANGEBURG, S.C., February 12.—Doctors who examined the bodies of three Negro students who were killed Thursday night in racial violence said today that one of them had died of a wound in the back.

No autopsy was performed on the bodies, and Coroner Joe A. Dickey said he would say nothing more to newsmen until after inquests were held. No date for the inquests was set.

An undertaker had indicated earlier that another of the dead students had been shot in the back, but Dr. Albert Wolfe, who examined the body of 17-year-old Delano Middleton, said the youth had been killed by a single bullet that entered the chest from the front and struck his heart. Young Middleton, a high school student whose mother worked at South Carolina State College here, was buried today.

Dr. Roy C. Campbell said that Sam Hammond, 18, a student at South Carolina State from Fort Lauderdale, Fla., had died of a wound in the left part of his upper back.

Dr. Campbell said that Henry Smith, 18, of Marion, S.C., also of South Carolina State, had died of a fatal wound in the right side near the front of the body and two more in the right side above the hip bone. There was also a wound in the right side of the neck.

GUARDSMEN WILL STAY

In Columbia, Gov. Robert E. McNair indicated after a meeting with the board of trustees of South Carolina State College that National Guardsmen would remain on duty indefinitely in Orangeburg. He said that no date had been set for reopening the school but that it would reopen. Also attending the meeting was the college's acting president, M. Maceo Nance.

At a mass meeting in Orangeburg yesterday, more than 800 Negroes had asked for the removal of the guardsmen. The Negroes also called for a boycott of white business establishments until a list of grievances was resolved, and the boycott began today.

Meanwhile, Federal District Judge J. Robert Martin ordered a hearing Thursday in Charleston for the owner and operators of a bowling alley in Orangeburg. Segregationist practices at the lanes were the objects of student protests that touched off demonstrations last week that ultimately led to violence.

Attorney General Ramsey Clark in Washington filed suit Saturday against the bowling center, All-Star Triangle, Inc., charging violation of the public accommodations section of the Civil Rights Act of 1964. The establishment has a snack bar on the premises.

[From the New York Times, Feb. 29, 1968]

Student Wounded in South To Return

COLUMBIA, S.C., February 28.—Robert Lee Davis Jr. has received permission from a doctor to return to college despite a bullet lodged in his back.

A sophomore at South Carolina State College in Orangeburg, Mr. Davis, 19 years old, hopes also to play football again. A rifle bullet narrowly missed his spinal cord and paralyzed him below the waist.

A 6-foot-4-inch, 220-pound quarterback who attracted the attention of professional scouts during his freshman year in 1966, Mr. Davis was cheerful at his home here yesterday after a visit to an orthopedic surgeon.

Classes reopened Monday for the approximately 1,500 other students of the predominantly Negro institution, which was shut down 17 days earlier after three students were killed and more than 30 injured by gunfire by highway patrolmen.

The police said they had been fired at first, but Mr. Davis said in an interview:

"We weren't shooting anything."

There have been published reports that Davis was paralyzed for life, but he was able to walk out of the hospital without support when released a week ago, but says he is too weak to stay on his feet very long at a time. Davis lost 30 pounds in the hospital, spending more than a week in an intensive care unit, and still complains of "a little pain in the side."

[From the New York Times, Feb. 10, 1968]

Curfew Imposed by Governor in Orangeburg, S.C.

ORANGEBURG, S.C., Feb. 9 (AP)—Gov. Robert E. McNair put this college town under a night time curfew today and said black power advocates had sparked the violence in which three Negro students were shot to death.

Within minutes after the curfew became effective at 5 P.M., stores, businesses and theatres were closed. Only police were on the sidewalks.

Cars were allowed on the streets, but there were few of them.

The Governor declared a state of emergency in Orangeburg after the three students were killed and 37 persons wounded when Negroes and policemen exchanged gunfire last night. It was the fourth night of violence on or near the adjoining campuses of South Carolina State College and Claflin College.

An informed state police source said a check early tonight showed that there were only 35 students in dormitories at S.C. State and 45 at Claflin. The combined student bodies number 2,500 to 2,600. The students left the campuses for their homes.

The Governor said the curfew would last until 6 A.M. tomorrow and "will be reimposed at 5 P.M. Saturday" until the situation eases.

REQUEST TO WHITE HOUSE

President Johnson and Attorney General Ramsey Clark were asked by the state chapter of the National Association for the Advancement of Colored People to send National Guard troops from "neutral areas outside of South Carolina."

In a telegram, the organization said out-of-state guardsmen were needed "to guarantee safety of Negro citizens and students."

The Justice Department said it had received the request, but declined comment. The White House said it had not received the telegram.

About 600 National Guardsmen are in Orangeburg. Many of them are deployed to help the state police seal off the virtually deserted campuses of two predominantly Negro colleges and to stand guard near the city's downtown business district. Others stood by at the armory.

A spokesman said the guardsmen, armed with rifles and bayonets, had orders to keep their ammunition in their pockets unless their lives were threatened.

The outburst of shooting started last night when state troopers and National Guardsmen attempted to push students back onto a campus to douse fires they had started.

Governor McNair said, "It has become apparent that the incident last night was sparked by black power advocates who represented only a small minority of the total student bodies" at the schools.

The Governor said the trouble had been caused by Cleveland Sellers, 23 years old, state coordinator for the Student Nonviolent Coordinating Committee.

Mr. Sellers, who suffered minor shotgun wounds in the shooting, was arrested last night at Orangeburg and held under $50,000 bond at the South Carolina penitentiary at Columbia.

Maceo Nance Jr., acting president of South Carolina State, said the atmosphere on the campus was "very tense" today and that classes had been indefinitely suspended.

Parents began arriving in Orangeburg about 7 A.M. to take students home. The Governor's office and the state chapter of the N.A.A.C.P. made plans to send buses to transport students to major cities in South Carolina.

The Rev. A. W. Halman of Aiken, president of the state chapter of the rights group, said his organization had set up a steering committee, at the request of students, to help bring order to the campuses.

The students killed last night were Samuel Hammond, 18 years old, of Fort Lauderdale, Fla., a freshman; Delano Middleton, 17, an Orangeburg high school pupil, and Henry Smith, 18, of Marion, S. C., a sophomore. Hammond and Smith were students at South Carolina State.

A spokesman for the school said the three were "in a group on which patrolmen were charging."

Governor McNair, calling it "one of the saddest days in the history of South Carolina," said the deaths and injuries came only after a long period of sniper fire from the campus "and not until an officer had been felled during his efforts to protect life and property."

The Governor said, "Although the patrolman's injury was caused by some type of thrown missile, there was reason to believe at that instant that he had been shot."

"The other patrolmen, with instructions to protect themselves and others, responded with gunfire," he continued.

The officer, D. J. Shealy, was struck by a club.

Mr. McNair said the seriousness of last night's racial disorder had been compounded by the theft of some rifles by students from the Reserve Officer Training Corps arsenal on the campus of S. C. State. He said the weapons were returned early today at the insistence of the R.O.T.C. Commander.

However, Col. Walter Mebane, the commander discounted reports that weapons had been stolen from the armory. But he said a quantity of .22-caliber bullets had not been accounted for. He added that windows in the armory were broken after the outburst of shooting.

The racial unrest in Orangeburg began Monday night with a rock-throwing demonstration against the All-Star Bowling Lanes, a privately owned bowling alley that is operated by Harry K. Floyd on a segregated basis.

Mr. Floyd said Negro students had been trying to integrate the establishment since passage of the 1964 Civil Rights Act.

The bowling alley is one of the few public facilities in Orangeburg that is not integrated. Most restaurants and Orangeburg's four theaters are patronized by Negroes.

BROWN AND WILKINS PROTEST

Roy Wilkins, executive director of the N.A.A.C.P., said yesterday in a telegram to Governor McNair that the rights organization was "shocked and outraged" over the killing of three Negro students and the wounding of almost 50 others in three nights of rioting in Orangeburg.

Mr. Wilkins's telegram asked for a "prompt and thorough investigation" of the shootings.

"We protest this shooting and call upon your office to halt it and to discipline those responsible," the telegram said.

And the Student Nonviolent Coordinating Committee, in a statement read publicly by its chairman, H. Rap Brown, yesterday said that "we will not forget the Orangeburg massacre and we will revenge."

Brown, in a news conference at the committee's headquarters at 100 Fifth Avenue, said:

"Let white America know that the name of the game is tit for tat, an eye for an eye, a tooth for a tooth, and a life for a life."

Asked to be specific about the threat of revenge, Brown said, "That's for us to know and you to find out."

[From the Washington (D.C.) Post, Feb. 12, 1968]

SOUTH CAROLINA YOUTH'S WOUNDS STUDIED

(By Jim Hoagland)

ORANGEBURG, S.C., February 11.—Delano Middleton's body lay in Jones Funeral Home tonight with wounds in the left arm, the side—and possibly in the back.

Middleton, 17, was one of three young Negroes killed Thursday night when local and State police moved in to put down a disturbance on the South Carolina State College campus.

Henry Lake, Gov. Robert McNair's special representative on the Orangeburg crisis, said today he did not have the reports on the partial autopsies performed on the bodies. Coroner Joe Dickey would say only that hospital surgeons had extracted bullets or pellets from the bodies. The FBI said it is investigating "all circumstances" of the deaths.

Dr. Albert Wolfe, a white surgeon who tried to save Middleton's life, said the body had five wounds—apparently from shotgun pellets. He said there were three wounds in the left forearm, one in the heart, and one in the left side.

Funeral director Edward T. Jones, a Negro, said there were two wounds in Middleton's left-front side, near the heart, others in his left arm and one in his back.

Jones showed a newsman three bloody garments—a green Army fatigue shirt, a light-blue knit long sleeve shirt and a white tee shirt—that he said he took from Middleton's body. All three have a three-quarter inch hole in the upper right part of the back of the shirts. There is no exit wound in the front.

Jones also embalmed the body of Samuel Hammon, 18, a student from Fort Lauderdale, Fla. There is no dispute on Hammond's death.

He was killed with one shot in the middle of the back, according to both Jones and Dr. Roy C. Campbell, a white surgeon at Orangeburg Regional Hospital who had tried to save the youth.

Campbell also operated on Henry Smith, 18, of Marion, S.C. He said Smith was shot five times—three times in the abdomen, once in the right shoulder and once through the neck. The shot that went through the neck could have entered from either the front or rear, Campbell said. The others entered from the side or front.

Smith's body is in Marion. A funeral director there said he had been ordered not to talk about the wounds. He would not say who gave the order.

The Negro funeral director here and the two white doctors all agreed that the wounds in the three bodies were small round holes probably caused by shotgun pellets rather than rifle bullets. Lake, the Governor's aide, said most State troopers carried shotguns although some had carbines.

Lake, a 28-year-old lawyer, said that "it is entirely conceivable" that the youths might have been shot in the side or back.

"There were about 100 people up there when the firing started. They could have been standing facing different ways or they could have been running away. There wasn't just one volley. There were several."

Thirty-six students were treated at the Orangeburg Hospital for gunshot wounds Thursday night. Ten were kept for treatment. Two are still there.

They are Harvey Miller, 15, who went to high school with Middleton, and Ernest Carson, 17, a freshman at South Carolina State.

Miller said he was lying on the ground seeking cover when he was shot in the right side and leg. Carson said he was first wounded in the heel with a shotgun pellet, and fell to the ground. Then he was shot five more times in the right leg.

Carson denied that Black Power leaders organized Thursday night's demonstration or that they fomented trouble, as the police assert. "None of the kids at the school know who they are," he said, about so-called Black Power leaders. "We don't go for that."

[From the Washington (D.C.) Post, Feb. 13, 1968]

TRAGEDY AT ORANGEBURG

The unfortunate events at Orangeburg last week are still not altogether clear. And perhaps it is in the nature of such collisions between authority and mobs that the evidence is so difficult to obtain. But it is unlikely that the facts when and if divulged will alter two basic conclusions about such civil disorders.

It is, in the first place, quite clear that when a hostile mob and police authorities confront each other the risks of injury and death are very high. All it takes to precipitate calamity is an act that makes one side or both convinced that the resort to violence has commenced. Apparently the police thought they were being attacked with arms. And so they fired on the crowd.

Properly disciplined forces would not have done so. Police and militia alike need to be trained in restraint, and so well trained as to persist in restrained use of force under extreme provocation.

There is no racial or economic problem in Orangeburg that could not have been solved more easily without this bloodshed. It will take inspired leadership now to put back into orderly operation the two colleges which have been demoralized. It will take a new spirit in Orangeburg to remove the discriminatory policies that aroused the antagonism of the Negro students.

The lesson of Orangeburg is that deliberate unfairness toward a large segment of any community's population is bound to provoke opposition and likely to produce violence and that violence may take the lives of citizens without curing the unfairness. Must every community learn these lessons by its own calamities?

[From the Washington (D.C.) Post, Feb. 15, 1968]

FBI REPORT IN 2 WEEKS EXPECTED ON S.C. RIOT

ORANGEBURG, S.C., February 14.—FBI agents said today they expect to complete their report on racial violence in this small college within two weeks and present their findings to the Department of Justice.

Three Negro students were killed and 36 other persons injured last Thursday night when students clashed with police over the refusal of a bowling alley operator to admit Negroes.

Special agent in charge Charles Deford refused comment when asked what tack the FBI investigation was taking.

A local newspaper Wednesday editorially asked the FBI to investigate the confrontation that took place between State patrolmen and students on the campus of South Carolina State College, and the extent to which "Black Power" elements had infiltrated the college.

Police say they were fired on first, but students and Negro leaders claim the highway patrolmen did not have sufficient provocation to fire into a crowd of students with shotguns and rifles.

[From the Washington (D.C.) Post, Feb. 13, 1968]

Four Hundred and Fifty Attend Rites in South Carolina for Victim in Campus Riot

(By Jim Hoagland)

ORANGEBURG, S.C., February 12.—Carnation and chrysanthemum petals wilted in the heat of two television kleig lights and fell to the red-carpeted floor.

Delano Middleton was buried today in a mahogany casket.

His older brother Duerwood, 21, sobbed uncontrollably during the 40-minute service. His mother, Mrs. Arthur B. Middleton, wept softly and murmured, "My son, my son."

Middleton, 17, and two other Negro students were killed Thursday when police fired on a crowd of about 100 students on the South Carolina State College campus.

Police said they shot only to protect themselves from sniper fire. Students dispute this, saying there was no sniping and that the police attack was unprovoked.

Two hundred persons jammed into the Warren Chapel Baptist Church while another 250 stood outside in bright sunshine and 50-degree weather. The only white person at the service, aside from newsmen, was a Catholic priest from Orangeburg.

"Help the ungodly men of Orangeburg realize that they will have to reap what they sow," intoned the Rev. H. O. Harvey. His prayer was punctuated by cries of "Yes, Lord!" and sobs from the crowd.

Ten garlands and wreaths covered the casket. One came from Wilkinson High School, where Middleton was a basketball and football standout. More than half the crowd was made up of high-school-age youths.

The others killed with Middleton during demonstrations over a segregated bowling alley were Samuel Hammond of Ft. Lauderdale, Fla., and Henry Smith of Marion, S.C., both 18-year-old South Carolina State Students. Smith will be buried in Marion Tuesday. Services for Hammond have not been announced.

Meanwhile, in the downtown district of Orangeburg today, a boycott was begun against white businesses as a way of pressing a broad range of grievances about racial discrimination in Orangeburg.

White merchants reported little if any decline in Negro customers and reporters saw many Negroes entering white stores despite the NAACP-sponsored boycott.

Two chief NAACP demands are the immediate withdrawal of the 600 National Guardsmen on duty and the suspension of policemen who killed the youths. But Gov. Robert E. McNair said today the Guard will stay in Orangeburg as long as necessary, and the police said they would not suspend anyone while an FBI investigation of the incident is being conducted.

The Governor met for five hours with South Carolina State's 8-man Board of Trustees and President M. Maceo Nance Jr. McNair said no decision was reached on reopening the predominantly Negro school of 1800 students.

Classes have also been suspended at Calflin University, a Negro school immediately adjacent to South Carolina State.

In another development, McNair's personal representative in Orangeburg, Henry Lake, said that seven rifles and an undetermined amount of ammunition stolen from South Carolina State's ROTC arsenal Thursday night could not have been used for sniping, as police had earlier suspected.

Lake said investigation revealed the rifles and ammunition were taken after the slayings, not before, and were returned to the arsenal within 20 minutes. He said some ammunition is still unaccounted for, but he did not know how much.

[From the Washington (D.C. Post, Feb. 26, 1968]

Wilkins Cites Tragedy

ORANGEBURG, S.C., February 25.—Roy Wilkins, executive director of the NAACP called on Gov. Robert McNair today to admit that the fatal shooting of three Negro students at Orangeburg by state highway patrolmen early this month was "a tragic error."

"I expect that as a man he is sick as some of us are about this," Wilkins said, "but let him say the State was wrong and see where we can go from there."

Wilkins cautioned his audience, "You do not have to burn the town down" to achieve its civil rights goals.

He spoke in White Hall at South Carolina State College where State troopers shot three students to death and wounded more than 30 the night of Feb. 8. Classes resume at the college Monday.

Wilkins stated that reports that police at Orangeburg were the targets of sniper fire that night are part of a pattern which he said has brought violence to other Negro college campuses and riots to Detroit and other cities. He said that pattern "casts an ominous shadow" that could result in a resumption of racial rioting during the summer.

STEP FORWARD IN POLITICAL FINANCE

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. THOMPSON of New Jersey. Mr. Speaker, our esteemed colleague, Congressman MORRIS K. UDALL, of Arizona, was honored recently at a testimonial dinner in his hometown of Tucson. It was not the first and undoubtedly will not be the last such event in American political affairs, but it has significance in two or three respects which I should like to call to the attention of other Members.

First of all, we should reflect on the opprobrium cast upon such fundraising functions only a year or so ago as a result of certain celebrated cases. At that time, we should recall, it became fashionable to condemn all politicians who used or were aided by this method of raising dollars for the expenses associated with seeking or holding public office. However, we should also recall that it was Mo UDALL who came to the defense of the Congress and politicians generally in a national magazine article last fall, arguing that the costs of our political process should be spread more evenly throughout our population and that, until better means were found, fundraising techniques such as testimonial dinners are proper and legitimate devices for meeting political expenses and the semiofficial expenses arising from political office.

Second, this function for Congressman UDALL has significance because he has broken new ground in his decision to leave all funds in the control of the dinner committee. None of the proceeds will go directly to Mr. UDALL. Instead, the committee will retain the funds and, when its officers approve, make payment for the printing of newsletters, the preparation of radio tapes and television films, the tabulation of questionnaires and other services associated with Mo's congressional career.

In his article of last fall Mo spoke of this kind of use for dinner proceeds. He wrote:

> Former Senator Paul Douglas, one of the most honest and frugal men ever to serve in Congress, has called this kind of testimonial the "most effective and decent device that has yet been developed."

And, this makes my third point, for on this important occasion Senator Douglas went all the way to Tucson to tell the people of Arizona what he thinks of Congressman UDALL.

Mr. Speaker, without objection I will insert at this point in the RECORD two items I think will be of interest to my colleagues. The first is the text of a news release from the UDALL dinner committee setting forth its plan for handling of funds. The second is the text of Senator Douglas' remarks, in which further comment is made on the subject of political finance.

Release of Udall Dinner Committee, April 29, 1968

The testimonial dinner for Congressman Morris K. Udall was a huge success, members of the dinner committee announced today, but Udall will never see any of the proceeds.

After meeting all expenses the committee said it will be left with over $30,000 from the fund-raising affair at the Pioneer Hotel. Guests included former Sen. Paul Douglas of Illinois and Secretary of the Interior Stewart L. Udall.

All of the money raised through the $75-a-plate dinner will go into a special fund controlled by officers of the dinner committee for Udall's benefit. The fund will make disbursements for the congressman's campaign expenses this year and will pay for printing of his official newsletters, preparation of radio and television reports and other activities directly associated with his duties as a congressman.

The committee said the plan for handling the funds was proposed by Udall as a means of guaranteeing to dinner contributors that their money is used solely for expenses associated with his campaigning for and holding office, and not for his personal use.

All expenditures of the Udall dinner fund will be open for examination by contributors or by representatives of the press, the committee said.

Officers of the Udall dinner fund, appointed by George Rosenberg, chairman of the dinner committee, are J. M. Sakrison, president of Pima Savings and Loan Association; S. T. Chandler, Tucson attorney; and Aaron Paul, C.P.A.

"Public confidence in our candidates and public officials is essential in our kind of government," Udall told members of the dinner committee. "I hope these small steps will assist in maintaining that confidence."

Speech by Paul H. Douglas at Dinner for Congressman Morris Udall, Tucson, Ariz., Pioneer Hotel, April 27, 1968

My good friend, Secretary Stewart Udall, one of the greatest conservationists in the history of the country, Morris Udall, one of the most remarkable Congressmen of recent times, and all the far flung Udall family, fellow Democrats, ladies and gentlemen, and Friends:

It is both a great pleasure and honor to be with you to show our affection and high regard for Morris Udall. We want to demonstrate this in a practical way by furnishing him with some of the funds which he badly needs if he is to continue to serve the State of Arizona and indeed the whole nation in Congress. It is a special pleasure to be here tonight with his brother and predecessor, Stewart, who after a splendid career in Congress has gone on to deserved honor and influence as Secretary of the Interior. Arizona has many natural wonders and resources, such as the Colorado River and its Grand Canyon, but I would say that the whole Udall family is one of the greatest natural resources which Arizona has, and it is important that they along with the Canyon and redwoods be conserved in the national service.

Morris, or Mo, as you affectionately call him, is truly a magnificent Congressman. He represents your District and Arizona very effectively in the same fashion, although in a somewhat different manner, as your beloved Carl Hayden who has represented Arizona for over a half century. He works hard to help individual Arizonians whatever may be their difficulties or backgrounds. He works unceasingly for the legitimate collective interests of Arizona and of this District. No one has served the District or these people better and I do not believe anyone else could do as well.

But Morris is also a national Congressman who works for all Americans and particularly for those who would not otherwise be represented. In doing this, he has built up countless friends in Congress and in the country who, in turn, want to help him and to aid the legitimate interests which he holds close to his heart. There is a law of reciprocity which runs through life, and to have friends one must be a friend. Students of the Senate have said that one of the reasons why William E. Borah, for all his brilliance, could never accomplish anything constructive was that he was never interested in any cause but his own. He would not help others and they, therefore, would not help him. It is certainly true that to have friends one must be a friend and must be friendly and helpful whenever it is proper and ethical to be so. Morris is just that kind of man. He is not of the back-slapping type, but he will take time and trouble to work for people and for causes which seem at first sight not to be connected with him or with your district. For example, he has just come back from a trip to save the California redwoods, and I think he and Stewart are going to be successful in their aim. He is doing this for the people of a state with which Arizona is locked in a deadly struggle over water, but he is doing it because it is right and because he doesn't allow petty conflicts of interest to deter him from helping the general cause of public service.

I have no doubt that some parochial-minded Republicans have criticized Morris for this. I want to say that while Morris doesn't do all this for any ulterior motives, I can bear witness to the fact that it does help Arizona. For in order to get what you want, such as additional water for your parched land, you need friends in other states. In the Senate, due to Carl Hayden's long service and his present chairmanship of the Appropriations Committee, Arizona is very powerful. Along with the seven other Mountain States they hold a total of one-sixth of the voting strength of the whole Senate. But in the House where representation is based on population, these eight states have only four percent of the total vote. Many a measure to help the Mountain States has passed the Senate overwhelmingly only to be beaten in the House. It is important therefore for Arizona to have friends in other states. Sometimes Republican Senators and Congressmen from this state have not always realized that fact and Arizona has suffered in consequence. I of course do not say that this has been the studied reason why Morris, like Stewart before him, has interested himself in so many worthwhile measures, but I do say it has been a by-product of that work and that interest.

Let me tell you how deeply I and the people of my section of the Midwest are indebted to Morris and Stewart. We have some uniquely beautiful dune land on the south shore of Lake Michigan which is badly needed as a national park and a recreation area by the some seven and a half million people of the Chicago-Gary region, whose number will probably double by the end of the century. But in an all too familiar fashion private real estate developments, oil refineries and steel mills have been moving into this area and pushing the people away from the lakefront and the beauties of nature. Some 10,000 acres remain—a sort of Custer's last stand—while the wolves of private greed surround them. The steel companies, working through powerful political figures in the Republican Party, are trying to take the last remainder away from posterity just as the lumber companies are trying to cut down the magnificent redwoods of California. I began the battle twelve years ago to save what remained of this lakeshore for the people. It took ten years to get the enabling legislation through Congress and it would never have been passed had it not been for Stewart and Morris Udall. For it was Morris who rounded up the necessary votes both in the House Committee and on the House floor and shepherded the measure through to victory. That is why we Midwesterners are very loyal to Morris and want to help him in every way. Now we are in a battle to get the money which is needed to buy this land and once again Morris and Stewart are in the forefront of that battle.

It is just such deeds as this which make conservationists and defenders of the people of both parties and no party, strong supporters of Morris and Stewart and anxious to help them, and I think that is why it is going to be possible for Morris to get the Central Arizona Water Project through. The conservationists of the East and Midwest have defeated previous proposals which would have set up two giant lakes in the canyons of the Colorado which would have taken away some of the majestic beauty of the wild rush of waters through the towering canyons and cliffs of that great river and at the same time you would have lost a lot of the precious water through evaporation under your hot sun. The present skillful compromise will give Arizona the same amount of water but will do it by pumping the water from the river bed instead of from the dammed up lakes. It will preserve the Colorado as a great scenic monument, yet will give Arizona the water. Having spent two vacations in Arizona and having visited the Grand Canyon twice (in my earlier years walking down into its very bottom and up again), I know how important both of these objectives are. Every conservationist in the country out of gratitude to the Udalls should support this measure and Morris and Stewart will have done for your state what others have failed to do because they would not always take into consideration the needs of the nation. When this happens, as I believe it will, not only should Arizona be grateful but it will be an accomplishment of the first magnitude for the nation as a whole.

But beyond the need to utilize more fully the beauties and the water of the Colorado, we need an additional quantity of water. This can only come from two sources; first, it may be possible to negotiate with Canada for an added flow from the north which she does not need but which we do and, secondly, it may be possible to bring the vast resources of the sea into play by the desalinization of sea water and extracting from it the salt which now prevents its use.

Under Stewart Udall this program of necessary research and development is being pushed and as nuclear power becomes more and more developed and efficient and as costs of generating power by it are reduced, we hope and believe that the costs of the desalinization process will fall until it becomes economically practicable to use this purified sea water on the deserts of America and of the world. When that happens not only will the future fertility of the arid lands of the Southwest be assured but poverty and war in the Near East can be made to disappear. The Sahara and the arid deserts of North Africa, of Isarel and the Arab lands can indeed be made to blossom. And when there is water enough for all, there will be food enough for all, and when there is enough food for all, then one of the causes for war and hatred will be reduced.

II

One of the things which I like about Morris is his rare combination of idealism and practicality and his down to earth manner of speech and procedure. Morris, like Stewart, has a sharp mind but he also has a warm heart and a marvelous sense of humor. His feet are on the ground, not floating above it. He is salty in conversation and bearing and altogether likeable and appealing. Arizona needs Morris in Congress and so does the country.

III

But the chief difficulty Morris faces is what most good Congressmen face, namely, the lack of money. I am continually impressed by the way most citizens are ignorant of the costs of modern campaigns and sometimes I think willfully ignorant. They don't want to admit that it has become almost impossible for poor men or men of modest means to get elected to Congress. Modern campaigns are costing enormous sums of money. Governor Rockefeller admits to having spent $5 million in 1966 to get elected as a governor of New York, and these are only the declared costs. A Democratic candidate for governor in Pennsylvania with absolutely no record of public service was nominated for governor by spending one million four hundred thousand dollars, and he spent an equal sum in the final election. Governor Hatfield, in the small state of Oregon, reported expenditures of $582,000. In the New York City Mayorality election of 1965, John Lindsay spent $2.4 million and his opponent, Abe Beame, $2.3 million. In California it is estimated $5 million was spent in the primary and general election by the candidates for the United States Senate in 1964. A Congressman from New York State declared that he spent $194,000 to get elected. All of this came either from him or his family. The costs of the Kennedy-Keating campaign in New York ran into the millions on each side and I guess Ted Kennedy spent large sums in Massachusetts. It is becoming impossible for men without large financial backing to run and get elected and this means that we are fast on the way to becoming a plutocracy rather than a democracy, namely, a government by the rich instead of by the people. Some people may welcome this. I do not. I don't believe wealth should be held against a candidate and I believe that the Rockefeller and Kennedy families are making a great contribution to our public life, but I do not want to see the wealthy shut out men of modest means from public life, nor do I want to see it made impossible for a party to devote itself to the interests of the people. In the long run I believe the major costs of campaigns should be borne by the people through public grants along the lines that Senators Russell Long, Albert Gore and Lee Metcalf have been trying to do. This will take quite a long time, and in the meantime we must finance these campaigns by relatively small voluntary contributions from large numbers of people. The best way of acquiring these nest eggs that I know of is through just such dinners as these. In spite of all the talk about them they are the best way of making democracy a reality and I want to thank you and congratulate each and every one of you for coming here and making your contribution to keep one of the best Congressmen in the nation continuing at work for you and for the people of the country.

IV

Now just a word or two about our party. Despite the fact that the control of Congress has for many years rested in the bi-partisan coalition of conservative southern Democrats and conservative northern Republicans, we have broken through on the presidency and in 1964 on Congress. We have enacted a splendid domestic program in the field of civil rights and education and this should help not only the Negroes but also the Latin Americans and the Indians. We have begun a war against poverty of which there is altogether too much. The progressive wing of our party is trying to step up our attack on poor housing. We are beginning to get added aid for the children in the slum schools. We are making more progress in protecting the consumer than ever before. We seem to be on the point of obtaining a truth-in-lending bill to protect people who are borrowing a total of $100 billion on consumer loans and who in many instances are paying hidden and exorbitant rates of interest. We have worked for a cooperative economic world in lowering tariff barriers.

If we have not made all the progress we desire (and we have made a great deal) it is because we face the power of the bi-partisan coalition to which I have referred. We overcame that for two brief years following President Johnson's landslide victory in 1964, but the 1966 elections, with the loss of 47 liberal Democrats in the House and of three Democrats in the Senate, have critically weakened us and have given the hostile coalition a majority in the House and increased its power in the Senate. They hope they can complete the job in 1968.

President Johnson cannot be held responsible in the slightest degree for the slowdown in the progress of social reform which has occurred. It is a slowdown which, however mistaken, may have reflected the prevailing popular mood in 1966 and which threatens to be stronger in 1968. I ask the youthful critics of our domestic program if they wish to shatter more completely the progressive forces of the country and if they wish to pave the way for the loss not merely of the presidency but also of the Congress, the governorships and the local and county governments. I therefore urge that we all unite in the coming election.

This reminds me of a favorite story of William J. Bryan which illustrates our frequently suicidal tendencies. There were days when wolves roamed the prairies and domestic animals and people had to be on their guard against them. Bryan gave a political twist to a story of the differences between the ways the wild horses and jackasses responded to attacks by the wolves to illustrate the differing tendencies of Republicans and Democrats.

The Republicans, Bryan said, were like the wild horses of the prairies who, when attacked by wolves grouped themselves in a circle with their heads on the inside and their hindquarters on the outside. And then they kicked the stuffing out of the wolves.

The Democrats, he said, were like our totemistic symbol the jackass. They too grouped themselves in a circle when attacked, but their heads were on the outside and their hindquarters on the inside and they would kick the stuffing out of each other.

Let us not act like that in Arizona or in the presidential campaign either before or after Chicago.

I suppose the issue upon which the country and, to some degree, the members of the Democratic Party are most divided is that concerning Vietnam. As one who went through the 30's and 40's, I became convinced that police states, whether of the right or the left, were the greatest menace which the democracies faced and that the police states tended by the very laws of their being to become aggressors. I submit that the experience of the last 30 years has tended to bear this out. I submit also that experience should have taught us that we need collective action by many nations to check this aggression and that if this is not done there is a danger that the police states may gobble up the free states one by one and drunken by power and conquest, move on to other conquests—so that ultimately the United States cannot be safe unless the world is safe. I see nothing in the experience of the last ten years to refute this general belief. I therefore have supported our policy in Vietnam and I personally intend to continue. The President is honestly seeking peace and we hope that our initial steps at de-escalation will cause the communists to de-escalate and that we may both move towards the limitation of the conflict and ultimately the elimination of war in Southeast Asia. I believe that we should hold steady and not unwittingly strengthen our adversaries by adopting a policy of premature and unilateral cessation of applying force.

Let me say, however, that many of my personal friends whose motives are of the highest, think differently and believe there is no danger from the communism of North Vietnam, China, or Russia and that our withdrawal will not lead to the weakening of democracy or to a great increase in the strength of the police states. I don't wish to criticize the motives of these people and individually I respect the vast majority of them. I happen to think they are mistaken, but I suppose events only can demonstrate whether they are right or wrong. I hope that the costs of learning are not so great as to endanger the ultimate peace of the world and the ultimate triumph of democratic principles.

In the meantime I urge that we keep the discussion from becoming too bitter. I think it was unfair of college students at Wisconsin to adopt storm trooper tactics and prevent Secretary Freeman from speaking. And I think it was wrong for the thousands of young people to greet our President with the chant "L.B.J., L.B.J., how many kids have you killed today?"

We have three good men running for the Democratic nomination for the presidency. Let us not let our personal preferences cause us to attack the others and let us keep a little calm after Chicago as well as before. The Democratic Party is too great and too noble a party for us to allow it to be broken up on issues which while they are present today may also be gone tomorrow. And in particular let us see to it that Morris Udall is adequately financed and that we do everything we can to send him back to Congress and to join with him the Democratic candidates on all levels of government from the county courthouse up through the state house and then to the White House.

THE ANNIVERSARY OF POLAND'S CONSTITUTION OF 1791

HON. JOSEPH P. VIGORITO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1968

Mr. VIGORITO. Mr. Speaker, it gives me great pleasure to join today with my colleagues in the House of Representatives in praising the indomitable spirit and great courage of the Polish people.

Today the free world joins with all people of Polish descent in celebrating the anniversary of the proclamation and adoption of Polish's Constitution of 1791, one of the most liberal and progressive pieces of legislation in 18th century Europe.

The greatest of the May 3 Polish Constitution consisted in the fact that it brought to Europe a liberal spirit and the seeds of democracy. This the Polish people were able to do without a bloody revolution or even an internal disorder.

I know that all Americans of Polish ancestry will keep the memory of this great legacy fresh in their minds. It speaks of the moral strength, wisdom, and great civic virtues of their forefathers.

In this time of national and international crisis, I hope all peoples, no matter what their background, will remember that we must do everything possible to fight tyranny and protect our hard-won freedoms of democracy.

UNTARNISHED LOYALTY

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. QUILLEN. Mr. Speaker, I want to make available to my colleagues and readers of the RECORD an outstanding editorial which appeared in "the Stars and Stripes—The National Tribune" on Thursday, May 9, 1968.

At the same time, I want to repeat the definition of Americanism adopted at the joint conference of the commanders in chief of the five big veterans organizations in Washington on February 18, 1927. And I quote.

AMERICANISM

Americanism is an unfailing love of country; loyalty to its institutions and ideals; eagerness to defend it against all enemies; undivided allegiance to the Flag; and a desire to secure the blessings of liberty to ourselves and posterity.

I want to commend the Stars and Stripes for carrying this definition on its editorial page.

The editorial, Untarnished Loyalty, is worthy of consideration by all Americans:

UNTARNISHED LOYALTY

Whether the upcoming peace talks between the United States and Hanoi bear fruit or not, people of the United States and foreigners alike may be certain of one fact. This is that the men who wear the uniform for the United States will keep doggedly at their job unmindful of whatever may be the atmosphere of the negotiations. They will be organizing no marches to command headquarters to insist on one step against another or to lay down demands if they are to continue fighting.

Probably in no war in which the United States has participated have the troops in the field been so welded together in determination to accomplish the job assigned them. No matter what may be the thinking or conclusion of individual soldiers, sailors and airmen they have carried out their tasks without question. Undoubtedly the most of them have looked forward to the day when their time of duty in Viet Nam is up; when they can come home to the United States for less hazardous duty or don their civilian clothes and return to the life they left. And many of them have fallen to enemy bullets only days or even only hours before their time was up.

Though this is the expected attitude of the good soldier, it is in a sense remarkable in these times. In World War I and World War II, the people of the United States were solidly united against the enemy. Our men marched to war aware of its frightfulness but determined to accomplish their country's end or to give their lives trying.

Not so in this Viet Nam war. Student groups and others have demonstrated against the war; belittled those responsible for its conduct, and the soldier out there risking his life. Nor has this undermining been confined to lefties, beatniks, and just plain protesters. From the halls of Congress and other high places those not agreeing with the government's war operations and objectives have joined their voices to the dissidents who would pull the Nation out of war in any fashion and regardless of consequences.

Probably the handful of men who have deserted, later to turn up in Sweden or Moscow, were influenced by these undermining agents at home.

Our men in Viet Nam read newspapers from home. They hear radio broadcasts carrying stateside activities. Yet unmindful of it all, they go on doing their job of fighting in a war that though smaller is as vicious as any of the campaigns of World Wars I and II. Climate and geography make it one of the worst areas in which Americans have ever had to fight for prolonged periods.

Tens of thousands of men have done their stint in Viet Nam and returned to civil life. If the position of the United States in standing up against Communist aggression and obliteration of the freedom of men were as wrong as some of the war opposers assert, it is logical to believe that men returning from the war and no longer bound by military discipline would be organizing veterans to oppose its continuation; to demand its immediate end. It is highly significant that there has been no such move.

The man who has been there risking his life knows what the war is all about; that high humanitarian purposes are its foundation, and that from a nationalistic selfish standpoint we can not risk the Communist overrunning what is left of the free world in South East Asia.

He may feel, as many people at home do, that we should never have entered a land war in Asia. He may have long ago concluded that civilians in high places overruled military brains in the conduct of the war in its earlier years. But he does not go along with those who would let their country down; who would make useless the suffering and death of his comrades. He is an American far from home under harrowing conditions whose loyalty waivers not regardless of the dissidents who, it is sad to say, probably would find pleasure if he turned against his oath and convictions.

PACKAGE LEGISLATION IS NOT GOOD

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. BRINKLEY. Mr. Speaker, I voted against H.R. 17023, the independent offices appropriation bill. This was a difficult thing to do, but package legislation of this magnitude often seems to include unsound provisions which are approved because of a reluctance to vote against the many other provisions which are worthy.

My vote was in favor of the Gross and Fino amendments. Had the rent supplement and model cities appropriation been deleted, and that sum added to the Veterans' Administration appropriation, I would have voted for passage of the bill.

RIPON SOCIETY REPORT HIGHLIGHTS WEAKNESSES IN NONPROLIFERATION TREATY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. FINDLEY. Mr. Speaker, the April issue of the Ripon Society "Forum" contained an article written by Dr. Alexander von Graevenitz of Yale University entitled, "The Consequences on Nonproliferation." The article discusses several of the legitimate fears of Western Europeans regarding the draft treaty now before the United Nations. I insert his article in the RECORD at this point in my remarks:

THE CONSEQUENCES OF NONPROLIFERATION

The Administration has based its nuclear nonproliferation policy on the simple assumption that the danger of nuclear war increases with the number of countries possessing nuclear weapons. While this may be true under specific circumstances, the theory overlooks an important question: what are the political implications of a nonproliferation agreement for our allies, not to mention third-world countries? The case of West Germany is particularly crucial, for the diplomatic ramifications of the nonproliferation treaty, may well help drive the Germans out of the western camp.

West Germany, in 1949, voted against neutralism and for a pro-Western foreign policy. Western policy under the Truman and Eisenhower administrations held that steps towards East-West detente in Europe should be coupled with progress on the issue of German reunification to which these powers had pledged themselves in 1945. This policy, already eroded by developments in the 1960's, came officially to an end with President Johnson's announcement on October 8, 1966, proclaiming American steps toward detente independent of the German problem (Erhard's government which was already in serious trouble, fell shortly afterwards).

The new policy has handed the Soviet Union important leverage on the reunification issue. So far, the Soviets have refused to discuss reunification since, it is assumed, they want to safeguard the existence of East Germany. This may not remain their policy. In fact, it is possible that they will wait for the moment when sufficient disaffection over the Western allies has built up in West Germany and then offer reunification on their own terms. Internal pressures would make it hard for West Germany to resist. Thus, the Soviet Union would gain an important aim it has not been able to gain militarily: to extend influence into Central Europe—vital for the defense and economy of Western Europe—and to end all efforts towards European unification and NATO reconstruction.

While the United States and the Soviet Union have common interests in the nonproliferation of nuclear weapons, the Soviet Union should not be allowed to use the issue to drive a final wedge between West Germany and the United States: the Soviets have declared—most recently through Premier Kosygin in London last year—that they will not sign a non-proliferation treaty unless West Germany signs. Since West Germany has renounced manufacture of nuclear weapons in the Paris Treaty of 1954 and will hardly receive such weapons from outside sources for national purposes, the Germans can argue that they cannot possibly pose a nuclear threat to Russia. Successive West German governments have declared their intention not to build a national nuclear force.

Those Western European countries with fledgling nuclear industries—among them Italy and West Germany—have expressed certain misgivings about the proposed treaty. They fear

a) that industrial espionage may result from inspection by agents of the International Atomic Energy Commission,

b) that the development of their nuclear industries for peaceful purposes would be hampered, and that they would lose out in competition,

c) that Western European unity will receive a serious blow if Euratom will not be the inspecting agency,

d) that an integrated Western European nuclear force or ABM system would never come into existence, and that they would too permanently rely upon American nuclear protection in the face of already considerable disagreement with the United States on NATO defense policy,

e) that the treaty will be *forced* upon them by an *ally*, which in itself undermines mutual trust,

f) that they will be discriminated against by accepting inspection and giving up rights without getting anything in return, while the "atomic giants" continue to build up their atomic arsenals.

GERMAN IRRITATION

The new inspection clauses offer no firm guarantees for a permanent Euratom inspection and the possibility of a Western European nuclear force but rather leave these issues open to interpretation. The fact that the United States made changes in the draft treaty only after strenuous objection from several countries has in itself contributed to the impression that she is not interested primarily in her allies.

There have already been considerable strains in West German-United States relations since the early 1960's, involving such issues as troop reductions, offset payments for US troops in Germany, weapons purchases in the United States and, above all, bilateral US-USSR consultations affecting European security and atomic issues. An example is the MLF project which was dropped without consultation with the Germans after the German government went to considerable lengths to defend the idea. There has been increasing West German irritation with American policies towards the Soviet Union, NATO and on the issue of reunification, unresolved since 1945.

German dissatisfaction with the Western allies contributed to the strengthening of the radical Right; the National Democratic Party, founded only in 1964, has polled an average of 7% of the popular vote in six states since 1966. It advocates West Germany's leaving NATO and the Common Market and striking a deal with Russia on reunification. The mainstay of the democratic parties in the Bundestag in foreign policy, however, remains United States-German and Franco-German friendship.

NEUTRALIST REACTION

If West Germany feels that her interests are not served by the alliance with the United States, that her security is made the toy of changing fashions in US military thinking, that she is being forced by her main ally to sign a treaty against her wishes and interests, and that the road to European unity is blocked by France, she will increasingly become despondent of western ties and becomes neutralist in foreign policy. Cooperation in NATO and in monetary affairs would be affected first, and US frustration would lead to a rapid deterioration in relations. Pro-Western policy would have been recognized as a failure both in terms of reunification and foreign policy in general, and the stage would be set for a Soviet-German rapprochement. (An ominous sign are recent talks between the Soviet ambassador and SPD officials regarding the status of Berlin on which the United States felt obliged to issue a warning.)

As Congressman Paul Findley of Illinois recently pointed out, the non-proliferation issue has already played into the hands of the radical Right in Germany which makes the present German government the scapegoat of "surrender" charges.

The United States does face a dilemma in regard to West Germany's signing of the non-proliferation treaty. If such a treaty is to be universal, no exceptions should be made; and it is clearly in the U.S. interest that proliferation of *national* nuclear armaments be stopped. Yet the treaty puts strains on the Western Alliance without touching relations between the Soviet Union and Eastern Europe.

SHARP QUESTIONS

The House Republican Committee on Western Alliances demanded on April 21, 1967 that open hearings on questions arising from the proposed treaty be held. The statement posed some sharp questions:

The proposed nuclear non-proliferation treaty raises serious, far-reaching and complex questions which have not been adequately explored . . . If they are left until the time when the treaty is presented to the Senate for ratification, open-minded discussion and evaluation will be virtually impossible.

West German public reaction to the first non-proliferation draft of last year was vociferous and, by and large, missed the mark. It has recently become a matter of sharp political debate, with Socialist leader Willy Brandt endorsing it and Christian Democrat Franz Joseph Strauss opposing. If the United States should steamroll the treaty through and then follow with a cutback of troops in Germany, there would be a strong "Gaullist" reaction in German politics.

President Johnson is eager to conclude the treaty before the elections in order to present himself as a man of peace. Republican Senators should ask themselves if they want to help him reach an "understanding" with the Soviet Union without measuring the cost to the West.

"LAW AND ORDER" COMMEMORATIVE STAMP IS FITTING TRIBUTE TO LAW ENFORCEMENT OFFICIALS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. BRAY. Mr. Speaker, on May 17, 1968, the Post Office Department will issue a special "Law and Order" commemorative stamp. As violence rocks our cities and the crime rate soars, nothing could be more fitting than this reminder that law and order are the bulwarks of our society, and this long overdue tribute to the courageous and dedicated men and women who serve the law enforcement agencies of our country.

What are these two abstract ideas, "Law" and "Order?"

Supreme Court Justice Felix Frankfurter said that "Law alone saves a society from being rent by internecine strife or ruled by mere brute power however disguised."

Alexander Pope said "Order is Heav'ns first law," and the great British statesman Edmund Burke said "Good order is the foundation of all good things."

But what about those whose duty it is to enforce the law and preserve order? The State, the city and town police; the county sheriffs and their deputies; the town marshals; the radio operators and clerical staffs who back them up and support them—who are they and what do they mean to us and to our fellow citizens?

Ever get mad because a policeman stopped you and bawled you out for speeding or going through a stop sign, and gave you a ticket? Maybe he was the same policeman who, just a few days before, had helped pull apart the twisted and burned mess of steel, glass, and rubber that was once two automobiles—a crash that killed everyone involved—because someone was speeding or went through a stop sign. He remembers it—he always will—and he does not want to see it happen again, to you or anyone else.

Maybe a policeman found your teenager out late one night, and sent him or her home. Did you think that "The police should mind their own business?" He was minding his business. He has seen young people take that first wrong step that put them on the road to the boys' school, the girls' school, the reformatories, or the State prisons. He remembers it and he does not want to see it happen again, to your children or anyone else's. Look at the stamp—a policeman walking hand in hand with a small boy. The best thing a parent can do for his child is teach him to respect and obey and have confidence in the police.

What do you think when you see a police car, red light on and siren shrieking, going down the street or highway? Do you just think he is in a hurry to get home? Think again; a fire, a wreck, a robbery, a critically ill child to be escorted to the hospital; any one of a hundred possible emergencies came to him over his radio. He does not know for sure what he will find when he gets there, but he is going, because it is his job, and you can be sure, whoever or whatever it is, that help is on the way.

Never really off duty, an officer of the law has no way of knowing in advance what his job will require of him. He will see a range of human emotions and feelings about him and his work, that will range from the smile of a lost child being returned to its mother to the raging, contorted, hate-filled faces screaming obscenities at him and his fellow officers as they control a mob. His day may bring him a "Thanks, officer!" from a stranded or lost motorist; it may bring him a threat of "I'll have your badge for this!" from someone who has received a traffic summons. And he also knows that doing his duty may cost him his life.

The law officer may be excused if he sometimes wonders if it is all worth it. Over the past few years, he has seen himself, his job, his duties and his role in preserving a peaceful and orderly society attacked, downgraded and vilified from many sources. He has seen the old concepts of law enforcement twisted and distorted beyond recognition. The right of society to be protected from the criminal has very nearly completely disappeared, smothered under a confusing jargon about the "rights" of the criminal himself.

It is a sad commentary on the trend of legal and social thought in our own country that we should see this come about. The processes of arrest, trial and, if convicted, punishment of those who would destroy society have, it seems, been turned into some sort of game. Certain groups seem to be doing their best to turn the image of the policeman into what was formerly the image of the criminal. Hobbling, crippling rules have been fastened on those agencies and men upon whom we depend to protect us from the very criminal element that neither cares about nor recognizes rights, rules or laws.

But I believe we have reached a turning point. Issuance of this commemorative stamp will go a long way towards wiping the malicious and unjustified slime of vilification from the public image of these dedicated public servants. Law-enforcement officials must have the backing and support and help of the people and communities they serve, and it has been greatly encouraging to see hard-working and energetic citizens' groups formed for this very purpose: to work with the police and help make a better community for all.

No society, no country, no government will long endure if it encourages or tolerates the subtly poisonous propaganda of disrespect and contempt for the law and for those who must enforce it, that has gone on in this country for far too long. Law enforcement officials make up the only force that stands between us and total, beast-like anarchy. If we are to claim ourselves entitled to their protection, then we must at all times and at every opportunity let them know, loudly and clearly, that they are certainly entitled to our support and respect.

THE FIRST 25 YEARS OF THE JUNIOR CHAMBER OF COMMERCE

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. CURTIS. Mr. Speaker, we St. Louisans are particularly proud that the Junior Chamber of Commerce of the United States, commonly known to many as the "Jaycees," was founded in our city. In the year 1915, a group of civic-minded young men in St. Louis responded to a need to promote a bond issue for badly needed civic facilities. From this first project, the idea of utilizing the young manpower of the community for a wide range of public service projects took hold; and in October of that year the first organizational meeting of what was to become the Junior Chamber of Commerce movement was held at the old Mission Inn in St. Louis. Two St. Louisans who are later to make great names in the history of the Jaycees were elected president and secretary of the first organization, Mr. Henry Giessenbier, and Mr. Andrew G. Mungenast.

By 1920 this concept of a young men's public service organization had spread to other cities throughout the Nation, and in that year a national organizational caucus was held in the city of St. Louis to establish a nationwide association. Representatives from 23 cities from all regions of the country were in attendance. Today the Jaycees movement has spread to most every major city in the United States, and since 1944 has become international.

The history of the Junior Chamber of Commerce is one of fine public service, and it is most fitting that it be properly recorded and publicized. Mr. John H. Armbruster of St. Louis County, Mo., has undertaken to do just this. He has recently prepared a document titled "The First Twenty-Five Years of the Junior Chamber of Commerce" which is a chronicle of the movement from its inception in 1915 through the early 1940's. Mr. Armbruster is particularly qualified for this work as he is a charter member of the organization and a past president of the St. Louis chapter. In addition to his successful business career in the St. Louis area, Mr. Armbruster has maintained great interest in the Jaycees serving as Jaycee pamphleteer in which capacity he sends a monthly newsletter the Elder Statesman to over 7,000 alumni in over 80 countries.

I recommend reading "The First Twenty-Five Years of the Junior Chamber of Commerce" and to insure that it is available I am sending my copy to the Library of Congress.

HOUSE OF REPRESENTATIVES—*Friday, May 10, 1968*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Give to Thy servants understanding hearts to judge Thy people and to discern between good and evil.—I Kings 3: 9.

O God and Father of us all, whose love never lets us go and whose strength never lets us down, in the midst of these difficult days we pause in Thy presence to pray for the citizens of our country and for the people on our planet. Particularly do we pray for those who sit around the table and begin seeking and striving for an end of hostilities in Vietnam.

May they bring to this confrontation courageous spirits, may they be made wise with Thy wisdom, may they be blest with understanding minds and hearts that through negotiation they may find their way to an enduring peace with justice for all, with freedom to all, and with good will among all. Crown their efforts, we pray Thee, with real success.

Grant unto each one of us a compassion which includes all men in the circle of our concern as we continue to live for the glory of our Nation and to labor for the good of all mankind.

In the name of the Prince of Peace we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill and concurrent resolution of the House of the following titles:

H.R. 14681. An act to declare a portion of Boston Inner Harbor and Fort Point Channel nonnavigable; and

H. Con. Res. 770. Concurrent resolution to authorize printing of updated pocket-size U.S. Constitution for congressional distribution.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested.

S. Con. Res. 68. Concurrent resolution to print additional hearings on amendments to the Federal Firearms Act.

LEGISLATIVE PROGRAM FOR THE WEEK OF MAY 13, 1968

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, I take this time to ask the acting majority leader the program for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in response to the inquiry of the gentleman from Illinois, the program for next week, beginning May 13, is as follows:

Monday is District day, but no District bills are scheduled.

On Monday we will consider S. 3033, the Missouri River Basin authorization; 1 hour of debate under an open rule.

On Tuesday and the remainder of the week the program is as follows:

House Joint Resolution 1224, to authorize the President to reappoint the Chairman of the Joint Chiefs of Staff; 1 hour of debate, open rule.

H.R. 16165, extension and amendment of Public Law 480, 83d Congress; open rule, 2 hours of debate, waiving points of order.

H.R. 3300, the Colorado River Basin project; open rule, 4 hours of debate, waiving points of order.

House Resolution 1093, investigation of operations of U.S. military credit unions. That was on the whip notice for this week.

H.R. 2158, the Interstate Taxation Act; open rule, 3 hours of debate.

Conference reports may be called up at any time.

Mr. ARENDS. I thank the gentleman.

REQUEST FOR ADJOURNMENT OVER UNTIL MONDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

Mr. GROSS. Mr. Speaker, reserving the right to object, I would hope the gentleman would withhold that request until later in the day.

Mr. BOGGS. I will be happy to.

Mr. GROSS. Until we find out what the program is for the day. After going through what we did last night on a bill which could not possibly become effective until 1971 I would like to know when and how we are going to wind up here today. I respectfully suggest that the gentleman withhold that request until later in the day.

Mr. BOGGS. I am happy to but I might tell the gentleman we will consider the bill from the committee of the gentleman from Texas today as soon as we get into the legislative business. I do not know how long it will take but I hope not too long.

Mr. GROSS. Mr. Speaker, further reserving the right to object, did the gentleman in any way program the so-called tax bill for the next week?

Mr. BOGGS. No. The conference report just has not been written yet. It is a very long and complex report, and I am not in a position to know when it will be completed.

Mr. GROSS. The gentleman has no idea?

Mr. BOGGS. The chairman of the conference, the chairman of the Committee on Ways and Means, as far as I know, has not indicated when it will be programed.

Mr. GROSS. The gentleman has no information as to when that might be expected to come to the House; the conference report?

Mr. BOGGS. I have this much information: That it will not come before the House next week.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

The SPEAKER. Does the gentleman withdraw his request?

Mr. BOGGS. Yes; if the gentleman insists on it.

Mr. GROSS. Mr. Speaker, I insist.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THANKS, BUT NO THANKS

Mr. **KUYKENDALL**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. **KUYKENDALL**. Mr. Speaker, this morning I received a very stirring appeal in behalf of the Democratic study group for a contribution to help defeat freshmen Republican Members of Congress. This is the first time I have ever been solicited for funds to help defeat myself. So I will have to say to my colleague, the senior Senator from Michigan and his cosigner, Bayard Rustin, "thanks, but no thanks."

It is painful enough to know that I have already helped pay, through taxation, for the study which the Democratic study group is using now for partisan political campaigning. I refer to the report on civil disorders mentioned in the Hart-Rustin letter.

Mr. **GIBBONS**. Mr. Speaker, if the gentleman will yield, I would like to say we welcome the gentleman to the club. Every year I get a request from the Republican National Committee for a contribution.

Mr. **KUYKENDALL**. I will say to the gentleman from Florida, I am glad to know our side is on the ball, too.

POOR PEOPLE'S CAMPAIGN MUST NOT DISRUPT WASHINGTON

Mr. **CRAMER**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. **CRAMER**. Mr. Speaker, news stories this date indicating serious consideration being given to the West Potomac Park section south of the reflecting pools for the long-term location of the poor people's camp-in are most disturbing to me as author of H.R. 16981 which was passed by the House Committee on Public Works and which specifically would preclude such location. This location is obviously too close to the Mall and memorial areas, to a number of main arteries leading into and out of Washington, is apparently devoid of any public facilities, would invite desecration of memorial grounds including the reflecting pools, too closely located in relation to Government functions and downtown business district.

As author of the bill I strongly object to this location which violates the terms of the bill and in my opinion is a breach of faith with the Public Works Committee of the House. The location is obviously too small to accommodate a shanty town for the estimated 3,000 people and in my opinion invites endless trouble and prospects of civil disorder and disruption of the orderly conduct of the Nation's Government.

I am asking that the site not be approved. The bill specifically exempts the area south of the Anacostia River, which has needed facilities, and adequate space and is in an area where risk of disorder is considerably lessened. I ask that serious consideration be given to this objection.

MARCH, YES; CAMP, NO, IN THE NATIONAL CAPITAL

Mr. **WYMAN**. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER**. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. **WYMAN**. Mr. Speaker, on Monday of this week a substantial number of Members of Congress testified before the Public Works Committee in support of H.R. 16981 to prohibit the granting of permits to construct temporary shelters or buildings on Federal property in the National Capital. The next day the committee acted favorably on the measure which would also require a reasonable bond to protect against damage to Government property.

It is now Friday and the bill has not yet been reported even to the Rules Committee. Why not? The first contingent of so-called marchers is due to arrive here Sunday, and the report is that a site immediately south of the Mall has been "negotiated."

This is an unfortunate and undesirable precedent. There should be no encampments on such Federal property here in the National Capital. There should be no permits issued to any organization, whether the Boy Scouts for a jamboree, or so-called Poor People's Marchers or the saints of Smithsville. The Nation's Capital is not a shanty town nor should it becomes such. Slit trenches, outhouses, garbage, pollution, and possible plague are an unavoidable consequence. This involves a clear and present danger to the people who live here and the people who visit here. To permit this within a few feet of the Mall and a few yards of the White House and the Capitol itself is wrong, whether to one person or 5,000.

The Congress should act now to insure that there will be no permits under the situation that exists today, and this bill, H.R. 16981, ought to become law this afternoon. Those responsible for the roadblocks should be identified.

All Americans, including the "Poor People's Marchers" are welcome here, to march and be heard, but not to camp and pollute the Capital of this land. Such a permit is a national disgrace and a tragic precedent.

POOR PEOPLE'S CAMPAIGN

Mr. **RYAN**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **RYAN**. Mr. Speaker, instead of conjuring up specters of disorder and violence in anticipation of the Poor People's Campaign, if the Congress would simply welcome those who intend to visit Washington as constituents and as citizens of the United States and listen to their longstanding and legitimate grievances, I think a lot of problems could be avoided.

It is not the function of the Congress to determine what site should be occupied by those who are coming to Washington. This is a matter that should be worked out between the Department of the Interior and the government of the District of Columbia and the leaders of the campaign, who understandably desire to have a suitable site which is visible and which is central. The bill reported by the Public Works Committee would restrict the right to peaceably assemble. Why should the poor people be shunted aside at the Anacostia River site which the gentleman from Florida suggests?

Let the executive branch work out the site, and let the Congress concentrate on programs to eliminate poverty and hunger. I only wish that a little of the hysteria generated by the prophets of doom will be turned into constructive energy in a massive attack on the underlying failure of our affluent society to provide jobs, housing and educational opportunities for all our citizens.

PERMISSION FOR SUBCOMMITTEE ON INVESTIGATIONS, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO SIT TODAY DURING GENERAL DEBATE

Mr. **BOGGS**. Mr. Speaker, I ask unanimous consent that the Subcommittee on Investigations of the Committee on Interstate and Foreign Commerce may be permitted to sit today during general debate.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

SPECIAL DRAWING RIGHTS

Mr. **BERRY**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. **BERRY**. Mr. Speaker, this would be a great day for Lord John Maynard Keynes had fate permitted him to live and witness congressional action today.

Lord Keynes, the great architect of socialism in the 20th century, envisioned a program of special drawing rights, or "paper gold," if you prefer, and tried to establish the theory at Bretton Woods in 1944. At that time, however, the International Monetary Fund was established, and, largely at the insistence of the United States, who had then not yet spent itself into inflationary bankruptcy, decided to retain the traditional predominance of gold as the international medium of exchange.

It is interesting to note that in the resolution adopted at the conference of monetary experts held in Geneva on **April 20, 1968**, the signatories to the resolution establishing the special drawing rights were very careful not to give the impression the companies and institutions they represent were in no way connected with their resolution.

Let me quote from the preamble:

> The signatories have accepted this resolution as one representing their private views, and nothing in it should be connected with any bank, business firm, university, other organization or institution or journal with which a signatory might be associated.

This is a powerful recommendation, Mr. Speaker, for the philosophy of special drawing rights. Would that Congress could write a preamble into this bill, stating that Members of the House have accepted this bill as one representing only their private views, and that nothing in it should be connected with that institution known as the United States of America.

I think there is a direct analogy between this proposed measure and the recently enacted bill to remove the gold cover from Federal Reserve notes, which 190 out of 199 members voted against.

Most of us have long prided ourselves on being advocates of sound money and fiscal responsibility, and I trust a majority of this House will vote its opposition to approval of the special drawing rights or, more intelligently phrased, "paper gold," because this ingenious credit paper device represents nothing more to us than an attempt to export inflation from our shores, on a worldwide basis.

The creation of special drawing rights will not correct our balance of payments deficit. They were referred to by William McChesney Martin of the Federal Reserve Board several months ago, before the Detroit Economists Club, as "financial gimmickry."

If the administration had followed the policy recommendations advanced by a goodly share of us over the past several years, the administration would not now be before Congress asking for approval for the questionable special drawing rights program. In my opinion, the Congress should not even consider this proposed legislation, at least, until after the tax bill, with its spending cut reduction, and other drastic and meaningful appropriation reductions have been accomplished. Proof of austerity on the part of the administration should precede any consideration of this drastic monetary step.

I submit we should vigorously oppose the creation of further worldwide paper credit inflation through special drawing rights. It does not cure our balance of payments problem; at best it can only be a temporary stopgap. It is, as Chairman Martin has said, "financial gimmickry."

Interestingly enough, it is obvious that a long period of time will elapse before key currency countries can current their deficits and a considerable period of time will elapse before the requisite 60 percent of the 107 member nations of the IMF can be expected to approve the special drawing right device. Even when it is put into motion, the special drawing rights program will, in all probability, not provide adequate universally acceptable reserves. It is particularly viewed with apprehension by foreigners who hold large dollar claims against our gold reserves.

CALL OF THE HOUSE

Mr. BROYHILL of North Carolina. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 131]

Abbitt
Abernethy
Albert
Andrews, Ala.
Ashbrook
Ashmore
Aspinall
Belcher
Betts
Bevill
Bingham
Bolling
Bolton
Brademas
Brasco
Brotzman
Burton, Calif.
Burton, Utah
Bush
Button
Carey
Carter
Celler
Clancy
Clausen, Don H.
Conyers
Corbett
Corman
Cowger
Culver
Cunningham
Curtis
Daniels
Davis, Wis.
Dawson
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dow
Downing
Dulski
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Eshleman
Evans, Colo.
Everett
Fallon
Farbstein
Fino
Flynt
Ford, Gerald R.
Fraser
Frelinghuysen
Gallagher
Gardner
Garmatz
Gilbert
Goodell
Green, Oreg.
Griffiths
Grover
Gubser
Gurney
Hagan
Hall
Halleck
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Harrison
Harsha
Hathaway
Hawkins
Hays
Herlong
Hicks
Holifield
Holland
Horton
Hungate
Ichord
Irwin
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Karsten
Karth
Kelly
Kluczynski
Kornegay
Kupferman
Laird
Landrum
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lukens
McCarthy
McCloskey
McEwen
Macdonald, Mass.
MacGregor
Machen
Matsunaga
May
Meeds
Meskill
Michel
Miller, Calif.
Minshall
Mize
Moore
Moorhead
Morse, Mass.
Mosher
Murphy, N.Y.
Nedzi
Nelsen
O'Hara, Ill.
Olsen
Ottinger
Philbin
Pike
Podell
Pollock
Pryor
Purcell
Quillen
Railsback
Reid, Ill.
Resnick
Rhodes, Ariz.
Rivers
Robison
Rosenthal
Rostenkowski
Roush
Ruppe
St. Onge
Saylor
Schadeberg
Scherle
Scheuer
Schweiker
Selden
Shipley
Sikes
Skubitz
Slack
Steed
Steiger, Ariz.
Stephens
Stubblefield
Taft
Talcott
Teague, Tex.
Tenzer
Tiernan
Tuck
Waldie
Watkins
Watts
Whalley
Wiggins
Williams, Pa.
Wilson, Bob
Wilson, Charles H.
Wright
Wyatt
Wydler
Wylie

The **SPEAKER**. On this rollcall 245 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SPECIAL DRAWING RIGHTS

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1169 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1169

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16911) to provide for United States participation in the facility based on Special Drawing Rights in the International Monetary Fund, and for other purposes, and all points of order against section 3(b) of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto final passage without intervening motion except one motion to recommit.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from California [Mr. SMITH] and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1169 provides an open rule, waiving points of order against section 3(b), with 2 hours of general debate for consideration of H.R. 16911 providing for U.S. participation in the facility based on special drawing rights of the International Monetary Fund, and for other purposes. The points of order were waived because of a transfer of funds in section 3(b) of the bill.

H.R. 16911 authorizes the President to accept the amendment to the articles of agreement of the International Monetary Fund attached to the April 1968 report by the Executive Directors to the Board of Governors of the Fund for the purpose of establishing a facility based on special drawing rights in the Fund and giving effect to certain modifications in the present rules and practices of the Fund. The bill would also authorize the President to participate in the special drawing account established by the amendment. In addition, it makes the domestic arrangements necessary for the United States to fulfill the commitments that flow from participation in the special drawing account. Action by Congress is required by section 5 of the Bretton Woods Agreements Act, which provides that no one shall on behalf of the United States accept any amendment of the articles of agreement of the Fund without the prior approval of Congress.

The main purpose of the legislation is to give congressional approval to the historic agreement to create an international reserve asset to supplement gold and reserve currencies.

Mr. Speaker, the merits of the bill will be fully debated during the course of this discussion. I believe it is a very meritorious measure that this rule would bring to the floor of the House, and I hope the rule will be adopted.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Florida has emphasized the point that the proposed rule waives points of order only on a certain section of the bill. I would ask the gentleman if that is it becoming a matter of fashion or a habit, because we are getting rules from the committee with increasing frequency waiving points of order? Why should not all the House of Representatives exercise their discretion as to whether points of order should be waived rather than 15 members of the Committee on Rules?

Mr. PEPPER. Mr. Speaker, I would say to the able gentleman from Iowa, whom we all esteem so highly, that he recognizes, of course, that the Committee on Rules does not adopt the rule, we only recommend it to the House, and then the House adopts it, rejects it, or amends it.

However, the Committee on Rules felt that it was proper that in this limited case where a transfer of funds is involved in section 3(b) to recommend to the House the adoption of a rule providing for a waiver of points of order with regard to that section only.

Mr. GROSS. But I will say to the gentleman from Florida, if the gentleman will yield further, that the same argument has been used here on two or three other bills in recent days, on which the Committee on Rules waived points of order to specific provisions.

I am glad that the committee points out the provision to which the waiver applies. And the gentleman well knows how difficult it is to upset a rule here on the floor of the House.

The gentleman knows that when the Committee on Rules recommends a waiver of points of order that it is indeed difficult to upset such recommendation.

Why not let the House be the judge of whether it wants to waive points of order?

Mr. PEPPER. Mr. Speaker, I will say to my able and distinguished friend from Iowa, if he will recall, he has been before the Committee on Rules when there was a request made by the chairman or somebody representing the chairman on the legislative committee, asking certain things in the Committee on Rules, and I am sure the gentleman recalls that the Committee on Rules has always been rather exacting in wanting to know why it was necessary to waive points of order, and that we have maintained that position, and that the chairman, or one or more members of the committee have expressed disinclination to waive points of order, but when there seems to be a justification for it then the Committee on Rules is willing to do so. And that is what has been done in this case, and in the other cases where such a recommendation has come to the floor of the House.

Mr. GROSS. If the gentleman will yield further, I believe the gentleman from Florida will agree that the gentleman from Iowa has never appeared before the Committee on Rules asking for a waiver of points of order, and I hope that I never will appear before the committee asking for a waiver of points of order on any bill.

Mr. PEPPER. I am sure the Committee on Rules is reluctant to do it, and does not do so except when it feels that the situation justifies it.

Mr. Speaker, I now yield to the able gentleman from California [Mr. Smith].

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as previously stated, House Resolution 1169 does provide for an open rule with 2 hours of general debate for the consideration of the bill, H.R. 16911, to provide for U.S. participation in the facility based on special drawing rights in the International Monetary Fund, and points of order are waived specifically as to section 3(b).

The purpose of the bill is to authorize the President to agree to amendments to the articles of agreement of the International Monetary Fund. These amendments will: First, establish a special drawing rights fund; and, second, amend the present rules of the International Monetary Fund to provide for the use of the "paper gold" created by the IMF and approved by our Government in this bill.

The Bretton Woods Agreement, which set up the current IMF contains language which permits a modification of the agreement on the part of the United States only with the prior consent of the Congress.

The bill embodies the international agreements which have been worked out by the member nations of the IMF which will increase the international reserves used in settling international balance of payments obligations; it will permit nations to move away from gold and help protect the stability of the dollar.

The story of our dwindling gold supply is well known. In 1949 our gold reserves totaled about $26,500,000,000; today our gold reserves are less than $11,000,000,000, and they continue to drop.

The special drawing rights—SDR's—approved by the bill will be a new international reserve asset. They will thus be added to the current reserve assets, dollars and gold. It is expected that some $2,000,000,000 annually of SDR's will be created by the Board of Governors of the IMF. To actually create SDR's an 85-percent vote of the member nations is required. This does give the Common Market a veto because it controls more than 15 percent of the voting strength in the IMF; the United States has 21.8 percent of the voting strength, and will vote in the affirmative after congressional approval.

The bill was unanimously reported by the committee.

Mr. Speaker, the bill is a little bit complicated, I think, to understand, and I would at this time like to commend the gentleman from Wisconsin [Mr. Reuss] for the very able presentation he made before the Committee on Rules on this situation which helped many of us to have a much better understanding of a rather complicated subject.

Mr. Speaker, I urge the adoption of the rule.

Mr. PEPPER. Mr. Speaker, I yield such time as he may require to the distinguished chairman of the Committee on Rules, the gentleman from Mississippi [Mr. Colmer].

Mr. COLMER. Mr. Speaker, I think it might be well to call attention to the status of the proposed legislation pending in the House with reference to the so-called Poor People's March on Washington.

From the reading of the press, I might digress to say that, apparently they are not very poor because they are coming in everything from chartered buses to airplanes, Cadillacs, and other methods of expensive transportation.

But that is aside from the point. Mr. Speaker, bearing in mind what had occurred here a few weeks ago when the riots—and not civil disturbances—occurred here in Washington, it would be prudent to consider this matter seriously. Then we viewed this with great alarm as we saw the smoke well up from certain sections in this city, threatening the Capitol itself. On that occasion this Capitol was ringed with armed forces, marines and otherwise, for the protection of this, the Capitol of the United States. Bearing all of this in mind and having read in the press what some of these leaders have to say about what they expect to do when they get here to Washington—some of us thought it might be advisable to keep them outside of the District and not permit them to come here and erect their buildings on Federal property.

So some of us initiated legislation, particularly the very able and sound gentleman from North Carolina [Mr. Lennon] and I, that would advise the administration of both the Federal Government and the District of Columbia that it is the sense of this House that the parks and lands within the District of Columbia should be denied these demonstrators for the purpose. There were some 75 resolutions of various types, but mostly of the type that the gentleman from North Carolina and I initially introduced.

Be it said to the credit of the Public Works Committee, to which these resolutions were referred, they acted promptly and most expeditiously. They did not report out the resolution sponsored by the gentleman from North Carolina, myself, and others. They went much further and prohibited the use of Federal property under a bill reported out of that committee.

After 1 day's hearings before the subcommittee, the next day the full committee acted most expeditiously, as I say.

Mr. Speaker—and I certainly have no desire to criticize any Member of this Congress, and least of all my friend the chairman of the full committee the gentleman from Maryland [Mr. Fallon] and my friend the chairman of the subcommittee, the gentleman from Illinois [Mr. Gray]—I rather commend them for their expeditious action. I have no desire to cast any aspersions or reflections upon the committee as a whole. But, Mr. Speaker, the fact remains that although that committee acted in such expeditious manner, there has been no request of the Committee on Rules for a rule to bring that bill to the floor of the House, nor have there been any other overt actions, so far as I know, to get the bill considered. Yet we understand that the advance guard of this group will be here prepared to erect their shanty town, I believe is what they call it, upon some part of the parks in the District of Columbia.

Mr. Speaker, I am most apprehensive of what may happen if this is done. My sole purpose in rising here this morning is to at least relieve my committee, and of course myself as chairman of that committee, from any responsibility for not taking action on this legislation.

I have been told that some type of negotiation was going on with the leaders. of this group.

Let me say, if I may, that it is very difficult to deal with these so-called or self-styled leaders. In the first place, they cannot control the belligerents. They can not control them if they wanted to.

In the second place, Mr. Speaker, I would like to call attention to those who are responsible for permitting these people to camp down here and to threaten this seat of government that they are not dealing with Martin Luther King.

We are dealing with a new leadership that does not have the following that Martin Luther King had. There is not the responsibility. This Dr. Abernathy has made some pretty strong statements about what they are going to do when they get here—not to mention Stokely Carmichael and Rap Brown who have taken up residence here and who will, we know, make every effort to turn this into some type of holocaust where blood may run more abundantly this time.

I think those responsible for this situation should do something about it. I just wanted to call the attention of the House to the true facts of the situation and place the responsibility where it belongs.

As chairman of the Rules Committee, I now advise all concerned that I am ready and anxious to call the Rules Committee in session on a moment's notice to take action on the bill.

Mr. **SISK**. Mr. Speaker, will the gentleman yield?

Mr. **COLMER**. Mr. Speaker, I yield to my very good friend, the able gentleman from California and a valuable member of the Rules Committee [Mr. SISK].

Mr. **SISK**. Mr. Speaker, I commend the distinguished gentleman, the chairman of our committee, for his concern in this matter. Many of us, of course, have been concerned about the timeliness of taking action.

I agree with the gentleman that we have been running out of time.

As one who is a member of the District Committee, in addition to being a member of the Committee on Rules, of which the distinguished gentleman is chairman, we are getting calls constantly from downtown from people who are concerned about the welfare of people in the District.

It does seem to me—and I am not here criticizing the Public Works Committee, and, in fact, I commend them for the expeditious action they have taken so far—I think the people of this city are deserving of some very quick decisions in this matter, so we will know exactly where we are going, and what we are going to be faced with, and where these people are going to be located.

I commend the gentleman for bringing this to the attention of the House.

Mr. **COLMER**. Mr. Speaker, I commend the gentleman for his very splendid contribution to what I have been trying to say.

Mr. Speaker, expeditious and firm action should be taken now. Let it not be said later that the Congress dillydallied while Washington burned.

Mr. **PEPPER**. Mr. Speaker, I have no further requests for time. I move the previous question on the resolution.

The previous question was ordered.

The **SPEAKER**. The question is on the resolution.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. **LONG** of Louisiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 231, nays 9, not voting 193, as follows:

[Roll No. 132]

YEAS—231

Adair
Adams
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Ashmore
Ayres
Barrett
Bates
Battin
Bennett
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bow
Brademas
Bray
Brinkley
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Byrne, Pa.
Byrnes, Wis.
Cabell
Casey
Cederberg
Chamberlain
Clark
Clawson, Del
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Cramer
Daddario
de la Garza
Delaney
Dorn
Dowdy
Duncan
Dwyer
Eckhardt
Edwards, Ala.
Erlenborn
Evins, Tenn.
Fascell
Feighan
Findley
Flood
Foley
Ford, William D.
Fountain
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gathings
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Gude
Haley
Halpern
Hamilton
Hanley
Harvey
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hosmer
Howard
Hull
Hunt
Hutchinson
Jacobs
Joelson
Jones, Mo.
Kastenmeier
Kazen
Kee
Keith
King, Calif.
King, N.Y.
Kirwan
Kleppe
Kuykendall
Kyl
Kyros
Langen
Leggett
Lipscomb
Long, La.
McClure
McCulloch
McDade
McDonald, Mich.
McFall
McMillan
Madden
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Mathias, Md.
Mayne
Miller, Ohio
Mills
Minish
Mink
Monagan
Morgan
Morris, N. Mex.
Morton
Moss
Murphy, Ill.
Myers
Natcher
Nichols
Nix
O'Hara, Mich.
O'Konski
O'Neal, Ga.
Patman
Patten
Pelly
Pepper
Perkins
Pickle
Pike
Pirnie
Poage
Poff
Price, Ill.
Price, Tex.
Pucinski
Quie
Randall
Rees
Reifel
Reinecke
Reuss
Rhodes, Pa.
Riegle
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roth
Roybal
Rumsfeld
Ryan
St Germain
Sandman
Satterfield
Schneebeli
Scott
Shriver
Sisk
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steiger, Wis.
Stratton
Stuckey
Sullivan
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tunney
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Walker
Wampler
Watson
Whalen
White
Whitener
Whitten
Widnall
Willis
Winn
Wolff
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—9

Baring
Berry
Gross
McClory
Montgomery
Passman
Pool
Rarick
Roudebush

NOT VOTING—193

Abbitt
Abernethy
Addabbo
Albert
Andrews, Ala.
Ashbrook
Aspinall
Belcher
Bell
Betts
Bevill
Bingham
Bolling
Bolton
Brasco
Brotzman
Burton, Calif.
Burton, Utah
Bush
Button
Cahill
Carey
Carter
Celler
Clancy
Clausen, Don H.
Conyers
Corbett
Corman
Cowger
Culver
Cunningham
Curtis
Daniels
Davis, Ga.
Davis, Wis.
Dawson
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dow
Downing
Dulski
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Eshleman
Evans, Colo.
Everett
Fallon
Farbstein
Fino
Fisher
Flynt
Ford, Gerald R.
Fraser
Frelinghuysen
Gallagher
Gardner
Garmatz
Gilbert
Goodell
Green, Oreg.
Griffiths
Grover
Gubser
Gurney
Hagan
Hall
Halleck
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Harrison
Harsha
Hathaway
Hawkins
Hays
Herlong
Hicks
Holifield
Holland
Horton
Hungate
Ichord
Irwin
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karsten
Karth
Kelly
Kluczynski
Kornegay
Kupferman
Laird
Landrum
Latta
Lennon
Lloyd
Long, Md.
Lukens
McCarthy
McCloskey
McEwen
Macdonald, Mass.
MacGregor
Machen
Matsunaga
May
Meeds
Meskill
Michel
Miller, Calif.
Minshall
Mize
Moore
Moorhead
Morse, Mass.
Mosher
Murphy, N.Y.
Nedzi
Nelsen
O'Hara, Ill.
Olsen
O'Neill, Mass.
Ottinger
Pettis
Philbin
Podell
Pollock
Pryor
Purcell
Quillen
Railsback
Reid, Ill.
Reid, N.Y.
Resnick
Rhodes, Ariz.
Rivers
Robison
Rosenthal
Rostenkowski
Roush
Ruppe
St. Onge
Saylor
Schadeberg
Scherle
Scheuer
Schweiker
Schwengel
Selden
Shipley
Sikes
Skubitz
Slack
Steed
Steiger, Ariz.
Stephens
Stubblefield
Taft
Talcott
Teague, Tex.
Tenzer
Tiernan
Tuck
Waldie
Watkins
Watts
Whalley
Wiggins
Williams, Pa.
Wilson, Bob
Wilson, Charles H.
Wright
Wyatt
Wyder
Wylie

So the resolution was agreed to.

Mr. **HALEY** changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. **PATMAN**. Mr. Speaker, I move

that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16911) to provide for U.S. participation in the facility based on special drawing rights in the International Monetary Fund, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16911, with Mr. DELANEY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. PATMAN] will be recognized for 1 hour, and the gentleman from New Jersey [Mr. WIDNALL] will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I have had the privilege of introducing to the House many important legislative proposals from the Banking and Currency Committee. Perhaps none has had greater long-range significance than the proposal now before us.

I consider H.R. 16911 to be legislation of the greatest significance to the United States. I wholeheartedly urge its approval as did your Committee on Banking and Currency when it unanimously reported this bill. This amendment to the International Monetary Fund will establish in the Fund a facility for the creation of a new international reserve asset called special drawing rights and also make certain changes in the existing rules and practices of the Fund.

This legislation would permit the President to accept an amendment to the articles of agreement of the International Monetary Fund. That amendment would set up in the IMF the machinery for the creation of a new form of international reserve asset to be known as special drawing rights.

Special drawing rights would be created by the conscious deliberate, collective decision of the participants in the arrangement and the arrangement is open to all members of the International Monetary Fund. They will be accepted and held by the members of the Fund, who will pay out a convertible currency for them, transactions being made on official account by the participating Fund members.

Special drawing rights are to be created under procedures which will assure very wide support among the Fund membership for their creation, with final responsibility for decisions resting in the Board of Governors of the International Monetary Fund. Decisions will normally cover creation of special drawing rights on an annual basis over a 5-year period. All IMF members are eligible to participate, and special drawing rights are to be allocated to participants in proportion to their IMF quotas.

For every $1 billion worth of special drawing rights created the United States allocation would be worth $245 million. These special drawing rights would be placed in the U.S. Treasury and would be available to us for making international payments or for building up our reserves. If we need to use them they can be used in much the same way as our other international reserves.

We will also be able to build up our total reserves by holding special drawing rights allocated to the United States and by receiving special drawing rights from other countries.

The world needs a new form of international reserve asset. Over the past 2 years there has been no addition to world monetary gold holdings. Industrial uses, hoarding, and speculative demand took all the world's production. It is estimated that world monetary gold reserves fell by about $3 billion in the 4 months preceding the decision on the part of the authorities of the gold pool countries, on March 17, to stop selling gold to the free market, and to separate the free market in gold from the monetary market.

The major supplement to gold in international reserves in recent years has been the U.S. dollar. Foreign countries now hold $18 billion of dollar claims in their reserves and dollars represent about 25 percent of the world's reserves. Thus the growth of world reserves has been closely linked to deficits in our balance of payments. But our ability to supplement gold in this way has encountered increasing difficulties and problems. It has meant that the U.S. international position has been stretched too thinly. Our gold reserves has been steadily reduced from a peak of over $24 billion to $10.7 billion at the end of March 1968. At the same time, our liquid liabilities to foreigners, both official and private, have risen sharply to a total of about $33 billion. From the point of view of the United States, we intend to get our international accounts into equilibrium and to curtail sharply the net outflow of dollars to the rest of the world. From the point of view of other countries, they do not wish to add to their dollar holdings at anything like the rate of past years.

Both of the major sources of reserve growth are therefore drying up. A new source of world reserves is needed to support what has been a 7.6-percent-per-year rate of growth in world trade in the past 17 years.

There is no doubt in my mind that too slow a growth in world reserves—or no growth at all—would cause a generally restrictive bias in the economic policies of many countries, fostering high interest rates, restrictive trading policies, and cutthroat competitive practices which would threaten the sound expansion of international trade and investment. Expansion in these two fields in the last 20 years has contributed to rising standards of living throughout the world.

The special drawing rights plan is not a plan to solve the U.S. balance-of-payments problems. Nor will it solve all international monetary problems. But it points to the way in which the international monetary system can further develop, within which the dollar—strengthened, as it must be, through our efforts to achieve equilibrium in our external payments—can continue to perform a leading role as a reserve and transactions currency. At the same time it will free the dollar from much of the burdens which have been imposed upon it in recent years in providing the new additions to reserves that the growing world economy requires.

The proposal now before us represents the culmination of many years of careful study and negotiation. The call for international negotiation was made by Secretary Fowler in the summer of 1965 at the direction of President Johnson. That call followed 2 years of technical examination of the problem by the major industrial nations, the so-called Group of Ten and in the IMF. Frequent meetings of ministers of finance and governors of central banks—and even more numerous meetings of their deputies—hammered out an outline plan accepted by the Board of Governors of the International Monetary Fund at its annual meeting in Rio de Janeiro last September.

Since that time the outline plan has been refined and put into legal shape, in the proposed amendment, by the Executive Directors of the Fund.

Throughout the period of negotiation and even during the earlier study period the Congress has been kept fully informed of the course of negotiations and has contributed to the thinking and planning of the administration. The Joint Economic Committee, the House Banking and Currency Committee, and many individual Senators and Representatives have provided advice and counsel throughout the negotiations. The Subcommittee on International Exchange and Payments of the Joint Economic Committee took an early and very specific interest in the improvement of the international monetary system. Bipartisan support has been given throughout. Grateful and gracious acknowledgement of this support was expressed by the Secretary of the Treasury in his testimony on May 1.

Throughout this period also, the Secretary of the Treasury has sought and received continuing advice from the Advisory Committee on International Monetary Arrangements—a panel chaired by former Secretary of the Treasury Douglas Dillon and consisting of some of the country's leading bankers, economists, and businessmen with outstanding experience in the field of international finance.

International finance is a field of great complexity. The report of your Banking and Currency Committee, the special report of the National Advisory Council on International Monetary and Financial Policies, and the report by the Executive Directors to the Board of Governors of the International Monetary Fund provide voluminous background material and give evidence of the care with which the plan to create special drawing rights has been developed.

A stable international monetary system which can promote the flow of people, goods, and capital across international boundaries is in the vital interest of the United States. The need for a new international reserve asset, to meet the requirements of a growing world economy in which the supply of gold and dollars would not be adequate, was seen a number of years ago by the Congress and by the administration. With clear support from both sides of the aisle, the negotiations have come to fruition in the special drawing rights plan. The plan provides for the creation of a new reserve asset of very high quality, an asset that will be a significant addition to U.S. gold reserves.

As the President said in his April 30 message on this bill: He urged the Congress "to cast a vote for a stronger world economy by approving the historic special drawing rights legislation I submit today."

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Pennsylvania [Mr. BARRETT].

Mr. BARRETT. Mr. Chairman, I will say that I think this bill could be very easily simplified by saying it will protect our gold supply. It will also protect the soundness of our dollar. It will give the United States accessibility to immediate foreign currency with which to meet its international obligations.

Mr. Chairman, there comes a time when the need for a major change in the free world's monetary system becomes an inevitable fact. That time has long past arrived, and now we must take action.

The special drawing rights plan before us today is a revolutionary one, designed to meet the monetary needs of an ever-growing world economy by creating a new international monetary asset. No man here can say such a plan is not necessary.

The special drawing rights will help nations settle trade and other balances. The reason for their need is that the supply of real gold, the base for the present monetary system, has not grown fast enough to take care of the financial needs of expanding trade.

Gold, as I am sure many of us know, has not come into the monetary stream as fast and in the same quantities as in years gone by for two major reasons: Hoarders have stepped up their purchases of the precious metal; second, industrial use of gold has risen sharply. What all this means was put succinctly by President Johnson in his recent message to the Congress on "Strengthening the International Monetary System." He declared:

> The rapid growth in world trade and in the flow of capital is outpacing the growth in monetary reserves. The world must take action to provide sufficient reserves for this growth. If it does not, strains and uncertainties in the international monetary system—and the limitations they create—could turn the clock backward to the dark days of restrictive economic policies, narrow interests, empty ports and idle men.

It is to avoid this terrible situation that we have here today the administration's proposed legislation to create special drawing rights. Now that we are considering this forward step—and I am certainly hopeful that we will take it by approving this legislation promptly—it is timely to review the hard work that has led up to where we are now.

It was in October 1963 that the Ministers and Central Bank Governors of the Group of Ten major industrial countries asked their deputies to "undertake a thorough examination of the outlook for the functioning of the international monetary system and of its future needs for liquidity," or additional monetary reserves. Following this directive, the Deputies of the Group of Ten held a number of meetings in 1963–64, which resulted in the publication of a ministerial statement and report by the deputies in August 1964. In this statement the Ministers and Governors set in motion a study group to "examine various proposals regarding the creation of reserve assets either through the International Monetary Fund or otherwise."

During 1964–65, this study group prepared a comprehensive technical report on the creation of reserve assets, which was made public in August 1965. This report provided an inventory of the techniques by which reserves could be created and an analysis of the arguments for and against the use of each of these techniques.

While this work was in progress, President Johnson said in his balance-of-payments message of February 10, 1965:

> We must press forward with our studies and beyond, to action—evolving arrangements which will continue to meet the needs of a fast-growing world economy. Unless we make timely progress, international monetary difficulties will exercise a stubborn and increasingly frustrating drag on our policy for prosperity and progress at home and throughout the world.

During most of the work in 1963–65, there was an underlying assumption that the matter was primarily a problem of creating reserves under the aegis of a limited group of major countries.

It was in July 1965 that the United States announced that it was ready to participate in negotiations of a political nature on reserve creation, thereby launching the initiative that culminated in the present agreement. Shortly after this, in August 1965, a Joint Economic Subcommittee under the chairmanship of Congressman REUSS issued its report on the "Guidelines for Improving the International Monetary System," which concluded that the need for action was pressing.

During the year 1965–66 the Deputies of the Group of Ten countries made a searching examination of the various proposals for reserve creation to ascertain whether or not there was a basis for agreement on major points. During this year, the Executive Directors and Staff of the International Monetary Fund also carried on constructive studies of the problem.

In July 1966, the Ministers and Governors of the Group of Ten reviewed a second report from their Deputies, that set forth a number of essential elements of agreement for a contingency plan of reserve creation, and narrowed down the many possible approaches to this problem to five alternative schemes providing for ways and means for reserve creation.

During 1967 there was a growing realization that the subject of creating a supplementary reserve asset was of vital interest to all of the members of the IMF. The Ministers therefore instructed their deputies to undertake a further stage of negotiations, in which the views of the whole world would be represented, through a series of joint meetings between the Deputies of the Ten and the Executive Director of the Fund, representing the then 106 nations who are members of the International Monetary Fund.

Four such joint meetings of the Deputies and the Executive Directors were held in 1966–67. There emerged from the fourth and final joint meeting a draft outline plan which has now been refined and agreed upon.

Mr. Chairman, this review of the 4 years of hard negotiations among the 10 key financial powers reflects the significant breakthrough that the legislation before us embodies. It is that world financial leaders are in agreement that gold and dollars alone cannot be counted on to meet the world's growing need for liquidity in the future and that special drawing rights must be created to provide the wherewithal for conducting international commerce.

This, then, is what is behind the legislation we are considering. The legislation deserves our full and immediate support. I urge all my colleagues to respond with a strong yes vote for H.R. 16911.

Mr. Chairman, I think this sums up the bill rather thoroughly. Does the distinguished chairman of the Committee on Banking and Currency agree with that statement?

Mr. PATMAN. Yes; I certainly do. It is a good expression.

Mr. BARRETT. Mr. Chairman, I ask unanimous consent that the gentlewoman from Missouri [Mrs. SULLIVAN] may extend her remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mrs. SULLIVAN. Mr. Chairman, since the end of World War II, the United States has served as banker to the world by virtue of the unquestioned primacy of the dollar in international monetary affairs. The dollar is still the strongest currency. But recent events show that it no longer is unassailable.

An avalanche of private purchases of gold in world markets forced an end on March 15 to sales by monetary authorities undertaken since 1961 in order to keep the price from rising above the official price of $35 per ounce. The cost of official monetary gold stocks had proven prohibitive. The world thus finds itself with a two-tier price for gold: a fixed official price for monetary transactions among governments and a floating price for private transactions in the international market.

Later, in Stockholm, Sweden, a conference of finance ministers, in a remarkable spirit of cooperation, reached an accord to create a new international monetary facility, to supplement, if and when needed, existing international reserves.

It was, we must remember, in Rio de Janeiro last August, at their annual meeting, that the 107 member nations of the International Monetary Fund unanimously approved the outline of a plan for the creation of a new international monetary reserve facility in the form of special drawing rights in the Fund. The plan is the result of 4 years of discussion and intensive negotiation among the 10 leading industrial member countries of IMF and an even longer history of debate among monetary scholars in general on the question of how best to assure that the supply of official monetary reserves will continue to expand rapidly enough in the years ahead to accommodate normal growth in international trade and payments.

This issue has existed, of course, because of the heavy drain of newly mined gold into industrial uses and private hoards and because of general recognition that dollars—the second major component of "world money"—are likely to be a much less important source of international liquidity growth in the future than they have been in the past.

Special drawing rights are to be essentially book entries in the special drawing account of IMF. They will be dominated in units of account equivalent to the gold value of the dollar. Transfers of special drawing rights ordinarily will be made by debiting the special drawing account of the holder of the special drawing rights and crediting that of the taker, with the latter country paying convertible currency for the special drawing rights to the former holder. It is anticipated that convertible currencies will normally be acquired in this way only from countries with strong balance-of-payments positions and comfortable reserve totals. A country acquiring currency by trading off some of its special drawing rights will then be at liberty to use it in foreign-exchange markets or to employ it for settlement transactions. It will be considered improper, however, for a nation not experiencing balance-of-payments pressures or reserve problems to transfer special drawing rights to others merely for the purpose of changing the composition of its reserves.

Special drawing rights are intended as a supplement to existing forms of liquidity, not as a replacement for either gold or dollars. They are strictly for use among IMF members and will never come into the hands of private parties. Overwhelmingly, international payments will continue to be effected in dollars and other currencies, with special drawing rights employed only for settlement purposes among official bodies in conjunction with transfers of gold and convertible currencies. Their use will leave intact and unaffected, of course, the existing network of short-term central bank "swap" arrangements, although presumably the need for further increases in swap amounts will eventually diminish if any considerable volume of special drawing rights is created.

The chief import of the new agreement is that it marks the first time that governments have acted in concert to create a mechanism for generating what could well be permanent additions to world monetary reserve assets. Heretofore, the emphasis has been exclusively on providing short-term credit assistance, completely repayable after a specified term.

To be sure, the Rio agreement leaves open the question of how long any specific grant of special drawing rights will remain in existence, and technically an initial generation of special drawing rights could be canceled at the termination of a trial period, with individual IMF members required to unwind their positions. But that clearly is not the hope nor the intent. Rather, if special drawing rights gain acceptance—that is, if governments show a willingness to hold them as part of reserves—there presumably will be a subsequent generation of special drawing rights beyond an initial amount, with Fund members acting collectively—subject to the 85-percent majority provision—in a capacity as money supply creators somewhat akin to the role played domestically in this country by the Federal Reserve System.

This unquestionably is the sort of potential that the Managing Director of IMF had in mind when he characterized the Rio agreement as "the most significant development in international financial cooperation since Bretton Woods."

With this new facility, the world will no longer be dependent upon gold or upon the deficits or reserve centers for the provision of the growth in world reserves which will be needed.

The overriding necessity in international monetary affairs is to restore cooperation among the principal free world powers. President Johnson has stated that with gold unable to meet all the reserve needs, and the prospect of reduced dollar supplies for international reserves as the United States moves toward equilibrium in its payments accounts, one fact clearly emerges: the world needs some new form of acceptable international reserve to supplement existing reserve, and these special drawing rights will fill that need.

I urge my colleagues to vote for a stronger world economy by approving the legislation before us.

Mr. McCLORY. Mr. Chairman, will the gentleman from Texas yield to me at this point?

Mr. PATMAN. Yes; I am glad to yield to the gentleman from Illinois.

Mr. McCLORY. This bill is being brought up today and I assume that the gentleman from Texas regards this as an urgent measure. I just want to ask this question: Is there any other nation among any of those who met at Rio or Stockholm that have taken any legislative action upon this proposal?

Mr. PATMAN. All of them have it under active consideration. In other words, it is now under active consideration by all 107 members of the International Monetary Fund. We are taking the initial step first because we believe it will have more influence in getting this needed action underway. Other members of the Fund feel the same way. We hope it will be approved by all nations within a few months time. It is considered to be very urgent and very important legislation.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. PATMAN. Mr. Chairman, I yield myself 1 additional minute.

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Chairman, I thank my distinguished chairman of the Committee on Banking and Currency for yielding to me at this time.

Mr. Chairman, I call to the attention of my colleagues an editorial in the Washington Post for Thursday, May 2, 1968. The editorial endorses the monetary plan for creation of special drawing rights which President Johnson submitted to us on April 1, and calls upon Congress to approve it.

The editorial declared:

> Congress should approve the SDR agreement not only because this country took a leading role in negotiating it, but because a failure to affirm it would shake the knife edge of confidence on which the international monetary structure is poised.

This is a most important point, one that I believe we must keep uppermost in mind. The special drawing rights plan is not a panacea for all our financial problems, as the Washington Post points out. But in my view, it is one of the most important and significant steps that we can take to insure a sound and stable international monetary system.

Mr. Chairman, I am hopeful that this special drawing rights plan which has been the object of much hard work and effort by financial officials of this administration, will receive the speedy approval of this body.

In order that all Members may read the Washington Post editorial, which is entitled, "The Hope of the Special Drawing Rights," I insert the article in the RECORD:

THE HOPE OF THE SPECIAL DRAWING RIGHTS

> President Johnson has asked Congress to approve the changes in the International Monetary Fund Agreement that provide for the creation of "Special Drawing Rights," the substitute for gold that would permit the monetary reserves of the non-Communist world to grow in an orderly fashion. Congress should approve the SDR agreement not only because this country took a leading role in negotiating it, but because a failure to affirm it would shake the knife edge of confidence on which the international monetary structure is poised.
>
> But it would be a mistake to harbor any illusions about what the SDR scheme will accomplish or the political context from which it emerged. It is not a panacea for the difficulties created by the U.S. balance-of-payments deficits and the outflow of dollars, and it will not enhance the stability of the international monetary system unless Western Europe takes a more enlightened view of its responsibility in achieving better adjustments between countries with payments deficits and those with surpluses.
>
> Under a system of rigidly fixed exchange rates between national currencies, monetary reserves are needed to finance balance-of-payments deficits that are incurred when a country, for a variety of reasons, spends more abroad than it receives. For a time gold was almost the exclusive monetary reserve asset, and it still looms large in the central

bank coffers despite additions of sterling and dollars over the past 50 years. Now the non-Communist countries are embarking on a plan under which Special Drawing Rights on the International Monetary Fund would provide for growth of monetary reserves. Dollars, sterling and gold will still remain as assets on the credit side of the monetary balance sheet, but their amounts are not expected to increase appreciably if the SDR scheme evolves in the anticipated fashion.

The SDR scheme can be usefully compared to a bank which creates money that is required by countries with payments deficits. And so long as the world is roughly divided between countries with persistent deficits and those with persistent surpluses, there are going to be disagreements about the rate at which the SDRs are created. Surplus countries—which would hold the bulk of the SDRs—their own and those received from the deficit countries—will want to enforce "discipline" by limiting the creation of SDRs. The deficit countries, like all debtors, will urge the opposite policy.

As matters now stand, the surplus countries of Western Europe have been given what may fairly be described as a padlock on the printing press. Since all important decisions would be approved by an 85 per cent majority of the country votes, they have veto power over when the SDR scheme is to be activated and how many rights are to be created in each year. Other proposed amendments to the IMF articles would subject country quota increases to the 85 per cent rule and forbid any changes in the rules governing access to the existing IMF credits.

In the years immediately following World War II, the United States was in a position of unchallengeable economic power with respect to a prostrate world. It used its power responsibly, if not always wisely, by launching a massive economic assistance program, and in so doing made reconstruction possible. Under the SDR scheme, power will reside in the surplus countries of Europe and the question is whether they will use it wisely. If they take the long view, they will be liberal with respect to the creation of SDRs and take specific steps to eliminate their surpluses. For without efforts to eliminate surpluses, it is pointless to exhort other countries to eliminate their deficits. But if they maintain their policies, the object of which appears to be the preservation and enlargement of their surpluses, both the SDR scheme and the system of fixed exchange rate will collapse.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. WIDNALL].

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the headlines in yesterday's financial sections of our newspapers pretty much sum up the reasons why H.R. 16911 is before the House today. As reported by the Associated Press:

> Reserves of gold and foreign exchange held by 14 leading industrial countries dropped by $2 billion in the first quarter of this year.

The loss almost wiped out a $2 billion increase that took place in the second half of 1967. According to the International Monetary Fund's monthly bulletin, the principal elements in the decline were reductions of $1.3 billion in gold held by the United States. This decrease was attributed to heavy speculative activity against the dollar in Europe and a decline of $880 million in gold held by European central banks.

Virtually everybody agrees that, for the international monetary system to work, countries need international reserves acceptable both to themselves and the rest of the world, just as we as individuals need accounts in our banks. These reserves must expand as the world's population, reserves, and international transactions rise. In the past, international reserves have largely been made up of gold and foreign exchange, mostly dollars. For several years, however, new supplies of monetary gold have been insufficient to provide enough new reserves.

Moreover, if the United States achieves its goal of attaining balance of payments equilibrium, the chief source of increasing world reserves through dollars held abroad will grealty diminish. The member nations of the International Monetary Fund have agreed to a deliberate creation of new international reserve assets called special drawing rights or SDR's. Their action in approving this approach amounts to a pledge that future world reserve growth will be freed from dependence upon uncertain supplies of monetary gold or upon increases in foreign dollar holdings caused by U.S. balance-of-payments deficits. More important, it recognizes that world monetary authorities, as a group, reject the formerly held theory that sharp deflationary policies are the only means of correcting balance-of-payments deficits. The deliberate creation of new reserve assets also recognizes that total abandonment of worldwide responsibilities by the United States in order to achieve balance-of-payments surpluses is equally unacceptable to the rest of the world.

Without this new facility for the creation of special drawing rights, there would be a danger that global reserves of about $73 billion could level off or even decline. This would lead to an international liquidity squeeze. Countries would compete with each other to hold reserves or to pull them away from other countries, leading to competitive escalation of interest rates, restrictive practices in international transactions, and a threat to the unprecedented growth of world trade and prosperity of the past 20 years.

All this is not to say that the special drawing rights facility is in any sense a panacea for all our international monetary and financial problems. Nor, for that matter, will it relieve us from the obligation of straightening out our own domestic economy, which has caused pressures threatening our traditional balance-of-trade surpluses. What the special drawing rights does is to provide a permanent supplemental reserve asset which can be created in amounts that will be consciously determined by a collective judgment of the participants in the international monetary field. With this facility, the world no longer will be totally dependent upon gold or upon the deficits of reserve centers for the provision of the growth in world reserves.

Again, I wish to emphasize that creation of special drawing rights will not relieve the United States or any other country of the burdens normally associated with chronic payments deficits. In this regard, a few figures might be appropriate. The United States has the biggest quota in the International Monetary Fund. A $2 billion creation of special drawing rights would mean allocation to the United States of about $500 million in special drawing rights—equivalent to merely one-sixth of the once-hoped-for reduction of $3 billion in our 1967 balance-of-payments deficit. For the Common Market, the equivalent allocation would be about $360 million in special drawing rights—far less than the $1.5 billion surplus registered by the Common Market countries in calendar 1967.

Many Members of the House who have not had the opportunity to follow closely the many years of negotiations and studies leading up to the recent Stockholm agreement will wonder how the International Monetary Fund can, on its own, create additional international reserve assets.

Really, the answer to this is quite simple. What makes any form of money acceptable as a medium of exchange and a store of value is the willingness of the participants in an economic system to accept it as money. In the international monetary system, both gold and the dollar have had this characteristic.

The agreement to establish special drawing rights is, in effect, an agreement among the nations of the free world to issue a special type of new money and to accept it from each other as money. Thus, special drawing rights will have the strong backing and the solemn obligations of the 107 members of the International Monetary Fund to accept them and pay a convertible currency in return.

Also, special drawing rights will be denominated in units of account equivalent to the gold value of $1. I would maintain that there is no reason why a special drawing right is not as good a reserve asset as gold. Traditionalists would argue otherwise, maintaining the sanctity of gold. Gold retains a special place in international transaction only by the willingness of nations to peg its value in terms of usable world currencies. Without that peg, gold could quickly become a far less valuable international asset than special drawing rights because it is widely recognized that the industrial demand for gold would result in a price far less than $35 per ounce. The proposal before us this afternoon was reported by the Committee on Banking and Currency unanimously. It is supported vigorously by virtually all elements of our Nation's financial community.

There has been some criticism of the negotiations leading to acceptance of special drawing rights by the members of the International Monetary Fund in that it is alleged that the United States gave up too much in return for approval of the special drawing rights scheme. The item most often mentioned is the proposed changes in voting majorities whereby an 85-percent weighted majority of the IMF will apply to decisions on general quota increases, the terms and conditions associated with such increases, uniform proposed changes in par values and waiver of maintenance of value of the Fund's assets in the case of a uniform change in par value.

It has been claimed that this was largely a concession by the United States in that it created a potential veto power for the Common Market countries. My answer to that criticism is rather fundamental: any time the Common Market nations acting as a unit decide not to cooperate in matters of international monetary affairs, the usefulness of the system will be destroyed. I think we have to assume that the Common Market nations will not act in such a manner, and their actions during the recent gold crisis should provide clear evidence that they will continue to act with the best interests of international monetary cooperation in mind. It might also be useful to emphasize that special drawing rights will not be used as paper money and they will not be issued to private individuals or companies. Instead, they will be deposit entries on the books of the International Monetary Fund, much like the deposit entries in an individual bank account, for use in transactions among governments and central banks.

The agreement by Fund members to accept special drawing rights is not unlimited—participants must accept an amount of special drawing rights equal to three times their special drawing rights allocations, but they are free to accept more. Participants will be able to use special drawing rights to purchase foreign exchange in order to obtain resources for maintaining the value of their currency. Countries use gold in the same way—by selling it to obtain convertible currencies to maintain the value of their exchange rate. In practice, the country using special drawing rights will request the Fund to debit its special drawing rights account and credit the special drawing rights account of the nation from which it is receiving foreign currency, much like an individual writes a check on his bank to pay another person.

Because special drawing rights are new and do not have a tradition of use as a monetary asset as do gold and dollars, a few basic principles to guide their transfer have been provided. The participants using special drawing rights will be those that have balance-of-payments problems or need to cover losses in existing reserves. The participants who will be requested to accept special drawing rights will normally be those with sufficiently strong balance-of-payments and reserve positions. Finally, at any one time, a country may use all of its special drawing rights, but over a 5-year period a participant's use of special drawing rights may not exceed 70 percent of its average allocations during this period.

Mr. Chairman, it is gratifying to note that for many years various committees and individuals here in the Congress have urged the creation of additional international reserve assets. Members of both parties have been at the forefront of the studies and negotiations leading up to the legislation before us today. As far back as April 1965, the Committee on Banking and Currency in a report urged the administration, in consultation with our free world partners to develop an effective program for generating international reserves and credit. Earlier this year, in the minority views of the 1968 Joint Economic Committee report the need for creation of new international reserve assets was emphasized. On page 78 of that report, the minority members of the Joint Economic Committee said:

> The new special drawing rights under the International Monetary Fund should be adopted as soon as possible after ratification of the agreement.

Mr. Chairman, of equal importance to the legislation before us was the March 17 agreement of the former gold pool nations—creating the two-tier price system on gold. Without question, this agreement could not have been arrived at without the likelihood of later acceptance by members of the International Monetary Fund of the new special drawing rights facility.

The March 17 communique partially demonetizing gold stated that because of the prospective establishment of the facility for special drawing rights, it no longer would be necessary for central banks to buy gold from the market.

The reason many of us attach such importance to the March 17 agreement is that, if adhered to and made effective, the future force of the gold speculator and hoarder on the conduct of international monetary affairs will be greatly reduced, if not eliminated. For the first time, the guaranteed floor of $35 per ounce will have been removed and the gold speculator at last will be forced to speculate, in that he no longer will be assured of a pegged price at which he can sell.

I think those of us on the minority side of the aisle should take some measure of pride in the March 17 agreement, in that the minority members of the Joint Economic Committee this year specifically recommended a review of the role of the London gold pool and limiting existing gold reserves to international settlement purposes. This is precisely the action that was taken on March 17.

Certainly, the most important feature of the March 17 communique is that it states that central banks find it unnecessary to purchase gold from the market. By so stating, the former gold pool nations have determined that, with creation of special drawing rights, the existing stocks of monetary gold are sufficient. With all newly mined gold sales being forced to go into the private gold markets, it is just a matter of time before the nonmonetary price of gold will fall, exposing speculators and hoarders to huge losses.

In my opinion, the only reason why the free market gold price has not fallen more than it has since March 17 is the persistent reports that central banks purchases of newly mined gold will be resumed. House Report No. 1349 accompanying this legislation made clear the intention of every member of the Committee on Banking and Currency that confusion regarding this point should be removed. I am pleased to state that I have been informed today by top officials of the Treasury Department that as a result of recent consultations with those who participated in the March 17 meeting, there is absolutely no reason to expect the resumption of newly mined gold purchases by the central banks of former gold pool members.

With this reassurance, H.R. 16911 has my unqualified support. Because of the consistent position of Republicans in Congress on the need for creation of additional international reserve assets, I hope the Republican support for this proposal will be overwhelming.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, I would like to ask a question. As I understand it, we are here adopting a new reserve currency, an international currency hopefully for use in the future international transactions. I would like to know what relation these new special drawing rights will bear to the $31 billion outstanding in Europe at the present time. Does the gentleman believe that this pool of dollars outstanding will shrink as the result of the use of this new reserve currency, or will we henceforth freeze that size pool of dollars outstanding in Europe?

Mr. WIDNALL. It is my very sincere belief that as the result of the creation of the special drawing rights—and it is not a new currency but a book entry—we will then relieve a great deal of the pressure being exerted on the United States through the redemption of dollars in gold.

Mr. CONABLE. Is it conceivable that some people will continue to trade in dollars?

Mr. WIDNALL. It certainly is conceivable that some will continue to trade in pounds and some will continue to use gold, yes, I am sure.

Mr. BROCK. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Tennessee.

Mr. BROCK. Mr. Chairman, I think, to clarify the point of the $31 billion, we should point out these dollars exist primarily in Europe as the result of previous trade and international deficits of this Nation. This is how we have created the international reserves, by acting in a deficit capacity in this Nation.

The special drawing rights will relieve the pressure for calling gold, using these dollars to call gold out of our country, but the special drawing rights will in no way reduce the number of dollars outstanding in the international community, because that can only be reduced by this Nation in obtaining a surplus position in world trade, which we do not have today. Until this Nation accepts responsibility for acting in a sound manner fiscally, we can see no reduction whatsoever in our financial liabilities.

Mr. CONABLE. Mr. Chairman, this mess in no way is going to take pressure off immediately. It is hoped only that eventually we will be dealing almost entirely in the special drawing rights. For the time being we do have to worry about the possibility of a further money panic in Europe, do we not?

Mr. WIDNALL. This will be a combination of things. Special drawing rights are not supposed to supplant the means of international exchange at the present time, but with the supplementary action, by creating these special drawing rights, we do believe that the pressures will be materially reduced, and we will be able to stabilize and get back to the true balance.

Mr. CONABLE. Has the initiative or this move in the International Monetary Fund come from this country or from the countries that are holding dollars at this point?

Mr. WIDNALL. I think we might say it is a joint initiative in that the other countries who hold dollars are, as far as I know, anxious to see the value of the dollar is maintained, because it means a great deal to them as far as international exchange is concerned.

Mr. McCLORY. Mr. Chairman, will the gentleman yield for several questions?

Mr. WIDNALL. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I am concerned about the veto power. As I understand it, the European Common Market nations retain a veto power, so that, as a matter of fact, if they cooperate it will be impossible for the United States to withdraw any funds under these new special drawing rights. Is that correct?

Mr. WIDNALL. That is conceivable, as I understand it, but highly improbable.

Mr. McCLORY. The negotiations were such that they insisted upon inserting this veto power of a certain percentage, so that they could effectively block the United States from getting any of that reserve. As I understand, we have a veto too, but we are trying to create more reserves on the part of other countries, but they are not interested in establishing any additional reserves we can utilize, are they?

Mr. WIDNALL. I would like to call the attention of the gentleman to the fact that it recognizes the importance of the Common Market in Europe and the growing importance of that Common Market and also the fact that all of these Common Market countries have entered into an agreement with others in the International Monetary Fund on the importance of maintaining and stabilizing factors that deal with international trade and international balance of payments.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield further, is it not a fact that France is one of the Common Market countries? They have not agreed to this, have they?

Mr. WIDNALL. They have not agreed to it.

Mr. McCLORY. So what you mean is the Common Market countries with the exception of France?

Mr. WIDNALL. I do not quite understand the point of the gentleman's question, because France has no power of veto by itself.

Mr. McCLORY. Is it the gentleman's opinion that with increased population we are going to constantly need increased reserves and reserves are not to be considered as constant and not to be considered as restraints on unlimited expansion of this reserve program and the balance-of-payments problems created by them?

Mr. WIDNALL. I certainly believe everybody understands that with increased population and increased activity there will be a need for increased reserves.

Mr. PATMAN. Mr. Chairman, I yield such time as he may require to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Chairman, the proposed creation of special drawing rights in the International Monetary Fund is another and historic step in the development and strengthening of the international monetary system.

In long-range significance, in its potential for insuring continued world prosperity and economic growth, the proposal ranks with the Bretton Woods Agreement and its establishment of the International Monetary Fund.

As President Johnson has said:

> It will prepare us for the era of expanding world trade and economic opportunity that unfolds before us.

The monetary system that was established at Bretton Woods has served the world well, bringing the greatest advances in trade in all recorded history. During the past two decades, world imports have increased nearly fourfold, from $59 billion in 1948 to $202 billion in 1967.

But now, as with any system—monetary or otherwise—events call for change and improvement. The fact is that the continuing expansion in world trade and the flow of capital is threatening to outstrip the growth of monetary reserves. The world can no longer depend exclusively on the traditional reserves—gold, the dollar, and other reserve currencies—to provide needed liquidity.

The United States and other nations must act, and act promptly, to provide a new form of acceptable international reserve to supplement the existing reserves, so that the future growth of world trade and world prosperity will be assured.

In the collective judgment of the 107 member nations of the International Monetary Fund, special drawing rights will meet the need for a new and universally acceptable reserve asset. They will be created only after there is broad agreement among the IMF member countries on the need for new reserves, and, once issued, they will be backed by the full faith and resources of many nations.

The special drawing rights give promise that world trade will not be stifled in the future by a shortage of international reserves. Instead, they will make possible an orderly expansion of trade, with resulting benefits to Americans and citizens of every other country of the free world.

The United States has been the leader in the lengthy negotiations and discussions that have culminated in the proposal to establish a new reserve facility in the IMF.

I hope that the Congress will now reaffirm U.S. leadership by authorizing the President to accept the necessary amendment to the IMF agreement, and approving U.S. participation in the special drawing rights plan.

Mr. PATMAN. Mr. Chairman, I yield such time as he may require to the gentleman from Ohio [Mr. ASHLEY].

Mr. ASHLEY. Mr. Chairman, the United States is the greatest trading Nation in the world. Our imports and exports together total about $60 billion a year, far exceeding the trade total of any other country and accounting for nearly one-sixth of all world trade.

Obviously then, the United States and every one of its citizens has a tremendous stake in the future of world trade. Our hopes for continued prosperity and world peace depend heavily on the continued ability of nations to trade and to prosper together.

That ability, in turn, rests upon the adequacy of international reserves to finance world trade and investment. For reserves must expand as the world's population, resources, and international transactions rise. If they fail to do so, the result may well be an international liquidity squeeze, in which countries compete with each other to hold reserves or to pull them away from other countries.

The United States and other nations cannot allow this to happen—the result would be too damaging to the world economy, and to the system of international trade and payments built up so arduously and successfully over the past 24 years.

Fortunately, there is good reason to believe that this situation will not be allowed to happen. The nations of the free world—mindful of the need for providing adequate reserves to fuel continued expansion of trade—have agreed on a plan for the creation of a new world reserve asset.

The Congress is now being asked to approve U.S. participation in the plan, and to authorize the President to accept the required amendment to the International Monetary Fund Agreement.

We should not delay in giving our approval. We should say "Yes" promptly and wholeheartedly, since affirmative action is in the best interest of the United States and the entire community of free nations.

The special drawing rights in the IMF will not bring sudden, drastic changes in the international monetary system. They will impose no sharp or difficult adjustments in the present system. Instead, once created, they will provide a logical and orderly method of supplementing the existing amounts of international reserves. They will strengthen the present monetary arrangements and insure that world trade will not stand still or decline for want of a means of payment among nations.

Nor is there any danger that special drawing rights will be created without need, or created in excessive quantities that would undermine the willingness of countries to accept and hold them.

Special drawing rights will be created only when there is wide agreement among nations that additional reserves are needed. In the same manner, the quantity to be created will be based on the deliberate, collective judgment of participating countries.

Each participating country will be obligated to accept special drawing rights from other countries when it is in a strong balance-of-payments and reserve position. This commitment by each country—to accept up to three times the value of the special drawing rights distributed to it by the IMF—gives assurance that the special drawing rights will be of high quality and liquidity, and will be regarded as a true world reserve asset.

The special drawing rights plan will not solve the U.S. balance-of-payments problem, or that of any other nation. Its intent is solely to provide a supplementary reserve asset that will make certain the continued smooth functioning of the international monetary system and the needed expansion of world trade.

The plan does assure us, however, that once the United States has ended its payments problem, we will be able to rebuild the reserves we have lost over the past years.

In sum, the special drawing rights plan is vital to our own economic growth, and to the preservation of sound and strong growth for the entire free world economy. It will go far to guarantee that the economic progress of the past 20 years will be continued. It is a giant step forward in international monetary cooperation, and deserves the full support of the Congress.

Mr. PATMAN. Mr. Chairman, we have only one other speaker. Therefore, I I would like to ask the distinguished gentleman from New Jersey [Mr. WIDNALL] to yield his time.

Mr. WIDNALL. Mr. Chairman, at this time I yield 10 minutes to the gentleman from New York [Mr. HALPERN].

Mr. HALPERN. Mr. Chairman, I rise to offer my most enthusiastic support for H.R. 16911, which would approve U.S. participation in the proposed special drawing rights facility of the International Monetary Fund, and would authorize acceptance of an amendment to the Fund's articles of agreement.

It would be difficult to overemphasize the critical nature of the international financial problems currently confronting the United States as well as the rest of the free world. The recurring attacks on the dollar are, in part, a result of the weakness of the U.S. balance-of-payments position in recent years. They are also, in large measure, a symptom of loss of confidence in an international monetary structure which is inherently inflexible and incapable of stable growth. Thus far, disaster has been averted by resorting to various stopgap measures, by faith in the basic strength of the U.S. economy, and by hope—hope that out of the lengthy negotiations among the world's leading industrial nations would come constructive reform of the monetary system. These negotiations have indeed produced the promise of a brighter and more stable future for the international economy—the special drawing rights facility on which we will vote today—and it is unthinkable that we could choose any course but wholehearted endorsement of this development.

The major purpose of the special drawing rights is to supplement the increasingly inadequate supply of international reserves. The importance of assuring a level of reserve assets adequate to the level of world trade could be demonstrated by considering what might happen should this supply fall short of world demands.

All countries want to possess sufficient reserves to meet their trade needs. If the overall supply of reserves were insufficient, each country would try to compete for a greater portion of the existing supply. This competition would result in increasingly protective and restrictive economic policies, with rising trade barriers choking off international trade, and high interest rates—for the purpose of attracting foreign capital—dampening domestic economies. The interaction between shrinking international and domestic economic activities could easily produce a worldwide deflation.

The average American consumer may be completely oblivious to the existence of those strange items called special drawing rights. They would not, however, long remain ignorant of the consequences of the deflationary spiral which could result from a shortage of international reserves.

Our current international monetary system has shown itself incapable of providing the necessary level of reserves assets. Under this system, reserves consist of either gold or dollars. The relatively low annual production of gold, together with the high industrial demand for this metal, combine to prevent the annual level of newly mined gold from contributing significantly to the reserves obtained by central banks.

Why, then, do we not depend completely on dollars as the main reserve asset? Because foreign central banks collect dollars only when the United States runs a deficit; that is, when we give them dollars as an I O U for gold. To keep the supply of dollars adequate, the United States would have to keep running deficits. Yet, the longer we have a deficit, the more foreigners tend to question the stability of the dollar, and the more they fear a possible devaluation. Thus, by providing dollars for use as a reserve asset we are simultaneously eroding confidence in the dollar and in the entire monetary system.

There can be no conclusion other than that the current system is inherently instable and must be improved.

The use of special drawing rights will, for the first time, enable the international financial community to expand its reserves on the basis of rational decision, rather than fortuitous circumstance. When a collective judgment is made—by an 85-percent vote of the participants—that there is a need for additional reserves, and that these new reserves will help nations adjust into balance-of-payments equilibrium, special drawing rights will be created.

Each nation acquires an entry on its special account which credits it with a certain volume of special drawing rights. The overall volume created will be determined by world needs; each individual nation's allocation will be in proportion to its quota in the International Monetary Fund. The United States, with about 20 percent of the total Fund quotas, would receive about $200 million of every $1 billion of special drawing rights created.

The special drawing rights can then be used by various nations to purchase reserve currencies from other nations in order to pay off their balance-of-payments deficits.

The deficit nations would be allowed, over a 5-year period, to use up to 70 percent of their allocated special drawing rights to purchase needed reserve currencies. The nations required to supply the reserve currencies, in exchange for which they would accumulate special drawing rights, would be only those countries with balance-of-payments surpluses or strong reserve positions.

What "backs" the special drawing rights? Why would any nation be willing to accept and hold special drawing rights in its reserves instead of gold or convertible currencies like the dollar, the pound, or the German mark? The special drawing rights is acceptable precisely because the different nations are willing to accept it.

In the United States, no citizen can go to a bank and turn in his dollars for gold. Yet Americans accept dollars in payment for purchases because they have confidence that they, in turn, can give those dollars to someone else in exchange for another purchase.

The same situation would exist with special drawing rights from Italy, in payment of Italy's deficit or in exchange for some other convertible currency, because Germany knows that it can use these special drawing rights to settle its deficit or to buy from some other nation whatever currencies it may need.

Thus, special drawing rights are "backed" by the confidence of participant nations in the effectiveness of the new system, and by the willingness of these nations to accept special drawing rights as payment of a deficit or in exchange for some other currency.

How will the United States in particular benefit from the special drawing rights system? I have already mentioned the great dangers of worldwide deflationary tendencies, from which we might well not escape, if international reserves do not adequately expand in step with world trade. We have also discussed the fact that the hope for international monetary reform has been one force which has limited the possibility of total loss of confidence in our present system. Furthermore, the expectation of this reform was a major cornerstone of the two-tiered gold price system recently initiated by Washington, and is needed to sustain this system.

Beyond this, however, the United States could make use of the special drawing rights to improve its international financial position. It must, of course, be made quite clear that the purpose of creating special drawing rights is not to resolve our balance-of-payments situation. The volume of special drawing rights created, and those allocated to the United States, will undoubtedly fall far short of the amount of reserves we would need to continue to finance our current level of deficit. Furthermore, the other participants would not accept a system which was engineered to serve merely as an instrument to resolve the difficulties of one nation.

Yet the special drawing rights would be useful to us. First of all, they would, in whatever amount we receive, supplement our existing reserves. Then these special drawing rights could be used, as reserves are often used, to reduce our dollar liabilities to foreigners. That is, if we wish to reduce the number of dollars in foreign hands, we could give foreign central bankers some special drawing rights, in return receiving dollars from them. The fewer dollars held by foreigners, of course, the smaller the potential claim on our international reserve assets, and the stronger our reserve position.

H.R. 16911 also provides for U.S. approval of certain modifications in the present rules and practices of the International Monetary Fund. These changes consist of an increase in the voting majority required for certain Fund decisions as well as various technical alterations.

These changes have been approved by our representatives in the Fund negotiations, most outstandingly headed by the Honorable Secretary of the Treasury, Henry H. Fowler. The major alteration, increasing the voting majority from 80 to 85 percent, has been recognized as having little practical likelihood of actually affecting the decisions made by the Fund. In general, these modifications are constructive, and should receive U.S. approval.

Mr. Chairman, I believe that the importance of this legislation for the United States and for the world financial community cannot be stressed too heavily. The initial steps taken under this authority are likely to be small, but they will be steps in the right direction, and I believe that the favorable psychological effect of this constructive action on the international financial markets will be considerable.

Ratification of this system will impose no costs on the United States. It will, instead, serve to stabilize the entire free world economy and to help to keep our supply of reserves growing with the needs of our trade. Moreover, as the new facility is expanded and strengthened, its strength will help to remove some of the pressures on the dollar which have made our entire economy so sensitive to the forces acting in the international community.

To preserve international confidence and to prevent further gold speculation and pressure on the dollar; to assure adequate growth of world reserves and to prevent worldwide deflationary pressures; to create a monetary system which is ruled by reason and not by accident—for all these purposes, ratification of the special drawing rights facility is needed, and it is needed now.

Mr. Chairman, I urge overwhelming endorsement of H.R. 16911.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. BROCK].

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the gentleman.

Mr. KYL. This is not intended as a challenge or criticism, but I hope the gentleman in the well or someone else might assist me in one little matter that causes some concern.

If this system does not work as we hope and anticipate that it would, how do we get out of it?

Mr. BROCK. I do not think we have very much to fear in that regard at the moment. As long as this Nation has an international deficit, there is nothing to get out of.

Mr. KYL. But suppose the situation evolves in what is absolutely a new program and we have to get out—we want to get out—and circumstances demand that we find some other way. How do we do it?

Mr. BROCK. I would state that we can deactivate our participation in the Fund at any point. In addition, we have a veto over any action of the Fund, so in effect we can veto any further action of the Fund, thereby in effect abolishing the operation of the special drawing account.

I think we might take a couple of minutes to discuss what this is and what it is not. This is a typical example of operation overkill on the part of the administration.

This bill has been presented as a panacea and an ultimate solution to all of our fiscal problems, both domestically and internationally. It is not—it cannot be—and it never will become that.

Some have presented it as a complete substitute for international liquidity and international reserves. It is not, and it will not become that.

Some have presented it as a device for removing the fiscal discipline that exists in this Nation in regard to its balance of payments. It is not that, and it will not become that.

Some have suggested, or seem to hope, that this will replace the need for the exercise of responsibility on this Nation's part in managing its fiscal affairs, both domestically and internationally. It is not that and it will not become that.

Mr. Chairman, this is a device for the creation of a fund, by fiat, if you will, of money—money in the international sense—money that can be used only between governments to reduce the impact of short-term fluctuations in balance-of-payments situations.

That is the function of it. That is the only purpose of it. It is no substitute for responsibility.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the gentleman.

Mr. McCLORY. I thank the gentleman for yielding because I do have two problems with regard to this legislation.

The first one is, Following the Rio Conference at which there were 107 nations that participated, our Treasury Department—that is, our Secretary of the Treasury—reporting on the Conference said that fundamental to the success of any system of special drawing rights was the maintenance of a free exchange of dollars for gold at the rate of $35 per ounce. Since then we have gone into this two-tier gold system which in my opinion violates this fundamental, a fundamental which the Secretary of the Treasury indicated, was a prerequisite to the special drawing rights system.

The other problem which I have, which I would like an answer on from someone is this—following the Stockholm Conference, a meeting of international bankers took place at which we were admonished to set our own economic house in order by reducing our continuing deficits. This was imposed as a condition for maintaining the two-tier gold system.

It seems to me we have not fulfilled our obligation there.

I would like to have an answer to those two questions, if I may.

Mr. BROCK. I shall try very briefly to respond. I believe the Secretary was being a little bit too specific when he was talking about gold. There was the assumption he was talking about gold as it existed at that time. However, the beginning of the two-tier system does not change the validity of his remarks. The two-tier system can be complemented by the addition of the special drawing right. It will not be damaged.

Point No. 2, about the balance of payments of this Nation, that point has not changed. This system will fail and will fail miserably unless this Nation begins to accept its responsibility as the leader in the world community and stops its deficits, internationally and domestically. The Fund cannot exist if one of the major nations, particularly this one, operates in a deficit position over a period of time. Unless we address ourselves to this problem, there is no sense in even adopting this bill. It has no function, no purpose, and will have no effect whatsoever.

Mr. McCLORY. Mr. Chairman, will the gentleman yield so I can make this additional comment?

Mr. BROCK. I yield to the gentleman from Illinois.

Mr. McCLORY. It seems to me in view of the gentleman's statement that we are putting the cart before the horse and that we should first take care of our own domestic economic problems, we should first reduce our continuing deficits and then take up the special drawing rights, particularly since no other single nation has yet acted on that proposal in their legislative proceedings?

Mr. BROCK. I would disagree with the gentleman, simply because after the 7 lean years of this incredible administration that has so maladministered the affairs of this Nation, we do not have any option but to take every device necessary to protect our gold and to protect our economic stability during the period in which we redress the grievances of the last 7 years.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. BROCK? I yield to the gentleman from New Jersey.

Mr. WIDNALL. To supplement what the gentleman said in answer to the gentleman from Illinois, the Treasury Secretary said after that conference that the $35-an-ounce price of gold would not be increased, and gold can be purchased freely at that price by any central bank at the present time.

Mr. BROCK. The gentleman is correct. I hope that situation will maintain itself.

Mr. Chairman, I should like to make a few additional comments.

The distinguished and perceptive Managing Director of the International Monetary Fund, Mr. Pierre-Paul Schweitzer, has said "it is anybody's guess" whether there will be another gold crisis.

Mr. Schweitzer was weighing many imponderables when he made this statement, but he was speaking as a modern man in a real world—a world in which we can no longer depend upon limited amounts of monetary gold and reserve currencies to finance growing world trade.

The member nations of the International Monetary Fund have agreed to the deliberate creation of a new international reserve asset called special drawing rights, and are now considering the necessary amendment to the IMF articles of agreement. The bill we have before us, H.R. 16911, would authorize the President to accept the amendment proposed by the Executive Directors of the IMF and would permit the United States to participate in the special drawing rights plan.

Neither the United States nor other nations can temporize in adopting this facility. Without the creation of the new asset, there would be danger that global reserves of about $73 billion could level off—or even decline—leading to an international liquidity squeeze and a contraction of world trade.

In the past, international reserves have largely been made up of gold and foreign exchange, including large amounts of dollars. But the free world's liquidity needs can no longer be satisfied by continued reliance on gold and the dollar and other reserve currencies. The nations of the free world therefore have developed the plan for special drawing rights, which will be backed by the obligations of the 107 members of the Fund to accept them and pay a convertible currency in return.

When the special drawing rights plan is in operation, the United States and its partners in the International Monetary Fund will be freed from dependence upon uncertain supplies of monetary gold, uncertain supplies which mount a threat to the unprecedented growth of world trade and prosperity during the past 20 years.

In my view, the reasons for quick adoption of H.R. 16911 are compelling.

We wish to reduce our dependence upon an inflexible metal, gold, as a monetary reserve. The mid-March crisis cost the United States over a billion dollars in gold, most of which poured into private hands to keep the market price fixed at $35 an ounce.

We wish to be freed from relying on further dollar deficits, representing a potential call on U.S. monetary gold stocks, to finance world trade.

The President, his principal financial advisers in Government, and many of the Nation's most respected economists and financiers have described adoption of the special drawing rights facility as a timely and necessary move to insure the future growth of world trade and a continuation of free world prosperity.

Mr. Chairman, I urge the prompt approval of H.R. 16911.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. STANTON].

Mr. STANTON. Mr. Chairman, the overriding necessity in international monetary affairs today is to continue and to strengthen cooperation among the free world nations.

Toward the end of World War II, the modern international monetary system began to take shape. A start was made in 1944 at the Bretton Woods Conference of finance ministers and economists, who reached agreement on establishment of the International Monetary Fund. The aim at Bretton Woods was to prevent a repetition of the disasters of the 1930's when there was a chain reaction of devaluation, deflation, and depression.

The machinery operating since Bretton Woods has produced a record of remarkable and unprecedented economic progress. The economies of those nations ravaged by World War II were rebuilt, and since then have grown at a very fast rate, so that the once war-shattered countries are now strong and prosperous. As one measure of growth in the last 20 years, world imports in 1948 were $59 billion while last year imports moved up to $202 billion.

But the very success of the Bretton Woods system in stimulating trade has led to heavy pressures on present monetary arrangements. The growth in world trade, and in capital movements, has begun to surpass the growth of monetary reserves. The United States and its friends and trading partners therefore must act to provide sufficient reserves to accommodate the future growth of trade and commerce.

The proposed amendment to the articles of agreement of the IMF would provide for a permanent supplementary reserve asset, to be created in amounts that will be determined by the collective judgment of the participating nations.

With this new reserve facility, the world will no longer be dependent upon gold or upon the deficits of reserve countries—chiefly the United States—to provide the needed growth in world reserves.

International reserves are to world trade what working capital is to a growing business. As trade expands, more reserves are needed. If reserves are not available, then trade cannot grow—and in consequence, all nations will suffer.

This new reserve asset, called special drawing rights, will supplement present reserves. Special drawing rights will be a special kind of international legal tender. They will perform the same function in international monetary transactions as gold, dollars, or other reserve currencies.

This new agreement will bring new economic strength to all the nations of the free world, and will help sustain a prosperous and growing world economy.

The Congress, whose views have contributed significantly to development of the special drawing rights plan, should now have no hesitancy in approving it. I urge my colleagues to vote favorably on the legislation before us.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. McCLORY].

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding. I rise in opposition to this measure somewhat reluctantly particularly because it appears to have such widespread support among the members of the committee.

Mr. Chairman, I realize that the members of the committee are endeavoring to be responsive to the needs of our Nation in urging prompt passage of this bill, H.R. 16911, to support a system of special drawing rights. Indeed the preliminary work which has preceded the debate taking place today is well intended even though in my opinion misdirected and probably misleading.

In the first place I have serious misgivings about any system of special drawing rights which are characterized as "paper gold." The President in his message to the Congress declared that the new reserves upon which the special drawing rights rely consist of the "faith and resources" of the participating nations. While it is true that dollar credits have been employed extensively in augmenting world reserves it does not follow that the same confidence reposed in the dollar could be transferred to the currencies of the other participating nations.

In explaining further what I mean by this statement let me point out that the dollar has been exchangeable for gold at a rate of $35 per ounce. This free exchangeability continues today with regard to settlement of official governmental balances. We have adopted a different policy with regard to exchanging gold for dollars when private individuals are involved. The value of the dollar as a reserve currency will diminish—or possibly disappear if the official rate of exchange is altered or if the Treasury renounces its agreement to buy or sell gold at $35 per ounce.

We are aware, of course, that the continuing deficits of our Nation which result, in turn, in the creation of an additional supply of dollars are responsible for the precarious economic condition in which our Nation finds itself—a condition with which the entire Western free world economy is struggling. If there was some hope that the establishment of authority for special drawing rights could improve these conditions, I would want to support the committee's recommendation. However, it appears to me from the reports issued following the Rio Conference that several prerequisites to creation of special drawing rights have been discarded.

First, I want to point out that in the report issued by the Secretary of the Treasury earlier this year, entitled "Maintaining the Strength of the U.S. Dollar in a Strong Free World Economy," it was stated emphatically:

> It is of fundamental importance to the international monetary system that there be no change in the monetary value of gold and the dollar relative to each other. The President has made clear that the United States will utilize its resources and adopt the policies necessary to maintain this essential monetary relationship.

In my opinion the establishment of a two-price gold system violates this fundamental prerequisite which the Secretary of the Treasury indicated was essential to any expanded reserves.

Second, the international bankers who met here recently set forth their unqualified position that the United States must put its economic house in order and eliminate large annual deficits. This also is a prerequisite to the validity of any new international reserve such as is contemplated by the legislation before us today.

We need greater expenditure restraint and tighter fiscal management than any proposal which has yet been indicated by the administration. In my opinion we are premature in providing for special drawing rights at this time without having first taken steps to assure the soundness of the dollar and the stability of our own governmental economy.

I note that France has refused to support the system and agreement for which the committee urges approval today. I would say in deference to the French that their position is one where they are reserving judgment rather than refusing support.

In addition, let me point out that the testimony of the Secretary of the Treasury before the committee indicates that the proposed special drawing rights are not designed to increase reserves which can aid our balance-of-payments problem.

On page 14, the Secretary states:

> As I have stated on several occasions, the Special Drawing Rights Plan is not designed to help the United States or any other individual country deal with its balance-of-payments problem. It does not change in any way the urgency of achieving the correction of the disequilibrium in our balance of payments.

Indeed, it appears that the system of special drawing rights is designed primarily to assist other nations in acquiring more of the world's goods. If this is so it would seem important for at least some of the other nations to secure legislative approval of this new system of "paper gold" before our Nation acts. Yet, I am informed that not a single nation participating in the Rio Conference or the subsequent meeting at Stockholm has yet secured from its legislature the approval which the Congress is called upon today to give.

There is a popular belief that the special drawing rights will increase international liquidity and thus improve international trade and expand our exports. This is probably a myth. In the first place the increase in liquidity—if any—would be small indeed. In addition, I am informed by the economists that most imports are financed by the local economy through local internal reserves and not through the international reserves used for settling balance-of-payments accounts.

Another danger which is implicit in the pending bill is a confession of weakness of the American dollar and again tends to jeopardize confidence in our economy and in the dollar as a reserve currency. Without a doubt this lack of confidence is justified particularly when we appear to be pursuing dangerous and even irresponsible economic policies that threaten the future of our Nation and of the western free world.

Mr. Chairman, I want to call attention to the following statement by Dr. Patrick Boarman, director of research of the House Republican conference, who declared at the balance-of-payments seminar on January 24, 1968:

> It is conceded that there must be enough international liquidity to provide the time required for nations to make the internal adjustments called for by their balance-of-payments situation. But there must not be an endless supply of liquidity; liquidity must be permitted to run out for only this ultimate restraint is capable of inducing the domestic economic and fiscal discipline which is the necessary condition of continued participation by each country in the international division of labor.
>
> Under the guise of a noble and seemingly disinterested appeal for more international liquidity for a liquidity-starved world, the incumbent administration is in reality seeking to continue adamantly with the economic status quo at home, come what may in the shape of balance-of-payments difficulties. The plea in truth is not for more liquidity for the world, but for the United States; it is a plea for more cash with which the administration can continue in its "guns and butter" policies.

Mr. Chairman, I urge that the House reject H.R. 16911. There will be ample time to consider similar legislation after at least some of the other participating nations have themselves acted on this questionable proposal.

Mr. WIDNALL. Mr. Chairman, I would like to yield the gentleman from Illinois 30 seconds for the purpose of commenting in answer to a question.

Mr. GROSS. Mr. Chairman, I, too, wish to ask the gentleman a question.

Mr. McCLORY. Mr. Chairman, I yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, I want to comment on the statement made by the gentleman that France opposes the special drawing rights. The reason France opposes them is very simple.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. GROSS. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. McCLORY. Mr. Chairman, I yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, the reason France opposes the special drawing rights is that President de Gaulle wants to continue to exert pressure upon the dollar. He wants to return to a pure gold standard. A pure gold standard would only reward France, South Africa, and the Soviet Union.

Mr. McCLORY. Mr. Chairman, is it not true that special drawing rights, the very name given to this, so-called paper gold, is one given to it by the French themselves? Is that not correct?

Mr. WIDNALL. That is correct. It was given by the French themselves.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WIDNALL. Mr. Chairman, I yield the gentleman an additional 1½ minutes, so that he may yield to the gentleman from Iowa [Mr. GROSS].

Mr. McCLORY. I do not want to be here paying any special tribute to the French today, but I do want to recognize that they may have some reason and some logic in their position, in that they seem to be insisting upon sound and stable management of currency. They want to maintain gold as a reserve for settling balance-of-payments accounts. As I understand it, that was agreed upon at Rio.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Iowa.

Mr. GROSS. That is the question I wanted to ask the gentleman or someone connected with this bill. Are the French in or out of this paper money business?

Mr. McCLORY. As I understand it, the French are out of this.

Mr. GROSS. Why are the French not in? If it is so good, and they hold a big chunk of the world's gold, why are they not in on this papering the world with printing press money?

Mr. McCLORY I do not know that I can answer that fully, but they have set forth some demands, and I believe some of those demands have been met. However, they have set forth several conditions which have not been met.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr McCLORY. I yield to the gentleman from New Jersey.

Mr. WIDNALL. The reason why France is not into this is because this would reduce pressure on gold and they do not want to reduce pressure. They want to increase pressure.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. FINDLEY].

Mr. FINDLEY. Mr. Chairman, I support this legislation, but I do it with mixed feelings. It has both promise and danger in it.

The promise lies in the possibility that this reflects conviction that some affairs in international life are simply too big for a single nation to meet. I have concluded long ago that world policing and nuclear defense, nuclear proliferation, and arms control are certainly beyond the capacity of any single nation to meet. That is true too of the problems in the monetary field.

But the danger I see in this legislation is that some may conclude that this, as the committee report says, is indeed a historic agreement and that this legislation—here I quote from the first page of the committee report—would "create an international reserve asset."

It is really an agreement to consult at a later date about whether or not these assets would be created. The formula which would have to be followed is such that there is some doubt in my mind as to whether the asset would actually be created. As I understand it, it would require 85-percent approval by those with weighted voting stock, which means those with 16 percent could effectively block the creation of SDR's.

Why would they not do this? As I understand the formula further, once the special drawing rights are created it would take an 85-percent vote to pull them back, to rescind this authority.

A nation like West Germany or France or some other nation with a solid monetary system of its own, fearful about the policies of another nation like the United States, would have a long thought, I am sure, before entering into the authorization of SDR's, realizing it would be so difficult ever to rescind this action.

Perhaps I misunderstand the formula, but if that is the fact of the matter I believe it is wishful thinking on our part to expect SDR's to appear and be usable in the near future.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to the gentleman from Wisconsin.

Mr. REUSS. That is a rather technical point.

Mr. FINDLEY. An important one, though, would the gentleman not agree?

Mr. REUSS. Absolutely.

The gentleman said it would take an 85-percent vote to rescind the special drawing rights, once provided. In fact, the agreement provides that a 50-percent vote is sufficient.

Mr. FINDLEY. I am glad to have that correction.

A 50-percent vote is required to rescind. That would certainly not cause the reluctance that an 85-percent vote would cause, but even so I think it would cause some long thoughts on the part of countries that might have concern about the fiscal wisdom of another member.

Mr. BROCK Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. BROCK. A further point that I would like to make is that anybody can stop drawing at any point for its own account. If you are concerned about the operation of the fund, you are entirely within your rights to remove yourself from further participation at any point. It remains the option of any nation to do so at any point. The point is if any significant number, whether it is 50 percent or 10 percent, did so, then it would effectively stop the operation of the fund.

Mr. FINDLEY. The gentleman will agree with me that as things stand today, in the light of the comment of the President of the International Monetary Fund about U.S. fiscal policies, it is really doubtful that the 85-percent approval would occur if the matter were before the Bank today. Would the gentleman agree with me on that?

Mr. BROCK. I think the prospect of not having an acceptance of the special drawing rights by 85 percent is a possibility, but I think the odds are strongly in behalf of acceptance at the present time. That is based on the premise that they fully expect and intend for us to get our house in order, our fiscal house. We have made very strong promises to that effect. There is some measure of division between the promise and the performance so far. If we wait too much longer, then they may be right, and I think they would be perfectly right not to.

Mr. FINDLEY. I thank the gentleman. I will say that even though I have reservations and questions about whether special drawing rights will ever come into being, even so I think this legislation is a step forward, and therefore I support it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. GROSS. What are these special drawing rights? Could I get one and look at it and feel it?

Mr. FINDLEY. As I understand it, they are bank account entries which no one could feel unless he got inside the ledger and somehow rubbed his finger over the entries.

Mr. GROSS. Are they supposed to be gold, tinted or plated? What are they?

Mr. FINDLEY. Someone said they are yellow wampum, but I do not think that is an accurate description.

Mr. GROSS. Would they look like Patman printing press money?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WIDNALL. Mr. Chairman, I yield the gentleman from Illinois 1 additional minute.

Mr. FINDLEY. Mr. Chairman, I want to add one final comment as to the promise of this bill. It reminds me in some respects of the period of our history of the Articles of Confederation. We had monetary chaos throughout that period. We were simply an alliance of sovereign States trying unsuccessfully to deal with problems beyond the ability of the individual State to meet. The IMF is an alliance in the monetary field which will be subject to the same infractions and interruptions of which George Washington warned in his famous Farewell Address. All alliances, including this one, is basically weak. Washington at that time urged that a government for the whole of the 13 States be established to deal with problems like monetary instability. I hope it may be that this legislation will be a direct step toward such a government for the whole. He said at that time that it would make good sense to establish a Federal union government which of course included a central monetary system, and I believe today that it would make good sense to establish such a structure including a central banking institution serving the major Western nations. Through it we could meet the problems of monetary stability and liquidity.

Mr. WIDNALL. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho [Mr. McClure] to conclude the debate.

Mr. McCLURE. I thank the gentleman for yielding.

Mr. Chairman, I take this time only to make two remarks and ask a couple of questions. First of all, it seems to me what we are doing here by this legislation is extending to the international monetary field the same policies that have been practiced in this country domestically for the last several years and which have brought us to the position we are now in as far as our domestic fiscal affairs are concerned.

Second, I would like to comment that I do not agree with the statements that have been made on the floor with relation to the value of gold or its position in international monetary affairs or the effect on the price of gold if our requirement to buy is removed.

I would like to ask some member of the committee—any member who would like to answer this question, this question concerning the statements which are made throughout this report that we are creating an asset. In my opinion an asset is a thing of value.

If you want to talk in terms of creating exchange media, then I agree. But it is not an asset in terms of something of intrinsic value.

And, also, is it not a means by which the United States can create the right to borrow from other countries to the extent of 70 percent of the special drawing rights credited to our account against the will of other countries and as a matter of our own right, the right of the United States to continue to borrow and, therefore, to continue our foreign balance-of-payments deficit? If as a matter of fact, this is a two-way street, and not merely a one-way street, could not foreign countries who have dollars in which they no longer have confidence surrender those dollars for our special drawing rights and thereby precipitate the flight from dollars which, in effect, would result in the de facto devaluation of the American dollar?

I do not believe this legislation is carefully enough drawn to discipline the relatively unrestricted expansion of money and credit. This is also a device to prolong our continual deficit in balance of payments.

I certainly agree that we have an urgent need to create a new reserve device in international monetary exchanges. I do not believe that liquidity, per se, is as serious as some economists assert. My greatest fear lies in the implicit position stated often in the report filed by the committee that the creation of a bookkeeping balance to expedite exchanges is the creation of an "asset." Certainly we have not increased our wealth by creating exchange balances between nations any more than we could increase our wealth by extending a credit balance to each of our citizens "to facilitate exchange." It should not be implied that this is an "asset" or that it is "money."

The operation of Gresham's law, which states that bad money drives out good, dictates that special drawing rights will replace gold as an instrument of international exchange. This does not, however, mean that gold will become less valuable. On the contrary, gold will increase in value and currencies will deflate. This is a fundamental step toward international inflation. Look at history, compare the predictions of our Treasury with actual events in the silver markets, and reflect on the deterioration of our dollar.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PATMAN. Mr. Chairman, I yield 7 minutes to the gentleman from Wisconsin [Mr. Reuss].

Mr. REUSS. Mr. Chairman, I rise in support of H.R. 16911. The bill would authorize the President to accept on behalf of the United States an amendment which is proposed to the articles of agreement of the International Monetary Fund, and would authorize the President to take action enabling the United States to become a participant in the new special drawing rights system.

This is a bill, and a system, which has been carefully considered from every point of view. The international community has taken 5 years to study the implications of the changes now proposed, and then to negotiate the detailed provisions. In the process of study, consultation and negotiation, the executive branch has kept appropriate members and committees of the legislative branch fully informed. It has sought their advice and counsel, and utilized that advice.

Through chairmanship of the Subcommittee on International Exchange and Payments of the Joint Economic Committee and of the Subcommittee on International Finance of the Banking and Currency Committee of the House, I have had the privilege of being in close touch with the progress of these negotiations.

During the same period, those in the executive branch have had the benefit of active consultation with the members of a very distinguished panel of non-Government advisers, headed by former Secretary of the Treasury Douglas Dillon. Representatives of this group testified in strong support of H.R. 16911 last week before the Committee on Banking and Currency, and members were most impressed with their testimony.

The legislation before the House would authorize the President to accept, for the United States, a single amendment to the articles of agreement of the International Monetary Fund. This amendment would make changes of two kinds; certain modifications of the provisions under which the Fund has operated over the past 21 years, and a series of new provisions which would add a new function to the responsibilities of the Fund—the creation of a new reserve asset, special drawing rights.

The proposed changes in the traditional functions of the Fund are included in six main proposals for change, together with subsidiary and consequential alterations. Of these, three are properly regarded as technical in nature, and I need not refer to them further. The other three changes involve voting majorities and the procedure for interpretations of the Fund articles.

First, decisions by the Fund involving a general increase in quotas—for financial participation in the Fund—are to be raised from 80 percent of the weighted votes to 85 percent.

Second, a decision of the Fund to effect a uniform proportionate change in par values—that is to say, a change in the price of gold—would in the future require a majority of 85 percent, instead of the present simple majority.

Third, a new procedure is to be introduced in the method by which the Fund makes formal interpretations of its own constitutional provisions. This is to be done by a committee of the Fund's Governors, which will review interpretations decided upon by the Executive Directors of the Fund, and whose decisions will be final unless overturned by an 85-percent weighted vote of the full Board of Governors. The precise procedure by which this committee is to function is to be decided in the future. I have been assured on behalf of the Secretary of the Treasury that he and other U.S. spokesmen will insure that the changes in the interpretation mechanism do not act to the disadvantage of the United States.

The increase in majorities for uniform proportionate changes in par values is a welcome development, since it makes more difficult a change in the price of gold by giving a veto on such decisions to both the United States and the Common Market.

The change in the majority required for quota increases enables the EEC countries, if they act together, as well as the United States, to block a general increase in quotas.

I have held the view for some time that the new economic influence of the EEC should be reflected in larger financial contributions to the Fund by the EEC countries. I hope that the Common Market will respond to the increase in their voting strength in the Fund with increased responsibility in exercising it and in making future quota contributions. Thus the proposed amendments to the existing rules and practices of the fund do not seem too high a price to pay for the adoption of the special drawing rights plan.

The special drawing rights facility which is to be established by the proposed amendment to the Fund agreement that we are now asked to approve represents the most important development in the international monetary field of the past generation. It is, in a sense, as dramatic in its implications for the future of the world economy as was the first legislation for the Federal Reserve System in this country. For the first time in the history of the world, men are to make conscious decisions as to the amount by which the international reserves of the world are to grow. No longer will the health or functioning of the international economy be prey to the vicissitudes of new gold production or to private demands for gold, or be subject to the vagaries of the balance of payments positions of the reserve currency countries.

The special drawing rights facility will create a supplement to the world's reserves. It will do so on the basis of a most carefully designed process of decision-making among the members of the International Monetary Fund, a process which will include extensive consultations among countries and a voting procedure that will insure a very wide consensus among the authorities of countries in favor of the amount of reserves to be created. This procedure, while conservative, also recognizes the essential indivisibility of the international monetary system, and of its pervasive effects on the international system of trade and payments.

When the special drawing rights system has been approved and activated, the special drawing rights created will be distributed to countries in proportion to their quotas in the International Monetary Fund. All members of the International Monetary Fund will have the right to participate in the new system. The U.S. share, on the basis of present quotas in the Fund, will be about 25 percent of the total.

Special drawing rights will be usable very much in the manner of traditional reserve assets in transfers between the monetary authorities of participants. For the United States, special drawing rights would be used in much the same way we use gold, though the hope of U.S. policy is that distributions of special drawing rights can be held so as to increase the level of U.S. reserves, which have suffered a sustained reduction over recent years.

Most importantly, the special drawing rights system represents a victory for the world over the inadequacies of the present international monetary system. The new system now being launched is consistent with the two-tiered gold policy announced on March 17. It is a testimonial to the effectiveness of the International Monetary Fund. It is a monument to all those who have participated in its development. Most particularly, it will be remembered as the special contribution of this Secretary of the Treasury, Henry H. Fowler.

The legislation before the House will enable the United States to participate fully in this new facility, acting through the exchange stabilization fund of the U.S. Treasury, just as that same fund is the instrument through which we conduct gold transactions with foreign monetary authorities. The legislation provides for domestic financing of these transactions by operations between the Treasury and the Federal Reserve in a manner analogous to the financing of gold movements. The legislation authorizes the United States to take decisions relating to the special drawing rights facility up to the point where distribution of these rights to participants results in the allocation of $5,160 million to the United States. This authority is adequate, while it still preserves the principle of later congressional review at such time as larger authority needs to be sought.

Mr. Chairman, I now address myself to two questions:

One, who needs these special rights? And, second, how do they work?

Mr. Chairman, the system now laughingly called the international monetary system quite closely resembles the oldest established continuous floating crap game of that musical comedy a number of years ago.

Let us look at how, in March 1968, the international reserve system operated. It depended upon how much gold happened to be mined in the Soviet Union and in South Africa as the No. 1 condition. And, No. 2, how much of that gold which they mined they would decide to withhold from the market. They frequently decided to hold large amounts off the market and not put anything into it.

Then, No. 3, came the activities of industry and the arts, and of the hoarders and speculators in gold, And then, on the plus side, what happens to be the balance of payments of the United States and the United Kingdom. From this subtract the actions of the central banks of the 167 nations scattered all over the world which decide to take gold from the United States.

As most of us know, that resulted in a fragile system. We now seek to replace it with a carefully controlled increase in resources by these new special drawing rights.

Mr. Chairman, let us take a quick example in order to give to the members of the committee some idea as to how this proposed system is to work. Let us suppose that we ratify the system, and that in the first year of operation, the IMF decides that $2 billion worth of special drawings rights need to be created. Denmark has about 1 percent of the quotas of the International Monetary Fund, 1 percent of $2 billion is $20 million. So the IMF would credit to Denmark a balance on the books of the IMF of $20 million in special drawing rights.

If Denmark had no needs, this new reserve would stay there, and they would not use it. But if Denmark ran into a balance-of-payments deficit, if it had international obligations to meet, then they might decide they wanted to use in this situation, say, $10 million, so they would notify the International Monetary Fund and ask the Fund what kinds of hard currency it had available.

The Fund would survey the current situation of the monetary world and would determine, let us say, that West Germany and Italy were in a strong balance of payments and surplus position, and it would say "We have got Deutschemarks and we have got Italian lire." So Denmark would say, "Fine, out of the $10 million worth of Special Drawing Rights, we would like $5 million worth of Deutschemarks and $5 million worth of lire." Whereupon, on the books of the International Monetary Fund, Italy and Germany would be credited each with $5 million additional of special drawing rights, and Denmark would be debited.

Italy and Germany would receive a modest 1.5 percent interest premium charge on the money in their currency that they were making available. Denmark would have to pay its modest 1.5 percent interest charge. So it would be as simple as that, and since Denmark would not have exceeded the 70 percent limitation, it would not be obligated to repay to the fund these new special drawing rights.

Thus these special drawing rights are in a very real sense, in answer to a question that was earlier asked, a new international asset secured by the commitment and the promise of the great trading nations of the world to honor them. In the final analysis this is the way any currency gets its value.

Mr. McCLORY. Mr. Chairman, would the gentleman yield?

Mr. REUSS. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I have a question on this point. I understand the explanation given by the gentleman, but what I am interested in, as I understand it, the contribution or participation of Denmark to the extent of $20 million, it would not be funds which are convertible into gold, and the amount of credit that might be borrowed in the form of special drawing rights and in the form of Deutschemarks or dollars would be treated as being convertible into gold.

Mr. REUSS. If the gentleman will pause for just one moment, the only currency which is convertible into gold are dollars held by foreign central banks, or treasuries, so that these foreign currencies and these special drawing rights would not be convertible into gold at all.

Mr. McCLORY. The dollars that the Danish Government received would not be dollars that were convertible into gold, then, as I understand it?

Mr. REUSS. As the gentleman will recall, in my example I had Denmark asking for and receiving Deutschemarks from West Germany and lire from Italy. Dollars were not used in that example.

Mr. McCLORY. With regard to the repayment that the Danish Government would have to make, is it not true that the repayment would have to be in a currency that was convertible into gold?

Mr. REUSS. No. The repayment would be in the very currencies borrowed, and that is in Deutschemarks or lire, and other convertible currencies. They could be in dollars, but there is no requirement that they be in dollars. Therefore, there is no gold conversion problem.

Mr. McCLORY. When the gentleman talks about convertible currencies, the gentleman is talking about currencies convertible into gold at the stabilized dollar price of $35 an ounce; is that correct?

Mr. REUSS. This word "convertible" is a slightly misleading word. I was using it in the sense——

The **CHAIRMAN.** The time of the gentleman from Wisconsin has expired.

Mr. PATMAN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Wisconsin [Mr. REUSS].

Mr. REUSS. Mr. Chairman, in reply to the inquiry of the gentleman from Illinois, I was not using it in the sense of a currency convertible into gold. The only currencies so convertible are officially held foreign dollar balances.

A convertible currency, in the sense I was using, is simply a currency which is not subject to exchange controls by the country of origin.

Mr. McCLORY. As I understand it, then, the original participation is really a bookkeeping item, but when it comes to repayment it has to be repaid in some solid currency, some currency convertible into gold, either dollars, or some other currency that is convertible into dollars, which in turn are convertible into gold?

Mr. REUSS. No; not a currency convertible into dollars, but a currency which is convertible in the sense that the country issuing that currency does not have exchange controls—a country, for example, such as Colombia in South America, which currently has exchange controls and thus would not be said to have a convertible currency, and hence the Colombian currency could not be used for repayment purposes.

Mr. McCLORY. I just have the feeling that the gentleman's explanation or circumlocution avoids recognition of the fact that you do have ultimate convertibility into gold with regard to the repayment of these borrowings of other countries from the International Monetary Fund.

Mr. REUSS. The gentleman from Wisconsin is trying to locute, and not circumlocute.

Mr. BROCK. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman.

Mr. BROCK. The situation out in Sweden where we might monetize the special drawing rights under the example in the committee report relates the special drawing rights to gold.

If you want to monetize the special drawing rights, what you would do is like you do with gold certificates, issue special SDR certificates to the Federal Reserve in exchange for dollars; is that correct?

For the purpose of legislative history, I want to spell out our intent in this legislation.

We are not passing this bill for the purpose of our domestic reserves. But monetization could result if we had a loose-handed or loose-minded Secretary of the Treasury and it could result in increased reserves by monetizing the special drawing rights.

Mr. REUSS. The gentleman is entirely right. We are not passing this for our domestic reserve purposes.

I would hope our monetary authorities could, if they needed to, neutralize whatever special drawing rights were created so far as domestic currency purposes are concerned.

Mr. BROCK. I appreciate the gentleman making it abundantly clear that we have no intention whatsoever to give this latitude to the Secretary of the Treasury or to any other U.S. official insofar as our domestic reserves are concerned.

Mr. FASCELL. Mr. Chairman, since the Bretton Woods Agreement of 1944, and the establishment of the International Monetary Fund in 1945, the dollar has been the principal reserve currency for the entire free world, and the only currency which is redeemable in gold by foreign central banks in gold on demand. However, because U.S. expenditures abroad have exceeded the total of its receipts from foreign sources and from expenditures in the United States by foreigners, in almost every year since the end of World War II the U.S. balance of international payments has been in deficit. As a result, foreign countries have increased their supplies of dollars. These they use as parts of their currency reserves. They also use dollars to earn interest—as in "Eurodollars" transactions—and from time to time, to convert into gold.

Reliance on the dollar, and the privilege of converting it into gold, have led to stability in the convertibility of currencies, substantial expansions of world trade, and to the thriving economies that now exist in most of the free nations of the world. Even before the recent runs on the U.S. gold supply the free nations of the world realized that greater reserves would be necessary because of expanded foreign trade.

In July 1965, in a report prepared for the Government Operations Committee by the Legal and Monetary Affairs Subcommittee, of which I am chairman, in the light of these needs we discussed the various plans that were then being advanced for long-range reforms of the international monetary system. That report, called "The Gold Situation," House Report No. 702, 89th Congress, first session, reviewed the national and world gold situation, the U.S. balance of international payments problems, and the steps available for remedying the problems.

The special drawing rights plan that

fully informed. It has sought their advice and counsel, and utilized that advice.

Through chairmanship of the Subcommittee on International Exchange and Payments of the Joint Economic Committee and of the Subcommittee on International Finance of the Banking and Currency Committee of the House, I have had the privilege of being in close touch with the progress of these negotiations.

During the same period, those in the executive branch have had the benefit of active consultation with the members of a very distinguished panel of non-Government advisers, headed by former Secretary of the Treasury Douglas Dillon. Representatives of this group testified in strong support of H.R. 16911 last week before the Committee on Banking and Currency, and members were most impressed with their testimony.

The legislation before the House would authorize the President to accept, for the United States, a single amendment to the articles of agreement of the International Monetary Fund. This amendment would make changes of two kinds; certain modifications of the provisions under which the Fund has operated over the past 21 years, and a series of new provisions which would add a new function to the responsibilities of the Fund—the creation of a new reserve asset, special drawing rights.

The proposed changes in the traditional functions of the Fund are included in six main proposals for change, together with subsidiary and consequential alterations. Of these, three are properly regarded as technical in nature, and I need not refer to them further. The other three changes involve voting majorities and the procedure for interpretations of the Fund articles.

First, decisions by the Fund involving a general increase in quotas—for financial participation in the Fund—are to be raised from 80 percent of the weighted votes to 85 percent.

Second, a decision of the Fund to effect a uniform proportionate change in par values—that is to say, a change in the price of gold—would in the future require a majority of 85 percent, instead of the present simple majority.

Third, a new procedure is to be introduced in the method by which the Fund makes formal interpretations of its own constitutional provisions. This is to be done by a committee of the Fund's Governors, which will review interpretations decided upon by the Executive Directors of the Fund, and whose decisions will be final unless overturned by an 85-percent weighted vote of the full Board of Governors. The precise procedure by which this committee is to function is to be decided in the future. I have been assured on behalf of the Secretary of the Treasury that he and other U.S. spokesmen will insure that the changes in the interpretation mechanism do not act to the disadvantage of the United States.

The increase in majorities for uniform proportionate changes in par values is a welcome development, since it makes more difficult a change in the price of gold by giving a veto on such decisions to both the United States and the Common Market.

The change in the majority required for quota increases enables the EEC countries, if they act together, as well as the United States, to block a general increase in quotas.

I have held the view for some time that the new economic influence of the EEC should be reflected in larger financial contributions to the Fund by the EEC countries. I hope that the Common Market will respond to the increase in their voting strength in the Fund with increased responsibility in exercising it and in making future quota contributions. Thus the proposed amendments to the existing rules and practices of the fund do not seem too high a price to pay for the adoption of the special drawing rights plan.

The special drawing rights facility which is to be established by the proposed amendment to the Fund agreement that we are now asked to approve represents the most important development in the international monetary field of the past generation. It is, in a sense, as dramatic in its implications for the future of the world economy as was the first legislation for the Federal Reserve System in this country. For the first time in the history of the world, men are to make conscious decisions as to the amount by which the international reserves of the world are to grow. No longer will the health or functioning of the international economy be prey to the vicissitudes of new gold production or to private demands for gold, or be subject to the vagaries of the balance of payments positions of the reserve currency countries.

The special drawing rights facility will create a supplement to the world's reserves. It will do so on the basis of a most carefully designed process of decision-making among the members of the International Monetary Fund, a process which will include extensive consultations among countries and a voting procedure that will insure a very wide consensus among the authorities of countries in favor of the amount of reserves to be created. This procedure, while conservative, also recognizes the essential indivisibility of the international monetary system, and of its pervasive effects on the international system of trade and payments.

When the special drawing rights system has been approved and activated, the special drawing rights created will be distributed to countries in proportion to their quotas in the International Monetary Fund. All members of the International Monetary Fund will have the right to participate in the new system. The U.S. share, on the basis of present quotas in the Fund, will be about 25 percent of the total.

Special drawing rights will be usable very much in the manner of traditional reserve assets in transfers between the monetary authorities of participants. For the United States, special drawing rights would be used in much the same way we use gold, though the hope of U.S. policy is that distributions of special drawing rights can be held so as to increase the level of U.S. reserves, which have suffered a sustained reduction over recent years.

Most importantly, the special drawing rights system represents a victory for the world over the inadequacies of the present international monetary system. The new system now being launched is consistent with the two-tiered gold policy announced on March 17. It is a testimonial to the effectiveness of the International Monetary Fund. It is a monument to all those who have participated in its development. Most particularly, it will be remembered as the special contribution of this Secretary of the Treasury, Henry H. Fowler.

The legislation before the House will enable the United States to participate fully in this new facility, acting through the exchange stabilization fund of the U.S. Treasury, just as that same fund is the instrument through which we conduct gold transactions with foreign monetary authorities. The legislation provides for domestic financing of these transactions by operations between the Treasury and the Federal Reserve in a manner analogous to the financing of gold movements. The legislation authorizes the United States to take decisions relating to the special drawing rights facility up to the point where distribution of these rights to participants results in the allocation of $5,160 million to the United States. This authority is adequate, while it still preserves the principle of later congressional review at such time as larger authority needs to be sought.

Mr. Chairman, I now address myself to two questions:

One, who needs these special rights? And, second, how do they work?

Mr. Chairman, the system now laughingly called the international monetary system quite closely resembles the oldest established continuous floating crap game of that musical comedy a number of years ago.

Let us look at how, in March 1968, the international reserve system operated. It depended upon how much gold happened to be mined in the Soviet Union and in South Africa as the No. 1 condition. And, No. 2, how much of that gold which they mined they would decide to withhold from the market. They frequently decided to hold large amounts off the market and not put anything into it.

Then, No. 3, came the activities of industry and the arts, and of the hoarders and speculators in gold. And then, on the plus side, what happens to be the balance of payments of the United States and the United Kingdom. From this subtract the actions of the central banks of the 167 nations scattered all over the world which decide to take gold from the United States.

As most of us know, that resulted in a fragile system. We now seek to replace it with a carefully controlled increase in resources by these new special drawing rights.

Mr. Chairman, let us take a quick example in order to give to the members of the committee some idea as to how this proposed system is to work. Let us suppose that we ratify the system, and that in the first year of operation, the IMF decides that $2 billion worth of special drawings rights need to be created. Denmark has about 1 percent of the quotas of the International Monetary Fund, 1 percent of $2 billion is $20 million. So the IMF would credit to Denmark a balance on the books of the IMF of $20 million in special drawing rights.

If Denmark had no needs, this new reserve would stay there, and they would not use it. But if Denmark ran into a balance-of-payments deficit, if it had international obligations to meet, then they might decide they wanted to use in this situation, say, $10 million, so they would notify the International Monetary Fund and ask the Fund what kinds of hard currency it had available.

The Fund would survey the current situation of the monetary world and would determine, let us say, that West Germany and Italy were in a strong balance of payments and surplus position, and it would say "We have got Deutschemarks and we have got Italian lire." So Denmark would say, "Fine, out of the $10 million worth of Special Drawing Rights, we would like $5 million worth of Deutschemarks and $5 million worth of lire." Whereupon, on the books of the International Monetary Fund, Italy and Germany would be credited each with $5 million additional of special drawing rights, and Denmark would be debited.

Italy and Germany would receive a modest 1.5 percent interest premium charge on the money in their currency that they were making available. Denmark would have to pay its modest 1.5 percent interest charge. So it would be as simple as that, and since Denmark would not have exceeded the 70 percent limitation, it would not be obligated to repay to the fund these new special drawing rights.

Thus these special drawing rights are in a very real sense, in answer to a question that was earlier asked, a new international asset secured by the commitment and the promise of the great trading nations of the world to honor them. In the final analysis this is the way any currency gets its value.

Mr. McCLORY. Mr. Chairman, would the gentleman yield?

Mr. REUSS. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I have a question on this point. I understand the explanation given by the gentleman, but what I am interested in, as I understand it, the contribution or participation of Denmark to the extent of $20 million, it would not be funds which are convertible into gold, and the amount of credit that might be borrowed in the form of special drawing rights and in the form of Deutschemarks or dollars would be treated as being convertible into gold.

Mr. REUSS. If the gentleman will pause for just one moment, the only currency which is convertible into gold are dollars held by foreign central banks, or treasuries, so that these foreign currencies and these special drawing rights would not be convertible into gold at all.

Mr. McCLORY. The dollars that the Danish Government received would not be dollars that were convertible into gold, then, as I understand it?

Mr. REUSS. As the gentleman will recall, in my example I had Denmark asking for and receiving Deutschemarks from West Germany and lire from Italy. Dollars were not used in that example.

Mr. McCLORY. With regard to the repayment that the Danish Government would have to make, is it not true that the repayment would have to be in a currency that was convertible into gold?

Mr. REUSS. No. The repayment would be in the very currencies borrowed, and that is in Deutschemarks or lire, and other convertible currencies. They could be in dollars, but there is no requirement that they be in dollars. Therefore, there is no gold conversion problem.

Mr. McCLORY. When the gentleman talks about convertible currencies, the gentleman is talking about currencies convertible into gold at the stabilized dollar price of $35 an ounce; is that correct?

Mr. REUSS. This word "convertible" is a slightly misleading word. I was using it in the sense——

The **CHAIRMAN.** The time of the gentleman from Wisconsin has expired.

Mr. PATMAN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Wisconsin [Mr. REUSS].

Mr. REUSS. Mr. Chairman, in reply to the inquiry of the gentleman from Illinois, I was not using it in the sense of a currency convertible into gold. The only currencies so convertible are officially held foreign dollar balances.

A convertible currency, in the sense I was using, is simply a currency which is not subject to exchange controls by the country of origin.

Mr. McCLORY. As I understand it, then, the original participation is really a bookkeeping item, but when it comes to repayment it has to be repaid in some solid currency, some currency convertible into gold, either dollars, or some other currency that is convertible into dollars, which in turn are convertible into gold?

Mr. REUSS. No; not a currency convertible into dollars, but a currency which is convertible in the sense that the country issuing that currency does not have exchange controls—a country, for example, such as Colombia in South America, which currently has exchange controls and thus would not be said to have a convertible currency, and hence the Colombian currency could not be used for repayment purposes.

Mr. McCLORY. I just have the feeling that the gentleman's explanation or circumlocution avoids recognition of the fact that you do have ultimate convertibility into gold with regard to the repayment of these borrowings of other countries from the International Monetary Fund.

Mr. REUSS. The gentleman from Wisconsin is trying to locute, and not circumlocute.

Mr. BROCK. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman.

Mr. BROCK. The situation out in Sweden where we might monetize the special drawing rights under the example in the committee report relates the special drawing rights to gold.

If you want to monetize the special drawing rights, what you would do is like you do with gold certificates, issue special SDR certificates to the Federal Reserve in exchange for dollars; is that correct?

For the purpose of legislative history, I want to spell out our intent in this legislation.

We are not passing this bill for the purpose of our domestic reserves. But monetization could result if we had a loose-handed or loose-minded Secretary of the Treasury and it could result in increased reserves by monetizing the special drawing rights.

Mr. REUSS. The gentleman is entirely right. We are not passing this for our domestic reserve purposes.

I would hope our monetary authorities could, if they needed to, neutralize whatever special drawing rights were created so far as domestic currency purposes are concerned.

Mr. BROCK. I appreciate the gentleman making it abundantly clear that we have no intention whatsoever to give this latitude to the Secretary of the Treasury or to any other U.S. official insofar as our domestic reserves are concerned.

Mr. FASCELL. Mr. Chairman, since the Bretton Woods Agreement of 1944, and the establishment of the International Monetary Fund in 1945, the dollar has been the principal reserve currency for the entire free world, and the only currency which is redeemable in gold by foreign central banks in gold on demand. However, because U.S. expenditures abroad have exceeded the total of its receipts from foreign sources and from expenditures in the United States by foreigners, in almost every year since the end of World War II the U.S. balance of international payments has been in deficit. As a result, foreign countries have increased their supplies of dollars. These they use as parts of their currency reserves. They also use dollars to earn interest—as in "Eurodollars" transactions—and from time to time, to convert into gold.

Reliance on the dollar, and the privilege of converting it into gold, have led to stability in the convertibility of currencies, substantial expansions of world trade, and to the thriving economies that now exist in most of the free nations of the world. Even before the recent runs on the U.S. gold supply the free nations of the world realized that greater reserves would be necessary because of expanded foreign trade.

In July 1965, in a report prepared for the Government Operations Committee by the Legal and Monetary Affairs Subcommittee, of which I am chairman, in the light of these needs we discussed the various plans that were then being advanced for long-range reforms of the international monetary system. That report, called "The Gold Situation," House Report No. 702, 89th Congress, first session, reviewed the national and world gold situation, the U.S. balance of international payments problems, and the steps available for remedying the problems.

The special drawing rights plan that

would be authorized by H.R. 16911 was conceived as an appropriate international monetary reform, both to furnish expanded international monetary reserves and to relieve the United States from carrying the principal burden of supplying these reserves. The plan has been approved by the members of the International Monetary Fund for submission to the member nations for ratification. Approval by 65 of the member-nation governments is required before it can become a part of the International Monetary Fund machinery. In its essence, the plan uses a bookkeeping device to distribute additional drawing rights to all members of the IMF in direct ratio to their quotas, and may be used by members to cover balance-of-payments deficits.

The special drawing rights plan does not solve the U.S. balance-of-payments problem. That, we will have to solve ourselves. However, because it provides a positive step in the direction of needed international monetary reform, and because it places more equitable responsibilities on the other nations of the IMF, I urge that H.R. 16911 be adopted.

Mr. RARICK. Mr. Chairman, listening to the debates and discussion on this bill, I can only reasonably deduct that our American financial system is in even far more serious condition that related to our people.

Yet, I know no more about the special drawing rights scheme than I did before the debates—except that, first, the special drawing rights are not to solve our balance-of-payments decision; second, the International Monetary Fund members have a veto which could deprive the United States of any favored position in membership or stability; and third, the International Fund can be expected to expand as a world monopoly if it is able to get its some 106 members to accept the special drawing rights amendments.

No one discusses the reasons why we, in the United States, are in such serious financial light—the waste, foreign aid, deficit spending, the international share-the-wealth program, which takes from those who have and gives to those who have not.

Silence prevails as to who and what international bodies sold the United States on these spend-yourself-rich theories of economics. Was it not the foreign economists and international bankers who created our problem?

Now we are asked to turn full control of international exchange to the same bankers and banking firms to solve the chaos they created. How much of the U.S. deficit is interest on the national debt and to whom is this interest due and paid?

Was it not these same international kings of finance who straightway told our leaders that in order to solve our problems we must, first, accept the International Monetary Funds special drawing rights—a bookkeeper's I O U; second, to increase income taxes; and third, to curtail Federal waste in spending?

The special drawing rights bill is here—the income tax bill will follow shortly, leaving only the fiscal responsibility request unfilled.

I am not a wealthy man, nor do I hold any investments—national or international. My only interest is the financial status of the average American—the worker, pensioner, farmer, and small merchant who can be wiped out by any program to equalize all wealth the world over.

Where I live the term "international banker" is considered a nasty term. I am afraid of the international bankers and any other organization that subverts our people to foreign and alien ideas and schemes.

There is no promise of fiscal stability—only a surrender to more international control and intermeddling.

I oppose H.R. 16911 as an attempt to frighten the American people into something untried, unwanted, and unworkable.

Mr. PATMAN. Mr. Chairman, we have no further requests for time, and I ask that the Clerk read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Special Drawing Rights Act".

SEC. 2. The President is hereby authorized (a) to accept the amendment to the articles of agreement of the International Monetary Fund (hereinafter referred to as the "Fund"), attached to the April 1968 report by the Executive Directors of the Board of Governors of the Fund, for the purpose of (i) establishing a facility based on special drawing rights in the Fund and (ii) giving effect to certain modifications in the present rules and practices of the Fund, and (b) to participate in the special drawing account established by the amendment.

Mr. PATMAN (during the reading). Mr. Chairman, I wonder if it would be agreeable to dispense with the further reading of the bill at this point, have the bill printed in the RECORD and subject to amendment at any point, and I ask unanimous consent accordingly.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Reserving the right to object, Mr. Chairman, I would suggest to the gentleman that he withhold his request at this time, otherwise I would have to object to it.

Mr. PATMAN. Mr. Chairman, I withdraw the request.

Mr. KYL. Mr. Chairman, I move to strike out the last word.

Mr. KYL. Mr. Chairman, I would direct a couple of questions to the gentleman from Wisconsin.

If a nation decided to participate in this program, and indeed did, and then decided to withdraw, would this in any way place that Nation's connection with the International Monetary Fund in jeopardy?

Mr. REUSS. No, it would not.

Mr. KYL. Obviously, this is not a treaty arrangement, in which we are becoming involved. We are becoming involved through the passage of a law. If the program did for some reason not conceivable at this moment work to the satisfaction of the United States, if it indeed worked to the disadvantage of the United States and we wanted out, could the gentleman tell me simply how we would remove ourselves from this arrangement.

Mr. REUSS. Yes, there is a provision in the proposed amendments to the articles of agreement for opting out and we could do that at any point by following the procedure.

Mr. KYL. Could the gentleman tell me what that procedure is that is involved?

Mr. REUSS. The procedures involve notice to the other members of the Fund and the passage of a certain short period. But a nation is in control of its own destinies under this agreement and may at any time say, Thank you, no more for us.

Mr. KYL. Is this procedure spelled out in the legislation which we shall act upon today?

Mr. REUSS. It is spelled out in the annex to the legislation and in the amendments to the International Monetary Fund articles of agreement for which our U.S. Governor under the legislation before us today would be authorized to vote.

Mr. KYL. In other words, the Governor for the United States in the International Monetary Fund would be directed to introduce these amendments or to act on the amendments here?

Mr. REUSS. The amendments have been agreed to by all of the Governors of the International Monetary Fund, subject to whatever ratification by their domestic parliamentary processes is necessary. That is what we are going through here today. If the Congress does enact this legislation, we will then, by so doing, authorize the U.S. Governor to give his final seal of approval, indicating U.S. assent to the articles. But, as I said before in answer to an earlier question from the gentleman from Iowa, the United States or any other signatory still has the opting out provision available.

Mr. KYL. May I carry this one step further, and the gentleman has been very helpful and cooperative. Who in the United States would initiate this action for withdrawal?

Mr. REUSS. The action could be initiated, I suppose, by any branch of our Government. I would think, however, that because the United States would be withdrawing from that which Congress has ratified, it should be the Congress that would indicate at some future time that it wants to opt out or withdraw. I do not think it would be proper, though it might be constitutional, for the President on his own to decide that. I think it is properly a congressional matter, and I think the legislative history should show that.

Mr. KYL. The legislation before Congress would in no way obviate this power to suggest or to effect removal through this language in the bill?

Mr. REUSS. That is correct. The Congress would be entitled, if we become disillusioned with this agreement a year from now, 10 years from now, or a century from now, to pass legislation to require our withdrawal.

Mr. KYL. I thank the gentleman.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Illinois.

Mr. COLLIER. I wish to point out very specifically that the Congress at any time can withdraw from the President the right to continue to further participate, inasmuch as, if the report is accurate—and I am sure it is—it specifically provides:

> Action by Congress is required by section 5 of the Bretton Woods Agreements Act.

Therefore, if the Congress by the action taken today should grant such power, certainly at any time, by a reversal of that action, Congress would have the right to rescind such authority as it would vest in the President under this act.

Mr. KYL. I thank the gentleman for his assurance.

Mr. COLLIER. Is that correct or not?

Mr. KYL. Yes.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes.

Mr. GROSS. Mr. Chairman I want to extend greetings and salutations to the Banking and Currency Committee. It has been the transmission belt by which our silver currency was debauched. It has been the transmission belt by which this country can be stripped of possession of its remaining gold—in other words, it was the transmission belt by which the House was faced with a vote not long ago on the removal of the last 25 percent of the gold cover for our currency. The committee has made a wonderful contribution to the debasement of the money system of this country. Now it has produced a bottle of Lydia Pinkham for the rest of the world a palliative for the world and the long-suffering citizens of this country.

What I do not know about this proposition would fill a Sears, Roebuck catalog. But I am convinced that we are going into something here that we will wish we had never embarked upon—this business of papering the world with paper money. I am not surprised because the chairman of the Banking and Currency Committee has long been an advocate of printing press money. Apparently this is the direction in which we are being headed here today but on a global scale.

Mr. PATMAN. Mr. Chairman will the gentleman yield?

Mr. GROSS. Of course I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, when the gentleman says "printing press money" that, of course, carries the inference that money we use is no good, the money we have been advocating. That is not true. The only kind of money I am in favor of being printed is Government money, where each bill says on it, "This note is legal tender for all debts, public and private."

Mr. GROSS. I have heard the gentleman on that subject before.

Mr. PATMAN. I know, but I want to remind the gentleman of it. It is the best money on earth. All foreigners want it. They are trying to get all they can.

Mr. GROSS. I am not so sure. If the foreigners wanted it, this kind of a gimmick would not be necessary. That is why we are here, because they are losing faith in just what the gentleman has in his hand.

Mr. PATMAN. Let me conclude. This money is so good that anyone who has this money, when he tenders it for any debt he owes, it is legal tender.

Mr. GROSS. He wants gold for it now; does he not?

Mr. PATMAN. If he tenders it for any debt he owes or any taxes or purchases, the person must accept it or the debt is paid. It is legal tender. There is no better money than that as a means of paying what we owe in debts or taxes in this country. All we need is this type money. This is money that is good for the payment of any debts or taxes.

Mr. GROSS. The President has said, quote:

> Special drawing rights are urgently needed to meet the requirements posed by growing world trade and capital flow.

Does the gentleman from Wisconsin agree with the President's statement?

Mr. REUSS. Yes, I do.

I wonder if the gentleman from Iowa is bothered at all by the fact that in the whole world the only two clear voices I hear raised against the special drawing rights are those of H. R. GROSS and Charles de Gaulle?

Mr. GROSS. I am delighted to have my name associated with the President of France. Why, France, until very recently was described by some as something filthy and untouchable—a country to be shunned at all cost. But now, lo and behold, where do the negotiations take place to end the Vietnam war? In Paris, in that outcast nation of France.

Now our officials rush to associate themselves with those bad Frenchmen who are trying to get our gold nowadays because they know Congress and President Johnson has made it plain that this country has no use for it as backing for our money and they appreciate the value of it. I do not always agree with what de Gaulle does but there is one thing about him I admire: He puts the interests of France first. That is why, I assume, France is not in this deal. I hope to live to see the day when a President of the United States will put the interests of the United States first, a President who will say that the citizens of the United States cannot be bankrupted by trying to solve all the ills and woes in the entire world.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 5 additional minutes.)

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding, because I think it is important to point out that the dollar, which the chairman of the committee just held up, was, as a matter of fact, refused in a number of countries of Europe just a few weeks ago because of the extent to which our dollar is in jeopardy around the world. It does not have the same respect and confidence. It seems to me this legislation further impairs this confidence in the dollar.

May I say further, with regard to President de Gaulle and France, that France did take part in the Rio conference, and France named the special drawing rights, the very subject we are dealing with, and laid down conditions, many of which were complied with in this legislation, this amendment which we have before the House today.

Mr. GROSS. The President's statement that, "Special drawing rights are urgently needed to meet the requirements posed by growing world trade and capital flow," is not demonstrated at all by the facts, because most commerce is not financed by government anyway, but is financed by private concerns. A major threat to world trade expansion is not lack of paper reserves but restrictive administration policies on overseas investment by American firms.

The creation of paper gold special drawing rights is merely doing internationally what this country has been doing all along—pumping our printing press money in to finance the rapidly growing debt and creating runaway inflation.

The special drawing rights, rather than doing what Lyndon Johnson claims, "to provide time for countries to restore equilibrium in their balance of payments," will pave the way for international inflation. That is what this legislation will promote—more international inflation and not less of it.

The special drawing rights gimmick is merely the latest gimmick to prolong the balance-of-payments deficit, not a move designed to expand world trade.

What this world needs, including and especially this country, is financial discipline. No amount of so-called paper gold, no amount of printing press money, is going to change this.

I have yet to see any real disposition or demonstration on the part of the House of Representatives or of the entire Congress that we are interested in the discipline that is necessary to avoid a crisis.

You are only compounding a bad situation with what you are attempting to do here, paper the world with paper money.

Mr. PATMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Iowa [Mr. GROSS] said that the Committee on Banking and Currency had a terrible record. The facts without question contradict that statement.

I have been in Congress for some time. I know something about the record made by committees of Congress. I do not believe any other committee of this Congress has a better record than the Committee on Banking and Currency. We have handled and passed more bills of great importance, I believe, or certainly as many as any other committee in the House or Senate. Most of our bills have strong bipartisan support both in committee and on the floor. We have an excellent minority representation on our committee, and the majority members work well with the minority. Most of the major bills, those of the greatest importance, we have presented, as we have presented this bill, come out of our committee with very strong if not unanimous support as did this bill which was unanimously approved by your Banking and Currency Committee.

It bears repeating, Mr. Chairman: We

have, and this House has as fine a group of Members, from the most senior to the most junior, and as fine a staff as any committee in the Congress.

I believe the Members will find that we have handled as many bills of substance during the past two Congresses, as just an example, as any other committee in the U.S. Congress and I know no one will or can deny that your Banking and Currency Committee has handled them in a most satisfactory and expeditious manner, because all of our members work together and have the public interest uppermost in mind at all times.

The work we have done and will continue to do will always be in the public interest. We have not been working for any particular country, like France or anyone else. We are working for the United States of America.

The gentleman from Iowa went out of his way to praise France. Well, France is the country that insists on embarrassing the United States. France has gone in with Soviet Russia as far, at least, as gold is concerned. I did not think the gentleman from Iowa wanted to be identified with a country that is so closely allied with Soviet Russia.

So we have France working with Soviet Russia on this matter. And of course South Africa would get some advantage, too, since they are the biggest producer of gold. The gentleman from Iowa said that it is right for France to do that and he is to be commended for his stand. But we are not doing the same thing as is France. We are working in the interest of the people of the United States of America.

France has tried to get enough gold whereby they can force the price of gold to double. That is the reason that they have not come into the special drawing rights proposal to date. They figure that if they can wreck the program they will benefit to the detriment of the rest of the world. They have $6 billion in gold. In the real sense it is useless to them. They cannot earn interest on it. They cannot eat it. The only benefit they can derive from it is to get the price of gold raised. Therefore, I say to the gentleman from Iowa to that extent France is working in the interest of France alone, despite the detrimental effects such action will have upon other countries of the world.

Mr. GROSS. Mr. Chairman, if the gentleman will yield, the gentleman does not deny that the Committee on Banking and Currency debauched our paper currency and debased it?

Mr. PATMAN. We did not debase it. We saved this country. We actually saved the country. Who had a better understanding of these matters than the Committee on Banking and Currency?

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, I do not like this "funny-money" approach.

Mr. PATMAN. No one likes funny money. The gentleman is always using that phrase on every monetary issue, just like a phonograph record playing. We are not dealing in funny money. We are dealing in good money, the best money on earth, the best money, which is accepted by any country on earth. It has been, is, and, in my opinion, will continue to be the best currency in the world.

Mr. BROCK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to point out to the chairman of our committee the fact that in my opinion he is in some slight error when he says that France is the cause of our difficulty. There is no way by which we can avoid the responsibility for our own problems. We cannot put them at the feet of someone else. I get rather tired of hearing people blame someone else for what has gone wrong with our fiscal and monetary system in this country. De Gaulle had nothing to do with it. The fiscal policies of this administration have put this Nation into deficit after deficit after deficit. That is what is wrong with the money situation. This Government has been irresponsible, including the Congress of the United States, and we cannot pass the buck.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the gentleman from Texas.

Mr. PATMAN. Of course the gentleman knows France tried years ago and continued to do so, to hoard too much of the gold of the world and that started our difficulties. France was not working in the interest of the other countries of the world. France was working in her own interest with the expectation of getting the price of gold doubled.

Mr. BROCK. The reason that gold has increased in value is because the value of the dollar has decreased in value. That is not De Gaulle—it is you.

Mr. COLLIER. Mr. Chairman, I move to strike the requisite number of words.

It has been a long afternoon but we have had longer ones, and in view of the circumstances under which we are meeting today, as sympathetic is I might be to those of you who want to expedite the vote, I cannot find it in my heart to do so. We are discussing the terms of what appears to be a very complex bill, but when you peel the shell away it is actually nothing more than an international bookkeeping system that has developed because of a void of any sense of fiscal responsibility on the part of this and previous administrations in either domestic or international fiscal and economic policies. I say this to my colleagues in all sincerity.

I will support this bill primarily because anything we do in our present situation has to represent an improvement. In the same breath let me say that the legislation now before us is going to be no cure for all the woes and the ills that are going to grow more critical and dangerous if there are not drastic changes in the fiscal policies of this country—policies which have led us into the frightening situation in which we find ourselves today.

Consideration of this bill is a painful process. If not, it certainly ought to be, and I would hope that in the months ahead, although there has been no real indication of concern other than through lipservice, that Members on the floor today will remember as we deal with future appropriation bills, that what we do is going to compound this problem, and it is going to nullify whatever temporary or stop-gap effect it may have.

Mr. Chairman, when I heard some of the previous speakers' remarks suggesting that this is going to be the means by which we would establish an equilibrium in our balance of payments, I cannot help but recall the bill of goods that this House was sold in 1962, when we had our Trade Expansion Act before us. Why it was called the Trade Expansion Act in the light of what has transpired since I do not know. But we were told that it would improve our balance of payments; we were told that it would relieve the serious gold reserve problem; and we were told that it would reduce our treasury deficits.

What happened? Well, before I discuss that, why not go back and read some of the speeches that were made by many Members of this body whom I consider to be highly knowledgeable and competent. Just the reverse of what they predicted happened. Everything got worse instead of better; and just a month ago for the first time in the modern history of this Nation we had a deficit in our trade balance.

So, Mr. Chairman, if this is not sufficient warning to this House, and to those who establish the domestic and international fiscal and economic policy of this country, then I say in the vernacular, "we've had it."

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The Clerk will read.

The Clerk read as follows:

SEC. 3. (a) Special Drawing Rights allocated to the United States pursuant to article XXIV of the Articles of Agreement of the Fund, and Special Drawing Rights otherwise acquired by the United States, shall be credited to the account of, and administered as part of, the Exchange Stabilization Fund established by section 10 of the Gold Reserve Act of 1934, as amended (31 U.S.C. 822a).

(b) The proceeds resulting from the use of Special Drawing Rights by the United States, and payments of interest to the United States pursuant to article XXVI, article XXX, and article XXXI of the Articles of Agreement of the fund, shall be deposited in the Exchange Stabilization Fund. Currency payments by the United Sttaes in return for Special Drawing Rights, and payments of charges or assessments pursuant to article XXVI, article XXX, and article XXXI of the Articles of Agreement of the Fund, shall be made from the resources of the Exchange Stabilization Fund.

SEC. 4. (a) The Secretary of the Treasury is authorized to issue to the Federal Reserve banks, and such banks shall purchase, Special Drawing Rights certificates in such form and in such denominations as he may determine, against any Special Drawing Rights held to the credit of the Exchange Stabilization Fund. Such certificates shall be issued and remain outstanding only for the purpose of financing the acquisition of Special Drawing Rights or for financing exchange stabilization operations. The amount of Special Drawing Right certificates issued and outstanding shall at no time exceed the value of the Special Drawing Rights held against the Special Drawing Rights certificates. The proceeds resulting from the issuance of Special Drawing Rights certificates shall be covered into the Exchange Stabilization Fund.

(b) Special Drawing Right certificates owned by the Federal Reserve banks shall be redeemed from the resources of the Exchange Stabilization Fund at such times and in such amounts as the Secretary of the Treasury may determine.

Sec. 5. (a) The third sentence of the second paragraph of section 16 of the Federal Reserve Act, as amended (12 U.S.C. 412), is amended by inserting "or Special Drawing Right certificates," after "gold certificates,".

(b) The first sentence of the fifth paragraph of section 16 of the Federal Reserve Act, as amended (12 U.S.C. 415), is amended by inserting "Special Drawing Right certificates," after "gold certificates,".

(c) The seventh paragraph of section 16 of the Federal Reserve Act, as amended (12 U.S.C. 417), is amended by (i) inserting ", Special Drawing Right certificates," after "gold certificates" in the first sentence; (ii) inserting "Special Drawing Right certificates," after "gold certificates," in the second sentence; and (iii) inserting "and Special Drawing Right certificates" after "gold certificates" in the third sentence.

(d) The fifteenth paragraph of section 16 of the Federal Reserve Act, as amended (12 U.S.C. 467), is amended by inserting (i) "or of Special Drawing Right certificates" after "gold certificates" in the first sentence, and (ii) by striking the third sentence and inserting in lieu thereof "Deposits so made shall be held subject to the orders of the Board of Governors of the Federal Reserve System and deposits of gold or gold certificates shall be payable in gold certificates, and deposits of Special Drawing Right certificates shall be payable in Special Drawing Right certificates, on the order of the Board of Governors of the Federal Reserve System to any Federal Reserve bank or Federal Reserve agent at the Treasury or at the subtreasury of the United States nearest the place of business of such Federal Reserve bank or such Federal Reserve agent."

Sec. 6. Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States vote to allocate Special Drawing Rights under article XXIV, sections 2 and 3, of the Articles of Agreement of the Fund so that net cumulative allocations to the United States exceed an amount equal to the United States quota in the Fund as heretofore authorized under the Bretton Woods Agreements Act of 1945, as amended (31 U.S.C. 822a(c), 22 U.S.C. 286e, 286e-1(a), 286e-1b).

Sec. 7. The provisions of article XXVII(b) of the Articles of Agreement of the Fund shall have full force and effect in the United States and its territories and possessions when the United States becomes a participant in the special drawing account.

Mr. PATMAN (during the reading). Mr. Chairman, I wonder if I can get the unanimous consent that I requested a while ago, that the remainder of the bill be considered as read, printed in the Record, and open to amendment at any point?

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. There being no amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Delaney, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 16911) to provide for U.S. participation in the facility based on special drawing rights in the International Monetary Fund, and for other purposes, pursuant to House Resolution 1169, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 236, nays 15, not voting 182, as follows:

[Roll No. 133]

YEAS—236

Adams
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Ashmore
Ayres
Barrett
Bates
Battin
Bell
Bennett
Biester
Blackburn
Blanton
Blatnik
Boggs
Bow
Brademas
Brinkley
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Byrne, Pa.
Byrnes, Wis.
Cabell
Carter
Casey
Cederberg
Chamberlain
Clark
Clawson, Del
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Cramer
Daddario
Davis, Ga.
de la Garza
Delaney
Dorn
Dowdy
Duncan
Dwyer
Eckhardt
Edwards, Ala.
Erlenborn
Evins, Tenn.
Fascell
Feighan
Findley
Fisher
Flood
Foley
Ford, William D.
Fountain
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gathings
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Gubser
Gude
Halpern
Hamilton
Hanley
Harvey
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hosmer
Howard
Hull
Hunt
Hutchinson
Irwin
Jacobs
Joelson
Jones, Mo.
Kastenmeier
Kazen
Kee
Keith
King, Calif.
King, N.Y.
Kirwan
Kleppe
Kuykendall
Kyl
Kyros
Langen
Leggett
Lipscomb
Long, La.
Long, Md.
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Machen
Madden
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Mathias, Md.
Mayne
Miller, Ohio
Mills
Minish
Mink
Monagan
Montgomery
Morgan
Morris, N. Mex.
Morton
Moss
Murphy, Ill.
Myers
Natcher
Nichols
Nix
O'Hara, Mich.
O'Konski
O'Neal, Ga.
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Poff
Price, Ill.
Pucinski
Quie
Randall
Rees
Reid, Ill
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Pa.
Riegle
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roth
Roybal
Rumsfeld
Ryan
St Germain
Sandman
Satterfield
Schneebeli
Schwengel
Scott
Shriver
Sisk
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steiger, Wis.
Stratton
Stuckey
Sullivan
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tunney
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Walker
Wampler
Watson
Whalen
White
Whitener
Whitten
Widnall
Willis
Winn
Wolff
Wyman
Yates
Young
Zablocki
Zion

NAYS—15

Ashbrook
Baring
Berry
Bray
Gross
Haley
McClory
McClure
Passman
Pool
Price, Tex.
Rarick
Roudebush
Utt
Zwach

NOT VOTING—182

Abbitt
Abernethy
Adair
Addabbo
Albert
Andrews, Ala.
Aspinall
Belcher
Betts
Bevill
Bingham
Boland
Bolling
Bolton
Brasco
Brotzman
Burton, Calif.
Burton, Utah
Bush
Button
Cahill
Carey
Celler
Clancy
Clausen, Don H.
Conyers
Corbett
Corman
Cowger
Culver
Cunningham
Curtis
Daniels
Davis, Wis.
Dawson
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dow
Downing
Dulski
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Eshleman
Evans, Colo.
Everett
Fallon
Farbstein
Fino
Flynt
Ford, Gerald R.
Fraser
Frelinghuysen
Gallagher
Gardner
Garmatz
Gilbert
Goodell
Green, Oreg.
Griffiths
Grover
Gurney
Hagan
Hall
Halleck
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Harrison
Harsha
Hathaway
Hawkins
Hays
Heckler, Mass.
Herlong
Hicks
Holifield
Holland
Horton
Hungate
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karsten
Karth
Kelly
Kluczynski
Kornegay
Kupferman
Laird
Landrum
Latta
Lennon
Lloyd
Lukens
McCarthy
Macdonald, Mass.
MacGregor
Matsunaga
May
Meeds
Meskill
Michel
Miller, Calif.
Minshall
Mize
Moore
Moorhead
Morse, Mass.
Mosher
Murphy, N.Y.
Nedzi
Nelsen
O'Hara, Ill.
Olsen
O'Neill, Mass.
Ottinger
Philbin
Podell
Pollock
Pryor
Purcell
Quillen
Railsback
Resnick
Rhodes, Ariz.
Rivers
Robison
Rosenthal
Rostenkowski
Roush
Ruppe
St. Onge
Saylor
Schadeberg
Scherle
Scheuer
Schweiker
Selden
Shipley
Sikes
Skubitz
Slack
Steed
Steiger, Ariz.
Stephens
Stubblefield
Taft
Talcott
Teague, Tex.
Tenzer
Tiernan
Tuck
Van Deerlin
Waldie
Watkins
Watts
Whalley
Wiggins
Williams, Pa.
Wilson, Bob
Wilson, Charles H.
Wright
Wyatt
Wydler
Wylie

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Morse of Massachusetts.

Mr. Addabbo with Mr. Harrison.

Mr. Celler with Mr. Horton.

Mr. Brasco with Mr. Fino.

Mr. Abernethy with Mr. Burton of Utah.

Mr. Dent with Mr. Brotzman.

Mr. Eilberg with Mr. Moore.

Mr. Holifield with Mr. Hall.

Mr. Kluczynski with Mr. Cowger.

Mr. Miller of California with Mr. Bob Wilson.

Mr. Podell with Mr. Curtis.

Mr. Rivers with Mr. Halleck.

Mr. Farbstein with Mr. Clancy.

Mrs. Green of Oregon with Mrs. Bolton.

Mr. Ottinger with Mr. Corbett.

Mr. Tenzer with Mr. Wydler.

Mr. Albert with Mr. Gerald R. Ford.

Mr. Corman with Mr. Frelinghuysen.
Mr. Bingham with Mr. Grover.
Mr. Scheuer with Mr. Hansen of Idaho.
Mr. Matsunaga with Mr. Gurney.
Mr. Charles H. Wilson with Mr. Taft.
Mr. Karsten with Mr. Lukens.
Mr. Bevill with Mr. Wiggins.
Mr. Moorhead with Mr. Cahill.
Mr. McCarthy with Mr. Wyatt.
Mrs. Kelly with Mr. Don H. Clausen.
Mr. Burton of California with Mr. Minshall.
Mr. Donohue with Mrs. May.
Mr. Philbin with Mrs. Heckler of Massachusetts.
Mr. Jones of Alabama with Mr. Bush.
Mr. Hanna with Mr. Pollock.
Mr. Selden with Mr. Lloyd.
Mr. Waldie with Mr. Adair.
Mr. Teague of Texas with Mr. Laird.
Mr. Landrum with Mr. Betts.
Mr. Gilbert with Mr. Johnson of Pennsylvania.
Mr. Everett with Mr. Harsha.
Mr. Edwards of Louisiana with Mr. Belcher.
Mrs. Griffiths with Mr. Kupferman.
Mr. Nedzi with Mr. Bush.
Mr. Murphy of New York with Mr. Michel.
Mr. Pryor with Mr. Button.
Mr. Fraser with Mr. Mosher.
Mr. Garmatz with Mr. Cunningham.
Mr. Hawkins with Mr. Holland.
Mr. Fallon with Mr. Jonas.
Mr. Dulski with Mr. Railsback.
Mr. Flynt with Mr. Nelsen.
Mr. Meeds with Mr. Davis of Wisconsin.
Mr. Lennon with Mr. Skubitz.
Mr. Kornegay with Mr. Dellenback.
Mr. Abbitt with Mr. Denney.
Mr. Johnson of California with Mr. Saylor.
Mr. Andrews of Alabama with Mr. Quillen.
Mr. Jarman with Mr. Mize.
Mr. Culver with Mr. Derwinski.
Mr. Daniels with Mr. MacGregor.
Mr. Dingell with Mr. Esch.
Mr. Purcell with Mr. Latta.
Mr. Rostenkowski with Mr. Dole.
Mr. St. Onge with Mr. Ruppe.
Mr. Sikes with Mr. Devine.
Mr. Stubblefield with Mr. Watkins.
Mr. Hathaway with Mr. Dickinson.
Mr. Boland with Mr. Goodell.
Mr. Gallagher with Mr. Hammerschmidt.
Mr. Hardy with Mr. Scherle.
Mr. Hays with Mr. Eshleman.
Mr. Hicks with Mr. Schadeberg.
Mr. Aspinall with Mr. Rhodes of Arizona.
Mr. Evans of Colorado with Mr. Gardner.
Mr. Edmondson with Mr. Wylie.
Mr. Hagan with Mr. Talcott.
Mrs. Hansen of Washington with Mr. Meskill.
Mr. Rosenthal with Mr. Robison.
Mr. Roush with Mr. Schweiker.
Mr. Slack with Mr. Whalley.
Mr. Olsen with Mr. Steiger of Arizona.
Mr. Steed with Mr. Williams of Pennsylvania.
Mr. Resnick with Mr. Dawson.
Mr. Van Deerlin with Mr. Conyers.
Mr. Watts with Mr. Hungate.
Mr. Wright with Mr. Karth.
Mr. Carey with Mr. Herlong.
Mr. Tiernan with Mr. Tuck.
Mr. Downing with Mr. Stephens.
Mr. Edwards of California with Mr. Diggs.
Mr. Shipley with Mr. Dow.
Mr. Macdonald of Massachusetts with Mr. Ichord.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO MONDAY, MAY 13, 1968

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ONLY A LAWFUL SOCIETY CAN BUILD A BETTER SOCIETY

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GIBBONS. Mr. Speaker, recently the Hillsborough County Bar Association had a law day high school essay contest. The winner was John Thomson, a member of the senior class at Robinson High School. John was awarded a U.S. savings bond by the Tampa Tribune-Times for his essay on the theme: "Only a Lawful Society Can Build a Better Society."

I commend this excellent essay to the Members of the House, and ask that it be printed in the CONGRESSIONAL RECORD. Reprinted in the Tampa Tribune-Times of Sunday, May 5, 1968, the essay follows:

ONLY A LAWFUL SOCIETY CAN BUILD A BETTER SOCIETY

(NOTE.—The following is the winning essay in the Hillsborough County Bar Association's Law Day High School Essay Contest.

(The winner is John Thomson, a member of the senior class at Robinson High School. Thomson was awarded a U.S. Savings Bond by The Tampa Tribune-Times for his essay on the theme: "Only a Lawful Society Can Build a Better Society.")

(By John Thomson)

As I watch red-scarfed Boy Scouts march by in grinning regimental parade rows and Atlanta flatfoots whistle on summer sidewalks, I smile.

As I watch rioters loot Newark stores for 7 o'clock news cameramen, passing triumphantly with their loads, I frown.

The New York cop trots his horse across Central Park and the Los Angeles patrolman twitches his nose at 5 p.m. smog. The Cincinnati judge brushes the dust off his black robe and the court reporter punches nimbly at his steno. A Miami defendant sighs and Leavenworth cell doors clang.

The sights and sounds of "law" are ringing through my mind.

Lawlessness is a sad piece of the modern day memory. The Bonnies and the Clydes of our FBI lists look at us from Postoffice walls and sneer. The John Dillingers of hometown avenues scare old ladies and they lock their doors. And I, while sitting and leafing through my almanac, am wondering.

I am wondering just where our nation's conscience lies. It must be etched deep into the catacombs of the grocery clerk's mind as he hides the jar of olives beneath his apron. It is constantly creeping through the bookkeeper's thought process when he juggles corporate records. Yet it also glows in the clerical collars of a million pulpit priors and cheers for the evening-weary campaign workers.

As long as this conscience lurks behind the infamy that waters the weed of the lawless, there will always be the timeless element of the basic good in mankind. If the element of conscience will continue to ascend to the surface and aid in constructing the manner of persons that have built what we know of today, society will progress. If the element of conscience can still lure men to the "wailing wall" of our lawmaking ancestors' memories, society will live. If we can peer far past the clouds of avarice to Plato's "other world" and exist in common good will and "common law" respect, then life is ours.

Then the days will glisten with a lawful peace and a better society.

OUR YOUTH TODAY

Mr. ROONEY of Pennsylvania. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ROONEY of Pennsylvania. Mr. Speaker, this past weekend I had the privilege to address the Holy Name Society of St. Paul's Roman Catholic Church of Allentown, Pa., and witness the presentation of awards to winners of an eighth-grade essay contest.

It was particularly gratifying to me to read the winning essays and to realize the insight these eighth-grade boys have of problems such as human understanding and responsible citizenship—problems which have national significance.

The theme of the essay competition was, "What Is a Mature Christian?" It is clear that these young people have a better grasp of maturity and the qualities which give evidence of maturity than do a number of adult citizens.

Selected as the best essay was the composition, "Eyes Open or Closed?" by Fred Williams. Stephen Saia received the second award for his work, "The Mature Christian," and Anthony Tartaglia's essay, "Helping Others," received the third award.

I am pleased to include these winning essays in the CONGRESSIONAL RECORD in the hope that they may help us achieve greater realization of the qualities of human understanding and responsible citizenship among all Americans:

EYES OPEN OR CLOSED?

(By Fred Williams, first place)

There, in a small community, lives a man named Mr. Jones. Tom went to church every week. He even put money in the church collection box. He was pure and holy inside the church, but closed his eyes to the real world around him. Would you call this man a mature Christian? Or how about the man who goes to church not only on Sunday but on days when he has a chance and he is on groups that help the poor and sick of the world. He helps the church and the priest of his parish. He goes to church because he wants to, not because he is being forced like Mr. Jones. He has his eyes open, not only to whats happening in his community, but to whats happening all over the world. Would you call this man a mature Christian?

God put everybody on this earth with a free will. Some people use it to better themselves, others don't. God never forced anyone to go to church. He told us to go to church but never forced us. We should do it out of love for him and our neighbor. And we also do it to better ourselves. St. John once said, "If a man does not love his neighbor whom he can see and says he loves God, that man is a liar. In loving our neighbor we prove how much we love God.

A MATURE CHRISTIAN

(By Stephen Saia, second place)

To be a mature Christian is to be a natural, mature person. A mature Christian knows about his faith and understands it, and knows what it stands for. He will profess his faith, if he is knowing enough and mature enough. He will come to recognize Christ and the Church and know their purposes and what they should mean to him. He will come to learn to love Christ as Christ loved him and to share this Christ-like love with his neighbors with prejudice to no one.

The mature Christian will come to understand people and their problems and how to deal with them. He will also study the world and the things that go into making it like it is. Learning who Christ is and what His purpose is and how he could help Him to fulfill that purpose, the mature Christian sets out to right many wrongs. A mature Christian doesn't belong to any special age group. Anyone can be mature enough to understand people, the world, and God and His teachings. He will voice his opinions in matters that count. He will be wise enough to know what is right and to let others know. He will not have any childish thoughts and will not act immaturely. In general, he will do what Christ would expect him to do. And that is what is right.

HELPING OTHERS

(By Anthony Tartaglia, third place)

A mature Christian is one who really means what he does. He doesn't go to church because he has to, or just to look good in front of neighbors. That's only part of what a mature Christian is supposed to be. He should be loyal to his country or belief so that his thoughts on religion may flourish. He accepts others for what they are, and treats them justly. He doesn't persecute others because of their race, creed and nationality. He does what he thinks is right without worrying what others might think. He doesn't stop being a Christian when he leaves church or someone's back is turned. He doesn't lie about others when he thinks he can't be caught, or running a stoplight when he can't be seen. He gives good example and is more of a Christian when he is helping others. This is what a mature Christian is supposed to be.

LOYALTY DAY ADDRESS OF DANIEL L. MAUSSER

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, the Loyalty Day Awards Dinner, sponsored each year by the Cuyahoga County Council, Veterans of Foreign Wars, was addressed by Daniel L. Mausser, on Saturday, April 27, 1968.

Mr. Mausser is highly regarded as one who gives himself constantly to programs involving peoples and their community needs. He has received numerous public tributes for his service and effective leadership from civic, ethnic, racial, and religious organizations and endeavors.

Mr. Mausser's address is well worth perusal by Members of this body. By leave granted, I include it in my remarks:

ADDRESS BY MR. MAUSSER

Mr. Chairman, Auxiliaries and Members of the Cuyahoga County Council of Veterans of Foreign Wars, Distinguished Guests, I am extremely grateful for the privilege of speaking to you on this important occasion.

It *is* an important occasion for several reasons. It demonstrates a vigilant awareness of American loyalty. It answers the concept of military intimidation paraded in Red Square by Communist imperialism. It gives recognition to those who actively further the objectives of veterans' organizational activities.

Taken piecemeal, the first reason, that of demonstrating a vigilant awareness of American loyalty:

With all the chaotic turmoil in America today, we sometimes find it rather difficult to define the exact nature of the thing to which we pledge continuing allegiance. We live in a world of confused expressions of loyalty. Some are born of fear, some of selfishness, some of utter confusion.

The hard reality is easily evidenced around us. Not long ago, a young deserter was asked the question, "Do you not feel that your desertion was an act of disloyalty?" He responded, "On the contrary, I feel I would have been grossly disloyal to my American heritage if I had consented to fight a war which I cannot condone."

I mention this specific instance because of its prevalence of expression. Accepting that the statement is made from sincere, though immature mentality, one must enquire, "When did it become the prerogative of individuals to establish national policy?"

The land to which we are here declaring loyalty has embodied in its makeup articles which provide legal means for alteration. If our nation's defense policies are not to the liking of our peoples, we can, through majority expression, alter them.

The thing to which we pledge continuing loyalty is the most nearly perfect concept of self-government ever established by the hands and minds of men. Until a better system of government is found, and until a more rational and humanitarian world is established, this nation stands as the most important hope for the future of all mankind.

This, then, is the order of things. This is the thing to which we express our loyalty. This land provides us opportunity to develop as our abilities and inclinations move us. It offers freedom and prosperity, while at the same time, it provides the individual the obligation to protect and improve it.

If it were not so, there would be little to be loyal to. The heart of the cause, the driving motivation which turns a man's hand to heroic deeds on behalf of this nation, is the sense of privilege inherent in our citizenship. He knows he is gifted above most men in that he may live a complete life, accepting the goodness of the land, while sharing in the blessed privilege of protecting that same land. He shares in the formulation of its laws and determines its future.

If there are those who cannot see the wonderful privilege of shouldering the burden of government and self-determination, they lack the most essential quality of loyalty. They value not their heritage as Americans.

To maintain the nation as we value it, we cannot tolerate deviation from the law of the land, whatever the individual's professed reason. We must be patient with the human aspects of fear and confusion, but we must be prepared to apply the law when necessary, without fear or favor. There cannot be exceptions to this rule, particularly as it relates to the hazards of physical conflict.

The occasion you observe here tonight is significant also in that it responds directly to the intimidation paraded each year on May 1st in Red Square.

The Communist exhibition serves a dual function: while presenting a military posture to intimidate other nations, it also serves to keep the Russian peasant in the bondage of fear. It says, in effect: We must keep tight controls over every aspect of your lives because you are in peril from outside powers which would take from you the things we would provide if we were free to provide them.

The jargon of the Communist propaganda is, as they say in America, 'something else'! But it is easily recognized in function: you cannot maintain a totalitarian regime without maintaining great military forces to police the peoples, and all shortcomings can be laid at the door of would-be aggressors.

Happily, the walls of Communism are springing leaks in many places. Self-determination is apparently more important to those who lack it than to some here in American who were born to it.

You are also gathered to honor some who have given special services to veterans and their organizational activities. It seems to me to be the duty of every citizen to associate actively in programs sponsored by veterans groups. Unhappily, this is not a very widely accepted idea. Too many accept the works which your organizations perform, without any concern for involvement. And there is room for all! This I know quite well. The very concept of demonstrated patriotism through community service and pageantry seems to be intolerably 'square' to a great number of our fellow citizens. If one is to draw conclusions based upon headlines, it would seem a flag-burning is more newsworthy than a flag-raising. And the greater recognition comes not from responsible effort for community good, but from destructive and irresponsible conduct. It is most gratifying, therefore, to realize that there are those who eagerly seek a role in the positive programs of your veterans' organizations. As they earn recognition, they inspire others to emulate them and help to keep the spirit of patriotism alive in our country.

Loyalty Day, it would seem, should be a day for re-defining the meaning of loyalty, and for striving to find new and meaningful ways of expressing loyalty.

Loyalty to the basic precepts upon which this country was founded is not 'square'. It is not old-fashioned, outmoded. On the contrary, in the face of all the civil discord and strife we see around us, it is the best hope for re-establishing a sane community life, moving steadily toward an uplifting new environment.

There are elements within our society which will have a vital role in reshaping this society. The veterans organizations are among these. They are expected to provide leadership in areas of their special interests. They are also expected, and rightly, to influence the choice of leadership in other ethical segments of our society. The churches in our communities must evolve important new leaders who have the capacity to lead while exercising sound judgment free of overzealousness for reform. For reform can be so extreme as to develop a cure more deadly than the ill.

The same qualities of leadership must be discovered, developed and encouraged in other areas, including government.

Loyalty in practice can be the strongest and most effective force for spiritual and social improvement. But loyalty without purpose is more than merely tragic. The need for loyalty *with* purpose is as great today as it has ever been. And, unless radical changes occur in our national attitude, the need will continue to become more and more urgent. How long our national resources can withstand the mounting stresses is anyone's guess.

Yes, Loyalty Day serves various important functions. In summary, it serves to encourage an introspective examination of our personal relationship with loyalty, and hopefully, a rededication of our personal relationships to our citizenship responsibilities.

The problems are not insoluble. They wait for dedicated and knowledgeable leadership.

PERSONAL EXPLANATION

Mr. RHODES of Pennsylvania. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RHODES of Pennsylvania. Mr. Speaker, because of conflicting duties yesterday, I did not answer on rollcalls Nos. 125, 129, and 130. If present, I would have voted "aye" on rollcall No. 125, "nay" on No. 129, and "aye" on No. 130.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT

Mr. O'NEAL of Georgia. Mr. Speaker, on yesterday I asked unanimous consent that the Committee on Agriculture have permission to file its report on the bill H.R. 17126 by midnight Saturday, May 11.

As the result of a typographical error in the Record, I again ask unanimous consent that the Committee on Agriculture have permission to file its report on the bill H.R. 17126 by midnight Saturday, May 11.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

TRAVEL RESOLUTION ONLY SOLUTION TO LOAN SHARK RACKETS USED AGAINST SERVICEMEN

The SPEAKER pro tempore (Mr. Vigorito). Under previous order of the House, the gentleman from Texas [Mr. Patman] is recognized for 60 minutes.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, next week, House Resolution 1093 will be on the floor for debate by Members of this body.

I am taking this time to discuss the resolution because a Member of the Rules Committee has stated on the floor that he will oppose the resolution and will ask for a record vote. Because of this, I want to make certain that every Member has the full and complete facts.

The resolution calls for eight members of the Banking and Currency Committee and two staff members to visit the European and Pacific military commands of our Armed Forces to study the credit problems faced by servicemen and to facilitate the establishment of credit unions at the major military installations.

This travel resolution is perhaps one of the most important that will come before this Congress and because of this, I am taking time today to outline exactly what is being done to our servicemen by loan sharks, con-artists, sharp practice operators, and assorted thieves.

It has been estimated by witnesses appearing before the Banking and Currency Committee that servicemen pay extortionate, usurious, and excess interest rates as high as $50 million a year.

PRAISE FOR SUBCOMMITTEE MEMBERS

The Banking and Currency Committee is determined to put a stop to this and, in fact, the committee, working mainly through the Domestic Finance Subcommittee, composed of Representatives Joseph G. Minish, Richard T. Hanna, Tom S. Gettys, Frank Annunzio, Thomas M. Rees, Nick Galifianakis, Lester Wolff, William B. Widnall, W. E. (Bill) Brock, J. William Stanton, Sherman P. Lloyd, and Benjamin B. Blackburn, and myself as chairman, has made a great deal of progress in this area. The committee has handled thousands of complaints from servicemen, many of which have been forwarded to the committee by Members of Congress, including the distinguished chairman of the House Armed Services Committee, the gentleman from South Carolina [Mr. Rivers], who I know is vitally interested in protecting servicemen from fraudulent operators.

The travel resolution that will be brought to the floor by the Rules Committee, House Resolution 1093, has the unanimous support of both sides of the Banking and Currency Committee and both myself and the distinguished ranking minority member of the Banking and Currency Committee, the gentleman from New Jersey [Mr. Widnall], as well as other members of the committee, appeared before the Rules Committee to testify in support of the resolution.

What the committee will do is to visit every major military installation, if time allows, meet with both military and host country officials to help iron out problems for the establishment of credit unions and to investigate any new frauds or schemes that are being used against servicemen.

It is my hope that we will be able to clear the way for establishment of credit unions at every major military installation in the world at the conclusion of this investigation.

If any Member has any doubt in his mind about the need for such a trip or the problems faced by servicemen, I extend an open invitation for them to visit the offices of the Banking and Currency Committee and to look at the files of servicemen's complaints and to talk with the investigators who have worked on these problems. And, I might also call attention to the fact that the committee has several volumes of hearings on this subject that I would be most happy to make available to any Member.

SERVICEMAN FACES CREDIT JUNGLE

Mr. Speaker, for more than 3 years, the Domestic Finance Subcommittee has been looking into the problems that a serviceman faces when he attempts to make a purchase on credit or to obtain a loan. Perhaps the most fitting description of the serviceman's plight in such an instance is that in almost every case, he is lost in a "credit jungle".

The subcommittee's files contain hundreds of cases in which servicemen have been charged extortionate interest rates ranging as high as 60 and 70 percent a year and victimized in virtually every way possible. On previous occasions, I have placed examples of the frauds perpetrated against servicemen in the Congressional Record and many other members of the Domestic Finance Subcommittee have also made speeches on the floor on this subject.

The frauds and deceptive practices used against the serviceman in the United States, while shocking, are pale in comparison to those used against the serviceman in foreign countries, although many of the overseas frauds are perpetrated by U.S. companies.

I would like to take this opportunity to discuss the type of sharp practices being used against servicemen that were uncovered by the Domestic Finance Subcommittee.

For a number of months, the subcommittee conducted an investigation of Federal Services Finance Corp., a worldwide lending institution that specialized in automobile and personal loans to members of the Armed Forces. Of the 12-member board of directors of Federal Services, eight were retired admirals and generals, many of whom held high military posts. Most of the company's top operating personnel were also former military officers. It would appear that such a company, with its predominately military orientation, would go out of its way to protect the interest of the serviceman. However, the subcommittee was shocked to learn the number of ways that Federal Services had abused the serviceman's trust and confidence. The company has—

Charged interest rates that amounted to 100 percent of a 2-year loan.

Charged military customers for automobile insurance and did not notify the servicemen that the insurance had been purchased.

In some cases, the serviceman was charged for insurance but no insurance was placed on his automobile. In other cases, the serviceman had already purchased insurance on his automobile and was thus forced to not only pay for his own policy, but for a policy supposedly purchased by Federal Services. In other cases Federal Services would not supply the serviceman with copies of the policy that they purchased on his automobile.

A $30 charge was levied against cars purchased overseas for what the company termed marine insurance. This is insurance which covers a vehicle being shipped back to the United States. A number of witnesses told the subcommittee that Federal Services did not notify the serviceman that he was being charged with this marine insurance. It is interesting to note that automobiles shipped at Government expense are fully insured by the Government, thus negating the need for additional marine insurance.

Servicemen attempting to obtain the

payoff prices on their automobiles were quoted one price by Federal Services and when they made payment in that amount, were later informed that the serviceman still owed additional funds in many cases amounting to several hundred dollars. These extra charges were never fully explained nor documented to the serviceman.

CARS VIRTUALLY STOLEN FROM GI'S

But, perhaps, the most shocking abuse was in the area of repossessions. In order to increase its profit, Federal Services established its own used car lot in Fort Walton Beach, Fla., and then added other outlets in Alabama. Many of the top-grade used cars that Federal Services repossessed were shipped to these wholly owner outlets for resale. In order to insure that Federal Services used car lots were able to purchase the automobile, Federal Services used phony repossession bids so that it would appear to the serviceman that the company had obtained three bids on his automobile and that the Federal services outlet was the high bidder.

A former Federal Services employee testified before our subcommittee that the Columbus, Ga., Federal Services office wrote "dummy bids" on repossessed cars; that is, bids were concocted by the office personnel.

A Columbus automobile dealer added in testimony that he gave Federal Services signed blank bids on numerous occasions so that the company could fill in its own amount and place this in the serviceman's file. Prior to submitting these signed blank bids, the dealer told the subcommittee he had bid on a number of repossessed cars held by Federal Services but was unable to purchase any of them, even though on occasion he bid well above the market price of the automobile. When he questioned company officials as to the reason why he had not submitted the winning bid, he was told that no matter what bid he submitted, he could not buy the car since it was already ticketed for Federal Services own used car lot.

Another former Federal Services employee told a subcommittee investigator that when he first went to work for the company, he was given a large folder and instructed to make "dummy bids" on each repossessed car contract in the folder. When he left for lunch, he asked his secretary to continue the task of writing in phony bids. The secretary asked what names she should place in the folder as submitting bids. "Use any out-of-town motor company you can think of," her boss replied. When he returned from lunch, he found that the secretary had listed as the bidding company, Out-of-Town Motors, Inc.

The Federal Services investigation also revealed that more than $86,000 of servicemen's money was being held, without the servicemen's knowledge, in a suburban Maryland bank as a result of financing arrangement with Federal Services.

Through the efforts of the subcommittee, all of these funds were returned to their rightful owners. An excerpt from the subcommittee print dated August 16, 1965, entitled "Excess Payments by Servicemen on Loan Accounts," explains fully the tie-in between the bank, Federal Services, and the "missing" servicemen's money:

Excess Payments by Servicemen on Loan Accounts

An investigation by the subcommittee has revealed that $86,752.88 in unclaimed funds is being held in Suburban Trust Co., Hyattsville, Md., as a result of overpayment of servicemen allotments designed to repay loans from Federal Services Finance Corp.

Under an agreement between Suburban Trust, a commercial bank, and Federal Services, a serviceman who has a loan from Federal Services is encouraged (often required) to repay the loan via allotments to Suburban Trust Co. Federal Services pays the bank 25 cents a month for each allotment.

Normally, these allotments are involved in a "washout" transaction. This means that the serviceman who is to repay Federal Services $50 a month for 24 months will make out an allotment for $50 a month and it will be forwarded by the military to Suburban Trust and deposited in the serviceman's account. It is immediately withdrawn and forwarded to Federal Services. Thus, the account is normally dormant and without funds except for 1 or 2 days a month.

At the present time, Suburban Trust has 1,090 accounts dating back to 1960 that did not wash out each month, and attempts to locate the owners of these accounts have failed. Suburban Trust is not able to explain all of the non-washout accounts, but it is believed that the reason for the excess funds involves a mistake on the part of the servicemen in making out their allotments or in the inability of the servicemen to cancel the allotment after a final payment has been made on a Federal Services loan. In many cases, a serviceman who is repaying a loan with a 20-month maturity will not cancel that allotment in time to prevent a "21st payment." In other cases, he is not aware than an extra payment has been made. Some servicemen fill out allotments by mistake in amounts greater than the required monthly repayment of the loan and others believe that by accelerating their payments they would be refunded any unused interest if the loan was paid off ahead of time. However, in these cases, Suburban Trust only forwarded the stated monthly payment to Federal Services. There are instances where a serviceman has funds in two dormant accounts.

Officials of Suburban Trust have informed the subcommittee staff that they have made attempts to reach the more than 1,000 unlocated depositors and at one point asked the military services for help in locating these people. According to Suburban Trust, the military did not respond to the request. However, this request was not made until February 1965.

Suburban Trust indicated that they did not attempt to obtain a nearest relative or permanent home address of the unlocated depositors from Federal Services, nor did they periodically advise the more than 1,000 excess depositors that a nonwashout deposit was building up in their accounts. Suburban Trust officials admitted to the subcommittee staff that a periodic audit of the excess funds and a notification to the depositors probably would have prevented this situation.

The funds in each unclaimed account range from an excess balance of $2 to $1,119.75. The average amount for each account is $79.59.

It is interesting to note how these excess funds accumulated. In the case of the largest balance, $1,119.75, the serviceman made payments (above his loan repayment) of roughly $80 per month for a 13-month period. He apparently was never notified that he was depositing more money than was necessary for repayment of a Federal Services loan, nor did the bank ask for instructions as to what to do with the extra money. Another case involves a soldier who made excess payments of $3 a month over a 32-month period, building his backlog of funds to $96. The excess payment time period of the accounts ranges from 1 month to 32 months. None of the excess accounts draw any interest from Suburban Trust and, at the present time, no service charge is being levied against these accounts. However, Suburban Trust officials have stated that they are allowed, under Maryland law, to charge a service account for as long as 20 years. Although the bank does not attach a service charge, it still receives a great deal of benefit from the funds since it can use the money for lending purposes, subject to meeting the normal demand deposit reserve requirements.

As a footnote, it should be pointed out that Federal Services is no longer in existence. But the demise of Federal Services was not brought about by the action of the Department of Defense seeking to protect servicemen, but was as a direct result of the servicemen's reluctance to do business with the company once its operations were exposed.

The subcommittee also uncovered an automobile dealer operating just outside the gates at Fort Rucker, Ala., that was inducing servicemen to sign blank contracts for automobiles and then increasing the price of the automobile when the contract was filled in.

For the earlier part of this car dealer's existence, he was not licensed to sell cars but this did not appear to bother military officials at Fort Rucker. The following article from the Sunday Ledger-Enquirer, Columbus, Ga., more fully outlines the operations of the Fort Rucker car dealer:

Men at Arms—Car Racket Fleecing Pilot Candidates

(By John Coombes)

This is an open letter addressed to three men whom I know are concerned about the welfare of the American soldier.

They are: Rep. Wright Patman (D.-Tex.), chairman of the Committee on Banking and Currency, U.S. House of Representatives, Washington, D.C.

Maj. Gen. John J. Tolson, commandant of the Army Aviation School, and commander of the Army Aviation Center, Ft. Rucker, Ala.

Mr. Jimmy Day, mayor of the city of Daleville, Ala.

Gentlemen:

I am proposing that you undertake an investigation into the activities of a certain used car operation. located just outside the Daleville Gate of Ft. Rucker, Ala., which is fleecing warrant officer candidates in the Army's vital flight training program of fantastic sums of money.

I am suggesting that unless the activities of this unmarked unidentified used car operation are curbed, irreparable damage to the morale and efficiency of warrant officer candidates in the flight program may result, and the good name of Daleville may be besmirched for many months to come.

I ask you gentlemen, is there not something highly unethical—and possibly illegal—about an operation which sells a warrant officer candidate drawing an E-5's pay of some $261.60 per month a $2,695 car for $7,200?

What finance company in the world, gentlemen, could possibly justify such financing unless it was counting on the old standby of being able to use the military to help it extort twice the value of the car from a young soldier?

Yet, this particular operation is not using the Defense Department forms for reporting contract details, as required in the DOD directive of last year.

All the contracts furnished to warrant officer candidates are blank. They sign the blank, and the grisly details are filled in by finance company officials later. This also contravenes the DOD directive.

So, having seemingly invalidated any help they might expect from the military in encouraging a man to meet his payments, how are these people going to collect?

Clearly, their only concern is to get the warrant officer candidate's signature on the contract (Florida contracts by the way, which are being written in Alabama and not registered at the Daleville courthouse) so that they can repossess the car, hound the soldier or his family for the money owed on it, and at the same time, sell the car to someone else.

This is not selling cars, gentlemen, this is selling debts and deficiencies, a practice the DOD directive was designed to clean up.

If the Daleville Gate operation is not predicated on the sale-repossession-sale-repossession cycle, how else do its backers intend to collect $8,464 which one married warrant officer candidate owes on two cars bought on the same day?

He acquired them on the delayed payment plan, that is to say his payments for the first three or four months were nominal.

During this period he paid only $129 a month for his two cars out of an income of $260 base pay, $80 flight pay and $105 quarters allowance. But, now, his payments have jumped to $243 a month, and they will stay at that level for the next 33 months.

With more than half his pay pledged to these sharp operators, what will his wife and family live on?

Another married warrant officer, who recently graduated from the course, and who is going to Viet Nam next week, is saddled with a debt of more than $8,532 for two cars and he will have to pay more than $237 a month for the next 33 months to rid himself of this obligation.

Like the others, this man signed a blank contract, did not receive a copy of the contract and has no idea what was entered on the DOD form if, indeed, the blank one he signed was submitted to the Ft. Rucker authorities as required in the DOD directive.

Most of these men also bought insurance for what the salesmen described as "a flat $50," believing that this gave them full coverage. They learned to their chagrin a few months later that they owed considerably more.

Believe me, gentlemen, it's worth investigating the operation of the crew selling cars from the unmarked house trailer outside the Daleville Gate.

About 25 warrant officers have so far fallen victim to the lure of the dressed up, flashy sports cars and glib talking salesmen who offer them the chance to drive "for only $50 a month," with financing arranged in a "flat 15 minutes."

You may be able to save others from becoming enmeshed in the blank contract, excessive payments, and doctored insurance charge racket. And at the same time, you may find the situation is even more deplorable than I have outlined here.

When this case was brought to the attention of the military authorities, rather than to attempt to help the serviceman involved, they tried to cover up the situation and to justify the car dealer's method of operation. In fact, I received a letter from the military officials stating that not one of the men who purchased automobiles from the car dealer had signed blank contracts. However, when the military officials were reminded that they had tape-recorded interviews with servicemen in which the servicemen stated they had signed blank contracts, the military officials quickly changed their story.

Another car dealer operating in southern New Jersey paid out thousands of dollars a year to civilian and military employees at a large military base who brought customers to his lot.

BETTER BUSINESS BUREAU WARNING

This company's operation was so questionable that the Better Business Bureau of Southern Jersey issued an "extreme caution" warning against doing business with the company. It was the only time that the Better Business Bureau had ever issued such a warning.

Although this automobile agency was taking advantage of hundreds of servicemen, the military authorities never took action against the operation even after the Domestic Finance Subcommittee held a hearing in New Jersey on the methods used by the company.

The following staff memorandum outlines the type of activities that the car dealer was engaging in when dealing with servicemen:

This report will cover only the activities of Kardon Chevrolet which operates at Mount Holly, New Jersey. Mount Holly is located approximately 12 miles from McGuire Air Force Base and Fort Dix, both major military installations.

According to the Post Judge Advocate at McGuire, Kardon Chevrolet is responsible for more complaints to his office than any other business. The Judge Advocate estimates at least one complaint a week against this car firm. Fort Dix legal officers report similar complaints as those received by McGuire officials, however, the volume of complaints is not as great as at Dix. This is due to the transient nature of the operations at McGuire. McGuire is the landing point for all military personnel and their dependents flown from Europe to the United States. Several thousand people are processed through McGuire daily. Dix, on the other hand, is primarily a basic training installation and is made up almost entirely of new recruits, who are not potential car buyers since they do not have much time to shop for cars and their income is extremely low.

Most of Kardon's business is done on an overseas-beginning basis. This means that orders for automobiles are taken oversea, either by Kardon salesmen who operate out of an office in Frankfurt, Germany, or through various advertisements appearing in military publications. For instance, a serviceman may order a 1966 Chevrolet Bel Air Convertible through the mail, enclosing a down payment and will pick the car up when he arrives at McGuire. In almost every case this is a sight-unseen type of transaction. Kardon also operates a similar facility on the West Coast, although it has been in operation only a short time.

The basic complaints against Kardon are that requests for specific type cars are not honored, and the serviceman is pressured into buying another car at a higher cost. Contracts are filled in with blank spaces and later the figures are filled in, in many cases higher than those agreed upon. Servicemen who were being switched to a higher-priced car and did not wish to go along with this transaction were refused the refund of their deposit. In other cases, servicemen have been sold used automobiles as new cars. In one case an automobile which showed only 11 miles on the speedometer had actually been driven more than 10,000 miles although it was sold as a "new" car. Estimates on repair work have been made which were off as much as $500. In one case the serviceman was told it would cost $100 to fix his car and, in actuality, the final cost was $600.

Kardon in many cases is able to use tactics such as those described above because of the captive nature of his buyer. In many cases the serviceman having just landed is tired and is in a hurry to be on his way to his next duty station. He may have anywhere from two to three days to two weeks to reach that duty station, which could be in California. He does not have a great deal of time nor desire to wait for a car that was promised but not delivered and would be highly susceptible to the tactic of switching cars on the buyer, so that the serviceman can be on his way as quickly as possible.

The complaints against Kardon are not isolated incidents. This is brought out in a letter from Colonel Robert J. Sunde to Kardon Motors dated October 18, 1963. In part, Colonel Sunde wrote:

"Were this complaint isolated, I would not find it difficult to suggest it was generated by misunderstanding. However, this is just one of a series of strikingly similar complaints lodged against your employees by military personnel returning from overseas through McGuire Air Force Base."

The complaint referred to in the letter involved the deposit on a vehicle by a returning serviceman and a subsequent attempt to obtain the deposit when it became evident that he would not receive delivery on the car he ordered. The serviceman was refused the return of his deposit on several occasions and was only able to gain a refund when he took his complaint to military authorities.

Many servicemen who do complain are threatened with legal action by Kardon. One serviceman who complained to Chevrolet in Detroit that Kardon had sold him a "demonstrator" automobile that listed 1800 miles on the speedometer but actually had been driven 10,000 miles, received a letter from Kardon containing the following paragraph:

"Now, with regard to the many remarks which you have directed to this dealership and its personnel, I must advise you that your letter is being turned over to our attorneys for their perusal and I can assure you that any time it is brought to our attention that in any way acts or derogatory remarks are made about this dealership, our attorneys will take immediate action."

In addition, Kardon salesmen often tell complaining servicemen that the owner of Kardon's—a Mr. Mike Kardon—is a personal friend of the commanding officer at their base and that they will take action against the serviceman.

In addition to complaint files maintained by officials at McGuire Air Force Base and Fort Dix, the Pennsauken, New Jersey, Better Business Bureau has a file of complaints against Kardon, and recommends to potential car buyers that they use "extreme caution" in dealing with this company.

A second type of complaint involving Kardon is that he employes so-called "bird dogs" to solicit business for his agency. These bird dogs are servicemen, as well as civilian employees who are employed at the passenger service terminal at McGuire in jobs such as porters, bellhops, or cabdrivers. The problem of birddogging became so acute in 1965 that McGuire officials revoked the operating permit for the bellhop concession at the airport and fired a number of employees. The employees would funnel perspective car buyers to Kardon and, in return, receive a fee for this service. Several of the bellhops earned in excess of $1,000 over a period of time for this service and one bellhop earned more than $2,500 for steering customers to Kardon. The birddogging operation works in this manner, a serviceman arriving at McGuire will mention to a bellhop that he is interested in buying a car. The bellhop will inform the serviceman that the best place to buy is Kardon Chevrolet and that if the serviceman wishes to go there, he can arrange for free transportation and even free lodging for the serviceman. The serviceman is then placed in a cab and sent to Mount Holly, some 12 miles distance. The serviceman does not pay for the cab ride and if the car agency is closed, he is housed in a local motel without charge until the following day. It is reported that the birddog receives roughly $100 per car for steering customers to Kardon. A report from Lt. Col. William J. Keeler, the Staff Judge Advocate at McGuire Air Force Base, dated 26 February 65, estimates that during 1963 and 1964, Kardon paid some $93,000 in birddog fees. Kardon officials have not denied paying the fees, but maintain that they must use devices of this type in order to maintain a competitive advantage.

Post officials at McGuire have made it clear that the birddogging practice is still prevalent, although it is done on a far more sophisticated basis than it was a year ago.

Officials at the flight terminal at McGuire report that a large number of servicemen are arriving at McGuire with pamphlets on Kardon in their hands. Since Kardon operates an office in Frankfurt, the originating point of all flights coming into McGuire, it can be assumed that these people are receiving the literature at the Frankfurt airport. If, in fact, this literature is being handed out in the terminal at Frankfurt, this would be against military regulations. It can also be surmised that Kardon has switched his birddogging tactics from McGuire to Frankfurt and is lining up customers prior to their boarding the plane, and is giving them a card to be presented at McGuire for free transportation to the Kardon facility at Mount Holly. It is interesting to note that the cab company at McGuire reports making 60 to 70 trips a week to Kardon with arriving military personnel in which the cab ride is paid for by Kardon. Military officials at McGuire informed me that the practice of charging Kardon for the cab ride violates the contract that the Post has with the cab company.

MILITARY LICENSES COMPANY UNDER INVESTIGATION

When the Domestic Finance Subcommittee first began its investigation of servicemen's financing frauds, it asked the various services for the names of the finance companies that were causing the most problems among servicemen. After receiving these names, the subcommittee began looking into the operations of these companies. One of the companies cited as being responsible for the greatest number of complaints received from servicemen was American Mutual Services Corp. of Hempstead, N.Y. This information was received by the subcommittee in the summer of 1965. As the investigation continued, the subcommittee asked the Department of the Army for the types of complaints that it had received against American Mutual Services Corp. On the 25th of February 1966, the subcommittee received a letter reporting that the type of complaints received against American Mutual Services Corp. were: Repossession and subsequent claim for balance deficiencies, questionable nuisance charges, collection procedures that attempted to intimidate soldier through commanding officer, exorbitant interest rates, refusal to furnish itemized statement of account, particularly separate interest, finance and insurance charges, failure to credit borrower with payments made, and repossession of vehicle without client's consent.

I was shocked to learn that, despite these charges and the fact that American Mutual Services Corp. was one of the companies responsible for the greatest number of complaints from servicemen, military officials entered into a contract whereby AMS would be allowed an exclusive contract to finance automobiles through the military exchange systems in Europe. Thus, the military authorities on one hand tell the subcommittee of the highly questionable practices engaged in by AMS and on the other hand endorse the company and allow it to operate out of the exchange.

When I questioned the propriety of allowing such an arrangement, particularly when the company was under investigation by the subcommittee, the Assistant Secretary of Defense for Manpower, Mr. Alfred Fitt, wrote me that it was not true that the contract was made while the subcommittee was looking into the operations of the company. However, the facts do not support Mr. Fitt's contention since the exchange contract did not go into effect until May 1966 and the subcommittee has letters in its files from military officials concerning the investigation dated February 1966. In addition, staff members of the subcommittee met with military officials prior to February to discuss the status of the investigation. At no time was the subcommittee or any of its members informed that a contract with the company was being contemplated.

Military authorities have contended that, prior to entering into the contract with American Mutual Services, the company's background was carefully checked. However, it does not appear that the check was more than a formality based on information supplied to the subcommittee during its hearings in Newark. During the hearings, Col. Daniel Ghent, who was the head of legal assistance for the Army at the time the American Mutual Services contract was negotiated, was asked to comment on how he would classify the operations of American Mutual Services Corp. and another finance company, American Finance Co., which was also being studied by the subcommittee. Colonel Ghent replied:

> In my opinion, I would acquaint them to many of the fly-by-night finance companies that are to be avoided.

ARMY EXPERT WOULD HAVE SAID "NO"

The gentleman from New Jersey, Congressman MINISH, who chaired the Newark hearings, then asked Colonel Ghent:

> I know that the Army lists American Mutual Services as one of the ten companies responsible for the largest number of complaints from servicemen. I have been informed that when American Mutual Services was granted the PX franchise, the military ran only a perfunctory check on the company and did not bother to contact any of the legal departments of the three Services to see what sort of reputation the company has.
>
> Colonel, if you had been contacted and asked to give your opinion as to whether this company should be allowed to operate through the post exchange with the semi-blessing of the Service, what would have been your answer?

Colonel Ghent then answered:

> I would not have recommended that it be given any contract.

On February 6, 1968, I wrote to Secretary Fitt regarding the arrangement between the exchange system and American Mutual Services Corp., particularly with regard to the complaints against the company. Mr. Fitt replied that the Department of Defense conducted a survey to determine the number of complaints against American Mutual Services Corp. Mr. Fitt reported that there were only eight complaints received against American Mutual Services Corp.

MILITARY CANNOT JUSTIFY FIGURES

However, in July 1966, Gen. William Berg, Deputy Assistant Secretary of Defense for Manpower, and, at present, an assistant to Mr. Fitt, wrote to me enclosing copies of complaints received by the military against various finance and automobile companies. Included in the letter was a list of 38 complaints received against American Mutual Services Corp. Thus, while Mr. Fitt states in 1968 that there have only been eight complaints against the company over the years, another official in Mr. Fitt's office tells the committee in 1966 that there have been at least 38 complaints against the company. This is typical of the lack of communications that exists in the Department of Defense with regards to this problem. For more than a month, the staff of the Banking and Currency Committee have been trying to find out why we received two different sets of figures on the complaints attributed to American Mutual Services Corp. but we have not received an answer from the Department of Defense.

The Department of Defense also contends that it granted its franchise for financing automobiles in the exchanges to American Mutual Services because, after contacting all American finance companies operating in Europe, the Department said that American Mutual Services was the only company that showed any interest.

It has come to my attention that another company which wanted the contract and would have charged a rate lower than that offered by American Mutual Services, was never contacted nor was it given an opportunity to bid on the contract.

The Department of Defense has also played ball with several car dealers and brokers who have victimized servicemen out of untold thousands of dollars. The operations of these companies were fairly simple and similar. They offered servicemen stationed abroad automobiles at prices far below their normal purchase price. The understanding was that the automobile would be delivered to a designated spot in the United States when the serviceman rotated from his overseas assignment. In all cases, the serviceman made a downpayment on the vehicle and, in some cases, paid the full purchase price prior to receiving the car. However, when the serviceman reached the United States, there was no automobile and the car broker had disappeared.

A report by the committee staff on these automobile brokers prepared in the fall of 1966 spells out the type of swindles that these companies were using against servicemen, as follows:

Report of Automobile Buying Fraud and Its Impact on Servicemen

Servicemen stationed overseas are being victimized by one of the most vicious frauds ever devised. The scheme is centered around a group of automobile brokers who promise servicemen new automobiles at less than normal retail price, with the promise that the vehicle will be waiting for the serviceman when he returns to the United States. In many cases the serviceman finds when he returns to the United States that the automobile he ordered is not the one which is waiting for him. He may find that the automobile contains numerous "extras" which he did not order and which increased the price of the automobile. Or, he may find that he ordered a fully equipped car but is offered a standard automobile, with no reduction in price. Under normal circumstances, a civilian purchaser would demand that he receive the automobile that was ordered. However, the serviceman, placed in the same situation, is at an extreme disadvantage. He usually has only a limited amount of time before he is required to report to his new duty station. Thus, he is "easy prey" for the salesman who promises—"We can get you the car you ordered, but it will take six weeks." The serviceman, of course, cannot afford to wait six weeks, nor in most cases can he afford to wait even six days. If the serviceman balks at the entire deal and demands his money back, he usually finds that the return of the funds will also require an extended period. The serviceman is depending on the new automobile for transportation to his new duty station, and does not have funds to purchase commercial travel tickets for himself, or perhaps his wife and family. He is probably in a strange city without adequate funds or time to obtain an attorney, and without any other alternative but to give in and accept an automobile which he did not order.

Although these problems work an extreme hardship on the serviceman, there is a far more serious situation developing in the military auto-broker field. In the cases cited above, the serviceman normally ends up with an automobile, even though it may not be the one that he ordered, and even though he may be paying more for the vehicle than he originally intended. However, there are many servicemen who have paid for automobiles, either fully or through a deposit, and have never seen the vehicle because the original broker absconded with the funds.

Several small broker operations have closed their doors and walked out with servicemen's money during the past several years. However, in recent months, two major automobile brokers have closed their doors and walked out with untold thousands of servicemen's dollars. The two brokers are Federal Automotive Services and Navy Auto Sales. In both cases the Military could have prevented the loss of servicemen's money, but because it did not choose to act, and in one instance may have actually aided the fraud, there are hundreds of servicemen throughout the world today wondering what happened to their money.

The automobile broker business is perhaps one of the easiest businesses to open. There is no inventory required, initial capital investment is held to a minimum, and for the most part no licenses are required. The automobile broker does not hold title to any automobiles, nor does he stock any vehicles, although on some occasions the broker may have a demonstrator or two. The broker merely acts as a middle man between the purchaser, the factory, or another supplier. After accepting a serviceman's order, the broker will place the order either directly with the factory or will purchase the vehicle from a Stateside dealer. The Stateside dealer normally is paid $50 above his wholesale cost for the car. The Stateside dealer is more than happy to sell cars to the broker, since he does not have to pay a salesman's commission on the vehicle and, in addition, he is given credit at the factory for the sale of an automobile towards his sales quota. Since the broker does not maintain an inventory, a large showroom, and a service facility, he does not have a great deal of overhead and thus can pass a percentage of the savings on to the customer. However, because the broker is not tied down by inventory, showroom, or other costly capital investments, he can easily close his operation in one area and reopen it in another.

FEDERAL AUTOMOTIVE SERVICES

Federal Automotive Services is an automobile brokering agency operating throughout the world and originally headquartered at 201 Eleventh Street, San Francisco, California. The company is apparently owned by Robert J. Halcro, home address 323 Ross Drive, Mill Valley, California. Halcro's wife, using her maiden name of B. M. Brady, is listed as the vice president of the corporation. In addition to the San Francisco operation, Federal Automotive Services had offices at 1800 North Fairfield Street, Fairfield, California (western operations headquarters); 535 East Fifth Avenue, Anchorage, Alaska; Box 50 Ginowan, Okinawa; and 162–40 Ninth Avenue, Whitestone, New York.

The letterhead of the Whitestone office indicates that the company has offices in Alaska, Hawaii, Guam, Wake Island, Philippines, Hong Kong, Okinawa, Japan, Marshall Islands, Canal Zone, England, France, Italy, Germany, Spain, Australia, and Formosa. Apparently each Federal Automotive Services' office is incorporated separately. This enables each office to deny any liability for the actions of other offices. This fact is made clear in a letter dated June 17, 1966, from William F. Willett, office manager of the Whitestone office, to Lieutenant Colonel James E. Greene, Chief, Civil Law Branch, Headquarters 60th Air Base Group (MAC), Travis Air Force Base, California 94535. The letter in part reads:

"We are in receipt of your letter dated June 7 and wish to advise that although we use the same trade name as that of Federal Automotive Services Corporation in San Francisco, we are a separate identity and are incorporated in the state of New York."

Agents of Federal Services at one time had contracts with the Air Force Exchange Activities at Kadena Air Force Base and Naha Air Force Base in Okinawa. The Kadena contract was terminated in January 1966, and the Naha contract was terminated in April 1966, reportedly because of "conflict with best interests of exchange operations which now sell automobiles through arrangements with manufacturers." A Navy memorandum on Federal Automotive Services reports that "contracts were not terminated because of complaints as no complaints had been received by those Air Force activities. Bonds were held on the contracts but bond protected only Government interest." It is reported that the Air Force nonappropriated fund at both Kadena and Naha received 2 percent of all Federal Automotive Sales.

Although Federal Automotive Services was not the subject of complaints while doing business at the Air Bases, it is clear that in allowing the company to operate on military installations, a certain aura of military recognition was established, which aided greatly in inducing servicemen to purchase cars from the company after its Exchange contract had terminated. This fact is brought forth in another Navy memorandum, which states:

"Navy personnel made purchases believing that the credit rating of the corporation to have been monitored by Air Force, as in Base Exchange concessionnaires. Such was not the case."

A further criticism of the Military's handling of the Federal Automotive Services situation is contained in a memorandum from the Commander in Chief, Headquarters, Alaskan Defense Command, to the Commanding General, United States Army, Alaska, Fort Richardson, Alaska, and the Commander, Alaskan Air Command, Elmendorf Air Force Base, Alaska. The memorandum in part states:

"Understand the corporation (Federal Automotive Services) ceased business in much the same manner in San Francisco, Guam, and Hawaii, before doing so on Okinawa. Notification of this would have enabled authorities on Okinawa to prevent this happening here."

Thus, it seems clear that in at least one instance, military authorities had knowledge of what Federal Automotive Services was planning but did not take any action to protect servicemen from losing their funds.

The Military did place Federal Automotive Services off limits in Alaska, but only after that corporation had ceased to do business. A recommendation to the Secretary of Defense following the Alaska action, that Federal Automotive Services be placed off limits worldwide, has gone unheeded by the Secretary.

The California Department of Motor Vehicles has been active in investigating the operations of Federal Automotive Services. Department officials met with Halcro prior to the closing of the California office and cited him for a number of violations of the California Motor Vehicle Law. A letter from the Department, dated September 20, 1966, to the Banking and Currency Committee, reports that Federal Automotive Services has been charged with 89 violations of the California Vehicle Code. Earlier information shows that many of these complaints were noted by the Department while Federal Automotive Services was still in operation. It has been reported that Federal Automotive Services gave the State of California a check for $400 to cover registration fees and the check was returned to the Department with the notation of "insufficient funds." The company did not cover the check for 30 days. This incident took place while Federal Automotive Services was still in operation in California.

It is virtually impossible to accurately estimate the number of dollars which have been lost by servicemen through the actions of Federal Automotive Services, although the figure may go as high as $250,000. Some of these servicemen traded in cars with Federal Automotive Services which were to be used as down payments on new vehicles. Not only did they not receive a new car, but their old car was sold to a new purchaser. The situation is further clouded because some purchasers have not only lost initial down payments, but signed notes which were negotiated to commercial banks who took the notes as holders in due course and free of personal defenses. A Navy memorandum concerning Federal Automotive Services reports:

"Victims are now paying for balance of contracts for cars never received in order to avoid loss of credit standing."

In addition, several cases have been uncovered in which automobile agencies were paid for automobiles by check issued from Federal Automotive Services. The automobiles were subsquently turned over to the serviceman-purchaser by the automotive agency in the United States. However, the Federal Automotive Services check was returned to the auto dealer for insufficient funds. In some cases the automotive dealer has sought action against the serviceman-purchaser to make good on the Federal Automotive Services check.

Federal Automotive President Robert Halcro left Okinawa on 16 May 1966 as reported to have said that his company has no funds with which to pay the claims of the servicemen. Prior to leaving Okinawa, Halcro sold his Hawaii office to a Mr. Don Shaw. Mr. Shaw operates the Hawaii office under the name of

Federal Automotive Services, Ltd., of Hawaii, but denies any liability or connection with the Federal Automotive Services operations of Halcro.

The California Department of Motor Vehicles has advised the Committee that Halcro has returned to the San Francisco area and "is desirous of clearing the recent difficulties."

However, a further check indicates that Halcro and his wife are now in Anchorage, Alaska, where he has other business interests, including an Avis-Rent-A-Car franchise.

Prior to leaving for Alaska, Halcro contacted the San Francisco Better Business Bureau and notified officials there that if they received any complaints pertaining to Federal Automotive Services, they should be forwarded to a designated San Francisco post office box. The post office box is the same one originally used by the Federal Automotive Services office in San Francisco.

NAVY AUTO SALES

Navy Auto Sales operates in much the same manner as did Federal Automotive Services. An advertisement appearing in the April 13, 1966, issue of the *Army Times* lists offices at 191 Balmes, Barcelona, Spain; 1216 Granby Street, Norfolk, Virginia; 707 Broadway, San Diego, California; Martin Strasse 7, 62 Wiesbaden, Germany; 4 Caleta, San Marco, Naples, Italy; Sea Terminal, Navy Street, Kowloon, Hong Kong; 3–2 Honcho, Yokosuka City, Japan; McArthur Highway, Ballbago, Angeles City, Philippines; 60 Doc Lap Street, DaNang, Vietnam; 148 To Do Street, Saigon, Vietnam.

It is believed that each of the offices is incorporated as a separate entity, again to avoid any inter-office liability.

Information received by the Committee shows that the Barcelona office has been closed and that numerous servicemen who had paid for automobiles through that office of Navy Auto Sales have not received their cars, nor have they been able to obtain a refund of their money. Further information received by the Committee indicates that the other offices of Navy Auto Sales deny to a large extent any liability for the operations of the Barcelona office.

Navy Auto Sales was originally owned by a Mr. Hans van Cappellen, who died several months ago in an auto accident in Europe. The company has been reformed and is apparently now headed by Mr. van Cappellen's widow, with the majority stockholder, a Mr. Antinino de Fortuny, who holds 50 percent of the stock. The Barcelona office was apparently dissolved on or around 16 June 1966. Formal notification came in a letter from Mrs. Rita van Cappellen to a Mr. Matt Sedey, who managed the Norfolk office of Navy Auto Sales. The memo in part states:

"I have decided to dissolve NAS Barcelona. It's the same old story, a salesman holding back money and spending more than they make. Since this is the case, I wish to tell you that Hong Kong has already taken over half the business. However, I am left with quite a few orders. To avoid bankruptcy and all the trouble involved, I would suggest that you take back a nonsubstantial number of orders to save your business and resolve your debit with us."

Another inter-office piece of correspondence commenting on the close of the Barcelona office states:

"Our deficit was due to a number of reasons. NAS was never run like a business with the large debits run up by salesmen and offices (I have all the accounts statements), the management used money which belonged to the customer, operational costs were too high, and there may have been some fraud (a very difficult thing to prove). Also, Hans bought land, office, plane, etc., with the idea that these would be assets if the company had financial problems. None of these belong to the company now, according to Mr. Fortuny. Rita (Mrs. van Cappellen) and Tony (Mr. Fortuny) have dissolved Navy Auto Sales Est. of Espania so there is no way in which they can be involved. So you see we are left with little or nothing and many screaming customers. The above mentioned assets have been distributed among the heirs. I could go into more detail, but I am sure you see the picture—Navy Auto Sales is in trouble."

The Committee has also received information that the Pacific operations of Navy Auto Sales is now operating under a new name, Universal Auto Sales, and apparently is using the same offices that were occupied by Navy Auto Sales.

One explanation for the name change may be an advertising circular put out by Navy Auto Sales some months ago. The circular states:

"By agreement with American banks, such as Chase Manhattan Bank, and First National City Bank, we are able to offer low interest loans, which may be paid directly or by allotment." A check of these two banks by Committee staff show that neither bank had any dealings with the company, nor have they ever heard of the company.

The advertising circular further states:

"Navy Auto Sales has hundreds of representatives with offices throughout the Free World. We are Navy Exchange concessionaires and maintain Stateside offices to bring you the best possible automotive services."

This representation was brought to the attention of the Navy by the Committee's staff. The Navy stated that Navy Auto Sales was not a Navy Exchange concessionaire. Apparently, the Secretary of the Navy issued a directive stating that Navy Auto Sales was in no way connected with the Navy or its Exchange facilities. This, apparently, handicapped the business activities of Navy Auto Sales, forcing it to change its name.

This fact is reinforced by an inter-office memo of Navy Auto Sales, which in part states:

"NAS in the Far East has changed their name to Universal Auto Sales . . . Sales have really gone down with the directive the Secretary of the Navy put out about us—great publicity—However, we are still trying to keep the ship afloat. We'll be left holding the bag if you bail out without telling us."

It is interesting to note that Navy Auto Sales represents itself as a Swiss corporation with American management. Its letterhead carries the notation "Bankers: Swiss Bank Corporation, Geneva, Switzerland." It has been indicated that Navy Auto Sales, through its former President, Mr. van Cappellen, may have a substantial bank account in Switzerland, which apparently has been distributed among the heirs of the van Cappellen estate. There is some question as to whether this money legally belongs to the defunct corporation or to the heirs.

Although Navy Auto Sales, like Federal Automotive Services, denies any corporate liability among its offices, Navy Auto Sales' letterhead for each office also lists at the bottom of the page the offices in other cities.

I am happy to report that through the efforts of the gentleman from Illinois [Mr. ANNUNZIO] the Air Force used the funds that it had received from Federal Automotive Services to pay the claims of those purchasers who had bought cars from the post exchange concessionnaire. However, those individuals who had purchased cars from Federal Automotive Services off the military installation have not been reimbursed. It should also be noted that a company calling itself Federal Automotive Services operated as a concessionaire for the Marine Corps exchange in 1965 at Iwakuni, Japan. This contract was terminated although the committee has not been informed of the reason for the termination, but I would surmise that the termination was due to unethical dealings.

CON MEN ALLOWED ON NAVAL VESSELS

The committee has received a number of letters from servicemen and their relatives who have complained that representatives of Navy Auto Sales and later when it changed its name to Universal Auto Sales were allowed to board naval vessels docked at ports in the Far East to sell cars. Thus, once again adding the blessing of the Department of Defense to another fraudulent activity.

Because of the magnitude of the credit problems facing the serviceman, members of the Banking and Currency Committee visited Europe in 1966 to gain a firsthand view of the situation. When the committee returned, it filed a report with the Department of Defense and as its major recommendation, suggested that a system of credit unions be immediately established throughout Europe and hopefully, the entire free world where servicemen are stationed. The report, which follows, is a graphic example of what the serviceman faced in Europe when he attempted to borrow money:

Credit Problems of Military Forces in Europe

The credit problems facing our armed forces stationed in Europe are vastly different from the problems encountered in the United States. Many borrowing channels which are available to servicemen in the United States are severely limited or closed to overseas military personnel. For the most part, there are no credit union facilities available in Europe, although several credit unions in the United States do handle overseas loan transactions through the mail. However, one of the largest of these credit unions—Pentagon Federal Credit Union—until recently restricted its membership to servicemen in the pay grade of E–4 or above.

Although most of the larger military installations in Europe have commercial banking facilities, such as Bank of America, Chase Manhattan, or American Express, these facilities are set up primarily as limited service banks designed to exchange currency, cash checks, sell savings bonds, and other related banking activities. These banks do engage in a limited amount of lending; but by Treasury Department regulation, this lending is limited to "emergency" situations. The maturities and sizes of the loans are extremely limited, with the maximum maturity about 14 months and the maximum loan size $1,500. The operations of these banks are underwritten by the Treasury Department, and that agency is extremely reluctant to expand the lending activities of the banks.

Many officers and top-grade enlisted men still maintain banking ties with home-town banks, and are thus able to obtain loans through the mail. However, the lower-grade enlisted man generally is without any low-cost, completely reliable source of credit and must turn to the only available widespread source—finance companies.

EUROPEAN OPERATIONS OF FINANCE COMPANIES

There are several methods of operations for European branches of United States finance companies. Some finance companies operate a full-scale subsidiary facility in various foreign countries. Other companies operate under the agent system whereby there is a large centralized facility in one country with individual agents placed throughout the Continent. These agents typically represent several types of business enterprises in addition to the finance company. It is not unusual for an agent to sell automobiles, handle the financing of the automobiles, and, in addition sell insurance for the car.

In addition, many finance companies purchase paper (contracts) from dealers throughout Europe. This is done on a discount basis, with a portion of the finance and other charges being rebated to the dealer.

Still other finance companies, which are not licensed to operate in certain European countries, do have agents which forward loan applications to the home offices in the United States and act as liaison between the loan company and the borrower. This type of operation is particularly prevalent in Spain. In addition to companies with European facilities, most U.S. loan companies that specialize in military financing, solicit mail-order business, either through direct mail advertising or through the numerous semi-official and unofficial news media which are circulated on military bases.

Except for companies that maintain large overseas branch facilities, most U.S. loan firms handle all bookkeeping operations in the United States. This requires a great deal of mail correspondence between borrower and lender, a situation which provides a built-in problem among the military. One of the most common serviceman complaints heard throughout Europe was that loan companies sending letters of indebtedness to military borrowers or their commanding officer used airmail postal facilities from the United States; but when the servicemen attempt to obtain information from the loan company regarding their account, the finance company invariably uses boat mail. The time difference between airmail and boat mail can at times amount to three weeks or more. The boat mail procedure is particularly objectionable in cases where servicemen are attempting to obtain pay-off loan balances so that they can either sell their car or reduce the indebtedness by doubling up on payments. By answering such inquiries through boat mail, finance companies are able to extract extra payments and additional interest from the borrower since, in many cases, a payment would fall due prior to receipt of the pay-off quota. In one case uncovered in Camp New Amsterdam in Utrecht, Holland, an airman spent three months trying to obtain a pay-off price on his automobile loan. During that time he was required to make three payments on the loan so that he would not lose his car. This resulted in three months' interest on a loan which he was financially prepared to pay off three months earlier.

UNREALISTIC PAYMENT DATES

The Committee also noted that many finance companies set repayment dates so close to the first of each month that it is almost impossible for servicemen to meet the payment-due date without incurring a late charge. This is particularly prevalent on "interest-bearing loans" in which interest is computed from the date of the previous payment to the date of the current payment. The problem is not appreciably reduced if the serviceman institutes an allotment for "repayment of the loan" (see allotment section), since late charges are also incurred as a result of allotment handling. Finance companies dealing with the military should expect reasonable delays in receiving payments from military personnel stationed overseas, and should not penalize servicemen where a legitimate attempt has been made to make the payment on time. It is completely unrealistic, as was discovered at one military installation, to expect servicemen who are paid on the final day of the month to make payment on their loan accounts by the 5th day of the following month. Even by sending the payment airmail, the time period is far too short, particularly if the payment is to be made to an office in the western part of the United States.

The Committee suggests that finance companies with payment-due dates set up during the first week of the month consider revising the due date so as to give the conscientious serviceman every opportunity to make his payment on time. As an alternative, loan companies should take into consideration the postmark on payment envelopes, not the date on which the payment is received by the company. These suggestions in no way question the right of loan companies to make late payment charges or other assessments against delinquent debtors. These suggestions are aimed at benefiting the borrower who is saddled with late payment charges either through delay in mails or by unrealistic repayment dates.

QUESTION LATE CHARGES ON ALLOTMENTS

The Committee fails to see the reasoning for assessing late payment charges on loans that are repaid through military allotments. Since the serviceman has no control over the disbursement date of his allotment and because it is advantageous to finance companies to have repayments made by allotments, the Committee feels that late-payment charges are not justified on allotment repayment loans.

The Committee also learned that some finance companies are extracting excess interest payments from servicemen who make loan repayments through allotments to banks or other financial institutions designated by the finance company. Under such an arrangement, the serviceman has his allotment sent to finance company-agent banks. The proceeds of the allotment are deposited in an account of the serviceman and are immediately withdrawn and redeposited in the account of the finance company, completely "washing out" the deposit of the serviceman in his own account. A deposit slip is then sent to the home office of the finance company or the branch office which made the loan, indicating that the payment had been deposited in the finance company's account. For this service the finance company pays the bank a small monthly fee for each account. For purposes of the repayment date, it would appear that the serviceman had honored his repayment commitment on the day that the money was withdrawn from his account and deposited in the account of the finance company. Only on a rare occasion is there ever more than one day's lapse between the transfer of these funds.

However, some finance companies do not credit the serviceman with the loan repayment until the finance company receives the deposit slip from the bank, a time lag in some cases of several days. Since the bank is serving as the agent of the finance company, the Committee feels that morally and legally the serviceman has honored his payment date on the day his allotment check is received at the bank.

ALLOTMENT PROCEDURES

The use of Class E allotments by military personnel overseas is far greater than the use of the allotment procedure by personnel stationed in the United States. There are several reasons for the increased overseas use. As has previously been noted, military personnel in the United States have access to numerous financial institutions which can serve as depositories for pay checks. These banking sources are greatly reduced overseas. In addition, since all military are paid on the last day of each month, and since most of the troops in Europe, particularly Germany, participate in a large number of field exercises, it is not uncommon for payday to occur during a field exercise away from a unit's permanent military location. Thus, it would be impractical for the serviceman to carry his pay with him during field maneuvers. To overcome this problem, many servicemen institute a Class "E" allotment. Under this system an amount designated by the serviceman (or the entire monthly pay) is sent directly to a bank, savings and loan, credit union, or other bona fide financial institution for deposit to the serviceman's account. The deposit may be made either in a checking or savings account. These allotments can be initiated only by the serviceman and run for indefinite periods of time. By definition, the purpose of the allotment is not to serve as a vehicle for repaying a loan. According to Department of Defense Directive No. 7330.1, dated December 12, 1956, "The allotment system is provided to assist military personnel in accommodating their personal and family financial responsibilities to the exigencies of military service. It is a convenience and privilege not to be exploited or abused . . ."

The Committee feels strongly that the allotment program serves a very useful purpose in the military life, and should be encouraged at every level.

WIDESPREAD ALLOTMENT ABUSES

However, after reviewing the European situation, and from testimony received during hearings conducted by the Domestic Finance Subcommittee into the operations of Federal Services Finance Corporation, it is felt that there are widespread abuses of the allotment system. The chief abuse involves the practice of "third party" allotment arrangements. Under such an arrangement, the finance company persuades the military borrower to repay the loan through an allotment made out to a bank designated by the finance company. At the same time, the serviceman initiates his allotment, he also signs a power of attorney to the bank giving the bank the right to remove the funds from his account and transfer them to the account of the finance company. The innovator of this type of allotment procedure is Federal Services Finance Corporation, a worldwide lending institution which is is headquartered in Washington, D.C., and specializes in military lending. Federal Services uses Suburban Trust Company, a commercial bank in Hyattsville, Maryland, as its banking agent for receiving military allotment repayments.

A spot check of Federal Services customers in Europe who are repaying their loans through allotments revealed that not one of the persons interviewed had ever heard of Suburban Trust Company prior to obtaining a loan from Federal Services, and most of the borrowers had not even heard of Hyattsville, Maryland. In short, the serviceman has no assurance that he is dealing with a reputable commercial bank which will protect his interests. This is further compounded because Federal Services reimburses Surburban Trust at the rate of 25 cents per month for each allotment that the bank handles. The serviceman does not pay Surburban Trust for his "allotment account," so, in fact, Surburban Trust is paid to protect the interests of the loan company, not the serviceman customer. In addition, poor record keeping and accounting work by Surburban Trust resulted in excess allotment payments to the bank of nearly $100,000 over a four-year period on loan repayments to Federal Services. These overpayments resulted in large part because the serviceman was not properly instructed on the allotment procedure by either Federal Services or Surburban Trust. In addition, Federal Services advised its borrowers that if they had any questions concerning their repayments that they contact the loan company, not the bank.

INCORRECT STATEMENTS FORCED

The "third party" allotment system, rather than declining in use, is growing at a rapid rate. Not only does this practice violate the spirit of the military regulations which prohibit allotments directly to finance companies, but it also forces the serviceman to make incorrect statements to the person filling out the allotment form. Loan companies advise servicemen to state that the allotment is for either a "checking" or "savings" account. But, in fact, the allotment is solely to repay a loan, and not for checking or savings purposes. A large majority of servicemen repaying loans through allotments never draw a check on their account because the money is immediately transferred from their account to the finance company, and no cases have been uncovered where any interest has been paid by the bank to the serviceman where he has listed the purpose of his "finance company" allotment as a savings account.

It is a principle of law that any act which is illegal if performed directly, is also illegal if it is performed indirectly. Since, by military regulation, it is illegal for a serviceman to make an allotment to a finance company, the Committee feels that it is also illegal for the serviceman to make an allotment to a finance company-designated bank and, at the same time, be required to give power of attorney to the bank to turn over the funds to the finance company.

At the same time, the Committee feels that servicemen should be allowed to use allotments to repay loans to accredited financial institutions if the loan was made on a direct basis and the serviceman, prior to making the loan, was either an account or share holder in the financial institution. Such a practice would not only aid the serviceman in meeting his payments, but may also serve to make military business more appetizing to financial institutions which in the past have shied away from military loans.

ON-POST SOLICITATION PRIVILEGES

Certain commercial firms and organizations are granted access to military establishments in Europe for the purpose of solicitating business. For the most part, this solicitation is limited to a specific area of the post and conducted on an appointment basis. In most cases, it is against regulations for solicitations to be made during the serviceman's working hours. The granting of on-post solicitation privileges is made solely to provide a convenience service for the military. And, as such, military commanders should make a constant review of their on-post accreditation to make certain that these companies are, in fact, necessary to the military function. Numerous post commanders throughout Europe expressed an opinion to the Committee that the elimination of all on-post solicitation-type businesses would in no way work a hardship on the personnel of the post.

The accreditation of businesses to solicit on military establishments has served in the past to regulate and control business practices which would effect businessmen. Thus, a company which took advantage of the serviceman could lose its on-post privileges which accompany these privileges. Companies which were accredited to do business on military establishments have a great advantage over non-approved companies. The serviceman feels that the military has fully checked the company which has gained the on-post status and that this is a company which is thoroughly reliable and reputable. Great care must be taken by military authorities in granting on-post privileges because of the "status symbol" which accompanies these privileges.

NEED FOR IMPROVED CREDIT COUNSELING

In Europe one of the least used, but most effective, methods for combating the credit problems facing servicemen is the use of counseling services, and credit purchasing education. The Committee found little evidence to show that more than a casual glance is being given to proper credit counseling by military authorities. Too many military commanders look upon credit lectures as "just another topic which has to be presented to the troops." It is interesting to note that units whose commander holds this type of attitude are responsible for the largest number of credit problems.

In units where credit education and counseling is provided, the program does not go into enough detail but handles the subject with rather a "broad brush" treatment. The Committee also found that some credit lectures presented to mass troop audiences were not being used for their intended purposes. In Italy, for instance, one military commander had a mutual fund salesman address a gathering of troops on the advantages of participating in a mutual fund. The very appearance of the mutual funds salesman before the military audience implies an endorsement of the mutual fund principle by the military services.

INDIVIDUAL COUNSELING NEEDED

The dissemination of the large amount of information to a mass audience is a good starting point for consumer education in the military. But this type of arrangement should be looked on as the beginning of the program, not the beginning and the end. Economic counseling should be available on an individual basis to all members of the military command, and in addition, wide publicity should be given to undesirable business practices which are being used on military men as soon as they are discovered. A contract review procedure should also be set up, so that any serviceman who contemplates signing a contract can have the contract reviewed by some competent member of the military staff. Normally this service is provided by the post legal officer; however, the availability of such a service needs to be publicized at every opportunity. Where credit lectures are presented to mass audiences, care should be taken not to generalize the credit presentation, but rather to present specific problems which are prevalent in the local area. For instance, servicemen in foreign countries should be cautioned against the increasing practice of some foreign companies who attempt to have servicemen sign contracts written in foreign languages, without providing full and complete translations.

The Committee observed that many servicemen, particularly in the lower grades, are making credit purchases far in excess of their projected ability to repay the loan. For instance, it was not uncommon to find low-ranking enlisted men purchasing high-priced automobiles and allocating nearly 100 percent of their monthly pay to make the monthly payments on the car. In far too many cases servicemen are more concerned about "getting wheels" than the problem of repaying the debt. The Committee feels that in a large number of cases, the serviceman who is determined to purchase an automobile, through a program of adequate counseling, can be persuaded to purchase an automobile within his salary range. It is naive to expect an automobile dealer or finance company to provide this type of counseling, and it is even more naive to assume that the serviceman can, in all cases, adequately determine his own ability to repay.

QUICK ACTION URGED

Military commanders are also urged to take swift action against any company which appears to be taking unfair advantage of a serviceman. If commanders are slow in cracking down on companies at the first sign of abuses, then they may find the problem far more difficult to correct when it reaches the widespread stage.

EXAMPLES OF MILITARY CREDIT PROBLEMS IN FRANCE

1. A Master Sergeant stationed in Spain with 22 years of service complained that in his unit of 370 airmen, some 30 letters of indebtedness were received a month. He pointed out that upon investigation, 98 percent of all letters received involved invalid complaints against a serviceman and that in these cases the serviceman had documents to prove that the claim had been paid. The Sergeant added that approximately 300 man hours a month were spent in his unit looking into letters of indebtedness.

2. A General in Spain told the Committee that there was no credit problem in his command because, "My boys don't buy anything." The Committee learned, however, that on one post alone within the command, more than 700 automobiles were purchased in one year, and that more than 90 percent of the purchases were financed. It also learned that a large number of complaints had been generated against the finance companies in connection with the purchase of these automobiles.

3. A Company Commander in Italy reported that a finance company wrote him stating that it had received a loan application from a soldier in the Captain's unit and inquired as to the credit standing of that soldier. The Captain promptly answered the letter informing the company that the serviceman in question was in deep financial difficulty; and if such a loan were made, the chances of repayment were slim. A month later the finance company again wrote the Commanding Officer asking if there had been a change in the soldier's financial status. The Company Commander again responded stating that there had been no change for the good in the serviceman's financial status and, in fact, the man was now deeper in debt. Shortly thereafter, the finance company, after two negative letters from the Company Commander, made the loan to the serviceman. When the serviceman failed to meet the first payment on the loan, the company contacted the Company Commander and asked for assistance in the collection of the loan payment.

4. A finance company which was responsible for the greatest number of complaints of an air base in Spain was, nevertheless, allowed to advertise in an unofficial post newspaper which was circulated on the military establishment and carried numerous columns and stories written by members of the post staff.

5. A Private First Class in Germany told the Committee that the finance company which financed his car repossessed the automobile when he fell behind in payments and sold the car in the United States for $150, when the value of the car was actually in the neighborhood of $800. After selling the automobile for $150, the finance company continued to dun the serviceman for the amount between the $150 sale price and the balance on the serviceman's account.

6. A Specialist Fourth Class in Holland reported that when he was unable to meet the payments on his automobile, he asked the local agent of the finance company what he should do. He was told to return the car to the finance company and sign a paper releasing the automobile to the finance company and that would end the dealings between the serviceman and the finance company. He later learned that the car was sold for an unrealistically low price and that the finance company was seeking to recover the difference from the serviceman.

7. A large number of servicemen told the Committee that after financing their automobile and purchasing insurance on the car, with the loss payee clause endorsed to the finance company, when they attempted to pay off the car, and were informed that they owed money on an insurance policy which the finance company had taken out on the automobile and charged to the serviceman's account. When servicemen protested that they had their own insurance and had so notified the company, several companies still refused to release the automobile or refund any charges.

8. A number of cases were uncovered in which servicemen financed automobile policies with companies designated by the fi-

nance company, and payments on the policy were never turned over from the finance company to the insurance company. Thus, when the serviceman had an accident, he would find that the insurance company did not have a policy in his name. A variation of this complaint concerns insurance companies selected by the finance company to handle policies of the serviceman and when accidents were reported to the insurance company, the company was either extremely slow in paying the claim or refused to pay the claim at all. A probably most widespread complaint heard by the Committee was in the area of hidden or excessive charges. Many servicemen were aware of these extra charges only when they attempted to pay off the balance of their car. It was not uncommon for the serviceman to find items on the payoff sheet which were not included in the original contract.

These examples are not intended to cover every type of complaint which the Committee observed. They are only intended as a guideline to show the areas of general types of complaints.

Complaints involving excess charges on automobile sales contracts are commonplace. In addition, the practice of padding the contract with extra charges is becoming more and more prevalent.

RECOMMENDATIONS

1. The Department of Defense should take immediate steps to provide for the establishment of overseas credit unions that will provide a totally reliable, low-cost form of financing for servicemen of all grades.

2. A more comprehensive system of credit counseling, with particular emphasis on individual counseling, should be investigated. It should be noted that a counseling system in itself is useless unless the availability of such a service is given widespread promotion. To this end military publications, both official and unofficial, as well as the Armed Forces radio and television networks should be utilized to the fullest extent.

3. The various military publications, both official and unofficial, as well as the Armed Forces radio and television networks should be used to present programs of instruction on consumer buying and pitfalls to avoid in installment buying.

4. European military establishment commanders should make a complete review of companies which are licensed to solicit business "on post." On post solicitation should be granted only when it will facilitate the military operation of the post and serve as a convenience to the serviceman.

5. On-post accreditation of businesses and individual representatives should be approved at Department of Defense headquarters. This is particularly important in the area of security representatives, such as mutual funds.

6. Serious consideration should be given to the problem of servicemen making "non-necessity" financial obligations which are beyond their projected financial means to repay.

7. The Committee strongly endorses military allotment system but feels that a complete review of the system is necessary in order to end the exploitation of the system by certain financial institutions. The Committee also feels that allotments should not have to be made for an indefinite period but can be made only for a specified number of months with the serviceman still retaining the right to cancel the allotment at any time. Had such a system been in effect for the past several years, the overpayment situation which developed with regard to Federal Services and Suburban Trust Company would not have developed.

8. A set of guidelines for repossession of a serviceman's automobile should immediately be adopted. Repossession should be allowed only upon the following circumstances:

a. The serviceman is given a complete statement of his obligations after the repossession.

b. A repossession authorization is signed by the serviceman; or if he refuses, his commanding officer, after a full and complete hearing, can direct the serviceman to sign or waive his right to signature.

c. The serviceman is given the opportunity to reclaim his automobile upon payment of back payments and repossession charges. In no case shall the repossession charges be more than actual expenditures.

d. In the event the automobile is sold on a bid basis, three separate bids signed by the bidder are presented the serviceman. The serviceman shall have an opportunity to submit his own bid.

e. In the event of an auction, the serviceman is given adequate notice of the auction and given the right to bid on the automobile.

f. Following the sale of the automobile, the serviceman is presented with a certified statement, including the following information:

(1) Date of sale.
(2) Place of sale.
(3) Method of sale.
(4) Selling price.
(5) Person or organization purchasing the automobile.

(6) Any repossession charges for which the serviceman is liable, including replacing or repairing any portion of the vehicle. The price of all such repairs shall not exceed the actual expenditures and it must be certified that the damage causing the repairs was caused by the serviceman-owner. If such repairs are made, the serviceman must be furnished the selling price of the automobile had the repairs not been made. All such repairs shall be limited to placing the car in a running condition and so that it would pass the local military safety requirements. Before any additional repairs are made which might increase the selling price of the automobile, the serviceman's permission must be obtained unless the repossessing party is willing to absorb these costs.

g. In no case shall a repossessed vehicle be shipped to the United States without consent of the serviceman unless the cost of shipping is to be borne by the repossessing party and not charged to the serviceman, either then or at a later date.

h. In no case shall any individual other than the owner or his designated agent or a person authorized by the serviceman-owner's company commander be allowed to physically repossess an automobile from a military establishment. In no case shall any civilian not under military jurisdiction be allowed to act as an agent in the physical repossession of an automobile from a military establishment.

i. Unit commanders be allowed to declare off limits any individual, organization, or firm which they feel is not operating in the best interest of the serviceman. An adequate procedure shall be established for providing a hearing on such an off-limits designation; but pending the hearing, the off-limits designation shall be effective.

Mr. Speaker, as I stated at the beginning of my presentation there is an answer to this problem, and it is a simple answer but one that the Department of Defense has refused to go along with. It is a two-part answer. Under the first part, any sharp practice operator or loan shark found bilking servicemen would be immediately placed off limits by the services regardless of whether it was an individual lending money on a street corner or a major financial institution with a prestigious board of directors. The second part of the solution, as I stated earlier, involves the establishment of credit union at every major military installation throughout the world. The committee has found without exception that at every military installation where there is an active credit union, the incidents of loan sharking and sharp practices are reduced to a minimum and that the number of incidents of debt letters filed against servicemen are extremely low. We have been highly successful in establishing credit unions in military installations in the United States. However, overseas we have not been so fortunate.

FOOT DRAGGING AND LOGJAM TACTICS

After much prodding and letterwriting and following the subcommittee's investigation in Europe, the Department of Defense on March 3, 1966, authorized the establishment of U.S. credit unions on military installations abroad. Prior to that time, there were a handful of unofficial type credit union organizations operating at a few military overseas installations but I want to make it clear that these organizations had no official standing, were not chartered by any organization nor were they examined by any governmental body. These organizations were put together because the commanders of these areas knew their men were being cheated and forced to pay extremely high interest rates but at the same time, the troop commanders could not get authority to establish bona fide credit unions. These unofficial credit unions were established and have been a remarkable job in spite of the tremendous handicap that they faced.

Since the directive was signed more than 2 years ago, only six official credit unions have been established—all of them in the Federal Republic of Germany. And the six credit unions have only been in operation for a few months. In spite of their limited length of operations, these credit unions have performed beyond the wildest expectations. The following letter from Brig. Gen. Evert S. Thomas, Jr., retired, of the Defense Credit Union Council, clearly shows the outstanding progress that these credit unions have made:

DEFENSE CREDIT UNION COUNCIL,
April 11, 1968.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The following progress report concerning the operation of credit union sub-offices in Germany is submitted for your information.

Andrews Federal Credit Union began operations at Wiesbaden, Germany on 11 March 1968. As of 31 March, this sub-office had acquired 621 members, made loans in the amount of $261,828.00, and had received share deposits in the amount of $112,699.00. 253 loans were made to military personnel and were destributed as follows:

E–3	60
E–4	88
E–5	52
E–6	16
E–7	8
E–8	2
E–9	4
W–1	1
O–1	3
O–2	5
O–3	8
O–4	4
O–5	1
O–6	1

***Fort Belvoir Federal Credit Union* began operations at Wurzberg on 1 February 1968. Statistics received by this office are incomplete and a detailed report concerning that credit union cannot be made. However, as of March 31, 1968 this sub-office had made 262 loans in the amount of $128,679.87. It had 340 members and share deposits in the amount of $15,923.48.**

This sub-office reports that it is receiving very little support from Command.

Pease AFB Federal Credit Union began operations at Ramstein on 15 January 1968. During the month of March it acquired 778 new members and made loans in the amount of $455,869.43. Since beginning operations, this sub-office has signed up 2,008 members, received share deposits in the amount of $138,152.72, and made loans in the amount of $1,002,134.74. Loans made to military personnel by pay grades during the month of March were distributed as follows:

E–2	7
E–3	115
E–4	215
E–5	146
E–6	54
E–7	19
E–8	4
E–9	1
O–1	7
O–2	3
O–3	24
O–4	4
O–6	1

Lackland AFB Federal Credit Union began operations in Berlin on 26 December 1967. During the month of March it acquired 161 new members and share deposits in the amount of $9,428.92. As of 31 March 1968 this credit union had signed up a total of 538 new members, received share deposits of $32,108.64, and made loans in the total amount of $305,529.31. Loans made to military personnel during the month of March were distributed by pay grade as follows:

E–3	11
E–4	36
E–5	46
E–6	36
E–7	10
E–8	3
WO–1	3
WO–2	4
WO–3	1
WO–4	1
WO–5	1

Finance Center Federal Credit Union began operations at Furth on 15 February 1968. During the month of March 1968 this sub-office signed up 274 new members and made loans in the amount of $145,494.50. As of 31 March a total of 337 members had been signed up, $18,611.21 had been received in share deposits, and loans made in the total amount of $167,451.44.

Loans made to military personnel during the month were distributed by pay grades as follows:

E–2	3
E–3	8
E–4	31
E–5	54
E–6	52
E–7	9
E–8	1
O–1	9
O–2	5
O–3	3
W–2	3

Redstone Federal Credit Union began operations in the Mannheim Stuttgart area on 15 February 1968. During the month of March these offices, signed up 329 members and made loans in the amount of $127,886.00. As of 31 March these offices had signed up 446 members, received share deposits in the amount of $31,791.70 and made loans in the total amount of $165,087.61. Loans made to military personnel in the month of March were distributed by pay grades as follows:

E–1	2
E–2	1
E–3	5
E–4	44
E–5	68
E–6	45
E–7	13
E–8	5
E–9	2
W–1	1
W–2	2
O–1	11
O–2	4
O–3	8
O–4	5
O–5	1
O–9	1
O–10	1

As of 31 March 1968 the sub-offices had signed up 4,290 members, received share deposits in the amount of $349,286.75, and made loans in the amount of $2,030,711.00.

Your attention is invited to the fact that during the month of March loans were made to pay grades ranging from the lowest ranking enlisted man (E–1) to the highest ranking officer (0–10).

I am sure that it must be a source of great pleasure to you to know that credit unions are performing the above services because you and your committee have, for so long, insisted that credit union service should be made available wherever Department of Defense personnel are stationed, and that this service, unless precluded by overriding circumstances, should be provided on site and not through the mail order routine.

Respectfully,

Evert S. Thomas, Jr.,
Brigadier General, U.S. Army (Retired),
Executive Secretary.

When the directive was originally signed for establishing credit unions it was my understanding from Department of Defense officials that there would be no conflicts with the local laws in establishing these credit unions. I had made it clear that I felt that if military posts abroad could operate golf courses, skeet shooting ranges, and other types of such activities, they could clearly operate credit unions. However, a group of Department of Defense lawyers, apparently determined to block the establishment of these credit unions, decided that the credit unions could not be established unless military bases met all the laws of the host countries. I do not agree with their findings but nevertheless, have gone along with their recommendations and attempted to work out agreements with the host countries for the establishment of credit unions. The military has not taken an active role in working for the credit unions with the host countries as evidenced by the fact that we have received permission for the establishment of credit unions only in Germany. It should also be interesting to note that the group of military lawyers who sought to block the establishment of credit unions contended that the credit unions would not be well received by the servicemen. General Thomas' letter clearly repudiates those lawyers that attempted to block credit unions.

I had also been assured that the unofficial credit unions that were operating at the time the directive was signed would be able to be examined by the Bureau of Federal Credit Unions and receive the official blessing of the military. In fact, there are letters in the committee's files to this effect. The military agreed to provide transportation for the Bureau examiners to these credit unions. The total cost would have been only about $3,000. However, the military has, as it has done on so many occasions in our fight to protect servicemen, switched its position and now refuses to provide transportation for these examiners. The refusal, it is my understanding, was based on a recommendation by Assistant Secretary of Defense—Comptroller, Robert Anthony. This is not the first exposure that the committee has had with Mr. Anthony. About 18 months ago, I wrote to Mr. Anthony asking for the names of active duty military officers who were serving on the board of directors of banks operating on military installations in the United States. Mr. Anthony quickly wrote back that there were no such officers serving in these capacities since such an arrangement would be in violation of the military regulations.

However, when the committee began investigation of these practices the first bank we studied had several high ranking officers on its board of directors even though Mr. Anthony had stated that such a case was impossible. When we asked Mr. Anthony for a clarification we received a mumbo-jumbo letter completely reversing the facts.

In conclusion, Mr. Speaker, let me say that the Department of Defense has only given lipservice to the problem of protecting servicemen from consumer frauds as well as the establishment of overseas credit unions. I sincerely hope that under the new Secretary of Defense, the Honorable Clark Clifford, that we can now expect complete cooperation from the Department of Defense and that every necessary action will be taken to provide credit union service for all men throughout the world and that the sharp practice operators and the loan sharks will quickly know that they have no friends in the Department of Defense.

Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Annunzio] may extend his remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, on September 23, 1965, I delivered a speech on the floor of the House entitled, "Does the Department of Defense Really Care?" The main thrust of this speech was that sharp-practice finance companies, loan sharks, and other high-rate credit extending companies were taking our servicemen for a ride, and the Department of Defense was looking the other way.

In that speech I made the statement:

> The lack of action by the Department of Defense, unfortunately, adds to my feeling that the Department is, perhaps, more worried about pressure and lobbying tactics of the finance industry than the welfare of the serviceman.

Let me recap my reasons for that statement. For a number of months, the House Domestic Finance Subcommittee, of which I am a member, conducted an investigation of Federal Services Finance Corp., a worldwide lending institution that specialized in automobile and personal loans to members of the Armed Forces. Of the 12-member board of directors of Federal Services, eight were retired admirals and generals, many of whom held high military posts. Most of the company's top operating personnel were also former military officers. It would appear that such a company, with its predominantly military orientation, would go out of its way to protect the interests of servicemen. However, the subcommittee was shocked to learn the number of ways that Federal Services had abused the serviceman's trust and confidence.

NO ACTION ON OFF-LIMITS REQUEST

On numerous occasions throughout the investigation I asked the Department of Defense to declare Federal Services off limits. I was not alone in my feeling that this company should not be allowed to continue to gouge servicemen. Three Army legal assistance officers who testified before the subcommittee stated that they felt the company should be placed off limits. As early as 1956, the antics of Federal Services were brought to the attention of the military by legal assistance officers, but no action was taken by the military. Not only has the Department of Defense not taken any action to place Federal Services off limits, but has done just the reverse. Federal Services met with Department of Defense officials and stated that if the Department would provide their organization with a seal of approval, the company would clean up its operations. I was horrified by the action on the part of the Department of Defense and, while the "pat on the head" given to Federal Services by the Department of Defense may have fooled some people, it did not fool the serviceman. Even with the Department of Defense endorsement, servicemen would not deal with Federal Services. They felt—as I do—that the abuses uncovered by our investigation could not be corrected merely by a pat on the back, a smile, and a handshake.

PERFORMANCE, NOT PROMISES

Federal Services is no longer in existence. The company was merged with another finance company that has promised to remove the military officers from the board of directors and to make certain that the rights of the serviceman are fully protected. I sincerely hope that the new company lives up to its promises, but more corrective action will be needed than a mere superficial housecleaning. As I stated when I first heard of the merger, "You cannot remove the smell from a garbage dump by calling it a rose garden."

It is interesting to note that the demise of Federal Services was not brought about by action of the Department of Defense, but was as a direct result of the serviceman's reluctance to do business with the company.

Federal Services was not the only loan and finance company to take advantage of the serviceman. The judge advocate general of a large military post near the Nation's Capital, in testifying before our committee, was questioned as to whether the practices of Federal Services, particularly with regard to repossession of automobiles, were standard practice throughout the industry. The officer replied:

> Yes, it is a very vicious circle and it hurts the serviceman badly, and it is certainly something which should be controlled, but I regret to say it is rather a general practice among finance companies, particularly that finance automobiles.

Records submitted to the Domestic Finance Subcommittee by the various military services indicated a number of other finance companies that were causing problems among our servicemen. In addition to Federal Services, the military listed 17 companies as prime offenders.

OVERSEAS PROBLEM CRITICAL

The sharp practices uncovered by the Domestic Finance Subcommittee are not limited to the United States. Two years ago several members of the subcommittee and myself toured military installations throughout Europe to see firsthand the problems that the military men face when they try to obtain credit. The credit problems facing our Armed Forces stationed overseas are vastly different from the problems encountered in the United States. Many borrowing channels which are available to the servicemen in the United States are severely limited or closed to overseas military personnel. There are only a few credit union facilities available in Europe although several credit unions in the United States do handle overseas loan transactions through the mail. Most of the larger military installations in Europe have commercial American banking facilities, however, these facilities are set up primarily as limited service banks, designed to exchange currency, cash checks, sell savings bonds, and conduct other related banking activities. These banks do engage in a limited amount of short-term lending. Many officers and top-grade enlisted men stationed overseas still maintain banking ties with hometown financial institutions and are thus able to obtain loans through the mail. However, the lower grade enlisted men generally are without any low-cost, completely reliable source of credit and must turn to the only available widespread source—finance companies.

EASY CREDIT, QUICK COMPLAINTS

These overseas finance companies are, for the most part, unregulated and the amount of interest that they may charge is virtually unlimited. They extend so-called easy credit to the military and are quick to notify a serviceman's commanding officer if the serviceman falls the least bit behind in his payments.

At one installation we visited, a first sergeant informed us that his organization spends 300 man-hours a month handling debt complaint letters, with the majority of the letters coming from finance companies. He added that upon investigation, 98 percent of these complaining letters did not represent valid claims. He pointed out that in almost every case when the finance company complained that the serviceman had not made his monthly payment, the serviceman was able to produce check stubs, money order stubs, or similar proof that the payment had been made. "I'm spending most of my time doing the work of the finance company," the first sergeant complained to our investigating group.

Without exception, every military installation that we visited in Europe felt that the establishment of overseas credit unions would go a long way toward solving the serviceman's credit plight. The request for credit unions came from servicemen of all ranks—from generals and privates, admirals and seamen. The general of one Air Force installation was so interested in establishing a credit union that he sent his aide to meet us at the airport to make certain that we would visit the general and discuss the possibility of establishing a credit union at his installation.

SUGGESTS PATMAN HONOR

A Department of Defense directive issued in 1966, for the first time provided for the establishment of overseas military credit unions. The overseas directive is an end result of a plan submitted to the Department by the chairman of the House Banking and Currency Committee, the Honorable WRIGHT PATMAN, of Texas. It is my firm belief that WRIGHT PATMAN has done more to further the cause of credit unions than any other legislator in the history of the movement. Because of his interest in credit unions and his authorship of the guidelines for establishing overseas credit unions, I asked Secretary of Defense Robert McNamara to officially designate the overseas credit unions as "Patman plan credit unions." I feel that in some small way this will be a fitting tribute to a great American.

I applaud the Department of Defense for its actions in writing the credit union directives, but at the same time, I do not feel that the Department has gone far enough to protect the serviceman-consumer.

Following my September 1965 speech to the House regarding the Department of Defense's attitude toward Federal Services, the Department published a directive entitled "Personal Commercial Affairs," which, for the first time, set up guidelines for companies doing business with servicemen.

PLANNING NEW DIRECTIVE

Shortly after the issuance of the directive, I was informed that the Department of Defense was canceling the directive and, in its place, substituting a new directive. It was my hope that the Department felt that the old directive was not tough enough and was planning to add some beefed-up provisions. I soon learned that my statement of 7 months earlier that the "Department of Defense is, perhaps, more worried about pressure and lobbying tactics of the finance industry than the welfare of the serviceman," was being brought into sharp focus once again.

The redraft pulled the teeth out of the old directive and puts the sharp operators right back on top.

When the chairman of our committee asked the Department why it was rewriting the directives, it was explained that the Department's lawyers felt that the directive was "so vague and ambiguous as to require either substantial modifications or supplementary instructions." If these lawyers thought that the directive was vague and ambiguous, I suggest that they read some of the contracts that finance companies require servicemen to sign when they borrow money or purchase an automobile. Perhaps these lawyers would not be so critical of the directive if they were not viewing it from their snug offices in the Pentagon. Send these lawyers overseas for 2 weeks to talk to the men who have been bilked by unscrupulous operators. Let them visit the wives of servicemen who are fighting in Vietnam. Since these soldiers are busy defending our Nation, they do not have much time to answer loan company letters. However, too many credit companies are hounding the serviceman's wife the moment that a debt falls past due. And let them talk to commanding officers who are unable to spend time on military duties because they are forced to answer hundreds of phony debt collection letters a month. Let these lawyers do this, and then ask them if they feel the directive is vague and ambiguous.

A year ago, an investigator from our committee visited a large military installation in the South to look into the operations of a used car lot that was operating less than 100 yards from the front gate of the military installation and was saddling servicemen with tremendous burdens of debt in the form of car payments. In order to entice the purchase of these high-priced automobiles, the car lot offered to allow the serviceman to pay only $50 a month for the first 4 months. After the 4-month period, the monthly payments skyrocketed.

A HELPING HAND?

This "balloon note" procedure was adopted because the servicemen were going through a training course which would ultimately make them officers. Thus the $50 payments were designed to carry the serviceman through the school and the figure would then be raised when the serviceman was drawing a higher salary. Of course, if the serviceman does not complete the school, he would not be entitled to the higher income, but would still have to meet the huge monthly obligations.

In one case, a 23-year-old serviceman would have had to pay nearly $210 a month for 32 months following his short period of $50-a-month payments. The other cases uncovered by the investigator were equally shocking. Many of these servicemen were under 21 years of age. They were not required to make a downpayment, nor was their credit checked. In many of the cases the naive servicemen signed blank contracts.

When the servicemen were asked why they thought they were able to buy $3,000 and $4,000 automobiles without a downpayment and without a credit check, they said that because they were officer candidates, they would be required to pay their debts or possibly ruin their military careers. In short, the serviceman was not only signing his name to the contract, but was throwing in his career as collateral. The used car dealer was not selling cars to servicemen, but was selling cars to their uniform.

Our investigator talked at length with military officials at this post and he was assured that none of the servicemen had complained about the deal they had made at the car lot. Now, I ask you, would you complain if you were able to buy a $4,000 automobile for no money down, without a credit check, and drive off with the automobile with little fuss or redtape? And, would you complain during the first 4 months of your contract if your payments were only $50? I think the complaints would be very few. But, when your payments—after the 4-month period—were raised to $200, then—oh yes, then—that is when the complaints start to roll in. As a footnote, our investigator also learned from an officer at this post, that despite the increased salary of these young soldiers after they graduated from the school, he did not see how they would be able to meet the monthly payments.

Instead of taking action to prevent the used car lot from getting the servicemen in over their heads, the military officials at the post were virtually endorsing the operations of the car lot and stated that the low payments for the first 4 months greatly aids the serviceman in purchasing the automobile. Perhaps these officials are not aware that at some military installations the use of such techniques as balloon payments or sliding-scale notes are considered a cause for placing a company off limits.

In closing I can only say to the authorities of the Department of Defense that if they do not act to protect servicemen from getting in over their heads and being exposed to sharp-practice operators, then I will request a complete investigation of the Department of Defense to see why it will not take action in this highly important field. Perhaps we will find some more retired admirals and generals lurking in the background. Perhaps we will find a former general counsel or two behind the scenes. But whatever we find, I can assure you that this problem will be solved.

CONGRESSMAN ANNUNZIO COMMENDS GOLCONDA JOB CORPSMAN EARL AUSTIN

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, on April 19 Mr. Owen T. Jamison, forest supervisor, Shawnee National Forest, U.S. Forest Service, Harrisburg, Ill., and 18-year-old Earl Austin visited my Chicago office where we discussed the Civilian Conservation Center program.

I want to inform my distinguished colleagues in the House that Corpsman Earl Austin resides at 3300 West Polk Street, Chicago, located in the Seventh Congressional District of Illinois which I have the honor to represent. Earl informed me how happy he was with his work at the Golconda Civilian Conservation Center located in the Shawnee National Forest in southern Illinois.

The Golconda Civilian Conservation Center—formerly known as the Golconda Job Corps Conservation Center—was officially activated on June 25, 1965. The center is located on the Shawnee National Forest and occupies a site overlooking the Ohio River. It is 27 miles south of Harrisburg, Ill., location of the forest supervisor's office. The 224-man center is operated by the Forest Service—U.S. Department of Agriculture in cooperation with the Office of Economic Opportunity.

As of April 30, 1968, 1,335 corpsmen had been processed into the center. One-hundred and seven have been placed on jobs by the center, 28 have gone into military service, five have returned to school, and 171 have gone on for further vocational training. In addition to the above, many have obtained jobs through their local employment service as a result of their Job Corps training.

The average annual income for young men from Job Corps who are placed on jobs is $3,744. The income tax on this salary would average $524 per year. If the young man is working, he will not be receiving welfare money, which would be approximately $2,000 per year.

On the basis of the above, the average savings in welfare plus the tax gain per employed corpsman is $2,524 per year. At Golconda, the center has placed 107 corpsmen on jobs. This amounts to an annual savings of $270,068 or over a 10-year period, $2,700,680. In addition, many other corpsmen are gainfully employed through other employment efforts.

One-half of the corpsman's time is spent in education and the other half is spent in working on the job. The work of the Golconda Civilian Conservation Center is performed on the Shawnee National Forest. Since activation, the appraised value of work performed by the corpsmen has amounted to $803,642. Emphasis has been placed on developing recreation areas, roads, bridges, and wildlife habitat in order to meet the needs of the people. These are projects which could not have been financed through regular appropriations in the near future.

The Civilian Conservation Center is experiencing tremendous success in training deserving young people, like my constituent, Earl Austin, and I want to urge my colleagues to continue to support both authorizing and funding legislation for this valuable program.

I would like to include at this point in the CONGRESSIONAL RECORD a short biography about Earl's experiences at the Civilian Conservation Center and I want to congratulate him for working, earning, learning, and becoming a productive member of our society. I am deeply proud of Earl, who is a credit to his family and to his community, and I want to encourage other young people to follow Earl Austin's fine example.

His biography follows:

STORY OF JOB CORPSMAN EARL AUSTIN, CHICAGO, ILL.

Earl Austin, eighteen years old, born in Chicago, Illinois, high school graduate, raised in a normal middle class family, going somewhere.

The above paragraph might describe an average American boy, but the only true statements are the boy's name, Earl Austin, eighteen, born in Chicago, Illinois. The rest is just a would-be dream.

Earl comes from a family of six children who live in the tenements of lower west side Chicago. His father does the best he can for his family by working in a meat packing house. He has an older brother who has been in jail on two separate occasions. The police station is not a new thing to Earl either. He has been there several times himself.

Earl, at an early age, joined one of the many teenage gangs in order to become part of a group and be accepted. He participated in gang activities even to the extent of gradually working his way up to the position of chief war counselor. He skipped school, missed curfew, and was involved in several fights. His attempts at honest employment were short term. He worked in a restaurant, hospital, and on a milk truck for $3.00 a day. To this young man this was a way of life ever since he could remember.

As Earl looked around and saw the way other people lived, he began to wonder why he couldn't have some of these things.

He sat back and observed, and decided that walking the streets and getting into trouble weren't the answers to his dreams. What to do about it was the next question. He went to the state employment agency to see if he could get a good paying, steady job. He was told that a person with an eighth grade education stood very little chance of gainful employment. However, the employment officer did introduce Earl to the Civilian Conservation Center Program. He explained that it was a chance for an education and learning on-the-job training. Earl thought about it for quite awhile before he decided to join. He knew he would have to leave Chicago, his friends, and the security that he thought he had.

Finally, his mind made up, Earl talked his parents into signing his papers and on October 25, 1967 he arrived at the Golconda Civilian Conservation Center. This is a 224-man Center located in the Shawnee National Forest in Southern Illinois. Here Job Corpsman Austin found other boys his age from similar environments. It was strange the first few days, but after orientation, the issuing of clothes, and a few trips to the mess hall, Earl found that here he had finally found friends that were interested in being somebody.

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His work experience on the Center has varied from janitorial duties to carpentry and currently he is assisting the Center electrician.

Earl admits that he hasn't licked all his problems, but he maintains that he is going to stick it out and be somebody. As soon as his educational level reaches the acceptable point, he plans on enlisting in the U.S. Navy and following a career in electronics.

J. Lamar Beasley, Center Director, stated that "Earl Austin is no different than many young men. He needs a chance, he needs incentive, he needs direction and most of all he needs belief in himself and others. The Golconda Civilian Conservation Center like all Centers, strives to place young men like Earl on tax-paying rolls by helping them to work, learn and earn."

What about the Earl Austins that don't have this opportunity? What is going to happen to them? We need programs such as the one offered by the Golconda Civilian Conservation Center. A place where young men going nowhere can find themselves and become productive citizens in this great country of ours which depends so heavily on the youth that will carry on its great traditions.

ISRAEL'S 20TH ANNIVERSARY

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE of Illinois. Mr. Speaker, 20 years have lapsed since the State of Israel emerged as an independent nation, overcoming but not putting to rest permanently the prejudices and suspicions held by much of the world. Today, that struggle for recognition and accord continues, not only for the people of Israel but for other peoples of the world.

These manifestations of international rivalry and internal conflict disrupt the hoped-for orderly flow of change in today's world. They do little to strengthen the delicate mosaic of the world community in the nuclear age.

That we are faced with such deep-seated challenges leaves little comfort. But, at the same time, it can be a period of hope: that the dynamics of change might be utilized to accomplish the noble ideals and goals of brotherhood and peace that are rhetorized but rarely observed.

The State of Israel symbolizes man's struggle against the age-old ills besetting the world since Cain slew Abel. Man against man, creed against creed, race against race, nation against nation, the world's history is replete with examples of these irrationalities.

I would hope that on this anniversary of Israel's bold and brave existence as an independent state there might begin a restructuring of the attitudes men and their nations hold of other men and their nations. Sympathy, assimilation and interdependence should replace disregard, separateness and isolation—attitudes and words too commonplace in today's world.

THE LATE WINTHROP M. CRANE, JR., OF DALTON, MASS.

Mr. CONTE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. Mr. Speaker, the people of the First Congressional District of Massachusetts and indeed the entire State and Nation have been saddened by the recent death of Mr. Winthrop M. Crane, Jr., of Dalton, Mass.

Mr. Crane was the chairman of the board of Crane & Co., one of the leading industries of Massachusetts. His influence will be missed in many areas of human activity—civic, political, and humanitarian.

He was the great-grandson of Zenas Crane who founded the papermaking concern in 1801. His father was former U.S. Senator Winthrop M. Crane, Sr., who also served three terms as Governor early in the century.

Mr. Crane's distinguished career began at Dalton High School and continued at Andover and Yale. After his graduation in 1904, he entered the family business, and in 1905 he married Miss Ethel Eaton, daughter of the founder of the Eaton Paper Corp.

During World War I, Mr. Crane served at American Red Cross Headquarters in Washington and subsequently in the Ordinance Department of the Army before going to France. He left the military service at the end of the war with the rank of lieutenant colonel.

Mr. Crane was president of Crane & Co. for 28 years, from 1923 to 1951, when he became chairman of the board.

One of Mr. Crane's company's principal customers is the U.S. Treasury, Bureau of Printing and Engraving, to whom Crane & Co. supplies currency paper. Mr. Crane represented his company at the Treasury Department in connection with this contract from 1906 until 1945.

One of Mr. Crane's many accomplishments was the consolidation of the various company interests in western Massachusetts into one modern, compact organization, and later the establishment of the Crane Museum of Papermaking.

Mr. Crane had a wide business experience. In his home area he served for many years on the boards of the Agricultural National Bank, City Savings Bank, Berkshire Life Insurance Co., Eaton Paper Corp., Western Massachusetts Electric Co., and the Hoosac Mills Corp. He was also on the board of the Otis Elevator Co., Guaranty Trust Co., American Bank Note Co., and the Air Reduction Co., all in New York.

For 28 years he was a trustee of Miss Hall's School and served as chairman for 15 of those years. He also served as a trustee of the Fessenden School in West Newton.

In his hometown, Mr. Crane was a member of the First Congregational Church and was active on many town committees as well as being a commissioner of the town trust fund. He worked for many years on the boards of the YMCA and the Berkshire County Red Cross.

Mr. Crane was an ardent fisherman and for 59 years made an annual pilgrimage for salmon fishing on the Northwest Miramichi River.

The passing of this distinguished industrialist, financier, and philanthropist marks the end of an era. His funeral was attended by more than 300 friends and representatives of the businesses he served and aided during the last half century.

In delivering a eulogy to Mr. Crane, his pastor said:

> Today the horizon of our lives is different. The life which has stood for so long as a landmark to generations of people has now taken on a new dimension.
>
> We may count ourselves fortunate for having lived at the same time as Winthrop Murray Crane. Future generations will have to learn what we have been privileged to know and feel and sense in this person. Here was a man whose life was often a channel by

which good things happened, and by which were received education, aid, counsel and friendship.

It was once quoted of him: "I must be about my Father's business," and he was truly a man who considered God's business his own.

Mr. Speaker, I believe my colleagues in this body would wish to join me in extending the sympathy of the House of Representatives to the family of Mr. Crane on the loss of this man whose life has been such an outstanding example good in a time when these men seem to become rarer each day.

AT LONG LAST—AN AIRPORT!

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, on Friday, May 17, there will be a formal ground breaking for a new airport in the town of Oxford, Conn., and I am gratified that the efforts of a large number of civic-minded individuals have come to fruition with this auspicious development.

I clearly recall my own initial efforts to obtain an airport for service to the area of Greater Waterbury and the Naugatuck Valley, when, as mayor of the city of Waterbury, I spent many hours with many others in the search for a suitable site and a source of adequate funds. It has been a long and sometimes frustrating experience requiring endeavor and cooperation at all levels of government, and now that we have achieved our objective we can look to the immediate rewards of our cooperative efforts in significant advantages not only in necessary transportation facilities, but also in new opportunities for economic and industrial development.

I am pleased to state that Oxford, the site of the airport, is located geographically at about the center of the Fifth Congressional District of Connecticut which I represent.

The new airport which will have a 5,000-foot runway and a 2,500-foot secondary strip, with parallel taxiway and lighting system, is being financed with State funds in the amount of $2,100,000 and Federal funds from the Federal Aviation Agency in the amount of $1,257,000. But in essence, Mr. Speaker, this airport will come into being only because it has been supported by the residents and officials of the town of Oxford, by the chambers of commerce, the Connecticut Department of Aeronautics, the Federal Aviation Administration, the officials of the communities of the Fifth Congressional District, and by Governor Dempsey and the General Assembly of Connecticut. Although hundreds of people have been involved in this effort over the years, without belittling the work of others I must here pay tribute to the consistent and dedicated support over a period of 25 years of Richard P. Crane of Waterbury.

The airport ground breaking is the end of a seemingly impossible assignment and the beginning of a new era of progress in transportation in an area already well equipped with fine modern superhighways constructed under State and Federal programs. It is an achievement in which I am proud to have had a part in association with so many others.

Mr. Speaker, as a small part of the record of this endeavor I would like to include here a feature story by Mr. Mark Azzara, Jr., of the New Haven Register, and an editorial which appeared in the Waterbury Republican:

[From the New Haven (Conn.) Register]

A FALLEN SIGN, A HOUSE SHELL, AND HIGH HOPES—LITTLE SHOWS YET, BUT OXFORD IS ELATED OVER AIRPORT

(By Mark Azzara, Jr.)

OXFORD.—The only visible indications of the Oxford Airport at present are found on Prokop Road where the shell of a house already stripped bare waits for the bulldozers and a sign hanging upside down proclaims, "Site of Oxford Airport, State of Conn., Dept. of Aero."

This isn't much, but guarantees that an airport will be built make it much more than John Monagan had 20 years ago when, as mayor of Waterbury, he began looking for possible airport sites.

Once upon a time, the Waterbury area was certificated as an approved stop on Northeast Airlines' route. That certificate has long since been canceled but the State Department of Aeronautics kept on looking, however, until it picked Oxford.

Numerous sites in the greater Naugatuck Valley were examined, including Southington, Bethlehem and Terryville. The location of Interstate Route 84 had a lot to do with the selection of Oxford as the airport site.

BIGGEST SURPRISE

One of the biggest surprises which airport planners noted in Oxford was the lack of opposition to an airport, which State Aeronautice Director H. B. Wetherell said was slightly "abnormal." "Most of those who object are not aware of the economic impact an airport has on an area."

He said people elsewhere still have the impression of planes "falling out of the sky" or of a little airport "turning into another Kennedy Internation." But the case of Oxford is unusual. First Selectman Norman Husted said, "We were due to have an airport somewhere in the area and Oxford is a good place for it."

On May 13, 1963 the Oxford voters voted heavily in favor of the airport. On May 19, 1965 Gov. John Dempsey proposed the airport be located in the town, thus ending a long search.

The first land purchase was made from Adrian Lillis of Morris, who sold his 50-acre site for $65,000. The stripped house and toppled sign are on his former property.

Most of the 250 acres needed for the project already have been bought. A few condemnation cases remain but one of the land owners thinks it's only a matter of money now. A Plock Road resident, who asked his name not be used, said he had lived in his home for 20 years and objected both to the price offered and the very idea his home would be taken away. Even this man, however, showed no real bitterness and said he intends to stay in town.

NO REAL BITTERNESS

Charles Tucker of the Central Naugatuck Valley Regional Planning Agency said, "We expect it will have a marked effect on what is known as the Tri-Town Industrial District." He said the airport could also be used for some cargo service, especially for shipment and receiving of small metal products and electronics equipment.

Passenger service from Oxford Airport to Kennedy International Airport is guaranteed, according to Pilgrim Airlines President Joseph Fugere. He said, "We've been looking at it for a couple of years," adding that "I already have equipment on order to operate in Oxford."

"We'll be there when it's finished," he said. Pilgrim Airlines is classed as an air-taxi service, meaning it does not need approval of routes from the Civil Aeronautics Board.

"We think that there is a need for service here in Waterbury and we intend to be ready to provide it at such time as the airport is ready." Fugere said the same arrangement would work in Oxford as in New Haven and New London—six nonstop flights daily to Kennedy. The number may be smaller at first until service demands increase.

OVERALL PLAN

Oxford Airport is part of an overall plan on Wetherell's part to increase the number of "general aviation airports" in the state. He said "Danbury airport is at the saturation point now," thus bolstering the need to spread out the air traffic. "It would generate a lot of its own traffic," he said. Oxford will have lower minimum operating altitudes meaning that "aircraft weathered out of Danbury might be able to use Oxford."

It is not known how much air traffic will be using Oxford Airport but some people already have ideas about what should be included. One real estate agent, who didn't reveal her name, said the airport was "a godsend" and said she hopes an aeronautical school can be started.

Very few problems are anticipated when the airport opens. Husted said when problems do arise they will be discussed by the Tri-Town Economic Development Commission, which will go into effect as soon as Southbury voters approve the idea at a town meeting. Husted said industry would overcome many problems such as waste treatment and removal on its own.

FUTURE STUDIES

Future studies already are planned by the State Highway Department. The first item under a bill passed at the 1967 General Assembly calls for a complete study of highway access to the airport, with the results to be sent to the 1969 Legislature.

The airport probably will be a break-even financial proposition at first, said Wetherell. The offices will be temporary buildings until permanent structures are built, he said.

These little problems, however, don't seem to concern anybody. Most of the Naugatuck Valley planners are merely relieved the search is over, and Oxford area residents are elated at the prospects for a widened tax base with the new airport.

[From the Waterbury (Conn.) Republican]

THE OXFORD AIRPORT

The news that the Federal Aviation Agency has approved a $1.2 million grant for the Oxford Airport is very good, indeed. Coupled with state funds of $2.1 million, it will allow completion of a 5,000-foot main runway and a 2,500-foot secondary strip in two years time.

With the construction of the main facility, the Naugatuck Valley will enter the jet age. The value of the regional airport can hardly be overestimated. It will quicken economic life, spur the development of new business and industry, provide hundreds of jobs, and create an important transportation link.

The FAA announcement is the culmination of more than two decades of effort, of planning and hoping by many people. It would be impossible to name all of those who have brought the dream of a regional airport to fruition. Certainly, thanks should go to our representatives in Washington, Sens. Abraham Ribicoff and Thomas Dodd, and Rep. John S. Monagan, to state officials like Col. Horace B. Wetherell of the State Department statements are the boy's name, Earl Austin, eighteen, born in Chicago, Illinois. The rest is just a would-be dream.

Earl comes from a family of six children who live in the tenements of lower west side Chicago. His father does the best he can for his family by working in a meat packing house. He has an older brother who has been in jail on two separate occasions. The police station is not a new thing to Earl either. He has been there several times himself.

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Mr. CONTE. Mr. Speaker, the people of the First Congressional District of Massachusetts and indeed the entire State and Nation have been saddened by the recent death of Mr. Winthrop M. Crane, Jr., of Dalton, Mass.

Mr. Crane was the chairman of the board of Crane & Co., one of the leading industries of Massachusetts. His influence will be missed in many areas of human activity—civic, political, and humanitarian.

He was the great-grandson of Zenas Crane who founded the papermaking concern in 1801. His father was former U.S. Senator Winthrop M. Crane, Sr., who also served three terms as Governor early in the century.

Mr. Crane's distinguished career began at Dalton High School and continued at Andover and Yale. After his graduation in 1904, he entered the family business, and in 1905 he married Miss Ethel Eaton, daughter of the founder of the Eaton Paper Corp.

During World War I, Mr. Crane served at American Red Cross Headquarters in Washington and subsequently in the Ordinance Department of the Army before going to France. He left the military service at the end of the war with the rank of lieutenant colonel.

Mr. Crane was president of Crane & Co. for 28 years, from 1923 to 1951, when he became chairman of the board.

One of Mr. Crane's company's principal customers is the U.S. Treasury, Bureau of Printing and Engraving, to whom Crane & Co. supplies currency paper. Mr. Crane represented his company at the Treasury Department in connection with this contract from 1906 until 1945.

One of Mr. Crane's many accomplishments was the consolidation of the various company interests in western Massachusetts into one modern, compact organization, and later the establishment of the Crane Museum of Papermaking.

Mr. Crane had a wide business experience. In his home area he served for many years on the boards of the Agricultural National Bank, City Savings Bank, Berkshire Life Insurance Co., Eaton Paper Corp., Western Massachusetts Electric Co., and the Hoosac Mills Corp. He was also on the board of the Otis Elevator Co., Guaranty Trust Co., American Bank Note Co., and the Air Reduction Co., all in New York.

For 28 years he was a trustee of Miss Hall's School and served as chairman for 15 of those years. He also served as a trustee of the Fessenden School in West Newton.

In his hometown, Mr. Crane was a member of the First Congregational Church and was active on many town committees as well as being a commissioner of the town trust fund. He worked for many years on the boards of the YMCA and the Berkshire County Red Cross.

Mr. Crane was an ardent fisherman and for 59 years made an annual pilgrimage for salmon fishing on the Northwest Miramichi River.

The passing of this distinguished industrialist, financier, and philanthropist marks the end of an era. His funeral was attended by more than 300 friends and representatives of the businesses he served and aided during the last half century.

In delivering a eulogy to Mr. Crane, his pastor said:

> Today the horizon of our lives is different. The life which has stood for so long as a landmark to generations of people has now taken on a new dimension.
>
> We may count ourselves fortunate for having lived at the same time as Winthrop Murray Crane. Future generations will have to learn what we have been privileged to know and feel and sense in this person. Here was a man whose life was often a channel by

which good things happened, and by which were received education, aid, counsel and friendship.

It was once quoted of him: "I must be about my Father's business," and he was truly a man who considered God's business his own.

Mr. Speaker, I believe my colleagues in this body would wish to join me in extending the sympathy of the House of Representatives to the family of Mr. Crane on the loss of this man whose life has been such an outstanding example good in a time when these men seem to become rarer each day.

AT LONG LAST—AN AIRPORT!

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, on Friday, May 17, there will be a formal ground breaking for a new airport in the town of Oxford, Conn., and I am gratified that the efforts of a large number of civic-minded individuals have come to fruition with this auspicious development.

I clearly recall my own initial efforts to obtain an airport for service to the area of Greater Waterbury and the Naugatuck Valley, when, as mayor of the city of Waterbury, I spent many hours with many others in the search for a suitable site and a source of adequate funds. It has been a long and sometimes frustrating experience requiring endeavor and cooperation at all levels of government, and now that we have achieved our objective we can look to the immediate rewards of our cooperative efforts in significant advantages not only in necessary transportation facilities, but also in new opportunities for economic and industrial development.

I am pleased to state that Oxford, the site of the airport, is located geographically at about the center of the Fifth Congressional District of Connecticut which I represent.

The new airport which will have a 5,000-foot runway and a 2,500-foot secondary strip, with parallel taxiway and lighting system, is being financed with State funds in the amount of $2,100,000 and Federal funds from the Federal Aviation Agency in the amount of $1,257,000. But in essence, Mr. Speaker, this airport will come into being only because it has been supported by the residents and officials of the town of Oxford, by the chambers of commerce, the Connecticut Department of Aeronautics, the Federal Aviation Administration, the officials of the communities of the Fifth Congressional District, and by Governor Dempsey and the General Assembly of Connecticut. Although hundreds of people have been involved in this effort over the years, without belittling the work of others I must here pay tribute to the consistent and dedicated support over a period of 25 years of Richard P. Crane of Waterbury.

The airport ground breaking is the end of a seemingly impossible assignment and the beginning of a new era of progress in transportation in an area already well equipped with fine modern superhighways constructed under State and Federal programs. It is an achievement in which I am proud to have had a part in association with so many others.

Mr. Speaker, as a small part of the record of this endeavor I would like to include here a feature story by Mr. Mark Azzara, Jr., of the New Haven Register, and an editorial which appeared in the Waterbury Republican:

[From the New Haven (Conn.) Register]

A FALLEN SIGN, A HOUSE SHELL, AND HIGH HOPES—LITTLE SHOWS YET, BUT OXFORD IS ELATED OVER AIRPORT

(By Mark Azzara, Jr.)

OXFORD.—The only visible indications of the Oxford Airport at present are found on Prokop Road where the shell of a house already stripped bare waits for the bulldozers and a sign hanging upside down proclaims, "Site of Oxford Airport, State of Conn., Dept. of Aero."

This isn't much, but guarantees that an airport will be built make it much more than John Monagan had 20 years ago when, as mayor of Waterbury, he began looking for possible airport sites.

Once upon a time, the Waterbury area was certificated as an approved stop on Northeast Airlines' route. That certificate has long since been canceled but the State Department of Aeronautics kept on looking, however, until it picked Oxford.

Numerous sites in the greater Naugatuck Valley were examined, including Southington, Bethlehem and Terryville. The location of Interstate Route 84 had a lot to do with the selection of Oxford as the airport site.

BIGGEST SURPRISE

One of the biggest surprises which airport planners noted in Oxford was the lack of opposition to an airport, which State Aeronautice Director H. B. Wetherell said was slightly "abnormal." "Most of those who object are not aware of the economic impact an airport has on an area."

He said people elsewhere still have the impression of planes "falling out of the sky" or of a little airport "turning into another Kennedy Internation." But the case of Oxford is unusual. First Selectman Norman Husted said, "We were due to have an airport somewhere in the area and Oxford is a good place for it."

On May 13, 1963 the Oxford voters voted heavily in favor of the airport. On May 19, 1965 Gov. John Dempsey proposed the airport be located in the town, thus ending a long search.

The first land purchase was made from Adrian Lillis of Morris, who sold his 50-acre site for $65,000. The stripped house and toppled sign are on his former property.

Most of the 250 acres needed for the project already have been bought. A few condemnation cases remain but one of the land owners thinks it's only a matter of money now. A Plock Road resident, who asked his name not be used, said he had lived in his home for 20 years and objected both to the price offered and the very idea his home would be taken away. Even this man, however, showed no real bitterness and said he intends to stay in town.

NO REAL BITTERNESS

Charles Tucker of the Central Naugatuck Valley Regional Planning Agency said, "We expect it will have a marked effect on what is known as the Tri-Town Industrial District." He said the airport could also be used for some cargo service, especially for shipment and receiving of small metal products and electronics equipment.

Passenger service from Oxford Airport to Kennedy International Airport is guaranteed, according to Pilgrim Airlines President Joseph Fugere. He said, "We've been looking at it for a couple of years," adding that "I already have equipment on order to operate in Oxford."

"We'll be there when it's finished," he said. Pilgrim Airlines is classed as an air-taxi service, meaning it does not need approval of routes from the Civil Aeronautics Board.

"We think that there is a need for service here in Waterbury and we intend to be ready to provide it at such time as the airport is ready." Fugere said the same arrangement would work in Oxford as in New Haven and New London—six nonstop flights daily to Kennedy. The number may be smaller at first until service demands increase.

OVERALL PLAN

Oxford Airport is part of an overall plan on Wetherell's part to increase the number of "general aviation airports" in the state. He said "Danbury airport is at the saturation point now," thus bolstering the need to spread out the air traffic. "It would generate a lot of its own traffic," he said. Oxford will have lower minimum operating altitudes meaning that "aircraft weathered out of Danbury might be able to use Oxford."

It is not known how much air traffic will be using Oxford Airport but some people already have ideas about what should be included. One real estate agent, who didn't reveal her name, said the airport was "a godsend" and said she hopes an aeronautical school can be started.

Very few problems are anticipated when the airport opens. Husted said when problems do arise they will be discussed by the Tri-Town Economic Development Commission, which will go into effect as soon as Southbury voters approve the idea at a town meeting. Husted said industry would overcome many problems such as waste treatment and removal on its own.

FUTURE STUDIES

Future studies already are planned by the State Highway Department. The first item under a bill passed at the 1967 General Assembly calls for a complete study of highway access to the airport, with the results to be sent to the 1969 Legislature.

The airport probably will be a break-even financial proposition at first, said Wetherell. The offices will be temporary buildings until permanent structures are built, he said.

These little problems, however, don't seem to concern anybody. Most of the Naugatuck Valley planners are merely relieved the search is over, and Oxford area residents are elated at the prospects for a widened tax base with the new airport.

[From the Waterbury (Conn.) Republican]

THE OXFORD AIRPORT

The news that the Federal Aviation Agency has approved a $1.2 million grant for the Oxford Airport is very good, indeed. Coupled with state funds of $2.1 million, it will allow completion of a 5,000-foot main runway and a 2,500-foot secondary strip in two years time.

With the construction of the main facility, the Naugatuck Valley will enter the jet age. The value of the regional airport can hardly be overestimated. It will quicken economic life, spur the development of new business and industry, provide hundreds of jobs, and create an important transportation link.

The FAA announcement is the culmination of more than two decades of effort, of planning and hoping by many people. It would be impossible to name all of those who have brought the dream of a regional airport to fruition. Certainly, thanks should go to our representatives in Washington, Sens. Abraham Ribicoff and Thomas Dodd, and Rep. John S. Monagan, to state officials like Col. Horace B. Wetherell of the State Department of Aeronautics, and locally to Rex Brown of the Central Naugatuck Valley Regional Planning Agency and Richard Crane of the Chamber of Commerce. These and many others played an active role in pushing through the airport project.

The City of Waterbury will be one of the prime beneficiaries of the new airport. With its new highway links and, now, with the new airport, it will really be "on the map."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Charles H. Wilson (at the request of Mr. Boggs), for an indefinite period, on account of official business.

Mr. Mailliard, for next week, on account of official and other business.

Messrs. Grover, Lennon, and St. Onge (at the request of Mr. Boggs), on account of official business.

Mr. Kluczynski, for today and Monday, May 13, 1968, on account of official business.

Mr. Flynt (at the request of Mr. Boggs), for today, on account of official business.

Mrs. Green of Oregon (at the request of Mr. Ullman), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman, for 60 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Gross, for 30 minutes, on Monday, May 13.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. Patman and to include extraneous matter.

Mr. Annunzio and to include extraneous matter in his remarks during general debate today.

(The following Members (at the request of Mr. Winn) and to include extraneous matter:)

Mr. Quillen.

Mr. Cederberg.

Mr. Kuykendall.

Mr. Pelly.

Mr. Pirnie.

Mr. Gerald R. Ford in two instances.

Mr. Shriver.

Mr. Ashbrook in two instances.

Mr. Utt.

Mr. Buchanan.

(The following Members (at the request of Mr. Boggs) and to include extraneous matter:)

Mr. Charles H. Wilson in two instances.

Mr. Dent in two instances.

Mr. Rodino.

Mr. Dowdy.

Mr. Griffin in two instances.

Mr. Wolff.

Mr. Gonzalez in three instances.

Mr. Flood.

Mrs. Mink in two instances.

Mr. Rarick in five instances.

Mr. Ottinger in two instances.

Mr. Fisher in three instances.

Mr. Boland in two instances.

Mr. Fascell in two instances.

Mr. Fountain in two instances.

Mr. Bennett.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 68. Concurrent resolution to permit additional hearings on amendments to the Federal Firearms Act; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 14681. An act to declare a portion of Boston Inner Harbor and Fort Point Channel nonnavigable.

ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 1 minute p.m.), under its previous order, the House adjourned until Monday, May 13, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1830. A letter from the Acting Comptroller General of the United States, transmitting a compilation of General Accounting Office findings and recommendations for improving Government operations, fiscal year 1967 (H. Doc. No. 307); to the Committee on Government Operations and ordered to be printed.

1831. A letter from the Comptroller General of the United States, transmitting a report of the need for improvement in management of mission support aircraft, Department of the Army; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 17126. A bill to amend the Food and Agriculture Act of 1965 (Rept. No. 1374). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 17207. A bill to provide for the appointment of the Federal Savings and Loan Insurance Corporation as receiver, and for other purposes; to the Committee on Banking and Currency.

By Mr. ASHLEY:

H.R. 17208. A bill to increase the funds authorized for existing programs to build low- and moderate-income housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. FISHER:

H.R. 17209. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. IRWIN:

H.R. 17210. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KING of New York:

H.R. 17211. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. MORRIS:

H.R. 17212. A bill to establish the Government Program Evaluation Commission; to the Committee on Government Operations.

By Mr. PERKINS:

H.R. 17213. A bill to amend title II of the Housing Amendments of 1955 to put idle men to work at useful local improvements, and for other purposes; to the Committee on Banking and Currency.

H.R. 17214. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. PHILBIN:

H.R. 17215. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.R. 17216. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 17217. A bill to authorize the U.S. Government to accept contributions or gifts; to the Committee on Ways and Means.

By Mr. FASCELL:

H.R. 17218. A bill limiting the use of federally owned property in the District of Columbia, requiring the posting of a bond, and for other purposes; to the Committee on Public Works.

By Mr. FEIGHAN:

H.R. 17219. A bill to amend the Internal Revenue Code of 1954 to restore to individuals who have attained the age of 65 the right to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

H.R. 17220. A bill to provide for the issuance of a special postage stamp honoring the 100th anniversary of professional baseball; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.R. 17221. A bill to increase the funds authorized for existing programs to build low- and moderate-income housing, and for other purposes; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLATNIK:

H.R. 17222. A bill for the relief of Roberto Quero; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 17223. A bill for the relief of Francesco Rosa; to the Committee on the Judiciary.

By Mr. FEIGHAN:

H.R. 17224. A bill for the relief of Ryszard Stanislaw Obacz; to the Committee on the Judiciary.

H.R. 17225. A bill for the relief of Martin H. Loeffler; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.R. 17226. A bill for the relief of Zenaida S. Evangelista, Flordeliz R. Rodrigues, and Cynthia Z. Beltran; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 17227. A bill for the relief of Joana Malheiras Galopim; to the Committee on the Judiciary.

H.R. 17228. A bill for the relief of Antonino Azzaro; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 17229. A bill for the relief of Miss Gaetana Buttitta; to the Committee on the Judiciary.

H.R. 17230. A bill for the relief of Miss Jelena Hnajtuk; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 17231. A bill for the relief of Enzo Piombetti; to the Committee on the Judiciary.

SENATE—*Friday, May 10, 1968*

The Senate met at 12 noon, and was called to order by Hon. THOMAS J. DODD, a Senator from the State of Connecticut.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou Lord of life and light, who art the center and soul of every sphere.

Turning aside, for this hallowed moment, from the violence of these embittered days, we would hush the words of the wise and the prattle of the foolish.

Thou hast ordained that in the leadership of the Nation the care of the many must ever rest upon the few. We beseech Thee, give understanding, humility, and charity to them who, in Thy name and for the Nation's sake, are entrusted here with the power of governance.

In these hallowed Halls may Thy servants in the ministry of public affairs serve with integrity and fidelity the cause of our country, and of our common humanity and so help to build the City of God on the ruined wastes of this divided and disordered world.

We ask it through riches of grace in Christ Jesus our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 10, 1968.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. THOMAS J. DODD, a Senator from the State of Connecticut, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. DODD thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 9, 1968, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 2178) for the relief of Dennis W. Radtke, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14940) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 15951. An act to provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes;

H.R. 16729. An act to extend for 2 years certain programs providing assistance to students at institutions of higher education, to modify such programs, and to provide for planning, evaluation, and adequate leadtime in such programs; and

H.R. 17023. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolutions:

H.R. 14681. An act to declare a portion of Boston Inner Harbor and Fort Point Channel nonnavigable;

S.J. Res. 129. Joint resolution to authorize the Secretary of Transportation to conduct a comprehensive study and investigation of the existing compensation system for motor vehicle accident losses, and for other purposes; and

H.J. Res. 1234. Joint resolution to provide for the issuance of a gold medal to the widow of the late Walt Disney and for the issuance of bronze medals to the California Institute of the Arts in recognition of the distinguished public service and the outstanding contributions of Walt Disney to the United States and to the world.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 15951. An act to provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes; to the Committee on the Judiciary.

H.R. 16729. An act to extend for 2 years certain programs providing assistance to students at institutions of higher education, to modify such programs, and to provide for planning, evaluation, and adequate leadtime in such programs; to the Committee on Labor and Public Welfare.

H.R. 17023. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes; to the Committee on Appropriations.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GRANT OF MINERALS ON CERTAIN LANDS IN THE CROW INDIAN RESERVATION, MONT., TO CERTAIN INDIANS

Mr. METCALF. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1119, a bill to grant minerals, including oil and gas, on certain lands in the Crow Indian Reservation, Mont., to certain Indians and for other purposes.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1119) to grant minerals, including oil and gas, on certain lands in the Crow Indian Reservation, Mont., to certain Indians, and for other purposes, which was, on page 2, line 10, after "be" insert "renegotiated and".

Mr. METCALF. Mr. President, the purpose of the bill is to provide for the reservation of minerals in the Crow Reservation to the tribe in perpetuity. In 1959, Congress amended the existing law regarding mineral developments on the reservation to provide that all future mineral leases would be for a term of 10 years and as long thereafter as minerals were produced in paying quantities. Prior to 1959 all leases extended only to the year 1970. The bill permits pre-1959 leases to be amended, in the discretion of the tribe and the Secretary of the Interior, to change the terms to conform to the terms of leases executed after 1959. The amendment adopted by the House, which was requested by the tribe, would permit the other provisions of the leases to be renegotiated at the time the terms are extended.

Mr. President, I move that the Senate concur in the amendment of the House to S. 1119.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

ARMS CONTROL AND DISARMAMENTS—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14940) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations. I ask unanimous consent for the present consideration of the report.

The bill clerk read the report.

(For conference report, see House proceedings of May 9, 1968, pp. 12529–12530, CONGRESSIONAL RECORD.)

The **ACTING PRESIDENT** pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MANSFIELD. Mr. President, there is not much to explain about this very simple conference agreement; the differences between the House and the Senate were simple. The House authorized an appropriation of $20 million for the fiscal years 1969 and 1970 without any limitations; the Senate authorized $17 million for those years with a ceiling of $7 million on external research expenditures, from which, however, the field test program is exempted. The conferees agreed to authorize an appropriation of $18,500,000 for the 2 fiscal years and accepted the Senate's ceiling on research, subject to the field test proviso.

I believe that this is an eminently satisfactory compromise and that the Senate can vote for it in good conscience. I move the adoption of the conference report.

The **PRESIDING OFFICER.** The question is on agreeing to the conference report.

The report was agreed to.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the treaties on the Executive Calendar.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive O, 90th Congress, first session.

The **ACTING PRESIDENT** pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the convention (Ex. O, 90th Cong., first sess.), a Convention on the International Hydrographic Organization, done at Monaco on May 3, 1967, and signed for the United States on September 13, 1967, which was read the second time, as follows:

CONVENTION ON INTERNATIONAL HYDROGRAPHIC ORGANIZATION

The Governments Parties to this Convention,

Considering that the International Hydrographic Bureau was established in June 1921 to contribute to making navigation easier and safer throughout the world by improving nautical charts and documents;

Desiring to pursue on an intergovernmental basis their cooperation in hydrography;

Have agreed as follows:

ARTICLE I

There is hereby esablished an International Hydrographic Organisation, hereinafter referred to as the Organisation, the seat of which shall be in Monaco.

ARTICLE II

The Organisation shall have a consultative and purely technical nature. It shall be the object of the Organisation to bring about:

(*a*) The coordination of the activities of national hydrographic offices;

(*b*) The greatest possible uniformity in nautical charts and documents;

(*c*) The adoption of reliable and efficient methods of carrying out and exploiting hydrographic surveys;

(*d*) The development of the sciences in the field of hydrography and the techniques employed in descriptive oceanography.

ARTICLE III

The Members of the Organisation are the Governments Parties to this Convention.

ARTICLE IV

The Organisation comprise:

The International Hydrographic Conference, hereinafter referred to as the Conference;

The International Hydrographic Bureau, hereinafter referred to as the Bureau, administered by the Directing Committee.

ARTICLE V

The functions of the Conference shall be:

(*a*) To give general directives on the functioning and work of the Organisation;

(*b*) To elect the members of the Directing Committee and its President;

(*c*) To examine the reports submitted to it by the Bureau;

(*d*) To make decisions in respect of all proposals of a technical or administrative nature submitted by the Member Governments or by the Bureau;

(*e*) To approve the budget by a majority of two thirds of the Member Governments represented at the Conference;

(*f*) To adopt, by a two thirds majority of the Member Governments, amendments to the General Regulations and Financial Regulations;

(*g*) To adopt, by the majority prescribed in the preceding paragraph, any other particular regulations that may prove to be necessary, notably on the status of the directors and staff of the Bureau.

ARTICLE VI

1. The Conference shall be composed of representatives of the Member Governments. It shall meet in ordinary session every five years. An extraordinary session of the Conference may be held at the request of a Member Government or the Bureau, subject to approval by the majority of the Member Governments.

2. The Conference shall be convened by the Bureau on at least six months notice. A provisional agenda shall be submitted with the notice.

3. The Conference shall elect its President and Vice-President.

4. Each Member Government shall have one vote. However, for the voting on the questions referred to in Article V(b), each Member Government shall have a number of votes determined by a scale established in relation to the tonnage of its fleets.

5. Conference decisions shall be taken by a simple majority of the Member Governments represented at the Conference, except where this Convention provides otherwise. When voting for or against is evenly divided, the President of the Conference shall be empowered to make a decision. In the case of resolutions to be inserted in the Repertory of Technical Resolutions, the majority shall in any event include the affirmative votes of not less than one third of the Member Governments.

6. Between sessions of the Conference the Bureau may consult the Member Governments by correspondence on questions concerning the technical functioning of the Organisation. The voting procedure shall conform to that provided for in paragraph 5 of this Article, the majority being calculated in this case on the basis of the total membership of the Organisation.

7. The Conference shall constitute its own Committees, including the Finance Committee referred to in Article VII.

ARTICLE VII

1. The supervision of the financial administration of the Organisation shall be exercised by a Finance Committee on which each Member Government may be represented by one delegate.

2. The Committee shall meet during sessions of the Conference. It may meet in extraordinary session.

ARTICLE VIII

For the fulfillment of the objects defined in Article II it shall be the responsibility of the Bureau, in particular:

(*a*) To bring about a close and permanent association between national hydrographic offices;

(*b*) To study any matters relating to hydrography and the allied sciences and techniques, and to collect the necessary papers;

(*c*) To further the exchange of nautical charts and documents between hydrographic offices of Member Governments;

(*d*) To circulate the appropriate documents;

(*e*) To tender guidance and advice upon request, in particular to countries engaged in setting up or expanding their hydrographic service;

(*f*) To encourage coordination of hydrographic surveys with relevant oceanographic activities;

(*g*) To extend and facilitate the application of oceanographic knowledge for the benefit of navigators;

(*h*) To cooperate with international organisations and scientific institutions which have related objectives.

ARTICLE IX

The Bureau shall be composed of the Directing Committee and the technical and administrative staff required by the Organisation.

ARTICLE X

1. The Directing Committee shall administer the Bureau in accordance with the provisions of this Convention and the Regulations and with directives given by the Conference.

2. The Directing Committee shall be composed of three members of different nationality elected by the Conference, which shall further elect one of them to fill the office of President of the Committee. The term of office of the Directing Committee shall be five years. If a post of director falls vacant during the period between two Conferences, a by-election may be held by correspondence as provided for in the General Regulations.

3. The President of the Directing Committee shall represent the Organisation.

ARTICLE XI

The functioning of the Organisation shall be set forth in detail in the General Regulations and Financial Regulations, which are annexed to this Convention but do not form an integral part thereof.

ARTICLE XII

The official languages of the Organisation shall be English and French.

ARTICLE XIII

The Organisation shall have juridicial personality. In the territory of each of its Members it shall enjoy, subject to agreement with the Member Government concerned, such privileges and immunities as may be necessary for the exercise of its functions and the fulfillment of its object.

ARTICLE XIV

The expenses necessary for the functioning of the Organisation shall be met:

(*a*) From the ordinary annual contributions of Member Governments in accordance with a scale based on the tonnage of their fleets;

(*b*) From donations, requests, subventions and other sources, with the approval of the Finance Committee.

ARTICLE XV

Any Member Government which is two years in arrears in its contributions shall be denied all rights and benefits conferred on Member Governments by the Convention and Regulations until such time as the outstanding contributions have been paid.

ARTICLE XVI

The budget of the Organisation shall be drafted by the Directing Committee, studied by the Finance Committee and approved by the Conference.

ARTICLE XVII

Any dispute concerning the interpretation or application of this Convention which is not settled by negotiation or by the good offices of the Directing Committee shall, at the request of one of the parties to the dispute, be referred to an arbitrator designated by the President of the International Court of Justice.

ARTICLE XVIII

1. This Convention shall be open in Monaco on 3 May 1967, and subsequently at the Legation of the Principality of Monaco in Paris from 1 June until 31 December 1967, for signature by any Government which participates in the work of the Bureau on 3 May 1967.

2. The Governments referred to in paragraph 1 above may become Parties to the present Convention:

(*a*) By signature without reservation as to ratification or approval, or

(*b*) By signature subject to ratification or approval and the subsequent deposit of an instrument of ratification or approval.

3. Instruments of ratification or approval shall be handled to the Legation of the Principality of Monaco in Paris to be deposited in the Archives of the Government of the Principality of Monaco.

4. The Government of the Principality of Monaco shall inform the Governments referred to in paragraph 1 above, and the President of the Directing Committee, of each signature and of each deposit of an instrument of ratification or approval.

ARTICLE XIX

1. This Convention shall enter into force three months after the date on which twenty-eight Governments have become Parties in accordance with the provisions of Article XVIII, paragraph 2.

2. The Government of the Principality of Monaco shall notify this date to all signatory Governments and the President of the Directing Committee.

ARTICLE XX

After it has entered into force this Convention shall be open for accession by the Government of any maritime state which applies to the Government of the Principality of Monaco specifying the tonnage of its fleets, and whose admission is approved by two thirds of the Member Governments. Such approval shall be notified by the Government of the Principality of Monaco to the Government concerned. The Convention shall enter into force for that Government on the date on which it has deposited its instrument of accession with the Government of the Principality of Monaco which shall inform the Member Governments and the President of the Directing Committee.

ARTICLE XXI

1. Any Contracting Party may propose amendments to this Convention.

2. Proposals of amendment shall be considered by the Conference and decided upon by a majority of two thirds of the Member Governments represented at the Conference. When a proposed amendment has been approved by the Conference, the President of the Directing Committee shall request the Government of the Principality of Monaco to submit it to all Contracting Parties.

3. The amendment shall enter into force for all Contracting Parties three months after notification of approval by two thirds of the Contracting Parties have been received by the Government of the Principality of Monaco. The latter shall inform the Contracting Parties and the President of the Directing Committee of the fact, specifying the date of entry into force of the amendment.

ARTICLE XXII

1. Upon expiration of a period of five years after its entry into force, this Convention may be denounced by any Contracting Party by giving at least one year's notice, in a notification addressed to the Government of the Principality of Monaco. The denunciation shall take effect upon 1 January next following the expiration of the notice and shall involve the abandonment by the Government concerned of all rights and benefits of membership in the Organisation.

2. The Government of the Principality of Monaco shall inform the Contracting Parties and the President of the Directing Committee of any notification of denunciation it receives.

ARTICLE XXIII

After the present Convention enters into force it shall be registered by the Government of the Principality of Monaco with the Secretariat of the United Nations in accordance with Article 102 of its Charter.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Convention.

DONE at Monaco on the third day of May nineteen hundred and sixty-seven, in a single copy in the English and French languages, each text being equally authentic, which shall be deposited in the Archives of the Government of the Principality of Monaco, which shall transmit certified copies thereof to all signatory and acceding Governments and to the President of the Directing Committee.

For the Government of the Federal Republic of Germany:

For the Government of the United States of America:

For the Government of the United Arab Republic:

For the Government of the Argentine Republic (ad referendum):

——— ———.

For the Government of the Commonwealth of Australia (subject to ratification):

A. H. COOPER.

D. W. HASLAM.

For the Government of the Union of Burma:

For the Government of Brazil:

——— ———.

For the Government of Canada (subject to ratification):

NORMAN G. GRAY.

For the Government of the Republic of Chile (subject to ratification):

——— ———.

For the Government of the Republic of Korea (subject to ratification):

——— ———.

For the Government of the Republic of China:

For the Government of the Republic of Cuba:

For the Government of the Kingdom of Denmark (subject to ratification):

——— ———.

For the Government of the Dominican Republic:

For the Government of Spain:

For the Government of Finland (subject to ratification):

——— ———.

For the Government of the French Republic:

For the Government of the United Kingdom of Great Britain and Northern Ireland:

D. RITCHIE.

For the Government of the Kingdom of Greece:

For the Government of the Republic of Guatemala:

For the Government of India:

For the Government of Indonesia:

For the Government of Iran:

For the Government of Iceland (subject to approval):

——— ———.

For the Government of the Republic of Italy (subject to ratification):

LUIGI H. PAPLE.

For the Government of Japan:

For the Government of the Principality of Monaco:

——— ———.

For the Government of the Kingdom of Norway:

For the Government of New Zealand:

For the Government of Pakistan:

For the Government of the Republic of Paraguay:

For the Government of the Kingdom of the Netherlands (subject to ratification):

——— ———.

——— ———.

For the Government of the Republic of the Philippines (with full power subject to ratification):

——— ———.

For the Government of the Polish Peoples Republic:

For the Government of Portugal (subject to ratification):

——— ———.

For the Government of the Republic of South Africa (subject to ratification):

——— ———.

For the Government of Sweden:

For the Government of Thailand:

For the Government of the Republic of Turkey:

For the Government of the Republic of Venezuela (ad referendum):

——— ———.

For the Government of the Peoples Republic of Yugoslavia:

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GENERAL REGULATIONS

Article 1

The Organisation is a consultative agency. It has no authority over the hydrographic offices of the Government Parties to the Convention.

Article 2

The activities of the Organisation are of a scientific or technical nature and shall not include matters involving questions of international policy.

INTERNATIONAL HYDROGRAPHIC CONFERENCE

Article 3

The International Hydrographic Conference shall meet in ordinary session every five years at the seat of the Organisation at a date fixed at the close of the previous session.

Article 4

The International Hydrographic Conference shall be prepared and organised by the Bureau.

ARMS CONTROL AND DISARMAMENTS—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14940) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations. I ask unanimous consent for the present consideration of the report.

The bill clerk read the report.

(For conference report, see House proceedings of May 9, 1968, pp. 12529–12530, CONGRESSIONAL RECORD.)

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MANSFIELD. Mr. President, there is not much to explain about this very simple conference agreement; the differences between the House and the Senate were simple. The House authorized an appropriation of $20 million for the fiscal years 1969 and 1970 without any limitations; the Senate authorized $17 million for those years with a ceiling of $7 million on external research expenditures, from which, however, the field test program is exempted. The conferees agreed to authorize an appropriation of $18,500,000 for the 2 fiscal years and accepted the Senate's ceiling on research, subject to the field test proviso.

I believe that this is an eminently satisfactory compromise and that the Senate can vote for it in good conscience. I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the treaties on the Executive Calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive O, 90th Congress, first session.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the convention (Ex. O, 90th Cong., first sess.), a Convention on the International Hydrographic Organization, done at Monaco on May 3, 1967, and signed for the United States on September 13, 1967, which was read the second time, as follows:

CONVENTION ON INTERNATIONAL HYDROGRAPHIC ORGANIZATION

The Governments Parties to this Convention,

Considering that the International Hydrographic Bureau was established in June 1921 to contribute to making navigation easier and safer throughout the world by improving nautical charts and documents;

Desiring to pursue on an intergovernmental basis their cooperation in hydrography;

Have agreed as follows:

ARTICLE I

There is hereby esablished an International Hydrographic Organisation, hereinafter referred to as the Organisation, the seat of which shall be in Monaco.

ARTICLE II

The Organisation shall have a consultative and purely technical nature. It shall be the object of the Organisation to bring about:

(*a*) The coordination of the activities of national hydrographic offices;

(*b*) The greatest possible uniformity in nautical charts and documents;

(*c*) The adoption of reliable and efficient methods of carrying out and exploiting hydrographic surveys;

(*d*) The development of the sciences in the field of hydrography and the techniques employed in descriptive oceanography.

ARTICLE III

The Members of the Organisation are the Governments Parties to this Convention.

ARTICLE IV

The Organisation comprise:

The International Hydrographic Conference, hereinafter referred to as the Conference;

The International Hydrographic Bureau, hereinafter referred to as the Bureau, administered by the Directing Committee.

ARTICLE V

The functions of the Conference shall be:

(*a*) To give general directives on the functioning and work of the Organisation;

(*b*) To elect the members of the Directing Committee and its President;

(*c*) To examine the reports submitted to it by the Bureau;

(*d*) To make decisions in respect of all proposals of a technical or administrative nature submitted by the Member Governments or by the Bureau;

(*e*) To approve the budget by a majority of two thirds of the Member Governments represented at the Conference;

(*f*) To adopt, by a two thirds majority of the Member Governments, amendments to the General Regulations and Financial Regulations;

(*g*) To adopt, by the majority prescribed in the preceding paragraph, any other particular regulations that may prove to be necessary, notably on the status of the directors and staff of the Bureau.

ARTICLE VI

1. The Conference shall be composed of representatives of the Member Governments. It shall meet in ordinary session every five years. An extraordinary session of the Conference may be held at the request of a Member Government or the Bureau, subject to approval by the majority of the Member Governments.

2. The Conference shall be convened by the Bureau on at least six months notice. A provisional agenda shall be submitted with the notice.

3. The Conference shall elect its President and Vice-President.

4. Each Member Government shall have one vote. However, for the voting on the questions referred to in Article V(b), each Member Government shall have a number of votes determined by a scale established in relation to the tonnage of its fleets.

5. Conference decisions shall be taken by a simple majority of the Member Governments represented at the Conference, except where this Convention provides otherwise. When voting for or against is evenly divided, the President of the Conference shall be empowered to make a decision. In the case of resolutions to be inserted in the Repertory of Technical Resolutions, the majority shall in any event include the affirmative votes of not less than one third of the Member Governments.

6. Between sessions of the Conference the Bureau may consult the Member Governments by correspondence on questions concerning the technical functioning of the Organisation. The voting procedure shall conform to that provided for in paragraph 5 of this Article, the majority being calculated in this case on the basis of the total membership of the Organisation.

7. The Conference shall constitute its own Committees, including the Finance Committee referred to in Article VII.

ARTICLE VII

1. The supervision of the financial administration of the Organisation shall be exercised by a Finance Committee on which each Member Government may be represented by one delegate.

2. The Committee shall meet during sessions of the Conference. It may meet in extraordinary session.

ARTICLE VIII

For the fulfillment of the objects defined in Article II it shall be the responsibility of the Bureau, in particular:

(*a*) To bring about a close and permanent association between national hydrographic offices;

(*b*) To study any matters relating to hydrography and the allied sciences and techniques, and to collect the necessary papers;

(*c*) To further the exchange of nautical charts and documents between hydrographic offices of Member Governments;

(*d*) To circulate the appropriate documents;

(*e*) To tender guidance and advice upon request, in particular to countries engaged in setting up or expanding their hydrographic service;

(*f*) To encourage coordination of hydrographic surveys with relevant oceanographic activities;

(*g*) To extend and facilitate the application of oceanographic knowledge for the benefit of navigators;

(*h*) To cooperate with international organisations and scientific institutions which have related objectives.

ARTICLE IX

The Bureau shall be composed of the Directing Committee and the technical and administrative staff required by the Organisation.

ARTICLE X

1. The Directing Committee shall administer the Bureau in accordance with the provisions of this Convention and the Regulations and with directives given by the Conference.

2. The Directing Committee shall be composed of three members of different nationality elected by the Conference, which shall further elect one of them to fill the office of President of the Committee. The term of office of the Directing Committee shall be five years. If a post of director falls vacant during the period between two Conferences, a by-election may be held by correspondence as provided for in the General Regulations.

3. The President of the Directing Committee shall represent the Organisation.

ARTICLE XI

The functioning of the Organisation shall be set forth in detail in the General Regulations and Financial Regulations, which are annexed to this Convention but do not form an integral part thereof.

ARTICLE XII

The official languages of the Organisation shall be English and French.

ARTICLE XIII

The Organisation shall have juridicial personality. In the territory of each of its Members it shall enjoy, subject to agreement with the Member Government concerned, such privileges and immunities as may be necessary for the exercise of its functions and the fulfillment of its object.

ARTICLE XIV

The expenses necessary for the functioning of the Organisation shall be met:

(*a*) From the ordinary annual contributions of Member Governments in accordance with a scale based on the tonnage of their fleets;

(*b*) From donations, requests, subventions and other sources, with the approval of the Finance Committee.

ARTICLE XV

Any Member Government which is two years in arrears in its contributions shall be denied all rights and benefits conferred on Member Governments by the Convention and Regulations until such time as the outstanding contributions have been paid.

ARTICLE XVI

The budget of the Organisation shall be drafted by the Directing Committee, studied by the Finance Committee and approved by the Conference.

ARTICLE XVII

Any dispute concerning the interpretation or application of this Convention which is not settled by negotiation or by the good offices of the Directing Committee shall, at the request of one of the parties to the dispute, be referred to an arbitrator designated by the President of the International Court of Justice.

ARTICLE XVIII

1. This Convention shall be open in Monaco on 3 May 1967, and subsequently at the Legation of the Principality of Monaco in Paris from 1 June until 31 December 1967, for signature by any Government which participates in the work of the Bureau on 3 May 1967.

2. The Governments referred to in paragraph 1 above may become Parties to the present Convention:

(*a*) By signature without reservation as to ratification or approval, or

(*b*) By signature subject to ratification or approval and the subsequent deposit of an instrument of ratification or approval.

3. Instruments of ratification or approval shall be handled to the Legation of the Principality of Monaco in Paris to be deposited in the Archives of the Government of the Principality of Monaco.

4. The Government of the Principality of Monaco shall inform the Governments referred to in paragraph 1 above, and the President of the Directing Committee, of each signature and of each deposit of an instrument of ratification or approval.

ARTICLE XIX

1. This Convention shall enter into force three months after the date on which twenty-eight Governments have become Parties in accordance with the provisions of Article XVIII, paragraph 2.

2. The Government of the Principality of Monaco shall notify this date to all signatory Governments and the President of the Directing Committee.

ARTICLE XX

After it has entered into force this Convention shall be open for accession by the Government of any maritime state which applies to the Government of the Principality of Monaco specifying the tonnage of its fleets, and whose admission is approved by two thirds of the Member Governments. Such approval shall be notified by the Government of the Principality of Monaco to the Government concerned. The Convention shall enter into force for that Government on the date on which it has deposited its instrument of accession with the Government of the Principality of Monaco which shall inform the Member Governments and the President of the Directing Committee.

ARTICLE XXI

1. Any Contracting Party may propose amendments to this Convention.

2. Proposals of amendment shall be considered by the Conference and decided upon by a majority of two thirds of the Member Governments represented at the Conference. When a proposed amendment has been approved by the Conference, the President of the Directing Committee shall request the Government of the Principality of Monaco to submit it to all Contracting Parties.

3. The amendment shall enter into force for all Contracting Parties three months after notification of approval by two thirds of the Contracting Parties have been received by the Government of the Principality of Monaco. The latter shall inform the Contracting Parties and the President of the Directing Committee of the fact, specifying the date of entry into force of the amendment.

ARTICLE XXII

1. Upon expiration of a period of five years after its entry into force, this Convention may be denounced by any Contracting Party by giving at least one year's notice, in a notification addressed to the Government of the Principality of Monaco. The denunciation shall take effect upon 1 January next following the expiration of the notice and shall involve the abandonment by the Government concerned of all rights and benefits of membership in the Organisation.

2. The Government of the Principality of Monaco shall inform the Contracting Parties and the President of the Directing Committee of any notification of denunciation it receives.

ARTICLE XXIII

After the present Convention enters into force it shall be registered by the Government of the Principality of Monaco with the Secretariat of the United Nations in accordance with Article 102 of its Charter.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Convention.

DONE at Monaco on the third day of May nineteen hundred and sixty-seven, in a single copy in the English and French languages, each text being equally authentic, which shall be deposited in the Archives of the Government of the Principality of Monaco, which shall transmit certified copies thereof to all signatory and acceding Governments and to the President of the Directing Committee.

For the Government of the Federal Republic of Germany:

For the Government of the United States of America:

For the Government of the United Arab Republic:

For the Government of the Argentine Republic (ad referendum):

——— ———.

For the Government of the Commonwealth of Australia (subject to ratification):

A. H. COOPER.

D. W. HASLAM.

For the Government of the Union of Burma:

For the Government of Brazil:

——— ———.

For the Government of Canada (subject to ratification):

NORMAN G. GRAY.

For the Government of the Republic of Chile (subject to ratification):

——— ———.

For the Government of the Republic of Korea (subject to ratification):

——— ———.

For the Government of the Republic of China:

For the Government of the Republic of Cuba:

For the Government of the Kingdom of Denmark (subject to ratification):

——— ———.

For the Government of the Dominican Republic:

For the Government of Spain:

For the Government of Finland (subject to ratification):

——— ———.

For the Government of the French Republic:

For the Government of the United Kingdom of Great Britain and Northern Ireland:

D. RITCHIE.

For the Government of the Kingdom of Greece:

For the Government of the Republic of Guatemala:

For the Government of India:

For the Government of Indonesia:

For the Government of Iran:

For the Government of Iceland (subject to approval):

——— ———.

For the Government of the Republic of Italy (subject to ratification):

LUIGI H. PAPLE.

For the Government of Japan:

For the Government of the Principality of Monaco:

——— ———.

For the Government of the Kingdom of Norway:

For the Government of New Zealand:

For the Government of Pakistan:

For the Government of the Republic of Paraguay:

For the Government of the Kingdom of the Netherlands (subject to ratification):

——— ———.

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For the Government of the Republic of the Philippines (with full power subject to ratification):

——— ———.

For the Government of the Polish Peoples Republic:

For the Government of Portugal (subject to ratification):

——— ———.

For the Government of the Republic of South Africa (subject to ratification):

——— ———.

For the Government of Sweden:

For the Government of Thailand:

For the Government of the Republic of Turkey:

For the Government of the Republic of Venezuela (ad referendum):

——— ———.

For the Government of the Peoples Republic of Yugoslavia:

———

GENERAL REGULATIONS

Article 1

The Organisation is a consultative agency. It has no authority over the hydrographic offices of the Government Parties to the Convention.

Article 2

The activities of the Organisation are of a scientific or technical nature and shall not include matters involving questions of international policy.

INTERNATIONAL HYDROGRAPHIC CONFERENCE

Article 3

The International Hydrographic Conference shall meet in ordinary session every five years at the seat of the Organisation at a date fixed at the close of the previous session.

Article 4

The International Hydrographic Conference shall be prepared and organised by the Bureau.

Article 5

Each Member Government may be represented at the Conference by one or more delegates, one of whom should preferably be the head of the national hydrographic office. Travelling and hotel expenses of delegates shall be defrayed by their respective Governments.

Article 6

The Directing Committee shall be authorized to invite observers from:

(*a*) Governments that are not Parties to the Convention: one or two observers each, if proposed by a Member Government or the Directing Committee and subject to approval by two thirds of the Member Governments.

(*b*) International organisations whose activities are connected with those of the Bureau: one or exceptionally two observers each. A list of such organisations shall be notified by the Directing Committee to Member Governments in advance, so that they may have opportunity to raise objections or suggest additions.

(*c*) National organisations of Member Governments which have had or are likely to have occasion to collaborate with the Bureau, under the conditions prescribed in the preceding paragraph.

Article 7

The working languages of the Conference shall be English, French and Spanish.

Article 8

(*a*) The Conference shall examine the reports of the Bureau on its work since the previous Conference. These reports shall be submitted to Member Governments by the Bureau at least two months before the Conference.

(*b*) Committees shall be designated to study the reports. The committees' conclusions shall be submitted to the appropriate plenary session of the conference.

Article 9

(*a*) Twelve months before the opening of the Conference, the Bureau shall invite representatives of Member Governments to submit the proposals that they wish to discuss at the Conference. At least eight months before the Conference these proposals, as well as those submitted by the Bureau, shall be circulated to all Member Governments.

(*b*) Proposals submitted after that date shall be accepted only if they are signed by representatives of at least three Member Governments.

(*c*) Proposals may also be submitted during the Conference. They must be signed by three delegations and submitted to the President of the Conference; they may not be discussed less than twenty-four hours after being officially announced.

Article 10

(*a*) Unless the ordinary International Hydrographic Conference has specifically decided otherwise, the foregoing rules of procedure shall apply to extraordinary sessions.

(*b*) Government delegates to extraordinary sessions shall be chosen as far as possible in the light of the questions submitted for consideration.

FINANCE COMMITTEE

Article 11

(*a*) Between conferences, the Finance Committee may meet in extraordinary session on the request of three Governments or of the Directing Committee. The Directing Committee may also consult the Finance Committee by correspondence.

(*b*) Dates of meetings of the Finance Committee shall be fixed by its Chairman in arrangement with the Directing Committee.

(*c*) The Chairman of the Finance Committee shall be elected for five years by the Conference.

Article 12

During its ordinary session, the Committee shall:

Examine and approve the administrative accounts for the preceding financial period,

Examine the budget for the coming financial period and submit it to the Conference.

Article 13

The Committee shall take decisions by a majority of two thirds of the Members present. Each delegate shall have one vote.

Article 14

The accounts shall be audited annually by an external auditor designated by the Committee.

INTERNATIONAL HYDROGRAPHIC BUREAU

Article 15

In accordance with the provisions of article VIII of the Convention, the Bureau shall undertake the scientific and technical activities necessary for the attainment of the objectives of the Organisation.

Article 16

For its relations with the Bureau, each Member Government shall designate an official representative, preferably the head of its hydrographic office.

Article 17

The Bureau shall keep in close communication with the hydrographic offices of Member Governments. It may also correspond with related scientific organisations of Member Governments, provided that it informs the official representative of the Government concerned (article 16 above). Furthermore it may correspond with similar bodies of other Governments and with international organisations.

Article 18

The Bureau shall bring to the notice of the hydrographic or other competent offices of the Member Governments any hydrographic work of an international character and problems of general interest that it might be useful to study or to undertake. It shall strive for the solution of such problems or the undertaking of such work by seeking the necessary collaboration between Member Governments.

Article 19

To enable the Bureau to achieve its purpose, the hydrographic offices of Member Governments shall forward copies of their new publications and new editions of their charts, as well as works or documents published by them or by other offices in their countries which may be of interest.

Article 20.

The Bureau shall satisfy as far as possible all requests from representatives of Member Governments for information or advice related to its work. Matters which can be dealt with directly between two national hydrographic offices should not normally be referred to the Bureau.

Article 21

The Bureau shall issue and distribute the publications referred to in articles 32 to 35 and any other documents requested by the Conference.

Article 22

In their communications with the Bureau, representatives of Member Governments may use languages other than the official languages of the Organization, but the Bureau shall not be held responsible for any delay or misinterpretation which may ensue.

DIRECTING COMMITTEE

Article 23

(*a*) The Directing Committee shall administer the Bureau in accordance with the provisions of the Convention and the Regulations and with directives given by the Conference.

(*b*) It shall be responsible for the carrying out by the Bureau of the scientific and technical assignments entrusted to it.

Article 24

In the period between two Conferences, should no appropriate provision be made in the Convention or the Regulations, the Committee shall make any administrative or technical decisions which may be necessary, with the reservation that they be referred to the next Conference.

Article 25

(*a*) If the Committee considers that any question should be referred to the Member Governments for solution, it shall send a circular letter to their representatives, in accordance with article VI(6) of the Convention, requesting them to notify the Bureau of the opinion of their respective Governments.

(*b*) When voting for or against is evenly divided, the question shall be deferred to the next Conference.

Article 26

If circumstances preclude observation of the procedure prescribed in the Regulations, the Committee shall make the necessary decisions and give Member Governments an immediate account of the fact.

Article 27

(*a*) The directors shall be elected for a period of five years, in accordance with articles 36 to 47.

(*b*) The directors shall be eligible for re-election for a second five-year period.

(*c*) A candidate must be less than sixty-six years old in the year of his election or re-election.

(*d*) When a director is elected to fill a vacancy occurring between Conferences, his term of office shall end at the same time as his predecessor's would have done had he retained the post.

Article 28

The duties of the Directing Committee shall terminate on the last day of the third month following that in which the new Directing Committee has been elected.

Article 29

A director who has been incapacitated for duty for six consecutive months, or otherwise for an aggregate of twelve months, during his term of office shall automatically cease to be a director.

Article 30

Each director shall have particular responsibility for one or more branches of the work of the Bureau, but the Committee shall deliberate on all important questions. If only two directors attend a meeting of the Committee and a decision cannot be postponed until a full meeting, the view of the President or the acting President shall prevail.

Article 31

The staff of the Bureau shall be under the control of the Directing Committee. It shall consist of technical and administrative assistants and employees. The staff shall be appointed by the Committee as necessary.

PUBLICATIONS

Article 32

At the beginning of each year the Bureau shall publish a report on its activities.

Article 33

(*a*) The Bureau shall issue a Yearbook giving all necessary information on the hydrographic offices of the Member Governments and, insofar as such information can be obtained, on those of other Governments.

(*b*) The Yearbook shall include the addresses of the official representatives designated in accordance with Article 16, and the following information:

(i) A list of Governments which have participated in the work of the Bureau between the date of its creation and the date of entry into force of the Convention.

(ii) A list of Member Governments.

(iii) A list of Governments which have denounced the Convention pursuant to Article XXII.

(iv) A table of tonnages of Member Governments' fleets.

(v) A table showing the shares, contributions and number of votes of the Member Governments.

Article 34

(*a*) The Bureau shall issue two periodical publications: the International Hydrographic Review and the International Hydrographic Bulletin.

(*b*) The International Hydrographic Review shall contain articles of hydrography and allied sciences and techniques, and on any other subjects of general interest to the Organisation and to the various hydrographic offices.

(*c*) The International Hydrographic Bulletin shall appear more frequently than the Review, and shall contain matters of the moment and information of a temporary or urgent nature. This publication shall also contain information on work carried out and projected by Members.

Article 35

The Bureau shall issue special publications on technical subjects of interest to hydrographic offices.

ELECTIONS

Article 36

The directors shall be elected by the Conference in accordance with the provisions of Articles V(b), VI(4) and X(2) of the Convention. The election shall be held by secret ballot at the end of the Conference.

Article 37

(*a*) For the election of the directors, each Member Government shall have two votes; those Governments which have 100,000 tons of shipping or more shall have supplementary votes in accordance with the following scale:

Gross tonnage:	*Supplementary votes*
100,000–499,999	1
500,000–1,999,999	2
2,000,000–7,999,999	3
8,000,000 and above	4

(*b*) The estimates of tonnage shall be made in accordance with article 5 of the Financial Regulations.

Article 38

Each Member Government may nominate one or more candidates who may be of the nationality of any Contracting Party. If possible, nominations should reach the Bureau at least three months before the Conference. The list of candidates shall be closed ten days prior to the opening of the Conference.

Article 39

Every candidate should have had considerable sea experience and have extensive knowledge of practical hydrography and navigation. In the elections, the technical and administrative ability only of the candidates should be taken into consideration. No particular rank or other standing is required of them.

Article 40

Every nomination shall be accompanied by a note giving the candidate's qualifications for the position. To facilitate comparison of the candidate's qualifications the statements of service shall be compiled in a uniform manner as follows:

General

1. Name.
2 Nationality.
3. Date of birth.
4. Titles and decorations.

Education and Promotions

5. Education (periods, including specialised or special qualifications).
6. Languages (speaking and reading knowledge).
7. Promotions.

Service

8. Hydrographic service.
(*a*) Sea service (periods and posts).
(*b*) Shore service (periods and posts).
9. Non-hydrographic service.
(*a*) Sea service (periods and posts).
(*b*) Shore service (periods and posts).

Scientific Activities

10. Publications.
11. Research work and awards.
12. Scientific societies (member of, past and present).

Additional Information

(Signatures of candidate and of forwarding authority.)

Article 41

(*a*) The names of the candidates, with the statements of service, shall be published by the Directing Committee as soon as they are received.

(*b*) The Bureau shall collate the lists of names submitted and present them, together with the statements of service, to each delegation at the opening of the Conference.

Article 42

(*a*) To register their votes for electing the members of the Directing Committee, the delegations shall inscribe on a number of voting papers equal to the number of votes to which each is entitled the names of only those three candidates whom they wish to elect.

(*b*) The three candidates inscribed on each of the voting papers must be of different nationality.

(*c*) Any voting paper not completed in strict accordance with paragraphs (a) and (b) shall be nullified.

Article 43

(*a*) The three candidates of different nationality receiving the largest number of votes shall be considered elected.

(*b*) In the event of two or more candidates receiving an equal number of votes making it impossible to fill the three posts under the conditions prescribed in the preceding paragraph, a new ballot shall be held to determine the relative positions only of those candidates who obtained the same number of votes.

Article 44

(*a*) When the three directors have been elected, a separate ballot shall be held to elect one of them as President of the Directing Committee. For this purpose, delegations shall inscribe on their allotted number of voting papers the name of the director they wish to make President.

(*b*) The number of votes actually received by each director shall determine the order in which they may be called upon to replace the President elected.

(*c*) In the case of a tie, a second ballot shall be held to determine the relative positions of the directors who obtained the same number of votes.

Article 45

When voting has been completed, the President of the Conference shall invite the newly-elected directors to take up their duties on the first day of the fourth month following the month of their election.

Article 46

(*a*) If a post of director falls vacant during the period between two Conferences and more than two years before the next Conference is due to meet, the Directing Committee shall conduct a bye-election by correspondence to fill the vacancy.

(*b*) In such a case, the Bureau shall invite Member Governments to send lists of candidates in accordance with articles 38 to 40. On receipt of these lists the election shall be held observing a procedure closely modelled on that described in articles 41 to 43.

(*c*) On completion of the above-mentioned procedure, the Committee shall immediately notify Member Governments of the result of the ballot and invite the director elected to take up his duties.

Article 47

A director elected to fill a vacancy shall take third place among the directors.

FINANCIAL REGULATIONS

Article 1

The financial administration of the Bureau shall be effected in accordance with the provisions of articles V, VII, XIV and XVI of the Convention and Articles 11 to 14 of the General Regulations.

ORDINARY BUDGET

Article 2

(*a*) The budget shall be established for five years and calculated on the basis of the gold franc adopted by the International Monetary Convention of 1885; namely 1 gold franc= 0.290 322 58 gr. or 0.009 334 086 5 ounces troy of fine gold.

(*b*) The financial year of the Bureau shall coincide with the Gregorian calendar year.

Article 3

Any balancing of income and expenditure shall be prohibited in the presenting of the budget.

Article 4

The annual contributions of Governments Parties to the Convention shall be based on the standard of the gold franc as defined in article 2 and shall be paid into the Bureau's bank accounts. Such contributions shall be fixed by the following rules:

(*a*) Each Government shall subscribe two shares of 2 000 gold francs each;

(*b*) Those Governments which have 100 000 gross tons of shipping or more shall contribute supplementary shares of the same value in accordance with the following scale:

Gross tonnage:	*Supplementary shares (2,000 gold francs each)*
100,000–249,999	1
250,000–454,999	2
455,000–719,999	3
720,000–1,049,999	4
1,050,000–1,449,999	5
1,450,000–1,924,999	6
1,925,000–2,479,999	7
2,480,000–3,119,999	8
3,120,000–3,849,999	9
3,850,000–4,674,999	10
4,675,000–5,599,999	11
5,600,000–6,629,999	12
6,630,000–7,769,000	13
7,770,000–9,024,999	14
9,025,000–10,399,999	15
10,400,000–11,899,999	16
11,900,000–13,529,999	17
13,530,000–15,294,999	18
15,295,000–17,199,999	19
17,200,000–19,249,999	20
19,250,000–21,449,999	21
21,450,000–23,804,999	22
23,805,000–26,319,999	23
26,320,000–28,999,999	24
29,000,000 and above (maximum)	25

Article 5

In application of the Convention and its Regulations, the tonnage figures of the Member Governments shall be obtained by adding to 6/7 of the displacement tonnage of ships of war the gross tonnage of all other vessels exceeding 100 tons.

Article 6

(*a*) The table of tonnages determining the contributions of Governments shall be brought up to date by the Directing Committee before each ordinary Conference. Twelve months before the Conference, the

Bureau shall ask Governments to supply their tonnage figures as of 1 January of the year preceding that of the Conference. Six months before the Conference the Bureau shall distribute to Governments a revised table of tonnages.

(*b*) The table of tonnages and that of shares, contributions and votes shall be submitted to the Conference for approval, and shall enter into force on 1 January of the year following that of the Conference. Except as provided for in paragraphs (c) and (d) below, these tables shall remain in force until 31 December of the year of the subsequent Conference.

(*c*) When a Government desires to accede to the Convention, it shall declare the amount of tonnage of its fleets. The Directing Committee shall enter this amount in the table of tonnages as soon as accession becomes effective.

(*d*) A Government wishing to amend its tonnage figure as it appears in the table of tonnages must give notice of the amended tonnage at least 6 months before the start of the next financial year.

Article 7

The Principality of Monaco shall enjoy special treatment. In consideration of the fact that it provides the Bureau with premises free of charge, it shall not pay any contribution but shall retain its right of vote.

Article 8

The Directing Committee shall draw up the estimated budget and forward it to the Member Governments for examination by the Finance Committee at least three months in advance of the Finance Committee's Session.

Article 9

The Directing Committee shall carry the budget into effect. Subject to the provisions of article 11, the Directing Committee shall ensure that expenditure and commitments conform with the budgetary provisions.

Article 10

Transfers of credit from one chapter to another shall require authorization by the Finance Committee.

Article 11

After the close of the financial period corresponding to a budget, no further financial obligations under it may be incurred. Outstanding obligations may be met for a further period of three months.

TREASURY—WORKING CAPITAL

Article 12

All Bureau funds shall be under the control of the Directing Committee. No expenditure exceeding 1 000 gold francs may be incurred without the prior approval of one of the members of the Directing Committee. Payments exceeding 10 000 gold francs require the prior approval of the full Committee.

Article 13

(*a*) Governments' annual contributions to the ordinary budget as specified in Article 4 shall be due on 1 January of the corresponding financial year. Payment must be punctual.

(*b*) The rate of exchange to be applied is that on the date of dispatch of the contribution; notice of such date must be promptly given to the Bureau.

Article 14

A Government acceding to the Convention shall be liable to pay its contribution for that year only if its accession takes effect before 1 July. If its accession takes effect on or after that date it shall be liable only for half that contribution.

Article 15

Outstanding contributions shall be shown in a table annexed to the report on financial administration which is submitted to the Finance Committee by the Directing Committee.

Article 16

The suspension of the rights of a Member Government pursuant to the provisions of Article XV of the Convention shall be notified by the Directing Committee to the Government concerned on or shortly after 1 July of the year in which a third annual contribution would be due. Any Member Government thus deprived of its rights of membership shall remain obligated to the Bureau for the two years contributions outstanding at the time of suspension.

Article 17

(*a*) Any Member Government which pays only part of its contribution shall be given two years in which to make good the deficit starting from the first notice given by the Bureau. At the end of this period its rights and benefits of membership shall be suspended until the balance due is paid.

(*b*) The suspension of rights under the terms of paragraph (*a*) above shall become effective as of 1 July of the year in which the two-year period expires.

Article 18

To ensure the financial stability of the Bureau, and to avoid any treasury difficulties, the Bureau shall have at its disposal a working capital, the amount of which shall correspond, at the beginning of each year, to not less than half the total annual contributions of Member Governments.

RESERVE FUND

Article 19

The Bureau shall have at its disposal a reserve fund, the amount of which shall be fixed by the Conference. This fund is exclusively designed to enable the Organization to meet extraordinary expenditure. It shall only be used in exceptional circumstances.

CONTROL

Article 20

Every year the Directing Committee shall submit to the Member Governments a report on the financial administration over the past financial year. At the same time, the Directing Committee shall give information on the value of the movable and immovable property of the Organization.

Article 21

The external auditor designated under the terms of article 14 of the General Regulations shall ensure that expenditures are appropriate and conform to the directives given by the Conference and that they are correctly entered into the books. Such auditing may be carried out at any time.

DISSOLUTION

Article 22

In the event of dissolution, the balance of the accounts of the Organization shall be divided amongst the Governments which are still Parties to the Convention on the day when the latter ceases to have effect. Any credit balance shall be divided amongst these Governments in proportion to the total amount of their contributions since 1921. Any debit balance shall be divided amongst these Governments in proportion to their last annual contribution.

Mr. MANSFIELD. Mr. President, the Convention on the International Hydrographic Organization can be described simply as a "status" treaty. It will give international legal status to a bureau organized in 1921 on the basis of statutes.

The United States has been a member of it, pursuant to a provision in an appropriation bill, since 1922. The statutes under which the International Hydrographic Bureau has operated have now been redrafted as a treaty, but our obligations under it—financial included—are in no way changed. Since 1958, we have designated the Bureau as a public international organization for the purposes of the Privileges and Immunities Act. It was to give similar status to the Bureau in other countries, which felt they could not do so unless the organization was based on a treaty, that this treaty was agreed to. Briefly, the work of the Bureau consists of improving nautical charts and maps to make navigation easier and safer. In essence the Bureau serves as a clearing house for such material for the 41 maritime powers which constitute its membership. Having the legal status of an international organization will make the clearance through customs, for example, of this material easier.

The Departments of State, Commerce, and Defense believe that continued U.S. membership in this organization is worthwhile. For this reason, the Committee on Foreign Relations recommends that the Senate give its advice and consent to the ratification of the Convention on the International Hydrographic Organization.

Mr. President, I ask unanimous consent to have printed at this point in the Record, an excerpt from the report.

There being no objection, the excerpt from the report (Ex. Rept. No. 3) was ordered to be printed in the Record, as follows:

PROVISIONS

The convention gives treaty status to an existing international organization of 41 members known as the International Hydrographic Bureau. The convention confers on the Bureau the legal attributes of an international organization: juridicial personality and the right to enjoy privileges and immunities of an international organization in the territory of each member government.

The purpose of the Bureau is to make navigation easier and safer throughout the world by improving nautical charts and documents. The objectives of the Organization, which is consultative and technical in nature, are the coordination of national hydrographic offices activities, the achievement of the greatest possible uniformity in nautical charts and documents, the adoption of reliable and efficient methods of carrying out and exploiting hydrographic surveys, and the development of the sciences in the field of hydrography and the techniques employed in descriptive oceanography.

The 41 members are Argentina, Australia, Burma, Brazil, Canada, Chile, China (Taiwan), Cuba, Denmark, Dominican Republic, Finland, France, West Germany, Great Britain, Greece, Guatemala, India, Indonesia, Iran, Iceland, Italy, Japan, Korea, Monaco, Netherlands, New Zealand, Norway, Pakistan, Paraguay, Philippines, Poland, Portugal, South Africa, Spain, Sweden, Thailand, Turkey, United Arab Republic, United States, Venezuela, and Yugoslavia.

The policymaking body of the International Hydrographic Bureau is the Conference, which is composed of all members. The Conference meets every 5 years, e.g., 1967, 1972, and is attended by delegates from each State member, one delegate usually being the head of the State's hydrographic office. Resolutions are passed by a majority vote, each State having one vote, and are advisory in nature.

The Conference elects a Directing Committee, composed of three members, each of a different nationality, to act for it between conferences. The United States is now, and has normally been, represented on the Directing Committee.

BACKGROUND AND COMMITTEE RECOMMENDATION

The United States has been a member of the Bureau since 1922 pursuant to a provision in the Diplomatic and Consular Service Appropriation Act of March 2, 1921.

In recasting in convention form the statutes under which the Bureau has heretofore operated, the State Department has assured the committee that "approval of this convention by the Senate would not extend greater authority to the International Hydrographic Bureau nor increase the cost to the United States of its continued membership in the Organization." The 1968 budget of the organization is less than $200,000 of which the U.S. share, based on tonnage, is less than $15,000, or in the neighborhood of 8 percent.

At the public hearing on May 7, 1968, moreover, the State Department representative, Mrs. Eleanor McDowell (whose prepared statement is appended), stated that the United States had been perfectly satisfied with the situation as it was and had designated the Bureau as a public international organization under the Privileges and Immunities Act. Some other nations, however, were not able to treat the Bureau as a public international organization as long as its existence was based on statutes instead of a treaty. Thus, the convention will correct the primarily administrative difficulties encountered by the Bureau. As a practical matter, this action will serve to alleviate problems with customs clearances and excise levies on the maps and charts handled by the Bureau, and matters of that nature.

After the testimony on May 7, the committee voted to report the convention favorably to the Senate, having been assured that "the Bureau has provided a worthwhile forum for international cooperation in the sciences of hydrography" and that continued U.S. participation in it is in the U.S. interest. For this reason the committee recommends that the Senate give its advice and consent to ratification of the Convention on the International Hydrographic Organization.

STATEMENT ON THE CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION BY MRS. ELEANOR MCDOWELL, ATTORNEY-ADVISER, DEPARTMENT OF STATE

The Convention on the International Hydrographic Organization was formulated at the Ninth International Hydrographic Conference at Monaco in April–May 1967.

The need to create an International Hydrographic Organization arises from the juridical status of the present International Hydrographic Bureau, not from a question of the effectiveness of the organization or of the benefits to the United States of membership in the International Hydrographic Bureau.

The convention is designed to provide a treaty basis for the Organization whereby it can apply to member states for the granting of privileges and immunities to it as a recognized international organization, a status denied to it now. The approval of this convention by the Senate would not extend greater authority to the International Hydrographic Bureau nor increase the cost to the United States of its continued membership in the Organization.

The International Hydrographic Bureau, which will remain the executive body of the proposed new international Organization, was established by statute June 21, 1921. The United States was a founding member of the Hydrographic Bureau in 1919 and officially joined the IHB on June 20, 1922, pursuant to Public Law 357, 66th Congress. We have been continuously associated with the organization since that time and today one of the three Directors of the Bureau is a retired American officer and former deputy commander of our U.S. Naval Oceanographic Office.

On May 29, 1958, we accorded the IHB the privileges and immunities of an international organization under Executive Order 10769. As most other nations had joined the Bureau by less formal means than our own, they do not regard it as an organization qualifying for the privileges and immunities accorded international organizations established by treaty. Consequently, the operations of the Bureau have been impeded by problems involving customs clearances and excise levies on their charts and maps, difficulties over entry of the personal effects of Bureau employees, and equality of relations with other international organizations.

This convention is, therefore, designed to provide an assured legal status to the International Hydrographic Organization under recognized international law practices. It will provide the new Organization, when constituted, the juridical status required to request from member states the privileges and immunities normally granted to international organizations.

The purpose of the new Organization is the same as the present Bureau—to encourage coordination of hydrographic work of the member states with a view to rendering navigation easier and safer throughout the world, to endeavor to obtain uniformity, as far as possible, in charts and hydrographic documents, to encourage the adoption of reliable methods of carrying out hydrographic surveys, and to encourage the development of the theory and improvement in the practice of the science of hydrography. The Organization will remain a technical consultative body for its members and subscribers.

Under the new convention the Bureau will continue its current operations. While a small organization of 18 persons, it provides important and needed services to maritime powers. Its budget, $195,782 for 1968, is assessed on member states according to the registered tonnage of shipping. The U.S. assessed share in 1968 is $14,102—7.94 percent of the budget.

It is our belief that Senate approval of this convention will assist the International Hydrographic Bureau, as the executing agent for the new Organization, to carry out its programs more effectively. In these days when interest in the oceans and its properties is becoming a greater concern to all of us, a more effective international organization in the hydrography field will be of benefit to us as a maritime nation. Passage of this convention will maintain the longstanding interest of the United States in this area of international cooperation.

The ACTING PRESIDENT pro tempore. Without objection, the convention will be considered as having passed through all its parliamentary stages up to and including the presentation of the resolution of ratification.

The resolution of ratification of Executive O will now be read.

The resolution of ratification of Executive O was read, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to accession by the United States of America to the Convention on the International Hydrographic Organization, done at Monaco on May 3, 1967, and signed for the United States on September 13, 1967 (Ex. O, 90th Congress, first sess.).

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending convention—and it will be a yea-and-nay vote—take place at 12:30 p.m. Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive C, 90th Congress, second session.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the treaty (Ex. C, 90th Cong., second session), Amendments to the International Convention for the Safety of Life at Sea, which was read the second time, as follows:

AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960—RESOLUTION A.122(V)

(Adopted on October 25, 1967)

THE ASSEMBLY,

RECOGNIZING the need to improve safety of life at sea,

NOTING Article 16(i) of the Convention on the Inter-Governmental Maritime Consultative Organization, concerning the functions of the Assembly with regard to regulations relating to maritime safety,

NOTING FURTHER that Article IX of the International Convention for the Safety of Life at Sea, 1960 in paragraphs (b), (d), (e), (g) and (h), provides for procedures of amendment involving participation of the Organization,

HAVING CONSIDERED certain amendments to the International Convention for the Safety of Life at Sea, 1960, forming the subject of a recommendation adopted by the Maritime Safety Committee at its fourteenth and fifteenth sessions, and directed toward improvement of fire safety measures for ships, of arrangements for life-saving appliances on certain tanker and cargo vessels and of VHF radio-telephony in areas of high traffic density, and also directed toward improvement of requirements in relation to exemption of novel types of craft and in relation to repair, modification and outfitting ships.

ADOPTS the following six amendments to the Regulations annexed to the International Convention for the Safety of Life at Sea, 1960, each of which amendments shall be communicated for acceptance to Contracting Governments in accordance with Article IX (d) of the Convention:

(a) The addition of a new paragraph (b) to Regulation 4 of Chapter I and the designation of existing Regulation 4 as paragraph (a). The text of this amendment is at Annex I to this Resolution;

(b) The addition of a new sub-paragraph (iii) to paragraph (a) of Regulation 1 of Chapter II, the text of which is at Annex II to this Resolution;

(c) The addition of a Part H of Chapter II (Regulations 92–123 inclusive), entitled "Fire Protection, Fire Detection and Fire Extinction in Passenger Ships", the text of which is at Annex III to this Resolution;

(d) The replacement of sub-paragraph (ii) of paragraph (a) of Regulation 64 of Chapter II by new sub-paragraphs (ii) and (iii), and the replacement of Regulations 64(j) and 70 of Chapter II and Regulations 25 and 26(a)(iv) of Chapter III by new Regulations. The text of this amendment appears at Annex IV to this Resolution;

(e) The replacement of paragraphs (a) and (c) of Regulation 35 of Chapter III by new paragraphs. The text of this amendment is at Annex V to this Resolution;

(f) The addition of a new paragraph (g) to Regulation 2 of Chapter IV, new Regulation 7 bis and new Regulation 15 bis of Chapter IV and new Regulation 18 of Chapter V, the text of which is at Annex VI to this Resolution.

EXPRESSED the view, that after Part H of

Chapter II comes into force, passenger ships carrying not more than 36 passengers shall continue to comply with the appropriate provisions of Parts D, E and F of Chapter II of the International Convention for the Safety of Life at Sea, 1960.

REQUESTS the Secretary-General of the Organization, in conformity with Article IX(b)(i), to communicate, for purposes of acceptance, certified copies of this Resolution and its Annexes, to all Contracting Governments of the International Convention for the Safety of Life at Sea, 1960, together with copies to all Members of the Organization, and

INVITES all Governments concerned to accept each of the amendments at the earliest possible date.

ANNEX I

REGULATION 4(B)

The Administration may exempt any ship which embodies features of a novel kind from any of the provisions of Chapters II, III and IV of these Regulations the application of which might seriously impede research into the development of such features and their incorporation in ships engaged on international voyages. Any such ship shall, however, comply with safety requirements which, in the opinion of that Administration, are adequate for the service for which it is intended and are such as to ensure the overall safety of the ship and which are acceptable to the Governments of the States to be visited by the ship. The Administration which allows any such exemption shall communicate to the Organization particulars of same and the reasons therefor, which the Organization shall circulate to the Contracting Governments for their information.

ANNEX II

REGULATION 1 (A) (III)

A ship which undergoes repairs, alterations, modifications and outfitting related thereto shall continue to comply with at least the requirements previously applicable to the ship. An existing ship in such a case shall not, as a rule, comply to a lesser extent with the requirements for a new ship than it did before. Repairs, alterations and modifications of a major character and outfitting related thereto should meet the requirements for a new ship in so far as the Administration deems reasonable and practicable.

ANNEX III

PART H—FIRE PROTECTION, FIRE DETECTION AND FIRE EXTINCTION IN PASSENGER SHIPS

REGULATION 92

Application

The Regulations in this Part of the Chapter shall apply to passenger ships, carrying more than 36 passengers, the keels of which are laid on or after the date on which such Regulations come into force, and replace in relation to such ships the provisions of Regulation 31 of Part C and the provisions of Parts D. E. F and G of this Chapter applicable to passenger ships the keels of which are laid on or after 26 May 1965.

REGULATION 93

General

The purpose of this Part is to require the fullest practicable degree of fire protection, fire detection and fire extinction in passenger ships. The basic principles underlying the Regulations in this Part are:

(a) division of ship into main vertical zones by thermal and structural boundaries;

(b) separation of accommodation spaces from the remainder of the ship by thermal and structural boundaries;

(c) restricted use of combustible materials;

(d) detection of any fire in the zone of origin;

(e) containment and extinction of any fire in the space of origin;

(f) protection of means of escape or access for fire-fighting;

(g) ready availability of fire extinguishing appliances.

REGULATION 94

Definitions

Whenever the phrases defined below occur throughout this Part of this Chapter, they shall be interpreted in accordance with the following definitions:

(a) *Incombustible Material* means a material which neither burns nor gives off inflammable vapours in sufficient quantity to ignite at a pilot flame or other ignition source when heated to approximately 750° C (1,382° F). Any other material is a "Combustible Material."

(b) *A Standard Fire Test* is one in which specimens of the relevant bulkheads or decks are exposed in a test furnace to temperatures corresponding approximately to the standard time-temperature curve. The specimen shall have an exposed surface of not less than 4.65 square metres (50 square feet) and height (or length of deck) of 2.44 metres (8 feet) resembling as closely as possible the intended construction and including where appropriate at least one joint. The standard time-temperature curve is defined by a smooth curve drawn through the following points:

At the end of the first 5 minutes	538° C (1,000° F)
At the end of the first 10 minutes	704° C (1,300° F)
At the end of the first 30 minutes	843° C (1,550° F)
At the end of the first 60 minutes	927° C (1,700° F)

(c) *"A", "B" and "C" Class Divisions*

(i) *"A" Class Divisions* are those divisions formed by bulkheads and decks which comply with the following:

(1) they shall be constructed of steel or other equivalent material;

(2) they shall be suitably stiffened;

(3) they shall be so constructed as to be capable of preventing the passage of smoke and flame to the end of the one-hour standard fire test;

(4) they shall be insulated with approved incombustible materials such that the average temperature of the unexposed side will not rise more than 139° C (250° F) above the original temperature, nor will the temperature, at any one point, including any joint, rise more than 180° C (325° F) above the original temperature, within the time listed below:

Class A—60	60 minutes
Class A—30	30 minutes
Class A—15	15 minutes
Class A— 0	0 minutes

(5) the Administration may require a test of a prototype bulkhead or deck to ensure that it meets the above requirements for integrity and temperature rise.

(ii) *"B" Class Divisions* are those divisions formed by bulkheads, decks, ceilings or linings which comply with the following:

(1) they shall be so constructed as to be capable of preventing the passage of flame to the end of the first one half-hour of the standard fire test;

(2) they shall have an insulation value such that the average temperature of the unexposed side will not rise more than 139° C (250° F) above the original temperature, nor will the temperature at any one point, including any joint, rise more than 225° C (405° F) above the original temperature, within the time listed below:

Class B—15	15 minutes
Class B— 0	0 minutes

(3) they shall be constructed of approved incombustible materials and all materials entering into the construction and erection of "B" Class divisions shall be incombustible.

(4) the Administration may require a test of a prototype division to ensure that it meets the above requirements for integrity and temperature rise.

(iii) "C" Class Divisions shall be constructed of approved incombustible materials. They need meet no requirements relative to the passage of smoke and flame nor the limiting of temperature rise.

(d) *Continuous "B" Class Ceilings or Linings* are those "B" Class ceilings or linings which terminate only at an "A" or "B" Class division.

(e) *Steel or Other Equivalent Material.* Where the words "steel or other equivalent material" occur, "equivalent material" means any material which, by itself or due to insulation provided, has structural and integrity properties equivalent to steel at the end of the applicable fire exposure to the standards fire test (e.g. aluminum alloy with appropriate insulation).

(f) *Low flame spread* means that the surface thus described will adequately restrict the spread of flame, this being determined to the satisfaction of the Administration by an established test procedure.

(g) *Main Vertical Zones* are those sections into which the hull, superstructure, and deckhouses are divided by "A" Class divisions, the mean length of which on any one deck does not in general exceed 40 metres (131 feet).

(h) *Accommodation Spaces* are those used for public spaces, corridors, lavatories, cabins, offices, crew quarters, barber shops, isolated pantries and lockers and similar spaces.

(i) *Public Spaces* are those portions of the accommodation which are used for halls, dining rooms, lounges and similar permanently enclosed spaces.

(j) *Service Spaces* are those used for galleys, main pantries, stores (except isolated pantries and lockers), mail and specie rooms, workshops other than those forming part of machinery spaces, and similar spaces and trunks to such spaces.

(k) *Cargo Spaces* are all spaces used for cargo (including cargo oil tanks) and trunks to such spaces.

(l) *Special Category Spaces* are those enclosed spaces above or below the bulkhead deck intended for the carriage of motor vehicles with fuel in their tanks for their own propulsion, into and from which such vehicles can be driven and to which passengers have access.

(m) *Machinery Spaces* are all machinery spaces of Category A and all other spaces containing propelling machinery, boilers, oil fuel units, steam and internal combustion engines, generators and major electrical machinery, oil filling stations, refrigerating, stabilizing, ventilation and air conditioning machinery, and similar spaces; and trunks to such spaces.

(n) *Machinery Spaces of Category A* are all spaces which contain internal combustion type machinery used either

(1) for main propulsion, or

(2) for other purposes where such machinery has in the aggregate a total power of not less than 500 b.h.p.,

or which contain any oil-fired boiler or oil fuel unit; and trunks to such spaces.

(o) *Oil Fuel Unit* means the equipment used for the preparation of oil fuel for delivery to an oil fired boiler, or equipment used for the preparation for delivery of heated oil to an internal combustion engine, and includes any oil pressure pumps, filters and heaters dealing with oil at a pressure more than 1.8 kilogrammes per square centimetre (25 pounds per square inch) gauge.

(p) *Control Stations* are those spaces in which ship's radio or main navigating equipment or the emergency source of power is located or where the fire recording or fire control equipment is centralized.

(q) *Rooms Containing Furniture and Furnishings of Restricted Fire Risk.* For the purpose of Regulation 98 of this Chapter, rooms containing furniture and furnishings of restricted fire risk (whether cabins, public spaces, offices or other types of accommodation) are those in which:

(i) all case furniture such as desks, wardrobes, dressing tables, bureaux, dressers, is constructed entirely of approved incombustible materials, except that a combustible veneer not exceeding 2.0 millimetres (one twelfth inch) may be used on the working surface of such articles;

(ii) all free standing furniture such as chairs, sofas, tables, is constructed with frames of incombustible materials;

(iii) all draperies, curtains and other suspended textile materials have, to the satisfaction of the Administration, qualities of resistance to the propagation of flame not inferior to those of wool weighing 0.8 kilogrammes per square metre (24 ounces per square yard);

(iv) all floor coverings have, to the satisfaction of the Administration, qualities of resistance to the propagation of flame not inferior to those of an equivalent woolen material used for the same purpose; and

(v) all exposed surfaces of bulkheads, linings and ceilings have low flame spread characteristics.

REGULATION 95

Structure

The hull, superstructure, structural bulkheads, decks and deckhouses shall be constructed of steel or other equivalent material. For the purpose of applying the definition of steel or other equivalent material as given in Regulation 94(e) of this Chapter, the "applicable fire exposure" shall be according to the integrity and insulation standards given in the tables of Regulation 98 of this Chapter. As an example, where divisions such as decks or sides and ends of deckhouses are permitted to have B–O fire integrity, the "applicable fire exposure" shall be one half-hour.

Provided that in cases where any part of the structure is of aluminium alloy, the following requirements shall apply:

(a) The insulation of aluminium alloy components of "A" or "B" Class divisions, except structure which in the opinion of the Administration is non-load-bearing, shall be such that the temperature of the structural core does not rise more than 200° C (360° F) above the ambient temperature at any time during the applicable fire exposure to the standard fire test.

(b) Special atention shall be given to the insulation of aluminium alloy components of columns, stanchions and other structural members required to support lifeboat and liferaft stowage, launching and embarkation areas, and "A" and "B" Class divisions to ensure:

(i) that for such members supporting lifeboat and liferaft areas and "A" Class divisions the temperature rise limitation specified in paragraph (a) of this Regulation shall apply at the end of one hour; and

(ii) that for such members required to support "B" Class divisions, the temperature rise limitation specified in paragraph (a) of this Regulation shall apply at the end of one half-hour.

(c) Crowns and casings of machinery spaces of Category A shall be of steel construction adequately insulated and openings therein, if any, shall be suitably arranged and protected to prevent the spread of fire.

REGULATION 96

Main vertical zones and horizontal zones

(a) The hull, superstructure and deckhouses shall be subdivided into main vertical zones by "A" Class divisions. Steps and recesses shall be kept to a minimum, but where they are necessary, they shall also be "A" Class divisions. These divisions shall have insulation values in accordance with the applicable tables in Regulation 98 of this Chapter.

(b) As far as practicable, the bulkheads forming the boundaries of the main vertical zones above the bulkhead deck shall be in line with watertight subdivision bulkheads situated immediately below the bulkhead deck.

(c) Such bulkheads shall extend from deck to deck and to the shell or other boundaries.

(d) Where a main vertical zone is subdivided by horizontal "A" Class divisions into horizontal zones, for the purpose of providing an appropriate barrier between sprinklered and non-sprinklered zones of the ship the divisions shall extend between adjacent main vertical zone bulkheads and to the shell or exterior boundaries of the ship and shall be insulated in accordance with the fire insulation and integrity values given in Table 3 of Regulation 98 of this Chapter.

(e) On ships designed for special purposes, such as automobile or railroad car ferries, where the provision of main vertical zone bulkheads would defeat the purpose for which the ship is intended, equivalent means for controlling and limiting a fire shall be substituted and specifically approved by the Administration.

Provided that in a ship with special category spaces, any such space shall comply with the applicable provisions of Regulation 108 of this Chapter, and in so far as such compliance would be inconsistent with compliance with other requirements of this Part of this Chapter, the requirements of Regulation 108 shall prevail.

REGULATION 97

Bulkheads within a main vertical zone

(a) All bulkheads which are not required to be "A" Class divisions shall be at least "B" Class or "C" Class divisions as prescribed in the tables in Regulation 98 of this Chapter. All such divisions may be faced with combustible materials in accordance with the provisions of Regulation 105 of this Chapter.

(b) All corridor bulkheads where not required to be "A" Class shall be "B" Class divisions which shall extend from deck to deck except:

(i) when continuous "B" Class ceilings and/or linings are fitted on both sides of the bulkhead, the portion of the bulkhead behind the continuous ceiling or lining shall be of material which in thickness and composition is acceptable in the construction of "B" Class divisions but which shall be required to meet "B" Class integrity standards only in so far as is reasonable and practicable in the opinion of the Administration.

(ii) in the case of a ship protected by an automatic sprinkler system complying with the provisions of Regulation 120 of this Chapter, the corridor bulkheads of "B" Class materials may terminate at a ceiling in the corridor provided such a ceiling is of material which in thickness and composition is acceptable in the construction of "B" Class divisions. Notwithstanding the requirements of Regulation 98 of this Chapter, such bulkheads and ceilings shall be required to meet "B" Class integrity standards only in so far as is reasonable and practicable in the opinion of the Administration. All doors and frames in such bulkheads shall be of incombustible materials and shall be constructed and erected so as to provide substantial fire resistance to the satisfaction of the Administration.

(c) All bulkheads required to be "B" Class divisions, except corridor bulkheads, shall extend from deck to deck and to the shell or other boundaries unless continuous "B" Class ceilings and/or linings are fitted on both sides of the bulkhead in which case the bulkhead may terminate at the continuous ceiling or lining.

REGULATION 98

Fire integrity of bulkheads and decks

(a) In addition to complying with the specific provisions for fire integrity of bulkheads and decks mentioned elsewhere in the Regulations of this Part, the minimum fire integrity of all bulkheads and decks shall be as prescribed in Tables 1 to 4 in this Regulation. Where, due to any particular structural arrangements in the ship, difficulty is experienced in determining from the tables the minimum fire integrity value of any divisions, such values shall be determined to the satisfaction of the Administration.

(b) The following requirements shall govern application of the tables:

(i) *Table 1* shall apply to bulkheads bounding main vertical zones or horizontal zones.

Table 2 shall apply to bulkheads not bounding main vertical zones nor horizontal zones.

Table 3 shall apply to decks forming steps in main vertical zones or bounding horizontal zones.

Table 4 shall apply to decks not forming steps in main vertical zones nor bounding horizontal zones.

(ii) For the purpose of determining the appropriate fire integrity standards to be applied to boundaries between adjacent spaces, such spaces are classified according to their fire risk as shown in Categories (1) to (14) below. Where the contents and use of a space are such that there is a doubt as to its classification for the purpose of this Regulation, it shall be treated as a space within the relevant category having the most stringent boundary requirements. The title of each category is intended to be typical rather than restrictive. The number in parentheses preceding each category refers to the applicable column or row number in the tables.

(1) *Control stations:*

Spaces containing emergency sources of power and lighting

Wheelhouse and chartroom

Spaces containing the ship's radio equipment

Fire control and recording stations

Control room for propelling machinery when located outside the propelling machinery space

Spaces containing centralized fire alarm equipment

Spaces containing centralized emergency public address system stations and equipment

(2) *Stairways:*

Interior stairways, lifts and escalators (other than those wholly contained within the machinery spaces) for passengers and crew and enclosures thereto

In this connection, a stairway which is enclosed at only one level shall be regarded as part of the space from which it is not separated by a fire door

(3) *Corridors:*

Passenger and crew corridors

(4) *Lifeboat and liferaft handling and embarkation stations:*

Open deck spaces and enclosed promenades forming lifeboat and liferaft embarkation and lowering stations

(5) *Open deck spaces:*

Open deck spaces and enclosed promenades clear of lifeboat and liferaft embarkation and lowering stations

Air space (the space outside superstructures and deckhouses)

(6) *Accommodation spaces of minor fire risk:*

Cabins containing furniture and furnishings of restricted fire risk

Public spaces containing furniture and furnishings of restricted fire risk and having a deck area of less than 50 square metres (540 square feet)

Offices and dispensaries containing furniture and furnishings of restricted fire risk

(7) *Accommodation spaces of moderate fire risk:*

Same as (6) above but containing furniture and furnishings of other than restricted fire risk

Public spaces containing furniture and furnishings of restricted fire risk and having a deck area of 50 square metres (540 square feet) and greater

Isolated lockers and small storerooms in accommodation spaces

Sales shops

Motion picture projection and film stowage rooms

Diet kitchens (containing no open flame)

Cleaning gear lockers (in which inflammable liquids are not stowed)

Laboratories (in which inflammable liquids are not stowed)

Pharmacies

Small drying rooms (having a deck area of 4 square metres (43 square feet) or less)

Specie rooms

(8) *Accommodation spaces of greater fire risk:*

Public spaces containing furniture and furnishings of other than restricted fire risk and having a deck area of 50 square metres (540 square feet) and greater

Barber shops and beauty parlors

(9) *Sanitary and similar spaces:*

Communal sanitary facilities, showers, baths, water closets, etc.

Small laundry rooms

Indoor swimming pool area

Operating rooms

Isolated serving pantries in accommodation spaces

Private sanitary facilities shall be considered a portion of the space in which they are located

(10) *Tanks, voids and auxiliary machinery spaces having little or no fire risk:*

Water tanks forming part of the ship's structure

Voids and cofferdams

Auxiliary machinery spaces which do not contain machinery having a pressure lubrication system and where storage of combustibles is prohibited, such as: ventilation and air conditioning rooms; windlass room, steering gear room; stabilizer equipment room; electrical propoulsion motor room; rooms containing section switchboards and purely electrical equipment other than oilfilled electrical transformers (above 10kVA); shaft alleys and pipe tunnels; spaces for pumps and refrigeration machinery (not handling or using inflammable liquids)

Closed trunks serving the spaces listed above

Other closed trunks such as pipe and cable trunks

(11) *Auxiliary machinery spaces, cargo spaces, special category spaces, cargo and other oil tanks and other similar spaces of moderate fire risk:*

Cargo oil tanks

Cargo holds, trunkways and hatchways

Refrigerated chambers

Oil fuel tanks (where installed in a separate space with no machinery)

Shaft alleys and pipe tunnels allowing storage of combustibles .

Auxiliary machinery spaces as in Category (10) which contain machinery having a pressure lubrication system or where storage of combustibles is permitted

Oil fuel filling stations

Spaces containing oil-filled electrical transformers (above 10kVA)

Spaces containing turbine and reciprocating steam engine driven auxiliary generators and small internal combustion engines up to 150 h.p. driving emergency generators, sprinkler, drencher or fire pumps, bilge pumps, etc.

Special category spaces (Tables 1 and 3 only apply)

Closed trunks serving the spaces listed above

(12) *Machinery spaces and main galleys:*

Main propelling machinery rooms (other than electric propulsion motor rooms) and boiler rooms

Auxiliary machinery spaces other than those in Categories (10) and (11) which contain internal combustion machinery or other oil-burning, heating or pumping units

Main galleys and annexes

Trunks and casings to the spaces listed above

(13) *Storerooms, workshops, pantries, etc.:*

Main pantries not annexed to galleys

Main laundry

Large drying rooms (having a deck area of more than 4 square metres (43 square feet))

Miscellaneous stores

Mail and baggage rooms

Garbage rooms

Workshops (not part of machinery spaces, galleys, etc.)

(14) *Other spaces in which inflammable liquids are stowed:*

Lamp rooms

Paint rooms

Storerooms containing inflammable liquids (including dyes, medicines, etc.)

Laboratories (in which inflammable liquids are stowed)

(iii) Where a single value is shown for the fire integrity of a boundary between two spaces, that value shall apply in all cases.

(iv) In determining the applicable fire integrity standard of a boundary between two spaces within a main vertical zone or horizontal zone which is not protected by an automatic sprinkler system complying with the provisions of Regulation 120 of this Chapter or between such zones neither of which is so protected, the higher of the two values given in the tables shall apply.

(v) In determining the applicable fire integrity standard of a boundary between two spaces within a main vertical zone or horizontal zone which is protected by an automatic sprinkler system complying with the provisions of Regulation 120 of this Chapter or between such zones both of which are so protected, the lesser of the two values given in the tables shall apply. In instances where a sprinklered zone and a non-sprinklered zone meet within accommodation and service spaces, the higher of the two values given in the table shall apply to the division between the zones.

(vi) Where adjacent spaces are in the same numerical category and the superscript 1 appears in the tables, a bulkhead or deck between such spaces need not be fitted if deemed unnecessary by the Administration. For example, in Category (12) a bulkhead need not be required between a galley and its annexed pantries provided the pantry bulkheads and decks maintain the integrity of the galley boundaries. A bulkhead is, however, required between a galley and a machinery space even though both spaces are in Category (12).

(vii) Where the superscript 2 appears in the tables, the lesser insulation value may be permitted only if at least one of the adjoining spaces is protected by an automatic sprinkler system complying with the provisions of Regulation 120 of this Chapter.

(viii) Nothwithstanding the provisions of Regulation 97 of this Chapter, there are no special requirements for material or integrity of boundaries where only a dash appears in the tables.

(ix) The Administration shall determine in respect of Category (5) spaces whether the insulation values in Table 1 or 2 shall apply to ends of deckhouses and superstructures, and whether the insulation values in Table 3 or 4 shall apply to weather decks. In no case shall the requirements of Category (5) of Tables 1 to 4 necessitate enclosure of spaces which in the opinion of the Administration need not be enclosed.

(c) Continuous "B" Class ceilings or lining, wholley or in part, to the required insula- or bulkheads, may be accepted as contributing wholly or in part, to the required insulation and integrity of a division.

(d) In approving structural fire protection details, the Administration shall have regard to the risk of heat transmission at intersections and terminal points of required thermal barriers.

TABLE 1.—BULKHEADS BOUNDING MAIN VERTICAL ZONES OR HORIZONTAL ZONES

Spaces	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
(1) Control stations	A-60	A-30	A-30	A-0	A-0	A-60	A-60	A-60	A-0	A-0	A-60	A-60	A-60	A-60
(2) Stairways		A-0	A-0	A-0	A-0	A-15 A-0	A-30 A-0	A-60 A-15	A-0	A-0	A-30	A-60	A-15 A-0	A-60
(3) Corridors			A-0	A-0	A-0	A-0	A-30 A-0	A-30 A-0	A-0	A-0	A-30	A-60	A-15 A-0	A-60
(4) Lifeboat and liferaft handling and embarkation stations						A-0	A-0	A-0	A-0	A-0	A-0	A-60	A-0	A-60
(5) Open deck spaces						A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
(6) Accommodation spaces of minor fire risk						A-15 A-0	A-30 A-0	A-30 A-0	A-0	A-0	A-15 A-0	A-30	A-15 A-0	A-30
(7) Accommodation spaces of moderate fire risk							A-30 A-0	A-60 A-15	A-0	A-0	A-30 A-0	A-60	A-30 A-0	A-60
(8) Accommodation spaces of greater fire risk								A-60 A-15	A-0	A-0	A-60 A-15	A-60	A-30 A-0	A-60
(9) Sanitary and similar spaces									A-0	A-0	A-0	A-0	A-0	A-0
(10) Tanks, voids, and auxiliary machinery spaces having little or no fire risk										A-0	A-0	A-0	A-0	A-0
(11) Auxiliary machinery spaces, cargo spaces, special category spaces, cargo and other oil tanks and other similar spaces of moderate fire risk											A-0	A-60	A-0	A-60
(12) Machinery spaces and main galleys												A-60	A-30 A-15	A-60
(13) Storerooms, workshops, pantries, etc													A-0	A-30
(14) Other spaces in which inflammable liquids are stowed														A-60

TABLE 2.—BULKHEADS NOT BOUNDING MAIN VERTICAL ZONES NOR HORIZONTAL ZONES

Spaces	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
(1) Control stations	B-0	A-0	A-0	A-0	A-0 B-0	A-60	A-60	A-60	A-0	A-0	A-60	A-60	A-60	A-60
(2) Stairways		A-0	A-0	A-0	A-0	A-0	A-15 A-0	A-30 A-0	A-0	A-0	A-15	A-30	A-15 A-0	A-30
(3) Corridors			C	A-0	A-0 B-0	B-0	B-15 B-0	B-15 B-0	B-0	A-0	A-15	A-30	A-0	A-30 A-0
(4) Lifeboat and liferaft handling and embarkation stations						A-0	A-0	A-0	A-0	A-0	A-0	A-15	A-0	A-15 A-0
(5) Open deck space						A-0 B-0	A-0 B-0	A-0 B-0	A-0 B-0	A-0	A-0	A-0	A-0 B-0	A-0 B-0
(6) Accommodation spaces of minor fire risk						B-0 C	B-15 C	B-15 C	B-0 C	A-0	A-15 A-0	A-30	A-0	A-30 A-0
(7) Accommodation spaces of moderate fire risk							B-15 C	B-15 C	B-0 C	A-0	A-15 A-0	A-60	A-15 A-0	A-60 A-15
(8) Accommodation spaces of greater fire risk								B-15 C	B-0 C	A-0	A-30 A-0	A-60	A-15 A-0	A-60 A-15
(9) Sanitary and similar spaces									C	A-0	A-0	A-0	A-0	A-0
(10) Tanks, voids, and auxiliary machinery spaces having little or no fire risk										A-0	A-0	A-0	A-0	A-0
(11) Auxiliary machinery spaces, cargo spaces, cargo and other oil tanks and other similar spaces of moderate fire risk											A-0	A-0	A-0	A-30 A-15
(12) Machinery spaces and main galleys												A-0	A-0	A-60
(13) Storerooms, workshops, pantries, etc													A-0	A-0
(14) Other spaces in which inflammable liquids are stowed														A-30 A-15

TABLE 3.—DECKS FORMING STEPS IN MAIN VERTICAL ZONES OR BOUNDING HORIZONTAL ZONES

Space below	Space above													
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
(1) Control stations	A-60	A-60	A-30	A-0	A-0	A-15	A-30	A-60	A-0	A-0	A-30	A-60	A-15	A-60
(2) Stairways	A-15	A-0	A-0	A-0	A-0	A-0	A-15 A-0	A-15 0 A-0	A-0	A-0	A-0	A-60	A-0	A-60
(3) Corridors	A-30	A-0	A-0	A-0	A-0	A-0	A-15 A-0	A-15 A-0	A-0	A-0	A-0	A-60	A-0	A-60
(4) Lifeboat and liferaft handling and embarkation stations	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
(5) Open deck spaces	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
(6) Accommodation spaces of minor fire risk	A-60	A-30 A-0	A-15 A-0	A-0	A-0	A-0	A-15 A-0	A-30 A-0	A-0	A-0	A-15 A-0	A-15	A-0	A-15
(7) Accommodation spaces of moderate fire risk	A-60	A-60 A-15	A-30 A-0	A-15 A-0	A-0	A-15 A-0	A-30 A-0	A-60 A-15	A-0	A-0	A-30 A-0	A-30	A-0	A-30
(8) Accommodation spaces of greater fire risk	A-60	A-60 A-15	A-60 A-15	A-60 A-15	A-0	A-30 A-0	A-60 A-15	A-60 A-15	A-0	A-0	A-30 A-0	A-60	A-15 A-0	A-60
(9) Sanitary and similar spaces	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
(10) Tanks, voids, and auxiliary machinery spaces having little or no fire risk.	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
(11) Auxiliary machinery spaces, cargo spaces, special category spaces, cargo and other oil tanks and other similar spaces of moderate fire risk.	A-60	A-60	A-60	A-60	A-0	A-30 A-0	A-60 A-15	A-60 A-15	A-0	A-0	A-0	A-30	A-30 A-0	A-30
(12) Machinery spaces and main galleys	A-60	A-60	A-60	A-60	A-0	A-60	A-60	A-60	A-0	A-0	A-60	A-60	A-60	A-60
(13) Storerooms, workshops, pantries, etc	A-60	A-60 A-15	A-30 A-0	A-15	A-0	A-15 A-0	A-30 A-0	A-60 A-15	A-0	A-0	A-0	A-30	A-0	A-30
(14) Other spaces in which inflammables are stowed	A-60	A-60	A-60	A-60	A-0	A-60	A-60	A-60	A-0	A-0	A-60	A-60	A-60	A-60

TABLE 4.—DECKS NOT FORMING STEPS IN MAIN VERTICAL ZONES NOR BOUNDING HORIZONTAL ZONES

Space below	Space above													
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
(1) Control stations	A-30 A-0	A-30 A-0	A-15 A-0	A-0	A-0 B-0	A-	A-15 A-0	A-30 A-0	A-0	A-0	A-0	A-60	A-0	A-60 A-15
(2) Stairways	A-0	A-0	A-0	A-0	A-0 B-0	A-0	A-0	A-0	A-0	A-0	A-0	A-30	A-0	A-30 A-0
(3) Corridors	A-15 A-0	A-0	A-0 B-0	A-0	A-0 B-0	A-0 B-0	A-15 B-0	A-15 B-0	A-0 B-0	A-0	A-0	A-30	A-0	A-30 A-0
(4) Lifeboat and liferaft handling and embarkation stations	A-0	A-0	A-0	A-0		A-0 B-0	A-0 B-0	A-0 B-0	A-0 B-0	A-0	A-0	A-0	A-0	A-0
(5) Open deck spaces	A-0	A-0	A-0 B-0	A-0		A-0 B-0	A-0 B-0	A-0 B-0	A-0 B-0	A-0	A-0	A-0	A-0 B-0	A-0
(6) Accommodation spaces of minor fire risk	A-60	A-15 A-0	A-0	A-0	A-0 B-0	A-0 B-0	A-0 B-0	A-0 B-0	A-0 B-0	A-0	A-0	A-0 A-0	A-0	A-15 A-0
(7) Accommodation spaces of moderate fire risk	A-60	A-30 A-0	A-15 A-0	A-15 A-0	A-0 B-0	A-0 B-0	A-15 B-0	A-30 B-0	A-0 B-0	A-0	A-15 A-0	A-30 A-0	A-0	A-30 A-0
(8) Accommodation spaces of greater fire risk	A-60	A-60 A-15	A-60 A-0	A-30 A-0	A-0 B-0	A-15 B-0	A-30 B-0	A-60 B-0	A-0 B-0	A-0	A-0 A-0	A-30 A-0	A-0	A-30 A-0
(9) Sanitary spaces and similar spaces	A-0	A-0	A-0 B-0	A-0	A-0 B-0	A-0 B-0	A-0 B-0	A-0 B-0	A-0 B-0	A-0	A-0	A-0	A-0	A-0
(10) Tanks, voids, and auxiliary machinery spaces having little or no fire risk.	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
(11) Auxiliary machinery spaces, carge spaces, cargo and other oil tanks and other similar spaces of moderate fire risk.	A-60	A-60 A-15	A-60 A-15	A-30 A-0	A-0	A-0	A-15 A-0	A-30 A-0	A-0	A-0	A-0	A-0	A-0	A-30 A-15
(12) Machinery spaces and main galleys	A-60	A-60	A-60	A-60	A-0	A-60	A-60	A-60	A-0	A-0	A-30	A-30	A-0	A-60
(13) Storerooms, workshops, pantries, etc	A-60	A-30 A-0	A-15 A-0	A-15 A-0	A-0 B-0	A-15 A-0	A-30 A-0	A-30 A-0	A-0 B-0	A-0	A-0	A-0	A-0	A-15 A-0
(14) Other spaces in which inflammable liquids are stowed	A-60	A-60 A-30	A-60 A-30	A-60	A-0	A-30 A-0	A-60 A-15	A-60 A-15	A-0	A-0	A-30 A-0	A-30 A-0	A-0	A-30 A-0

REGULATION 99

Means of escape

(a) In and from all passenger and crew spaces and in spaces in which the crew is normally employed, other than machinery spaces, stairways and ladders shall be arranged to provide ready means of escape to the lifeboats and liferaft embarkation deck. In particular, the following provisions shall be complied with:

(i) Below the bulkhead deck, two means of escape, at least one of which shall be independent of watertight doors, shall be provided from each watertight compartment or similarly restricted space or group of spaces. Exceptionally, the Administration may dispense with one of the means of escape, due regard being paid to the nature and location of spaces and to the number of persons who normally might be quartered or employed there.

(ii) Above the bulkhead deck, there shall be at least two means of escape from each main vertical zone or similarly restricted space or group of spaces at least one of which shall give access to a stairway forming a vertical escape.

(iii) At least one of the means of escape required by subparagraphs (a)(i) and (ii) of this Regulation shall be by means of a readily accessible enclosed stairway, which shall provide continuous fire shelter from the level of its origin to the appropriate lifeboat and liferaft embarkation decks or the highest level served by the stairway, whichever level is the highest. However, where an Administration has granted dispensation under the provisions of sub-paragraph (a)(i) of this Regulation the sole means of escape shall provide safe escape to the satisfaction of the Administration. The width, number and continuity of the stairways shall be to the satisfaction of the Administration.

(iv) Protection of access from the stairway enclosures to the lifeboat and liferaft embarkation areas shall be to the satisfaction of the Administration.

(v) Lifts shall not be considered as forming one of the required means of escape.

(vi) Stairways serving only a space and a balcony in that space shall not be considered as forming one of the required means of escape.

(vii) If a radiotelegraph station has no direct access to the weather deck, two means of escape shall be provided from such station.

(viii) Dead-end corridors exceeding 13 metres (43 feet) shall not be permitted.

(b)(i) In special category spaces the number and disposition of the means of escape both below and above the bulkhead deck shall be to the satisfaction of the Administration, and in general the safety of access to the embarkation deck shall be at least equivalent to that provided for under subparagraphs (a)(i), (ii), (iii), (iv) and (v) of this Regulation.

(ii) One of the escape routes from the machinery spaces where the crew is normally employed shall avoid direct access to any special category space.

(c) Two means of escape shall be provided from each machinery space. In particular, the following provisions shall be complied with:

(i) Where the space is below the bulkhead deck the two means of escape shall consist of either:

(1) two sets of steel ladders as widely separated as possible leading to doors in the upper part of the space similarily separated and from which access is provided to the appropriate lifeboat and liferaft embarkation decks. One of these ladders shall provide continuous fire shelter from the lower part of the space to a safe position outside the space; or

(2) one steel ladder leading to a door in the upper part of the space from which access is provided to the embarkation deck and a steel door capable of being operated from each side and which provides a safe escape route to the embarkation deck.

(ii) Where the space is above the bulkhead deck, two means of escape shall be as widely separated as possible and the doors leading from such means of escape shall be in a position from which access is provided to the appropriate lifeboat and liferaft embarkation decks. Where such escapes require the use of ladders these shall be of steel.

Provided that (1) in a ship of less than 1,000 tons gross tonnage, the Administration may dispense with one of the means of escape due regard being paid to the width and disposition of the upper part of the space; and (2) in a ship of 1,000 tons gross tonnage and above, the Administration may dispense with one means of escape from any such space so long as either a door or a steel ladder provides a safe escape route to the embarkation deck due regard being paid to the nature and location of the space and whether persons are normally employed in that space.

REGULATION 100

Protection of stairways and lifts (in accommodation and service spaces

(a) All stairways shall be of steel frame construction except where the Administration sanctions the use of other equivalent material, and shall be within enclosures formed of "A" Class divisions, with positive means of closure at all openings, except that:

(i) a stairway connecting only two decks need not be enclosed, provided the integrity of the deck is maintained by proper bulkheads or doors at one between deck space. When a stairway is closed at one between deck space, the stairway enclosure shall be protected in accordance with the tables for decks in Regulation 98 of this Chapter;

(ii) stairways may be fitted in the open in a public space, provided they lie wholly within such public space.

(b) Stairway enclosures shall have direct communication with the corridors and be of sufficient area to prevent congestion, having in view the number of persons likely to use them in an emergency. In so far as practicable, stairway enclosure shall not give direct access to cabins, service lockers, or other enclosed spaces containing combustibles in which a fire is likely to originate.

(c) Lift trunks shall be so fitted as to prevent the passage of smoke and flame from one between deck to another and shall be provided with means of closing so as to permit of draught and smoke control.

REGULATION 101

Openings in "A" class divisions

(a) Where "A" Class divisions are pierced for the passage of electric cables, pipes, trunks, ducts, etc. for girders, beams or other structures, arrangements shall be made to ensure that the fire resistance is not impaired, subject to the provisions of paragraph (g) of this Regulation.

(b) Where of necessity, a ventilation duct passes through a main vertical zone bulkhead, a fail-safe automatic closing fire damper shall be fitted adjacent to the bulkhead. The damper shall also be capable of being manually closed from each side of the bulkhead. The operating position shall be readily accessible and be marked in red light reflecting colour. The duct between the bulkhead and the damper shall be of steel or other equivalent material and, if necessary, to an insulating standard such as to comply with paragraph (a) of this Regulation. The damper shall be fitted on at least one side of the bulkhead with a visible indicator showing if the damper is in the open position.

(c) Except for hatches between cargo, special category, store, and baggage spaces, and between such spaces and the weather decks, all openings shall be provided with permanently attached means of closing which shall be at least as effective for resisting fires as the divisions in which they are fitted.

(d) The construction of all doors and door frames in "A" Class divisions, with the means of securing them when closed, shall provide resistance to fire as well as to the passage of smoke and flame, as far as practicable, equivalent to that of the bulkheads in which the doors are situated. Such doors and door frames shall be constructed of steel or other equivalent material. Watertight doors need not be insulated.

(e) It shall be possible for each door to be opened and closed from each side of the bulkhead by one person only.

(f) Fire doors in main vertical zone bulkheads and stairway enclosures, other than power operated watertight doors and those which are normally locked, shall be of the self-closing type capable of closing against an inclination of 3½ degrees opposing closure.

The speed of door closure shall, if necessary, be controlled so as to prevent undue danger to personnel. All such doors, except those that are normally closed, shall be capable of release from a control station, either simultaneously or in groups, and also individually from a position at the door. The release mechanism shall be so designed that the door will automatically close in the event of disruption of the control system; however, approved power operated watertight doors will be considered acceptable for this purpose. Hold-back hooks, not subject to control station release, will not be permitted. When double swing doors are permitted, they shall have a latch arrangement which is automatically engaged by the operation of the door release system.

(g) Where a space is protected by an automatic sprinkler system complying with the provisions of Regulation 120 of this Chapter or fitted with a continuous "B" Class ceiling, openings in decks not forming steps in main vertical zones nor bounding horizontal zones shall be closed reasonably tight and such decks shall meet the "A" Class integrity requirements in so far as is reasonable and practicable in the opinion of the Administration.

(h) The requirements for "A" Class integrity of the outer boundaries of a ship shall not apply to glass partitions, windows and sidescuttles. Similarly, the requirements for "A" Class integrity shall not apply to exterior doors in superstructures and deckhouses.

REGULATION 102

Openings in "B" class divisions

(a) Where "B" Class divisions are penetrated for the passage of electrical cables, pipes, trunks, ducts, etc., or for the fitting of ventilation terminals, lighting fixtures and similar devices, arrangements shall be made to assure that the fire resistance is not impaired.

(b) Doors and door frames in "B" Class divisions and means of securing them shall provide a method of closure which shall have resistance to fire as far as practicable equivalent to the divisions except that ventilation openings may be permitted in the lower portion of such doors. Where such opening is in or under a door the total net area of any such opening or openings shall not exceed 0.05 square metres (78 square inches). When such opening is cut in a door it shall be fitted with a grill made of incombustible material. Doors shall be incombustible.

(c) The requirements for "B" Class integrity of the outer boundaries of a ship shall not apply to glass partitions, windows and sidescuttles. Similarly, the requirements for "B" Class integrity shall not apply to exterior doors in superstructures and deckhouses.

(d) Where an automatic sprinkler system complying with the provisions of Regulation 120 of this Chapter is fitted:

(i) openings in decks not forming steps in main vertical zones nor bounding horizontal zones shall be closed reasonably tight and such decks shall meet the "B" Class integrity requirements in so far as is reasonable and practicable in the opinion of the Administration, and

(ii) openings in corridor bulkheads of "B" Class materials shall be protected in accordance with the provisions of Regulation 97 of this Chapter.

REGULATION 103

Ventilation systems

(a) In general, the ventilation fans shall be so disposed that the ducts reaching the various spaces remain within the main vertical zone.

(b) Where ventilation systems penetrate decks, precautions shall be taken, in addition to those relating to the fire integrity of the deck required by Regulation 101 of this Chapter, to reduce the likelihood of smoke and hot gases passing from one between deck space to another through the system. In addition to insulation requirements contained in this Regulation, vertical ducts shall, if necessary be insulated as required by the appropriate tables in Regulation 98 of this Chapter.

(c) The main inlets and outlets of all ventilation systems shall be capable of being closed from outside the space being ventilated.

(d) Except in cargo spaces, ventilation ducts shall be constructed of the following materials:

(i) Ducts not less than 750 square centimetres (116 square inches) in sectional area and all vertical ducts serving more than a single deck space shall be constructed of steel or other equivalent material.

(ii) Ducts less than 750 square centimetres (116 square inches) in sectional area shall be constructed of incombustible materials. Where such ducts penetrate "A" or "B" Class divisions due regard shall be given to ensuring the fire integrity of the division.

(iii) Short lengths of duct, not in general exceeding 200 square centimetres (31 square inches) in sectional area nor 2 metres (79 inches) in length, need not be incombustible provided that all of the following conditions are met:

(1) the duct is constructed of a material of restricted fire risk to the satisfaction of the Administration;

(2) the duct is used only at the terminal end of the ventilation system; and

(3) the duct is not located closer than 60 centimetres (24 inches) measured along its length to a penetration of an "A" or "B" Class division, including continuous "B" Class ceilings.

(e) Where a stairway enclosure is ventilated, the duct or ducts (if any) shall be taken from the fan room independently of other ducts in the ventilation system, and shall not serve any other space.

(f) All power ventilation, except machinery and cargo space ventilation and any alternative system which may be required under paragraph (h) of this Regulation, shall be fitted with controls so grouped that all fans may be stopped from either of two separate positions which shall be situated as far apart as practicable. Controls provided for the power ventilation serving machinery spaces shall also be grouped so as to be operable from two positions, one of which shall be outside such spaces. Fans serving power ventilation systems to cargo spaces shall be capable of being stopped from a safe position outside such spaces.

(g) Where they pass through accommodation spaces or spaces containing combustible materials, the exhaust ducts from galley ranges shall be constructed of "A" Class divisions. Each exhaust duct shall be fitted with:

(i) a grease trap readily removable for cleaning;

(ii) a fire damper located in the lower end of the duct;

(iii) arrangements, operable from within the galley, for shutting off the exhaust fan; and

(iv) fixed means for extinguishing a fire within the duct.

(h) Such measures as are practicable shall be taken in respect of control stations outside machinery spaces in order to ensure that ventilation, visibility and freedom from smoke are maintained, so that in the event of fire the machinery and equipment contained therein may be supervised and continue to function effectively. Alternative and separate means of air supply shall be provided; air inlets of the two sources of supply shall be so disposed that the risk of both inlets drawing in smoke simultaneously is minimized. At the discretion of the Administration, such requirements need not apply to control stations situated on, and opening on to, an open deck, or where local closing arrangements would be equally effective.

(i) Ducts provided for ventilation of machinery spaces of Category A shall not in general pass through accommodation, service spaces or control stations, except that the Administration may permit relaxation from this requirement, provided that:

(i) the ducts are constructed of steel, and are insulated to A–60 standard, or

(ii) the ducts are constructed of steel and are fitted with an automatic fire damper close to the boundary penetrated and are insulated to A–60 standard from the machinery space to a point at least 5 metres (16 feet) beyond the fire damper.

(j) Ducts provided for ventilation of accommodation, service spaces, or control stations shall not in general pass through machinery spaces of Category A, except that the Administration may permit relaxation from this requirement provided that the ducts are constructed of steel and automatic fire dampers are fitted close to the boundaries penetrated.

REGULATION 104

Windows and sidescuttles

(a) All windows and sidescuttles in bulkheads within accommodation and service spaces and control stations, other than those to which the provisions of Regulations 101 (h) and 102(c) of this Chapter apply, shall be constructed so as to preserve the integrity requirements of the type of bulkhead in which they are fitted.

(b) Notwithstanding the requirements of the tables in Regulation 98 of this Chapter:

(i) All windows and sidescuttles in bulkheads separating accommodation and service spaces and control stations from weather shall be constructed with frames of steel or other suitable material. The glass shall be retained by a metal glazing bead or angle.

(ii) Special attention shall be given to the fire integrity of windows facing open or enclosed lifeboat and liferaft embarkation areas and to windows situated below such areas in such a position that their failure during a fire would impede the launching of, or embarkation into, lifeboats or liferafts.

REGULATION 105

Restriction of combustible materials

(a) Except in cargo spaces, mail rooms, baggage rooms, or refrigerated compartments of service spaces, all linings, grounds, ceilings and insulations shall be of incombustible materials. Partial bulkheads or decks used to subdivide a space for utility or artistic treatment shall also be of incombustible materials.

(b) Vapour barriers and adhesives used in conjunction with insulation, as well as insulation of pipe fittings, for cold service systems need not be incombustible, but they shall be kept to the minimum quantity practicable and their exposed surfaces shall have qualities of resistance to the propagation of flame to the satisfaction of the Administration.

(c) Bulkheads, linings and ceilings in all accommodation and service spaces may have combustible veneer, provided that such veneer shall not exceed 2.0 millimetres (one twelfth inch) within any such spaces except corridors, stairway enclosures and control stations where it shall not exceed 1.5 millimetres (one seventeenth inch).

(d) The total volume of combustible facings, mouldings, decorations and veneers in any accommodation and service space shall not exceed a volume equivalent to 2.5 millimetres (one tenth inch) veneer on the combined area of the walls and ceilings. In the case of ships fitted with an automatic sprinkler system complying with the provisions of Regulation 120 of this Chapter, the above volume may include some combustible material used for erection of "C" Class divisions.

(e) All exposed surfaces in corridors or stairway enclosures and surfaces in concealed or inaccessible spaces in accommodation and service spaces and control stations shall have low flame spread characteristics.

(f) Furniture in the passages and stairway enclosures shall be kept to a minimum.

(g) Paints, varnishes and other finishes used on exposed interior surfaces shall not be of a nature to offer an undue fire hazard in the judgment of the Administration and shall not be capable of producing excessive quantities of smoke or other toxic properties.

(h) Primary deck coverings, if applied, within accommodation and service spaces and control stations, shall be of approved material which will not readily ignite, or give rise to toxic or explosive hazards at elevated temperatures.

(i) Waste paper receptacles shall be constructed of incombustible materials and with solid sides and bottoms.

REGULATION 106

Miscellaneous items

Requirements Applicable to all Portions of the Ship

(a) Pipes penetrating "A" or "B" Class divisions shall be of a material approved by the Administration having regard to the temperature such divisions are required to withstand. Pipes conveying oil or combustible liquids shall be of a material approved by the Administration having regard to the fire risk. Materials readily rendered ineffective by heat shall not be used for overboard scuppers, sanitary discharges, and other outlets which are close to the waterline and where the failure of the material in the even of fire would give rise to danger of flooding.

Requirements Applicable to Accommodation and Service Spaces, Control Stations, Corridors and Stairways

(b) (i) Air spaces enclosed behind ceilings, panelling or linings shall be suitably divided by close-fitting draught stops not more than 14 metres (46 feet) apart.

(ii) In the vertical direction, such spaces, including those behind linings of stairways, trunks, etc., shall be closed at each deck.

(c) The construction of ceiling and bulkheading shall be such that it will be possible, without impairing the efficiency of the fire protection, for the fire patrols to detect any smoke originating in concealed and inaccessible places, except where in the opinion of the Administration there is no risk of fire originating in such places.

(d) Electric radiators, if used, shall be fixed in position and so constructed as to reduce fire risks to a minimum. No such radiators shall be fitted with an element so exposed that clothing, curtains, or other similar materials can be scorched or set on fire by heat from the element.

(c) Cellulose-nitrate-based films shall not be used for cinematograph installations.

REGULATION 107

Provision of an automatic sprinkler and fire alarm and fire detection system or an automatic fire alarm and fire detection system

In any ship to which the Regulations in this Part of this Chapter apply, there shall be installed throughout each separate zone, whether vertical or horizontal, in all accommodation and service spaces and, where it is considered necessary by the Administration, in control stations, except spaces which afford no substantial fire risk (such as void spaces, sanitary spaces, etc.) either:

(i) an automatic sprinkler and fire alarm and fire detection system of an approved type, complying with the provisions of Regulation 120 of this Chapter and installed and so arranged as to protect such spaces, or

(ii) an automatic fire alarm and fire detection system of an approved type, complying with the provisions of Regulation 121 of this Chapter, and installed and so arranged as to detect the presence of fire in such spaces.

REGULATION 108

Protection of special category spaces

Provisions Applicable to Special Category Spaces Whether Above or Below the Bulkhead Deck

(a) *General:*

(i) The basic principle underlying the provisions in this Regulation is that as normal main vertical zoning may not be pracspace or group of spaces at least one of which shall give access to a stairway forming a vertical escape.

(iii) At least one of the means of escape required by subparagraphs (a)(i) and (ii) of this Regulation shall be by means of a readily accessible enclosed stairway, which shall provide continuous fire shelter from the level of its origin to the appropriate lifeboat and liferaft embarkation decks or the highest level served by the stairway, whichever level is the highest. However, where an Administration has granted dispensation under the provisions of sub-paragraph (a)(i) of this Regulation the sole means of escape shall provide safe escape to the satisfaction of the Administration. The width, number and continuity of the stairways shall be to the satisfaction of the Administration.

(iv) Protection of access from the stairway enclosures to the lifeboat and liferaft embarkation areas shall be to the satisfaction of the Administration.

(v) Lifts shall not be considered as forming one of the required means of escape.

(vi) Stairways serving only a space and a balcony in that space shall not be considered as forming one of the required means of escape.

(vii) If a radiotelegraph station has no direct access to the weather deck, two means of escape shall be provided from such station.

(viii) Dead-end corridors exceeding 13 metres (43 feet) shall not be permitted.

(b)(i) In special category spaces the number and disposition of the means of escape both below and above the bulkhead deck shall be to the satisfaction of the Administration, and in general the safety of access to the embarkation deck shall be at least equivalent to that provided for under subparagraphs (a)(i), (ii), (iii), (iv) and (v) of this Regulation.

(ii) One of the escape routes from the machinery spaces where the crew is normally employed shall avoid direct access to any special category space.

(c) Two means of escape shall be provided from each machinery space. In particular, the following provisions shall be complied with:

(i) Where the space is below the bulkhead deck the two means of escape shall consist of either:

(1) two sets of steel ladders as widely separated as possible leading to doors in the upper part of the space similarily separated and from which access is provided to the appropriate lifeboat and liferaft embarkation decks. One of these ladders shall provide continuous fire shelter from the lower part of the space to a safe position outside the space; or

(2) one steel ladder leading to a door in the upper part of the space from which access is provided to the embarkation deck and a steel door capable of being operated from each side and which provides a safe escape route to the embarkation deck.

(ii) Where the space is above the bulkhead deck, two means of escape shall be as widely separated as possible and the doors leading from such means of escape shall be in a position from which access is provided to the appropriate lifeboat and liferaft embarkation decks. Where such escapes require the use of ladders these shall be of steel.

Provided that (1) in a ship of less than 1.000 tons gross tonnage, the Administration may dispense with one of the means of escape due regard being paid to the width and disposition of the upper part of the space; and (2) in a ship of 1,000 tons gross tonnage and above, the Administration may dispense with one means of escape from any such space so long as either a door or a steel ladder provides a safe escape route to the embarkation deck due regard being paid to the nature and location of the space and whether persons are normally employed in that space.

REGULATION 100

Protection of stairways and lifts (in accommodation and service spaces

(a) All stairways shall be of steel frame construction except where the Administration sanctions the use of other equivalent material, and shall be within enclosures formed of "A" Class divisions, with positive means of closure at all openings, except that:

(i) a stairway connecting only two decks need not be enclosed, provided the integrity of the deck is maintained by proper bulkheads or doors at one between deck space. When a stairway is closed at one between deck space, the stairway enclosure shall be protected in accordance with the tables for decks in Regulation 98 of this Chapter;

(ii) stairways may be fitted in the open in a public space, provided they lie wholly within such public space.

(b) Stairway enclosures shall have direct communication with the corridors and be of sufficient area to prevent congestion, having in view the number of persons likely to use them in an emergency. In so far as practicable, stairway enclosure shall not give direct access to cabins, service lockers, or other enclosed spaces containing combustibles in which a fire is likely to originate.

(c) Lift trunks shall be so fitted as to prevent the passage of smoke and flame from one between deck to another and shall be provided with means of closing so as to permit of draught and smoke control.

REGULATION 101

Openings in "A" class divisions

(a) Where "A" Class divisions are pierced for the passage of electric cables, pipes, trunks, ducts, etc. for girders, beams or other structures, arrangements shall be made to ensure that the fire resistance is not impaired, subject to the provisions of paragraph (g) of this Regulation.

(b) Where of necessity, a ventilation duct passes through a main vertical zone bulkhead, a fail-safe automatic closing fire damper shall be fitted adjacent to the bulkhead. The damper shall also be capable of being manually closed from each side of the bulkhead. The operating position shall be readily accessible and be marked in red light reflecting colour. The duct between the bulkhead and the damper shall be of steel or other equivalent material and, if necessary, to an insulating standard such as to comply with paragraph (a) of this Regulation. The damper shall be fitted on at least one side of the bulkhead with a visible indicator showing if the damper is in the open position.

(c) Except for hatches between cargo, special category, store, and baggage spaces, and between such spaces and the weather decks, all openings shall be provided with permanently attached means of closing which shall be at least as effective for resisting fires as the divisions in which they are fitted.

(d) The construction of all doors and door frames in "A" Class divisions, with the means of securing them when closed, shall provide resistance to fire as well as to the passage of smoke and flame, as far as practicable, equivalent to that of the bulkheads in which the doors are situated. Such doors and door frames shall be constructed of steel or other equivalent material. Watertight doors need not be insulated.

(e) It shall be possible for each door to be opened and closed from each side of the bulkhead by one person only.

(f) Fire doors in main vertical zone bulkheads and stairway enclosures, other than power operated watertight doors and those which are normally locked, shall be of the self-closing type capable of closing against an inclination of 3½ degrees opposing closure.

The speed of door closure shall, if necessary, be controlled so as to prevent undue danger to personnel. All such doors, except those that are normally closed, shall be capable of release from a control station, either simultaneously or in groups, and also individually from a position at the door. The release mechanism shall be so designed that the door will automatically close in the event of disruption of the control system; however, approved power operated watertight doors will be considered acceptable for this purpose. Hold-back hooks, not subject to control station release, will not be permitted. When double swing doors are permitted, they shall have a latch arrangement which is automatically engaged by the operation of the door release system.

(g) Where a space is protected by an automatic sprinkler system complying with the provisions of Regulation 120 of this Chapter or fitted with a continuous "B" Class ceiling, openings in decks not forming steps in main vertical zones nor bounding horizontal zones shall be closed reasonably tight and such decks shall meet the "A" Class integrity requirements in so far as is reasonable and practicable in the opinion of the Administration.

(h) The requirements for "A" Class integrity of the outer boundaries of a ship shall not apply to glass partitions, windows and sidescuttles. Similarly, the requirements for "A" Class integrity shall not apply to exterior doors in superstructures and deckhouses.

REGULATION 102

Openings in "B" class divisions

(a) Where "B" Class divisions are penetrated for the passage of electrical cables, pipes, trunks, ducts, etc., or for the fitting of ventilation terminals, lighting fixtures and similar devices, arrangements shall be made to assure that the fire resistance is not impaired.

(b) Doors and door frames in "B" Class divisions and means of securing them shall provide a method of closure which shall have resistance to fire as far as practicable equivalent to the divisions except that ventilation openings may be permitted in the lower portion of such doors. Where such opening is in or under a door the total net area of any such opening or openings shall not exceed 0.05 square metres (78 square inches). When such opening is cut in a door it shall be fitted with a grill made of incombustible material. Doors shall be incombustible.

(c) The requirements for "B" Class integrity of the outer boundaries of a ship shall not apply to glass partitions, windows and sidescuttles. Similarly, the requirements for "B" Class integrity shall not apply to exterior doors in superstructures and deckhouses.

(d) Where an automatic sprinkler system complying with the provisions of Regulation 120 of this Chapter is fitted:

(i) openings in decks not forming steps in main vertical zones nor bounding horizontal zones shall be closed reasonably tight and such decks shall meet the "B" Class integrity requirements in so far as is reasonable and practicable in the opinion of the Administration, and

(ii) openings in corridor bulkheads of "B" Class materials shall be protected in accordance with the provisions of Regulation 97 of this Chapter.

REGULATION 103

Ventilation systems

(a) In general, the ventilation fans shall be so disposed that the ducts reaching the various spaces remain within the main vertical zone.

(b) Where ventilation systems penetrate decks, precautions shall be taken, in addition to those relating to the fire integrity of the deck required by Regulation 101 of this Chapter, to reduce the likelihood of smoke and hot gases passing from one between deck space to another through the system. In addition to insulation requirements contained in this Regulation, vertical ducts shall, if necessary be insulated as required by the appropriate tables in Regulation 98 of this Chapter.

(c) The main inlets and outlets of all ventilation systems shall be capable of being closed from outside the space being ventilated.

(d) Except in cargo spaces, ventilation ducts shall be constructed of the following materials:

(i) Ducts not less than 750 square centimetres (116 square inches) in sectional area and all vertical ducts serving more than a single deck space shall be constructed of steel or other equivalent material.

(ii) Ducts less than 750 square centimetres (116 square inches) in sectional area shall be constructed of incombustible materials. Where such ducts penetrate "A" or "B" Class divisions due regard shall be given to ensuring the fire integrity of the division.

(iii) Short lengths of duct, not in general exceeding 200 square centimetres (31 square inches) in sectional area nor 2 metres (79 inches) in length, need not be incombustible provided that all of the following conditions are met:

(1) the duct is constructed of a material of restricted fire risk to the satisfaction of the Administration;

(2) the duct is used only at the terminal end of the ventilation system; and

(3) the duct is not located closer than 60 centimetres (24 inches) measured along its length to a penetration of an "A" or "B" Class division, including continuous "B" Class ceilings.

(e) Where a stairway enclosure is ventilated, the duct or ducts (if any) shall be taken from the fan room independently of other ducts in the ventilation system, and shall not serve any other space.

(f) All power ventilation, except machinery and cargo space ventilation and any alternative system which may be required under paragraph (h) of this Regulation, shall be fitted with controls so grouped that all fans may be stopped from either of two separate positions which shall be situated as far apart as practicable. Controls provided for the power ventilation serving machinery spaces shall also be grouped so as to be operable from two positions, one of which shall be outside such spaces. Fans serving power ventilation systems to cargo spaces shall be capable of being stopped from a safe position outside such spaces.

(g) Where they pass through accommodation spaces or spaces containing combustible materials, the exhaust ducts from galley ranges shall be constructed of "A" Class divisions. Each exhaust duct shall be fitted with:

(i) a grease trap readily removable for cleaning;

(ii) a fire damper located in the lower end of the duct;

(iii) arrangements, operable from within the galley, for shutting off the exhaust fan; and

(iv) fixed means for extinguishing a fire within the duct.

(h) Such measures as are practicable shall be taken in respect of control stations outside machinery spaces in order to ensure that ventilation, visibility and freedom from smoke are maintained, so that in the event of fire the machinery and equipment contained therein may be supervised and continue to function effectively. Alternative and separate means of air supply shall be provided; air inlets of the two sources of supply shall be so disposed that the risk of both inlets drawing in smoke simultaneously is minimized. At the discretion of the Administration, such requirements need not apply to control stations situated on, and opening on to, an open deck, or where local closing arrangements would be equally effective.

(i) Ducts provided for ventilation of machinery spaces of Category A shall not in general pass through accommodation, service spaces or control stations, except that the Administration may permit relaxation from this requirement, provided that:

(i) the ducts are constructed of steel, and are insulated to A–60 standard, or

(ii) the ducts are constructed of steel and are fitted with an automatic fire damper close to the boundary penetrated and are insulated to A–60 standard from the machinery space to a point at least 5 metres (16 feet) beyond the fire damper.

(j) Ducts provided for ventilation of accommodation, service spaces, or control stations shall not in general pass through machinery spaces of Category A, except that the Administration may permit relaxation from this requirement provided that the ducts are constructed of steel and automatic fire dampers are fitted close to the boundaries penetrated.

REGULATION 104

Windows and sidescuttles

(a) All windows and sidescuttles in bulkheads within accommodation and service spaces and control stations, other than those to which the provisions of Regulations 101 (h) and 102(c) of this Chapter apply, shall be constructed so as to preserve the integrity requirements of the type of bulkhead in which they are fitted.

(b) Notwithstanding the requirements of the tables in Regulation 98 of this Chapter:

(i) All windows and sidescuttles in bulkheads separating accommodation and service spaces and control stations from weather shall be constructed with frames of steel or other suitable material. The glass shall be retained by a metal glazing bead or angle.

(ii) Special attention shall be given to the fire integrity of windows facing open or enclosed lifeboat and liferaft embarkation areas and to windows situated below such areas in such a position that their failure during a fire would impede the launching of, or embarkation into, lifeboats or liferafts.

REGULATION 105

Restriction of combustible materials

(a) Except in cargo spaces, mail rooms, baggage rooms, or refrigerated compartments of service spaces, all linings, grounds, ceilings and insulations shall be of incombustible materials. Partial bulkheads or decks used to subdivide a space for utility or artistic treatment shall also be of incombustible materials.

(b) Vapour barriers and adhesives used in conjunction with insulation, as well as insulation of pipe fittings, for cold service systems need not be incombustible, but they shall be kept to the minimum quantity practicable and their exposed surfaces shall have qualities of resistance to the propagation of flame to the satisfaction of the Administration.

(c) Bulkheads, linings and ceilings in all accommodation and service spaces may have combustible veneer, provided that such veneer shall not exceed 2.0 millimetres (one twelfth inch) within any such spaces except corridors, stairway enclosures and control stations where it shall not exceed 1.5 millimetres (one seventeenth inch).

(d) The total volume of combustible facings, mouldings, decorations and veneers in any accommodation and service space shall not exceed a volume equivalent to 2.5 millimetres (one tenth inch) veneer on the combined area of the walls and ceilings. In the case of ships fitted with an automatic sprinkler system complying with the provisions of Regulation 120 of this Chapter, the above volume may include some combustible material used for erection of "C" Class divisions.

(e) All exposed surfaces in corridors or stairway enclosures and surfaces in concealed or inaccessible spaces in accommodation and service spaces and control stations shall have low flame spread characteristics.

(f) Furniture in the passages and stairway enclosures shall be kept to a minimum.

(g) Paints, varnishes and other finishes used on exposed interior surfaces shall not be of a nature to offer an undue fire hazard in the judgment of the Administration and shall not be capable of producing excessive quantities of smoke or other toxic properties.

(h) Primary deck coverings, if applied, within accommodation and service spaces and control stations, shall be of approved material which will not readily ignite, or give rise to toxic or explosive hazards at elevated temperatures.

(i) Waste paper receptacles shall be constructed of incombustible materials and with solid sides and bottoms.

REGULATION 106

Miscellaneous items

Requirements Applicable to all Portions of the Ship

(a) Pipes penetrating "A" or "B" Class divisions shall be of a material approved by the Administration having regard to the temperature such divisions are required to withstand. Pipes conveying oil or combustible liquids shall be of a material approved by the Administration having regard to the fire risk. Materials readily rendered ineffective by heat shall not be used for overboard scuppers, sanitary discharges, and other outlets which are close to the waterline and where the failure of the material in the even of fire would give rise to danger of flooding.

Requirements Applicable to Accommodation and Service Spaces, Control Stations, Corridors and Stairways

(b) (i) Air spaces enclosed behind ceilings, panelling or linings shall be suitably divided by close-fitting draught stops not more than 14 metres (46 feet) apart.

(ii) In the vertical direction, such spaces, including those behind linings of stairways, trunks, etc., shall be closed at each deck.

(c) The construction of ceiling and bulkheading shall be such that it will be possible, without impairing the efficiency of the fire protection, for the fire patrols to detect any smoke originating in concealed and inaccessible places, except where in the opinion of the Administration there is no risk of fire originating in such places.

(d) Electric radiators, if used, shall be fixed in position and so constructed as to reduce fire risks to a minimum. No such radiators shall be fitted with an element so exposed that clothing, curtains, or other similar materials can be scorched or set on fire by heat from the element.

(c) Cellulose-nitrate-based films shall not be used for cinematograph installations.

REGULATION 107

Provision of an automatic sprinkler and fire alarm and fire detection system or an automatic fire alarm and fire detection system

In any ship to which the Regulations in this Part of this Chapter apply, there shall be installed throughout each separate zone, whether vertical or horizontal, in all accommodation and service spaces and, where it is considered necessary by the Administration, in control stations, except spaces which afford no substantial fire risk (such as void spaces, sanitary spaces, etc.) either:

(i) an automatic sprinkler and fire alarm and fire detection system of an approved type, complying with the provisions of Regulation 120 of this Chapter and installed and so arranged as to protect such spaces, or

(ii) an automatic fire alarm and fire detection system of an approved type, complying with the provisions of Regulation 121 of this Chapter, and installed and so arranged as to detect the presence of fire in such spaces.

REGULATION 108

Protection of special category spaces

Provisions Applicable to Special Category Spaces Whether Above or Below the Bulkhead Deck

(a) *General:*

(i) The basic principle underlying the provisions in this Regulation is that as normal main vertical zoning may not be practicable in special category spaces, equivalent protection must be obtained in such spaces on the basis of a horizontal zone concept and the provision of an efficient fixed fire extinguishing system. Under this concept a horizontal zone for the purpose of this Regulation may include special category spaces on more than one deck provided that the overall height of the zone does not exceed 10 metres (33 feet).

(ii) All requirements laid down in Regulations 101 and 103 of this Chapter for maintaining the integrity of vertical zones shall be applied equally to decks and bulkheads forming the boundaries separating the horizontal zones from each other and from the remainder of the ship.

(b) *Structural protection:*

(i) Boundary bulkheads of special category spaces shall be insulated as required for Category (11) spaces in Table 1 of Regulation 98 of this Chapter and the horizontal boundaries as required for Category (11) spaces in Table 3 of that Regulation.

(ii) Indicators shall be provided on the navigating bridge which shall indicate when any fire door leading to or from the special category spaces is closed.

(c) *Fixed fire extinguishing system:*

Each special category space shall be fitted with an approved fixed pressure water-spraying system for manual operation which shall protect all parts of any deck and vehicle platform, if any, in such space, provided that the Administration may permit the use of any other fixed fire extinguishing system that has been shown by full scale test in conditions simulating a flowing petrol fire in a special category space to be not less effective in controlling fires likely to occur in such a space.

(d) *Patrols and detection:*

(i) An efficient patrol system shall be maintained in special category spaces. In any such space in which the patrol is not maintained by a continuous fire watch at all times during the voyage there shall be provided in that space an automatic fire detection system of an approved type.

(ii) Manual fire alarms shall be provided as necessary throughout the special category spaces and one shall be placed close to each exit from such spaces.

(e) *Fire extinguishing equipment:*

There shall be provided in each special category space:

(i) a number of hydrants with hoses and dual purpose nozzles of an approved type so arranged that at least two jets of water each from a single length of hose not emanating from the same hydrant may reach any part of such space;

(ii) at least three water fog applicators;

(iii) one portable applicator unit complying with the provisions of Regulation 115(d) of this Chapter, provided that at least two such units are available in the ship for use in such spaces; and

(iv) such number of portable fire extinguishers of an approved type as the Administration may deem sufficient.

(f) *Ventilation system:*

(i) There shall be provided an effective power ventilation system for the special category spaces sufficient to give at least 10 air changes per hour. The system for such spaces shall be entirely separated from other ventilation systems and shall be operating at all times when vehicles are in such spaces. The Administration may require an increased number of air changes when vehicles are being loaded and unloaded.

(ii) The ventilation shall be such as to prevent air stratification and the formation of air pockets.

(iii) Means shall be provided to indicate on the navigating bridge any loss or reduction of the required ventilating capacity.

Additional Provisions Applicable Only to Special Category Spaces Above the Bulkhead Deck

(g) *Scruppers:*

In view of the serious loss of stability which could arise due to large quantities of water accumulating on the deck or decks consequent on the operation of the fixed pressure water-spraying system, scuppers shall be fitted so as to ensure that such water is rapidly discharged directly overboard.

(h) *Precautions against ignition of inflammable vapours:*

(i) Equipment which may constitute a source of ignition of inflammable vapours and in particular electrical equipment and wiring, shall be installed at least 45 centimetres (18 inches) above the deck, provided that if the Administration is satisfied that the installation of such electrical equipment and wiring below this level is necessary for the safe operation of the ship, such electrical equipment and wiring shall be of a type approved for use in an explosive petrol and air mixture. Electrical equipment installed at more than 45 centimetres (18 inches) above the deck shall be of a type so enclosed and protected as to prevent the escape of sparks. The reference to a level of 45 centimetres (18 inches) above the deck shall be construed to mean each deck on which vehicles are carried and on which explosive vapours might be expected to accumulate.

(ii) Electrical equipment and wiring, if installed in an exhaust ventilation duct, shall be of a type approved for use in explosive petrol and air mixtures and the outlet from any exhaust duct shall be sited in a safe position, having regard to other possible sources of ignition.

Additional Provisions Applicable Only to Special Category Spaces Below the Bulkhead Deck

(i) *Bilge pumping and drainage:*

In view of the serious loss of stability which could arise due to large quantities of water accumulating on the deck or tank top consequent on the operation of the fixed pressure water-spraying system, the Administration may require pumping and drainage facilities to be provided additional to the requirements of Regulation 18 of this Chapter.

(j) *Precautions against ignition of inflammable vapours:*

(i) Electrical equipment and wiring, if fitted, shall be of a type suitable for use in explosive petrol and air mixtures. Other equipment which may constitute a source of ignition of inflammable vapours shall not be permitted.

(ii) Electrical equipment and wiring, if installed in an exhaust ventilation duct, shall be of a type approved for use in explosive petrol and air mixtures and the outlet from any exhaust duct shall be sited in a safe position, having regard to other possible sources of ignition.

REGULATION 109

Protection of cargo spaces (other than special category spaces) containing motor vehicles with fuel in their tanks for their own propulsion

In any cargo space (other than special category spaces) containing motor vehicles with fuel in their tanks for their own propulsion, the following provisions shall be complied with:

(a) *Fire detection:*

There shall be provided an approved fire detection and fire alarm system.

(b) *Fire extinguishing arrangements:*

(i) There shall be fitted a fixed gas fire extinguishing system which shall comply with the provisions of Regulation 116 of this Chapter, except that if a carbon dioxide system is fitted, the quantity of gas available shall be at least sufficient to give a minimum volume of free gas equal to 45 per cent of the gross volume of the largest such cargo space which is capable of being sealed, and the arrangements shall be such as to ensure that the gas is introduced rapidly and effectively into the space. Any other fixed gas fire extinguishing system or fixed high expansion froth fire extinguishing system may be fitted provided it gives equivalent protection.

(ii) There shall be provided for use in any such space such number of portable fire extinguishers of an approved type as the Administration may deem sufficient.

(c) *Ventilation system:*

(i) In any such cargo space there shall be provided an effective power ventilation system sufficient to give at least 10 air changes per hour. The system for such cargo spaces shall be entirely separated from other ventilation systems and shall be operating at all times when vehicles are in such spaces.

(ii) The ventilation shall be such as to prevent air stratification and the formation of air pockets.

(iii) Means shall be provided to indicate on the navigating bridge any loss or reduction of the required ventilating capacity.

(d) *Precautions against ignition of inflammable vapours:*

(i) Electrical equipment and wiring, if fitted, shall be of a type suitable for use in explosive petrol and air mixtures. Other equipment which may constitute a source of ignition of inflammable vapours shall not be permitted.

(ii) Electrical equipment and wiring, if installed in an exhaust ventilation duct, shall be of a type approved for use in explosive petrol and air mixture and the outlet from any exhaust duct shall be sited in a safe position, having regard to other possible sources of ignition.

REGULATION 110

Arrangements for oil fuel, lubricating oil and other inflammable oils

(a) *Oil fuel arrangements:*

In a ship in which oil fuel is used, the arrangements for the storage, distribution and utilization of the oil fuel shall be such as to ensure the safety of the ship and persons on board and shall at least comply with the following provisions:

(i) No oil fuel which has a flashpoint of less than 61°C (141°F) (closed cup test) as determined by an approved flashpoint apparatus shall be used as fuel, except in emergency generators, in which case the flashpoint shall be not less than 43°C (110°F).

Provided that the Administration may permit the general use of fuel oil having a flashpoint of not less than 43°C (110°F) subject to such additional precautions as it may consider necessary and on condition that the temperature of the space in which such fuel is stored or used shall not be allowed to rise to within 10°C (18°F) below the flashpoint of the fuel.

(ii) As far as practicable, no part of the oil fuel system containing heated oil under pressure exceeding 1.8 kilogrammes per square centimetre (25 pounds per square inch) gauge shall be so concealed that defects and leakage cannot readily be observed. In way of such parts of the oil fuel system the machinery space shall be adequately illuminated.

(iii) The ventilation of machinery spaces shall be sufficient under all normal conditions to prevent accumulation of oil vapour.

(iv)(1) As far as practicable, oil fuel tanks shall be part of the ship's structure and shall be located outside machinery spaces of Category A. When oil fuel tanks, except double bottom tanks, are necessarily located adjacent to machinery spaces of Category A, they shall preferably have a common boundary with the double bottom tanks, and the area of the tank boundary common with the machinery space shall be kept to a minimum. In general, the use of free-standing oil fuel tanks shall be avoided but when such tanks are employed they shall not be situated in machinery spaces of Category A.

(2) No oil tanks shall be situated where spillage or leakage therefrom can constitute a hazard by falling on heated surfaces. Precautions shall be taken to prevent any oil that may escape under pressure from any

pump, filter or heater from coming into contact with heated surfaces.

(v) Every oil fuel pipe which if damaged, would allow oil to escape from a storage, settling or daily service tank situated above the double bottom shall be fitted with a cock or valve on the tank capable of being closed from a safe position outside the space concerned in the event of a fire arising in the space in which such tanks are situated. In the special case of deep tanks situated in any shaft or pipe tunnel or similar space, valves on the tanks shall be fitted but control in event of fire may be effected by means of an additional valve on the pipe or pipes outside the tunnel or similar space.

(vi) Safe and efficient means of ascertaining the amount of oil fuel contained in any oil tank shall be provided. Sounding pipes with suitable means of closure may be permitted if their upper ends terminate in safe positions. Other means of ascertaining the amount of oil fuel contained in any oil fuel tank may be permitted if they do not require penetration below the top of the tank, and providing their failure or overfilling of the tanks will not permit release of fuel thereby.

(vii) Provision shall be made to prevent over-pressure in any oil tank or in any part of the oil fuel system, including the filling pipes. Any relief valves and air or overflow pipes shall discharge to a position which, in the opinion of the Administration, is safe.

(viii) Oil fuel pipes shall be of steel or other approved material, provided that restricted use of flexible pipes shall be permissible in positions where the Administration is satisfied that they are necessary. Such flexible pipes and end attachments shall be of approved fire resisting materials of adequate strength and shall be constructed to the satisfaction of the Administration.

(b) *Lubricating oil arrangements:*

The arrangements for the storage, distribution and utilization of oil used in pressure lubrication systems shall be such as to ensure the safety of the ships and persons on board, and such arrangements in machinery spaces of Category A and, whenever practicable, in other machinery spaces, shall at least comply with the provisions of subparagraphs (ii), (iv)(2), (v), (vi) and (vii) of paragraph (a) of this Regulation.

(c) *Arrangements for other inflammable oils:*

The arrangements for the storage, distribution and utilization of other inflammable oils employed under pressure and heating systems shall be such as to ensure the safety of the ship and persons on board. In locations where means of ignition are present such arrangements shall at least comply with the provisions of sub-paragraphs (iv) (2) and (vi), and with the provisions of sub-paragraph (viii) in respect of strength and construction, of paragraph (a) of this Regulation.

REGULATION 111

Openings in machinery spaces and means for closing such openings, for stopping machinery and for shutting off oil fuel suction pipes

(a) The provisions of this Regulation shall apply to machinery spaces of Category A and, where the Administration considers it desirable, to other machinery spaces.

(b)(i) The number of skylights, doors, ventilators, openings in funnels to permit exhaust ventilation and other openings to machinery spaces shall be reduced to a minimum consistent with the needs of ventilation and the proper and safe working of the ship.

(ii) The flaps of such skylights where fitted shall be of steel. Suitable arrangements shall be made to permit the release of smoke in the event of fire, from the space to be protected.

(iii) Such doors other than power-operated watertight doors shall be arranged so that positive closure is assured in case of fire in the space, by power-operated closing arrangements or by the provision of self-closing doors capable of closing against an inclination of 3½ degrees opposing closure and having a fail-safe hook-back facility, provided with a remotely operated release device.

(c) Windows shall not be fitted in machinery space casings.

(d) Means of control shall be provided for:

(i) opening and closure of skylights, closure of openings in funnels which normally allow exhaust ventilation, and closure of ventilator dampers;

(ii) permitting the release of smoke;

(iii) closure of power-operated doors or release mechanism on doors other than power-operated watertight doors;

(iv) stopping ventilating fans; and

(v) stopping forced and induced draught fans, oil fuel transfer pumps, oil fuel unit pumps and other similar fuel pumps.

(e) The controls required for ventilating fans shall comply with the provisions of Regulation 103(f) of this Chapter. The controls for any required fixed fire extinguishing system and those required by subparagraphs (d)(i), (ii), (iii) and (v) of this Regulation and of Regulation 110(a)(v) of this Chapter shall be situated at one control position, or grouped in as few positions as possible to the satisfaction of the Administration. Such position or positions shall be located where they will not be cut off in the event of fire in the space they serve, and shall have a safe access from the open deck.

REGULATION 112

Maintenance of fire patrols, etc., and provision of fire extinguishing equipment

(a) *Fire patrols and detection, alarms and public address systems:*

(i) An efficient patrol system shall be maintained so that an outbreak of fire may be promptly detected. Each member of the fire patrol shall be trained to be familiar with the arrangements of the ship as well as the location and operation of any equipment he may be called upon to use.

(ii) Manual alarms shall be fitted throughout the accommodation and service spaces to enable the fire patrol to give an alarm immediately to the bridge or main fire control station.

(iii) An approved fire alarm of fire detecting system shall be provided which will automatically indicate at one or more suitable points or stations the presence or indication of fire and its location in any cargo space which, in the opinion of the Administration, is not accessible to the patrol system, except where it is shown to the satisfaction of the Administration that the ship is engaged on voyages of such short duration that it would be unreasonable to apply this requirement.

(iv) The ship shall at all times when at sea, or in port (except when out of service), be so manned or equipped as to ensure that any initial fire alarm is immediately received by a responsible member of the crew.

(v) A special alarm, operated from the bridge or control station, shall be fitted to summon the crew. This alarm may be part of the ship's general alarm system but it shall be capable of being sounded independently of the alarm to the passenger spaces.

(vi) A public address system or other effective means of communication shall be available throughout the accommodation and service spaces and control stations.

(b) *Fire pumps and fire main system:*

The ship shall be provided with fire pumps, fire main system, hydrants and hoses complying with the provisions of Regulation 113 of this Chapter and shall comply with the following requirements:

(i) In a ship of 4,000 tons gross tonnage and upwards, there shall be provided at least three independently driven fire pumps and, in a ship of less than 4,000 tons gross tonnage, at least two such fire pumps.

(ii) In a ship of 1,000 tons gross tonnage and upwards, the arrangement of sea connections, fire pumps and sources of power for operating them shall be such as to ensure that a fire in any one compartment will not put all the fire pumps out of action.

(iii) In a ship of 1,000 tons gross tonnage and upwards, the arrangement of fire pumps, fire mains and hydrants shall be such that at least one effective jet of water as stipulated in Regulation 113(c) of this Chapter is immediately available from any one hydrant in an interior location. Arrangements shall also be made to ensure the continuation of the output of water by the automatic starting of a required fire pump.

(iv) In a ship of less than 1,000 tons gross tonnage the arrangements shall be to the satisfaction of the Administration.

(c) *Fire hydrants, hose and nozzles:*

(i) The ship shall be provided with fire hoses the number and diameter of which shall be to the satisfaction of the Administration. There shall be at least one fire hose for each of the hydrants required by Regulation 113(d) of this Chapter and these hoses shall be used only for the purposes of extinguishing fires or testing the fire extinguishing apparatus at fire drills and surveys.

(ii) In accommodation and service spaces and in machinery spaces, the number and position of hydrants shall be such that the requirements of Regulation 113(d) of this Chapter may be complied with when all watertight doors and all doors in main vertical zone bulkheads are closed.

(iii) The arrangements shall be such that at least two jets of water can reach any part of any cargo space when empty.

(iv) All required hydrants in machinery spaces shall be fitted with hoses having in addition to the nozzles required in Regulation 113(g) of this Chapter nozzles suitable for spraying water on oil, or alternatively dual purpose nozzles. Additionally, each machinery space of Category A shall be provided with at least two suitable water fog applicators.[*]

(v) Water spray nozzles or dual purpose nozzles shall be provided for at least one quarter of the number of hoses required in parts of the ship other than machinery spaces.

(vi) For each pair of breathing apparatus there shall be provided one water fog applicator which shall be stored adjacent to such apparatus.

(vii) Where, in any machinery space of Category A, access is provided at a low level from an adjacent shaft tunnel, two hydrants fitted with hoses with dual purpose nozzles shall be provided external to, but near the entrance to that machinery space. Where such access is not provided from a tunnel but is provided from other space or spaces there shall be provided in one of those spaces two hydrants fitted with hoses with dual purpose nozzles near the entrance to the machinery space of Category A. Such provision need not be made when the tunnel or adjacent spaces are not part of an escape route.

(d) *International shore connection:*

(i) A ship of 1,000 tons gross tonnage and upwards shall be provided with at least one international shore connection, complying with the provisions of Regulation 56(h) of this Chapter.

(ii) Facilities shall be available enabling such a connection to be used on either side of the ship.

(e) *Portable fire extinguishers in accom-*

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[*] A water fog applicator might consist of a metal "L" shaped pipe, the long limb being about 2 metres (6 feet) in length capable of being fitted to a fire hose and the short limb being about ¼ metre (10 inches) in length fitted with a fixed water fog nozzle or capable of being fitted with a water spray nozzle.

modation and service spaces and control stations:

The ship shall be provided in accommodation and service spaces and control stations with such approved portable fire extinguishers as the Administration may deem to be appropriate and sufficient.

(f) *Fixed fire extinguishing arrangements in cargo spaces:*

(i) The cargo spaces of ships of 1,000 tons gross tonnage and upwards shall be protected by a fixed gas fire extinguishing system complying with the provisions of Regulation 116 of this Chapter, or by a fixed high expansion froth fire extinguishing system which gives equivalent protection.

(ii) Where it is shown to the satisfaction of the Administration that a ship is engaged on voyages of such short duration that it would be unreasonable to apply the requirements of sub-paragraph (i) of this paragraph and also in ships of less than 1,000 tons gross tonnage, the arrangements in cargo spaces shall be to the satisfaction of the Administration.

(g) *Fire extinguishing appliances in boiler rooms, etc.:*

Spaces containing oil-fired boilers or oil fuel units shall be provided with the following arrangements.

(i) There shall be any one of the following fixed fire extinguishing systems:

(1) A pressure water-spraying system complying with the provisions of Regulation 119 of this Chapter;

(2) A gas system complying with the provisions of Regulation 116 of this Chapter;

(3) A froth system complying with the provisions of Regulation 117 of this Chapter;

(4) A high expansion froth system complying with the provisions of Regulation 118 of this Chapter.

In each case if the engine and boiler rooms are not entirely separate, or if fuel oil can drain from the boiler room into the engine room, the combined engine and boiler rooms shall be considered as one compartment.

(ii) There shall be in each boiler room at least one set of portable air-froth equipment complying with the provisions of Regulation 115(d) of this Chapter.

(iii) There shall be at least two approved portable extinguishers discharging froth or equivalent in each firing space in each boiler room and each space in which a part of the oil fuel installation is situated. There shall be not less than one approved froth type extinguisher of at least 136 litres (30 gallons) capacity or equivalent in each boiler room. These extinguishers shall be provided with hoses on reels suitable for reaching any part of the boiler room.

(iv) In each firing space there shall be a receptacle containing sand, sawdust impregnated with soda or other approved dry material, in such quantity as may be required by the Administration. Alternatively an approved portable extinguisher may be substituted therefor.

(h) *Fire extinguishing appliances in spaces containing internal combustion type machinery:*

Spaces containing internal combustion machinery used either (1) for main propulsion, or (2) for other purposes when such machinery has in the aggregate a total power not less than 500 b.h.p., shall be provided with the following arrangements:

(i) There shall be one of the fire extinguishing systems required by sub-paragraph (g)(i) of this Regulation.

(ii) There shall be at least one set of portable air-froth equipment complying with the provisions of Regulation 115(d) of this Chapter.

(iii) There shall be in each such space approved froth type fire extinguishers each of at least 45 litres (10 gallons) capacity or equivalent sufficient in number to enable froth or its equivalent to be directed on to any part of the fuel and lubricating oil pressure systems, gearing and other fire hazards. In addition, there shall be provided a sufficient number of portable froth extinguishers or equivalent which shall be so located that an extinguisher is not more than 10 metres (33 feet) walking distance from any point in the space; provded that there shall be at least two such extinguishers in each such space.

(i) *Fire extinguishing arrangements in spaces containing steam turbines or enclosed steam engines:*

In spaces containing steam turbines or enclosed steam engines used either (1) for main propulsion or (2) for other purposes when such machinery has in the aggregate a total of not less than 500 b.h.p., there shall be provided:

(i) froth fire extinguishers each of at least 45 litres (10 gallons) capacity or equivalent sufficient in number to enable froth or its equivalent to be directed on to any part of the pressure lubrication system, on to any part of the casings enclosing pressure lubricated parts of the turbines, engines or associated gearing, and any other fire hazards. Provided that such extinguishers shall not be required if protection at least equivalent to this sub-paragraph is provided in such spaces by a fixed fire extinguishing system fited in compliance with sale-paragraph (g)(i) of this Regulation.

(ii) There shall be provided a sufficient number of portable froth extinguishers or equivalent which shall be so located that an extinguisher is not more than 10 metres (33 feet) walking distance from any point in the space; provided that (1) there shall be at least two such extinguishers in each such space, and (2) such extinguishers shall not be required in addition to any provided in compliance with sub-paragraph (h)(iii) of this Regulation.

(j) *Fire extinguishing appliances in other machinery spaces:*

Where, in the opinion of the Administration, a fire hazard exists in any machinery space for which no specific provisions for fire extinguishing appliances are prescribed in paragraphs (g), (h) and (i) of this Regulation there shall be provided in, or adjacent to, that space such number of approved portable fire extinguishers or other means of fire extinction as the Administration may deem sufficient.

(k) *Fixed extinguishing appliances not required by this part:*

Where a fixed fire extinguishing system not required by this Part of this Chapter is installed, such a system shall be to the satisfaction of the Administration.

(l) *Special requirements for machinery spaces:*

(i) For any machinery space a Category A to which access is provided at a low level from an adjacent shaft tunnel there shall be provided in addition to any watertight door and on the side remote from that machinery space a light steel fire-screen door which shall be operable from each side.

(ii) An automatic fire detection and alarm system shall be fitted when the Administration considers such special precautions warranted in any machinery space in which the installation of automatic and remote control systems and equipment have been approved in lieu of continuous manning of the space.

(m) *Fireman's outfits and personal equipment:*

Fireman's outfits and sets of personal equipment shall be provided in accordance with the provisions of Regulation 64(j) of this Chapter.

REGULATION 113

Detailed requirements applicable to fire pumps, fire main, hydrants and hoses

(a) *Total capacity of fire pumps:*

The required fire pumps shall be capable of delivering for fire-fighting purposes a quantity of water, at the appropriate pressure prescribed below, not less than two-thirds of the quantity required to be dealt with by the bilge pumps when employed for bilge pumping.

(b) *Fire pumps:*

(i) The fire pumps shall be independently driven. Sanitary, ballast, bilge or general service pumps may be accepted as fire pumps, provided that they are not normally used for pumping oil and that if they are subject to occasional duty for the transfer of pumping of fuel oil, suitable changeover arrangements are fitted.

(ii) Each of the required fire pumps shall have a capacity not less than 80 percent of the total required capacity divided by the minimum number of required fire pumps and each such pump shall in any event be capable of delivering at least the two required jets of water. These fire pumps shall be capable of supplying the fire main system under the required conditions.

(iii) Where more pumps than the minimum number of required pumps are installed the capacity of such additional pumps shall be to the satisfaction of the Administration.

(iv) Relief valves shall be provided in conjunction with all fire pumps if the pumps are capable of developing a pressure exceeding the design pressure of the water service pipes, hydrants and hoses. These valves shall be so placed and adjusted as to prevent excessive pressure in any part of the fire main system.

(c) *Pressure in the fire main system:*

(i) The diameter of the fire main shall be sufficient for the effective distribution of the maximum required discharge from two fire pumps operating simultaneously.

(ii) With the two pumps simultaneously delivering through nozzles specified in paragraph (g) of this Regulation, the quantity of water specified in sub-paragraph (i) of this paragraph, through any adjacent hydrants, the following minimum pressures shall be maintained at all hydrants.

In ships of 4,000 tons gross tonnage and upwards	3.2 kilogrammes per square centimetre (45 pounds per square inch)
In ships of 1,000 tons gross tonnage and upwards, but under 4,000 tons gross tonnage	2.8 kilogrammes per square centimetre (40 pounds per square inch)
In ships of under 1,000 tons gross tonnage	To the satisfaction of the Administration

(d) *Number and position of hydrants:*

The number and position of the hydrants shall be such that at least two jets of water not emanating from the same hydrant, one of which shall be from a single length of hose, may reach any part of the ship normally accessible to the passengers or crew while the ship is being navigated.

(e) *Pipes and hydrants:*

(i) Materials readily rendered ineffective by heat shall not be used for fire mains and hydrants unless adequately protected. The pipes and hydrants shall be so placed that the fire hoses may be easily coupled to them. In ships where deck cargo may be carried, the positions of the hydrants shall be such that they are always readily accessible and the pipes shall be arranged as far as practicable to avoid risk of damage by such cargo. Unless there is provided one hose and nozzle for each hydrant in the ship, there shall be complete interchangeability of hose couplings and nozzles.

(ii) A cock or valve shall be fitted to serve each fire hose so that any fire hose may be removed while the fire pumps are at work.

(f) *Fire hoses:*

Fire hoses shall be of material approved by the Administration and sufficient in length to project a jet of water to any of the spaces in which they may be required to be used. Their maximum length shall be to the satisfaction of the Administration. Each hose shall be provided with a nozzle and the necessary couplings. Hoses specified in these Regulations as "fire hoses" shall together with any necessary fittings and tools be kept ready for use in conspicuous positions near the fire hydrants or connections.

Additionally, in interior locations, fire hoses shall be connected to the hydrants at all times.

(g) *Nozzles:*

(i) For the purposes of this part, standard nozzle sizes shall be 12 millimetres (½ inch), 16 millimetres (⅝ inch) and 19 millimetres (¾ inch), or as near thereto as possible. Larger diameter nozzles may be permitted at the discretion of the Administration.

(ii) For accommodation and service spaces, a nozzle size greater than 12 millimetres (½ inch) need not be used.

(iii) For machinery spaces and exterior locations, the nozzle size shall be such as to obtain the maximum discharge possible from two jets at the pressure mentioned in paragraph (c) of this Regulation from the smallest pump, provided that a nozzle size greater than 19 millimetres (¾ inch) need not be used.

REGULATION 114

Ready availability of fire extinguishing appliances

Fire extinguishing appliances shall be kept in good order and available for immediate use at all times during the voyage.

REGULATION 115

Fire extinguishers

(a) All fire extinguishers shall be of approved types and designs.

(i) The capacity of required portable fluid extinguishers shall be not more than 13½ litres (3 gallons) and not less than 9 litres (2 gallons). Other extinguishers shall not be in excess of the equivalent portability of the 13½ litre (3 gallon) fluid extinguisher and shall not be less than the fire extinguishing equivalent of a 9 litre (2 gallon) fluid extinguisher.

(ii) The Administration shall determine the equivalents of fire extinguishers.

(b) Spare charges shall be provided in accordance with requirements to be specified by the Administration.

(c) Fire extinguishers containing an extinguishing medium which, in the opinion of the Administration, either by itself or under expected conditions of use gives off toxic gases in such quantities as to endanger persons shall not be permitted.

(d) A portable froth applicator unit shall consist of an inductor type of air-froth nozzle capable of being connected to the fire main by a fire hose, together with a portable tank containing at least 20 litres (4½ gallons) of froth-making liquid and one spare tank.

The nozzle shall be capable of producing effective froth suitable for extinguishing an oil fire, at the rate of at least 1.5 cubic metres (53 cubic feet) per minute.

(e) Fire extinguishers shall be periodically examined and subjected to such tests as the Administration may require.

(f) One of the portable fire extinguishers intended for use in any space shall be stowed near the entrance to that space.

REGULATION 116

Fixed gas fire extinguishing system

(a) The use of a fire extinguishing medium which, in the opinion of the Administration, either by itself or under expected conditions of use gives off toxic gases in such quantities as to endanger persons shall not be permitted.

(b) Where provision is made for the injection of gas for fire extinguishing purposes, the necessary pipes for conveying the gas shall be provided with control valves or cocks so marked as to indicate clearly the compartments to which the pipes are led. Suitable provision shall be made to prevent inadvertent admission of the gas to any compartment. Where cargo spaces fitted with such a system for fire protection are used as passenger spaces the gas connection shall be blanked during such use.

(c) The piping shall be arranged so as to provide effective distribution of fire extinguishing gas.

(d)(i) When carbon dioxide is used as the extinguishing medium in cargo spaces, the quantity of gas available shall be sufficient to give a minimum volume of free gas equal to 30 per cent of the gross volume of the largest cargo compartment in the ship which is capable of being sealed.

(ii) When carbon dioxide is used as an extinguishing medium for machinery spaces of Category A the quantity of gas carried shall be sufficient to give a minimum quantity of free gas equal to the larger of the following quantities, either:

(1) 40 per cent of the gross volume of the largest space, the volume to include the casing up to the level at which the horizontal area of the casing is 40 per cent or less of the horizontal area of the space concerned taken midway between the tank top and the lowest part of the casings; or

(2) 35 per cent of the entire volume of the largest space including the casing;

provided that if two or more machinery spaces of Category A are not entirely separate they shall be considered as forming one compartment.

(iii) Where the volume of free air contained in air receivers in any machinery space of Category A is such that, if released in such space in the event of fire, such release of air within that space would seriously affect the efficiency of the fixed fire extinguishing installation, the Administration shall require the provision of an additional quantity of carbon dioxide.

(iv) When carbon dioxide is used as an extinguishing medium both for cargo spaces and for machinery spaces of Category A the quantity of gas need not be more than the maximum required either for the largest cargo compartment or machinery space.

(v) For the purpose of this paragraph the volume of carbon dioxide shall be calculated at 0.56 cubic metres to the kilogramme (9 cubic feet to the pound).

(vi) When carbon dioxide is used as the extinguishing medium for machinery spaces of Category A the fixed piping system shall be such that 85 per cent of the gas can be discharged into the space within 2 minutes.

(vii) Carbon dioxide bottle storage rooms shall be situated at a safe and readily accessible position and shall be effectively ventilated to the satisfaction of the Administration. Any entrance to such storage rooms shall preferably be from the open deck, and in any case shall be independent of the protected space. Access doors shall be gas tight and bulkheads and decks which form the boundaries of such rooms shall be gas tight and adequately insulated.

(e)(i) Where gas other than carbon dioxide is produced on the ship and is used as an extinguishing medium, it shall be a gaseous product of fuel combustion in which the oxygen content, the carbon monoxide content, the corrosive elements and any solid combustible elements have been reduced to a permissible minimum.

(ii) Where such gas is used as the extinguishing medium in a fixed fire extinguishing system for the protection of machinery spaces of Category A it shall afford protection equivalent to that provided by a fixed carbon dioxide system.

(iii) Where such gas is used as the extinguishing medium in a fixed fire extinguishing system for the protection of cargo spaces a sufficient quantity of such gas shall be available to supply hourly a volume of free gas at least equal to 25 percent of the gross volume of the largest compartment protected in this way for a period of 72 hours.

(f) Means shall be provided for automatically giving audible warning of the release of fire extinguishing gas into any space to which personnel normally have access. The alarm shall operate for a suitable period before the gas is released.

(g) The means of control of any such fixed gas fire extinguishing system shall be readily accessible and simple to operate and shall be grouped together in as few locations as possible at positions not likely to be cut off by a fire in the protected space.

REGULATION 117

Fixed froth fire extinguishing system

(a) A fixed froth fire extinguishing system shall be capable of discharging through fixed discharge outlets in not more than five minutes, a quantity of froth sufficient to cover to a depth of 15 centimeters (6 inches) the largest single area over which oil fuel is liable to spread. The system shall be capable of generating froth suitable for extinguishing oil fires. Means shall be provided for effective distribution of the froth through a permanent system of piping and control valves or cocks to suitable discharge outlets, and for the froth to be effectively directed by fixed sprayers on other main fire hazards in the protected space. The expansion ratio of the froth shall not exceed 12 to 1.

(b) The means of control of any such system shall be readily accessible and simple to operate and shall be grouped together in as few locations as possible at positions not likely to be cut off by a fire in the protected space.

REGULATION 118

Fixed high expansion froth fire extinguishing system

(a)(i) A fixed high expansion froth system shall be capable of rapidly discharging through fixed discharge outlets a quantity of froth sufficient to fill the greatest space to be protected at a rate of at least 1 metre (3.3 feet) depth per minute. The quantity of froth-forming liquid available shall be sufficient to produce a volume of froth equal to five times the volume of the largest space to be protected. The expansion ratio of the froth shall not exceed 1,000 to 1.

(ii) The Administrative may permit alternative arrangements and discharge rates provided that it is satisfied that equivalent protection is achieved.

(b) Supply ducts for delivering froth, air intakes to the froth generator and the number of froth-producing units shall be in the opinion of the Administration be such as will provide effective froth production and distribution.

(c) The arrangement of the froth generator delivery ducting shall be such that a fire in the protected space will not affect the froth generating equipment.

(d) The froth generator, its sources of power supply, froth-forming liquid and means of controlling the system shall be readily accessible and simple to operate and shall be grouped in as few locations as possible at positions not likely to be cut off by fire in the protected space.

REGULATION 119

Fixed pressure water-spraying fire extinguishing system

(a) A fixed pressure water-spraying fire extinguishing system provided for protection of machinery spaces of Category A shall be provided with spraying nozzles of an approved type.

(b) The number and arrangement of the nozzles shall be to the satisfaction of the Administration and be such as to ensure an effective average distribution of water of at least 5 litres per square metre (0.1 gallon per square foot) per minute in the spaces to be protected. Where increased application rates are considered necessary, these shall be to the satisfaction of the Administration. Nozzles shall be fitted above bilges, tank tops and other areas over which oil fuel is liable to spread and also above other specific fire hazards in the machinery spaces of Category A.

(c) The system may be divided into sections, the distribution valves of which shall be operated from easily accessible positions outside the spaces to be protected and which will not be readily cut off by an outbreak of fire.

(d) The system shall be kept charged at the necessary pressure and the pump supplying the water for the system shall be put automatically into action by a pressure drop in the system.

(e) The pump shall be capable of simultaneously supplying at the necessary pressure all sections of the system in any one compartment to be protected. The pump and its controls shall be installed outside the space or spaces to be protected. It shall not be possible for a fire in the space or spaces protected by the water-spraying system to put the system out of action.

(f) The pump may be driven by independent internal combustion type machinery but if it is dependent upon power being supplied from the emergency generator fitted in compliance with the provisions of Regulation 25 of this Chapter that generator shall be arranged to start automatically in case of main power failure so that power for the pump required by paragraph (e) of this Regulation is immediately available. When the pump is driven by independent internal combustion type machinery it shall be so situated that a fire in the protected space will not affect the air supply to the machinery.

(g) Precautions shall be taken to prevent the nozzles from becoming clogged by impurities in the water or corrosion of piping, nozzles, valves and pump.

REGULATION 120

Automatic sprinkler and fire alarm and fire detection system

Where an automatic sprinkler and fire alarm and fire detection system is provided in compliance with the provisions of Regulation 107 of this Chapter, it shall be to the satisfaction of the Administration and shall comply with the following requirements:

(a) *General:*

(i) It shall be capable of immediate operation at all times and no action by the crew shall be necessary to set it in operation. It shall be of the wet pipe type but small exposed sections may be of the dry pipe type where in the opinion of the Administration this is a necessary precaution. Any parts of the system which may be subjected to freezing temperatures in service shall be suitably protected against freezing. It shall be kept charged at the necessary pressure and shall have provision for a continuous supply of water as required by this Regulation.

(ii) Each section of sprinklers shall include means for giving a visual and audible alarm signal automatically at one or more indicating units whenever any sprinkler comes into operation. Such units shall give an indication of any fire and its location in any space served by the system and shall be centralized on the navigating bridge or in the main fire control station, which shall be so manned or equipped as to ensure that any alarm from the system is immediately received by a responsible member of the crew. Such alarm system shall be constructed so as to indicate if any fault occurs in the system.

(b) *Sprinkler arrangements:*

(i) Sprinklers shall be grouped into separate sections, each of which shall contain not more than 200 sprinklers. Any section of sprinklers shall not serve more than two decks and shall not be situated in more than one main vertical zone, except that an Administration may, if it is satisfied that the protection of the ship against fire will not thereby be reduced, permit such a section of sprinklers to serve more than two decks or to be situated in more than one main vertical zone.

(ii) Each section of sprinklers shall be capable of being isolated by one stop valve only. The stop valve in each section shall be readily accessible and its location shall be clearly and permanently indicated. Means shall be provided to prevent the operation of the stop valves by any unauthorized person.

(iii) A gauge indicating the pressure in the system shall be provided at each section stop valve and at a central station.

(iv) The sprinklers shall be resistant to corrosion by marine atmospheres. In accommodation and service spaces the sprinklers shall come into operation within the temperature range of 68°C (155°F) and 79°C (175°F), except that in locations such as drying rooms, where high ambient temperatures might be expected, the operating temperature may be increased to not more than 30°C (54°F) above the maximum deck head temperature.

(v) A list or plan shall be displayed at each indicating unit showing the spaces covered and the location of the zone in respect of each section. Suitable instructions for testing and maintenance shall be available.

(c) *Positioning of sprinklers:*

Sprinklers shall be placed in an overhead position and spaced in a suitable pattern to maintain an average application rate of not less than 5 litres per square metre per minute (0.1 gallon per square foot per minute) over the nominal area covered by the sprinklers. Alternatively, the Administration may permit the use of sprinklers providing such other amount of water suitably distributed as has been shown to the satisfaction of the Administration to be not less effective.

(d) *Pressure tank:*

(i) A pressure tank having a volume equal to at least twice that of the charge of water specified in this sub-paragraph shall be provided. The tank shall contain a standing charge of fresh water equivalent to the amount of water which would be discharged in one minute by the pump referred to in sub-paragraph (e)(ii) of this Regulation, and the arrangements shall provide for maintaining such air pressure in the tank to ensure that where the standing charge of fresh water in the tank has been used the pressure will be not less than the working pressure of the sprinkler, plus the pressure due to a head of water measured from the bottom of the tank to the highest sprinkler in the system. Suitable means of replenishing the air under pressure and of replenishing the fresh water charge in the tank shall be provided. A glass gauge shall be provided to indicate the correct level of the water in the tank.

(iii) Means shall be provided to prevent the passage of sea water into the tank.

(e) *Pump:*

(i) An independent power pump shall be provided solely for the purpose of continuing automatically the discharge of water from the sprinklers. The pump shall be brought into action automatically by the pressure drop in the system before the standing fresh water charge in the pressure tank is completely exhausted.

(ii) The pump and the piping system shall be capable of maintaining the necessary pressure at the level of the highest sprinkler to ensure a continuous output of water sufficient for the simultaneous coverage of a minimum area of 280 square meters (3,000 square feet) at the application rate specified in paragraph (c) of this Regulation.

(iii) The pump shall have fitted on the delivery side a test valve with a short open-ended discharge pipe. The effective area through the valve and pipe shall be adequate to permit the release of the required pump output while maintaining the pressure in the system specified in subparagraph (d)(i) of this Regulation.

(iv) The sea inlet to the pump shall wherever possible be in the space containing the pump and shall be so arranged that when the ship is afloat it will not be necessary to shut off the supply of sea water to the pump for any purpose other than the inspection or repair of the pump.

(f) *Location of sprinkler pump and tank:*

The sprinkler pump and tank shall be situated in a position reasonably remote from any machinery space of Category A and shall not be situated in any space required to be protected by the sprinkler system.

(g) *Power supply:*

There shall be not less than two sources of power supply for the sea water pump and automatic alarm and detection system. Where the sources of power for the pump are electrical these shall be a main generator and an emergency source of power. One supply for the pump shall be taken from the main switchboard, and one from the emergency switchboard by separate feeders reserved solely for that purpose.

The feeders shall be arranged so as to avoid galleys, machinery spaces and other enclosed spaces of high fire risk except in so far as it is necessary to reach the appropriate switchboards, and shall be run to an automatic change-over switch situated near the sprinkler pump. This switch shall permit the supply of power from the main switchboard so long as a supply is available therefrom, and be so designed that upon failure of that supply it will automatically change over to the supply from the emergency switchboard. The switches on the main switchboard and the emergency switchboard shall be clearly labelled and normally kept closed. No other switch shall be permitted in the feeders concerned. One of the sources of power supply for the alarm and detection system shall be an emergency source. Where one of the sources of power for the pump is an internal combustion type engine it shall, in addition to complying with the provisions of paragraph (*f*) of this Regulation, be so situated that a fire in any protected space will not effect the air supply to the machinery.

(h) *External connections:*

The sprinkler system shall have a connection from the ship's fire main by way of a lockable screw-down nonreturn valve at the connection which will prevent a backflow from the sprinkler system to the fire main.

(i) *Provision for testing:*

(i) A test valve be provided for testing the automatic alarm for each section of sprinklers by a discharge of water equivalent to the operation of one sprinkler. The test valve for each section shall be situated near the stop valve for that section.

(ii) Means shall be provided for testing the automatic operation of the pump, on reduction of pressure in the system.

(iii) Switches shall be provided at one of the indicating positions referred to in subparagraph (a)(ii) of this Regulation which will enable the alarm and the indicators for each section of sprinklers to be tested.

(j) *Provision of spare sprinkler heads:*

Spare sprinkler heads shall be provided for each section of sprinklers to the satisfaction of the Administration.

REGULATION 121

Automatic fire alarm and fire detection system

Where an automatic fire alarm and fire detection system is provided in compliance with the provisions of Regulation 107 of this Chapter, it shall be to the satisfaction of the Administration and shall comply with the following requirements:

(a) *General:*

(i) It shall be capable of immediate operation at all times and no action of the crew shall be necessary to set it in operation.

(ii) Each section of detectors shall include means for giving a visual and audible alarm signal automatically at one or more indicating units whenever any detector comes into operation. Such units shall give an indication of any fire and its location in any space served by the system and shall be centralized on the navigating bridge or in the main fire control station which shall be so manned or equipped as to ensure that any alarm from the system is immediately received by a responsible member of the crew. Such alarm system shall be constructed so as to indicate if any fault occurs in the system.

(b) *Detector arrangements:*

Detectors shall be grouped into separate sections each covering not more than 50 rooms served by such a system and containing not more than 100 detectors. A section of detectors shall not serve spaces on both the port and starboard sides of the ship nor on more than one deck and neither shall it be situated in more than one main vertical zone except that the Administration may if it is satisfied that the protection of the ship against fire will not thereby be reduced, permit such a section of detectors to serve both the port and starboard sides of the ship and more than one deck.

(c) *Type of system:*

The system shall be operated by an abnormal air temperature, by an abnormal concentration of smoke or by other factors indicative of incipient fire in any one of the spaces to be protected. Systems which are sensitive to air temperature shall not operate at less than 57° C (135° F) and shall operate at a temperature not greater than 74° C (165° F) when the temperature increase to those levels is not more than 1° C (1.8° F) per minute. At the discretion of the Administration the permissible temperature of operation may be increased to 30° C (54° F) above the maximum deckhead temperature in drying rooms and similar places of a normally high ambient temperature. Systems which are sensitive to smoke concentration shall operate on the reduction of the intensity of a transmitted light beam by an amount to be determined by the Administration. Other equally effective methods of operation may be accepted at the discretion of the Administration. The detection system shall not be used for any purpose other than fire detection.

(d) *Operation of detectors:*

The detectors may be arranged to operate the alarm by the opening or closing of contacts or by other appropriate methods. They shall be fitted in an overhead position and shall be suitably protected against impact and physical damage. They shall be suitable for use in a marine atmosphere. They shall be placed in an open position clear of beams and other objects likely to obstruct the flow of hot gases or smoke to the sensitive element. Detectors operated by the closing of contacts shall be of the sealed contact type and the circuit shall be continuously monitored to indicate fault conditions.

(e) *Detector grouping:*

At least one detector shall be installed in each space where detection facilities are required and there shall be not less than one detector for each 37 square metres (400 square feet) of deck area. In large spaces the detectors shall be arranged in a regular pattern so that no detector is more than 9 metres (30 feet) from another detector or more than 4.5 metres (15 feet) from a bulkhead.

(f) *Power supply:*

There shall be not less than two sources of power supply for the electrical equipment used in the operation of the fire alarm and fire detection system, one of which shall be an emergency source. The supply shall be provided by separate feeders reserved solely for that purpose. Such feeders shall run to a changeover switch situated in the control station for the fire detection system. The wiring system shall be so arranged as to avoid galleys, machinery spaces and other enclosed spaces having a high fire risk except in so far as it is necessary to provide for fire detection in such spaces or to reach the appropriate switchboard.

(g) *Provision for testing, etc.:*

(i) A list or plan shall be displayed adjacent to each indicating unit showing the spaces covered and the location of the zone in respect of each section. Suitable instructions for testing and maintenance shall be available.

(ii) Provision shall be made for testing the correct operation of the detectors and the indicating units by supplying means for applying hot air or smoke at detector positions.

(h) *Provision of spare detector heads:*

Spare detector heads shall be provided for each section of detectors to the satisfaction of the Administration.

REGULATION 122

Fire control plans

There shall be permanently exhibited for the guidance of the ship's officers general arrangement plans showing clearly for each deck the control stations, the various fire sections enclosed by "A" Class divisions, the sections enclosed by "B" Class divisions (if any), together with particulars of the fire alarms, detecting systems, the sprinkler installation (if any), the fire extinguishing appliances, means of access to different compartments, decks, etc., and the ventilating system including particulars of the fan control positions, the positions of dampers and identification numbers of the ventilating fans serving each section. Alternatively, at the discretion of the Administration, the aforementioned details may be set out in a booklet, a copy of which shall be supplied to each officer, and one copy at all times shall be available on board in an accessible position. Plans and booklets shall be kept up-to-date, any alterations being recorded thereon as soon as practicable. In addition, instructions concerning the maintenance and operation of all the equipment and installations on board for the fighting and containment of fire shall be kept under one cover, readily available in an accessible position.

REGULATION 123

Acceptance of substitutes

Where in this Part of this Chapter any special type of appliance, apparatus, extinguishing medium or arrangement is specified, any other type of appliance, etc., may be allowed, provided the Administration is satisfied that it is not less effective.

ANNEX IV

REGULATION 64(a)(ii)

An approved fire alarm or fire detecting system shall be provided which will automatically indicate at one or more suitable points or stations the presence or indication of fire and its location in any part of the ship which, in the opinion of the Administration, is not accessible to the patrol system, except where it is shown to the satisfaction of the Administration that the ship is engaged on voyages of such short duration that it would be unreasonable to apply this requirement

REGULATION 64(a)(iii)

The ship, whether new or existing, shall at all times when at sea, or in port (except when out of service) be so manned or equipped as to ensure that any initial fire alarm is immediately received by a responsible member of the crew.

REGULATION 64(j)

Fireman's outfits and personal equipment

(i) The minimum number of fireman's outfits complying with the requirements of Regulation 63 of this Chapter, and of additional sets of personal equipment, each such set comprising the items stipulated in subparagraphs (a)(i), (ii), and (iii) of that Regulation, to be carried in all passenger ships, shall be as follows:

(1) two fireman's outfits; and in addition

(2) for every 262 feet (or 80 metres) or part thereof, of the aggregate of the lengths of all passenger spaces and service spaces on the deck which carries such spaces or, if there is more than one such deck, on the deck which has the largest aggregate of such lengths, two fireman's outfits and two sets of personal equipment, each such set comprising the items stipulated in sub-paragraphs (a)(i), (ii) and (iii) of Regulation 63 of this Chapter.

(ii) For each fireman's outfit which includes a self-contained breathing apparatus as provided in Regulation 63(b) of this Chapter, spare charges shall be carried on a scale approved by the Administration.

(iii) Fireman's outfits and sets of personal equipment shall be stored in widely separated positions ready for use. At least two fireman's outfits and one set of personal equipment shall be available at any one position.

REGULATION 70

Fire control plans

There shall be permanently exhibited in all ships for the guidance of the ship's officers general arrangement plans showing clearly for each deck the control stations, the various fire sections enclosed by fire-resisting bulkheads, the sections enclosed by fire-retarding bulkheads (if any), together with particulars of the fire alarms, detecting systems, the sprinkler installation (if any), the fire extinguisher appliances, means of access to different compartments, decks, etc., and the ventilating system including particulars of the master fan controls, the position of dampers and identification numbers of the ventilating fans serving each section. Alternatively, at the discretion of the Administration, the aforementioned details may be set out in a booklet, a copy of which shall be supplied to each officer, and one copy at all times shall be available on board in an accessible position. Plans and booklets shll be kept up-to-date, any alterations being recorded thereon as soon as practicable. In addition, instructions concerning the maintenance and operation of all the equipment and installations on board for the fighting and containment of fire shall be kept under one cover, readily available in an accessible position.

REGULATION 25

Muster list and emergency procedure

(a) Special duties to be undertaken in the event of an emergency shall be allotted to each member of the crew.

(b) The muster list shall show all the special duties and shall indicate, in particular, the station to which each member must go, and the duties that he has to perform.

(c) The muster list for each passenger ship shall be in a form approved by the Administration.

(d) Before the vessel sails, the muster list shall be completed. Copies shall be posted in several parts of the ship, and in particular in the crew's quarters.

(e) The muster list shall show the duties assigned to the different members of the crew in connection with:

(i) the closing of the watertight doors, valves and closing mechanisms of scuppers, ash-shoots and fire doors;

(ii) the equipping of the lifeboats (including the portable radio apparatus for survival craft) and the other life-saving appliances;

(iii) the launching of the lifeboats;

(iv) the general preparation of the other life-saving appliances;

(v) the muster of the passengers; and

(vi) the extinction of fire, having regard to the ship's fire control plans.

(f) The muster list shall show the several duties assigned to the members of the stewards' department in relation to the passengers in case of emergency. These duties shall include:

(i) warning the passengers;

(ii) seeing that they are suitably clad and have put on their lifejackets in a proper manner;

(iii) assembling the passengers at muster stations;

(iv) keeping order in the passages and on the stairways, and, generally, controlling the movements of the passengers; and

(v) ensuring that a supply of blankets is taken to the lifeboats.

(g) The duties shown by the muster list in relation to the extinction of fire pursuant to sub-paragraph (e)(vi) of this Regulation shall include particulars of:

(i) the manning of the fire parties assigned to deal with fires;

(ii) the special duties assigned in respect of the operation of fire-fighting equipment and installations.

(h) The muster list shall specify definite signals for calling all the crew to their boat, liferaft and fire stations, and shall give full particulars of these signals. These signals shall be made on the whistle or siren and, except on passenger ships on short international voyages and on cargo ships of less than 150 feet (or 45.7 metres) in length, they shall be supplemented by other signals which shall be electrically operated. All these signals shall be operable from the bridge.

REGULATION 26(A)(IV)

The date upon which musters are held, and details of any training and drills in fire-fighting which are carried out on board shall be recorded in such log book as may be prescribed by the Administration; and, if in any week (for passenger ships) or month (cargo ships) no muster or a part muster only is held, an entry shall be made stating the circumstances and extent of the muster held. A report of the examination of the boat's equipment on cargo ships shall be entered in the log book, which shall also record the occasions on which the lifeboats are swung out and lowered in compliance with paragraph (c) of this Regulation.

ANNEX V

REGULATION 35(A)

(i) Every cargo ship, except ships employed as whale factory ships, fish processing or canning factory ships, and ships engaged in the carriage of persons employed in the whaling, fish processing or canning industries, shall carry lifeboats on each side of the ship of such aggregate capacity as will accommodate all persons on board, and in addition shall carry liferafts sufficient to accommodate half that number.

Provided that, in the case of such cargo ships engaged on international voyages between near neighbouring countries, the Administration, if it is satisfied that the conditions of the voyage are such as to render the compulsory carriage of liferafts unreasonable or unnecessary, may to that extent exempt individual ships or classes of ships from this requirement.

(ii)(1) Subject to the provisions of sub-paragraph (2), every tanker of 3,000 tons gross tonnage and upwards shall carry not less than four lifeboats, two of which shall be carried aft and two amidships, except that in tankers which have no amidships superstructure all lifeboats shall be carried aft.

(2) A tanker of 3,000 tons gross tonnage and upwards which has no amidships superstructure may be permitted by the Administration to carry two lifeboats only, provided that:

(aa) one lifeboat is carried aft on each side of the ship;

(bb) each such lifeboat shall not exceed 28 feet (or 8.5 metres) in length;

(cc) each such lifeboat shall be stowed as far forward as practicable, but at least so far forward that the after end of the lifeboat is one-and-a-half times the length of the lifeboat forward of the propeller; and

(dd) each such lifeboat shall be stowed as near sea-level as is safe and practicable.

REGULATION 35(C)

Every cargo ship with no amidships superstructure having a registered length of 492 feet (or 150 metres) and upwards shall carry, in addition to the liferafts required under paragraph (a)(i) of this Regulation, a liferaft capable of accommodating at least six persons which shall be stowed as far forward as is reasonable and practicable.

ANNEX VI

REGULATION 2(g)

"Radiotelephone station", "Radiotelephone installation" and "Watches—radiotelephone" shall be considered as relating to the Medium Frequency Band, unless expressly provided otherwise.

REGULATION 7 BIS

Watches—VHF radiotelephone

Each ship provided with a VHF radiotelephone station, in accordance with Regulation 18 of Chapter V, shall maintain a listening watch on the bridge for such periods and on such channels as may be required by the Contracting Government referred to in that Regulation.

REGULATION 15 BIS

VHF Radiotelephone Stations

(a) When a Very High Frequency radiotelephone station is provided in accordance with Regulation 18 of Chapter V, it shall be in the upper part of the ship and include a VHF radiotelephone installation complying with the provisions of this Regulation and comprising a transmitter and receiver, a source of power capable of actuating them at their rated power levels, and an antenna suitable for efficient radiating and receiving signals at the operating frequencies.

(b) Such a VHF installation shall conform to the requirements laid down in the Radio Regulations for equipment used in the VHF International Maritime Mobile Radiotelephone Service and shall be capable of operation on those channels specified by the Radio Regulations and as may be required by the Contracting Government referred to in Regulation 18 of Chapter V.

(c) The Contracting Government shall not require the transmitter R.F. carrier power output to be greater than 10 watts.

The antenna shall, in so far as is practicable, have an unobstructed view in all directions.*

(d) Control of the VHF channels required for navigational safety shall be immediately available on the bridge convenient to the conning position and, where necessary, facilities should also be available to permit radiocommunications from the wings of the bridge.

REGULATION 18

VHF Radiotelephone Stations

When a Contracting Government requires ships navigating in an area under its sovereignty to be provided with a Very High Frequency radiotelephone station to be used in conjunction with a system which it has established in order to promote safety of navigation, such station shall comply with the provisions of Regulation 15 bis of Chapter IV and shall be operated in accordance with Regulation 7 bis of Chapter IV.

Mr. MANSFIELD. Mr. President, the objectives of these amendments, while highly technical, are quite simple—namely, improving the ship safety standard features of the 1960 Safety of Life at Sea Convention. The spur to the most important of these amendments—annexes III and IV—was the tragic fire aboard the *Yarmouth Castle* over 2 years ago. The new fire safety standards set out in these annexes for new passenger ships were, in fact, proposed by the United States. Chiefly they involve the minimum use of combustible materials in new ships and improved standards for fire detection apparatus and firemen's outfits.

The other amendments, which do not concern fire protection but other aspects of safety of life at sea, were also either sponsored or supported by the United States. They are explained in the committee's report and I see no need to go into them at this point, other than to mention that to the committee's best knowledge, there is no opposition to any of them.

Compliance with these regulations will be obtained by refusing to allow the pick-up of passengers by any ship which does not conform to these standards as evidenced in a valid certificate.

The United States has always been a leading proponent of ship safety, and the approval of these amendments is entirely fitting to this role.

Mr. President, on behalf of the Committee on Foreign Relations I recommend that the Senate give its advice and consent to the ratification of the Amendments to the Safety of Life at Sea Convention contained in Executive C, 90th Congress, second session.

Mr. President, I ask unanimous consent that certain excerpts from the report (Ex. Rept. No. 4) pertinent to the convention be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

MAIN PROVISIONS

These amendments to the 1960 Safety of Life at Sea Convention (SOLAS) are all designed to improve ship safety standards. They are largely technical and are set forth in the numbered annexes to the resolution by which the Assembly of the Intergovernmental Maritime Consultative Organization (IMCO) adopted them.

Annex I (p. 7 of Ex. C) will exempt from certain SOLAS requirements novel types of craft, such as hydrofoil and hovercraft, so as to promote their development. This amendment makes clear what is understood to be the case anyway.

Annex II (p. 7) imposes three new requirements on ships undergoing modification to insure that they are at least as safe after modification as before. This amendment closes a loophole that theoretically existed under the present convention.

The amendment in annex III (pp. 7–49) is the most important of this group and relates to fire safety. It complements the SOLAS amendment approved by the Senate last year, which removed the "grandfather" clause from existing ships, by tightening fire safety standards for future passenger ships. In general this is accomplished by requiring the maximum use of noncombustible materials in ship construction and outfitting, as the United States has required by law since 1936.

Annex IV (pp. 50–52) also relates to fire safety and concerns higher standards for fire control plans and emergency procedures in both passenger and cargo vessels.

Annex V (pp. 52–53) adds new regulations concerning liferaft standards for tankers and other cargo ships and annex VI (pp. 53–54) establishes certain conditions relative to the use of VHF radio-telephones.

While IMCO which drew up these standards is a purely consultative and technical organization and has no enforcement powers compliance with these regulations is obtained by maritime nations by refusing to permit any ship, which does not carry a valid certification to pickup passengers in their ports. Thus, a foreign ship entering a U.S. port after these amendments have entered into force which does not comply with them can be prevented from taking on passengers in that port.

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*For guidance purposes, it is assumed that each ship would be fitted with a vertically polarized unity gain antenna at a nominal height of 30 feet (9.15 metres) above water, a transmitter R.F. power output of 10 watts, and a receiver sensitivity of 2 microvolts across the input terminals for 20 db signal-to-noise ratio.

COMMITTEE ACTION AND RECOMMENDATION

The fire safety amendments contained in Executive C round out the work begun by IMCO after the disastrous *Yarmouth Castle* fire and were proposed by the United States as were the amendments contained in annexes I and II. Annexes V and VI were proposed by other IMCO members but had the support of the U.S. delegation.

The Committee on Foreign Relations held a public hearing on the amendments on May 7, 1968, at which time William K. Miller, Director of the Office of Martime Affairs of the Department of State, testified in favor of the treaty. He was accompanied by Capt. W. F. Rea and Capt. Robert I. Price of the U.S. Coast Guard, who supported this position. The Department of State assured the committee that the amendments were drawn up in full consultation with the American maritime industry and other interested parties and that it knows of no objection or opposition to them. Neither does the committee. For the information of the Senate, the principal witness statement is appended to this report.

Upon completion of the hearing, the committee ordered the amendments favorably reported to the Senate. The United States will be the first to ratify these amendments but as the first in promoting ship safety standards, this seems only appropriate.

The Committee on Foreign Relations recommends that the Senate give its advice and consent to the ratification of Executive C.

STATEMENT OF WILLIAM K. MILLER, DIRECTOR, OFFICE OF MARITIME AFFAIRS, DEPARTMENT OF STATE, TO THE SENATE COMMITTEE ON FOREIGN RELATIONS, MAY 7, 1968

AMENDMENTS TO THE CONVENTION FOR THE SAFETY OF LIFE AT SEA

The amendments to the International Convention for the Safety of Life at Sea of 1960 which the President sent to the Senate on February 28, are the third major step in the administration's program to make necessary improvements in passenger-ship safety.

In November 1965, the *Yarmouth Castle* burned on a cruise from Florida with a loss of 90 lives, mostly Americans. This followed by less than 2 years the tragic burning of the *Lakonia*. These two disasters made it evident that the international passenger-ship safety standards established by the Convention for the Safety of Life at Sea of 1960 were not adequate.

The United States moved promptly to amend the convention through the Intergovernmental Maritime Consultative Organization. Giving attention to the most urgent need first, IMCO dealt first with the rules for existing vessels. The organization's Maritime Safety Committee agreed in May 1966 to recommend a series of amendments to the convention applicable to existing passenger ships, including the old ships which did not meet any kind of modern standards and were the greatest danger. These amendments were approved by an Extra ordinary Assembly of IMCO in November 1966. The Senate gave its advice and consent to acceptance on March 21, 1967, and these amendments have been accepted by the United States.

In the meantime the Congress passed and the President signed on November 6, 1966, Public Law 89–777, which makes certain provisions in domestic law complementary to the international convention. This law provides, among other things, for the financial responsibility of passenger-ship operators and for public notice of safety standards of passenger ships. To the extent that it pertains to safety standards, these standards are those that were agreed in IMCO in the form of amendments to the SOLAS Convention.

Also in the same period of time IMCO was proceeding with work on a further set of amendments to the convention to upgrade the standards for new ships. By "new ships" we mean ships to be built in the future, those ships for which the keel is laid after the new standards come into effect. The first group of amendments related to existing ships. The second group of amendments, which are being considered now, relate to new ships.

When the IMCO Maritime Safety Committee recommended a new set of rules for old ships in May 1966, it also instructed its Fire Protection Subcommittee to proceed on an urgent basis with a thorough review of the rules for new ships and to propose appropriate amendments to the convention to cover this aspect of the problem. The subcommittee held several meetings during 1966 and completed its work in December of that year. Its recommendations, with minor modifications, were then approved by the Maritime Safety Committee in March 1967 and by the IMCO Assembly at its regular biennial session in October 1967.

These new rules, which are found in annex III to the IMCO Assembly resolution, are by far the biggest part and also the most important of the amendments which the President has submitted.

The principle on which they are based is the maximum use of incombustible materials, and, conversely, the minimum use of combustibles. This is a principle which the U.S. Coast Guard has advocated and which has been incorporated in U.S. law and required for U.S.-flag passenger ships since 1936. However, the International Conventions for Safety of Life at Sea, both the convention of 1960 and the earlier convention of 1948, permitted a choice of methods. Incombustibles could be used, as in the U.S. method, but a sprinkler system method in conjunction with wood or other combustible construction also was permitted.

The new rules also permit a choice, but only a very limited choice. The two variants may be described broadly as follows:

(*a*) Within main zone fire-resisting divisions, accommodation and service spaces will be subdivided by incombustible fire-retarding divisions and an automatic fire detection and fire alarm system will be provided.

(*b*) Within main zone fire-resisting divisions, such spaces will be subdivided by incombustible divisions which may have a lesser degree of fire integrity than is required for variant (*a*) if an automatic sprinkler system is provided as well as a fire detection and alarm system.

In both cases, incombustible materials will be required for all structure and divisions. There are also other important improvements, for example, in the fire safety provisions for ventilation systems.

I don't want to go into a lot of technical detail. It would be appropriate to say, however, that the leading role in developing these amendments was played by the U.S. Coast Guard, and there was also strong support from the safety experts of other maritime countries.

Another amendment (annex IV) also related to fire safety. Specifically, it provides higher standards for passenger-ship fire detection apparatus and firemen's outfits, and for fire control plans and emergency procedures in both passenger and cargo vessels.

The other four amendments do the following:

The first (annex I) provides for exemption from certain requirements of the convention for novel types of craft, such as hydrofoils and hovercraft, so as to avoid impeding the development of such craft. This amendment is essentially a clarification, since the convention was already being construed in this manner.

The second amendment (annex II) requires ships undergoing modification to maintain at least the previous standards, thus avoiding the possibility, theoretically at least, that an older ship might be modified to a lower standard than it met before.

These two amendments, like the passenger-ship fire safety amendments, were proposed by the United States.

The last two amendments (annexes V and VI) will mean improved liferaft standards for tankers and other cargo ships and establish certain conditions relative to the use of VHF radiotelephones. Specifically, tankers as well as dry cargo ships will carry liferafts as well as lifeboats, and all cargo ships 150 meters or more in length with no amidships superstructure will have to carry a liferaft forward. The new regulations relating to use of VHF radiotelephones do not require the use of these instruments, but essentially provide orderly conditions for use when they are required by contracting governments. These two amendments were proposed by other members of IMCO, but were supported by the United States.

The IMCO Assembly adopted all of these amendments either unanimously or by overwhelming majorities. A few countries considered the new passenger-ship fire safety standards too severe in the extent to which they require the use of incombustible materials. They wanted to permit more use of wood when accompanied by sprinklers. However, the amendments were supported by a great majority and, in fact, there were 42 votes in favor, no opposing votes, and only five abstentions in the final rollcall.

For the record, there are 66 members of the Intergovernmental Maritime Consultative Organization, and 69 contracting governments to the Convention for Safety of Life at Sea. Pursuant to article IX of the SOLAS Convention, acceptance by two-thirds of the contracting governments is needed for these amendments to come into force.

As the Secretary of State indicated in his report to the President, we consulted with the American maritime industry and other interested parties concerning these amendments in preparation for all stages of IMCO consideration. We are not aware of any domestic objections to any of the amendments.

In conclusion, these amendments represent a significant improvement in ship safety standards. The United States was responsible for putting forward most of them, and prompt acceptance by the United States would encourage others to accept them. Accordingly, we hope the Senate will give its advice and consent to acceptance at a very early date.

The ACTING PRESIDENT pro tempore. If there be no objection, Executive C, 90th Congress, second session, will be considered as having passed through its parliamentary stages up to and including the presentation of the resolution of ratification.

The resolution of ratification of Executive C, 90th Congress, second session, the Amendments to the International Convention for the Safety of Life at Sea, will now be read.

The resolution of ratification to Executive C was read, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to accession by the United States of America to the Six Amendments to the International Convention for the Safety of Life at Sea, 1960, which were adopted on October 25, 1967, by the Assembly of the Intergovernmental Maritime Consultative Organization (IMCO) at its Fifth Regular Session, held in London October 17–26, 1967 (Ex. C, 90th Cong., second sess.).

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on this treaty, Executive C, 90th Congress, second session—and it will be a yea-and-nay vote—take place on Monday, May 13, 1968, immediately after the vote on the Convention on the International Hydrographic Organization.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

NOMINATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 302 and 303 on the Executive Calendar.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

The nominations will be stated.

MISSISSIPPI RIVER COMMISSION

The bill clerk read the nomination of Maj. Gen. Clarence C. Haug, U.S. Army, to be a member of the Mississippi River Commission.

The **ACTING PRESIDENT** pro tempore. Without objection, the nomination is considered and confirmed.

COMMUNICATIONS SATELLITE CORP.

The bill clerk read the nomination of Frederic G. Donner, of New York, to be a member of the Board of Directors of the Communications Satellite Corp.

The **ACTING PRESIDENT** pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Separation of Powers of the Committee on the Judiciary, be authorized to meet during the session of the Senate today.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The **ACTING PRESIDENT** pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Amendment of the District of Columbia Teachers' Salary Act of 1955, as Amended

A letter from the Assistant to the Commissioner, Government of the District of Columbia, transmitting a draft of proposed legislation to authorize the reduction of the salaries of teachers and school officers in the public schools of the District of Columbia for the purpose of purchasing annuities pursuant to the provisions of section 403(b) of the Internal Revenue Code, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of activities of the Office of the Inspector General, Department of Agriculture, dated May 8, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of the peanut price-support programs, Commodity Credit Corporation, Department of Agriculture dated May 9, 1968 (with an accompanying report); to the Committee on Government Operations.

Report of the Proceedings of the Judicial Conference of the United States

A letter from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, the report of the proceedings of a special meeting of the Judiciary Conference of the United States, held at Washington, D.C., February 27 to 28, 1968 (with an accompanying report); to the Committee on the Judiciary.

Prospects for Proposed Alteration Project

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which provides for the alteration of the General Services Administration Regional Office Building in Washington, D.C. (with an accompanying paper); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the American College Personnel Association, of Washington, D.C., praying for the enactment of legislation to amend the draft law; to the Committee on Armed Services.

A resolution adopted by the Minnesota League of Credit Unions, of St. Paul, Minnesota, praying for the enactment of legislation to remove the power of the Federal Reserve Board to regulate the interest rate on loans; to the Committee on Banking and Currency.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPONG, from the Committee on the District of Columbia, with amendments:

H.R. 16409. An act to amend the District of Columbia Teachers' Salary Act of 1955 to provide salary increases for teachers and school officers in the District of Columbia public schools, and for other purposes (Rept. No. 1115).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD:

S. 3471. A bill for the relief of William A. Gallagher; to the Committee on the Judiciary.

By Mr. DODD:

S. 3472. A bill for the relief of Marie Rose Abdul Massih Denha; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3473. A bill for the relief of Ng Chung Ki; and

S. 3474. A bill for the relief of Chan Cheuk Tong; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS, JOINT RESOLUTION AND CONCURRENT RESOLUTION

Mr. BROOKE. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Indiana [Mr. Hartke], the Senator from Pennyslvania [Mr. Scott], the Senator from Minnesota [Mr. Mondale], and the senior Senator from Massachusetts [Mr. Kennedy], be added as cosponsors of the bill (S. 3334) to amend title VII of the Civil Rights Act of 1964 to provide for the application of such title to State and Federal employees.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I also ask unanimous consent that the names of the Senator from Indiana [Mr. Hartke], the junior Senator from Pennsylvania [Mr. Scott], the senior Senator from Pennsylvania [Mr. Clark], and the senior Senator from Massachusetts [Mr. Kennedy], be added as cosponsors of the bill (S. 3335) to amend the Small Business Act to apply an acceptable credit risk standard for loans to small business concerns in certain high-risk areas.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I further ask unanimous consent that, at its next printing, the name of the Senator from Minnesota [Mr. Mondale], be added as a cosponsor of the bill (S. 3336) to amend the Civil Rights Act of 1964 in order to more effectively protect and secure certain constitutional rights.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I also ask unanimous consent that, at its next printing, the name of the junior Senator from Pennsylvania [Mr. Scott] be added as a cosponsor of the bill (S. 3337) to alter the method of distribution of funds under title I of the Elementary and Secondary Education Act of 1965, and for other purposes.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I further ask unanimous consent that, at its next printing, the name of the junior Senator from Pennsylvania [Mr. Scott] be added as a cosponsor of the joint resolution (S.J. Res. 159) to designate January 15 of each year as "Martin Luther King Day."

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I also ask unanimous consent that, at its next printing, the name of the junior Senator from Pennsylvania [Mr. Scott] be added as a cosponsor of the concurrent resolution (S. Con. Res. 70) establishing a Joint Committee on Social Welfare.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Texas [Mr. YARBOROUGH] I ask unanimous consent that, at its next printing, the names of the Senator from Alaska [Mr. GRUENING], the Senator from Rhode Island [Mr. PELL], the Senator from Pennsylvania [Mr. CLARK], and the Senator from Vermont [Mr. PROUTY] be added as cosponsors of the bills (S. 3349 and S. 3350) the amendments to the cold war GI bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Texas [Mr. YARBOROUGH], I also ask unanimous consent that, at its next printing, the name of the Senator from New York [Mr. KENNEDY] be added as a cosponsor of the bill (S. 2910) to provide special encouragement to veterans to pursue a public service career in deprived areas.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967—AMENDMENTS

AMENDMENT NO. 769

Mr. BROOKE submitted amendments, intended to be proposed by him, to the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 770 AND 771

Mr. HRUSKA submitted two amendments, intended to be proposed by him, to Senate bill 917, supra, which were ordered to lie on the table and to be printed.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. AIKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SURVEY OF REPUBLICAN HOUSING PROPOSALS BY SENATE REPUBLICAN POLICY COMMITTEE

Mr. AIKEN. Mr. President, the staff of the Senate Republican policy committee has prepared a highly informative survey of some of the Republican housing proposals. The paper is entitled "Homes: Not Just Housing." While it is a Republican analysis, nevertheless it is of considerable interest to the other political party which might want to borrow the ideas. It will be noted, for example, that one proposal recognizes the value of self-help, or "sweat equity," and this would be recognized as contributing to the downpayment on homes for low-income families.

I ask unanimous consent, Mr. President, that the survey be printed in the RECORD.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

HOMES: NOT JUST HOUSING—A REPUBLICAN PROGRAM FOR AMERICANS

Presidential messages continue to fall on Congress like the snows in Antarctica. Whatever else their result, they are creating one more Johnson-Humphrey deficit. This one involves "borrowing" programs and ideas from Republicans with no repayment intended.

Thus, four major Republican-sponsored programs—of which three had already been enacted into law during the past 2 years—were proposed by President Johnson in his education message (see Senate Republican Memo No. 7, February 29, 1968).

The same is true of Mr. Johnson's 20-page message on the Crisis of the Cities, February 22, 1968. Again major Republican ideas or programs now have the Johnson-Humphrey brand on them. Here, however, the distinguishing mark is that they were opposed, often in the strongest terms, by the Johnson Administration in previous years when advocated by Republicans.

HOMEOWNERSHIP

Consider a Republican criticism of past years with respect to Federal housing-urban renewal programs: as carried out, such programs tended to displace the poor, whether white or Negro, with little regard for where they were to go. The real beneficiaries were middle and upper income families.

Senator John G. Tower (R., Tex.), ranking minority member of the Banking and Currency Committee's Housing Subcommittee, has made this point for the past several years in the annual hearings on amendments to the Housing Act.

In an effort to provide homeownership opportunities for low-income families, Senator Tower, in February 1965, introduced a bill to authorize the purchase of detached and semi-detached units in public housing projects by tenant families.

It was opposed by the Johnson Administration. HUD Secretary Weaver reported in his best bureaucratese that "a sales program woven into the existing low-rent housing program would be difficult to justify in the light of many competing considerations."

Nevertheless, the Tower proposal was included in the Housing Act amendments of 1965, and enacted into law as Sec. 15(9), United States Housing Act of 1937. This was the beginning of the Republican push for low-income homeownership.

The Johnson Administration, however, continued to emphasize public-housing rental units for low-income families and made no effort to implement the Tower amendment.

Because of this stubborn, bureaucratic defense of the status quo, the National Home Ownership Foundation Act (S. 1592) was introduced by Senator Charles H. Percy (R., Ill.), April 20, 1967. It was cosponsored by Senator John G. Tower, Wallace F. Bennett, and Bourke B. Hickenlooper, all members of the Housing Subcommittee, as well as by every other Republican Senator. A companion bill was introduced in the House by Rep. William B. Widnall (R., N.J.) and 111 other Republican Representatives.

It was specifically aimed at providing means for low-income families to purchase homes through a private, nonprofit housing foundation. A mortgage interest rate subsidy was to be provided to hold the monthly payments at levels which for the most part low-income families could afford. Private industry and local governments were to cooperate in the work of the foundation and its program.

In addition, the value of self-labor, so-called sweat equity, would be recognized in contributing to the down payment.

The Johnson Administration response was to strongly oppose such proposals, labelling them "a snare and a delusion," "a cruel hoax" on the poor.

The Senate Housing Subcommittee did not share the Johnson Administration's distaste as evidenced by the bill (S. 2700) it finally reported out, November 28, 1967. The bill did provide, with modifications, a new program for home ownership among "lower" income families. The section was so labelled. It did recognize the value of self-labor on the part of the participating family.

Eligibility for this new homeownership program in terms of income was fixed by a Percy amendment at 70 percent of the maximum allowed under the below-market interest rate moderate-income rental and cooperative housing program (the so-called 221(d)(3) program). Such income levels are calculated in accordance with construction costs and income levels in each locality. Thus, 70 percent of the 221(d)(3) maximum income limits for a family of four would range from $2,870 in the lowest cost area to $6,615 in the highest cost area. Higher maximum income levels would be permitted for larger families.

A special insurance fund was established to cover the higher risk element in the program, as well as strong directives to FHA to issue mortgage insurance on residential properties in older depressed urban areas (more on this later).

Other provisions in the bill included the establishment of a national advisory commission on low-income housing to bring together the best thinking of private industry and local government in meeting this need (Senator Tower) and an expanded college housing program (initiated by Senator Javits in 1966). These were basically Republican proposals. Incidentally, none of these is included in the 1968 Johnson program.

The late date at which the bill was reported out precluded its consideration during the last session. There is no question but that the Johnson Administration's opposition contributed to the delay, just as there is no question but that active backing by the White House would have expedited consideration of the bill.

ELECTION YEAR 1968

This year, in his message on urban ills, Mr. Johnson calls for "new" housing programs. The only really new one is home ownership for "needy families," a concept which his officials, only a few months ago were labelling as "economically impossible," and "terrifically dangerous."

This year, Mr. Johnson proposes guaranteed bonds for new towns and for FNMA. Last year, the guaranteed bonds proposed by Senator Percy for the National Home Ownership Foundation were opposed by Mr. Johnson's Administration as "dangerous."

Last year, the Johnson Administration opposed the Percy proposal for a private National Home Ownership Foundation. The powers and duties which would have been exercised by the Foundation were described by HUD officials as "too important" to hand over to a nongovernmental group. This year, the Johnson Administration proposes a National Housing Partnership. It brings together and expands tax-writeoff provisions for private enterprise in housing programs. Republicans support such a proposal. But they reserve the right to point out that it is no substitute for the innovations possible under the National Home Ownership Foundation.

The bill accompanying the message, S. 3029, however, shows the same flaw that has plagued so many Johnson proposals to help the poor. It forgets that the fundamental purpose is to help house low-income families.

Thus, the Johnson proposal in title I of S. 3028 is to provide "home ownership for low and moderate income families." Given that directive, the results are predictable. The low-income families will not be the primary beneficiaries. They will at best receive little more than a trickle of the assistance proposed.

The reason is quite clear, for the Johnson bill raises the maximum income level under which families are eligible to participate in the home ownership program, including the mortgage subsidy provisions. In many metropolitan areas this means families of 5 or 6 with incomes of $9,000 to $10,000 would become eligible for the subsidized home ownership program.

The President's Commission on Civil Disorders reported that in the cities where riots occurred, average incomes were approximately $5,000 for white and $4,500 for Negro families.

It would seem clear that any subsidized home ownership program should first concentrate on these families.

WHO WILL BE HELPED

By including "moderate income families," however, the Johnson Administration will encourage the flow of housing funds away from those most in need. Obvously, the moderate income families are a more attractive risk. But from the Johnson viewpoint, this will promote a greater volume of home construction and this is more important in an election year.

In the March 5–6, 1968 hearings before the Housing Subcommittee on the Administration bill, this point was made by Republicans and Democrats as well. Senator Tower proposed that in view of the crisis in the cities and the limited financial resources available to HUD, it would be far wiser to limit initial eligibility for home ownershp to actual low-income families. This was the goal of the original Percy proposal, and of the program proposed on the committee bill of last year.

HUD Secretary Weaver rejected this idea, explaining that "by having the more liberal upper limits, you have the possibility of getting a greater volume quicker." What he was referring to was the Johnson overall goal in his message of an enromous upsurge in housing construction—a typical election year promise. Mr. Johnson and his officials are more interested in propagandizing than in guaranteeing Federal housing subsidies which will actually be available for those most in need, the low-income families.

Parenthetically, it might be noted that while Mr. Johnson advocates 300,000 housing starts in fiscal year 1969, his Administration is also beginning a credit squeeze policy which will run directly contrary to the needs of the housing industry in terms of new housing starts.

What stands out, and at this late date it may have tragic consequences, is once more a failure to assert priorities, to husband resources, and concentrate them on areas of intense need.

MOBILIZING PRIVATE ENTERPRISE

This is another "discovery" by the Johnson Administration. It was basic to the Percy bill last year and Republicans have been urging this approach, in party platform and legislative proposals for a long time.

Thus, the 1964 Republican platform proposed "emphasis upon channeling more private capital into sound urban development projects and private housing."

After the destructive rioting in Watts in 1965, rebuilding was stymied by the inability to obtain mortgage loans from lenders unwilling to assume risks in such areas, where insurance was unobtainable.

In 1966, Senator Thomas H. Kuchel (R. Calif.) introduced legislation to empower the Secretary of Housing and Urban Development to insure mortgages on one-to-four-family units in so-called riot-prone areas. Johnson Administration officials vigorously opposed the proposal. It was enacted into law despite this opposition.

Yet, FHA officials refused to utilize such legislation until after 1967 riots in Newark, Detroit, and elsewhere had left hundreds homeless. A month later, FHA was testifying to the usefulness of this Republican proposal by providing mortgage insurance to more than 1,000 families, making commitments at a rate of 150 a week.

The concept proved out, and because of this experience last year's committee bill (S. 2700) expanded the program in older or declining areas, whether riot prone or not.

In addition, at Senator Percy's request, an insurance industry task force in 1967 made a study of the feasibility of a private-public system of insurance of lower income mortgagors against foreclosure due to curtailment of income beyond their control.

These Republican initiatives helped prepare the way for President Johnson to announce, in September 1967, that life insurance companies would begin a joint effort to make available $1 billion toward the rehabilitation of depressed city areas.

A COMPARISON OF PROGRAMS

Perhaps, as Representative Widnall has commented, Republicans should be philosophical about this Johnson propensity to "borrow" from us.

Mr. Widnall first proposed the "concentrated code enforcement" program as a practical means of home rehabilitation in declining urban areas. Naturally, it became a part of the Majority Party's program. But the overall aim is to improve housing and Republicans can take satisfaction in the results of this program: more homes targeted for rehabilitation through code enforcement in one and one-half years than the entire total under a title I rehabilitation program enacted 13 years ago. The only opposition to this comes from the big-city Democratic slumlords.

Republican Widnall also first introduced the rent-certificate programs in 1964. It was enacted into law in 1965, along with the widely touted Johnson Administration rent-supplement program.

The Widnall rent-certificate program authorized low-rent housing for low-income families in units leased in existing privately owned structures. The efficacy of the two programs makes an interesting comparison: Under the Republican program, 10,000 families have been housed in decent, safe, and sanitary homes; under the Democratic program of rent supplements, only 1,663 families have been placed in the same kind of housing within the same period.

THE OTHER TASK

There is no question but that the conglomerate of Federal housing laws contains programs which only nourish an entrenched bureaucracy, while conflicting with and draining off funds from programs of actual merit.

Thus, the corollary to the advocacy of successful programs to improve opportunities for low-income housing is the winnowing out of programs which have no real benefit.

Despite its lack of political appeal, such corrective surgery may well become essential if the new goals of public housing programs are to be attained.

ORDER OF BUSINESS

Mr. MUNDT. Mr. President, I ask unanimous consent that I may proceed in the morning hour for an additional 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GET THE BUGS OUT OF THE F–111A

Mr. MUNDT. Mr. President, the press wires and this morning's newspapers reporting on the crash Wednesday of an F–111A jet aircraft while on a training flight from Nellis Air Force Base state that the Air Force has "restricted all F–111A flights in the United States and in Southeast Asia" of the plane pending investigation of this latest crash.

The Associated Press account in this morning's Washington Post reports:

> A Defense Department spokesman said the planes are not grounded in a technical sense because grounding refers to halting all flights to make a specific modification or fix to all planes.

Mr. President, I would hope that this investigation is such that the next step which will eventuate is the actual "grounding" of the F–111A, as defined in the foregoing statement by the Defense Department spokesman, because that would mean whatever is wrong with this aircraft is going to be corrected through "a specific modification or fix."

In connection with this plane, on March 29 of this year, after we received reports of the second loss of an F–111A in Southeast Asia, I suggested that two steps be taken to insure against further losses of this costly aircraft to mechanical failure or for other reasons not directly attributable to combat engagements in which the losses resulted from enemy actions and not to any deficiencies of the aircraft itself.

One recommendation was that the remaining F–111A airplanes in Southeast Asia be returned for complete testing. Subsequently, another F–111A was downed in the Vietnam conflict, others were sent as replacements.

The other recommendation I made, called for a holdup of the production line of the F–111A until the design of the airplane number 160 configuration is completed and tested and can be incorporated into the next plane the Air Force buys.

On April 26, Mr. President, I wrote to the Secretary of Defense repeating the recommendations which I made in my Senate remarks of March 29. I said in my letter to Mr. Clifford:

> I submit these recommendations, along with the attached comments of my March 29th remarks, for your earnest consideration, Mr. Secretary, and sincerely urge you to take these steps in order that whatever corrections, adjustments and testing required can be accomplished in order that it will be possible to make maximum and safe usage of this aircraft.

Mr. President, I ask unanimous consent to have printed in the Record at this point the complete text of the letter which I addressed to Secretary Clifford.

There being no objection, the letter was ordered to be printed in the Record, as follows:

April 26, 1968.

Hon. Clark Clifford,
Secretary of Defense,
Washington, D.C.

Dear Mr. Clifford: On March 29th, in remarks delivered in the Senate, I discussed the problem of the F–111 as I view it from my position as a member of two Senate committees which have spent considerable time reviewing the developments on this aircraft over the past half dozen or so years. These are the Subcommittee of the Committee on Appropriations and the Subcommittee on Permanent Investigations of the Government Operations Committee.

In the event you have not had an opportunity to review those remarks I enclose a reprint from the Record for that date.

In concluding my remarks in connection with the loss of the second F–111A in combat operations, I made two recommendations. One, the remaining "Harvest Reaper" airplanes be brought back immediately from Vietnam and not returned to combat until they are fully tested and ready. Two, that the production line be held up until the design of the airplane number 160 configuration is completed and tested and can be incorporated into the very next plane the Air Force buys.

With the subsequent loss of still another F–111A I think it is even more imperative that the two above recommendations be incorporated into Defense planning and activities with respect to this aircraft.

I submit these recommendations, along with the attached comments of my March 29th remarks, for your earnest consideration, Mr. Secretary, and sincerely urge you to take these steps in order that whatever corrections, adjustments and testing required can be accomplished in order that it will be possible to make maximum and safe usage of this aircraft.

I would appreciate very much hearing from you on this matter.

With all good wishes and my kindest regards, I am,

Cordially yours,

KARL E. MUNDT,
U.S. Senator.

Mr. MUNDT. Mr. President, I mention this letter not because I believe the particular recommendations which I have submitted may provide the only solution to resolving what I believe is a most unhappy episode in the development of our military air capability.

I do so with one purpose in mind: To afford our pilots safe usage to the best extent possible in situations in which they risk their lives against enemy fire, and maximum usage in which this plane will function at 100 percent of the capability Defense officials claim it is to have.

Nor do I mention this letter in any sense as a criticism of the Secretary because I have not had an answer to my communication, for his office advised me yesterday that an answer is being prepared.

I raised these points again to urge that the new Secretary leave no stone unturned to achieve the goal we all share; namely, production and utilization of an aircraft that is the best American ingenuity and industry can produce, produced and utilized in combat and training flights after, not before, the bugs are eliminated from the F–111A if in fact those serious bugs can even be satisfactorily eliminated.

Perhaps there is an element of pride involved in the immediate utilization of this aircraft. Perhaps there are those who believe they are so right in their contention that this aircraft is ready—that many do not believe it is ready—that the effort will continue to be made to press this plane into combat operations prematurely with the risk that more planes will be lost before final determination is made of what has gone wrong.

Perhaps among those of us who have long been critical of the TFX program, there is an element of stubbornness, also an unwillingness, perhaps, ever to accept the F–111A as a useful, suitable combat aircraft.

But if that pride and that stubbornness do exist, I think it is long past the time when we can permit these particular emotional responses to dictate the determination of the use of the F–111A.

I believe that the Secretary of Defense, Clark Clifford, is in a rather unique position to provide an objective determination of what should be done about the F–111A aircraft.

With Secretary McNamara gone, I think that the concept of commonality left with him; but that does not mean it is not technologically possible to develop use of the original design—from the $6 billion spent in research and development—of a plane that could serve one or another of our services satisfactorily and adequately.

Mr. President, I do not believe that the F–111A aircraft should be summarily scrapped and totally abandoned as "McNamara's folly" and a $6 billion misadventure. That is what happens when we overrule the findings of all the boards which are set up in order to determine the efficacy and the desirability of the new airplane design. I have said so publicly, but I also am convinced that it is not ready for combat. Others say that it is ready and should be sent over as quickly as possible and in as large numbers as possible.

Perhaps there is a middle ground, an equitable solution somewhere between the recommendations to bring the planes back from Southeast Asia and to test them, examine them, and discover what is wrong as an alternative to continuing to send them over in combat where losses already have ranged higher than 50 percent because of mechanical failure.

Perhaps, Mr. President, the announcement today from the Department of Defense, to which I referred earlier, is an indication that an equitable solution is being sought. I hope so.

I think that the Secretary of Defense has the opportunity now at hand to make the judicious decision, to find that middle ground, which will lead to writing a final chapter of success or failure to the F–111A and bring an end to the, thus far, continuing tragedy of crashes which have marked the story of the plane since it first took to the air.

DEDICATION OF NEW SPACE CENTER AT MIT

Mr. BROOKE. Mr. President, on April 25, the new Center for Space Research at the Massachusetts Institute of Technology was formally dedicated. Massachusetts has long been in the forefront of the research activity of our national space program, and this center is both a fitting tribute to her efforts thus far and a suitable environment for future breakthroughs.

In his remarks on this occasion, Governor Volpe portrays our space program as a new frontier of knowledge to be harnessed for peaceful purposes.

I ask unanimous consent that the Governor's thoughtful statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS OF GOV. JOHN A. VOLPE, OF MASSACHUSETTS, AT THE PRE-DEDICATION CEREMONIES AT THE CENTER FOR SPACE RESEARCH, KRESGE AUDITORIUM, MASSACHUSETTS INSTITUTE OF TECHNOLOGY, CAMBRIDGE, MASS., APRIL 25, 1968

On behalf of the Commonwealth of Massachusetts . . . it is indeed an honor and a pleasure to be with you this morning on this truly auspicious day.

I regret that I will not be here this noon for the formal dedication ceremonies . . . especially to hear Jim Webb of NASA . . . truly a great gentleman and an outstanding American.

However, in recognition of his many contributions to American progress in space research and exploration . . . we are delighted to present to him this citation which reads: "To James E. Webb, Administrator of NASA, on the occasion of the dedication of the Center for Space Research at Massachusetts Institute of Technology". (present citation)

The Center for Space Research will prove to be a great asset not only to MIT but to the Commonwealth and Nation as well.

Our state has always taken great pride in the heritage of excellence that has been handed down from generation to generation, and the dedication of this new multimillion dollar Research Center surely will be another milestone in our quest for expanded knowledge.

The MIT Center for Space Research will be further testimony in this amazing technological age that in Massachusetts "Brainpower" is our most important product.

And in this day and age, just ten short years since the dawn of the Space Age when Russia and the United States launched Sputnik One and Explorer One, respectively . . . the world has certainly placed a premium on the talents that will be employed in this new Research Center.

I need not remind anyone here today of the rapid and amazing progress of Space Technology, nor of the tremendous potential that exists in this field. In fact, future accomplishments and benefits of our Space Program are almost as unlimited as the solar system in which we live.

The Space Program in America provides us with technology on a scale so vast and varied, that even the professional is hard-put to keep up with it, never mind the layman!

In those ten short years since man-made satellites were first sent into orbit . . . there was hardly a single field of scientific endeavor that has not been touched by the Space Program.

Just as World War One gave impetus to the development of the airplane . . . and World War Two greatly accelerated nuclear technology, the Space Age is providing similar impetus—only in a peaceful manner, I might add thankfully, in such areas as data processing, micro-miniaturization of electronic components, communications, weather forecasting, and a host of others.

Every known discipine, scientific or otherwise, is potentially affected, and we are seeing an integration of human and material resources on an unprecedented scale.

Even more important is the stimulation that our ambitious goals in space bring to the young people of our nation . . . and to our educational system. This stimulation is hard to measure, but I am convinced that as a result of the attainments of the many highly skilled people in the Space Program and our astronauts, the American people, have set higher goals for their own accomplishments.

We could, of course, continue to sit solidly on the surface of the earth and look at the stars and the planets through telescopes and wonder. But it is inconceivable to me that this Nation, with its long history and heritage of ingenuity, freedom, and bold spirit of adventure . . . would have the resources and the ability to find out what the rest of the Universe is like and yet be so disinterested that we fail to do it.

Either we are a Nation that is alive, alert and aware—and one which is eager and anxious to explore and learn—or we are not.

It is as simple as that. And I am delighted that here in Massachusetts, the men at MIT are laying it on the line—are saying, "Yes, we want to know" . . . "Yes, we want the answers" . . . "Yes, we're ready to break through the barriers."

We are delighted that MIT is again in the forefront in the breakthrough toward a new frontier of knowledge.

This Institute has again demonstrated its excellence as a force for imaginative and creative thinking.

This new building, 100,000 square feet devoted to research into a field that was unheard of when most of us were of college age, will take its place proudly in a community and a state that are fast becoming space-oriented . . . a community and state that are paving the way, to a brighter future for all mankind.

Goethe once wrote that there are three tests of a building: . . . "That it stands on the right spot . . . that it be securely founded . . . and that it be successfully executed."

I would add one more test—that the building serve a great purpose. I am confident that the people here at MIT will give this magnificent new structure, the Center for Space Research, a great human purpose as mankind seeks new passages through the barriers of the unknown.

From the New Space Center, I am sure, will come the ideas and concepts that will stir men's hearts and fire their imaginations.

Mankind is well served through the exploration of the unknown. I can think of no better place for such research than here at MIT.

My congratulations to everyone involved in this important undertaking, and I am confident that the new Center will be the home of many breakthroughs in the future.

Thank you.

RUMANIAN INDEPENDENCE DAY

Mr. LAUSCHE. Mr. President, for Americans of Rumanian origin, May 10 is a day of tragic irony.

On May 10, 1866, Prince Carol of Hohenzollern-Sigmaringen of the Prussian royal family ascended the throne and thus ended internal strife in the nation among competing candidates.

On May 10, 1877, Rumania declared her independence from Turkish domination, which eventually led to formal recognition by the great powers a year later.

On May 10, 1881, Charles I was crowned King of Rumania, and nationalism flourished for over half a century until the Russians acquired domination after the Second World War.

This triple anniversary should mark a day of glory in Rumania, as a tribute to the aspirations of a people determined to be an independent nation and a celebration of victory over colonialism. The tragic irony is that in Rumania May 10 is not a national holiday.

However, in 1966 the Rumanian Government honored the centennial of her independence on May 9, which was also the anniversary of Russian victory over the German soldiers in Rumania. Aside from this, the Communist leaders in Rumania have tried to forget this important anniversary. But though the government ignores it, the people do not. Consequently, Rumanians everywhere still celebrate today as Rumanian independence.

I am proud to join in that celebration and await with them the day when freedom shall be restored in Rumania and flourish throughout the world.

Mr. CURTIS. Mr. President, in the long, tortured and bloody history of the Rumanian people, one date—the 10th of May—stands out as holding a glimmer of hope for a pride-filled future.

Battered and mauled by outside forces over a 1,500-year history, Rumanians still are the victims of powerful neighbors who will not allow the people to live in peace and prosper in freedom.

From the earliest times Rumanians have been victimized by power-hungry empires because of the circumstances of geography and the greed of others for their quiet and rich land. Roman legions stormed across their plains strewing their path with death and destruction. As the Roman Empire decayed the brutal forces of the Goths and other barbarians were unleashed to plunder and burn.

The vicious forces of the Mongols fought over the Danube Valley, to be followed by the Turks whose armies smashed this outpost of Christendom leaving appalling debris in their wake.

But 102 years ago, on May 10, 1866, the peoples of the principalities of Walachia and Moldavia joined forces to light the fires of freedom for the Rumanian peoples. Almost unanimously the people of the two principalities elected Carol as their prince and promulgated a constitution that provided almost unheard-of freedoms for peasants and townspeople alike.

Rumania rose as a nation from the ruins of war. It emerged as an independent country after the Crimean war and earned its total independence during the turmoil of the war between Russia and the Ottoman Empire in 1877.

But convulsive forces beyond its borders were not content to allow this small but prospering country to remain too long a free entity in the society of nations.

In World War I the great armies of the German-Austrian alliance crushed the Rumanians who were swept up once more by forces beyond their control into the vortex of war. Again, however, resurgent Rumanian nationalism exerted itself after the First World War and the country emerged from the conflict as a small but strong independent nation.

Their peace and their prosperity were short-lived. The mighty jugernaut released by Hitler crashed down the Danube Valley during the early days of World War II and the free people were again crushed, although not defeated in spirit. Some of the brightest pages in the long struggle of mankind to be free were written by the partisans of Rumania who fought with equal vigor and fierceness against the forces of Nazi Germany and and the Soviet Union.

Once more, however, geography betrayed the Rumanian people and, with the close of the Second World War they found themselves powerless against the awesome might of the Communist armies. With Soviet bayonets at their throats and the heavy heel of communism pressing down on their necks the Rumanian people have been for the past 23 years the unwilling, restless servitors of the Soviet empire.

But the spirit of the 10th of May still shines in the hearts of the Rumanian people. And, through quiet, steady perseverance, this spirit of freedom has from time to time broken through and may yet shine out in full strength.

The Rumanian people, although still dominated by the Communists, are forcing the first major cracks in the monolith of the Soviet empire. Their long history of quiet, steadfast struggle for freedom has provided the key to the Rumanian people's current battle to shake off domination from abroad. There has been no spectacular revolt, no massing of armies and waving of banners; instead, the Rumanians are exerting economic pressures to widen the gulf between the Soviets and their satellites and have stubbornly refused to fall in line as the Soviet ringmaster cracks the whip.

These new evidences of Rumania's deep and burning desire for a free and independent existence are heartening to all men everywhere. The faint glimmer of hope for freedom that burns there today may well be fanned once again into a bright beacon giving light to all men.

Today, the 10th of May, is not celebrated openly in Rumania itself. But covertly, deep within their hearts, the Rumanian people do celebrate—looking to the future when the song of a free people will no longer be muted but will burst forth in full swell.

Mr. PROXMIRE. Mr. President, May 10 commemorates the original independence of the Rumanian nation. Actually, it serves to commemorate the anniversary of not one, but three, great events. On May 10, 1866, the Rumanian people gained the right to elect their own sovereign. On May 10, 1877, the Rumanian nation proclaimed its total independence from its former Turkish rulers. And on May 10, 1881, Charles I was crowned the first king of Rumania.

After 1877, Rumania enjoyed several decades of independence. In World War I, she stood in the front ranks of the Allied powers and was overrun by German, Austrian, and Bulgarian forces. Today, some 20 million Rumanians live under a Communist system. May 10 cannot be openly celebrated. The Rumanian people will have to remember their national holiday quietly, in their hearts.

We in the United States can join the Rumanian people in remembering this day. Americans of Rumanian descent have contributed richly to our American heritage. On this occasion, I should like to join with the thousands of Americans who are of Rumanian ancestry in expressing a fervent hope that Rumania will again live under freedom.

Mr. GRIFFIN. Mr. President, May 10 marks the 91st anniversary of the proclamation of independence of Rumania. It was on May 10, 1877, that the proclamation was issued by the Rumanian nation. A year later, 1878, Rumania was recognized by the Congress of Berlin and, on May 10, 1881, Charles I was crowned as King of Rumania.

The American citizens of Rumanian descent are among the finest citizens of the United States. Their constructive contributions to the United States have helped to build this country. From the time that the first immigrant of Rumanian descent landed on our shores, the Americans of Rumanian descent have enriched our American culture as they have preserved their own heritage.

Although Rumania, along with her Balkan neighbors, lost her independence as a result of World War II, the spirit of independence is very much alive among the Rumanian people. That independent spirit and the industriousness of the Rumanian people are well demonstrated even under most difficult conditions as Rumania has become a leading industrial nation of Europe.

I join with Americans of Rumanian descent who are commemorating the Rumanian Independence Day in the firm belief that the day will come when the forces of freedom will triumph and Rumania will join again the family of free nations.

Mr. **PERCY** Mr. President, on the occasion of the 10th of May celebration, men of good will throughout the world recall the history of the Rumanian people and the unhappy events which have tested their faith and courage and perseverance. The people of Rumania should know that their well-being is of concern to us all and that they are not forgotten by their friends in other countries.

WILBUR COHEN: THE RIGHT MAN FOR THE JOB

Mr. **YARBOROUGH**. Mr. President, it is with great pleasure that I support the confirmation of the nomination of Wilbur J. Cohen as Secretary of the Department of Health, Education, and Welfare.

Mr. Cohen has been intimately involved in work for social progress since he was 21 years old. As research assistant for the Committee on Economic Security he made a major contribution to the original Social Security Act in 1935. He stayed with the new Social Security Administration for 20 years serving well under both Democratic and Republican administrations.

In 1956, Mr. Cohen returned to private life to become professor of public welfare administration at the University of Michigan, but his brilliant capability in Government service had brought him to the attention of President John F. Kennedy, and in 1961 he was appointed Special Secretary for Legislation in HEW.

In 1965, President Johnson promoted him to Under Secretary under John Gardner, then to Acting Secretary, and now to Secretary. President Johnson has had the commendable policy of elevating public servants by choosing from within Government to replace top officials. This appointment would have been wise even without that policy for probably no one in America knows more about the administration of HEW than does Wilbur Cohen.

He played a valuable role in establishing social security. He handled, as Assistant Secretary for Legislation, 65 major legislative proposals which became law, including child welfare, aid to education, consumer protection, and liberalization of social security. One of those measures, of which history has denoted him the "father," is medicare.

Secretary Cohen has an immense task before him, but he has a distinguished career behind him, and I know that our entire country will benefit from the continued service of this man.

CIVIL DISOBEDIENCE ENDORSED

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent to insert in the Record an Associated Press news story of last week entitled "Civil Disobedience Endorsed by United Methodists."

There being no objection, the item was ordered to be printed in the Record as follows:

CIVIL DISOBEDIENCE ENDORSED BY UNITED METHODISTS

DALLAS, TEX.—The United Methodist Church asserted Friday that when citizens can't get justice by legal means, they have a right to disobey the law and take the consequences.

Citing "stresses in our society" over the Vietnam war and continuance of racial discrimination, the governing representatives of the 11-million-member church declared:

"We believe that in our time the interests of our common life may, in certain specific instances, be served best by those who dissent from the policies and actions of the government . . .

"We affirm the right of nonviolent civil disobedience in extreme cases as a viable option in a democracy and as a sometime requirement for Christians who are to have no other God than the God of Jesus Christ."

Heavy debate boiled for an hour over the issue but it passed by a strong majority.

MARCH ON WASHINGTON

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent to insert in the Record the following news stories which appeared in today's Washington Evening Star: "Accord on 'Shanty Town' Site for March Expected Today," "District of Columbia Acts To Prevent Diseases in March," and "March of Poor Gathers Momentum."

I also ask unanimous consent to insert in the Record a news story which appeared in today's Washington Post, entitled "Accord Near on Marchers' Campsite."

There being no objection, the stories were ordered to be printed in the Record as follows:

[From the Washington (D.C.) Evening Star, May 10, 1968]

ACCORD ON "SHANTY TOWN" SITE FOR MARCH EXPECTED TODAY

Agreement on a site and camping conditions for the Poor People's March was expected today as contingents of demonstrators continued toward Washington from the South, Midwest and Northeast.

Meanwhile, the Pentagon said yesterday the Army was taking certain "prudent actions" in preparation for the campaign but declined to give details, the Associated Press reported.

Thousands of troops in this area reportedly will go on alert Saturday, and sources said they would be set to move, if necessary, in as little as one hour. One of the first military contingents to arrive here during last month's rioting was the 6th Armored Cavalry from Ft. Meade, Md.

PROJECT RENAMED

Six sites are under consideration for the "shanty town"—now being called "The Resurrection City" instead of "The City of Hope" because a hospital in California named "City of Hope" became concerned.

Talks have been under way since Tuesday. Nash Castro, regional director of the National Capital Parks, handling the discussions with the Southern Christian Leadership Conference for the federal government, said today, "We're nearer to agreement on all aspects of the permit."

Castro said final agreement had not yet been reached on a specific site. It is known, however, that two sections of West Potomac Park are among the six. One of these is south of Independence Avenue, bordering the Potomac; the other is just north of Independence, in a rectangular area parallel to and south of the Reflecting Pool.

DEBATE CONTINUES

A federal official yesterday said each of the sites being discussed would accommodate about 3,000 persons.

Castro said the discussions included, in addition to a site, specific dates, conditions for installing structures, health and safety standards and provisions of bathing and toilet facilities.

Debate continued in Congress, meanwhile, where the House Public Works Committee has passed, but is holding in abeyance, a bill that would prohibit the demonstrators from camping near the Capitol or along the Mall.

Assurances from federal officials earlier in the week that a satisfactory agreement could be worked out with SCLC has kept the committee so far from sending the measure to the House floor.

Sen. Carl T. Curtis, R-Nebr., said yesterday officials have failed to protect the poor of Washington in planning to meet any violence that might occur. The Nebraskan called for troops to be stationed in low-income areas.

"There are plans to protect the Capitol, the White House, the foreign embassies, but they have no immediate plans to protect the poor people of Washington," Curtis said.

LEADERS PRAISED

And Rep. John D. Conyers, D-Mich., praised march leaders for what he called their restraint and good will.

Conyers challenged charges by Sen. John L. McClellan, D-Ark., that militants are plotting to take over the Poor People's Campaign and incite violence.

McClellan's statements, Conyers said, "sound to me like some more rumors that are calculated to disturb the citizens . . . rather than to be constructive," and said there was a "complete lack of specifics" in McClellan's charges.

New York's Republican senator, Jacob K. Javits, yesterday said, "I believe it is unfortunate . . . to await this event with an apprehension which in some quarters borders on hysteria. Surely let us give thoughtful consideration to the fears which are rational—fears, for example, that extremists committed to violence for its own sake will make an effort to take over the march—and let us take steps to see that this does not happen."

WARNS AGAINST VIOLENCE

Javits added that ". . . we will brook no violence, no anarchy and no immobilization of the federal or district government or of the community."

"But let us remember that the leaders of this march are committed to nonviolence and let us do all we can to reinforce their positions as leaders and help them channel of adventure . . . would have the resources and the ability to find out what the rest of the Universe is like and yet be so disinterested that we fail to do it.

Either we are a Nation that is alive, alert and aware—and one which is eager and anxious to explore and learn—or we are not.

It is as simple as that. And I am delighted that here in Massachusetts, the men at MIT are laying it on the line—are saying, "Yes, we want to know" . . . "Yes, we want the answers" . . . "Yes, we're ready to break through the barriers."

We are delighted that MIT is again in the forefront in the breakthrough toward a new frontier of knowledge.

This Institute has again demonstrated its excellence as a force for imaginative and creative thinking.

This new building, 100,000 square feet devoted to research into a field that was unheard of when most of us were of college age, will take its place proudly in a community and a state that are fast becoming space-oriented . . . a community and state that are paving the way, to a brighter future for all mankind.

Goethe once wrote that there are three tests of a building: . . . "That it stands on the right spot . . . that it be securely founded . . . and that it be successfully executed."

I would add one more test—that the building serve a great purpose. I am confident that the people here at MIT will give this magnificent new structure, the Center for Space Research, a great human purpose as mankind seeks new passages through the barriers of the unknown.

From the New Space Center, I am sure, will come the ideas and concepts that will stir men's hearts and fire their imaginations.

Mankind is well served through the exploration of the unknown. I can think of no better place for such research than here at MIT.

My congratulations to everyone involved in this important undertaking, and I am confident that the new Center will be the home of many breakthroughs in the future.

Thank you.

RUMANIAN INDEPENDENCE DAY

Mr. LAUSCHE. Mr. President, for Americans of Rumanian origin, May 10 is a day of tragic irony.

On May 10, 1866, Prince Carol of Hohenzollern-Sigmaringen of the Prussian royal family ascended the throne and thus ended internal strife in the nation among competing candidates.

On May 10, 1877, Rumania declared her independence from Turkish domination, which eventually led to formal recognition by the great powers a year later.

On May 10, 1881, Charles I was crowned King of Rumania, and nationalism flourished for over half a century until the Russians acquired domination after the Second World War.

This triple anniversary should mark a day of glory in Rumania, as a tribute to the aspirations of a people determined to be an independent nation and a celebration of victory over colonialism. The tragic irony is that in Rumania May 10 is not a national holiday.

However, in 1966 the Rumanian Government honored the centennial of her independence on May 9, which was also the anniversary of Russian victory over the German soldiers in Rumania. Aside from this, the Communist leaders in Rumania have tried to forget this important anniversary. But though the government ignores it, the people do not. Consequently, Rumanians everywhere still celebrate today as Rumanian independence.

I am proud to join in that celebration and await with them the day when freedom shall be restored in Rumania and flourish throughout the world.

Mr. CURTIS. Mr. President, in the long, tortured and bloody history of the Rumanian people, one date—the 10th of May—stands out as holding a glimmer of hope for a pride-filled future.

Battered and mauled by outside forces over a 1,500-year history, Rumanians still are the victims of powerful neighbors who will not allow the people to live in peace and prosper in freedom.

From the earliest times Rumanians have been victimized by power-hungry empires because of the circumstances of geography and the greed of others for their quiet and rich land. Roman legions stormed across their plains strewing their path with death and destruction. As the Roman Empire decayed the brutal forces of the Goths and other barbarians were unleashed to plunder and burn.

The vicious forces of the Mongols fought over the Danube Valley, to be followed by the Turks whose armies smashed this outpost of Christendom leaving appalling debris in their wake.

But 102 years ago, on May 10, 1866, the peoples of the principalities of Walachia and Moldavia joined forces to light the fires of freedom for the Rumanian peoples. Almost unanimously the people of the two principalities elected Carol as their prince and promulgated a constitution that provided almost unheard-of freedoms for peasants and townspeople alike.

Rumania rose as a nation from the ruins of war. It emerged as an independent country after the Crimean war and earned its total independence during the turmoil of the war between Russia and the Ottoman Empire in 1877.

But convulsive forces beyond its borders were not content to allow this small but prospering country to remain too long a free entity in the society of nations.

In World War I the great armies of the German-Austrian alliance crushed the Rumanians who were swept up once more by forces beyond their control into the vortex of war. Again, however, resurgent Rumanian nationalism exerted itself after the First World War and the country emerged from the conflict as a small but strong independent nation.

Their peace and their prosperity were short-lived. The mighty jugernaut released by Hitler crashed down the Danube Valley during the early days of World War II and the free people were again crushed, although not defeated in spirit. Some of the brightest pages in the long struggle of mankind to be free were written by the partisans of Rumania who fought with equal vigor and fierceness against the forces of Nazi Germany and and the Soviet Union.

Once more, however, geography betrayed the Rumanian people and, with the close of the Second World War they found themselves powerless against the awesome might of the Communist armies. With Soviet bayonets at their throats and the heavy heel of communism pressing down on their necks the Rumanian people have been for the past 23 years the unwilling, restless servitors of the Soviet empire.

But the spirit of the 10th of May still shines in the hearts of the Rumanian people. And, through quiet, steady perseverance, this spirit of freedom has from time to time broken through and may yet shine out in full strength.

The Rumanian people, although still dominated by the Communists, are forcing the first major cracks in the monolith of the Soviet empire. Their long history of quiet, steadfast struggle for freedom has provided the key to the Rumanian people's current battle to shake off domination from abroad. There has been no spectacular revolt, no massing of armies and waving of banners; instead, the Rumanians are exerting economic pressures to widen the gulf between the Soviets and their satellites and have stubbornly refused to fall in line as the Soviet ringmaster cracks the whip.

These new evidences of Rumania's deep and burning desire for a free and independent existence are heartening to all men everywhere. The faint glimmer of hope for freedom that burns there today may well be fanned once again into a bright beacon giving light to all men.

Today, the 10th of May, is not celebrated openly in Rumania itself. But covertly, deep within their hearts, the Rumanian people do celebrate—looking to the future when the song of a free people will no longer be muted but will burst forth in full swell.

Mr. PROXMIRE. Mr. President, May 10 commemorates the original independence of the Rumanian nation. Actually, it serves to commemorate the anniversary of not one, but three, great events. On May 10, 1866, the Rumanian people gained the right to elect their own sovereign. On May 10, 1877, the Rumanian nation proclaimed its total independence from its former Turkish rulers. And on May 10, 1881, Charles I was crowned the first king of Rumania.

After 1877, Rumania enjoyed several decades of independence. In World War I, she stood in the front ranks of the Allied powers and was overrun by German, Austrian, and Bulgarian forces. Today, some 20 million Rumanians live under a Communist system. May 10 cannot be openly celebrated. The Rumanian people will have to remember their national holiday quietly, in their hearts.

We in the United States can join the Rumanian people in remembering this day. Americans of Rumanian descent have contributed richly to our American heritage. On this occasion, I should like to join with the thousands of Americans who are of Rumanian ancestry in expressing a fervent hope that Rumania will again live under freedom.

Mr. GRIFFIN. Mr. President, May 10 marks the 91st anniversary of the proclamation of independence of Rumania. It was on May 10, 1877, that the proclamation was issued by the Rumanian nation. A year later, 1878, Rumania was recognized by the Congress of Berlin and, on May 10, 1881, Charles I was crowned as King of Rumania.

The American citizens of Rumanian descent are among the finest citizens of the United States. Their constructive contributions to the United States have helped to build this country. From the time that the first immigrant of Rumanian descent landed on our shores, the Americans of Rumanian descent have enriched our American culture as they have preserved their own heritage.

Although Rumania, along with her Balkan neighbors, lost her independence as a result of World War II, the spirit of independence is very much alive among the Rumanian people. That independent spirit and the industriousness of the Rumanian people are well demonstrated even under most difficult conditions as Rumania has become a leading industrial nation of Europe.

I join with Americans of Rumanian descent who are commemorating the Rumanian Independence Day in the firm belief that the day will come when the forces of freedom will triumph and Rumania will join again the family of free nations.

Mr. **PERCY**. Mr. President, on the occasion of the 10th of May celebration, men of good will throughout the world recall the history of the Rumanian people and the unhappy events which have tested their faith and courage and perseverance. The people of Rumania should know that their well-being is of concern to us all and that they are not forgotten by their friends in other countries.

WILBUR COHEN: THE RIGHT MAN FOR THE JOB

Mr. **YARBOROUGH**. Mr. President, it is with great pleasure that I support the confirmation of the nomination of Wilbur J. Cohen as Secretary of the Department of Health, Education, and Welfare.

Mr. Cohen has been intimately involved in work for social progress since he was 21 years old. As research assistant for the Committee on Economic Security he made a major contribution to the original Social Security Act in 1935. He stayed with the new Social Security Administration for 20 years serving well under both Democratic and Republican administrations.

In 1956, Mr. Cohen returned to private life to become professor of public welfare administration at the University of Michigan, but his brilliant capability in Government service had brought him to the attention of President John F. Kennedy, and in 1961 he was appointed Special Secretary for Legislation in HEW.

In 1965, President Johnson promoted him to Under Secretary under John Gardner, then to Acting Secretary, and now to Secretary. President Johnson has had the commendable policy of elevating public servants by choosing from within Government to replace top officials. This appointment would have been wise even without that policy for probably no one in America knows more about the administration of HEW than does Wilbur Cohen.

He played a valuable role in establishing social security. He handled, as Assistant Secretary for Legislation, 65 major legislative proposals which became law, including child welfare, aid to education, consumer protection, and liberalization of social security. One of those measures, of which history has denoted him the "father," is medicare.

Secretary Cohen has an immense task before him, but he has a distinguished career behind him, and I know that our entire country will benefit from the continued service of this man.

CIVIL DISOBEDIENCE ENDORSED

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an Associated Press news story of last week entitled "Civil Disobedience Endorsed by United Methodists."

There being no objection, the item was ordered to be printed in the RECORD as follows:

CIVIL DISOBEDIENCE ENDORSED BY UNITED METHODISTS

DALLAS, TEX.—The United Methodist Church asserted Friday that when citizens can't get justice by legal means, they have a right to disobey the law and take the consequences.

Citing "stresses in our society" over the Vietnam war and continuance of racial discrimination, the governing representatives of the 11-million-member church declared:

"We believe that in our time the interests of our common life may, in certain specific instances, be served best by those who dissent from the policies and actions of the government . . .

"We affirm the right of nonviolent civil disobedience in extreme cases as a viable option in a democracy and as a sometime requirement for Christians who are to have no other God than the God of Jesus Christ."

Heavy debate boiled for an hour over the issue but it passed by a strong majority.

MARCH ON WASHINGTON

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD the following news stories which appeared in today's Washington Evening Star: "Accord on 'Shanty Town' Site for March Expected Today," "District of Columbia Acts To Prevent Diseases in March," and "March of Poor Gathers Momentum."

I also ask unanimous consent to insert in the RECORD a news story which appeared in today's Washington Post, entitled "Accord Near on Marchers' Campsite."

There being no objection, the stories were ordered to be printed in the RECORD as follows:

[From the Washington (D.C.) Evening Star, May 10, 1968]

ACCORD ON "SHANTY TOWN" SITE FOR MARCH EXPECTED TODAY

Agreement on a site and camping conditions for the Poor People's March was expected today as contingents of demonstrators continued toward Washington from the South, Midwest and Northeast.

Meanwhile, the Pentagon said yesterday the Army was taking certain "prudent actions" in preparation for the campaign but declined to give details, the Associated Press reported.

Thousands of troops in this area reportedly will go on alert Saturday, and sources said they would be set to move, if necessary, in as little as one hour. One of the first military contingents to arrive here during last month's rioting was the 6th Armored Cavalry from Ft. Meade, Md.

PROJECT RENAMED

Six sites are under consideration for the "shanty town"—now being called "The Resurrection City" instead of "The City of Hope" because a hospital in California named "City of Hope" became concerned.

Talks have been under way since Tuesday. Nash Castro, regional director of the National Capital Parks, handling the discussions with the Southern Christian Leadership Conference for the federal government, said today, "We're nearer to agreement on all aspects of the permit."

Castro said final agreement had not yet been reached on a specific site. It is known, however, that two sections of West Potomac Park are among the six. One of these is south of Independence Avenue, bordering the Potomac; the other is just north of Independence, in a rectangular area parallel to and south of the Reflecting Pool.

DEBATE CONTINUES

A federal official yesterday said each of the sites being discussed would accommodate about 3,000 persons.

Castro said the discussions included, in addition to a site, specific dates, conditions for installing structures, health and safety standards and provisions of bathing and toilet facilities.

Debate continued in Congress, meanwhile, where the House Public Works Committee has passed, but is holding in abeyance, a bill that would prohibit the demonstrators from camping near the Capitol or along the Mall.

Assurances from federal officials earlier in the week that a satisfactory agreement could be worked out with SCLC has kept the committee so far from sending the measure to the House floor.

Sen. Carl T. Curtis, R-Nebr., said yesterday officials have failed to protect the poor of Washington in planning to meet any violence that might occur. The Nebraskan called for troops to be stationed in low-income areas.

"There are plans to protect the Capitol, the White House, the foreign embassies, but they have no immediate plans to protect the poor people of Washington," Curtis said.

LEADERS PRAISED

And Rep. John D. Conyers, D-Mich., praised march leaders for what he called their restraint and good will.

Conyers challenged charges by Sen. John L. McClellan, D-Ark., that militants are plotting to take over the Poor People's Campaign and incite violence.

McClellan's statements, Conyers said, "sound to me like some more rumors that are calculated to disturb the citizens . . . rather than to be constructive," and said there was a "complete lack of specifics" in McClellan's charges.

New York's Republican senator, Jacob K. Javits, yesterday said, "I believe it is unfortunate . . . to await this event with an apprehension which in some quarters borders on hysteria. Surely let us give thoughtful consideration to the fears which are rational—fears, for example, that extremists committed to violence for its own sake will make an effort to take over the march—and let us take steps to see that this does not happen."

WARNS AGAINST VIOLENCE

Javits added that ". . . we will brook no violence, no anarchy and no immobilization of the federal or district government or of the community."

"But let us remember that the leaders of this march are committed to nonviolence and let us do all we can to reinforce their positions as leaders and help them channel this great outpouring of the poor into creative and constructive petition for redress of grievances," he said.

The Pentagon, sources said, would use military units if necessary in three stages.

The first would be calling the D.C. National Guard, 1,800 of whose members—mostly military policemen—were activated last month. Some of these units will be undergoing normal weekend training Saturday and Sunday at the Armory.

The second phase would involve bringing in about 8,000 troops stationed in the Washington area at Maryland and Virginia bases.

FORT BRAGG UNITS

And, if further reinforcements for the District's police were necessary, two brigades totaling some 4,000 men would be flown in from Ft. Bragg, N.C., the AP reported. Elements of the crack 82nd Airborne Division from Ft. Bragg were on duty here during the civil disorders.

Maryland Atty. Gen. Francis Burch, in a statement yesterday, said, "We wish to make it clear that we expect no disorders nor do we anticipate any disturbances in any part of Maryland.

"We all agree that the marchers have every right to peacefully proceed through Maryland to Washington," Burch said, adding that "coordinated and organized plans are well under way for all civil, military and police authorities to meet every eventuality."

Several suburban groups, meanwhile are preparing to make their facilities available to march contingents coming in from the north.

These include several Prince Georges churches and Xaverian College in Silver Spring—where construction of plywood shelters has been under way.

[From the Washington (D.C.) Evening Star, May 10, 1968]

DISTRICT OF COLUMBIA ACTS TO PREVENT DISEASES IN MARCH

(By Betty James and Sheridan Fahnestock)

District health officials, worried about possible outbreaks of disease among participants in the Poor People's Campaign, are mapping a stern program of innoculations and monitoring of health problems.

Meanwhile, an effort is well under way to provide food for the thousands of demonstrators expected to camp here.

Dr. Murray Grant, director of public health, said yesterday that failure to provide medical services for the marchers "would be placing ourselves and the residents of the District in an intolerable position."

He outlined an extensive program to prevent disease among the marchers and to locate those who are sick and get them treated.

Grant said leaders of the march had been told that participants should be innoculated before they leave home.

EXPRESSES FEARS

But the District plans to provide immunization shots for the many who are expected to show up without them. Grant said innoculation should be given against diptheria, tetanus, whooping cough, smallpox, polio and measles.

Grant said he fears that some of the campaign participants "will be harboring a number of diseases," and pointed specifically to respiratory diseases and gastro-intestinal parasites and other ailments.

He said a health trailer will be provided at the marcher's camp, "manned 24 hours a day, 7 days a week," starting Saturday. There also will be an X-ray trailer, he said, and facilities to provide skin-tests for possible tuberculosis.

Grant said that, when a group of Mississippi sharecroppers camped in Lafayette Park a year or so ago, 12 cases of dysentary appeared in one day alone.

OTHER PROBLEMS CITED

He said the much larger Poor People's Campaign encampment will be "screened every morning" for disease.

The health director said the impending arrival of march participants from around the country will pose big problems in sanitation, water supply and the preparation, transportation and storage of food.

Grant also noted that, besides the usual diseases feared in a large group, "it is the beginning of the meningitis season."

On hospitalization, Grant said "we will transport patients only to D.C. General Hospital" because there is no provision for the handling of such cases by private hospitals under their contracts with the District government. He said he thinks D.C. General will be able to handle the load.

He said the Army might be called on to provide extra ambulances, and the area's medical and dental societies and Medical Committee for Human Rights are volunteering much time and assistance to handle the expected health problems.

He said he thinks existing health funds will be sufficient to handle the requirements of the Poor People's Campaign.

Hotels in Washington have contributed $5,000 to provide food for the campaign.

The gift was made through the Hotel Association of Washington. It was in response to what has become a community-wide and area-wide appeal by a special ad hoc citizens group for as much as possible of the $120,000 it is estimated will be needed to feed 4,000 marchers for four weeks at $1 a day.

TO DONATE BREAD

In addition, the independent bakers of Washington have pledged 805 loaves of bread a day, valued at about $5,500, a spokesman for the food subcommittee said.

The group is a subcommittee of an ad hoc committee of citizens from a broad section of the community, called together last week by the Urban Coalition to explore the needs of the marchers.

The ad hoc committee has taken no position on the march as such, and its assistance is conditional on the march being nonviolent, a spokesman said.

Joseph P. Danzansky, president of the Giant Food Co., is chairman of the food subcommittee.

The committee's initial appeal has been to the food industry and related industries, among them the chain food stores, bakers, dairies, restaurants, hotels, grocery manufacturers, and unions.

However, churches and other businesses throughout the metropolitan area also will be contacted. Representatives of the three major religious faiths are on the food subcommittee.

The committee is stressing gifts of cash, rather than food, since this is more practical in feeding masses of people, a spokesman said.

The money will be handled by the Health and Welfare Council of the National Capital Area.

[From the Washington (D.C.) Evening Star, May 10, 1968]

MARCH OF POOR GATHERS MOMENTUM

The Poor People's Campaign continued collecting followers across the nation today, as separate groups in the massive march gathered strength and moved on toward Washington.

The swollen Southern wave of the campaign planned to spend tonight in Macon, Ga., following a day-long pilgrimage yesterday in the native city of its assassinated leader, Dr. Martin Luther King Jr.

Other march activities continued in Indiana, Tennessee, Kentucky, Massachusetts and Mississippi.

PLAQUE DEDICATED

Campaigners from Mississippi, Alabama and Georgia visited King's college, church and home in Atlanta yesterday and dedicated a plaque at the house where he was born.

The day ended with a musical benefit show to raise money for the campaign. An audience of about 9,000 persons heard a white civil rights worker vow, "We'll convince Congress if it takes all summer in shanty town."

Father James Groppi, the white Catholic priest who led successful open housing demonstrations in Milwaukee, said, "The man is going to listen—we are preaching the gospel of Jesus Christ. We've got to teach white America that black is beautiful."

King's widow, Mrs. Coretta King, told the assemblage, "I'm sure my late husband is smiling on the enthusiastic and overwhelming welcome and support for the Poor People's Campaign."

ANOTHER BENEFIT SLATED

Another benefit was planned tonight in Macon as the city prepared facilities to house and feed the campaigners.

About 1,000 marchers from Chicago, Milwaukee, Minneapolis and Indianapolis converged on Louisville, Ky., where they were joined by about 400 persons at a rally. They heard King's brother, the Rev. A. D. Williams King, say the poor must press Congress for equal justice and opportunity for all the poor, both black and white.

Eight busloads of campaigners were to leave Boston today for Providence, R.I. They planned to go from there to New York to be joined tomorrow by the Rev. Ralph D. Abernathy, King's successor as president of the Southern Christian Leadership Conference.

Abernathy spoke at a fund-raising luncheon in Boston yesterday before flying to Atlanta for the benefit. The luncheon netted the campaign $15,000.

Leaders of the Tennessee segment of the campaign said their bus caravan would go from Knoxville to Raleigh, N.C., today, to Danville, Va., tomorrow, and on to Washington on Sunday.

An estimated 500 persons are in the Tennessee contingent.

The rear guard of the march is made up of a few campaigners who were delayed in Marks, Miss., by mules that needed shoeing.

[From the Washington (D.C.) Post, May 10, 1968]

ACCORD NEAR ON MARCHERS' CAMP SITE

(By Peter Milius and Carl Bernstein)

Interior Department and Poor People's Campaign negotiators were close to agreement yesterday on a Campaign camp site. The principal site under consideration is a rectangular tract just south of the Reflecting Pool, in West Potomac Park.

The agreement would be for a camp-in by up to 3000 persons and no more.

The negotiators broke up last night without reaching a final settlement.

Meanwhile, city officials concluded that marchers who come here in the Campaign will not be eligible for either emergency or regular District welfare payments or food stamps, because they will not qualify as District residents.

The West Potomac Park site apparently would be acceptable to the House Public Works Committee, which approved a bill Tuesday to keep the camp-in south of the Anacostia River if no suitable alternative could be worked out.

Some Campaign leaders have said that they intended to pitch their camp on the Mall, and several bills had been introduced in Congress to outlaw camp-ins anywhere on Federal parkland here.

Rep. Kenneth J. Gray (D-Ill), chairman of the Public Works subcommittee that dealt with the bills, said yesterday he was confident a satisfactory settlement would be reached and announced within 24 hours.

Others close to the affair were hopeful, but said it might take longer. The Campaign's leaders had not finally ratified the agreement late yesterday afternoon, and had not yet formally applied for a permit.

Neither Interior nor Campaign officials would discuss the matter.

There are two lines of trees parallel to and south of the Reflecting Pool. The principal camp site under discussion would be between them.

This would put it off the Mall, which officially runs only from the Capitol to the Washington Monument, but would leave it within sight of the Monument and close to the Lincoln Memorial.

Interior Department and Campaign representatives met yesterday afternoon for at least the fourth time this week.

Their first meeting began Monday afternoon and lasted until after midnight.

The first site discussed was also in West Potomac Park, but south of Independence Avenue, beside the Potomac River.

There was some disagreement among Campaign officials over this location, but they finally rejected it.

Details of the present, tentative agreement—how long the permit might run, what it may say about sanitation and security—were not available yesterday. Some may still have to be worked out. Presumably the permit would be good at least until the end of May, when Campaign leaders have scheduled a mass march, as the climax of their demonstration.

It was also learned that Poor People's Campaign organizers plan to use churches in communities outside the District as staging areas to assemble the demonstrators before they enter Washington.

The Greenbelt (Md.) Community Church and St. Hugh's Catholic Church in Greenbelt have agreed to lend their facilities to the demonstrators.

Several hundred demonstrators are expected to arrive in Greenbelt over a period of several days later this month.

Yesterday, Federal, state and county officials met in closed sessions in Baltimore to discuss preparations and law enforcement procedures in regard to the demonstrators.

Twenty-one Maryland officials attended the two-hour conference called by State Attorney General Francis B. Burch.

"We wish to make it clear that we expect no disorders," Burch said in the only statement given after the meeting.

However, he said, "co-ordinated and organized plans are well under way for all civil, military and police authorities to meet every eventuality."

In Washington, the executive director of the United Planning Organization, Wiley A. Branton, met with members of the poverty agency's staff to discuss their work with Washington neighborhood groups who wish to participate in the Campaign.

Robert Secundy, UPO's director of administration, was named by Branton as liaison between UPO and the Campaign organizers.

City officials ruled out welfare payments for the marchers mainly because they will not be residents intending to stay here permanently.

But the District Welfare Department will be responsible for temporary care and custody of marchers' children if their parents do not or cannot provide adequate care and supervision, it was decided. In that case, the youngsters would go to Department facilities such as Junior Village.

The decisions were reached yesterday at a meeting attended by Welfare Director Winifred G. Thompson, Corporation Counsel Charles T. Duncan and members of their staffs.

It was decided then that news of the ruling would be withheld until the corporation counsel's office has drawn up a written legal opinion on the issue. The formal opinion is expected before Monday.

The marchers will not be eligible for either short-term or emergency assistance payments, regular welfare programs like Aid to Families with Dependent Children or food stamps, the officials decided.

The U.S. District Court here threw out the Welfare Department's former one-year residency requirement for aid as unconstitutional last year. But other conventional tests of residence, like the intent to stay permanently or maintaining a fixed home, apparently exclude the marchers from city welfare aid.

BPW MAGAZINE TELLS STORY OF HUMAN RIGHTS TREATIES

Mr. PROXMIRE. Mr. President, as this week brings to close the International Year for Human Rights Conference at Tehran, Iran, a factual account of the current status of the human rights conventions came to my attention through an article in the monthy, National Business Woman, the official publication of the National Federation of Business and Professional Women's Clubs, Inc.

The article, entitled "The Case for Human Rights," is a factual summation of the treaty dealing with the political rights of women. It emphasizes that the failure of the Senate to vote ratification of this convention is diplomatically embarrassing to this Government.

The article is an excellent appraisal of the human rights question, and I recommend it to Senators. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CASE FOR HUMAN RIGHTS

TRIGGERED BY NAZI ATROCITIES

The International Year for Human Rights is a flip of the calendar away.

For 1968 commemorates the twentieth anniversary of the adoption and proclamation of the Universal Declaration of Human Rights by the General Assembly of the United Nations, December 10, 1948.

It is an appropriate time for the National Federation of Business and Professional Women's Clubs to review what has happened to United States Senate ratification of the United Nations convention on the specific human right of Political Rights for Women, an area in which the organization has expressed a particular interest.

And, even more importantly, why it has happened.

To begin with, world reaction to Nazi atrocities before and during the second World War, triggered the human rights movement, and motivated the provisions of the Charter of the United Nations guaranteeing promotion of "universal respect for, and observance of, human rights and fundamental freedoms for all . . ." with which principles of the United States was in full agreement.

The American Bar Association at its September meeting in Honolulu pointed out that difficulties have only arisen in the United States out of persistent efforts, since the 1948 General Assembly action, to translate the provisions on human rights in the domestic sphere, of the Universal Declaration, into a series of treaties having binding effect in international law subject to international adjudication.

The treaty or convention on the political rights for women is one of these areas.

EQUAL TERMS WITH MEN

It provides that women shall be entitled to vote in all elections on equal terms with men, without any discrimination, as already approved in the United Nations Charter, the Universal Declaration of Human Rights and the Nineteenth Amendment to our own Constitution.

It also provides that women shall be eligible for election to all publicly elected bodies, to hold public office and to exercise all public functions established by national law, on equal terms with men, without any discrimination.

CONVENTIONS TABLED

On December 17, 1952, the General Assembly of the United Nations adopted the convention, and on July 22, 1963, President John F. Kennedy transmitted it to the Senate for its advice and consent. Early in 1967 hearings were held concerning it and for other conventions by a subcommittee of the Senate Committee on Foreign Relations. As of October 1, 1967, 53 countries had ratified it and 11 more signed it as a preliminary to ratification. The United States, Spain and the Union of South Africa were among those that had not ratified or signed.

On October 11, 1967, the Senate Foreign Relations Committee met in executive session to consider whether the three human rights treaties or conventions, including that on the political rights for women, should be brought to the Senate floor for a vote. The committee favorably reported the convention on abolition of slavery, but voted to table those on forced labor and the political rights for women.

MEANWHILE ON THE SENATE FLOOR

Meanwhile on the floor of the Senate, the treaty-ratifying body of the Congress, certain members were eager to get the human rights treaties or conventions approved by the United States. During this session of the Congress, Senator William Proxmire (D-Wis.) led the group with more than 125 speeches urging their ratification.

On September 18, he spoke specifically on the political rights of women:

". . . an argument against the Senate giving its advice and consent to the Human Rights Convention on Political Rights of Women is roughly stated thus: the political rights of women are not the proper subject matter of a treaty, because these rights are solely a question between a government and its citizens.

"I am amazed that this argument is advanced, let alone accepted by some people, in 1967.

"This argument ignores the great human rights heritage and record of the United States. It regards our own human rights and liberties as some sort of heirloom which we should keep selfishly on a private, national self.

SENATE AT GRAVE CROSSROADS

"I believe sincerely that the Senate and the United States are at a grave crossroads on the question of human rights.

"We must answer the question of whether we believe human rights and freedom are the rightful heritage of all men and all women or simply of American men and American women.

"The Declaration of Independence spoke of the human rights of all human beings—not merely of Americans. We must decide whether we are still committed to these precepts.

"We must further determine, both the Senate and our people, whether we intend to fulfill the commitment we made when joining the United Nations to cooperate with other nations 'in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.'

"If we do not intend to carry out this commitment to the United Nations Charter by ratifying the Human Rights conventions, then let us admit it honestly and openly instead of hypocritically paying lip service to the U.N. and its purposes.

"All the flights of rhetoric about the U.N. and the rule of law mean very, very little when the greatest and most powerful democracy in the world stands apart from international efforts to promote and secure human rights.

"I once again urge the Senate to recognize our commitment as a Nation to human rights for all people by ratifying the Human Rights conventions. . . ."

Senator Proxmire had on another day also brought to the attention of the Senate a letter which U.N. Ambassador Arthur Goldberg wrote on May 11, 1967 to Orison Marden, president of the American Bar Association:

". . . Our failure to ratify United States conventions on such fundamental human rights as slavery, forced labor and the political rights of women has become, quite frankly, a major diplomatic embarrassment. Our ratification of these conventions, on the other hand, would encourage other countries which have not yet ratified to reconsider their stand and put us in a position, as a party, to exert our influence most effectively on behalf of the international observance of these basic standards.

NO BASIS IN CONSTITUTION

". . . I understand that some have challenged the constitutionality of our adherence to these treaties on the grounds that they deal with 'the relations between a state and its own citizens and therefore involve domestic questions' which are not proper subjects for the exercise of the treaty power. This challenge, in my view has no basis in the U.S. Constitution as interpreted by the Supreme Court or in U.S. treaty practice. . . ."

On September 13 this year, prior to the tabling of the treaties or conventions by the Senate Foreign Relations Committee on October 11, Eberhard Deutsch of the New Orleans Bar, speaking as chairman of the American Bar Association standing committee on peace and law through the United Nations, pointed out to the Senate Foreign Relations Committee, that there were, generally speaking, three points of view on the three treaties being considered on slavery, forced labor and political right for women.

THREE VIEWPOINTS ON TREATIES

1. That all three of the treaties should be disapproved by the Senate of the United States.

This position is based on various grounds, principal among them being that the treaties do not deal with matters of genuine international concern, but invade the domestic jurisdiction of the United States, and disturb the constitutional relationship of the state and federal governments to each other.

2. That all of the treaties be approved as carrying out an assertedly modern concept of bringing all matters of human rights properly into the international domain.

3. That one or two of the treaties be approved as falling generally within international jurisdiction, while disapproving the other or others on the ground that their subject-matters belong exclusively within the domestic area.

Regarding the political rights of women convention, Mr. Deutsch told the Senate Foreign Relations Committee that it is difficult to conceive of any area more closely confined within the domestic jurisdiction of a country than the right to determine the qualifications of its voters, and those of persons who may hold public office within its own borders.

GET THEIR FIRST FOOTING

The American Bar Association spokesman also asked the Senate Foreign Relations Committee if we would not impair our constitutional philosophy by taking our treatment of human rights in the domestic field out of the hands of our own legislative bodies and courts and transplanting them into the international forum for legislation by treaty and adjudication by international tribunals.

He pointed out that many of the human rights treaties—like that on the political rights of women—seem harmless, perhaps, to our constitutional structures, since we are, by constitution, already in compliance with the treaties' requirements. At worst, such a treaty is asserted to be only a mild incursion into our domestic jurisdiction.

But he then quoted Justice Bradley in 1885 in *Boyd vs United States:* "It may be that it is the obnoxious thing in its mildest and least repulsive form; but illegitimate and unconstitutional practices get their first footing in that way."

He added it is felt by many that entry of the United States into international covenants on human rights in the domestic arena may lead to ultimate elimination of the domestic jurisdiction and even erosion of the constitutional structure of the United States.

In a paper read at the American Bar Association convention earlier in the month, Max Chopnick, an attorney of New York City, also pointed out that the political rights for women treaty permits reservations and provides that any dispute concerning the interpretation or application of this convention, not settled by negotiation, shall be referred for decision to the International Court of Justice.

He said that some 23 of the states (nations) which have acceded to this convention have filed reservations. This is almost 50 per cent of the participating states. The nature of these reservations points up the doubts and questions that exist as to the application of the provisions that women may hold public office and exercise all public functions on equal terms with men without discrimination. The status of women in the armed forces of a nation has been a frequent subject for reservation. Many countries, he said, including India, Finland and the United Kingdom, have filed reservations to exclude any right of women to hold military appointments. Some reservations are directed to exclusion of women from services charged with maintenance of public order or unsuited to women because of the hazards involved. Included in the United Kingdom's long list of reservations are exclusion of women from holding certain offices primarily of a ceremonial nature, from serving on juries in certain territories, from being employed, if married, in certain diplomatic and civil service areas. In the light of the many reservations to this treaty, the value of our participation would be quite limited.

WHERE FROM HERE?

And where do the treaties or conventions go from here?

What course of action is available to Senator William Proxmire (D-Wis.) and other members of the upper body of Congress—like Senator Jacob Javits (R-N.Y.), Senator Claiborne Pell (D-R.I.) and Senator Wayne Morse (D-Oreg.), who want the forced labor and political rights for women conventions ratified—to get the treaties on the Senate floor for a vote?

A member of the Senate Foreign Relations Committee may untable the treaties or conventions and submit them again to a committee vote.

Or the Senate as a body could vote to take the treaties or conventions away from the Senate Foreign Relations Committee, and then bring them to a vote on the Senate floor for ratification or non-ratification.

Here is a vast area for human concern in which careful study alone should lead to acceptance of a point of view.

MIGRANT HEALTH SERVICES

Mr. YARBOROUGH. Mr. President, it was my pleasure to support the passage, Tuesday, of S. 2688, the Migrant Health Services Act of 1968. Clearly this is an important piece of legislation that directly affects the lives of thousands of our fellow citizens—the migrant farm families who move back and forth across the land to pick the crops.

In past years there has been little attempt to meet even the basic health needs of these people. It was not until 1962, under the Kennedy administration, that the first national law was enacted specifically to provide health care for migrants.

It is reported that prior to the enactment of that law, only two clinics in the entire United States provided systematic health care for migrants—one in California and one in Florida. It is estimated that less than 10 clinics provided health services to these people, even on a sporadic basis. As the very capable Senator from New Jersey [Mr. WILLIAMS] has stated:

> Before this program was launched, there simply was no medical care available for migrant farmworkers, except for grave emergencies and frequently not even then.

As a result of the commitment undertaken in the Migrant Health Act of 1962—a commitment reaffirmed and expanded in 1965—the migrants of America finally have begun to receive the health services which the rest of us have long considered routine. I am informed that there are now some 200 clinics across America offering essential health services for migrants, at least during the seasons when these farmworkers move into the area served by the clinic.

Prior to 1962, it was rare that a migrant family ever saw a doctor's office, even in an emergency. Today, we are beginning to reach these people and bring them the health services they need. It is estimated, for example, that 300,000 migrants lived in areas served by migrant health projects in calendar year 1967—projects funded and developed by the act passed in 1962 and amended in 1965. An estimated 141,000 of these migrants had need of and received medical and dental care offered by these projects.

In Texas, where more than half of the home-based migrant families live, an estimated 124,000 migrants are within migrant health project areas. It is reported that 26,300 of them required and received medical treatment in 1967. Prior to 1962, when Congress enacted the Migrant Health Act of that year, the migrants would have been without hope of getting the health care they so badly needed.

We are making progress. The passage, Tuesday, of S. 2688 assures that we will continue to make progress. While I was disappointed that the extension of the act was for 3 rather than 5 years, I am pleased that at least that extension was made, and that the authorization for funding was increased beyond the amounts proposed in the bill as introduced. As passed by the Senate, S. 2688 provides $9,000,000 for migrant health services, in fiscal year 1969; $15,000,000 for fiscal year 1970; and $20,000,000 for fiscal year 1971.

These increases are needed. In fiscal year 1967, the migrant health service projects were funded at $7.2 million. In the hearings held on S. 2688 by the Senate Subcommittee on Migratory Labor, there was a great deal of testimony on the need to increase our dollar commitment to health services for these citizens. Dr. James Peavy, State commissioner of health in Texas and the president-elect of the Association of State and Territorial Health Officers, testified as follows on December 7, 1968:

> We do have a great need to extend the type of program that we have. We feel quite sure that if we had double the present amount of funds, we could use them in a very effective manner.
>
> * * * * *
>
> * * * we hope you will see fit and find the means of at least doubling the program and we feel that the whole Nation will benefit by this extension of the migrant health bill.

Mr. President, this is a most worthy bill, and I have been pleased to give to it my full support. I congratulate the distinguished Senator from New Jersey [Mr. WILLIAMS] for his great concern for the needs of migrant families, and for his very able leadership on this particular bill.

HEART TRANSPLANT OPERATIONS

Mr. MONDALE. Mr. President, the Nation marvels this week at the rapid-fire succession of heart transplant operations. Indeed, each day seems to bring us closer to the time when such operations will become a part of medicine's common repertoire for prolonging life.

But this week also brings reminders of the grave questions heart transplants raise for our society, particularly in the area of law.

An article published in the New York Times of May 8, 1968, quotes John W. Miner, Los Angeles deputy district attorney, as saying, "the law is a complete muddle" on the legal definition of death, and points out that a heart transplant could constitute murder under present laws. "Therefore, as the law now stands, it theoretically could be murder if a doctor took a vital organ from a body not dead by all three criteria used to measure death," he said.

An article published in the Washington Post of May 8 cites legal problems which could have blocked a Houston heart transplant operation conducted last Monday. Apparently, under the law, the medical examiner could have refused to permit the transplant until he conducted an autopsy. Both the donor and the recipient would have died. In this situation, the examiner made a fast decision, and the transplant proceeded. But the point is that our present laws—those defining death and dealing with the corpse—are not geared to the realities of the transplant age.

Mr. President, these sorts of issues were raised during the recent hearings on Senate Joint Resolution 145 to create a Commission on Health Science and Society. Physicians and lawyers alike testified that the present definition of death was obsolete, and that this was one of the issues the Commission should address.

We may think that the many issues heart transplants raise can be put off. But they cannot. They confront us today.

Mr. President, I ask unanimous consent that the two articles be printed in the RECORD, for they give renewed evidence of the urgent need for the creation of a Commission on Health Science and Society.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 8, 1968]

A LEGAL COMPLICATION

SAN DIEGO, May 7.—Technically, murder may be committed in the transplanting of organs from one human to another, Deputy District Attorney John W. Miner of Los Angeles said yesterday.

"This untenable situation exists because the law is not at all clear on what constitutes legal death," he said in an address at the annual meeting of the California Association of Medical Record Librarians at the Hilton Inn.

"There are three recognized definitions of death—cardiac arrest, nonfunction of the brain and an end to respiration," Mr. Miner said. "The law is a complete muddle as to whether just one of these is sufficient to produce death.

"Therefore, as the law now stands, it theoretically would be murder if a doctor took a vital organ from a body not dead by all three criteria. Any intentional shortening of life is illegal no matter how good the motive or how inevitable the death of the donor."

[From the Washington (D.C.) Post, May 8, 1968]

THIRD HOUSTON TRANSPLANT DOING WELL

HOUSTON, TEX., May 7.—A surgical team at St. Luke's Episcopal Hospital successfully completed a third heart transplant operation today although a hospital official said the 62-year-old recipient was "either dead or dying" during the procedure.

The third operation also posed the question regarding when a person is legally and medically dead since the county medical examiner and hospital listed different times of death for the donor.

The third recipient is J. J. Stuckwish, 62, administrator of the Brewster County Memorial Hospital at Alpine, Tex.

Both the other transplant patients at the hospital remained in satisfactory condition.

The donor was Clarence A. Nicks, 36, who died of injuries received in a beating outside a Houston lounge April 23.

Harris County medical examiner Joseph Jachimczyk said Nicks was pronounced dead at 10:30 a.m. when an electroencephalograph showed an absence of any brain waves.

A hospital spokesman said a respirator was used to keep the donor's heart viable and the heart ceased to function at 1:58 p.m.

The transplant to Stuckwish was begun six minutes later.

Jachimczyk said Dr. Denton A. Cooley, head of the surgical team, called him about noon and asked for permission to proceed with the transplant.

"I couldn't give legal approval, but I told him I would neither file nor press charges," Jachimczyk said. He said he could not give his legal approval because he had not performed an autopsy. He said Dr. Pedro Caram, on the Staff at St. Luke's, had pronounced Nicks dead.

Newell E. France, St. Luke's hospital administrator, said Stuckwish was taken to surgery in an "absolute emergency situation."

"Actually the brain waves were not recordable during this procedure," France said. "So, in fact, he was either dead or dying."

France said following the operation normal blood pressure returned and brain waves were recorded. France credited the fast work of the surgical team for the successful operation, saying it "worked faster than it would have under normal circumstances."

Stuckwish has had a serious heart condition for several years, but he has been considered a critical patient only for the past few months, according to Mrs. Bonita Green, chief of nurses at the Alpine Hospital.

(Meanwhile, the world's other two surviving heart transplant recipients, Dr. Philip Blaiberg of Capetown, South Africa, and Frederick West of London, England, were in good condition, UPI reported. West was visited in his hospital by Dr. Christian Barnard, who performed the operation on Blaiberg more than five months ago.)

PUTTING OUT THE FIRES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an article by Donald Smith, entitled "35 Percent of Counties' Fire Forces Sent Into District of Columbia During Riots." The item appears in today's Washington Evening Star.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THIRTY-FIVE PERCENT OF COUNTIES' FIRE FORCES SENT INTO DISTRICT OF COLUMBIA DURING RIOTS

(By Donald Smith)

As much as 35 percent of Montgomery County firefighting forces were active in the District at the height of last month's eruption of looting and arson according to the Metropolitan Washington Council of Governments.

In the latest statistic concerning the civil disturbances, Public Safety Director Richard C. Wertz of the council said yesterday that other suburban jurisdictions had committed similar percentages under a reciprocal agreement reached before the outbreak.

Council member John Ingram, who is Deputy Mayor Thomas E. Fletcher's executive assistant, told the council the response by suburban firemen was a "great show of help," and that "without it, we obviously would have been in bad trouble."

Ingram expressed the "personal appreciation and gratitude of (Mayor Walter E.) Washington, (City Council Chairman John) Hechinger and all the citizens of the District of Columbia for the help rendered us."

He added that the District "also stands ready to reciprocate" if called on by suburban officials.

Wertz reported that Alexandria and Arlington provided aid from public fire departments, and other jurisdictions offered both public and volunteer forces. The quality of the services, he said, was the "highest possible."

During the period between 10:50 p.m. April 5 and midnight April 7, suburban forces responded to 268 fires, Wertz said.

Montgomery County answered the highest number of calls—106. Prince Georges County followed with 102; Arlington County, 34; Fairfax County, 22, and Alexandria, four.

A total of 47 companies sent engines: 17 from Prince Georges, 14 from Montgomery, 12 from Fairfax, three from Arlington and one from Alexandria.

Communications between jurisdictions was handled by the council's civil defense committee through a "hot-line" telephone system established by the Department of Defense for use in case of civil emergencies, Wertz said.

Also during the meeting Wertz announced the completion of about 80 percent of a computerized regional police communications system.

Installations are in place in Fairfax, Arlington and Montgomery Counties, and three others are due to be installed within the next month. The three already installed are in various stages of operation, he said.

When completed, the Washington Area Law Enforcement System (WALES) will enable local police to gather information on stolen cars and other matters almost instantaneously.

Of 28 terminals planned for the District, 17 are ready to start operating, Wertz said. These are expected to be put into use by next week.

The council yesterday also approved a request for a $15,000 grant from the Department of Transportation to study the feasibility of using helicopters as ambulances in Washington's urban areas.

HIGH COST OF RESTRAINT

Mr. BYRD of West Virginia. Mr. President, the high cost of restraint in dealing with riots is further illustrated by at least three news articles appearing in the Washington Post today.

I refer to the articles that reveal that Washington merchants and other businessmen lost an estimated $14 million in business in April as a result of the riots, that a group of merchants is preparing to sue the District of Columbia government for their losses—which they attribute to the lack of protection afforded them—and to the article reporting the continuing menace of arson which I believe to have been encouraged by the leniency shown rioters here in early April.

The loss of $14 million in sales and services is said to be a conservative calculation, for sales were badly depressed, convention and tourist activity was seriously retarded, and tax receipts coming into the District government were decreased by more than $400,000. Figures showing these facts were released yesterday by the District finance office.

I do not profess to know whether or not business people can recover on their losses from the government of their city—the government which is supposed to protect them in their personal lives and in their businesses—but I can certainly understand the feelings that prompt them to seek remuneration for the damage they have suffered.

It is good news to learn that the police patrols in the riot-prone areas are being increased. But, Mr. President, this is somewhat like locking the barn door after the horse has been stolen. The hoodlums have done much of their dirty work, I am convinced—both during the rioting and afterward—because they have been led to believe that leniency would be shown them, and that they would be unlikely to suffer any serious consequences for their crimes.

That this attitude, in fact, is the attitude of those who continue to burn and pillage is indicated to me by the number of serious fires believed to be arson that occur each night in the District of Columbia. Only last night, as the article to which I have referred indicates, there were nine more fires of suspicious origin. Thus far, Mr. President, there have been some 400 fires believed to have been deliberately set in the city of Washington since the rioting began in April.

I ask unanimous consent that the three articles which I have cited, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MERCHANTS TO SUE CITY FOR RIOT LOSSES: ENFORCEMENT IS CALLED LAX

(By Paul W. Valentine)

A group of ghetto businessmen say they will sue the District government, demanding compensation for their riot-damaged stores on the claim that law enforcement during last month's disorders was inadequate.

Abe Liss, 50, head of the new "We The People" organization said at a press conference yesterday that the law-suit, which may be filed next week, will be engineered by a "nationally known lawyer." He refused to identify the attorney or specify details of the court action.

He said the suit may be filed against the Federal Government as well as the District.

Three weeks ago, in Baltimore, a store owner and his wife sued that city for $75,000, claiming authorities had failed to "use all reasonable diligence" to contain or prevent rioting there. The suit named the mayor and City Council as defendants. No action has been taken in that case.

Liss, whose Beacon TV Rental Co. was burned to the ground on 7th Street nw., said "We The People" was formed among concerned businessmen to "demand the domestic tranquillity guaranteed in the preamble to the Constitution."

He said rioting in Washington could have been averted if Federal troops had appeared on the street early April 5, the first day of heavy looting and burning, instead of waiting until the afternoon.

Liss said he did not favor shooting looters and arsonists on the spot or organizing "vigilante" groups to support police efforts. To improve law enforcement, he urged that the D.C. Police Reserve Corps be increased tenfold and that women and students be employed to perform administrative office work, and even traffic patrol, so that more uniformed policemen would be free for street duty.

Liss, who is also president of the 100-member Midtown Business Association, said claims that unscrupulous ghetto businessmen cause riots is as "wrong as can be."

Liss said an Association survey showed that 1034 employes, most of them Negroes, lost their jobs because of the rioting on 7th Street alone.

He said he hopes "We The People" will become a nationwide organization. It will hold a "mass meeting" May 22, at the Shoreham Hotel, he said.

SUSPICIOUS FIRES CONTINUE

(By Alfred E. Lewis)

Four teen-agers, including a girl, were arrested last night in connection with a $100,000 fire and looting in the Standard Drug Co., Inc., 1115 H st. nw., April 18.

A 16-year-old Northeast youth was charged with arson, and two brothers, 14 and 16, and their 17-year-old sister were charged with burglary.

Police said that when they chased the suspect charged with arson into his home they found merchandise stolen from the drug store and a clothing store during the arson and looting here last month. Included in the loot were three bicycles, they said.

The youth, who was being questioned by Ninth Precinct Capt. Robert S. Shuttleworth and Sgt. Charles Hershey, fled suddenly into his house, with the police close behind.

The other three were arrested later in their Northeast home by Ninth Precinct detectives.

The suspects were placed in the Receiving Home pending juvenile court action.

Police said the case marked the sixth teenager arrested and charged with arson since the Arson Squad, headed by Lt. Sam Wallace, was formed after the riots here. The squad works with the Fire Marshal's Office and Assistant U.S. Attorney Harold Sullivan. Thus far, it has a caseload of about 400 fires believed to have been of incendiary origin. Police said information on various fires is being presented to a grand jury.

There were nine more fires of suspicious origin late Wednesday and yesterday, police reported. These included a fire which heavily damaged the Salve Regina Building, an old arts building at Catholic University. The fire was reported at 11:54 p.m. Wednesday.

This building, a long, split-level structure, was being used for art studios and classes. Hundreds of students' paintings and sketches and much art equipment were lost in the fire that destroyed or badly damaged half the structure.

It was the third incident at CU this week. Early last Monday, someone threw a gasoline-filled bottle into the University's new Law School building, but the gasoline didn't ignite.

In the other incident, fire broke out in a University warehouse at 9th and Kearney Streets ne., where clothing was being stored for the Poor People's Campaign. Some of the clothing was destroyed.

The other fires of suspicious origin late Wednesday and yesterday included:

One at 5:03 p.m. Wednesday in the debris of an already-burned-out variety store at 2008 14th st. nw.; another at 5:08 p.m. in a trash pile in a vacant house at 1941 16th st. se.; a 9 p.m. fire in a furniture warehouse door at the rear of 919 9th st. nw. caused about $100 damage; a trash fire behind a house at 1006 Massachusetts ave. nw. at about 9:15 p.m.; a trash fire at 12:59 a.m. yesterday in a market basement at 3005 14th st. nw.; a 1:11 a.m. fire in two empty garages behind 1326 Irving st. nw.; a 1:48 a.m. fire in trash cans in the basement of an apartment house at 80 New York ave. nw., and a minor fire involving shipping crates and two abandoned autos in the rear of a furniture warehouse at 918 M st. nw.

RIOT CUT APRIL SALES—HOTELS REPORT CONVENTION TRADE OFF

The riot in early April cost Washington merchants and others an estimated $14 million in lost sales for the month.

This is a conservative calculation, based on sales tax figures released yesterday by the District Finance Office. Collections of the 3 per cent tax were down $430,000 for the month from those in April, 1967, according to Clifford C. Barnes, acting District finance officer.

Had it not been for the civil disturbances, April sales and tax receipts would have been sharply higher than a year ago, retailers agree. Easter came on April 14, this year and and March 26 last year.

Collection of the local sales tax amounted to $3,341,000 in April, indicating volume of $111 million. This compared with $3,771,000, or volume of about $125 million in April last year.

For the first 10 months of the District's fiscal year, sales tax receipts amounted to $38,264,000 against $35,643,000 in the same period last year.

In releasing the April report, Barnes noted there was an increase in number of requests for extension of time for filing tax returns. This may bolster the May tax receipts total.

Meanwhile, the Washington hotel industry is bracing itself for a lean spring and summer season as tour groups and conventions continue canceling their plans to come here.

At the present rate of decline in business, the 43 members of the Hotel Association of Washington project more than $1.5 million loss in revenue for the month of May alone. More than $2 million lost in April.

One of the hardest hit hotels is the Shoreham, where the 700-man convention of the Middle Atlantic Wholesalers Association has cancelled its reservations.

The Association said the 500 rooms and suites it had reserved for May 12–24 were being cancelled because "The date coincides with the arrival of the first group of participants of the Poverty March on Washington, D.C."

The Washington Board of Realtors, Inc., has also called off its Home Buyers Clinic scheduled May 23 at the Statler Hilton. The march was given as the reason.

In addition to the Washington Convention Bureau reports four other groups with 3500 participants have cancelled their May meetings.

Industry sources report, however, that the convention dollar loss is small compared to the losses caused by tour group cancellations. These constitute the hotel industry's bread and butter trade on which it depends to get through the bleak winter months, said Hotel Association vice president Leonard Hickman.

"Some of the smaller hotels are really hurting," he reported. Many of them have had most of their traditional spring school tours cancelled, he said.

Neither the Convention Bureau nor the Hotel Association have yet compiled a list of the cancelled tours, but in the Shoreham it amounted to several thousand room nights.

One of the reasons tours are being cancelled is because Congressmen are writing their constituents to stay home, industry sources said. Both the Association and Convention Bureau scored the practice.

Some hotelmen are equally concerned with the bleak summer they are already tasting. Shoreham manager Philip Hollywood said the mail he used to have asking whether the hotel would offer family summer rates "has trickled to a standstill."

Hollywood said the Shoreham's plight was similar to that of small independent hotels. "We're one of the few large independent hotels in the country today, and we have to stand on our own earnings whereas a chain hotel does have the advantage of the chain to sustain it," he said.

THE SCENIC WONDERS OF UTAH

Mr. MOSS. Mr. President, during the past 4 years, under the direction of Gov. Calvin L. Rampton, the State of Utah has spent large amounts of money to promote the scenic wonders of our State and to encourage tourists to visit what we call the different world of Utah.

I was, therefore, delighted to read in the May 7 issue of the Christian Science Monitor an article written by Tom H. Inkster, which points out some of the interesting places he visited recently while traveling through Utah.

Mr. Inkster does such an excellent job of describing these tourist attractions in just a few words that I ask unanimous consent to have his article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, May 7, 1968]

BACK ROADS REWARDING IN U.S. WEST

(By Tom H. Inkster)

When you drive through upper Utah and Colorado you will be rewarded beyond price for taking time to see some of the scenic and interesting sights a little off the main highway.

The world's largest open-cut copper mine at Bingham Canyon, is 27 miles southeast of Salt Lake City. Terraced like an amphitheater, this pit is half a mile deep and two miles wide. Ore is hauled to the bottom and then through a long tunnel to the smelter. From the observation platform, the numerous ore trains look like toys.

Timpanogos Cave National Monument is reached by a 1½ mile nature trail up the mountain slope. At the top there is a magnificent view through American Fork Canyon to Utah Valley. Entering the cave, the path is downward through a maze of exquisite and weird formations.

Arches National Monument near Moab contains 88 types of natural arches. Spectacular towers, shapes resembling figures of men and animals, balanced rocks and other striking formations result from the combined action of running water, wind, rain, frost, and sun.

A paved road leads to the numerous areas where exciting views of Three Gossips, Tower of Babel, the Organ, Windows, Double Arch, Parade of Elephants, and numerous other creations may be enjoyed from the roomy parking areas.

From Moab a good road leads to Dead Horse Point for a spectacular view of the Colorado River winding through fantastic rock formations 2,000 feet below. At sunrise and sunset the coloring gives it added magic.

Canyonland National Park and numerous other places in the Moab area offer unusual rock formations, but a jeep, camping equipment, and supplies are necessary to get to them.

An interesting drive of 18 miles on a fine highway follows a bank of the Colorado River to a potash mine. There is one immense rock that resembles a teapot and free viewing glasses at the roadside permit observation of centuries-old Indian hieroglyphics.

Dinosaur National Monument in both Utah and Colorado is reached by a six-mile highway from Jensen. The 325-square-mile area, which contains the most remarkable fossil remains ever found, is an awesome wilderness with deep canyons.

At the Dinosaur Quarry Visitor Center scientists are constantly chipping, chiseling, and brushing to show actual skeletons of extinct creatures.

Colorful mountainous Colorado has no end of scenic, historical, and entertaining attractions. The Denver area is unforgettable.

WHITE HOUSE CONFERENCE ON AGING

Mr. YARBOROUGH. Mr President, Senate Joint Resolution 117, stating the sense of the Congress that the President call a White House Conference on Aging in January 1970, is an important measure. I am glad that this body so readily passed this resolution and I hope that it will soon be ready for the President's signature.

We are often told that our Nation is getting younger; that half of our citizens are under 25. Even with this emphasis on youth we cannot ignore either the problems or the potential of our senior citizens. They are a minority of our citizens, but it is a minority to which we all hope to belong.

And at a time when congressional as well as national attention is directed toward segments of our society who actively call attention to themselves through increasingly vocal means, we cannot turn our backs on the segment of our society that is in many ways the most helpless and the most hopeless, but which characteristically refuses to call attention to its plight.

The concept of the role of the elderly in our society has been one of declining years in which well-deserved relaxation is enjoyed. This stereotype ignores many facts: it suggests that we do not feel the aging can be of continuing use or service. It ignores the fact that a ruptured family structure may leave the elderly to lonely years with no continuing contact with society, and over half of those over 65 now live alone or with nonrelatives. It ignores the waste caused when those forced to retire still want to be productive. And it ignores the hardship faced by the poor who are forced to supplement their inadequate incomes in whatever ways they can find rather than relaxing. A White House Conference as proposed by this resolution could share with the Nation a new concept of the status and role of the older American.

Our new concept must admit some unpleasant facts. We have 19 million citizens over 65 and each day an additional 3,835 persons reach that age. At least one-third of this group is poor. This 9 percent of the population comprises 16 percent of those in poverty in our country. And the aging poor affect more than just their own numbers. Nearly one-half of them live with relatives. If they are not helped, their burden is added to the burdens of other poor persons. We must break the cycle of poverty not just by investing in the young, but by relieving the old.

The proposed White House Conference could explore several dimensions of the problem of the aging poor—including housing, health, consumer interests, and income maintenance.

HOUSING NEEDS

The full extent of housing needs of the elderly are not known—but we do know that it is a critical problem. What could be more degrading to the spirit of one's later years than the realization that an inadequate unsafe and unsanitary house would be your fate for the remainder of your life. Low-cost public housing for the elderly is needed. In the meantime we must expand programs such as rent supplements and model cities. Where the elderly are able to secure decent housing they must often pay 40 or 50 or even 60 percent of their monthly income for it. So securing decent housing means they will not have enough money for food, clothing, and medical care. Rent supplements make an immediate contribution by bringing decent housing—which should be the right of every American—within the budget of our older Americans.

HEALTH NEEDS

Health problems affect older citizens more than any other segment of our society. They are often in poor health. Four out of five persons over 65 suffer from chronic ailments. Proper medical care has not been within the limits of their income and endless years of medical inattention have resulted in deterioration of both body and spirit. Health maintenance services must be established to salvage the aged poor from crippling physical and mental deficiencies.

The threat of illness used to frighten

the elderly constantly because prolonged illness could wipe out their resources for the rest of their lives. This fear has now been somewhat lessened by medicare. We must add to this program a system of insurance that will cover the costs of preventive medicine. The practice of health maintenance is just as vital to productive elderly years as is treatment for a serious illness.

When we make available the payment for a full-scale health program for our elderly, we must make sure that needed services are available and that they will be available at a reasonable cost. The delivery of health services is often fragmented and sometimes nonexistent in the cases of the aged poor trapped in the urban centers. The Office of Economic Opportunity has demonstrated that neighborhood health centers are a realistic way to provide a comprehensive delivery of health services where they are needed. In addition, the studies leading to this White House Conference should examine other models which would bring care closer to the elderly, such as group practice of medicine and home health services.

CONSUMER ABUSES

The aging are peculiarly susceptible to problems of consumer abuses. With fixed incomes for the remainder of their lives they are attracted by schemes which promise additions to their incomes, or seem to permit purchasing of products which they would not otherwise think their incomes would allow. Any heavy obligation on their incomes as a result of fraud or malpractices can cripple them and make our other types of assistance ineffective. Legal remedies are virtually unexplored because the legal understanding of this group is as limited as any other segment of the poor. A White House Conference is an invaluable way to catalog these abuses and direct attention toward their solution.

When we find a group that is easy prey for unethical sales schemes, we must have the courage to contradict those who call for unbridled free enterprise and we must call for new remedies. The very young are protected from being trapped into contracts; why should not the very old? A White House study could yield concrete proposals for workable legislation in this area.

ADEQUATE INCOME

Adequate income during retired years continues to be the major problem of the elderly. Not all the elderly are on social security or any other type of retirement income, and even those on social security are not too secure. The average payment last year was less than $84 a month, and over a million of those on social security are also on the welfare roles. For these poor, the declining years of retirement can be years of hopelessness.

The most effective way to combat these multiple problems is to establish a solid program of income maintenance for the elderly. At no level do social security benefits come near to meeting the requirements of the elderly. Last year's average yearly benefit of $1,008 is a sum shockingly incompatible with our most basic antipoverty goals. We raised the social security benefits recently and we must raise them even higher.

But some State systems thwart our efforts to aid the elderly by reducing old-age assistance grants when there is a social security increase. In 1965 our amendments included permission to States to disregard increases in social security benefits so that they could avoid reductions of social security-linked retirement benefits. Few States have availed themselves of that privilege. Future amendments must prohibit such reductions unless the State's program already meets minimum needs.

In addition to public retirement income, we have responsibilities in regard to private pensions to assure that those programs will be secure for their participants. But it is unlikely that private pension plans will be an immediate solution to the income needs of our elderly. The imbalance in distribution of their coverage is such that 26 percent of employees earning $3,000 to $6,000 yearly have pension coverage while 52 percent of those earning more than $10,000 yearly are covered. Those elderly who need retirement income most are least likely to receive it from private pensions.

Our social security system is the main instrument for income maintenance but in addition to it we must study guaranteed annual income proposals, and develop income supplements through other programs. Our social welfare programs desperately need more workers, the elderly need more services, and they need more income. We can attack these three problems at once in programs employing the elderly to provide services for the elderly. The proposed Senior Citizens Community Service Corps is one such program. In this way, today's inadequate income can be made to go farther while the older Americans are aided in improving the quality of their lives.

Mr. President, I stated earlier that the White House Conference could give us a new concept of the elderly. Our new concept must also reflect a new type of senior citizen, for the group of aging increasingly represents a vast reservoir of talent and skills. Compulsory early retirement has created a new type of senior citizen—healthy, skilled, and eager to continue giving. Since many are retired in regard only to chronological age, each year tens of thousands are added to the retired group who the year before held responsible and productive positions. The Age Discrimination in Employment Act of 1962, which I am proud to have introduced, will now assure that productive citizens will not be forced into unemployment in their forties or fifties because of arbitrary distinctions solely based on age. But many around the age of 65 will normally retire.

This group wants to remain in the mainstream or life and needs society to indicate that it has further use for its services. Usefulness is the difference between life having meaning and no meaning. The White House Conference on the Aging held in 1961 listed as one of the rights of the aging citizen—the right to be useful. And we need these citizens to be useful. Even the richest nation in the world cannot afford to squander the talents, skills, and know-how of its older citizens. A conference could explore practical possibilities for participation in needed service activities.

Mr. President, I strongly support this joint resolution, for our aging require and deserve the attention and study that only a White House Conference can bring to bear. I have supported the joint resolution since it was introduced and had the honor of testifying in favor of it. I salute the leadership of the distinguished Senator from New Jersey [Mr. WILLIAMS]. He is the author of the joint resolution and continues to demonstrate that our elderly have no better friend.

THE M-16 RIFLE

Mr. McGOVERN. Mr. President, I am pleased indeed to note that the House Armed Services Committee's Special Subcommittee on the M-16 rifle program intends to reopen its investigations of the Army's procurement of this weapon and to look into the questions that I raised in a Senate speech on May 3d. I am also gratified by the investigations that are currently being conducted by the Armed Services Preparedness Investigating Subcommittee.

The difference of some $50 per unit between the costs of acquiring 280,000 of these weapons from General Motors and the same number from Harrington & Richardson certainly demands Congressional scrutiny. The rejection of a bid of some $19 million less than that of General Motors and $6 million less than that of Harrington Richardson is even more suspicious.

I also find it astounding that we are going to the great expense of developing new sources of supply, at first year costs of some $316 per unit in the case of General Motors, when it would unquestionably be quicker and much cheaper to acquire the additional weapons from Colt, the previous sole source supplier that has been receiving only $104 per weapon on recent contracts.

Mr. President, these revelations might be comprehensible if we were dealing with only one instance of mismanagement. The Army's rifle procurement program, however, has been riddled with questionable dealings and mistaken policies for more than a decade. Moreover, I have received additional information in just the past few days that raises new questions beyond those outlined in my speech last week.

It is my intention to address the Senate in some detail on this matter on Monday.

EFFICIENT USE BY STATES OF FEDERAL FUNDS FOR EDUCATION

Mr. MOSS. Mr. President, Hon. Calvin L. Rampton, Governor of Utah, serves as chairman of the Education Committee of the National Governors' Conference and as chairman of the Education Commission of the States.

In recent years, the States have been studying methods of making the most efficient use of the increased Federal support for education which Congress has voted. To present the current views of the Governors on Federal funding of educational programs, Governor Rampton testified last April 23 before the Health, Education, and Welfare-Labor subcommittee of the House Committee on Appropriations. Because the question of effective Federal funding of authorized programs is one which concerns all Members of the Senate, I ask unanimous consent that Governor Rampton's remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE HONORABLE CALVIN L. RAMPTON, GOVERNOR OF UTAH, CHAIRMAN, EDUCATION COMMITTEE, NATIONAL GOVERNORS' CONFERENCE CHAIRMAN, EDUCATION COMMISSION OF THE STATES, APRIL 23, 1968, BEFORE THE HEALTH, EDUCATION, AND WELFARE-LABOR SUBCOMMITTEE, HOUSE OF REPRESENTATIVES APPROPRIATIONS COMMITTEE

Mr. Chairman. I deeply appreciate the opportunity to appear before this committee in my capacities as Governor of the State of Utah, Chairman of the National Governors' Conference Education Committee, and Chairman of the Education Commission of the States.

One of the most serious difficulties experienced by school officials at all levels in making efficient use of federal funds has been the timing of the federal appropriation process, which has often caused grants of funds to be made after the start of the school year for which they are allocated and long after planning for the school year must be completed.

Because the federal funding cycle is based on a fiscal year which is not coordinated with the usual academic year, and because the Congress has often delayed in appropriating aid funds, federally supported education programs have experienced significant financial problems detrimental to program quality and effectiveness. School budgets have to be prepared 9 to 10 months ahead of federal funds, and frequently local commitments to spend occur six months ahead of funding.

Late funding is complicated by the fact that aid distribution formulas have been changed frequently and expiring programs often have not been extended until just before—or even after—they expired. Serious problems have resulted:

1. Inadequate utilization of increased federal support and interference with both federal-state coordination and state and local planning have developed.

2. Short-term authorizations and abrupt changes create uncertainties for education agencies; schools don't know whether to expect federal support at the same level—whether to accelerate, slow down, or stop.

3. Program quality and achievement of program objectives are adversely affected.

Late funding has accounted for by far the greatest number of complaints about federal aid programs for education. The President and his Administration, on the one hand, and the Congress, on the other, are to be commended for recognizing—and acting on—this very serious problem.

You are familiar with the report of the Task Force headed by Assistant Secretary-Comptroller James F. Kelly of the Department of Health, Education, and Welfare, entitled *Improving DHEW Support of Educational Programs,* which stated the problems involved in late funding clearly and recommended that appropriations for federal aid for elementary and secondary education be advanced by one year. I cannot improve on the Task Force's statement of the problem. I can only concur in its recommendation and express again my appreciation of the fact that the President included funds for Title I of the Elementary and Secondary Education Act for fiscal year 1970 in his Budget for fiscal 1969.

You are also familiar with Report No. 1 of the House Special Subcommittee on Education, entitled *Study of the United States Office of Education.* This report, as you know, liberally cited testimony before the subcommittee to outline in great detail the dimensions of the late funding problem. You will recall, too, that the report of the Senate Labor and Public Welfare Committee on the Elementary and Secondary Education amendments of 1967 recommended provision for advance funding under the Act.

The response of the Congress to these reports, of course, was to authorize funds in advance for fiscal year 1970 under all Titles of the Elementary and Secondary Act.

I would like to call your attention to actions by two state-level organizations concerning advance funding. First, the Steering Committee of the Education Commission of the States, meeting in Boston last September, took note of the late funding problem and endorsed the principle of advance funding for all federal aid programs in education. The Steering Committee reiterated its endorsement of the principle while considering the subject of block grants for education at its December meeting in Hilton Head, South Carolina.

Second, the National Governors' Conference Education Committee, of which I am privileged to serve as chairman, at the Mid-Year Meeting on Federal-State Relations in Washington, D.C., February 28-March 1, made the following recommendation to the Conference:

That the National Governors' Conference commend the Congress and the Administration for providing for advance funding of educational aid programs under the Elementary and Secondary Education Amendments of 1967 and for requesting advance funding for fiscal year 1970 under Title I of the Elementary and Secondary Education Act and the proposed vocational and technical education legislation and higher education legislation of 1968.

However, in the firm belief that late funding has been one of the most severe problems for the states and local education authorities under all federal aid programs for education, the Committee recommends that the National Governors' Conference call upon the administration and the Congress to extend the principle of advance funding to all such programs, beginning with fiscal year 1970.

The report containing this recommendation was accepted by the full Conference.

I would like to add my endorsement to the many you have already received for the President's request for advance funding of Title I of the Elementary and Secondary Education Act in the amount of $1.2 billion. However, I would like to stress that the amount requested and its limitation to Title I must be considered the bare minimum, in view of the educational and administrative problems involved.

Problems resulting from late and uncertain funding have occurred under all federal education programs and, more specifically, under programs authorized by all Titles of the Elementary and Secondary Education Act. It is true that Title I programs are of the most direct and immediate benefit to disadvantaged children. But we must remember that programs were authorized to assist and improve education, in most cases for the primary benefit of pupils and their schools in less fortunate areas and in other cases for all schools and pupils, under all Titles of the Act because the Congress and the Administration recognized that such programs were necessary. Late and uncertain funding erodes the effectiveness of all those programs, not just those under Title I.

The problem of inadequate funding of federal programs of aid for education is more serious and vexing than late funding. Let me cite again the report of the Education Committee of the National Governors' Conference:

That we find the proposed funding of Title I of the Elementary and Secondary Education Act, which provides for the education of disadvantaged children for the two fiscal years ahead at the same level as for the current fiscal year, actually constitutes a reduction, given the increasing number of children needing this assistance, rising costs, and the special costs involved in meeting the educational needs of these children. Further, we recognize the budget strictures operating during the coming year. But we question the advisability of budget cuts which have the effect of denying educational opportunity, and we therefore recommend substantially increased funding of Title I of ESEA and restoration of funds for library resources and textbooks under Title II of ESEA and funds for equipment and remodeling under Title III of the National Defense Education Act to at least the levels of fiscal 1968.

The Congress, after exhaustive hearings and consideration by Education Subcommittees in both Houses and by the Conference Committee, authorized a grand total of $4.45 billion for fiscal 1969 under all Titles of the Elementary and Secondary Education Act and $4.78 billion for fiscal 1970.

In contrast, the budget request for those programs for fiscal 1969 is half the authorization, and the advance funding figure before you is limited to one program.

My point is that the American people—and particularly the millions of pupils in our schools—are the losers when their government establishes educational programs and, further, authorizes their funding in advance in order to make them most effective, only to reverse itself later, drastically reduce the scope of those programs, and limit the advance funding to only one of their number.

I am fully aware of the severe financial strictures under which the federal government must operate during the crucial year ahead. But I feel compelled to compare the government with a typical American family in the handling of its finances. The modern American family, I believe, recognizes the overriding value of education; recognizes further that youth, at whatever age, are ready for a certain level of education at only one time and that education must be available to them then or it will have lost forever its ability to benefit them. The modern American Family would only as its last resort scrimp on funds for education.

The federal government should look on the financial problem in the same way. Something as priceless as educational opportunity and educational quality should not be denied to our youth in the name of economizing except in a case of dire fiscal peril.

I would like to propose, therefore, two suggestions for your serious consideration. The first is to keep appropriations under the Elementary and Secondary Education Act for fiscal 1969 at least at their fiscal 1968 levels, adding a factor for growth in the number of young people we have to educate and for cost increases. The second is that, again applying the growth factor, you extend appropriations for all Titles of the Act where it is authorized to fiscal 1970.

You have within your competence the authority to make a forceful recommendation on one of the most vital issues of our time: the question whether the federal government will keep its commitment to the young people of our nation to assist with and improve their education. In full sympathy with the multitude of severe pressures upon you, I nevertheless urge you to make your decision a positive one. The generation of young Americans who are now in school will be forever in your debt if you do.

Thank you.

VIETNAM VIEWPOINT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an article which was prepared in October 1967, entitled "Vietnam Viewpoint," for Mountaineer Spirit, a West Virginia University campus publication.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIETNAM VIEWPOINT

(By Senator Robert C. Byrd)

Many Americans feel that we should never have gotten embroiled so deeply in the war in South Vietnam. They feel that it was a civil war to begin with. There are other observers who take the view that our country should not be concerned to the point of sending fighting men into a situation which is of but little or no concern insofar as the security of our own Nation is involved. Still others feel that the South Vietnamese should do their own fighting and that, if they are unable to provide a lasting and stable government and are unwilling to make a determined stand and fight for their own freedom, we should not do it for them.

I cannot say that any or all of these arguments are entirely invalid. I do however, believe that, while it is too late to engage in polemics regarding whether or not we should have gotten involved so deeply in the first place in the war in Vietnam, we have to face up to that fact that we are very much involved, that our fighting men are there in great numbers, and that our national prestige, integrity, honor, and—to some degree—our own future security are on the line. Thus, it becomes a matter, with me, of supporting our American fighting men, of supporting the Commander-in-Chief (regardless of what his political party may be), and of standing firm in the hope that the Communists can be convinced that they cannot win a military victory and that they will consequently agree to some form of peaceful conclusion which will enable us to maintain our honor as a Nation, enable the South Vietnamese to support a government of their own choice as a free people, and insure that Communist aggression will not be rewarded.

I wish it were possible to close our eyes to the situation in Vietnam and bring our boys home, but this would be wishful thinking and, indeed, unrealistic thinking on our part. As to why this would be unrealistic and wishful thinking, I shall attempt to explain in the following way:

I. OUR NATIONAL COMMITMENTS TOWARDS VIETNAM

In 1954 President Eisenhower wrote to President Diem and assured him of American assistance in "developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means."

In 1955 the United States Senate approved the resolution of ratification on the Southeast Asia Treaty by a vote of 82 to 1. That treaty provided, among other things, for the protection of any of the three non-Communist states coming out of former French Indo-China which might ask for protection. Since 1955, the Congress has, by its appropriations of money, lived up to the policies of the Southeast Asia Treaty by providing military and economic assistance.

In 1960 President Eisenhower again wrote to President Diem assuring him that, "For so long as our strength can be useful, the United States will assist Vietnam in the difficult yet hopeful struggle ahead."

In 1961 President Kennedy wrote to President Diem stating that our government was "prepared to help the Republic of Vietnam to protect its people and to protect its independence."

President Johnson has repeatedly reiterated these policies of assistance to South Vietnam. Moreover, in August of 1964, the Congress, by a combined vote of 504 to 2, expressed its support of the Chief Executive, "including the use of armed force" in whatever steps he might deem necessary to prevent aggression in Southeast Asia.

In fine, then, our Nation has made clear and binding commitments to support the South Vietnamese from aggression and subversion, and it cannot be controverted that such aggression and subversion has occurred and are continuing to the present time. A nation, like an individual, must live up to its commitments. Else, its word will not be accepted and honored, its future promises will be worthless, and its respect will be eroded in the eyes of both friend and foe.

II. THE UNITED STATES IS A WORLD POWER AND HAS IMPORTANT INTERESTS IN THE PACIFIC AND FAR EAST

South Vietnam is a link in the chain of Southeast Asia. Southeast Asia is strategically located, it being the gateway to the Pacific and Indian Oceans. It is flanked on the one side by the subcontinent of India and on the other by the Philippines, New Zealand, New Guinea, and Australia. It lies across the sea and air lanes separating western North America from Asia and Africa. Just to the South is Indonesia. Moreover, Southeast Asia is the rice bowl of the world; it is populated by 200 million people and is an area of vast and rich natural resources, including oil, tin, and rubber.

The United States is a world power. It has vital interests in the Pacific, and any takeover of Southeast Asia by the Communists would have a tremendously adverse impact upon our national interests. The future security of the United States would be endangered to some considerable degree.

If South Vietnam should fall, many astute observers believe that the dikes would have been broken and that Southeast Asia would go in time. As a matter of fact, the Communists have already indicated that Thailand is next on their list of subversion and aggression, and they are at the moment active in the northeast parts of that country.

In summation, then, I think it can be stated that the security of the United States is definitely involved in the outcome of the war in South Vietnam. There are, as I have already indicated, respectable viewpoints to the contrary, but I personally cannot agree with them.

III. THE WAR IN SOUTH VIETNAM IS A TEST OF THE ENDURANCE, STAMINA, WILL AND "STAYING POWER" OF THE UNITED STATES

Nikita Khrushchev, in 1961, referred to the war in South Vietnam as a "sacred war."

General Vo Nguyen Giap, top commander of the North Vietnamese military forces, has referred to South Vietnam as the "model of the national liberation movement of our time," and he has also stated that, if the United States can be defeated there, "it can be defeated everywhere in the world." The Peiping People's Daily, foremost Communist Chinese newspaper, has referred to the conflict as the "focal point of the international class struggle" and "the acid test for all political forces in the world."

Essentially, then, the war in Vietnam is a test of American endurance, determination, and will. To use the Communists' own words, it is the "acid test." If America should be defeated, or should withdraw, or should in any way renege on its commitments in South Vietnam, we could very well expect that war of so-called national liberation would crop up in other areas of Asia, as well as in Africa and Latin America. The Communists would have been given the green light; the United States would have been discredited before the world; our friends would no longer believe us. The Communists would no longer fear us. We would not have bought peace. Instead, we would only have bought a little time in which to dig in on a new line somewhere else.

The war of "national liberation" is in reality an act of semi-concealed aggression. The technique used is that of infiltration of war materiel, assassins, saboteurs, and trained military personnel across national boundaries for the purpose of capitalizing upon dissident elements in the host country and bringing into being manufactured or imported revolution. The attempt is, of course, made, as it was in Vietnam, to convince the world that what is actually happening is simply civil war in which oppressed peoples are trying to overthrow their oppressor government.

There is ample evidence that the stage is being set for a repetition of such wars of national liberation elsewhere in the world as soon as the "model" war of national liberation can be successfully concluded by the Communists in South Vietnam.

Thus, while there is no question but that the United States has superior "firepower," the basic, fundamental question resolves itself into the simple one of whether or not we have "staying" power. Unless we have the latter, the former will be insufficient to enable the United States to prevail in the present struggle.

IV. MY DUTY AS I SEE IT

With the foregoing premises established, I feel that it is my duty as an American and as a Senator to uphold the hand of the Commander-in-Chief in his effort to fulfill the commitments of three Presidents toward South Vietnam. I do not support the Commander-in-Chief just because he happens to be of my own political faith. If he were a Republican President, I would feel it my duty to support him as my Commander-in-Chief when the Nation's security interests are involved. I have differed with my President on several occasions with respect to various and sundry domestic issues; and I shall probably continue to do so again, but I do believe that I can best support my country's welfare by supporting its leader where matters of national defense are concerned. He is the possessor of more information than am I, and I feel that I must place my trust in the Commander-in-Chief—the man who must make the fateful decisions in time of war.

There are those who take the view—and with apparently ample justification—that, if America stands its ground and the Communists are defeated in Vietnam, we will have prevented future similar wars, if not a general world war, which might be fought in areas more disadvantageous to our own fighting men than is Vietnam. I abhor the war, and I shrink at the thought of the vast cost—in life and in treasure—to our country and our people. Yet, if our efforts will indeed prevent our having to fight more costly wars elsewhere and eventually even closer to home, then it would seem that our Nation will have taken the right course.

V. THE WAR WILL BE WON OR LOST AT HOME

In the face of the so-called "peace" marches, demonstrations, and protests that have been occurring throughout the country in many of our major cities, I think it well to reflect long and soberly about their impact upon our national image, our national position, and our national destiny.

We should be wary of our statements and actions which may be interpreted by the Communists in Southeast Asia, in China, and the Soviet Union as evidence of timidity and weakness.

Nothing I say is intended to reflect in any way on the integrity, sincerity, and patriotism of responsible critics of the conduct of the war in Vietnam. The rights of constructive and responsible dissent, of legitimate free speech and free assembly, are unquestioned. But draft card burners, and attempts to impede and harass the operations of the Defense Department and other government agencies, and efforts to intimidate public officials are distortions of First Amendment freedoms.

Such abuses of constitutional freedoms may indeed encourage the Communists to believe that the United States does not have the stomach to see the Vietnamese war through to the end. France did not lose the war with the fall of Dien Bien Phu. That war was lost in Paris. It was lost at home. There was not only disunity and lack of cooperation among the French generals in Vietnam; there was also disunity at home. The Communists feel that the appeasers in America will so undermine the war effort that the history of French failure will be repeated in an American failure.

We should take a lesson out of the book of history, and particularly should we view with the utmost seriousness that history as it was so painfully written in blood a little over a decade ago in the same part of the world where our own fighting men are today shedding their precious blood, for it is indelibly written upon those pages that France showed the most complete indifference toward her army. Even in the face of the incompetence of the French high command, but for the monstrous indifference of a nation, the French effort in Indo-China might have ended a victory, rather than defeat. At the bottom of it all there was faith, the will of a people, or its decline.

MIAMI AREA RECOGNIZED IN FOREFRONT OF AVIATION ACTIVITY IN THE UNITED STATES BY HON. ROBERT MURPHY, VICE CHAIRMAN OF CIVIL AERONAUTICS BOARD

Mr. SMATHERS. Mr. President, the Miami area's position in the forefront of aviation activity in the United States was recognized in a recent address by Hon. Robert T. Murphy, vice chairman of the Civil Aeronautics Board, before the National Airlines Management Club in Miami on May 2, 1968. Vice Chairman Murphy noted Miami International Airport's ranking as one of the busiest airline airports in the country and nearby Opa Locka Airport as one of the busiest general aviation airports in the country.

Citing a recent Federal Aviation Administration study of the increased passenger handling terminal area facilities required to accommodate the 19 million passengers expected in the area by 1980, Mr. Murphy traced the role of the Federal Government in developing the national airports system and commented on some of the difficult problems of funding present airport requirements if strangulation of these vital arteries of commerce is to be avoided in the future. With the expected increase in passenger and cargo traffic in new larger and faster aircraft, it is clear that major improvements in the ground facilities at major hub airports is required. In this connection, Mr. Murphy complimented the Dade County Port Commissioners on their vision and foresight in planning airport facilities to meet the needs of the future.

Vice Chairman Murphy's remarks in this regard are certainly topical. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE ROBERT T. MURPHY, VICE CHAIRMAN, CIVIL AERONAUTICS BOARD, BEFORE THE NATIONAL AIRLINES MANAGEMENT CLUB, MIAMI, FLA., MAY 2, 1968

It is a privilege for me to join the National Airlines Management Club dinner meeting this evening. I might add that it is a distinct pleasure to visit this State which, according to recent ads which we have been reading, has been transformed into an airline. Seriously, there is a great deal of truth to that Madison Avenue author's allegation since there is no other state in the Union which owes so much of its burgeoning growth and development to the availability of adequate air transportation as this great State of Florida—and the substantial contribution of National Airlines to that growth is a matter of historic fact in which you can take justifiable pride.

I always enjoy the opportunity of meeting and talking with men and women associated with the aviation industry and I generally find that I learn much more from these contacts than I can possibly impart. This group, I understand, encompasses employees representing all levels of your airline's functions from ticketing and reservations, ground handling, dispatch, etc., to planning and programming. No matter what our association with this industry may be, I am sure that we all share a sense of tremendous satisfaction in the great advances which aviation has made to date and the significant contributions it has made to the economy of this country, not only in terms of trade and commerce but also to the great American principle of the "pursuit of happiness." While the sociologists emphasize the fact that we are living in the cybernetic age with computers and black boxes taking over more and more of our work, we must never lose the sense of our personal value and the importance of our individual contribution to the dynamic industry with which we are fortunate to be associated. This is a public service business and much is demanded and much is expected of us. In addition to all the specialized skills which you are required to bring to your everyday work, you are expected to have a genuine concern for the safety and welfare of your customers and to exercise an unfailing sense of courtesy and interest in all your personal contacts with them. Millions of dollars worth of alluring advertising can go right down the drain if reservation or counter personnel or flight attendants, for example, do not constantly practice these virtues at all times. The fact of the matter is, however, that this is usually the case with the result that air travel has been and continues to be a pleasurable experience for almost all the users of air transportation. In my judgment, no other class of common carriers extends such uncommon courtesy to the common passenger as do our airlines.

Naturally, I am expected to treat of serious and grave problems on these excursions from Washington—as if you did not have enough to worry about already. But I thought it might be well to mention briefly this evening some of those which confront us as we look down the road to the great changes and tremendous traffic growth which will be upon us in the 70's. I need not emphasize that here in Miami we are in the midst of one of the fastest growing traffic centers in the world. Miami International Airport is ranked as one of the largest hubs in the country and Opa Locka is one of the busiest general aviation airports in the nation.

FAA has made a recent study of future airport requirements in the Miami area which is expected to account for nearly 19 million passengers in 1980. To meet this forecasted growth, FAA estimates that total air carrier terminal space in the Miami area must increase five times. Apron space for air carrier passenger aircraft must increase fourfold. Four times the present cargo building space and six times existing cargo apron space must be provided. These figures give some sense of the dimension of the problem confronting air transportation, not only here, but also at other major hub airports throughout the country. If the expeditious movement of people and goods at such an accelerated rate is to be accommodated we must begin now to do the necessary planning and to take the needed action to see that it is accomplished.

Today we have the safest and most efficient network of airports in the world but if traffic continues to grow at anticipated levels and the new and larger aircraft now on order or on the drawing boards are introduced into service within the next few years, a virtual strangulation of these vital air arteries of transportation could occur, particularly at major hub airports, unless action is substituted for talk before too long. The Federal Government has played an important role in the development of the existing national airport system under the Federal Airport Act. Basically, this has been a grants-in-aid program principally on a 50–50 matching fund basis limited in recent years to airport items directly related to safety such as runway and taxiway construction, land acquisition, runway lighting, etc., but excluding terminal buildings, parking lots, etc. Under this program over 2200 public airports have been improved or developed with the aid and assistance of Federal contributions which have totaled to date $1.2 billion.

Although this program was launched in 1946 with the enthusiastic endorsement of Congress and the responsible Federal agencies, and contemplated and, indeed, authorized the appropriation of $500 million over a period of seven years, the history of actual appropriations was very disappointing. Beginning in 1953 and for some few years thereafter efforts were made to reduce the amount of Federal support for airports to very inadequate levels—indeed, in one year there were actually no funds appropriated. This trend culminated in 1959–1960 with an official position by the administration that the time had come for the Federal Government to withdraw from the airport aid program entirely. This shortsighted and ill-advised policy was quickly corrected in 1961 principally through the zeal and efforts of Senator Mike Monroney, of Oklahoma, the Chairman of the Senate Aviation Subcommittee, who has probably done more for the development of airports in this country than any other single man in Government. Airport aid has continued on the grants-in-aid basis up to the present time. However, the sums presently authorized do not bear a real relationship to our future needs.

An indication of those requirements is found in the Fiscal Year 1968 program of the Federal Aviation Administration which is budgeted to provide $70.2 million of matching funds for the improvement of 386 airports, but in reaching that budget figure the FAA had to process 778 requests for aid totaling $339.3 million. It is important to bear in mind that none of those requests related to the essential and desperately needed terminal area facilities.

Increasing demands for additional airport development clearly demonstrate the desirability or need for a change in the present airport aid program. Some experts estimate a need for an additional $3 billion investment by the end of 1973 and an additional $3 billion by the end of 1975—a sum equal to the entire expenditure on airport development during this century. New York City alone estimates it will require three-quarters of a billion dollars in the next 10 years; Chicago $600 million. Los Angeles is planning a $500 million airport expansion program and Dallas and Fort Worth are now demonstrating an impressive ability to work together on a new $250 million airport—an airport that will embrace more than 18,000 acres.

We can clearly foresee, therefore, that vast improvements in the system will be required to prevent the frustrations of future airport congestion. No present airport is adequately equipped to accept the process the deluge of passengers that will debark from the Boeing 747's, the Lockheed air buses, stretched DC-8's or the commercial version of the C5-A's in the middle 70's. The problem is not just the technical one of building the needed facilities. The greater problem is funding those required improvements. While airways improvements are necessary, we can cope with the demands of the next four years in the air; however, the most challenging problem facing the Government and the industry today is that of ground facilities in all its multifaceted ramifications.

The Civil Aeronautics Board has no direct responsibility for the adequacy of airports. However, our Board has a vital interest in the problem because of its essential relationship to the economics and safety of the air transportation industry which the Board is charged by law to promote and regulate. As a consequence, we are giving careful attention to airport matters in our proceedings. For example, we are considering improved direct service for a number of cities, such as Milwaukee and Omaha, which would bypass the overcrowded connecting hubs through which such traffic has moved in the past. Improved service to the public and some lessening of traffic congestion may result from such cases. We are also looking into the need for new authorizations at such metropolitan area reliever airports as Islip and White Plains in the New York area. Similar issues are under study in a number of pending Board cases. Thus, we are very conscious of the present airport problem and are attempting to take such affirmative action as is within our jurisdiction.

As you probably know, the Department of Transportation and the Federal Aviation Administration are the instruments of the Federal Government to which are entrusted the whole question of airports as well as airways. The Federal Aviation Administration has done an outstanding job in this area of Federal responsibility and has the ability to bring to bear on this subject a tremendous background of experienced know-how. I believe there is a general recognition of the fact that the problem is not solely a local one but rather a matter of national responsibility to provide adequate means to serve the interstate and foreign commerce of the United States. State and local authorities can and should continue to perform the major part of the job of constructing and operating airports and finding the ways and means to do much of the financing. However, there must continue to be a central Federal responsibility for planning, encouraging, assisting and insuring the development of an adequate airport system to meet national requirements. It is a mistake to think of airports as simply local assets. They do not just benefit the airlines, the private and business pilots and the air travelers. Rather they vitally affect the prosperity, well-being and security of our whole national economy. Additionally, they play an indispensable role in national defense and are continually available to the military in times of national emergency. They are indivisible from the whole concept of air safety which takes on added importance as we move to larger aircraft carrying passenger loads in the range of 300–500 persons an aircraft.

Recognizing the importance and critical need for prompt action, Senator Monroney in August of last year initiated hearings before the Senate Aviation Subcommittee for the purpose of exploring the needs, problems and means necessary to insure the continued maintenance of an adequate national airport system. He issued an interim report in January of this year which reviewed the problem in depth, isolated the factors involved and analyzed the extremely complex problem to which I have previously alluded—namely that of funding the vast expenditures which will be required to modernize our airport facilities. The Committee has requested the executive branch to submit a plan for continued assistance to local communities and for funding the Federal share from user charges of a variable nature. A great deal of hard work has been devoted to this project on an accelerated basis and proposed legislation will be submitted to the Congress very shortly. Thereafter it is expected that the Congress will resume its examination of this subject with a view toward providing a sound program for continued Federal assistance on a meaningful basis.

From all that I have seen through personal visitations and all that I have studied in recent months there is every indication that the air transport industry as such is positioning itself to cope with the traffic problems of the 1970's. I doubt that any other single industry in America has devoted more time and attention to sound advance planning on a systems basis as has the aviation industry. Today it stands healthy and strong, ready to meet these new challenges. In 1967 it attained new all-time peaks of achievement in practically every aspect of its operations.

For example, in the calendar year 1967 the route carriers flew over 132 million passengers for a total of almost 100 billion passenger-miles. The industry carried almost four billion ton-miles of freight and express and well over one billion ton-miles of mail. Moreover, total investment topped the $6 billion mark for the first time and over-all operating revenues reached a record level of practically $7 billion.

Although over-all transportation is dominated by automobile travel in the passenger field and by truck, rail, and water in the cargo field, it is significant that air transport continued to grow at a markedly higher rate than any other transport mode in both the passenger and cargo sectors. The vigorous growth in passenger traffic is continuing this year. Latest figures indicate that passenger traffic carried by the domestic scheduled airlines during the first quarter of 1968 increased 16.3 percent over the first quarter of 1967.

In terms of equipment to accommodate the substantial flows of new business the U.S. certificated air transport industry, comprising both the scheduled and supplemental carriers, is rapidly increasing its capacity and its capital investment. During 1967 the industry acquired 433 turbine-powered aircraft and retired 185 old aircraft, most of which were smaller, slower piston-powered units. As a result of this net addition of 248 aircraft, the number of aircraft in the airlines' fleet at the end of 1967 totaled 2,421.

As of December 31, 1967, the carriers had a total of 687 aircraft of various types on firm order, including 129 aircraft which can be used in all-cargo service. Continued future emphasis on developing short-haul air transportation is shown by the fact that 422 of the aircraft on order, or 61 percent of the total, are two- and three-engine turbofans and two-engine turboprops. For their long-haul passenger and cargo operations, the U.S. carriers have ordered 265 four-engine jets, including 89 B–747 jumbo jets. The latter are scheduled for first delivery in late 1969. In addition, as of December 31, 1967, the U.S. carriers have reserved delivery positions for 64 U.S. SST's and 38 Concorde supersonic aircraft.

In recent weeks, of course, we have had the beginning of substantial orders by some of our larger carriers for Douglas and Lockheed versions of the air bus. Certainly, there is no lag or gap between planning and action in this area. Insofar, then, as line-haul operations are concerned we are ready. Our greatest problem, as I have stated, is concentrated in the area of ground facilities, particularly at those 22 or more major hub airports which account for two-thirds of all passenger traffic in this country.

But the whole system cannot function efficiently or safely without the continued superior service of the 280,000 airline employees who are daily called upon to maintain the high standards which have made our air transportation industry the envy of all the world. New employees are being added at a rapid pace and last year some 35,000 men and women were added to the industry payroll. Employment today is double the figure of 10 years ago and this continued growth can be expected in the year ahead.

On the frequent occasions when I have been privileged to visit with airline people, to walk through the maintenance and overhaul shops, to poke through the reservations systems, to chat with management people behind their desks or around the board room table, I have never failed to be deeply impressed by the extra something which all seem to bring to bear on their individual tasks. Your personal contributions to the success and standing of this industry cannot be over-emphasized. I am confident that there is no other industry with higher standards of safety, efficiency and courtesy than those which presently exist in aviation. Yet during the next few years as we all suffer our way through the problems of growth and changing technology we must exert even greater efforts to maintain the excellence of the product for sale to the traveler and to the shipper. As air transportation becomes more and more of a routine part of the business and pleasure regime of the total population it is obvious that an improved service will redound to the financial betterment of the carriers.

In conclusion I would like to repeat what I have said so many times before—namely, that this country today has the finest air transportation system in the world. We are doing our best to improve upon it and at the same time maintain the economic health and vigor of all its components. The problems of the industry are really problems arising from our past prosperity, success and growth.

It is evident that we must plan ahead and be ready for the technological developments of the next few years. Our air carrier industry as well as all state and Federal agencies concerned with air transportation have historically demonstrated great ingenuity and ability in coping with the problems of this truly dynamic transportation medium. I have an abiding optimism that continued cooperative efforts will be forthcoming in the years ahead.

I have had the benefit of a briefing by the Dade County Port Authority and from all that I have seen and learned they are deserving of the highest compliment for their vision and foresight in executing sound plans to meet the needs of the tremendous traffic growth that will occur here. There are no local authorities in any other area of this country who are further ahead with such advance planning. Likewise, the impressive plans of National Airlines for facilities expansion here at Miami International Airport are indicative of the highest type of industry response to the public needs.

Once again I want to sincerely thank you for inviting me to participate with you in this dinner meeting. It has been a great pleasure.

SENATOR RANDOLPH CITES EFFORTS OF THE AMERICAN LEGION IN URGING ADOPTION OF RESOLUTION AUTHORIZING "NATIONAL EMPLOY THE OLDER WORKER WEEK"—PRAISES NATION'S EMPLOYERS WHO HAVE BEEN HIRING OLDER AND HANDICAPPED CITIZENS

Mr. RANDOLPH. Mr. President, as chairman of the Subcommittee on Employment and Retirement Incomes of the Senate Special Committee on Aging, I recently introduced, with the cosponsorship of 12 other Senators, Senate Joint Resolution 158. This resolution would authorize the designation of the first full week in May of each year as "National Employ the Older Worker Week."

As I stated when introducing the resolution, the American Legion has set aside this same week to emphasize the merits of employing older workers. Additionally, the Legion has adopted a resolution calling upon Congress to pass a measure similar to my proposal. They share the belief that the full strength and prestige of the Nation may be mustered in support of this annual observance.

While recognizing the importance of action by Congress in support of an annual observance, the American Legion has not waited for Congress to act but has proceeded on its own to observe a "National Employ the Older Worker Week." An example of this organization's activities to encourage and recognize the employment of older workers is its awarding of citations to employers throughout the Nation who have been outstanding in the hiring of older and handicapped workers. In the March 1968 issue of the American Legion magazine, there is an announcement that 61 employers have received American Legion citations for good employment practices during 1967. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEGION HONORED 61 EMPLOYERS DURING 1967 FOR HIRING HANDICAPPED AND OLDER WORKERS

Sixty-one employers around the nation received Nat'l American Legion citations for good employment practices during 1967.

Twenty-nine were cited for their practices in hiring the handicapped, and 32 for their practices in hiring older workers. Coincidentally, 61 firms were also honored in 1965 and again in 1966.

National awards are made on the recommendation of a State or other Department organization of The American Legion which nominates employers each year for the National Hiring-The-Handicapped Award and the National Older-Worker Citation.

Awards are made by the Legion's Nat'l Economic Commission, whose intimacy with the job problems of handicapped and older veterans stimulated the granting of the annual citations.

Handicapped awards are usually made in connection with annual Employ the Handicapped Week (first full week in October), and represent part of the Legion's participation in the programs of the President's Committee on Employment of the Handicapped.

Older worker awards are usually made in conjunction with the Legion's Hire the Older Worker Week (first full week in May). Among those receiving awards in 1967 were commercial firms, government agencies, and educational institutions. Below is a list of all employers receiving National Legion awards for 1967.

State	Cited for employment of the handicapped	Cited for employment of older workers
Alabama	None	Dunnavant's, Inc., Huntsville.
Alaska	Alaska Lumber & Pulp Co., Sitka	U.S. Smelting, Refining & Mining Co., Fairbanks.
Arizona	None	None.
Arkansas	Ralston Purina Co., Northwest Arkansas Poultry Products Division Rogers.	Fox Manufacturing Co., Fort Smith.
California	Ampex Corp., Redwood City	None.
Colorado	Western Cine Service, Inc., Denver	House of Gregory, Broomfield.
Connecticut	Hershey Metal Products Corp., Ansonia.	Cheney Bros., Inc., Manchester.
Delaware	None	None.
District of Columbia	do	Do.
Florida	do	Do.
Georgia	The Browning Co., Atlanta	Spalding Knitting Mills, Griffin.
Hawaii	First National Bank of Hawaii, Honolulu.	Department of Personnel Services, State of Hawaii.
Idaho	None	None.
Illinois	Principal Manufacturing Corp., Broadview.	Do.
Indiana	None	George Koch Sons, Inc., Evansville.
Iowa	Glenwood State Hospital School, Glenwood.	Younker-Martin's Department Store, Sioux City.
Kansas	None	None.
Kentucky	Independent Box Makers, Inc., Louisville.	Southern Veneer Manufacturing Co., Louisville.
Louisiana	None	1. American Metal, Inc., New Orleans. 2. Lockheed Aircraft Service. Lake Charles.
Maine	Portland Lithograph Co., Portland	None.
Maryland	None	E.J. Korvette, Inc., Rockville.
Massachusetts	Wallace Manufacturing Co., Springfield.	Duplicon Co., Westboro.
Michigan	Davis Laboratory, Inc., Grand Rapids	None.
Minnesota	None	Fingerhut Manufacturing, Mora.
Mississippi	do	None.
Missouri	do	Do.
Montana	Typewriter Supply Co., Kalispell	Boutelle Motor Co., Miles City.
Nebraska	G & G Manufacturing Co., Omaha	Orthopedic Hospital, Lincoln.
Nevada	None	None.
New Hampshire	do	Do.
New Jersey	Electro-Miniatures Corp., South Hackensack.	Artolier Corp., Garfield.
New Mexico	Bureau of Reclamation, Navajo Indian irrigation project, Farmington.	Santa Fe Builders, Inc., Santa Fe.
New York	None	Manpower, Inc., New York.
North Carolina	do	Beacon Manufacturing Co., Swannanoa.
North Dakota	do	None.
Ohio	Larsan Manufacturing Co., Newark	McDowell-Wellman Engineering Co., Cleveland.
Oklahoma	North American Aviation, Inc., Tulsa.	Montgomery Ward, Oklahoma City.
Oregon	Bonneville Power Administration. Portland.	Jones Refinishing, Klamath Falls.
Pennsylvania	Sears, Roebuck & Co., Catalog Division, Philadelphia.	McGraw-Edison Co., Cannonsburg.
Rhode Island	Providence Post Office, Providence	Wardwell Braiding Machine Co. Central Falls.
South Carolina	None	None.
South Dakota	Stampers Black Hills Gold & Jewelry Manufacturing Co., Rapid City.	Geo. A. Hormel & Co., Mitchell.
Tennessee	None	None.
Texas	1. R. G. LeTourneau, Inc., Longview. 2. Lubbock Manufacturing Co., Lubbock.	1. Southwest Wheel & Manufacturing Co., Dallas. 2. Dynelectron Corp., Pasadena.
Utah	None	Zion Cooperative Mercantile Institution, Ogden.
Vermont	1. Essex Publishing Co., Inc., Essex Junction. 2. Beecher Falls Manufacturing Co., Beecher Falls.	Mr. Douglas Burt, Waterville.
Virginia	None	None.
Washington	do	Do.
West Virginia	Shenandoah Downs Race Track, Charles Town.	Do.
Wisconsin	Helwig Carbon Products, Inc., Milwaukee.	National Presto Industries, Eau Claire.
Wyoming	None	None.

RETIREMENT OF JUAN TRIPPE

Mr. SMATHERS. Mr. President, with mixed emotions I have read of the retirement of Juan Terry Trippe as chairman and chief executive officer of Pan American World Airways. It was 41 years ago, in the State of Florida, when Pan American Airways, the dream of Juan Trippe for several prior years, became an actuality. On a clear October day in 1927, the first Pan American tri-motor flew 90 miles from Key West to Havana, and a great institution was born.

We in Florida who have seen Pan American grow and prosper and who have watched it spread American good will all over the world find it incredible that Pan Am is actually 41 years old and that Juan Trippe is actually stepping down.

That the airline will continue to prosper and grow is a certainty. Harold E. Gray, who has moved from president of Pan Am to chairman and chief executive, and Najeeb E. Halaby, who is Pan Am's new president, are brilliant, skilled, and well-trained executives, Mr. Gray was one of the first pilots contracted by Pan Am and has been with the organization 39 years; Mr. Halaby joined the company not quite 3 years ago after an outstanding contribution to the Nation's aviation wealth as Administrator of the Federal Aviation Administration.

But many nostalgic strings still remain attached to the departure from the active scene of Juan Trippe. For those of us who would be saddened by such a development, let me give hasty reassurance, Mr. President, that Mr. Trippe will still be with us for an indefinite period, giving of his advice and his tremendous store of knowledge. He has agreed to remain with Pan Am as a director and as honorary chairman of the board.

Mr. President, the Washington Post

on May 9 published a warm and commendable editorial on the retirement of Mr. Trippe. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Juan Trippe Steps Down

An era ended this week when Juan Trippe stepped down as the boss of Pan American World Airways. He was the last to yield power of that remarkable group of men who grasped the potential of the airplane more than 40 years ago and spent their lives seeing it was realized. In many ways, he was the most remarkable of that group which included the better-known Eddie Rickenbacker.

Mr. Trippe built Pan-Am from a 90-mile air link between Key West and Havana to a billion dollar corporation. His firsts in the aviation industry are legion. He won the first international air mail contract over that Gulf of Mexico link. He pioneered the use of the Flying Clippers. He opened up air transportation in Latin America and Asia.

It is worth recalling that 25 years ago Mr. Trippe told a New York audience that air transport could either become a luxury service only the rich could afford or a service that all could afford. He had a great deal to do with the industry's choice of the latter course.

EDITORS HIT LOBBY, REJECT WEAK GUN LAW

Mr. DODD. Mr. President, the basic issue of this debate on firearms controls, title IV of S. 917, is not the need for firearms controls, but how strong and workable and effective and inclusive those controls should be.

There seems general agreement that the existing firearms laws do not work. Under them, the Nation has become an armed camp. There are guns everywhere. Criminals, juveniles, the demented, the aged, and the blind have free access to them.

The sale of guns, mail order and across the counter, has taken on a carnival atmosphere.

Antitank guns are advertised for use against bears, cars, and trucks. A bunch of criminals took the dealer at his word, bought one, and blew open a Brink's safe in upstate New York. Teenagers in New Jersey used one to blow apart farm buildings.

Under the headline, "Long Hot Summer Special" is advertised a .45-caliber, 30-shot semiautomatic rifle—a copy of a machinegun—along with "riot guns" and other semiautomatic rifles:

> Browning Belgique Auto, Caliber .32 rimless smokeless . . . One of these guns was carried by Mussolini and also by Heindrich Himmler as well as other WWII notables.
>
> The rare "Baby Nagent." Fanatic Russian Secret Police agents used these rare revolvers to terrify and kill enemies of the State. These tools could tell many a bloody tale when being used during the purges of the 1930's. Guns have original Bolshevick markings.

The mail-order gun dealers have been doing this sort of advertising for years. Even in the face of stronger Federal regulation, which they fear and which they have been fighting, the advertising has improved only slightly.

The market is still glutted with ads for foreign military surplus weapons. America is the world's dumping ground for used guns.

The current edition of the National Rifle Association's American Rifleman, May 1968, carries a two-color, full page advertisement inside the back cover offering for sale a total of 10 foreign-made, military-type pistols and eight foreign military rifles out of a total of 20 firearms offered in the advertisement. The same advertisement lists for sale at "bargain prices" 25 different types of "fine issue military rifle cartridges" and 22 of these items are for foreign-made rifles, mostly military.

The country is rebelling at this sort of thing. Public opinion polls show that. The mood of the country is for a strong law and effective law, one that would keep guns out of the hands of the people who should not have them.

Title IV of the omnibus crime bill, my firearms amendment, does not provide for strong regulation over shotguns and rifles. These provisions were eliminated from the title in committee.

Again, this action went against the public mood. Editorial response from across the Nation, large papers and small, demanded that rifles and shotguns be included in the law.

The public knows that when a criminal uses a shotgun or rifle to shoot you to death, you are just as dead as if he used a pistol or revolver.

Mr. President, here is a small sample of what the public thinks about rifles and shotguns not being included in title IV.

I ask unanimous consent that these editorial excerpts be included in the Record at this point.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

[From the Little Rock (Ark.) Arkansas Gazette, Apr. 26, 1968]

Prospects for a Gun Control Law

The nature of the uphill battle to enact an effective federal gun control bill was indicated by the narrow 9–to–7 margin by which the Senate Judiciary Committee finally has voted to clear the administration's omnibus anti-crime bill for floor debate . . .

The fact that the gun control issue cannot be isolated as a clear-cut conservative v. liberal issue in quite the way that the wiretap issue and proposed rebukes to the Supreme Court can be isolated is perhaps the subtlest tribute of all to the pressures exerted down through the years by the National Rifle Association and other components of the gun lobby, which, by common consent of the members of Congress, is by all odds the most abrasive and persistent of any lobby operating on Capitol Hill.

The bill now approved by the Senate Judiciary Committee—the principal feature of which would ban the uncontrolled mail-order sale of handguns—goes little beyond the original gun-control bill introduced almost five years ago by Senator Thomas J. Dodd of Connecticut and reintroduced each succeeding year with the same unavailing results. Senator Dodd has promised to lead the floor fight for inclusion of rifles and shotguns in the ban on mail-order sales, a goal that he first set out upon in the days following the assassination of President John F. Kennedy with a mail-order rifle in November, 1963. It will be interesting to see how far he gets this time, for we know only too well how far he didn't get the first time.

It will be interesting, for that matter, to see how far even the first step toward controlling handgun sales will get through the obfuscating haze of floor debate and, if it gets that far, in conference committee. The gun lobby, we can be sure, will be busy. By complete coincidence, an article by Richard Harris appearing in the April 13 issue of The New Yorker provides an admirable run-down on the machinations of the gun lobby during the 30 years since Congress last moved to curb the unrestrained sale and transportation of guns of all sizes. The New Yorker piece tells us all that we need to know about the gun lobby and possibly a little more that we, at least, would have liked to know about the Congress's susceptibility to the most blatant and unprincipled of pressure techniques.

[From the Providence (R.I.) Journal, Apr. 29, 1968]

The proposals sent to the Senate floor by the Judiciary Committee could have gone farther, particularly in respect to mail order shipments of rifles. . . .

The bill's failure to include mail order rifles and shotguns in the ban on interstate mail order sales of pistols and revolvers is regrettable. The mentally incompetent or emotionally unbalanced can do as much harm with a mail order rifle as with a pistol.

[From the Houston (Tex.) Chronicle, Apr. 26, 1968]

Regulation of Gun Sales Needed

The day after a sniper's bullet killed Martin Luther King, the Senate Judiciary Committee approved a watered-down gun-control amendment to the administration's anti-crime bill. It was the first time since 1938 that firearms legislation had been approved by a Congressional committee. The measure was reconsidered this week and again was approved by a 9 to 7 margin. Unfortunately, rifles and shotguns were excluded from its most important provisions . . .

The Senate not only should approve this measure, it also should put rifles and shotguns back under the bill's provisions as the bill originally was written.

[From the Trenton, N.J., Trentonian, Apr. 27, 1968]

Gun Sale Restrictions Not Stringent Enough

. . . The interstate ban on mail order sales—one of the most dangerous and irrational forms of business in the United States today—applies only to handguns.

The over-the-counter ban also applies to handguns only, which makes it extremely easy for residents of states such New Jersey, which require licenses to buy firearms, to skip to neighboring states to buy their weapons.

Hopefully, when the bill gets to the floor of the Senate, it will be amended to include rifles and shotguns in these two key areas.

[From the Milwaukee (Wis.) Journal, Apr. 19, 1968]

Weak Gun Control Plan Inches Along in Congress

(Title IV). It would prohibit interstate shipment of handguns (pistols) to individuals, and over the counter sale of handguns, to individuals who don't live in the firearm dealer's state. The unseen interstate flow of mail order rifles and other firearms would continue without check.

[From the Garden City (N.Y.) Newsday, Apr. 26, 1968]

The Senate next week will debate a gun control bill that in reality is only a sop, not a solution, to one of America's most pressing problems. It is a sop because, while it would cover pistols and revolvers, the bill would not regulate the mail-order sale of shotguns and rifles.

[From the Huntsville (Ala.) Times, Apr. 22, 1968]

The Diluted Gun Bill

This tactic points up the potential of the watered-down bill. Once outside the closed doors of the Judiciary Committee and onto the exposed floor of the Senate, the measure could be amended to cover rifles and shotguns.

[From the New York Post, May 3, 1968]

The Loaded Gun Control Bill

Redrafting the limited gun control provisions . . . promises to occupy most of the Senate's time; the basic requirement is a ban on the mail-order shipment of rifles and shotguns.

The issues, despite a scurrilous campaign of misrepresentation by the National Rifle Assn., are not really complicated . . . Effective gun control is a legitimate exercise of law by government to protect public order.

[From the Atlanta (Ga.) Constitution, Apr. 23, 1968]

Escalation on the Home Front

More than two-thirds of all Americans favor federal gun control legislation. Yet gun control bills, which have been studied by Congress for years, still languish in committee.

Lee Harvey Oswald bought the rifle that killed President Kennedy from a mail order house. There are clues suggesting the gun that killed Dr. Martin Luther King Jr. also was bought through the mails. Even mass-destruction weapons can be mail-ordered. This traffic also must be stopped.

A vast majority of the American public wants controls placed on the escalating traffic in firearms. Why does Congress hesitate?

[From the Charlotte (N.C.) Observer, Apr. 15, 1968]

Delay of Law Is Real Gun Danger

. . . The only dangerous gun act Congress might be stampeded into is another year of delay in doing something about keeping guns out of the wrong hands. If it fails to adopt even the modest regulations approved by the Senate Judiciary Committee, a lot of voters ought to get very emotional about that act of legislative negligence . . .

[From the Springfield (Ill.) State Register Apr. 24, 1968]

. . . It is time Congress quit dilly-dallying around on the subject and approved the laws advocated by President Johnson. It would be only a small step toward solution of the crime problem, but it would save some lives . . .

[From the Minneapolis (Minn.) Star, Apr. 20, 1968]

Why Delay Gun Control?

State-by-state control of the gun trade has proved inadequate. We need a federal law, and we need a much tougher law than is presently proposed. How many more assassinations and outbreaks of violence will be needed to convince Congress of this . . .

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The Diluted Gun Bill

The day after Dr. King was shot, the Senate Judiciary Committee . . . managed to approve a highly diluted version of the already mild administration gun-control bill sponsored by Sen. Thomas J. Dodd.

Approved by a vote of 9–7, the measure was tacked on to the Safe Streets and Crime Control Bill. It applies only to handguns. To win approval, sponsors had to scrap the ban on mail-order sales of rifles and shotguns as well. Dr. King and President Kennedy were slain with rifles.

. . . At the end of last week, some opponents were searching for ways to block even this limited step from reaching the Senate floor, contending the committee should vote once more.

This tactic points up the potential of the watered-down bill. Once outside the closed doors of the judiciary committee and onto the exposed floor of the Senate, the measure could be amended to cover rifles and shotguns . . .

A Gallup Poll last year found 73 per cent of the persons surveyed favored a law that would require registration of rifles and shotguns—a step that gun-control proponents would not dare propose in Congress at this point lest they kill all chance of enacting any legislation.

The eruption of the ghettos, one would think, should be the final straw. But it hasn't started a stampede for gun control.

That's because the battle for firearms control is a classic example of pressure-group politics thwarting what appears to be the will of the majority.

[From the Garden City (N.Y.) Newsday, Apr. 18, 1968]

The President has asked the Congress for a bill that would ban the mail-order sale of rifles and shotguns as well. We hope these weapons will be included in the amendment when it goes to the floor of the Senate. The anticrime bill will be incomplete unless it contains strong gun-control provisions.

[From the Minneapolis (Minn.) Tribune, Apr. 10, 1968]

Considering the tragedy of Memphis, the Senate Judiciary Committee picked a sadly appropriate day—Thursday—to reject a reasonable gun control bill.

The bill turned down by the Committee would not have denied sportsmen their rifles or shotguns. It would not have precluded weapons of self-defense for those who feel they must have them.

The bill simply would have prohibited the interstate mail-order sales of guns to individuals and over-the-counter sales of pistols and revolvers to nonresidents of a state. Now a weaker version concerning handguns has been approved. But that isn't enough.

[From the Washington (D.C.) Daily News, May 9, 1968]

. . . The gun bill's gun-control provision would outlaw mail-order sale of handguns (pistols and revolvers) and over-the-counter sale of handguns to minors and criminals. It would also ban importation of surplus military weapons.

Rifles and shotguns are home free. Madmen of the kind who shot President Kennedy and Dr. King and sniped at police during urban riots would find this bill no impediment to mail-ordering rifles.

Before passage, the Senate could put more teeth in this provision and still leave legitimate sportsmen no room for complaint.

[From the Garden City (N.Y.) Newsday, Apr. 26, 1968]

Register All Guns

The Senate next week will debate a gun control bill that in reality is only a sop, not a solution, to one of America's most pressing problems. It is a sop because, while it would cover pistols and revolvers, the bill would not regulate the mail-order sales of shotguns and rifles.

The Senate, thus far, seems willing to prohibit interstate mail-order sales of hand guns to individuals but has balked on the regulation of the sale of all firearms. This is partly the result of the skilled, powerful and persuasive gun lobby, led by the National Rifle Association and abetted by the manufacturers. They have dinned into the ears of Congressmen that regulation would be an invasion of privacy. Isn't murder? Isn't armed robbery an invasion of privacy?

The Senate should resist the lobbyists and substitute a tougher bill that governs all firearms, and helps insure that few or none can get into the hands of criminals or the mentally ill. Had such a law been on the books, both John F. Kennedy and the Rev. Martin Luther King Jr. might be alive today. How many more tragedies must there be before Congress enacts a strong gun control law?

[From the Tampa (Fla.) Tribune, Apr. 26, 1968]

Improve the Aim

After five years of debate the Senate Judiciary Committee finally has made a move toward strengthening Federal control of firearms. The Committee's action hit the target but missed the bullseye.

The Committee agreed to include in President Johnson's Safe Streets bill provisions prohibiting interstate sale of concealable weapons like pistols.

But it completely ignored the President's pleas to do something about interstate and mail order sales of rifles and shotguns to individuals. In other words, it's all right to purchase a rifle which might be used later in a crime but not a pistol.

Inclusion of interstate controls on rifles and shotguns would have made the difference between a strong gun law and a weak one . . .

The Senate has an opportunity to perform in the national interest by amending the Judiciary Committee's measure to regulate sales of rifles and shotguns as well as pistols. The Senate then can score a bullseye.

[From the Harrisburg (Pa.) Patriot, Apr. 26, 1968]

. . . (Title IV) it has been so weakened that it is not worth passing.

What, after all, is the sense of enacting a measure which would ban the interstate mail order sale of handguns—pistols and revolvers—if no restrictions are placed on "long guns" as that inveterate front for the gun lobby, Republican Sen. Roman Hruska of Nebraska, working in tandem with Committee Chairman James O. Eastland (D.-Miss.), insists?

TEENAGERS CHARGED IN ARSON AND LOOTING

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a news story from today's Washington Evening Star titled "Four Teenagers Charged in H Street Arson, Looting."

There being no objection, the story was ordered to be printed in the RECORD as follows:

Four Teenagers Charged in H Street Arson, Looting

Police yesterday arrested four teen-agers—one a girl—in connection with the burning and looting of a drugstore on riot-scarred H Street NE April 18.

An 11-year-old was arrested in connection with one of eight new fires reported last night.

A 14-year-old boy was charged with arson, and burglary and another 14-year-old, his 16-year-old brother and their 17-year-old sister with burglary in the April 18 ravaging of the reopened Standard Drug Co. store at 1115 H St. NE, police reported.

Heavily looted during the rioting April 5, the store had restocked and reopened a week later. The fire leveled the store, causing an estimated $200,000 damage.

on May 9 published a warm and commendable editorial on the retirement of Mr. Trippe. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Juan Trippe Steps Down

An era ended this week when Juan Trippe stepped down as the boss of Pan American World Airways. He was the last to yield power of that remarkable group of men who grasped the potential of the airplane more than 40 years ago and spent their lives seeing it was realized. In many ways, he was the most remarkable of that group which included the better-known Eddie Rickenbacker.

Mr. Trippe built Pan-Am from a 90-mile air link between Key West and Havana to a billion dollar corporation. His firsts in the aviation industry are legion. He won the first international air mail contract over that Gulf of Mexico link. He pioneered the use of the Flying Clippers. He opened up air transportation in Latin America and Asia.

It is worth recalling that 25 years ago Mr. Trippe told a New York audience that air transport could either become a luxury service only the rich could afford or a service that all could afford. He had a great deal to do with the industry's choice of the latter course.

EDITORS HIT LOBBY, REJECT WEAK GUN LAW

Mr. DODD. Mr. President, the basic issue of this debate on firearms controls, title IV of S. 917, is not the need for firearms controls, but how strong and workable and effective and inclusive those controls should be.

There seems general agreement that the existing firearms laws do not work. Under them, the Nation has become an armed camp. There are guns everywhere. Criminals, juveniles, the demented, the aged, and the blind have free access to them.

The sale of guns, mail order and across the counter, has taken on a carnival atmosphere.

Antitank guns are advertised for use against bears, cars, and trucks. A bunch of criminals took the dealer at his word, bought one, and blew open a Brink's safe in upstate New York. Teenagers in New Jersey used one to blow apart farm buildings.

Under the headline, "Long Hot Summer Special" is advertised a .45-caliber, 30-shot semiautomatic rifle—a copy of a machinegun—along with "riot guns" and other semiautomatic rifles:

Browning Belgique Auto, Caliber .32 rimless smokeless . . . One of these guns was carried by Mussolini and also by Heindrich Himmler as well as other WWII notables.

The rare "Baby Nagent." Fanatic Russian Secret Police agents used these rare revolvers to terrify and kill enemies of the State. These tools could tell many a bloody tale when being used during the purges of the 1930's. Guns have original Bolshevick markings.

The mail-order gun dealers have been doing this sort of advertising for years. Even in the face of stronger Federal regulation, which they fear and which they have been fighting, the advertising has improved only slightly.

The market is still glutted with ads for foreign military surplus weapons. America is the world's dumping ground for used guns.

The current edition of the National Rifle Association's American Rifleman, May 1968, carries a two-color, full page advertisement inside the back cover offering for sale a total of 10 foreign-made, military-type pistols and eight foreign military rifles out of a total of 20 firearms offered in the advertisement. The same advertisement lists for sale at "bargain prices" 25 different types of "fine issue military rifle cartridges" and 22 of these items are for foreign-made rifles, mostly military.

The country is rebelling at this sort of thing. Public opinion polls show that. The mood of the country is for a strong law and effective law, one that would keep guns out of the hands of the people who should not have them.

Title IV of the omnibus crime bill, my firearms amendment, does not provide for strong regulation over shotguns and rifles. These provisions were eliminated from the title in committee.

Again, this action went against the public mood. Editorial response from across the Nation, large papers and small, demanded that rifles and shotguns be included in the law.

The public knows that when a criminal uses a shotgun or rifle to shoot you to death, you are just as dead as if he used a pistol or revolver.

Mr. President, here is a small sample of what the public thinks about rifles and shotguns not being included in title IV.

I ask unanimous consent that these editorial excerpts be included in the Record at this point.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

[From the Little Rock (Ark.) Arkansas Gazette, Apr. 26, 1968]

Prospects for a Gun Control Law

The nature of the uphill battle to enact an effective federal gun control bill was indicated by the narrow 9–to–7 margin by which the Senate Judiciary Committee finally has voted to clear the administration's omnibus anti-crime bill for floor debate . . .

The fact that the gun control issue cannot be isolated as a clear-cut conservative v. liberal issue in quite the way that the wiretap issue and proposed rebukes to the Supreme Court can be isolated is perhaps the subtlest tribute of all to the pressures exerted down through the years by the National Rifle Association and other components of the gun lobby, which, by common consent of the members of Congress, is by all odds the most abrasive and persistent of any lobby operating on Capitol Hill.

The bill now approved by the Senate Judiciary Committee—the principal feature of which would ban the uncontrolled mail-order sale of handguns—goes little beyond the original gun-control bill introduced almost five years ago by Senator Thomas J. Dodd of Connecticut and reintroduced each succeeding year with the same unavailing results. Senator Dodd has promised to lead the floor fight for inclusion of rifles and shotguns in the ban on mail-order sales, a goal that he first set out upon in the days following the assassination of President John F. Kennedy with a mail-order rifle in November, 1963. It will be interesting to see how far he gets this time, for we know only too well how far he didn't get the first time.

It will be interesting, for that matter, to see how far even the first step toward controlling handgun sales will get through the obfuscating haze of floor debate and, if it gets that far, in conference committee. The gun lobby, we can be sure, will be busy. By complete coincidence, an article by Richard Harris appearing in the April 13 issue of The New Yorker provides an admirable run-down on the machinations of the gun lobby during the 30 years since Congress last moved to curb the unrestrained sale and transportation of guns of all sizes. The New Yorker piece tells us all that we need to know about the gun lobby and possibly a little more that we, at least, would have liked to know about the Congress's susceptibility to the most blatant and unprincipled of pressure techniques.

[From the Providence (R.I.) Journal, Apr. 29, 1968]

The proposals sent to the Senate floor by the Judiciary Committee could have gone farther, particularly in respect to mail order shipments of rifles. . . .

The bill's failure to include mail order rifles and shotguns in the ban on interstate mail order sales of pistols and revolvers is regrettable. The mentally incompetent or emotionally unbalanced can do as much harm with a mail order rifle as with a pistol.

[From the Houston (Tex.) Chronicle, Apr. 26, 1968]

Regulation of Gun Sales Needed

The day after a sniper's bullet killed Martin Luther King, the Senate Judiciary Committee approved a watered-down gun-control amendment to the administration's anti-crime bill. It was the first time since 1938 that firearms legislation had been approved by a Congressional committee. The measure was reconsidered this week and again was approved by a 9 to 7 margin. Unfortunately, rifles and shotguns were excluded from its most important provisions . . .

The Senate not only should approve this measure, it also should put rifles and shotguns back under the bill's provisions as the bill originally was written.

[From the Trenton, N.J., Trentonian, Apr. 27, 1968]

Gun Sale Restrictions Not Stringent Enough

. . . The interstate ban on mail order sales—one of the most dangerous and irrational forms of business in the United States today—applies only to handguns.

The over-the-counter ban also applies to handguns only, which makes it extremely easy for residents of states such New Jersey, which require licenses to buy firearms, to skip to neighboring states to buy their weapons.

Hopefully, when the bill gets to the floor of the Senate, it will be amended to include rifles and shotguns in these two key areas.

[From the Milwaukee (Wis.) Journal, Apr. 19, 1968]

Weak Gun Control Plan Inches Along in Congress

(Title IV). It would prohibit interstate shipment of handguns (pistols) to individuals, and over the counter sale of handguns, to individuals who don't live in the firearm dealer's state. The unseen interstate flow of mail order rifles and other firearms would continue without check.

[From the Garden City (N.Y.) Newsday, Apr. 26, 1968]

The Senate next week will debate a gun control bill that in reality is only a sop, not a solution, to one of America's most pressing problems. It is a sop because, while it would cover pistols and revolvers, the bill would not regulate the mail-order sale of shotguns and rifles.

[From the Huntsville (Ala.) Times, Apr. 22, 1968]

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This tactic points up the potential of the watered-down bill. Once outside the closed doors of the Judiciary Committee and onto the exposed floor of the Senate, the measure could be amended to cover rifles and shotguns.

[From the New York Post, May 3, 1968]

The Loaded Gun Control Bill

Redrafting the limited gun control provisions . . . promises to occupy most of the Senate's time; the basic requirement is a ban on the mail-order shipment of rifles and shotguns.

The issues, despite a scurrilous campaign of misrepresentation by the National Rifle Assn., are not really complicated . . . Effective gun control is a legitimate exercise of law by government to protect public order.

[From the Atlanta (Ga.) Constitution, Apr. 23, 1968]

Escalation on the Home Front

More than two-thirds of all Americans favor federal gun control legislation. Yet gun control bills, which have been studied by Congress for years, still languish in committee.

Lee Harvey Oswald bought the rifle that killed President Kennedy from a mail order house. There are clues suggesting the gun that killed Dr. Martin Luther King Jr. also was bought through the mails. Even mass-destruction weapons can be mail-ordered. This traffic also must be stopped.

A vast majority of the American public wants controls placed on the escalating traffic in firearms. Why does Congress hesitate?

[From the Charlotte (N.C.) Observer, Apr. 15, 1968]

Delay of Law Is Real Gun Danger

. . . The only dangerous gun act Congress might be stampeded into is another year of delay in doing something about keeping guns out of the wrong hands. If it fails to adopt even the modest regulations approved by the Senate Judiciary Committee, a lot of voters ought to get very emotional about that act of legislative negligence . . .

[From the Springfield (Ill.) State Register Apr. 24, 1968]

. . . It is time Congress quit dilly-dallying around on the subject and approved the laws advocated by President Johnson. It would be only a small step toward solution of the crime problem, but it would save some lives . . .

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TEENAGERS CHARGED IN ARSON AND LOOTING

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There being no objection, the story was ordered to be printed in the Record as follows:

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Police yesterday arrested four teen-agers—one a girl—in connection with the burning and looting of a drugstore on riot-scarred H Street NE April 18.

An 11-year-old was arrested in connection with one of eight new fires reported last night.

A 14-year-old boy was charged with arson, and burglary and another 14-year-old, his 16-year-old brother and their 17-year-old sister with burglary in the April 18 ravaging of the reopened Standard Drug Co. store at 1115 H St. NE, police reported.

Heavily looted during the rioting April 5, the store had restocked and reopened a week later. The fire leveled the store, causing an estimated $200,000 damage.

ONE SPOTTED DURING RIOT

Police said a hardware store merchant spotted one of the 14-year-olds with some merchandise from his store during the rioting, and quickly notified police. Capt. Robert S. Shuttleworth and Sgt. Charles Hershey of the 9th Precinct found the youth outside his home within a block of the burned drugstore, it was reported.

The youth had an aerosol paint can bearing the hardware store label, the police said. The boy ran into his house, followed by Shuttleworth and Hershey. In the basement of the home, they reported finding merchandise identified as having been looted from both the hardware and the drug stores. Three bicycles, two window fans, two electric heaters, several transistor radios and other items were included.

Investigation led to the arrests of the three other juveniles, who live in the same block as the 14-year-old, police reported.

ARSON ARRESTS NOW 22

District police report some 22 arson arrests stemming from fires during last month's rioting and since.

An 11-year-old boy suspected of setting a vacant warehouse on fire was apprehended last night as authorities added eight more cases to bring the number of suspected arson cases here to 27 since Monday.

None of last night's blazes caused injury or serious damage, fire officials said.

Members of the District Fire Department quickly extinguished all eight blazes, most of which they believe were set by juveniles. They were:

At 5:16 p.m., the side of a vacant house at 414 K St. NW, damage estimated at around $1,000.

At 6:01 p.m., trash in the basement of an apartment house at 1328 Congress St. SE, minor damage.

At 6:08 p.m., trash in a vacant warehouse at 54 Hanover Place NW, minor damage. The 11-year-old boy was turned over to juvenile police authorities.

PARKED TAXI FIRED

At 6:28 p.m. a parked taxicab behind a warehouse in the 900 block of 9th Street NW, destroying the cab and causing minor damage to the warehouse back door. The arsonists also set two junked cars on fire near the warehouse about the same time. It was the third straight night that vandals had set fires in and around the same warehouse, used for storage by the Peerless Modern Furniture Co.

At 9:01 p.m., an already burned-out restaurant at 929 10th St. NW, where trash and debris was set on fire, minor damage.

At 10:26 p.m., three separate fires in and around a restaurant at 701 Rhode Island Ave. NW, about $150 damage.

At 12:02 a.m. trash in a burned-out-building near 7th and L Streets NW, very little damage.

SHOTGUN BLAST REPORTED

At 12:17 a.m., plywood sheets were torn from the front of a liquor store at 328 Kentucky Ave. SE, a small fire was set inside the store which firemen quickly extinguished. Damage was minor. An elderly man who lives near the liquor store reportedly fired a shotgun blast at the youths from a far distance without apparently hitting any of them as they fled.

Earlier in the day, still another group of arsonists poured kerosene over the first and second floors of a vacant house at 1038 44th St. NE and set it afire at 2:31 p.m., destroying most of the interior of the home. District firemen were called back later in the evening to wet down smoldering debris.

Fire officials said that two or three other possible arson cases were reported during the daylight hours yesterday.

ABERNATHY OFFERS RATS TO CONGRESS

Mr. BYRD of West Virginia. Mr. President, a number of indications of what may be in store for the Nation's Capital in connection with the so-called Poor People's March have been given by various leaders of the demonstration in recent days.

I call attention to one report carried by United Press International in the News and Observer of Raleigh, N.C. on May 6, which was headlined, "Abernathy Offers Rats to Congress."

This account ties in with observations I have made on this floor recently to the effect that the problems of health and sanitation posed by the demonstration are of importance—for the poor people who will be brought here, for the poor people who already live here, and for the population of the metropolitan area.

In this newspaper article to which I have just referred, Dr. Ralph Abernathy the leader of the demonstration, is quoted as saying in Atlanta, Ga.—

> We're bringing all our rats, our lice, our roaches, and we're going to dump all of them in Congress' front yard. . . .

I ask unanimous consent that the article from the Raleigh News and Observer be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ABERNATHY OFFERS RATS TO CONGRESS

ATLANTA.—Marchers in the coming weeks' "Poor Peoples Compaign" to Washington are taking more than mules along their trek as symbols of poverty and the squalor that goes with it.

"We're bringing all our rats, our lice, our roaches," Dr. Ralph Abernathy, head of the Southern Christian Leadership Conference, said Sunday. "And we're going to dump all of them in Congress' front yard—and wait until Congress decides to do something about them."

Stepping in to lead the march for slain civil rights leader Dr. Martin Luther King, Jr., Abernathy warned his pastorate at West Hunter Street Baptist Church here that the shanty town being set up near the Capitol may stand there long enough to draw insect and animal infestment—if Congress does not move immediately to enact legislation to alleviate poverty.

"We want them to write a bill to give everybody a job—and to guarantee a guaranteed annual income for the old and disabled," the fiery civil rights leader said, as church walls echoed with "amens."

"Congress' job is to write the bills, mine is to raise the questions—and there will be no new business in the legislature until it takes care of its old business."

Abernathy said no permits had been taken out for the camping grounds in the capital city—and that none would be.

"We're not scared—and we may go to jail, but we're not afraid of being locked up, he said. "We're not asking anybody for any permits. We are building anywhere we want to."

Abernathy flew back to Marks, Mississippi Sunday afternoon to help recruiters beat the bushes for volunteer marchers in one of the nation's most poverty-ridden counties for volunteer marchers.

He expressed optimism about the progress of recruiting and the spirit of volunteers for the long trek to the nation's capital.

"We've been traveling a long time—about 350 years. It's been an uphill journey—but we are willing to suffer—and we will get what we want."

The fiery Negro minister claimed he was not afraid of being assassinated.

"Don't worry about me if you pick up the paper and hear they've killed me. It will be God's will if it happens."

Abernathy said he will return to Atlanta Wednesday and give the city "a message." By Thursday some 2,000 marchers are expected to show up in the Georgia capital—where they will remain for several days before continuing their march to Washington.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated by title.

The BILL CLERK. S. 917, to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. MANSFIELD. Mr. President, on behalf of my distinguished colleague [Mr. METCALF], I send to the desk an amendment and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

> On page 19, line 14, strike out "fifty" and insert in lieu thereof "twenty-five".
>
> On page 20, line 13, strike out "fifty" and insert in lieu thereof "twenty-five".

Mr. MANSFIELD. Mr. President, the purpose of the amendment is to make grants applicable to cities under 50,000 in population, as is stated in the pending bill.

I should point out that so far the State of Montana is concerned, we have only two cities which would come within that category; namely, Billings and Great Falls. There are other cities which we think are of significant size such as Butte, Helena, Missoula, and others, which may approach close to the 25,000 mark.

My colleague and I will discuss this amendment in more detail on Monday next. We do not intend to ask for a vote on it today.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that when the amendment becomes the pending business on Monday—and it will be, right after disposal of the treaties—that there be a time limitation of 1 hour on the amendment, the time to be equally divided between my distinguished colleague [Mr. METCALF], and the distinguished chairman of the committee, the Senator in charge of the bill, the Senator from Arkansas [Mr. McCLELLAN].

The **ACTING PRESIDENT** pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The unanimous-consent agreement was later reduced to writing, as follows:

> *Ordered*, That effective on Monday, May 13, 1968 after the vote on two treaties (Ex. O, 90th Congress, first sess. and Ex. C, 90th Congress, second sess.), during the further consideration of an amendment (No. 746) by Senators MANSFIELD and METCALF to the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, debate be limited to 1 hour, to be equally divided and controlled by the Senator from Montana [Mr. METCALF] and the Senator from Arkansas [Mr. McCLELLAN].

Mr. **MANSFIELD**. Mr. President, the Senator from Arkansas [Mr. McCLELLAN] is to be recognized at this time under the unanimous-consent agreement and, with his approval, and without his losing his right to the floor, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. **McCLELLAN**. Mr. President, in opening the debate on S. 917 last week, I said that lawlessness in America has our citizens fearful, terrorized, and outraged, and that they "demand and deserve relief from this scourge which today imperils our national security."

Mr. President, I did not overstate the case. This is confirmed by a flood of letters and telegrams that are pouring into my office from concerned citizens from practically every State in the Union, urging the adoption of a strong anticrime bill, and retain its provisions designed to restore law and order in America.

The reaction that has come to me from my remarks on May 7 here on the floor of the Senate regarding the threatened Poor People's March on Washington, clearly indicates to me that the decent citizens of this country are insisting that our Government cease tolerating lawlessness.

Strong sentiments supporting my position also have been expressed in the news columns and editorials.

Mr. President, the people of America are today looking to Congress for action. They are looking to it, Mr. President, as the last hope for meeting the crime crisis. We must not, we cannot, fail them in this hour of peril.

I have here with me today a sampling of the letters, telegrams, and comments to which I have referred. I would like to share the sentiments expressed in these communications and in these publications with my colleagues; but, Mr. President, before I make these insertions in the RECORD and comment upon them, I would like first to call attention to a news item in the Washington Evening Star of yesterday.

The title of it is "He'll Be Tough, Abernathy Says." Then a subtitle on another page says, "'Won't Be Nice,' Abernathy Declares."

Mr. President, that is the leader of the march to Washington. That is the man who is the head of it, who came up here a week or two ago and was so nice to everybody. He is now making these statements in public addresses to the marchers who are coming with him.

Does that mean he is going to be nasty when he gets here? I do not know how one can draw any other conclusion. If the newspaper quoted him correctly, here is what he said: "I won't be violent."

Of course, they always couch it that way, knowing that what they are doing is calculated to incite to violence. "Oh, we are not going to be violent," but they know that everything they are doing, and the manner in which they are doing it, and the threats that the leaders are making, are calculated to incite to violence, and to arouse anger, and to arouse resentment, and to reflect upon the sovereignty of the Government of this great Nation—not coming in a peaceful attitude. "I am not going to be nice next time."

Here is what he said:

> I won't be violent—but I'm going to tell them that time has run out.

Then he said:

> I was in Washington last week, and I was nice, but I won't be nice the next time.

The next time is when he gets here on this march.

He spoke about the Reverend King. Somebody suggested that he go to King's grave and pay tribute and respect to his departed leader, and he answered and said:

> I haven't got the time to go to his grave.

He said:

> I served him when he was alive.

Then the newspaper says:

> Abernathy, pointing out that King was a man with a dream, said that "I've got some dreams, too."

And he added that he plans to name a campsite to house the poor in Washington "Resurrection City, U.S.A."

The last I heard of it, they called it "City of Hope." He also referred to the fact:

> I'm going to Washington to collect those 40 acres and that mule—and I want the interest, too.

He is referring to alleged promises made to his grandfathers in the time of slavery or at the time of emancipation.

Mr. President, I mention this because I gave information to the Senate a few days ago that the Senate Permanent Subcommittee on Investigation had received evidence with respect to things that were taking place and things that were being said in the nature of planning to take over the march and announcing to some of those who were coming here what would likely happen and what they would do when they got here. They were talking about getting out from under the leadership of the Reverend Abernathy and controlling their own groups.

I mention this today because I have said many times, with respect to law enforcement in this country, that the tone is set at the top. If there is little concern, if there is complacency and indifference and lack of firm, positive, aggressive action in the fight on crime here in Washington—if that prevails, then that sets the stage for the climate throughout the Nation.

I say the same thing is true of a leader coming here who says to his followers: "That's the last time. This time we are going to make trouble. It is not going to be nice."

That sets the tone, the attitude, and the spirit. I hope it will not happen. I trust it will not occur. But I point this out, Mr. President, here in the Senate today, because apparently there is a lack of recognition and of cognizance on the part of some of our officials up here that these things can happen; and that under that type of leadership they are probable, and highly probable.

Sure, we hope they do not happen. The marchers are welcome to come, and every one should welcome them—to come in peace, to come and present their petitions, to show respect for the law, to show respect for their Government, and to urge and plead for the redress to which they think they are entitled.

Mr. President, I ask unanimous consent to have printed in the RECORD the article, entitled "He'll Be Tough, Abernathy Says," written by Ron Speer, and published in the Washington Evening Star of May 9, 1968.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HE'LL BE TOUGH, ABERNATHY SAYS—KING ONLY ROCKED BOAT, MARCH TOLD—"WON'T BE NICE," ABERNATHY DECLARES

(By Ron Speer)

BIRMINGHAM, Ala.—The Rev. Ralph D. Abernathy, flexing his muscles as the head of the Southern Christian Leadership Conferences, says he "won't be nice the next time I go to Washington."

The successor to the late Rev. Dr. Martin Luther King, Jr. as head of the civil rights organization said last night that he won't rely on violence when he leads the Poor Peoples Campaign into Washington.

"I won't be violent—but I'm going to tell them that time has run out," Abernathy said, wrapping up a day of Alabama marches on the Southern leg of the campaign.

"A STEP FARTHER"

"I was in Washington last week, and I was nice," Abernathy said. "But I won't be nice the next time."

Abernathy told about 1,000 Negroes in the Sixth Avenue Baptist Church that he plans "to go a step farther" than King.

"Under Dr. King, we were just going to rock the boat," Abernathy said. "The white people didn't know him, and they killed him.

"But under the leadership of Dr. Ralph Abernathy, I'm going to go a step farther.

"We're going to turn this nation upside down and rightside up," he said, "because we are sick and tired of poverty, and our babies dying in Mississippi, Alabama and Georgia.

"We're tired of them getting all the money," he added. "When my grandfather was freed they promised him 40 acres and a mule.

"I'm going to Washington to collect those 40 acres and that mule—and I want the interest, too."

Abernathy, Dr. King's lieutenant since the SCLC was founded, said he turned down a request in Atlanta yesterday that he pay a visit to his former chief's grave.

"I haven't got the time to go to his grave," he said. "I served him when he was alive."

Abernathy, pointing out that King was a man with a dream, said that "I've got some dreams, too," and he added that he plans to name a campsite to house the poor in Washington "Resurrection City, U.S.A."

Abernathy said he would be in Boston today to kick off the Northeast leg of the campaign, but he called on the campaigners in Alabama to "make one more march before you go to Georgia."

"I think you folks ought to march through the 16th Street Baptist Church," he said, pointing out that five years ago four young Negro girls died there when the church was bombed.

REGROUP FOR GEORGIA

The campaigners, who were halted by authorities in Montgomery earlier yesterday when a march was ruled in violation of parade regulations, spent the evening in Birmingham listening to speeches and regrouping for the advance into Georgia today.

Children were fitted to used shoes donated to the campaign. Teen-age girls grabbed fresh frocks from a pile. And everyone searched for friendly residents willing to provide a bed for the night.

Campaigners also bowed their heads in a minute's silent prayer for Alabama Gov. Lurleen Wallace, who died Tuesday. And Hosea Williams, one of the SCLC leaders, chastised them for buying badges, buttons and books about Dr. King from "white people selling this stuff who hated Dr. King.

"A million dollars is being squandered for this stuff—and not a dime goes to the SCLC," said Williams, who is in charge of the upcoming activities in Atlanta.

INDIANAPOLIS RALLY

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About 400 travelers spent the night in Nashville, Tenn. About 300 of them rode air-conditioned buses from Marks, Miss., to Nashville yesterday.

Another group leaves from Marks today in a mule train, led by the Rev. Andrew Young, and SCLC leader and longtime associate of King.

About 400 marchers from Alabama and Mississippi plan to arrive in Atlanta by bus by noon today.

In Atlanta, plans call for a march to the Auburn Avenue home where King was born and the placing of a memorial plaque there.

TO HEAR MRS. KING

The group will gather this evening at Atlanta's plush new civic center where they will hear King's widow, Coretta, speak.

Also planned for the civic center gathering is a benefit performance by some of the top names in the recording business, an SCLC spokesman said, including Harry Belafonte and the Supremes.

Marchers in Nashville leave for Knoxville, Tenn., today. They plan then to go on to Danville, Va., and to Washington where they will build the shantytown, probably in a park location.

Mr. McCLELLAN. Mr. President, I do not believe, however just their cause, they are entitled to come here and say, "We are going to violate the law; we are going to get what we want if it takes that to do it."

I do not believe that that represents or is indicative of the spirit of leadership necessary to guide and direct a following in the direction of peaceful challenge, in the direction of nonviolence.

I felt it my duty, Mr. President, to alert my Government and my colleagues to the information that I have. I did not answer, here on the floor of the Senate the other day—I did not think it was necessary—when someone suggested that I give the names to the Senate. Mr. President, the Senate is not a law-enforcement agency.

Those names, and the information with the names, had, previous to my remarks, been given to the proper source in this Government—the source and the authority that has the responsibility for getting the information to the Department of Justice. They have the information; it was given to them before I made my remarks.

But I make this statement today, Mr. President, to show that I am not unduly alarmed, and that many, many other people share my concern. If we are alert to these threats and if those in our Government who have the responsibility to enforce the laws will take a firm position and make a clear demonstration of their purpose to carry out that assurance, then violations of the law are unlikely to happen. But indifference toward these threats, indifference toward these promised intimidations and law violations, Mr. President, gives hope and lends encouragement, in my opinion, to those who may have in mind, when that march gets here, to take advantage of the situation and take advantage of the conditions that prevail here today, to cause trouble. There is great fear, Mr. President, that that is what may occur.

Mr. President, I ask unanimous consent to have printed in the Record the following items:

An article entitled "Country Needs the New Crime Control Bill," written by James J. Kilpatrick, and published in the Washington Sunday Star of May 5, 1968.

An editorial entitled "Great Day," published in the Richmond News-Leader of Tuesday, May 7, 1968, together with a letter transmitting that editorial to me.

An editorial entitled "Keeping the Balance True," published in the Washington Daily News of May 8, 1968.

An editorial entitled "Crime Bill Fantasies," published in the Washington Evening Star of April 30, 1968.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Sunday Star, May 5, 1968]

COUNTRY NEEDS THE NEW CRIME-CONTROL BILL

(By James J. Kilpatrick)

For the next week or so, the United States Senate will be debating the crime-control bill just reported by the Judiciary Committee. This may not be a perfect bill. Reasonably minded men may disagree on some of its provisions. But the bill would take some useful strides toward attacking this nation's most critical domestic problem; and it ought to pass.

The bill ought to pass, for one reason, simply as a legislative expression of the country's determination to restore law and order. America is slow to anger; but, unless I am badly mistaken, a sense of anger is building like a tidal wave across the nation.

The people are fed up with violence in their cities. They are fed up with bleeding-heart apologists for criminals who burn and steal. They are incensed at the spreading perversion of their Bill of Rights. They may not be constitutional experts, but they know something is dreadfully wrong in the country today. They want a balance restored; and they want it now.

By taking up the pending bill, the Senate is responding to a feeling that is growing everywhere—the feeling that it is high time for Congress to manifest concern for the law-abiding people of this land. We have heard about all we want to hear of what should be done for the looters—forgive them, provide them with housing, supply them with food, train them for jobs, mollycoddle their poor bruised psyches, and turn our backs as they steal us blind. After all, we are told, "human rights count for more than property rights."

Nuts! The law-abiding citizen, wishing to walk safely on his streets by night, has a right to be protected from assault. That right has to be made secure. The unoffending property owner, paying taxes for police and fire protection, has a right to that protection. The great bulk of our city-dwelling Negroes especially have rights; they are the first and most pathetic victims of violence and crime.

The pending bill would attempt to undo some of the damage done to law enforcement by a string of excessively solicitous decisions from the U.S. Supreme Court. Taken one by one, and viewed in lofty abstraction, the decisions have a certain lawbook merit. Certainly, the right to counsel should be preserved; certainly, coerced confessions should be banned; beyond question, unreasonable police searches must be prevented.

Well and good. The practical effect of these cumulative decisions, however, has been to trap the police in legalistic nets. The Fourth, Fifth and Sixth Amendments have been converted into mere games that lawyers play. In the process, the cause of justice has not been enhanced; the cause of justice has been subverted.

The bill would do much to strengthen local law enforcement agencies. It would authorize the use of wiretaps and electronic devices for obtaining evidence in a few major fields of crime, but it would surround this authority with judicial safeguards against abuse. The bill would write some sensible modifications into the Supreme Court's sweeping rules as to counsel and confessions. Under Title IV, an effort would be made to curb the reckless sale of guns.

Critics of the measure denounce it as "an outright attack on the court." It is said that the bill would invite "a return to third-degree police practices." Such charges are specious nonsense. The Congress assuredly has authority, under the Constitution, to regulate the court's appellate jurisdiction. The founding fathers must have expected Congress to exercise that authority as a legislative check and balance upon judicial power. And while all men will agree that some grievous offenses were committed by overzealous police in the bad old days, some grievous offenses are being committed by criminals now.

What is needed, and what this bill seeks to do, is to put our priorities back in line—to put first things first. And for the law-abiding citizen, asking nothing more than a condition of order, the bill can't be passed too soon.

[From the Richmond (Va.) News Leader, May 7, 1968]

GREAT DAY

For the better part of a generation, complaints have gone up about the permissive excesses of the Supreme Court. Under Article III, Section 2 of the Constitution, Congress has the power to limit the Court's appellate jurisdiction. Now, in the field of crime, two Senators quietly have undertaken to do just that.

When the Senate takes up the Administration's omnibus crime bill this week, a heated floor fight surely will develop over a nifty provision tacked onto the bill by Senators Sam Ervin of North Carolina and John McClellan of Arkansas. Their section would constrict the Court by placing certain issues out of the Court's reach, the way a prudent mother puts her favorite china on the top shelf so Junior can't get to it. The Ervin-McClellan provision has little chance on the Senate floor; practically everybody was astounded when its backers mustered enough votes in the Judiciary Committee to tack it onto the crime bill. But the mere fact that the provision made it to a floor debate, should put the Court on notice.

The Ervin-McClellan provision would do the following:

Reverse *Miranda* v. *Arizona*, wherein the Court held that confessions are inadmissible unless the suspect first has been warned of his rights. The Ervin-McClellan provision would make "voluntariness" the only criterion of the admissibility of a confession in Federal courts.

Reverse *United States* v. *Wade*, in which the Court said that suspects in police line-ups are entitled to counsel. Under the Ervin-McClellan provision, eyewitness identification of a defendant would be admissible in evidence in all Federal courts, no matter what the circumstances of the line-up might be.

Reverse *Mallory* v. *United States*, wherein the Court declared that no confessions would be admissible if they were given during an unreasonable delay between arrest and arraignment of defendants.

Deny the Federal courts jurisdiction to review State convictions in *habeas corpus* proceedings.

Deny the Supreme Court and all other Federal courts jurisdiction to overturn State court findings that confessions were voluntary or that line-up identifications were admissible.

Debate about these proposals will draw the battle lines between Congress and the Court. Congress has the power thus to restrict the Court's appellate jurisdiction. For the Founders wanted to guarantee that final authority in these matters remained close to the people, and no Federal branch is closer to the people than Congress. So Senators Ervin and McClellan are saying to the Court, in effect: "The people have had it with your fatuities about crime. It's time you started upholding the *intent* of the law as well as the *letter* of the law. And the intent of the law never was to have the citizenry live in terror while confessed crooks, bums, rapists, and thugs roam the land at will."

It took a lot of shouting, but at last two senators have heeded the call of the people to do something about Supreme Court decisions in the area of crime. The attempt may fail, but the threat of Congressional restriction of the Court's appellate jurisdiction may have almost as much effect as restriction itself. Now, if Congress would limit the Court's jurisdiction in apportionment, prayer, and integration cases, the great day of judicial sanity truly might arrive.

[From the Washington Daily News, May 8, 1968]

KEEPING THE BALANCE TRUE

Title II of the omnibus crime control bill now before the Senate seeks to realize this ideal stated by the late Supreme Court Justice Benjamin Cardozo:

"Justice, tho due to the accused, is also due to the accuser. The concept of fairness must not be strained until it is narrowed to a filament. We are to keep the balance true."

This controversial section of the bill amounts to a full-scale attack on recent Supreme Court decisions (Mallory, Escobedo, Miranda, Wade) which rule out confessions where a suspect hasn't been given immediate advice about his Constitutional right to silence, legal counsel during police interrogation, prompt arraignment. And which rule out eyewitness identification in court where the accused was denied counsel during a police lineup.

The record of the Senate Judiciary Committee is full of expert testimony that the practical result of these rulings has been to strain the concept of justice to a filament, hamstring law enforcement and free confessed criminals—a number of them later convicted of similar crimes.

Some cases, in fact, have got so bogged down in procedural argument that the guilt or innocence of the accused never even was considered in court. This, say the champions of Title II, defeats the true ends of justice. And so it does.

Title II proposes return to the older rule of permitting the trial court to weigh the "totality of circumstances" in determining whether a defendant made a voluntary confession. The trial judge, taking into account all the accused's Constitutional rights, would determine if in that particular case the circumstances combined to indicate his confession was freely given or extorted. If extorted, the confession would be ruled out. If not, the jury could be instructed on the weight it deserved.

This, it seems to us, is common-sense law that opens a broader avenue to truth and justice than the hair-splitting rigidities of the recent Supreme Court rulings.

Other sections of Title II, however, are much less palatable. They would deny Federal appellate courts the right to review the admissability of confessions or act on habeas corpus appeals from persons convicted by state courts. If only in the interest of consistency, it would seem that the greater discretion Title II would give to trial courts should encourage—rather than limit—review.

Whatever the outcome of the Constitutional argument, debate of Title II will have been worth Congress' time if it contributes even indirectly to modification of the rulings that have ignored Mr. Justice Cardozo's warning that society, as well as the accused, must be granted justice if the balance is to be kept true.

[From the Washington Evening Star, Apr. 30, 1968]

CRIME BILL FANTASIES

As the Senate begins consideration of the new crime bill, the legislators, we are sure, will form their judgment on the basis of what the bill actually would do—not on the basis of the almost incredible misrepresentation of its provisions and purpose.

Those provisions of the bill which give effect to recommendations by the President and the Attorney General to strengthen local law enforcement agencies should of course be approved. There is no dispute about this.

We think the sections dealing with the use of wiretaps and electronic listening devices should also become law. It simply is not true to say or to suggest that these provisions would authorize the police to eavesdrop, for example, on bedroom conversations between husband and wife. This is absolute nonsense and the senators surely must know it. What is authorized is the use of these devices in the investigation of a few specified major crimes, murder, extortion, bribery, rape and robbery being among them. Installation of a wiretap or a bug would have to be authorized and supervised by a court, and could be used only for a limited period of time.

If these devices are being used and are essential in national security cases, and the President and the Attorney General say they are, why should they not be used, subject to safeguards, in the case of other serious crimes?

The bill also contains provisions stripping the Supreme Court of jurisdiction to review certain decisions by state courts and significantly modifying rules governing the use of confessions as spelled out in the Escobedo and Miranda decisions.

These raise troublesome questions. Certain facts, however, should be kept in mind. One is that Congress has the power to control the court's review authority. For the Constitution says that the Supreme Court shall have appellate jurisdiction "with such exceptions, and under such regulations, as the Congress shall make." Language could hardly be clearer, and so the question here is one of wisdom rather than power.

The decisions in Escobedo and Miranda, relating to the use of confessions in criminal cases, were based on constitutional grounds. It is doubtful, therefore, that their impact can be altered by statute. A constitutional amendment may be necessary.

The senators, however, should not be bamboozled by the specious contention that these provisions could only have been conceived by the wicked men constituting a majority of the Judiciary Committee. The fact is that these were 5 to 4 decisions, which means that four members of the court thought the rulings were wrong and some of them said so in most vigorous language.

There is not the slightest basis for the charge that this bill is no better than a malicious attack on the Supreme Court. It is, in fact, a serious effort, based on extensive study and lengthy hearings, to improve the administration of criminal justice. There may be provisions that are unwise. But the measure as a whole deserves to be considered open-mindedly as a sincere effort to balance the scales which, in the judgment of many competent observers, have been tipped too far in favor of the criminal suspect and against the public's right to be protected from crime.

Mr. McCLELLAN. Mr. President, an article entitled "Nixon Hits Rise in Crime," written by Chalmers M. Roberts, and published in the Washington Post of May 9, 1968, reported a statement issued by Richard M. Nixon, one of the Republican candidates for the Presidency, in which he commented upon the crime situation in this country.

The article states:

> Nixon strongly criticized Supreme Court decisions limiting interrogation of suspects and the use of confessions. He also called for legislation permitting use of wiretapping.
>
> If the crime rate continues, he said, "the number of rapes and robberies and assaults and thefts" today will double by 1972, "a prospect America cannot accept."

I have repeatedly, Mr. President, here in the Senate and in public addresses, pointed out, if one were to project the present rate of increase in crime for another 5 years or 10 years, what the consequences are bound to be. I say here today that this trend must be stopped. America as we know it, our liberty, our freedom, and our security cannot possibly survive if it is not stopped.

Who is here today that believes any logical argument can be made that only title I of this bill is needed to stop the trend in crime? It will take 4 or 5 years, Mr. President, for these assistance pro-was freed they promised him 40 acres and a mule.

"I'm going to Washington to collect those 40 acres and that mule—and I want the interest, too."

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For the next week or so, the United States Senate will be debating the crime-control bill just reported by the Judiciary Committee. This may not be a perfect bill. Reasonably minded men may disagree on some of its provisions. But the bill would take some useful strides toward attacking this nation's most critical domestic problem; and it ought to pass.

The bill ought to pass, for one reason, simply as a legislative expression of the country's determination to restore law and order. America is slow to anger; but, unless I am badly mistaken, a sense of anger is building like a tidal wave across the nation.

The people are fed up with violence in their cities. They are fed up with bleeding-heart apologists for criminals who burn and steal. They are incensed at the spreading perversion of their Bill of Rights. They may not be constitutional experts, but they know something is dreadfully wrong in the country today. They want a balance restored; and they want it now.

By taking up the pending bill, the Senate is responding to a feeling that is growing everywhere—the feeling that it is high time for Congress to manifest concern for the law-abiding people of this land. We have heard about all we want to hear of what should be done for the looters—forgive them, provide them with housing, supply them with food, train them for jobs, mollycoddle their poor bruised psyches, and turn our backs as they steal us blind. After all, we are told, "human rights count for more than property rights."

Nuts! The law-abiding citizen, wishing to walk safely on his streets by night, has a right to be protected from assault. That right has to be made secure. The unoffending property owner, paying taxes for police and fire protection, has a right to that protection. The great bulk of our city-dwelling Negroes especially have rights; they are the first and most pathetic victims of violence and crime.

The pending bill would attempt to undo some of the damage done to law enforcement by a string of excessively solicitous decisions from the U.S. Supreme Court. Taken one by one, and viewed in lofty abstraction, the decisions have a certain lawbook merit. Certainly, the right to counsel should be preserved; certainly, coerced confessions should be banned; beyond question, unreasonable police searches must be prevented.

Well and good. The practical effect of these cumulative decisions, however, has been to trap the police in legalistic nets. The Fourth, Fifth and Sixth Amendments have been converted into mere games that lawyers play. In the process, the cause of justice has not been enhanced; the cause of justice has been subverted.

The bill would do much to strengthen local law enforcement agencies. It would authorize the use of wiretaps and electronic devices for obtaining evidence in a few major fields of crime, but it would surround this authority with judicial safeguards against abuse. The bill would write some sensible modifications into the Supreme Court's sweeping rules as to counsel and confessions. Under Title IV, an effort would be made to curb the reckless sale of guns.

Critics of the measure denounce it as "an outright attack on the court." It is said that the bill would invite "a return to third-degree police practices." Such charges are specious nonsense. The Congress assuredly has authority, under the Constitution, to regulate the court's appellate jurisdiction. The founding fathers must have expected Congress to exercise that authority as a legislative check and balance upon judicial power. And while all men will agree that some grievous offenses were committed by overzealous police in the bad old days, some grievous offenses are being committed by criminals now.

What is needed, and what this bill seeks to do, is to put our priorities back in line—to put first things first. And for the law-abiding citizen, asking nothing more than a condition of order, the bill can't be passed too soon.

[From the Richmond (Va.) News Leader, May 7, 1968]

Great Day

For the better part of a generation, complaints have gone up about the permissive excesses of the Supreme Court. Under Article III, Section 2 of the Constitution, Congress has the power to limit the Court's appellate jurisdiction. Now, in the field of crime, two Senators quietly have undertaken to do just that.

When the Senate takes up the Administration's omnibus crime bill this week, a heated floor fight surely will develop over a nifty provision tacked onto the bill by Senators Sam Ervin of North Carolina and John McClellan of Arkansas. Their section would constrict the Court by placing certain issues out of the Court's reach, the way a prudent mother puts her favorite china on the top shelf so Junior can't get to it. The Ervin-McClellan provision has little chance on the Senate floor; practically everybody was astounded when its backers mustered enough votes in the Judiciary Committee to tack it onto the crime bill. But the mere fact that the provision made it to a floor debate, should put the Court on notice.

The Ervin-McClellan provision would do the following:

Reverse *Miranda* v. *Arizona*, wherein the Court held that confessions are inadmissible unless the suspect first has been warned of his rights. The Ervin-McClellan provision would make "voluntariness" the only criterion of the admissibility of a confession in Federal courts.

Reverse *United States* v. *Wade*, in which the Court said that suspects in police lineups are entitled to counsel. Under the Ervin-McClellan provision, eyewitness identification of a defendant would be admissible in evidence in all Federal courts, no matter what the circumstances of the line-up might be.

Reverse *Mallory* v. *United States*, wherein the Court declared that no confessions would be admissible if they were given during an unreasonable delay between arrest and arraignment of defendants.

Deny the Federal courts jurisdiction to review State convictions in *habeas corpus* proceedings.

Deny the Supreme Court and all other Federal courts jurisdiction to overturn State court findings that confessions were voluntary or that line-up identifications were admissible.

Debate about these proposals will draw the battle lines between Congress and the Court. Congress has the power thus to restrict the Court's appellate jurisdiction. For the Founders wanted to guarantee that final authority in these matters remained close to the people, and no Federal branch is closer to the people than Congress. So Senators Ervin and McClellan are saying to the Court, in effect: "The people have had it with your fatuities about crime. It's time you started upholding the *intent* of the law as well as the *letter* of the law. And the intent of the law never was to have the citizenry live in terror while confessed crooks, bums, rapists, and thugs roam the land at will."

It took a lot of shouting, but at last two senators have heeded the call of the people to do something about Supreme Court decisions in the area of crime. The attempt may fail, but the threat of Congressional restriction of the Court's appellate jurisdiction may have almost as much effect as restriction itself. Now, if Congress would limit the Court's jurisdiction in apportionment, prayer, and integration cases, the great day of judicial sanity truly might arrive.

[From the Washington Daily News, May 8, 1968]

Keeping the Balance True

Title II of the omnibus crime control bill now before the Senate seeks to realize this ideal stated by the late Supreme Court Justice Benjamin Cardozo:

"Justice, tho due to the accused, is also due to the accuser. The concept of fairness must not be strained until it is narrowed to a filament. We are to keep the balance true."

This controversial section of the bill amounts to a full-scale attack on recent Supreme Court decisions (Mallory, Escobedo, Miranda, Wade) which rule out confessions where a suspect hasn't been given immediate advice about his Constitutional right to silence, legal counsel during police interrogation, prompt arraignment. And which rule out eyewitness identification in court where the accused was denied counsel during a police lineup.

The record of the Senate Judiciary Committee is full of expert testimony that the practical result of these rulings has been to strain the concept of justice to a filament, hamstring law enforcement and free confessed criminals—a number of them later convicted of similar crimes.

Some cases, in fact, have got so bogged down in procedural argument that the guilt or innocence of the accused never even was considered in court. This, say the champions of Title II, defeats the true ends of justice. And so it does.

Title II proposes return to the older rule of permitting the trial court to weigh the "totality of circumstances" in determining whether a defendant made a voluntary confession. The trial judge, taking into account all the accused's Constitutional rights, would determine if in that particular case the circumstances combined to indicate his confession was freely given or extorted. If extorted, the confession would be ruled out. If not, the jury could be instructed on the weight it deserved.

This, it seems to us, is common-sense law that opens a broader avenue to truth and justice than the hair-splitting rigidities of the recent Supreme Court rulings.

Other sections of Title II, however, are much less palatable. They would deny Federal appellate courts the right to review the admissability of confessions or act on habeas corpus appeals from persons convicted by state courts. If only in the interest of consistency, it would seem that the greater discretion Title II would give to trial courts should encourage—rather than limit—review.

Whatever the outcome of the Constitutional argument, debate of Title II will have been worth Congress' time if it contributes even indirectly to modification of the rulings that have ignored Mr. Justice Cardozo's warning that society, as well as the accused, must be granted justice if the balance is to be kept true.

[From the Washington Evening Star, Apr. 30, 1968]

Crime Bill Fantasies

As the Senate begins consideration of the new crime bill, the legislators, we are sure, will form their judgment on the basis of what the bill actually would do—not on the basis of the almost incredible misrepresentation of its provisions and purpose.

Those provisions of the bill which give effect to recommendations by the President and the Attorney General to strengthen local law enforcement agencies should of course be approved. There is no dispute about this.

We think the sections dealing with the use of wiretaps and electronic listening devices should also become law. It simply is not true to say or to suggest that these provisions would authorize the police to eavesdrop, for example, on bedroom conversations between husband and wife. This is absolute nonsense and the senators surely must know it. What is authorized is the use of these devices in the investigation of a few specified major crimes, murder, extortion, bribery, rape and robbery being among them. Installation of a wiretap or a bug would have to be authorized and supervised by a court, and could be used only for a limited period of time.

If these devices are being used and are essential in national security cases, and the President and the Attorney General say they are, why should they not be used, subject to safeguards, in the case of other serious crimes?

The bill also contains provisions stripping the Supreme Court of jurisdiction to review certain decisions by state courts and significantly modifying rules governing the use of confessions as spelled out in the Escobedo and Miranda decisions.

These raise troublesome questions. Certain facts, however, should be kept in mind. One is that Congress has the power to control the court's review authority. For the Constitution says that the Supreme Court shall have appellate jurisdiction "with such exceptions, and under such regulations, as the Congress shall make." Language could hardly be clearer, and so the question here is one of wisdom rather than power.

The decisions in Escobedo and Miranda, relating to the use of confessions in criminal cases, were based on constitutional grounds. It is doubtful, therefore, that their impact can be altered by statute. A constitutional amendment may be necessary.

The senators, however, should not be bamboozled by the specious contention that these provisions could only have been conceived by the wicked men constituting a majority of the Judiciary Committee. The fact is that these were 5 to 4 decisions, which means that four members of the court thought the rulings were wrong and some of them said so in most vigorous language.

There is not the slightest basis for the charge that this bill is no better than a malicious attack on the Supreme Court. It is, in fact, a serious effort, based on extensive study and lengthy hearings, to improve the administration of criminal justice. There may be provisions that are unwise. But the measure as a whole deserves to be considered open-mindedly as a sincere effort to balance the scales which, in the judgment of many competent observers, have been tipped too far in favor of the criminal suspect and against the public's right to be protected from crime.

Mr. McCLELLAN. Mr. President, an article entitled "Nixon Hits Rise in Crime," written by Chalmers M. Roberts, and published in the Washington Post of May 9, 1968, reported a statement issued by Richard M. Nixon, one of the Republican candidates for the Presidency, in which he commented upon the crime situation in this country.

The article states:

> Nixon strongly criticized Supreme Court decisions limiting interrogation of suspects and the use of confessions. He also called for legislation permitting use of wiretapping.
>
> If the crime rate continues, he said, "the number of rapes and robberies and assaults and thefts" today will double by 1972, "a prospect America cannot accept."

I have repeatedly, Mr. President, here in the Senate and in public addresses, pointed out, if one were to project the present rate of increase in crime for another 5 years or 10 years, what the consequences are bound to be. I say here today that this trend must be stopped. America as we know it, our liberty, our freedom, and our security cannot possibly survive if it is not stopped.

Who is here today that believes any logical argument can be made that only title I of this bill is needed to stop the trend in crime? It will take 4 or 5 years, Mr. President, for these assistance provisions to begin to show any real fruits, and longer before it can become really effective. I am for it, yes; but what is a $400 million expenditure in the next 2 years? It will only be enough to initiate, in some communities in this Nation, the program of training and improvement that this title is designed to achieve.

In the meantime, Mr. President, if we continue to turn criminals loose as fast as we are today, they are going to outpace us. The crime rate will increase faster than our efforts will succeed by the use only of title I provisions.

The article continues:

> "If we allow it to happen," said Nixon, "then the city jungle will cease to be a metaphor. It will become a barbaric reality, and the brutal society that now flourishes in the core cities of America will annex the affluent suburbs.
>
> "This Nation will then be what it is fast becoming—an armed camp of 200 million Americans living in fear."

Mr. President, I ask unanimous consent that the entire article to which I have referred and from which I have been quoted be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON HITS RISE IN CRIME—CITES LAWLESS SOCIETY IN POLICY PAPER

(By Chalmers M. Roberts)

Richard M. Nixon yesterday castigated the Johnson Administration for the massive increase in crime while it has been in office.

In a lengthy policy paper, the frontrunning Republican presidential candidate declared the United States to be a "lawless society" in which crime has skyrocketed 88 per cent in the last seven years while population was rising only 10 per cent.

Nixon strongly criticized Supreme Court decisions limiting interrogation of suspects and the use of confessions. He also called for legislation permitting use of wiretapping.

If the crime rate continues, he said, "the number of rapes and robberies and assaults and thefts" today will double by 1972, "a prospect America cannot accept."

"If we allow it to happen," said Nixon, "then the city jungle will cease to be a metaphor. It will become a barbaric reality, and the brutal society that now flourishes in the core cities of America will annex the affluent suburbs.

"This Nation will then be what it is fast becoming—an armed camp of 200 million Americans living in fear."

It was Nixon's first major position paper on the crime isue, which may well be the preeminent domestic concern of the presidential campaign. He has touched the crime question repeatedly in his stump appearances.

Nixon characterized as a "myth" for which the Johnson Administration "bears major responsibility" the idea that crime can be charged off to poverty.

"The role of poverty as a cause of the crime uprise in America," he said, "has been grossly exaggerated" and "we would not rid ourselves of the crime problem even if we succeeded overnight in lifting everyone above the poverty level."

The former Vice President charged that the Johnson Administration "seems to have neither an understanding of the crisis which confronts us nor a recognition of its severity. As a result, neither the leadership nor the necessary tools have been provided to date to enable society's peace forces to regain the upper hand over the criminal forces in this country."

At one point Nixon declared that "the forces of peace are in disorganized retreat" in Washington where since 1960 crime has increased by 100 per cent. The national capital, he said, "should be a model city as far as law enforcement is concerned—a national laboratory in which the latest in crime prevention and detection can be tested and the results reported to a waiting nation. The record, however, is otherwise."

The Nixon statement, entitled "Toward Freedom From Fear," was strongly critical of several Supreme Court decisions, especially those in the Miranda and Escobedo cases. He said those two decisions had the effect of "seriously ham-stringing the peace forces" in favor of the criminals.

He called for legislation to "redress the balance" and went on to say that if such legislation would not satisfy the Supreme Court then consideration should be given to amending the Constitution.

The two decisions lay down limitations on interrogation of suspects and the use of confessions. Nixon also criticized other decisions dealing with a prisoner's right to have a lawyer present during interrogations.

Nixon called for legislation permitting use of wiretapping under safeguards which he outlined. Here he was critical of President Johnson's opposition to the use of such devices.

In effect, Nixon was calling for approval of two highly controversial sections of the omnibus crime bill now before the Senate. One section would overturn some Court decisions while another section would authorize wiretapping under court order. Both are opposed by the Administration.

Nixon also called for block grants of Federal funds to the states for law enforcement assistance, a GOP proposal already approved by the House but opposed by the Administration which wants the money to go direct to the cities.

Other measures proposed by Nixon would make it a Federal crime to invest criminally-gained money in legitimate businesses, creation of a permanent Joint Congressional Committee on Organized Crime, more Federal personnel to fight crime and a GOP bill to jail witnesses who refuse to testify once they have been granted immunity.

Nixon said that he was not dealing in this statement with the "special problem" of urban riots but only with "the crisis of daily crime in America."

In downgrading the link between poverty and crime, Nixon said crime has increased about three times as fast as the national wealth.

"The success of criminals in this country," he said, "plays a far greater role in the rising crime rate than any consideration of poverty. Today, an estimated one-in-eight crimes result in conviction and punishment.

"If the conviction rate were doubled in this country, it would do more to eliminate crime in the future than a quadrupling of the funds for any governmental war on poverty. In short, crime creates crime—because crime rewards the criminal. And we will reduce crime as we reduce the profits of criminals."

Nixon added that another "attitude that must be discarded" is the "socially suicidal tendency—on the part of many public men—to excuse crime and sympathize with criminals because of past grievances the criminal may have against society. By now Americans, I believe, have learned the hard way that a society that is lenient and permissive for criminals is a society that is neither safe nor secure for innocent men and women."

Nixon also called for strengthening the Nation's police forces, which he called undermanned and underpaid, for use of more modern crime detection techniques for lifting bars to the sales of prison-made goods, for reforms in the Federal and state prison systems and for speedier disposition of criminal cases in the courts.

Mr. McCLELLAN. Mr. President, I observe in today's Washington Daily News an editorial commenting on Mr. Nixon's remarks.

The editorial is entitled "Straight Talk on Crime."

Among other things, the editorial states:

> Republican Presidential candidate Richard M. Nixon has said some things that needed saying in outlining his position on how to halt the growing wave of criminal violence in the U.S.

Mr. President, I will show the justification in a moment for the Washington Daily News and its editors coming to the conclusion which they have announced in the editorial.

The editorial further states:

> They amounted to this: The high price of leniency toward the lawless is a society in which the law-abiding live in fear—

That is true here in Washington today without any doubt.

I continue to read the editorial:

> A fact all too apparent in many an American city already. The way to assure "safe streets" is to crack down. Prove to the criminal that crime doesn't pay.

Mr. President, I have said over and over that the way to have safe streets is to take the criminals off the streets, convict them of their crimes, and imprison them where they belong.

Another part of the editorial reads:

> Tough talk. But it's the kind of talk millions of uneasy Americans will welcome. For crime in this election year is a major—possibly THE major —domestic issue.

I think the editorial is right. I think it is the major issue. And I regret that candidates for the presidential nomination from my own party have not made some similar statement to give assurance that they are cognizant of the conditions prevailing in America today and alert us, or inform us, of the fact that they, too, recognize this as one of the major, if not the major, issues confronting the American people.

In my judgment, it is a danger of the first order to the internal security of our country at this very hour.

Mr. President, I ask unanimous consent that the editorial from which I have read be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, May 10, 1968]

STRAIGHT TALK ON CRIME

Republican Presidential candidate Richard M. Nixon has said some things that needed saying in outlining his position on how to halt the growing wave of criminal violence in the U.S.

They amounted to this: The high price of leniency toward the lawless is a society in which the law-abiding live in fear—A fact all too apparent in many an American city already. The way to assure "safe streets" is to crack down. Prove to the criminal that crime doesn't pay.

The role of poverty, he said, has been "grossly exaggerated" as a cause of crime. And so it has. It is, no doubt, a contributing factor. But millions of decent, law-abiding Americans of limited means give the lie to the argument that poverty and crime are synonymous.

Mr. Nixon contends doubling the rate of convictions "would do more to eliminate crime in the future than a quadrupling of the funds for any Government war on poverty." Without indorsing that ratio or belittling anti-poverty efforts, we heartily agree that crime is more likely to be deterred by the prospect of certain punishment than of Government aid.

Mr. Nixon advocated legislation—or Constitutional amendment, if necessary—to remove Supreme Court restrictions on confessions. He called for wiretapping to fight organized crime. Provisions to these ends are contained in the omnibus crime bill now before the Senate.

He called for prison reforms, for Federal aid to states for law enforcement, for better trained and equipped local police. Failure to act promptly and decisively now to end growing lawlessness will, he warned, bring this end: "This nation will then be what it is fast becoming—an armed camp of 200 million Americans living in fear."

Tough talk. But it's the kind of talk millions of uneasy Americans will welcome. For crime in this election year is a major—possibly THE major—domestic issue.

Candidate Nixon, of course, blamed the Johnson Administration for much of the crime rise. And within hours after Mr. Nixon released his White Paper, President Johnson made public a letter to Senate Majority Leader Mansfield urging prompt action on the omnibus crime bill. "The mugger and the murderer will not wait—neither must we," said the President.

But for the national disgrace of widespread crime there is blame enough to go around among the courts and Congress, the ins and the outs of politics. What's more important is that the politicians of both parties have got the word that the people want crime stopped.

Mr. McCLELLAN. Mr. President, I am in receipt of 22 telegrams from Washington businessmen located in the downtown area of our city urging the President and others in authority to announce that law and order will be upheld in the Nation's Capital by whatever means that are required.

These telegrams constitute substantial proof upon which the editors of the Washington Daily News might well have based the editorial which I have just had printed in the RECORD.

All one has to do is to pick up a daily newspaper and read of crime after crime occurring in the city.

Last night the District of Columbia increased the number of police officers on the streets in certain areas of the city by 20 percent. In my judgment, that is not an adequate increase. Perhaps that is all they can possibly do at this time. However, this wave of lawlessness must be stopped. And if it takes more personnel and more force to do it, more personnel and more force must be provided.

Mr. President, 3 or 4 days ago I received a call from a schoolteacher in my State, Arkansas. She wanted to bring a senior school class to Washington sometime this month. I believe that it was about the 20th of the month.

She asked: "Is what we read in the papers about our Capital true? Is it safe for me to bring these youngsters up there on a tour?"

What could I answer? What could the present Presiding Officer answer if he were called today and asked that question in view of the impending march and the atmosphere that prevails here and the crime rate on the streets of Washington today?

I thought twice. I thought three times. And I said, "I cannot answer today. I cannot tell you not to come. I cannot be sure. But I will not tell you to come. Call me back a few days from now, and let us see what has developed."

What can one say? Look at the corridors in the Capitol today at this season of the year. Compare it to previous years. The corridors of this beautiful Capitol Building are almost free from tourists compared to the usual number that are here at this season of the year. Why? It is because of the crime that exists in the Nation's Capital.

Mr. President, I received these 22 telegrams this morning from businessmen of downtown Washington. The telegrams all read alike. I shall read one of the telegrams and then ask unanimous consent to have the other telegrams printed in the RECORD.

The first telegram reads:

WASHINGTON, D.C.,
May 10, 1968.

Senator JOHN MCCLELLAN,
Senate Office Building,
Washington, D.C.

In the interest of the entire community I as a downtown Washington businessman strongly urge that the President, or other high authority immediately make frequent public announcements that law and order will be upheld in the Nation's Capital by whatever means required and that appropriate enforcement measures be taken now.

ROBERT SCHWARTZ,
Discount Wholesalers.

Mr. President, I ask unanimous consent that the other telegrams to which I have referred may be printed at this point in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
May 10, 1968.

Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.:

In an attempt to insure peace and tranquility in the downtown area, I as a downtown Washington merchant, recommend that the President or some other high authority of his choosing make it known publicly that law and order will be upheld in the Nation's Capital by whatever means required and that such necessary steps be taken at once.

ERNEST BURK INC.

WASHINGTON, D.C.,
May 10, 1968.

Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.:

In the interest of the entire community I, as a downtown Washington businessman strongly urge that the President or other high authority immediately make frequent public announcements that law and order will be upheld in the Nation's Capital by whatever means required and that appropriate enforcement measures be taken now.

W. GREENBERG.

WASHINGTON, D.C.,
May 10, 1968.

Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.:

In the interests of the entire community I, as a downtown Washington businessman strongly urge that the President or other high authority immediately make frequent public announcements that law and order will be upheld in the Nation's Capital by whatever means required and that appropriate enforcement measures be taken now.

GLENN MUSIC & AUDIO CO.

WASHINGTON, D.C.,
May 10, 1968.

Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.:

In the interest of the entire community I, as a downtown Washington businessman, strongly urge that the President or other high authority immediately make frequent public announcements that law and order will be upheld in the Nation's Capital by whatever means required and that appropriate enforcement measures be taken now.

JAMES M. GISRIEL.

WASHINGTON, D.C.,
May 10, 1968.

Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.:

In the interest of the entire community I as a downtown Washington businessman strongly urge that the President or other high authority immediately make frequent public announcements that law and order will be upheld in the Nation's Capital by whatever means required and that appropriate enforcement measures be taken now, not after incidents happen.

LYN ART SHOP.

WASHINGTON, D.C.
May 10, 1968.

Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.:

In the interest of the entire community I as a downtown Washington businessman strongly urge that the President or other high authority immediately make frequent public announcements that law and order will be upheld in the Nation's Capital by whatever means required and that appropriate enforcement measures be taken now.

MILLERS FURS, INC.,
P. MILLER and M. MILLER.

WASHINGTON, D.C.,
May 10, 1968.

Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.:

In the interest of the entire community I as a downtown Washington businessman strongly urge that Federal troops be employed into the Nation's Capital immediately in order to maintain law and order before the upcoming poor people's march on Washington. Action now would prevent a recurrence of last month's disorders.

COHEN'S, INC.,
JAMES FREEDMAN.

WASHINGTON, D.C.,
May 10, 1968.

Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.:

In the interest of the entire community we as a downtown Washington business firm strongly urge that the President or other high authority immediately make frequent public announcements that law and order will be upheld in the Nation's Capital by whatever means required, and that appropriate enforcement measures be taken now.

WILLIAM J. GALLERY & CO.

WASHINGTON, D.C.,
May 10, 1968.

Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.:

In the interest of the entire community, as owners of a downtown Washington business, we strongly urge that immediate measures be taken to assure that law and order will be maintained so that property damage can be kept to a minimum and that the public may walk the streets in safety. We hope that the mistakes made the fourth and fifth of April will not be repeated.

W. H. LOWDERMILK & Co.,
ARTHUR J. AND BETSEY N. MCSHINE.

WASHINGTON, D.C.

Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.:

In the interest of the entire community I as a downtown Washington businessman strongly urge that the President or other high authorities immediately make frequent public announcements that law and order will be upheld in the Nation's Capital by whatever means required and that appropriate enforcement measures be taken now.

J. D., INC.

WASHINGTON, D.C.,
May 9, 1968.

Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.:

In the interest of the entire community I as a downtown Washington businessman strongly urge that the President or other high authority immediately make frequent public announcements that law and order will be upheld in Nation's Capital by whatever means required, and that appropriate enforcement measures be taken now.

RANDOLPH GARFIELD,
WILLIAM ROSENDORF FURS,
General Manager.

WASHINGTON, D.C.,
May 9, 1968.

Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.:

In the interest of the entire community as a downtown Washington businessman I strongly urge that the President or other high authority immediately make frequent public announcements that law and order will be upheld in the Nation's Capital whatever means required and that appropriate enforcement measures be taken now.

EDWARD C. RITZ.
RITZ CAMERA CENTERS, INC.

WASHINGTON, D.C., *May 10, 1968.*
Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.:

In the interest of the entire community I as a downtown Washington businessman strongly urge that the President or any other high authority immediately make frequent public announcements that law and order will be upheld in the Nation's Capital by whatever means required and that appropriate enforcement measures be taken now.

IRVING J. HEINEY,
MAYFIELD SHOPS.

WASHINGTON, D.C., *May 10, 1968.*
Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.:

In the interest of the entire community and as Washington business establishment we strongly urge that the President or other high authority immediately take appropriate enforcement measures and announce that law and order will be upheld in the Nation's Capital.

JORDAN PIANOS, INC.

WASHINGTON, D.C., *May 10, 1968.*
Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.:

In the interest of the entire community, and as president of this institution, I strongly urge that the President or other high authority immediately make frequent public announcements that law and order will be upheld in the Nation's Capital, by whatever means required and that appropriate enforcement measures be taken now.

LLOYD F. CAREY,
President, Prudential Building Association.

WASHINGTON, D.C., *May 10, 1968.*
Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.:

In the interest of the entire community I, as a downtown Washington business man strongly urge that the President or other high authority immediately make frequent public anouncements that law and order will be upheld in the Nation's Capital, by whatever means required, and that appropriate enforcement measures be taken now.

EARL CAMPBELL,
CAMPBELL MUSIC CO., INC.

WASHINGTON, D.C.,
May 10, 1968.

Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.:

In the interest of the entire community I as a downtown Washington businessman strongly urge that the President or other high authority immediately make frequent public announcements that law and order will be upheld in the Nation's Capital by whatever means required and that appropriate enforcement measures be taken now.

BRYANT R. BAKER,
Vice President of Harris & Ewing.

WASHINGTON, D.C.,
May 10, 1968.

Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.:

In the interest of the entire community I as a downtown Washington businessman strongly urge that the President or other high authority immediately make frequent public announcements that law and order will be upheld in the Nation's Capital by whatever means required and that appropriate enforcement measures be taken now.

GEO. W. SPIER, INC.,
JACK ROSENBURG,
President.

WASHINGTON, D.C.,
May 10, 1968.

Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.:

In the interest of the entire community I as a downtown Washington businessman strongly urge that the President or other high authority immediately make frequent public announcements that law and order will be upheld in the Nation's Capital by whatever means required and that appropriate enforcement measures be taken now.

SNYDER & LITTLE,
OTIS D. MURPHY.

Mr. McCLELLAN. Mr. President, that is a sad commentary on the Nation's Capital. Why does it exist?

We have alibied, excused, condoned, and apologized too much in this country to the law violator. It cannot continue that way. There has got to be a turning back of these forces and elements that are destroying our society and creating a climate of fear and horror in the hearts and minds of law-abiding and decent citizens of our country.

Has the Senate the courage to do it? Are we going to pass title I only of the pending bill and say, "Oh, we have fixed everything. We have spent some more money. We are going to train some more policemen."

How much will $400 million in 3 years' time divided among the 50 States of the Nation get done? It is a start. I am not ridiculing the idea or the approach. I am going to support it. I have supported it from the time the President sent it up here. However, I say it is a start, but only a small start. It will not get the job done.

I do not care how much money we spend, how high a salary we pay a police officer, how much equipment we give a police officer, or whatever else we do, if the courts are going to turn the criminals loose on technicalities they have to search for and devise, technicalities that never existed in our jurisprudence until this court got so sophisticated that it could find technicalities in the Constitution that have been overlooked by all jurists that have preceded them down to this age, we will never put a stop to this sweeping crime wave that is upon us.

Mr. President, the tone is set at the top and the country is looking for some corrections at the top, as well as for more money to train policemen and supply these policemen with more equipment at the local level.

Mr. President, I have a letter from the North Washington Council of Citizens Association, addressed to me, dated May 9, reading as follows:

> DEAR SENATOR MCCLELLAN: The North Washington Council of Citizens Association, in regular meeting, May 9, 1968, went on record strongly opposing any occupation of Federal lands in Washington, D.C., and strongly urges that such a permit be denied for occupation of such lands.
>
> With best wishes and thanks for your support in this matter.

It is signed "North Washington Council of Citizens Association, Salina Moore Foster, secretary-treasurer."

Mr. President, from across the Nation, I have received many letters from people who are concerned. These letters come from people in all walks of life. I hold in my hand approximately 39 letters that have been selected from the hundreds and hundreds I have received. They are from people in some 17 States, and they are from a cross-section of the Nation. I read a portion of a letter from Pasadena, Calif.:

> The feeling here seems quite universal that the Supreme Court is getting entirely out of its proper function, and is making the enforcement of the laws more and more difficult.
>
> I do think that many of the rulings of the Court in these recent years ought to be repealed.
>
> Keep up the good work!

I have another letter from the District of Columbia:

> Many citizens are perturbed and aware of the many decisions of the Supreme Court rulings of 5 to 4 decisions. Each Judge must use different text books of laws. Their decisions should be unanimous the same as a jury in courts, then they can abide with the inscription of the Supreme Court. "Equal justice under law."

Mr. President, it is not wrong to criticize the Supreme Court. Some people seem to have the idea that if you say anything about the Supreme Court, you are desecrating something that is sacred. Certainly, it is sacred, but What about Congress? what about the Presidency? We are free to criticize Congress. We are free to criticize actions of the administrative branch of Government. But, when we say something about the Supreme Court, we are jumped on as though the Court is sacrosanct. I do not believe so. I do not believe the Constitution constituted the Supreme Court as the god of the universe or of this Nation. I believe the Supreme Court can be criticized, and it justly deserves to be criticized.

If the majority of the Court has the right to do what they are doing, not only to criticize, but also condemn and reverse their predecessors and the precedents that their predecessors set, for a hundred years or more during the life of this Government, why should they be immune and protected from honest criticism and constructive criticism by those who believe they are doing wrong and making erroneous judgments?

Here is a letter from Baltimore, Md.:

> It is with great interest that I follow your crime control bill, as my wife, children and I feel that the Supreme Court and others have too long coddled the criminal element. We believe that there are no longer laws for the majority but for the minority—the criminal.
>
> Confessions are an absolute essential in preparing criminal cases and with the necessity of the presence of an attorney this is an almost impossible feat. Too many cases are going unsolved because of the handcuffs placed on law enforcement officers. I doubt if many innocent people confess to crimes they did not commit.
>
> You have my support and I am sure the support of many other citizens. Please continue your endeavors and do not succumb to the "do-gooders" who know so little about the true situation!

Of course, Mr. President, no one wants the third degree. No one wants coerced confessions. But who can judge it best—the Supreme Court, which sits in its citadel in Washington, or the trial court who tried the case and heard the witnesses, and a jury of the defendant's peers, who listened to his testimony? Who can judge best?

Here is a letter from Boston, Mass.:

> Much of the rising tide of crime can, I think, rightfully be ascribed to opinions handed down by the present Supreme Court.

Here is a letter from Columbus, Ohio:

> Unless our law enforcement officers have their powers returned to them and the courts enforce criminal convictions, we will revert to gangster and criminal rule.

Mr. President, I shall not read any more letters. There are many of them, but this is an example. I ask unanimous consent that the letters be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COLUMBUS, OHIO,
May 4, 1968.

Senator JOHN L. MCCLELLAN,
Senate Building,
Washington, D.C.

DEAR SIR: It was a pleasure to read that we have Senators in Washington, D.C. who are not afraid to voice their opinions such as you personally have done in accusing the U.S. Supreme Court of coddling criminals.

Unless our law enforcement officers have their powers returned to them and the courts enforce criminal convictions, we will revert to gangster and criminal rule.

Again my support goes to you and your Senators who have the courage to do something about self confessed murders and rapists that the Supreme Court is disposed to turn loose.

Yours for Justice for All
P. J. FAISTL.

COLUMBUS, OHIO,
May 3, 1968.

Senator JOHN MCCLELLAN,
Senate Office Building,
Washington, D.C.

DEAR SIR: I want to write in support of your contention that the Supreme Court has imperiled public safety while providing protection for criminals.

In talking to dozens of persons I have not found one who is not greatly disturbed and angered by the permissiveness shown in our courts, following the lead of the Supreme Court.

I cannot believe that the great men who frame the Constitution ever meant for it to be used as a loophole through which criminals could crawl to freedom from punishment for their crimes.

As long as the courts shield criminals we need not wonder why the crime rate continues to rise—it is being encouraged to do so.

Sincerely yours,
Mrs. JEAN THORNBURG.

MAY 2, 1968.

Hon. JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.

DEAR SIR: I have just read with great interest about your firm stand against the coddling of criminals by the Supreme Court.

For sometime, my feelings and those of many of my friends have been in accord with you.

Since you are in a position to do something about this situation and we are not, I urge you sincerely to use your strongest forces to get this "Omnibus" bill passed as quickly as possible.

Very truly yours,
BLAIR A. WHYTE.

BUTLER, PA.,
May 4, 1968.

Senator JOHN J. MCCLELLAN,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR: In a recent news story in our local newspaper we noted that you are sponsoring legislation to offset or cancel out some of the unbelievable decisions of our supreme court. Some of their decisions protecting the criminal element, stopping prayers in schools, protecting purveyors of obscenity etc. etc. are really difficult for an ordinary citizen to agree with or understand.

I am sure if a vote could be taken a great majority of the people would agree with you and support legislation to reverse many of their decisions.

With best wishes for success,
Sincerely yours,
Mr. & Mrs. JOHN C. BRADRICK.

LOS ANGELES, CALIF.,
May 3 1968.

Senator JOHN L. MCCLELLAN,
Senate Building,
Washington, D.C.

DEAR SENATOR MCCLELLAN: Let me congratulate you on your fine stand against these astounding decisions of our Supreme Court, which are all, without exception, made in the best interests of the criminal and completely against the interests of the law enforcement agencies and the law abiding citizen.

I do not believe that anything within the history of our country has ever been as detrimental to the interests of justice and the welfare of our nation as these warped decisions of the Supreme Court.

Respectfully yours,
ANDREW L. STONE.

INGLEWOOD, CALIF.,
May 3, 1968.

Senator JOHN MCCLELLAN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MCCLELLAN: Thank you for supporting Title II of the Anti-Crime Bill. We need Protection from criminals whether in the streets or on the Supreme Court.

Sincerely,
Mrs. PHYLLIS HUNT.

BURBANK, CALIF.,
May 2, 1968.

Mr. JOHN L. MCCLELLAN,
U.S. Senator,
Washington, D.C.

DEAR SENATOR MCCLELLAN: I have just read the article in the Los Angeles Times of this date regarding your demand for a crackdown on the rulings of the Supreme Court. It is about time that someone is trying to do something about the decisions, or perhaps the interpretations of our laws, that they have made.

I am sure that all of the citizens of our country shall be eternally grateful to you if you succeed in your efforts. I do know that ever since the Miranda vs. Arizona case, crime in the United States has been on the increase and has become an hourly and daily worry to people who do try to obey all of the laws. The Supreme Court is amending our constitution without the consent of Congress.

Their decisions have handcuffed the state and city courts and the police until they are so confused that they just do not know what to do. Every day in the papers one can read where some criminal has been released because of the rulings of the Supreme Court and it is about time a stop is put to all of this.

A person does not dare to even take a walk in their own neighborhood in the evenings or anytime of the day without some worry if they will ever get home again safely. A fine state of affairs to be going on in our cities, wouldn't you say?

I have even read many times in the papers that policemen have said "what is the use of arresting anyone when they will just be released anyway" and it is very true.

Please keep up your work and you will become the most beloved man in our country, I'm sure. Doesn't it take an act of congress to amend our constitution?

To change the subject: What is to be done about characters like Stokely Carmichael and Rap Brown? It was printed in a daily paper in Santa Monica and was on the Chan. 5 newscast by Mr. George Putnam that Carmichael was in Washington during the riots after the death of Martin Luther King and that he was waving a gun around and telling people to burn everything down, etc. I thought a bill had been passed that would prevent anyone from going from state to state stirring up the people. Cannot something be done about these two to put a stop to this sort of thing or will they be able to carry out their schemes and cause a revolution before something is done about them? And right in Washington too. It was also said by Mr. Putnam that they have only about 50 followers but about 5,000 newsmen followers.

I never thought that I would live to see the day when things that are happening in our country would be allowed to go on. How long is it going to last? I cannot see where the Attorney General or the Justice Dept. are doing anything.

Most respectfully,
Mrs. MYRNA SCHLUETER.

Boston, Mass.,
May 4, 1968.

Hon. John L. McClellan,
Senate Office Building,
Washington, D.C.

Dear Senator McClellan: I have read with interest the account of an interview with you that is given in the current issue of U.S. News & World Report. I wish that there were more Senators like you in Congress. The report of your Committee on riot control will, I believe, be much nearer the truth and much more effective than the recent one by the Kerner Committee which places responsibility on the great majority of decent, law-abiding citizens for the crimes of the minority.

I am very much interested in the crime-control bill for which you are working. The Washington Post, as you know, had some vicious editorials opposing the measure. I'm enclosing copy of a letter that I sent the Post regarding the measure. Of course they won't use it, as it is diametrically opposed to their position. Among the many reasons the Post gives for opposing the measure is that it would overturn the Supreme Court opinions in the Mallory and Miranda cases. To me this is an outstanding reason for supporting the measure. Much of the rising tide of crime can, I think, rightfully be ascribed to opinions handed down by the present Supreme Court. My feelings with regard to such opinions are expressed in the lines on "Nine Ancient Harpies," copy of which I enclose.

I shall write to my Senators and do what I can to support your crime control measure. As I am a delegate to the Maine State Republican Convention that meets in Bangor on the 10th of this month, I may be able to secure some support for the bill there.

Sincerely yours,
Ethel M. Johnson.

To the Editor,
The Washington Post.

Sir: Your lead editorial in today's Washington Post on the Crime Control Bill now before the Senate Judiciary Committee makes me feel it is a measure that all who believe in the protection of law-abiding citizens, who deplore the coddling of criminals and desire to check the rapidly expanding crime wave in this country should support. If it does not more than over-throw the outrageous disgusting and vicious Mallory and Miranda decisions it deserves enactment.

Let it not be forgotten that Mallory was a confessed and convicted rapist; that the Justices of the U.S. Supreme Court ordered his release on a mere technicality. They admitted there was no question as to his guilt. But he had been held a little longer between arrest and arraignment than the Justices approved. (The law specified no time limit. It merely said "reasonable"). And of course the creature committed another rape. And the Justices and all who approve their decision share in the guilt for that crime.

Let it also be remembered that in the Miranda case a confessed and convicted kidnapper and rapist was ordered released by the Supreme Court Justices, not because they believed him innocent, but because he was not provided with a lawyer, or advised that he could be when he made his confession. Of course he committed another kidnapping and rape. Again, I say that all who approve of that opinion have a share in the guilt.

I believe that coddling criminals is a major factor in increasing crime.

E. McLean Johnson.

Green Bay, Wis.,
May 2, 1968.

Senator John McClellan,
Senate Office Building,
Washington, D.C.:

Thank you for speaking out against unbelievable coddling of major criminals by our courts. I know 95 percent of us back you as does our leader and major domo of the Green Bay Packers Vince Lombardi. Am mailing you his recent speech keep up the good fight thankfully.

G. W. Seiler.

Pasadena, Calif.,
May 3, 1968.

Senator John H. McClellan,
Senate Office Building,
Washington, D.C.

Dear Senator: The feeling here seems quite universal that the supreme court is getting entirely out of its proper function, and is making the enforcement of the laws more and more difficult.

I do think that many of the rulings of the court in these recent years ought to be repealed.

Keep up the good work!

Yours truly,
T. W. Medearis.

District of Columbia,
May 9, 1968.

Hon. John L. McClellan,
Senate Office Building,
Washington, D.C.

Dear Senator McClellan: The Anacostia Citizens Association supports your comments published in the Washington Star newspaper May 2, 1968. "Prompt Passage of Crime Bill."

Many citizens are perturbed and aware of the many decisions of the Supreme Court rulings of 5 to 4 decisions. Each Judge must use different text books of laws. Their decisions should be unanimous, the same as a jury in courts, then they can abide with the inscription of the Supreme Court. "Equal justice under law."

Congress and Senate should take immediate action prohibiting demonstrators for use of our Nation's Capital as a model city for demonstrators, which we believe is communist inspired. The visitors will have a fear to visit our Capital City. We oppose any camp site in the Anacostia area, which is a residential area, as mentioned in the news media.

The "Poor People's Campaign" must be wealthy to travel, they can use the money to help the poor. I have heard their remarks on television urging the poor class of negroes in Mississippi to march in Washington and it would not cost them a penny, one woman refused. I believe they would be stranded in Washington and would be at the mercy of the welfare. This is the purpose of the "Poor People's March."

I do believe we need the National Guard in Washington during the summer to preserve law and order. The teenagers should be handled as adults for felony offenses.

The white people are moving rapidly out of Washington for lack of protection, windows are being broken in private homes by rock throwers.

Sincerely yours,
Charles J. Piper,
President, Anacostia Citizens Association.

P.S.—I forgot to mention that business establishments are moving out of the District of Columbia.

[From the Washington (D.C.) Star, Sept. 11, 1963]

MARCH COST TO D.C. PUT AT $163,794

Demonstrators who marched on Washington for jobs and freedom August 28 cost the city $163,794, Senator Byrd, Democrat of West Virginia, disclosed yesterday.

The Senator, who heads an Appropriations Subcommittee due to consider the District budget next week, released a breakdown of expenses of the march in seven departments.

Earlier, he said marchers themselves should contribute to unusual expenses imposed on the city by the demonstration. The burden should not be met by local taxpayers, he said.

But the Senator had no comment on how the actual costs should be divided except to say that the issue would be aired at budget hearings.

The item is the kind often noted by District Commissioners to show that many municipal services are demanded simply because this is the Nation's Capital, rather than a Metropolitan center.

The Byrd tally showed that the fire department spent $15,901; corrections, $3,145; sanitary engineering, $18,731; highways, $11,357; police, $99,250; health, $13,369, and the National Guard, $2,041.

The $163,794 total did not include $5,000 for box lunches for police.

More than a dozen officers became ill after eating sandwiches and salads furnished in boxes during the march. The District may not pay for the spoiled food.

Baltimore, Md.,
May 6, 1968.

Hon. John L. McClellan,
Senate Office Building,
Washington, D.C.

Dear Senator McClellan: It is with great interest that I follow your crime control bill, as my wife, children and I feel that the Supreme Court and others have too long coddled the criminal element. We believe that there are no longer laws for the majority but for the minority—the criminal.

Confessions are an absolute essential in preparing criminal cases and with the necessity of the presence of an attorney this is an almost impossible feat. Too many cases are going unsolved because of the handcuffs placed on law enforcement officers. I doubt if may innocent people confess to crimes they did not commit.

You have my support and I am sure the support of many other citizens. Please continue your endeavors and do not succumb to the "do-gooders" who know so little about the true situation!

Respectfully,
Robert L. Larkin.

Mr. McCLELLAN. Mr. President, the majority of the letters that I have referred to up to now have pertained to crime.

Now, with respect to the march on Washington and the rioting that has occurred, I read a telegram, dated May 8, from Washington, D.C.; and I wish to comment on this.

We have in this country among our Negro people some of the finest, some of the most patriotic, some of the most loyal citizens, who share today the fear that others are expressing, who share the shame that we feel when we see these outrageous riots and acts of lawlessness running rampant throughout our cities—the plundering, the burning, the pillaging, and the murdering. They do not agree with it; they want it stopped. The best element of the Negro race in this country today want these things stopped. They want law and order. They, too, want protection.

Mr. President, I hold in my hand a telegram addressed to me, dated May 8, reading as follows:

> I am colored, and I would like to be proud of my background, but I cannot be proud of the "going ons as such." Please help my people not be ruled by these militants. I will pray for you and your future.

Mr. President, we are not fighting a race issue here. We are trying to protect all races alike, trying to protect them from those who want to destroy our society, from those who, in the name of civil liberties and human rights sometimes go out and violate the law and commit the depredations which are taking from us the very liberties we cherish and which we intend to protect.

I have a telegram from Silver Spring, Md., which reads:

> Bravo. We support you. Hope you can do something before it is too late.

It is signed by a man and his wife.

Yesterday, I was visited in my office by a manufacturer from Arkansas who has business operations in Arkansas and Oklahoma. He told me that they have 325 jobs open, starting at a wage of $1.89 an hour, and they cannot get them filled.

Here is a wire from Atlanta, Ga., which reads as follows:

> Reference so called poor man's march we have 100 jobs paying from $1.80 to $2.80 per hour going begging for lack of employees. If you can single out up to 100 men that want to work call me collect and I'll furnish details.
>
> Tom C. Campbell,
> *Southern Iron & Equipment Co.*

Mr. President (Mr. Muskie in the chair), I have another telegram saying practically the same thing. They say, "We have jobs but we have nobody to fill them."

Mr. President, I know that in some areas there are no jobs. However, in some areas where some of these marchers are coming from there are jobs, and they could fill those jobs.

Here is a letter dated May 7 which states:

> Telling the "poor marchers" they will be eligible for regular welfare payments as soon as they step foot on District soil, is like paying "worthless people to become more worthless."

Of course, if they come here they must be fed and taken care of. It is being said, "Come to Washington. Arrive in Washington one night, and we will get you on relief the next morning."

Mr. President, a lot of folks do not want to work. They want to live on a dole. Certainly, they are going to take advantage of an invitation like that. They would be foolish if they did not. I do not think they are that stupid; at least, many of them are not.

Mr. President, I shall read further from the letter addressed to me under date of May 7, 1968:

> Why aren't these people looking for jobs? According to U.S. News & World Report, page 87, "Now it's help wanted as jobs go begging."

Mr. President, that is what I have said here, as illustrated by the telegrams and other information that has come to me. It is true that there are places where there are no jobs and people are unemployed. But a march on Washington is not the answer.

Bills are pending and appropriations may be made, but they are not going to satisfy. What are the demands? The demands are for guaranteed wages and many other things. We had a civil rights bill and everyone thought that would satisfy, but has it? No; it has not; and neither will this.

Mr. President, here is another telegram.

> Previous incident looters were informed of whereabouts of police with their own crew of walkie-talkies. What would happen if 100,000 peaceful assembly descended on the Capitol or White House and decided to nonviolent.

Here is another from Washington, D.C.:

> If the President of the United States and the Attorney General do not deem it essential to do something to protect people and property in this area, I can only trust in God that this protection be taken care of by the Congress.

Again, of course, Congress has no executive power to go out and enforce the law, but we can urge that the executive branch, which has that responsibility, take every means to protect people from the viciousness of crime.

Here is a telegram from Rome, Ga.:

> Hit harder. Stop civil rights. Poor people Communist coalition. Americans feel deserted. Only Congress remains. Don't be intimidated. Back broken workers resent parasites. Supreme Court on side of criminals.

Mr. President, I ask unanimous consent that the telegrams and letters to which I have referred be printed in the Record.

There being no objection, the telegrams and letters were ordered to be printed in the Record, as follows:

RIOTS—JOBS

Granada Hills, Calif.,
May 7, 1968.

Senator John L. McClellan,
Washington, D.C.

Dear Senator McClellan: This morning Paul Harvey on his newscast over KABC Radio stated "The McClellan Committee has evidence the poor peoples march on Washington is to create a riot." Senator Jennings Randolph (Dem.) told the U.S. Senate on May 2: "There are strong evidence of Communist planning and participation in the forthcoming demonstrations in our nation's Capital." The informed citizen saw David Dellinger standing at the side of Mr. Abernathy, Sen. Randolph points out in U.S. News & World Report "This anti-American propagandist has publicly announced that he is a Communist . . . a non-Soviet Communist." President Johnson said on May 3: "We are concerned . . . We have made extensive plans, and preparations." What plans may, we be so bold as to ask?. . . like giving "The thousands of 'poor marchers' who are expected to descend on Washington, welfare payments as soon as they enter the District of Columbia. All the marchers have to say to welfare officials is that it is their intention to stay in the nation's capitol", their leaders have already told Congress "they will stay until their demands are met."

Telling the "poor marchers" they will be eligible for regular welfare payments as soon as they step foot on District soil, is like paying "worthless people to become more worthless."

Why aren't these people looking for jobs? According to U.S. News & W. Report, p. 87 "Now It's Help Wanted As Jobs Go Begging" skilled and unskilled jobs go begging, now some body is lieing, and it is not U.S. World & News Report. This Poor Peoples March should not be permitted to enter the District of Columbia. One has to listen to Broadcast from Castro Cuba to get the picture of who and whom has, and is running this "poor peoples march" . . . no doubt the Committee files of the senate are bulging with evidence.

Sincerely,

Mrs. James J. O'Connor.

San Francisco, Calif.,
May 5, 1968.

Hon. George Murphy,
Senate Office Building,
Washington, D.C.

Dear Senator Murphy: It is a sad state of affairs when there is more concern for the "rights" of criminals than the rights of the law-abiding citizen. I strongly urge your support of the crime control bill.

Our legislators should not be unaware of the fact that the majority of voters do not take the time or trouble to obtain publicity for their cause. They merely wait to show their displeasure at the polls if they are not satisfied in the manner our government is run. The vociferous but misguided "do-gooders" get all the attention and thus frequently cause Congress o lose sight of the fact that they are in the minority.

I feel that since voters can do nothing directly about appointments to the Supreme Court, you will find they intend to vent their anger against their elected representatives. On this crime control bill, and any other legislation which would help return this country to sanity, you should anticipate the desires of the vast majority of the silent voting public.

Yours very truly,

Robert J. Re.

Florence, Ala.,
May 8, 1968.

Senator McClellan,
Washington, D.C.:

Previous incident looters were informed of whereabouts of police with their own crew of walkie-talkies. What would happen if 100,000 peaceful assembly descended on the Capitol or White House and decided to nonviolent.

Walter Fuqua.

Washington, D.C.,
May 8, 1968.

Senator John L. McClellan,
U.S. Senate,
Washington, D.C.

Sir: Let me thank you for the statement you made on the floor of the Senate yesterday alerting the officials of the U.S. Government of the District Government with regard to the impending danger which could, and may, come to the people of this area as the result of the so-called "Poor People's March".

If the President of the United States and the Attorney General do not deem it essential to do something to protect people and property in this area, I can only trust in God that this protection be taken care of by the Congress.

I now find it unwise to attend Church services on Wednesday evenings as I had previously done. I am hoping we will return to normalcy again—with the right leadership.

I am sure that I express the sentiments of most of the white women of this area.

Sincerely,

Mrs. Carrie B. West.

Normandy, Mo.,
May 9, 1968.

Hon. John L. McClellan,
U.S. Senate,
Washington, D.C.

My Dear Senator McClellan: We urgently beg you and your colleagues to stop that march on our National Capitol. It can only end in disaster.

Mr. and Mrs. William J. Sanford.

Bethesda, Md.,
May 7, 1968.

Senator John McClellan,
Senate Office Building,
Washington, D.C.:

We support you 100 percent. Its about time somebody spoke up. Can we help?

Mr. and Mrs. A. Liss.

HIGHLAND, MD.,
May 8, 1968.

Senator JOHN MCCLELLAN,
Senate Office Building,
Washington, D.C.:

May God give you strength to follow your convictions as expressed yesterday. Civil rights in the true meaning is, meant by our forefathers, equality for all.

PAUL R. SMITH.

FULTON, MD.,
May 8, 1968.

Senator JOHN MCCLELLAN,
Senate Office Building,
Washington, D.C.:

My admiration to a statesman of your caliber. Please consider me as a dedicated follower of yours. May God direct you and help our sick Nation to evaluate this situation with wisdom.

MARGARET A. HYDE.

LITTLE ROCK, ARK.,
May 8, 1968.

Senator JOHN MCCLELLAN,
Senate Office Building,
Washington, D.C.:

Our heartfelt congratulations to you for putting our Federal administration on notice for its responsibility to us as citizens regarding the Poor Peoples Campaign.

JIM LEWIS.

VIENNA, VA.,
May 8, 1968.

DEAR SENATOR MCCLELLAN: The copy of my letter to Senator Dirksen discloses my feelings concerning the planned "Communist Invasion of Washington"—the pseudo "Poor People's March."

All Americans appreciate your efforts to prevent this Communist victory. Keep up your good work.

Sincerely,

GEORGE W. DRESS.

M. A. HYDE & ASSOCIATES, INC.,
May 8, 1968.

Senator JOHN MCCLELLAN,
Senate Office Building,
Washington, D.C.:

I agree unequivocably with your position as to civil rights and want you to know that I regret I am not a constituent of yours from Arkansas. May the grace of God produce more statesmen like you and fewer politicians. You have my admiration and respect.

M. A. HYDE, *President.*

ST. LOUIS, MO.,
May 4, 1968.

Senator JOHN D. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I hope you will read these clippings for they express the feelings of so many people these days. I think crime and riots come ahead of the Vietnam war for it is so uncalled for in a supposedly civilized country.

Just why do our law makers want to make it all so easy for such people to continue on their way of crime. Do they really believe by letting them have the go sign will stop it?

Mr. Johnson mentioned in his speech about Congress blackmail. What does he think the Negro is doing? Surely, Communists must be trying to take America down to where Greece and Rome were when they fell—our country is well on its way for it is not humanly possible to meet every demand the Negro wants these days. Nor should it be that way.

The money spent on that poor people's march could do a lot toward fixing their homes and getting them jobs. I'd quit my job tomorrow if the Gov't will guarantee me $3,000. I don't make that much now and too I'm 65 yrs. old.

I have never voted a Republican ticket but I am so disgusted with my party the shape they have gotten our country in that I do intend going Republican. I heard an X Air Force Col. say the same thing. If people stay out of trouble, they won't tangle with police—is my theory.

Respectfully,

MRS. ELLEN GRAY.

POOR PEOPLE'S MARCH CAN BACKFIRE

The probability is that pressure tactics practiced by the Poor People's Campaign led by Rev. Ralph Abernathy will boomerang.

Congressmen predictably will refuse to take action under the "militant non-violence" planned by Mr. Abernathy and company.

Legislators normally would be in a frame of mind to vote billions of new aid for the poor, following the report of the President's Advisory Commission on Civil Disorders.

But to threaten to disrupt the nation's capital if they don't capitulate to the demands of the poor can only anger members of Congress and hurt the cause of the needy.

Among the demands to date are: A guaranteed annual income, millions of new jobs, more housing, extending the minimum wage to another 20 million persons and free food stamps.

The vanguard of the march gave members of the President's Cabinet other demands. They handed Secretary of Agriculture Orville L. Freeman four pages of orders and told Attorney General Ramsey Clark to step up enforcement on antisegregation laws.

It is doubtful that the spectacle of thousands of American poor marching on Washington would have been planned if succeeding Democratic Administrations hadn't told them, in effect, that the government owes them a living.

The government doesn't owe them a living. It owes them an opportunity to get a good education, and an equal chance to get a job and make a living.

Those who are making the demands aren't apparently offering anything in return for the billions they hope to extricate from Congress. It is a straight power play. No government can endure if it submits to blackmail or abdicates its authority to an angry mob.

The great pity is that without the pressure tactics, it is probable that many federal programs benefitting the poor would be approved.

It is a disservice to those living in poverty to carry out this pressure campaign that can anger Congress and delay help for those who genuinely need it.

There is little doubt that upon reading of the riot act, such force as is necessary, including the right to shoot to kill, may be used to disperse a hostile force.

All civil rights may lawfully be suspended in times of civil disorder, including the writ of habeas corpus. A person may be held without charge until the emergency has passed, which determination is in the sole discretion of the Governor and may not be overruled by a court. The Governor may order the troops not to yield the prisoners and ignore the court.

The writ of habeas corpus was not suspended in either Washington or Baltimore recently as President Lincoln suspended it during the early Civil War riots.

It is possible that a "shoot to kill" order may legally be issued as against an armed and menacing mob. However, it is extremely doubtful if such an order to shoot with intent to kill is legal in the case of an individual theft. A shot fired with intent to stop a felony is legal. If the firing of such shot is necessary, and it incidentally and accidentally kills, no blame attaches, but the shot may not be aimed to kill. On the other hand, it is doubtful if a mayor has the legal right to order a policeman not to shoot if such force is necessary to stop a felonious crime.

It is equally specious for a Mayor to declare that life is more important than property, because the theft involves not the property, but the crime against the peace and dignity of the state—at least theoretically.

Thus, a Mayor instructing police not to shoot to prevent a crime is constricting the operation of the law as certainly as a Mayor who orders a policeman to shoot to kill is extending it. Risk of death is a part of the risk of stealing.

But, as Abraham Lincoln pointed out in his first inaugural address, those who would break the law have the option, for he who was sworn to uphold the law has none but to enforce it.

To compare property and life is ridiculous. If life is more valuable than property, it is by way of an offer of the Mayor to turn over the usually excellent furniture in city hall to any applicant earnest enough to threaten suicide if he doesn't get it. Should the Mayor turn it over, it would be illegal, since he doesn't own it.

By the same token, it is illegal for him to order a policeman not to shoot to protect a merchant's property, because the Mayor does not have the constitutional right to sacrifice any person's private property to a thief.

To fail to protect a citizen's private property is in effect to make him pay a heavy tax because a Mayor has illegally withdrawn from him the equal protection of the law.

Further, if life is so much more valuable than property, it follows that the lives of lawful firemen should not be risked putting out the fires started by unlawful rioters. Actually, grandiose reminders that life is more valuable than property are totally unnecessary. That truth is made adequately clear several times a year when they carry a murdered policeman's coffin out of the cathedral.

PASS MCCLELLAN'S ANTICRIME BILL

One of the key provisions of the federal crime control bill, sponsored by Senator John L. McClellan of Arkansas, would make confessions admissible as evidence in criminal trials when voluntarily given.

If enacted into law, this provision would nullify a series of United States Supreme Court rulings that have given increasing protection to criminals and greatly restricted police ability to obtain vital evidence.

Senator McClellan cited particularly the high court's decision in the Miranda case which barred use of confessions unless a suspect was advised of his right to have a lawyer.

As matters now stand it is virtually impossible for police to obtain a confession in many cases because of the multitude of restrictions placed upon them by the Supreme Court.

The disastrous effect on law enforcement can be visualized when it is recognized that prosecutors in the past have relied upon confessions to obtain guilty verdicts in about 70 per cent of all convictions.

Under the permissive doctrines of the Supreme Court, succeeding Democrat Attorneys General and the society-is-to-blame thesis, crime had risen 62 per cent from 1960 to 1967. It jumped another 16 per cent in the first nine months of last year.

Senator McClellan is not exaggerating when he says the mounting crime rate "borders on open rebellion and insurrection."

In St. Louis we are witnessing a virtual daily blood bath of wanton killings and slaying in perpetration of robberies (mostly by boys in their teens in recent days).

So why should we follow the dictates of the Supreme Court that everything should be done to insure that the suspect will shut up like a clam to police?

If a confession is voluntarily given, why should it be thrown out because the confessor wasn't told he could have a lawyer?

Another provision of Sen. McClellan's bill would legalize court supervised wiretapping and electronic surveillance by law enforcement officials.

The present Attorney General Ramsey Clark would limit use of wiretaps and electronic bugs to national security cases.

If Clark's proposal were followed, this would mean the fight against organized crime would suffer a death blow.

New York's crusading district attorney Frank Hogan has told a Senate Committee that without wiretaps and electronic devices it would have been impossible to convict the "Murder, Inc." gang and other notorious racketeers he sent to prison.

So why should we listen to young Mr. Clark who has demonstrated he is more interested in expounding his sociological views on crime than enforcing the law?

The more we read of 16-, 17- and 18-year-old boys shooting and killing people, the more we are convinced that some restrictions on the sale of firearms, as proposed by Senator McClellan's measure, are necessary. We hear of these young men holding up stores and shooting victims almost every day. Where are they getting all the weapons and ammunition?

Maybe it is impossible to keep minors from getting guns, but at least the attempt should be made.

There is virtually unanimous support of the crime bill's other major provision—federal grants to improve local police forces.

This is the best anti-crime measure to be offered in many years. It could strike a major blow at the permissive, let-them-kill-and-rob doctrines that have convinced many criminals—crime actually does pay.

It could be the turning point in the war on crime—a war that continues to be lost by eggheads who know everything except how to enforce and administer the law.

Baltimore, Md., *May 8, 1968.*

Hon. John L. McClellan,
U.S. Senate.

Dear Senator: Congratulations on your courageous words in describing the Shanteytown storm troopers.

Even though fewer in number the hard corps remaining Bonus Marchers caused trouble in 1932. A hostile group whose leaders opposes the struggle for our existence in Vietnam could cause more havoc in Washington than the Tet offensive did in Vietnam.

Please use your influence to persuade the marchers to stay in their homes where they belong as long as they obey laws.

Sincerely,

Ralph J. Hopkins.

P.S.—A recent presidential candidate spoke of the gravity of crises. How grave must crises be to have a semiemergency passed to prevent chaos?

Southern Iron & Equipment Co.,
Chamblee, Ga., *May 8, 1968.*

Senator John L. McClellan,
Senate Office Building,
Washington, D.C.:

Reference so called poor man's march we have 100 jobs paying from $1.80 to $2.80 per hour going begging for lack of employees. If you can single out up to 100 men that want to work, call me collect and I'll furnish details.

Tom C. Campbell.

North Washington Council of
Citizens' Association,
Washington, D.C., May 9, 1968.

Senator John L. McClellan,
Senate Office Building,
Washington, D.C.

Dear Senator McClellan: The North Washington Council of Citizens Associations in regular meeting May 8, 1968 went on record strongly opposing any occupation of Federal Lands in Washington, D.C. and strongly urges that such a permit be denied for occupation of such lands.

With best wishes and thanks for your support in this matter we are,

Yours sincerely,

Selina Moore Foster,
Secretary-Treasurer.

Kokomo, Ind.,
May 3, 1968.

Dear Senator: I agree entirely with your effort to pass a crime control bill to curtail Supreme Court coddling of criminals. How stupid to not let confessions (voluntary) be admitted as evidence! Let's give a few thoughts to victims instead of criminals! More power to you, sir.

Sincerely,

Helen J. Miller.

P.S.—Thought you might need encouragement.

Canton, Mo.,
May 2, 1968.

Dear Senator McClellan: How I wish we had a great many more Senators such as you, sir!

We are all so sick, tired, and most concerned over the goings on of the Supreme Court! What a terrible thing it is they have done by giving the criminals all the "rights" while the victims are made to feel they are the "guilty" ones!

I pray God you are given the strength to make your constituents see it is high time Congress get busy and force the Supreme Court to stop playing around with our Constitution, or soon our land will have no law at all!

The Court has so tied the hands of all police that criminals know they can rob, rape, even commit murder and get by with it! Then the Court has the ignorance to say they can't figure out why crime is on the rampage all over the nation! Personally, I think we need an all new Supreme Court!

Please God your crime control bill, to supersede the several Supreme Court decisions will pass! The time is now to get our country back to law and order.

Sincerely,

Mrs. Edgar Orf.

Big Spring, Tex.,
May 3, 1968.

Senator John McClellan,
Washington, D.C.

Dear Senator: You are due more than just congratulations for introducing and pushing for passage of a crime control bill that would supersede several controversial Supreme Court decisions. Those opponents surely are pro-communist.

Congress is supposed to make our laws, not the Supreme Court. (Fight em). Good luck.

Congress should have guts enough to stand up for our country. I thank you.

I am sincerely,

L. H. Little.

Santa Barbara, Calif.,
May 6, 1968.

Senator John McClellan,
The Senate,
Washington, D.C.

Dear Senator McClellan: Thank God you are going to do something about the outrageous decisions of the Supreme Court. The words court, judge, and justice are a mockery when applied to that body of men. What a merry time the criminal can now enjoy, knowing the court will go to any lengths to protect his rights! What about the victims, the police?

I wish you every success in this undertaking and I applaud your efforts. If all the people who think as I do would write, you would be assured of tremendous approval.

Praying a blessing on your undertaking, I remain

Sincerely and gratefully yours,

Frances A. Campilio.

Ponca City, Okla.

Senator John L. McClellan,
Washington D.C.

Dear Sir: In this clipping from a recent newspaper which many read; I am sending you a few, that I have saved for some time to let you know how we the people of America feel about the members of the Supreme Court & their "rank" decisions.

How long will the Congress of the United States stand idly by and let such as Earl Warren who "championed" that atheist woman in the school episode, and who did not want "In God We Trust" on the wall of the office of the Court, tell the people of United States anything.

I suppose, if we had not been so involved in war so long that Congress would have done some thing about the Court taking over their business, sooner.

I copied an item that was written some time ago. What Justice Millard Caldwell stated—"I must tell you the Supreme Court of U.S. not 'subject' to election by the people—nor their will, has tortured the plain language of the Constitution and to the extent has destroyed the rule of law; and substituted in its stead the rule of man. The Court exhibiting its contempt for the Constitution asserting its power to over rule long recognized principles and reading into the Constitution new and alien ideas, that has spawned mistrust.

Will you please Senator let other members read these few of clippings I've saved and do something about them.

Signed "The Mothers of Okla." Friday May 3, 1968.

Mrs. T. O. Younkman.

Whom the Gods Would Destroy

(By Morrie Ryskind)

"Whom the Gods would destroy, they first make mad," is a warning that comes from the ancients.

Partly, I am influenced by having just finished Lyman A. Garber's "Of Men, and Not of Law" (Devin-Adair: $3.95) which details, in layman's language, some of the weirdo decisions the boys have arrived at.

In 1831, Stephen Girard, a Philadelphian, died, leaving his fortune to found a school for poor, white orphan boys. In 1957, the Court ruled he had been discriminatory and that the school must be open to all.

Try that one on for size. Suppose Girard, looking into the future, had left his money for poor, orphaned Negro lads? Would the Court have repudiated his will as discriminatory? Any bets?

The Mallory Case of Washington, D.C., is another lulu. Mallory was arrested for rape and convicted, and the conviction upheld by the District Court of Appeals. But 7½ hours had elapsed between questioning and the time of his confession and arraignment. On that time basis alone, the Supreme Court freed him, though never at any point did Mallory's attorneys contend he was innocent or that duress had been used to get the confession.

Ironically Mallory after release, went to Philadelphia and broke into a house to commit the same crime. This time he forgot to hold out for the requisite 7½ hours and is now languishing in a Pennsylvania prison.

There are many other instances in the book. But my paper brings me the Court's latest 5 to 4 decision, upholding an Arizona school teacher's refusal to sign a state loyalty oath which would subject to prosecution for perjury any one who signed and remained or became a Communist Party member. I realize it's a great victory—but for whom?

And here's how Congressman Richard L. Roudebush of Indiana sums up another situation which can be laid to the Court's insatiable craving—noted by Frankfurter in his later years—to rule on everything: "Loathesome persons reciting filthy poetry are permitted on college campuses with immunity. Yet the childhood prayer, 'God is great, God is good, And we thank Him for our food,' is forbidden to grade-schoolers."

Carried to its logical conclusion, the Court's ban would do away with Thanksgiving observances at the school—and even with the famous Day itself. Oh, well, I'll miss the turkey and cranberry sauce, but LBJ has asked us all to pull in our belts.

During the Middle Ages, the obvious forerunners of the Court took up similar matters, such as deciding on whether 14 angels could sit on the point of a needle at the same time. I forget just how it came out, but I am certain the Lord abided by the result.

With no disrespect, however, I suggest it is high time for that decision to be reviewed, and that the Warren Court take a new look at it. Such obviously crowded ghetto conditions should not be tolerated, for surely even the lowliest angel is entitled to have his own needle to sit on.

What Heaven undoubtedly needs is some Urban Renewal, and I think the Great Society might well offer to pay half the costs. Another couple of billions for foreign aid wouldn't hurt us, and we could make it clear that the Heavenly Host would not have to give up its policy of non-alignment in accepting our help.

Now I'm all for separation of church and state, but I'm blanked if I can see that a non-denominational childhood prayer—especially one that any youngster is free to abstain from—violates anybody's rights or subverts the Constitution.

But, say the devout atheists, a child that does not participate feels "different" and suffers traumatic injuries. To which any Judge with even a modicum of common sense might well have replied, "Enough, Buster! Go peddle your papers elsewhere."

But not this collection of ritualistic liberals, who swallow camels without blinking but strain at gnats.

The prayer amendment is greatly popular with the people. Dr. Gallup a few years ago recorded that over eighty per cent of the people were dissatisfied with the ruling of the Court.

Shortly after the initial ruling was handed down, no less than 49 out of 50 state Governors came out in favor of an amendment calculated to vitiate the fanaticism of the Court.

But the amendment, somehow, never got started. Why? Because the liberal ideology is implicity anti-religious and explicity secular. It is sad to contemplate that neither the professional political community, nor the mass of the people, nor 98 per cent of the Governors of the United States, have the power to domesticate the Supreme Court when the liberal ideology is on its side.

Hoover Blasts Warren Group, Luther King

Washington.—FBI Director J. Edgar Hoover has blasted the Warren Commission as "unfair and unjust" and called Dr. Martin Luther King Jr., "the most notorious liar in the country."

Hoover boiled over on these and other matters, including lenient "bleeding heart judges," in a lengthy interview Wednesday with a group of women reporters.

He angrily charged the Warren Commission with "a classic example of Monday morning quarterbacking" in discussing its report on the assassination of President John F. Kennedy.

The commission, headed by Chief Justice Earl Warren, has said the FBI failed to notify the Secret Service that the assassin, Lee Harvey Oswald, was in Dallas last November 22, the day Kennedy was slain.

In New York City alone, Hoover complained 7,000 persons would have to be taken out of circulation every time a president makes a public appearance if it were deemed necessary to remove "every individual who might threaten the safety of the President."

However, the FBI director said, his office is turning over to the Secret Service the names of "thousands of beatniks, crackpots and kooks."

Hoover appeared before the commission last May 14 and told newsmen after testifying the panel was doing "a very thorough job." He said it had "even gone beyond what a reasonable man would have expected" in accumulating evidence.

Wednesday he said there is "not a scintilla" of jealousy between the FBI and the Secret Service, which is charged by law with protecting presidents.

Efforts to reach the members of the Warren Commission, some of whom are traveling abroad, were not successful.

Hoover let fly his blast at Dr. King, head of the Southern Christian Leadership Conference in discussing civil rights. He called the Negro integrationist who recently was named winner of the Nobel Peace Prize a liar for advising Negroes not to report any civil rights violations to the Albany, Ga., FBI office because the staff members were all Southerners.

When he asked King to make an appointment so he could prove that four of the five men were born in the North. Hoover said King would not make the appointment.

The FBI director went off the record for further comments about the minister.

An aide to King said that he was vacationing in the Bahamas and would have nothing to say until later today at the earliest.

In discussing civil rights with the women reporters, Hoover described as a "scandalous thing to do" the suspension by a McComb, Miss., judge of the sentences of nine men convicted of bombing and burning a church. He said the men were not young, as claimed, but ranged in age from 30 to 44.

"Great progress" is being made, Hoover said, in solving the slaying of three civil rights workers near Philadelphia, Miss.

But, he said, "around Philadelphia, Miss., law enforcement is practically nil and many times sheriffs and deputies participate in crime."

There is police participation in crime also in several Midwestern cities, Hoover said. He advanced that as one reason for his opposition to a national police force.

"If they (local police) could write to a central clearing house for information you can imagine what harm they would do," Hoover said.

When Congress Surrenders

Underlying the current confused and disgruntled attitude in Congress and among many of the nation's more militant liberals is a belated recognition of a trend of events for which they have only themselves to blame.

We harbor little sympathy for the complainers. We have long resisted national policies, in Congress and out, that seemed to us to presage the effective destruction of representative Government.

What is it we are hearing from Washington today?

That President Johnson has exceeded his authority and is waging a growing war in Vietnam in which it was not the intent of Congress to indulge;

That Vice President Hubert Humphrey is parading around Asia promising hundreds of millions in aid loans which only Congress can, and hasn't, pledged;

That the U.S. Supreme Court has escaped its judicial bonds and has taken over the job of legislating;

That in its "one man, one vote" edict, the Court has usurped the authority of both Congress and the individual States;

That the Executive Branch generally is performing tasks and assuming powers that have never been granted it.

What is the symptom of these belated wails?

Simply, that over the past 30 years the Congress at the unrelentless urging of those of "liberal" philosophy, has surrendered its authority to the Executive!

If Congress is unhappy about Vietnam, and if Congress is displeased with the freedom the Executive has taken in doing just about as it pleases, at home and abroad, who on earth does Congress have to blame but itself for defaulting on its constitutional authority over the years?

If the liberals are disenglamored with Mr. Johnson, if they now feel the President has become all too powerful and that the Executive needs to be hobbled to prevent unpleasant future events, who is it but the liberals who hounded Congress for years to give more power and more authority to the Executive?

The fact is that the singing of the blues the American people are hearing today is little more than a ballad about chickens coming home to roost.

We think it is long past the time when the damage to representative Government that has been done, can be undone. We do not believe that it is too late, however, to call a fast halt to complete surrender to the Executive.

It is high time the liberals join the rank and file of Americans and started electing to Congress men who will heed the Constitution and do not believe the people are too dumb to know good from bad.

Byrnes Calls Voting Rights Bill "Terrible"—Ex-Justice Believes Court Usurping Powers of Congress, Hits Decisions

Columbia, S.C.—Former U.S. Supreme Court Justice James F. Byrnes said Saturday the court is invading the field of legislation, usurping the powers of Congress and changing the Constitution improperly.

Byrnes, also a former member of the House and Senate, an "assistant President" to Franklin D. Roosevelt and Former U.S. secretary of state and governor of South Carolina, reaches his 86th birthday Sunday.

Busy in retirement administering a fund he set up to provide college scholarships for orphans, Byrnes aired his views on some of the issues of the day.

He called the pending voting rights bill, supported by President Johnson, "terrible." He said the eventual ruling on this bill will test how far the Supreme Court is willing to go "in attempting to dictate the policies of the government."

Here are some of the questions put to him and his answers:

Q.—As a former justice, what is your feeling about the trend of Supreme Court decisions in the field of civil rights, reapportionment and anti-Communism?

A.—The trend of the court which gives me most concern is the disposition of a majority of the court to legislate instead of interpret the laws of the Congress and the Constitution. In the 1954 decision in the school cases, the court went a long way.

They first found they were unable to agree upon a decision of the five cases that were pending. They asked for a reargument, which showed there was serious disagreement among the members of the court. However, when rendered, the decision was unanimous. It was based not upon law precedence, but upon the writings of several liberal thinkers, and was based upon physiological argument, I recall that there was a note, "See Myrdal."

I read Myrdal's book, in which he was very critical of the United States government and I regarded it as unfortunate that so important a decision could be based not upon legal precedent, but upon the views of an extreme liberal in Sweden.

(Karl Gunnar Myrdal, Swedish economist and politician, conducted an investigation on American Negroes for the Carnegie Corporation and in 1943 published "An American Dilemma: the Negro Problem and Modern Democracy.")

Q.—What about reapportionment?

A.—The reapportionment decisions go further than anything else that I can recall in invading what has always been regarded under the constitution as the rights of the states.

Compromise With Justice

(By Andrew Tully)

Washington.—That mixture of hyperthyroidism and expediency which characterizes deliberations in the nuthouse known as the Supreme Court has been served up to the citizenry again in the Court's refusal to make retroactive its tough new guidelines on confessions. In effect, the 7 to 2 majority has held that the passage of time wipes out an injustice.

A week earlier, to the dismay of many prosecutors and cops, the Court had ruled by 5 to 4 that henceforth a person must be advised immediately upon being taken into custody of his right to remain silent and have a lawyer. This made sense because it reaffirmed the Constitutional guarantee against self-incrimination, although its gist will be a ruddy nuisance to the poor cop trying to convict a career criminal who knows all the legal ropes.

But now the court has backed away from that ruling by deciding that those curbs on interrogation would apply only to citizens whose trials begin after the Court imposed the guidelines. Whatever the merits of his case, a person who was convicted by a confession he charges was coerced will have no further legal recourse if his case has been closed.

The majority's reason for this curious reasoning is explained in the opinion written by Chief Justice Earl Warren, and it is a frightening one. It is that making the new guidelines retroactive "would seriously disrupt the administration of our criminal laws." In other words, it would be an inconvenience to the law enforcement bureaucracy.

This is sheer, idiotic discriminatory expediency. There are some valid arguments that the Court errer in its guidelines decision, but if that decision applies to one case it should in basic fairness apply to all cases. As Justice Hugo L. Black and William Douglas noted in their dissent, there is "no reason for discriminating" against prisoners whose direct appeals were "of the same vintage" of the test case considered by the Court.

Admittedly, retroactivity would have caused law enforcement officials considerable inconvenience. But the new ruling, to put it blandly, is of considerable inconvenience to prisoners whose confessions were beaten out of them with rubber hoses. Besides, the Court has ruled that the new guidelines now constitute the law of the land.

The tragic thing about this latest decision is not that it is the most restrictive application of a Constitutional doctrine ever imposed by the Supreme Court, although that is bad enough. After all, it would seem to go without saying that anyone in prison as a result of a trial in which a Constitutional right had been violated should be released and/or retried.

But what lends the ruling an ugly aspect is the impression that it was calculated to take some of the sting out of the earlier guidelines decision. In the new ruling, the Court seemed to be trying to placate those lawmen who had denounced the guidelines as putting an end to all police questioning. Laws should not be written to please anyone, even a policeman, or to suit any administrative convenience, but to protect the rights of the citizenry. This latest abortion smacks too much of a political deal in some untidy back room.

Indeed, neither the liberal nor the conservative bloc on the Court seems to be overstocked with common sense. Dissenting from the earlier guidelines ruling, Justice M. Harlan accused the majority of "dangerous experimentation" in the midst of an alarming national crime wave, it is hard to understand what the number of murders and rapes committed annually in this Republic has to do with any discussion of the protection of even the most malignant wrongdoer against the abuse of due process.

Not Democracy

One of the sillier aspects of the U.S. Supreme Court's ruling on reapportionment of legislatures is its contravention of the Constitution.

Instead of upholding the Constitution, the court's rulings tend to upset it.

Now don't get confused. The states themselves, through their legislatures, should reapportion according to their own Constitutions. But the U.S. Constitution specifically guarantees—until Earl Warren started twisting things around—against Federal interference. States didn't, so the court did. This, of course, simply proves that when action is needed, someone is going to step in if a power vacuum exists.

This nation is not a democracy, and wasn't intended to be a democracy.

It does follow the version of democratic government known as a Republic.

Specifically, the Constitution provides in Article IV, Section 4:

"The United States shall guarantee to every State of this Union a Republican Form of Government."

How Earl Warren and his colleagues can find in view of that any basis for their personal theories that one man should have one vote is difficult to see. Legalistic jargon and baloney can confuse us, but don't change the truth.

As Sen. Margaret Chase Smith explained it in a recent comment:

"A democracy is a truly representative government in which the supreme power is retained by the people and exercised by them. So is a republic. But a republic, such as ours, is a restricted and limited democracy.

"The basic distinction between democracy and republic is in the degree of majority rule. Majority rule is unrestricted in a (pure) democracy while it is restricted in a republic.

"The Bill of Rights part of our Constitution places definite limitations on the power of the representatives of the people. They are denied the power to abridge our freedom of speech, right of assembly, press, trial by jury, against unreasonable searches and seizures, and individual rights—regardless of how much the majority might be opposed to such individual rights. Under a pure or true democracy, there is no protection of such individual rights against the rule of the majority."

The U.S. Senate in which each state has only two senators regardless of population is in itself proof of the republic theory as opposed to the pure democracy in which a ruthless majority could destroy the minority.

Even though a majority of your neighbors oppose your views, you have a right to express them as long as the Bill of Rights prevails.

Now that the Supreme Court has decided to re-write the Constitution it is supposed to defend, it is well for every citizen to determine he will defend the Constitution since the court won't.

Go back and re-read that part quoted from Article IV:

"The United States shall guarantee to every State of this Union a Republican Form of Government."

And after you read it, remember: While you may be in the majority at the moment, you and your group might later turn up in the minority. If unrestricted democracy by then prevails, your very life could be forfeit for your beliefs. It has happened and is happening in some countries today. Only in our republic would your rights prevail.

Encouraging U.S. Communists

(By Henry J. Taylor)

While our men die in Viet Nam the Communist party now organizes openly in the United States. What's the Viet Nam War all about, anyway?

If we're divided here it's not our people's fault. Our policy has our country as mixed up as a platoon of midgets going over Niagara Falls in a barrel.

We draft our youth and ask them to lay down their lives 9,000 miles from home to block the Communist conspiracy. Beyond Viet Nam, our forces are spread in 30 other countries. Every nickel of every American worker's Federal income tax, and more, is eaten by the Department of Defense—thanks to the Sino-Soviet menace.

Economically, our people are told we should supply the Reds many things they need, as if the way to defeat Communism is to help it to succeed. Psychologically, we're told that the Kremlin cabal isn't too bad, after all. Washington leads us to forget that the arguments and differences between Moscow and Peking are basically concerned with the problem of which is the best way to bury the free world and erect a Red world. And to top this off, on the legal front, the Supreme Court mixes up for us its own special of the confusions.

The Supreme Court seems determined to legislate as well as adjudicate, so that its decisions have the effect of being new laws by the court's nine men instead of enactments by the people's Representatives in Congress. As one result, the court's continued twisting of the Constitution and the statutes is making a shambles of our legal protections. The end product of its process can only strengthen our enemies and weaken our country. This is the reverse of the supposed goals of judicious lawmaking.

What has happened to the Smith Act? As the Communist party organizes openly, just remember the Smith Act has never been repealed. This 1940 law made it a crime to teach and advocate the violent overthrow of the government, and the Communist party here has been officially found to be a Moscow-controlled subversive apparatus.

Nudist Magazine Gets Court Protection

Washington.—Danish nudist magazines, some clearly intended for homosexual consumption, won protection in the Supreme Court Monday from seizure and destruction by the federal government.

Ruling summarily, the court cited a decision of last term in which it gave clearance to various "girlie" magazines and certain erotic literature.

Brief, unsigned decisions in two cases reversed holdings by the U.S. Circuit Court in Richmond that the nudist magazines were obscene and could be banned.

McClellan Says Supreme Court Helps Criminals

Washington.—Sen. John L. McClellan, pushing for Senate passage of a crime control bill that would supersede several controversial Supreme Court decisions, has accused the high court of coddling criminals.

The Arkansas Democrat said a majority of the court has taken it on itself to amend the Constitution and:

"We have to decide if we have the courage to do something about these self-confessed murderers and rapists that the Supreme Court is disposed to turn loose."

McClellan, in opening debate on the omnibus bill Wednesday, laid heavy emphasis on the section that would make confessions admissable as evidence in criminal trials if voluntarily given.

He called this a vital part of the legislation, but opponents hope to muster the votes to strike it from the bill.

Crossroads Report

Dear Editor: Mr. Chief Justice Warren is quoted in the papers as saying no nation can survive unless its people are safe in their homes and in their business.

* * *

And, of course, wanting the country to survive is what has led Mr. Warren's Court to come to the aid of killers, rapists, and robbers whose safety is threatened.

* * *

Because, after all, criminals are people. So they must be safe in their homes or hideouts from nosey policemen, and Congress is fixing to see that in their marauding business they are also safe from customers with guns.

D. E. Scott.

CROSSROADS, U.S.A.

THE WAYWARD COURT

It was a very appropriate item you published last Sunday by Mr. D. R. Matuszak entitled, "Rule of Law Degenerates," in your letters columns.

I did not get to read what Dean Peterson of the T.U. law school had to say in upholding the U.S. Supreme Court. But I do feel that court under Chief Justice Earl Warren has gone astray of many of its important decisions.

It seems to admit its lack of guidance in many instances in its decision of Jacobellis vs. Ohio, 378 U.S. 202. "Smut Peddlers." in the 1965 October Reader's Digest, indicates that it has been off base too often. The question is, what do we do? I think we need to broaden and strengthen the theory of checks and balances so as to include our high courts—the ones that do not now get checked. We should all be made accountable—even high courts.

JOHN W. PORTER, Jr.,
County Judge.

MUSKOGEE.

FORT WORTH, TEX.,
May 4, 1968.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Thank God somebody in the Senate has the courage to call attention to the flagrant disservice of the so-called Supreme Court.

What can you expect of a group of whom the majority are not trained or experienced jurists?

Aren't all judges supposed to uphold law and order and support the agencies set up to uphold the law?

The few of you forthright of our duly elected in the Congress are all that stand between disaster and turn toward the protection of Life and Property and the solvency of our Nation. If our present twenty-cent dollar can not be maintained and improved, we can't expect to make progress.

You don't call a plumber when you need an appendix operation or a Warren when you need constructive judicial opinions.

Glad to note there is one Representative in the House who evidently supports your sound and opportune position concerning the so-called "Court of Last Resort", and I am enclosing my reply to his communication.

With highest regards.

Sincerely,

W. P. BOMAR.

FORT WORTH, TEX.,
May 4, 1968.

Hon. JOHN R. RARICK,
House of Representatives,
Washington, D.C.

DEAR MR. RARICK: I have noted your most opportune letter of April 29 to start a definite movement to curb the Supreme Court in their consistent actions to not only misinterpret the Constitution of the United States, but to interfere with law enforcement.

This so-called "Court of Last Resort" has only a minimum of jurists. The majority are so-called lawyers of little training or experience. The junior members of any creditable law firm are more competent and better trained than are the political appointees, who should be made up of only top flight jurists with a number of years experience on our Appellate Courts.

An accurate check of the records of those now serving on the Supreme Court will prove the above conclusion. When you need an appendix operation, you don't call a plumber.

It takes too long on the bench to train inexperienced from other fields of endeavor. Senator McClellan is to be commended for his comments on this subject.

Sincerely,

W. P. BOMAR.

PORT GIBSON, MISS.,
May 2, 1968.

Senator JOHN L. MCCLELLAN,
Washington, D.C.

DEAR SENATOR: I guess you are the first man to go after the Supreme Court about codding Crime. I certainly hope you will do your best about this.

I would also like to know from you why it is that after Carmichael and Brown have been found guilty and fined and they are turned loose and they keep preaching hate—I just cannot understand it. Abernathy said if nothing is done for them—they will burn the cities—I think he should be jailed—also this march should be stopped before it gets to Washington. Johnson is the cause of this—he got up and said we shall overcome. Please do what you can—I believe this country is gone or soon will be.

P. H. WHARTON.

WICHITA, KANS.,
May 3, 1968.

Hon. JOHN L. MCCLELLAN.

DEAR SIR: It has been a great concern to me that our Supreme Court has given the criminal such immunity, and in this way encouraging criminal acts of every kind.

In my opinion this recent action of the Supreme Court is unconstitutional and must be stopped in order to protect our citizens from this unprecedented crime wave.

I wholeheartedly endorse your action—this matter.

Sincerely,

RALPH L. ———, ———.

SEPULVEDA, CALIFORNIA,
May 3, 1968.

I heartily applaud your stand!! May Congress exert its powers and restrict the Supreme Court which has damaged this nation while seeking to protect the rights of criminals while the innocent suffer. I shall watch for the success of your effort.

Mrs. HOWARD T. BYLES.

DEAR SIR: Thank you for your bill and for fighting for a crime control bill that would supersede severe controversial Supreme Court decisions that has coddled criminals. Who can I write or what can I do to help. I believe the criminal has more rights and protection than we the law abiding taxpayer doesn't get.

C. O. HILL.

FORT WORTH, TEX.

Senator MCCLELLAN: I, as one of the great many, am in consent with any crime control bill. You, indeed, are very right about Supreme Court decisions. In talking to dozens or other people I find that they too are in agreement with us.

I shall express my views to my own senators too.

God grant us a new Supreme Court!

Mrs. ROGER STOCKTON.

Mr. McCLELLAN. Here is a telegram from St. Louis, Mo.:

MY DEAR SENATOR MCCLELLAN: We urgently beg you and colleagues to stop that march on national capital. It can only end in disaster.

Mr. President, I say to you frankly that these matters have to be squared. I want to do everything here with every courtesy and consideration that can possibly be given. I am deeply concerned. The way I feel about this matter I would be derelict in my duty if I failed to urge with all my strength that this bill, substantially as now written, be enacted into law.

Mr. President, here is an editorial that appeared in the St. Louis Globe-Democrat. I did not refer to this editorial when I made reference to the other editorials. I ask unanimous consent that this editorial entitled "Why Not Reverse Miranda?" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY NOT REVERSE MIRANDA?

Many police departments for years preceding the United States Supreme Court ruling in the Miranda case routinely advised criminal suspects of their right to counsel and to remain silent.

But under what constitutional authority does the United States Supreme Court presume to say not only that such instructions shall be mandatory but, beyond that, the failure to give them shall be grounds for throwing out voluntary confessions?

What makes the performance of the Supreme Court majority curious is that its rulings have consistently expanded the protections of those accused of breaking the law while crime continues to break all records.

In effect, the Supreme Court Miranda ruling has made the solving of many crimes a great deal more difficult, if not impossible.

Now the high court has extended the Miranda decision to cover cases involving investigations by the Internal Revenue Service.

This should provide new incentive in Congress to approve the bill of Senator John L. McClellan of Arkansas that would undo the restrictions placed on police by the Miranda decree.

Mr. McCLELLAN. Mr. President, I am aware of the fact that the Supreme Court just 3 or 4 days ago handed down another decision, the Mathis decision. One member of the Court who was on the side of the majority, the father of our present Attorney General, the distinguished Associate Justice Tom Clark, has retired from the Court and his replacement, as I recall, did not participate in the decision, so that instead of having a 5-to-4 decision, the decision handed down was 5 to 3, and it reaffirmed the Miranda case. They have the power to do that as of now.

However, Mr. President, will they not reconsider at some future time? Will they forever persist in maintaining that five members of the Court are right and that some 28 to 30 judges in the past were wrong when the same issue came before them? What we have today in the Miranda case is an opinion of five judges, in effect, overruling the decision and the wisdom of some 28 or 30 judges in the past, their predecessors who had passed on the identical issue. Is it too much to ask them to proceed with caution; to stop, look, and listen? Is it too much to say, in view of what is happening across America today, "Are you not making a mistake?"

I propose to have printed in the RECORD before the day is over a chart which shows the spiraling rate of crime since some of these liberal decisions have been made. For anyone to try to argue that the decisions have no influence and no impact is a sad mistake.

Mr. President, as I left my apartment building this morning, the letter which I hold in my hand was in my box. It is addressed "To Whom It May Concern," and it is dated May 1, 1968. The letter is from the Business & Professional Association of Far Northeast, Washington, D.C. I shall not take time to read it now, but I ask unanimous consent that the letter and the accompanying documents with the letter be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUSINESS & PROFESSIONAL
ASSOCIATION OF FAR NORTHEAST,
Washington, D.C., May 1, 1968.

To Whom It May Concern:

Merchants, professional men and citizens of far East Washington are attempting to alert the city government to the problem of civil unrest which has reached proportions that require crash programs to prevent collapse of orderly government based upon respect for law and decency. The more recently displayed attitude of government seems to be a tacit admission of lack of either will or ability to stem the headlong descent of this city into chaos.

We advocate a program designed to:

1. Bring back a stern and unyielding enforcement of laws, and the protection of human and civil rights.

2. Control of known criminals and lawbreakers who are returned to the community.

3. Dramatically increase police force immediately and/or return of military forces to the city.

4. Offer favorable tax treatment of merchants operating in inner city depressed riot-torn areas.

5. Offer riot risks, vandalism insurance of merchants provided by U.S. government.

6. Personal injury, income interruption insurance on all citizens who are victims of criminal action in the streets at government expense.

7. Extensive community provisions for education, housing, employment and social development through massive government action: sponsored by the Congress.

These decisions are outlined in greater detail in the pages which follow, including several position papers which have been approved by the Far East Business Group.

We believe that a statement of policy on the attitude of the city government towards the problems outlined is due immediately.

WILLIAM K. COLLINS,
President.

POSITION OF THE FAR NORTH EAST BUSINESSMEN PRESENTED BY PRESIDENT APRIL 30, 1968

The rapid deterioration of the Washington Community's regime of law and order has penetrated to the far North East, South East area. The conversion of this once happy and prosperous peaceful community into a haven for criminals, arsonists, thieves and robbers has been brought into sharp focus by the recent civil unrest. But we must face the fact squarely, that the gradual emasculation of the police department, the tolerance of miscreants in our neighborhood, the winking at vandalism, hoodlumism and lawlessness has progressed for some time.

Throughout the city for long, and more recently now in our neighborhood, the forces of law and order retreat while the retrograde forces of society advance. Our storekeepers are robbed, looted, burglarized and burned. Others are threatened, intimidated and blackmailed.

Our citizens dare not walk the streets after sundown. Human rights are under equally as much jeopardy as property rights. Citizen and merchant alike, far East Washington, like the old inner city is under siege by forces which will convert this city into an absolute jungle of social chaos.

The old guard of far East Washington has long fought the conditions which could foster an age of evil and despair. Our long term policies for housing, employment and representation in city government remain continuously either unanswered or treated with tokenism. The continuing neglect of the city east of the river has now brought us to an impasse where we must either be remembered by the city government or set up our own vigilantes and defend ourselves against lawlessness and danger in our own way.

If we are now pressed to the extent that extraordinary measures must be taken to insure our very survival, we must draw as closely together as humanly possible. All factors of minor consequence which can divide us must be eradicated by common consent. We cannot in this hour of grave peril afford the luxury of bickering over petty details. Rather we must address ourselves to the problems at hand by presenting a solid, unbroken front to the rest of the world. We must make it crystal clear that there are certain principles which must be adhered to without exception. I would suggest that they be the following:

1. There shall be stern unyielding deference shown to law and order. Within the climate so created there must be substantial, responsible and immediate attention to the destructive social patterns which produce civil unrest.

2. There shall be insistence upon a high regard for human rights. The repeated foisting of convicted criminals upon an innocent community by the courts must be vigorously protested and restrained. The resultant demoralizing effect upon the police department of the constant re-appearance of known criminals on the streets is intolerable by our citizenry. Judges who seem to be completely out of touch with reality should be pointed out and dismissed by the people. They harm us greatly.

3. There must be regard for property rights and protection of them by the police. If the police force is too small, it should be dramatically increased in number, and immediately. If this is not possible, the military should be brought back to support the police throughout the city, and for an indefinite period. The vandalism of our schools, stores, business places and homes must be halted abruptly and unequivocally.

We should make known these demands in letters to the mayor, the council, the senate and house district committees, first by direct mail and then in an open letter printed in the Post and Star newspapers. We should put the light of public opinion upon all government officials who are derelict, careless and indifferent to their responsibilities. (Perhaps their salaries should be the first to be cut when they fail and the taxpayers are literally burned and looted off of the tax rolls). We should finance the legal aid, the public announcements and the entire assault upon worthless government officials who insist upon being ostriches with heads in the sand.

What should be our program?

For the community we advocate:

1. Advocacy of the development of school complexes in which provision is made for children from birth to maturity.

2. Immediate preparation of every existing school for 12 month use. Air conditioned and well staffed. Designed to keep children busy.

3. Job training, subsidized education of the unskilled, provision of jobs for all unemployed people. Abolition of welfare and unemployment compensation except in special deserving cases, as the job training program advances.

4. Personal interest (care and assistance) in individuals released into the community by the courts and parole boards.

5. Establishment of a Police Athletic League. Prepare for matching funds, etc., by merchants.

6. Establish liaison with ministerial alliance to press these programs forward.

For the Business Man We Advocate:

1. Favorable tax treatment of all ghetto or inner city entrepreneurs to encourage such businesses.

2. Riot risk insurance on all business (and private residential) establishments provided at very low cost by an agency of the U.S.

3. Casualty insurance for all personal injuries (hospitalization, out-patient treatment), insurance against loss of income due to injuries or business equipment damages provided at very low cost by an agency of the U.S.

4. Subsidization of on job training programs in inner city (and other) businesses, so that proprietors may hire persons of low competence without the need to pay minimum wages which are excessive for the abilities displayed.

POSITION PAPER NATHAN ROBIN, APRIL 30, 1968

According to the Washington Post of April 14, 1968 the chronological report of events indicates an astounding lack of decisiveness and availability on the part of Safety Director Murphy. As report states Murphy was spending a great deal of time at the Washington Hilton, where the *President Had Been Scheduled To Attend A Dinner* and again when not available (according to his version) was out chasing youngsters who had looted a liquor store. When available and asked for directions his answer was "Use your own judgment".

Why wasn't 14th and U area blocked off and traffic stopped when trouble first started?

Why wasn't a safety lane available for fire engines and police cars?

Why weren't plans set up to utilize community leaders?

Why wasn't communication established with many of the younger element by using Viet Nam veterans whom these youngsters admire?

Why Murphy's delay of six hours before calling all policemen back to duty, when news of Dr. King's shooting was announced?

Why the 24 hours delay before the military arrival?

Why was school closed early?

Why wasn't curfew put into effect at earlier hour for children?

Why was Title 4 Section 175 of the D.C. Code (1967 Edition) which makes it a crime for any policeman or anyone else to assent to the escape of anyone committing any unlawful act so criminally disregarded?

Why not set up warden system (similar to Second World War) to patrol streets. Wardens to be composed of civic leaders and responsible citizens, young and old plus war veterans?

It is apparent that recent police appointees (including Murphy) lack field experience and this must therefore be a factor, to consider in the future safety of D.C. and its citizens.

Why are the few trouble makers allowed to sway so many, when a majority of our citizens are hungering for law-abiding leadership? Why do our leaders not speak out illustrating how heavily our advantages outweigh our disadvantages? And let us be sure that our speakers have *persuasive ability* and can *communicate*. The use of loud speaker trucks, radio, television, newspaper, school discussions, civic meetings is a must. We should drown out and out-talk the agitators using every day of every week to keep our lines of communication open.

STATEMENT OF NORTHEAST BUSINESSMEN DIRECTED TO THE MAYOR, AS APPROVED ON APRIL 24, 1968

We have heard and read that the handling of the rioting within the Washington area was excellent, that the police are to be congratulated for their restraint and that the unrest was evenutally put down without a shot having been fired. We are told that, wisely, human life was revered above property loss and only a minimum number of lives were lost.

To us it seems that the loss which was sustained over the week-end by the Government of the United States has been horrifying especially in terms of the loss of prestige and power of our law enforcement agencies. By mutual agreement of government authorities, there was a waiver of police power in favor of the law of the jungle. Property rights went unprotected; the police were compelled to supervise and witness systematic looting and arson.

We are convinced that large numbers of people were encouraged to loot and burn when convinced that the restraint of the police was guaranteed. The extent to which the destruction spread undoubtedly could be traced to the lack of ability or will of the police to contain the snowballing nature of the disorder.

We would like to pose the following ideas for your consideration:

1. Through many wars America has been willing to sacrifice the lives of her sons to produce this fine country. But today lest one arsonist or looter die at the hands of law enforcement agencies, this same fine America is being destroyed as surely as if war itself destroyed it.

2. Since America is a nation of laws, not one single law can be flaunted or broken without our entire legal fabric being torn and rent asunder. If we tolerate arson, murder and vandalism in our city without stern punishment, we ask for its continuation and the further extension of lawlessness.

3. Long term policies of education, housing and employment will end the causes of rioting. But short term measures of unyielding and stern enforcement of laws today must be instituted; or no America will be left for long term policies.

We therefore urge the maintenance of the military in our city indefinitely; and in the meanwhile a complete re-evaluation of our posture in the defense of our duly constituted government. Some basic assurance of property rights at this time is the only approach to the restoration of the shattered confidence of our business and professional people.

BUSINESS & PROFESSIONAL
ASSOCIATION OF FAR NORTHEAST,
Washington, D.C., May 25, 1968.
Mayor WALTER E. WASHINGTON,
District Building,
Washington, D.C.

DEAR MAYOR WASHINGTON: A group of business and professional men of far North East Washington, whose names are attached for your information, met on April 24th to discuss the difficulties which beset this community and themselves. Out of this meeting has come the statement which follows this letter.

The gravity of the situation is such that we wish to appeal for a dialogue between a panel of District Officials and ourselves. For the panel we would suggest that in addition to yourself it should include Mr. Patrick Murphy, Mrs. Ruth Bates Harris, and Chief John B. Layton.

We would urge that this meeting be held as quickly as possible. Many of our members are being threatened and blackmailed. The overall situation is an intolerable one and demands an exchange of feeling between these men and women and your offices.

May we suggest an evening meeting either in our North East area or at the District Building at the earliest possible time.

Very truly yours,
WILLIAM K. COLLINS, *President.*

STATEMENT OF ED BOORSTEIN, APRIL 24, 1968—AN OPEN LETTER TO BUSINESSMEN OF WASHINGTON'S "INNER CITY" (AFTER THE RIOT)

Businessmen: Some of the burners and looters were our dissatisfied customers trying desperately to get our attention. Judging from the response of our business community . . . *we are still not listening!*

Tellin' it like it is—it don't matter if you ain't takin' advantage of them . . . if they *think* you are!

We must *be* scrupulously fair and we must *communicate* to our public so they will *understand* we are fair.

Our communication must be people-to-people, shirt-sleeve, no-big-words, down-to-earth.

Our communication must be *talk between equals*—and *it must start now!*

Businessmen: I propose two concrete programs of communication:

1. Frequent, scheduled "town meetings" between neighborhood people and representatives of chain and small stores to talk, to air grievances, to correct false impressions, to learn from one another.

2. Expand the "town meetings" idea to "town meeting" telethons. Visualize a panel of representatives of the credit merchants, and small neighborhood stores answering questions put to them by their customers on live TV. The telethon *must be live* to be believable.

I believe we can reverse the anti-business feelings of inner city residents *if* we do right and *communicate right!*

BONANZA CLEANERS.
ED BOORSTEIN.

Mr. McCLELLAN. Mr. President, in the box attached to the documents was a handwritten memorandum on scraps of yellow note paper and here is what it says:

> Law abiding citizens suffer the consequences of the so-called "do-gooder" courts. We must take a stand now by telling the lawbreaker when he crosses the line he will suffer the consequences.

Then he says further—and this is an illustration. Listen:

> Evidently here is a man with a record of 17 serious charges, the 18th offense robbery—released on the street the very day—the police feel a great sense of futility for as soon as they get a criminal out of circulation the courts put him back into circulation.

This is what it further says:

> If someone was conspiring to destroy our great society, certainly there would be no better way than to destroy the morale of our police and also release criminals as fast as the police lock them up. I recommend a graduated bail, to increase in ratio to the number of crimes committed and the seriousness of certain crimes. The criminal must pay his penalty to society instead of the law.

Mr. President, in another note attached, this is from a Mr. Martin Robbin, left in my box:

> I am not sure that copies of these letters were forwarded to you, so am taking liberty of having desk clerk place them in your box. These are my only remaining copies so may I impose on you by asking to have photostat copies made and sent to me at the Colonnade Apartments.

Mr. President, these I have to withdraw temporarily so that copies can be made. But for the record, these are the things that are causing these dangerous conditions and causing the American people to be frightened, to be terrified, and to live in fear.

Do not tell the victim of crime that there is no need for hysteria. Some like to call it hysteria when someone gets up and tries to point out what is happening to our country and the dangers that are threatening it. Tell that to the victims and watch them "smile" and "agree." Of course they will not.

As we try to pass this crime bill, we are thinking of who may be future victims of the criminal element.

There is great concern about the rights of criminals, but who today, Mr. President, are concerned in trying to do something about the rights of victims—and the next victim?

Who will be the next victim?

Will it be you, Mr. President, or me?

Will it be our loved ones, or someone else?

Mr. President, let me close on a humorous note.

A few day ago, an editorial was published in one of our State papers, dated May 5, entitled, "Problems of the March."

It reads:

> The Rev. Abernathy is trying to carry on the poor people's march . . . getting the people to make the trip.

I understand that is true, Mr. President, that inducements have been made to put them on welfare the minute they get here, to feed and clothe them, and as testified to or as reported to us by the lady from HEW here in Washington, that some of them will even be entitled to $100 in cash as soon as they get here because they will plead they are destitute.

Thus, it has taken some inducements to get these people to come. Mr. Abernathy is having some trouble.

The editorial is meant to be in humorous vein. Here is an account of what might have happened when one of Mr. Abernathy's recruiters knocked on the door of a home in a poor Negro neighborhood in the South:

[From the Little Rock (Ark.) Democrat, May 5, 1968]

PROBLEMS OF THE MARCH

Rev. Ralph D. Abernathy is trying to carry on with the Poor People's March on Washington that was the dream of Martin Luther King before he was killed in Memphis. Abernathy wants thousands of poor Negroes and whites to go to Washington this month and live in tents and temporary shacks until the federal government agrees to give a guaranteed annual wage to every person in the country and create more government jobs.

Abernathy is having trouble getting people to make the trip. Here's an account of what might have happened when one of his recruiters knocked on the door of a home in a poor Negro neighborhood in the South:

Aide: I'm working for the Poor People's March. We want 3,000 poor people to come to Washington with us to get more federal money for the poor. Will you go?

Woman of the house: To Washington? Lord, no. With all the muggings and knifings they have had up there. I hear that it's not safe to be on the streets after dark.

Aide: We'll protect you and we'll provide you with a place to live and food to eat.

Woman: What would I do after I got there?

Aide: Demonstrate, sit-in, create confusion, march on the Capitol, block traffic, try to embarrass the congressmen.

Woman: Why would I want to do that?

Aide: To convince the President that he was going to have to come up with $10 billion to give us a guaranteed annual income and other things we want.

Woman: Seems to me like the President's got enough trouble these days. And there sure isn't enough money for everything, with the war going on. Anyway, I couldn't go. I can't take my kids out of school.

Aide: We've made arrangements for the children to go to school up there.

Woman: In those Washington schools?

> Why, I don't want my children to go to those schools. They don't have hardly any white kids in them. Down here, we've got integrated schools and my kids sit right alongside the kids from the best homes in town. Besides, I don't have money enough for a trip like that. How would I get there?
>
> Aide: Brother Abernathy wants us to ride in farm wagons, pulled by mules.
>
> Woman: A wagon? Mules? Why it's 1,000 miles from here to Washington. Get off my porch man, I may be poor but I'm not crazy!

[Laughter.]

Mr. McCLELLAN. Mr. President, as debate on this bill progresses, I intend to have more to say. I feel this issue is the major issue before the country today. I feel that a failure of the Senate to measure up—and when I say "measure up," I mean do more than has been recommended by the administration in the way of just spending moneys and trying to develop a system here where we can train better policemen and have them better equipped. As worthy as that is, and as strongly as I support it again, I point out that the fruition of these benefits will not come in time to curb the spiraling rate of crime as it is today.

Mr. President, I close with this thought: The thing that is most wrong with law enforcement in America today, and particularly in the Nation's Capital, is lack of it.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Edwin M. Zimmerman, of California, to be an Assistant Attorney General, which was referred to the Committee on the Judiciary.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. CASE. Mr. President, I urge the Senate to reject title II of the pending bill. For us to approve it would be not only a drastic setback in the development of standards of criminal justice but a serious rupture in the fabric of federalism which has worn so well for the Nation.

Non-Americans often have difficulty understanding our complicated system of State and Federal powers, some unique to the Federal level, others unique to the States, and still others shared by both. So too with our system of dual courts, State and Federal, again with both separate and concurrent jurisdiction. Yet this seeming welter of divided and limited executive, legislative, and judicial responsibilities has produced a government that, on the whole, has proved remarkably durable and effective in meeting the needs of the country. And it has done so, I believe, not in spite of the dispersion of responsibility but, rather, because of it. The constitutional design established by the Founding Fathers has allowed for regional and local differences at the same time that it provides certain basic rights and protections for all. And the kingpin of the whole structure lies in the constitutional provision:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land, and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding—Article VI.

Title II would pull that pin in the field of criminal justice. It would undo, by way of statute, not by constitutional amendment, some of the major rulings of the Supreme Court in recent years involving the constitutional rights of individuals suspected of crime.

Several of the provisions in title II are patently unconstitutional; others are open to most serious objection on grounds of law and public policy. The record is already replete with the testimony of legal scholars and many of our most distinguished members of the bar in this regard.

The general point that I would like to emphasize is that in attempting to deny the Federal courts jurisdiction over claims of infringement of Federal rights, the title would permit a return to barbarities and injustices that for many, many decades went unchecked by some State courts. It would leave individual defendants literally helpless and without recourse, for example, by denying them the right of Federal habeas corpus.

Lest it be argued that I am talking of a day long past, I point out that it was only 30 years ago that the case of *Brown* v. *Mississippi*, 297 U.S. 278 1935 page 281, was decided.

In this case convictions of murder rested solely upon confessions shown to have been extorted by officers of the State by torture. There was no dispute as to the facts upon this point. They were set out in a dissenting opinion in the State court, and I quote:

> The crime with which these defendants, all ignorant negroes, are charged, was discovered about one o'clock p.m. on Friday, March 30, 1934. On that night one Dial, a deputy sheriff, accompanied by others, came to the home of Ellington, one of the defendants, and requested him to accompany them to the house of the deceased, and there a number of white men were gathered, who began to accuse the defendant of the crime. Upon his denial they seized him, and with the participation of the deputy they hanged him by a rope to the limb of a tree, and having let him down, they hung him again, and when he was let down the second time, and he still protested his innocence, he was tied to a tree and whipped, and still declining to accede to the demands that he confess, he was finally released and he returned with some difficulty to his home, suffering intense pain and agony. The record of the testimony shows that the signs of the rope on his neck were plainly visible during the so-called trial. A day or two thereafter the said deputy, accompanied by another, returned to the home of the said defendant and arrested him, and departed with the prisoner towards the jail in an adjoining county, but went by a route which led into the State of Alabama; and while on the way, in that State, the deputy stopped and again severely whipped the defendant, declaring that he would continue the whipping until he confessed, and the defendant then agreed to confess to such a statement as the deputy would dictate, and he did so, after which he was delivered to jail.
>
> The other two defendants, Ed Brown and Henry Shields, were also arrested and taken to the same jail. On Sunday night, April 1, 1934, the same deputy, accompanied by a number of white men, one of whom was also an officer, and by the jailer, came to the jail, and the two last named defendants were made to strip and they were laid over chairs and their backs were cut to pieces with a leather strap with buckles on it, and they were likewise made by the said deputy definitely to understand that the whipping would be continued unless and until they confessed, and not only confessed, but confesed in every matter of detail as demanded by those present; and in this manner the defendants confessed the crime, and as the whippings progressed and were repeated, they changed or adjusted their confession in all particulars of detail so as to conform to the demands of their torturers. When the confessions had been obtained in the exact form and contents as desired by the mob, they left with the parting admonition and warning that, if the defendants changed their story at any time in any respect from that last stated, the perpetrators of the outrage would administer the same or equally effective treatment.
>
> Further details of the brutal treatment to which these helpless prisoners were subjected need not be pursued. It is sufficient to say that in pertinent respects the transcript reads more like pages torn from some medieval account, than a record made within the confines of a modern civilization which aspires to an enlightened constitutional government.

Yet the State court refused to arrest the judgment and to order a new trial on the following grounds:

> (1) that immunity from self-incrimination is not essential to due process of law, and (2) that the failure of the trial court to exclude the confessions after the introduction of evidence showing their incompetency, in the absence of a request for such exclusion, did not deprive the defendants of life or liberty without due process of law; and that even if the trial court had erroneously overruled a motion to exclude the confessions, the ruling would have been mere error reversible on appeal, but not a violation of constitutional right.

An extreme case. Perhaps so. No doubt in the years since then the standards of justice have improved. But as Erwin N. Griswold, then dean of the Harvard Law School, pointed out in an excellent article entitled, "The Long View," which appeared in the American Bar Association Journal of November 1965:

> But many other cases, perhaps less shocking but still painfully bad, have come before the Supreme Court in the past thirty years, one might even say in ever-increasing numbers. These cases involve confessions obtained through violence, deception or psychological coercion, or through ignorance; convictions obtained through illegally obtained evidence; cases of biased juries and judges; cases in which convictions were based on evidence known by the prosecuting officer to be perjured; and a host of other cases involving actions violating the spirit and the letter of the Federal Constitution, which

> forbids, in substance, the unprincipled use of governmental power.

Does this mean that the Federal judiciary must take over the administration of criminal law in the United States? Of course not. That is and should remain primarily the responsibility of State courts.

But it does indicate, I believe, why the answer does not lie in attempting to strip the Federal judiciary of power to redress violations of Federal rights when State courts fail to enforce the Federal Constitution.

Rather the answer lies in encouraging, indeed requiring, the States to exercise greater responsibility in providing post-conviction procedures and remedies for alleged violations of Federal rights.

In a most thoughtful and illuminating address to the Conference of Chief Justices in August 1964, Mr. Justice Brennan got to the essence of the matter. Said he:

> The modern problems of the consistency of state action with the Constitution are of a different order from those of even twenty-five years ago. Now implicated are the various constitutional guarantees designed to protect individual freedom from repressive governmental action. Of course, the federal system's diffusion of governmental power has the purpose of securing individual freedom. But this is not all the Constitution provides to secure that end. There are also explicit provisions to prevent government, state or federal, from frustrating the great design. I do not think there can be any challenge to the proposition that the ultimate protection of individual freedom is found in court enforcement of these constitutional guarantees.

Speaking of the scope of Federal court power in the domain of state criminal justice, Justice Brennan went on:

> . . . What these (recent decisions) suggest is simply that if the States afford prisoners as full and fair an opportunitiy—on direct or collateral review—to raise and prosecute their federal constitutional claims as federal habeas corpus affords, then the federal habeas corpus courts will have no need to intervene in the supervision of state criminal justice, and the area of overlap will disappear.

The Justice rightly concluded:

> . . . My concern is not with the precise contours of an adequate state post-conviction procedure, but with the fundamental principle "that upon the state courts, equally with the courts of the Union, rests the obligation to guard, enforce and protect every right granted or secured by the Constitution of the United States." If the States shoulder this burden, and undertake to make the responsibility for the vindication of our most cherished rights their own in this difficult area of criminal justice, the frictions and irritants that presently exist in some measure between the state and federal courts will rapidly disappear. Of this I am confident. Let me emphasize once more, however, that the possibilities for a healthy state-federal relationship in the criminal field now repose very largely in the States themselves; the Court has probably made its contribution. The future depends upon the States' acceptance of the opportunity offered in the recent federal decisions.

I ask unanimous consent that at this point in the RECORD there be printed the article by Dean Griswold and the address by Mr. Justice Brennan.

There being no objection, the article and address were ordered to be printed in the RECORD, as follows:

THE LONG VIEW

(NOTE.—The Supreme Court's recent decisions in the field of the administration of criminal justice, Dean Griswold asserts, takes on an attractive hue when examined in the perspective of our constitutional development—the long view. He suggests that the federal courts have been compelled to step into these areas because of the failure of the states to discharge their primary responsibility for a system of criminal justice that protects all rights—both state and federal—at all stages of a proceeding. He points out six areas in which the states must move forward with plans and solutions.)

(By Erwin N. Griswold, Dean of the Harvard Law School)

It was the older Oliver Wendell Holmes who wrote: "Age, like distance, lends a double charm." In this, he was borrowing from Diogenes Laertius, who, some 1,800 years ago, said that "The mountains too, at a distance, appear airy masses and smooth, but seen near at hand they are rough." It is perhaps a far cry from mountains to Supreme Court decisions, but there may be something to the analogy. Things sometimes look better when, instead of focusing on immediate problems, we take the long view. Recent Supreme Court decisions may seem rough when examined close at hand. When viewed in perspective, over a longer range in time, they may take on a more attractive hue.

I have no special background for the task I am undertaking. I can by no means match the qualifications that Justice Brennan brought last year when he addressed the Conference of Chief Justices on "Some Aspects of Federalism".[1] For Justice Brennan spoke with the perspective of seven years as a judge of state courts, both trial and supreme, followed by eight years as a Justice of the Supreme Court of the United States. His address was a remarkable one—well worthy of the acclaim it has received.

The theme of Justice Brennan's address can be well illustrated by a passage that appears in the record of the trial of Billie Sol Estes and is quoted in the concurring opinion of Chief Justice Warren in that case.[2] In response to a motion to exclude television from the trial of that case, based on a claim under the Federal Constitution, the trial judge said:

"This case is not being tried under the Federal Constitution. This defendant has been brought into this court under state laws, under the State Constitution. . . .

"I took an oath to uphold this constitution; not the Federal Constitution but the state constitution; and I am going to do my best to do that as long as I preside on this court. . . ."

One can respect the sincerity of this judge, but not his perspective, not his understanding of his place in the long view of history. I suspect that there is more of this view to be found in some of our state courts than comes to light, or than we like to recognize. And surely friction between state courts and federal courts is bound to be found while this point of view continues. I venture the thought that the place where full awareness of the requirements of the Federal Constitution should be clearly recognized and expressed is now in the state courts, instead of leaving this task, as has so often happened, to the various ranks of the federal judiciary.

As Justice Brennan said in his address: "If the states shoulder this burden, and undertake to make this responsibility for the vindication of our most cherished rights their own in this most cherished area of criminal justice, the frictions and irritants that presently exist in some measure between the state and federal courts will rapidly disappear."

In saying this, I do not want to ignore the fact that some things have recently been found in the Federal Constitution that were not previously known to be there. And more frequently, I think, some things that were rather clearly there, but which have long been overlooked or disregarded, have been given the attention and effect which they should have if our Constitution is to be a truly meaningful document. However new these developments may be, though, they can be more readily accepted if we consider them in the perspective of history rather than simply as isolated events.

II

We take pride in the administration of justice in this country, and rightly so. But it has not always been on the level that it has reached now, and we should hardly be surprised if the present level is not the final one. In each instance, as the level has been raised, those who then were administering justice have been troubled. It is not easy to accept new things, especially when the impetus comes from elsewhere.

Let us look, for example, at the well-known trial of William Penn, less than 300 years ago. It was not until the aftermath of that case that the independence of the jury was first established. In Penn's trial itself the court directed the jury to find him guilty. When they proved reluctant, the judge told them:

"I will have a positive verdict or you shall starve for it. . . . Till now I never understood the reason of the policy and jurisprudence of the Spaniards, in suffering the inquisition among them: And certainly it will never be well with us, till something like the Spanish inquisition be in England."[3]

Fortunately, Penn was released on habeas corpus, as were the members of the jury. And thus by this novel and somewhat painful event was the level of British justice, and of our justice, raised.

Throughout history the judges who have been known as great judges have been innovators. They have not only made new phrases; they have made new law. Often, there was much grumbling at the time; but in the perspective of history it becomes clear that they have helped to bring our law up to new levels. These are levels of which we soon become proud once we become accustomed to them and the newness of the new standard wears off. One thinks of Lord Mansfield in England, and of Chief Justice Sharswood and Judge Ruffin in the United States. More recently, we have had such men as Judge, Chief Judge and Justice Cardozo, Chief Justice Vanderbilt (who was surely an innovator and reformer), not to mention any of the living, such as Justice Walter V. Schaefer of the Illinois Supreme Court and Chief Justice Roger J. Traynor of the Supreme Court of California, and Lord Denning in England, who—along with many others—are making their clear imprint on our law.

I like to think of a story told about one of the great innovating judges of the last century. Chief Justice Doe of New Hampshire. One time when he was sitting as a trial judge, New Hampshire still had the rule that the defendant in a criminal case could not testify, even in his own behalf. At that time, we are told, "it was very common for counsel representing the accused to complain bitterly to the jury of the fact that their clients' lips were sealed; and to assert that, if they could only have the privilege of testifying, they could satisfactorily explain all incriminating circumstances. Judge Doe had probably got very tired of hearing this sort of talk in cases where there was no reasonable doubt of guilt. One day, when a lawyer opening for the defense was making these stereotyped assertions, he was suddenly interrupted from the Bench. 'Mr. ——, you may put your clients on the stand.' 'What, your Honor?' 'You will be permitted to call your clients in your own behalf.' The learned counsel, gradually recovering from his astonishment, turned and whispered to his junior: 'Well, John, we shall have to put the rascals on, and the result will be conviction.' "[4]

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[1] 39 N.Y.U. L REV. 945 (1964).

[2] *Estes* v. *Texas*, 381 U.S. 532, 566 (1965).

[3] Trial of William Penn and William Mead, 6 Howell's State Trials 951 (1670), as edited in 2 CHAFEE, DOCUMENTS ON FUNDAMENTAL HUMAN RIGHTS 306 (1951).

Thus was the law of New Hampshire changed, later caught up with by a statute the legislature had too long delayed in passing. I have no doubt that there was much grumbling at the bar at the time, but here again in the long view of history, we can see that the level was raised, that a step upward was taken to the place we have attained today.

But, you say, Penn's case was 300 years ago, and Chief Justice Doe lived in the middle of the last century; these events were important in bringing us where we are today, but we don't need any more uplift. Let me refer to a case which happened in the fourth decade of the present century, less than thirty years ago. Three men were charged with murder. It appeared that after arrest one was hanged from a tree and told he would hang there until he confessed; he still bore the marks of the rope on his neck at the trial. As to the other defendants, I now quote from the opinion of the two dissenting judges in the state court, on evidence that was not disputed.[5] These two defendants " . . . were made to strip and they were laid over chairs and their backs were cut to pieces with a leather strap with buckles on it, and they were likewise made by the said deputy definitely to understand that the whipping would be continued unless and until they confessed, and not only confessed, but confessed in every matter of detail as demanded by those present; and in this manner the defendants confessed the crime, and as the whippings progressed or were repeated, they changed or adjusted their confessions in all particulars of detail so as to conform to the demands of their torturers."

Why should this case ever have had to go to the Supreme Court of the United States? But, it is said, that was nearly thirty years ago. Standards of justice have improved in the intervening years. I trust that that is so; indeed, I know that, generally speaking, that is true. But many other cases, perhaps less shocking but still painfully bad, have come before the Supreme Court in the past thirty years, one might even say in ever-increasing numbers. These cases involve confessions obtained through violence, deception or psychological coercion, or through ignorance; convictions obtained through illegally obtained evidence; cases of biased juries and judges; cases in which convictions were based on evidence known by the prosecuting officer to be perjured; and a host of other cases involving actions violating the spirit and the letter of the Federal Constitution, which forbids, in substance, the unprincipled use of governmental power.

Is it not clear, in the long view of history, that the time has come for us to bring ourselves up to a new level in the administration of criminal justice in this country, and that the Supreme Court is obeying not only the mandate of the Constitution but also the natural progress of history in taking steps to bring us to a higher level? The process may be painful in individual cases. There is an understandable reluctance to have to adjust to new standards. But the process can be better understood and more readily accepted when it is more widely recognized that the concern of the Supreme Court has been directed primarily toward the long view and the long-range goals and ideals embodied in the Constitution, while the natural and understandable concern of its critics has been focused more often on the short-range application of old principles and more immediate concerns.

The viewpoint I seek to express to you is not merely an academic one. It has been well put by the former President of the American Bar Association, Lewis F. Powell, Jr., in one of his notable speeches. Speaking before the New York State Bar Association, Mr. Powell said:

"The right to a fair trial, with all that this term implies, is one of our most cherished rights. We have welcomed the increased concern by law enforcement agencies and the courts alike in safeguarding fair trial. Many of the decisions of the Supreme Court which are criticized today are likely, in the perspective of history, to be viewed as significant milestones in the ageless struggle to protect the individual from arbitrary or oppressive government."[6]

Many courts in this country have been very slow to take the long view, to accept the process by which we raise our standards, or, as I once said in another connection, to join in "the long struggle by which we have made ourselves civilized." Had the states, through their courts and their legislative and executive departments, in the past clearly recognized their responsibilities and carried them out, it would have been far less necessary for the United States Supreme Court to intervene. And if, today, the states will accept their great responsibilities in this area and will join with the Supreme Court in taking a long view of our standards in criminal law, in practice as well as in theory, intervention by the federal courts and friction between state and federal power will, in the future, be largely obviated.

III

But I am not content to rest here. I want more. I want to urge that the long view of history also requires that the states—through their judiciary and Bar—initiate and support the search for the further improvement in criminal procedure and procedures that will raise our standards further and will help us more perfectly to realize the ideals that have developed in our history and are set forth in state and federal constitutions.

The function of the judiciary is not only to administer the law as it is. That is too narrow a view. The role of the judge is, of course, circumscribed. But it need not be—it should not be—wholly passive. A number of years ago Judge Harold R. Medina made a notable address that strikes the right note. It is entitled "Judges as Leaders in Improving the Administration of Justice".[7] In it he said:

"The people of America love their judges; they honor and revere them; and they look to their judges for leadership in the improvement of the administration of justice."

But, he observed, often it is the judges who most resist the developments that are needed. He declared:

"As a student in law school, I got the impression that whenever any much needed reform in judicial procedure was under consideration, the judges made up the tail end of the procession, liberally sprinkling sand in the machinery in an endeavor to continue in the old ways, however archaic or outmoded they might be."

Judge Medina also pointed out many honorable exceptions to this tendency. He named Chief Justice Vanderbilt, to whom I have already referred; and he mentioned, too, Judge John J. Parker, Judge Charles E. Clark, Judge Ira W. Jayne of the Circuit Court of Michigan in Detroit, who pioneered with pretrial procedures, and Judge James M. Douglas of Missouri, who did so much to secure the adoption of a new method for the selection of judges in that state.

Of course, the judges are not alone responsible for bringing about the needed changes. Much of the work must be done by legislators, by the executive branch of the government and, above all, by practicing lawyers, often working as members of bar association committees. We know how much devoted work of this sort is done; and it must continue to be done by individual lawyers. But in many cases they need the aid and support of the judiciary. They need the benefit of the experience of the judges; and they need, at crucial points, the support of the judges, through testimony and otherwise, before the legislative committees that have these matters under consideration. The problems were discussed well in Judge Charles D. Breitel's Cardozo Lecture earlier this year, "The Lawmakers."

IV

Although this is not an exhaustive list, there are six problems I should like to outline briefly as ones that remain to be solved and that must be solved if we are to remain in progress with the long stream of history.

1. Prearraignment and pretrial conduct of law enforcement agencies. This is the first and perhaps most important area for investigation and development. As my colleague of last year, Professor Yale Kamisar, has said, we now do a fairly good job in the mansion house—that is, in the actual trial of criminal cases—but conduct in the gate house sometimes leaves something to be desired. This area is surely a difficult one, and it is devoid of simple solutions and quick answers. Among other things, we are dealing with changing conceptions in society and the judiciary as to what our long-range conceptions of "fair trial" and "due process" really are. Here, as Professor Paul A. Freund has said, we are ordinarily dealing not as much with "a clash of right and wrong as a conflict between right and right"[8] Where there is much to be said on both sides, great difficulty is involved, and sometimes, understandably, disagreements may develop.

Recently two major efforts have been launched to bring more clarity to our understanding of this area. One of these is by the Special Committee on Minimum Standards for the Administration of Criminal Justice, established by the American Bar Association under the able leadership of Chief Judge J. Edward Lumbard of the United States Court of Appeals for the Second Circuit. The focus is not solely on prearraignment and pretrial procedures, but these problems will be covered. This great effort to survey the standards of the administration of criminal justice cannot help but shed light all along the line.

A second group, sponsored by the American Law Institute, is endeavoring to draft a Model Code of Pre-Arraignment Procedure. Professor James Vorenberg of the Harvard Law School is the reporter for the project; he is assisted by Professors Paul M. Bator and Charles Fried of the Harvard faculty and by Dean Edward F. Barrett, Jr., of the Law School of the University of California at Davis, as associate reporters. They have already prepared a preliminary draft that has been submitted to their advisers. This is a large group, including law enforcement officers as well as lawyers and judges. This code will attempt to deal with the specific procedures to be followed by law enforcement agencies during the successive periods of investigation, interrogation, arrest and arraignment.

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[4] JEREMIAH SMITH, MEMOIR OF HONORABLE CHARLES DOE 15–16 (1897), quoted in Reid, *The Reformer and the Precisian: A Study in Judicial Attitudes*, 12 J. LEGAL ED. 157, 162, fn. 21 (1959).

[5] This opinion was quoted by the United States Supreme Court. *Brown* v. *Mississippi*, 297 U.S. 278, 281, 282 (1936).

[6] Powell, *An Urgent Need: More Effective Criminal Justice*, 51 A.B.A.J. 437, 439 (1965).

[7] 36 J. AM. JUD. SOC'Y 6 (1952).

[8] Freund, *Constitutional Dilemmas*, 45 B.U.L. REV. 13, 22 (1965).

Apart from these efforts, there are several, perhaps obvious, steps that can be taken by the states or state courts to mitigate the uncertainties in the criminal process. Many states, for example, have moved forward to meet the new demands for counsel which have finally been made requisite by the decision in *Gideon* v. *Wainwright*, 372 U.S. 335 (1963). But a number of states are lagging; and in other states the old procedures may not prove adequate to meet current conditions. The greater problems of securing competent counsel and of securing counsel before trial are now before us; let the means of securing more counsel and more competent counsel are subjects that defy generalization and simple formulas. Few states as yet provide counsel at all in postconviction proceedings.

Just as demanding, it seems to me, is the need for broad police reform. We—both the Bar and the judiciary—must assume the responsibility to help improve the police systems of the states. Police work is an exceedingly difficult task in modern society. Policemen must be better educated and better paid. The police should have more instruction in their duties and the conduct in which they may or may not legally engage. This instruction should be made available in much more systematic form than is apparently attempted today in most states. There should be police academies with substantial programs, and appropriate instruction in these academies should be made a prerequisite for appointment to the police and for promotion.

This task should be done by the states, on state initiative. The failure of the states to meet this responsibility will only further detract from an effective system for the administration of criminal justice and from a workable system of federalism.

2. Prejudicial publicity at and before trials. We are beginning to make some progress with this troublesome question, too long neglected or ignored in this country. We should all welcome, it seems to me, the decision of the Supreme Court in barring television from the courtroom, at least in the circumstances present in the case before the Court. Recently the Columbia Broadcasting System has announced some rules for its own guidance in the matter of publicity before trials. This is gratifying not only for the awareness it shows of the great problems in this area, but for the willingness of this important agency to take definite steps to meet the problems.

A considerable part of the difficulty in this field comes from improper conduct of lawyers and of persons for whom lawyers have special responsibility, such as police officers and sheriffs. Much too much talking has been done by all of these people in the past—announcements about confessions, prior criminal records and so on. When it is clearly established that no lawyer may talk to the press about these matters before trial and that police officers, sheriffs and other court officials should be subject to a discipline that will keep them from discussing these matters, we shall have made significant progress in our effort to reach a higher standard of criminal justice.

As the Supreme Court of New Jersey has so clearly demonstrated,[9] there is much that courts can do about this problem through decision and court rule. It is time that the courts accepted the responsibility that is clearly theirs in this important area.

3. Bail in criminal cases. This is another area requiring careful re-examination, where the courts themselves have a large measure of available power. It has long been the practice in this country to release prisoners only on the posting of relatively large bail, often with extremely difficult conditions, such as a requirement that the bond be secured by unencumbered real estate worth several times the amount of the bail. The result has been a substantial discrimination against the poor in the administration of our criminal justice.

One consequence of this practice was pointed out recently by Dean A. Kenneth Pye of the Georgetown University Law Center, who said in an address delivered before the National Conference on Law and Poverty:

"Thus a poor defendant, destined to receive probation, on occasion would be advised by his lawyer that if he demanded a jury trial and was acquitted, he would probably serve six weeks in jail in pretrial confinement, but that if he waived his jury trial and pleaded guilty, he would probably be freed that afternoon. One must wonder what such a defendant must have thought of the value of his constitutional rights to bail and to a jury trial when he was incarcerated during the period in which he was presumed to be innocent and was released after he was found guilty."

Studies on the bail problem have been conducted recently in New York, Washington and elsewhere, under the auspices of the Vera Foundation and others. The results are already interesting and informative. This is a matter which should be looked into carefully by courts in all parts of the country. Leadership to this end might well be provided by the supreme court of each of the states.

4. Pretrial discovery in criminal cases. Here is another matter that should be carefully examined, and where courts undoubtedly have considerable measure of residual power. We now have extensive discovery and pretrial proceedings in the federal courts and in many state courts in civil proceedings. In civil cases we have largely abandoned the sporting or game theory of justice, and we have developed procedures designed to elicit the truth. But we have not generally extended these procedures to criminal cases. It is time that the courts re-examined this problem. It is a difficult area, filled with inertia. As Chief Justice Traynor has said: "The most cogent arguments for change encounter resistance."[10]

Of course, there are problems just as there were in working out discovery in civil cases. But state judges, state legislators and others should apply themselves to resolving these problems. They should not let them go by default, as has been the case in so many states in the past.

Here again I should like to quote from the address of Dean Pye to which I have referred. Speaking with respect to the federal courts in the District of Columbia, he said:

"Present procedure requires that an indigent must file a motion supported by affidavits in which he states the names and addresses of the witnesses sought to be called and the testimony he seeks to elicit from them in order to require the attendance of the witnesses at trial. The rule requires that the motion must be served on the United States Attorney, thus granting effective discovery to the Government at a time when the Government is not required to reveal the identity of any of its witnesses nor their expected testimony to the defendant."

5. A defendant's prior criminal convictions. The man with a prior criminal record in this country is far more at the mercy of the authorities—police and judicial—than seems to me to be warranted. He may have learned his lesson and have gone straight as an arrow since his release. But he is an immediate suspect for future arrest. And if he is arrested and put on trial, he has two almost hopeless alternatives in many states. He can take the stand and deny his participation in the crime now charged. If he does this, his prior conviction can often be shown to impeach his testimony, in which case he is very likely to be convicted. Or he can refuse to take the stand, resting on his constitutional privilege, in which case he is also very likely to be convicted. Ought we not, even with persons who have once offended against society, undertake to develop procedures which will seek as far as possible to bring out the truth about the crime now charged, not some prior crime?

We accept much self-deception on this. We say that the evidence of the prior convictions is admissible only to impeach the defendant's testimony, and not as evidence of the prior crimes themselves. Juries are solemnly instructed to this effect. Is there anyone who doubts what the effect of this evidence in fact is on the jury? If we know so clearly what we are actually doing, why do we pretend that we are not doing what we clearly are doing? This problem was discussed ably by Dean Wigmore many years ago.[11] Yet very little has been done about it. Here again I fear that the states have yielded to inertia. It is such inertia that eventually leads to federal intervention. There is a good way for the states to avoid this intervention, and that is to take action themselves.

In Pennsylvania some progress has been made on this question. And the Uniform Rules of Evidence, less broadly, provide that if the accused does not offer evidence to support his own credibility, the prosecution will not be allowed to prove past criminal acts, arrests or convictions to impeach the defendant as a witness. It is time that the states took action here to provide a rule which, in the words of Professor McCormick, furnishes a "more just, humane, and expedient solution than the prevailing practice".[12]

6. Postconviction remedies. It is here that much of the friction between state and federal courts has developed. It is here, I suggest, that state courts and other state official bodies should take and exercise a greater responsibility.

The guiding principle of these remedies in the federal courts and in many state courts is that no defendant should be imprisoned or put to death without a complete hearing on his allegations of a denial of his constitutional rights, even though objection might validly be made to the timeliness of the accused's assertion of these rights. If the states wish to retain their control over these questions, they must provide a comprehensive and simple method of procedure for convicted persons. Postconviction relief is a sort of "reinsurance", as Justice Frankfurter termed it, enabling us to make sure that a sentence was not procured under circumstances that offend "the fundamental conceptions of justice which lie at the base of our civil and political institutions".[13]

Though several states have enacted comprehensive procedures for postconviction review, most states have failed to take adequate action. In terms of the long view, the solution to the problems in this area lies not in limiting federal postconviction powers to redress alleged violations of federal rights, but in expanding and clarifying the rights, and remedies available under state law. Simply put, if the states would adopt postconviction remedies as comprehensive as that of the federal remedy, removing in the process all recondite technicalities and doctrines of waiver of constitutional rights, then the federal courts would have little need to intervene in state supervision of its criminal process.

With such a state remedy, the exhaustion doctrine could come into effective operation. I am sure the federal courts would like it better. And I should think that the state courts would welcome this expansion of their procedures and that many salutary developments in the administration of criminal law might develop.

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[9] *State* v. *Van Duyne*, 43 N.J. 369, 204 A. 2d 841 (1964).

[10] Traynor, *Ground Lost and Found in Criminal Discovery*, 39 N.Y.U. L. REV. 228 (1964).

[11] 1 WIGMORE, EVIDENCE § 194 (1940).

[12] MCCORMICK, EVIDENCE 94 (1954).

[13] *Taylor* v. *Alabama*, 335 U.S. 252, 272 (1948) (concurring opinion).

This state remedy would require a complete record, supported by written opinions that fully discuss the grounds for the decision and the basis for decision on disputed facts. Here, too, provision should be made for counsel for the defendant. This will help to insure complete fairness in the proceeding, as well as the orderly and adequate presentation of all the relevant facts and arguments.

A number of states have already adopted the approach and wording of the federal general habeas corpus statute, in order to insure that state remedies extend as far as the federal one does. Several other states have adopted the quite adequate postconviction procedure statute that first appeared in Illinois. A third alternative is the Uniform Post-Conviction Procedure Act, approved by the American Law Institute in 1955. Although this was adopted by only one state—Arkansas—and was repealed there, it seems to represent a balanced compromise between the broad federal approach and the somewhat narrower approach of the Illinois statute.

This reform need not necessarily be done by statute. A number of states have proceeded through supreme court rule or rule of criminal procedure. It can also be done by expanding the traditional state habeas corpus remedy. Clearly, there is great room here for state courts to move ahead. When such remedies are provided by the states, they should be construed and applied broadly by the state courts in order that they provide a truly adequate remedy and meet the objective of assuring a completely fair administration of criminal justice. When this is done, intervention by the federal courts will wither away.

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I have tried to put before you the long view of developments in the field of the administration of criminal justice in this country. When this view is taken, recent decisions of the Supreme Court fall into better perspective, and we see them as part of the continuous process by which we build up and maintain our standards for the administration of criminal justice.

It is now sixty years since William Howard Taft said that "the administration of the criminal law [in the United States] is a disgrace to our civilization".[11] He repeated that statement several times, even after he had become Chief Justice. It is also sixty years this summer since Dean Pound made his memorable address before the American Bar Association on "The Causes of the Popular Dissatisfaction with the Administration of Justice". We have made some progress since that time, but is it not clear that in the long view that progress was called for and needed?

The general responsibility for the administration of criminal law surely rests with the states. Having that responsibility, the states should exercise it fully and meticulously at all stages of the process, recognizing that they are as much required to apply and enforce the Federal Constitution as are the federal courts. Although this responsibility is shared by all branches of the state government, and by lawyers and citizens generally, the state judiciaries and Bars have a peculiar responsibility to see that the states themselves perform all of their functions in this area, and perform them in such a way that no question or complaint can fairly be made of a violation of the Federal Constitution.

When we take the long view, it becomes clearer that the progress we have made under the leadership of the United States Supreme Court should be accepted—indeed welcomed—and that we should all work toward continued improvement. I have suggested a number of topics that require further consideration. There are others. Let us all join together, and get on with the task.

Some Aspects of Federalism

(By William J. Brennan, Jr., Associate Justice of the U.S. Supreme Court)

(Note.—This article is the text of an address delivered before the Conference of Chief Justices. The Conference was held in New York on August 7, 1964.)

It is in no perfunctory fashion that I owe my pleasure at the honor of addressing this distinguished Conference. A few of my acquaintances have professed to see something foolhardy in the appearance of a member of the Supreme Court of the United States before the assembled Chief Justices of the States. One wag said it reminded him of Daniel's venture into the lion's den. Another, with his eye on a certain proposed constitutional amendment, suggested that my brethren in Washington had sent me here to scout out the opposition that is scheduled to take over our jobs.

It seems to me that such notions of conflict and of fundamental difference of aims between your courts and the Supreme Court of the United States have been grossly and unfortunately exaggerated. The time has come, I think, to recognize fully that, while our functions are different and while our decisions must sometimes disagree, we are nevertheless all engaged in administering the law of the same nation. Our common denominator is that we both work under the pressure of an unceasing, inexorable demand for decision of cases churned up out of real life by the legal system, and involving deeply felt interests of real life litigants. There is no justification for the view that we are headed in opposite directions, and that the only legal bond between us is the subjugating one of the supremacy clause.

Indeed, I indulge the presumption that your invitation to me to address you today emphasizes the things that our respective tribunals have in common, rather than the things that divide us. In a sense, I myself am one of those things that our courts have in common. Of the sixteen years that I have spent on the bench, exactly half have been on the United States Supreme Court and the other half on the courts of the State of New Jersey, four of them as a justice of the state supreme court. With this background, I *should* be in a position to cast light on the respective roles of the state and federal supreme courts, and on the differences, interrelationships, and occasional disagreements between these tribunals. More important, I should be able to do this in a way that will emphasize the basic consensus we share, rather than our superficial disagreements. That is, at any rate, what I shall try to do today. And if at times I seem to be dwelling primarily on our differences, my purpose will be only that of fostering a better understanding of those differences and thus of emphasizing the unifying causes that underlie them.

My own personal reaction upon moving from Trenton to Washington was one of considerable astonishment at learning how different the work of the two courts really is. The work of each has a character, a difficulty, and a complexity of its own, and none of these has its exact counterpart in the other. But I was not alone in discovering that my state court experience hardly prepared me for what was to come. When Justice Holmes came to the Court from the Supreme Judicial Court of Massachusetts, he wrote Pollock that he found it to be "an adventure into the unknown." And when Justice Cardoza came from the New York Court of Appeals, he said: "Whether the new field of usefulness is greater, I don't know. Perhaps the larger opportunity was where I have been."

The fact is that the high state court and the Supreme Court of the United States play necessarily different roles in our juidicial system. There is, of course, an area in which their functions overlap; federal courts decide questions of state law, and state courts ones of federal law. But each tribunal is supreme in its own field, and in the final analysis neither can do the other's job. This distinction between the roles of the two courts is a necessary consequence of our federal form of government. That form is the keystone of our scheme for achieving liberty through law. This idea for diffusing the power of government originated with the Framers, and my brethren and I know perhaps better than anyone else how right John Quincy Adams was when he said that our federal form of government had given us "the most complicated government on the face of the globe."[1] We all know that the Constitution allocates powers between national and state governments in only the most general terms. The general idea is that federal authority operates in areas where a uniform and national standard should obtain, leaving to the States the major governmental responsibility for most of the activities within their borders. State powers, Madison said, "extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State."[2] Our federal form of government, therefore, necessarily imposes upon state courts the duty of rendering the final decision on the overwhelming majority of the controversies in this country which end up as cases in court. Certainly applicable to state courts are Marshall's words that "the judicial department comes home in its effects to every man's fireside, it passes upon his property, his reputation, his life, his all."

But our federal structure also necessarily means that some cases involving state law will also involve federal law and, hence, will present a problem of reconciling state and federal authority. If we are to have an ordered society, if as a nation we are to meet problems that arise, solve them, and go on to grappling with new ones, some institution must have the authority to pronounce the final word on these questions, just as you have that authority for your respective States on questions of state law. Our system assigns to the Supreme Court of the United States the final word in declaring the meaning of the federal constitution and, hence, under the supremacy clause, the final word in resolving these federal-state issues. It is a duty which the very first Congress, in one of its very first laws, the Judiciary Act of 1789, directed the Court to assume. Of course, the state courts also have a duty to decide issues of federal law that are raised in cases before them. As our Court has said, the obligation rests "upon the State courts, equally with the courts of the Union, . . . to guard, enforce, and protect every right granted or secured by the Constitution of the United States. . . ."[3] Indeed, state courts have often been notably perceptive and forthright, and have led the way for the federal courts. I know that my own opinions in such important and controversial areas as reapportionment, obscenity, the first amendment's guarantees of freedom of religion, the rights of criminal suspects, and the application to the States of the fifth amendment's privilege against self-incrimination, have drawn much from trail-blazing state court opinions in these areas. Some state courts, however, have taken a different approach; they have seemed reluctant to test state authority against the federal constitution, apparently feeling that the pronouncement that federal law prevails over state law is not for a state court to make. For the United States Supreme Court, in these cases of federal-state issues that are so often not only important but also controversial and emotion-laden, there is no such easy way out—in President Truman's words, "The buck stops here." Resolution of these conflicts between state and federal authority has been said to be the most essential of the tasks entrusted to our Court. Holmes once said: "I do not think the United States would come to an end if we lost our power to declare an Act of Congress void. I do think the Union would be imperiled if we could not make that declaration as to the laws of the several States." [4]

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[11] Taft, *The Administration of Criminal Law*, 15 Yale L.J. 1, 11 (1905).

[1] Adams, The Jubilee of the Constitution 115 (Colman ed. 1839).

[2] The Federalist No. 45, at 313 (Cooke ed. 1961).

[3] Robb v. Connolly, 111 U.S. 624, 637 (1883).

This basic difference between the two high courts, in function if not in jurisdiction, is one reason why the transition from Trenton to Washington was not easy for me. My state court responsibility, while it included jurisdiction over federal questions and federal-state conflicts, was inevitably colored by the fact that I was, after all, a state judge. My federal court responsibility, on the other hand, demands a national perspective—although, of course, a national perspective which recognizes the fundamental proposition that, as our Court has said, "the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the national government." [5] The inevitable change in perspective may be illustrated by examples from my own judicial experience. As a state supreme court judge, I wrote an opinion taking the view that state power to enjoin picketing was not displaced by the National Labor Relations Act in the case of an interstate business doing a dollar volume less than the minimum set by the National Labor Relations Board for the exercise of its jurisdiction.[6] Not long after taking my present seat, however, I joined in holding that despite the Board's declining to exercise its jurisdiction in such cases, Congress had completely displaced state power to deal with such matters.[7] Again, on the state supreme court I wrote that a grand jury witness who refused to answer questions on the ground that he feared a federal prosecution was guilty of criminal contempt.[8] Yet only this Term I wrote that the fifth amendment's privilege against self-incrimination applied to the States and that Connecticut could not adjudge in contempt a witness who properly asserted the federal privilege,[9] and I joined in another decision, handed down the same day, holding that the privilege was properly asserted when based on the possibility of federal prosecution.[10]

It would be quite erroneous to assume that the new responsibility invariably entails expanding federal judicial power at the expense of the States; just as often, my new role as prescribed by federal law is narrower than my former one as a state judge. Thus, on the state supreme court I dissented with all the vigor I could command from a holding that an accused facing a trial for murder was not entitled to pretrial discovery of his own confession.[11] But I can see that our Court was correct in refusing to review a holding of the Third Circuit Court of Appeals that, however desirable pretrial discovery in criminal cases may be, the fourteenth amendment does not command the States to have it.[12] Again, on the New Jersey court I joined in a dissent on double-jeopardy grounds in a case involving successive prosecutions for what was essentially the same criminal act;[13] a few years ago, however, I wrote for my present Court that if one prosecution was brought by the federal government and the other by a State, the double jeopardy provision of the fifth amendment was not offended, because an act made criminal by both national and state sovereignties is an offense against both and may be punished by each.[14] It may well be that, from the point of view of the harassed defendant, the prosecutions are successive prosecutions for the same act, and the fact that separate sovereignties brought them should be irrelevant. But different treatment of the two cases was compelled, as I thought, by our concept of federalism. To the demands of federalism had to give way my views as a state judge in the New Jersey case that nothing can be more repugnant than successive trials and punishments for the same criminal act.

I could multiply examples of these seeming inconsistencies, which are, of course, not inconsistencies at all. They show only that the roles of the state supreme court justice and the United States Supreme Court Justice in dealing with the same problems, indeed the same cases, are functionally different. On one hand, while the state as well as the federal justice has jurisdiction to apply federal law in determining the validity of an exercise of state authority, the federal justice may see the demands of that law in a different light, as in the picketing case, and respond differently to the need for its creative interpretation to keep it abreast of great changes in our society, as in the self-incrimination cases. On the other hand, the federal justice is also subject to the limitations of federal law, and thus, as in the criminal discovery and double jeopardy cases, must decline to enter at all into the broad domain governed exclusively by state law.

These substantive differences between the functions of the two courts are accompanied by a difference in climate; the winds of criticism and controversy that swirl around the Court in Washington are generally of a higher velocity than those blowing in state capitals—and the temperature is hotter. Throughout our history, Supreme Court decisions upholding federal over state authority have been met with expressions of dismay. Perhaps Yale's Professor Black does not overstate in saying that, although the Supreme Court is expressly required by law finally to decide these contests, yet "nothing arouses greater occasional resentment, than the fact that the states must be subjected, as a last resort, to the requirements of the national Constitution and laws. Nothing could be more obvious, and nothing raises this occasional resentment to higher pitches of fury, than the fact that, in the real world this must mean that the actions of the states have to be submitted to control and possible invalidation by some national tribunal. Nothing could be more obvious, and nothing could inspire resentment to shriller tones of invective, than the fact that, again in the real world, the national Constitution and laws to which the states must be subjected can be nothing else than the national Constitution and laws as interpreted by the national tribunal entrusted with this task of supervision, even though that interpretation may in some particular case not be the one arrived at, or even passionately held, by the dominant interest in the affected states." [15]

I admit that as a newcomer from a state court, I found that the high decibel level of the debate which followed some of our decisions was indeed disconcerting. But, however bothersome it may be to the judges whose decisions are under fire, free and vigorous debate over judicial decisions is not only inevitable in our society; it is also essential to our freedom and well-being. Courts are organs of government, and with us, as Madison said "the people, not the government, possess the absolute sovereignty." [16] "If we advert to the nature of Republican Government," he also said, "we shall find that the censorial power is in the people over the Government, and not in the Government over the people." [17] Free public discussion of the stewardship of public officials, including judges, is thus a fundamental principle of the form of government to which Madison referred. Judicial decisions should no more escape public scrutiny than legislative or executive decisions. Judges themselves lead the way in their unsparing criticism of one another's work. Every member of our Court at one time or another has taken his colleagues to task for "amending the Constitution" or "usurping" the powers of Congress or of the States. Seen in its proper context, critical examination of the work of the courts is simply another example of—to quote from our opinion this Term in the *New York Times* libel case—our "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials." [18] Judicial decisions, especially those of the Supreme Court of the United States, are often decisions on "public issues" of the first moment in our society. As de Tocqueville said, "scarcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question." [19]

The Solicitor General has made the point well with reference to litigation in the United States Supreme Court:

"The central qualities of Supreme Court litigation arise . . . out of the peculiarly American principle of constitutional adjudication. The real contest is not so much between individuals and business corporations as between institutions and ways of life; and in reaching decisions this fact is consciously recognized. Throughout American history the prime examples have been the contests between State and federal authority and the definitions of the powers of the Executive and Legislative Branches, but familiarity does not lessen the intensity of the contest and new aspects are always arising. Through constitutional adjudication we have developed the extraordinary but very useful habit of casting social, economic, philosophical and political questions in the form of actions at law and suits in equity, and in this way important aspects of a large proportion of the most fundamental issues of our times ultimately go before the Supreme Court for judicial determination. They are the issues upon which the community, consciously or unconsciously, is most deeply divided. They arouse the deepest emotions. Their resolution—one way or the other—often writes our future history."[20]

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[4] Holmes, Speeches 102 (1934).

[5] Texas v. White, 74 U.S. (7 Wall.) 700, 725 (1868).

[6] Busch & Sons, Inc. v. Retail Union, 15 N.J. 226–233–34, 104 A. 2d 448, 452 (1954) (dictum).

[7] Guss v. Utah Labor Relations Bd., 353 U.S. 1, 8 (1956).

[8] In re Pillo, 11 N.J. 8, 16, 93 A. 2d 176, 180 (1952).

[9] Mallory v. Hogan, 378 U.S. 1 (1964).

[10] Murphy v. Waterfront Comm'n, 378 U.S. 52 (1964).

[11] State v. Tune, 13 N.J. 203, 227, 98 A. 2d 881, 894 (1953).

[12] Tune v. New Jersey, 230 F.2d 883, 890 (3d Cir.), cert denied, 351 U.S. 987 (1956).

[13] State v. Hoag, 21 N.J. 496, 506, 122 A.2d 628, 639 (1956).

[14] Abbate v. United States, 359 U.S. 187, 193 (1958).

[15] Black, The People and the Court 120–21 (1960).

[16] Report on The Virginia Resolutions, in 4 Elliot's Debates on the Federal Constitution 569 (2d ed. 1876).

[17] 4 Annals of Congress 934 (1794).

[18] New York Times Co. v. Sullivan, 376 U.S. 254, 270 (1964).

[19] 1 Tocqueville, Democracy in America 280 (Knopf ed. 1948).

Of course, when we speak of criticism as the lifeblood of an open society, we think particularly of comment based on knowledge, not ignorance; on fact, not misrepresentation; on respect, not fear; on confidence, not suspicion. Criticism which is falsely premised, hostile, erosive and destructive hardly serves noble ends. Even the imperturbable Holmes was moved, in an address delivered in this City over fifty years ago, to protest:

"Doubts are expressed that go to our very being. Not only are we told that when Marshall pronounced an Act of Congress unconstitutional he usurped a power that the Constitution did not give, but we are told that we are the representatives of a class—a tool of the money power. I get letters, not always anonymous, intimating that we are corrupt. Well, gentlemen, I admit that it makes my heart ache. It is very painful, when one spends all the energies of one's soul in trying to do good work, with no thought but that of solving a problem according to the rules by which one is bound, to know that many see sinister motives and would be glad of evidence that one was consciously bad. But we must take such things philosophically and try to see what we can learn from hatred and distrust and whether behind them there may not be some germ of inarticulate truth."[21]

It seems to me that the organized bar and the law schools have a special responsibility with respect to criticism of the courts, federal and state. Judges of this country, unlike judges even in England, have recognized the critically important function of professional criticism of the work of the courts. As Bentham said, "the law is not made by judge alone, but by judge and company." This means that, as one observer has said.

"We take our judicial law not merely from nine men but from a profession—with all that implies in intellectual disciplines and in standards rooted in tradition. The role that the profession as a whole plays by subjecting the Court's work to informed criticism and appraisal and by producing disinterested scholarship—can be plainly, sometimes spectacularly, traced in the development of all branches of our law. The process of law making is not arrested nor is it characterized by the decision of any single case. It lives by testing and enlarging ideas, and it is forever rethinking last year's case and projecting future, as yet unformed cases."

Lawyer-like, professional comment upon judicial work can be an invaluable aid to the public's better understanding of the values at stake. Professor Sutherland put it this way only the other day at the St. Paul ceremonies dedicating the plaque to the late Dean Pound: "What I urge is our careful thought for the professional quality of that criticism, lest we encourage citizens generally to carp at our judges in the spirit of political warfare."

This does not mean, of course, that lawyers should feel obliged to defend the decisions of our Court, or any court, when they disagree with them. They are certainly free to criticize, and indeed have a professional duty to do so. I suggest only that they also have a duty to make their criticism as informed as possible—to base it upon an accurate report of a court's decisions and opinions, and to correct those whose attacks are founded upon exaggerated and distorted notions of what a court has done. To take a specific and current example, lawyers as well as laymen are fully entitled to voice their disagreement with our Court's recent decisions concerning prayer in the public schools. But when such criticism departs completely from what the Court actually held and said in those cases, and accuses the Court of having decreed the removal of all vestiges of religion from our public life—of chaplains from the armed services, opening prayers from legislative sessions, "In God We Trust" from the coins—when the criticism is directed at this wholly distorted version of the Court's decisions, I suggest that it is irresponsible criticism. And I suggest that lawyers, with their training in analysis of court opinions and their ability to report accurately on what the court did and said, have a professional obligation to deter such unwarranted attacks on judicial institutions—to make sure that their own criticism of the decisions is based on an accurate statement of the court's actions, and to correct others whose criticism is not so based. A lawyer is hardly faithful to his obligation to uphold the law when he disparagingly misrepresents what the law is, or when he stands idly by while others do so.

Controversies over constitutional limits upon state powers have been with us from our national beginnings; we settle one only to have another emerge of different mien. Only when they make the form of cases and controversies is judicial cognizance of them required, but in a real sense the calendar of the Supreme Court at any time is a fairly reliable mirror of the issues with which our society is struggling at that time. Within the memory of all of us a great constitutional battle was fought over that interpretation of the due process clause which struck down efforts by the States to effect changes in society through regulation of social and economic matters. That battle resulted in victory for legislative freedom to deal with such matters. Justice Brandeis doubtless would have seen the outcome as proof of his insistence that the Court "bows to the lessons of experience and the force of better reasoning."[22] Only last Term eight members of the Court joined in an opinion which, in sustaining a state statute regulating the business of debt adjusting, said:

"The doctrine that prevailed . . . —that due process authorizes courts to hold laws unconstitutional when they believe the legislature has acted unwisely—has long since been discarded. We have returned to the original constitutional proposition that courts do not substitute their social and economic beliefs for the judgment of legislative bodies, who are elected to pass laws. . . . We refuse to sit as a 'superlegislature to weigh the wisdom of legislation,' and we emphatically refuse to go back to the time when courts used the Due Process Clause 'to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought.'"[23]

Of course that battle was fought simultaneously with the struggle over federal authority, asserted primarily under the commerce clause, to displace or limit state authority to regulate in the social and economic fields. The result of this struggle sustained federal power, but in many respects also expanded state power. Only last Term the Court reaffirmed the principles that uphold state statutes in the absence of a conflict between the federal and state regulatory schemes, or of an unambiguously expressed congressional decision to pre-empt the field.[24] In addition, state powers to tax interstate businesses have been sustained with respect to many forms of taxes,[25] and state taxes upon federal contractors have been held not to impose unconstitutional burdens upon the national government.[26]

It is therefore fair to say, I think, that constitutional adjudication now leaves the States the widest latitude to deal with the dynamics of social and economic change in seeking to satisfy their needs and further their progress. Moreover, in all the areas of strictly local concern, the federal courts are required these days to defer to holdings of the state courts to a degree quite unknown before *Erie v. Tompkins*, and even in the area of choice-of-law rules, where competing state interests in a conflicts-of-law case present aspects of the national interest in interstate harmony, our Court no longer suggests that the Constitution dictates the solution. State courts have considerable latitude to experiment with the development of viable rules.

The modern problems of the consistency of state action with the Constitution are of a different order from those of even twenty-five years ago. Now implicated are the various constitutional guarantees designed to protect individual freedom from repressive governmental action. Of course, the federal system's diffusion of governmental power has the purpose of securing individual freedom. But this is not all the Constitution provides to secure that end. There are also explicit provisions to prevent government, state or federal, from frustrating the great design. I do not think there can be any challenge to the proposition that the ultimate protection of individual freedom is found in court enforcement of these constitutional guarantees. This principle is perhaps most strikingly illustrated by the reapportionment cases. Freedom of a State's citizens to experiment with their own economic and social programs is hardly meaningful if the political processes by which such programs must be achieved are controlled by only *some* of the people. The ideal is government of *all* the people, by *all* the people, and for *all* the people. In the field of legislative apportionment, the constitutional guarantee that each citizen will have an equal voice in his government is found in the equal protection clause. Our decisions in the reapportionment cases have enforced this guarantee, and the result should be, not the return of discredited judicial intrusion into the field of political judgment, but a more effective operation of the processes by which political judgments are reached.

Similarly, our decisions in the racial discrimination cases have applied the equal protection clause to prevent states from discriminating against citizens because of the color of their skins. Equal protection of the laws means equal protection today, whatever else the phrase may have meant in other times. The Supreme Court of the United States cannot escape its responsibility for the ultimate definition and application of that guarantee. In the same area of responsibility falls, I think, the series of decisions extending some of the guarantees of the first eight amendments to the States. The Bill of Rights is the primary source of expressed information as to what is meant by constitutional liberty. Its safeguards secure the climate which the law of freedom needs in order to exist. It is true that they were added to the Constitution to operate solely against federal power.[27] But the fourteenth amendment was added in 1868 in response to a demand for national protection against abuses of state power. Did that amendment extend the protections of the first eight amendments against state power? At least ten Justices have believed so, including members of the present Court. But the view which has so far prevailed stops short of that. This view is that "it is possible that some of the personal rights safeguarded by the first eight amendments against National action may also be safeguarded against state action, because a denial of them would be a denial of due process of law." [28] This is not a new view. It dates at least from 1897,[29] and was given explicit expression by the Court in 1908.[30] Before I came to the Court in 1956, application of this test had extended the guarantees of the first and fourth amendments and the just compensation clause of the fifth amendment;[31] during my tenure, the fifth amendment's privilege against self-incrimination,[32] the eight amendment's prohibition of cruel and unusual punishments,[33] and the sixth amendment's guarantee of the assistance of counsel for an accused in a criminal prosecution [34] have been extended. We have also held that the States may not use the fruits of an illegal search and seizure to convict of crime.[35]

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[20] Cox, The Nature of Supreme Court Litigation, 9 Fed. B. News 247 (1962).

[21] Holmes, Speeches 99 (1934).

[22] Burnet v. Coronado Oil & Gas Co., 285 U.S. 393, 407–08 (1931) (dissenting opinion).

[23] Ferguson v. Skrupa, 372 U.S. 726, 730–32 (1962).

[24] Florida Lime & Avocado Growers, Inc. v. Paul, 373 U.S. 132, 141–52 (1962).

[25] General Motors Corp. v. Washington, 377 U.S. 436 (1964); Northwestern States Portland Cement Co. v. Minnesota, 358 U.S. 450 (1958); Railway Express Agency, Inc. v. Virginia, 358 U.S. 434 (1958).

[26] United States v. Boyd, 375 U.S. 808 (1963); United States v. Detroit, 355 U.S. 466 (1957); United States v. Muskegon, 355 U.S. 484 (1957).

[27] Barron v. Baltimore, 32 U.S. (7 Pet.) 243, 247 (1833).

The common thread of these holdings—none arrived at until after a long series of decisions grappling with the pros and cons of the issues—has been the conclusion that the guarantees in question are essential to the preservation and furtherance of the constitutional structure of government for a free society. I am aware that some of these decisions have aroused the concern of state judges, particularly insofar as they may affect the processes of state criminal procedure. It cannot be denied that the decisions do restrict the latitude of choice open to the states in this area. But that is a price which must be paid for recognition and enforcement of guarantees deemed to have a place among "those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions . . .[36] The genius of the Constitution resides not in any static meaning that it had in a world that is dead and gone, but in its adaptability to interpretations of its great principles that cope with today's problems and today's needs. As Mr. Justice Schaefer of Illinois said in his Holmes Lecture at Harvard a few years ago,

"Considerations of federalism of course remain important. But in the world today they must be measured against the competing demands arising out of the relation of the United States to the rest of the world. The quality of a nation's civilization can be largely measured by the methods it uses in the enforcement of its criminal law. That measurement is not taken merely in retrospect by social historians of the future. It is taken from day to day by the peoples of the world, and to them the criminal procedure sanctioned by any of our states is the procedure sanctioned by the United States"[37]

The Court has also held that the guarantees made applicable to the States under the fourteenth amendment are to be enforced against the States according to the same standards that govern their application to the federal government. I appreciate that there's still a job to be done of pricking out federal standards in some of these areas—that of illegal search and seizure, for example. Even some prison inmates are impatient with us on this score. Here is a letter I received a short time ago from a state prisoner:

"Dear Justice Brennan:

"Composing this letter leave me in the throes of trying to prepare my case for a hearing in the United States Supreme Court, without the information that are necessarily needed for research work, especially cases on illegally search and seizure, also Arrested without a warrant; and coerced confessions.

"Sir, I, request the opinion of honorable Justice Brennan: 9,000 words opinion dealing with standards of probable cause necessary to get a warrant of arrest or to make an arrest without a warrant."

Apropos of prisoners, this may be a good place to touch on the question of the federal habeas corpus remedy. I know of the concern of state judges with the contours of that remedy. I would remind you that Congress had no thought of requiring state prisoners to seek relief in state courts when enacting that statute in 1867. On the contrary, Congress contemplated that the single forum for redress of their federal claims was a federal court. The requirement of exhaustion of state remedies was judicially fashioned by the Supreme Court of the United States as wholly appropriate under our federal form of government; thereafter, Congress adopted the principle by amendment of the statute. I would suggest, also, that when a State provides no remedy, and the prisoner obtains federal habeas relief, as Mr. Justice Frankfurter said, "it is a baseless fear, a bogeyman, to worry lest State convictions be upset by allowing district courts to entertain applications for habeas corpus on behalf of prisoners under State sentence. Insofar as this jurisdiction enables federal district courts to entertain claims that State Supreme Courts have denied rights guaranteed by the United States Constitution, it is not a case of a lower court sitting in judgment on a higher court. It is merely one aspect of respecting the Supremacy Clause of the Constitution whereby federal law is higher than State law. It is for the Congress to designate the member in the hierarchy of the federal judiciary to express the higher law. The fact that Congress has authorized district courts to be the organ of the higher law rather than a Court of Appeals, or exclusively . . . [The Supreme] Court, does not mean that it allows a lower court to overrule a higher court. It merely expresses the choice of Congress how the superior authority of federal law should be asserted." [38]

Rather than as an unwarranted federal encroachment upon state domains, the federal habeas corpus jurisdiction should be taken by the States as an opportunity to fashion state remedies as good or better for the disposition of the federal claims of state prisoners. Herein, I suggest, lies the true significance of *Fay* v. *Noia* [39] and *Townsend* v. *Sain*.[40] In articulating standards to govern the availability of the federal remedy and the propriety of the federal district court's holding a trial *de novo* of the facts underlying a constitutional claim, our Court has attempted to clarify the scope of federal court power in the domain of state criminal justice. Such a clarification should point the way for the States to take, if they would, to minimize unwanted federal intrusions into that domain. What these decisions suggest is simply that if the States afford prisoners as full and fair an opportunity—on direct or collateral review—to raise and prosecute their federal constitutional claims as federal habeas corpus affords, then the federal habeas corpus courts will have no need to intervene in the supervision of state criminal justice, and the area of overlap will disappear.

May I venture to suggest, very roughly, some essential elements of a state post-conviction procedure which, under the principles expounded in *Fay v. Noia* and *Townsend v. Sain*, would be adequate to make the exercise of federal habeas corpus jurisdiction unnecessary. They are, I think, at least six. *First*, such a procedure must be swift and simple. Prison inmates are typically unlearned in the law and without legal assistance. A procedure designed for the vindication of their rights must therefore be free from the intricacies and pitfalls of pleading and practice which sometimes characterize civil litigation. *Second*, an adequate state post-conviction procedure must be comprehensive. It must afford the prisoner an opportunity to raise all his federal constitutional claims, not merely those which may be termed "jurisdictional." Our Court long ago abandoned the "jurisdictional" touchstone—which had become fictional anyway. If state post-conviction remedies are not so broad as federal, many constitutional claims will be forced into the federal courts. *Third*, after *Fay v. Noia* it seems clear that there is no place for rigid and technical doctrines of forfeiture, waiver, or default in a system of post-conviction remedies. In the absence of some deliberate bypassing or flouting of orderly procedures by a state prisoner, he is entitled to a determination of the merits of a substantial federal constitutional claim. *Fourth*, if the determination of such a claim involves the resolution of contested factual issues, a full fact hearing must be held. Let me again emphasize the possibilities here for a fruitful interplay between the state and federal courts. If the States afford an adequate evidentiary hearing where necessary, the federal courts on habeas corpus will not be required to hold a fact hearing and, in the ordinary case, will not. But if no such state hearing is held, necessarily the obligation devolves upon the federal courts to make their own factual determinations. *Fifth*, an adequate post-conviction procedure must include the compilation of a full record. Absent such a record, the federal habeas corpus court is necessarily left in the dark as to the sufficiency of the state proceedings in the particular case. *Sixth*, the adequacy of post-conviction procedures would be greatly enhanced by a practice of deciding cases with full opinions. Summary dispositions of state collateral proceedings offer the federal habeas corpus judge little clue to the ground of decision—whether, for example, the denial of relief rested on a procedural obstacle—or to the manner in which the contested factual issues, if any, were resolved.

I trust you will understand that the foregoing points are meant only as suggestions. My concern is not with the precise contours of an adequate state post-conviction procedure, but with the fundamental principle "that upon the state courts, equally with the courts of the Union, rests the obligation to guard, enforce and protect every right granted or secured by the Constitution of the United States." If the States shoulder this burden, and undertake to make the responsibility for the vindication of our most cherished rights their own in this difficult area of criminal justice, the frictions and irritants that presently exist in some measure between the state and federal courts will rapidly disappear. Of this I am confident. Let me emphasize once more, however, that the possibilities for a healthy state-federal relationship in the criminal field now repose very largely in the States themselves; the Court has probably made its contribution. The future depends upon the States' acceptance of the opportunity offered in the recent federal decisions.

It is surely time that I conclude. My theme has been that while federalism inevitably puts a different cast on a case for state supreme court justice and a United States Supreme Court justice, the fundamental obligation to administer federal law rests on both courts, and it is the identity of underlying purpose rather than the difference in particular results that is basic. The state courts, in addition, have exclusive jurisdiction over questions of state law—a responsibility of no less gravity than our ultimate authority over federal law. Cardozo said, "The persuasion that one's own infallibility is a myth leads by easy stages and with somewhat greater satisfaction to a refusal to ascribe infallibility to others." Both of us know that in the areas of our respective ultimate responsibilities, neither of us, in Justice Jackson's phrase, is final because we are infallible; we are infallible only because, in our respective areas, we are final. There are other things we have in common. All of us do our work in a world dominated by great and swift change, and law must move with change. It is axiomatic that, as Huntington Cairns has said, "law, to be effective, must conform to the world in which it finds itself. That world is given; law does not make it."[41] In but two decades, since the end of World War II, the world and this Nation have witnessed a remarkable transformation. The unity of the human family is becoming more distinct on the horizon of human events. The gradual civilization of all people instead of the former civilization of only the elite, the rise of mass education and mass media of communication, the formation of new thought structures due to scientific advances and social evolution—all these phenomena hasten that day. Our own Nation has shrunk its distances to hours, its population is becoming primarily urban and suburban and religiously pluralistic, its technology has spurred an economy capable of fantastic prodigies of production, and we have become leader of a world with a host of new countries which are ready to follow but also quick to reject the path that we take. Our political, industrial, agricultural and cultural differences cannot stop the process which is making us a more united nation. More intense than ever before is the pursuit, in John P. Roche's phrase, "The Quest for the Dream."

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[28] Twining v. New Jersey, 211 U.S. 78, 99 (1908).

[29] Chicago B. & Q. R.R. v. Chicago, 166 U.S. 226 (1896).

[30] Twining v. New Jersey, 211 U.S. 78 (1908).

[31] See Malloy v. Hogan, 378 U.S. 1, 4–5 (1964).

[32] Malloy v. Horgan, supra note 31.

[33] Robinson v. California, 370 U.S. 660, 666–67 (1961).

[34] Gideon v. Wainwright, 372 U.S. 335 (1962).

[35] Mapp v. Ohio, 367 U.S. 643, 655 (1960).

[36] Hurtado v. California, 110 U.S. 516, 535 (1883).

[37] Schaefer, Federalism and State Criminal Procedure, 70 Harv. L. Rev. 1, 26 (1956).

[38] Brown v. Allen, 344 U.S. 443, 510 (1953) (separate opinion).

[39] 372 U.S. 293 (1963).

[40] 372 U.S. 391 (1963).

We must remember these rapid changes when alarm is expressed that constitutional change is coming too fast and going too far. For, in today's world, what our constitutional fundamentals meant to the wisdom of other times cannot be their measure to the vision of our time. You and I are committed to the constitutional ideal of libertarian dignity protected through law. Crises at hand and in prospect are creating, and will create, more and more threats to the achievement of that ideal—more and more collisions of the individual with his government. The need for judicial vigilance in the service of that ideal was never greater. It has become the business of all of us to protect fundamental constitutional rights threatened today in ways not possibly envisaged by the Framers. Both of us are destined to labor earnestly in that endeavor—we hope with wisdom—to reconcile the complex realities of our time with the necessary principles of a free people. We have in common, of course, that, like other human beings responsible for other human institutions, we are on the dubious waves of error tossed. But in performing our respective tasks in cases where both of our courts function, there can be no reason for contest, not even for petty quarrel. For—and I should like to close with the words of Professor Sutherland—"the soul of a government of laws is the judicial function, and that function can only exist if adjudication is understood by our people generally to be—as it is—the essentially disinterested, rational and deliberate element in our democracy."[42]

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, when the administration proposed its safe streets bill, there was only one subject that was treated in the measure. That subject had to do with a system of grants-in-aid from the Department of Justice, under the Attorney General, to municipalities and States for the purpose of strengthening their law enforcement agencies.

That bill was passed by the House of Representatives last summer and sent to the Senate. As passed by the House, it contained, among other modifications, one fundamental change, which was later deleted by the Senate Committee on the Judiciary by a vote of 8 to 7. That was the amendment known as the "block grant" amendment. The House of Representatives apparently felt quite strongly about it, for it was added to the House bill by an overwhelming vote.

I, too, feel quite strongly about it and the bulk of my comments will be directed toward amendment No. 715, which would reinstate the block grant provisions in the measure which is now before the Senate with some additional improvements and refinements.

When the matter of law-enforcement assistance came before our Judiciary Committee, consideration was given at once to enlarging its scope to take in other phases of law-enforcement assistance beyond the matter of direct grants to local and State law-enforcement agencies.

This was done by including three additional titles. Title I is the law-enforcement assistance title. Title II undertakes to deal with rules of admissibility of evidence and procedure in criminal prosecutions which, it was felt by the committee, were necessary to clarify a series of Supreme Court decisions. Title III has to do with the so-called wiretapping and electronic surveillance provisions. It would enable law-enforcement agencies to engage in wiretapping and electronic surveillance activities under a system of strict court supervision and under a system of accounting to the courts for the results of the activities pursuant to court orders. Title IV provides for the control of firearms sales.

There is a fundamental difference of opinion as to how to enact a measure which will be workable, acceptable, and enforceable for the purposes at hand.

The major purpose, of course, is to keep firearms out of the hands of the wrong people in an effort to reduce their misuse and, by reason of that, to reduce the rise of crime.

In my remarks this afternoon, I propose to discuss the provisions of title I, the law-enforcement assistance portion of S. 917.

This title creates a system of direct grants in aid to State and local law-enforcement agencies. This was the subject of the original crime control bill submitted to Congress. However, as I have already indicated, the Senate Judiciary Committee revised it substantially and expanded its scope.

The purpose of the grants provided in title I is to encourage and assist grantees to improve and expand their law-enforcement capabilities.

The bill undertakes to accomplish its objective by creating a Law Enforcement Assistance Administration, and by providing grants to State and local law-enforcement agencies for planning and executing programs for more effective law enforcement.

Part A of title I establishes a three-member Law Enforcement Assistance Administration. The members of the Administration are appointed by the President and confirmed by the Senate. The duties of the Administration would be to administer the act under the general authority of the Attorney General. Through the board, applications for grants would be received and processed. It would make grants, allocate the available funds and supervise their expenditure.

Part B provides for planning grants to encourage States and units of local government and combinations of States and local units to prepare and adopt comprehensive law enforcement plans.

Under part C, law enforcement or "action grants" would be made to carry out such plans. Included in the purposes of such grants would be methods, devices, facilities, and equipment for public protection; recruitment and training of enforcement personnel; public education to encourage crime prevention and respect for the law; construction of facilities; establishment and training of special enforcement units to combat organized crime and for the detection and control of riots and other violent disorders.

Part C also authorizes use of Federal matching funds to compensate local police personnel. However, the compensation is limited to one-third of any grant, and not more than 50 percent of any pay raise granted to such personnel by State or local funds. Such a limitation does not apply to compensation of personnel either conducting or undergoing training programs.

Part D provides for the establishment of an Institute of Law Enforcement and Criminal Justice. This agency would be authorized to make grants for research, demonstration, special projects and to conduct continuing studies of the causes of crime, evaluation of correctional procedures and similar activities.

Included in part D is authorization for the Federal Bureau of Investigation to establish and conduct training programs for State and local law enforcement personnel at the National FBI Academy at Quantico, Va. The Bureau also is authorized to assist in conducting local and regional training programs at the request of State or local law enforcement agencies.

Appropriations authorized are $100,111,000 for fiscal years 1968 and 1969 and $300 million for fiscal year 1970. Although the authorizations do not go beyond fiscal 1970, the Attorney General has testified that additional money would be needed. He estimated that the program will reach a level of about $1 billion a year within a very short time.

Mr. President, I agree and support the general objectives, level of funding and priorities established in title I. It lacks, however, certain basic provisions which are necessary to assure the improvement and strengthening of law enforcement throughout the Nation and to prevent Federal domination and control of State and local law enforcement. In an effort to improve the pending bill, I intend to support Senator DIRKSEN's amendment to provide a system of block grants and to submit two amendments of my own concerning the administration of title I. One amendment is intended to provide that the administration of the program is by a body independent of the Attorney General or the Department of Justice. The other amendment would remove the authority to use grant funds for personnel salaries, except during periods of training, and as to the personnel conducting the course of training and the personnel undergoing the training.

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[41] Cairns, Law and Its Premises 10 (1962).

[42] Address by Arthur E. Sutherland, St. Paul Minn., June 17, 1964.

Mr. SCOTT. Mr. President, will the distinguished Senator from Nebraska yield?

Mr. HRUSKA. I yield.

Mr. SCOTT. Mr. President, I commend the Senator for his long-time interest in this most complicated subject, for the time which he has devoted to the committee hearings, for the proposals he has made, and for the presentation he is making during the Senate's consideration of this bill.

I should like to say to the Senator that I very strongly concur in the feeling that he has with regard to the necessity for the use of block grants rather than the diversion of these funds into hundreds or perhaps even thousands of local communities. I would rather be able to keep a spotlight on 50 States than to have to find thousands of flashlights to explore the money in myriad communities. I believe that a balanced and effective Federal-State partnership can result from the approach which he and the distinguished senior Senator from Illinois [Mr. DIRKSEN] proposed to undertake. I supported this position in committee; I support it now.

I feel the same way about the payment of salaries, other than for training and research purposes, of police officials in the local communities. I believe our police forces are underpaid in great part in much of the country. I have favored an increase in the salaries of the police and firemen, but I do not believe the Federal Government should subsidize the police forces of this country.

I do not believe we should attempt to set up a national police system. I believe that the way to avoid that is to avoid committing ourselves in this bill to getting the famous camel's nose under the tent one more time, to again run the risk of doing something from which we cannot extricate ourselves, and that is a commitment to pay local salaries for what is fundamentally a local responsibility. The apprehension of criminals, in my judgment, will always be basically a local responsibility. There are, of course, areas where oversight extends through the various levels of government and ends up, finally, with the Federal Government, but only within the functions of training, research, guidelines, patterns, and general contribution to the maintenance of order within the Federal area of responsibility, such as interstate violation of the law, and so forth.

So I again thank the Senator for his statements, for what he has said in the committee, and for what he has said about the gun bill.

As the Senator is well aware, I have taken in committee a position on gun control which differs in some degree from his, in an effort to get a bill reported. But I would respectfully suggest that the Senator take a look at my own proposal, which is more or less of a median proposal, lying between the Dodd bill and the Hruska bill.

I have not said I would not support the proposal of the Senator from Nebraska. I should like to, if I possibly can. I should like him to look at my own suggestions in this matter. I know how truly concerned he is for the maintenance of law and order, and this extends to every part of this measure. Such votes as we may have cast in committee were cast by all of us in a desire to get this bill out where it could be seen, debated, and decided.

So I continue to have an open mind on title IV of the bill.

Regarding title II, I have some concern with respect to the habeas corpus provision. However, I have no concern whatever on that portion of title II which seeks to clarify the rights of individuals and the role of trial judge and jury treated in the Miranda and the Escobedo decisions. I have been told that in this respect we may be running into a constitutional question. To that I answer, "So did the Supreme Court." They decided these matters by a 5-to-4 vote, which I find regrettable in constitutional questions. Therefore, what five men decided once may later be changed by four men plus one, or with perhaps one heartbeat away or one mindwave away from a change in what the Supreme Court determines to be the Constitution of the land. As lawyers, we know that they have the last guess. They have—if we wish to be more polite about it—the last best judgment.

What is the Constitution, other than what these nine men finally say it is? I wish it were not always so. But I believe that if Congress says to the Supreme Court, as it may be constituted at any given time, "This, in our view, is an exercise of our constitutional responsibility; we want confessions to be truly voluntary; we want that voluntariness to be safeguarded; but we also want to be entirely certain that the rights of the victims are as highly regarded as the rights of the criminals; we want at least to be convinced that every opportunity and resource for the prevention of crime is provided which is consistent not only with the rights of the accused, but with the rights of the victims and the legitimate responsibilities of the authorities." We also want to serve notice on the courts of this land that confessions can be handled better than they have been handled in some of the court decisions.

I say this with great respect, as a lawyer. I do not know why these nine men are any better judges, in the last analysis, of what is the Constitution of the United States than are the two bodies of the National Legislature.

For these reasons and for others—I will say more in a speech of my own on this subject next week—I am supporting, generally, what the distinguished Senator from Nebraska has said; and I am most grateful to him for his courtesy in yielding to me at this time.

Mr. HRUSKA. Mr. President, I am most happy to accommodate the Senator from Pennsylvania. I thank him for the kind and generous remarks he has made about the analysis of the pending bill in which I am engaged.

In all fairness, we must say that there is room for division of opinion as to how the various issues in the pending bill should be dealt with.

In the matter of the control of firearms sales, for example, I know of no committee exercise in which I have been engaged in which I have met a more constructive attitude than that displayed by the Senator from Pennsylvania—always helpful, always seeking to improve any proposal under consideration.

With reference to the Senator's remarks on the Miranda and Escobedo cases, he will recall, from his reading of the opinion in the Miranda case, that the Supreme Court invited congressional consideration—invited action by Congress on this subject—in an effort to try to make progress in this very difficult field.

For centuries, the voluntary confession has been treated as the highest form of evidence. But the great difficulty is to determine when it is voluntary and when it is coerced.

In the light of the Court's invitation, we have proceeded, and we are trying to make progress.

It is very gratifying to realize that the Senator is also supporting block grants and the elimination of provisions which authorize payment of personnel salaries from Federal funds. As I shall explain in greater detail later, both matters contain great merit, from the standpoint of trying to reach a solid basis for the proposed legislation. It is indeed heartening to have the support of the Senator from Pennsylvania, in the light of his experience, maturity and the constructive attitude which he maintains. I thank him for his support.

Mr. SCOTT. I appreciate the Senator's kind words. I particularly appreciate his having pointed out that the Supreme Court has invited Congress to do better. The Supreme Court has said, as the Senator has pointed out:

> Escobedo and Miranda are the best we can do in the present state of the law as we see it.

But the legislative body has a function, a right, and an invitation to clarify and to fortify the law in these very important areas.

I thank the Senator.

Mr. HRUSKA. It was observed not too many days ago by a former colleague in the Senate, Richard Nixon, that while there are many areas in which legislative action may be taken to improve the administration of criminal justice one of the best and therapeutic methods that could be used would be to double the conviction rate, not for the sake of convicting, but for the sake of convicting guilty parties.

In the bill we find an effort directed to that end. I know that is what the Senator from Pennsylvania has always stood for, and I know he agrees with me that never was there a time when this type measure was more urgently needed than now.

Mr. SCOTT. I agree with the Senator.

Mr. HRUSKA. I thank the Senator.

LAW ENFORCEMENT IS PRIMARILY A LOCAL RESPONSIBILITY

It is a truism that law enforcement is primarily a local responsibility. The Federal Government activities in this field are minute compared to the overall task. Out of approximately 400,000 full-time law-enforcement personnel in the United States, only 23,000 are Federal officers and about a third of the latter are assigned to duties other than actual law-enforcement activities. There are over 40,000 law-enforcement agencies, yet only about 50 of them are Federal.

Of the 425,000 inmates in custody in penal and correctional institutions, only 20,000 are under Federal supervision.

Local responsibility for law enforcement is a fundamental premise of our constitutional structure. It is vital and substantial and is a part of our heritage of liberty.

President Johnson, in his February 1968 message to Congress on crime, had this very thing in mind when he stated:

> The Federal Government must never assume the role of the Nation's policeman. True, the Federal Government has certain direct law enforcement responsibilities. But these are carefully limited to such matters as treason, espionage, counterfeiting, tax evasion and certain interstate crimes.
>
> Crime is essentially a local matter. Police operations—if they are to be effective and responsible—must likewise remain basically local. This is the fundamental premise of our constitutional structure and of our heritage of liberty.
>
> The existing pattern of law enforcement makes it clear that local governments must play the primary role in any effective program to combat crime.

Mr. President (Mr. Moss in the chair), responsibility for an activity and control of the money which is needed to discharge that responsibility cannot and should not be separated. If control of the funds is put at the national level, in effect, the responsibility will also be transferred there. This is the danger posed by the direct grant system approved by the Judiciary Committee, whereby funds would be transmitted from the Office of the Attorney General to individual municipalities and law-enforcement agencies.

Experience has shown us how a direct grant program leads to Federal usurpation of control. At the present time, there are over 500 Federal aid programs being allocated specifically for thousands of State and local programs. All applicants are required to comply with numerous Federal regulations. Each time an application is approved, the grant is conditioned upon further compliance with additional Federal dictates. Federal administrators have power to exercise the use, not only of Federal funds under their custody but they also direct and, in effect, control State and local funds since they have the power to grant or deny, to approve or disapprove projects.

Such control has proven detrimental in many situations. It would be disastrous, however, if applied to the Nation's local police forces. Yet this is what is contemplated under the pattern of administration provided for in title I, as approved by the Committee on the Judiciary and as is pending here today. Direct grants to large municipalities from the Department of Justice would lead to Federal control and restrictions. It would tend to cause eventual domination by the Federal Government. This would be a first, major step to a national police force.

The threat to individual liberty would become immediate and real. Law-enforcement agencies are potential threat to individual liberty. They are that at the very best. That threat, however, is best minimized by keeping law-enforcement powers diffused in line with historic constitutional divisions of power.

How can the Federal Government assist the States and local governments in improving their law-enforcement capabilities without threatening our liberty? It can be done through a system of block grants. Law-enforcement respect is a local responsibility. Let us leave the responsibility there by giving control of the funds to the States.

LAW-ENFORCEMENT ASSISTANCE MUST BE COORDINATED AND IT MUST BE FLEXIBLE

Mr. President, this Nation has over 40,000 local jurisdictions and 3,000 counties, in addition to the 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands. Within these political jurisdictions, responsibilities overlap. The governmental unit that has responsibility for police work may not have responsibility for the courts. The corrections system may be the responsibility of a third jurisdiction. Yet all three of these elements are within the definition of law enforcement and are items designated for assistance under title I. To be effective, there must be a reasonable system of coordination of State and local jurisdictions.

In addition, the law-enforcement agencies around the Nation suffer from different problems. What is a priority subject in a large city is not necessarily priority in an agricultural county. The court system may be progressive but police equipment may be deficient. There must be a way of investigating and evaluating the needs and there must be a way of establishing realistic priorities within the many governmental jurisdictions.

The immediate practical problem with the administration of title I, as proposed by the Committee on the Judiciary is that it fails in the critical areas of coordination and flexibility. It proposes duplication, fragmentation, delay and confusion.

Present Federal grant-in-aid programs are deficient in these respects. It is becoming increasingly clear that too many Federal programs are failures because of the overlapping administration, the competition among agencies, and the lack of a constructive overview of what the Federal Government is doing in the area of financial assistance.

This problem was voiced by John Gardner, then Secretary of Health, Education, and Welfare, when he testified last fall before the Senate Subcommittee on Intergovernmental Relations. Mr. Gardner said:

> In almost every domestic program, we are encountering crises of organization. Coordination among federal agencies leaves much to be desired. Communications between the various levels of government—federal, state, local—is casual and ineffective.

The President's coordinator for Federal-State relations, Farris Bryant, former Governor of Florida, recently stated to a panel of Governors:

> There are too many specific, categorical-grant programs.

BLOCK GRANTS

Mr. President, Congress should not make additional mistakes of this kind. There is an alternative which is workable. The alternative is a "block grant" approach, whereby each State would establish coordinated, comprehensive State plans through State planning agencies. Upon administration approval of the State plan, money would be allocated to the State agency for disbursement pursuant to the approved plan.

Coordination among various levels and phases of State and local activity is essential to effective law enforcement. There are many interrelated activities in any given situation which must be tied together for an intelligent, unified and comprehensive effort to be made.

Mr. President, the scope, the magnitude, the diversity of situations and the problems facing law enforcement in America, demand the flexibility so necessary for success.

In this connection, let us consider these particulars:

I

Title I contains authorization for substantial grant funds. Four hundred million dollars are provided for the first 2 fiscal years. And, according to testimony of the Attorney General, it could rise to a level of $1 billion per year within a very short time. This is a substantial amount of money, far too substantial to be under the jurisdiction of and to be allotted and transmitted subject to the discretionary judgment of any one man as provided now in the bill.

II

Applicants will be many in number. Three hundred and thirty-one cities in America have populations of over 50,000. Add 50 States, the District of Columbia, Puerto Rico, and combinations of States or localities, and the list becomes a formidable one. An amendment is pending before the Senate which would remove the minimum 50,000 population for any of the grantees that would be eligible to receive funds under the bill.

Of course, if that amendment prevails, as I believe it will and should, then the number of potential grantees becomes immensely greater.

III

Each application will be structured to meet different needs, priorities, conditions, circumstances, peculiarities, and background.

IV

Law enforcement, as defined in title I and in reality, is a very broad, comprehensive area. Law enforcement and criminal justice agencies do not exist in isolation. They are part of a larger system. A very large system, the parts of which are interrelated to a great degree.

V

Law enforcement is defined in section 601(a) of the title as meaning "all activities pertaining to crime prevention or reduction and enforcement of the criminal law." Let us consider what this means. It includes all facets of detection and investigation of crime, apprehension of suspects, prosecution, trial, sentencing, imprisonment, facilities for imprisonment, correction, and rehabilitation. It also covers facilities for reform, probation, parole, and so forth. Some of these activities are within the jurisdiction of a city, or a county, or a State. Some, in fact, are handled by special subdivisions formed under State legislation.

VI

Each applicant city is a creature of its State constitution and legislature. Each has widely varying attributes, powers, and duties. Assignments and responsibilities are wide-ranging, residing in a large number of units, divisions, departments or agencies within the municipality. While such units are intensely interrelated, there is no single official or agency within a municipality with overall authority or direction.

VII

Against this background, the bill seeks to place processing of grant applications in the hands of a Federal agency in the Nation's Capital. That agency is to negotiate and contract with individual cities or combinations thereof with respect to intricate, complicated, and often unique governmental activities.

VIII

The Federal Government does not have the qualified personnel to do the job. It can try to recruit personnel from among the several States, however, but this would be at the expense of depriving the States of much-needed talent in this field. Even if such talent could be obtained, unless it were obtained from each and every one of the 50 States, it would still mean that those recruited and serving in the Federal agency would not be sufficiently familiar with the numerous and multifarious factors inherent in each applicant's history, needs, capabilities, and powers to meet the needs of effective law enforcement.

It becomes apparent, when we study these factors, that the law enforcement assistance program will fall upon the same rocks that have destroyed the effectiveness of many other grant-in-aid programs. A three-member administration, working under the Attorney General, subject to his authority, will not be able to properly evaluate all of the applications with a view toward all of the variable local conditions.

Mr. President, yesterday, a statement was made by Richard M. Nixon, a onetime colleague in the Senate, formerly a Member of the House, later to serve 8 years as Vice President of the United States and as President of the Senate, on the subject of crime, entitled "Toward Freedom From Fear." This is a penetrating discussion of many of the fundamentals on the very subject with which we are dealing at the present time. I should like to read a pertinent part of it in the RECORD which has to do with the block grant amendment, the substance of which is included in amendment No. 715 as introduced by the senior Senator from Illinois:

> Today, there are more than 420,000 people involved in police work employed by 40,000 separate agencies. Many of these 40,000 agencies are tiny and inefficient municipal departments wholly inadequate to the tasks assigned them. Consolidation of many of these departments and their merger into citywide or metropolitanwide forces would give the peace forces a jurisdictional range and a level of strength more commensurate with the criminal forces—which ignore state lines, let alone the lines that divide tiny municipalities.
>
> The Federal Government can play a leading role as well in furthering this objective of consolidating and reducing the number while improving the quality of law enforcement agencies in this country.
>
> To do so, however, it will have to shift its emphasis from direct grants to local governments, to block grants to the states. The former approach puts the Federal Government squarely into what must and should remain a local function—law enforcement. Direct grants for local police departments could bring domination and control and the door could be opened to the possibility of a Federal police force—a prospect we should avoid. Secondly, the block grant approach to the states will enable them to determine the priorities in the allocation of resources; and that, too, is as it should be. Third, this approach would strengthen the statewide police forces which are, by and large, efficient and professional organizations.
>
> It would also enable the state to strengthen its own investigative and crime laboratory facilities, its intelligence, and records centers—which could be put at the disposal of local police. By providing the assistance to the states, we would strengthen law enforcement at a level at which it could deal more effectively with a criminal community that possesses a mobility and strength undreamed of a few years ago.

Mr. President, we have here the judgment and declaration of policy by one who is experienced in this field, who has been a student of government and a participant of government in the legislative as well as the executive offices for a long time. His comments go to the heart of the matter.

Mr. President, because block grants would leave the responsibility of law enforcement and the control of the funds with the State governments, the program would also contain the coordination and flexibility required. State planning agencies would be able to establish coordinated, comprehensive State plans and establish priorities governing law enforcement agencies and the systems of courts and correctional, as well as penal, institutions. This is best accomplished at the State level.

State plans would be designed and created by persons with an expertise in all aspects of law enforcement in their States and municipalities. They would have firsthand, at-home understanding, information, know-how, and "feel" for conditions, needs, and priorities.

The amendment which the senior Senator from Illinois has submitted and I have gladly cosponsored with some other colleagues has built-in safeguards to allay the fears of some people that city-State rivalries would prevent the cities from getting funds under a State oriented system. It is expressly provided that 75 percent of the action grant funds and 40 percent of the planning funds received by the States must go to local agencies if there is a local need. In addition, if a State fails to set up a planning authority within a reasonable time, the Law Enforcement Assistance Administration is authorized to deal directly with local government organizations until such a State plan is perfected.

A true block grant is one made to a unit of government for a broad functional area with the decision as to its exact application left to the recipient.

While the proposed amendment is not a pure block grant in this definition, nevertheless, it is a method by which the potential of Federal control and domination is greatly minimized. This is most desirable for sound government in our system of federalism in America. It is especially urgent in law enforcement.

In addition to minimizing potential control and domination by Federal authorities, it provides a means whereby more efficient and more coordinated methods of enforcing the law can be achieved.

INDEPENDENT ADMINISTRATION OF TITLE I

Another major proposition I should like to advance has to do with a subject on which I shall offer an amendment during the course of the consideration of S. 917. It has to do with the independent administration of title I.

As originally approved by the Criminal Laws and Procedures Subcommittee, the three-member board which would administer title I was to be located within the Department of Justice, was to be independent of the control and supervision of the Attorney General.

The Attorney General is indeed the chief law enforcement officer of the Federal Government, but he is not the chief law enforcement officer of the States and cities of this Nation. He should not be. It is the fervent hope of this Senator that there will never be any enactment which would confer upon him a position of chief law-enforcement officer of State, municipal, and Federal law-enforcement machinery as well.

The distinguished Director of the Federal Bureau of Investigation had the following to say on this subject. I quote Mr. Hoover to this effect:

> America has no place for, nor does it need, a national police force. It should be abundantly clear by now that in a democracy such as ours effective law enforcement is basically a local responsibility. In the great area of self-government reserved for states, counties and cities, the enforcement of the laws is not only their duty but also their right.

No single individual should possess the powers and the influence which would be accorded him under title I as it now reads. That power and that influence should be exercised by an administrative body independent of the head of the Department of Justice.

Let me make as clear as I can, Mr. President, that in proposing this amendment and in advocating and urging its adoption by approval of the Senate, there is not the slightest intimation, nor is there the slightest thought, in the mind of the Senator from Nebraska of disrespect for the office of Attorney General or anyone who occupies that great office. As one who was admitted to the bar for the practice of law 38 years ago, I have had instilled in me the greatest respect for all of the institutions of Government, and in particular the institutions which devote themselves to the administration of justice. This respect is extended without limitation of the person who at any time holds the high office and the honored office of the Attorney General of the United States.

I want to make very, very clear that in proposing and advocating this amendment, it is for the purpose of adhering to those principles which make for sound government, which make for a government that will be effective, and in keeping with the constitutional structure which has been set up for us, and by which, I hope, we shall always continue to be governed.

The subcommittee bill provided for the establishment of such an independent body. It is the three-member administration appointed by the President with the advice and consent of the Senate. The subcommittee bill provided:

> In the exercise of its function, powers and duties, the Administration shall be independent of the Attorney General and other offices and officers of the Department of Justice.

This language should be reinserted in the bill by proper amendment. I shall offer an amendment for that purpose, and call it up for consideration, debate, and disposition by the Senate.

FEDERALLY SUPPORTED POLICE SALARIES

Another major point in title I has to do with the payment of certain funds which are appropriated under it to support the pay of various municipal, State, or county law-enforcement personnel.

Title I now allows Federal funds to be used to support the salaries of local law-enforcement officers. Up to one-third of any grant may be used to pay up to one-half of salary increases. This is a modified version of the original administration suggestion that up to one-third of each grant be used for police salaries; but the inherent dangers are the same.

I have discussed the dangers of Federal control that flow from the use of a direct-grant system. They apply consistently when the object of that grant is police salaries. In effect, "He who pays the piper calls the tune."

Once salary support is granted, it will be virtually imposible to withdraw it. Most Government programs seem difficult to terminate, regardless of how temporary they were thought to be. However, withdrawing salary payments, in effect, cutting a policeman's salary, would be impossible. This provision would create a permanent dependence by local police on the Federal Treasury.

Mr. President, I should like to illustrate this point by calling attention to the fact that there are about 400,000 law-enforcement officers in the United States. Let us engage in a very simple problem in arithmetic.

Suppose there is an average increase of $100 per month given to each of those 400,000 officers. That would mean, under this bill, that the Federal Government would pay $50 a month to each of them; and by the simple process of multiplication, we come out with a sum which approximates one quarter of a billion dollars each year, or $250 million, for one increase of $100 a month, average, for 400,000 officers.

This would be the cost of the first increase for the first year. Once that type of financial help is given, it would be difficult, if not impossible, to extricate the Federal Government from the necessity of continuing such financial assistance on a permanent basis.

The objection lies not only in the money involved, but in the fact that the longer any such practice were indulged in, the greater potential for Federal domination and control to be exerted. The possibility would be present that "unless certain things are done in certain ways in your jurisdiction, Mr. Police Chief, we will see whether we cannot take steps to reduce the payroll that is necessary for you to be able to pay your officers and your men."

This is a crass way of putting it. I do not know that those particular words would be used, nor that they would be put so bluntly. But the potential is there, and we should not discount it, because far too many times we have been disappointed in that confidence which comes from saying, "It cannot happen here." In instance after instance, we have seen situations develop in various parts of the country which men have said could not happen. Such things actually do occur, as all of us know.

No one is more aware than I of the problems of low salaries that plague police departments around the country. As a former chairman of the board of commissioners of my State's metropolitan community of Omaha, one of my responsibilities was the establishing of budgets for the police constabulary of that community; so I have had some experience in considerations of that kind.

However, on the basis of that experience as well as on the basis of knowledge of State and local government in general, in my very deliberate judgment the committee approach is neither wise nor fair. It would not have equal application or provide equal benefits to all law enforcement officials. In fact, most of the Nation's 400,000 police officers would not be eligible because under the committee bill only local jurisdictions or groups of local jurisdictions with populations of more than 50,000 would be eligible to apply for grant aid. Thus, those smaller jurisdictions, some 80 percent of the Nation's total with 58 percent of the population, would not be eligible for grant assistance.

Again I point out that we have pending an amendment which will modify that 50,000 minimum, and it is my hope that it will be agreed to by the Senate. But even so, who is to say that the officers of city A, which meets the population standard could receive Federal salary supplements whereas the officers of city B, perhaps an adjoining community whose population requirements do not meet the test, or whose city government does not grant an increase in salaries, could not qualify?

The unfairness of the administration proposal becomes crystal clear when it is considered that not all large cities and policemen will be beneficiaries of Federal law enforcement grants. This is so because there is simply not enough Federal money to go around. Thus, city C which perhaps got its application in early or whose political leadership was in favor with the Department of Justice, or that part of it which would act upon these applications, received a grant and salary support, while city D with the same needs, the same crime problems, and same low pay scales was left out because its application was tardy or considered not in compliance with contemporary Federal notions on what a good application should contain. Or, Mr. President, if the funds have become depleted by the time that application comes along for consideration, then, of course, the application would have to be denied. What could be more manifestly unfair?

We know that this is the situation in many of the grant-in-aid programs that are in existence now. Certainly the program for constructing sewer systems and water systems in municipalities is one of the sore points. The municipalities were urged to submit their applications; they were urged to try to improve their communities; they were urged to put in these much needed facilities and utilities; and then, after months and months of struggling with paperwork and trying to process the applications, all of a sudden the program lost all of its momentum because there were no more Federal funds available.

Mr. President, another objection to Federal support of police salaries should be considered. The Federal funds administered under the law-enforcement-assistance provision, while not relieving the local governments of their financial responsibility, will allow them to reallocate their resources—that is, if the allocations from Federal funds are devoted to those activities and those needs other than salaries. Then they would have, by reason of that fact, additional funds which they can devote toward the payment of salaries.

Possible beneficiaries of such a budgetary shift would be the policemen themselves. This factor was one relied on by the House committee when the administration's salary support provision was deleted.

It is my intention to offer an amendment to strike this feature from the pending bill.

With the adoption of the block grants and the deletion of the salaries-payment provision, as well as the constitution of the three-member administration as an independent body, it will be a better bill that will evolve. It can well become the vehicle for substantial, enduring improvement of State and local law enforcement. Without these changes, there is great danger that it will prove a vehicle for Federal control and domination, whether it is exercised in good faith or not, that could eventually develop into a Federal police state. This is a result which I would greatly deplore and will stoutly resist.

Mr. President, I again express and de-

clare my support of the pending bill and its priority and its funding, subject, however, to the adoption of the amendments that have been submitted in substantial identity with the form they now have. It is my hope that they will prevail.

Mr. President, I ask unanimous consent to have printed at this point in the Record a brief summary of the major provisions of the Dirksen block grant amendment, No. 715.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Major Provisions of Dirksen Block Grant Amendment (Amendment 715 to S. 917)

The Dirksen amendment to the Omnibus Crime Control and Safe Streets bill would reinstate, with some modifications, the block grant features of H.R. 5037, the House-passed Law Enforcement and Criminal Justice Act of 1967.

PLANNING GRANTS

Amendment 715 would strike the provision of Part B of Title I of S. 917 and would substitute new language. The amendment would authorize the Law Enforcement Administration (LEA) to make grants for the preparation, development and revision of comprehensive state law enforcement plans.

Grants would be used by the states to establish and maintain State planning agencies. These agencies would be representative of state and local law enforcement agencies and the general public.

The State planning agencies would develop comprehensive state plans according to standards outlined in the law (the same criteria which are now in the House bill), to define, develop and correlate law enforcement programs and projects at the state and local level and establish priorities for the improvement of law enforcement throughout the state.

At least 40 percent of the Federal financial assistance made available for planning must be granted to local governments so that they can assist in the development of the comprehensive plans.

The federal share of the costs of activities under this Part would be 90 percent (the Senate bill provides 80 percent).

Applications for state planning grants must be made within six months after enactment.

Funds appropriated each fiscal year for state planning grants would be allocated so that each participating state would receive at least $100,000. The balance of available funds would be distributed among the states according to their respective populations.

The 50,000 population limitation on eligible applicants for planning grants contained in the Senate bill would be eliminated.

LAW ENFORCEMENT (ACTION) GRANTS

The LEA would be authorized to make grants to States having approved comprehensive plans. These grants would be made for six purposes. Amendment 715 makes no change in the six standards for action grants which are now contained in section 303 of the Senate bill. These include: public protection; recruiting and training of law enforcement personnel; public education relating to crime prevention; construction of buildings and other physical facilities; the organization, education and training of special units to combat organized crime; and special assistance to prevent, detect and control riots.

To be eligible to receive action grants a state must have on file an approved state plan (updated each year) which conforms to the standards set forth in the Act. These standards are very similar to the House bill. A state plan must:

1. provide that at least 75 percent (The House provision is 50 percent) of the action grant funds allocated for any fiscal year be made available to local governments;
2. adequately take into account the needs and requests of the local governments;
3. incorporate innovations and advanced techniques;
4. provide for effective utilization of existing facilities and encourage local governments to combine services, facilities and equipment;
5. provide for research and development;
6. provide for appropriate review procedures disapproving local applications for grants assistance;
7. demonstrate a willingness to assume the costs of improvements funded by federal assistance after a reasonable length of time;
8. provide technical assistance to local governments;

and other requirements of an administrative and fiscal control nature.

If any portion of the 75 percent set aside for local governments is not utilized by them within a reasonable time, the funds would revert to the state for its use.

If a states does not submit an application for planning assistance within six months after enactment of the Act, and if it does not file a plan within six months after approval of the planning grant, then units of local government may apply directly to LEA for assistance. But if direct applications are made by local governments to LEA, the chief executive of the state would be given 60 days to comment on the application to the LEA.

Of the funds appropriated for Part C grants (Action grants) 85 percent of the total shall go to the states according to their respective populations. The balance shall be allocated as the LEA may see fit.

The amendment would retain the provisions of section 304 of the Senate bill in which special emphasis would be given to programs and projects dealing with the prevention, detection and control of organized crime and riots. Also, until August 31, 1968, assistance would be available to states and local governments without reference to the planning requirements of section 303 of the Amendment.

Mr. HRUSKA. Mr. President, I also ask unanimous consent that there be printed at this point in the Record a section-by-section analysis of amendment No. 715.

There being no objection, the section-by-section analysis was ordered to be printed in the Record, as follows:

Section-by-Section Analysis of Amendment No. 715

This is an analysis of Amendment 715, offered by Senator Dirksen as amendment to S. 917 on May 3, 1968.

The purpose of this amendment is to substitute a modified system of "block grants" for the "direct grant" provisions of Parts B and C of Title I of S. 917, as reported from the Senate Judiciary Committee on April 29, 1968.

PLANNING GRANTS

Amendment 715 would modify Part B of Title I by striking Sections 202, 203 and 204 on page 19 of the bill. Section 201 on page 19 would be unchanged. The amendment would substitute four new sections for those struck.

Section 202: Amendment 715 would add a new Section 202 to Part B of Title I. This section provides that the Law Enforcement Administration would make grants to states for the establishment and operation of state law enforcement planning agencies for the preparation, development and revision of state plans required under Section 303 of the amendment. Any state desiring to make application to the Law Enforcement Administration for such a grant would have to do so within six months after the date of enactment.

If a state planning agency were in existence prior to the enactment of this act, planning grants could be made for the continued operation of the agency so long as applications for such grants were made within six months after enactment of the act.

Section 203 (a): This new subsection of Amendment 715 would provide that planning grants made under Part B shall be utilized by the states to establish and maintain state planning agencies. A new agency could be created by the chief executive of the state or an existing agency so designated. The requirements of the applicable laws of the state would govern the creation or designation of the planning agency by the chief executive.

It is the intention of the subsection that state planning agencies shall be representative of state law enforcement agencies and of the units of local government within the state. It is not the intention of this subsection that the planning agency be limited to the above identified groups. Certainly, representatives of the public at large should be included.

Section 203(b): This new section would require the state planning agencies to develop in accordance with Part C comprehensive statewide plans for the improvement of law enforcement throughout the states. Further, the agencies would define, develop, and correlate programs and projects for the states and units of general local government in the states or combinations of states or units for improvement in law enforcement. Finally, the state planning agencies would establish priorities for the improvement in law enforcement throughout the states. It is the intention of this provision to set forth the general objectives for the activities of state planning agencies. This provision is similar to Section 102(b) of H.R. 5037, as it passed the House of Representatives, except that language in subparagraph 1 of the House bill "to carry out new and innovative approaches" has been struck. This language was eliminated because it is intended that the state planning agency should carry out its activities as set forth in this subsection even if its work and programs may not necessarily be "new" and "innovative." Of critical importance is the requirement that the state planning agencies establish priorities for the improvement of law enforcement in their respective states. It is felt that the state agency, with its close proximity to the activities and problems of state and local law enforcement and yet free from day to day operating burdens, is best suited to make these fundamental determinations.

Subsection 203 (c): This paragraph provides that the State Planning agency shall make necessary arrangements to provide that at least 40 percent of all federal grant funds to the agency for planning activities and support will be made available to units of local government or combinations of such units to allow them to participate in the formulation of required comprehensive state plans. The allocation to the local governments would be made for each fiscal year in which the state received federal financial assistance.

The subsection also provides that should the local governments not require the full 40 percent, the unused portion would be available by the state agency from time to time on dates during the fiscal year as the Administration may fix for use by the agency to pursue its planning activities.

It is intended that this provision be implemented in such a way that a reasonable time be fixed for units of local government to participate to make their intentions known to the state agency. As to the requirement for available funds, if federal grant assistance becomes available on the first of the fiscal year, the Law Enforcement Assistance Administration might reasonably require that the state agency accept applications for a minimum of three months from local governments and normally not longer than six months. If there is not sufficient interest by the local governments, then the state agency would have use of the uncalled for funds during a significant portion of the remaining fiscal year.

Section 204: Section 204 authorizes federal payments not to exceed 90 percent for the expenses of the establishment and operation of state planning agencies including the preparation, development and revisions of state plans. The same federal share would be available to units of general local government which receives direct grants from the Law Enforcement Assistance Administration under the provisions of Section 305 of the Amendment.

The same ceiling would apply to the allocation of federal funds by state planning agencies to units of local government under the provisions of Section 203 (c).

The 90 percent ceiling of Amendment 715 is the same as the comparable provision of S. 917 as sent to Congress by the Administration and of the House-passed bill. S. 917 as reported from committee contains an 80 percent ceiling for this purpose.

Section 205: Section 205 provides that funds appropriated for planning grants shall be allocated by the Law Enforcement Assistance Administration among states for use by state planning agencies or units of general local government. $100,000 shall be allocated to each participating state per fiscal year. The balance of available funds under this part shall be allocated among the states according to their relative populations.

It is intended that should a state fail to apply for or receive grants under this part, units of local government within the nonparticipating state could receive federal planning assistance up to the amounts that would otherwise be allocated to the state if it were participating.

LAW ENFORCEMENT (ACTION) GRANTS

Elimination of Section 302(a): On page 4, line 5, of Amendment 715, this contained language which would have the effect of striking Section 302(a) of S. 917 as reported from the Senate Judiciary Committee on April 29, 1968. New language would be inserted in lieu thereof. Under the committee bill provision, the Administration is authorized to make grants to states, units of general local government, and combinations of states and units of local government for the improvement and strengthening of law enforcement. There is a proviso that no unit of local government having a population of less than 50,000 persons would be eligible to apply for a grant.

Amendment 715 would strike this language and insert thereof authority for the Administration to make grants to states having comprehensive plans approved under the provisions of the amendment.

It is intended that federal grant assistance be channeled through state agencies for expenditures pursuant to the state comprehensive law enforcement plans. The population requirement or "not less than 50,000 persons" as a requirement of eligibility for participation by units of local government or combinations of such units would be eliminated. Also, except as otherwise provided in the amendment, state agencies would channel federal assistance to local governments within the respective jurisdictions.

Modification of Section 302(b): Amendment 715, on page 4, line 5 would strike the first two sentences of subsection 302(b) of S. 917 and substitute language authorizing the Administration to make grants having comprehensive state plans approved by it under the provisions of this part. The six standards under which grants may be made which are contained in the Senate committee bill would be unchanged by Amendment 715.

Elimination of Section 303 and 304: The provisions of Amendment 715 contained on lines 12 through 14 on page 4 would have the effect of striking Sections 303 and 304 of the committee-reported bill. However, Section 304 would be reinstated as Section 307 of Amendment 715. In lieu of Section 303 of the committee bill, Amendment 715 would add five new sections, Sections 302 through 306.

Section 302: The new Section 302 of Amendment 715 would require any state desiring to participate in the action grant program to establish a state planning agency as described in Part B of the amendment and within six months after approval of a planning grant submit to the Administration a comprehensive plan formulated pursuant to Part B.

It is the intention of this provision to provide a reasonable time for state planning agencies to take advantage of the federal assistance provided under the provisions of Part B and Part C of Title I of the proposed legislation.

Section 303: The proposed Section 303 of Amendment 715 would authorize the Law Enforcement Assistance Administration to make grants to state planning agencies if the agencies have on file with the Administration an approved comprehensive state plan, not more than one year in age, which conforms to the purposes and requirements of Title I.

Section 303 sets forth 12 criteria to be included in the state comprehensive plan. These criteria are very similar to the provisions of Section 203 of H.R. 5037, as passed by the House of Representatives on August 9, 1967.

A significant change in the standards and requirements of Amendments 715 as opposed to the provisions of H.R. 5037 is to be found in Section 303(2). The House bill provides that 50 percent of all federal funds granted to the state planning agencies for any fiscal year will be available to units of general local government for the development and implementation of programs and projects for the improvement of law enforcement. Amendment 715 and a comparable provision in Section 303(2) provide that at least 75 percent of all federal funds granted to the state agency shall be made for the purposes described above. This higher figure is based on a recent Justice Department estimate which indicated that approximately 72 percent of the expenditures by state and local governments for law enforcement purposes were spent by units of local government. Also, information available from the Census Bureau indicates that the units of local government make about 80 percent of the expenditures for law enforcement. It appears that the 75 percent provision is reasonably close to the ratio of actual expenditures made by local governments to the total spent by states and local governments for this purpose.

Section 303 of Amendment 715 also provides that any unused portion of the funds available pursuant to paragraph 2 of the section in any state in any fiscal year not required by the units of general local government within the times fixed by the Administration shall revert to the state agency for the development and implementation of programs and projects in conformity with the approved state plan.

Section 304: Section 304 of Amendment 715 provides that state planning agencies shall receive applications for assistance from the units of general local government when state agency determines that an application is in accordance with the purposes stated in Section 301 and is in conformance with existing state plans, the state agency is authorized to disburse funds to the applicant.

It is the intention of this section to make clear that final authority as to the expenditure of funds available to the states under the provisions of Title I shall be exercised by the state planning agencies so long as this authority is exercised in conformance with the state comprehensive plans and the requirements of this title.

Section 305: The proposed Section 305 of Amendment 715 requires that if a state fails to make application for a grant to establish a planning agency within six months after the date of enactment of this act or if a state fails to file a comprehensive plan within six months after the approval of a planning grant, the Law Enforcement Assistance Administration may make grants directly to units of general local government or combinations of such units under the provisions of Parts B and C of Title I. This provision enables cities and other localities in a nonparticipating state to make direct applications to the Law Enforcement Assistance Administration for grant assistance.

Section 305 contains a proviso that if direct applications are made by units of general local government, the applicant must certify that a copy of the application has been submitted to the chief executive of the state for review and comment. The chief executive shall have not more than 60 days from date of receipt to submit to the Administration in writing an evaluation of the proposed project. The evaluation shall include comments on the relationship of the application to other pending applications and to existing or proposed state law enforcement plans. If an application is submitted by a combination of units of general local government located in more than one state, the application must be submitted to the chief executives of each state in which the combination of units is located.

No grant under Section 305 shall be in an amount in excess of 60 percent of the cost of the project or program.

Section 306: Funds appropriated for grants under Part C for any fiscal year shall be allocated by the Law Enforcement Administration among the states for use by the state planning agencies or units of general local government. Of the funds appropriated for purposes of Part B, 85 percent shall be allocated among the states according to their respective populations. The remaining 15 percent shall be allocated as the Law Enforcement Assistance Administration may determine. Grants could be made by the Administration either to states or units of general local government or combinations of either.

Any funds granted under the provisions of Section 306 of Amendment 915 would be subject to the limitation contained in Section 515(b) of Title I of S. 917 as reported from the Senate committee. This subsection sets a 12 percent limitation for each fiscal year on funds to be utilized within any one state except for purposes of Part D of the committee bill.

Section 307: As was indicated earlier, Section 307 is a restatement, without change, of Section 304 of the committee bill except that the requirements of Section 307 also apply to state planning agencies as well as the Law Enforcement Assistance Administration so that they too shall give special emphasis to programs and projects dealing with the prevention, detection, and control of organized crime and of riots and other violent civil disorders.

Repeal of Section 521: Amendment 715 would strike section 521 of S. 917, as reported from the Senate committee. This section requires units of general local government to submit copies of grant applications to the chief executive of the appropriate state. The chief executive would then have sixty days to submit an evaluation of the application in writing to the Law Enforcement Administration.

This provision of S. 917 is unnecessary if the other provisions of Amendment 715 are adopted.

Technical Changes: Amendment 715 also contains seven technical and conforming changes to Title I of S. 917.

TITLE I

Mr. TYDINGS. Mr. President, as we debate this bill, we should not lose sight of its primary purpose—to provide assistance to hard-pressed State and local agencies to help them improve their administration of justice.

In spite of the focus of our debate, it is title I that law-enforcement agencies throughout the Nation are awaiting. It is title I which will bring advances in law-enforcement administration, technology, and efficiency.

We are all devoted to the concept of local control of law enforcement. It is a concept important to our freedom. But in this bill, in title I, we are stating a new reality: That the Federal Government has a role in providing assistance to local law enforcement.

It might be well at this point to look backward for a moment. For although this bill will be the first entrance of the Federal Government into this field on a large scale, it is not the beginning.

We took the first step in 1965, when we passed the Law Enforcement Assistance Act—LEAA. This first, small step created a local-State-Federal partnership in crime prevention and control. And notwithstanding its modest appropriations, the LEA program has been an ambitious one. It has encompassed all phases of the administration of criminal justice.

The urgency for further reform, further improvement and innovation in our police, court, and correctional institutions has been well documented by the two Presidential Crime Commissions. And this urgency has been recently endorsed—emphatically—by the report of the President's Advisory Commission on Civil Disorders.

These needs have been addressed during the past 3 years by one small program administered by the Department of Justice. The Office of Law Enforcement Assistance—OLEA—operating out of the Office of the Attorney General, has performed great service.

It is not sufficient to say merely that the OLEA has given 390 grants and contracts, providing $19 million in direct Federal assistance to police, court, and correctional agencies. Those are the bare statistics with which we are familiar.

I think it strange, in this period when we are all so concerned with crime, that we have not paid more attention to this creative and successful program.

LEA has not been a giveaway. It has been very selective. And its administrators have turned down four times as many grants as they have made. Moreover, grant recipients have contributed, in funds and services, some $10 million, or more than half the Federal expenditure of $19 million.

These local contributions testify to local interest in, and determination to participate fully by bearing at least part of the financial burden. The LEAA has been a real partnership in which risk, as well as reward have been shared.

OLEA funds have supported significant work which has expanded our insights and broadened our knowledge about crime and crime control. Thanks to the OLEA we have a national survey of corrections, a survey of unreported crime, new applications of technology to law enforcement, and survey of police laboratories throughout the Nation.

These studies and surveys were important, since before the LEAA, our knowledge of what was happening in criminal justice was very sketchy. But they are far from the entire story. The OLEA has been responsible for projects by the score.

To encourage States to begin statewide planning in law enforcement and criminal justice, the OLEA provided matching grants of up to $25,000 to create State planning commissions. These State planning commissions, established now in 27 States, are charged with the responsibility for determining needs, and recommending improvement in their States' criminal justice system.

These commissions are interdisciplinary, and their work illustrates the fact that our institutions of criminal justice are interrelated and interdependent. What the OLEA has done is to launch a sweeping reexamination of criminal justice in more than half the States.

Before the LEAA, police training and selection standards have varied from State to State and city to city. They have been vague, and sometime nonexistent.

The LEAA provided a special grant program to help States establish State law enforcement standards and training commissions. They are now operating in 20 States, and are designing minimum standards for the selection and training of all law enforcement officers. These are especially needed in a profession being called upon for increasingly difficult services.

The law enforcement officer is an increasingly important man in our society; and we can no longer afford to have him selected virtually by lot, and trained by chance. His selection must be rational, his training modern. And this part of the OLEA program will, in the long run, contribute as much as any recent development to the nature and quality of police service.

But police training cannot begin and end in the stationhouse or the local police academy. As important as in-service training is, it cannot be a total substitute for education. Police in 1968 must have a college education. We now ask too much of them to be satisfied by little education.

They must be able to relate to people in an understanding and sophisticated way. They must be technologists, managers, scientists. We are demanding these skills, but are we really providing the means to acquire them?

The LEAA has assisted in establishing police science degree programs in 27 junior colleges, colleges, and universities throughout the Nation. Seventeen of these were established in States where such opportunities were totally lacking.

Formal college education will, in time, become a prerequisite for police service. The LEAA will have contributed to this.

In the meantime, less formal, but equally important training and education programs must be carried on by the police departments. Of all the current needs, none is more pressing than training in police-community relations.

I have said that police must be communicators. And communication is most needed in the urban ghettos. Under a special LEAA program, 34 major urban police departments, serving a sizable number of our citizens, have established or are improving their police community relations programs.

These programs are being planned and operated by the police departments themselves. And for the record, police administrators have been most eager to do them. The Federal Government has spent for them less than one-half million dollars; and it has been well worth the money. But it is hardly enough.

Really, what we call police-community relations is crime prevention. If we can create broad cooperation between citizen and police, we can prevent crime.

But we know that crime control requires improvement, not only in police, but in the entire criminal justice system. And the LEAA has assisted the States in building new in-service training programs for correctional personnel. Today, 24 States are developing such programs with funds awarded by the OLEA.

Better training for correctional personnel will mean better administration of correctional institutions. It will also mean better probation and parole service—and the hope of reducing recidivism.

Other imaginative LEAA correctional programs have included:

Development of TV training films for correctional officers in South Carolina.

A collaborative university-penitentiary custodial staff training program in Buffalo.

Expansion of a 45-State program of training for correctional training officers and middle management personnel.

Establishment of a National Information Center and Clearinghouse for assistance in development of correctional training programs.

A demonstration training program in treatment of narcotics offenders in New York City.

A model community correctional program for adults in a California county.

A jail treatment program emphasizing education and community services in Florida.

Demonstration of the use of volunteers and subprofessionals in adult probation in Texas.

To encourage planning by police departments, the LEAA has established a special program of $15,000 grants for medium-sized police departments to create planning and research units. Ten departments have operated such units, and its potential is very great.

Another LEAA special program providing training films and other materials to small departments has been enormously successful. So far 650 police agencies are now participating in the program, conducted in cooperation with the International Association of Chiefs of Police. And it has been a great improvement in the training of departments unable, in the past, to afford up-to-date programs.

Information—gathering, retrieval, and use—is perhaps the keystone of our times. Computers have enabled us to create and use data banks which dwarf human capacity. The science and technology program of the LEAA has encouraged law enforcement agencies to begin using computer technology.

Significantly, the largest single project support under the LEAA has been given to the National Crime Information

Center—the most advanced and ambitious crime data system ever developed in this country.

This is just one example of the OLEA's efforts to bring technological devices and techniques into the law enforcement profession. These efforts have demonstrated the need also to increase our education and training, lest our technology outstrip our ability to use it.

The 330 separate projects financed by this small pilot program have ranged from computer operations to random police patrol techniques—from community-based offender rehabilitation programs to police recruit and in-service training programs—from student prosecutor training to training in the prevention and control of civil disorders.

LEAA grants and contracts have been awarded to agencies in criminal justice in each of the 50 States, the District of Columbia, the Virgin Islands, Guam, and Puerto Rico. This program has affected every aspect of the criminal justice system.

It has not happened often in the history of Federal grant programs that a very small effort can have so great a benefit. This program has, in my judgment, shown clearly what can be done and what must be done to improve our criminal justice system.

The OLEA has—in an unusually creative way—shown that we can do better—that we can rationally uncover and examine our problems, fill gaps in our knowledge, devise new and workable techniques for dealing with law enforcement problems. In short, it has shown that with a real commitment, we can make our streets safe and protect the lives and property of our citizens.

The Law Enforcement Assistance Act served us well. It has provided a fine foundation for expanding Federal participation in a partnership with State and local governments to prevent and control crime and improve our criminal justice system.

I think that we in Congress can be proud of the Office of Law Enforcement Assistance.

TITLE II

Mr. President, in the past week, I have spoken at some length on three separate occasions in this Chamber regarding the provisions of title II of the crime bill, S. 917, which is now before the Senate. At those times—on Friday, May 3; Monday, May 6; and yesterday—I dealt with the provisions of title II which are intended to overrule the Supreme Court's decisions in the Miranda and Mallory cases, regarding rights of individuals during police interrogation, its decision in the Wade case, regarding rights in police lineup procedures, and the provision to abolish Supreme Court jurisdiction to review any State criminal case in which confession or eyewitness identifications were admitted in evidence. In my earlier remarks, I indicated the reasons why I believe these provisions are unwise and unconstitutional.

Today I want to discuss the final provision—and in some ways, the most disturbing and far-reaching provision—in title II. That provision would abolish habeas corpus review in any Federal court of a State criminal conviction.

This aspect of title II is an affront to both our Constitution and our history. This provision is clearly unconstitutional. It is nothing short of a blatant suspension of the writ of habeas corpus, against the clear command of the Constitution.

Article I, section 9, clause 2 of the Constitution states categorically:

> The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

Words cannot be more clear. There has been no invasion of our land. There is no rebellion. Where then is the justification for the suspension of the writ of habeas corpus that Congress now proposes?

I submit that there is no such justification, and that the attempt in title II to suspend the writ of habeas corpus will be declared unconstitutional as soon as it is tested in the courts. Title II is a blatant denial of an effective remedy for State prisoners suffering violations of their constitutional rights. Federal habeas corpus is the channel of ultimate resort through which State prisoners can vindicate their constitutional rights when all other recourse has failed and all State remedies have been exhausted. With the abolition of Federal habeas corpus for State prisoners, the sole Federal review of Federal claims by State prisoners will be appeal or certiorari to the Supreme Court, an inadequate and inappropriate remedy at best.

The highly deleterious impact of the habeas corpus provision of title II is even further compounded when it is taken in conjunction with the other provisions of the title abolishing the appellate jurisdiction of the Supreme Court with respect to issues involving the voluntariness of confessions or the conduct of lineups. Taken together, the provisions of title II mean that no Federal review whatsoever will be available to State defendants raising such issues, no matter how meritorious their Federal constitutional claims and no matter how outrageous the denial of their basic rights.

HISTORY OF HABEAS CORPUS—ENGLAND

At the outset, I would like to discuss in detail the origin and development of the writ of habeas corpus, both in English and American history.

The writ of habeas corpus—the Great Writ—is one of the ancient pillars of our Anglo-American civilization. It has played a central role in the development of our modern system of jurisprudence. From time out of mind, habeas corpus has been a writ of extraordinary prestige. Long antedating statute, its roots run deep in the genius of the common law, an instance of its use having been recorded as early as the 33d year of the reign of Edward I of England. Perhaps the most important writ known to English constitutional law, it has always afforded a swift and imperative remedy for cases of illegal restraint or confinement.

The writ of habeas corpus is inextricably bound up with the growth of fundamental rights and personal liberty in the United States. Throughout its history, it has proved a prompt and effective remedy for restraints that society deems to be intolerable. The use of habeas corpus is based on the precept that government in a civilized society must always be accountable to the judiciary for a man's imprisonment. The writ requires the body of a person restrained of his liberty to be brought before the court, so that the lawfulness of the restraint may be determined. If the imprisonment cannot be shown to conform with the fundamental requirements of law, the individual is entitled to his immediate release, no matter what the charge against him.

Blackstone called the writ of habeas corpus the most celebrated writ in English law. Blackstone explained the function of the writ in the following terms:

> Of great importance to the public is the preservation of this personal liberty: for if once it were left in the power of any, the highest, magistrate to imprison arbitrarily whomever he or his officers thought proper, there would soon be an end of all other rights and immunities.

Holdsworth referred to habeas corpus as "the most effective weapon yet devised for the protection of the liberty of the subject." The privilege of the writ of habeas corpus was so precious to the Founding Fathers that they incorporated in the Constitution a guarantee that it could be suspended only in times of the gravest national emergency—times of rebellion or invasion, and even then only as the public safety required.

The writ of habeas corpus is nearly as old as the Magna Carta. Throughout English history it has been used to implement the fundamental guarantee of the Magna Carta that "no free man shall be taken or imprisoned except by the lawful judgment of his peers or by the law of the land," and that "to no one will we sell, to no one will we refuse or delay, right or justice." In its modern operation, the office of the writ is clearly guided by the spirit of these fundamental guarantees.

The earliest known instance of the use of any type of writ of habeas corpus is in the reign of Edward I—1272–1307. From that occasion until the end of the Tudor era, the writ was issued by a common law court to bring before it a witness or party in order to assert that court's jurisdiction, some times against the pretensions of a rival court. Consistent with that practice, the common law courts in Elizabethan days used habeas corpus as a method of resistance to the jurisdiction exercised by other royal tribunals. Thus, the common law courts issued writs of habeas corpus to question imprisonments ordered by the Chancery, the Court of Requests, the Admiralty, and the High Commission. But at that time the writ was not available to test the validity of commitments by the Crown's special command or by the whole Council.

A new chapter opened in the Stuart period. During the parliamentary struggle to limit the royal prerogative, John Selden and other counsel sought to employ the writ as a method of restoring the liberty of a man imprisoned by the executive without showing the cause of the commitment. This wider use of the writ, denied at first by the judges in Darnel's case, 1627, was declared valid by the Petition of Right.

Shortly thereafter a statute of Charles

I provided that if any person should be imprisoned by any court exercising a jurisdiction similar to that of the star chamber, or by the command of the King or of the Council, he should, on application to the judges of the King's Bench or Common Pleas, have a writ of habeas corpus; the jailer, under risk of being punished for contempt of court, was required to bring his prisoner before the court that had issued the writ with a certificate stating the true cause of his imprisonment. The court was authorized to examine the return within 3 days, "and thereupon do what to justice shall appertain either by delivery, bailing, or remanding the prisoner."

In the reign of Charles II, defects were discovered in this procedure, including doubt as to whether the courts could issue the writ during periods of vacation, and the inability of the courts to send their process to remote places. To cure these shortcomings, Parliament enacted the Habeas Corpus Act of 1679, which is regarded as the basic habeas corpus statute in the English history. It was supplemented by the Habeas Corpus Act of 1816, which applies to persons deprived of their liberty otherwise than on a criminal accusation.

HISTORY OF HABEAS CORPUS—AMERICA

When we study our own colonial period, we become aware of the heavy debt our own constitutional provision on habeas corpus owes to English history. Most of the colonial charters were granted before the Habeas Corpus Act of Charles II in 1679. Although the colonial charters were therefore silent with respect to habeas corpus, it is clear that the settlers carried with them to America the right to the common law writ. After 1679, the colonists received the benefit of the improvements made by the English statutes in the common law proceeding. Some of the Colonies—such as South Carolina—actually reenacted the English statute.

The American colonists were thoroughly familiar with the great struggles in which the writ of habeas corpus had been forged and used.

On the eve of the American Revolution, habeas corpus was used to bring about the release of a Negro slave in Sommersett's case, in which Lord Mansfield delivered his famous decision that a slave brought into England could not be held in bondage.

In 1763, John Wilkes was released on habeas corpus from the Tower of London, on the ground that, as a member of Parliament, he could not be imprisoned for writing his famous North Briton No. 45.

In Bushell's case in 1670, an entire jury had been sent to jail for disregarding the court's orders to convict William Penn of rioting—all that Penn had done was to hold a Quaker meeting in a London street. The jurymen sought habeas corpus and obtained their liberty. The court held that they could not be lawfully punished for reaching their own determination of the facts.

As these cases clearly indicate, the right to seek habeas corpus had been a strong defense for the exercise of basic rights in our society—the right of the Negro not to be enslaved, the privilege of a legislator not to be arrested, and the right to trial by an impartial and uncoerced jury.

Aside from English law and practice, there are several other historical sources that illuminate the meaning of the habeas corpus provision in our Constitution.

During the proceedings of the Continental Congress, in the address to the people of Quebec in October 1774, the colonists attempted to persuade the French Canadians to join them, in opposition to England. One of the great rights declared in the address was "liberty of the person." As the address stated:

> If a subject is seized and imprisoned, tho' by order of Government, he may, by virtue of this right, immediately obtain a writ, termed a Habeas Corpus, from a Judge, whose sworn duty it is to grant it, and thereupon procure any illegal restraint to be quickly enquired into and redressed.

The Articles of Confederation themselves were silent on the question. However, the Ordinance of 1787, for the government of the Northwest Territory specifically provided in an article described as "forever unalterable, unless by common consent," that—

> The Inhabitants of the said territory, shall always be entitled to the benefits of the writ of habeas corpus.

Most of the early State constitutions adopted after the Declaration of Independence were silent on habeas corpus. The constitution of the State of North Carolina, however, contained an excellent provision, phrased as follows:

> Every freeman restrained of his liberty is entitled to a remedy to enquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.

Other States followed the lead of North Carolina. In 1777, Georgia declared that "The principles of the Habeas Corpus Act" were part of its constitution; and that all persons were entitled to the benefit of the writ. The constitutions of Massachusetts, 1780, and New Hampshire, 1784, contained provisions guaranteeing the right to habeas corpus, and also draft with conditions necessary for its suspension.

Thus, the constitutions of five of the Original Thirteen Colonies contained specific provisions on habeas corpus. Although the constitutions of the remaining eight Colonies were silent on the point, their failure to mention habeas corpus did not mean that the writ was thought unimportant. Habeas corpus had been so long and solidly established in every Colony that its written assertion was considered unnecessary. The widespread support for the availability of the writ stands in sharp contrast to the urgency with which freedom of religion, speech, and other liberties—often impaired in colonial history—were prominently inserted in the constitutions.

In the U.S. Constitution, the sole provision on habeas corpus is contained in article II, section 9, clause 2, which provides that, and I repeat:

> The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

The Constitution assumes, without stating, that the writ of habeas corpus will ordinarily be available. It provides only for the suspension of the writ, and then only in the narrow range of circumstances dealing with national emergencies.

Statutory provisions for habeas corpus have been continuously on the national statute books since the first Judiciary Act of September 24, 1789. These statutes find their prototypes in the English Habeas Corpus Acts of 1679 and 1816. Under their provisions, every U.S. judge has the power, and in appropriate cases the duty, to issue the writ.

Although the constitutional provision prohibiting suspension of the writ of habeas corpus does not of itself confer jurisdiction on any court to issue the writ, decisions of the Supreme Court make clear that once Congress has granted jurisdiction to the Federal courts to issue the writ, the jurisdiction cannot be withdrawn except in cases of rebellion or invasion. Thus, in *United States* v. *Hayman*, 342 U.S. 205 (1952), in which the Court upheld the validity of the alternative method of collateral attack required under title 28, United States Code, section 2255 for Federal prisoners, the Court emphasized that nothing in the legislative history of section 2255 disclosed any purpose to infringe upon a prisoner's right of collateral attack upon his conviction through habeas corpus. The Court specifically held that the sole purpose of the section was to minimize the difficulties encountered in habeas corpus hearings by providing the same rights through an alternative and more convenient procedure, and that the section was not intended to operate—and in fact did not operate—to suspend the writ of habeas corpus.

Congress must, of course, legislatively create courts before the writ of habeas corpus can be employed. But having established Federal courts, Congress would be powerless to deny the privilege of the writ. Otherwise article I, section 9 of the Constitution would be reduced to a dead letter. The Constitution does not merely prohibit suspension of habeas corpus statutes, or of the writ, but of "the privilege of the writ," a privilege long antedating the codification and reforms embodied in the English statutes of the 17th century. In England, all the higher courts were open to applicants for the writ, and it is hardly supposable that, under the new government, founded on more liberal ideas and principles, any court would be, intentionally, closed to them.

CELEBRATED HABEAS CORPUS CASES

The significance of the writ of habeas corpus as the cornerstone of Anglo-American law is best revealed by analysis of the great legal cases that have involved the issuance of the writ.

In the case of James Sommersett, 1771, Lord Mansfield issued the writ to emancipate a Negro who had been a slave in Jamaica and who at the time of the judicial proceedings was in England in the custody of his master. Lord Mansfield held that no law sanctioned slavery within England, and that therefore Sommersett should be set at liberty.

In 1798 the Irish court issued a writ of habeas corpus to bring before the court the notorious Irish rebel, Wolfe Tone, who had been captured as a military prisoner while participating as a French commissioned officer in an invasion of Ireland. Wolfe Tone claimed that he had been seized without authority of law and had been condemned to be hanged by an Irish court martial. The court allowed Wolfe Tone to test the legality of his military detention, but his application for the writ was denied.

In ex parte O'Brien, 1923, the British Court of Appeals, upon an application for writ of habeas corpus, entered an order restoring liberty to O'Brien, a representative of the Irish Republican Government, who had been arrested in England by order of the Home Secretary but without authority of law, and had been transported to prison in Ireland. The court issued the writ of habeas corpus in the following words:

> It is quite possible, even probable, that the subject in this case is guilty of high treason; he is still entitled only to be deprived of his liberty by due process of law.

In the United States one of the most celebrated uses of the writ of habeas corpus was in ex parte Milligan, 1866. The writ in that case was issued to save the life of a civilian supporter of the secessionists who had been condemned to hang by a military commission shortly after the Civil War. The Supreme Court of the United States held that so long as the regular civil courts were open in the State of Indiana, there was no authority for a military commission to try a civilian. The Supreme Court held that Milligan was entitled to have the sentence of the military commission discharged, and to have his liberty restored.

It has not always been easy in our history to enforce the writ of habeas corpus in the United States in time of political crisis. During the War of 1812, Judge Hall of Louisiana issued a writ to bring before him one Louaillier, the editor of the Louisiana Courier, who had been placed under military arrest for criticizing Gen. Andrew Jackson. On direction of the general, the military authorities ignored the writ and escorted Judge Hall out of the city of New Orleans. At the end of the war, however, the judge returned to his court, found Andrew Jackson in contempt, and fined him $1,000.

In Corn Tassel's case in 1830, when the Supreme Court issued its writ of error to review the death sentence of a State defendant, the Georgia authorities showed their sovereign contempt for the Court's authority by executing the defendant and thereby mooting his appeal.

Another famous example of defiance by military and political authorities of a writ of habeas corpus issued by a Federal court occurred in the case ex parte M. Merryman. At the outset of the Civil War, the military commander at Fort McHenry in Baltimore ignored a writ of habeas corpus, issued by Chief Justice Taney himself, to bring before the Court John Merryman, who had been charged with various acts of treason and was being held in military custody. The military commander refused to comply with the writ, and President Lincoln declined to support the order of his Chief Justice.

In contrast to the Civil War era, complete respect for the writ of habeas corpus as a protector of civil liberty characterized American authority in the First and Second World Wars. The most famous case is ex parte Quirin, 1942. In that case, prisoners of war had been condemned to death by a military commission after being captured while entering the United States as enemy saboteurs. On an application for a writ of habeas corpus in the Supreme Court, it was held that the military commission had lawful jurisdiction over the saboteurs, and the writ was denied. Nevertheless, the case demonstrates how far habeas corpus procedure may be pursued even in time of war by a person who is a citizen of an enemy power and who is held in the United States as a prisoner of war.

In ex parte Endo, 1944, an American of Japanese descent secured her release on habeas corpus from the War Relocation Center, where thousands of Japanese Americans had been detained during World War II on the ground of their ancestry. The decision by the Supreme Court in this habeas corpus case was broad enough to invalidate the entire detention scheme and put an end to one of the darkest chapters in recent American history.

CURRENT PRACTICE IN HABEAS CORPUS

The contemporary practice in habeas corpus proceedings does not differ substantially from that in the past. Application for the writ must be made under oath. If the application shows that the relator is unlawfully confined under or by color of the authority of the Constitution or laws of the United States, then the judge is required to act. The only important qualification is that where the confinement is by an officer or employee of one of the 50 States, then, unless there are exceptional circumstances of peculiar urgency, the application must show that he has exhausted this remedy in the State courts before his application will be heard in the U.S. court.

When the judge is required to act, he may either issue the writ itself or issue what is called "a rule to show cause" why the writ should not issue. If the application of the prisoner and the return of the jailer show a disputed question of fact, that question must be resolved by testimony of witnesses examined in court or by deposition.

A prisoner is entitled, no matter how often his claim of release has been denied, to make as many fresh applications to as many new judges as he chooses. If, however, a judge has ordered the prisoner's release, the jailer has a right of appeal, and if an appropriate judicial order is entered, the prisoner can be kept in custody until the court of last resort has made a final determination.

The two areas in which the writ of habeas corpus has produced the most litigation in recent years are the areas of deportation proceedings and criminal convictions. The writ is available to test the validity of the detention of an alien under a Government order directing his deportation. That is, the writ may be used to secure a judicial determination of the validity, both in law and in fact, of the deportation order. In the case of criminal convictions, the writ is available to test whether a prisoner who has been sentenced to and is serving a term of imprisonment was denied a fundamental constitutional right at the time of his trial, such as the right to the assistance of counsel, or the admission of a coerced confession.

THE 1867 STATUTE

In 1867, Congress made the Federal writ of habeas corpus available to all persons, including State prisoners, restrained of their liberty in violation of the Constitution or laws of the United States, and permitted inquiry into both the facts and the law of the detention. The 1867 act is now codified in section 2241 and the following sections of title 28 of the United States Code. Thus, in all cases in which a full and fair disposition of a Federal claim had not been reached in a State court, the Federal courts were made available on a general basis as an alternative forum through their habeas corpus jurisdiction to test the legality of the prisoner's confinement.

Much has been made in these debates of the fact that Congress waited until 1867 before granting habeas corpus jurisdiction to the Federal courts over State criminal convictions. The history of habeas corpus reveals, however, that long before 1867, and well before the habeas corpus suspension clause was written into article I of the Constitution, authority existed under the common law to issue the writ to remedy any kind of governmental restraint contrary to law.

At the time the Constitution was adopted, therefore, habeas corpus was available under the common law even to State prisoners. The act of 1867 merely broadened the common law writ by extending Federal habeas corpus to all State prisoners on a general basis. The reason for this significant statutory expansion of the writ by Congress was the grave political crisis facing the Nation after the Civil War. Congress passed the 1867 act in specific anticipation of possible Southern hostility to Reconstruction legislation. The act was intended to provide a liberal and rapid remedy for any Federal officer imprisoned by the States.

The 1867 statute was the last major statutory change in the Federal habeas corpus statute. For more than 100 years, therefore the writ has been generally available in the Federal courts to all State prisoners subjected to arbitary or illegal detention.

EXPANDING SCOPE OF HABEAS CORPUS

Although the broad statutory habeas corpus jurisdiction of the Federal courts over State criminal convictions is now more than a century old, it is only relatively recently—within the past four decades—that the complexities of the habeas corpus jurisdiction have become abrasive in our federal system. There can be no doubt that Federal habeas corpus today is one of the most important postconviction remedies available to State prisoners who claim that their trial was marred by a fatal constitutional defeat. Prof. Paul Freund has described the existing Federal habeas corpus jurisdiction as dealing with "the clashing interests of public order and individual rights, of State authority and Federal oversight."

Why were the problems that now bristle in almost every aspect of Federal habeas corps so long in emerging after the 1867 statute was enacted? The answer is simple, and it lies in the nature of the appellate jurisdiction of the Supreme Court and the doctrine of exhaustion of State remedies. In the first case decided by the Supreme Court under the 1867 statute, the Court held that the Federal writ of habeas corpus could not be issued unless the State prisoner had presented his Federal claims to the appropriate tribunal of his own State.

The effect of this division was virtually to eliminate Federal habeas corpus from State criminal convictions. A State defendant was required to pursue his State remedies through the highest State court. From that decision, he was required to seek review by the Supreme Court under what was known at that time as a writ of error, which was a method of appeal as of right, not the discretionary review that is available today. Once a State defendant had started up the ladder of State remedies, he would inevitably reach the U.S. Supreme Court. And, of course, no lower Federal court was likely to disagree with the decision of the Supreme Court. As a consequence, Federal habeas corpus for State prisoners was almost unknown.

In the early days of the 20th century, however, almost half a century after the enactment of the 1867 statute, Congress eliminated the requirement of mandatory review by writ of error in the Supreme Court, and substituted the discretionary remedy of review by writ of certiorari. Thereafter began a series of the now familiar Supreme Court orders, "certiorari denied." State prisoners were no longer able to obtain effective Federal review of their convictions.

The first modern case establishing the availability of Federal habeas corpus for State prisoners came shortly thereafter in Moore against Dempsey 1923, in which Justice Oliver Wendell Holmes delivered his classic opinion holding that mob denomination of a criminal trial constituted a violation of the due process clause of the 14th amendment.

The defendants in that case had presented their Federal claims to the State courts of Arkansas. The State courts rejected the claims, and the Supreme Court denied certiorari. The defendants then filed what was then almost unheard of, a petition for a writ of habeas corpus in the District Court of Arkansas. The application was summarily dismissed by the district court. This time, however, the Supreme Court granted certiorari. In his revolutionary opinion, Justice Holmes established the modern conception of a fair trial guaranteed by the 14th amendment, and ordered the district court to inquire into the facts and to grant the writ of habeas corpus if the defendant's allegations were found to be true.

The most difficult problem in cases involving petitions for Federal habeas corpus filed by State prisoners has always been the adequacy of the State court record of the conviction. In 1944, in ex parte Hawk the Supreme Court set out the following general rule governing habeas corpus hearings in the Federal district courts:

> Where the state courts have considered and adjudicated the merits of . . . [the petitioner's] contentions, and this Court has either reviewed or declined to review the state court's decision, a federal court will not ordinarily re-examine upon writ of habeas corpus the question thus adjudicated. But where resort to state court remedies has failed to afford a full and fair adjudication of the federal contentions raised, either because the state affords no remedy, or because in the particular case the remedy afforded by state law proves in practice unavailable or seriously inadequate, a federal court should entertain his petition for habeas corpus.

In 1953, the Supreme Court handed down its famous decision in Brown against Aiken, in which the Court explained in greater detail the narrow range of cases in which hearings could be granted in Federal habeas corpus with respect to State criminal convictions. The case involved three petitions for habeas corpus from the State of North Carolina.

Two of the appeals involved the question of jury discrimination against Negro defendants. The third appeal involved a procedural question concerning the failure of the defendant to file an appeal within the required time limit, the appeal having been filed 1 day late. Eventually, all of the convictions were affirmed. The Supreme Court held specifically, however, that a Federal district judge sitting in habeas corpus was authorized to grant a new hearing on the merits of a State prisoner's claim, even though the State court had litigated the issue on the merits adversely to the petitioner, whenever there were "unusual circumstances" or "a vital flaw in the process of ascertaining the facts in the State court." So long as the defendant had received a full and fair hearing on his Federal claim in the State court, however, Federal habeas corpus would not be.

TOWNSEND AGAINST SAIN AND FAY AGAINST NOIA

This then is how the law stood until 1963, when the Supreme Court handed down the two decisions that are so seriously criticized by the proponents of title II—Townsend against Sain and Fay against Noia. I would like to examine these cases briefly and attempt to demonstrate that the decisions themselves represent a fair and reasonable accommodation between respect for State legal processes, and the right of an accused defendant to at least one full and fair hearing on his constitutional claims.

In Townsend against Sain, the defendant was convicted of murder and robbery in the courts of Illinois. He appealed to the Supreme Court, alleging that he had been convicted by the use of a coerced confession, but the Supreme Court denied certiorari. The defendant's application for habeas corpus relief in the State courts was denied, on the ground that his original conviction was res judicata on the issue of coercion. Petitioner then sought a writ of habeas corpus from the Federal district court, which refused to grant a hearing, holding that the State court records were adequate to demonstrate that the defendant's confession had been voluntary.

The Supreme Court ordered the district court to hold a hearing on the issue. The Court laid down the following test to determine whether a State prisoner is entitled to a hearing on habeas corpus in a Federal court:

> Where the facts are in dispute, the federal court in habeas corpus must hold an evidentiary hearing if the habeas applicant did not receive a full and fair evidentiary hearing in the state court, either at the time of the trial or in a collateral proceeding. In other words a federal evidentiary hearing is required unless the state-court trier of fact has after a full hearing reliably found the relevant facts.

What were the facts of the Sain case, that have caused so much furor and misunderstanding? In spite of the complicated procedural history of the case, the facts are quite simple. The defendant was a 19-year-old dope addict with a mentality barely above that of a moron. To relieve his narcotics withdrawal symptoms, the police, after his arrest, allowed a doctor to administer a shot of hyoscine and phenobarbital. Hyoscine, also called scopolamine, is known to most of us as "truth serum." The defendant contended that the State court, in determining the voluntariness of his confession, was not informed that hyoscine was a truth serum, and that it was neither common nor proper to administer this drug to an addict suffering from withdrawal symptoms. The prosecution conceded there was no direct mention made of the identity of hyoscine and truth serum. Does any of us honestly believe in these circumstances that the defendant received a full and fair hearing on his confession, or that a hearing in Federal habeas corpus was not fully justified?

I would also like to touch briefly on a second and related aspect of the Supreme Court's holding in Townsend against Sain. It is not enough, of course, that a defendant has received a full and fair hearing on the facts of his claim. The State trial court must also have applied the correct rule of law to govern the facts. As the Court stated:

> Reconstruction [of the state court's findings] is not possible if it is unclear whether the state finder applied correct constitutional standards in disposing of the claim. Under such circumstances the Federal District Court cannot ascertain whether or not the state court found the law or the facts adversely to the petitioner's contentions. Since the decision may rest upon an error of law rather than an adverse determination of the facts, a hearing is compelled to ascertain the facts.

In Fay against Noia, the other recent decision of the Supreme Court heavily castigated by the proponents of title II, the problem before the Court was, what is to be done if a valid State procedural law prevents a defendant's constitutional claim from being litigated. Noia was convicted of murder with two accomplices. The accomplices appealed their convictions, but Noia did not. Years later the accomplices were successful in reversing their convictions on the ground that their confessions had been coerced. The State conceded that Noia's confession, too, had been coerced. The State argued, however, that Noia had lost his chance for freedom because he had failed to take a timely appeal from his conviction.

Thus, a man languished in jail for years, convicted on a coerced confession but barred from freedom by the State's harsh procedural rules. Habeas corpus came to the rescue. The Supreme Court held that the writ was adequate to meet the urgent demand for liberty presented.

SIGNIFICANT CASES OF FEDERAL HABEAS CORPUS FROM STATE CONVICTIONS

The true function of the habeas corpus jurisdiction of the Federal courts is revealed most clearly by analysis of Supreme Court cases in which the writ has been issued for State defendants.

Take a case like Leyra against Denno, 1954.

In 1950, Camilo Leyra, a middle-aged bartender, was indicted and tried for first degree murder of his aged parents. Admitted in evidence against him were confessions made to a police psychiatrist and, soon thereafter, to others. On appeal from the death sentence, the New York Court of Appeals reversed, holding that the confession to the psychiatrist had been elicited by "torture of the mind." On the second trial, the other confessions were again admitted, and the death sentence was affirmed by the New York Court of Appeals, over the objection that the subsequent confessions flowed from and were infected by the first one.

The Supreme Court denied certiorari. Leyra sought habeas corpus in the Federal district court. Denial of the writ was affirmed by a divided second circuit. The Supreme Court granted certiorari, concluded that the subsequent confessions were likewise invalid, and reversed. New York then tried, convicted, and sentenced Leyra to death for a third time. But this time the New York Court of Appeals reversed the conviction and ordered the indictment dismissed, concluding that "the prosecution has produced not a single trustworthy bit of affirmative, independent evidence connecting the defendant with the crime."

On April 27, 1956, after 4 years, 8 months, and 30 days in the death house, Camilo Leyra was freed. Under title II, he would have been dead long since.

In discussing the circumstances surrounding the confession made by Leyra to the psychiatrist, Justice Black stated for the Supreme Court:

> First, an already physically and emotionally exhausted suspect's ability to resist interrogation was broken to almost trance-like submission by use of the arts of a highly skilled psychiatrist. Then the confession petitioner began making to the psychiatrist was filled in and perfected by additional statements given in rapid succession to a police officer, a trusted friend, and two state prosecutors. We hold that use of confessions extracted in such a manner from a lone defendant unprotected by counsel is not consistent with due process of law as required by our Constitution.

Would the proponents of title II really have us deny the privilege of habeas corpus to defendants like Leyra?

Take a case like Mooney against Holohan, 1935. In that case, the Supreme Court held for the first time that the guarantees of the due process clause of the 14th amendment prohibited the conviction af a defendant on the basis of perjured testimony knowingly used by the prosecution. Mooney had been convicted in California of murder in the first degree, on charges growing out of a bombing that killed nine people during a parade in San Francisco in 1916. He was originally sentenced to death, but the sentence was subsequently commuted to life imprisonment. Mooney's conviction was affirmed by the highest court of the State of California, and certiorari was denied by the Supreme Court.

There was considerable feeling that, because Mooney was a militant California labor leader, powerful antilabor forces took charge of the investigation and prosecution in a deliberate attempt to find, and if necessary, fabricate evidence connecting Mooney with the crime.

Subsequently, Mooney discovered evidence of blatant perjury by the State witnesses on whose testimony he had been convicted, and he filed a petition for habeas corpus in the Federal courts. The State of California did not dispute any of the facts alleged in Mooney's petition. The State simply filed a demurrer, alleging that the acts or omissions of a prosecutor at a trial could never, in and of themselves, amount to a denial of due process of law. The Supreme Court summarily rejected this astounding assertion by the State. In one of the great civil liberties opinions in the history of the Constitution, the Court held in unequivocal terms that—

> The requirement of Due Process, in safeguarding the liberty of the citizen against deprivation through the action of the State, embodies the fundamental conceptions of justice which lie at the base of our civil and political institutions. It is a requirement that cannot be satisfied if a State has contrived a conviction through the pretense of a trial which in truth is but used as a means of depriving a defendant of liberty through deliberate deception of court and jury by the presentation of testimony known to be perjured. Such a contrivance by a State to procure the conviction and imprisonment of a defendant is as inconsistent with the rudimentary demands of justice as is the obtaining of a like result by physical intimidation.

Do you believe that Mooney against Holohan is ancient history, and that today's prosecutors no longer knowingly and willfully use false or perjured testimony to obtain convictions? Take a case like Miller against Pate, decided only last year by the Supreme Court. The defendant Miller had been convicted of rape and murder. An important link in the chain of circumstantial evidence was a pair of stained underwear shorts. At the trial, the shorts were characterized as "bloodstained." In the context of the vicious and revolting crime with which Miller had been charged, the Supreme Court found that the emotional impact of the shorts on the jury was "incalculable." The prosecutor not only argued at length that the shorts were bloodstained but that the blood was of type "A," the same blood type as that of the murder victim. It was not until the habeas corpus proceedings in the Federal district court that it was established that the so-called bloodstains on the shorts were nothing more than paint, and that the prosecutor had known all along during the original trial that the stains were paint, not blood.

Again, I ask, would the proponents of title II really have us deny the privilege of habeas corpus to defendants like Miller?

Take an older case, like Moore against Dempsey, 1923, which I have already mentioned briefly. The defendants in that case were five Negroes who were convicted of murder in the first degree and sentenced to death by the courts of the State of Arkansas. In their petition for habeas corpus, the defendants alleged that they had been hurried to conviction under the pressure of mob domination. The facts of the case showed that on a September evening in 1919, a number of Negroes had assembled in their church to consider the need to employ counsel to protect them against their landowners in the area. The Negroes were attacked and fired upon by a group of white men, and in the disturbance that followed, a white man was killed. The press report of the killing caused great excitement and agitation in the area. Bands of white men began to hunt and shoot down many Negroes. In the course of the violence, another white man was killed. The five defendants were arrested on the same day and were indicted for his murder. The Governor of the State appointed a committee of seven to inquire into the so-called insurrection, and the newspapers published daily inflammatory articles, alleging that the Negroes had banded together for the purpose of killing whites.

Shortly after the arrest of the defendants, a mob marched to the jail for the purpose of lynching them. The lynching was prevented by the presence of certain members of the committee of seven and other leading officials, who promised the mob that, if it would refrain from the lynching, the defendants would be found guilty and executed according to law.

The committee made good its promise by calling Negro witnesses and having them whipped and tortured until they would testify as desired. Two of these witnesses were relied upon by the State to prove the defendants' guilt at the trial. During the trial, the court and the neighborhood were thronged with a hostile crowd that threatened the most dangerous consequences to anyone who interfered with the desired result. The trial lasted three-quarters of an hour, and in less than 5 minutes the jury returned a verdict of first-degree murder. No juryman could have voted for an acquittal and continued to live in the county. No defendant, even if acquitted, could have escaped the mob outside the court.

In these circumstances, the Supreme Court held that the Federal district courts were open in habeas corpus to the State defendants, and the district court was ordered to inquire into the truth of the circumstances surrounding trial of the defendants. As the Court stated:

> If the case is that the whole proceeding is a mask—and that counsel, jury and judge were swept to the fatal end by an irresistible wave of public passion, and that the State courts failed to correct the wrong—then neither perfection of the State's legal machinery nor the possibility that the trial court and counsel saw no other way of avoiding an immediate outbreak of the mob can prevent this Court from securing to the defendants their constitutional rights.

This parade of cases—all arising out of habeas corpus proceedings brought in the Federal courts by State prisoners—demonstrates beyond doubt the need to maintain the power of Federal courts as a forum to test the constitutionality of a prisoner's confinement in all cases where a full and fair hearing on his Federal claim has not been reached in a State court. For over a hundred years, the Federal courts have vindicated the basic constitutional rights of American citizens through habeas corpus proceedings, frequently after blatant denials of such rights have gone uncorrected in the State courts. Many of the great principles of American constitutional law have been established in such proceedings. To abolish this jurisdiction would destroy a century of progress in our legal system, and restore American criminal procedure to the "dark ages" of the early 1800's.

REMEDY BY APPEAL AND CERTIORARI

The proponents of title II are quick to argue that such blatant denials of fundamental rights as I have described are easily corrected by the Supreme Court through direct review by appeal or certiorari. These procedures, however, are grossly inadequate as a method of review by the Supreme Court for correcting constitutional errors. As methods of review in such cases, appeal and certiorari are subject to four serious infirmities.

In the first place, the procedures of appeal and certiorari at the present time are ineffective methods of Federal review of State decisions. As is well known, the appeal and certiorari procedures are largely and necessarily discretionary in the Supreme Court. The Supreme Court simply does not have the time nor the resources to consider thoroughly all of the appeals and petitions for certiorari that are filed with it. For example, in the 1966 term of the Supreme Court, the most recent year for which figures are available, a total of 3,356 cases was filed for consideration by the Court. Of this number, the Court accepted for review only 150 cases, or less than 5 percent of number of cases filed.

The second serious deficiency is that the Supreme Court as an institution is simply not in a position to serve as a court of errors and appeals for all cases arising in the State courts. The Supreme Court is primarily a court acting in the interest of the law at large—that is, in the interest of the exposition of the law, the clarification of the law, and the movement of the law. It cannot concern itself with the correction of error in particular cases, even though the error is deep-seated. The rules of the Court governing issuance of the writ of certiorari speak of such matters as the general importance of the case, a conflict of decisions by the lower Federal courts, or the failure to follow applicable Supreme Court precedents. The Justices of the Court have repeatedly emphasized in their public statements that the denial of certiorari is not an adjudication on the merits of the case, and that petitions for certiorari are denied time and again, even though the Justices have reason to feel that error has been committed.

The third serious deficiency is that the issue involved in the case is often not exposed on the record as the criminal case comes from the State courts. This is obviously the case, for example, when the defendant discovers subsequent to trial that the prosecutor knowingly used perjured evidence. In the nature of things, these and other similar constitutional defects cannot be reviewed by the Supreme Court on direct appeal or certiorari from the criminal conviction. The virtue of the present procedure is that the Federal district court and the court of appeals have thoroughly canvassed the case before the Supreme Court is asked to pass on it. The opinions of these lower courts greatly aid the Supreme Court in determining whether to grant review.

The fourth serious deficiency is that post-conviction remedies in the State courts may not be available at all. Or, if they are all available, they may be too narrow to fully protect the fundamental rights of the defendant. Frequently, the record in such State proceedings is unclear. The defendants are indigent, and they frequently do not have the assistance of counsel. The records of the proceedings are often disjointed, and the transcripts are incomplete or ambiguous. Appellate review is unable to function in the face of such difficulties. What is needed is something in the nature of a fresh factfinding tribunal, a tribunal closer to the level of the trial itself than an appellate court.

Even at best, therefore, by making the procedures of appeal and certiorari the sole avenue for Federal review of State criminal convictions, the Supreme Court will be encouraged to accept for review many questionable cases on poor factual records, since this would be the Court's sole opportunity to pass on the Federal questions in the case. At worst, title II will deny to many State prisoners even one full and fair hearing on their constitutional claims.

By accepting title II, therefore, the Senate would be turning back the clock and taking away a basic safeguard of liberty that has stood the test of time for more than a century. Repeal of Federal habeas corpus jurisdiction would effectively destroy a fundamental component of our constitutional system, the ability of the Federal courts to review the actions of State courts. As Mr. Justice Oliver Wendell Holmes stated more than 50 years ago:

> I do not think the United States would come to an end if we lost our power to declare an Act of Congress void. I do think the Union would be imperiled if we could not make that declaration as to the laws of the several States.

ROLE OF THE DISTRICT COURT

Because of their number and their ability as trial courts to hold hearings and make findings, the Federal district courts are uniquely suited to review the disposition of Federal claims in State courts. This does not mean that Federal district courts can or should re-try the facts in every serious State case. As I have shown, the Supreme Court has held unequivocally under present law that State court findings of fact, arrived at after full and fair hearings, must be accepted by the Federal courts. A Federal habeas corpus hearing is not available merely to re-evaluate the evidence obtained at a full and fair State proceeding, or because a Federal district judge may disagree with the State court's evaluation of such evidence. Federal habeas corpus is available only when the State trier of fact has not afforded the habeas applicant a full and fair hearing. The law recognizes the basic importance in our Federal system of allocating the primary factfinding responsibility to the State courts in cases involving State criminal proceedings.

At the same time, it preserves the important role of the Federal courts in providing a meaningful Federal review of Federal claims raised in State courts.

Although the habeas corpus jurisdiction of the Federal district courts is frequently cited as a source of potential friction and abrasion in our federal system, there is no reason for State judges to be offended at review of State decisions by a Federal district judge, rather than by the Supreme Court. In any event, the Federal habeas corpus jurisdiction is hardly analogous to appellate review. As Justice Frankfurter stated in 1953:

> Insofar as this jurisdiction enables federal districts courts to entertain claims that State Supreme Courts have denied rights guaranteed by the United States Constitution, it is not a case of a lower court sitting in judgment on a higher court. It is merely one aspect of respecting the Supremacy Clause of the Constitution whereby federal law is higher than State law.

Moreover, whenever a Federal district judge sets aside a judgment of conviction entered by a State court, the State is entitled to seek certiorari in the Supreme Court. In such circumstances, certiorari is usually granted. In fact, Federal district judges sitting in their habeas corpus jurisdiction may properly be regarded as sitting as delegates or masters for the Supreme Court.

INCREASE IN NUMBER OF HABEAS CORPUS PETITIONS

Much has been made in the report of the Judiciary Committee and the debate on the floor with respect to the increasing number of habeas corpus petitions that are being filed in Federal district courts by State prisoners. The significance of the figures quoted in the committee report can only be assessed in their proper perspective when it is realized that the number of Federal habeas corpus petitions occupies only a very small portion of the overall business of the Federal district courts. Equally important, the number of habeas corpus petitions that eventually are successful for the prisoners is extremely small—of the order of 1 percent. Almost 97 percent of the habeas corpus petitions are disposed of without a hearing and without any contest in the Federal district courts. In effect, the overwhelming majority of the petitions are disposed of on the basis of the State court proceedings. It cannot be said, therefore, that the Federal district judges spend even a substantial portion of their time reviewing the merits of State criminal convictions.

EXPANDING SCOPE OF DUE PROCESS

Even on the merits, however, the increasing number of Federal habeas corpus petitions filed by State prisoners does not reflect an abuse by the Federal courts of the writ. Rather, the increase reflects the rapidly evolving concepts of fairness and due process of law in criminal cases.

It was not until the present century that the 14th amendment was held even to apply the fundamental provisions of the Bill of Rights to the States. More recently, further applications of the 14th amendment to State criminal proceedings have led the Supreme Court to find correspondingly more numerous occasions upon which Federal habeas corpus would lie for State prisoners. The fault, if any, does not lie in misuse of habeas corpus. Rather, it lies in the substantive principles of the criminal law. At bottom, therefore, it is the basic constitutional principles of fairness and due process that the proponents of title II now challenge.

It is clear that the propopents of title II have deep misgivings about the evolution of the criminal law. At bottom, the issue surrounding title II is whether we approve of the evolving and expanding standards of due process of law in criminal cases. It is no secret that these standards have been expanding. The expansion did not begin with Miranda, or Wade, or Mallory, or Townsend against Sain, or any of the other recent Supreme Court decisions that title II seeks explicitly to overrule. Nor did the expansion begin with the Warren court, or even the Vinson court, or the Stone court. It dates in fact from the court of Charles Evans Hughes.

The right to counsel, the exclusion of confessions which are not voluntary by increasingly strict standards, the refusal to permit the knowing use by a prosecutor of perjured testimony, the strict review of cases involving discriminatory jury selection, and the exclusion of illegally seized evidence—these have been the major developments of a generation of attention by the Supreme Court to the fairness of criminal trials. Perhaps more than any of the other provisions of title II, the habeas corpus provision reflects the distrust and dissatisfaction of its proponents with these expanding standards of fairness.

I submit, however, that it is by these standards that our democratic system of government must be judged. As Justice Walter Schaefer of the Supreme Court of Illinois eloquently stated more than a decade ago, the quality of our Nation's civilization can be measured largely by the methods it uses in the enforcement of its criminal law.

In these difficult times of massive violence and civil disorder, we must be especially vigilant that the needs of law enforcement are not exalted above the rights of the individual. Forty years ago, in his famous dissent in the Olmstead case, Justice Brandeis eloquently denounced the argument that the needs of law enforcement outweigh the rights of the individual. He said:

> In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means would bring terrible retribution. Against that pernicious doctrine, we must resolutely set our face.

NEED FOR FINALITY

The proponents of title II lay special emphasis on the asserted need for finality, for an end to litigation. That concept, like the function of precedent in our law, stems from the principle that in most matters it is more important that the applicable rule be settled than that it be settled right. But where personal liberty is involved, a democratic society employs a different arithmetic and insists that it is less important to reach an unshakable decision than to do justice. It is for this reason that, as Justice Frankfurter has put it:

> The uniqueness of habeas corpus in the procedural armory of our law cannot be too often emphasized.

The writ of habeas corpus should be available whenever there clearly has been a fundamental miscarriage of justice for which no other adequate remedy is presently available. Beside executing its great object, which is the preservation of personal liberty and assurance against its wrongful deprivation, considerations of economy of judicial time and procedures, important as they undoubtedly are, become comparatively insignificant.

THE 1966 AMENDMENT

Title II is not the first occasion in the recent past in which the Senate has examined the desirability of amending the Federal laws relating to the writ of habeas corpus. On November 2, 1966, Congress enacted H.R. 5958, a bill amending the Federal habeas corpus jurisdiction and now codified in section 2254 of title 28 of the United States Code. Passage of this bill was preceded by carefully and lengthy consideration in the 84th, 85th, 86th, 88th, and 89th Congresses, but there has been no mention whatsoever of this bill by the proponents of title II, either in the report of the Judiciary Committee or in the floor debate.

H.R. 5958 had the unqualified support of the prestigious Judicial Conference of the United States. As stated in a letter from the Chairman of the Judicial Conference, the purpose of the legislation was "to prevent the abuse of the writ of habeas corpus by persons in custody under judgments of State courts in habeas corpus proceedings in Federal courts, and to expedite the disposition of nonmeritorious and repetitious applications for the writ in Federal courts by State court prisoners."

The purposes of the 1966 legislation are set out in detail in Senate Report 1797 of the 89th Congress. Even the most cursory reading of that report makes clear that the 1966 act was a reasonable and constitutional response to the Supreme Court's decisions in Fay against Noia and Townsend against Sain.

The most striking aspect of the report is that the purposes set forth are almost precisely identical to the purposes now offered by the proponents of title II. Indeed, it seems clear that the proponents of title II are simply replaying the same arguments. But the Senate should not be misled. The arguments which supported the 1966 amendments cannot justify the passage of title II. What a difference there is between the response of the 89th Congress and the response that we in the 90th Congress are asked to make by the proponents of title II.

The 1966 amendment was a logical and straightforward means of preventing abuses of the right of Federal habeas corpus by State prisoners. It eliminates frivolous and repetitive claims, while fully preserving the avenue of relief in appropriate cases. The 1966 amendment provides that when a prisoner has been denied release from custody after a Federal hearing on a writ of habeas corpus, a subsequent application for a writ need not be entertained by a Federal court unless it is predicated on a new factual ground. In addition, the court must be satisfied that the applicant did not deliberately withhold the information alleged to be new. The act also provided that a prior judgment of the Supreme Court on appeal or writ of certiorari will be conclusive as to all issues of fact and law that were actually adjudicated by the Supreme Court.

The 1966 amendment also gave extensive recognition to a State court's determination of a case. According to the amendment, the State court's determination must be presumed to be correct by a Federal court on habeas corpus, unless the State prisoner establishes one or more of a series of eight conditions. These conditions are:

First. That the merits of the factual dispute were not resolved in the State court hearing;

Second. That the factfinding procedure employed by the State court was not adequate to provide a full and fair hearing;

Third. That the material facts were not adequately developed at the State court hearing;

Fourth. That the State court lacked jurisdiction over the subject matter or over the person of the applicant in the State proceeding;

Fifth. That the applicant was an indigent and the State court, in deprivation of his constitutional rights, refused to appoint counsel to represent him in the State court proceeding;

Sixth. That the applicant did not receive a full, fair, and adequate hearing in the State court proceeding;

Seventh. That the effect of the State court proceeding is to deprive the applicant of his life or his liberty without due process of law; or

Eighth. That the record of the State court proceeding shows, where considered as a whole, that the factual determination in the State hearing is not fairly supported by the record.

The 1966 amendment was not a punitive weapon used to bludgeon the Supreme Court and the lower Federal courts. The 1966 amendment is a model of the reasonable exercise by the Congress of its power over the jurisdiction of the Federal courts in a manner entirely consistent with the Supreme Court's decisions in recent habeas corpus cases. Indeed, the eight limitations that I have enumerated are simply a codification by Congress of the holding by the Supreme Court in Townsend against Sain.

The 1966 amendments were a genuine attempt to balance the desirability of a speedy and efficient judicial process with the important interest of our citizens in assuring that State officials abide by the Constitution and laws of the United States.

The proposal in title II involves no such balancing. It clearly manifests the extreme view that Americans have no interest in providing a remedy for persons unlawfully held in State custody. It has long been the law that a State prisoner cannot obtain Federal habeas corpus unless he has exhausted all available State remedies, including State habeas corpus or coram nobis and review by the U.S. Supreme Court. Thus, the clear effect of title II is to suspend the only remedy—the only safeguard—against incarceration of our citizens in violation of the laws and Constitution of the United States.

The arguments for title II of S. 917 are the same arguments that were proposed for the 1966 amendment. There has been no showing by the sponsors of title II that the 1966 amendment is inadequate in any way, or that it does not fulfill the purpose for which it was enacted. Nor has there been any demonstration that these purposes will not be realized.

It is less than 2 years since the Congress acted upon the subject of Federal habeas corpus for State prisoners. By any reasonable standard, there has simply not been an adequate time in which to test the effect of the 1966 amendment. It seems highly likely that the major impact of the 1966 amendment will produce a sharp decrease in the number of habeas corpus petitions filed by State prisoners in the Federal courts. Without waiting for the evidence, however, the proponents of title II tell us that the Senate must scrap its earlier, well considered efforts to improve the Federal habeas corpus machinery. The ink is scarcely dry on the 1966 amendments. Yet, the proponents of title II suggest, in effect, that the 1966 amendments were wrongly enacted. There was ample opportunity in 1966 to ventilate any possible inadequacies of that proposal. Certainly, the sponsors of title II have proffered no new facts. Thus the factual basis on which they expect the Senate to act at this time remains a complete mystery. The burden is clearly upon the proponents of title II to demonstrate clearly and conclusively that the U.S. Senate, the House of Representatives, the Judicial Conference of the United States, and the many other distinguished organizations and citizens who supported the 1966 amendment were operating under a gross misapprehension as to the facts. No such demonstration has been made.

I submit that the Senate must give its earlier efforts, the 1966 habeas corpus amendment, a fair opportunity to prove its validity. By doing so the Senate will demonstrate to the Nation that we cherish our constitutional rights and will not deny the citizens of this country full and effective means of preserving those rights.

In matters touching the administration of State criminal law, the primary responsibility must reside in the States. Only through a wise and cautious use of the flexible powers of the writ of Federal habeas corpus, however, can the Federal courts supply the oversight that is necessary to protect individual rights without undermining the responsibility of the States.

The 1966 habeas corpus amendment, together with the other provisions of existing law which prevent a State prisoner from using Federal habeas corpus until he has exhausted his other rights, make clear that Federal habeas corpus in 1968 is a remedy that is narrowly restricted to cases in which a substantial violation of Federal rights has taken place, and in which habeas corpus is the only avenue of protecting those rights. To remove this avenue would also violate the fundamental principles of our democratic system of government.

The habeas corpus jurisdiction of the Federal courts has served the highest traditions of Anglo-American law. Any attempt to circumvent the writ must be cautiously and skeptically viewed. As Justice Black has eloquently put it:

> [I]t is never too late for courts in habeas corpus proceedings to look straight through procedural screens in order to prevent forfeiture of life or liberty in flagrant defiance of the Constitution. . . . Perhaps there is no more exalted judicial function.

I urge the Members of the Senate not to join in the dangerous and unwarranted assault on the Great Writ that is threatened by title II. I urge you to strike title II from S. 917.

Mr. PERCY. Mr. President, yesterday, at the close of business of the Senate, I submitted amendment No. 749 which proposes the addition to title I of the bill an authorization for Community Service Officer programs. The amendment is an adoption of the Community Service Officer Act of 1968 which was introduced yesterday in the House of Representatives by my able Republican colleague, Representative CHARLES GOODELL. As I noted yesterday in my brief remarks, this amendment is based on the recommendations of both the President's Commission on Law Enforcement and the Administration of Criminal Justice—the President's Crime Commission—and the National Advisory Commission on Civil Disorders—the Riot Commission.

In February 1967 the President's Crime Commission issued its report, "The Challenge of Crime in a Free Society." That distinguished Commission concluded:

> Two striking facts that the UCR (Uniform Crime Reports of the Federal Bureau of Investigation) and every other examination of American crime disclosed are that most crimes, wherever they are committed, are committed by boys and young men, and that most crimes, by whomever they are committed, are committed in cities.

The finding of the Commission is the more significant when coupled with two sets of statistics on the victims of crime in our society. The report indicates that our nonwhite citizens are more frequently the victims of crime than the white citizen, and lead white citizens in victimization in all categories except that of larceny of over $50 value—report, page 39. Beyond this categorization, the statistics reveal that in a comparison of victimization by income, the lowest income categories are most frequently the victims of crime—report, page 39.

Thus, it seems clear, Mr. President, that as we move to improve the effectiveness of law enforcement in the Nation, we should pay particular attention to those areas and those segments of our society which are the most seriously affected by crime.

On March 1, 1968, the National Advisory Commission on Civil Disorders issued its report and said:

> The conditions of life in the racial ghetto are strikingly different from those to which most Americans are accustomed—especially white, middle-class Americans.

Accordingly, the attitudes of inner-city dwellers on law enforcement and on the police who enforce the laws are different from what we would hope is the average American attitude.

A few statistics give evidence of the extent of the disaffection of the ghetto dweller for the police. A public attitude survey conducted at the request of the President's Crime Commission showed that 23 percent of all white people thought the police were doing an "excellent" job of law enforcement. Only 15 percent of nonwhites held that view. More startling, 63 percent of whites thought the police were "almost all honest," while only 30 percent of nonwhites held this opinion.

The ghetto citizen all too often views the police as representatives of an alien establishment, as enemy agents in their midst. They see the police as a force sent there essentially to contain them, sent to "keep them in line," to keep them from being a problem to white, middle-class society. The thought was expressed by one Harlem resident in the President's Crime Commission Task Force Report entitled "The Police":

> Why in the hell—now this is more or less a colored neighborhood—why do we have so many white cops? As if we got to have somebody white standing over us. * * * Now if I go to a white neighborhood, I'm not going to see a lot of colored cops in no white neighborhood, standing guard over the white people. I'm not going to see that; and I know it, and I get sick and tired of seeing so many white cops, standing around—page 167.

The people of the ghetto fear and distrust the police. They see the police forcefully intervene when there is trouble—trouble of the kind that only the ghetto resident can really understand. As they see it, it is the police who take members of their society away to jails to await a white justice which they do not understand. Ghetto residents think of the policeman as "the man." And "the man", represents for many ghetto residents one of the worst elements of the system which operates to keep the black man down, a system that does not give a fair break to the black man.

If the effectiveness of our police in the ghettos of our cities is to be improved, we must provide a means through which a climate of understanding and trust can be established between police and the citizens, particularly the young citizens of the central cities. Programs must be undertaken that will enable our policemen to increase their understanding of the ghetto and its citizens as well as increasing their services to them. At the same time, for the citizens of the ghetto to increase their understanding of the policeman and his job. Both of these distinguished Commissions strongly urged the community service officer program as one means of achieving these objectives.

The community service officer is a police assistant or police aide. He should be qualified in capability, motivation, and integrity for police assistance work, and be from the locality of the police unit with which he serves. He should be a representative member of the community he will serve in ethnic origin and economic status. He may lack formal requirements for regular police qualifications, such as a high school degree or a spotless arrest record.

His service should be geared to enable him to qualify for regular police status, in most cases.

As a part of the ghetto, the community service officer would have a measure of understanding of ghetto problems that could never be acquired by an outsider. He would be an agent for the people of the central city as much as for the police. He would provide a vital link—a bridge—for communication. He would help translate the concepts of one society to the other. While performing his basic tasks, he could provide the kinds of nonpolice services that police normally perform outside the ghetto, but rarely have the manpower to provide in the ghetto. This would, by the way, free regular policemen for the very demanding traditional police functions.

The uniformed or at least readily identifiable community service officer, while not possessing full law-enforcement powers or carrying arms, though frequently equipped with a 2-way radio link to police headquarters, would be available to assist precinct level line officers in their regular patrol and investigative work. They would work closely with other uniformed and noninformed police personnel to keep open valuable lines of communication to and from the ghetto communities. They would inform the officers with whom they work of the culture, attitudes, and institutions of the community. They would also inform the community of the attitudes and concerns of the police departments.

Community service officers, in addition to continuing their education with the aim of becoming full-fledged police officers, will make a significant contribution to a development of better police-community relations. Indeed, their very presence in the community will symbolize a quickening relationship between the police departments and the community.

The community service officer would be a transfer agent for municipal information to the ghetto community. He would enable a police department to refer citizen complaints, like violations of the housing code or the closing of a school playground to other governmental agencies. He would enable the police departments to handle more service calls, such as getting a homeowner into his locked house or getting a drunk off the street. He could seek to refer delinquent children to a social service agency.

A very important task he could undertake is working with juveniles who were in trouble and explain to parents why their children had been arrested. This juvenile work has been successfully undertaken in Richmond, Calif., where five neighborhood aides have been assigned to a juvenile unit. The Richmond project shows that the community service officer could be very effective in organizing community meetings to deal with problems within the community relating to the police. It is hoped that the community service officer would work with regular policemen in these projects so that the police officer will not be viewed as a more isolated person than he is considered today in many ghetto communities.

The CSO could also be trained to render emergency aid to the sick, the mentally ill, or the alcoholic. He could investigate certain minor thefts and loss of property. This investigative function currently is done by regular officers and is a tremendous drain of man-hours which could be more effectively used for patrol. Creating the CSO might do much to solve some of the manpower problems which prevail in many police departments, and allow the police to better serve the public. The community service officer program offers a rapid means of recruiting large numbers of well-qualified and experienced minority group personnel—it is an employment program as well as a police-augmentation program.

The community service officer could provide continuing assistance to families encountering domestic problems; a frequent, but often unrecognized job of our policemen. The CSO could become active in police athletic league activities, Boy Scout troops, and many other character development programs.

In short, there is almost no limit to the function that community service officers could perform with imaginative local programing. The young men reached under this program—many of whom could be returning servicemen—are a valuable source of energy which we can harness and direct into productive community service. We have seen the ugly harvest if this tremendous energy is not directed to creative, beneficial activity. The community service officer is one possible way to direct a valuable dynamic human resource to helping inner city residents in particular, and our society generally.

Mr. President, in an effort to develop this new kind of public servant, the CSO, we must be willing to experiment in recruitment. Conventional educational standards of police departments should be modified for these young officers. A high school diploma would not be a rigid prerequisite. Indeed, one of the objectives of this program is to help the community service officer further his education, and provision is made for education grants in this bill. Minor offense records might even be overlooked for candidates otherwise not qualified. In practice, this might even increase the credibility of the young officer among his peers. I know and have met with many fine young men in Chicago who would make an extremely able contribution in this work, and who would welcome the challenge and opportunity the CSO program would afford them. I reiterate a warning of the Commission when I say that the recruitment of community service officers must complement, not replace, efforts to recruit more Negroes as police officers.

Mr. President, it is often said that the recommendations of the Riot Commission and the Crime Commission are in the main laudable, but that there is little that the Federal Government can do to respond to them. I submit that here is an area, and my amendment is a specific proposal to which we can respond. And I submit that if the Congress of the United States is to be viewed as a body which is willing to take positive steps to ease the problems of our ghettos, this is a proposal to which the Congress must respond.

Mr. President, I ask unanimous consent that my amendment, No. 749, be printed at this point in the RECORD.

There being no objection, the amendment, No. 749, was ordered to be printed in the RECORD, as follows:

On page 21, between lines 19 and 20, insert the following new subcategory:

"(7) The recruiting, organization, training and education of community service officers to serve with and assist local and State law enforcement agencies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanisms; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety and the objectives of this section."

On page 22, on line 1 after the word "grant." insert: "The amount of any grant made under paragraph (7) of subsection (b) of this section may be up to 90 per centum of the cost of the program or project specified in the application for such grant."

On page 22, on line 10 after the word "personnel" strike the period, insert a comma and "except 90 per centum of the compensation of community service officers may be paid from a grant."

On page 22, on line 12 after the word "compensation" strike the period, insert a comma and insert "except the compensation of community service officers shall not be included in this calculation."

On page 43, between lines 8 and 9, insert the following new definition:

"(L) 'Community service officer' means any citizen with the capacity, motivation, integrity, and stability to assist in or perform police work but who may not meet ordinary standards for employment as a regular police officer selected from the immediate locality of the police department of which he is to be a part, and meeting such other qualifications promulgated in regulations pursuant to section 501 as the administration may determine to be appropriate to further the purposes of section 301(b)(7) and this Act."

PROGRAM

Mr. **BYRD** of West Virginia. Mr. President, I remind Senators of the majority leader's statement pertaining to rollcall votes on Monday. There will definitely be two votes on the treaties which were discussed earlier today, and there may be additional rollcall votes.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. MONDAY

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order of yesterday, Thursday, May 9, 1968, that the Senate stand in adjournment until 10 a.m. Monday next.

The motion was agreed to; and (at 2 o'clock and 55 minutes p.m.) the Senate adjourned until Monday, May 13, 1968, at 10 a.m.

NOMINATION

Executive nomination received by the Senate, May 10, 1968:

DEPARTMENT OF JUSTICE

Edwin M. Zimmerman, of California, to be an Assistant Attorney General, vice Donald Frank Turner.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 10, 1968:

COMMUNICATIONS SATELLITE CORP.

Frederic G. Donner, of New York, to be a member of the board of directors of the Communications Satellite Corp. until the date of the annual meeting of the corporation in 1971.

MISSISSIPPI RIVER COMMISSION

Maj. Gen. Clarence C. Haug, U.S. Army, to be a member of the Mississippi River Commission, under the provisions of section 2 of an act of Congress approved June 28, 1879 (21 Stat. 37; 33 U.S.C. 642).

EXTENSIONS OF REMARKS

VIETNAM VETERANS: THEY DESERVE OUR BEST

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. CHARLES H. WILSON. Mr. Speaker, the April 30 edition of the Washington Evening Star gave brief coverage to an event which I believe merits wider recognition. This event, an appreciation night for veterans of the Vietnam war, was cosponsored by the Naval Reserve Public Affairs Company 5-4 of the District of Columbia and the Presidential Arms Hotel, 1320 G Street NW.

Some 50 Army, Navy, and Marine Corps veterans—all wounded men recuperating at Bethesda Naval Hospital—were entertained that evening by 30 young women from colleges and universities in the Washington area. These girls gave generously of their own time to bring joy into the lives of these disabled veterans. Also, the proprietor of the Presidential Arms kindly donated the facilities of his hotel for this worthy function.

When the men first arrived, the atmosphere was one of nervous quiet; but, by the end of the evening, their shyness was dissipated. Dinner and dancing bolstered morale while Willie Wood, former USC football star and now All-Pro defensive back with the NFL champion Green Bay Packers, added his personal words of appreciation for the veterans' sacrifices.

Some of the men present that evening will never walk again; some will have restricted use of their limbs; others must suffer physical impairment for the rest of their lives. That these young men are in the prime of life only makes their tragedies more poignant.

Today's overriding concern with the social unrest in America's cities should not cause us to lose sight of the problems facing young men now reentering civilian life after service in Vietnam. It is no easy process for these men to assimilate themselves back into our society after exposure to the horrors of war. Facing as they do the problems of finding a job, getting an education, obtaining adequate housing, these veterans need help from all of their fellow Americans. And, to those men who must bear a disability, these problems are immeasurably compounded. These veterans have given of themselves for our sakes; we must make every effort to do the same for them.

But how do we demonstrate our appreciation of the sacrifices of these men? While appreciation dinners are praiseworthy and effective efforts, they are by no means a solution. We in Congress can—and should—pass legislation giving the veterans all the assistance they require in order to reenter civilian life with minimal stress, but more is needed.

What is needed is the personal touch. It is simple friendliness—to the veteran who moves next door, who applies for a job, who sits next to you on the plane or bus. These men have just spent 12 or more months in the most impersonal situation imaginable—that of war. What they miss more than anything else is the warmth of human contact. This is something each of us can supply.

RUMANIAN INDEPENDENCE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. DINGELL. Mr. Speaker, the historic Independence Day of the Rumanian people is May 10. In recent months events have seemed to indicate that, even under Communist rule, the fiercely independent Rumanian people are evolving nationalist policies separately from Moscow leadership.

It would not be the first time. Having fought with the Russians to achieve independence from Turkey in 1878, Rumania found it necessary to fight with the Germans in 1940 to recapture territories which Soviet Russia had seized. The end of World War II, moreover, found Rumania on the side of the Allies. Throughout their national history the Rumanian people have been tough minded and independent and devoted to a policy of self-interest.

May 10 is the historic Independence Day of Rumania because on that day in 1866 the Provinces of Moldavia and Wallachia established rule under the first Prince of Rumania; on that day in 1877 the principality of Rumania severed its ties with the Ottoman Empire; and on that day in 1881 the Rumanian people crowned their first King of Rumania. These were steps toward freedom and self-rule in the 19th century, although the establishment of kings would not be so regarded in this 20th century.

Rumanians have always cherished May 10 as the anniversary of happy and glorious events in their history. It remains for them a symbol of their perseverance, through good times and bad times, toward the ultimate ends of freedom and national well-being.

Mr. Speaker, I am sure that we in this country hope to see the people of Rumania progress toward these goals, and wish them well. We have welcomed many Rumanians to this country and count them and their descendants among our most valued citizens.

PFC. CHARLES H. TURNER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. LONG of Maryland. Mr. Speaker, Pfc. Charles H. Turner, a fine young soldier from Maryland, was killed recently in Vietnam. I wish to commend his bravery and honor his memory by including the following article in the RECORD:

C. H. TURNER, JR., DIES IN VIETNAM—BALTIMORE SOLDIER HAD BEEN IN WAR ZONE ONLY 3 WEEKS

Army Pfc. Charles H. Turner, Jr., of Baltimore, who had been in South Vietnam only about three weeks, died May 2 of wounds received in combat, the Defense Department announced yesterday.

The 22-year-old infantryman was the husband of Mrs. Joyce Smith Turner, of the 800 block George Street, and the son of Mr. and Mrs. Charles H. Turner, of the 4300 block Ethland Avenue.

Private Turner, who left April 13 from California for the combat zone, told his wife in a recent letter that he "hated being there," according to his mother-in-law, Mrs. Marion Smith.

The dead soldier wrote that he found it "hot" in South Vietnam but did not disclose to relatives where he was stationed or what duty he was performing, Mrs. Smith said.

The father of a month-old son, Charles H.

Turner, 3d, Private Turner was born in Baltimore and attended Douglass High School.

Besides his wife, son, parents and mother-in-law, he is survived by two brothers, Arnold, an Army private stationed at Fort Dix, N.J., and Bruce, a student at Douglass High School, and his paternal grandmother, Mrs. Alice Turner, of Baltimore.

TWENTY-FOURTH BANQUET OF THE FRIENDS OF POLAND SOCIETY OF LACKAWANNA COUNTY

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. McDADE. Mr. Speaker, it was my pleasure to attend the 24th annual banquet of the Friends of Poland Society of Lackawanna County, which was held in the Hotel Casey in Scranton, Pa. It was indeed a memorable evening.

We were welcomed by the distinguished president, Dr. Henry G. Yavorek, who turned the program over to the toastmaster, Edward J. Kochanski.

We were most fortunate to have with us for the evening the Most Reverend J. Carroll McCormick, D.D., bishop of Scranton.

As one would expect in an affair conducted by these deeply religious Polish-Americans, there was a beautiful invocation by Rev. Alexander T. Kulik, an instructor at the St. Piux X Seminary in Dalton, Pa., and an equally beautiful benediction by Rev. Eugene Bilski, assistant pastor, St. Mary's Church, Scranton.

We were all delighted by the really beautiful singing by Miss Paulette Posluszny, accompanied by Mrs. Edward Kwiatek.

But certainly the high note of the evening came with the address of attorney Thaddeus Buczko, auditor general of the State of Massachusetts. No one could fail to be moved by this splendidly patriotic address, Mr. Speaker, and with your permission I will include it in the RECORD at this point:

ADDRESS BY THADDEUS BUCZKO, AUDITOR OF THE COMMONWEALTH OF MASSACHUSETTS AT 24TH ANNUAL BANQUET FRIENDS OF POLAND SOCIETY, LACKAWANNA COUNTY, SCRANTON, PA., MAY 4, 1968

I am deeply honored to be here this evening to talk before such a distinguished group of Americans of Polish extraction.

In my capacity as State Auditor in the Commonwealth of Massachusetts, I meet with many Polish groups and I have been deeply impressed with the seriousness and dedication with which Polonia approaches the responsibilities of Citizenship. We are justifiably proud of our heritage—and we are proud of being Americans.

It is only fitting and proper that I recall that today is the birthday of General Casimir Pulaski (born May 4, 1747) who gave his life for our freedom. The Father of American Cavalry was wounded in battle at Savannah, Georgia, and died on October 11, 1779, at the age of 32. The tragic death of this Polish and American hero did not erase his deeds from the memory of future generations, either in the old world or the new. By his undaunted courage and his unceasing zeal with which he incited thousands of others, he contributed to the preservation of the Pulaski spirit.

The Polish Nation was magnificent in defending Christendom against the onslaught of the barbarian East; in creating the first Commonwealth of Nations in Europe; in contributing to American freedom through the services of Pulaski, Kosciuszko, and millions of other Polish immigrants.

Poland has made vast and impressive contributions to the cultural development of the world. One has to only consider the cultural contributions of Chopin and Paderewski, of Nobel Prize winners, Sienkiewicz and Reymont, of Slowacki and Mickiewicz, of Copernicus, Marie Sklodowska Curie, Joseph Conrad and countless others.

Today, our nation the United States of America is engaged in a struggle pregnant with terrifying dangers far beyond that which burdened the minds and hearts of any other generation of man.

To bring order out of the confusion that tortures our generation, a call for national service, for united community effort, for all-out patriotic leadership is more vital, more commanding than in the crises of all previous conflicts. Our nation must rise up to assume the grave responsibility which contemporary conditions force upon her. We shall meet the obligations destiny has bequeathed to us or we invite disaster.

The challenge of this hour and time is the accomplishment of peace in a war-weary world. We have never failed in war, and we must not fail in this crucial moment of our Nation's destiny.

We cannot be blind to the fact that our Country is gravely beset by threats of subversive movements. Subtle attacks by propaganda and campaigns, designed to undermine the faith of our people, are being directed against our form of government, our economic and political systems, our educational system, our civic liberties, and yes, even our social and family life.

All that history, biography and experience teach us is summed up in the fact that no great freedom has ever been established by spontaneous growth, nor has it ever been self-sustaining or self-protecting.

Liberties are rare plants demanding eternal vigilance and continuous defense. No great expansion or extension of human opportunity has ever come to pass by accident. Somewhere, sometime, somehow, some man or woman has paid the price.

The theory of our citizenship is larger today than yesterday, and the inalienable right of the common citizen to life, liberty and happiness has changed our declaration of rights into a declaration of obligation, and makes it necessary for each of us to bear the burden of the responsibilities of the liberties which we enjoy.

It is an appalling misfortune that we have sometimes tended to take our liberty for granted. We must again take the traditions of liberty and make them militant and dynamic—worth living for and, if it should come to that, worth dying for.

We have created and preserved an economic system which has been fostered and perpetuated by the fundamental principle of the greatest good for the greatest number.

We have carved out of an unfriendly wilderness the highest standard of living ever dreamed of or enjoyed by any people in history.

We have provided a social climate that offers unlimited opportunity for success and wealth to the fit and protection and security to the unfit.

We have declared, as our national policy, the inalienable rights of all men to be free and self-governing, and furthermore have practiced what we preached by granting independence to the people of our former possessions.

We must ever be alert to those evil forces who decry and condemn the teaching of orthodox history, which instills love of Country and patriotism in the youth of our Nation. It has been our heritage of heroes and their glorious example of unselfish devotion to God and Country that has inspired many a boy born in humble circumstances to achieve greatness.

We in America are still looked to as the world's best hope for freedom. Our own history of freedom, dating from our war of independence, has earned us a reputation of dedication to liberty wherever men of good faith assemble. Our ready granting of citizenship to all who come to our shores for most of our history gave proof that we are respectful of free people everywhere. Our traditions of anticolonialism are recognized throughout the world.

It is America, indeed, who must provide the hope and inspiration to all people who are, for the moment, under the heel of tyranny.

We must recognize that economic stability and self-assurance is necessary to preserve national self-respect and international balance—that peace is inspired by international hope and contentment.

It should be clearly evident that the major task which rests upon all our shoulders today is to utilize every talent we possess with the utmost vitality, vision and creative imagination to help make the power of our American ideas and principles felt throughout the world.

We must strive to break down the barriers of misunderstanding, of intolerance, of bigotry and hatred. The breaking down of these barriers is of the utmost importance if America is to continue strong and Democracy is to flourish.

What we need, not only in this Country, but in the world is a breaking down of the barriers of misunderstanding, the barriers of inherited antagonism, the barriers of hatred whose roots are deep in the soil of humanity.

Beware of emotional or partisan criticism, moral corruption in a people makes a good government impossible.

Civic virtues grow out of purity in the family, independence and sturdiness in private life, simplicity and frugality of manners, and loyalty and trustworthiness in performing public duties.

Justifiable criticism or resistance to government or individuals in public life is a right safeguarded by the moral condition that those who criticize or resist must be responsible for seeing to it that their action is less injurious to the general good, than the abuse which they are trying to remove.

Let us move forward thinking and working together. Let us gathered here today raise our sights, strive for excellence and dedicate ourselves to the highest goals of our society.

Your organization must move from its position of present excellence to greater excellence; you must gain new momentum in a forward direction. You must act with organized strength.

We must recognize that the strength and effectiveness of a democracy does not lie in the form of institutions of government, but stems, rather, from the people themselves—from their sense of responsibility, the respect in which they hold the rights of each other and the laws which govern them—from the degree in which they value individual liberty and despise authoritarian control—from the measure of their self reliance and the quality of their self discipline.

Nothing will take the place of your active and informed interest and participation in local government. This is where your responsibility for good government begins, and no matter how far you may go in your chosen work, it is a responsibility you can never afford to shirk.

We must be able to prove to the world that ours is a country where men of different origin, of different ancestry and different background, of different religious beliefs, political affiliations, different economic status, may live together as neighbors and as friends and as Americans.

As Americans we must continue to enjoy the freedom which so many people have lost—freedom of worship, freedom of speech, freedom of the press, freedom of assembly, and freedom from want and freedom from fear.

We must thank our God for our Government and our benevolent Constitution, for our flag and its gracious protection. May we be worthy of our Polish American heritage.

HOW HANOI LOOKS AT NEGOTIATING

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, May 10, 1968

Mr. SCOTT. Mr. President, the Christian Science Monitor of May 9, 1968, contains an illuminating article which describes how the North Vietnamese regime views negotiations to terminate the war in Vietnam. I ask unanimous consent that the article written by Beverley Deepe, the Monitor's special correspondent in Saigon, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW HANOI LOOKS AT NEGOTIATING

(By Beverly Deepe)

SAIGON.—Two extremely illuminating documents have been captured which partially disclose some of the long-range Communist objectives to be gained by participating in peace negotiations.

These documents provide a glimpse into the complex thinking of high echelons of the Communist organization about negotiations over the Vietnam war.

The relevant portions of these captured documents were released by the United States Mission here in 1967, but the information emanated from Communist sources earlier. No subsequent information has thus far been released regarding the Communists' negotiation strategy.

The two documents show the following significant points:

The Politburo in Hanoi is "entrusted" by the Communist structure to carry out its peace negotiations strategy and to decide the time for negotiations.

A "stage of fighting while negotiating," representing a "principal step in the evolution of war," will prevail before the signing of the peace agreements.

Peace negotiations will wear down the political unity and cohesiveness of the anti-Communist South Vietnamese Government and Army, especially in the cities, the Communists believe. This, in turn, will aid the Communists in their attempts to destroy the "puppet administration."

The Communists already have contemplated the possibility that war might resume after the signing of peace agreements.

SECRET SPEECH SUMMARIZED

The most revealing and detailed document, released to the press here on March 30, 1967, was based on the summary of a speech made at the Viet Cong supreme headquarters meeting in April, 1966, by a North Vietnamese Army general identified by the United States Mission as Nguyen Van Vinh, chairman of the Lao Dong [Communist] Party reunification department.

He is suspected of traveling from North Vietnam to the South to attend the meeting. Some Vietnamese sources identify the general as Tran Quoc Vinh, alias Tran Do, acting political commissar of the Southern Liberation armed forces command.

The South Vietnamese Government later claimed to have killed Tran Do during the Tet offensive on the outskirts of Saigon.

The highly analytical and illuminating text of General Vinh's speech relating to peace negotiations from the Communist viewpoint follows. Translation additions are indicated by editor's notes within brackets.

"The resolution of the party's 11th conference clearly stated that in the process of achieving success a situation where fighting and negotiations are conducted simultaneously may arise. At present, the situation is not yet ripe for negotiations.

SITUATIONS COMPARED

"Fighting while negotiating is aimed at opening another front with a view to making the puppet army more disintegrated, stimulating and developing the enemy's internal contradictions, and thereby making him more isolated in order to deprive him of the propaganda weapons, isolate him further, and make a number of people who misunderstand the Americans clearly see their nature.

"In a war between a powerful country which waged aggression and a weak country, as long as we have not yet acquired adequate strength, a situation where fighting and negotiations are conducted simultaneously does not exist. Fighting continues until the emergence of a situation where both sides are fighting indecisively; then a situation where fighting and negotiations are conducted simultaneously may emerge.

"In fighting while negotiating, the side which fights more strongly will compel the adversary to accept its conditions. Considering the comparative balance of forces, the war proceeds through the following stages:

The fighting stage.

The stage of fighting while negotiating.

Negotiations and signing of agreements.

"Whether or not the war will resume after the conclusion of agreements depends upon the comparative balance of forces. If we are capable of dominating the adversary, the war will not break out again, and conversely. Therefore, fighting while negotiating also represents a principal step in the evolution of the war.

"Thus, a situation where fighting and negotiations are conducted simultaneously will unmistakably emerge. In our anti-French resistance, there also were times when fighting and negotiations were conducted simultaneously. The same situation emerged in China.

WHY VIEWPOINTS DIFFER

"At present, there are [different] viewpoints with regard to war and peace.

"The Americans find it necessary to negotiate, but negotiate from a strong position, partly because they have deceitful motives, and partly because the situation has compelled them to negotiate. Yet, they want us to make concessions to them.

"A number of countries want us to enter into negotiations, any form of negotiations—so that a big war does not break out and that the war can be ended—regardless of the interests of Vietnam. Some other countries wonder whether we can defeat the Americans, and if not, [they think] we should enter into negotiations. [Most of these countries are nationalist countries in Asia, Africa, and Latin America.]

"A number of East European socialist countries hold the view that [proper] conditions [for negotiations] do prevail, and are ripe for achieving success. (The Americans would withdraw their troops, and we will continue the struggle to achieve total success.) These socialist countries pose a number of conditions: cessation of the bombing of the North, gradual withdrawal of U.S. troops from the South.

PEKING VIEW QUOTED

"China holds the view that conditions for negotiations are not yet ripe. [And will] not [be] until a few years from now, and even worse, seven years from now.

"In the meantime, we should continue fighting to bog down the enemy, and should wait until a number of socialist countries acquire adequate conditions for strengthening their main force troops to launch a strong, all-out, and rapid offensive, using all types of weapons and heeding no borders. What we should do in the South today is to try restraining the enemy and make him bogged down, waiting until China has built strong forces to launch an all-out offensive.

"Our policy, to continue fighting until a certain time when we can fight and negotiate at the same time.

"This is also a fighting method: repulsing the enemy step by step, and achieving decisive success.

"The party central committee entrust the Politburo with the task of deciding on the time for negotiations.

"The problem of choosing the opportunity and deciding to negotiate:

"Basing ourselves upon the actual situation in the South.

"Considering the opinions of the friendly countries which have provided us with quite a large volume of assistance, in order to gain their maximum support.

BATTLEFIELD EMPHASIZED

"The future situation may lead to negotiations. Yet, even if there are negotiations, they are [to be] conducted simultaneously with fighting. While negotiating, we will continue fighting the enemy more vigorously.

"Those who are in charge of conducting negotiations negotiate and those in charge of fighting continue fighting, because the decisive factor lies in the battlefield. The enemy wants us to stop fighting, for his advantage. But we have to fight. Therefore [if] the enemy also fights we must fight to win great victories with which to compel the enemy to accept our conditions.

"If we stop fighting [at that stage], no considerable success can be achieved in negotiations. If we conduct negotiations while fighting vigorously, we can also take advantage of the opportunity to step up the political struggle, military proselytizing, and activities in the cities. Thus, we will take advantage of the opportunity offered by the negotiations to step up further our military attacks, political struggle, and military proselytizing.

"At present, the Americans have put forth deceitful arguments. Therefore, we must put forth conditions to prove that we fight for the aspirations and interests of the people and thereby win the support of various countries.

"If the enemy wants to negotiate, he must accept a number of conditions, such as, to permanently cease his war of destruction against the North, withdraw his troops from the South, and dismantle his military bases. The failure to pose the above conditions is tantamount to implicitly accepting the Americans' presence in the South.

CONDITIONS CONSIDERED

"Depending on the situation prevailing at the time, we will impose conditions. For example, the puppet forces must be concentrated in barracks, must not repress the people, must not carry out espionage activities, must allow the people to move about freely or choose their places of residence, must not herd the people into strategic hamlets and concentration centers, the American troops must be stationed at the wharfs.

"The basic situation prevailing in the South for the past years requires that we attack the enemy more vigorously. This front involves millions of people. While attacking, we must concentrate all our forces on fighting the enemy."

The second document, shorter and less articulate and direct, was contained in a captured letter written by Le Duan, first secretary of Lao Dong [Communist] Party to the late Gen. Nguyen Chi Thanh, Viet Cong commander in chief in the South.

Extracts of the letter explained resolutions of the Communist Party Central Committee in Hanoi concerning the Vietnam war. The text of the captured document was issued by the U.S. mission in Saigon in March, 1967. The date the letter was written was not disclosed. The text of the extracts of the captured letter follows:

THE "BASIC PROBLEM"

"When speaking of defeating the United States imperialists, we mean we are advocating the policy of destroying as much of their potential as possible, checking their military purpose, crushing their aggressive scheme, thus preventing them from enlarging and protracting the war of aggression, and forcing them into submission on specific conditions and finally getting them out of South Vietnam.

"But the basic problem is to defeat the imperialists on the battlefield, to foil their political and military plan, to destroy as much of their potential as possible, and undermine the puppet army. Only when we comply with the above requirements can we break up their plan of aggression.

"As far as the general strategy is concerned, we are advocating that the revolution in South Vietnam has to pass through several transitional phases prior to advancing toward national reunification and socialism.

"With regard to struggle, we stand for joint political and armed struggle, that is to say, the armed struggle must be simultaneously conducted with the political one. Heavy emphasis is to be placed on the political struggle which includes the diplomatic struggle, which is of prime importance.

"As a consequence, the strategy on war and negotiation must be properly used to efficiently serve the political and military aims of our strategy on pitting the weak against the strong.

"The problem of war and negotiation is not quite new in the history of our country. Nguyen Tai had once used such a strategy to defeat the feudalist elements of Ming's Dynasty. Our comrades in China had also adopted the 'fight-and-negotiation' policy in their struggle against the U.S. and Chiang [Kai-shek]. The same stratgey was used in the Korean war.

"VIEWS QUITE DIVERGENT"

"However, this problem is very complicated considering that, at present, when speaking of negotiations, the views are quite divergent.

"The United States views hold that negotiation is to be conducted from a strong position. Some countries sincerely support our struggle but, in view of diplomatic reasons and their domestic administration and misunderstanding of the situation in our country, want to see us at the conference table in order to forestall aimless sacrifice on our part.

"There are those who hold the view that the political struggle is of major importance, but such a view is different from ours as to degree and time to use this strategy.

"At present, the United States imperialists, on the one hand, are attempting to widen the war in a move to save them from the sad predicament and quagmire but, on the other hand, are trying to force us to the negotiation table for some concessions.

"As for us, we must constantly take the initiative, our strategy on negotiation must serve in a practical manner our concrete political aims. For this reason, the party central committee has unanimously entrusted the Politburo with the task of carrying out the above strategy in conformity with the policy of our party and on the basis of the situation between us and the enemy whenever necessary. . . ."

THE TEACHER IN POLITICS

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. RUPPE. Mr. Speaker, the National Education Association is to be congratulated for its outstanding efforts in encouraging teacher participation in the political life of this country. The teacher-in-politics movement will undoubtedly result in a better political atmosphere for our communities, our States, and our Nation.

This is a complex age when no responsible citizen can really afford to be aloof from politics. It is a truism that the political system works only as well as those who participate in it. Certainly teacher power holds the promise of injecting a lively and responsible element into the mainstream of political life.

What can teacher power mean to the future of American politics? There is unity in teacher power. Our teachers are an educated segment of society fairly evenly spread the length and breadth of the Republic. Our teachers are dedicated to educational excellence, and are perhaps the major force for the constant upgrading of our educational system. There is diversity in teacher power. Where business is more identified with the Republican Party, and organized labor more with the Democratic Party, with whom is the teaching profession identified? Teachers are Republicans and Democrats. Teachers are liberals and conservatives. Yet in this diversity there is strength. Teachers have the potential for bringing to bear major influence on both political parties and for contributing to the responsible development of varying political philosophies and action programs.

Certainly teacher power can be a force for good. The days of the tightly concontrolled political machine are passing from the scene. A new, more enlightened, issue-oriented citizen is filling the void. The teaching profession is in a unique position to speed this happy process. This process can be self-fulfilling for teachers. While politically active teachers are contributing to the development of candidates and issues, they will, themselves, be learning a great deal about democracy in practice. As better informed citizens they can expect to be better teachers in the classroom.

Taking all these factors into consideration, teacher power can be a dynamic force in forging future directions for our political parties, and thus government itself.

FOREIGN RELATIONS OF THE UNITED STATES

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Friday, May 10, 1968

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks the report of the 11th annual meeting of the Advisory Committee on Foreign Relations of the United States. In addition to other cogent observations and recommendations, the Advisory Committee recommends that appropriate action be taken to facilitate the annual publication at a time lag not exceeding 20 years of the Foreign Relations series which is of great importance to scholars of American foreign policy.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF THE 11TH ANNUAL MEETING OF THE ADVISORY COMMITTEE ON FOREIGN RELATIONS OF THE UNITED STATES

The Advisory Committee on *Foreign Relations of the United States* met in Washington, November 3, 1967.

The Advisory Committee consists of representatives of the following scholarly professional organizations: The American Historical Association, the American Political Science Association, the American Society of International Law. These organizations draw their membership from the entire American academic community in their respective fields and certainly represent the principal scholarly consumers of the series *Foreign Relations of the United States*.

Members of the Committee and the organizations from which they are chosen are as follows:

Hardy Cross Dillard,[3] dean of the School of Law, University of Virginia.

W. Stull Holt,[1] professor of history, University of Washington.

Stanley D. Metzger,[3] professor of law, the Georgetown University Law School.

Philip E. Mosely,[1] director, European Institute, Columbia University.

Elmer Plischke,[2] professor of government and politics, University of Maryland.

J. E. Wallace Sterling,[1] president of Stanford University.

Robert B. Stewart [2] (chairman), professor of international law and diplomacy, the Fletcher School of Law and Diplomacy, Tufts University.

All members of the Committee were present for the meeting except Professor Mosley, unavoidably absent. Professor Mosley joins in this report and recommendations.

The Advisory Committee held discussions with the Director of the Historical Office, Dr. William M. Franklin; the Deputy Director, Dr. Richardson Dougall; the Chief of the "Foreign Relations" Division, Dr. S. Everett Gleason; and other members of the Historical Office's professional staff: Edwin S. Costrell, Arthur G. Kogan, Frederick Aandahl, Rogers P. Churchill, Ralph R. Goodwin, Howard M. Smyth, Velma H. Cassidy, Herbert A. Fine, Marvin W. Kranz, Neal H. Petersen, John G. Reid, Charles S. Sampson, William Slany, and David H. Stauffer.

The Committee heard a report from representatives of the Publishing and Reproduction Services Division: Jerome H. Perlmutter, Chief, and Peter A. Smith.

The Committee met also with Deputy Assistant Secretary for Public Affairs Richard I.

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[1] American Historical Association.

[2] American Political Science Association.

[3] American Society of International Law.

Phillips, and had a luncheon discussion with Under Secretary Nicholas deB. Katzenbach, Assistant Secretary for Public Affairs Dixon Donnelley, and Mr. Phillips.

SUMMARY AND RECOMMENDATIONS

The principal topics of the Advisory Committee's discussions related to the status of the *Foreign Relations* series and publication plans and schedules, problems of technical editing, the system of clearances, the problem of non-official access to unpublished records, and the need for staff recruitment in order to meet assigned tasks and goals.

Briefly stated, the Advisory Committee's principal conclusions and recommendations are these: That *Foreign Relations* has obviously been given a low priority for many years; that the State Department should now give new recognition to the relevance of the diplomatic record to current policy problems and to the state of opinion at home and abroad; that special efforts are now required to bring this record up to the 20-year goal set in principle by the Secretary of State.

The vastly increased task of the Historical Office is readily apparent. It arises from the revolution in sheer "volume" of world diplomacy, the new involvement of the United States in diplomatic and military relations around the globe, the "population explosion" in the family of nations with which the United States must maintain diplomatic relations (now some 115 nations), the growing number of world and regional conferences. All these, accompanied by a new pace and intensity of diplomatic activity, have brought a staggering proliferation of diplomatic records. The increase in the number of annual *Foreign Relations* volumes from 2 in the 1920s or 3 or 4 in the 1930s to 12 for 1945 is an indication but by no means a measure of the increased burden for the Historical Office.

Nor is the task substantially lessened by present efforts to compress the record into 6 or 7 volumes a year, beginning with 1947. The job of examining this vast flood of documentation remains and the problem of selection grows only more difficult. It requires the skill of the trained and experienced professional.

In the face of this growing burden the professional and supporting staff of the Historical Office's "Foreign Relations" Division has not been increased. On the contrary, it has actually been reduced—from 16 historians in 1947 to 13 historians in 1967!

The Advisory Committee recommends a new assessment of the importance of the *Foreign Relations* series in the whole American foreign policy process and a higher priority and urgency to this program.

For more than a hundred years this series has provided an unbroken and uncolored record of American foreign policy. Today, perhaps more than ever, it provides the documented foundation for shaping historical scholarship and informed opinion.

THE STATUS OF THE FOREIGN RELATIONS SERIES AND THE WIDENING "20-YEAR GAP"

The Advisory Committee's principal concern is the status of *Foreign Relations* publication schedule and the continued widening of the 20-year gap.

For many years after its inception, the *Foreign Relations* series was kept almost current. Only a few years elapsed, sometimes only a year or two, between the events recorded and the date of publication of the documents. The time lag gradually increased and from the end of World War I a 15-year lag became standard, except for the records of the Paris Peace Conference. Thus from about 1920 to 1960 the Historical Office's operating principle, approved by the Secretary of State, was to maintain the annual *Foreign Relations* volumes at not more than 15 years from currency.

With the growing number of important international conferences, and other international negotiations beginning with the World War II years, and with the corresponding flood of documents, the Historical Office was unable to maintain this schedule; and by 1960 the lag was, in fact, not 15 years but 20 years. In 1962 the Secretary of State officially set the time lapse at 20 years (other than occasional special cases where exceptions have to be made). This was regarded as adequate for purposes of national security.

The goal of the 20-year gap has proved no more feasible to maintain than the 15-year gap and the series is now slipping further and further behind even the 20-year line. In fact, the volumes for 1945 began to be published only in 1967, and the gap is now close to 25 years, and may well widen still further.

The Committee feels strongly that this is not in the national interest, and that the necessary steps must be taken to stem and reverse the present trend. In regard to this widening gap one current writer has complained: "When queried about the reason for the interval of secrecy, officials may deplore the lack of funds or staff. But it can be taken for granted that . . . it is policy not penury, that stretches the gap."

The Advisory Committee believes that exactly the contrary is the case.

The Historical Office has already initiated several measures to deal with the situation within the options available to it: detailed advance planning, various editorial devices and more rigorous selection of documents. With these measures it is trying: (1) to reduce the number of annual volumes to 6 or 7 (as compared with 12 for 1945), (2) to keep each volume under 1000 pages, and (3) to "compile a year in a year." Progress has been made on the first two items but the third and most critical item is unlikely of achievement in the present circumstances. With continuing staff shortages, the "Foreign Relations" Division does not have the necessary staff of historians to review and edit the enormous mass of documentation which now makes up the record of our worldwide diplomacy.

The State Department has made great progress in some sectors of its publication program—e.g., in its most useful annual volumes, *American Foreign Policy—Current Documents*. The Department also now issues a great number and variety of leaflets and pamphlets on current issues for more popular consumption, as part of its program of public education and public understanding of foreign policy. All these sectors are important. The question, in part, is effectiveness of means. If choices must be made within the present publications budget, the Committee urges a review of priorities and a recognition of the importance of the *Foreign Relations* series.

Although the Committee has in the past recommended an increase of five or six historians, the present members of the Committee believe that *two* additional appointments for the present would help stem the tide by making it possible to compile a year in a year and thus, at least, prevent any further widening of the 23- to 25-year gap. Until it is possible to compile a year in a year, still further falling behind is inevitable.

The Advisory Committee wishes to emphasize that it fully recognizes the need to safeguard national security and to avoid unnecessary embarrassment to current relations. For this purpose the Committee accepts the 20-year lag as the general rule. A longer time lag, save in very exceptional cases, seems neither required by national security nor is it in the national interest.

Indeed the Committee believes that in many instances the national interest would be well served by publishing the record long before the 20-year lapse. Here the Advisory Committee would emphasize especially the relevance of the historical record to current policy problems. In some cases American foreign policy would not be embarrassed—it would be positively assisted—by publication of the record. Having regard to the problem of both domestic and world opinion, and particularly as it may be affected by the current "outbursts of revisionism" by certain historians on the origins and nature of the cold war, the Advisory Committee believes that full public documentation on the years 1945–1947, and even later, would serve highly practical national purposes. The ready availability of the full record on the origins and early years of the cold war would help provide a sound factual basis for judgment and decision by our policy makers, by Congress, by scholars and writers and by public opinion at home and abroad.

The value of such a candid presentation of American foreign policy seems to the Advisory Committee to demand special efforts to bring the *Foreign Relations* series up, at least, to the 20-year goal.

CLEARANCE FOR PUBLICATION

One of the continuing problems in meeting publication schedules is that of "clearances" within the State Department to avoid premature publication of any item that might embarrass present relations. The difficulty arises largely because this task must be performed by already harried officials of the operating policy Bureaus. When these officials must daily face a barrage of urgent action cables and other pressing problems, they naturally find it difficult to give attention to the matter of publishing the records of 20 years ago. As a result galley proofs of *Foreign Relations* volumes usually slumber many months in the desk drawers or files of the policy official. Often the task is assigned to the most junior officials.

As a result of this situation some members of the Committee in recent years have proposed that full responsibility for clearance be assigned to the Historical Office. The Advisory Committee cannot agree with this suggestion. The Committee believes that the ultimate responsibility for clearances must lie with the operating policy Bureaus. They alone know what current problems of foreign leaders might be affected by publication of items even 20 or 25 years old. The Committee believes that the final clearance task is one for the experienced official in the policy Bureau and that it often might be assigned to a senior grade officer temporarily in the Department from the field and awaiting travel or assignment. The Committee believes also that three months is ample time for the clearance process and that, in the absence of adverse comment within that time, the Historical Office should be required to assume that no objection exists from the policy viewpoint and should, accordingly, proceed to publication.

PROBLEMS OF TECHNICAL EDITING

The Committee reviewed with officers of both the Historical Office and the Division of Publishing and Reproduction Services (PBR), the problem of technical editing of the *Foreign Relations* volumes. This has been a continuing problem and is one element of delay in meeting the publication schedules.

To ease the pressure of PBR's staff and to expedite the program, PBR has initiated a new practice of contracting out to a private publishing firm the technical editing and the indexing of some volumes. PBR has expressed hope that the private contracting firm can develop within its staff a special competence in handling the *Foreign Relations* work and that it can keep the process moving on schedule, while maintaining the necessary level of quality.

PBR reports "a considerable financial saving," as much as 40%, to the State Department in contracting out—e.g., $6.75 per hour for PBR service, as compared with about $4.00 per hour for work by the contracting firm.

On the other hand, doubts have been expressed in regard to both the cost and the quality of work done by an outside contracting firm. In regard to cost, is the difference real or only apparent? Is it merely a matter of accounting procedures which assign a cost of $6.75 an hour for PBR services? Also involved is the question of hidden costs as well as quality. Officials of the Historical Office are doubtful on both points: They believe that it is not yet established that the private contracting firm can match the quality of work by PBR. Further, they report that senior historians must spend additional time reviewing and correcting work done outside. The latter practice, if extensively used, obviously constitutes not only a hidden cost but a false economy of both money and professional talent.

The Advisory Committee does not regard itself as competent to reach a conclusion or make a recommendation on some of the questions involved, but it does urge a study of the problem.

Are the higher PBR costs due to a personnel freeze and the fact that no new personnel have been recruited for some years, so that its staff is composed of persons of long experience in the higher pay brackets? If so, what conclusions should be drawn in regard to (a) the problem of costs and cost allocation, (b) the problem of quality of product, (c) the matter of current budget economy in relation to current staffing policies and future staff planning? In brief, even if it should be demonstrated that a private publishing firm can produce *acceptable* work (if not work of present high quality of PBR), are there offsetting costs or other considerations?

To assist in arriving at answers to some of the technical questions involved, the Committee suggests that it might be helpful to add to the Committee or otherwise enlist the services of a highly qualified person in a relevant field of publications, e.g., the director of some leading university press.[4]

ACCESS TO STATE DEPARTMENT RECORDS BY QUALIFIED SCHOLARS

The lot of the Historical Office is not an easy one in its efforts to meet the requests of American scholars and others for access to the State Department's unpublished files. One distinguished scholar of recent foreign policy writes about "The Shackled Historian" and complains that "all governments make it hard for historians . . ." He continues: "let the historian try to get from the authorities all the extant records, unedited, of what was said and done during the past two decades from 1945–1965! He will find out that he cannot. If he persists, eventually doors may be closed to him. . . . Cannot they [Western democracies] be more permissive in disclosing the recent past . . .? Must the period of internment be 50 years—or even 22 years, as it now is in the United States? Need it be longer than, say, ten years . . .?"

The Advisory Committee has a *little* sympathy, but not much, for the complaining author. A case can, of course, be made for, and indeed the Advisory Committee strongly urges, a policy of accelerating and advancing the publication dates of the *Foreign Relations* volumes. But the question of access to unpublished files, and especially privileged access, is a different matter. The fact is that the Historical Office is itself composed of highly qualified scholars. Both officially and personally they ardently favor the most liberal publications policy possible, and similarly the most liberal access by scholars, consistent with national interest. The Advisory Committee warmly endorses this philosophy.

The official policy regarding non-official use of records for research purposes are set forth as follows:

"It is the policy of the Department of State to make its records available for private research as liberally as possible, consistent with the interests of national defense, the maintenance of friendly relations with other nations, the efficient operation of the Department and the Foreign Service, and the administrative feasibility of servicing requests for access to the records." (Communications and Records, Foreign Affairs Manual 7/11/66.)

Within the limits of this policy and of staff time available, qualified scholars meet the most friendly and most helpful reception from the Historical Office.

For purposes of non-official access, State Department records are divided into three periods:

(1) *The open period:* The records are open to qualified scholars up to 30 years from the current year, i.e., at present, up to 1938. This date moves up automatically in January of each year. These records are in the National Archives and may be consulted under regulations issued by the National Archives. No major power is more liberal.

(2) *The closed period:* The files are in general closed in advance of the publication of the *Foreign Relations* volumes, i.e., at present, since 1944. The closed period is advanced automatically as the annual *Foreign Relations* volumes are released.

(3) *The restricted period:* The records are available for *restricted* use for the period between the *open* period and the *closed* period, i.e., currently 1938 through 1944.

The State Department rules governing the restricted period are stated, as follows:

"Use of the records in the restricted period shall be confined to qualified researchers demonstrating a scholarly or professional need for the information contained in such records. Classified and sensitive records of the restricted period will be made available only to United States citizens."

To gain access to records for the *restricted* period a qualified scholar need only pass a security name check. Later he must submit his notes to the Historical Office, which undertakes to eliminate "invidious references" or any item the publication of which would interfere with current policy or negotiations.

The State Department's policy has been to apply these rules impartially and to grant access on terms of equality to all qualified scholars. On occasion the State Department has "stretched" the term scholar or scholarly purpose. On a few occasions it has granted special access, even to the *closed* period, to particular scholars. The Advisory Committee believes the State Department can and should resist temptations of pressures to grant special treatment or favored access.

The Committee strongly supports the State Department's policy of access on equal terms to all properly qualified scholars.

ROBERT B. STEWART,
Chairman.

MAINLINE TO NOWHERE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. PATTEN. Mr. Speaker, recently a six-part series called, "Mainline to Nowhere," was published in the Home News, of New Brunswick, N.J.

Because drug abuse is one of modern society's most serious problems, I am inserting the excellent articles written by John Pribish.

It is an enlightening and sometimes shocking and dismaying series, and I commend the Home News for recognizing drug abuse as a grave and challenging social problem; John Pribish, for writing the articles with skill, knowledge, and understanding; and Middlesex County Sheriff Robert H. Jamison, for his courageous and dynamic leadership in helping to enforce laws against drug abuse.

The six articles follow:

MAINLINE TO NOWHERE—DRUG ADDICTION: SOCIETY IS THE BIGGEST LOSER

(EDITOR'S NOTE.—This is the first of a series of six articles on drug abuse in Middlesex and Somerset counties.)

(By John Pribish)

The drug user is a drug to himself, to society and possibly to future generations.

While the smoking of marijuana, commonly known as pot, has been making the scene in the Twin-County Area like an erupting volcano, society continues to be plagued by the heroin addict.

Police blame him for much of the crime, particularly burglaries and thefts from parked cars.

And a small row of imaginary white crosses dots the end of the road for at least seven dope addicts from Middlesex and Somerset counties who lost their battle with drugs.

They paid the price through overdoses of heroin or infection. But their deaths are soon forgotten and others apparently will follow as a new crop of young addicts gets hooked.

Three of the deaths were last year, and the others during the past decade.

THE SEVEN TRAGIC TALES

A Milltown youth was abandoned by friends outside a Newark hospital after a bout with barbiturates and heroin.

A college student from Highland Park was found dead in a car in Franklin.

Found dead in a New York City flat was a New Brunswick man in his 20s.

A youth was found dead in his home here.

Dead on arrival at Perth Amboy General Hospital was a youth from that city. He took heroin in New York City and was driven to the hospital by his girl friend. They had met at a drug addiction treatment center.

A man was found dead alongside a brook in Somerville.

And a Perth Amboy youth died at the shore.

"It's just as bad as it ever was," said Detective Lt. George Seamon of New Brunswick.

He was referring to the serious problem a few years ago when so many dope addicts frequented Albany Street that it was nicknamed "Junkie Alley."

"There are new faces today, and there are still a lot of people fooling with heroin," said the head of the city's narcotics squad.

The use of heroin in Middlesex County is not limited to New Brunswick, although city police are making the most arrests in this area.

Heroin use has spread over the years to the suburbs, and this is clearly shown by the periodic arrests by municipal and state police, and officers from Sheriff Robert H. Jamison's office.

Jamison's raider, accompanied by municipal police, pulled the biggest single narcotics raid in the country's history a few weeks ago.

Nineteen persons were arrested in New Brunswick, Perth Amboy and Metuchen. Some were for the sale and possession of heroin.

While the amounts of confiscated narcotics were small, they indicate that a drug problem exists in Middlesex County, and that it is widespread.

"We're just skimming the surface," said the sheriff.

"You can't actually state how big it (the narcotics problem) is in Middlesex County. The unknown quantity is the big question mark. But our work speaks for itself," Jamison said.

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[4] Such a person, for example, as Thomas Wilson, former Director of the Harvard University Press and now Vice President of Atheneum Publications.

Drug abuse is statewide, too. Recent figures released by the U.S. Bureau of Narcotics show New Jersey ranks fourth in the Nation with 2,834 registered narcotics users behind New York, California and Illinois.

New Brunswick police have 81 registered violators of narcotics laws. Most of them are heroin users.

Some of the addicts have moved out of town. A few went to the suburbs and others melted into larger population centers like Newark and New York City.

INACTIVE FILE

Detective Sgt. Everett James, a narcotics squad member, said at least a dozen will be out of circulation for some time.

Six are in the N.J. State Prison at Trenton, serving time for such crimes as armed holdups and assaults. The other half dozen are at lesser penal institutions.

The drug problem in New Brunswick became a major issue in last May's City Commission election campaign.

And apparently it continues.

Said Police Chief Ralph C. Petrone: "We have a narcotics problem in New Brunswick and I'm not going to stick my head in the sand and say. 'We don't.' "

"We cooperate with state, county and municipal police. We trade information, but the drug addict keeps moving around."

The chief says continuous harassment of known and suspected users forces some of them to get out of the city.

"I'd like to add another man to the narcotics squad. The problem is big enough in New Brunswick to warrant it," Petrone explained, noting many crimes here are related to drug addicts.

Seamon and James comprise the squad, but they have been backed up by uniformed and plainclothes personnel, and ably aided by state police Investigator Joseph Craparotta.

Craparotta, a former undercover agent with the state police narcotics squad, was assigned here four years ago at the request of city officials.

KNOWS JUNKIES LIKE A BOOK

He's a walking encyclopedia on junkies in this area and has participated in many narcotics investigations in Central New Jersey. His main job is to assist municipal police.

Narcotics arrests by New Brunswick police dipped to 101 in 1967 from 128 in 1966. Seamon said he couldn't provide the answer for the drop, although he and James, from time to time, were assigned to other investigations. Seamon, by the way, also is the department's official statistician and is required to make reports to city, state and federal agencies.

Of the 101 arrests, 84 were adults and 17 were juveniles. The files on most of the offenders show heroin arrests, followed by marijuana.

Last year, city police confiscated 127 bags of heroin, 13 bags of marijuana and 24 pot cigarettes. The biggest heroin grab was 50 bags at a Neilson Street address.

"Goofball use has dropped considerably," said Seamon.

"But I don't have the answer. Maybe the users have graduated (to heroin)," the lieutenant added.

The barbiturate (goofball) and amphetamine (pep pill) problem gave the police department its biggest headache a few years ago.

The situation was such among teen-agers that the city Board of Education adopted a policy setting up disciplinary procedures with expulsion as the maximum penalty.

Although there have been rumors of use of LSD here, there was only one such arrest by New Brunswick police last year. It was the city's first.

The man, a professional singer, said he took the drug while in New York City.

However, police in the past few months went to two apartments, which they described as "acid pads," but no arrests were made because the occupants "flew the coop."

GOING TO POT

But the smoking of pot, for the time being, is replacing heroin, goofballs and LSD in the crazy world of thrill seekers.

In Perth Ambcy, Police Chief Paul Jankovich said: "The drug abuse problem is definitely under control here. But I'm concerned whenever users and pushers sentenced to jail are released."

Jankovich said there is no known organized group of pushers in the Bay City. The chief reported there were no heroin arrests in Perth Amboy last year, but quickly added: "Not that it's not here."

The decline in goofball use in Perth Amboy, Jankovich says, is the result of the department's educational campaigns and constant surveillance of teen-age hangouts.

A few years ago, the chief recalled, the goofball fad was in full swing and he closed a pool room, which he said was a hangout for drug users.

Last year, Jankovich reports, 27 men and three women—most of them in their early 20s—were arrested on narcotics charges (marijuana and barbiturates).

Society, confronted daily with the growing drug abuse problem, pays and pays and pays.

Society pays for the special police squads and their time-consuming. but necessary surveillances. Some result in arrests, some don't.

Society pays by furnishing free legal services when indigent dope addicts contest indictable charges.

Society pays by providing not-too-successful treatment centers.

Society pays when its homes, businesses and cars are broken into and looted.

And society will continue to pay until it can solve the almost unsolvable problem.

MAINLINE TO NOWHERE: EX-DRUG ADDICTS KICK THE HABIT—HOW THEY DID IT

"I was tired.

"I wanted to quit shooting dope.

"I was tired of being a vegetable, so I cleaned up."

That is how an ex-junkie summed up his successful struggle with life to get the monkey off his back.

In his 20s, he says he's clean and has a job.

He lives in the New Brunswick area, and was a familiar face to police who hounded him and busted him for using heroin.

CRIMINAL RECORD CLEAN

But, the ex-junkie says, he's never been arrested for the batch of crimes he admits committing to pay for his habit of at least a half dozen years.

This is his story:

"I got hooked when I was in the service. I had a serious operation and they gave me medication for pain. I became addicted.

"After my discharge from the service, I went straight to heroin. I didn't have no stops in between.

"I went looking for drugs in the early 1960s. At that time, there were only a few guys in New Brunswick using drugs.

"I knew these guys, I told them what I wanted. I copped. It was easy as that.

"I got it from another addict. He sold it to me right on the street. He wasn't a pusher. I paid $5 a bag.

"I went to an apartment and that's when I shot up for the first time. The stuff was real good then. It's garbage now.

"You feel it immediately. The stuff satisfies your basic desires. In that one little shot, everything is satisfied.

"After that first shot. I got sick. The needle was dirty. I was sick in bed for about a week and a half. I took my second shot about a month later.

DAILY DOSAGE

"But I didn't become addicted to heroin until after five months. Then I was taking heorin every day.

"At that time, I went to New York City every day. I went to Harlem, Spanish-Harlem, down in the 80s and downtown to 13th and 14th streets.

"There's no problem getting heroin in New York."

He was asked how he paid for his habit.

The ex-junkie answered: "There were a lot of ways we (meaning himself and junkie pals) got the money. I forged checks stolen from break-ins at offices. The breaks were all over Middlesex County and in Elizabeth and Trenton.

(The Middlesex County communities included New Brunswick, Edison, Metuchen, Highland Park and East Brunswick).

"We had no trouble cashing checks. We also took everything that was movable—especially TV sets. We had no trouble fencing them.

SOMETIMES NO MIDDLEMAN

"If you have something good—like a TV set—you could take it to New York to a pusher for dope. Some fences would give you the stuff if they knew you were a junkie. That's what you wanted, you didn't want any money—just dope.

"When I first started out it wasn't from b-and-e's. We got checks from break-in artists. I had a connection in Newark who would cash them for a price.

"There were other ways of getting money, though. We had a couple of girls working as prostitutes and once in a while they'd lift a wallet from a 'John'.

"The broads were junkies, too."

He admits being "on and off" heroin for a half dozen years, but swears he's clean today.

The ex-junkie said he's never been busted for burglaries, passing phony checks or stickups.

He continued: "I was out with some stickup artists. They were junkies. The stickups weren't in New Brunswick. They were out of town—down in South Jersey. Most of the time we were high."

The ex-junkie recalled the panic a few years ago when dope was hard to get in New Brunswick because of the stepped-up campaign on addicts by city police.

"I was sick, I met two other junkies. There was no stuff available in New Brunswick. We had a gun and went out and stuck up this guy."

He refused to say where, giving a vague description of "right on the outside of New Brunswick." He claimed they got more than $500.

The ex-junkie added: "There are no pushers in New Brunswick. In New Brunswick, the stuff is sold by junkies. I sold, too. Every addict sells."

Could he estimate the number of drug users in New Brunswick:

THERE'S "500 JUNKIES" IN CITY

He answered: "I know, man, there's got to be 500 junkies in New Brunswick. But they are not hard-core junkies. They use drugs a couple times a week. I know about 200 of them.

Continuing his story:

"I used all kinds of drugs, I was messing around heavy with LSD. I made about 100 LSD trips.

"When you use LSD your mind changes your way of thinking. My last trip was in a house in New Brunswick with two girls and four guys. We all 'tripped'.

"I was getting my acid from New York and California."

The ex-junkie claimed he smoked pot, too.

"But pot came after heroin," he said.

"Pot is widespread in New Brunswick and it's easy to get," the ex-junkie claimed.

He said most of the hard-core junkies he knew "are in New York or in jail."

THE "NEW BREED"

He continued: "There's a whole new breed of kids coming up the cops don't know about.

"They're not downtown like they used to be. I know a lot of kids using drugs, and the cops don't know them.

"The mind-expanding effects of LSD, a hallucinogen, the ex-junkie said, believe it or not, brought about his change of attitude toward drug abuse, with a big assist from a friend.

"I have no desire for it (dope). I saw a couple of junkies and they couldn't believe that I'm clean."

Another ex-junkie, also in his 20s and an area resident—but not as talkative as the other—says he broke away from his heroin habit.

He went to a drug addicition center for treatment, rather than serve his time in jail. This is par for the course for junkies, but he's among the lucky ones.

Others find it tough sledding trying to get rid of their craving for dope. And some don't want to. They like being on dope.

Ex-junkie No. 2 said he was in his midteens when he first used heroin.

"I hung around with the wrong crowd," he claimed.

He graduated from cough medicine and goofballs and switched to heroin because he wasn't getting "high enough" on the other drugs.

"I wanted to see what it was like. I liked it. After that first shot, I tried it again three months later. Eventually, I became a two-bags-a-day addict," ex-junkie No. 2 said.

BIWEEKLY "BUSINESS TRIPS"

He went to New York City twice a week to get heroin and sold it to other addicts to help pay for his habit.

The ex-junkie admits passing phony checks in Middlesex and Somerset counties and in North Jersey.

He was arrested trying to pass forged drug prescriptions.

"I did that because I was stupid," he said, the self-disgust showing in his voice.

"I sneaked dope (heroin) into the county jail where I was being held," ex-junkie No. 2 claimed.

He said the six glassine bags were concealed on his person.

Since he didn't have a needle to inject the drug into his blood system, he said, "I snooted (sniffed) it."

"But I'm cured because I want to be cured," he said.

WILL'S THE ONLY WAY

Those in drug rehabilitation work say this is the only way it can be done. You can't force a cure. If a junkie wants to be cured, he will. If he doesn't, he won't.

Fewer than 10 per cent of addicts stay off drugs for good when they leave the U.S. Public Health Service Hospital at Lexington, Ky., the world's largest and oldest treatment center for drug addicts.

Ex-junkie No. 2 admits smoking pot, and taking five LSD trips in Highland Park, New Brunswick and Bound Brook.

"LSD," he said, "strips your senses. Nothing matters. It's like a dream. There are no corners to a room. You float through the walls. You think you can put your hand through a desk."

His reason for dropping LSD, as he put it, was: "I came too close to being crazy."

Mainline to Nowhere: Severe Critic of Drug Addiction Center Trying Again

The man who criticized New Jersey's in-patient drug rehabilitation program, labeling it "a failure or near failure," is giving it another go—although he's not too optimistic on the future without controlled out-patient care.

The outspoken critic of the facility he heads is Dr. Hans W. Freymuth, director of the drug addiction center, N.J. State Neuro-Psychiatric Institute, Skillman.

Earlier this year, Freymuth resigned in a dispute over a proposed plan to reduce the addict's stay at the center from 45 to 21 days.

CHANGE OF PLANS

However, the physician, who specializes in psychiatry, withdrew his resignation when learning the plan was temporary, not final.

When Freymuth, a 17-year veteran with the N.J. Department of Institutions and Agencies, talks of the drug addict, he means the hard-core heroin user.

He probably has the toughest job in the state in rehabilitating addicts. The center is about 16 miles south of New Brunswick in a rural stretch of Somerset County.

The center's facilities are apparently inadequate to handle the state's growing drug problem since New Jersey has 2,834 registered addicts, the fourth highest in the nation.

The state's registered addicts increased by 727 during 1967 over the 1966 total of 2,107 according to the U.S. Bureau of Narcotics. Newark tops the state with more than 1,000.

Freymuth, the center's fourth director since it was authorized by law in December 1964, says the state must reassess its program on rehabilitating the drug addict. He became director nine months ago.

FREYMUTH PHILOSOPHY

He takes the position that you can't confiscate a junkie's set of works, wave a magic wand and pronounce him cured.

The center, an intermediate facility, must be backed up with a long-term plan, not necessarily in-patient care, he said. "I am convinced," Freymuth said, "that the state will have to create some sort of long-term system. Addicts need continuing control and support.

"The pressure by the communities is real. They want the drug addicts taken off the streets," he added.

Freymuth maintains the in-patient program cannot be fulfilled unless there is a follow-up care system on the county level. He was referring to clinics.

What the director meant is to supply methadone—a nondamaging synthetic opiate and substitute for heroin—to addicts on a controlled basis at out-patient clinics.

Methadone is more potent than morphine, but less habit-forming. However, it is addictive. The drug is taken orally with orange juice.

Freymuth proposed initiating a methadone maintenance program as a research project at an out-patient clinic he heads in Newark.

Methadone, he said, is used at the center, but only during what he referred to as the detoxification period after the addict is admitted and has withdrawal symptoms.

Freymuth's research project has received the approval of the Medical Society of New Jersey. The society said it approved in principle and that the research should be done on a small scale with carefully selected treatable patients.

A STIGMA ERASED

The director said that by replacing heroin with methadone, the patient would lose the stigma of criminality associated with the use of heroin.

"It would establish a more stable emotional adjustment, and would give the addict a chance to rebuild his social and economic status," Freymuth said. "Methadone," the director explained, "metabolizes more slowly than heroin. It is not a cure, but an improvement."

Freymuth said he plans to operate the methadone maintenance program at the Newark out-patient clinic on a seven-day-a-week basis. The clinic's staff, he said, includes himself, a part-time physician, a social worker and a secretary. He's hopeful of obtaining two registered nurses to assist in the research project.

In his critical review of the state's drug addiction program, Freymuth said the present New Jersey law and the premise for treatment which it establishes is impractical.

The law offers the addict the choice of serving his time in jail or being placed on probation for treatment at the center.

When confronted with such a choice, the junkie picked the center—something borne out in almost every heroin case in the New Brunswick Municipal Court since heroin use became a problem in recent years.

POLICE LOSE FAITH

New Brunswick police always made it a point to recommend admission to the center. They no longer do, apparently losing faith in the center's ability to cure the junkie.

Freymuth is cognizant of the drop in court referrals, not only from Middlesex County.

In recent months, there have been referrals of addicts by the Middlesex County Court to Bordentown Reformatory and rehabilitation centers in New Jersey and New York.

Freymuth noted that the center lacks the facilities to handle the statewide drug problem.

"I predict, however—if we get better—the word will spread," the director said hopefully.

There was a time not too long ago that New Brunswick's addicts went through the center as if it had a revolving door.

Now treatment at the center, Freymouth said, ranges from six weeks to several months, although addicts can be discharged at any time and referred to legal authorities, such as probation offices.

Once the long waiting list presented a problem, but Freymuth says there is no waiting today. The only delay, he said, is caused by technicalities of admission. And this is about a week, the director reported.

The center has facilities for 54 male and 12 female addicts. This is inadequate, Freymuth said, noting a need for additional space and more personnel.

Freymuth emphasized: "There are treatable addicts and there are nontreatable addicts. We want treatables. Those who want to pull out. The person who doesn't have the strength to help himself."

After admission, the addict is placed in a detoxification unit for two weeks. Those undergoing withdrawal symptoms at that time are given methadone.

The director said he and his staff, at the end of the two-week period, then determine which patients are treatable.

TWO PERCENT TREATABLE

Freymuth said that "2 per cent or less of the patients graduate to treatable status."

Nontreatables are discharged for various reasons, Freymuth said, adding: "Society will have to face this problem of drug addicts roaming the streets."

There are addicts who rebel against changing their way of life and who use the center as "an out" to keep from serving their time in jail.

An addict, Freymuth said, is usually in his late teens, frequently unemployed, is from a broken home, with an alcoholic father. The "typical addict" has spent some time in jail, is a school dropout, was a juvenile delinquent and has committed assaults and burglaries.

"Speaking as a physician, this (drug addiction) is not a curable disease," the director said.

WILL TO CHANGE ESSENTIAL

Freymuth explained that as long as the addict persists in his way of life, he cannot be seen as treatable. The addict, the director added, cannot be considered treatable unless he reaches that decision to change his way of life.

The director said treatment of a voluntary or semivoluntary nature cannot be offered as an alternative to punishment by incarceration.

And, he adds, the few treatable addicts reaching the center have been influenced negatively by the non-treatable majority.

He further said that no single center is capable of covering "the entire spectrum of treatment needs for potentially rehabilitable addicts."

The director noted that a majority of New Jersey's counties has neglected to create after-care facilities for drug addicts as authorized by law.

Freymuth said society and the community must be protected against the nontreatable drug addict, noting that the addict needs between $10 and $100 a day to support his habit.

The nontreatable drug addict must be seen as a criminal and dealt with under the penal code.

Apply the concept that a nontreatable addict can possibly be transformed into a treatable addict by environmental influences and treatment methods.

On the subject of marijuana, Freymuth said: "Seven of 10 heroin addicts have used marijuana at some time.

"We should stop calling it a narcotic, which it is not. It is not addictive. It gives an effect similar to alcohol.

"Control of marijuana is difficult.

"You can grow it in any flower pot."

Mainline to Nowhere: Where There's Pot Smoked, There's a Marijuana Wildfire, Lawmen Learn

The greatest single concern of law enforcement officials and educators in the Twin-County Area today is the sudden spurt of marijuana smoking among teen-agers and those in their early 20s.

Pot, grass, weed—whatever you want to call it—was almost unheard of a decade ago in Central New Jersey, although jazz musicians have been puffing it for years.

Today, the smoking of pot, sometimes referred to as the campus drug, has caught on like wildfire with high school and college students, dropouts, hippies and the arty set.

GONE ARE THE DAYS OF . . .

Whatever happened to panty raids, stuffing bodies into telephone booths, fraternity beer-drinking contests or gulping goldfish?

Smoking pot today is the "in" thing to do with the younger generation, and it's simple as that.

And the controversy over the effects of pot-smoking continues. Is it dangerous? Some say it is, others say it's not.

How can you control it or prevent it from spreading?

Law enforcement officials, even with their almost daily arrests in Middlesex and Somerset counties, are learning that the pot problem is their Excedrin Headache No. 1.

Marijuana, a mild hallucinogen, can easily be purchased on the streets, and undercover agents have proved this.

Pot also is available through the mails, from such points as Southern California and the Southwest.

Pot smoking hit the Twin-County Area scene with a bang during the past summer and fall, and has been increasing.

"There's a lot of pot around, not only in New Brunswick. But we know what's going on," said Capt. Claude V. Colligan, head of New Brunswick's Juvenile Aid Bureau.

NO "SERIOUS" LABEL

The problem, he said, cannot be characterized as "serious," but there is sufficient use among juveniles to be concerned.

Colligan said there's been a decline in glue-sniffing and goofball-gulping. "Now it's pot. It's easy to get," he added.

Two New Brunswick students—from the senior and junior high schools—were arrested earlier this year for using and pushing marijuana. They were placed on probation by the Juvenile Court.

Middlesex County Sheriff Robert H. Jamison, whose squad of undercover agents has been making frequent arrests, said: "Those who say marijuana is not harmful cause confusion. The use of marijuana beclouds the thinking process of the mind. That is serious to me."

The sheriff contends the use of marijuana is "a stepping-stone on the ladder of drug abuse."

New Brunswick Police Chief Ralph C. Petrone recalls that pot arrests were infrequent a decade ago.

THREE AND ONE-HALF POUND "CATCH"

Recently, city police confiscated 3½ pounds of pot in a raid on a Livingston Avenue apartment, made two arrests, and set the stage for seizure of more pot by Highland Park police at an apartment there and the arrest of a Rutgers student.

Sheriff's officers, a few days later, conducted a raid on another Highland Park apartment and arrested three Rutgers University sophomores.

On the statewide level, state police Detective William J. Kennedy, summed up the pot problem this way: "It's growing out of proportion. It's mushrooming."

Kennedy, second in command of the state police narcotics squad, said: "In 1954 (three years after the squad was formed) it was considered a good pot arrest when an ounce was seized. Today, it is not."

Pot arrests, he said, were made by the squad at Princeton and Rutgers universities, Glassboro State College and the Hun School.

In the last decade, Kennedy said, eight arrests were made in rural parts of Central New Jersey for cultivating marijuana. Four were in 1967.

Last year, state police confiscated as evidence marijuana which would bring an estimated $260,000 on the illegal market, he said. Eighty per cent of it, Kennedy said, was from North and Central Jersey.

The pot problem is in full bloom in Somerset County, said to have one of the highest average per-capita incomes in the nation.

"It's county-wide. I cannot localize it," said Prosecutor Michael R. Imbriani, adding that most of the marijuana arrests have been in Franklin, Bridgewater and North Plainfield.

NO COMMUNITY CLEAN

"We do not have a problem with pushers, but there's no question from the evidence that there is a marijuana problem in every town in Somerset County," Imbriani said.

He added: "Narcotics, meaning marijuana, is the most serious criminal activity in Somerset County."

The prosecutor recalled that there was an average of two narcotics arrests per year in Somerset County between 1952 and 1964. The arrests went up to six in 1965. But in 1966 they rose to 18 and then to 70 in 1967.

The September grand jury shocked Somerset County with its presentment that marijuana was "available in every high school" in the county. The grand jury said the problem was in the 15-to-20-year age group.

Imbriani said an investigation by his staff led to the presentment.

MAKES A DIFFERENCE

He then met with school superintendents and told them, "I want leads." Imbriani said he got 90 of them after the presentment. But it was a different story before the presentment when he met with the educators. He struck out at that time.

Confinement is not uncommon in Somerset County for those charged with sale or possession of pot. For example, three youths, nonstudents, were recently sentenced to indeterminate terms in the Annandale Reformatory.

Imbriani explained his policy this way: "Whenever there is cooperation, it is brought to the attention of the court to be considered when passing sentence."

About the effect of pot smoking, Imbriani said: "It may not be physically addictive, but I feel it is psychologically addictive. Marijuana, I believe, can lead to the use of heroin."

The prosecutor continued: "We've broken up some pot parties at homes in Somerville, Franklin, North Plainfield and Bridgewater. The raids resulted in multiple arrests. They were all from good homes."

Imbriani said that of the 70 narcotics arrests in 1967, nearly all were white and in the middle- and upper-middle social classes.

Somerset County is primarily rural, has many well-to-do families and does not have what can be considered ghetto neighborhoods as are found in the more populated counties.

He considers the marijuana problem as "very serious" in Somerset County.

CRIMINAL CASES CLIMB

Imbriani said the number of crimial cases in Somerset County rose 120 per cent in 1967 over the 1965 figures. A factor in the hike, he explained, was youths involved with marijuana.

His staff works in close cooperation with municipal and state police and Middlesex County sheriff's officers.

A few days ago, a Somerset County Court jury found a Bound Brook man in his mid-20s guilty of growing pot in his backyard. Such arrests are uncommon in the Twin-County Area.

A Rutgers student, who asked that he not be identified, said he smoked pot out of curiosity.

"It's a nice, relaxing type of experience. It's a casual thing. There's no ritual or mystique, It's a pass-the-peace-pipe affair," he said.

The student commented that other students smoke pot because it is harmless. He said that according to medical research, marijuana smoking is not physically addictive.

I don't buy the angle of escape and a substitute for alcohol. And it's not used as a crutch.

"Some take it out of curiosity. Those who try it, enjoy it," he said.

Mainline to Nowhere: at Rutgers, Not All Experiments Are in Labs—Students Try Marijuana, Too

"At least one-third of the students on campus have experimented with pot at least once," says 20-year-old Owen Ullmann, editor of Targum, Rutgers University's student daily newspaper.

Ullmann, a Spotswood resident, further estimates that 20 to 25 percent of Rutgers students smoked marijuana on more than one occasion.

However, the junior, majoring in political science, admits he had no specific guideline or rule to reach those estimates.

His conclusions, Ullmann adds, were based on personal observations and "people I've talked to."

The university has an undergraduate enrollment of about 6,000 male students. Some 3,800 are housed on the Queens campus, 3,100 in dormitories and 700 at fraternity houses. The remainder live off campus in apartments and rooming houses.

Ullmann said students have been smoking pot on campus, as well as in off-campus residences. He said most of the smoking is off campus.

"It is not difficult to get pot in the campus area," the student editor said.

OVERESTIMATES?

Dean of Student Affairs Earle W. Clifford referred to Ullmann's conclusions as "guesstimates" and said they were "high."

Clifford said a study has not been made on student drug use and saw no useful purpose for it.

Ullmann said he supports the legalization of marijuana. "The laws on it are ridiculous," the editor said.

He cited a law in Georgia where a second offense of selling marijuana to a minor can bring the death penalty.

"Marijuana, it has been proven, is not a narcotic. There's no proof it's harmful," Ullmann said.

His position: "I don't think a certain minority segment of society should be dictated to by the majority on what it can or cannot do to seek pleasure as long as it does not cause harm to someone else."

He smiled when told his views seem to duplicate those in the Playboy Philosophy.

"Pot should be legalized with minimum restraint. It would clean up racketeer profiteering," Ullmann said.

Targum, founded in 1869, is the oldest college newspaper in the U. S. It enjoys the reputation of being one of the country's most independent campus publications.

NO PRESSURE ON PAPER

Ullmann, who became editor in February, said the university's administration does not attempt to influence Targum's editorial policy.

A Targum staff member for three years, Ullmann said he agreed with the student newspaper's editorial of Feb. 7, 1967, entitled, "Prohibition: 1967," which endorsed legalization of marijuana.

Ullman said student use of pot on and off campus reached its peak in the fall.

College students shy from heroin because of its addictive quality, he said.

When Rutgers last April announced its policy on student use of drugs, Clifford assessed the problem as appearing to be "small."

The dean said the same assessment stands today.

In reviewing the policy, Clifford said the university must assume its educational responsibility to assist the student confronted with the choice regarding drug involvement to make an informed decision.

"We recognize that we could not inform every individual student, and though we informed a large number of students, errors of judgment would occur," Clifford said.

The dean referred to the first phase of the university's three-point policy. That phase relates to educating the student about drugs and their effects.

Phase 2 makes available counseling and student health services for those who experimented or became involved in drugs.

Clifford continued: "In cooperation with law enforcement agencies, we are exercising university disciplinary sanctions against any student who becomes involved in 'pushing,' 'dealing,' or otherwise persuading a fellow student to use drugs."

POLICY'S OTHER TARGET

The Rutgers policy is geared to punish the pusher, but does not ignore the repeated user, both of whom are subject to suspension or dismissal.

Action is pending on two students arrested earlier this year for selling small amounts of marijuana to a state police undercover agent on campus streets last fall. The students have been held for grand jury action.

The two students were the first students to be arrested on campus on narcotics charges.

The first arrests in New Brunswick involving Rutgers students were three years ago. Two were apprehended. They admitted smoking pot one of them purchased in Mexico and brought back with him from Southern California, where he had a summer job. A small amount of pot was confiscated.

In addition to the two students arrested in February, nine others were picked up in Princeton, Highland Park, New York City, South Brunswick (on the N.J. Turnpike), and New Brunswick (off campus).

Investigations by the campus patrol, the university's security arm, has not led to confiscation of any narcotics on campus, according to Robert Ochs, assistant to the vice president, and John Mazzei, patrol director.

Mazzei said: "We do not have any undercover agents. It's against university policy."

Ochs, former campus patrol director, added: "To the best of my knowledge, there has never been a request by a law enforcement agency to 'plant' an undercover agent in classes."

Some colleges and universities have been accused of doing just that.

NO LSD, GOOFBALL, HEROIN USE

There has been no evidence of LSD, goofball or heroin use resulting from investigations of campus by the campus patrol, said Ochs and Mazzei.

Two faculty members of Ithaca College announced recently results of their survey on use of drugs of that college's co-educational enrollment of 3,300. More than 2,000 students participated.

The faculty members said: "It is estimated that only eight per cent of Ithaca College students are currently involved in the regular use of any type of illegal drugs."

They said they believe their survey to be the most extensive of its kind, and possibly the first, conducted on an American college compus.

The survey reveals that Marijuana has emerged as the principal drug used by students. Twenty-two percent tried pot in high school or after becoming a college student. Only 15 per cent used pot more than twice.

Clifford said statistics about regular users on most campuses would be quite low. The pattern on campuses, he explained, is a period of experimentation, then tapering off after "the kick of the first time" wears away.

The dean said Rutgers has not made such a study and does not contemplate doing so.

Clifford said his personal reaction to developing and printing drug use statistics is that "they would be obsolete before the ink became dry."

Then there is the question of the credibility gap involving sources of the information used to compile the statistics.

Clifford is a member of the executive committee of the National Association of Student Personnel Administrators, which contacted the U.S. Food and Drug Administration to conduct a national program on drug education.

The program's aim, he said, was to aid college and university administrators and security officials to have a "working" knowledge of drugs at the student level.

From his contact with administrators at other universities and colleges, Clifford said: "There's been a leveling off of LSD use. The message of possible chromosomal damage has hit home."

The dean, speaking in general about college campuses in the nation, said: "There has been so much preoccupation with LSD and pot, that we may be ignoring a more critical problem—that of student use of barbiturates (goofballs) and amphetamines (pep pills)."

Clifford said student life has its ups-and-downs, stresses and strains that lead to use of the dangerous drugs. He cited possible serious health hazards of their overuse.

MAINLINE TO NOWHERE: PULL IN ONE ON POT CHARGES—ANOTHER POPS UP IN HIS PLACE

Law enforcement agencies on the municipal, county and state levels, generally, have locked arms in their campaign to combat drug abuse in Middlesex and Somerset counties.

While most of the agencies conduct independent investigations, primarily undercover work, there is a certain degree of cooperation.

However, the autonomous mechanism of these agencies has resulted in overlapping investigations.

But the odds are still against them, as the lawmen are outnumbered pawns in the growing king-size population of thrill seekers.

The lawman's position is comparable to that of trying to eradicate mosquitoes with a flyswatter.

You can get one of the pesky insects with each swat, but another is there to take its place.

As one official put it: "It's like using a spoon to empty a lake."

Inter-police department cooperation is common in the Twin-County Area, but most police forces have few too men assigned to narcotics investigations, if assessments on the problem by officials paint the true picture.

The New Brunswick police department has two men assigned to drug probes, but they have other duties. A third plainclothesman is used as a swingman between narcotics and other investigations.

And New Brunswick, the county seat, is faced with the biggest drug abuse problem in Middlesex County, statistics on arrests show.

A few factors for this, police say, are the city's central location, its poverty neighborhoods, and transportation facilities to New York City, where most of the dope used by area addicts is obtained.

WELCOME HOME

Some of the arrests by New Brunswick police have been made as addicts stepped off buses from New York possessing heroin.

Such arrests can only be made on information obtained by police, through tips or surveillance, and the men available to make them.

Although the number of registered drug users in New Jersey ranks fourth in the nation, the state police narcotics squad numbers but 14. Seven of them are effective undercover men.

However, the state police squad formed in 1951 with six men, has participated in narcotics arrests in all but two towns in Middlesex County.

Its members have branched into Somerset County, too, particularly Franklin.

"TYPE CAST"

The effectiveness of a state police undercover man is about six years and diminishes according to the number of times he appears in public and is identified when testifying in open court.

On the other side of the numbers coin, Middlesex Sheriff Robert H. Jamison has a narco squad numbering six men, some former experienced policemen from area communities.

A few years ago, sheriff's officers made a handful of narcotics arrests, but since Jamison added to the squad, the arrests zoomed to 68 last year.

Jamison said he saw the writing on the wall on drug abuse in Middlesex County in the early 1960s when he was president of the N.J. State Sheriffs' Association.

The sheriff launched an educational campaign, providing speakers, showing films and distributing more than 400,000 pieces of literature.

"When it began to unravel, it became serious. It's widespread now," said the sheriff.

Jamison said: "Drug abuse activates some into crime. This is the octopus of the whole problem.

"One of the big problems, however, is that there is no facility to treat drug addicts in Middlesex County. And it's a fallacy to blame the problem on the people because of their status in life.

"These people—drug addicts—are sick. It is a social problem and it should be treated as such. There should be counseling."

"SCRATCHING" FOR FUNDS?

Changing the subject momentarily, Jamison added: "Do you realize that more money is spent by Middlesex County to eliminate mosquitoes than to help drug addicts?"

Jamison is a strong proponent for establishment of clinics by the county where drug addicts can receive out-patient treatment.

The sheriff said his recommendation to the Board of Freeholders a few years ago to establish a countywide drug study commission fell on deaf ears.

Jamison said: "My concern is about the drug abuse problem. We have limited funds, but we are going to continue. We are not going to relax.

"I don't care who gets the job done, whether it's the local police, state police or prosecutor's office, as long as it's done."

The sheriff said, "There's no competition," an obvious reference to unofficial criticism that he's grandstanding and grabbing newspaper headlines through his stepped-up narcotics arrests.

Jamison also has been criticized unofficially for his go-it-alone policy on narcotics investigations, but controversy is nothing new to the outspoken sheriff.

He has the horses and intends to use them to the fullest, stressing: "The public is more aware of the drug abuse problem than ever before. Let's not sweep it under the rug. Let's bring it out into the open."

And he's doing just that.

ARRESTS: "NO TRUE PICTURE"

Jamison said his staff's arrests speak for themselves, but explained that the number of arrests "do not represent the true picture."

Heading the sheriff's narcotics squad is Detective Capt. Lawrence Gudgeon, who has given a number of lectures on drug abuse. Gudgeon said he believes the talks help. However, he adds, there is no way of gauging results.

Gudgeon said two-thirds of the arrests by the sheriff's squad were for marijuana violations, with heroin cases in second place.

Most of the heroin arrests were made in New Brunswick and the pot arrests were spread throughout Middlesex and Somerset counties.

Gudgeon, too, defends the sheriff's go-it-alone policy on undercover narcotics investigations.

Said the captain: "As far as narcotics investigations are concerned, we don't tell anyone what we are doing until the arrest is about to be made.

"We try to cooperate with municipal police departments 100 per cent, but narcotics investigations are not like others. Some are made on the spur of the moment."

Gudgeon said the sheriff's squad works closely with the Somerset County prosecutor's office, noting that the Middlesex County prosecutor's office does not conduct drug probes.

TEEN GIRLS IN TRAP

Most of the arrests, Gudgeon said, are young men in their 20s. His investigations reveal that girls in the 16–18 age group are becoming involved with pot and pushers who are using them for prostitution.

Like the sheriff's office, New Brunswick police have been conducting a series of lectures on drug abuse.

Detective Lt. George Seamon and Detective Sgt. Everett James have appeared before civic, church and educational groups in New Brunswick, Perth Amboy, South Brunswick and Sayreville in the past few months. They also held seminars for New Brunswick policemen.

Is education the answer?

No one can say with certainty that it is, but it's a start.

Who will answer?

Society must—because it is faced with drug abuse today and will be tomorrow, tomorrow and tomorrow.

IS THE UNITED STATES HELPING ISRAEL?

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mrs. KELLY. Mr. Speaker, it appears that statements and resolutions are being circulated suggesting that the United States is hedging on its commitments in the Middle East.

The impression is being conveyed that while the Soviet Union is rushing arms to the Arab States, the United States has let Israel down.

I have received many letters from my constituents who are deeply concerned about this matter.

I can say categorically that the charge that the United States has abandoned Israel is completely untrue.

As one of the ranking members of the Committee on Foreign Affairs of the U.S. Congress, I have worked for peace in the Middle East and for a settlement which would uphold and safeguard Israel's right to an independent, viable, and secure existence.

Because of the shipment—since last summer—of Soviet arms to the Arab States, I have urged the U.S. Government to help Israel with the necessary defense equipment while trying to avoid a disastrous arms race in the Middle East.

I am pleased to report that since last October, the United States has been—and is continuing—to supply Israel with military equipment required for its own defense.

May 2, when Secretary of State Dean Rusk appeared before the Committee on Foreign Affairs, I posed three important questions on this subject to the Department of State.

The three questions, and the answers of the Department of State, are as follows:

> Congresswoman KELLY's question: It has been stated that the Arab countries which have threatened aggression against Israel have supersonic planes—and that Israel does not have comparable equipment to defend itself? Is this true or not?
>
> Answer: Not true. Israel has supersonic aircraft to defend itself. Israel's Air Force has substantial numbers of Mirage supersonic jet fighters which are among the best aircraft available today. The Mirage has proved more than the equal of the Soviet MIG–21.
>
> Congresswoman KELLY's question: The United States is at present shipping planes and other defense equipment to Israel, is that not true?
>
> Answer: True. It has provided ground to air defensive missiles, modern armor and, most recently, the A–4 Sky Hawk fighter-bomber. The latter coupled with the supersonic jet fighters constitute a modern and balanced air defense team.
>
> Congresswoman KELLY's question: The Joint communique which was issued earlier this year by President Johnson and Premier Eshkol indicated that the United States is sensitive to Israel's defense needs—and that appropriate steps would be taken, as necessary, to see that those defense needs are met.
>
> Answer: Yes. As that joint statement also said, we examine Israel's requests in light of all relevant factors, including the shipment of arms by others to the area.

The above information should be of great interest to those who share my strong conviction that the United States must not allow Israel to become a victim of Soviet Communist designs on the Middle East.

The United States must continue to take all necessary steps to insure Israel's security.

I want to repeat that as a Congresswoman from Brooklyn, and as one of the senior members of the important Committee on Foreign Affairs of the U.S. Congress, I have been working for the cause of peace in the Middle East and in other areas of the world.

I shall continue in these efforts and I hope that the people of Brooklyn will honor me with their continued trust in my efforts to serve them, the cause of peace, and our Nation in the Halls of the U.S. Congress.

THE INTELLIGENCE AND SECURITY FUNCTIONS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. ASHBROOK. Mr. Speaker, the Columbus Dispatch of May 2, 1968, ran an informative column by the nationally syndicated columnist, Edith Kermit Roosevelt, on the necessity of coordinating the functions of the intelligence officer with that of the security specialist. Miss Roosevelt briefly but adequately explains the difference in the two fields in these words:

> An "intelligence man" gathers information. He hardly concerns himself with penetration by foreign agents. A "security man" watches over the loyalty and suitability of personnel. He in turn, hardly concerns himself with the inside activities of foreign governments. His job is to safeguard his own government's internal apparatus.

When one reviews, for instance, the number of cases in which American citizens have been apprehended in this decade supplying the Communist nations with vital information, a concerned and realistic citizen will appreciate the importance of a sound security system. This is why I have been so concerned about the Otto Otepka and Stephen Koczak cases and their handling by the State Department. When an increase of crime occurs in one's neighborhood, prudent people do not consider lessening local police protection. Despite the repeated warnings of authorities such as J. Edgar Hoover of the FBI that we are the target of a massive program of espionage and intelligence by the Soviet and Soviet-bloc countries, there are those officials who still consider this area with a careless disinterest. The record shows that we have succeeded in getting rid of some of people, who, for reasons of their own, place national security too low in their priority of values.

Under unanimous consent I include the column, entitled "Intelligence and Security Vary in Aims," by Edith Kermit Roosevelt, in the RECORD at this point:

Intelligence and Security Vary in Aims

(By Edith Kermit Roosevelt)

Washington.—Public interest is being caught by secret police intrigues across borders, but few see beyond the cloak and dagger terminology. The talk of "intelligence" and of "security" assume that these two are alike. Actually, they fundamentally differ.

A great deal of our misunderstanding regarding spies and secret agents is due to this misconception. An "intelligence man" gathers information. He hardly concerns himself with penetration by foreign agents. A "security man" watches over the loyalty and suitability of personnel. He, in turn, hardly concerns himself with the inside activities of foreign governments. His job is to safeguard his own government's internal apparatus.

This difference in function frequently pits one against the other, resulting in feuds and ruthless conflict inside government agencies. These include even the use of forged documents and other illegal strategems. Rarely does the public hear anything about this aspect of government mechanism. An intelligence service by its nature may find it useful to recruit some double agents or even staff members with equivocal attitudes and ideologies. The security man, for his part, may have utter impatience and contempt for the intelligence man who sees no danger in having close contact even with the enemy.

Significantly, Kim Philby, the British intelligence agent who was working for the Soviets, was only exposed after the chief of Britain's security section (MI–5) moved over to become head of Britain's intelligence set-up (MI–6), equivalent to our CIA. This illustrates the difficulties of any intelligence apparatus in policing itself and of the absolute necessity for a strong, completely independent security operation. The United States is critically deficient in both.

The spy scandals, which have involved at one time or another every major power, reveal that intelligence officers are often the greatest source of loyalty and security violations that endanger the national survival of the very governments which employ them. An important reason for this is that intelligence officers may obtain vital information concerning foreign powers by giving away even more valuable information about their own governments.

The danger for intelligence officers is that they may be compromised through character defects, such as susceptability to drink, sexual involvements or vanity. Sometimes they become disaffected because they disapprove of the policy of their own governments—not because they start out as traitors in the literal sense of the word. This is why in the national interest there should be the same close collaboration between the intelligence officer and the security man as there is between an athlete and his trainer. The role of the security man should essentially be that of a disciplinarian, fostering restraint.

The recent revelations of Philippe Thyraud De Vosjoli, former liaison between French intelligence and the CIA, illustrates the vulnerability of an intelligence service. De Vosjoli has charged that France failed to act on evidence that Soviet spies were active in the French government. He resigned because he could not go along with De Gaulle's decision to establish a scientific and military spy ring against the U.S.

The behind-the-scenes conflict between intelligence officers and security men brings the Otto F. Otepka case into proper perspective. A reading of the Otepka hearings indicates that CIA was infiltrating some of its own officers into the State Department as security men. In fact, the Deputy Assistant Secretary of State for Security, Marvin Gentile, comes from CIA. Obviously, State Department security men who were formerly Foreign Service Officers or with intelligence in CIA are more likely to grant security clearances without really strict adherence to the rules or without question when ordered to do so by their superiors. Otepka, a former security chief evaluator in the State Department, balked at backdating clearances for personnel and winking at clearance waivers, especially when the files contained derogatory material.

The Stephen A. Koczak case also takes on special significance in the light of differing functions involved in security and intelligence. Koczak, an admittedly brilliant political officer with the ability to ferret out relevant intelligence, floundered because of his insistence on proper security controls in Berlin. This was his reason for reporting the unauthorized telephone calls from East Berlin which he says his superior made in the Polish Foreign Ministry. Koczak was fired after reporting this security violation. He declares that false information was inserted into his records.

Congress is increasingly aware of the defective structure and intelligence operations in the executive department. Bills have been introduced to correct these deficiencies, notably Sen. James O. Eastland's bill to set up a central security agency to monitor the personnel operations of the State and Defense Departments. A bill by Rep. John A. Ashbrook, which complements the Eastland measure, would provide safeguards for Foreign Service personnel against tampering with their records. An important aspect of the problem will remain, however, even if these bills are passed, because neither applies to the CIA, our largest intelligence gathering agency.

WE ONLY WORK HERE

HON. ELMER J. HOLLAND

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. HOLLAND. Mr. Speaker, I have been reading with some amazement the comments of some of our distinguished colleagues who seem to be terrified by the impending Poor People's Campaign and its projected visit to Washington. I want very much to go on record as welcoming the campaign, and the American citizens who compose it, to their Capital City.

I think it is appropriate to point out that perhaps the only Americans who are in Washington on sufferance—the only people whose right to come here in their present capacities can be abrogated are the Members of the Congress. "Here, sir," someone said, "the people rule." We are but their servants, and we can be dismissed. But the American people themselves, rich or poor, white or black, for serious reasons or frivolous, traveling first class, or traveling in carts and rented buses, visit this city in the capacity of owners come to look at their property. This city belong to every person in that Poor People's March, just as certainly as it belongs to the prosperous lobbyists who come here to influence legislation, just as much as it belongs to the DAR ladies who come here to tell us the dangers they see confronting the Republic, just as much as it belongs to any set of Americans who come to talk to us about our stewardship of their business.

I see nothing wrong in the spectacle of the poor come to ask that their Government, which derives all of its power from their consent, do certain things. If some member of that campaign commits a violent act while here, he is subject to the laws of the Nation and of the city as anyone else, and he should be treated accordingly. But if someone attempts to offer violence against the marchers, it is he who should be prosecuted not they who should be impeded.

This city entertains a million or more tourists every year—and most summer weekends it seems like they all came at once. They litter the Mall, they crowd the corridors, they sometimes obstruct traffic, but no one has ever suggested that they should not come, no one to my knowledge has ever seriously suggested that the Congress even has the right to restrict tourists.

The first amendment has always protected lobbyists, including, Mr. Speaker, the visiting groups of concerned citizens who visit Washington from time to time in large bus caravans representing unions or veterans' organizations or trade associations.

It seems to me that the 3,000 people who are coming here for the Poor People's Campaign will be a drop in the bucket as compared with the million or more who will be coming just as tourists. They will hardly equal the numbers who will be coming this year to lobby in less-publicized, and in some cases, less-deserving causes. I would hope we could rid ourselves of our fears of hearing from the people who, in the last analysis, we are supposed to be representing.

Roscoe Drummond has made an excellent point in his recent column which I insert at this point in the Record.

District of Columbia Ought To Welcome Poor People's Campaign

(By Roscoe Drummond)

Instead of dislaying a fish-eyed glare—as some are already doing—Congress ought to make the Poor People's Campaign feel fully welcome in the Capital.

It's their Nation as well. It's their Constitution as well which guarantees them the right to petition the Government in peaceful assembly.

If there is danger that the Rev. Ralph David Abernathy's massive encampment here later this month might erupt into violence—and there is—one way to reduce that danger is for the participants to be met with open arms and with open ears and minds.

Johnson Cabinet officials have set a high standard of attentive friendliness in advance conferences. But unfortunately there are Congressmen whose first reaction is to disdain this Poor People's Campaign and to suggest the marchers ought to be barred by law from coming to Washington.

They should not. They should be made welcome. They are not demanding the impossible nor the ridiculous nor the extreme.

They are demanding that private industry and Government at every level put a higher priority on wiping out poverty in the United States.

Is that a fantastic or unreal goal? As an excuse for not trying, many used to justify their indifference by saying that the poor would always be with us. That view is outdated not just among the poor but among the affluent.

And is this Poor People's Campaign asking Congress to deal more effectively with something that is peripheral? I offer the answer of Arjay Miller, president of the Ford Motor

Company, who says that "of all the social problems demanding attention today, the most basic is the elimination of poverty in this country . . . one sixth of our fellow citizens are not sharing adequately—or, in some cases, at all—in our progress to date."

More than this, where relief from joblessness is already most needed, the situation is getting worse. The unemployment percentage among Negro teen-agers, which has been running about two and a half times greater than for white teen-agers, is going up, not down.

We ought not to blur the truth that the Vietnam war puts a priority demand on the Federal Budget and that resources are not as available as they otherwise would be to do many of the things Government can do to help people rise from poverty.

But this war is going to end and it may be sooner than we think. Therefore wouldn't it be useful for the Poor People's Campaign to promote a national pledge to commit much of what is now being spent in Vietnam to solving the pressing human problems when war costs decrease?

It might read:

"I pledge that when peace comes in Vietnam, I will use my influence as a citizen and as a voter to make sure that savings in military expenses will be invested whenever practical in human resources here at home—especially for the benefit of the poor."

Sargent Shriver calls this the "Plowshare Pledge." Why isn't this one of the most constructive non-violent campaigns which the Rev. Abernathy and his colleagues could lead—a campaign to get millions of concerned Americans to write their Senators, their Congressmen and the congressional leadership of both parties?

In election years the politicians are particularly sensitive to public opinion. The Plowshare Pledge could well be presented to both party conventions where it would not be easy to shun it.

IN PRAISE OF OUR POLICE

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. GRIFFIN. Mr. Speaker, the militant civil disturbances and other outrageous forms of lawlessness of recent times have taken a tragic toll in this Nation. Millions of innocent Americans in all walks of life have been subjected to anguish and grief by rioters, looters, and other criminal elements. No single segment of our society has been more brutally affected by this domestic turmoil than the Nation's law-enforcement establishment. In my opinion, our police have exercised remarkable restraint and displayed calm judgment in the face of incredible pressures ranging from arrogant harassment to outright hostilities directed at them. Indeed, they have been the prime target of virtually every extremist group which would turn this Nation into one of anarchy.

Moreover, throughout these exhausting periods of tribulation our law enforcement authorities have remained steadfast in their commitment to seek continually improved means of maintaining an orderly society. The recent innovations pioneered by authorities in Mississippi are a dramatic illustration of the initiative that is being taken in discovering new techniques to fight crime and attain a higher degree of proficiency. The results of these ambitious efforts are reflected in the fact that many of the methods first developed in Mississippi have been adopted by authorities in other sections of the Nation.

An article written by Jackson, Miss., Police Chief W. D. Rayfield, which appeared in the May edition of the Federal Bureau of Investigation Law Enforcement Bulletin, attests to the farsighted attitude that exists among law enforcement authorities in Mississippi—from the patrolman on the beat all the way to high level administrators. The article details the history, goals, and ambitious program of the new Jackson Police Training Center, which was initiated to better prepare members of the force to effectively and efficiently serve their community.

Mr. Speaker, I ask unanimous consent that Chief Rayfield's article be printed at this point in the Record.

There being no objections, the article was ordered to be printed in the Record, as follows:

Police Training Center

(By William D. Rayfield, Chief of Police, Jackson, Miss.)

The city of Jackson, Miss., has a population of some 150,000 people, an efficient police department of 264 members, and a group of farsighted leaders.

For many years officers of the department were given training in subjects relating to their work; however, the program was more or less adjusted to work schedules, with officers attending when possible. Taking cognizance of court decisions outmoding some investigative techniques, civil disturbances occurring throughout the Nation, and other problems confronting law enforcement, my assistants and I were convinced that a thorough and complete training program was an absolute necessity for the members of the department. Consequently, plans were formulated for one of the best training centers in the Nation. Mayor Allen C. Thompson immediately agreed, and in 1966 the Jackson Training Center was officially opened. It was built at a cost of approximately $800,000 and was financed by a bond issue.

MODERN DESIGN

This beautiful building is located near the city limits on a 23-acre plot of ground and is easily accessible to all officers. It is a large one-story structure of modern design and fits in well with the surrounding residential area. There is ample parking space, and softball and baseball fields occupy areas near the building. A large space has been set aside for future construction of courses designed to teach accident investigation techniques and driver education. The entire building is used for training purposes, academic and physical.

LARGE CLASSROOM

One large room, approximately 120 feet by 40 feet in size, with one entire side constructed of glass and facing an outside patio-garden, is used for academic training. This room has a stage, a rostrum, blackboards and flannel boards, and other equipment needed for lecture purposes. With its speaker system, some 400 men can be given class room training at the same time. If small classes are desired, this large room can readily be divided into three rooms by means of soundproof room dividers. Speaker rostrums are then automatically available in the front of each room. By pushing a button in the rear projection room, movie screens unroll from the ceiling into each room and movie cameras can be adjusted to each screen. Each room is equipped with modern, comfortable chairs and desks, which can easily be removed and "stacked" to clear the room for dinners and departmental parties.

At the rear of the large training room, there is a stainless steel kitchen. The kitchen is equipped with cookstoves, dishwashers, deep freeze cabinets, refrigerators, storage area, and a cafeteria line. Several hundred persons can be served at one time.

The police library adjoins the classrooms and is open at all times. The latest books, manuscripts, and periodicals on law enforcement are to be found there, as well as reference material of all kinds, including the latest decisions of the courts.

Administrative offices occupy the front of the building, with offices for the director of training, the assistant director, and their secretary.

PHYSICAL TRAINING

One wing of this building houses one of the most up-to-date physical training facilities in this area. Probably the most popular room in the wing is the so-called "muscle factory." It contains almost every type of exercising equipment manufactured, including the usual weights, lifts, bicycles, rowing exercisers, barrel roller, bench press machines, situp boards, incline and decline curl boards, and isometric machines.

In addition, there are several machines designed by the lieutenant in charge of physical training. These include bench press machines lat machines, toe raiser, Roman chair setups, medicine ball setups, back squat, squat machines, leg machines, and various curl machines. By using this equipment, officers can get into good physical condition and stay that way. Records of their weights are maintained. Many "easily come-by" pounds are lost in this room by sweat and determination. Lt. Robert Benton, a graduate of the University of Mississippi with a degree in physical education, is in charge of this part of the training. Benton is a former professional football player.

Included in the facility is a full-sized gymnasium, with folding bleachers which seat three hundred persons. This gym is in almost constant use each shift.

A basketball league composed of six teams is in operation, and over a hundred officers greatly enjoy the games played on week nights Volleyball, softball, and baseball teams have also been formed and provide many hours of fun and enjoyment for players and their families.

Of course, the usual locker and shower rooms are provided. After exercising, the officer finds it most soothing to relax in the sauna room (steam room), in one of several steam cabinets, or in the whirlpool bath. Rubdown tables with necessary personnel help to soothe the aches and pains of sore muscles.

DEFENSIVE TACTICS

Another pertinent part of the training program is the defensive tactics room. This room is 50 by 35 feet in size and has mirrors on one wall and a padded floor area. Lt. Charlie Morris, a Black Belt holder, is in charge of this part of the training.

In order to provide an incentive for using the training facility, I have arranged for all officers to receive a minimum of 5 hours' training each week, with overtime paid for such training. The facility is, of course, open to the officer for use at any time on his own time, and many officers are seen there daily.

Deputy Chief A. H. Williams, an FBI National Academy graduate, is director of the training center. He is ably assisted by a staff of four police officers and two maintenance men. Instruction is also provided by Special Agents of the Federal Bureau of Investigation and other persons in law enforcement.

Several weeklong schools on practical problems of burglary investigations were recently conducted by FBI instructors.

In addition to the academy, the Jackson Police Department—which has one of the best pistol teams in the South—has a separate facility for firearms training. A practical pistol range and an "off hand" target range are included, as well as an adequately equipped clubhouse.

The results of the training center and program are seen daily. Not only are officers in much better physical condition, but their investigations, reports, and testimony in court in the recent past have greatly improved.

Although the Jackson Police Department is now at full strength, the training center was constructed to take care of double its present complement of officers.

THE SNOWMOBILE: A TOOL OF MODERN LAW ENFORCEMENT

HON. CHARLES E. GOODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. GOODELL. Mr. Speaker, in the past few years there has been increased use of snowmobiles both for sport and for business purposes in those areas of the country which enjoy winter snows.

I am pleased to report that two professional law-enforcement officers have made an important study on the use of the snowmobile in the performance of their duties.

Sheriff Maurice F. Dean is the sheriff of Schuyler County, N.Y., which I am proud to represent in Congress. Sheriff Dean and Deputy Sheriff M. A. Euston of Onondaga County, N.Y., have written an excellent article entitled "The Snowmobile: A Tool of Modern Law Enforcement" in the April 1968 edition of the FBI Law Enforcement Bulletin published by the Federal Bureau of Investigation.

I am pleased to insert their article at this point in the RECORD:

THE SNOWMOBILE: A TOOL OF MODERN LAW ENFORCEMENT

Snowmobiles have become a vital part of the growing number of modern tools being used by law enforcement agencies within heavy snow areas in the United States and Canada, as well as in snow belts throughout the world. Already snowmobiles have proved their effectiveness for rescue work, patrolling, and general police work in urban, suburban, and rural areas.

Major uses for snowmobiles by police agencies are fourfold: (1) to rescue citizens from their homes during or after snow emergencies; (2) to transport food, fuel, and medical supplies or doctors to isolated homes; (3) to search for lost persons and to check stalled cars and buses for stranded travelers; and (4) to investigate snowmobile accidents or plane crashes which occur in dense forest areas inaccessible to other vehicles.

To some police administrators and sheriffs, using snowmobiles is completely new. In reality, the snowmobile industry on a large, marketable scale is an infant. In the winter of 1964–65, an estimated 40,000 snowmobiles were sold. This figure soared to 70,000 units the following season and then hit sales of 120,000 units in 1966–67. The snowmobile sport is becoming as popular in areas of heavy snowfall as motorboating is in other places, with approximately 150,000 sold last winter in the United States and Canada.

Today the snowmobile business is valued at $150 million for the machines themselves and $20 million for the accessories and cold weather clothing. Snowmobiling is fast becoming one of North America's most popular winter sports. The great appeal of snowmobiles for the public is based on the concept that the entire family can take part in the new winter recreation. Presently there are 40 manufacturers of snowmobiles, with a grand total of about 350,000 machines in operation.

POLICE USE

When the public has tested the snowmobile—and it has withstood the harsh treatment of teenagers and entire families—the product has graduated to use by law enforcement. The newer models are much more quiet than their predecessors because manufacturers have produced engines with dual muffler systems which account for 50 percent less noise. Newer models also have special baffling and enclosed engine compartments and are more adaptable for police operations.

Many law enforcement agencies in snow belt areas are now setting aside money for the versatile snowmobile. Prices range from about $600 to $1,700 each, with an average price of $1000. Sheriff's departments throughout New York State and elsewhere in addition to State and local police departments find that the most functional snowmobile is one with a capacity for two to three men and a minimum of 16 horsepower. The more horsepower snowmobiles have the better they are able to carry police officers and rescue equipment into rough mountainous terrain and areas impassable by other means of transportation. Most snowmobiles are driven by a two-cylinder two-cycle gasoline engine. They have been rated at speeds up to 60 miles per hour, with the average speed for medium horsepower units about 45 miles per hour. The driving power to propel them over the snow is derived by traction from a flexible rubber or nylon tread with some steel or aluminum cleats which grab on icy surfaces.

The treads of a snowmobile can be compared to tracks on a tank or tractor. They work in a similar fashion, but the snowmobile only has one tread, usually about 17 inches in width. Some more expensive models have wider treads measuring up to 28 inches in width.

The forerunner of the snowmobile was developed in 1927 and was merely a motorized toboggan. In 1928 a French Canadian named Joseph Armond Bombardier of Valcourt, Quebec, built a snowmobile from a Model "T" Ford. The vehicle resembled a half-track and maneuvered well in heavy snow, where other vehicles could not travel. One of the first users of the snow machine in the United State was a Lenox, Mass., resident who bought one to travel around Berkshire County in 1929.

As estimated 95 percent of the snowmobiles sold are for recreational purposes. The remainder are used by policemen, forest rangers, telephone linemen, commercial trappers, and rescue squads.

BLIZZARD OPERATIONS

During the "blizzard of '66" two seasons ago, the northeastern part of the United States was paralyzed. The central New York area received a total of 42.3 inches of snow, the greatest amount of snow since 1902 according to U.S. Weather Bureau statistics. Snowmobiles proved the most effective method of transportation for police and rescue crews during this time.

In Schuyler County, N.Y., located at the southern end of Seneca Lake in central New York State, the blizzard trapped many residents and stalled transportation. A call was received at the sheriff's department during the height of the storm from a woman who lived in a remote part of the county. She had previously broken her hip and was able to walk only with the assistance of a metal walker. She had run out of fuel oil, and an oil truck was stuck about a mile and a half from her home. Her furnace fire had gone out, and, in a moment of panic, the elderly woman had blown all the fuses in the house by plugging in an electric heater. She was without heat or lights. Using a snowmobile, deputies went to help her with fuses and another heater. The snowmobile made accessibility to the house easy, and the deputies blocked off all rooms in the house except one. Electricity and heat from the portable heater kept the woman safe for the remainder of the storm.

The "blizzard of '66" proved the usefulness of snowmobiles for emergency maternity calls. Using the snow machine, Deputy Sheriff Alfred A. Antonello, of Onondaga County in Syracuse, N.Y., was able to reach the home of a couple in Baldwinsville, N.Y., a suburb of Syracuse, in time to deliver a baby boy.

Taking food, medical supplies, and doctors to snowed-in citizens is easy with the use of snowmobiles. Engineers at the WTEN–TV translator station on top of Massachusetts's highest mountain, Mt. Greylock, in the western part of the State were trapped in their building. A telephone call to the Pittsfield barracks of the Massachusetts State Police sent a snowcat to their rescue with food and equipment. For almost 4 months of the year, Mt. Greylock roads are impassable by vehicles except snowmobiles or persons on snowshoes.

A speedy rescue in mountainous terrain can be accomplished more efficiently and with less manpower by officers using snowmobiles than by men on snowshoes. Several police agencies in the Nation have rescued entire families stranded in their homes during snow emergencies by using snowmobiles equipped with sleds or toboggans.

The checking and posting of summer cottages or camps in resort areas are facilitated by the snowmobile. Time and manpower are saved, and more territory can be covered by the individual police snowmobile than by any other means.

GROWING SPORT

The function of investigating accidents involving civilian snowmobiles has increased greatly as the sport of snowmobiling mushrooms into one of the most popular winter activities. The technical advances by the snowmobile industry have brought about a new interest for the sportsman. Metropolitan areas such as New York City and Milwaukee, Wis., have noted a growing problem with the number of snowmobile-congested parks. In 1965 the County Park Commission in Milwaukee opened three parks and land along the Root River Parkway to snowmobiles. An anthusiastic snowmobile organizer was a county executive in Milwaukee who led a crowd of hundreds of snowmobile operators on a "Trek with the County Exec." The program has been so successful that park officials have begun to rent snowmobiles for $2.50 a half hour. The machines have been loaned to the county by a local company.

ACCIDENT INVESTIGATIONS

In snow belt areas where snowmobiles are popular, accidents occur frequently when safety rules are disregarded. Sheriff's departments and police agencies are beginning to investigate large numbers of accidents involving snowmobiles and cars, snowmobiles and other snowmobiles, not to mention collisions between snowmobiles and trees, stumps, or rocks. Some of these accidents involve serious personal injury to the sporting novice. In order to get to some accidents—the majority of which occur in deep woods—the law enforcement officer must use a snowmobile to arrive quickly and safely. Larger and more powerful snowmobiles are being used successfully for this police work.

Most police agencies using snowmobiles mark them in the same manner as patrol cars with reflective seals or the lettering "Police" or "Sheriff's Patrol." Proper marking is essential in patrol functions and in enforcing local ordinances. The officer operating the snowmobile must be wearing a uniform with proper emblems and a badge to differentiate him from the sporting snowmobile operator. Winter hats or insulated motorcycle helmets, such as those used by patrol or motorcycle squads, should be worn for both safety and protection from the natural elements. Some city, State, and sheriff's departments have equipped their snowmobiles with a revolving emergency light on an adjustable stanchion which can be raised or kept stationary like the lights on motorcycles.

Communication with police headquarters or the command post for search activities can be accomplished through a portable walkie-talkie strapped to the driver. Most portable, battery-operated radio units on the police band have a range up to 20 miles and are a necessity on patrol or on searches for lost children or plane crashes.

On December 14, 1967, Trooper William G. Doyle, 28, of the New York State Police was shot and killed in the Oswego County community of Parish. State, county, and local law enforcement officials began a massive police dragnet for two men in a stolen car which the trooper had been chasing before he was killed. Three days later a 1965 Dodge Dart coupe bearing Michigan plates was located by troopers on snowmobiles which had been loaned to them by the local residents. The car had been driven off the road and under some trees. It had not been spotted from the air by helicopter or plane or from the road by cruisers. This car is now being used as one of the important pieces of evidence in the case against a man charged with the crime. The man's companion, an escapee from a State mental hospital near Utica, N.Y., was allegedly shot by his accomplice.

EMERGENCY CASES

Airplane crashes in snow-laden mountains can be reached quickly by snowmobile, when other means are not available. Several lives have been saved by the quick rescue efforts of police, forest rangers, or rescue squads. The bodies of the injured and those fatally injured can be brought out by the use of the powerful snowmobiles which have a pulling power of up to 1,500 pounds. In some cases the quick arrival of doctors and medical supplies at plane crash sites may mean many lives saved.

In 1965 a fireman from Utica, N.Y., had been clearing snow from hydrants when a citizen stopped him and told him the local radio station had appealed for help in taking a woman to a hospital for emergency treatment. The fireman transported the women on a toboggan behind his snowmobile all the way from her farm to the hospital without further injury.

Facilities for caring for heart attack patients are usually available in city and suburban areas, but the problem is compounded when the attack happens in the backwoods of any State. One such incident occurred at St. Regis Falls, N.Y., located near the Canadian border. Two hunters had gone into the woods, and one had suffered a fatal heart attack. Trooper William Thompson of the Malone Substation of the New York State Police located the deceased man's body and brought it out on a snowmobile.

The Federal Government has seen the need for expanded areas which snowmobile sportsmen can use. One such location, a 13,000 acre area, was opened this year by the U.S. Forest Service near Ithaca, N.Y.

Some police officers saw their first snowmobile on the highway when a Blaine, Minn., man, James Langley, and a companion, Clark Dahlin, of Cambridge, Minn., traveled 4,018 miles across North America from Vancouver, British Colombia, to South Portland, Maine, in 24 days. According to their records, they were stopped by police 14 times during their trip, or on the average of once every 287 miles. The two men were loaned two 15-horsepower snowmobiles by a national manufacturer and were allowed to make several alterations so that the snowmobiles could qualify as motor vehicles under State laws. They added another headlight, two taillights, windshield wipers, a dual brake system, turn signals, and seat belts. After the vehicles passed inspection, they added license plates.

The travelers found that some States prohibit civilians from running snowmobiles on public highways. One such State is Montana, where legislation was signed into law in 1966.

Some civil defense groups have scored a first in rescue operations by forming 100-man snowmobile teams. Only those members of the civil defense police divisions who complete a 20-hour course in first aid, map and compass reading, handling of casualties, and cold weather survival are allowed to join the groups. They hold periodic emergency exercises in rural areas on weekends in coordination with helicopter and ground teams. All the snowmobilles in these groups are owned by the individuals, who donate their time and services to civil defense.

One of the best ways to see the snowmobile in hard, speedy conditions is to visit a snowmobile rally. More than a hundred are held in North America each winter, with the majority of them taking place in Wisconsin, New York, Minnesota, and Michigan.

Police agencies interested in buying one or more snowmobiles can see them at outlets such as department stores, garden centers, local snowmobile dealers, appliance stores, marine and boating centers, and ski equipment stores. Some city police who have already begun the use of snowmobiles on snow and car-logged streets are now expanding their fleets.

Some local dealers may wish to donate snowmobiles to the police department for sales promotion purposes, similar to the arrangements auto dealers have with high schools for driver education programs.

Whether your department purchases one or a fleet, or depends on snowmobiles loaned by citizens or individual police officers, the law enforcement function of the department will be strengthened. The use of snowmobiles can bring about greater police service in times of snow storms, emergencies, or routine patrol work. All the improvements offered the modern police agency for fast tracking of burglars, robbery suspects, or even lost children in snowy conditions can be augmented and more effectively brought about by the snowmobile—a tool of modern law enforcement.

CHANGING THE MAILMAN

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. GREEN of Pennsylvania. Mr. Speaker, the Philadelphia Evening Bulletin, in an editorial, describes Lawrence O'Brien as one of the really memorable Postmasters General in our Nation's history—a man who brought "innovative and imaginative ideas" to the postal service. I could not agree more with that assessment and I place the Bulletin editorial in the RECORD.

CHANGING THE MAILMAN

Even those who pride themselves as students of national affairs would be hard pressed to remember all of the men who have served as Postmaster General in the past 20 or 25 years.

Those who have held this post have, more often than not, been keepers of a political tradition and given more to pursuits political than to any keen interest in the problem of meeting the growing postal needs of a growing nation.

Such however, is not the case with Lawrence F. O'Brien who resigned recently as Postmaster General to return to the field of politics from whence he came as a trusted aid and advisor to the late John F. Kennedy. Mr. O'Brien, it must be admitted, was never far from Democratic Party politics, but in the two and a half years of his service as Postmaster General he brought to the world's largest postal system innovative and imaginative ideas.

It is Mr. O'Brien's belief, for example, that the system should be run for the benefit of its 200 million customers and that this requires stripping it of its old, political trappings. There were shock waves on Capitol Hill when Mr. O'Brien suggested that the operation of the postal service should be turned over to an autonomous, nonprofit government corporation.

A ten-man commission, headed by Mr. Frederick R. Kappel, is preparing a report to President Johnson on the reorganization of the postal service. It is expected that the nonprofit corporation idea will be offered.

It is against this background that W. Marvin Watson, who, in best political tradition, is a trusted aid and advisor to President Johnson, will succeed Mr. O'Brien. Whether Mr. Watson will show the same interest, the same flair as Mr. O'Brien for matters postal has yet to be determined.

There is, however, a growing realization that the man who holds the office can influence—in either positive or negative fashion—a public that is demanding more and more of its mail service.

THE VULNERABLE RUSSIANS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. DERWINSKI. Mr. Speaker, the book under the title of "The Vulnerable Russians" deserves the studied attention of every thinking American who is concerned with questions of war and peace, United States-U.S.S.R. relations, and America's future. At this time, measures taken by Moscow within the Soviet Union are becoming increasingly oppressive against what this imperio-colonialist center calls "bourgeois nationalism." If I may use a somewhat inaccurate term, "re-Stalinization" is gaining momentum as the tolerated narrow limits of so-called liberalization have been reached. This tightening-up process will have consequences in other parts of Moscow's empire.

A working background to these current developments in the camp of our prime enemy is well furnished by "The Vulnerable Russians." Authorized by Dr. Lev E. Dobriansky, of Georgetown University, the work is easy reading, revealing, and well documented.

The work is now available at the Georgetown University Bookstore, White Gravenor, Georgetown University, Washington, D.C. However, some excerpts from the book will give the reader an in-

dication of the novel nature of the work, particularly from the vital angle of Russia's present policies toward the captive non-Russian nations in the Soviet Union.

The excerpts follow:

The Potemkin Village of Non-Russian Soviet Republics

"When you travel with a Russian, make sure you carry an ax." (Old Kazakh proverb.)

"If there is a single issue that divides the world today," said President Kennedy, "it is independence . . ." But in the reality of men's minds, hearts, and goals it also divides the captive world. It divides the Soviet Russian Empire and, in this ultimate sense, it divides the Soviet Union itself. While our officials fear the mere mention of independence for the many captive non-Russian nations in the USSR, Russian totalitarians and their puppets prance up and down the Soviet Union, assuring their non-Russian captives that they are "free," "independent," and "sovereign." Trite as the saying may be, where there's smoke, there's fire.

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One of the most dependable measures of the real depth and strength of the Ukrainian movement for genuine national independence is the remarkable degree to which the Soviet Russians have extended themselves to simulate the independent statehood of Ukraine. In the course of their genocidal domination over this largest non-Russian nation behind the Iron Curtain they have set up this diplomatic and political Potemkin. The show of "independence" on paper and on the world stage has been played to conceal the absence of real independence. Russian totalitarians have always been expert in Potemkinism, that is, building a strong front for a deep, concealed weakness. This flare for political hypocrisy and cunning is why, to the tune of the above proverb, you must always carry an ax in any dealings with Russian politicos.

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POLITICO-ECONOMIC POTEMKINISM

One of Moscow's first major acts of political-economic Potemkinism found expression in the Union Constitution of 1923. Significantly, it was only a short period after the wars for national independence had come to an end. As we've seen, the independent Republics of Ukraine, Byelorussia, Turkestan and others then became the first forgotten victims of Soviet Russian imperio-colonialism. Lenin, who had denounced the overt "Great" Russian chauvinism of Kerensky and other alleged democrats, never fulfilled his own promise of November, 1915. You will recall, at that time he righteously declared: "We demand the freedom of self-determination, i.e., independence, i.e., the freedom of separation for the oppressed nations, not because we dream of an economically atomized world, nor because we cherish the ideal of small states, but on the contrary because we are for large states and for a coming close, even a fusion of nations, but on a truly democratic, truly democratic, truly internationalist basis, which is unthinkable without the freedom of separation." Lenin had condemned others, but he himself degenerated into a chauvinist.

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Against this immediate background the semblance of independent national will appeared in Article 4 of the First Constitution. Then constitution provided that "Each one of the member Republics retains the right to freely withdraw from the Union." "In such conditions," Lenin wrote in December 1922, "it is very natural that the 'freedom to leave the Union,' with which we justify ourselves, will prove to be just a piece of paper incapable of protecting people of other nationalities from the incursion of that true Russian, the Great Russian, the chauvinist, in essence, the scoundrel and the despoiler which the typical Russian bureaucrat is. There can be no doubt that an insignificant percentage of Soviet and sovietized workers will drown in this sea of chauvinistic Great Russian riffraff, like a fly in milk." Contrary to this piece of cynical Machiavellianism, the percentage hasn't been insignificant. It is also important to note that the ethnically nonsensical and reactionary concept of "peoples of Russia" was prudently abandoned by the Russian Bolsheviks.

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It is simply a matter of plain understanding and insight that if the occupied non-Russian nations were to enjoy the liberty of exercising this nominal right, the artificial Soviet Union would quickly vanish from the face of the globe. Very simply, too, what has constituted the source of Moscow's foremost fear, as well as that of the incorrigible Holy Mother Russia lovers, is the specter that one day this note of independence will ring in liberty for all the freedom-seeking non-Russian peoples. Without question, this will also contribute heavily to the long-awaited independence and freedom of the Russian people—in fact, more than any other single force. Ukraine, the largest of the captive nations in Eastern Europe, apparently has an historic role to play.

* * * * *

TECHNIQUE OF NOMINAL CONCESSION

What is actually an applied technique of nominal concession was heavily relied upon by Moscow in the 40's and 50's. This experience underlies its behavior and maneuvers with respect to the captive nations of Central Europe in the late 50's and 60's. As in the above instances, later additions to Russia's Potemkin scenario of Ukrainian independence were preceded by certain phenomenal events. The mass desertions, military resistance, and general national rebellion that occurred during World War II in the non-Russian regions of the Soviet Union, form a separate chapter in the unfolding saga of world freedom. Whether deliberate or not, many an American movie confused the non-Russian partisans, who fought both the Nazis and the Reds, with the Russians. These developments necessitated several major amendments to the Stalin Constitution. Also, more than any other factor, they led to the nominal representation of Ukraine and Byelorussia in the United Nations.

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Frequent contributions to this process of political Potemkinization have been made by Moscow's puppet organs. For example, the official organ in Ukraine, Radyanska Ukraina, at one time called upon Western Ukrainians to be "eternally grateful to Stalin" who "liberated them from the Polish yoke" and "enabled them to live in a truly independent Ukrainian state." The same publication has often declared in its editorials that "It is due to the great Russian people, headed by their heroic working class, that the road was opened for the Ukrainian people to fulfill their centuries-long dreams for statehood . . ." Clearly, these and similar assertions have been merely parts of a colossal fraud perpetrated to enshroud the true subservient state of Ukraine. They have certainly been designed to offset—through the favorite Soviet Russian medium of the lie—the wholesome movements that are at work, both within Ukraine and without, for the national independence of the major Ukrainian nation.

* * * * *

ON DEPOTEMKINIZING

No doubt you will now ask, "All right, what can we do about this?" Before we answer this?" Before we can answer this, in the light of these facts first read the resolution below. It summarizes the facts we considered and lays the basis for a story in itself, the highlights of which are treated in the next chapter. The resolution calls for positive action on the diplomatic front.

Whereas the Soviet Government in Moscow fosters through the media of its divers organs the appearance of independent will and status on the part of the Ukrainian Soviet Socialist Republic and the Byelorussian Soviet Socialist Republic; and

Whereas in the historical order the Ukrainian Soviet Socialist Republic was known to have manifested its complete sovereignty as a signatory, along with the separate states of Poland and the Russian Soviet Federative Socialist Republic, to the treaty of Riga in 1921, the official text of which appeared in three languages—Ukrainian, Polish and Russian; and

Whereas on the formation of the Union of Soviet Socialist Republics the semblance of sovereign and independent will was vouchsafed to the Ukrainian S.S.R. and the Byelorussian S.S.R. in Article IV, Part II, Chapter II of the First Union Constitution of 1923, which declared that "Each one of the member Republics retains the right to freely withdraw from the Union"; and

Whereas it is known that in November, 1936, Mr. Stalin in his examination of the draft constitution imputed reality to the sovereign and independent wills of the Ukrainian S.S.R. and Byelorussian S.S.R. by his avertment that "since the right to secede from the U.S.S.R. is reserved to the Union Republics, it must be so arranged that this right does not become a meaningless scrap of paper"; and

Whereas the note of national sovereignty and independence applied to the Ukrainian S.S.R. and Byelorussian S.S.R. again is verbally sounded in Article 17 of Chapter II in the Stalin Constitution of 1936, providing that "The right freely to secede from the U.S.S.R. is reserved to every Union Republic"; and

Whereas in the nature of a reinforcing amendment, decreed on February 1, 1944, Article 18a of the Soviet Constitution provides, with implied historical reference to the Ukrainian S.S.R. and the Byelorussian S.S.R., that "Each Union Republic has the right to enter into direct relations with foreign states and to conclude agreements and exchange representatives with them"; and

Whereas the additional amendment, Article 18b in the Constitution of the Union of Soviet Socialist Republics, renders further nominal affirmation of the sovereign and independent wills of the Ukrainian S.S.R. and Byelorussian S.S.R. by stating that "Each Union Republic has its own Republican military formations"; and

Whereas partaking of the fundamental law as expressed in the Soviet Constitution, Article 60, in its application to the highest state organs of the Ukrainian S.S.R. and the Byelorussian S.S.R., provides that "The Supreme Soviet of a Union Republic; e) Decides questions of representation of the Union Republic in its international relations; f) Determines the manner of organizing the Republic's military formations"; and

Whereas in contrast to some conditions prevailing in other Soviet Republics, the distinctive national banners and emblems of state maintained by the Ukrainian S.S.R. and Byelorussian S.S.R. are presented to manifest symbolically the sovereignty and independence of these states; and

Whereas this Government recognizes the delegations selected to represent the Ukrainian S.S.R. and the Byelorussian S.S.R. as accepted members of the United Nations; and

Whereas the American people welcome the genuine sovereignty of the Ukrainians and the Byelorussians as a direct consequence of the ideas expressed in the American Declaration of Independence, and therefore would be happy to render these peoples, as also all peoples in the Soviet Union, any assistance for the strengthening of their freedoms and economic development; and

Whereas it is clearly incongruous from every viewpoint to maintain the recognition by this Government of the Ukrainian S.S.R. and the Byelorussian S.S.R. in the United Nations without the opportunity to establish direct diplomatic concourse with their respective capitals of Kiev and Minsk; Now, therefore, be it

Resolved, that it is the sense of the Senate and House of Representatives of the United States of America in Congress assembled that this Government proceed to the establishment of direct diplomatic relations with the Governments of the Ukrainian S.S.R. and the Byelorussian S.S.R. and to the creation of posts of representation in the capitals of Kiev and Minsk respectively.

* * * * *

PROS AND CONS

Should this resolution become the sense of Congress, it would undoubtedly serve as a powerful psycho-political weapon in the Cold War. It would unquestionably generate grave concern in the Kremlin over America's demonstrated interest in the two most important and yet unreliable national areas in the Soviet Union. Despite the hidden overtures made by the British on this score in the late 1940's, the utter novelty of this particular step would enhance the significance and power of our cold war resolve. By strong implication it would also help to expose immediately, or, in time, the fraud built on the alleged independence of these two major captive non-Russian nations in the Union.

* * * * *

In the event of Moscow's acceptance of American diplomatic representations in the mentioned capitals, we would gain additional listening posts in two critical areas in the Union. One of the chief reasons offered for recognizing Outer Mongolia is the need for such a post. How much more important this is in the USSR itself. A consular convention would play into Moscow's hands and alienate the non-Russians.

* * * * *

As to some cons, this proposal would never be published by the empire's press and radio. In the event of Moscow's refusal it would be distorted by its media, with thus negligible propaganda effects, from our viewpoint, on the underlying peoples. Moreover, the operation would involve the establishment in the U.S. of two additional communist missions. This would have a detrimental effect on the psychological disposition of the American people. The action would also expand Moscow's espionage here.

In addition, a rejection of the proposal by Moscow could be effected in the name of the Ukrainian and Byelorussian governments. This would only reinforce the fiction of their sovereignty. Also, the proposal would lay a basis for the Russian government to advance the admission of its puppet republics into international organizations.

BUFFALO HERO HONORED

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. DULSKI. Mr. Speaker, last June, 13-year-old Keith A. Ellement, of 53 Allegany Street, Buffalo, N.Y., had a supreme test as a member of the Holy Family School safety patrol.

While on duty at the intersection of South Park Avenue and Tifft Street in Buffalo on June 3, Keith and the school crossing guard, Mrs. Hazel Tighe, reacted swiftly to push some 40 students from the path of a runaway truck. Not a child was injured.

Keith and Mrs. Tighe were honored for their heroism by the Automobile Club of Buffalo.

On Wednesday, Vice President HUBERT H. HUMPHREY presented Keith with a gold lifesaving medal of the American Automobile Association.

Keith was among eight school safety patrolmen from across the Nation who were honored this year for heroism in the line of duty.

I was privileged to be present for the awards ceremony and I assure you nothing can make you prouder of our young people, and particularly our school safety patrols, than to see and talk with these young heroes who have seen their duty and acted accordingly.

Looking on as Keith received his award were his parents, Mr. and Mrs. Carl A. Ellement, his grandfather, Jeremiah D. Horrigan, and the assistant secretary of the Buffalo Automobile Club, Earl J. Basehart.

Keith is the fifth Buffalo area school safety patrolman to receive the highest award for heroism since 1954. Those who were honored previously are:

1954: James Wisner, 283 Walden Avenue, Buffalo, St. Joachim's School, seventh grade, age 12—presented by President Eisenhower.

1959: Brian N. Stephens, 580 Wilson Street, Buffalo, St. Mary of Sorrows School, eighth grade, age 13—presented by Mrs. Dwight Eisenhower.

1965: Christine Ciesla, 1994 Bailey Avenue, Buffalo, Public School No. 9, sixth grade, age 12—presented by President Lyndon B. Johnson.

1966: Johnnie Ewing, 1035 Garden Avenue, Niagara Falls, Centre Avenue School, sixth grade, age 12—presented by Vice President HUBERT H. HUMPHREY.

Following is the citation which accompanied the gold lifesaving medal that was presented to Keith Ellement this week:

> In June, 1967, twelve-year-old School Safety Patrol Captain Keith A. Ellement was assisting the crossing guard in directing a group of forty pupils from Holy Family School across the intersection of South Park Avenue and Tifft Street. Because of a tire blowout and loss of brakes, an approaching truck swerved into a car and then careened out of control toward the crossing school children. Realizing the danger that the children were in, Keith and the adult guard split the group into two sections and pushed the children from the path of the runaway truck. The careening truck swept past the children, missing them only by inches, and finally came to a stop on the sidewalk about ninety feet beyond the point where the children were crossing.

The crossing incident was described at the time in the following article in the June 6, 1967, edition of the Buffalo, N.Y., Evening News:

> ### SCHOOL GUARDS HERD 40 PUPILS FROM PATH OF CAREENING TRUCK
>
> A school crossing guard and her youthful assistant pushed more than 40 children out of the path of a runaway truck Monday at the corner of South Park Ave. and Tifft St.
>
> The truck, which swerved out of control after a tire blowout, missed the group of Holy Family School children.
>
> Mrs. Hazel Tighe, of 1750 South Park Ave., was at her post at the intersection at 8:20 AM.
>
> Her sixth-grader assistant, Keith Ellement, the son of Mr. and Mrs. Carl A. Ellement, 53 Allegany St., was helping her direct a large group of children across the street to classes.
>
> "All of a sudden," said Keith, "there was this noise like an explosion. I looked up and saw a big truck swerve into a car and then head right for us."
>
> ### MRS. TIGHE ACTS
>
> Mrs. Tighe spotted the danger as quickly as had Keith, and leaped into action.
>
> She shouted orders to the children standing in the truck's path and split them into two groups. Keith pushed one group to safety on the right side of the road and Mrs. Tighe herded her group to the left.
>
> "The truck went right in between us, and some kids told me later it missed us by a couple of inches," Keith said.
>
> "After it went by us, the truck ran up on the sidewalk and the wheel tore up a lot of blacktop. Then the driver managed to get it stopped."
>
> ### "AMAZING," SAYS WITNESS
>
> Mrs. John F. Griffin of Continental Ave., Angola, was driving behind the truck when it went out of control.
>
> "That crossing guard was amazing. I don't know how she did it, but she got those kids to safety in a few seconds," said Mrs. Griffin.
>
> "If she hadn't been there the truck would have plowed right through the middle of the group."
>
> Mrs. Tighe came in for warm praise from Sister Mary Gaudentia, RSM, principal of the school.
>
> "No adjective is good enough to describe Hazel. She has been working as a crossing guard for almost 15 years, and she doesn't take any nonsense from the children. Yesterday showed why."
>
> Mrs. Tighe and Keith Ellement received many heartfelt congratulations from the children and their parents, but the most heartfelt of all came from the white-faced, frightened truck driver who climbed down from his cab to thank Mrs. Tighe.

REMARKS BY ATTORNEY GENERAL RAMSEY CLARK AT AHEPA BANQUET

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. BRADEMAS. Mr. Speaker, the distinguished Attorney General of the United States, the Honorable Ramsey Clark, was principal speaker on the occasion of the 18th Biennial National Banquet of the order of AHEPA—American Hellenic Education Progressive Association—the international Hellenic fraternal organization.

This banquet, Mr. Speaker, was held in Washington, D.C., on March 18, 1968, in order to honor Members of Congress.

The distinguished senior Senator from Illinois, the Honorable EVERETT MCKINLEY DIRKSEN, was singled out for special recognition.

As the first American Congressman of Greek origin, I was pleased to attend this congressional banquet along with two of my distinguished colleagues, the Honorable NICK GALIFIANAKIS, Congressman from North Carolina, and the Honorable PETER N. KYROS, Congressman from Maine.

Also present, Mr. Speaker, was the Honorable Spiro Agnew, Governor of the State of Maryland.

Mr. Speaker, I believe that the remarks made by Attorney General Clark on the urgent need to strengthen law-enforcement agencies, correctional institutions and programs to eradicate poverty will be of great interest to our Members of Congress.

Under unanimous consent I insert the remarks of Attorney General Clark, as well as my own, at this point in the RECORD:

REMARKS OF CONGRESSMAN JOHN BRADEMAS

Congressman BRADEMAS. Your Eminence, Archbishop Iakovos, Mr. Toastmaster, Mr. Ambassador, General Clark, Governor Agnew, my distinguished colleagues in the House of Representatives, Congressman Kyros and Congressman Galifianakis, my colleagues in Congress, Supreme President Fasseas, and brother AHEPANS all.

I yield myself two minutes. As I look out on all my fellow politicians here tonight, especially on the Democrats, and recall some of the events of recent days, I recall an aphorism of the great Greek Hippocrates: "Life is short, art long, opportunity fleeting, experience treacherous, judgment difficult." But Governor Agnew, a Republican, has told me tonight at dinner that it doesn't look too much different from the perspective in his political party either!

I want to express the appreciation of all of my colleagues in Congress to the Order of AHEPA for the honor you do us tonight, and I am especially glad to be here with my entire Hellenic bloc, both of them. At every AHEPA Congressional banquet, I have hitherto attended, I've been the only Congressman present of Greek origin, but in 1966, the people of our country spoke, and the Greek bloc experienced a 200% increase in power. As their leader and their whip, I have been receiving calls from the agents of Presidential candidates ever since, and I welcome all future visitors. I am negotiable.

Seriously, all of you as Americans of Greek origin can be proud of the splendid record that Peter Kyros and Nick Galifianakis have made in Congress. And, so, my fellow AHEPANS, when someone approaches you for a little contribution to their campaign effort this year, remember that that it not the time to celebrate "Ochi Day," which, for the benefit of you non-Greeks, means "No Day." This is a public service announcement.

Still more seriously, we Americans of Greek origin are indeed proud of our ancestry, and you never hear an American of Hellenic background apologizing for it. For we hearken back to a people who, as Archibald McLeish once said, "held a view of a man that carried a little city in a narrow land to the brightest height humanity has ever reached."

I am, therefore, proud to be serving in Congress with men like Peter and Nick and to see so splendid a leader in our nation's political life as Governor Agnew of Maryland. For all of them agree with the declaration and admonition of Pericles. "We do not say," Pericles declared in that famous funeral oration of his, "that a man who takes no interest in politics minds his own business. We say he has no business here at all."

And so, as Americans proud of their Hellenic heritage, but above all, as Americans, we are glad to be here tonight as the Order of AHEPA does honor to the men and women who have made their business politics, the service of law and justice.

ADDRESS BY ATTORNEY GENERAL RAMSEY CLARK

Attorney General CLARK. Mr. Toastmaster, Your Eminence, Mr. Ambassador, Governor Agnew, distinguished Members of the Congress, President Fasseas, members and friends of AHEPA, ladies and gentlemen.

I don't know what friends say when they meet in the evening where you come from, but down in Texas we say "Kali Spera." I hate to tell you this under these circumstances, but as far as I've been able to discover, no Laconians made it down to Texas. So, just sit back and prepare yourself because we are talkers.

It has to be a privilege for any American to share this memorable occasion when your distinguished group honors one who has contributed so much to our welfare as Senator Everett McKinley Dirksen. As nearly as we can claim it in this country, perhaps he is our Socrates from the prairie or Plato from the Potomac or Pericles from Pekin, Illinois.

I'll try one more if I can think of it. How about Demosthenes from the heart of the American democracy? You notice I didn't say republic, but the Senator has left.

As a first principle, and as Senator Dirksen noted, Socrates said, "Know thyself." This applies to the individual and to nations. Human nature changes imperceptibly, if at all. Jefferson noted at the height of the Revolution that human nature was the same on both sides of the Atlantic.

There is much wisdom, much simple and beautiful wisdom, from the glory that was Greece; if we can but apply it to our very complex times. Some of the observations of their great philosophers seem startlingly relevant, so much so that you would hardly expect to find them where they are. In Book One of the Republic Plato says that poverty is the mother of crime. That hasn't changed entirely. Aristotle said that the universal and chief cause of the revolutionary impulse is the quest for equality. That hasn't changed altogether. Let's try to know ourselves.

Let me talk briefly with you about a subject that has to concern every American, crime, widespread, increasing crime in America.

THE MANY FACES OF CRIME

Crime has many faces. If we asked each person in this room what he thought of first when he thought of crime, we would get perhaps as many answers as there are people, and it's awfully important in knowing ourselves that we recognize the many faces of crime. To some, the most dreadful is organized crime, which grips at the heart of more than a score of our major metropolitan areas. It diverts through fear, through a private tyranny if you will, millions, perhaps billions, annually from lawful owners. It corrupts individuals and even governments. It is not necessary.

Of all the faces of crime, the one that today is probaly of greatest concern to most Americans is what we call, for these last several years now, crime in the streets. It's plain old ordinary crime, the impulse of an individual. It's a mugging, a theft, a burglary, a robbery. It is an absolute wanton, disregard for the rights of other people, and it occurs all too frequently in this great land of ours.

There is white collar crime, and few of us would have put that on our list had we been asked to do so because we don't think much about it, but it has to be a matter of major concern to every American. In bank robberies in the United States last year, we estimate a loss of something over three million dollars. From those same banking institutions, losses through the misconduct of bank employees, white collar crime amounted to more than 75 million dollars embezzled funds. That figure alone is twenty-five times greater. But there's one difference that should be noted: bank robberies are known and reported. There are few banks that boast of their embezzlements, and they are not always reported.

In one single conspiracy to fix prices, over the entire period of that conspiracy, more funds were diverted—billions annually—than through all of the thefts, the larcenies, and the burglaries in all of the cities and in the countryside of the United States, during the years of that conspiracy. That is an illegal diversion, depriving from the poor as much as the thief who lifts your wallet, and we have to be concerned with this too.

Then, there's a wildness today, a wildness that manifests itself irrationally in riots, in other forms of lawlessness, a wildness that's not peculiar to our time or to our country, that grips many parts of the world, a wildness that we have to be deeply concerned about, but we have to know ourselves, too. And we must keep a perspective.

And part of that perspective is to know that there hasn't been a decade in these United States when we haven't had rioting. Consider a time much more perilous for the Union than today, July, 1863, beginning about the eleventh and ending on Bastille Day, July 14, 1863, less than a week after the Battle of Gettysburg. And talk about a President having trouble, Lincoln had them. There was a draft and race riot in New York City, in which more than 2,000 people were killed, ten times more than all deaths in all riots in all cities in the United States in the years 1964, 5, 6, and 7, and the Union survived.

STRENGTHENING LAW ENFORCEMENT: A FIRST ORDER OF BUSINESS

That's not to say that these aren't perilous times. They are. They are times that call for immense effort. And perhaps the first order of business is strengthening law enforcement, because society cannot grow and freedom cannot flourish where there is no stability.

But as we reach to strengthen freedom, we must look to earlier wisdom, and it was Lamennais who said that every stable society had depended upon the resignation of the poor to being poor. And look back through history and see if you find a single nation that lived with stability where the poor were not resigned to being poor.

And ask yourself whether our days of vast change, because change is the fundamental fact of our time, sweeping, accelerating change, will bring more differences in the way people live in the next ten years than in the last thirty. Just as in the last thirty, we have confined more space in the architecture and construction of man than in six millenniums theretofore.

That's change. It's only the beginning. It's change that we have to live with. It's change that will require professional law enforcement to provide for public safety and to protect individual liberty. And we must devote our resources of governments, local first, state next, and Federal finally to strengthening the police, who are the men in the middle in this perilous time, who must be firm and fair under the most trying conditions. And this will require not only the effort of government, but of organizations such as yours, and our efforts individually.

A RACE BETWEEN EDUCATION AND CATASTROPHE

Law enforcement alone can only contain people bent on crime so long, however. Other efforts obviously of a vast proportion must be made. It was forty-seven years ago in his *Outline of History* that H. G. Wells said, "It seems to me more and more that civilization is in a race between education and catastrophe." And, it may be so. We are the best educated people that have ever lived, but there are great weaknesses in our educational systems.

When our knowledge of the physical world in which we live is doubling each decade, when we know that in a mere thirty-three years, the total knowledge of mankind of the physical sciences will be eight times greater than is known to all the researchers, all the Ph. D.'s today, it must be clear how much is required of education. A nation that had a million and one-half in college in 1945 has seven million today. We must work at education.

Closer to crime control itself is corrections—the most sadly neglected of all crime control functions in the United States. We spend one billion, one hundred million dollars for every correctional effort we made, and 95% goes to stone walls and iron bars, and 5% to rehabilitation. And this prevails at a time when we know that four out of five serious crimes in the United States are committed by someone who had committed a crime before, nearly always when he was a kid.

And we care so little about the character of this nation because crime reflects the character of a nation. It is you and I. It's no stranger. We care so little about the character of this nation. We make so little effort. We put one kid in four who was confined to jail with whoever happened to be in that day—a murderer, a man with thirty years in jails and prisons, whoever was there. We have turned more people to crime, more kids to crime, because of our care of them in correctional institutions than we have rehabilitated by far. We must do better.

Our social sciences and our physical sciences both tell us that we can cut this rate of recidivism—this rate of crime repetition—in half. When we know that 80% of all serious crimes are caused by repeaters, and we know that we can cut that figure in half, then we know that here is the one place that crime can be significantly reduced by our acts of good will, and it's imperative that we get at it. And, of all areas, it's most imperative with our children.

Half a million cars, plus, were stolen last year, 64%, nearly two out of three, by kids under 18 years of age. And believe me, when they drove off in that stolen automobile, the joy ride was short because most have driven off into a life of crime. If you look through the records of the Federal correctional centers for youth in the United States, you'll find that the first crime of most was car theft. Half of all crimes against property are committed by minors, and when we see rising crime, we see rising youth crime, because our best statistical evidence indicates that adult crime has not increased in this decade, while juenvile crime has increased nearly 70%. This spells the failure of us who are the parental generation, and it spells misery for our children.

There is nothing more important to us than the instilling in the heart of every young American a respect for the rights of others, which is essential to civilization and which is the rule of law.

The passage that has always impressed me most from Pericles' great oration on the first killed in the Pelopennesian War is, "Happiness is the flower of freedom, and freedom is found only where there is courage." And this is what we must have.

As that great Greek from the Pedernales, Lyndon Baines Johnson, put it, "We can control crime if we will, but to do so, we must act boldly and now."

Thank you.

THE URBAN COALITION—"EMPLOYMENT SHOULD BE AT THE TOP OF THE AGENDA"

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. O'HARA of Michigan. Mr. Speaker, for the past 3 days, the select subcommittee has heard testimony on H.R. 12280 and related bills. These bills seek to provide jobs in the public service area to persons who are unemployed or underemployed. I can think of no more constructive way in which we can meet what may be the most important single issue confronting the Nation today.

I am deeply gratified to report that during the first 3 days of hearings, the response by our distinguished witnesses has been uniformly favorable to these bills. On the first day, Tuesday, May 7, Mr. George Meany, the president of the AFL–CIO, stated his unequivocal backing for this bill. His testimony appears in the RECORD for May 7 at page 12208. Yesterday, Mr. Bayard Rustin and representatives of the major religious organizations expressed their support for the public service employment concept. My distinguished friend from New York [Mr. SCHEUER] inserted that testimony in the RECORD for May 8, at page 12386. Today's witness, speaking for the Urban Coalition, was Mr. Ron Linton, legislative coordinator for the coalition. He delivered a statement on behalf of Mr. John Gardner, chairman of the coalition, and until recently, Secretary of Health, Education, and Welfare. Like those who preceded him, Mr. Linton gave strong support to this necessary legislation. I include Mr. Linton's statement at this point in the RECORD:

TESTIMONY OF RON M. LINTON, REPRESENTING JOHN W. GARDNER, CHAIRMAN OF THE URBAN COALITION, BEFORE THE SELECT SUBCOMMITTEE ON LABOR OF THE HOUSE COMMITTEE ON LABOR AND EDUCATION, MAY 9, 1968

Mr. Chairman, my name is Ron M. Linton and I am here to testify before the Subcommittee on behalf of John W. Gardner, Chairman of the Urban Coalition, an organization representing business and the professions, organized labor, religion, civil rights groups, and local government.

The Urban Coalition came into existence on July 31, 1967 as the nation was experiencing its third straight summer of widespread civil disorder. Immediately upon formation, the Coalition called an Emergency Convocation; and on August 24, 1967, 1,200 leaders of American life assembled in Washington. Those who attended felt a deep sense of national urgency and a great need for a positive response to the urban crisis. Setting aside the differences which sometimes divide the nation, the Convocation called for immediate and significant national action.

The Coalition represents a remarkable coming together of leadership from the various sectors of American life. On the Steering Committee are such businessmen as Henry Ford II and David Rockefeller, labor leaders such as George Meany and Walter Reuther, minority group leaders such as Whitney Young, Roy Wilkins and Bayard Rustin and mayors such as Richard Daley of Chicago and John Lindsay of New York.

It is the purpose of The Urban Coalition to awaken the American people to their responsibilities in dealing with the urban crisis, to assist them in organizing to cope with that crisis, and to help them in the search for solutions. It is not an operating organization; it is not an organization that will build an empire of its own; it will always remain small and it will supplement rather than supplant other organizations concerned with the cities, our stance is one of total cooperation.

The Convocation held last August urged the Federal government to develop an emergency work program to provide jobs and new training opportunities for the unemployed and underemployed.

Representatives of the private sector in The Urban Coalition committed themselves to assist the deprived to achieve full participation in the economy as self-supporting citizens. To that end, they pledged full-scale private endeavors through creative job training and employment, managerial assistance, and basic investment in all phases of urban development.

The Convocation called upon the nation to take bold and immediate action to provide "a decent home and a suitable living environment for every American family" with guarantees of equal access to all housing, new and existing.

The Convocation appealed for educational programs that will equip all young Americans for full and productive participation in our society to the full potential of their abilities.

Leaders of The Urban Coalition realized that these actions were not the responsibility of the national government alone but also required the participation of state and local governments and of local leaders representing all phases of community life. Therefore, since last August a nationwide effort has been made to organize local coalitions. Today there are 33 in existence. Others are organizing.

The formation of local coalitions is only part of a very large-scale effort which we will undertake with the aim of informing and educating the American people with respect to the urban crisis. The time has passed when American citizens can hide their heads in the sand. Our cities are in trouble. We intend to do everything possible to alert the people to the nature of the problems and the possibilities for constructive action.

As there must be local response to go along with national action, so also there must be private enterprise participation to complement governmental action. In the vitally important matter of employment opportunity, private enterprise must play a crucially important role, for about seven out of eight jobs in the United States are in the private, profit-making sector. This commitment to a partnership approach by government and private enterprise is at the heart of The Urban Coalition's program.

The Coalition was pleased, therefore, when the President established the National Alliance of Businessmen. As you know, the Alliance will work closely with the Departments of Commerce and Labor and with local businessmen in promoting the program called JOBS, which stands for Job Opportunities in the Business Sector. It is essentially an on-the-job training program, which develops the job skills the hard-core unemployed need so badly. The unemployed person will have a good chance of moving into regular employment, and the employer will be paid for training expenses and other costs during the transitional period when the trainee is not fully productive.

The national and local coalitions will support the National Alliance of Businessmen. It was particularly gratifying to The Urban Coalition that one of the key members of our Steering Committee, Henry Ford II, was appointed by the President to head the Alliance.

To complement this effort, The Urban Coalition will work with local coalitions to open other job opportunities for the disadvantaged. We know that there are hundreds of thousands of job vacancies today. While some of them require professional training and others are in very low-paying jobs, large numbers of these vacancies pay a living wage and could be filled by unemployed and underemployed persons who live in congested urban ghettos. Many of them seem to be blocked by artificial barriers, such as the requirement of a high school diploma or nearly absolute prohibition of hiring persons with a police record, regardless of the nature of the offense. Thus, many ghetto residents are rejected without regard to individual potential. This is the type of problem on which local coalitions might be very helpful.

The private sector can make significant

contributions to the reduction of unemployment. Indeed, the role of private enterprise is indispensable. Nevertheless, unemployment in cities, and in rural areas from which many of the urban jobless come, cannot be solved fast enough by private employment alone. Only with a major program of public service employment can jobs in sufficient volume be produced with the speed which the urban crisis demands.

The Emergency Convocation of last August called for the creation of one million public jobs at the earliest possible moment. On March 11, 1968 the Executive Committee of The Urban Coalition reaffirmed this objective. The statement of the Executive Committee and a list of its members is appended to my statement.

What are the principles that should govern an emergency public service employment program?

First, the Federal Government must enlist the cooperation of government at all levels and of private industry to assure that meaningful, productive work is available to everyone willing and able to work. I have already outlined how the National Alliance of Businessmen and The Urban Coalition are working toward this objective. The various Federal manpower programs are carried out by structures which have heavy involvement of state and local government. In a similar manner, emergency jobs should utilize the strengths of our Federal system so that much of the responsibility for solving the national employment program will actually be given to local communities, where the unemployed reside and will work.

To create socially useful jobs, an emergency public service program should concentrate on the huge backlog of employment needs in parks, streets, slums, countryside, schools, colleges, libraries and hospitals. Two years ago the National Commission on Technology, Automation and Economic Progress indicated that there is need for at least 5.3 million such jobs, and this finding has never been contradicted. I know personally from my experience with the Department of Health, Education and Welfare that one of the grave problems in these fields is the shortage of personnel, not merely professional workers but also personnel in the subprofessional ranks which could be filled by many who are now unemployed or underemployed.

To find out how many socially useful jobs could be made available immediately, The Urban Coalition asked Dr. Harold Sheppard of the Upjohn Institute to survey a sample of major cities. Based upon a preliminary analysis of this survey, Dr. Sheppard has concluded that at least 141,000 persons could be employed almost overnight in the 130 cities with population over 100,000. These would be jobs in regular city departments where supervisors are already available and work tasks are clearly defined. If this sample were expanded to small cities, to county and state governments, and to jobs with private, nonprofit organizations, it is likely that enough jobs could be found to put 500,000 persons to work within six months. By further planning, the number might be expanded to a million or more within a year.

A public service employment program would not only enable unemployed to earn their own way, it would benefit the general public by the many necessary and useful tasks which would be performed.

It goes without saying that a public service employment program must provide meaningful jobs—not dead end, make-work projects. The employment experience should add to the capabilities and broaden the opportunities of the employees to become productive members of the permanent work force. To place hardcore unemployed in meaningless activities with no future would merely reaffirm their hopelessness and despair. What's more, there is little excuse for a resort to meaningless activities. There is a great deal of meaningful work to be done.

In Dr. Sheppard's survey the greatest number of jobs which could be filled immediately by unskilled and semi-skilled persons were in education, followed by police and fire protection, health and hospitals, social welfare, and parks and recreation. All of these fields of public service will have a continued demand for personnel, and all of them have the type of jobs which provide opportunity for advancement from entry level to higher-skill and higher-paying jobs.

Basic education, training, and counseling must, of course, be an integral part of any public service employment program.

Building training into a public service employment program is essential if persons so employed are to be given the opportunity to advance, either to higher-skilled and better paying jobs with public agencies or to jobs in the private sector. Therefore, it is not enough to authorize only enough funds to pay wages. Instead, the cost of training and counseling should be included in the public service program, especially since other training funds are already fully committed.

In many instances, it might be desirable to contract with private, profit-making firms to carry out the training and education. The program should be so designed that this option is available.

A public service employment program should seek to qualify new employees to become part of the regular work force and to meet normal performance standards. This program could have the effect of creating a sizable manpower pool of persons who by actual performance are demonstrating their willingness to work and their capability to perform various work tasks. A man who is working as an auto mechanic for a public works department could move to a job in a private garage. The demand for landscapers is expanding, particularly in suburban areas, so that a person working for a beautification project could put his new skills to work for a private employer. Dozens of occupations are interchangeable between the public and private sector, such as typists, welders, truck drivers, cooks, draftsmen, painters, and many more. The so-called "new careers"—teachers aides, nurses aides, laboratory assistants, and others—offer the potential for entry at an elementary skill level with opportunity for advancement. Given proper training, participants in public service employment programs could gain access to a wide variety of other job opportunities.

Funds for public service employment should be made available to local and state governments, nonprofit institutions, and Federal agencies able to demonstrate their ability to use labor productively. This must be done without reducing existing levels of employment or undercutting existing labor standards or wages which prevail for comparable work or services in the area. Consistent with this principle, a state or local government should be able to contract with a private firm hiring the hardcore unemployed to perform public services. This, after all, is a common pattern for public works activities.

We often hear recommendations that the Federal Government should be "the employer of last resort." With our existing tax structure, Federal funds should be the major source of financial support for public service employment, but the actual employer should be state and local governments, nonprofit organizations, and private firms under contract.

The establishment of a minimum wage is important so that persons working in public service employment will be able to support their families.

The operation of the program should be keyed to specific, localized unemployment problems and focused initially on those areas where the need is most apparent. This means that the program should have considerable flexibility, encouraging local initiative and easy adaptability to varied communities. In a city with a tight labor market and many unfilled industrial jobs, a public service employment program might concentrate upon those occupations where workers could gain the experience which would rapidly qualify them for those existing jobs. In a locale with higher rates of unemployment, public service employment might have to be longer term. Another city might want to give particular attention to improving the bad housing and wretched environmental conditions which plague the poor. There should be no single, made-in-Washington pattern.

As our name implies, we are concerned especially with the needs of urban areas. It is plain to all thinking Americans that the urban crisis comes to focus particularly in the ghettos. This has been made all the more clear to us by the recent, excellent report of the President's Advisory Commission on Civil Disorders. The Executive Committee of the Urban Coalition has strongly endorsed this report and has commended it to the nation's citizens and leaders for study and action. Since you are all familiar with the report, I will quote only one passage:

"What white Americans have never fully understood—but what the Negro can never forget—is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it."

It is now urgent that the Government of *all* the people of the United States do something about it. As the Advisory Commission recommended, employment should be at the top of the agenda.

That is not to say that a public service employment program would be for Negroes alone. Many persons with Spanish surnames suffer unemployment. And in all national statistics the majority of the unemployed are white.

Nor should a public service employment program be only for urban areas. Although the greatest concentration of unemployment and the most explosive situations are found in urban ghettos, the highest proportion of unemployment among residents of a community are found in rural areas. If persons cannot find work in South Carolina, they move to Washington, Philadelphia, or New York.

Those unemployed in Eastern Kentucky head for Pittsburgh, Cleveland, and Detroit. Those without jobs in the Mississippi Delta migrate to Chicago. The jobless in the Rio Grande Valley move to Texas or California cities. Indeed, the cities and the rural areas alike will benefit if a public service employment program is both urban and rural.

As I have studied H.R. 12280—"The Guaranteed Employment Act", I find that in most respects it is in basic accord with the principles I have described. There are, however, three aspects that might be strengthened.

First, the authorization of up to one million jobs at any one time is to be applauded, for this volume more nearly meets the need than most of the other employment bills pending before Congress. The authorization in section 14 for education and training as part of the program is also commendable, for this will enable those working in public service employment to gain the skills they need to advance to better paying and more permanent jobs. However, proper education and training programs will require additional resources. Therefore, it may be necessary to increase authorization of funds to $5 billion in order to pay an adequate wage for work as well as the cost of supplementary training and education.

Second, as much use as possible should be made of job opportunities with private employers. As you know, major efforts are underway to increase the participation of the private sector in employment programs for the unemployed poor. It seems clear that some type of an incentive is necessary and that additional Federal funds are needed for this purpose. This might be done by adding another section and a higher authorization to H.R. 12280, by putting more funds into MDTA, or by augmenting the program authorized by Economic Opportunity Amendments of 1967 which provide for "reimbursement to employers for a limited period when an employee might not be fully productive" [Sec. 123(a)(8).]

Third, there is a need to assure that a public service employment program is adequately tied to other manpower programs sponsored by the Federal government. Coordination in Washington is essential but even more important is coordination at the local level, where the unemployed live and work. An unemployed poor person may need a sequence of services ranging from recruitment through training to job placement. Public service employment could be a waystation on the road to private sector employment for most. This means that a public service employment program should be linked to other manpower and employment programs. One way to accomplish this goal is to channel Federal funds through a local prime sponsor, which in delegating operating responsibility to other agencies can assure that adequate linkages exist between the various program components. While the Secretary of Labor needs some flexibility in funding independent contractors, it would be desirable to direct most of the public service employment funds through the same prime sponsor that is handling manpower programs under the Economic Opportunity Act.

In conclusion, I reiterate the plea of the Emergency Convocation held last August which called upon "all Americans to apply the same determination to these programs that they have to past emergencies. We are confident that, given this commitment, our society has the ingenuity to allocate its resources and devise techniques necessary to rebuild cities and still meet our other national obligations without impairing our financial integrity. Out of past emergencies, we have drawn strength and progress. Out of the present urban crisis we can build cities that are places, not of disorder and despair, but of hope and opportunity. The task we set for ourselves will not be easy, but the needs are massive and urgent, and the hour is late. We pledge ourselves to this goal for as long as it takes to accomplish it. We ask the help of the Congress and the Nation."

Statement by the Executive Committee of the Urban Coalition on Public Service Employment

The Urban Coalition Executive Committee calls upon the Congress to enact urgently needed emergency legislation to provide at least one million jobs through public service employment.

In support of this objective, The Urban Coalition's Statement of Principles, Goals, and Commitments, endorsed in August, 1967 by 1,000 representatives of business, labor, religion, civil rights, and local government, calls for action consistent with the following principles:

The federal government must enlist the cooperation of government at all levels and of private industry to assure that meaningful, productive work is available to everyone willing and able to work.

To create socially useful jobs, the emergency work program should concentrate on the huge backlog of employment needs in parks, streets, slums, countryside, schools, colleges, libraries, and hospitals. To this end, an emergency work program should be initiated and should have as its first goal putting at least one million of the presently unemployed into productive work at the earliest possible moment.

The program must provide meaningful jobs—not dead-end, make work projects—so that the employment experience gained adds to the capabilities and broadens the opportunities of the employees to become productive members of the permanent work force of our nation.

Basic education, training, and counseling must be an integral part of the program to assure extended opportunities for upward job mobility and to improve employee productivity. Funds for training, education, and counseling should be made available to private industry as well as to public and private nonprofit agencies.

Funds for employment should be made available to local and state governments, nonprofit institutions, and federal agencies able to demonstrate their ability to use labor productively without reducing existing levels of employment or undercutting existing labor standards or wages which prevail for comparable work or services in the area but are not less than the federal minimum wage.

Such a program should seek to qualify new employees to become part of the regular work force and to meet normal performance standards.

The operation of the program should be keyed to specific, localized unemployment problems and focused initially on those areas where the need is most apparent.

The Clark-Javits Emergency Employment Act proposed in the last session of Congress was responsive to these principles and was endorsed by The Urban Coalition. It is now even more urgent for the Congress to respond to the conditions of unemployment despair revealed in hearings held by the Senate Subcommittee on Unemployment. The principles endorsed by The Urban Coalition are consistent with findings and recommendations of the National Committee on Technology Automation and Economic Progress (Feb. 1966), the White House Conference to Fulfill These Rights (June, 1966), and The National Advisory Commission on Food and Fiber (July, 1967). The Report of the President's Commission on Civil Disorders leaves no doubt as to the nation's responsibilities.

POSTAL AND FEDERAL EMPLOYEE BENEFITS

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mrs. KELLY. Mr. Speaker, I would like to bring to the attention of my colleagues three bills I have introduced. H.R. 17123, amends the Civil Service Retirement Act to authorize the retirement of employees after 20 years of service without reduction in annuity. H.R. 17124, amends the Civil Service Retirement Act to provide increased annuities. H.R. 17125, will modernize certain provisions of the Civil Service Retirement Act. I feel these bills merit immediate consideration and enactment by this Congress.

Mr. Speaker, the U.S. civil service retirement program, which once was adequate, has fallen into serious disrepair. It is no longer comparable to programs that exist throughout the private sector. Somehow, we are always postponing action to help our retirees and their survivors. We in the Congress I feel do have the best of intentions, but something seems always to come up which appears to have more urgency and we keep delaying the provision of simple justice for those who have dedicated their lives to their Government and to the people of America. The time has come when we cannot in all decency delay any longer. We have an obligation to act. The enactment of my bills which I introduced yesterday would do a great deal toward alleviating the conditions of actual hardship which prevail among our retired postal and Federal workers.

We have an official poverty line here in the United States. It has been set at $3,000. The great majority of retired postal workers and most Federal workers, receive less than $3,000 a year in annuities. The picture in regard to survivors is even more appalling: 90 percent of the survivor annuitants receive less than $100 a month. These are the widows and children, mostly, and they are being shamefully treated.

It is obvious that a 4-percent increase in annuity is not going to do very much for a man who is receiving retirement pay of only $2,500 a year. Under the present system those who are receiving the least, and who need the most help, are getting the smallest increase, and vice versa.

To correct this situation I have introduced H.R. 17124, which would grant a 10-percent increase on the first $1,000 of an annuity; a 9-percent increase on the second $1,000; an 8-percent increase on the third $1,000, and so on up to 1 percent on the 10th $1,000. This will put the most money where the need is most desperate.

Second, I have introduced H.R. 17125, a bill which would do several things to improve the lot of the retired Government worker and his survivors. It would, for example, permit the inclusion of premium and overtime pay in the computation of annuities. It would liberalize the computation formula itself in that, once an employee has completed 10 years of service, the computation of his annuity will be based on 2 percent for each year he has served. It would increase the pitifully low benefits for surviving children by $120 a year. It would allow the surviving spouse 60 percent of the annuity of her husband, instead of the present 55 percent. It would make it less expensive for a retired Government worker to provide for those whom he will eventually leave behind him, permitting deductions of 2½ percent on the first $4,800 of earned annuity—instead of $3,600 as of now, and 10 percent on everything above that. It would also improve the cost-of-living formula in the present retirement program. Instead of basing the automatic increase on a 3-percent increase in the Consumer Price Index sustained over 3 months, it would be based on a 2-percent increase after 2 months. When people are living on the edge of poverty, as so many of our retirees and their survivors are living now, every percentage point which the CPI rises is a serious matter. We should not make these people wait before we permit them to catch up with the cost of living.

Third, I have introduced H.R. 17123, which would permit postal and Federal employees to retire with full annuity after 20 years of service at the age of 50. We recently voted for a bill which would permit the military and the people in the Foreign Service to retire at 50 after 20 years of service. I see no reason why we should not permit this liberalized formula to pertain to all Federal employees, and not just a favored few.

I might say that this is no new and revolutionary idea. The National Association of Letter Carriers—an organization of which I have considerable firsthand knowledge—asked for 20-year retirement at their founding convention in Milwaukee in 1889. After 79 years, Mr. Speaker, I feel we should feel ready to match the progressive thinking of those pioneer trade unionists.

I feel that these three bills will modernize our present antiquated and inadequate civil service retirement program.

I feel also that they will redress some of the wrongs which, through inattentiveness and carelessness, we have visited upon men and women who deserve our best consideration and tenderness.

Mr. Speaker, I feel we should take action on this liberalizing program as soon as possible.

WORLD TRAVELER JOINS WOMEN DOERS AT LUNCHEON

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. RUPPE. Mr. Speaker, recently Mrs. Marion Vaughan, of Bessemer, Mich., was the guest of Lady Bird Johnson at the First Lady's White House "doers luncheon." How did it happen that Mrs. Vaughn, of Michigan's Upper Peninsula, was invited to be a key participant in an important White House conference?

The Upper Peninsula is a beautiful area that attracts many thousands of tourists every year. Gogebic County, where Bessemer is located, is an especially lovely corner of the peninsula. Within the Ottawa National Forest, near Bessemer, is a tract of land known as Sylvania. It comprises 29 square miles of exceptionally beautiful woods and lakes in near-virgin condition. The Nation's First Lady visited Sylvania last fall and dedicated it into the national forest. Mrs. Johnson later sent me a photograph of her dedication speech on which she inscribed, "To Congressman RUPPE—on an interesting visit to dedicate magnificent Sylvania." Indeed, "magnificent" is the only way to describe Sylvania.

While visiting Sylvania Mrs. Johnson apparently became aware of Mrs. Marion Vaughan's drive to locate flower boxes throughout Bessemer. The drive was a successful one, and Mrs. Vaughn was invited to the White House. The Washington Post carried an article on the "doers luncheon", including Mrs. Vaughn's contribution. The article follows:

WORLD TRAVELER JOINS WOMEN DOERS AT LUNCHEON

(By Meryle Secrest)

President Lyndon B. Johnson dropped in on 50 women at lunch yesterday to plug travel in the U.S. and discourage travel overseas which he said, is increasing "in spite of all we can do."

His audience were all experts on the subject of attracting tourists to their home towns. They came from around the U.S. to attend Mrs. Lyndon B. Johnson's Women Doers luncheon at the White House, which was on the theme of "Rediscovering America."

They also talked about some of the ways they have done it: from sparking a rash of window boxes to rebuilding an opera house, setting up centers for foreign visitors and restoring neglected old hotels.

Wearing a gray suit and a black string tie, President Johnson gave his wife a kiss and joked that one way to getting to see her was to catch her at such functions.

"There's something about the White House that makes its First Ladies like to travel," he said to amusement.

The President continued: "It would be so good and helpful if all of us would look at this continent and forego for the moment any substantial expenditures that adversely affect us."

He urged them to see America, "Because when you see all the beautiful things, you are also going to see some things that need to be done. And when you women see things like that, you do something about them."

Mrs. Johnson pointed out earlier that foreign travel to the U.S. had gone up by leaps and bounds since the "Visit USA" program was launched in 1961. In the last three years, the number of visitors had jumped to 1,200 000—an increase of 46 percent, she said.

She urged the establishment of more visitors centers, and more Americans should open their homes to foreigners, and that we should "marshal our language resources, so that the foreigner will not feel lost due to a language barrier."

It's easy for the foreigner to come to America and see only the highways and the big cities, she continued.

But the feeling of having been there would come when visitors could see the charming old towns, the national parks, and the wilderness; what she called "the not-so-well-trodden paths."

For every local asset that has been exploited, there are a dozen others waiting for creative action, said Frances Koltun, travel editor of Mademoiselle magazine, who was another speaker at the lunch.

Pointing out that tourism today was big business, she suggested that distinctive buildings, folklore, natural wonders and local festivals were the raw materials from which tourist attractions were made.

She also pointed out "travel helps overcome the dislike of the unlike," adding that we find it much harder to be prejudiced about people we know.

She said that women in other countries hold the family's travel pursestrings and that American women must find the ways to tell more women from overseas about the U.S.

The wife of the new Chief of Protocol, Mrs. Angier Biddle Duke, who has recently returned from Spain, said that the budget-minded Europeans need packaged tours planned around themes. If travel in the U.S. could be made financially attractive, she thought that many middle-class Europeans, who now consider it too expensive, would come here.

She also suggested that Americans publicize their great New York, Chicago and San Francisco galleries and art museums; that they tell European women about historic preservation at Colonial Williamsburg and Winterthur and that many Europeans would like a capsule introduction to the West by way of a dude ranch, for instance.

Members of the audience added a few "how to" tips from their own experience. They included:

Mrs. William S. Terry of Jefferson, Tex., who told how a group of civic-minded women had managed to restore 47 old houses in this old steamboat town on Caddo Lake. Their biggest project, she said, was Excelsior House, which has been in continuous operation as a hotel since the 1850s. It was restored and is run entirely by volunteer help, "and we think our greatest achievement is that the 35 women who did it are still on speaking terms."

Mrs. W. F. Low, supervisor of hostess training at Colonial Williamsburg, has conducted countless VIPs through the restored area, including six kings and many government heads. She makes a point of showing foreigners things that will particularly interest them, i.e., for the Dutch, the collection of Delft china and the Flemish paintings.

She also said: "I also try to emphasize the ideas we have in common. For instance, we didn't invent the ideas of freedom . . . There are many Czech documents, for instance, which have contributed to our own Bill of Rights."

Marion Vaughn, who works in a photographers' studio in Bessemer, Mich. told about the city's beautification program and the 250 flower boxes that local mechants put up as a result.

"Does it help tourism? I should say so," she said emphatically. "Women love flowers and they'll drive out of their way to come and see our town."

Margaret Wilson, president of Scarbrough's Department Store in Austin, Tex., also agreed that beautification was good business. Mrs. Wilson said that her store had put up trees along the main street and was encouraging others to do the same.

JUNIOR KING'S "10 COMMANDMENTS"

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. RARICK. Mr. Speaker, while some communications establishments scream "freedom of press and speech" they continue to abuse the prohibition by "book burning and truth distortion."

For certain they do not literally burn books or lie outright—their guilt is in rewriting the text by deleting what they desire to keep from the public—just not telling the whole truth.

A perfect example of such censored reporting was the coverage of the disloyal Americans propaganda meeting for the pro-Vietcong in New York City, April 27, 1968.

According to the news account, Junior King's widow, speaking to the admitted allies of the murderers of over 22,000 American boys in South Vietnam, read the 10 commandments prepared by her late husband.

[From the Washington (D.C.) Sunday Star, Apr. 28, 1968]

LOYALTY, PEACE PARADES STAGED

In New York City, thousands of persons marched to a Central Park "stop the war" rally to hear speakers, including Mrs. Martin Luther King Jr. Sponsors of the antiwar rally said 100,000 to 150,000 attended; newsmen estimated the crowd in Sheep Meadow at 40,000.

Mrs. King spoke to the crowd from what she said were notes prepared by her late husband, who had been scheduled to address the rally.

She read "Ten Commandments on Vietnam" which she said her husband wrote. They included: "Thou shalt not believe in a military victory, Thou shalt not believe in a political victory, Thou shalt not kill."

The story mentions 10 commandments, yet only three are reported in the news story. What happened to the other seven?

Here are the full 10, taken from the Communist Daily Worker for April 26, 1968, printed the day before the rally so copies would be available at the shindig.

[From the Daily Worker, Apr. 26, 1968]

TEN COMMANDMENTS

These are the "Ten Commandments on Vietnam" written by Dr. Martin Luther King, Jr. just before his death:

1. Thou shall not believe in a military victory.
2. Thou shalt not believe in a political victory.
3. Thou shalt not believe that they (the Vietnamese) love us.
4. Thou shalt not believe that the Saigon government has the support of the people.
5. Thou shalt not believe that the majority of the South Vietnamese look upon the Viet Cong as terrorists.
6. Thou shalt not believe the figures of killed enemies or killed Americans.
7. Thou shalt not believe that the generals know best.
8. Thou shalt not believe that the enemies' victory means communism.
9. Thou shalt not believe that the world supports the United States.
10. Thou shalt not kill.

The American people ask "Why?"

Why manipulate and censor news stories? Why do some of the major communications establishments fear the truth?

Who are they to prevent the American people from full factual disclosure of the truth? As censors and book burners, how can they call their product legitimate news or a public service?

The first amendment prohibition against legislation infringing on the freedom of speech and press was not intended to protect a right to lie—nor a constitutional guarantee to a "special interest" minority of a right to censor truth.

More and more Americans are becoming aware of manipulations by the controlled communications people being used to affect public opinion by repetition of half-truths. Continued suppression of the truth can initiate action to insure legislation to protect the public by guarantees of pure and wholesome reporting of the news. How long can the "think minority" feel they can keep control of their little brain-training monopoly?

Not only are they eroding their credibility and usefulness—promoting the destruction of a basic freedom—but they hasten the day when individuals can pursue punitive actions for violation of civil rights, not to be lied to or have their thinking mechanism discriminated against by censorship, intimidation and undue coercion.

YOUR CONGRESSMAN BILL SCOTT REPORTS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. SCOTT. Mr. Speaker, since election to the Congress I have issued a monthly newsletter to constituents on congressional activities and our May report to the people of the Eighth District is as follows:

YOUR CONGRESSMAN BILL SCOTT REPORTS

FISCAL MATTERS

One of the major problems confronting the country is the fiscal crisis. We're faced with a loss of confidence in the dollar abroad, a continued outflow of gold, an unfavorable balance of trade, a budget deficit that could reach $25 billion this year unless present spending plans are curtailed or taxes increased, the highest interest rates since the Civil War, and an all-time high in costs of goods and services. Practically all Members of Congress agree there must be a reduction in spending. However, disagreement arises with regard to priorities and when general reduction is changed to the selection of specific items. An example was the recent consideration of a $13.67 billion appropriation bill for independent government offices and the Department of Housing and Urban Development. Efforts to eliminate the rent subsidy portion of this bill were defeated by approximately 2 to 1, and an effort to reduce the amount of appropriation by 5% was also unsuccessful by a more narrow margin. It should be added, however, that the amount budgeted by the President had already been reduced in the Committee by almost $3 billion.

As you probably know, leaders from both Houses of Congress and from both political parties are meeting in an effort to put a ceiling on spending and to agree on the amount of a tax increase, if any. A majority of the House Ways and Means Committee has tentatively agreed to a surtax, provided there is a $4 billion decrease in current spending coupled with a hedge against spending in future years and a curtailment in the amount to be spent of funds already appropriated but presently unspent. Many believe this is an insufficient reduction and are holding out for $6 billion in budget reduction, another $6 billion in unspent authorizations and $14 billion in new obligation authority. Sometimes when we hear of the need for increased spending in government we don't realize that the Congress in past years has appropriated funds amounting to $221 billion which is presently in the pipeline or unspent. The Conference Committee desires to find some way to re-claim a portion of this money. It is certainly encouraging to note that the Members of Congress, from both parties, are at last aware that we cannot continue to go on spending for everything that is advocated. Certainly this is a complex problem which will require careful thought by the best minds in our country.

AUTOMOBILE INSURANCE

A measure passed recently by the House directed the Department of Transportation to study and recommend reforms in the motor vehicle insurance system. This office has received a number of letters expressing concern regarding the cancellation of policies and the study will not only include that factor but the cost of insurance and the time consumed in processing claims. Certainly I would prefer that insurance companies be regulated at the state level but share the concern of many regarding arbitrary cancellation of policies.

ALEXANDRIA POST OFFICE

A constituent wrote that he lived in Fairfax County but was served by the Alexandria Post Office, and he would prefer to have a name identifying him with Fairfax County or the community in which he lives rather than adjacent Alexandria. On inquiry of the Post Office Department, I was advised that patrons who live in Jefferson Manor, Belle View, and Franconia who are served by the Alexandria Post Office, may use the local designation with the appropriate ZIP code in their addresses. The Postmaster General's office further advised that new branches will probably be called Engleside and Lincolnia and that residents of these areas can thereafter also use the local names if they choose to do so. According to the Post Office Department, approximately 43,000 persons now have the prerogative of using the name of the branch instead of Alexandria in the mailing address and when the branches at Engleside and Lincolnia are established an additional 33,000 persons will not need to use Alexandria in their mailing addresses.

GOVERNMENT EMPLOYEE TRAVEL ALLOWANCES

The House by vote of 292 to 62 approved and sent to the Senate a bill to raise the maximum travel allowance of Federal employees from $16 to $20 per day. This maximum per diem for employees travelling on official business recognizes the increase in the cost of food and lodging.

SPEAKING ENGAGEMENTS

You may be interested in my tentative evening schedule for the next 30 days:

May 9: Dale City Civic Association, Prince William County.

May 10: Vienna International Ball, Fairfax County.

May 11: Reception, Loudoun County.

May 13: Jaycees, Westmoreland County.

May 14: Virginia Society of C.P.A.'s, Fairfax County.

May 18: Congressman Bill Wampler Dinner, Scott County.

May 20: Veterans of Foreign Wars, Fairfax County.

May 21: Area Citizens Associations, Lee District, Fairfax County.

May 22: National Canners Association, Washington.

May 22: National Oil Jobbers Council, Washington.

May 24: Dale Carnegie Leadership School, Fairfax County.

May 25: Callao Day Celebration, Northumberland County.

May 26: Ebenezer Methodist Church, Richmond County.

May 30: Tomb of the Unknown Soldier of Revolution, Alexandria.

June 4: Charles City High School Commencement, Charles City County.

June 5: Northumberland High School Commencement, Northumberland County.

June 6: Common Carriers Conference: Washington.

June 7: Tappahannock High School Commencement, Essex County.

June 8: Marriott High School Commencement, King and Queen County.

POOR PEOPLE'S MARCH

Many constituents have expressed concern regarding the proposed March on Washington this month. Certainly I share this concern and have urged that the President go on nationwide television and advise the people of the country what action will be taken to avoid the possibility of unprecedented disorder. The responsibility of administration and enforcement of our laws rests with the Executive Branch of government.

FREDERICKSBURG OFFICE

In view of the possibility of future disorders in the capital, you should know that we have a District Office in the Fredericksburg Post Office which will be utilized in the event any disturbance makes it impracticable to continue to use the Washington office. The telephone number in Fredericksburg is 373–0536 and the office is always staffed by a secretary. Certainly we are hopeful that no temporary change will be necessary. The telephone number of our main office in Washington is 225–4376.

WILLIAM AND MARY ANNIVERSARY

Various minor measures are considered by the Congress, and one of these, H. Con. Res. 615, was adopted by the House on May 1, 1968. This measure, sponsored by all of the Virginia Members of the House, extends congratulations and greetings to the College of William and Mary on its 275th Anniversary and recognizes the contributions made by the second oldest college in America.

NEWSLETTER LIST

If some of your neighbors or friends are not receiving our newsletter, and would like to be put on the mailing list, you might suggest that they furnish their names and addresses to this office, and we will be glad to add their names. Occasionally someone mentions that he receives two copies under some variation of name or address, and if you receive more than one copy in your household, please let us know so that the duplication can be eliminated.

PUBLICATIONS AVAILABLE

Some of the books and pamphlets available in the office are listed below. We will forward any of them to you upon request as long as the supply lasts.

History of the United States House of Representatives.

The Prayer Room in the United States Capitol.

Our American Government; What is it? How Does it Function?

Our Capitol.

The Constitution of the United States of America.

A Place to Live (Year Book for 1963).

Your Child from One to Six.

Food for Fitness (A daily food guide).

Family Fare (Food management and recipes).

HISTORICAL INTEREST

Of the 36 Presidents of our country, four were born in our own 8th District of Virginia. They include George Washington and James Monroe, both of Westmoreland County, and William Henry Harrison and John Tyler, both of Charles City County. Tyler succeeded Harrison in the White House, and I doubt that there is any other instance of one man succeeding another as chief executive from the same state and county or that any other District contains the birthplaces of four of our past Presidents.

SUPREME COURT

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. SAYLOR. Mr. Speaker, on March 9, 1967, I introduced House Joint Resolution 418, to provide for a constitutional amendment to permit Congress, by a two-thirds vote of each House, to override a decision of the Supreme Court. The resolution was in answer to befuddled decisions that place a law-abiding and patriotic citizenry at a distinct disadvantage in any confrontation with criminals or Communists.

The necessity for adopting House Joint Resolution 418 has meanwhile been substantiated and accented by the December ruling invalidating a law making it a crime for a member of a Communist-action group to work in a defense plant. There are, of course, a multitude of decisions—including findings in such cases as Mallory, Escobedo, and Miranda, as well as those dealing with prayer in school, obscene literature, and apportionment—over the past decade that emphasize the need for a means of countering rulings that contravene intentions of those who drafted the system of checks and balances. Time and again these decisions have been called to the attention of Members of Congress.

In further support of my resolution, I should like to include in the RECORD today an address by Justice Hugo Black in the Columbia University Law School Carpentier Lectures. While my reference to his remarks must not be interpreted as a total endorsement of the views he expresses, two particular extracts are of great import:

> Other judges, with an equally honest belief that changes are absolutely imperative, take it upon themselves to make changes which Congress alone has legislative power to make.
>
> When I get to the other meaning of "judicial activist," however, namely, one who believes he should interpret the Constitution and statutes according to his own belief of what they ought to prescribe instead of what they do, I tell you at once I am not in that group. The courts are given power to interpret the Constitution and laws, which means to explain and expound, not to alter, amend, or remake. Judges take an oath to support the Constitution as it is, not as they think it should be.

It is not the first time that Justice Black has questioned the wisdom—and the legalistic behavior—of his colleagues. In his noncurrence with the majority decision in the Virginia poll tax case, Justice Black commented:

> I have heretofore had many occasions to express my strong belief that there is no constitutional support whatever for this Court to use the Due Process Clause as though it provided a blank check to alter the meaning of the Constitution as written so as to add to its substantive constitutional changes which a majority of the Court at any given time believe are needed to meet present-day problems. . . .
>
> The Court's justification for consulting its own notions rather than following the original meaning of the Constitution, as I would, apparently is based on the belief of a majority of the Court that for this Court to be bound by the original meaning of the Constitution is an intolerable and debilitating evil; that our Constitution should not be "shackled to the political theory of a particular era," and that to save the country from the original Constitution the Court must have constant power to renew it and keep it abreast with this Court's more enlighted theories of what is best for our society. . . .
>
> Moreover, when a "political theory" embodied in our Constitution becomes outdated, it seems to me that a majority of the nine members of this Court are not only without constitutional power but are far less qualified to choose a new constitutional political theory than the people of this country proceeding in the manner provided by Article V . . .

At that time—1966—Justice John Marshall Harlan, joined by Justice Potter Stewart, added:

> But the fact that the coup de grace has been administered by this Court instead of being left to the affected States or to the federal political process should be a matter of continuing concern to all interested in maintaining the proper role of this tribunal under our scheme of government.

Mr. Speaker, the writings of Thomas Jefferson are replete with indications of his concern about usurpation of power on the part of the Supreme Court. A single instance, as expressed in a letter to George Wythe in July 1776, should alert my colleagues to the need for House Joint Resolution 418:

> The dignity and stability of government in all its branches, the morals of the people, and every blessing of the society, depend so much upon an upright and skillful administration of justice, that the judicial power ought to be distinct from both the legislative and executive, and independent upon both, that so it may be a check upon both, *as both should be checks upon that.*

Justice Black's address follows:

JUDICIAL "ACTIVISM" AND "RESTRAINT": A JUSTICE DEFINES THE DIFFERENCE

(By Justice Hugo Black)

(NOTE.—The Carpentier Lectures of the Columbia University Law School were delivered last week by Supreme Court Justice Black. In the first of the lectures, Justice Black gave his views on the criticism that has arisen in recent years over some court decisions which are called "judicial activism." This is the text of that part of the address.)

Judges may also abuse power, of course, not because they are corrupt, but because of a completely honest belief that unless they do act the Nation will suffer disaster. Unfortunately such honest beliefs too often reflect nothing more than an all-too-common human hostility to change.

Other judges, with an equally honest belief that changes are absolutely imperative, take it upon themselves to make changes which Congress alone has legislative power to make. Thus, for the reasons that I have been discussing I strongly believe that the public welfare demands that constitutional cases must be decided according to the terms of our Constitution itself and not according to the judges' views of fairness, seasonableness or justice . . .

"JUDICIAL ACTIVISM"

With what I have said in mind, I would next like to discuss a name which of late years has crept into our vocabulary and which has frequently been applied to me, "judicial activist." In the main this term has been used as one of criticism and reproach aimed at federal judges, particularly Justices of the United States Supreme Court who, in deciding cases before them, are charged with either (1) being willing or even anxious to determine constitutional questions that could have been avoided or (2) determining constitutional and other legal questions not on the basis of what the law is but on what the deciding judges believe it should be. Since this name "activist" has been applied to me as a label, which unfortunately I think has served as a substitute for careful thinking and writing and also as a fallacious shortcut to unjustified conclusions, I would like, so to speak, to set the record straight.

There is one school of legal thought that seems to rest on the premise that it is an unpardonable constitutional sin for a judge to decide a case on a constitutional ground if there is any possible excuse either to refuse to decide it at all or to decide it on some statutory or other non-constitutional ground. A violation of this judge-created judicial offense is often given the bad sounding label of "judicial activism" and the judge who commits the sin is branded an activist.

I cannot myself subscribe to the view that judges should always and invariably avoid a determination of constitutional questions if it is any way possible to dispose of a particular case on a non-constitutional ground. There are few cases, if any, where judges cannot conjure up and articulate arguments that are at least plausible to get rid of cases on non-constitutional grounds. Such a resort to merely plausible reasons to avoid deciding constitutional questions has never seemed to me to be an ennobling example of judicial piety, morals or ethics. The necessity for complete candor in deciding cases cannot, in my opinion, be outweighed by any supposed dogmatic imperative to avoid constitutional questions.

THE PUBLIC WELFARE

There come times when the public welfare calls loudly for putting an end to constitutional doubts about laws that may vitally affect the daily lives and practices of millions of people. Such doubts about highly valuable constitutional or statutory rights may cause delays in their enjoyment tantamount to their complete destruction. And persons subjected to burdensome duties by new untested statutes frequently may be caused to suffer irreparable losses by dilatory judicial practices that prevent constitutional tests of those new laws in the courts.

A good example of this kind of thing is the statute establishing the Subversive Activities Control Board. This is a law, which as I stated in my dissenting opinions in *Communist Party v. Subversive Activities Control Board* and *American Committee for Protection of Foreign Born v. Subversive Activities Control Board*, is a bill of attainder; imposes cruel, unusual and savage punishments for thought, speech, writing, petition and assembly; and stigmatizes people for their beliefs, associations and views about politics, law and government. And yet since 1951, when a three-judge District Court in *Communist Party v. McGrath* refused to rule on the constitutionality of the Subversive Activities Control Act, important provisions of this statute have been enforced.

In case after case affecting so-called "communist front" organizations the parties have been told that the crucial constitutional issue was not yet ripe. This reached what in my mind was the height of absurdity in the case of *Veterans of the Abraham Lincoln Brigade v. Subversive Activities Control Board*, where, after fighting their way up through the tangled web of administrative and judicial review for 10 years, the petitioners' constitutional questions, when they finally reached the Supreme Court, were remanded to the lower court because of the staleness of the record.

DU BOIS CLUBS

Again this term the DuBois Clubs of America attempted to challenge the constitutionality of the Subversive Activities Control Board, and you would think that after 16 years those associations threatened by the Act would finally be entitled to a decision by the Supreme Court as to just how far Congress can go in establishing a pervasive regulatory scheme in the First Amendment field of speech, assembly and association. But once again a majority of the Court refused to meet and decide the constitutional issues. (*WEB DuBois Clubs of America v. Clark,—U.S.—.*) In this case there was a clear possibility that the delay involved could very well result in the disintegration of the affected organization before it could have its constitutional claims adjudicated since the pressure inherent in registering with the Board had already begun to take its toll.

Indeed, as the petitioners pointed out in *DuBois*, the Attorney General himself had said that "one of the major purposes of the Act" was to destroy affected organizations before administrative proceedings began and that "most groups petitioned [to register] become defunct or dissolved before action could be taken." My reaction to this is that it is an outrageous violation of our Constitution that such a Board, which serves no useful function and to some extent at least appears to have become a sinecure for politically expedient appointments, is allowed for any length of time to curtail the exercise of the First Amendment rights of speech, assembly and association. And this has been allowed to happen because of a judge-created doctrine that it is inherently good to avoid constitutional issues.

Here another label or name comes into focus; it is "judicial restraint." For this is the term frequently applied to the doctrine of avoiding constitutional questions and leaving them up in the air as long as there is a possibility of deciding a case on other grounds. Once again I think this term is ambiguous and ill-conceived and when used in this way, it is right to say that I am no apostle of this kind of judicial restraint, although, as I have made clear earlier, I believe strongly that judges are restrained by the Constitution, and that changes in that basic charter should be made by the people and their representatives and not by judges.

JUDICIAL ABDICATION

By avoiding constitutional issues in cases such as those concerned with the Subversive Activities Control Board and others to which I need not now refer, I think the Supreme Court abdicates the responsibility assigned it under Marbury v. Madison, with which I fully agree, that the Judicial Department of our Government has the last word in deciding whether a statute is in accord with the Constitution. As Chief Justice Marshall said there:

"The powers of the Legislature are defined and limited; and that those limits may not be mistaken, or forgotten, the Constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if those limits may, at any time, be passed by those intended to be restrained? . . . Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and, consequently the theory of every such government must be, that an act of the legislature repugnant to the Constitution is void. This theory is essentially attached to a written constitution . . ."

I believe that the responsibility of judicial review was fully understood by those who wrote the Constitution, and certainly by those who most carefully considered the problem. This fact is shown, I think, by the Federalist papers, the records of the debates in the Constitutional Convention and in the States, and the Annals of Congress' report of the debates on the Bill of Rights. Madison, himself, in arguing for adoption of the Bill of Rights stated:

"If they are incorporated into the Constitution, independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights; they will be an impenetrable bulwark against every assumption of power in the Legislative or Executive; they will be naturally led to resist every encroachment upon rights expressly stipulated for in the Constitution by the declaration of rights."

JUDICIAL OBSTACLES

I think that the Framers were right in believing that such judicial power is an essential feature of our type of free government, and I believe it ill beehoves the courts to restrict their usefulness in protecting constitutional rights by creating artificial judicial obstacles to the full performance of their duty.

The essential protection of the liberty of our people should not be denied them by invocation of a doctrine of so-called "judicial self-restraint." This term has been made an alluring one by its worshippers connoting noble judicial conduct, somewhat as the term "judicial activism" has been used to connote something ignoble.

But, as I have tried to make clear, when judges have a constitutional question in a case before them, and the public interest calls for its decision, refusal to carry out their duty to decide would not, I think, be the exercise of an enviable "self-restraint." Instead I would consider it, to be an evasion of responsibility.

In sum, I think determining when a judge shall decide a constitutional question calls for an exercise of sound judicial judgment in a particular case which should not be hobbled by general and abstract judicial maxims created to deny litigants their just deserts in a court of law, perhaps when they need the court's help most desperately.

Consequently, if it is judicial activism to decide a constitutional question which is actually involved in a case when it is in the public interest and in the interest of a sound judicial system to decide it, then I am an "activist" in that kind of case and shall, in all probability, remain one. In such circumstances I think "judicial self-restraint" is not a virtue but an evil.

MATTER OF OPINION

When I get to the other meaning of "judicial activist," however, namely, one who believes he should interpret the Constitution and statutes according to his own belief of what they ought to prescribe instead of what they do, I tell you at once I am not in that group. The courts are given power to interpret the Constitution and laws, which means to explain and expound, not to alter, amend or remake. Judges take an oath to support the Constitution as it is, not as they think it should be.

I cannot subscribe to the doctrine that consistent with that oath a judge can arrogate to himself a power to "adapt the Constitution to new times." The soft phrases used to claim that power for judges have siren-like appeal. For one who has a legitimate power to interpret there is at first a certain persuasive note in the constant repetition to him that in explaining a Constitution meant for the ages he should not stick to its old 18th century words but substitute others to make the Constitution best serve the current generation. And there is a certain appeal in the argument that the dead should not control the living. But adherence to the Constitution as written does not mean we are controlled by the dead. It means we are controlled by the Constitution, truly a living document. For it contains within itself a lasting recognition that it should be changed to meet new demands, new conditions, new times. It provides the means to achieve these changes through the amendment process in Article V. Twenty-two Amendments have been added since the Constitution was adopted, some of them, with very little difficulty or delay, and I have no doubt that others will be adopted when the sound views of the people call for them.

GLEN COVE'S TRICENTENNIAL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. WOLFF. Mr. Speaker, this month, Glen Cove, N.Y., the only city in my congressional district, is celebrating the 300th anniversary of its settlement.

This is truly remarkable when one

realizes it was less than 350 years ago when the Pilgrims landed at Plymouth Rock and only 192 years ago that the United States declared its independence.

In a country such as the United States, truly new on the world scene, in which we count our history by decades it is awesome to realize that Glen Cove is celebrating three centuries on the North Shore of Long Island.

The original settlers of Glen Cove, which was known then as Musketa Cove, saw fertile land for farming and the resources for both a sawmill and a gristmill. The location of the area, on the Long Island Sound, opened avenues for trade and travel.

Today, 300 years later, Glen Cove is a thriving community of 26,000. With a sense of community pride and a devotion to the common good the people of Glen Cove work together to build their city for their children. The high percentage of third- and fourth-generation Glen Cove residents is the best testimony to the strength of the community.

A special word is due to the city fathers, in the present and all previous administrations, who have demonstrated excellent leadership and made good government a byword in Glen Cove. Effective government has long been one of Glen Cove's outstanding attributes and is largely responsible for the city's many fine achievements over the years.

Glen Cove is basically a residential community with fair amounts of industry and business. With its cross section of people and with its diversified economy it is in a real sense a microcosm of the United States.

For, like the United States, Glen Cove is proud and growing; prosperous yet striving to do better; friendly and substantial; and, above all, a fine place to live, to raise children, and to grow with the community.

Mr. Speaker, I am proud to represent Glen Cove and especially proud to extend my congratulations to Glen Cove on its 300th anniversary.

Glen Cove has a long and outstanding history; I am confident the future is equally bright.

ISRAEL AT 20: UP FROM A DREAM

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1968

Mr. PEPPER. Mr. Speaker, the story of Israel and its struggle to nationhood is a magnificent drama that will rank with the fabled sagas of the ages. As one who has given wholehearted and enthusiastic support to the just cause of the valiant people who created Israel amid the sunny hills and pleasant valleys of their ancestral homeland, I have followed their progress with awe and admiration. Now I take pride in joining with other Members of this honorable body to extend tribute and congratulations to Israel on the 20th anniversary of its independence.

Mr. Speaker, the independent State of Israel was proclaimed in 1948 in Tel Aviv after the British mandate of Palestine had ended. The United States, with my backing, recognized the new state a few hours after the official proclamation of its independence. The day is an official holiday in Israel, and is widely observed in the United States. As Israel begins its 21st year, I am happy to state my hearty congratulations to my friends, the people of Israel, and say that I know there will be many, many similar observances in the years to come.

My contact with what was to become the nation of Israel actually began in the late 1930's, when I worked as a Senator with Jewish leaders who sought to reestablish a homeland in Palestine. In 1945, I visited Palestine when it was still under British mandate, and in 1950, Mrs. Pepper and I visited the new Israel. My most recent visit to Israel was this year, in late January, when I went as part of a group of greater Miami, Fla., friends. It was an exciting and moving experience.

Our purpose in going to Israel was to see first hand the results of the war of last summer, to speak with leaders and the ordinary people of Israel, and to investigate problems that continue to confront this hardy and flourishing nation. Our trip was rewarding and, as might be expected, the Israelis were hospitable, enlightening, and very helpful.

There is little need for examining the fantastic progress of Israel for the Members of the House, for I am sure that most of us here are aware of the growth and development of this State and of the tenacity and determination of her people. In the brief span of two decades, the people of Israel have converted a wasted and abandoned desert that was called Palestine into the garden that is Israel. Their achievement is little short of miraculous. Since 1948, Israel's Jewish population has nearly quadrupled—to 2.4 million—its agricultural output has increased sixfold, and its industrial production sevenfold.

Evidence of the devotion and hard work of these amazing people is indelibly inscribed across the land of the Bible, and the reason for their tremendous success is undeniably manifest in the hearts and the nature of the Israeli citizens themselves. I received the impression on my recent visit that there can be no challenge too great, no obstacle too imposing, and no threat too grave to shake their faith in their God or their faith in themselves. At a time when unruly dissidents and malcontents stir unrest in our own Nation, it is refreshing to see a nation of people whose honorable intentions are to build, to create, and to develop a society of freedom and a culture of progress.

As our party traveled by bus to every part of Israel this year, I marveled at the broad and beautiful fields, green with grass or crops, which only a few years ago were dense with swamps and almost impenetrable marshes. Everywhere there were trees—something I did not see in 1950. The Israel Government and people have planted 85 million trees throughout the country.

Roads are rapidly being built. Low-cost housing is going up. Powerlines interlace the country. Irrigation is expanding over Israel, turning ever larger areas of the desert into fruitful production. Industry is growing fast and will grow faster. New pipelines bring oil to the seashore and to spacious refineries.

But what impresses one most about Israel is the quiet confidence and the serene dignity of the people. One gains this opinion not only from the leaders, but the hotel clerk, the merchant, and the professional person he meets in his travels across Israel.

We visited the area west of Jordan, taken from the Jordanians; the Golan Heights in the northeast taken from Syria; the Gaza Strip and the desert taken from Egypt; and the areas in Jerusalem acquired from Jordan. The scars of the war were still evident. It was common to see wrecked and burned Russian tanks and vehicles and numerous pill boxes and fortifications from which the Israel Army had driven the defenders in what must be one of history's most remarkable military achievements.

One of the most striking aspects of our visit was to see the significant progress which has taken place in these lands since they came under Israeli jurisdiction. Agriculture and horticulture had already been improved, and trade was fast developing. Better education was being provided. A tolerant attitude toward the vanquished, in Jerusalem particularly, had brought about improved relations between the Jews and the Arabs. Overall there was a decided improvement in the lot of the people.

Notwithstanding all of the accomplishments of Israel, this budding nation is still faced with manifold problems. The most pressing difficulty is the renewed menace of the states surrounding Israel, which have rearmed and now continue their hostile attitude toward Israel. In the shifting balance of power, the Arab nations now see themselves as once again able to achieve their goal of eliminating Israel by force. It is folly to allow these states to further rebuild their military while Israel is unable to obtain equivalent gains, and accordingly I have opposed the policy of refusing to sell U.S. jet fighter planes to Israel. I am cosponsoring legislation to authorize such sale, which will be necessary if France continues to refuse delivery of Mirage jets being purchased by Israel. We should not sell jets to Jordan, but at least we should not discriminate against Israel in this respect.

On a more fundamental level, I have long supported a mutual defense treaty between the United States and Israel which would serve notice on potential aggressors that they would have to face the United States if they attempted to invade Israel. I hope that Congress acts on my treaty proposal, so that Israel will be able to devote the full measure of its brilliance and diligence to nationbuilding rather than be diverted to defense from outside invaders.

Around the world, the United States is being challenged daily and the democracies are under a constant barrage from the Communists and the dictators. It is a time of trial and it is the time for a firm resolve that freedom shall not die before the onslaught of totalitarianism. The United States of America is the foremost democracy that the world has ever known, and it is the duty and the privilege of this Nation to insure the continuation of freedom.

Let us join with the home of liberty in the Middle East, the nation of Israel, in a common commitment that the freedom we cherish shall not fall before the sword of tyrants. As Israel begins her 21st year, this is my wish, and my desire. There is no loftier goal, no nobler aspiration, than the preservation of peace and the well-being of man. This Israel stands for, and as her citizens defend their right to exist I offer my heartfelt good wishes and sturdiest support.

A DISTRICT JUDGE TALKS SENSE ABOUT CIVIL DISOBEDIENCE

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. SKUBITZ. Mr. Speaker, the Wichita, Kans., Eagle recently printed an editorial supporting a charge by Kansas State District Judge Albert B. Fletcher, Jr., Junction City, Kans., that certain members of the clergy have set poor examples by engaging in acts of lawlessness.

Judge Fletcher pointed out that clergymen have taken to the streets to try to force changes in the draft, civil rights, and the Government's position in Vietnam.

I believe this editorial merits the attention of all who believe that redress of wrongs, actual or fancied, should be sought through due process of law rather than by lawlessness.

Particularly, members of the clergy who preach the law of God should be equally concerned with keeping the law of the land.

The editorial is as follows:

A District Judge Talks Sense About Civil Disobedience

No doubt they mean well, but some clergymen, hoping to change the world through good works, have actually made things worse by becoming examples of lawlessness.

A Kansas district judge made this charge the other day, and what he said ought to be considered carefully by preachers who have neglected the pulpit and taken to the streets.

Judge Albert B. Fletcher Jr., Junction City, Kan., pointed out that individuals in a free society based upon law don't have the individual or collective right to act when the act disregards the law.

Civil disobedience is the peaceful, willful violation of criminal laws, and there is nothing in the language of the freedom of speech, press, religion and assembly amendment to the Constitution which grants to any man or group the right to violate any state or federal law.

When individual conscience replaces court decisions as to what is just or unjust, the result can only be mob rule.

Disobedience in the name of gaining a civil right forces direct action outside the law, and is a violation of the rights of others. The fact that the grievances sought to be changed are themselves constitutionally unlawful doesn't justify unlawful means.

The judge acknowledged that the legal process is slow and that justice hardly ever is speedy.

But slow justice is better than rioting in the streets.

Yet individuals in the church have recently taken to the streets to try to force changes in the draft, civil rights and the government's position in Vietnam.

The church should be concerned with individual redemption and changing the mores of its members. It should be positive and active in its concern with social matters, but it should seek change through orderly, lawful methods.

The machinery for change is available to all Americans. They have representatives in Congress and they can petition the President or any member of the government.

They can speak out, criticize the government, assemble peaceably and take their grievances to the courts. If the complaint is just, it will be remedied.

As Judge Fletcher said, we are free because we have accepted the idea that one man's rights end where another's begin, and rights are determined by an orderly judicial process, under a government of laws, not of men.

ROCKEFELLER: AN INVITATION TO NATIONAL AND GLOBAL DISASTER

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. ASHBROOK. Mr. Speaker, Barron's has recently concluded that candidate Nelson Rockefeller, by announcing his intentions, is also offering "an invitation to national and global disaster."

In a lively, front-page treatment the financial weekly cites a "spiraled" State budget, taxes which "have increased and multiplied," and "a perennial case of the shorts" in terms of revenue to meet burgeoning spending. All this, and more, means that New York, under Rockefeller, has and is losing ground to California and has dropped a notch in credit rating in the opinion of Moody's.

The State's medicaid costs have threatened to bankrupt "some local government units" and while "the number of workers in manufacturing throughout the United States has increased, in New York State, contrariwise, the total has declined."

This is hardly the picture of financial responsibility, let alone an example of Republican principles at work. With this new chapter in the Rockefeller record, the question, Who needs him? becomes even more unanswerable.

The article follows:

Rocky Road: New York Points the Way to Financial Disaster

Traditional battleground between bull and bear, Wall Street every four years splits sharply along philosophic and political lines, too. This quadrennium the old divisiveness has set in earlier and more virulently than usual. A fortnight ago Howard Stein, president of Dreyfus Corp., took a hopefully brief leave of absence to bolster the finances and further the cause of Senator Eugene McCarthy. Sidney J. Weinberg, senior partner of Goldman, Sachs & Co., last week launched a fund-raising drive on behalf of Vice President Humphrey; "I don't like to see only rich fellers run for office," he added democratically. Without calling a press conference, your editor is giving serious thought to contributing 10 bucks to the Nixon-for-President people; close relatives in the financial community have just pledged a few dollars more to Governor Nelson Rockefeller.

Money talks, so we've heard, though it sometimes has remarkably little to say. Governor Rockefeller's belated effort to capture the Republican nomination strikes us as a case in point. In thereby making a small contribution to the current partisan debate, we are not merely licking wounds from old political wars. Rocky's constant sneers at "right-wing extremists," on whom he tends to blame everything up to and including the latest spate of rumors about his personal life, no longer make much of a dent, and we can even shrug off his unprincipled intrusion into Gotham's garbage strike; his alarming tendency to "arm-twist" or bribe his political opponents; and his curious eagerness to surround himself with advisors who would be more at home in the enemy camp.

These are political failings, out of which some office-seekers—or voters—might be tempted to make an issue. As a publication which deals primarily with money matters, however, Barron's is inclined to quarrel with the Governor on financial grounds. Nelson Rockefeller has spent the taxpayers' money as if it were his own. Since he moved to Albany a decade ago, New York's annual expenditures have nearly tripled, while New Yorkers—local businessmen in particular—have been saddled with the heaviest tax burden in the U.S. During Rockefeller's tenure, the Empire State, which Moody's Bond Survey once invariably described as "wealthiest, most populous," has been losing ground to California, while its own credit rating has slipped a notch. To further his Presidential ambitions, Governor Rockefeller year by year has endorsed increasingly costly and far-reaching schemes of social welfare which neither his state nor his country can afford. "Hello Dolly" was a great campaign song for LBJ. Rockefeller supporters should start practicing "Buddy Can You Spare a Dime?"

Upstate and down, New Yorkers will be glad to join the refrain. Since 1959, the state budget has spiraled from $1.9 billion to the $5.5 billion estimated for the fiscal year ending March 31, 1969. Taxes have increased and multiplied. Thus, hapless Gothamites now pay a 5% sales tax, split 40–60 between city and state. In addition, state income taxes have risen several times, to the point where anyone earning a taxable gross of $15,000 per year falls into the 10% bracket, far and away the highest in the land. Nonetheless, Albany always needs money, a perennial case of the shorts which this year has grown exceedingly acute. Indeed, although the budget by law must be signed and sealed on April 1, the legislature and Governor are still wrangling over how to pay the bills this fiscal year. On top of nearly $200 million in new imposts on business, Albany doubtless will wind up voting at least as much again in higher levies on cigarets, personal incomes or both.

"Pay-as-you-go" used to be big in Rockefeller circles, but not lately. Like any lavish spender, the Governor has been forced to resort increasingly to deficit finance. Hence New York State's overall debt—which includes its own direct obligations, agency bonds and the "net underlying debt of counties, cities, towns, villages and school districts"—since 1959 has surged from less than $6 billion to what Moody's last August described as an "overwhelming" $11,056,990,000, equivalent to a record-breaking $604 per capita. (State debt alone is up from $897 million to over $2.6 billion.) "Furthermore," Moody's continued, "no diminution in the debt accretion is foreseeable," a comment which, in view of subsequent events, must be rated the financial understatement of the year. Last November, thanks in large measure to the Governor's personal blitzkrieg with New York's straphangers, the electorate approved a $2.5 billion bond issue, the first proceeds of which already have gone to compensate for the failure of the state lottery to produce the official yield.

Albany's fiscal profligacy impelled Moody's four years ago to lower the state's credit rating from triple- to double-A. It doubtless has also contributed to other signs and portents of New York's loss of stature. Since 1960, the number of workers in manufacturing throughout the U.S. has increased by over one million, to 18,032,000; in New York State, contrariwise, the total has declined. Indeed, Washington's Economic Development Administration today lists 14 New York counties as depressed areas. Changes in economic climate, of course, are a long-range affair, the consequences of which may take decades to show up. Sooner or later, if the past be any guide, the Empire State will pay heavily for its Governor's excesses.

In return for their hard-earned cash, New Yorkers today enjoy (if that is the word) the nation's fastest-growing, most paternalistic state government establishment. Since 1958 Albany's employment rolls have shot up by over 40%, or nearly four times as fast as the rise in population. Over the same span the state has plunged into such questionable realms of activity as the generation of power, conventional and nuclear, the financing of low- and middle-income housing, urban transit facilities and rat control. Rockefeller's current legislative agenda includes: a compulsory health insurance law, first such state law in the nation; new long-term low-interest loans to build and modernize hospitals; a $6 billion urban development scheme; mobile geriatric teams; and a new state research center on heart disease.

Above all, New York has become the nation's fastest-spending welfare state. Thus, until Congress cracked down last fall, the excessively generous standards of eligibility for Medicaid set by Albany would have wound up costing the state alone an estimated $900 million in the current fiscal year and might have bankrupted some local government units. Onondaga County's chief executive has complained: "I had to cut the sheriff's office, strip the highway department, halt work in the parks and stop all salary raises, all to pay for Medicaid." Just two days before the Governor threw his hat in the ring, his handpicked panel of business leaders called for a "negative income tax," and the national expenditure of $11 billion more per year, to lift the nation's 30 million poor above the threshold of poverty. "We may well be reaching the point where the level of expectations of the American public is rising at a rate which is outrunning our capacity to raise revenue on a sound basis," the Governor declared last January. That was before he decided to run for President.

For those who earn their own living, a Rockefeller candidacy would be bad news at any time. Today, with the U.S. facing what the chairman of the Federal Reserve Board calls "the worst financial crisis since 1931," it's an invitation to national and global disaster. Twenty years of the fiscal and monetary recklessness which the Governor typifies have brought the U.S. to the brink. Had enough?

A MAN OF CONVICTIONS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. SHRIVER. Mr. Speaker, on Sunday, April 28, death claimed a distinguished and respected Kansan, Mr. E. A. Thomas, who had devoted more than 30 years to education in my State. For 30 years he served as commissioner of the Kansas State High School Activities Association. He regulated, directed, and stimulated high school athletic programs, and later expanded his interests to include such programs as music festivals, debate, speech and drama, and journalism. Kansas is proud of these activity programs in its high schools, and much of the credit for strong student interest and public support is due to the contribution of E. A. Thomas.

He also was a respected Lincoln scholar and was a founder of the Topeka, Kans., Lincoln Club. He devoted much of his time following retirement in 1957 to his study of Abraham Lincoln.

Mrs. Shriver and I join in extending our heartfelt sympathy to his beloved wife and family. One of his daughters, Mrs. W. U. Guerrant, Jr., is a member of my congressional staff, serving as manager of my district office in Wichita.

Under the leave to extend my remarks in the RECORD, I include the following editorial from the Topeka Daily Capital, which appropriately highlights the contribution and character of this beloved Kansan.

The editorial follows:

A MAN OF CONVICTIONS

There was never any doubt about where E. A. Thomas stood. He always announced his position, loud and clear.

He gained and maintained a reputation for unbiased honesty during the 30 years he was commissioner of the Kansas State High School Activities Assn. After a teaching career which started in a one-room school house and later as superintendent of much larger schools. Thomas was chosen to clean up high school athletics in Kansas.

From 1927, when he became the first executive officer of the KSHSAA, until his retirement in 1957, Thomas was the strong man in promoting fair play. He pioneered strict rules on all forms of high school athletics, not caring on whose toes he stepped.

There were frequent howls of anguish and Thomas sometimes was called a "czar." He was proud of this story: A man disgruntled with one of his decisions said, "He was fair. He was mean to everybody." To which a friend replied, "He was fair."

After most of the flagrant abuses were cleaned up in the first 10 years Thomas was in office, he and the organization turned to helping to organize music festivals, speech and drama festivals, journalism conferences, a coaching school, student council conferences, debate clinics, the Kansas Association of Youth—a group of some 18,000 high school leaders—and promoting the registration of good men to officiate football and basketball games.

Never one to remain idle, after his retirement Thomas expanded his study of Abraham Lincoln until he became a recognized authority on the great emanicipator. He organized and was the leading light of the Topeka Lincoln Club, which has met monthly for several years.

Topeka and Kansas lost a good citizen through the death Sunday night of E. A. Thomas, a man who made an imprint on the era in which he lived.

EFFECTIVE COOPERATION OF CONGRESSMAN BOLAND

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. PHILBIN. Mr. Speaker, from time to time, especially in periods of flood and high water levels, people from many parts of the State, and particularly from the Third District, where the control of ravishing, flood waters has for years presented such critical problems, make a practice of writing me to express their appreciation and gratitude for the fine flood control programs that the Federal Government inaugurated some time ago in this and other areas under my leadership.

It was my high privilege at that time to be chairman of the Massachusetts Delegation Flood Control Committee, charged with mapping out and carrying through this great flood program for our district and State which has since taken shape.

I have always made it very clear that this project was a delegation activity, in which every member of our Massachusetts delegation in Congress participated to the utmost, and out of these vigorous, united efforts came the fine results which we achieved.

We were very fortunate in this great project to be in a position, when funding of these essential programs was required, to call upon our able, distinguished friend and colleague, the Honorable EDWARD P. BOLAND, high-ranking member of the great House Appropriations Committee.

During many conferences, meetings and discussion sessions, Congressman BOLAND gave us valuable counsel and rendered us invaluable assistance in getting these bills through the Congress. This was just one of very many instances in which EDDIE BOLAND has provided vigorous leadership and effective assistance in successfully getting through Congress legislative measures and adminstrative action that were of greatest import to our area, State, region, and Nation.

I want to take this opportunity to express my deep appreciation for the splendid cooperation which he has accorded to me and our delegation, not only in flood legislation, but in national defense matters, social legislation, labor and industry proposals and a host of other important vital issues which have come before the Congress.

Congressman BOLAND's leadership, stature, experience and seniority, the high regard in which he is held by his colleagues, his willingness and persistency in tackling difficult problems and seeing them through, have been potent factors in the enviable record that has been made in the Congress by our delegation in respect to many pending questions, and I want to express my sincere and deep appreciation for the counsel and help that he has rendered on so many different occasions.

There are measures now pending in which our delegation is deeply interested. We have many interests in the defense setups in our State and region that require the painstaking attention of our members, there are additional flood control projects, antipollution problems and water and land use problems affecting conservation, vital civil rights and urban problems, health, education, welfare, taxes, fiscal and financial matters, dollar imbalances, trade policies, security, and stability in the free world and a wide range of other questions coming before the Congress about which the people are deeply concerned and which will continue to need our careful attention. In this respect the solidarity and continued cooperation of our delegation is of great importance.

There are fiscal and financial problems of gravest import, not to speak of the Vietnam war, and the overriding problems of war and peace, which are crowding in upon us as never before in history. In all these efforts, we have to rely upon the experience, wisdom, ability, and seniority of our delegation, and upon men like the gentleman from Massachusetts, Congressman BOLAND, and our other colleagues with standing in the House, who have demonstrated the ability to comprehend the importance of these problems, and to get things done for our State and country, to join with those in Congress who are charged with the great responsibility of legislating and working effectively for our historic State and for all the people.

It is indeed a very happy circumstance that in the labors of our delegation on key issues coming before the Congress affecting our great State, our members have without exception cooperated and worked together without regard to partisan motivation, and solely in the interest of our State and region as well as the Nation. I think this observation can be made to the great credit of the able, distinguished members of our delegation in Congress and I want them all to know of my warm appreciation.

WILLIAM GLYNN CITED BY PRESIDENT JOHNSON

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. WOLFF. Mr. Speaker, earlier today I had the privilege of being present when William Glynn, a young constituent of mine, received a Young Americans Medal for Bravery from President Johnson.

Present in the Cabinet Room for the ceremony was the boy's family, including his parents and grandparents. They were justly proud, as I was of Bill, who lives in Westbury, N.Y.

William Glynn, age 15, received the award from the President in recognition of his having risked his own life to rescue a drowning man in rough seas off the Long Island coast. For more than 2 hours he placed his own safety second to protect the unconscious man from certain death. This was an act of rare courage and I am pleased to be among those who have paid tribute to William Glynn for selfless bravery.

I believe, Mr. Speaker, that all young people could take a lesson from William Glynn: a young man of honor, decency, and courage; a young man of whom his parents, Congressman, and President may be proud.

LAND, PEOPLE, AND PAPER

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. DORN. Mr. Speaker, the Seaboard Coastline Railroad Co. sponsored a field forestry demonstration program in my home county, Greenwood, S.C., on May 2.

This demonstration was an outstanding success. State and Federal forestry experts and soil conservationists, along with private enterprise, cooperated to make this a day that will long be remembered and be fruitful in understanding the proper utilization of our natural resources. The demonstrations of new forestry machinery, new products and technology were examples of the advanced techniques which have placed South Carolina in the forefront in the field of production of forest related products.

Mr. W. Thomas Rice, the dynamic and able president of Seaboard Coastline Railroad, introduced the principal speakers on this important occasion Mr. Guy Minard, president of Kimberly-Clark Corp., one of our Nation's leading producers of pulp and paper products. Kimberly-Clark is one of the great forest industries which have invested more than $350 million in South Carolina since 1959, while creating over 8,000 new factory jobs and thousands more in the forests. They have exerted a tremendous influence in helping the people of my State, the South and the Nation, as a whole, in the development of new and revolutionary methods of conservation and forest production.

Mr. Speaker, I can think of no company that has contributed more to the progress and development of the southland than has the Seaboard Coastline Railroad. This great company has led the way in the industrial development of the South and has encouraged the wise utilization of its natural resources over the years while pointing the way to a better tomorrow.

Mr. Speaker, the South Carolina General Assembly recessed and journeyed to Greenwood for this important forestry demonstration. The Governor of South Carolina, the Honorable Robert E. McNair, and many of our country's top financial and industrial leaders attended.

Mr. Speaker, Mr. Minard's address on this important occasion was outstanding. I commend it to the attention of my colleagues in the Congress and to the people of our country:

LAND, PEOPLE, AND PAPER

(Principal address by G. M. Minard, president, Kimberly-Clark Corp., Neenah, Wis. at the Seabord Coast Line Railroad Cooperative Forestry Demonstration, Greenwood, S.C., May 2, 1968)

> "The land was ours
> Before we were the land's"
> —*Robert Frost.*

In a time when we tend to become preoccupied with the nation's involvement in the Far East, concern over economic stability and the effects of domestic unrest, our faith in the future is revived by occasions such as today's.

Here is a noteworthy example of cooperative effort and common purpose. Officials from both state and federal governments join with representatives of industry to recognize our most basic material strength—our renewable natural resources.

This assembly of diverse, yet compatible interests contrasts sharply with the currently raging "Battle of the Redwoods" and numerous other conflicts stemming from issues clouded by emotion, self-serving politics and misunderstanding. These conflicts result from the now-fashionable mode of criticism of both industry and government as venal, or self-serving or reactionary or all three.

Yet fundamental human progress is marked by freedom, good government and judicious employment of resources. Industrial enterprise, and thereby our economy, can flourish only in a climate of mutual purpose and faith between government and people.

Basic wealth must be enhanced through use. History amply records the decline and fall of great empires who complacently violated these principles. We must be alert to those things which undermine the integrity of our basic economic and social systems.

It has been said that "land plus people equals problems." Nevertheless, it is equally true that land plus people can also equal progress. That which makes the difference should be of vital concern to every American.

Kimberly-Clark, like other companies serving consumers throughout the nation, has kept its eye on the South. Just as the legendary phoenix which rose afresh from its own ashes, this region is demonstrating a fresh, new vitality. Its growth is clearly manifest in the marketplace and in its cultural progress.

You may recall that President Roosevelt called this region "The Nation's Number One Economic Problem" during the late 1930's. At that time only about one-third of the U.S. pulp and paper industry was located in the South, and before 1937 there was only one pulp mill in South Carolina. Now the South supports about two-thirds of the industry, and this state has five large pulp mills. Within the past six years new annual pulping capacity has been increased by 8.5 million tons, representing the fastest growth rate in the nation. Despite this expansion, forest inventories show annual growth exceeding harvest by 14 million cords of softwoods and 5 million cords of hardwoods.

In seeking a place to expand our operations, Kimberly-Clark has had cause to look carefully at the South's resources. Shortly after the second World War we built a mill to produce tissue products at Memphis, Tennessee. In the early 1950's we entered into a management contract with the Coosa River Newsprint Company at Coosa Pines, Alabama, which we later acquired by merger. This plant was recently expanded and has become our largest producer of pulp, and is the largest newsprint mill in the United States.

Now Kimberly-Clark requires a major expansion in its tissue producing facilities, not only for its well known consumer branded products, but to maintain its leadership in the great new field of disposables, a family of exciting new modern non-woven cloth-like materials which may be basically wood cellulose, but in combination with man-made fibres, films and additives.

With the past favorable experience with the region's people and fibres, Kimberly-Clark began, in 1964, a new millsite survey of the Southeast. We spent over a year on this project examining over thirty potential sites before the final selection of Beech Island, South Carolina, located on the Savannah River.

The formidable task of gathering and analysing data for locating the multimillion dollar industry became a classic story of cooperation. Tom Rice, President of the (then) Atlantic Coast Line Railroad provided the services of Ross LeGrand and Fred Johnston from their Development Department. When South Carolina became a strong contender for the site Governor McNair and the State Development Board offered constant assistance. The State Commission of Forestry, Aiken County officials and many other agencies working with Kimberly-Clark personnel did an outstanding job.

We have been impressed with South Carolina. In addition to a warm welcome by the people here, there is tangible evidence of their favorable attitude toward resource development and our industry. To cite an example, the recent Report of the Forestry Study Committee to the Governor and General Assembly sets a commendable precedent for other states to follow in promoting more intensive forest management on privately owned woodlands.

Forest industries are heavily dependent upon wood produced on other private lands. Farmers own about 60 percent of the forested area in South Carolina, most of which is held in small parcels under 500 acres in size. The future progress of our industry rests, in good measure, upon how well these lands are managed.

Total growth-over-drain statistics currently show a comfortable margin, but sharply increased demands forecast for the state call for a maximum effort on the part of all forest land owners. It is encouraging to note substantial progress in reducing losses from fires and the continuing tree planting activity. Of particular interest is the increased usage of wood wastes by the South Carolina's pulp mills. During 1966 over 500,000 cords of residues were consumed, amounting to 18 percent of the total. In addition to the income generated, better utilization means the production of more usable wood fibre per acre.

A lesson in forest management can be learned from the Europeans, who have been practicing forestry and forest conservation for centuries. North America's commercial forest area is three times as large, yet Europeans harvest 83 percent as much timber as we do—or 2.7 times more yield per acre. Dr. Zivnuska, of the University of California, has pointed to the fact that the current surplus of growth over cut in the United States is equal to the total industrial cut of Canada, Finland, Sweden, and Norway combined.

By contrast, we recognize the need for management programs which will increase the yield of products from our forest lands. We are convinced that through improved silvicultural practices and better utilization our Southern woodlands can yield at least 30 percent more fibre per acre.

At our new Beech Island mill, we will employ a unique tissue-forming process developed by Kimberly-Clark and installed on one machine at Memphis. This unit is now producing excellent tissue at the fastest speeds ever achieved on a paper machine. We believe the new machines at Beech Island (the first of which will be producing in a few days time) will meet our objective to manufacture the highest quality tissue at the lowest costs that can be achieved anywhere at this time.

A primary objective of the Beech Island management team is to manage all natural resources effectively, and in a manner consistent with good corporate citizenship.

Natural resources must be used by industry in the best interests of the community and society. There is a rather vocal minority in this land that equates conservation with a museum type of preservation and claims that any sort of use is destructive. This is an obvious fallacy. The important requisite is only that proper use of a resource should leave it reusable or renewable.

In the case of water and air, where much attention is recently being directed towards the problems of pollution, Kimberly-Clark has long recognized in its policies that its necessary use of these resources should not permanently impair their quality. The most modern and efficient pollution control equipment that is available and practical has been embodied in both new and old mills. Here, at Beech Island, we are taking advantage of everything we have learned at other locations in building its present effluent treatment plant, as well as for the expansion and modification of the facilities, when a pulp mill is in operation.

The proper use of the forest is a slightly different problem. Since this is a renewable resource, the objective is to provide a continuing, and increasing, and improving source of supply. The Southern United States is especially suited to meet this objective. It is interesting to note how chemical technology and forestry have united to create a great Southern industry. Not so many years ago, when I started in this business, Southern woods were considered to be good only for liner, bag and similar coarse papers. In the late thirties, technology, improved so that pine could be bleached enough to make newsprint, and the first mill of the now great southern newsprint industry was then built. Later still improvements in cooking and bleaching of pulps made it possible to produce the finest grades of white paper and even dissolving pulp. Within the last dozen years, the southern hardwoods, most of which had been treated as weeds, have become a major source of raw material, almost doubling the ability of the forest to support the industry. Our Beech Island plant will use both pine and hardwood for high grade tissue products.

To meet our special objectives Kimberly-Clark is acquiring forest lands to supplement market sources of pulpwood. Practice of intensive forest management is planned for this property to provide a regulated yield through site preparation, planting of genetically improved seedlings, and carefully planned harvesting.

When it is put into operation, the planned pulp mill will depend heavily on market wood supplies. Forest managers at Beech Island are conducting a continuing study of potential sources and designing a wood procurement system based on this analysis.

For the first time at any new Kimberly-Clark mill, the woodlands management group will computerize both the regulation of the company's forest lands to maintain a proper growth/drain balance, and the wood supply program to identify optimum wood sources on a continuing basis.

Kimberly-Clark has, for many years, practiced scientific forestry on its properties in the United States and Canada. Our foresters, as dedicated conservationists, apply the principles of multiple-use in conformance with the company's management philosophy, which—

Recognizes timber as the principal product from the land.

Provides the public and the corporation with a maximum of other benefits compatible with wood production.

Provides a combination of economic and social benefits greater than can be achieved from any single use.

Accommodates the requirements of society within the framework of free enterprise.

Kimberly-Clark's policies and practices are, and will continue to be, in the public interest.

We believe that permanent forest industries contribute to our national standard of living and are thus essential to the nation's security and welfare. We also believe that intelligent, informed use of all our forest resources is vital to communities and wood-processing industries dependent upon the land.

But we are not without problems. The United States is currently experiencing a significant period of land-use reform. Demands of an affluent people are resulting in an unprecedented competition for the land. Corporate timberland owners are successfully demonstrating that natural resource conservation can, and should, include fibre production, protection of soil, wood and water wildlife habitat, and recreational opportunities. Private, industrial properties are providing Americans with useful products and jobs, as well as enjoyment—while sustaining a vital source of tax income.

Forest industries recognize the need to maintain an adequate wood-producing land base and an economic environment conducive to tree farming. We support the fullest use of natural resources to satisfy the nation's total needs in perpetuity. To this end, we oppose broad public land acquisition programs and encourage all forest owners, public and private, to practice multiple-use management. The nation cannot afford to set aside vast tax-free areas for exclusive use and benefit of a few special interest groups.

As stewards of one of America's most vital assets, we are called upon to consider the total of man's needs. Gifford Pinchot, the first professional forester born in this country and the first Chief of the U.S. Forest Service, said, "The rightful use and purpose of our natural resources is to make all the people strong and well, able and wise, well taught, well fed, well clothed, well housed, full of knowledge and initiative, with equal opportunity for all and special privilege for none."

This challenge is especially fitting for us who depend so heavily upon woodlands for our welfare. For us it represents a great opportunity. We can, through private enterprise and initiative, provide effective management for the benefit of all the people.

In the words of Shakespeare, "There is a tide in the affairs of men, which, taken at the flood, leads on to fortune." The wave is at its crest here; for our sake and for the sake of those who come after us, it is our duty to make the most of it.

RUMANIAN INDEPENDENCE DAY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. HOWARD. Mr. Speaker, May 10 marks the anniversary of the independence of the nation of Rumania. On this date in 1877, the Rumanian Government declared its independence from the disintegrating Ottoman Empire.

From then until World War II, Rumania played an important and independent part in international affairs. After the Second World War, Soviet armies occupied and forcibly communized these free people.

Throughout its history, Rumania has known the hardships of oppression, evidenced today by the Soviet determination that the Rumanian people must celebrate May 9, the date of Soviet victory over their country, rather than May 10, their true independence day.

Yet, despite the frequent oppresssion these people have known, they have maintained a spirit of courage, perseverance, and hope in their quest to be truly free. This spirit is manifest today in the Rumanian decision to become one of the polycentristic forces working within the Communist bloc.

Mr. Speaker, I rise to say that these qualities of the people are the bright spot in the story of Rumania and worthy objects for yearly celebration in commemoration of their triumph in the late 19th century.

We all fervently hope that in the near future, the Rumanian people may freely celebrate May 10 as the day of their independence from the Turks yesterday and from Soviet domination today.

POLISH CONSTITUTION DAY

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1968

Mr. PRICE of Illinois. Mr. Speaker, on this day, many American families of Polish descent commemorated the anniversary of Poland's Constitution Day, dedicating the day to the memory of their own special heritage of freedom and independence.

The nationality neighborhoods in our large cities in which this type of anniversary has traditionally been celebrated are slowly breaking up as the immigrant citizen, his children, and grandchildren work their ways into high economic status and a resulting social and physical mobility.

No longer do the "sons of Poland" march in great numbers through the neighborhoods of our cities. The Polish-American today, like every other group of immigrants has moved up the social ladder, has traveled to the suburb, has joined the vast middle class, has become one of our happy conspicuous consumers—in total, has come into the mainstream of American life.

But their heritage is not forgotten, for it is a very special one. They have heard the stories of foreign domination and partition of the Polish state, and they have drawn some conclusions from these stories which guide and should continue to guide their conduct.

Freedom, personal freedom, coupled with a recollection of the justness and effects of their exercise of freedom, is to them, as it was to their ancestors who drafted the Constitution of 1791, the basis of a viable society. Above all else, they cherish the right to determine one's own course, the right to earn a fair and honorable living, the right to live where one chooses, the right to attend the best schools, the right to live without the fear of violence and repression.

They have learned well the lessons of their ancestry. We should hope on this day, that their values will pervade the thoughts and feelings of all Americans during these tumultous times.

THE NATION'S PRESS REPORTS ON THE RENEGOTIATION BOARD

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. GONZALEZ. Mr. Speaker, although the process of reviewing defense contracts and renegotiating those contractors who reaped excessive profits began 25 years ago, the perpetually temporary Renegotiation Board must have its charter renewed before June 30 or it will go out of existence.

At the height of the Korean conflict, the Board had the statutory power and the manpower to direct that $167 million in excessive war profits be returned to the Treasury, but last year the Board made determinations of only $16 million with a greatly reduced staff and a law notable for its exemptions.

The perversity of the Board's present weakness is underscored by such intelligence as that given to the Banking and Currency Committee this month by Adm. Hyman Rickover, who built our nuclear submarine fleet and is an expert in defense procurement. Admiral Rickover told us that profits on defense contracts in the recent period from 1964 to 1967 rose by 25 percent over the 1959–63 period.

In addition, Admiral Rickover said:

> I would go even further than Representative Gonzalez' proposal to strengthen the Renegotiation Act.

My bill and those of my cosponsors are the strongest now under consideration by the Ways and Means Committee. Our legislation would in large part restore the Renegotiation Board to its Korean war capabilities. The rationale for this is simple: the level of prime military contract awards for Vietnam has for sometime now exceeded the maximum amount reached during Korea.

Newspapers across the country have recently carried articles on the Renegotiation Board and excessive war profits. I include in the RECORD a column by James Reston, of the New York Times; an AP wire story that was carried prominently by the Baltimore Sun and the Los Angeles Herald-Examiner, a series by Oscar Griffin in the Houston Chronicle, and an account of Admiral Rickover's testimony from the Los Angeles Times:

[From the New York Times, May 3, 1968]

WASHINGTON: THE NEW "WAR PROFITEERS"

(By James Reston)

WASHINGTON, May 2.—Every war has produced a new crop of "war profiteers," and the Vietnam war is no exception. What is original now is that the arts of cheating the Government are improving and the techniques for exposing the profiteers are declining.

The task of eliminating excessive profits on Government contracts and subcontracts is the responsibility of the Renegotiation Board, which was established by the Renegotiation Act of 1951. It enabled the Government to recover more than $800 million through renegotiated contracts in the Korean War alone, but since then its authority and its personnel have been substantially reduced.

HANDCUFFING THE COPS

For example, in 1952 the board had about 550 employes. Today it has about 180, though the level of defense procurement has increased from $25 billion to over $45 billion in the last few years.

Also, more and more exemptions have been written into the Renegotiation Act since it first passed the Congress. Under the original act contracts of $250,000 and more were subject to review by the board. This was amended in 1954 to exempt all contracts under $500,000, and in 1956 to exempt all contracts under $1 million.

In addition, certain important categories of goods were withdrawn from the board's supervision—for example, "durable productive equipment," meaning machinery and tools with a life of over five years; and also "standard commercial articles or services." Similarly, certain agencies originally covered were removed from the board's supervision, including the Department of Commerce, the Bureau of Mines, the Coast Guard, and the Bureau of Reclamation.

This issue is now coming to the fore for two reasons: It takes about a year and a half between the time contracts are awarded until the Renegotiation Board begins its review. So the vast Vietnam buildup of 1966 and 1967 is just now coming under the board's scrutiny, and the board's tenure ends this summer.

RICKOVER'S CHARGES

The likelihood is that it will be extended for another two years, but it will come under attack as usual unless vigilant members of the executive, the Congress and the press watch the undercover battle going on here to weaken it further or even put it out of business.

Vice Adm. H. G. Rickover, the Navy's self-appointed watchdog, recently told a subcommittee of the House Committee on Appropriations that profits on defense contracts were running at the rate of about $4.5 billion a year.

"In the past several years," he said, "I have seen profits on defense contracts go higher and higher. I have pointed out that the weighted guidelines method of profit analysis adopted by the Department of Defense a few years ago resulted in higher profits for the same work—in some cases as much as 30 per cent higher."

His charge is that lack of uniform standards for letting contracts and lack of uniform standards of accounting are costing "hundreds of millions of dollars each year," and that even the present inadequate laws are not properly enforced by a Defense Department "too much influenced by an industry viewpoint."

Representative Henry B. Gonzalez, Democrat of Texas, has introduced legislation to restore the original authority of the Renegotiation Board, but despite the likelihood of a $20-billion budget deficit, and though the Government is now offering to pay 6 percent interest on some Government securities—the highest since 1920—there is surprisingly little interest on Capitol Hill on the issue.

PUBLIC APATHY

Also, official secrecy makes investigation of war profits exceedingly difficult. The new freedom of information law covers Government contracts in theory, but efforts by The New York Times and others to get at the details have been turned aside on the ground that other laws protest the privacy of these contracts.

The loopholes in the present law on renegotiation are obvious. Industry can assign costs, Rickover asserts, "in almost any manner it chooses under loose Department of Defense guidelines" and "generally accepted accounting principles." But despite all the cries about "inequality of sacrifice" in the Vietnam war, there has been less of an outcry about "profiteering" this time than in any recent American war.

[From the Baltimore (Md.) Sun Apr. 25, 1968]

U.S. WATCHDOG ON PROFITEERING MAY LOSE BITE

WASHINGTON, April 24.—The authority of the Renegotiation Board as the only independent Government watchdog over defense and space contract profits will expire in 67 days unless it is renewed by Congress. And the House committee charged with producing a bill to continue the board has indefinitely suspended work on it.

A spokesman for the House Ways and Means Committee said today that "preliminary work on a bill has been completed but the proceedings have been laid aside while the committee works on the President's request for an income tax surcharge."

GONZALEZ LEADS FIGHT

No date has been set for resumption of work on the Renegotiation Board, the spokesman said.

The law covering the board expires June 30.

Representative Gonzalez (D., Texas) is leading a fight to have the board renewed and strengthened. At present, it is a temporary agency, Gonzalez wants to make it permanent and expand its powers to force defense and space contractors to return excess profits to the government.

He has received support in the Senate from Senator Proxmire (D., Wis.), who said in an interview that he intended to initiate a floor fight, if necessary, to strengthen the board and make it permanent, but delay by the House may block any such move.

He criticized the delay in the Ways and Means Committee, saying: "I just don't see how they can justify holding off when this board's coverage runs out in two months."

Richard Kaufman, an economist with Proxmire's Joint Economic Committee, said it seemed likely that the Ways and Means Committee would report out a bill which, at least, extended the board for another two years.

NO TIME FOR ACTION

"But," he said, "delay creates a crisis, an emergency situation. The practical effect is that when it finally comes out of the House, the Senate will have to accept it no matter what it looks like, even if it does no more than provide a status quo. There wouldn't be time for a floor fight if the law is to be renewed before it runs out."

"If the board is not extended, it would be the first wartime in our history where there was no control over profiteering," Gonzalez said. "And unless we strengthen the board and give it broader powers, it is going to become a watchdog without a bark."

SOME $952 MILLION RECOVERED

The board was set up under the Renegotiation Act of 1951 for two years to oversee profits made on defense contracts during the Korean War. It has been renewed seven times, each time for two years only.

In its seventeen years, the board has recovered more than $952,000,000 in excess profits through renegotiation, and it says that it has spurred contractors voluntarily to reimburse the government for $1,300,000,000 more.

Gonzalez estimates that for every dollar spent by the board, it has returned $18 to the Treasury.

But over the years, the board has seen its staff steadily diminish—from a high of 742 employees in 1953 to 178 last year—and its jurisdiction shrink.

WAR CREATES WORK

When the board's chairman, Lawrence E. Hartwig, appeared before a House appropriations subcommittee in February to ask for a $480,000 budget increase for fiscal 1969, he testified that much of the money would be needed for a staff increase to process defense contracts awarded in the Vietnam procurement upsurge.

When the board was set up, it had jurisdiction over companies that did a minimum of $250,000 in renegotiable sales in a given fiscal year. In 1953, the "floor" was raised to $500,000 and in 1956 to $1,000,000 where it remained.

The board has authority over prime and subcontractors doing business with the Defense Department, Army, Navy, Air Force, Maritime Administration, General Services Administration, National Aeronautics and Space Administration, Atomic Energy Commission and Federal Aviation Agency.

EXCEPTIONS LISTED

However, the board has no jurisdiction over:

1. Contracts that have no immediate or direct connection with national defense.
2. Contracts covering durable production equipment such as machine tools.
3. Construction contracts awarded by competitive bid.
4. Contracts for items regularly listed in a price catalogue when 35 per cent of their total sales are commercial rather than to the government.

[From the Los Angeles (Calif.) Herald-Examiner, Apr. 25, 1968]

FEDERAL "WATCHDOG" ON WAY OUT?

WASHINGTON.—The authority of the Renegotiation Board as the only independent government watchdog over defense and space contract profits will expire in 67 days unless it is renewed by Congress. And the House committee charged with producing a bill to continue the board has indefinitely suspended work on it.

A spokesman for the House Ways and Means Committee said yesterday that "preliminary work on a bill has been completed but the proceedings have been laid aside while the committee works on the President's request for an income tax surcharge."

No date has been set for resumption of work on the Renegotiation Board, the spokesman said.

The law covering the board expires June 30.

Rep. Henry Gonzalez, D-Tex., is leading a fight to have the board renewed and strengthened. At present, it is a temporary agency. Gonzalez wants to make it permanent and expand its powers to force defense and space contractors to return excess profits to the government.

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That increase began in late 1965, he said, and the contracts are beginning to come before the board now for review.

The board has authority over prime and subcontractors doing business with the Defense Department, Army, Navy, Air Force, Maritime Administration, General Services Administration, National Aeronautics and Space Administration, Atomic Energy Commission and Federal Aviation Agency.

Opposition to a permanent role for the board came in March from Roland M. Bixler, a representative of the National Association of Manufacturers, who testified before the Ways and Means Committee in opposition to making the board permanent.

"The peril in the problem is not one of harassment of the contractor or even costly duplication of effort," he said. "The threat lies in the debasement of the contracting process which substitutes the calculating machine of the audit for the judgment of the trained military procurement officer."

He was joined by Karl G. Harr Jr., president of the Aerospace Industries Association who testified:

"The act is not necessary to assure fair and equitable pricing of defense products or services. Existing statutory controls and established Department of Defense procurement policies and techniques have been and will continue to be very effective in eliminating excess profits."

[From the Houston (Tex.) Chronicle, Apr. 21, 1968]

GONZALEZ: STRENGTHENING BOARD WOULD CUT DOWN WAR PROFITTERING—I

(By Oscar Griffin)

WASHINGTON.—A U.S. Tax Court judge in Dallas soon must decide whether a major Texas military contractor owes the government more than $7.5 million because it made too much money from war contracts.

The Justice Department claims the firm, LTV Aerospace Corp, a subsidiary of Ling Temco Vought, Inc., of Dallas, profited too much in manufacturing airplane parts for the nation's defense effort.

The case dates from the military buildup of the early 1950s and the Korean conflict, but officials here attach great significance to it.

Judge Charles R. Simpson's decision could influence contractors doing business with the government for the Vietnam war, officials feel.

SPIRALING PROFITS

"Our history has been one of rampant war profiteering," said Rep. Henry B. Gonzalez of San Antonio, "and I am convinced that profiteering is going on now, is increasing and will continue to increase."

Gonzalez is one of a handful of legislators who have expressed alarm at the spiraling profits some companies are making at the expense of American taxpayers.

Unlike some of the others, however, Gonzalez has directed his efforts at strengthening the Renegotiation Board, a little-known government agency that reviews many federal military and space-related contracts to determine if there has been price-gouging.

EXAMPLES CITED

Others in Congress grab quick headlines by detailing cases in which the government paid too much for an item. They cite this as evidence of lax governmental buying procedures.

Recently, for example, Rep. Otis Pike of New York received wide attention by revealing the Defense Department paid $312.50 apiece for small plastic generator tuning knobs, while the supplier paid $1.62 apiece for them, Pike charged.

This is small potatoes for the Renegotiation Board. The board reviews all contracts a company had with the government in any given year to determine if it made excess profits on contracts that total more than $1 million.

LTV PROFITS

In the case of LTV Aerospace (doing business in 1952 and 1953 as Temco Aircraft Corp.), the Renegotiation Board determined the firm had profits of about $5.7 million in 1952 and about $10 million in 1953.

Work under government contract for Boeing Co. on the B-47 bomber and for Lockheed Aircraft Corp. on a Navy bomber amounted to 97.6 percent of the company's more than $119 million business during those two years.

"Its (Temco's) volume of sales was due to the Korean emergency" and the firm "so vastly overstated its estimated costs that it eliminated all possibility of loss," the government contends.

Officials do not say that Temco deliberately set out to gouge the government. But there are a number of reasons why some firms look upon wartime as a lucrative period.

During such periods the government's need for materials increases suddenly, with a requirement for production speed that eliminates the opportunity for cautious negotiations and other steps that sound purchasing policy otherwise would require.

In addition, forecasting costs of production often becomes impossible because new and different goods to fight the war are being produced.

The increase in prime contracts awarded by the Defense Department provides a clue to the problem in wartime.

During fiscal 1967, about $44.6 billion worth of prime contracts were let by the military. In fiscal 1965, the figure was less than $28 billion. It is expected to be more than $45 billion for the current fiscal year.

ANNUAL REPORT

The cautiously worded annual report of the Renegotiation Board points up the problem in fiscal 1967, the report noted, the cases of 635 firms that seemingly had excess profits were assigned to regional offices for renegotiation, as compared to 444 in fiscal 1966, an increase of 43 percent.

"Most of the increase occurred in the last quarter of the fiscal year when the first filings reflecting the surge of Vietnam procurement were processed," the report said.

The prosaic language in the report is even more revealing, however, when the sales and profits of companies reporting to the board are examined.

Of the 3447 contractors who filed reports with the Renegotiation Board in fiscal 1967, 271 showed a profit of $1.4 billion on sales to the government of $28.9 billion. Only 735, with sales of $1.2 billion, showed a loss, and this of only $272 million.

"When compared with earlier fiscal years," the report said, "these figures indicate a considerable decline in both the number of 'loss' contractors and the amount of 'loss' sales."

The number of "loss" contractors dropped by 20 percent during the one-year period while the number of "profit" contractors rose from 2150 to 2712.

PROFITEERING TO RISE

Lawrence E. Hartwig, chairman of the Renegotiation Board, will not say to what proportion he expects war profiteering to mount. But he said:

"There is no question but what the profit picture is improving for government contractors."

Hartwig oversees the work of 178 government employees.

Since 1954, the agency has collected more than $2 billion in excess profits from contractors for the government. The cost of doing so: About $50.3 million.

[From the Houston (Tex.) Chronicle, Apr. 22, 1968]

WAR-SPACE COST WATCHDOG AGENCY'S FATE UNDER SCRUTINY—II

(By Oscar Griffin)

WASHINGTON.—The fate of the only governmental watchdog on the zooming costs of war and space exploration is being decided now behind the closed doors of a congressional committee.

Whether the Renegotiation Board, an obscure agency that has saved American taxpayers more than $2 billion, is to get a new lease on life is being decided by the House Ways and Means Committee.

The fact that this determination is going on in secret irks Rep. Henry B. Gonzalez, who more than a year ago launched a one-man campaign to extend the board's life and increase its authority.

Gonzalez fears that the military-industrial complex, opposed to extending the board's life, has taken over the hearings and committee members are getting only a one-sided view.

The San Antonio Democrat has called upon the committee chairman, Rep. Wilbur Mills, D., Ark., to hold open hearings, thus far without noticeable effect.

The Renegotiation Board is charged by law to determine and eliminate excessive profits realized by contractors and subcontractors in the defense and space programs, but its authority to review contracts has steadily been eroded by Congress since the Korean war.

EXTENSION PLEA

Gonzalez and a few others have legislation pending that would give the board permanent status and authority to delve into government contracts the board cannot now probe.

Under present legislation, the Renegotiation Board must go before Congress every two years and plead its case for an extension on life and for funds. It has received about $2.5 million a year since 1962 for its 175 or so employees in offices in Washington and Los Angeles. Its proposed budget this year is a little over $3 million.

The board was born in 1951 at the height of the Korean war.

Since then it has determined that 3755 firms have made excessive profits from government contracts and has brought more than $950 million back into the government till.

Other contractors, undoubtedly spurred by the existence of the board, have returned another $1.3 billion after voluntarily admitting their profits were too high.

This amounts to $2.2 billion and has cost the federal government about $50.3 million to collect.

Stated another way, for every $1 the government has spent to operate the Renegotiation Board it has collected $18 from companies deemed to have made too much money from the government.

BUSINESS DEALINGS

The Renegotiation Board does not concern itself with individual contracts. Rather, it reviews all business dealings between a firm and the government in the course of a year, taking into consideration the risks involved in the contracts, the research and other intangibles.

If the board's analysts feel that the profit margin was too high, the board unilaterally issues an assessment for what it feels is the profit excess. The company must pay that amount or appeal to the U.S. Tax Court for relief.

Of the 3755 assessments issued, only 142 have been appealed. More than half have been won by the board.

The fact that industry is building weapons and equipment undreamed of a few years ago is used both by industry and the champions of the Renegotiation Board to justify their opposing positions.

Manufacturing this new gadgetry, industry says, means companies are unsure of the costs when they accept a government contract for the item. And like as not, they add, they lose money in fulfilling the contract.

Congressmen who would like to see the Renegotiation Board strengthened claim that because there is no way to accurately compute the cost in advance, the board should be given broader powers.

After all, they argue, the board considers all a firm's government contracts for any given year and does not penalize a company for excessive profits on one contract if this is counterbalanced with a loss or lower profits on another contract.

EXCESS PROFITS

No one studying the Renegotiation Board is quite sure just what excess profits are. The only guideline was set by the Tax Court, which has ruled that excess profits are profits that are "more than is reasonable."

The small number of appeals from the board's decisions, however, indicates that the board usually gives the contractor the benefit of the doubt.

What contractors and industries are more likely to have huge profits is difficult to determine. Renegotiation Board files are subject to the same strict regulations that cover the tax records of the Internal Revenue Service and are not open for public inspection.

However, a House armed services subcommittee, after extensive hearings, cited some examples of defense contract over pricing:

A corporation made a 42 percent profit on one defense contract by producing military hardware at facilities leased free from the government.

A radar manufacturer made nearly $500,000 when the Navy allowed itself to be billed for an item it did not need or want.

What little is known about what the board considers excess profits has been gleaned from Tax Court records.

A Baltimore firm that transported oil for the government, for example, had profits of $283,890 on sales of $1.1 million in 1956. The Tax Court ordered that it repay $100,000.

In a more celebrated case, North American Aviation, Inc., was ordered to repay $16.5 million for excess profits in 1953 and 1954. Its sales under the contracts examined amounted to about $1.3 billion, of which it claimed $104 million in profits.

STANDARD ITEMS

When first created the board could review contracts as little as $250,000, but through the years Congress has nibbled at this floor until it now stands at $1 million, with many standard items exempted.

Gonzalez estimates that more than $7.5 billion in defense and space contracts are being missed by the board.

There are powerful influences at work on Capitol Hill that disagree entirely with Gonzalez.

The National Assn. of Manufacturers says that if the Renegotiation Board is given new life it "will weaken progressively the industrial base which supports our military commitments."

Charles Stewart, president of the Machinery and Allied Products Institute, adds: "The problem with the defense industry today is inadequate profits, not excessive profits."

With this kind of argument going on, there is likely to be a stand-off in Congress, with the board continuing for two more years at about its present level of authority.

[From the Los Angeles (Calif.) Times, Apr. 26, 1968]

RICKOVER AGAIN CITES EXCESS DEFENSE PROFITS—ADMIRAL CLAIMS CONTRACTORS' REAL GAINS ARE HIDDEN BY BOOKKEEPING PROCEDURES

WASHINGTON.—Vice Adm. Hyman G. Rickover has charged again in closed hearings before a house committee that many corporations doing defense contract work are making excessive profits and that the Defense Department is both unwilling and unable to stop it.

He also charged that profits reported by defense contractors are often substantially lower than the profits they make and that excessive profits are hidden by bookkeeping procedures.

In the period 1964 to 1967, profits on defense contracts rose by 25% over 1959-63, Rickover told the House Banking and Currency Committee on April 11.

RELEASE VOTED

Although the committee voted this week to make Rickover's testimony public, it has not been published.

Rickover testified that he had warned as early as 1963 "that the government needed additional protection to prevent industry from making excessive profits on complicated equipment and from hiding profits as 'costs.'"

"The Department of Defense has done little to correct the fundamental deficiencies in the contracting issues which I have raised in testimony before the Congress over the past several years," he said. "In this area they show flashes of interest but appear incapable of sustained enthusiasm . . ."

Rickover is the Navy's deputy commander for nuclear propulsions of the Naval Ship Systems Command and director of the Division of Naval Reactors for the Atomic Energy Commission.

RULES OUTDATED

"The government is trying to handle 1968 procurement with 1950 rules," Rickover testified.

"It should be clearly understood that under existing procurement rules it is not possible to tell just how much it costs to manufacture equipment or just how much profit a company actually makes—without spending months reconstructing the supplier's books.

"Large additional profits can easily be hidden just by the way overhead is charged, how component parts are priced, or how intracompany profits are handled. The company may report as cost what actually is profit.

"In one case Navy and General Accounting Office auditors conducted an extensive number of audits to determine one supplier's actual costs in making equipment for the government. These audits and evaluations lasted nearly a year.

"Altogether there were seven reports containing 11 differing estimates or evaluations of the supplier's costs in addition to the estimates made by the supplier himself. These various reports showed estimates of the supplier's costs differing by as much as 50%."

As an example of excess profits, Rickover cited the following case of a contractor, whom he did not name.

In 1958, a contractor submitted cost breakdowns "on several multi-million-dollar contracts" indicating a profit of 10%, Rickover said. In 1962, GAO auditors found the profit had actually been between 45% and 65%. The same year, the Navy held off payment to the contractor of $4 million to recover the excess.

APPEALS FILED

The contractor appealed, Rickover said, to the Defense Department's Defense Contract Audit Agency which, in a preliminary decision in 1965, upheld the Navy. The contractor appealed again and, this month, the Defense Contract Audit Agency completed a new audit of these 10-year-old orders.

"This new audit concluded that the contractor is entitled to be paid the excess profit he obtained, despite his submittal of these breakdowns," said Rickover. "Apparently, it is proper to tell the government 10% when you expect to make 45 to 60%."

Rickover produced for the committee a table showing profits reported by five unnamed companies compared to profits found in a government audit of those companies.

TABLE OF PROFITS

The table showed that Company A reported 4.5% profit but government audit found 10%. Company B reported 12.5% but the government found 19.5%. Company C reported 11.1% while government audit found 16.9%. Company D reported a 2% loss while government audit found a 15% profit. Company E reported a 21.6% profit but government audit reported 23.7%.

Last November, the Defense Department released a Logistics Management Institute study which said defense contract profits have declined steadily in the past 10 years and are now much lower than profits on commercial business. The study reported that defense contract profits average 2.4%.

Rickover, in citing the report, claimed that when a contractor estimates costs which eat away profit, he "includes in his estimate costs which are not allocable or applicable to government business. His breakdown thus, in fact, includes a subsidy for his commercial work."

PARTNERS IN PROGRESS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. FASCELL. Mr. Speaker, in August of this year, we will mark the seventh anniversary of the signing of the Charter at Punta del Este and the creation of the Alliance for Progress. This dynamic program captured the imagination and interest of hundreds of citizens here in the United States and spawned the formation of the Partners of the Alliance which encourages individuals and groups in one of our States to work with individuals and groups in a Latin American country.

These private citizens, imbued with the development spirit fostered by the Alliance for Progress, now operate projects in 34 areas of 14 Latin American countries and have generated a flow of well over $7 million in material and technical assistance to Latin America from the private sector of the United States.

I was particularly pleased to see a recent editorial in the Times of the Americas which paid tribute to the efforts of the Partners of the Alliance and would like to call this editorial to the attention of our colleagues.

The article follows:

PARTNERS IN PROGRESS

Last week the Partners of the Alliance held its Third Inter-American Conference at Lima, Peru. It is only fair that editorial note should be taken of this highly imaginative program. The Partners concept has provided multiple channels that have made it possible for willing United States citizens to enter into meaningful and productive partnership with their Latin American counterparts. Conceived by James H. Boren only four years ago, the Partners program has had a deservedly spiralling history. There are now 34 state committees actively engaged in worthwhile projects throughout Latin America. The Partners plan has been previously described in these columns as the Alliance in a do-it-yourself kit, and we see no reason to change that definition. Congressman Armistead I. Selden, Jr., Chairman of the Subcommittee on Inter-American Affairs has said it permits U.S. citizens to "work directly with the people of an Andean village, a jungle colony, or a slum improvement association." His colleague, Congressman Dante B. Fascell of Florida, added that Jim Boren "with able and dynamic leadership had created an outstanding record of accomplishment." All of this is true.

When the Partners reached fuller stature, a private National Association of the Partners of the Alliance was formed. Edward Marcus, an international Texan, added his considerable talents to an already burgeoning concept. More and more the Partners has begun to learn to stand on its own feet. It brings together capable men and women and gets the job done. It is especially proud of its "multiplier" effect. With an investment of some $409,000, the Partners has provided almost $7.5 million in materials and technical assistance to Latin America. It seems only fitting that, as the Partners take stock of their position at a Third Inter-American Conference, that due recognition be made of their contribution to hemisphere understanding.

RESIGNATION OF AMBASSADOR ARTHUR J. GOLDBERG AS U.S. PERMANENT REPRESENTATIVE TO THE UNITED NATIONS

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. FOUNTAIN. Mr. Speaker, 3 months can be a very short time—too short when it is spent working with an outstanding public servant such as Ambassador Goldberg.

I had that distinct pleasure and great honor when I served on the U.S. delegation to the 22d session of the United Nations General Assembly which met from September 18 to December 19, 1967. Ambassador Goldberg, as the permanent U.S. Representative, headed this delegation.

Serving as a member of this delegation gave me the opportunity to observe firsthand the exceptional qualities of a truly great public servant. It is not often that one gets to see in action and especially to work with a man, honored and revered by his fellow Americans, who is destined to become a part of American history.

Ambassador Goldberg is such a man.

Before joining President Kennedy's administration, he distinguished himself as a representative of labor, and its chief negotiator. He has since served in the Cabinet, on the Supreme Court, and during the past 3 critical years, in the most difficult of all diplomatic posts.

It is not easy to capture on paper the image of Ambassador Goldberg. You must see him in action to understand why he is such a rare and successful mediator.

He has the uncanny ability to strip away extraneous matter that tends to cloud serious issues and pinpoint the root causes of the most complex problems. In the development of policy, he weighs carefully the implications of every possible course of action. Then, in his patient, evenhanded and fair-minded way takes an unimpeachable position which balances United States and others' vital interests.

These skills were tested to their utmost during the Middle East crisis in 1967. As the delegate assigned to the Middle East situation during the 22d session, I saw him exercise his unusual mediating abilities. His cool handling of the long drawn-out discussions over a period of months on a Security Council resolution, helped move both sides in the conflict from extreme positions. The outcome was a fair, well-balanced resolution entirely consistent with U.S. policy for providing the basis for a just and permanent solution.

This was not the only instance in which I observed the Ambassador exhibit his exceptional talents. The story of his vast contributions toward a solution to the tense Cyprus situation may never be told. Almost daily, his voice in the Councils of the U.S. delegation guided the group toward long-term, sound and defensible policy positions, overriding at times, short-term political advantages that might have been gained.

Mr. Speaker, the President has selected a well known and distinguished replacement in Mr. George Ball. Nevertheless, the prestige and talents of Ambassador Goldberg will be sorely missed in the forum of the United Nations.

MRS. ESTELLA HOWARD, OF INDIANAPOLIS, TEACHES LESSONS OF THRIFT AND SAVINGS TO HER STUDENTS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. BRAY. Mr. Speaker, a prominent economic writer once said that "The virtues of enterprise, diligence, and thrift are the indispensable foundation of any complex and vigorous civilization." Mrs. Estella Howard, an Indianapolis schoolteacher, has on her own initiative incorporated into her home economics classes lectures on the mechanics and importance of attaining fiscal security and practicing fiscal responsibility. As a result of Mrs. Howard's efforts, her students have opened over 100 savings accounts in a period of 2 years.

This is the type of initiative and endeavor that makes the difference between a good teacher and a truly outstanding teacher, one in whose hands the future of the youth of America is safe and secure. Mrs. Howard is to be commended for her initiative, and I wish the Federal Government would take a lesson from Mrs. Howard and practice some thrift on its own.

Following is a story from the May 2, 1968, Indianapolis News, that describes Mrs. Howard's work:

THRIFT IS IMPORTANT: TEACHER OPENS 100 SAVINGS ACCOUNTS

Mrs. Estella Howard, a home economics teacher at School 44, 2033 Sugar Grove, has been credited with the opening of more than 100 savings accounts in a period of two years.

Each year Mrs. Howard includes as part of her home economics classwork, a study of the importance of systematic personal savings.

Besides presenting lectures on the subject, Mrs. Howard encourages her eighth-grade girls to take the first step toward financial security by opening a savings account while they are still in school.

Beginning as early as last September, she encouraged her pupils to save a little money each week, putting change in coin-saver envelopes at school.

Tuesday she escorted four of her classes—totaling 77 girls—to the downtown offices of the American Fletcher National Bank & Trust Co., 101 Monument Circle, where they deposited the money they had saved through the school year in the form of newly opened savings accounts.

Following a tour of AFNB facilities, each girl was met by a bank officer who assisted her in opening a passbook savings account.

In addition to stimulating the girls to make an initial deposit of a few dollars, Mrs. Howard said she had kept in touch with her last year's classes and now meets regularly with them to discuss savings.

AFNB officials reported that accounts opened by Mrs. Howard's classes Tuesday totaled more than $250.

RENT-A-CAR INDUSTRY A GROWING BUSINESS

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. CEDERBERG. Mr. Speaker, a recent article appearing in my hometown newspaper, the Bay City Times, points out that 50 million Americans—half the Nation's driver population—are qualified to rent automobiles for business or pleasure travel. The article, by United Press International, deals with advances in the rent-a-car industry, which got its big start in Chicago and is now worldwide.

In this country, it is noted, the industry offers the individual or family a wide choice of types of cars, from station wagons to sports cars and sedans, on arrival at airport destination. I present the report on the industry to my colleagues:

RENTAL OF AUTOS INCREASING

(By William D. Laffler)

NEW YORK.—Advances in the rent-a-car industry make it no longer necessary for a home owner to have two cars in his garage as a status symbol.

He can now find a "wardrobe" of cars from which he can choose an automobile to suit his needs—a station wagon, a sports car, or a sedan for everyday use.

The expanded availability of credit for auto renting also has resulted in demand for more rented cars.

"It takes less and less cash to rent cars," Robert A. Smalley, executive vice president of Hertz rent a car, said recently. "Hertz is turning over to motorists vehicles worth up to $5,000 or more each on the strength of a charge card. What's more, half the U.S. driver population, about 50 million motorists, now carry some kind of credit card that is honored for car rentals."

Smalley said there are several reasons why motorists are depending more and more on rented cars on credit.

For example, Smalley said, a business or vacation traveler now can reserve a plane trip and have a rented car waiting for him at the airport of his destination.

And for those who use a car only occasionally, rented cars can be used whenever needed, sparing the driver the cost of ownership, licensing, garaging, insurance, repairs and other expenses, he said.

Smalley said the trend toward use of rented autos extended to other than personal areas.

"We note a steady rise in the number of trucks and cars we lease on long term to business concerns and in other areas of our business as well," Smalley said.

NAVAL WAR COLLEGE: ITS HERITAGE FROM THEODORE ROOSEVELT

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. FLOOD. Mr. Speaker, one of the great educational institutions of our Armed Forces is the Naval War College, Newport, R.I., of which Vice Adm. John T. Hayward is president.

To enable officers of the service to receive some of the educational benefits available to students at the Naval War College, since 1948 this institution has published the Naval War College Review in which frank remarks of lecturers and authors are presented.

In an editorial in the March 1968 issue of the Naval War College Review by Admiral Hayward, he quotes from a June 2, 1897, address before the college by Assistant Secretary of the Navy Theodore Roosevelt.

As the indicated editorial by Admiral Hayward merits wider circulation, I quote it as a part of my remarks:

The editorial follows:

[From the Naval War College Review, March 1968]

CHALLENGE!

(By John T. Hayward, Vice Admiral, U.S. Navy, *President*, Naval War College)

It was a practice in our Navy in the days of sail for seamen to have the letters for the words *"hold fast"* tattooed just below the knuckles of each finger. A seaman's life frequently hung on this brief maxim. Half prayer, half superstition, it reflected the unswerving determination of the person so adorned, and its effectiveness may have been far greater than imagined, for the beholder was reminded constantly of the stark importance of those two simple words. As a command or as an entreaty, their message was clear, concise, and absolutely vital.

The oracle-like quality of these simple words echoes through the utterances of "Teddy" Roosevelt, one of our most resolute military leaders. On 2 June 1897, before he had become our Commander in Chief, Mr. Roosevelt lectured at the Naval War College. The predictive wisdom and unshakable determination which his remarks reflect illustrate clearly his strength of purpose and grasp of situation. Today, we can take great profit from the reiteration of his statements.

In his opening remarks, Mr. Roosevelt quoted General Washington: "To be prepared for war is the most effectual means to promote peace." There was no doubt that Mr. Roosevelt subscribed fully to the meaning of these words. "In the last resort," he continued, "we can only secure peace by being ready and willing to fight for it. A rich nation which is slothful, timid, or unwieldy is an easy prey for any people which still retains those most valuable of all virtues, the soldierly virtues."

He viewed arbitration as "an excellent thing," but he was careful to point out that a "first class fleet" was far more to be relied upon than a treaty devised by the wit of man. For, in the words of Admiral Nelson, "The British Fleet was the best negotiator in Europe."

Mr. Roosevelt went on to remind us that "an ignoble peace is worse than any war," and "some forms of peace are fought with more bloodshed than most wars." We have seen the truth of these words in Poland and Hungary.

Within the two short centuries that span the existence of the United States, peace and national integrity have been bought dearly.

The stalwart men at Trenton, Bunker Hill, Yorktown, Saratoga, New Orleans, and Mobile Bay can testify to their initial price. They were paid for further at Gettysburg and Appomattox, Chateau-Thierry and Belleau Wood, at the Battle of the Bulge and Iwo Jima. Their cost is still being exacted in Vietnam and Korea.

Yet, as Mr. Roosevelt astutely observed in 1897, "There are some educated men in whom education merely serves to soften the fiber and to eliminate the higher sterner qualities which tell for national greatness; and these men prate about love of mankind, or for another country, as being in some hidden way a substitute for love of their own country." We have seen evidence of this in the recent trial of a group of educators charged with the subversion of the youth of our nation through attempted draft evasion. In the words of Mr. Roosevelt, "Shortsightedness, good humored indifference, sheer ignorance, and selfish reluctance to insure against future danger by present sacrifice are the chief obstacles to building a proper Navy and carrying out a proper foreign policy." Note his chronology of Navy and foreign policy.

He continues, "This applied in 1812—then as now it was the Navy upon which the country had to depend in the event of war with a foreign power." And note the relevance of these words in today's context: "Events move fast in the West, but this generation has been forced to see that they move even faster in the oldest East." Taken in this same context, note the illuminating statements with which Mr. Roosevelt continues.

"Tame submission to foreign aggression of any kind is a mean and unworthy thing, but it is even meaner and more unworthy to bluster first and then submit. It is *not* enough to parry a blow. The surest way to prevent its repetition is to return it. Diplomacy is utterly useless when there is no force behind it; the diplomat is the servant, not the master, of the soldier. This nation cannot stand still if it is to retain its self-respect and to keep undimmed the honorable tradition inherited from the men who with the sword founded it and by the sword preserved it. No nation should ever wage war wantonly but no nation should ever avoid it at the cost of loss of national honor."

These are the resolute words of a leader who stood foursquare in the face of opposition both at home and abroad.

We must look back to the heritage which leaders like "Teddy" Roosevelt have fathered, for these truths will not change no matter how the changes of circumstances may seem to modify the situation. As Mr. Roosevelt said, it is through the "readiness for strife that a nation must win greatness." That greatness must me maintained at all costs: by a strong Navy and a national armament sufficient to assure the nation's need. And the honorable peace which we must seek is not a granted gift. Like freedom, it must be earned through a resolute will, and it must be kept in being by the daily exercise of those prerogatives which assure its continuance.

GIFTS TO U.S. GOVERNMENT SHOULD BE PERMITTED

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. BENNETT. Mr. Speaker, I am today introducing a bill to provide that gifts and donations may be received by the U.S. Government for any and all authorized governmental activities. Recently in a debate on the floor of the House when a provision of this type was written in for a particular law, it was mentioned that the failure to have a broad law applying to all functions of government and allowing gifts for such functions is a lack which should be remedied by law at the earliest possible moment.

This failure of the law to allow the Federal Government to be the recipient of gifts has resulted in a loss of funds to the Federal Government from time to time, and yet has had somewhat of a piecemeal correction in various areas. For instance, I introduced and the Congress passed a law some years ago providing for gifts toward paying off the national debt. The need for this was pointed out when an estate was being probated with such a gift in a very large amount but which could not be accepted because of this failure in our statutes.

I sincerely hope that this bill which I have now introduced will receive prompt attention, because it is obviously needed. One need in this field is now being considered in the hearings on a bill relative to gifts for the preservation of this Capitol Building and for improving its contents in the way of art and needed construction projects. There should be no need to handle this matter in legislation of a narrow scope and the broad scope approach should be enacted as soon as possible. I quote hereunder the bill which I am today introducing:

H.R. 17217

A bill to authorize the United States Government to accept contributions or gifts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the head of any department, agency, or instrumentality of the United States may accept any contribution, gift, or donation, and such contribution, gift, or donation may be used to carry out functions vested in any such department, agency, or instrumentality of the United States.

SEC. 2. The Comptroller General of the United States shall develop regulations for receiving, recording, and distributing such contributions or gifts.

TRIBUTE TO AMBASSADOR JACOB D. BEAM

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. THOMPSON of New Jersey. Mr. Speaker, recently I received a visit from one of my constituents who has devoted a distinguished career to the service of the United States in positions of great delicacy and importance to the security of the United States. I would like to take a brief opportunity to pay tribute to Ambassador Jacob D. Beam of Princeton. Ambassador Beam has been a member of our Foreign Service continuously since 1931 and has made himself a recognized expert in our relations with Europe, particularly Eastern Europe, and in the planning of our national security policy. After service in Switzerland and Germany before the war and throughout our engagement in the war, he returned to Germany as a political advisor to our occupation forces there, and later became Chief of the Central European Division of the State Department. He then served successively with the American mission in Indonesia and as Deputy Chief of mission in Belgrade and Moscow, and after a further brief tour in Washington was appointed Ambassador to Poland in 1957 where, among other things, he conducted a number of our discussions with representatives of Communist China. He was one of the first officials assigned to the Arms Control and Disarmament Agency where he served as Assistant Director for International Relations from 1962 until 1966, when he was appointed to his present post as Ambassador to Czechoslovakia. He is married to the former Margaret Glassford, who has a distinguished and creative record in the field of public affairs in her own right, and they have a fine son now in his teens. The United States is fortunate indeed to have public servants of the ability and integrity represented by this fine American family.

TWENTIETH ANNIVERSARY OF ISRAEL

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1968

Mr. CAREY. Mr. Speaker, during the past 20 years the State of Israel has performed the modern miracle of creating a nation in the midst of the most adverse circumstances and against what has seemed at times to be insurmountable odds. With determination and fortitude its people have transformed a barren wasteland barely able to sustain life into a strong, dynamic economy—a model of democracy and enlightened government. And throughout most of this period, progress has been achieved in the face of continuing attacks upon its integrity by the Arab nations.

Today the world pays a well-deserved tribute to the leaders and citizens of Israel. It is, indeed, an inspiring experience in the history of mankind that the Jewish people after nearly 20 centuries of wandering in the wilderness of unreasonable persecution have established and developed this citadel of democracy within a brief span of 20 years.

External dangers arising from encirclement of Israel by the Arab countries continue up to this hour, but as has been true in the past, the Israelis by maintaining a vigilant defense of their borders will demonstrate in the future their capability to preserve and protect their hard-won homeland.

As citizens of the free world we have every reason to admire and respect the courage of this gallant nation in its quest for the preservation of human rights, human dignity and in the development of free and democratic institutions.

Ours has been a long tradition of sympathy for sovereign nations striving to maintain their freedom. It is to the credit of the United States that it was first among the nations of the world to recognize the establishment of Israel in 1948. This recognition has been well founded.

I join with the other Members of the House on this memorable anniversary to add my name to the endless list of those who admire and respect the Israeli nation for the outstanding contribution it has made and is making to the world.

STATEMENTS ISSUED BY THE REPUBLICAN TASK FORCE ON CRIME

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. GERALD R. FORD. Mr. Speaker, under leave to extend my remarks, I include three recent statements issued by our Republican Task Force on Crime. The first is entitled, "GOP Crime Task Force Ties $100 Million Boost in Crime Control Spending to $6 Billion Federal Budget Slice," and was released on May 2, 1968. The other two issued on May 6, and May 9, 1968, have to do with the Lawrence Callanan case. Representative Poff has asked the Committee on the Judiciary to investigate charges made by the Wall Street Journal.

The statements follow:

GOP Crime Task Force Ties $100 Million Boost in Crime Control Spending to $6 Billion Federal Budget Slice

While there was no identity of viewpoint on every item, a consensus of the House Republican Task Force on Crime today called for a $100 million increase in federal spending for crime control.

The increase was tied to the recently announced Human Renewal plan advanced by seventy House Republicans to cut $6.6 billion of low-priority federal spending and provide a $2.5 billion increase for programs where they indicated spending was most critically needed. This would result in an overall saving of $4.1 billion in the federal budget.

The Task Force said that priority increases over the President's budget request were necessary in the following areas:

1. *$40 million additional* for grants to States under the Law Enforcement and Criminal Justice Act.

2. *$32 million additional* specifically for prisoner and probationer training and rehabilitation.

3. *$12 million additional* for federal efforts to combat organized crime.

4. *$10 million additional* for grants to States to combat juvenile delinquency.

5. *$6 million additional* for direct federal efforts in several areas other than organized crime and to cover part of the measures the President asked for but which are not covered in his budget request.

Rep. Richard H. Poff (R.-Va.), Chairman of the GOP Task Force said that additional expenditures under the Law Enforcement and Criminal Justice Act and under the Juvenile Delinquency Act were "clearly justified on their face." "Both bills have already passed the House and presumably they will have passed the Senate before the beginning of the next fiscal year. If we really mean to help the States get the job done," he said, "we can't under-fund the grant programs. The budget proposals for both of these bills are plainly unrealistic."

"As for prisoner and probationer training and rehabilitation," Poff continued, "our record in this field is an absolute disgrace. Recidivism rates are awful. Whatever we're doing just isn't working. A number of groups are currently studying this problem and so is the Crime Task Force. From what we know of all the proposals $37 million is a realistic sum to set aside for funding whatever eventually emerges as a plan to aid the States and to cover additional expenditures in the federal system."

"We also have some very specific ideas about the federal organized crime effort and the direct federal anti-crime effort in general," Poff noted. "The details are being worked out now and will be released shortly."

Rep. Charles E. Goodell (R.-N.Y.), Chairman of the Planning and Research Committee of the House Republican Conference and a spokesman for the group which put together the $6.6 billion budget cut and $2.5 billion plow-back observed that "We allocated an additional $100 million for crime control and asked the Crime Task Force to suggest specifically how it should be spent. Their proposals reflect a sound sense of realism."

Representative Poff To Ask Judiciary Committee To Investigate Articles' Charges

Rep. Richard H. Poff (R.-Va.), Chairman of the House Republican Task Force on Crime, declared today that "a news story on the front page of Thursday's Wall Street Journal is enough to shake the confidence of every American in our entire political system. It contains allegations of the very worst sort of conduct on the part of what the authors describe as 'high-ranking Justice Department officials'.

"I am writing to the Chairman of the Committee on the Judiciary calling for an investigation of the entire matter of Lawrence Callanan," Poff continued, and what the article pictures as the preferred treatment he is getting from the Department of Justice.

"The story is headlined: 'Probe of Union's Gifts for Campaigns Poses a Risk for Democrats—U.S. Aides Seek to Prosecute Chief of St. Louis Local *But Higher-ups Bar Move*'. That is a shocking charge," Poff said, "it spells one thing—fix!"

The GOP Chairman noted that "Callanan is described as a 'labor leader who bosses just 1200 steamfitters union members' in St. Louis but who 'is able, as a free-spending friend of numerous politicians to hand-pick candidates for public office, dispense patronage and influence legislation in Missouri'. It does not appear that his influence is confined to just one State, however," Poff continued. "It is also reported that from 1963 through 1966, Callanan's local—a relatively small organization has 'ladled out' more than *$1 million dollars* to candidates for Federal, State and local office throughout the nation."

"It is a violation of the law for a labor union to make such contributions," Poff noted. "According to the account in the Journal, it would appear that the Department of Justice has a cold case against Callanan. 'Federal prosecutors would like to send him to jail,' the Journal says, but so far 'the prosecutors' efforts to try Mr. Callanan have been blocked by higher-ranking Justice Department officials'.

"But this is only part of the story," he continued. "The other part concerns Callanan himself.

"Lawrence Callanan is an ex-convict. He was convicted many years ago of armed robbery and again in 1954 for extorting $28,000 from a construction firm while he was the business manager of the same steamfitters local. He went to prison for six years and was paroled in 1960. Under specific circumstances, the law forbids ex-convicts from holding union office. In April 1964, a significant date, Callanan, the convicted robber and extortionist, received a Presidential commutation, the Journal said "enabling him to resume union activity. Shortly thereafter," Poff continued, "the bountiful treasury of the Steamfitters Union began spreading its largess to candidates for political office."

"The American people are entitled to know why a character of Callanan's record is the beneficiary of a presidential commutation in the first place. What possible justification is there for rewarding such a man as this?" Poff asked.

"The American people are also entitled to know who now is responsible for the foot-dragging in the Department of Justice. The article clearly indicates that their Organized Crime Section favors vigorous prosecution. If a decision has been made at a higher level to kill the prosecution or to stall it until after the elections, then the people are entitled to know who is responsible for this decision. Otherwise," Poff concluded, "they ought to get their indictment and get it now and bring their case out into the open."

Grand Jury Has Options in Callanan Case, Poff Declares

Rep. Richard H. Poff (R.–Va.), Chairman of the House Republican Task Force on Crime, was informed late Wednesday afternoon that the Grand Jury hearing the Callanan case had been called up for a session Thursday morning. On Monday, following newspaper disclosures of "foot-dragging" in the Department of Justice over the Callanan case, Poff called for a Congressional investigation of the entire matter.

Of the new developments, Poff said, "I do not know what this means. The Grand Jury could be meeting on other cases wholly unrelated to Callanan. If on the other hand," he continued, "the Department of Justice is responding to the criticism of the press and the pressure of possible Congressional investigation engendered by House Republicans, then that is all to the good. All of us will have accomplished something.

"There is a caveat, however," Poff continued. "Last week, one of the newspapers, in discussing the several indictments that have been proposed in the Justice Department during the past few months, reported that 'From 97 counts the draft indictment has been progressively pared to one.'

"If an indictment is returned there would be little accomplished," Poff continued, "if it happens to be weaker than the evidence or if it makes the case more difficult to prove.

"The members of the Grand Jury know their prerogatives. They are the ones who will decide what charges, if any, to bring. The function of the Department of Justice is merely advisory at this point and the jurors do not have to accept whatever is pushed before them.

"I am confident that they will weigh carefully the content of the indictment recommended by the Justice Department. If it fits the evidence—fine. If it does not, however, they have the option to direct the Justice Department to draft an indictment that they feel does fit the evidence."

RUMANIAN INDEPENDENCE DAY: A WISTFUL HARBINGER OF THE FUTURE

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. DENT. Mr. Speaker, 91 years ago today, the world witnessed an event in Rumanian history very similar in spirit to an action taken by a sinewy, young British colony in America in 1776. Rumanian independence from the Ottoman Empire on May 10, 1877, was declared after four centuries under the lash of

Turkish rule. This proclamation was the important culmination of years of discontent, unrest and a bitter war with the Turkish Empire resulting in defeat for the Turks with the assistance of czarist Russia.

Tragically the independence and freedom was whisked away during the furor and confusion of postwar Europe by an opportunistic conquering Soviet Russia. Although their liberty was physically removed, the aura of freedom still remains in the hearts of the Rumanian people. Rumania is the epitome of strict structured communism and the epitome of a freedom-loving spirit.

This wish for freedom has revealed itself again through the years in the gradual loosening of the collar of Soviet dictatorship. Rumania has also established trade and diplomatic ties with the western nations including Britain, France, and the United States. I sincerely hope that Rumania's wish for freedom as a country reaches even farther to the people in years to come.

FUNDS FOR THE WAR ON POVERTY

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. COLLIER. Mr. Speaker, a great deal of irresponsible talk has been going around to the effect that Congress is lackadaisical and unconcerned about the plight of the poor. I have thoroughly analyzed the budget for fiscal 1969 and found over $13,000,000,000 that will be used to help fight the battles on the many fronts of the war on poverty.

There is actually a great deal more money being spent to fight poverty, but it is rather difficult to pinpoint it, as many huge programs benefit all segments of the population rather than just the poor. A compilation that appears in the Budget document lists twice as much as I have, or $27,700,000,000, but it breaks it down only in very broad categories.

The two tabulations follow.

The following table is the one that I prepared:

[In thousands of dollars]

	Expenditures	
	Fiscal 1968	Fiscal 1969
Funds appropriated to the President:		
Appalachian regional development programs	143,300	235,750
Office of Economic Opportunity:		
Economic opportunity program	1,851,702	1,996,006
Economic opportunity loan fund	1,400	905
Department of Agriculture:		
Consumer and Marketing Service:		
Special milk program	102,000	102,000
School lunch program	219,825	246,044
Food stamp program	177,945	238,000
Farmers Home Administration:		
Rural renewal	1,800	1,390
Rural housing for domestic farm labor	3,800	5,000
Rural housing insurance fund	2,944	4,395
Agricultural credit insurance fund	7,604	10,636
State rural rehabilitation funds	2,344	1,054
Rural Community Development Service	465	461
Department of Commerce:		
Economic development assistance:		
Development facilities	5,372	39,620
Industrial development loans and guarantees	2,903	3,500
Planning, technical assistance, and research	9,567	19,320
Miscellaneous expired accounts (expenditures result from prior year obligations of the Area Redevelopment Administration)	1,393	4,000
Economic Development Administration	4,911	6,060
Department of Health, Education, and Welfare:		
Office of Education:		
Elementary and secondary educational activities	1,422,575	1,408,199
Teacher Corps	13,287	21,698
Expansion and improvement of vocational education (innovative occupational education programs, especially for disadvantaged youth)		7,000
Educational improvement for the handicapped	39,700	64,000
Student loan insurance fund	104	1,948
Social and Rehabilitation Service:		
Grants to States for maintenance payments	46,000	2,945,600
Work incentive activities	15,000	119,000
Grants to States for medical assistance		2,093,300
Social services, administration, training, and demonstration projects		587,856
Grants to States for public assistance:		
Income maintenance payments [1]	2,930,000	15,528
Medical assistance [1]	1,761,015	28,327
Social services, administration, training, and demonstration projects [1]	460,233	1,400
Assistance for repatriated U.S. nationals	507	535
Grants for rehabilitation services and facilities	300,509	366,611
Mental retardation		10,800
Department of Health, Education, and Welfare—Continued		
Social and Rehabilitation Service—Continued		
Maternal and child health and welfare	223,000	269,000
Development of programs for the aging	13,029	26,202
Rehabilitation research and training	61,766	66,345
Cooperative research or demonstration projects	3,300	4,000
Assistance to refugees in the United States	47,920	54,660
Juvenile delinquency prevention and control		20,000
Social Security Administration: Payment for special benefits for the aged		225,545
Department of Housing and Urban Development:		
Renewal and housing assistance:		
Grants for neighborhood facilities	15,000	32,000
Alaska housing for low-income residents		1,000
Salaries and expenses, renewal and housing assistance:		
Public housing programs	19,431	21,738
Urban renewal and community facilities	13,062	14,622
Urban renewal programs	499,105	699,110
Low-rent public housing	280,301	335,308
Metropolitan development:		
Urban planning grants	31,000	46,000
Metropolitan development incentive grants		3,000
Salaries and expenses, metropolitan development	6,226	8,700
Demonstrations and intergovernmental relations:		
Model cities programs	25,000	250,000
Urban information and technical assistance	500	3,000
Community development training programs	500	4,700
Salaries and expenses, demonstration and intergovernmental relations	1,859	1,860
Urban technology and research: Low-income housing demonstration programs	1,800	3,800
Mortgage credit: Federal Housing Administration rent supplement program	3,600	16,100
Departmental management: Proposed housing and urban development legislation		14,000
Department of Labor:		
Manpower Administration:		
Manpower development and training activities	444,000	430,000
Salaries and expenses, Office of Manpower Administrator	34,572	37,300
Salaries and expenses, Bureau of Apprenticeship and Training	7,900	8,900
Salaries and expenses, Bureau of Employment Security	4,050	3,077
National Capital Planning Commission trust funds: Advances from District of Columbia (funds are received from the District of Columbia Redevelopment Land Agency for the preparation of urban renewal plans)	311	166
Total	11,2[illegible]4,437	13,185,806

[1] In fiscal 1969 these activities will be funded under grants to States for maintenance payments, supra.

The following table is from the budget message of the President:

FEDERAL AID TO THE POOR

Category	Fiscal 1968	Fiscal 1969
Education	$2,300,000,000	$2,500,000,000
Work and training	1,200,000,000	1,600,000,000
Health	4,100,000,000	4,700,000,000
Cash benefit payments	14,600,000,000	15,900,000,000
Other social welfare and economic services	2,400,000,000	2,900,000,000
Total	24,600,000,000	27,700,000,000

Note: Figures, which are estimates, represent new obligational authority for Federal funds and expenditures in the case of trust funds. Rounding prevents the figures in the 2d column from equaling the total.

Mr. Speaker, the following remarks were excerpted from the analysis of Federal activities by function, which appears in the budget document for fiscal 1969. A perusal of these paragraphs should convince even the most skeptical that the Federal Government will have plenty of money for the war on poverty during the next fiscal year.

The recommendations in this budget for manpower development programs will strengthen employment and training services in rural areas. Other budget programs will improve health services and educational opportunities for rural people. The Department of Agriculture will provide increased assistance for low income rural housing and for public facilities in rural areas. The Department will also continue to encourage coordinated planning and administration of public investment through multicounty area development districts. These districts would provide a broader economic base for many rural areas to attract more private investment and to provide more adequate public service.

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In 1969, the Farmers Home Administration will continue its emphasis on helping low-income people in rural areas. To do this, FHA has three major types of loan programs: Those to improve farm income, those to provide housing for rural families, and those to provide public facilities for rural communities.

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Business assistance programs contribute to the general welfare of all citizens as consumers as well as to the progress of individual businesses. In addition, these programs increasingly seek to enlist the active participation of the business community in the solution of deep-seated social and economic problems, such as hard-core unemployment and regional economic imbalance. Similarly, technological and financial assistance for small businesses is being brought to bear on stubborn urban and rural economic problems.

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The major objectives of our economic development programs are to reduce unemployment and to increase family incomes in the Nation's most seriously lagging areas. In 1969, the Economic Development Administration will stress industrial loans to development centers, and loans and grants for development facilities in our most depressed areas. . . .

The development program of the Appalachian Regional Commission provides public facilities and services in areas which are critical to the economic growth of the region. Emphasis is being given to the development of a regional transportation system, improved vocational education, health services, and utilization of natural resources.

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. . . For those families who are unable to afford housing at the prices which must be charged in the private market, the Government provides additional assistance in the form of low interest loans for rental housing for moderate income families, and annual contributions to local public authorities providing housing for low income families. The rent supplement program . . . provides payments to private housing sponsors on behalf of low income tenants. . . .

A 10-year program is proposed to provide 6 million housing units—homes and apartments—for low and moderate income families. The program will begin in 1969, under existing and proposed legislation, with 300,000 units.

Expenditures for housing and community development are expected to double . . . in 1969. The increase reflects higher grant disbursements as the Model Cities program gets underway, and progress is made on projects approved in prior years for such essential purposes as public housing, urban renewal, water and sewer facilities, open space, mass transportation, and neighborhood facilities.

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. . . Early enactment [of legislation requested last year] will allow work to start on . . . 85,000 [new homes] in 1969. . . . Existing housing will be leased or purchased—and where necessary, repaired—to increase the supply of standard housing available for low income families. . . .

Expenditures in the public housing program represent the Federal contribution to meet that portion of the debt service which cannot be paid from rent receipts. . . .

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The Government helps families with low or moderate incomes obtain decent, privately-sponsored housing at prices they can afford by making payments to supplement their monthly rent or by lending money at low interest rates.

The successful rent supplement program has shown the way for increasing the supply of standard housing for low income families by combining private ownership and Federal financial aid. The Government pays the private housing sponsor—nonprofit organizations or limited dividend corporations—the difference between the rent a family can afford and the rent required to pay the total costs of the apartment. . . .

The largest current lending program supplementing the private housing market provides rental housing for families with moderate incomes. The Federal National Mortgage Association purchases mortgages with 3% interest rates for such housing under its special assistance functions. These low interest rates permit families with incomes too high to qualify for public or rent supplement housing, but too low to afford other available standard housing, to obtain better accommodations. . . .

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Sixty-three cities have launched detailed planning of their programs to upgrade the physical social fabric of large blighted areas. These plans will demonstrate that the interrelated problems facing the people of our cities can be attacked, melding into a unified program the many diverse efforts to improve such services as education, skill training and employment, health, welfare, recreation, and physical development. Some of these plans are expected to be completed late in 1968, and the remainder in early 1969. The first 63 cities will then begin their action programs with the aid of supplementary grants to help cover costs not met by other Federal aids. These action programs will help rejuvenate 65 blighted areas containing 3.7 million people.

Approximately 70 more cities are expected to start preliminary planning for model cities programs in late spring, 1968; some will be able to start their action programs before the end of 1969.

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Through the urban renewal program, the Federal Government aids local communities beset by physical deterioration and rising costs to transform slum-laden land into attractive areas that serve the community's people. First priority is being given to projects that increase the supply of housing for low and moderate income families or that provide jobs for those now living in blighted areas. . . .

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Federal programs to improve the economic, social, and physical well-being of all Americans have been substantially expanded and improved in recent years.

Increased emphasis has been given to activities which provide special assistance to the disadvantaged and needy groups of our society, such as the antipoverty program, and to measures, such as increased social security benefits, which lessen economic insecurity. Medicare represents a major stride in overcoming financial barriers to quality health care. Manpower programs have been restructured and expanded to help workers acquire the skills needed in our complex economy.

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The Medicare and Medicaid programs have virtually eliminated financial barriers to medical care for the aged and have made it possible for the poor to receive an increasing volume of comprehensive medical services.

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Grants to the States for medical assistance [will go] to about 8.5 million needy persons . . . in 1969 . . . .

The 1967 Social Security Amendments limit Federal Medicaid matching payments to medically indigent persons whose income is not more than one-third greater than the welfare payments made by the States under aid to families with dependent children. For States already in the Medicaid program, this limitation does not become fully effective until January, 1970; however, it is immediately effective for new States entering the program.

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Programs for the training and employment of the disadvantaged have received very high priority in the 1969 budget. A substantial expansion in funds for these programs is requested. Particular emphasis will be placed on cooperation with private industry in the training programs and on the concentration of manpower activities in areas of substantial unemployment.

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. . . Legislation will be proposed to liberalize the trade adjustment assistance program, which authorizes aid to workers and businesses substantially affected by increased imports.

In addition to the Labor Department programs included in the "Labor and manpower" category, various training and work experience opportunities and other manpower services are financed through other civilian agencies—notably the Office of Economic Opportunity; the Department of Health, Education, and Welfare; the Veterans' Administration; and the Department of the Interior. . . . [A] wide range of efforts [is] being made to increase opportunities for all workers to contribute to and share in our economy and society.

. . . In addition to providing increased opportunities for training and work experience, improvements are planned in the organization, administration, and delivery of the various manpower services. . . .

The benefits of the sustained growth of the American economy in recent years have not been fully shared by those who live in urban ghettos and rural backwaters. Many, due to inadequate education, lack of skills, poor health, discrimination, and the debilitating effect of their environment, are unable to participate successfully in the labor force without special assistance. The Federal manpower effort is aimed particularly at this group. Therefore, those receiving services under Federal manpower programs are typically poor and unemployed, members of a minority group, youths, older persons, inadequately educated, or handicapped.

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About 55% of the recommended new obligational authority for manpower programs in 1969 will be used to provide formal skill training, both on the job and in classrooms. . . . The greatest expansion [in structured training] is in programs which are primarily for on-the-job training in private industry.

Through the Manpower Development and Training Act, the Work Incentive Program for welfare recipients, veterans programs, and funds made available to the Department of Labor by the Office of Economic Opportunity, 281,000 individuals will be provided on-the-job training opportunities in 1969. An additional 13,000 persons will be provided opportunities for training and work experience leading to subprofessional employment through the New Careers program.

Institutional training, the learning of job skills in a classroom setting, and basic education will be available to about 268,000 individuals through the [Manpower Development and Training Act], Opportunities Industrialization Centers, the Job Corps, and the Work Incentive Program.

In addition, part-time skill upgrading and short-term employability training under the [Manpower Development and Training Act] will be available to 63,000 individuals. About 14,000 Indians will be trained, relocated, or placed directly on jobs by the Bureau of Indian Affairs.

. . . In 1969, about 469,000 youths will be provided opportunities for work in the public sector during the school year or in the summer, so that they may obtain income necessary to continue their education. Another 121,000 youths and adults in both urban and rural areas, handicapped by age or local economic conditions, will have opportunities for meaningful work experience providing useful community services. . . .

The Federal-State Employment Service System is the supplier of basic manpower services and, with the local Community Action Agencies, provides the leadership in carrying out manpower programs at the local level. Special emphasis is being given to identifying and seeking out the disadvantaged and providing them with counseling, referral to training, and special placement efforts.

Additional urban and rural Concentrated Employment Programs will be established, using funds from the programs mentioned above, to provide a more effective and concentrated delivery of manpower services in specific geographic areas with large numbers of disadvantaged persons. An estimated 70 new CEP's—35 of them rural—will bring the total number of CEP's in 1969 to 146, serving over 200,000 individuals. These CEP's will bring together under one program such diverse services as remedial education, special counseling, work experience, institutional and on-the-job training, job placement, day care for dependent children, and health services.

Under the Economic Opportunity Act's Special Impact Authority [new obligational authority requested for 1969] will be used to provide incentives to private employers to hire and train the disadvantaged in projects which contribute to the economic development of communities and neighborhoods having large concentrations of low-income persons.

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In addition to the manpower activities financed through the Office of Economic Opportunity, the attack on poverty directed by OEO continues mainly through community action programs, including Head Start and Head Start Follow Through, and through health, legal, and other social services.

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. . . New obligational authority for community action programs [provided in the 1969 budget] . . . will provide for continuation of existing programs as well as for an increased emphasis on antipoverty efforts in rural areas. . . .

In 1969, OEO and the Departments of Labor; Health, Education, and Welfare; and Housing and Urban Development will continue to participate in a joint program to provide in 14 cities a coordinated service approach to meeting the problems of the poor. . . .

Project Head Start will provide full academic year preschool classes for 202,000 children and summer projects for 450,000 children. . . . Funds [in the 1969 budget for the second year of the Head Start Follow Through program] will provide for special services to 79,000 children in the primary grades so that they can build on the benefits of their earlier Head Start or other preschool experience. Experiments will be undertaken with various approaches to the education of disadvantaged children.

Through other community action activities, legal services will be provided in approximately 570,000 cases, Upward Bound will help 31,000 culturally deprived but talented youths prepare for college, and it is estimated that 50 health centers will be operating to provide services to the poor where they live.

During 1969, . . . adult education, child day care, sanitation, and housing [will be provided] for many of the 351,000 migrant farm workers in the United States. In addition, Volunteers in Service to America will provide about 4,500 man-years of volunteer service in poverty areas. An estimated 10,000 rural families will receive loans to finance farm improvements or small all nonfarm businesses.

. . . There [are] about 29 million poor, too many in a country as rich as ours. In addition to antipoverty efforts under the Economic Opportunity Act, numerous Federal programs assist in attacking this problem. These programs include social security, public assistance, education, work and training activities, health services, regional economic development, housing, urban redevelopment and community facilities, school lunches, and various other food distribution activities.

In fiscal year 1969, Federal outlays which aid persons below the poverty line (for example, a family of four with an annual income under $3,335) are estimated to total $27.7 billion. This represents an increase of $3.1 billion over fiscal year 1968 and $15.2 billion over 1963.

Social insurance programs help maintain the incomes of persons who are retired, disabled, dependent, or unemployed. . . . The largest is social security; others include unemployment insurance, civil service retirement and disability programs, and the railroad retirement system.

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The Social Security Amendments of 1967 . . . include increased benefits for 690,000 noninsured persons over age 72. . . .

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Legislation will be proposed to improve the unemployment insurance program. These improvements will include extension of coverage, more adequate regular benefits for unemployed workers, extended benefits during periods of high unemployment, and training and other services needed to increase the employability of claimants.

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The federally aided public assistance program, operating through State and local government agencies, helps needy families and individuals who are without other resources. In 1969, financial assistance and social services will be provided to a monthly average of 8.8 million indigent individuals—including aged, blind, and disabled persons, and the more than 1.5 million families with 4.6 million children who qualify for aid to dependent children. . . . Increased numbers of recipients are . . . expected in the disabled and dependent children programs.

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Recently enacted Social Security amendments are intended to stimulate the States to reduce welfare caseloads by providing incentives to welfare recipients to seek employment. The amendments authorize a new work incentive and training program for adult members and older, out-of-school children of welfare families. . . .

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In 1969 more than 750,000 disabled individuals will receive services and about 230,000 will be restored to productive employment. . . . A more concerted effort will be made to rehabilitate the more difficult cases—particularly the disabled who are now supported on public assistance.

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. . . By the end of fiscal year 1969, approximately 3 million low income people will be improving their diets through the food stamp program.

Currently, about one out of every 10 lunches served under the regular school lunch program is served free or at a reduced price to needy children. . . .

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The central concern of the Federal Government in recent years has been to promote improved education for the disadvantaged, who for too long had been tragically neglected. The 1969 budget continues our commitment to overcoming barriers of race, ethnic origin, place of residence, income, or mental and physical handicaps. Increases are included for those programs which are directed toward improving the quality of education, expanding the supply of qualified teachers, and for educating the handicapped and preventing dropouts. . . .

. . . Increases [for elementary and secondary education for 1969], largely for education of the handicapped and for new projects to prevent dropouts, are offset by decreases in supplementary grants for school equipment and books.

Over one-half of the total [for elementary and secondary education for 1969] will be for grants under Title I of the Elementary and Secondary Education Act of 1965, to improve education in schools serving large numbers of students from low-income families. . . .

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. . . [Increases in appropriations over fiscal 1968] will be largely for (1) new regional centers staffed by specialists in diagnostic and remedial services and grants to States to support school and preschool classes for the mentally retarded and physically handicapped; (2) continuation of the Teacher Corps, under which new college graduates and experienced teachers work as teams in schools serving students from low-income families; and (3) a new program of bilingual education for children whose native language is not English. . . .

. . . Local school projects aimed at preventing dropouts [will be supported] under new authority included in the [Elementary and Secondary Education Act Amendments of 1967].

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. . . New emphasis will be placed, in part through proposed new legislation, on identifying and encouraging promising high school students in financial need while they are still in high school and providing counseling and tutoring after they reach college. The Upward Bound program of the Office of Economic Opportunity . . . will also contribute to this effort by providing intensive special summer programs at colleges and universities for disadvantaged high school students who show potential for college.

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Legislation is proposed which will . . . authorize support for projects for experimentation with different methods of providing occupational education and orientation, particularly for disadvantaged and other students not planning to go to college. . . .

New obligational authority for educational research, experimentation, and demonstrations . . . in 1969 . . . will include, [among other things], several large-scale experiments in education of preschool and school age ghetto children. . . .

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. . . Survivors of veterans whose death is directly attributable to military service are . . . awarded monthly payments in recognition of the economic hardship imposed on the family.

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Disabled veterans and other veterans in financial need may qualify for special pension payments. Veterans' widows and children who can demonstrate need may also be eligible for pensions. . . .

STATE GI, MARINE DIE IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. LONG of Maryland. Mr. Speaker, Pfc. Larry F. Brashears and Sp4c. Gary Lee Bounds, two fine young men from Maryland, were killed recently in Vietnam. I wish to commend their bravery and honor their memories by including the following article in the Record:

State GI, Marine Die in Vietnam—Youths From Walkersville, Salisbury Hit by Fire

A Maryland marine has died of wounds in Vietnam, the Defense Department announced yesterday, and an Army specialist has also died there, the soldier's family reported yesterday.

The two were Marine Pfc. Larry F. Brashears, 19, son of Mr. and Mrs. Alvin F. Brashears, of Walkersville, and Army Spec. 4 Gary Lee Bounds, 21, son of Mr. and Mrs. Vaughan R. Bounds, of Salisbury.

Private Brashears, who was attached to an 81-mm. mortar platoon at Quang Tri province, died of shrapel wounds April 30 after an engagement with the enemy in the Quang Tri area.

A graduate of Walkersville High School, Private Brashears enlisted in the Marine Corps on May 25, 1967. He took his basic training at Parris Island, S.C., moved to Camp Lejeune, N.C., and left for Vietnam from Camp Pendleton, Cal., in November.

Besides his parents he is survived by a sister, Linda McN. Brashears and a brother Elmer L. Brashears.

Spec. 4 Bounds died last Sunday of wounds received while a passenger in a military vehicle on convoy mission engaged by a hostile force.

In his last letter home, he wrote that he had reenlisted for another three years.

Besides his parents he is survived by a sister, Mrs. Sherry R. Saunders, of Federalsburg, Md., and two brothers, Joseph D. Bounds and Charles R. Bounds, of Salisbury. Also surviving are two grandmothers, Mrs. Josephine Townsend, of Salisbury, and Mrs. Sallie A. Bradshaw, of Crisfield, Maryland.

GOLD: AN ASSET OR STRAITJACKET?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. RARICK. Mr. Speaker, with the gold cover on our paper money gone, the citizens hear much of the International Monetary Fund, "paper gold," special drawing rights, and a world dollar.

Just what all this means few know or have been given a chance to learn. A great sleight-of-hand mysticism.

Mr. H. Christian Sonne has just supplied his book, "Gold: A World Asset or a Straitjacket?" April 1968.

Because I feel our colleagues are interested in background information to understand where we may be headed, are we solving a problem or encouraging the cause, I include chapters 1 to 3 of Sonne's booklet in the RECORD:

GOLD: A WORLD ASSET OR A STRAITJACKET?

(By H. Christian Sonne)

INTRODUCTION

An independent Free World without American leadership is, in the long run, unlikely. American leadership without a strong and respected economic basis is unthinkable.

Hence the solution of our admittedly difficult economic problems is an all-important task.

Whether we succeed or not is apt to be decided within a short span of months, probably before the end of 1968, by which time our attitude toward the amendment of the charter of the IMF (as discussed at the Rio de Janeiro meeting last September), or any subsequent changes, is apt to be determined. Representatives of our government and students of the subject have been aware all during 1967 that momentous decisions soon have to be made on such questions as:

How can the United States, with all its important commitments at home and abroad and deficits in 17 out of the past 18 years, improve its international balance of payments sufficiently to face with equanimity net short-term liabilities abroad amounting to more than twice the present value of its approximate holdings of $12 billion gold stock? How can we expect the U.S. dollar (not to mention the pound sterling) to be regarded as a real "primary reserve"?

If, in the light of Free World experience over the last decade, it has become apparent that neither the pound sterling nor the U.S. dollar can or ever could be considered an indisputably sound, stable asset (like gold) to be held as a reserve by central banks, are there sufficient real reserves (which, in the absence of other devices, consist merely of gold) to form a proper basis for international activities?

Even if the two reserve currencies should be deemed to be no more fitting as IMF reserves than any other well-regarded currency or even if, as should be the case but for their size, both the British and the U.S. short-term debts (primarily, reserve currencies) were paid off with the proceeds of a long-term international loan (purchased by genuine investors of savings in creditor countries), the result, as far as real reserves are concerned, would remain the same. There would be no more reserve currencies and the Free World would have as primary reserves only a monetary gold stock worth, at $35 per ounce, approximately $44 billion.

Would that be sufficient, considering that the gross national products of the main Free World countries had grown from approximately $681 billion in 1950 to $1,320 billion in 1965 (almost doubled) while the monetary gold stock had grown from $35 billion in 1950 to $44 billion in 1965 (by about 25 percent)?

If the answer is, "No—a Free World reserve of $44 billion is not enough, and would be likely increasingly to hamper sound international activities," the question would arise: "Can we create something that can be looked upon as a reserve unit which somehow could be added to the existing reserves and gradually increased as and when needed?"

If so, can it become a real "created reserve," that is, something indestructible that gradually could be augmented when needed? Or, failing that, a drawing right that could act as a suitable substitute?

Since—undoubtedly for good reasons—the idea of "created reserves" (often called "Cru" or "Paper Gold") had been rejected by the so-called Group of Ten, it was the latter road of "drawing rights" that the IMF, at its meeting in Rio de Janeiro, decided to take and, accordingly, requested the Executive Director to prepare the necessary amendments to the Articles of Agreement of the Fund which, after acceptance and ratification, would bring the plan into effect.

After completion and approval by the Board of Governors, the amendment may go to the member countries for their final acceptance.

Before the United States accepts an amendment to the IMF Articles, the approval of the Congress must be obtained.

It is likely, therefore, that during the early part of 1968 the question of amendment of the Articles of the Fund to provide for special drawing rights will be considered by our Congress, unless the recent devaluation of the pound sterling, and its repercussions, should result in drastic changes.

These repercussions have so far resulted in large gold purchases in the foreign gold markets, mainly by private groups. That seems to have surprised our financial authorities who published on March 17[1] a statement by the heads of seven central banks to the effect that officially held gold would henceforth be used only to effect transfers among monetary authorities. Such an arrangement, involving more than one quotation for gold, is apt to cause some disturbance, forgivable under the circumstances when it is obvious that our Washington authorities show evidence of confusion.

We may assume, however, that the need for drastic action can be delayed long enough to enable the various members of the IMF, including the United States, to obtain ample time to carefully study and accept or reject the Rio Special Drawing Rights Proposal.

Since it is an issue of far greater moment than generally assumed, it is of vital importance that the Congress and the voters in the United States be given an opportunity of following closely the steps that have led to the suggested change.

The proponents of both sides of this question have, therefore, for several months, been aware of the need for a thorough explanation and debate of the liquidity problem, and have prepared statements, books, and pamphlets, with a view of presenting the pertinent facts, thus enhancing the ability of the Congress of the United States to make the right and proper decision.

A second round of these types of presentations and expressions of opinion is apt to appear within the next few months.

This is meant to be one of such reviews that will endeavor to approach the subject from the following point of view:

(a) What is in the best interest of the Free World not only now, but over the remaining decades of this century?

(b) How would the new proposals affect also the domestic economy of the United States?

Even though a broad view is called for, we must not overlook the fact that the economy of the United States represents perhaps as much as 50 percent of the interests of the Free World and, therefore, must have an important bearing on what kind of program is most suitable for the whole Free World.

(c) Have our citizens and Congress had an opportunity of becoming fully acquainted with all the aspects of this "liquidity problem"—or have we been subjected mainly to arguments that temporarily may suit a powerful political faction, forgetting that in a free enterprise system like ours the basic foundation of our economy is not a political question but a fundamental need for all, just as healthy surroundings, in preference to pollution of water and air, must remain a fundamental and not a political issue?

In an effort to answer these questions, we propose to analyze the problem from three angles:

First. What are the essential facts surrounding the IMF's "special drawing rights" proposal which may call for action by Congress? According to the first reaction of the majority of the original founders of the IMF, is the new proposal likely to solve the economic problems of the Free World, including those of the United States? Why has the proposal been made and would it stand the test of time?

Second. Who is apt to recommend that the United States should agree to the proposal? Would such recommendation be based on a thorough knowledge of the subject, or on the judgment of certain so-called experts, reputed to have a thorough knowledge of the subject both from a domestic and from an international point of view?

Third. Are there any valid arguments against the special drawing rights plan? If so, is there any alternative that might prove to be more suitable?

I. THE ESSENTIAL FACTS SURROUNDING THE SPECIAL DRAWING RIGHTS PROPOSAL OF THE IMF

An Outline Plan that "is intended to meet the need, as and when it arises, for a supplement to existing reserve assets" has been made public by the International Monetary Fund (see Appendix 1).

The principal aspects appear to be the following:

1. Each member nation of the IMF would be granted special drawing rights in addition to its existing rights to borrow from that organization.

2. These special drawing rights would be allocated to and included in the monetary reserves of the respective countries as a supplement to their holdings of gold, dollars, and pounds, and could be transferred within specified limits from the central bank of one

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[1] See appendix following.

country to that of another in settlement of international payments imbalances.

3. Following approval by the IMF and ratification by the legislative bodies of the member nations of that organization, the plan would become operative at a time and in an amount to be decided by the affirmative vote of at least 85 percent of the total voting power of the IMF.

(The latter provision is especially significant. At present only the United States has a veto power over IMF decisions. By increasing the required majority to 85 percent of the total voting power, the six European Common Market countries together would have sufficient votes to block implementation of the new proposal. Thus, those countries may expect to obtain a means of restricting the inflow of inflationary credit from the deficit countries.)

4. It appears that the new special drawing rights will not become available until the European countries authorize their distribution, and those countries have emphasized repeatedly the need for the United States to remedy its balance-of-payments problem before using any new reserves.

5. The amount of new drawing rights to be authorized has not been decided, but that amount probably will be the equivalent of about $1 billion a year, for an initial five-year trial period. The highest, and very unlikely, figure mentioned appears to have been $2 billion a year.

6. About 24 percent of the drawing rights would be allocated to the United States. This would probably amount to $240 million, but only 70 percent of these drawing rights, i.e., about $168 million, could be used without need for repayment within a span of several years.

7. While somewhat unclear, it would appear that this 70 percent of the SDR would be repayable in case of liquidation or withdrawal in a manner similar to that of the General Account of the Fund (Article XVI, Section 2; Article XVIII, Paragraph (c); and Schedule D and E).

8. No nation will be required to accept more of the new credits than double its own quota which, in turn, is based on its present quota in the General Fund.

9. It would appear that a participant who does not vote in favor of a decision to allocate special drawing rights, may elect, in consequence, not to receive them.

10. A moderate rate of interest will be paid on holdings of special drawing rights to be assessed proportionally against all participants.

11. The unit of value for expressing special drawing rights shall be equal to 0.888, 671 grams of fine gold per dollar. This means that the concept of an unchanged gold value in relation to the U.S. dollar is preserved.

Although the essentials seem to have been roughly agreed upon, the finer touches and details may not yet have been worked out; nevertheless, there is enough material to show that, in practice, the working of the SDR concept will be very complicated and time consuming for the participating members and the Board of the IMF.

This applies even more to the directors, officers, and staff of the IMF, who, in turn, may be compelled to further expand an organization which—as many of the founders felt—should work almost automatically and be relatively simple to administer, into a "super bureaucracy" which, in practice, instead of serving the members is apt to dominate them.

How the IMF founders might react

If some of the founders of the past were faced with this new scheme, they might well ask: "Why all these complications? The more important a task, the greater the need for simplicity."

They would probably add:

"Nothing has happened during these two decades that has not happened in history over and over again only to be solved in a manner which—considering all circumstances—enabled most of the Free World to retain its freedom, and which subsequently increased world turnover and productivity quite satisfactorily.

"By all means, endeavor to augment world reserves commensurate with world turnover, but make it simple, easy to understand and to carry out in practice.

"In reality, your main trouble seems to be that the two countries—the United Kingdom and the United States—which in 1944–45 were singled out as economically sound and strong, have proved to be too weak to function as expected. In the circumstances, why don't you use the medicine that rarely has failed: Give them a long-term loan purchased by capitalists in creditor countries, with the proceeds of which the debtors can pay off their short-term obligations and work hard and diligently over 20 or 25 years to gradually strengthen their economy and amortize their long-term loans?"

"No," is the answer. "No single creditor country or combination of such countries would be strong enough to arrange for such enormous loans of perhaps $20 billion needed by the two countries.

"Besides, if the United Kingdom and the United States paid off their current debt, we would not have enough reserves left for the IMF, because we have considered the sterling and dollar current debts as additional monetary reserves which, in consequence, would drop from what we have considered to be about $70 billion to, say, $44 billion."

"Remember," say the founders, "real reserves can never perish (except for a very small percentage which may occasionally be lost through an act of God; for instance, as when a ship loaded with gold is lost in a storm). You have erred grievously because you tried to make something—namely, a currency—that time after time throughout history has proved to be unstable, into something indestructible—namely, a reserve. Hence, you are like a speculator who takes both a long and a short position of the same stock, and is bound to lose. If the reserve currencies are no good, your reserves are fakes and will be diminished; and if they are good and, consequently, one day are paid off, your reserves also diminish. That seems poor judgment and complicated. But why try to make matters still more complicated?"

"Well," is the reply. "Now we have hit on something new and better, namely, the so-called *special drawing rights*. You ask what they are. They are rights to draw against a bouquet of several good world currencies and may at first add to world reserves and in time probably replace sterling and U.S. dollars which then would become only two of the many currencies of the countries that provide drawing rights."

Answer: "Now you are repeating your mistake of the past of considering any currency as a reserve! It would undoubtedly have been less catastrophical to stick to the two present large reserve countries than to get involved and be dependent on the stability of a greater number of smaller countries which, right through history—apart from economic and social instability—periodically have had to face wars and revolutions, and which have shown time after time their inability to defend themselves. Indeed, who knows whether one day we may not find some of them absorbed by an enemy camp.

"The reason why international transactions and credit risks are, and must continue to be, quite different from domestic is primarily because within his own country the creditor has protection of the courts, police, etc., but when dealing with foreign countries he must rely primarily on the character of the people he deals with. In that respect the risk of dealing with the United Kingdom, for instance, even despite an occasional devaluation, is far less than that of dealing with many other countries.

"But even sterling and dollar holdings are quite unsuitable for reserve purposes, because like any other reserve based on a currency, they vanish when the currency is paid off, and no fundamentally sound country will want to continue to have short-term debts floating around just to please some ignorant economic crackpots.

"If you are short of reserves, you must as soon as possible find some really sound reserves—meaning, indestructible payment media—and gradually get rid of sterling and U.S. dollars, at which time those two currencies will still be very useful and popular among private enterprise and institutions, not as reserves but as handy daily tools for the clearing of international transactions."

Thus might have spoken some of the old founders.

Why has this proposal been made?

When it was found that not only in theory but also in practice, neither the pound sterling nor the dollar could serve properly as reserve currencies—except perhaps for small amounts—other countries (Switzerland, Germany, Holland, France, etc.) were considered, but not one of them was willing to face the temptation of overspending or of accepting the doubtful honor of having their currencies serve as "prostitutes."

To delay any deflationary tendency and to help in the financing, mainly the U.S. balance-of-payments deficits, several expedients have been introduced over the years, such as: general agreement to borrow, swaps, increases in the drawing rights in the IMF. Those schemes having been used to the hilt, the special drawing rights proposal now appears as a further along the road of spending encouragement.

In desparation, and for lack of any sound procedure, the concoction of a bouquet of many sound currencies was acceptd by these praiseworthy and innocent countries, based undoubtedly on the philosophy that "misery loves company."

The special drawing rights proposal is not apt to solve the Free World's problems mainly because this principle is just as unsound as that of the sterling and U.S. dollar reserve currencies—and in practice more risky and complicated because of the much greater political risk that some of the many smaller countries are more likely than the two strategically well-placed nations to come to grief through wars, revolutions, or other complications.

The proposal will not stand the test of time, partly for the reasons given and partly because it is apt to create eventually one of the worst panics the world has ever faced.

Let us take a look at some rough figures. Suppose we assume that—considering world turnover and prices—we would need, say, $100 billion of reserves in 1970–72 at a time when new SDR had been used for a few years. The picture might look roughly as follows:

[In billions]

Actual gold increased to	$50
Reserve currencies remaining	25
New created SDR	25
Total	100

Since the new created reserves are guaranteed by gold, it would mean that half of the world's real gold might stand as a guarantee for the "created reserves" while the reserve currencies—if sound—might have to scramble for the other half.

Alternatively, if a way has been found meanwhile of doing away with reserve currencies and merging the British and the U.S. contributions with SDR:

[In billions]

Actual gold	$50
Created SDR	50
Total	100

Since the "created reserves" are to be guaranteed with gold it would mean that the whole world supply of gold might stand as a guarantee for the "created reserves."

There comes a time—usually once in a generation, or every 30 to 35 years, as indicated by past economic history—when the increases in world activities and prices call for a readjustment of the reserves needed. The new arrangements might call for a readjustment every five years. In either case the world might, by the end of this century, need reserves of, say, $150 billion. Let us see how that would look:

[In billions]

Actual gold (no change because we have deliberately discouraged continued mining of gold in the free world, or made it economically impossible)	$50
Created reserves: SDR	100
Total	150

This would mean that the whole world supply of $50 billion monetary gold in effect would stand as a guarantee for $100 billion worth of created reserves (SDR). Two thirds would consist of SDR and it would not take much of a crisis to wipe out the equivalent of the value of the real gold, i.e., a margain of 33 percent.

Somewhere along the line, the intelligent leaders of world activities are apt to become aware of the unsound conditions. It would be irresponsible to assume that by that time we might have changed human nature. People will still continue to value real gold, the more so because they will see that perhaps over half of the world's peoples have respect for nothing but gold. It may then become clear that the SDR have proven to be just as unsound as were reserve currencies—because they were, in effect, based on the same principles. We face here practical realities and not the theoretical question whether some day in the distant future mankind can be weaned from the use of gold as a basis of values.

In the resulting panic, a readjustment would have to take place of prices and activities that could be carried by $50 billion actual gold instead of $150 billion assumed reserves, whereas today we might have to reduce the level of our activities to $44 billion actual gold from the $70 billion now erroneously considered as reserves.

Here we have followed the disastrous result of attempting to build a castle on sand—a world economy on a foundation of reserves which are unsound.

Real world reserves must exist to cover a certain turnover. The reserves must stand in proper proportion to the price level; in the absence thereof, prices must go down in proportion to the value of such reserves.

Unless a better and sound solution can be found soon, it is wiser to face that problem squarely now, when a relatively smaller adjustment would suffice, than to fool ourselves and postpone the evil day to such time when violent adjustments become necessary causing unprecedented hardship and suffering.

These are the main provisional reasons given by the elder statesmen why the described plan may well for a short period of time—barring increased world political upheavals—seem tempting and postpone the need for sound readjustment; but it will not provide us with the fundamental improvements which are necessary to give the IMF the proper basis for Free World activities. Nor will it solve the immediate economic difficulties of the United States, which cannot be separated from the general liquidity problem in view of the fact that the U.S. economy represents approximately half of that of the Free World.

II. WHO IS APT TO RECOMMEND THAT THE UNITED STATES AGREE TO SPECIAL DRAWING RIGHTS?

We may assume that within the near future the legal documents as described in the "Outline of a Facility Based on Special Drawing Rights in the Fund" (Appendix 1) will be completed. The United States cannot accept the amendment to the Articles of Agreement of the IMF—adopted July 22, 1944—without the approval of Congress.

This raises the question of the attitude of our government, particularly the Treasury Department.

Judged by public statements made by our Secretary of the Treasury—and in the absence of a complete change in our economic position and attitude caused, directly or indirectly, by the devaluation of sterling—it seems at present likely that he will urge Congress to accept the IMF proposal.

The obvious lack of understanding of the whole liquidity problem on the part of our Treasury Department and its "entourage" is demonstrated in a long statement by the Honorable Henry H. Fowler, Secretary of the Treasury, before the Subcommittee on International Exchange and Payments of the Joint Economic Committee, September 14, 1967.

The Secretary emphasized the following statements previously made by the Joint Economic Committee and Subcommittee, viz.:

1. "We cannot rely on supplies of new monetary gold being sufficient to assure the growth of international reserves, in keeping with the rising liquidity requirements of trade."

2. "Failure to provide increased international liquidity would inevitably result in a scarcity of reserves, a decline in international trade and commerce, and a slowing of word economic progress."

3. Both the Subcommittee and the Joint Economic Committee had called for "free world action toward the need for a mechanism to create additional reserve assets."

What does our Secretary of the Treasury really try to convey? What does it mean after we eliminate all duplications and double-meaning phrases and words?

He emphasizes: "We need a mechanism to create gold." True, he says "additional reserve assets." But facts have shown that throughout the recorded history there has never existed any real reserve asset except gold. Is our Treasury, in effect, really calling for a magical power to solve the problem through alchemy? Not necessarily. There is such a thing as creating more gold by more intensive mining. Is that what he means?

No. He says: "We cannot rely on supplies of new monetary gold being sufficient to assure the growth of international reserves."

Why not? They always did in the past. When prices of commodities—for instance, food—go up, why should that not be counterbalanced by prices of gold and other metals going up? And if there is more food available than in the past, that is also counterbalanced by there being more ounces of gold available.

The result is that the total value of both food and commodities increases as a result of both a bigger supply and a higher price. Precisely the same has happened right through historical times as proved by statistics and the records of the gold price which over the last 600 years has increased thirteenfold, i.e., from 20 shillings to 250 shillings an ounce.

It follows that what the quoted statement unquestionably meant to say was: Failure to establish a price for gold which is as fair to the producer of gold as is the price for general commodities prevailing in trade and commerce, may result in a decline in international trade and commerce, and a slowing of world economic progress.

But while we are at it—those quotations seem to be concocted by crackpots. Why? Well, it seems a sign of lack of experience and a habit of talking to nonentities who do not know the subject, to say:

"Failure to provide increased international liquidity would inevitably result in a scarcity of reserves." Lack of *liquidity* and lack of *reserves* being the same thing, you may as well say: Failure to provide enough liquidity would result in a scarcity of liquidity!

The following facts are indisputable:

1). Since during the last decades the new supply of monetary gold has been sufficient—indeed, ample—to pay a fair price for gold and assure a growth of international reserves, in keeping with any rising liquidity requirements of trade; and 2) since—except possibly in another world or on another planet—no mechanism or alchemic entity ever has existed or will exist that is capable of creating reserve assets—the statements quoted by the Secretary of the Treasury are obviously made either by naive people who do not understand what they are talking about, or by shrewd politicians who desire to mislead the public.

In either case, a proposal must be carefully weighed on its merits and not on the type of names that are purported to favor it or that, incidentally, in the process, give our Secretary of the Treasury "invaluable advice from their judgment and depth of experience"!!

There must be something new and constructive in statements that are purported to raise a fundamental and true issue.

Take, for instance, the statement "We cannot rely on supplies of new monetary gold being sufficient to assure the growth of international reserves in keeping with the rising liquidity requirements of trade."

If we passed a law prohibiting coal (or any other commodity) from being sold at a price higher than that prevailing in 1935, it would be safe to say: "We cannot rely on *any* coal coming to the market."

Hence, Secretary Fowler indulges in unsound arguments, and such arguments are damaging to anyone in his position—particularly if he represents a country whose official statements and policies should call for world respect and confidence.

Moreover, such reasoning can backfire. Statistics show that the world monetary gold stock increased in the past by about $1 billion a year. But now, for obvious reasons—namely, our gold policy (Gresham Law and increased cost of mining due to inflation)—it no longer increases but actually does, and of necessity must, face a yearly reduction.

This is the more deplorable because the good Secretary of the Treasury seems unable to correctly appraise the situation which he is contributing to create.

The suggested yearly special drawing rights are apt to amount to approximately $700 million with the result that the *Free World will go through all these cumbersome and costly SDR procedures and at best succeed in making up in part for the resulting inevitable yearly loss in the world gold fund!!*

But such "minor points" are apt to escape the Secretary and his group of prominent people who either are theoretical politicians and "spenders" or have become acquainted only with such a small part of the whole liquidity problem that they can be classified only as naive amateurs.

There is no reason to attempt to build this SDR proposal up as something wonderful that—as Secretary Fowler states—"represents one of the great forward steps in international financial cooperation—the greatest since Bretton Woods."

The facts seem to be that everybody here and abroad who understands the situation realizes that the plan, as tentatively agreed upon in Rio, falls short of the aim of our spending school, because the idea of an "alchemic" reserve asset was discarded and the substitute of a limited additional drawing right seemed far too cumbersome, unelastic, and limited to significantly help the Free World's liquidity problem in general and the U.S. predicament in particular.

The fact is that our proportion of short-term debts now is so large that in reality we would need a large long-term loan which cannot and should not be bought by central banks, because such loans cannot be considered as proper reserves; instead, they should be bought by the investors of creditor nations.

A small nation could probably, without much difficulty, get such a 20 to 25 year loan, but our difficulty would appear to be that no investment market, or combination of such markets, seems to be big and powerful enough to be able to give the United States a long-term loan of the size of, say, $15 billion to $20 billion which we really need.

Cutting out details and superficial finesse, we have, in effect, in world opinion, attempted to get the equivalent of the benefits of such an unobtainable long-term loan in regular money markets by knocking on the door of the IMF and, in particular, of its wealthy members, often referred to as the "Group of Ten."

The result would, at best, be camouflaged as a concession to all members of the IMF. All would get a participation in a certain amount of new, somewhat complicated drawing rights that cannot be considered as real world reserves and our share of which, in reality, may amount to a minimum of, say, $168 million or a maximum of $336 million a year over perhaps a five-year period. Drawings may perhaps start two years from now.

Such a loan would be of the size that occasionally is given in Wall Street to private business organizations; it would be totally inadequate for our needs and, indeed, become an insult to the dignity and aspirations of the United States.

Only very extraordinary circumstances could justify a recommendation that such a proposal be accepted.

This will be considered in Chapter III and also in Appendix 2 which deals at some length with the general principles of reserves and with the liquidity problem as discussed by Robert V. Roosa, former Under Secretary of the Treasury for Monetary Affairs, in his recently published book entitled, *The Dollar and World Liquidity.* (Random House, 1967.)

III. WHY THE SPECIAL DRAWING RIGHTS PLAN SHOULD BE REJECTED

Drawings under the plan could, at the earliest, take place some years (perhaps two years) from now. The amounts involved ($1 billion a year; maximum $2 billion) during the first five-year period would be relatively small; hence they would not be important and timely enough to actually relieve our present situation.

Since it is meant to be an additional means of increasing so-called world reserves over and above gold—in line with reserve currencies, etc.—it cannot be appraised, nor should it be decided upon, without a complete understanding of how our present IMF operates, how it should operate, and why we now seem to face difficulties resulting from:

1. an assumed lack of world reserves;

2. nervousness set in motion by—though not necessarily fundamentally resulting from—the devaluation of the pound sterling; and

3. our appalling net short-term debts of over $26 billion with, at most, $12 billion worth of gold, of which perhaps as little as half is free of entanglements (disregarding the need for the gold reserve against our local currency). Indeed, on proper analysis, we may find that we have no more free gold left than a responsible nation like the United States must keep for contingencies solely in connection with the Vietnam War and other Far East complications.

Let us see how we got into this position while operating along the lines laid down by the International Monetary Fund whose main purpose was to replace the old "gold standard" which had existed for almost a century.

The purpose of the International Monetary Fund was set forth in Article I (iii and iv) as follows:

"To promote exchange stability, to maintain orderly exchange arrangements among members, and to avoid competitive exchange depreciation.

"To assist in the establishment of a multilateral system of payments in respect of current transactions between members."

The other aims were interwoven within this Article.

This task was to take place solely in the short-term monetary field and should not be associated or mixed with activities in long-term financial operations, such as those of the International Finance Corporation and/or the International Development Association, etc.

The Bretton Woods Agreement was conceived as an effort to re-establish an orderly gold standard along the general principles and lines prevailing for many decades before the two world wars, but with such improvements as experience meanwhile had shown to be desirable. While in the past currencies like francs, Dutch guilders, and subsequently the pound sterling during different periods had been predominant world currencies, no specific arrangements were ever made to designate those currencies as "reserve currencies." Each country could then freely decide which currencies—if any—it wished to hold as reserves or otherwise, over and above its stock of gold.

The reasons for the introduction of reserve currencies can be attributed to war conditions and may be summarized as follows:

Before the world wars the par value of the various currencies belonging to countries that practiced the so-called gold standard was expressed in terms of gold as a common denominator. This meant that every such single currency—Dutch guilders, Swiss francs, Italian lira, French francs, etc.—was expected to represent a definite weight of gold of specific fineness, which in turn determined its parity and through that process brought it into a definite relation of value to other currencies that also, by official decree, represented a certain quantity of such gold.

This procedure was not given up at Bretton Woods, but an alternative was provided for. At that time (1944) the exact value and pattern of the main world currencies, in general, was uncertain, but the U.S. dollar and its value was clearly definable. In consequence, the par value of the currency of a member could also, as an alternative, be expressed in terms of the U.S. dollar of the weight and fineness in effect on July 1, 1944. Hence, Article IV, reading: "*Section 1.* Expression of par values. (a) The par value of the currency of each member shall be expressed in terms of gold as a common denominator *or in terms of the United States dollar of the weight and fineness in effect on July 1, 1944.*" (Emphasis supplied.)

This is one of the reasons which explain why our present system often is referred to as "the gold exchange standard" and not, as previously, "the gold standard."

It seemed at the time a sensible expedient and in many respects this difference has been greatly exaggerated. As the head of a European central bank recently has said, from the point of view of a non-reserve currency member country, there is no inconsistency in some considering themselves as adhering to the familiar "gold standard" and others to the "gold exchange standards," since no central bank can be forced to hold reserve currencies.

If that formal reserve currency arrangement were abolished, the world would no, doubt, continue to hold large quantities of dollars, but the system would become more equitable and sound. We must bear in mind that world conditions may change, new nations may join the IMF, while wars and disturbances in one country or group of nations should not prevent the IMF from continuing its operations with others.

These so-called reserve currenices were expected by many to be a temporary measure pending clarification of the composition of several other currencies which was accomplished in 1958. By that time reserve currencies should have been abolished. Meanwhile they were generally considered to have but relatively unimportant consequences as expressed by the expectation of, at the most, only a few billion dollars of reserve currencies outstanding.

But, no! The United States has continuously taken advantage of that reserve currency feature quite out of proportion to its original intent.

Why? There seemed to be a good excuse for taking advantage of it and running up enormous deficits, which—but for that clause (Article IV, Section 1)—would have had to be financed elsewhere, probably through the traditional long-term money markets of creditor countries (as in previous times, when England in effect regulated international payments), and soon would have been stopped. But the spenders used that loophole for what the traffic would bear.

It is important to refresh our minds on this in order to understand why those who nowadays speak of the "gold exchange standard" are not far apart from those who continue to speak of the old "gold standard." There should not be—and was not expected to be—much difference, but for the abuse of Article IV, Section 1.

The danger of the principle of any reserve currency lies in the fact that various individual member countries are expected to report their holdings of such reserve currencies as part of officially *recognized reserves,* as a result of which the IMF and statisticians in general have been apt to include them as part of the Free World's total *real reserves.* That is a technical mistake which can have serious consequences, irrespective of the strength and soundness of such a reserve currency.

Let us analyze why that is the case.

A liquid reserve is a liquid asset which can be used immediately and which is kept for the purpose of making payments whenever it is deemed necessary. Within a country, local currency can be a reserve insofar as it is legal tender and must be accepted in settlement of any debt. But you cannot impose such rules on citizens of other countries. Throughout history, therefore, indestructible and easily portable assets, such as gold, silver, or other metals or jewelry, have been accepted as the *international* equivalent of domestic "legal tender." Such indestructible items in usage were gradually reduced to gold or silver and, finally, more recently, in most cases, to gold.

Fixed investments abroad cannot generally be considered as reserves because the greater part is privately owned; moreover, even if that difficulty could be overcome, the assets are neither liquid nor readily salable—except, frequently, at an enormous loss—particularly under conditions when large reserves are apt to be needed.

In the absence of some additional real liquid reserves (like gold, mined and sold to central banks), the aggregate reserves of all countries concerned must, of necessity, remain stationary. The over-all surplus of one country must, therefore, correspond to the general deficit of one or more other countries. (This must not be confused with the reserves of several domestic capitalists who, theoretically, could all simultaneously increase or decrease their reserves within a country.)

By the same token, a reserve, once it is created, cannot normally disappear. It can be transferred to some other country, but it cannot vanish.

Similarly, a given reserve cannot be enlarged. If a country holds, say, $1 million worth of reserves and borrows half a million dollars for reserve purposes against it, it still has only $1 million in reserves, because the original reserve is reduced in value to half, since it is subject to a lien of half a million dollars.

These, in substance, are the fundamentals of reserves, both from the point of view of the a-b-c of economics and from the practical experience of mankind for eons of time. It can be changed as little as can the law of gravity or nature's course.

It follows that if Holland at one time had $1 million worth of gold as a reserve and in addition held $1 million worth of British pounds sterling, it would have altogether $2 million worth of reserves only if the British actually had set aside $1 million worth of gold with which to pay—when called upon—the $1 million worth of sterling which Holland held.

In other words, if, in the absence of Holland's holdings, Britain had $10 million worth of reserves, that reserve would be reduced to $9 million in order to provide cover for the sterling held by Holland. Here, again, the two countries together would only hold $11 million—and not $12 million—worth of reserves.

It follows that if the monetary gold stock were worth $44 billion and if the interests surrounding the IMF at that time held, say, $10 billion of reserve currencies, the aggregate of the world's real reserves would not be increased from $44 billion to $54 billion because the gold held by the reserve currency countries (the United States and the United Kingdom) would not be specifically set aside against these currencies but would be included in the Free World's gold stock.

Putting it another way, if at that time the reserve currency countries had decided to pay off and withdraw all reserve currencies, it would presumably have compelled them to part with $10 billion worth of their actual gold reserves or their equivalent. There would still be a world gold stock of $44 billion because the countries that previously had held reserve currencies now owned their equivalent value in gold. But there would no longer be any reserve currency that statistically could be added to the $44 billion stock of real gold.

It seems clear, therefore, that the whole concept of a reserve currency is technically and theoretically unsound and misleading in practice.

The theoretical and practical mistake of regarding reserve currencies as real reserves has gradually, for some years, influenced central banks to limit—indeed, to reduce—their holdings of sterling and dollars. This contributed to the reduction of what was wrongly considered reserves.

At the same time the size of the Free World's only real reserve, namely, the monetary gold stock, was also disappointing. The yearly increase became smaller and smaller for obvious reasons, namely, the Gresham Law. In some quarters gold became more valuable than the fixed 1934 price of $35 an ounce, for which reason it was absorbed elsewhere; moreover, increased production costs reduced the quantity of newly mined gold.

During the past year the world's monetary gold stock has—perhaps for the first time in history—actually decreased. If present policies are continued, that situation must, of necessity, get worse.

During the last few years these developments encouraged the IMF to try to find something new to replace or augment the previous credit instruments (reserve currencies, agreements to borrow, swaps, increase in the quotas in the IMF, etc.) that might prove acceptable.

First came the idea of "created reserves" (CRU), but that proved to be a somewhat too obvious and irresponsible "innovation" and was replaced by the special drawing rights which, it was hoped, would be ready in time—some years hence—when they would be apt to be needed if the expected further reductions in the functioning of the other so-called reserves were to take place.

Meanwhile, to maintain confidence, the world was repeatedly informed that the general feeling of the delegates meeting in connection with the IMF or the Group of Ten was to the effect that: "There is no present evidence of any shortage of world reserves."

Came the devaluation of sterling—as a result of which it obviously has become increasingly difficult to find buyers for reserve currencies.

The idea of trying now to sell the pound sterling to a central bank for reserve purposes seems preposterous; reserve dollars have also been increasingly difficult to place.

Hence the urgency, mainly from the point of view of the United States, of getting the new SDR ready as soon as possible—if it is not already too late.

But, unfortunately, the SDR are probably, in the long run, less sound than the reserve currencies. It seems obvious that since they have as collateral currencies of various smaller countries and since no currencies—not even those of big, strong countries—can possibly be considered as reserves, the SDR are theoretically unsuitable.

In practice, and in the long run, reserve dollars and sterling would be less objectionable to hold because they represent bigger and less vulnerable countries which—as history has proven—are in the habit of being able to defend themselves and survive. Such cannot be said about the smaller countries which are supposed to stand behind the SDR.

This whole SDR proposal seems to be a desperate attempt to once more "gild the lily" sufficiently to go on spending in the hope that something will turn up eventually to save our admittedly difficult situation.

The proposal, which must be rejected, is the more regrettable because—as we shall see later—there are several simple and straightforward ways of handling the problem in a manner that should work out to the satisfaction of all parties concerned.

On page 4 of his Statement of September 14, 1967, the Honorable Henry H. Fowler states:

"We must leave to history the final judgment of the contingency plan. Time alone can measure its value and the worth of our efforts during the two years of study and two years of negotiation that preceded the agreement.

"I am confident, however, that the agreement represents one of the great forward steps in international financial cooperation—the greatest since Bretton Woods—and that our action ultimately will advance the well-being of countless millions of people throughout the world."

It is feared that if that contingency plan were adopted, we would find out that countless millions of people in America and throughout the world soon would come to grief and suffer.

A Winston Churchill might well exclaim: "Rarely in the field of human conflict would so much be owed to so many by so few."

The SDR plan is technically unsound, useless in practice, and must be rejected in its present form if we want to safeguard American interests.

Our theorists and observers may think that they can safeguard our interests, but that is very doubtful. It would not be surprising if the industrial nations, after gradually—subtly, oh, so subtly!—sucking most of our gold away from us through the SDR and other apparently attractive schemes, would give up the SDR—requiring only 50 percent vote for such a step—and revalue gold multilaterally.

We would have the experience but no gold—and they would have all the gold at double its present price!

The Washington announcement of March 17, regarding two gold prices, tends to show what could happen if that scheme meant more than an attempt to relieve the United States from taking a definite stand on the dollar problem until after the November election.

By maintaining the present price for IMF transactions in gold, we have eventually to pay off our total debt on that basis. As an example, $35 million of this debt we must pay off by parting, in effect, with one million ounces of gold. With those one million ounces the recipient could then probably eventually buy some $70 million worth of other assets.

Such queer procedure not only makes the United States the loser, but also the laughing stock of the world.

Public opinion in the United States should reject the SDR plan because:

1. The consummation of the SDR scheme, as presented, would tend to further complicate the whole setup of the IMF, which originally was organized on American initiative to cope with the relatively simple, almost automatic task of facilitating international payments, not of initiating them.

2. No complicated long-term plans should be encouraged if they call for new provisions and changes in the Articles of Agreement so involved that some members of the IMF might hesitate and only be won over by persuasion. Such attempted persuasion might, in the long run, tend to weaken the organization.

3. The proposal shows an appalling lack of common sense and long-term political thinking which, in the not too distant future, would be apt to severely handicap—perhaps ruin—the Free World.

The reasons are simple. The scheme would, for all practical purposes, almost instantly end the mining of gold throughout the Free World.

"But that is precisely what we want," say the innocent theorists, often influenced, without knowing it, by subtle Communistic "propaganda phrases" and not realizing how keen Russia is to see the Free World temporarily abandon gold as a basis for all values.

The SDR plan must be rejected in its present form, but out of the ashes may appear a perfectly logical, sound plan that should be adopted simultaneously with the rejection of the SDR plan and thus bring about the sanitation of the basic philosophy behind the IMF.

Several observers want to be quite sure that the IMF is being used and will continue to be used for the purpose of strengthening the Free World economy and not for the purpose of crippling it by means of unsound economic Keynesian or Fabian dogmas or theories.

As an illustration, some instances may be given:

First. What logic is there in announcing that world reserves consist of only $44 billion in gold but should be, say, double that amount, and then proceeding to use all kinds of juvenile arguments to convince your fellow man about the complicated methods by which such additional reserves are to be created?

All complicated and sickly arguments seem acceptable for debate except the one obvious solution that always have and always will work, namely, "double the price of gold." Full stop! "Oh! Watch out!" Whoever dares to come out with such a common sense statement must have the callousness of an ox to attempt to break the monopoly which the aggressive, but fundamentally ignorant, so-called New Economists of today try to create for themselves.

Second. Why insist on maintaining the the price of $35 an ounce of gold, which happens to be the price for gold fixed in 1934? Why keep that price? Why not insist on a price of 20 shillings per fine ounce prevailing 600 years ago?

Since then the price has increased on 13 occasions. Why stop at $35 an ounce? Has any other commodity price ever been frozen that way, unless it represented something which no longer was in demand?

But the very people who insist on leaving the price at $35 an ounce seem—through all kinds of devices—to find ways to buy at rather than to sell it!

What is the matter with those people? Many of them seem to be fools who are used as tools by anti-American or anti-Free World organizations to undermine our International Monetary Fund.

Obviously any organization must eventually perish if it lacks the flexibility to keep abreast of the times by changing its price structure.

Third. Why do certain countries occasionally desire to change the gold value of their currency?

Few of the so-called mysterious "experts" can or will tell you that a change in the gold price has been and can be made for two entirely different reasons.

We shall see in a following chapter that by far the more important reason for a change in the gold price is the so-called "multilateral revaluation"—a measure taken simultaneously by practically all member countries for the *sole purpose of bringing world reserves in line with requirements.*

Such a step is not only permissible but also at times absolutely necessary for the equal benefit of all member-countries.

Why don't we hear anything about the important basic need for establishing the proper gold price? Instead we hear arguments by officials who have shown in practice that they do not understand the basic conception of an international monetary organization and who wish to stick to a gold price of $35 an ounce, displaying no more logic than did our forefathers who stubbornly insisted on a good five-cent cigar!

It is explicitly stated in the "Outline Plan" (Appendix 1) that "the unit of value for expressing special drawing rights will be equal to 0.888 671 grams of fine gold" per dollar. This means that at the present moment gold is the only recognized real reserve medium. That feature has been preserved right from the beginning.

We have seen that this reserve medium can be increased in only two ways: a) by new production of gold channeled to monetary reserves so that the *quantity* of monetary gold increases, and b) in the absence of an increase in the quantity of gold, by an increase in the *value* of gold.

Before the price of sterling or other currencies was actually fixed in relation to gold during the last century, this process took place almost automatically.

If, as a result of wars or other catastrophes, prices—as expressed in currencies—rose, with a resulting larger turnover, gold would increase in relative value and the reserve requirements would almost automatically take care of themselves.

After the value of the various important currencies had been fixed in definite ratios to gold, this automatic adjustment of reserves no longer could take place, and it took the responsible statesmen some time before they realized that as a consequence of having linked the value of their currency to gold, they should from time to time raise or lower the price of gold as expressed in their currency, commensurate with the fall or increase in prices of the general pattern of commodities.

Hence, Section 7 of Article IV was introduced at the specific request of the United Kingdom and the United States, reading:

"Notwithstanding the provisions of Section 5(b) of this Article, the Fund by a majority of the total voting power may make uniform proportionate changes in the par values of the currencies of all members, provided each such change is approved by every member which has ten percent or more of the total of the quotas."

This clause was requested because the United Kingdom, and probably several older members, after many years of experience, had come to the conclusion that without such a clause, to be used on special occasions when the general price level had fluctuated to an unusual degree, the Bretton Woods Agreement would in effect be meaningless.

In spite of Section 7 of Article IV, our President made the following public statement on February 10, 1965:

"The dollar is, and will remain, as good as gold, fully convertible at $35 an ounce."

Statesmen have publicly stated in the past—probably sincerely—that no change in the gold price of their currency was contemplated, etc. Such statements may or may not have proved to be wise, but, at any rate, they were not insulting to anyone.

When, however, there exists a clause (Section 7, Article IV) which is included in the Bretton Woods Agreement and which provides for uniform proportionate changes in the par value of the currencies of members, i.e., *for multilateral revaluation* of currencies, then such a statement by the American President is no longer merely a domestic affair, but an event of international importance and quite offensive to the other members of the IMF.

When we consider further the stipulation that "such change must be approved by every member which has ten percent or more of the total of the quotas"—and everybody knows that the United States is the only such member—then it becomes still more offensive and indeed also a stupid statement.

To live up to our President's factual statement: "The dollar . . . will remain . . . convertible at $35 an ounce," we would a priori have to veto the use of the entire Section 7 of Article IV, without even listening to the arguments of other members!

Or if we decided not to veto it, we would have—again a priori—to make up our mind to exclude the dollar under the provision of the last five lines of Section 7, reading:

"The par value of a member's currency shall, however, not be changed under this provision if, within seventy-two hours of the Fund's action, the member informs the Fund that it does not wish the par value of its currency to be changed by such action."

In either case, the President's statement was not only unfortunate, but—though undoubtedly unintentionally—also an insult to other members of the IMF.

Such incidents show an apparent superficiality and carelessness in handling matters that may prove to be of international importance.

They also show an apparent desire to justify all kinds of destructive measures by a hodge podge of arguments somewhat as follows:

We must have an increase in our reserves, partly to provide for normal growth, but particularly because of the inadequacies of the reserve currencies.

The reserve currencies—used up to now—have proved to be theoretically undesirable and have no sufficient real liquidity behind them to be trusted and relied on.

We cannot increase the world's real reserves—namely, our gold reserve—sufficiently without increasing the present price of $35 an ounce, fixed 34 years ago. This is because we have seen in recent years that, with the increased cost of mining, matters are apt to become worse and perhaps no increase at all will be shown in the Free World's gold stock in the immediate future.

We cannot increase the price of gold because, in our opinion, it has practically no value.

We, therefore, propose to create new reserves in the form of SDR which should be intrinsically sound and acceptable because they will have an absolute gold guarantee!

Thus runs a typical so-called modern argument!

It is a clear understanding of the carelessness and mistakes of the past and the need for far greater concern and regard for the conduct of the future that is necessary before the relatively clear and obvious question of ample reserves can be settled by a simple and straightforward move.

It follows that no Secretary of the Treasury who has a thorough understanding of both the domestic and the international aspects of the liquidity problem could possibly recommend that, in their present form, the special drawing rights offered by the IMF be accepted by the U.S. Congress.

APPENDIX 1

OUTLINE OF A FACILITY BASED ON SPECIAL DRAWING RIGHTS IN THE INTERNATIONAL MONETARY FUND

INTRODUCTION

The facility described in this Outline is intended to meet the need, as and when it arises, for a supplement to existing reserve assets. It is to be established within the framework of the Fund and, therefore, by an Amendment of the Fund's Articles. Provisions relating to some of the topics in this Outline could be included in By-laws adopted by the Board of Governors or Rules and Regulations adopted by the Executive Directors rather than in the Amendment.

I. ESTABLISHMENT OF A SPECIAL DRAWING ACCOUNT IN THE FUND

(a) An Amendment to the Articles will establish a Special Drawing Account through which all the operations relating to special drawing rights will be carried out. The purposes of the facility will be set forth in the introductory section of the Amendment.

(b) The operations of and resources available under the Special Drawing Account will be separate from the operations of the present Fund which will be referred to as the General Account.

(c) Separate provisions will be included in the Amendment for withdrawal from or liquidation of the Special Drawing Account; Article XVI, Section 2 and Schedules D and E on withdrawal and liquidation will continue to apply as they do at present to the General Account of the Fund.

II. PARTICIPANTS AND OTHER HOLDERS

1. Participants

Participation in the Special Drawing Account will be open to any member of the Fund that undertakes the obligations of the Amendment. A member's quota in the Fund will be the same for the purposes of both the General and the Special Drawing Accounts of the Fund.

2. ***Holding by General Account.*** The General Account will be authorized to hold and use special drawing rights.

III. ALLOCATION OF SPECIAL DRAWING RIGHTS

1. Principles for decisions

The Special Drawing Account will allocate special drawing rights in accordance with the provisions of the Amendment. Special considerations applicable to the first decision to allocate special drawing rights, as well as the principles on which all decisions to allocate special drawing rights will be based, will be included in the introductory section of the Amendment and, to the extent necessary, in a Report explaining the Amendment.

2. Basic period and rate of allocation

The following provisions will apply to any decision to allocate special drawing rights:

(i) The decision will prescribe a basic period during which special drawing rights will be allocated at specified intervals. The period will normaly be five years in length, but the Fund may decide that any basic period will be of different duration. The first basic period will begin on the effective date of the first decision to allocate special drawing rights.

(ii) The decision will also prescribe the rate or rates at which special drawing rights will be allocated during the basic period. Rates will be expressed as a percentage, uniform for all participants, of quotas on the date specified in the decision.

3. Procedure for decisions

(a) Any decision on the basic period for, timing of, or rate of allocation of special drawing rights will be taken by the Board of Governors on the basis of a proposal by the Managing Director concurred in by the Executive Directors.

(b) Before formulating any proposal, the Managing Director after having satisfied himself that the considerations referred to in III.1 have been met, will conduct such consultations as will enable him to ascertain that there is broad support among participants for the allocation of special drawing rights at the proposed rate and for the proposed basic period.

(c) The Managing Director will make proposals with respect to the allocation of special drawing rights: (i) within sufficient time before the end of a basic period; (ii) in the circumstances of III.4; (iii) within six months after the Board of Governors or the Executive Directors request that he make a proposal. The Managing Director will make a proposal for the first basic period when he is of the opinion that there is broad support among the participants to start the allocation of special drawing rights.

(d) The Executive Directors will review both the operations of the Special Drawing Account and the adequacy of global reserves as part of their annual report to the Board of Governors.

4. Change in rate of allocation or basic period

If there are unexpected major developments which make it desirable to change the rate at which further special drawing rights are to be allocated for a basic period, (i) the rate may be increased or decreased, or (ii) the basic period may be terminated and a different rate of allocation adopted for a new basic period. Paragraph III.3 will apply to such changes.

5. Voting majority

(a) For decisions on the basic period for, timing of, amount and rate of allocation of special drawing rights, an 85 percent majority of the voting power of participants shall be required.

(b) Notwithstanding (a) above, the decisions to decrease the rate of allocation of special drawing rights for the remainder of the basic period will be taken by **a simple** majority of the voting power of participants.

6. Opting out

The Amendment will include provisions that will prescribe to what extent a participant will be required initially to receive special drawing rights, but will stipulate that beyond any such amount a participant that does not vote in favor of a decision to allocate special drawing rights may elect not to receive them under that decision.

IV. CANCELLATION OF SPECIAL DRAWING RIGHTS

The principles set forth in III relating to the procedure and voting for the allocation of special drawing rights will be applicable, with appropriate modifications, to the cancellation of such rights.

V. USE OF SPECIAL DRAWING RIGHTS

1. Right to use special drawing rights

(a) A participant will be entitled, in accordance with the provisions of V, to use special drawing rights to acquire an equivalent amount of a currency convertible in fact. A participant which thus provides currency will receive an equivalent amount of special drawing rights.

(b) Within the framework of such rules and regulations as the Fund may adopt, a participant may obtain the currencies referred to in (a) either directly from another participant or through the Special Drawing Account.

(c) Except as indicated in V.3(c), a participant will be expected to use its special drawing rights only for balance-of-payments needs or in the light of developments in its total reserves and not for the sole purpose of changing the composition of its reserves.

(d) The use of special drawing rights will not be subject to prior challenge on the basis of this expectation, but the Fund may make representations to any participant which, in the Fund's judgment, has failed to observe the expectation, and may direct drawings to such participant to the extent of such failure.

2. Provision of currency

A participant's obligation to provide currency will not extend beyond a point at which its holdings of special drawing rights in excess of the net cumulative amount of such rights allocated to it are equal to twice that amount. However, a participant may provide currency, or agree with the Fund to provide currency, in excess of this limit.

3. Selection of participants to be drawn upon

The Fund's rules and instructions relating to the participants from which currencies should be acquired by users of special drawing rights will be based on the following main general principles, supplemented by such principles as the Fund may find desirable from time to time:

(a) Normally, currencies will be acquired from participants that have a sufficiently strong balance of payments and reserve position, but this will not preclude the possibility that currency will be acquired from participants with strong reserve positions even though they have moderate balance of payments deficits.

(b) The Fund's primary criterion will be to seek to approach over time equality, among the participants indicated from time to time by the criteria in (a) above, in the ratios of their holdings of special drawing rights, or such holdings in excess of net cumulative allocations thereof, to total reserves.

(c) In addition, the Fund will, in its rules and instructions, provide for such use of special drawing rights, either directly between participants or through the intermediary of the Special Drawing Account, as will promote voluntary reconstitution and reconstitution under V.4.

(d) Subject to the provisions of V.1(c), a participant may use its special drawing rights to purchase balances of its currency held by another participant, with the agreement of the latter.

4. Reconstitution

(a) Members that use their special drawing rights will incur an obligation to reconstitute their position in accordance with principles which will take account of the amount and the duration of the use. These principles will be laid down in rules and regulations of the Fund.

(b) The rules for reconstitution of drawings made during the first basic period will be based on the following principles:

(1) The average net use, taking into account both use below and holdings above its net cumulative allocation, made by a participant of its special drawing rights calculated on the basis of the preceding five years, shall not exceed 70 percent of its average net cumulative allocation during this period. Reconstitution under this subparagraph (1) will be brought about through the mechanism of transfers, by the Fund directing drawings correspondingly.

(2) Participants will pay due regard to the desirability of pursuing over time a balanced relationship between their holdings of special drawing rights and other reserves.

(c) Reconstitution rules will be reviewed before the end of the first and of each subsequent period and new rules will be adopted, if necessary. If new rules are not adopted for a basic period, the rules for the preceding period shall apply unless it is decided to abrogate reconstitution rules. The same majority as is required for decisions on the basic period, timing of, or rate of allocation of special drawing rights will be required for decisions to adopt, amend, or abrogate reconstitution rules. Any amendment in the rules will govern the reconstitution of drawings made after the effective date of the amendment, unless otherwise decided.

VI. INTEREST AND MAINTENANCE OF GOLD VALUE

1. Interest

A moderate rate of interest will be paid in special drawing rights on holdings of special drawing rights. The cost of this interest will be assessed against all participants in proportion to net cumulative allocations of special drawing rights to them.

2. Maintenance of gold value

The unit of value for expressing special drawing rights will be equal to 0.888 671 grams of fine gold. The rights and obligations of participants and of the Special Drawing Account will be subject to an absolute maintenance of gold value or to provisions similar to Article VI, Section 8 of the Fund's Articles.

VII. FUNCTIONS OF FUND ORGANS AND VOTING

1. Exercise of powers

The decisions taken with respect to the Special Drawing Account, and the supervision of its operations, will be carried out by the Board of Governors, the Executive Directors, the Managing Director, and the staff of the Fund. Certain powers, and in particular those relating to the adoption of decisions concerning the allocation, cancellation, and certain aspects of the use of special drawing rights, will be reserved to the Board of Governors. All other powers, except those specifically granted to other organs, will be vested in the Board of Governors which will be able to delegate them to the Executive Directors.

2. Voting

Except as otherwise provided in the Amendment, all decisions pertaining to the Special Drawing Account will be taken by a majority of votes cast. The precise formula for the voting power of participants, which will include basic and weighted votes, and possibly the adjustment of voting power in relation to the use of special drawing rights, will be the subject of later consideration.

VIII. GENERAL PROVISIONS

1. Collaboration

Participants will undertake to collaborate with the Fund in order to facilitate the proper functioning and effective use of special drawing rights within the international monetary system.

2. Nonfulfillment of obligations

(a) If the Fund finds that a participant has failed to fulfill its obligations to provide currency in accordance with the Amendment, the Fund may suspend the right of the participant to use its special drawing rights.

(b) If the Fund finds that a participant has failed to fulfill any other obligation under the Amendment, the Fund may suspend the participant's right to use any special drawing rights allocated to or acquired by it after the suspension.

(c) Suspension under (a) or (b) above will not affect a participant's obligation to provide currency in accordance with the Amendment.

(d) The Fund may at any time terminate a suspension under (a) or (b) above.

3. *Accounts*

All changes in holdings of special drawings rights will take effect when recorded in the accounts of the Special Drawing Account.

IX. ENTRY INTO FORCE

The Amendment would enter into force in accordance with the terms of Article XVII of the Fund's Articles.

Central Bankers' Communiqué and IMF Statement

(Note.—Following are the text of a communiqué issued on March 17, 1968, at the conclusion of the two-day meeting of the heads of seven central banks, the Managing Director of the International Monetary Fund, and the General Manager of the Bank for International Settlements, and the text of a Statement by the International Monetary Fund:)

COMMUNIQUÉ

The Governors of the central banks of Belgium, Germany, Italy, the Netherlands, Switzerland, the United Kingdom, and the United States met in Washington on March 16 and 17, 1968, to examine operations of the gold pool, to which they are active contributors. The Managing Director of the International Monetary Fund and the General Manager of the Bank for International Settlements also attended the meeting.

The Governors noted that it is the determined policy of the United States Government to defend the value of the dollar through appropriate fiscal and monetary measures and that substantial improvement of the United States balance of payments is a high priority objective.

They also noted that legislation approved by Congress makes the whole of the gold stock of the nation available for defending the value of the dollar.

They noted that the United States Government will continue to buy and sell gold at the existing price of $35 an ounce in transactions with monetary authorities. The Governors support this policy, and believe it contributes to the maintenance of exchange stability.

The Governors noted the determination of the United Kingdom authorities to do all that is necessary to eliminate the deficit in the United Kingdom balance of payments as soon as possible and to move to a position of large and sustained surplus.

Finally, they noted that the governments of most European countries intend to pursue monetary and fiscal policies that encourage domestic expansion consistent with economic stability, avoid as far as possible increases in interest rates or a tightening of money markets, and thus contribute to conditions that will help all countries move toward payments equilibrium.

The Governors agreed to cooperate fully to maintain the existing parties as well as orderly conditions in their exchange markets in accordance with their obligations under the Articles of Agreement of the International Monetary Fund. The Governors believe that henceforth officially held gold should be used only to effect transfers among monetary authorities, and, therefore, they decide no longer to supply gold to the London gold market or any other gold market. Moreover, as the existing stock of monetary gold is sufficient in view of the prospective establishment of the facility for Special Drawing Rights, they no longer feel it necessary to buy gold from the market. Finally they agreed that henceforth they will not sell gold to monetary authorities to replace gold sold in private markets.

The Governors agreed to cooperate even more closely than in the past to minimize flows of funds contributing to instability in the exchange markets, and to offset as necessary any such flows that may arise.

In view of the importance of the pound sterling in the international monetary system, the Governors have agreed to provide further facilities which will bring the total of credits immediately available to the United Kingdom authorities (including the IMF standby) to $4 billion.

The Governors invite the cooperation of other central banks in the policies set forth above.

STATEMENT

During their meeting in Washington over the past two days, the active members of the gold pool have decided to stop supplying gold from monetary reserves to the London gold market or any other gold market.

This decision is readily understandable as a means of conserving the stock of monetary gold, which has recently been subject to heavy drains through such operations in the London market.

The decision, of course, involves no departure from the obligation of these countries to maintain the par values of their currencies established with the IMF.

Countries adhering to the Articles of Agreement of the Fund undertake to collaborate with the Fund to promote exchange stability and to maintain orderly exchange agreements with each other. It is most important that the monetary authorities of all member countries should continue to conduct gold transactions consistently with this undertaking, and that they should cooperate fully to conserve the stock of monetary gold. Such action will be an important contribution to the functioning of the international monetary system.

In the longer run, it will not be sufficient simply to conserve global reserves. In this connection, it is to be noted that work on the establishment of the Special Drawing Rights facility in the Fund is proceeding on schedule. It is to be hoped that this facility will enter into force with the least possible delay in order to make it possible to supplement existing reserve assets as and when needed.

CERTIFICATE FOR FIRST DISTRICT HIGH SCHOOL GRADUATES

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. HAGAN. Mr. Speaker, for your information I am pleased to read into the Record the text of a certificate I am sending to high school graduates in the First District of Georgia. It reads:

To All To Whom These Presents Shall Come, Greetings:

It is my pleasure to congratulate you upon the accomplishment of High School graduation. May this day begin a further achievement in ideals of citizenship in your community and for your country.

G. Elliott Hagan,
Member of Congress.

Mr. Speaker, this certificate is not printed at Government expense.

FOR INNER SPACE, A HAWAII BASE

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mrs. MINK. Mr. Speaker, with the world's population soaring to record numbers each year, there is increasing evidence that the seas must be thoroughly explored for new foods, materials, and for scientific research. Where is there a better location to direct this search than from Hawaii whose entire life and existence is associated in some way to the seas. The Honolulu Star-Bulletin published an editorial on May 8, 1968, entitled, "For Inner Space, a Hawaii Base" in which it cites the benefits of locating the headquarters of an enlarged program of sea exploration at Hawaii, which article I submit for the benefit of my colleagues:

For Inner Space, A Hawaii Base

President Johnson has taken a significant initiative toward making the exploration of inner space quite different from that of outer space.

In lieu of the intense Russian-American rivalry in outer space, the President has proposed that the two nations cooperate in an International Decade of Ocean Exploration (IDOE).

He has suggested that governments all over the world pledge themselves to cooperative deep sea exploration for a 10-year period that could begin in 1970.

Some 46 nations attended a State Department briefing on the proposal, though without making any commitments on participation.

The U.S. visualizes its contribution at $3 to $5 billion over the decade and suggests a like amount from the U.S.S.R.

The antagonisms and unnecessary duplications of the space race would be minimized. Cooperation would be the keynote.

The total U.S.-U.S.S.R. contribution of $6 to $10 billion would come to 60 to 80 per cent of the total cost of IDOE, a reflection of the fact that the oceanographic fleets of the two nations are 60 to 80 per cent of the world total.

Much of the contribution, in the case of both nations, would be money they would be spending anyway—but a greater total return would be realized through the joint effort.

IDOE is visualized as starting modestly sometime around 1970, building up to a first peak of activity two years later and building to a period of maximum activity about mid-decade when a variety of new platforms, including ships and buoys, come into use.

The principal product of IDOE will be oceanographic data. But its planners also visualize progress toward worldwide standardization of instruments and the establishment of international calibration facilities.

Prospects of U.S.S.R. participation in IDOE are hopeful, but no nations have yet made firm commitments to the plan.

Readers will be fascinated to note in this connection that international cooperation in oceanic exploration is for the U.S. as old as the nation itself—and not really a new idea of President Johnson's.

On March 10, 1779, at the height of the American Revolution, Benjamin Franklin wrote a letter urging American ships to give safe conduct to Capt. James Cook, the British navigator, on his return from his voyages of exploration in the Pacific.

Not knowing that Cook had been killed in Hawaii three weeks earlier, Franklin wrote that Cook's early return to Europe was expected. "Consider her not as an enemy," Franklin urged of Cook's ship and asked that Cook be given any needed help.

He spoke of the voyage of the "celebrated navigator . . . to make discoveries of new countries in unknown seas" in these terms:

"An undertaking truly laudable in itself, as the Increase of Geographical Knowledge facilitates the Communication between Distant Nations, in the exchange of useful Products and Manufactures and the extension of Arts, whereby the common enjoyments of human life are multiplied and augmented and Science of other kinds increased to the benefit of mankind in general."

IDOE, too, can be an undertaking truly laudable in itself.

As IDOE plans move forward, we respectfully suggest that an ideal headquarters site for it would be Hawaii, where Capt. Cook died just two centuries before the end of IDOE.

We offer a community that has an intense interest in oceanography and one that can be said to be centrally located as regards the maritime nations of the world.

Hawaii already has been chosen as a site for a number of East-West meetings. Its East-West Center gives it an ideal backdrop for many such sessions.

Here is a hospitable climate at a crossroads in the world's greatest ocean. Russian oceanographers already have visited here several times aboard the research ship Vityaz and found their community reception a warm one.

Communications from Hawaii are excellent.

Pending new air routes will make the islands even more of an air hub than now.

Honolulu as the headquarters for IDOE is a proposal that should be advanced early and seriously.

U.S. CENSORS DISLIKE GREEK CENSORS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. RARICK. Mr. Speaker, what difference is there between censors and manipulators of the news—be they United States or Greek.

Is censorship whereby certain subjects are played down by the news media, any greater censorship than promoting and manipulating of controversial and emotional subjects such as riots, criminality and revolution?

And what about U.S. censorship keeping news stories on George C. Wallace, of Alabama, off the front page—in many cases out of the news. And that is not in Greece—it is here in the United States of America.

Can it be the U.S. censors fear George Wallace—or is it just because they do not have a ring in his nose that they censor him out and play down news about George Wallace.

I place an article from the Washington Post for May 9 at this point in the RECORD:

GREEK CENSORS

ATHENS.—Government censors ordered for the second time that newspapers limit coverage of Sen. Robert F. Kennedy's U.S. presidential campaign. The order delayed the printing of most afternoon newspapers. In March, censors ordered news stories on Kennedy to be played in the inside pages. The directive was rescinded within 24 hours because of adverse reaction from the United States.

Anti-regime forces believe that if Kennedy is elected president, it will mean the collapse of the army-backed government.

RUMANIAN INDEPENDENCE DAY

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. FEIGHAN. Mr. Speaker, May 10 is a day of great importance to Rumanian people everywhere in the world because it is Rumanian Independence Day.

In these days it has special significance because the people of Rumania have been robbed of their national independence by the Russian imperialists.

It was 23 years last March 6 that the Russians destroyed the free government of that old and honored nation and imposed upon the Rumanian people a form of government which is completely alien to their rich culture, traditions, and love for human freedom.

In the darkness of those 23 years, the people of Rumania have never lost faith in the destiny of their nation.

They remain convinced that justice will triumph throughout the world—that the cause of freemen will prevail in the affairs of nations and that Rumania will rise once again in all the splendor and beauty of her ancient civilization.

It is this dedication, this unwavering conviction, which holds the people of Rumania in an unbreakable alliance with the people of the United States and all other free countries.

The people of Rumania will be prohibited from celebrating this memorable day by the alien government which has been imposed upon them by the masters of the new imperialism in Moscow.

No public observance of this day will be allowed because the Russians are dedicated to destroying all hope for a return of national independence and because such public manifestations carry the possibility of getting out of hand so far as the occupiers are concerned.

However, the Rumanian people will find ways to observe this historic day, despite the efforts to prevent them from doing so.

What rests firmly in the hearts of men cannot be wiped out by the order of a dictator.

Rumanians in the free world will properly celebrate this day.

I am happy and proud that in my District very significant celebrations take place commemorating Rumanian Independence day.

Free Rumanians will carry high the hopes of the captive people of Rumania.

They will, as in the past, remind all those who love freedom that these past 23 years of darkness have strengthened the determination of the Rumanian people to regain their national independence.

In this they will be performing a service for their adopted country, the United States, because the cause of peace with justice requires the dedication of all our citizens.

The eyes of the world are upon the negotiators in Paris who are meeting for the purpose of bringing to an end the terrible scourge of war existing in Vietnam. Let us all hope and pray that from this conference will come an opportunity for the people of Vietnam to exercise the right to national self-determination to choose their own form of government, to elect their own officials and to determine their own destiny. When the right of self-determination is given to all peoples and nations, large and small, then and only then can we look forward to a world of permanent peace and brotherhood.

I MOURN FOR HIM TODAY

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. UTT. Mr. Speaker, under unanimous consent I insert in the Extensions of Remarks a tribute to an American soldier killed in Vietnam. This tribute was written by Dr. H. Frank Collins, pastor, Calvary Baptist Church of Bellflower, Calif., just before the morning service on Palm Sunday of this year. This tribute was presented at the church services on that same Palm Sunday, and is so excellent that I would like to give it wider circulation:

I MOURN FOR HIM TODAY

Last week a man fell in battle. A man dedicated and devoted to peace and freedom. A man who was man enough to give his life for a cause that he believed in.

I mourn for him today.

He did not die in a plush motel in one of America's beautiful cities. He died in the horrible steaming jungles of a filthy, rotten, poverty-torn nation, thousands of miles from his home and country. He died in the arms of a buddy who believed in the same things he did—the right to live in a country where free men could assemble in worship—where little girls and women felt free to walk to Sunday School in their new frocks and bonnets. He died to give to men of all color the right for a free education in a state that would provide it with small cost—and limited only by the self-limitations of the individual.

I mourn for him today.

He died defending a country that has done more for the individual than any nation on earth. He did not curse the parents that bore him, loved him, and provided for him and gave him far more than they ever had themselves. He did not curse the society that taxed itself to the hilt to care for its poor and its aged. He did not defect from the country that provided its scenic highways, parks and luxuries that he and his fellow-man might enjoy the good things of life. He died as an example of civil obedience.

I mourn for him today.

No self-seeking politician sent a chartered jet for his widow to accompany his body home. He was shipped home in a government-provided casket, and Uncle Sam provided one non-commissioned service man as an escort. He did not have a large funeral. A soldier sounded taps on a near-by slope as his body was laid to rest.

I mourn for him today.

No cities were burned and placed under martial law because he was shot. Our nation's Capital was not endangered by his death. It was, rather, made a little more secure by the supreme price that he paid to make it safe. The flag of our country was not lowered to half-mast. In the eyes of those who know the true value of such a sacrifice, it seemed to fly higher than ever over the "Land of the free and the home of the brave."

I mourn for him today.

Those who would vindicate his death today can be heard throughout our land as they organize into what patriots have always called our Military Service. They take up arms—rifles—bayonets—tanks and planes—but they aim them at the enemy—not their own country.

I mourn for him today.

There were no newspapermen nor TV crews to cover the events of his death nor his funeral. No dignitaries cancelled trips, that might save the lives of his buddies, to attend his funeral. But every statesman and politician ought to take at least one moment to slip silently to his knees and say, "Thank God for a great man." His contribution to our country's freedom is not known by his own generation. It is known only to God.

A great man fell in battle. The victim of a sniper's bullet. I mourn for him today.

REPORT TO NINTH DISTRICT OF TENNESSEE

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. KUYKENDALL. Mr. Speaker, under permission to extend my remarks in the RECORD I include the text of my regular report to the people of the Ninth District of Tennessee:

HON. DAN KUYKENDALL, OF TENNESSEE, REPORTS FROM WASHINGTON, MAY 1968

RESULTS OF QUESTIONNAIRE TO PEOPLE OF THE NINTH DISTRICT OF TENNESSEE

The people of the Ninth District of Tennessee have done a fine job of participating in a poll on the vital issues of our times. We have just completed tabulating the answers to my questionnaire from some 13,000 citizens of the community I have the privilege to represent.

This widespread interest in the questionnaire is a fine example of government by the people. While we all recognize that as elected Representatives of the people, we must make the final decisions on how to vote on legislation coming before us, the use of the questionnaire and the interest of the people in answering it provides direct communication between the Representative and the people unmatched by any other means.

In answering the questionnaire, the people of the Ninth District of Tennessee have expressed themselves overwhelmingly in support of a cut in Federal spending. While reluctant to support a tax increase under any circumstances, many of them would do so if it is demonstrated that a real cut in spending will be made.

On the question of crime and riots, the people I represent believe strongly in the enforcement of law and order. They realize that there can be no solution to the many and complex problems which face us as a nation unless we begin with law and order.

The opinions of the people of the Ninth District on all of the eight questions put to them are contained in the complete report of the results as here presented:

RESULTS OF QUESTIONNAIRE TO RESIDENTS OF 9TH DISTRICT OF TENNESSEE—CONGRESSMAN DAN KUYKENDALL

[In percent]

	Yes	No	Undecided
1. Are you in favor of the 10-percent surcharge income tax if there is a corresponding cut in spending?	38.7	58.0	3.3
2. Would you favor the increase even without a cut in spending?	6.8	88.3	4.8
3. Do you believe social security funds are being properly handled by the Government?	19.6	69.8	10.5
4. Do you believe crime and riots are caused by inadequate laws and enforcement?	68.8	28.3	2.8
5. Do you believe the main cause is hopelessness in our cities because of inadequate opportunity, education, lack of welfare care?	18.3	75.6	6.0
6. Do you believe the President's conduct of the Vietnam war will bring an end to the fighting?	11.8	83.8	4.3
7. Do you believe our present defense policies will prevent the outbreak of hostilities in other areas?	7.66	86.56	5.66
8. Do you believe the Communist movement is responsible for the major part of the unrest in the world?	84.5	12.6	2.8

HUMAN RENEWAL FUND

In March I joined with other Republicans in the House to sponsor a $2.5 billion Human Renewal Fund. In order to get this money we would cut back present Federal spending by $6.5 billion in programs that could be eliminated or deferred.

We have already made good progress in substantial cuts in the budget requests for the Post Office Department, Treasury, and the Civilian Space program.

The Human Renewal Fund is to provide for urgent human needs and the problems of the cities. Emphasis would be put on job training, vocational and technical education, home ownership for those in lower income brackets, and pollution control.

HOUSE CUTS BUDGET REQUESTS IN FIRST APPROPRIATION BILLS

As the first appropriation bills for fiscal year 1969 started through Congress, the House began making cuts in the budget requests. There are 14 appropriation bills which must be passed each year.

The first bill to come before us provides $8.1 billion to finance the Treasury and Post Office Departments, the Executive Office, and four small independent agencies. The House cut the President's request by $181.7 million, but the total for fiscal 1969 is still $610 million more than this year. This is our big problem, to cut actual spending, not just cut proposed increases.

The Agriculture Appropriation bill was approved at about $5.5 billion which was a $1.4 billion cut in the budget request. The House approved $4.03 billion for the National Aeronautics and Space Administration, a cutback of $339 million. Most of this cut was in administrative costs and will not curtail the main thrust of our manned space probes.

Reducing Federal spending is an absolute must. We haven't had a balanced budget since President Eisenhower left office. Our national debt is $350 billion. Annual interest on the debt is $15.2 billion—more than $1.25 billion each month.

AWARD WINNER

Miss Rosemary Barringer, national winner of the Lucille M. Wright Citizenship award for the Girls Clubs of America, Inc. Part of Rosemary's prize was a trip to New York and Washington where she was a a guest in my office. She won the award for citizenship over 100,000 other girls in Girls Clubs across the Nation. She was accompanied on her trip to receive the award by Mrs. John Burnett. (Photo caption.)

WHO CONTROLS SPENDING?

Sooner or later in any discussion on reducing Federal spending, the question comes up, "Who controls spending, the President or the Congress?" There are many who try to pass the buck to Congress. Therefore, those of us who have been urging President Johnson to cut spending were pleased to see a recent editorial in the liberal Washington Post, which said, "Until now the White House has countered the pressures for expenditure reductions by tossing the ball back into the lap of Congress, asking it to specify what programs ought to be cut and by how much. That tactic is not going to produce a surtax. Expenditures . . . will have to be controlled. And that is the task of the Executive Branch with its budget-making apparatus, not the Congress."

HUTCHISON SCHOOL GROUP VISITS

Miss Helen Lowrence and Mrs. Douglas Mann, chaperoned students from Hutchison on a visit to the Nation's Capital. On the Capitol steps with their chaperones and Miss Emily Klyce of my staff are Julia Anderson, Alice Armstrong, Jennifer Baker, Lisa Blackburn, Jan Bond, Kristin Hunter, Ann Hoehn, Mary Miles, Margaret Milnor, Eleanor Nickey, Helen Overton, Laurie Saunders, Carrol Shannon, Cristie Upshaw, and Laura Yeates. (Photo caption.)

FHA AND VA GUARANTEED LOANS

The Congress has approved and sent to the President legislation to make more FHA and VA guaranteed home mortgages available in many areas. The bill removes the mandatory 6 percent interest ceiling on these guaranteed loans and authorizes the Secretary of Housing and Urban Development, upon consultation with the Administrator of Veterans' Affairs, to set the interest ceiling. In many areas it has been practically impossible to find a lending institution which would make an FHA or VA home loan because of the 6 percent interest limitation. With the higher rate, possibly 6½ percent, it is believed that more money will be available from lending institutions for those who need FHA or VA financing for their homes.

CRIME TAKING OVER?

Since 1960 our population has increased 10 percent, crime is up 67 percent. This is due to encouragement of lawlessness by the permissive society.

STOP THIEF

In the 1929–33 depression, 10,000 banks in the United States failed, costing people with savings $1,300,000,000. But this was a small loss compared to what inflation cost in 1966. Rising prices brought on by heavy Federal spending robbed peoples' savings of $11 billion, nearly ten times as much in one year as the total loss during the depression. With cost of living up another 4 percent in March, the American people will lose more billions.

THERE IS A DIFFERENCE

There is a difference between the parties. In the rating of how members of Congress voted, the ACA keeps a running score on votes for Constitutional government and fiscal responsibility. In the cumulative total for the ten year period 1957 to 1967 the ACA Index shows that voting less than 20 percent of the time for sound money, protection of the individual were 0 Republicans and 160 Democrats. Voting over 80 percent for protecting the economy and your savings and in support of Constitutional government were 120 Republicans and only 15 Democrats.

KUYKENDALL BILLS AND RESOLUTIONS

H. Res. 712 for a Congressional review of our policies in Southeast Asia.

H.R. 16859 to assist the City of Memphis in the construction of the Beale Street Interceptor Sewer.

H. Res. 1154 to prohibit the use of Federal property as campsites by demonstrators.

TAX FREEDOM DAY

Congratulations, taxpayer. You are now working for yourself. Up until May 5 every dollar you earned from January 1 went to pay Federal, state and local taxes.

CONGRESSIONAL ART EXHIBIT

Congressman Seymour Halpern (N.Y.) and I display our entries in a recent art exhibit at the Capitol Hill Club in Washington. (Photo captions)

RUMANIAN INDEPENDENCE DAY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. ROYBAL. Mr. Speaker, today, May 10, marks the anniversary of the achievement of Rumania's independence and the founding of its kingdom. Rumanians all over the world are bringing to this day the honor which is its due.

Rumania has striven for her freedom for over a century. In 1881, the people crowned King Charles I who reigned over this prosperous country for over 60 years, more than 20 of which Rumania enjoyed unity within her historical boundaries. Rumania now lies behind the Iron Curtain, and May 10 can no longer be openly celebrated within the country.

Today not only commemorates Rumania's past glories and achievements, but is a symbol of the hope and dauntless faith, which is in the hearts of all Rumanians the world over, for when Rumania will once again be restored her precious freedom.

The Rumanian National Committee has furnished me with a short summary of the meaning of May 10 as Rumania's Independence Day, and I would like to include this statement in the CONGRESSIONAL RECORD at this point:

THE 10TH OF MAY: RUMANIA'S INDEPENDENCE DAY

The Tenth of May is the national holiday of the Rumanian people, celebrating three great events of its history.

On May 10, 1866, Charles, Prince of Hohenzollern-Sigmaringen, a scion of the Southern and Catholic branch of the Prussian royal family, was proclaimed in Bucharest Prince of Rumania, and thus founded the Rumanian dynasty. It was the successful outcome of the nation's long struggle to acquire the right of electing as its sovereign a member of one of the Western non-neighboring reigning families in order to put an end to the strifes and rivalries among native candidates to the throne. This ardent wish, though officially expressed as far back as 1857 by the Moldavian and Wallachian Assemblies—the "Ad-hoc Divans"—convened as a result of the Paris Treaty of 1856, was nevertheless opposed by the Russian and Austrian empires, equally disquieted by the growth in power and prestige of the young bordering nation they both secretly hoped to absorb some day. It was due to unrelenting efforts made and wise steps taken by Rumanian patriots, and also to the constant diplomatic assistance of Napoleon III. Emperor of the French (to whom Prince Charles was related through the Beauharnais and Murat families) that all political obstacles were gradually removed and what was to be the prosperous and glorious reign of Charles I could be inaugurated on May 10, 1866.

Eleven years later, on May 10, 1877, during the turmoil of the Russo-Turkish War, the Principality of Rumania, until then nominally a vassal of the Sultan, proclaimed her independence by severing the old and outdated bonds that linked her with the Ottoman Empire. This independence had to be fought out on the battlefields south of the Danube, where the young Rumanian Army, as an ally of Russia, played a noteworthy part in the defeat of the Turkish forces. The Congress of Berlin of 1878 confirmed Rumania's independence and conferred Europe's official recognition, a bright page in the country's dreary history though marred unfortunately by the loss of Bessarabia, cynically wrenched by Czar Alexander II and his government from the ally who helped them obtain victory over the Turks.

Another four years elapsed after the Rumanian people had proclaimed their independence and a further step was taken as they decided to raise their country to the rank of a kingdom. On May 10, 1881, Charles I was crowned, by the will of his people, King of Rumania. A prosperous era, which lasted over six decades, opened on that day for the nation. Its apex was attained when national unity within the historic boundaries was reached after World War I. The socially progressive country had now become a factor of peace and equilibrium in the South-East of Europe.

During all those years and up to the present time, Rumanians have cherished and revered the Tenth of May as their national holiday, the anniversary of happy and glorious events in their history, in which achievements of Monarchy and people were interwoven. It remains the symbol of their permanency and perseverance through woes and hardships to reach the ultimate end of freedom and well being.

The ruthless foreign rule which now oppresses the Rumanian nation has not been able to uproot the people's attachment to the traditional celebration of the 10th of May. In order to try and alter at least its significance, official celebrations were shifted from the 10th to the 9th of May, anniversary of the Soviet victory. But, though flags are now hoisted on May 9th, Rumanians in their captive homeland celebrate in their hearts the following day, waiting with faith and courage the dawn of new times, when freedom shall be restored to them.

RUMANIAN INDEPENDENCE DAY

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. GERALD R. FORD. Mr. Speaker, today, May 10, marks a special day in the history of freedom-loving peoples everywhere. May 10 is the day on which the Rumanian people gained the right of self-determination—a right which is basic to the development of a democratic system of government.

The Rumanians, unfortunately, have had a long history of being subject to foreign control. But, never through their long history has the spirit of the Rumanians been broken. Their indominable spirit has always risen above the oppressors that beset them.

Even today when the nation of Rumania is under the gun of the Soviet Union, when the armies of the Soviet Union are poised on its borders and when all the power that Russia can bring to bear on the Government of Rumania is being exerted to bring Rumania back to heel beside her would-be master, still, the people of Rumania fight back.

The indominable spirit of the Rumanian people gives me great hope that they will soon regain the right of self-determination so cruelly torn from their grasp. Some day the Government of Rumania will take her place among the governments of free men. Let us hope that day will not be too far distant.

JOBLESSNESS: THE CONTINUING CHALLENGE

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. CURTIS. Mr. Speaker, an article in the April issue of Business in Brief, a publication of the Chase Manhattan Bank, reports the approaches needed to further alleviate unemployment in the United States.

Race, an important factor, is not the sole factor in unemployment. The skills of the workers have become outmoded, the workers lack preparation for better jobs or promotions, and there is greater competition within local industries.

More Government spending to increase aggregate demand would only cause more inflation without creating new jobs. Washington should abandon fiscal expansion as a solution to today's joblessness and correct the labor market deficiencies that keep workers and jobs apart.

The Manpower Development and Training Act of 1962 and other programs to increase training and skills are involved in the new way of viewing joblessness. These programs are not expected to work overnight, but in the long run they are expected to increase individual capabilities.

As manpower programs are still in an experimental stage, economic benefits cannot be established precisely at this point. According to the Chase Manhattan Bank, however, employment at the minimum wage rates would be a very satisfactory rate of return on the $2,000 per person investment involved in the manpower programs.

Although there are encouraging indications that required changes are beginning to occur, the manpower programs need companion efforts of unions and employers in on-the-job training, dismantling racial barriers, and preparing employees for promotions. Under unanimous consent I include this article from Business in Brief in the RECORD at this point.

JOBLESSNESS: THE CONTINUING CHALLENGE

The attack on joblessness in the United States is taking on new and expanded dimensions. And the federal government is becoming more deeply involved than it has been in decades in trying to put its citizens to work.

It has become clear that general economic expansion by itself will not be sufficient to eliminate the most serious instances of joblessness. For this reason, programs of manpower development are assuming new importance as the appropriate way to relieve unemployment. If successful, approaches now being used could have lasting implications for workers, employers and the nation's remaining unemployed.

EVOLUTION OF A POLICY

Despite their significance, new efforts being made to end joblessness are evolutionary, not trailblazing departures in national policy. Concern for the unemployed is an established tradition in the United States. Recalling hardships of the Great Depression, when a fourth of the country's able-bodied men were idle, fiscal and monetary policies since the end of World War II have sought to insure that everyone willing, able and seeking to work could find a job.

A fairly impressive record has been established on this account—80-million persons now are employed, and fewer than 3 million unemployed.

But there is widespread belief that joblessness must be cut even further. There is a firm basis for that feeling. Unemployment though low on the whole, is intolerably high for some groups—notably negroes. And the existence of intricate ties between chronic joblessness, poverty and social unrest has become too clear to be ignored.

However, simple conclusions about the causes of joblessness are sure to be misleading. For example, race, though a key element in joblessness, is not the sole factor. Only 600,000 of the nation's recorded unemployed are negroes. Hence, many workers will lack employment even if racial barriers to jobs are eliminated. Skills have become outmoded and aging workers have been idled. Youngsters coming into the labor force in many cases lack preparation for the tasks they are required to perform. Local industries have succumbed to competition. These and many other factors are behind persisting unemployment in the United States.

DEVELOPING NEW PRESCRIPTIONS

Making further inroads into the nation's joblessness will not be an easy task. In the past, policy makers taking on the problem of joblessness usually faced a lagging economy as well. And their prescription was relatively simple: Increase government spending sufficiently to produce a sizeable budgetary deficit. Resulting deficits could be counted on to perk up demand for workers and bring down unemployment. The tax reductions enacted in 1964 simply injected a new twist into that approach.

Use of similar tactics now would be a mistake. For one thing, the federal budgetary deficit already is at a record level. In addition, the accelerating rate of price increase indicates that bottlenecks already exist in manpower and other ingredients needed to expand production. Though unemployment persists, expanding businesses are having difficulties finding workers they need. And job vacancies are plentiful. Thus the standard method of attacking unemployment—by expanding demand—would only bring more inflation.

BALANCING LABOR DEMANDS AND SUPPLIES

The extent of the imbalances between the demand for labor and the roster of unemployed workers cannot be established very accurately. Job vacancy data indicating the nature and location of job openings are not now available regularly. When they do become available on a regular basis, as they are expected to later this year, the extent of the mismatching that exists in the labor market will show up more clearly. Undoubtedly, the mismatching will be sizeable.

Recognizing such imbalances, Washington is turning away from general policy measures as the solution to today's joblessness. Correcting the deficiencies that keep workers and jobs apart is getting priority.

THE NEW EMPHASIS ON MANPOWER

These intensified efforts rest heavily on legislation enacted earlier this decade. Very prominently involved are the Manpower Development and Training Act of 1962 and the Economic Opportunity Act, which in 1964 formally launched the "war on poverty." The first was inspired by rising concern over joblessness attributed to automation declining industries and other economic changes; the second, by an awareness of the social roots of both joblessness and poverty.

Key features of the acts that are being used include: on-the-job-training; classroom instruction in job skills; and the Job Corps. The ways in which they are being put to use are too numerous and varied to detail. But they do share a common objective: They seek to make the jobless more productive potential workers. Reflecting the growing importance of these programs, outlays proposed under authorizations aimed primarily at adult manpower development are in the neighborhood of $1.2 billion for fiscal 1969—double the level of just two years ago. State and local government contributions required under some programs will supplement that total. The number of trainees expected to be enrolled exceeds 600,000.

These programs will not achieve their objectives as fast or as fully as everybody desires. But it would be difficult to fault the soundness of their objective. In the longrun, improving workers' productive capabilities is the surest remedy for joblessness and poverty. Increased individual capabilities are precisely what manpower programs strive to achieve.

MEASURING THE BENEFITS OF MANPOWER PROGRAMS

How much improvement in productivity due to manpower programs will mean to the economy is hard to determine. Cost-benefit techniques devised by the Budget Bureau are being used to evaluate the purely economic returns on the programs. Costs of training are being weighed against the income realized through jobs obtained because of training programs.

Studies of experience to date have not produced evidence that would lead to a blanket endorsement of manpower development programs. For one reason, it is impossible to determine whether the public outlays involved were the decisive factor in placing a formerly unemployed worker in a job. In some cases, individuals concerned might very well have found work without special assistance and acquired essential skills at employers' expense. Thus, economic benefits cannot be established precisely at this point.

It seems very likely, however, that enrollment in a formal training program will grow increasingly vital as joblessness narrows to the "hard-core" unemployed. For those unable to get jobs because of obvious deficiencies, benefits of training programs will be easier to evaluate.

A rough comparison of the prospective benefits and outlays now planned suggests that the programs involved are a good investment. On a per-person basis, the $1.2 billion expected to be spent by Washington on adult manpower programs over the next fiscal year amounts to $2,000. If training under these programs turns a significant proportion of the idle into productive employees, that public investment would be quickly recovered in the form of increased output of goods and services for the economy. Even employment at minimum wage rates would be the equivalent of a very satisfactory rate of return on the investment involved. In addition, very large, but unmeasurable, social benefits would be realized.

PREREQUISITES FOR SUCCESS

Promising as these programs are as a method of upgrading the opportunities of jobless workers, they cannot succeed without companion efforts. More and more employers will have to institute on-the-job training programs. And jobs will be required for those completing training programs.

A healthy overall economy that encourages profitable business expansion is an indispensable prerequisite. In addition, improved private, federal and state employment services will be needed to bring jobless workers and vacant jobs together. A conscious effort by employers to prepare workers for promotion, so as to create starting level positions for new employees, will be essential. And employers, unions and individual workers on the job will have to agree to dismantle racial barriers that help create joblessness.

If realized, these objectives could have lasting economic significance. For workers, greater opportunities for promotions would result. For employers, improved productivity seems a certain outcome. For the economy as a whole, bottlenecks that occur in labor supplies during swift business expansions could be broken more readily through increased worker mobility.

THE HOPEFUL DEVELOPMENT

There are encouraging indications that required changes are beginning to occur. The National Alliance of Businessmen, inaugurated in the President's Message to Congress on the Hard Core Unemployed, is a promising one. Under it, leading businessmen will be urging fellow employers to review their manpower requirements and to step up training and hiring of those who cannot seem to find jobs without help. The major share of training costs will be paid by Washington.

Direct involvement by business firms can be a very powerful weapon against joblessness. Actual experience in the business world can help to correct many inadequacies that handicap many job-seeking youngsters, despite years of formal schooling. Most important, a concrete job opportunity can frequently be just the incentive a jobless worker needs to improve his work capabilities. Of course, there is a considerable element of self-interest in business involvement in such programs—particularly in tight labor markets, where training the unemployed is a sheer necessity if manpower requirements are to be filled.

Unions, too, are beginning to take visible steps to bring down joblessness—including joblessness due to race. They have initiated on-the-job training programs in cooperation with the Labor Department and employers. In a very significant gesture, the AFL–CIO's building trades department, whose member unions have frequently been accused of racial bias, made a public pledge of nondiscrimination in accepting young men into apprenticeship programs. Apprentice positions with these trades offer attractive starting wages and prospects of a lucrative lifetime career. They thus are considered a plum for beginning workers.

THE TASKS THAT WILL REMAIN

The outcome of current efforts to reduce joblessness is not yet certain, despite these encouraging developments. Focus of many of the programs is on urban areas, where lack of job opportunities and capabilities are simply one facet of the handicaps facing Negroes and other disadvantaged groups. The creation of job openings and the institution of training programs for jobless members of disadvantaged groups should not be expected to overcome that whole range of handicaps. But such moves are an important element in any attempt to do so.

If joblessness in urban areas is significantly reduced, a continuing challenge will exist in the nation's small towns and rural areas, where unemployment—and poverty—remain widespread. Alleviating the economic hardships in backwater areas could be an even more complex challenge than urban joblessness is proving to be Machinery for achieving that objective already exists—the Appalachian Regional Development Program, for example. It will require added resources as the attack on joblessness progresses.

ADDRESS OF HAROLD L. SCOTT, SOVEREIGN GRAND MASTER OF THE INDEPENDENT ORDER OF ODD FELLOWS AT THE TOMBS OF THE UNKNOWN

HON. JOHN DOWDY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. DOWDY. Mr. Speaker, last Sunday, May 5, the Independent Order of Odd Fellows held its annual pilgrimage to the Tombs of the Unknown Soldiers, at Arlington Cemetery.

Sovereign Grand Master Harold L. Scott delivered the address preceding the laying of wreaths at the Tombs. It is my pleasure and privilege, as a longtime member of the Order, to spread this fine address in the RECORD and, under unanimous consent, thus to do:

As we have done each year for many years past, we have once again assembled to pay tribute to, and to honor and show our respect for those whose deeds of valor and whose sacrifices have secured the liberty, not only of the people of this Nation, but of the World. We pay especial tribute to the Unknown, but in so doing, we realize that the Unknown memorialize and represent all the dead of all wars, and more especially those who fell on the fields of honor in World War I, World War II and the Korean War.

The United States entered World War I on April 6, 1917. This was the most terrible war in the course of history to that time, when 8 million soldiers of all nations died.

Our nation was thrust into World War II by the sneak attack on Pearl Harbor on December 7, 1941. This war was far more tragic than the "War to end Wars." Nine and one-half million soldiers of all nations died, and approximately 15 million civilians died. Our casualties in World War I exceeded 300,000 and more than a million in World War II.

Each new war seems more terrible than its immediate predecessor. Each war brings new instruments of death and destruction.World War I saw introduction of the armored tank, poison gas, the airplane and the submarine. All these instruments, except poison gas, were used in World War II, with all of them refined and improved to a point that seemed to reach the ultimate in terror. New instruments of death also then appeared: the flame thrower, rocket missiles, the atomic bomb, against which there is still no adequate defense, and perhaps never will be.

On August 6, 1945, the first atomic bomb used in warware was dropped on Hiroshima, a Japanese city of 343,000 people. Most of the city was wiped out in the single blast. The Japanese people, already staggering, were stunned. The dropping of a second bomb brought the Japanese war lords to their knees and to unconditional surrender, thus ending the deadliest war in all history, on August 14, 1945. The atomic bomb served to warn the world that another war might mean the complete destruction of civilization. Winners and losers alike suffered from these great world wars, and it was hard to believe that nations of the world would ever take up arms again.

The League of Nations formed at the close of World War I to settle international differences, to preserve peace in the world, failed and was disbanded. At the close of World War II, with the vivid recollection of the recent horrors of two World Wars, mankind again in its quest for a means of solving the world's disputes, by peaceable means, created the United Nations. The civilized nations of the world still hope and pray that the United Nations will be able to maintain peace in the world.

We fought in World War I to prevent the Kaiser and his autocracy from dominating the world. We again fought in World War II for the same purpose, to stop Hitler and his so-called superior race of Nazis from tyrannizing the freedom-loving people of Europe, and eventually the World. In both world wars in which we have engaged, with the aid of Divine Providence, the heroism of our men on the fields of battle, the support of loyal and patriotic citizens on the home front, by the total and supreme efforts of all, we achieved victory.

Today our country is engaged in a life and death struggle to defend our liberties, our free enterprise system, our way of life, our democratic form of government under which we have grown to be the greatest nation in all history. We defend it against Godless Communism whose leaders have announced their plan to subdue the entire world and subject the world to their tyrannical and Godless rule. According to their plan, it is supposed that the capital city of the world would then be Moscow. Their leaders have said that they plan to bury us.

This worldwide struggle against Communism broke into open warfare in Viet Nam, where our armed forces are committed to the defense of the free people of South Vietnam. Our soldiers now fight and die in the jungles of Viet Nam to stop the Communists from taking over all Asia, its surrounding islands, the Philippines, and Australia and eventually the World. We fight in Viet Nam to prevent its ultimate swallowing up of America and to stem the tide of Communism in the world.

When a nation goes to war, as we have in Viet Nam, all previous debates and arguments as to the advisability of the war should be at an end. Our government has made the final decision which must be accepted by us all. Thereafter, it is the patriotic duty of every citizen to be loyal to his government in prosecuting the war to a victorious conclusion. The observance of these principles has always heretofore saved our nation from defeat, brought us victoriously through two great world wars, and preserved the honor and existence of our great nation.

Where are the American patriots today?

Instead of the love of country, the loyalty to our government, and the patriotism, that has sustained our nation in trying ordeals and past wars, we now have contempt for our government and behaviour that in any other era would have been regarded as treason.

Young men subject to be drafted into the military service are openly contemptuous of our country. They flagrantly tear and burn their draft cards in public demonstrations. Courses of instruction are offered and literature distributed in so-called "teach-ins" advising and encouraging young men to avoid the draft and instructing them in how to do it.

This utter disrespect for law and government was first conceived and spread by disloyal minority groups at our colleges and universities where a few misguided and disloyal college professors sometimes participated in the "teach-ins."

Some seek to ignore these student demonstrators with the comment that it is "mostly a bunch of kids." Let us not take this matter too lightly. Some of these student leaders are dedicated Communists. Let us remember that Hitler, Mussolini, and Castro came to power with the aid of their youthful marchers. Remember the 17 year old boys who loyally fought for freedom in World War II. They were not kids. Neither are the disloyal draft-dodgers of 1968.

We now have over 500,000 men fighting communism in Viet Nam. It is high time to enlist all Americans to fight Communism at home.

On the battlefields of three continents, on the land, on the sea, and in the air, in the trenches, the foxholes, the beaches, and the jungles, our soldiers, sailors, marines and airmen, in World War I, II, and in the Korean War have fought for God, for Freedom, and for Country.

Hundreds of thousands of these brave men, in the robustness of youth, sacrificed their lives in these great conflicts. More than a million men were returned hurt in body and mind. Many others who also served, fought, and exposed themselves on the battlefields and elsewhere were providentially spared to return unharmed to their native land.

These men did not tear up their draft cards. These men were patriotic, loyal, freedom-loving, God-fearing American Patriots. They answered the call of their country without a murmur. These men protected and preserved the United States of America for us and for the future.

The principle of our great fraternity is reflected in these "men of Arlington." Their efforts and supreme sacrifices have won the plaudits of generation after generation and those yet to come. Their lives exemplified the sacred truth of the Fatherhood of God and the Brotherhood of man. We, as members of this great fraternity, must see that their sacrifices were not in vain. It is our responsibility to lift the love of freedom to a yet higher plane where its power may be seen and felt throughout the world.

To these three soldiers of the Tombs of the Unknown, as well as those Americans who lost their lives while serving in the Canadian Armed Forces, who represent the living and the dead of all wars, we again express our pride in you, our thanks, and our eternal gratitude. If there is any group of individuals that the American people should appreciate and respect, it is those veterans who have served in the armed forces in wartime in defense of our country.

We now say to all the veterans of all wars, some of whom are now present—

We recognize your proven patriotism and integrity;

We recognize the superior wisdom and judgment, which is now yours by reason of your maturity and wide experience;

We welcome you to the counsel tables of our nation.

In these troubled times, your help and guidance is again respectfully requested in order that the torch of liberty which you passed to this new generation may never be extinguished.

I now conclude with a favorite veteran's poem:

"When the tumult of battle is over,
 And the living their blankets have spread.
And the curtains of night have descended
 Like a mantle to cover the dead,
Then hark to the sound of the bugle,
 Its tones silvery clear as a bell,
'Tis the soldier's divine way of saying
 May God keep you, our dead, and farewell."

THE "PUEBLO": HOW LONG MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. SCHERLE. Mr. Speaker, this is the 109th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

THE CORNUCOPIA OF SPACE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. TEAGUE of Texas. Mr. Speaker, Dr. Edward C. Welsh, Executive Secretary of the National Aeronautics and Space Council, in a talk to the St. Louis, Mo., section of the American Institute of Aeronautics and Astronautics, has explained well the contribution of our national space program to education and other areas of our society and also pointed out the commercial utility of our continued efforts in space. Among the several factors that Dr. Welsh discusses are national space policy, and the support that both the President and Vice President of the United States have given to our national space effort. I commend this thoughtful and incisive discussion to your reading:

THE CORNUCOPIA OF SPACE

(By Dr. Edward C. Welsh, Executive Secretary, National Aeronautics and Space Council)

When your distinguished Program Chairman invited me to talk with you this evening, he did an impressive selling job. He spoke of an informative visit to the McDonnell facilities; he referred to the Students' Technical Paper competition; he mentioned awards to be made to major aerospace contractors; he spoke glowing of the "Spin-off" Exhibit at the Planetarium; and then suggested that I might want to take this opportunity to talk about the benefits of the national space program.

While any one of those features should have been enough to cause me to accept the invitation, the reference to space benefits was the key persuader.

PUBLIC EDUCATION

The American Institute of Aeronautics and Astronautics is indeed a prestigious organization and one which has done much to add vitality to this Nation's progress in technology. I am pleased to belong to the AIAA and to have the opportunity occasionally to discuss policy issues with its members.

Some of you, however, may have heard me state on other occasions that there is a great abundance of meetings of professionals such as you in comparison with the extreme shortage of useful discussions about our space and aeronautics objectives and benefits with the general public. It is the Parent Teachers Associations, the Chambers of Commerce, the League of Women Voters, the Service groups, and other similar organizations which need the attention of those who understand the "why's" and "wherefore's" of the technological revolution in which we find ourselves. Partly to maintain a position of consistency and mostly because of this country's needs, I again urge each and every one of you, who believes in our space program and who has even the slightest ability to articulate about that program, to go out in your communities and explain the benefits of this great endeavor. You will find this to be a mutually stimulating experience.

I ask you all to meet this major educational challenge—a challenge which this country must handle successfully if it is to maintain its position of world leadership. Do not think for a minute that you have no responsibility to educate others. On the assumption that you understand and believe in the space program, I would consider you derelict in your responsibilities if you did not share with others your knowledge of, and your faith in, that program. A really vigorous effort on the part of each of you would make a real dent in the apathy, the complacency, and the ignorance which characterize too many of our fellow citizens on the subject of space.

ADMINISTRATION'S SUPPORT

It almost seems as if some people wanted to keep it a secret, but the fact is that the President of the United States has long been and still is a strong supporter of the space program. His leadership, while a Senator and while Chairman of the National Aeronautics and Space Council, has been very impressive. Then, this January he asked the Congress for more money for space for Fiscal 1969 than was appropriated by the Congress for space in Fiscal 1968. That was in the face of many other high priority demands for tax funds. What the Congress appropriates may be another matter, but I want the President's position on the space program to be clear. Moreover, just this January, the President sent a Message to the Congress in which he emphasized the benefits of the space program. In that Message he said that space technology has justified this Nation's commitment to meet and conquer the challenge of space. He stated that "the fruits of that technology have not been limited to space exploration alone," and then he referred to a number of ways in which "our space program has benefited our Earth-bound lives . . ." The President went on to state that "we can look with confidence to an expansion of these benefits as our space program moves into its second decade."

Even more recently, the Vice President again emphasized this theme of the beneficial nature of our national space program when he stated "the public needs more than ever before to have a thorough understanding of how space technology strengthens our economy, increases our educational capabilities, and enhances this Nation's welfare."

Many of the rest of us have likewise spoken seriously and factually about our national space program. It has all helped to keep our eyes focussed on the practicalities of a balanced effort. But, I fear we still have a large number of woefully uninformed citizens throughout the Nation who need your immediate attention.

By the way, the national advantages of space competence are recognized to some degree by countries other than the United States and Soviet Russia. In fact, actions to join the world's space club have also been taken by Italy, the United Kingdom, Canada, West Germany, Japan, Australia, Red China, and France.

SPACE VALUES

In an attempt to capsule the most important benefits of the national space program, so that they might form an outline for those of you who have the courage and are willing to seize the opportunity to spread the gospel, I have listed eleven points.

The national space program:

S Stimulate our production, employment, and income.
P Produces new goods and services.
A Applies technology to communications, observation, and navigation.
C Contributes to medicine, with new instrumentation and equipment.
E Encourages private enterprise.
V Vitalizes our educational system.
A Adds significantly to our store of scientific knowledge.
L Lifts to new heights the international prestige of the country.
U Utilizes systems analysis to solve community problems.
E Enables our country to lead the world in advanced technology.
S Strengthens our national security.

I listed those benefits in an abbreviated form so that they might more easily be remembered. Also, I placed them in that particular order so that the initial letters spell out the words "space values." That, again, may be useful to those who would find public education in the national space program an interesting challenge.

IGNORANCE VERSUS INVESTMENT

I have heard it said that critics of the national space program generally live in the leisurely world of ignorance. I would add that few who have been informed and who understand what the program does for the country continue to oppose it.

There are those, of course, who are trapped by the illogical proposition that if the money involved were not spent on space, it would automatically flow into projects in which they are more interested. They are the ones who refer to problems of health, housing, crime, air and water pollution, educational deficiencies, and other ills of our complex society and suggest it would be better if we invested our resources in those areas instead of in space technology and space exploration. I do not agree. It is not an "either/or" situation. In my judgment, if this country is great—and I know it is—it has the will, the ability, and the responsibility to handle both a vigorous space program and the social and economic problems which confront it.

In fact, our competence to solve the issues of the city is greater because of the space program. It is greater not only because of the improved technology and management experience which can be brought to bear on these problems, but it is also greater because the United States is wealthier as a result of the space program. When I said that the space program increases our gross national product and increases our national income, I could have added that it also raises our standard of living and makes larger our tax revenues which can be devoted to public service. We are indeed wealthier, not poorer, because of the national space program.

At this point, it may be instructive to note that not only does our space program, through its strong support of basic and applied research, make us better equipped to cope with our massive socio-economic problems, but history suggests that this kind of expertise is not nurtured and developed automatically. There is no precedent for the degree of support that the Government has provided for research and development since the advent of the Space Age. It is questionable whether this expenditure of money on research and development, in universities, industry, and government laboratories, with its enrichment of our over-all scientific and technological competence, would have occurred without the challenge of space. In the absence of such a challenge, we might have drifted fatally into the unenviable position of a formerly great nation.

COMMERCIAL UTILIZATION

Just as industrial research on Earth has become a vital import of the Nation's economy, so research in space itself offers a new and as yet untapped resource of vast and unpredictable dimensions.

Such a vacuum as exists on the Moon or in space generally is ideal for materials research, for thin-film technology, and for welding research.

By comparison with space, the clean research rooms of Earth are extremely contaminated. As for weightlessness, since we cannot duplicate it on earth, we must begin to pursue inquiries in space as to how this strange environment will affect such processes of commercial interest as the flow of fluids, heat transfers, and chemical reactions.

Many drugs must be manufactured under precisely controlled super-clean conditions—an environment which is readily available in space. Microelectronic devices involving tiny chips of materials for integrated circuits require super-clean conditions for their manufacture. In both these cases, the quality of the final product is so directly related to the super-clean environment that manufacture in space itself appears to promise unique advantages.

Space offers solar and cosmic radiation in abundance for industrial use unattenuated by Earth's atmosphere. Manufacturing processes using the vacuum and other special properties of space will yield whole new classes of useful devices. To gain such benefits will indeed require the achievement of excellence on a scale hitherto undreamed of. Yet, the promise of rewards is great.

In short, the potential of satellites to extract the maximum economic return from space has only begun to be appreciated and the potential of commercial return from this new environment has barely been defined.

INTANGIBLE VALUES

I am sometimes troubled by those who attempt to measure the value of our national space program only by the number and the importance of the material benefits which can be clearly identified. They count the inventions, the new products, the improved services, the electronic advances, and the multitude of related benefits and say this is the total. Actually, as important as those items are—and I consider them to be of great importance—there are other even more significant benefits flowing from the space program.

They may seem nebulous because they cannot be precisely measured or weighed or packaged. But I draw to your attention the fact that we cannot weigh or measure or package or even put a dollar sign on the value of education, or better health for our population, or greater national security, or a healthy competitive enterprise system, or better conditions of human welfare, or increased chances for world peace. Yet, even though they cannot be measured precisely, their values are so great as to make them priceless. And, the point I want to emphasize here is that the national space program helps us progress toward every one of these major goals. If serious cutbacks to the program are imposed, our achievement will be less and our objectives of social gain far more distant from attainment.

SPACE POLICY

We are engaged in an effort to reach out into the vast distances of space. We want to know more about this solar system which is our home. In the process of living up to these objectives, we create a greater ability to do things here on Earth. We create the competence which is essential if this country is to lead the world in human dignity and in human welfare. These benefits keep us going. And, therefore, I again urge that all who have the ability to speak do so in order that the program will continue to live and grow. Such is the policy of this Nation; but a policy, no matter how sound, can only result in major accomplishment if it is understood and supported by the general public. We have confidence that the road to space is the right direction to travel. We are convinced that to detour from this highway would give competitors an unearned advantage and cause us to lose some of the speed of our rate of national growth.

As an optimist and a crusader, I believe that this Nation will not neglect the priority of space for other important priorities but rather will distribute its resources among all the high priority programs. This we will do provided that the people understand the need.

HEARINGS ON NLRB SHOULD BE REVEALING

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. FISHER. Mr. Speaker, in a number of instances I have charged the National Labor Relations Board with prounion bias to the extent that the activities of this supposedly impartial agency performs a disservice to the entire country. I have cited many specific instances and have charged, among other things, that the NLRB and union officials are engaged in a conspiracy to organize the workers of J. P. Stevens & Co., irrespective of their oft-expressed desire not to be represented by a union. The larger issue, however, is that the NLRB is engaged in a general conspiracy to help organize all workers who presently do not belong to labor unions.

In connection with the NLRB and its operations, I would like to call the attention of the House to hearings which are being conducted before the Subcommittee on the Separation of Powers of the Senate Committee on the Judiciary. The chairman of that subcommittee is Senator SAM J. ERVIN, JR., of North Carolina, a very able and knowledgeable man. His subcommittee is examining the operations of the Federal administrative agencies, and first on the list is the NLRB.

Some of the country's leading labor lawyers and experts have testified before Senator ERVIN's committee. Among them have been Sylvester Petro, professor of law at New York University; Bernard D. Meltzer, professor of law at the University of Chicago; Cornelius J. Peck, professor of law at the University of Michigan; Thomas E. Harris, associate general counsel of the AFL–CIO; Senators FANNIN of Arizona, and GRIFFIN of Michigan; Mozart G. Ratner, well-known labor attorney who frequently represents unions; J. Mack Swigert, of Cincinnati, also a well-known labor attorney who generally represents management and quite a few others. Some of the witnesses have criticized the NLRB and others have defended it.

From what I have seen of the testimony, I have been impressed by a thread which runs through it. The criticism of the NLRB is in specific terms. The defense of the NLRB as it is constituted today is in more general terms. However, Mr. Ratner devoted a good part of his time to criticism of the Board's actions during the Eisenhower administration. He charges, for example, that after a turnover in Board personnel in 1952, its members "made clear that they conceived it to be their function to implement the labor policy of the Republican Party and the current administration, rather than the Taft-Hartley Act, judicially interpreted and conceived." But he also argued that the scope of quasi-judicial body, is substantial even "where the congressional purpose is doubtfuly or fairly debatable." He also makes a somewhat puzzling statement: "Ambiguity may lurk in even the plainest language." I fail to fully grasp his meaning but I think his position is representative of the attitude of today's NLRB. This agency has ignored and thwarted the intent of Congress in instance after instance, even when congressional intent and the language in the statutes was as plain as the English language can be.

One area in which the NLRB has ignored the letter and intent of the law is the provisions relating to election by secret ballot to resolve questions concerning union representation. Section 9(c), which provides for Board hearings in representation elections, was amended in 1947 to provide:

> If the Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof.

Obviously, if language means anything, a secret ballot of employees to determine their wishes before an employer is compelled to bargain with a union is mandatory where any question of representation exists. Yet, the Board has deliberately and systematically ignored this requirement and substituted the use of authorization cards obtained from employees in a variety of ways often ostensibly for purposes other than representation. Employers in instance after instance have been forced to bargain with unions never chosen by the employees through the secret ballot procedures directed by legislation and, in fact, without any other clear and unequivocal evidence of their desires.

One of the best known cases in which the congressional directive for secret ballot elections has been thwarted is that of Bernel Foam Products Co., 1964, 146 NLRB 1277. The Board's ruling in this matter is both astounding and fantastic. The union had lost a representation election. Yet, the NLRB allowed the union to file unfair labor practice charges against the employer, even though the alleged violations had taken place before the election and the union knew about them beforehand. As Mr. Swigert puts it in his statement before the Ervin committee:

> Thus, the union, knowing of the alleged labor practices, could proceed to an election. If it won the election, it would be certified. If it lost the election, it could still turn around, file a charge, get the secret ballot election set aside, and compel the *employer to bargain with the union in defiance of the wishes of the employees as expressed in the secret ballot election.* (Emphasis supplied.)

In Bernel Foam the Board reversed its longstanding rule that a union cannot delay pursuing its legal remedies in order to first test the sentiment of the workers. Previously in Aiello Dairy the Board established the principle that if a union believed that an employer had committed unfair labor practices in the context of an organizing campaign, the union could not proceed to an election, lose it, and then be heard to complain of employer misconduct and request a recognition order despite the election result.

The effects of this new rule and a classic portrayal of how the Board thwarts the intent of its own prior rulings, can be found in the Bryant Chucking Grinder case. In his statement before the Ervin subcommittee, Professor Petro laid out the facts of this case:

> 1. A union had been defeated in a secret-ballot election in 1959.
>
> 2. In 1962 that union began another organizing campaign. The record showed that the union circulated employee authorization cards on the basis of both public and private representations that the cards would be used in order to secure another election, not in order to secure immediate recognition of the union as exclusive bargaining representative.
>
> 3. Cards were signed by 198 of the 337 employees in the bargaining unit, but the employer refused to recognize the union on the basis of the cards, insisting instead upon an election (as the law permits the employer to do).
>
> 4. An NLRB-conducted secret-ballot election was held in November, 1962. *The union was rejected in this election by a vote of 184 to 124.*
>
> 5. In December of 1962 the union filed objections to the election alleging employer interference.
>
> 6. Entertaining the objections, the Board ordered a new election.
>
> 7. After the Board ordered the new election, the union (for reasons not explained) withdrew both its objections to the past election and its petition for a new election; instead, in January of 1963, the union filed unfair labor practice charges against the employer based on his pre-election conduct.
>
> 8. The NLRB Regional Director dismissed these charges on the ground that they were disqualified by the Board's decision in *Aiello Dairy Farms*, establishing the rule that charges would not be entertained when they related back to pre-election conduct.
>
> 9. The union appealed the dismissal to the NLRB General Counsel.
>
> 10. The General Counsel sat on this appeal for roughly two years while prosecuting other cases in which he argued that the Board should overrule the *Aiello Dairy Farms* decision.
>
> 11. Finally, in *Bernel Foam Products Co., Inc.*, the Labor Board overruled *Aiello*.
>
> 12. The General Counsel thereupon ordered the Regional Director to issue a complaint based on the charges filed by the union in this, the *Bryant Chucking Grinder* case.
>
> 13. Owing in part to delays common in the Board's glacial processes and in part to *exceptional* ineptitude on the part of the Board's Trial Examiner, an NLRB decision was not reached till late in 1966—some four years after the events in issue and the union's defeat by a vote of 184 to 124.
>
> 14. This NLRB decision held:
>
> (a) that the employer had never been entitled to the 1962 election because he had not had a reasonable basis for a "good-faith doubt" of the "majority status" established by the 198 signed authorization cards proffered in 1962;
>
> (b) that the employer's conduct prior to the election interfered with the free choice of the employees and thus invalidated the election; and
>
> (c) that the employer had a duty to bargain with the union from late 1966, on, despite the election defeat, because of the card majority in 1962. The employer appealed to the Second Circuit.
>
> Writing the court's decision, Judge Hays enforced the Board order with little attention to the facts of the case.

The ultimate result of Bryant, as Petro notes, was incredibly inequitable:

> There were 337 employees in the unit in 1962. There were 400 in 1967. Equally significantly, at least sixty of the card signers had left *Bryant Chucking* in the intervening years. Thus . . . the Board was giving the union exclusive bargaining status for over 400 employees in 1967 on the basis of signatures by roughly 135 employees in 1962—signatures gained, moreover, on the representation that the cards would be used to secure an election!

In another case, Cumberland Shoe Corp., 1963, 144 NLRB 1268, a union organizer distributed cards to employees, telling them that his purpose was to secure a Board election. The card, itself, said that the union was authorized to act as bargaining agent. Despite the deception involved, the Board held that the language of the card was controlling. It directed the employee to recognize the union. Such acts by the Board, and there are hundreds as extreme, show the contempt of the NLRB for Congress and the law and also disregard for the rights of management, individual employees and the public.

The standard NLRB defense is that the courts have upheld its ruling in the card check cases and in many other debatable instances. Not all the courts have backed the NLRB in its card check rulings. For example, the Fourth Circuit Court of Appeals in *NLRB v. Logan Packing Co.* (CA 4; 1967) 66 LRRM 2599, strongly criticised such court decisions in an opinion delivered by Chief Judge Haynsworth. He said:

> That the Taft-Hartley amendments did restrict the Board to the use of secret ballots for the resolution of representation questions seems plain enough. They specifically repealed that part of Section 9(c) which had authorized the Board to employ "any other suitable method" of resolving such questions, leaving a secret election as the sole basis of a certification.

Mr. Swigert's statement before the Ervin committee characterized the result of these cases:

> That the Board's card check rule is simply a pro-union device to help unions organize the unorganized is demonstrated by the fact that the Board never applies the rule when one union is running against another union, instead of just against *no* union.

I agree heartily also with another statement by the Cincinnati attorney whose integrity and knowledge are well known:

> The acceptance of cards in substitution for secret ballots is a rejection of the democratic principles which characterize American society. There is no supervision or regulation of the solicitation or signing of these cards. The card can be signed by a half drunken employee surrounded by fellow employees or strangers in a corner saloon. Any kind of pressure device can be used against the employee to force his signature. Everyone around will see his "vote". Few employees would dare to say no under such circumstances. Yet this card—obtained under these circumstances—is accepted by the Board as the exact equivalent of a secret ballot in a Board conducted election. Indeed, under many circumstances, the card is accepted by the Board in preference to the employees' own secret ballot.

In Professor Petro's opinion much of the trouble lies in the fact that Congress expected the NLRB to function as a regular court. He said:

> Unfortunately, however, the Labor Board members were asked to produce judicial results without being given one of the essential characteristics of federal judicial officers—life tenure—and without being placed in the only branch of the federal government which can, if it wishes, devote itself essentially to non-political disinterested interpretation of law—namely, the federal judiciary. Asking the short-term, politically oriented Labor Board members to act like a court was like asking a baseball pitcher to call his own balls and strikes.

Professor Petro says:

> The Board's apparent objective is to quell all resistance to union expansion. If it succeeds, employees and their freedom of choice will be the principal victims.
>
> Instead of fitting Congress' law to the facts as they exist, the Board persistently manhandles the fact so that they will produce the results it wants. *The Board wants every employee in the nation to wear a union label.* (Emphasis supplied.)

Professor Petro concludes that the National Labor Relations Board should be abolished and that Congress "must repeal its delegation of judicial power to the National Labor Relations Board and revest that power in the Federal courts." With that conclusion I am in complete agreement. As presently constituted, the NLRB is a partisan agency, dedicated to the objective of helping organize the workers of the country whether they want to be organized or not. The Board is dedicated also to helping increase the power of organized labor—or rather the leaders of organized labor—over the economy of the country and its political structure as well. And, furthermore, I agree with Professor Petro's fundamental conclusion:

> The fact remains that a majority of the Board will always be governed sooner or later by the political position of the Administration in power; five-year terms expire; then the Administration's labor policies reflect themselves in the new appointments.

One of the authors of the Landrum-Griffin Act several years ago was Senator ROBERT GRIFFIN, of Michigan. This act, as the Congress knows, represented still another attempt to restore some balance in labor-management relations and to try to offset and rectify the persistent bias of the Board in favor of unions by amending the Taft-Hartley Act. Senator GRIFFIN testified before the Ervin committee. Like Professor Petro, Senator GRIFFIN concluded that the NLRB must be abolished. In its stead, he suggested a Federal Labor Court.

The Michigan Senator also gave a lengthy list of cases which illustrate the bias of the NLRB with particular emphasis on the Board's practice of subordinating the rights of the workers to the demands of union power. I will give an example taken from his testimony:

> Richard Price, a 33-year-old veteran and father of five children, began working back in 1951 as a helper at Pittsburg-Des Moines Steel plant in Santa Clara, California. Price did not object when a union shop contract required him to join the United Steelworkers. Advancing job by job, Price finally became a crane operator. But as the years passed, he became disillusioned with the Steelworkers union.
>
> Price not only dared to voice his opinion, but one day he drove 50 miles to the National Labor Relations Board's San Francisco office seeking some advice. Assured by a government lawyer at the NLRB that he had every right under the law to circulate a decertification petition, Price returned and proceeded to seek support among his fellow employees for a move to replace the Steelworkers local with a different union.
>
> The leaders of the Steelworkers local reacted immediately and scheduled a June 1964 meeting to put Price on trial for "undermining the union". Gaveling down a request

> for a secret ballot vote, the local president called for a show of hands. With less than a third of the local's membership present and voting, Price was "convicted" by a vote of 20 to 15.
>
> Thereupon, Price was suspended from the union, fined $500, and charged the cost of his trial. Price then filed a charge with NLRB and asked for its protection. While awaiting help from the Board, Price stated that he found himself the target of continued harassment.
>
> Finally, Price's case was decided, but the NLRB gave Price no help and no protection. The NLRB's decision conceded that under the law Price had a "right" to file the petition as he did. Nevertheless, the Board held that the union's "disciplinary action" against him was permissible. Richard Price v. NLRB and United Steelworkers of America, AFL-CIO #4208, 154 NLRB 692.

Senator GRIFFIN also called attention to the notorious Allis-Chalmers case, in which the NLRB ruled that a union could fine a worker for exercising the rights granted to him under section 7 of the act—to wit, the right to refrain from participating in concerted activities such as a strike—without violating section 8(b)(1) of the act which makes it an unfair labor practice for a union to "restrain or coerce" employees in their exercise of section 7 rights. In a narrow 4–4–1 decision—Justice White concurring with the majority only in respect to the particular fact situation in Allis-Chalmers—the Supreme Court upheld the NLRB. In his dissent Justice Black delivered a stinging rebuke to the majority and pointed up in classic manner the fundamental conflict between the Board and the courts on the one hand and Congress on the other, as follows:

> Even were I to agree with the Court's three observations about the legislative history of Sec. 8(b)(1)(A), I do not think they alone justify disregarding the plain meaning of the section, and it seems perfectly clear to me that the Court does not think so either. *The real reason for the Court's decision is its policy judgment that unions, especially weak ones, need the power to impose fines on strikebreakers and to enforce those fines in court. . . .* Though the entire mood of Congress in 1947 was to curtail the power of unions, as it had previously curtailed the power of employers, in order to equalize the power of the two, the Court is unwilling to believe that Congress intended to impair "the usefulness of labor's cherished strike weapon." *I cannot agree with this conclusion nor subscribe to the Court's unarticulated premise that the Court has the power to add a new weapon to the union's economic arsenal whenever the Court believes that the union needs that weapon. That is a job for Congress not this Court . . .*
>
> The National Labor Relations Act, as originally passed and amended from time to time, is the work product of draftsmen skilled by long experience in labor affairs. These draftsmen thoroughly understood labor legislation terminology, especially the oft-used words "restrain or coerce." Sections 7 and 8 together bespeak a strong purpose of Congress to leave workers wholly free to determine in what concerted labor activities they will engage or decline to engage. *This freedom of workers to go their own way in this field, completely unhampered by pressures of employers or unions, is and always has been a basic purpose of the labor legislation now under consideration. In my judgment it ill behooves this Court to strike so diligently to defeat this unequivocally declared purpose of Congress, merely because the Court believes that too much freedom of choice for workers will impair the effective power of unions. . . .*
>
> Where there is clear legislative history to justify it, courts often decline to follow the literal meaning of a statute. But this practice is fraught with dangers when the legislative history is at best brief, inconclusive and ambiguous. This is precisely such a case, and I dissent because I am convinced that the Court has ignored the literal language of Sec. 8(b)(1)(A) in order to give unions a power which the Court, but not Congress, thinks they need. (Emphasis supplied.)

The effect of Price, Allis-Chalmers, and other similar decisions is to strip the act of the protections of the rights of employees intended and, indeed, specifically stated by Congress. The purpose of the act was primarily to protect employees and secondarily to balance and limit the powers of unions and employers. Today, as interpreted by the NLRB, the act serves the interests of the unions first, the interests of the employees a far distant second, and the interests of management, not at all.

Other witnesses appearing before the Ervin committee were Senator PAUL FANNIN, of Arizona, and Senator JOHN MCCLELLAN, of Arkansas. They also charged the NLRB with bias and gave examples to illustrate their charges. Senator FANNIN summed up his case as follows:

> 1. The Board has liberalized picketing restrictions so as to permit picketing at the premises of a neutral employer under certain circumstances.
>
> 2. It has legalized picketing of a neutral secondary employer with signs asking the public not to buy goods made by the primary employer against whom the union may have a grievance.
>
> 3. The Board now permits a union which has lost a representation election to charge an employer with refusing to bargain.
>
> 4. The Board requires an employer to bargain with a union before deciding whether to close an unprofitable department. This is but one example of the impairment of management's prerogatives.
>
> 5. Congress has outlawed hot-cargo contracts. But the Board has circumvented this by permitting work-standard clauses under which unions may forbid employers to do business with others whose work standards are not up to theirs.
>
> 6. The Board has imposed restrictions on free speech thus denying employees the right to hear both sides in an election.
>
> 7. An employer who moved his business from New York to Miami was required by the Board to bargain at the new location with the union he had in New York even though the union was unable to show that the Miami employees wanted a union.
>
> 8. And a very important case, of course, involves the famous Philadelphia Pre-Cut Door decision to the effect that members of the carpenters union on a building job may refuse to install prefabricated materials. The Landrum Griffin Act outlawed contracts which required an employer to cease handling products of any other employer. Predictably the Board ruled that the law does not mean what it says.
>
> What this means is that in building a house, the Union is given the power to arbitrarily and artificially create work for its members at the expense of other union members and to deny the owner of the house the benefits of modern technology and mass production. The Supreme Court upheld this decision of the Board by a 5–4 decision. Can it be said that Congress intended any such absurd result as this? If ever there was an example of defying Congress' will, this is it.
>
> The logical extension of this ruling, and it has already been fastened upon by unions in some parts of the country, is that the decision applies to all kinds of prefab components. If this interpretation prevails, it is obvious that a severe brake could be imposed upon our economy. If Congress does not specifically prohibit such boycotts, unions will have the power to keep new products and new techniques from being used to lower construction costs and prices.

Among other things, Senator MCCLELLAN said:

> The rights, privileges and immunities of labor unions have been magnified and inordinately extended by the National Labor Relations Board and the Supreme Court. The inevitable result of their decisions has been the amplification of unrestrained and awesome power in the hands of the leaders of organized labor. This imbalance in power in favor of labor organizations has made a mockery of the processes of collective bargaining. It is little wonder, therefore, that collective bargaining has not been working as Congress hoped it would. And until equality of bargaining power is restored at the bargaining table any hope on the part of Congress or the public, that we will soon be free of strife and strikes, will be a futile hope indeed.

I have been sharply criticised for statements that the NLRB operates on a pro-union bias. But some of the country's leading labor experts agree with me. In reality, the evidence of NLRB bias and discrimination is overwhelming. The almost unforgivable sin in the eyes of Board members is for an industry or a company to resist organization of its employees, regardless of the circumstances.

In a House speech in October 1967, I said that the efforts by the Textile Workers Union of America, assisted by the AFL–CIO and the NLRB to organize the workers of J. P. Stevens & Co., the country's second largest textile firm amounted to a conspiracy. I repeat that charge today.

Much has been made of the fact that the NLRB found the Stevens firm guilty of unfair labor practices. The company was charged with discriminating against employees who favored organization.

But anyone who has studied the practices of the Board in cases involving organization efforts would agree, I think, that a verdict against Stevens was a foregone conclusion from the time the charges were filed. The NLRB examiners decided the company was guilty through a very simple process. They decided that the witnesses for the company were lying and that the witnesses for the union were telling the truth. This is a simple, direct, and most effective way of reaching the objective—to help unionize Stevens employees. Much has been made of the fact that the verdicts against Stevens have been upheld by the second circuit court of appeals in two cases. In one case, the Supreme Court refused to review the case, thus letting the decision by the circuit court stand.

Anyone familiar with the rulings of the Federal courts in NLRB cases should not have been surprised at the decisions by the second circuit. The Federal courts, or most of them, habitually defer to the so-called expertise of the NLRB and the Supreme Court, itself, has been guilty of decisions on labor matters that have flagrantly ignored the law and the intent of Congress.

The unions and the NLRB take the view that the national labor policy, requires unionization of all industrial workers in the United States, regardless of statements in the Taft-Hartley Act that a worker has a right to join or not join a union. Any resistance to unionization, resistance such as the Stevens Co. has shown, is regarded as action against the interests of the workers despite all indications to the contrary on the part of the workers themselves. The premise is based on the conclusion that unionization will be beneficial to the employees.

This conclusion needs careful examination. A recent labor controversy is a case in point. About 60,000 copper workers were on strike for nearly 9 months. The fundamental issues did not involve wages or working conditions. They involved an attempt by the unions to achieve uniformity of contract items, including wages within the major copper firms, through the technique of coalition bargaining.

Coalition bargaining is a device intended to achieve companywide or industrywide bargaining in industrial situations involving more than one union and in which plant or unit bargaining has been the rule and is economically necessary. It ignores local conditions and, once established, coalition bargaining means that the wishes and needs of local unions and individual members will amount to very little.

The 26 unions did not succeed in their objectives. The final settlements excluded the conditions the unions deemed necessary to establish companywide bargaining—uniform economic terms, simultaneous contract expiration dates, and companywide settlements. Also, the settlements were on terms only marginally better than that which the companies would have given without the 8 months of idleness for the copper workers, 40,000 of whom were members of the steelworkers union. Or to put it another way, the copper workers lost and lost heavily for something which their leaders wanted but which would have been of little benefit to them. The individual worker will require years to recover his losses, and most will never recover them.

But the steelworkers union, which directed the strike and to which most of the striking copper workers belonged, did not lose. Most of its members are members of the aluminum and steel industries and steel and aluminum are among copper's principal competition. The losses by the copper industry probably will be balanced by gains for the aluminum and steel industries.

This strike furnishes an instance and a most recent one where union membership worked to the detriment of the individual member. There are many other instances which could be cited, and which the NLRB might consider, occasionally, in its hectic, emotional, and assiduous program to unionize, by any means available, all of America's workers. At least many indications point that way. As I see it, when workers join a union voluntarily, the members control the union; but when they join involuntarily the union controls them.

REMARKS OF HON. SILVIO O. CONTE, OF MASSACHUSETTS, AT BANQUET OF UNICO

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. BOLAND. Mr. Speaker, Congressman SILVIO O. CONTE, my able and distinguished colleague from Massachusetts, was honored last week by the West Springfield, Mass., chapter of UNICO, an Italian-American men's club chartered for public service.

Citing Mr. CONTE's outstanding career in the Massachusetts Legislature and in the U.S. House of Representatives, the organization awarded him its certificate of Government achievement at its annual dinner last Saturday.

In his acceptance speech Mr. CONTE traced the history of Italian immigration to the United States, outlining the enormous contributions that Italian-Americans have made to this Nation.

With permission, I would like to insert Mr. CONTE's speech in the RECORD at this point:

REMARKS OF REPRESENTATIVE SILVIO O. CONTE, OF MASSACHUSETTS, AT ANNUAL BANQUET OF UNICO, WEST SPRINGFIELD CHAPTER, FOUR-60 TOOL HOUSE, WEST SPRINGFIELD, MAY 4, 1968

It certainly is a great pleasure for me to be here tonight with you and I am deeply honored to have been chosen by West Springfield's UNICO Chapter to receive this certificate of government achievement.

At the outset, I would like to congratulate your organization for all of the fine work it has done and for all of the excellent contributions it has made, both in our own Western Massachusetts community, and across the nation.

I also think it is wonderful that the proceeds of this affair will be going to such a deserving cause as the Retarded Childrens Fund. I have always strongly supported legislation providing federal assistance in the areas of mental retardation and mental health.

I am, as we all are, an American first. But I am also proud of and deeply indebted to my Italian background. We are all the products of our past and mine has been greatly influenced by the cultural and spiritual attributes which have been passed on by generations of our Italian ancestors.

It is therefore especially rewarding for me to be honored by a group of people with similar backgrounds and experiences as mine, a group whose recognition gives me the satisfaction of believing that I have been able in some ways to live up to the goals and standards established for us by our Italian forefathers.

I am aware that one of UNICO's pet goals for this year is to create a greater public awareness of the contributions that Italians have made to our nation.

I wholeheartedly applaud your efforts along these lines.

There has grown up in this country a completely false and unjustifiable association of our people with the world of crime and frankly I'm just sick and tired of it.

Certainly there are people of Italian background who live in a world of crime and outside of our society. But there are men of every other background you can possibly think of who do the same thing.

And for every Italian-American who may infect and attack our society there are hundreds and hundreds and hundreds of thousands of honest, forthright and hardworking men and women of Italian background making enormous contributions to our nation.

This is a story which should and must be told and I believe that efforts such as yours are most important in bringing out the true picture.

It is a story which dates back to 1492 when an Italian named Columbus became the first European to set foot on American soil. Ever since men and women of Italian blood have been on the march in this nation of ours.

The first American soldier killed in World War I was of the same stock as Columbus. Ever since—and long before—Italian-Americans have fought and died for the nation to which Amerigo Vespucci gave his name. The great love of our kinsmen for the United States can be seen in the high numbers of applications that they file each year to become citizens.

We number millions in America and yet in all the years before the Civil War fewer than 5,000 entered the United States—mostly traders, scholars, and political refugees.

About 50,000 Italian immigrants came in 1880. From then on the tide grew. In one year alone—1907—more than 300,000 entered the Port of New York. Because the bulk of our forefathers did not arrive until the end of the last century and this century, they did not have the natural advantages of older residents who had inherited lands, tools, furnishings, dwelling houses and friends from earlier colonists. Often the first Italian newcomer had to leave his wife and children in the Old Country until he got settled in a job in the new world. Some were exploited by the Padrone System of job-slavery, some at first could find only hard manual labor tasks.

We, their children, owe a lasting debt of gratitude to our fathers. Because of their great dreams, their back-breaking toil, their sacrifices, many of us have had a better chance in life than they had.

We also owe unfailing gratitude to our mothers. These splendid women—women of the race from whom the great painters picked their models for the Madonnas—kept the family together and brought up their children in the Christian faith which today sustains us.

Yes, we are justly proud of the great names our homeland has given the world: Cesare, S. Agostino, S. Tommaso d'Aquino, San Francisco d'Assisi, Fra Angelico, Michelangelo, Leonardo da Vinci, Raffaello, Cremona, Galileo, Marconi, Mazzarino, Garibaldi, Marco Polo, Caboto, Stradivare, Verdi, Donezzetti, D'Annunzio, De Gasperi, Pope John, Pope Paul and many others since the days of Romulus and Remus. To list the Italian "Who's Who" is to call the role of many of history's most illustrious sons. But let us be equally proud of the thousands of lesser known men and women who had the vision and courage to come as strangers to this continent and by their coming gave to you and me the opportunity to become Americans.

Our ancestors built the famous Roman roads—the finest roads in the world—by which civilization was spread north to France, Spain, Germany and England. Their descendants built the famous American highway that linked the regions of our land into a true United States. The railroad tracks that span the continent were laid by Italian fingers. The skyscrapers that pierce the heavens were erected by Italian hands.

Building is in our blood. So is creating. We are workers and doers and accomplishers.

Italian-Americans have been active in every phase of life in this nation from agriculture to the arts, from public service to the professional world, from the arts to the sciences, from the world of athletics to the world of entertainment.

Just this past week Constantine Brumidi, who worked in the Nation's Capitol Building under six Presidents recreating the glory of America in his frescoes and portraits was honored in Washington. A bust of Brumidi was dedicated and placed in the Nation's Capitol in honor of his work there.

Italian-American efforts have taken place all over this land.

In California such efforts initiated the cultivation of grapes and olives and the DiGiorgio Fruit Corporation became one of the largest agricultural enterprises in America.

And who became the greatest producer of peanuts? Obibi, an Italian-American. You can imagine how many children as well as adults he has brought happiness to at a ball game or a circus.

In California and in Massachusetts, Italian-Americans are becoming the largest group of fishermen in this country. It is only fitting that a people whose patron Saint is Saint Peter should carry on in the same trade as that great Apostle.

Many other laurels have been won—in many fields—by outstanding Americans of Italian blood. Millions of Americans have been enchanted by the music of Caruso, Martinelli, Toscanini, Luisa Tetrazzini, Frank Corello. And millions of women still react to the voice of Frank Sinatra today as they did many years ago.

Our children may not have seen him but where is the baseball fan among my generation who did not marvel at the performances of Joe DiMaggio whether he was or wasn't a Yankee fan. Think of aircraft and we think of Bellanca; of education and there is Angelo Patri; of finance and its Giannini; of science and Enrico Fermi.

Think of politics and there is our own great Governor John A. Volpe, and what American but thrills at the memory of that greatest of all American mayors, honest, incorruptible Fiorello LaGuardia.

I do not mean to imply that we should or can separate ourselves apart as a group from the history and the culture and the society of America. It is rather the wonderful melting pot qualities of our land which has been a primary factor in the greatness of this nation.

Lincoln was of English stock but he was our Lincoln too. Franklin and Theodore Roosevelt were of Dutch stock but they are kin to all of us. The poet Longfellow belongs as much to us as does Dante while spaghetti is now as American as baked beans.

We are in truth all Americans, sharing together the talents of every race whose forebears came here. The terrible lists of war casualties from Vietnam contain the names of Adams and Parker, of Taylor and Jones, as well as the names of Scolponetti and Annunzio.

We are in the end all Americans sharing our mutual fears and our mutual joys.

But at the same time, however, I believe it is perfectly proper for us to take great pride in the heritage that we have been blessed with by our ancestors, a heritage which not only has benefitted us but which has benefitted our nation.

I certainly take great pride in that heritage.

I know that everyone of you also does.

And while we can look to the many names of past and present who have brought fame and recognition to this country's descendants of Italy, in the final analysis the role played by the average Italian-American citizen, is the greatest cause and reason for pride in Italian-American contributions to this land.

His patriotism and love of country, his dedication and devotion, his industriousness and resolve have been a normal part of his daily existence.

He has been a solid citizen in this nation, someone you could always count on when the chips were down.

He has been a citizen who cares, a citizen who has channeled his well-known passions not inward but rather outward to meet the problems and the troubles that challenge our times.

The work of your organization and similar organizations certainly evidences this.

If someone ever says to you, "my ancestor came over on the Mayflower," I would suggest you acknowledge his family pride with respect. I would also suggest that you remind him that ours came over just a little earlier on the Santa Maria.

For some 475 years we have been a vital and a vibrant part of this nation. Our role has been an important one and our contributions have been enormous. I am proud of that role, I am proud to be an Italian-American, and I am proud to receive the honor which you, my fellow Italian-Americans have bestowed upon me tonight.

FOREIGN OPINION AND AMERICAN POLICY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1968

Mr. ROYBAL. Mr. Speaker, the Los Angeles World Affairs Council is a nonpartisan and nonprofit community educational organization, with a membership of 5,000 representative citizens. It is dedicated to the belief that an informed public opinion is the democratic basis for sound foreign policy and that public understanding of international relations is essential to the formation of such a foreign policy.

Leonard H. Marks, Director of the U.S. Information Agency, addressed the Los Angeles World Affairs Council, May 3, on the subject "Foreign Opinions and American Policy."

While underscoring the true importance of foreign opinion as a factor in the formation of American foreign policy, he also revealed that there were certain common myths and misunderstandings about just what constitutes public opinion.

Mr. Marks clearly detailed why an international information program is a major dimension of American diplomacy, at the same time discussing both its potential and its limitations.

The text of USIA Director Marks' speech before the Los Angeles World Affairs Council follows:

FOREIGN OPINION AND AMERICAN POLICY

(An address by Leonard H. Marks, Director, U.S. Information Agency before the World Affairs Council, Los Angeles, Calif., May 3, 1968)

At the outset, so that there will be no misunderstanding of what I say later, let me make clear two points:

I have nothing against taxi drivers.

I do not advocate discontinuing the use of statistics. My third point I prefer to save for the conclusion.

In August, the United States Information Agency will celebrate its fifteenth birthday. There were predecessor organizations in the Department of State, but even they postdated World War Two. Before 1947, the United States—then 171 years old—had never had a peacetime government department concerned with explaining this country to the people of other countries.

When USIA came into being, there were those who thought it unnecessary, and some who considered it practically un-American.

The former did not believe it mattered much, if at all, what foreigners thought of our actions, policies, or culture.

The latter held that, no matter what you called it—information program, cultural exchange, or whatever—the Agency's mission was propaganda, and propaganda was simply not in the American tradition.

These skeptics were sincere and well-intentioned, but time had passed them by.

Once, it did *not* matter what the *people* of other countries thought of our policies and actions. In most cases, they—the people—did not have access to sufficient information even to form an opinion. And if they did, they were powerless to do anything about it. How their *governments* viewed us was something else again. The traditional diplomatic procedure of governments talking only to other governments was thus not only proper, but realistic.

And for a long time, especially during and following the era of Goebbels, Mussolini, and company, propaganda *was* a dirty word, with connotations decidely *not* in the American tradition.

World War Two, however, changed more than the art of warfare:

Science entered the atomic era.

Transportation moved into the jet age.

And electronic communication conferred real, and irrevocable, meaning upon the word *mass* in the term *mass media*.

Nothing was ever again to be the same.

Villages isolated by geography, weeks or months of arduous overland travel away from urban centers, suddenly found themselves thirty minutes removed by air. People in jungles, deserts, and the high plateaus, whose only contact with the outside world had been through occasional travelers, all at once acquired the means to learn of other and better ways of life beyond the horizon. And masses whose only image of an all-powerful government was the unwelcome tax collector, or soldiers, or police, came to understand that it was upon the consent of the people that the distant government's power was dependent.

Neither domestic politics nor international relations were immune to the change. It was a brand new game, with the ground rules not yet established.

The title of my talk is *Foreign Opinion and American Policy*.

This was not selected for balance or provocativeness.

Neither was it selected at the last moment, without real meaning, to satisfy the requirements of a program committee.

It sums up a thesis: when foreign opinion truly became a consideration in the formulation of American policy, at that moment in history an official U.S. information program directed at the people of other countries became a necessity.

In a few civilizations prior to the twentieth century, public opinion played a part in the scheme of things. The publics, however, were fewer in number and considerably limited as to size. And the means for expressing opinion were primitive.

As described by James Bryce in *The American Commonwealth*, "In the earlier or simpler forms of political society, public opinion is passive. It acquiesces in, rather than supports, the authority which exists, whatever [that authority's] faults, because it knows of nothing better, because it sees no way of improvement . . ."

With this in mind, we might consider that, as late as 1824, only 5.1 per cent of the eligible voters voted in the United States presidential election of that year.

Yet, by 1859, John Stuart Mill could state: "In politics it is almost a triviality to say that public opinion now rules the world." And Lincoln could note that "with public sentiment on its side, everything succeeds; with public sentiment against it, nothing succeeds." Napoleon, meanwhile, had concluded that "four hostile newspapers are more to be feared than a thousand bayonets."

There are numerous reasons for the spread of public opinion and the growth of its importance in modern times.

One factor has been the growth and spread of educational facilities. As a people become better-educated, ideas are multiplied, aspirations are expressed, intellectual unrest is stimulated, and the opinions of the masses become more urgent and more vociferous.

Another factor has been the diffusion of democracy and the extension of suffrage.

Most important, however, has been the improvement in, and devising of new means of, communication among peoples and between peoples and their governments. Most significant of these has been the development of the mass media in our "electronic age of communications." Consider, by way of example, just one of the electronic media—the transistor radio, a post-World War Two development.

Several years ago I visited a small village, near the Khyber Pass, lying in an area long contested by Afghanistan and Pakistan. There were no paved streets, no modern hotels. The chief attraction was a small bazaar where travelers came from great distances to buy ammunition for their rifles, cloth for clothing, and a few staples for use in the home. But, in this little bazaar, there was a stall where transistor radios from Germany, the United States, and Japan were being sold. I asked the proprietor which programs could be heard. As a good salesman, he decided to show me, rather than tell me. He twirled the dial and, in rapid succession, tuned in Radio Moscow, Radio Peking, Voice of America, and the BBC. Here, in this remote hinterland, the sophisticated voices of the East and West were heard loud and clear.

As printing opened up vast new horizons to fifteenth century Europe, so the transistor radio is bringing the world to hundreds of millions still isolated from the twentieth century.

Here is a more graphic description of what is happening throughout the world:

"On the grassy Tanzanian plain, a stately Masai herdsman strides behind his scrawny cattle, a lion-killing spear in one hand and a . . . Japanese transistor in the other. Transistors sway from the long necks of plodding camels deep in the Saudi desert and from the horns of oxen plowing the furrows of Costa Rica. Radios are replacing storytelling dervishes in the coffeehouses of Turkey and Iran, and they are standard equipment in the tea stalls of Pakistan. Thailand's *klongs* echo to transistor music from peddlers' sampans; a visitor to an Ecuadorian *minga*, in which the Indians come together for communal road building, calculated that at least one tiny transistor radio was sounding its unavoidable message every twenty yards along the two-mile road."

In a book he wrote thirteen years ago, Egypt's Nasser said it this way: "It is true that most of our people are still illiterate. But politically that counts far less than it did twenty years ago . . . Radio has changed everything . . . Today people in the most remote villages hear of what is happening everywhere and form their opinions. Leaders cannot govern as they once did. We live in a new world."

Not surprisingly, there are now fewer skeptics who question the need for an American governmental agency charged with communicating with the people of other countries.

In their place, however, are many who

Have a distorted or erroneous view of foreigh public opinion, or

Go to one of two extremes regarding our information program: under-estimating its potential or, conversely, attributing to it impossible capabilities.

There are people who take a trip abroad, for a period of days or weeks, visiting one or more countries, and then return to expound upon public opinion in the countries they briefly visited. They obtained the information upon which they base their estimate of public opinion from two or three English-speaking taxi drivers.

Now, as I said at the beginning—my first point—I have nothing against taxi drivers. But two or three taxi drivers hardly constitute a sampling of any nation's public. As a matter of fact, from what I have observed of taxi drivers and their individualism, I would say it does not even constitute a valid sampling of a nation's taxi drivers' opinion!

There are others who are able to read the language of the country they visit. They study the daily newspapers carefully. They read the editorials and commentary. They analyze the news content. They perceive various lines of thought on current issues. And they conclude—also erroneously—that this reflects public opinion. Many are not aware that the literacy rate in some countries is only 10 to 25 per cent, or that the "newspapers" are organs of a political faction or special interest group.

To cite one more example, there are more sophisticated observers of this or that foreign country, who carefully study public opinion polls which have been taken there and published. So far, so good. But these observers, on the one hand, often fail to compare survey results with other indicators of public opinion and, on the other hand, frequently attempt to project the data and predict a future course of public opinion.

I am reminded of a short item I read not long ago. A survey, it reported, revealed that in 1940 each car on the road contained an average of 3.2 persons. In 1950 occupancy had declined to 2.1 persons per car, and, by 1960, the average was down to 1.4 persons. Projecting these statistics, can we not conclude that in 1980 every third car going past would have nobody in it?

My second point was, "I do not advocate discontinuing use of statistics," but I insist that objective statistics can never replace subjective reasoning in dealing with the minds of men.

What I am getting at is this:

Before foreign public opinion can be considered a factor in the formulation of American policy, it must be determined on the basis of several sources of information. Public opinion surveys are just one of those sources. The press is just one. And so are taxi drivers.

Assuming that an adequate number of sources can be tapped and that the opinion of a foreign public on a given issue can be determined, that is still not enough.

A military commander would have little use for intelligence presenting an enemy's capabilities without complementary intelligence about that enemy's intentions. Similarly, knowledge of a public's opinion on an issue, without corresponding knowledge of the intensity with which that opinion is held, is of little value to the policy maker. Experience shows that opinions lightly held by large numbers of people frequently have less influence upon the course of affairs than intensely held opinions of the few. "Then men who care are a match for a hundred who do not."

A failure to understand this point could easily result in directing an information program toward the wrong audience, with the apparent support of scientifically valid data.

The mass media of the electronic age multiplied publics and made possible the birth and growth of public opinion where it had never before existed.

A revolutionary change has been wrought in the power bases of domestic politics everywhere and in the conduct of international relations.

The essentiality of an information program becomes self-evident within this context. I am speaking, I wish to make clear, of an information program which

Seeks to inform, not mislead;

Deals in truth, even when unpleasant, rather than lies, no matter how glittering; and which

Has as its objective *not the manipulation*, but the *informing* of public opinion.

Informing a foreign audience, however, involves considerably more than presentation of data. And communicating the truth cannot be accomplished by simple recitation of the facts.

In his book, *Public Opinion*, published back in 1922, Walter Lippmann stated:

"If we cannot fully understand the acts of other people until we know what they think they know, then in order to do justice we have to appraise not only the information which has been at their disposal, but the minds through which they have filtered it. . . . The identical story is not the same story to all who hear it. Each will enter it at a slighly different point, since no two experiences are exactly alike; each will re-enact it in his own way and transfuse it with his own feelings. . ."

If we are to be effective, our personnel must understand the background, culture, and prejudices of intended foreign audiences. We must rely on communicators who can package messages so that they will be received and understood by the intended audiences. We must have technicians who can assure that the messages will get through. A radio broadcast which is not heard, or not understood, is as useless and frustrating as an undelivered letter.

And now my final point:

An information program is *not* a diplomatic frill, *not* a policy afterthought, *not* a foreign affairs luxury.

An information program *is* an integral part of American foreign policy—an indispensable dimension of American diplomacy—and it can become the principal access artery of the road to peace.

There are, to be sure, limits to what an information program can accomplish:

While it can inform public opinion, it cannot be expected in a short period of time to alter long-held, deeply-rooted attitudes or prejudices.

It cannot confer instant political responsibility and enlightenment upon an audience which lacks the requisite twentieth century education.

What an information program *can* accomplish, however, is vital to the achievement of American policy objectives. That is why I have invited your attention to the negative side, to what it cannot accomplish. It is far too important that our information program achieve its realistic goals for us to even consider—much less permit—squandering of resources on pursuit of what may not be attainable.

We can—and do—enlighten people who have no other means of learning about American domestic and foreign policy.

We can help those in less developed areas by bringing them vital information about economic, social, and political affairs.

We can shed light in dark corners, blow fresh air into closed societies.

We can make men everywhere realize the aspirations shared by their brothers—regardless of their race, color, language, or heritage. These things we *can* do, and I believe, we *do well* today.

As long as people lived in isolated communities separated by high mountains and impassable jungles, they were not only uninformed, but suspicious and distrustful of their neighbors. There are still places in Africa where the local language has no word for *stranger*. The word used for *stranger* is the one which means *enemy*.

The electronic age of communications has demolished these barriers and has rendered frontiers obsolete.

Even the once formidable barrier of illiteracy has been breached, with the electronic media conferring what I call "instant political literacy."

As a result, there is an ever-widening spread of knowledge of world events and a corresponding improvement in relations between neighboring states.

Powder kegs may still exist, but more and more they are being de-fused. India and Pakistan now discuss their differences, and Greece and Turkey can talk about the Cyprus problem. And no matter how frustrating and futile it may at first seem, while nations or peoples talk over their differences, the guns are silent.

This development has not been limited to the free world. The electronic media penetrate the curtains—whether iron, bamboo, or cane. Because of electronic developments, it is simply no longer possible for a regime to prevent its people from acquiring outside information.

Jamming of the Voice of America broadcasts was abandoned by Soviet Russia and Eastern Europe in 1963 and today exists only under the most rigid and unyielding regimes: North Korea, Communist China, Bulgaria, and Cuba. Aside from the fact that it can never be one hundred per cent effective, the institution of jamming is self-defeating in that it makes outside information more attractive and stimulates the curiosity of those who are prohibited from hearing the truth.

NBC Moscow correspondent Irving R. Levine reported: "Radio broadcasts like the Voice of America are forcing the Soviet authorities to acknowledge events to their own people that they would otherwise prefer to ignore. . . . Russians are able to notice that the Soviet version of events usually comes several days after broadcasts from Washington and London. Russians are able to note the discrepancies between reports from overseas and those published in Russia, and you may be sure the Russian people draw their own conclusions about what is the truth."

Another aspect of the political revolution being wrought by electronic communications may be seen clearly in the increasing attention paid by the regimes in closed societies to public opinion.

From Warsaw, Poland, comes this most interesting item:

On April 13, the Polish press indirectly attacked several government agencies, two of them headed by members of the Communist Party's ruling Politburo. This in itself is significant. But even more so is the following passage from an article in the Party newspaper, *Trybuna Ludu: "Public opinion has the right to know* how it happened that a diplomat who enjoyed the full confidence of the leadership of the Foreign Ministry, a diplomat and a chief of a responsible and important post, committed such dishonorable acts." [Italics supplied.]

Just imagine: *"Public opinion has the right to know!"* In a communist country!

We have now reached—and come to rest upon—a plateau. The path is still upward and ever brighter. Technology *continues* to improve the access of all peoples everywhere to knowledge and truth, and the future is even more exciting than the past.

The result cannot be other than improved understanding among the peoples and nations of the world, and, as has always been the case, the fact of increased understanding becomes the first giant step on the road to peace.

In conclusion:

No more can the destiny of nations be settled in hushed corridors of diplomatic missions.

The voice of the people comes through loud and clear. Governments have no choice but to listen. And to stay in power, leaders must tune in to the people's wave length.

Physical barriers—mountains, jungles, and oceans—have disintegrated. Language barriers have been overcome. And when reasonable men listen to and understand their neighbors, they cease to fear the unknown. The more one sees and hears of those experiences common to all men, the less likely is one to fight over those issues which separate us. The word *stranger* need *not* be synonymous with *enemy:* we can make it mean *friend.*

The age of electronic communication has demonstrated that the free flow of ideas is an irresistible force—piercing iron or bamboo curtains, entering closed societies, opening closed minds: that men everywhere cherish the same dreams—freedom from want, ignorance, disease. Men everywhere seek the same reasonable goals—a satisfying job, a secure home, a nutritious meal, and an atmosphere of peace in which to raise children who can make this world a better place in which to live.

I pray that we may reach that promised land.

THE 21ST ANNIVERSARY OF VOICE OF DEMOCRACY

HON. THEODORE R. KUPFERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. KUPFERMAN. Mr. Speaker, 1968 marks the 21st anniversary of the Voice of Democracy, a program sponsored by the Veterans of Foreign Wars of the United States, its ladies auxiliary, and cooperating National and State Associations of Broadcasters.

Heyman "Sandy" Rothbart, a friend and constituent, who became the first VFW all-American department commander out of New York State, has been New York State chairman of this fine program for 12 years. His work with American youth through the Voice of Democracy program has made a distinct contribution to the development and enrichment of our Nation's citizenry.

The Voice of Democracy program is designed to give high school students the opportunity to voice their opinions on patriotic themes and to convey them via the broadcasting media to all America. The program is open to all 10th, 11th, and 12th-grade students in public, parochial, and private schools in the United States, its possessions and to children of military and civilian personnel serving with the Armed Forces overseas.

The program is not confined to any specific doctrine but, rather, it is designed to give expression to the aims and goals of American youth without emphasis on conventional views. This year's theme is entitled "Freedom's Challenge," and the participants are asked to speak about freedom and positive Americanism and not against other ideologies.

I recently had the privilege of meeting with the New York State winners of the program as well as the many individuals who have contributed to the program's success. Among them are New York County Surrogate S. Samuel Di Falco, Civil Court Judge Louis I. Kaplan, and NBC Moderator Ben Grauer, all of whom are residents of my congressional district. I also met with the prominent judges who serve on the program's panel: State Commander John R. Ray, New York County Commissioner Frank Gigante, and my colleague and friend Congressman SEYMOUR HALPERN.

In light of the many problems our country now faces both here and abroad, the Voice of Democracy program must be commended for its efforts to stimulate and encourage American youth in its understanding and expression of freedom today.

I know that my colleagues will want to join me in celebration of the 21st anniversary of this fine program.

RUMANIAN NATIONAL INDEPENDENCE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. PUCINSKI. Mr. Speaker, I am pleased to call the attention of my colleagues here in the House to the celebration of the 91st anniversary of the independence of Rumania.

On May 10, 1877, the Rumanian people realized their goal of an independent state which was the result of a turbulent and often violent history of oppression and domination.

The election of Charles of Hohenzollern-Sigmaringen as prince and the adoption of a new constitution providing for a legislative body and certain powers granted Prince Charles marked the end of domination by the Ottoman Empire over the Rumanians in 1866. Though Rumania now possessed its first constitution and parliamentary government had been introduced in the country, there still remained certain special powers reserved for the monarch alone.

It was the Russo-Turkish War of 1877–78 that Rumania was able to fully take advantage of the deteriorating power of the Turks, against whom she had fought in alliance with Russia, and declared its independence on May 10, 1877.

This independence was affirmed by the Treaty of San Stefano on March 3, 1878, which marked the end of the war and provided Turkish recognition of Rumania's independence.

It was in June of 1878, through the Treaty of Berlin that Rumania's independence was finally recognized internationally. Formal recognition from great powers of the world followed, and having disclaimed all ties with the Ottoman Empire, the Rumanians crowned their first King on May 22, 1881.

Rumania, as an independent state, made its mark in years to follow in international politics throughout Europe.

As a participant in the second Balkan war, coupled with her assistance to the Allies against the Central Powers during World War I, and finally through Rumanian involvement in World War II, Rumania was able to play an integral role in the changing structure of the European Continent, despite the threats which existed to her independent state at the time.

Mr. Speaker, the conclusion of World War II brought to the soil of Rumania an overwhelming threat that could not be halted, even by the strong determination which existed in the hearts of the people themselves to be free.

The Soviet armies which occupied Rumania brought with them the promise of future domination, and it did not take long before certain government positions were held by Communist representatives. The force which confronted the people of Rumania could not be revolutionized. The choice of government was no longer their own.

In December of 1947 the Rumanian People's Republic was declared, marking the total communization of Rumania.

Although today marks the independence of a country no longer able to enjoy the self-rule achieved 91 years ago, it is fitting for us to pay tribute to the continuing spirit of joy which remains in the hearts of Rumanians and Americans of Rumanian descent.

The dogmatic observance of May 9 as the anniversary of Soviet achievement in Rumania continues in accordance with rule in that country today.

The silent and resolute observance of May 10 as the anniversary of Rumanian independence continues in accordance with reason—until the opportunities of our time again bring freedom to Rumania.

RUMANIAN INDEPENDENCE DAY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. WOLFF. Mr. Speaker, 90 years ago today the people of Rumania achieved a centuries-old dream of national independence. On May 10, 1877, in the midst of the Russo-Turkish War, Rumania proclaimed her independence and thus severed the anachronistic ties that had bound the Rumanian people to the Ottoman Empire.

Like the United States, Rumania had to fight to establish its independence. And like the United States, Rumania was successful.

In the wake of independence Rumania set about the business of government. Democracy was instituted; social institutions were strengthened; a civil service was organized; and economic foundations were set.

Rumania grew and prospered and became an important member of the European community of nations.

But Russia would not forget its historical ambition to control Rumania.

In the months following World War II Russia included Rumania in its occupation of Eastern Europe. The precious and hard-earned Rumanian freedom was lost.

Today, 90 years after that freedom was first declared, we must think, believe, actually know, that that freedom will be reestablished. On this Rumanian national holiday we must join in rededication to Rumanian independence.

VIETNAM: AN INFORMED VIEW

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. CHARLES H. WILSON. Mr. Speaker, I include part 5, the conclusion, in the series on Vietnam by Mr. Edwin W. Dean, Jr., publisher of the Inglewood Daily News:

VIETNAM—V

WAR VACATIONS AID EFFICIENCY

Rest and recreation, removal and recuperation, relocation and rehabilitation, whatever you call it the program of short vacations run by the military in Vietnam is a good one. The troops call it simply R and R.

Sometime during his one-year tour in Vietnam, every soldier is given a week off. He is offered the chance to go to Quala Lumpur or the seaside resort of Penang in Malaysia, or to the seaports and shopping centers of Singapore or Hong Kong, or to lively Bangkok in Thailand. If he wants to go farther afield he can choose Tokyo, Manila, Formosa, or Australia.

But, by far the most popular, even in competition with these exotic areas of the Orient, is the long trip through Guam to Hawaii. The R and R traffic to Hawaii comes from two directions. The fighting men come from Vietnam and their families come from the United States to meet them. The men travel free of charge to all these places. Families must come at their own expense. The men pay all of their own expenses at the R and R location and must wear civilian clothes while they are there. They travel in lightweight tan uniforms.

The trip begins when the men leave their units for the trip to the R and R processing center they will leave from in Vietnam. Traveling by whatever transportation they have been able to arrange, trucks, buses, planes, helicopters, and boats, they arrive alone or in small groups.

At the center they are assigned a bed, if they will need it, told when they will process, and directed to the mess hall, post exchange, and clubs. Enlisted men are restricted to the center, mostly for their own good since you lose your R and R if you miss your flight. Officers are free to come and go since they often combine official business with the trip.

Like all military operations there is quite a bit of paperwork involved in going on R and R. It is handled efficiently by the R and R processing team and the only time men resent it any less is when they are going home, on the long R and R. No passports are required for the men because of agreements with the host countries. Most of the paperwork is concerned with currency exchange and control and customs.

When the great moment finally arrives everyone gets onto buses with their baggage. They are taken directly to the airport. At least hopefully that is what happens. On one memorable short ride the bus engine quit and resisted all of the driver's efforts to restart it. Enraged at the possibility of missing their trip, the passengers took immediate corrective action.

A senior officer replaced the driver at the wheel of the bus. Minutes later they were moving again only to falter and stop a few blocks farther on. The stubborn bus resisted all further efforts and exhortations to get it to move. Not to be denied, the passengers swarmed into the bustling street and attacked and overwhelmed another bus. Holding their prize in the middle of the one lane road they created a traffic jam that was a real tribute to American know-how. Minutes later they gleefully drove away, to a chorus of screaming voices and honking horns. With time to spare the bus charged into the airport with all the flourish of the cavalry coming to the rescue.

When the flight is called the men line up to go to the plane. Officers first, then sergeants, and the rest. On the plane they settle down for the long flight to what may not be leisure and relaxation but is certainly recreation. The officers talk shop about the war, the sergeants recall old assignments, and the men talk about home.

At their destination they are met by members of the local R and R team. One of these team members rides with them on the bus in from the airport and gives a briefing on the local area. At the local R and R center another, more formal, briefing is given, currency is exchanged, and the men go their separate ways.

The local team has provided them with a packet of information, helped them pick rooms at carefully checked hotels, and informed them the R and R office is open 24 hours a day to help with problems. Now the men are free to do as they wish. They take tours, shop, swim, go to movies and night clubs, date girls, and do everything else 500,000 imaginative young men can conceive in a year.

A few days later they are back, ready to fight again in Vietnam. In a tension filled war, where every man is subject to attack every minute, the R and R program provides a great break. Its success seems to be indicated by the fact there is less mental illness among the troops than in any previous modern war.

COMMUNICATIONS ARE A PROBLEM

"Sir, the bird called in about ten minutes ago. Says it took him 20 minutes to raise us. He says the 'little people' are jabbering on the net again and the MPs have been using it to look for a bug bomb for the last half hour."

"What's been done about it, Sergeant?"

"The Captain's mad as Hell, Sir. He told the cops to get off the air and they told him not to interfere with military police business. He blew up and really chewed 'em out. Told 'em to look up our call sign and find out who the Hell we were and what kind of business they were interfering with."

"Do any good, or are they still looking for an insect spray?"

"Quieted them down. They must be looking up our call sign like he told them."

"What about the 'little people?' "

"We don't hear them down here. They must only be getting them in the air. The Captain says he thinks they're ours, not theirs. They're not jamming, just screaming at each other. Says it sounds like the same outfit we've been getting. The one we can't identify."

"OK. What have you done?"

"I tried to phone the MPs. They're Field Force cops at Ding Hoa. But I can't get through."

"OK. Keep trying to get them on the telephone. Tell them as long as we have to share this net we have priority."

"Wilco. Sir. I'll keep trying, but it'll probably take a couple of hours this time of day."

"Yeah, I know. These phones are right out of World War I. Just keep trying 'til you get it done. It's unbelievable an aircraft in a dangerous situation can't get through to us on the radio because some idiot is looking for a can of bug spray."

It's not unbelieveable. It really happened in Vietnam. And it is typical of the type of thing that happens all too often. The telephones aren't really "right out of World War I" they just seem like it. When the Sergeant was finally able to get through to the military police they were very cooperative. They had looked up the call sign and found it identified as division headquarters.

But the solution to the problem was only temporary. New men replaced the old in the military police unit and the whole thing had to be done again a few months later. It will have to be done again and again in units all over Vietnam. It's the sort of thing that doesn't get passed on in the excitement of going home.

The real problem lies in the communication system itself and in the way it is used in Vietnam. Communications are the nerves of a modern army. They tie it together and make it react. Face to face conversations, briefings, paperwork of all sorts, radios, telephones, and light and hand signals are all parts of the communications system. Because of their rapidity and convenience, radio and telephone messages have become so popular they have created several problems.

The new radios, introduced into the army in the early part of this decade, are a vast improvement upon the old ones. They are smaller, more reliable, easier to use, and give better performance. Telephones are another matter. Even though modern techniques like radio relay are used the system does not work as well as it should.

Calls often must be routed through five or six switchboards. This can take hours. And all too often the caller is left holding a dead line when the operator forgets him. When connections are made they are often very weak. A familiar sight in any operations center is a number of men with a phone at one ear and a finger in the other shouting into the mouthpiece.

One of the problems is too many people use radios and telephones for business that could be handled by another means of communication. Radio nets and telephone circuits are jammed with routine administrative traffic. This delays more immediately important business.

There is a system of priorities to be used for essential calls, but it is an expedient to be used in crucial situations. And, like any system based upon an individual's judgment of the importance of his own business, it is subject to abuses. This system applies only to telephones, leaving the radio problem even more unresolved.

There are also direct telephone links between two points having a great many important messages to transmit. And the most important units have their own radio frequencies reserved entirely for their use. Of course, the only problems in these cases come from equipment failures.

Because of the extensive use of radios and telephones for administrative and planning traffic and as instruments of convenience communications security has suffered. A general assumption seems to be the Viet Cong have no capability to monitor our communications and gather intelligence from them. Intelligence data indicates this is not true. Aside from posters warning the enemy may be listening no program demanding communications security is being applied.

Messages are sent in ordinary language or in part in improvised, relatively useless, codes. Only coordinates, the locations of things on maps, are regularly put into standard codes. The amount of information the Viet Cong probably is gaining from these unsecured communications is great.

To solve these problems army headquarters in Vietnam needs to do several things. It should cut back the number of radios to those absolutely essential to operations. A new radio with lower power should be developed and issued to units with only a short range radio requirement. Some present smaller radios might be used instead if a study shows they are adequate. A rule that the high power setting on radios is used only when contact cannot be made on low power should be strictly enforced.

And a directive should be issued stating the types of messages which will move by each form of communication and in what circumstances exceptions will be made. This directive should also detail procedures for encoding messages, completely specifying what parts of messages will be encoded and what codes will be used. Unless the necessary steps to reform the situation are taken the problems will become worse as our troop strength increases.

DECORATION POLICY NEEDS CHANGES

Awards and decorations are given to promote morale. They do this by giving the individual soldier visible evidence of his accomplishments. They recognize service, training, and unusual effort and valor.

Awards testify to service and training feats. They include ribbons for service in various locations and campaigns, and also aviation and parachute wings, combat infantry and medic badges, ranger tabs, and qualification badges. They are given to every soldier who meets the specified requirements.

Decorations are given for specific efforts or acts of valor by individuals. The decoration given is decided by the particular circumstances of each case and the rank of the individual. In decending order of importance these decorations for the Army are: Medal of Honor, Distinguished Service Cross, Legion of Merit, Silver Star, Distinguished Flying Cross, Bronze Star, Air Medal, and Army Commendation Medal.

Of these, only the Legion of Merit is given exclusively as a reward for distinguished service. It is, usually, presented only to Liteutenant-Colonels and higher ranks. The Commendation Medal is given to lower grades. Only the Medal of Honor is given only for valor. All of the others are given for either meritorious service or valor.

There are several small changes which could be made to improve what is a fine system. One would be to stop giving the same medal to honor both service and courage. The Commendation Medal would thus be reserved for service, and the Distinguished Service Cross, Silver Star, and the Bronze Star for valor. Many recipients of these medals feel the mixed usage cheapens the distinction. The idea behind mixed usage seems to be to allow more people to get more medals. It seems to reflect an urge to make it possible for every man to win every honor, which doesn't coincide with the original intention of the system.

A manifestation of this is the "packet" system of awarding medals. Under this system a man who has done well in a particular job is given a group of medals when he ends his service in the job. The medals included in the group vary according to the job, regardless of the man's qualifications to receive them. A battalion commander might receive the Legion of Merit, Silver Star, Distinguished Flying Cross, and an Air Medal.

Packet recipients are almost always fine soldiers, deserving of honor. But the chances are they will not have performed some of the acts some of the medals they receive were designed to commemorate. A battalion commander may have had no opportunity to perform a feat of personal courage. Rewarding heroism is largely the opportuntiy to do your duty in observed spectacular circumstances. And he may not have had the chance to perform an outstanding action while flying. This doesn't mean he couldn't win the medals. It means he has not won them. Justice requires decorations only be given for feats actually performed.

Another improvement would be to give more medals and to award them promptly. The increase should go almost entirely to the lower ranks of the fighting men. Their efforts do not go unrecognized, but many times more medals could legitimately be given to them. Standards for the award of decorations could well be eased. All too often a man is given a lower decoration than the one for which he was recommended. The people fighting in the field are better judges of what is proper than a man at a desk in Washington.

Men feel cheated and resentful when this happens and it erodes the value of the decoration to its purpose of boosting morale. Another detriment to the system's value is the long delay between the act and the award. This is caused by the processing of the Army bureaucracy. Field commanders should be authorized to award all but the highest medals without the consent of the bureaucracy.

This would enable prompt awards to be made. Some commanders do this now, and let it be worked out afterward. The benefit to morale is considerable. Having a general swoop down in a helicopter and pin on a medal right after a fight does more for a man's morale than having to wait for months and then receiving it at his next assignment. There is no reason, which is valid in comparison to the benefits to be gained, why the paperwork can't be done after the presentation.

MANPOWER WASTE CUTS EFFICENCY

The leaders of the war in Vietnam cry for more and more men. The current force level there is 500,000 U.S. troops. The schedule calls for 525,000 by July. There are current demands for more men to be supplied more quickly. Officials in Washington have asked whether the men now in Vietnam are being used efficiently. They seem to be unable to get an accurate answer. That answer is no.

Like any modern army, the forces in Vietnam have an enormous body and tail behind the teeth that bite the enemy. Only one man in ten fights, the rest support him. Any modern army, and particularly an American one, has large supply requirements. It takes manpower and machines to move the supplies and provide the other support needed. But the ratio of men fighting to men in support roles is the same in Vietnam as it has been in our more recent wars.

This indicates little or no improvement has been made in the supply system. Slightly more supplies may be moving through the system but it is taking just as many men to move them. And many of the supplies moving are not being used for fighting men. They are being consumed by the support echelon itself. The size of the support echelon directly influences the amount of supplies needed to maintain the army.

Reduction of the time supplies spend in the pipeline, and reducing the amount of handling they require will lower the manpower requirements of the supply elements. With fewer men engaged in supply activities, more men will be available to fight or supply requirements will diminish. Modern communications, inventory and packaging methods, and air transportation make this possible.

Supplies should move to the front with as few breaks in the journey as possible. Every break in the journey adds to the requirements for protection, transportation, handling, storage, and administration. Each of these functions must be performed by men who must be supported. They must be provided food, shelter, medical care, recreation, communications, clothing, and a vast array of other items. And the people who provide those must be supported in turn.

Thus, the system tends to feed upon itself and consumes far more men and materiel than is needed to support the fighting troops. Every small increase in efficiency will result in large decreases in manpower requirements, for this reason. By properly applying modern methods to our ground forces supply systems, it should be possible to at least reduce the ratio from nine to one to eight to one. Even this small improvement would make 50,000 men available.

If this were done the question would then become one of using these men. Military organizations are bureaucratic in nature. Part of the nature of a bureaucracy is the tendency toward empire building. The philosophy of empire building is that status is directly proportional to people. The more people a man controls the more important he is in the organization. Bureaucrats tend to add people rather than increase efficiency.

Vietnam has prime examples of this. The character of the war dictates decentralized control of operations. Fast moving operations using large numbers of divisions are not a part of this war. And yet two headquarters exist for this purpose. This wastes manpower. Higher headquarters are notoriously overstaffed, and Vietnam is no exception.

The two field Force headquarters are the equivalent of the Corps headquarters of other wars. They perform no valid military purpose in Vietnam, but employ enormous numbers of men. There are too few U.S. divisions in Vietnam to need control at this level, considering the way they are used. The only motivation for their existence seems to be to provide more officer positions, follow tradition, and aggrandize the bureaucratic organization of United States Army, Vietnam.

More manpower waste is caused by the duplication of effort which exists between the headquarters of United States Army, Vietnam (USARV) and Military Assistance Command, Vietnam (MACV). Eliminating this duplication would release more men. It makes little sense to have two groups of men at two different locations performing almost the same jobs at the top of our effort in Vietnam. An intelligent merger should reduce their manpower requirements by 50 per cent.

The Air Force is probably the fattest military service in Vietnam, as it is elsewhere. The ratio of support personnel to fighters is far higher than the other services. Part, but not all, of this can be attributed to the complexity of their operations and the highly technical nature of their equipment.

No worthwhile reduction in wasted manpower will be achieved by the military services themselves. As mentioned previously, the very men who would have to make the decisions required are those who are least likely to do so. If Washington wants to use the men it has sent to Vietnam more efficiently it will have to appoint civilians to do the job. These civilians should have good backgrounds in military operations and in modern, efficient techniques of supply and administration. And the program should be a continuing one, since it deals with a problem that always reappears in bureaucratic organizations.

AMERICAN GENERALS MUST AVOID LUXURY

White linen, crystal, silver, and fine Japanese china sparkle on the table. Diffident waiters offer a succession of tantalizing dishes. Good wine flows freely. Pleasant music murmurs in the background. Lively conversations animate the distinguished looking diners. Subdued lighting bathes everything in a pleasing glow.

A sophisticated dinner party at a fine restaurant, not necessarily, it could be supper in the general's mess of a U.S. division in Vietnam. In that case, the guests would be attired in starched jungle fatigues and polished boots. The service implements would have been acquired by officers sent as far as Japan on special missions for that purpose.

The food, different from that given to the troops, would have been delivered that day by a special team of trucks, helicopters, and personnel set up for that purpose. Many of the waiters and cooks would be troops diverted from other duties to serve there. In one case, 15 men were used to feed 21 diners in the general's mess, while six men have tried to feed as many as 550 men in the other division headquarters mess hall.

Next to the general's mess tent stand four single width, air-conditioned house trailers. These are used as housing for the three generals who command the division and for the full colonel who is the chief of staff. These are the facilities used when the division is in the field. When it is in its base camp tropical buildings are used.

Rank has always had its privileges. And the higher the rank the greater the privileges have been. History offers many examples of how generals have used their privileges. It shows great fighting generals who have lived frugally and others who have established an almost royal establishment. Rommel, the great German front line leader in North Africa, cared so little about food that one day when he had invited an Italian general to lunch with him he was dismayed to find he had nothing to offer but a share of three stale sandwiches and water.

The Italians, of course, were famous for lavish living of their generals in the desert. And they even went so far as to have three different standards of foods for their army. But history gives no firm basis for a correlation between style of living and performance of duty. Many generals who have lived well have fought brilliantly. The most that can be said is that an unduly great attention to personal comfort detracts from the performance of duty. How much is too much is governed by the capacity and ability of the man involved.

Responsibility, as well as power and privilege, increase with rank. As the weight of responsibility of decisions increases the environmental factors which interfere with their consideration should be reduced. Decisions concerning the lives of thousands of men and the vital interests of a great nation should not be colored by sweat or indigestion.

The minds and bodies responsible for these decisions should not be bothered by petty irritants. They should be free to deal with the problems at hand. Pleasant surroundings at the time of decision, as opposed to the time for action, are a necessity. The opportunity to discuss these problems in a relaxed atmosphere with key subordinates is a vital factor in determining the quality of the decisions which will be made.

However, our nation has a strong tradition of democratic and purtian concepts. And, it seems fitting that as leading figures of that nation, our generals should supply themselves with what is necessary to do their jobs efficiently, but should not go beyond into excessive luxury. In Vietnam, with our tremendous capability to move supplies, it is all too easy to miss this point under the strain of combat. Some of our generals there need to consider this and reexamine their personal retinues.

EVERYBODY INTO THAT BUNKER

Captain Dreyfus sat comfortable and relaxed in the officers' club at Ding Hoa base camp in Vietnam. An old, old movie was spluttering and jerking across an improvised screen in very fuzzy focus. Ceiling fans spun busily in a losing fight with the 87 degree temperature and the 98 per cent humidity. But with a cold drink on the table and a cigar in his hand, Captain Dreyfus was content. He was going home tomorrow, after a year in the field.

Suddenly the wail of sirens sounded through the muggy night, insistent, demanding, the warning of a mortar attack. The movie ground to a halt and faded from the screen as the crowd moved toward the door in an orderly, noisy mass. Lean and tanned Captain Dreyfus rose deliberately from his chair. Even though he was casually dressed in a sport shirt, light slacks and loafers his bearing had an air of military purpose to it as he moved directly to the bar.

Armed with a fresh cold drink, he followed the last of the crowd to the door. A quizzical expression on his face, Captain Dreyfus listened for the dull crump of incoming mortar rounds. He heard none and reflected that Ding Hoa base camp had never been attacked in the two years it had been established.

Outside, in the dark of the blacked out camp, he took up a position near the entrance of the bunker, which was close to the door of the club. Setting his cold drink on the spare tire of a jeep, Captain Dreyfus surveyed the scene. The bunker stretched away into the night, a long, sand bag covered mound with an entry hole at each end. Around each entrance to the bunker was a group of people, chatting happily and complaining good naturedly about the disruption of the evening activities.

Turning to the shadowy figure standing beside him, the captain asked, "Is this a practice alert?"

"Roger, that's right," said a bright, pleasant voice, "we have these darned things at least every two weeks, and sometimes three or four times a month."

"Very warlike," commented Captain Dreyfus.

"Yes, isn't it," answered the voice. "We do take casualties here though, you know."

"Oh!"

"Sure! About two weeks ago, during the last practice alert, a guy broke a leg jumping into a bunker."

"Tough luck. What's the drill from here on out?"

"Oh, we just stand around for an hour or so while the perimeter is checked, and the ready reaction force is organized."

"Don't know if I can stand the excitement."

"Don't worry, you'll get used to it."

"Not me, I'm going home."

"Very lucky!"

"Yes, and very deserving."

"Aren't we all."

"Some more than others. Look out, here comes the war."

And as Captain Dreyfus spoke these prophetic words out of the darkness strode a militant figure garbed in all the regalia of war. The figure stopped directly in front of the pair and from under the steel helmet a gruff voice demanded, "What's your name?"

"Dreyfus, what's yours?" It was too dark to read name tags or identify the dark colored insignia used in Vietnam.

"I am Lt. Col. Yerg, the assistant base commander, what's your rank?"

"Captain."

"Captain, what?"

"Captain, Armor."

"That's not what I meant."

"Captain, United States Army?"

"No!"

"Captain Dreyfus?"

"No! You ever been in a mortar attack, captain?"

"Not since last night."

"What do ya mean, not since last night."

"I mean I have not been in a mortar attack since 0200 last night when the Division headquarters at Lu Ku was hit."

"You are with Division headquarters?"

"That is correct."

"And now I suppose you think you're a real veteran because you've been in one mortar attack. Did you just get in country, captain?"

"No."

"No, what?"

"No, I didn't just get in country."

"Oh, been here a few weeks, have you."

"Fifty-one and a half, to be exact."

"Yes, well, you still need to practice."

"Yes sir, practice what?"

"Getting in that bunker."

"I know how to get into a bunker."

A voice it was impossible to identify called out from the crowd, "Sir, it's real muddy down in the bunker."

"That just makes it better training," shouted Lt. Col. Yerg. "Now all of you get into that bunker."

"Yes, sir," said Captain Dreyfus softly.

"Yes, sir," echoed the crowd.

Southeast Asia Will Fall if Vietcong Win

We've come a long way from the World War II days of "V for Victory" and "unconditional surrender" in our war in Vietnam.

Definitions of victory in Vietnam are a dime a dozen and no one mentions "unconditional surrender" instead of negotiations. In order to define victory for a particular war it is necessary to know what the war was intended to achieve.

If the purpose of a war is clearly defined, what constitutes victory is also clear. It is the degree of military success necessary to achieve the purpose of the war. The purpose of a war should be defined in terms of the peace to follow. If this is not done it is possible to win the war and lose the peace. An example of this is World War II. The only defined purpose of the war was to defeat the Axis powers. This was done. But two of our great allies of the war, China and Russia, emerged in the post-war period as our major enemies. Over 20 years of cold war turmoil has been the result.

Sifting through the many statements and opinions on why we are fighting in Vietname produces a basic concept of our purposes in waging this war. The primary purposes seem to be the prevention of the military overthrow of the government of South Vietnam and the achievement of a military situation which will permit that government to continue to function after the withdrawal of a major part of our forces.

The secondary aims of the war appear to be the economic redevelopment of South Vietnam and the establishment of a political atmosphere there which will permit the long term growth of a basically democratic governmental system. Both of these aims require the pacification of most of the country. Nothing indicates any intention of trying to extend any of these goals to North Vietnam.

Victory for North Vietnam is a much simpler thing. It can range from the conquest of South Vietnam to merely ending the war as it started. Even if we achieve all of our goals the North Vietnamese can, and will, claim a victory because they have lost nothing. They will say they have fought one of the world's great powers to a standstill and since they are smaller the victory belongs to them. Essentially, this is what happened in Korea.

Victory for the Viet Cong is a more elusive thing. If they conquer the country with their allies they will be dominated by them. They realize this and may feel true victory for them lies in negotiations. In negotiations they would have a chance to play a prominent role in the government of South Vietnam and maintain their independence from North Vietnam. During the course of the war they must struggle to retain control of their own organization.

North Vietnamese influence in the Viet Cong has always been great. The question no one can answer on our side is whether it is totally dominated by them. As the scope of the war has grown, Viet Cong dependence on the North has increased. The movement never has been a true popular revolt of the people, resulting in a civil war. There has always been inspiration and direction from the Communists and the North in it.

The fighting in Vietnam is not a civil war, just as a conflict between East and West Germany would not be one. It is an exploitation of local circumstances by the Communists. The same was true of the confrontation in Europe following WW II, which resulted in the creation of the North Atlantic Treaty Organization. Korea was the same thing. Whenever the possible results have justified it, the Communists have backed their bets with force. When their efforts have been thwarted they have been smart enough to change the form the next time they try. Korea was a modification of the unsuccessful European formula. Vietnam is a lesser modification of the partially successful Korean formula.

The major Communist powers, China and Russia, always have been primarily land powers. They prefer to use or threaten to use their power, which is based on ground forces, in areas they can reach by land. They quickly withdrew from Cuba, when confronted by the United States, and their efforts in other areas have been in the nature of subversion and armed revolt. Vietnam seems to be the final testing ground of the subversion and armed revolt approach. It has met with mixed results elsewhere. Vietnam is the test of whether it can succeed against determined opposition if supported more strongly than in the past. If the Communists decide it can, they will support other such actions more strongly.

Russian developments in strategic mobility, including the expansion of their surface fleet, the construction of helicopter aircraft carriers, and the establishment of a force of marines, show they are preparing to extend their military influence overseas in a more active manner.

Victory for Russia in Vietnam is having the war continue, anywhere in Southeast Asia. This keeps China occupied and relieves the pressure on the long border the two countries share. It keeps more than half a million U.S. troops tied up and reduces the alternatives available to America to counter Russian moves in other parts of the world. A victory for the United States would destroy these advantages, while enhancing American prestige. The benefits of a Communist victory would all accrue to China because of her geographical position. Russia has no desire to see China strengthened.

Victory for China is the conquest of all Southeast Asia. If this could be accomplished, China could dominate the area, and use its resources for her own ends. Singapore would give her another point of controlled contact with the outside world, as Hong Kong is now. Of China's three choices for expansion, this area offers the greatest possibilities. Russia is too strong to invade. India has so many problems it would do no good to conquer her. But Southeast Asia is rich and could provide much of what China needs.

If South Vietnam falls, Laos, Cambodia, Burma, Thailand, and Malayasia will come under Communist domination in turn. There may be long, bloody wars in some of these countries. And the United States would almost certainly be involved in one or more of them, but eventually they would all go the way of South Vietnam. Because its example that our resources and resolve were insufficient would always be there to cheer our enemy and discourage our allies.

Victory for the United States consists of a clear cut demonstration that this kind of war is not a proposition where the aggressor cannot lose anything and may gain a great deal. We must make it perfectly obvious to everyone everywhere that aggressors stand to lose a great deal. No nation in history has been as generous to others as the United States. Few have operated on as high a moral level. But force and fear continue to be primary elements in the relationships of nations. And, because they are understood and valued by others, we should use them to build a better future. If we do not there will be other Vietnams fought all over the world.

WAR PROGRESS HAS BEEN VERY SLOW

The war in Vietnam is not stalemated. We are winning. But we are winning at such a slow rate it will take 20 or 30 years to achieve what we need to do. And if our rate of progress slows down much more we will not be winning at all.

Our rate of progress has been falling off since the middle of 1967. Now it has dropped almost to zero. The initiative has passed to the enemy, almost by default. And the enemy is attempting to take advantage of the initiative we have let fall into his hands. He is pursuing his plan of conquest.

That plan now has three stages. The first is to strengthen his position relative to the United States in Asia. He must demonstrate the U.S. is vulnerable and to do it he must win some significant victories at any cost. These would show the world that after almost three years of major efforts by the United States he is still undefeated and capable of great efforts and successes. Such victories would demonstrate the fact mentioned above, in its present form it will be a long, long war.

Once this fact is generally recognized the enemy will be ready for the second stage of his plan. The second stage is to achieve the withdrawal of U.S. forces from Vietnam. The enemy knows he cannot conquer the country as long as these forces remain there. He knows too he cannot completely defeat these forces, regardless of any local successes he may enjoy. His hope lies at the conference table where he can negotiate what he is unable to do by force.

Once the American withdrawal is complete the enemy will be free to violate the agreements he has made and complete the third stage of his plan. This is the conquest of South Vietnam. With the American barrier removed, any number of roads to this goal lie open. The southern government will be forced to devote all of its energies to defending itself and to abandon its efforts at revitalization, which are barely beginning to be rewarding.

Many Americans feel the South Vietnamese should fight this battle by themselves. They express the thought that if the South is not strong enough to win its own fight it does not deserve to be independent. They tend to forget the United States was not able to generate enough strength to win its own independence. At Yorktown, the climactic battle of our War of Independence, about half of the troops on our side were French. The French fleet was the strategic key to the battle. And most of the American troops were dressed in uniforms supplied by the French, used French weapons and ammunition, and were paid with French money.

In fact, the French alliance was the key to our victory in the war. Besides money, troops, ships, and supplies, they provided much of the military skill we needed so badly, particularly in technical areas. And the French provided somethings we are not supplying the Vietnamese. They used diplomacy to isolate the British far more effectively than we have isolated our enemy. And they attacked other British possessions to force the British to limit their commitment in America. There is a good deal of evidence to indicate this tactic is being used against us.

We are not doing as much in Vietnam as French did to aid us in that earlier war. It is not because we lack the power, we don't. It is because of the politically inspired limitations placed upon our military power. Our military efforts are limited not by what is possible but by what is permitted. Our diplomacy is restricted because other nations have been allowed to feel their positions will have no effect on their relations with us. They think, correctly at present, they can oppose us on the war and aid our enemies without giving up the benefits they have been receiving from us.

And they will continue to do it. Nothing delights the perverse nature of human beings so much as biting the hand that, literally in some cases, feeds them. Dogs have made themselves the best-loved and most civilized of animals by gracefully and gratefully acknowledging their dependence. They return service for their keep and stand by their benefactors in a show-down. Fortunately, we do not expect as much from some of the nations we aid. But, at least, we could expect them to refrain from acting against us.

As long as we continue to think we can wage the war in Vietnam on a business at home and abroad as usual basis we are in danger of losing it. If we lose it we will be faced with the prospect of fighting more such wars or withdrawing into a partial replica of pre-World War II isolationism, because we will be challenged in many places. A return to isolationism would be appeasement on a global scale, offering the Communists many nations to conquer. No other nation has the power to prevent them from falling. Appeasement doesn't quench the appetite of tyrannies for conquest, it whets it. And, as World War II showed, such a course may lead to the gigantic conflict everyone wishes to avoid.

We are fighting in Vietnam like a small conventional power. We are not using any of the weapons that make us a super-power, by our own choice. We are using a small force, easily matched by the enemy and the difficulties of the circumstances, because of the great distance and expense. And because of these limitations we are following a strategic course that will take us years to reach our goals.

We could be quickly and decisively demonstrating aggression does not pay. We could be showing war is, if not out moded in technique, at least out dated and unprofitable as a means of settling disputes. And, by doing so, we could deter future aggression and make the world a better, safer place for us and our posterity, and for everyone else.

WE CAN WIN IN VIETNAM

The first thing to do to win the war in Vietnam is to make it a real war. Congress should declare war on North Vietnam. This would show the world our resolve to achieve victory. And it would show the American people exactly where each of their elected representatives stand when the chips are down. North Vietnam is clearly the enemy. Without the support of the North the enemy war effort would collapse.

The second step should be to issue a statement of our goals and purposes in fighting the war. The federal government owes its people a clarification of its previous confused mumblings and must offer them a standard to which they can rally. Such a statement would be a basis for deciding which nations of the world are our friends, our allies, our enemies, or are truly neutral. Our relations with other nations should then be based on their reactions to our declaration of war and statement of purpose.

The statement should make several other things very clear. One, we intend to end the war as quickly and decisively as possible, in order to stop the long-term suffering, begin the reconstruction of the country, and deter future agreement. Two, we will use any weapons we have to achieve our goals. Three, we will attack into any territory used by our enemies, if it suits our purpose and aids our cause.

Following these steps we should destroy Hanoi with a nuclear weapon. This should be done for two reasons. It would show the instigators of aggression are not immune from the death they bring to so many others. Fear deters petty dictators who believe in the use of force better than anything else. And such an attack would destroy the centralized power structure that controls North Vietnam and its side of the war.

The statement should make several other things evident with several small attacks on lesser objectives, would disrupt the overland supply system feeding the enemy's war effort. Major parts of the command, control, and communications structures of his war effort would be destroyed and records and top administrative systems eliminated. The enemy support system would begin to falter and his war effort slow down.

This attack should be delivered without warning. A warning would not reduce civilian casualties. It would only give the enemy a chance to remove the military items and personnel that are the target. This target should be defined as exactly as possible. The smallest possible weapon should be used to destroy it, keeping civilian casualties to a minimum.

With the destruction of his overland supply system, the dependence of the enemy upon the port of Haiphong will increase. At this stage, Haiphong should be destroyed with a nuclear weapon. In this case, warning should be given to permit the foreign ships in the port to sail. A naval blockade should be established temporarily to prevent unwarned ships from entering the harbor. The destruction should be limited to the port and allied transportation facilities.

The loss of major portions of his supply and command structures will seriously weaken the enemy forces in the field. These should be attacked vigorously and destroyed. To do this, it will be necessary first to conquer the jungle, where he will try to hide during his weakness. The jungle can be conquered by the use of three techniques described in earlier articles, landing zones created by nuclear weapons, a grid observation pattern created by permanent defoliation, and the extensive use of long-range combat patrols.

Construction of the landing zone pattern should begin in the northern part of South Vietnam to bring pressure to bear on the enemy as quickly as possible. The observation grid pattern should be started in the same area. As soon as substantial parts of both are complete operations should begin. The observation grid pattern will help find the enemy. The landing zone will permit troops to go where they can best defeat him. Both will enable the conduct of a pursuit to destroy him after he has been defeated; something not possible now.

Long-range combat patrols air-lifted ahead of the enemy should be used to ambush him, slowing his retreat. These patrols, usually striking at night when the enemy would be moving to avoid our airpower, could escape into the darkness and be picked up at nearby landing zones. The enemy would not have time to pursue them since he was being pursued by our main forces.

Pursuit should continue wherever the foe runs until he is destroyed. This may involve crossing borders into other countries. Nations are obligated to maintain their borders inviolate if they wish them respected. They cannot allow them to be used as havens for another nation's military forces. If they are unable to do this the battle must flow across them.

The enemy has enjoyed the strategic initiative in Vietnam. We have been forced to defend everything. He defends only what he chooses. As the final part of winning the war, this situation should be reversed. Strong helicopter and marine forces should be used to raid into enemy territory in North Vietnam, Cambodia, and Laos. These raids should be fairly short, staying only long enough to destroy military installations and equipment, disrupt the communications system, and propagandize the people.

When these purposes have been achieved the force should be withdrawn and used elsewhere. As part of these operations, key enemy personnel who are captured should be evacuated to prisoner of war camps in the South and civilians wishing to escape from Communism should be provided transportation.

War is always a bloody, brutal business. Time is a factor in the destruction caused by a war. The lack of economic development during a long war is a form of positive destruction. Nothing is really destroyed, but many things are not created. A long war demoralizes the people when no clear cut end is in sight. They become numbed and apathetic from the constant year to year fear and tension. This has happened in Vietnam.

If wars must be fought, they should be quickly ended. Like cancer, all of the rot of war should be cut out in one short operation. Some of the good must be destroyed to assure all of the bad is removed. If this is not done the patient dies a slow, agonizing death. We have the power to cure the cancer of war in Vietnam. And, like a doctor who would let a patient suffer or die unnecessarily, we will be guilty if we do not use it.

AUTHOR'S INTENT, BIAS, BACKGROUND

This article is the last in my series on Vietnam, possibly it should have been the first. My intention is to give you some sort of picture of myself which you may use to give balance to the opinions I have expressed.

Most of these concerned the military aspects of the war. My military background consists of two active duty tours with the United States Army and service in the reserves. My first active duty tour was in Germany in a tank battalion during the period when the Berlin Wall was built. My second was spent at Fort Ord, California and in Vietnam with the 1st Infantry Division.

The military has been a hobby of mine. I have over 100 publications dealing with it in my library, and have read many more. I am a subscriber to several military periodicals. The reasons for my interest in the subject are something of an enigma to me. But the fact it exists is perfectly clear.

Possibly it is fascinating because the fate of nations turns on it. Or possibly it is because war is man's most civilized endeavor, if civilization is measured in terms of the time, effort, and money expended on an activity as we are all too prone to do. Whatever the reasons, I have spent a great many hours studying and thinking about it, not because I had to, but because I wanted to and enjoyed doing it.

Many of my opinions have been somewhat critical of the army and its officers. Officers determine the quality and performance of an army. There are many officers for whom I have the greatest respect and admiration. There are at least as many more for whom I feel nothing but contempt. My opinion of their performance as military leaders and as men has been the criterion for my judgments Taken as a whole, I think the army officer corps is the best of any service.

And on the whole, I like the army. Several times I have considered making it a career. Only the greater attractions of journalism have lured me away. As with anything you like you wish to see it improve. My criticisms have been aimed at this, pointing out problems and offering solutions. The army was better prepared for the war in Vietnam and has performed more efficiently in it than any other service. And I am proud to have been a part of it and of such fine fighting units as the 2nd battalion of the 2nd infantry regiment and the 1st infantry division. During part of the time I was with each of them they were as good as any units the world has ever known.

I returned from Vietnam 31 years old and a Captain. Contrary to some opinions, age and rank have never been valid criteria for determining military competency. One of the most respected military writers of modern times was a Captain. Alexander died in his early thirties, after conquering most of his world. Napoleon seized power in France at 30 after victorious campaigns in Italy and Egypt when he was even younger. Custer was a general, and a good one, in the Civil War at 25, Sheridan was at 32. By the same token, real military worth may not be noticed or rewarded in normal army routine. There is no guarantee the best men stay in to make careers of it and automatically rise to the top in a regular, steady manner. Sherman and Grant both left the army and returned and rose to fame during the Civil War. Pershing was still a first-lieutenant at 40. And Eisenhower and Patton were still lieutenant-colonels as World War II threatened.

The series was intended to give background information on the military aspects of the war and to provide a feeling for it. If the feeling is one of frustration you are sharing it with many of the men who have fought in Vietnam.

RUMANIAN INDEPENDENCE DAY

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. BUCHANAN. Mr Speaker, for 400 years the freedom-loving people of

Rumania fought unsuccessfully against the Ottoman Empire in an effort to gain independence. Finally, on May 10, 1877—91 years ago today—the indomitable spirit of this courageous people prevailed and they were successful in declaring themselves a free and independent nation. Tragically, they were unable to keep that freedom for even a century.

Unfortunately, Rumania's geography placed her on the border of the Soviet Union, causing her to be one of the first victims of Soviet aggression in World War II. As a consequence, some 17 million Rumanians are again cruelly dominated by an oppressive conqueror.

Though bound by chains of tyranny, the glow of freedom still burns brightly in the hearts of Rumanians in the homeland and those fortunate enough to be in one of the free nations of the world.

Today, then let us in this House dedicated to the preservation of freedom, join with our Rumanian friends in America in the prayerful hope for the day when their kinsmen in the country of their heritage can rejoice that freedom has been regained.

REPORTS ON A STUDY MISSION TO VENEZUELA AND CENTRAL AMERICA

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. SHRIVER. Mr. Speaker, in January the North American Newspaper Association invited Don Granger, associate editor for public affairs of the Wichita Eagle and Beacon, to join a group of 15 newsmen for a 2-week study mission to Venezuela. Mr. Granger followed this mission with a week in Central America and another week in Mexico. His observations and findings resulting from interviews were included in a series of feature articles in his newspaper. Because of the great interest which the Congress has in Latin America and all of our neighbors to the south, I call attention to three of Mr. Granger's articles which follow. They are most revealing and provide a firsthand comparison of several Central American countries. Under the leave to extend my remarks in the RECORD, the reports of Don Granger follow:

[From the Wichita (Kans.) Sunday Eagle, Feb. 25, 1968]

OIL, GEOGRAPHY MAKE VENEZUELA VITAL TO UNITED STATES

(By Don Granger)

Of all the 13 countries on the South American continent, Venezuela is the most important to the United States.

There are good reasons for this medium-sized country (its area is equal to Oklahoma and Texas combined) with a population of only 9 million to be considered our most important neighbor:

Money. U.S. financial investment in Venezuela is in excess of $2.7 billion—far more than in any South American country and, with the exception of Canada and the United Kingdom, greater than in any country in the world.

Oil. Venezuela is one of the greatest oil producing countries in the world. Every day 3,700,000 barrels of oil are produced by Venezuelan wells. The biggest customer and the biggest investor is the U.S.

Geography. Venezuela is like the Roman god, Janus, in that it faces two directions at the same time. Venezuela dominates the north of South America from British Guiana on the east to Colombia on the west and it penetrates 800 miles into the continent—to the border of Brazil.

On the other hand—Venezuela's northern coast borders the Caribbean Sea for 1,750 miles and Venezuela has always thought of itself as part of the Caribbean community as well as being a part of South America.

The geography is spectacular in every section—from the Andes in the west to the jungles of the Amazon territory and from the coastal range to the Llanos—the vast flat land that resembles western Kansas for six dry months of the year. During the other six months torrential rains force the slow-moving rivers out of their banks to produce enormous flooding.

Natural resources are so great they've never been accurately evaluated. One of the world's greatest oil deposits is at Lake Maracaibo in the west. Mountains of iron ore are found in the east. The great Orinoco River and its tributaries are a potential source of enormous power. The Guri Dam now being constructed across the Caroni River will supply hydro-electric power for all of Venezuela's needs and provide plenty for export.

This will be the first Venezuelan use of a hydro-electric power source. Power and light now are produced thermally—by burning an apparently inexhaustible supply of natural gas to make steam to turn the electric generators.

Politics. Venezuela is the focal point of Latin America attention. Venezuela was the prime target when Fidel Castro decided to export his revolution from Cuba to the South American mainland.

If Romulo Betancourt, then president of Venezuela, had not fought back against the guerrilla terror (even to the extent of suffering severe bomb injuries himself), if the people of Venezuela had not fiercely rejected Castro and his form of communism, half the countries of South America might be openly Communist today.

What about Venezuela today? It would be a pleasure to report that 45 years of prosperity (Venezuela has the highest per capita income in South America) would automatically produce a well-balanced economy, stable government and a contented and well educated people.

But every follower of soap opera is aware that riches do not produce happiness. All these years of wealth have not been an unalloyed blessing for Venezuela.

EXTREME POOR VISIBLE

The economy is in better balance than it has been for several years but there are still highly visible areas of intense poverty, both rural and urban, which contrast with great riches and with a cost of living index as high as any country in the world.

The government is more stable—today.

But the thing to remember is that Romulo Betancourt, who took office in February 1959, was the first Venezuelan preseident to serve out his term and then turn over the office to a duly elected and qualified successor.

The successor, Dr. Raul Leoni, is serving the last year of his five-year term. He cannot succeed himself. Dr. Leoni's dearest wish is to serve out his term and, in February of 1969, turn over the high office to a president fairly elected.

TEN-YEAR DEMOCRACY

This means Venezuela has only had 10 years of experience with the democratic processes of government—and these years included violent attacks both from the far right as well as from Fidel Castro.

Another thing to remember is that the political situation in Venezuela cannot be evaluated on the same basis as the political situation in Kansas—for instance.

"Venezuela is just learning how to make the democratic processes function,' a spokesman told a group of touring newsmen. "Our situation can be compared with the man who must tame a horse at the same time he is learning to ride it."

This is an election year. At least six parties will have candidates for the presidency. At least two Communist-line parties will boycott the election. That is as of today. The polls won't open until the morning of Dec. 10, and by that time six more complete shifts of alignment are possible.

Betancourt, the old fox, came back to Venezuela from his self-imposed European exile to help cure a split in his own party, Accion Democratica, but his influence may not be great enough.

UNIFYING THREAD

In spite of the ferment there is a unifying thread that connects all the parties. The responsible leaders want an honest election and another peaceful transfer of the presidency. The U.S. knows that no single party can get enough votes to be truly dominant and that government must be based on the coalition of three or more parties. We can live with most of the men who have indicated their candidacy. The only real problem would be a takeover of the government by force, either from the military on the right or by Communists.

This doesn't seem likely.

To understand today's political situation, it is helpful to understand a little of the history of Venezuela.

It is not essential to know that Christopher Columbus discovered the country nor that Simon Bolivar liberated it from Spanish rule. The key thing to remember is that during most of its history (particularly in the 20th century) Venezuela has been dominated by a series of savage military dictatorships.

TRIP COSTS DICTATORSHIP

Gen. Cipriano Castro conquered Venezuela from within in 1899. He ruled until 1908, when his excessive attention to women ruined his health and sent him to Switzerland for a delicate operation. The surgery was successful but the trip cost Gen. Castro his dictatorship.

The man he trusted most, the one he left in charge, was Gen. Juan Vicente Gomez, who waited only two days after his boss left to seize power and run Venezuela for 27 years as a one-man show until he died in bed in 1935 at the age of 78.

Oil was discovered in 1922 during the Gomez dictatorship. The general promptly established a pattern of using oil wealth to enrich himself and a few favorites instead of putting it to work for the public good.

To understand Venezuela, it must be remembered that most of the influential men in business and politics were born in an era of ignorance, despotism and completely autocratic rule.

OLDER GENERATION RULES

Betancourt, the ex-president, was a member of the Generation of 1928—when young men were distinguished by being either jailed or exiled by Gomez because of their political beliefs and activities. The group includes President Leoni and political leaders in all parties.

This in itself is a political factor. The Generation of 1928 is no longer young. All its members are well into their 60s. Younger men are eager to hold high office, too.

Another important thing to remember about Venezuelan politics is that almost no one in Venezuela is conservative by any of the U.S. Standards used to measure conservatism.

COPEI (for example) is a Christian Democrat party and therefore one of the most conservative of the five or six major parties. However, COPEI's stand on social responsibility and public ownership of resources begins way out to the left of Hubert Humphrey and Americans for Democratic Action. In the current situation COPEI sees absolutely nothing wrong in accepting the help of violent Communists if it will help the chances at the polls.

BASIC PROBLEMS EXIST

No matter who the winner may be in December, basic problems will have to be dealt with.

The problem for the Venezuelan politician is to be vehemently aggressive in public toward "foreign oppressors who exploit Venezuelan resources for capitalist gain," and at the same time behave calmly enough in private to avoid frightening foreign investors away.

Foreign oil companies must be squeezed tightly but not strangled. Remember that oil taxes provided 70 per cent of the Venezuelan government's income last year. That is 30 per cent of the entire gross national product.

There must be a continuation of the race to diversify the nation's economy and thus diminish Venezuelan dependence on oil.

The huge industrial complex of Ciudad Guyana in the east—the steel mill and the aluminum mill and the Cerro Bolivar, an entire mountain of iron ore, will be augmented by the new factory to produce briquets of iron ore, by the expansion of the petro-chemical plant in Puerto Cabello so that more fertilizer can be produced and farmers taught how to use it to increase food production.

LAND GIVEN FARMERS

Whichever side wins will be committed to continuing the program of distributing free plots of land to farmers. The question is how much and how soon.

For the past 10 years The Betancourt-Leoni governments have committed themselves to broadening the horizontal base of education. New schools pop up all over the country. Classrooms are crowded before they are finished. There aren't enough teachers. There aren't enough universities.

Every political party is committed to building more universities and providing free education for everyone.

Something has to be done about Caracas. The rugged hills that surround this beautiful capital (a city that has attracted 2 million of the country's total population of 9 million) continue to tempt poverty-stricken rural families who will accept every kind of hardship to be close to the opportunities in Caracas.

Poor families build the humblest kind of shelters—nothing substantial is needed in this pleasant climate. Entire communities spring up. They develop political character—and power. They must be served with water and sewers and electricity. TV antennas begin to sprout. Schools are built. YMCA portable recreation equipment is sent out. Churches are built.

WAY ALL CITIES GROW

The phenomenon is not peculiar to Caracas. All major cities of Venezuela grow in this way. A program to provide improved rural housing has done little to stop the rush to the larger population centers.

Venezuela is uniquely rich and therefore faces unique social and political problems.

Somehow she must maintain stable government, develop her natural resources, free herself from dependency on oil, provide education for a great number of people, carry on a program of land reform, keep food prices down, and resist the pressures from the far right and the far left.

None of this is easy, but one natural resource remains—the people. There is a good feeling about Venezuela, in spite of the problems.

The people one meets in every social and financial strata are eager to learn, eager to push ahead, to get a better job, win a promotion, get a better car, a bigger house, a better education.

They give the impression that the next election will be held, that power will be transferred peacefully and that Venezuela will be closer to stability.

PANAMA LESS DYNAMIC

There isn't as much dynamic stirring around in Panama, even though a national election is coming up in April and even though Carnival began Saturday.

Panamanians are more relaxed. They aren't happy about the canal but there's no feeling that they're ready to take it away from us, either.

Costa Rica is relaxed, too. This is one of the best educated countries south of the Rio Grande.

Its capital, San Jose, is beautiful. The city is up high, about the same altitude as Denver. San Jose preserves strong colonial touches. Horses still pulled painted carts in the main streets. Ox teams show up downtown every once in a while. No one is alarmed.

Costa Rica doesn't have an army. It spends its money on education. The president is a professor. When his term is ended he will go back to teaching. Everyone in Costa Rica respects a professor. Not everyone respects a president.

GUATEMALA IS SHOCKING

The contrast in Guatemala is shocking. This is a military government. Men with guns patrol the streets. If you drive after dark in Guatemala City it is a very good idea to turn on the interior lights of your car. Then the men with guns will know who you are. If you forget to turn on your interior lights the men with guns will help you remember. They will shoot the tires of your car. Then you will remember.

Guatemala has been ruled by the military for many years. Only 30 per cent of the people can read and write. One of the most beautiful post office buildings in the world is in Guatemala City. Isn't it a pity that two-thirds of the people don't know how to write a letter or how to read one if they get it.

And yet—Guatemala is a truly beautiful country. The public buildings are astounding. The hotels are spotless. The country is an archeological treasure house. If they ever get those armed men off the streets, Guatemala will be one of the finest countries to visit in our Western Hemisphere.

MEXICO LIKE HOME

Mexico was the last stop on this trip. It was like coming home. The policemen are learning English, bless their hearts, and they enjoy a chance to practice with any North American strolling on Avenida Juarez or the Paseo de la Reforma.

The consuming interest in Mexico nowadays is the XIX Olympiad, the first Olympic Games ever staged in a Spanish-speaking country. Mexico is determined to make the world proud of her—in spite of all the money Gen. De Gaulle spent on HIS winter Olympics in Grenoble.

All the major buildings seem certain to be finished long before the games begin on Oct. 12. They're working 24 hours a day on the new subway that will run downtown from the airport. They've got San Latran all torn up now because of the subway but it just means one more traffic jam and Mexican policemen can always handle one more.

PROUD OF PEACE, SCHOOLS

It is well to remember the things Mexico takes pride in—30 years of uninterrupted peace, for instance—a classroom built every hour during the Diaz Ordaz administration—land equivalent in size to all the productive land in France brought into irrigation during the Diaz Ordaz term.

Mexico spends more on education every year than on national defense. The current enrollment at the University of Mexico is 93,000—that's right, 93,000. They have produced a big middle class of well-educated people: engineers, doctors, teachers, artists, skilled technicians. These are ambitious and intelligent people. They make things go.

The post office building in Mexico City isn't terribly attractive but most Mexicans can write a letter and read it and they're proud of it.

[From the Wichita Beacon, Mar. 5, 1968]

PRIESTS GLADDEN VENEZUELAN LIVES

(By Don Granger)

For the past four years the lives of thousands of poor people in Barquisimeto, Venezuela, have been affected by the direct, personal participation of the Catholic Diocese of Wichita, Kansas.

The size of their homes—the condition of their teeth—the health of their children—the music they listen to—the games they play—these and many other areas are affected by the activities of four priests still directly attached to the Wichita Diocese.

How is it that Fr. Colin Boor and Fr. Joseph Bergkamp and Fr. Harold McCormick and Fr. Tom Riley are involved in the lives of 40,000 (more or less) unprosperous dwellers in the third biggest (pop. 350,000) city in Venezuela?

They are in Barquisimeto because Pope John XXIII made a special appeal during the Congress of Rome for help in South America. Bishop Leo J. Byrne offered the cooperation of the Wichita Diocese and the Wichita priests have been in Barquisimeto since Jan. 10, 1964.

They didn't go there just to preach. In fact, you can't tell their calling by the clothes they wear at work. They've shed the priestly collar and dark jacket for sport shirts and a heavy coat of perspiration.

"How does it feel to be out of uniform?"

"Marvelous."

They started from the ground up—with concrete blocks. Caritas (the Catholic charity) got Fr. Bergkamp and Fr. McCormick started with block-making machines and things haven't been the same in the slums of Barquisimeto since then.

They taught their parishioners to make blocks. All it takes is the simple machine, sand, concrete and gravel.

Fr. Bergkamp and Fr. McCormick helped organize credit unions to finance the sale of blocks. Blocks can build houses and additions to houses. Family life is very strong in Venezuela—it is the custom for mothers and mothers-in-law and aunts and uncles and grandparents to live in the family unit—all sleeping in one room if that's all there is.

If inexpensive blocks and a little credit is available more rooms can be built. The family lives better.

Churches can be built with blocks. The beautiful Holy Trinity Church in Fr. McCormick's parish was made of blocks. The block machinery is still in the church yard—near the concrete block recreation building.

This is the building where the sewing machines are stored. Sewing lessons will be given to the women in the community. Fr. McMormick hopes to set up a small clothing factory. This will provide employment, develop skills, bring money into the area.

There is room in the building for the ping-pong table the boys delight in. There is room for dancing. All Latins, particularly Venezuelans, are enchanted by music and dancing. The families gather at the recreation building for music and parties.

The concrete block credit union building—El Triunfo—provides space for the neighborhood committee to consider loans and payments.

A room in the building has been set aside for weekly visits to the community by the dentist. Treatment is free.

There is more to work than concrete blocks.

Fr. Bergkamp has the help (and the responsibility for) three Sisters of St. Francis who have just arrived from Pittsburgh, Pa. Sister Ursula Nielan of Philadelphia and Sister Teresita Morales of Puerto Rico are nurses. They have set up a clinic. They treat the sick and give classes in nursing. They will give classes in nutrition and baby care. Sister Marie Aline Eichhorn, of Frontenac, Kan., will hold classes in domestic skills, cooking, housekeeping, sewing.

Fr. Bergkamp's responsibilities include two Papal volunteers, Carmel Calclough and Rita Dunne, both of Dublin, who work with children and mothers and teach handicraft.

Fr. McCormick supervises and watches over four missionary nuns from Bogota, Colombia. At the mother parish, La Parroquia de Christo Rey, Fr. Boor and Fr. Riley have the help of three nuns from Medellin, Colombia and three lay volunteers.

The nuns spend most of their time in the schools—teaching religion.

Fr. Boor, Fr. Bergkamp and Fr. McCormick each has responsibility for an autonomous parish—each with a population of approximately 15,000 Catholics.

There are the poorest of the Barquisimeto parishes—poverty-striken in every way. They have grown in much the same way every Venezuelan city grows—by the appearance of poor squatters on publicly-owned land—by development of minimum houses and eventually recognition by municipal authorities.

When Fr. McCormick first went to his area in Holy Trinity Parish the authorities pointed out an empty area (empty except for cactus and dust) and said: "We have set aside this ground for the church. It is 120 meters by 60 meters. Use it to build your church." It is the site of Holy Trinity Church.

What of the future?

Fr. Bergkamp led the way to the top of a windy hill where he conducts mass every week in a tin shed barely strong enough to support the roof.

He pointed to the west, to the area stretching beyond the last of the crude shacks.

"That is the 'Zona de Expansion'," he said. "That's where the new families will move in. We've been asked to work with them just as we work with the others. We'll be ready."

[From the Wichita Beacon, Mar. 6, 1968]

VENEZUELA TURNS TO KANSAS FOR MODERN SCIENCE

(By Don Granger)

For the past three years the basic structure of scientific education in Venezuela has been hammered into shape by two dedicated men—one a Venezuelan, the other a Kansan.

Venezuela has never had any tradition of scientific education. The educational structure always has been dominated by the classical tradition of Central University in Caracas where science was pushed aside in favor of the law, literature, history, philosophy and politics—particularly politics.

Establishment of education in science began in the small new Universidad de Oriente in Cumana, because of the determination of its president, Dr. Luis Manuel Penalver.

Dr. Penalver is short in stature but tall in determination. He managed to talk the Ford Foundation out of a $400,000 grant in 1964 and then he went shopping for exactly the right North American university to help him set up a school of basic sciences at Universidad de Oriente.

Dr. Penalver liked the atmosphere at Kansas University better than any other school he visited. One of the reasons was the sympathetic enthusiasm of Dr. Bryon Leonard, then chairman of the KU department of biology.

The assignment accepted by Dr. Leonard went right to the heart of the problem. He agreed to:

Establish a school of basic sciences at Universidad de Oriente.

Develop a program in mathematics, physics, biology and chemistry.

Provide for teaching by members of the KU faculty and at the same time arrange for training at KU for graduate students from Universidad de Oriente.

Develop teaching techniques to be used by members of Universidad de Oriente faculty.

Finally, Dr. Leonard agreed that when the school of basic sciences was established he would find and recruit a suitable man to serve as director of the school.

The program began in the summer of 1965 when Dr. Leonard left the hills of Lawrence, Kans., for the tropical beauty of the campus in eastern Venezuela. The building in which the school is located is a marvel. The classrooms are built around a patio lushly planted in trees and flowers.

Four Kansans live and teach in this atmosphere. While Dr. Leonard has served continuously at the school, other teachers from KU usually have accepted only one year assignments in Venezuela.

The staff this year includes Dr. Vaughn Nelson, 32, a Ph.D. in physics. Dr. Nelson taught physics and coached basketball at Harper High School from 1957 to 1960. He remembers that his teams' record was five wins and 51 losses but in spite of this Dr. Nelson has just been named player-coach of the Universidad de Oriente team. There is no gymnasium. The games will be played on an outdoor court.

Robert Branden, a graduate of Kingman High School in 1960 and KU in 1964, teaches microbiology. He is a candidate for the doctoral degree in biology. His wife, Betsy, is completing her degree in linguistics at KU, where her father, Paul Wilson, is a professor of law.

Richard Eckert, a physicist specializing in magnetic resonance, is busy teaching math and physics. Prof. Eckert has proved his interest in his assignment by marrying a Venezuelan girl.

The atmosphere at Universidad de Oriente is different in every way from that of any U.S. school and different, too, from that found in the dominant Central University in Caracas.

There are few disciplinary problems for Dr. Leonard and his staff. Students in the school of basic sciences have no time for political demonstrations like those in Caracas or for projecting pictures of naked women on dormitory walls in the KU style.

As a matter of fact—there aren't any dormitories at the Universidad de Oriente. Students live in dark, crowded, noisy residences operated by landlords who see no reason to waste money on big, expensive light bulbs when 40 watts will do.

Therefore, many of Dr. Leonard's students use the well-lighted streets of Cumana as study halls, not as arenas for political debate (as in Caracas) nor as the rallying point for a panty raid.

It is commonplace to see 15 or 20 students huddled under the street lights, studying for next day's assignment.

They face a brutal curriculum—particularly the freshmen who must take math (at the calculus level), biology, chemistry, physics, English and Spanish. The university is required by law to accept without examination any graduate of a Venezuelan secondary school.

More than 2,500 are enrolled in the school of basic sciences. Half that number will be lucky to graduate.

Those who do will find a market for their skills. Industry waits for them. Venezuela's schools desperately need teachers trained in science. Almost all the supply will come from the Universidad de Oriente.

Almost all of Dr. Leonard's basic assignment has been completed. The school of basic sciences is established. There is a flourishing program in math, physics, biology and chemistry. Teachers have been indoctrinated with KU methods. There has been a productive exchange of teachers with KU and Venezuela has benefited by it.

And finally, Dr. Leonard has found a suitable scholar to take over the directorship of the school of basic sciences—a former student at KU, Dr. John De Abate, an entomologist.

The program is scheduled to end in 1969, when the first graduating class goes out into the world. This will be the first group shaped by the influence of Kansas scholarship—one that will be the foundation for teaching science in Venezuela for years to come.

HOPE FOR MELANOPENIA VICTIMS

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. COHELAN. Mr. Speaker, those of us who have from birth been victims of melanopenia can take new hope from recent medical science developments, especially in the areas of transplants and of research on human biology.

The deficiencies in skin pigment, specifically of melanin, which cause melanopenia, are not significant biologically, our society having adjusted to the need for protective housing and clothing which the condition requires.

As the distinguished scientist, Dr. Joshua Lederberg points out:

> Biology is a very recent science, and most of our social institutions and attitudes were crystallized before we had any scientific understanding of human diversity.

There have developed, therefore, unfortunate group identifications relating to the unfortunate victims of melanopenia that have created complex social and economic problems.

In an article in the Washington Post on April 27 Dr. Lederberg discussed this serious genetic disease and his prognosis for its eventual cure. I request permission to include his article at this point in the RECORD:

CELL TRANSPLANTS HOLD HOPE IN "WHITE SKIN" EPIDEMIC

(By Joshua Lederberg)

Melanopenia is one of the most serious genetic diseases to afflict the population of the United States and Europe. In the United States it affects almost 90 per cent of the population and, being aggravated by the social and political climate of that country, it has an unparalleled virulence. In fact, it may destroy that Nation.

Because of its most obvious manifestations, melanopenia is popularly known as "white skin." One of its more subtle effects is that its victims, far from recognizing that they suffer from a genetic defect, often look down on their fellows who have a more complete enzyme system in their skin.

Like many other diseases, the primary lesion in melanopenia is not inherently very serious, and it is the interaction of a mild disability with a particular environment that generates the full-blown epidemics. The biochemistry of melanopenia is not well understood, but some investigations suggest that it is a defect in the enzyme, tyrosinase, which blocks the synthesis of melanin pigment.

Two or three major genes control the level of tyrosinase activity in the melanocytes (pigment making cells) of the skin. However, the enzymes from the different genetic types have not yet been isolated for detailed comparison. Studies on domestic animals suggest that deficiencies in skin pigment should confer only a minor disadvantage, especially if protection from ultraviolet light in sunshine can be afforded by protective housing and clothing. The biological significance of melanin in man, is still controversial, but it seems likely that it can help protect the deeper layers of the skin, and some physicians report that, as a consequence, Negroes retain more youthful facial skin into more advanced age. One form of reduced pigmentation is associated with the disease phenylketonuria (PKU). The mental retardation of PKU can, however, be mitigated by a careful control of the infant's diet.

The ravages of melanopenia in contemporary life are, then, all out of proportion to its biological signifiance. Biology is, however, a very recent science, and most of our social institutions and attitudes were crystallized before we had any scientific understanding of human diversity. Precisely because skin color is so superficial a character. It has become an indelible label for group identification, one which reinforces the universal trend in human affairs for the exaltation of in-groups at the expense of outcasts.

With our new knowledge of genetics and biochemistry, we should soon be in a position to make a direct attack on melanopenia—to enable every individual to be just as black as he wishes. This is still a futuristic dream, whose accomplishment needs further concentration of research on human biology. However, it should not be any more difficult than the control of diabetes or hemophilia.

Even now, we can speculate on the possibilty of transplanting competent melanocytes, if necessary at an early age, to compensate for the genetically defective ones in patients with melanopenia. Thus, research on transplantation of hearts and other major organs may serve an unexpectedly broad social purpose.

Meanwhile, some melanotic individuals may find some use in procedures which temporarily lighten their skins. This may be for relatively frivolous cosmetic purposes, like trying out blond hair, or as a generous gesture of social solidarity and compassion for biologically inferior melanopenics.

It would be naive to asssume that America's racial problems are amenable to such a quick fix from biological technology. Human prejudice is too ingenious for that. Only a few individuals might care to modify their complexions. But some of the special virulence of racial conflict might be alleviated if the adoption of skin color were indeed to become a matter of personnal convenience and preference.

CONGRESS SHOULD INVESTIGATE TV PRICES

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. RODINO. Mr. Speaker, the Belleville Times of Belleville, N.J., has published an editorial, "Congress Should Investigate TV Prices," that raises a number of important questions about which I, too, have been wondering.

The editorial follows:

Congress Should Investigate TV Prices

For almost a year now the public has been waiting for the price of color television to go down.

But, curiously, color set prices have remained almost rigid. Unlike the history of black and white television, a story of declining prices as production soared and competition increased, color television prices have been maintained at high levels in recent years despite increasing production, lower unit costs. There is little justification for present price levels, in the view of many, and little justification for the amazing similarity in minimum prices.

Estimates have been made that color sets could be profitably marketed for $200. Since many dealers count on color maintenance contracts as much as on the profit from sales of receivers, it is puzzling that more special sales, and lower prices, are not seen. This would likely prove a fertile field for congressional investigation.

FIREARM LEGISLATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the Congressional Record an excellent resolution adopted by the Legislature of the State of Vermont, House Joint Resolution No. 44, in opposition to S. 1 and H.R. 5384. This legislation, as presently drafted, would do a great deal to strip law-abiding citizens of their right to purchase firearms for legitimate sporting and defense purposes.

The resolution of the State of Vermont points out the vices inherent in this legislation and sets out with considerable precision major objections to that outrageous legislation.

The resolution follows:

House Joint Resolution No. 44

A joint resolution relating to the sale of firearms

Whereas, a bill (S. 1) has been introduced in the United States Senate by Senator Thomas J. Dodd of Connecticut which would affect mail order sales of firearms to individuals and would permit such sales only between licensed importers, manufacturers and dealers and would place restrictions upon responsible citizens who wish to order recreational firearms by mail, and

Whereas, a bill (H.R. 5384) has been introduced in the United States House of Representatives by Representative Emanuel Celler of New York on the same subject which would make any violations of its provisions a federal crime and which would preempt such state firearms control laws as are in conflict with it, and

Whereas, the right "to keep and bear arms" as provided in the United States Constitution and the Constitution of the State of Vermont implies the right to purchase arms and ammunition for lawful purposes, now therefore be it

Resolved by the Senate and House of Representatives:

That we, while recognizing the necessity for control of the sale of firearms to assist in the prevention of crime and disorder, do hereby urge the Vermont Congressional Delegation to oppose any arbitrary restrictions on the sale of firearms that would have the effect of nullifying the natural and necessary right of self-defense and protection; that would vitiate the provisions of Article II of the amendments to the constitution of the United States and Article 16 of the Vermont constitution; and that would place unreasonable or prohibitive restrictions on the sale of firearms and related materials by licensed dealers to responsible citizens, and be it further

Resolved: That the secretary of state be hereby directed to forward copies of this resolution to the members of the Vermont congressional delegation.

Approved, March 26, 1968.

MR. BALL AND THE UNITED NATIONS AMBASSADORSHIP

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 1968

Mr. ASHBROOK. Mr. Speaker, in the Congressional Record of May 2 there appears on page 11631 an article from the Government Employees Exchange concerning a phone monitoring facility at the State Department which monitored the conversations of State Department employees and "approximately 85 journalists and newspaper correspondents." According to the article, "Under Secretary of State, Mr. Ball—George W. Ball—assumed control of the 'espionage room' in November 1961." On Friday, May 3, Mr. Ball appeared before the Senate Foreign Relations Committee concerning confirmation as Ambassador to the United Nations and was asked by the chairman of the committee whether such a facility existed. Because of the importance of the testimony, I am inserting at this point the exchange between Mr. Ball and Chairman Fulbright:

The Chairman. There has come to my attention, Mr. Ball, a matter which is not directly related to your new appointment but it does relate to your previous employment, I mean your previous position, in the Department of State. I think it might be helpful for the record since I don't think I will have an opportunity to inquire of anyone else, at least it ought to be straightened out, if it can be.

There is an article in the May 1st publication of the Government Employees Exchange. It describes a facility in the Department of State, and this would relate to your previous employment.

Mr. Ball. That is right.

The Chairman. And previous position. It says, it describes a facility in the Department of State as an electronics room, a bugging room, an electronics laboratory, these are the words that are used. The story suggests rather strongly that this facility can be and is used to monitor and record conversations unbeknownst to the telephone participants. The article also suggests that you were at one time in a position to authorize its use. Is there such a facility in the Department of State?

Mr. Ball. I am unaware of it.

The Chairman. You are not aware of it?

Mr. Ball. No, sir.

The Chairman. Well, to the best of your belief is that equivalent to that you do not believe it is correct?

Mr. Ball. This is a device for monitoring telephone conversations of people in the State Department?

The Chairman. That is correct, that is what the article says.

Mr. Ball. I think that is totally erroneous.

The Chairman. I think you ought to say so.

Mr. Ball. I certainly would have been aware of it had there been such a room, had there been such a device and there was none. There is none.

The CHAIRMAN. Well, I think it ought to be clarified. It alleges in this that this is used to pick up incoming conversations and telephone conversations also of the employees, the members of the Department, to outgoing particularly, particularly it has reference to conversations between members of the staff and reporters.

Mr. BALL. I am totally unaware of that, Mr. Chairman, and I am sure it is erroneous.

The CHAIRMAN. And they also allege that tapes, records are made of conversations between Senators and members of the State Department.

Mr. BALL. I am certain that that is wrong.

The CHAIRMAN. So you can say positively that that is not so?

Mr. BALL. Yes.

The CHAIRMAN. I think it ought to be knocked down. It is a very current story, and a front page story of this publication, which is natural, if it were true would be very disturbing to the Committee.

Mr. BALL. Certainly in my experience in the Department this is totally untrue.

This exchange originally appears in the CONGRESSIONAL RECORD on page 12202 of the May 7 issue. On that same page there is included a memorandum supplied by the Government Employees Exchange entitled "History and Location of 'Espionage' or 'Electronic Laboratory' Facilities at the Department of State." The memo describes a facility of four rooms, with room numbers, which, along with a lecture room, comprised an island in a moat of corridors completely surrounding the facility. In addition, a drawbridge consisting of a locked door, sealed the facility off from the so-called corridor 8 of the third floor. The memo went on to name some of those who were authorized to enter the facility, access to which was denied even to security officers. A brief history of the use of the facility was included in the memo.

As can be seen from Mr. Ball's testimony, he denies the existence of a facility for monitoring phone conversations and added that "I certainly would have been aware of it." Either Mr. Ball gave the Senate committee a deceptive answer or he was truly uniformed as to the existence of the facility, and especially its misuse in monitoring certain phone conversations. It must be understood that there are legitimate functions for so-called electronics laboratories. Other agencies have them, and they are used to devise new electronic equipment to counter and neutralize electronic eavesdropping by alien and unfriendly forces. But Mr. Ball specifically denied that a facility existed which was put to the use of monitoring phone conversations of State Department employees and "reporters."

The record shows that Mr. Ball was aware that phone monitoring had taken place in the State Department. When three State Department officials, John Reilly, David Belisle, and Elmer Dewey Hill, were found to have given misstatements—or possibly lied—to the Senate Internal Security Subcommittee, concerning the bugging of Otto F. Otepka's phone, they were requested to write letters to the subcommittee "amplifying" their testimony. Mr. Ball was the "go-between" between the three and Secretary Rusk.

The testimony of another State Department official, Abram Chayes, confirms that Mr. Ball was very much involved in the Otepka case. In testimony before the Senate Internal Security Committee on August 14, 1964, there occurred this exchange between Mr. Sourwine, chief counsel of the subcommittee, and Mr. Chayes:

Mr. SOURWINE. Can you tell us if it is correct that Mr. Rusk and Mr. Ball have made most of the decisions, have themselves made most of the decisions in the Otepka case?

Mr. CHAYES. Well, you say most of the decisions. Every major step in the case has been considered either by Mr. Rusk or Mr. Ball.

In addition, I have been reliably informed that the Otepka case was Mr. Ball's "baby." It is my understanding that he handled the Otepka affair and should have been aware of the chicanery that characterized the whole operation.

In January of this year Secretary Rusk, at a press conference, was questioned by Clark Mollenhoff of the Cowles Publications as to why perjury charges had not been referred to the Justice Department in the cases of Reilly, Belisle, and Hill:

MOLLENHOFF. Well, it has not been sent to the Department of Justice, and they were informed, the Assistant Attorney General in charge of the criminal division in the last week or two has informed a member of Congress that it has not been referred to the Department of Justice.

Secretary RUSK. Well, that it not my recollection of it four years ago. But nevertheless . . .

The above answer by Secretary Rusk indicates that he had not been aware of the many ramifications of the case and that he had not followed the developments closely. This would be understandable if the case had been referred for handling to Mr. Ball.

It is also my understanding that more information concerning Mr. Ball's part in the Otepka case will be brought to public attention next week.

The crux of the issue concerning Mr. Ball and the phone monitoring facility boils down to this: Regardless of whether Mr. Ball was aware of any facility or device, did he:

First. Authorize, direct, or approve, electronic security people to monitor or listen in on telephone conversations of certain State Department employees, or journalists?

Second. Receive any reports from electronic security people or the Director of Security of the Department of State concerning any monitored conversations of any State Department employees or journalists?

Mr. Ball should be made to answer these questions—this time under oath—before he is confirmed as the Ambassador to the United Nations.

COURAGEOUS GOV. LURLEEN WALLACE

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, I respectfully include the following telegram which I have sent to the Honorable George Wallace on learning of the passing of his lovely wife, Lurleen, Governor of Alabama:

Hon. GEORGE WALLACE,
Montgomery, Ala.:

It is with real sorrow we have learned of the passing of your lovely wife, Gov. Lurleen Wallace, of Alabama. She certainly was a lovely, courageous person whom we all admired. She has left a heritage which every American woman can look to in high honor and pride.

JIM FULTON,
Congressman from Pennsylvania.

SENATE—*Monday, May 13, 1968*

The Senate met at 10 a.m., and was called to order by the President pro tempore.

Rev. Carl H. Douglass, Jr., minister, Duncan Memorial Methodist Church, Ashland, Va., offered the following prayer:

Dear Father of all men, who loves us more than we know and who is nearer than we suspect: we pray for ourselves, for our loved ones, and for our enemies; we pray for our Nation and our world. Heal our wounds and teach us the way of brotherhood.

We confess that we are small in mind, slow in deed, and often cowards before the truth. Make us humble that we might learn the more; save us from the pinched mind and the loud mouth. Deliver us from taking our honors more seriously than our responsibilities.

Give us self-respect that we might be able to respect all persons. Give us a vision that includes more than our own way. Give us principles that center on persons. Make us both kind and brave. And give us an awareness of Thy presence that carries us through our small day to Thy everlasting light. In Thy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, May 10, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. **MANSFIELD.** That, of course, would occur after the distinguished Senator from Iowa [Mr. MILLER] is recognized and has completed his statement.

ORDER OF BUSINESS

The **PRESIDING OFFICER.** (Mr. TALMADGE in the chair). Under the order entered on Friday the Senator from Iowa [Mr. MILLER] is recognized.

Mr. **MANSFIELD.** Mr. President, the distinguished Senator has been recognized for one-half hour. I ask unanimous consent, with his approval, and with the stipulation that he does not lose his right to the floor, to suggest the absence of a quorum.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **MILLER.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

TIME FOR POLICY DECISION IN FAVOR OF OUR MEN BEARING THE BURDEN OF THE WAR IN VIETNAM

Mr. **MILLER.** Mr. President, last August 31, the Senate Preparedness Investigating Subcommittee issued a unanimous report in which we declared:

> Many proposals have been heard recently calling for a curtailment of our air campaign against North Vietnam, including a complete cessation of the bombing in certain vital areas. Each of these proposals has the serious fault that, if adopted, the inevitable result would be an increased infiltration of men and war goods into South Vietnam and increased casualties among U.S. and allied troops.
>
> A territorial limitation of the bombing would . . . be a perilous course because it would afford the North Vietnamese many vital sanctuaries and enable them to expand the ground war in South Vietnam with a lesser penalty than is now being exacted. As an illustration, General Wheeler [Chairman of the Joint Chiefs of Staff] testified that a reduction of our bombing or imposition of additional restrictions on our air forces would cause increased U.S. and allied casualties in South Vietnam.

These observations were agreed to by the President of the United States last February 1, during his presentation of a Medal of Honor to one of our airmen. At that time the President said:

> Let those who would stop the bombing answer this question: "What would the North Vietnamese be doing if we stopped the bombing and let them alone?"
>
> The answer, I think, is clear. The enemy force in the South would be larger. It would be better equipped. The war would be harder. The losses would be greater. The difficulties would be greater. And of one thing you can be sure: It would cost many more American lives.

Two months later, on March 31, the President, in his nationwide television address, stated that he was ordering a unilateral restriction of our air attacks on North Vietnam—restrictions which have since confined our attacks to North Vietnamese territory below the 20th parallel—some 180 miles above the DMZ.

He also said:

> We ask that talks begin promptly, that they be serious talks on the substance of peace. We assume that during those talks Hanoi will not take advantage of our restraint.

At his news conference on April 11, the Secretary of Defense, Clark Clifford, was asked what would happen if we found that North Vietnam was taking advantage of our restraint, and he replied:

> We would have to make a policy decision then as to what we would do in view of their decision not to comply with the formula that is in our minds.

Shortly thereafter, I pointed out that the President had not ordered any restrictions on our aerial reconnaissance flights over North Vietnam, and that the White House owed a duty to inform the people of the results of these flights. Certainly the people have a right to know whether, in fact, reciprocal restraint is being followed by North Vietnam; and, if such restraint has not been forthcoming, what the President is going to do about it.

Increasing anxiety over this matter has been expressed in the nearly 6 weeks since the President curtailed our air campaign over North Vietnam.

The distinguished columnist, Carl Rowan, wrote in the April 14 issue of the Washington Evening Star:

> But there is growing uneasiness over the following evidence that the Communists may be suckering the U.S. into giving them a needed breather: Aerial photographs and other intelligence reports indicate a sharp increase in the infiltration of men and arms from North Vietnam into the South since President Johnson curbed bombing attacks on the North.

On April 17, the knowledgeable writer Joseph Alsop observed from Da Nang that—

> The Hanoi "bosses" immediate aim is to see whether President Johnson can be hornswoggled into abandoning the vital bombing of the North Vietnamese Panhandle without an adequate quid pro quo.

In the April 21 issue of the New York Times, Gene Roberts, writing from Saigon, quoted one of our top-ranking officers as saying:

> They're bringing troops and ammunition into South Vietnam at the maximum rate.

In the April 23 issue of the Washington Post, staff writer Carroll Kilpatrick reported:

> A large build-up of Communist forces in South Vietnam is taking place despite concentrated American bombing attacks on the invading contingents.
>
> One official said that United States observers had never seen a heavier concentration of truck traffic moving south from North Vietnam than in recent days. . . . The trucks are said to be carrying men and supplies.

In the May 2 issue of the New York Times, reporter Hedrick Smith wrote:

> Some senior American military officials are reported to have begun to argue for a resumption of American bombing throughout North Vietnam. . . . Administration sources reported that the field commands were contending that North Vietnamese infiltration into the South in the last two months, especially during April, had reached a peak for the war. Some estimates place the infiltration figure for April as high as 20,000 men.

In the May 3 issue of the New York Times, Max Frankel reported that the President "will resist military pressure for a resumption of the bombing of North Vietnam north of the 20th parallel, at least until there is more persuasive evidence that Hanoi is stalling to gain military advantages. A menacing increase in the movement of men and supplies into South Vietnam or attacks on such cities as Saigon or Hue would force the President to reconsider the decision to spare Hanoi and Haiphong, officials point out."

In the May 5 issue of the Washington Post appeared an article, bearing the Saigon dateline, which reads:

> North Vietnam has increased its troop infiltration into South Vietnam since President Johnson halted bombing above the 20th parallel a month ago, U.S. sources said today. . . . U.S. sources had reported earlier that North Vietnam also has increased its flow of war materials into the South. At least 10,000 enemy trucks were reported seen moving south, the largest such movement in the war. . . . Air officers maintain that the farther south the trucks and troops are allowed to go unhampered, the harder they become to knock out.

In the May 6 issue of the New York Times, William Beecher reported:

> North Vietnam has made a "desperate effort" to rush men and supplies into South Vietnam in the last few months, according to Administration sources who made new figures available today on infiltration. . . . Despite heavy American air strikes between the DMZ and the 20th parallel in North Vietnam and along infiltration routes in Laos, they said, reconnaissance pilots report that convoys of 100 or 200 trucks are frequently sighted. "This is at least two or three times the normal flow," one official said. . . . Since President Johnson's speech March 31 announcing a curtailment of bombing and bidding for peace talks, knowledgeable sources said, there may have been a rise of 2,000 or so in the monthly infiltration rate.

In the Washington Post for May 8, Chalmers M. Roberts stated:

> More than 100,000 North Vietnamese troops have been sent into South Vietnam since the Tet offensive in January and infiltration during the first five days of May was between 6,500 and 7,000 men, an Administration official said yesterday. The figures, the highest yet made public, were given to the White House correspondents of the Associated Press and United Press International.

Mr. President, from the foregoing, it is obvious that there has been no reciprocal restraint on the part of North Vietnam in response to President Johnson's curtailment of our air campaign over North Vietnam. Instead, the response has been to escalate the flow of troops and supplies into South Vietnam.

This is the same answer the President, himself, predicted last February 1. And to use his words of that date:

> Of one thing you can be sure: it will cost many more American lives.

The question the people of this country have a right to have answered is just how many more American lives are to be sacrificed before the President orders an effective response to the enemy's escalation?

It is, indeed, time for the policy decision to which the Secretary of Defense made reference.

That policy decision should be in favor of—and never against—our brave men who are bearing the real burden of this war. It should be in favor of reducing—and never increasing—the casualties which these men will suffer.

That policy decision should take fully into account the plan enunciated by North Vietnamese General Vinh:

> In fighting while negotiating, the side which fights more strongly will compel the adversary to accept its conditions. We must fight to win great victories with which to compel the enemy to accept our conditions.

If the North Vietnamese policy is to fight and win battles while the talks, which began last Friday, go on, we have no choice except to fight and win those battles. And it is wrong to let down our guard and submit our men and those of our allies to greater casualties in fighting those battles.

Our military leaders have warned that curtailment of our air campaign over North Vietnam would, without reciprocal restraint on the part of the enemy, result in more casualties and a longer war. And the President's own words of February 1 support their position.

As talks move along in Paris, all of us hope and pray that they will swiftly move into meaningful negotiations leading to a just and lasting peace. But the enemy should be made to understand that we are not so interested in talking that we will tolerate abuse of our restraint. If we fail to make this clear, our position during the talks will be severely weakened.

According to reports from Paris, representatives from North Vietnam have opened the talks by insisting on the total cessation of bombing. In the face of clear evidence of Hanoi's escalation following the partial cessation ordered 6 weeks ago we may trust that our representatives will make it clear that instead, we will take action in response to their escalation which will prevent increased casualties to our men.

It is time for the President to take the American people into his confidence and tell them the facts about what North Vietnam has done during the past 6 weeks in violation of his assumption that no advantage would be taken of our restraint.

And it is time for the President to announce a policy decision which will satisfy both the United States and its allies that our men in Vietnam will not be placed in greater peril as a price for talks which, like the truce talks in Korea, can be used by the enemy as a calculated step in inflicting greater casualties upon us.

Mr. President, I ask unanimous consent to have printed in the RECORD the various articles to which I have made reference.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 6, 1968]

BALL LINKS TALKS AND INFILTRATION—HE AND OTHER OFFICIALS SEE EFFORT BY HANOI TO RAISE ITS BARGAINING POWER

(By William Beecher)

WASHINGTON, May 5.—North Vietnam has made a "desperate effort" to rush men and supplies into South Vietnam in the last few months, according to Administration sources who made new figures available today on infiltration.

Officials said that Hanoi was probably attempting to improve its bargaining power for the preliminary peace talks that are expected to get underway in Paris this week.

George W. Ball, who is to become United States delegate to the United Nations, declared on the television program "Meet the Press" on the National Broadcasting Company network that the North Vietnamese infiltration of South Vietnam had totaled 80,000 to 100,000 men so far this year.

SOME GO ELSEWHERE

Defense and State Department officials explained that there was no sure estimate yet how many of those troops entered the war zone and how many were up in Laos and Cambodia and in the demilitarized zone along the line between North Vietnam and South Vietnam.

Administration officials said that the enemy's mortar and rocket assaults against more than 100 targets in South Vietnam was the first discernible large-scale reflection of the build-up.

Despite heavy American air strikes between the DMZ and the 20th Parallel in North Vietnam and along infiltration routes in Laos, they said, reconnaissance pilots report that convoys of 100 or 200 trucks are frequently sighted.

"This is at least two or three times the normal flow," one official said: "We're pounding them as hard as we can, but still they come."

He described the flow as a "desperately high rate of movement."

On infiltration of North Vietnamese combat units, the sources acknowledged some disagreement among intelligence officials. But the predominating view, according to one source, is that 20,000 men—10,000 each month—were seen moving south during January and February. This was said to be 4,000 above the normal monthly flow. The same view holds that 35,000 to 40,000 troops moved south in March and again in April.

Since President Johnson's speech March 31 announcing a curtailment of bombing and bidding for peace calling knowledgeable sources said, there may have been a rise of 2,000 or so in the monthly infiltration rate.

Some sources expressed discouragement at this possible trend, saying that the Administration had hoped that the President's speech would result in some diminution of effort by the North Vietnamese and the Vietcong.

RECALLS 1954 TALKS

In his television appearance, Mr. Ball said that the North Vietnamese "may be following a pattern which they followed once before." He recalled that before the Geneva talks in 1954, th Communist forces mounted a major drive that resulted in the defeat of French forces at Dienbienphu on the day before talks started. Dienbienphu fell May 7, 1954, or 14 years ago Tuesday.

"Now, if they think on the 5th of May, before the talks start on the 10th of May," he said, "that this kind of a military operation is going to result in improving their bargaining position, I think they gravely misconceive the attitude of the United States, the power position of the United States, or the determination of the United States to see an honorable settlement."

By curtailing the bombing of North Vietnam to points generally below the 20th parallel, Mr. Ball said, the United States has taken an act of restraint.

"There should, on the other side, be some kind of reciprocity," he said.

QUESTION OF PATIENCE

Asked how long the United States might be willing to wait before resuming full-scale bombing raids if the talks in Paris failed to show progress, Mr. Ball said that the "farthest thing" from the President's mind was having to expand the bombing, but that he would not want to predict how much patience the United States would demonstrate in Paris.

Despite reports that some high military men have been pressing, behind the scenes, for a resumption of widespread bombing, knowledgeable officials said that the Joint Chiefs of Staff had not made such a recommendation.

"The chiefs are not happy about the unprecedented level of infiltration," one source said. "They have held numerous discussions on its implications. But they have made no recommendation that full bombing be resumed."

[From the New York Times, May 3, 1968]

UNITED STATES NOT SURE HANOI WANTS TO REDUCE PACE OF FIGHTING

(By Max Frankel)

WASHINGTON, May 2.—President Johnson and his senior advisers have come through a month of diplomatic dickering with North Vietnam with no clear idea whether Hanoi is interested in their basic proposition that the two sides move toward negotiations by reducing the level of fighting.

Such movement toward restraint was the most that they hoped for when the President curtailed the bombing of North Vietnam and invited Hanoi to help save lives while contacts were made. The response so far, officials report, strike the Administration as inconclusive.

The fighting in South Vietnam at the moment is heavy because of American offensives. But these are ultimately defensive, reflecting fear of another round of enemy attacks on Saigon, Hue and other cities.

Secretary of State Dean Rusk said today that the enemy was preparing for a major offensive. He told the House Foreign Affairs Committee that such an attack would be "a big setback for the possibility of talks."

CONVERSATIONS INCONCLUSIVE

The conversations in Laos between American and North Vietnamese diplomats have failed so far in two respects; they have neither broken the deadlock about where to hold formal talks nor brought any message that Hanoi wants its military redeployment interpreted as signs of restraint.

Accordingly, the President is said to have reached these tentative conclusions for the immediate future.

He will encourage the already vigorous efforts of third parties—both nations and individuals—to help set a place and time for talks that both Hanoi and Washington could accept without appearing to yield to pressure from the other.

He will resist Hanoi's current demand that that talks be held only in Cambodia or Poland, yet without finally rejecting either place. Mr. Johnson's objections to Cambodia or Poland are said to have grown from specific concerns about communications and accessibility to a larger feeling that success in the talks depends upon an initial feeling of comfort by both sides with the arrangements.

He will resist military pressure for a resumption of the bombing of North Vietnam north of the 20th Parallel, at least until there is more persuasive evidence that Hanoi is stalling to gain military advantages. A menacing increase in the movement of men and supplies into South Vietnam or attacks on such cities as Saigon or Hue would force the President to reconsider the decision to spare Hanoi and Haiphong, officials point out.

He will remain alert for any signal, in formal contacts if they can be arranged or on the battlefield itself, that North Vietnam has its own reasons for wishing to reduce the level of violence.

A reciprocal reduction, by tacit or explicit agreement, has always seemed to high Administration officials to be a more realistic objective for the near future than a formal political settlement resolving the future of South Vietnam.

Despite the emphasis given in the last month to arranging "peace talks," the President himself has always stressed his immediate interest in starting with acts of military restraint.

[From the New York Times, May 2, 1968]

MILITARY MEN SAID TO URGE END OF CURBS ON BOMBING

(By Hedrick Smith)

WASHINGTON, May 1.—Some senior American military officials are reported to have begun to argue for a resumption of American bombing throughout North Vietnam.

The reports came as a new gesture was made in the diplomatic situation. The White House announced Washington's acceptance of an Indonesian proposal that preliminary talks with North Vietnam be held in neutral waters aboard an Indonesian ship, possibly the heavy cruiser Irian.

The Indonesian proposal was made about two weeks ago by Foreign Minister Adam Malik. The United States officially relayed its acceptance to Jakarta late today.

At the same time, Senator J. W. Fulbright of Arkansas and other members of the Senate Foreign Relations Committee urged the Administration to accept North Vietnam's proposal that preliminary talks be held in Warsaw.

The suggestion was reportedly made during testimony from Under Secretary of State Nicholas deB. Katzenbach behind closed doors. Mr. Fulbright also reportedly suggested that talks could be held in the demilitarized zone on the border of North and South Vietnam, just as the armistice talks during the Korean war were held in the buffer zone there.

"I don't wish to be too critical," Mr. Fulbright told reporters. "The other side is being difficult. But the war is costing so many lives, it seems to me that we should not quibble about a site for talks."

Mr. Fulbright said there were also a number of sites thus far unmentioned by either side, such as Algiers, that might prove satisfactory as a compromise.

Highly placed Administration sources reported that senior military officials contended that the delay over agreement on a site for preliminary talks on Vietnam and reports of heavy infiltration and southward movement of North Vietnamese troops indicated that "Hanoi is not interested in peace."

This argument is reported to have been advanced in recent days by the headquarters of Adm. U.S. Grant Sharp, commander in chief of Pacific forces, who has responsibility for the air war against North Vietnam. It has apparently been supported by the headquarters of Gen. William C. Westmoreland, the American commander in Saigon.

There was no indication, however, that the President was preparing to lift the restrictions he put in force on March 31.

High civilian officials, including Secretary of Defense Clark M. Clifford, have asserted that they are "not aware of any increase in infiltration since the bombing restriction." Others have argued privately against lifting the restrictions prematurely while diplomatic maneuvers continue.

The White House answer to Indonesia was in keeping with President Johnson's suggestion Nov. 11 for a meeting with North Vietnamese leaders on a "neutral ship on a neutral sea." He made the comment in a speech aboard the carrier Enterprise.

HANOI ASSENT DOUBTED

United States officials privately acknowledged they would be surprised if Hanoi accepted the Indonesian proposal. They offered no explanation of how it would meet American requirements for a site—adequate communications and diplomatic facilities for both sides and access for officials and press representatives of allies in the Vietnam conflict.

But the President, having been accused of reneging on another pledge to go "any place, any time" in search of peace, apparently decided that he could not afford to rebuff the Indonesian proposal in view of his remarks last November.

Administration sources reported that the field commands were contending that North Vietnamese infiltration into the South in the last two months, especially during April, had reached a peak for the war. Some estimates place the infiltration figure for April as high as 20,000 men.

In addition, intelligence reports indicate that the North Vietnamese Army has moved sizable forces and supplies into the southern regions of North Vietnam. This is said to have occurred despite intensified American air attacks in this region since March 31, when President Johnson restricted all Vietnam to the panhandle region, south of the 20th Parallel.

Most recently Hanoi has been replacing heavy losses suffered during heavy fighting late in January and early in February.

But some officials contend that the enemy's need for replacements has created an unusual situation. They also suggest that the President's requirement that Hanoi not take advantage of a halt in bombing was intended to cover only a total suspension, rather than a partial one like the present one.

"This business of infiltration is really not a mathematical problem," one official explained. "It's a political one for the President to decide—whether what Hanoi is doing jeopardizes the peace effort or not."

Secretary Clifford, who has emerged as the President's chief adviser on Vietnam policy, commented yesterday that he had not noticed "any particular increase" in combat activity in South Vietnam since the restrictions went into effect March 31.

[From the Washington Post, Apr. 23, 1968]

BIG ENEMY BUILDUP REPORTED IN VIETNAM

(By Carroll Kilpatrick)

A large build-up of Communist forces in South Vietnam is taking place despite concentrated American bombing attacks in the invading contingents, high Administration officials reported yetserday.

One official said that United States observers had never seen a heavier concentration of truck traffic moving south from North Vietnam than in recent days.

The trucks are said to be carrying men and supplies. Some convoys are moving along the Ho Chih Minh trail in Laos and others are crossing the demilitarized zone that divides the two Vietnams.

So intent have the northerners been on moving forces south that some trucks have been observed with lights on at night, making them easy targets, it was said.

At the same time, the Vietcong reportedly is stepping up its drive to recruit more men in the south.

"There's a feverishness about the efforts to push men and supplies and about the effort in the south to recruit more men," an official said.

There is no clear conviction here regarding the intent of the Communists in building their forces, which suffered heavy losses during the Tet offensive in January-February and the allied offensive against them that followed.

Some officials believe that the Communist build-up is to prevent demoralization of Communist forces in the south while others believe that the new forces are being prepared for another offensive against the cities.

Still others believe that the build-up is designed to strengthen the Communist hand for any negotiations that may be undertaken in the near future.

Officials here have heard the reports, current the last few days in South Vietnam, that another offensive against Saigon is being planned. But there is doubt here as there is among American officers in Saigon that the enemy has the capability of launching a successful attack against the capital now.

The allied offensive against the Communists, which began in late February, has inflicted heavy casualties on the enemy and pushed him back in many areas.

In addition, the United States and South Vietnamese defense of Khesanh has succeeded and the seige of the base has been lifted, again with heavy casualties inflicted on the Communists, officials claim.

As the North Vietnamese concentrated their forces near Khesanh they became an easy target for air attacks and for artillery fire and suffered severe losses, reports indicate.

The heavy American air attacks reported in the last few days have been aimed at the invading convoys, officials said.

There has been an especially heavy concentration of bombings in the southern panhandle of North Vietnam which is exempt from President Johnson's restrictions on attacks in the north.

[From the Washington Post, Apr. 17, 1968]

WILL HANOI FOLLOW OWN BOOK FOR A VICTORY BEFORE TALKS?

(By Joseph Alsop)

DANANG, SOUTH VIETNAM.—Here in the headquarters of I Corps and all over South Vietnam, U.S. and Allied commanders and their analysts and operations officers are now debating a rather simple question:

Will Hanoi follow its Own Book, which calls for seeking "victory" at all costs, in the sense of trying for a striking, psychologically transforming success on the battlefield, before any serious negotiations can begin?

The question does not apply, of course, to the stage of talks about talking. The Hanoi bosses' immediate aim is to see whether President Johnson can be horn-swoggled into abandoning the vital bombing of the North Vietnamese Panhandle without an adequate quid pro quo.

If the President and his intelligence advisers want solid proof of the importance of the northern bombing, they need only glance at the ludicrously inadequate rate of enemy artillery fire at Khesanh and along the DMZ during January, February and March. The artillery tubes were there. All the positions along the DMZ from the crucial Cuaviet River supply line westwards to Khesanh itself were, and are, exposed and vulnerable.

If the enemy could have maintained a militarily normal rate of fire—say 7000 to 10,000 rounds a day instead of under 300 on average—a success in the North might perhaps have balanced the failure of the Tet offensive. So the President and Gov. Averell Harriman will make weak concessions on this point at their own dire peril, not to mention the peril of our men in the field.

Looking further ahead, the problem is quite different. As indicated in a previous report in this space, the U.S. commanders intend to follow the enemy's own program of "Fighting While Negotiating." This is all the more important because of the numerous indications that the Hanoi leaders are preparing another go-for-broke effort like the Tet offensive aimed to attain a "victory" in the special sense set forth above.

These indications are particularly strong here in I Corps, above all in the two most northerly provinces above the strategic Haivan Pass. The Ashau Valley has been transformed into a major fortified area and stockage point for supply. Great numbers of North Vietnamese engineers have been used to make a truck road through the jungle, Route 547–A, from the Ashau to the vicinity of Hue.

In the two northern provinces or on their fringes, moreover, the enemy already has four North Vietnamese regular divisions, plus the equivalent in North Vietnamese independent regiments of perhaps another division and a half. He is further given the ultimate capability of investing two additional division-equivalents from the North Vietnamese home army.

If he chooses, therefore, he can use these additional division-equivalents to maintain pressure on the DMZ. And he can slide South toward Hue what remains of the two divisions formerly employed at Khesanh.

He can then, in theory at least, mount another attack on Hue in the strength of four divisions—plus, while maintaining some pressure in the rest of the two Province areas. This could also be combined, again in theory, with an attack on Kontum or Pleiku by the regiments of the B–3 Front on the Cambodian border, plus a desperation assault on Saigon with all the remnants of enemy strength in III Corps.

Yet the first question is whether the enemy is any longer realistically capable of attempting this kind of sanguinary gamble that his documents predict, despite all his busy, quite visible preparations. In February, he lost around 48,000 men in killed and cripplingly wounded; in March, his losses passed 22,000 men, although he was seeking to avoid combat during most of the month; and in the short first week of April, his losses totaled at least 5000 men. Multiply these figures by 10 to get the American equivalents with our very different population base and you will see how terrible the hemorrhage of enemy losses has been.

In March, to be sure, Hanoi made a record infiltration effort; but even if the number of infiltrators is as high as 15,000, they will barely pay the bill for the February losses in I Corps alone.

No wonder, then, that there are reports from all over South Vietnam of VC villages being stripped of their guerrillas; of 12-year-old boys being press-ganged; of VC women cadre being armed, to flesh out the depleted fighting units!

That is one-half of the coin. The other half is the obvious fact that the American and allied forces are not going to sit in passive quiet while the enemy preparations go forward. There will be spoiling operations. There will be major offensive efforts by our side. So one looks from the stern facts of the enemy situation to the stern injunctions of the enemy's book, and no final answer emerges, either about the next round here, or about the negotiating prospects in the future.

[From the Washington Post, May 8, 1968]

North Vietnamese Infiltration Put at 100,000 Since Tet

(By Chalmers M. Roberts)

More than 100,000 North Vietnamese troops have been sent into South Vietnam since the Tet offensive in January and infiltration during the first five days of May was between 6500 and 7000 men, an Administration official said yesterday.

The figures, the highest yet made public, were given to the White House correspondents of the Associated Press and United Press International.

Both newsmen reported being told that something will have to be done about the massive movement South. The AP's Douglas B. Cornell wrote that it was being suggested that Gen. William C. Westmoreland and the Administration "are going to have to decide something quickly."

The UPI's Merriman Smith wrote that "officials expressed the view that Westmoreland could not be expected to continue much longer in the face of continually increasing buildup without demanding the right to interdict the Red infiltration routes."

At present infiltration routes are being heavily bombed along the Ho Chi Minh trail in Laos and in North Vietnam up to the 19th parallel. The implication of the statement yesterday was that bombing might be resumed further North, a reversal of President Johnson's March 31 limitation which led to the impending Paris talks with North Vietnam.

It has been widely reported that the North Vietnamese stepped up their infiltration after the Tet offensive which began on Jan. 31. But as late as last Wednesday Defense Secretary Clark M. Clifford said that he was "not aware of any increase in infiltration" since Mr. Johnson's March 31 speech.

However, last Sunday, George W. Ball, the new ambassador to the United Nations, said that infiltration toward and into the South had run between 80,000 and 100,000 in the last four months, presumably January through April, with April the highest month on record.

The two newsmen yesterday were told the April figure was 35,000 and that this was about 7,000 more than in March, the previous high.

The AP account said that "the whole situation poses what some officials consider to be the gravest problem now confronting the nation."

The new figures presumably were discussed, along with what should be done about it, at the White House lunch attended yesterday by the President, Clifford, Secretary of State Dean Rusk, Gen. Earle C. Wheeler, Chairman of the Joint Chiefs of Staff, and CIA Director Richard Helms.

The AP dispatch spoke of "possible retaliatory steps" while the UPI referred to possible "difficult military decisions."

Both newsmen wrote of concern that Hanoi is showing no sign of military restraint on the eve of the talks in Paris. It is widely believed in Washington, by sources other than the one quoted by the wire services, that the Communists hope to influence the Paris talks by gains on the battlefield. The American hope likewise is to be in a strong position by virtue of military successes.

Having finally almost reached the conference table, it would be difficult to resume full bombing of the North, many officials here feel. Some believe that step would lead Hanoi to break off the talks.

Thus it was uncertain whether yesterday's release of figures, even though they can only be approximate because of the difficulty in estimating infiltration, was a psychological warfare step to impress Hanoi or to be the forerunner of some new American military move.

Meanwhile, the State Department released the official list of American delegates to the Paris talks, most of whom will fly there on Thursday. Led by Ambassador at Large W. Averell Harriman, the group includes Ambassador Cyrus R. Vance, Lt. Gen. Andrew Goodpaster, due to be the number two military commander in Vietnam next month, Philip C. Habib, a deputy assistant secretary of state and former political officer in the Saigon embassy, William Jorden of the White House staff who will handle press relations, and Daniel I. Davidson, Harriman's special assistant.

[From the New York Times, Apr. 21, 1968]

Vietnam II: View on War—The Generals Brace for New Attacks

Saigon, South Vietnam.—Wherever top-ranking military officers gather in Saigon these days you hear them mention "late May or June." The words do not refer to the opening of the summer season (Saigon is already sweltering) but to heat of a different kind—the next major offensive by the enemy.

Increasingly, the United States command is becoming convinced that the enemy is taking a massive time-out from battle to rebuild and resupply the units that were battered during the Tet offensive. They expect him to be ready for another offensive by late May, and they are expecting him to launch it soon after.

"I don't think he'll wait much longer than June to attack," one general reflected last week. "He's got to attack then if he wants to have any impact on the political conventions back home and if he wants to improve his bargaining position at the peace talks."

Few, if any, high-ranking officers expect the current peace moves to lead to an immediate cessation of the war. Again and again they point out that in Korea the hardest fighting came after peace talks began. Thus, for the military command, the question is not *whether* the enemy will launch a new offensive, it is *when*.

To prevent the enemy from making extensive preparations for an attack, allied forces are moving steadily on the offensive—trying to keep the enemy on the run, trying to prevent him from stopping long enough to rebuild and regroup.

MAJOR OPERATIONS

In recent weeks the allies have launched major "search and destroy" operations repeatedly—Operation "Complete Victory" in the Saigon area, Operation Pegasus around Khesanh, plus still other large operations in the Mekong Delta and in the region between Hue and the demilitarized zone. Field commanders say the enemy is falling back in every area in accordance with his traditional policy of fighting major battles only on battlegrounds which he—and not the allies—chooses.

The allies are also stepping up their air attacks on North Vietnamese supply lines and troop movements between the demilitarized zone and the 20th Parallel and on suspected enemy base areas throughout South Vietnam. The 20th Parallel is the northern limit of the bombing officially set by President Johnson, but most of the raids have been kept below the 19th Parallel.

Since April, for example, eight-engined B–52 bombers have struck 61 times in the Aschau Valley, which is suspected of being a Vietcong staging area for possible attacks on Danang, South Vietnam's second largest city, and on the ancient city of Hue. During the raids the bombers dropped about 20 million pounds of explosives.

BOMBING NOT REDUCED

It has also become clear that President Johnson's partial bombing pause has not reduced the amount of bombing in North Vietnam. It has simply diverted the bombing from heavily populated areas to the sector between the demilitarized zone and the 19th Parallel. Last Thursday American fighter-bombers carried out 145 raids in the area just north of the DMZ in the largest single-day attack on North Vietnam this year.

Thus it is obvious that the new talk of peace has not caused the allies to de-escalate the war. And allied commanders say it is equally obvious that North Vietnam and the Vietcong are not relaxing.

"They're bringing troops and ammunition into South Vietnam at the maximum rate," one general said. "They have to be preparing for something. That's why we are keeping after them."

Although the military command is convinced the enemy will try another major offensive, members of the command are not in agreement on where the attack might come.

"The enemy is flexible at this point," said a high-ranking intelligence officer. "He could bring tanks to bear on Giolinh and other points along the eastern end of the demilitarized zone. He could attack at Danang or Hue, or in the central highlands, or Saigon."

GENE ROBERTS.

[From the Washington Sunday Star, Apr. 14, 1968]

HANOI BUILDUPS MAKE UNITED STATES WARY OF PEACE TALKS

(By Carl T. Rowan)

The United State is moving into preliminary peace talks with North Vietnam with some hope and considerable uneasiness.

The Johnson administration is literally praying that the door has been opened to honorable withdrawal from a war that has bitterly divided the American people.

But there is growing uneasiness over the following evidence that the Communists may be suckering the U.S. into giving them a needed breather:

1. Aerial photographs and other intelligence reports indicate a sharp increase in the infiltration of men and arms from North Vietnam into the South since President Johnson curbed bombing attacks on the North.

2. In the last several days the Communists have carried on a relentless recruiting drive in the countryside of South Vietnam.

3. Communist military buildups are under way in the western highlands, on the coast near Danang and Quang Tri, and in areas near Saigon. Some American analysts predict heavy Communist assaults in one or all of these areas within the next two weeks.

Fear of heavy new Communist attacks is based largely on the assumption that Hanoi will attempt to use military forays to bolster its bargaining position in any peace talks that take place.

Gen. William Westmoreland reported to President Johnson that the Communists have been so "clobbered" during the last three months and have suffered such "fantastic" losses that they must beef up their units first.

Westmoreland bolstered his contention that the Communists are "hurting" militarily by citing evidence gathered by Allied units moving in to relieve long-beleaguered Marines at Khe Sanh.

Reports of mass Communist graves, and stories told by Communist prisoners, are cited as evidence that raids by huge B-52 bombers and other U.S. aircraft took an extremely heavy toll of the enemy.

This presumably is why the Communists pulled back, making it relatively easy for the allies to reinforce the Khe Sanh garrison.

Fearful of new Communist offensive, the U.S. has made it clear that "two can play that game" of fighting while talking.

We have also warned indirectly that efforts to exploit the peace talk atmosphere by seeking a military advantage could quickly end the peace talks.

Some Americans believe that this argument will have some impact in Hanoi, for they believe that Hanoi wanted peace talks badly enough to go against the gentle urging of the Soviet Union and the strong warnings of Red China.

The Soviets have given the impression that they have pressured Hanoi to be reasonable and enter peace talks. American officials insist that this is not so—that Russia adopted what can at best be called a "hands-off" policy.

Yet, these same Americans concede that they only guess, surmise, speculate about some of the diplomatic shenanigans going on in the dark reaches of the Communist bloc.

The one thing they are sure of is that the next few weeks will constitute an extremely delicate period for those seeking a peaceful resolution of the conflict in Southeast Asia.

For if these talks collapse because of Communist perfidy, the road back to the peace table could be a rocky one, indeed.

Mr. MILLER. Mr. President, in the Washington Post's Outlook section for yesterday, May 12, there is published an excellent article written by the distinguished and very knowledgeable columnist, Joseph Alsop, entitled "Press Can't Win in Vietnam War."

Mr. Alsop, as a longtime journalist, points out what should have been pointed a long time ago, that some well-meaning journalists have, in their writings and editorials, brought about an impression on the part of the general public that the war in Vietnam cannot be won.

As Mr. Alsop is adept at doing, he has dissected the arguments and rebutted them, in my opinion, most forcefully. He has pointed out that the war in Vietnam can, indeed, be won.

Mr. President, in view of his knowledge of Asia and his longtime experience there, as well as his longtime record as an outstanding American journalist, I believe that his views merit the attention of those who read the CONGRESSIONAL RECORD, and I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 12, 1968]

PRESS CAN'T WIN IN VIETNAM WAR

(By Joseph Alsop)

Because of the Vietnamese war, the American press and its allied media now appear to be between a very rough rock and a very hard place. For a newspaperman who remembers with relish and some pride no less than 36 years of active reporting, it is a dreadful thing to have to say. Yet if we win the war, as I still think we shall, both the press and the allied media will certainly look inconceivably foolish. And if we lose the war, the press will just as certainly be blamed—whenever the horrible inquest begins that will surely follow the first defeat in war in American history.

There you have both rock and hard place, simply and crudely defined. Both the hard place and the rock result from the tone and character of the reporting from Vietnam, of the endless published analyses of Vietnamese developments, and of the interminable editorializing about the war, by all but a minority of those engaged in these pursuits. This does not mean for one moment that the vast majority of reporters, editorial writers and the rest are not courageous, industrious and honorable men, who have sought to tell the truth according to their lights. But it does mean that for one reason or another, to which I shall try to come later, the part of the truth most of them have told has conveyed an exceptionally misleading picture of the whole truth.

The easiest way to gauge how totally misleading that picture has been is to glance at the amazing letter that Arthur Schlesinger Jr. published on March 22 in The Washington Post. The letter was a plea, no doubt honestly anguished, for the immediate evacuation of Khesanh. Schlesinger began by accusing Gen. William C. Westmoreland of "repeating the fatal error of the French (by placing) a large body of troops out in the hills where they can be surrounded and cut off." This, exclaimed Schlesinger, "is precisely what we have succeeded in doing at Khesanh. Today, 5,000 American soldiers are surrounded and cut off by 20,000 of the enemy, every night creeping and burrowing further in toward their target."

DISMISSED WESTMORELAND

Putting on a borrowed Field Marshal's hat, Schlesinger then explained that no "people in their senses" could possibly "suppose that airpower will now 'save' Khesanh in case of attack." He contemptuously dismissed General Westmoreland as a "tragic and spectacular failure." He included the usual sneer at President Johnson. And so he reached his grand climax, as follows:

"Yes: airpower is one vital difference between Khesanh and Dienbienphu. For, if airpower cannot save Khesanh, it may still save the men in Khesanh. Let us (use airpower to evacuate Khesanh), before enemy anti-aircraft batteries interdict our flights, before enemy mortars destroy our landing strip, before enemy shock troops overrun the base. Let us not sacrifice our brave men to the folly of generals and the obstinacy of Presidents."

In short, Schlesinger was firmly convinced, as late as March 22, that Khesanh and its defenders were sure to be overrun. If his conviction had not been absolute, he would hardly have risked writing such a letter, which he can hardly look back upon today without novel self-doubts. But—and here is the rub—much of the American press and most of the allied media need only read the Schlesinger letter to see themselves, as in a mirror. He was perhaps overeager to believe the worst, and he seems to have taken very poor military advice. But he was above all misled by his informants; and his chief informants, one may be sure, were the front pages and the television shows. "The agony of Khesanh" was one of the current phrases, and others might be cited.

TEDIOUS BATTLE

What, then, was it really like, and what actually happened? To begin with, Khesanh was no more agonizing, though it was a damned sight more tedious and long drawn out, than any other combat experience. We had four battalions in Khesanh—the 26th Marine regiment plus a battalion of the 9th Marines—and the South Vietnamese, of whom Schlesinger appears not to have heard, had the equivalent of two battalions. Like any battle, Khesanh produced its honored dead, for that, alas, is what battles always do. But between the beginning and the end of the siege, the American units at Khesanh actually lost, in killed, not many more than 200 men, whereas a single battalion of Marines lost 70 killed—about one third of the comparable losses of four battalions at Khesanh—in the recent hard and heroic fight for Daido, which lasted only a few days.

At Khesanh, again, the American casualties mainly resulted from enemy artillery and mortar fire, rather regularly described as "infernos of incoming." And this was a fairly curious phrase for an enemy rate of fire that averaged only 192 artillery and mortar rounds per day throughout the siege. When I was there for a bit more than a day, for instance, the Khesanh base took 154 incoming rounds. That was a bit below average, but it is still worth noting that except for four badly misaimed rounds fired at the landing zone when I was waiting for a departing helicopter, I actually heard a grand total of three incoming rounds. And despite other infirmities, I am not yet deaf, and the tough and able Khesanh commander, Colonel David Lownds, kindly allowed me to accompany him on a long tour on foot around the whole big base, with the exception of South Vietnamese positions and the hill-outposts held by our Marines beyond the perimeter.

FAILURE OF GIAP

The truth is, indeed, that one of the major but untold stories of Khesanh was the astonishing failure of General Vo Nguyen Giap's logistical planning for his artillery.

Besides mortars, Giap had caused to be emplaced, with infinite labor, a minimum of 210 artillery tubes—some estimates go as high as 370 tubes—on a long arc from Co Roc in Laos, along the DMZ, to Cap Muy Le on the coast. Giap had the guns, in short; but at Khesanh and along the DMZ his really ludicrous average rate of artillery fire, again excluding mortars, was less than one round per gun per day in the period of the siege.

Nor is that the end of the story, by any means. On March 21, the day before Schlesinger published his letter the last of the serious assaults on Khesanh was attempted. It failed in a most sanguinary fashion because of our Marines' courage and the terrible power of our air and artillery. There were either three, or four, or five such attempts in the course of the siege—the number is disputed among the Marines themselves—and all failed in the same manner.

The failure of the last assault, so beautifully coordinated with the Schlesinger letter about Khesanh being "over-run," seems to have been the signal for the withdrawal into Laos of one of the two besieging North Vietnamese divisions, the 325C. This was, in fact, the beginning of the end of Giap's ambitious plan. Despite the inability of "people in their senses" to imagine anything of the sort, air power was already starting to break the Khesanh siege when Schlesinger wrote his letter; for it was the air that hurt the enemy most cruelly and forced the 325C to withdraw to lick its wounds. The situation of the besiegers at that time can be gauged from one of the pitiful little diaries that the North Vietnamese troops quite often keep. The diary, of a private named Vu Xuan Mau, was picked up outside the Khesanh perimeter after the siege was formally and finally broken in the first days of April. Mau's last entry was: "At Khesanh on March 23, a day full of bitter hardships and bloodshed."

MASS BURIALS DISCOVERED

The agony of Khesanh was in reality experienced, not by our brave, hardy but relatively fortunate men in the combat base, but by the unhappy wretches like Private Mau. They were condemned to endure close on three months of incessant and terrible B–52 strikes, plus other air attacks, plus the kind of artillery fire that is maintained by U.S. guns with full logistical support. And what they endured took a fearful toll.

When the 1st Battalion of the 9th Marines moved out from the perimeter on April 4, prisoners of war immediately began to be taken, documents far more important than poor Mau's diary began to be found, and mass burials began to be discovered. The most careful analysis of all the resulting data has now revealed that the two enemy divisions at Khesanh, the 325C and the unfortunate 304th, which had to hang on to the end, almost certainly lost a total of about 10,000 men in the course of the siege. And in the grim mathematics of war, an exchange of 200-plus Americans (and a proportional number of South Vietnamese) against 10,000 North Vietnamese regulars, is the very opposite a "tragic and spectacular failure."

Once again, moreover, that is by no means the end of the story. Unless General Vo Nguyen Giap is stark, staring mad, the siege of Khesanh was unquestionably no more than one part of a much larger, more ambitious military plan, the Tet offensive. And we should give thanks on bended knee that General Giap saw fit to tie up two of his divisions at Khesanh as part of his Tet plan. In the entire morass of nonsense published about Tet, very little indeed has been said about the one really dangerous situation that the offensive temporarily produced.

This was in the two most northerly provinces of South Vietnam. Here much was written about the long, rough battle for Hue; but almost no attention was given to the disturbingly precarious supply situation caused by bad weather, the weight and persistence of the enemy attack, and the resulting breaks in all the usual supply lines. The position might well have become really unmanageable—the two most Northerly provinces might even have been partly overwhelmed—if Giap had massively increased the weight of his attack in the two-province area, by using the two divisions that were fruitlessly tied up at Khesanh.

TOO LITTLE, TOO LATE

He saw his error soon when the Hué fighting began. He took two battalions apiece from the two divisions at Khesanh, and he marched them south to aid his troops at Hué; but this was too little and too late. Whereas if General Westmoreland had not committed that "tragic and spectacular" error of refusing to abandan Khesanh, two additional North Vietnamese divisions would have been freed, pre-Tet, for other uses in the two Northern provinces; and if that had happened, the consequences would surely have been grave.

Compare, then, these hard facts concerning Khesanh and the fighting there with the picture of Khesanh conveyed by Arthur Schlesinger, who is, after all, an exceedingly intelligent albeit a violently partisan man. Remember, too, that this disparity between the reality in Vietnam and the picture given to the folks back home has been a standard phenomenon throughout much of the war. Countless examples might be cited, but one more must suffice. The most instructive, probably, is the constant denigration of ARVN that was a pre-Tet fashion in large sectors of the American press. This even earned a mention in dispatches by General Westmoreland for the newspaper that claims preeminence and one of the leading agency reporters in Vietnam.

In a message to the Defense Department, General Westmoreland addressed himself to one of the real puzzles of the Tet offensive: how on earth General Giap could have based his whole plan on the stated expectation of a "general uprising" by the urban population and of widespread defections among the ARVN units. On the second point, General Westmoreland noted that Giap had demonstrably been lied to, on an enormous scale, by the special "troop proselytizing" apparatus of the VC. But he added that he could hardly blame General Giap for being deceived, since the lies of the VC "troop proselytizing" apparatus had appeared to be so largely confirmed by the great American newspaper and the famous press association mentioned above. With mild irony, he concluded that these latter must now appear in Hanoi as important participants in a big American deception-plan—for there were no defections anywhere, and almost all the ARVN units, though understrength because of the national holiday, fought very well indeed at Tet.

R. F. K. SPEECH BRINGS ANGER

Meanwhile, however, the denigration of ARVN had already fed back into the American political scene. In a Senate speech, for instance, Sen. Robert F. Kennedy described the South Vietnamese troops as "skulking and malingering" while our Marines carried the burden of the battle for Hue. The news of the Senator's speech reached Vietnam while I was in I Corps, and I have rarely seen angrier men than the Marine officers who had fought in Hue along with South Vietnamese. Nor was this surprising. In their impact on an obstinate enemy, and in the sacrifices they made themselves, the South Vietnamese in the Hué battle performed almost identically with our own Marines.

They had, for example, 7704 men engaged and they took 2134 casualties, suffering losses almost exactly proportional to our losses which were happily quite substantially smaller, since we had substantially fewer men engaged.

Furthermore, the South Vietnamese in Hué were fighting under heavy handicaps, as compared with our men. They almost wholly lacked the tanks and other big weapons that gave our units much greater organic firepower. Their arrangements for replacements were much more primitive than ours; and after the first days of sharp contact, not a few ARVN battalions had to fight on, and did fight on, after they had been reduced to 200 men or less. Furthermore, they were frequently called upon to attack, and regularly did attack, when they had to traverse over a hundred yards of the enemy's field of fire before they could bring their own weapons to bear.

That highlights another point of great significance, that was wholly omitted from the pre-Tet denigrations of ARVN. Briefly, General Westmoreland saw trouble ahead, and asked for M–16 rifles and other improved equipment for ARVN as long ago as 1965. For budgetary reasons, apparently, action on Westmoreland's request was long deferred by Secretary of Defense Robert S. McNamara. Thus, on the one hand, the ARVN units have always been immeasurably weaker than our units, in organic firepower, in all sorts of back-up resources, and above all, in mobility—and they will still be much weaker, despite the M–16 rifles that are now being provided at long last. And on the other hand, there was a long period when the ARVN units even had substantially less firepower than the newly re-equipped VC and North Vietnamese units.

KOREAN STORY AGAIN

Here we have the story of Korea all over again; for the Korean divisions were also denigraded during much of the Korean war, whereas their main weakness arose from the simple fact that they had been grossly underarmed by their American suppliers. This does not mean, to be sure, that ARVN has ever been an ideal army, or that better weapons and more mobility will automatically make ARVN into an ideal army. When President Johnson finally intervened in earnest in Vietnam, ARVN was already a defeated army, and every ARVN officer knew as much. It takes some time to bring back a defeated army to a state of self confident proficiency. It takes even more time, too, to implant a fully modern military system in a traditional Asian society; and this process was not really completed in Korea until President Chung Hee Park finally came to power. Patience is always needed in such matters. But instead of patience we have too often had the kind of shameful injustice Senator Kennedy was led to commit.

When I ask myself why Sen. Kennedy and so many others have been so regularly misled on so many key points concerning the war, I confess to a certain bewilderment. The fashions of the moment certainly have much to do with it. What has happened in Vietnam in this war resembles, on a vastly larger scale, what happened in the press hostel in Chungking in the war years in China. The fashion then was to make heroes of those virtuous agrarian reformers, Mao Tse-tung and his bloody-minded friends; and just about the only American reporter to avoid making an ass of himself by refusing to follow the fashion was Arch Steele of the old "Herald Tribune." Then too, in the Diem years in Vietnam, certain newspapers acquired what can only be called a vested interest in disaster; and since these were the Saigon bureaus with the greatest continuity, they had great leverage with later-comers. Then again, among younger newspapermen particularly, there is a strange new theory that all American officials and most American military officers are joined together in vast conspiracy to gull the home folks, which it is the reporter's duty to attack and expose, as though he were attacking and exposing corruption in City Hall. It seems an odd approach to an American war, but it is certainly there.

NOT A HOPELESS WAR

This does not mean for one moment that the pessimists have always been wrong, or that the minority of optimists have always been right. As I look back over my own coverage of the war, I think I have been broadly right about the war's larger patterns, both when I was very much more gloomy than any of my colleagues in the year prior to the American intervention, and after the intervention when I have been more hopeful than most. On the other hand, although I think I got the patterns right, I am well aware that I have sometimes been over-optimistic about the war's timeframes—in part, as over-reaction to the sort of stuff that was so widely written about Khesanh. Yet the fact remains that this has never been, and it is not now a hopeless and unending war; and conveying just this impression has been the main thrust of far too much of the reporting, analyzing and editorializing.

So we get back to that rock and that hard place. Concerning the hard place, it must first of all be remembered that the Hanoi war-leaders' aim has always been to win the war in Washington, by the impact in America of their seeming success in Vietnam, just as the Viet Minh won the French war in Paris rather than at Dienbienphu. Here it is worth noting that the official Hungarian Communist newspaper sometime ago published extracts from a strikingly interesting lecture on Dienbienphu, given by General Vo Nguyen Giap during a visit to Hanoi by Hungarian Foreign Minister Endre Sik.

"The battle of Dienbienphu," Giap was quoted as saying, "was essentially the last desperate exertion of the Viet Minh . . . Had we not been victorious there . . . our armed forces were on the verge of complete exhaustion . . . We had to put everything on one card." There are many reasons for believing, and Douglas Pike and all the other truly informed analysts in fact believe, that the motives for the Tet offensive were that Hanoi was in serious danger of losing the war of attrition, and therefore "had to put everything on one card." A major publication that at first reported the Tet offensive in the most lurid and gloomy terms, more recently came round to the view that Tet was a military defeat but a "psychological" success for the enemy. Yet if Tet was a "psychological" success, this was almost solely because the offensive's military motives, its true military results and most of its local effects were in the main painted in colors in America that had few recognizable links with the basic realities in Vietnam.

TO DESPERATE LENGTHS

That was the reason, of course, why Tet was so profound a shock to American opinion. Having put so much "on one card" at Tet, the Hanoi war planners are plainly going to the most desperate lengths, in order to try the same thing all over again. What the outcome will be, and above all, how it will be represented here at home, none can foretell. What the Hanoi war leaders will do if their next attempt fails or is aborted, also cannot be foretold precisely—although it is clear that they will then be in very bad trouble in South Vietnam.

Again, one cannot foretell with precision the effect of the talks, the partial bombing halt, and any future extension of the bombing halt, either in time or in area—but it is clear that the Hanoi war leaders are already beginning to exploit to the full the reduction of pressure, the release of resources by the partial bombing halt and the general easing of their situation that these factors have produced. Unless the President is very firm and very clear-minded, all this may perhaps produce exceedingly worrying consequences on the battlefield, at any rate for a certain period.

The main thing is that the war-situation has at length begun to have a strongly climatic smell. Hence, if the American people have the sturdiness and resolution not to imitate the French, an acceptable end of the war should therefore come into sight eventually, whether at the negotiating table or in other ways. Meanwhile the trouble is that a near-French mood, God save the mark, has been created in many quarters in America. But if this mood leads to final defeat, and there is a subsequent inquest—as there will surely be—the inquest cannot take the form it did last time. There will be no unlucky foreign service officers to serve as convenient victims, although they had far less influence on events and displayed considerably better judgment than most of the denizens of the Chungking press hostel. In the next round (which Heaven forfend), the press and the allied media can hardly avoid being front and center. And if there is a next round, the American people's notable distaste for defeat in any form will probably insure even more injustice and ugliness than we experienced in the last round.

So I can only hope that instead of the hard place we get the rock—which means a great many people looking idiotically silly because we have finally won the war they said could not be won.

COMMITTEE MEETING DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The PRESIDING OFFICER announced that on today, May 13, 1968, the Vice President signed the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 391. An act to amend the act of March 1, 1933 (47 Stat. 1418), entitled "An act to permanently set aside certain lands in Utah as an addition to the Navajo Indian Reservation, and for other purposes";

S. 528. An act to place in trust certain lands on the Wind River Indian Reservation in Wyoming;

S. 948. An act for the relief of Seaman Eugene Markovitz, U.S. Navy;

S. 1147. An act for the relief of Mariana Mantzios;

S. 1173. An act to convey certain federally owned lands to the Cheyenne and Arapaho Tribes of Oklahoma;

S. 1180. An act for the relief of Ana Jacalne;

S. 1395. An act for the relief of Dr. Brandia Don (nee Praschnik);

S. 1406. An act for the relief of Dr. Jorge Mestas;

S. 1483. An act for the relief of Dr. Pedro Lopez Garcia;

S. 1490. An act for the relief of Yang Ok Yoo (Maria Margurita);

S. 1828. An act for the relief of Susan Elizabeth (Cho) Long;

S. 1829. An act for the relief of Lisa Marie (Kim) Long;

S. 1918. An act for the relief of Dr. Gabriel Gomez del Rio;

S. 1946. An act to amend the repayment contract with the Foss Reservoir Conservancy District, and for other purposes;

S. 1968. An act for the relief of Dr. Jose Ernesto Garcia y Tojar;

S. 2005. An act for the relief of Dr. Anacleto C. Fernandez;

S. 2022. An act for the relief of Dr. Mario Jose Remirez DeEstenoz;

S. 2023. An act for the relief of Virgilio A. Arango, M.D.;

S. 2078. An act for the relief of Dr. Alberto De Jongh;

S. 2132. An act for the relief of Dr. Robert L. Cespedes;

S. 2139. An act for the relief of Dr. Angel Trejo Padron;

S. 2149. An act for the relief of Dr. Jose J. Guijarro;

S. 2176. An act for the relief of Dr. Edgar Reinaldo Nunez Baez;

S. 2193. An act for the relief of Dr. Alfredo Jesus Gonzalez;

S. 2256. An act for the relief of Dr. Margarita Lorigados;

S. 2285. An act for the relief of Gordon Shih Gum Lee;

S. 2301. An act for the relief of Dr. Francisco Guillermo Gomez-Inguanzo;

S. 2381. An act for the relief of Dr. Jesus Adalberto Quevedo-Avila;

S. 2403. An act for the relief of Dr. Teobaldo Cuervo-Castillo;

S. 2404. An act for the relief of Dr. Heriberto Jose Hernandez-Suarez;

S. 2489. An act for the relief of Dr. Jesus Jose Eduardo Garcia;

S. 2531. An act to designate the San Gabriel Wilderness Angeles National Forest, in the State of California;

H.R. 14681. An act to declare a portion of Boston Inner Harbor and Fort Point Channel nonnavigable;

S.J. Res. 129. Joint resolution to authorize the Secretary of Transportation to conduct a comprehensive study and investigation of the existing compensation system for motor vehicle accident losses, and for other purposes; and

H.J. Res. 1234. Joint resolution to provide for the issuance of a gold medal to the widow of the late Walt Disney and for the issuance of bronze medals to the California Institute of the Arts in recognition of the distinguished public service and the outstanding contributions of Walt Disney to the United States and to the world.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on May 10, 1968, the President had approved and signed the act (S. 1909) to provide for the striking of medals in commemoration of the 100th anniversary of the completion of the first transcontinental railroad.

REPORT ON ADMINISTRATION OF HIGHWAY SAFETY ACT OF 1966—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 311)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Public Works:

To the Congress of the United States:

I am pleased to transmit the first annual report on the administration of the Highway Safety Act of 1966.

Each year, more than 50,000 Americans die on our highways. Millions more are injured. Billions of dollars are lost by death, disability, and protracted stays in hospitals.

This report, which covers the period from September 9, 1966, to December 31, 1967, shows that we have begun to take effective action to stem this terrible tide.

During this period

- —We established a National Highway Safety Bureau.
- —We issued highway safety standards.
- —All 50 States received Federal grants-in-aid to help them and local communities to improve their highway safety programs.
- —A broad research program has begun, which will provide sound guidelines for future safety standards.

The fight to stop the slaughter on our highways will be long and hard. I hope the Congress will be encouraged by this report to continue its strong support of these vital programs.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 13, 1968.*

REPORT ON ADMINISTRATION OF THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 310)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

This year, we can expect 53,000 Americans to die on our Nation's highways.

We can expect almost 4 million Americans to be injured in automobile accidents—nearly 10,000 people hurt every day.

We can expect automobile fatalities to be the largest cause of death in the 15 to 35 age group.

Year after year, those expectations become gruesome reality.

In 1966, we took our first major step to combat this shameful waste. And now I am pleased to transmit to the Congress the first annual report of the National Traffic and Motor Vehicle Safety Act of 1966.

This report covers the period between September 9, 1966, and December 31, 1967, and I believe it shows a promising beginning.

During this period

- —Two hundred safety-related recall campaigns were conducted by the motor vehicle industry.
- —The first Federal motor vehicle standards in history were issued and are already in application on all cars manufactured after January 1 of this year.
- —Additional standards were issued for vehicles manufactured after January 1, 1969.
- —A sound research program has been begun, to provide a firm basis for future safety standards for vehicles and for State safety programs.

Our efforts are beginning to tell: the rate of increase of traffic deaths has slowed somewhat. Still, the destruction wrought by Americans on themselves, their fellow citizens, and their property is of tragic proportions.

I hope that this report will encourage the Congress to continue its support for these programs, and I commend it to your attention.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 13, 1968.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 16911) to provide for U.S. participation in the facility based on special drawing rights in the International Monetary Fund, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills; and they were signed by the Vice President:

S. 1119. An act to grant minerals, including oil and gas, on certain lands in the Crow Indian Reservation, Montana, to certain Indians, and for other purposes; and

H.R. 14940. An act to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations.

HOUSE BILL REFERRED

The bill (H.R. 16911) to provide for U.S. participation in the facility based on Special Drawing Rights in the International Monetary Fund, and for other purposes, was read twice by its title and referred to the Committee on Foreign Relations.

REPORT OF U.S. INFORMATION AGENCY

The PRESIDING OFFICER laid before the Senate a letter from the Director, U.S. Information Agency, transmitting, pursuant to law, a report of the Agency for the fiscal year 1967, which, with an accompanying report, was referred to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Rules and Administration, with amendments:

S. Res. 13. A resolution to amend rule XXV of the Standing Rules of the Senate (Rept. No. 1116).

By Mr. LAUSCHE, from the Committee on Commerce, with an amendment:

S. 758. A bill to amend the Interstate Commerce Act to enable the Interstate Commerce Commission to utilize its employees more effectively and to improve administrative efficiency (Rept. No. 1117).

REPORT ENTITLED "LOG-EXPORTING PROBLEMS"—REPORT OF A COMMITTEE (S. REPT. NO. 1118)

Mr. BYRD of West Virginia. Mr. President, for the chairman of the Subcommittee on Retailing, Distribution, and Marketing Practices of the Select Committee on Small Business [Mr. MORSE], I submit a report entitled "Log-Exporting Problems," and ask that it be printed.

The PRESIDING OFFICER. The report will be received and printed, as requested by the Senator from West Virginia.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GRUENING:

S. 3475. A bill for the relief of Sui King Yu, Kam Woon Leung, Yan Wo Lam; to the Committee on the Judiciary.

By Mr. GRUENING (for himself and Mr. YARBOROUGH):

S. 3476. A bill to amend section 1677 of title 38, United States Code, in order to require that the educational assistance allowance for flight training be paid on a monthly rather than quarterly basis; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. GRUENING when he introduced the above bill, which appear under a separate heading.)

By Mr. GRUENING (for himself, Mr. YARBOROUGH, Mr. HART, Mr. KENNEDY of New York, and Mr. HATFIELD):

S. 3477. A bill to amend chapter 34 of title 38, United States Code, in order to authorize educational assistance loans to veterans to supplement educational assistance allowances paid to such veterans under such chapter, and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. GRUENING when he introduced the above bill, which appear under a separate heading.)

By Mr. McGOVERN:

S. 3478. A bill for the relief of Dr. Jose C. Michieli; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia:

S. 3479. A bill to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture and Forestry.

By Mr. TOWER:

S. 3480. A bill to amend the Internal Revenue Code of 1954 to include the sintering and burning of clay, shale and slate used as lightweight aggregates as a treatment process considered as mining; to the Committee on Finance.

(See the remarks of Mr. TOWER when he introduced the above bill, which appears under a separate heading.)

By Mr. HARRIS (for himself and Mr. MONRONEY):

S. 3481. A bill to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. HARRIS when he introduced the above bill, which appear under a separate heading.)

By Mr. TOWER:

S. 3482. A bill to provide financial assistance to certain local governments; to the Committee on Banking and Currency.

(See the remarks of Mr. TOWER when he introduced the above bill, which appear under a separate heading.)

By Mr. BENNETT (for himself, Mr. BAKER, Mr. CURTIS, Mr. DIRKSEN, Mr. EASTLAND, Mr. FANNIN, Mr. HATFIELD, Mr. HICKENLOOPER, Mr. HOLLAND, Mr. HRUSKA, Mr. JORDAN of Idaho, Mr. MURPHY, Mr. TOWER, Mr. THURMOND, Mr. WILLIAMS of Delaware, and Mr. YOUNG of North Dakota):

S. 3483. A bill to protect the freedom of choice of Federal employees in employee-management relations; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. BENNETT when he introduced the above bill, which appear under a separate heading.)

By Mr. BROOKE:

S. 3484. A bill for the relief of the New Bedford Storage Warehouse Co.; to the Committee on the Judiciary.

S. 3476—INTRODUCTION OF BILL REQUIRING FLIGHT TRAINING PAYMENTS TO BE PAID TO VETERANS MONTHLY

Mr. **GRUENING**. Mr. President, as we all know, bills normally fall due and are normally paid once each month, a fact which has almost become a characteristic and tradition of our American society. Notwithstanding this tradition an unintended impasse has been brought to my attention by the Aero Tech Flight School in Anchorage, with respect to the implementation of section 1677, the flight training provision of the cold war GI bill.

This section currently provides that the veteran cannot receive payment for the flight training he has received in conjunction with this bill until 90 days after he has completed the training. This places the veteran in a particularly difficult position, for, with the tightness of the financial situation these days, many veterans are unable to obtain loans to cover their expenses until they receive payment from the Veterans' Administration. Many of the flight schools are frequently unwilling to extend credit to these veterans because it would often involve thousands of dollars. This situation is also inequitable for the veteran who is pursuing flight training as a career vis-a-vis those who are pursuing a college degree. The latter receive their payments monthly from the Veterans' Administration and do not have to meet such large financial obligations over a short period, as do those who are taking flight training.

Since the whole intent of the cold war GI bill is to aid, and not hinder, veterans in the pursuance of their career objectives, I am today introducing on behalf of myself and the senior Senator from Texas [Mr YARBOROUGH] an amendment to section 1677, which will require that the payments for educational assistance for flight training be paid on a monthly, rather than on a quarterly basis. I urge speedy consideration of this measure by both the committee to which it is assigned and by the Congress, in order that we may have a GI bill which is just and equitable for all veterans, and which will demonstrate the Federal Government's desire to aid veterans in the pursuance of their chosen careers.

I ask unanimous consent that the full text of the bill be printed at the conclusion of my remarks.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3476) to amend section 1677 of title 38, United States Code, in order to require that the educational assistance allowance for flight training be paid on a monthly rather than quarterly basis, introduced by Mr. GRUENING, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 1677 of title 38, United States Code, is amended to read as follows: "Such allowance shall be paid monthly upon receipt of a certification from the eligible veteran and the institution as to the actual flight training received by, and the cost thereof to, the veteran during such month."

SEC. 2. The amendment made by the first section of this Act shall become effective on the first day of the second calendar month following the month in which this Act is enacted.

S. 3477—INTRODUCTION OF BILL AUTHORIZING EDUCATIONAL ASSISTANCE LOANS TO VETERANS TO FINANCE EDUCATION UNDER COLD WAR GI BILL

Mr. **GRUENING**. Mr. President, our veterans are facing a financial crisis of vast proportions because adequate funds are not available to them for financing their education. Accordingly, I am today introducing a bill to amend chapter 34 of title 38 of the United States Code, to increase veterans' benefits by authorizing educational assistance loans to veterans to supplement educational assistance allowances paid to such veterans under the cold war GI bill.

I am introducing this bill on behalf of myself and the senior Senator from Texas [Mr. YARBOROUGH], the senior Senator from Michigan [Mr. HART], the junior Senator from New York [Mr. KENNEDY], and the junior Senator from Oregon [Mr. HATFIELD].

Throughout history, increasing emphasis has been placed on the growing demands of society for an adequately prepared working force, a force which—in an ever-growing industrial society—can only be supplied by the willingness and commitment by that society to educate its people. Paradoxically, as the need for this commitment has been recognized and accepted, the costs of obtaining the required education has risen at a rapid inflationary rate.

We have now reached the edge of a crisis where, unless funds are made available to the qualified students, we shall soon find ourselves in a position where only the wealthy will be able to afford to send their sons and daughters to school, and our society will be denied the well-trained working force that is required for its continuing progress. Statistics prepared by the U.S. Office of Education furnish ample and cogent proof of this impending crisis.

The Office of Education recently concluded a study showing the estimated average costs charged to a full-time student to attend either a publicly or privately funded institution. The study has been broken down to show these costs for both 2- and 4-year institutions, and the figures have been combined to form an average cost. The statistics cover the period from 1956 to the present, and also project estimated costs up to, and including, 1977. These statistics are based on data gathered from the published charges of the institutions studied, and the figures have been adjusted to constant 1966–67 dollars.

The statistics furnished in this report show that college expenses have been truly soaring at an astronomical rate. Considering that we have a population explosion when the birth rate climbs to 3 percent per year, one can only conclude that we are experiencing a near-volcanic eruption in academic costs, which are rising at the astounding rate of 4.5 percent per year for nonpublic institutions, according to figures furnished by the Office of Education, from $874 per year in 1956–57 to $2,748 per year in 1976–77.

I ask unanimous consent that a table documenting these increases be printed in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

A COMPARISON OF INCREASED EDUCATIONAL COSTS[1]

Period	Tuition	Board	Room	Total
1956–57:				
Public	$206	$482	$186	$874
Nonpublic	700	526	260	1,486
1966–67:				
Public	268	458	308	1,034
Nonpublic	1,240	515	370	2,125
1976–77:				
Public	329	458	424	1,211
Nonpublic	1,757	515	476	2,748
PERCENTAGE INCREASE IN COSTS FOR PERIOD SHOWN				
1956–67:				
Public	30	−5	66	20
Nonpublic	77	−2	43	47
1956–77:				
Public	60	−5	128	38
Nonpublic	150	−2	83	90

[1] Statistics supplied by the U.S. Office of Education.

Mr. **GRUENING**. Mr. President, the percentage of inflation shown is approximate, and was not determined on the separate bases of 2- and 4-year institutions, but on the basis of the aggregate of the two. I ask unanimous consent that the complete table of statistics furnished by the Office of Education be printed at the conclusion of my remarks as exhibit A.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit A.)

Mr. **GRUENING**. These figures point up the urgency of correcting the financial crisis in which our educational system today finds itself. They demonstrate that, unless we immediately confront the problem with corrective, and not stopgap, measures, we shall soon find our country in an untenable situation, correctable only by massive and direct action.

We still have time to meet the problem in its developing stages if we choose to act.

We cannot allow ourselves to be forced into an educational morass, as we have become absorbed in the morass of Vietnam and civil unrest, where only huge Federal expenditures running into billions of dollars can meet the need, and when only the prevalence of forces and civil disorder awaken us to the urgency of the problem. To date, we have been more than reluctant to act, we have been intransigent. We have not been willing to commit resources to the fundamental problems of our domestic society when it was clear that we should have acted.

On April 2, 1968, my distinguished colleague, the knowledgeable and able senior Senator from Oregon [Mr. MORSE], placed in the CONGRESSIONAL RECORD an article outlining the recommendations made on education by the National Association of State Universities and Land-Grant Colleges and the American Association of State Colleges and Universities. As chairman of the Education Subcommittee of the Committee on Labor and Public Welfare, Senator MORSE is particularly concerned about educational matters and the recommendations confirm the crisis in which we today find ourselves. The statement emphasizing the need for immediate action is particularly forceful. It says:

> Our social and technological development has steadily reduced the necessity for expending human resources on routine work and created an almost unlimited demand for trained intelligence and disciplined, inquiring minds.
>
> The potential of the university as a resource in solving the problems of our society has been dramatically proven. Federally supported university research and extension work in agriculture provide a great example to America and the world of what the marriage of the advancement of knowledge and its application in the lives of the people can do. Similar advances can be cited in other areas. Demands for speeding cultural and industrial advance and for solving the problems of our cities and of the distressed and disposed whose manual skills are no longer needed in our rural areas are clear and insistent. . . .
>
> Federal aid designed to help the economically deprived gain access to college has, ironically as it may seem, actually reduced the capacity of our colleges and universities to educate these same young people by drawing resources from their instructional budgets to administer and match Federal student-aid programs. Programs in support or research, productive and essential as they have been and are, have, because of their project and mission orientation and cost-participation requirements, served to some extent to draw resources and emphasis away from undergraduate education, rather than to complement and strengthen it as they should.
>
> Measures designed to conserve the operating resources of colleges and universities and to enable them to hold down their charges to students while continuing to provide quality education for greater numbers—such as the academic facilities grant and loan programs and the college housing programs—are inadequately funded or have excessive matching requirements or both. . . .
>
> To maintain quality, they have raised student charges substantially, turned away qualified students, limited enrollments and refused requests for urgently needed public service. Even the strongest private colleges and universities, with already high student charges, report they are faced with the certainty of mounting deficits if present trends continue.
>
> Some see the solution to the problem of financing higher education in shifting more and more of the cost of higher education to the student and his family. But the student, in economic terms, is already paying three-fourths of the cost of his education through various types of required charges and foregone earnings. For the most affluent society in history to deny responsibility for even a minor fraction of the cost of the higher education of its future leaders seems preposterous.
>
> The major advance needed at this point in our history calls for Federal aid in such forms and in such variety as to strengthen all colleges and universities from the weakest to the most prestigious. . . .
>
> But more than that, it requires broad Federal support on an institutional basis: support which will encourage expansion while reducing pressures on student charges; support which will maintain quality in the face of rising costs; support which will recognize that qualitative differences among institutions must be cured by "leveling up" rather than leveling down and that quality lies in the excellence of performance of their different functions by a wide variety of institutions, each according to its own purposes.

The time has arrived for us to advance a program that will help both universities and students to meet increasing costs, a program which will put emphasis on an undergraduate education as the bridge to the future, and to strengthen the means of crossing that bridge.

Veterans, because of the special sacrifices demanded of them by their country, particularly when called upon to risk their lives in armed conflict, rightfully have the use of Federal funds to continue their education upon return to civilian life, in order that they might further aid in the progress of the country they have been asked to protect. In this regard, perhaps no other single piece of legislation authorized by the Congress has been as strengthening to our society and productive as the World War II GI bill.

As Governor of Alaska, I sponsored a veterans bill in the Alaska Legislature in 1945. The war was not over and the legislature refused to act. So I called a special session in 1946 to get action. It was the first veterans bill enacted by any State or territory after World War II. It provided bonuses and loans. This legislation has continued to this day, enabling Alaskan veterans to acquire hundreds of homes, fishing boats, businesses, and valuable assets. It not only benefitted the veterans; it greatly aided Alaska's economy.

The value of that bill on the State level and of the World War II and Korean war GI bills nationally is demonstrable. The World War II GI bill, the original GI bill of rights, the Servicemen's Readjustment Act of 1944, was enacted by the 78th Congress. It provided training for higher education, below-college education, on-the-job training, and on-the-farm training, was utilized by 7,800,000 veterans, according to figures furnished by the Veterans' Administration.

The Korean war GI bill, known formally as the Veterans' Readjustment Assistance Act of 1952—Public Law 82-550—provided essentially the same types of training for 2,391,000 veterans.

The primary differences between the two was in the type of entitlement offered to veterans pursuing a higher education.

The World War II bill allowed for a maximum entitled of 48 months. The maximum under the Korean GI bill was 36 months.

The World War II entitlement covered tuition, books, fees, supplies and equipment, and a monthly subsistence allowance of $75 for veterans with no dependents.

The approach in the post-Korean entitlement was a flat grant of $110 per month for the veterans without dependents to cover all expenses.

Both bills enabled veterans to get housing loans.

Today, our servicemen may participate in a third veterans readjustment act the cold war GI bill. Passage of this farsighted legislation, authored by our distinguished colleague the senior Senator from Texas [Mr. YARBOROUGH], has meant a great deal to veterans today. Senator YARBOROUGH's leadership and continuing interest in veteran's readjustment has resulted in legislation which currently allows our veterans to pursue higher education; to obtain flight training; to receive on-the-job and on-the-farm training; and to receive a home loan guaranty or a direct home loan. We are a stronger and wiser Nation because of his foresight.

I ask unanimous consent that a statistical table outlining the implementation of the World War II and Korean GI bills be printed in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

IMPLEMENTATION OF VETERANS LEGISLATION

	World War II		Korean war	
	Number	Percent	Number	Percent
Veterans receiving benefits	7,800,000	100	2,391,000	100
Veterans pursuing a higher education	2,230,000	24	1,213,000	51
Veterans pursuing an education below college	3,480,000	44	860,000	36
Veterans receiving on-the-job training	1,400,000	18	223,000	9
Veterans receiving on-the-farm training	690,000	9	95,000	4

	World War II	Korean war
Average age of veteran receiving benefits of all types	27 years old	25 years old.
Average length of entitlement due to veterans	40 months	33 months.
Maximum length of entitlement allowable by law	48 months	36 months.
Average length of training received	19 months	18 months.
Percentage of veterans who exhausted entitlement due	14 percent	12 percent.

Mr. GRUENING. Mr. President, the question which now must be answered is: Are the Federal funds available adequate? The answer is an unequivocal "No."

Let me explain in detail. Under the

current law, a veteran is eligible to receive a grant of $130 per month in educational assistance for every month of active duty that he has performed. This amounts, over a 9-month school period, to $1,170, a sum which will not, except in rare instances, come close to meeting the expenses incurred by the student during 1 year of his academic studies. In many cases, the result is that the veteran has been forced into a situation where, if he desires to further his education, he must obtain funds from another source, such as outside employment, scholarships, or loans, in order to supplement his income to meet expenses. The situation is further complicated if the veteran is married and has a family to support.

When financial burdens require him to divert his study time, the veteran is placed at a disadvantage in relation to other students who have better financing. In many cases, he has had to choose between continuing his education or quitting school and working to support a family, with the dim hope of obtaining funds to continue his interrupted education at a later date. The financial situation for many veterans today is rapidly approaching a critical juncture. Positive steps must be taken for rectification of this crisis.

Accordingly, I am introducing S. 3477 to correct these inequities, and hopefully, to help correct some of the problems pointed out by the National Association of State Universities and Land-Grant Colleges and the American Association of State Colleges and Universities, in one of two ways:

First, by the establishment of a student loan guarantee provision, to enable the veteran to supplement the grant he receives from the Federal Government by obtaining a loan from a commercial bank, the interest and principal of which will be guaranteed by the Veterans' Administration. The amount of the loan to be guaranteed will be equal to the amount of the grant that the veteran is eligible to receive;

Second, by the establishment of a direct loan fund under the jurisdiction of the Veterans' Administration where loans will be made at the discretion of the Administrator in cases where commercial loans are not available to the veteran from banks in his area. The terms and conditions of these loans will be the same as provided for under the loan guarantee provision.

Under the provisions of my bill, the interest to be paid by the veteran on the loan is set at the same rate, 3 percent, that is established for similar educational grants under the National Defense Education Act of 1958, and is designed to supplement the act in two ways:

First, by increasing the number of students who are eligible to receive Federal funds by establishing a similar fund for veterans; and

Second, by allowing veterans who are currently receiving funds under the National Defense Education Act to be covered under the provisions of the student loan guarantee and direct loan fund, thus releasing NDEA funds committed to veterans and making them available to nonveteran students.

In order to provide for just and equitable implementation of the bill, I am proposing a provision which will relieve the veteran of his repayment obligation if he is called to active duty for a period of more than 30 days, providing he is not in default of payment for more than 60 days prior to his recall. This will be added incentive to the lending institution to make a loan under the guarantee provisions.

By having the Federal Government assume the veteran's obligation in event of recall, the lender is protected, and it will also serve as an incentive to the veteran to further his education by taking advantage of the loan aids, when he knows that the Government will relieve him of his obligation and that he will not be penalized in case of recall to active duty.

My bill further stipulates that no veteran will be eligible to receive a loan, or a loan guarantee, under this bill when he is currently receiving a loan, or loan guarantee, under the provisions of some other Federal grant. He will, however, be eligible to receive the benefits of the bill if he chooses to terminate all other educational aid he is receiving from the Federal Government, and is not precluded from obtaining any other educational aid for which he may be eligible from non-Federal sources.

I have added two provisions to the bill with respect to public service employment:

First. A provision which provides for cancellation of any indebtedness incurred by the veteran if, upon graduation from college, he enters into employment in certain public service jobs stipulated in section 1692 of the bill, including teachers in elementary and secondary schools and teachers of handicapped children, and will be canceled in the amount and under the scale stipulated in that section. Hopefully, such an incentive will encourage veterans to further serve their country after leaving school, and it will also provide competently trained personnel in areas in which there have been demonstrated a need for their services.

Second. My second provision provides that preference be given to the wives of veterans with respect to public service employment, except that they shall not be given this preference over veterans themselves. This provision is designed to supplement the request President Johnson has made of the Congress to encourage people, and in particular, veterans, to enter public service employment in view of the need for their services. Further, it should help provide employment for wives of veterans whose husbands are going to school full time, aiding them in meeting the financial obligations of their families.

Finally, I am requesting that $250 million be authorized to create a revolving loan fund for the direct loan provision. Although this amount might, at first glance seem high, published figures of the Veterans' Administration prove otherwise. These figures show that, as of February 1968, 980,321 applications had been received for educational assistance under Public Law 89-358—the so-called cold war GI bill. As of that date, 698,000 beneficiaries had received assistance, an increase of almost 28,000 over January 1968, and was expected to reach 741,775 by the end of March 1968, an increase of 43,475 over February, and an increase of 71,180 over January. In addition, these figures show that expenditures for educational assistance are expected to reach an annual output of $513,400,000 at the end of March 1968, an increase of $45,012,000 over the annual rate of expenditure in February of $468,388,000. Also, as of February 1968, 398,797 veterans were actively receiving educational assistance under the law.

Projected estimates furnished by the Veterans' Administration conclude that there is likely to be a large increase in the number of veterans who will become eligible for educational assistance in the coming year, to 750,000, or approximately 62,500 per month, of which some 75.4 percent will be immediately eligible to pursue a college degree, because they have completed 12 or more years of education. I ask unanimous consent that this table be printed at the end of my remarks as exhibit B.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit B.)

Mr. **GRUENING**. President Johnson, in his message on American education, pointed out the need for higher education. He said:

> The prosperity and well-being of the United States—and thus our national interest—are vitally affected by America's colleges and universities, junior colleges and technical institutes.
>
> Their problems are not theirs alone, but the Nation's.
>
> This is true today more than ever. For now we call upon higher education to play a new and more ambitious role in our social progress, our economic development, our effort to help other countries.
>
> We depend upon the universities—their training, research, and extension services—for the knowledge which undergirds agricultural and industrial production.
>
> Increasingly, we look to the colleges and universities—to their faculties, laboratories, research institutes and study centers—for help with every problem in our society and with the efforts we are making toward peace in the world.

THE FIFTH FREEDOM

> On January 6, 1941, President Franklin D. Roosevelt set forth to Congress and the people "four essential human freedoms" for which America stands.
>
> In the years since then, those four freedoms—freedom of speech, freedom of worship, freedom from want, and freedom from fear—have stood as a summary of our aspirations for the American Republic and for the world.
>
> And Americans have always stood ready to pay the cost in energy and treasure which are needed to make those great goals a reality.
>
> Today—wealthier, more powerful and more able than ever before in our history—our Nation can declare another essential human freedom.
>
> The fifth freedom is freedom from ignorance.
>
> It means that every man, everywhere, should be free to develop his talents to their full potential—unhampered by arbitrary barriers of race or birth or income.
>
> We have already begun the work of guaranteeing that fifth freedom.

The job, of course, will never be finished. For a nation, as for an individual, education is a perpetually unfinished journey, a continuing process of discovery.

But the work we started when this Nation began, which has flourished for nearly two centuries, and which gained new momentum in the past two Congresses—is ours to continue—yours and mine.

In conclusion, let me say that I hope we can rise to the challenge of two great Presidents, and to the challenge confronting our Nation as a whole if we begin to meet our educational financial crisis now. Therefore, let us enact legislation that will meet the need, and not aggravate the crisis.

I ask unanimous consent that the full text of the bill be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and exhibits will be printed in the RECORD.

The bill (S. 3477) to amend chapter 34 of title 38, United States Code, in order to authorize educational assistance loans to veterans to supplement educational assistance allowances paid to such veterans under such chapter, and for other purposes, introduced by Mr. GRUENING (for himself and others) was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 34 of title 38, United States Code, is amended by adding a new subchapter V as follows:

"SUBCHAPTER V—EDUCATIONAL LOANS

"§ 1690. Student loan guaranty.

"In addition to the educational assistance allowance authorized by this chapter, educational assistance loans made to eligible veterans pursuing a program of education under the provisions of this chapter, by a lending institution authorized to do business in a State or in the District of Columbia may, with the approval of the Administrator, be guaranteed by the United States, as provided in this subchapter.

"§ 1691. Terms and conditions of loans

"(a) Any loan guaranteed under this subchapter may be approved by the Administrator only if the eligible veteran (1) is capable, in the opinion of the educational institution in which his program is to be pursued, of maintaining good standing in his courses of study, (2) has been accepted for enrollment, or is enrolled, in such institution either as an undergraduate, graduate, or professional student, and (3) is enrolled in or is pursuing a program of education on a half-time or more basis. The amount of any loan guaranteed under this subchapter shall not, for any year of educational pursuit approved under this chapter, exceed (1) an amount equal to the amount of the educational assistance allowance which the eligible veteran is entitled to receive, or (2) an amount which, when added to the amount of the educational assistance allowance the eligible veteran is entitled to receive, is reasonably adequate, as determined by the Administrator, to meet the veteran's educational expenses at the institution in which he is enrolled, whichever amount is the lesser.

"(b) An approved loan shall be evidenced by a note or other written agreement which provides for repayment of the principal amount, together with interest thereon, in equal installments (or, if the borrower so requests, in graduated periodic installments determined in accordance with such schedules as may be approved by the Adminstrator) payable quarterly, bi-monthly, or monthly (at the option of the lending institution), over a period beginning nine months after the date on which the eligible veteran ceases to pursue an educational program authorized under this chapter (on at least a one-half time or more basis), and ending not later than ten years and nine months after such date. Such loan shall bear interest on the unpaid balance at the rate determined by the Administrator to be the going rate in the State in which the loan is made, except that all interest in excess of 3 percent per annum shall be paid by the United States under the guaranty agreement entered into between the lending institution and the Administrator.

"§ 1692. Cancellation of loans.

"Not to exceed 50 per centum of any approved guaranteed loan (plus interest) shall be canceled for service as a full-time teacher in a public or other nonprofit elementary or secondary school in a State, in an institution of higher education, or in an elementary or secondary school overseas of the Armed Forces of the United States. Cancellation of a loan for such service shall be (1) at the rate of 10 per centum of the total amount of such loan plus interest thereon for each complete academic year or its equivalent (as determined under regulations of the Administrator) of such service, (2) at the rate of 15 per centum of the total amount of such loan plus interest thereon for each complete academic year or its equivalent (as determined under regulations of the Administrator) of service as a full-time teacher in a public or other nonprofit elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title II of Public Law 874, Eighty-first Congress, as amended, and which for purposes of this clause and for that year has been determined by the Administrator, pursuant to regulations and after consultation with the State educational agency of the State in which the school is located, to be a school in which there is a high concentration of students from low-income families, except that the Administrator shall not make such determination with respect to more than 25 per centum of the total of the public and other nonprofit elementary and secondary schools in any one State for any one year, or (3) at the rate of 15 per centum of the total amount of such loan plus interest thereon for each complete academic year or its equivalent (as determined under regulations of the Administrator) of service as a full-time teacher of handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed or other health impaired children who by reason thereof require special education) in a public or other nonprofit elementary or secondary school system. An additional 50 per centum of any such loan plus interest thereon may be canceled at the rate of 15 per centum of the total amount of the loan plus interest thereon for additional service of the nature described in clauses (1) and (2) of the preceding sentence; but nothing in this paragraph shall authorize refunding any payment made by a veteran. The amount of the loan which is canceled under this section, shall be paid to the lending institution by the United States pursuant to the guaranty agreement entered into between such institution and the Administrator.

"§1693. Powers of the Administrator

"The Administrator is authorized to prescribe such additional terms and conditions as he deems necessary in order to implement the provisions of this subchapter, and to take such action as may be necessary to recover the unpaid balance of any loan which is defaulted by the borrower and for which the United States becomes responsible pursuant to the guaranty provisions of this subchapter.

"§1694. Direct educational loans

"(a) Whenever the Administrator finds that eligible veterans are unable to obtain educational assistance loans under this subchapter from commercial lending sources at reasonable rates of interest and on reasonable terms and conditions, he is authorized to make educational assistance loans to such veterans on the same terms and conditions prescribed for loans guaranteed under this subchapter except that such loans shall bear interest on the unpaid balance at the rate of 3 per centum per annum. No interest shall accrue before the date on which repayment of the loan is to begin.

"(b) For the purpose of enabling the Administrator to carry out the provisions of this section, there is established an educational assistance revolving loan fund, and there is authorized to be appropriated to such fund an amount not to exceed $250,000,000. Any funds received by way of repayment of loans made under this section shall be credited to the receiving fund.

"§1695. Repayment or cancellation of loans by the United States; limitation on loans from Federal sources

"(a) Notwithstanding any other provision of law, whenever an eligible veteran is obligated for the repayment of a loan guaranteed or made under this subchapter and is recalled to active duty for a period of more than 30 days, the Administrator shall pay on behalf of such veteran any payment, including interest thereon, on any loan guaranteed under this subchapter which becomes due while such veteran is serving on active duty, and shall cancel any payment, including interest thereon, on any direct loan made to such veteran under this subchapter which becomes due while such veteran is serving on active duty. Payments made by the Administrator on behalf of any veteran under this subsection shall not be a debt obligation of such veteran to the United States. The provisions of this section shall not apply in the case of any loan which has been in default for a period of more than 60 days.

"(b) No veteran shall be eligible for a loan guaranty or direct loan under this subchapter for any year for which he has received a loan, a guarantee on a loan, or a grant under any program authorized pursuant to Federal law."

SEC. 2. The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER V—EDUCATIONAL LOANS

"Sec.
"1690. Student loan guaranty
"1691. Terms and conditions of loans
"1692. Cancellation of loans
"1693. Powers of the Administrator
"1694. Direct educational loans
"1695. Repayment or cancellation of loans by the United States; limitation on loans from Federal sources."

SEC. 3. Notwithstanding any other provision of law, the wives of veterans, shall be given the same type of preference with respect to public service employment in the Federal Government as is granted to veterans, except that no wife of a veteran shall be given a preference over an eligible veteran.

SEC. 4. This Act shall become effective upon enactment but no educational assistance loans shall be guaranteed or made for any period prior to the first day of the first calendar month which begins more than 30 days after the date of enactment of this Act.

EXHIBIT A

TABLE 44.—ESTIMATED AVERAGE CHARGES TO FULL-TIME RESIDENT DEGREE-CREDIT UNDERGRADUATE STUDENTS, BY TYPE AND CONTROL OF INSTITUTION OF HIGHER EDUCATION: UNITED STATES, 1956–57 TO 1976–77

[Charges are for the academic year and in constant 1966–67 dollars]

Year and control	Total tuition, board, and room			Tuition (includes required fees)			Board (7-day basis)			Dormitory rooms		
	All	4-year	2-year	All	4-year	2-year	All	4-year	2-year	All	4-year	2-year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1956–57:[1]												
Public	$874	$883	$637	$206	$211	$88	$482	$484	$417	$186	$188	$132
Nonpublic	1,486	1,504	929	700	714	322	526	530	433	260	260	174
1957–58:[1]												
Public	877	886	631	210	215	89	471	473	405	196	198	137
Nonpublic	1,532	1,548	993	748	761	374	516	519	432	268	268	187
1958–59:[1]												
Public	895	097	639	216	224	92	469	471	402	210	212	145
Nonpublic	1,600	1,622	1,069	809	821	429	516	519	438	275	282	202
1959–60:[1]												
Public	913	926	644	223	232	94	467	469	398	223	225	152
Nonpublic	1,673	1,690	1,147	866	878	484	515	519	445	292	293	218
1960–61:[1]												
Public	932	947	650	230	240	96	465	468	395	237	239	159
Nonpublic	1,741	1,756	1,221	922	934	536	515	517	451	304	305	234
1961–62:[2]												
Public	952	970	656	239	254	96	463	464	390	250	252	170
Nonpublic	1,824	1,844	1,311	992	1,008	588	517	520	467	315	316	256
1962–63:[2]												
Public	974	994	665	240	257	105	470	471	390	264	266	170
Nonpublic	1,865	1,888	1,375	1,021	1,039	649	514	516	462	330	333	264
1963–64:[2]												
Public	988	1,013	671	250	271	103	464	465	385	274	277	183
Nonpublic	1,935	1,962	1,400	1,079	1,099	685	519	523	455	337	340	266
1964–65:[2]												
Public	1,000	1,030	671	256	281	104	459	461	380	285	288	187
Nonpublic	2,007	2,039	1,531	1,145	1,172	739	514	516	488	348	351	304
1965–66:[1]												
Public	1,019	1,052	680	262	290	708	460	462	376	297	300	194
Nonpublic	2,062	2,099	1,576	1,188	1,218	788	515	518	488	359	363	306
1966–67:[1]												
Public	1,034	1,071	684	268	299	110	458	460	374	308	312	200
Nonpublic	2,125	2,164	1,644	1,240	1,273	836	515	517	488	370	374	320
PROJECTED[3]												
1967–68:												
Public	1,052	1,092	692	274	308	112	458	460	374	320	324	206
Nonpublic	2,187	2,230	1,707	1,292	1,328	885	515	517	488	380	385	334
1968–69:												
Public	1,070	1,114	701	280	318	114	458	460	374	332	336	213
Nonpublic	2,248	2,297	1,770	1,343	1,383	934	515	517	488	390	397	348
1969–70:												
Public	1,087	1,136	709	286	328	116	458	460	374	343	348	219
Nonpublic	2,311	2,363	1,833	1,395	1,438	983	515	517	488	401	408	362
1970–71:												
Public	1,104	1,157	718	292	337	118	458	460	374	354	360	226
Nonpublic	2,374	2,430	1,896	1,447	1,494	1,032	515	517	488	412	419	376
1971–72:												
Public	1,122	1,178	727	298	346	121	458	460	374	366	372	232
Nonpublic	2,437	2,496	1,959	1,499	1,549	1,081	515	517	488	423	430	390
1972–73:												
Public	1,140	1,200	735	304	356	123	458	460	374	378	384	238
Nonpublic	2,498	2,562	2,022	1,550	1,604	1,130	515	517	488	433	441	404
1973–74:												
Public	1,157	1,222	744	310	366	125	458	460	374	389	396	245
Nonpublic	2,516	2,629	2,085	1,602	1,659	1,179	515	517	488	444	453	418
1974–75:												
Public	1,174	1,243	752	316	375	127	458	460	374	400	408	251
Nonpublic	2,623	2,695	2,148	1,654	1,714	1,228	515	517	488	454	464	432
1975–76:												
Public	1,193	1,264	762	323	384	130	458	460	374	412	420	258
Nonpublic	2,686	2,762	2,210	1,706	1,770	1,276	515	517	488	465	475	446
1976–77:												
Public	1,211	1,285	770	329	394	132	458	460	374	424	431	264
Nonpublic	2,748	2,828	2,273	1,757	1,825	1,325	515	517	488	476	486	460

[1] Estimated.

[2] Data for 1961–62 through 1964–65 represent constant 1966–67 dollars as converted from the unadjusted current dollars shown in table 45. See constant dollar index, table K.

[3] The projection of basic student charges is based on the assumption that these charges will continue to increase through 1976–77 as they did during the base years of 1961–62 through 1964–65, in constant dollars. The decreases in charges for board during the base period are not projected and are frozen at the 1966–67 level. The base year data for board charges, in current unadjusted dollars, did show an increase but not enough to offset the application of the Consumer Price Index.

Note: Data are for 50 States and the District of Columbia for all years. For methodology details see appendix table D.

Source: U.S. Department of Health, Education, and Welfare, Office of Education publications: (1) "Higher Education Basic Student Charges," 1961–62 through 1964–65; and (2) "Opening (Fall) Enrollment in Higher Education," 1961 through 1964.

EXHIBIT B

Projected release of soldiers based on figures as of Mar. 1, 1968

Per year	750,000
Per month	62,500

Estimated level of educational attainment of returning veterans

	Percent
7 years or less	1.1
8 years	3.3
9 years	5.3
10 years	7.9
11 years	7.0
12 years	59.2
1 to 3 years college	9.8
4 years or more college	6.4

(Figures are based on those received from the Senate Liaison Office of the Veterans' Administration.)

S. 3480—INTRODUCTION OF BILL TO PROVIDE CERTAIN PROCESSES IN PRODUCING LIGHTWEIGHT AGGREGATES AS A MINING PROCESS

Mr. TOWER. Mr. President, I introduce, for appropriate reference, a measure designed to amend the Internal Revenue Code of 1954 to include the sintering and burning of clay, shale, and slate used as lightweight aggregates as a treatment process considered as mining. This measure would give the lightweight aggregate industry much-needed assistance. A measure similar to the one I introduced today was adopted by the Senate during the 89th Congress, as an amendment to the Foreign Investors Tax Act of 1966, only to be deleted in conference. The committee report on this matter recommended that the application of heat to the lightweight aggregates mentioned should be considered as mining for percentage deletion purposes. All that this measure would do is reinstate the expressed desire of the Senate which was deleted by said conference committee. It is my sincere belief that it would be a wise policy for us to follow by so acting.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3480) to amend the Internal Revenue Code of 1954 to include the sintering and burning of clay, shale, and slate used as lightweight aggregates as a treatment process considered as mining, introduced by Mr. Tower, was received, read twice by its title, and referred to the Committee on Finance.

S. 3481—INTRODUCTION OF BILL TO FURTHER EXTEND THE PERIOD OF RESTRICTIONS ON LANDS OF THE QUAPAW INDIANS OF OKLAHOMA

Mr. HARRIS. Mr. President, I introduce, for appropriate reference, a bill to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma and for other purposes. A similar bill has been introduced in the House of Representatives by my distinguished colleague, Congressman Ed Edmondson. The chairman of the tribe, Robert Whitebird and the vice chairman, Henry E. Hoffman, endorse the bill. I ask that a letter dated April 29, 1968, from these two tribal officials be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the Record.

The bill (S. 3481) to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes, introduced by Mr. Harris (for himself and Mr. Monroney) was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter, presented by Mr. Harris, is as follows:

Quapaw, Okla.,
April 29, 1968.

Senator Fred R. Harris,
U.S. Senate,
Committee on Finance,
Washington, D.C.

Dear Senator Harris: In regard to your letter of March 25, 1968 to Mr. Robert Whitebird concerning the extension of restrictions on the Quapaw Tribe. It is our opinion that the bill should include the wording suggested by you, Senator Harris.

This would be "The extension provided for by this Act shall be subject to the proviso contained in the first section of the Act of July 27, 1939, and section 2 thereof".

This section concerns the leasing of restricted lands for business, mining or other purposes in accordance with such rules and regulations as the Secretary of the Interior may prescribe, and not otherwise: Provided, however, that no lease, modification, or assignment thereof shall be made over the written protest of adult Indians owning a majority interest therein.

This section is in the original Act of July 27, 1939 (53 Stat. 1127) and we feel it should be included in this.

We sincerely appreciate your effort in behalf of the Quapaw Indian Tribe.

Yours very truly,
Henry E. Hoffman, Jr.,
Vice Chairman, Quapaw Tribal Business Committee.
Robert Whitebird,
Chairman, Quapaw Tribal Business Committee.

S. 3482—INTRODUCTION OF BILL TO PROVIDE FINANCIAL ASSISTANCE TO CERTAIN LOCAL GOVERNMENTS

Mr. TOWER. Mr. President, I introduce, for appropriate reference, a measure to provide financial assistance to local governments where the tax bases of such local governments have been impaired through Department of the Interior land acquisitions.

My proposal is not a complex one; I believe that it can be clearly stated and easily understood with a minimum of difficulty. When Federal Government action takes land for national parks for example, this land so taken is lost for tax purposes to local government tax authorities. Greatly needed local government revenues are thus reduced, in many cases substantially. Present statutory authority does not authorize the Secretary of the Interior to make any sort of interim payments to local taxing authorities in the form of compensation for this lost revenue.

Certainly it is true that, in most cases, economic benefits resulting to local areas from the establishment of a national park or seashore or similar area far outweigh any loss of lands from tax roles. However, Mr. President, local taxing authorities are generally hard-pressed to come up with adequate tax dollars in this interim between the original land acquisition by the Federal Government and the subsequent afore-mentioned accruing of economic benefits. It is this interim period about which I am concerned, Mr. President. Local governments cannot place necessary services in limbo during this tax loss period. Local government operations and programs must continue, most particularly school operations.

Therefore, I am proposing that the Secretary of the Interior be authorized under such regulations as he may prescribe, the authority to purchase the securities and obligations of, or make loans to, these local governments which may be affected by such tax losses. Mr. President, I would point out in closing what I consider to be one of the most noteworthy features of my proposal, and that is, it is by no means a direct grant program. It is merely a means of assisting the local communities to get by at a time when they will have lost a portion of their tax dollars due to action by the Federal bureaucracy.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3482) to provide financial assistance to certain local governments, introduced by Mr. Tower, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 3483—INTRODUCTION OF BILL ENTITLED, "FEDERAL EMPLOYEE FREEDOM OF CHOICE ACT OF 1968"

Mr. BENNETT. Mr. President, I rise to introduce a bill entitled the "Federal Employee Freedom of Choice Act of 1968." I am joined by Senators Baker, Curtis, Dirksen, Eastland, Fannin, Hatfield, Hickenlooper, Holland, Hruska, Jordan of Idaho, Murphy, Tower, Thurmond, Williams of Delaware, and Young of North Dakota, in the introduction of this important legislation. My reasons for introducing the bill are basically threefold.

In 1962 President Kennedy issued an Executive order which contained the following paragraph:

> Employees of the Federal Government shall have, and shall be protected in the exercise of, the right, free and without fear of penalty or reprisal, to form, join and assist any employee organization or to refrain from any such activity.

Speaking of this Executive order and its guarantee of voluntarism for Federal employees former Secretary of Labor Arthur Goldberg said:

> I know you will agree with me that the union shop and the closed shop are inappropriate to the Federal government . . . In your own organization you have to win acceptance by your own conduct, your own action, your own wisdom, your own responsibility and your own achievement.

I certainly agree with the late President and Ambassador Goldberg regarding this very crucial employee right. Consequently, when it came to my attention that a Labor-Management Review Commission headed by Secretary of Labor W. Willard Wirtz was considering changes in Executive Order 10988 I was very curious as to what those recommendations were. I have attempted through the Department of Labor and the Civil Service Commission to learn if the Review Commission had made any recommendations to the President that the concept of voluntary unionism among Federal civilian employees be eliminated. I have been unable to determine if this recommendation was made or if the President had any intention to change Executive Order 10988.

My suspicions were further increased when responsible reporters writing in the Washington Post and other newspapers indicated that compulsory unionism for Federal employees was under consideration as well as a second provision which might require in lieu of outright union membership the payment of a service fee to the union involved.

Unfortunately, at the present time it is very difficult to say whether or not compulsory unionism is about to be forced upon Federal employees. Those who are in a position to make this information known have kept it very secret, and consequently the public is left in the dark.

I believe the concept of voluntary unionism in the Federal service is the only reasonable and moral position which the U.S. Government can take. At the moment the existence of that principle is dependent upon the President of the United States who can change it at will. Even if President Johnson has not received a recommendation requiring compulsory unionism; even if he has decided against such a recommendation, the possibility that compulsory unionism could be forced upon Federal Government employee at a later date or by a different President still exists. Consequently, I believe that the privilege to join a union or to refrain from joining a union should be permanently established by an act of Congress.

Federal employees should not be required to wonder from month to month or from election to election if they will be required to join a union or pay union dues in order to retain their civil service jobs and continue their Federal careers.

I should like to point out that I am not opposed in any way to an employee joining a union either in the private sector of our economy or in the Federal service. I think this is a very important right for all Americans. I believe equally, however, that no American should be forced to join a union by the Government or private industry in order to retain his job. The right to refrain is every bit as sacred and as important as is the right to join. It is both rights which my bill will protect.

May I repeat what I said back in 1965 during the long debate on section 14(b) of the Taft-Hartley Act that the people of my State through their elected representatives have set up a right-to-work law. Those Federal employees who have written me regarding this subject have been unanimous in expressing their strong belief that compulsory unionism or the payment of union dues is wrong and indefensible.

I believe that the objectives of this bill are supported by freedom-loving Americans everywhere who believe that membership in any organization should be determined freely and without coercion by the individual and not by the stroke of a pen by the President of the United States. Such a critical issue as compulsory unionism is something which the Congress cannot ignore.

May I repeat what I said in the Senate in October 1965, "Good unions do not need compulsory unionism and bad unions don't deserve it."

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3483) to protect the freedom of choice of Federal employees in employee-management relations, introduced by Mr. BENNETT and others, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

ADDITIONAL COSPONSORS OF BILLS, JOINT RESOLUTION, AND RESOLUTION

Mr. CANNON. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Nebraska [Mr. CURTIS] be added as a cosponsor of the resolution (S. Res. 13) to amend rule XXV of the Standing Rules of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of my senior colleague [Mr. RANDOLPH] I ask unanimous consent that, at its next printing, the name of the Senator from Michigan [Mr. HART] be added as a cosponsor of the bill (S. 2040) to provide for Federal assistance in the planning and installation of works and measures for the control and prevention of damages resulting from erosion of roadbeds and rights-of-way of existing State, county, and other rural roads and highways, from erosion of the banks of rivers and streams, and from erosion of unrestored or unrehabilitated surface or strip-mined non-Federal lands, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Washington [Mr. JACKSON] I also ask unanimous consent that, at its next printing, the name of the Senators from Connecticut [Mr. DODD and Mr. RIBICOFF] be added as cosponsors of the bill (S. 2882) to amend the Public Health Service Act to provide for a comprehensive review of the medical, technical, social, and legal problems and opportunities which the Nation faces as a result of medical progress toward making transplantation of organs, and the use of artificial organs a practical alternative in the treatment of disease; to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of regional and community programs for patients with kidney disease and for the conduct of training related to such programs; and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota [Mr. MONDALE] I further ask unanimous consent that, at its next printing, the name of the Senator from Michigan [Mr. HART], and the Senator from Maryland [Mr. TYDINGS] be added as cosponsors of the joint resolution (S.J. Res. 169) the East-West trade resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 13, 1968, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 391. An act to amend the act of March 1, 1933 (47 Stat. 1418), entitled "An act to permanently set aside certain lands in Utah as an addition to the Navajo Indian Reservation, and for other purposes";

S. 528. An act to place in trust certain lands on the Wind River Indian Reservation in Wyoming;

S. 948. An act for the relief of Seaman Eugene Markovitz, U.S. Navy;

S. 1119. An act to grant minerals, including oil and gas, on certain lands in the Crow Indian Reservation, Mont., to certain Indians, and for other purposes;

S. 1147. An act for the relief of Mariana Mantzios;

S. 1173. An act to convey certain federally owned lands to the Cheyenne and Arapaho Tribes of Oklahoma;

S. 1180. An act for the relief of Ana Jacaine;

S. 1395. An act for the relief of Dr. Brandia Don (nee Praschnik);

S. 1406. An act for the relief of Dr. Jorge Mestas;

S. 1483. An act for the relief of Dr. Pedro Lopez Garcia;

S. 1490. An act for the relief of Yang Ok Yoo (Maria Margurita);

S. 1828. An act for the relief of Susan Elizabeth (Cho) Long;

S. 1829. An act for the relief of Lisa Marie (Kim) Long;

S. 1918. An act for the relief of Dr. Gabriel Gomez del Rio;

S. 1946. An act to amend the repayment contract with the Foss Reservoir Conservancy District, and for other purposes;

S. 1968. An act for the relief of Dr. Jose Ernesto Garcia y Tojar;

S. 2005. An act for the relief of Dr. Anacleto C. Fernandez;

S. 2022. An act for the relief of Dr. Mario Jose Remirez DeEstenoz;

S. 2023. An act for the relief of Virgilio A. Arango, M.D.;

S. 2078. An act for the relief of Dr. Alberto De Jongh;

S. 2132. An act for the relief of Dr. Robert L. Cespedes;

S. 2139. An act for the relief of Dr. Angel Trejo Padron;

S. 2149. An act for the relief of Dr. Jose J. Guijarro;

S. 2176. An act for the relief of Dr. Edgar Reinaldo Nunez Baez;

S. 2193. An act for the relief of Dr. Alfredo Jesus Gonzalez;

S. 2256. An act for the relief of Dr. Margarita Lorigados;

S. 2285. An act for the relief of Gordon Shih Gum Lee;

S. 2301. An act for the relief of Dr. Francisco Guillermo Gomez-Inguanzo;

S. 2381. An act for the relief of Dr. Jesus Adalberto Quevedo-Avila;

S. 2403. An act for the relief of Dr. Teobaldo Cuervo-Castillo;

S. 2404. An act for the relief of Dr. Heriberto Jose Hernandez-Suarez;

S. 2489. An act for the relief of Dr. Jesus Jose Eduardo Garcia;

S. 2531. An act to designate the San Gabriel Wilderness, Angeles National Forest, in the State of California; and

S.J. Res. 129. Joint resolution to authorize the Secretary of Transportation to conduct a comprehensive study and investigation of the existing compensation system for motor vehicle accident losses, and for other purposes.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENT

AMENDMENT NO. 772

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (S. 3091) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, which was referred to the Committee on Foreign Relations, and ordered to be printed.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967—AMENDMENTS

AMENDMENTS NOS. 773 THROUGH 779

Mr. FONG (for himself, Mr. HART, and Mr. LONG of Missouri) submitted seven amendments, intended to be proposed by them, jointly, to the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, which were ordered to lie on the table and to be printed.

NOTICE OF PUBLIC HEARING ON INTERNATIONAL COFFEE AGREEMENT, 1968

Mr. SPARKMAN. Mr. President, as acting chairman of the Committee on Foreign Relations, I wish to announce that the committee has scheduled a hearing on the International Coffee Agreement, 1968 (Ex. D, 90–2) at 10 a.m. on Tuesday, May 28 in room 4221 of the New Senate Office Building.

Persons wishing to testify on this agreement should communicate with Mr. Arthur M. Kuhl, chief clerk of the Committee on Foreign Relations.

NOTICE OF HEARINGS ON FEDERAL CREDIT UNION BILLS, S. 3002, S. 3214, AND S. 3395

Mr. PROXMIRE. Mr. President, I wish to announce that the Subcommittee on Financial Institutions of the Committee on Banking and Currency will hold a hearing on Thursday, May 23, 1968, on the bills, S. 3002 and S. 3214, to amend the Federal Credit Union Act, and the bill, S. 3395, to authorize the Bureau of Federal Credit Unions to conduct consumer credit counseling programs.

The hearings will commence at 10 a.m. in room 5302, New Senate Office Building. Persons desiring to testify or to submit written statements in connection with these bills should notify Mr. Kenneth A. McLean, room 5306 New Senate Office Building, Washington, D.C. 20510; telephone 225-3024.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. YOUNG of Ohio. Yes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the distinguished junior Senator from Ohio may proceed for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio is recognized.

OMINBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

Mr. YOUNG of Ohio. Mr. President, the Omnibus Crime Control and Safe Streets Act reported by the Committee on the Judiciary is essentially an abominable legislative proposal and presents one of the most serious attacks in our Nation's history against individual privacy and the concept of due process of law. Under the guise of providing law enforcement assistance, this legislative proposal would overturn recent Supreme Court decisions protecting the civil liberties of individual citizens, permit greater use of electronic eavesdropping devices, and condone more widespread wiretapping.

While the bill does contain some meritorious features in that it provides a semblance of gun control and some features of the safe streets measure recommended by the President, I would prefer to see no legislation at all rather than to vote for the proposal as reported by the Judiciary Committee.

Title I of the bill authorizes Federal financial assistance in the form of grant programs to State and local governments to strengthen and improve law enforcement. It provides for a total authorization of slightly more than $100 million for fiscal years 1968 and 1969 and $300 million for fiscal year 1970 for this purpose. Insofar as it goes, this is a needed legislative proposal and should, in a separate bill, be enacted into law as soon as possible.

Mr. President, title II of the bill is a manifest attack on the Supreme Court of the United States. It would have the effect of reversing the Court's Mallory and Miranda decisions and invite a return to third degree police practices which in the past have been standard operating procedure in many police station houses and detective bureaus throughout the Nation. I am able to speak with some authority on this subject, having served as chief criminal prosecuting attorney of Cuyahoga County, Ohio, and having prosecuted many felony cases.

This bill would allow police to arrest and question suspects in total disregard of their constitutional rights to be free from arrest on mere suspicion, to be free from compulsory self-incrimination, and to enjoy the advice of counsel to the extent to which an individual is now entitled.

It cannot be said with authority that the Miranda decision has seriously hampered law enforcement. Each of the two major field studies published to date on the impact of that decision—one by the Yale Law Journal, the other by two professors at the University of Pittsburgh Law School—has concluded that the impact has been small and that the decision has had little effect on police practices or the control of crime. Also, the so-called Mallory rule, declaring inadmissible in evidence in a Federal court any confession obtained from an arrested person who is not taken before a magistrate or other judicial officer "without unnecessary delay" as required by rule 5(a) of the Federal Rules of Criminal Procedure, is based on sound law enforcement policy. Prompt arraignment of arrested persons is necessary in a free society which values the fair administration of criminal justice. Prolonged incarceration and interrogation of suspects without giving them the opportunity to consult with friends, family, or counsel is surely not in keeping with our principles of justice.

Furthermore, title II would forbid the Supreme Court of the United States from reviewing State court rulings admitting confessions found to be voluntary—no matter how fictitious or erroneous the finding of the State court might be. It would narrowly restrict the power of Federal courts to grant writs of habeas corpus in connection with persons in the custody of State authorities. It would also overturn the recent Supreme Court decision in United States against Wade in which the Court held that an in-court identification of a suspect by an eyewitness is inadmissable unless the prosecution can show that the identification is independent of any prior identification of the witness while the suspect was in custody, and while his court-appointed lawyer was neither notified nor present.

The requirement in the Wade case is unlikely to place an undue burden on law enforcement. The Supreme Court suggested that a variety of procedures could conveniently be used by law enforcement officials to insure fair and impartial police lineups. The Court suggested appropriate alternative procedures that could be used in circumstances where the presence of a suspect's counsel at a lineup was likely to cause prejudicial delay or obstruction of the confrontation. The opinion offered workable guidelines for achieving a reasonable accommodation between the requirements of law enforcement and the rights of individuals accused of crime. The proposed legislation while dispensing with the procedural safeguards established in the Wade decision does not even attempt to establish effective alternative safeguards in lieu of the requirements in that decision. Instead, the pertinent section of the bill is a blanket provision making eyewitness testimony admissible in all circumstances whether or not even the most fundamental and time-honored requirements of due process have been met in the identification, let alone the requirements of the right to counsel under the sixth amendment to the Constitution of the United States, one of the first 10 amendments, which we affectionately call the Bill of Rights, and which were written into our Constitution on the demand of those patriots who won the War of Independence.

In all probability, those provisions of this proposed legislation on police interrogation and eyewitness testimony if enacted into law would themselves be declared unconstitutional by the Supreme Court of the United States, and in that process the orderly procedure of justice would be seriously disrupted and impaired.

It is likely that those provisions limiting the appellate jurisdiction of the Supreme Court and constricting the habeas corpus jurisdiction of Federal courts would also be held unconstitutional. Since no Congress in our Nation's history has ever enacted such extreme curtailment of the authority of the Federal judiciary, there has been no occasion for the courts to decide upon such issues. Those who believe that the Supreme Court has misinterpreted the Constitution and that there is a need for a change in its jurisdiction and authority should proceed through the only method established under our system of law—by amending the Constitution of the United States.

In my view, recent decisions of the U.S. Supreme Court protecting the rights of accused individuals are important safeguards and guarantees of individual liberty and should be maintained. Existing law is designed to assure that confessions are voluntary, that police lineups are fair, that arrangements are prompt and that defendants receive a full and fair hearing.

The proposals in title II are a serious threat to the Constitution of the United States. To me, it appears clear that these provisions are unconstitutional. I could not in good conscience vote for this bill unless such proposals and provisions are eliminated altogether. They present a grave threat to the basic principles on which our Nation was founded—to our basic concept of separation of powers, to Federal supremacy, to judicial independence—in short, to our most cherished ideas of justice and the rule of law. A great blow would be struck against individual freedom and liberty were they to be enacted into law.

Mr. President, title III of this bill, in a way, is even more outrageous. It would authorize, under a specious and entirely phony court order system, widespread eavesdropping by State and local police as well by Federal authorities in connection with a vast number of suspected offenses. Wiretapping, bugging and use of electronic eavesdropping in general are repugnant to our historical concepts of privacy, justice and fair play for all. The enactment of this proposal would wantonly throw away the great Anglo-American tradition that a man's home is his castle—the invaluable heritage of privacy and of freedom from arbitrary intrusion by the police. We must continue to protect what Justice Brandeis termed "the right most valued by civilized men"—the right of privacy.

Mr. President, very definitely I am convinced that wiretapping and the use of any electronic devices or the practice of "bugging," so-called, are procedures that are repulsive to all liberty-loving people, and should not be tolerated.

As a former chief criminal prosecuting attorney, I believe now as I believed then that certain punishment, like a shadow, should follow the commission of a crime or of any unlawful act of violence. Rather than to encourage greater invasion of individual privacy, I would favor enactment of legislation to prevent law enforcement or other officials of our Government from engaging in or authorizing so-called "bugging" of conversations between any persons whatever. We should outlaw all wiretapping, public and private. I am opposed to any legislation permitting wiretapping, even if such wiretapping were authorized by a U.S. district judge, except only when clear and convincing proof is offered and it is determined by the U.S. district judge that the security of the Nation itself would be jeopardized and endangered unless such action were taken.

Very definitely, I think all Americans would do well to reread the first 10 amendments to the Constitution of the United States, which we affectionately term the Bill of Rights. These amendments were adopted on demand of those patriots who won our War of Independence. Except for the fact that these demands were adopted by the Congress and by the legislatures of the Thirteen Original States, that Constitution adopted by the members of the Constitutional Convention sitting in Philadelphia, presided over by George Washington, would not have been adopted and ratified by the several States at the time it was.

Title IV of this bill is a watered-down gun control proposal which places some restrictions on mail-order traffic in firearms other than rifles and shotguns. It is encouraging that some legislation regulating the sale of firearms has finally been reported favorably from the Judiciary Committee. However, the committee recommendations are too weak in their impact and too narrow in their scope.

Indeed, it is outrageous that we continue to tolerate laws which make it so easy for a criminal, an insane person, a drug addict or a child to obtain firearms. Effective gun regulation will require State action. However, Congress also has a responsibility to do what it can to minimize bloodshed and death resulting from the widespread abuse of firearms.

It is important that the firearms industry begin to police itself. A licensed dealer is the person best situated to be sure a purchaser is not a felon or a minor, and that the purchase would not be in violation of any State or local law. Continued failure to regulate in some manner the sale and the mail-order traffic in rifles and shotguns makes State and local laws impotent and State and local enforcement officials virtually helpless. A stronger gun control such as has been proposed would not inconvenience citizens desiring to own weapons and have them in their homes for legitimate purposes.

If we do not take these essential steps with respect to long arms and to the sale of weapons in general, we cannot say to ourselves or to the citizens of this country that we have passed meaningful and effective gun control legislation.

Mr. President, the bill under consideration is not as it purports to be—a Crime Control and Safe Streets Act. While it does contain some features which would assist law enforcement officials in controlling crime, it is in essence an assault on liberty in the disguise of crime control. Those sections of it which would restrict and seriously and gravely endanger the civil liberties and civil rights of all Americans should be rejected after and in the course of the debate on this measure.

PRESIDENT JOHNSON PAYS TRIBUTE TO VOCATIONAL EDUCATION

Mr. JORDAN of North Carolina. Mr. President, last week, President Johnson met in the White House with representatives of the Vocational Industrial Clubs of America. The group presented to the President, a gavel and sounding block in recognition of his efforts on behalf of vocational education. The wood in the gavel came from the Hermitage, Andrew Jackson's home in Nashville, Tenn., and from the Old State House in Springfield, Ill., where Abraham Lincoln served. The sounding block was made of wood from the Hyde Park estate of Franklin D. Roosevelt. The gavel was made by a 16-year-old, Terry Lovelace, of Sparta, N.C.

In his response, the President noted that he had enjoyed a long association with Members of Congress from North Carolina, and that his own grandfather had come from North Carolina.

After reviewing the long history of vocational education legislation, the President concluded:

> We see that it is paying off in all of you.

I ask unanimous consent that the text of the President's remarks to these young Americans be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT TO REPRESENTATIVES OF THE VOCATIONAL INDUSTRIAL CLUBS OF AMERICA, THE CABINET ROOM, MAY 10, 1968

I am very proud of what we have been able to do in the vocational education field.

I have observed nothing in my contacts with young people—and I have two or three groups a day, in the hope that I can learn something from them and keep contact with them, and maybe they can learn something from coming here—that pleased me more than your presentation. I don't think I have ever heard a better one.

The fact that you were aware that you were in the presence of Jackson, Lincoln, and Roosevelt, and tied it into the remarks you had to make, and where the wood came from, is just another indication that our school system is doing a pretty good job in this day and time.

All we hear sometimes are challenges to our future. A lot of people wonder about what our young people are doing, then we see a demonstration like you put on here this morning. It makes me think that every dollar we have invested in our schools has been returned with interest.

Yes, I served with Mr. Doughton of North Carolina for a long time. He was a great leader of the Ways and Means Committee. I have had a rather intimate association with the Members of Congress from your State. My grandfather came from your State.

I am so proud we are producing 18-year-olds in this Nation who can come in the presence of the President in the Cabinet Room and probably make a better presentation than either the President or the Members of the Cabinet. I hope the people you represent are as proud of you as I am. I hope you will tell your family what an excellent job the President thought you did.

We are very, very strong for vocational education. We are very proud of the landmark legislation we passed. Under 35 Presidents, the primary legislative matters in the educational field were in the field of vocational education, the George-Deen Act, the Smith-Hughes Act, and creating the Office of Education itself, in Andrew Johnson's time.

But when you added all of those educational matters together, you had less than you could count on your fingers in 35 previous administrations. Because the emphasis has been on learning and moving forward in the 21st Century, and the need to know, driving ignorance from our midst, we have passed three times as many bills in the last four years in the educational field as we did in all the other 35 administrations put together. We see that it is paying off in all of you.

Thank you.

NEW FISHING LAKES PLEASE FISHERMEN AND COMMUNITIES IN ARIZONA

Mr. HAYDEN. Mr. President, the 187 million acres of national forest land already have 15,600 natural lakes for use by the fishing public, but, through cooperative action with State fish and game departments, the Forest Service of the U.S. Department of Agriculture is adding more where they are needed—such as in the Southwest and Arizona.

Besides making fishing more accessible to many, the popular program is stimulating local economies.

It is a big "public" served by national forest fishing waters. In 1967, the national forests attracted 13.9 million visitor-days of fishing use. A visitor-day is equivalent to a stay of 12 hours.

Under the terms of the formal work agreements in developing new fishing lakes, the Forest Service generally surveys and clears the site, develops the access road system, and installs recreational facilities.

The State builds dams, stocks the impoundments with fish, and usually handles maintenance of dams and fishery. Actual work by each agency may vary, depending on available financing and other local arrangements.

These impoundments are being added to an already formidable inventory of fishing waters available: 84,500 miles of streams, 15,600 natural lakes with 1.4 million surface acres, and 2,630 reservoirs with 903,000 acres.

In Arizona, where water is often scarce, four new impoundments have appeared in national forests in recent years.

Bear Canyon Lake, which was constructed in 1964 by the State game and fish department at a cost of $175,000 under a cooperative habitat improvement program, last year recorded 7,500 visitor-days use, mostly by fishermen. It is estimated the rural communities of Heber, Payson, and Winslow received financial benefits totaling $83,900—$11.19 per visitor per day.

In the same Sitgreaves National Forest, the area of the Woods Canyon Lake had practically no recreation use before the lake was built by the State game and fish department for about $164,000. In 1967, some 89,500 visitor days were recorded. The rural communities of Heber, Payson, Overgaard, Snowflake, and Winslow benefited an estimated $1,066,000, as a result.

In the Coronado National Forest, the State game and fish department built Parker Canyon Lake for $334,600 in an area which had previously had little recreation use. Last year the 132-acre lake recorded 9,700 visitor-days for benefits to the local economies of Patagonia, Sonoita, Canelo, Elgin, Nogales, and Bisbee of $115,000.

On the same forest, the showing was spectacular after the construction of Pena Blanca Lake. In an area where fishing was practically nonexistent, the 1967 record was 98,900 visitor-days, resulting in a boost to the economy of $1,178,000 for Nogales, Pena Blanca, and Tubac. Its surface area is 49 acres.

This cooperative activity between the Forest Service and State of Arizona agencies is of vast benefit to the State.

RURAL PROGRAMS NEEDED

Mr. BYRD of West Virginia. Mr. President, much of what has come to be known as the urban crisis has been caused by the migration of former farmworkers and other rural residents into the cities.

An interesting editorial published in the Washington Post of Sunday, May 12, points out that a recent poll indicates that a majority of Americans would prefer to live in the country instead of the city. If this be true, and I believe that it is, then it seems to me that we are overlooking an important possibility in not trying harder to get the poor in our cities to emigrate to rural areas through job or other inducements.

Surely programs can be devised to make such emigration attractive. America until very recently has been a rural-oriented nation. I believe that that fact should be taken advantage of in our attempts to deal with the crisis in the cities.

I ask unanimous consent that the Post editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Slum Emigration

A recent survey by the Gallup Report, showing that 56 per cent of Americans would prefer to live in rural America, has a special relevance now, when many are urging relocation as one solution to the problems of urban slum dwellers. The report indicates that the number of citizens preferring city life has dropped from 27 per cent in 1966 to 18 per cent in 1968. Those preferring suburban life dropped from 28 to 25 per cent. Those preferring small towns dropped from 31 to 29 per cent. The number preferring the farm rose from 18 to 27 per cent.

No doubt sheer nostalgia contributes to the high farm figure to some degree. But it is a remarkable disclosure of preference in a society where 70 per cent of the people are urban dwellers and where only 6 per cent of the people live on farms.

The National Advisory Commission on Civil Disorders strongly recommended emigration from urban slums as an alternative of an *apartheid* society in America. What the Gallup Report indicates is a preference for rural life that seems to show this might be feasible. Another part of the study shows that there are job shortages in rural America that could absorb much urban unemployment. A third of all Americans live in central cities where the unemployment rate is high, according to Gallup. He found that half this number would prefer to live in suburbia, small towns or in farming areas. The task of getting rural jobs and discontented slum dwellers together ought not be beyond our ingenuity.

DISTURBANCES ON COLLEGE CAMPUSES

Mr. McINTYRE. Mr. President, the recent disturbances at Columbia University—and similar outbreaks at other campuses throughout the country—have been deeply disturbing, especially in light of the riots, burning, and looting that have plagued many of our Nation's cities in recent weeks and months.

But just as riots in our large-city Negro ghettos will not be cured by repressive and retaliatory countermeasures, neither will the student disturbances on our college campuses be cured by some of the punishments suggested in recent days by several overzealous lawmakers.

I refer to proposals that students who have participated in these disturbances be denied Federal loans and scholarships.

This is no way to cure campus insurrection, and this is no way to teach these irresponsible young men and women to become responsible members of a free society.

The answer lies in reform of academic institutions and by clearer enforcement of campus rules and regulations, not in repressive fiscal and financial sanctions which overreact to the problem and do nothing to encourage a sound solution to the irresponsible behavior of a minority of our young college men and women.

Mr. President, this morning's New York Times contains an excellent editorial which goes to the heart of this problem and its eventual solution. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Campus Coercion

The threat by the House to punish rebellious college students by cutting them off from Federal loans and scholarships is a dangerous excursion into political primitivism. The disregard of campus democracy by a minority of disruptive and irresponsible students at Columbia and elsewhere in no way justifies such Congressional vendettas in direct conflict with democratic freedoms. Campus stability must be safeguarded by sound reforms on the part of the academic community and by enforcement of its own democratic rules, not by governmental threats of fiscal sanctions.

It is deeply disturbing that so many politicians appear to think of Federal subsidy of students as an indulgent uncle's benefaction. In reality, the extension of educational opportunities is at least as vital to the future health of the nation as it is to the personal careers of individual students. But, more important, to turn Federal stipends into a device to regulate student views and behavior is to stoop to methods generally associated with totalitarian states. Such action can only give support to those extremists among today's students who charge that the campus is doing the mercenary bidding of a repressive establishment.

Federal interference with higher education is an intolerable, violation of academic freedom. To permit such intrusions would undermine the nation's security far more severely than the disruptive insurrection of irresponsible youths.

LEADERSHIP OF POOR PEOPLE'S MARCH FACE GRAVE RESPONSIBILITIES—MUST AVOID DISRUPTING GOVERNMENT AND SHUN INVOLVEMENT WITH ANTI-AMERICAN INFLUENCES

Mr. RANDOLPH. Mr. President, the Poor People's March on Washington has begun. The leadership of this effort face grave responsibilities, not the least of which are to exert every effort to avoid any disruption of the functions of Government, either in the executive or legislative branches. Equally, the leadership of the march must shun involvement with Communists and avoid any complicity with anti-American influences.

On May 2, 1968, in this forum, I brought to attention the fact that in the poor march leadership's advance conversations here with Cabinet officials and other high-level Government executives I noted the presence in the group of David Dellinger. I referred to Dellinger as a self-professed Communist on the basis of a May 1963 speech in New York before the Militant Labor Forum. On that occasion, Dellinger was quoted as having said: "I am a Communist," and qualified this statement only slightly by describing himself as "a non-Soviet Communist." Since that time, Dellinger has denied that he is a Communist, but never denied having made the remarks attributed to him before the Militant Labor Forum. It is further recorded that in a speech at Yale University in 1965, Dellinger said he was not a Communist but that he did not mind working with them.

In fact, in late 1966, Dellinger visited North Vietnam and Communist China. Last fall, he returned to Hanoi and had a personal interview with North Vietnamese President Ho Chi Minh. In 1964, he had visited and praised Cuba under its Communist leader, Castro. This is the same David Dellinger who, during World War II, refused to serve even as a conscientious objector and consequently served a 3-year prison sentence. This is also the same David Dellinger who was one of the leaders of the march on the Pentagon last fall who urged the participants to "storm" the Pentagon in defiance of law and order and against the orders of the U.S. marshals who sought to prevent violence. This is documented.

I sincerely hope that anti-American influences are absent or have been purged from the leadership of the present march and that in all of its aspects it will be conducted as a law-abiding and thoroughly peaceful exercise of the right to petition. I believe in this right.

But, Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Guerrilla Warfare Inside the United States," written by David Lawrence, and published in the Washington, D.C., Evening Star and other newspapers on May 6, 1968.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GUERRILLA WARFARE INSIDE THE UNITED STATES

(By David Lawrence)

The tendency here has been to brush aside the theory that Communist influences may have played a part in America's riots and disturbances. Even the President's Commission on Civil Disorders in its recent report said it had found no evidence of "conspiracy." But it depends on what technical meaning is given to the word, as unquestionably there are many leaders and participants in the riots who didn't have to be recruited by any Communists, and there are some who have helped to instigate a form of guerrilla warfare.

Today Congress has before it a formal report submitted by the House Committee on Un-American Activities which gives the background of the Communist conspiracy in the last few years inside the United States in relation to the disorders that have cost so many lives and caused considerable damage to private property. Chairman Edwin E. Willis, D–La., in a foreword to the report says in part:

"A few years ago the overwhelming majority of Americans—including those best informed about security matters—would have scoffed at the idea of guerrilla warfare operations in the United States directed against our government. Today this idea does not seem as fantastic and ridiculous as it did a relatively short time ago.

"During the 1964 Harlem riot, Jesse Gray, the former Harlem organizer for the Communist party, called for guerrilla warfare against the United States. This committee has received testimony indicating that agents of North Vietnam have trained some Americans in guerrilla warfare in Cuba.

"The Progressive Labor party, the major Peking-oriented Communist organization in the United States—again, according to testimony received by this committee—has distributed literature not only calling for guerrilla warfare against this country, but even spelling out how it should be conducted.

"Stokely Carmichael, speaking apparently for the ultramilitant black nationalist element in this country, recently stated: 'Our movement is progressing toward an urban guerrilla war within the United States itself.'

"There can be no question about the fact that there are mixed Communists and black nationalist elements in this country which are planning and organizing guerrilla-type operations against the United States.

"This committee report is designed to alert the Congress and the American people to the plans and the strategy of some of these elements—to alert them to the fact that what seemed absurd a few years ago may not be so farfetched today. . . .

"Today a new threat is arising—a threat created by a mixture of Communists and ultraracist conspirators."

There follows a report of more than 30,000 words giving information about Communist-related activities in the riots in Cleveland, Watts and other places. The committee in its conclusion says the advocates of guerrilla warfare are assuming that most Americans will discount the possibility of guerrilla operations, and that the Communists are "counting heavily on the fact that most Americans will be mentally and emotionally, as well as physically, unprepared."

Just a few days ago Senator Jennings Randolph, D-W. Va., in a speech to the Senate which got relatively little attention, named David Dellinger as active in helping to organize the Poor People's March on Washington. The West Virginia senator referred to Dellinger as "a key organizer and perhaps chief proponent of the 'March on the Pentagon' " last fall, who had publicly announced that he is "a non-Soviet Communist."

Randolph said that the leader of the so-called Poor People's March, the Rev. Ralph Abernathy, "surely knows the record of David Dellinger," and asked: "Why does Rev. Abernathy permit or encourage this anti-American perpetrator of violence and hate to stand by his side in conferences with members of the Cabinet of the United States?"

Comments like these have been rare on the floor of the House or Senate, but there is a mounting trend toward a full discussion of the ways by which the Communist movement in this country is associating itself with the "marches" and "demonstrations."

Up to now even extreme utterances have been passed by as coming within the domain of "free speech," but members of Congress are beginning to take the view expressed by Randolph—namely, that "the right of petition becomes a mockery" if those who come to Washington to seek a redress of wrongs also "seek to disrupt their government and break our laws."

HAWAII PROPOSED AS SITE FOR INTERNATIONAL DECADE OF OCEAN EXPLORATION

Mr. **FONG**. Mr. President, 2 months ago, President Johnson announced that he has instructed the Secretary of State to explore with other nations their interest in jointly launching an international decade of ocean exploration for the 1970's. Because other nations are also seeking to exploit the promise of the seas, the President said the United States should invite and encourage their interest, for the oceans that cover three-fourths of our globe affect the destiny of all mankind.

The President pledged that the United States will:

Work to strengthen international law to reaffirm the traditional freedom of the seas;

Encourage mutual restraint among nations so that the oceans do not become the basis for military conflict; and

Seek international arrangements to insure that ocean resources are harvested in an equitable manner, and in a way that will assure their continued abundance.

On that occasion, in remarks in this Chamber, I hailed the President's proposal as "a most exciting and challenging concept." It is encouraging to know that the Department of State has acted promptly to consult with other nations on the steps that could be taken to expand international cooperation and understanding of the oceans.

An informative and useful editorial on the "International Decade of Ocean Exploration"—IDOE—was printed on May 8 in the Honolulu Star-Bulletin, titled "For Inner Space, a Hawaii Base." After explaining and supporting the proposal, the editorial offers the suggestion that Hawaii be considered as the headquarters site for IDOE. Said the editorial:

> We (Hawaii) offer a community that has an intense interest in oceanography and one that can be said to be centrally located as regards the maritime nations of the world. Hawaii already has been chosen as a site for a number of East-West meetings. Its East-West Center gives it an ideal backdrop for many such sessions. Here is a hospitable climate at a crossroads in the world's greatest ocean.

In recent years and months, Hawaii indeed has been a hospitable setting for international conferences and meetings on marine affairs. Scientists and others from many countries have convened in Honolulu for discussions on ocean-related topics, such as fisheries, ocean currents, and tsunamis. More multinational meetings are anticipated in the future, as Hawaii grows in importance as a world center of ocean science and technology.

The Star-Bulletin is to be commended for advancing Honolulu as the headquarters site for IDOE. I strongly recommend that the Federal officials involved give this suggestion early and serious consideration.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FOR INNER SPACE, A HAWAII BASE

President Johnson has taken a significant initiative toward making the exploration of inner space quite different from that of outer space.

In lieu of the intense Russian-American rivalry in outer space, the President has proposed that the two nations cooperate in an International Decade of Ocean Exploration (IDOE).

He has suggested that governments all over the world pledge themselves to cooperative deep sea exploration for a 10-year period that could begin in 1970.

Some 46 nations, attended a State Department briefing on the proposal, though without making any commitments on participation.

The U.S. visualizes its contribution at $3 to $5 billion over the decade and suggests a like amount from the U.S.S.R.

The antagonisms and unnecessary duplications of the space race would be minimized. Cooperation would be the keynote.

The total U.S.-U.S.S.R. contribution of $6 to $10 billion would come to 60 to 80 per cent of the total cost of IDOE, a reflection of the fact that the oceanographic fleets of the two nations are 60 to 80 per cent of the world total.

Much of the contribution, in the case of both nations, would be money they would be spending anyway—but a greater total return would be realized through the joint effort.

IDOE is visualized as starting modestly sometime around 1970, building up to a first peak of activity two years later and building to a period of maximum activity about mid-decade when a variety of new platforms, including ships and buoys, come into use.

The principal product of IDOE will be oceanographic data. But its planners also visualize progress toward worldwide standardization of instruments and the establishment of international calibration facilities.

Prospects of U.S.S.R. participation in IDOE are hopeful, but no nations have yet made firm commitments to the plan.

Readers will be fascinated to note in this connection that international cooperation in oceanic exploration is for the U.S. as old as the nation itself—and not really a new idea of President Johnson's.

On March 10, 1779, at the height of the American Revolution, Benjamin Franklin wrote a letter urging American ships to give safe conduct to Capt. James Cook, the British navigator, on his return from his voyages of exploration in the Pacific.

Not knowing that Cook had been killed in Hawaii three weeks earlier, Franklin wrote that Cook's early return to Europe was expected. "Consider her not as an enemy," Franklin urged of Cook's ship and asked that Cook be given any needed help.

He spoke of the voyage of the "celebrated navigator . . . to make discoveries of new countries in unknown seas" in these terms:

"An undertaking truly laudable in itself, as the Increase of Geographical Knowledge facilitates the Communication between Distant Nations, in the exchange of useful Products and Manufactures and the extension of Arts, whereby the common enjoyments of human life are multiplied and augmented and Science of other kinds increased to the benefit of mankind in general."

IDOE, too, can be an undertaking truly laudable in itself.

As IDOE plans move forward, we respectfully suggest that an ideal headquarters site for it would be Hawaii, where Capt. Cook died just two centuries before the end of IDOE.

We offer a community that has an intense interest in oceanography and one that can be said to be centrally located as regards the maritime nations of the world.

Hawaii already has been chosen as a site for a number of East-West meetings. Its East-West Center gives it an ideal backdrop for many such sessions.

Here is a hospitable climate at a crossroads in the world's greatest ocean. Russian oceanographers already have visited here several times aboard the research ship Vityaz and found their community reception a warm one.

Communications from Hawaii are excellent.

Pending new air routes will make the islands even more of an air hub than now.

Honolulu as the headquarters for IDOE is a proposal that should be advanced early and seriously.

MONEY COULD BE BETTER USED

Mr. BYRD of West Virginia. Mr. President, the cost of the so-called Poor People's Campaign, which is now underway in Washington, is put at a figure of at least $1 million, according to an article published in today's New York Times.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COST OF POOR PEOPLE'S MARCH IS PUT AT $1 MILLION—SCLC AIDE SAYS FUNDS ARE 70 PERCENT SHORT OF GOAL SET THROUGH JUNE 30

(By Walter Rugaber)

ATLANTA, May 12.—The Southern Christian Leadership Conference expects its Poor People's Campaign, an antipoverty drive converging on Washington this week, to cost at least $1-million in cash and materials.

William A. Rutherford, executive director of the conference, said in an interview yesterday that only about 30 per cent of the resources budgeted for the campaign through June 30 had been obtained so far.

"People have the idea that we're raising tremendous sums of money," Mr. Rutherford said. "That is not the case at all, not at all." He and other conference officials seemed confident, however, that the goal could be met.

Contributions to the organization's Martin Luther King Memorial fund have been earmarked for some type of monument to the conference's assassinated president, Mr. Rutherford said, and cannot be tapped for the Washington effort.

He refused to disclose the amount received by the memorial fund, asserting that it would be "very indiscreet" to do so. Also, he said, the money has been collected at different locations and a total has not been figured.

ADDITIONAL EXPENSES

The $1-million needed for the Washington campaign is in addition to the conference's ordinary operating expenses for items such as salaries and regular civil rights activities. On these, the organization normally spends about $1-million a year.

The additional $1-million is required for a wide variety of items. Mr. Rutherford cited medical equipment, shower heads, sewage systems, electrical wiring and telephone lines. Air mattresses and sleeping bags will cost $39,000, he said.

Dieticians working on the Washington campaign have placed the cost of meals for each participant at $1.30 a day, Mr. Rutherford said, and if 4,000 join the effort the food bill will reach $5,200 a day.

The number expected to camp in Washington for at least two weeks and possibly longer may go above 4,000. The Rev. Andrew J. Young, executive vice president of the conference, said that as many as 10,000 persons might participate.

Transportation is the major financial problem, Mr. Rutherford said. He pointed out, for example, that it would cost the organization $3,900 to transport 50 persons from Los Angeles to Washington by bus.

An advance contingent that arrived in Washington today to erect housing for the antipoverty demonstrators traveled from Marks, Miss., on 10 Greyhound buses that cost the conferences $11,703.

More than $1-million would be required if the campaign went beyond June 30, Mr. Rutherford indicated. There has been talk among the organizers of demonstrating at both political conventions later in the summer.

Mr. Rutherford estimated that about 75 per cent of the expenses would involve cash, with donations "in kind" making up the balance. He said the $300,000 raised so far included both types of contributions.

The largest cash donation reported so far was $25,000 from a supporter who asked to remain anonymous. One of the smallest was 37 cents, handed in by an unidentified Negro who appeared briefly at the conference's headquarters here.

Other poor people who cannot make the trip, Mr. Rutherford said, have contributed a loaf of bread or a pair of worn tennis shoes. Negro women in Crawfordville, Ga., sewed 1,000 blue denim jackets.

There have been donations "in kind" from more well-known sources. For instance, Mr. Rutherford said, mobile telephones have been installed free in vehicles on many sections of the march by the American Telephone and Telegraph Company.

TRIBUTE TO SENATOR HRUSKA

Mr. CURTIS. Mr. President, my able and distinguished colleague from Nebraska, Senator ROMAN HRUSKA, recently passed an important milestone in his life and his service in the Senate. The Omaha World-Herald, Nebraska's largest newspaper, took occasion to herald this event in its editorial column on Tuesday, May 7. I ask unanimous consent that the World-Herald's editorial be printed in the RECORD so that all Members of Congress may know of the high esteem in which Senator HRUSKA is held, not only by his colleagues but also by the people of Nebraska.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ROMAN HRUSKA'S MILESTONE

Today is a milestone in the life, and political career, of Senator Roman Hruska.

He has just passed the late Hugh Butler in tenure of Senate service, and thus is second only to George Norris in length of time a Nebraskan has represented his state in the Senate.

Mr. Hruska, now with 13 years, five months and 29 days as a Senator, still has quite a long way to go to equal Senator Norris with his five full terms—30 years. Well, not quite 30 years, because the Lame Duck amendment came along and that stopped Mr. Norris a couple of months short.

Mr. Hruska can take pride in his steady advancement from junior Senator in 1954 to a position today of influence and respect, to membership in the unofficial but influential group of Senators regarded in Washington as belonging to the Senate's inner circle, or "club."

He is known as a man who does his homework, who works hard on two major committees and whose counsel is often sought by colleagues on both sides of the Senate aisle.

Roman Hruska probably has no ambition to pass the Norris mark, for that would take him past his eightieth year. But the hardworking Nebraskan, whom many Omahans first knew as a member of the Douglas County Board, looks good for many more years of active and efficient service to the people of his state.

ACTION IS ESSENTIAL NOW TO WIN HUMAN RIGHTS BATTLE

Mr. PROXMIRE. Mr. President, the United States is determined to do its best to abolish all kinds of discrimination and violation of human rights to bolster the idea that men everywhere are created equal.

However, the Committee on Foreign Relations delay in acting on the Human Rights Conventions on Forced Labor, Genocide, Freedom of Association, and Political Rights of Women frustrates the hopes of this country for human rights for all mankind. The Dodd subcommittee did an excellent job in hearings on these Conventions but the committee members should take a new, hard look at the treaties, end the consequences of this lingering inactivity and take steps that are long overdue.

Four American Presidents have worked for the establishment of international standards of human rights. Our Ambassadors and delegates to the United Nations, too, have contributed a great deal of effort toward advancing the battle for the universal recognition of human dignity and human rights.

Yet these treaties lie largely ignored in the Foreign Relations Committee.

I again urge Senators to affirm the U.S. commitment to human rights and to the United Nations by voting for the ratification of these Conventions.

RUMANIAN INDEPENDENCE DAY

Mr. JAVITS. Mr. President, May 10 is an important day in the history of the people of Rumania—it is the national holiday of the Rumanian people, commemorating three great events. On this day in 1866 the Rumanian dynasty was established; in 1877 the Principality of Rumania proclaimed its independence from the Ottoman Empire; and in 1881 Charles I was crowned King of Rumania. But independence for Rumania was short lived, as the country was subjugated first by Nazi Germany and then by Soviet Russia.

In spite of the years of Soviet-style domination, the people of Rumania have kept alive their hopes for freedom and eventual independence. The right of self-determination is a basic principal of international justice, and the United States has emphasized over and again that it is not reconciled to the permanent imposition of Communist domination of the people of Eastern Europe. Therefore, as we commemorate this traditional national holiday of the Rumanian people we must reaffirm our support of their hopes for national self-determination.

THE YANKTON JUNIOR LEADERS

Mr. McGOVERN. Mr. President, permit me to invite the Senate's attention to a rather remarkable youth program called Junior Leaders, which is being operated and funded locally in Yankton, S. Dak.

Sometime ago, a young student at Yankton College, Tom Osborne, of Richfield, Ohio, started playing touch football with grammar school pupils of the Yankton school system. Through his ingenuity and imagination, he soon had 250 boys participating in a supervised Pee Wee Football League. He and his associates now have a program for both boys and girls with courses ranging from dancing to field hockey. Today, in a program of more than 800 youngsters, there are no delinquent problems, and the children are being given physical fitness training together with a wide variety of sports and cultural activity.

On a recent trip to Yankton, I had the privilege of speaking to this group. Next year, courses in student government are planned, in conjunction with physical activity. I ask unanimous consent that an article published recently, telling of Tom Osborne and his activities, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STUDENT "DEMONSTRATION" HERE DIFFERS MARKEDLY FROM OTHER YOUTH MOVEMENTS TODAY

(By Dale Bruget)

There is a large scale student demonstration going on in Yankton.

But what several hundred young people here are demonstrating is quite the opposite of what is seen in youth demonstrations across the country which regularly rate widespread coverage in the news media.

A handful of college students and a swarm of boys and girls in the lower grades of our elementary schools are busy demonstrating their eagerness to engage in wholesome activity for recreation and physical fitness. They have been getting together four days a week (after school and Saturdays) for games and sports and exercises, and the turn-out and enthusiasm have been so far beyond expectations that other sessions are being added in answer to the demand.

Over 500 children in grades 3–7 are involved; more are expected to join the program when the current basketball season is finished.

But this is hardly a subject for the TV camera or national news bulletin. There is no dramatic rock-throwing, no flag-burning, no violence involved to "make news."

It's noisy. There was a "march" on campus at Yankton College one evening. This is a "mass" demonstration if you count numbers.

But the objectives—fun, body-building, character-development, team spirit, sportsmanship, cooperation, leadership, fair play, responsibility—just don't rate national attention.

National attention itself is, however, no objective in the city-wide youth recreation project launched the end of January by volunteers at Yankton College.

GOOD SUPPORT

The only recognition the college men and coeds are after is the interest and support of parents and other adults in this immediate community. And they have it.

There is a ground swell of approval in Yankton which began with the Pee Wee football program two seasons ago.

More and more parents are becoming interested as their youngsters participate, and more and more civic and service organizations in the community are looking to this program as an outlet for their funds. Several have pledged gifts of $100; more are contemplating grants. Individuals, too, are getting behind the program by putting their personal checks in the mail.

The money being received is going right to work, buying gym equipment.

But let's have a look at recent developments in the youth recreation program.

Tom Osborne, director, tells about it in personal speaking appearances wherever he is invited. Tonight he is saying a few words at the combined choral concert being presented by Junior High and Sacred Heart Schools; next Tuesday and again on Feb. 26 he is slated to address the PTA, on Feb. 21 he speaks at the Elks Club.

For the enlightenment of those who do not have the opportunity to hear this affable college sophomore from Ohio give his "pitch", here are a few of the special events and highlights he has on tap at the present time.

THEATER PARTY

Arrangements have been made with the management of the Dakota Theater for a special cutrate showing of "The Sound of Music" for the children this Saturday morning. They will be meeting at the college gym (Fargo Memorial Union Building) at 8:15 and trek to the theater together for the three-hour movie starting at 9:30, then they will return to the gym together by 1:30 p.m. The several hundred children will be accompanied by the college student volunteers who are conducting the recreation program.

Incidentally, the name of the project may be changed to Yankton Junior Leaders.

On order are 20 red, white and blue T-shirts which will be worn by selected "leaders" each day. This gave Osborne and his helpers the notion of changing the name from Yankton Youth Recreation to Yankton Junior Leaders.

"The shirts aren't even here yet, but the kids are already competing for the opportunity of wearing them," Osborne says.

Leadership is one of the qualities the YC people hope to develop in the children they are working with.

NEW OFFICE

Starting in the next few days, the Yankton Junior Leaders staff will have an office at Yankton College from which to conduct the business of this city-wide program. Dr. Donald B. Ward, college president, has offered free space in Fargo Memorial Union for this purpose. The office will serve as a communications hub for the program, and people in the community will be encouraged to phone or write their questions and/or suggestions, perhaps even complaints, to that office. Checks may also be mailed there, made out to Yankton Youth Recreation or Yankton Junior Leaders.

Osborne notes that several generous pledges have been received to date, but there is a critical need for "hard cash" right now when purchases must be made.

By their own request, the 7th grade boys will have an intermural basketball program starting Feb. 23. They will be playing at Fargo gym from 4:30 to 6:30. They will be required to make up their own teams and name them. Their coach will be Tom Correra.

SPECIAL EVENTS

For special entertainment, Dr. Ward of the college has been "booked" for a puppet show and magician's act at the gym March 9.

PURCHASES

Other purchases to date include 10 basketballs, eight volleyballs, one soccer ball, First Aid equipment, soft balls and bats. Some coaching equipment has been donated by Royal Sport Shop. Osborne hopes that a cage ball or two and perhaps a gym dolly can be acquired as soon as funds come in.

The cage ball is a three-foot stuffed plastic or leather ball which is used in a team "pushing" game. The gym dolly is a platform on wheels used for leg and arm exercise.

Arrangements are being worked out for the boys and girls to swim in Benet Pool several times each week, and a water safety program will be incorporated in the fun. Dale Electronics has pledged $100 toward payment of the swim fees.

Arts and crafts are in demand among the youngsters, and this phase of recreation is being introduced Feb. 20 with Sisters Sharon and Corita of Sacred Heart School as coordinators. They have ordered supplies for drawing, painting, clay modeling and related activities. These materials are proving to be more costly than anticipated, so additional funds are needed, Osborne points out.

NEW ACTIVITIES

New activities for girls have been incorporated, at their own request.

There is now a Tuesday after school session for 5th and 6th grade girls.

The program has been expanded in include a session for 3rd and 4th grade girls on Saturday afternoons.

A 7th grade girls' "cell" group has been formed for discussion. All the instructors meet with this group, when possible, and the children are encouraged to chat informally about such topics as friendship, school affairs, etc.

The girls have asked that Tom Merrill of the Junior High School faculty be invited to speak to them. He was recently named "Outstanding Young Educator" by the Yankton Jaycees. The girls are asking that Merrill come to their session wearing informal clothes (not a suit) and white sox, please.

Girls in the program have also asked for popular dancing lessons (getting ready for school parties).

Their first cheer leading clinic was held last week, and 150-200 girls in 5th and 6th grades attended. This session met with great enthusiasm, and it was followed by a "march" through the campus buildings in support of the Greyhounds. This group of youngsters will, naturally, practice its skills at the 7th grade basketball games.

STAFF STUDENTS

Two Yankton College coeds have been added to the staff of volunteer directors. They are Bonnie Taylor and Phyllis Bachman, joining Linda Humeston and Margaret Smith. In addition, volunteers are now being sought at Mount Marty College. There are five YC men on the staff, Tom Correra, George Knockenhauer, Rod Koenig, Dennis O'Neil and Dennis Chapman.

All the student volunteers are responsible people pursuing majors which are compatible with children's work and recreation, Osborne points out. Their interest and enthusiasm for the program are matched only by the energies and excitements being shown by the children, he adds.

A source of deep satisfaction for the director is the fact that the program has "grown naturally" in Yankton, and that it has merited such city-wide approval and cooperation. He hopes that it will form the root system for a city-funded, Year-around youth recreation effort.

"It's all for the kids; what they want, we've done," Osborne says in an oversimplification of the volunteer program.

For another special attraction, Osborne has made personal contact with South Dakota's two U.S. senators, inviting them here to speak to the boys and girls. Sen. Karl Mundt has accepted for May 24; Sen. George McGovern's date is yet to be confirmed.

By this means, Osborne hopes to introduce the youngsters to the idea of government, and at the same time, capture the interest and attention of the two men in Congress.

Physical fitness drills occupy the first share of the time at each recreation session, and a public contest will be slated later in the season.

COOPERATIVES IN AGRIBUSINESS

Mr. McGEE. Mr. President, the farm credit banks serving the Eighth Farm Credit District, which includes Wyoming, has just purchased copies of a teaching guide called cooperatives in Agribusiness for distribution to every vocational agriculture teacher in my State.

This publication, prepared by the U.S. Department of Agriculture's Farmer Cooperative Service, meets a real need for teaching material on cooperatives and their place in our private enterprise system.

It is particularly timely because it explains how people at all economic levels can get into the mainstream of American commerce.

The guide points out to students that the cooperative is a corporation that looks about the same and operates in much the same way as any other business. The difference is in motive.

The co-op does not make a profit for itself as a business. It exists because a number of people with a common business or consumer interest find that they as a group can transact business or perform a service more economically or efficiently than each could do individually. This is the cooperative approach.

Other type business firms are motivated by prospective profits on invested capital. Their entire pattern of operations—commodities handled, services performed, operating procedures—is planned and executed with profits as the goal. The reward is unquestioned. We are the world's most productive nation.

Part of this tremendous productivity can be attributed to the cooperative approach as a business instrument. Banks have cooperative clearing houses. Railroads have their express agency. Consumers and other groups have credit unions. Newspapers have a cooperative news collection service. Independent grocers operate cooperative wholesale warehouses. Farmers have marketing co-ops, farm supply co-ops, and service co-ops.

Thus, cooperative business activities are found throughout our economy.

The cooperative approach is one way groups bring greater efficiency to their own operations. It is a way for them to introduce greater competition in a field.

The co-op often serves as a pressure valve in the economy when costs of supplies or services in a particular field are prohibitive. In other cases it assures buyers they are getting the most possible for their money.

Perhaps the greatest value, however, is benefits of a co-op to those trying to gain an economic foothold in farming or in some other business. For these the few dollars gained from cutting costs of supplies or the income earned from finding a market through cooperative action sometimes means more food on their tables.

The cooperative approach also increases their opportunity for business growth. It helps them achieve some of their aspirations.

For these reasons I am glad to see this Farmer Cooperative Service guide explaining the ways of doing business in the United States. Students need to learn about all kinds of business they will encounter in their careers, and the guide places the co-op in its proper perspective in the Nation's economic life.

The farm credit banks—which make loans to farmer co-ops through the banks for cooperatives and to farmers through production credit and Federal land bank associations—are performing a worthwhile service in distributing the guide to schools. I understand the Farmer Cooperative Service has other requests for many thousands of copies of the publication for schools and youth groups across the country. I think the guide will be an excellent teaching aid for acquainting students with the cooperative enterprise.

SMALL BUSINESS WEEK PROCLAIMED IN WISCONSIN

Mr. PROXMIRE. Mr. President, the Governor of Wisconsin has proclaimed this week of May 12 as "Small Business Week" in our State, calling upon chambers of commerce, industrial and commercial organizations, boards of trade, and other public and private organizations to recognize through appropriate ceremonies the tremendous contribution small business has made to American know-how and progress.

This proclamation comes less than 1 week after the head of the Small Business Administration, Robert C. Moot, listed some of the Administration's impressive contributions to the strength of small businesses across the United States in a "state of the agency" message. The message was a preliminary to National Small Business Week which, of course, is also being commemorated this week.

Among the impressive accomplishments of the SBA during the 15 years of its existence are assistance to small firms in getting $9.9 billion in subcontracts from Federal procurement prime contractors; assistance to 1,500 local development projects producing more than 64,000 jobs; and loans of almost $100 million to small businessmen displaced by federally aided projects. As former chairman of the Small Business Subcommittee of the Committee on Banking and Currency, I am particularly proud of this record of progress because it is due in part to continuing cooperation between SBA and the Congress.

I salute all of the Nation's small businessmen whose difficulties are at times great, but whose rewards must include the knowledge that they are living testimonials to the vitality of the American dream. I ask unanimous consent that the Wisconsin Small Business Week proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

A PROCLAMATION

Whereas, small business strength means economic health; and

Whereas, the small businessmen of this state have joined their colleagues across the Nation in strengthening the economic and social roots of the society; and

Whereas, small businesses are close to the American consumer, providing much of the goods and the majority of the services we need in our daily lives; and

Whereas, small businesses are the source of many innovations in products and merchandizing; and

Whereas, the small businessman is a prime investor in his community—investing in people, both those he serves and those he employs;

Now, therefore, I, Warren P. Knowles, Governor of the State of Wisconsin, do hereby proclaim the week of May 12, 1968, as "Small Business Week" in the State of Wisconsin, and I call upon the chambers of commerce, industrial and commercial organizations, boards of trade, and other public and private organizations to participate in ceremonies recognizing the contribution made by the small businessmen of this state to the progress and well-being of our people.

In testimony whereof, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this twenty-ninth day of April in the year of our Lord one thousand nine hundred and sixty-eight.

Warren P. Knowles,
Governor.

WALTER BEHLEN WINS HORATIO ALGER AWARD

Mr. CURTIS. Mr. President, tomorrow, at the Waldorf-Astoria Hotel in New York City, the American Schools and Colleges Association will present its 22d annual Horatio Alger Awards.

The list of honorees includes such prominent Americans as Comedian Bob Hope, Ambassador Arthur J. Goldberg, and Chicago Bears Coach George Halas.

I am proud to say that it also includes a distinguished Nebraska business and civic leader, Mr. Walter D. Behlen, of Columbus, Nebr. He is the first Nebraskan ever selected for this coveted award.

The award was started several years ago because of a concern over a growing belief among American youth that opportunity was a thing of the past in this country; that it was no longer possible to have a real-life version of the Horatio Alger story.

The American Schools and Colleges Association rejects this notion and chose to demonstrate its confidence in American opportunity by selecting each year nine or 10 men and women who by their own efforts had pulled themselves from a disadvantaged position to success in their fields of endeavor.

Each year hundreds of names of business and professional leaders from all walks of American life are submitted to the nominating committee. After careful screening, some 18 to 20 names are presented to about 3,000 campus leaders in more than 500 colleges and universities. These young leaders then vote to select those whose careers best reflect the spirit of achievement in spite of obstacles. The purpose of taking this vote at the college level is to help impress upon the young people of our Nation that these basic principles are still working in the lives of contemporary leaders in American life.

Mr. Behlen's life typifies the spirit of the Horatio Alger program. He was born, second of nine children, on a small farm outside Columbus. Attaining an education required the utmost effort when sickness interrupted his high school attendance. Five years later, at 23, and while an express driver, he received his diploma.

Behlen Manufacturing Co. was launched in 1936 in partnership with his father and two brothers—Walter Behlen's garage serving as the "factory" where lid clamps for wooden egg cases were fabricated. The company presently has an annual sales volume of $19 million and manufactures a line of farm products and steel building systems.

Mr. President, I extend warm congratulations to Mr. Behlen on this much merited recognition of his leadership, and I salute the American Schools and Colleges Association for its efforts to demonstrate that opportunity still knocks in America.

NATIONAL SMALL BUSINESS WEEK

Mr. McGEE. Mr. President, this is National Small Business Week. In the Nation's Capital it is being marked by the meeting of the Small Business National Advisory Council. In my own State, small business also is being honored, along with the Small Business Administration. Gov. Stanley K. Hathaway has proclaimed this Small Business Week in Wyoming, calling upon the public to recognize the contributions made by small businessmen of the State to the progress and well-being of the people.

I wish to associate myself with this request and to honor, at the same time, the Small Business Administration for its excellent record of 15 years. The SBA has put more than $5 billion in loans into small business, provided management assistance where needed, and taken countless other steps toward the strengthening of small business in America. I ask unanimous consent that the proclamation marking Small Business Week in Wyoming be printed in the Record.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

Proclamation

Whereas, small business strength means economic health; and

Whereas, the small businessmen of this state have joined their colleagues across the nation in strengthening the economic and social roots of our society; and

Whereas, small businesses are close to the American consumer, providing much of the goods and the majority of the services we need in our daily lives; and

Whereas, small businesses are the source of many innovations in products and merchandising; and

Whereas, the small businessman is a prime investor in his community—investing in people, both those he serves and those he employs;

Now, therefore, I, Stanley K. Hathaway, Governor of the State of Wyoming, do hereby designate the week beginning May 12, 1968, as Small Business Week in Wyoming, and call upon the Chambers of Commerce, industrial and commercial organizations, boards of trade and other public and private organizations to participate in ceremonies recognizing the contributions made by the small businessmen of this state to the progress and well-being of our people.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Wyoming to be affixed this 29th day of April, 1968.

Stanley K. Hathaway,
Governor.

THE LOSS OF A GOOD MAN

Mr. BARTLETT. Mr. President, I am sorry to note the death last week of Ambassador Z. K. Matthews, of Botswana.

Although he had held his post for less than 2 years, he had earned the respect and admiration of official Washington and his loss will be felt by many.

Botswana is a new country; young and poor. It has, however, the energy and enthusiasm of youth and it is certainly not poor in its plans and hopes for the future.

It was perhaps surprising, but certainly suitable, that the first ambassador Botswana was to send to this country should be, not a young man but, rather, a man who already had achieved a distinguished career. Ambassador Matthews was not only a diplomat: he was a philosopher, a scholar, a theologian and a lawyer. His work with the World Council of Churches was widely known and appreciated.

Ambassador Matthews, responsible and respected, by his presence here in Washington demonstrated to us all the determination of Botswana to build a new nation, independent and free, trusted and trustworthy.

Mr. President, I ask unanimous consent that an article published in the Washington Post of May 12 be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Z. K. Matthews: Ambassador of Botswana

Zachariah Keodirelang Matthews, Botswana's Ambassador to the United States since the African country became independent in 1966, died yesterday at Georgetown Hospital after a brief illness.

Mr. Matthews, 66, had been hospitalized since suffering a heart attack in early April.

A lawyer and educator, Mr. Matthews was appointed ambassador the week after the declaration of his country's independence from Britain in September, 1966. It was formerly the Protectorate of Bechuanaland.

Born in the Republic of South Africa, Mr. Matthews studied law at the University of Fort Hare in South Africa, received a master's degree in law at Yale University and studied anthropology at the London School of Economics.

He taught law at Fort Hare and for many years was an official with the World Council of Churches in Geneva, Switzerland.

He is survived by his wife, Frieda, of the embassy here; two sons, Joe Matthews, a London lawyer, and Itumeleng Matthews, a doctor in Botswana; and a daughter who is a doctor in Botswana.

THE SLOVAKS AND THE PITTSBURGH PACT

Mr. SCOTT. Mr. President, Slovakia, the annual publication of the Slovak League of America, which is holding its Jubilee Congress in Pittsburgh May 19 to 21, includes an article entitled, "The Slovaks and the Pittsburgh Pact," written by Peter P. Hletko, M.D., commemorating the 50th anniversary of the Pittsburgh Pact.

The historical agreement was made in that city in my Commonwealth of Pennsylvania, on May 30, 1918, and was signed in Washington, D.C., on November 14, 1918, by Thomas G. Masaryk, the first President of the Czecho-Slovak Republic.

Stephen J. Tkach, president of the League, wrote in his introduction to the commemorative edition:

In signing the Pittsburgh Agreement in behalf of the Czech people, Professor Masaryk made it clear that it was the intent of the Czech leaders to make the Czecho-Slovak Republic a model state in which the world would see a working model of a federation with leadership emanating from the finest of two distinct ethnic cultures, the Czech and the Slovak peoples.

Dr. Hletko's article is a well documented historical account of the events which led up to and followed the Pittsburgh Agreement. I ask unanimous consent that excerpts from the article be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Masaryk finally came to Pittsburgh and on May 30, 1918, the Slovaks there made a tremendous celebration over his visit. Masaryk spoke there first in English, then in Czech. He said beautiful things. He was proud that by birth he really is a Slovak. He prided himself on working many years for the cause of bringing the Czechs and Slovaks closer together. He said that there should be no differences among us.

* * * * *

The next day, May 31st, according to the official report of the Slovak League Press Bureau—The Czecho-Slovak National Council met in the same building and Masaryk attended the session. "At this session," says the report, "Prof. Masaryk performed an act which shall always have historical significance in the history of the Czechs and Slovaks. This act consisted of a new agreement between the Czechs and Slovaks. Professor Masaryk wrote the new agreement himself, and it establishes the relations between the two nations. According to this agreement, Czecho-Slovakia shall be a Republic in which Slovakia shall form a completely self-governed part with its Slovak capitol, its Slovak parliament, its Slovak schools, its Slovak courts of justice and its own (public) control. Albert Mamatey, president of the Slovak League shall get a copy of this agreement. He shall publish it in the near future. Masaryk concluded his mission among the Slovaks in Pittsburgh in this way."

* * * * *

In the meantime, things were happening in rapid succession. The United States Government and the governments of the Allies recognized the fight of the Czechs and Slovaks for their freedom and in fact, made their independence one of the conditions of peace. The Czecho-Slovak Republic was formally proclaimed on October 28, 1918, and was in reality recognized by the Allied powers some time previous to that. An event, however, that is of utmost importance to us is, that in the meantime, Professor Masaryk, the chairman of the recognized Czecho-Slovak National Council, the temporary government of the new Czecho-Slovak State, was elected first President of the Czecho-Slovak Republic by that Council. Immediately Masaryk was asked to leave America and come to the scene where activity was greatest, and where his presence, as of the President, was now needed most. Masaryk left for the Czecho-Slovak Republic on November 20, 1918, from New York on the SS. Carmen.

As soon as the news reached America that Professor Masaryk was elected president and that he was to leave soon, Mamatey, at the insistence of some of the Slovak leaders, went to see Masaryk in Washington before his departure, and there in Washington on November 14, 1918, as the qualified President of the Czecho-Slovak Republic, Masaryk signed the Pittsburgh Pact. The Pittsburgh Pact, which he signed, read as follows:

"CZECHO-SLOVAK PACT

"Agreed Upon in Pittsburgh, Pa., on May 30th, 1918

"Representatives of the Slovak and Czech Organizations In the United States: The Slovak League, the Czech National Alliance, and the Alliance of Czech Catholics, discussed the Czecho-Slovak question in the presence of the chairman of the Czecho-Slovak National Council, Prof. Masaryk, and the program declarations made up to this time and resolved the following:

"We approve the political program which endeavors to unite the Czechs and Slovaks in an independent state of the Czech lands and Slovakia;

"Slovakia shall have its own administration, its own parliament and its own courts.

"The Slovak language shall be the official language in the school, in office and in public life in general.

"The Czecho-Slovak state shall be a republic, its constitution shall be democratic.

"The organization of the cooperation of the Czechs and Slovaks in the U.S. shall be intensified and arranged with mutual understanding as necessity and the changing conditions shall require.

"The detailed regulations for the establishment of the Czecho-Slovak state are left to the liberated Czechs and Slovaks and their legal representatives."

* * * * *

This is the story of the Pittsburgh Pact. It was implemented for a short time and eventually led to Slovak independence and the Slovak state.

It is still a great historical document that all sincere, conscious and loyal Slovaks revere and respect. The original copy is here in the U.S.A. The delegation of the Slovak League when asked to leave the document in Slovakia in 1938 refused to do so on orders of the entire organization. Even when asked during the existence of the Slovak state to send the document to Slovakia as a historical museum piece, the Slovak League refused, realizing that conditions were not permanent and stable enough and that opponents of the document would seek to destroy it and remove all evidence of the fact that the Slovaks had been promised and guaranteed their rights and autonomy. The Slovak League refused to part with the document and kept it here in America—in safety.

FIREARMS LEGISLATION IN NEW JERSEY

Mr. KENNEDY of Massachusetts. Mr. President, after 4 years steeped in controversy, the State of New Jersey adopted amendments to its weapons control law which, in effect, defined more closely those persons deemed unfit to deal in firearms. The 1966 New Jersey law added to an earlier law requiring permits for purchasers of handguns to include the purchase of rifles and shotguns.

Under this law no person can purchase a rifle or shotgun unless he has obtained a firearms purchaser identification card. In order to obtain a permit to purchase a long gun or an identification card, application must be made with the local chief of police or the superintendent of State police if there is no full-time police department where the applicant resides. Besides requiring certain standards for applicants, the New Jersey law requires the individual to supply his fingerprints which are cleared through local State police and the FBI files to determine his background. No more stringent and effective State law applying to rifles, shotguns as well as handguns may be found in the United States.

The able and respected attorney general of the State of New Jersey, Arthur Sills, a frequent witness before House and Senate committees on gun legislation, has recently reported to a regional conference of attorneys general on the "Regulatory Effect of the New Jersey Gun Law." I ask unanimous consent that his remarks be printed in the Record.

For those skeptics who feel that gun legislation will have little or no effect in keeping firearms from those who society deems unfit to possess them—the felon, addict, the juvenile, the mentally incompetent—I strongly suggest you read this report. Furthermore, I suggest to those of you who are overly concerned that any gun legislation, no matter how minimal or unrestrictive, will have a harmful impact on the sportsman, the hunter and hunting licenses—that they, too, read Mr. Sills' informative and enlightening report.

There being no objection, the address was ordered to be printed in the Record, as follows:

Firearms Control Legislation

(Address by Attorney General Arthur J. Sills before Eastern Regional Conference of Attorneys General, Hershey, Pa., May 9, 1968)

Shortly after the tragic assassination of Dr. Martin Luther King, the prominent Swedish historian Gunnar Myrdal stated:

"I love America deeply, but you take the silly idea that everyone can buy a gun. Guns are disappearing in Sweden. I am all against your gun laws. It is argued that the constitution supports them by holding that every citizen has the right to bear arms. Then to hell with the constitution! To allow everyone to have guns today is dangerous." (New York Post, April 9, 1968.)

It is clearly established, of course, that the United States Constitution does not guarantee an individual a right to firearms. Those who argue in this manner distort the second amendment to the Constitution which reads:

"A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

I. PHILOSOPHY OF FIREARMS REGULATION

Notwithstanding the firearms control issue has traditionally and deliberately been beclouded by the gun lobby's resort to erroneous constitutional interpretation, I am of the opinion there is a more fundamental philosophical difference which separates opponents and proponents of gun control legislation.

Throughout the many years I have been involved in the debate over the efficacy of controlling firearms, two philosophies of thought have become readily apparent. On the one hand there are those who believe that all firearms, by their very nature, are dangerous instruments and society, therefore, in order to protect itself, has a right to prohibit the sale of these instruments to dangerous or unfit persons. This group does not quarrel with the privilege of qualified persons to buy and possess pistols, revolvers, rifles and shotguns for legitimate reasons. It is concerned with the equation of dangerous weapons in the hands of dangerous persons. The ultimate answer to that equation is violence and crime. But to negate this equation, it is argued that society must regulate all of its citizens to protect against the indiscretions of a few.

On the other hand, there is a body of thought which seems to be saying there is greater need to protect gun ownership by the minority than there is to protect society against the potential misuse of guns. Firearms are given some sanctified status immune from the rationale of regulatory control. It is also implied that this sanctity extends to gun owners whose interests transcend the interests of society as a whole.

They suggest that, in some mysterious way, the misuse of firearms can be controlled and the protection of innocent men, women and children maintained if we seek to regulate *only* those individuals who have *already* used their guns for violent purposes. In other words, they would sell firearms, particularly rifles and shotguns, to anyone and would then limit the force of the law only to those who use those firearms to commit crime.

We share the reasoning of those who believe the sale and possession of firearms should be subject to regulatory control just as are other dangerous instruments or items which are part of the contemporary American scene. Moreover, we believe that the most effective method of implementing control is to discriminate between persons fit to possess guns and those persons, who, common sense tells us, would be dangerous with firearms in their possession.

There is no other weapon on the face of this earth which is used more to murder human beings than a firearm. There is no other instrument, therefore, more qualified for regulatory control.

Certainly society has been sensible enough to regulate the use of other potentially dangerous items. We have established standards for persons who wish to drive automobiles. We attempt to limit the use of potentially harmful drugs to those persons under supervised medical care. We would not entrust the fate of airplane passengers to an unfit pilot. We would not let someone apply the science of medicine unless he had met rigid educational requirements. The list is virtually endless where regulatory control has been applied in the interest of public health, safety and welfare. The purpose in every case is to prevent harm to members of society.

II. REGULATORY NATURE OF THE NEW JERSEY LAW

By the same token, the state of New Jersey enacted in June of 1966 a weapons control law—regulatory in nature—which has as its primary thrust the prevention of firearm crimes. Our primary target is those persons whose background classifies them as unfit to buy guns. These include criminals, mental defectives, drug addicts, habitual drunkards, persons physically incapable of handling firearms safety, persons under the age of 18, and persons to whom the issuance would not be in the public health, safety, or welfare.

In order to assure that qualified persons would not be denied firearms privileges, the law prescribes a clear and effective screening process. The individual makes application with his local police chief or the superintendent of state police, as the case may be, and provides his fingerprints which are the critical facility for determining his background. It is recognized by everyone knowledgeable in law enforcement that fingerprints are the only effective means to determine a person's criminal background. A mere name check is virtually worthless.

Once the applicant is deemed qualified, he is issued a permit if he wishes to buy a handgun or a firearms purchaser identification card if he wishes to buy rifles and shotguns. The I.D. card entitles the holder to buy as many rifles and shotguns as he pleases, unless he subsequently becomes disqualified under the law.

I emphasize again that the primary purpose of this procedure is *to prevent* potentially dangerous persons from buying firearms and, thereby, to prevent them from using said weapons to commit crimes. This, of course, will not prevent all crimes committed with guns. Because of compromise necessary to effect the passage of our law, it only applies to firearms sold after it took effect on August 2, 1966. It also does not prevent the purchase of guns in other states by New Jerseyans unfit to do so in our state. The former category could be covered by the complete registration of all guns, as F.B.I. director, J. Edgar Hoover, has urged (F.B.I. law enforcement bulletin, September, 1967). The latter could be covered by a Federal law prohibiting the interstate and mail order traffic in guns to individuals.

III. REGULATORY EFFECT OF THE NEW JERSEY LAW

How has our own law worked? As of March 30, 1968, a total of 84,200 I.D. cards and pistol permit applications had been approved by local and state police. On the other hand, over 7% had arrest records and a total of 1,606 applications have been denied. Approximately 75% of the denials were for criminal arrest records, including such offenses as first degree murder, rape, burglary, breaking and entering, lewdness, and sex crimes of various other types. The 1,606 persons cannot purchase firearms legally in our state. I trust the opponents of gun controls would not defend the "right to bear arms" of the 1,606 so denied.

With respect to the impact on crime, preliminary statistics from our uniform crime reporting system indicate that firearms were used in 44% of all murders committed in New Jersey in 1967, as compared to 60% nationwide in 1966. Rifles and shotguns were used in 9% of all murders, as compared to nearly twice the rate of 16% nationwide. Furthermore, firearms were used in nearly 19% of all atrocious assaults nationwide as compared to 12% in the state of New Jersey.

Another one of the time-worn arguments of the gun lobby is that firearms laws affect only the law-abiding citizen. Translation of this "affection" has run the gamut from "disarming the citizenry" to imposing an "unbearable inconvenience." Here, again, is a failure to comprehend the essence of regulatory control. They suggest that gun regulations affect only persons interested in guns. They suggest that law-abiding gun fanciers are lumped together with criminals while the rest of society remains untouched.

The fact is, however, that once society agrees to regulate certain things, every member of that society accepts that he may some day be subject to that regulation. Driver licensing, for example, is not directed solely at persons who drive. It is directed at every person over a certain age who *may* wish to drive. This could include every single person of qualified age, not just a segment of the population interested in cars.

Nevertheless, what is this "effect" on law-abiding citizens of which the gun lobby speaks? It does not appear that the New Jersey weapons control law has had any effect on the sportsman's pursuit of his favorite pastime.

In 1966, the State Division of Fish and Game sold more hunting licenses than it did in 1965. In 1967 the total was even higher when more than 156,000 licenses were sold, as compared to the average sale in recent years of 150,000. Furthermore, the bag of deer in 1967 was 9,943 or 66 more than in 1966. This total is the third highest on record, replacing 1966 in that ranking and exceeded only in 1959 and 1961 when more liberal regulations prevailed.

All of this indicates I think quite clearly that the purpose of our law is being fulfilled: it is preventing the sale of guns to unfit persons and, aside from the slight inconvenience involved, it is *not* affecting legitimate gun fanciers.

IV. MANDATORY PENALTIES

I have noted that opponents of gun controls are preoccupied with "regulating" only persons who have already used firearms to commit crimes. The solution which is most often heard is that severe mandatory penalties of 25 years or more in prison should be imposed for crimes committed with guns. The suggestion, of course, is that the threat of severe mandatory penalties will deter such crimes. This argument overlooks at least two important considerations.

On the one hand, we now save severe penalties for crimes such as murder, but these crimes are committed every day with little or no thought of possible penalties. The F.B.I. points out that 80% of all murders are of the passion variety involving relatives or acquaintances. Here the easy accessibility of firearms and their lethal nature makes murder easy. The reality of this conclusion becomes apparent by virtue of the fact that 60% of all murders committed in this country in 1966 were committed with firearms—16% with rifles and shotguns. This means 4,800 persons were killed with guns in 1966, regardless of the severe penalties involved.

On the other hand, the argument for severe mandatory penalties ignores the cost of incarceration which would be involved. Some time ago I estimated that in the State of New Jersey, for the 7-year period 1958–1965 alone, it would have cost the public approximately $6,000,000 to keep all persons convicted of firearms crimes behind bars.

In addition to the fact that severe penalties do not deter certain crimes and the question of prohibitive incarceration costs, it should also be recognized that juries might be less likely to convict when it is known that a mandatory penalty of 25 years is involved.

V. ATTEMPT TO REPEAL NEW JERSEY LAW

Notwithstanding the desirable regulatory nature and effect of the New Jersey weapons control law, perhaps you might have heard an attempt is being made to repeal and replace it with a law which excludes the regulation of rifles and shotguns. I do not believe, in the first place, that this repeal attempt will be successful. If it should pass in the legislature, I know it will be vetoed by the Governor.

Time does not permit me to discuss all of the shortcomings of the repeal bill, of which there are many. Suffice it to point out it would give carte blanche to a gun dealer to sell rifles and shotguns to unfit persons if the purchaser provides a certificate indicating he is not a criminal, drug addict, mental defective and the like. Since this certificate would not be given to the police, there is no way to determine if the purchaser had lied.

The repeal bill would also require the superintendent of State police to prepare a monthly list of all persons convicted of crime in the United States and disseminate that list to more than 500 police chiefs and sheriffs who would make it available to "bona fide" sellers of firearms. Certainly preparing and disseminating a list of 18,000,000 persons would be a monumental, costly, and, indeed, incomprehensible effort. In any event, a mere name check would be virtually worthless.

What all this really means is that the gun lobby wants no real check at all.

Their repeal bill indicates the ludicrous extremes to which they will go to exempt rifles and shotguns from regulatory control. It is an empty gesture which suggests to the public it would be getting protection when, in fact, it would be getting nothing at all—except, of course, a higher tax bill to finance a meaningless scheme.

This, mind you, is what the gun lobby has termed "more comprehensible" for the sportsman and "easier for the police!"

VI. FEDERAL GUN CONTROLS

The same pattern of deception and subterfuge has likewise been evidenced in the gun lobby's continuous success in blocking the passage of Federal firearms controls.

I indicated to you earlier that the State of New Jersey cannot control the interstate and mail-order purchases of firearms by its residents. While it may be illegal for a New Jersey resident to purchase firearms through the mails without first obtaining an I.D. card or purchase permit, I am sure you recognize it is virtually impossible to detect such illegal purchases. We have also found that many New Jersey residents, who prefer to avoid the requirements of our law, have made in-person purchases from gun dealers in neighboring States. With respect to this category, however, we have been informed by the State police, who surveyed dealers reporting earlier losses, that sales of firearms are now higher than before the law took effect.

This is further indication that our law is not affecting qualified firearms enthusiasts. Sooner or later every sportsman will have obtained an I.D. card and, thus, will have no reason to go out-of-state to purchase firearms. Only unqualified people will have reason to do so, and I am sure there are no attorneys general here today who would want their gun dealers to sell to unfit New Jersey residents.

Certainly the devastation wreaked upon the city of Newark last summer is conclusive testimony to the ineffectiveness of our law in preventing the importation of firearms into New Jersey by persons with criminal intent. Law enforcement authorities are convinced that many of the weapons used by snipers and rioters could not have been purchased legally in New Jersey.

In view of this and more recent events, Congress has still failed to enact sensible interstate and mail-order firearms controls. Presently, there is a provision, as part of the "Safe Streets Act," which has been reported out of the Senate Judiciary Committee and is being debated on the Senate floor, which would ban the mail-order sale of handguns, but not rifles and shotguns. Even this version would not have been released from the Judiciary Committee had it not been for the assassinaiton of Dr. King, notwithstanding he was murdered with a rifle.

Two other gun control versions were offered by the administration, but were defeated in the Judiciary Committee. The one which is most desirable and which the administration supports would ban the mail-order sale of all firearms. A rifle or shotgun, however, could be purchased in-person by an out-of-state resident if he meets qualifications in his own state. Thus, a New Jerseyan with an I.D. card could purchase a rifle or shotgun in Pennsylvania, but someone without an I.D. card could not. This provision would complement our law perfectly.

If a New Jerseyan with an I.D. card wished to buy a rifle he sees in a catalogue and which is sold in California, all he need do is have his local gun dealer order it for him. This again would complement our law and would certainly be of economic benefit to the gun dealers of our state.

The other version which was defeated in committee would have allowed individual states to exempt themselves from the mail-order rifle and shotgun provisions of the bill I have just discussed. The purpose was to satisfy those predominantly fish and game states which might not believe they need controls to prevent crime. This I feel would have been a reasonable compromise because at least those states which wished to protect its citizens could do so.

The Federal handgun control bill now on the Senate floor purportedly received the support of the National Rifle Association. To direct attention away from rifles and shotguns, the association has, in the past, said it would settle for the control of handguns. This again appears to have been a typical diversionary tactic. It is now reported that Senator Roman Hruska, sponsor of the bill, will attempt to modify it on the Senate floor to "regulate" rather than prohibit the mail-order sale of handguns.

On the other hand, an effort will also be made by sponsors of the original bill to amend the handgun bill to include a prohibition on the mail-order sale of rifles and shotguns. This could very well be the last chance for Congress to pass a sensible gun control law. If Senator Hruska and the N.R.A. are successful, however, the cause of effective Federal controls over the wanton and indiscriminate mail-order and interstate traffic in guns will be set back for many years to come, if not indefinitely.

I have cited the different philosophies espoused by proponents and opponents of gun control legislation. While almost every major newspaper in our State has editorially supported State and Federal controls, one editorial expressing the opinion of the minority is worthy of note. It stated, in part:

"The question goes deeper than merely a law to limit the sale of guns, but rests on the question of 'Who is to determine the suitability, or unsuitability, of another man?' To say that this man or that is not suitable to own a gun, is also to say that he is not to be permitted to possess the means to protect himself, his family, or his home. This is a basic right, and I can think of no one person or collective group which has the right to abridge it in any way."

This editorial appeared in the July, 1966 edition of *The Dome*. On the editorial page appears the following:

"The Dome is published monthly at the New Jersey State Prison at Rahway. By and for the inmates. Views expressed herein are not those of the administration unless otherwise stated."

On the other hand, we can heed the advice of an eminently qualified authority, Director J. Edgar Hoover, who said in the September 1967 issue of the FBI law enforcement bulletin:

"I think mail-order firearms purchases should be banned, interstate transportation of firearms controlled, and local registration of weapons required and enforced."

VII. RESOLUTION OF THE EASTERN REGIONAL CONFERENCE

I remind this conference that in September 1966 it passed a resolution, unanimously, to "urge that all States adopt legislation which would accomplish the dual purpose of

(a) permitting the sale of firearms for sporting, collecting and other legitimate purposes, and

(b) preventing the sale of firearms to persons convicted of crimes of violence, minors who do not have parental consent, drug addicts, persons who have been committed to mental institutions, habitual drunkards, or other persons to whom the sale of firearms would not be in the public interest."

I suggest once again that we resolve to urge such action.

Of more immediate concern, however, is the fate of the firearms control bill pending in Congress. In conclusion, therefore, I suggest that the eastern regional conference of attorneys general take this opportunity to adopt a resolution urging Congress to enact legislation banning the mail-order sale of all firearms. New Jersey has demonstrated that its law is consistent with the dual purpose of our resolution of 1966. A ban on the mail-order sale of all firearms would also be consistent with these dual purposes.

I trust this conference will resolve accordingly.

STUDENT DEMONSTRATIONS—COLUMBIA UNIVERSITY AND UNIVERSITY OF DENVER

Mr. DOMINICK. Mr. President, I invite the attention of the Senate to an editorial entitled "A Better Example," published in this morning's Wall Street Journal. The editorial contrasts the handling of the student demonstrations at Columbia University and the University of Denver.

The handling of a potentially explosive situation at Denver University is to be commended. Chancellor Maurice B. Mitchell did not wring his hands; he acted decisively, and, in my judgment, the results achieved offer clear evidence of the wisdom of his decision.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A BETTER EXAMPLE

Columbia University provided one example of how to handle student demonstrators: Vacillate for a week. Finally call in the police to evict demonstrators from the buildings they hold for ransom. Resume vacillating. Call off classes for the rest of the academic year and suggest instead that students meet with professors for meditation and such.

Fortunately, a better example comes to hand from the University of Denver. Some 40 students seized the registrar's office there to support the inalienable right to change student election rules without bothering with the formalities for doing so spelled out in the student constitution.

The University dismissed the demonstrators on the spot, had them arrested for loitering and obstruction when they refused to leave, and forthrightly explained its actions afterward. Or anyway, its public relations office is sending around the remarks of Chancellor Maurice B. Mitchell. Some of them bear repeating.

"In the simplest language in which I can put it, the time has come for society to take back control of its functions and its destiny. If we condone the abandonment of the rule of law in the university, we have no right to expect those who attend it and later move into outside society to conduct themselves in any other manner.

"There is the assumption on the part of some disaffected students at the university that it is immoral for them to tolerate conditions not of their liking, and that they have some sort of moral obligation to engage in acts of defiance and violence. There is no way to prevent this, but there is every reason to hold those who engage in such practices fully responsible for the consequences of their acts.

"To those who insist that improper activities are the only answer to their problems, I have replied that the decision to engage in such activities carries with it the full responsibility to accept punishment; and punishment on this campus under these circumstances and for such acts is going to be instant and sufficient to the cause."

Denver is one university, we venture to predict, not likely to be reduced to ending classes and substituting the educational insights of a semester of handwringing.

THE DESPERATE NEED FOR RAT CONTROL

Mr. KENNEDY of Massachusetts. Mr. President, last fall, after much debate and much dispute, Congress passed a long-overdue rat control bill, authorizing $40 million to help localities in their efforts to meet the problem. It appeared that we were waking up to one of the most serious and shocking aspects of living in a typical building in an urban slum or poverty area. Yet to date Congress has delayed appropriations for the program passed last fall.

I wish to reemphasize the need to fund and to pursue effective programs to meet the rat problem. For the more fortunate, it is almost impossible to imagine living in an apartment where ugly, vicious, desperate rats—often half a foot long—enter at night and attack whatever they can find. Tens of thousands of persons are bitten yearly by rats, most of these infant children who are helpless to protect themselves.

When I mention the "rat problem," I am talking about persons contracting disease carried by rats. I am talking about infant children literally being eaten alive.

The Washington Post, on May 11, 1968, published an article which sickens me and depresses me and makes me wonder how we can hesitate or delay in committing full resources to attacking rats in our ghettos and poverty areas. The article contains the news about a 3-week-old Negro girl who was killed and partially eaten by rats. Parts of her hand and left arm had been devoured.

It is gruesome to have to read about this, but we must face up to the realities of a gruesome situation. This is a matter of life and death for a great number of infants in poverty-stricken families.

The situation is outrageous and the problem is urgent. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 11, 1968]

RATS KILL 3-WEEK-OLD NORTH CAROLINA GIRL

RALEIGH, N.C., May 10.—A three-week-old Negro girl was killed and partially eaten by rats in a proverty-ridden home in southern Wake County near here early this morning.

The infant, Tammy Chanel Douglas, was the daughter of Mr. and Mrs. Constantine Douglas.

Wake County Coroner Marshall W. Bennett said an autopsy showed the child had been killed by rats and that part of her head and left arm had been devoured.

The child had been asleep in a wooden box used as a bed that had been placed on a chair at the foot of the parents' bed.

Bennett said the property was "swarming with wharf rats," judging from the number of holes gnawed in the house and the rat trails leading under the house.

Mr. KENNEDY of Massachusetts. Mr. President, I also invite the attention of Senators to an article, written by Thomas R. Brooks and published in the May 16 issue of the Reporter. The article quite briefly summarizes information about rats and their habits, the extent of the rat problem, and the need for Congress to follow through on its commitment to meeting this problem.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RATS, PEOPLE, AND POLITICS

(Thomas R. Brooks)

When Congress authorized $40 million for rat extermination last September, a Wall Street securities analyst created a brief flurry in "rat stocks" by listing the leading manufacturers of pesticides. The Purdue University News Bureau announced "revisions" in the school's eight-year-old correspondence course in pest-control technology, giving greater emphasis to the problems of rat control and making the course available to public-health people throughout the nation. At the Waldorf-Astoria in New York, O. Wayne Rollins, chairman and president of Rollins, Inc., an Atlanta-based firm that embraces Orkin Exterminating Company, Inc. ("by far the world's largest pest control company"), called upon the nine Federal agencies concerned with rat control "to coordinate their efforts . . . [and] supply the motivation and effective leadership to the local authorities and the private sector of the economy to insure maximum efficiency in rat control." And Rollins added, "We are prepared to offer the advice, training, technology and personnel to carry out these goals whenever we are called upon to do so." At this moment, Rollins's offer seems premature. Despite the authorization, Congress has yet to come up with the cash.

In his 1967 message to Congress on urban and rural poverty, President Johnson requested $20 million a year to initiate a major eradication program. He said it was a "national disgrace" that many children in America were "attacked, maimed, and even killed by rats." Under the original legislation, the Department of Housing and Urban Development was to provide grants to assist participating localities in developing and carrying out rat-control programs, including systematic extermination, improvement of refuse and garbage collection, etc. But Congress, in a sardonic and punitive mood following last summer's Newark riots, rejected the rat-control bill, 207 to 176. By September, the House had second thoughts and reversed itself, 227 to 173, tacking onto the Partnership for Health bill an increased authorization for Section 314(e) Health, Education, and Welfare project grants of $20 million in fiscal 1968 and another $20 million in fiscal 1969. So-called "e" money is not earmarked for continuing public-health programs and hence is available for new ones.

Although the authorization measure does not even mention rats, Congress's intent to do something about them was made abundantly clear in the House discussion and in a Senate report. Nonetheless, as a HEW spokesman quickly pointed out when I asked what was currently afoot in the war against rats, "Congress didn't give us any money." Most of the $62.5 million appropriated previously by Congress for "e" project grants for fiscal 1968 is already committed, leaving about $5 million "for new projects, including rats." Whether or not Congress will come up with the $20-million supplementary appropriation this session depends on the loudness of demands from local and state governments and community organizations for "rat money" in an election year.

Oddly enough in this research-and-development age, we don't know as much about rats as one might expect. What we do know about rat behavior rests almost entirely upon studies of laboratory rats (an albino strain bred out of the brown rat) or of caged wild rats. Ecologists and other students of animal behavior nowadays strongly caution against projecting inferences about animal behavior based on caged animals onto their free brethren. Yet we do just this, almost without reservation, with rats.

Rats admittedly are hard to find; they live and apparently thrive in such unpleasant places as garbage dumps and sewers. And hard to take; they are carriers of the plague, salmonella (a food-poisoning bacterium), rabies, endemic typhus, and some thirty-one other diseases. "The Common or Brown rat," the English zoologists G. E. H. Barrett-Hamilton and M. A. G. Hinton declared a half century ago, "is probably the most injurious and universal pest of the human race. . . . It does not appear to have a single redeeming feature." Nor, one might add, a single human friend, though S. A. Barnett in *Scientific American* recently ventured the opinion that rats, chiefly because of their ability to survive, "are worth study for their own sake and not only as pests."

Scientific study might lead to a more accurate account of rat behavior and ultimately allow for a wiser and more efficient expenditure of energies and money in getting rid of rats. We do not even know how many rats there are in the United States or the real extent of the damage they do. However, the U.S. rat population is frequently estimated at some ninety million, and according to a leaflet issued by the Public Health Service, rats and mice together ruin at least $400 million worth of food each year.

THE NATURE OF THE BEAST

Rattus norvegicus, the Norway or brown rat, is the dominant species, especially in the urban slums. The male reaches a weight of one pound and a body length of nine inches. A burrower, the Norway rat varies in color; some are black and some brown, a matter of some confusion when it comes to quick identification. *Rattus rattus*, the black or roof rat, commonly believed to have been responsible for the Black Plague of the Middle Ages, thrives in warmer climes. In the north, it is found in port cities as a rat minority living in attics, while the brown rat congregates in cellars and sewers or burrows in garbage-strewn lots and city dumps. The more delicate black rat rarely weighs more than eleven ounces or exceeds seven inches in body length. Though black in the city, *Rattus rattus* is often tawny-coated in the countryside.

Both species are prolific breeders. Sexually mature after four months, with a gestation period of three weeks, the female can easily rear four six-pup litters a year. There is a fair amount of evidence that rats rarely live beyond two years although their life span is three to five years. Crowding may interfere with breeding and rats become much more aggressive when hungry. Demolition and urban renewal, too, set them in motion, accounting for the rats seen in new office buildings located in areas undergoing redevelopment. Rats are prodigious gnawers. Their four incisors grow roughly four inches a year, so they must gnaw or die. They chew on almost anything—through half-inch sheets of aluminum, lead pipes (to seek running water), and into soft concrete. They are suspected of starting one out of every four fires of unknown origin.

According to reports, some fourteen thousand people a year in the United States are bitten by rats. Most—perhaps as high as ninety per cent—are infants. Dr. Alan Donaldson, associate director of the Public Health Service's Bureau of Disease Prevention and Environmental Control, believes that rat bites are underreported. "We don't have a nationwide system for reporting rat bites," he told me. He estimates more than twenty thousand bites a year but less than fifty thousand.

Though rats make headlines in our big-city newspapers from time to time, we have made considerable progress in rat control. L. A. Penn, director of the environmental technical services division of Milwaukee's health department, reports that no rat-borne diseases have been noted in Milwaukee in the last twenty years. Detroit reduced the incidence of rat-transmitted disease from more than a dozen cases of hemorrhagic jaundice in the 1940's to an average of less than one a year in the early 1960's and none last year. Reported rat bites there have fallen from 123 in 1951 to eight during the first half of 1967. The city uses fifty thousand pounds of anti-coagulant poisons and treats more than thirty thousand rat burrows yearly.

Rat-bite fever, according to Donaldson, is very rare in this country, as are cases of other rat-spread diseases. Nevertheless, he told me that he was "not comfortable" with the rat situation. "Wherever you have rats and fleas," he said, "there is a possibility of the introduction of the plague organism into the rat population and its spread to man. It is highly desirable to reduce the rat popula-

tion in urban areas. Nobody should have to live with them."

We are, I gather from talking to a number of experts, doing just about as much as can be done when it comes to poisoning rats. Indeed, this worries some people, for there are reports that rats are developing immunity to some of the more widely used poisons, such as Warfarin, the anticoagulant. As for sterilizers, these remain laboratory experiments at present, though New York State plans field tests of rat birth-control pills in 1969.

Much remains to be done, however, in cleaning up garbage-littered streets, back yards, and building lots in our cities. The closed garbage can remains a major weapon in the war against rats. This often is an educational matter backed up by hounding landlords into providing enough cans for their tenants.

Last summer, the Labor Department granted $300,000 to Pride, Inc., a Washington D.C., anti-poverty agency, to hire nine hundred youths at $56 a week for a slum clean-up campaign and a rat-control program. In New York, where Governor Nelson Rockefeller provided anti-rat funds when Congress backed away last summer, the $750,000 allocated to New York City is being spent to train and employ some 150 "sanitation aides" to clean up rat-infested lots and back yards.

This is what we can expect as local and state governments tap Federal rat funds. There is now considerable evidence of interest in the program. In the regional offices as of April 1, there were twenty-nine applications amounting to $17.5 million from city, county, and state health departments and from private non-profit organizations. Nevertheless, Congress, in its present economy mood, might be tempted to pass over rat control when it makes supplementary appropriations this session. But it isn't apt to treat the matter as lightly as it did last summer because the rat, as a symbol of slum conditions, now is more than a menace to health. It is a political reality that must be dealt with.

TOWARD FREEDOM FROM FEAR

Mr. MUNDT. Mr. President, last week, former Vice President Richard Nixon issued a position paper on crime. The paper, entitled "Toward Freedom From Fear," is one of the best statements I have ever read on what is undoubtedly the most serious domestic problem facing our Nation today.

Mr. Nixon talks about the causes of crime and the steps which must be taken to shift back to what he refers to as the "peace forces in our society," the means to redress the imbalance between the protection of society and the protection of criminals as created by recent court decisions. Much of what the former Vice President discusses in his position paper is before us in the form of S. 917, the Omnibus Crime Control and Safe Streets Act of 1967. So that the Senate might have the benefit of this excellent discussion of the crime issue, I ask unanimous consent that the position paper be printed in the RECORD.

There being no objection, the position paper was ordered to be printed in the RECORD, as follows:

RICHARD M. NIXON: TOWARD FREEDOM FROM FEAR

In the last seven years while the population of this country was rising some ten percent, crime in the United States rose a staggering 88 percent. If the present rate of new crime continues, the number of rapes and robberies and assaults and thefts in the United States today will double—by the end of 1972.

That is a prospect America cannot accept. If we allow it to happen, then the city jungle will cease to be a metaphor. It will become a barbaric reality, and the brutal society that now flourishes in the core cities of America will annex the affluent suburbs. This nation will then *be* what it is fast becoming—an armed camp of two hundred million Americans living in fear.

But, to stop the rising crime rate and to reduce the incidence of crime in America, we must first speak with a new candor about its causes and cures.

POVERTY NOT THE CAUSE

We cannot explain away crime in this country by charging it off to poverty—and we would not rid ourselves of the crime problem even if we succeeded overnight in lifting everyone above the poverty level. The role of poverty as a cause of the crime upsurge in America has been grossly exaggerated—and the incumbent Administration bears major responsibility for perpetuation of the myth.

On October 16, 1964, the President said that, "The war on poverty which I started—is a war against crime and a war against disorder." If the President genuinely accepted that proposition, the near 50 per cent increase in crime rate since 1964 would be adequate proof of the utter failure of the government's war on poverty.

But the war on poverty is not a war on crime; and it is no substitute for a war on crime. It is certainly true that rising prosperity will gradually reduce the number of those below the poverty level, and eliminate many of the conditions in which crime is likely to flourish.

But poverty cannot begin to explain the explosion of crime in America. In recent years, this nation has grown wealthier and its riches have been more widely distributed than in any other country in the world. And yet crime has been going up about three times as rapidly as the GNP.

And poverty tells us nothing about the enormous increases in juvenile crime and drug abuse by teenagers in the affluent suburbs of America.

TOO OFTEN CRIME DOES PAY

The success of criminals in this country plays a far greater role in the rising crime rate than any consideration of poverty. Today, an estimated one-in-eight crimes results in conviction and punishment.

If the conviction rate were doubled in this country, it would do more to eliminate crime in the future, than a quadrupling of the funds for any governmental war on poverty.

In short, crime creates crime—because crime rewards the criminal. And we will reduce crime as we reduce the profits of criminals.

There is another attitude that must be discarded if we are to wage an effective national war against this enemy within. That attitude is the socially suicidal tendency—on the part of many public men—to excuse crime and sympathize with criminals because of past grievances the criminal may have against society. By now Americans, I believe, have learned the hard way that a society that is lenient and permissive for criminals is a society that is neither safe nor secure for innocent men and women.

JUSTICE FOR THE GUILTY, TOO

One of the operative principles of a free society is that men are accountable for what they do. No criminal can justify his crimes on the basis of some real or imagined grievance against his society. And our sympathy for the plight or the past of a criminal cannot justify turning him loose to prey again upon innocent people.

In the preamble of the Constitution of the United States, this country set it as a goal to "establish justice" in these states. Just as justice dictates that innocent men go free, it also means that guilty men pay the penalty for their crimes. It is that second part of justice to which the nation must begin to address itself in earnest.

In the course of presenting these proposals for dealing with the crime problem in America, I have not dealt at all with the urban disorders that have become commonplace in our great cities. Riots are a special problem, a problem apart from the crisis of daily crime in America.

In terms of dollars and cents the toll of the riots is next to nothing compared to the toll of street crime or even the take of organized crime.

But, riots offer their own challenge to the future existence of our society, and that challenge is different than the menace represented in the 88 per cent increase in crime in seven years. Consequently, I have dealt with the riots as a separate problem in other statements.

NO SENSE OF URGENCY

The primary responsibility for dealing with that 88 per cent figure continues to rest—as it should—with the local and state government. We want no centralized Federal police force in this country. But crime has become a first priority domestic crisis, a distinct threat to the social order, and it should be a matter of the highest Federal urgency. That urgency has not been reflected in this Administration's actions or recommendations.

Crime today is increasing almost nine times as rapidly as the population.

The Administration in Washington seems to have neither an understanding of the crisis which confronts us nor a recognition of its severity. As a result, neither the leadership nor the necessary tools have been provided to date to enable society's peace forces to regain the upper hand over the criminal forces in this country.

The statistics and evidence are there for all to see.

The last five years have been the halcyon days of organized crime. Gross earnings from illicit gambling, prostitution, narcotics and loan-sharking, have grown prodigiously. One reliable authority places the figure in the neighborhood of $50 billion annually.

As for street crime, for every two major crimes committed in the United States when President Johnson took office in 1963—there are three committed today—and if the present trend continues, there will be six committed by the end of 1972.

These are the dimensions and elements, the hard facts and the stark realities of the crime crisis to which this Administration's response has been lame and ineffectual.

ORGANIZED CRIME

Organized crime is the tapeworm of the American society. In recent years it has prospered as never before and broadened its influence in government and legitimate business and unions. The absence of an adequate response at the national level—to this national threat—is a glaring failure of the present Administration.

One of the most effective groups of men within government combating this kind of criminal activity over the years has been the Organized Crime Section of the Department of Justice. Yet, when President Johnson took office, the number of man days spent in field investigating by members of the OCS, the number of man days spent testifying before grand juries, and the number of man days spent in court all suddenly decreased between 50 and 75 per cent.

This wholesale de-escalation of the Justice Department's war against organized crime has not to this day been adequately explained.

Equally puzzling is the Administration's adamant opposition to the use—against organized crime—of the same wiretap and electronic surveillance the government employs to safeguard the national security. Not only does the Administration oppose the use of these weapons against crime, it has asked Congress to forbid that use by law. Such legislation would be a tragic mistake.

"GIVE US THE TOOLS . . ."

Organized crime is a secret society. By denying to State and Federal law enforcement agencies the tools to penetrate that secrecy, the President and the Attorney General are unwittingly guaranteeing the leaders of organized crime a privileged sanctuary from which to proceed with the systematic corruption of American life.

New York County District Attorney Frank Hogan, who has probably convicted more racketeers than any other man in America, has said that wiretapping is: "the single most valuable weapon in law enforcement's fight against organized crime . . . Without it, my own office could not have convicted Charles 'Lucky' Luciano, Jimmy Hines, Louis 'Lepke' Buchalter, Jacob 'Gurrah' Shapiro, Joseph 'Socks' Lanza, George Scalise, Frank Erickson, John 'Dio' Dioguardi, and Frank Carbo."

An overwhelming majority of the President's own blue ribbon crime commission recommended enabling legislation for the use of wiretap. The Judicial Conference, consisting of ranking Federal Judges from across the nation, and headed by Chief Justice Earl Warren, has approved such legislation. And the Supreme Court has left the door open to a carefully drawn wiretap measure with proper safeguards.

SAFEGUARDS AGAINST ABUSE

The Senate is currently considering such a proposal—drawn to conform meticulously to the Supreme Court decisions. That proposal would authorize the use of electronic surveillance on a court order, in the nature of a search warrant, showing probable cause. The court order would be limited to major crime cases, and specified cases involving the national security.

It would be limited as to time, persons and place. Any extraneous evidence gathered by the eavesdrop device would be inadmissable in court and would have to be held in confidence under pain of both civil and criminal penalties. Special precautions would be taken to safeguard those communications regarded by the law as privileged, such as those between husband and wife, doctor and patient, lawyer and client, and priest and penitent. In addition, the bill would outlaw all electronic surveillance by private citizens.

Yet, despite these carefully drawn precautions, the President defends his opposition to wiretapping in major crime cases with the astonishing assertion that "the principle that a man's home is his castle is under new attack."

"Nonsense in its purest form" was the retort by the *Washington Star* which continued:

"This is a comment which shakes our faith in (1) whether the President knows what he is talking about in his anti-crime speeches, or (2) whether he will ever support the measures—wiretaps and the like—that are essential investigative tools if we are ever going to wipe out crime—especially organized crime."

FIVE IMMEDIATE STEPS

There are other steps which Congress can take independently to strengthen the peace forces in our society against the forces of organized crime. Some of these recommendations have been endorsed by the President's Commission on Crime.

(1) *Infiltration of honest business:* Congress should enact legislation making it a Federal crime to invest in legitimate business either money which has been gathered from illegal racket activities or money that has not been reported for income tax purposes. Such measures would focus the tax enforcement machinery on the problem of organized crime.

(2) *Antismuggling:* Congress should authorize substantial increase in the number of Customs Bureau officials. In the last decade while the number of customs officials has risen 4 per cent, the number of people entering the country has risen 50 per cent and the number of aircraft 100 per cent. These would be an effective deterrent to the import of narcotics, a multi-million dollar annual item in the income statement of organized crime.

(3) *Permanent watchdog:* Congress should establish a permanent Joint Congressional Committee on Organized Crime.

(4) *More lawmen:* Congress should authorize whatever Federal personnel are necessary to carry out the new responsibilities under these pieces of recommended legislation.

(5) *Immunity power:* Congress should enact the Republican-proposed organized crime immunity statute. Once granted immunity from prosecution based on his testimony, a witness would be required to testify before a grand jury or at trial, or face jail for criminal contempt. This would be another and an effective legal tool with which to cut through the curtain of secrecy that envelops organized crime. Witness immunity would make it possible to get to the higher echelons of the crime syndicate.

These are a few of the steps that can and should be taken if we are to make realistic rather than rhetorical progress in uprooting the infrastructure of organized crime. Yet, both the President and his Attorney General, Mr. Clark, who have the principal responsibility for leading the war on organized crime are either indifferent to or in active opposition to a majority of these measures.

That attitude has made of the President's proposal to the Congress the kind of compromise legislation that organized crime can live with. It has called into question the seriousness of the President's designation of Mr. Clark to be his "Mr. Big" in the war against national crime.

ALERTING THE PEOPLE

There is also a need at the national level to awaken and educate the American people to the extent of the threat within that comes from organized crime. The average American—as well as the Attorney General of the United States—seems tragically unaware of the magnitude and immense impact of organized crime upon his society.

This menace which Mr. Clark astonishingly termed a "tiny part" of the crime picture in the United States was more accurately described by his predecessor, Mr. Katzenbach, as constituting "nothing less than a guerrilla war against society."

How is the average American affected?

The businessman pays higher insurance rates because of the arson committed under the instructions of organized crime; he loses millions in bad debts annually because of fraudulent bankruptcies. Union workers are cheated out of their just wages when the proxies of organized crime take over and corrrupt their unions, arrange sweetheart contracts, exploit mammoth pension funds and intimidate the membership. Organized crime cheats the consumer by its corruption of the free enterprise system. With its gigantic earning power it is able to take over individual businesses, influence prices, and act as unfair competition for honest business and honest labor.

According to Congressman Richard Poff of Virginia, one of the most knowledgeable men in the Congress on the subject, organized crime controls a "reservoir of wealth unmatched by any financial institution in the country."

CRIME'S WAR ON THE POVERTY-STRICKEN

At the same time that the President has asked for a $2 billion appropriation to fund the War on Poverty for one year, organized crime earns an estimated $3.5 billion annually from the numbers racket—a racket that exploits, not the affluent, but the urban poor. Organized crime is taking three dollars in gambling revenues from the urban poor for every two that is put into the poverty program by the nation's taxpayers.

Last year, while the Small Business Administration made some $50 million in loans, the take from loan-sharking amounted to many times that sum. The narcotics traffic in this country, much of it in the urban centers of poverty, netted an estimated $350 million for organized crime last year—the precise sum spent for the Head Start Program.

Organized crime is also directly and deeply involved in street crime. One estimate is that some 50 per cent of the street crime in some of our major cities is the work of addicts attempting to support their habit—and traffic in illegal narcotics is a major enterprise of organized crime.

STREET CRIME

But organized crime, though a multi-billion-dollar enterprise and a major contributing factor to street crime, cannot alone explain the 88 per cent increase in muggings robberies, rapes and assaults over the past seven years. Another contributing cause of this staggering increase is that street crime is a more lucrative and less risky occupation than it has ever been in the past. Only one of eight major crimes committed now results in arrest, prosecution, conviction and punishment—and a twelve per cent chance of punishment is not adequate to deter a man bent on a career in crime. Among the contributing factors to the small figure are the decisions of a majority of one of the United States Supreme Court.

The Miranda and Escobedo decisions of the high court have had the effect of seriously ham stringing the peace forces in our society and strengthening the criminal forces.

From the point of view of the peace forces, the cumulative impact on these decisions has been to very nearly rule out the "confession" as an effective and major tool in prosecution and law enforcement.

Justice White, in his dissent in the 5–4 Miranda decision, identified judicial prejudice against the use of confession as the bedrock upon which the majority decision was erected.

"The obvious underpinning of the Court's decision is a deep-seated distrust of all confession . . . the result adds up to a judicial judgment that evidence from the accused should not be used against him in any way, whether compelled or not. This is the not so subtle overtone of the opinion—that it is inherently wrong for the police to gather evidence from the accused himself."

From the point of view of the criminal forces, the cumulative impact of these decisions has been to set free patently guilty individuals on the basis of legal technicalities.

The tragic lesson of guilty men walking free from hundreds of courtrooms across this country has not been lost on the criminal community.

STRIKING THE BALANCE

The balance must be shifted back toward the peace forces in our society and a requisite step is to redress the imbalance created by these specific court decisions. I would thus urge Congress to enact proposed legislation that—dealing with both Miranda and Escobedo—would leave it to the judge and the jury to determine both the voluntariness and the validity of any confession. If judges and juries can determine guilt or innocence, they can certainly determine whether a confession is voluntary and valid. The rule of reason and justice should replace the Dickensian legalisms that have been obtained as a result of recent Supreme Court decisions.

(In Title II of the omnibus crime bill now pending in the Senate, there is a proposal to correct the imbalance resulting from these decisions; that proposal deserves passage despite the vigorous opposition of the Attorney General.)

The barbed wire of legalisms that a majority of one of the Supreme Court has erected to protect a suspect from invasion of his rights has effectively shielded hundreds of criminals from punishment as provided in the prior laws.

If it should become impossible to draw such legislation to the satisfaction of the High Court, then consideration should be given to amending the Constitution. Involved here is the first civil right of every American, the right to be protected in his home, business and person from domestic violence, and it is being traduced with accelerating frequency in every community in America.

LEANING TOO FAR BACKWARD

Wade and *Gilbert* are two other decisions of the Supreme Court, the extension of which have added to the problems of effective law enforcement. *Wade* and *Gilbert*, for the first time, ruled that in a line-up confrontation between witness and accused, the absence of a lawyer for the accused could, of itself, render the identification inadmissible in court.

My own view coincides with that of the dissenting minority, who expressed incredulity at the notion that a lawyer's presence at a line-up can somehow be helpful to the quality of the witness' identification. But *Wade* and *Gilbert* were carried to an almost ridiculous, if logical, extreme in *U.S.* versus *Beasley*.

In the latter case, even an accidental, on-the-street confrontation between, in this case, victim and accused, made identification of the accused inadmissible—because of the absence of a lawyer.

(In the Beasley case, police observed three men beating and robbing an elderly man on the streets of Washington, D.C. When they approached, the assailants fled leaving their victim behind. Police gave chase and apprehended one man, and returned with him to the scene to aid the victim and radio for help. There was thus an inevitable confrontation between the suspect and the victim, and the former was positively identified by the latter as one of his assailants. The identification made on the spot was ruled as inadmissible evidence because the alleged assailant did not have an attorney present when he confronted the victim on the street, immediately following the crime.)

It is decisions such as this, suppressing evidence prior to trial, that underscore the merit of the proposal of Congressman Railsback of Illinois, now before Congress.

Currently, a defendant can appeal his conviction to a higher court, if the case can be made that illegal evidence has been used against him. The prosecution, however, except in limited cases, has no similar right to appeal a decision to prohibit the introduction of certain evidence at a trial.

Congressman Railsback's proposal would remedy this situation; it would give government the same right to appeal these rulings now guaranteed the accused. The President's Crime Commission has endorsed this proposal; it would make for more effective prosecution; it would reduce the number of guilty men walking out of courtrooms on technicalities; it deserves passage in this session.

These decisions by a majority of one of the Supreme Court have had a far-reaching impact in this country. They have been the subject of controversy; they were the focus of vigorous dissent on the part of the minority. And I think they point up a genuine need—a need for future Presidents to include in their appointments to the United States Supreme Court men who are thoroughly experienced and versed in the criminal laws of the land.

STRENGTHENING THE PEACE FORCES

A second major deficiency of the "peace forces" in this country is in the number and quality of the men who man the first line of defense—the police.

Today, two-thirds of the community police forces in the country are undermanned. This year there will be 50,000 vacancies for police officers in the United States. To improve the the caliber and increase the number of men who volunteer to fill those vacancies, the Federal and State as well as the municipal governments have a role to play.

The primary reason why there are not more and better police officers in our great cities today is quite simply that the rewards—economic and personal—of being a police officer have diminished sharply in the last two decades.

For many years, these men have been in effect increasingly subsidizing the communities which they serve—by accepting a wage rate that gradually fell behind other professions. From 1939 to 1966 while the real income of manufacturing employees in New York increased on the average of 100 per cent, that of a New York City patrolman increased by 20 per cent.

You cannot attract first-class men to do the difficult and complex and dangerous job of police work—if you simply give them a gun and $100 a week—which is the median beginning salary for patrolmen in our greater cities.

The responsibility for rectifying this situation rests largely with the municipalities and the people who live in them. They must be willing to pay the salaries to attract the kind of men they want standing between their property and family and the rising crime rate.

THE BLUE "PRESENCE"

There is a considerable body of evidence to show that a dramatic rise in the number of patrolmen is followed by an equally dramatic drop in the rate of crime. The New York Subway system is a case in point—where the presence of a patrolman on every train at night brought a reduction of 60% in the epidemic of juvenile terrorism in the first three months they were there. The lesson could be applied to dozens of other cities and communities across the country.

(Along these same lines, a judicious reallocation of existing police manpower can often have the same impact on crime as a numerical increase in the force. Systems Analysis can be used to reassign patrolmen from beats and areas where they are not needed to trouble spots. This is one way modern science has been and should be put at the service of justice.)

It would be difficult to exaggerate the urgency of the need for greater police presence—or the danger to the social order if we do not get it. To those who speak and write about that startling 88 per cent increase in crime, the figure is an ominous portent to our society.

HARDEST HIT: THE POOR

But it is among the urban poor, the silent victims of most of the reported crime and almost all of the unreported crime that these statistics have already been translated into a brutal society. According to the President's own Commission on Civil Disorders, there are cities in this country where the crimes of violence run 35 times as high in the areas of poverty as they do in the areas of affluence. Last fall, a Harlem Pastor spoke out in anguish.

"Crime is at its worst; the citizens fear to venture out after dark. Church members are afraid to go out to their meetings at night. The law seems to be in the hands of the muggers and robbers. There's panic among the people."

It would be a dangerous dilusion to think that we can either "establish justice" in this country or re-establish peace in the central city, until those who are not the victims of this crime crisis are as indignant as those who are.

We are trifling with social dynamite if we believe that the young people who emerge from these brutal societies in the central cities will come out as satisfied and productive citizens. It is too often the case that "those to whom evil is done do evil in return."

STATE HELP

The State can assist the local community in improving the quality of its law enforcement agencies in a variety of ways. One of the most effective would be to use incentives to accelerate the trend toward larger and more efficient police units.

Today, there are more than 420,000 people involved in police work employed by 40,000 separate agencies. Many of these 40,000 agencies are tiny and inefficient municipal departments wholly inadequate to the tasks assigned them. Consolidation of many of these departments and their merger into city-wide or metropolitan-wide forces would give the peace forces a jurisdictional range and a level of strength more commensurate with the criminal forces—which ignore state-lines, let alone the lines that divide tiny municipalities.

FEDERAL HELP

The Federal Government can play a leading role as well in furthering this objective of consolidating and reducing the number while improving the quality of law enforcement agencies in this country.

To do so, however, it will have to shift its emphasis from direct grants to local governments, to block grants to the states. The former approach puts the Federal Government squarely into what must and should remain a local function—law enforcement. Direct grants for local police departments could bring domination and control and the door could be opened to the possibility of a Federal police force—a prospect we should avoid. Secondly, the block grant approach to the states will enable them to determine the priorities in the allocation of resources; and that, too, is as it should be. Third, this approach would strengthen the statewide police forces which are, by and large, efficient and professional organizations.

It would also enable the state to strengthen its own investigative and crime laboratory facilities, its intelligence, and records centers—which could be put at the disposal of local police. By providing the assistance to the states, we would strengthen law enforcement at a level at which it could deal more effectively with a criminal community that possesses a mobility and strength undreamed of a few years ago.

The shift in emphasis from direct grants to local departments to block grants to the States was written into the Law Enforcement Assistance and Criminal Justice Act of 1967 on the Floor of the House largely through the efforts of the Republican leadership there.

In the upper house, Senator Roman Hruska of Nebraska, one of the most knowledgeable and effective sponsors of anti-crime legislation on the Hill, along with the Minority Leader Senator Dirksen, has worked to have this block grant approach written into the final version of the bill—as it should be.

SETTING AN EXAMPLE

There is another area where the Federal Government can not only play a leading role—but where it has the opportunity to make a dramatic demonstration of its concern with the problem of crime, its commitment to new solutions and the efficacy of its proposals. That is in Washington, D.C.—the nation's capital where the authority of the Federal Government is great and its prerogatives many.

Today, Washington, D.C., should be a model city as far as law enforcement is concerned—a national laboratory in which the latest in crime prevention and detection can be tested and the results reported to a waiting nation. The record, however, is otherwise.

If across America the peace forces in city after city and state after state have been gradually giving up ground to the criminal forces—in Washington, D.C., the forces of peace are in disorganized retreat. Since 1960 crime in the nation's capital has increased by 100 per cent.

Again, however, the Administration has been slow to recognize the developing threat. It was only after severe criticism and intense public pressure that the D.C. crime bill was finally signed into law by the President in 1967.

THE PRISON PROBLEM

No national program for turning back the rising tide of crime can succeed if we continue to ignore a primary headwater—the prisons of America. No institution within our society has a record which presents such a conclusive case of failure as does our prison system.

A recent FBI study of some 18,000 convicts released in 1963 revealed that fully 55 per cent had been re-arrested for new offenses by June 30 of 1966. Of those persons arrested on a new charge within 30 months, 67 per cent had been given a mandatory release by a penal institution.

In short—whether one believes that the purpose of a prison is to punish the criminal or to deter him from future crime or to rehabilitate him and guide him away from a career in crime—by either standard our prison system is a failure.

The American prison system needs to undergo a major overhaul—to be changed from a primary cause of the crime problem in this country into a partial cure. Stated simply and directly, the criminal rate in the United States would be a good deal lower if convicted felons were properly trained and equipped for reassimilation by the outside world.

Both Federal and State Governments share equally in the responsibility for changing our prisons into something other than an ever-normal pool of replacements for the criminal community.

Since, however, the Federal prison system houses only 10 per cent of the penitentiary population of about 200,000 its role will primarily be one of example, of assistance to the states, and of clearing legislative roadblocks to effective prison reform.

RECOGNIZING A MISTAKE

During the depression years of the 1930's, with millions of Americans jobless, many pieces of Federal legislation were enacted calling for discrimination against prison-made goods. It was assumed that conscripted labor inside a prison could produce goods at a far cheaper rate and thus enjoy an unfair competitive advantage over both free labor and free enterprise.

This legislation was always questionable, and one certain effect has been to deny to thousands of convicted men the type of work experience that might have given them the essential opportunity to find a job when they left prison. It is time that these existing legal barriers against providing convicts with the type of training and work that will give them a viable employment when they leave—should be removed. According to the President's own Crime Commission, prison labor is no threat to free labor today.

Secondly, of the 120,000 people employed in correction today, five of six are employed in custodial or administrative work, leaving only some 24,000 in treatment activities to handle a combined jail and prison population of 400,000 and a total of some 1.3 million who pass through our system each year. That 24,000 figure includes all the psychiatrists, teachers, psychologists and social workers—and if we are serious about changing the results of prison life—then we have to be serious about increasing that number.

MORE PRISON REFORMS

The necessity of other major reforms is equally obvious. A study of the prison population reveals that 50 per cent of it has only a grammar school education or less. Except for New York and California, prison education is provided by inmates—a majority of whom lack college degrees and many of whom as themselves without a high school diploma.

The number of parole officers dealing with that great segment of convict population that has been returned to society is also inadequate to its job. We are thousands of men away from achieving what is considered the desirable ratio of one parole officer to every 37 parolees.

To effect these reforms, to provide the personnel in terms of teachers, parole officers, psychiatrists, social workers, to change the American prison system from a pool of replacements for the criminal community into a system of effective correction and rehabilitation will take money. It will require millions of dollars—whether those dollars are taken out at the State or Federal level.

It will take not only more dedicated people, but new ideas and new resources and new tools if we are going to rebuild these broken careers and re-equip these men and women for useful lives.

It will require further the cooperation of both State and Federal Government, for the unreconstructed criminal who walks out of a Missouri or Illinois prison, becomes a threat to the community he visits, wherever he goes in the United States.

These are not all of the steps that should be taken. But here, in these proposals, I believe a beginning can be made toward removing from this nation the stigma of a lawless society.

RIGHT TO A SPEEDY TRIAL

There are other areas as well where major reform is needed. The judiciary is one of them. In community after community in this country there are great backlogs of criminal cases. Not only does this delay in prosecuting serve as an injustice to the innocent, it does a grave injustice to society by delaying too long the imposition of penalties which are major deterrents to crime.

There is a need for vastly increased resources in crime research. Today, one-half of one per cent of the law enforcement budgets of the State and Federal governments—a paltry $20 million—is being spent on crime research.

The potential for law enforcement research is enormous.

Space age tools are available to deal with modern crime. Today, we are still working with the forensic toxicology and forensic medicine of thirty years ago. There are promising areas such as olfactronics waiting to be explored, and tools such as the "voice print" waiting to be exploited.

END OF A LAWLESS SOCIETY

As this brief statement indicates, there is no shortage of ideas or programs or tools or potential laws to deal with crime in this country. The only shortage is a shortage of leadership that will place this problem in the first priority of American business.

If the American people are willing to commit themselves to pay the necessary price to restore peace to the society, it can be done. If they are willing to commit themselves to the proposition that any man who disobeys the law pays the penalty the law exacts, then we can begin to turn this crime wave back.

We can put an end to an urban situation where the infirm, the old and the women refuse to visit their parks or enjoy the entertainment and good life a city can offer because they are afraid. We can reduce crime by making it a more hazardous and less rewarding occupation.

In connection with the President's Crime Commission Report, a poll was taken of average Americans. It found that of those polled 43 per cent were afraid to be on the streets at night; 35 per cent would not speak to strangers, and 21 per cent used cars and taxis at night to avoid mass transit.

Those are not the statistics of a Great Society; they are the statistics of a lawless society—they are statistics we must and will change.

NEW YORK, *May 8, 1968*.

RULE OF LAW—ADDRESS BY FORMER SENATOR GOLDWATER

Mr. FANNIN. Mr. President, in a day when our Nation stands on the precipice of anarchy occasioned by those who counsel selective obedience to law, it is refreshing to hear a clear-cut, forthright statement calling for a return to the rule of the law in this Nation.

Former Senator Barry Goldwater addressed a Law Day luncheon in Phoenix, Ariz., on May 1, I think his remarks have a significance for all of us who believe in law and order. The Senate is presently debating legislation that vitally affects the future course of our country. Senator Goldwater occupies a singular place as a former presidential candidate who was not afraid to speak out on the issue of law and order when it was not only unpopular to do so, but widely misinterpreted. His speech is a reminder to us that we cannot allow the Nation to disregard legal precedent and procedure but we must clearly and courageously as individuals and collectively do our utmost to support the Constitution and call for obedience to the Nation's laws.

I ask unanimous consent that former Senator Barry M. Goldwater's remarks before the Phoenix Law Day celebration luncheon on May 1, 1968, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

RULE OF LAW

During the past years I have made a number of public appearances before groups which, if not outrightly hostile, were at the least somewhat skeptical.

However, I don't think any of those speeches were any tougher than today's, a layman addressing a distinguished group of lawyers on Law Day.

I do have certain advantages, though, because, although I consider myself a law abiding citizen, I seem to have been involved with numerous lawyers and lawsuits; for example, I was on the receiving end of one of Melvin Bellis' less successful lawsuits. One in which he argued that I was not eligible to be a presidential primary candidate in California because I had not been born in the United States. This is typical of the attitudes some Californians have about us Arizonans. They're not satisfied with just taking our water.

I was almost interviewed by F. Lee Bailey but his show's sudden demise cancelled that and put him back in the advocacy game.

Some of you may have run across the little noted but not long remembered case, Barry Goldwater vs. United States of America.

That case involved an interpretation of my getting the short end of the stick from the Supreme Court of the United States—a fate, incidentally, which seems to be shared by the public generally. One interesting footnote to that particular case; it was filed and argued in the district court of the District of Columbia and considered by the Supreme Court—all in something less than two weeks—a record of expedition that is only too good when contrasted with some of the cases I'll discuss a little later.

My present—and I hope last—encounter in the courts will be in New York City next week and will deal with whether under the New York Times decision, it's proper to falsely state that a candidate for President is nuts. The defendant in this case is one Ralph Ginsburg of Eros fame and I hope that the blind goddess will shine her face on me and on all others in public life who get pretty thick skinned but not so well armored that they don't resent the printed suggestion that their candidacy is really an escape from latent homosexuality.

When I was preparing today's talk, a loyal friend of mine, always anxious to help, told me the story attributed to Professor Brown of the University of Arizona Law School. Professor Brown, as some of you may know by personal experience, indoctrinates his first year law students by telling them the story of the rancher visiting his lawyer's office in a small frontier town back in the days of the Old West. A flock of sheep was being herded down the main street past the lawyer's window and the rancher, a businessman at heart, remarked that the sheep were certainly closely shorn.

The lawyer glanced out the window, studied the sheep for a brief moment, and commented, "Yes, they certainly are—at least on this side." I realize and respect that all of you are by nature and training inclined to take a look at both sides of most issues.

While I would love to take today's luncheon as an opportunity to discuss Bobby, I feel that to cover all sides I would have to give equal time to Gene and Hubert and there just isn't enough time to do justice to all of them. Instead, I'd like to briefly discuss, from a layman's viewpoint, a subject which has been of concern to me for a number of years and is rapidly becoming a matter of great concern to most people in this country—that is, the administration of justice in the United States.

You, as lawyers, are directly connected with the administration of justice and recognize that criminal sentences are given not only to rehabilitate the guilty party, but also to punish and serve as a deterrent to others who might contemplate similar acts.

I believe it was Cesaré Baccaria, the 18th century Italian criminologist, who first advanced the idea that a swift and certain punishment of some degree of severity is a more effective deterrent than a punishment of the maximum severity which is slow and uncertain. I feel that we have reached a stage in the administration of justice in the United States where punishment is not swift and certain, but is extremely uncertain and anything but swift. Chief Justice Warren in a speech in 1958 said, "Interminable and unjustifiable delays in our courts are today compromising the basic legal rights of countless thousands of Americans, and, imperceptibly, corroding the very foundations of constitutional government in the United States." Then again, more recently, in addressing the annual meeting of the American Law Institute in 1967, Justice Warren said: "Year after year I have discussed with you the subject of the ever mounting case loads and the resulting backlogs in our Federal courts. I repeated many times my firm belief that the greatest weakness in our judicial system lies in its administration.

"In a century which has been characterized by growth and modernization in science, technology and economics, the legal fraternity is still living in the past. We have allowed the main stream of progress to pass us by . . . Our failure to act becomes alarming when a competent district judge must admit in testimony before a Senate Committee that unless something new and effective is done promptly in the area of judicial research, coordination and management, the rule of law in this Nation cannot endure."

The problem of speeding up the machinery of our courts has existed and been discussed for years. In the middle thirties, the idea of pretrial conferences was given a great deal of publicity and was supposed to solve a great many of these problems. However, in spite of more extensive use of the pretrial conference and other attempts at streamlining our courts, the problem has become worse. Multitudinous statistics can be cited, but a few of them will illustrate some of the current difficulties. In the United States Courts of Appeals from 1957 to 1967, the number of appeals filed more than doubled from 3701 to 7903. During that same period of time, the number of pending cases increased from 2043 to 5763, an increase of almost three times. Similar figures could be cited for nearly all stages of the Federal judiciary and for most state courts. Here in Arizona, we have fortunately had some progressive court administration which has kept the delays well below those of most of the rest of the country.

There are almost as many proposed solutions to this problem as there are people commenting on the problem. Among the proposed solutions are greater use of computers, (which, incidentally, seems to be the suggested solution for almost anything these days) an increase in the number of judges, more court reporters, and still greater use of the pretrial procedure. Even among those who offer solutions, there appears to be no agreement. Justice Clark stated recently that "most of the problem is with the judge himself." I believe that a great number of judges who are faced with ever increasing case loads, much greater complexity of issues, and more complicated hearings to determine such things as the admissibility of confessions or evidence would disagree with Justice Clark's viewpoint.

While the ordinary delays in settlement of legal problems, whether criminal or civil, are, and should be, of great concern to all of us, we are most shocked by the tremendously lengthy criminal case which seems to come along more frequently every day and results in the passage of eight to ten years from the inception of the case to its conclusion. One of the more noteworthy cases of this type, in addition to the Chessman case, was the case of Willie Lee Stewart who was sentenced to death in the District of Columbia in 1953 for first degree murder but, after a series of trials, finally pleaded guilty to second degree murder in 1963 and received a sentence of fifteen years to life. His case required nine unpaid lawyers in the District court, fourteen unpaid lawyers in the court of appeals and three unpaid lawyers in the Supreme Court; it required thirteen United States attorneys or assistants, five of whom worked on two stages and one of whom worked on three stages of the case; it required twenty trial level judges and over fifty judges when the court of appeals and Supreme Court are considered; and the transcript ran to approximately five thousand pages. Even aside from the thought of all those unpaid lawyers, a record such as that should shock all of us. Not only does it deprive society of swift and sure punishment as the best deterrent for future crime, but the individual who ultimately may be released has undergone an exceedingly long period of tremendous strain, if not actual imprisonment. Justice Jackson has said "it makes a prisoner's legitimate quest for Federal justice an endurance contest" with the State. It would be almost impossible for any individual, whether ultimately convicted or acquitted, to spend that length of time in a war with society and not become embittered against that society. We are thus failing in one of our most basic aims in the criminal proceeding, that of rehabilitation.

I do not profess to know a magic solution to this critical problem or to have the expertise in the field of law to propose detailed solutions.

However, as a citizen and "politician qua politician," I want to point out that there has been a tendency in this country for the past years for the Government to expand and encroach into all areas of our society—not only political but financial and sociological as well. What has happened is that because of this constant experimentation, the legitimate and traditional functions of Government have suffered—witness the Department of Defense, foreign policy and more relevant to this meeting—the judicial branch of Government.

As one vital step in increasing public respect for law in this country, couldn't we begin with criminal appeals? Is it too bold for me to suggest that an appeal in a criminal case could be heard thirty days after the trial and decided within another thirty days? I am told that on appeals the first delay is the transcript of evidence. In the Congress, each day's Congressional Record must use as many words as you ever have in a trial. Yet the Congressional Record is published early the next morning. Essentially the House and the Senate use old-fashioned hand reporting. But the reporters work in relays. Couldn't you do the same thing? Suppose you have to hire twice as many reporters. It would be a small price. If the Record were in the appellate court the next day, it would be hard for lawyers to justify dallying thereafter.

I am pleased to learn that the Ninth Circuit Court has started an experiment in two judicial districts which goes something like this: The record in all criminal cases lasting not more than three days must be filed in the appeals court within ten days. The parties say what they have to say in briefs, all to be completed within twenty days. The case is heard ten days later and the objective is for a decision in another ten days. Less than sixty in all.

Let us pray that it works and that the little fire spreads throughout the whole judicial system.

I realize that such a system would raise hell with the last ditch defense of stalling until some or all of the witnesses die, but as a non-lawyer I'm not sure that this would be a great loss. I'm also aware and am sure that most of you would agree that much of the delay encountered today is the fault neither of the system nor the administration of justice but results from stipulations for continuances sought by many of you who are overwhelmed by work. This is a problem, however, that the courts could solve themselves once the dockets are current.

I am told that one reason for delays is shorthanded prosecutors' staffs and inadequate staffs in the Attorney Generals' offices of the States. Also, I am told that the ordinary United States attorney's office is understaffed. I am told that in view of all of our Supreme Court decisions that the prosecutors now need, or will soon need, as large post conviction staffs as pre-conviction staffs. Let's give them all of the help they need.

Someone, at this point, is no doubt saying—"but this will cost money," and what is a fiscal skinflint like Goldwater doing in suggesting a further load on an already bloated budget.

What makes me so bold about spending money for the judiciary? Well, the concept of the Federal Government and our own State government is that each is something that stands on three legs; the executive, the legislative, and the judicial. The judiciary is a legitimate Federal expense and must be met. On the Federal side the judiciary gets less than one twentieth of one per cent of the national budget, the legislative about one tenth of one per cent, and the executive all the rest.

Let me give you some figures. This fiscal year the Federal courts will receive $91,906,500 and the Congress $132,738,084. (You may be interested to know that in the appropriation for the Senate and the House there is this year an item of $37,525 for the Joint House and Senate Committee on reduction of nonessential Government expenditures. That item is either much too small or much too large.) Let me give you some other figures from our present Federal budget. The Department of Agriculture's consumer protective and marketing programs, $89,310,000, school lunch program, $182,825,000, space program over four and a half billion, the Weather Bureau, now called the environtal science services administration, also known as the weather guessers, $163,050,000, the Federal Bureau of Investigation, $186,574,000, migratory birds, $7,500,000, community relations service (whatever that is) $2,000,000, your Internal Revenue agents, $691,000,000, Department of Justice, $72,703,000.

I do not mean to downgrade the FBI, etc., but I would certainly not be offended if our courts cost as much as the Weather Bureau and, as a pilot, I use and depend on the Bureau.

I realize that, if this speech is noted at all, it will probably be noted as the speech in which I favorably quoted Chief Justice Earl Warren and suggested an increase in governmental spending, ladies and gentlemen, I apologize for not being able to solve all the problems of administration of justice by a volley of verbosity the general practice of politicians. I can assure you, however, that unless you and I and all who are interested in this country do those things necessary to reinstill faith in our judicial administration, the rule of law may well be only a pleasant but long forgotten phrase.

Thank you.

REPORT BY COMMITTEE OF THE JUDICIARY OF USE OF FOREIGN CURRENCIES IN 1967

Mr. HAYDEN. Mr. President, in accordance with the Mutual Security Act of 1954, as amended, I ask unanimous consent to have printed in the RECORD the report of the Committee on the Judiciary concerning foreign currencies utilized by that committee in 1967 in connection with foreign travel.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON THE JUDICIARY, U.S. SENATE, BETWEEN JAN. 1 AND DEC. 31, 1967

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Abrams, George S.:											
Germany	Deutsche mark					5,302.80	1,334.71			5,302.80	1,334.71
Israel	Pound	702	234.00	441	147.00	228	76.00	279	93.00	1,650	550.00
Netherlands	Guilder					1,963.15	544.04			1,963.15	544.04
Switzerland	Franc	750	177.00	515	137.00	370	93.23	409.20	66.35	2,044.20	473.58
United Kingdom	Pound					12.14	35.50	35.16.6	100.00	47.30.6	135.50
Total			411.00		284.00		2,083.48		259.35		3,037.83
Bayh, Birch:											
Germany	Deutsche mark					3,425.60	856.19			3,425.60	856.19
Israel	Pound	562.50	175.00	125	50.00			62.50	25.00	750	250.00
Poland	Zloty	4,875	75.00	4,875	75.00			3,250	50.00	13,000	200.00
Total			250.00		125.00		856.19		75.00		1,306.19
Brennan, Thomas C.:											
Germany	Deutsche mark					3,560.00	896.05			3,560.00	896.05
Sweden	Krona	1,297.80	259.65	202.20	40.35	15.95	3.09			1,515.95	303.09
Total			259.65		40.35		899.14				1,199.14
Burdick, Quentin, N.:											
Germany	Deutsche mark					2,825.2	711.10			2,825.2	711.10
Sweden	Krona	457.95	93.00	245.73	50.92	85.15	16.50			788.83	160.42
Total			93.00		50.92		727.60				871.52
deHaan, Dale S.:											
Germany	Deutsche mark					10,783.60	2,700.24			10,783.60	2,700.24
Hong Kong	Dollar	299.68	51.00	525.56	92.00	50.94	8.00	281.32	49.00	1,157.50	200.00
Japan	Yen	19,440	54.00	28,800	80.00	5,760	16.00	18,000	50.00	72,000	200.00
Switzerland	Franc	1,008.20	234.00	1,289.80	299.00	529.90	122.48	280.50	65.00	3,108.40	720.48
Total			339.00		471.00		2,846.72		164.00		3,820.72
Mesmer, Fred M.:											
France	Franc	880	179.97	910	186.70	7,465.47	1,516.15	170	33.33	9,425.47	1,916.15
Germany	Deutsche mark	690	173.12	775	194.08	643.45	161.80	90.50	22.73	2,198.95	551.73
Ireland	Pound	49.44	125.00	50	126.00	49.53	118.22	20	49.00	168.97	418.22
Italy	Lira	213,400	343.08	241,250	384.92	225,632	360.98	56,200	90.03	736,482	1,179.01
Switzerland	Franc	1,468	339.08	1,751	406.44	1,844	425.21	234.75	54.48	5,297.75	1,225.21
United Kingdom	Pound	56	155.92	65	180.30	96	270.61	5	13.78	222	620.61
Total			1,316.17		1,478.44		2,852.97		263.35		5,910.93
Nolan, John E.: Vietnam	Piastre	29,500	250.00	23,600	200.00	5,900	50.00	11,800	100.00	70,800	600.00
Powers, N. Thompson: Vietnam	do	23,600	200.00	20,650	175.00	2,950	25.00	11,800	100.00	59,000	500.00
Prettyman, E. Barrett, Jr.: Vietnam	do	23,600	200.00	20,650	175.00	2,950	25.40	11,800	100.00	59,000	500.00
Safran, Nadav:											
Germany	Dutsche mark					5,302.80	1,334.71			5,302.80	1,334.71
Israel	Pound	883	304.00	585	185.00	102	34.00	51	17.18	1,521	540.18
Switzerland	Franc	216	51.00	130	30.00	43	10.00	40	9.00	429	100.00
Total			355.00		215.00		1,378.71		26.18		1,974.89
Sommer, John G.: Vietnam	Piastre	28,000	237.00	28,000	237.00			3,000	26.00	59,000	500.00
Sourwine, Julien G.:											
Germany	Deutsche mark					3,010.49	756.95			3,010.40	756.95
United Kingdom	Pound	29.4.4	81.81	10.5	28.70	18.16.9	53.67	.13.3	1.86	58.18.16	166.04
Total			81.81		28.70		810.62		1.86		922.99

RECAPITULATION

Foreign currency (U.S. dollar equivalent)	$21,144.2

PROPOSED EXPANSION OF NATIONAL AIRPORT

Mr. BREWSTER. Mr. President, it is now 2 years since the first commercial jet aircraft landed at National Airport. This morning's Washington Post says it all in one brief sentence:

> The greatest mistake that has been made was letting the first jet land at National because this encouraged the airlines to plan on bringing more and bigger jets there.

The Post's editorial was prompted by the recent publication of the Air Transport Association's master plan for the Washington airports. The ATA wants National expanded so that it can handle ever bigger jets. Such expansion would, of course, only add to the problems that already exist. The hazards of heavy air traffic in the skies over Washington would be increased. Congestion on the ground would be unbearable. The crush of planes, ground vehicles, and people would lead to a chaotic situation.

Meanwhile, Dulles and Friendship, two modern airports built and equipped for the jet age, stand in close proximity to Washington without any of the problems that beset National Airport. It would be far wiser to phase commercial operations to Dulles and Friendship. National would remain to serve the great number of general aviation craft that already compete with the big jets for its limited space and facilities.

Mr. President, I ask unanimous consent that the Post editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GOOD NEIGHBOR TO WHOM?

The Air Transport Association was very careful in-announcing its master plan for the Washington airports to say it was seeking "the dual objectives of best serving the traveling public and being a good neighbor to the community." But its concept of neighborliness seems rather strange when the plan urges that National Airport be expanded in a way permitting it to handle the monster jets of the future and that the runways be changed so some of the planes will disturb those who live along the Anacostia River instead of those who live in Georgetown.

Under the plan, of course, a new terminal would have to be built at National and parking spaces would have to be tripled, since the airport would be handling more than twice as many people in 1975 as it did in 1965. A new runway would have to be added and an existing one expanded with part of the construction sticking into the river. There would have to be, naturally, new access roads. The cost would be well over $50 million. In the meantime, this organization of airlines says, the growth of Dulles would continue and 10 years from now it might begin to be almost as busy as National.

If the airline industry could get one simple idea implanted in its collective mind, Washington's problems with air transportation would be suddenly simplified. That simple idea is that National Airport is not a fit place for a major terminal in the jet age. The noise, the dirt, and the safety problems of having jet planes landing in the middle of a city cannot be tolerated. The greatest mistake that has been made was letting the first jet land at National because this encouraged the airlines to plan on bringing more and bigger jets there.

This master plan by the airlines is a massive disappointment. The real task is to figure out how to transfer the traffic from National to Dulles. On this the plan is silent. But since the airlines insist on blinding themselves to the fundamental objection to National, the silence is understandable. What is not understandable is why the airlines are so intent on flying jets through the bedrooms and yards of so many people. Maybe the airline executives have become so immune to noise and dirt and danger that they don't know that some people still care.

GREATER PROTECTION NEEDED BY DISTRICT OF COLUMBIA MERCHANTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an article which appeared in the Washington Evening Star of May 11 entitled "Merchants Demand Greater Protection," together with an article by Irna Moore, Washington Post staff writer, which appeared in the Post of May 12, entitled "Dealer in Antiques, Disturbed by Riots, Closes His Doors."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star, May 11, 1968]

MERCHANTS DEMAND GREATER PROTECTION

About 20 downtown businesses have sent telegrams to the White House to "strongly urge that the President or other high authority make frequent public announcements that law and order will be upheld in the Nation's Capital."

The telegrams, similarly worded but sent separately by the firms, also ask "that appropriate enforcement measures be taken now."

The wires do not represent any formal group and their sending was informally arranged, one business executive said today. Most of the businesses are along downtown G Street NW. an area that saw spotty looting during the riot here last month.

INSERTED IN RECORD

The wires also were sent to Sen. Robert C. Byrd, D-W. Va., and Sen. John McClellan, D-Ark. The latter inserted them into the Congressional Record and referred to them yesterday during his speech in the Senate on the Safe Streets bill. McClellan had previously said that he has turned over to authorities information alleging a militant plot to take control of the Poor People's Campaign from the Rev. Ralph Abernathy.

Both Byrd and McClellan have asked for strong law enforcement statements from the President—and unsuccessfully asked the Justice Department to get a court injunction to block the campaign.

McClellan also included in the Congressional Record a statement from the Business and Professional Association of Far Northeast here which backs year-around, "birth to maturity" education, with job training, and asks "stern and unyielding enforcement of laws."

RAPS ABERNATHY REMARKS

Quoting a headline, "He'll Be Tough, Abernathy Says," McClellan said: "Does that mean he is going to be nasty when he gets here? I do not know how one can draw any other conclusion. If the newspaper (The Star) quoted him correctly, here is what he said: "I won't be violent."

"Of course they always couch it that way, knowing that what they are doing is calculated to incite to violence," McClellan said.

Also inserted in the Congressional Record were a statement from the North Washington Council of Citizens Associations urging no "occupation" of federal property by the Poor People's Campaign and a letter from a man in Vienna, Va., calling the campaign a "Communist invasion of Washington."

Sometimes shouting and shaking his fist, McClellan advocated passage of the safe streets bill, attacked some court rulings and issued warnings about the Poor People's Campaign. He then inserted in today's Congressional Record some of the hundreds of letters he said he has been receiving on these subjects.

Many of the letters and wires from over the country voiced fear there may be some criminal linkup with the campaign.

Two were from businesses that said they had jobs but no takers. A firm in Atlanta said it had 100 jobs at $1.80 to $2.80 an hour "going begging." An Arkansas firm said it had 325 unfilled jobs with pay starting at $1.89 an hour.

Rep. John S. Monagan, D-Conn., commented yesterday that the campaign has a "potential for tragedy," and Rep. Harley O. Staggers, D-W. Va., said troops should be stationed here immediately "to protect marchers as well as residents of the city."

[From the Washington (D.C.) Post, May 12, 1968]

DEALER IN ANTIQUES, DISTURBED BY RIOTS, CLOSES HIS DOORS

(By Irna Moore)

Johnny DiLizza considers himself an American success story: an immigrant from Italy with $14 in his pocket in 1947 and now the owner of a successful Washington antique shop who makes chandeliers for the wealthy, the embassies and the U.S. Capitol.

But since last month's rioting he has felt discouraged and has decided to close up his shop, Gonzalez Antiques, at 2414 18th st. nw., and go back to Italy for a few months "until things cool down."

"My life is an example of the great opportunity this country offers, the chance to really feel like being a man," DiLizza said at his shop yesterday. "But now all this happens and all of a sudden you feel let down."

DiLizza learned the art of chandelier making from Henry Gonzalez, the original owner of the store, when he came to this country in 1947. Six years later Gonzalez gave him the store—for $10—and DiLizza estimates that he has made 7000 chandeliers since then.

His prize project has been the 18 chandliers he constructed for the Capitol; his most expensive, a $10,000 fixture made for a New York restaurant. An average chandelier takes him about two hours, but the $10,000 job took three weeks.

Now a husky and graying 44, DiLizza said frankly that he was "frightened, discouraged and confused." A small antique shop which he owns next door was looted during the rioting of $4200 worth of merchandise.

"Three times since then I've gotten phone calls saying that I was going to be burned out," he said. "I spent the whole day moving out and then I move them back in again. No one can work this way."

He added that he has never considered himself a businessman or the work he does a business, but "It's more like a family, all my customers are friends too." Many of them came to help me move his work those three times he said.

Pointing to the 35 crystal and bronze chandeliers suspended from the shop's ceiling, DiLizza said: "But this is not a shop to take a chance with, there are too many priceless things. All the insurance in the neighborhood was canceled about a year ago—they said the area was too risky."

Now he plans to take as much as he can out of the store, close it up for five or six months and spend the time at a house he owns in his native Sorrento.

"I'm just closing for a while—it's the only way," he said. A U.S. citizen since 1954, DiLizza stated that he would never think of not coming back.

"I'm not running away, just letting things cool down," he added. "If I moved the shop to some other neighborhood the other businesses on this street would follow me and the whole area would be hurt."

"If I did that, I'd be running all the time. This way, if things change, if the government does something for the people, if I can come back here I will."

LAWLESSNESS IN THE DISTRICT OF COLUMBIA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert the following news articles in the CONGRESSIONAL RECORD:

A story which appeared in the Washington Post of Saturday, May 11, entitled

"Three Buildings Burned Out; Arson Seen";

A news story in the Washington Post of May 11, entitled "Two Bus Drivers Robbed Within Half an Hour";

A news story in the Washington Post of May 12, entitled "Bus Driver Shot, Robbed by Gunmen";

A news story which appeared in the Washington Sunday Star of May 12, entitled "Shots Fired Into Two District of Columbia Firehouses";

An article by Walter Gold, titled "School Blazes Set, Youths Jeer Firemen," which appeared in the Washington Star of May 13; and

A news story titled "Youths Rape Girl, 14, at UPO Dance," which appeared in today's Washington Star.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, May 11, 1968]

Three Buildings Burned Out—Arson Seen

A fire that officials said was set by youths with cans of flammable liquid burned out three buildings in the 2900 block of 14th Street nw. last night. The blaze was out of control for more than an hour.

Fire Insp. George Meyer called the blaze "definitely a case of arson." He said gasoline cans were found in three businesses in the block between Harvard Street and Columbia Road. All were total losses, he said.

The affected buildings were House of Jerry's clothing store at 2929, Thomsen Jewelry at 2913 and Caruso Florists at 2917. All had been damaged in the April riots.

About 25 pieces of fire equipment went to the scene at 9:20 p.m. A second alarm was turned in two minutes later.

Smoke damage to a neighboring building at 1372 Columbia rd. nw. was said to be extensive. The building has a common wall with two of the burned stores.

Assistant Fire Chief William C. Wietzel, who directed operations, said the fire was almost under control about 9:45 p.m. when it suddenly erupted again in a ball of flame." Several firemen on ladders near the buildings at the time narrowly escaped.

Other fires last night that officials said were of suspicious origin included:

A restaurant at 701 Rhode Island ave. nw. that was damaged about 5 p.m. for the second straight night by flammable liquids being lit inside, Insp. Meyer said.

A trash fire at 10:15 p.m. in the rear of the 1400 block of Irving Street nw. that caused minor damage.

[From the Washington (D.C.) Post, May 11, 1968]

Two Bus Drivers Robbed Within Half an Hour

Two D.C. Transit bus drivers were robbed half an hour apart yesterday, one of them by a group of about 20 teenage youths.

Driver John D. Rogers, 24, said a group of youths got on his bus at 6th Street and Mississippi Avenue se, about 3:35 p.m. The boys, none of them armed, forced Rogers to turn over about $130 in bills, change and tokens.

Half an hour earlier, driver John T. White, 43, was approached from behind by a passenger armed with a knife in the 100 block of Irvington Street sw. White gave the man 250 tokens and unknown amount of bills and change.

[From the Washington (D.C.) Post, May 12, 1968]

Bus Driver Shot, Robbed by Gunmen

One of three bandits shot a D.C. Transit System bus driver in the right arm Friday night as he complied with the order of another gunman to turn over his money.

Police said the victim, Wade H. Winklepleck, 37, of 3329 S. Wakefield st., Arlington, was accosted by the gunmen at his layover stop, South Capitol Terrace and Joliet Street sw., at about 11:30 p.m. Winklepleck told police the three boarded his bus at 8th Street and Virginia Avenue sw. and were about to get off when they pulled guns and announced the holdup. They escaped with an undetermined amount of money and tokens. Winklepleck was released after treatment for his wound in Hadley Memorial Hospital.

[From the Washington (D.C.) Sunday Star, May 12, 1968]

Shots Fired Into Two District of Columbia Firehouses

Shots have been fired into two District firehouses since the civil disorders here last month, but nobody was hurt in either incident, fire officials reported.

An officer of Engine Company No. 12, at North Capitol Street and Florida Avenue, said a single shot was fired into the firehouse about 9 p.m. Thursday while the company was out on a call.

The shot passed through the firehouse door, dented the cowl of a hose truck parked inside, and ricocheted into a wall, the officer said. He said police investigating the incident estimated that the bullet came from a 25-caliber or larger weapon. He said the station has been threatened.

An officer of Engine Company No. 30, 49th Street and Central Avenue NE, said a shot was fired into that firehouse about 1:30 a.m. on Sunday, April 18.

The bullet passed through a window and into a wall, he said. The officer said his company received no threats either before or since the incident.

[From the Washington (D.C.) Evening Star, May 13, 1968]

School Blazes Set—Youths Jeer Firemen

(By Walter Gold)

Vandals broke into a Southeast Washington elementary school last night, ransacked most of the classrooms and set three fires, before fleeing past firemen, police reported.

The fires were confined to sections of two classrooms and an auditorium at Turner Elementary School, Stanton Road and Alabama Avenue SE. The loss was estimated at about $1,000 and other damage was expected to total several hundred dollars.

Although youths were still running through the building when firemen reached the scene at 8:40 p.m., police who arrived minutes later were unable to apprehend any of them. Hundreds of youngsters taunted firemen while they fought the blaze, but there were no serious incidents.

ELEVEN OTHER FIRES SET

Eleven other arson cases were reported throughout the city during the night, the highest number of blazes set here on a single night in recent weeks. None of the blazes, including the school fire, caused serious injury or extensive property damage, fire officials reported.

Some of the buildings burned last night bore "Soul Brother" markings which, in other cities, have protected businesses owned or operated by Negroes. Recent arson cases here have been acts of vandalism rather than racially motivated, police and fire officials agreed today.

Vandals who broke into the Turner school apparently forced their way in through boarded up ground-floor windows, police said.

The youths, believed to have been between 6 and 14, went from room to room, turning over desks, scattering school papers and spreading paint and ink around the rooms. School officials said the 3-story school building "was a mess, but a lot of straightening up will repair most of the damage."

Before fleeing, the youths used matches to set desks and books on fire in the two classrooms and to ignite a small blaze on the auditorium floor. Some of the youths apparently remained behind long enough to show firemen where the blazes were, according to Fire Inspector George I. Meyer.

Saturday night, another fire believed set by arsonists caused about $100 damage to a window area of the Browne Junior High School at 24th Street and Benning Road NE, fire officials said.

Fire officials termed another small fire Saturday near Glover-Archibold Park in Northwest Washington a case of arson, but discounted the possibility that the blaze was connected with the rash of fires set by arsonists in inner city areas since last month's rioting.

The fire was reported at 2:21 p.m. in the basement of a 2-story apartment building at 3904 Edmunds St. NW, an area between the park and the U.S. Naval Observatory.

No injuries were reported, but fire officials said damage to a basement storeroom was extensive, where several rugs apparently had been set afire.

Last night's 11 arson cases, in order of the time they were reported, were:

TRASH SET ON FIRE

At 11:49 p.m., arsonists believed to have been juveniles set some trash on fire in the rear of 3178 Mount Pleasant St. NW, causing minor damage.

At 12:20 a.m., another group set fire to trash in the rear of 1028 Bladensburg Road NE, resulting in minor damage.

Eighteen minutes later, another trash fire was set in a basement storage room at 637 3rd St. NE, causing about $200 damage.

At 1:34 a.m., someone set an abandoned car on fire in the 2400 block of Ontario Road NW, partly destroying it.

Eleven minutes later, a fire was reported on a vacant second floor of a building at 701 Rhode Island Ave. NW, the fourth time in a week that arsonists have set fires at that address. The other fires all were started in a restaurant-drugstore on the street level. Last night's blaze caused moderate damage to what remained from the previous fires.

As weary District firemen were leaving the Rhode Island Avenue blaze, another fire set by arsonists a few blocks away engulfed an already burned-out liquor store on the southwest corner of 9th and P Streets NW. This blaze, reported at 2:01 a.m., also heavily damaged several second-floor apartments where two occupants were overcome by smoke and briefly hospitalized.

Fifteen minutes later, still another burned-out building was set on fire again at 1501 1st St. NW, causing minor damage.

And two minutes later, at 2:17 a.m., another building was set on fire at 401 H St. NE, also causing minor damage.

At 2:25 a.m., more trash was set on fire by arsonists at 1650 3rd St. NW, causing little damage.

At one minute to 3 a.m., another abandoned car was set on fire in front of 1733 Willard St. NW, causing heavy damage to the car.

And at 3:58 a.m., juveniles broke into Bregman's Variety Store at 1246 H St. NE and set a rear room on fire, causing moderate damage.

[From the Washington (D.C.) Evening Star, May 13, 1968]

Youths Rape Girl, 14, at UPO Dance

A 14-year-old girl was raped Saturday night when she went to a dance in the basement of a United Planning Organization youth center, police reported.

The girl and a companion had gone to the center at 2740 14th St. NW to attend the dance in the basement and both were grabbed by a group of youths as they entered. The other girl escaped. The 14-year-old was then raped by three youths, police said. She was treated for a laceration of the right eye at D.C. General Hospital. The girl and her three assailants are all Negroes.

Police said the adult supervisors for the dance were upstairs when the attack occurred.

A 42-year-old woman was raped and robbed at gunpoint by a youth about 17 around 11 p.m. Saturday in a vacant lot in the 700 block of Division Avenue NE, police reported. The woman, a Negro, was treated at D.C. General for a cut knee and released. She said her assailant was also a Negro.

An attempted rape was reported by a 20-year-old woman early yesterday in the Far Northeast. She told police a gunman broke into her apartment through a window and told her he was hiding from police after committing a robbery minutes before. Her two children were asleep in the next room.

The woman, a Negro, told police the man, who was also a Negro, fled after trying to rape her.

TOWARD FREEDOM FROM FEAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the Record an article entitled "Nixon: 'Toward Freedom From Fear'," which appeared in the Washington Post of Sunday, May 12.

There being no objection the article was ordered to be printed in the Record, as follows:

Nixon: "Toward Freedom From Fear"

(Note.—In the brief span of time since Richard M. Nixon released his policy paper on crime last Wednesday, it has become clear that the position set forth will become an issue in the campaign. Outlook here reprints excerpts from the text, which Nixon entitled "Toward Freedom From Fear.")

In the last seven years, while the population of this country was rising some 10 per cent, crime in the United States rose a staggering 88 per cent. If the present rate of new crime continues, the number of rapes and robberies and assaults and thefts in the United States today will double—by the end of 1972.

This is a prospect America cannot accept. If we allow it to happen, then the city jungle will cease to be a metaphor. It will become a barbaric reality, and the brutal society that now flourishes in the core cities of America will annex the affluent suburbs. This Nation will then be what it is fast becoming—an armed camp of 200 million Americans living in fear.

But to stop the rising crime rate and to reduce the incidence of crime in America, we must first speak with a new candor about its causes and cures.

We cannot explain away crime in this country by charging it off to poverty—and we would not rid ourselves of the crime problem even if we succeeded overnight in lifting everyone above the poverty level. The role of poverty as a cause of the crime upsurge in America has been grossly exaggerated—and the incumbent Administration bears major responsibility for perpetuation of the myth . . .

In recent years, this Nation has grown wealthier and its riches have been more widely distributed than in any other country in the world. And yet crime has been going up about three times as rapidly as the GNP (gross national product).

And poverty tells us nothing about the enormous increases in juvenile crime and drug abuse by teen-agers in the affluent suburb of America.

The success of criminals in this country plays a far greater role in the rising crime rate than any consideration of poverty. Today, an estimated one in eight crimes results in conviction and punishment.

If the conviction rate was doubled in this country, it would do more to eliminate crime in the future than a quadrupling of the funds for any governmental war on poverty.

In short, crime creates crime—because crime rewards the criminal. And we will reduce crime as we reduce the profits of criminals.

There is another attitude that must be discarded if we are to wage an effective national war against this enemy within. That attitude is the socially suicidal tendency—on the part of many public men—to excuse crime and sympathize with criminals because of past grievances the criminal may have against society. By now Americans, I believe, have learned the hard way that a society that is lenient and permissive for criminals is a society that is neither safe nor secure for innocent men and women.

One of the operative principles of a free society is that men are accountable for what they do. No criminal can justify his crimes on the basis of some real or imagined grievance against his society. And our sympathy for the plight or the past of a criminal cannot justify turning him loose to prey again upon innocent people. . . .

ORGANIZED CRIME

Organized crime is the tapeworm of the American society. In recent years it has prospered as never before and broadened its influence in government and legitimate business and unions. The absence of an adequate response at the national level to this national threat is a glaring failure of the present Administration.

One of the most effective groups of men within Government combatting this kind of criminal activity over the years has been the Organized Crime Section of the Department of Justice. Yet when President Johnson took office, the number of man days spent in field investigating by members of the OCS, the number of man days spent testifying before grand juries and the number of man days spent in court all suddenly decreased between 50 and 75 per cent.

This wholesale de-escalation of the Justice Department's war against organized crime has not to this day been adequately explained.

Equally puzzling is the Administration's adamant opposition to the use—against organized crime—of the same wiretap and electronic surveillance the Government employs to safeguard the national security. Not only does the Administration oppose the use of these weapons against crime, it has asked Congress to forbid that use by law. Such legislation would be a tragic mistake.

Organized crime is a secret society. By denying to state and Federal law-enforcement agencies the tools to penetrate that secrecy, the President and the Attorney General are unwittingly guaranteeing the leaders of organized crime a privileged sanctuary from which to proceed with the systematic corruption of American life . . .

An overwhelming majority of the President's own blue-ribbon crime commission recommended enabling legislation for the use of wiretap. The Judicial Conference, consisting of ranking Federal judges from across the Nation and headed by Chief Justice Earl Warren, has approved such legislation. And the Supreme Court has left the door open to a carefully drawn wiretap measure with proper safeguards . . .

STEPS BY CONGRESS

There are other steps which Congress can take independently to strengthen the peace forces in our society against the forces of organized crime. Some of these recommendations have been endorsed by the President's commission on crime.

1. Congress should enact legislation making it a Federal crime to invest in legitimate business either money which has been gathered from illegal racket activities or money that has not been reported for income tax purposes. Such measures would focus the tax enforcement machinery on the problem of organized crime.

2. Congress should authorize substantial increase in the number of Customs Bureau officials. In the last decade, while the number of customs officials has risen 4 per cent, the number of people entering the country has risen 50 per cent and the number of aircraft 100 per cent. These would be an effective deterrent to the import of narcotics, a multimillion dollar annual item in the income statement of organized crime.

3. Congress should establish a permanent joint congressional committee on organized crime.

4. Congress should authorize whatever Federal personnel are necessary to carry out the new responsibilities under these pieces of recommended legislation.

5. Congress should enact the Republican-proposed organized crime immunity statute. Once granted immunity from prosecution based on his testimony, a witness would be required to testify before a grand jury or at trial, or face jail for criminal contempt. This would be another and an effective legal tool with which to cut through the curtain of secrecy that envelops organized crime. Witness immunity would make it possible to get to the higher echelons of the crime syndicate.

These are a few of the steps that can and should be taken if we are to make realistic rather than rhetorical progress in uprooting the infrastructure of organized crime. Yet both the President and his Attorney General, Mr. (Ramsey) Clark, who have the principal responsibility for leading the war on organized crime, are either indifferent to or in active opposition to a majority of these measures.

That attitude has made of the President's proposal to the Congress the kind of compromise legislation that organized crime can live with . .

STREET CRIME

But organized crime, though a multi-billion-dollar enterprise and a major contributing factor to street crime, cannot alone explain the 88 per cent increase in muggings, robberies, rapes and assaults over the past seven years. Another contributing cause of this staggering increase is that street crime is a more lucrative and less risky occupation than it has ever been in the past. Only one of eight major crimes committed now results in arrest, prosecution, conviction and punishment—and a 12 per cent chance of punishment is not adequate to deter a man bent on a career in crime. Among the contributing factors to the small figure are the decisions of a majority of one of the United States Supreme Court.

The Miranda and Escobedo decisions of the high court have had the effect of seriously hamstringing the peace forces in our society and strengthening the criminal forces.

From the point of view of the peace forces, the cumulative impact of these decisions has been to very nearly rule out the "confession" as an effective and major tool in prosecution and law enforcement . . .

From the point of view of the criminal forces, the cumulative impact of these decisions has been to set free patently guilty individuals on the basis of legal technicalities.

The tragic lesson of guilty men walking free from hundreds of courtrooms across this country has not been lost on the criminal community.

The balance must be shifted back toward the peace forces in our society and a requisite step is to redress the imbalance created by these specific court decisions. I would thus urge Congress to enact proposed legislation that—dealing with both Miranda and Escobedo—would leave it to the judge and the jury to determine both the voluntariness and the validity of any confession. If judges and juries can determine guilt or innocence they can certainly determine whether a confession is voluntary and valid. The rule of reason and justice should replace the Dickensian legalisms that have obtained as a result of recent Supreme Court decisions.

(In Title III of the omnibus crime bill now pending in the Senate, there is a proposal to correct the imbalance resulting from these decisions; that proposal deserves passage despite the vigorous opposition of the Attorney General.) . . .

If it should become impossible to draw such legislation to the satisfaction of the high court, then consideration should be given to amending the Constitution. Involved here is the first civil right of every American, the right to be protected in his home, business and person from domestic violence, and it is being traduced with accelerating frequency in every community in America . . .

These decisions by a majority of the Supreme Court have had a far-reaching impact in this country. They have been the subject of controversy; they were the focus of vigorous dissent on the part of the minority. And I think they point up a genuine need—a need for future Presidents to include in their appointments to the United States Supreme Court men who are thoroughly experienced and versed in the criminal laws of the land . . .

NATION'S CAPITAL

There is another area where the Federal Government can not only play a leading role—but where it has the opportunity to make a dramatic demonstration of its concern with the problem of crime, its commitment to new solutions and the efficacy of its proposals. That is in Washington, D.C.—the Nation's Capital, where the authority of the Federal Government is great and its prerogatives many.

Today, Washington, D.C., should be a model city as far as law enforcement is concerned—a national laboratory in which the latest in crime prevention and detection can be tested and the results reported to a waiting Nation. The record, however, is otherwise.

If across America the peace forces in city after city and state after state have been gradually giving up ground to the criminal forces—in Washington, D.C., the forces of peace are in disorganized retreat. Since 1960, crime in the Nation's Capital has increased by 100 percent.

Again, however, the Administration has been slow to recognize the developing threat. It was only after severe criticism and intense public pressure that the D.C. crime bill was finally signed into law by the President in 1967.

A LAWLESS SOCIETY

These are not all of the steps that should be taken. But here, in these proposals, I believe a beginning can be made toward removing from this Nation the stigma of a lawless society . . .

If the American people are willing to commit themselves to pay the necessary price to restore peace to the society, it can be done. If they are willing to commit themselves to the proposition that any man who disobeys the law pays the penalty the law exacts, then we can begin to turn this crime wave back.

We can put an end to an urban situation where the infirm, the old and the women refuse to visit their parks or enjoy the entertainment and good life a city can offer because they are afraid. We can reduce crime by making it a more hazardous and less rewarding occupation.

In connection with the President's crime commission report, a poll was taken of average Americans. It found that of those polled 43 percent were afraid to be on the streets at night; 35 percent would not speak to strangers and 21 percent used cars and taxis at night to avoid mass transit.

Those are not the statistics of a great society; they are the statistics of a lawless society—they are statistics we must and will change.

PRESS CANNOT WIN IN VIETNAM WAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an article by Joseph Alsop which appeared in the May 12 issue of the Washington Post entitled "Press Cannot Win in Vietnam War."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRESS CANNOT WIN IN VIETNAM WAR

(By Joseph Alsop)

Because of the Vietnamese war, the American press and its allied media now appear to be between a very rough rock and a very hard place. For a newspaperman who remembers with relish and some pride no less than 36 years of active reporting, it is a dreadful thing to have to say. Yet if we win the war, as I still think we shall, both the press and the allied media will certainly look inconceivably foolish. And if we lose the war, the press will just as certainly be blamed—whenever the horrible inquest begins that will surely follow the first defeat in war in American history.

There you have both rock and hard place, simply and crudely defined. Both the hard place and the rock result from the tone and character of the reporting from Vietnam, of the endless published analyses of Vietnamese developments, and of the interminable editorializing about the war, by all but a minority of those engaged in these pursuits. This does not mean for one moment that the vast majority of reporters, editorial writers and the rest are not courageous, industrious and honorable men, who have sought to tell the truth according to their lights. But it does mean that for one reason or another, to which I shall try to come later, the part of the truth most of them have told has conveyed an exceptionally misleading picture of the whole truth.

The easiest way to gauge how totally misleading that picture has been is to glance at the amazing letter that Arthur Schlesinger Jr. published on March 22 in The Washington Post. The letter was a plea, no doubt honestly anguished, for the immediate evacuation of Khesanh. Schlesinger began by accusing Gen. William C. Westmoreland of "repeating the fatal error of the French (by placing) a large body of troops out in the hills where they can be surrounded and cut off." This, exclaimed Schlesinger, "is precisely what we have succeeded in doing at Khesanh. Today, 5000 American soldiers are surrounded and cut off by 20,000 of the enemy, every night creeping and burrowing further in toward their target."

DISMISSED WESTMORELAND

Putting on a borrowed Field Marshal's hat, Schlesinger then explained that no "people in their senses" could possibly "suppose that airpower will now 'save' Khesanh in case of attack." He contemptuously dismissed General Westmoreland as a "tragic and spectacular failure." He included the usual sneer at President Johnson. And so he reached his grand climax, as follows:

"Yes: airpower is one vital difference betwen Khesanh and Diembienphu. For, if airpower cannot save Khesanh, it may still save the men in Khesanh. Let us (use airpower to evacuate Khesanh), before enemy anti-aircraft batteries interdict our flights, before enemy mortars destroy our landing strip, before enemy shock troops overrun the base. Let us not sacrifice our brave men to the folly of generals and the obstinacy of Presidents."

In short, Schlesinger was firmly convinced, as late as March 22, that Khesanh and its defenders were sure to be overrun. If his conviction had not been absolute, he would hardly have risked writing such a letter, which he can hardly look back upon today without novel self-doubts. But—and here is the rub—much of the American press and most of the allied media need only read the Schlesinger letter to see themselves, as in a mirror. He was perhaps overeager to believe the worse, and he seems to have taken very poor military advice. But he was above all misled by his informants; and his chief informants, one may be sure, were the front pages and the television shows. "The agony of Khesanh" was one of the current phrases, and others might be cited.

TEDIOUS BATTLE

What, then, was it really like, and what actually happened? To begin with, Khesanh was no more agonizing, though it was a damned sight more tedious and long drawn out, than any other combat experience. We had four battalions in Khesanh—the 26th Marine regiment plus a battalion of the 9th Marines—and the South Vitenamese, of whom Schlesinger appears not to have heard, had the equivalent of two battalions. Like any battle, Khesanh produced its honored dead, for that, alas, is what battles always do. But between the beginning and the end of the siege, the American units at Khesanh actually lost, in killed, not many more than 200 men, whereas a single battalion of Marines lost 70 killed—about one-third of the comparable losses of four battalions at Khesanh—in the recent hard and heroic fight for Daido, which lasted only a few days.

At Khesanh, again, the American casualties mainly resulted from enemy artillery and mortar fire, rather regularly described as "infernos of incoming." And this was a fairly curious phrase for an enemy rate of fire that averaged only 192 artillery and mortar rounds per day throughout the siege. When I was there for a bit more than a day, for instance, the Khesanh base took 154 incoming rounds. That was a bit below average, but it is still worth noting that except for four badly mis-aimed rounds fired at the landing zone when I was waiting for a departing helicopter, I actually heard a grand total of three incoming rounds. And despite other infirmities, I am not yet deaf, and the tough and able Khesanh commander, Colonel David Lownds, kindly allowed me to accompany him on a long tour on foot around the whole big base, with the exception of South Vietnamese positions and the hill-outposts held by our Marines beyond the perimeter.

FAILURE OF GIAP

The truth is, indeed, that one of the major but untold stories of Khesanh was the astonishing failure of General Vo Nguyen Giap's logistical planning for his artillery. Besides mortars, Giap had caused to be emplaced, with infinite labor, a minimum of 210 artillery tubes—some estimates go as high as 370 tubes—on a long arc from Co Roc in Laos, along the DMZ, to Cap Muy Le on the coast. Giap had the guns, in short; but at Khesanh and along the DMZ his really ludicrous average rate of artillery fire, again excluding mortars, was less than one round per gun per day in the period of the siege.

Nor is that the end of the story, by any means. On March 21, the day before Schlesinger published his letter, the last of the serious assaults on Khesanh was attempted. It failed in a most sanguinary fashion because of our Marines' courage and the terrible power of our air and artillery. There were either three, or four, or five such attempts in the course of the siege—the number is disputed among the Marines themselves—and all failed in the same manner.

The failure of the last assault, so beautifully coordinated with the Schlesinger letter about Khesanh being "over-run," seems to have been the signal for the withdrawal into Laos of one of the two besieging North Vietnamese divisions, the 325C. This was, in fact, the beginning of the end of Giap's ambitious plan. Despite the inability of "people in their senses" to imagine anything of the sort, air power was already starting to break the Khesanh siege when Schlesinger wrote his letter; for it was the air that hurt the enemy most cruelly and forced the 325C to withdraw to lick its wounds. The situation of the besiegers at that time can be gauged from one of the pitiful little diaries that the North Vietnamese troops quite often keep. The diary, of a private named Vu Xuan Mau, was picked up outside the Khesanh perimeter after the siege was formally and finally broken in the first days of April. Mau's last entry was: "At Khesanh on March 23, a day full of bitter hardships and bloodshed."

MASS BURIALS DISCOVERED

The agony of Khesanh was in reality experienced, not by our brave, hardy but relatively fortunate men in the combat base, but the unhappy wretches like Private Mau. They were condemned to endure close on three months of incessant and terrible B–52 strikes, plus other air attacks, plus the kind of artillery fire that is maintained by U.S. guns with full logistical support. And what they endured took a fearful toll.

When the 1st Battalion of the 9th Marines moved out from the perimeter on April 4, prisoners of war immediately began to be taken, documents far more important than poor Mau's diary began to be found, and mass burials began to be discovered. The most careful analysis of all the resulting data has now revealed that the two enemy divisions at Khesanh, the 325C and the unfortunate 304th, which had to hang on to the end, almost certainly lost a total of about 10,000 men in the course of the siege. And in the grim mathematics of war, an exchange of 200-plus Americans (and a proportional number of South Vietnamese) against 10.000 North Vietnamese regulars, is the very opposite of a "tragic and spectacular failure."

Once again, moreover, that is by no-means the end of the story. Unless General Vo Nguyen Giap is stark, staring mad, the siege of Khesanh was unquestionably no more than one part of a much larger, more ambitious military plan, the Tet offensive. And we should give thanks on bended knee that General Giap saw fit to tie up two of his divisions at Khesanh as part of his Tet plan. In the entire morass of nonsense published about Tet, very little indeed has been said about the one really dangerous situation that the offensive temporarily produced.

This was the two most northerly provinces of South Vietnam. Here much was written about the long, rough battle for Hue; but almost no attention was given to the disturbingly precarious supply situation caused by bad weather, the weight and persistence of the enemy attack, and the resulting breaks in all the usual supply lines. The position might well have become really unmanageable—the two most Northerly provinces might even have been partly overwhelmed—if Giap had massively increased the weight of his attack in the two-province area, by using the two divisions that were fruitlessly tied up at Khesanh.

TOO LITTLE, TOO LATE

He saw his error soon when the Hue fighting began. He took two battalions apiece from the two divisions at Khesanh, and he marched them south to aid his troops at Hue, but this was too little and too late. Whereas if General Westmoreland had not committed that "tragic and spectacular" error of refusing to abandon Khesanh, two additional North Vietnamese divisions would have been freed, pre-Tet, for other uses in the two Northern provinces; and if that had happened, the consequences would surely have been grave.

Compare, then, these hard facts concerning Khesanh and the fighting there with the picture of Khesanh conveyed by Arthur Schlesinger, who is, after all, an exceedingly intelligent albeit a violently partisan man. Remember, too, that this disparity between the reality in Vietnam and the picture given to the folks back home has been a standard phenomenon throughout much of the war. Countless examples might be cited, but one more must suffice. The most instructive, probably, is the constant denigration of ARVN that was a pre-Tet fashion in large sectors of the American press. This even earned a mention in dispatches by General Westmoreland for the newspaper that claims preeminence and one of the leading agency reporters in Vietnam.

In a message to the Defense Department, General Westmoreland addressed himself to one of the real puzzles of the Tet offensive: how on earth General Giap could have based his whole plan on the stated expectation of a "general uprising" by the urban population and of widespread defections among the ARVN units. On the second point, General Westmoreland noted that Giap had demonstrably been lied to, on an enormous scale, by the special "troop proselytizing" apparatus of the VC. But he added that he could hardly blame General Giap for being deceived, since the lies of the VC "troop proselytizing" apparatus had appeared to be so largely confirmed by the great American newspaper and the famous press association mentioned above. With mild irony, he concluded that these latter must now appear in Hanoi as important participants in a big American deception-plan—for there were no defectors anywhere, and almost all the ARVN units, though under strength because of the national holiday, fought very well indeed at Tet.

R. F. K. SPEECH BRINGS ANGER

Meanwhile, however, the denigration of ARVN had already fed back into the American political scene. In a Senate speech, for instance, Sen. Robert F. Kennedy described the South Vietnamese troops as "skulking and malingering" while our Marines carried the burden of the battle for Hue. The news of the Senator's speech reached Vietnam while I was in I Corps, and I have rarely seen angrier men than the Marine officers who had fought in Hue along with South Vietnamese. Nor was this surprising. In their impact on an obstinate enemy, and in the sacrifices they made themselves, the South Vietnamese in the Hue battle performed almost identically with our own Marines.

They had, for example, 7704 men engaged, and they took 2134 casualties, suffering losses almost exactly proportional to our losses which were happily substantially smaller, since we had substantially fewer men engaged.

Furthermore, the South Vietnamese in Hue were fighting under heavy handicaps, as compared with our men. They almost wholly lacked the tanks and other big weapons that gave our units much greater organic firepower. Their arrangements for replacements were much more primitive than ours; and after the first days of sharp contact, not a few ARVN battalions had to fight on, and did fight on, after they had been reduced to 200 men or less. Furthermore, they were frequently called upon to attack, and regularly did attack, when they had to traverse over a hundred yards of the enemy's field of fire before they could bring their own weapons to bear.

That highlights another point of great significance, that was wholly omitted from the pre-Tet denigrations of ARVN. Briefly, General Westmoreland saw trouble ahead, and asked for M–16 rifles and other improved equipment for ARVN as long ago as 1965. For budgetary reasons, apparently, action on Westmoreland's request was long deferred by Secretary of Defense Robert S. McNamara. Thus, on the one hand, the ARVN units have always been immeasurably weaker than our units, in organic firepower, in all sorts of back-up resources, and above all, in mobility—and they will still be much weaker, despite the M–16 rifles that are now being provided at long last. And on the other hand, there was a long period when the ARVN units even had substantially less firepower than the newly re-equipped VC and North Vietnamese units.

KOREAN STORY AGAIN

Here we have the story of Korea all over again; for the Korean divisions were also denigrated during much of the Korean war, whereas their main weakness arose from the simple fact that they had been grossly underarmed by their American suppliers. This does not mean, to be sure, that ARVN has even been an ideal army, or that better weapons and more mobility will automatically make ARVN into an ideal army. When President Johnson finally intervened in earnest in Vietnam, ARVN was already a defeated army, and every ARVN officer knew as much. It takes some time to bring back a defeated army to a state of self confident proficiency. It takes even more time, too, to implant a full modern military system in a traditional Asian society; and this process was not really completed in Korea until President Chung Hee Park finally came to power. Patience is always needed in such matters. But instead of patience we have too often had the kind of shameful injustice Senator Kennedy was led to commit.

When I ask myself why Sen. Kennedy and so many others have been so regularly misled on so many key points concerning the war, I confess to a certain bewilderment. The fashions of the moment certainly have much to do with it. What has happened in Vietnam in this war resembles, on a vastly larger scale, what happened in the press hostel in Chungking in the war years in China. The fashion then was to make heroes of those virtuous agrarian reformers, Mao Tse-tung and his bloody-minded friends; and just about the only American reporter to avoid making an ass of himself by refusing to follow the fashion was Arch Steele of the old "Herald Tribune." Then too, in the Diem years in Vietnam, certain newspapers acquired what can only be called a vested interest in disaster; and since these were the Saigon bureaus with the greatest continuity, they had great leverage with latercomers. Then again, among younger newspapermen particularly, there is a strange new theory that all American officials and most American military officers are joined together in a vast conspiracy to gull the home folks, which it is the reporter's duty to attack and expose, as though he were attacking and exposing corruption in City Hall. It seems an odd approach to an American war, but it is certainly there.

NOT A HOPELESS WAR

This does not mean for one moment that the pessimists have always been wrong, or that the minority of optimists have always been right. As I look over my own coverage of the war, I think I have been broadly right about the war's larger patterns, both when I was very much more gloomy than any of my colleagues in the year prior to the American intervention, and after the intervention when I have been more hopeful than most. On the other hand, although I think I got the patterns right, I am well aware that I have sometimes been over-optimistic about the war's timeframes—in part, as over-reaction to the sort of stuff that was so widely written about Khesanh. Yet the fact remains that this has never been, and it is not now a hopeless and unending war; and conveying just this impression has been the main thrust of far too much of the reporting, analyzing and editorializing.

So we get back to that rock and that hard place. Concerning the hard place, it must first of all be remembered that the Hanoi war-leaders' aim has always been to win the war in Washington, by the impact in America of their seeming success in Vietnam, just as the Viet Minh won the French war in Paris rather than at Dienbienphu. Here it is worth noting that the official Hungarian Communist newspaper some time ago published extracts from a strikingly interesting lecture on Dienbienphu, given by General Vo Nguyen Giap during a visit to Hanoi by Hungarian Foreign Minister Endre Sik.

"The battle of Dienbienphu," Giap was quoted as saying, "was essentially the last desperate exertion of the Viet Minh . . . Had we not been victorious there . . . our armed forces were on the verge of complete exhaustion . . . We had to put everything on one card." There are many reasons for believing, and Douglas Pike and all the other truly informed analysts in fact believe, that the motives for the Tet offensive were that Hanoi was in serious danger of losing the war of attrition, and therefore "had to put everything on one card." A major publication that at first reported the Tet offensive in the most lurid and gloomy terms, more recently came round to the view that Tet was a military defeat but a "psychological" success for the enemy. Yet if Tet was a "psychological" success, this was almost solely because the offensive's military motives, its true military results and most of its local effects were in the main painted in colors in America that had few recognizable links with the basic realities in Vietnam.

TO DESPERATE LENGTHS

That was the reason, of course, why Tet was so profound a shock to American opinion. Having put so much "on one card" at Tet, the Hanoi war planners are plainly going to the most desperate lengths, in order to try the same thing all over again. What the outcome will be, and above all, how it will be represented here at home, none can foretell. What the Hanoi war leaders will do if their next attempt fails or is aborted, also cannot be foretold precisely—although it is clear that they will then be in very bad trouble in South Vietnam.

Again, one cannot foretell with precision the effect of the talks, the partial bombing halt, and any future extension of the bombing halt, either in time or in area—but it is clear that the Hanoi war leaders are already beginning to exploit to the full the reduction of pressure, the release of resources by the partial bombing halt and the general easing of their situation that these factors have produced. Unless the President is very firm and very clear-minded, all this may perhaps produce exceedingly worrying consequences on the battlefield, at any rate for a certain period.

The main thing is that the war-situation has at length begun to have a strongly climatic smell. Hence, if the American people have the sturdiness and resolution not to imitate the French, an acceptable end of the war should therefore come into sight eventually, whether at the negotiating table or in other ways. Meanwhile the trouble is that a near-French mood, God save the mark, has been created in many quarters in America. But if this mood leads to final defeat, and there is a subsequent inquest—as there will surely be—the inquest cannot take the form it did last time. There will be no unlucky foreign service officers to serve as convenient victims, although they had far less influence on events and displayed considerably better judgment than most of the denizens of the Chungking press hostel. In the next round (which Heaven forfend), the press and the allied media can hardly avoid being front and center. And if there is a next round, the American people's notable distaste for defeat in any form will probably insure even more injustice and ugliness than we experienced in the last round.

So I can only hope that instead of the hard place we get the rock—which means a great many people looking idiotically silly because we have finally won the war they said could not be won.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceed to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until 12 o'clock noon.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

At 10 o'clock and 59 minutes a.m., the Senate took a recess until 12 o'clock noon the same day.

The Senate reassembled at 12 noon, when called to order by the Presiding Officer (Mr. McINTYRE in the chair).

ORDER FOR YEA-AND-NAY VOTE ON PENDING TREATIES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on the pending treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the two treaties.

The yeas and nays were ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The PRESIDING OFFICER. The hour of 12 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The BILL CLERK. A bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

The Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, is the Metcalf amendment the pending business?

The PRESIDING OFFICER. The Metcalf amendment is the pending business.

Mr. METCALF. Mr. President, I should like to take a few minutes at this time to explain this very simple amendment.

Amendment No. 746 merely would strike out the figure "50,000" with respect to provisions for the planning grants, and it would provide that governmental units or municipalities of 25,000 would be permitted to get together for such governmental grants.

Senator MANSFIELD and I have prepared this amendment, and we urge that consideration be given to the needs of the sparsely populated States in the West so that they will not be forgotten in considering the proposed legislation with respect to the planning grants, police protection, police control, and police training.

Actually, if the 50,000 figure is retained, most of the communities of the West will be excluded. I mention Montana as an example. Only two cities in Montana have a population greater than 50,000—Billings and Great Falls.

Two cities have been most active in trying to sponsor this amendment. The mayor of one of the cities, Mayor Tom Powers, of Butte, is the president of the Montana Municipal League. He has been active in securing a resolution in favor of S. 917, in favor of police protection and police control. His community would be shut out if the 50,000 figure is retained, because Butte has a population of only 27,500.

The city of Missoula sent a delegation to Washington to testify in support of the bill and to call on various people at the Department of Justice. A delegation from the university also came to Washington, from the city of Missoula. That city, too, needs support and assistance in the planning grants. The city of Missoula also would be excluded because of its population.

So the two cities that need these benefits most would be completely deprived of them by this bill as it now reads.

At page 821 of the hearing, Senator McCLELLAN, who conducted the hearing, discussed the problem of whether or not a community—a county seat area, for example—could unite with a surrounding county to form a union, and that might be possible at times. Perhaps that would bring in the city of Helena as a fifth city, because there is a fringe area.

But there is a great deal of difference, especially in the West, in law enforcement in these larger counties and in law enforcement in the municipalities which are the county seat areas. For example, in Montana we have six counties with an area greater than the State of Connecticut, more than 5,000 square miles. The sheriffs and deputy sheriffs in administering the law in those counties, in the rural areas, are concerned with such things as branding control, stock theft, and situations of that nature, which in no way concern people in the metropolitan areas.

The sheriff of Missoula County, for example, is concerned with an entirely different system of law enforcement. So is the fish and game commission. A combination of those various groups certainly would not be feasible; and the finances involved in combining two or three cities would make it completely unrealistic to have any local training programs in effect, if we have to combine cities with populations of 25,000, 10,000, and 5,000.

This is true not only in Montana; it

is also true in Idaho, Wyoming, North Dakota, South Dakota, Colorado, New Mexico, Kansas, Nevada, Arizona, and Utah—all of whom have one or two cities with a population greater than 50,000.

But the real need is to help the cities with smaller populations and to give them an opportunity to participate in the benefits of this bill. The urgency of these problems is just as great in our State, from a different point of view, as they are in some of the more populous States along the eastern seaboard. So when this money is earmarked for planning—and we say we have $25 million—we are concerned, in many of the Western States, that we will be completely deprived of the benefits of the proposed legislation, unless the figure is cut from 50,000 to 25,000. Our finances are as inadequate as the finances of the larger areas, and we need the same help, sometimes for a few different reasons.

So I urge that Senators who are concerned with the needs of cities having a population of hundreds of thousands or of millions also give consideration to the sparsely populated areas of the West and the needs of those areas.

We, in reciprocity, will give consideration to the very different needs in such cities as New York and Chicago and the other metropolitan areas, so that this bill will be a national bill, applicable to sparsely populated areas as well as to the thickly populated megalopolitan areas of the East.

Mr. President, I reserve the remainder of my time.

Mr. **MANSFIELD**. Will the Senator yield?

Mr. **METCALF**. I yield.

Mr. **MANSFIELD**. Mr. President, I am very happy to join my distinguished colleague from Montana in offering the amendment. As he has indicated, many States in the Rocky Mountain West have but one or two cities which would be eligible under title I as it is now written. But practically all of them have a number of centers of concentrated population, at least from our point of view, and they should be given the consideration which the Metcalf amendment would provide.

I also point out that some States in the East, such as Delaware, Vermont, New Hampshire, and Maine, are in the same category as the Rocky Mountain West; and we believe that the amendment would be just as good—just as valid—for them as it would be for us.

So I urge the Senate to join with the distinguished Senator from Montana [Mr. METCALF] in approving the amendment. I might also point out that I believe Nebraska would fall into the same category.

Mr. **CURTIS**. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER** (Mr. McINTYRE in the chair). The Senator from Nebraska will state it.

Mr. **CURTIS**. If the pending amendment were adopted, would an amendment still be in order to strike from the bill, the grants to States and subdivisions?

The **PRESIDING OFFICER**. If the amendment to strike were broader than the amendment offered by the junior Senator from Montana, that would be in order.

Mr. **CURTIS**. Mr. President, a further parliamentary inquiry.

The **PRESIDING OFFICER**. The Senator will state it.

Mr. **CURTIS**. My understanding is that an amendment may be offered, which may be in the nature of a substitute, as to the manner in which these grants are provided. If such an amendment were offered and approved, would it still be in order to offer an amendment to strike from the bill all grants to States and subdivisions?

The **PRESIDING OFFICER**. It is extremely difficult to give the Senator from Nebraska a definite reply without understanding what he actually has in mind with respect to the substitute that he assumes might be adopted. But the same general idea is responsive to the Senator's inquiry: If the motion to strike or the amendment to substitute is broader in its nature, then it would appear to be in order.

Mr. **METCALF**. Mr. President, will the Senator yield so that I may direct another parliamentary inquiry along the same line as the Senator from Nebraska?

Mr. **CURTIS**. I yield.

Mr. **METCALF**. Mr. President, as shown by the hearings, there is going to be pending an amendment to take grants away from municipalities completely and give them only to the States. Would such an amendment be in order?

The **PRESIDING OFFICER**. The Parliamentarian informs the Chair that if the amendment offered is an amendment to perfect language in the bill not previously amended, it would be in order.

Mr. **CURTIS**. Mr. President, will the Chair please restate the ruling?

The **PRESIDING OFFICER**. If the proposal is drawn so that it would not attempt only to amend language of the bill already amended, it would be in order.

Mr. **METCALF**. It is not my intention to preclude the opportunity to any Senator to offer an amendment to make direct grants to the States instead of to municipalities. I would not want my amendment to foreclose the opportunity of anybody to offer such an amendment, although I do wish to announce that I would resist such an effort.

The **PRESIDING OFFICER**. For the benefit of the Senator from Nebraska and the junior Senator from Vermont, at the present time the entire bill is open to amendment. The suggestions and inquiries being made are so hypothetical in nature that it is difficult to give an answer. When we have before us definite language, I am sure that the Chair will be able to answer at that time.

Mr. **CURTIS**. Mr. President, I desire to speak on the bill.

Mr. **McCLELLAN**. Mr. President, I yield 3 minutes to the Senator.

Mr. **CURTIS**. Mr. President, I have grave doubts about the starting of a new Federal grant program. We cannot initiate a grant program for every project that is good. If we start making grants, either en bloc to the States or direct to the municipalities, there will be no end.

Back of the failure of law enforcement is failure of morality. I think morality starts right here. As far as the Government is concerned I think it is necessary that we put our financial house in order and save the dollar from collapse.

I do not believe it has been shown that the Federal Government is in a better financial position to pay the cost of maintaining a police force than are the States and municipalities. I raise serious questions about it. I hope the managers of the bill will consider leaving this burden with the States and the localities.

Mr. **McCLELLAN**. Mr. President, are we now under a time limitation?

The **PRESIDING OFFICER**. There is no time limitation until after the vote on the treaties.

Mr. **McCLELLAN**. I thank the Presiding Officer.

Mr. President, with respect to this amendment, I am concerned about two things. Personally, I have no objection to it. I understand that in the State of Montana, and this situation may apply to three or four other States, possibly they have only one community or town of a population of 50,000 people or more. Is that correct?

Mr. **METCALF**. We have two.

Mr. **McCLELLAN**. I am sorry that I was not here when the Senator made his presentation. I did not know this amendment would be discussed at this hour this morning. I thought it was to come before the Senate after the vote on the treaties this afternon. That is why I was not in the Chamber and did not hear the presentation of the Senator.

In any event, that situation may apply whether there is one or two municipalities or community centers, and that situation may apply to two or three other States.

Mr. **METCALF**. I imagine it would apply to many other States. For instance, Fargo is the only town in North Dakota.

Mr. **McCLELLAN**. Yes, I understand it may apply to other States.

Since this provision in the bill is part of the administration approach to the crime problem, as to title I providing grants to municipalities to help them in planning and also to activate those plans to strengthen law enforcement, unless the administration has objection to it, and I have not been advised it does have objection to the amendment, I would be glad to go along with the amendment because if this is to be the approach and if we are going to make this effort as provided in title I to have the Federal Government grant assistance and aid to localities in planning and activating those plans to strengthen law enforcement then, I do not think any community of any size should be omitted.

Certainly, in States where there are two or three cities that have populations in excess of 25,000 people, I think they should be permitted to participate unless by amendment they would not be able to participate unless the State plan was submitted.

I have no objection to the amendment, and I have had no suggestion from administration sources that it objects.

There is another aspect. There is to be offered an amendment. It is not my place necessarily to protect that side of the question, but I understand there is to be offered an amendment known as the block-grant amendment, a substantial adoption of the House bill approach to the administration of this aid.

I do not know whether, if this amendment were adopted, it would have the parliamentary effect of precluding the offering of an overall amendment to restore block-grants or the adoption of the block-grant approach.

I do not want to take advantage of the absence of anyone but I do not want the record to appear that I agreed to something to preclude them from having that right.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield to the Senator from Montana. I would like to be assured in that respect.

Mr. METCALF. After I had completed my statement, a parliamentary inquiry was directed to the Presiding Officer. The junior Senator from Montana suggested that while he would oppose such a block-grant amendment he would not want to preclude the right of anyone to make the offer. We did not have a definitive decision from the Chair but I would not want to prevent anyone from offering such an amendment.

If this amendment is not adopted, in many States we have virtually block-grants because otherwise aid would go only to one or two communities.

Mr. McCLELLAN. I have tried to make my position clear that I am not opposing the amendment. The Senator from Nebraska [Mr. HRUSKA] offered such an amendment in committee. I did not support it. I understand that he is to offer one or expects to offer one in the Senate. I would not want, in effect, to agree, as a matter of procedure to accept an amendment that would preclude him from the right to offer his amendment.

Mr. MANSFIELD. Mr. President, this is only a minor change in title I. It would merely strike the figure "50,000" and insert "25,000." I am informed that this change would not preclude the offering of an amendment limiting the assistance under title I to block grants applicable to States only.

It is my belief that the administration has no opposition to the proposed changes to title I contained in the amendment offered by my distinguished colleague [Mr. METCALF]. I have no assurance that that is the case, but it is my strong belief that the administration has no objection to changing the figure from 50,000 to 25,000, which, incidentally, would apply not only to Montana but also to Wyoming, Idaho, Oregon, Utah, Nevada, New Mexico, Arizona, New Hampshire, Vermont, Maine, and very likely, I think, Nebraska. All those States would be eligible.

So the amendment would apply particularly to those States which are faced with unusual situations concerning the distribution of population.

Mr. McCLELLAN. In fact, it applies to every State in the Union, does it not?

Mr. MANSFIELD. And probably to Arkansas—yes.

Mr. McCLELLAN. Every State. But there are States which would get a minimum of protection from the amendment.

Mr. METCALF. The amendment benefits the Western States because of the distances involved; because of the distributions of their populations. It is more difficult for one or two communities there to get together for assistance when they are 150 miles apart than it is in some of the smaller Eastern States where population centers are more highly concentrated.

Mr. McCLELLAN. I understand that. Again, I am not opposing the amendment. I should like to have some assurance as to the parliamentary procedure. I do not think it would. The amendment would merely strike one number and insert another. I do not think that this would be a change in the block-grant amendment. I think the block-grant amendment would still be in order. I hope we may get a ruling from the Chair on it.

Therefore, Mr. President, I propound a parliamentary inquiry.

The PRESIDING OFFCER. The Senator from Arkansas will state it.

Mr. McCLELLAN. Would this amendment preclude a future block-grant amendment being offered?

Mr. MANSFIELD. No.

The PRESIDING OFFICER. The Chair would rule if there were a definition of the amendment.

Mr. McCLELLAN. I thought the amendment was going to be offered by the distinguished Senator from Nebraska, but I understand that the minority leader, the Senator from Illinois [Mr. DIRKSEN], has an amendment pending. May I ask the Senator from Illinois, for himself—as he is now in the Chamber—if he is willing to take the risk. If so, I do not see why I should be concerned about it. As I recall, he is the one who is offering the amendment.

Mr. DIRKSEN. I accept the risk.

Mr. McCLELLAN. The Senator from Illinois says he accepts the risk. I have nothing further to say, Mr. President.

The PRESIDING OFFICER. If the Senator from Arkansas and the junior Senator from Vermont are referring to amendment 715, it would be in order, because it is so much broader in scope than the particular amendment offered by the junior Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the amendment by the Senator from Montana [Mr. METCALF] now take place and that the unanimous-consent order limiting time be abrogated.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment offered by the junior Senator from Montana.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I would note for the RECORD that the vote was unanimous.

Mr. President, I appeal to the Senate to get going on the safe streets and omnibus crime bill. It has been the pending business for almost 2 weeks. We have taken action on only one amendment so far, the Metcalf amendment.

I have in my hand about 40 or 50 other amendments that have been sent to the desk for printing.

These amendments are to be offered by the distinguished Senator from Massachusetts [Mr. BROOKE], the distinguished Senator from West Virginia [Mr. BYRD], the distinguished minority leader, the distinguished Senator from Illinois [Mr. DIRKSEN], the distinguished Senator from Connecticut [Mr. DODD], the distinguished Senator from Hawaii [Mr. FONG] for himself and others, the distinguished Senator from Michigan [Mr. HART] and others, the distinguished Senator from Nebraska [Mr. HRUSKA], the distinguished Senator from New York [Mr. JAVITS], the distinguished Senator from Missouri [Mr. LONG] and others, the distinguished Senator from California [Mr. MURPHY], the distinguished Senator from Illinois [Mr. PERCY], the distinguished Senator from Maryland [Mr. TYDINGS], and I suppose some others.

I plead with Senators to call up some amendments so that we can get going. It is impossible at this time to get an agreement on a time limitation on the amendments and the bill as a whole. But it is possible and probable that time limitations may be obtained on amendments as they are offered. So, in the interest of good procedure and facing up to our responsibilities, I hope that Senators will call up these amendments and have them voted on.

I call to mind that we do have some important legislation piling up behind us. The appropriations bills will be out shortly. They are ahead of schedule. And if we are really interested in getting out on August 2, now is the time to come to the aid of your party.

HENRY GRIFFIN LEADS THE WAY

Mr. MANSFIELD. Mr. President, it was the privilege of the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], and the distinguished dean of the Republican Party in the Senate the senior Senator from Vermont [Mr. AIKEN] to participate in a ceremony in the Capitol on Friday last.

On that occasion Mr. Henry Griffin, the well-known Associated Press photographer, who is the friend of all of us on both sides of the aisle, was given an award for his outstanding and exemplary service in bettering the cause of those of our fellow citizens who are afflicted with cancer of the throat.

By his example as well as his courage, patience, humor, and dignity, he has proved beyond doubt that those so afflicted can recover the use of their speech and fulfill all the obligations of the everyday American.

The film shown in which Henry and a number of his like-afflicted associates "starred" was well worth the attention, time, and detail which it set forth. By his inspiring example, Henry Griffin has proved himself to be a model to others in a like situation, and in his person he has shown the courage, the humility, and the understanding which has made his contribution to this particular affliction so worthwhile and so well known.

NOTICE OF CONFERENCE ON EMERGENCY SUPPLEMENTAL BILL

Mr. **HOLLAND**. Mr. President, I wish to give notice to the Senate, particularly to the Senate conferees on the second conference of the emergency supplemental bill, with which Senators are familiar, that we have set a conference for this coming Thursday afternoon, at 2 p.m. We are saving for both groups of conferees the time of 10 a.m. on Friday, the day following, and also 2 p.m.; so that we should be able to dispose of this rather troublesome matter.

Mr. President, I am making this announcement now because we have been delayed in our effort to get this conference. We had it set for 2 weeks ago today, and the distinguished Senator from New York [Mr. JAVITS] called from New York to say that he could not be present and asked that it be postponed. It was postponed. I have endeavored to set a time and date for the conference from that time until now. The chairman of the House committee, Representative Mahon, has done the same. He and some members of his conference committee have been tied up in the rather drawn-out and very technical matter of working out the tax situation and the reduction of expenditures, which have had to be worked out at the same time.

This coming Thursday is the first date on which we have been able to get together, and I do hope that all conferees can plan to be present for 2 o'clock on that day, because it is a difficult matter, and I do not want anybody to be able to say he has not had notice. We have given written notice, and we have called all offices last week about this date. But I want the RECORD to show that this is the situation, and we do hope that all Senate conferees will arrange to be present.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum, the call to last no longer than 12:30 p.m.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **BENNETT**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate go into executive session.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

In accordance with the previous order, the Senate will now proceed to vote on the adoption of the resolution of ratification of Executive O, 90th Congress, first session, the Convention on the International Hydrographic Organization.

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **RUSSELL** (when his name was called). I vote "present."

The rollcall was concluded.

Mr. **BYRD** of West Virginia. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PELL], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. INOUYE], the Senator from Missouri [Mr. LONG], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from New York [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PELL], the Senator from Connecticut [Mr. RIBICOFF], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Texas [Mr. YARBOROUGH] would each vote "yea."

Mr. **DIRKSEN**. I announce that the Senator from Tennessee [Mr. BAKER], the Senator from New Hampshire [Mr. COTTON], the Senator from Colorado [Mr. DOMINICK], the Senator from Wyoming [Mr. HANSEN], the Senator from New York [Mr. JAVITS], the Senators from California [Mr. KUCHEL and Mr. MURPHY], and the Senator from Illinois [Mr. PERCY] are necessarily absent.

The Senator from New Jersey [Mr. CASE] is absent on official business.

The Senator from Kentucky [Mr. MORTON] is detained on official business.

If present and voting, the Senator from Tennessee [Mr. BAKER], the Senator from New Jersey [Mr. CASE], the Senator from New Hampshire [Mr. COTTON], the Senator from Colorado [Mr. DOMINICK], the Senator from Wyoming [Mr. HANSEN], the Senator from New York [Mr. JAVITS], the Senators from California [Mr. KUCHEL and Mr. MURPHY], the Senator from Kentucky [Mr. MORTON], and the Senator from Illinois [Mr. PERCY] would each vote "yea."

The yeas and nays resulted—yeas 73, nays 0, as follows:

[No. 127 Ex.]

YEAS—73

Aiken
Allott
Anderson
Bartlett
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Clark
Cooper
Curtis
Dirksen
Dodd
Eastland
Ellender
Ervin
Fannin
Fong
Gore
Griffin
Gruening
Harris
Hart
Hartke
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Lausche
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Moss
Mundt
Muskie
Nelson
Pastore
Pearson
Prouty
Proxmire
Randolph
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—0

ANSWERED "PRESENT"—1

Russell

NOT VOTING—26

Baker
Bayh
Case
Cotton
Dominick
Fulbright
Hansen
Hollings
Inouye
Javits
Kennedy, N.Y.
Kuchel
Long, Mo.
Long, La.
Magnuson
McCarthy
Monroney
Montoya
Morse
Morton
Murphy
Pell
Percy
Ribicoff
Williams, N.J.
Yarborough

The **PRESIDING OFFICER**. On this vote, the yeas are 73, and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. **RUSSELL** subsequently said: Mr. President, for the first time in my career, I avoided making a categorical yes or no vote on the Hydrographic Treaty by voting present.

I did this because I had not had an opportunity to study the hearings before the Committee on Foreign Relations and to understand the full import of the document. There is nothing contained in the report of the committee and copy of the treaty on my desk which will show the effect that this agreement will have on our defense posture or the full nature of the information which it is proposed to exchange with the other signatories.

Mr. President, we have expended and are now expending millions of dollars each year on hydrographic research. I have not secured data as to what the other signatories are doing in this area, but I would be surprised if our expenditures and research are not of a greater scope than that of all the other signatories combined.

At least three departments of our Government have very active programs dealing with this subject.

Hydrographic information is extremely important to our national defense. It bears heavily not only upon the operation of our submarines but upon the effectiveness of our efforts to defend against the undersea ships of any potential enemy. I consider the Polaris submarine system to be the most important single weapons system in our strategic arsenal. In fact, it is the only area where

I am perfectly sure that we have superiority over any potential enemy.

If I were sure that this treaty only related to exchanging information bearing on the surface operations of shipping, I would have been very happy to have supported it. But, Mr. President, I would be very loath indeed to commit this country to an exchange of all of the information we have gathered at great expense relating to undersea operations. I do not wish to commit this country to a position where we would be required to give such information to Communist countries or would subject ourselves to a charge of bad faith if we did not supply all that we have learned about the floors of the oceans and the operation of the tides.

Because I did not have full information as to the effect and import of this agreement, I voted present.

The **PRESIDING OFFICER**. The next question is on agreeing to the resolution of ratification of Executive C, 90th Congress, second session, the amendments to the International Convention for the Safety of Life at Sea. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. **BYRD** of West Virginia. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PELL], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. INOUYE], the Senator from Missouri [Mr. LONG], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from New York [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PELL], the Senator from Connecticut [Mr. RIBICOFF], the Senator from New Jersey [Mr. WILLIAMS] and the Senator from Texas [Mr. YARBOROUGH] would each vote yea."

Mr. **DIRKSEN**. I announce that the Senator from Tennessee [Mr. BAKER], the Senator from New Hampshire [Mr. COTTON], the Senator from Colorado [Mr. DOMINICK], the Senator from Wyoming [Mr. HANSEN], the Senator from New York [Mr. JAVITS], the Senators from California [Mr. KUCHEL and Mr. MURPHY], and the Senator from Illinois [Mr. PERCY] are necessarily absent.

The Senator from New Jersey [Mr. CASE] is absent on official business.

The Senator from Kentucky [Mr. MORTON] is detained on official business.

If present and voting, the Senator from Tennessee [Mr. BAKER], the Senator from New Jersey [Mr. CASE], the Senator from New Hampshire [Mr. COTTON], the Senator from Colorado [Mr. DOMINICK], the Senator from Wyoming [Mr. HANSEN] the Senator from New York [Mr. JAVITS], the Senators from California [Mr. KUCHEL and Mr. MURPHY], the Senator from Kentucky [Mr. MORTON], and the Senator from Illinois [Mr. PERCY] would each vote "yea."

The yeas and nays resulted—yeas 74, nays 0, as follows:

[No. 128 Ex.]

YEAS—74

Aiken
Allott
Anderson
Bartlett
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Clark
Cooper
Curtis
Dirksen
Dodd
Eastland
Ellender
Ervin
Fannin
Fong
Gore
Griffin
Gruening
Harris
Hart
Hartke
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Lausche
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Moss
Mundt
Muskie
Nelson
Pastore
Pearson
Prouty
Proxmire
Randolph
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—26

Baker
Bayh
Case
Cotton
Dominick
Fulbright
Hansen
Hollings
Inouye
Javits
Yarborough
Kennedy, N.Y.
Kuchel
Long, Mo.
Long, La.
Magnuson
McCarthy
Monroney
Montoya
Morse
Morton
Murphy
Pell
Percy
Ribicoff
Williams, N.J.
Yarborough

The **PRESIDING OFFICER**. On this vote the yeas are 74, and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

DEPARTMENT OF STATE

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 301, on the Executive Calendar.

The **PRESIDING OFFICER**. Without objection, the clerk will report the nomination.

The assistant legislative clerk read the nomination of G. Mennen Williams, of Michigan, to be Ambassador to the Philippines.

Mr. **GRIFFIN**. Mr. President, I am glad to indicate my support for the appointment of former Gov. G. Mennen Williams as our Ambassador to the Philippines.

Governor Williams is a rather energetic individual—as I have good reason to know. If he brings to this new position even a fraction of the energy he has directed against my party in Michigan over the years, I have no doubt that he will be a very active spokesman for our country in the Philippines.

I hope no one will read any hidden meaning into this statement—but I am happy to wish him a busy, fruitful, and a long tour of duty on the other side of the world.

Mr. President, Governor Williams has had a long and a distinguished career of public service extending over more than 30 years. He became an attorney for the Social Security Board in 1936. Later, he helped to organize the Office of Price Administration in Washington, and served in the Navy during World War II.

After the end of World War II, he turned his attention to Michigan affairs and proceeded to set a record in our State by serving six consecutive terms as Governor. In 1961, he became Assistant Secretary of State for African Affairs; and during his tenure in that office he visited every corner of the vast, restless continent of Africa.

Mr. President, I believe that the United States-Philippine relations can benefit from Mr. Williams' long experience in public affairs, and I am confident that he will serve with credit to our Nation in his new post.

Mr. **HART**. Mr. President, the nomination by the President of G. Mennen Williams to be Ambassador to the Philippines is applauded by all of us from Michigan, and our confirmation of this appointment will honor a distinguished American.

Ambassador Williams' public service spans a period of 30 years, beginning in the Department of Justice under Attorney General Frank Murphy.

It includes 5 years in Navy Air Intelligence, followed in 1948 by an amazing 12 years as Governor of Michigan for six consecutive terms.

As Assistant Secretary of State for Africa, Ambassador Williams served Presidents Kennedy and Johnson during a period of great growth in the continent. The number of countries with which we have diplomatic relations rose from 26, at the time Ambassador Williams assumed responsibility for Africa, to 36 when he resigned in 1966. With this background in State and Federal Government, I know Mr. Williams will bring new and fresh insights to the challenging assignment he is assuming in Manila.

He is one whose ideals, enthusiasm, understanding, and devotion to the democratic process will endear him to the Philippine people, just as he won the hearts and support of the people of Michigan. Having been a member of his State administration, I am indeed proud to support this confirmation.

The **PRESIDING OFFICER**. The question is, will the Senate advise and consent to this nomination?

The nomination was confirmed.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 299, on the Executive Calendar.

The PRESIDING OFFICER. Without objection, the clerk will report the nomination.

The assistant legislative clerk read the nomination of George W. Ball, of New York, to be the Representative of the United States to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

Mr. THURMOND. Mr. President, in case there is no rollcall vote, I would like the record to show that I am opposed to the confirmation of George W. Ball as U.S. Ambassador to the United Nations. After much careful study of the record, I have reluctantly come to the conclusion that Mr. Ball, whatever his attainments, experience, and political expertise, is not a man in whom the Congress of the United States can repose confidence.

The basis of my objection is Mr. Ball's performance in the case of Otto Otepka. My colleagues will remember that in the course of the Senate Internal Security Subcommittee's investigation into State Department security, Mr. Otepka was fired by the Secretary of State for telling the truth to the subcommittee. Meanwhile, in July and August of 1963, three officers of the State Department, John F. Reilly, David I. Belisle, and Elmer Dewey Hill, appeared before the Senate Internal Security Subcommittee and gave statements which subsequently were shown to be false.

At this time, Mr. Ball was No. 2 man in the Department, as Under Secretary of State. After the Secretary of State, Mr. Ball was responsible for the internal affairs of the Department. In October 1963, Senator Dodd, acting for the subcommittee, personally delivered a 10-page memorandum to the Secretary setting forth the subcommittee's intention to prove that the three officers had lied. Subsequently testimony before the subcommittee shows that the Secretary assigned the problem to Mr. Ball. Although Mr. Rusk holds the ultimate responsibility, it was Mr. Ball who was responsible for getting the job done.

As the weeks passed, the State Department indicated nothing to the subcommittee that action was being taken. Then, on November 5, 1963, Mr. Otepka was fired. The truthteller was fired, while those who gave false witness were kept on. On the afternoon of November 5, Senator Dodd and I engaged in colloquy on this floor. In response to my inquiry, Senator Dodd indicated that prosecution for perjury was a distinct possibility. On the day after this threat of perjury prosecution was raised, the subcommittee received letters from the three witnesses. These letters allegedly "amplified" their previous testimony. In point of fact, the letters constituted a retraction. Earlier, the witnesses had denied any knowledge of wiretapping operations at the State Department; now they admitted that they did, indeed, have knowledge.

The letters of amplification were admitted into the record under oath. Unfortunately, the letters were deficient in a material point, the very point under investigation. When called in for questioning about the letters, at least one of the witnesses brazenly continued to falsify his testimony.

Thus, we have a situation in which three witnesses knowingly falsified their testimony; they submitted retractions which were further falsifications; and the falsification continued in further testimony. This is a situation which is rife with double and triple perjury.

As I have pointed out, Mr. Ball was the responsible executive in this matter. He appointed a one-man task force, Mr. Thomas Ehrlich, from the Office of Legal Adviser, to examine the situation and report directly to him. When perjury was threatened on the Senate floor, Mr. Ehrlich, acting specifically under Mr. Ball's orders, called the three into his office at 9 p.m. on the night of November 5. The letters of amplification were prepared and brought directly to Mr. Ball. Mr. Ball personally hand-carried them to the Secretary, who—according to Mr. Ehrlich's testimony—glanced at them and indicated approval before they were sent to the subcommittee on the 6th.

I find it difficult to believe that a person of Mr. Ball's stature would deliberately authorize falsification. Yet the letters were subsequently found to be falsifications. It was Mr. Ball's responsibility to find out the facts in this situation. If he did not know the facts, he was derelict in a grave matter. Here were charges about to be made by a Senate committee. The press had already carried the implications past the Secretary of State, even to the President himself. If Mr. Ball did not know the facts, he was not doing his duty. If he did know the facts, then he was permitting his employees to lie to the Congress of the United States.

Another cloud was cast by the fact that no disciplinary action has been taken against the three false witnesses even today. Two were allowed to resign without prejudice, when the evidence of their guilt became inescapable, and the third was transferred to an overseas State Department job. Presuming that Mr. Ball had come to the conclusion that the three had not told the whole truth the first time, it seems to me that the proper course would have been to fire them immediately for attempting to mislead Congress. Instead, Mr. Otepka, who told Congress the truth, was fired, and Mr. Ball attempted to get the three false witnesses off the hook by having them supplement their testimony.

Mr. President, I submit that this is not the course of action that would be followed by a man who is interested in being straightforward with the Congress. The effect of these actions is to condone falsehood. These men lied, and he did not fire them. He helped them prepare retractions that were rationalized as "amplifications." These letters again contained lies. Mr. Ball either knew this or he did not; but at no step did he take disciplinary action. Mr. Ball had the responsibility to see that these men were telling the truth, and he failed. When the truth came out, he failed to take action against the false witnesses.

This is the case in brief. I intend, before I am finished, to have a few words to say about Mr. Ball's responsibilities in 1968, with especial regard to his testimony a week ago Friday before the Senate Foreign Relations Committee. But first I think it is necessary to examine closely the question of perjury in the testimony of the three witnesses. The gravity of the problem must be quite clear, and I want no doubt in anyone's mind of the nature of the falsehoods.

This is especially important, because neither the Department of State nor the Department of Justice has pressed vigorously for perjury indictments. The first round of testimony occurred on July 9, July 29, and August 6, 1963. Within a few weeks, the 5-year statute of limitations will have run out. Perhaps the Attorney General has not had time to examine this testimony in detail. However, I have taken the time, and I shall presently set forth excerpts from the testimony of the three which show the most blatant contradictions. I am asking the Attorney General to examine these excerpts, and to examine them in context, and to see if he cannot bring perjury charges before time runs out.

The story begins on November 5, 1963, when Senator Dodd and I discussed the Otepka case on this floor. The Senator from Connecticut had just pointed out that Mr. Otepka had been fired that very day for telling the truth to a congressional committee. At that point I made the following inquiry, and I quote:

> If Mr. Otepka had not told the truth to the Subcommittee on Internal Security of the Committee on the Judiciary, would he not then have been guilty of perjury?

The Senator from Connecticut answered:

> Of course. Our witnesses have been under oath. I pointed out earlier . . . that we know the Department of State tapped Mr. Otepka's telephone, but an employee of the Department of State came to our Subcommittee, and, under oath, said that the telephone had not been tapped—which is an untruth. That is the man who ought to be subject to charges. When employees of the Government come before a Congressional committee and either make willful misstatements or tell untruths under oath I believe that dismissal charges should be preferred against them. But up to the present hour, the man who has been dismissed is the man who told the truth, and so far as I know, the man who told the untruth has not been moved against.

Thus far, Senator Dodd. At this point, I asked:

> Does the committee have any plans to cite for perjury the man to whom the Senator referred?

Mr. Dodd replied:

> I have not asked any questions about that. As I said, I asked for an emergency meeting of the Judiciary Committee so that all the implications of the situation might be fully explored and the committee might make a decision with respect to what it should do, how it should advise the Senate, and what it should report to the Senate.

Mr. President, I remind you that this exchange occurred on November 5, 1963. Accounts of this colloquy appeared in the press, and they triggered a reaction by the State Department. On November 6, three letters were mailed to the subcommittee by, respectively, David I. Belisle, John F. Reilly, and Elmer Dewey Hill. Each contained a retraction, or as they quaintly put it, an "amplification" of earlier testimony.

The statements of November 6 were directly initiated by Mr. Ball, as is evident by the testimony of Thomas Ehrlich, of the State Department Office of Legal Adviser, on November 14, 1963. Mr. Ehrlich had called the three witnesses together on the night of November 5. The subcommittee counsel and Mr. Ehrlich engaged in the following exchange:

Mr. Sourwine. They all came together in response to your call. Had you received instructions from the Secretary with respect to calling them and having letters of this nature prepared?

Mr. Ehrlich. I had received a request not directly from the Secretary, but through Mr. Ball, that I understood Mr. Ball had discussed the matter with the Secretary.

Mr. Sourwine. You got this personally from Mr. Ball?

Mr. Ehrlich. Yes.

Mr. Sourwine. By telephone or face to face?

Mr. Ehrlich. In person.

Mr. Sourwine. Face to face. You were called to his office, were you?

Mr. Ehrlich. Yes.

Later, the subcommittee counsel asked:

Now on the occasion that you first talked with Mr. Ball about having such letters written, did you and he part with the understanding that he would check with the Secretary, or clear with the Secretary on it, or talk with the Secretary about it, and let you know the Secretary's views?

* * * * *

Mr. Ehrlich. On this day when Mr. Ball asked me to convey this to Mr. Reilly, Mr. Hill, and Mr. Belisle, I can't honestly say that he specifically said he had talked to the Secretary before or afterward. I must say it is my impression that he talked with the Secretary at one point before or after.

Mr. Sourwine. Now I am asking whether, on that occasion, when you first discussed that with Mr. Ball, you and he parted with the understanding that he was going to take it up in some way with the Secretary and let you know later what the order would be.

Mr. Ehrlich. I know it was discussed in my presence with the Secretary.

Mr. Sourwine. By Mr. Ball?

Mr. Ehrlich. By Mr. Ball and——

Mr. Sourwine. Did you participate in that discussion?

Mr. Ehrlich. The most accurate answer I can give is: To the best of my recollection, there was a conversation with the Secretary and Mr. Ball concerning this subject.

Mr. Sourwine. And did the Secretary then, to you or to Mr. Ball in your presence, indicate that he favored the writing of such statements, or that he wished to see this done?

Mr. Ehrlich. That he did wish to see statements prepared.

Mr. President (Mr. McIntyre in the chair), Mr. Ball's part in this affair continued throughout execution of the project. According to the testimony, the Secretary may not even have read through the so-called amplifying statements, but he may have accepted them on Mr. Ball's say-so. I quote:

Mr. Sourwine. I have just one more question. Was a copy of each of these letters, or of any one of them, furnished to the Secretary of State or sent to his office?

Mr. Ehrlich. I know he saw them. I don't think he read them. In other words, he saw the papers. I don't think he read them over, before they came to the Committee.

Mr. Sourwine. Did he see them after they were signed or before?

Mr. Ehrlich. After they were signed.

Mr. Sourwine. After they had been signed. How did he see them? Did you show them to him?

Mr. Ehrlich. No. I believe Mr. Ball did.

Mr. Sourwine. Mr. Ball took them to the Secretary?

Mr. Ehrlich. Yes.

Mr. Sourwine. Did he look at them?

Mr. Ehrlich. He glanced at them. I don't think he read them carefully.

Mr. Sourwine. Did he look at them one by one or did he just look at the top one?

Mr. Ehrlich. I honestly don't remember other than it is my best recollection that he did not at least read one through carefully.

Mr. Sourwine. But you do know that Mr. Ball handed them to him?

Mr. Ehrlich. Yes.

Mr. Sourwine. He had them in his hand and he was told what they were, is that right?

Mr. Ehrlich. Yes.

Mr. Sourwine. He knew what they were?

Mr. Ehrlich. Yes.

Mr. Sourwine. And then he handed them back. What did he say?

Mr. Ehrlich. I don't remember that he said anything.

Mr. Sourwine. Well, did he indicate that it was all right, go ahead, send the letters?

Mr. Ehrlich. Yes.

That concludes the history of how the "amplifying letters" came to be sent.

I should like to point out at this time the precise misstatements in the testimony of the three witnesses, misstatements which, in my judgment, ought to be closely examined for perjury.

I ask unanimous consent to have printed in the Record excerpts from the testimony of David I. Belisle, on July 29, 1963, from his letter of November 6, 1963, and from his subsequent testimony on November 14, 1963, designated insert "A."

There being no objection, insert A was ordered to be printed in the Record, as follows:

Insert A

Excerpt From Testimony of David I. Belisle, July 29, 1963

Mr. Sourwine. Do you have any information with respect to the tapping of the telephone of Mr. Otto Otepka, the Chief of the Division of Evaluations of the Department of State?

Mr. Belisle. No, sir.

Mr. Sourwine. Do you know whether this was done?

Mr. Belisle. No, I do not.

Mr. Sourwine. Did you have anything to do with the placing of a listening device in Mr. Otepka's office?

Mr. Belisle. I did not, sir.

Mr. Sourwine. Do you know if this was done?

Mr. Belisle. I do not.

Excerpt From Letter of David I. Belisle, November 6, 1963

After review of my testimony, I would like to amplify my responses to Mr. Sourwine's questions by stating that Mr. Reilly mentioned to me the events which I understand he has described to you in a separate letter, and accompanying enclosure. He mentioned these events to me, however, only after the events occurred.

Excerpt From Testimony of David I. Belisle, November 14, 1963

Senator Hruska. Let me ask you this question: Did you on July 29, 1963, have any information with respect to the tapping of the telephone of Mr. Otto Otepka, the Chief of the Division of Evaluations of the Department of State?

Mr. Belisle. I had no firsthand information, sir. I had information——

Senator Hruska. What information did you have at that time?

Mr. Belisle. I had information that was told to me by Mr. Reilly that they tried to do it and that fizzled. (Page 836.)

The Chairman. But you did have information, didn't you?

Mr. Belisle. I had information which in my judgment was hearsay.

The Chairman. Of course you had information. Come on, now. You did have information, didn't you?

Mr. Belisle. Hearsay information.

The Chairman. All right. You had it.

Mr. Belisle. Hearsay.

The Chairman. And you told this committee you didn't have.

Mr. Belisle. I gave you the reason why I told you. (Page 837.)

Senator Hruska. And did you know if this was done? My question then is this: Did you know on July 29, 1963, that a listening device had been placed in Mr. Otepka's office?

Mr. Belisle. As I say again, Senator, I had no firsthand knowledge and that is why I answered——

Senator Hruska. Had you been told at that time that a listening device had been placed?

Mr. Belisle. No. I had been told that they had tried it and it didn't work, and a listening——

Senator Hruska. Who told you?

Mr. Belisle. A listening device, no.

Senator Hruska. Who told you?

Mr. Belisle. Mr. Reilly. (Page 838.)

Mr. Belisle. Listen, I apologized to the committee. I apologized to the State Department for all of the newspaper publicity. I apologized to my family and everything else. But——

The Chairman. Why do you apologize? (Page 849.)

* * * * *

Mr. Belisle. Well, I apologize for getting them, getting all the publicity and I apologized to the committee for——

The Chairman. Wasn't it because you didn't tell the truth to this committee? Wasn't that the reason?

Mr. Belisle. I apologized to them for having—to you people for thinking that I misled you, to the State Department for getting bad publicity as a result of my testimony, and to my family also. (Page 850.)

* * * * *

Senator Dodd. Mr. Belisle, suppose you were asked a similar question here today. Would you answer the question put to you by Mr. Sourwine on July 29, in the same way that you answered it that day?

Mr. Belisle. You mean after everything has transpired, Senator?

Senator Dodd. Yes.

Mr. Belisle. I suppose after everything has transpired I probably would say I have no firsthand information with respect to this. (Page 852.)

* * * * *

Mr. Belisle. I had nothing to do with the wiretap, sir. I don't know why the wiretap.

Senator Dodd. Well, I think you told us that it fizzled and that is why it——

Mr. Belisle. That is right, sir. (Page 854.)

* * * * *

Mr. Sourwine. Well, you did discuss this particular investigative instrument, as you put it, with Mr. Reilly in connection with the surveillance of Mr. Otepka before you left for Costa Rica.

Mr. Belisle. I discussed with Mr. Reilly the various investigative techniques that could be used in an investigation of this type and as to what we were looking for and how we would go about getting it.

* * * * *

We discussed the fact that we could—there was a possibility that you could bug his telephone and you could bug his room. (Page 832.)

Mr. THURMOND. Mr. President, these excerpts show that Mr. Belisle denied having "any" information with respect to the tapping of Mr. Otepka's telephone. The word "any" is a universal term; it excludes nothing from its range. In his letter, Mr. Belisle admitted that he did indeed have some information. Mr. Reilly had "mentioned" the events to him. Mr. Belisle had been out of the country when the events occurred, and thus did not participate directly in the plot. In his subsequent testimony he admitted that he had what he called "hearsay information" that the wiretap attempt fizzled. Moreover, he participated in the initial discussions about tapping Mr. Otepka's phone. When a witness, under oath, changes his testimony from "no" to "yes," and admits that he did so to withhold information he had all along, I believe it is clear that he not only deceived, but intended to deceive.

I ask unanimous consent to have printed in the Record excerpts from the testimony of John F. Reilly on August 6, 1963, from his letter of November 6, 1963, and from his testimony of November 15, 1963, designated insert "B."

There being no objection, insert B was ordered to be printed in the Record, as follows:

Insert B

Excerpt From Testimony of John F. Reilly on August 6, 1963

Mr. Sourwine. Then let me start fresh. Have you ever engaged in or ordered the bugging or tapping or otherwise compromising telephones or private conversations in the office of an employee of the State Department?

Mr. Reilly. No, sir.

Mr. Sourwine. You never did?

Mr. Reilly. That is right, sir.

Mr. Sourwine. Specifically in the case of Mr. Otepka you did not do so?

Mr. Reilly. That is correct, sir.

Mr. Sourwine. Did you tell Jerome Schneider to install an electrical device to compromise Mr. Otepka's telephone?

Mr. Reilly. No, sir.

Mr. Sourwine. So that audible conversations in his office could be heard whether or not that phone was on the hook?

Mr. Reilly. No, sir.

Mr. Sourwine. Did you know this had been done?

Mr. Reilly. No, sir.

Mr. Sourwine. Can you say it was not done?

Mr. Reilly. That I cannot say, sir.

Senator Hruska. Is that within the order from Mr. Crockett?

Mr. Reilly. No, no. His questions have already made it clear that I cannot—I don't know.

Senator Hruska. It is on your own?

Mr. Reilly. Yes.

Senator Hruska. Your own lack of information?

Mr. Sourwine. When I say "tell Jerome Schneider" I would like to have that include tell somebody to tell him. Did you give an order to have this done?

Mr. Reilly. No, sir.

* * * * *

Now let's see if we can get back to Mr. Otepka's case. Have any listening devices been installed in his office?

Mr. Reilly. No, sir.

Mr. Sourwine. Have any devices or contrivances been installed in or connected with his telephone wires or with a box outside his office so as to activate his telephone so as to make it in a sense a permanent receiving microphone?

Mr. Reilly. No, sir.

Mr. Sourwine. You are familiar with this technique. You know what I am talking about?

Mr. Reilly. Yes, I do, sir.

Mr. Sourwine. And it has not been used in Mr. Otepka's case?

Mr. Reilly. No, sir.

Mr. Sourwine. Mr. Chairman, you have a clear issue here on which we will have to take the testimony of other State Department employees. I have no more questions of Mr. Reilly at this time, sir. It is 3 minutes of 12.

Senator Hruska. Very well, sir.

Excerpt From Letter of John F. Reilly, November 6, 1963

On March 19, Mr. Hill told me that he and Mr. Clarence J. Schneider had discussed the means by which conversations in Mr. Otepka's office might be intercepted and had conducted a feasibility survey by connecting spare telephone wires from the telephone in Mr. Otepka's office to the Division of Technical Services laboratory. Mr. Hill told me that the system attempted had not proven successful when he and Mr. Schneider had tested it and that they were uncertain whether it could be made to work. I made it clear to Mr. Hill that I did not wish any conversations to be intercepted at that time.

No conversations were intercepted as a result of the events described above. Other than these events, I know of nothing which could have given rise to the belief that Mr. Otepka's office was being "bugged" or that his telephone was being "tapped." I understand, however, that about the same time that the events described above took place, Mr. Otepka asked Mr. Stanley Holden, of the Division of Domestic Operations to examine his telephone system. I also understand that Mr. Holden did examine Mr. Otepka's telephone system but found no evidence that Mr. Otepka's office was "bugged" or that his telephone was "tapped."

Excerpt From Testimony of John F. Reilly, November 15, 1963

Mr. Sourwine. Mr. Reilly, let me read you this question: "Have you ever engaged in or ordered the bugging or tapping or otherwise compromising telephones or private conversations in the office of an employee of the State Department?"

And you replied, "No, sir."

And I said, "You never did?"

And you said, "That is right."

Senator McClellan. What page is that?

Mr. Sourwine. I am reading from page 9 of our print, Senator.

Mr. Reilly. As I understood then, and now understand the question, I was being asked whether I had undertaken actually to intercept and compromise conversations, whether they be room or telephonic conversations. This had not been achieved. And it has not been achieved today.

Mr. Sourwine. You have already contradicted right there.

The Chairman. Now wait a minute.

Have you ever engaged in or ordered?

Mr. Reilly. First, I did not engage in. And I don't mean that as a weasel word. The questioning that day—I think Mr. Sourwine will recall——

The Chairman. Had you ordered it?

Mr. Reilly. I did not order. And we did not compromise. That is my—I took the question as a whole, Senator.

The Chairman. Just what did you do?

Mr. Reilly. Well, I did ask Mr. Hill if he would undertake to find out if there was some feasible way, short of putting a device in Mr. Otepka's office. (Page 874.)

* * * * *

Mr. Sourwine. You mean you authorized the putting on of the tap or the device—you don't compromise the telephone until you tell somebody to use it?

Mr. Reilly. As I understand, the darned thing didn't work. (Page 876.)

* * * * *

Mr. Reilly. No. What I said, sir, and what I stand on, is that I had not authorized it. I merely wanted to find out if it were possible to do some system like this. I would then, at some later time, decide or not decide. (Page 876.)

* * * * *

Senator McClellan. Why don't you just come clean and tell the whole story? Why don't you do that?

Anybody reading this record knows people, in your position, that you didn't give truthful answers to the questions that were asked you. Everybody knows that. Why don't you come clean here and just shell down the corn, and state what you were after, and what you did to try to get it? (Page 877.)

* * * * *

Mr. Reilly. What I am saying is that the experiment tried fizzled, and at that point I received, via the burn bag, seven sheets of carbon paper which contained questions for Reilly, and these questions were asked me during the course of my testimony here. (Page 877.)

* * * * *

Mr. Sourwine. You now take the position this was not installing a device.

Did you know when I talked to you on August 6, the committee was here, and these questions were asked, what we were trying to get at?

Mr. Reilly. May I tell you what I thought you were trying to get at, and still think you were trying to get at?

Mr. Sourwine. Yes.

Mr. Reilly. That Mr. Otepka's conversations were in fact being compromised. And they were not. (Page 880).

* * * * *

Mr. Reilly. Mr. Schneider did a simple thing. He moved a wire.

Mr. Sourwine. All right. That is what he did. But the result of that was to transform that ordinary telephone mouthpiece receiver into a listening device, isn't that correct?

Mr. Reilly. If the thing had been—well, obviously it didn't because the thing fizzled. (Page 880.)

* * * * *

Mr. Sourwine. I see.

Now, can you state from your own knowledge that nobody ever heard any words over that listening device that you caused to be installed in Mr. Otepka's telephone?

Mr. Reilly. To my knowledge, no one did. (Page 882.)

* * * * *

Mr. Reilly. I thought that the committee felt that Mr. Otepka's telephone and his room conversations were being compromised. I wanted to make it clear——

Senator McClellan. All right. They wanted to get the truth.

Now, you didn't tell them the truth, did you? You did not tell the committee the truth the day you testified when you gave those answers, did you? Honestly—just lay it on the record. Did you? I want to know if you will contend now that you told the truth then.

Mr. Reilly. I answered those questions truthfully; yes, sir.

Senator McClellan. Did you tell the committee the truth that day—the whole truth and nothing but the truth, as you took an oath to do?

Mr. REILLY. As I said, sir, I considered the question in the nature of cross-examination. I answered the questions as I understood them. I did not volunteer anything beyond that.

To the extent that that——

The CHAIRMAN. You didn't give all the information you had. That is what you are saying.

Mr. REILLY. Nor did I think that it was required by the questions asked me, Mr. Chairman. (Page 889.)

* * * * *

Mr. THURMOND. Mr. President, Mr. Reilly's case is as clear as could be:

> Question: Did you ever engage in or order tapping telephones? Answer: No Sir. Question: You never did? Answer: That is right, Sir.

As a matter of fact, he did order the tapping of Mr. Otepka's telephone. In his letter of November 6, he admitted that he had ordered a "feasibility survey by connecting spare telephone wires from the telephone in Mr. Otepka's office to the Division of Technical Services Laboratory." Further on, he states emphatically that "no conversations were intercepted as a result of the events described above."

The point of the "feasibility survey," as Mr. Reilly called it, is that the telephone was tapped. The emphatic denial of August 6 is again turned around 180 degrees. The attempts at qualification of the response indicates the earlier attempt to deceive. On November 15, Mr. Reilly attempted to maintain the fiction that a telephone is not tapped when a tap is applied and not used. After several questions on this point, Mr. Reilly said flatly that Mr. Otepka's telephone conversations were not being compromised.

Mr. Reilly's statements of November 15 were clearly contradicted by Mr. Elmer Dewey Hill on November 18. Mr. Hill's testimony was that the tap succeeded, that conversations were monitored, and recorded. Moreover, one conversation in particular was singled out for attention because it indicated that Mr. Otepka was arranging a luncheon date with a staff member of the Internal Security Subcommittee.

I submit that Mr. Reilly's testimony constitutes perjury on three counts, and is a blatant attempt to deceive Congress.

At this point I ask unanimous consent to have printed in the RECORD excerpts from the testimony of Elmer Dewey Hill, on July 9, 1963, from his letter of November 6, 1963, and from his testimony of November 15, 1963, designated insert "C."

There being no objection, insert C was ordered to be printed in the RECORD, as follows:

INSERT C

EXCERPT FROM TESTIMONY OF ELMER DEWEY HILL, JULY 9, 1963

(Pp. 1105, 1106, 1107, and 1108 of the transcript)

Mr. SOURWINE. Do you know of any single instance in which the Department has ever listened in on the telephone of an employee? I am talking about his office telephone—the telephone that does not belong to him; it belongs to the State Department. Do you know of any instance where that has been done?

Mr. HILL. I cannot recall such an instance.

Mr. SOURWINE. Do you know of any instance where a listening device has been placed in an employee's office?

Mr. HILL. Not to my knowledge.

Mr. SOURWINE. Are these not normal security measures which in proper circumstances would be indicated and would be taken?

Mr. HILL. I have never engaged in this—in that type of security measure.

Mr. SOURWINE. But you say your division has never done it, has never been called upon?

Mr. HILL. We have never been called upon; no, sir.

Mr. SOURWINE. Specifically, did you ever have anything to do with tapping the telephone of Mr. Otepka, the Chief of the Division of Evaluations in the Office of Security?

Mr. HILL. No, sir.

Mr. SOURWINE. You had no knowledge of it, if it was done?

Mr. HILL. No, sir.

Mr. SOURWINE. Did you ever have anything to do with placing a listening device in Mr. Otepka's office?

Mr. HILL. No, sir.

Mr. SOURWINE. Did you have any knowledge of it, if it was done?

Mr. HILL. No, sir.

EXCERPT FROM LETTER OF ELMER DEWEY HILL, NOVEMBER 6, 1963

We agreed on the approach to be used—modifying the wiring of Mr. Otepka's telephone instrument—and decided to return that evening to try the approach.

That evening Mr. Schneider and I altered the existing wiring in the telephone in Mr. Otepka's office. We then established a circuit from Mr. Otepka's office to the Division of Technical Services Laboratory by making additional connections in the existing telephone system wiring.

Mr. Schneider and I tested the system and found we would be unable to overhear conversations in Mr. Otepka's office, except actual telephone conversations, because electrical interference produced a loud buzzing sound.

EXCERPT FROM TESTIMONY OF ELMER DEWEY HILL, JULY 9, 1963

You do not know whether the Office of Security has authority to do this?

Mr. HILL. I personally have not ever been requested to do such a thing.

EXCERPT FROM LETTER OF ELMER DEWEY HILL, NOVEMBER 6, 1963

On Monday, March 18, 1963, Mr. John F. Reilly, Deputy Assistant Secretary for Security, asked me to explore the possibility of arranging some way to eavesdrop on conversations taking place in Mr. Otepka's office. Mr. Reilly explained to me that he would only consider such a technique if other investigative methods failed.

Mr. Reilly directed me to disconnect the wiring connections which Mr. Schneider and I had made. That evening, Mr. Reilly, Mr. Schneider, and I met in the Office of Security. In the space of a few minutes, I removed the extra connections which Mr. Schneider and I had made in Mr. Otepka's telephone while Mr. Reilly and Mr. Schneider stayed in the hall outside Mr. Otepka's office.

EXCERPT FROM TESTIMONY OF ELMER DEWEY HILL, JULY 9, 1963

Mr. SOURWINE. Well, do you know of any other office or division or branch in the Office of Security that would be competent to place a listening device in an employee's office, or compromise his telephone?

Mr. HILL. I do not know of anyone who would be competent.

EXCERPT FROM LETTER OF ELMER DEWEY HILL, NOVEMBER 6, 1963

Later that day, I discussed the technical aspects of this matter with Mr. Clarence J. Schneider who, at that time, was serving as Chief of the Technical Operations Branch of the Division of Technical Services.

* * * * *

To summarize, for a 2-day period it might have been possible to intercept conversations taking place in Mr. Otepka's office if certain technical problems could have been resolved. These problems never were resolved and the wiring connections which were made were removed without any conversations having been intercepted.

EXCERPT FROM TESTIMONY OF ELMER DEWEY HILL, NOVEMBER 18, 1963

Mr. HILL. I should like to read it into the record. Thank you.

I, Elmer Dewey Hill, wish further to amplify statements which I have made concerning listening to telephone conversations on Mr. Otepka's office telephone.

In my testimony on July 9, 1963, and my letter of November 6, 1963, I stated that Mr. Schneider and I arranged telephone wires so that we could hear telephone conversations on Mr. Otepka's telephone. Nevertheless, on careful review of that testimony and letter, I fear that the implication is that, in fact, no such conversations were heard. I make this statement to correct such an implication.

In our testing of the arrangement which Mr. Schneider and I had made, over a brief period recordings were made of telephone calls on Mr. Otepka's telephone. They turned out to be of no consequence and were erased.

Senator DODD. Erased?

Mr. HILL. Yes; erased. When I gave my prior testimony and wrote the letter, I was under the impression, which I am now satisfied was erroneous, that, especially since no information of any consequence was obtained, my duty required me to speak and write as I did. (Page 907.)

* * * * *

I now feel, however, that this reasoning was faulty and accordingly, I have stated these facts explicitly to senior officers of the State Department, to whom I have submitted my resignation, and I are prepared to answer any further questions this committee may have. (Page 908.)

* * * * *

Mr. SOURWINE. Mr. Hill, when you testified on July 9, in response to the question, "Do you know of a single instance in which the Department has ever listened in on the telephone of an employee," you answered, "I cannot recall such an instance."

In the light of your statement this morning, are we to understand that you did at that time recall the instance of listening in on Mr. Otepka's telephone, but that you felt that it was your duty to give the answer that you did?

Mr. HILL. Yes, sir. (Page 908.)

* * * * *

Mr. SOURWINE. What you did then was to convert the earphone into a microphone, a listening microphone, through a circuit which you could tap at someplace outside of the office of Mr. Otepka?

Mr. HILL. If I may, sir, I would prefer to rephrase that. We made use of the latent microphonic capabilities of the earphone by establishing the circuit. The earphone will always operate as a microphone. That use is not made of it, however. (Page 911.)

* * * * *

Mr. SOURWINE. After you had altered the telephone or given it this additional function, would it have been possible for Mr. Otepka to overhear conversations elsewhere?

Mr. SACHS. On the device?

Mr. SOURWINE. As a result of what you did.

Senator DODD. Could I hear that again?

Mr. SOURWINE. After you had altered the function of the telephone as you did, of the receiver part, of the earphone part, would it have been possible for Mr. Otepka to hear over that telephone anything that he would not normally hear, before you altered it?

Mr. Hill. It is conceivable—it is possible. (Page 911.)

* * * * *

Mr. Hill. Yes, sir. The point that bothers me is the terminal equipment. I do not really recall when that was taken off. It was taken on and off. We were experimenting with it because of the problem that the system was not working—we were trying to improve the system, so that the terminal equipment may have been disconnected and reconnected many times.

Mr. Sourwine. But it was finally disconnected on the same day that you restored what you had modified in Mr. Otepka's telephone?

Mr. Hill. Yes, sir.

Mr. Sourwine. What day was that?

Mr. Hill. I believe it was the second day after it was put in. Well, I am fairly positive of that. I am positive on that, that it was in operation for 2 days only.

Mr. Sourwine. During the 2 days over how long a total period, minutes or hours, was the terminal connection hooked up so that you could record or listen?

Mr. Hill. I believe that it was hooked up most of 1 day and part of the next day.

Mr. Sourwine. During that time did you have individuals listening in?

Mr. Hill. I myself from time to time listened to it because I was concerned with trying to improve the system, checking its operations.

Mr. Sourwine. Who else listened?

Mr. Hill. And Mr. Schneider, probably, did.

Mr. Sourwine. Did anyone else?

Mr. Hill. No, sir; I do not believe so.

Mr. Sourwine. That is Mr. Clarence Schneider?

Mr. Hill. Yes, sir.

Mr. Sourwine. How many different recordings were made of conversations?

Mr. Hill. How many different conversations were recorded?

Mr. Sourwine. If you know, approximately.

Mr. Sachs. That is a different question—is that the one you meant?

Mr. Sourwine. Well, I will take your phrasing.

Mr. Hill. Oh, I would say a dozen, perhaps more.

Mr. Sourwine. Were these all conversations over the telephone, or were some of them conversations in the room that were not conducted over the telephone?

Mr. Hill. These were all over the telephone.

Mr. Sourwine. What was done with those recordings?

Mr. Hill. Well, I believe that either I or Mr. Schneider gave the recordings to another individual.

Mr. Sourwine. To whom?

Mr. Hill. I really do not know who that was. I will simplify it—it was not a person that I had any contact with, some stranger to me.

Mr. Sourwine. Why did you give these recordings to someone who was a stranger?

Mr. Hill. Mr. Reilly's request.

Mr. Sourwine. Mr. Reilly knew about these recordings?

Mr. Hill. Yes.

Mr. Sourwine. Had he heard them?

Mr. Hill. I do not know whether he had heard them or not. I do know of one incident that he referred to, one telephone conversation. (page 914.)

* * * * *

I do not know how this knowledge came to him, whether he listened to the recording or it was reported to him by another person who listened to the recording, but there was one telephone conversation which did seem interesting to him.

Mr. Sourwine. He knew about, at least, one conversation?

Mr. Hill. Yes.

Mr. Sourwine. Had you told him about that conversation?

Mr. Sachs. At any time, or the time that he gave the recordings to the stranger? I got lost there. Are you referring to which? I think that you must specify time. You see, when you were talking about what he did with the recordings, he said he gave it to a stranger.

Mr. Sourwine. I think it is perfectly clear, Mr. Sachs, that he gave it to a stranger at Mr. Reilly's orders, and Mr. Reilly at that time knew about the tap, and knew about the details of, at least, one conversation. Is that right?

Mr. Hill. Well, it is obvious that I, certainly, would not give the recordings to just any stranger walking down the aisle.

* * * * *

Mr. Sourwine. Let us start again, Mr. Hill. You were instructed by Mr. Reilly to give these recordings to some individual?

Mr. Hill. I think that is a fair statement.

Mr. Sourwine. Now, just how did he request you to do that? Orally or in writing?

Mr. Hill. Orally.

Mr. Sourwine. What did he tell you to do? Were you to take it somewhere or to leave it somewhere or to give it to somebody who would call for it?

Mr. Hill. The latter; to give it to somebody who would call for it.

Mr. Sourwine. How was that person to identify himself to you as entitled to receive it under Mr. Reilly's instructions?

Mr. Hill. I do not remember that. And as a matter of fact, I do not actually remember whether it was I or Mr. Schneider who gave the tape. I suspect it was Mr. Schneider, because, otherwise I would remember this.

Mr. Sourwine. But now that Mr. Reilly did instruct you—but you know that Mr. Reilly did instruct you?

Mr. Hill. Oh, yes, sir. (Page 915).

Mr. Sourwine. When were these recordings turned over to this individual?

Mr. Hill. Here again I am not certain whether they were both turned over at the same time after the modification was taken out or were turned over at the end of each day.

Mr. Sourwine. You say "they"—I presume you mean physically a disk or a wire on which the recording had been placed?

Mr. Hill. Yes, sir; a tape.

Mr. Sourwine. A tape.

Mr. Hill. Yes.

Mr. Sourwine. There were two tapes then?

Mr. Hill. Two reels.

Mr. Sourwine. Two reels of tape, one for each of 2 days?

Mr. Hill. Yes, sir.

Mr. Sourwine. And they were either turned over together or turned over one on one day and one on the next day?

Mr. Hill. Yes, but I am not certain, also, whether the second day was turned over, because the second day was more intermittent—I was trying to perfect the system, and it may have been not working part of the time and its value was not particularly great, therefore, and by that time it had already been decided to remove it.

Mr. Sourwine. Well, then, if it was possible that the tape for the first day was turned over at the end of the first day, then your instructions from Mr. Reilly to turn it over must have come to you during that first day or before the first day, is that right?

Mr. Hill. Yes, sir. (Page 916.)

* * * * *

Mr. Sourwine. Let me get at it this way: Did you tell Mr. Reilly about that particular conversation?

Mr. Hill. I believe I may have mentioned to him that there did not seem to be an anything very interesting to him on this tape. However, there was one conversation that might be.

Mr. Sourwine. Did you then tell him what that was?

Mr. Hill. Yes, sir; I believe I did.

Mr. Sourwine. Did you see—just a little bit ago I understood you to say that you did not know how Mr. Reilly heard that conversation.

Mr. Hill. Well, if you understood what the conversation was, you would be able to appreciate how I could refer to it so as to identify it, but not divulge its contents.

Mr. Sourwine. Is that what you did?

Mr. Hill. Yes, sir. As I recall.

Mr. Sourwine. You identified it to Mr. Reilly without divulging its contents?

Mr. Hill. Yes, sir. (Page 917.)

* * * * *

Mr. Sourwine. Try to identify what you said to Mr. Reilly.

Mr. Sachs. Tell what the purpose of the conversation was.

Mr. Hill. To make a luncheon date.

Mr. Sourwine. Can you identify the person with whom the luncheon date was made?

Mr. Hill. No, sir; I do not know who he was.

Mr. Sourwine. But Mr. Reilly was interested in this without being told any more about it?

Mr. Hill. Well, he did not know whether he would be interested. At that time he just said, "Oh."

Mr. Sourwine. I see.

Mr. Hill. And I did not know myself whether he would be interested in it. I just thought it might be the sort of thing that he would be interested in.

Mr. Sourwine. What did you have in mind when you told us earlier there was one conversation in which Mr. Reilly was especially interested?

Mr. Hill. That was it.

Mr. Sourwine. He later indicated to you that he was interested in it?

Mr. Hill. Yes, sir.

Mr. Sourwine. He later indicated to you that he knew more about it than you had told him?

Mr. Hill. Well, he later indicated to me that it had a significance which I was not able to place upon it at the time.

Mr. Sourwine. Did he say what that significance was?

Mr. Hill. Yes, sir.

Mr. Sourwine. What did he say that the significance was? That does not involve any divulgence.

Mr. Sachs. If you know. Maybe you had better tell me what your answer is first. May he?

Senator Dodd. Certainly.

(The witness conferred with his counsel.)

Mr. Hill. Apparently, the individual who called was connected with the staff of this committee.

Mr. Sourwine. Mr. Reilly—did he tell you who it was?

Mr. Hill. No, sir.

Mr. Sourwine. Now did Mr. Belisle know of these recordings?

Mr. Hill. Well——

Mr. Sachs. Would you be good enough to fix the time?

Mr. Sourwine. Did he ever, to your knowledge, know of the existence of these recordings?

Mr. Hill. I am not sure whether he knew about them at the time that they were made. He later, of course, came to know about them. (Page 918.)

* * * * *

Mr. Sourwine. Did he ever discuss them with you?

Mr. Hill. No, sir; I do not believe he did.

Mr. Sourwine. Your instructions with regard to the gimmicking of this telephone, did they come from Mr. Reilly or from Mr. Belisle?

Mr. Hill. Mr. Reilly.

Mr. Sourwine. Directly to you?

Mr. HILL. Yes, sir.

Mr. SOURWINE. Orally?

Mr. HILL. Yes, sir.

Mr. SOURWINE. And Mr. Belisle never gave you any instructions with respect to this matter?

Mr. HILL. No, sir.

Mr. SOURWINE. You never reported through Mr. Belisle or to Mr. Belisle with respect to them?

Mr. HILL. No, sir.

Mr. SOURWINE. So you really do not know whether he came to know about them at all?

Mr. HILL. That is true; I believe that is true.

Mr. SOURWINE. You were asked on the 9th of July, "Do you know of any instance where a listening device had been placed in an employee's office?" And you said, "Not to my knowledge." You did at that time know about what had been done with Mr. Otepka's telephone?

Mr. HILL. Yes, sir. (Page 919.)

* * * * *

Mr. SOURWINE. Was any listening device of any kind placed in Mr. Otepka's office other than the conversion of the telephone?

Mr. HILL. No, sir.

Mr. SOURWINE. Do you know whether any listening devices were placed, at any time, in the outer office of the Division of Evaluations where the three stenographers sat?

Mr. HILL. No, sir. I do not know of any.

Mr. SOURWINE. You do not know?

Mr. HILL. No.

Mr. SOURWINE. You were asked on July 9:

"Are these not normal security measures which in proper circumstances would be indicated and would be taken?

And you stated:

"I have never engaged in this—in that type of security measure."

The fact was that you had engaged in it; is that not true?

Mr. HILL. Yes, sir. I believe this was my obligation to the Department to do as I did.

Mr. SOURWINE. Yes.

Mr. HILL. To answer as as I did.

Mr. SOURWINE. You were asked if the Office of Security had authority to do this, and instead of replying directly, you stated voluntarily:

"I personally have not ever been requested to do such a thing."

The fact was that you had been requested to do it, had you not?

Mr. HILL. Yes, sir. (Page 920).

* * * * *

Mr. SOURWINE. You must have thought he wanted it done or you would not have done it; is that right?

Mr. HILL. Well, yes, sir, but the telephone was selected for logically reviewing the various other alternatives.

* * * * *

Mr. SOURWINE. But you discussed all of these things with Mr. Reilly?

Mr. HILL. No; not with Mr. Reilly. I discussed them with Mr. Schneider—he is the technical man. Mr. Reilly did not care what means were used. He was concerned with the results.

Mr. SOURWINE. He wanted to know what was going on in that office?

Mr. HILL. Yes, sir.

Mr. SOURWINE. Of course. So you modified the telephone so that you could find out? (Page 921.)

* * * * *

Mr. SOURWINE. Then you were asked the next question, the second question that followed:

"But you say your division has never done it, has never been called upon?"

And you answered:

"We have never been called upon; no, sir."

The fact was that you had been called upon, had you not?

Mr. HILL. Yes, sir. (Page 922.)

* * * * *

Mr. SOURWINE. Now this question:

"Did you ever have anything to do with placing a listening device in Mr. Otepka's office?"

and your answer:

"No, sir."

As a matter of fact, you did have; did you not?

Mr. HILL. In the sense that the modification of the telephone was——

Mr. SOURWINE. Was a listening device?

Mr. HILL. Yes.

Mr. SOURWINE. Which was not in his office before you made the conversion?

Mr. HILL. Yes, sir. (Page 923.)

* * * * *

Mr. HILL. Well, not quite that. When you asked: "Do you understand from that that I was not to set anything up?" and I answered, "No, sir," I thought that you were referring to the wiring that we had made in the telephone—the wiring changes that we had made in the telephone system. And, furthermore, I was operating always under the impression that Mr. Reilly wanted to pick up telephone conversations. We had never—I mean—I beg your pardon—wanted to pick up room conversations. We had never achieved that capability; therefore, we were still in this exploratory phase.

Mr. SOURWINE. You stated in your statement:

"It was never contemplated that an attempt would be made just to monitor Mr. Otepka's telephone line in order to overhear conversations on it."

As a matter of fact, you not only contemplated it, but you did monitor his telephone conversations—you made recordings of the telephone conversations?

Mr. HILL. Yes, sir. Here again this is a byproduct.

Mr. SOURWINE. You say that you reported that you were unsuccessful in your efforts to Mr. Reilly the following morning. But you did report to him that you had recorded certain conversations, is that not right?

Mr. HILL. No, sir; not then, because that was the morning after the installation was made and I do not even know whether we had a tape recording at that time.

Mr. SOURWINE. The second day you reported that you had made such tapes?

Mr. HILL. Yes; I believe I reported at the end of the first day.

Mr. SOURWINE. At the end of the first day that you had made a tape?

Mr. HILL. Yes. I think that Mr. Reilly—I think Mr. Reilly did not know that there was going to be a tape recorded hooked up at that time. He knew, however, that we intended to do it—to hook up a tape recorder at that time.

Mr. SOURWINE. You put this installation in on March 18, on the evening of March 18? (Page 925.)

* * * * *

Mr. SOURWINE. You did make recordings on the 20th?

Mr. HILL. Yes, sir.

Mr. SOURWINE. It could not have been at the beginning of the day?

Mr. HILL. No; I doubt that.

Mr. SOURWINE. And at the end of the day—the 20th—the evening of the 20th, you removed the connection, is that right?

Mr. HILL. Yes, sir. (Page 926.)

* * * * *

Mr. HILL. Mr. Reilly took the view that we were still trying to do what he asked us to do when the recorder was hooked up, and when these connections had been made, that we were in the process of making an attempt. Therefore, the go ahead on recording room conversations was never given. However, since during the course of the tests of all of the system and the equipment involved we did get telephone conversations, he did utilize telephone conversations. In effect, he had someone listen to them.

Mr. SOURWINE. Who did he have listen to them?

Mr. HILL. I do not know.

Mr. SOURWINE. You are talking now about the person to whom you turned over the tapes?

Mr. HILL. Yes, sir.

Senator DODD. I would like to clear up a little confusion about all of this in my mind. Do I understand correctly that Mr. Reilly talked with you about imposing some device—and I am using language which may be strange to you, perhaps, because I do not know the language—which would make it possible for him to know what Mr. Otepka was talking about in his office, either on the telephone or otherwise? It seems to me that he wanted to get both, if he could, because he wanted to do it with the least chance of letting Mr. Otepka know that it was going on. Am I right in so understanding? Is that a fair and reasonable understanding of what you are telling us?

Mr. HILL. That is actually true.

Mr. SACHS. Mr.—excuse me. May I ask him a question?

Senator DODD. Yes.

Mr. SACHS. Is it your understanding, Mr. Hill, that Mr. Reilly told you to do those things, to set up the system which would operate as the Senator has just described and to put it into execution, or did he tell you to see if such a system could be set up and to test it and then report to him if it could be done? This is the area, I think, that is a little obscure. That is what I am asking about.

Mr. HILL. It is the latter that he requested.

Mr. SOURWINE. But he knew that you had set it up with sufficient success to report to him telephone conversations?

Mr. HILL. Yes. (Page 930.)

* * * * *

Mr. SOURWINE. And he gave instructions as to the disposition of the tapes on which you had recorded them?

(The witness nods.)

Senator DODD. I can see that. It is clear now.

Mr. SOURWINE. You were, certainly, justified under those circumstances in assuming that he approved what you had done. You felt that you were doing what he wanted?

Mr. HILL. Yes, sir.

Mr. SOURWINE. You did get some of it, and recorded it, and Mr. Reilly disposed of the recordings.

Mr. HILL. Yes, sir.

Mr. SACHS. Do you know if Mr. Reilly disposed of the recordings?

Mr. HILL. No; I do not know that.

Mr. SOURWINE. He disposed of them in the sense of ordering that they be given to a particular individual whom he named, is that not right? (Page 931.)

Mr. THURMOND. Mr. President, a comparison of the first two excerpts from the testimony of July 9 and the letter of November 6 again shows a black-and-white contradiction. Mr. Hill said first he knew of no instance where an employee's phone had been tapped; he had never engaged in that type of measure; he had nothing to do with tapping Mr. Otepka's phone. In his letter, he admits that he did indeed have much to do with the operation, both in the planning and execution.

In his earlier testimony, Mr. Hill said flatly:

> I personally have not ever been requested to do such a thing.

In his letter, he gives the details, and explains how Mr. Reilly ordered him to apply the tap and take it off. In his earlier testimony, Mr. Hill said that he did not know of anyone in the Office of

Security who would be technically competent to tap a phone; in his letter he names Clarence J. Schneider as the technician.

In his letter, Mr. Hill further states that the tap was made"without any conversations having been intercepted." This was a false statement, as he later admitted. He begins his testimony on November 18 by saying that conversations had indeed been intercepted. He said that he made over a brief period recordings that were "of no consequence" and were "erased."

As his testimony developed, however, he admits that the "brief period" lasted 2 days, and that 12 recordings were made. Instead of erasing the recordings, he gave them to a "stranger" under Mr. Reilly's orders. Finally, he admits that he identified one particular conversation that was of significance to Mr. Reilly because "the individual who called was connected with the staff of this committee."

During the course of the testimony, the subcommittee counsel read at least six questions to the witness from his own previous sworn statements; to each of the six Mr. Hill gave an answer opposite to the one he had given before.

I believe it is clear that the question of perjury is not trivial. Nevertheless, no disciplinary action has been taken against the three officers. Mr. Ball's role in the affair seems to be that he was more interested in getting the State Department off the hook, than in seeing that the case was pursued through all of its ramifications.

I turn now to a final incident which places Mr. Ball's actions of 1963 in a strange perspective. In recent weeks, allegations have appeared in the press which suggest that Mr. Ball was not only aware of wiretapping operations in the State Department, but held the authority over such operations. I ask unanimous consent that an article from the Government Employees Exchange of May 1, entitled "Bugging News Media Phones for Leaks Reported of State," and the article "Capitol View" by Willard Edwards from the Chicago Tribune of May 2 be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. THURMOND. Mr. President, if these allegations in the press are true, or even partially true, then Mr. Ball surely has a knowledge of wiretapping in the State Department that goes beyond the evidence in the Internal Security Subcommittee record. The point is crucial. The general sense of the false testimony cited earlier was that there was no wiretapping operations in the State Department. If the press allegations are true, then Mr. Ball was in a position to know that the false testimony was indeed false. Any light that Mr. Ball himself could shed on such a situation would indeed be reassuring.

Unfortunately, Mr. Ball has chosen to cloud the situation further, for the purpose, I am afraid, of misleading the Senate. A week ago Friday, Mr. Ball appeared before the Senate Foreign Relations Committee. As a matter of courtesy, he was not under oath. The chairman asked him about the Government Employees Exchange article. I ask unanimous consent that excerpts from his testimony concerning this matter be printed in the Record, designated insert D.

There being no objection, insert D was ordered to be printed in the Record, as follows:

INSERT D

EXCERPT FROM THE TESTIMONY OF GEORGE W. BALL BEFORE SENATE FOREIGN RELATIONS COMMITTEE, MAY 3, 1968

The CHAIRMAN. There has come to my attention, Mr. Ball, a matter which is not directly related to your new appointment, but it does relate to your previous employment, I mean your previous position, in the Department of State. I think it might be helpful for the record since I don't think I will have an opportunity to inquire of anyone else, at least it ought to be straightened out, if it can be.

There is an article in the May 1st publication of the Government Employees Exchange. It describes a facility in the Department of State, and this would relate to your previous employment.

Mr. BALL. That is right.

The CHAIRMAN. And previous position. It says, it describes a facility in the Department of State as an electronics room, a bugging room, an electronics laboratory, these are the words that are used. The story suggests rather strongly that this facility can be and is used to monitor and record conversations unbeknownst to the telephone participants. The article also suggests that you were at one time in a position to authorize its use. Is there such a facility in the Department of State?

Mr. BALL. I am unaware of it.

The CHAIRMAN. You are not aware of it?

Mr. BALL. No, sir.

The CHAIRMAN. Well, to the best of your belief is that equivalent to that you do not believe it is correct?

Mr. BALL. This is a device for monitoring telephone conversations of people in the State Department?

The CHAIRMAN. That is correct, that is what the article says.

Mr. BALL. I think that is totally erroneous.

The CHAIRMAN. I think you ought to say so.

Mr. BALL. I certainly would have been aware of it had there been such a room, had there been such a device and there was none. There is none.

The CHAIRMAN. Well, I think it ought to be clarified. It alleges in this that this is used to pick up incoming conversations and telephone conversations also of the employees; particularly, it has reference to the members of the Department, to outgoing conversations between members of the staff and reporters.

Mr. BALL. I am totally unaware of that, Mr. Chairman, and I am sure it is erroneous.

The CHAIRMAN. And they also allege that tapes, records are made of conversations between Senators and members of the State Department.

Mr. BALL. I am certain that that is wrong.

The CHAIRMAN. So you can say positively that that is not so?

Mr. BALL. Yes.

The CHAIRMAN. I think it ought to be knocked down. It is a very current story, and a front page story of this publication, which is natural, if it were true would be very disturbing to the Committee.

Mr. BALL. Certainly in my experience in the Department this is totally untrue.

Mr. THURMOND. Mr. President, I wish particularly to point out one part of this exchange. The chairman said:

> The article describes a facility in the Department of State as an electronics room, a bugging room, an electronics laboratory, these are the words that are used. The story suggests rather strongly that this facility can be and is used to monitor and record conversations unbeknownst to the telephone participants. The article also suggests that you were at one time in a position to authorize its use. Is there such a facility in the Department of State?

Mr. Ball denied the existence of this facility vociferously and several times. He denied it without qualification. He said:

> I certainly would have been aware of it had there been such a room, had there been such a device, and there was none. There is none.

Mr. President, I cannot understand why Mr. Ball would make such an emphatic denial. After a careful investigation, I have concluded that such an electronics laboratory does exist at the State Department. I have talked to people who have been physically present in the electronics laboratory. The subcommittee has sworn testimony that telephone conversations actually were monitored through facilities of the electronics laboratory.

In the very letters of amplification, which Mr. Ball handed to Mr. Rusk on November 6, 1963, the witnesses make reference to monitoring telephones through the electronics laboratory. Mr. Hill, who was in charge of the electronics laboratory, wrote:

> We then established a circuit from Mr. Otepka's office to the Division of Technical Services laboratory by making additional connections in the existing telephone system wiring.

Mr. Reilly wrote that—

> Hill had conducted a feasibility survey by connecting spare telephone wires from the telephone in Mr. Otepka's office to the Division of Technical Services laboratory.

Is it reasonable to believe that Mr. Ball, who handed these statements to Mr. Rusk, had not read them? Is it reasonable to believe that he would not have objected to them if the electronics laboratory did not exist? Is it reasonable to believe that he did not know that the electronics laboratory had the capability of monitoring telephones? Either Mr. Ball was trying to mislead Congress in 1963, or he was trying to mislead Congress in 1968, or he was incredibly naive.

I have in my possession—which I hold in my hand—detailed floor plans for the electronics laboratory, showing all entrances, closets, and appurtenant corridors. By checking the State Department telephone book of 1963, I find that the numbers of the suite on the floor plan correspond to the office numbers of the three false witnesses and other employees of the Security Office.

I agree with Mr. Ball that if such a facility existed, he would have, or should have, known about it. Why did he deny it?

Moreover, there are suggestions that wiretapping at State was even more widespread than the subcommittee record shows. In December 1963, the State Department named a two-man panel to investigate telephone tapping and electronic eavesdropping in the Department. I ask unanimous consent that an article from the Washington Post, December 24, 1963, entitled "Two-Man

Unit To Sift Otepka Wiretaps" be printed in the Record at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 3.)

Mr. **THURMOND**. Mr. President, testifying before the subcommittee, Col. George W. French, Jr., a member of the panel, said:

> We were asked to look into the matters of electronic surveillance of members of the Department of State, if this had been done, when it was done, how it was done.

The subcommittee record also includes a State Department memorandum setting forth the terms of reference for the investigation. I ask unanimous consent that this memorandum be printed in the Record at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 4.)

Mr. **THURMOND**. Mr. President, I might also say that the subcommittee record also includes a memorandum by State Department security officer, John R. Norpel, Jr., concerning his interview with Colonel French. I ask that an excerpt from this memorandum also be printed in the Record at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 5.)

Mr. **THURMOND**. Mr. President, unfortunately, the results of this investigation were denied to the subcommittee in written form. However, on another occasion, the State Department did supply information to the subcommittee that taps were discovered on the phones of Stanley E. Holden, Chief of Technical Security Branch, Domestic Operations Division, Office of Security.

Without passing judgment on the extent of wiretapping at State, it is difficult to understand why Mr. Ball denied all knowledge of such operations, denying even that the facility existed. On May 7, the Government Employees Exchange delivered to Representative John Ashbrook a memorandum setting forth an exact physical description of the electronics laboratory, and a history of its use. I ask unanimous consent that this memorandum be printed in the Record at this point in my remarks.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

MEMORANDUM SUBMITTED TO REPRESENTATIVE JOHN ASHBROOK BY GOVERNMENT EMPLOYEES EXCHANGE

HISTORY AND LOCATION OF "ESPIONAGE" OR "ELECTRONIC LABORATORY" FACILITIES AT THE DEPARTMENT OF STATE

I. Geographic location of the facility

During the tenure of George Wildman Ball as Under Secretary of State, the "secret electronics espionage laboratory" at the Department of State was located in four rooms in the New State Department Building numbered and identified as follows: 3805, 3808, 3809, and 3810.

Altogether, the four rooms of the facility occupied 1315 square feet of floor space; an additional 125 square feet of closets and interconnecting corridors also belonged to the facility for a total floor space of 1440 square feet.

A "lecture and demonstration" room adjoined the "laboratory". Its number was Room 3803. It occupied 515 square feet, plus two interconnecting doorway sections of 55 square feet each, for a total floor space of 625 square feet.

The four rooms and the lecture room collectively comprised an "island" in a "moat of corridors" completely surrounding the facility. The total floor space of the "Island" was 2065 square feet.

Besides the protection of its "moat", the facility was further protected by a "drawbridge" which consisted of a locked door sealing it off entirely from the so-called Corridor 8 of the third floor. The attached diagram, which is listed as Attachment 1, identifies the facility.

No one could enter over the "drawbridge" without a special pass issued only on instructions of the Deputy Assistant Secretary of State for Security, John W. Reilly.

Access to the "island" of the "espionage laboratory" was even more rigidly controlled. Even security officers could not enter it. The laboratory was under the personal jurisdiction of John Reilly, the Deputy Assistant Secretary of State for Security, and of Elmer Dewey Hill, his principal "electronics" expert. Mr. Hill's official title was Chief, Division of Technical Services (Acting).

Besides Messrs. Reilly and Hill, another person who had "normal" access to the "espionage laboratory" was Clarence Jerome Schneider.

Mr. Schneider was identified, in testimony before the Senate Internal Security Subcommittee, as the person who "bugged" Otto F. Otepka's room, recorded telephone and room conversations, delivered the tapes of the recording to an unidentified person and, allegedly, subsequently "erased" the tape. No testimony has been taken directly from Mr. Schneider to date regarding his role. In early 1968, Mr. Schneider was given a "medical retirement" by the Department of State.

Both Mr. Reilly and Mr. Hill resigned from the State Department in late 1963 when Senators on the floor of the Senate charged the possibility of "perjury". Their "clarification letters" to the Senate Internal Security Subcommittee were drafted in the office of Under Secretary of State George Wildman Ball.

II. History of the facility

The facility of the "electronics espionage laboratory" was constructed in 1960 as part of the New State Department structure. The telephone and electrical wiring in the entire building was installed in a way to make possible easy monitoring of any telephone in the building by the laboratory.

Until the "Thanksgiving Day Massacre" in the State Department in 1961, the electronic espionage facility was under the supervision of the Division of Physical Security. Up until then, its use was controlled almost entirely by career State Department security officers, some of whom had worked previously with the FBI.

Following the "Thanksgiving Day Massacre", when George Wildman Ball emerged as Under Secretary of State, the facility was developed largely by "imported security officers", coming from CIA and NSA.

In anticipation of the change of control over the facility, the Department of State on December 15, 1961, shortly after the "Thanksgiving Day Massacre", issued a memorandum entitled: "Subject: Monitoring of Telephone Calls". (See attachment No. 1.)

The memorandum was intended to withdraw all other "monitoring" activities from persons and offices previously authorized to carry them out. In addition, it was intended to be a "cover" by suggesting no monitoring would be carried out elsewhere.

The December 15, 1961 memorandum appears as Attachment 2 hereto.

Effective January 15, 1962, a *new* Division of Technical Services was created by the Department. This Division obtained exclusive control over the espionage facility. Its first chief was John Iams, secretly a long-time CIA officer publicly carried on the State Department rolls as a Foreign Service officer.

In early 1962, Mr. Iams "recruited" Elmer Dewey Hill, who was placed in charge of a so-called Research and Development Branch of the Division of Technical Services. Actually, Mr. Hill had been previously secretly on the CIA payroll.

In mid-summer 1962, Mr. Iams was "assigned" to the National War College and Mr. Hill then assumed full control of the Division of Technical Services.

In late evening and early morning hours, Mr. Hill allowed CIA officers to enter the "island". In later 1962 and in 1963, the White House and the Office of the Attorney General requested the facility to carry out certain operations they did not wish the FBI to monitor. Mr. Ball was fully informed of the reasons for the White House decision and he understood the use being made of the facility.

One, but only one, of the reasons for the secret use of the facility has already been reported in the May 1, 1968 issue of the Government Employees Exchange. This concerned the repercussions of the so-called Philippe Thyraud de Vosjoli case.

Other uses of the facility can be ascertained easily from George Wildman Ball, John Reilly, Elmer Dewey Hill and Clarence Jerome Schneider.

ATTACHMENT 1

Department of State memorandum to all executive and administrative officers, December 15, 1961

Subject: Monitoring of Telephone Calls

Effective immediately, monitoring of telephone calls will be held to a minimum. When it is necessary to monitor telephone calls, the following practices will be observed.

a. Telephone conversations shall not be recorded by recording devices unless advance notice is given to the other party and the device is connected in accordance with the Federal Communications Commission regulations.

b. Advance notice must be given whenever a secretary or any other person is placed on the line for any purpose whatsoever.

Mr. **THURMOND**. Mr. President, I must say that this description, especially as to its physical aspects, is confirmed by my own private investigation.

I cannot see what Mr. Ball had to gain by denying fairly well known facts without reservation. I do not subscribe unreservedly to all the allegations in the Government Employees Exchange article because I simply do not have enough information in hand. However, it is undeniable that an electronics laboratory exists—or existed—that it had a capability to monitor telephones, and that this capability was used.

If Mr. Ball was telling the truth a week ago Friday, he must have been completely unaware of a large, important operation under his administration. Yet he is seeking the responsibility of a key position in our diplomatic service. I find Mr. Ball's testimony incredible. Either he was very naive, or he was falsifying. I am opposed to his confirmation.

EXHIBIT 1

[From the Government Employees' Exchange, May 1, 1968]

BUGGING NEWS MEDIA PHONES FOR LEAKS REPORTED OF STATE—FIRING OF TOP MAN FOLLOWED DISCLOSURE THAT 85 LINES WERE TAPPED

A "secret electronics espionage laboratory," located in the "suite of offices" formerly occupied by Deputy Secretary of State for Security, John Reilly, and his electronics expert Elmer Dewey Hill, carried out "systematic eavesdropping" on State Department officials and newspaper correspondents during the late Kennedy and early Johnson administrations, a former electronics specialist at the Central Intelligence Agency revealed to this newspaper on April 26.

"BUGGING" ORDER!

The former CIA official asserted that he had been personally consulted for professional assistance by Elmer Dewey Hill at one stage of the "buggings."

The decision to institute the electronic eavesdropping at the State Department was taken at the White House following a series of "leaks" of information to James Reston of the *New York Times* and to Chalmers Roberts of the *Washington Post* the informant revealed.

President Kennedy was especially irritated, he stated, because one of his own "planted leaks" to James Reston, which the *New York Times* disguised by giving it a foreign capitol dateline, was subsequently significantly modified through an "unauthorized leak" from a State Department informant.

The President ordered that the State Department official be identified and removed, the source said.

"ELECTRONICS LAB"

This identification was successfully carried out, the source claimed, through the use of the "electronics laboratory" built into the State Department when the new State Department addition was finished in 1960.

According to the source, every telephone in the State Department building can be "monitored by the simple device of crossing the panel when located in strategic sections of the building."

BALL AND ROSTOW

The use of the "bugging room" by the Kennedy administration grew especially intensive after the so-called "Thanksgiving Day Massacre" of 1961 within the State Department, the source said. As a result of the "massacre," George Wildman Ball rose to be Under Secretary of State and Walt Whitman Rostow came over from the White House to become Assistant Secretary of State for Policy Planning.

Previously, Mr. Rostow's appointment to that position had been blocked by the refusal of Otto P. Otepka to give him a security clearance without a "full field investigation," the source added. As Under Secretary of State, Mr. Ball assumed control of the "espionage room" in November 1961. He relinquished control of it to Nicholas de Pelleville Katzenbach when the latter succeeded him as Under Secretary in 1966, the source alleged.

"MARTEL"

A few months after the 1961 "massacre," a Soviet KGB Major located in the Soviet Embassy in Helsinski, Finland, defected to the United States. Known by various pseudonymns, this defector was later introduced to the French authorities in 1962 as "Martel," the main personality in the current *Life Magazine* articles involving Philippe Thyraud de Vosjoli, the French liaison officer until 1963 with the CIA, the source revealed.

Other names used by the Soviet defector were Anatoli Michael Golyzin, Anatoli Dolyntzin and Anatoli Klimov, the source added.

"FRENCH SPY"

Toward the end of 1962, Mr. Thyraud de Vosjoli informed his CIA contacts that the French had decided to establish an active espionage unit covering the United States. He also supplied CIA with a list of American newspapermen, as well as officials in the Department of State, CIA and the Department of Defense whom, he thought, the French authorities might be able to exploit as contacts.

Several of the State Department officials on this list were located in the Bureau of Intelligence Research, the source alleged.

Mr. Ball authorized the "electronics room" to tap the phones of every person on the list, according to the source.

ROGER HILSMAN

Inadvertently, some conversations which Roger Hilsman, the Assistant Secretary of State in charge of the Bureau of Intelligence Research, had with officials in the White House, the CIA and the Defense Intelligence Agency were picked up on the tapes, the source said.

Mr. Ball was considerably annoyed by some of Mr. Hilsman's expressions and actions; he communicated this information to Secretary Rusk who, however, the source understands, decided not to communicate his reservations to President Kennedy.

"RESIGNATION"

After the assassination of President Kennedy, further conversations of Mr. Hilsman were monitored. In some of these, he spoke "indiscreetly" about President Johnson. Shortly thereafter, Mr. Rusk indicated to Mr. Hilsman that his resignation would be appreciated, the source claimed. Mr. Hilsman "resigned" suddenly in 1964, the source said.

OTTO OTEPKA

An "ironic and unanticipated outcome of the monitoring" of the Bureau of Intelligence Research was that the facilities of the electronics room became overburdened during most of 1963. For this reason, when Mr. Reilly decided to have Otto F. Otepka's telephone monitored, he had to obtain Mr. Ball's approval to have it done outside the facilities of the central electronics room. Working with others, Elmer Dewey Hill placed a direct tap ineptly on Mr. Otepka's telephone and eventually Mr. Otepka learned of the tapping and informed the Senate Internal Security Subcommittee. This was to result in the so-called "perjury" situation arising from testimony given by Mr. Reilly and Mr. Hill to the Subcommittee, the source revealed.

PRESS "BUGGED"

Besides State Department officials, other persons whose conversations have been taped and made into "voice profiles" since 1963 included, according to the source, approximately eighty-five journalists and newspaper correspondents. Among these were John Hightower and Endre Marton of the *Associated Press*, James Reston, Richard Eder, John Finney and others of the *New York Times;* Bernard Gwerzman and Mary McGrory of the *Washington Evening Star* and Rowland Evans and Robert Novak, columnists for the *Washington Post*.

SOME $1,500,000 SPENT

Because the cost of the machinery for the "voice profiles" was unusually expensive, the Security Office spent during fiscal year 1963 over $1,500,000, some of it on "loan" from other intelligence agencies, the source revealed. In the four-month period of March to June 1963 alone, the expenditures exceeded $900,000, the source revealed.

EXHIBIT 2

[From the Chicago Tribune, May 2, 1968]

CAPITOL VIEWS

(By Willard Edwards)

WASHINGTON, May 1.—Another sordid chapter, straining credulity, is now being added to the extraordinary epic known as "The Otepka Tragedy."

The government's final ruling in the celebrated case was ready for release 40 days ago. On the point of publication, it was held up and inquiry today indicated that the mysterious delay may be protracted.

High federal officials stopped issuance of the ruling, it was learned, in order to prevent the simultaneous removal of the secret label from explosive testimony now hidden in the files of the Civil Service Commission.

The evidence thus being suppressed involves two major administration figures—Secretary of State Dean Rusk and former Undersecretary George W. Ball, ambassador-designate to the United Nations.

Ball awaits a Senate hearing on his qualifications as President Johnson's nominee to succeed the resigned Ambassador Arthur J. Goldberg. Publication of the Otepka transcript could provide the basis for questions embarrassing to him and to the administration.

Otto F. Otepka thus endures another agonizing wait in an ordeal which began five years ago when he was fired as the state department's top security officer because he dared give testimony to a Senate committee about lax security procedures in the department.

He won reinstatement after four years of intimidation and harassment. Most of the charges against him were dropped but Rusk imposed a reprimand and a demotion in grade which ended his career as a security officer. Otepka, maintaining he was entitled to complete vindication, appealed to the Civil Service commission, the presumed guardian of the rights of all government employes.

CHARGES COVER-UP FOR REILLY

On March 7, at a secret commission hearing Otepka boldly documented a charge that Rusk and Ball "covered up" for subordinates who engaged in a conspiracy to oust him from his security post. He named 11 state department employes, headed by John F. Reilly, former deputy assistant secretary for security, as members of the conspiracy.

Recalling that Reilly tapped his telephone, drilled open his safe, and placed him under surveillance, Otepka said the evidence clearly demonstrated that Rusk and Ball "fully protected Reilly in his attempts to escape culpability when he was trapped in his own falsehoods."

Congressional investigators are now probing reports that Otepka was only one of a number of state department officials whose conversations were monitored during the Kennedy-Johnson administrations. Ball, undersecretary from 1961 to 1966, was named as the official in charge of what was known as "the espionage room" which handled this widespread phone-tapping operation.

As the hearing ended, Commission Examiner James Masterson said his decision would be ready in "10 days or two weeks."

Otepka asked for a copy of the transcript in order that he might make corrections, if necessary. This is a routine courtesy granted all witnesses. Masterson promised to furnish him or his attorney, Roger Robb, with a copy of the testimony. Nearly two months later, despite numerous requests, neither Robb nor Otepka has been supplied the transcript.

Masterson's verdict, reportedly adverse to Otepka, was ready, as he had predicted, by March 21. But alarm had meanwhile spread thru high administration circles as the transcript was studied. It was a highly persuasive account of vicious intrigue designed to destroy a government servant whose only crime was a refusal to protect security risks he found in the state department.

OFFICIALS FACE A QUANDARY

Officials faced this quandary: They were anxious to rid themselves of the Otepka case, which has become a grave political liability, but an official ruling would require release of the transcript to Otepka and his attorney for use in appeal to the courts if they decided to keep on fighting. Suppression of its damaging contents would no longer be possible.

As the weeks passed, this dilemma remained unresolved. Inquiries at Masterson's office were met with a statement that the decision was not yet ready for release.

Otepka, meanwhile, put himself on an unpaid leave status. He could not, in good conscience, he said, accept pay for the clerical duties assigned by Rusk which ignored his 25 years of experience as a security officer.

"I haven't lost hope," he said. "Somehow, some day, in this land of freedom and justice, the right of government employes to furnish information to Congress is going to be upheld."

EXHIBIT 3

TWO-MAN UNIT TO SIFT OTEPKA WIRETAPS

The State Department yesterday named a two-man panel to investigate allegations of telephone-tapping and other electronic eavesdropping in the Department's security office.

Appointed to the panel were Wilson Clark Flake, retired former U.S. Ambassador to Guinea, and George W. French Jr., a retired Army intelligence officer.

They were instructed to re-examine testimony given before the Senate Internal Security Subcommittee, which has been investigating State Department security, and to review State Department records, conduct interviews, and report to Secretary of State Dean Rusk as soon as possible.

The investigation stems partly from the case of Department Security Officer Otto Otepka, who was given his dismissal notice in November on charges that he circumvented normal procedure in giving information to the Senate Subcommittee.

Otepka, who is appealing his ouster, charged that other officials of the Security Office tapped his phone. Two members of the Security Office recently were placed on leave after they first denied and later conceded before the Subcommittee that the tapping incident occurred.

The State Department said the panel investigation is separate from hearings which will be held on Otepka's appeal.

EXHIBIT 4

DECEMBER 19, 1963.

Memorandum for: Wilson C. Flake, George W. French.

From: William J. Crockett.

Subject: Terms of reference for an investigation of certain actions in the Office of Security.

I am transmitting to you copies of terms of reference with a request that you begin work on this project immediately.

In the conduct of your investigation you are authorized to take sworn statements. Should your request for such a statement be refused I want this matter brought to my attention immediately.

I have requested all personnel of the Office of Security to cooperate with you fully. Although I do not wish to set a deadline for the completion of this assignment I am sure you recognize that we are interested in having as thorough a job done done as possible.

Attachments: as stated.

TERMS OF REFERENCE FOR THE CONTINUATION OF THE DEPARTMENT'S INVESTIGATION OF CERTAIN ACTIONS IN THE OFFICE OF SECURITY

During the last 2 months the Department has been trying to assemble all facts relating to any efforts made in the Office of Security to intercept conversations in the office and on the telephone of Mr. Otto F. Otepka. This investigation needs to be concluded at the earliest possible moment and a report must be prepared for the Secretary of State setting forth all the information obtained.

In the conduct of the final stages of this investigation particular attention should be devoted to the following:

(*a*) A thorough reexamination of all the testimony given to the Senate Internal Security Subcommittee by any present or former member of the Office of Security.

(*b*) A further review of all written material that has been provided by present or former members of the Office of Security.

(*c*) Based on information available under (*a*) and (*b*) above, oral interviews should be conducted with any individual who may have participated in, or have knowledge of, activities mentioned by the Senate Internal Security Subcommittee. Specifically, particular attention should be given to the allegation of other cases of "bugging" or "tapping." This includes also any charges of "tapping" or "bugging" in places other than Mr. Otepka's office. As conclusive an analysis as possible of this allegation should be made.

(*d*) Any organizational or procedural difficulties which may be brought to light by the Department's investigation.

(*e*) Any relevant matters that have been raised either during the Department's inquirer or the investigation of the Senate Internal Security Subcommittee and which have not yet been completely investigated.

EXHIBIT 5

EXCERPT FROM MEMORANDUM OF RECORD BY STATE DEPARTMENT SECURITY OFFICER JOHN R. NORPEL, JR.

MEMORANDUM OF RECORD

On Friday, January 17, 1964, from 2:30 to 4:15 p.m. Security Officer John R. Norpel, Jr., was interviewed in Room 7334 NS. The interview was conducted by former Ambassador Wilson Flake and retired Army officer George French.

Prior to the outset of the formal interview as it was described by Ambassador Flake, he explained the scope of his assignment was to identify shortcomings in security and practices procedures. Ambassador Flake mentioned he had been instructed by the Assistant Secretary for Administration William J. Crockett. However, the final report would be furnished to the Secretary personally and he implied it would not be routed through lower staff levels.

Ambassador Flake also pointed out that he did not intend to explore the issues in the "Otepka case." He stated these were separate from the inquiry at hand and would be answered by Otepka in due proceedings. Continuing, he requested that should any of his questions appear to be related to or identical with any of the "three charges" Otepka was facing—the interviewee should so state.

When Ambassador Flake disclosed the "Otepka case" was to be considered a separate matter, he was informed Security Officer Norpel was in no way reluctant to discuss that or any other matter. Security Officer Norpel observed undoubtedly the gentleman had or should have had access to the FBI's investigative report. Security Officer Norpel stated his answers or statements could not differ materially from the information he divulged to the FBI.

Ambassador Flake concluded the introduction to the formal interview by advising all information developed through the course of his inquiries would be furnished to the Secretary of State for such use as the Secretary would desire. When Ambassador Flake noted that the formal interview of record would then proceed, Security Officer Norpel asked if this interview was being recorded. In essence, both Ambassador Flake and Colonel French replied in the negative to the question insofar as technical coverage was concerned. The only "recording" would be such notes as they might make during the course of the questioning.

Colonel French then, in substance, advised Security Officer Norpel not to answer questions if he did not desire. Should the advice of counsel seem necessary at any point, the interview would be terminated so that Security Officer Norpel could make such arrangements.

The first questions of a formal nature were by Colonel French. These related to personal knowledge of tampering with telephones or clandestine, surreptitious entry into safes on the property of the Department of State. The answers to both questions was "No." In elaboration, Security Officer Norpel related he suspected his own telephone had been tapped or tampered with. He recalled several occasions in about May or June 1963, when after dialing the first digit to reach another phone in the Department calls in progress from Mr. Chayes' office, the Legal Counsel, could be audibly monitored. The interviewers were informed after this occurred on a number of occasions it was reported to Security Officer (technician) Stanley Holden. It was assumed Holden made some type of check. Security Officer Holden subsequently explained often rotaries on telephone dial equipment in the basement became clogged with dust which could possibly have caused the malfunction described.

Mr. **WILLIAMS** of Delaware. Mr. President, will the Senator yield?

Mr. **THURMOND**. I am pleased to yield to the able and distinguished Senator from Delaware.

Mr. **WILLIAMS** of Delaware. I shall vote against this confirmation. The Senator from South Carolina has raised some points about the Otepka case which should be answered before the confirmation is approved. The record shows that before a Senate subcommittee, representatives of the Department first denied that it had used a wiretap, then later retracted the denial after other testimony before the committee proved they were false statements. However, it was disturbing to find later that the men who testified truthfully before the subcommittee were punished by being ostracized and put into Siberian positions.

In this connection, I ask unanimous consent that my statement of February 14, 1968, in connection with Mr. Hite and his associate, Mr. Burkhard, be printed in the RECORD.

Mr. **BYRD** of West Virginia. Mr. President, reserving the right to object, what was the request?

Mr. **WILLIAMS** of Delaware. To print the remarks I made on February 14, 1968, concerning Mr. Hite and Mr. Burkhard who testified in this case. After my disclosure of their plight these men were reassigned.

Mr. **BYRD** of West Virginia. I have no objection.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, Feb. 14, 1968]

STATE DEPARTMENT ISOLATION WARD

Mr. WILLIAMS of Delaware. Mr. President, I was somewhat shocked today to find that the State Department is operating what might be referred to as a special isolation ward or cooler for employees whose only crime is telling the truth to a Senate committee.

When this situation was called to my attention I visited this place. I suggest that Members of the Senate and the press go to 23d and D streets, on the first floor of the old State Department Annex Building. There will be found an entire floor that is being heated and maintained by the State Department, and much of the building is piled up with a lot of junk. Only one office on this floor is occupied.

The two employees who are in this room are Harry M. Hite, who is a GS–13 at a salary of $15,307, and Edward Burkhard, who is a GS–12 at a salary of $12,890.

Mr. President, these two employees have had practically no work since 1965. They have had absolutely no work at all assigned to them since October of 1966. Their only duty is to report at 9 o'clock in the morning and to remain there until 5:30 in the evening. They have a telephone and a typewriter, and they sit there looking at each other and reading the newspapers. They have repeatedly sent requests to their superiors in the State Department asking that they be assigned duties. Thus far nothing has been assigned to them.

Mr. President, these two men are being isolated and penalized solely because they testified in the Otepka case. In that case, two or three other employees testified and lied to the committee about whether or not they wiretapped Mr. Otepka's telephone. These men told the truth, and that is their only crime; they told the truth. Those others who lied to the committee and later, when caught, changed their testimony, have been adequately taken care of by the State Department. They were taken care of because they tried to cover up for them. But the State Department could not fire these two men because it realized it could not sustain charges. The men draw their salaries and sit there twiddling their thumbs for 8 hours a day in what now has the appearance of an old abandoned warehouse.

This is ridiculous, especially at a time when we hear so much about Government deficits.

The State Department is well aware of this situation because these two men have sent repeated memorandums to the Department appealing for some work to do.

Mr. President, I went through the place this morning, and I looked at it. I invite Senators and members of the press to go down there and look at the conditions in that building. If those who go there are unable to find the room at first, do not give up, because I searched for 10 minutes before I could find anybody in the building. The men were there, in room 114, and on the job, sitting there as they have been for the last 16 months, waiting for somebody to give them orders.

Mr. President, I most respectfully suggest that this matter should be straightened out within 72 hours. If not, I am going to submit a resolution asking for the immediate removal of their superior.

Mr. WILLIAMS of Delaware. Mr. President, I shall vote against the confirmation of the nomination.

The PRESIDING OFFICER. The question is, Shall the Senate advise and consent to the nomination of George W. Ball? [Putting the question.]

The ayes have it, and the nomination is confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has ratified the two resolutions of ratification on the conventions and that the Senate has also confirmed the nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law-enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Is there any amendment pending at the moment?

The PRESIDING OFFICER. No amendment is pending.

Mr. McCLELLAN. I thank the Chair.

Mr. President, I again want to share with my colleagues some of the continuing expressions of concern over the rising tide of lawlessness in this country that I have received during the past few days. In lieu of insertin gthose communications into the RECORD, however, I shall merely read excerpts from them.

Before doing so, however, I wish to read a few excerpts from an editorial written by David Lawrence, and published in U.S. News & World Report for May 6, 1968, entitled "How To Fight a Domestic War." I ask unanimous consent to have the full text of the editorial printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. Mr. President, the editorial begins:

> Never before in the history of the United States have the people been confronted with such a threat to their safety in the cities as we are witnessing today.
>
> Apparently the impulse to create havoc is infectious. Its spread is plainly due to the failure of established authority promptly to impose discipline so as to deter further attempts to defy the law.
>
> * * * * *
>
> Basically, many of the rioters have lost all respect for "law and order" and are taking advantage of the softness of governing authorities. When "marches" and "demonstrations" first began, and the police used normal methods of control, charges of "police brutality" were heard. A continued propaganda movement has since been carried on against the police generally.
>
> * * * * *
>
> Nothing in the Constitution says that freedom of speech means the right to incite persons to destroy lives or property.
>
> * * * * *
>
> Various public officials have been advocating a gentle handling of riots and restrictions on the use of force, even though criminal elements are stimulated to rob and loot. The impression has been conveyed that the authorities would be "soft" and that thievery could go on with little interference and without much risk of punishment. There have been too many cases of vandalism while police were nearby. If the impression develops throughout the big cities that looting can be done with relatively little chance of its being stopped by police, an even greater loss of life and property could ensue in the future.

Commenting on the threatened Poor People's March, an editorial published **in the Tulsa World of May 7, 1968,** notes that—

> The Rev. James Bevel, told a Mississippi group last week that mass applications for welfare are one means of tying up local government machinery. . . . Organizers say the march and camp-in will last indefinitely—until their demands on Congress are met. No one knows how long that may take. But it stands to reason that the longer the "visitors" remain, the more likely they are to seek health and welfare benefits."
>
> . . . If poverty, hunger and illness are being exploited to gain political objectives, it is the choice of leaders of the march—and the marchers themselves. The District of Columbia should not be expected — and should not consent to subsidize this kind of invasion at the seat of government.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial entitled "Subsidizing the March," published in the Tulsa, Okla., Daily World of Tuesday, May 7, 1968.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SUBSIDIZING THE MARCH

The poor people's march on Washington this month is raising some sticky questions.

For example, shall Government welfare and health agencies in the Capital assume care for the thousands of marchers who may seek their services?

In other words, is the Federal welfare establishment obliged to undergird a movement that seeks to challenge and possibly disrupt the very processes of the Government itself?

That may seem paradoxical and insane, but it is real enough. One organizer for the march, the Rev. James Bevel, told a Mississippi group last week that mass applications for welfare are one means of tying up local Government machinery.

Winifred G. Thompson, District of Columbia Welfare Director, is very much aware of the possibility of mass demands for welfare support. She has asked the District corporation counsel whether she must pay benefits to out-of-town applicants who come to Washington.

The District Health Department also wants to know how far its responsibility goes in furnishing medical services for the campers-in.

Questions of money arise, too. Will Congress be asked to furnish emergency funds for the care of the demonstrators?

Organizers say the march and camp-in will last indefinitely—until their demands on Congress are met. No one knows how long that may take. But it stands to reason that the longer the "visitors" remain, the more likely they are to seek health and welfare benefits.

It isn't hard to foresee outraged protests against a hard-hearted bureaucracy that will allow women and children to go hungry and ill right under its nose. In such an atmosphere, will anyone ask who is responsible for the march in the first place?

If poverty, hunger and illness are being exploited to gain political objectives, it is the choice of leaders of the march—and the marchers themselves. The District of Columbia should not be expected—and should not consent—to subsidize this kind of invasion at the seat of Government.

Mr. McCLELLAN. Mr. President, I do not know what all of the demands—and Senators should understand they are not requests, they are demands—being made by those participating in the march and their leaders are, nor what they are expected to achieve. I read in this morning's newspaper that one demand was that

the Government guarantee or provide every family in America a minimum income of $4,000 per year.

I do not know whether there is associated with that demand any acknowledged responsibility on the part of those who are to be so subsidized to work when they have a chance to work, to work when a job is offered to them, or whether it would just be a gratuitous contribution by the taxpayers of this Nation to anybody who just does not want to work.

I think we need some clarification on that issue, because I also read in the press this morning that there are more jobs available in this country today than there are people who are unemployed; and I may say, Mr. President, that in my State there are jobs awaiting people who are willing to work. I think that can be said without any fear of successful challenge. I do not know that it holds true everywhere; I would not say that it does. But certainly, jobs that are available should be filled, and people who can do the work should be required to work before we tax other citizens of this country to provide them a gratuity of $4,000 a year.

A column appearing in the current edition of "Roll Call" by Allan C. Brownfeld also comments on the march on Washington that is now in progress. Mr. Brownfeld was kind enough to forward me a copy of his column and noted, in his cover letter, that—

> The Poor People's March which is planned for Washington in the near future is an example of the politics of coercion which its advocates do not hesitate to endorse.

I have previously noted in the course of the debate during the last few days, Mr. President, that there is a tendency—in fact, it is becoming an accepted practice in many areas of endeavor in this country—in politics, in petitioning the Government, in protesting whatever may not be liked in the colleges and the universities, or wherever someone dissents or disagrees with what is occurring—to resort to intimidation, coercion, and even violence as a means of achieving goals or aims.

Mr. President, that is not consistent with a country governed by laws instead of by men. Therefore, this trend cannot be permitted to continue.

Force, intimidation, and coercion, if it becomes the process by which we govern ourselves in this country, will destroy our liberty and force an end to the sovereignty of government. Our Government would become a rule by dictatorship rather than a rule by the democratic process.

When we are dealing with the pending crime bill, all of these subject matters and activities in the nature of demonstrations—that is, demonstrations that are not passive, but are disorderly demonstrations in which the participants trespass upon the rights of others or commit acts of civil disobedience—are relevant to the pending bill which we are considering in an effort to reinforce the law-enforcement agencies of the country and to improve the operations of the machinery of justice.

Mr. Brownfeld begins his column:

> The poor people's march which is scheduled to arrive in Washington in the near future is by no means a civil rights demonstration. This point was made explicit by the Rev. James Bevel, a spokesman for the Southern Christian Leadership Conference which is sponsoring the march. Speaking in Marks, Mississippi, where the leaders began their search for recruits, Bevel stated that: "This is no longer a civil rights thing. This is economic. We intend to force the power structure of this country to divert more energy—and by that I mean money—into getting 40 million Americans into this nation's economic mainstream."

I guess that statement is susceptible of different interpretations. I think most Americans have the opportunity to be in the economic mainstream. There are a few who possibly do not have. But there are ways and means to try to reach those few and help them if they are willing to help themselves.

There is not, in my judgment, a Member of the Senate who is not perfectly willing to try to reach down and help those who are willing to help themselves and are willing to accept the helping hand which is reached out to them and put forth some effort on their own part to try to improve their condition.

That has been demonstrated here time and time again by the programs that have been authorized and the expenditures that have been made in an effort to do this. I think that every Senator would be willing to do so again on any new program that is submitted. However, there is a whole lot of difference between doing that and being threatened and intimidated and having someone say to the Congress of the United States, to our Government, and to its officials, "We are going to force the power structure of this country to divert more energy—and by that we mean more money—to give us some of these things that we want."

Mr. President, where is the money coming from? Are those of us who are going to support this demand ready to add an additional 10- or 15-percent surtax to the surtax that the President is now asking for? We would have to do this to provide the $10 billion or more that would be required. That is a very modest estimate. It is probably an understatement of the amount required to meet just this one demand.

Where is the money coming from? The credit of our Government is already under a strain. As a result, we have an imbalance in trade with foreign countries. We have pressure on the dollar. We have spiraling inflation. Are we going to add this much pressure to the pressure that already exists?

I think those who are willing to vote to meet these demands for $10 billion or more on this one issue and for the other billions that would be required to finance the additional programs these people want should realize that if we vote in favor of meeting these demands, we should be willing to increase our taxes to pay for our action.

Unless we stabilize the economy, unless we stabilize our fiscal policies, voting today to spend more money will not mean that we will have the purchasing power to buy the goods tomorrow that we could buy with today's purchasing power. The purchasing power of the dollar is rapidly declining. And to make such huge expenditures as are being proposed would simply add to and hasten the decline of the purchasing power of the dollar.

Continuing, Mr. Brownfeld stated:

> In a free society all individuals have the right to advocate policies which others consider mistaken. But none have the right to take the law into their own hands and violate the rights of others. The leaders of the march, when they advocate dislocating the functioning of municipal and federal governments, the blocking of bridges and highways, are forgetting the very principle which liberal advocates of open housing and other reforms urged: one man's freedom ends where another begins. What of the right of the majority of citizens to conduct their legitimate business?

Mr. Brownfeld's thought-provoking column concluded with this:

> Our society can be pulled down if we permit the blackmailers and their advocates to dominate. Citizens have the right to advocate a guaranteed annual wage, more jobs, and even preferential rights. But they have no right to violate the law and deprive other citizens of their rights. It is important that we recognize the distinction, for in the coming weeks we may be forced to draw our lines very sharply.

Mr. President, I made the following observation on the floor of the Senate last Friday:

> We have in this country among our Negro people some of the finest, some of the most patriotic, some of the most loyal citizens, who share today the fear that others are expressing, who share the shame that we feel when we see these outrageous riots and acts of lawlessness running rampant throughout our cities—the plundering, the burning, the pillaging, and the murdering. They do not agree with it, they want it stopped. The best element of the Negro race in this country today want these things stopped. They want law and order. They, too, want protection.

Yesterday, Mr. President, in one of the cities of my State, it was my privilege to attend a dedication ceremony of one of the most beautiful community centers that I believe can be found anywhere in a community of that size. There, Mr. President, the leading Negro citizens of the community joined with the white citizens of the community, and together, in an appropriate ceremony, joined hands in the dedication of this center, which will provide services and conveniences to all the people of that city.

That is the way things should be done, and that is the way we will make progress in race relations, and that is the way we will make economic progress—when everyone is willing to carry his share, when each one is willing to try to earn his own way, when each one is willing to work and will work when work is offered.

But we will not progress in this country and our internal situation will not improve if we have come to the point at which we are ready to be intimidated and permit intimidation and coercion to influence us to vote gratuities of an annual wage or a guaranteed income simply to provide the livelihood for some people who are not willing to work and who will not undertake to take care of themselves.

There are those who need help. There are those for whom we provide relief. If relief is inadequate, so far as we can do so we should increase it and in many areas expand it. But whenever we take a position in which we say to anybody coming here, "You will get $4,000 a year or some other amount, whether you work or not," we would be opening the floodgates to our financial ruin.

Mr. Archie Moore, the great boxing champion and a great American, is a prime example, Mr. President, of what I have just been talking about as to the good Negro citizens of our country. An article published in the Dearborn Guide of May 2, 1968, is devoted to this outstanding man, and I ask unanimous consent to have the entire article, entitled "Archie Moore Seeks Self-Help," printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Without objection, it is so ordered.

(See exhibit 2.)

Mr. McCLELLAN. Mr. President, Mr. Moore is quoted as saying:

> The devil is at work in America, and it is up to us to drive him out. Snipers, looters, white or black, deserve no mercy. Those who would profit from their brother's misfortunes deserve no mercy, and those who would set fellow Americans upon each other deserve no mercy.

Continuing, Mr. Moore said:

> I am a staunch advocate of the Negro evolution for the good of mankind. I've seen almost unbelievable progress made in the last handful of years. Do we want to become wild beasts bent only on revenge, looting and killing and laying America bare? Hate is bait, bait for the simple-minded.
>
> Sure, I despised the whites who cheated me, but I used that feeling to make me push on. If you listen to the professional rabble-rousers, adhere to this idea of giving up everything you've gained in order to revenge yourself for the wrongs that were done to you in the past—then you'd better watch your neighbor, because he'll be looting your house next. *Law and order is the only edge we have.* No man is an island. (Emphasis supplied.)

Mr. President, Mr. Archie Moore is quoted further as follows:

> Granted the Negro still has a long way to go to gain a fair shake with the white man in this country. But believe this: If we resort to lawlessness, the only thing we can hope for is civil war, untold bloodshed, and the end of our dreams.

Mr. President, those words were spoken by a man who obviously loves his country, and I urge my colleagues to read the entire article about Mr. Moore.

Mr. R. W. Baldwin, president of the Maryland State Bar Association was kind enough to forward me an article he had prepared at the request of the Daily Record, the Baltimore legal and business daily, for its annual Law Day, U.S.A., edition. In his letter of transmittal, Mr. Baldwin commented that he had "been following with great interest your committee's hearings in respect to law enforcement, as to which I very strongly support your view."

The article is entitled: "Recent Insurrection Lends Sardonic Note to National Image of Observance."

Mr. President, the article is very pertinent to our deliberations on S. 917. I shall not take the time to read the article in its entirety, but I ask unanimous consent that it may be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. McCLELLAN. Mr. President, I shall read two or three excerpts from the article. The article states:

> The steady increase of crimes of violence, including ruthless assassinations, now capped by the recent eruptions of senseless arson, looting, riot and inurrection, have made a mockery of our national image of a democracy governed under law and order. As a consequence, Law Day U.S.A. this May 1, 1968, takes on a sardonic note.

It is significant that S. 917 was taken up and made the pending business in the Senate on Law Day, U.S.A., 1968. This is the most vital and important legislative measure, in my judgment, that will be considered in this session of Congress.

The disposition of this bill, whether we pass it or reject it, is going to have a lasting impact upon law and order in our country, and more so than we probably can visualize at this time.

Some of the provisions of the bill strike at the very crux of the problems that confront us, the lack of law enforcement. If you sum it up in a nutshell, that is the greatest threat to our country: the lack of law enforcement. This bill strikes at that threat by providing the means for strengthening law-enforcement officials in training and equipment, and then, by strengthening them in presenting a case for adjudication in the courts of our land. It also strengthens the judicial process by modifying some Court decisions that, in my judgment, have tampered with the Constitution—at least these Court decisions overruled what had been the law of the land for more than 100 years and they overruled precedents established by competent and able judges who have been revered since they served on the Supreme Court.

The Constitution did not change. The other courts have held the admissibility of voluntary confession to be constitutional over and over. It was the Court that changed and not the Constitution.

There are those people who talk about trying to turn back to lynch law. There is nothing so ridiculous as those persons who use that term. One has only to read this bill to know that it would do no such thing. It simply turns back the clock to the time when the Constitution was interpreted to mean what it said, and that is all. It turns aside or rejects the amendment that has been fostered onto the Constitution by Court decisions that invoke dubious technicalities to turn loose on society known, confessed, guilty criminals.

Mr. President, the article to which I have referred continues:

> How can we say to the world that the United States stands for law and order in the face of the uncontrolled lawlessness which we tolerate today? The plain truth is that we cannot. Hence, the usual platitudinous statements relating to Law Day U.S.A: and World Peace Through Law will have this year a hollow and mocking tune. My view is that we must face up to the situation and act accordingly.

Mr. President, I hope that all Senators will read the entire article, because it describes the work of the President's Commission on Law Enforcement and the Administration of Justice. Although in a minority, a substantial number on that Commission recommended action in line with the provisions of the pending bill. Yet they were ignored by the majority.

I quote further from the article, from Chief Judge J. Edward Lumbard of the second circuit, chairman of the ABA Special Committee on Minimum Standards for the Administration of Criminal Justice:

> "We are in danger of grievous imbalance in the administration of criminal justice * * *". Starting with that premise they advocated in restrained language legislation to moderate the more unrealistic effects of the *Miranda, Escobedo* and *Crooker* cases so that police can apprehend and courts can convict at least the plainly, guilty.

Mr. President, as a Senator, I expect to have daggers thrown at me, to be ridiculed from some sources, and to be charged with what seems to be, in the minds of some, an unpardonable sin, that of attacking the Supreme Court.

Let me remind my colleagues that I did not attack the Court. If this is an attack, four members of that very same Court attacked the decisions of the other five. Were they attacking the Court when they dissented? I do not think it can be charged that they had no right to dissent. I have not said anything more harsh about the majority of the Court than the minority members have themselves who disagreed with them.

These days we seem to be harping on the right to dissent in America. All right. If that is a right of every citizen in America, then certainly every Member of this body has a right to disagree with the Supreme Court on some of its outrageous decisions. We also have a right and the authority to try to do something about it.

I do not mind the smears. This is my fight. I have no more stake in this than does any other Senator. I have no more to lose or to gain than any other Senator. Perhaps I have less to gain, because I may not be running for office as long as some other Senators. Thus, it is not a matter of a personal vendetta against the Supreme Court, or of personal feeling. It is crucial to the peace and tranquillity of America. It is crucial to law enforcement. It is imperative that the current trends be reversed. Law and order in America cannot be restored unless we restore that procedure and that quality of justice which prevailed in this country for so long which kept down the crime rate.

Mr. President, all you have to do to satisfy yourself, or anyone else, is to take the chart of crime increase in this country and see what the impact has been since the decisions were rendered by the Supreme Court when it began amending the Constitution to conform to the theories of sociologists instead of interpreting the Constitution according to the precedents which had been established by their predecessors, and when we departed from that and began traveling downhill along a dangerous road.

At this hour, at this session, Congress will have the opportunity to do something about it, to try to restore the processes of judicial procedure which kept our citizens safe from the lawless element—from the criminal who had the inclination to engage in barbaric crimes.

Ah, Mr. President, we hear a lot about poverty, that poverty is the cause of it all.

Mr. President, poverty never gave any man an excuse to murder.

Poverty never gave any man an excuse to rob a bank by force of arms.

Poverty never gave any man an excuse to attack an old lady on the street and jerk her purse away from her.

Poverty never gave a criminal with animal instincts the right to rape and ravish at will and with impunity.

Is poverty an excuse for all that?

Had poverty been an excuse, and had it been tolerated as an alibi for the crimes we witness today in America, I wonder how America could have survived until now when, in the past, there was much, much more poverty than there is at present.

How did our country survive?

We have less poverty today. We are the most affluent country in the world. We have less poverty than ever before. Yet, poverty is used by some as an alibi and excuse to condone the increasing number of crimes occurring in our country.

Mr. President, last Friday, I referred to the number of communications I have received during the past few days from concerned citizens about the growing lawlessness in America and the laxity of officials responsible for enforcing and maintaining law and order. At that time, I read excerpts from a cross-section of 65 of these communications from people in 16 different States. Today's sample includes statements from people in some of those States as well as others.

These people are concerned, Mr. President. Many are outraged—and most are frightened. All of them want action.

A man in Westfield, N.J., writes:

> I, too, want to preserve this country, and I believe the great majority of our citizens have the same interest. We can only hope that this fact is somehow communicated to the serious Presidential candidates now on the scene—and that out of the upcoming elections we will obtain the necessary leadership to get America back on the rails.

A secretary in Jenkintown, Pa., who has felt the tragic horror of a heinous crime, writes:

> May I just add another small voice to your campaign to again have America as the country of the people, by the people, and for the people.
>
> The terrible inequities now expounded by our judiciary are the most awful threat to our citizens that I can imagine. We are the God-parents of a 16-year old girl who was just abducted and murdered. For her parents' sake, I almost wish they would not catch the filthy beast who committed this crime, for we are all certain that, because of the ridiculous changes to our laws, Candy will be the one who is tried and denounced, even after death, instead of her killer being punished severely enough to show that justice still is an American way and to perhaps deter others from perpetrating like crimes.
>
> I pray for your success in all your endeavors to bring America back to its high standards and the good old-fashioned American justice—to protect the innocent, not shield the guilty, will again be the way of life for my children and theirs.

A group of concerned citizens in a Philadelphia neighborhood sent me a copy of an article headed: "Court Coddles Criminals, Says Senator McClellan," and alongside the article, these people had written simply: "Good for you. You have our wholehearted support." Beneath that terse assurance, Mr. President, 53 citizens had taken the time and trouble to sign their names.

A resident of Baltimore writes:

> I support you implicitly in your efforts to right the wrongs of the Supreme Court. I believe the time is long overdue where the Courts in this great country of ours should stop favoring criminals.

A gentleman from Lowell, Mass., writes:

> I find myself in complete agreement with you on the need for a crime control bill. Several past Supreme Court decisions leave a lot to be desired, especially in this area of crime control.

A couple from nearby Arlington, Va., write:

> Surely there can be a stop to the lawlessness that is going on in this country.

Mr. and Mrs. Herman T. Bauer write from Maryland:

> We agree with your stand and feel that the Supreme Court has been coddling criminals long enough.

A retired police lieutenant from Connecticut expresses great concern over the rising tide of lawlessness and offers the following recommendation:

> Following is a suggestion that I think may help our chances to enforce law and order which we know is so important to the future of our country. I suggest that every honorably retired police officer of sound mind and body be not only allowed but encouraged to be armed at all times and make his badge all the authority he needs to be armed. I am sure that these retired men, or at least 90% of them, would be willing and happy to serve in any emergency without pay in the area in which they live.

I think that suggestion ought to be further explored, Mr. President, and I thank Mr. Paul M. Berg, Sr., for submitting it.

A farmwife from Michigan writes:

> Let's get tough and give the police more aid instead of criticism and give the decent law abiding people some peace of mind and freedom from fear.

A lady from Kentucky, who signs her letter "just a farmwife," writes:

> We—the people—who are at home who pay taxes and more taxes for schools—welfare—housing and poverty, etc., are heart-sick over conditions and are feeling hopeless and have lost faith in government officials, are grateful to you for your efforts against crime.

From Glendale, Calif., a Mr. Post writes:

> I have just finished reading about the Title II of the Safe Streets and Crime Control Bill. This seems like the long sought answer to the prayers of many people. I wish to add my voice to what I am sure is the overwhelming desire of the American people.

A Waynesville, Ohio, woman writes:

> Just read an article in our local paper where you were pushing for Senate passage of a crime control bill that would supersede several controversial Supreme Court decisions. Your accusation that the Supreme Court was coddling criminals, is a hundred percent right. Under our present laws, a person can be murdered in cold blood, and if the arresting officer fails to inform them of their rights, the judge will turn them loose. This very thing happened recently around here. With all the crime going on today, it is not safe for a woman to be on the streets. Something must be done. Little wonder that crime is increasing, the criminal hasn't nothing much to fear. Little wonder our police force are throwing up their hands and quitting by the thousands they have no backing.

Mr. Jack A. Turner from Beaumont, Tex., writes:

> Thank you for your bill to prevent crime. The Supreme Court and the Administration are doing things to our great country that should not be done.

An Ohio man writes:

> I want something done about crime and riots! Everyday I go to work thinking about my home and family. Judges just slap the hands of rioters and release other types of criminals on technicalities.

Incidentally, Mr. President, this man adds, almost pathetically, the following postscript:

> Could we have a little prayer in schools—maybe even a salute to the flag each morning?

Those are the days I would like to return to—when there was reverence for law and respect for authority; when we instilled in the youth of the land a respect for divinity, for the divine, for the parents, for the teachers, and for the law-enforcement officials.

The Reverend William C. Huddleston, pastor of the Trinity Baptist Church in El Dorado, Ark., writes:

> Our church wishes to endorse your proposed legislation for making the streets of our cities safer. . . . We commend your action in this matter.

Mr. President, last Friday I placed in the Record 22 telegrams that I had received from downtown business people in Washington. I have three more here today that came the next day, which I did not get to put in the Record; and I ask unanimous consent that these telegrams be placed in the Record.

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

Carr's Jewelers,
Washington, D.C., May 11, 1968.

Senator John L. McClellan,
Senate Office Building,
Washington, D.C.

I feel I can speak in behalf of the entire community. I as a downtown merchant strongly urge the President or a subordinate to immediately make public announcements that law and order will be upheld in Washington by whatever means required and that stringent enforcement measures be used.

Louis E. Nyberg,
President.

Treasure Trove, Inc.,
Washington, D.C., May 11, 1968.

Senator John L. McClellan,
Senate Office Building,
Washington, D.C.

In the interest of the entire community, I, as a downtown merchant, strongly urge that the President and other high officials immediately make frequent public announcements that law and order will and must be upheld in the Nation's Capital by whatever means required. Every citizen must be made aware of their responsibilities in this urgent matter.

JEROME BRODER,
President.

VIJ SHOPS,
Washington, D.C., May 10, 1968.

Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.

In the interest of the entire community, I, as a downtown Washington businessman, strongly urge that the President or other high authority immediately make frequent public announcements condemning acts of violence; that law and order will be upheld in the National Capital by whatever means required, and that appropriate enforcement measures be taken now.

A. GILDER,
President.

Mr. McCLELLAN. Mr. President, I have a number of other editorials and letters that I want to insert in the RECORD. As soon as I can arrange them, either this afternoon or tomorrow, I will offer them for the RECORD.

I want to say this: I do not think I am mistaken. The American people are frightened, they are disturbed, they are losing confidence in the ability of government to protect them. It is a very disquieting thought when the American people begin to feel that way. I am trying to champion their right here today—their right to be protected, to pass laws and to enforce the laws, to protect the innocent as well as to provide justice for the accused.

Mr. President, I yield the floor.

EXHIBIT 1

[From U.S. News & World Report, May 6, 1968]

HOW TO FIGHT A DOMESTIC WAR

(By David Lawrence)

Never before in the history of the United States have the people been confronted with such a threat to their safety in the cities as we are witnessing today.

The official figures from 76 cities show that 46 persons were killed in a few days in the riots which erupted after the assassination of Dr. Martin Luther King, Jr., on April 4. More than 2,500 were injured, and approximately 21,000 were arrested. Disturbances actually broke out in more than 100 cities, but the national statistics of all the losses have not yet been compiled.

Also, in the Detroit outbreak last July, there were 43 deaths, and in the same month 23 were killed in riots in Newark, N.J.

Many a college campus from coast to coast has been the scene of violence. A few days ago students seized the office of the President of Columbia University, and similar rebellions occurred in several other universities.

Apparently the impulse to create havoc is infectious. Its spread is plainly due to the failure of established authority to promptly impose discipline so as to deter further attempts to defy the law.

Police chiefs throughout the country find themselves calling for State militia. Governors are faced with a situation so menacing that they have to ask for the aid of federal troops. Meanwhile, the riots reach massive proportions, and the damage is extensive. Fires are set and snipers boldly support the rioters. There is no doubt that in most instances the arsonists work in cooperation with the looters. Persons with criminal records are often noted on the lists of arrests.

Basically, many of the rioters have lost all respect for "law and order," and are taking advantage of the softness of governing authorities. When "marches" and "demonstrations" first began, and the police used normal methods of control, charges of "police brutality" were heard. A continued propaganda movement has since been carried on against the police generally.

As a tense situation arises anywhere, local authorities who refuse to grant permits for street gatherings related to highly controversial subjects should not be restrained by the courts. There are plenty of auditoriums and stadiums where such discussions can be carried on in a lawful manner. Nothing in the Constitution says that freedom of speech means the right to incite persons to destroy lives or property.

The main problem nowadays is how to apply force and prevent violence when the disorders start or mobs gather. Some police chiefs are even hesitant to utilize tear gas or to let guns be used to quell disturbances.

Recently a debate has been going on in the press between the mayors of various cities, some of whom declare that it is wrong to shoot at arsonists or looters to deter them. Others say that the intention to use force must in some way be made clear to the mobs if they are really to be prevented from inflicting serious injury. Certainly resistance to arrest can be dealt with forcibly.

Various public officials have been advocating a gentle handling of riots and restrictions on the use of force, even though criminal elements are stimulated to rob and loot. The impression has been conveyed that the authorities would be "soft" and that thievery could go on with little interference and without much risk of punishment. There have been too many cases of vandalism while police were nearby. If the impression develops throughout the big cities that looting can be done with relatively little chance of its being stopped by police, an even greater loss of life and property could ensue in the future.

It is evident that the police are in many instances not instructed in how to deal with rock-throwing, arson and looting. The uprisings often develop in different parts of a city, and an adequate number of officers of the law is not at hand to squelch the disturbances.

The time has come for the Federal Government to take the initiative and help coordinate the police operations of the States and cities. For obviously the disorders are instigated across State lines and are in large part a federal as well as a local problem. Occasional seminars are not enough. The crime wave in a growing population cannot be handled without more police and some form of national supervision.

If federal authorities were required to train the police force and to issue beforehand public announcements of the methods that would be taken to deal with riots, the irresponsible elements would not be likely to risk a defiance of the law.

The problem of communication is vital—how to let the people in the crowded neighborhoods of the big cities know that a riot can be dangerous and that the police will not hesitate to apply maximum force if violence breaks out. Not only must notice of an intention to use drastic measures be given in advance and widely publicized in the communities, but rigid discipline must be applied when disorder becomes manifest.

Insurrection should be handled on a national basis. There is no need for a police state, but there is every need for national security and safety.

EXHIBIT 2

[From the Dearborn Guide, May 2, 1968]

ARCHIE MOORE SEES SELF-HELP

(By Ray Vernon)

Fortunately for America the Negro community of this country is not made up entirely of Stokely Carmichaels, Rap Browns and other black militants.

There are people like Archie Moore, the former light heavyweight champion of the world. Moore came up out of the worst slums of St. Louis and today he has the respect of every man who ever met him.

The following tells what kind of man Archie Moore is:

"The devil is at work in America, and it is up to us to drive him out. Snipers and looters, white or black, deserve no mercy. Those who would profit from their brother's misfortunes deserve no mercy, and those who would set fellow Americans upon each other deserve no mercy.

"I'll fight the man who calls me an 'Uncle Tom.' I have broken bread with heads of state, chatted with Presidents and traveled all over the world. I was born in a ghetto, but I refused to stay there. I am a Negro, and proud to be one. I am also an American, and I'm proud of that.

"The young people of today think they have a hard lot. They should have been around in the '30s when I was coming up in St. Louis. We had no way to go, but a lot of us made it.

"I became light heavyweight champion of the world. A neighbor kid down the block, Clark Terry, became one of the most famous jazz musicians in the world. There were doctors, lawyers and chiefs who came out of that ghetto. One of the top policemen in St. Louis came from our neighborhood.

"We made it because we had a goal, and we were willing to work for it. Don't talk to me of your 'guaranteed national income.' Any fool knows that this is insanity. Do we bring those who worked to get ahead down to the level of those who never gave a damn? The world owes nobody—black or white—a living. God helps the man who helps himself.

"Now then, don't get the idea that I didn't grow up hating the injustices of this world," Archie Moore continued. "I am a staunch advocate of the Negro evolution for the good of mankind. I've seen almost unbelievable progress made in the last handful of years. Do we want to become wild beasts bent only on revenge, looting and killing and laying America bare? Hate is bait, bait for the simple-minded.

"Sure, I despised the whites who cheated me, but I used that feeling to make me push on. If you listen to the professional rabble-rousers, adhere to this idea of giving up everything you've gained in order to revenge yourself for the wrongs that were done to you in the past—then you'd better watch your neighbor, because he'll be looting your house next. Law and order is the only edge we have. No man is an island.

"Granted, the Negro still has a long way to go to gain a fair shake with the white man in this country. But believe this: if we resort to lawlessness, the only thing we can hope for is civil war, untold bloodshed, and the end of our dreams.

"We have to have a meeting of qualified men of both races. Mind you, I said qualified men, not some punk kid, ranting the catch phrases put in his mouth by some paid hatemonger.

"There are members of the black community who call for a separate nation within America. Well, I do not intend to give up one square inch of America. I'm not going to be told I must live in a restricted area. Isn't that what we've all been fighting to overcome? And then there is the element that calls for a return to Africa.

"For my part, Africa is a great place to visit, but I wouldn't want to live there. If the Irishmen want to go back to the Emerald Isle, let them. If the Slavs want to return to the Iron Curtain area, OK by me. But I'm not going to go to any part of Africa to live. I'm proud of ancestry, and of the country that spawned my forefathers, but I'm not giving up my country. I fought all my life to give my children what I'm able to give them today: a chance for development as citizens in the greatest country in the world.

"I do not for a moment think that any truly responsible Negro wants anarchy," Archie Moore went on. "I don't think you'll find intelligent—no, let's rephrase that—mature Negroes running wild in the streets or sniping at total strangers. God made the white man as well as the black. True, we haven't acted as brothers in the past, but we are brothers. If we're to be so many Cains and Abels, that's our choice. We can't blame God for it.

"If some bigot can misguide, then I can guide. I spent too much of my life building what I've got to put it to torch just to satisfy some ancient hatred of a man who beat my grandfather.

"Those men are long dead. Do we have to choke what could be a beautiful garden with weeds of hate? I say no! And I stand ready to start 'Operation Gardener.' I invite the respected Negro leaders of our country to join me."

Archie Moore has had tremendous success with a program he started called ABC—Any Boy Can. He has sought to teach youngsters of all colors what dignity, self respect and honor are. He has helped stamp out juvenile delinquency in many places.

For his remarks Archie Moore deserves a vote of thanks from his fellow Americans—black and white.

EXHIBIT C

[From the Baltimore (Md.) Daily Record, May 1, 1968)

RECENT INSURRECTION LENDS SARDONIC NOTE TO NATIONAL IMAGE OF OBSERVANCE

(By Rignal W. Baldwin, president, Maryland State Bar Association)

The steady increase of crimes of violence, including ruthless assassinations, now capped by the recent eruptions of senseless arson, looting, riot and insurrection, have made a mockery of our national image of a democracy governed under law and order. As a consequence, Law Day U.S.A. this May 1, 1968, takes on a sardonic note.

How can we say to the world that the United States stands for law and order in the face of the uncontrolled lawlessness which we tolerate today? The plain truth is that we cannot. Hence, the usual platitudinous statements relating to Law Day U.S.A. and World Peace Through Law will have this year a hollow and mocking tune. My view is that we must face up to the situation and act accordingly.

The truth is we have emerged today as a Nation that does not stand for law and order but for violent lawlessness. I raise the question of how and why have we come to such a situation? I believe that it largely began when a few of our self-appointed "leading citizens" took it into their own hands to decide which of our laws were right and which were wrong, and then not only to preach, but to act, calculated, intentional and publicized disobedience of those laws. True, they started in small and relatively innocuous ways, such as trespassing instead of legal picketing which has been our traditional democratic means of protest. But they set an example—an example to the young, the impulsive, the ignorant and the mob, as well as to other such "leaders". These, in their turn, decided which laws they disagreed with and went on from trespass and violation of property rights to infractions involving minor violence, such as college sit-ins and various obstructions of the draft. From such beginnings the original precept has led to crimes of real violence.

The obvious antidote to lawbreaking in all forms—whether mere trespass, sit-downs in the dean's office, interference with the draft—or yoking, robbery, rape and murder—or riot, arson, looting and insurrection—is swift and certain law enforcement in the form of just penalties that stick and must be paid. But we don't have it. The police are hobbled in their efforts either by extremes of protection for the lawbreaker imposed by our Courts, or by those who directly control them. And contemporaneously with—I believe a major cause of the alarming increase in all forms of lawlessness, our Courts have afforded far reaching and often unrealistic protections and escapes to such lawbreakers.

Judge Warren E. Burger, of the D.C. Court of Appeals, recently stated that we have developed a system of criminal justice "in which it is often very difficult to convict even those who are plainly guilty." He said that no other nation tolerates criminal trials so long delayed after arrest, permits such long trials, endless appeals and retrials, and affords such extremes of procedural protections such as exclusion of incontrovertible evidence and dismissals for technical irregularities. Judge Burger goes on to say that "if people generally—law abiding and lawless alike—think the law is ineffective two serious impacts occur: The decent people experience a suppressed rage, frustration and bitterness, and the others feel that they can 'get by' with anything. Many people, even though not all, will be deterred from serious crime if they believe that justice is swift and sure. Today no one thinks that."

Part of the present problem is disclosed by the attitude of those who wrote the February 1967 "Report By The President's Commission On Law Enforcement and Administration Of Justice". This telephone book size pictorial publication, written chiefly by its professional staff (according to statements to me by two members of the Commission), stresses such collateral problems as delinquency, sentencing, probation, penology, police training and the condition of the underprivileged, with relatively little emphasis on law enforcement. A minority of the Commission, comprised of three former A.B.A. Presidents (Lewis F. Powell, Ross L. Malone and Robert G. Storey) and Leon Jaworski, present Chairman of the A.B.A. Special Committee on Crime Prevention and Control, joined by the District Attorney of Boston, the Attorney General of California and the Chief of Police of San Francisco, wrote a separate report, originally designated a "dissent". Their thesis was the statement of Chief Judge J. Edward Lumbard, of the Second Circuit, Chairman of the A.B.A. "Special Committee on Minimum Standards For the Administration of Criminal Justice"—"We are in danger of grievous imbalance in the administration of criminal justice * * *". Starting with that premise they advocated in restrained language legislation to moderate the more unrealistic effects of the *Miranda*, *Escobedo* and *Crooker* cases so that police can apprehend and courts can convict at least the plainly guilty. But the majority of the Commission (including such notable members of the bar as Kingman Brewster, Herbert Wechsler, Genevieve Blatt and Luther W. Youngdahl) took no note whatever of these suggestions. And in an all day "Lawyers Conference on Crime Control" on May 13, 1967, presided over by Professor Vorenberg, the Commissioner's Executive Director, and Assistant Attorney General Fred M. Vinson, Jr., and addressed by Attorney General Ramsey Clark, this minority report was completely ignored.

In this connection Judge Burger has said—"Neither the laws nor the Constitution are too sacred to change—we have changed our Constitution many times—and the decisions of judges are not holy writ. These things are a means to an end, not an end in themselves. They are tools to serve you, not to enslave you".

But what can be done now to control violent crime even without the obviously desirable balancing reforms suggested? While there is no complete answer, I believe that much can be done by a courageous judiciary which enforces the law swiftly and certainly, following its conscience and the decent precepts of morality. When in the sure conviction that right is right and wrong is wrong, our judges should apply the law and its penalties sternly to the "plainly guilty", even in the face of the possibility that appellate judges, who "tend to fall in love with procedures, techniques and formalism" (Judge Burger), might reverse. Chief Judge Lumbard told me personally that our courts should never go one inch further in the imbalance direction than existing decisions absolutely compel. We have had too much Friday morning quarterbacking of the Monday morning decisions of the Supreme Court. Our Courts, particularly our trial Courts, must get on with their primary duty of enforcing the law swiftly, surely and fearlessly as a deterrent to crime as well as enforcing equally the civil law, including civil rights legislation. And they should give at least as much consideration to the innocent victims of crime and to a dismayed public as to constitutional protections due even the plainly guilty criminal. I have just observed the Municipal and Criminal Courts of Baltimore City give a splendid example of impartial and swift law enforcement in dealing with the recent deluge of riot cases. This, I feel, went far forward reinstating the "Law Day U.S.A." concept as a reality.

Mr. McINTYRE. Mr. President, I rise to voice my support for a strengthened title IV to the Omnibus Crime Control and Safe Streets Act now under consideration by the Senate. As a representative of the great State of New Hampshire, where the use and enjoyment of guns for legitmate sporting purposes is most popular and widespread, I feel I must comment upon my views in this regard to make my position clear.

First, let me state that the need for the handgun controls contained in the bill as reported by the Judiciary Committee is well recognized; the problems that the concealed weapons raises for an ordered society are apparent. So, too, is the need for regulation of destructive devices such as bazookas, antitank guns, rockets, hand grenades, and the like. I am, however, also concerned about the longgun, for although there are vast legitmate uses of such firearms for recreational and sporting purposes, they nevertheless remain deadly weapons. Moreover, criminal elements can all too readily convert any longgun into a concealed weapon, as in the case of sawed-off shotguns.

It is not my intention to vote for any measure which would prohibit anyone from owning a rifle or a shotgun, or which would affect one's use of such firearms, or prohibit the movement of any longgun from one State to another. It is instead, the uncontrolled interstate mail order traffic in firearms, including rifles and shotguns, with which I am concerned, and the ease with which criminals, irresponsible persons, and even young children, without their parents' consent, may acquire such weapons.

The record of discussions here in the Senate over the past few days is replete with compelling statistics which bespeak the need for enactment of a comprehensive gun control law. It is significant that these statistics include the fact that rifles and shotguns account for approximately 30 percent of all firearms homicides in this country, and that 22 percent of the police officers killed by criminals in this country between 1960 and 1965 were killed with rifles or shotguns.

Amendment No. 741 to the Safe Streets and Crime Control Act, submitted by the distinguished junior Senator from Maryland, makes a modest effort to control the longgun traffic in America; I intend to support this amendment. As the Senator from Maryland has explained, the amendment does not affect intrastate sales of rifles or shotguns in any way, nor does it prohibit any person from visiting a neighboring State and buying a rifle or shotgun over the counter, or for that matter transporting his new purchase home with him if he is so inclined to do. The amendment simply prohibits a person from mail ordering a rifle or shotgun without appearing at the business premises of a dealer, either at the time the order is placed, or at the time the weapon is received. This is a very small inconvenience indeed, a very small price to pay to close the channels of interstate commerce to illegitimate purchasers and those who would willingly attempt to subvert existing State gun control laws.

The second thing the amendment does is to prohibit the sale of rifles and shotguns by dealers to juveniles under 18 years of age. Under this amendment a parent can even give a rifle or shotgun to his child should he desire to do so but federally licensed gun dealers will not sell rifles or shotguns to children. Under the amendment even if a person is not a federally licensed dealer he can sell or give a rifle or shotgun to a nonresident friend, so long as the friend would be permitted to receive it under the law of his residence, and there is no requirement in this amendment for anyone to register any firearm which he now owns or which he may acquire in the future.

Again, this is a modest control regulation; its requirements create no real hard ships, yet it may go a long way toward making our land a safer place in which to live, and for that reason I urge its acceptance.

AMENDMENT NO. 710

Mr. BYRD of West Virginia. Mr. President, I call up amendment No. 710 and ask for its immediate consideration.

I ask unanimous consent that the names of the able Senator from Iowa [Mr. MILLER] and the able senior Senator from Virginia [Mr. BYRD] be added as cosponsors of my amendment, No. 710.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the amendment.

The legislative clerk read amendment No. 710, as follows:

On page 107, between lines 4 and 5, insert the following new title:

"TITLE V–DISQUALIFICATION FOR ENGAGING IN RIOTS AND CIVIL DISORDERS

"SEC. 1001. (a) Subchapter II of chapter 73 of title 5, United States Code, is amended by adding immediately after section 7312 the following new section:

" '§ 7313. Riots and civil disorders

" '(a) An individual convicted by any Federal, State, or local court of competent jurisdiction of—

" '(1) inciting a riot or civil disorder;

" '(2) organizing, promoting, encouraging, or participating in a riot or civil disorder;

" '(3) aiding or abetting any person in committing any offense specified in clause (1) or (2); or

" '(4) any offense determined by the head of the employing agency to have been committed in furtherance of, or while participating in, a riot or civil disorder;

shall, if the offense for which he is convicted is a felony, be ineligible to accept or hold any position in the Government of the United States or in the government of the District of Columbia for the five years immediately following the date upon which his conviction becomes final. Any such individual holding a position in the Government of the United States or the government of the District of Columbia on the date his conviction becomes final shall be removed from such position.

" '(b) For the purpose of this section, "felony" means any offense for which imprisonment is authorized for a term exceeding one year.' ".

"(b) The analysis of chapter 73 of title 5, United States Code, immediately preceding section 7301 of such title, is amended by striking out the analysis of subchapter II and inserting in lieu thereof the following:

" 'SUBCHAPTER II—EMPLOYMENT LIMITATIONS

" 'Sec.

" '7311. Loyalty and striking.

" '7312. Employment and clearance; individuals removed from national security.

" '7313. Riots and civil disorders.' ".

"(c) The heading of subchapter II of chapter 73 of title 5, United States Code, immediately preceding section 7311 of such title, is amended to read as follows:

" 'SUBCHAPTER II—EMPLOYMENT LIMITATIONS' ".

"SEC. 1002. The provisions of section 1001 (a) of this title shall apply only with respect to acts referred to in section 7313(a) (1)–(4) of title 5, United States Code, as added by section 1001 of this title, which are committed after the date of enactment of this title."

On page 107, line 5, strike out "TITLE V" and insert in lieu thereof "TITLE VI".

On page 107, line 6, strike out "SEC. 1001" and insert in lieu thereof "SEC. 1101".

Mr. BYRD of West Virginia, Mr. President, I ask unanimous consent that time on this amendment be limited to 20 minutes, to be equally divided between the majority and minority leaders.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Delaware [Mr. WILLIAMS] be permitted to speak for 5 minutes on another matter, and that the time not be charged against the time on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX DELINQUENCIES

Mr. WILLIAMS of Delaware. Mr. President, today I am filing the 14th annual report of tax delinquencies.

At first glance this inventory shows that the active and inactive delinquent accounts in 1967 totaled $1,398,623,000 as compared with $1,416,193,000 in 1966, or a reduction of $17,570,000. Employment tax delinquencies dropped from $312,636,000 in 1966 to $255,768,000 in 1967, but this does not tell the full story.

Apparently the Treasury Department is operating three sets of books, each dealing with delinquent tax accounts.

One report, the figures referred to above, is classified as the active and inactive tax delinquencies, but in addition to the amount included in the above item the Treasury Department in 1967 transferred a total of $347,100,000 to a second account classified as taxpayer delinquent accounts reported as uncollectible." In addition to these two accounts the Treasury Department reports a third account listing abatements in 1967 as totaling $213,793,000.

I am advised that the first account—classified as active and inactive delinquencies—is the cumulative total but that the amounts referred to in the second and third accounts are not cumulative totals but represent transfers in calendar year 1967 only.

I see no purpose that can be served from such a multiple bookkeeping system other than to confuse the American taxpayers and to enable the agency to make what appears on the surface to be a better report as to its efficiency in collecting taxes.

These annual reports which I have been submitting to the Senate were intended and should have included the total tax delinquencies for the calendar year. These tax delinquencies should be reported by the Treasury Department as one grand total and then supplemented by any breakdown they deem necessary.

It is rather ironic to find the Treasury Department, a Department which keeps insisting that every American taxpayer operate with but one set of books and which prosecutes this taxpayer if he does otherwise, now using a multiple bookkeeping system when submitting its own annual report to the American taxpayers.

Next year I shall expect a consolidated report with one grand total showing all delinquent tax liabilities regardless of classification. I am not interested in the excuse or explanation that the statistics are all in their report if one will take the time to search through the various charts and accounts. They would not accept such an excuse from a taxpayer.

The following is a report of all three accounts in each of the various offices:

Albany, N.Y.: The active and inactive tax delinquencies jumped 44 percent, or from $9,801,000 in 1966 to $14,195,000 in 1967. This item includes employment tax delinquencies which show a decline in 1967 of 15 percent, or from $4,265,000 in 1966 to $3,598,000 in 1967. During this same period, however, Albany transferred to its second account, delinquent taxes classified as "uncollectable," the amount of $780,000 and then abated an additional $628,000.

Augusta, Maine: Its first category of total tax delinquencies dropped from $2,507,000 in 1966 to $2,460,000 in 1967, or a reduction of 2 percent. Employment tax delinquencies, which are a part of this account, dropped 57 percent, or from $679,000 in 1966 to $292,000 in 1967. Augusta transferred $266,000 to its second account, marked "uncollectable," and then abated $316,000.

Boston, Mass.: Tax delinquencies classified as active and inactive jumped 40 percent, from $32,849,000 in 1966 to $46,143,000 in 1967. This represents an all-time high for the past 14 years. Employment tax delinquencies, which were included in this group, rose 35 percent, from $9,106,000 in 1966 to $12,390,000 in 1967, but in addition. Boston transferred to "uncollectable accounts" an additional $2,943,000 and abated $5,720,000.

Brooklyn, N.Y.: Under this modern accounting procedure Brooklyn's active and inactive tax delinquencies show a reduction of 5 percent from $93,868,000 in 1966 to $89,287,000 in 1967. Employment tax delinquencies, which are a part of these records, dropped 10 percent, from $26,896,000 last year to $24,000,000 in 1967.

During this same year, however, Brooklyn transferred to its second accounts classified as "uncollectable" a total of $32,354,000 while at the same time it abated another $8,572,000.

Buffalo, N.Y., reported active and inactive tax delinquencies as totaling $18,206,000 in 1967 as compared to $19,344,000 the previous year, or a decrease of 6 percent. It reported employment tax delinquencies as having increased 5 percent, from $4,743,000 to $4,982,000. But in arriving at these figures Buffalo transferred to its uncollectable accounts $2,719,000 and abated or wrote off another $4,382,000.

Burlington, Vt.: Its standard report including active and inactive delinquent accounts rose 37 percent, or from $995,000 in 1966 to $1,367,000 in 1967. It reports employment tax delinquencies as rising 9 percent, which represents a new high for the 14-year period, or an increase from $381,000 in 1966 to $415,000 last year. During this same year, 1967, Burlington transferred to its uncollectable delinquent accounts a total of $133,000 and abated an additional $232,000.

Hartford, Conn., reports an increase of 8 percent in employment tax delinquencies, or from $3,870,000 in 1966 to $4,183,000 in 1967. It reports its total for active and inactive accounts—which includes employment taxes—as having increased 156 percent over the preceding year, or from $11,295,000 in 1966 to $29,011,000 in 1967. This is a record high for the 14-year period. In addition, Hartford transferred a total of $846,000 to its delinquent account report which are classified as uncollectable. Abatements totaled $2,533,000 during the same year.

Manhattan, N.Y.: At first glance this office shows progress with a decrease in delinquent employment taxes of 23 percent, or from $40,104,000 in 1966 to $30,611,000 in 1967. It reports its total of active and inactive tax delinquencies as having decreased 23 percent, or from $235,442,000 in 1966 to $181,633,000 in 1967. To arrive at these figures, however, the Manhattan office last year transferred to its account No. 2, classified as uncollectable, a total of $87,673,000, and in the same period it abated an additional $27,260,000.

Portsmouth, N.H.: This office reports an encouraging decrease of 37 percent in its delinquent employment taxes, or a reduction from $767,000 in 1966 to $479,000 in 1967. It reports total active and inactive tax delinquencies as increasing 3 percent, or from $1,530,000 in 1966 to $1,587,000 in 1967. This office likewise transferred to accounts classified as uncollectable delinquencies a total $398,000 and then abated an additional $153,000.

Providence, R.I., reports a 40-percent increase in its total for active and inactive tax delinquencies, or a jump from $3,010,000 in 1966 to $4,238,000 in 1967. It reports its employment tax delinquencies, which are included in this same group, of having dropped 10 percent or from $1,561,000 in 1966 to $1,396,000 in 1967. In 1967 this office transferred to its accounts classified as uncollectable delinquencies a total of $1,100,000 and abated an additional $541,000.

Baltimore, Md., reports a 5-percent increase in its total for active and inactive tax delinquencies, or an increase from $33,370,000 in 1966 to $35,143,000 in 1967. Delinquent employment taxes for this office show a reduction of 1 percent, or from $6,261,000 in 1966 to $6,198,000 in 1967. During this same period the Baltimore office transferred to its uncollectable delinquent accounts a total of $4,884,000 and abated an additional $4,871,000.

Newark, N.J., reports very little change in its total of active and inactive tax delinquencies and its employment tax delinquencies. Employment tax delinquencies are reported as $13,385,000 in 1967 as compared with $13,843,000 in 1966, while the total for this category are reported as $61,511,000 in 1967 and $62,622,000 in 1966, reductions of approximately 3 percent and 1 percent, respectively. During this same calendar year this office transferred to accounts classified as uncollectable delinquent taxes a total of $9,040,000 and then abated an additional $12,249,000.

Philadelphia, Pa., reports a decrease of 10 percent in its employment tax delinquencies, or a reduction from $10,437,000 in 1966 to $9,335,000 in 1967. It reports an increase of 10 percent in its total for active and inactive tax delinquencies or an increase from $42,777,000 in 1966 to $47,253,000 in 1967. The Philadelphia office in 1967 transferred to its accounts classified as uncollectable delinquencies a total of $5,622,000 and abated an additional $6,644,000.

Pittsburgh, Pa., turns in a good report considering its employment tax delinquencies and its totals for active and inactive delinquencies. Its employment tax delinquencies dropped 23 percent, or from $6,228,000 in 1966 to $4,772,000 in 1967. Its total tax delinquencies in this category dropped 17 percent, or from $19,936,000 in 1966 to $16,459,000 in 1967. But to get this good report this office in 1967 transferred to its accounts classified as uncollectable delinquencies a total of $2,448,000 and abated an additional $5,729,000.

Richmond, Va.: Employment tax delinquencies are reported as having increased 1 percent, which represents a new 14-year high for this office. Employment tax delinquencies rose from $3,856,000 in 1966 to $3,904,000 in 1967 while its total active and inactive tax delinquencies declined 27 percent or from $19,076,000 in 1966 to $13,922,000 in 1967. The Richmond office transferred to its second account, classified as uncollectable delinquent taxes, a total of $1,960,000 and then abated an additional $6,942,000.

Wilmington, Del.: Employment tax delinquencies in this office are reported as increasing 19 percent, from $436,000 in 1966 to $520,000 in 1967, while its total for active and inactive tax delinquencies dropped 15 percent, or from $3,984,000 in 1966 to $3,391,000 in 1967. This office transferred to its account classified as uncollectable delinquencies a total of $298,000, and it abated an additional $2,860,000 during the same year.

Atlanta, Ga.: This office reports a reduction in its employment tax delinquencies of 35 percent, or from $4,446,000 in 1966 to $2,855,000 in 1967. It also reports a reduction of 25 percent in its total active and inactive tax delinquencies, or from $18,610,000 in 1966 to $13,942,000 in 1967. In 1967, however, this office transferred $4,828,000 to its accounts classified as "uncollectable" delinquencies and then abated an additional $4,404,000.

Birmingham, Ala.: This office likewise rendered what at first appears to be a good report. Its total active and inactive tax delinquencies dropped 18 percent, or from $11,758,000 in 1966 to $9,656,000 in 1967. Employment tax delinquencies, which are a part of this same category, are reported as having declined 50 percent, or from $3,440,000 in 1966 to $1,715,000 in 1967. The above statistics, however, do not include the $4,560,000 which were transferred to accounts classified as "uncollectable" tax delinquencies nor the $3,109,000 which were abated the same year.

Columbia, S.C., likewise renders a good report when we consider its first category. Its total in active and inactive tax delinquencies is reported as having declined 22 percent, or from $8,794,000 in 1966 to $6,869,000 in 1967. Employment tax delinquencies, which are a part of this same group, are reported as having declined 52 percent, or from $2,277,000 in 1966 to $1,076,000 in 1967. The Columbia office, however, transferred to its accounts classified as "uncollectable" delinquencies a total of $1,903,000 and then abated $1,286,000 additional.

Greensboro, N.C.: This office reports a 20 percent reduction in its total active and inactive tax delinquencies, or a decline from $15,632,000 in 1966 to $12,406,000 in 1967. It reports its employment tax delinquencies, which are a part of this same group, as having dropped 35 percent, or from $3,163,000 in 1966 to $2,054,000 in 1967. The Greensboro office in 1967 transferred to its accounts classified as uncollectable delinquencies a total of $3,027,000 and abated an additional $4,679,000.

Jackson, Miss., reports a 24 percent reduction in its total active and inactive tax delinquencies, or from $5,891,000 in 1966 to $4,466,000 in 1967. Delinquent employment taxes, which are a part of this group, show a decline of 40 percent, or from $1,736,000 in 1966 to $1,040,000 in 1967. The Jackson office transferred to its accounts classified as uncollectable delinquencies a total of $1,504,000 and abated an additional $1,449,000 in the same year.

Jacksonville, Fla.: This office reports its total active and inactive tax delinquencies as declining 3 percent, from $92,420,000 in 1966 to $89,704,000 in 1967. Employment tax delinquencies, which are included in this group, show a reduction of 15 percent, or from $14,119,000 in 1966 to $11,984,000 in 1967. But this does not include the amount Jacksonville transferred to its accounts classified as uncollectable delinquencies, which totaled $19,368,000 and it then abated an additional $7,351,000 in the same year.

Nashville, Tenn.: This office reports a 16 percent reduction in its total active and inactive tax delinquencies, or from $17,093,000 in 1966 to $14,379,000 in 1967. Employment tax delinquencies, which are included in this group, show a 27 percent reduction, or from $3,750,000 in 1966 to $2,709,000 in 1967. But the Nashville office in 1967 also transferred to its accounts classified as uncollectable tax delinquencies a total of $2,812,000 and then abated $4,259,000.

Cincinnati, Ohio: Active and inactive tax delinquencies in this office show an increase of 8 percent, or from $17,311,000 in 1966 to $18,744,000 in 1967. Its employment tax delinquencies, which are included in the above group, show a reduction of 28 percent, or a drop from $5,326,000 in 1966 to $3,823,000 in 1967. The Cincinnati office in 1967 transferred to its accounts classified as uncollectable delinquencies a total of $4,219,000 and then abated $3,220,000.

Cleveland, Ohio: The total active and inactive tax delinquencies in this office show a slight rise from $36,106,000 in 1966 to $36,150,000 in 1967. While at the same time employment tax delinquencies, which are a part of this category, show a reduction of 13 percent, from $5,788,000 in 1966 to $5,001,000 in 1967, but the Cleveland office in 1967 transferred to its accounts classified as uncollectable delinquencies a total of $4,986,000 and abated an additional $9,487,000.

Detroit, Mich.: The total active and inactive tax delinquencies in Detroit rose 28 percent, or from $39,469,000 in 1966 to $50,758,000 in 1967. Employment tax delinquencies, which are included in the above, dropped 2 percent, from $12,595,000 in 1966 to $12,330,000 in 1967. Detroit in 1967 transferred to its accounts classified as uncollectable delinquencies $3,279,000 and abated $5,016,000.

Indianapolis, Ind.: This office reports a 3-percent reduction in its total active and inactive tax delinquencies, from $24,838,000 in 1966 to $24,066,000 in 1967. Employment tax delinquencies, which are included therein, show a reduction of 32 percent, from $7,884,000 in 1966 to $5,298,000 in 1967. During this same year the Indianapolis office transferred to accounts classified as uncollectable delinquencies a total of $4,017,000 and then abated $3,446,000 in addition.

Louisville, Ky.: Its total active and inactive tax delinquencies show a decrease of 10 percent, from $10,306,000 to $9,247,000 while delinquent employment taxes, which are a part of this group, declined by 13 percent, or from $2,356,000 in 1966 to $2,046,000 in 1967. During this same calendar year the Louisville office transferred to its accounts classified as uncollectable a total of $2,731,000 and then abated $2,642,000.

Parkersburg, W. Va.: The total for active and inactive tax delinquencies are reported as having decreased 3 percent, from $4,690,000 in 1966 to $4,545,000 in 1967, while employment tax delinquencies, included in the above, show a decrease of 23 percent, from $1,369,000 in 1966 to $1,044,000 in 1967. In addition, Parkersburg transferred $897,000 to its second account, classified as "uncollectable," while during the same year it abated $764,000.

Aberdeen, S. Dak.: This office reports a 14 percent reduction in its total for active and inactive tax delinquencies, or a reduction from $1,067,000 in 1966 to $909,000 in 1967. Delinquent employment taxes—included in this category—dropped 37 percent, from $245,000 in 1966 to $154,000 in 1967. During 1967 Aberdeen transferred to its accounts classified as uncollectable delinquencies a total of $196,000 and abated another $164,000.

Chicago, Ill.: The total for the active and inactive tax delinquencies rose for this office 15 percent, from $43,300,000 in 1966 to $50,102,000 in 1967, but employment tax delinquencies, which are included in this category, dropped 29 percent, from $12,138,000 in 1966 to $8,602,000 in 1967. During 1967 the Chicago office transferred to accounts classified as uncollectable delinquencies a total of $16,868,000 and abated an additional $12,028,000.

Des Moines, Iowa, reported a 2 percent reduction in its total active and inactive tax delinquencies, or from $4,500,000 in 1966 to $4,377,000 in 1967. Delinquent employment taxes, included in this category, dropped 38 percent, from $1,428,000 in 1966 to $879,000 in 1967. During this same year, 1967, Des Moines transferred a total of $2,311,000 to its second account, classified as uncollectable delinquencies, and in addition abated another $1,586,000.

Fargo, N. Dak.: Total active and inactive delinquencies in the Fargo office increased 62 percent, or from $608,000 in 1966 to $985,000 in 1967, while employment tax delinquencies, included in this category, remained the same—namely, $246,000. This office transferred to its accounts marked as uncollectable delinquencies a total of $92,000 while it abated $156,000.

Milwaukee, Wis.: Reports a reduction of 13 percent in its total active and inactive tax delinquencies, or from $12,771,000 in 1966 to $11,064,000 in 1967. Delinquent employment taxes, which are part of this classification, dropped 18 percent, or from $2,952,000 in 1966 to $2,422,000 in 1967. At the same time Milwaukee transferred to its second account, classified as uncollectable delinquencies, a total of $3,943,000 and abated $2,254,000.

Omaha, Neb.: Total active and inactive tax delinquencies dropped 16 percent, from $8,079,000 in 1966 to $6,775,000 in 1967, while it reports a 78 percent reduction in delinquent employment taxes, of from $3,067,000 in 1966 to $670,000 in 1967. During the same year Omaha transferred to its accounts classified as uncollectable delinquencies a total of $710,000, and abatements are not reported.

St. Louis, Mo.: Reports a 22 percent reduction in its total active and inactive delinquencies, or from $17,893,000 in 1966 to $13,919,000 in 1967. Employment tax delinquencies, which are included in the above account, show a decrease of 31 percent, or from $5,363,000 in 1966 to $3,700,000 in 1967. To achieve these reductions St. Louis transferred to its accounts classified as uncollectable delinquenices a total of $6,718,000 plus an abatement for the same period totaling $4,495,000.

St. Paul, Minn.: This office likewise reports a reduction in its total active and inactive tax delinquencies as well as in its delinquent employment taxes in the amounts of 22 percent and 31 percent, respectively. Its total for active and inactive accounts dropped from $8,937,000 in 1966 to $6,917,000 in 1967 while employment taxes dropped from $2,272,000 to $1,566,000. The total tax delinquencies are at a new low for the 14-year period; however, to achieve this report St. Paul transferred in 1967 to its accounts classified as uncollectable delinquencies a total of $3,678,000 as abated $3,201,000 in addition.

Springfield, Ill.: The total for active and inactive delinquencies decreased 19 percent, or from $6,306,000 in 1966 to $5,079,000 in 1967. Employment tax delinquencies, included in this same category, dropped 23 percent, or from $1,764,000 in 1966 to $1,347,000 in 1967. Again, in order to arrive at the above figures this office transferred to its accounts classified as uncollectable delinquencies a total of $2,377,000 in 1967, not including the $1,052,000 abated in the same period.

Albuquerque, N. Mex.: Its report for total active and inactive tax delinquencies rose 3 percent, or from $5,606,000 in 1966 to $5,789,000 in 1967, even though the office reported a 35 percent decrease in its employment tax delinquencies, or from $1,347,000 in 1966 to $867,000 in 1967. The total tax delinquencies were a new high for the 14-year period. Delinquent taxes which were transferred to accounts classified as uncollectable totaled $656,000 while during the same period this office abated $1,096,000 in taxes.

Austin, Tex.: The total for active and inactive tax delinquencies dropped but 1 percent, or from $61,104,000 in 1966 to $60,239,000 in 1967. Employment tax delinquencies, included in this same category reached a 14-year high, or from $5,771,000 in 1967 as compared to $5,703,000 in 1966. During 1967 the Austin office transferred to accounts classified as uncollectable delinquencies a total of $7,202,000 and then abated an additional $4,652,000.

Cheyenne, Wyo., reports an increase of 2 percent in its total for active and inactive tax delinquencies, or from $1,102,000 in 1966 to $1,125,000 in 1967, while it reports a 13 percent decrease in delinquent employment taxes, or a reduction from $381,000 in 1966 to $329,000 in 1967. During 1967 the Cheyenne office transferred to accounts classified as uncollectable tax delinquencies a total of $249,000, and in addition it abated a total of $153,000.

Dallas, Tex.: This office reports a 166 percent rise over its total for active and inactive tax delinquencies, which represents a new 14-year high, or an increase from $23,126,000 in 1966 to $61,595,000 in 1967. Employment tax delinquencies, which are included in this category, dropped 25 percent, or from $6,602,000 in 1966 to $4,935,000 in 1967. During the same period, 1967, the Dallas office transferred to accounts classified as uncollectable tax delinquencies a total of $5,831,000, and it abated an additional $3,646,000 in the same period.

Denver, Colo.: The reported total for active and inactive tax delinquencies dropped 19 percent, or from $12,118,000 in 1966 to $9,736,000 in 1967, while employment tax delinquencies, which are included therein, dropped 5 percent, or from $3,317,000 in 1966 to $3,149,000 in 1967. During the same calendar year, 1967, the Denver office transferred to accounts classified as uncollectable tax delinquencies a total of $4,068,000 and then abated an additional $3,564,000.

Little Rock, Ark.: Its reported total for active and inactive tax delinquencies increased from $10,390,000 in 1966 to $11,187,000 in 1967, an increase of 7 percent and represents a new high for the 14-year period. Employment tax delinquencies, included in the above, dropped 11 percent, from $1,140,000 in 1966 to $1,015,000 in 1967. During 1967 the Little Rock office transferred to accounts classified as uncollectable tax delinquencies a total of $752,000 and abatements in the same period totaled $1,178,000.

New Orleans, La.: The total active and inactive delinquencies rose 9 percent, from $14,342,000 in 1966 to $15,693,000 in 1967, while its delinquent employment taxes were reduced 13 percent, or from $4,813,000 in 1966 to $4,178,000 in 1967. During 1967, the New Orleans office transferred to accounts classified as uncollectable delinquencies another $2,897,000 and abated an additional $1,345,000.

Oklahoma City, Okla.: The reported total for active and inactive delinquencies increased 6 percent, or from $8,693,000 in 1966 to $9,243,000 in 1967, while delinquent employment taxes also increased 6 percent, from $2,393,000 in 1966 to $2,551,000 in 1967. In addition the Oklahoma City office transferred to accounts classified as uncollectable tax delinquencies a total of $3,244,000, which does not include the abatement of another $2,060,000 in taxes.

Wichita, Kans.: This office reported a 3 percent reduction in its total for active and inactive tax delinquencies, or from $7,283,000 in 1966 to $7,006,000 in 1967, while at the same time it reported a 21 percent reduction in employment tax delinquencies, included in the above category, or a reduction from $1,771,000 in 1966 to $1,397,000 in 1967. But to achieve this report the Wichita office transferred to accounts classified as delinquent taxes which are uncollectable a total of $850,000 and abated an additional $2,566,000.

Anchorage, Alaska, reports a 16 percent reduction in its total delinquencies in the active and inactive account, or a reduction from $1,930,000 in 1966 to $1,614,000 in 1967. Employment tax delinquencies, which are included in this category, dropped 14 percent, from $800,000 in 1966 to $683,000 in 1967. During 1967 the Anchorage office transferred to its accounts classified as uncollectable delinquencies a total of $883,000 and abated another $197,000.

Boise, Idaho: The total for active and inactive tax delinquencies rose 41 percent, or from $1,895,000 in 1966 to $2,681,000 in 1967, a 14-year high, while at the same time delinquent employment taxes, included in the above category, dropped 19 percent, or from $942,000 in 1966 to $757,000 in 1967. In 1967 the Boise office transferred to the account classified as uncollectable delinquencies a total of $208,000, and it abated an additional $2,064,000.

Helena, Mont.: The total for active and inactive tax delinquencies rose 7 percent, or from $1,466,000 in 1966 to $1,592,000 in 1967, while employment tax delinquencies, which were included as a part of the above, dropped 18 percent, or from $440,000 in 1966 to $361,000 in 1967. During 1967 the Helena office transferred to an account classified as uncollectable delinquencies a total of $766,000 and in addition abated a total of $405,000.

Honolulu, Hawaii: The total as reported for the active and inactive delinquent tax accounts dropped 42 percent, from $4,194,000 in 1966 to $2,395,000 in 1967, while delinquent employment taxes, which were included in this category, rose 2 percent, from $764,000 in 1966 to $780,000 in 1967. This office in 1967 transferred $227,000 to its account classified as uncollectable tax delinquencies, and in addition it abated a total of $2,756,000.

Los Angeles, Calif.: The reported total for active and inactive tax delinquencies for this office dropped 20 percent, or from $116,753,000 in 1966 to $92,522,000 in 1967, while at the same time it reported a 37-percent decrease in delinquent employment taxes, or a reduction from $28,175,000 in 1966 to $17,744,000 in 1967. To arrive at these figures, however, the Los Angeles office transferred to its second account a total of $45,011,000 classified as delinquent taxes uncollectable and then abated an additional $5,927,000.

Phoenix, Ariz.: The reported total for active and inactive tax delinquencies for this office dropped approximately 1 percent, or from $7,555,000 in 1966 to $7,460,000 in 1967. During this same period it reported a reduction of 24 percent in delinquent employment taxes—which were a part of the above item—or a reduction from $1,996,000 in 1966 to $1,517,000 in 1967. During this same calendar year, 1967, the Phoenix office transferred $1,875,000 to its second account which was classified as uncollectable delinquent taxes and then abated another $1,316,000.

Portland, Oreg.: The total for active and inactive tax delinquencies as reported shows a decrease of 12 percent, or from $6,972,000 in 1966 to $6,082,000 in 1967. During this same period delinquent employment taxes dropped 15 percent, or from $1,616,000 in 1966 to $1,372,000 in 1967. The Portland office in 1967 transferred to its second account which is classified as uncollectable delinquent taxes a total of $2,585,000 and then abated an additional $2,703,000.

Reno, Nev.: The total active and inactive delinquent taxes as reported dropped 2 percent, from $6,594,000 in 1966 to $6,452,000 in 1967, while the delinquent employment taxes, which are included as a part of the same category, dropped 25 percent, or a reduction from $2,539,000 in 1966 to $1,897,000 in 1967. The Reno office in 1967 transferred to its second account classified as uncollectable tax delinquencies a total of $2,348,000 and abated an additional $699,000.

Salt Lake City, Utah, reported a 52 percent increase in its total for active and inactive tax delinquencies, increasing from $3,333,000 in 1966 to $5,076,000 in 1967, while delinquent employment taxes, included in the above dropped 22 percent, or a reduction from $1,102,000 in 1966 to $852,000 in 1967. The Salt Lake City office in 1967 transferred to a second account, classified as uncollectable delinquent taxes, a total of $1,299,000 and then in addition abated a total of $711,000.

San Francisco, Calif.: The total for active and inactive tax delinquencies rose 24 percent, from $40,604,000 in 1966 to $50,441,000 in 1967, while at the same time employment tax delinquencies, which are included in this group, dropped 21 percent, or from $10,806,000 in 1966 to $8,446,000 in 1967. During the same year, 1967 the San Francisco office transferred to its second account, classified as uncollectable income taxes, a total of $12,277,000 and in addition abated a total of $2,925,000 during this same period.

Seattle, Wash.: Its reported total for active and inactive tax delinquencies dropped 20 percent, or from $9,470,000 in 1966 to $7,556,000 in 1967. Delinquent employment taxes, which were included as part of this account, dropped 34 percent, from $2,798,000 in 1966 to $1,830,000 in 1967. During 1967 the Seattle office transferred to its account classified as uncollectable tax delinquencies a total of $3,357,000 and then abated an additional $3,199,000.

Puerto Rico: Its reported total for active and inactive tax delinquencies increased 10 percent, a rise from $2,524,000 in 1966 to $2,793,000 in 1967, while employment tax delinquencies increased 11 percent, rising from $1,752,000 in 1966 to $1,946,000 in 1967. During the same calendar year, 1967, the Puerto Rico office transferred $262,000 to its accounts classified as uncollectable tax delinquencies and then abated an additional $852,000.

All other international operations: The total active and inactive tax delinquencies reported for this office dropped 1 percent, from $70,324,000 in 1966 to $69,501,000 in 1967, while delinquent employment taxes during the same year rose 29 percent, increasing from $282,000 in 1966 to $366,000 in 1967. During the same year this unit transferred to its accounts classified as uncollectable

delinquent taxes a total of $2,768,000 and then abated an additional $4,493,000.

Mr. President, I ask unanimous consent to have printed in the Record at this point the two letters signed by Mr. Sheldon S. Cohen, Commissioner of Internal Revenue, and dated March 11 and April 24, 1968, along with their enclosures, upon which the statistics contained in my remarks today are based.

There being no objection, the material was ordered to be printed in the Record, as follows:

U. S. Treasury Department,
Internal Revenue Service,
Washington, D.C., March 11, 1968.

Hon. John J. Williams,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: This is in response to your letter of February 6, 1968, requesting a report on the inventory of delinquent tax accounts as of December 31, 1967.

We have compiled the requested information and are attaching a tabulation showing our year-end delinquent account inventory broken down by the various tax groups and showing our inactive accounts in the column to the right. The figures in the inactive category are included in the figures shown in the columns under the various tax groups. All offices were current in their issuances as of December 31 and, therefore, all accounts in a delinquent status as of that date are included in the tabulation.

The following tabulation summarizes as of December 31, 1966 and 1967 the taxpayer delinquent accounts broken down as to active and inactive status. Accounts in the inactive category are those on which collection has been deferred pending the outcome of audit examinations, court cases, or other contingent actions. Since such accounts are not subject to closure action until after the outcome of audit, court proceedings, etc., is determined, the Service has little opportunity to do anything that would help hold down this part of our delinquent account inventory at a low level.

TDA INVENTORY

	Active	Inactive	Total
Amount (thousands)			
Dec. 31, 1966	$792,751	$632,442	$1,416,193
Dec. 31, 1967	777,466	621,157	1,398,623
Change from Dec. 31, 1966, to 1967	−15,285	−2,285	−17,570
Percent of change	−2	−0.4	−1.3
Number			
Dec. 31, 1966	923,905	147,543	1,071,448
Dec. 31, 1967	728,119	146,515	874,634
Change from Dec. 31, 1966, to 1967	−195,786	−1,028	−196,814
Percent of change	−21.2	−0.7	−18.4

Calendar year 1967 was marked by continued high activity in both issuance and closure of delinquent tax accounts. Although issuances totaled 2.4 million in number, they were down 14.2% from the previous year. Correspondingly, closures were also down, totaling 2.6 million for a decrease of 6% from 1966. As to the money value involved, issuances were up 11.0% over 1966 for a total of $2.1 billion. Closures likewise totaled $2.1 billion but this represented an increase of 22% over the value of closures during 1966.

In response to your request, we are attaching a district-by-district tabulation of accounts reported as uncollectible during 1967. As you know, our "uncollectible" classification procedure is a device to enable management to use its manpower resources to the maximum extent. Stated otherwise, after our initial collection efforts prove unproductive, we report as uncollectible those accounts on which the likelihood of collection is so remote that we cannot afford to devote manpower to them that could better be used on more productive work. Typical of these are "no asset" cases, taxpayers who cannot be located, and those where collection would cause undue hardship to the taxpayer or his family.

I should also point out that after reporting accounts as uncollectible periodic reviews are made by management and also by our Internal Auditors. Needless to say, in event of improvement in the taxpayer's financial situation or location of reachable assets, the account is reactivated and collection effort resumed.

In addition, we are using our Data Processing equipment to associate prospective refunds with delinquent tax liabilities, with the result that during 1967 credits of over $14.2 million were offset against delinquent taxes due the government. Over $9.3 million were applied to accounts previously reported as uncollectible, closing over 41,000 delinquent accounts and part paying almost 56,000 more.

We appreciate your interest and assure you that there has been no letup in our efforts to conduct a vigorous and firm collection program. We continue to stress taxpayer education and other measures designed to obtain and improve the voluntary compliance of the taxpaying public, followed by prompt enforcement action in the case of those who do not respond. Because of the "trust fund" nature of the withheld taxes involved, we are continuing our emphasis on collecting from employers who file their employment tax returns without the required payment.

With kind regards,
Sincerely,

Sheldon S. Cohen,
Commissioner.

INVENTORY OF TAXPAYER DELINQUENT ACCOUNTS, DECEMBER 1967 AND 1966

	Tax groups											
	Income				Employment				Other			
	Number		Amount (thousands)		Number		Amount (thousands)		Number		Amount (thousands)	
	1967	1966	1967	1966	1967	1966	1967	1966	1967	1966	1967	1966
Total	619,511	744,066	$946,788	$919,738	222,740	289,552	$255,768	$312,636	32,383	37,830	$196,067	$183,82
North Atlantic	141,758	157,463	255,233	283,884	52,366	60,051	82,346	92,372	4,583	7,109	50,547	34,386
Mid-Atlantic	108,481	133,845	114,141	116,483	32,419	42,639	38,118	41,061	5,950	5,639	25,420	24,252
Southeast	69,723	92,227	110,473	120,659	29,508	48,562	23,433	32,931	5,836	8,246	17,515	16,613
Central	88,154	102,942	92,978	81,143	28,274	36,143	29,542	35,318	3,671	3,835	20,990	16,258
Midwest	57,997	70,940	69,821	59,579	19,383	23,215	19,586	29,475	2,961	2,983	10,718	14,406
Southwest	63,392	71,020	135,588	91,066	27,241	34,234	24,192	27,467	3,991	4,212	21,835	25,232
Western	85,206	110,258	102,174	100,451	30,040	41,119	36,239	51,978	5,239	5,604	45,440	48,336
International operations	4,800	5,371	66,380	66,473	3,509	3,589	2,312	2,034	152	202	3,602	4,339
North Atlantic region:												
Albany	7,966	8,687	5,614	4,517	2,208	2,612	3,598	4,265	280	346	4,982	1,018
Augusta	2,064	1,491	2,152	1,787	681	730	292	679	41	41	16	41
Boston	28,923	24,054	31,628	22,217	10,859	9,633	12,390	9,106	680	760	2,125	1,527
Brooklyn	40,777	51,091	55,759	51,831	11,905	15,704	24,000	26,896	852	1,389	9,528	15,142
Buffalo	11,774	10,839	10,704	12,646	4,496	4,405	4,982	4,743	331	527	2,520	1,955
Burlington	944	717	878	573	608	639	415	381	53	32	74	41
Hartford	9,551	8,905	8,728	6,086	3,288	3,506	4,183	3,870	380	365	16,099	1,339
Manhattan	35,955	48,960	136,318	182,268	16,612	20,742	30,611	40,104	1,659	3,512	14,704	13,071
Portsmouth	1,665	1,033	1,093	719	576	753	479	767	20	36	16	43
Providence	2,139	1,686	2,359	1,240	1,133	1,327	1,396	1,561	297	101	483	209
Mid-Atlantic region:												
Baltimore	26,535	29,044	24,779	24,559	4,885	6,198	6,198	6,261	940	716	4,166	2,550
Newark	28,152	38,019	39,391	39,456	10,656	13,491	13,389	13,843	1,950	1,997	8,731	9,324
Philadelphia	23,861	33,409	30,200	25,223	6,937	10,710	9,335	10,437	1,214	1,224	7,718	7,117
Pittsburgh	11,114	13,159	9,791	11,891	3,965	5,667	4,772	6,228	925	928	1,896	1,846
Richmond	15,374	17,305	8,328	13,978	5,205	5,759	3,904	3,856	751	617	1,690	1,243
Wilmington	3,445	2,909	1,652	1,376	771	814	520	436	170	157	1,219	2,172
Southeast region:												
Atlanta	10,684	13,128	8,564	10,460	3,980	6,679	2,855	4,446	1,017	1,704	2,523	3,705
Birmingham	6,421	9,454	5,610	6,633	3,283	5,634	1,715	3,440	607	998	2,330	1,686
Columbia	5,377	8,021	5,384	5,790	1,977	4,063	1,076	2,277	485	679	409	728
Greensboro	10,874	13,245	9,520	11,447	3,460	6,185	2,054	3,163	695	866	832	1,022
Jackson	4,691	5,452	3,128	3,497	2,117	3,392	1,040	1,736	565	519	297	659
Jacksonville	21,704	30,345	69,453	72,254	10,416	16,833	11,964	14,119	1,490	2,196	8,268	6,047
Nashville	9,972	12,582	8,814	10,578	4,275	5,776	2,709	3,750	977	1,284	2,856	2,766

INVENTORY OF TAXPAYER DELINQUENT ACCOUNTS, DECEMBER 1967 AND 1966—Continued

	Tax groups											
	Income				Employment				Other			
	Number		Amount (thousands)		Number		Amount (thousands)		Number		Amount (thousands)	
	1967	1966	1967	1966	1967	1966	1967	1966	1967	1966	1967	1966
Central region:												
Cincinnati	13,272	17,526	$11,942	$10,816	4,378	6,693	$3,823	$5,326	464	471	$2,980	$1,169
Cleveland	16,344	20,655	26,684	25,654	5,044	6,340	5,001	5,788	834	907	4,464	4,664
Detroit	35,207	35,798	30,877	20,596	10,389	12,535	12,330	12,595	1,396	1,196	7,551	6,277
Indianapolis	12,046	16,687	14,362	15,560	4,415	5,340	5,298	7,884	621	802	4,406	1,394
Louisville	8,542	8,700	6,759	5,920	2,682	3,477	2,046	2,356	240	318	442	2,030
Parkersburg	2,743	3,576	2,354	2,597	1,366	1,758	1,044	1,369	116	141	1,147	724
Midwest region:												
Aberdeen	990	1,175	609	665	362	484	154	245	64	63	145	158
Chicago	24,329	32,293	36,942	25,138	7,172	8,663	8,602	12,138	855	1,013	4,557	6,024
Des Moines	4,112	4,510	2,624	2,654	1,338	1,738	879	1,428	555	254	875	418
Fargo	1,084	811	663	303	385	417	246	246	52	58	76	58
Milwaukee	6,435	7,246	7,193	6,660	2,101	2,788	2,422	2,952	275	282	1,449	3,159
Omaha	1,910	1,762	5,170	4,497	787	850	670	3,067	106	105	934	515
St. Louis	9,668	13,843	8,775	10,184	3,591	4,268	3,700	5,363	466	589	1,443	2,345
St. Paul	5,157	4,829	4,474	5,478	2,015	2,147	1,566	2,272	375	385	878	1,188
Springfield	4,312	4,471	3,371	4,000	1,632	1,860	1,347	1,764	213	234	361	541
Southwest region:												
Albuquerque	2,052	2,494	4,227	3,750	1,152	1,840	867	1,347	167	280	695	509
Austin	14,917	19,042	41,379	38,623	6,080	7,248	5,771	5,703	817	1,196	13,089	6,778
Cheyenne	919	1,226	685	598	522	674	329	381	91	53	112	124
Dallas	13,644	15,798	53,937	14,568	5,424	7,191	4,935	6,602	841	779	2,723	1,935
Denver	6,385	6,321	5,472	7,749	2,950	3,318	3,149	3,317	656	438	1,115	1,052
Little Rock	3,921	3,254	10,004	9,036	1,687	2,111	1,015	1,140	191	257	168	214
New Orleans	9,487	9,842	9,179	7,870	4,288	5,524	4,178	4,813	453	425	2,336	1,660
Oklahoma City	7,298	7,449	5,685	4,894	3,000	3,744	2,551	2,393	443	492	1,008	1,406
Wichita	4,769	5,594	5,020	3,958	2,138	2,584	1,397	1,771	332	292	589	1,554
Western region:												
Anchorage	1,159	1,505	861	1,110	448	596	683	800	31	24	70	20
Boise	1,297	1,134	1,838	706	639	869	757	942	148	172	86	247
Helena	1,159	1,377	1,053	675	586	574	361	440	150	146	148	351
Honolulu	1,316	1,185	1,507	3,374	604	698	780	764	66	42	109	56
Los Angeles	32,089	47,737	50,910	51,053	11,450	16,827	17,744	28,175	1,720	2,040	23,867	37,525
Phoenix	4,000	3,915	5,347	4,732	1,337	1,894	1,517	1,996	236	278	596	826
Portland	5,653	5,959	4,253	4,956	1,839	1,975	1,372	1,616	392	341	457	399
Reno	2,153	2,790	3,442	2,928	1,102	1,455	1,897	2,539	93	95	1,113	1,127
Salt Lake City	2,314	2,383	3,661	2,012	1,116	1,302	852	1,102	189	286	564	219
San Francisco	28,595	35,125	24,771	23,144	8,728	11,553	8,446	10,806	1,889	1,823	17,225	6,654
Seattle	5,471	7,138	4,531	5,761	2,171	3,396	1,830	2,798	325	357	1,195	911
International operations:												
Puerto Rico	834	1,209	834	731	3,251	3,200	1,946	1,752	1	7	13	40
All other	3,966	4,162	65,546	65,742	258	389	366	282	151	195	3,589	4,299

	Tax groups				Inactive			
	Total							
	Number		Amount (thousands)		Number		Amount (thousands)	
	1967	1966	1967	1966	1967	1966	1967	1966
Total	874,634	1,071,448	$1,398,623	$1,416,193	146,515	147,543	$621,157	$623,442
North Atlantic	198,707	224,623	388,127	410,641	34,743	34,637	162,285	210,354
Mid-Atlantic	146,850	182,123	177,679	181,795	25,757	28,733	82,719	65,023
Southeast	105,067	149,035	151,422	170,198	17,603	22,044	82,970	79,923
Central	120,099	142,920	143,510	132,720	19,141	19,911	53,882	58,960
Midwest	80,341	97,138	100,127	103,461	15,726	12,269	29,153	38,423
Southwest	94,624	109,466	181,613	143,764	13,077	10,032	112,115	72,871
Western	102,485	156,981	183,851	200,766	18,827	18,206	69,048	71,600
International operations	8,461	9,162	72,294	72,848	2,010	1,711	28,985	26,288
North Atlantic region:								
Albany	10,454	11,645	14,195	9,801	1,873	1,636	2,558	2,321
Augusta	2,786	2,262	2,460	2,507	623	469	1,078	1,167
Boston	40,462	34,447	46,143	32,849	5,070	5,294	9,943	11,108
Brooklyn	53,534	68,184	89,287	93,868	7,700	7,299	37,238	34,453
Buffalo	16,601	15,771	18,206	19,344	2,977	2,210	6,725	7,311
Burlington	1,605	1,388	1,367	995	433	204	398	350
Hartford	13,219	12,776	29,011	11,295	2,572	1,717	19,536	3,667
Manhattan	54,226	73,214	181,633	235,442	12,147	14,834	83,161	148,317
Portsmouth	2,261	1,822	1,587	1,530	377	378	714	685
Providence	3,559	3,114	4,238	3,010	602	596	934	975
Mid-Atlantic region:								
Baltimore	32,360	35,958	35,143	33,370	4,387	4,767	18,138	5,275
Newark	40,758	53,507	6,511	62,622	8,145	8,083	32,781	26,734
Philadelphia	32,012	45,343	47,253	42,777	6,598	8,839	19,446	14,498
Pittsburgh	16,004	19,754	16,459	19,966	2,670	3,358	6,163	5,882
Richmond	21,330	23,681	13,922	19,076	3,241	3,061	5,479	10,709
Wilmington	4,386	3,880	3,391	3,984	716	625	712	1,925
Southeast region:								
Atlanta	15,681	21,511	13,942	18,610	2,800	3,164	5,493	5,871
Birmingham	10,311	16,086	9,656	11,758	1,885	2,870	3,952	3,263
Columbia	7,839	12,763	6,869	8,794	1,200	2,041	3,921	3,275
Greensboro	15,029	20,296	12,406	15,632	2,811	3,869	6,556	7,383
Jackson	7,373	9,363	4,466	5,891	973	1,405	1,707	1,943
Jacksonville	33,610	49,374	89,704	92,420	5,169	5,839	57,633	54,378
Nashville	15,224	19,642	14,379	17,093	2,765	2,856	3,708	3,810
Central region:								
Cincinnati	18,114	24,690	18,744	17,311	3,124	3,110	5,548	5,459
Cleveland	22,222	27,902	36,150	36,106	3,443	4,337	17,149	20,303
Detroit	46,992	49,529	50,758	39,469	6,981	5,884	15,807	15,888
Indianapolis	17,082	22,829	24,066	24,838	2,853	3,651	10,623	12,843
Louisville	11,464	12,495	9,247	10,306	2,070	2,113	3,430	3,463
Parkersburg	4,225	5,475	4,545	4,690	665	816	1,325	1,004

INVENTORY OF TAXPAYER DELINQUENT ACCOUNTS, DECEMBER 1967 AND 1966—Continued

	Tax groups				Inactive			
	Total							
	Number		Amount (thousands)		Number		Amount (thousands)	
	1967	1966	1967	1966	1967	1966	1967	1966
Midwest region:								
Aberdeen	1,416	1,722	$909	$1,067	264	117	$286	$181
Chicago	32,356	41,969	50,102	43,300	4,269	4,819	8,931	12,833
Des Moines	6,005	6,502	4,377	4,500	1,606	1,009	1,973	1,865
Fargo	1,521	1,286	985	608	398	169	430	228
Milwaukee	8,811	10,316	11,064	12,771	2,018	1,205	4,137	3,892
Omaha	2,803	2,717	6,775	8,079	719	614	4,528	6,445
St. Louis	13,725	18,700	13,919	17,893	3,073	2,292	4,709	6,236
St. Paul	7,547	7,361	6,917	8,937	1,810	1,230	2,116	4,141
Springfield	6,157	6,565	5,079	6,306	1,569	814	2,043	2,602
Southwest region:								
Albuquerque	3,371	4,614	5,789	5,606	563	650	2,246	1,613
Austin	21,814	27,486	60,239	61,104	2,247	1,748	38,260	39,075
Cheyenne	1,532	1,953	1,125	1,102	342	324	378	395
Dallas	19,909	23,768	61,595	23,126	2,663	2,064	48,474	11,099
Denver	9,991	10,077	9,736	12,118	1,432	1,035	3,801	4,186
Little Rock	5,799	5,622	11,187	10,390	975	867	8,488	8,267
New Orleans	14,228	15,791	15,693	14,342	2,046	1,304	6,241	3,634
Oklahoma City	10,741	11,685	9,243	8,693	1,417	992	2,377	2,252
Wichita	7,239	8,470	7,006	7,283	1,392	1,048	1,850	2,350
Western region:								
Anchorage	1,638	2,125	1,614	1,930	189	200	315	441
Boise	2,084	2,175	2,681	1,895	572	437	969	789
Helena	1,895	2,097	1,572	1,466	440	415	673	556
Honolulu	1,986	1,925	2,395	4,194	457	332	915	2,726
Los Angeles	45,259	66,604	92,522	116,753	6,291	6,840	38,606	42,977
Phoenix	5,573	6,087	7,460	7,555	862	748	2,477	2,091
Portland	7,904	8,275	6,082	6,972	1,167	1,172	2,169	2,941
Reno	3,348	4,340	6,452	6,594	518	488	1,943	2,424
Salt Lake City	3,619	3,971	5,076	3,333	729	590	2,843	1,453
San Francisco	39,212	48,491	50,441	40,604	5,807	5,362	15,572	12,542
Seattle	7,967	10,891	7,556	9,470	1,795	1,622	2,566	2,660
International operations:								
Puerto Rico	4,086	4,416	2,793	2,524	1,038	923	1,368	586
All other	4,375	4,746	69,501	70,324	972	788	27,617	25,702

Note: Rounded figures may not add to the totals which are based on unrounded figures.

TAXPAYER DELINQUENT ACCOUNTS REPORTED AS UNCOLLECTABLE CALENDAR YEARS 1967 AND 1966

Region and district	Uncollectable			
	Number		Amount (thousands)	
	1967	1966	1967	1966
Total	305,224	309,752	$347,100	$253,006
North Atlantic	63,433	61,022	129,212	70,034
Mid-Atlantic	33,366	38,936	24,249	21,154
Southeast	45,599	43,230	38,001	34,696
Central	31,503	26,710	20,128	18,930
Midwest	35,778	35,622	36,892	23,492
Southwest	32,257	30,949	25,752	18,594
Western	60,348	70,838	69,836	63,300
International operations	2,940	2,445	3,031	2,804
North Atlantic region:				
Albany	1,459	1,666	780	2,145
Augusta	752	784	266	282
Boston	5,450	5,124	2,943	3,281
Brooklyn	25,117	20,337	32,354	32,449
Buffalo	4,783	5,221	2,719	1,475
Burlington	361	216	133	88
Hartford	2,249	3,006	846	980
Manhattan	21,756	23,042	87,673	28,030
Portsmouth	724	894	398	687
Providence	782	732	1,100	615
Mid-Atlantic region:				
Baltimore	8,345	10,887	4,884	5,565
Newark	10,408	9,887	9,040	6,035
Philadelphia	5,796	7,422	5,622	4,473
Pittsburgh	3,260	3,398	2,448	2,989
Richmond	4,821	6,536	1,960	1,595
Wilmington	736	806	298	499
Southeast region:				
Atlanta	7,059	8,370	4,828	3,521
Birmingham	5,256	4,752	4,560	2,433
Columbia	3,253	2,536	1,903	835
Greensboro	7,207	7,949	3,027	3,997
Jackson	2,534	2,399	1,504	1,208
Jacksonville	14,619	11,631	19,368	20,360
Nashville	5,671	5,593	2,812	2,342
Central region				
Cincinnati	6,366	4,930	4,219	2,465
Cleveland	6,784	6,276	4,986	5,280
Central region—Continued				
Detroit	8,723	6,758	$3,279	$4,040
Indianapolis	5,343	4,231	4,017	4,538
Louisville	2,984	2,956	2,731	1,720
Parkersburg	1,303	1,559	897	887
Midwest region:				
Aberdeen	487	469	196	158
Chicago	17,686	15,650	16,868	12,314
Des Moines	1,704	1,645	2,311	1,210
Fargo	375	400	92	121
Milwaukee	3,887	3,483	3,943	1,512
Omaha	824	939	710	328
St. Louis	5,776	7,103	6,718	3,458
St. Paul	3,288	3,742	3,678	2,245
Springfield	1,751	2,191	2,377	2,147
Southwest region:				
Albuquerque	1,295	1,135	656	437
Austin	6,674	7,162	7,202	4,967
Cheyenne	624	427	249	130
Dallas	9,213	9,046	5,831	4,361
Denver	2,258	2,219	4,068	1,586
Little Rock	1,821	1,645	752	958
New Orleans	4,024	3,568	2,897	2,579
Oklahoma City	4,536	3,057	5,244	3,032
Wichita	1,812	1,690	850	545
Western region:				
Anchorage	1,061	1,526	883	720
Boise	839	969	208	258
Helena	1,072	1,349	766	683
Honolulu	601	995	227	893
Los Angeles	21,042	26,036	45,011	37,023
Phoenix	2,880	3,048	1,875	2,033
Portland	4,927	6,358	2,585	2,883
Reno	1,750	1,937	2,348	1,615
Salt Lake City	1,500	1,624	1,299	1,018
San Francisco	20,434	22,427	12,277	13,889
Seattle	4,242	4,569	2,357	2,284
International operations:				
Puerto Rico	1,015	781	262	106
All other	1,925	1,664	2,768	2,698

Note: Rounded figures may not add to the totals which are based on unrounded figures.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., April 24, 1968.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: In accordance with the recent telephonic requests of your office, we are enclosing—

(1) District-by-district tabulations of uncollectible accounts for calendar years 1956 through 1967, and

(2) District-by-district tabulations of abatements for calendar year 1967.

Figures on uncollectibles for years prior to 1956 are not available. Also, we are unable to give you a district-by-district breakdown of uncollectibles by class of tax but, on the basis of the best information available, we estimate that for the period 1956 through 1967, dollar value of income tax uncollectibles on a year-by-year basis varied from 60% to 65%.

As you know, the dollar value of accounts marked uncollectible in one year cannot be added to the figure for prior years so as to get a cumulative total of accounts *not* collected over the period. The reason for this is that many such accounts are reactivated on the basis of improvement of the taxpayer's financial situation and are partially or wholly collected. Also, as we advised you in our report of March 11, 1968, we are now using our data processing equipment to associate prospective refunds with delinquent tax liabilities, and, during 1967, we applied more than $9.3 million of such refunds to accounts previously reported as uncollectible.

As explained in prior year reports, abatements are entirely different from uncollectibles. Except in the case of offers in compromise, an assessment is abated only if it is in excess of the tax amount actually due and owing at the time. The following types of assessment qualify for abatement:

1. Assessments in excess of the amount legally due as determined by audit examination.

2. Assessments in excess of the amount accepted on an offer in compromise.

3. Jeopardy assessments later determined by court ruling to be excessive.

4. Jeopardy assessments where it is administratively determined that jeopardy does not exist.

5. Transferee assessments in excess of the basic transferor assessment.

6. 100 percent penalty assessments in excess of the basic corporate assessment.

Assessments made in transferee cases always duplicate an amount already assessed against the transferor, and in cases involving the 100 percent penalty, assessments made against officers or employees of the taxpayer always constitute a duplication of an amount already assessed against the taxpayer himself. In fact, transferee assessments, all representing the same basic transferor liability, may be made against several transferees, and the 100 percent penalty may be assessed against more than one person in respect of the same offense. However, no more is actually collected than is actually due, of course, and all assessments over and above the basic one must ultimately be abated.

In jeopardy cases, the situation differs in that the assessments made are usually against the taxpayer and the taxpayer only. However, the amounts involved are determined on the basis of such information, sometimes rather limited, as is immediately available to the Service. Jeopardy assessments may, therefore, be in excess of the true liability as subsequently determined when all the facts are disclosed. In such cases, the amount of the jeopardy assessment is adjusted to the true liability.

With specific reference to the abatement figures being furnished for 1967 and 1966, we should like to explain that the minus figure entered in the 1967 column for Omaha is the result of an adjustment for a combination of factors involving an invalid assessment, a consequent error in reporting, and conversion of figures from a fiscal to a calendar year basis. The correct figures for Omaha are as follows:

Calendar year 1966	$1,263,000
Calendar year 1967	3,205,000

We are happy to furnish the information requested. If we can be of further service in any way, please call on us.

With kind regards,

Sincerely,

SHELDON S. COHEN,
Commissioner.

TAXPAYER DELINQUENT ACCOUNTS REPORTED AS ABATED, CALENDAR YEARS 1967 AND 1966

Region and district	Abated: Number 1967	Abated: Number 1966	Abated: Amount (thousands) 1967	Abated: Amount (thousands) 1966
Total	162, 411	157, 758	$213, 793	$219, 656
North Atlantic	34, 801	34, 083	50, 339	49, 209
Mid-Atlantic	31, 217	26, 973	39, 293	28, 397
Southeast	23 089	21, 113	26, 538	41, 763
Central	22, 265	16, 453	24, 576	23, 466
Midwest	19, 499	23, 791	24, 541	36, 042
Southwest	13, 616	14, 785	20, 262	14, 008
Western	15, 890	16, 403	22, 900	24, 063
International operations	2, 034	2, 157	5, 346	2, 707
North Atlantic region:				
Albany	1, 034	1, 582	628	1, 103
Augusta	463	392	316	411
Boston	4, 516	7, 026	5, 720	5, 910
Brooklyn	8, 214	8, 295	8, 572	9, 031
Buffalo	3, 064	3, 266	4, 382	4, 336
Burlington	466	322	232	116
Hartford	2, 854	1, 552	2, 553	2. 442
Manhattan	13, 822	10, 798	27, 260	23, 240
Portsmouth	68	420	153	291
Providence	280	430	541	328
Mid-Atlantic region:				
Baltimore	4, 433	4, 663	4, 871	4, 158
Newark	7, 112	7, 741	12, 249	9, 777
Philadelphia	12, 318	8, 900	6, 644	5, 767
Pittsburgh	3, 181	3, 543	5, 729	5, 045
Richmond	3, 653	3, 538	6, 942	2, 724
Wilmington	520	588	2, 860	927
Southeast region:				
Atlanta	3, 796	3, 421	4, 404	4, 007
Birmingham	2, 681	2, 297	3, 109	2, 016
Columbia	2, 154	1, 959	1, 286	17, 472
Greensboro	4, 243	4, 219	4, 679	2, 145
Jackson	1, 487	1, 501	1, 449	840
Jacksonville	5, 645	5, 353	7, 351	12, 134
Nashville	3, 083	2, 363	4, 259	3, 148
Central region:				
Cincinnati	2, 964	2, 241	3, 220	7, 184
Cleveland	4, 809	4, 418	9, 487	6, 116
Detroit	6, 240	3, 639	5, 016	3, 999
Central region—Continued				
Indianapolis	4, 108	3, 580	$3, 446	$3. 133
Louisville	3, 134	1, 715	2, 642	2, 518
Parkersburg	1, 010	860	764	517
Midwest region:				
Aberdeen	337	411	164	446
Chicago	7, 648	8, 726	12, 028	17, 573
Des Moines	1, 554	1, 964	1, 586	1, 632
Fargo	346	368	156	166
Milwaukee	2, 298	2, 496	2, 354	2, 132
Omaha	850	953	—498	4, 966
St. Louis	3, 527	4, 787	4, 955	5, 516
St. Paul	1, 702	2, 144	3, 201	1, 787
Springfield	1, 239	1, 942	1, 052	1, 825
Southwest region:				
Albuquerque	854	663	1, 096	1, 727
Austin	3, 757	3, 841	4, 652	2, 590
Cheyenne	225	197	153	70
Dallas	1, 673	2, 460	3, 646	3, 020
Denver	1, 262	1, 961	3, 564	2, 219
Little Rock	1, 427	1, 543	1, 178	1, 052
New Orleans	1, 077	900	1, 345	1, 141
Oklahoma City	1, 798	1, 952	2, 060	1, 586
Wichita	1, 543	1, 268	2, 566	602
Western region:				
Anchorage	189	245	197	219
Boise	798	764	2, 064	1, 034
Helena	553	638	405	392
Honolulu	505	638	2, 756	294
Los Angeles	2, 030	605	5, 927	687
Phoenix	1, 061	968	1, 316	1, 853
Portland	1, 622	2, 022	2, 703	1, 993
Reno	320	501	699	1, 572
Salt Lake City	690	716	711	967
San Francisco	6, 056	7, 031	2, 925	11, 637
Seattle	2, 066	2, 275	3, 199	3, 415
International operations:				
Puerto Rico	1, 017	881	852	694
All other	1, 017	1, 276	4, 493	2, 013

Note: Rounded figures may not add to the totals which are based on unrounded figures.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the act (S. 3033) to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Lawrence A. Monaco, Jr., assistant legislative counsel, be permitted the privilege of the floor during the consideration of my amendment No. 710.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. I yield myself 2 minutes. Mr. President, under amendment No. 710, if a person is convicted of a felony consisting of first, inciting a riot or civil disorder; or, second, organizing, promoting, encouraging, or participating in a riot or civil disorder; or, third, aiding or abetting persons to engage in any of those offenses; or, fourth, committing an offense, such as arson or larceny, which, as determined by the employing agency, is in furtherance of a riot or civil disorder, the individual thereby becomes ineligible to hold any position in the U.S. Government or the District of Columbia government for a period of 5 years from the date his conviction becomes final. This means that if the individual is employed by the United States or the District of Columbia, he must be removed from his position, after notice and opportunity to reply under sections 7501 and 7512 of title 5, United States Code, and may not be reemployed in that position or employed in any other Government position for 5 years. If he is not already employed in a Government position, he is prohibited from being so employed for 5 years.

As previously stated, amendment No. 710 bars persons from being employed by the United States and the District of Columbia only if they are convicted of felonies related to riots.

The second section of the amendment applies only to convictions based on acts committed after the date of enactment of the amendment. It was not made retroactive because of a possible claim that it would then be an ex post facto law: Since ineligibility for employment is predicated on a felony conviction, it could be argued that the prohibition against employment constitutes additional punishment for a crime.

PRESENT PRACTICE

Present agency practice is that an employee convicted of a felony is normally removed from his position. At the very most, a person removed would be barred from taking a civil service examination for a maximum of 3 years following removal. At the end of 3 years, he may apply to take the civil service examination. He still may not be employed, however, if after consideration, he is found to be unsuitable. In many situations, the prohibition is shorter than 3 years, depending on the type of felony and the position involved.

During the recent riots following Dr. King's death, 31 Federal employees were arrested for riot-related offenses. None have yet been convicted, and, therefore, none have been removed.

NEED FOR AMENDMENT NO. 710

Amendment No. 710 is necessary for three reasons. First, it puts every Federal and District of Columbia employee, and every prospective employee, on notice that the Congress considers a felony arising out of a riot as an act which should receive special condemnation since it undermines the law and order upon which our form of government depends for its survival.

Second, amendment No. 710 withdraws an area of discretion from Federal agencies, the Civil Service Commission, and the District of Columbia government. If a person is convicted of a riot-related felony, he must, in every case, be removed. At the present time, removal is discretionary with the agency.

Third, because of the serious nature of the offenses involved, a 5-year mandatory disqualification period is more appropriate than the discretionary 3-year period established administratively by the Civil Service Commission. The adoption of this amendment does not relax or in any way change the existing prohibition against hiring an employee who is considered unsuitable for a particular position.

Mr. McCLELLAN. Mr. President will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. McCLELLAN. Mr. President, I should like some further explanation of subsection (4) under section 7313 on page 2 of the amendment. It reads:

> Any offense determined by the head of the employing agency to have been committed in furtherance of, or while participating in, a riot or civil disorder.

Does the head of the agency become the judge or arbiter between the agency and the employee as to whether the employee has violated the law or not?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD of West Virginia. I yield myself 2 additional minutes.

Mr. President, I ask for the yeas and nays on amendment No. 710.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, an indictment would be returned against the individual, which would charge him, under subsection (1) with inciting a riot; under subsection (2) with organizing, promoting, encouraging, or participating in a riot or civil disorder; under subsection (3) with aiding or abetting any person in committing any offense specified in clause (1) or (2); and what we are trying to do under subsection (4) is get at the arsonist, the murderer——

Mr. McCLELLAN. I understand the first three, but I do not understand the fourth.

Mr. BYRD of West Virginia. That is to enable us to get at the individual who commits arson, grand larceny, murder, assault on a police officer, et cetera.

Mr. McCLELLAN. Am I looking at the correct amendment, No. 710?

Mr. BYRD of West Virginia. That is correct.

Mr. McCLELLAN. The one I have says:

> Any offense determined by the head of the employing agency to have been committed in furtherance of, or while participating in, a riot or civil disorder.

Does the Senator propose to make the head of the agency the judge who makes the final determination?

Mr. BYRD of West Virginia. No.

Mr. McCLELLAN. It says "any offense determined by the head of the employing agency."

Mr. BYRD of West Virginia. The individual must be convicted of a felony, for one thing.

Mr. McCLELLAN. Before any of these would apply?

Mr. BYRD of West Virginia. Mr. President, before any of the provisions would apply, he must be convicted of a felony, and the head of the agency would determine whether or not the felony was related to a riot.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 1 additional minute.

Mr. BYRD of West Virginia. Mr. President, during a riot, in other words, an individual could commit a larceny in Georgetown that might be entirely unrelated to the riot. I do not want this amendment to apply to that individual. His felony must be related to the riot.

Mr. McCLELLAN. In other words, he might be standing down here aiding and abetting in the rioting and would be covered anyhow by possibly the other provisions. But if in the course of the rioting he broke into a store or went into a store and took goods or engaged in arson, pillaging, or plundering, the head of the agency would determine whether that act was related to the rioting.

Mr. BYRD of West Virginia. The head of the agency would determine whether the act was related to the rioting, because in the course of the rioting many individuals might commit felonies entirely unrelated to the riot.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 1 additional minute.

Mr. BYRD of West Virginia. Mr. President, this would give the head of the agency an opportunity to determine whether the felony was unrelated to the riot.

Mr. McCLELLAN. I subscribe to the general objective that I think the Senator is trying to reach. I think that Government employees who engage in these acts and activities should come within the law and should be dealt with.

I commend the Senator for the general idea and purpose of the pending amendment. I have no objection to it except that I do think—and we will have an opportunity to discuss it later—the language should perhaps be studied further and adjustments made in it in conference if necessary. The provision does not appear in the House bill.

I think the amendment should be studied further. I agree with the general objectives.

Mr. BYRD of West Virginia. I am trying to establish a nexus between the felonious act committed and the riot. An individual who might have committed grand larceny in Arlington or in Fairfax during the time of a riot in Washington might not in any way be committing a felony connected with the riot.

I want to provide a connection with the riot. I feel that we ought to give the head of the employing agency the opportunity to determine whether there is that connection.

Mr. HRUSKA. Mr. President, will the Senator yield on my time?

Mr. BYRD of West Virginia. I yield.

Mr. HRUSKA. Mr. President, will the distinguished minority leader yield me 3 minutes?

Mr. DIRKSEN. Mr. President, I yield 3 minutes to the distinguished Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. Mr. President, I am in sympathy with the objective the Senator seeks to achieve. The times require some such action. It would be very salutary.

I ask the Senator from West Virginia

if he recalls our recent discussion of the pending amendment in which I stated that it had been brought to my attention by one of my colleagues that a similar provision was at one time in the Landrum-Griffin Act. That act contained a provision in which a union official was disqualified from holding union office for a given number of years following his conviction for conduct of which he was guilty in connection with handling the affairs of the union.

The Supreme Court held, if I remember correctly, that the provision was unconstitutional as a bill of attainder. The Court held the provision to be a legislative imposition of a penalty, and not part of the penalty, and that, therefore, it was outside of the pale of the constitutional provisions.

I ask the Senator from West Virginia if he has canvassed that particular provision, and if the Senator is satisfied that situation does not inure in his provision.

Mr. BYRD of West Virginia. I have inquired into that possibility. I have had the legislative counsel research the matter. And I am convinced that amendment No. 710 is not likely to be held to be a bill of attainder.

Mr. HRUSKA. Mr. President, did the Senator cover that in his original presentation of the amendment?

Mr. BYRD of West Virginia. I did not.

Mr. HRUSKA. Would the Senator include whatever memorandum or information he has on that matter in the RECORD so as to build up legislative history that might be helpful in the conference with the House of Representatives or in the courts?

Mr. BYRD of West Virginia. Mr. President, I shall read a brief memorandum which I think will be helpful:

> The latest Supreme Court case on bills of attainder is *United States* v. *Brown* (381 U.S. 437, 1965), a 5–4 decision which Chief Justice Warren writing the majority opinion. The case involved section 504 of the Labor-Management Reporting and Disclosure Act of 1959 (popularly known as the Landrum-Griffin Act) which made it a crime for a member of the Communist Party to be an officer or employee (except clearical and custodial positions) of a union (1) while a member of the Party or (2) for the five years following termination of his membership. The purpose of the section was to protect the national economy by minimizing political strikes.
>
> The Court held that section 504 was a bill of attainder because:
>
> "The statute does not set forth a generally applicable rule decreeing that any person who commits certain acts or possesses certain characteristics (acts and characteristics which, in Congress' view, make them likely to initiate political strikes) shall not hold union office, and leave to courts and juries the job of deciding what persons have committed the specified acts or possess the specified characteristics."
>
> The Court cited a statement in *United States* v. *Lovett* (328 U.S. 303, 1946), as setting forth the test of what is a bill of attainder: "legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial. . . . ." (p. 448–49). The Court reiterated this point at the end of its decision when it said that "Congress must accomplish such results by rules of general applicability. It cannot specify the people upon whom the sanction it prescribes is to be levied." (p. 461). In short, section 504 was a bill of attainder because Congress itself engaged in a *judicial* act in determining that every member of the Communist Party would assist in promoting political strikes. The Congress instead should have stated what acts it intended to punish (acts of political strikes) and allowed the courts and juries to determine if individuals criminally charged had engaged in such acts.
>
> Amendment 710 is not likely to be held to be a bill of attainder. The amendment does not apply to specific individuals or groups, such as labor unions or other similar groups. Instead, the amendment applies generally to acts of rioting and riot-related felony offenses as a condition for qualification for Federal or District of Columbia employment. The amendment leaves it to the courts and juries to determine if an individual has engaged in riotous conduct. It thus appears that Amendment 710 is not a bill of attainder. In fact, it can be argued reasonably that the *Brown* rationale provides justification for considering the amendment not to be a bill of attainder since the amendment does not contravene any of the bill of attainder elements enumerated by the majority opinion.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I yield the Senator an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for an additional 2 minutes.

Mr. HRUSKA. Mr. President, I think that is a very persuasive and authoritative memorandum. It has me convinced with the exception of the point raised by the Senator from Arkansas [Mr. McCLELLAN]—that the case will be determined by the head of the employing agency. As a Congress, we do not condemn certain acts, but we delegate that power and instruct the head of the department to exercise it.

Would that in any way impair the force of the legal memorandum read by the Senator from West Virginia?

Mr. BYRD of West Virginia. The individual first has to be convicted of a felony, and then it is up to the head of the department to determine whether that felony was in any way connected with the riot.

Mr. HRUSKA. The question I asked is whether the determination by the head of the employing agency would not be a duty delegated from Congress to that department head to the extent that it might still run into the objection of being a bill of attainder.

Mr. BYRD of West Virginia. This is a determination of eligibility of employment.

Mr. HRUSKA. Yes.

Mr. BYRD of West Virginia. The executive branch has the prerogative of determining eligibility for employment, and Congress, as I understand, has the prerogative of establishing certain qualifications for employment. One of those qualifications is that the individual shall not have been convicted of a felony in connection with a riot during the preceding 5 years. Adequate appeals procedures are open to the individual.

Mr. HRUSKA. If it would clear the language and acceptability of subsection (4) to have a right of appeal by the employee from the determination of the head of the employing agency, would the Senator from West Virginia have any objection to such an amendment being prepared, either in the other body or in conference, when the bill gets there?

Mr. BYRD of West Virginia. Would the Senator repeat his question?

Mr. HRUSKA. Would the Senator from West Virginia have any objection to the amending of subsection (4) so as to accord an employee the right to appeal from the ruling of the head of the department against him?

Mr. BYRD of West Virginia. As I understand it, that is not needed. The appeals procedure is already open.

Mr. HRUSKA. Through other means in the personnel statutes or regulations?

Mr. BYRD of West Virginia. Through sections 7501 and 7512 of title V of the United States Code.

Mr. HRUSKA. So that any ruling of the department head would be appealable, and there would be recourse by the employee if it were an adverse ruling?

Mr. BYRD of West Virginia. It would be recourse under already existing statute.

Mr. HRUSKA. As usual, the Senator from West Virginia did his homework well, and I commend him for it. Under that explanation, I shall support his amendment and vote for it.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. RANDOLPH. Mr. President, who has the floor?

The PRESIDING OFFICER. The majority leader and the minority leader control the time.

Mr. DIRKSEN. How much time remains, Mr. President?

The PRESIDING OFFICER. The minority leader has 3 minutes, and the majority leader has 2 minutes.

Mr. BYRD of West Virginia. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator [Mr. RANDOLPH] is recognized for 1 minute.

Mr. DIRKSEN. I also give the Senator 1 minute of my time.

Mr. RANDOLPH. Mr. President, I shall support the amendment offered by my distinguished colleague from West Virginia. His approach to this problem is a valid one. I believe Senators will vote overwhelmingly in favor of the amendment.

I am confident that he desires the RECORD to include the fact that during the recent riots some persons employed in the career service of the Federal Government were arrested or apprehended during violations of the law.

Would the Senator clarify this point for the RECORD?

Mr. BYRD of West Virginia. As of May 10, 1968, 31 Federal employees had been arrested throughout the United States for felonious crimes connected with riots since April 4, the date of the assassination of Dr. Martin Luther King, Jr. None of these has been convicted. About two-thirds of that number—to wit, 31—were arrested in the District of Columbia, in connection with the civil disturbances that occurred here. In addition to these, as of April 19, 1968, 15 District of Columbia government employees have been charged with serious offenses arising out of the April 4 riots.

Mr. **RANDOLPH.** I thank my colleague for this explanation. I understand, of course, that the provisions of the pending amendment would not be effective without conviction of the person or persons involved.

Mr. BYRD of West Virginia. The Senator's understanding is correct.

Mr. **RANDOLPH.** I support the principle and the amendment which has been well explained by my colleague.

Mr. BYRD of West Virginia. I thank my able colleague for his support. I know that, as a member of the Senate Post Office and Civil Service Committee and chairman of its Subcommittee on Civil Service, he has an intense interest in the welfare of Federal employees. He has worked diligently to make the Federal career service more attractive. But in advocating the cause of the Federal worker, he has also emphasized the obligation of the employee to conduct himself in a responsible manner.

The **PRESIDING OFFICER** (Mr. Young of Ohio in the chair). Who yields time?

Mr. **TYDINGS.** Mr. President, may I propound an inquiry to the acting majority leader?

Mr. BYRD of West Virginia. Mr. President, how much time do I have remaining?

The **PRESIDING OFFICER.** The Senator from West Virginia has 1 minute, and the Senator from Illinois has 2 minutes.

Mr. TYDINGS. It is my understanding, from reading the language of the amendment, that the restrictions would not apply to manpower training or job training programs for the individuals involved, and that they would be eligible to participate in manpower training or the Job Corps or any type of training designed to equip them to return to society and to earn a living.

Mr. BYRD of West Virginia. The Senator is correct. There is no intention on the part of the author of the amendment to inhibit or prohibit or preclude any individuals from engaging in job training or manpower training programs. I would hope that they would continue to participate in such training programs so that they may better qualify for private employment.

The **PRESIDING OFFICER.** The Senator from West Virginia has 1 minute remaining.

Mr. BYRD of West Virginia. I reserve the remainder of my time.

Mr. **DIRKSEN.** Mr. President, I yield back the remainder of my time.

Mr. BYRD of West Virginia. Mr. President, I yield back the remainder of my time.

The **PRESIDING OFFICER.** All time has been yielded back. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arizona [Mr. Hayden], the Senator from Hawaii [Mr. Inouye], the Senator from Missouri [Mr. Long], the Senator from Maine [Mr. Muskie], and the Senator from New Jersey [Mr. Williams] are absent on official business.

I also announce that the Senator from Indiana [Mr. Bayh], the Senator from Arkansas [Mr. Fulbright], the Senator from South Carolina [Mr. Hollings], the Senator from New York [Mr. Kennedy], the Senator from Ohio [Mr. Lausche], the Senator from Louisiana [Mr. Long], the Senator from Washington [Mr. Magnuson], the Senator from Minnesota [Mr. McCarthy], the Senator from Oklahoma [Mr. Monroney], the Senator from New Mexico [Mr. Montoya], the Senator from Oregon [Mr. Morse], the Senator from Rhode Island [Mr. Pell], the Senator from Connecticut [Mr. Ribicoff], the Senator from Florida [Mr. Smathers], the Senator from Texas [Mr. Yarborough], and the Senator from Oklahoma [Mr. Harris] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. Bayh], the Senator from Louisiana [Mr. Long], the Senator from Oklahoma [Mr. Monroney], and the Senator from New Mexico [Mr. Montoya] would each vote "yea."

On this vote, the Senator from Connecticut [Mr. Ribicoff] is paired with the Senator from Oregon [Mr. Morse]. If present and voting, the Senator from Connecticut would vote "yea," and the Senator from Oregon would vote "nay."

On this vote, the Senator from South Carolina [Mr. Hollings] is paired with the Senator from New Jersey [Mr. Williams]. If present and voting, the Senator from South Carolina would vote "yea," and the Senator from New Jersey would vote "nay."

On this vote, the Senator from Rhode Island [Mr. Pell] is paired with the Senator from New York [Mr. Kennedy]. If present and voting, the Senator from Rhode Island would vote "yea," and the Senator from New York would vote "nay."

Mr. **DIRKSEN.** I announce that the Senator from Tennessee [Mr. Baker], the Senator from New Hampshire [Mr. Cotton], the Senator from Wyoming [Mr. Hansen], the Senator from New York [Mr. Javits], the Senators from California [Mr. Kuchel and Mr. Murphy], and the Senator from Illinois [Mr. Percy] are necessarily absent.

The Senator from New Jersey [Mr. Case] is absent on official business.

The Senator from Texas [Mr. Tower] is detained on official business.

If present and voting, the Senator from Tennessee [Mr. Baker], the Senator from Wyoming [Mr. Hansen], the Senator from California [Mr. Murphy], and the Senator from Texas [Mr. Tower] would each vote "yea."

On this vote, the Senator from California [Mr. Kuchel] is paired with the Senator from New York [Mr. Javits]. If present and voting, the Senator from California would vote "yea," and the Senator from New York would vote "nay."

The result was announced—yeas 61, nays 9, as follows:

[No. 129 Leg.]

YEAS—61

Aiken
Allott
Anderson
Bartlett
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Clark
Cooper
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gore
Griffin
Gruening
Hartke
Hatfield
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Mansfield
McClellan
McGee
McGovern
McIntyre
Miller
Morton
Mundt
Nelson
Pastore
Pearson
Prouty
Proxmire
Randolph
Russell
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tydings
Williams, Del.
Young, N. Dak.

NAYS—9

Brooke
Hart
Jackson
Kennedy, Mass.
Metcalf
Mondale
Moss
Scott
Young, Ohio

NOT VOTING—30

Baker
Bayh
Case
Cotton
Fulbright
Hansen
Harris
Hayden
Hollings
Inouye
Javits
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
McCarthy
Monroney
Montoya
Morse
Murphy
Muskie
Pell
Percy
Ribicoff
Smathers
Tower
Williams, N.J.
Yarborough

So the amendment (No. 710) of Mr. Byrd of West Virginia was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move that the vote by which the amendment was adopted be reconsidered.

Mr. PROXMIRE and Mr. RANDOLPH moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. **SCOTT.** Mr. President, I am in favor of the principle that persons convicted of felonies should never be employed by the Federal Government. But legislation on this point should be carefully drawn so as to withstand assault by judicial review. I believe the previous amendment raises serious constitutional questions because it is too loose, sets no time limitation, runs the risk of being declared ex post facto legislation, and could well be a bill of attainer. Even if considered constitutional, this amendment is too broad in its sweep and could affect many persons who are not intended to be reached by such a measure. Thus my no vote on this amendment.

It should be noted that Congress has not ignored the problem of riots. The Omnibus Crime Control and Safe Streets Act gives special emphasis to programs aimed at preventing, detecting and controlling riots. Another measure enacted into law makes it a crime to travel around the country to incite a riot or to instruct persons in the making and using of weapons of violence for use in a riot. This act also makes it a crime to interfere with law-enforcement personnel or firemen during the course of a riot.

RIOTS, FEAR, BOOST GUN SALES

Mr. **DODD.** Mr. President, tension is mounting in this year of civil unrest, and in each city where there was an incident of disorder, we found that gun sales in that city and in the surrounding suburbs have increased.

This is the worst possible reason for the increase of sporting arms and ammunition.

People unsure of themselves, people in a state of fear, are the ones who least of all should be in possession of firearms.

And not nearly so many would be inclined to go out and buy firearms had not their fears been played upon and their desire for "home defense" been exploited by the gun lobby.

On page 11161 of the CONGRESSIONAL RECORD, May 1, 1968, along with appropriate comment, I inserted news stories from more than a dozen cities where firearms and ammunition sales skyrocketed following rioting.

The stories generally reflected the concern of public officials that the community was becoming an armed camp.

Most of them in fact are an armed camp.

The concern came too late.

Too little was done about the firearms laws when there was a chance to do something effective, and too little is being done now while there is some chance to limit the arsenal of opposing camps.

This is what we found out about the sale of handguns in a part of the area surrounding Washington, and I want to emphasize that these figures do not include the sale of rifles and shotguns on which no records are kept. The sale of long arms seems to be even higher.

In Fairfax County from last June 1 to April 1, 1968, a total of 876 handguns were sold. But from April 4, 1968, to April 17, 1968, barely a 2-week period, 545 handguns were sold.

In Montgomery County during March of 1968, 199 handguns were sold as against 144 for the same month last year.

But, from April 1 through April 29, 1968, 449 handguns were sold as against 95 for the same period last year.

Baltimore City officials report that during 1967, applications for handguns ran about 300 a week. They are now running about 600 a week.

And the story is the same across the country, from Frederick, Md., to Ames, Iowa. The March 30 and April 1, 1968, editions of the Ames, Iowa, Tribune tell the story of "a vague anxiety, compounded of fear" and increased sales of weapons.

In Frederick, Md., the Hagerstown, Md., Herald reports the "gun sales in Frederick County this month are running more than five times the sales in adjoining Washington County."

Saratoga Springs, N.Y., reports that:

> The sales of handguns and sporting weapons are going up. The mounting sales were attributed to racial tensions.

The Philadelphia Inquirer of April 30, 1968, has a headline telling the story for that area. It reads:

> Sale of Guns Increases in Philadelphia Area. Fear of Crime, Racial Disorders Frequently Cited.

The Washington Post of April 17, 1968, headlines it: "Suburban Purchases of Pistols Skyrocket."

A week after the life of the Reverend Dr. Martin Luther King, Jr., was snuffed out by a rifle in the hands of a madman, the Baltimore Sun surveyed gun sales in its area. In a story headlined "Gun, Ammunition Sales High in County After King Death," written by David C. Goeller, Towson, Md., bureau chief, the Sun found a sharp upswing in the sale of guns of all kinds.

A new Illinois State firearms law goes into effect on May 15. The Chicago Tribune of May 5, 1968, reports that 90,000 guns had already been registered and that there will be "a substantial increase before the deadline for registering on May 15."

On April 18, 1968, the Raleigh, N.C., Times, in a three column headline, stated "Gun Permits Shoot Up."

And is the gun-buying panic of Americans a subject of interest to the people of other nations? It seems so. I will say more on that later.

However, this story from the Vancouver, B.C., Sun of March 29, 1968, tells the story with this headline: "Worst Riot Year Feared, Gun Sales Boom Across the United States."

Mr. President, as we here in the Senate consider title IV of S. 917, the omnibus crime bill, I would like my colleagues to have these articles before them. I ask unanimous consent they be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Ames (Iowa) Tribune, Mar. 30, 1968]

GUN SALES BOOM

A vague anxiety, compounded of fear of another long, hot summer of racial strife and the rising crime rate has resulted in a 15 to 20 per cent increase in gun sales across the country, according to a Scripps-Howard Newspapers survey.

There is nothing new to this. The same phenomenon has been noted in every city after every riot. But never before have so many ordinary, decent citizens, both white and Negro, been arming themselves in preparation for some sort of trouble, some sort of threat to their personal safety and that of their families.

Homeowners, housewives, businessmen, cab drivers, people who have never owned a gun and don't know how to handle one, are buying revolvers, pistols, rifles, shotguns and ammunition. Few states or municipalities have any sort of restrictions governing the sale of guns, and what laws exist are easily circumvented.

There are several tragic aspects to this situation.

Almost all the damage and loss of life in all the riots has been suffered in the Negro areas of the cities. The few times that Negroes have "invaded" white neighborhoods, it has been in peaceful demonstrations, often met by abuse and violence or the threat of violence on the part of whites.

As for crime, this, too, is in great part a matter of Negro against Negro. The fact that law-abiding Negroes, now feel they must arm themselves says more about the failure of the police to protect the ghetto dwellers from the criminals among them than it does about any plan to make war on the whites.

Ironically, the kind of crime that poses the real danger to America—the big-time, syndicated crime that syphons off billions of dollars a year out of the pockets of everyone, that corrupts government and law enforcement agencies and erodes everyone's freedom—does not seem to frighten people at all.

Even if all these guns are never used in a racial civil war—a prospect almost too terrible to contemplate—guns do have a way of going off.

How many people now buying guns they have no business buying will later have cause to regret that action for the rest of their lives?

[From the Ames (Iowa) Tribune, Apr. 1, 1968]

COUNTY WEAPON SALES INCREASE

The number of dangerous weapon sales to Story County residents is apparently on the increase and continuing the upward trend begun three years ago.

Merchant's record of sales of dangerous weapons on file in the office of the Story County recorder through March 26 shows 81 sales through that date—essentially the first quarter of 1968. Assuming that the same number would be issued in the remaining three-quarters of the year, the total number for 1968 would be near 245, about the same as in 1967.

The number of sales by merchants has increased over the last three years and took a noticeable jump in the 1963–64 year, according to county records. Sales for the year ending Dec. 29, 1967, totaled $258; for the year ending Dec. 30, 1966, $171; for the year ending Dec. 31, 1965, $169.50; for the year ending Dec. 31, 1964, $172.50 and for the year ending Dec. 31, 1963, $115.50. On the basis of $1.50 per permit, this would indicate sales of 176 pistols in 1967; 54 thus far in 1968.

While the majority of applicants listed "student" as their occupation, nearly all types of work—professional, skilled and unskilled—are represented. Of the 81 making purchases so far this year, two are store managers; three are women—two of whom listed their occupation as "housewife", the other as "nurse's aide."

Nearly all popular calibers are listed, with the .22 cal. heading the list. Part of the answer is undoubtedly the popularity of the .22 as a sporting arm.

The record of sale does not provide for listing the purpose for which a handgun is purchased—whether the buyer wants the gun for sport, for personal or home protection, etc. Authorization of the county sheriff must be given before minors can purchase handguns. A special permit is required from the county sheriff to carry a handgun concealed.

[From the Hagerstown (Md.) Herald, Apr. 20, 1968]

GUN SALES SOAR IN FREDERICK BUT NORMAL HERE

(By Cel Richardson)

State Police reported Friday night that gun sales in Frederick County this month are running more than five times the sales in adjoining Washington County.

In the city of Frederick, gun dealers report that small arms sales have jumped in recent weeks. In Hagerstown and Hancock, however, the number of hand gun purchases is close to normal, according to police.

In all towns, dealers report more elderly persons and women are buying guns than before.

Of the two counties, Frederick is nearer Washington and Baltimore, where gun sales in white suburbs have soared in the wake of looting and violence in early April.

A ban on gun purchases ordered for the Maryland suburbs of Washington and Baltimore, was lifted April 14.

According to Sgt. Robert Snyder of Maryland State Police in Frederick County, 77 applications for hand gun permits have been processed so far this month. Frederick City Police could not give exact figures, but a desk sergeant said "there's been a pack of them."

Jack Reed, sales manager at the Maryland Gun Shop in Frederick, said he's been selling more hand guns than usual. "I won't say we've had a rash of sales," he said, "but our percentage is sure up."

"It's the John Q. Citizens who never knew what end of the gun the bullet came out of that are buying them," he said.

"They're worried about their property and they're worried about protecting themselves.

A lot of elderly people who never thought about guns before are buying them."

In Maryland, hand guns cannot be purchased without applying to state or local police for permission. In all cases, there is a seven day waiting period for the application to be processed.

An applicant must supply information about his race, occupation, employer, police record, the date and place of his latest application, and whether or not it was approved.

"Not one of the applications we've received in the past two weeks has been rejected for any reason," Reed said.

In contrast, hand gun permits issued in Washington County showed only a slight increase.

According to 1st Sergeant Clyde B. Tucker of the Maryland State Police, permits for Washington County have totalled 15 for the first three weeks of April. The number already equals the number processed in March.

"This still isn't an excessive number," he said.

The Hagerstown Police Dept. detective bureau has processed only 16 hand gun applications during April, about the same as for the same period in March.

Otho Hare at the Maryland Gun Shop in Hagerstown said "only a few more than the normal number of John Doe's are buying hand guns," although he said he noticed more women customers than usual.

Sales of small arms ammunition have also been steady, he said.

Walter R. Baker, who deals mainly in rifles and shotguns in Hagerstown, says the small arms he has in stock aren't disappearing at any great rate.

Hendershot's Sporting Goods in Hancock reports the same. Glenn Hendershot said, "hand guns sales are pretty normal for this time of year." He reports that small arms ammunition sales are just about the same.

[From the Saratoga Springs (N.Y.) Saratogian, Jan. 4 1968]

ONE IN FOUR NEW YORKERS OWNS A GUN, POLICE SAY

(By Dusko Doder)

ALBANY, N.Y.—At least one of every four New Yorkers owns a firearm, State Police say, and the sales of handguns and sporting weapons are going up.

The mounting sales were attributed by many to racial tensions.

Police said it is impossible to arrive at an exact figure of persons who possess shotgun or rifle, because these do not require permits or license.

But the number of pistol permits issued during the first nine months of 1967 passed the 33,000 figure and is expected to be the largest annual total on record, a police spokesman said.

Operators of sporting good stores and other distributors of firearms have reported brisk sales during the past year.

A New York City gun-control statute that goes into effect Feb. 15 will require owners and sellers of firearms to register the weapons and obtain licenses from the city.

Law enforcement officials and firearm dealers cite the civil disorders during the last few summers as a major factor in the increase in sale of arms.

William Brefka, chief of the State Police Pistol Permit section, estimated the increase at 10 per cent, however.

He said racial unrest is only a part of the problem.

"During the war years there's always an increase in gun ownership. We are training an awful lot of young people to use these weapons in Vietnam and they develop a liking for these instruments," Brefka said.

"Also, some people are buying guns because they are fearful of a tightening in the law," he said, "but that won't do them any good if the bill gets through. They'll have to start all over again."

[From the Washington (D.C.) Post, Apr. 17, 1968]

SUBURBAN PURCHASES OF PISTOLS SKYROCKET

(By Peter A. Jay)

Despite a partial embargo on the sale of firearms during the recent outbreak of civil disorders in Washington and Baltimore, white suburbanites have been arming themselves this month at a precedent-shattering pace.

Police records show that in the first two weeks of April, applications for handgun purchases nearly doubled in Prince George's and Montgomery Counties.

This increase does not reflect recent sales of rifles and shotguns, which police do not record and gun dealers say outstrip handgun purchases, nor does it take into consideration weapons bought by Maryland residents in Virginia during the week that Maryland and Washington gunshops were legally closed. The embargo ended Monday.

Sales were high again yesterday.

LINES IN ALEXANDRIA

In Alexandria, where suburbanites stood in lines to buy guns during the height of the District rioting, police have already received more applications—400—for handgun purchases this month than they did in all of March.

On the Monday following the outbreak of rioting, more than 100 applications flooded into the headquarters of the Prince George's County police—more than four times the usual amount.

Montgomery County, where applications average about ten a day, reported 22 on the same day. Arlington and Fairfax Counties, where the embargo on sales of firearms was not in effect, reported no significant increase.

Montgomery and Prince George's officials reported 454 applications for handguns since the rioting began April 5.

Lt. Robert Morris, head of the firearms section of the Maryland State police, said there is "no question" April sales of both handguns and rifles and shotguns will show a substantial increase over March, when about 3000 handgun applications were received throughout the State.

"Most of them are going to home owners and business people," Morris said. "It's a natural reaction. We had the same thing last summer after the trouble in Newark and Detroit."

Morris and police officials in Washington and Virginia noted that there is no sure way of estimating the number of rifles and shotguns sold. Only applications for handgun purchases are required by police, who routinely approve them unless a check shows the applicant is under age, mentally incompetent or has a criminal record.

But suburban gun dealers, many of whom are chary of reporters and reluctant to be quoted by name, said sales of long-arms substantially exceeded those of handguns in the period just before the embargo.

UNSCHOOLED ON FIREARMS

"I'll be frank" said Fred O'Rourke, owner of the Sportsman gun shop in Bethesda, "Many of our customers have been white Montgomery County residents who know little about guns and want protection.

"Most of them buy shotguns, which we feel are safer than handguns." And purchasers of shotguns do not have to wait for approval of an application, he noted.

O'Rourke and other Maryland gun dealers were critical of the embargo, contending it drove gun buyers to Virginia dealers. "As soon as you make things hard to get, you increase the demand," O'Rourke said.

A Beltsville dealer agreed. "My sales aren't up much," he said, "but if you can drive 35 miles to Loudoun County (Virginia) and buy a gun without a wait, why bother to apply here?"

The waiting period for handguns is one week in Maryland and at least three days in Arlington, Fairfax and Alexandria.

[From the Baltimore (Md.) Sun, Apr. 10, 1968]

GUN, AMMUNITION SALES HIGH IN COUNTY AFTER KING DEATH

(By David C. Goeller)

Baltimore county experienced a sharp upswing in gun sales to whites after the assassination last Thursday of the Rev. Martin Luther King, Jr.

A survey of sporting goods and firearm stores in the county yesterday showed that there was heavier-than-normal traffic in guns and ammunition last Friday and Saturday—even before the city began experiencing looting and burning.

CLAMOR CONTINUED

The clamor for weapons has continued this week, although the sale of guns and ammunition has been banned in the county since Sunday by order of Governor Agnew.

Police and other county officials privately are wary of the possibility of serious racial confrontations if city Negroes begin forays into the suburbs where armed whites may begin shooting in the belief they must defend their homes.

Statistics released yesterday back up the reports given by county gun dealers who were in their shops and who commented.

Between Friday and Monday, the police received 159 applications from white countians desiring to purchase handguns, according to Inspector Ednor L. Story.

SIXTY-ONE APPLICATIONS WEEK AGO

The sudden rush for pistols and revolvers is in stark contrast to the 61 purchase applications received by police for the preceding Friday to Monday period.

The Police Bureau, under the terms of a 1966 State law, performs a background investigation of purchasers of handguns before the weapons actually are delivered to customers.

The bureau has no record of traffic in rifles and shotguns, which are freely bought and sold without the benefit of similar legal controls.

Handgun applications during all of 1967 totaled 3,438. For the first 3 months of 1968, police processed 1,624 handgun-purchase requests.

Gun dealers who were available, said that sales of weapons were heavier than normal Friday and Saturday. They said requests for firearms and ammunition were pouring in Monday and yesterday, days when sales were forbidden.

But a store in Towson and another near Catonsville both reported that once the demand became apparent last weekend, they voluntarily halted sales of guns and ammunition.

In the eastern county, one major gun shop was closed. Another in Essex answered questions with: "We have nothing to say to any newspaper."

Unofficial reports from the eastern end, however, showed that gun buying around Essex and Dundalk has been heavy. The police declined to pinpoint the origin of the purchase applications.

County inconvenienced

Baltimore county, with only minor exceptions, has merely been inconvenienced by the burnings, lootings and military occupation in Baltimore city.

Since Sunday, countians have been subject to the same curfew hours as the city residents, and the sale of alcoholic beverages likewise has been curtailed.

Dale Anderson, the county executive explained at a press conference yesterday that he asked Governor Agnew to impose the curfew Sunday after "we received some spillover of militants by auto" into certain county areas, including Eastpoint.

Mr. Anderson indicated that the "spillover" consisted merely of Negroes riding in cars. Police said they have yet to receive their first substantiated report of looting.

One high-ranking police official stated that the county has been quiet and he was not sure what Mr. Anderson meant by "spillover."

In fact, the burning of a Negro church in Catonsville early Sunday appears to be the county's only real brush with civil disorder since rioting began in Baltimore city Saturday night.

Inspector Story said that two store-window breakings in Dundalk Saturday night are not considered racially connected.

Cooperation and help

He added that police have received nothing but cooperation and offers of help from the large Negro community of Turner Station, about half a mile from the window-breaking incidents.

Gas stations in Baltimore county reported that more customers than usual were requesting "fill-ups" rather than $1 or $2 worth of gas.

The volume and movement of traffic on streets and the Baltimore Beltway appeared normal.

Every now and then a car or truck was seen with its headlights burning in the daylight, considered a tribute to the late Dr. King.

GUN REQUESTS RISE IN HOWARD COUNTY

(From Ellicott City bureau of the Sun)

Howard county police reported yesterday that requests for permission to possess revolvers almost doubled yesterday from normal daily level of six to eleven. The county has only two outlets which sell weapons, and residents buying weapons do so outside the county.

No unusual activities, such as buying excess amounts of gasoline, were reported yesterday, police said.

ARUNDEL GUN SALES RISE SUBSTANTIALLY

(From the Annapolis bureau of the Sun)

ANNAPOLIS, April 9.—The county police department reported substantial increases through yesterday in the sale of handguns in Anne Arundel county, but the police chief said he saw "no need for a ban on firearms sales" during the crisis in Baltimore.

"There was no trouble in my county," said Chief Elmer F. Hagner, who added that he believed most sales were to individuals concerned with protecting their homes and property.

The department received 44 applications today from persons who attempted to purchase handguns Saturday and yesterday. Police here must certify that handgun purchasers have no criminal records before sales may be consummated.

Other arms uncontrolled

There are no controls, however, on the sale of shotguns, rifles or ammunition.

According to county police, the 44 applications today compares with an average of about 30 applications a week prior to the assassination of the Rev. Martin Luther King, Jr., last Thursday.

Since Sunday, arms retailers have been operating under a voluntary ban on gun sales. Chief Hagner agreed today, however, that the ban had not been altogether effective.

[From the Philadelphia (Pa.) Inquirer, Apr. 30, 1968]

Sale of Guns Increases in Philadelphia Area—Fear of Crime, Racial Disorders Frequently Cited

An increase in the demand for firearms has been felt in Philadelphia and its suburban counties.

Among the factors most frequently cited are alarm over racial disorders in the cities and a rising fear of crime.

One major retail chain said it was "downplaying" the display of firearms in its stores and some had discontinued such displays. A sporting goods and hardware store in Camden said it had discontinued firearms because of the general unrest.

MORE LICENSES ISSUED

Comparable situations have been reported in other major cities, such as Detroit, where large Negro population have rioted or pose a threat of riot.

At the same time, some gun dealers report that the principal weapons manufacturers have cut back on civilian production because of the demands of the Vietnam war, to the extent that the normal supply of firearms for the civilian trade is not available.

In Philadelphia, the Department of Licenses and Inspections reports a 38 percent increase in the number of licenses issued in the first three months of this year over the same period of 1967. In the first two weeks in April, the period following the assassination of Martin Luther King, Jr., the increase was 69 percent over the same two weeks last year.

LAW EXPLAINED

Louis T. Menna, Jr., supervisor of the license issuance section, reported that the figure for the first three months last year was 1061. In the first quarter of this year, he said, licenses totaled 1466. Most, he said, were men concerned with protecting their businesses.

In the first two weeks of last April, there were 130 licenses issued. The same period this year saw 220.

Philadelphia's model firearms control ordinance requires licenses for all types of guns purchased since the ordinance was passed three years ago. Each application is checked by police.

In the suburbs, only hand guns are subjected to such controls.

SALES SLACKENING OFF

Bucks County Sheriff Charles A. Jones said 570 permits had been issued for hand guns so far this year, as compared to 1480 for all of 1967.

A number of gun dealers in Lower Bucks county reported a spurt in demand following the King assassination and the resulting riots, but add the demand has been slackening off in the last week. The purchasers are almost all white.

"I could have sold 100 of them two weeks ago, if I'd had them," said Harry Rutherford, owner of the Gun Craft Shops, in Fallsington. Dominick Rago, owner of the Fox Chase Gun Shop, Bristol, said, "I've been taking my stock home on weekends for fear of the shop being broken into."

BUSINESS DOUBLED

Kenneth Ritter, manager of Johnson's Sporting Goods, Croydon, said his business had doubled in the wake of Dr. King's slaying but is returning to normal.

A woman clerk in a Levittown store said, for a while, sales were better than during the hunting season. "We sold out of everything," she said.

For a four-week period ending with the third week in April, gun applications totaled 523 at the office of the Montgomery county sheriff, 86 percent higher than during the same period in 1967. But the peak week was in March, before the King assassination.

CONTROLS TIGHTENED

Montgomery County Sheriff Jeremiah Delaney, a former Norristown policeman, introduced more stringent controls over hand guns when he assumed office in January. Fingerprints and photos of the applicant are required by Delaney's office.

A 20 percent increase in permits was recorded in the first quarter of this year over the same period in 1967 at the Delaware County sheriff's office. Sheriff Paul J. McKinney who runs record checks with the FBI on gun applicants, says racial fears played a part in the increase.

In Camden, Howard Walton, of the A. W. Walton and Sons Store, 109 Broadway, said the store had pulled out of the weapons business because, "We just decided we didn't want any trouble."

[From the Chicago (Ill.) Tribune, May 5, 1968]

Ninety Thousand Guns Registered Through City Law

More than 90,000 guns have been registered under the city's new gun control ordinance, Maj. Gen. Francis P. Kane, deputy commissioner of public works, said yesterday.

Kane, who was placed in charge of the gun registrations by Mayor Daley, said he was disappointed in the number of guns registered, but expressed hope there will be a substantial increase before the deadline for registering May 15.

Kane said he thought some registrations were held back because of a suit filed last month in Circuit court by three gun owners and two gun dealers challenging the validity of the ordinance. The case is pending before Judge Nathan Cohen.

FORMS ARE AVAILABLE

The registration forms are available at police and fire stations and at the city collector's office, where the forms must be filed.

The new ordinance provides fines of $500 for violators, including those failing to register their guns.

Persons under 18 are prohibited from possessing guns, as are narcotics addicts, the mentally retarded, and anyone who within five years has been convicted of a felony or released from prison, reformatory, or mental institution.

TOLD ABOUT CANNONS

Kane said he had received telephone calls from two persons owning cannons, one a family keepsake. In each case Kane advised the caller to write a letter giving details, and he would seek a ruling from city attorneys as to whether it is necessary to register them.

He said he also has had an inquiry from the Illinois Sesquicentennial commission inquiring as to whether the commission must register 50 Winchester model 94 rifles, donated by the manufacturer and to be given as prizes in events of the state's sesquicentennial observance.

This question also was referred to the city corporation counsel.

[From the Raleigh (N.C.) Times, Apr. 18, 1968]

After Riots, Ban: Gun Permits Shoot Up

Gun sales in Raleigh, following last week's riots, have risen but hardly "soared" as reported in Washington, Baltimore and Kansas City.

From 2 p.m. Friday, when the first permit was issued after the ban was lifted, until 1 p.m. Tuesday, 32 permits were issued. None were issued on Easter Monday.

According to Deputy Sheriff H. E. Eason, who issues the permits, this was "above normal."

In an average two days Eason said that from "two to six permits would probably be issued, although this varies daily.

"I think it was because people were afraid and felt more secure with a weapon in the home," Eason said. "But it was probably more because we had a week backlog of permits to issue. We had a rush for only two days."

Deputy Sheriff S. J. Blackley agreed that any increase was probably due to the weeks' ban which started April 5.

Blackley said he remembered "a lot of ladies—all white to the best of my knowledge" picking up permits.

Stores in Raleigh and Wake County that sell guns and ammunition vary in the increase of business reported. Terry Perry of

J. W. Perry Jr.'s in Zebulon reported an "increase of at least one third in business."

Perry said they were "mainly men but more women than usual. People not previously interested in buying guns came in. They wanted them in their homes."

Perry said "little hand guns" were the most frequent sellers.

Gordon Hill, manager of Hill's Inc. in Raleigh said business had "not been too much. It was about average."

Gun sales were not up at Carolina Gun Exchange, but ammunition sales were. Frank Allen, manager, said the store did a "heavy ammunition businsss on the Friday and Saturday of the rioting." The business is outside the city limits and wasn't closed by the ban.

Gun sales, Allen said, were not "noticeable up." He added, "we haven't sold more than two or three pistols this week and these were on old permits."

Other businesses, Allen said he understood from distributors were having much larger sales. "I hear there is a tremendous business in Franklin County and down in Fayetteville where the ban wasn't on—even during the riots. They have had the big business, not me."

Carl Thorne of Raleigh's Thorne's said "My guns were shipped out by station wagon during the riots. This was in case the building was broken into. Over 90 per cent of our stock was gone; we sold only by order during the riots and immediately after."

Thorne noted "some increases" in sales with both men and women. He said, "We didn't sit down and go to sleep during the trouble. We just continued to do business by order instead."

[From the Vancouver (British Columbia)
Sun, Mar. 29, 1968]

Worst Riot Year Feared: Gun Sales Boom Across United States

Washington.—Gun sales are booming across the United States as private citizens brace themselves for a violent summer.

A national survey released here shows private sales of pistols, rifles and shotguns have soared 15 to 20 per cent higher than last year.

POLICE UNRELIABLE

The greatest increase has been in the nation's largest cities—to both Negroes and whites—and in the predominantly white suburbs surrounding the metropolitan areas.

A survey of gun-shop owners indicates that in almost all cities, customers have said they expect 1968 to be the worst year yet as far as race riots are concerned, and that they no longer can rely on local police protection.

According to the survey, hand gun sales in some of the cities which were worst hit last summer, such as Cleveland and Detroit, have increased 100 per cent over last year.

In Detroit, the increase has been such that Mayor Jerome Cavanaugh recently warned: "This arms race must stop. We must return to sanity."

The owner of a gun store in the Negro northeast section of Washington told the story best of all. He said:

"I'm laughing with tears in my eyes and a pain in my heart, but I'm laughing all the way to the bank."

Another Washington salesman said many of the sales are being made to persons who have never before owned a weapon.

JUST WANT ONE

"Reputable citizens are buying pistols," he said. "They just feel they should own a gun now. Many of them are so green they don't even want to handle the gun in the store. They just want to buy one."

The survey also noted that thefts of guns from stores and private homes have shown an alarming increase.

This is particularly true in areas where there are tough registration ordinances and restrictions.

The survey reported, however, that regulations are not much of a hindrance if a person really wants to purchase a weapon.

Mail order guns are readily available, and in some cities where permits are required, they are not needed in surrounding communities. There are no federal restriction on gun ownership.

Mr. TYDINGS. Mr. President, I rise this afternoon to speak on title III of the pending legislation.

Justice Holmes once said that "general propositions do not decide concrete cases." The process of legislation is a process of discrimination and judgment. Ideologies are not useful. Blind, unthinking support or opposition have no place in the U.S. Senate.

On a number of occasions, I have spoken in opposition to title II. I now want to speak of my support for title III.

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will please be in order. The Sergeant at Arms will clear the Chamber of all attachés standing around and talking. The Senate will not proceed until all attachés are compelled to leave the Chamber.

Mr. McCLELLAN. Mr. President, I have some attachés in the Chamber who are very much needed in connection with the pending bill. I ask that they not be excluded from the Chamber.

The PRESIDING OFFICER. Attachés of Senators who need to remain in the Chamber may do so if the Senator will so inform the Chair. Of course those attachés will be permitted to remain in the Chamber.

The Senator from Maryland may proceed.

Mr. TYDINGS. Mr. President, we can all agree that the current condition of laws governing electronic surveillance is unsatisfactory. Federal law is ambiguous, and Federal practice does not conform to it. Among the States, law is not uniform.

That there is a need for Congress to act is beyond dispute. As the President's Crime Commission put it:

> The present status of the law (on electronic surveillance) is intolerable. It serves neither the interests of privacy nor of law enforcement.

The interests of privacy are not served when any private individual may use electronics. And the interests of law enforcement are not served when those who need to use it in service to society cannot.

POLICE PROBLEMS

I believe that any discussion of electronic surveillance must begin with an understanding of the police. And we cannot understand the police without a glance at their history.

We inherited from England a medieval system of sheriffs, coroners, and constables. There was nothing wrong with that—as long as our society remained homogeneous, and agrarian. It did not matter then that we had no professional police force. And when one was finally created in 1884, it was sufficient that its primary purpose was patrol.

But today, we are a mobile, heterogeneous, urban, industrial society. The old methods are not sufficient. The old methods were designed to respond to the common law offenses—murder, rape, robbery, burglary. But as society changed, so did the nature of crime.

First, a uniformed patrol was introduced to maintain order on city streets. Then a specialized detective function was added. Scientific law enforcement added a new dimension.

But the heart of the police function remained patrol. As many as 61.5 percent of the traditional common law offenses still occur on the streets or on public property. Some can be deterred by patrol; others can be quickly responded to by patrol.

In an earlier day, this was sufficient. In a small town where everybody knew everybody else's business, it was possible to clear crimes quickly. And when patrol could not do it, the detective took over. His function was well suited to common law crimes. They are single incidents, not part of an overall pattern of crime.

That is pretty much where we stand now. We have units for patrol, detective, traffic, juvenile, and vice. But as society has grown and become more complex, our success in solving crimes has declined. Now, our clearance rates in crimes with no named suspect is 12 percent. That is, we will solve one out of every eight crimes. That is not a very good record—particularly since we depend for deterrence on a potential criminal believing that there is a high probability if he commits a crime that he will be caught and punished.

EARLY ORGANIZED CRIME

One of the reasons our record is so poor is that our law-enforcement structure is ill suited to the growth of new kinds of crimes. One of these new kinds is organized crime.

It is true that we have always had some form of organized crime. There were mobs in the 19th century. There were frontier gangs like the James', Daltons, and Youngers. And there were great citywide gangs, usually in alliance with political machines.

There have been city gangs, of various ethnic composition, at various times. But by the 1930's, everywhere, the so-called Mafia—Sicilians—were gaining dominance of organized crime.

According to the Crime Commission, the "American system was not designed with organized crime in mind; and it has been notably unsuccessful to date in preventing such organizations from preying on society."

LA COSA NOSTRA

Today, organized crime in America—typified by La Cosa Nostra—consists of the 24 core groups, operating as criminal cartels in our major cities. The wealthiest and most influential are in New York, New Jersey, Illinois, Florida, Louisiana, Nevada, Michigan, and Rhode Island. The estimated strength of these groups is 5,000, of which 2,000 are in New York alone.

Each of the 24 groups is known as a "family." Membership varies from 700 down to five. Most cities have only one family, but New York City has five. Family organization is rationally designed to insulate one layer from another, and to protect members from law enforcement.

Family structure parallels that of Mafia groups on the island of Sicily. Each family is headed by a boss. Beneath him is the underboss. He collects information for the boss, relays messages to him, and passes instructions for him.

On the same level as the underboss is a "consigliere," usually an elder member whose judgment is valued. Below him are the "caporegime," who serve either as buffers between the top men and lower level personnel, or as chiefs of operating units.

That is, there may be one in charge of numbers, another for heroin, another for loan-sharking operations. They are used to maintain insulation from the police, and are like vice presidents.

Below the caporegime are the "soldati." They actually operate the illegal enterprise, supervising employees. It is they who oversee the numbers, heroin, loan sharking, infiltration of business, and highjacking.

UNIQUE PHENOMENON

But organized crime cannot be seen merely as a collection of groups which engage in narcotics, gambling, and loan sharking. There are at least two aspects of organized crime which make it unique. They are functions not found in other forms of criminal activity—"enforcement" and "corruption."

The "enforcer" maintains organizational norms by arranging to have potential deviates warned, and, when necessary, punished. The "corrupter" establishes relationships with public officials, police officers, and other potentially useful people to insure both their active assistance as well as their noninterference.

At the top of the structure is the "commission," the ruling body of the 24 families. It is a legislature, supreme court, board of directors, and arbitration board. It is composed of the bosses only of the most powerful families, but has authority over all. Membership varies from between 9 and 12.

Currently, nine families are represented on the commission—five from New York, and one each from Buffalo, Philadelphia, Detroit, and Chicago. Within the commission, men with longer tenure, larger families, and greater wealth are more powerful than others. The balance of power lies and has lain for some time, with the New York leaders.

GAMBLING

Organized crime has never limited itself to one illegal activity. Today it is active in, and largely controls, professional gambling. This is its greatest source of revenue, estimated at an annual net of $7 billion.

There is middle-class gambling—as on the horses and other sporting events. And there is the lottery known as the "numbers" or "policy," which preys on the poor. In the numbers, the odds against winning are 1,000 to 1; the payoff, at best, is only 600 to 1. Its effect is to take out of the slums money which might otherwise be used for food, clothing, housing, and education.

Syndicated gambling uses enormously sophisticated devices which make detection nearly impossible.

I may say at this point that I speak from experience, having served as U.S. attorney for some 3 years, and having had experience in organized crime operations in my own area.

One example is the so-called black box, a device planted in an empty apartment, which automatically bucks calls to another location. Police who finally locate the apartment to which calls apparently are being made, raid the apartment, and find nothing but the box.

The great need is to deprive the syndicate of its means of doing business—the telephone.

NARCOTICS FEEDS CRIME

Narcotics, principally heroin, is another important source of organized crime's revenue. It is estimated at $350 million a year, more than half of which is sold in New York, and the rest primarily in Chicago, Los Angeles, Detroit, Washington, Philadelphia, Baltimore, and Newark.

Narcotics is certainly the most pernicious of organized crime's activities. And one of the reasons is that it has a multiplier effect. An impoverished addict must find cash to sustain his habit; and he inevitably turns to crime. The estimates of total street crimes committed by narcotics addicts are as high as 50 percent.

Addiction is, of course, a disease. But the importation and distribution of drugs is a crime. Although the traffic in narcotics is run, at least in the East, by the syndicate, the top men have nothing directly to do with it. They simply provide the capital, and make policy. The absence of overt criminal acts by the top men makes traditional patrol and observation worthless.

LOAN SHARKING GROWING

Loan sharking is right now the major growth activity of organized crime. It is now bringing in about the same amount per year as narcotics—$350 million—but has the potential of surpassing even gambling as the major source of revenue.

Loan sharking is organized into a hierarchy. At the top is a La Cosa Nostra leader, who lends to trusted lieutenants large sums of cash, usually at the rate of 1 percent a week. The lieutenants give money to soldiers, at a rate of perhaps 3 to 5 percent a week. They, in turn, finance the level loan sharks who deal with people who need money. The rates vary, but usually are about 20 percent a week.

The setup includes "steerers," who bring potential borrowers to the loan sharks. They are anyone who has contact with large numbers of people. For example, a bartender makes an excellent steerer.

Victims come from every stratum of society—professional, industrial, commercial—especially high competition business like the garment industry—contractors, owners of small businesses, narcotics addicts, bettors.

They are people to whom—for one reason or another—legitimate channels of credit are closed.

Repayment is compelled by force. There is a special man, the enforcer, whose job it is to see that debts are repaid. Often debtors are forced into criminal activity to repay the loan shark. They may embezzle, act as numbers writers, or serve as fingerman for burglary rings; or, as, apparently, in the case of James Marcus, of New York, they may betray the public trust by giving special favors to syndicate-owned businesses.

CORRUPTION OF BUSINESS

The next major activity of La Cosa Nostra is the corruption of legitimate business. In many cities, the syndicate now dominates the distribution of jukeboxes and vending machines. In many cities it has or is obtaining monopolies in laundry and diaper services, garbage disposal, liquor distribution, nightclubs, food wholesaling, record manufacturing, and garment manufacturing.

Any business which is subject to cyclical shifts or other ups and downs is vulnerable. Often the small, marginal businessman—just the one who most needs society's protection—is the one driven out by the Cosa Nostra. In general, organized crime is most interested in businesses with a high cash turnover, and which therefore lend themselves to "skimming."

Control is obtained in one of three ways: First, the syndicate decides to move in, and invests great amounts of money acquired from illegal ventures. Second, it may accept business interests in lieu of repayment of gambling or loan shark debts. La Cosa Nostra never merely kills; it first asks what a debtor can do for it. Finally, there are the old tried and true methods of extortion, which are used freely to take over businesses.

ORDER OF BUSINESS

Mr. TYDINGS. Mr. President, I ask unanimous consent that I may yield to the Senator from West Virginia for the purpose of introducing a distinguished delegation. After that I shall ask for the floor so that I may continue my speech on title III.

The **PRESIDING OFFICER.** Without objection, the Senator from West Virginia is recognized.

VISIT TO THE SENATE BY VIETNAMESE PARLIAMENTARY DELEGATION

Mr. BYRD of West Virginia. Mr. President, the U.S. Senate today is honored by the presence of a Vietnamese parliamentary delegation.

I am very pleased to present to the Members of the Senate the following Vietnamese Senators: Senator Nguyen Huy Chieu, Senator Nguyen Van Chuan, Senator Hong Son Dong, Senator Nguyen Gia Hien, Senator Nguyen Van Ngai, and Senator Pauline Tho.

I am also pleased to present to the Senate the following deputies from the Lower House: Deputy Chau Sokan, Deputy Do Trong Nguyen, Deputy Nguyen Trong Nho, Deputy Nguyen Khac Tan, and Deputy Tran Duy Tu.

I am also happy to present the escort officer, Mr. William H. Mersh.

On behalf of the Senate, I extend a very warm welcome to our distinguished group of visitors. [Applause, Senators rising.]

Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes to enable Senators to personally greet our distinguished guests.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

At 3 o'clock and 56 minutes p.m., the Senate took a recess until 3:58 p.m. the same day; and on the expiration of the recess, the Senate reconvened, when called to order by the Presiding Officer (Mr. YOUNG of Ohio in the chair).

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and other purposes.

Mr. TYDINGS. After takeover, a professional arsonist may burn the business; and the insurance is collected by the syndicate. Or the business can be stocked, and the stock sold quickly at bargain prices, driving the business into bankruptcy. There are about 250 of these bankruptcy frauds each year, netting $200,000 per job.

Sometimes, as in the case of laundry, vending machines, and trash collection, La Cosa Nostra will decide to stay in the business. Then it will use force and intimidation to drive competitors out of business. And once it has a monopoly, quality declines, and prices rise.

CORRUPTION OF UNIONS

The final major activity of organized crime is the corruption of unions. Control of the labor supply through control of unions can prevent unionization of some industries and get sweetheart contracts in others.

Control of unions creates the opportunity to steal union funds, to extort employers, to manipulate union welfare and pension funds and insurance contracts. Further, such control provides additional opportunity for gambling, loan sharking, and systematic theft. Many industries—trucking, construction, waterfront—have been "persuaded" to accept great amounts of illegality to ensure labor peace.

Sometimes union membership itself becomes a matter of grace, dispensed by La Costa Nostra officials, rather than a right guaranteed to every man by law. All this makes a mockery of much of the social legislation of the past 50 years.

PREYS ON THE POOR

The most insidious aspect, however, of La Cosa Nostra is that it preys on the poor. Indeed, the relationship of organized crime and the poor is close and essential. The poor depend on organized crime to dispense services—such as narcotics, the numbers. Organized crime depends on the poor for much of its revenue.

Take, for example, narcotics. Heroin addiction is a disease of the poor. Saying that it is a consensual crime is like saying that the man with heart disease wants it. Of the 59,720 known heroin addicts, more than 50 percent are Negroes. Fifty-two percent of all known addicts live in New York State, mostly in Harlem and other ghettos.

And, of course, they must commit crimes to sustain their habits. Those who saw that striking film "The Cool World" can understand the relationship between organized crime and the poor. It was stated well by the President's Commission on Civil Disorders:

> With the father absent and the mother working, many ghetto children spend the bulk of their time on the streets—the streets of a crime-ridden, violence-prone, and poverty-stricken world. The image of success in this world is not that of the "solid citizen," the responsible husband and father, but rather that of the "hustler" who promotes his own interests by exploiting others. The dope sellers and the numbers runners are the "successful" men because their earnings far outstrip those men who try to climb the economic ladder in honest ways.
>
> Young people in the ghetto are acutely conscious of a system which appears to offer rewards to those who illegally exploit others, and failure to those who struggle under traditional responsibilities. Under these circumstances, many adopt exploitation and the "hustle" as a way of life, disclaiming both work and marriage in favor of casual and temporary liaisons. This pattern reinforces itself from one generation to the next, creating a "culture of poverty" and an ingrained cynicism about society and its institutions.

The Reverend Martin Luther King, Jr., understood this problem well:

> The most grievous charge against municipal police is not brutality, although it exists. Permissive crime in ghettos is the nightmare of the slum family. Permissive crime is the name for organized crime that flourishes in the ghetto—designed, directed, and cultivated by the white national crime syndicates, operating numbers, narcotics, and prostitution rackets freely in the protected sanctuaries of the ghettos. Because no one, including the police, cares particularly about ghetto crime, it pervades every area of life.

The poor themselves understand the problem. Recent surveys of the attitudes of people living in Harlem and Watts ranked crime and narcotics addiction, along with housing and jobs, as the most serious problem of the ghetto.

Hearings held in the 89th Congress by the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations established the same thing. As one witness put it:

> When people talked about "problems of Harlem" or "even problems in my block," the mention of integrated schools, busing, police brutality or some other problem . . . just don't get much attention or mention . . . they chose to talk about inadequate housing, and the problems which are offspring of that major problem, such as crime, dope addiction, winos, and inadequate police protection.

THE "UNTOUCHABLES"

La Cosa Nostra does have a kind of immunity from law enforcement. It must have it, to insure its ability to operate with minimal risk. And so it systematically corrupts public officials at all levels of government.

Zoning, land acquisition, contract procurement—these are functions of government in which organized crime has a great stake. And as the scope of governmental activity grows, so does the necessity of the syndicate to corrupt.

The mere amount of money controlled by La Cosa Nostra makes enormous its ability to corrupt. With an estimated annual net of $10 billion, La Cosa Nostra is the richest corrupter in history. As Meyer Lansky, described as La Cosa Nostra's financial wizard by Life magazine, put it, "We're bigger than United States Steel."

Politics requires money. A conservative estimate by Alexander Heard, the political scientist and expert on money and politics, is that 15 percent of all political contributions come from criminal sources.

At various times, as Senate hearings have shown, organized crime has been the dominant political force in such cities as New York, Chicago, Miami, and New Orleans. La Cosa Nostra nearly took over Portland, Oreg., and Kansas City, Mo. Smaller communities like Cicero, Ill., and Reading, Pa., have been virtual baronies of organized crime.

It is in Illinois that corruption has been, perhaps, most blatant. For years, the "West Side block" has fought against legislation contrary to the interests of organized crime—including nearly every piece of decent social legislation proposed. One of its associates, Roland Libonate, became a Member of the U.S. House of Representatives, a member of the House Judiciary Committee.

In New York, a newly nominated judge pledged his undying loyalty to a Cosa Nostra boss, who helped him to obtain his seat on the bench. This was fully documented by the Kefauver committee.

How much governmental corruption can a democratic society tolerate? Our system of government depends on the disinterested judgment of the public's representatives. If they are not free to give it, what does this do to our system? There is no true civil liberty anywhere where the government is corrupt.

The names of organized crime's leaders are well known. Does the public not wonder why, if they are such criminals, they remain free to engage in criminal activity? What is our answer?

This is how the President's Crime Commission put it:

> In many ways, organized crime is the most sinister kind of crime in America. The men who control it have become rich and powerful by encouraging the needy to gamble, by luring the troubled to destroy themselves with drugs, by extorting the profits of honest and hard-working businessmen, but collecting usury from those who oppose them, by bribing those who are sworn to destroy them. Organized crime is not merely a few preying on a few. In a very real sense it is dedicated to subverting not only American institutions, but the very decency and integrity that are the most cherished attributes of a free society. As the leaders of Cosa Nostra and their racketeering allies pursue their conspiracy unmolested, in open and continuous defiance of the law, they preach a sermon that all too many Americans heed: The government is for sale; lawlessness is the road to wealth; honesty is a pitfall and morality a trap for suckers.

Or, as a social worker describing life in the ghetto put it:

> When a noted criminal is caught, the fact is the principal topic of conversation among boys. They and others lay wagers as to how long it will be before the criminal is free again, how long it will be before his pull gets him away from the law. The youngsters soon learn who are the politicians who can

> be depended upon to get offenders out of trouble, who are the dive-keepers who are protected. The increasing contempt for law is due to the corrupt alliance between crime and politics, protected vice, pull in the administration of justice, unemployment, and a general soreness against the world produced by these conditions

In other words, when the government is unable to enforce the law, people, particularly young people, realize that the law is not worthy of allegiance. When top criminals, known to all, live in big houses, in exclusive neighborhoods, drive plush cars, crime is seen as the road to success.

Young people know that only the small-time crook is vulnerable to the law. The higher one goes, the more crime he engages in, the greater is his immunity from law. The ambitious young man realizes that he can rise through crime—from petty strong-arm man to powerful pillar of community.

LAW AS DETERRENCE

To establish that organized crime is real and pernicious is not to establish the need for electronic surveillance. After all, if it were possible to destroy organized crime through conventional techniques, we would not be debating this issue today.

The function of our criminal law is to keep criminal activity within tolerable limits. Most people are not touched by the criminal law. They obey the rules of society because they subscribe to those rules.

Prohibitions do not work against many petty criminals, because their criminal activity is the result of factors criminal law cannot control—poverty, discrimination, or the like. The criminal law, for these people, is reformative only.

But organized crime presents an entirely different kind of challenge. Whatever the value of law as deterrence elsewhere, it does have meaning in organized crime. The crimes of LCN are not crimes of passion or desperation. They are crimes of people who calculate carefully the risks versus the gains. Change the balance, and they change their behavior.

From a legal standpoint—

The President's Crime Commission said—

> organized crime continues to grow because of defects in the evidence gathering process.

Criminal law, in other words, does not act by itself. To bring it into play, it is necessary to develop legally admissible evidence.

FEAR DETERS TESTIMONY

In organized crime, this means witnesses, because LCN keeps no books or records which can be made available for law-enforcement inspection. But, as the Crime Commission said:

> Under present procedures too few witnesses have been produced to prove the link between criminal group members and the illicit activities that they sponsor.

Victims do not ordinarily testify either because they fear for their lives, or because they are themselves involved in the crime.

Mr. President, victims did not testify when I was U.S. attorney for Maryland; they did not testify when my predecessor held office; and they do not today, because they fear for their lives or because they are involved in the crime. The addict will not turn in his pusher, because he relies on that criminal for a "fix." The victim of extortion, already forced by fear to pay, will not then risk his life.

Insiders are kept quiet by an ideology of silence, underwritten by a completely realistic fear that death comes to those who talk—often not mere death, but death by torture. One individual, for example, who cooperated with the police, was hung on a butcher's hook, had water thrown over his naked body, and was given shocks with a cattle prod on his private parts over a period of days until death finally came.

No one has been prosecuted for that murder. And photographs of it have been shown to loan shark victims to secure repayment of debts. Can people such as these victims really be expected to step forward to testify?

Unimplicated witnesses have been, and are now, regularly bribed, threatened, or similarly murdered. Scores of cases have been lost because key witnesses turned up in rivers in concrete boots. Victims have been crushed along with their automobiles by hydraulic machines in syndicate-owned junkyards.

It is true that significant cases have been made by law-enforcement agents, using conventional techniques. They have, for the most part, based their cases on the testimony of brave witnesses.

FEDERAL FAILURE

The Department of Justice has had the finest investigative resources in the Nation. Its Organized Crime Section is understaffed, overworked, and underpaid. But it is staffed by honest, competent, imaginative, and dedicated men, as have been the FBI, IRS, and FBN agents assigned to organized crime.

But look at the record. Between 1961 and 1966, the number of federally secured convictions of organized criminals rose from 73 to 477. That was a real accomplishment, but it did not touch the members of La Cosa Nostra.

LCN has 5,000 members. Between 1961 and 1966, indictments were obtained against 185; convictions against 102. That is 2 percent. Of the 102, a significant proportion, 60 percent, were convicted of tax evasion. LCN members are learning that by declaring on their tax returns more and more under "miscellaneous income," they can avoid prosecution.

ATTACK ALL LEVELS

To do something substantial about organized crime, it will be necessary first to attack it on all levels simultaneously. Like a corporation, LCN functions regardless of individual personnel changes. To destroy such a "corporation," we must attack it on all levels simultaneously, changing the balance of deterrence at whatever point the indiviudal enters the organization.

Organized crime is intentionally structured to avoid conventional sources of evidence. Bosses and workers do not communicate. Often they do not know each other's identity. All commands, information, complaints, and money flow back and forth through middle men.

To be able to intercept or otherwise listen to communications is essential because leaders perform no overt criminal acts which can be witnessed by police or citizens, who are not themselves involved.

Live insider testimony is rarely obtained, for reasons I have already described. No citizen, policeman, victim, witness, or document can tie together the various levels of organized crime.

Mr. President, it is possible to get an undercover agent come in from another State, and risk his life to try to get inside organized crime. The prosecutor then has quite a responsibility on his shoulders.

When I was the U.S. attorney for Maryland, I had such a man, a Treasury agent, come in from another State to get on the inside to try to develop a case against two of the top members of the mob in Maryland.

He began to make a case. Somehow or other, it was discovered that he was an agent. We had to send agents in to get him, make a public announcement in the newspapers, and get him out of town, because they brought in three "torpedoes" from Chicago to kill this young man.

A brother U.S. attorney of mine was not so lucky. Two of his undercover men were murdered. It is very difficult to get an undercover man into organized crime. It is quite a responsibility on one's shoulders, when you realize the consequences.

Scientific evidence, like hair, fingerprints, or blood, may be found and used against whoever committed the specific crime under investigation. But this does not help to attack the corporate structure.

WEAKNESS OF INFORMANTS

Informants, as we have seen, are of limited value. They must have reasons for giving evidence to the police. The higher one goes in the structure, the fewer are the reasons for giving evidence. On the contrary, there is a powerful counterreason—fear of death.

When an informant is obtained, he is likely to be deeply implicated. If agents act on his information, they risk unmasking the informant, thereby precluding further utility. His value may be too great to run this risk. Most information, moreover, deals with past acts. It is useful in solving crimes, but not preventing them.

Accomplice testimony is little better. Accomplices have the privilege of invoking the fifth amendment. Even with a grant of immunity, they may prefer, as Samuel Giancana, leader of the Chicago family, did, to go to prison, rather than testify.

Besides, there is no way, other than the threat of purjury, to compel truthful testimony. Purjury convictions are difficult to obtain, and they are not useful as a deterrent for murderers.

Conventional methods of building cases, in other words, simply are not sufficient. In organized crime, we are without physical evidence, informants, accomplices, and witnesses. We are practically helpless.

ELECTRONICS NEEDED

That is why I must favor title III. I know it is no panacea. But I believe that with it, something can be done. Organized criminals must communicate to make plans. When they live near one another, they can meet. When they operate over a large area, they must use the telephone. Electronic surveillance and wiretapping can intercept these communications; and if these interceptions are justified in advance, and are authorized by a judge of competent jurisdiction, they can be used in evidence.

What can be obtained by the use of these modern techniques is truly disturbing. Prof. G. Robert Blakey, testifying before the Subcommittee on Criminal Laws, described the product of a small portion of a 3-year surveillance of the New England Cosa Nostra boss:

> Documents establish the existence of the Cosa Nostra; they establish its structure; they establish the functions of the various members—for example, of the boss—they give you the size of various families; they give you the geographical extent of their operations; and they indicate that the Cosa Nostra actively operates in such states as Rhode Island, Illinois, Maryland, Washington, New Jersey, Massachusetts, Florida, and Pennsylvania. They give you also an indication that it operates on an international scale; apparently a group in Canada. They give you an indication of some of the illegal activities by the Cosa Nostra, including murder, kidnaping, extortion, fraud, bribery, loan sharking, and gambling. They give you some indication of their legal activities—the infiltration of business, including legitimate gambling, labor unions, racetracks, vending machines, and liquor. They show you that the associates of this one boss are in every major area of the country and consist of every hood who has graduated from the drugstore cowboy stage; all were contacted at one time or another by Patriarca. The only description that I can give which accurately capsulizes those airtels is this: Imagine if you oould have had an electronic device in on an Italian duke in the 16th Century, such as Cesare Borgia, who was dispensing largesse, ordering killings, and all that sort of thing. That is exactly what you had when you put the device in on Raymond Patriarca, and it was not Italy; it was the United States, and it was not the 16th Century; it was today.

Under the bill before us, with a proper showing of probable cause and close judicial supervision, this surveillance could have been used to indict and convict Mr. Patriarca. That he cannot be held responsible for all his criminal activities, with all that we know, is incredible.

Moreover, at least one murder might have been prevented. During the 3 years the FBI was monitoring the activities of Mr. Patriarca, it was able at least six times to prevent the murder of William Marfeo. After July 1965, when the device was removed by order of the Attorney General, Marfeo was killed.

We must change the law to change this result.

This is not, of course, the only solution. More is needed than an evidentiary substitute for live testimony. To make criminal sanctions effective, we will need time, talent, and personnel. But even with time, talent, and personnel—as we have learned—we must have this legal tool.

EXPERTS SUPPORT

This was the conclusion of the British Privy Councillors, who studied a 20-year use of electronics in England. They found:

> . . . but so far from the citizen being injured by the exercise of the power in the circumstances we have set out, we think the citizen benefits therefrom . . . We cannot think it to be wise or prudent to take away from the Police any weapon or to weaken any power they now possess in their right against organized crime of this character . . .

It was also the conclusion of a majority of our own Nation's Crime Commission.

> A majority of the members of the Commission believe that legislation should be enacted granting carefully circumscribed authority for electronic surveillance to law enforcement officers to the extent it may be consistent with the decision of the Supreme Court in *People* v. *Berger* and, further, that the availability of such specific authority would significantly reduce the incentive for, and the incidence of, improper electronic surveillance.

Each of us must make our judgments about the constitutionality of title III. I, for one, am convinced that it is constitutional.

CONSTITUTIONAL EVIDENCE

Traditionally, the fourth amendment was thought to prohibit interception of any communication, without a warrant, and without consent of one of the participants. (*Silverman* v. *U.S.*, 365 U.S. 505 1961; *Clinton* v. *Virginia*, 377 U.S. 158 1964)

The Constitution, on the other hand, was thought to place no limitation whatever on the interceptions of private persons. (*Burdeau* v. *McDowell*, 256 U.S. 465 1921). If one party consented, no constitutional issues were presented, regardless of where the interception took place. For once a participant agreed to testify, the stake was truth, not privacy. (*Lopaz* v. *U.S.*, 373 U.S. 427 1963; *Osborn* v. *U.S.*, 385 U.S. 323 1966)

If the interception was accomplished without a physical invasion into a constitutionally protected area, the question of consent was irrelevant. (*Olmstead* v. *U.S.*, 277 U.S. 438 1928; *Goldman* v. *U.S.* 316 U.S. 129 1942)

The fifth amendment, in contrast, placed no ban on the use of electronic surveillance techniques. (*Olmstead* v. *U.S.*, supra; Cf. *Hoffa* v. *U.S.*, 385 U.S. 293 1966; *Stroud* v. *U.S.*, 251 U.S. 15 1919)

Finally, the sixth amendment was thought to prohibit only the covert interrogation of an indicted defendant with the aid of electronic surveillance techniques. (*Massiah* v. *U.S.*, 377 U.S. 201 1961; *McLeod* v. *Ohio*, 381 U.S. 356 1965)

But two recent decisions by the Supreme Court have greatly refined our constitutional theory in this area. These were *Berger* v. *New York*—388 U.S. 41 1967—and *Katz* v. *U.S.*—389 U.S. 347 1967. I would like to discuss both of these decisions in some detail.

BERGER CASE

The Berger decision reversed, by a vote of six to three, the conviction secured through a court-ordered eavesdrop, issued pursuant to section 813(a) of the New York Code of Criminal Procedure, of a public relations man for conspiracy to bribe the chairman of the New York State Liquor Authority.

Mr. Justice Clark delivered an opinion for the Court, in which the Chief Justice and Associate Justices Brennan, Fortas, and Douglas joined. Justice Douglas and Stewart each concurred in the reversal for reasons other than those in the majority opinion. And Justices Harlan, Black, and White dissented.

Broadly, the majority struck down the New York statute because it failed to meet certain standards which the Court considered necessary in a law authorizing eavesdropping. Significantly, they indicated that a statute which met those conditions would be constitutional.

The dissenters, on the other hand, would have upheld the statute as administered. Really, the majority and the minority did not disagree on the answers, as much as on the questions. Indeed, if they were presented tomorrow with a new statute, constructed according to the specifications of the majority, and administered by the criteria of the dissenters, they almost certainly would uphold the statute by a large majority.

In short, the Court's opinion was clearly an invitation to Congress and the State legislatures to draft fair, effective, and comprehensive electronic surveillance legislation.

That is why title III was drafted as it was, to follow the guidelines set out in the Berger and Katz cases.

KATZ CASE

The Katz decision reversed by a vote of seven to one the conviction of a Los Angeles gambler for the interstate transmission of gambling information in violation of title 18, United States Code, section 1084.

Mr. Justice Stewart delivered the opinion for the Court in which the Chief Justice and Associate Justices Brennan, Fortas, Douglas, White, and Harlan concurred. Justices Brennan, Douglas, Harlan, and White also filed separate concurring opinions. Justice Black dissented, and Justice Marshall did not participate.

Broadly, the Court reversed because the Federal agents who had electronically overheard Katz's conversations in a public telephone booth had failed to obtain prior judicial authorization.

Significantly, the Court indicated that the agents could constitutionally have obtained a warrant. Whatever doubts might have remained after Berger about the constitutionality of electronic surveillance were unequivocally dispelled.

At this point in my speech, Mr. President, I ask unanimous consent to have printed in the Record a detailed analysis of the Berger and Katz decisions.

There being no objections, the analysis were ordered to be printed in the Record, as follows:

Berger Against New York

Mr. Justice Clark began his opinion with a careful delineation of the issues which he felt faced the Court. He noted that Berger essentially challenged the New York statute on three grounds: 1) the statute on its face set up an unconstitutional system of trespassory intrusions into constitutionally protected areas, 2) it authorized searches for "mere evidence", and 3) electronic surveillance constituted a violation of the privilege against self-incrimination. 388 U.S. at 93–47.

Mr. Justice Clark immediately relegated to a footnote Berger's contention that the statute could not stand because of the evidence per se rule. 388 U.S. at 44 n.2. This contention was, he said, settled adversely to Berger by the Court's recent decision in *Warden* v. *Hayden*, 387 U.S. 294 (1967), which overturned the old doctrine. Justices Harlan and White explicitly agreed with the majority on this score. Only Mr. Justice Douglas lamented the passing of the rule. He would have employed it to strike down all electronic surveillance however authorized or limited.

Mr. Justice Clark next announced the holding of the majority: ". . . the language of New York's statute is too broad in its scope resulting in a trespassory intrusion in a constitutionally protected area and is, therefore, violative of the Fourth and Fourteenth Amendments." 388 U.S. at 44.

The recognition by a majority of the Court that the constitutionality of electronic surveillance was properly handled solely in terms of the search and seizure standards of the Fourth Amendment was important. The American Civil Liberties Union of New York as amicus strenuously pressed on the Court First Amendment objections to the New York statute. They presented an able brief arguing that all electronic surveillance—court order or otherwise—had an unconstitutionally inhibiting effect on free speech. The Court found it unnecessary to discuss this point. We may, therefore, infer that the Court has rejected it on the level of a principle which would render a court order system per se unreasonable. Indeed, Mr. Justice Harlan in dissent explicitly makes the point that the First Amendment would only have a case by case impact in this area. 388 U.S. at 98.

The majority's similar treatment of Berger's Fifth Amendment self-incrimination claim carries with it an identical inference. We may safely conclude that there is no danger now of the Court's expanding the traditional scope of the privilege against compulsory self-incrimination into an insuperable barrier to court order electronic surveillance. This conclusion is buttressed by the treatment the dissenters accorded this claim. Both Justices Harlan and White dismissed the claim with cryptic cites to recent opinions of the Court such as *Hoffa* v. *United States*, 385 U.S. 293 (1967), which hold that a finding of compulsion is a necessary predicate to the application of the privilege. 388 U.S. at 97 n 4, 107.

Having thus announced the holding of the majority, Mr. Justice Clark moved to an analysis of the case. He first set out a short description of the facts of the case—which, it might be added, constituted a truly frightening example of the danger governmental corruption poses in a society that today finds so many aspects of its business and private life regulated by government. Next he gave a short review of the legal and factual history of eavesdropping, covering the ground from the old fashioned practice of listening outside windows to modern techniques such as wiretapping and bugging. Finally, he reviewed the history of the Court's own dealing with the constitutional principles involved in electronic surveillance.

After noting that the standard was the same for federal and state authorities—and that the standard was the "reasonableness" of the search under the Fourth Amendment and the opinions of the Court applying that Amendment—Mr. Justice Clark subjected the face of the New York statute to a detailed analysis. First, he noted with approval that the statute employed the court order technique with its "neutral and detached magistrate." 388 U.S. at 59. He then raised, but did not press, an objection going to the difference in terminology employed by the Fourth Amendment and the statute on the question of pre-search justification. The Fourth Amendment says "probable cause," while the statute said "reasonable ground." In any event, he then moved to what the majority found to be the central objection to the statute: its "blanket grant of permission to eavesdrop . . . without adequate judicial supervision or protective procedures." 388 U.S. at 60.

Mr. Justice Clark first noted with disapproval that the statute was not limited to "specific crimes" and that the statute did not require a description of the "type of conversations" to be overheard. 388 U.S. at 56–57. Absent this sort of particularization, the statute gave, he said, the officer executing the order "a roving commission." 388 U.S. at 59. In contrast, Mr. Justice Clark held up for a model the procedures used to approve the use of electronic surveillance techniques given strong approbation by the Court in *Osborn* v. *United States*, 305 U.S. 323 (1966). There, federal officers sought judicial authorization for the overhearing of bribery conversations, which the agents had probable cause to believe were going to take place at a meeting in a lawyer's office on a particular afternoon. For Mr. Justice Clark, the face of the New York statute did not contemplate that sort of limited, discriminating use of electronic surveillance techniques. Its authorization was blanket in all cases.

Mr. Justice Clark pointed out next that the face of the statute in much the same way apparently automatically authorized a two-month period of continuous surveillance. This was the equivalent of authorizing a series of intrusions, he said, even though a single limited showing of probable cause might have been made. In contrast, *Osborn* had upheld a surveillance carefully tailored to intrude only to the extent required to meet the limited objective established as reasonable by the showing of probable cause. In *Osborn*, the constitutional standard of reasonableness was met, for "no greater invasion of privacy was permitted than was necessary under the circumstances." 388 U.S. 57. The *Osborn* authorization, too, envisioned a quick termination of surveillance once the officer's objective was achieved. In contrast, the New York statute apparently permitted the surveillance to continue for the statutory period even though the objective for which the order had been sought may have been realized. Extensions could also be obtained on the mere showing that it was in the "public interest." No new showing of probable cause was apparently required. The New York statute, in short, failed to require a showing of probable cause proportionate to the expected duration of the electronic surveillance. As Mr. Justice Stewart observed in his concurring opinion: "The standard of reasonableness embodied in the Fourth Amendment demands that the showing of justification match the degree of intrusion." 388 U.S. at 69. A showing that a single meeting would occur justified only a limited period of surveillance. A showing of a course of conduct involving the specific offense would thus be necessary to justify longer surveillance.

Finally, Mr. Justice Clark recognized what is the distinct difference between the conventional warrant and the electronic surveillance warrant: the electronic surveillance warrant depends for its success on the absence of notice. Yet Mr. Justice Clark observed the New York statute required no showing of "special facts" or "exigent circumstances" to overcome the normal requirement of pre-search notice. Here Mr. Justice Clark was referring to the analogous situation sustained by the Court in *Ker* v. *California*, 374 U.S. 23 (1963), a case in which he authored the majority opinion that upheld an unannounced entry to arrest and search where there was reasonable fear that announcement might result in the destruction of evidence otherwise lawfully subject to seizure. Such a showing of "special facts" or "exigent circumstances" would unquestionably be met by a legislative requirement that judicial authorization for the use of electronic surveillance techniques be conditioned on a showing, for example, that "normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried." This is the English standard now for the use of wiretapping on the Home Secretary's warrant. Devlen, *The Criminal Prosecution in England* 65–69 (1958). Mr. Justice Clark observed, too, that there was no requirement of postsearch notice. No "return" was required to be filed. 388 U.S. at 60. This requirement, in contrast, is a necessity on conventional warrants Cf. *Fed. R. Crim. Proc.* 41(d)

Next Mr. Justice Clark mentioned the question of legislative need. But he treated it only lightly, for he found the question of need not determinative. The majority's blueprint for constitutional electronic surveillance was required by the interest of privacy independent of the interests of justice. Their standard was no mere "formality." 388 U.S. at 63. It was not, however, "inflexible, or obtusely unyielding to the legitimate needs of law enforcement." *Id.* Instead, it was merely the "basic command of the Fourth Amendment." *Id.*

Finally, Mr. Justice Clark indirectly referred to the opinions of the dissenters and the suggestions there made that no warrant or statute could be drawn to meet the majority's requirements. He then conceded if that were true the fruits of eavesdropping had to be barred under the Fourth Amendment. But he followed his concession with the reminder that the Court had approved the careful use of electronic surveillance techniques in the past and suggested that the majority was not willing to make the "precincts of the home or office . . . sanctuaries where the law can never reach." 388 U.S. at 63. The Court, he said, only wanted the use of these techniques to meet "a constitutional standard." 388 U.S. at 64. The New York statute for them did not meet that standard. Had it been drafted differently, it would have been sustained. Because it was not, it had to be struck down.

Mr. Justice Douglas's concurring opinion indicates he would have preferred to strike down all electronic surveillance using the now overruled evidence per se doctrine. In this, he was alone. Failing this objective, he joined the majority opinion because it would allow "surveillance" only under safeguards he considered "minimal." 388 U.S. at 64.

Mr. Justice Stewart concurred only in the result. On the merits of the statute, he agreed with Justices Black, Harlan and White: the New York law was "entirely constitutional." 388 U.S. at 68. For him, like the others in dissent, the real question, however, was the validity of "this search." *Id.* He found the issue close, but ultimately concluded that the affidavits on which the court order had been obtained did not meet the "most precise and vigorous standard of probable cause" he felt necessary to "justify an intrusion" by electronic surveillance. 388 U.S. at 69. He voted, therefore, to reverse.

Mr. Justice Black filed a long dissent, which began by accusing the majority of striking down the New York statute simply out of an "hostility to eavesdropping as ignoble and dirty business." 388 U.S. at 71. It then went on to point out how "this country is painfully realizing that evidence of crime is difficult for governments to secure." 388 U.S. at 72. Mr. Justice Black found no need for "empirical studies or statistics" to show that electronic surveillance "plays an important role in exposing criminals." *Id.* He commented on the possibility that "techniques and practices" might be developed which could serve as alternatives to electronic surveillance. Mr. Justice Black observed:

"It is always easy to hint at mysterious means available just around the corner to catch outlaws. But crimes, unspeakingly horrid crimes, are with us in this country, and we cannot afford to dispense with any known method of detecting . . . then unless it is forbidden by the Constitution or . . . legislative policy—neither of which I believe to be true about eavesdropping." 388 U.S. at 73.

Mr. Justice Black, moreover, found that "there is no inherent danger to a defendant in using these electronic recording except that which results from the use of testimony that is so unerringly accurate that it is practically bound to bring about a conviction." 388 U.S. at 73–74.

After these introductory comments, Mr. Justice Black moved to an analysis of the case. He found first that the constitution on its face said nothing about the problem save that searches should be "reasonable." 388 U.S. at 75. He then analyzed the New York statute. For all he could see, it was being struck down not because it did not try to protect the rights of Berger, but because it did so "inartfully." 388 U.S. at 83. For Mr. Justice Black, the result of the majority could be defended only "by taking away some of . . . [the] words [of the Fourth Amendment] and by adding others." 388 U.S. at 88. This violated what he considered to be the duty of the Court. This, in essence, was the burden of his dissent. He would have affirmed the conviction.

Like Mr. Justice Black, Mr. Justice Harlan filed a long dissent. He began by classifying the result of the majority with what he felt was an unfortunate tendency to the Court to attempt to take to itself "sole responsibility for setting the pattern of criminal law enforcement throughout the country." 388 U.S. at 89. He then sharply crticized the majority for going to the face of the staute when properly only the facts of the case were before them. To him, that was done in violation of all of the Court's precedents.

Mr. Justice Harlan's dissent also dealt with the so-called "general search" objection to electronic surveillance. It has been contended that because an officer employing an electronic surveillance technique overhears all conversations, it is unreasonable per se as a general search. Mr. Justice Harlan, however, pointed out that this objection ignores the distinction between "search" and "seizure." 388 U.S. at 97–98. All "searches" are general; it is only "seizures" which must be "particular", and mere perception or recording is not a "seizure." Some "exercise of dominion, beyond mere perception, is necessary for the seizure of tangibles, so some use of the conversation beyond the initial listening process is required" for the seizure of the spoken word. 388 U.S. at 98. Mr. Justice Harlan, therefore, explicitly—and again by silence the majority concurred—put to rest this per se objection to a court order system of electronic surveillance. Finally, Mr. Justice Harlan subjected the case to an analysis on its facts. He concluded that the case should have been affirmed.

Mr. Justice White was the last to file a dissent. His analysis closely paralleled that of Mr. Justice Harlan. He, too, concluded that the New York statute was constitutional and was constitutionally administered. He also included in his dissent the relevant portions of the Report of the President's Crime Commission which called for electronic surveillance legislation as both needed and desirable. 388 U.S. at 119–29.

Katz Against United States

Mr. Justice Stewart began his opinion by rejecting Katz's formulation of the issue before the court in terms of the traditional category "constitutionally protected area." The Fourth Amendment, he noted, "protects people not places." Slip Opinion at 4. "[A] person in a telephone booth," he said, ". . . is surely entitled to assume that the words he utters into the mouthpiece will not be broadcast to the world." *Id.* at 5.

He then rejected the government's contention that the absence of a physical trespass took the actions of the agents outside the orbit of the Fourth Amendment. Noting that subsequent cases had "eroded" the underpinning of *Olmstead* and *Goldman*—the two decisions which enunciated the trespass doctrine—he said that they could "no longer be regarded as controlling." *Id.* at 6. The issue instead must be decided on the basis of the violation of the "privacy" of the booth "upon which [Katz] justifiably relied . . . *Ibid.* Finding a "search and seizure" within the meaning of the Fourth Amendment independent of the question of trespass, he said that the case had to be decided solely on the basis of whether or not it had met "constitutional standards." *Id.* at 7. Consequently, he turned to the actions of the agents.

Mr. Justice Stewart first noted that the surveillance was not begun until the agents had as a result of their investigation a "strong probability" that Katz was using the phone to transmit gambling information in violation of federal law. Next he pointed out that the surveillance was "limited" in "scope and duration" to the "specific purpose" of establishing the contents of the telephone communications. *Ibid.* Save on a single instance, only Katz's conversations were overheard, and the interception was confined to "brief periods." *Ibid.* Mr. Justice Stewart then stated:

" . . . it is clear that this surveillance was so narrowly circumscribed that a duly authorized magistrate, properly notified of the need for such investigation, specifically informed of the basis on which it was to proceed, and clearly appraised of the precise intrusion it would entail, could constitutionally have authorized, with appropriate safeguards, the very limited search and seizure that . . . took place" *Ibid.*

Where protections "similar" to those afforded by "conventional warrants" were provided, and "no greater invasion of privacy was permitted than was necessary under the circumstances," the "legitimate needs of law enforcement" could thus be "accommodated" by a "judicial order". *Id.* at 8–9.

Having recognized the constitutionality of electronic surveillance, Mr. Justice Stewart then proceeded to clear up an area of confusion that had arisen under the Court's *Berger* opinion. He noted that the protections afforded by court order electronic surveillance need not be "identical" only "similar" to that afforded by conventional warrants. The conventional warrant, he said, ordinarily serves to notify the suspect of an intended search. Such "prior notice", however, may be dispensed with in the electronic surveillance situation, for otherwise the "critical evidence" could not be obtained. The considerations that led to the formulation of the rule requiring prior notice elsewhere were "not relevant" in the area of "judicially authorized electronic surveillance."." *Id.* at 8 fn 16.

While it was apparent, Mr. Justice Stewart said, that the agents had acted "with restraint," it was nevertheless inescapable that the restraint had been imposed by the agents themselves, not by a "judicial officer." They did not have to submit their estimate of probable cause to a magistrate to limit the search according to prior court order or to notify the magistrate later of what had been seized. Subject only to well defined exceptions, he observed, searches outside the judicial process were *per se* unreasonable. For this reason alone, the Court, he said, had to reverse the case. The agents had "ignored the procedure of antecedent justification," a procedure that was a "constitutional precondition of [this] kind of electronic surveillance. . . . *Id.* at 12. The conviction thus could not stand.

Mr. Justice Harlan filed a short concurring opinion. First he noted that he read the Court's opinion to mean a twofold test under the Fourth Amendment was involved: 1) a person must have exhibited an actual "expectation of privacy," and 2) the expectation had to be recognized as "reasonable". Thus, he felt, the Constitution would not protect a person where his expectation of privacy was reasonable, as, for example, it would be in an open field. He then noted that the Court's decision did not mean that no interception of a private conversation in a phone booth could be reasonable in the absence of a warrant. There were, he said, exceptions to the general rule that required a warrant. But their application to electronic surveillance would have to await an appropriate occasion.

Mr. Justice White also filed a concurring opinion. First he noted that the Court's decision left untouched those uses of electronic surveillance techniques where the consent of one of the parties was obtained. A man must take the risk, he said, that his hearer, free to memorize what he hears, is instead recording it or transmitting it to another. He then observed that the Court had left open the application of the warrant requirements to electronic surveillance in the area of national security, a requirement he thought inapposite in that area.

Finally, Mr. Justice Douglas and Mr. Justice Brennan filed a concurring opinion. They directed their remarks, not to the Court's opinion, but to the concluding paragraph of Mr. Justice White's opinion. It was, they said, little more than a "green light" for executive eavesdropping in "national security" matters without judicial authorization. For them, the Fourth Amendment contains no distinction between these and other matters. The requirement of the detached magistrate cut across the board.

Mr. Justice Black was the lone dissenter. He began by praising the Court for setting out "methods in accord with the Fourth Amendment to guide States in the enactment and enforcement of laws passed to regulate wiretapping by government." The Court's opinion, he said, removed the "doubt" that had surrounded the *Berger* holding. His objection to the Court's opinion remained that which he had in *Berger* itself: he could not see how the meaning of the Fourth Amendment could be stretched to cover electronic surveillance. It was, he said, no part of the Court's business to rewrite the Amendment in order to bring it into harmony with the times. Thus, while he had praise for the Court's result, he felt it was not authorized by the Constitution.

IS ELECTRONICS DANGEROUS

Mr. TYDINGS. Mr. President, I have documented the need. I think that the review of constitutional materials establishes beyond doubt the basic constitutionality of title III. But may I now say a word about the dangers.

Contrary to what we have heard, electronic surveillance is not a lazy way to conduct an investigation. It will not be used wholesale as a substitute for physical investigation.

Between 1940 and 1959, the office of the district attorney of New York County, where electronic surveillance has been vigorously used, handled 343,745 criminal cases. It used electronics in 219 investigations, and obtained only 727 orders, including renewals. This was prior to the State law which required court orders.

After 1958, when court orders were required, District Attorney Hogan received 75 orders per year for wiretaps and 19 for bugs. That is, 94 orders per year, out of 8 million people, 2 million households, and 5 million telephones. Hardly indiscriminate use.

The reason for such sparing use are

simple. First, electronic surveillance is really useful only in conspiratorial activities. And that, for the most part, means organized crime.

DIFFICULT TO USE

Second, surveillance is very difficult to use. Tape must be installed on telephones, and wires strung. Bugs are difficult to install in many places since surreptitous entry is often impossible. Often, more than one entry is necessary to adjust equipment. Static and room noise interfere. Devices can be discovered. Wireless transmission can be intercepted.

Third, monitoring this equipment requires the expenditure of a great amount of law enforcement's time—hours and hours without a single word overheard simply because no one is speaking. Even with automatic devices, human monitoring is needed. Seldom can one man do it, since there must be some one present to act immediately on information that is overheard dealing with a crime that is just about to be committed.

Often the fruits of the surveillance require placing a subject under visual surveillance or putting a meeting under physical surveillance. This requires several men. Waiting time is extensive, and all demands specially trained personnel, who are scarce, and always are needed elsewhere. Voices and names overheard must be identified. Conversations must be interpreted. Sometimes information is understood too late. Often, it cannot be decoded. When codes are not used, conversation still is frequently unintelligible.

To say that title III will result in wholesale bugging of private individuals requires an ignorance of law enforcement and of organized crime. For it is organized-type crime in which this technique is essential, and will be useful—and only crime of an organized-type crime.

PATTERN OF CRIMINALITY

For surveillance to be useful—indeed, under the bill, for it to be authorized—there must be a pattern of criminal activity over a long period of time. Solitary criminals do not talk to others about their crimes. And when they do, they generally do not talk about the crimes they are preparing to commit.

Telephones are useful only when there is a widespread organization which requires their use. Isolated meetings cannot be predicted, and therefore bugged. There must be a pattern of meetings.

PRESTIGIOUS SUPPORT

Mr. President, I know there is a feeling in the Senate that title III is a terribly regressive proposal. I cannot share that sentiment. Moreover, I would point to the number and nature of organizations which have endorsed limited electronic surveillance: Such prestigious nonpolice organizations as:

The President's Commission on Law Enforcement and the Administration of Justice, which, for 2 years, conducted the most exhaustive and comprehensive study of the criminal justice system ever done in this Nation. The Judicial Conference of the United States, five judges of U.S. courts, headed by the Chief Justice, who make policy for the administration of the Federal judicial system.

The National Council on Crime and Delinquency, a private nonprofit organization concerned with improvement throughout the criminal justice system.

CONCERN FOR LIBERTY

These organizations are concerned with civil liberty, as we are. But they found through their studies what I have concluded: That the use of electronic surveillance has many attributes to recommend it to civil libertarians.

Not only must we be concerned about the civil liberties aspects of organized crime. Not only must we be concerned that those whom organized crime hurts most are those who most need society's protection. We must also be concerned about the indiscriminate use of electronic devices, which would be ended by title III.

Further, from a legal point of view, many of the greatest problems now associated with mass conspiracy trials—ambiguous circumstantial evidence, suspect testimony of accomplices, prejudiced variance—are problems of evidence. And they are serious problems. If we can improve the quality of the evidence used in organized crime cases, we would solve many problems which should concern civil libertarians. Not only would more convictions be obtained; they would also be obtained fairly.

HOLMES AND BRANDEIS

Mr. President, electronic surveillance need not be the "dirty business" justly condemned by Justice Holmes. What Holmes was referring to was wiretapping in violation of a State statute.

Nor need it be the unjustifiable "intrusion" justly condemned by Justice Brandeis. What Brandeis was referring to was not wiretapping in general, but that "as was practiced in the case" before him—Olmstead against U.S.

The record of that case shows that the intrusion was, indeed, indiscriminate and whole. Thus Brandeis argued eloquently for the right to be free from "unjustifiable intrusion."

In title III of the bill we are considering, justification must be shown in each application—and it must be tested against our belief in civil liberty and the impact of organized crime on human dignity.

Understood thus, electronic surveillance is neither "dirty business" nor a violation of the individual's "right to be left alone."

We are faced here with a question of balance, not of absolutes. As Edmund Burke, said, we must not forget that although a thing "by itself may appear to be wrong, when considered with relation to other things, it may be perfectly right—or at least such as ought to be patiently endured as the means of preventing something that is worse.

I ask unanimous consent that following my remarks a copy of two articles appearing in Life magazine, entitled "The Mob," by Sandy Smith, may be included in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE MOB

(By Sandy Smith)

Call it the Mob. The name fits, although any of a half-dozen others—the Outfit, the syndicate, La Cosa Nostra, the Mafia—serves about as well. Whatever it's called, it exists, and the fact of its existence is a national disgrace. In this issue and the next, LIFE reveals the structure, tactics, ruthlessness and alarming strength of this brazen empire.

The Mob is a fraternity of thugs, but it holds such power, wealth and influence that in one way or another it poisons us all. It rigs elections and in so doing destroys the democratic process. More and more it is muscling into legitimate business—local, national and international—to the extent that nearly every American is paying into its treasury in countless unsuspected ways.

The 5,000 members of Cosa Nostra are all of Italian background, and most of them are Sicilians. Abetting them is a larger army of nonmembers—of many creeds and origins—who wittingly or unwittingly do the Mob's bidding. The scale and sophistication of its operations challenge the imagination: the President's Crime Commission estimates the Mob's annual profit from illegal gambling alone at $6 to $7 billion. "Loan sharking," narcotics, labor racketeering, "skimming" and all the varieties of extortion in which it deals bring in enormous additional sums wrenched out of the poor and those least able to resist the exploiters. Through the mechanism of "the fix," it can, and too often does, control congressmen, state officials and law enforcement men. The Mob is in fact a government of its own, with its own laws, enforced with torture and murder. It is organized with ruthless efficiency to achieve its ends and protect its members from prosecution. At the top is a ruling body which settles internal disputes and preserves discipline. Beneath this supreme council are the officers and troops, the men who do the corrupting, bribing, extorting, terrorizing, robbing and killing.

The crime syndicate of today came into being with Prohibition and has continued to thrive and grow despite sporadic bursts of public concern. One of the principal reasons for this is that existing legal machinery is simply unable to cope with it. Criminal laws deal with individual crimes, not an international association. The Mob's multitiered hierarchy insulates its leaders from direct participation in the crimes they order. To the continuing despair of police agencies, it has also benefited vastly from recent court decisions limiting the admissibility of evidence. Most of all, the Mob has fattened itself on the public's appetite for its services—dope, sex and gambling—and apathy toward its evil.

MACABRE HOME OF A "CAPO," MONUMENT TO MOB MURDER

From the gateposts, topped by menacing bronze swans with wings angrily outspread, the driveway leads up about two blocks to the great stone mansion near Livingston, N.J. The drive is overhung by trees and flanked with flowers in gargoyle-shaped pots. The style might be called Transylvania traditional, with overtones of the owner's native Sicily. At a jog in the road is a cluster of painted family statutes dominated by one of the squire himself, Ruggiero Boiardo, astride a horse.

It is a chilling place even in the warmth and sun of an August morning. A lot of Mr. Boiardo's fellow gangsters are mortally afraid of going up that driveway alone. Some who did never returned.

As mobsters go, Ruggiero Boiardo—or Richie the Boot, as he is called—is not a very big shot. Nonetheless, he is a significant figure in organized U.S. crime and his estate, literally, is one of its monuments. Boiardo is a *capo* (captain) in the 600-member Cosa Nostra Family of Vito Genovese. Now a stoop-shouldered man of 76, he putters in his flower beds and mutters imprecations against the world in general: "They call Boiardo a thief, a killer," he complained to one recent caller. "They call him Cosa Nostra. Trouble."

Two other New Jersey gangsters, Angelo "The Gyp" DeCarlo and Anthony Russo, once babbled like schoolboys about the foul deeds that have been committed beyond those colorful gates. As an informant was to relate, the conversation went like this:

"Stay away from *there!*" said Russo. "So many guys have been hit there. There's this furnace 'way up in back. That's where they burned 'em."

DeCarlo, fascinated, asked for details. Russo cheerily ticked off victims by their first names: "Oliver . . . Willie . . . Little Harold . . . Tony. . . ." He himself, Russo bragged, had carried Little Harold to the furnace by a chain tied to the dead man's throat.

Authorities are convinced Russo was not exaggerating. Certainly, the number of victims incinerated at Boiardo's estate exceeds the number buried on the much-publicized chicken farm near Lakewood, N.J., where remains of two bodies and traces of a third were found last March. But no corpses have ever come to light at Boiardo's; people thought to have died there are listed officially as Missing Persons.

Even the big shots of Cosa Nostra, approach Boiardo's notorious estate with respect. In November 1957, when the high council met there to whack up the territory of the late Albert Anastasia, they came and left all in a group—thus avoiding the path described by Russo, " 'way up in back."

Richie Boiardo—and the two fellow mobsters who discussed the crematorium as casually as two men might compare golf scores—are alive and free men at this writing. They conduct various legal and illegal enterprises in New Jersey and are notably prosperous.

Deep in the rackets since Prohibition days, with a reputation for unabashed savagery, Boiardo gets paid $4,000 a month out of the Mob's Las Vegas "skimming" profits. He also runs a legitimate wrecking business (much of the nonfamily statutary on his estate was salvaged from buildings he wrecked; his house is built of stones from the old Newark post office). He presently is awaiting trial on a gambling charge and simultaneously is dueling with Internal Revenue.

Russo, 48, is the gambling and rackets boss of Monmouth County, N.J. and also has interests in Florida. Gyp DeCarlo, 65, an obese character who detests his nickname, like Boiardo is a *capo* in the Genovese Family. He grows fat off gambling and loan-shark rackets in Union County, N.J. and operates crap games that float from borough to borough in New York City.

Like countless others in the rackets, Boiardo, Russo and DeCarlo are virtually laws unto themselves, answerable only to the invisible government to which they owe their sole allegiance—Cosa Nostra.

HOW JOE BONANNO SCHEMED TO KILL—AND LOST

If Cosa Nostra has a failing at all from the standpoint of efficiency, it is the fact that it is composed at all levels of total scoundrels. Loyalty, as most men understand it, simply does not exist. Though elaborate oaths are required for membership in most cities, the members hang together mainly for the enormous profit this makes possible, and also out of fear of the consequences if they do otherwise. Consider, for example, the case of Joseph "Joe Bananas" Bonanno, the New York mobster whose greed almost broke up the Syndicate.

The Mob's ruling council was organized in 1931 by Lucky Luciano and Al Capone, and Bonanno, then a mean, ambitions 26-year-old, was given charter membership as the representative of a Brooklyn gang. It was not until 1963 that the name Cosa Nostra became part of the American idiom. That was the year Joe Valachi, a small-time killer for the Mob, decided to spill the brotherhood's secrets to federal agents and then, on network television, to a congressional committee. As Valachi detailed it—and as some lawmen were already aware—each of the "Commissioners" serving on the ruling council is the head of a subdivision called a "Family" which more or less has free rein over the rackets in its own territory. Any disputes over territorial jurisdictions are settled by the Commission.

At present, there are eight Commissioners on the ruling council: Vito Genovese of New York and New Jersey, now in the federal penitentiary at Leavenworth; Carlo Gambino of New York; Steve Magaddino of Buffalo; Joe Colombo of New York; Joe Zerilli of Detroit; Momo Salvatore "Sam" Giancana of Chicago; Angelo Bruno of Philadelphia—and the aforementioned Joe Bonanno. (There was a ninth member, Thomas "Three-Finger Brown" Lucchese, who died—of natural causes—in July; the vacancy is still up for grabs.)

Collectively, they are not a physically imposing lot, nor even frightening. Five of them are over 60. Magaddino, at 75, is widely spoken of—though never to his face—as a senile and autocratic windbag. Giancana is 59. Bruno, a tubby hypochondriac to whom the greeting "How are you?" is an invitation to deliver an organ recital, is 57. Even Colombo, at 43, doesn't stack up as much of a headbreaker. Yet the thing to remember is that they got where they are—and have managed to stay there—by killing people.

The troublemaker in the executive club was Joe Bonanno, a fact that stemmed from his aggressive and inventive nature. A lot of his innovations worked out very well—for instance, the "split-level coffin." As the Boiardo incinerator disclosure points out, disposal of the bodies of victims has always been a problem taxing the mobsters' ingenuity. Bonanno solved it in Brooklyn by acquiring a funeral home. To get rid of unwanted corpses he had them stuffed into the lower compartment of a specially built casket of his own design. The corpse of record lay in the upper compartment, with family and cemetery keepers none the wiser. When such a tandem burial was to be held, Bonanno supplied muscular pallbearers who could carry the extra weight without strain. Bonanno's victims in the lower berths were put underground before police even became aware they were missing.

By 1963, at the age of 58, Bonanno had lost none of his ambition and had developed a vast disdain for his fellow Commissioners—some of whom had been mere car thieves when he was already on the council. He habitually staked out for himself areas deemed "open" by the Commission—such as the U.S. Southwest and Canada. "He's planting flags all over the world!" fumed Commissioner Magaddino when Bonanno musculed into Magaddino's Canadian preserves.

The greedy Bonanno was doing more than planting flags. Seeing a chance to seize control of the brotherhood, he issued contracts for the murders of three fellow Commissioners—Magaddino, Lucchese and Gambino—and another contract for slaying of the head of a Family in California, Frank DeSimone. Bonanno assigned the New York murders to one Joe Magliocco, a fat hoodlum with high blood pressure. Magliocco in turn farmed the New York murder contracts out to an ambitious young torpedo named Joe Colombo.

Colombo turned out to be more of an angler than a triggerman. He tipped off the Commission to Bonanno's planned coup, and they hurriedly convened a meeting to deal with the treachery. Magliocco and Bonanno were summoned to face charges. Magliocco appeared in a panic, made a full confession, was banished from Cosa Nostra, fined $50,000 and sent home. Shortly thereafter he died of a heart attack. Meanwhile, his Family and his Commission seat were given to the stool pigeon Colombo.

Joe Bonanno never showed up for trial. He hid out on the West Coast, using the name "J. Santone." Then, in 1964, he went to Canada to poach once more on Magaddino's grounds. Magaddino went into a frenzy, calling a Commission meeting for Sept. 18, 1964, in the Englewood Cliffs, N.J. home of gangster Thomas Eboli. Bonanno ignored that meeting, too, despite the entreaties of the Commission's emissary Sam DeCavalcante, whose biggest previous distinction had been in trying to develop a garbage disposal unit that would reduce a human body to a meatball. In the face of Bonanno's insults, the council accepted the advice of its Chicago Commissioner, Momo Giancana: "Kill—kill! Why don't you just kill the guy?"

On Oct. 14, Magaddino met in Buffalo with two men. An informant has recalled bits of the conversation: "New York . . . the lawyer . . . we got the car."

Seven nights later, Bonanno and four lawyers dined in a New York steak house. A sixth man joined them about 11 p.m. He left the table twice, walking out in a rainstorm to use a corner phone.

Shortly after midnight, Bonanno's party left the restaurant in taxis. The sixth man, who took a separate taxi, got out at 37th Street and Park Avenue and beckoned to two men standing on the corner. A few minutes later, Bonanno arrived at an apartment house a block away. The two men stepped up and forced Bonanno into a car at gunpoint. Though there has been all sorts of speculation about the kidnaping—including a theory that Bonanno staged the whole thing to avoid an appearance before a grand jury—the fact is that he was held for about six weeks somewhere in the Catskills. There he talked his captors out of killing him by raising the specter of a nationwide gang war if they knocked him off. But if they let him go, he promised to turn over his gang and his rackets in gratitude. Apparently the Commissioners' lust for loot exceeded their lust for vengeance, for they turned him loose in December 1964.

Bonanno was only fooling. He went to Haiti to bide his time, then returned to New York last year to rally his gang, claim his place in the Commission and continue his invasion of Canada. Magaddino still howls about it, but the other Commissioners, perhaps afraid of the guns in Bonanno's Family, seem intent on trying to ignore him, hoping he'll go away, or something.

YOUR LAND IS HOODLAND

The disturbing fact is that the Mob today is spread across the land and has been able to insinuate itself into the core of society. Most Americans are just not aware of the extent of its influence.

Cosa Nostra is a cartel of 24 semi-independent Families that vary widely in size (from 20 to 1,000 members) and their importance in the rackets. Each Family unit is headed by a Boss and several of these Bosses—the current number is eight—sit on Cosa Nostra's ruling Commission. The other Family heads (shown flanking the map) are not necessarily less powerful than individual Commissioners—Raymond Patriarca in New England and Carlos Marcello in Louisiana, for example, are more powerful than some who sit on the ruling body. But they generally follow the Commission's edicts.

Second in command in each Family is the Underboss. Beneath him are squads known as *regimes*, each headed by a *capo* (captain) and staffed by younger or less accomplished thugs known as *soldati* (soldiers). When a member grows old or infirm he may become a *consigliere*, a sort of a mobster emeritus who serves only as an adviser to the Boss. The Boss passes orders down the chain of command—a system designed to screen the top man from the police. The Boss has tremendous authority in his own territory, presiding over all gangland enterprises—he is a partner in everything—and also umpiring intra-gang frictions, as New England Boss Patriarca is shown doing in the Boston gang war in the map at left. The membership rolls of Cosa Nostra supposedly have been closed since 1957—an attempt by the Commission to prevent a recruiting race that might upset the delicate balance of power within the fraternity. Nevertheless, some Families continue to add new members when an old one dies and, despite the decerpitude of the present Commissioners, there is no shortage of ambitious younger talent waiting to take over.

In the old days, a recruit had to take part in at least one murder before he was accepted. But during the World War II manpower shortage, standards slipped and later, as murder became a less popular tactic, many gangsters were let in who never had made a fatal score. This irks some oldtimers. As one graying hood complained. "Today you got a thousand guys in here that never broke an egg."

THE BRAZEN ATTEMPT TO SPRING HOFFA WITH A $1 MILLION BRIBE: A CASE OF "THE FIX"

At the heart of every successful gangster's operation is the **Fix**—the working arrangement with key police and elected officials and business and union executives. It guarantees the racketeers room to swing and a certain amount of acceptance in "respectable" circles. For sheer audacity and sweep, few Fixes the Mob has ever undertaken could top a plot just now unfolding in New Orleans, where the Cosa Nostra is ruled over by Carlos Marcello. Its hoped-for objective is liberty for James Hoffa, the imprisoned boss of the Teamsters Union.

Life has found conclusive evidence that Hoffa's pals—some in the union, some in the Mob, some in both—dropped $2 million into a spring-Hoffa fund late last year. The money was placed at the disposal of Cosa Nostra mobsters, and it was to be payable to anyone who could wreck the government's jury-tampering case on which Hoffa had been convicted.

In due course, the money was made available to Marcello to do the job. The chief government witness in the trial, which took place in 1964 in Chattanooga, had been Edward Grady Partin, leader of a Teamster local in Baton Rouge, La. As the Mob saw it, Partin was a logical target for a Fix. If he could be persuaded somehow to recant his own testimony, or to "taint" it by claiming that wiretaps had been used against Hoffa, the conviction would surely be reversed. By last January, the Mob might had assumed that Partin already had been softened up. A series of dynamite explosions had wrecked construction sites, trucks and oil-drilling rigs of companies whose employes were members of Partin's union. Partin got the message all right, but ignored it.

Then another pitch was made to Partin. It was arranged by Aubrey Young, 45, who for years had been an aide and confidant of Louisiana Governor John J. McKeithen.

Though the governor did not know it, Young had some curious contacts outside of the executive suite. One of these was Marcello, about whose empire you will read more in next week's instalment.

In January, Young set up a meeting with Partin at the request of still another man of influence in Louisiana politics, a sometime public relations specialist and all-around operator named D'Alton Smith.

Members of Smith's family are well-placed in Louisiana. His brother, A. D. Smith, is a member of the state board of education. His sister, Mrs. Frances Pecora, is an official of the state insurance commission. Mrs. Pecora is also the wife of Nofio Pecora, former operator of the Marcello-owned Town and Country Motel in New Orleans.

The meeting with Partin took place at Young's house in Baton Rouge. Smith was there when Partin arrived.

"D'Alton had told me he wanted to see if he could straighten out Partin's testimony to help Hoffa," Young has since told Life. "When I saw what they were talking about in the parlor, I took a walk because I didn't want any part of it. After the meeting, D'Alton told me that he couldn't budge Partin; that Partin said his testimony was true."

Partin confirmed to Life that this indeed was the subject of the conversation and has added these details of the inducements he says were held out to him: The intial offer for the changing of his testimony was $25,000 a year for 10 years. He turned it down. The ante was hiked until it reached an overall total of $1 million. Still Partin refused. When Smith gave it up as a bad job and went away, Partin called the Justice Department.

A short time later, Young who had been drinking heavily, sought sanctuary for three days in the Town and Country Motel, which is Marcello's rackets headquarters. Young has offered this explanation: "I go to the Town and Country because there's always lots of politicians there. I didn't see Carlos or talk to him. I know I didn't, because there was a state policeman with me all the time."

Meanwhile, in response to Partin's call, the Justice Department began an investigation into the bribery attempt. Young returned to the capital at Baton Rouge. When the governor asked him to explain his absence, Young blurted out the story of the attemped bribery of Partin. Furious, McKeithen threatened to fire him. Young resigned.

As to what has happened to the $2 million, Marcello, of course, isn't talking. And Hoffa remains in federal prison.

This is a fair example of the intricate forces involved in a particular sort of Fix. But a Fix doesn't have to entail an exchange of money. It can be accomplished by putting in fear, through means as unsubtle as a crack over the head, an arm broken by twisting, an implied disclosure of family skeletons, a hoarse voice on the phone, a timely murder. It can be accomplished by campaign "contributions" or by outright bribes. It can be attained through employment of public relations counsels who stress things like the good name of a city or the amount of money donated to charity by Mob enterprises, or who plant in newspaper columns evidences of the charm, wit and good connections of key mobsters as they are seen about the spots where expensive people gather. It can be helped immeasurably with cheap devices like easy "loans" to a reporter whose tastes outrun his income.

A big-city mayor may have nothing but loathing for mobsters. Yet if disclosure of corruption in his city threatens the tenure of his political machine, he may make every effort to suppress the story—rationalizing that the city would be much worse off with the opposition in control. This is a solid dividend of the Fix. Ask any gangster.

THE FAT MAN WHO DIED ON A MEAT HOOK

The information and entertainment media, and ultimately the public themselves, play their part in all of this. Too often they take a scriptwriter's view of gangsters, viewing them as one would look at tenants of the great ape house at the zoo—with vague thrills of identity but with amused tolerance. When Frank Sinatra appears in public with Sam Giancana, who is a killer and a crook, the tendency is to see Sinatra as a bigger swinger than ever—not just another entertainer who has some crummy friends.

Giancana is a pretty good exhibit when it comes to illustrating the manicuring of gorillas. Despite his absence from the country, his Fix in Chicago remains as tight and traditional as any you could find.

Giancana took over the 300-member Chicago Cosa Nostra Family—the Outfit, as it is called locally—in 1957, after it became apparent to him that the incumbent Boss, Tony Accardo, was getting too slow and too rich. Giancana's decision was brought home to Accardo by a bullet fired over his head as Tony was entering his spacious $500,000 estate in suburban River Forest. He understood.

Sam Giancana is a frail, gnomelike man whose constant cigar smoking has deformed his upper lip into a permanent sneer. Back in World War II, when asked by the draft board what he did for a living, he replied, "I steal." He was adjudged a psychopath, and Sam figures it was a bad rap. "I was telling them the truth," he said. Before he was old enough to vote, he'd been arrested three times for murder. He likes the girls—for one he purchased a remounted 30-carat stolen diamond from a fence in New York—and has made international headlines as the recurrent escort of Singer Phyllis McGuire. He likes to play golf, and when FBI agents began bothering his game when they had him under surveillance in 1963, he went to federal court and got an order stipulating that the agents must stay two foursomes back.

Ultimately, the agents won that round. Giancana was called before a grand jury, granted immunity from prosecution stemming from anything he might say and, when he refused to answer questions, served a year in jail for contempt. Fearing another such sentence, he has stayed pretty much out of the country ever since. For a time, control of the Outfit fell to Giancana's lieutenants, but as federal prosecutions sent several of them to jail. Family matters demanded a more experienced hand at the helm. One current theory is that Accardo has come out of retirement to resume active control.

The truth is that Giancana is still running things by remote control from a hideout in Mexico, a posh castle near Cuernavaca where he poses as Riccardo Scalzetti. The real Scalzetti, Giancana's erstwhile chauffeur and courier, is more familiar to Chicagoans as Richard Cain, a well-known former Chicago policeman and more recently a private investigator.

In Chicago, where racketeering was perfected, the connection between the Mob and the politicans remains extensive and arrogant. From an office across from City Hall, there are men ready to carry out Giancana's wishes and attend to the clockwork of the Fix.

It is a matter of particular pride to Giancana and his boys that they are firmly in control of both the Democratic and the Republican political organizations in Chicago's famous First Ward, which includes the Loop with its glittering commerce and the West Side campus of the University of Illinois as well as a warren of flophouses, honkytonks, pool halls, pawnshops and slums. It also enfolds City Hall, the Cook County courthouse, police headquarters, the federal courthouse, the Chicago Stock Exchange, the Board of Trade, most of the major office buildings, the largest hotels and the terminals or major railroads. The Democratic organizations of two other West Side wards—the 28th and the 29th—are also nominally chattels of the Mob. But the real gangster operative power, for obvious reasons, is in the First.

The First Ward Republican apparatus is a joke. Giancana's men permit it to exist only so they can have a foot in both parties. The hoods have been known to round up a few thousand G.O.P. votes in certain elections just to avoid embarrassing Democratic winners with heavy pluralities from a gangster-dominated political organization. But aside from being something to scratch matches on, Republicans in the First Ward are handy in other ways. In Mexico City this year, for example, Giancana and Miss Mc-

Guire tooled around in a white Oldsmobile licensed to Peter Granata, the present Republican committeeman in the First Ward.

Although Cosa Nostra control over the three wards is as well-known to many Chicagoans as the Water Tower, Mayor Richard J. Daley, the longtime guru of Cook County's Democrats, stays aloof. As Chicago mayors have always done, Mayor Daley tends to bristle at allegations of organized corruption in his city as being something less than patriotic. Leadership of ward organizations, he contends, is the exclusive concern of the people in the wards.

First Ward Democratic headquarters, just across La Salle Street from City Hall, is a handily located, permanently established center of political corruption. Here politicians, policemen, newsmen and other useful people troop into the office for favors given and received. (As in few other cities, certain journalists are part and parcel of the First Ward Fix. The First Ward Democratic organization, if it serves the gangster's needs, can—and on occasion does—swing enough influence in city rooms to get a story killed or softened to the point where it is almost an apology.) The principal disbursing officer, and Giancana's main liaison with the First Ward-heelers, is Pat Marcy, who served a prison term for robbery back before he became secretary of the First Ward Democratic organization.

Details of the First Ward's bribe trafficking were spelled out in a 1963 report on police corruption in Chicago by the U.S. Department of Justice. The report, naming names, disclosed specific payoffs that kept police from cracking down on centers of vice operated by the Giancana Mob. But Police Superintendent Orlando W. Wilson, a man with a reputation for incorruptibility, reacted in much the same manner as Mayor Daley, scoffing at the report as "gossip" and refusing to take any action against accused bribetakers on the police force—including his administrative assistant, Sgt. Paul Quinn. (Wilson retired August 1. Quinn remains on the force as administrative assistant to Wilson's successor, James B. Conlisk Jr.)

Giancana rules the First Ward like a Tartar warlord. He can brush an alderman of the city council with a gesture of his hand—as he did in 1962, when he ordered the resignation of Alderman John D'Arco. (It was all brought to a head by a D'Arco *faux pas*. He and Giancana were seated at a restaurant table when an FBI agent, well-known to both men, approached. D'Arco, reacting as a politician, leaped to his feet and shook hands with the agent. Giancana disapproved. Exit Alderman D'Arco). State Senator Anthony DeTolve, a relative of Giancana's late wife, was nominated to succeed D'Arco. Four days before the aldermanic election, the gang Boss capriciously decided that DeTolve would not do, either. In the ensuing confusion, the First Ward wound up without an alderman for a year. Not many constituents could discern any difference.

For seven years, U.S. Representative Roland Libonati was one of the tame congressmen from the First Ward. "Libby" got on the powerful House Judiciary Committee and became something of a Capitol Hill landmark. Tony Tisci, Giancana's son-in-law, was on the government payroll at $11,829.84 a year as Libonati's assistant. In 1962, for reasons still undisclosed, Giancana decided that Libonati was a liability. The hapless congressman submitted without a protest and, for stated reasons of his wife's ill health, obediently did not run for re-election in 1964. Tisci stayed on as assistant to Libonati's successor, Frank Annunzio.

The grand jury investigation that jailed Giancana eventually dislodged Tisci from Annunzio's payroll. The disclosure that Tisci had refused to talk to the jury, pleading fear of self-incrimination, was followed by his resignation as Annunzio's aide. Marcy and D'Arco were also Fifth Amendment witnesses. But there, as might be expected, the matter rested. U.S. Attorney Edward V. Hanrahan, a Democratic appointee, did not extend immunity to Tisci, Marcy and D'Arco even though they, like Giancana, had balked at testifying. Immunity for them might have been embarrassing for Mayor Daley's Democratic machine. It would have given the three the choice of exposing the workings of Giancana's captive organization or, like him, going to jail.

For some years, Giancana's political courier was the master fixer of the Chicago Mob, the late, notorious Murray Humphreys. Using the name "Mr. Pope," he frequently delivered messages and packages to Libonati and other members of the Illinois congressional delegation. Humphreys died in 1965, and some of his political duties now fall to Gus Alex, who runs the rackets for Giancana in the First Ward.

Giancana, perhaps spellbound by his acquaintances among celebrities and his control over paid-for political hacks, has been known to overstep his own influence. Once, during a time of tight surveillance by the FBI, he dispatched his aide-de-camp, a hoodlum named Charles English, with a message for the G-men who were waiting outside for him to leave a saloon. The message was an invitation to Robert F. Kennedy, then the Attorney General, to sit down and talk over calling the agents off. English made quite a sales pitch. "Elected officials all over the country, hundreds of 'em, owe their jobs to 'Moe.' " he explained proudly. His parting words were equally blithe: "Moe says if Kennedy wants to talk, he should get in touch with Frank Sintra to set it up."

Kennedy passed up the bid—and along about that time Sinatra fell out of New Frontier favor. The FBI continued its investigations, resulting in a 1965 jail sentence for Giancana.

Some of Giancana's lieutenants have their own connections with politicians, officials and important people. Gus Alex has an especially warm relationship with Chicago's city treasurer, Marshall Korshak, and his brother, Attorney Sidney Korshak. Sidney is a pal of other leading Chicago gangsters—"a message from him [Sidney]," a prominent mobster once was quoted on a witness stand, "is a message from us." On Alex's application in 1957 for an apartment on exclusive Lake Shore Drive, he described himself as a $15,000-a-year employe of Marshall Korshak, then a state senator.

Among political favors rendered by paid-for officials to Cosa Nostra are the passing along of information that comes over their desks and the sending up of storm signals whenever official action against the Mob is threatened.

In 1962, for example, Attorney General Kennedy sent his federal prosecutors a list of gangsters to be investigated, stipulating that the list be held in strict secrecy within the Department of Justice. In a matter of weeks a copy of the list turned up in a Michigan Avenue office used by Giancana and Alex.

Fans of Sinatra and Miss McGuire might reconsider their acceptance of Giancana as a social figure if they had heard a conversation which took place in Miami a few years ago among three Giancana employes. So, for that matter, might Sinatra and Miss McGuire. The subject was William Jackson, a grotesque slugger for the Outfit who weighed well over 350 pounds. Jackson somehow had gotten out of line and had to be dealt with. As faithfully related by an informant, James Torella and Fiore Buccieri were telling John (Jackie) Cerone with some glee how they'd gone about it.

"Jackson was hung up on that meat hook," said Torello. "He was so —— heavy he bent it. He was on that thing three days before he croaked."

Buccieri began to giggle. "Jackie, you shoulda seen the guy. Like an *elephant,* he was, and when Jimmy hit him in the —— with that electric rod . . ."

Torello interrupted excitedly. "He was floppin' around on that hook, Jackie. We tossed water on him to give the prod a better charge, and he's screamin'. . . ."

The conversation turned animatedly to other methods of dispensing Giancana's brand of justice—except for the revolting subject matter, they might have been men sitting around a bait shop discussing favorite fishing lures. "The stretcher is best," insisted Torello. "Put a guy on it with chains and you can stretch him until his joints pop . . . Remember the guy that sweat so much he dried out? He was *always* wantin' water, water. . . . I think he died of thirst."

Once again, a reminder: these men are members of Giancana's Cosa Nostra Family. He was, and still is, the Boss who gives people like Buccieri and Torello the "contracts" for killing people like the late, heavy William Jackson.

The cardinal principle of the Fix is immutable—*i.e.,* be with winners. Politically, this is conductive to bipartisanship. "Do like we do in Chicago," counseled Sam Giancana when he was reviewing his secret investments in the Stardust Casino in Las Vegas in 1961. "Give to both parties."

Naturally, when the delicate matter of investments of this sort is at issue, the man whose knowhow is most prized is Meyer Lansky. Though not a Cosa Nostra member (he is Jewish), he is the Mob's chief financial counselor. As such, he was the architect of "the skim," the system whereby tax-free cash is siphoned off the top of casino profits in Nevada.

Nevada has been "open" territory for Cosa Nostra racketeers ever since legalized gambling made Las Vegas synonymous with high rolling. The Mobs from Cleveland, Chicago, Miami and New York all had representatives looking after their hidden interests and therefore had something of a stake in Nevada politics.

Small wonder, then, that Giancana saw fit to give people advice. Nor is it at all remarkable that the Fremont Casino in Las Vegas found it necessary to obtain the personal approval of Lansky for its $19,500 budget for political "contributions" in 1963: '$5,000 for a justice of the Nevada supreme court; $200 to a justice of the peace; $300 to a county commissioner; $500 to a state assemblyman, and $500 to a candidate for lieutenant governor. That was local. Another $1,000 was anted up for a national political figure—and $12,000 for his opponent.

The payoff, of course, was influence in Las Vegas, Carson City and Washington—not just for Ed Levinson, operator of the Fremont, but also for Lansky. (At the time, Levinson had another very useful connection in Washington. Both he and Benjamin Sigelbaum, the bagman who transported the "skim" money to Lansky in Miami Beach, were partners of Bobby Baker in the Serv-U vending machine enterprise. Baker, it will be recalled, was then the Senate majority secretary, as well as a chief dispenser of funds for the Senate Democratic campaign committee and confidant and protégé of the then Senate majority leader, Lyndon Johnson.)

The philosophy behind all this was perhaps most succinctly explained by Major Riddle, operator of the opulent Dunes Casino of Las Vegas. When the owners yelped about a $20,000 contribution to a man very high in then-Governor Grant Sawyer's office, Riddle gave an explanation, which an informant has passed along: "The guy does whatever we want. Any one of the things he does for us would bring in $20,000." And besides, Riddle added, the contribution in question was an economy when compared with the $200,000 the Desert Inn had anteed up for another influential politician.

Riddle told the informant later about the nuances of political giving and taking. The case in point was the gambling license for Irving Devine, a local racketeer. Devine was prepared to make a hefty "political contribution" of $50,000 to the Nevada governor's campaign for re-election, Riddle said, in return for his license.

"That's the only way our guy would do it," said Riddle. "You know, in a campaign, he needs funds. Any other time, it's something else again."

Unfortunately for Devine, a federal report disclosing his ties with skimming racketeers began to circulate around Nevada shortly afterward. Any talk of a gambling license for Devine became a dead issue.

PROCONSUL OF THE BOSTON GANG WAR

The Fix is by no means limited to wide-open Nevada and the political backrooms of Chicago. It also flourishes in New England, with a ruthlessness that is a point of personal pride to the resident of Cosa Nostra proconsul, Raymond Patriarca.

At 59, Patriarca has two distinctions in Cosa Nostra. When it comes to manipulating the makers and enforcers of the law, he has few peers. His tightly disciplined 150-member gang operates a dazzling array of rackets and legitimate businesses over Massachusetts, Rhode Island, Connecticut and Maine.

He is also known as the only Cosa Nostra Boss to operate for more than three years within range of an FBI microphone. The Cosa Nostra Commission have held several discussions to decide how this mountainous blunder should be dealt with. Bosses have been killed for less. The bug itself, planted by the FBI in Patriarca's office in Providence, R.I., was bad enough. But Patriarca compounded the original security breach by letting some of the taped transcripts get into the federal court record. In this, his arrogance played a major role.

It all involved the income tax fraud trial of one of his capos, Louis Taglianetti. When Taglianetti was found guilty, Patriarca made his big mistake—by ordering an appeal of the conviction. This ultimately forced the introduction of the bugged tape transcripts in the record. The way Cosa Nostra sees it, far better Taglianetti should have served his seven months in the first place.

Among the disclosures in the FBI records:

Patriarca is the referee of the celebrated gang war that has plagued Boston for more than three years. He presides over the shabby scene with such authority that nobody is killed without his permission. At least a dozen of the 40-odd victims were slain on his direct orders. The bug picked up conversations among Patriarca and his *capos* concerning the slayings; the assassins themselves were named. At one point, when his own declaration of an armistice was not being observed, Patriarca proclaimed angrily that he was about to "declare marital law."

All types of crime in his bailiwick, not just the organized kind, are cleared by Patriarca—among them bank robberies, hijackings, arson, jewel thefts and kidnapings.

Such information, needless to say, was priceless intelligence for law officials. It was also a temporary lease on life for gangsters William Marfeo and John Biele, who had fallen out of favor with Cosa Nostra. The bug revealed Patriarcia's various plots to kill the pair over a period of months, and on each occasion, FBI agents managed to tip them off—as well as the police. A ban on bugging in 1965 forced disconnection of the microphone in Patriarca's office. Within a year, Marfeo was slain in Providence; Biele was murdered in Miami last March.

As a Mob Boss, Raymond Patriarca sits as something of a judge himself, sometimes over the affairs of politicians. On one such instance, in 1963, a top official of the Rhode Island state government, much in Patriarca's debt, had been defeated for re-election. One of his backers, a Warwick, R.I. businessman, had contributed $17,000 to the unsuccessful campaign and wanted his money back, claiming it had been a loan. Not so, said the politician—it was an outright gift.

Patriarca himself held court on the matter behind the vending machines in his Coin-O-Matic office in Providence. Unsurprisingly, he ruled for the defendant. The $17,000 was a gift. Judge Patriarca advised the businessman to forget it. He did.

Patriarca is far warier with his own political contributions. His political payoffs are held in a bank account that has come to be known as "Raymond's Escrow Fund." It is released to deserving political servants only after they have delivered for Raymond Patriarca.

A good example of this device was a battle in 1963 in the Massachusetts legislature over proposed extension of the racing season at the Berkshire Downs race track, at Hancock, Mass. At the time, Patriarca and the late Thomas Lucchese were among the hoodlums holding secret interests in the track. More racing days were needed at the track to keep it from going bankrupt. Patriarca spread the word that there would be an added purse of $25,000 in Raymond's Escrow Fund for dispersal—*if* the track got a lengthened season.

There was a stormy floor fight in the legislature. Patriarca's forces lost, but the $25,000 remained in Raymond's Escrow Fund.

But in routine matters, Patriarca's Fix, in spite of his tendency to talk too much about it, has worked smoothly. To cite an example: on Friday afternoon, July 27, 1962 a high-ranking state police officer flashed a yellow alert to Jerry Angiulo, Patriarca's Underboss in Boston, that there was going to be a raid the next day on gambling joints at Revere Beach. When the raiders arrived, Patriarca's five joints were demurely closed. The police raided only the independent gamblers—who had been foolish enough to refuse to cut Angiulo and the Mob in on their operations. On the following Tuesday, Angiulo's five casinos reopened at new addresses and quickly lapped up the business of the gamblers who had been shut down in the raid. Three years later, in June 1965, with the Fix working smoothly as ever, the whole sequence of jiggers-shutdown-raid-reopening was reenacted at Revere.

If the Commission doesn't decide to eliminate him, Patriarca eventually could be tripped up by his own heavy-handed greed. Right now the chief witness against him in a conspiracy case awaiting trial is Joseph Barboza, a 35-year-old triggerman whom Patriarca had assigned in June 1965 to kill Marfeo (one of the occasions when Marfeo was tipped off). Later Barboza was imprisoned on an unrelated charge. His gangster friends immediately set about collecting funds to pay for an appeal. Two of them were waylaid—by Patriarca's men—and shot dead. The killers walked off with the $80,000 they had collected. Barboza, stranded behind bars and enraged at the doublecross, became a government witness. Patriarca may live to regret it.

The Fix, like any other form of commerce, is peculiarly susceptible to the winds of inflation. Nowhere was this more apparent than in New Jersey, home of Vito Genovese and other thriving murderers and politicians.

In February 1963 three men sat down in a ramshackle club called "The Barn," on Route 22 in Mountainside, N.J., to discuss the rising cost of fixing police officials. Two of them were the gabby old friends who discussed Richie Boiardo's beckoning incinerator: Angelo DeCarlo and Tony Russo, the Genovese family's betting boss in Monmouth County. (Russo's sobriquet in the Mob is "Little Pussy.'" His brother John—"Big Pussy"—did a stretch for murder.) Also at the table was an informant for a law enforcement agency, and the minutes of that meeting, kept secret until now, have been a key factor in the recent amassing of intelligence by federal officials on New Jersey Mob activities.

The specific complaint of the two gangsters was the forthright grabbiness of a top-level officer in the New Jersey State Police. Russo said the police official was collecting $250 a month for ignoring bookies around Monmouth Park race track, plus $1,000 a month in gambling payoffs in Long Branch and another $1,000 from Asbury Park. As if this weren't enough, Joe Zicarelli, a Bonanno *capo* who bosses bookie and lottery action in Hudson County, was paying, according to Russo and DeCarlo, an additional $5,000 a month. And now, to top it off, Russo complained, this guy had the gall to demand *double* payoffs for each month of the summer season, when resorts like Asbury Park and Long Branch boom and so does gambling. The irony of it all, DeCarlo added bitterly, was that he, Russo and Zicarelli had only themselves to blame. They had personally picked their greedy policeman and arranged for a well-connected Hudson County politico to promote him to his high place on the force. DeCarlo promised to talk soon to the same politican about the state policeman's unseemly greed.

Whatever was said at that meeting, the result was negative, for the police officer continued to extort heavy payoffs from DeCarlo, Russo and Zicarelli until his retirement, two years later. Expensive though he was, he was worth too much to the Mob to warrant getting rid of him. He represented what is called in Cosa Nostra a "solid setup"—the ultimate protection, a direct hand-to-pocket Fix with a top law enforcement official in a policy-making position.

The power of the Fix in certain areas of New Jersey is just about total. In Long Branch, for example, a town of 26,000 on the Jersey shore, Russo told the informant that the Mob had taken charge. Russo bragged they had fixed elections and maneuvered the ouster of a city manager. "What was got in Long Branch is everything," said Russo. "Police we got. Councilmen we got, too. We're gonna make millions."

Russo said that another *capo*, Ruggiero Boiardo, no less, keeper of the crematorium near Livingston, was wanting to muscle into the Long Branch bonanza with some road-construction contracting. DeCarlo figured Boiardo was out of bounds on this—he and his son Anthony already had all they deserved with "all the electric work in Newark." (Anthony Boiardo lists his occupation as "public relations man" for an electrical contracting firm in Newark.)

Several federal agencies have confirmed and supplemented the information on the Russo-DeCarlo talk. One investigation stemming from it disclosed that DeCarlo, Zicarelli and Ruggiero Boiardo had combined to maneuver the friend of another gangster into office as police superintendent of a large New Jersey city. The Mob-selected police chief used to work as a doorman at crap games run by gangster John Lardiere.

Actually "Bayonne Joe" Zicarelli's outwardly modest position as head of a bookie and lottery syndicate in Hudson County does him considerable injustice. True, in New Jersey, his interlocking tie-ups with scores of Hudson County officials are so expensive that some gangsters consider him a "connection-crazy" wastrel. But Zicarelli has an international sideline so extensive that he's practically a one-man state department for the Mob. He has holdings in Venezuela and the Dominican Republic, and throughout the hemisphere is known as the man to see for guns and munitions when a government is to be overthrown or a rebellion is to be put down. For example, through the years he shipped arms to Dominican leaders, selling with fine and profitable impartiality to Trujillo and the men who overthrew him. (In next week's issue more will appear on Zicarelli's business interests.)

Even Zicarelli's domestic connections extend well beyond the confines of Hudson County, into the chambers of the U.S. Congress itself. Indeed, he is on the best of terms with the widely respected Democratic representative from Hudson County, Congressman Cornelius E. Gallagher. Gallagher is one of the bulwarks of the House Foreign Affairs Committee and was seriously mentioned before the 1964 Democratic convention as a possible running mate for Lyndon Johnson. Bayonne Joe and his congressman seem to have a lot to talk over, judging from the frequency of their get-togethers. These usually take place a long way from Washington or Bayonne—where Gallagher lives and Zicarelli runs the rackets. Sometimes the setting is a picturesque wayside inn off the Saw Mill River Parkway, north of New York, and the occasion is an unhurried and chummy Sunday brunch.

The Mob: Part II

The most shocking truth about organized crime in America is that all of us, one way or another, one time or another, pay tribute to the Mob. Out of ignorance, greed, easy tolerance or fear we help it grow fat with our money—whenever we deal with the Mob's businesses, its agents or those beholden to it: when a housewife buys the product of a Mob-controlled company; when a teen-ager feeds a Syndicate-owned jukebox; when a businessman negotiates a quick loan with a Mob usurer; when a slum dweller plunks down 50 cents and hopes his lucky number will come up.

Last week Life described the Mob's intricate structure, its terror tactics and how it neutralizes politicians and policemen with the Fix. This week's subject is the Mob's economic muscle—often veiled by a surface legitimacy and respectability: where it comes from and how it grows. One place it comes from is illegal sports betting, a weakness shared by millions of American males and a business thoroughly dominated by the Mob. Another, growing source of economic strength is "legitimate" business investment, a field in which Carlos Marcello, the five-foot-two Mr. Big of Louisiana, is a peerless exemplar. The Mob's other money-gathering techniques, ranging from "skimming" cash at legal gambling casinos to selling munitions to foreign governments, are chronicled in the article beginning on page 98.

There was a time when you could spot a leading gangster by the hard-eyed bodyguards on either side of him. Not today. Instead of bodyguards, the men on either side are apt to be an accountant and a lawyer. The change in image signals a change in style. The direct, bullying, pay-up-or-else method of extortion has given way, except for anachronistic exceptions, to such tactics as juggling (or stealing) stock shares and acquiring memberships on corporate directorates. The Mob has shined its boots and planted them in the marketplace. "Sophistication," it's called—the Mob has become sophisticated. But it is important to remember that the boots are still caked with filth, the or-else factor is still present. For all their transparent dignity, the men who run La Cosa Nostra are still murderers and thieves. For all its superficial polish, their operating procedure still depends on violence and corruption.

The full extent of Mob involvement in legitimate business is known only to the mobsters themselves. It is at least possible that it is their major source of revenue. What is certain is that the infiltration of respectable enterprises has not decreased their sway over the less reputable variety. The Mob may venture into new and stimulating realms, but it also stays with what it knows.

More than from any other source, far more than from dope, prostitution and loan-sharking combined, the Mob thrives by exploiting the almost universal human urge to gamble. Each year it handles $20 billion in illegal bets, of which it keeps $7 billion profit. At least half of this is the rakeoff from betting on sports events.

Every day in every city, by telephone and in person at outlaw betting centers like the roadside market at right, thousands of sports fans lay in wagers on the outcome of football, basketball and baseball games, horse races and boxing matches. On every bet made, be it $1 or $10,000, the Mob collects a cut of the action, called vigorish—usually 10%.

But the appetite of the Mob is boundless. Its involvement in sports has lead to widespread attempts to corrupt—or at least to "use"—individual athletes and coaches of high reputation. To the extent that such corruption succeeds, it threatens the fabric of spectator sport in the U.S., which depends for its existence on public confidence in the honesty of the game.

Inside information is the lifeblood of the bookie handicappers who run sports betting—a nationwide syndicate of big and small-time operators who are protected, partly staffed and almost totally controlled by Cosa Nostra. They need specific up-to-the-minute reports on the physical and mental condition of the teams involved—the kind of information that goes deeper than that on the sports page. They use it to set the betting line—the odds or the number of points by which one team figures to beat another. And, if they can get even more solid indications of the outcome of a sports contest—by fixing it—all the better.

Accuracy in the assessment of a contest can pay princely dividends and mobsters are skilled at prying the information they need from the sources: the college and professional coaches and players themselves. They ingratiate themselves as friends and fellow sportsmen, doers of favors and, above all, good listeners. The success of their operation depends largely on how well the mobsters are able to build and maintain these pipelines to coaches and players who, either innocently or for their own advantage, feed them information.

The biggest of the bookie-handicappers—at least until his recent gambling conviction—is one Gilbert Beckley of Miami. When the FBI nabbed Beckley on Jan. 8, 1966, his records showed that on that day alone he handled $250,000 in bets and turned a profit of $129,000.

Top bookies are known among themselves by numbers—just like players on the gridiron. Beckley uses No. 1 or 111; Frank Rosenthal of Miami, 3; Eugene Nolan of Baton Rouge, La., 98. This allows for quick, nameless communication and also refers to the page number in the books in which the gamblers record business dealings among themselves.

In Beckley's black book police last year found next to a phone number the word "Skiball," the nickname for Francesco Scibelli. Scibelli, a member of the Genovese Family of Cosa Nostra, runs a gambling syndicate in Springfield, Mass. Scribbled next to "Skiball" was the name of Bob Cousy, one of the half-dozen greatest players in basketball history. Before his retirement in 1963, Cousy helped the professional Boston Celtics to six world championships. Since then he has been a successful head coach at Boston College.

Questioned by Life, Cousy denied knowing Beckley but admitted that Scibelli was a friend whom he had met through an even closer friend, Andrew Pradella. Pradella, it turned out, is Scibelli's partner in bookmaking. Because they always have such excellent information, the Scibelli-Pradella ring is known as the "Scholar Group."

Cousy admitted he knew the two were gamblers and that he often talked to them about both pro and college basketball teams and their chances of winning. "I'd be having dinner with Pradella when Scibelli would come over," said Cousy. "They got together each night to balance the books or something."

Did Cousy realize his friends were using what he told them to fix betting lines and to make smart bets of their own?

"No," said Cousy. "I thought they figured the betting line with mathematics. But it doesn't surprise me. I'm pretty cynical. I think most people who approach me want to use me in some way."

Cousy conceded he had been warned about his associates by Boston police as long ago as 1963. But he refused to end the relationship, even after an experience that shook him up a bit. Pradella, he said, invited him to a banquet in Hartford that turned out to be a gangster conclave. "Police were watching the place," said Cousy, "and the whole Mob was there."

Cousy still defends his actions. "In this hypocritical world we live in," he said, "I don't see why I should stop seeing my friends just because they are gamblers. How can I tell Andy when he calls and asks about a team that I won't talk to him about that?"

The arrest of Beckley also led to the disclosure that as recently as last season he had been secretly feeding information about suspected fixing of pro football games and betting by players to the office of pro football commissioner Pete Rozelle. In return, Rozelle's chief investigator, William G. Hundley (a former head of the Justice Department's Organized Crime Division), wrote a letter to the U.S. Probation Office seeking lenience for Beckley on grounds that he had "cooperated" with the league on "certain matters."

The "certain matters" presumably included investigation of the relationship between a star American Football League quarterback and two bookies, Carmello Coco and Philip Cali. The inquiries were stepped up after the player's teammates were overheard in the locker room angrily accusing him of "throwing" the game they had just lost. But no public accusation has yet been made.

Another potentially explosive situation involves the strange affinity that several members of the Boston Patriots pro football team have for a ramshackle roadside store in suburban Revere, Mass., named Arthur's Farm. Behind its shabbily humdrum front, Arthur's Farm turns out to be a beehive of Mob activities. It does a fast business in sports betting and the exchange of stolen property, and doubles as an informal conference hall where gangsters can get together with people who are of use to them.

The proprietor is Arthur Ventola, a convicted fence. Among the regular habitués are Arthur's kinsmen—Nicholas (Junior) Ventola and Richard Castucci, both active bookies. Another is Henry Tameleo, a lieutenant of New England Cosa Nostra Boss Raymond Patriarca who, with Tameleo, is now awaiting trial for an interstate gambling-and-murder conspiracy.

Another regular at the farm, it turns out, is Babe Parilli, quarterback of the Boston Patriots. "Half the team goes out there," Parilli told Life. "One of the coaches, too. But we're not doing anything wrong." Parilli admitted knowing Arthur and "Junior" and to having met Tameleo. He insisted he did not know they were mobsters, or that they used information garnered from Parilli and the other Patriots to make a killing on "informed" bets.

Why, then, do Parilli and his teammates visit Arthur's Farm so often? "We stop on the way home from practice," says Parilli, "to buy toys, razor blades and things we get at wholesale prices."

Ask for Carlos Marcello in Louisiana and you will immediately be recognized as an outlander. Ask for the "Little Man" and, even though you won't get him, a lot of natives will at least know whom you're after. At a barrel-chested 5-foot-2, Marcello is undeniably short. But he's not little. He is so potent, in fact, that Cosa Nostra mobsters in the east—as was reported in last week's LIFE—gave him the contract to try to spring Teamster boss Jimmy Hoffa from prison, and put $2 million at his disposal to take care of whatever fixing might be entailed.

Marcello is one of Louisiana's wealthiest men. His total worth has been estimated at $40 million and more. He owns motels, a juke-box and vending machine company, a sightseeing bus line and a 6,500-acre estate in Jefferson Parish outside New Orleans. His clothes are well-tailored, his cigars imported, and when he gave his daughter in marriage, the bridesmaids all received mink stoles. He contributed $100,000 to agencies helping victims of Hurricane Betsy in 1965 and has plunked down $10,000 for the Girl Scouts. He is also a hoodlum and the lord of one of the richest and most corrupt criminal fiefdoms in the land.

Marcello's realm extends from the Ozark foothills to the Mississippi River Delta, and within that realm his power is majestic. He operates through a complex of political fixes which enable him to control or influence the makers and enforcers of law at every level of state government. When he's out of his realm, though, he's apt to get nervous.

Marcello and several other Cosa Nostra hoods were arrested last year after a lunch in a New York restaurant. Posting bail promptly, he flew back to New Orleans. To his chagrin, he was greeted at the airport by a horde of federal agents, policemen and reporters. This was too much for the Little Man. "I'm the boss around here!" he shouted, pushing his way through the crowd. "There'll be no more of this. Are you looking for trouble?" Then he took a roundhouse swing at the nearest offender. It happened to be FBI agent Patrick Collins, and the next day found the Little Man charged with assaulting a federal officer.

State authorities, for the most part, take the view that Marcello and his gang aren't there. "I'm thankful we haven't had any racketeering to speak of in this state," says Governor John McKeithen. To McKeithen, Marcello is nothing but a "thug" without influence or power.

Marcello tries hard to encourage this dreamy notion. Few of the companies he controls are in his name, and he stays discreetly behind the scenes in the illegal but wide-open gambling casinos he controls in Jennings, Lafayette, Bossier City, West Baton Rouge and Morgan City. He is screened by his brothers and his son, Joe, who operates a motel. One brother, Pete, is the proprietor of a strip-tease bar in New Orleans. Another, Joe, runs the family restaurant, Elmwood Plantation. Brother Pasquale runs a bar, brother Vincent heads the jukebox company and brother Sammy is in charge of bookmaking. Home base, the $22 million estate named Churchill Farms, is a corporation. The majority interest is controlled by Carlos, his son and his brother Joe.

The Fix seems to weave through Louisiana like a muddy creek. Associations and alliances that would cause scandals elsewhere are amiably tolerated there. Political and economic leverage is often a matter of friendship or social connection, and there is no neat line to separate the good guys and the baddies. Aaron Kohn, who came from Chicago in 1953 to head the Metropolitan Crime Commission in New Orleans, was astonished at this. "After about a year," he recalls, "I began to realize something about the system down here. In Chicago, people were generally on one side of the fence or the other—honest or crooked. But in Louisiana there just isn't any fence."

McKeithen will order the state police into action against gambling, but only when it becomes "flagrant or notorious"—in effect, when someone important complains or news of the gambling gets into print or is railed against from the pulpit. He knows it doesn't pay to be overzealous. "Look at Grevemberg," he says, referring to ex-State Police Superintendent Francis Grevemberg. "He cracked down on gambling. He was tough. He went around with a flashlight and an ax, bursting up little honky-tonk places. Do you know where he placed when he ran for governor? Fifth!"

In this atmosphere the Little Man can maneuver as freely and happily as a pig in a wallow. He was convicted in 1930 of assault and robbery (he received a full pardon in 1935 from Governor O. K. Allen) and in 1938 of selling marijuana, for which he served nine months in the federal prison at Atlanta. Since then there has been sporadic court action against him—most of it initiated by the federal government—but no convictions.

In Orleans Parish, the chief law officer is the celebrated Jim Garrison. Garrison is friendly with some Marcello henchmen, but that, says the district attorney, is a coincidence without significance. "It doesn't mean anything," Garrison told LIFE, "because I have no connection with Marcello. I don't have to worry about things like that. I've cleaned up the rackets in this town."

Garrison says he knows Marcello's bookmaking brother Sammy—"I've seen him at the New Orleans Athletic Club and Moran's Restaurant"—but denies knowing that he is a bookie. Also among his acqaintances is Mario Marino, a Marcello lieutenant who moved from New Orleans to the Sands Hotel in Las Vegas 10 years ago. When Garrison goes to Las Vegas, he is the guest of the Sands and Marino makes the arrangements.

Three times since 1963, the Sands has paid Garrison's hotel bill. On his last visit in March the tab was signed by Marino himself. Garrison was also granted a $5,000 credit in the cashier's cage, which meant he could gamble up to that amount without putting his own money on the table. At that time the Sands operated one of four Las Vegas gambling halls controlled by Cosa Nostra Bosses.

Garrison contends that he didn't gamble and that Marino gave him the credit so he could cash checks. He is unable, he told LIFE, to see anything wrong with a prosecutor freeloading at a Mob-controlled casino. He said he felt it was customary for casinos to pick up the hotel tabs of public officials. "I may be naive—this is my first public office—but I don't see what's wrong with it," he said. "I imagine any D.A. would have a good credit rating [in a casino]." He also denied knowing about Marino's involvement with Marcello, though he insisted it made no difference—"I have no connection with Carlos Marcello."

Judge Andrew Bucaro, a municipal court judge in New Orleans, freely discusses his friendship with Marcello, an old pal and a remote relative by marriage. He admits that he attends frequent parties at Churchill Farms, but says his visits have nothing to do with judicial discretion. "We don't discuss cases," he says, "we just barbecue goats on a spit. There is nothing sinister about our relationship. Carlos Marcello needs a Fix in the municipal court as much as Rockefeller needs to steal pennies."

Jefferson Parish south and west of New Orleans, is far more vital to Marcello than the city itself. Within it are his headquarters, the Town and County Motel; his vending machine-jukeboxes firm, the Jefferson Music Company; and a bookmaking ring. And since Jefferson Parish is Marcello's home base, the fixing that goes on there is as visible as it is flagrant. Marcello has prospered without noticeable interference by Jefferson's District Attorney Frank Langridge—whose chief investigator, Joseph "Zip" Chimento, was convicted in 1943 of bribing a witness to help two Mafia chieftains. Chimento was a collector for Marcello's jukebox firm before he joined the district attorney's staff.

But Marcello's interests extend far beyond Jefferson Parish. In Bossier City, an open town across the Red River from Shreveport, he owns gambling joints, B-girl bars and brothels. Many of his employes are refugees from Phenix City, Ala., who were run out of town when organized sin in that town was routed 13 years ago. In one section of east central Louisiana, Marcello controls gambling and other vice with muscle provided by the Ku Klux Klan. On Highway 190 near Baton Rouge he has a new windowless casino, officially called a bingo parlor, due to open this month. It is presided over by Frank Vuci, once personal bookie to the late Governor Earl Long.

Whenever possible, Marcello is kind to sheriffs. At a peace officers' convention in Bossier City last spring, one Louisiana sheriff was accompanied by Vuci, who paid all his expenses. When it appeared the conference was running short of cash, Marcello offered to spring for the whole meeting. Another sheriff, together with members of the Louisiana Racing Commission, was a dinner guest of Marcello at the Evangeline Downs race track last April 20.

Like all modern mobsters, Marcello has been expanding his legitimate enterprises. His Jefferson Music Company almost monopolizes vending machines and pinball games in Jefferson Parish. Each year he lends thousands of dollars to restaurant or tavern owners if they agree to accept his jukeboxes, cigarette machines or pinball games. His bus firm, Southern Sightseeing Tours, has a near monopoly in New Orleans.

The biggest deal on his horizon, however, is the proposed domed stadium which will house New Orleans' new National Football League team, the Saints. Marcello has offered to give the city 200 acres of Churchill Farms as a site for the arena—an act of generosity at least partially motivated by the expectation of getting a $1 million-a-year parking concession.

As his wealth, influence and infamy have increased, Marcello has become more interesting to federal lawmen. Although rarely able to prosecute him, they have managed from time to time to make him squirm. For years a deportation case has been pending against him; he was once forcibly grabbed by Justice Department agents and hustled onto a plane to Guatemala. His immigration troubles have led him to the ultimate bribe—putting the Fix on an entire nation. Marcello was born in Tunisia of Italian parents. Because Tunisia's status has since changed—it was a French protectorate when he was born there in 1910—it will accept no responsibility for his nativity. Neither, at present, will Italy. Marcello has been paying $25,000 a year for many years to a high-ranking official in the Italian government to ensure that Italy doesn't change its mind.

Since Cosa Nostra sells no shares and files no annual reports, no one can say for sure just what its legitimate investments amount to—indeed, the way of Mob operates, it is difficult to distinguish "straight" money from crooked. The best hint came from gangland's own financial wizard—Meyer Lansky himself—who made a modest appraisal of the Mob's private holding.

"We're bigger than U.S. Steel," said Lansky.

Even though U.S. Steel's assets are $5,642,379,942 and its 1966 profits came to $249,238,569, Lansky's boast strikes federal investigative agencies as conservative. The gangsters are in almost everything, foreign and domestic. Their holdings range from Big Board securities to diaper services.

But if mobsters turn "legit," some people will say, isn't that all to the good? The answer is no. Over the last decade, government investigations have proved that a lawful enterprise doesn't remain legitimate once the gangsters get into it. Thievery is their way. Their executives are extortionists. Some of their salesmen are killers. A huge national food chain found this out, to the general horror of its personnel and its customers, as will be detailed later in this article.

The Cosa Nostra establishment in legitimate business is international and astonishingly intricate. It has employed—in addition to the predictable crew of sharpshooting accountants, gamblers and union officials—figures as diverse and improbable as a United Nations delegate and bankers with diplomatic passports from Iron Curtain countries.

As highly sophisticated forms of theft have gained favor in Cosa Nostra, the old-fashioned shakedown has become almost as rare as the white hat. It is regarded as unnecessarily risky. Three mobsters in the Gambino Family—Willie Dara, Tony Esperti and Nick Farinella—tried it the old way in Miami this year: a bold attempt to squeeze $25,000 out of a Miami store owner, John Maloney, "for the people up north." Maloney simply called the FBI, which made the case. The three hoods, convicted of extortion on Maloney's testimony, face prison terms up to 40 years. Such throwbacks to the old days of the "protection" racket get one response from a majority of today's hoodlums. Stupid.

It's safer by far to make a buck the way a Genovese Family *capo*, Nicolas Ratteni, does it—hauling garbage in the New York suburb of Yonkers. Ratteni simply squeezed out other firms until he had 95% of the garbage collection business. Though he is still a gangster, at least, he appears to be serving his customers as opposed to shaking them down. Woe, certainly, to would-be competitors—but most of them can be dealt with through the Fix, somewhere short of violence.

The true bonanza the Mob has struck in legitimate business is "skimming"—diverting a portion of cash receipts off the top to avoid taxes. Chiefly for this reason the tycoons of Cosa Nostra tend to flock to any enterprise that has a heavy flow to cash—vending machine companies, jukebox firms, cigarette machine routes, some box offices and ticket agencies (the scalping of sports and theater tickets is a form of skim), and, of course, licensed gambling casinos. Then they proceed to steal large sums before they can be entered on the books and come under the eye of the IRS.

It follows that the money derived from the skim is ideal for greasing the wheels of organized crime. It pays off politicians, crooked cops and killers. It is also used as tax-free bonuses to persons with no gang connections at all—only greed. One well-known film star, for example, received $4,000 under the table in addition to his one-week contract price of $20,000.

A single jukebox or cigarette machine business may yield thousands in skim. FBI agents in Chicago discovered that Eddie Vogel in a period of a few months skimmed $130,000 from his music and vending machines. He and Momo Giancana actually counted it up amid the linens and tomato paste in a back room of an Italian restaurant, the Armory Lounge.

The biggest skim yet discovered took place in the legalized gambling casinos of Las Vegas from 1960 to 1965; many details of it are being disclosed here for the first time. Its breakup by federal agencies has sent the Mob scurrying all over the world—to places like England, the Caribbean, Latin America and the Middle East—in search of a bonanza to replace its profits. Some $12 million a year was skimmed for gangsters in just six Las Vegas casinos; the Fremont, the Sands, the Flamingo, the Horseshoe, the Desert Inn and the Stardust.

One notable example of a skimming transaction concerned $75,000 owed to the Fremont and Desert Inn by Alexander Guterma, a celebrated swindler. The money was collected, but never reached casino ledgers. It was conveyed as skim through Panama branches of Swiss banks by Eusebio Antonio Morales, at that time Panama's alternate delegate to the United Nations. (Currently Morales is Panamanian ambassador to the United Kingdom.)

Las Vegas is one of the so-called "open" territories agreed upon by the Mob, where all Cosa Nostra families are relatively free to operate and invest. The carving up of the gambling skim among various Cosa Nostra leaders follows a ratio determined by each mobster's secret interests in the casinos. Each hidden share of a casino was priced in underworld markets at $52,500. The dividend on each share was $2,000 a month—or about 45% annual return.

During the lush years of 1960–65, Gerardo (Jerry) Catena's gang in New Jersey split up some $50,000 a month. Meyer Lansky and Vincent Alo, the Cosa Nostra shadow assigned to keep Lansky honest with the brotherhood, picked off some $80,000 a month. The Catena-Alo-Lansky money came from four of the six casinos—the Fremont, Sands, Flamingo and Horseshoe. Momo Giancana's take, from the Desert Inn and the Stardust, exceeded $65,000 a month. From the same two casinos, the Cleveland gang chief, John Scalish, received another $52,000 a month.

Skimming in Las Vegas, from casino counting room to Swiss bank, has always been overseen by Lansky, the Cosa Nostra Commission's most important non-member—always with the Cosa Nostra heavies peering over *his* shoulder. As cashier and den father of deliverymen, Lansky has remained the indispensable man.

A recurrent problem for Lansky's Las Vegas front men and accountants has been the reconciliation of the interests of a casino's owners-of-record, who hoped to profit, and its secret gangster owners, hungrily awaiting their skimming dividends. "How can you steal money and pay dividends?" Ed Levinson, chief of the Fremont Casino, once besought one of his partners. "You can't steal $100,000 a month and pay dividends. If you steal $50,000? Well maybe . . ."

Each month, when the skim was running smoothly, the bagmen shuttled between Las Vegas and Miami with satchels of cash. The couriers also brought the skim from Bahamian casinos to Miami. There Lansky counted it all, took his own cut and then parceled out the rest to the couriers who were to carry it to the designated Cosa Nostra hoods, or to the Swiss banks where they have their accounts.

Lansky's bagmen have been a diverse and colorful lot. Among his all-stars from 1960 to 1965:

Benjamin Sigelbaum, 64, business partner of Robert G. (Bobby) Baker when Baker was secretary of the Democratic majority in the U.S. Senate. Sigelbaum is a man with general affinity for political connections. Back in 1936, he was convicted in Camden, N.J., and given a suspended sentence for concealing assets in bankruptcy. By 1958, he was given a full and unconditional pardon by President Dwight D. Eisenhower.

John Pullman, 66, a banker in Switzerland and the Bahamas who once served a prison term for violating U.S. liquor laws. Pullman gave up his American citizenship in 1954 to become a Canadian. He now lives in Switzerland.

Sylvain Ferdmann, 32, a Swiss citizen who is an international banker and economist. U.S. authorities have marked Ferdmann a fugitive; he is accused of interfering with the federal inquiries into the skimming racket. In 1963, when Teamster boss Jimmy Hoffa needed to raise money for union officials' surety bonds, he dickered with Ferdmann.

Ida Devine, 45, the only woman to carry the satchel for Lansky. She is the wife of Irving "Niggy" Devine, a ubiquitous Las Vegas racketeer.

Sigelbaum and Mrs. Devine traveled from Las Vegas to Miami; Ferdmann from the Bahama casinos to Miami; Ferdmann and Pullman from Miami to the numbered-account banks in the Bahamas and Switzerland.

The Mob's skimming cash flow was a remarkable study in itself. It generally moved first through two Bahama banks—the Bank of World Commerce and the Atlas Bank—and then on to the International Credit Bank in Switzerland.

As of 1965, the boards of directors and staffs of all three banks were studded with both skimmers and couriers. The president of the International Credit Bank was Tibor Rosenbaum, a man who travels on a diplomatic passport from Albania. On the board were Ed Levinson, operator of the Fremont Casino, and Pullman. Ferdmann was listed as a staff "economic counselor," and it was he who organized the Atlas Bank in the Bahamas, as a subsidiary of the I.C.B.

The directors of the Bank of World Commerce, also in the Bahamas, included Pullman (for a time he was its president); Levinson; Sigelbaum, and, once again, Niggy Devine, Ida's husband.

Sigelbaum holds the overland record for bag-toters. For more than two years, he jetted between Las Vegas and Miami two or three times a month, carrying an average of $100,000 each trip.

When investigative heat neutralized Sigelbaum as a courier, Lansky brought on the lady in mink," Ida Devine. The list of people and places on one remarkably devious trip she made to Miami is a fascinating vignette in the annals of bag-toting.

It took her from Las Vegas to Los Angeles, thence by train (she hates flying) to Chicago, Hot Springs, Ark., back to Chicago (see pictures), then to Miami—hanging on all the way to a bag containing $105,650 in skim money. On her first Chicago stop she was met by Mrs. George Bieber, wife of an attorney who represents gangsters. On her second arrival in Chicago, she was met by Bieber's partner, Michael Brodkin, whose Mob clients are even more numerous. The money ultimately was split up in Miami by Sigelbaum and Pullman: $63,150 for Lansky, $42,500 for Jerry Catena in New Jersey.

At the time, Pullman was toting the skimming money from Miami to the Bank of World Commerce in the Bahamas. But a few months later he, like Sigelbaum, was forced to relinquish the bag—this time to Sylvain Ferdmann.

Ferdmann took over both the transcontinental and transatlantic bag routes for most of the next two years. His contacts in this country were bizarre, including functionaries and members of the Communist party in New York, and a man who had big financial dealings with the Czech delegation to the United Nations. The conclusion drawn by investigators—from Ferdmann's contacts, from the fact that the International Credit Bank has strong ties with Communist countries and from the fact that his bag was stuffed with money both going and coming—was that there was a flow of Communist money coming back through the skimming conduit.

Ferdmann made one bad blunder in all this. On March 19, 1965, as he was loading his satchels into the trunk of an auto at Miami airport, he dropped a piece of paper from one of his pockets. It was found by a parking attendant, who turned it over to authorities. It was a note on the letterhead of the International Credit Bank:

"This is to acknowledge this 28th day of December 1964, the receipt of Three Hundred and Fifty Thousand ($350,000) Dollars, in American bank notes for deposit to the account of Maral 2812 with the International Credit Bank, Geneva, the said sum being turned over to me in the presence of the named signed below."

John Pullman was listed as a witness on the note. Under his own signature, the cautious Ferdmann had added this postscript:

"The above is subject to the notes being genuine American banknotes." Here for the first time was a document proving not only the receipt of the Mob's skimming money by the Swiss bank, but also providing the account number.

Inevitably, America's stock market fever over the last two decades caught the eyes of Cosa Nostra and led to the establishment of a highly lucrative new subsidiary market—traffic in stolen securities. To handle everything smoothly the Mob put together yet another international network of couriers, shady financiers and banks. This apparatus began functioning two years ago during a series of Wall Street robberies that authorities traced to the Brooklyn gang of Cosa Nostra Commissioner Joe Colombo. Colombo seems to fancy the world of finance. He often stuffs a copy of the *Wall Street Journal* in his pocket, an affectation looked upon as ostentatious by those acquainted with his comic-book reading habits.

Since 1962, in just six thefts in Manhattan, Colombo's men are believed to have made off with securities valued at $8 million. The latest score attributed to the Colombo thieves—one which received virtually no publicity—was the brazen looting last May 14 of safes in the Manhattan borrough surrogate's office. The safes contained securities and other assets of estates handled by the surrogate's office. It was announced at that time that the amount of the loss was undetermined. Investigators have since determined that the thieves grabbed at least $500,000 worth of securities. That much of the loot was transported to Belgium by a courier who dropped it into a Brussels bank. The Belgian bankers then were somehow induced to send the stolen securities back to this country for sale.

Other securities from other robberies are known to have been sold by the Colombo Mob to banks in West Germany, France and Africa. Arrangements for many of the sales were made by a London fence—another improbable character: Alan Cooper, 36, an ex-GI who served a prison term for a bank robbery in Germany.

Colombo's gangsters manage even bigger profits—though at greater risk—when they can induce a U.S. banker to accept stolen stocks as collateral for a loan. The mobsters then put the money borrowed on the hot securities into quick-profit loan-sharking which enables the Mob to pay back the banks so soon as to cost practically nothing in interest. The gangsters retrieve the stolen stocks and bonds, and then—if all works well—post the hot securities for a second loan from yet *another* bank. All the time this is going on, shylocking fees are still piling up from hapless borrowers who got money from the original loans. Colombo has been known to double his money in less than two months through this repeated cycle. The key, of course, is a banker devious enough to accept the stolen collateral. Federal officials have identified a dozen such bankers in the New York area who have issued loans to Colombo's men on stolen securities. All of them are "hooked" by the Mob in some way, through physical fear or blackmail.

The foremost internationalist among all Cosa Nostra entrepreneurs is neither skimmer nor stock swindler, but old Bayonne Joe Zicarelli—the Hudson County hustler of goods and politicians, "Joe Z's" extensive line includes military aircraft parts, munitions and murder contracts.

Although Zicarelli, at 55 isn't a top-notcher in the Mob, the international operations he has conducted from the Manhattan offices of the Latamer-Shipping Co. show how well an enterprising Cosa Nostra second-stringer can make out if he hustles.

Zicarelli and the former Dominican Republic dictator, Rafael Trujillo, were fast friends. Trujillo shelled out more than $1 million to Joe for machine guns, bazookas, etc. With Trujillo's assassination. Zicarelli quickly proved he is without political bias; early this year, the U.S. State Department found that Joe's emissaries were dickering with present Dominican leaders to take over an airline.

Another friend was erstwhile Venezuela President Pérez Jiménez, during whose dictatorship Zicarelli landed a $380,000 contract to supply aircraft parts to Venezuela. Profit: some $280,000.

This was by no means the extent of Joe Z's Common Market. In the 1950s, when his deals with Venezuela were cooking, Zicarelli staunchly volunteered to officials of that country to arrange the assassination of the exiled Venezuelan political leader Romulo Betancourt. The plot bogged down in unseemly haggling over Zicarelli's fee: $600,000.

There is no measure of how much money Zicarelli made from Trujillo. But in the past two years federal investigators have discovered that he did a lot of work, whatever the price. Details of just *how* much he did have never been disclosed until now. One of his little favors for Trujillo: the 1952 execution of Andres Requena, an anti-Trujillo exile. Zicarelli gunmen shot Requena in Manhattan.

Next on Trujillo's list was another exile, Jesús de Galíndez, a teacher at Columbia University. Joe Z arranged that one, too. In a famous case, Dr Galíndez was kidnaped in Manhattan on March 12, 1956. At a Long Island airport, he was loaded aboard a private plane and flown by an American pilot, Gerald Murphy, to the Dominican Republic. Both De Galíndez and Murphy vanished and are presumed to have been slain.

The plane used by De Galíndez' abductors was chartered at the Linden, N.J. airport on March 5, 1956. Federal authorities have learned that the aircraft was chartered by Joe Zicarelli.

On his home ground in Bayonne, Joe Z has performed similar services for prominent people. For example, in the fall of 1962, the body of a Bayonne gambler was hauled by Zicarelli's men from the home of a Hudson County political figure—placing the politician more than slightly in Zicarelli's debt.

It wasn't one of Tony Anastasio's good days. In the fall of 1957, everything seemed to be going against him. Once upon a time, the Cosa Nostra power of his brother Albert, the old Lord High Executioner of Murder, Inc. fame, had made Tony boss of the biggest local of the International Longshoremen's Association (ILA). But Albert had been murdered in a Manhattan hotel barber chair, and now Tony—"Tough Tony," as the press had taken to calling him—was a union boss in name only.

The brooding Anastasio was flying to Miami for a few days in the sun. In the seat beside him, as it happened, was an official of a federal law enforcement agency. They knew each other. After about three drinks, Tony began to share his troubles with the official, who was notably sympathetic.

They talked of what had happened to Albert, and suddenly Tony blurted: "They *gave* me to Gambino!".

"I got to answer to Carlo," he moaned to his astonished companion. "Joe Colozzo told me I'm nothing but a soldier."

"They," of course, were the Cosa Nostra Commissioners, who had put Anastasio—not to mention his 14,000 union members—under the control of Carlo Gambino, who had taken over the slain Albert's Costa Nostra Family.

Until now, Joe Colozzo had been just another of Tony Anastasio's gangsters in the Brooklyn longshoremen's union. Now he was Gambino's strongman—and Tony was suddenly nothing.

That was the way it was in the Brooklyn ILA in 1957. That, according to the experts, is still the way it is today—regardless of recurrent publicity about a "new look" on the seamy waterfront. Though the public was understandably eager to interpret the waning of Anastasio's power on the docks as a sign of a real clean-up of Mob control, such was not the case. After Tony's death in 1963, and despite some reforms instituted by the New York-New Jersey Waterfront Commission, it was still business as usual for the Mob.

FBI Director J. Edgar Hoover told a congressional subcommittee that the gangsters are so powerful on the docks that ". . . ultimate control . . . of the New York port, including New Jersey facilities, rests with the leadership of the Vito Genovese and Carlo Gambino 'families' of La Cosa Nostra." Hoover's statement was echoed by Henry Peterson, chief of the Organized Crime Division of the Department of Justice. Peterson, in fact, went a bit further. He told a crime control conference of the "more than effective liaison between the ILA, the Cosa Nostra, and the Teamsters [union]."

The Mob's power over the nation's biggest port and its rackets—shakedowns, shylocking and thievery—stems from its grip on ILA locals. The Gambino gang today dominates the unions on the Brooklyn piers. On the docks of Manhattan and in New Jersey ports, the Vito Genovese gang is rigidly in control.

The most outspoken exponent of the waterfront's "new image"—and its most vociferous gainsayer of claims about the ILA ties with Cosa Nostra—is Tony Anastasio's son-in-law, Anthony Scotto. The death of Anastasio left his ILA local 1814 in the hands of Scotto, a handsome, remarkably self-assured young man who says he is "disturbed no end" to hear statements such as Hoover's and Peterson's. By that, one interviewer asked, was Scotto implying that there is no Cosa Nostra?

Scotto dropped his voice.

"Between you and me, I *know* there is," he said. "But I'm not going to talk about it. I don't want to fight the whole world. I've got to drive home every night and back to work again in the morning."

What about the view, expressed in some parts of the law enforcement establishment, that Scotto is actually a member of Cosa Nostra?

"Pure, unadulterated ————," replied Scotto.

The talk turned to the gangster Colozzo, whose privileged status in the ILA headquarters in Brooklyn almost surpasses Scotto's. "I know everything you could tell me about Colozzo," said Scotto. "He is supposed to be telling me what to do. *No* one tells me what to do." He is equally airy about Cosa Nostra Commissioner Gambino: "I've met him once or twice—you know, at funerals."

Now and then, nevertheless, he goes to a lot of trouble to assist Gambino's kin. Last year, Scotto dispatched one of his union aides, Natale Arcamona, to Vietnam to speed up the unloading of Army cargo at Vietnamese ports. While Arcamona was there he received a very special assignment from Scotto; do what you can to get a comparatively safe post on the docks for a soldier—that is to say a U.S. soldier—who incidentally is a relative of Gambino.

Asked about the incident, Scotto quickly dismissed it. "I must have sent a couple of dozen of those telegrams for one guy or another," he said. "This is the first time I knew one of the fellows is related to Gambino. My name goes on a lot of things around the union. Sometimes you write a recommendation and then you regret it."

If Scotto is the prototype of the "new" ILA, it would have to be called an improvement—at least from outward appearances. He lectures at Harvard. He visits the White House. He attends international labor conferences. He is an officer of the recently founded American Italian Anti-Defamation League, Inc. (So is Dr. Thomas J. Sinatra, an ILA physician who happens to be Gambino's son-in-law. So, for that matter is Frank Sinatra—no relation.)

Unlike most ILA bosses, Scotto is chummy with public officials. At political gatherings, whenever he can, he seeks out and chats with U.S. Senator Robert F. Kennedy of New York. He lists public prosecutors as character references.

There is no question that when he's out in front doing the talking, Scotto is a polished, persuasive spokesman for the Brooklyn longshoremen. But behind him in the locals, the gangsters and their pals seem to be doing as well as ever.

Colozzo, for example, still brings Gambino's word to the ILA locals and acts as if *he*, not Scotto, were the boss of the Brooklyn piers. While Scotto bustles about the docks, Colozzo lazes in his union office. Barbers and manicurists come to *him*.

The expenditures of some ILA locals are under constant federal scrutiny, and one of them, currently, is Scotto's Local 1814. Particularly intriguing to federal officials are the fees paid in 1965 by the union to an accounting firm, the bulk of which were passed along by the firm to pay for a pad for Scotto's girlfriend. The firm, Farber & Landis, handles the books of Colozzo's and Scotto's locals and another ILA local, and also does the accounting for the ILA medical clinic fund in Brooklyn, and five businesses operated by Scotto and members of his family. In 1965, the fees from Scotto's local to Farber & Landis jumped from the $2,000 paid in 1964 to $7,000, or an increase of 250%.

Scotto insists that the firm got more money that year because it did more work. It was a coincidence, he said, that the accounting firm got the extra $5,000 at the very time that it incurred in additional expense—the $280 monthly rental paid by Farber & Landis for Penthouse K at 210 E. 58th Street in Manhattan.

The tenant in Penthouse K was Francine Huff, an auburn-haired fashion model and a warm friend of Scotto as well of E. Richard Landis, the accountant, and Louis Pernice, an official of Local 1814. A federal grand jury has been looking into Penthouse K.

"The grand jury tried to establish that the rental was paid with union funds," said Scotto. "That's not so. It was just a coincidence. The accounting firm paid the rent. We [he, Landis and Pernice] had a pad—it may have been immoral, but it was not illegal.

Union expenditures for such purposes would be misapplication of membership funds, a criminal offense under federal statutes.

According to Scotto, the grand jury called Miss Huff, Landis and Pernice. Miss Huff, he said, had invoked the Fifth Amendment.

Across the Hudson, in New Jersey, Catena's tight personal control of ILA locals has made Port Newark a flat Cosa Nostra concession. Catena's men in the Port Newark longshoremen's unions are John Leonardis, an ILA vice president, and Anthony Ferrara—known as "Ray Rats"—a business agent of Local 1235.

By Catena edict, New York officials of the ILA are forbidden to set foot on Port Newark docks without Leonardis'—*i.e.*, Catena's—O.K. The order was strictly enforced. An early violator was George Barone, a Manhattan ILA boss. Barone ventured over, without a Leonardis visa, to round up business for a ship maintenance company. A Catena warning—"Nobody spits in Port Newark unless we say O.K."—promptly chased him back to Manhattan. From there, Barone apologized, pleading ignorance.

For a price, or a piece of the action, however, Jerry Catena does permit gangsters from other Cosa Nostra families to set up shop in Port Newark. A Lucchese gang leader, John Dioguardi, for one, gave Catena an interest in an Emerson, N.J. gambling operation, and in return controls a union that organized Port Newark cigar workers.

Of all the malevolent things the Mob has perpetrated or tried to perpetrate on legitimate business and an unsuspecting public, nothing ever topped the Catena detergent caper. Indeed, it stands as a textbook example of what Cosa Nostra brings to the marketplace.

In the spring of 1964, Jerry Catena and his brother Gene wangled a contract from a manufacturer to wholesale an offbreed brand of detergent in the New Jersey area. Forthwith they began to push their "Brand X," as we'll call it here, through one of their front outfits, the Best Sales Co., of Newark. Best Sales has salesmen aplenty, of a sort—some 600 members of the gang that Jerry was running for Vito Genovese, plus others, such as representatives of the Amalgamated Meat Cutters and Butcher Workmen, and the Teamsters. Both had organized workers in food chain stores in New Jersey.

To move the Best Sales detergent Catena eventually pulled all the stops of Cosa Nostra power.

First, butchers' union agents began pointedly dropping word in food marts that the Best Sales product was a good thing. "Good people in that company," store managers were told, "particular friends of ours." Most of them got the message—and laid in a supply of the detergent, dutifully priced at 70c per box.

Early in 1964, the Catenas began thinking big, drawing a bead on the huge A & P chain. If the A & P could be "persuaded" to sell the product, or maybe even to push it over the big-name brands, the Catena boys would surely end up as soap czars.

There was no objection by A & P to testing the Catena detergent—indeed, it seemed for a few days that the Best Sales product was being favorably considered.

In April, however, A & P consumer tests disclosed that Catena's product didn't measure up to other brands—no sale. Within a few days, to add insult to injury, word reached Gene Catena that his detergent had been rejected *because A & P had learned that the Catenas were selling it*.

Gene, in a fury, promised to "knock A & P's brains out." And he tried.

On a May night in 1964, a fire bomb was tossed into an A & P store in Yonkers, N.Y. The store burned to the ground.

A month later, another Molotov cocktail touched off a fire that destroyed an A & P store in Peekskill, N.Y. In August, an A & P store on First Avenue in Manhattan was gutted, and in December, an A & P store in the Bronx.

Even then, though thoroughly frightened, executives of the chain did not connect the incendiary fires with their rejection of the detergent. The Catenas tried again to spell it out, in a more pointed way.

On the night of January 23, 1965, Manager James B. Walsh closed a Brooklyn A & P store and got into his auto to go home. A few blocks from the store, one of his tires seemed flat, and he got out to fix it. A car pulled up and four men got out. They killed Walsh with three pistol shots.

About two weeks later, on the evening of February 5, store manager John P. Mossner drove home to Elmont, N.Y. from his A & P supermarket in the Bronx. As he got out of his car in his driveway, a lone gunman stepped out of the shadows and shot him dead.

Two months after Mossner's murder, one more A & P store burned in the Bronx. The blaze had been started with a fire bomb.

Meanwhile, the butchers' union had begun negotiations on a new labor contract with A & P. The company's contract offers were rejected. The union made counterproposals which A & P considered outrageous. The butchers threatened to strike, and the Teamsters let it be known they would not cross the picket lines.

The A & P officials were growing frantic in the face of the apparently motiveless murders and fire-bombings and the deadlocked union negotiations. In desperation they appealed to the federal government for assistance of some kind.

It took about a month for government informants to link the terrorism with the Catena detergent sales campaign. But proving that connection by producing the informants in a courtroom was out of the question. Accordingly, U.S. District Attorney Robert Morgenthau brought Jerry Catena himself before the federal grand jury. On his way into the jury room the puzzled gangster asked a government official why he had been called.

"We want to know about your marketing procedures," the official said.

"Marketing of what?" asked Catena.

"Detergent."

Ah, *detergent!* As of that moment, the A & P's terror ended. Catena appeared briefly before the grand jury and hurried from the courthouse. At their very next negotiating session, the strike-threatening butchers signed the A & P contract they had rejected weeks before.

A few days later, a federal investigator ran into one Gerardo Catena in lower Manhattan and asked pointedly how things were going in the detergent business. Catena's muttered answer was close to pleading.

"I'm sorry," he said. "I'm getting out of detergent."

And that was all. To try to muscle a mob-backed product onto A & P shelves, Catena or thugs in his employ had burned out five supermarkets and had murdered two innocent store managers in cold blood. And yet, because the government could not jeopardize its own informants by bringing them into court, Catena suffered only the minor inconvenience of a grand jury appearance and the failure of his detergent scheme. Gene Catena died a month ago, of natural causes. Jerry Catena, the hoodlum boss, and his bomb throwers and murderers continue to walk around free.

The bloody case is a measure of what the country is up against with the Mob and what the law is up against in bringing the mobsters to justice. On the editorial page of this issue Life states what it believes can and should be done to put an end to this disgraceful state of affairs.

Official Cover-Up: A Flagrant Case in Point

If the Fix is the Mob's most useful tool, the Cover-Up is of equal importance to public officials who allow themselves to be fixed or who ignore Fixes. Case in point: the censoring of the official report on organized crime of President Johnson's own crime commission. As an apparent result of political pressure, specific findings relating to official corruption were watered down or omitted.

Convened in 1965, the commission had the mandate to conduct the most far-reaching study of U.S. crime ever attempted. To prepare a special report on syndicated crime, the commission called upon a leading criminologist, Professor G. Robert Blakey of Notre Dame. The paper he submitted ran to 63 pages and, using Chicago as an example, dealt with specific links between public officials and organized crime. But when the commission issued its own final report, the Blakey findings had been reduced to four footnotes.

Blakey himself has refused to comment on the censorship. The crime commission's executive director, Harvard Law Professor James Vorenberg, who edited the final report, has denied to Life that he did any tampering: "It's all in the footnotes. We didn't change a comma, and if somebody says we did, it's a lie."

Nonetheless, a lot did get left out. One commission investigator thinks he knows why. "I believe the report was emasculated by Vorenberg because we didn't dampen this and dampen that. There were protests from officeholders in Chicago and enormous pressure on us *not* to be specific."

Here, for the first time, are some of the suppressed items:

"The success of the Chicago group [of the Mob] has been primarily attributable to its ability to corrupt the law enforcement processes, including police officials and members of the judiciary. . . ."

"Control, sometimes direct, has been exercised over local, state and federal officials and representatives. Men have been told when to run or not run for office or how to vote or not to vote on legislative issues or [for judges] how to decide motions to suppress evidence or for judgments of acquittal."

Blakey's report also spoke of "racket influence" in the Illinois state legislature and charged that such influence had been used to hobble prosecutors and police.

Blakey had listed the high command of Cosa Nostra, whose names appeared in LIFE last week. Even this was deemed too hot for the final report. The reason is obvious: since Cosa Nostra leaders operate in specific localities, the mere fact of their success reflects on the performance of local officials.

WE CAN BREAK THE GRIP OF THE MOB

For too long, Americans have treated organized crime as a fascinating game of cops and robbers. We have watched from the sidelines, complacently sure that the violence and the corruption took place in some world apart from our own—and that anyway, the bad buys would get theirs in the last reel. We have refused to take organized crime seriously enough to mount a real attack against it. The conspiracy of crime prospers—and the cold catalogue of facts that Life has presented in the series that concludes in this issue must stand as an indictment not only of the Cosa Nostra but of all of us.

There is no boundary line now between the Mob's world and ours. Organized crime is gaining in sophistication if not in numbers, adapting the modern tools of economics and technology to the task of taking over great chunks of the economy.

More important than the economic damage, though, are the holes that are being chewed in the fabric of our political system. Cosa Nostra did not invent corruption. It has existed as long as man. But the Mob's operation depends for much of its success on its ability to search out the weak—and its resources can provide irresistable temptation. Its targets are few—a tiny percentage of all officials. But as long as it succeeds unmolested the impression grows that much of government is suspect.

To mount a war against Cosa Nostra, it is vital first to understand it—and to ask what it is in America that provides such a hothouse climate for a criminal system unparalleled in history. Born during Prohibition as a means to enforce a truce between competing gangs, the Mob has grown fat providing illegal "services" in fields where the customer demand is great.

National prohibition is gone. But the Mob has prospered by diversifying—into "services" like gambling, narcotics, prostitution, loansharking and bootlegging. Today its monopoly on illegal gambling alone yields a profit of nearly $7 billion a year—as much as the U.S. spends annually on its entire postal system. The first source of money for the Mob's treasury is the poor—the numbers player, the narcotics addict, the loan shark's victim. This was always comforting to the middle-class majority who were sure they were not involved. But the balance of the Mob's activities is shifting. It is involved in so much legitimate business now that it is no longer possible to ignore the fact that the Mob's reach is into everybody's pocket.

Cosa Nostra has learned well a basic law of economics. Money is worth nothing unless it is put to work. The profits of crime serve no function locked in a Swiss vault. But they represent tremendous power when they are brought back to this country and invested in legitimate businesses—businesses that often do not remain "legitimate" long, if the Mob takes over complete control. More and more, it is every consumer who pays—extra pennies for milk, higher road taxes for shoddy work, more for meals at restaurants where the Mob has a lock on the garbage removal.

Organized crime has often been referred to as a "government within a government." A key to its strength is the fact that the Cosa Nostra is an oligarchy—a despotism of the few. Control from the top is complete and unquestioned, with the exception of the occasional assassination or coup that is expectable in any dictatorship. And its structure is designed to take advantage of just those aspects of the American system that make ours a uniquely effective democracy.

We protect the rights of the individual above all else, with laws like the ones against wiretapping, self-incrimination and unreasonable searches and seizures. Our court rules of evidence are strict. And we prefer a number of local police agencies to one all-powerful national police force that smacks too much of governmental systems we deplore.

Members of Cosa Nostra have a better understanding of these safeguards than do most Americans. And they use them to insulate themselves from justice. They are perfectly willing to sacrifice the petty hoods that they franchise. But they attempt to insure that each link in the chain of evidence leading upward to themselves is one that can be screened by the protections our system affords.

The continued existence of Cosa Nostra is proof of how well the system has worked. In the period from 1961 to 1966, the government indicted 185 men out of several thousand in the Cosa Nostra—an organization whose methods are murder, kidnaping, extortion and torture. Of those indicted, 102 were convicted—20 on narcotics charges, 16 for tax evasion, eight for contempt of court, two for parole violation, even one for violating the Migratory Bird Act. The conspiracy of silence that protects members of Cosa Nostra from the penalties fitting their more serious crimes has rarely been breached.

The crucial need is for tools that will break that conspiracy of silence. And chief among these are wiretaps and "bugs." There is only one federal law explicitly dealing with electronic surveillance—and it is ambiguous. But the net result of recent court decisions is to rule out any evidence gained from wiretaps and bugs. Paradoxically, while the courts have blocked the one source that most law enforcement officials believe is crucial in organized crime cases, they have had little success in stemming the increasing use of such devices against ordinary citizens by everybody from industrial spies to jealous husbands.

Those who are concerned about the rights of the individual have good cause to worry about the indiscriminate use of electronic surveillance. It would be to their advantage to support a bill that would outlaw the use of any such equipment—unless its use had prior court approval. We favor the proposal that such approval should come from a panel of three federal judges for protection from abuses by obliging judges. Just as courts can authorize search warrants, they should be permitted to authorize electronic surveillance when it has been proved that the target is the conspiracy of organized crime and that normal evidence-gathering techniques have been thwarted.

There are other fronts on which we can move. We don't need a national police force, but we do need coordination among the dozens of agencies responsible for some phase of the fight against organized crime. In the federal government alone, 26 separate investigative agencies are involved. There is logic to the argument that the FBI shouldn't have to tell all it knows to the police chief of a mob-dominated town. The armed services system of sharing information on a "need-to-know" basis with other officials of proven reliability should serve as a model.

We need such things as strong campaign-fund laws that will disclose the sources of finance for all elected officials. We need to look again at institutions that have grown creaky with time—the rules governing grand juries, for instance, or the traditions that can continue an incompetent judge in office.

The needs are known. They have been developed exhaustively by study groups and congressional committees. The time has come for the Congress to write a balance back into our laws—one that will continue to safeguard our rights as individuals and at the same time protect us from the Mob.

Mr. KENNEDY of Massachusetts. Mr. President, in the pursuit of every goal, there is a time for talk and a time for action. In the field of crime, the time for action is now, the place is here. But no matter how serious the problem, action merely for the sake of action is not enough. Our action must be responsive, responsible, and honest. We must keep faith with the American people by resisting the temptation to lure them into complacency: we must not only admit to ourselves, but also demonstrate to them, that there is no simple answer to the challenge of crime; there is no painless panacea; there is no solution in the flaying of scapegoats; there is no security in the compromise of basic democratic principles.

Rather, our hope for a peaceful society lies in hard work at every level and in every sector of American life, in a commitment to thought and study and planning about our problem and our needs, in a willingness to change old patterns and try new ones, in patience and confidence that the constitutional foundations on which this Nation was built will continue to be the bedrock of our freedom and our happiness, and in a national decision to devote to the forces of law and order and justice a measure of our resources commensurate with the priority we place on domestic tranquility.

It was principally to provide a beginning and a stimulus to this allocation of new resources that the Safe Streets and Crime Control Act was proposed over a year ago. Its theme was the enhancement of the quality, capacity, and equity of the entire law enforcement and criminal justice system. Its method was a joint Federal-local effort to provide 20th century thinking, planning, and financing for an 18th century system marked by haphazard thinking, minimum planning, and serious underfinancing. It was designed to use the availability of Federal funds as a catalyst to action at the local level, action that would see modern equipment, suitable training, adequate pay scales, rational procedures, community involvement, research and analysis, and focus on rehabilitation of the individual, become the rule rather than the exception in every police department, prosecutor's office, courtroom, prison, and parole office in the country.

The bill did not suddenly spring full grown into the world. It had honorable and reliable parentage in the Juvenile Delinquency Act of 1961, in the Criminal Justice Act of 1964, in the Law Enforcement Assistance Act of 1965. Under these laws and others the Federal Government had acquired a knowledge and understanding of where the gaps and defects and bottlenecks in the criminal justice system lay. Federal officials had also developed attitudes, procedures and methods for assisting local communities in facing up to these problems without substituting Federal judgment, direction, and responsibility for local discretion and control.

With this experience and sensitivity, and with the detailed information and recommendations assembled by the bipartisan National Crime Commission, the Justice Department drafted a bill which was sensible, targeted, effective, consistent, constructive, comprehensive, and balanced. No one claims that it was perfect—even in its own terms, there were nuances of emphasis and detail which could usefully have been added. But even in its original form it was a bill which deserved respect, and consideration, and passage.

For those of us who have worked hard on this bill in the drafting stages, in subcommittee, in committee and now on the Senate floor, its progress and development have been disappointing. It has been subjected to delay and dilution, and more of the same is threatened. It is on the verge of becoming a Christmas tree for additional crime control measures ranging from the Neanderthal to the unrefined to the absolutely necessary, all of which could and should have been considered separately and on their own merits.

Some of us warned last year that if the safe streets title were not taken up separately and kept insulated from dealings and maneuverings on other crime bills, the result would be no bill before summer, a safe streets title of reduced promise, encumbrances which would bog down the criminal justice system as much as safe streets would streamline it, and extended conflict and confusion over a measure which should have been processed speedily and agreeably.

It is with no sense of pleasure that I note that these predictions are well on their way to being borne out. As for time, we can see before us a battle royal on the Senate floor, a heated and extended conference, and further struggles over the conference report on the floor of both Houses.

As to substance in title I we have seen the programs and principles of the safe streets title chipped away at, to the point where if any other changes are made in the structure and functioning of the program, its thrust may be detoured into the wrong places for the wrong purposes and for the wrong reasons.

In title II we find a blatant appeal to irrationality, to emotion, and to scapegoatism; the articulation of the idea of some, that paradise is a place where we can forget about due process, and fairness, and civilized justice, where we can ignore the guidance of the institution which our founding fathers chose to interpret the demands of the constitution, and where we can go back to the rough and rapid justice of the inquisition, of the star chamber, and of the frontier.

In title III we find a proposal aimed at dealing with the problem of organized crime, a proposal which in some limited form and under strict controls is probably worth testing out for a period of a few years, so that we can determine whether it is workable, productive, and consistent with our heritage of individual liberty. Nevertheless it comes to us needing much more refinement and consideration, and unless these are accomplished, its ripeness for passage may be placed in doubt.

Finally, in title IV, we have a truncated version of a measure which should have been passed long ago if we were to take seriously our own dedication to reducing crime. The unfettered flow of firearms in this country is a national disgrace and a source of world tragedy. There is absolutely no good reason why juveniles, criminals, addicts, and mental incompetents should have unrestricted access to either handguns or long-guns. And since this access can, through a combination of local and Federal effort, be restricted without significantly affecting the sports and hobbies of Americans who use guns legitimately, we have no excuse for further delay. Yet title IV takes up only the handgun problem, and if it is not reinforced by this body, it will be largely a token effort, since those affected by it will be able to continue their activities using rifles and shotguns, either in their natural state or suitably altered.

Thus, Mr. President we are faced with a bill whose main title is threatened with being distorted beyond recognition, whose second title is an insult to the traditions and intelligence of the American people, whose third title needs careful work before meriting passage, and whose fourth title is almost useless unless it is strengthened.

Mr. President, certainly unless the necessary work is done on the Senate floor, we will be very close to having a bill which risks being vetoed. I want to remind the Members of the Senate that President Johnson has had occasion in the past to veto a crime bill, and for many of the same reasons. In my opinion his veto of the old District of Columbia crime bill was one of the most courageous and historic acts of this administration, and since he is now relieved of some of the pressures which he was under then, we can expect him to do no less if the demands of conscience so require. Let this be our guiding thought as we consider the safe streets bill; let us remember as we choose between reason and emotion, between responsibility and shortcuts, between leadership and passivity, that if we make the wrong choices, we may well, and deservedly, be second-guessed. It is my own hope that we will produce a bill we can be proud of, a bill every part of which deserves signature and support, a bill that really can start us on the path to safer streets and more tranquil communities. Our constituents deserve this from us and we cannot fail them.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. ERVIN. I ask how the Senator can assert that title II of the bill is an insult to the traditions of the American people when the matters that title II are directed against are the Escobedo case, the Miranda case, the Wade case, the Gilbert case and the Stovall cases? And those cases are opposed to the tradition that the American people followed from the 15th day of June in 1790, when the Constitution was written, down to the time of the Escobedo case 174 years later, the Miranda case 176 years later, and the Wade, Gilbert, and Stovall cases, which were not handed down until 177 years later.

It would seem to me that those cases are totally incompatible with the traditions of the American people because as the majority opinion said in the Stovall case that nobody had any warning that the rule of the Wade case would be handed down in that case.

Mr. KENNEDY of Massachusetts. Mr. President, I respond to the question of the Senator from North Carolina with another question. Is it not true that the Escobedo, Miranda, and the other cases cited by the Senator were decided by the Supreme Court and that they redefined and breathed new life into the Constitution of the United States?

The point suggested in my argument is that the purpose and thrust of the argument of the distinguished Senator from North Carolina was that he would throw away and discard the Supreme Court decisions so that we would return to an earlier period of interpretation, an interpretation that I believe is more primitive.

Mr. ERVIN. Mr. President, the Constituition does not authorize such interpretations and five of the nine Justices of the Supreme Court have no power to change the meaning of the Constitution.

I would rather state my position than have it stated by the Senator from Massachusetts. I am standing by the Constitution—not by judicial usurpation.

Mr. KENNEDY of Massachusetts. The Senator from North Carolina has correctly stated that the examples which were cited in my remarks represent the interpretation of a majority of the Supreme Court and also the interpretation rendered by other members of the Court in their dicta and their comments and reading of the case.

I do feel they are completely justifiable and sound. I think it is appropriate for us to realize at this time that the position assumed by the distinguished Senator from North Carolina would effectively abdicate a meaningful and responsible interpretation of the Constitution.

THE M-16 RIFLE

Mr. McGOVERN. Mr. President, I announced last Friday that I intended to address the Senate today relative to the Army rifle procurement program.

I am deeply concerned about the contracts that have been awarded recently for the acquisition of some 480,000 M-16 rifles. In the context of other questionable decisions that have been made in this area over the past decade, they indicate to me that something is drastically wrong in the Pentagon's procurement policies.

Since my remarks of May 3d on this subject both the Senate Preparedness Investigating Subcommittee and the House Special Subcommittee on the M-16 have announced plans to reopen their studies of the M-16. I am encouraged by those decisions, and I certainly do not intend to second-guess the probing that will be done by the highly capable chairmen and members of the subcommittees. Nevertheless I do think it is appropriate at this point to review what we know

now and to raise some of the more pertinent questions.

HISTORY OF IRREGULARITIES

Irregularities in rifle procurement go back more than 10 years, prior to the decision, in May of 1957, that the M–14 was the desirable replacement for the M–1 rifle of World War II and Korea.

There were, of course, extensive tests of the M–14 before that policy was established. It was evaluated with extreme care and in competition with other possible small arms, including the AR–15, which became the M–16 of today.

After placing top priority on procuring and issuing the M–14, the Army began placing large quantities under contract. By 1962 and 1963 the plans called for the purchase of 300,000 units annually through fiscal 1966.

In September of 1962, however, a report prepared by the Comptroller of the Defense Department prompted reevaluations leading to an abrupt reversal of those plans. The Comptroller told the Secretary of Defense that the M–14 was in nearly every respect inferior to the AR–15 which it had defeated in competitive testing just a few years before. The report said that the AR–15 was at least five times as effective as the weapon found earlier to be wholly superior.

But beyond this, the Comptroller also said that "the M–14 appears somewhat inferior to the M–1 rifle of World War II," the weapon it was designed to replace.

In response to this report, the Secretary of Defense directed the Army to conduct a new series of tests, which included the M–14, the AR–15, and the Soviet AK–47. The Army concluded in January of 1963 that its earlier decision had been correct and that the M–14 was the best weapon. The Army also requested that another 123,000 be purchased in fiscal 1964.

The Comptroller's report and the Army report were examined throughout 1963. Then, late in the year, the drastic shift in policy came with a decision to completely discontinue purchases of M–14's at the completion of current contracts.

In a period of only 2 years, therefore, we had moved from an all-out, top priority procurement on the M–14 to a cancellation of the entire M–14 program. Significantly, the investment in this weapon by the time it was discontinued was about $500 million.

There were, however, still some doubts about the value of the AR–15, or M–16 as we know it now. The Army's competitive tests conducted in 1962 concluded:

> The AR–15, although lighter than the M–14, is not considered suitable as a replacement weapon because: it is less reliable, it has poor pointing and night firing characteristics, its penetration is marginally satisfactory, and its adoption would violate the NATO standardization agreements.

This evaluation has, of course, been at least partially verified by the sensitivity to small amounts of dirt and other foreign matter that subsequently developed during use of the M–16 in Vietnam.

During this same period a third alternative weapon was under consideration; the SPIW or special purpose individual weapon developed by the Aircraft Armaments, Inc., of Cockeysville, Md.

The SPIW operates on a unique principle. It fires a small dart not much bigger than a pin at extremely high velocity, and has tremendous penetrating power. I understand that it can fire on automatic at a rate of 1,200 rounds per minute, and the small caliber of the round means that large numbers can be carried easily, making it especially suitable for combat. It is apparently a radical improvement in small arms.

Because of the enthusiasm that existed for the SPIW, and presumably because of the Army's dissatisfaction with the M–16, we did not move ahead with large scale procurements of the M–16 at that time. New purchases of the M–14 ceased, and we made a one-time-only purchase of 104,000 M–16s from Colt's Patent Fire Arms Manufacturing Co. The plan was to use a combination of existing M–1's and M–14's and the 104,000 M–16's until the SPIW could be brought into production in quantity. Projections made at that time called for pilot production of the SPIW by 1966 and mass production of 300,000 annually by 1969.

It seems to me that this is particularly important. The M–16 was not conceived at that time as the best weapon available. It was acquired on an interim basis, to fill existing needs, while development of the SPIW was being completed.

This policy was set primarily as a result of the exhaustive Small Arms Weapons Study, which lasted more than 18 months and involved the firing of hundreds of thousands of rounds of ammunition. According to Maj. Gen. H. A. Miley, Jr, Director of Material Acquisition for the Office of the Deputy Chief of Staff for Logistics, testifying before the House special subcommittee last year:

> The SAWS study concluded positively that a SPIW system or version of it was certainly the most hopeful weapon of the future for the Army.

We have subsequently been told that the SPIW development was not as rapid as had been expected—although I will return to that subject at a later point in my remarks—so the Army began expanding its acquisitions of the M–16 from Colt, relying upon it as the replacement weapon.

DEVELOPMENT OF A SECOND SOURCE

As I pointed out in my statement on May 3, Colt industries has been the sole source of supply for the M–16, and this will continue to be true until the new sources have been developed.

The AR–15 was originally developed in 1957 and 1958 by ArmaLite Co. of Costa Mesa, Calif., and credit for the basic design concepts goes to Eugene Stoner, who was chief engineer for ArmaLite at that time. ArmaLite was then a division of Fairchild Aircraft.

Colt acquired the rights to the AR–15 or M–16 from Fairchild in 1959 at a price of $325,000, plus a promise of royalties. The Penatgon purchased the right to develop a secondary source and an agreement by Colt not to sell the weapon in overseas markets in June of last year for $4.5 million.

It is highly significant that Colt had previously made several other offers to relinquish proprietary rights. The most favorable, in 1964, called for a $5.4 million payment, less a $10 credit for each M–16 produced by the secondary source.

Had that offer been accepted the outlay for proprietary rights would have been reduced to only $600,000 as a result of the 480,000 unit contracts recently announced alone. Instead we paid $4.5 million.

The Preparedness Subcommittee last year made some thoughtful inquiries into the reasons for acquiring these proprietary rights in the first place, and the answers given by Defense Department officials appeared to be reasonable at that time.

Colt reached its maximum production capacity in December of 1966. It was then and presumably still is capable of producing at a rate of approximately 300,000 per year. The contracts just awarded to General Motors and Harrington & Richardson will bring total production of 120,000 the first year and 360,000 the second.

When questioned last year by the subcommittee, Dr. Robert A. Brooks, Assistant Secretary of the Army for Installations and Logistics, agreed that "we could obtain the rifle through a straight expansion of Colt's somewhat sooner than by the establishment of a second source," and that factor should obviously have been given great weight because of the need to move quickly to meet our requirements in Vietnam.

But Dr. Brooks indicated that it was counterbalanced in the Defense Department's judgment by the need for security of the supply source and the probability of savings. He said:

> We also anticipate there will be a saving, of course, from the competitive procurement as established.

On further inquiry, he added:

> The area where we expect savings is in the pressure, frankly, of competition for the rifle.

It need hardly be noted, of course, that those expectations have now proved to be nothing short of fantasy. By no stretch of the imagination can the $230 per rifle average costs of the 240,000 M–16's to be purchased from General Motors, or the $175 per unit price of those to be acquired from Harrington & Richardson, be construed as exerting competitive pressure on Colt's $104 per unit price. Clearly any competitive pressure would run the other way—yet Colt's ability to produce the M–16 for $104 has had little apparent bearing on the thinking of the Pentagon.

Mr. President, I am convinced, based on the information I have seen, that it was a serious error to buy the proprietary rights for the M–16 under the kind of agreement that was concluded last June.

Moreover, it appears that once the error was made, the Pentagon decided that it had to compound it by actually developing the secondary source using some form of inverted reasoning to conclude that a failure to make use of the proprietary rights would have amounted to a waste of $4.5 million. Otherwise it seems to me that we would have written off that amount and sought whatever expansion was necessary in Colt's productive capacity.

THE MAREMONT BID

The tale that has unfolded since the General Motors and Harrington & Richardson contracts were announced is equally distressing.

As I pointed out on May 3, the total figures on the GM and H. & R. contracts are $55 million and $42 million respectively. Four firms were determined to be technically capable of producing the M-16 and among them was the ordnance division of Maremont Corp. of Saco, Maine. Yet its bid of $36 million was rejected. When Maremont made the presentation of its bid I understand that there were no inquiries from Pentagon officials into any phase of the proposal. Any questions that existed as to the capability of the company to produce satisfactorily were left unspoken.

Subsequently, the Pentagon has said that such factors as the number of college graduates in Maremont's work force and the age of their existing equipment influenced the decision to reject their bid.

I suppose there is some perceptible relationship between the educational attainment of a company's employees and its productive abilities. I cannot see, however, how it could conceivably make a difference of some $19 million in the price we are willing to pay for 240,000 rifles.

The age of Maremont's existing equipment is even less relevant, since 100 percent of the facilities for producing the M-16 are to be supplied by the Defense Department.

Maremont was also told that the Army has "more confidence" in General Motors and Harrington & Richardson. Yet Maremont has produced more than 100,000 M-60 machineguns for the Defense Department, as sole supplier of that weapon. Certainly its reliability has been well established.

We all have great confidence in the technical competence of General Motors, and I have no doubt that it will be able to produce excellent M-16s—even though it has never produced rifles.

Originally General Motors was to be the only new source developed, until Harrington & Richardson was added after the initial decision had been questioned by the other bidders. While I have no complete documentation I have also been told by various sources that Harrington & Richardson had substantial difficulty in meeting the standards when it was producing the M-14. In any case, the Pentagon's reliance on the "confidence" argument seems to be questionable indeed.

In defense of these awards the Army has noted that the price terms are subject to renegotiation downward if costs prove less than anticipated. It is my understanding that this information is not complete, however, because the contracts are target incentives with a ceiling. If costs are less than provided the companies will receive a part of the savings, and this is their incentive to hold expenses down during actual production. The temptation on the part of the company to overstate costs in the initial contract is obvious, because if they do so their profits will be increased later. Consequently, there is a special need for the Government's representatives to assure that the initial cost estimates are accurate. But in any case it is important to note that this aspect of the contracts is entirely irrelevant when we are comparing the bids of General Motors and Harrington & Richardson with that of Maremont. This is true because precisely the same renegotiation provisions would have been included in the contract had Maremont's bid been accepted.

There are still additional troubling aspects of the Pentagon's arrangements with these two companies. In light of the fact that one of the major purposes of the awards is to move quickly to meet the rising requirements of the Vietnam war, for example, I was surprised and shocked to learn that the Army Weapons Command notified the bidding companies on March 29 that penalty provisions for late deliveries were being dropped. What will come next is anybody's guess.

ALTERNATIVE WEAPONS

Mr. President, in its report of May 31 of last year the Preparedness Investigating Subcommittee said that it had "deliberately avoided any effort to assess the relative merits of the rifles which have been discussed in this report, since the selection of specific weapons between competing models is largely a military question."

I have no quarrel at all with that judgment under the circumstances as they appeared to exist at that time. I recognize that debate on the relative merits of individual weapons can be interminable, and that those who are dealing with the situation on a day-to-day basis should be expected to have the expertise needed to make proper evaluations.

It is clear today, however, that a very different combination of circumstances exists, and I believe that it warrants examination of some of the alternatives that are or are likely to become available. I am hopeful that the subcommittees will go into this question.

The company that originally developed the M-16, for example, has come up with a new weapon of the same caliber, the AR-18, which I am told is largely immune from the problems of jamming that have caused so many complaints on the M-16.

ArmaLite's AR-18 was included in the SAWS tests, and a number of defects were discovered. I have been advised that some of these were related to the fact that a production-type model was not available for testing, and that the others have been completely eliminated through subsequent refinements.

ArmaLite has encountered numerous problems in finding a manufacturer willing to turn out the AR-18 on a speculative basis, that is, not related to a specific large order. They have completed arrangements on this basis now, however, with the Bauer Ordnance Co. of Detroit, and an initial delivery will be made in November of this year.

The improved version of the AR-18 has not, of course, been tested comprehensively by the Pentagon, although the Air Force has indicated an interest. Tests comparable to those we would use have been conducted in Brazil, and the weapon performed very impressively.

Were we merely continuing interim procurement of the M-16 from Colt there would probably be little compulsion to reevaluate arms such as the AR-18. It seems logical to me, however, to expect that we would make every effort to explore alternatives before embarking on a costly new procurement program, especially in light of the fact that the M-16 has not been entirely satisfactory.

The reasons for following this course become especially persuasive when the potential costs are compared. I have been advised that the AR-18 could be produced at a maximum rate of $115 apiece, and that the figure would drop significantly on a mass production basis.

The same considerations, and some additional ones, apply with respect to the special purpose individual weapon, the SPIW. This weapon was exhaustively tested in the SAWS evaluation and receiving glowing recommendations. Throughout the period of vacillation between the M-14 and the M-16 and up to the final SAWS report it was regarded as the ultimate replacement weapon. In the lower echelons of the Army the enthusiasm has apparently not diminished.

It is for that very reason that I find the Pentagon's decisions in this area to be highly mysterious.

Mr. President, in the hearings conducted by the Preparedness Investigating Subcommittee and the House Special Subcommittee on the M-16 last year, Defense and military officials maintained that the SPIW was under active research and development scrutiny, to work out the engineering problems that were contemplated with respect to mass production.

At that time it had been 3 years, and now it has been 4 years, since the initial decision was made that the SPIW was to be pursued. It might be possible to conclude from this that the engineering problems are simply insurmountable and that the SPIW as presently designed cannot be mass produced.

I have been advised, however, that contrary to the impression given by those testifying before congressional committees, the Pentagon has not been encouraging the AAI Co. to seek improvements in the SPIW and has not been devoting any significant amount of resources to that effort. I am told that the company has received no funds for development for at least 2 years.

It has, however, devoted substantial resources of its own to perfecting modifications with very promising results.

Once again the cost comparisons are relevant. The estimate I have received is that the SPIW could be mass produced for as little as $75 per unit—and that is for a huge improvement over any of the weapons presently available to our fighting men.

If this information is accurate, and I have seen nothing yet that causes me to doubt it, then increased importance should be attached to some of the revelations that occurred during last year's hearings.

It was disclosed then, for example, that Maj. Gen. Nelson M. Lynde, now retired, was commander of the Army Weapons Command from 1962 through February 1964, and that shortly after his retirement he went to work as executive consultant to Colt Industries.

General Lynde testified that on October 31, 1963, he published the order permitting the award of the one-time contract for 104,000 M-16's to Colt Industries.

It is, of course, also important to point out that General Lynde inquired about the legality of his employment with Colt under the conflict of interests statutes and received a reply to the effect that acceptance of the position would not be a violation.

But the period of his term as head of the Army Weapons Command was obviously a crucial 2 years with respect to subsequent policies affecting both the SPIW and the M-16. In view of the subsequent practical deemphasis on the SPIW, and the resulting expansion of business for Colt, I think we ought to know more about the possibility of a relationship between the policies General Lynde helped establish and the position he later assumed in the employ of Colt Industries.

Mr. President, I want to emphasize that I am not charging General Lynde with wrongdoing. I am, however, saying that the circumstances I have outlined give cause for a detailed examination of his position, along with the other troublesome aspects of the Army's rifle procurement program that I have been discussing.

As I mentioned at the beginning of my remarks, I am greatly encouraged by the fact that the two subcommittees of the Congress having special expertise in this area are both undertaking new investigations of the rifle procurement program, with particular reference to the contract awards to General Motors and Harrington & Richardson.

I consider these questions to be profoundly serious, not only because they suggest waste of the Nation's financial resources, but also because they have a direct bearing on the combat and defense capabilities of the young men we have committed to battle in Vietnam.

I have sharply differed with the policies that have involved American forces in that tragic conflict. But I regard our responsibility to supply them with the best possible equipment and support as a most urgent and demanding duty, to say nothing of the economic considerations involved.

If preference for a particular weapon's supplier or a desire to cover past mistakes has interferred with that obligation, then we are faced with an intolerable state of affairs in the military procurement program.

I might say, parenthetically, that what disturbs me about the investigation—it has been an unlimited investigation—that I have made of this rifle procurement program is that I see evidence of the same kind of questionable pattern in other procurement policies involving other weapons systems within the Pentagon.

Mr. President, I believe that the Pentagon has an obligation to supply sound reasons—which have not been forthcoming—rather than excuses, for the policies that have been followed and the errors that have been made in rifle procurement. They owe those explanations to the American taxpayer, to our combat soldiers, and to Congress. I hope they will approach the hearings tomorrow and the Preparedness Investigating Subcommittee study in that spirit.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. ERVIN. Mr. President, Daniel Webster said, in prosecuting the case against the person charged with the murder of Captain White, "Every unpunished murder takes away something from the security of every man's life."

I regret that my friend the distinguished senior Senator from Massachusetts did not remain in the Chamber, because I should like to point out that under article V of the Constitution, no power on earth exists in any public official or any group of public officials, other than Congress and the States, acting concurrently, to change the meaning of any word in the Constitution.

The words involved in the Wade, Gilbert, and Stovall cases have been in the Constitution of the United States since the 15th day of June 1790; and they meant one thing from that time until the 12th of June 1967—a period of 177 years. That period of 177 years shows what the traditions of the United States were. And then five justices of the Supreme Court of the United States undertook to change the meaning of those words, despite the fact that they had no authority to do so. They undertook to limit the legal competency of an eyewitness to testify he say the accused commit the crime with which he is charged.

It had always been the practice during the 177 years to allow an eyewitness to look at a suspect in custody, to ascertain whether or not the suspect was the man whom the eyewitness has seen commit the crime. If the eyewitness said, "No," the suspect was released from custody; and then the officers of the law undertook to find new clues leading to the perpetrator of the crime.

This was a pretrial exhibition of the accused, in the custody of the officers, to the eyewitness. Both the suspect, if he was innocent, and society were served by this course, because the suspect was freed, and then the law enforcement officers could look for the guilty party.

Every decision of the Supreme Court from June 15, 1790, down to June 12, 1967, sanctioned this commonsense practice. They held that the right-of-counsel guaranty of the Sixth Amendment did not come into operation until a suspect in custody was formally charged by criminal complaint, information, indictment, or the like with some criminal offense.

On June 15, 1967, by a margin of one vote, the Supreme Court of the United States held in the Wade, Gilbert, and Stovall cases that it is now unconstitutional under the right-of-counsel clause for an eyewitness to a crime to look at an accused in custody for the purpose of either identifying or exonerating him as the perpetrator of the crime he saw committed unless the suspect has a lawyer even though no formal charge has been made against him.

To show how ridiculous that decision is, in many cities they have what is called a lineup of many persons in custody. There may be 15, 20, or 25 persons, and there may be a multitude of eyewitnesses there to identify these parties. So now they cannot have eyewitnesses looking at a suspect in custody at a police lineup unless there is a meeting of the bar association along with them because each member of the lineup is entitled to a lawyer. The inspection of the suspect is not at the convenience of the suspect, or at the convenience of the law-enforcement officers, or at the convenience of the witnesses; it will have to be done at the convenience of the lawyers.

Under this rule, invented by the Supreme Court for the first time on the 12th of June 1967, if an eyewitness has had a pretrial look at a suspect in custody in the absence of the lawyer, he cannot be permitted to testify before the jury in open court, "I saw the accused commit this crime with my own eyes and I base my identification solely upon what I saw at the time the crime was committed," unless the trial judge, be he a Federal judge or a State judge, stops the trial, converts himself into a psychologist, and injects himself somehow into the innermost recesses of the mind of the eyewitness. Before the trial judge can permit the jury to hear the positive testimony of the eyewitnesses that, "I saw the accused commit the crime and I base my identification solely on what I saw at the time the crime was committed," he must first find, in the absence of the jury, as a result of his penetration as a psychologist into the mind of the witness, and by clear and convincing evidence, that the look which the witness had of the suspect on the pretrial occasion did not influence in any way his conviction that he saw the accused commit the crime.

Mr. President, that is an impractical test. No judge can look into a witness' mind and say that the pretrial view did not influence him in his conviction, where he had a view of the perpetrator of the crime at the time the crime was committed, then had a view of the suspect on a pretrial occasion, and then a look at the suspect at the trial.

Mr. President, I have been reading law for a long time. I have read the words in the sixth amendment on which those decisions are based. They say in all criminal prosecutions the accused shall enjoy the right to have the assistance of counsel for his defense.

I started reading law when I was a teenager and I have been reading law ever since. I have undoubtedly read those words "in all criminal prosecutions the accused shall enjoy the right to have the assistance of counsel for his defense" a number of times. But it is an impossibility for me and it is an impossibility for any judge, to say which one of those times when I perused those words I learned them.

Yet, this newly invented rule declares the jury cannot hear an eyewitness testify who is willing to state, "I saw the accused commit the crime, and I base my identification upon what I saw at the time he committed it," unless the judge can find by clear and convincing evidence that the witness is not influenced in any way by his pretrial observation of the suspect or the accused.

Nobody knows exactly when he receives a certain mental impression or a certain mental conviction. It is well said that you cannot unscramble a hen's egg after it has been scrambled; and you cannot unscramble a person's mental impression or mental conviction in such a fashion as to determine in a clear and convincing way that one of several somewhat similar events had no influence whatsoever on it. Yet under this 5-to-4 decision of the Supreme Court the judge has to be able to do that and to do that by evidence which is clear and convincing before he can allow a jury trying a case to hear an eyewitness who had a pretrial observation of the suspect in custody, in the absence of his lawyer testify he identifies the suspect as the perpetrator of the crime.

If he has his memory refreshed, or his memory reinforced, or his memory confirmed by the pretrial observation, then, under this rule the witness will not be permitted to give that evidence to the jury.

We used to have a principle in this country that issues of fact were to be tried by juries and not by judges. When the accused attempted to get the U.S. Court of Appeals for the Second Circuit to adopt this kind of rule, that court said that rules of evidence and rules for the administration of justice should be based on commonsense.

Mr. President, Washington, D.C., has become one of the most crime-ridden cities in the Nation. Every day or so we pick up the newspaper and read that someone has been murdered, usually by those who want to steal property.

All too frequently we pick up the morning newspaper, as I picked up my copy of the Washington Post this morning, to read such news items as these:

> Intruder in Apartment Rapes Northeast Woman.
>
> Girl, 14, Is Raped in Cardozo Area.
>
> Woman Is Robbed and Raped in Northeast.

These crimes were all committed during the 24 hours before this morning's Washington Post went to press.

I ask unanimous consent to have the articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

INTRUDER IN APARTMENT RAPES NORTHEAST WOMAN

A 20-year-old far Northeast woman was raped at about 4:10 a.m. yesterday morning by a gunman who broke into her apartment through a window, police said.

The woman told police that she was awakened by someone breaking in and saw a man who showed her a .38 revolver and told her "Keep your mouth shut and you and the kids won't get hurt." Her two children were asleep in another room.

The man raped her and left, after telling her that he and another man, whom she never saw, had just committed a robbery and wanted to stay in the apartment for a time to elude police.

GIRL, 14, IS RAPED IN CARDOZO AREA

A 14-year old Cardozo-area girl told police she was raped Saturday night in a neighborhood basement where she had gone with a girl friend and some youths after visiting a nearby United Planning Organization Youth Center.

Police said the youths grabbed both girls, once they entered the basement but one escaped. The 14-year old was later treated for laceration of the right eye at D.C. General Hospital.

WOMAN IS ROBBED AND RAPED IN NORTHEAST

A 42-year old woman was raped and robbed at gunpoint about 11 p.m. Saturday night in the 700 block of Division Avenue, ne., police said.

They said she was looking for her 17-year-old son when a man pointed a gun at her took $14 dollars then forced her into a vacant lot, where he raped her. She was treated at D.C. General Hospital for a cut knee and released.

Mr. ERVIN. Mr. President, we have a ruling handed down in the Miranda case that self-confessed murders and rapists must be freed unless the police officer tells them something they already know; and a rule handed down in the Wade case that an eyewitness to a crime may not look at a suspect in custody for the purpose of identifying or exonerating him as the perpetrator of a crime unless that suspect has a lawyer present.

These are new rules. They did not exist until five of nine members of the Supreme Court invented them out of their imaginations. They are contrary to the words of the Constitution.

The only body on earth which has the power, in and of itself to do something about this situation, is the Congress of the United States. It has the power to do that by adopting title II of the pending bill which limits the jurisdiction of the Supreme Court to hand down rules resulting in self-confessed murderers, rapists, arsonists, burglars, robbers, and thieves being turned loose.

I would say, Mr. President, that any Member of the Senate who thinks that self-confessed murderers, rapists, arsonists, burglars, robbers, or thieves should go unwhipped of justice should vote to eliminate title II from the bill.

But if any Senator believes, as I do that enough has been done for those who murder, rape, and rob, and that the time has come for Congress to exercise its power under the third article of the Constitution of the United States and do something for those who do not wish to be murdered, raped, or robbed, he should vote against any proposal that would eliminate title II from the bill.

Mr. President, I yield the floor.

DISTRICT OF COLUMBIA TEACHERS' SALARY ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1099, H.R. 16409.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 16409), to amend the District of Columbia Teachers' Salary Act of 1955 to provide salary increases for teachers and school officers in the District of Columbia public schools, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported by the Committee on the District of Columbia, with amendments, on page 2, in the table following line 2, strike out:

Class 1..........$28,000 ....

And, in lieu therof, insert:

Class 1..........$29,000 ....

On page 3, in the table following line 2, strike out:

Class 2.......... 24,000 ....

And, in lieu thereof, insert:

Class 2.......... 25,000 ....

On page 4, in the table following line 2, strike out:

Class 1.......... $28,000 ....

And, in lieu thereof, insert:

Class 1.......... $30,000 ....

In the same table, strike out:

Class 2.......... 24,000 ....

And, in lieu thereof, insert:

Class 2.......... 26,000 ....

And on page 11, line 4, after the word "or" strike out "1 teacher" and insert "3 teachers".

Mr. BYRD of West Virginia. Mr. President, I ask that the amendments be considered and agreed to en bloc.

The amendments were considered and agreed to en bloc.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The bill (H.R. 16409) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1115), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSES OF THE BILL

The principal purposes of H.R. 16409 are as follows:

1. Increase the salaries of the teachers and other professional employees of the District of Columbia Board of Education in two stages, the first stage retroactive to October 1, 1967, and the second to take effect on July 1, 1968.
2. Liberalize the present law with respect to step placement credit allowed for prior experience in the case of employees hired from outside the District of Columbia public school system.
3. Liberalize the present law in the matter of probationary tenure credit.

4. Provide the District of Columbia Board of Education authority to correct administrative errors or delays in crediting educational attainment for teachers and school officers.

5. Change the method of payment of teachers in the summer school and adult education programs from a "per diem" to a "per period" system, to permit teachers in these programs to work longer hours when necessary.

6. Restrict the number of teachers in any school in the District of Columbia who may take general leave with pay on any given day, except for religious purposes, to 5 percent of the number of such teachers, or three teachers, whichever is greater.

I. SALARY INCREASES

Paragraph (1) of Section 2 of the bill provides an overall increase of approximately 8.3 percent in the salaries of all professional personnel in the District of Columbia public school system, effective retroactively to October 1, 1967. This proposed salary schedule will provide a minimum salary of $6,400 for teachers with the bachelor's degree, and a maximum of $10,800, attainable in 19 years of service. The salaries of the Superintendent and Deputy Superintendent of schools are increased to $29,000 and $25,000, respectively. The present starting salary for such teachers is $5,840, and their maximum is $10,185. The present salaries of the Superintendent and Deputy Superintendent are $26,000 and $22,000, respectively.

Paragraph (2) of this section provides a second salary increase averaging some 10.9 percent, for professional employees of the District of Columbia Board of Education to become effective on July 1, 1968. This salary schedule will provide a starting salary of $7,000 for teachers with the bachelor's degree, and a maximum of $12,040. The salaries of the Deputy Superintendent are increased to $30,000 and $26,000, respectively, also effective July 1, 1968.

NEED FOR LEGISLATION

Under Public Law 90–206, approved December 16, 1967, all classified civil service employees in the Federal and District of Columbia governments received salary increases retroactive to October 1, 1967 and will receive further increases on July 1, 1968, and July 1, 1969. That legislation did not include the teachers and school officers of the District of Columbia. Thus, aside from the other compelling factors in favor of new teacher salary schedules, equity alone dictates that the more than 8,000 professional employees in the District's school system should have their salaries increased retroactive to October 1, 1967. Separate legislation (H.R. 15131), previously reported by the committee and passed by the Senate, properly provides such retroactive salary increases for the District's policemen and firemen. We can do no less for our teachers and school officials whose work with our children is so vital to their welfare and the welfare of the Nation's Capital.

The recently completed Columbia University study of the District of Columbia public school system was one of the most comprehensive in-depth studies of a school system ever performed in the United States. The report and recommendations have yet to be fully evaluated, but one thing is patently clear. It underscores the concern expressed by this committee in its past reports on teacher pay legislation respecting the great difficulty the District of Columbia Board of Education experiences in recruiting and retaining well-qualified teaching personnel. According to the study, education in the District is in "deepening and probably worsening trouble," due, in large part, to personnel problems. The magnitude of the problem is demonstrated by the very high rate of teacher turnover in the District, and the presence in the school system of an excessive number of temporary teachers, who for various reasons do not meet the standards established by the Board of Education for career teaching positions.

The committee is informed that during the last fiscal year 1,172 teachers left the system, the largest turnover in 40 years. Approximately 40 percent resigned, and 30 percent did not renew their teaching contracts. School officials are in strong agreement that most of the teachers who resigned and many whose employment ended would go on to school positions on other jurisdictions offering greater financial rewards and more favorable working conditions.

Further, numbers or percentages of resignations do not adequately reflect the heavy drain-off of teaching strength. The committee is advised that too often it is the best teacher who resigns. There is a national teacher shortage, and competing school systems endeavor to attract the most experienced personnel. The Columbia University study found some excellent leadership teachers in the Washington system, but concluded that the District does not have its fair share of such people. The essential task ahead is twofold: to reverse the present trend by encouraging experienced leadership teachers to remain in the system, and to attract new leadership teachers to Washington. To do this, the Board of Education must be in a position to offer attractive entrance and career salaries.

The large number of temporary teachers in the school system is another measure of the difficulty the District faces in recruiting qualified teachers. As demands have become greater, the school system has had to rely increasingly on teachers with temporary certificates. The committee is informed that the percent of permanent teachers has dropped from 71.7 percent in 1956–57 to a low of 42.5 percent in 1966–67. The number of teachers appointed under temporary certificates rose from 16 percent in 1955 to 48 percent in fiscal year 1966. Ninety-five percent of the teachers new to the system in 1965–66 were certified as temporary employees. The total in this category declined to approximately 30 percent during the past year, but only after teacher certification standards were eased in order to fill vacancies and expedite the hiring of interested but not fully qualified teachers.

School records indicate there has been a decline in the number of teachers having master's degrees or better during the last few years. In 1963 this figure was 36 percent; in 1967 it was 25 percent. The master's degree has always been regarded as an index of quality among teachers and a good index of a serious intent to make teaching a career. The drop in the percent of teachers possessing the master's degree, the high turnover rate, and the low percent of permanent teachers, all paint a picture of a deteriorating staff.

Recruiting efforts

The District of Columbia Board of Education has exerted increasingly vigorous efforts in order to reverse these trends. College recruiting efforts tripled between 1963 and 1967, and the personnel department has actively recruited in the Nation's largest cities. Advertisements have been placed in educational circulars and journals receiving national distribution as well as in the local news media. The schools' personnel office is open on Saturdays as well as weekdays to help the recruiting program.

The committee is also advised that, in accordance with the suggestions resulting from the Columbia University study, the school system has further improved its recruiting procedures, strengthened its model school division and special intern programs, and has cooperated with outside colleges and universities in an effort to attract, train, and retain energetic, capable and dedicated young teachers.

Yet, despite these efforts the school system has positions it is not able to fill. For example, on January 31, 1968, there were 260 vacancies in regular budget positions and 327 vacancies considering positions from all funding sources.

The District school system has not been able to keep pace with the demand for teachers both in terms of numbers and quality, and there is little hope that this situation can be corrected unless the District is placed in a competitive salary position.

Comparison with nearby communities

The following table compares the schedule salaries for classroom teachers in the Washington, D.C., metropolitan area during the current 1967–68 school year by preparation level, exclusive of long-service increments:

		Maryland		Virginia			
Preparation level	District of Columbia	Montgomery County	Prince Georges County	Alexandria	Arlington County	Fairfax County	Falls Church
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Bachelor's degree:							
Minimum	$5,840	$5,880	$5,880	$6,000	$5,740	$5,900	$5,622
Maximum	$8,975	$10,466	$10,150	$10,000	$10,470	$9,735	$8,169
Number of increments	12	13	13	14	14	12	9
Average amount of increments	$261	$353	$328	$286	$338	$320	$281
Master's degree:							
Minimum	$6,385	$6,586	$6,670	$6,600	$6,340	$6,785	$6,192
Maximum	$9,520	$11,936	$11,600	$10,600	$11,080	$11,800	$9,907
Number of increments	12	13	13	14	14	16	12
Average amount of increments	$261	$412	$379	$286	338	$313	$310
6 years of preparation:							
Minimum	$6,605	$7,056	$7,076	....	$6,750	$7,375	$6,754
Maximum	$9,740	$12,407	$12,006	....	$11,480	$12,250	$10,807
Number of increments	12	13	13	....	14	17	12
Average amount of increments	$261	$412	$379	....	$338	$287	$338
Doctor's degree or 7 years:							
Minimum	$6,825	$7,644	$7,830	$7,000	$7,150	$7,965	....
Maximum	$9,960	$13,759	$12,760	$11,000	$11,880	$12,700	....
Number of increments	12	13	13	14	14	17	....
Average amount of increments	$261	$470	$379	$286	$338	$279	....

There is no questioning the greater difficulty in attracting competent teachers into central city school systems. Yet, the District of Columbia ranks fifth among area school systems in the salary available to beginning teachers with bachelor and master degrees, and sixth and last in terms of the maximum salaries available to such teachers. Further, all of the suburban jurisdictions pay substantially more to experienced teachers holding the doctor's degree, and all pay a larger average increment throughout the steps in their salary schedules than does the District.

In your committee's judgment, aside from the problems presented by different working conditions, these disparities alone make it clear that decisive and realistic action on salaries must be taken if the District's present teacher strength is to be preserved, and if new staff is to be attracted to the school system.

Increasing salary scales

The committee is informed that six of the local school systems in the Washington metropolitan area (Alexandria, Arlington, Fairfax, Falls Church, Montgomery, and Prince Georges) increased their salary schedules for the 1967-68 school year, and that this was the fifth consecutive year that most of the local school systems have raised their teachers' salaries, and this trend is continuing. All are expected to grant further increases effective in the 1968-69 school year. The following table sets forth present salaries in these jurisdictions, and the anticipated increased salaries:

COMPARISON OF LOCAL TEACHERS SALARIES PROPOSED FOR THE 1968-69 SCHOOL YEAR WITH THE 1967-68 SCHOOL YEAR

School system	1967-68		1968-69 (proposed)	
	Minimum	Maximum	Minimum	Maximum
Alexandria:				
BA	$6,000	$9,060	$6,300	$10,395
MA	6,600	10,200	7,245	11,340
MA plus 15	6,600	10,200	7,875	11,970
MA plus 60 or Ph. D	7,000	10,600	8,505	12,474
Arlington:				
BA	5,740	10,470	6,200	11,532
MA	6,300	11,080	7,130	12,462
MA plus 30	6,700	11,400	7,750	13,082
MA plus 60 or Ph. D	7,100	11,800	8,370	13,702
Fairfax:				
BA	5,900	9,735	6,400	10,560
MA	6,785	11,800	7,360	13,440
MA plus 30	7,375	12,250	8,000	14,720
Ph. D	7,965	12,700	8,640	16,000
Falls Church:				
BA	5,629	8,162	6,230	8,722
MA	6,192	11,764	6,853	13,021
BA plus 45	6,473	12,299	7,165	13,615
BA plus 60	6,754	12,833	7,476	14,204
BA plus 75			7,788	14,797
Montgomery County:				
BA	5,880	10,466	6,340	11,285
MA	6,174	11,936	7,101	12,870
MA plus 30	6,586	12,407	7,608	13,377
Ph. D	7,644	13,759	7,608	13,377
Prince Georges County:				
BA	5,880	10,150	6,200	11,036
MA	6,670	11,600	7,316	12,524
MA plus 30	7,076	12,006	7,812	13,020
MA plus 60	7,540	12,470	8,184	13,392
Ph. D	7,830	12,760	8,432	13,640

COMPARISON WITH MAJOR CITIES

As shown by the following table, the District of Columbia now ranks 15th among the major cities in the minimum salary paid to teachers with a bachelor's degree:

Comparison of minimum salaries paid to teachers with bachelor's degrees by 21 cities over 500,000 population

Milwaukee	$6,800
Detroit	6,650
Los Angeles	6,500
San Francisco	6,430
Chicago	6,400
Cleveland	6,250
New York	6,200
San Diego	6,200
Philadelphia	6,100
Boston	6,000
Baltimore	6,000
Seattle	6,000
Cincinnati	5,920
Pittsburgh	5,900
Washington (present)	5,840
Buffalo	5,800
St. Louis	5,800
Dallas	5,800
Houston	5,616
New Orleans	5,400
San Antonio	5,350

The District also ranks 15th among such cities in the minimum salary paid to teachers with a master's degree, and eighth in the maximum salaries payable to both bachelor and master's degree teachers.

Increasing salary scales

The median starting salaries in 1967-68 for teachers in large city school systems (generally over 500,000 population) increased more than 8 percent over the previous year. Fifteen of these school systems, or 75 percent, placed increases into effect in 1965-66, and 18 of the same 20, or 90 percent, raised teachers' salaries in 1966-67. The annual salary cycle noted in the local metropolitan areas is also taking place in the city school systems which the District traditionally uses for comparative purposes.

The committee is informed that four of the large city school systems, New York City, Detroit, Chicago, and Milwaukee, have already approved new salary schedules for the 1968-69 school year. For bachelor degree holders, New York will be paying a minimum of $6,750 and a maximum of $11,150. Detroit will pay a minimum of $7,500 and a maximum of $11,200. Chicagos rates will rise to $7,350 and $13,969. Milwaukee's entrance rate will be $6,800.

Clearly, the District of Columbia is not in a position salarywise to compete with most of these other major cities in the recruitment of teachers. The District's position has deteriorated seriously since the last change in its salary schedule in 1966. If the Nation's Capital is to create the model educational system envisioned in President Johnson's message on the "Nation's First City," it must be able to offer attractive compensation. The committee believes the salary schedules proposed in H.R. 16409 are an imperative step.

Phase I increase alone is inadequate

Standing alone, the increased salary schedule provided in paragraph (1) of section 2(1) of H.R. 16409 will do little to overcome the District's teacher recruitment and retention problem. In your committee's judgment, both steps of the recommended two-phase salary increase are required to effectively improve the District's teacher salary position vis-a-vis the suburban jurisdictions of the Washington metropolitan area and its major city competitors.

In addition to the equity involved in granting teachers the same retroactivity given other District of Columbia employees when their salaries were increased during the last session of the Congress, the proposed phase I increase recognizes that this salary legislation comes late in the District of Columbia's current fiscal year, and will have to be financed in the current period.

According to the District of Columbia government, it would cost $7.8 million above the current fiscal year 1968 budget to fund the phase II increases ($7,000 entrance rate) from October 1, 1967, through June 30, 1968. The phase I schedule ($6,400 rate) holds the current fiscal year cost to an additional $1.3 million.

Consequently, although it favors the higher salary schedule as necessary to place the Board of Education in a competitive position, the District has recommended that increases in the current period be limited to the phase I schedule, and that the phase II rates become effective July 1, 1968. The committee has been advised by the District that the lower cost of the phase I schedule in the current fiscal year can be absorbed through a number of the District's existing reserve accounts subject to reimbursement out of increased revenues anticipated in fiscal year 1969.

The following table compares the competitive position of the teacher salaries provided in H.R. 16409 with the salaries proposed by other Washington metropolitan area school systems for the 1968-69 school year, and with the salary schedules currently in effect in the school systems in 20 major cities of the Nation:

	Phase 1				Phase 2			
	BA	MA	MA plus 30	Doctorate	BA	MA	MA plus 30	Doctorate
STEP 1								
Beginning salary	$6,400	$7,030	$7,345	$7,660	$7,000	$7,770	$8,050	$8,400
Rank, District of Columbia metropolitan area	1.5	6	7	7	1	1	1	4
Rank, big city systems	4.5	5	6	13	1	1	2	4
STEP 10								
Maximum living level	$8,950	$9,580	$9,895	$10,210	$9,800	$10,500	$10,850	$11,200
Rank, District of Columbia metropolitan area	4	7	7	7	3	6.0	6	6
Rank, big city systems	4	3	5	7	2	2.5	4	5
STEP 13								
Highest regular step	$9,700	$10,330	$10,645	$10,960	$10,850	$11,550	$11,900	$12,250
Rank, District of Columbia metropolitan area	5	7	7	7	3	6	7	7
Rank, big city systems	10	10	13	13	2	3	3	5
STEP Y								
Maximum possible salary	$10,800	$11,430	$11,745	$12,060	$12,040	$12,740	$13,090	$13,440
Rank, District of Columbia metropolitan area	3	6	7	7	2	4	4	6
Rank, big city systems	3	5	4	7	1	1	1	1

Clearly, the phase I salary schedule would provide the District only marginal relief from its present noncompetitive position—a margin that would be short lived. As demonstrated by the comparison of local teacher salaries for the 1968-69 school year set forth above, Fairfax County, Va., has already approved the same entrance salary for bachelor degree teachers as provided in phase I ($6,400), and the 1968–69 entrance rate in all of save other suburban school systems will be within $200 of the phase I schedule.

The committee believes that if the District is to attract personnel to the demanding tasks ahead in its inner city schools, it must offer salaries substantially above those available in the surrounding suburbs.

The combination phase I and phase II salary schedules recommended by the committee will provide the District a $600 advantage in recruiting bachelor degree teachers in the Washington metropolitan area for the 1968–69 school year. According to information presently available to the committee it will place the District third in rank nationally (behind Detroit and Chicago) in the entrance salary payable to new bachelor degree teachers.

In the committee's opinion, the proposed phase II salary schedule is needed in order to prevent the District from once more falling seriously behind in salary comparisons.

Superintendent's salary increased

H.R. 16409, as amended and reported by the committee, increases the salary of the Superintendent of Schools of the District of Columbia (salary class 1) from the present $26,000 to $29,000 effective October 1, 1967, and to $30,000 effective July 1, 1968. The Deputy Superintendent's salary (class 2) would also be raised from the present $22,000 to $25,000 on October 1, 1967, and to $26,000 effective July 1, 1968. The Superintendent's salary has not been adjusted since 1964.

In the committee's view, the Superintendent's salary is too low in comparison with his responsibilities. According to the District government, the present salary level ranks in 18th place among the 20 other cities over 500,000 population and fifth among the six other local school systems of the Washington metropolitan area. Such ranking does not reflect either the size of the District's public school system or the magnitude of its problems.

The committee is informed that for the school year 1966–67 the average salary paid superintendents in systems with enrollments of 25,000 or more was $25,151. The lowest salary paid a superintendent by any of the other major cities over 500,000 population was the $25,000 paid by San Antonio and St. Louis whose student enrollments of 76,000 and 115,000, respectively, are substantially below the District's 149,000.

During the hearing on the bill, the President of the District of Columbia Board of Education noted that in its recent nationwide search for a new superintendent, the Board was in the position of asking outstanding educators to take a cut in salary to come to the Nation's Capital to undertake what is acknowledged as perhaps the most difficult educational problem in the entire Nation.

The committee and the District government recognize that effective July 1, 1968, the increased Superintendent salary provided by the bill exceeds that paid to the District's chief executive officer, the Commissioner of the District of Columbia. However, as shown by the following table, 12 major cities pay their school superintendent a higher salary than they pay their mayor or city manager, as the case may be, and in four of the six suburban communities in the Washington metropolitan area the superintendent's salary exceeds that now paid in the District.

COMPARISON OF SALARIES OF MAYORS (CITY MANAGERS) AND SUPERINTENDENTS OF SCHOOLS FOR 21 CITIES OVER 500,000 POPULATION AND NEARBY COMMUNITIES

Cities (in order of population)	Mayor-city manager	Salary	Salary for superintendents of schools
New York	Mayor	$50,000	$45,000
Chicago	do	35,000	48,500
Los Angeles	do	35,000	47,000
Philadelphia	do	40,000	40,000
Detroit	do	35,000	35,000
Baltimore	do	25,000	35,000
Houston	do	20,000	35,000
Cleveland	do	25,000	39,500
Washington, D.C	Mayor-commissioner	29,500	26,000
St. Louis	Mayor	25,000	25,000
San Francisco	do	38,365	35,000
Milwaukee	do	26,842	33,000
Boston	do	40,000	33,000
Dallas	City manager	28,000	35,000
New Orleans	Mayor	25,000	27,500
Pittsburgh	do	25,000	32,500
San Antonio	City manager	27,500	25,000
San Diego	do	32,000	45,000
Seattle	Mayor	23,000	26,000
Buffalo	do	26,000	28,000
Cincinnati	City manager	35,000	30,000
Median (without District of Columbia)		27,750	35,000
Mean (without District of Columbia)		30,855	35,000
Nearby communities:			
Montgomery	County manager	33,415	30,000
Fairfax	County executive	32,000	28,000
Arlington	County manager	26,500	26,500
Alexandria	City manager	25,000	22,200
Falls Church	do	[1] 18,635	19,500
Prince Georges	([2])		34,500
Washington, D.C	Mayor-commissioner	29,500	26,000

[1] Minimum salary is $16,964 and maximum is $22,635.

[2] No valid comparison can be made.

Source: Information Please Almanac, 1968; Salary Schedules for Administrative Personnel, 1966–67; National Education Association, 1967; unpublished data from the National Education Association, January 1968; independent survey District of Columbia Personnel Office.

The committee feels the increasing demands upon the professional directors of a great city school system make it not only desirable but necessary that these officials have their capable and dedicated service amply rewarded. This great city is going through social changes brought on by urbanization than rank second to none. A failure to increase these salaries at this time would be to ignore the responsibility that the Congress, as the District's legislative body, must meet, and would leave these vitally important positions in an exceedingly poor competitive position in the Washington area and with other school systems of comparable size.

REMOVAL OF TEACHER-AIDE LIMITATIONS

Section 202(4) of Public Law 89–810, approved November 13, 1966, added a section 5(c) to the District of Columbia Teachers' Salary Act of 1955, authorizing the position of teacher aide (noninstructional) to be established at a grade not higher than GS–4, requiring that the minimum qualification for appointment to this position shall be the successful completion of at least 60 semester hours from a recognized institution of higher learning, and providing that the number of teacher aides shall at no time "exceed 5 percent of the number of classroom teachers in salary class 15" under the Teachers' Salary Act or any other act.

As passed by the House and reported by the committee, H.R. 16409 amends such section 5(c) to delete the 60-hour requirement, and authorize the Board of Education to prescribe minimum qualifications for appointment as a teacher aide. According to the National Education Association, approximately two-thirds of the systems using paid teacher aides require at least a high school education, although some have no educational requirements, and others require a college degree. The following table indicates educational requirements of teacher aides in 217 systems with 12,000 or more enrollment:

Educational requirements for paid teacher aides in 217 school systems with 12,000 or more enrollment, 1966–67

	Percent of systems
Elementary education	38
High school education	65
Some college but no degree	32
College degree	18

Source: NEA Research Bulletin; vol. 45, No. 2, May 1967.

Currently, approximately 109 teacher aides are employed in the District of Columbia public school system. Before enactment of the 60-semester-hour requirement, there were more than 300 GS–4 teacher aides. The requirement of 60 semester hours has necessitated the reduction in grade of most teacher aides who, although having experience, do not have the educational attainment.

The bill would also eliminate the 5-percent limitation on the number of teacher-aide positions allowed to be established by the District of Columbia public school system. The committee is informed that this restriction has seriously curtailed the program in the District, since funds from many sources such as the Elementary and Secondary Education Act are available and cannot be used. The following table provides a summary of fund sources for teacher-aide programs in other school systems:

SOURCES OF FUNDS FOR TEACHER AIDE PROGRAMS, 1965–66, SCHOOL SYSTEMS ENROLLING 12,000 OR MORE PUPILS

[In percent]

Sources of funds	Provides partial funding	Provides total funding
Public school funds	63.1	25.3
ESEA (Elementary and Secondary Education Act)	63.6	24.9
Office of Economic Opportunity	27.2	1.4
Foundations	7.4	
Special State funds	3.2	.5

Source: NEA Research Bulletin: vol. 45, No. 2, May 1967.

In the committee's judgment, the teacher-aide program can only be effective if it can give teachers more time for teaching. Teachers who are overburdened with the extraordinary range of tasks demanded of them are not in a position to meet the many instructional and developmental needs of deprived children. It is therefore essential to offer these teachers some help, so as to free them to use the talents and insights they possess. If the children have the chance to relate to more than one adult in a classroom, and if they have available to them the attentions of more than one adult, it stands to reason that they will receive more highly individualized instruction.

The committee notes that other than those imposed by appropriations, there are no other statutory limitations on the numbers of staff the District school system may employ. The numbers of staff desired by the Board of Education is a matter which is considered annually by the Appropriations Committees of the Congress in their evaluation of the Board's specific requests.

In this committee's judgment, the appropriation process assures adequate control in the Congress over the number of teacher aides employed by the District. The existing percentage limitation is arbitrary and should be eliminated. The absolute requirement of 60 semester hours college-level training is unduly restrictive, and should be modified as recommended.

SERVICE STEP ASSIGNMENT

Paragraph (3) of section 2 of H.R. 16409 would amend section 7(a) of the Teachers' Salary Act of 1955 in order that those persons in positions in class 15, appointed from outside the District of Columbia public school system, such as libraries and counselers, can be given experience credit for educational experience other than as librarians or counselors. There is already interchangeability within class 15 positions for those appointed from within the District of Columbia public school system. This provision was requested by the District of Columbia Board of Education.

PROBATIONARY TENURE CREDIT

Paragraph (4) of section 2 of H.R. 16409 would also amend section 8(a) of the 1955 act so as to allow an employee of the Board of Education to be given credit toward satisfaction of the 2-year probationary period when serving in different positions in a salary class.

The act presently provides that a teacher in order to attain permanent status must serve 2 years of probationary service in that position; however, if the teacher should have also served as a counselor or librarian within the 2-year period, he or she must continue as a probationary employee until 2 years have been served in a single position. The amendment will allow a teacher, school officer, or other employee, under the act, to receive credit for 2 years service in any position in the class as satisfaction of the probationary tenure requirement. This provision was also requested by the Board of Education.

CORRECTION OF EFFECTIVE DATE OF EDUCATIONAL ATTAINMENT

Paragraph (5) of section 2 of H.R. 16409 amends section 10(a) of the 1955 act in order to allow the Board of Education to credit the educational attainment of a teacher or school officer 12 months prior to the date of approval by the Board. The committee is informed that employees who have acquired advanced degrees have lost salary by reason of delays in the submission of pertinent evidence from the college or university granting such degree, or because of omissions from the records of the school system. This amendment, requested by the Board of Education, would allow the employee to be paid on the effective date of receiving such degree, or 12 months prior to the approval of the Board of Education, whichever date occurs later.

CHANGE IN METHODS OF PAYMENT FOR EMPLOYEES IN SUMMER AND ADULT EDUCATION PROGRAMS

Paragraphs (6) and (7) of section 2 of the reported bill amend section 13(a) of the 1955 act in order to change the manner of designating employee pay rates in the summer school and adult education school from a per diem basis to a per period basis.

At the present time teachers who work in the summer school and adult education schools are paid a per diem rate which is computed on the basis of 4½ hours. The committee is advised that with the growing remedial and enrichment programs taking place in the summer program, there is a need for certain teachers to work beyond the summer teaching day.

By establishing a per period rate, the school administration will have a greater flexibility in the use of teachers, especially in the summer school program. According to the Board of Education, which requests the amendment, in the past the lack of flexibility has necessitated shortening programs because no authority existed to pay beyond the 4½ hours per diem period.

RESTRICTION ON NUMBER OF TEACHERS TAKING GENERAL LEAVE ON A GIVEN DAY

Section 1 of the District of Columbia Teachers' Leave Act of 1949 (D.C. Code, sec. 31–691) provides in part that a teacher or attendance officer may use 3 days of cumulative sick leave, with pay, in any school year for any purpose, upon giving timely notice of such intended absence. No limitation is placed on the number of teachers in any school who may avail themselves of this general leave privilege on any given day.

On the occasion of the recent walkout by a large number of teachers in the District of Columbia school system, these teachers applied for a day of their general leave in such quantities as to force the schools in the city to close for that day. Your committee is informed that the District of Columbia Corporation Counsel advised the Board of Education on that occasion that they were without legal power to limit or restrict the number of teachers to whom such leave could be granted for that or any other day.

It is the opinion of your committee that this lack of authority on the part of the District of Columbia Board of Education to limit such general leave when necessary, to prevent any school from having to close any time for lack of teaching personnel, is a weakness in the present law which can militate against the interests of the school system and the citizens of the District. This weakness may be exploited whenever teachers in any given school may wish to take such leave on the same day for any purposes whatever, in sufficient numbers to seriously hamper the operation of that school on that day or even to necessitate its closing. Your committee feels strongly that while the privilege of these 3 days per year of leave with pay for personal reasons should be available to the teachers in the District public school system, the administration of this law should be so controlled that the welfare of the pupils shall be paramount.

Accordingly, section 5 of H.R. 16409 provides that not more than 5 percent of the teachers in any school, or three teachers whichever is greater, may be granted leave under the above-cited law on any one day. However, an exception to this limitation is provided when the purpose of the leave is to permit the teacher to attend a religious service or to observe a religious holiday. In these instances, it is the intent of your committee that such religious service or religious holiday be a part of the functioning of a bona fide, religious faith or congregation.

Cost of the bill

The estimated annual cost of H.R. 16409, as computed by the District of Columbia government's Personnel Office, is tabulated as follows:

Phase I, effective Oct. 1, 1967:	
Salary increases averaging 8.3 percent	$4,756,500
Civil service retirement (temporary teachers)	80,000
Life insurance	14,800
Summer and evening schools	165,000
Total	[1] 5,016,300
Phase II, effective July 1, 1968:[2]	
Salary increases averaging 19.2 percent	$12,366,900
Civil service retirement (temporary teachers)	190,000
Life insurance	30,000
Summer and evening schools	370,000
Total	[1] 12,956,900

[1] Costs estimates exclude retirement contributions for regular teachers and school officers.

[2] Costs indicate increase above present teacher and school officers salaries provided in Public Law 89–810.

FUNDING

As pointed out earlier in this report, the District of Columbia government has informed the committee that the added cost of the proposed salary increases during fiscal 1968, amounting to an estimated $1.3 million, will be absorbed by the District through a number of its reserve accounts subject to reimbursement out of increased revenues to be provided in fiscal year 1969 pursuant to District government revenue proposals now pending in the Congress.

The added cost during fiscal year 1969—above the District of Columbia budget requests presently pending before the Congress—will amount to an estimated $7.3 million, and will, according to the District government, also be funded out of increased revenues anticipated from pending revenue proposals.

COMMITTEE AMENDMENT

As passed by the House, H.R. 16409 established the annual salaries of the Superintendent and the Deputy Superintendent of Schools of the District of Columbia at $28,000 and $24,000, respectively. For reasons expressed earlier in this report, the committee has amended the House-passed bill to provide the Superintendent and Deputy Superintendent a two-step salary increase to $29,000 and $25,000, respectively, effective October 1, 1967, and $30,000 and $26,000, respectively, effective July 1, 1968.

Hearing

On February 14, 1968, the Subcommittee on Fiscal Affairs held a public hearing on S. 2659 and S. 2679, legislative proposals to increase the salaries of District of Columbia teachers and school officers.

The Commissioner of the District of Columbia, the President of the District of Columbia Board of Education, the Superintendent of Schools, and representatives of a number of teacher organizations and citizen associations appeared at these hearings and wholeheartedly supported substantial increases in teacher and school officer salaries. No one appeared in opposition.

CONCLUSION

As is evidenced by the President's message on the District of Columbia of March 13, 1968, a great effort is underway, to renew, rejuvenate, and enhance the quality of public education in Washington. There is much talk of making the education of children in the Nation's Capital a model for the rest of the Nation. This cannot and will not come to pass unless the massive turnover rate of teachers in the District's school system is stopped. The District of Columbia can no longer afford to be a training ground for neighboring suburban school districts. Washington must be placed in a position not only to retain its experienced educational staff, but to attract a new breed of teachers who are willing and able to teach effectively amidst the difficult conditions of a restless and growing city.

In your committee's judgment, it is absolutely certain that this will not be done unless the District is able to compete for staff with a superior salary scale. The lesson of the past is a clear one. It may be possible to attract a few highly motivated, well-qualified teachers to one of the most difficult teaching jobs in the Nation for the same money they could earn in more affluent communities, but it is clearly unrealistic and unreasonable to expect many such teachers to enter more demanding work for the same or less money.

In the committee's judgment, the salary levels proposed in H.R. 16409 are both realistic and reasonable. They will give the District of Columbia Board of Education the advantage it must have to improve the quality of instruction in the schools. They help recognize the teacher's high place in the scale of community values. This investment in the educational system is a necessary fundamental step. Good teachers foster good citizens.

It is in this spirit that your committee commends H.R. 16409, as amended, to the Senate for prompt passage.

ORDER FOR RECOGNITION OF SENATOR GRIFFIN ON WEDNESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of routine morning business on Wednesday next, May 15, 1968, the distinguished Senator from Michigan [Mr. GRIFFIN] be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 27 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, May 14, 1968, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 13, 1968:

UNITED NATIONS

George W. Ball, of New York, to be the representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the representative of the United States of America in the Security Council of the United Nations.

AMBASSADOR

G. Mennen Williams, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Philippines.

HOUSE OF REPRESENTATIVES—*Monday, May 13, 1968*

The House met at 12 o'clock, noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If God be for us, who can be against us?—Romans 8: 31.

O God, our Father, we come together at this moment to unite our hearts in prayer unto Thee. Keep us aware of Thy presence and make us receptive to the leading of Thy spirit as we live through the stress and strain of these difficult days.

Since no man lives a stranger to trouble, grant that we may not give up before the hazards of life but may live with that hope which belongs to those who trust in Thee, confident that new paths will open to those who walk with faith.

In this day when people knock at the door of our hearts and call us to lead the way to a greater life, together may we place the weight of our influence on the side of life and health and brotherhood—through Him who is the way, the truth, and the life. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, May 10, 1968, was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On May 4, 1968:

H.R. 15344. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

On May 7, 1968:

H.R. 10477. An act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes.

On May 8, 1968:

H.R. 15398. An act to amend the National School Lunch Act to strengthen and expand food service programs for children, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14940) entitled "An act to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations."

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1119. An act to grant minerals, including oil and gas, on certain lands in the Crow Indian Reservation, Mont., to certain Indians, and for other purposes.

THE SLEEPY AND INEFFECTUAL INTERSTATE COMMERCE COMMISSION

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Thee was no objection.

Mr. HECHLER of West Virginia. Mr. Speaker, this morning's New York Times carries a blazing lead editorial condemning the Interstate Commerce Commission for its sleepy and ineffectual efforts to protect the public interest.

Mr. Speaker, I testified before the Interstate Commerce Commission to protest the proposed discontinuance of several Chesapeake & Ohio trains. The Commission not only allowed the discontinuance in a case decided May 7, 1968, but their review of the evidence is a gross insult to the public which rides these trains.

As a Member of Congress, I received hundreds of letters from constituents protesting conditions on these railroads, and pointing unmistakably to the railroad efforts to downgrade service. In my 32-page testimony before the Interstate Commerce Commission, I quoted extensively from 35 constituents who had written me about their personal experiences with roaches in the coaches and other conditions which had discouraged passengers from traveling.

For 2 days, the battery of high-paid counsel for C. & O. cross-examined me on the witness stand, and the only point they could make was that I had not personally ridden with each of these constituents when they experienced these conditions. I testified that I had had personally seen and experienced the disgraceful conditions on the railroads. Now listen to how the ICC summarizes my testimony in his ruling. Commissioner Stafford says, at page 112:

> A portion of the Congressman's testimony was comprised of excerpts from written communications he had received from his constituents. Upon cross-examination, he admitted that he had no personal knowledge of the circumstances complained of by these constituents.

Now I ask you, Mr. Speaker, are we supposed to ride personally on every train before we can legally submit evidence to this prejudiced body, the Interstate Commerce Commission? How long, Oh, Lord, how long is this sleepy old agency going to continue to pamper railroad management, and when is the Interstate Commerce Commission going to begin to protect the defenseless traveling public, and when is Congress going to insist that the ICC protect the public interest instead of the private interests of railroad management?

OKLAHOMA CELEBRATES 21ST ANNIVERSARY STRAWBERRY FESTIVAL AT STILWELL

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, the red and white necktie I am wearing today is in recognition of the 21st Annual Strawberry Festival which was celebrated on Saturday, May 10, at Stilwell, Okla.—the strawberry capital of the world.

Thousands of Oklahomans and hundreds of visitors from other States were on hand for the colorful festival events, and several showers failed to dampen the large crowd's enthusiasm or to stop the big parade.

Johnnie Lee Wills' famous Western Band was a major attraction at coronation ceremonies for beautiful Festival Queen Carolyn Carson, the 17-year-old daughter of Dr. and Mrs. John H. Carson.

The festival queen's lovely young attendants were Miss Beverly Green, daughter of Dr. and Mrs. Burdge Green, and Miss Sherrie Cole, daughter of Mr. and Mrs. Lloyd Cole, Jr.

Bill Cunningham, district lieutenant governor of Kiwanis International, crowned Queen Carolyn.

Stilwell's Strawberry Festival, as usual, was featured by the serving of fresh strawberries and cream to thousands on the courthouse lawn.

During the 21 years of the festival's history, it has grown steadily as a major Oklahoma tourist attraction, and license tags from all over the United States were in evidence in Stilwell last Saturday.

In closing, I would like to repeat the words of welcome which appeared on the editorial page of the Stilwell Democrat Journal last Thursday:

> Stilwell is a friendly town. Come join us for the festival. You'll have a good time.

THE TAX-EXPENDITURE CUT PACKAGE

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS. Mr. Speaker, I have asked for and been granted a special order on tomorrow for 1 hour, at which time I intend to discuss the proposed tax bill and expenditure cut.

I was one of the conferees who did not sign the conference report. This was for very important procedural reasons but also for very important substantive reasons.

The issue before this society is one of inflation. It becomes a real question whether simply transferring purchasing power from the private sector to the governmental sector through a tax increase without a sincere effort on the part of the Johnson administration to cutback its expenditures will really do the job. I intend to discuss that tomorrow in some detail.

The President of the United States still has not spoken up, which is a prerequisite if this kind of fiscal package is going to do any good.

CAPTIVE RUMANIA

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, the 10th of May marked the traditional national holiday of the Rumanian people. In early years of the nation, neighboring countries hoped to absorb the new nation, but Rumanian patriots exercised wise and steadfast policies to strengthen the power and prestige they had gained.

Since the beginning of Rumanian history, in 1866, Rumanians have cherished that anniversary and observed it. With the changes brought about by World War II, Rumania lost its freedom. The 10th of May, however, still symbolizes to the people of Rumania the fact of nationhood and inspires them to persevere through present difficulties until freedom can be regained.

In 1968 the world has seen new efforts by captive Rumania to exercise independence. It is no secret that its leaders disagree with the Soviet authorities over many policies. Other members of the Warsaw Pact have been noticeably impressed with the courage and independence of the Rumanians. Among the people at large there is marked emphasis on Rumanian history and tradition. There is a serious decline in the birth rate, in reaction to the inadequate standard of living and malnutrition offered by the Communist economy. There are continued lags in industry and farm production.

Free Rumanians living in West Europe and the United States observed their anniversary with renewed dedication to the task of seeking freedom for their enslaved country. They held the official celebrations which their exploited countrymen could not—to keep alive the dream of free Rumania. Let us, who believe in freedom, join in observing this anniversary and in commending the courage and indomitable spirit of Rumania.

FAIR INTERNATIONAL TRADE BILL

Mr. LANGEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. LANGEN. Mr. Speaker, it was sad to learn that this Nation suffered its first merchandise trade deficit in 5 years and experienced another big run on U.S. gold during March. At the same time, consumer prices rose and the cost-of-living index advanced for the 14th consecutive month, while farm parity dropped to 73.

With serious economic problems growing worse, and the international balance-of-payments situation threatened even further by the trade imbalance, we must use every tool at our disposal to reverse these trends. That is why I am today introducing the Fair International Trade Act of 1968 to encourage the growth of international trade on a fair and equitable basis.

This bill is based on the idea of sharing the domestic market with imports and allowing imports to grow as domestic consumption of the product grows. The effect would be to treat imports liberally without allowing them to take over our market at will and driving the competing domestic industry to the wall. Imports would be allowed to grow, but their destructive efforts would be contained. Imports would be kept in balance and would not flood our markets at will, contributing to our trade imbalance.

The fair international trade bill would apply to a number of industries in my native Minnesota, such as the iron ore industry, the makers of building materials such as hardboard, and many other concerns including agriculture. However, this bill would not affect existing quota laws that apply to a number of agricultural products.

Mr. Speaker, I commend this bill to our colleagues as a realistic answer to the problems of uncontrolled imports. It offers some protection for American domestic industries, but does not close the door on foreign suppliers. They would still be able to participate in our markets, but on a fair basis. It is hoped that this measure will receive serious attention during this session of Congress.

SPECIAL ORDER VACATED

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the special order previously granted to me for today be vacated.

The **SPEAKER.** Is there objection to the request to the gentleman from Iowa?

There was no objection.

HIGHWAY SAFETY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 311)

The **SPEAKER** laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Public Works and ordered to be printed, with illustrations:

To the Congress of the United States:

I am pleased to transmit the first annual report on the administration of the Highway Safety Act of 1966.

Each year, more than 50,000 Americans die on our highways. Millions more are injured. Billions of dollars are lost by death, disability, and protracted stays in hospitals.

This report, which covers the period from September 9, 1966, to December 31, 1967, shows that we have begun to take effective action to stem this terrible tide.

During this period

—We established a National Highway Safety Bureau.

—We issued highway safety standards.

—All 50 States received Federal grants-in-aid to help them and local communities to improve their highway safety programs.

—A broad research program has begun, which will provide sound guidelines for future safety standards.

The fight to stop the slaughter on our highways will be long and hard. I hope the Congress will be encouraged by this report to continue its strong support of these vital programs.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 13, 1968.*

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO 310)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed, with illustrations:

To the Congress of the United States:

This year, we can expect 53,000 Americans to die on our Nation's highways.

We can expect almost 4 million Americans to be injured in automobile accidents—nearly 10,000 people hurt every day.

We can expect automobile fatalities to be the largest cause of death in the 15 to 35 age group.

Year after year, those expectations become gruesome reality.

In 1966, we took our first major step to combat this shameful waste. And now I am pleased to transmit to the Congress the first annual report of the National Traffic and Motor Vehicle Safety Act of 1966.

This report covers the period between September 9, 1966, and December 31, 1967, and I believe it shows a promising beginning.

During this period

—Two hundred safety-related recall campaigns were conducted by the motor vehicle industry.

—The first Federal motor vehicle standards in history were issued and are already in application on all cars manufactured after January 1 of this year.

—Additional standards were issued for vehicles manufactured after January 1, 1969.

—A sound research program has been begun, to provide a firm basis for future safety standards for vehicles and for State safety programs.

Our efforts are beginning to tell: the rate of increase of traffic deaths has slowed somewhat. Still, the destruction wrought by Americans on themselves, their fellow citizens, and their property is of tragic proportions.

I hope that this report will encourage the Congress to continue its support for these programs, and I commend it to your attention.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 13, 1968.*

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 134]

Abernethy
Arends
Baring
Bingham
Blackburn
Blanton
Brasco
Burton, Utah
Button
Cabell
Celler
Conyers
Corbett
Corman
Cramer
Cunningham
Daddario
Davis, Wis.
Dent
Diggs
Dorn
Dow
Downing
Edwards, La.
Evins, Tenn.
Farbstein
Fino
Flood
Ford, Gerald R.
Fraser
Frelinghuysen
Fulton, Tenn.
Gallagher
Gardner
Gray
Green, Oreg.
Griffin
Griffiths
Gurney
Hagan
Hanna
Halleck
Halpern
Grover
Hansen, Idaho
Hansen, Wash.
Hardy
Hébert
Heckler, Mass.
Holifield
Holland
Irwin
Jarman
Jonas
Jones, N.C.
Kee
Kelly
Kluczynski
Kornegay
Kupferman
Laird
Leggett
Lloyd
Long, La.
Lukens
Madden
Mailliard
Matsunaga
Miller, Calif.
Mink
Mize
Moore
Morse, Mass.
Murphy, N.Y.
Nix
O'Konski
Olsen
O'Neill, Mass.
Pepper
Pickle
Pike
Podell
Pollock
Pryor
Pucinski
Purcell
Quillen
Resnick
Roberts
Ronan
Rostenkowski
Scheuer
Selden
Skubitz
Smith, Iowa
Stephens
Stubblefield
Stuckey
Talcott
Teague, Tex.
Tenzer
Thompson, N.J.
Tuck
Watkins
Whalley
Wilson,
 Charles H.
Wolff
Wydler
Wyman
Young
Zion

The SPEAKER. On this rollcall 324 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL EXPLANATION

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I would like to announce my position on two votes which I missed early last week due to my presence in Ohio for our State primary.

I would have voted in favor of H.R. 16819, the Vocational Rehabilitation Act Amendments of 1968.

I supported the proposal for House Joint Resolution 958, authorizing the Secretary of Transportation to conduct a comprehensive study and investigation of the existing compensation system for motor vehicle accident losses, in the Interstate and Foreign Commerce Committee and would have voted in favor of that resolution.

INCREASING AUTHORIZATION FOR APPROPRIATION FOR CONTINUING WORK IN THE MISSOURI RIVER BASIN BY THE SECRETARY OF THE INTERIOR

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1165 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1165

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 3033) to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska [Mr. MARTIN], pending which I yield myself such time as I may consume.

Mr. Speaker, the rule is self-explanatory; 1 hour, open. I know of no controversy either on the rule or on the bill it would make in order.

I reserve the remainder of my time.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 1165 provides for an open rule, with 1 hour of debate, on S. 3033, a bill to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

The increase is for the 2 years 1969 and 1970. It totals $59,000,000. There is expected, 2 years hence, a further additional authorization to continue the construction work authorized by Congress in 1964, and this future authorization is expected to complete the work on the projects.

No new projects may have funds appropriated for them from moneys authorized by the bill—it is strictly to complete projects now under construction. The Department of the Interior has advised the committee that unless these funds are authorized they will have to stop work on a number of projects as of June 30, 1968.

The Flood Control Act of 1944 authorized the Secretary of the Interior to undertake a portion of the comprehensive plan for the development of the Missouri River Basin. Section 9(e) of that act authorized an appropriation of $200 million for partial accomplishment of the works to be undertaken by the Secretary. Since then the authorization of the Missouri River Basin program called for a sum of $975,680,000 which has been expended on the basin and various construction projects. The Department of the Interior supports the bill, as does the Bureau of the Budget.

I know of no controversy on this legislation, Mr. Speaker, and I support the rule and the legislation.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. JOHNSON of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 3033) to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 3033) with Mr. RANDALL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. JOHNSON] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. SAYLOR] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California.

Mr. JOHNSON of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. Chairman, S. 3033 is similar to legislation we have been bringing before the House every 2 years to provide for continuing reclamation work in the Missouri River Basin by the Department of the Interior. All of the projects and units for which funds are included were started prior to 1964 and appropriations authorized in S. 3033 will be used to carry them forward toward completion. None of the funds will be used to start new units.

It was in 1964 that the committee decided that the Missouri Basin project authorization was so out of date that all new units should be authorized or reauthorized by Congress whether or not they were included in the program authorized in the Flood Control Act of 1944. This procedure was approved by the Congress and has been in effect since that time.

While there is a sizable amount of money, $59 million, authorized to be appropriated in S. 3033, this legislation, in a way, constitutes a routine action of the Congress because it does involve a going program. One very worthwhile purpose served by this authorization bill, as well as others along this line that we have considered at 2-year intervals, is to permit our committee to meet its oversight responsibility as far as the Missouri River Basin project is concerned until all of the units started prior to 1964 have been completed.

Mr. Chairman, as far as I know, this legislation is noncontroversial. It will clear the way for the Appropriations Committee to act on the President's fiscal year 1969 budget request which it already has under consideration for this work in the Missouri River Basin.

I urge the approval of S. 3033.

Mr. HALL. Mr. Chairman, will the distinguished gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the distiguished chairman of the Committee on Interior and Insular Affairs yielding to me at this point for informational questions which I hope will be of benefit to the entire body.

I notice that this authorization is to the Secretary of the Department of the Interior, and I would presume that most of the projects involved are in the original Missouri River Basin Act and are reclamation projects; is that correct?

Mr. ASPINALL. The gentleman from Missouri is correct. All of these moneys are for reclamation projects. The authorization in the Flood Control Act of 1944 was also directed toward flood control projects which are being taken care of by the Army Corps of Engineers. For the implementation of the Corps projects authorized by that act the same criteria was not approved that was established as that agreed upon several years ago for reclamation projects. All of the projects in the Missouri Basin which had not been started by the midfifties had to be reauthorized because of the period of time which had elapsed since the original authorization.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, I think the distinguished chairman of the committee has anticipated my next question: Would there be any authorization herein that might be sublet, so to speak, to the Army Corps of Engineers for an additional project?

Mr. ASPINALL. Not a penny.

Mr. HALL. Then, Mr. Chairman, may I ask the distinguished gentleman from Colorado, after a careful study of the bill and the report, and after listening to every single word which the gentleman has said in the well today; why at this time of the "price-cost squeeze" and economy in the executive branch—and allegedly on the part of the Congress—we increase the authorization by $59 million?

In other words, could we continue these various projects which are listed in the report at a status quo rate rather than making this increase? I realize that there has to be taken into consideration the forecast of higher cost of construction in the future and coincident with irreversible inflation, but simply in the interest of economy, I naturally wonder if we could reasonably continue along with the approved works. If we did so, we need not hurt the current status of these projects, although it might be more expensive in the long run.

Mr. ASPINALL. In response to the question of the gentleman from Missouri, when we consider the building of one of these projects, I will say to my friend that I am sure he understands it is somewhat similar to a surgical operation. In other words, a surgeon does not stop at any place but in the interest of efficiency and success he finishes the operation in an orderly manner. In reclamation the engineers should continue in an orderly manner until it is completed within a reasonable period of time.

Mr. HALL. Is there any reason to go ahead with these transmission lines?

Mr. ASPINALL. Yes; I would say that it is highly necessary that we continue to proceed with the construction of these transmission lines, because the power is available and it should be sold and it should be sold in the area where it can be marketed.

Mr. Chairman, if the distinguished gentleman from Missouri will take a look at the chart which appears on page 2 of the report, the gentleman will see that there is a sizable amount of money involved here insofar as transmission lines are concerned.

These are the transmission lines that will bring the power from the area around Fort Thompson to Grand Island.

Mr. HALL. In that connection, before the gentleman answers the first part of the prior question, are these transmission lines a part of the eventually to be realized Federal grid?

Mr. ASPINALL. I do not know about the Federal grid part of it, but these are necessary lines for the Missouri Basin grid to carry the power that is being generated by the powerplants along the Missouri River.

Mr. HALL. Will there be any part of the lines that will intermingle with the Bonneville and TVA facilities, the so-called interties?

Mr. ASPINALL. As far as their use in power is concerned, I would say no, but as far as making a flat statement that there would not be any intermingling of power, I could not answer that, because in that instance the amount of power is involved rather than the matter of intermingling, but these lines are not for that purpose. These are for the purpose of completing a grid that is for the purpose of carrying power that is produced by these great powerplants along the Missouri River.

Mr. HALL. I certainly agree with the distinguished gentleman, if we are going to produce power while controlling floods and reclaiming land and water proper practices, that we ought to market it because that is the only way we make such projects feasible, and recoup part of the money for the U.S. taxpayer; and second, I want to state that having these projects in being that we are appreciative on the lower reaches of the Missouri Basin for the flood control, and no one wants to hinder that.

But now, with those two postulates, getting back to our original question, as I understand the distinguished gentleman, they have reviewed by individual line items the spending on the in-being projects of the additional $59 million—and these authorizations always come home to roost in the form of appropriations later—and without it we could not satisfactorily or at least so economically complete the projects, in the experience and the wisdom of the distinguished gentleman and his committee?

Mr. ASPINALL. That is right. It is my feeling that we lose money in the inefficiency of not proceeding orderly with the engineering features of a project after once having started it. And as I say, all of these moneys are to be repaid, as my friend from Missouri understands, under the policies of the reclamation program.

Those portions that might be considered to be recreation are, of course, more reimbursable. For these transmission lines, the cost of which makes up the most of this authorization, will be repaid with interest.

Mr. HALL. I thank the gentleman.

Mr. SAYLOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of S. 3033, a bill to increase the authorization for appropriations for continuing work in the Missouri River Basin by the Bureau of Reclamation of the Department of the Interior.

The purpose of this legislation, which is a request of the administration, is to authorize appropriations for fiscal year 1969 and 1970 to continue the Bureau of Reclamation's long-standing program of investigating, constructing, and operating facilities for the optimum multipurpose use of water and associated land resources of the Missouri River Basin.

The amount requested and authorized to be appropriated by this legislation for fiscal years 1969 and 1970 is $59 million. This amount includes $31,119,000 of the President's fiscal 1969 budget. The remaining $28,317,000, is the estimated requirements for fiscal year 1970 as Federal obligations for activities in the Missouri River Basin. The total figure authorized for appropriation for 1969 and 1970 is rounded to $59 million.

The need for this legislation arises from the fact that the current appropriation authorization expires on June 30, 1968. The appropriation authorized by this bill is required to continue the ongoing program in the Missouri River Basin, and is in support of the administration's request for appropriations for fiscal year 1969.

The Flood Control Act of 1944—58 Stat. 887, 9(e)—authorized the appropriation of $200 million for partial accomplishment of the portion of the comprehensive plan of development of the Missouri River Basin, to be undertaken by the Secretary of the Interior.

This program has been continued by subsequent acts which have increased the funds authorized to be appropriated to carry out the comprehensive plan. In 1964, a policy was initiated of authorizing appropriations to continue the program for 2 fiscal years only and prohibiting the use of funds appropriated under the authorization for the initiation of new construction or additional units of the project.

To date, the total appropriations authorized for work pursuant to the comprehensive plan of development of the Missouri River Basin has been $1,104 million. This bill authorizes an additional ceiling of $59 million.

The policy initiated in 1964 has substantially cleared the chaos that existed prior to that time in the development of this program. It is now estimated that all the works authorized for construction prior to 1964 will be completed within the next few years. If so, there will be little need for legislation authorizing appropriations such as S. 3033, in the future.

Mr. Chairman, I support the passage of S. 3033, as favorably reported by the House Committee on Interior and Insular Affairs.

Mr. DENNEY. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Nebraska.

Mr. DENNEY. I notice on page 2 of the report the statement by the committee that this bill does not have any effect on the transmission lines already in process of construction.

As the gentleman knows, I am interested in the 345-kilovolt line in Nebraska. If I understand the committee report, this bill has no effect on that whatsoever; is that correct?

Mr. SAYLOR. That is correct. The money for that has already been appropriated. As you will notice, the chairman of the full committee, the gentleman from Colorado [Mr. ASPINALL] called the attention of our colleague, the gentleman from Missouri [Mr. HALL] to the fact that the two largest items to be authorized to be appropriated for 1969 and 1970 are the construction of additional transmission lines in this area. These transmission lines are necessary so that the power which is to be produced by Yellow Tail Dam, and some of the other dams will be able to be marketed in areas where there is a market for it.

Mr. DENNEY. I thank the gentleman.

Mr. JOHNSON of California. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, as the distinguished chairman of the Interior and Insular Affairs Committee has indicated, the purpose of S. 3033 is to increase the authorization for appropriations for continuing the "going" construction and planning program of the Department of the Interior in the Missouri River Basin. The funds are confined to fiscal years 1969 and 1970 and language is included which prohibits the appropriation of any of these funds to initiate construction of any new units. With respect to transmission lines, the committee has taken the position that they will be eligible for funding without further authorization if they are necessary for marketing power and energy from Federal generating facilities already completed or under construction.

The subcommittee, of which I am chairman, examined fully all the items of work proposed to be carried out under this authorization and found all of them justified and needed in connection with the overall development of the Missouri River Basin project. About $31 million is for fiscal year 1969 and the administration's budget request for this amount is already under consideration in the Appropriations Committee.

Mr. Chairman, the Flood Control Act of 1944 authorized the Secretary of the Interior to undertake a portion of the comprehensive plan for development of the Missouri River Basin, and section 9(e) of that act authorized the appropriation of $200 million for partial accomplishment of the works to be undertaken by the Secretary. Subsequent authorizations have increased this amount to $1,014,000. However, since the appropriation authorization acts since 1964 have been limited to specific fiscal years and authorization for roughly $38,320,000 will have lapsed by June 30 of this year, the net authorized appropriations to the end of the current fiscal year will be about $975,680,000.

Not all of the work underway in the Missouri Basin can be completed during fiscal years 1969 and 1970, and there will be a need for additional authorization 2 years hence. However, within the next few years, the construction work which was started prior to 1964 will be completed and there will be no further need for appropriation authorization acts along the lines of S. 3033. All acts authorizing new units will themselves include authority for the necessary appropriations. This was done in the case of the Garrison diversion unit authorized in the 89th Congress and the mid-State division authorized last year, and appropriations for these projects are not included in the authority contained in S. 3033.

Mr. Chairman, we recommend this legislation as it passed the other body. No amendments are required. I urge the approval of S. 3033.

Mr. SAYLOR. Mr. Chairman, I have no further requests for time.

Mr. JOHNSON of California. Mr. Chairman, I have no further requests for time.

The **CHAIRMAN.** The Clerk will read.

The Clerk read as follows:

S. 3033

Be it enacted by the Senate and House and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated for fiscal years 1969 and 1970 the sum of $59,000,000 for continuing the work in the Missouri River Basin to be undertaken by the Secretary of the Interior pursuant to the comprehensive plan adopted by section 9(a) of the Act approved December 22, 1944 (Public Law Numbered 534, Seventy-eighth Congress), as amended and supplemented by subsequent Acts of Congress. No part of the funds hereby authorized to be appropriated shall be available to initiate construction of any unit of the Missouri River Basin project, whether included in said comprehensive plan or not.

Mr. SAYLOR (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, that it be printed in the RECORD at this point, and open to amendment at any point.

The **CHAIRMAN.** Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The **CHAIRMAN.** There being no amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. RANDALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 3033), to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior, pursuant to House Resolution 1165, he reported the bill back to the House.

The **SPEAKER**. Under the rule, the previous question is ordered.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The **SPEAKER**. The question is on passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. **HALL**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 296, nays 18, not voting 119, as follows:

[Roll No. 135]

YEAS—296

Abbitt
Adair
Adams
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashbrook
Ashley
Ashmore
Aspinall
Ayres
Baring
Barrett
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Blatnik
Boggs
Boland
Bolling
Brademas
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Burton, Calif
Burton, Utah
Bush
Byrnes, Wis.
Cahill
Carey
Carter
Casey
Cederberg
Chamberlain
Clancy
Clawson, Del
Cohelan
Collier
Colmer
Conable
Cowger
Culver
Curtis
Davis, Ga.
Dawson
de la Garza
Delaney
Dellenback
Denney
Derwinski
Devine
Dickinson
Donohue
Dowdy
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fisher
Flynt
Foley
Ford, William D.
Fountain
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Green, Pa.
Gross
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Harrison
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Kastenmeier
Kazen
Keith
King, Calif.
Kirwan
Kleppe
Kornegay
Kuykendall
Kyl
Kyros
Landrum
Leggett
Lennon
Lipscomb
Long, Md.
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Machen
Mahon
Marsh
Martin
Mathias, Calif.
Mathias, Md.
May
Mayne
Meeds
Miller, Calif.
Miller, Ohio
Mills
Monagan
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Morton
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara, Ill.
O'Neal, Ga.
O'Konski
Passman
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Pike
Pirnie
Poage
Poff
Pool
Price, Ill.
Price, Tex.
Quie
Randall
Rarick
Rees
Reid, Ill.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers
Robison
Rogers, Colo
Rogers, Fla.
Rooney, N.Y.
Rosenthal
Roth
Roudebush
Roush
Roybal
Ruppe
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schweiker
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Smith, Calif.
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Tuck
Tunney
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watson
Watts
Whalen
White
Whitener
Widnall
Wiggins
Williams, Pa.
Willis
Wilson, Bob
Winn
Wyatt
Wylie
Zablocki
Zwach

NAYS—18

Bow
Cleveland
Conte
Horton
Joelson
Karth
Langen
McCarthy
Michel
Minish
Ottinger
Reid, N.Y.
Riegle
Rodino
Rumsfeld
Stratton
Sullivan
Yates

NOT VOTING—119

Abernethy
Addabbo
Arends
Bingham
Blackburn
Blanton
Bolton
Brasco
Button
Byrne, Pa.
Cabell
Celler
Clark
Clausen, Don H.
Conyers
Corbett
Corman
Cramer
Cunningham
Daddario
Daniels
Davis, Wis.
Dent
Diggs
Dingell
Dole
Dorn
Dow
Downing
Edwards, La.
Farbstein
Fino
Flood
Ford, Gerald R.
Fraser
Frelinghuysen
Fulton, Tenn.
Gallagher
Gardner
Goodell
Gray
Green, Oreg.
Griffin
Griffiths
Grover
Gurney
Hagan
Halleck
Halpern
Hansen, Idaho
Hansen, Wash.
Hardy
Hébert
Herlong
Holifield
Holland
Irwin
Jarman
Jones, N.C.
Karsten
Kee
Kelly
King, N.Y.
Kluczynski
Kupferman
Laird
Latta
Lloyd
Long, La.
Lukens
Madden
Mailliard
Matsunaga
Meskill
Mink
Minshall
Mize
Moore
Morse, Mass.
Murphy, N.Y.
Nix
O'Hara, Mich.
Olsen
O'Neill, Mass.
Pepper
Pickle
Podell
Pollock
Pryor
Pucinski
Purcell
Quillen
Railsback
Resnick
Roberts
Ronan
Rooney, Pa.
Rostenkowski
Scheuer
Selden
Skubitz
Slack
Smith, Iowa
Stephens
Stubblefield
Stuckey
Talcott
Tenzer
Thompson, N.J.
Watkins
Whalley
Whitten
Wilson, Charles H.
Wolff
Wright
Wydler
Wyman
Young
Zion

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Gerald R. Ford.
Mr. Hébert with Mr. Arends.
Mr. Brasco with Mr. Whalley.
Mr. Addabbo with Mr. Mailliard.
Mr. Tenzer with Mr. Corbett.
Mr. Podell with Mr. King of New York.
Mr. Daniels with Mr. Kupferman.
Mr. Celler with Mr. Laird.
Mr. Gallagher with Mr. Moore.
Mr. Wolff with Mr. Fino.
Mr. Holifield with Mr. Don H. Clausen.
Mr. Pepper with Mr. Davis of Wisconsin.
Mr. Griffin with Mr. Cramer.
Mr. Bingham with Mr. Halpern.
Mr. Jarman with Mr. Talcott.
Mr. Kluczynski with Mr. Quillen.
Mr. Madden with Mr. Halleck.
Mr. Rostenkowski with Mr. Frelinghuysen.
Mr. Whitten with Mrs. Bolton.
Mr. Downing with Mr. Dole.
Mr. Matsunaga with Mr. Skubitz.
Mr. O'Hara of Michigan with Mr. Lloyd.
Mr. Roberts with Mr. Minshall.
Mrs. Kelly with Mr. Morse of Massachusetts.
Mrs. Green of Oregon with Mr. Railsback.
Mr. Dent with Mr. Cunningham.
Mr. Farbstein with Mr. Blackburn.
Mr. Hardy with Mr. Latta.
Mr. Stubblefield with Mr. Pollock.
Mr. Byrne of Pennsylvania with Mr. Wydler.
Mr. Clark with Mr. Goodell.
Mr. Murphy of New York with Mr. Grover.
Mr. Flood with Mr. Gurney.
Mrs. Griffiths with Mr. Wyman.
Mr. Corman with Mr. Gardner.
Mr. Slack with Mr. Lukens.
Mr. Smith of Iowa with Mr. Watkins.
Mr. Fulton of Tennessee with Mr. Hansen of Idaho.
Mr. Edwards of Louisiana with Mr. Zion.
Mrs. Mink with Mr. Button.
Mr. Cabell with Mr. Mize.
Mr. Long of Louisiana with Mr. Daddario.
Mr. Dorn with Mr. Pickle.
Mr. Pucinski with Mr. Dow.
Mr. Resnick with Mr. Diggs.
Mr. Dingell with Mr. Nix.
Mr. Purcell with Mr. Fraser.
Mr. Gray with Mrs. Hansen of Washington.
Mr. Holland with Mr. Scheuer.
Mr. Selden with Mr. Stuckey.
Mr. Pryor with Mr. Ronan.
Mr. Stephens with Mr. Jones of North Carolina.
Mr. Thompson of New Jersey with Mr. Irwin.
Mr. Young with Mr. Charles H. Wilson.
Mr. Wright with Mr. Kee.
Mr. Blanton with Mr. Olsen.
Mr. Karsten with Mr. Conyers.
Mr. Rooney of Pennsylvania with Mr. Herlong.
Mr. Hagan with Mr. Meskill.

Mr. **CLEVELAND** changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

TRIBUTE TO GOV. LURLEEN BURNS WALLACE

Mr. **NICHOLS**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. **NICHOLS**. Mr. Speaker, a week ago tonight death claimed the life of a great Alabamian and a great American. The passing of Gov. Lurleen Burns Wallace, of Alabama, has saddened not only my State, but has brought tears of grief to the eyes of millions of Americans.

Her record as Governor speaks for itself, and it speaks loudly. But it was not her record as chief executive of Alabama, but her record as a brave and courageous woman which brought to her such universal affection and respect. None of us can truly comprehend the suffering of this great lady during the final months of her life. But her spirit never faltered. And in the final hours, when she knew that the end was near, the prayer which came falteringly from her lips was the prayer I know we all hope we will be strong enough to utter when our time comes—"Not my will, but Thine be done."

A great lady is gone, but her influence and inspiration to others will outlive us all.

Mr. Speaker, this article in the May 9 issue of the Birmingham News sums up the feelings of the people of my State as they saw their beloved Governor going to her final resting place:

THOUSANDS SAY LAST FAREWELL TO A GALLANT LADY

(By Charles Richardson)

The eulogies were read, the tributes were paid, and the tears were shed.

Slowly, carefully, hour by hour, Alabama Friday moved back into the reality that had been taken away from it in the dark hours of a pre-dawn Tuesday.

Behind, left for the judgment of history, lay the brief and saddened tenure of Lurleen Wallace, the woman who was a woman and mother first, and a governor second.

A MUCH ADMIRED WOMAN

And it was the much admired woman rather than the lady governor who went to a final rest in Montgomery Thursday.

It was Gov. Lurleen Wallace who drew the tributes of pomp and circumstance; it was Gov. Wallace who brought to Montgomery a half-dozen Southern governors and other men with titles and positions.

But, in the final analysis, they buried here on Thursday not a governor, as such, but a gallant lady.

That is how she wanted it. That is how she would have wished it.

And, just for their Lurleen, that's the way Alabamians did it on a sun-washed May afternoon.

CASKET VIEWED BY THOUSANDS

Carried to the Capitol rotunda in solemn ceremonies before noon Wednesday, the governor's body was viewed by uncounted thousands.

Hour by hour, with a persistence that defied explanation, they came. On and on, through Wednesday's sunny hours and into darkness and off into Thursday's daylight again, they stood in line.

Some said 20,000. Some said 30,000.

In the end, the figures didn't really matter. That was not what it was all about.

A woman governor—a battler, a scrapper, a dime store clerk made good, a gracious lady; they said it all for lack of something better—had died.

SOMETHING TO BE SAID FOR SYMBOLISM

Maybe Birmingham's Col. Larry Doyle, just following standard military protocol for such occasions, understood better than most what it meant. Maybe there is something to be said for symbolism.

It was Doyle who commanded a flight of five Air National Guard RF84s in a low swoop over Montgomery's Greenwood Cemetery right on time as Mrs. Wallace's casket was placed into position over its grave.

And it was Doyle who eased away from his streaking B-Flight and peeled off abruptly in a wide, right-sweeping arc, leaving the straight line course to his four companions, and, by disappearing, symbolizing to a grieving Alabama the loss of its leader.

And that's what it was: A loss.

It began with death in the first hour of a tragic Tuesday. It ended Thursday around the middle of a hot afternoon, on a grassy knoll—in the very highest point of a Montgomery's Greenwood Cemetery.

Beside the carillon tower of sand-colored stone, in the very center of the old Capital City's best-known cemetery, Lurleen Burns Wallace came to the end of a notable road.

But not before she had been eulogized in brief and simple ceremonies in the handsome red-brick St. James Methodist Church, in life, she often had sought prayers and guidance.

And the same minister who heard her in life gave the eulogy in death.

Here for the grand hour of final ceremonial respect were many of the great figures of the South.

But it was in the several thousands of mourners, without title or position, who stood in the sun-baked street across from the church and silently said goodbye, that Lurleen Wallace met the final test.

They had come. They cared. They grieved.

Inside, Rev. James Vickers intoned a message. George Wallace, his three oldest children (seven-year-old Janie Lee did not come) and close family members sat stoically throughout.

RANK AND FILE STOOD IN SILENCE

The services read, the respects paid, the silver gray casket was taken out through the church doors once again by the same security guards that had followed the woman for so long.

Around and about the church, back down the sealed off streets and over the lawns and on the neighborhood porches, a rank and file Alabama stood by in silence.

And, mostly in silence, the hearse and the funeral cortege moved the more than two miles to the cemetery where still other thousands had been gathering for hours.

By chartered bus, on foot, by taxi, by private car, by bicycle, they came to the cemetery.

She was buried in "Governor's Circle," a round island of greenery at the highest point in Greenwood Cemetery.

In the future, a cemetery spokesman said, they will bury other governors here if their families wish it. But Lurleen was the first.

Two rows of state troopers moved up around the open grave. A military honor guard of Alabama Air and Army National Guardsmen stood by.

ODOR OF FLOWERS HUNG HEAVY

Stacked in great colorful hundreds, massed tightly to conserve space, the floral offerings ringed Governor's Circle and extended far back down the cemetery streets. The odor of so many thousands of blooms hung heavy on the still afternoon air.

While visiting officialdom gathered around, the immediate family members sat in folding chairs under a pale green canopy erected over the grave.

Ex-Gov. Wallace stared fixed ahead, his left hand clasped tightly over that of his daughter, Peggy, 17, as Rev. Vickers and Methodist Bishop W. Kenneth Goodson said a few final words.

The military honor guard moved up smartly to remove the red and white state flag from the casket, fold it and hand it to Wallace. He held it throughout the rest of the graveside service, and he held it when he left.

One by one, the official mourners pulled away. With officialdom gone, the crowd surged suddenly toward the grave and the still unburied casket for a final look. But, just as quickly, they vanished by twos and threes into the afternoon.

Finally, a burial crew came on a tractor.

Slowly, they inched the casket down into the grave.

Somewhere back off in the woods surrounding the cemetery, a Bob White called. The notes, just for a few golden seconds, hung loud and clear on the still air.

DOUBLE STANDARD FOR THE PEOPLE OF ALABAMA

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. DICKINSON. Mr. Speaker, as I have observed from this podium before, last week was indeed a sad time for the people of Alabama and for millions of people across this country who admired the courage, fortitude, and quiet grace of our beloved Governor, Lurleen Wallace. The State of Alabama went into mourning as it has seldom, if ever, done before. Governor Wallace's funeral was probably the largest funeral ever held in the State of Alabama for a public official. There were at least five State Governors present, several former Governors of neighboring States, as well as the State of Alabama, several Members of this Congress in addition to Alabama's delegation flew to Alabama to attend the services and to pay their respects. The events leading up to the services, as well as the graveside services, were carried on every television station in the State, I believe. The funeral procession, which was intentionally limited, was over 1 mile long. The State and National flags were flown at half-mast all over the State of Alabama.

I mention this as a preface to my remarks in order that things can be put in their correct perspective.

I have in my possession letters from many people complaining about the point I here make, including a letter from Mr. J. E. Bone, president of NFFE Local No. 95, and two newspaper articles all pointing out the fact that all Federal employees were denied administrative leave to attend the funeral of this great and well loved lady. According to the newspaper articles, the Government issued a memorandum at 2:45 p.m., Wednesday, advising its 1,670 employees that they would be granted administrative leave to attend the services at Montgomery on Thursday. Then, at 4:20 p.m., a countermanding memorandum was received. It said that in order to take time off, the time would be charged against the workers' 30-day annual vacation leave.

It is my belief that the letter sent to me by Mr. J. E. Bone, president of NFFE Local No. 95, accurately states the facts and the feelings of a majority of the people in this country. If Federal offices can close for Mardi Gras in New Orleans, and for various occasions in other States, including a national holiday of mourning with administrative leave on the death of Martin Luther King, then certainly it is ridiculous that the Federal employees who are citizens of Alabama would not be allowed administrative leave to attend the funeral of their Governor. It is difficult for me to even equate the two.

I am calling on whatever office is responsible for an explanation, and I trust that when all of the facts are known we will learn who canceled the leave once it was authorized and why, and I trust this is not just one more example of the double standard to which the people of Alabama have been subjected for so long a time by the Federal Government.

The letter which I received from Mr. Bone, and which is referred to above, reads as follows:

PRATTVILLE, ALA.,
May 10, 1968.

Hon. WILLIAM DICKINSON,
House of Representatives,
Washington, D.C.

DEAR MR. DICKINSON: As President of NFFE Local No. 95, Montgomery, Alabama, I vehemently protest the unprecedented and flagrant decision of the Civil Service Commission's order that Federal employees of Alabama be denied the observance and attendance of the funeral of our Governor, Mrs. Lurleen B. Wallace. I ask you in the name of common decency to bring this matter to the attention of the proper authorities.

The employees represented by my Local forfeit thousands of hours of annual leave every year—not because they are not permitted to take leave, but because of their pride in their work and a desire to see that the job for which we are paid is done.

The entire business community, even restaurants, closed in respect to our Governor. The open Federal installations stuck out like a sore thumb as thousands and thousands of Alabamians and people from across the nation were present.

The reason given for the shameful and vulgar act was that it would establish a precedent and would result in the closing of Federal offices all over the country should the Head of State die. I need not remind you that only one Governor from this state has died in office in the past 67 years. I know you are aware of the fact that Federal offices close in New Orleans for Mardi Gras, and, of course, there is the matter of the Martin Luther King bit.

Every employee of my Local is an honest, law abiding public servant. We don't mind facing the public's hostile attitude when they are reminded that *some* Federal employees burned, looted, rioted and helped sack the Nation's Capital without reprisals; but we resent, deeply and completely, the flagrant disregard of our rights as citizens of the communities in which we live. No less than a public apology by the persons responsible (not some knock-kneed partisan politician) to the people of Alabama should be demanded.

Sincerely yours,

J. E. BONE,
President, NFFE Local No. 95.

TRIBUTE TO THE HONORABLE PAUL C. JONES

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HUNGATE. Mr. Speaker, yesterday marks 4 years ago that we in Missouri lost a great Representative, Congressman Clarence Cannon. With that we lost approximately 42 years of seniority. We are accomplishing that again this time through the retirement of our distinguished colleagues FRANK KARSTEN and PAUL C. JONES.

In accordance with this, Senator Frank Briggs has written a very worthwhile article on the services rendered by our colleague PAUL C. JONES and the service he has known with him as a newspaperman and as a State senator and as a Congressman in Washington.

Mr. Speaker, I will insert that in the RECORD at this point:

IT SEEMS TO B

(By Frank P. Briggs)

I cannot allow the Hon. Paul C. Jones to retire as congressman from the Tenth Missouri district without paying my personal tribute to him and to his services.

Paul and I have run sorta' clockwise together for a long time, both serving as newspaper editors, both serrving as Missouri State Senators and both having a hitch in congress. He has served much longer in the congress than I, but we have remained close friends during his tenure.

There are few men in the congress like Paul C. Jones. He speaks and votes his own mind and conscience and the sway of politics nor the sway of hysteria causes him to veer from the path of right as he sees it.

He has always been like that. He was like that as a newspaperman. He was like that as a state legislator and he remains like that as he chooses to retire from the congress.

Secretary of State Jimmy Kirkpatrick said of Paul "he is frankness, courage and honesty all wrapped up in one small package"—a true appraisal of the congressman and Congressman Poage added, "Paul has proven himself a great congressman and he and Ethel (Mrs. Jones) are wonderful friends and neighbors. We will miss them and congress will be the poorer when they retire."

You really learn to know a man when the chips are down, the door closed and action taken is that of the man himself, not of the window dressed man. I served on several state committees with Paul, I know his inate worth and his sterling character and I shall miss him greatly as he leaves congress.

FISHING INDUSTRY NEEDS IMPORT CEILING

Mr. PELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, because it would provide needed relief to the American fishing industry, I am joining the distinguished gentleman from Florida [Mr. HERLONG] in sponsoring an omnibus quotas bill which would limit import expansion of foreign products to protect our domestic economy.

It is not necessary, Mr. Speaker, for me to remind the Members of the House that the U.S. fishing industry to our economy and as a supply of food has great importance to the people of this country.

However, it is not generally recognized that over the past several years the fishing industry has experienced economic difficulties resulting in gradual deterioration which now have reached a critical stage. This plight is borne out by the statistics on our fishing fleet. The U.S. fishing fleet averages 20 years old. Over half of these vessels are between 16 and 45 years. There are 250 vessels which are more than 55 years old. And the average age has increased almost a year every 2 years over the last 10 years.

What has been going on is that world production of fish has increased from 40 billion pounds in 1948 to 125 billion pounds in 1967 while in the same period the United States dropped from second place to sixth as a world producer. In 1966 our production was 4.3 billion pounds, our lowest since 1943. Our 1967 production declined an additional 300 million pounds.

While our domestic production has been decreasing, our consumption of fish is at an alltime high. In 1958 we produced 80 percent of our domestic needs; now we only produce 29 percent and the balance of 71 percent consists of ever-increasing imports from some 116 nations. By supplying the major market in the world for foreign seafood products we are subsidizing and supporting the improvement and expansion of foreign fishing fleets and encouraging the invasion and destruction of fishery resources in the very waters immediately adjacent to our coast. As a result the economy of fishermen as well as the economy of the entire country is being detrimentally affected by the heavy flow of imported and often inferior foreign seafood products.

Mr. Speaker, I never have taken a narrow position that we should shut off all foreign imports, but I have opposed—and strongly so—foreign dumping and the destruction of high-living standards in the domestic economy.

It seems to me, the provision in the new Herlong-Pelly bill is not unreasonable in that the limitations in the bill allow importations to share in equal proportion to the growth of the American market.

And this proposed legislation has a reasonable formula for establishing ceilings and then only after investigations and public hearings by the Tariff Commission and certification as to competitive disadvantage. It first establishes a fair share of domestic consumption to be supplied by imports where justified.

Mr. Speaker, the United States has furnished technical assistance, loans, and outright gifts to foreign fisheries, and many of these have been in direct competition to our own citizens. We have signed favorable trade agreements which furnished an almost unlimited market for foreign countries. Now we have further removed and reduced tariffs under GATT which will surely increase imports above the 71-percent level of our present consumption of foreign fish products.

It seems to me, however little and late such action is, it is now time to draw the line and at least follow a national policy that would prevent the complete saturation of the American market with foreign imports.

Therefore, I urge my colleagues whose industries have similar problems to support this omnibus quotas program for limited protection by sharing our domestic market rather than abandoning it to foreigners.

HIGH-SPEED RAIL OPERATIONS

Mr. ROTH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. ROTH. Mr. Speaker, sometime back I introduced H.R. 15453, a bill to eliminate all rail-highway grade crossings on the right-of-way to be used by the demonstration high-speed train when it begins operation. My bill is identical to one previously introduced by the gentleman from Maryland [Mr. LONG].

Briefly, the purpose of the bill is to enable the Federal Government, through the Department of Transportation, to financially assist States through which the high-speed train will run to remove dangerous grade crossings. Funds for this purpose would be in addition to, not a part of the State's regular highway fund allocation. Existing statutes and regulations governing the use of such funds and the applicable construction standards would be unaffected by this bill.

Initially, the train was to begin operation in October 1967. Due to technical problems with the train, itself, operation was put off until last month, but, due to continuing problems, the starting date was again rescheduled and no target date assigned. To its credit, the Pennsylvania Railroad—now Penn-Central—did proceed to improve the track and install safety devices where they did not exist before.

The installation of crossing gates and the recircuiting of warning systems is, indeed, a forward step toward grade-crossing safety. But, crossing gates are, at best, an imperfect solution to an important problem. Gates and flashing lights are subject to failure, due either to mechanical malfunction or the effects of weather. Moreover, they interrupt the flow of highway traffic, and can be bypassed by foolhardy motorists.

When the high-speed train begins operation, the speeds will not significantly exceed that of trains now in use. But, the train does possess the capability to travel at higher speed, and it is to be expected that in time speeds will be increased. We are all familiar with the terrible damage to a car and its occupants in a train-car collision, but, to my knowledge, no in-depth study has been given the effects of such an accident passengers.

Admittedly, the purpose of the high-speed demonstration project is not solely to develop faster trains. More importantly, I believe, it seeks to show the way to increased rail passenger traffic, attracting riders by offering greater comfort, better service, and regular and convenient schedules. In view of the growing transportation problems of the northeastern megalopolis, it is vital that the capabilities of all transportation modes be developed to the fullest, and I regard the high-speed project as an important aspect of the total effort.

There are, at present, four undivided grade crossings on the high-speed track in Delaware. Recently, however, the State highway department announced plans to improve one road, including the construction of a divided crossing over the Penn-Central tracks. I would point out, also, that the high-speed track—and the B. & O. track which runs roughly parallel a mile or two to the north—traverse a heavily populated and rapidly growing part of northern Delaware. Where once there were open fields and little highway traffic, now there are scores of suburban communities and developments and a commensurate increase in road traffic serving them.

Mr. Speaker, my bill, H.R. 15453, enjoys broad support among elected and appointed officials of the State of Delaware, as well as the general public. I would like to place in the RECORD at this point as part of my remarks copies of letters I have received from the Governor of Delaware, Charles L. Terry, Jr., and the director of operations of the State highway department, Ernest A. Davidson:

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT,
Dover, Del., March 8, 1968.

Hon. WILLIAM V. ROTH,
House Office Building,
Washington, D.C.

DEAR BILL: Your proposal to eliminate grade crossings along the high-speed rail line between Washington and New York has my wholehearted endorsement and support.

I congratulate you for introducing H.R. 15453, and I hope your colleagues will join you in passing it into law.

If I may be of any assistance, please feel free to be in touch with me.

Sincerely,
CHARLES L. TERRY, Jr.,
Governor.

STATE OF DELAWARE,
STATE HIGHWAY DEPARTMENT,
Dover, Del., March 4, 1968.

Hon. WILLIAM V. ROTH, Jr.,
House Office Building,
Washington, D.C.

DEAR MR. ROTH: We certainly were happy to learn that you had introduced H.R. 15453.

This matter of the crossings on the high-speed rail line in Delaware has given us a lot of concern. We have attended two meetings with various Federal, State and railroad officials in Delaware, one in Washington and another scheduled in Washington with the Department of Transportation on March 12th. To date it seems that the only positive results are that no one has any funds with which to do anything constructive.

There have been several suggestions about advance flashing signs and that type of thing, but those of us who are close to the problem don't think this approach is the right solution.

Without benefit of any detailed studies, we would estimate that the cost of separating grade in the four locations in Delaware would approximate two and a half to three million dollars, keeping in mind of course, a certain amount of approach work has to be done in each case.

We are certainly interested in your Bill and we wish you success. If there is anything else we can do, don't hesitate to drop us a line.

Yours very truly,
ERNEST A. DAVIDSON,
Director.

In addition, Mr. Speaker, State Senator Margaret R. Manning and State Representative William F. Hart have been active in urging quick action to eliminate the four hazardous grade crossings, and have expressed their own support for this proposal.

PATRIOTISM

Mr. POFF. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. POFF. Mr. Speaker, on Saturday last, while attending the 28th annual celebration of Nelson County Day at Lovingston, Va., it was my happy privilege to present awards to winners of the Nelson County Day Essay on Patriotism Contest.

So impressed was I with the winning essay written by Sandra Carol Hesson, daughter of Mr. and Mrs. John Hesson of Gladstone, Va., that I want to read her essay into the RECORD at this point. Miss Hesson is in the fourth grade at the Gladstone Elementary School and her appreciation of her heritage gives me renewed confidence that the majority of our young people today will make outstanding leaders of our Nation tomorrow.

Her essay follows:

ESSAY BY SANDRA CAROL HESSON, GRADE 4, GLADSTONE ELEMENTARY SCHOOL, CATEGORY A FIRST PLACE WINNER

1. Meaning of patriotism
2. Examples of early patriots
3. Example of later patriot
4. Opposite of patriotism
5. Patriotism and us

What is patriotism? The dictionary defines it as, "love and loyalty or zealous support of one's own country." Every citizen should be eager to do his part in keeping the United States of America the great country that it is today.

We often read about the patriots of early America. How George Washington sacrificed his own private life to become our first president. How Thomas Jefferson worked so hard to improve ways of farming and education. And, how Abraham Lincoln freed the slaves.

Later, at the beginning, of the second World War, a young, American army captain, named Colin Kelly, proved his love for his native land. He was the pilot of a bomber that was hit by enemy fire. After ordering his crew to bail out, he guided his plane straight into a Japanese boat. He was killed but that was the end of the battleship and all who were aboard.

However, there always has been and always will be, those who think more of themselves than of what's best for the land in which they are living. And there seems to be quite a few. The hippies, that we now hear about, are an example. They care nothing about the laws we have that are so necessary to have a good society. These people are definitely not patriotic.

Therefore, let us not copy the modern hippies, but be like the brave men who worked and died for our country. If we were put to a test, could we truthfully say the same words that Nathan Hale spoke when he was sentenced to die by the British for being a spy. The encyclopedia quotes him as saying, "I only regret that I have but one life to lose for my country." He and the other courageous men mentioned, have demonstrated the real meaning of American patriotism.

CONSTITUENTS WARNED: STAY HOME THIS SUMMER

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent to address the

House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, I would not be sensitive to my responsibility as a Member of the Congress if I failed to warn my constituents that they should not plan to visit the Nation's Capital this summer. It is not safe on the streets at any hour of the day or evening, singly or in groups. With tens of thousands of so-called poor people, dressed out in costumes symbolic of poverty, riding on mules that had to be flown in for their character parts in the farce, pouring into Washington every day, lawlessness threatens everyone who enters the city.

Even without this new contingent with their obvious intent of inflaming violence, Washington is unsafe for anyone. With this mob of agitators and shiftless, professional indigents added, it will be a miracle if the streets are not covered with blood before the summer is over.

Four minor stories clipped from a single page of this morning's Washington Post describes a typical day in the Capital. Of course, it should be understood that only a sprinkling of these terrible incidents are reported in the paper and these four items are just a sample of what goes on here. With an alarming breakdown in law and order being experienced here, I feel obligated to warn my constituents to go elsewhere this summer. Perhaps sometime in the future it may be safe to walk the streets here in the Capital, but there is no indication that the extremists and liberal cranks now in control intend for it to be anytime soon.

The articles follow:

Nude Attacks Policeman Before Bullet Stops Him

A naked man smashed part of a police car and then beat its driver into near unconsciousness on Pennsylvania Avenue early yesterday before the officer finally stopped him with a bullet in the abdomen, police said.

Gerald J. Ramos, 29, listed at 1708 N. Quincy st., Arlington, was treated for a gunshot wound at George Washington University Hospital, and charged with assault on an officer and destroying District property.

The officer, Pvt. Charles J. Litner, 25, of the Third precinct was admitted to Washington Hospital Center for observation.

According to police, this is how it happened:

A man undressed and left his clothes in Lafayette Park. He then ran naked down H Street nw., to the corner of Pennsylvania Avenue and 19th Street, where Pvt. Litner saw him at 4:15 a.m.

The officer began to interrogate the suspect. But before questioning was completed, the suspect leaped onto the roof of the patrol car and smashed the dome light with a karate chop.

Litner dragged him down, but the man began to pummel Litner about the back. Then he kicked Litner in the groin.

Feeling that he was about to lose consciousness, Litner drew his service revolver and fired a single shot, hitting the man in the lower abdomen.

Intruder in Apartment Rapes Northeast Woman

A 20-year-old far Northeast woman was raped at about 4:10 a.m. yesterday morning by a gunman who broke into her apartment through a window, police said.

The woman told police that she was awakened by someone breaking in and saw a man who showed her a .38 revolver and told her "Keep your mouth shut and you and the kids won't get hurt." Her two children were asleep in another room.

The man raped her and left, after telling her that he and another man, whom she never saw, had just committed a robbery and wanted to stay in the apartment for a time to elude police.

Girl, 14, Is Raped in Cardozo Area

A 14-year old Cardozo area girl told police she was raped Saturday night in a neighborhood basement where she had gone with a girl friend and some youths after visiting a nearby United Planning Organization Youth Center.

Police said the youths grabbed both girls, once they entered the basement but one escaped. The 14-year old was later treated for laceration of the right eye at D.C. General Hospital.

Woman Is Robbed and Raped in Northeast

A 42-year old woman was raped and robbed at gunpoint about 11 p.m. Saturday night in the 700 block of Division Avenue, ne., police said.

They said she was looking for her 17-year-old son when a man pointed a gun at her, took 14 dollars then forced her into a vacant lot, where he raped her. She was treated at D.C. General Hospital for a cut knee and released.

POOR PEOPLE'S MARCH

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McMILLAN. Mr. Speaker, my mail indicates that the people in my district and entire United States are very much distressed over the fact that a permit was granted for the so-called poor people to build tents on Government property when only a few years ago veterans of World War I were pushed off all Government property by the U.S. Cavalry.

I insert a letter I have sent to the President on this subject:

May 13, 1968.

Hon. Lyndon B. Johnson,
The President,
The White House,
Washington, D.C.

Dear Mr. President: I have just returned from the State of South Carolina after campaigning for one week. The chief topic of discussion with practically every person I talked to was the lack of law enforcement in Washington and the so-called poor peoples' march to Washington, which was a name created after the death of Martin Luther King.

My constituents cannot understand how these people secured a permit to park on government property where the government has spent hundreds of thousands of dollars clearing off debris and planting grass on this property. Also, they cannot understand the fact that the U.S. Cavalry, led by the late General McArthur, moved all World War I veterans off government property, without showing any mercy, when they came to Washington and parked some years ago. I was in Washington at that time serving as Clerk to the Pension Committee and remember seeing this with my own eyes. I don't see how our government can explain this discrimination.

This group, and any other group I presume, has a right to march and petition the Congress of the United States; however, I do not think we have a right to park on government property indefinitely in an effort to coerce the Congress of the United States. I presume I came to Congress with the wrong impression of the Nation's Capital as all the history I have ever read concerning the ten-mile square here known as the District of Columbia is that it was created as a Federal site for the purpose of housing the seat of the government and protecting the United States Congress, as this ten-mile square was staked out immediately after Congress was run out of Philadelphia where it had no police protection.

I would appreciate it if you would have someone give me some answers to my letter before I leave for South Carolina later this week.

With kindest regards, I am
Sincerely yours,
John L. McMillan.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, I did not attend the session last Friday because of business in my home district. If I had been present, I would have voted "yea" on rollcalls No. 132 and No. 133.

TRANSPORTATION AND SALE OF FIREARMS

The **SPEAKER**. Under previous order of the House, the gentleman from Michigan [Mr. Dingell] is recognized for 60 minutes.

Mr. DINGELL. Mr. Speaker, when this House adopted House Resolution 1100 on April 10 it wrote into the Civil Rights Act some provisions about the transportation and sale of firearms which were ill considered and, I believe, unenforceable. They will create unnecessary trouble for policemen as well as sportsmen, and they will do nothing at all to prevent rioting or violence in the streets.

I tried in vain to prevent this folly by appearing before the House Rules Committee and urging that House and Senate conferees have a chance to revise the Senate amendments to the House civil rights bill and create a more practical piece of legislation.

When the Rules Committee did not heed, I even went to the length of voting against the previous question on the floor, to enable removal of this section which I regarded as extremely dangerous and poorly drafted, although I have always supported civil rights legislation and supported this bill. That attempt to cure some of the defects in the civil rights legislation failed too, whereupon I voted for the bill, resolved to try removal of the section at a later date.

Today I am introducing a one paragraph bill proposing to strike out the words "or having reason to know" where it appears in paragraphs (1) and (2) of subsection (a) of section 231 of title 18, United States Code. This will not completely cure the defects in this section of the measure, but it will greatly help.

The new law makes it a crime to teach or demonstrate the use or making of firearms, or explosives, or incendiaries, or techniques capable of causing injury, knowing or having reason to know such devices will be used unlawfully in a civil disorder adversely affecting commerce or the performance of a federally protected function.

The phrase "having reason to know" puts an impossible burden upon salesmen of sporting rifles and shotguns, on marksmanship teachers including police assigned to instruct civilians, on instructors in judo, karate, or other forms of self-defense, and so far as I can see, even on boxing instructors. Scoutmasters, instructors in boys' clubs, and others innocently working with youth in athletic and sportsmanship programs could act at great peril under the language of the bill as enacted. I am sure that the persons who prepared the language were thinking of incendiary bombs and zip guns, but the actual words used are what counts, and they go much farther.

The enforcement of this kind of provision can be done on much less than proof of intent. All that is required is that the defendant had reason to believe that the information imparted by him would be utilized in the course of a riot. The existence of the provision can lead to indictments and charges that can destroy an innocent reputation. That it will be used that way in times of stress and passion may well lead to misapplication. I feel that this provision is unfair and dangerous. It does not truly reflect the considered opinions of the Members of this House, or of the American people as a whole.

AUTHORIZING FEDERAL HOME LOAN BANK BOARD TO APPOINT FSLIC AS RECEIVER FOR STATE-CHARTERED INSTITUTIONS

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, I have introduced a companion bill to S. 3436, which was introduced in the Senate on May 3, 1968. This legislation would authorize the Federal Home Loan Bank Board to appoint the Federal Savings and Loan Insurance Corporation as receiver for State-chartered institutions insured by the FSLIC if the Board determined that such an appointment was in the public interest, and that either a legal custodian had been appointed for the institution or it had been closed by or under State law.

Under the law governing the insurance of savings and loan accounts, a default must occur before the FSLIC can pay holders of insured accounts. A default occurs when a legal custodian is appointed for an insured institution for the purpose of liquidation.

The legislation is designed to accomplish two objectives. First, it would enable the Board to prevent an insured institution from being held indefinitely in a situation where it was not meeting the withdrawal requests of savers, either because it had been closed or because a legal custodian had been appointed, but no default had occurred. The appointment of the FSLIC as receiver by the Board would constitute a default and would enable the FSLIC to pay savers the amount of their insured accounts. Second, the legislation would permit the FSLIC to obtain control of the assets of an insured institution in default and enable it to protect its interests as insurer, including return of its funds within a reasonable period of time.

On April 23, 1968, I made some remarks before the House concerning problems with which the Federal Savings and Loan Insurance Corporation was confronted in my home State of Illinois. I pointed out that over 3 years ago the State took control of Marshall Savings & Loan Association in Riverside, Ill., and that after paying out more than $83 million from its insurance fund, the FSLIC does not know the extent of the liquidation, if any, of the assets of Marshall. The FSLIC does assume that some mortgage principal payments have been made.

Since making my remarks on April 23, two more large State-chartered savings and loan associations insured by the FSLIC have been closed. Those are Lawn Savings & Loan Association in Evergreen Park, Ill., and Apollo Savings Association on Michigan Avenue, in Chicago's near Northside area. The FSLIC is in the process of paying out over $100 million to the savers in those two associations.

However, the State has appointed one receiver and two deputy receivers to liquidate the assets of these institutions. Although the FSLIC will pay out over $100 million of its funds, and will be by far the largest claimant in the receivership, it will have absolutely nothing to say about the liquidation of the assets and no control over when its money will be returned.

It is true that the question of State and Federal relations is involved in the legislation. However, I firmly believe that if any such large sums are being expended from an insurance fund under the control of a Federal agency, it is the duty of the Congress to protect the liquidity of the insurance fund.

For these reasons, I am pleased to introduce in this House a companion bill to S. 3436. I understand that hearings on the Senate bill have been scheduled for May 20, 1968, and I hope this legislation can be enacted before the adjournment of this Congress.

THE GOOD WORK OF GOODWILL

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, no one will challenge the need for the success of Goodwill Industries. Everyone appreciates its aims and accomplishments. All of us would like to help it grow. Too many times, however, the best of intentions remain inanimate for want of encouragement.

A reminder to pitch in comes with Goodwill Week, May 5 to 11. To those who may have been remiss in doing their part, now would be an opportune time to begin making up for lost time or just plain thoughtlessness.

Giving repairable materials to Goodwill is a way to start, thus participating in the work of helping to repair many an unfortunate human being—to provide rehabilitation of handicapped persons and aid in making them more useful members of the community. Your gifts can go a long way toward establishing opportunity for victims of physical or mental illness or of social maladjustment.

Cash, too, is needed. Whatever the amount, it will be used with maximum discretion and efficiency in furthering the purposes of a humanitarian organization to which every member of our society is indebted.

Goodwill Industries of Conemaugh Valley, Inc., with headquarters in Johnstown, is appreciated by residents of our area. Today is the day that all who can should resolve to participate actively in the program, then follow up with enthusiastic support.

Goodwill deserves a hand. It never fails to lend one.

DEATH OF GOVERNOR WALLACE

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. NICHOLS. Mr. Speaker, the people of my State were moved very deeply by the death of our beloved Gov. Lurleen Wallace. They were also deeply disturbed and offended by some of the policies of the Federal Government with respect to funeral services for the Governor. Only a month ago when Martin Luther King was buried, most Federal agencies granted time off without charge to leave for those employees who wished to attend the services.

Yet no such gesture was made for Governor Wallace. I was in Montgomery as funeral plans were being made, and numerous Federal employees asked me if they were to be accorded leave to attend. I contacted the White House here in Washington and asked that Federal employees in Alabama be given equal treatment so that they might pay their respects to their Governor.

For the RECORD, here is my telegram to President Johnson:

> **Respectfully request that all Federal employees in Alabama be allowed to attend services for Governor Lurleen Wallace Thursday without charge against leave as was allowed for Dr. King's funeral.**

I received the following reply from the White House:

> THE WHITE HOUSE,
> *Washington, D.C., May 8, 1968.*
>
> Hon. BILL NICHOLS,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR BILL: This will acknowledge your telegram to the President asking that official leave be granted Federal employees in Alabama to attend the funeral of Governor Lurleen Wallace.
>
> We have checked with the Civil Service Commission and they tell us there is no precedent for this and that official leave was not granted by the Commission for Dr. King's funeral.
>
> Sincerely,
> BAREFOOT SANDERS,
> *Legislative Counsel to the President.*

It is true, Mr. Speaker, that the Civil Service Commission did not grant leave. But individual agencies of the Federal Government did. Here is the text of a telegram sent through the General Services Administration to agencies under the Department of Agriculture:

> The Secretaries office has requested us to advise you that any employee wishing to attend memorial services for Dr. Martin Luther King, Jr., on Tuesday, April 9, 1968, may be excused without charge to leave.

Likewise, military bases allowed civilian personnel time off without leave. The following is a telegram sent to local commanders by the Defense Department:

> Local commanders are authorized to grant a reasonable amount of administrative leave to civilian employees who desire to attend or participate in memorial services conducted on Tuesday, April 9, 1968, for Dr. Martin Luther King. Determination as to what constitutes a reasonable amount of administrative leave will be made by local commanders in consideration of local circumstances. For those employees who desire to be absent on April 9, 1968, for more time than determined reasonable amount of time a liberal policy granting annual leave in lieu of administrative leave will apply.

But for Governor Wallace's funeral, only a liberal leave policy was granted. Excused absences were explicitly prohibited.

Mr. Speaker, these Federal employees were not asking for any special favors. They were only asking that they be given equal treatment by the Government so that they might pay their respects to the Governor they loved so much. I am going to continue to seek an answer to why this gesture was not extended to Federal employees in Alabama. This letter from some 200 employes at the Anniston Army Depot sums up the feelings of many employees who feel they were not given fair treatment in this matter:

> ANNISTON, ALA.,
> *May 9, 1968.*
>
> Hon. BILL NICHOLS,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR MR. NICHOLS: We employees of Anniston Army Depot, deeply regret the death of our beloved Governor Lurleen B. Wallace.
>
> We are deeply hurt and very much concerned about the lack of respect shown our Governor by the Federal Government.
>
> To place a trouble maker like Martin Luther King above Mrs. Wallace is like a slap in the face to the people of this country and especially the people of Alabama.
>
> We would like to know how Martin Luther King could be considered a national official of any kind? He held no public office or position. We are sure he is not the first Pulitzer Prize winner to pass away; yet it was the first time we were given *excused leave* by the Federal Government to pay our last respects. (We did not.)
>
> To us the undersigned, our Federal Government needs a complete overhaul, and it will have to start with honest, God fearing men like yourself.
>
> We would very much like for you to make a public statement letting the people of Alabama and the nation know your feelings in this matter.
>
> You are only one man, we realize this, but the President is also only one man yet he has power.
>
> With God's help and the support of all honest people, this type of discrimination can be eliminated in the future.
>
> Sincerely yours,
> Manley L. Wildman, Tom P. McGinnis, Pat Smith, John C. Juerd, Jr., Harold M. Mooneyham, M. G. Louise Dickie, Paul W. Crockett, Grady H. Johnson, Faye Catney, James E. Hawkins, Marcko Bollaro, B. W. Hethcar, E. D. Lovelady, Alta Parker, Bill Brock, Jimmie Lindsay, C. W. Cox, John Dempsey, Clifford Mc Clus.

TRAVELING PUBLIC NEEDS PROTECTION OF ICC

Mr. PELLY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, intercity passenger trains number only 650 today as against 20,000 in 1929. During the last 6 months of 1967 alone some 75 trains were discontinued and applications to abandon over 100 more are pending before the ICC.

An editorial in this morning's New York Times which I have asked unanimous consent to include herewith, points up that it is the ICC's duty to stop pampering the railroads it is supposed to regulate and instead to protect the defenseless traveling public.

The letter follows:

HOTFOOT FOR THE ICC

> The Interstate Commerce Commission awoke from its torpor long enough last week to authorize the discontinuance of a few more of the country's vanishing fleet of blue-ribbon passenger trains. The Santa Fe was allowed to drop its Chicago-Los Angeles streamliner, the Chief; the Chesapeake & Ohio got permission to kill the Fast Flying Virginian and the Sportsman on the Washington-Cincinnati run.
>
> It is all part of a dismally familiar story for the I.C.C., the oldest of the Federal regulatory agencies and—except for the Federal Communications Commission, which nominally regulates the radio and television industry—the sleepiest and least effectual.
>
> Made up of eleven commissioners who rotate the chairmanship each year, the I.C.C. has a shifting membership, no executive head and few consistent policies. Its protracted procedures sometimes irritate the railroads, buslines and trucking companies, but these private interests much prefer to suffer its fussy inconsequence than to deal with a small, reformed agency which might aggressively defend the public interest.
>
> The scorching report of John S. Messer, the hearing examiner in a case involving a reduction of service standards by the Southern Pacific, is nothing less than an indictment of the commission for neglect of duty. Its failure to protect the traveling public against the exploitation of railroad managers is boldly set forth.
>
> It is astonishing to learn that the commission has never formulated minimum standards for passenger service. Instead, the commission has supinely cooperated with those railroads which have wished to discontinue passenger service and concentrate on their more profitable freight service. Railroads are not ordinary business firms; they are quasi-public corporations endowed with enormous land grants and the power of eminent domain in order to perform a specific service. That service is to provide transportation for persons and goods.
>
> Passenger service sometimes incurs a deficit, although the railroads exaggerate their losses, as the Southern Pacific did in this case; but the I.C.C. already takes the passenger deficit into account in setting (and raising) freight rates.
>
> Railroad companies have developed the propaganda myth that maintenance of passenger service is a matter of interest only to a dwindling number of train buffs. In reality, ninety-eight million passengers, not counting daily commuters, traveled on intercity trains last year. Rather than dwindling, the number of rail passengers is likely to rise in the coming decade as highway and airlane congestion worsens. If highway traffic triples in the near future, as experts expect, the immensely expensive interstate highway system now being built will not be able to sustain the burden.
>
> A functioning network of passenger railroads connecting major points in this nation is not a matter of nostalgia and romance; it is a practical necessity. The first duty of the I.C.C. is to stop finding excuses for discontinuance of service and act upon the recommendations of this landmark report. If the preservation of adequate service ultimately requires government reforms, that is the responsibility of the President, the Department of Transportation, and especially of the Congress. The I.C.C.'s duty is to stop pampering the railroads it is supposed to regulate and to begin protecting the defenseless traveling public.

LEGISLATIVE QUESTIONNAIRE AND REPORT NEWSLETTER OF HONORABLE JAMES V. SMITH OF OKLAHOMA

Mr. SMITH of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. SMITH of Oklahoma. Mr. Speaker, I am enclosing for the RECORD a sample of my 1968 legislative questionnaire and report newsletter through which I hope to inform my constituents of the serious issues before the 90th Congress, and as well gain their opinions on some of the more salient issues.

This year, I am using a new type of questionnaire which I hope will be most easily computed so that my constituents opinions will be more quickly realized. I am sending the same questionnaire to approximately 4,000 college students in order that the young people within the District will as well have an opportunity to give me their opinions.

The questionnaire and report follow:

CONGRESSMAN JAMES V. SMITH REQUESTS YOUR OPINION, MARCH 1968

Dear Friends: I am using this new method of questionnaire this year, and I invite and urge you to participate.

On the other side of this card are listed a few of the issues facing our Nation. Your opinions will be of great value in directing my efforts in your behalf. I am asking for your cooperation as I feel it is our job to work together for a better and stronger America.

If you will be kind enough to indicate your opinions, following the instructions, I shall appreciate it very much.

Sincerely,

JAMES V. SMITH,
Member of Congress.

INSTRUCTIONS

Please read questions on the other side of this card carefully and decide on an answer. Push out appropriate box with a sharp pencil. Remove punch tab from back of card. Please place this card in a stamped envelope and return to Congressman James V. Smith, 1632 Longworth Building, Washington, D.C. 20515.

(Check one)
——(Mr. & Mrs.) (Please print
——(Mr.) name & address)
——(Mrs.)
——(Miss)
Name ------------------------------------
Address ----------------------------------

(Do not bend, spindle, or mutilate card)

	Yes	No	Undecided
1. Do you approve of the President's conduct of the Vietnam war?	☐	☐	☐
	a	b	c
2. In North Vietnam, do you favor (a) intensified U.S. air attacks (b) a bombing halt (c) maintaining air attacks at the present level?	☐	☐	☐
	Yes	No	Undecided
3. Should the United States continue to trade with nations that are aiding North Vietnam?	☐	☐	☐
4. Do you believe the Government gives the American people enough vital information on what it is doing?	☐	☐	☐
5. Do you support the administration's proposed increase in taxes?	☐	☐	☐
6. Do you believe that Federal spending on domestic programs should be reduced in view of our present situation?	☐	☐	☐
7. Do you favor returning a percentage of the tax money collected by the Federal Government to State and local governments to be used as they see fit, as opposed to direct Federal aid to local communities?	☐	☐	☐
8. Should the Federal Government enact legislation to ban all mail-order sales of firearms?	☐	☐	☐
	a	b	
9. In dealing with civil disorder, do you favor (a) stricter handling of rioters and demonstrators by police and the courts. (b) more programs for improvement of slum areas?	☐	☐	☐
	Yes	No	Undecided
10. Do you agree with a recent Supreme Court decision which allows Communists to work in defense plants?	☐	☐	☐
11. Would you favor Government insured loans for rural homes, which FHA and VA now extend to city dwellers?	☐	☐	☐

CONGRESSMAN JAMES V. SMITH, OF OKLAHOMA, REPORTS FROM WASHINGTON

MARCH 1968.

DEAR FRIENDS: As Congress begins its work in the new session, America is challenged at home and abroad. I have no doubt that we are equal to the challenge, but it will require dedication, cooperation and sacrifice from all Americans.

But to do that, we must know the facts. If Americans cannot have faith in the accuracy of their Government's statements, the whole structure of our system is undermined.

As your Representative, I renew my pledge to each and every one of you to do my utmost to determine what is best and to do what is best for our District, our State and our Nation.

The President's budget calls for new spending authority totaling $201,700,000,000, the first time in the Nation's history such a request has exceeded $200 billion.

Most of us have no conception of how much $1 billion is, much less $200 billion. But when the cost of living goes up, it hits where we can all feel it—in the wallet. That's why I am against a tax increase until more prudence is exercised in Government spending.

And because to the community suffering a drouth, little else seems as important as access to an adequate supply of water; and to the community facing excess unemployment, nothing is more desirable than new industry with a healthy payroll—because of these and many more problems facing us, I am putting my shoulder to the wheel to do what I can, and to bear my responsibility as your Representative.

I am enclosing a questionnaire seeking your opinion on several issues. Your cooperation in filling it out and returning it to me will be of great assistance.

LEGISLATIVE RESPONSIBILITY

I have strongly supported any legislation designed to reverse the trend toward increasing the power of the Federal Government, and I have done everything possible to keep down nonessential Government spending. There are times the most important accomplishments are the bills you help defeat and the line you help hold on an extravagant Administration.

I have introduced 28 bills of which four have passed (an Anti-Riot bill; provision for an Ethics Committee; restricting imports of long-staple cotton; and payment of $15 million to the Cheyenne-Arapaho Tribes).

My most recent bill is designed to bar subversives from working in defense plants. Last December the Supreme Court declared that such restriction was unlawful.

TYRANNY IN THE IRS?

I wonder at what point do we begin to favor a Government agency over the people we were elected to serve?

Five months ago I called on the Speaker of the House to reconvene the House Treasury-Post Office appropriations subcommittee under new and impartial direction to conduct a proper investigation into charges the Internal Revenue Service uses lawless tactics against the public. This hearing has not been called.

A national magazine made the charges and cases were cited. But when the subcommittee conducted a so-called investigation, it was behind closed doors and testimony was heard only from witnesses representing IRS.

I say this indicates favoritism for the Government instead of the people.

COMING EVENTS

Two events of importance are being planned for western Oklahoma which will be of interest to many hundreds of people. They are the Department of Defense Federal Procurement Conference to be sponsored by the Lawton Chamber of Commerce in Lawton March 29, and a Senior Citizens Forum for which the date and place will be announced later.

There are many businesses and manufacturers in this area which produce goods the Government would buy. The purpose of a procurement conference is to bring these men face-to-face with men from Government agencies who will explain how to proceed with negotiations in securing Government contracts.

Representatives will be invited from Department of Defense and Commerce, Atomic Energy Commission, General Services, Small Business and Veterans Administration, and National Aeronautics and Space Administration.

I commend the Lawton Chamber for their efforts in bringing this conference to Oklahoma. It will be of great value in bridging the geographical distance between the State and Washington.

We have had many letters from Senior Citizens requesting information as to their eligibility for Social Security, Medicare and other Federal programs for the benefit of the elderly. I plan to sponsor a forum where representatives of Social Security Administration, Department of Health, Education and Welfare, and other agencies will be on hand to answer questions and counsel those who attend?

DO YOU AGREE?

Pat, a girl in our office, says, "If we send aid to foreign countries, they hate us. If we don't, they hate us. So why don't we take the cheap route to being despised?"

MAY I HELP YOU?

Q. Our wedding date was set and engraved invitations sent out. Now the draft board has ordered my fiance to report two days before our wedding day. Can you help?

Yes. A two-week postponement was obtained from a sympathetic draft board.

Q. I am in Vietnam and Internal Revenue Service has started auditing my past returns. My wife cannot cope. Can you help?

Yes. The IRS was persuaded to suspend audit until he returns to the U.S.

Q. I haven't received my Social Security check. Can you help?

Yes. We checked and learned the computer which makes the checks also makes errors.

Q. I am in Vietnam. My father has just died. I am an only child. Mother, an invalid, needs me to handle her affairs. Can you help?

Yes. We helped him get compassionate reassignment to a post nearer home.

GEARED TO SERVICE

During the past year many hundreds of requests for help have come into my office via telephone, telegram, letter or personal visit. My entire staff is geared to serve. In addition, I meet personally with as many people as possible during my trips home. I appreciate the chance to discuss legislation with you or help you solve problems you have involving the Federal Government.

Also, my two District representatives are happy to meet with you at any time. They are Marshall Humphrey, Room 319, Federal Building, CA-4-1761, Chickasha; and Col. (Ret.) Justice R. "Bob" Neale, industrial development specialist, American National Bank Building, 355-8056, Lawton.

THE SHELL GAME WITH "CITIES"

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, recently, we have heard various statistics on the magnitude of Federal aid to the cities bantered about in floor debate. Twenty-two billion dollars and $37 billion are the figures mentioned most frequently. Twenty-two billion dollars was the level cited in the President's message on cities on February 22, 1968. It includes that share of all Federal grant-in-aid programs which go to cities plus direct

Federal construction expenditures. The $37 billion figure includes the foregoing plus direct and guaranteed loans which go to the cities. These indeed seem to be substantial sums.

In fact, the Federal aid which reaches out large urban areas is nothing like $37 or $22 billion a year. In the first place, "cities" in this connection takes the census definition, which includes all communities with populations in excess of 2,500; in other words, more than 80 percent of the United States.

According to the Bureau of the Budget, only $12 billion of Federal grant-in-aid funds reach the large metropolitan areas, and only some fraction of that—$5 or $6 billion—actually reaches central cities with populations in excess of 50,000.

Furthermore, the $5 or $6 billion figure includes such programs as construction grants for highways which pass through central cities and do not directly benefit urban residents. So in actual fact, Federal aid to cities, as the term is generally understood, is not $37 billion or $22 billion, but something less than $6 billion. We are spending $80 billion a year on the military budget, $30 million of it in Vietnam. Surely, we can afford more than one-thirteenth of our military expenditures to save our cities.

TEXAS OBSERVES SMALL BUSINESS WEEK

Mr. **PATMAN**. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. **PATMAN**. Mr. Speaker, the Honorable John Connally, Governor of Texas, has by an official memorandum, designated the week of May 12–18 as Small Business Week in Texas in cooperation with our President and in recognition of the vital importance of the small business segment of our economy. Governor Connally has always been a vigorous champion of small business. His statement follows:

OFFICIAL MEMORANDUM BY JOHN CONNALLY, GOVERNER OF TEXAS

GREETINGS: Nine of every ten business firms in this nation are small businesses and these firms provide more than one-third of the nation's goods and services.

The small business is the backbone of our economy, and it contributes significantly to the well-being of our citizens, to the defense of freedom, and to the exploration of new scientific vistas.

Small business is one of our most important employers, and its continued growth will provide additional jobs needed by a growing State and Nation.

As leaders in the business and civic affairs of their communities, small businessmen contribute methods and products which enrich the lives of our citizens and stimulate our economic growth.

The week of May 12–18 has been designated National Small Business Week by the President of the United States.

Therefore, I, as Governor of Texas, do hereby designate the week of May 12–18, 1968, as Small Business Week in Texas, and urge all citizens and organizations to participate in ceremonies recognizing the many contributions of small businesses to the welfare of our State.

In official recognition whereof, I hereby affix my signature this 6th day of May, 1968.

JOHN CONNALLY,
Governor of Texas.

PLANNED DISRUPTION OF DEMOCRATIC NATIONAL CONVENTION

Mr. **WILLIS**. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. **WILLIS**. Mr. Speaker, for some time now it has been known that a conglomeration of elements have planned to disrupt the Democratic National Convention in Chicago this August. As chairman of the Committee on Un-American Activities, I have been receiving reports of these plans for some time and have communicated information to appropriate authorities.

I believe it is important, however, that all Members of the Congress and the public also be informed about how far certain elements in our society will go to achieve their purposes—and how complete is their attack on our institutions.

Significant numbers of these people are subversive in the truest sense of the word. It is their intent to destroy the representative, constitutional government of this country and to do this they are, step by step, attacking and attempting to disrupt all our key political and governmental institutions. The President, the Armed Forces, the draft, the State Department, the Congress—all are targets of these forces who have now gone so far as to plot the disruption and undermining of a major political convention, thus attacking the very foundation of democratic government.

I am certain that the Democratic Party leaders responsible for the convention in Chicago have been informed of the plans of these elements and that they are taking steps to frustrate them. These people have devious ways, however, and may succeed in thwarting the best efforts of those responsible to see that the Democratic Convention proceeds in an orderly fashion.

Some of the plans of the elements I have referred to were spelled out in an article published in the April 6 issue of the weekly Washington report, Human Events. I will include the text of this article at the conclusion of my remarks.

I would like to point out, Mr. Speaker, that since this article was published, Dick Gregory who is mentioned in it has announced that he has abandoned his plans to disrupt the convention. He had earlier threatened to stage such massive street demonstrations in Chicago during the time of the convention that "the Government will be forced to bring the Army in."

The rioting which followed the murder of Rev. Martin Luther King, Jr., has persuaded Gregory, he says, that if there were some incident during his originally planned demonstrations "be it the fault of a demonstrator or the fault of the authorities, it could kick off mass rioting again and as a citizen and as an American I am not going to be responsible for any violence or any rioting at all."

I regret to say that Gregory's stand against violence and rioting is not shared by others who have planned to disrupt the convention.

The article follows:

YIPPIES WILL HELP TAUNT DEMOCRATS IN CHICAGO—MASSIVE LEFTIST DEMONSTRATIONS PLANNED

Whether they like it or not, come the end of August Mayor Richard Daley and the city of Chicago will be hosts to what may well turn out to be the weirdest, wildest mass gathering in American history. There to greet the thousands of delegates and alternates to the Democratic National Convention during the week of August 25 will be a staggering conglomerate of black nationalists, hippies, campus radicals, neosuffragettes, acid heads, pot heads, speed freaks, New Leftists, Old Leftists and In-Between Leftists, all come to protest what they varyingly call the "system," "establishment," "power structure," "imperialist government," "racist government," or "the creeping meatball," but which all take to mean the Administration and policies of Lyndon Baines Johnson.

Even at this early date there are three more or less distinct mass groups with more or less definite plans to demonstrate in the Windy City concurrent with the Democratic meeting. There is Negro sometime-comedian Dick Gregory, planning to lead black masses in an effort to "cancel the convention." There are diverse anti-war, anti-draft elements organized under the banner of the National Mobilization Committee to End the War in Viet Nam. And finally there is the Youth International party (YIP), a hippie hangover whose members call themselves "yippies" and whose political philosophy seems to be nine parts whoopee.

Gregory was the first to announce his plans, saying some weeks ago that he would organize round-the-clock demonstrations throughout Chicago to force city officials "to cancel the convention or call out the Army . . . The convention will be held "only over my dead body," he declares. Gregory has also said his operations would be nonviolent and law-abiding, but that if they failed to provoke retaliatory police action, he would turn to "disruptive tactics"; reporters could not get him to elaborate.

The groups coordinated by the National Mobilization Committee, on the other hand, appear to be the best-organized force threatening Chicago. Some 200 delegates from these groups, ranging from Women Strike for Peace to the Communist party, met at a secluded site outside Chicago last weekend to discuss strategy for the Chicago onslaught. Organizers of the conclave included: David Dellinger of *Liberation* magazine; ex-Green Beret Donald Duncan, now "military editor" of *Ramparts;* the Rev. Daniel Berrigan, Roman Catholic chaplain at Cornell University; Ronnie Davis, a founder of Students for a Democratic Society (SDS) and now director of the Center for Radical Research, and Tom Hayden, another SDS founder and occasional Hanoi visitor.

As the participants gathered for the meeting, the majority appeared to be disposed toward a dramatic, perhaps violent demonstration at the convention; organizer Ronnie

Davis had advocated "closing down the city on the first day of preconvention activity." But other factors, notably the anti-Viet Nam presidential candidacies of Sens. McCarthy and Kennedy, tended to modify such hysterical outcries, since the delegates realized disruptive demonstrations would only help their common enemy: LBJ.

At the close of the conference, organizer Dellinger pledged that the participating leaders would try to keep the summer protest "peaceful" and would try "to use the Democratic convention as a national platform to heighten our impact and visibility and draw the movement together." However, Dellinger noted, there were also no plans for disruption at last fall's less than "peaceful" Pentagon demonstration (which he also helped plan). A June meeting of the National Mobilization Committee's affiliates will make the final decisions on the Chicago strategy.

(Negro delegates to this conference, who numbered around 25, met in a separate "black caucus" to meet with free-lancer organizer Dick Gregory and pass their own resolutions. The full body then adopted several of these demands, including proposals calling for the dropping of charges against "political prisoners" Rap Brown and Le Roi Jones and the reseating of Adam Clayton Powell.)

This leaves the Youth International party, or the "yippies," by far the most colorful of the Chicago-bound groups and perhaps the biggest joke the New Left has ever played on the American public. The yippies, whose elder statesmen include poet Allen Ginsburg and LSD apostle Timothy Leary, have promised to present a massive "festival of life" for several days in the Windy City to supposedly show the attending Democratic delegates just how to get more enjoyment out of life.

The more traditional elements of the Left, such as those at the National Mobilization conference, are tolerant toward YIP, if not enthusiastic. Their conference last weekend, attended by yippie "observers," passed a resolution supporting the YIP "festival."

But the Left as a whole does not seem to be enthralled by the yippies. Although it is several months old, the Youth International party was regarded until recent days with what seemed to be embarrassment by the more "responsible" leftist elements—notably the Communists. Only the pro-Communist *Guardian*, a publication that claims to be an "independent radical newsweekly" had even made mention of the new group; in the correspondence section of its March 9, 1968 issue, the *Guardian* printed a five-paragraph letter signed by four leaders of YIP.

The underground press, however, which has printed several articels by YIP leaders, has made some attempt to capture the color of the Youth International party for its readers. Two eye-catching headlines on these YIP articles: "Elvis Presley Killed Dwight Eisenhower" and "in America, we are all learning to become Viet Cong." The contents of these articles make about as much sense as the headlines.

Youth International party was masterminded by Jerry Rubin, whom most Human Events readers will remember as the young man dressed in Revolutionary War attire who made an obscene gesture toward the chairman of the House Committee on Un-American Activities during the hearings on the anti-Viet Nam demonstrations in the late summer of 1966.

Since then, Rubin has exchanged his Revolutionary War costume for that of a Viet Cong guerrilla and has burned his draft card. Obviously, Rubin's talent lies in the so-called guerrilla theatre, the authentic theatre of the absurd, and in the Youth International party he has created an excellent vehicle for his unique talent.

Other less colorful leaders of YIP include Mrs. Abbie Hoffman of New York's Free School; Paul Krassner, editor of the *Realist*, a magazine that often borders on pornography; and Ed Sanders, a member of the Fugs, a singing group that is infatuated with the shock value of frequently using four-letter words in the lyrics of their songs.

To add some zest to YIP's publicity attempts, the leaders have formulated an interesting yippie slogan: "Rise up and abandon the creeping meatball!" Granted, it doesn't have the magic of "Give me liberty or give me death!" but then it is only a temporary slogan. In months to come, who can tell what descriptive and colorful slogans the foursome can concoct?

The creators contend that the concepts behind YIP have been developing since the 1950s and that the October 1967 demonstration at the Pentagon proved that a more coordinated, continual protest was needed. Youth International party was then set up. Recently, a YIP information office was opened in New York City.

The first YIP project was drawing up vague plans for yippie protest. With typical New Left flamboyance, it was originally announced that New York City was to be thrown into "psychological paralysis" this spring. This was supposedly going to be accomplished by having 50,000 youthful peace demonstrators jam the 50 most important traffic thoroughfares at peak hours.

No concrete plans were made, however. Perhaps obtaining 50,000 exuberant protestors willing to brave Manhattan traffic at rush hour was a more difficult task than Rubin and Co. had imagined. Whatever the reason, the "psychological paralysis" of New York was soon forgotten and the yippies moved on to a project that would be more feasible, although less exciting.

Shortly after midnight on March 22, the main floor of Grand Central Station was cluttered with 3,000 yippies in what YIP leaders have stated was originally planned as a "gathering of youths to share songs, popcorn, jellybeans, and love for humanity." However, Keith Lampe, a 36-year-old English teacher and a leader of YIP, claimed that "almost spontaneously the anti-war chants began and were picked up in many parts of the terminal."

Shortly thereafter, the gathering turned into a disorderly, destructive rally in which anti-war messages were painted on the walls and property destroyed. Before the melee ended, more than 200 policemen had massed at Grand Central. Fifty-seven persons were arrested on charges that ranged from felonious assault and criminal mischief to resisting arrest and disorderly conduct. Two of the arrested yippies were hospitalized and five policemen were injured.

Within 24 hours of this incident, the mass media recognized the yippie phenomenon. Throughout the country newscasters reported New York Chief Inspector Sanford Garelik's remark that "There's a sickness in these kids. There's a sickness in their families, but I think there's a force directing this, that makes them come here and go there, somebody's directing this." After many months, the Youth International party had garnered some attention from newspapers, radio and television.

And if YIP leaders can be believed, Grand Central was only the beginning. Said Paul Krassner, "This is a preview of what Chicago is going to look like at the Democratic National Convention in August."

YIP's most ambitious undertaking, the "international youth festival of life," promises to be a "multi-media experience," the nation's first "Do-In." Chicago's Grant Park has been designated the center of activity, a proposal not calculated to delight Democratic Mayor Daley. But the yippies are confident they will receive a permit to use the park; "with hundreds or thousands of us . . . it is our human right," says Rubin.

Plans for Grant Park include making "every man a creator." Anyone walking across the park at any time during the six-day festival can expect to find free microphones and soapboxes, a free mimeograph machine and copies of the underground newspaper that will be published each day of the "festival." Other underground newspapers from around the country will also be represented and members of their staffs will teach interested persons how to start their own paper. "A real school for drop-outs" will be run and workshops will be held on how to end the draft and make protest films. Each night films of the day's activities will be shown. All of these activities will be going on daily in Grant Park. Obviously, the yippie leaders hope to keep the "hundreds of thousands" of participants very busy.

The Youth International party does not intend to confine its various activities to Grant Park alone. Yippies "dressed like Viet Cong" will walk the streets of Chicago, "shaking hands like ordinary American politicians." Rubin has promised that "the yippies, being wanderers, will be all over the city."

Yippies do not plan to forget the other convention that will be taking place in the same city on the same dates. They will use various methods to "freak out" the Democratic delegates. Some yippies "plan to paint their cars like cabs, pick up delegates, and drop them off in Wisconsin." Others will infiltrate the hotels housing delegates by disguising themselves as "bellboys and cooks."

The yippies intend to create such chaos among the delegates that Johnson will find it necessary to be nominated under military guard. Rubin believes that "the paranoia and guilt of the government will force thousands of troops into the city of Chicago to protect the Democratic delegates and LBJ" from the yippie threat. And every yippie knows that more federal troops would mean a better guerrilla theater.

Theatrics figure in other plans concerning the Democratic National Convention. The day before President Johnson is scheduled to arrive in Chicago the yippie leaders will announce to the press that LBJ will be arriving at O'Hare Airport at 2 p.m. But it will be a yippie "LBJ" who will be enthusiastically greeted by their cadre. After the airport reception, the yippie "LBJ" will be honored with a motorcade through Chicago. Then "LBJ" will hold a press conference in a yet un-named Chicago hotel. The highlight of this press conference will be the announcement of America's "withdrawal from Viet Nam."

The yippies also have a candidate for the presidential nomination. He is Bancroft P. Hogg, an animal made out of vegetables. They have selected as Hogg's running mate a man with previous experience as vice president, Lyndon B. Johnson. Rubin writes that:

"After Hogg is nominated, we will kill him and eat him. And we will say to America: 'You nominate a President and he eats the people. At our convention we nominate a President and we the people eat him!' "

This bizarre brand of New Leftism that the yippies symbolize is calculated to mobilize thousands of young radicals. The fun and games, the free food and music ineptly mask the real purpose of the "international youth festival." It is the hope of yippie leaders to create total anarchy in Chicago.

At first, only a handful of people regarded the Youth International party with any seriousness. The incident in Grand Central Station showed that, as fanciful as they might seem, they are not merely a giant hoax. The Chicago police are expecting the worst this summer and are preparing for the flood of uninvited visitors—the yippies and their assorted summertime allies from across the Left spectrum.

TENOR OF THE LIBERAL'S CAMPAIGN?—LET'S HOPE NOT

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, it is no mystery to me why we find ourselves in the worst domestic and international quagmire in this country's history. The liberal Democrats have overpromised, overburdened, overtaxed, overspent, overcommitted, overprogramed, and overstaffed. They can read the times and many are coming to realize that their impending defeat is overdue. To give the Nation's overburdened taxpayers more of the same medicine they have launched a fantastic campaign to paint a socialist panacea to the public in order to get reelected.

I just looked at a recent COPE publication, No. 189C. It makes no sense whatsoever but in their usual smear diatribe they state to their captive audience that—

> If 25 more liberal congressmen are elected . . . slumless cities, decent homes for all Americans, pure air, clean water, consumer protection—

And so on. Now, as if that is not demagogic enough they go on to say, on the other hand that—

> If 25 more conservative congressmen are elected . . . perpetuation and spread of slums, continued shortage of good housing, rampant pollution, consumers unprotected.

What fraudulent lies to foist on the public in this election year. Fantastically enough, they will probably get a few people to believe them.

Wonders never cease, Mr. Speaker. I know we live in the midst of an incredible time, but who would ever have expected a U.S. Senator to team up with a convicted sex offender who also served time in a Federal prison for selective service violation to come to the aid of the Democratic study group in Congress? Now, certainly they cannot be that hard up. The letter starts out:

> We are deeply troubled—

That puts it mild. All Americans should be deeply troubled at Bayard Rustin's effort to raise money a la the COPE smears. The "appeal" has all of the usual innuendoes. For example:

> The right wing already is raising millions of dollars in mail campaigns subtly appealing to racism in the guise of concern about "crime in the streets." This is being done not only on behalf of identifiable extremists, but for hundreds of apparently "respectable" Republican candidates. And they are eliciting a powerful response from elements in society who far from being appalled at the prospect of an American apartheid, are actually—if covertly—delighted by it.

Now, note that well. There is supposed to be some subtle appeal to racism by talking about crime in the streets. The Senator and Mr. Rustin would seem to be off base since they are inferring that all of the crime in the streets is the result of American Negroes. I know of no responsible person saying that. They are insulting the Negroes, not those of us who will not be scared out of discussing the very real problem of crime in the streets.

COPE uses blatant demagogic smears and Bayard Rustin and friend are saying that anyone who mentions crime in the streets is a racist. Thus is the battle joined for those liberal Democrats who are rightly scared. Scared to death of the electorate which is finally catching up with them.

While I find myself in disagreement with many of the policies advocated by the Democratic study group on the other side of the aisle, I have never questioned their integrity. They are very honorable and worthy adversaries. As I recall, one of my good friends made some critical statements just before the open housing vote regarding literature and information which was being circulated. It would be fair to ask them now if this Rustin letter went out with their approval and if they subscribe to its contents. The letter follows:

> SPRING 1968.
>
> DEAR FRIEND: We are deeply troubled.
>
> The Commission on Civil Disorders has stated "there can be no higher priority for national action and no higher claim on the nation's conscience" than "a compassionate, massive and sustained" attack on the problems of racial injustice and deprivation in our society. And yet, even though the nation is verging toward greater violence, the brutal fact is that most of the action called for by the commission would not be implemented by the present narrowly divided Congress even if the war were to end tomorrow.
>
> The liberal strength which produced the unprecedented social advances of the 89th Congress was sharply reduced by the loss of 47 bright, dedicated young members of the House of Representatives in 1966, and the remaining liberal forces in the House have since been fighting a series of bitter but successful rear guard battles to defend those accomplishments against a revived conservative coalition.
>
> Nonetheless, action on our domestic problems cannot be delayed without terrible consequences for our society. The situation in our cities is so desperate and explosive that the political alternative to *action* will not be inaction as it was in the 1950's but *reaction*. And if the history of the past two decades is any guide, the choice between action and reaction will not be made in the White House, but in the Congress—and especially in the House of Representatives, where liberal power is now most needed and most threatened.
>
> To the 150 liberal Democrats still in the House, the need for action to meet our domestic crisis is a matter of both urgent conviction and grim political survival. Unless these committed House liberals can be saved and their numbers increased so as to really make possible "massive and sustained" action on employment, housing, education and training, the political and social fabric of our nation could be ripped beyond recognition—and perhaps even beyond enduring for decent people.
>
> Nothing is more important in this year of political upheaval than that we remain united and effective on this issue, regardless of the course of the war. We must give these liberals our help, and we must do so now.
>
> The right wing already is raising millions of dollars in mail campaigns subtly appealing to racism in the guise of concern about "crime in the streets." This is being done not only on behalf of identifiable extremists, but for hundreds of apparently "respectable" Republican candidates. And they are eliciting a powerful response from elements in society who far from being appalled at the prospect of an American apartheid, are actually—if covertly—delighted by it.
>
> The 150 House liberals have launched a special effort, the Democratic Study Group Campaign Fund, to channel support to the 50 of their colleagues who are most endangered this year—and to about 20 challengers who may have a good chance of unseating conservative incumbents. Their success and our nation's future depends on the level of public understanding and the degree of public commitment.
>
> We ask you to join this effort by making a generous contribution to the *DSG Campaign Fund* now. An envelope is enclosed for your convenience.
>
> Sincerely yours,
>
> BAYARD RUSTIN.
> Senator [Deleted].
>
> P.S. You may have received more than one copy of this letter because it would be prohibitively expensive to check for duplications in the lists that have been made available for this purpose. If so, would you please pass the additional copy along to a friend who may be interested in helping? Thank you.

WE ARE LIVING IN A FOOL'S PARADISE

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, those constituents in Ohio's 17th District who keep up with my newsletters know that my favorite topic is deficit spending, back-door spending, and what the taxpayer can see only as "trap-door" spending—or in a word the abuses and uses of the Federal budget.

For 8 years I have cautioned—and I have done so as vociferously as any—on the fallacies of the "new economics" that has been infiltrated and has taken over our Government here in Washington. My concern and my criticisms go back into the days of Walter Heller's absurd "deficits of strength" argument and up through the continuation of these theories and programs as expounded by Gardner Ackley.

Today, and disregarding an urge to use the article in front of me to provide an "O. Henry twist," I would like to quote from a 1963 article which appeared in Reader's Digest. I emphasize that this article is from 1963. It is the work of the highly distinguished staff member, Charles Stevenson, former chief of the Digest's Washington office who is now retired.

If I were to change a few names, substitute new figures and change the date, it would read as if it were this month's edition.

For example, take this quote:

> The advertised $98.8 billion budget—vast as it is—represents only a fraction of what the Government plans to spend in the next

fiscal year—and this merely to set the stage for even bigger spending in the years to follow.

Unfortunately, in 1968, as in 1963, the public does not get the true vision of the Federal budget, unless they read it in Reader's Digest and possibly a few other places, such as my newsletters for the past few years.

The fiscal tactics enumerated in this article are simply a con game to disguise administration programs, expenses, and tactics.

Mr. Stevenson said of President Kennedy's 1963 budget:

> No other President in history has dared to propose such spending, even in war.

But, each year since this time we have seen a larger budget. Now we are being asked to pay for these past and present fanciful ideas through a tax surcharge.

Quite frankly, I feel that we are living in a fool's paradise. For some reason, the average American has been lulled into believing that we can have militant people going throughout the country exhorting to violence, preparing for violence, but yet not have violence; that we can in times of crisis and expediency set aside our constitutional principles but still have our constitutional protections when we need them; that we can follow "no-win" policies against the Communists and somehow come out with a "draw"; that we can go three-fourths of the way to socialism or communism but not get there; and finally, that we can spend more than we take in, year in and year out, but not have national bankruptcy.

We are creaking at the seams. The liberal Democrats have made a national game out of overpromising, overburdening, overspending, overtaxing, overcommitting, overprograming, and overstaffing. Now they want to take it out of the hides of the American taxpayer for their own errors which men like Charles Stevenson and conservatives in general have been warning about for years.

I oppose the tax increase. I do so for many reasons. Without a meaningful cut in the budget, it will merely serve as a license for the big spenders to recharge their batteries and go off on another irresponsible spending spree. Take this year for example. The papers screamed with President Johnson's "austerity" speech in Minneapolis on March 18 but now he is bucking at a measly $6 billion cut in spending. Anybody that cannot read that picture does not deserve to have his hard-earned money protected for him.

There is no austerity, there never will be with this administration. To increase taxes rather than cut down on the oppressive spending policies of this administration would be inflationary and against the best interest of our people and our economy. It will only forestall the day when we have to make even deeper cuts or greater tax hikes. You cannot have both, and the mistaken liberal economic philosophy which has had its day and failed will only make your plight that much worse in the near—very near—future.

There has been no economy, let alone austerity. President Johson has talked out of both sides of his mouth. More than 500,000 new Federal employees have gone on the payroll since he took over at the White House. Look at what has happened to spending in these few brief years:

THE ADMINISTRATIVE BUDGET AND PUBLIC DEBT

[In millions of dollars]

Fiscal year	Administrative budget			Public debt at end of year
	Receipts	Expenditures	Net	
1960	77,763	76,539	+1,224	286,471
1961	77,659	81,515	−3,856	289,211
1962	81,409	87,787	−6,378	298,645
1963	86,376	92,642	−6,266	306,466
1964	89,459	97,684	−8,226	312,526
1965	93,072	96,507	−3,435	317,864
1966	104,727	106,978	−2,251	320,369
1967	115,849	125,718	−9,869	326,733
1968 [1]	118,575	137,182	−18,507	351,599
1969 [1]	135,587	147,363	−11,776	363,540

[1] Estimate.

Mr. Speaker, we did not get where we are accidentally. These deficits were planned. These phony "new economics" ideas have not worked and will not work.

Feeding more tax money into such a wasteful administration is the height of irresponsibility. Cut expenditures, implement economies at all levels of Government, fight inflation, and instill confidence in the dollar and prove that we do not, in fact, live in a fool's paradise. Taxpayers will probably have to wait until a new Republican administration and a Republican Congress come into office in 1969 for any hopes of achieving these goals. We need a new fiscal responsiblity and a new commitment to govern wisely—not higher taxes and more of the old, wornout, big Government theories. The tax cut should be rejected; spending cuts should be imposed by a forward-looking Congress. This is the only hope for our people.

The Reader's Digest article follows:

[From the Reader's Digest, May 1963]

THE REAL TRUTH ABOUT THE FEDERAL BUDGET

(Additional billions are embedded in next year's record $98.8-billion budget. Here are the shocking facts that taxpayers have not been told.)

(By Charles Stevenson)

Look behind the 1600 pages of figures and texts covering President Kennedy's proposed spending for the new fiscal year that starts July 1. Pin down federal fiscal experts as to what certain bookkeeping references really mean. Investigate leads that busy legislators lack time to follow up. Do this and you'll uncover some startling facts about the most explosive issue now building up in Congress—the $98.8-billion budget.

No other President in history has dared to propose such spending, even in war, and consternation has been spreading ever since he tossed this program to Congress. Kennedy's own Democratic House Appropriations Committee chairman, Rep. Clarence Cannon of Missouri, went over it and dashed to the House floor. "I've never seen a budget like this in all my 40 years in Congress, nor has anyone else!" he shouted. "Incredible. Inviting disaster. Staggering!" were some of his descriptive terms.

Legislator after legislator, Democrat and Republican alike, has lined himself up with the ever-increasing number of knowledgeable critics. Washington newspapers report a new flood of mail to the Capitol: worried taxpayers, too, have been indicating alarm. And with good reason. For the advertised $98.8-billion budget—vast as it is—represents only a fraction of what the government plans to spend in the next fiscal year—and this merely to set the stage for even bigger spending in the years to follow.

Insistence upon spending more than can be collected in taxes has already swollen our national debt to more than $300 billion. Just the interest on this is eating up more than $10 billion a year of our taxes. That's more than we spend for any item of government except defense; it equals *all* the income taxes paid by the 41 million Americans who report earnings up to $6,000. Moreover, this living beyond our means has eroded more than half the pre-World War II value of our money, our savings, our Social Security. Six times in the past year the cost-of-living indexes hit new highs.

Yet, by the administration's own calculations, spending in the new fiscal year beginning July 1 will run $4.5 billion more than this year, $11 billion ahead of last. This spending will inflate the accumulated deficit for Kennedy's three full fiscal years in the White House to more than $27 billion—a record unmatched in our history except during the most desperate period of World War II.

The President told Congress: "I will hold total expenditures for all other purposes (than defense, space and interest on the debt) below this year's level. This requires the reduction or postponement of many desirable programs." Yet House Appropriations Chairman Cannon has noted that Kennedy's own budget figures show that defense spending is up just 17 percent since he came to office, whereas non-defense spending has soared 27 percent and will go up by $2 billion in the new fiscal year. Indeed, nearly every government bureau and program is listed as spending more.

What conceals this increased spending in the budget is the offsetting bookkeeping entry of hoped-for receipts from sale of government assets such as mortgages and commodities. Thus, while the Agriculture Department will actually spend more than this year, the budget shows it spending $928,143,000 less, largely because the department *hopes* to offset the increases by selling off vast amounts of its surplus cotton. To many fiscal authorities—Rep. Thomas B. Curtis of Missouri, for example—such bookkeeping is merely ledger juggling to disguise what is really being done.

"This indeed is fiscal irresponsibility," Representative Curtis told the House. "It is a deceitful presentation to the Congress and to the public. How does one say this forcefully so that the country can understand the techniques that are being used to deceive the people?"

Some of the techniques to which he refers lie in a no man's land known to the legislative trade as "backdoor spending." Theoretically, Congress must review the activities of each agency annually and then appropriate needed funds for the coming fiscal year. But under the backdoor system, introduced in the 1930's, Congress vitiates this right of review and control over spending.

One way it does this is to give an agency "contracting authority," in reality a charge account to spend and simply send back an annual bill which Congress must pay. Or it gives an agency authority to borrow its operating funds directly from the Treasury, which just adds the amounts to the public debt. Congress doesn't enter the picture again until after the money has been spent;

then it is called upon to make up the loss by appropriating more money to "restore impaired credit" or by outright canceling of what the agency owes the Treasury. Some $27.4 billion has thus gone down the drain since inception of the backdoor system.

The system is used to cover up the cost of outright gifts and credit operations which are too often so set up that they never could pay their way. President Eisenhower regarded backdoor spending as so reprehensible that he asked Congress to discontinue it as a financing method. But President Kennedy clings to it despite its being termed "fiscal insanity" by his own House Appropriations chairman. After trying to shove through enactment of $30.9 billion of backdoor-spending authority and getting $20.1-billion worth, Kennedy is back at it again this year.

Examples:

The Export-Import Bank requires $2 billion of new financing to add to its previous outlay of $7 billion for helping foreign governments purchase American wares. In his new budget Kennedy requests "authorization to expend the sum from debt receipts"; the money would not be appropriated as needed but would be obtained through further borrowing by charging it to the public debt. Moreover, he enters this $2-billion item on the books for the currently expiring fiscal year. Thus during the new fiscal year beginning July 1 he is able to show that the $2 billion was not requested, and this is claimed to be a "savings" of $2 billion.

The Treasury now has to pay up to 4⅞ percent to borrow from the public the money which the Rural Electrification Administration lends out at a cut-rate two percent to co-ops so they can operate electric utility, appliance and telephone businesses in competition with taxpaying companies. The outstanding co-ops-to-REA-Treasury-to-taxpayer debt now totals $3.6 billion and is rising at the rate of several hundred million a year. But now Kennedy not only wants the REA to step up its halfprice loans; he wants to pour all the outstanding co-op loans into an REA revolving fund. Instead of continuing to pass back to the Treasury the repayments received from the co-ops on these loans, Kennedy now proposes to have REA relend these repayments to the co-ops, thus further bypassing Congress.

This means an immediate loss to the taxpayers of $151 million, the amount which otherwise would be returned to the Treasury as the co-ops' passed-back repayments in the new fiscal year. And what happens after all these transactions go through the administration's bookkeepers? They end up in the new budget as "reduction in expenditures" of more than $70 million for the year.

A borrowed defense-production fund of $2.2 billion was supposed to get back some of its expenses by selling unneeded stockpiles and recovering loans made to defense contractors. Instead, the fund has become so depleted that it can't even pay $127,584,000 interest due on its borrowings. Yet instead of seeking appropriations to make up some of the losses, the President is sweeping the problem under the rug by asking Congress to pass a law voiding the interest. This enables him to enter the repudiated interest in his budget as another "savings" that he has achieved, although the public still must pay the bill.

Or consider the Housing and Home Finance Agency, which President Kennedy wants to develop into a vast Department of Urban Affairs. Chairman Harry F. Byrd, of the Senate Finance Committee, says, "It had better be called a Department of Backdoor Spending," because last year it had a $13.7-billion spending authority, "and all but $300 million of this was through the backdoor."

For just one program, urban renewal, HHFA will hand out $625 million in grants during the next fiscal year to make over American cities. And the agency has at least 46 other programs that will result in borrowing from the Treasury in order to pay out at least $3.7 billion during the next fiscal year. Yet all that shows in the administrative budget for these programs is a net $695-million expenditure.

Finally there is the Commodity Credit Corporation, which shows up as just a $1.4-billion expense as far as the administrative budget is concerned. Yet the agency will actually obligate $9.5 billion, mostly backdoor borrowings, in carrying out its agricultural price support and disposal programs here and abroad; it will require a $5.3-billion appropriation from Congress during the year to restore just some of its losses; and by its own calculations it will end the year with an accumulated deficit of $8.139 billion.

These examples are typical of an entire category of government spending known as "public enterprise" funds. Together they will lay out nearly $23.5 billion in the course of their next fiscal year's operations. But thanks to the bookkeeping practices cited here, the juggling and the consignment of huge losses to limbo, the $23.5-billion *gross* outflow is made to appear in the administrative budget only as a *net* $3.5-billion expenditure.

Yet this isn't all of the extra spending that fails to see the light of day in the administrative budget. There are more than $28-billion worth of trust-fund payments, so-called and accounted for separately because the money comes from revenues dedicated to their special purposes. Included here are $3.39-billion federally aided highway construction; $3.77-billion unemployment benefits and operation of U.S. Employment Service offices; $1.01-billion gross expenditures for the Federal National Mortgage Association; and even some $500 million in foreign-aid financing.

When these particular spending programs are separated from such traditional trust-fund operations as Social Security and Railroad Retirement and added to the previously totaled expenditures, you account for not just $98.8 billion of government spending advertised in the administrative budget. You have at least $127.5-billion worth.

Yet even this figure does not tell the whole story, for it is only the amount that the government will pay out, not what it will commit itself during fiscal 1964 to spend in future years. For example, the administrative budget lists foreign aid as a $3.75-billion expenditure. But in his various budgeted programs Kennedy requests the authority to obligate the government to enter into contracts, agreements and programs which will actually cost $5.053 billion[1] over the next several years.

Similarly, Kennedy's budget starts off his Aid to Education program as a $144-million expenditure, but this is merely the amount that will be spent this coming year out of a requested $1.2-billion appropriation. And this is just seed money to begin a broad program of educational financing, the ultimate cost of which is not yet even dimly seen.

Gifts for rejuvenation of urban mass transportation have been budgeted as a scant $10-million expenditure, only a fraction of the $100-million appropriation which Kennedy is asking for in order to start a program which will cost $500 million in the next three years; but HHFA Administrator Robert C. Weaver, who will oversee the program, has confessed that he doesn't know what the ultimate cost will be, and Kennedy's guideline is: "If mass transit is to survive it needs federal stimulation and assistance."

These are just symbolic of *new* obligational authority which Kennedy wants approved during the next fiscal year.

"Obviously this loose spending must stop," says Senator Byrd of Virginia. "There must be a turning back if we are to endure in the image that we like to think is still our America. The rumblings in Congress and over the country indicate that a lot of people feel it is time to back up. But only if they complain loudly enough, and let their Congressmen and Senators know, will they get action. *The blueprints exist by which the spending can be brought under control overnight.*'"

Here they are:

1. Junk the existing now-you-see-it-now-you-don't budget and eliminate backdoor spending. Compel the executive departments to submit all their spending proposals and handling of the people's money to annual scrutiny by the Congressional appropriations committees which were set up for the purpose of keeping expenditures under control.

2. Stop having Congress act on more than a dozen appropriation bills in such piecemeal and unrelated fashion that the members don't even know the total money they've voted to spend until after the session has ended and they've gone home. Instead, pull together all these bills into a single legislative package. Congress will then be faced with the necessity of determining which items have priority so that the spending can be fitted into the funds that are available. Just by agreement, House Appropriations Chairman Cannon got his committee to handle all appropriation bills as a single package back in 1950. "It worked," Representative Cannon recalls, "It will work again if we can beat down the spenders who objected because it made it harder for them to raid the Treasury."

3. Require the President in sponsoring legislation to estimate the ultimate cost of his proposals.

4. Set up spending controls by requiring Congress to limit by law the amounts to be spent annually for every government program. Congress at present only determines how much it will give an agency to spend, not when and how it will spend.

Legislation providing for these reforms has been introduced by Senator Byrd, and there is plenty of evidence that if we put them into effect, we'll be able to afford the tax cut we want. Money now piling up in savings accounts will come out seeking investment. Business will be able to expand. The country will move ahead. For once again there will be confidence in the land and in the future.

THE INTERNATIONAL IMPLICATIONS OF AMERICA'S VIETNAM COMMITMENTS

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, while we all share the hope that the peace talks now underway in Paris will find an honorable formula for a genuine and lasting peace in Vietnam, it is also important, as we move toward the difficult and perhaps frustrating differences of opinion which these talks will certainly uncover, that we remember the basic purpose and objectives of America's foreign policy which first led to our Southeast Asian commitment.

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[1] Not including $2.429 billion for Food for Peace.

All too often we have been told that our commitment there has no real bearing on the basic interests of the United States. All too often we have been told that if we only abandon our fight for self-determination in Southeast Asia, we will find ourselves suddenly back in a simple and uncomplicated world where we need no longer be troubled by international concerns and where we can devote ourselves completely and wholeheartedly toward solving our domestic problems.

Many, I am sure, realize that this is indeed a false and misleading appraisal of what is likely to occur when the Vietnam war does come to a close. Many of us have pointed out that failure to achieve our basic objectives in Vietnam, of resisting armed aggression and defending self-determination for small nations, will lead not to peace in the world but to the danger of an even greater and more destructive war.

I am delighted that a very forceful and persuasive analysis of just this point of view appeared yesterday as the leading article in the New York Times Magazine section, written by Mr. Irving Kristol and entitled "We Can't Resign as 'Policeman of the World.'" Mr. Kristol's analysis is all the more interesting in view of the fact that the Times itself in its own editorial policy has consistently overlooked the points which he makes so persuasively.

So as we move into the difficult and delicate negotiations in Paris, I believe Mr. Kristol's analysis deserves to be read and pondered by every Member of this body.

Under leave to extend my remarks I include the following article by Irving Kristol from the New York Times of May 12, 1968:

We Can't Resign as "Policeman of the World"

(By Irving Kristol)

I pretend to no greater foresight than the next man on how the present negotiations over Vietnam will proceed. But whether they move swiftly or not, or smoothly or not, it is nevertheless not too early for us to contemplate the meaning of the Vietnam experience for American foreign policy. Moreover, it is extremely important that we do so in the least polemical and most judicious of tempers. For the implications of this experience are nothing less than momentous.

Everyone is to some extent aware that American foreign policy, after this trauma, will never again be the same. But too many people seem to be content to leave it at this, under the impression that the recent past having been so awful, the future—whatever its shape or form—can only represent an improvement. There is, it seems to me, a shocking lack of recognition of the fact that the debacle in Vietnam initiates a major *crisis* in American foreign policy—and perhaps in world history too.

Thus, there are many people who have concluded rather smugly that, from now on, a chastened United States will be more reluctant to exercise a roving commission as "policeman of the world." The conclusion itself is indisputable: any future Administration will be most hesitant about entering into a new military commitment overseas, and will even think twice before moving to honor an old one.

Still, the fact remains that the moving force behind American foreign policy in these last two decades has been something more than mere presumption or "the arrogance of power." For the world *needs* a measure of policing—the world *does* rely on American power, does count on American power, does look to American power for the preservation of a decent level of international law and order. It wasnt' arrogance on our part that cast us in the role of mediator and arbitrator in the Cyprus dispute. Nor was it any kind of narrow self-interest: The nations of Western Europe have far more at stake in avoiding a war between Greece and Turkey than we do, and we certainly could not care less about Cyprus itself, where we have neither bases nor investments. Nevertheless, when that dispute flared up, it was to the United States that both Greece and Turkey naturally turned. Had we decided to keep hands off, a Greco-Turkish war would have been inevitable and the entire Middle East would have been thrown into bloody turmoil, with consequences that pass imagining.

Along these same lines, one can only wonder what the situation in Central Africa would be today if we had not helped establish stability of a kind in the Belgian Congo, an area of no direct concern—economic or military—to us. We intervened there because most of the world thought it was our responsibility to do so—we had the ships, the planes, the men and the money, too.

Power breeds responsibilities, in international affairs as in domestic—or even private. To dodge or disclaim these responsibilities is one form of the abuse of power. If, after Vietnam, the nations of the world become persuaded that we cannot be counted upon to do the kind of "policeman's" work the world's foremost power has hitherto performed, throughout most of history, we shall unquestionably witness an alarming upsurge in national delinquency and international disorder everywhere. Nor shall we remain unaffected, in our chromeplated American fortress. Let me propose an example of how drastically we might indeed be affected—one which has received surprisingly little attention.

I happen to think that the Administration's "domino theory" is a perfectly correct description of what an American defeat (as against a settlement that falls short of victory for either side) will lead to. But let us assume that I'm wrong and that the nations of Southeast Asia will remain uncoerced, unintimidated and unsubverted by a Communist Vietnam, allied or not with a Communist China. There still remains the question of how India is going to react to a situation in which the sole and unrivaled Great Power in Asia is a nuclear-armed China. Can anyone doubt that—dominoes or no dominoes—the immediate consequence of an American withdrawal from Asia will be India's arming itself with nuclear weapons?

Even now, the Indian Government is balking at signing the nonproliferation agreement, so laboriously negotiated by the United States and Russia, because it is skeptical of the willingness or ability of these two powers to protect her from nuclear blackmail on the part of China. Should the United States cease being an Asian military power—as is now being urged by so many—this skepticism will turn into certitude. India will then start arming itself with nuclear weapons—it has had the technical capacity to do so for some time now. And if India proceeds, can Pakistan be far behind? How do we contemplate a world in which India and Pakistan glower at each other, their fingers curled around nuclear triggers? That is the kind of thing which has been at stake in Vietnam.

Or take another example, in another part of the world. If Israel becomes convinced that the United States, after its bitter experience in Vietnam, is unable or unwilling to use its military power in the Middle East to assure Israel's survival as a nation—if this power is all symbol and no substance—it will inevitably start constructing nuclear weapons. Egypt, of course, will do likewise, with or without Russian assistance. How do we contemplate such a confrontation? That, too, has been at stake in Vietnam.

It is exceedingly strange that so many people who have a sincere and passionate concern over the Bomb should be oblivious to the fact that we live in a nuclear age. To listen to self-appointed leaders of the "peace movement," one would think that the only danger posed by the Bomb is that some crazy general in the Pentagon will abruptly decide to use it. Unfortunately, it is extremely difficult for official United States spokesmen to discuss this matter in public. How can the State Department or the White House talk bluntly of the dangers of a lot of kooky little (or not so little) nations playing around with nuclear weapons. How can Dean Rusk publicly assert that we don't trust India, or Pakistan, or Egypt, or Brazil, or whomever with nuclear arms?

Protocol quite properly forbids such candor. But protocol does not affect the basic realities, which are available to inspection by anyone who is willing to look at this world with eyes unclouded by ideology. It is a world which, without "policing," will almost certainly blow itself to bits.

It is because this reality of world politics is so blithely ignored or passed over that I find much of the present controversy over American foreign policy so unreal. Will the United States go isolationist or neo-isolationist as a result of Vietnam, as some fear and others hope? But can "going isolationist" mean, in today's world? There is no special American atmosphere; the air we breathe can be radioactively polluted by the actions of men, thousands of miles away, contesting issues in which, strictly speaking, we have no kind of national interest. What it comes down to, indeed, is that in the nuclear age no Great Power can responsibly define its national interest in "strictly speaking" terms.

I also find only a little less unreal the notion that the United States should be strictly selective in its international commitments—avoiding all cases where we are likely to get more deeply involved than we have determined beforehand we are willing to be. Things just do not work that way. "Strictly selective" commitments are as much an anachronism as a "strictly speaking" national interest. Like any policeman, a Great Power can remain prudently aloof from various imbroglious. A policeman on the beat can turn his eyes away from family quarrels, no matter how bitter and noisy, or from petty bookmaking, no matter how flagrant. But if the family quarrel should become a street riot, or petty bookmaking be taken over by a syndicate, he has no choice but to intervene. Similarly, the United States need not—and does not—meddle in everything happening all over the globe. But to try to catalogue our commitments to suit our convenience is really not within our power. It may be recalled that Dean Acheson did precisely that with regard to South Korea, that "noncommitment" quickly turned into a major war for us.

Besides, the truth of the matter is that, because we are a Great Power, we are a "committed" nation without knowing what our commitments precisely are. Our commitments are necessarily defined, to a considerable extent, by circumstance and contingency. What, for instance, is the exact nature and extent of our commitment to the survival of the State of Israel? I don't know; the United States Government doesn't know, either; nor do the Governments of Israel, Egypt or the Soviet Union. What we will do to insure Israel's survival will depend on the kind of trouble it is in; it will also depend on the kind of trouble we are in, at the particular moment. This state of affairs will offend only the prissily tidy-minded. A precise and public definition of our commitment might, at some point, force us to choose between a nuclear war with the Soviet Union or China and a humiliating capitulation. The fewer such public definitions of our commitments we burden ourselves with, the better off we are.

Above all, I find unreal the idea, so popular on the liberal-left, that our troubles arise from something called "the cold war," and especially from a dogmatic opposition to anything carrying the odor of something called "Communism." True, some leading figures in American life—mainly in the Republican party, so far as I can see—talk this way. And it is unquestionably true that one major aim of American foreign policy is to establish or sustain a friendly and hospitable world environment.

But this last aim is shared by *all* Great Powers; it is attached to the very meaning of the term "Great Power." And the Administration has not been carrying on any kind of doctrinaire, ideological crusade against Communism, wherever and whenever. We are, for instance, scrupulously refraining from intervening in the present anti-Soviet and anti-Communist turmoil in Eastern Europe; we are not even *saying* very much about it. And there are quite a few of the new nations in Africa that have pro-Communist regimes without the Administration's even seeming to take any anxious notice of the fact.

Indeed the "cold war," properly speaking, is no longer a terribly significant fact of international life. Our conflict with the Soviet Union by now has few ideological overtones; during the last Middle East crisis, neither we nor the Soviet Union talked very much about "Communism" or "capitalism," except in a purely routine and ritualistic way. Our conflict with the Soviet Union today is much more a traditional struggle between Great Powers, in the 19th-century sense, with each protagonist trying to tilt the balance of power in its own direction. Were the Communist party of the Soviet Union to be replaced tomorrow by a Romanov Czar, this conflict would endure, and probably in much the same way.

The same is not yet true of China—but I suspect it soon will be. The Chinese Communist regime still sees itself, and frequently behaves, as the ideological center of a universal and apocalyptic sociopolitical doctrine. But with every passing year the regime becomes more chauvinistically Chinese and less Communist, in any familiar meaning of that term. In its relations with other nations in Asia and Africa, China seems impelled to act in an overbearing Chinese way, rather than in a calculating Communist way. And though we know little about the inner turmoil now taking place within China's political system, it is reasonable to suppose that the eventual upshot will be the emergence of a China which—like the U.S.S.R.—will be more interested in extending its national power than in selflessly propagating any ideology.

But there's the rub, precisely. For, in the nuclear age, there have emerged certain ground rules governing the *modus operandi* and the *modus vivendi* of Great Powers. The keystone of this system of rules is the assumption that no Great Power will attempt to revise the status quo by the use of force and violence—either directly or through a surrogate. It can use money, propaganda or various means of persuasion and intimidation, covert and overt, to tilt the balance of power in its favor. But it cannot use force—for such use of force brings with it the prospect of a military confrontation between Great Powers, and such a confrontation in turn immediately raises the possibility of a nuclear holocaust.

This is what the doctrine of "containment" has come to mean. It is not a peculiarly American doctrine, and certainly not an intrinsically anti-Communist one, since the Soviet Union in practice also subscribes to it. It is, to be sure, a relatively conservative doctrine, since it insists that the pattern of world power change gradually, subtly, as unobtrusively as possible. But when a world walks on explosive eggshells, as ours has been doing for nearly two decades now, there is no alternative to such conservativism.

It is in defense of this version of "containment" that the United States intervened in South Vietnam. The exact historical circumstances of our intervention, over which there is now so much controversy, are not terribly significant. The involvement in Vietnam—an involvement that was sustained by three very different Administrations—derives ineluctably from the fundamental principle of American foreign policy in the nuclear age. We did not intervene in Indonesia, when that nation (so much more important than Vietnam) was apparently slipping into Communist domination, because this fundamental principle was not being challenged. We intervened in Vietnam because it was.

To be sure, there are all sorts of novel aspects to the Vietnam situation. Unlike the war in Korea, it is part civil war, part nationalist rebellion against Western influence, part military aggression by Hanoi. But then, it is the doctrine of Mao (echoed, with variations, by Ho and Castro) that exactly such "wars of national liberation" are the most productive methods of violently upsetting the prevailing policy. It is a policy clearly and unequivocally announced by leaders of "Left Communism" throughout the world. It is, moreover, a policy directed as much against the Soviet Union as against the United States—and which the Soviet Union repudiates as vigorously as does the United States.

But let us put this issue in its strongest terms. Let us concede, for the purposes of argument, that the Vietcong and its allies are fighting a just war—that they have some kind of right to govern Vietnam, that the people want them in power, that the South Vietnamese regime is without *any* claim to legitimacy. I think all of these propositions are false. But what if they were true? How much difference would that make, should that make, to American policy? The answer is: not much.

It is only at first sight, and at first thought, that such an answer is shocking. After all, most of us would agree that the Communist regimes in Poland and Czechoslovakia and East Germany are not more just, or legitimate, or popular than the South Vietnamese regime. Does the United States—or West Germany—thereby have some kind of right to foment civil rebellion and civil war in these countries? To send in arms and soldiers to assist the anti-Communist forces? John Foster Dulles, for a while, talked as if we did. But it was frivolous, irresponsible chatter, and when the chips were down—in East Germany and in Hungary—it was exposed as such.

The chatter subsequently stopped entirely, and American policy toward Eastern Europe has been left in no doubt. We will do what we can to encourage the evolution of these countries away from the Communist forms which the Soviet Union imposed after World War II. But we emphatically do not want them to engage in armed rebellion against Soviet domination. We do not even want them to leave the Warsaw Pact—not abruptly, not in any challenging way. And if they do nevertheless rebel and are crushed, we shall plead their cause before the conscience of the world—but not otherwise intervene. Wars of liberation are a dangerous anachronism in the nuclear age. We shall not engage in them. And it has been the cardinal principle of our foreign policy to discourage, as effectively as we can, other powers from engaging in them.

But, after Vietnam, how does it stand with this cardinal principle of foreign policy? It stands very badly, I think—worse than anyone seems to realize. And though hunting for scapegoats—on the part of both left and right—is already beginning to look like a popular American sport, this is a futile distraction. The sad truth is that there are no "guilty men."

The Johnson Administration will have to take responsibility for the Vietnam debacle—but responsibility is not exactly the same thing as blame: The foreign policy of this Administration was no capricious innovation; it had been pre-established (even institutionalized) during the preceding 20 years. But it was the Administration's bad luck to encounter a crisis that drained this policy of its credibility.

Americans do not like to talk about "bad luck" in politics—we are powerfully inclined to think that we are always masters of our fate. But just as an individual's life and career can be radically affected by sheer luck, so can a nation's. The Eisenhower Administration was blessed by an almost uncanny good fortune. It actually landed American marines in Lebanon—an event which, though dimly remembered, is hardly believable—and got them out unscathed. The Kennedy Administration had more mixed luck in foreign policy. During the Cuban missile crisis it brought the world closer than it had ever been, or has been since, to all-out nuclear war. A slight incident, a misunderstanding of instructions on the part of Soviet or American military men, even a temporary indisposition of one of the leading political actors, could have tilted the world over the brink. But it all worked out well, and even came to be regarded as a splendid victory for resolute statesmen.

The luck of the Johnson Administration has been close to awful. To begin with, the Vietcong and the North Vietnamese have fought more obstinately, and far more effectively, than anyone anticipated, while our own military planning has shown itself grossly inept. Neither of these facts was predictable. In addition, this Administration had to conduct its foreign policy in the midst of a racial crisis, a monetary crisis and a generational crisis. Not one of these crises was of its making, but their convergence created a climate of opinion that made the Vietnam war the center of an immense controversy. The only way to end this controversy, which threatens to tear the nation apart, was either to win a quick victory in Vietnam or simply to scuttle. Neither alternative was available to the Administration, for various reasons, and so it has had to stumble on, amid growing recrimination and bitterness.

As a result of this streak of bad luck, the United States found itself trying to exercise a kind of "imperial" military power in southeast Asia, while under the influence of all kinds of "anticolonialist" inhibitions. It is the presence of these inhibitions—not any undue or reactionary affection for the landlords or merchants or generals—that has prevented us from reshaping the South Vietnamese Army into an effective fighting force (as we were able to do in Korea, under the mantle of a U.N. mandate), or reforming the various governing institutions of that nation, or simply stepping in and doing on our own a lot of important little things that obviously needed to be done. Yet such inhabitions are woven into the very substance of American policy, and cannot be expunged without simultaneously doing profound harm to the spirit of our democracy and risking the perversion of our own democratic institutions. We may be an "imperial" power in terms of the responsibilities we assume, but we can never be an "imperialist" power in the way we cope with those responsibilities.

The framework within which our foreign policy must operate is reasonably flexible, but there are limits. And in Vietnam, we ran up against one of these limits and have had to fall back in disarray. It is now clear that, in practicing the policy of "containment," we cannot intervene, in a situation where such intervention might put us, for any length of time, in a "colonialist" position. We started out, in Vietnam, with what seemed to be a traditional "intervention"—limited in scope, intention and time. We found ourselves involved in a minor (if bloody) war which we could not win, since in order even to have a chance to win we would, in effect, have had to transform South Vietnam into an American colony. We should have had to appoint American officers to give South Vietnamese troops the leadership they have been lacking. American proconsuls to govern Vietnam provinces and institute overdue reforms, American educators to overhaul the absurdly antiquated educational system that the French left behind them, etc., etc. We just were not—and are not—going to do that: it goes too abrasively against the American grain. And not having done it in Vietnam, we are not going to do it elsewhere. There is not going to be any American colonial empire, acquired in some fit of "absent-mindedness."

But it is more than the anticolonialist heritage of the American republic that, as we can see, sets limits to our policy of "containment." There is also the very structure of American society today.

The policy of "containment" has assumed—must assume—a democratic citizenry prepared to fight an interminable series of "frontier wars." This assumption was gravely shaken during the Korean war, at the end of which a great many people solemnly said, "Never again." But memories fade quickly in politics, especially when they are inconvenient. And it would have been highly inconvenient, to put it mildly, for the makers of our foreign policy to believe that they could not really rely on "limited wars" to prevent the world from moving into grave disequilibrium. So they decided to think otherwise; and, for a while, they seemed to be correct in doing so. Up until only a few years ago, one could listen to Administration officials speaking enthusiastically of the "firm resolve and temperate mood" of the American people, prepared to "shoulder their responsibilities" as a world power. No one in Washington is singing that kind of song today.

It is now as clear as can be that a modern social democracy—whether it be the United States, Britain or France cannot do what most thoughtful students of foreign policy agree it ought to do, in its own interest and the world's. It cannot engage, for any long period of time, in those "limited wars" that are necessary to preserve international law and order. The Great Powers of the 19th century could do so because they relied on tightly knit professional armies; because their small, homogeneous educated classes (the makers, to all intents and purposes, of "public opinion") identified themselves with national grandeur; because economic growth and social welfare were not then thought to be the overriding obligation of Government; because the mass of the people was imbued with a kind of unthinking chauvinism that made it deferential to any official definition of foreign policy. In other words, because they were not 20th-century social democracies.

Today, it is quite otherwise. Our educated classes are providing the social base for a new left which, like the old, regards foreign policy as a sinister distraction from the urgent need of social transformation at home. Our working class, still highly patriotic and not at all left in its ideology, nevertheless is resentful of any overseas commitments that require it to forgo those annual advances in its material comfort it now regards as "natural." Our middle class is politically belligerent and is impatient with any foreign policy that burdens it with new taxes. In addition, we have our "underclass"—largely Negro—that can understandably imagine a set of national priorities very different from that of the State Department's.

In short, it seems to be the case, after Vietnam, that American military intervention in world affairs will henceforth take one of two forms. Either it might, if sufficiently provoked, move toward a nuclear confrontation, as during the Cuban missile crisis. Or it might, if the Government is absolutely certain it can bring overwhelming force to bear, rely upon swift sorties, as in the Dominican crisis. But that large middle ground, upon which American foreign policy has rested since World War II, has now been cut away from under our feet.

Just what this will mean, in detail, it is too early to say. Our thinking has not yet caught up with our new condition. We will keep 200,000 American troops in Western Europe, despite the fact that no one can now believe they will ever fight the limited war they are there for. Only the other day Theodore Sorensen remarked casually, during a television discussion, that no future President could permit another Castro to emerge in the Caribbean (or, presumably, in Central America). He did not indicate how the President would prevent this, now that what might be called "the Vietnam option" is foreclosed. After all, Senator Robert A. Kennedy, whom Mr. Sorensen advises, has flatly announced that there must be "no more Vietnams." There would seem to be a contradiction here—not only between two men but at the heart of our foreign policy itself.

Some Administration advisers—notably Professor Zbigniew Brzezinski of Columbia—are stressing the importance of regional alliances among the nations directly involved to cope with future regional crises. But the Administration is not pushing this idea with any vigor, perhaps because it has no great faith in it. (In truth, it is hard to see any such alliance—or any such coping—in South America, for instance.) And no one seriously thinks that the United Nations can, in our lifetime, fill the vacuum that the retrenchment of United States commitments will create.

As I see it, therefore, the end of the Vietnam war will not conclude our "time of troubles," as so many now assume, but rather inaugurate a new era of even greater turbulence in international affairs—and with domestic repercussions that are bound to be massive, if for the moment unpredictable. The major threat is not that certain areas will now fall under some kind of Communist control—though, if this should happen in Latin America, it will be of no little concern to us. The truly frightening possibility is that, with an American foreign policy that forsakes sustained and limited military commitments—that abandons the policeman's role most of the world has come to expect of us even while bitterly resenting it (who likes policemen?)—those nations which feel their security threatened will have no alternative but to rely on their own nuclear arsenals. It is even conceivable that United States foreign policy will wander erratically between extremes: neoisolationist up to a point, and them—when the pressure of events becomes unendurable—reliance on (at least tactical) nuclear weapons.

It may yet turn out to be one of the great ironies of world history that the United States and the Soviet Union should have succeeded in negotiating a nonproliferation agreement at the very moment when such an agreement could only be another scrap of paper.

WHAT WILL BE THE EFFECT OF VIETNAM ON WESTERN EUROPE?

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker as the war in Vietnam moves from the battlefield to the conference table in Paris today it is interesting to see a number of thoughtful and informed students of public affairs already assessing the impact on our future foreign policy of developments in Vietnam and especially of the bitter debate that has been taking place in this country over those developments.

Among the most severe critics of our Vietnam position of course have been some of our erstwhile friends and current allies in Western Europe. In the New York Times for yesterday Mr. C. L. Sulzberger analyzed what might be the impact on American commitments in Europe if we should be persuaded to abandon our commitments in South Vietnam.

So that this thoughtful article might be available to more readers I include Mr. Sulzberger's column for May 10 as a part of my remarks:

FOREIGN AFFAIRS: THE WATERSHED

(By C. L. Sulzberger)

PARIS.—The Paris conference on Vietnam marks an historical watershed quite as distinctly as that date, eleven years ago, when Russia launched its sputnik starting space exploration and the nuclear missile age. May 10, 1968 may be seen by future chroniclers as ending the brief dream of Pax Americana.

Through alliance networks U.S. strength and U.S. commitments were pledged in one or another way to every continent except Antarctica which, as a pleasant oversight, was formally neutralized. The O.A.S. in the Americas, NATO in Europe, CENTO and SEATO in Asia, ANZUS in Australia, promised American aid to keep the *status quo*. Africa was not specifically involved, but Washington found itself engaged from Morocco to the Congo.

QUINTESSENTIAL POLICY

These were phenomenally extensive obligations, assumed by a nation whose quintessential foreign policy had been the absence of foreign policy until the nineteenth century's final decade when America built its first big fleet and used it. U.S. involvement in World War I was dressed in a dream of globally imposed democracy; but the Senate destroyed the slogans and illusions conjured up by Wilson. It took a second World War to shatter the familiar power balance and suck America into the resulting vacuum.

From the vague aspirations like the U.N. and the Marshall Plan developed precise undertakings favoring American national interests—starting with the Truman Doctrine and ending in Vietnam. Now in Paris, consequences of this final phase are under reexamination. It is hard to imagine any ultimate result other than shrinkage of American obligations abroad. The super-superpower finds it is not powerful enough to protect the world against itself.

Pax Americana probably never really existed except in the mind of Secretary Dulles, who fostered the idea in legal form. Truman's postwar Administration spelled out U.S. promises to Europe and reiterated hemispheric obligations. Dulles completed the circumnavigation which, through SEATO, inveigled us into Vietnam.

I hasten to underscore that once we became fully involved during the Kennedy Administration I personally shared the belief that U.S. policy, as subsequently practiced, was both logical and sane. However, the old American hankering for noninvolvement and the disinclination toward Asian commitments flourished as we grew weary of a war in which our own role waxed while that of our allies waned, and we flew over enemies who tunneled under us.

Hanoi elaborated the formidable strategy already tested earlier against France which, if it could not win the war inside Vietnam, managed to gain the upper hand inside the U.S.A. The American people proved no longer willing to finance and fight a limited, protracted conflict just as the French people, never wholly engaged, sickened of that conflict's first round.

For months there is likely to be as much fighting in Vietnam as talking in Paris, and no visible conclusion to the war. Both sides negotiate from weakness—military weakness for Hanoi and political weakness for Washington. This situation also resembles that of France in Algeria, where it had actually conquered its military enemies when persuaded by popular disinterest to hand Algeria to those same defeated enemies.

KY FOR THIEU

The American people seem ready to settle eventually on terms dressed up to look respectable, and the people of South Vietnam are simply tired of war. Saigon is governed on the theorem of Ky for Thieu and Thieu for Ky and has little left but blackmail potential to offset this sudden reversal in its ally's resolution.

It is hard to imagine any American President trying to relaunch the Vietnam war once it begins visibly to run down U.S. determination to bolster the Asian wall of dominoes must therefore shrink.

Most Europeans are content with these implications. They feel that once the U.S.A. is less committed to Asian defense it will again be more committed here. Nevertheless, troops withdrawn from Vietnam will not return to Europe.

REACTION IN EUROPE

Furthermore, while happy to see a war approach its end, some Europeans wonder about the ultimate implications. In Germany one hears: "What is an American security guarantee in NATO worth if it is controlled by American political moods or economic needs?"

It is possible we may some day look back on events begun this weekend and see either the start of a retreat to isolationism or a serious effort to join with Moscow in arranging a new order along parallel—if not cooperative—lines. Either would be a striking change.

JOSEPH ALSOP OFFERS SOME REASONED REFLECTIONS ON THE WISDOM AND BASIC IMPACT OF ARMCHAIR STRATEGISTS ON THE PROGRESS OF THE VIETNAM WAR

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, yesterday there appeared in the Washington Post an article by Columnist Joseph Alsop which I think deserves to be read by every Member of this House and by the American people as well.

Many of us who have been to Vietnam and who have followed the progress of the war as a part of our responsibility in this House have been disturbed by differences between the military situation as we have seen it in visiting the battlefields, and the impressions that are left in the minds of Americans here at home by many of the press accounts printed with regard to Vietnam.

This "gap" becomes especially disturbing when individuals with little knowledge of military affairs and even less familiarity with field operations in Vietnam, undertake to set themselves up as armchair strategists of our war effort there. One example of what I have in mind is the bitter attack launched by Prof. Arthur Schlesinger, Jr., in the Washington Post for March 22 on American strategy at Khesanh and the soundness of the leadership provided by Gen. William C. Westmoreland.

General Westmoreland of course was right about Khesanh, as we all know now, and Professor Schlesinger was wrong. Mr. Alsop not only demonstrates why this was so but goes on to present some other information about the progress of the war in Vietnam that I think may have been largely overlooked by the American people in their rather panicky reaction to the Communist Tet offensive.

So as America moves into the new peace negotiations in Paris this week, I believe our people are entitled to know the facts which Mr. Alsop makes available, so they may indeed be proud of the job which our military forces have done in Vietnam and of the progress which our Vietnamese allies have made in their own capacity to carry on the fight for freedom. We need not apologize for our Armed Forces, nor does this record which Mr. Alsop sets forth suggest that we enter these negotiations from any position of military weakness. I believe we ought fully to understand this truth if our peace negotiations are to be truly successful.

Under leave to extend my remarks I include the very enlightening and impressive article by Joseph Alsop to which I have referred:

PRESS CAN'T WIN IN VIETNAM WAR

(By Joseph Alsop)

Because of the Vietnamese war, the American press and its allied media now appear to be between a very rough rock and a very hard place. For a newspaperman who remembers with relish and some pride no less than 36 years of active reporting, it is a dreadful thing to have to say. Yet if we win the war, as I still think we shall, both the press and the allied media will certainly look inconceivably foolish. And if we lose the war, the press will just as certainly be blamed—whenever the horrible inquest begins that will surely follow the first defeat in war in American history.

There you have both rock and hard place, simply and crudely defined. Both the hard place and the rock result from the tone and character of the reporting from Vietnam, of the endless published analyses of Vietnamese developments, and of the interminable editorializing about the war, by all but a minority of those engaged in these pursuits. This does not mean for one moment that the vast majority of reporters, editorial writers and the rest are not courageous, industrious and honorable men, who have sought to tell the truth according to their lights. But it does mean that for one reason or another, to which I shall try to come later, the part of the truth most of them have told has conveyed an exceptionally misleading picture of the whole truth.

The easiest way to gauge how totally misleading that picture has been is to glance at the amazing letter that Arthur Schlesinger Jr. published on March 22 in The Washington Post. The letter was a plea, no doubt honestly anguished, for the immediate evacuation of Khesanh. Schlesinger began by accusing Gen. William C. Westmoreland of "repeating the fatal error of the French (by placing) a large body of troops out in the hills where they can be surrounded and cut off." This, exclaimed Schlesinger, "is precisely what we have succeeded in doing at Khesanh. Today, 5,000 American soldiers are surrounded and cut off by 20,000 of the enemy, every night creeping and burrowing further in toward their target."

DISMISSED WESTMORELAND

Putting on a borrowed Field Marshal's hat, Schlesinger then explained that no "people in their senses" could possibly "suppose that airpower will now 'save' Khesanh in case of attack." He contemptuously dismissed General Westmoreland as a "tragic and spectacular failure." He included the usual sneer at President Johnson. And so he reached his grand climax, as follows:

"Yes, airpower is one vital difference between Khesanh and Dienbienphu. For, if airpower cannot save Khesanh, it may still save the men in Khesanh. Let us (use airpower to evacuate Khesanh), before enemy anti-aircraft batteries interdict our flights, before enemy mortars destroy our landing strip, before enemy shock troops overrun the base. Let us not sacrifice our brave men to the folly of generals and the obstinacy of Presidents."

In short, Schlesinger was firmly convinced, as late as March 22, that Khesanh and its defenders were sure to be overrun. If his conviction had not been absolute, he would hardly have risked writing such a letter, which he can hardly look back upon today without novel self-doubts. But—and here is the rub—much of the American press and most of the allied media need only read the Schlesinger letter to see themselves, as in a mirror. He was perhaps overeager to believe the worst, and he seems to have taken very poor military advice. But he was above all misled by his informants; and his chief informants, one may be sure, were the front pages and the television shows. "The agony of Khesanh" was one of the current phrases, and others might be cited.

TEDIOUS BATTLE

What, then, was it really like, and what actually happened? To begin with, Khesanh was no more agonizing, though it was a damned sight more tedious and long drawn out, than any other combat experience. We had four battalions in Khesanh—the 26th Marine regiment plus a battalion of the 9th Marines—and the South Vietnamese, of whom Schlesinger appears not to have heard, had the equivalent of two battalions. Like any battle, Khesanh produced its honored dead, for that, alas is what battles always do.

But between the beginning and the end of the seige, the American units at Khesanh actually lost, in killed, not many more than 200 men, whereas a single battalion of Marines lost 70 killed—about one third of the comparable losses of four battalions at Khesanh—in the recent hard and heroic fight for Daido, which lasted only a few days.

At Khesanh, again, the American casualties mainly resulted from enemy artillery and mortar fire, rather regularly described as "infernos of incoming." And this was a fairly curious phrase for an enemy rate of fire that averaged only 192 artillery and mortar rounds per day throughout the siege. When I was there for a bit more than a day, for instance, the Khesanh base took 154 incoming rounds. That was a bit below average, but it is still worth noting that except for four badly misaimed rounds fired at the landing zone when I was waiting for a departing helicopter, I actually heard a grand total of three incoming rounds. And despite other infirmities, I am not yet deaf, and the tough and able Khesanh commander, Colonel David Lownds, kindly allowed me to accompany him on a long tour on foot around the whole big base, with the exception of South Vietnam positions and the hill-outposts held by our Marines beyond the perimeter.

FAILURE OF GIAP

The truth is, indeed, that one of the major but untold stories of Khesanh was the astonishing failure of General Vo Nguyen Giap's logistical planning for his artillery. Besides mortars, Giap had caused to be emplaced, with infinite labor, a minimum of 210 artillery tubes—some estimates go as high as 370 tubes—on a long arc from Co Roc in Laos, along the DMZ, to Cap Muy Le on the coast. Giap had the guns, in short; but at Khesanh and along the DMZ his really ludicrous average rate of artillery fire, again excluding mortars, was less than one round per gun per day in the period of the siege.

Nor is that the end of the story, by any means. On March 21, the day before Schlesinger published his letter, the last of the serious assaults on Khesanh was attempted. It failed in a most sanguinary fashion because of our Marines' courage and the terrible power of our air and artillery. There were either three, or four, or five such attempts in the course of the siege—the number is disputed among the Marines themselves—and all failed in the same manner.

The failure of the last assault, so beautifully coordinated with the Schlesinger letter about Khesanh being "over-run," seems to have been the signal for the withdrawal into Laos of one of the two besieging North Vietnamese divisions, the 325C. This was, in fact, the beginning of the end of Giap's ambitious plan Despite the inability of "people in their senses" to imagine anything of the sort, air power was already starting to break the Khesanh siege when Schlesinger wrote his letter; for it was the air that hurt the enemy most cruelly and forced the 325C to withdraw to lick its wounds. The situation of the besiegers at that time can be gauged from one of the pitiful little diaries that the North Vietnamese troops quite often keep. The diary of a private named Vu Xuan Mau, was picked up outside the Khesanh perimeter after the siege was formally and finally broken into the first days of April. Mau's last entry was: "At Khesanh on March 23 a day full of bitter hardships and bloodshed."

MASS BURIALS DISCOVERED

The agony of Khesanh was in reality experienced, not by our brave, hardy but relatively fortunate men in the combat base, but by the unhappy wretches like Private Mau. They were condemned to endure close on three months of incessant and terrible B-52 strikes, plus other air attacks, plus the kind of artillery fire that is maintained by U. S. guns with full logistical support. And what they endured took a fearful toll.

When the 1st Battalion of the 9th Marines moved out from the perimeter on April 4, prisoners of war immediately began to be taken, documents far more important than poor Mau's diary began to be found, and mass burials began to be discovered. The most careful analysis of all the resulting data has now revealed that the two enemy divisions at Khesanh, the 325C and the unfortunate 304th, which had to hang on to the end, almost certainly lost a total of about 10,000 men in the course of the siege. And in the grim mathematics of war an exchange of 200-plus Americans (and a proportional number of South Vietnamese) against 10,000 North Vietnamese regulars, is the very opposite of a "tragic and spectacular failure."

Once again, moreover, that is by nomeans the end of the story. Unless General Vo Nguyen Giap is stark, staring mad, the siege of Khesanh was unquestionably no more than one part of a much larger, more ambitious military plan, the Tet offensive. And we should give thanks on bended knee that General Giap saw fit to tie up two of his divisions at Khesanh as part of his Tet plan. In the entire morass of nonsense published about Tet, very little indeed has been said about the one really dangerous situation that the offensive temporarily produced.

This was in the two most northerly provinces of South Vietnam. Here much was written about the long, rough battle for Hue; but almost no attention was given to the disturbingly precarious supply situation caused by bad weather, the weight and persistence of the enemy attack, and the resulting breaks in all the usual supply lines. The position might well have become really unmanageable—the two most Northerly provinces might even have been partly overwhelmed—if Giap had massively increased the weight of his attack in the two-province area, by using the two divisions that were fruitlessly tied up at Khesahn.

TOO LITTLE, TOO LATE

He saw his error soon when the Hué fighting began. He took two battalions apiece from the two divisions at Khesanh, and he marched them south to aid his troops at Hué; but this was too little and too late. Whereas if General Westmoreland had not committed that "tragic and spectacular" error of refusing to abandon Khesanh, two additional North Vietnamese divisions would have been freed, pre-Tet, for other uses in the two Northern provinces; and if that had happened, the consequences would surely have been grave.

Compare, then, these hard facts concerning Khesanh and the fighting there with the picture of Khesanh conveyed by Arthur Schlesinger, who is, after all, an exceedingly intelligent albeit a violently partisan man. Remember, too, that this disparity between the reality in Vietnam and the picture given to the folks back home has been a standard phenomenon throughout much of the war. Countless examples might be cited, but one more must suffice. The most instructive, probably, is the constant denigration of ARVN that was a pre-Tet fashion in large sectors of the American press. This even earned a mention in dispatches by General Westmoreland for the newspaper that claims preeminence and one of the leading agency reporters in Vietnam.

In a message to the Defense Department, General Westmoreland addressed himself to one of the real puzzles of the Tet offensive: how on earth General Giap could have based his whole plan on the stated expectation of a "general uprising" by the urban population and of widespread defections among the ARVN units. On the second point, General Westmoreland noted that Giap had demonstrably been lied to, on an enormous scale, by the special "troop proselytizing" apparatus of the VC. But he added that he could hardly blame General Giap for being deceived, since the lies of the VC "troop proselytizing" apparatus had appeared to be so largely confirmed by the great American newspaper and the famous press association mentioned above. With mild irony, he concluded that these latter must now appear in Hanoi as important participants in a big American deception-plan—for there were no defections anywhere, and almost all the ARVN units, 'though understrength because of the national holiday, fought very well indeed at Tet.

R. F. K. SPEECH BRINGS ANGER

Meanwhile, however, the denigration of ARVN had already fed back into the American political scene. In a Senate speech, for instance, Sen. Robert F. Kennedy described the South Vietnamese troops as "skulking and malingering" while our Marines carried the burden of the battle for Hue. The news of the Senator's speech reached Vietnam while I was in I Corps, and I have rarely seen angrier men than the Marine officers who had fought in Hue along with South Vietnamese. Nor was this surprising. In their impact on an obstinate enemy, and in the sacrifices they made themselves, the South Vietnamese in the Hue battle performed almost identically with our own Marines.

They had, for example, 7704 men engaged, and they took 2134 casualties, suffering losses almost exactly proportional to our losses which were happily quite substantially smaller, since we had substantially fewer men engaged.

Furthermore, the South Vietnamese in Hue were fighting under heavy handicaps, as compared with our men. They almost wholly lacked the tanks and other big weapons that gave our units much greater organic firepower. Their arrangements for replacements were much more primitive than ours; and after the first days of sharp contact, not a few ARVN battalions had to fight on, and did fight on, after they had been reduced to 200 men or less. Furthermore, they were frequently called upon to attack, and regularly did attack, when they had to traverse over a hundred yards of the enemy's field of fire before they could bring their own weapons to bear.

That highlights another point of great significance, that was wholly omitted from the pre-Tet denigrations of ARVN. Briefly, General Westmoreland saw trouble ahead, and asked for M-16 rifles and other improved equipment for ARVN as long ago as 1965. For budgetary reasons, apparently, action on Westmoreland's request was long deferred by Secretary of Defense Robert S. McNamara. Thus, on the one hand, the ARVN units have always been immeasurably weaker than our units, in organic firepower, in all sorts of back-up resources, and above all, in mobility—and they will still be much weaker, despite the M-16 rifles that are now being provided at long last. And on the other hand, there was a long period when the ARVN units even had substantially less firepower than the newly re-equipped VC and North Vietnamese units.

KOREAN STORY AGAIN

Here we have the story of Korea all over again; for the Korean divisions were also denigrated during much of the Korean war, whereas their main weakness arose from the simple fact that they had been grossly under-armed by their American suppliers. This does not mean, to be sure, that ARVN has ever been an ideal army, or that better weapons and more mobility will automatically make ARVN into an ideal army. When President Johnson finally intervened in earnest in Vietnam, ARVN was already a defeated arm, and every ARVN officer knew as much. It takes some time to bring back a defeated army to a state of self confident proficiency. It takes even more time, too, to implant a fully modern military system in a traditional Asian society; and this process was not really completed in Korea until President Chung Hee Park finally came to power. Patience is always needed in such matters. But instead of patience we have too often had the kind of shameful injustice Senator Kennedy was led to commit.

When I ask myself why Sen. Kennedy and so many others have been so regularly misled on so many key points concerning the war, I confess to a certain bewilderment. The fashions of the moment certainly have much to do with it. What has happened in Vietnam in this war resembles, on a vastly larger scale, what happened in the press hostel in Chungking in the war years in China. The fashion then was to make heroes of those virtuous agrarian reformers, Mao Tse-tung and his bloody-minded friends; and just about the only American reporter to avoid making an ass of himself by refusing to follow the fashion was Arch Steele of the old "Herald Tribune." Then too, in the Diem years in Vietnam, certain newspapers acquired what can only be called a vested interest in disaster; and since these were the Saigon bureaus with the greatest continuity, they had great leverage with late-comers. Then again, among younger newspapermen particularly, there is a strange new theory that all American officials and most American military officers are joined together in a vast conspiracy to gull the home folks, which it is the reporter's duty to attack and expose, as though he were attacking and exposing corruption in City Hall. It seems an odd approach to an American war, but it is certainly there.

NOT A HOPELESS WAR

This does not mean for one moment that the pessimists have always been wrong, or that the minority of optimists have always been right. As I look back over my own coverage of the war, I think I have been broadly right about the war's larger patterns, both when I was very much more gloomy than any of my colleagues in the year prior to the American intervention, and after the intervention when I have been more hopeful than most. On the other hand, although I think I got the patterns right, I am well aware that I have sometimes been over-optimistic about the war's time-frames—in part, as over-reaction to the sort of stuff that was so widely written about Khesanh. Yet the fact remains that this has never been, and it is not now a hopeless and unending war; and conveying just this impression has been the main thrust of far too much of the reporting, analyzing and editorializing.

So we get back to that rock and that hard place. Concerning the hard place, it must first of all be remembered that the Hanoi war-leaders' aim has always been to win the war in Washington, by the impact in America of their seeming success in Vietnam, just as the Viet Minh won the French war in Paris rather than at Dienbienphu. Here it is worth noting that the official Hungarian Communist newspaper some time ago published extracts from a strikingly interesting lecture on Dienbienphu, given by General Vo Nguyen Giap during a visit to Hanoi by Hungarian Foreign Minister Endre Sik.

"The battle of Dienbienphu," Giap was quoted as saying, "was essentially the last desperate exertion of the Viet Minh. . . . Had we not been victorious there . . . our armed forces were on the verge of complete exhaustion. . . . We had to put everything on one card." There are many reasons for believing, and Douglas Pike and all the other truly informed analysts in fact believe, that the motives for the Tet offensive were that Hanoi was in serious danger of losing the war of attrition, and therefore "had to put everything on one card." A major publication that at first reported the Tet offensive in the most lurid and gloomy terms, more recently came around to the view that Tet was a military defeat but a "psychological" success for the enemy. Yet if Tet was a "psychological" success, this was almost solely because the offensive's military motives, its true military results and most of its local effects were in the main painted in colors in America that had few recognizable links with the basic realities in Vietnam.

TO DESPERATE LENGTHS

That was the reason, of course, why Tet was so profound a shock to American opinion. Having put so much "on one card" at Tet, the Hanoi war planners are plainly going to the most desperate lengths, in order to try the same thing all over again. What the outcome will be, and above all, how it will be represented here at home, none can foretell. What the Hanoi war leaders will do if their next attempt fails or is aborted, also cannot be foretold precisely—although it is clear that they will then be in very bad trouble in South Vietnam.

Again, one cannot foretell with precision the effect of the talks, the partial bombing halt, and any future extension of the bombing halt, either in time or in area—but it is clear that the Hanoi war leaders are already beginning to exploit to the full the reduction of pressure, the release of resources by the partial bombing halt and the general easing of their situation that these factors have produced. Unless the President is very firm and very clear-minded, all this may perhaps produce exceedingly worrying consequences on the battlefield, at any rate for a certain period.

The main thing is that the war-situation has at length begun to have a strongly climactic smell. Hence, if the American people have the sturdiness and resolution not to imitate the French, an acceptable end of the war should therefore come into sight eventually, whether at the negotiating table or in other ways. Meanwhile the trouble is that a near-French mood, God save the mark, has been created in many quarters in America. But if this mood leads to final defeat, and there is a subsequent inquest—as there will surely be—the inquest cannot take the form it did last time. There will be no unlucky foreign service officers to serve as convenient victims, although they had far less influence on events and displayed considerably better judgment than most of the denizens of the Chung King hostel. In the next round (which Heaven forfend), the press and the allied media can hardly avoid being front and center. And if there is a next round, the American people's notable distaste for defeat in any form will probably insure even more injustice and ugliness than we experienced in the last round.

So I can only hope that instead of the hard place we get the rock—which means a great many people looking—idiotically silly because we have finally won the war they said could not be won.

AMERICAN SOKOL ORGANIZATION

Mr. MINSHALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MINSHALL. Mr. Speaker, across the Atlantic, in the heart of Europe, there is presently a revolution going on. It is not a bloody revolution but it is far from "quiet." Correspondents in Central Europe, editorial writers in the United States, Government officials, and diplomats, are evaluating the events occurring in Czechoslovakia. This country, which until its domination by the Nazis in 1938, was famous for Thomas G. Masaryk's democratic regime and whose people were called "the Yankees of Europe" are again raising their heads from 30 years of dictatorship. The reports are encouraging. I certainly hope that the reform of the regime will continue its uninterrupted course as it has for these past few months. There must be no outside—and I specifically mean no Communist—interference in Czechoslovakia's bloodless revolution.

The United States of America has again honored the agreement of 1944 among the great powers of Great Britain, France, and the Soviet Union that the self-determination of the people be respected. It was the Soviet Union and her Communist leaders who in 1948 did not respect this agreement and brought unto the Czechoslovak people the Communist dictatorship.

Recently a group of Americans of Czechoslovak origin met in Chicago. They are known in this country as American Sokols, a gymnastic and educational organization founded in the United States in 1862, they have for more than 100 years promoted good citizenship and a sound mind in a healthy body through gymnastics.

There are 75 units throughout the United States, more than 100 throughout the world. They have contributed immeasurably to the culture of the United States.

Their brother and sister Sokols in Czechoslovakia were persecuted by the Communist regime in 1948 and all Sokols properties and the organization were dissolved.

Now Sokols in Czechoslovakia are also rising to free themselves from the tight control of communism. The American Sokols recently approved a resolution on their behalf so that the Sokols in Czechoslovakia can be encouraged in their efforts.

I wish to enter their resolution, signed by the executive committee and the district presidents, in the Record with my wholehearted support.

We the members of the Executive Board and the President of the Six Districts of the American Sokol Organization, assembled in conference in Chicago-land, represent 75 units fostering physical fitness programs in the United States of America for more than a century endorse the following resolution:

"RESOLUTION REGARDING CURRENT EVENTS IN CZECHOSLOVAKIA

"The events taking place in Czechoslovakia within the past month have had an enthusiastic repercussion in the United States. They have conclusively confirmed our firm conviction that the Sokol ideals and training are so deeply embedded in our people that they could not be eradicated even under two decades of violent dictatorship. Where formal training and education were not openly possible, the ideals were still kept alive and instilled in the minds of children.

"Now the Sokol, as well as many other forbidden activities, are being reactivated. A general upsurge to employ the long pent-up desire to take an active free part in the fate of the nation is sweeping ahead at an unbelievable pace.

"All of this is being done by the people themselves. No aid has come from the outside. All segments of the nation are involved, from the writers, students and highly educated to the common workers. Almost unanimous is the desire to live out actively again Komensky's great prophecy, 'When the storms and tornadoes of the times have passed, the rule of your land will again come into your hands, O my people.'

"Twenty years of a model republic, 1918 to 1938, were great enough to overcome 30 years of oppressive dictatorship, 1938–1968. The entire world is marveling at what is occuring, not only because it is happening but the intelligent disciplined manner in which it is being done.

"Twenty-five hundred Sokols from every section of Czechoslovakia are now attending a convention in Prague. We wish them well in their efforts to again, openly and proudly, reactivate the democratic ideals, purposes, aims and goals of the Sokol founders and those who carried on for so many decades."

American Sokol Organization, 5611 West Cermak Road, Cicero, Ill., 60650. (Signed) Stanley Barcol, President; Blanche J. Cihak, Vice President; George C. Basta, Vice President; Betty Prener, Secretary; Ann Falta, Financial Secretary; Edward Linhard, Director of Men; Lorraine Zdenek, Director of Women; Emile Pekar, President, Northeastern District, Cleveland; Charles Zraly, President, Eastern District, New York; Joseph Drnek, President, Central District, Chicago; Edward Pavoucek, President, Western District, Omaha; George Prevratil, President, Dallas; George Spanek, Pacific District, San Francisco.

REPORT TO THE PEOPLE OF THE SECOND CONGRESSIONAL DISTRICT

Mr. **JOHNSON** of California. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **JOHNSON** of California. Mr. Speaker, events of the past few weeks have held great significance for all the people of this Nation and the world. Of paramount significance are the talks relating to the war in Vietnam and peace in Southeast Asia.

As one who has supported the President's efforts to achieve an honorable peace in this war, I hailed his decision to reduce the bombing of most of North Vietnam in what proved to be a successful attempt to bring this issue to the negotiating table. Now it is my fervent hope and prayer that these preliminary talks, which are now just getting underway, will lead to a cease-fire in all of Vietnam, North and South, and this will be followed by a true peace which will permit the return home of the troops now fighting in Southeast Asia.

Until Communist aggression is halted and the peoples of South Vietnam can follow the free course of self determination which after all are the basic issues of this war we must continue to provide adequately for the troops now stationed in Vietnam. The attacks of the past few days by North Vietnamese regulars upon Saigon prove beyond question the absolute necessity of maintaining a strong and vigilant position until we can achieve a realistic and effective cease-fire.

Here at home we face major domestic problems including the riots which swept many of our cities during the past month. After personally witnessing the disturbances in our Nation's Capital my lifelong belief in the importance of maintaining law and order was reaffirmed. We must have law and order. Our police and firemen at local, State, and Federal levels must be respected.

Under our Constitution we have freedom of worship, freedom of speech, and the right to assemble peacefully. However, when demonstrations become disorderly, civil disobedience, looting, burning, vandalism, and deaths result. The lawbreakers must be caught, tried, and sentenced in accordance with the laws of the land.

In recent years, the Nation has made tremendous advances in the field of civil rights. This has been accomplished, however, through the efforts of responsible people of all races, creeds, and color using legal means. In our society, this is the only way that this type of progress can be achieved.

Another major issue of our times is inflation and its erosion of our economy. Just a few days ago House and Senate conferees agreed on a tax increase and a reduction-in-spending package aimed at curbing inflation by reducing Federal spending.

The tax increase recommended would, in effect, restore about 50 percent of the tax reduction voted by Congress in 1963. Even with the added surcharge which will be in effect for 15 months, assuming Congress and the President give final approval to the package, individual income-tax rates would be lower than they were prior to the 1963 tax cut. These tax rates would be substantially below the peaks which were achieved during the Korean war.

The House-Senate conference committee coupled the tax increase with a $6 billion reduction in spending. Just how this reduction will be accomplished has not been detailed. While I firmly support the policy of economy in government, we must also insure that cuts made in the name of economy are not reductions which in the long run will prove costly to the Nation.

As an example I cite the public works programs which, for many people, might appear on the surface to be a reasonable place for reductions. I personally oppose crippling cuts in public works projects because they are most beneficial to the economies of the areas concerned, especially in regions such as the Second Congressional District. In water and power development, the investment made by the Federal Government is returned to the Treasury through the sale of water and electrical energy, through the flood protection which is offered to our communities, and other benefits.

Adequate access also is essential to the resource and recreation economy of our Second Congressional District. Slowing down a sound road and highway development program would disrupt our economy and cannot be tolerated. As a member of the House Public Works Committee I have worked consistently for a sound road and highway improvement program and firmly believe we must continue this development.

National security, civil rights, law and order, the state of our Nation's economy, resource development are only a few of the many difficult domestic and international problems which your Congress faces in these difficult times. There are many other issues to be considered—education, agriculture, consumer matters, housing, transportation, to name but a few. With congressional sessions lasting for 9, 10, and 11 months out of the year, I have only limited opportunities to return to California and visit with you personally on these important matters; so I hope you will keep me advised of your views through correspondence.

One way I have attempted to solicit your views is through my annual legislative questionnaire. As part of this report to the people of the Second Congressional District I am distributing the results of my 1968 legislative questionnaires which are printed below. I have found the results very enlightening and informative, and hope you will, too.

QUESTIONNAIRE RESULTS, 1968

		Percent		
		Yes	No	Undecided
1. Is President Johnson doing a good job?		23.78	57.96	18.26
2. Which course of action should we follow in Vietnam? (check only 1):	Percent			
(a) Withdraw	29.08			
(b) Continue limited warfare in South Vietnam without bombing North Vietnam while seeking peace through negotiations?	8.72			
(c) Continue bombing North Vietnam and take all other steps necessary to achieve a military victory while continuing to seek peace through negotiations?	57.00			
Undecided	5.2			
3. Should an income tax surcharge be enacted, coupled with a reduction in Federal spending, to finance the war?		37.44	49.74	12.82
4. Do you favor elimination of occupational and graduate student draft deferments?		46.32	45.22	8.46
5. Do you favor an incentive program which would give new life to the 2d district gold mining industry?		72.54	13.62	13.84
6. Do you support legislation, including the Safe Streets Act, to strengthen local and State law enforcement agencies?		81.78	8.70	9.52
7. Should we continue a Federal program of public works development, including flood control, irrigation, and highways?		78.60	12.74	8.66
8. Do you support expansion of the Federal Government's program for vocational education?		52.64	33.94	13.42
9. Should the Federal Government require lending agencies to state clearly complete interest charges?		91.92	3.90	4.18
10. Should illegal possession, distribution and manufacture of LSD and similar drugs be made a Federal offense?		86.80	7.68	5.52

TRIBUTE TO GOV. LURLEEN WALLACE

Mr. BEVILL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BEVILL. Mr. Speaker, I have just returned from Alabama where I attended the funeral services of our late Governor, the Honorable Lurleen B. Wallace. I rise now, Mr. Speaker, to join the thousands who have paid tribute to this gracious, gallant lady.

The hearts of all Alabamians are filled with sorrow over the untimely death of Governor Wallace. She was an outstanding individual, unique in her courageous devotion to her family, her State, and her country. She served her people in the very highest tradition of leadership.

Governor Wallace undertook her duties as Governor of the State of Alabama with the unswerving determination to do a good job. And she held steadfast to this goal throughout her term as Governor.

Lurleen Wallace believed in, and fought for, the kind of things that have made this country great: Belief in the people and their ability to determine their own destiny.

Thousands of words, favorable and unfavorable, have been written about her service as Governor. But there can be no disagreement in judging her character. For our Governor possessed courage seldom surpassed. She possessed a quality of character that strengthened her in the face of overwhelming adversity. And she possessed the great dignity of simplicity.

As judged by our length of time, Gov. Lurleen Wallace's life on earth was but a twinkle in the vastness of the universe. But measured by devotion to those things she believed in, her life will never cease, but live on as a gift of courage for all mankind.

FEDERAL GROUP LIFE INSURANCE

Mr. HANLEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HANLEY. Mr. Speaker, in the vast and intricate compilation of Federal statutes and regulations known as the United States Code, there are bound to be some inequities and anomalies. And, unfortunately, amidst the morass of subtitles, technical phraseology, and minute distinctions contained in this code, it is not hard to lose sight of the very real fact that somewhere, at some time, even the smallest and seemingly most insignificant line of one of our statutes will have extremely important, personal, and immediate consequences for some individual. To that individual, the law is neither abstract nor insignificant. It may bring welcome and needed relief or an increase in hardship and misery. But regardless of the direction of the effects, the law becomes for this person a vital and dynamic force which seems to bear little resemblance to the inert and passive set of printed words contained in the voluminous pages of one of our statute books. Consequently, we have an obligation to see that the dynamic force which is the law can operate free from the inequities and inadequacies that can cause undue hardships to those persons directly affected.

It has come to my attention that just such a deficiency exists in one of our Federal statutes, and today I am introducing a bill designed to remedy the situation. The problem exists with the Civil Service Commission's regulations pertaining to group life insurance. Under 5 U.S.C. 8705(a), if an insured Federal employee dies without designating a beneficiary or leaving a surviving spouse, the insurance proceeds would go "to the child or children of the employee." Unfortunately, neither chapter 87 nor the Civil Service Commission's regulations define the term "child." This omission seems particularly anomalous in view of the fact that the section of the code which covers survivorship annuities under the Retirement Act defines the term "child" as including an adopted child, and a stepchild or recognized natural child who lived with the employee in a regular parent-child relationship; and for purposes of health insurance a child is defined as an adopted child; and a stepchild, foster child, or recognized natural child who lives with the employee or annuitant in a regular parent-child relationship.

The inconsistencies and discrepancies revealed by these definitions, and the inequities they cause, demand our corrective attention. Many Federal employees who provide parental support for children living with them "in a regular parent-child relationship" can leave virtually no assets other than the group life insurance benefits, the survivor annuities, and the health insurance benefits which the surviving children can continue to receive. Congress has already acknowledged the wisdom and the justice of these benefits by authorizing such insurance programs. Does it not then seem rather arbitrary and unfair to permit a foster child to receive benefits under the terms of the health insurance plan, but deny the same foster child the right to obtain survivor annuity under the civil service retirement law upon the death of the employee or member parent? And is it not even more incongruous to make the foster child or the stepchild ineligible to receive the same benefits from the Federal employee's group life insurance that the legitimate child of the deceased employee would receive? Clearly, these restrictions do not withstand the test of reason.

The remedial legislation which I am introducing today consists of four sections designed to correct the inadequacies of the present law:

Section 1 of the draft would add a new sentence to section 8705(a) of title 5, United States Code, to make a stepchild and a foster child, living with the employee in a regular parent-child relationship, but not the descendants of a deceased stepchild or a foster child, eligible to share in the distribution of proceeds from Federal employees' group life insurance to the same extent as a legitimate child of the deceased employee.

Section 2 would entitle a foster child who lived with the employee or member in a regular parent-child relationship to survivor annuity under the civil service retirement law upon the death of the employee or member parent.

Section 3 of the draft would exempt the survivor annuity made payable to a foster child by section 2 from the statutory requirement that money in the retirement fund may not be used to pay new retirement benefits until an appropriation is made to cover the cost.

Section 4 stipulates that the benefits provided by the draft will apply only in the case of an employee or a member who is separated on or after date of enactment.

This Congress has faced, and is now facing a number of enormously complex pieces of legislation involving the expenditures of millions and affecting the lives of thousands. The bill I am introducing today is not of this magnitude, but to those directly affected by the loopholes in the present law, the proposed changes will be meaningful indeed.

THE KANSAS CITY RIOT

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the Record.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. RANDALL. Mr. Speaker, although it has been 3 weeks since its printing, I have just come across an editorial appearing in the Jackson County Sentinel, published at Blue Springs, Mo., in our congressional district, under date of Thursday, April 25, 1968.

The editorial, entitled "Riots, Thieves, Cops, and Other Nasty Words," was written by Mrs. Lois Lauer Wolfe, publisher of the Sentinel. Mrs. Wolfe is at present a regional director of the National Federation of Press Women, a past president of the Missouri Press Women, and a past president of the Kansas City chapter of Theta Sigma Phi, a women's journalism fraternity.

There may be a few controversial terms in the editorial, including the best way to describe the racial strife which happened in Kansas City, Mo., during the second week of April 1968. But whether we call this public disturbance a "riot" or "civil disorder," the facts are that there was much violence in Kansas City, and any good dictionary will list as one of the best synonyms of the word "riot," the words "violent disorder."

After a careful review of the editorial, I am convinced more than ever that Kansas City Police Chief Kelley did a remarkable job. I am also positive Gov. Warren E. Hearnes exercised good judgment to call in the National Guard at the very beginning of the trouble rather than wait until the presence of the Guard would have been ineffective, as was proven in so many other cities.

Mrs. Wolfe's reference to Time magazine's description of our difficulties in Kansas City is particularly hard-hitting when she notes Time referred to our law-enforcement officials as "cops" instead of the ordinary description of "policemen." I recall Time applauded the orders given to the Washington, D.C., police to "look the other way and ignore looters." This publication should understand different orders were passed down to the police in most of the Middle West where Kansas City is situated. Out there, to the credit of their superiors, police were told to enforce the law against all thieves, looters, and arsonists. Time magazine casts a most unfair reflection when it lowers itself to describe our honest, dedicated, and yet underpaid, law-enforcement officials with the intentionally derogatory description of "cops."

Mrs. Wolfe deserves commendation for being critical of a magazine such as Time which approved of all those cities who turned their looters and arsonists free. She also deserves our praise for defending Chief Kelley against the "bleeding hearts" who would try to fire the chief of police simply because he was trying to enforce the law.

Mrs. Wolfe's editorial follows:

RIOTS, THIEVES, COPS, AND OTHER NASTY WORDS

(By Lois Lauer Wolfe)

The recent riots in Kansas City and the metropolitan newspaper's euphemistic description of them as "disorders" makes me wonder how many persons are actually influenced by a news media's choice of words and how many persons are able to see the bias that shines through.

"Disorder Data"—what a cute term for the poor victims of the burning and looting to see their losses listed under. There have been race riots in Kansas City in previous years, but Star readers of course do not know this, and it took several days for them to break down and apply the word "riot" to the current incidents.

I believe that this choice of words and the reporting that accompanied them are partially responsible for the attitude of the "bleeding hearts" who want to fire their chief of police for controlling the riots.

They make it sound like the police started the whole thing with their tear-gas at city hall. Are they forgetting that it started considerably earlier than that, with a lack of discipline and school officials who couldn't control their students? Are they forgetting a long, long march down our public streets that some news media made sound like a happy, joyous carefree batch of schoolchildren out for a holiday? The police will tell you that the "provocation" occurred long before the arrival at city hall, with the gang yelling "This town'll burn tonight" and other threats as they went, and the preachers along the side telling the white people "watch out for rocks!"

My opinion is that the police should have surrounded the whole batch as they marched up I-70 and put them all in jail on charges of creating a nuisance, blocking traffic, and obstructing a public thoroughfare. And the arrests should have included Mayor Ilus Davis, who made an ass of himself by marching along leading the law-breakers.

I am unable to understand the attitude of Time Magazine which approved of all the towns who did nothing (and of those who turned their looters and arsonists free even after arrest) and criticized Kansas City for having enforced the law and attempted to keep order. They referred to "the carnival air that pervaded the looting mobs. 'Hell, I can't kill a kid running away with two sport coats,' said a Chicago cop." Since when have "looting mobs" been a "carnival"? If I were the store owner, I certainly would have shot at the looters. Incidentally, who told the policeman he had to shoot to kill? Why couldn't he have shot the kid in the leg so he couldn't run and then arrested him as a thief?

In all the furor over "Civil rights (which are apparently only rights that belong to Negroes), where have we lost the rights of the decent, law-abiding citizen to protection of his life and property?

And why, may I ask, are these same law-abiding citizens allowing their ministers and preachers to stand on the side of thieves, arsonists, and criminals? It's a good thing I withdrew from the Methodist church in the last presidential election when they chose to stick their noses where they didn't belong. The preachers picketed Republican headquarters (I'm a Democrat, but I don't play politics that way, and when the head of the Methodist church announced he was speaking for so many million Methodists, all I could do was cease to be a Methodist, because he certainly wasn't speaking for me). And here is the Methodist "church" again, calling for the dismissal of Police Chief Kelley, who did a remarkable job, along with the sheriff's department and the national guard, of trying to protect a lot of Methodists and their property.

I want to give three cheers for the man who wrote a letter to the Star Friday expressing his delight on attending Easter services in Hiawatha, Kan., and hearing a sermon about God and the Resurrection "instead of the philosophical, socio-political, existentialism gobbledygook that I became accustomed to hearing in the various churches of my own denomination in Kansas City." There are a lot of us in the congregation who feel the same way.

Words can be inflammatory and provocative. Would calling the incidents "riots" have provoked more people to riot? Or would it have provoked responsible people to help the law enforcers.

Time's description of the results in Kansas City was summed up by "a rampage resulting in 250 fires, $500,000 damage in looting and burning, 65 injuries and six deaths— all of them Negroes shot by cops."

I believe that's enough damage that they should have been called thieves, looters, and arsonists, instead of Negroes (capital N) if the same sentence is going to refer to "cops" instead of a simple, dignified, respectful term like "policemen."

Time's sentence is "inflammatory and provocative" to me. It's provoking me to put my thoughts in writing, and I hope it inflames a whole lot of respectable citizens who will stand up for the belief that the police have a right and a duty to enforce the laws.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Cunningham (at the request of Mr. Gerald R. Ford), for today, on account of family illness.

Mr. Tenzer (at the request of Mr. Albert), for week of May 13, 1968, on account of illness.

Mr. Fraser, through May 21, on account of official business.

Mr. Pepper (at the request of Mr. Albert), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Curtis, for 1 hour, on May 14, 1968; and to revise and extend his remarks and include extraneous matter.

Mr. Dingell (at the request of Mr. Montgomery), for 60 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Feighan (at the request of Mr. Montgomery), for 10 minutes, on May 14; and to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. Edmondson in two instances and to include extraneous matter.

Mr. Dulski in three instances and to include extraneous matter.

Mr. Tunney and to include extraneous matter.

Mr. Randall.

Mr. Philbin in five instances.

(The following Members (at the request of Mr. Wylie) and to include extraneous matter:)

Mr. Byrnes of Wisconsin.

Mr. Quillen in four instances.

Mr. Whalen.

Mr. Winn in two instances.

Mr. Reinecke.

Mr. Ashbrook in two instances.

Mr. Kuykendall.

Mr. Scherle.

Mr. Goodling.

Mr. Curtis.

Mr. Pirnie in two instances.

Mr. Ayres.

Mrs. Reid of Illinois.

Mr. Michel.

Mr. Findley in two instances.

Mr. Gude.

Mr. Schwengel.

Mr. Cahill.

Mr. Dellenback.

Mr. Steiger of Wisconsin.

Mr. Kleppe.

Mr. Roth.

(The following Members (at the request of Mr. Montgomery) and to include extraneous matter:)

Mr. Kastenmeier.

Mr. Vanik.

Mr. Rivers.

Mr. Resnick.

Mr. Howard.

Mr. Scheuer in two instances.

Mr. Steed in three instances.

Mr. Feighan in six instances.

Mr. Moorhead.

Mr. Hébert.

Mr. St. Onge in three instances.

Mr. Gonzalez in three instances.

Mr. Boland in three instances.

Mr. Whitener in two instances.

Mr. Brooks.

Mr. Rarick in four instances.

Mr. Miller of California in five instances.

Mr. Ryan in two instances.

Mr. Long of Maryland.

Mr. Pickle.

Mr. Poage in two instances.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 14940. An act to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1119. An act to grant minerals, including oil and gas, on certain lands in the Crow Indian Reservation, Montana, to certain Indians, and for other purposes.

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 14, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1832. A letter from the Chief Justice of the United States, transmitting a copy of the report of the proceedings of the Judicial Conference of the United States, February 27–28, 1968, pursuant to the provisions of title 28, United States Code, section 331 (H. Doc. No. 309); to the Committee on the Judiciary and ordered to be printed.

1833. A communication from the President of the United States, transmitting a determination that it is in the national interest for the Export-Import Bank to extend guarantees, insurance, credits, and to participate in the extension of credits in connection with any transaction involving the exportation of U.S. products and services to Yugoslavia, pursuant to the provisions of section 2(b)(2) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking and Currency.

1834. A letter from the Assistant to the Commissioner, District of Columbia, transmitting a draft of proposed legislation to authorize the reduction of the salaries of teachers and school officers in the public schools of the District of Columbia for the purpose of purchasing annuities pursuant to the provisions of section 403(b) of the Internal Revenue Code, and for other purposes; to the Committee on the District of Columbia.

1835. A letter from the Chairman of the National Labor Relations Board, transmitting lists containing (1) the names, salaries, and duties of all employees and officers in the employ or under the supervision of the National Labor Relations Board, (2) cases heard and/or decided by the Board, and (3) the fiscal statement showing total obligations and expenditures for the fiscal year ended June 30, 1967, pursuant to section 3(c) of the Labor Management Relations Act of 1947; to the Committee on Education and Labor.

1836. A letter from the Director, U.S. Information Agency, transmitting a report on activities under section 401, Federal Property and Administrative Services Act of 1949, for fiscal year 1967, pursuant to the provisions of section 404(d) of the act (Public Law 81–152); to the Committee on Government Operations.

1837. A letter from the Comptroller General of the United States, transmitting a report on the opportunity to reduce costs by accelerating the disposal of unneeded storage structures of the Commodity Credit Corporation, Department of Agriculture; to the Committee on Government Operations.

1838. A letter from the Archivist of the United States, transmitting a report on records proposed for disposal, pursuant to the provisions of section 4 of the act approved July 7, 1943 (57 Stat. 380), as amended by 59 Stat. 434 and 63 Stat. 377; to the Committee on House Administration.

1839. A letter from the Attorney General, transmitting his annual report of the activities of the Department of Justice for the fiscal year ending June 30, 1967, pursuant to law; to the Committee on the Judiciary.

1840. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a report relating to political participation by Negroes since the passage of the Voting Rights Act of 1965, pursuant to the provisions of Public Law 85–315, as amended; to the Committee on the Judiciary.

1841. A letter from the Assistant Secretary of the Interior, transmitting a resolution of the legislature of the territory of American Samoa expressing opposition to H.R. 13311, relating to foreign-flag fishing vessels; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TENZER: Committee on the Judiciary. S. 2409. An act for the relief of the estate of Josiah K. Lilly (Rept. No. 1375). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 17232. A bill to authorize the Secretary of Defense to convey certain lands known as Fort Lawton situated in the State of Washington to the city of Seattle and King County, Wash.; to the Committee on Armed Services.

By Mr. BOLAND:

H.R. 17233. A bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. BROWN of Ohio:

H.R. 17234. A bill to amend the act of April 11, 1968, with respect to the sale or rental of single family houses without the use of real estate brokers; to the Committee on the Judiciary.

By Mr. DAVIS of Georgia:

H.R. 17235. A bill to amend section 9 of an act approved August 4, 1950, entitled "An act relating to the policing of the buildings and grounds of the Library of Congress"; to the Committee on House Administration.

By Mr. DINGELL:

H.R. 17236. A bill to amend section 231 of title 18, United States Code, to remove certain elements with respect to certain offenses; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 17237. A bill to define the term "child" for the purpose of certain payments under the Federal employees' group life insurance and the civil service retirement laws; to the Committee on Post Office and Civil Service.

H.R. 17238. A bill to repeal section 14(c) of title 6 of the United States Code requiring an annual report by the Secretary of the Treasury with respect to the bonding of officers and employees of the Federal Government; to the Committee on Post Office and Civil Service.

By Mr. LANGEN:

H.R. 17239. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. MORRIS:

H.R. 17240. A bill to amend the Communications Act of 1934 to abolish the renewal requirements for licenses in the safety and special radio services, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN:

H.R. 17241. A bill to amend title II of the Social Security Act to increase from 22 to 24 the age at which an individual otherwise qualified for child's insurance benefits on the basis of school attendance can no longer be entitled to such benefits; to the Committee on Ways and Means.

By Mr. PELLY:

H.R. 17242. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 17243. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey:

H.R. 17244. A bill to set forth a congressional statement on a national educational policy and to direct the Secretary of Health, Education, and Welfare to initiate a comprehensive study on the formulation of a plan to implement such policy; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 17245. A bill for the relief of George Elamanamadathil; to the Committee on the Judiciary.

By Mrs. BOLTON:

H.R. 17246. A bill for the relief of Victoria Wong; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 17247. A bill for the relief of Alice Pua; to the Committee on the Judiciary.

H.R. 17248. A bill for the relief of Violetta Stylianou; to the Committee on the Judiciary.

By Mr. WATTS:

H.R. 17249. A bill for the relief of Raymond J. Grachek; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

309. By the SPEAKER: Petition of Alfred M. Kunze, Hicksville, N.Y., relative to legislation for poor people; to the Committee on Education and Labor.

310. Also, petition of the Daughters of the American Revolution, Washington, D.C., relative to resolutions of the 77th Continental Congress, National Society Daughters of the American Revolution; to the Committee on the Judiciary.

311. Also, petition of Mrs. John S. Orpilla, Columbia, S.C., for redress of grievances; to the Committee on the Judiciary.

312 Also, petition of the Municipal Council of the City of Bayonne, N.J., opposing pending legislation relative to liberalizing truck size and weight limits on interstate highways; to the Committee on Public Works.

313. Also, petition of Mrs. Mabel Sue Traugott, Weslaco, Tex., for redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

A TRIBUTE TO SENATOR LAUSCHE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, May 13, 1968

Mr. BYRD of Virginia. Mr. President, through the years, FRANK LAUSCHE, the senior Senator from Ohio, has demonstrated a toughness of spirit and mind which has won the respect even of those who oppose the positions he has taken. It can surely be said there have never been any strings on FRANK J. LAUSCHE. He is his own man, and in being that, he is a man of the people in the best sense of the word.

Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a tribute to Senator LAUSCHE which was written by the noted columnist, James J. Kilpatrick, and published in the Richmond News-Leader of Saturday, May 11, 1968.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TRIBUTE TO LAUSCHE: OHIO'S BARE-KNUCKLED LITTLE GIANT

(By James J. Kilpatrick)

WASHINGTON.—Back in mid-April, when the newspaper editors were having their annual consistory out at the Shoreham, I ran into Ohio's Senator Frank Lausche and asked him how he was doing. He rolled those expressive eyes to heaven and crossed his fingers for luck. I promised myself to write a piece about the old maverick, but other things got in the way. Now, dammit, it's too late. He went down to defeat in Tuesday's senatorial primary. His departure from the Washington scene will be a real loss to the Senate, and to the country, too.

Lausche was in a class by himself. Over the years, you came to expect most of the Southern Democrats to rack up a stoutly Republican record, but the old warhorses from Dixie were secure in their saddles; no one paid much attention. By the same token, you knew about where Wayne Morse, the Oregon cactus, would sink his barbs. Lausche was different. He voted his convictions with reckless disdain for party labels. He was a conservative, but a restless conservative; he would not stand and be hitched.

Great day, we will miss him next year! He came to the Senate in 1957, after serving five terms as Governor of Ohio. He had done a brilliant job in the statehouse. My own recollection of Lausche goes back to the fall of 1951, when the National Conference of Editorial Writers met in Cleveland. He held his tough audience spellbound for an hour, with a virtuoso performance on the problems and prospects of State government.

Come to think of it, he always had the air of a virtuoso. He looked like a solo pianist or a visiting guest conductor—swarthy, his hands always in motion, his mobile face urging a faster tempo. Over the years, his great shock of dark hair turned grey; the lines deepened around his eyes and mouth, but he never lost the vitality of 1951. In a chamber of lusty debators, he held his own with the best.

A good deal was made in the press of the Senator's age—he is 72—but it wasn't his age that beat him on Tuesday. It was a combination of Lausche's own stubbornness and organized labor's strength. The last time the Senator ran, in 1962, he won re-election by nearly 700,000 votes. He spent next to nothing in that campaign, and he adamantly refused to spend much of anything this spring. The people knew where he stood—or they ought to know. He had voted for the open housing bill, but he also had sponsored (with Strom Thurmond) a tough amendment to punish rioters. He was hard on Vietnam. He was hard, in truth, on just about everything. There was mighty little softness in him.

It is especially ironic that Lausche should have been toppled by former Representative John J. Gilligan, for Gilligan was defeated two years ago by young Robert Taft. In the zoology of politics, Taft is a kitten and Lausche a catamount.

This time, Gilligan benefited from one of those great efforts that labor can mount in Ohio. During his single term in the House (1965–66), Gilligan rated a neat 100 per cent in the scorecards of the AFL–CIO. By contrast, his rating from the conservative Americans for Constitutional Action was a feeble 7. Gilligan also benefited in Cleveland from the help of Negro leaders identified with Mayor Carl Stokes.

In November, Gilligan will be pitted against the Republican Senatorial nominee, Ohio's Attorney General William B. Saxbe. Conservatives who are dismayed by the loss of Lausche may be consoled, to some extent, by the lively hope of seeing Saxbe elected. Saxbe is known as a pragmatist, a savvy campaigner, a competent middle-of-the-roader with broad appeal across the Republican spectrum. The House elections of 1966 demonstrated a Republican trend in Ohio; if the momentum can be sustained in November, Saxbe should win.

But with deference to the gentleman, he won't bring to the Senate the color, the verve, and the bare knuckled spirit of Ohio's little giant. In the lovely hurly-burly of the Hill, Lausche has fought the good fight. It's a pity to see him knocked out.

GEN. HAROLD K. JOHNSON ADDRESSES AMERICAN ORDNANCE ASSOCIATION ON 50TH ANNIVERSARY

HON. ALEXANDER PIRNIE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. PIRNIE. Mr. Speaker, our distinguished Chief of Staff, U.S. Army, Gen. Harold K. Johnson, will soon retire. During his long and proud military career his words and deeds have marked him as a great leader. Those privileged to know him have admired his clear thinking, quiet courage and professional competence. Those qualities have served our country well. Even beyond all this, we appreciate his sterling character and devotion to high ideals.

General Johnson commands the Army of the greatest military power in the world, but his reliance is not solely on the weapons or troops at his disposal but upon the moral force our Nation embodies. This was reflected in his memorable talk at the Presidential prayer breakfast in February and again May 9 at the 50th anniversary dinner of the American Ordnance Association. On this latter occasion, General Johnson received the coveted award of the Crozier Medal and responded with an address which outlines brilliantly the hopes and fears of America. It is sober but inspiring reading, designed to make us think and act promptly and effectively to protect our Nation. I share this message with my colleagues confident that it will be found a compelling call to arms.

The address follows:

ADDRESS BY GEN. HAROLD K. JOHNSON, CHIEF OF STAFF, U.S. ARMY, 50TH ANNIVERSARY MEETING, AMERICAN ORDNANCE ASSOCIATION, WASHINGTON, D.C., MAY 9, 1968

I am doubly honored tonight—first by the privilege of addressing the American Ordnance Association on the occasion of its fiftieth anniversary and second by your generous award of the Crozier Medal. The Association has served the armed forces of the United States for half a century and has always been held in high esteem by the Army.

General Crozier, a former Chief of Ordnance, devoted his life to moving the Army ahead on the swelling wave of technology. I challenge the Association to strive for the same order of achievement in the next fifty years. The technological wave has not yet reached its crest. Proper harnessing of its surging power will take all your skill, courage and devotion.

I pondered a long time before I decided what to talk about tonight. Since technology and its management are your major concern, I thought perhaps I might discuss the application of management in the Army. However, in my opinion, we're on the watershed now in a great management revolution in the Army. We've identified our goals clearly and we've recently taken some giant steps toward mastering our resources. As a result, we're acquiring real confidence in our ability to improve their employment. It was just a matter of finding the handle, really. Now our task is one of continued improvements and for this reason I've decided against talking to you further about automatic data processing and the budget cycle. While they are at the core of our day-to-day operations, I believe an occasion such as this warrants a greater stimulation than a mundane description of how computers help the Army.

Rather, tonight I want to get very quickly to what I believe to be a much larger subject—one that is of the greatest importance to our Nation today. And, I say at the outset, the way we choose to deal with it will determine the future path of the America we know now—the America we remember—and the America we would like to have.

What I refer to is what I call the American vision. My definition of the American vision is not a complex abstract philosophy for intellectuals to debate. It is simple. It is something every man can understand. It is essentially those things we stand for. It is what motivated our ancestors to come to a wild and unknown land and gamble everything, including their lives, to make it go. It is what we read, without innuendoes, in the documents that a few visionary patriots wrote—our Declaration of Independence and our Constitution. The Bill of Rights. It is what we read in the court decisions, treaties, laws and ordinances placed on the books ever since. We have seen parts of them again and again in the Emancipation Proclamation, and the Charter of the United Nations.

The American vision is nothing more than our fundamental, ethical and moral belief in the dignity of the individual and his society—belief that the individual counts for a great deal. It is our embrace of freedom, all kinds of freedom, righteousness and justice. They count for more than wealth, influence, world power or other transitory values. We started with those principles, we have stayed with those principles, and they have achieved for us the affluence and the world eminence we enjoy today. That is the American vision in a nutshell.

Last month I returned from my tenth visit to South Vietnam. While there I encountered openly expressed concern on the part of our soldiers about what has been taking place back here. They understand why they are in Vietnam and what must be done over there. But they do not understand what is happening here at home. While doing my best to explain, I felt compelled to tell them honestly of what I considered to be two great tragedies that have befallen this Nation in recent months. The first of these was the unfortunate loss of confidence after North Vietnam's Tet offensive. The second tragedy. I told them, is domestic disturbance. I believe—and I have so stated on many occasions—that dissent, debate, public assembly and the privilege of seeking redress for grievances are rights that we train our young citizens to exercise. But the spectacles that we have witnessed in our city streets and on some of our college campuses lately simply indicate a growing disrespect for law and order.

And yet the foundation of our government—of any well-ordered society—is the rule of law. Without order, justice and freedom disappear. In the final analysis, our national security, along with that of other nations, rests upon a rule of law and order, both domestic and international.

It is against this backdrop that I speak tonight, and I raise the question: What has happened to the American vision? Is it as distinct to Americans today as it was when I was a boy? Certainly, the level of criticism both at home and abroad is much higher now than it used to be. But in view of the magnitude and complexities of our worldwide responsibilities, is that really so surprising?

In Boston last week, in a speech to the Adjutants General Association, I dealt with a number of allegations often leveled at our society. Tonight, at the risk of repetition, I would like to refer to those allegations and deal with certain additional ones. Let me first answer some of our foreign critics:

Some say that economic gain motivates our every foreign policy decision—that the State Department puts a dollar sign on every treaty and agreement.

I say that history proves otherwise—that our relations with other countries have been based on our ethical heritage and not on sterile economic determinism. Some people in other countries say that there is a dollar invasion, that U.S. capital is attempting to control foreign industry. I ask them to look back to the bleak years of 1945 to 1950 when virtually the entire Free World was prostrate. American capital left these shores by the billions—but why? To create or revive political and economic systems for people who had their versions of our vision; to permit them to resist an encroaching system in which the individual is nothing and the state is all. We were not vindictive. We helped to reconstruct the societies of our erstwhile enemies as well as those of our allies—but in a form that accorded with the vision of a community of peaceful nations.

Yes, there was a dollar invasion, but it created jobs, opened schools, trained doctors, and gave millions the chance to achieve their vision. It lifted nations to their knees from the depths of despair and ruin.

Our enemies and antagonists say we are colonialists and neoimperialists. This hardly merits dignifying with a response. Whom have we colonized? U.S. policy in post-World War II years had the central theme of resisting the re-imposition of colonial regimes. We adhered to this policy despite strong wartime ties to former colonial powers. We insisted on a United Nations that opposed this odious practice. We moved with dispatch to grant full independence to the Philippines, the closest activity we had to a colony then. Yes, we do grant and lend dollars to help countries less well endowed than we to open hospitals and build dams and roads. If this is imperialism, then I will live with the stigma. I believe the American ethic of humanitarianism and faith in the progress of the individual underlies our assistance policies—not sheer political gain.

Some say we meddle overmuch in the internal affairs of other nations—in things which are none of our business. I answer that we do not seek to impose our system on others. We try to demonstrate, by example, that our values and principles have application in other cultures; that by local adaptation of what we know as justice, personal liberty, opportunity based on merit instead of birthright, and respect for the individual, any nation can achieve cohension and national purpose—take its prideful place in the international system. Japan, West Germany, and South Korea are not carbon copies of our perculiar system. I do not believe that those nations have suffered from adoption of a piece of our system, either.

So much for our detractors abroad. But let me say that there are other foreign voices, perhaps less articulate, but no less authoritative—a very large body of opinion which often escapes our notice—many voices that say "Yes, Americans, your system, your values are better than ours. Let us share your vision." Of whom do I speak? I speak of the Hungarians who fled Budapest in 1956 when an authoritarian regime reimposed itself with tanks and machine guns. Those people had gotten a brief scent of freedom. Many found their way to our shores and a new opportunity. Ask them why they came. Go to the docks in Miami and ask the Cuban refugee in the open boat why he left Havana. Ask our immigration officials how many are on the waiting list to come in from every continent.

No, I do not worry about our critics across the oceans. There are too many non-Americans who validate the American vision. But I am very troubled about our attitudes at home. If our principles are so attractive to those who cannot enjoy them, why are they in disfavor with Americans who can? Listen to the statements we hear about ourselves:

We Americans no longer have a great national purpose or sense of mission.

Since we have no national purpose, we cannot have a sensible international purpose.

We have become too well off; too contented; too fat; too soft.

We are politically, socially, and economically divided, and our various factions can no longer communicate among themselves.

Our bedrock of religious faith has crumbled. God is dead; Christ was just an itinerant moralist; The Bible is great literature, but not much else.

Public and official morality have become a big joke.

We have allowed "too much government" to devour our individualism. We have become wards of the state—and we like it that way.

There is more:

Our patriotic fervor—the Spirit of '76—has burned itself out.

The question, "Is it good for the country?" has been replaced by, "What's in it for me?".

We have no great leaders anymore, and the debunkers have killed off the last of our national heroes.

We have become a nation of cowards, who place security above all else. Public Enemy No. 1 today is the man who rocks the boat.

We believe in freedom, justice, equality—as long as it is stamped "Made in America" or "Reserved for Americans."

Our young people have become a bunch of spoiled, over-fed, under-principled punks.

That is a shocking list. Every allegation can be supported to at least some degree. Together they comprise a severe indictment. In my opinion, however, none of the allegations can be applied specifically to all of America or to all Americans. Only to the degree that each allegation is true are we in trouble. But we must recognize that as long as any single part of one allegation is true, even to a small degree, we have a festering sore that must be treated and cured. I will not answer each of these charges tonight, but I will give you an insight into causes and cures.

I have been very closely involved in the events of the unfortunate days of 1967 and 1968. In a span of twelve months, Federal forces were twice called upon by civil authority to clear the streets and restore order. Murder, arson, and looting broke out even here in the Nation's seat of government. It cannot happen in America, we said. But it did. We have a problem of very serious proportions. When civil authority orders the Army into the streets to assist in upholding the law, we have taken the ultimate step for enforcement of the law. The Army is then joining in the final defense of order and the prevention of out-and-out anarchy. Whom do you call upon next? How many more times must the forces be ordered out?

What has led to this very obvious decline in respect for law, for the rights of people to pursue their goals, for justice? Why have these ideals become a mockery and a target for cynics?

Some say it is because we no longer have a frontier—a place where a man can match wits and strength with the elements. Others say there is too much affluence or there are no challenges left. They are wrong. There is a frontier, but not in a geographical sense. There are plenty of challenges left. Just read the front page of your newspaper any morning, if you are skeptical.

I offer that the problem lies with the individual—many individuals, a whole aggregation of them who make up the population of America. The individual is central to the theme of things, not ambiguous bodies like "the government" or "the party" or "the establishment." The key is the individual and his involvement in the American scheme. If our vision is fading, it is because individuals are not involved in pursuing it. I hear with distressing regularity when tragedy strikes the excuse "I didn't want to get involved" or "How terrible. I wonder what 'they' are going to do about it?" Let me leave no doubt in your minds here—"They" are "we"—you and I. If we do not get involved, who will? I'll tell you who. It will be the individuals who seek to get involved, who have a purpose—a purpose that does not match the American vision as you and I know it.

This stark truth lies at the heart of campus dissent and violence in the streets. It reflects a deep dissatisfaction and sense of frustration on the parts of many. It grows out of no longer knowing what is constructive or cannot identify the road to HOPE. The American vision does not equate with reality as those people perceive it. The vision says that individual dignity and rights are paramount in the United States; that every American can go as far as his capabilities will take him. The frustrated among us protest that this is not so. Avenues are closed. Opportunity is not there. Justice is the exclusive property of a few. So being human beings, they seek other channels for this frustration—street violence and takeover of universities, draft card burning, and flight abroad to avoid military service. These people get involved. They are building the new American vision, the one represented by the list I read.

What we need now is the re-creation of constructive goals, the application of brainpower, energy and resourcefulness to reopen the channels in our social order. We must

apply massive efforts to restore the real vision for everyone. We must insure that the ring of truth is in freedom, justice, dignity, and righteousness until mockery and cynicism have no soil in which to grow.

Now I am back to involvement again. Who is going to do it? It is easy to say "Fine. It must be done. But I am just one person. I cannot do much." That is always the easy way. Just a little too much complacency. It is easy to say "Let George do it," or "That is why I elect Congressmen—to look out for the nation's problems." But these are not the nation's problems. They are our problems. If we, as individuals in the aggregate fail in our individual responsibilities, I see a dismal future for all of us. The others of whom I spoke are going to get more involved and I do not like the consequences for our American vision.

So, you must get involved if you share my interpretation of the vision. You have no choice. I cannot tell you how to do it—the particular form of involvement that best suits each one of you. Each of you has his life, goals, pursuits, strengths, and problems apart from anyone else. That is why you are individuals. But I do know that there are tasks enough for everyone—that each of you can leave this room tonight and be involved constructively before another day passes. You must match your personal obligations and capacities to the task at hand. Maybe you are already involved but not enough. Perhaps you are already involved—and too much—to the extent that you skip over some of the responsibilities for which you are charged and which you have agreed to assume. It is going to take total involvement by individuals—all individuals. Time is passing and so may our vision be passing.

I am calling you back to arms tonight—I am throwing down the gauntlet. Recall that your heritage and your affluence are nothing more than the story of men who became involved. The colonists of 1776 were involved. The soldiers of the Union became involved in 1860 and aren't we glad they did. Millions of 19th century immigrants from Europe and elsewhere became involved. They sought the vision and built on foundations that others had started. In two World Wars the entire citizenry became involved in one fashion or another. Those before built it for us. Have we not the same obligation to preserve it not only for those who follow but for those who share America with us right now? That is the challenge and it translates into involvement—as individuals.

If I did not think that we could measure up, I would not issue the challenge. I think we are as capable—as individuals—as those who have been involved before us.

I become emotional when I speak of our country and its vision, but that is because it has real personal meaning for me. I believe in it. I have tried to be involved ever since I first put on my country's uniform and pledged to protect its flag from all its enemies. I take comfort in the view that our soldiers share it. They are involved.

But not every American is involved. As a nation, we have sometimes sought and sometimes dodged involvement. Now, however, we can no longer avoid the responsibility of involvement if we intend to influence the course of events that are consistent with the visions we hold as a people.

President Wilson, who certainly became involved, spoke of this vision in these words which I would like to leave with you: "This country, above every country in the world, gentlemen, is meant to lift; it is meant to add to the forces that improve. It is meant to add to everything that betters the world, that gives it better thinking, more honest endeavor, a closer grapple of man with man, so that we will all be pulling together like one irresistible team in a single harness."

The questions that each of us must answer for himself are: Am I in harness? Am I involved? Do I really care?

CAN WE COMMUNICATE IN THE 21ST CENTURY?—ADDRESS BY LEONARD H. MARKS, DIRECTOR, U.S. INFORMATION AGENCY

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, May 13, 1968

Mr. SCOTT. Mr. President, Leonard Marks, the able Director of the U.S. Information Agency, spoke before the American Women in Radio and Television, in Los Angeles, Calif., on May 2.

In order that Senators and others may have the opportunity to read his perceptive remarks on the challenges of communicating with our foreign neighbors, I ask unanimous consent that the text of his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

CAN WE COMMUNICATE IN THE 21ST CENTURY?

(Address by Leonard H. Marks, Director, U.S. Information Agency, to American Women in Radio and Television, Los Angeles, Calif., May 2, 1968)

This evening I want to talk with you about a challenge that faces us as Americans—the challenge of communicating with our foreign neighbors.

I start from the premise that other nations around the globe, while separated from us by vast distances, are our neighbors in a world grown small. And if my premise is correct today—as I am confident this audience will agree—how much closer neighbors they will be in the 21st century.

I also start from the premise that as neighbors we must communicate on matters of common concern. There are few parts of the globe whose peoples' hopes and fears, triumphs and setbacks, do not in some way affect the United States. And the same may be said about the effect of events here upon other peoples. The issue of war or peace, economic stability, threat of over-population, famine or disease—these are questions of very immediate and tangible concern to all inhabitants of the globe.

When I speak of our neighbors, I see them as divided into three groups:

First, there are our friends with whom we share common goals and ideals. These are nations which cherish freedom, which believe that the individual has the right to determine his way of life, to do as he wishes in expressing his views, in choosing his leaders by free election. The fact that our friendship rests upon this common outlook cannot be taken for granted; rather we must strengthen the bonds of solidarity through free and frequent communication.

Second, there are other nations whose ideology and outlook are diametrically opposed to these concepts, who regard the state as all powerful, with the right to determine the destiny of each of its citizens. This viewpoint is alien to us. But simply because we disagree with these nations does not mean that we can ignore their existence. On the contrary, we must seek to build bridges to them, and to strengthen the bases for coexistence on the planet that we must share.

Third, there are nations which have not yet decided the pattern that they wish to follow. Most of these are nations in the "developing" world, seeking an answer to their serious economic, social and political problems. They look to the one side, they look to the other and they must make decisions as to where they will go. Many of them have learned that independence is not the resolution of all their problems, but the beginning of new ones. To them, also, we have much to say.

With each of these three groups of nations, then, we must communicate. And we must do so in their languages, in terms meaningful to them, taking into account their differences in background and experience.

Can we do this? Can we meet this challenge?

Let us look first at the means we shall have to communicate with our foreign neighbors in the 21st century. Techniques that will then be commonplace will realize the wildest dreams of inventors and scientists. And this transformation becomes all the more dramatic since the revolution in communications is a comparatively recent development in human history.

Prior to the advent of printing in the fifteenth century, knowledge was handed down by a few wise men who, by word of mouth and through treasured, hand-copied manuscript, would tell their disciples about the mysteries of life and the answers they had accumulated from their experience. Traveling troubadours or messengers played a part, but essentially, people lived in small villages and knew only what their elders in that society told them.

Even today there are places where people are born and die and never meet neighbors who live in the next village more than twenty miles away.

With the advent of printing, it became easier to record one's thoughts and distribute them to adjacent and remote areas—and learning flourished as the printing press made the wisdom of elders available to distant lands.

Then, in the 20th century, we received an accumulation of riches: the telegraph, the telephone, radio and that most miraculous of all media, television. Not only could we use these techniques within national boundaries—telephone and telegraph lines crossing from one ocean to the other, radio crossing mountainous areas that were otherwise impassable. Even continents could now be linked with high-powered transmitters and receivers.

Then, suddenly, the orbiting satellite evolved.

22,300 miles above the earth, a little hatbox containing electronic equipment could pick up a faint voice, amplify it and transmit it to another distant point. Suddenly areas that were heretofore inaccessible because of jungles or oceans or vast distance could exchange live television pictures or any spoken message with any other area in the world. All who owned radio and television sets had a front row seat in their living rooms for world events in far away locations.

The launching of Telstar, the first communication satellite, was banner headline news. Front pages around the world were filled with the new miracle of communication. Telstar was followed by other satellites, each more sophisticated than its predecessor.

Today the launching of a satellite doesn't even get a one-inch story in the papers or a 30-second spot in the TV newscasts. We no longer consider it novel to have a Walter Cronkite or Chet Huntley on our TV screens reporting from Europe or Asia or some other remote point at the exact moment and place where the news is breaking.

Shortly there will be earth stations in Africa, Asia and Latin America. The world will be tied together into a vast network where at any time a person can pick up the telephone, make a phone call to anyone else in the world, send a telegraphic message, communicate by radio or send an image by television.

Or take the field of printing. For the past hundred years, there was no substantial improvement: a book was a book. Now suddenly that medium is being revolutionized.

I carry something with me for people to

see, very dramatically, what is happening. This is the Bible. On this two-by-two microform card the entire Bible has been recorded. In order to read it, you insert the card in a machine reader about the size of a small television screen. You flick a switch—and the Bible is reproduced with the same type as the original volume. If you want to turn a page, you turn a knob. There is an index, and the same facility for finding material in this volume as you have with the printed page.

Just think what this is going to do for the communication of knowledge around the world!

With this microform card, we could contain a typical library of the U.S. Information Agency overseas—about 9,000 volumes—in a shoebox. The entire Library of Congress would fit into a filing cabinet! Think what this could mean to foreign scholars, who could have readily at hand in Asia, Latin America, Europe or Africa the extensive materials that their research requires.

Audio-visual techniques have advanced to the point where a simple cylinder, like a 45 rpm record, can now be reproduced for less than fifty cents, with images, slides, around the periphery and a tape in the center.

Here we have a sight-and-sound lesson that can be used in any home, in any remote village school house, explaining hygiene, science, government. You name the subject and someone will record it.

You may have heard the expression, "electronic video recording." Before the end of this year, it will be available in the United States. In simple terms, EVR is the equivalent of a record player on top of a television set, integrated into the set. It employs a cartridge of film, one inch thick, which will play in black and white for 60 minutes. That cartridge will be available for sale by the end of the year for $7.00. You take the cartridge home, you put it on your record player attachment, you turn a switch, and there on your television set is that film. So we have home movies available to anybody at any time on any subject. And I am quite confident that the price of $7.00 will be drastically slashed within a short time.

So we have the riches of audio and visual media available for the schoolroom, for the home, on any topic, at any time.

These are some of the new technical facilities which we have at our disposal today or will have in the very near future. Yet I have no doubt that by the year 2,000, the devices that I have described to you will be regarded with amusement as primitive.

With this wealth of technical capacity, the question that I ask is: Can we use it wisely? What are we going to communicate? How?

When the first transatlantic cable was laid between the United States and Europe, Henry Thoreau, with his sardonic humor, said, "What are we going to talk to the people of Europe about? In all probability the first conversation will be that Princess Adelaide has the whooping cough."

Well, I'm not that pessimistic. I think there are many things we have to talk about. Particularly in a world that's torn by difference in ideology, by differences in economic conditions, by concepts of what is right and what is wrong. In a world where distances are no longer measured by land miles but by the speed of electronic communication. Where all peoples are neighbors.

In the process of communication, many obstacles have to be overcome beyond the technical ones. We speak in different languages, and although you can learn your neighbor's language, you have to know more than the words. You have to know the context within which the words are used.

Let me illustrate. I was impressed by a survey made among African university students. In many countries of Africa you have a literacy rate of about 20 percent, so that the university students are truly an elite. These students were asked about certain concepts. One question was: Do you prefer capitalism or a regulated economy for your country?

The highest proportion of any group that said it preferred capitalism was 50 percent. In most countries in that area, 80 to 90 percent said that they did not prefer capitalism.

You might immediately come to the conclusion that the students polled disapprove of the American economy, that they disapprove of free enterprise. But when you study subsequent questions, your conclusion is different.

The survey went on to describe essentially a political-economic system such as we have in the United States or in many countries of Western Europe, and asked for views on such compared to the government-directed economy in Communist countries.

When the survey asked these questions without labels, a large proportion of students said that it was our system that they preferred. The word "capitalism" initially raised images—of the boss living in the big house on the top of a hill, employing thousands of bedraggled serfs—of the poor who have no chance against a heartless system of privilege—of government that shows no concern for fundamental liberties or for the protection of those who are weak, ill or poorly educated.

But that is not the United States—nor is it an accurate description of the free world.

So we know that in communicating with other people, we must choose our words with care. We must understand the psychologies and outlook of our audience, and be able to gauge the impression that a given concept or label will make upon them. These are the complexities of international communication that remain after the technical problems of transmitting messages have been resolved.

Another challenge that the United States faces in international communication is contact with closed societies. Let me illustrate in terms of the programs of the U.S. Information Agency.

For those of you who aren't familiar with USIA's world-wide operations, I'd merely like to say that we publish magazines, that we broadcast in 36 languages over the Voice of America, that we produce films for theaters and for television. We exhibit at world fairs and trade fairs. We operate libraries. We publish books. We communicate by any means necessary to explain to foreign audiences what the American people think and how they act, and what our government has to say on issues of importance to the rest of the world.

In most countries, USIA uses the whole gamut of information media, emphasizing those that are most suited to the local circumstances. In closed societies, however, we are severely limited. Here governments attempt to isolate their peoples from contact with the rest of the world. In these circumstances, the Voice of America is our chief—and sometimes our only—means of communication.

For example, Communist China. No nation in modern history is more isolated from the mainstream of civilization. Here is a land mass larger than the United States, with a population of 800 million people, completely isolated from its neighbors. We can't communicate with them in person since they won't permit our visitors to enter the country. We can't make our books available because they won't allow the importation. We can't show them films even in their own language because they won't permit their people to be subjected to outside influences. The miracle of the satellite may be known to the Chinese but is of no value since Communist China refuses to be linked up to the rest of the world. Accordingly, we can only talk to the Chinese people by shortwave radio.

What do they do with our radio signal? They jam it to prevent their people from hearing word of what is going on outside. However, no jamming has ever been 100 percent successful. There are people in China today who listen to our programs; we know this. We know that the Foreign Minister Chen Yi, is one of our best listeners. He was interviewed by some Japanese newsmen who asked him, "How do you know what is going on outside of China?" He said, "Well, I listen to the BBC and the Voice of America."

In Russia and Eastern Europe there is a hunger for information. You cannot suppress the fundamental desire of people to know. When you prohibit the free flow of information, you raise the curiosity level to the point where the public is going to do whatever is necessary to outwit the censors.

In Russia today there is no jamming. Nor is there jamming in any part of Eastern Europe with the exception of Bulgaria.

By agreement with the Soviet Union, we are permitted to distribute in Russia a magazine called *America*. This agreement permits us to sell 62,000 copies every month, and in return, the Russians have the same right to distribute in the United States 62,000 copies of a magazine called *Soviet Life*. We place no restriction on them. They can put their magazines on any newsstand, in any city, at any time, at any price.

To get our magazine to the Russian people, however, we must go to the Soviet Government and we say, "Here are 62,000 copies of *America*. Please distribute them." The Soviet Government then decides how many will go on which newsstand in which city and at what time.

The Moscow correspondent of a Swedish newspaper, *Svenska Dagbladet*, reported recently that he was walking along Gorky Street, which is the equivalent of Fifth Avenue. He said he saw a long line and he joined it because he thought maybe they had nylon stockings or pickled cucumbers, which is apparently a great delicacy, or some importation from one of the Eastern European countries. When he got to the end of the line he found himself at a newsstand. They were selling copies of *America* magazine. He described the scene: people snatched copies from the clerk, eagerly opened and read them, and before long the issue was sold out.

We know that every copy is read by at least ten people. There is a black market. We have also discovered that some of the vendors at the newsstands know a little bit about capitalism or the free enterprise society, because they refuse to sell the magazine. They rent it. If a customer returns the magazine dog-eared or dirty, he's off the list.

Now, despite—or perhaps because of—the public eagerness for *America* magazine, at the end of 60 days the Russian authorities return to us in unopened bundles from 10 to 15 thousand copies of each issue. They say that they cannot sell them—but it is strange that the sales of *Soviet Life* in the United States seem to determine how many copies we get back.

Some weeks ago you may have seen the issue of Life magazine which featured an interview with Soviet Premier Kosygin. It was a lavishly illustrated issue given over to a full and fair exposition of the Soviet Russian viewpoint on all principal issues of concern in the world today. It was hardline Communist policy, printed by Life exactly as Premier Kosygin voiced it.

This can and does happen in America, and we are not surprised. Freedom of the press is taken for granted. But would the Soviet authorities permit such an exposure of our President's views in their country? My offer to arrange just such an interview fell on deaf ears.

Can we communicate adequately if restrictions of this nature are placed upon the simple exchange of ideas in the historical medium of print? Can we communicate if there is going to be jamming of radio signals? Can we communicate if our films cannot be viewed in theaters, in private groups? Can we communicate if our lecturers cannot attend seminars and express their views?

The answer is, we can't.

Tonight let me make another offer to open, just a bit further, the vital channels of communication.

This time I address myself to mainland China.

For several years, the United States Government has expressed a willingness to admit Chinese Communist journalists to this country. We have our 1968 presidential election campaign ahead of us, a time of absorbing interest to this nation and to much of the watching world. Information media in Communist China will report some aspects of this campaign, but from a distance of 9,000 miles.

I say to the leaders in Peking: let your journalists come to this country to see how Americans choose their President. We guarantee them full freedom to observe and report the campaign.

I would like to make the following specific proposal:

1. Let Communist China designate its leading journalists to visit the United States during the coming election campaign.

2. The Voice of America will make prime listening time available daily to these Chinese journalists for broadcasts to their homeland.

3. In our tradition of free speech, we in the United States will not attempt in any manner to censor these broadcasts. The Chinese can express themselves as they wish in any language.

4. Hopefully this initial effort will lead to further exchanges between our respective countries. We stand ready to discuss such exchanges on a broad general basis or on specific points.

I do hope that this offer will be seriously considered by Peking and that it will be accepted. We would expect Chinese observers to be critical and to look for the worst; but I am confident that any observer will find in our election processes the true flavor of a free society.

We would hope that at least for the period of the reports by their own correspondents, the rulers of mainland China would suspend jamming.

I have a further request to make of the American Women in Radio and Television. The Chinese journalists would need to turn to some group in the United States to arrange their trip. I think it preferable that this not be our government, but rather an organization of independent journalists. I know of no group more appropriate than this distinguished audience to offer the Chinese visitors generous American hospitality and professional assistance in covering the campaign.

If Peking accepts my offer, I hope I can count on your help.

This evening I have described briefly the programs of the U.S. Information Agency. I want to touch now on one additional aspect which people always ask about and which is central to our philosophy of operation.

What is the policy of your government in presenting its information programs to the rest of the world? Do we tell the truth?

I want to assure you that the answer is unequivocally yes.

The day that the Voice of America began its broadcasts in February 1942, the United States was at war with Germany. The very first words uttered on the Voice of America were, "Daily at this time we shall speak to you about America and the war. The news may be good or bad. We shall tell you the truth."

That has been the touchstone ever since.

Not only is this necessary in order to preserve our moral position but it's very practical. People say to me, "Did you broadcast the story of riots in American cities following the death of Martin Luther King? Why would you do it? Why would you want to tell the world this tragic story?"

The answer is, certainly we broadcast the story of the riots. We didn't enjoy it. We don't enjoy telling about events in the United States which disparage us. But we had better tell it, because if we don't you can be assured that those who disagree with us will tell it, and they will distort it. The world will hear, not the truth, but the version that our opponents want them to hear. When we tell the story, we not only tell it factually, we put it in context and perspective.

As deplorable as the race riots may be, we can speak proudly—and factually—of the great progress that our country has made on civil rights in the last few years.

A Negro sits in the Cabinet of the United States. The President has appointed to the Supreme Court of the United States an outstanding Negro lawyer. The people of Cleveland and Gary have elected Negro Mayors. The State of Massachusetts is proudly represented in the U.S. Senate by Senator Edward Brooke, a Negro, and the House of Representatives has distinguished members of the same race. The people in the South, white and black, have elected Negroes to local and state offices. Negroes today freely use public places—restaurants, hotels, trains, buses—that only a few years ago were closed to them.

We are not a perfect society, but we strive for perfection.

In business and in social life there has been great progress. We have achieved a state of freedom that no country in the history of civilization can match. We have achieved the right for the individual to do as he wishes, the right to enjoy life as he sees fit, the right to a livelihood which has given him affluence on a scale unimaginable in other times and places.

These facts we tell to our neighbors overseas.

I would like to leave with you this final thought:

We have made progress in the technology of communication that would have dwarfed the imagination of science-fiction writers only a few years ago. Miniaturization of information into microfilm, electronic video recordings, a world-wide circuit of satellites for telecasting—these technological miracles are rapidly becoming commonplace. Those that lie ahead in the 21st century defy our imagination today.

Yet there will be no better communication in the 21st century unless the nations of the world recognize that a full and free exchange of ideas is essential to a peaceful world.

I have frequently said that communication is the lifeline of civilization. Without it, people live in little tribal societies. They are suspicious and distrustful of their neighbors. When we enlarge horizons, when we remove artificial boundaries, we find that every man has something in common with his neighbor. If people can know the facts, if they can exchange ideas, if they can use words so that there is a communication of thought—then the peoples of the world may find understanding.

That is our best hope in this very troubled world.

"Can we communicate in the 21st Century?"

Certainly we can. Assuredly, we must.

RESULTS OF QUESTIONNAIRE

HON. JOHN R. DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. DELLENBACK. Mr. Speaker, I have recently completed compiling the results of my second districtwide questionnaire sent to all residents of the Fourth Oregon Congressional District.

Although I do not consider my questionnaire a scientific survey of public opinion, I do regard it as a highly effective and very welcome means for me to learn how a good many Fourth District residents think on some basic issues and as an equally effective and welcome means for them to express their views.

The enthusiastic response, to both last year's questionnaire and again to this year's questionnaire, persuades me to continue its distribution periodically.

With permission, I put the results of the questionnaire in the RECORD at this point:

[In percent]

Do you favor—	Yes	No	No answer
Action that would put a ceiling on log exports to Japan?	73	19	8
Enactment of the President's 10-percent surtax after substantial cuts in Federal spending?	29	59	12
Tighter controls on the sale by mail of firearms?	61	35	4
Our Federal Government giving the people more reliable information on what it is doing?	88	6	6
In dealing with civil disorder—			
Stricter handling by police and courts?	81	12	7
Greater emphasis on curing slum problems?	72	18	10
In connection with Vietnam—			
Outright withdrawal	26	44	30
Halt to bombing of North Vietnam	20	40	40
Negotiated settlement	59	12	29
Increased military effort	42	27	31

PROPOSED EXPANSION OF NATIONAL AIRPORT

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, May 13, 1968

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "Good Neighbor to Whom?" published in the Washington Post of May 13, 1968.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GOOD NEIGHBOR TO WHOM?

The Air Transport Association was very careful in announcing its master plan for the Washington airports to say it was seeking "the dual objectives of best serving the traveling public and being a good neighbor to the community." But its concept of neighborliness seems rather strange when the plan urges that National Airport be expanded in a way permitting it to handle the monster jets of the future and that the runways be changed so some of the planes will disturb those who live along the Anacostia River instead of those who live in Georgetown.

Under the plan, of course, a new terminal would have to be built at National and parking spaces would have to be tripled, since the airport would be handling more than twice as many people in 1975 as it did in 1965. A new runway would have to be added and an existing one expanded with part of the construction sticking into the river. There would have to be, naturally, new access roads. The cost would be well over $50 million. In the meantime, this organization of airlines says, the growth of Dulles would continue and 10 years from now it might begin to be almost as busy as National.

If the airline industry could get one simple idea implanted in its collective mind, Washington's problems with air transportation would be suddenly simplified. That simple idea is that National Airport is not a fit place for a major terminal in the jet age. The noise, the dirt, and the safety problems of having jet planes landing in the middle of a city cannot be tolerated. The greatest mistake that has been made was letting the first jet land at National because this encouraged the airlines to plan on bringing more and bigger jets there.

This master plan by the airlines is a massive disappointment. The real task is to figure out how to transfer the traffic from National to Dulles. On this the plan is silent. But since the airlines insist on binding themselves to the fundamental objection to National, the silence is understandable. What is not understandable is why the airlines are so intent on flying jets through the bedrooms and yards of so many people. Maybe the airline executives have become so immune to noise and dirt and danger that they don't know that some people still care.

THE GOOD OLD CURE FOR PHONY "PUPILS"

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. GOODLING. Mr. Speaker, on May 2 I addressed the House of Representatives and expressed my dismay over the student disorders on our campuses. At that time I mentioned as follows:

> These disruptions on the campus are being carried out by an antagonistic and cantankerous minority student element that is completely devoid of a sense of propriety and respect for the rights of others. These rambunctious malcontents seem to forget that as they have a right to a formal education, so do they have a responsibility * * * to their university, to the university faculty, to their fellow students, and to our society. Something has to be done to discontinue this disgrace to America caused by an unruly minority student element.

Mr. Speaker, John M. Cummings has—in an article appearing in the editorial section of the Philadelphia Inquirer of May 13, 1968—recommended a solution for this problem of student disorders, and because of its unique and practical nature, I insert it into the RECORD for the attention of my colleagues. The article follows:

THE GOOD OLD CURE FOR PHONY "PUPILS"

(By John M. Cummings)

It so happens, friends and fellow travelers, we are old enough to remember when a piece of birch was used as a punitive device in the public, and perhaps, private schools. Moreover, when the principal of a school, or the superintendent of the district, issued an expulsion order, the scholar named was banned from attending classes.

Not only the student who defied the rules and regulations of the school but also his parents were informed by registered mail of the expulsion. If the family moved to another town, the reputation of the expelled student as a bad actor was bound to follow him. And generally, with dire consequences.

These hare-brained college students who defy authority in institutions across the country cry out for an overdose of expulsion medicine. But the people in charge of these knowledge factories, apparently, are afraid to apply the ancient cure.

This business of trying to reason with overgrown kids who have no sense has gone too far for the good of the affected schools.

A flagrant case in point is Columbia University in New York. Here students have gone to the extreme of taking over the President's office and indulging in a sit-in spree. If you think this is an outrage on a great university, scratch your head and ponder the alumni and faculty members who have engaged counsel to ask for a Federal injunction to prevent disciplinary action against the rampaging students.

Last week the university finally felt called upon to summon in the city police to oust the sit-inners. The trouble grew out of a university plan to construct a gymnasium on a site adjacent to Harlem. The students complained the structure would destroy a play field for the kids in that area.

Dr. Grayson Kirk, the University President, said legal action would be taken against persons found to have removed important papers from his office during the sit-in.

A sit-in at Roosevelt University in Chicago had as its root trouble the refusal of authorities there to provide a full-time job for Prof. Staughton R. Lynd. A former member of the Yale faculty, Lynd defied an order of the United States by traveling in Vietnam and China without proper permit. So, you see, an order by the State Department means nothing to these overgrown children attending institutions of higher learning.

In California, Stanford University students some 400 of the breed, have engaged in a sit-in protesting the suspension of seven scholars who were fired in November for demonstrating against campus recruitment by the Central Intelligence Agency.

Temple University, to come closer to home, had a sit-in going as part of a demand for a louder voice in formulating the institution's policy.

This is another case of the tail attempting to wag the dog. These students, like their counterparts elsewhere, entered the university fully aware of the rules and regulations.

Only a small group of Temple students was involved. Mitten Hall, where the juveniles were encamped, was closed for the night.

Arguing with these students, whether they be in Temple or Stanford, is a thankless job. It's like contesting with a bad-tempered child for the possession of a piece of candy.

Expulsion is the proper cure. For the benefit of the men or women in charge, the word is spelled "expulsion." Throw them out and keep them out. There is plenty of work to be done. The want ads cry out for lads who can't behave themselves and for gals who would make good dishwashers when their days as college disturbers are ended permanently.

COMMENT ON CONCEPTS OF BLACK POWER AND WHITE POWER

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Monday, May 13, 1968

Mr. TALMADGE. Mr. President, the Atlanta Constitution of May 10, 1968, contains an article concerning an address delivered in Tuskegee, Ala., by Dr. Benjamin Mays, president emeritus of Morehouse College, in Atlanta.

Dr. Mays, for decades a respected Negro educator and outstanding leader of the Negro community, told a gathering at Tuskegee that Negroes should demand their rights through the courts, and not through rioting, looting, and burning. Equally important, he stated that solutions to race problems can be found in training the unskilled and in securing jobs for the unemployed. I heartily concur in these observations and commend them to the attention of reasonable men of both races, both white and Negro, in these most difficult times.

It was my privilege to speak in Atlanta on April 27 on the need for more jobs and more job training as the best answer to the social and economic problems confronting millions of our people today. As I stated at that time, all manner of proposals have been put forth as the answer to these problems, including better communications between the races, better housing, improved police protection and service, and a more workable welfare program, to name just a few. All of these are important and do have some part to play in the improvement of our society.

But I submit that the best solutions and the most important solutions can be found in education, in job training, in the creation of more jobs, and in more people who are ready, willing, and able to fill these jobs.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COURTS, NOT RIOTS, MAYS ADVISES—MOREHOUSE PRESIDENT GIVES ADDRESS AT TUSKEGEE

TUSKEGEE, ALA.—Negroes must demand their rights through the courts, not through rioting, looting and burning, Dr. Benjamin Mays, president emeritus of Morehouse College, said in a recent speech at Tuskegee Institute.

Dr. Mays, delivering the keynote address at the John A. Kenney Memorial Banquet, defined his concepts of "black power and white power" in his speech.

"Power is the ability to formulate goals and objectives, the ability to achieve goals and objectives, or the ability of one to do what he wants to do without goals and objectives," he said.

"When you talk about white power," Dr. Mays said, "you are talking about 90 per cent of the population that has 99 per cent of the wealth and shapes the policies in government."

He contrasted black power as the 10 per cent of the population freed 100 years ago without money, land or education. Defining black power in part as "competence in your chosen field," he gave as examples Willie Mays in baseball and Macon County, Ala., Sheriff Lucius Anderson.

Solutions to racial problems, Dr. Mays said, lie in training the unskilled and in jobs for the unemployed.

The banquet was part of the 56th annual meeting of the John A. Andrew Clinical Society which brought together some of the nation's leading medical authorities to the campus of Tuskegee Institute.

SGT. RICHARD W. BASKIN, U.S. MARINE CORPS, RECIPIENT OF NAVY CROSS MEDAL

HON. WILLIAM T. CAHILL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. CAHILL. Mr. Speaker, I have the distinct privilege and great honor of representing an outstanding young citizen, Marine Sgt. Richard W. Baskin, a resident of the Sixth Congressional District.

Last Saturday, the citizens of Palmyra, N.J., gathered at Palmyra High School to pay tribute and honor to Sergeant Baskin who was presented with the Navy Cross Medal, our Nation's second highest award, for heroic actions in Vietnam. His citation from the President of the United States reads as follows:

WASHINGTON, D.C.

The President of the United States takes pleasure in presenting the Navy Cross to Sgt. Richard W. Baskin, U.S. Marine Corps, for service as set forth in the following

CITATION

For extraordinary heroism as Squad Leader, First Squad while serving with Security Platoon, Sub Unit #1, Headquarters Company, 26th Marines, 9th Marine Amphibious Brigade near Khe Sanh, Republic of Vietnam on 6 June 1967. Sergeant Baskin with seventeen men was responsible for security of the vital radio relay position on Hill 950 near Khe Sanh, when in the early morning hours the position was suddenly attacked by a ninety man enemy company employing mortars, rocket launchers, machine guns and grenades. Six men were immediately killed and four others seriously wounded. Sergeant Baskin directed that artillery fire be called in and quickly organized his men, positioning them in the most advantageous positions to return a heavy volume of fire upon the enemy and effectively block enemy penetration. Throughout the night, although painfully wounded, Sergeant Baskin, with complete disregard for his personal safety exposed himself continuously to enemy machine gun fire located only fifteen yards from his position. Shouting encouragement to his men, he led them on several occasions to positions that blocked enemy attempts to outflank and overrun the position. After over seven hours of close and continuous combat, during which time he tended the wounded and assembled all available weapons, Sergeant Baskin led his remaining men in a fierce counterattack which overran an enemy machine gun emplacement, killing one enemy and capturing another. This last attack resulted in the enemy fleeing, carrying some of their dead and wounded. Sergeant Baskin, then consolidated the position and directed the evacuation of the dead and wounded before he himself was evacuated. As a result of his dauntless leadership, Sergeant Baskin and his men inflicted great damage on the enemy who left ten of their dead and one wounded. Sergeant Baskin's bold initiative, exceptional fortitude and valiant fighting spirit served to inspire all who observed him and upheld the highest traditions of the Marine Corps and the United States Naval Service.

PAUL R. IGNATIUS,
Secretary of the Navy,
(For the President).

Mr. Speaker, Mrs. Cahill joins me in extending congratulations and best wishes to Sergeant Baskin and his family.

MORE UNFILLED JOBS THAN UNEMPLOYED PEOPLE?

HON. GEORGE D. AIKEN

OF VERMONT

IN THE SENATE OF THE UNITED STATES

Monday, May 13, 1968

Mr. AIKEN. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "More Unfilled Jobs Than Unemployed People?" written by David Lawrence, and published in U.S. News & World Report of May 20, 1968.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MORE UNFILLED JOBS THAN UNEMPLOYED PEOPLE?

(By David Lawrence)

There is a strange paradox in America today. The emphasis is on poverty, "ghettos" and jobless persons. But there are at present probably more jobs available in the United States that remain unfilled than ever before in our history.

The New York Times on May 6 had a headline on its front page which read as follows: "20,000 Jobs Go Begging in City While 135,000 Are Unemployed." The reason given in the article is that "the available jobs and the available workers do not fit each other, so the bare fact of creating more jobs will not necessarily absorb the unemployed."

A glance at the "help wanted" pages in many other cities also shows that day after day the search even for unskilled labor does not always yield results. Numerous families seeking domestic help have given up hope of finding employes through the ad columns of the newspapers or by other means.

If Uncle Sam could somehow organize a national employment system, it would help to fill some of the jobs. It would not, however, solve the unemployment problem. This is because many people do not wish to go to other cities or towns to get jobs. Still others refuse to take work which they don't like.

But the fact is that the jobs are not being filled, and it is the Government's duty to make sure that the idle conscientiously endeavor to fit themselves into jobs before the dole or other forms of relief are introduced.

First of all, the federal employment service ought to be enlarged and employers encouraged to file data on their needs with the federal and State agencies located in many cities. Also, the Government could supply training facilities and encourage private industry to organize special agencies to analyze the skills and capacities of individual applicants in order to determine the work for which they are best fitted.

The U.S. Department of Labor, in the figures given to the press on May 8, says that the nation's unemployment rate in April was at its lowest level since the Korean War—namely, 3.5 per cent, which means about 2,500,000 people. But analysis of the figures in 100 metropolitan areas reveals that in the poorest neighborhoods the unemployment rates were high—Negroes at 8.7 per cent and whites at 5.7 per cent. In the better neighborhoods, the nonwhite jobless rate was 6.5 per cent.

The biggest unemployment rate of all is found among teenagers. In metropolitan areas with populations of more than 250,000, there were 292,000 whites and 110,000 nonwhites between 16 and 19 years of age who were without jobs during the first quarter of this year. An organized effort throughout the country to find jobs for teenagers is essential.

It happens that more businesses and industries are discovering advantages in locating outside the big cities. Also, many companies experience fewer changes in personnel when their plants are in the less-populated sections. People in business and the professions often prefer such areas because living conditions and access to recreational facilities are much better outside than in the city.

It becomes necessary, therefore, to provide a means whereby segments of the population can move to localities in which jobs are available. This could be considered a governmental obligation. It would cost only a relatively small sum to set up a system for ascertaining the qualifications of the idle persons in the big cities and training them for jobs elsewhere.

Thirty-eight per cent of the nation's population—or approximately 76 million persons—live in the 30 U.S. cities with a population of more than a million in each of their metropolitan areas. Yet these same cities occupy only three per cent of the land in continental United States. So there is plenty of room for the relocation of people and businesses. It is logical to concentrate on filling the surplus of jobs that is being steadily created outside the big cities.

The nation's slums should, of course, be eradicated. But the expenditure of billions for better housing conditions in these areas will not provide jobs for the idle living in them. The better answer is for the unemployed to go where the work is.

Instead of spending money indefinitely for "relief," it would be far less expensive for the Federal Government to set up an efficient system to aid the unemployed in the United States. This would help not only the jobless but the many companies in almost every part of the country which are in need of employes. Unfilled jobs in America today evidently are more numerous than the unemployed men and women who are capable and willing to work.

TAKE THE UNITED STATES OUT OF THE U.S. TRAVEL SERVICE

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. CURTIS. Mr. Speaker, I recently had the pleasure of preparing a guest editorial for the April 29, 1968, issue of Travel Trade magazine on the subject "Take the United States Out of the U.S. Travel Service."

In this editorial I suggest that the way to promote travel by foreigners to the United States is not to give more money to the U.S. Travel Service, but rather to have the private travel industry take the lead.

The private travel industry knows what motivates people to travel and can attract tourists to the United States in greater numbers and at lower cost. The travel industry is already spending many times the USTS annual budget to promote travel to the United States. More of this type of spending would promote increased tourist travel to this country much faster than could more Government spending which is unrelated to the profit motive and therefore less result oriented.

The USTS and the Government can do useful work by reducing the redtape over visas and customs which serve as a real hindrance to foreigners visiting our country. But let the private sector have the responsibility for promoting private travel to the United States. My remarks follow:

Take the United States Out of the U.S. Travel Service

(By Representative Thomas B. Curtis)

By now most members of the U.S. travel industry should be well aware of the fact that I have staunchly supported your position against the proposed Travel Expenditure Tax during the recent hearings before the House Ways and Means Committee. I did not feel that a restriction on the traditional freedom of Americans to travel abroad was warranted, nor did I believe that the Treasury Department's suggested travel limitations would significantly affect our nation's gold drain problems.

It may therefore come as a considerable surprise to you to learn that while supporting your position on the one hand I am very definitely opposed to increasing the funds made available by the U.S. government to the U.S. Travel Service. Many of the speakers in opposition to the Travel Expenditure Tax suggested that more money be given to the U.S. Travel Service—one fellow even urged giving them a 50-million dollar appropriation—all this in the belief that by giving additional funds our nation could attract more foreign visitors and thereby close the travel dollar gap.

I am anxious to close that travel dollar gap just as quickly as possible and that is why I would like to see our country's efforts in this direction properly guided—and by that I do not mean by giving more money to the U.S. Travel Service. If you gave them more money they wouldn't know what to do with it and if you then sat back and expected some people in Washington to do the job for you, you would soon find out that it was not being done at all.

Nobody in Congress really knows what the USTS is supposed to do. It was established by the Interstate and Foreign Commerce Committee in 1962 but there has never been any research done to determine the exact areas in which the service should function. Since its creation the Travel Service has never requested an open hearing before the committee of authorization to help define its true purpose, functions and identity. The Travel Service simply comes before the House Appropriations Committee each year to ask for more money. The job of the Appropriations Committee is to determine whether the funds previously allocated were properly spent—it is not its function to allow more monies to an agency which has never established a purposeful policy toward which additional funds might be directed.

I believe the private sector of the economy—within the travel industry—should be primarily responsible for our country's efforts to bring more foreign visitors to our shores. You are the people who know travel best, who know what motivates other people to travel and who know what means should be pursued to attract more foreign visitors—in the greatest numbers and at the lowest cost.

Oh, I agree that the government has a role to play and can help to eliminate a lot of red tape problems over visas and customs and the like, and possibly can act as a sort of catalyst to bring the private sector together, but I am confident that you, within the travel industry, can do the best possible advertising and promotional job and should be handling this aspect of the overall Visit USA program.

Private capital within the travel industry is already spending many times the USTS annual budget in its own efforts to develop Visit USA business. Why not coordinate your efforts, pool your funds or a portion of them, get some money and some help from the U.S. government but make this a private travel industry effort—not another government-sponsored, owned and operated bureau. Don't you really believe that the travel industry could do a better job and do it more efficiently with greater results and less expense?

I urge you—take the U.S. out of the U.S. Travel Service and put yourselves into it by working to create a privately owned and operated travel service, helped but not controlled by the U.S. government. An open public hearing with travel industry representation, similar to that made before the Ways and Means Committee when the Travel Expenditure Tax was under discussion, could produce positive results along the lines I have been suggesting—results which the travel industry and the nation would indeed find profitable.

WHY TO BE AN AMERICAN CITIZEN?—ESSAY BY PETER AST

HON. JOHN G. TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Monday, May 13, 1968

Mr. TOWER. Mr. President, Mr. L. D. "Red" Webster, a vice president of Lone Star Steel Co., of Dallas, has invited my attention to an essay entitled "Why To Be an American Citizen?" written by a young German boy. I believe that all Senators will be deeply interested in and moved by this youngster's thoughts. I ask unanimous consent that the essay be printed in the Extensions of Remarks.

There being no objection, the essay was ordered to be printed in the Record, as follows:

A German Youngster Speaks: "Why To Be an American Citizen?"

What would a normal European answer if you would ask him what he thinks of America?

"America? Well, this country is this far away. It is one of the two world powers, but I think even stronger than Russia. It is a vast country. I heard even bigger than all the countries of Western Europe together. It is very much industrialized, the people earn much. They own big cars and houses. This country is the modern one in the whole world, and it is the land of unlimited possibilities."

Is it, therefore, that every year ten thousand of Europeans go to the United States in order to live here and to become citizens of the USA?

Why did all the millions of immigrants come to America during the last few hundred years?

One of the reasons was the attraction to go to a new unexplored country.

Another reason was that the immigrants heard in their home countries how wonderful this new country was and how fast a man could get rich.

But the main reason was the word "freedom." "Freedom," a word which was neglected in almost all other countries all over the world. (When on July 2, 1776, the United States of America were formed, there were only a few other republics, like Genoa, Venice, Switzerland, Andorra, San Marino, and The Netherlands.) The other countries had as governments dictators, kings, emperors, sultans, and other undemocratical systems.

There was always the "magic" opened door, opened for everybody. And millions of people who were suppressed and persecuted or were dissatisfied with their governments could come and stay here.

But why do the Europeans whose countries now have about the same freedom as the United States come here?

I think the strongest magnet which America still has is the fame to be a land of unlimited possibilities. (There is no reason for a man who wants to work not to get along in this country.) It is obvious that America has a high living standard which is about nine years ahead of the living standard in Western Europe, more than ten years ahead of Eastern Europe, and many more years ahead of Africa, Asia or South America.

What are all the good things which a person would like to become an American citizen for?

When immigrants from countries all over the world came to America they wanted to have freedom, to have a democracy. They suffered very much for this but they reached their aim. The democratic government of the United States of America has one of the best constitutions a country has or has ever had.

This constitution provides for everything: For proper elections of government officials, for dividing the power a government has, for the preservation of the government through the system of checks and balances, and finally for the good relation between the Federal government and the state governments.

Besides this, the Constitution is written in a way that makes it possible that it can always get corrected and can get righteous to the needs of every century and every new position the United States is in.

All this is a matter which freedom has very much to do with. In perhaps 60% to 70% of all countries today, citizens are not allowed to express their opinions. Here in America, though, every citizen has the right (or even the duty) to express his opinion.

They can do it in founding a new party, or an interest group, in participating in an interest group, in giving speeches, or writing to newspapers.

This right of expressing his own opinion is very important and vital to a free society.

Besides the freedom of speech, an American citizen has the freedom of religion which is oppressed in many other countries.

Another outstanding advantage the United States has is the economy: America is blessed with natural resources, gold, silver, copper, tin, coal, oil, water, soil all resources a country needs.

Since the beginning of the United States the system of free enterprise was favored. Therefore, a strong economic life could be developed and an industry built up. America, today, is one of the most industrialized countries in the world. In no other country is it possible to lend or borrow money as easy as here. In no other country a citizen can get credit as easy as here. In no other country is the relation between wages and prices as good as in the United States.

It is, therefore, evident that life in this country is easier than in any other country.

Related to the subject of welfare is the subject of education.

Nowhere in the world does every child have to go to school for at least ten years. Nowhere as many and as modern schools are built as here. The teachers are well trained, and the teaching methods modern.

Every student with a high school diploma can go on to a University, and if he is a good student, can get a scholarship.

There is no other country in the world which gives all the school books to every student and doesn't ask for a school fee.

Every year many good scientists from all over the world come to America in order to study here, to teach here, or perhaps to stay here. Why? The government provides for modern and excellent science centers. Nowhere as much money is spent for scientific examinations and experiments as in America.

In our days government and policies are very much criticized, but only a few people say one good word about it. I think that a quotation of Benjamin Franklin fits very good as this place. "When the well's dry, we know the worth of water."

Countries which had dictatorships or similar systems before, know now—as they have democracies—how high the worth of a democratic government is and how unpayable.

Therefore, many American citizens have to learn to appreciate their citizenship.

I guess I have to come back to freedom again.

Voltaire: I disagree entirely with everything you say, but I will defend to death your right to say it.

The greatest step toward freedom was taken when in 1791 the ten amendments were adopted and added to the Constitution of the United States. They were called the Bill of Rights.

In these ten amendments were granted: Freedom of religion, freedom of speech, freedom of publishing, freedom of assembling; the right to be secure in person, house, and all properties, the right not to be searched or seized unreasonably, the right to be judged fairly and to get a speedy and public trial, and at least the right to have a defense before a trial.

What could be worthier than these amendments? Even with all his materialism and without these rights, who would try to get away from persecution and flee to America?

The sharpest menace to freedom probably arises in time of war. Who would not like to live in a country like the USA which is the strongest country in the world? Who would not feel himself secure in it? I mean that every American citizen should be very proud of his status.

But he should remind himself very often of this and then think about the citizens of other countries, especially of the underdeveloped ones.

The American Citizen doesn't only have the luck and right to live in such a wonderful country, but he also has the task of trying to improve the conditions in other countries and always to help democracy and freedom all over the world whenever these ideals are endangered.

PULITZER PRIZE AWARDED THE PRESS-ENTERPRISE

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. **TUNNEY**. Mr. Speaker, the Press-Enterprise in Riverside, Calif., has won the Pulitzer Prize for meritorious public service for a series of articles dealing with the administration of the property and estates of the Agua Caliente Indians in Palm Springs, Calif.

I salute Mr. Tim Hayes, publisher, and Mr. Norman Cherniss, editor, for the Press-Enterprise's policy of going beyond the duty of printing just the news; and I commend Mr. George Ringwald, the reporter who—week after week in his articles—endeavored to present all of the truth to the public.

I am very proud to have the Press-Enterprise in the 38th District and to be able to put in the RECORD the following announcements of the awarding of the Pulitzer Prize to the Press-Enterprise which appeared on the front page of the May 6 and 7 editions of the paper:

[From the Riverside (Calif.) Press, May 6, 1968]

PRESS-ENTERPRISE WINS PULITZER PRIZE

NEW YORK.—The Riverside Press-Enterprise today was awarded the Pulitzer Prize for meritorious public service for its series on the Palm Springs Indian guardianship controversy.

The series was written by George Ringwald, veteran reporter for the Press-Enterprise, and was partly responsible for the pending congressional investigation of the guardianship program and the investigation of the conduct of judges and attorneys by the state Commission on Judicial Qualifications.

Ringwald has been working on the series full-time for more than a year. There have been more than 100 articles in the series.

Except for the prize for meritorious public services, which carries a gold medal, each of the awards was worth $1,000. Where the awards were shared, each recipient receives $1,000.

The awards, first made in 1917, were established in the will of Joseph Pulitzer, founder of the St. Louis Post-Dispatch and publisher of the old New York World. He died in 1911.

The Press-Enterprise's award was made for articles which led to an investigation of charges of misconduct and financial enhancement of some judges concerned with Indian estates.

The affected tribe, the Agua Calientes, numbers about 100 members, who own some 28,000 acres in and around Palm Springs estimated to be worth $50 million.

The first stories appeared on May 20, 1967. They coincided with a public announcement that the conservatorship-guardianship program was being investigated by the Department of the Interior. Concurrently, fees to guardians and conservators were stopped, pending the findings of the department's investigation.

The Press-Enterprise has conducted an investigation of the program independently of the government's probe. So far 107 articles have been printed on the controversy.

A congressional hearing is scheduled for May 31.

Ringwald, 44, has been a reporter for the Press-Enterprise since 1948. He was born in St. Louis, and attended Colorado State University.

During World War II he served in the infantry. After the war he tried an acting career on Broadway, then came to Riverside.

During his career with the Press-Enterprise he served as chief of the Banning and Palm Springs bureaus, and as a police reporter.

In 1965 he was an exchange reporter for a newspaper in Sendai, Japan, Riverside's sister city.

The series of stories on the Palm Springs Indian situation won strong support from the Press-Enterprise's editorial page.

Editor and co-publisher of the Press-Enterprise is Howard H Hays Jr.

After the final report of the Department of Interior task force, the paper called for further congressional investigation and for an active address to problems of judicial and legal ethics involved by "the appropriate committees of the state and county bar associations." The editorial also stressed a "need for restitution of unconscionable profits made from the management of Indian affairs."

Editor of the editorial page and associate editor of the Press-Enterprise is Norman A. Cherniss.

The Department of Interior has issued two reports on its investigation.

One, issued in October, leveled charges of "questionable conduct at three Riverside county judges and one attorney, all closely associated with the guardianship program."

A second, made public in April, charged that the program had been costly to the Indians, both economically and in human values.

The Interior Department has said that its investigation into what one judge has referred to as the "can of worms" of the conservator-guardianship program will not be carried further due to the lengthy procedures required for auditing each estate.

Rep. John V. Tunney, D-Riverside, has stated himself publicly in favor of abolishing conservatorships, as presently established. He introduced one bill in the House which would have revised the current system. The bill has been opposed by the Agua Caliente Indians, who say that they were not consulted in its formulation.

It has been reported through reliable sources that the state Commission on Judicial Qualifications has also undertaken an investigation of the manner in which the guardianship program has operated.

Conservators are court-appointed business managers for adults and guardians act in the same capacity for minor children of the Agua Caliente band of Indians.

[From the Riverside (Calif.) Daily Enterprise, May 7, 1968]

WAS BUSY ON A LONELY JOB WHEN WORD CAME

(By Garland Griffin)

Reporter George Ringwald was busy yesterday morning, on a lonely job, doing what he mostly has been doing for the past year, when they called him from the office and told him we'd won a Pulitzer Prize.

He was mulling through the files at the branch courthouse at Indio, piecing together another story of an Agua Caliente Indian who was supposed to be wealthy but wasn't.

They told him on the phone maybe he'd better, in view of the Pulitzer Prize, knock it off for the rest of the day and come back to the office in Riverside.

Then the Associated Press called from New York before he could get out of the Indio Courthouse and interviewed him for something called audio report. He'd never heard of it before.

Back at the office there was a long, large banner of wrapping paper stripped across the newsroom wall proclaiming "George Ringwald . . . we love you!"

There was considerable excitement in a normally unperturbable newsroom.

There were several telegrams of congratulations.

There was one from Gov. Ronald Reagan:

"Congratulations to you and your newspaper," it said. "The Pulitzer Prize for meritorious public service is an award that is given for only the most distinguished examples of reporting. Your selection for this coveted prize brings credit not only to you and your newspaper but also all Californians. This is another example of California leading the nation."

There was one from Frank Tremaine, general manager of United Press International which said:

"Cheers and sincere congratulations."

United Press International was on the phone to interview him.

Pretty soon an NBC television crew rolled in and set up a lot of lights and cameras, and they interviewed him.

George Ringwald was a little nervous and flustered.

He'd interviewed thousands of people, all kinds of people, since he'd been a news hand. But no one had ever interviewed him before.

He said on TV that his job wasn't finished. There was a lot more work and a lot more research and reporting and writing to do on the matter of the Palm Springs Indians and their guardians and conservators before it would be finished.

He said he thought it was a fine thing to work for a newspaper that would turn him loose on such an assignment and support what he found out.

Actually, George Ringwald has never worked for any other newspaper except the Press Enterprise.

Now 44, he came to Riverside shortly after World War II to join an old Infantry friend, Gordon Wilson, then a reporter, now Enterprise news editor. He and Wilson had been together in training camps and through France and The Bulge.

After the war Ringwald had tried all sorts of things. Radio announcing. Managing a ten-cent store. Acting on Broadway.

He seemed to find his niche as a reporter.

At first he was a police reporter for The Press, then went to Palm Springs as bureau chief for the Daily Enterprise from 1955 to 1960. He left the Press-Enterprise for two years in 1960 to become editor of Palm Springs Life magazine.

Then he came back to be a general assignment reporter for the Enterprise and do a lot of things.

One of them was going to the Kahoku Shimpo in Sendai, Japan, Riverside's sister city, as an exchange reporter in 1965. He prepared for that like he prepares for a lot of his assignments, by working and research.

He began reading about Japan and studying the Japanese language. It's not an easy language for westerners, but he mastered it pretty well.

When he got his vacation the following year he went back to Japan, without telling anyone, and came home with a Japanese bride.

He and Kimiko now live in Banning with their new son, George Alexander.

During his years at Palm Springs and in the years since, George Ringwald has won many awards and prizes.

There was the Headliners Club award in 1964 for the series he did on restaurant grading.

The work he's done on the Indian conservator-guardian program has already done well this year. It won a special editorial citation in the California Newspaper Publishers Association judging. Later it won the same sort of editorial citation from the Twin Counties Press Club and was singled out for an award by the American Political Science Association for public affairs reporting.

And there have been other awards. He can't even remember all of them.

But a Pulitzer is different. It only goes to a very few people.

He'll never top that one, and he won't worry about trying to.

He'll just go back to work today, alone in the clerk's files in the courthouse at Indio. Such research is a lonely job.

UAW'S PIE IN THE SKY

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, May 13, 1968

Mr. **FANNIN**. Mr. President, it has been widely reported in the press that the United Auto Workers of America are much interested in amending the Constitution. The big union, under the leadership of Walter Reuther, met in convention last week at Atlantic City to consider a proposed set of constitutional amendments guaranteeing: Jobs, minimum wages, annual income, cradle-to-grave medical care, a good house in a good neighborhood, and free education through the first 2 years of college.

Mr. President, I suggest that that is quite a package. I am tempted to call it a bundle of dreams and bid Mr. Reuther and friends a speedy return from their excursion into "Wonderland." I suggest that it is somewhat like Lewis Carroll's famous "Caucus Race," where everybody runs and everybody wins a prize. Mr. Reuther and company, however, will just eliminate the running and award the prizes indiscriminately.

I say I am tempted to call it fantasy, Mr. President, until I look back at some of the things labor bosses were dreaming about 30 years ago and see how many of them are with us in the form of legal regulations. I think it is a serious mistake to underestimate Mr. Reuther and his plan to "socialize" America; because that is what those proposals would do if they ever became law.

Of course, it is hard to be "against" a job, or a good house in a good neighborhood, and all the rest. No one in Washington, so far as I know, is really against those things. But it is typical of the "nonthink" popular today to suppose that wealth, or health, or well-being can be produced by simple Government edict.

Shakespeare put it most succinctly when his character of King Henry V muses to himself:

> Canst thou, when thou command'st the beggar's knee, command the health of it?

There are simply some things that are beyond the guarantee of man, or man-made laws.

Dr. Harley L. Lutz, professor emeritus of Princeton School of Public Finances, wrote a singularly perceptive editorial for the Wall Street Journal that was published on the same day as the UAW's pie-in-the-sky amendments. In it, he points out that—

> Everything man needs and wants has a cost of production that must be met.

That is to say that everything costs somebody something. When Mr. Reuther and his lieutenants say that—

> The country now has the affluence to guarantee these rights.

What they are actually saying is that some of the taxpayers can be taxed still further to provide these guarantees.

Mr. President, I am certainly not for people being poor. Nobody is. Neither am I for guaranteeing someone a living who is not willing to work, not willing to make the most of his opportunities. If someone is unable to work, that is an entirely different matter.

We must begin to use our brains in this country. Nobody—absolutely nobody—can guarantee the promises made in this account. Dr. Thomas Matthew made a statement the other day to a group made up of members of his own Negro race. He said:

> Our grandparents had a guaranteed annual wage—they called it slavery.

Let us begin again to think about these issues rather than yield to the siren call of the nonthinkers, the pie in the skyers, when they promise the impossible.

Mr. President, I ask that the two articles, from which I have quoted, be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Wall Street Journal, May 8, 1968]

Free Lunch? It Still Doesn't Exist

(By Harley L. Lutz)

A wisecrack often heard some years ago purported to sum up all economic theory and wisdom in the observation, "There is no such thing as a free lunch." In the pre-prohibition days the term "free lunch" referred to the repast almost universally found at one end of the bar in the establishments purveying alcoholic beverages. It was usually abundant, often of good quality, and the privilege of tucking into it cost a minimum of one drink at the bar. Even so, "free" did not mean without cost, for this was obviously recouped by the proprietor in his bar sales. The disproportion between available supply and cost to the consumer provided the appearance, if not the reality, of a free lunch.

From the dawn of history men have dreamed of an earthly existence in which all wants would be provided for without work. The story of Adam and Eve in the Garden of Eden is the earliest example of such wishful thinking. The story has its special meaning for theologians and philosophers, but it also has an economic moral. It is that mankind never had a chance of existing on this planet without working for food, shelter and all else called for by expanding wants. Until the industrial revolution ushered in the era of labor-saving devices and techniques, production involved unremitting, backbreaking toil, which may account for the view that the decree of expulsion from Eden—getting food (and all else) by sweating for it—was a curse.

This decree reflected the simplicity of the original distribution of wealth. Each man was to work for his subsistence, and each owned and was free to enjoy what he had produced. Adam Smith put it in these words: "In that original state of things which precedes the appropriation of land and the accumulation of stock (capital), the whole produce of labour belonged to the labourer. He has neither landlord nor master to share with him."

PROBLEMS STILL HERE

That original state of things, in which the produce of labor would have been very meager, was followed by developments that introduced other claimants to a share of the product. The problems of distribution that emerged are still with us.

The dictum about no free lunch merely asserts that everything man needs and wants has a cost of production that must be met if the flow of goods and services is to continue. It does not deny that some can live without working, nor does it resolve the distributional problem of cost apportionment in relation to the gains or benefits from production. Illustrative of the answers proposed are such slogans as "Production for use, not profit," and "To each according to his need."

As an oversimplified formula for equitable solution of the problem the following is proposed: The distribution of wealth and income should be on such terms as would best promote the optimum increase in productive resources, secure maximum utilization of resources in production and provide to each productive factor a share of the product reasonably approximate to the contribution of each to output.

The above objectives of an acceptable distributional system would leave no room for a free lunch, that is, for a gain or benefit not paid for, or not adequately offset by a contribution to product. Unfortunately, from various directions there is interference with accumulation, with utilization, and above all, with apportionment of income. There is a constant struggle for a larger slice of pie even though we turn out a bigger pie every year. In consequence, there are opportunities for some to get a free lunch, which in essence means getting something for nothing or for less than a proper equivalent. Some illustrations of these opportunities are discussed below.

The Robin Hood method. The legendary Robin Hood will serve here as representative of that large group which seeks to redistribute wealth and income by force, unscrupulous cunning or other methods not approved by society. A substantial, perhaps a growing, part of the expanding crime wave consists of depredations against property, with the "take" mounting into many millions annually. These malefactors run the risk of getting free meals at the expense of the state, but this possibility has been somewhat reduced by the recent barriers to arrest and conviction.

The conflict over wages, prices, and profits. This conflict occurs in the broad economic arena that produces the immense flow of goods and services destined for support of the people and the government. Since ours is, in theory, an economic system of free, private, capitalistic enterprise, its dominant characteristic is competition.

Producers compete against each other for markets and sales volume; workers compete against each other for jobs and higher pay; consumers shop around for the best bargains. Wage levels affect costs that, in turn, influence prices and profit margins. The relative contribution of labor, capital and management to the final product is not determinable by rigid mathematical formula. It is, rather, a result of opposing forces, and the outcome would be deemed inequitable only if the balance of advantage went too far in one direction or another. Thus excessive wage costs would impair profit margins and tend to limit capital formation, or reduce sales volume if passed along in higher prices. The best remedy for high profit is high profit, for additional capital would move in under the attraction of abnormal profit return. A free, competitive economic system tends toward self-correction of extremes, and hence would provide few opportunities for a sustained advantage that might be regarded as a free lunch.

However, despite lip service to competition, neither business nor labor likes it. Each prefers to erect some sort of shelter behind which there would be a better chance of additional advantage. The immediate opponent would be the other party, but the ultimate burden bearer, of course, would be the consumer or the general public.

The opposite of competition is monopoly, and the various devices developed by both business and labor have aimed at mitigating the severity of competition by some form or degree of monopoly control. The earliest form was protectionism as a shelter against foreign competition. To the extent it was effective it gave American business and labor a monopoly of the domestic market. There was no recognition of the much greater benefit to all parties from the free exchange of goods and services among all nations. A considerable part of the many billions we have poured out in the past 20 years to aid underdeveloped nations would have been unnecessary if, over a longer period, our trade policy had permitted them freer access to our market and hence more opportunity to develop their own resources.

Over the past 30 years business has not fared as well as labor in the effort to ease the severity of competition despite price maintenance, fair trade and undetected deals to divide territory or rotate bids on big contracts. Federal legislation against monopoly and restraint of trade has been consistently construed as applying only to business, which was indeed the chief culprit at the outset. Labor unions are not subject to antitrust law, although an industrywise strike is obviously restraint of trade. The original Wagner Act and the National Labor Relations Board decisions under it have established a much longer list of unfair labor practices chargeable to employers than is the list chargeable to labor. Compulsory union membership and check-off of dues by employers have consolidated union power, and industrywide contract negotiations have reduced the concept of "collective bargaining in good faith" to a benevolent phrase with little substance.

Much is made of the right to strike. The option of not working is protected by the Constitutional ban on involuntary servitude, but nothing equally effective is said or done about the right to work. The phony sanctity of a picket line is invoked to prevent those who want to work from entering a factory, office or school building, and where "right-to-work" laws make union membership unnecessary, peaceful persuasion can be a strong deterrent. The callous indifference of so-called labor leaders to the consequences of a crippling strike for the economy, the school children or the health and safety of the community is a prime instance of grabbing a free lunch—getting something for one's self at the cost of loss; inconvenience or even suffering on the part of thousands who are in no way party to the dispute.

The Federal budget. The Federal budget has become the outstanding example of a free lunch. Its benefactions are not provided by a squeeze play, as so often happens in the case of business-labor disputes. Rather, they are spread out in reach of everybody with the consent and approval of the Congress and a large proportion of the people.

The popularity of the Federal budget's free lunch is due to the provision in it of something for everybody, whether poor or rich, businessman or farmer, urban or rural, state or city, college or grammer school, old or young, and of course without regard to race or color. A foreigner who might read all of the reports, messages, speeches, state papers and other material in support of Federal programs might very well conclude that virtually everybody in the nation needs Federal help and apparently is getting it in one way or another. More things are free to more people, or are inadequately paid for by them, than ever before in our history, and there is no dearth of new programs to extend this benevolence.

FALSE DELICACY

The obligation of society to care for the needy and the unfortunate is not in question here. What is challenged is the free-lunch policy under which largess is distributed to the well-to-do and the affluent as well as to the needy. The policy is based in large part on a false delicacy that steers clear of any reference to charity. Hence, handouts are across the board, supposedly to remove any stigma attaching to the deed. But, we now have an official definition of poverty and a classification of the poor as an identifiable group with vested rights to public support and to the management of antipoverty funds. The idea that those in this depressed condition know best how to get themselves out of it is a political sop, and the feuding among the professional leaders of the poor accounts for the lack of progress that has been made.

No matter how thin it is sliced, legitimate Federal support is charity or philanthropy, to use a more expensive word, and it should be confined to relief of genuine need, whether the beneficiary be a state, city, college, business or individual.

It is characteristic of the Government's free-lunch approach to assume that every economic ill can be remedied and every problem solved by spending more money. Rent supplements, subsidized housing, negative income tax. Government payroll and other ways of spending money are deemed to be the best procedure for getting people out of the "ghettos."

The only way to improve permanently the lot of these individuals is to provide them with jobs, and the only place where lasting, productive, well-paying jobs are to be found is in the private sector. The two prime essentials for this result are first, training for a job and second, additional capital appropriate in amount and character for the job. The best training is "on the job," but lingering racism, union disinterest in apprenticeship and the minimum wage prevent employers from undertaking this kind of economic salvage in a large way.

The attitude of a welfare-state Government is not conducive to accumulation of the additional capital on which new jobs depend. Steep progressive individual taxes, a heavy corporation tax restrictions on interest rates, control of investments, continual harassment through burdensome regulations and mountains of paper work, a strong bias against business in its relations with organized labor—these are some of the ways by which a Government that has arrogated to itself the function of determining the distribution of wealth and income is hindering the most important action that can be taken to relieve poverty, diminish discontent, and promote the general wellbeing.

More free lunch will not achieve these results, but more freedom for the private economy to rediscover and live by the principles inherent in its nature will do it.

Constitutional Right to Job, Home Is Sought by UAW

(By Frank C. Porter)

Atlantic City, May 7.—The United Auto Workers leadership has proposed that the United States Constitution be amended to establish the right of all Americans to:

A job.

"A wage sufficient to support themselves and their families in decency and dignity in accordance with the standards prevailing at the time."

A guaranteed annual income if they are unable to work.

Cradle-to-grave medical care.

"A good house in a good neighborhood."

Free education through the first two years of college.

Entitled an "Economic Bill of Rights," the Constitutional guarantee would afford all citizens redress through the courts if they felt they were denied any of these rights.

The proposal is in the form of a resolution at the UAM's 21st biennial convention here. Although it has not been acted upon by the 2900-odd delegates, its passage is considered a certainty.

It would make the United States Government the "employer of last resort" for those persons willing and able to work who are unable to find jobs in the private sector.

Like the "employer of last resort" plan, the concepts of a guaranteed annual income, comprehensive medical care for all and free education through the first two years of college are not new. The latter, for example, was proposed by Secretary of Labor Willard Wirtz three years ago.

What does distinguish the UAW proposition from other omnibus social programs is that these various guarantees would be rooted in the Constitution, thus giving Americans a legal remedy when they are denied.

In the convention's only business today President Walter P. Reuther and the other three top national officers were re-elected by acclamation. There was no opposition to them although some of the seats on the union's 26-man executive board were contested.

The authors of the UAW "Economic Bill of Rights" proposal have offered it as the logical economic counterpart to the guarantees of political and civil rights embodied in the Constitution's existing Bill of Rights.

The resolution proposed that the guaranteed annual income for those unable to work be provided "through the negative income tax program or some other appropriate means instead of the obsolete and degrading welfare system currently in effect . . ."

The negative income tax—a direct payment by the Government proportional to the amounts that individual or family income falls below a fixed norm—was popularized by a political conservative, Prof. Milton Friedman of the University of Chicago.

A leading framer of the resolution, UAW Research Director Nat Weinberg, concedes that it may sound initially like pie in the sky to the general public.

But Weinberg stresses two points: the country now has the affluence to guarantee these rights and they will never become reality unless they are given a firm basis in law

BRITISH PERFIDY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. RARICK. Mr. Speaker, the British, under Wilson's Socialist regime, show no respect for U.S. sanctions or agreements.

Conversely, U.S. planemakers should show no hesitancy in dealing with Rhodesia and South Africa.

Why should any American help the perfidious British "save face," U.N. or no?

Who ruled the Monroe Doctrine unconstitutional?

I insert a report of British arms sales to Peru:

[From the Washington (D.C.) Post, May 9, 1968]

BRITISH ELUDE U.S. LAWS TO SELL PERU SIX BOMBERS

(By Karl E. Meyer)

LONDON, May 8.—Britain has agreed to sell six all-British Canberra bombers to Peru for around $4.8 million in a deal that is likely to provoke some flak in Washington since the planes will be going through a loophole in U.S. laws.

Last summer, the United States was able to block the sale of Canberras to Peru on the grounds that the aircraft were partly financed in the early 1950s by mutual assistance dollars provided to Brtiain by America.

But it was confirmed here today that Britain has located six Canberras which were wholly financed by British firms and therefore—so British sources firmly maintain—are not subject to America veto.

DELIVERY IN 1969

The bombers that Peru will get are Royal Air Force planes that will be refitted for delivery next year. The order is being filled by the British Aircraft Corp., which has absorbed English Electric, original maker of the Canberra.

BAC spokesmen would not comment, and the Foreign Office maintains a formal silence on all such arms deals. But the story surfaced through industry sources and has been authoritatively confirmed.

The British sale follows the recent Peruvian purchase of French Mirage V supersonic bombers, a deal that was also opposed by the United States. One Washington view was that sale of sophisticated planes stimulates a Latin American arms race and that Peru has more important things to spend money on than Canberra bombers.

U.S. planemakers also hoped to sell to the Peruvians and others. While the U.S. Government welcomed this for balance-of-payments purposes, it said no deliveries could be made before 1969.

CONGRESSIONAL ATTITUDE

Partly as a result of controversy over Peru's purchases from France, the U.S. Congress has attempted to further circumscribe purchase of sophisticated weapons by countries receiving American aid.

Arms sales are increasingly regarded in balance-of-payment terms. British sources remark somewhat sourly that the United States long had a virtual monopoly on arms sales to third-world countries and is unwilling to compete fairly with Europeans.

Americans reply that some areas are now off-bounds for political reasons to U.S. suppliers and that the entire market has become far more competitive since purchasers increasingly insist on "offset" arrangements—obliging the seller to buy goods from an arms customer.

MRS. FRANK BODINE, OF NORTH DAKOTA, IS AMERICAN MOTHER OF THE YEAR

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. KLEPPE. Mr. Speaker, When Mrs. Frank Bodine of Velva, N. Dak., was selected as "American Mother of the Year" in New York City last week, it was a choice which the people of all 50 States will heartily applaud. North Dakotans are especially proud of this outstanding mother of 18 children who, with her husband, reared and educated what could well be called the American family of the year.

Mr. and Mrs. Bodine are retired farmers now. Their 10 sons, all of whom hold college degrees, have gone forth into the world to build successful careers in business, law, journalism, education, the military services, and athletics. Six of the eight Bodine daughters attended college. They, too, have been outstanding in their chosen fields of endeavor.

With that kind of a family tradition, it is more than reasonable to expect that the Bodine's 78 grandchildren and eight great-grandchildren will be heard from one day, as well.

The story of Mr. and Mrs. Frank Bodine is a refreshing one, especially in these times. They have demonstrated that virtually any goal is attainable in this great country of ours, if the will is there.

I am proud of this great "American Mother of the Year" and her family. Her life is a source of real inspiration for everyone.

I include, to have reprinted in the RECORD, the following news report of Mrs. Bodine's selection from the Minot Daily News of May 9, 1968:

"American Mother of the Year"—an honor believed never gained by a North Dakotan before—has been bestowed upon Mrs. Frank Bodine of Velva.

The 70-year-old mother of 10 sons and eight daughters won the title at competition in New York City among state winners. Results were announced today.

Mrs. Bodine's name was submitted in the state contest by the Velva Women's Club. She was one of 14 contestants for the "North Dakota Mother of the Year" award.

A native of Poland where she was born on Feb. 25, 1898, as Elizabeth Grossman, Mrs. Bodine came to the United States in 1913 with her parents and 10 brothers and sisters.

She became the hired girl on the farm operated by Frank Bodine near Voltaire in 1916 and was married to him on Jan. 10, 1917.

Though they both received only an eighth grade education themselves, it was the constant goal of Mr. and Mrs. Bodine to provide their children with something better.

All 10 of the Bodine sons received college degrees and six of the eight daughters also attended institutions of higher learning. They attended colleges from California to Harvard, including Notre Dame—but mostly at Minot.

The name became such a legend at Minot State College where a Bodine was enrolled for 26 years and 19 summer sessions that it prompted the state Board of Higher Education to pay special tribute to the parents in 1965.

As the last Bodine son received his degree from MSC, the proud parents were presented a plaque from the state board commending them "for their interest in higher education."

Through their long years of marriage, Mr. and Mrs. Bodine saw their children attend college, leave the family farm and become good citizens and successful in their chosen fields in North Dakota and out of state.

Until recently retiring and moving to Velva, Mr. and Mrs. Bodine continued to operate the family farm. A son now lives on it.

At Velva, the Bodines live a quiet life, centered largely about St. Cecelia's Catholic church. They attend morning services almost daily as well as Sunday Mass.

Daughters of the couple include:

Mrs. Emanuel (Luella) Fix, teacher-housewife at Harvey; Mrs. Phil (Viola) Prescott, head nurse at a Poplar, Mont., health center; Mrs. Wesley (Jenette) Warlick, a nurse in Minneapolis; Mrs. Robert (Delores) Bernards, St. Paul housewife; Mrs. Gerald (Loretta) Effertz, Velva housewife; Mrs. Floyd (Monica) Goetze, Eugene, Ore., housewife; Mrs. Thomas (Audrey) McLaughlin, San Jose, Calif., housewife, and Sister M. (Patricia) Bernadette, a sub-prioress of the Benedictine Sacred Heart Priory at Richardton.

Sons of the couple are:

Francis, retired Air Force colonel living in Minneapolis; Paul, business manager KXMC–TV in Minot; Charles, teacher in Anaheim, Calif.; John, technical editor in Minneapolis; Mark, Santa Barbara, Calif., lawyer; Robert, coach and principal at Sawyer and Voltaire farmer; Ron, football coach at Minot; Ryan, who recently was named baseball coach and an assistant football tutor at North Dakota State University in Fargo; Gerald, a Carson teacher; Dale, a Navy officer in Vietnam and William, football coach at New Town.

WRIT OF THE LAW AFTER DARK

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, May 13, 1968

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled, "Writ of the Law After Dark," published in the Norfolk Ledger-Star of May 9, 1968.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WRIT OF THE LAW AFTER DARK

We reprint herewith, as today's comment on a society growing great in terms of measurable lawlessness, the following dispatch that appeared in the Wall Street Journal:

"WASHINGTON.—National Bank of Washington, third largest in the capital, has discontinued late Friday hours at its 20 offices here because of employee apprehension over crime and disturbances in some neighborhoods.

"'We found that some employees just didn't want to work late in a number of our offices,' said W. T. Vandoren, senior vice president."

The bank kept all branches open until 5:30 p.m. on Fridays and some as late as 7:30 p.m.

What this seems to mean is that the employes didn't want to be departing work so late as to chance being in some of those neighborhoods after dark.

What it means is that the police in the

nation's capital must have lost control of crime in their city, especially after dark, and that the people do not feel safe.

What it means is that the people working in the branches of the National Bank are imposing a curfew upon themselves. Because they live in a city where the muggers and hoods aren't even safe from one another.

A great society we've got going here, isn't it?

Where the law's writ is lucky to run from here to the next corner after dark.

LOUISIANA STATE MEDICAL SOCIETY ENDORSES A MILITARY MEDICAL ACADEMY

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. HÉBERT. Mr. Speaker, my proposed Military Medical Academy, which will in effect be a "West Point for doctors," has received a much appreciated boost from the Louisiana State Medical Society.

H. Ashton Thomas, M.D., secretary-treasurer of the organization, has notified me that it has passed a resolution endorsing my proposal. The Louisiana group will introduce a similar resolution at the upcoming convention of the American Medical Association.

Such an Academy would lessen the shortage of doctors in the Armed Forces and it would also cut down on the drain of doctors who are badly needed in civilian communities.

We are making progress in what has been a long struggle to convince the Department of Defense of the validity of this idea, and I appreciate this endorsement from the Louisiana State Medical Society.

I include the resolution at this point in the RECORD:

RESOLUTION 119

Introduced by: P. H. Jones, M.D., Senior AMA Delegate.

Subject: Armed Forces Academy of Medicine.

Referred to: Reference Committee "D."

Whereas, the American Medical Association and the Association of American Medical Colleges has endorsed legislation and plans to increase the output of physicians by expanding medical school facilities and establishing new medical schools to meet the growing need for additional physicians, and

Whereas, the Armed Forces of the United States also have increased need for physicians to meet our Country's growing national defense obligations, and

Whereas, the securing of additional physicians to meet our Armed Forces requirements has further aggravated the shortage of physicians to care for our civilian population, therefore be it

Resolved, That the Louisiana State Medical Society endorse and support efforts to establish an Armed Forces Academy of Medicine along the same lines as our other Military Academies to meet our military requirements for additional physicians without further aggravating the shortage of physicians to serve the civilian population, and be it further

Resolved, That the Louisiana State Medical Society Delegates to the American Medical Association introduce and support a similar resolution in the AMA House of Delegates.

TO INSURE DOMESTIC TRANQUILLITY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. MICHEL. Mr. Speaker, now that the so-called poor peoples' army has begun to arrive in the city it might be in order to call the attention of my colleagues to the words of Mrs. Mattie Coney, a Negro schoolteacher from Indianapolis who has taught in slum area schools for 30 years. Mrs. Coney, speaking bluntly to the folks she has been trying to help, says:

> I realize that we Negroes have been treated unfairly for many long years. But more opportunities are now being opened to us and the way is becoming brighter. We should quit spending so much time feeling sorry for ourselves. We must do the best we can with what we have.

This quote is taken from an article appearing in the May issue of Reader's Digest written by that great American and great Republican, former President Eisenhower. In his usual down-to-earth and commonsense manner, President Eisenhower proposes an exciting and challenging program to provide significant and meaningful solutions to the problems plaguing our cities all over the country. I include the entire article at this point in the RECORD:

TO INSURE DOMESTIC TRANQUILLITY

(By Dwight D. Eisenhower)

(NOTE.—The bitter problems that plague our slums *can* be cured, says former President Eisenhower. Here he outlines his challenging program for root-and-branch reform.)

I have long believed that we Americans, with our energy, our inventiveness and our resources, can solve any national problem—if only we commit ourselves to the cause with a deep determination. With heart! Surely this total commitment must be present in any plan to cope with the most critical domestic situation which has beset our country in this century: the problem of our shameful city slums and the racial unrest which they spawn, the savage riots which have wrecked whole sections of our cities and disgraced our nation in the eyes of the world.

I am convinced that domestic tranquillity *can* be restored; but the time for complete mobilization of effort and resources is *now*. We must have a universal rally of the people at the *local level* in response to *local programs* of a practical and concrete nature. The need is to start intelligently from the bottom, not profligately from the top.

Before we get down to specifics let's take a brief look at the background.

One of the principal aims of our Constitution was to "insure domestic Tranquillity"; indeed, in sequence of objectives, the authors placed it ahead of "common defence." The wise men who founded this nation well knew that human freedom can exist only in an orderly society. They understood that anger over justice denied, or envy and hatred begotten of ignorance and prejudice, would, as always before, create trouble; that there would always be false leaders ready to inflame men to acts of purposeless violence. Consequently, they strove mightily to create a structure of government where all would have equal justice under the law; where the causes of internal conflict would be minimized; where, also, any wholesale defiance of the law would be dealt with swiftly and sternly. Riots did flare up in our early years; but each outburst was promptly quelled by firm enforcement of the law. Certainly, riots were never allowed to become a way of life—until recently.

Mob action, of course, does great harm to the rioters themselves, and to any cause they espouse. As one of our ablest Negro leaders, Sen. Edward Brooke of Massachusetts, has said: "Riots and violence are the mortal enemies, not the servants, of the civil-rights movement." Yet today rioting, with its useless bloodshed and destruction of property, seems to have become a tolerated instrument of protest. Millions of our ghetto citizens seem to believe that in no other way can their plight be brought to public attention. This spirit of explosive rebelliousness has brought us to the crisis in which we now find ourselves.

HELP REQUIRES SELF-HELP

The task ahead falls into two parts. First, the law must be enforced. Unless this is done, it will be impossible to enlist public support for the second half of the job: to seek out the conditions which breed disillusionment and despair, and apply strong, imaginative remedial measures.

And here I must emphasize one vital factor: *Help for the undeprivileged, whether it be private, federal, state or municipal, must be matched by their own efforts as self-help.* The entire wealth of the U.S. Treasury poured into the ghettos would accomplish nothing if the people who live there won't strive to improve themselves and their surroundings.

It is my earnest belief, however, that few human beings are devoid of pride and initiative. These qualities may be buried under apathy or covered by the facade of rebellion, but they can be brought to life by inspired leadership armed with the tools of education and opportunity.

Unfortunately, too many Negro leaders devote their entire effort to fomenting racial animosity and lawless turmoil. On the other hand, there are a number of wise Negro men and women who do everything they can to lead their people into programs of self-improvement.

In Philadelphia, for example, the Rev. Leon Sullivan established in 1964 a private agency called Opportunities Industrialization Center. With the enthusiastic support of several hundred business firms, his Center has trained more than 4500 disadvantaged young men and women and helped them find responsible jobs. He understands that most people in the ghettos want jobs and the self-respect that decent employment instills. His OIC idea has now spread to 65 other cities.

In Indianapolis, Mrs. Mattie Coney, who taught in slum-area schools for 30 years, is doing an equally constructive job. Convinced that one of the worst enemies of the Negro people is the filth of the slums and the debasement it brings, she founded a group called the Citizens Forum, Inc. Working toward cleanliness and self-improvement through hundreds of "block clubs," the Forum has cleared an enormous tonnage of refuse from homes and streets. Today Indianapolis is one of the cleanest cities in the nation.

Mrs. Coney speaks bluntly to the people she is trying to help: "I realize that we Negroes have been treated unfairly for many long years. But more opportunities are now being opened to us, and the way is becoming brighter. We should quit spending so much time feeling sorry for ourselves. We must do the best we can with what we have."

AN EFFECTIVE POLICE RESERVE

This country needs hundreds of Leon Sullivans and Mattie Coneys. And I believe that in every city there are such potential Negro leaders. With determined and intelligent help from the outside, they can help lift millions of citizens of every race to a better way of life.

This same principle of finding leadership within the slum community can also be used in law enforcement. To stop the riots, we obviously must have more and better-paid police, trained in the handling of mobs, placed in sufficient numbers in the areas where violence is most likely. For this professional police work, we should insofar as possible train young men from the same ethnic groups that inhabit the precincts where they will be stationed. They have a better understanding of the problems of the people, and can gain their confidence and respect more easily. This will cost money; but if we don't do it, the cost will be even greater.

Considering the present angry state of mind of many people in the ghettos, we need more than a beefed-up corps of professional police, however. I propose that from among the many law-abiding, hard-working individuals of our depressed areas an effective police-reserve system be formed.

Suppose, for example, that for each active-duty policeman we create a cadre of ten civilians trained for the prevention and quelling of riots. Training could be handled during evenings and weekends, with the reservists being paid a reasonable stipend. Helmets, billy clubs and other weapons would be kept in secure depots. (Mobs, however unruly, can normally be controlled by relatively few trained and disciplined men armed with nonlethal weapons.) Wisely chosen, these reservists could become powerful leaders for law and order—and, by example, for self-improvement throughout the ghetto.

THREE-FRONT ATTACK

But all our efforts to bring peace to the ghettos, no matter how wise and practical, will fail unless we give people real hope that steps are being taken to correct the inhuman conditions in which they now live. *They must know the goals and see with their own eyes that things are being done.* And I would hope that our free press and the broadcasting industry would give the same attention to progress, to genuine accomplishment, as they now do to slum violence. It should be front-page news—continuously!

The program for betterment must proceed simultaneously on three equally urgent fronts: decent housing; sound education and practical training for both children and adults; and gainful employment for all. To achieve these objectives, we must have the determined participation of all segments of our society: government at all levels; business and industry, which have a vital stake in making our citities habitable and law-abiding; labor unions; schools; churches; civic organizations—plus the volunteer services of countless private citizens.

Since the federal government has preempted our most fruitful sources of public revenue, we shall have to look to Washington for some of the necessary money. But the impetus, the planning and the doing must be at the community level. Surely, by this time, we have had enough of uniform plans blueprinted in Washington and administered by the impersonal hand of a bureaucratic heirarchy.

ROOM TO BREATHE

The problem of decent housing is monumental. People from rural areas have poured into the cities in such fantastic numbers that the density of population and the attendant squalor are almost inconceivable. We shall never solve this problem simply by tearing out vast areas of substandard dwellings and stacking people vertically in new high-rise-apartment complexes. We have tried this before, and such new housing swiftly and inevitably degenerates into just another slum.

To begin the physical rehabilitation of our slums, we must provide room to breathe in the inner cities. Thus, the first essential of any realistic housing plan is to reduce the density of population by encouraging large numbers of people to relocate in new, more wholesome communities. These new towns would have their own schools, shops, clinics and hospitals, their own light industry and recreational facilities. For those who do not find employment locally, swift mass transportation should be created to take them to jobs in the cities. Needless to say, these new areas must not become just added enclaves of segregation. They must be open, and made inviting, to decent people of all races.

To those who say this is an impossible task, I must point out that in the early 1940's we achieved far more "impossible" goals—for the purposes of war. And within the past 20 years we have seen hundreds of new towns and developments spring up and thrive adjacent to new industrial complexes. It can be done again, perhaps by using the space now occupied by abandoned, conveniently located Army camps and airfields or other neglected open areas. Moreover, the cost of such projects could be partially self-liquidating as the new residents found jobs and got on their feet.

I can think of no other way to relieve the intolerable congestion of the slums. And I know of no better way to restore vanished hope and pride in the hearts of hundreds of thousands of despairing people.

LEARNING AND LABORING

The problems of education and employment go hand in hand. Tens of thousands of essential jobs go begging because qualified people cannot be found to fill them. The service industries—restaurants and hotels, laundries, gardening businesses, household-repair establishments, to name but a few—are chronically undermanned. How often, for example, have you waited for days on end for the plumber or the man to fix an ailing washing machine?

Many of these jobs are in the semi-skilled category and do not require long years of preparation; with proper training, most slum people now living an aimless existence could handle them. And once their pride has been aroused and the way to decent employment has been opened, I am confident that most of them would grasp the opportunity. If at first a man is qualified only for a lowly job, he must be encouraged to spend his spare time in training for something better. Nobody wants to wash dishes in a restaurant all his life, and it must be made clear to all that such jobs are but a step up the ladder.

Although I am by no means qualified to offer a detailed blueprint for the educational and training needs of our underprivileged people, I will mention at random a few things that occur to me. In the first place, I think our educational hierarchy must be willing to abandon some of its fixed ideas and embrace new thoughts and plans to meet the emergency. For example, we need understanding people, people who love children, to teach the youngsters of our slums, many of whom have trouble communicating even the simplest of ideas. In finding such teachers, why must we stick to our present rigid certification rules? A woman with a great heart and practical knowledge, but who has only a high-school education, may well do this job better than an impatient person with an M.A. degree.

And, in our job-training programs, why not recruit retired men of the crafts—carpenters, plumbers, machinists, military men with technical skills—as teachers?

Our public-education system, no matter how imaginative it may become, will need the help of still other groups. Our labor unions, which can thrive only in a prosperous and peaceful America, should be persuaded to extend a practical apprenticeship program to the slums. Business and industry have shown great skill in setting up training programs for their own employees; what a miracle they could achieve by conducting similar, but more massive, programs for our disadvantaged millions.

New jobs must also be created—real jobs, not make-work stopgaps. Industry must mobilize just as completely as it did in World War II. *Here is an almost limitless opportunity for our superb free-enterprise system.* American business has certainly not exhausted its ingenuity to create useful employment, and once it fully recognizes its obligation to society, it can perform a great service for the nation and, incidentally, for itself. It can succeed where government agencies too often have failed.

BOTTOM TO TOP

To achieve these goals, it seems clear to me that we must set up dynamic citizens' organizations. A call should go out from the highest office in the land to governors and mayors of major cities, asking them to create in each city an overall citizens-operations committee. The mayor should be a working member of the committee, but the chairman should be a private citizen of proved ability and determination. This top committee would, in turn, mobilize all of the city's constructive elements and agencies, both municipal and private. Leaders from the depressed areas would, of course, be included.

As I visualize the program, these civilian organizations would go as far as they could with local resources, organizations and business. Doubtless considerable financing for new housing, including the new towns I suggested earlier, could be obtained from the insurance industry and other large lending agencies, if the risks were largely insured by government. But, in the more expensive phases of the program, it would be necessary to requisition substantial funds, through the states, from the federal government. Appropriations already exist for some of these purposes, but their expenditure is now rigidly administered from Washington. A broad act of Congress would be needed to implement the bottom-to-top plan that I think we must have.

These things cannot be done in a year or two; a more realistic timetable would be a dozen years. But we know what needs doing, and we must get on with it—a coordinated effort simultaneously on all fronts. The failures of past years can be erased, if we declare a brand-new approach—and then tackle the task with proper organization and unshakable citizen morale. With heart!

HON. JOSEPH W. MARTIN

HON. ALEXANDER PIRNIE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. PIRNIE. Mr. Speaker, the death of our former colleague, Joseph W. Martin, Jr., of Massachusetts, brought to an end a long and distinguished career of service to the Nation. We recall his rugged, New England character which made him a capable legislator and a respected leader for over 40 years. Honored by his party as floor leader, convention chairman, and as Speaker of the House, he lived through some of the most stirring days of the Republic and played an active role in its big moments.

My first personal contact with Joe occurred in the thirties when the Republican Party was seeking to pick itself up off the floor after the debacle of 1932. I recall his sage counsel and quiet determination. He was a real warhorse in those days and did much to encourage and strengthen Republican efforts. This attitude continued into his later years and he nearly achieved his wish of dying in the harness. Failing health brought its limitations and we were saddened by the change. But we are happy to remember those days of enthusiastic and dedicated service to the party and to the Nation. Joe Martin left an imprint that will remain for many a year. We, in this body, remember him with affection and respect.

ADMINISTRATION SPOKESMEN LACK KNOWLEDGE

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. KUYKENDALL. Mr. Speaker, it is regrettable that so many of the administration spokesmen are entirely without knowledge of the facts when they attempt to pressure Congress into action on much of the legislation which comes before us. To illustrate the administration use of propaganda rather than truth, I include the following letter which I received from Betty Furness, Special Assistant to the President, and my reply to her:

THE WHITE HOUSE,
Washington, D.C., May 9, 1968.

DEAR CONGRESSMAN: Knowing of your busy schedule and the difficulty of quickly reaching you by phone, I write to apprise you of my serious concern over the watered-down version of S. 1166—the Natural Gas Pipeline Safety bill which is expected to come before the House for a vote within the next two weeks.

A bill weaker than the Administration proposed was passed by the Senate, and has now been even further weakened to the point of a "no-bill". We are advised Congressmen John Dingell, John Moss, Brock Adams, and Richard Ottinger and others will engage in a floor fight in the House for a strong bill which equals or parallels the original Administration bill S. 1166.

We feel this is one of the most significant consumer bills before the Congress this session. Needed to fully protect consumers is a bill which places all existing pipeline facilities and all gathering lines under regulation by the Department of Transportation; clearly specifies Federal jurisdiction; includes criminal penalties; strengthens civil penalties to equal civil penalties required in the National Traffic and Motor Vehicle Safety Act; and which will restore adequate funding provisions to ensure effective administration of the Act.

We are increasingly dismayed that in some instances, bills enacted ostensibly to provide consumer protection, or bills now before the Congress which have been substantially amended to weaken the original wording, become consumer protection measures in "name-only." Such weakening deludes the consumer about the actual degree of protection afforded him, while the loopholes in the laws allow industrial operations to remain relatively unchanged despite anguished cries to the contrary.

If the watered-down version of S. 1166 passes, we will have a "name only" bill. Hence, I urge you on behalf of consumers, to vote for a bill stronger than the one voted out by the House Interstate and Foreign Commerce Committee. The decision should not be what legislation can the industry live with, but what is necessary to protect American families from hidden hazards.

Entrusted with the protection of the public health, we in the Government have responsibility to protect the public in such matters where the individual on his own cannot recognize or act to eliminate the danger to himself and his family except through the protection a strong Federal law will give him. The consumer depends entirely in this matter upon your conscience. We must take the position that when the health and safety of the American public are at stake no compromises can be considered. Surely you share this position.

Sincerely,

BETTY FURNESS,
Special Assistant to the President for Consumer Affairs.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 13, 1968.

Miss BETTY FURNESS,
Special Assistant to the President on Consumer Affairs, the White House, Washington, D.C.

DEAR MISS FURNESS: In response to your mimeographed form letter of May 9 concerning gas-pipeline legislation, I can assure you that it would have been very simple for a person of your high office to reach me by telephone. In fact, I might suggest that this would have been most appropriate since I am a member of the Interstate and Foreign Commerce Committee which is handling this legislation. However, I might observe that possibly you do not care to talk to anyone who is knowledgeable in this field.

When you assumed office as a Special Assistant to the President it was difficult for me to visualize how one who has spent most of her adult life in the entertainment field could suddenly become an expert in the problems of the housewives. Now the credibility gap has widened into a vast chasm when you present yourself as knowledgeable in the highly technical field of gas pipelines.

If you had familiarized yourself at all with this legislation you would have realized that the only pipe-lines in the Nation which would be exempt from regulations would be "gathering lines" in non-populated areas and that the Secretary can specify *any area* that he so wishes as "populated." If you wish to contact me in person to discuss this legislation my phone number is 225-3265, and I can assure you I am available.

Sincerely,

DAN KUYKENDALL,
Member of Congress.

AMERICAN PATRIOTISM

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. STEED. Mr. Speaker, the editor of the Lawton, Okla., Constitution makes some editorial comment regarding a recent statement by Vice President HUBERT HUMPHREY that I find so much in line with my own thinking that I want to share it with my colleagues. It seems to me the time has come when all of us can help by taking our stand once again with these basic convictions.

The editorial follows:

AMERICAN PATRIOTISM

"The time has come to speak thoughts deeply felt but not often said by millions of Americans. The time has come to speak out on behalf of America—not a nation that has lost its way, but a restless people, a great nation striving to find a better way.

"The time has come to put aside selfish ambition and pettiness, to forget old fears and animosities, and to bring forth from our midst tolerance, understanding and mutual trust.

"The time has come to recognize that this nation has more strength than weakness, more hope than despair, more faith than doubt, and that we have more chance than any nation in previous history to master the problems we face.

"The time has come for those who share a deep and abiding belief in the purpose and potentialities of this nation to say, 'I love my country.'

"Yes, the time has come to express in our way and our time a new American patriotism, not a patriotism expressed alone in flags and parades but in willingness to get down to the hard, tiring, endless work that every generation before us has paid out to keep alive the vision of what America can do.

"And the time has come, in short, to reaffirm once more that we can do whatever we must do to carry forth the unfinished peaceful American revolution."

If Hubert Horatio Humphrey accomplished nothing more in his bid for the Democratic nomination for President, than the annunciation of this, his credo of new patriotism for America, he will have served his country superbly well. He has restored the national politics of his party to the level that millions of Americans felt but did not or could not express for themselves.

Humphrey has launched on "the politics of happiness, the politics of purpose and the politics of joy," as he described his campaign, to wrest the nomination. He will have the good wishes of those Democratics and others who have yearned for a voice of patriotism in the midst of self-seeking, of purpose and of dedication, among men of his party who seek the presidency.

NO CONFIDENCE IN PATRICK MURPHY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. RARICK. Mr. Speaker, the citizens of our Nation's Capital continue to express "no confidence" in Patrick V. Murphy, watchdog to prevent effective law enforcement in the District.

The rioters and looters are silent so we can assume that they are satisfied with his "open city on crime" policy.

Do the people of Washington have to prove to the leadership there is more to fear from the law-abiding citizenry than from the criminal element before Murphy is promoted to a civil riots post.

I include the advertisement from the Sunday Star for May 12 and a news clipping from the May 13, Evening Star, as follows:

[From the Washington (D.C.) Sunday Star, May 12, 1968]

METROPOLITAN WASHINGTON FEDERATION OF BUSINESS ASSOCIATIONS, INC.: OPEN LETTER TO THE PRESIDENT

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: By unanimous consent of the delegates and officers of the Metropolitan Washington Federation of Business Associations, Inc., at an emergency meeting called on April 29, 1968, to consider ways and means of dealing with the ruinous consequences of the April 4th and 5th criminal breakdown of law and order, I have been directed to respectfully communicate to you the following:

Considering the atmosphere of tension that still prevails throughout our area, we feel we must speak out. Many of our members suffered great financial losses because their businesses were damaged or destroyed. Workers lost their jobs, people were displaced from their homes, and the city has lost a vast amount of tourist and tax revenue.

Mr. President, we ask especially that you make known promptly that the forces at your command will be employed, not after the disorder has set in, but more importantly even in anticipation of it: lawbreakers will be dealt with, even on the spot, if need be, not in bleeding heart fashion but according to the Law of the Land that governs us all, not just the lawabiding citizen. We feel, Mr. President, that assurance from you that forces in strength will be promptly employed to meet any contingency will serve as a warning, even deterrent, to any who would plunge this Nation into a repetition of the tragic days of early April.

Respectfully yours,
METROPOLITAN WASHINGTON FEDERATION OF BUSINESS ASSOCIATIONS, INC.

[From the Evening Star, May 13, 1968]

END MURPHY'S JOB, CITIZEN GROUP URGES

The District Federation of Citizens Associations has called for the District government to abolish the office of public safety director.

John R. Immer, president of the federation, said that about 60 delegates attending a regular meeting adopted a resolution charging that the office should be abolished because "there is a complete loss of confidence in Safety Director Patrick V. Murphy to maintain law and order in the District."

THE RESULTS OF REPRESENTATIVE CHARLOTTE T. REID'S 1968 PUBLIC OPINION POLL

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mrs. REID of Illinois. Mr. Speaker, under permission to extend my remarks in the RECORD, I wish to bring to the attention of my colleagues the results of my 1968 public opinion poll. The following percentages are based on approximately 30,000 opinions of those residents of the 15th Congressional District of Illinois responding as of May 10, 1968:

RESULTS OF REPRESENTATIVE CHARLOTTE T. REID'S 1968 PUBLIC OPINION POLL

[In percent]

	Yes	No	No answer
1. Do you feel you have a clear understanding of our objectives in Vietnam?	38.6	59.2	2.2
2. Of the major alternatives discussed which policy do you favor in Vietnam today?			8.2
(a) Continue on the same course the Johnson administration has been following	6.6		
(b) Increase our military effort to achieve victory	61.4		
(c) Halt bombing without prior guarantees that North Vietnam will stop infiltration of troops and supplies into South Vietnam and negotiate	12.6		
(d) Withdraw our forces from South Vietnam	18.8		
3. Do you feel our foreign aid program as now constituted should be continued?	8.6	86.3	5.1
4. Do you agree with the recommendations of the President's National Advisory Commission on Civil Disorders for prevention and control of riots?	27.1	56.9	16.0
5. Do you believe that urban problems can best be solved by—			
(a) Encouraging greater participation by private enterprise in providing jobs, housing, etc?	90.2	5.5	4.3
(b) Increasing State and Federal expenditures for public housing, jobs, welfare aid, etc.?	10.8	57.8	31.4
6. In dealing with crime and civil disorders do you feel that—			
(a) Police and courts have been strict enough?	8.0	81.2	10.8
(b) Recent Supreme Court decisions have hindered local law-enforcement agencies?	85.5	9.2	5.3
7. Do you feel that the Constitution should be amended to provide—			
(a) Authority for Congress to override Supreme Court decisions by a ⅔ majority vote?	64.2	24.7	11.1
(b) Limited terms for Supreme Court Justices in lieu of present life tenure?	76.5	14.3	9.2
8. Do you feel our internal security laws need strengthening in regard to employment of individuals who are members of Communist organizations in Government, defense plants, and schools?	85.3	10.6	4.1
9. In the field of agriculture, do you favor—			
(a) New legislation to give farmers greater bargaining power in order to improve farm prices?	64.3	17.9	17.8
(b) The President's proposal to make programs established under the 1965 Farm Act permanent?	5.4	51.8	42.8
10. In view of our serious fiscal problems, Congress should—			
(a) Insist on meaningful reductions in all Federal spending for unessential nondefense programs	82.8	5.0	12.2
(b) Approve the President's proposal for a new 10-percent surtax on personal and corporate incomes	18.3	53.2	28.5
(c) Both increase taxes and cut back on spending	38.0	31.2	30.8

Note: The total for the second question is more than 100 percent since some respondents selected more than 1 choice.

THE BUSINESS OF THE NATION GOES ON

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. BROOKS. Mr. Speaker, the attention of the world has been focused on Paris this past week, where representatives of the United States and North Vietnam have begun initial contacts concerning the question of peace in Vietnam. And yet, while we wait and watch, the business of America must be carried forward. It is clear that President Johnson is fully occupied with the affairs of his office. To cite just one indication of the wide range of matters that involve the President, in the first few days of last week he was called upon six times to make public statements on a variety of subjects. I should like to quote briefly from his remarks.

At a reception for White House Fellows, he said:

> Again and again in the American experience, it is the pessimists who have proven to be the false prophets. It is the optimists whose courage and faith have carried us on.

At a reception for Senator HAYDEN, he said:

> America is stronger for what you have done in these 56 years, and it is going to be poorer when you have left these halls.

On the occasion of signing a bill amending the Veterans' Administration housing law, he said:

> Thanks to this particular act, the veteran who has come home from Vietnam, the young wage earner who is on the way up in life, or the family that is seeking escape from the ghetto will find it easier to buy a home.

At the presentation of awards to blind college students:

> It is true that none of us would envy your handicap, but all of us would do well to envy your character.

Welcoming the President and Prime Minister of Thailand, he said:

> We believe that human freedom thrives best when men have the right to determine their own political destiny.

At the presentation of the Young American Medals, the President said:

> I am doubly pleased because these awards pay tribute to the idealism and the commitment of our American youth.

These brief quotes obviously reflect a vigorous, dedicated man, providing leadership to this Nation in a time of severe challenge. I insert the full texts of his remarks in the RECORD:

REMARKS OF THE PRESIDENT AT A RECEPTION HONORING HON. CARL HAYDEN, A U.S. SENATOR FROM THE STATE OF ARIZONA, NEW SENATE OFFICE BUILDING, MAY 6, 1968

Senator Hayden and Members of the Senate and their staffs, I came here with mixed emotions this afternoon. On the one hand I am tempted to take Carl Hayden at his word, and believe the unbelievable, that this Congress is finally to lose the strength and the wisdom, and the inspiration, of Carl Hayden's leadership.

But then I remember what strange times we are living in. It is very hard to believe any announcement of political intentions these days.

One day the politicans who have declared out are back in. The next day the politicians who have declared in have backed out.

It may well be that Carl Hayden has rendered another great service to the Nation by his announcement today, and I came here to help him.

Looking at us two non-candidates, both models of long-term credibility, no American in his right mind could any longer doubt the veracity of any politician.

Carl Hayden and I both are on the brink of new careers. We are looking back to our old professions. I know there is still a need for teachers, and I am going back to where

I began. But I wonder if Carl has recently cased the market for frontier sheriffs.

We are both young men, both Democrats, both from the Southwest, both have served many years in Congress, and I believe that he is the only man who is now in the United States Senate who was in the United States Senate when I came to Washington.

Now it seems we both have reached retirement age together. In fact, I understand the same man who was after my job last election, Carl, is now after your job.

Some men have had long and very distinguished careers here in the Senate because of their oratory, some by becoming the champions of some particular cause, some by the glamour of their personalities, some by their ability to work harder, longer and better.

Carl Hayden is not famous as an orator. His glamour is the old fashioned kind that we associate with a handsome sheriff from the Arizona Territory. But the people of Arizona sent him here, and they sent him back again, again and again, simply because he worked harder for their interests, more intelligently for their interests, for the benefit of all the people, than anyone else they could ever find in 56 years who lived in the State of Arizona.

He has told generations of freshmen here in the Senate, and I was one of them, that when he first came here he asked a man how to get re-elected, and he said, "Well, you know, Carl, there are two kinds of horses, show horses and work horses."

Without disparaging the show horses a bit this afternoon, he made the case by his example of being a work horse.

His work was the arduous kind that is done in the committee rooms. It was long; it was painstaking; it was nighttime sessions. It was poring over testimony and figures of a thousand appropriation bills involving billions of dollars, trying to bridge the gap between public needs and public resources, always trying to serve his main client: the people, the people of the United States—serve them with integrity, with imagination, and always with great care.

Whatever his intentions, he became a kind of show horse as well as a work horse. He became the Senator whom his colleagues would always point out to their constituents and say, "There is the Senator's Senator. There is Mr. Integrity from the State of Arizona."

I might say that all that non-political hard work turned out to be the best politics that anyone around here ever saw. If I am not mistaken, there never was a glamorous public figure, there never has been a silver-tongued orator in the Senate, who served as long as 56 years in the Congress of the United States.

His monuments are everywhere in the State of Arizona. But he was never a one-State Senator. He was the third Senator in every State.

His understanding, his generosity of spirit, knew no boundaries, and no man will ever leave this Hill—and I say this as sure of anything as I am sure my name is Lyndon Johnson—no man will ever leave service on this Hill with more friends than Carl Hayden has.

No man will ever leave here with a prouder record of accomplishment.

The name Carl Hayden will stand for serving the public interest as long as there is a Congress.

My friend, it is an understatement to say that we shall miss you.

America is stronger for what you have done in these 56 years, and it is going to be poorer when you have left these halls.

I came here from the other end of the Avenue today to speak on behalf of all the people, to tell you that you fought a good fight.

You haven't finish the course, but you have kept the faith. Everybody that knows you respects you and—I am speaking for the ladies, too—loves you.

REMARKS OF THE PRESIDENT AND MRS. JOHNSON AT A RECEPTION FOR WHITE HOUSE FELLOWS, STATE DINING ROOM, MAY 6, 1968

The PRESIDENT: I perhaps should have waited until you at least had time to participate in the refreshments, but I know it will be refreshing when I have gone.

Since I must go to the Senate, I think I will just start now and interrupt your meeting.

First, I want to welcome the members of the Cabinet and the President's Commission on White House Fellows, the new Fellows and the old Fellows, and all my friends.

I am happy to have this second chance to meet with the White House Fellows and their ladies. You were kind enough to invite me to come last Saturday. I was sorry I could not be there.

My own disappointment was considerable. Your invitation was most attractive to a man in my position—a short timer in Washington. It could have been my last chance to make the scene at Dupont Circle on a Saturday night.

I had another very personal reason for wanting to join you. As a man considering a new career, I think it is wise to keep up my contacts, especially with important people.

At least I think you are important people.

You have been hand-picked for very high honors, and I think for very high office. You are very privileged young people.

You found room at the top for three years. Today another year begins for you.

Nineteen new White House Fellows are here as the fourth class of important and privileged young Americans.

So I am very proud and happy that I could join with Mrs. Johnson to ask you to come here, to congratulate you and to welcome you to Washington.

There are 68 of you now. That is one for each year of this Century.

I would like to think that there is some special significance to that coincidence.

I want to believe that you are the men and women who will complete the great unfinished agenda of America for this Century, so that we may launch the third Century of our continuing American adventure with even higher goals and I hope with an even greater purpose.

The next Century is crowding in on us in this room right now.

It is pressing us with a rush of change—the new challenges that are flung by science and technology; by population increases; by 40 percent of the people in the world who can't spell "dog"; 40 percent of the people in the world who can't write "cat"; by unexplored oceans and untamed weather; by poverty and injustice in our own land; by giant cities that need rebuilding; by our schools, our farms, our hospitals and our corporations that need to change to keep up with that challenge; by all the unexpected and the unknown, including the greatest of all—how to understand people and how to learn to live together in this world without war.

So that is your agenda, and that is your life. It will be your job and your privilege to work on that agenda while you are here in Washington.

I hope all of you take it as your job—your particular responsibility to repay that privilege when you leave Washington by continuing to work as private citizens on your public agenda, working in your law firms, in your executive suites, on your campuses, on your city governments, and in your own towns.

I am going to try, as one of my last orders, to see that you do that.

I am going to ask a committee of the 68 White House Fellows, who I will take great care in selecting, to work with me and some of the Members of my Cabinet, with some of those who have worked in my Administration, in the Kennedy Administration, in the Truman Administration, and the Roosevelt Administration, to make a study of the Presidency, to see how we can improve it, how we can strengthen it.

It won't be exactly another Hoover Commission on the entire Government, but it will be on the Presidency, itself, which is a rather important office.

In the years to come we need to improve it, strengthen it, and do whatever we can to make it stronger.

In addition to that, I am going to amend the Executive Order that created the selection committee, of which the most distinguished and honored Mr. Douglas Dillon is Chairman, to provide for an increase in membership.

In President Roosevelt's day that would have been known as packing the court.

I hope I can make that change without being charged with any ulterior motives.

I would like for some of you 68 Fellows who have come, who have seen, who have not forgotten, to sit around with some of these old timers who really constitute this generation gap.

I would like for you to sit with them—the Johnny Oakes of the New York Times; the John Macy's, of the Civil Service Commission; Judge Hastie.

I would like for you to talk with them as members of the board, as their equals on the board, and fellow members. Then I would like for you to go throughout the country and work with these panels so that the next group selected can even be an improvement on the group that you make up.

I look upon you as the future. You can make it or you can break it by committing yourself, or by copping out: by going home after one year at the top, or by sliding back into the comfortable routine of a cynical life, by being too busy, too timid, too awed to apply what you have learned here by staying involved, or by remaining committed.

I think you are going to learn a great deal in this town.

But it is a part of your privilege that you will come to know a basic truth. That truth is how much government can do and how much government cannot do.

If you grasp this, if you keep your eyes open and your wits sharp, you will learn the magnificent promise and the exciting truth of your own lives.

You will learn how much, very much, you can do for your own future, and particularly for the future of your country; how very much we need you, your commitment and your involvement.

And we need it now, because the future is now.

In the last century, a great English statesman looked ahead and declared, "You cannot fight against the future. Time is on our side."

Well, was Gladstone really right? Some people wonder.

Is time really on our side today, or is our century already so different, and are we already so beset and so divided by all of our problems that even time is working against us?

There are some, I think, who might answer yes, by their criticism or their cynicism.

There are others who agree by their obstruction or their silence.

There are few who surrender reason to passion and hope to frustration, who fear that they have no place in the future; or that the future, itself, is overwhelmed by the vast complexity and variety of modern life.

I understand that some of you in the White House Fellows Association have been asking yourself some of these questions.

You want to know if time is on our side, if you really have a relevant role to play; if, in fact, our problems might not have made your Association and your purposes obsolete even before you get organized and get going.

Well, I am pleased that you are concerned. That is the first evidence that we are making progress. That is the first step to commitment and, I think, to success.

I would like to try and take you just one step further in the few moments I have with you by suggesting some answers and also by suggesting some actions for you as individuals, and to your association.

Let me first make clear my own commitment.

This Nation is not going to retreat before the future. This Administration has acted for four long years now to meet the challenges of the day and to set the stage for new triumphs of tomorrow.

We have believed that time is on our side, and we have tried to work every minute to make the most of our time at the top.

I promise you here and now this afternoon, that in the time left to us we will put every last ounce of energy and strength, every last second of the day, to strong, to timely, and, I pray, to wise and to enduring purpose.

That is my personal commitment. That is my responsibility as your President.

It is the only legacy that I am concerned to leave to my successor—a Nation that has grown in achievement, a people that are richer in fulfillment, an America that is united and strong in unfearing pursuit of the greater achievement and fulfillment that the future offers us.

Now let me ask you a question: What is your responsibility? What legacy do you want to leave to your children?

I hope that you will not tell them that you gave up on your world because you couldn't roll up your sleeves, as Rex Tugwell once said, and remake it overnight.

I hope you will be able to tell them, and I hope that you will be able to show them, that you found the road of life was hard; you observed that it was steep and slow, but that you made it to the mountain top. And as you went along, you took your country with you.

You are standing on one peak of life's experience right this minute.

You are young and you are privileged Americans. You are bright. Most of you are healthy, happy, and, I hope, well off.

How do you think you got that way? How did that happen?

Some of you had to fight for the privileged position that you have this afternoon.

But all through your years, all through the life of this Nation, other Americans were fighting to raise you up. They were fighting to try to protect you. They were fighting to try to better your life; to improve your system of government; to give you new advantages and better educational opportunities; to make you what you are, because they refused to retreat before the future that has now come true for you, for those of you who are very gifted and young, and, I think by being both, you are very fortunate.

One of the men who fought for you, and who was fighting for you when I was a young man and first came to this town, was a close and dear friend. His name was Henry Stimson. He was a wise man with a warm place in his heart for young people.

He left a legacy for the future: "Let them learn," he said, "from our adventures. Let them charge us with our failures. And let them do better in their turn. But let them not turn aside from what they have to do, nor think that criticism ever excuses or substitutes for inaction. Let them have hope and virtue and let them believe in mankind and its future, for there is good as well as evil. And the man who tries to work for the good, believing in its eventual victory, while he may suffer setback and sometimes even disaster, will never know defeat. The only deadly sin that I know—the only deadly sin that I know—is cynicism."

Isn't that the truth for your time, too? Isn't that the answer that you are looking for?

It is not very difficult to poor mouth. It is so comfortable and convenient sometimes to knock your own system.

It is hard to remember, sometimes, that this is really a great and a going concern, that our Nation is the envy of the world, and that there are citizens all over the world who would just give anything to trade places for it.

We can remember that without ever being satisfied with what we have or what we are.

It is difficult to put things in perspective. It is difficult to remember the giant strides that have been brought to us, despite our many problems—to the miracles of life that we have taken so much for granted, despite our plagues and our persecutions, despite our wars, despite the many calamities that we have envisioned from time to time.

And I have endured and lived through a goodly number of them.

Man has persevered.

In the face of natural disasters, great tumults, setbacks and sins, generation after generation of Americans and our fellows on this planet have been blessed with fortune after fortune.

Through all the years, all the errors and all the dangers, reform and improvement have been the password to man's increasingly better and brighter future.

Man has been many things through all the centuries of his existence, but he has been wonderfully and mainly distinguished by one characteristic of his human nature: Man has always been, and I hope always will be, the great experimenter.

That is what you are. You are, after all, one of my first experiments.

The White House Fellows and the White House Fellows Association are really an experiment in democracy. You have succeeded beyond many of our original hopes.

I ask you now, as individuals and as an association, to commit yourself, to dedicate yourself, to organize yourself, for the greater successes that you can bring to this Nation.

You are relevant. No one can make your experiment irrelevant but yourselves.

No one can make democracy obsolete but the citizens of democracy who don't care.

Ever since we began our great experiment originally in democratic government, there have been those who wondered—sometimes in curiosity and a great many times in despair—whether this experiment would ever work.

A century ago there were many who thought we had reached a dead end. Abraham Lincoln had to remind those cynics and those skeptics that the American experiment for all its failings, was plainly still, the last best hope on earth.

Thirty-five years ago the doubters thought that we were up a blind alley. President Franklin D. Roosevelt had to rally a people. He had to prove the vitality of a system by urging our people not to be paralyzed by their doubts.

One of the most stirring speeches I have ever heard in this town was when he stood there on that bleak, windy March day and took the oath of office.

He said, "The only thing we have to fear is fear itself." And how true that is this moment. Just a few years ago, some of these people were saying that we had reached a deadlock of democracy, but we moved on, we moved away, and, I am proud to say, we moved up.

Again and again in the American experience, it is the pessimists who have proven to be the false prophets. It is the optimists whose courage and faith have carried us on.

That is your inheritance. That is why you are here in the White House this afternoon.

So it is your turn, now, to pick up and carry on. For every complaint about our society and about our progress, you and I can point to a new program. We can point to a new landmark act of the Congress. We can point to a new public or new private initiative; or a new partnership of business, of government, of church, of community, of university and corporation, of American with American.

That is your America.

It is a growing and going concern. It is not slack and it is not soft. But it is creative and it is challenging both to the muscle and to the mind.

It is a land of limitless opportunity and great promise for all young people. There is no more promise anywhere on this earth.

For every lament about the alienation of our young, you and I can point to millions of active, committed and involved young men and women who really deeply believe in the American experiment, who are willing to work for its improvement, who want to broaden and deepen its successes, so that every American—every single one of us—may know the full blessings of democracy.

It is a big job. It is a most difficult and hard job. But there are enough of you now in the fourth year of this program to roll up your sleeves and do something about it.

Your association is new, but you can begin small. Plant an acre, put down a seed. You live and you work for all of America. You can see yourselves as the Johnny Appleseeds of a new America.

When you leave Washington, you can be the ones to go out and plant the ideas and plow the furrows that point to the future; that can awaken and unite our Americans in a new community of splendor with high, noble purposes.

You are relevant. We do care about you. You are needed.

You are a national association, and I am convinced that you have a national role to play in helping to master the human problems that concern you and concern me.

Let me suggest something to you: You might want to organize by regional committees. Our new Alliance for Businessmen has done just that, to solve a great and urgent problem, under the leadership of Mr. Henry Ford of Ford Motor Company, and Mr. Paul Austin of Coca Cola. They are out, going down the streets and the highways, finding jobs for people who can't find jobs for themselves—the hard-core unemployed.

In just a few weeks now, the businessmen have demonstrated that they are winning that battle. In less than three months since they first met here in the White House they have secured pledges for 111,000 new jobs for hard-core unemployed and disadvantaged youth.

That is quite different from what it was when I came into this town, when they had the midget on Mr. Morgan's knee, and when the President was talking to businessmen in terms of economic royalists.

Some of you are business executives. Some of you have the power and the opportunity to work as partners with this National Alliance of Businessmen, to help those who can't help themselves.

You will find many other partners who are ready and eager to cooperate with your association on a great variety of social problems—churches, law firms, universities, unions, farmers, the people of America who are working harder than ever to try to solve the problems of America.

Your regional committees could divide this nation into four quarters. You could set a target list of problems and opportunities for each region.

The first target that I had when I came to this town as a young man was to participate with a group of brain trusters, of which I did not include myself. We wrote the Report on Economic Conditions in the South. It was in the early 1930's. That report spread all across the land and people started working on the recommendations.

We haven't completed all of them yet.

One of the first ones to come out of it was the minimum wage of 25 cents an hour. Women were working in our section for 6 cents an hour.

I remember—well, I remember a lot of things about that report.

You could, I think, set a time limit for results. I think you could set that time limit with that target here today. It could be your next meeting a year from now.

Then you could come back here with a new score card. You could come back to the President and tell the President that you have worked with the National Alliance of Businessmen, that you have worked with Mr. Gardner in his Urban Coalition, that you have worked on the campuses and the city halls, in the churches, and you have many other partners.

You could come back here prepared to hold up your scorecard and say, "Mr. President, like the National Alliance of Businessmen, we have helped X number of unemployed find a job. We have helped X number of businessmen to involve themselves in the problems of the city. We have helped X number of Negroes, Puerto Ricans, Mexican-Americans, Mexican-Indians, or under privileged, get into the classroom for the first time. We have gone out ourselves into X number of slums and we have worked with X number of mayors and local officials to try to get rid of those slums. We have tried to build new homes instead of burn old ones. We have used our management and our talents to help X number of small businessmen improve their lot and get ahead. We have served as a bridge between X number of city halls and universities, between X numbers of universities and community leaders, between the campus and the street corner, between the executive suite and the ghetto store, and between the police station and the church, the factory, the supermarket, the farm, the tenement and the apartment house.

A year from now, I hope that a committee from your association will be able to come to this house, to this room, and say to your President, "Mr. President, it was a privilege to work 12 months for my country at the top."

A tour of duty in Viet Nam is just 13 months, as you know.

"We have tried to repay our country. We have remained committed and dedicated. We have done our best, singly and together, to bring all of our people closer in the work of building—building one united, one progressive—yes, one peaceful America."

You should not need any greater challenge than that. I hope you don't need any more encouragement than that.

But if you do, I am sure you will find that encouragement in association with your other White House Fellows. Some of them are so good that I have never let them leave the White House. Some of them are so good that I am taking them to Texas with me.

I am sure that if you need some more encouragement, you too, can find it in the leadership of the distinguished American who has agreed to serve as Mr. Dillon's replacement.

I want to pay a word of tribute to Mr. Dillon. I first knew him as a lieutenant in the Navy in this town. I don't know what he did before he put on that Navy uniform several decades ago, but I know what he has done since.

He has served every day, doing the greatest good for the greatest number of people, trying to better humanity. I think this final job he has done as Chairman of the White House Fellows is not one of the minor undertakings he has had, and it is not one of the smaller contributions of the many that he and his wife have made to his country.

I want to salute and thank Mr. Dillon for his understanding.

He is more fortunate than some of us in his health, his brains and his pocketbook, but he has been willing to spend them all on trying to make this a better nation.

The man who succeeds him I know will have a lot to shoot at, but he will do his best. He is the Chairman of the President's Commission.

I am proud and happy to announce that Judge William Hastie of the Third U.S. District Court of Appeals will carry on for our former and our very able chairman.

Mrs. Johnson and I, finally, are very pleased to congratulate all of you, and to wish you good fortune, and to tell you that it has been good fortune to know those who have come before. We hope we will have a chance to meet those of you as you come forward.

Remarks of the President Upon Signing H.R. 10477, Amendments to the Veterans' Administration Housing Law, the Cabinet Room, May 7, 1968

Secretary Weaver, Members of Congress, Mr. Clark, Mr. Rogg, my friends the Home Builders:

I have not been too closely in touch with home-building recently, but I can tell you about a nice house where there is going to be a vacancy in January.

It is a good location. You have a four-year lease, with an option to renew at the pleasure of the landlord.

It is very close to where you work. We have a playroom for dogs, children and grandchildren—and, Helen, for Godmothers.

Open occupancy, too.

I am particularly glad that you homebuilders timed your meeting to come to Washington at this period. As you know, I am getting ready to move from my present residence, and I thought that some of you might want to give me some tips on how to remodel a Home on the Range for one of the unemployed, or maybe how to purchase a home on the Avenue for Presidents at Palm Springs.

I come here to sign a measure that I think is of vital importance to all the people who want to build or who want to buy homes.

It empowers our distinguished Secretary, Mr. Weaver, and the Administrator of Veterans Affairs, to adjust interest rates on FHA and GI home loans to changing market conditions for the next 17 months. Those market conditions are changing and they are going to change more, if we don't get a tax bill soon.

Thanks to this particular act, the veteran who has come home from Vietnam, the young wage earner who is on the way up in life, or the family that is seeking escape from the ghetto will find it easier to buy a home.

I think you homebuilders should know that I am very proud of America's home loan programs. They have helped to fulfill the dream of home ownership for 16 million American families, but unrealistic and arbitrary interest ceilings can cripple these programs.

The bill we will sign today which Congressman Dorn and Senator Randolph, and others, have helped to pass and brought here, will prevent that.

This bill, important as it is, though, cannot guarantee the prosperity of the homebuilding industry because homebuilding, like every other industry, flourishes best in a well-balanced and an expanding economy.

The past seven years of unprecedented prosperity have shown what a free economy can do. We have created 10 million new jobs. We have added nearly $250 billion to our real output per year.

This increase alone is more than the United States was able to produce in any year up to 1939.

That is very significant, and I hope all of us understand it. We are not saying you never had it so good. We are just saying that the increase in the Gross National Product has been more than the entire Gross National Product in the year 1939.

So that is one of the things that your industry has contributed toward and the economics of this country have contributed toward. It is something we really don't want to lose.

We had a situation like that in 1929, and we did lose it very shortly. We can lose it here if we are not careful.

The real income of the average American has risen 31 percent. That is a bigger gain than in the previous 19 years combined.

For the past five years of our period of prosperity, homebuilding was one of the leaders in the advance. It contributed to our prosperity and it also benefitted from our prosperity. We were building at least a million-and-a-half homes a year, and we showed that the housing industry need not suffer the sharp ups and downs.

But in 1966 the performance took a sharp turn for the worse. Homebuilding sagged to the lowest level in 20 years.

Thousands of builders were deprived of their livelihood and their profits were wiped out. Hundreds of thousands of Americans lost their opportunity to buy or to build better homes.

The need for homes has always been there and the income was there. But the mortgage credit, which is the life blood of home building, was nowhere to be found. We just couldn't get credit to build the homes that we needed and that we had the income to pay for.

We could have avoided this if we could have passed a tax increase. I knew it and the homebuilders knew it.

I called together the leadership of the Congress and they told me we couldn't get four votes in the entire committee of 25 for the tax bill.

I called together the business group of this country, some 300 businessmen. There wasn't a one of them who would raise his hand for a tax increase.

I called together the labor people and they did not favor a tax increase.

In 1967, though, we went ahead and urged the Congress publicly to pass it.

In August 1967 we repeated the recommendation.

In January 1968 and again in March of 1968 we have done the same thing.

The sad lesson of history is that it has this meaning: It is time to show that America has learned its lesson.

While we have let this tax bill languish, we have seen mortgage interest rates go from 5.5 percent to 7 percent and even 8 percent. Three years ago, no one would have believed that an 8 percent mortgage rate was possible in the United States. But today interest rates are nearing the highest point in 50 years and I think this is something that should disturb every American. If we do not act now, an even worse shock is in store for you. I want to warn you about it.

If we do not act, 10 percent mortgage rates are not outside the realm of possibility, according to the best economists who can see into the future. Tight money is the price that we pay for excess deficits and our refusal to act on a tax bill in wartime. We have never had a war during which we wouldn't pass a tax bill. But now, for three years, we have said first we didn't need it; second, that we couldn't afford it; third, it would hurt the economy; and fourth, we ought to take care of spending first. One excuse after the other.

Only responsible fiscal policy can check inflation and prevent another disastrous credit crunch. Yesterday's long-awaited action by the House Ways and Means Committee gives us some hope that we can soon have a realistic tax bill.

I congratulate the Congress and the committee on that action. I asked the Leadership this morning to please ask each conferee to stand up and do what is best for his country.

If we must cut $4 billion in expenditures to get $10 billion in taxes, we will do it. But if you cut more than $4 billion, you involve great dangers. If the Congress will go along and take the action on the 10–8–4 formula, if some individual can find another $2 billion that he can cut, he can always offer that in an amendment the rest of the year and let the Congress vote on it.

We must act now to chart a course of fiscal prudence. We are willing to accept the 10–8–4 formula that the Appropriations Committee of the House voted and that the Ways and Means Committee voted yesterday.

We must do that if America is to fulfill her promise to her people, and most of all, her responsibility to the world.

Today our economic future is being decided up here on Capitol Hill. We have come to a crossroads. One road leads to stable economic expansion.

We have had 87 months of the greatest prosperity any nation has ever known, and the only time in all of our history we have gone this long. Why must we sit idly by and reverse that and go back downward?

The other road leads to a feverish boom.

One road leads to stable prices; the other road leads to a step-up in inflation.

One road leads to easier credit; the other leads to soaring interest rates.

We have already paid more in extra interest rates and extra costs and extra high prices than we would get out of the whole tax bill.

With these choices before us, I believe this Nation will travel the road of reason, the road of restraint, the road of prudence, and the road of responsible fiscal policy.

I hope America will travel the right road, because America must. I am doing everything I know how to give the Congress and the country the kind of leadership they need in this trying hour.

I have never thought that tax bills were popular. I have never relied on polls for them. You can ask anybody, "Do you favor a tax increase?" and the answer will be "No."

But if you ask them, "Do you favor a tax increase, or do you favor increased inflation, increased prices, and increased fiscal ruin?" that is a different matter.

I think the average person in this country is a prudent person and a fair person. We cannot fight a war in our cities, we cannot fight a war on poverty, we cannot fight a war on ignorance and illiteracy and disease, we cannot fight aggressors in Vietnam and reduce taxes at the same time.

Yet I want to show you what we have done.

These are the individual income tax rates. Now, when I became President, the person who made $1,000 a year was paying a 20 percent rate. We reduced that to 14. The person who earned from $2,000 to $4,000 was paying a 20 percent rate. We reduced that to 17. The person who made $8,000 to $12,000 was paying 26 percent. We reduced that to 22 percent.

The person who earned $44,000 to $52,000 was paying 59 percent. We reduced that to 50 percent. The person who was earning over $400,000 was paying 91 percent. We reduced that to 70 percent.

If we had the same tax rates that we had when I became President, before we got into the difficulties that we have, the extra expenditures, we would take in $24 billion more this year.

Now, I am not asking you to go back to the rates that we had here under the Kennedy Administration and the Eisenhower Administration. I am asking you to just go back enough to get not $24 billion, but $10 billion of the $24 billion. That is all.

Here is the corporate tax rate. This is your corporate tax rate. I reviewed these this morning with the Leadership.

The corporation that had earnings of $25,000, we charged them 30 percent. We reduced that when we came in to 22 percent. A corporation here was paying 52 percent. We reduced that to 48 percent. Now we are just asking for a part of it.

Here is your personal income. Let me show you what we were doing.

Here is where we were when we came in. That is the income in America. I hope every one of you will see that. When you really "poormouth" and you feel sorry for yourself, think about your mother and your father and what they did in '29 to '31.

Here is what you have done. You have gone from $466 right here to over $700. That is during these four years. You have almost doubled your personal income. Congressmen have not doubled theirs, but the country as a whole has doubled it. Maybe the reporters have not doubled it. But the facts are here: from $466 to a little over $700. That is personal income. (The President was speaking in billions of dollars.)

Here is your corporate profits. Let's see about your income to your corporations. They were a little under $60 billion; here they are over $90 million. Up to 33 percent in 3½ to 4 years.

Here is your personal income and your tax receipts. Here it was $466. Then it moves up to $498. Then $538, $584, $626, and that is '67; '68, you remember, goes up to $700.

Here is the tax receipts. All the time the income was going up, even though we reduced taxes, tax receipts went up.

This is the last one, the corporate profits before taxes and income tax receipts. Here is the corporate profit. This is what they made after taxes. You see, when we came in here in '63 how much they had to make? They made $60 billion and we took only $20 billion. Here they got $66 billion and we took $24 billion. Here they got $76 billion and we took $26 billion. Here they made $83 billion and we took $31 billion. Here they made $80 billion and we took $33 billion. Look at this line here, the blue line.

So those are not going down. Now, if you want to keep them going up, every businessman I know, every labor man I know, every economist I know who is a student of this situation, they tell us that if you have a gross national product running over $800 billion, with the expenditures that we have to make in the cities, in Vietnam, and our poverty program, if you would avoid inflation, if you would avoid runaway prices, if you would avoid high interest rates, if you would avoid a slump in the home-building industry, then you must have a moderate tax bill.

We have had it in every war we have been in. We must have it now.

I don't know what is going to happen, but I am going to do my best and I hope that all of you will do yours.

Remarks of the President at the Presentation of Annual Scholarship Achievement Awards to Blind College Students

Miss Peterson, Mr. Baker, Mr. DuBoff: I am very glad to welcome you here to the Cabinet Room of the White House today.

We have the very distinct pleasure of presenting awards to three outstanding young people—people who each in their own way represent a triumph of the spirit.

They are blind.

Sherrill Peterson has been blind since birth.

Larry Baker and Leonard DuBoff became blind as young men.

They have more in common than their handicap: They share a determination, a self-respect and a faith in their own ability.

Each one is graduating in the top few percentage points of his or her class. If they had been lesser than human beings, they could have taken a different path. They could have wallowed in self-pity, depending on charity and living very empty lives. They could have let their blindness become more than just a physical affliction.

But they knew, as we do, that the time has passed when the handicapped are shunted off in the backwaters of society, and the time has passed when our only attitudes toward the blind are pity and rejection.

So they chose to stand on their own, asking to be treated not with sympathy, but to be treated with respect.

They want the burdens of responsibility, as well as the rewards.

They know the value of many things that some of us take for granted.

None of us is completely safe from the terrible accidents which could take our sight. We are making progress in the fight against the many causes of blindness.

Yet, we still have in America 400,000 people who are legally blind; a million more whose eyes are so bad that they can't read a newspaper; and 3½ million who have only partial vision.

What Sherrill, Larry and Leonard have proven is that none of these people need be lost as wage earners or active family members, or contributors to our communities.

One of the greatest pleasures I had early in my days in the White House was to take a distinguished lawyer who was blind and put him on the Tax Court. The fine things I have heard about his performance have really made me pleased that I took that action.

It is true that none of us would envy your handicap, but all of us would do well to envy your character.

I remember once overhearing an argument between two men. One was blind. The other man was chewing the blind man up one side and down the other for a business decision he had made.

When the argument was over, someone went up to the sighted fellow and said, "You should not have done that. Didn't you know he was blind?"

The man was a little surprised. "What does that have to do with anything?" he said. "That man has a better mind than you and I put together and he made a stupid mistake. He would never have forgiven me if I hadn't bawled him out."

So I say to all of you that I would never have forgiven myself if I had not come here to meet with you and to recognize you; to try to gain strength from you, and to learn from you.

Thank you.

Exchange of Remarks Between the President and Prime Minister Thanom Kittikachorn, of Thailand, the South Lawn, May, 8, 1968

The **President**. Your Excellency, Lady Chongkol, Secretary and Mrs. Rusk, General and Mrs. Chapman, Distinguished Guests, Ladies and Gentlemen, Welcome to the United States.

It has been many months since we began planning this visit. Yet, because of the events of the last few days, your arrival today is especially timely.

There is a fresh breeze of hope circulating around the world. It concerns both of our nations, as well as many other nations.

Thus, it is a good time for men to meet and to reflect, it is a time to set our long-term aims and our aspirations for the days ahead.

Mr. Prime Minister, America's aims are simple and straightforward.

We believe that freedom and peace in America can only be secured if America remains involved in, and concerned with, the future of human freedom throughout the world.

We believe that the cause of freedom and progress can be worked for both economically and politically.

The experience of Thailand over recent years shows that great economic progress is possible when a motivated people seek it, and work toward it, in freedom. The Thai economic growth rate over the last seven years has surpassed 7 percent per year—one of the highest rates in all the world.

We believe that human freedom thrives best when men have the right to determine their own political destiny.

That has been our aim in Vietnam: to help a nation in its struggle to determine its own destiny. As that simple—but very difficult—objective becomes secure, the American role in Vietnam will diminish and disappear. I stated that in Manila in 1966; it was stated by General Westmoreland again in late 1967; it has been stated by our Secretary of State, and Secretary Clifford restated it just a few weeks ago.

In Bangkok in 1966, at your beautiful university there, I said to the leaders in Hanoi: "Let us lay aside our arms and sit down at the table of reason . . . enough of this sorrow . . . Let us begin the work of healing . . ."

There is hope now, finally, some hope that that offer will bear fruit and that an honorable peace could come.

The world knows that the brave Thai people have been in the front rank of those who fought the good fight for freedom in Southeast Asia. Thailand was the first nation—the first nation—to join with America in the successful UN effort in Korea in 1950. Thailand was the first member to ratify the SEATO Treaty. Thai troops today stand and fight shoulder to shoulder with us in South Vietnam.

Mr. Prime Minister, it is good to have such a staunch ally by one's side as we begin this time of hope and recommitment to our principles.

Welcome again. We look forward with great pleasure to the time that you can spend here with us and to the profitable exchanges that we sincerely believe will take place.

The PRIME MINISTER. Mr. President, Mrs. Johnson, Ladies and Gentlemen:

May I express my heartfelt appreciation, Mr. President, for your generous words of greeting.

My wife and I have been happy to accept your kind invitation to visit the United States and to bring with us for you, Mr. President, and for Mrs. Johnson and the American Nation, the greetings and good wishes of Their Majesties the King and Queen, as well as those of the Thai people.

We also vividly remember your visit to our country, the first official visit ever paid by a President of the United States to Thailand. The Thai people greatly rejoiced in welcoming you as the Chief of State of a country we, in Thailand, hold to be our great friend and ally.

Mr. President, while some people may not be clear in their thinking, as their minds are beclouded by doubts, we in Thailand fully realize and appreciate how much the United States and its gallant soldiers have done and are still doing to help defend small nations against aggression and, thus, to preserve the delicate peace in the world.

We know the extent of sacrifices such a decision involves, but the lesson of the recent past tells us that they are smaller than those which would have to be borne if the aggressors were allowed to strengthen themselves with the spoils of their victims.

The Thai Nation and, indeed the free nations of Asia, will always remember you, Mr. President, as the courageous defender of freedom in Asia and as the man who has spared the United States and the world from another holocaust.

Thailand, on its part, has accepted to shoulder its share of sacrifices and responsibility. At the same time, the Thai Nation and people are with you and those enlightened Americans in your incessant quest for a lasting and meaningful peace—a genuine peace which is not a facade covering a surrender—but a peace which guarantees freedom and the right for small nations to exist with dignity and independence.

With this purpose in mind, we have come to Washington to join with you, Mr. President, in our unrelenting search for a peaceful and progressive future in Southeast Asia.

REMARKS OF THE PRESIDENT AT PRESENTATION OF YOUNG AMERICAN MEDALS, THE CABINET ROOM, MAY 9, 1968

Attorney General Clark, Director Hoover, Dean Griswold, Distinguished Members of Congress, Ladies and Gentlemen:

This morning we have come here to the Cabinet Room because it gives us an opportunity to honor courage—not, as often in these times, the courage of the battlefield, but the quieter courage that is exhibited by our finer citizens in their everyday life.

I am doubly pleased because these awards pay tribute to the idealism and the commitment of our American youth.

There is a great deal of ferment among many of our people today. Some of it is foolish and some of it is self-destructive. But most of it represents power—power for good, power for constructive change. I think most of it is brave and most of it is selfless.

William Glynn is receiving the Young American Medal for Bravery. He was just 15 years old when he saved a drowning man off Long Island. For more than two hours, he battled 14-foot waves to keep the exhausted and the unconscious man from slipping away to a certain death.

Carmalita Capilla and Mary Lynne Donohue are receiving medals for service.

Carmalita devoted almost all of her free time to helping the less fortunate mentally ill at Hawaii State Hospital. One hospital official said, "You could follow Carmalita by the trail of smiles she left with the patients."

Mary Lynne was president of the Sheboygan Association of Youth. She directed more than 1,000 young people in fund raising for the March of Dimes and the USO.

She was a member of the Steering Committee of the Sheboygan Human Rights Association. Somehow, she still managed to finish in the top five percent of her high school class.

There were 70 other nominees—from 23 States, Guam, and Puerto Rico—who did not win medals. But we value them nonetheless.

In this period of our history, when we so often see on our screens and so often read in our newspapers the mistakes that have been made and the errors that have been committed, it is refreshing and stimulating to hear and see some of the things that make our Nation the great nation that it is.

They—and you—are a credit to your generation. You are an inspiration to your President and to your country.

Thank you very much.

GUILT BY VERBAL ASSOCIATION

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. STEED. Mr. Speaker, it is always beneficial to have as much commonsense and reason as possible brought to bear when great and pressing public problems generate intense reactions in the Nation. In the current concern with some of our domestic problems it is easy for hysteria and snap judgment to lead us into making serious mistakes.

The attached editorial in the Wall Street Journal of May 13, 1968, is the best application of some commonsense in relation to current problems that I have seen. I hope this reproduction of these wise words will add much needed emphasis to this kind of thinking. We can use it.

The editorial follows:

GUILT BY VERBAL ASSOCIATION

That felicitous writer, Malcolm Muggeridge, is justifiably unhappy at the way other members of his craft (and practically everyone else) are misusing the word "ghetto" in connection with race relations. His remarks are worth noting, and not just because of the fate of one small word, although that too has significance as a symptom.

"I agree with Orwell," the former editor of Punch recently wrote the New York Times, "that the maintenance of the true meaning and correct usage of words is one of the essentials of civilization, and requires our constant vigilance. Already words like 'liberation' and 'love' have become so corrupted that one scarcely dares to use them any more.

"Nor should we forget that in the days of the wartime alliance, in all the weightiest organs of Western opinion, Stalin's Russia was invariably included among the 'freedom-loving powers.' In England at this moment we are paying—and bitterly—for indulging in the linguistic pretense that we had set up a 'multiracial commonwealth' when no such thing existed. . . ."

As to the "ghetto" itself, Mr. Muggeridge makes these comments:

"No sane person, I think, will wish to contradict me when I say that the ghetto, as it existed in Imperial Russia and Poland, cannot be equated with, say, Harlem today. In some respects conditions were worse, in some better; they were in no wise the same. . . .

"By equating Negro slums with a ghetto, on the one hand white racialism—in itself bad enough in all conscience—is associated with the additional horrors of Nazi anti-Semitism. On the other the white bourgeois champion of the Negro can see his wrongs in terms of pogroms and other distant and remote wickednesses, rather than of nearby and present social and economic inequalities."

Not only is the racial picture thus doubly distorted. In addition, the very real progress that a great many Negroes have made over the years tends to get submerged.

We realize that it is considered Pollyannaish or worse, in these days of white breast-beating, to speak of Negro progress. Yet the simple fact is that a large Negro middle class and a smaller upper class do exist; Negro publications themselves stress the rewards to businessmen of appealing to the Negro market. And this fact, along with the undeniable poverty and other ills that many suffer, is surely an important part of the whole story.

Negroes, in short, are not locked up in ghettos in the customary connotation of the term. If a man is born in a slum, he is able to leave it, and the proof is that considerable numbers of Negroes are doing so all the time.

It should also be mentioned that the special characteristic of largely Negro areas in the past 15 years or so is not that they are uniformly grim (Harlem certainly is not). It is that slum conditions have been hugely aggravated by an invasion, the in-migration of millions of unskilled, little educated people from rural regions. Had that not occurred, it is a safe bet there would be less denunciation of ghettos today.

Far from fencing in anybody in a ghetto, American society has tried hard to provide equal opportunities for Negroes as well as all other citizens. Our courts, our laws, the mass of public opinion, all are on the side of Negro advancement. Maybe a little credit is due, considering that the difficulties of economic improvement and genuine integration are imposing indeed. A society running ghettos doesn't even try.

It is inadequate so far, of course; that is universally acknowledged. More than acknowledged, white people are doing things about it on their own, quite apart from the legal structure.

Increasingly they are endeavoring to involve themselves personally, somehow, in Negro problems. Business enterprises plainly are doing it, especially in the concrete sense of making a concerted effort to furnish more jobs for Negroes. Some of the efforts will be unavailing, but a people generally afflicted with a ghetto mentality would not be reacting in this fashion.

The usage and meaning of certain words almost inevitably do change with time, and the process is not always bad. What is at least unfortunate is when words are falsified in order, as Mr. Muggeridge observes, to make them serve political ends.

U.S. ROLE IN FOREIGN AFFAIRS TODAY AND TOMORROW

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. WINN. Mr. Speaker, the Congressional Club of my district in Kansas recently sponsored an essay contest entitled "Week in Washington." The participants were invited to submit essays treating the subject of "U.S. Role in Foreign Affairs Today and Tomorrow." I am pleased to offer to my colleagues for their reference a profound and comprehensive essay on the subject which was prepared by the winner, Mr. Lewis Wall, who is a senior at Shawnee-Mission North High School in Johnson County, Kans. The full text of Mr. Wall's essay is as follows:

THE U.S. ROLE IN FOREIGN AFFAIRS TODAY AND TOMORROW

(By Lewis Wall)

The United States, with her powerful military and industrial complex intact, emerged as the world's most powerful nation after World War II. Willingly or not, she was thrust into the leadership of the world, completely reversing the isolationist foreign policy of the 1920's and 1930's. The world breathed a sigh of relief, hoping that at last conflict could be at an end. The United States and the Soviet Union appeared to be allied in common cause, and a spirit of post-war friendship prevailed. The Russians soon proved, however, that they were friendly merely to regain their lost strength. They began opposing the United States in the fledgling United Nations instead of cooperating to achieve peaceful ends. Eastern Europe tumbled into Russian hands through deceit, subversion, and blatant violation of the pact made to insure free and democratic elections. China collapsed and the Nationalists fled to Formosa. The Cold War began.

Today, the United States stands alone, so it would seem, in a sea of troubles. Beset with the antagonism of the French, confronted with the setting of the sun on the British Empire, and bewildered by a confusing war in Vietnam, the United States is faced with the awesome task of resisting Communist aggression wherever it appears. To be policeman for the world is not an easy task, but troubles notwithstanding, the United States now maintains that position. The question is whether or not she will be able to continue to do it in the future.

The United States, unlike Atlas, cannot carry the burden of the world forever. Eventually, as all nations must do, she will begin to weaken and falter. Still, the threat of Communist aggression must be met. A problem arises as to the method of meeting the challenge. The United States may not be able to meet it alone.

American foreign policy in the future will probably become closely tied to two other nations, one in Europe, one in Asia. The Federal Republic of Germany presents itself as a growing, thriving, strong nation, ready to assume the major role of responsibility in European affairs. The possibility is strong that she will eclipse both France and England as the leader of Europe. Japan, already ranking third in the world's output of goods and services, will provide a powerful force to offset the threat of Communist China in Asia. Thus, the Free World's defense against Communism can rest on a triangle composed of the United States, Germany, and Japan. Germany can be allowed to take the initiative in the defense of Europe; Japan can exert pressure in Asia, and the resources of the United States can be further diverted to the real foundation of any nation's foreign policy—friendly relations with other nations.

While resistance to Communism is the basic tenent of our foreign policy today, and is likely to remain so in the foreseeable future, the mere defeat of armed aggression cannot be the sole purpose of a foreign policy. Building up a large circle of friends and allies on which a nation can rely in times of trouble must be the ultimate goal of international relations. The emerging nations of Africa and the struggling nations of Latin America provide fertile ground for either building strong and lasting friendships or creating enemies. Both will be extremely important areas in the future, and both have been sadly neglected during recent years. Latin America, for example, has often been subjected to "Yankee Imperialism," and "Dollar Diplomacy," blots which are hard to erase. The governments are unstable; the economic conditions are poor; the peasants are restless and looking for leadership. Can the United States, in her own best interests (as well as furthering humanitarian goals) alleviate some of these conditions to help establish stability? Undoubtedly she can and must, always remembering that the object of her endeavors is not exploitation, but the establishment of mutual respect, friendship, and a firm foundation for democratic order. With a foreign policy based on these three principles, the United States can truly be the ideal of Daniel Webster: ". . . a vast and splendid monument, not of oppression and terror, but of wisdom, peace, and of liberty, upon which the world may gaze with admiration forever."

TRIBUTE TO THE HONORABLE JOE MARTIN

HON. W. R. POAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. POAGE. Mr. Speaker, Joe Martin was such a human and such a lovable character that I would not want to allow this opportunity to go by without adding my own word of appreciation for his long and sincere service to our country.

As would be imagined, I often found myself in disagreement with Mr. Martin, but I never found myself doubting his sincerity or patriotism. On two different occasions I served under Mr. Martin's speakership. He was partisan. He recognized that he was Speaker by reason of being a Republican, but he was fair and he was dedicated to the welfare of America—and as I see it, this is the test of a good public official.

Mr. Martin loved his colleagues and certainly all of the old-timers who knew him as I did loved Joe Martin. I miss him and I feel that the country has lost a great American.

U.S. ATTORNEY GENERAL CLARK SHOULD RESIGN

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. QUILLEN. Mr. Speaker, WKPT radio station in Kingsport, Tenn., recently broadcast an editorial of the air by Mr. Martin Karant in which they urged that U.S. Attorney General Clark resign. Because I am in agreement, I wish to call this editorial to the attention of my colleagues and the readers of the RECORD:

U.S. ATTORNEY GENERAL CLARK SHOULD RESIGN

(By Martin Karant)

Attorney General Ramsey Clark should make up his mind . . . and right away . . . that he is either going to enforce the laws of the land fairly and impartially, or resign.

According to our understanding of the duties of this high office, Clark is sworn to protect the public from those who would break our laws . . . laws that have been put on the books for the specific reason of protecting all of us against anyone or any group that would seek to overthrow our government by force and/or violence. Our laws, federal, state and local . . . are clear in outlining that our police are empowered . . . in fact, SWORN . . . to arrest anyone caught committing a felony and to use whatever reasonable force is necessary to apprehend and hold the criminal. Clark has almost wiped out this important requirement of the law by saying publicly that he doesn't agree with police shooting arsonists and looters . . . that human life is more important than property rights. On the face of it, that sounds great. But think about the enormous implications of saying to police, "Don't shoot those looters you catch red-handed. Don't shoot that guy with a molotov cocktail. His life is worth more than the property he is going to burn, even if there happen to be innocent people in the target building."

Laws are instituted for only one purpose: to place some sort of penalty on committing crimes against the welfare of the people, thus providing a deterrent to taking advantage of innocent citizens. When laws are broken, penalties should be inflicted as quickly, fairly and as impartially as possible.

All citizens have the right to protest those laws they deem to be unfair . . . but their right of protest does NOT include license to burn, loot or kill. Attorney General Clark has practically wiped out the biggest deterrent to these crimes by his public statements.

The Justice Department has been "investigating" such men as Stokely Carmichael and Rap Brown for months. Both of these men have publicly urged open insurrection by force and violence. The results of their urgings have been seen by millons of Americans as cities have been burned and looted . . . innocent people have been completely wiped out of their lifetime earnings . . . and police and firemen have been subjected to sniper fire in the performance of their sworn duty to protect lives and property. Brown is now in jail on a relatively innocent charge, while Carmichael remains free to continue his incendiary attempts to subvert and destroy this nation. And the Justice Department is still investigating!

Are we talking about racism? Definitely NOT! We're simply talking about the rule of LAW! Without law we have anarchy . . . it's that simple. We submit that by his inactivity and by his public statements, Attorney General Ramsey Clark is substituting his *personal opinions* for the laws he has sworn to uphold. Thus, he should resign. Think about it!

REPORT TO CONSTITUENTS

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. BYRNES of Wisconsin. Mr. Speaker, under leave to extend my remarks, I include the following report to my constituents:

REPORT TO CONSTITUENTS

PAYING THE PRICE

The nation and its citizens will now start to pay the price of the ruinous fiscal policies pursued by the Democratic Administrations of the 1960's. Last week, agreement was reached by a conference committee on an income tax increase and a cutback in federal spending. It was an agreement (which still must be ratified by both the Senate and House) made necessary by what the Chairman of the Federal Reserve Board has called our "worst financial crisis since 1931". That crisis has been caused by the Democratic policy of increasing, rather than limiting, non-defense spending during a costly war, thus piling up unmanageable deficits, both in our national budget and our international accounts.

TAX INCREASE

Every taxpayer (except those with taxable income under $1000), under the agreement, will receive a 10% boost in his Federal taxes, retroactive to April 1 (corporations, to January 1). In addition, scheduled decreases in automobile and telephone taxes will not go into effect. Increases in withholding will start the 15th day after enactment.

SPENDING CUT

The agreement calls for a spending cut in FY 1969 (beginning this July 1) of $6 billion, from 186.1 billion to 180.0 billion. Under the agreement, Congress will cut expenditures to the extent it can; to the extent its cuts fall below $6 billion, the President will be required to reduce actual spending to reach the limit. Let no one minimize the difficulty of making these reductions. The wails of those whose pet project, program or proposal is cut back will be heard throughout the land.

PRICE

The price then of the Administration's spending binge will come high: substantial tax increases cutting into take-home pay; what's left of take-home pay being further reduced by rising prices and rising interest rates; drastic cutbacks in federal programs, delaying local projects, and, over-all, the threat that, if these remedies do not work, more of the same bitter medicine will be required in order to prevent an economic collapse.

TRADE

My committee, Ways and Means, will begin hearings early next month on the general subject of the balance of trade between the U.S. and foreign nations. Testimony is expected from many industries feeling the effects of low-cost foreign imports—including dairy products, mink furskins and shoes (industries affected in our district). Part of the reason for the growing deficit in our balance of payments position is the shrinking of our trade balance—as imports increase and exports become more difficult due to inflation in our economy.

HOLIDAYS

The House last week passed a bill which eventually would give the nation four long (three-day) week-end holidays a year. It would do this by specifying that Washington's Birthday would be celebrated on the third Monday in February, Memorial Day on the last Monday in May, Columbus Day on the second Monday in October and Veterans Day on the fourth Monday in October. The changes would take place in 1971, giving the states time to enact conforming legislation. The Senate has not acted on the bill.

MISCELLANY

I had a chance to talk with many Outagamie residents on federal problems and legislation during office hours in Appleton on May 3 . . . On the same trip home, I was pleased to speak at the dedication of a new parking mall in West De Pere—a civic improvement built without federal assistance.

WILL IRS SHUT DOWN STUDENTS FOR A DEMOCRATIC SOCIETY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. ASHBROOK. Mr. Speaker, it appears that the Federal Government may be taking a step in the right direction. According to the bulletin of the American Council on Education, the national offices of Students for a Democratic Society may be forced to close because of failure to pay their Federal taxes.

It seems strange that the Internal Revenue Service would do such a thing to the "brothers and the sisters" of SDS when they have law-abiding, Government-supporting, antiriot-oriented citizens to concern themselves with.

Higher Education and National Affairs, the bulletin to which I referred, said:

> SDS National Secretary Mike Spiegel indicated the organization owes $10,000 in Federal taxes * * * there are no alternatives.

Possibly the word should have gone out from SDS national headquarters to members at Columbia University. Then these members and loyal followers could have hocked the fixtures from captured buildings rather than merely breaking them up.

As quoted in the bulletin, if SDS goes under the American people will be spared "good projects" which are being established "with the Army and with the National Guard to build resistance and encourage defection."

Things must really be out of hand if the administration cannot save SDS. Maybe Internal Revenue has not received the word, yet, from the President and the Attorney General.

The excerpt from the May 10, 1968, bulletin of the American Council on Education follows:

STUDENTS FOR A DEMOCRATIC SOCIETY CHARGES FEDERAL TAX CASE MAY CAUSE ITS OFFICE TO CLOSE

The national office of Students for a Democratic Society claimed this week it will be forced to close its headquarters in Chicago if it fails to meet a deadline for payment of Federal taxes. In an appeal for funds addressed to "Brothers and Sisters of the Movement," SDS National Secretary Mike Spiegel indicated the organization owes $10,000 in Federal taxes, but did not disclose when the money is due.

In Washington, the Internal Revenue Service would neither confirm nor deny that the militant leftwing group owes back taxes. There is "nothing of a public record nature" to report, a spokesman said.

Spiegel charged that "Washington has made a serious move against us. The damage which the government can inflict upon the national office is total destruction." Stating that "our accountants now estimate that the total damage will be approximately $10,000," Spiegel said that "if we do not have the money when payment is demanded, they can close the office and confiscate any equipment as payment of taxes. If we do not have that money, the national office is finished, done, closed, over. . . . We need the help, there are no alternatives."

Spiegel also charged that "the liberals are forsaking us," because "the McCarthy and Kennedy candidacies have rechanneled a large amount of financial support." Claiming that SDS is "deep in debt," Spiegel said staff members currently are being paid only $15 a week.

The letter of appeal said the SDS financial crisis has arisen at a time "of incredible importance in American history. . . . There are SDS programs going on in many cities this summer—on the draft, on racism and around grass root grievance issues in the community. Good projects are setting up to work with the army and with the national guard to build resistance and encourage defection. . . ."

SDS has announced that its national convention will be June 10–15 at East Lansing, Mich., location of Michigan State University.

GRAND JURY REPORTS ON BAIL BONDS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. ROGERS of Florida. Mr. Speaker, as the sponsor of H.R. 16219 tightening the bail bonding procedures, I was pleased to learn that the Federal grand jury here in Washington, D.C., has officially recommended similar legislation. As the Washington Evening Star indicated in its editorial of April 25, which appears at the end of these remarks, the grand jury was disturbed to find numerous crimes committed by people out on bond and awaiting trial in previous cases. This is all too often the case, and under current procedures, the judge in setting bond can only consider the availability of the individual to appear at time of trial, not the safety of the public. H.R. 16219 would allow a judge to consider the safety of the community at large as well as the appearance of the person charged with a crime.

This legislation represents a step in the direction now recommended by the Federal grand jury here. I urge every Member of Congress interested in the war on crime to give it careful consideration.

The editorial follows:

GRAND JURY REPORT

A grand jury generally is something of a faceless institution. It returns indictments in certain cases. It refuses to indict in others. And then the members, having done their civic duty, call it a day and go their respective ways.

Not so with a grand jury which recently completed its two-month stint in our United States District Court. These grand jurors, having been exposed day after day to the criminal parade, decided that they had a further responsibility. They thought that certain improvements in the process of administering justice in Washington were in order, and they passed their views along in a special report to Congress.

High on the list was a recommendation that something be done about the bail bond procedure. The jurors were disturbed by their discovery that "time after time defendants out on bond committed new crimes while awaiting trial." They thought that the 1966 Bail Reform Act should be amended so that judges, now denied the right, could take into consideration the question of danger to the community in deciding whether to grant bond to a criminal suspect. We are in wholehearted agreement.

Other points dealt with in the grand jury's report were soft-hearted treatment by judges of dangerous offenders as far as probation and other leniencies are concerned, and especially the imposition by some judges of relatively light sentences for second and even third offenders after conviction of serious crimes.

To sum it up the members of this grand jury have urged Congress to help curb crime in Washington to the extent that it is within the power of the legislators to do so. We hope the congressmen will give very careful consideration to their report.

PRICE AND MONOPOLY TRENDS IN GRAIN MARKETS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. FINDLEY. Mr. Speaker, concerned about the trend toward monopoly in grain markets and the downward trend of grain prices, I have asked Agriculture Secretary Freeman to investigate monopoly conditions and program corn and Red Winter wheat under Public Law 480.

Following is the text of my letter to Mr. Freeman:

Hon. ORVILLE FREEMAN,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: Last week the price of wheat in Chicago tumbled to the lowest level in 26 years. In terms of constant dollars, that price is only about half of what it was 26 years ago. In the case of corn, it is very much the same story.

The price spread between the May and December wheat futures in Chicago is approximately 13 cents per bushel. In other words, carrying charges on wheat amount to nearly 30 cents per bushel per year, not including interest. As you know, freight rates on grain were increased a few months ago and a further boost is now being sought. For some Great Plains wheat producers it costs more than 30 cents per bushel to move wheat to terminal markets. The price of bread continues to go up, even as wheat prices decline.

In other words, everyone involved in the picture—the freight handler, the warehouseman, the processor and the retailer—seems to be doing all right—with this one conspicuous exception: the farmer. He is on a depression-level basis while the rest of the economy is enjoying a boom.

Part of the explanation may be that the American farmer is being victimized by monopolies—notably in the grain trade which seems to be dominated by a handful of companies. I am concerned with what seems to be a trend toward monopoly and strongly urge that you undertake an investigation of this situation, in order to clarify facts. One grain man in Chicago, the bellwether for both domestic and foreign grain markets, writes:

"The quality and the terms and conditions of delivery on the Chicago Board of Trade warrant close scrutiny and radical changes. Deliveries appear to be controlled by two or three warehousemen. Anyone holding a warehouseman's receipt cannot compete with the warehouseman on a sale basis. Charges for carrying grain can only be categorized as usurious and have contributed to the overall demoralization of prices for the farmer.'

The presence of large quantities of Soft Red Winter Wheat and poor quality corn in the Chicago area is putting further pressure on already disastrously low grain prices. As you know, over a period of years I have protested to you concerning what I believed to be discrimination against exports of this class of wheat under Public Law 480. The reply invariably was that Soft Red Winter Wheat was not in surplus and that P.L. 480 directs the Department to move commodities in excess supply.

Today the price of both Red Winter Wheat and corn in Chicago emphasizes that both of these commodities are very much in surplus. May wheat in Chicago, for example, is 13½ cents per bushel under Kansas City. I think there is an opportunity to provide at least a little help to farmers now by programming additional quantities of Soft Red Winter Wheat and corn for export under P.L. 480.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE FANS THE FLAMES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. MOORHEAD. Mr. Speaker, at a time when this Nation's greatest need is for harmony and understanding between the races, the Un-American Activities Committee of this body has done all Americans a great disservice by issuing an inflammatory special report about alleged guerrilla warfare against the United States by its own citizens.

The Pittsburgh Post-Gazette properly denounced the committee's report in an editorial in its May 9 edition. Under leave to extend my remarks, I insert the editorial at this point in the RECORD and commend it to the attention of my colleagues:

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE FANS THE FLAMES

The bumbling House Un-American Activities Committee must be credited with consistency. In critical periods it can be depended on to compound confusion and heighten tensions. At a time when federal and local governments are trying to dampen smoldering racial hostilities, the HUAC has predictably burst into the scene with a can of kerosene.

A favorite fiction of black militants is that the federal government is preparing detention centers or "concentration camps" for Negroes. The sedulously cultivated rumor has inflamed frightened ghetto dwellers in spite of the denials of federal officials, who have stamped the alleged plan as "wild" and "unconstitutional." The need for caution has not deterred the enthusiasts of the HUAC. The Committee has sought to corroborate the most rabid projections of black and white racists with an incendiary special report.

Committee Chairman Edwin E. Willis, Louisiana Democrat, asserts that mixed Communist and black nationalist elements are planning guerrilla warfare against the U.S. The report of the Committee states that the guerrillas would be declaring a "state of war" and would therefore, as enemy belligerents, forfeit their rights. The insurrectionists would then be subject to temporary imprisonment in detention camps operated throughout the country.

The HUAC obviously believes that a ton of cure is worth an ounce of prevention, since "most civil liberties would have to be suspended" and "search and seizure operations" initiated during daylight hours. As Harry Truman once suggested: "The most Un-American thing about the House is the House Un-American Activities Committee."

MILWAUKEE JOURNAL CALLS UPON GENERAL HERSHEY TO RETIRE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. KASTENMEIER. Mr. Speaker, the still unreleased report of a three-man Presidential task force, which includes General Hershey, vetoes any basic reform of the Nation's draft system this year. This task force, which was set up to review the recommendations made by the National Advisory Commission on Selective Service, took exception to every major reorganizational reform suggested by the Commission.

The only chance for any favorable revision of the Selective Service System will have to rest with a new administration, and, hopefully, the new President will remove the aging General Hershey, the major obstacle to any reform, and his philosophy from the Selective Service System.

Mr. Speaker, it is in this respect that I would like to call to the attention of my colleagues an editorial which appeared in the May 4, 1968, Milwaukee Journal. The Journal, one of the Nation's most respected newspapers, calls for the retirement of General Hershey. The editorial follows:

OLD SOLDIER SHOULD QUIT

Gen. Hershey, the selective service director and an old soldier who never says die, seems to have won another round. A three man presidential task force, of which he was a member, has rejected substantial draft reforms proposed a year ago by a 20 member commission named by President Johnson.

The commission strongly criticized the sprawling, loosely knit, free wheeling selective service system with its 4,000 neighborhood draft boards, 56 state headquarters and 95 appeal boards. It declared that local boards, manned by private citizens, were using widely varying standards in classifying young men. It proposed a federally co-ordinated system with eight regions and 300 to 500 regional offices in major population centers, working under sharply defined and uniform draft standards.

In a 1967 message to congress, President Johnson declared that the nation cannot afford to preserve the existing draft system "if we find that in practice it cannot adapt to the new controlling concept of equal and uniform treatment."

The present system is archaic and inequitable, including the foolish practice of taking the oldest eligible men first instead of the youngest. The best that can be done with this patchwork quilt is to scrap it and start afresh with a modern organization and rules that promise every young man "equal and uniform treatment." This is a job only congress can do, a duty it has shunned.

At 74, Hershey has had a remarkable and remarkably useful career of public service. He has been selective service director for nearly 27 years. In recent years he has been an opinionated, increasingly inflexible opponent of change. He could best abet the modernization of the nation's creaky draft machinery by vountarily removing one of the principal barriers to greater draft equity and efficiency—himself.

WINN QUESTIONNAIRE

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. WINN. Mr. Speaker, because I feel so strongly that the American voter should have the opportunity to express his views on the many crucial issues facing this Nation, I am seeking the opinions of my constituents through a questionnaire. I believe questionnaires encourage broader citizen participation and interest in representative government, in addition to providing an invaluable link between the voter and his elected representative in Congress.

The questionnaire follows:

WINN QUESTIONNAIRE

1. Do you favor Federal legislation regulating the sale and possession of firearms?

Yes ☐
No ☐
Undecided ☐

2. Do you favor legislation which would permit a portion of your Federal income taxes to be used to pay the cost of political campaigns?

Yes ☐
No ☐
Undecided ☐

3. In your opinion, what is the primary cause of increased crime and violence?

Lenient lower courts ☐
Poverty and unemployment ☐
National moral decay ☐
Disrespect for law ☐
Inadequate law enforcement ☐
Supreme Court decisions ☐

4. Do you favor the administration's present Vietnam policy?

Yes ☐
No ☐
Undecided ☐

5. Do you favor a greater Federal Government role in the area of agriculture and farm product support?

Yes ☐
No ☐
Undecided ☐

6. Which four of the following would receive your highest priority for spending reductions?

Defense ☐
Foreign aid ☐
Agriculture ☐
Public works ☐
Education ☐
Health ☐
Highways ☐
Poverty program ☐
Aid to cities ☐
Beautification ☐
Supersonic transport ☐
Space explorations ☐
Anti crime programs ☐
Air and water pollution ☐

7. Do you favor legislation providing Federal assistance to help low-income families achieve home ownership?

Yes ☐
No ☐
Undecided ☐

8. Do you favor a Federal attack on unemployment by offering incentives to employers to hire and train unskilled workers?

Yes ☐
No ☐
Undecided ☐

9. Do you think the Federal Government should return a portion of the taxes it collects to State and local governments to use as they see fit?

Yes ☐
No ☐
Undecided ☐

THE ADVOCATES SOCIETY OF CHICAGO

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. PUCINSKI. Mr. Speaker, recently the newly elected president of the Advocates Society in Chicago, attorney Mitchell Kobelinski, delivered an inspiring inaugural address in which he put into proper perspective the meaning of the contribution made by the various ethnic groups of America to the growth of this Nation.

Mr. Kobelinski, who is also vice president of the Parkway Bank, deserves the highest commendation for speaking out at a time when so many would try to form this Nation into a single, monolithic form with all of its 200 million citizens marching in a single cadence.

Mr. Kobelinski's excellent address follows:

REMARKS OF ATTORNEY MITCHELL KOBELINSKI, PRESIDENT, CHICAGO ADVOCATES SOCIETY

Reverend Fathers, Honorable Judges and other public officials, distinguished guests on the dais, my dear friends and fellow members.

The privilege of serving as President of an organization composed of a man's fellow professionals is a unique honor, a challenge, and a responsibility all at once. The challenge seems especially unique when the organization involved brings together a limited group of people united not only by their profession but by their common ethnic heritage.

A challenge, because many have asked in recent years why do organizations such as ours continue to exist and what purpose can they serve in our great modern American society.

Of course there are also a few today who question the greatness of our American way of life, but I don't think that you'll find one of these among our membership or in this group gathered here tonight.

I'll try to convey by means of a very homely parable what I believe to be a relatively accurate analysis of what makes our American way of life so different and dynamic.

In the 30's when I was in grade school, it seems that the over all purpose and then current guiding philosophy in education was to make over all boys and girls into the image of little Jane and Dick about whom we read in our primary readers. We should all live in a white cottage with a white picket fence—in a family of 4—1 boy—1 girl—Mama and Papa. No, I'm wrong, these children wouldn't say Mama and Papa, it would be Mother and Father.

Perhaps it was the prevalent socialist communist influence or perhaps the Dewey educational philosophy, but in any event we were all to become one identical prototype, with every effort being made to eradicate the foreign ethnic influence.

It was fashionable to change your name to lose any possible "foreign" identity, and it was certainly not fashionable to speak a foreign language, or belong to an ethnic organization.

In short we had young America marching on the road toward creating a society which would be absolutely homogenous, but this road lead to a meat grinder where we all were to be figuratively chopped up—equalized and come out in one homogenous mess, which can best be described as hash, or worse yet mush, and if you like food the way I do, you don't like *mush*.

But that version of America is wrong and absolutely contrary to our human nature—even the Soviets, who have been trying to do this for half a century are finally realizing this.

This is America, as demonstrated by this gathering tonight—Poles—inviting Italians, Norwegians, Greeks, Bohemians, Irishmen, Colored, to break bread together, and it is evident that we are not a homogenous mush.

Here we sit happily together, Catholics, Jews, Protestants, even Republicans, Democrats. Rather than mush I view America as a big pot of Beef Stew where each separate particle retains its identity and adds its own flavor to the overall taste. This is the essence of our great modern American way of life with each ethnic group contributing its own sparkle, spice, zip, variety and interest to our daily life. I think World War II changed the meat grinder thinking of the 30's and we slowly became more cosmopolitan and worldly wise. We all began to accept and enjoy the music, food, dances, literature, customs and interesting descriptive phrases contributed by other ethnic groups, and we began to know and appreciate our neighbors from other ethnic groups.

Here lies our greatness. Each ethnic group making its special talents available—available to enhance the flavor of our great big pot of stew *and it's delicious*.

If you will accept this analogy then I say it behooves each of us to make our ethnic group a better group, and a more effective contributor to our society.

If your ethnic group is the carrot in the stew—make it a better carrot. Let it add the maximum flavor possible and therein lies our responsibility and the duty of the leaders and members of every ethnic group. Make it a better group—the best in the stew, and as each group competes to be the best, the quality of our society improves. This leads to one additional bit of fact—(not fat)—and here I'm going to be philosophical.

As each ethnic group improves and perfects its own people and goodness, this goodness or perfection must be publicized and made known to all and in turn each group must know and appreciate the good in all the other ethnic groups.

This is the philosophical definition of Love—appreciation of the good, so if we know and understand this goodness we will love and appreciate our fellow man.

So let me say in resume and conclusion, I believe—This is our goal—A great American Stew—to achieve it—

1. It is our responsibility to perfect our ethnic group, whichever one it may be.
2. We must take the bushel off the light of our achievements, the light of goodness represented by our contribution *and let others learn of it.*
3. As we appreciate the contribution of other groups and vice-versa, we have this "appreciation of good" which is the Love and understanding that we need to make our America an even greater America. God bless it and keep it.

DAYTON, OHIO, OBSERVES PARK MANOR DAY

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. WHALEN. Mr. Speaker, this Friday, May 17, by proclamation of Mayor Dave Hall, the city of Dayton, Ohio, will observe Park Manor Day. This occasion recognizes the third anniversary of Park Manor, a 220-unit residence for the elderly in East Dayton managed by the Dayton Metropolitan Housing Authority.

Park Manor, the largest high-rise public housing building in Dayton, was begun 4 years ago on land cleared for urban renewal. Today there is a waiting list of 1,100 persons.

As part of the celebration, Park Manor residents will hold an open house that will commence with a 10 a.m. ceremony. At that time, I shall present a flag to the residents. Then, throughout the remainder of the day, the building will be open to the public, and entertainment and refreshments will be provided for visitors.

Mr. Speaker, I personally am aware of the successful efforts of the Park Manor management to bring to fruition its pledge "to stimulate social action and self-help programs, to strive for use of the total potential of elderly citizens, and to endeavor to provide the highest level of independent living." This spirit has resulted in the residents' establishing a tenants' organization, an in-house governing body, and a credit union. In addition, there are various recreational activities and a maintenance shop which is open to the residents. Certainly, the entire Park Manor program is one that might well be emulated by similar housing projects in other areas of the country.

In closing, I wish particularly to commend Mr. Roland Matthews, manager of Park Manor. Mr. Matthews joined the Dayton Metropolitan Housing Authority in 1960. In December 1964, while Park Manor was still under construction, he was designated manager. His deep interest in the elderly citizens of the community is evidenced by the dedication with which he has administered the project. Also, Mr. Ulrich G. Rose, who is in charge of the maintenance of Park Manor, deserves special recognition for his many valuable contributions.

I look forward to visiting with these gentleman and the residents of Park Manor on Friday.

IS DISTRICT OF COLUMBIA GOVERNMENT PRACTICING BLACK RACISM?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. ASHBROOK. Mr. Speaker, the Washington Post of Sunday, May 12, carried an article on the District of Columbia government entitled "City Government Pushes Negro Hiring." The article leads off by quoting Julian R. Dugas, Director of the Department of Licenses and Inspections, as saying:

> I am going to be very color conscious in my appointments. This is a Negro city and it should be run by Negroes.

I think most citizens regardless of color would take issue with this statement. I believe most of them would hold that this is not a Negro city, but the city of all Americans—the Nation's Capital, and that it should be run by the most qualified personnel, regardless of race, creed, or color. The tax dollars of all Americans help to finance the operation of this city, unlike the financial arrangement of other cities throughout the Nation.

This much should be made clear: Qualified Negro job aspirants should be encouraged in their search for job opportunities in the District of Columbia. When one looks at the obituary pages in the local newspapers, one reads of patriotic Negro soldiers who have sacrificed their lives in Vietnam along with soldiers of other races. Surely, Negro citizens need apologize to no one concerning their loyalty to the Nation, and justice demands that they be accorded fair and equitable treatment on the basis of their individual talents and qualifications. The same should hold true for all job aspirants in the District of Columbia. If the policy expounded by Mr. Dugas above is to be the foundation for the operation of the District government, then the enactment of home rule for the District will only aggravate the problem of color consciousness. This is still the Nation's Capital, and its primary function is to serve all Americans, regardless of race, creed, or color.

I insert the article, "City Government Pushes Negro Hiring," from the Washington Post of May 12 in the RECORD at this point:

CITY GOVERNMENT PUSHES NEGRO HIRING—PROMOTIONS SPEEDED ALSO

"I am going to be very color conscious in my appointments. This is a Negro city and it should be run by Negroes."—Julian R. Dugas, January, 1968

(By Hollie I. West)

The face of the city's Department of Licenses and Inspections has changed dramatically since Julian R. Dugas took office last December as director. He has made good on his promise.

In the nearly five months he has been in office, he has appointed Negroes to all five of the top positions—administrative slots at grade levels GS-11 or above—that have opened up in his department.

More striking, however, have been the appointments in the lower grades that Dugas has made in the ranks of secretaries, stenographers and clerks. In 52 positions below GS-11 level, he has appointed 46 Negroes. In total figures, this means that of 57 persons hired by L&I since January of this year, 51 have been Negroes.

This change is symbolic of the transition that has taken place in other city agencies since reorganization of the District government last November.

When Mayor Walter E. Washington was sworn into office Nov. 3, Negroes had been moving into city government jobs at a steady but undramatic pace, primarily in the bottom-level positions.

For example, in 1960, 63.9 per cent of the District's Negro employes were in the lowest four classification grades and only 1.3 per cent were in brackets above grade 11, according to Washington Urban League figures.

By 1966 (the latest year for which official figures are available), 67 per cent of the city's 15,870 Negro employes were in the four lowest job categories, and 2.7 per cent of the total number were in grades 12 and above.

Upward mobility has accelerated dramatically since then. The 1967 Human Relations Council report on Negro-white employment in the District government is not ready, but change is evident.

For the general public, the most visible changes have occurred on the fifth floor of the District Building, where the executive and City Council offices are located. The Mayor is a Negro and so are five of the nine City Council members.

Two of the Mayor's key aides are Negroes—Sherrill Luke, director of program development, and James L. Jones, director of the city's youth program.

His closest advisers on city affairs are Dugas and Corporation Counsel Charles T. Duncan, both Negro.

Isaiah T. Creswell Jr., counsel to the City Council and assistant to Chairman John W. Hechinger, is a Negro. So is Wesley Williams Jr., administrative assistant to the Rev. Walter E. Fauntroy, Council vice chairman.

The number of Negro secretaries has increased radically on the building's fifth floor since reorganization. Where there were four before last November, there are now 20.

A former high city official said things had changed radically since 1961 when "employment in the District government was in bad shape."

WARTIME AGENCIES

But, he said, the change began in the District in 1942 when Federal wartime agencies began to open their doors to Negroes.

He said 67 areas in the city—government and private—were integrated between 1942 and 1954, the year of the Supreme Court decision that outlawed school segregation.

After 1954, the campaign to integrate public facilities and wipe out employment discrimination in the private sector became more intense.

"All this had a lot of effect on policies in the District government," he explained. "Things have gotten better, but they can get even better."

Some say the Mayor can resolve alleged discrimination problems in the city government by requiring that he review every vacancy at GS-7 level or above.

Others suggest the Mayor can end lily-white attitudes in departments by appointing Negroes to head them.

In effect, this is what the Mayor did when he appointed Dugas, an old friend and troubleshooter for him, to head L&I.

L&I was once considered the most segregated of city agencies. A former District official said the Department's administrators did not follow the city's Equal Employment Opportunities program.

Negro employes in the Department were often bitter about the treatment they said they received.

A Negro inspector in the Department's housing division felt that he had been overlooked for promotion because of race and asked the Human Relations Council to investigate. The Council is in the middle of a protracted hearing on the issue.

However, the hearing may be moot in view of Dugas' actions since.

ENGINEERED APPOINTMENT

For example, he engineered the move in March by Mayor Washington to name a Negro. Lorenzo W. Jacobs Jr., as chief of L&I's housing division.

Other top Negro appointees there include Ralph E. Spencer, deputy superintendent of inspectors; Carroll Swanson, deputy housing administrator; Ethel Rhea, statistician, and Daniel Osborne, chief of licenses and review.

Dugas said that in some cases he has been willing to bend standards to get Negro rather than white persons for vacancies.

In the case of a vacant investigator's position, he said that if he had to choose between a white man retiring from the military with investigative experience and a young Negro college graduate with no experience but good potential, he would take the Negro.

Dugas has rewritten job descriptions to give Negroes a better chance of getting employment. He expects criticism for his policies, but points out that L&I is less than 30 per cent Negro (it is 29.4 per cent).

There are 131 Negroes and 314 whites. In 1966, there were 46 Negroes and 344 whites, and in 1960, there were 29 Negroes and 337 whites.

I'll just have to take what criticism comes my way because I think I've done the right thing," said Dugas. It just happens that this is a predominantly black city and blacks should be in the majority among those who govern. If I were in an Indian city, I'd be hiring Indians, or Eskimos if I were in an Eskimo city. I intend to change the color of this division (housing) from rosy red to brown and then to black."

Washington is indeed a black city. About two of every three of its 800,000-plus population are Negroes. It is one of three American cities with Negro majorities. The others are Newark (51 per cent) and Gary, Ind. (55 per cent).

Color consciousness has affected many city agencies.

Kenneth L. Hardy, a Negro and director of the Department of Corrections, says, "I'm conscious of color when appointments are being made, but I don't make appointments on the basis of color."

Negroes Hardy has appointed include Allen M. Avery, associate director of the Department; Charles Rodgers, superintendent of the D.C. Jail; Julius Martin, chief parole officer; William Carr, chief clinical psychologist; Delbert Jackson, business director; Joseph Cheek, administrator of the prerelease guidance center, and Manson and Wade Brown, brothers who are supervisory parole officers.

Hardy said that in some cases Negro physicians and dentists are at levels of GS–12 or above, sometimes outranking the deputy director in rating and pay scale, but they work only parttime and cannot be counted among regular employes.

STILL SOME TO GO

Of about 1073 persons in the Department, 223 are Negro. In 1966, there were 151 Negroes and 821 whites.

"We're a long way from the way we used to be and there's still some way to go," Hardy says.

Hardy said that John B. Duncan, a former District Commissioner, was influential in getting Donald Clemmer, the late head of the Corrections Department, to think of grooming him, a Negro, for Department head.

Duncan, the first Negro member of the old Board of Commissioners, is also given credit for advancing the career of Joseph H. Cole, a Negro who is superintendent of the Department of Recreation.

Cole, who joined the Recreation Department in 1935, has changed the image of the Department.

"We don't want to be all black at the top," said Cole. "But we do want to open up as many positions as possible to Negroes."

He has appointed three Negroes to supervisory positions since becoming superintendent in 1966. They are Jessie Johnson, administrative officer; Samuel LaBeach, assistant director of special programs, and Stanley J. Anderson, assistant director of neighborhood centers.

AVOIDS CONFLICT OF INTEREST

Anderson left his position after being named to the City Council last November to avoid a conflict of interest in city jobs.

An investigation by the Human Relations Council in November found that Negroes held only 20 per cent of the Recreation Department's top jobs, despite making up two-thirds of its employes. The investigation also found that more than half of the Negro employes surveyed had college degrees, but only 37 per cent of the whites held degrees.

"I'm not going to take issue with the investigative report one way or the other," said Cole. "The report is not what I call a complete report."

Cole said that although facts and figures in the report could not be denied, he questioned the meaning of some of the statistics.

Cole complained that the city's Personnel Department was slow in finding qualified persons and upgrading the classifications of positions to attract capable people.

"They're taking entirely too long," he said. "That's a handicap now."

STRETCHED STANDARDS

John Eaton, director of the Personnel Department, said there was a problem in finding qualified Negroes.

"Many Negroes are going into private industry, particularly in the technical skills," he said. "I wouldn't say we have lowered our standards (to attract Negroes)—we have stretched them."

James Murray, in charge of recruiting for the Personnel Department, said, "I think for the most part we're well ahead of the District government agencies in looking for people."

He referred to a vacancy list that is sent out every two weeks to placement agencies and area colleges. Murray also said he had coordinated efforts in the past with the Washington Urban League.

Murray also worked closely with John Duncan in looking for potential Negro job holders.

Steady criticism has been directed at the Departments of Sanitary Engineering, Buildings and Grounds and Highways and Traffic for not having enough Negroes.

Freeway opponents have directed much of their bitterness toward Thomas Airis, director of the Department of Highways and Traffic, charging him with discriminatory hiring policies.

"There is a problem of getting technically trained people," said Airis. "We can't get college graduates in the top third of the class. We get the older people and those who graduate at the bottom of the class."

He added: "I think we have encouraged the hiring and promotion of Negroes. But I want the proper people in the proper jobs."

Since June, 1962, the number of nonwhites in the Department has climbed from 408 to 554. The number of whites has dropped from 976 to 827.

APPEARANCES MISLEADING

At first glance, the recent job picture in the Department of Buildings and Grounds (the agency responsible for care and maintenance of city property) looks as if it had reached the golden mean in avoiding charges of job discrimination. Of 439 persons promoted in the department between July 1965 and December 1967, 238 were nonwhite.

But of those 238 promotions, 95 were clerical and protective positions of GS–2, GS–3 and GS–4 levels and 79 were in wage board (blue collar) helper and support positions.

Only 8 of 56 were in supervisory positions.

James A. Blaser, director of the Department, said, "The situation has been steadily improving. But we haven't had as many Negroes move into administrative positions as we'd like."

He said many top-level Negroes, such as Philip O. Pace, chief of the specification branch, and Harold Biddiex, assistant chief of the projects development branch, had been hired in the last five to seven years.

"The number of applicants that we get for some of these jobs is not large in the nonwhite category," he said. "The competition among the various city agencies makes it difficult to find people."

He said the Department's recruiting program had not attracted a sufficient number of Negro professionals.

Although Negroes compare favorably with whites in numbers in the Department of Sanitary Engineering (575 Negroes, 744 whites), about 300 of the Negroes are garbage collectors.

Before he retired last month as Department director, Roy Orndorff said, "We've had very little expansion in the last ten years. I think we've been open about this. We've tried to avoid discrimination. We've been on the alert for Negro employes, but we haven't had many apply."

CONSIDER OUR MISSION

Orndorff concedes that the Department "could have made more intense efforts to locate them, but we have to consider our mission is to run the Department."

He said that until the last "three or four years" there had not been much effort to find Negro applicants.

Essentially, "normal recruitment channels" had been used. he said.

Clifford Dodd, administrative officer for the Sanitary Engineering Department, said he was developing a college recruitment program that would aim at bringing in Negroes.

POSTPONED MEETING ON SUGAR QUOTAS

HON. W. R. POAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. POAGE. Mr. Speaker, for some time it has been planned that members of the Agriculture Committee should meet in informal session with Members and others who are interested in revising the U.S. sugar quotas. This meeting had been scheduled in the Agriculture Committee room at 2 p.m. tomorrow afternoon.

Due to the fact that the presence of the Agriculture Committee members will be required on the floor in connection with the passage of the bill extending Public Law 480 at that time, this meeting will be postponed until the completion of action on this bill. It will, however, take place immediately after the House has acted on this bill.

Although this is an informal discussion and not a committee meeting, it is open to the public and to the press. All are invited.

COMMONSENSE AND THE VIETNAM WAR

HON. ED REINECKE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. REINECKE. Mr. Speaker, recently one of my constituents, an Army veteran who has served in Vietnam, submitted a letter of inquiry concerning the Vietnam war. In my response to him, I observed:

> Whether we consider ourselves doves or hawks, I think we all have the same objectives—namely, get the war over, and get the boys home. The difference is, of course, in how we approach the problem.

Within this context, I was especially impressed with an April 28, 1968, Los Angeles Times article by William Tuohy entitled "Doctor Criticizes U.S. Effort To Win Allegiance of Vietnamese." In this article, Dr. Tom Durand, of Boston, who has just completed a 21-month tour of duty in Vietnam as chief health adviser for Saigon, is quoted as saying:

> If the Vietnamese never learn to do things for themselves, we will never get out of here.

Now, some would say that this statement is an incisive analysis, a penetrating appraisal, and so forth, which I think is true. But perhaps more importantly, it is a sensible statement by a sensible man. In short, it is good commonsense—commonsense that I would hope is reflected in the administration's handling of this aspect of the war.

Whether our citizens are considered or consider themselves hawks or doves, I submit that we all have the overall objective of honorably ending the war and bringing our young men home. I also submit, without presuming to speak for either the hawks or the doves, that there are certain areas in which there is real agreement concerning the Vietnam war, and that Mr. Tuohy's article perhaps falls within such an area.

With this in mind, I place this article by Mr. Tuohy in the RECORD:

[From the Los Angeles Times, Apr. 28, 1968]

DOCTOR CRITICIZES U.S. EFFORT TO WIN ALLEGIANCE OF VIETNAMESE—DEPARTING MEDICAL ADVISER CITES AMERICAN PROPENSITY TO SUPPORT LEADERS NOT COMMITTED TO THEIR OWN PEOPLE

(By William Tuohy)

SAIGON.—"Our problem in Vietnam," said Dr. Tom Durand, "is that we can't win the allegiance of the people with all the gold in Ft. Knox and all the blood of the U.S. Army."

Durand, an outspoken Boston Irishman, who has finished a 21-month tour here as chief health adviser for Saigon, has observed the U.S. effort here with a cool and discerning eye.

His job has taken him into many a nook and cranny, medical and political. He has looked beyond his immediate purview, and what he has seen does not provide much optimism for the U.S. political performance in Vietnam.

As he departed to become associated director of Massachusetts General Hospital in Boston, the 39-year-old Georgetown University-trained physician declared, more in sorrow than anger.

"The past couple of months have shown some improvement in long needed reforms in Saigon. For the first time, the government of Vietnam has been struck with the fact that the United States may pull out. The question is why they waited so long to begin doing anything."

BACKS UNCOMMITTED LEADERS

"All too often, it seems to me, the United States has been in the position of being committed to leaders who are not committed to their own people.

"On our side, we have tried to fight an affluent war in a poor society. We have put too much stress on creature comforts for our advisers—on the post exchange, on creating little Americas, with their noisy generators outside of big villas to provide air conditioning. There has been too little of the spirit of challenge and sacrifice that you find in the Peace Corps. Is there really a need for a Japanese tape recorder for every American in the country."

"We have preached land reform, yet it was the Americans who bought up or rented all the available villas in Saigon, driving real estate prices sky high, and letting a few landlords make millions in profits.

"We have preached other reforms, yet we permitted the government to encourage luxury construction in Saigon when we couldn't find the contractors to build hospitals or dispensaries or schoolrooms.

"We watched high-rise hotels go up, and bars and night clubs, when most of the people of Saigon are living in shanties.

"And who are we to advise the Vietnamese government on administrative and bureaucratic reforms when it takes the U.S. aid machinery here 18 months of red tape to negotiate and approve a simple contract for hospital repairs?

"There has been a dreadful proliferation of programs, misplaced priorities, middle-level advisers pushing the Vietnamese aside and trying to do things themselves. We could cut the Agency for International Development staff in half and get twice the work done.

"And then we send middle-class girls from Saigon to the United States for four years of training as college-level nurses under American standards. They return to Vietnam, and decide not to work under the conditions that exist in the hospitals here. With their education and English language, they take jobs as secretaries or interpreters for the Americans. That's four years and $30,000 wasted per girl.

THE 19TH-CENTURY DISEASES

"What is the point in trying to educate Vietnamese doctors on the intricacies of open heart surgery or heart-lung machines when what is needed in Vietnam is treatment for 19th century diseases and basic preventive medicine?

"Why don't we send Vietnamese doctors and nurses to Taiwan for a three-month course in public health? There, they would learn something quickly that is relevant to conditions in Vietnam. We keep sending the elite to the U.S. and they don't want to come back."

Dr. Durand points out that few U.S. advisers here speak Vietnamese. The bright-eyed, balding, energetic medic picked up a working knowledge on the job and in after-hours classes.

NO LANGUAGE CENTER

"Why send our people to Vietnamese classes in Boston or Hawaii?" he asked. "The place to learn working Vietnamese is in Vietnam. Yet after more than 10 years of our involvement here, there is no intensive Vietnamese language center for Americans in Vietnam.

"We keep saying that Vietnamese problems must be solved by the Vietnamese. This is true. But often the Americans behave as if we will solve their problems. We push them aside and they end up just watching and opting out."

Durand then said emphatically:

"If the Vietnamese never learn to do things for themselves, we will never get out of here."

Can the combined American-Vietnamese effort with all its past flaws still reach a successful solution?

Durand doesn't pretend to know.

"There have been changes and reforms in the past two months. Do they come too late? Or is this a genuine turning point where the Vietnamese government rises to the occasion? Can the Vietnamese government and the U.S. government close the credibility gaps with their own peoples? Only time will tell—and we don't have much left in Vietnam."

THE LATE "DOC" SATTI, "MR. DEMOCRAT" OF SOUTHEASTERN CONNECTICUT

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. ST. ONGE. Mr. Speaker, the State of Connecticut, and southeastern Connecticut in particular, lost a loyal and devoted son in Dr. C. John Satti, of New London. He died at the age of 72 on Tuesday, May 7, and burial took place on Saturday, May 11.

The death of "Doc" Satti, who was well known under that name throughout the State, came as a shock to me and a deep personal loss. I have known him for many years as a personal friend and political adviser. As a matter of fact, Dr. Satti perhaps more than any other person was responsible for my entering the congressional race some years ago and like the true leader that he was he gave me the support which he had pledged.

The passing of Dr. Satti leaves a void in eastern Connecticut and in the entire State where he was in the political forefront for over 35 years. He was a dedicated worker for programs to improve the American way of life for all its people. This colorful and hard-working man was highly respected by all who knew him.

I wish to extend my deepest sympathy to the members of his family.

Mr. Speaker, I am inserting into the RECORD an article about him published in the obituary columns of the Norwich, Conn., Bulletin on May 8, 1968, and an editorial on the same date published in the New London Day:

[From the Norwich (Conn.) Bulletin, May 8, 1968]

DR. SATTI NOTED DEMOCRAT, DIES

NEW LONDON.—Flags will fly at half-staff Wednesday morning in tribute to the late Dr. C. John Satti, Democratic town chairman, who died Tuesday at 12:30 p.m. at Lawrence Memorial Hospital. He was 72.

Dr. Satti had been hospitalized since March 8 when he was stricken with a cerebral hemorrhage at the home of a son, C. Robert Satti of 517 Alewife Parkway.

The Democratic leader will be buried in St. Mary's Cemetery Saturday morning after rites at Thomas L. Neilan and Sons Funeral Home, 12 Ocean Ave. at 10:15 a.m.

U.S. Rep. William St. Onge is expected to be one of the state dignitaries who will pay last respects to the veteran Democratic leader.

Dr. Satti had served twice as Democratic town chairman from 1934–1955 and from December, 1965 until his death.

From the time of his attack on March 8, Dr. Satti had not regained consciousness.

During his 35 year political career, he served on the New London Board of Education for several years, was secretary of state under Gov. Wilbur Cross from 1934–38, was Second District Unemployment Compensation commissioner in the late 1940's, and held the post of state central committeeman for the old 18th Senatorial District consisting of New London and Groton from 1950 until the legislature was reapportioned.

Dr. Satti was born above his father's candy store on Bank St. in 1895, shortly after his family settled here from Italy.

He attended Nameaug and Nathan Hale Schools in New London and was graduated with the class of 1915 from the former Bulkeley School.

He was attending the Rhode Island State College, now the University of Rhode Island, when World War I broke out.

The doctor joined a group of students and marched from the college to Newport, R.I. Naval Station in Newport, R.I. to enlist in the Navy, but was refused enlistment. He also was refused enlistment in the Army and was not drafted, because the services considered him too short.

Dr. Satti took his internship at Kings County Hospital in New York City and immediately set up a practice in New London.

In 1932 he was one of the electors from Connecticut who cast presidential votes for Franklin D. Roosevelt.

He was the leader of the Young Democrats in New London in the 1920's and was a prime figure in many ward fights in the city.

In 1934 he became town chairman of the Democratic Party in New London and remained a key figure in politics until his death.

In 1934 Dr. Satti became Secretary of State, a position which he held for four years. During his last year in office, he became national president of the Secretary of States Association. He had been a delegate to the Democratic National Convention since 1932, a post which he held continuously with the exception of 1948 when a maternity case kept him away from the convention.

Aside from politics, Dr. Satti was active in the formation of many Italian-American organizations. He was a member of the Elks and a Fourth Degree member of the Knights of Columbus and had held numerous offices in Italian organizations.

Dr. Satti also had been on the board of directors for the Connecticut Medical Society, president of the Yale Alumnae Medical Society, and a member of the Board of Directors of General Practitioners, in addition to many other clubs and organizations.

He was the son of Charles and Maria Danesi Satti, who were among the earliest Italian immigrants to New London.

He is survived by two sons, C. Robert Satti and Dr. C. John Satti, Jr., both of New London; two daughters, Mrs. Harry Butler of New London and Mrs. Harry Neilsen of South Bend, Ind.; a brother, Andrew Satti of New London; four sisters, Mrs. William Curtin and Mrs. Alesandro Secchiaroli, both of New London, Mrs. Teresa Noyes of Mason's Island and Mrs. Emma India of Mystic; and grandchildren.

[From the New London (Conn.) Day, May 8, 1968]

Doc

In the heat of one political battle, Dr. C. John Satti would reminisce about past difficulties. "I remember one night when the Longshoremen threatened to quit us," he'd begin—and then he'd tell a tale that many had heard before, although often there would be some additions and subtractions. Doc never tired of telling the stories and his listeners never tired of hearing them.

These were the times Doc liked best. If a fight developed over a nomination for office, Dr. Satti usually let the battle rage right up to the night of decision—and often well past the hour when the delegates were supposed to begin deliberations.

As a crowd of party faithful and observers stood around, Doc would begin banging the heads together. He'd flit from one room to another, dragging on a cigarette, running his hands through his hair and, occasionally, making a hurried phone call. Finally he'd get his way and act surprised when reporters wondered about the backroom doings. "Just a few minor matters to straighten out," he'd report with a grin.

Doc Satti was a political in-fighter. He controlled what he wanted to control, what he believed was his territory. Occasionally he'd try to branch out, to exert some pressure on a congressional district level or something similar. But he knew when he was in over his head and he wasn't too proud to pull in his horns and return to his own domain.

But the man who died yesterday was motivated by the democratic ideal that government is of, for, and by the people. To the disadvantaged of his era, the large number of immigrants, who had come here seeking a new life, he was doctor, social worker, legal advisor and teacher who tutored them in reading and writing skills and in government processes. Majority rule was his motto.

The Democratic Party which he took over back in 1934 was in a shambles. In an amazingly short time, it was a revitalized power and the Doc saw to it that it remained the majority party—except in rare instances—right up to the present. That both he and his party remained in power that long is a feat of no mean proportions.

State and National Chairman John M. Bailey, who took turns praising and punishing Doc Satti, once was asked about the secret of the man's success in politics.

"He believes in winning," said Bailey. "It's almost as simple as that."

Bailey never ceased to be fascinated by the state senators Doc Satti would send to Hartford. Bailey likes to recall 1955, when he was informed that 18th District Democrats had nominated W. Duane Lockard, a 33-year-old professor of government at Connecticut College. Bailey got right on the phone to Doc.

"I thought you owed the nomination to . . . ," Bailey said.

"I did," said Doc, "but I found out he can't win."

"Can the professor?" Bailey wondered.

"He'd better or we both lose," Doc replied.

Lockard won. The Doc had scored again.

LEGISLATURE HONORS JOHN J. KIRWAN

HON. BARRATT O'HARA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. O'HARA of Illinois. Mr. Speaker, by unanimous consent I am extending my remarks to include a news article from the Home Journal of the Virgin Islands with the text of the resolution of the Legislature of the Virgin Islands expressing appreciation of the "invaluable contribution and exceptional services" of John J. Kirwan, retiring Assistant Director, Office of Territories, Department of the Interior, and son of our distinguished, able, and beloved colleague from Ohio [Mr. Kirwan].

The article follows:

Legislature Honors John J. Kirwan

A resolution hailing the services to the people of the Virgin Islands was adopted unanimously by the Legislature Tuesday. The resolution stated:

"Whereas John J. Kirwan, a native of Ohio, outstanding and veteran public servant, recently retired from the Federal service as Assistant Director, Office of Territories, Department of the Interior; and

"Whereas in the effective and meaningful discharge of the high responsibilities of such latter position required of John J. Kirwan empathy with the needs, problems and aspirations of the peoples of such territorial areas as Guam, American Samoa and the Virgin Islands of the United States; and

"Whereas John J. Kirwan demonstrated throughout his career of service a dedication and devotion to the advancement of these areas, and was always understanding, ever candid and consistently helpful in his attitude and counsel to the people of the Virgin Islands, and in his relationship to their Government; now, therefore be it

"Resolved by the Legislature of the Virgin Islands:

"That the Legislature, on behalf of the people of the Virgin Islands and in recognition of a generosity of attention, advice and assistance received hereby cites John J. Kirwan and through this medium memorializes its appreciation of his invaluable contributions and exceptional services to the well-being and progress of the Virgin Islands and its people.

"And be it further resolved, that a framed copy of this Resolution be presented to John J. Kirwan on an appropriate occasion by the Governor of the Virgin Islands or his authorized representative, and that copies of this Resolution be also forwarded to the Secretary of the Interior and to the Director, Office of Territories, Department of the Interior."

SPEECH BY SECRETARY OF THE NAVY PAUL R. IGNATIUS

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. RIVERS. Mr. Speaker, under the leave to extend my remarks in the Record, I would like to call the attention of the Members to the following speech by our great Secretary of the Navy, the Honorable Paul R. Ignatius. I am convinced that Secretary Ignatius is one of the finest and most capable of all who have occupied this historic position. I have immense respect for him and for his judgment. It is for this reason that I want to share his remarks with a larger audience. The text of his speech follows:

Remarks by Hon. Paul R. Ignatius, Secretary of the Navy, at the South Carolina State Bar Association Annual Banquet, Charleston, S.C., May 10, 1968

Mr. Whaley, distinguished guests, ladies and gentlemen, the invitation to speak to you tonight was particularly welcome, for it gives the Secretary of the Navy the opportunity to visit Charleston, with all its important naval activities.

This city's naval shipyard has, for decades, provided vital industrial support to the Atlantic Fleet. The Naval Base has served as a hospitable home port and operating base for major elements of that Fleet. It is the Headquarters of the Sixth Naval District. Nearby at Parris Island is the Marine Corps

Recruit Depot which has converted hundreds of thousands of young men into fighting Marines.

Charleston is also headquarters for the distinguished Chairman of the House Armed Services Committee, Mr. L. Mendel Rivers, who has been a vigilant advocate of a strong and modern Navy and Marine Corps. We are grateful and indebted to him.

So tonight, in this most important base of U.S. Naval power, I should like to discuss the growing interest in the development of sea power that clearly has taken hold in the Soviet Union.

For the first time since World War II our free use of the Mediterranean Sea area is being contested. The U.S. Sixth Fleet and NATO Navies have been joined by ships of the Soviet Navy, long known as a submarine Navy, but structured with surface combatants and support ships, as well as submarines. It is a Navy capable of many missions and it is expanding.

One of the significant developments of the past decade has been the growth in size and quality of this Soviet Navy. There are clear signs now that Soviet policy-makers intend to use the capabilities of this new power, and we may be embarked on an era of global maritime importance.

The Soviets, at the end of World War II, already had underway a naval construction program designed to provide numbers of ships to patrol the country's coastlines and to guard the flanks of ground forces deployed in Europe. By 1955, there were 60 short-range submarines, 20 light cruisers, more than 100 destroyers, nearly 300 other submarines of improved characteristics, and more than 1000 smaller vessels.

The emphasis on quantity during this period is perhaps best illustrated by the fact that more than 80 diesel submarines were in various stages of construction in 1955 alone.

By 1955 the Soviets began to envision the possibilities of a broader maritime policy, and the next 12 years saw a change in naval construction toward innovation and quality.

Two classes of Soviet guided missile cruisers—with surface-to-surface, surface-to-air and anti-submarine missiles—have made their appearance in recent years. In addition, two new destroyer classes have a long-range surface-to-surface missile capability, and two classes of missile patrol boats carry short-range surface-to-surface missiles. These are like the Soviet-built missiles reportedly fired from United Arab Republic naval vessels to sink the Israeli destroyer Elath.

The Soviets have also developed and deployed nuclear-powered submarines, both attack and ballistic-missile types. They also have more than 50 cruise missile submarines capable of launching surface-to-surface weapons at targets more than 400 nautical miles distant.

We believe, furthermore, they are now improving their ballistic-missile submarine fleet with a construction program of submarines probably similar to our early POLARIS boats.

The total Soviet submarine force, consisting of more than 350 ships, constitutes a formidable force, and there are indications that the Soviets intend to increase the quality of this force by replacing diesel-powered submarines with more modern nuclear submarines.

Another potentially significant development is their increasing emphasis on an amphibious warfare capability. At the recent 50th Anniversary celebrations in Moscow, some of the 6,000 "Black Berets" in the Soviet Navy were exhibited on parade. These Soviet naval infantry were reactivated as a force in 1964 with unusual official publicity.

Recently we have learned that the Soviets are building two helicopter carriers. One, the Moskva, is at sea; the other is still being fitted out. The ships are about 600 feet long, possibly of 25,000 tons displacement fully loaded.

The Moskva and her sister ship could be used either in an amphibious assault role, for anti-submarine warfare, in a command function, or on a combination of missions.

At present, the small amphibious and troop force represented by the Black Berets and such ships as the Moskva do not have capabilities similar to what we have in our own Navy and Marine Corps. However, the Soviet effort does seem to indicate an interest in having a capability of this type.

An increase in support ship strength has paralleled this growth in attack capability and thereby extends it. Soviet ships need not return home for minor repairs or food, fuel and ammunition replenishment. They are able now to undertake extended operations on the high seas and in areas of greater distance from the homeland than ever before.

We in the Navy have been watching these trends carefully over the years. It is only with the upsurge of Soviet naval deployments to the Mediterranean, perhaps the clearest reflection of a new emphasis on the sea, that the world at large has become aware of this base of power.

The Soviet Union first undertook modest naval operations in the Mediterranean in 1954. When Soviet-Albanian dissension forced the USSR to abandon a base on Albania's Adriatic coast in 1961, however, the Soviet naval presence in the Mediterranean virtually disappeared.

They reestablished a visible presence in the Mediterranean in the summer of 1964 with the dispatch of a cruiser-destroyer force from the Black Sea Fleet and with the institution of virtually continuous submarine patrols.

Following the outbreak of last year's Arab-Israeli war, the Soviets reinforced their Mediterranean squadron. By July, some 40 ships were deployed in the Eastern Mediterranean, quadruple the number of a year earlier.

Just last September, a new amphibious type (similar to our LST) appeared there, the first time the Soviets had deployed amphibious ships to the area, making it possible to lift the approximate equivalent of a battalion.

This is a diverse force.

With submarines, surface combatants equipped with surface-to-surface missiles, landing ships, minesweepers, intelligence collectors and logistic support ships in the Mediterranean, the Soviet Union can meet a number of contingencies on short notice.

It can attack surface ships with cruise missiles and torpedoes.

It can undertake a limited amphibious landing.

It can temporarily protect or evacuate Soviet nationals, should the need arise.

It can blockade ports, harbors and shipping channels and protect the fleet's anchorages with mines.

It can maintain a considerable naval force independent of land bases.

It can give form to Soviet political decisions.

And, with all this, it is moving to meet Fleet Admiral Sergei Gorshkov's contention of last July that the Soviets ". . . must be prepared for broad offensive operations against sea and ground troops of the imperialists on any point of the world's oceans and adjacent territories."

The admiral went on to say that the Soviet Navy would thenceforth not limit itself to coastal defense of the homeland, but would support "state interests at sea in peacetime."

As the first sea power of the world, the U.S. is aware of the value of a fleet that can pursue national interests anywhere on the seas. With naval forces, a nation is able to position armed power to persuade, dissuade, or indicate an interest without commitment or encroachment on foreign soil or territorial waters. For the Soviets, likewise, a Navy fits the pattern of seeking to influence international affairs with a maximum flexibility in decision-making better than any other armed force, and it fits Soviet behavior since World War II.

The Mediterranean apparently is the first testing ground of an expanding Soviet maritime policy. It is based, politically, on an interest in the Middle East and the northern tier of Africa. Strategically, it is consistent with a historical Russian desire to develop access to warm water areas and to the open oceans.

That a wider naval capability has given in-being the Soviets' new confidence and that they intend to use it for political influence is evident in a recent statement of Chairman Brezhnev:

"There is no justification whatever for the constant presence of the U.S. Fleet in waters washing the shore of Southern Europe. One would like to ask: 'What are the grounds, 20 years after the end of the World War II, for the U.S. Sixth Fleet to cruise the Mediterranean and to use military bases, ports, and supply bases in a number of Mediterranean countries?' This poses a serious threat to the independence of all coastal countries. The time has come to demand the complete withdrawal of the U.S. Sixth Fleet from the Mediterranean."

Although the Soviet Union can hardly expect our withdrawal, it does expect to demonstrate that the Mediterranean is not dominated by United States forces. Its method has been to establish a naval presence there and to operate in unique ways.

Soviet forces generally have been concentrated in the eastern half of the basin, though units move throughout the 2300-mile long sea.

Commencing in June 1967, the Soviets have rotated ships in and out of Alexandria and Port Said and since September 1967, have stationed a repair ship and a diving tender continuously in Alexandria. Limited use is also made of commercial—though not governmental—port services.

But the Soviets continue to be cautious in avoiding the appearance of establishing formal bases in the Mediterranean. Their port visits appear to be more related to political purposes, and in the case of Egypt, an effort to give substance to Soviet political support of the UAR, following its defeat last year by Israel.

Many Soviet ships, when not operating at sea, anchor in international waters to rest their crews, care for their equipment, and take on supplies from logistical ships. These anchorages are well spaced and positioned near shipping focal points so that surveillance may continue.

When at sea, the Soviet Fleet trains as our Navy does and carries out a close watch on ships of the Sixth Fleet. This operation is carefully planned. The Soviet AGI's—the intelligence ships—are placed to gain intelligence and to direct Soviet combatant ships to join with and shadow U.S. naval units. They use their cruise missile-equipped surface ships and submarines in the narrow areas and sea openings of the Mediterranean—south of Sicily, near the entrance of the Aegean, and south of Crete and Cyprus—so that U.S. ships, at least in the eastern Mediterranean, are under the Soviet gun just as our own air and surface striking forces cover a broader area of the Mediterranean.

There is no bar, of course, to the operation of our own or Soviet ships in any part of this broad sea, but for the first time since World

War II our freedom in the Mediterranean Sea is being contested.

Also, the Soviets are learning from us. With an intent to expand their capability to operate at sea away from their homeland, it is logical that they should want to learn our methods for the very procedure they covet. As you are aware, the U.S. Navy operates at will over the world oceans through underway replenishment of supplies, fuel, and ammunition. As these operations are conducted in the Mediterranean, the Soviets are moving in close to our ships to observe and to take pictures.

As their expertise is developed in the Mediterranean, their ships already are entering new areas. Most recently, this has taken the form of voyages into the Indian Ocean and port visits to India and Africa. In the past year, it has included excursions into the South Atlantic Ocean with a carefully planned force of submarines and logistic ships designed to give sustaining power without reliance on land bases.

A bolstered—and evidently continuing—naval presence in the Mediterranean gives the Soviet Union increased flexibility in political decisions relevant to the Middle East situation.

The Soviets have introduced their own armed power into the geographic area of dispute and, in the form of a naval force, they are ranged there against the striking power of the U.S. Sixth Fleet.

Though we believe the Soviets will not make defense arrangements that would bind them to take military action in the area, we must be aware that the USSR may be increasingly inclined to deploy its ships specifically in support of client states during periods of regional tension; some of their Egyptian port calls after last June's war were almost certainly in response to Cairo's desire to deter possible Israeli attacks.

In addition, because of their new landing force capability, we must consider that there may arise certain circumstances under which the Soviets would provide a more direct sort of help to clients, so long as the military risks do not seem high and the political risks of *inaction do* seem great.

Thus, the Soviets have assumed a much greater political flexibility in dealing with the Middle East by deploying naval forces to the Mediterranean. At the same time, they must accept greater responsibility in their political actions because they can now threaten with men, missiles and mines, not just words.

In sum, the Soviets see the region as strategically important—politically, economically and militarily. Their primary aim for the foreseeable future will be, as much as possible, to deny the area politically to the West, and, in particular, to the United States.

But the Sixth Fleet is in the Mediterranean to stay! It has the capability and support to do so. Its purpose is to contribute to peace and stability in the area.

As the recent conflict and continuing armed incidents between Israel and the Arab states show, however, the presence of power alone will not make peace. There must be a desire for understanding and mutual accommodation of differences if conflict and dispute are to be dampened.

What lies ahead will depend, to a large extent, on the purposes of the Soviet presence. If it is designed as a restraining force, the prospects for peace will increase. On the other hand, if it is intended to encourage Arab activism, the possibility of increased tensions may arise.

For our part, we have always been vigilant of political, military and economic activities in the Middle East. We are determined to maintain our presence there, and we shall continue to promote peace.

A TRIBUTE FOR CHARLES CHIAKULAS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. PUCINSKI. Mr. Speaker, in one sense there is no death. The life of a man on earth lasts beyond his departure. You will always feel that life touching yours, that voice speaking to you, that spirit looking out of other eyes, talking to you in the familiar things he touched, worked with, loved as familiar friends. He lives on in your life and in the lives of all others who knew him.

Early this past Sunday morning, a man died; killed in a senseless highway accident. To me, and to the hundreds of people who knew him, his death was almost too great a weight to bear. His very existence had made all of us better, more alive, and happier because we shared a part of his life.

His name was Charles Chiakulas. He was a good friend to many in this Chamber, as well as countless people in villages and cities throughout the world. Many will tell you of his achievements and his accomplishments in life. There is not one of us who did not feel the force of his warmth and personality, his genuine love for the human race, and his joy in living.

Charlie Chiakulas was my friend, my counselor, my brother. He was Greek and terribly proud of his ancestry. He knew more about Greek history than most professional scholars, and his Greek blood taught him more about the sadness of men, their boundless capacity for good and evil, their inconstancy, their devotion to ideals, their imperfect dreams, their failures and strivings, than any man I ever knew.

There is an all-too-familiar poem about building a house by the side of the road and being a "friend to man." Charlie Chiakulas would never have settled down in that safe little house. His time had to be spent in the dust and bumps of the road itself seeking people to help and a way to secure an equal chance for all men.

Some years ago in Chicago he helped found the Justice for Cyprus Committee—a committee to offer assistance to the refugees and dispossessed of that troubled island. He flew to Cyprus to see what he could do to help. When I was there last summer, I met men and women who remembered the warm-hearted American who gave his heart and his hand in their behalf. He lives today in their memories and in their renewed hopes for the future.

As a young man, before World War II, he began his fight for the laboring men and women of America. At that time it often took uncommon courage to speak out on behalf of labor unions, for industry could resort to reprisals that would deprive a man of his ability to earn a living. The men who helped organize the unions, despite the heavy opposition they faced, were some of the bravest pioneers this Nation has ever produced. Of all races and creeds, they banded together under the banner of justice and equality of opportunity, and this country was immeasurably advanced by their vision and sacrifice.

Charlie Chiakulas was one of them. In those years he was up long before dawn, meeting workers at factory gates, walking picket lines, fending off the night sticks, clubs, and hatred of men who had spent their lives building a fortress around the status quo.

Charlie was in the thick of it all, encouraging the disheartened, bandaging heads, cooling tempers, trying to find jobs and housing for men who were fired and blacklisted. Little by little, inch by inch, by concession and compromise, the total oligarchy of management was dissolved. And men could at last bargain in good faith for the wages, hours, safety devices, health and accident benefits, they had earned.

It has been said that difficulties are the things that show what men are. Teddy Roosevelt used to say, "The first requisite of a good citizen is that he be able to pull his own weight." Charlie Chiakulas spent every day of his life fighting for man's right to dignity and independence.

This planet we cluster on so uneasily is but a small star in the vast expanse of the universe. But we have the power to make it, and this Nation, habitable and free. There could be a world with no hunger, no fear, no war. The decision rests with each of us. How will we use these precious days of our lives?

Christine Chiakulas, Charlie's wife, and his son, Jim, know better than any the loss we have suffered. Their sorrow is deep. There is little we can say or do to console them. But I hope, in this hour of their grief, they will remember the zest and vitality of the man who loved them and who sought to make the world a better place for all families. I think he would tell them, if he could, that there is a time for tears and sadness, but that we must not let sorrow blind us to the miracle of life that beckons and the work which is unfinished.

As for me, when I think of him and what his help and friendship meant, I see him as he stood with me one election night after a particularly grueling campaign.

The returns were in and our victory was official. Charlie, who had been on his feet for some 20 hours, began to sing an old Greek folksong. Then he called to several of the men—laborers, businessmen, students—and, lining them up, began teaching them a Greek dance that dated back to a faroff time when warriors danced in celebration after winning a great battle.

They stood in a ragged line, eyes shining, their hands clasped around one another's shoulders, with Charlie in their midst, as always. Their ties were loose, their coats scattered on chairs and tables, and they danced and sang louder and louder until the room and the street beyond were filled with their voices, their comradeship, their love of living.

Charlie looked across the room at me,

laughter glistening on his face: "Zito, Roman," he shouted over the din. "Long life, Roman."

Zito, my old friend, Zito, and thank you.

AFRICA'S HIDDEN SHAME

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. SCHEUER. Mr. Speaker, one of the most terrible wars of human extermination in this decade has been going on, almost unnoticed. In Africa—where the armies of the Sudanese Government have been engaged in what is nothing less than a planned campaign to destroy the non-Arab population of the Southern Sudan.

The 7 million Arabized Moslem northerners are engaged in what amounts to a war of genocide against the 4 million non-Moslem, non-Arab southerners.

Even when an entire town of 1.400 people was massacred the news was virtually ignored—as were also the protests of Nigeria and other African governments.

We have witnessed repeated campaigns of genocide in our generation, starting with the evil deeds of Adolf Hitler. We have heard of the horrors of apartheid, and we know of Nasser's declaration that he would "push the Jews into the sea." Here is another example of an Arab League State, following along the same inhuman line of destroying people of a race or religion whom its leaders do not like.

Fortunately, the West German magazine Stern went to the expense of sending reporters to cover this forgotten war a year ago; and, fortunately, the Society for the Prevention of World War III, in its periodical Prevent World War III, has directed American public attention to the evidence concerning this dangerous situation. It is appropriate that in this human rights year, and at a time when we are again forced to reassess the beligerent purposes of the Arab League States in the Middle East, we should pay attention to this additional example of Arab terrorism.

I, therefore, include in my remarks the article, "Africa's Hidden Shame: Arab Genocide Campaign Threatens Survival of Four Million Southern Sudanese Africans," from the winter-spring 1968 edition of the publication, Prevent World War III:

AFRICA'S HIDDEN SHAME: ARAB GENOCIDE CAMPAIGN THREATENS SURVIVAL OF 4 MILLION SOUTHERN SUDANESE AFRICANS

(By a special correspondent)

"Here, Arabs May Murder Negroes."

These words summarize the current tragedy of the Southern Sudan. They also constituted the front cover caption featured by the April 23, 1967, issue of "Stern," mass circulation weekly published in Hamburg, Germany. Equally apt was the subcaption of the story: "The Drama Which Remains Unreported."

The Hamburg publishers, editors and reporters are among the growing number of those who may take credit for their share in exposing contemporary Africa's greatest and most awsome international scandal. The genocide rampage of the Sudanese Arab regime, representing seven million Arabized Moslem Northerners, against four million non-Moslem, non-Arab Africans, is engaging growing attention and indignation throughout the world. In Africa, as elsewhere, in the long run, the truth is irrepressible. What is the truth about the Southern Sudan?

Radio Nigeria, over its Lagos transmitter, castigated the Sudan in June, 1963, for efforts at *"bullying the south into accepting a thoroughly centralized system, with a single educational program, a single language—Arabic—a single religion, and a single Islamic way of life."* Radio Lagos described the Southern Sudanese resistance movement as a *"national movement against discrimination and Islamic domination which . . . the Sudanese government represents."* Radio Nigeria's comment in 1963 will probably rank as the understatement of the century in the history of modern Africa. In 1965, Northern Sudanese Moslem troops massacred the entire population of the town of Juba, totalling 1,400 men, women and children.

Moscow's hand in the perpetrations of the Sudanese Arab forces is revealed by an eye witness to the Juba massacre: *"On July 5th, 1965, Ali Abd-el Rahman, a junior officer in the Sudan Army, had a conversation with a Southerner whom he thought to be a Northerner. He told the Southerner that the Army in the South had received orders from headquarters at Khartoum to kill all Southern Sudanese of the educated classes and on top of the list were members of the Southern front."*

This is a quotation from a report by a survivor of the Juba massacre, perpetrated by the Sudanese Army. These gruesome details reminiscent of the Russian Revolution and the Nazi persecutions, were published by the "Voice of the Southern Sudan," organ of the Sudan African Liberation Front, in its issue of October, 1965.

The Sudan Government's systematic effort at murdering off the educated among the Southern Sudanese Africans also accounts for another bloody highlight in the Sudan Race War, the massacre at Wau, where seventy-six persons, attending a double wedding, were killed en masse by the Moslem troops.

In this unequal contest, the Sudan Government's armed might—financed by a gift of $5,500,000 from the oil sheikdom of Kuwait and with arms supplies from Egypt, Algeria and the Soviet Union—15,000 well-equipped government troops are facing 5,000 starving, ill-equipped, ill-fed, but high-spirited and faith-inspired Anya-Nya resistance fighters, while close to 250,000 Southern Sudanese have fled into neighboring countries, including the Central African Republic, the Congo, Uganda and Ethiopia.

Meanwhile, the Sudan Government is subservient to Arab League fanatics: the Sudan Prime Minister enjoys strutting before the cameras, as conference host to the defeated Arab warmongers Nasser, Hussein, Shukairy.

While brutally pursuing anti-black, anti-African racialism, this Quisling of the Arab League is is equally anti-white and anti-Christian: the Sudan's Christian missionaries and clerics, Roman Catholic and Protestant, foreign and native are gone . . . many had to flee for their lives, others were murdered, others died while fleeing, and those who do not belong to any of these categories were expelled. At any rate, none have remained in the country, where Islam has been established in a monopolistic and dominant position. Christian churches and schools have been turned into Moslem religious and Moslem-controlled public school plants, including thirty-two pre-fabricated buildings furnished by UNESCO for the purpose of combatting . . . illiteracy. The misuse of these internationally financed UNESCO gifts was disclosed in a dispatch from Kampala, capital city of Uganda, some time ago.

A survey of the anarchy prevailing in the Southern Sudan, completed in March, 1966, stated: *"The war they are fighting (in the Southern Sudan) has now gone far beyond the stage of politics, beyond even the state of a religious conflict. The Arab is killing the African because he is an African and the African is killing the Arab because he is an Arab. And between the two, the people of the Southern Sudan are caught and held in the web of terror."*

During the initial phases of the Sudanese civil war, in 1962, the Northern Moslem military merely endeavored to kill Southern Sudanese males, while women were kidnaped to "supply the brothels of Khartoum and the 'export' market across the Red Sea (i.e. Saudi Arabia and the Persian Gulf sheikdoms)," as disclosed by a London periodical devoted to Mideast affairs.

Egypt's defeat in Yemen and on the Sinai peninsula has not remained without impact on the Southern Sudanese freedom fighters who refer to the end of Arab dominance in Zanzibar as an event which they have learned to appreciate in the light of their own experiences . . .

HIGH SCHOOL GRADUATES, 1968

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. SCHWENGEL. Mr. Speaker, this year there will be about 6,000 high school graduates in the First District.

Each year I send to these graduating seniors a memento which contains a quotation from the writings of Thomas Jefferson.

The memento follows:

TO YOU—A GRADUATE, CLASS OF 1968

My gift to you on your graduation is this facsimile of Thomas Jeffereson's advice to a namesake—one of the most profound lessons for life's guidance I have ever read.

"THOMAS JEFFERSON TO THOMAS JEFFERSON SMITH

"This letter will, to you be as one from the dead; the writer will be in the grave before you can weigh it's counsels, your affectionate and excellent father has requested that I would address to you something which might possibly have a favorable influence on the course of life you have to run, and I too, as a namesake, feel an interest in that course. Few words will be necessary with good dispositions on your part. Adore God, reverence and cherish your parents, love your Neighbor as yourself; and your Country more than yourself, be just, be true, murmer not at the ways of Providence. So shall the life, into which you have entered, be the Portal to one of eternal and ineffable bliss, and, if to the dead it is permitted to care for the things of this world, every action of your life will be under my regard. Farewell.

"MONTICELLO, *February 24, 1825.*"

With this memento I offer my congratulations in the hope that you will find in this superbly beautiful prose, by one of the founders of the American tradition, the inspiration that to me is so deep and so moving.

May I suggest that you find time to read and study the lives and teachings of those who had such an important part in developing the rich heritage of freedom and liberty we enjoy in our country.

Sincerely yours,

FRED SCHWENGEL,
Member of Congress,
First District of Iowa.

JOHN S. KNIGHT

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. AYRES. Mr. Speaker, another great honor has come to my fellow Akron citizen—John S. Knight. The distinguished editorial chairman of the Knight newspapers has been awarded the prized Pulitzer Prize for editorial writing.

This award is based on the Pulitzer test of excellence in "clearness of style, moral purpose, sound reasoning, and power to influence public opinion." Certainly all of those who have been readers of the John S. Knight column in the Akron Beacon Journal, the Miami Herald, Detroit Free Press, the Tallahassee Democrat, the Charlotte Observer, and many other newspapers, have long since felt that it is one of the most fearless and vital newspaper columns published in the world.

It has been my privilege, from time to time, to have some of these columns inserted in the CONGRESSIONAL RECORD. My colleagues in this body have often commented most favorably on both their clarity and quality. John S. Knight has through his columns acted as an adviser to Presidents and Members of the U.S. Congress.

The John S. Knight column, "The Editor's Notebook" has been running for 32 years. On its 25th birthday, John S. Knight wrote:

> The "Notebook" idea sprang from the conviction that newspapers were becoming as impersonal—in those days—as banks and corporations. With few exceptions, editors of that era preferred ivory tower seclusion and the anonymity of the unsigned editorial.
>
> So why not, I thought, say what was on my mind and prepare to dodge the brickbats. The brickbats have helped keep us alert, the bouquets provide stimulation and encouragement.

The bouquets that have come to the distinguished editor, John S. Knight, from his fellow editors have been many. There has been almost universal approval of his selection for this great distinction.

Under the direction of John S. Knight, the Knight newspapers have assembled one of the finest editorial staffs in modern newspaper history. Ten times, in the past Pulitzer prizes have been given to its members.

This year the Pulitzer Prize Committee has awarded three citations to Knight newspaper members. This is unprecedented.

The staff of the Detroit Free Press received the local reporting award for their coverage of the Detroit riots and the nationally famed cartoonist, Gene Payne of the Charlotte Observer received the award in his classification.

John S. Knight is one of the most influential writers of our times. He brings his great sense of integrity to every line of his copy.

As I stated earlier, this award to Jack Knight has received great approval by other editorial writers. Perhaps one of the best examples of this is the very fine editorial written by another fine editorial writer, Thomas Noyes of the Washington Star. That editorial follows:

KNIGHT'S TRIPULITZER

In ice hockey, the scoring of three goals in a single game by one player is known as the hat trick. In newspapering, the winning of three Pulitzer prizes by a single newspaper group hasn't got a name, for the ample reason that—until this year—it had never been done in the 52-year history of the prestigious award.

It might, perhaps, be called the hat's off trick.

John S. Knight, at age 74, serves very actively as principal owner and editorial chieftain of the Knight Newspapers. At a time of life when many men are content to sit back and let their thoughts wander through the misty maze of memory, Knight is busy honing his mind against the great issues of the day and setting forth his crisp and forceful opinions in signed editorials. Pulitzer prize number one, for distinguished editorial writing.

The staff of the Detroit Free Press, a major link in the Knight chain, rose to the challenge of the 1967 Detroit riot with clear unhysterical coverage of the event and a thoughtful probe of its causes. Pulitzer prize number two, for local reporting.

On the payroll of the Charlotte, N.C., Observer, is one Eugene Gray Payne, a young man nobody much outside of the home town had ever heard of. They have now. Pulitzer prize number three, for the outstanding editorial cartoonist for the year 1967.

It is unfortunate that the Free Press has been deprived of some justified crowning on behalf of itself and its sister publications. The newspaper has been shut down by a labor dispute since November. Since they cannot do it themselves, we salute them and the other Knight winners with enthusiasm, a touch of envy and a great deal of admiration.

I know of no single group of men who have merited greater respect than the editorial writers of our newspapers. Their courageous stands on all issues certainly are to be admired by all of us. To be recognized as a leader in this honored profession is truly a great distinction.

I am certain that most of my colleagues join with me in saluting this great achievement of this former president of both the American Society of Newspaper Editors and the Inter-American Press Association, John S. Knight.

So that we all might better understand this great American and his newspapers, I enclose the very comprehensive story in the current issue of Time magazine. It follows:

THE CHAIN THAT DOESN'T BIND

For the first time in the history of Pulitzer prizes, a single publisher, John S. Knight, 73, carried off three of them last week. His Detroit Free Press won top prize for local general reporting, the Charlotte Observer's Eugene Gray Payne was named best cartoonist, and Knight himself was cited for editorial writing. It was a day of rare honors for a publisher who has not gone out of his way to seek them.

Knight has never fancied himself a domineering press lord. Preferring to call his papers a group, not a chain, he encourages local autonomy, and his papers make the most of it. The Detroit Free Press (circ. 605,000), the Miami Herald (369,600), the Charlotte Observer (177,950), the Akron Beacon Journal (178,147), the Charlotte News (63,772) and the Tallahasse Democrat (29,300) are all increasing their circulation and are highly profitable. With interests in one television and three radio stations as well as three Florida weeklies, the group's total revenues reached $123 million in 1967, up $4,000,000 from the year before. Net income, however, was down from $9,000,000 in 1966 to $8,000,000, last year, mainly because of the 26-week strike against the Free Press that still shows no sign of ending.

Ruthlessly Local. Authority is generously delegated all down the line at Knight newspapers. Reporters are free to pursue a story as long as they think it is worth it. This has produced some memorable series, including the Free Press's Pulitzer-winning analysis of last summer's ghetto riots. For five weeks a trio of reporters investigated every one of the 43 deaths that occurred during the riots. As a result of the series, three white policemen and a Negro watchman were indicted this month for conspiring to violate the civil rights of eight Negroes held in a motel (two of the Negroes had been shot and killed).

Last month, the Charlotte Observer wound up a searching seven-week report on conditions among North Carolina's poor, both black and white. Reporters Dwayne Walls and James Batten even traveled to Chicago and Washington to discover how North Carolina migrants were faring; most were disillusioned and not doing much better than they had done at home.

Knight's dailies are all locally oriented. "I would rather miss the big national story," says Beacon Journal Publisher and Executive Editor Ben Maidenburg. "The reader is going to get that on TV or the New York Times or the newsmagazines. I would rather get that Rotary Club meeting or the Junior Chamber of Commerce story instead." That fits in with Knight's thinking. "It is our obligation to print a lot of local news," he says. "We do very well at it; sometimes, I must confess, to the point where I feel it is boring." To report this news, the papers hire youngsters fresh from college and pay them reasonably well; otherwise, editorial budgets are lean. In three or four years, reporters generally move on to publications of more national scope.

Dissenters Wanted. Knight encourages all his papers to take strong positions on political issues. They are free to disagree with him and among themselves. In the 1962 Ohio gubernational campaign, the Beacon Journal supported Democratic Candidate Michael Di Salle. Editor Maidenburg, who dissented, was permitted to run his own signed editorials backing Republican James Rhodes, the eventual winner.

Knight's home base is in Akron, where he inherited the Beacon Journal from his father in 1933. Every month he travels to one of his newspapers for a day's consultation. He reads all his papers every day, insists that every editorial be initialed so that he will know who writes it. His favorite activity comes each Thursday, when he closets himself in his office and works on his weekly column, for which he won the Pulitzer. Although he is a conservative, he has been a consistent opponent of the Viet Nam war; for the past year, he has written about little else. He is blunt—crusty, even—but never rash. As a man who does not hesitate to speak his own mind, he has made it a firm policy to let others speak theirs.

COMMENCEMENT ADDRESS OF JAMES D. FINLEY

HON. BASIL L. WHITENER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. WHITENER. Mr. Speaker, it was my privilege to participate in the commencement exercises at Gardner-Webb College, Boiling Springs, N.C., on Sunday, May 12, 1968, at 3 p.m. This splendid institution of learning has had an outstanding year of service to the cause of higher education and public service.

The program at the commencement exercises was most impressive to those of us who had the privilege of being present. Special citations were awarded by the college to four of North Carolina's most outstanding citizens. It was a particular pleasure to me that the faculty committee had selected four of my closest personal friends for these citations. The recipients were Hon. Woodrow W. Jones, U.S. district judge, and my predecessor in the House of Representatives; Mr. R. Patrick Spangler, an outstanding business executive and civic leader in North Carolina; Mr. John L. Fraley, a business and civic leader in our State; and Mr. Thomas J. McGraw, vice president of Gardner-Webb College, and an outstanding servant of the people in religious and higher education.

One of the highlights of the program was the commencement address delivered by James D. Finley, chairman of the board, J. P. Stevens & Co., Inc. Mr. Finley is one of the outstanding business leaders of our country. His record of attainment in the business and industrial life of our Nation is a lesson in free enterprise for all of us.

The message which he gave to the graduates of Gardner-Webb College is one which should be made available to all Americans. I am, therefore, making it a part of my remarks at this point in the RECORD:

COMMENCEMENT ADDRESS OF JAMES D. FINLEY TO THE CLASS OF 1968, GARDNER-WEBB COLLEGE, MAY 12, 1968

Dr. Poston, esteemed faculty, honored guests, and members of the Class of 1968:

I am very pleased that I have been given the opportunity to be here today to extend to you my congratulations on your achievement and to wish you good luck in the future. During this month and the next, members of the Class of 1968 in some 2,200 colleges and universities throughout the United States will be listening to commencement addresses. Probably all those, like myself, who have been honored with an invitation to speak to a graduating class strive for two objectives in their address: they try to be memorable and they try to be brief—usually in that order. Now you may wonder, as I do, whether there *are* 2,200 memorable things to be said each year. So in thinking of something to say to you today I decided to strive for brevity first. That way, if you agree with what I have to say, you might be able to remember it more easily. If you disagree, you won't have to listen to it for very long!

Congressman Whitener mentioned that I represent J. P. Stevens & Co., Inc., so my personal pleasure in being here today is increased by the long and cordial relationship between your college and the Stevens Company. Mr. O. Max Gardner, whose name and whose wife's name identify the college today, founded our Cleveland plant in 1925. The Stevens Company was his selling agent for many years and purchased the plant in 1946. The present office manager of that plant, Mr. John McBrayer, is a member of the Gardner-Webb Board of Trustees. A great many Stevens people are here in North Carolina and in South Carolina, and I know that many members of your families are also members of the Stevens family.

But I believe that Stevens and Gardner-Webb share another close tie: that of two institutions undergoing tremendous growth during the past few years. I know you have been conscious of the growth of this school and campus. As you dodged bulldozers and graders, detoured around open foundations, and tried to ignore the noise of hammering and sawing, there were probably many times when you felt you would be fortunate just to live through it all. Well, you *have* lived through it, and I think you have come to realize that growth is always accompanied by a few growing pains. Within the next few years, though, when Gardner-Webb has graduated its first four-year class, you will be able to point to this building, the Campus Center and the Stadium, the new Chapel-Auditorium, three new dormitories, and other improvements and say with pride, "I was there when all this was happening!"

But what is it that gives vitality and a strong sense of purpose to this growth? Growth does not occur just for its own sake; there must be a constant ideal guiding and shaping its direction. At Gardner-Webb this ideal has been a regard for the individual. You have benefited from classes which met in manageable number. You have benefited from the concern of teachers who not only know their subjects but who also know you.

It is this concern for you as individuals that I would like to discuss today. Perhaps in a school like this where you have had the benefit of being treated and educated as an individual, it has become so much a part of your daily lives that you have not been able to step back and see what its true importance is.

I am sure you have all had experience with two types of classes: the lecture to a large group of students and the seminar with a small number. Which captured your interest more? In the lecture format, you as a group were presented with facts and opinions and asked to take notes on them and learn them. There was little or no opportunity for you to discuss your point of view, to clear up points you felt were hazy, or to ask your instructor for clarification of an issue.

Contrast this to the smaller, seminar type of class you have encountered at Gardner-Webb. Here you have had an opportunity to add your own thoughts to the discussion, to contribute some of your own experience to the learning process. Your teacher has had an opportunity to aim his comments at your specific questions: to make the subject matter meaningful to you as an individual.

This approach to the student as an individual at Gardner-Webb has the advantage of making the student interested in his own education. By demanding much of you, it has forced you to examine yourself, to drive yourself in your search for knowledge, and to respond to the guidance of your faculty. You have learned that there is more to an education than simply memorizing something, repeating it on a test, and forgetting it. You have been taught to evaluate what you learn, to integrate it into the body of knowledge you already possess, and to make it something with a unique significance to you.

What meaning does this have for you now, as you are about to leave Gardner-Webb? Many of you will be continuing your education, many will be starting your careers. I hope you will realize as you reflect on your college experience, that the most important thing you can take with you is this concept of yourself as an individual; not as a member of some group. Too often in our society people say, "I'm a member of this political party or that group, so I'll have to accept their particular way of thinking." Thus, they abdicate their responsibility to think and to decide a particular issue for themselves. It is unfortunate that it is so easy to do this in our present-day society and that so many people have chosen this way. They have tried to avoid the responsibility for maintaining their own individuality and have discoverd, too late, that they are left with absolutely nothing. Your generation has most frequently criticized mine for this very fault, and, I am sorry to say, in many cases you have been right. Let me caution you now that the same thing will happen to some of you long before the next generation comes to maturity?

But I feel that your generation faces the danger of losing its individuality to a different pressure. Even as I speak to you now, there are people demonstrating for rights, picketing for rights, fasting for rights, even rioting for rights. The public demonstration," the rally, the sit-in, the protest march, all these are forms of mass action which your generation has put in the headlines of today's newspapers and on the screens of all our TV sets.

But where is the individual in all of this? Can we say that the young man in the middle of the seventeenth row of demonstrators is there as an individual? Does this group really say everything he believes and nothing more? Or has he simply subjugated his individuality to serve the cause of the mass, not his own cause? I think the answer is obvious.

I maintain those who have taken to this form of action have misunderstood and underestimated the resources of American society. Our Constitution guarantees the rights and duties of *individuals*, not of groups. From the very beginning our great men, Thomas Jefferson is a good example, have been esteemed not because they were leaders of factions or interest groups, but because they brought to public life a clear concept of their own individuality and a determination to respect the individuality of others. Our Presidents have only rarely been swept into power at the head of a mass movement. One of the greatest strengths of the American electoral system is that it forces each candidate to face the entire public as an individual; to confront all the people and show them his personal qualities and beliefs. We have never allowed our great men to take refuge under a party label and come to power without giving us a chance to see him act as an individual.

There are those who say that this is all very well and good, but that those days are gone forever. Modern society, they say, is too large and too complex to take time to listen to the individual, to evaluate him, or to guarantee his individual rights. In short, the mass must be served. According to them, the best we can do is balance the opposing interests of groups and the most effective way to make your voice heard is to join a group of several thousand and march back and forth in front of a building.

The answer I would give them is that the fault is not in our society, but in the fact that so few people really know how to be individuals and to make their voices heard as individuals. Too many are afraid to speak unless they are assured of the support of a group; too many would rather place the safekeeping of their rights and liberties in the hands of others.

I promised you brevity and you shall have it, but if I could leave you with one thing to remember, it is this: never forget the principles of individuality you have learned here. Think, vote, act, and live as an individual thoroughout the rest of your life. Bear it in mind when you deal with others, too, both of you will gain from it. Strive to overlook group labels when you deal with them, for when you ignore or diminish another person's individuality, you ultimately endanger the value of your own.

Our society needs this contribution from your generation, and those of us from my generation look forward to an infusion of new energy and insight from you. Individuality, like anything else worth preserving, is not easy to achieve or to maintain in today's society. But it is by no means impossible. I personally believe that young people like yourselves, if this class is typical of your high standards, are more than equal to the task.

A NEW OPPORTUNITY FOR CATHOLIC EDUCATION—AN ADDRESS BY HAROLD HOWE II, U.S. COMMISSIONER OF EDUCATION, ANNUAL CONVENTION OF THE NATIONAL CATHOLIC EDUCATIONAL ASSOCIATION, SAN FRANCISCO, CALIF., APRIL 18, 1968

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. BRADEMAS. Mr. Speaker, under unanimous consent I insert at this point in the RECORD the text of a most thoughtful address delivered on April 18, 1968, before the annual convention of the National Catholic Educational Association in San Francisco, Calif., by the distinguished U.S. Commissioner of Education, Harold Howe II.

Commissioner Howe's address, entitled "A New Opportunity for Catholic Education," follows:

A NEW OPPORTUNITY FOR CATHOLIC EDUCATION

(Address by Harold Howe II, U.S. Commissioner of Education, Department of Health, Education, and Welfare, before the annual convention of the National Catholic Educational Association, San Francisco, Calif., April 18, 1968)

With the exception of segregation, the church-state issue is doubtless the most controversial question in American education today. Hence you will understand my reluctance even to bring the matter up. Yet I cannot repress the conviction that the citizens of the United States owe the Roman Catholic Church a profound debt of gratitude. For the last decade, you and your coreligionists have provided the rest of us with a striking example of free spirits and open minds in action. Your activities have been both inspiring and fascinating.

We watched with considerable awe as Pope John and Vatican II changed the church more in two years than it had changed in the previous 200; and as a Federal bureaucrat, I listened with wry sympathy as one bishop plaintively wondered how anyone could consider the Catholic church a monolithic institution. "Monolithic!" he snorted. "This outfit is barely coherent!"

Things seem to have quieted down in the church by now—which is to say that crisis has become run-of-the-mill. And in this regard, Catholic education exemplifies the condition of American education in general.

What I would like to do today is to specify the nature of the education crisis, for there is too much easy and sometimes inaccurate talk about the "crisis" in our schools and colleges. Then I would like to discuss evolution—the evolution of institutions in general, and of the Catholic educational system in particular. Here it will not be so much concerned with where Catholic schools came from, as with where this history suggests they might go, and with the adjustments that a successful journey will require. The purpose of my remarks is to raise one question: what can Catholic education do for our education crisis while it struggles with its own crisis of resources?

THE "EDUCATION CRISIS"

First of all, it seems to me important to pin down the nature and extent of this "education crisis" we hear so much about. Much of American education is in good shape. The fact is that the United States provides more of its children a better education than most other nations on earth.

But just as you can add the annual income of a millionaire and a pauper, divide by two, and come up with the information that their "average" income is $500,000, so can data on the "average" American school conceal sharp disparities. The American educational system, both private and public, is highly class-bound in its delivery of knowledge. It takes good care of children from middle- and high-income families, but—largely for reasons not of the schools' own making—it slights the children of the poor. Youngsters from poverty families start school later, leave school earlier, and learn less than their more fortunate peers.

In recent years, the Federal government has begun attacking this link between low economic status and below-average scholastic performance. The largest single Federal program for education is Title I of the Elementary and Secondary Education Act, which channels more than a billion dollars a year into school districts where there are high concentrations of low-income families. About $35 million of that amount went to private schools last year. In a few weeks, we expect to have our second annual report on Title I. I think it will show that the taxpayers' money has been well invested, that this program *is* making a difference.

But the report will also highlight some of the problems revealed by our partial successes and partial failures. One of the most serious of these arises from the educational necessity for concentrating Title I funds and the political necessity of dispersing them. It seems clear at this point that if we are to improve the quality of a culturally deprived youngster's education, we must make a massive additional investment in his schooling.

We know that we can get more educational impact from Title I funds if we concentrate them—if, instead of giving 10,000 youngsters one hour of remedial reading each week, we give 1,000 of them 10 hours a week.

But who can make such a decision? No local school superintendent can be expected to exclude 9,000 needy students from a program so that 1,000 will get as much help as they need. Moreover, this kind of decision passes beyond the sphere of education into that of morality: if the hot lunch a youngster receives at school is the only decent one he has all day, should we eliminate that meal even though it does *not* improve his reading?

I think not. There are only two broad solutions to redeeming the urban and rural poor from educational failure: first, get more value from the resources we already have; second, bring *more* resources to bear.

PRIORITIES

The first matter calls for priorities, for ranking in order of importance a number of educational techniques that seem particularly promising. Several weeks ago, in an address to the American Association of School Administrators in Atlantic City, I offered a six-point program to get at the problems of educationally deprived children; and even though some of you may have been in that audience, I am tempted to inflict it on you again. In an ecumenical spirit, however—which means that no Protestant should keep Catholics fixed in their seats beyond lunchtime—I will present my list of priorities in summary fashion. Let me add that the mimeograph machines of the Office of Education grind exceedingly fast, and we will be happy to supply the earlier and complete text to any of you who write for it.

First, a renewed emphasis on pre-school education. Such evidence as we have indicates that the level of intellectual capability young people will achieve at 17 is already half-determined by the age of four, and that another 30 percent is predictable at seven years. This being the case, wisdom in the use of our educational resources warrants a nationwide stress on schooling for children four years old and perhaps even younger—particularly culturally deprived children, whose homes deny them the educational background that middle-income homes provide. Focusing a significant proportion of our educational investment on pre-school and kindergarten programs might enable us—10 or 15 years from now—to reduce our investment in the later years of high school.

REDUCE THE ISOLATION OF THE SCHOOLS

Second, we must reduce the isolation of the schools. Children spend only six hours a day in school, five days a week. For better or for worse, however, they continue to learn during the other 10 waking hours, and unless this "outside" education reinforces school work, even the finest school and the finest staff can fail to improve a youngster's achievement. If they are to succeed with children whose needs are so great, poverty schools must stretch their resources through alliances with all the other forces in the community that can advance the learning enterprise.

Especially in the big cities, this means some degree of decentralization, converting the school into a community resource that offers adult instruction and provides a center for the organization of community activities. It means a school whose doors are open nights, weekends, and summers, and school officials who seek out new forms of cooperation with the Mayor's office, the Community Action Agency, and other local authorities.

Third, the secondary schools must end their isolation from the world of work. Such isolation may do little harm in the suburbs, where high-school graduates are destined to attend college like it or not—but it harms youngsters who must make the transition from school to job in their teens. American educators have typically put vocational education low on their agenda. We must bring it to the top. We need a better answer than we have now to the question, "What does the school do for the 80 percent of its students who do not obtain a Bachelor's degree?"

Fourth, we must emphasize the training and retraining of teachers. More than anything else, culturally deprived children need a new breed of teachers who understand them and start with what they can do, rather than confronting them with tasks which automatically make them failures. At the same time, these teachers must have high expectations for children and infinite patience in seeing those expectations realized.

Developing such teachers requires that schoolmen take a much more active role in training the teachers of the future, as well as in retraining those we already have. Each school system can use its outstanding teachers now to train others, through flexible arrangements that permit less experienced teachers to work with the most experienced and proficient. Teaching is like tennis. You learn to do it better by doing it with someone who is better at it than you are.

The fifth program-component that we ought to stress is individualized instruction. We must remove the straight jacket that our administrative groupings impose on children and allow each to proceed at his own pace, neither holding back the gifted nor forcing the slow. We have paid lip service to this idea for years. Now that we have the means to put it into action, we must do so.

The sixth and last recommendation may be the hardest to achieve—racial integration of the schools. We know that the success of a child is affected by whom he goes to school with; that children learn as much from their classmates as from their teachers—maybe more; that a child's feeling about his chances for success in life are diminished by attending a segregated school. We know also that there is a strong connection between this feeling, this "self-image," and what he actually achieves in school.

Knowing these things, we educators must keep school desegregation on our agenda, refusing to back away from the job just because it is so difficult. We must keep chipping away at the barriers to desegregated schooling—not just for the sake of minority group children, but for the sake of white children as well, and for the sake of a healthy community. In America there can be no such thing as high quality, totally segregated education.

WHAT ABOUT THE PAROCHIAL SCHOOLS

What have these recommendations, originally addressed to public school administrators, to do with the parochial schools? Without a doubt parochial schools can go to work on this list of priorities just as effectively as public schools. But the more important point I want to raise is that Catholic schools have a number of characteristics that specially fit them to make a major contribution to the improvement of American society by determining to make a major new effort to improve urban education. Three particular characteristics are of special importance:

First, the Catholic educational system is mainly metropolitan in nature. For historical reasons having to do with immigration patterns, your clientele—and hence your schools and colleges—are concentrated in the major cities and their suburbs.

Second, while Catholic education most adhere to standards set by various regional and State accrediting bodies, it operates outside the political system that sometimes prevents public school superintendents from doing what they know to be the wisest thing for education. In effect, the parochial system is relatively free from the restraints of state educational policy—much of which, devised to serve rural areas, ignore the realities of the central city in the latter half of the 20th century.

Third, the political boundaries of the parochial school system—the 147 dioceses of the American Catholic Church—comprise both cities and suburbs, thus permitting a metropolitan approach to educational problems.

These three characteristics fit the Catholic educational system to join the public system in improving urban education, and they give it some possibilities for elements of leadership. Their freedom from many political restraints, their concentration in urban areas, and the metropolitan character of their organization enable Catholic schools, colleges, and universities to move together with a daring that may be denied to public education officials. You can mount experimental programs without the slow process of seeking formal public approval; you can reach for desegregation without fearing retaliation at the ballot box—though you may encounter it in the collection basket. By refusing to abandon the inner-cities as your traditional clientele moves to the suburbs, you can serve an American society that has not yet overcome the political fragmentation and economic myopia which make our cities powerless to help themselves. Indeed, you can seek new adventures of cooperation with public schools, if you can locate school leaders who are unafraid to challenge some of the unconstructive assumptions of traditional church-state separation. Leaders of this character are emerging in at least a few cities.

In response to such a suggestion from a public official, Catholic education officials might well ask, "Why?" Why *should* Catholic education, which received precious little help from the public sector on its own financial problems, expend its resources to accomplish a social redemption that may properly be called the responsibility of public agencies? Why *should* the Catholic parent, who supports his own parish school and at the same time supports public education with his taxes, dig even deeper in his pocket to educate non-Catholic children in the ghetto? Why, when every request from Catholics for public aid raises a new hue and cry from non-Catholics about church and state, should Catholic institutions try to do their part to bail out the public sector?

CATHOLIC EDUCATION

To answer these questions, I will embark on a somewhat shaky foray into history and the rationale underlying Catholic education. In the process, I fully expect to raise some tempers. I do not claim for my remarks any ultimate wisdom; indeed, I anticipate that I may say some questionable things. But it seems to me important today that all educators run such risks, for our conventional wisdom has so far proven unequal to the social problems that face us; it may be time to hazard a hunch or two and see what happens.

Catholic education emerged partly as a defense against a public education that was clearly Protestant, even anti-Catholic, in nature. The public schools did not merely ignore the Catholic belief of some of their students; they were positively hostile to it.

That time has passed. Though some schools in certain regions of the U.S.A. retain a definite tincture of militant Protestant feeling, I think it fair to say that most American public schools today are neutral toward religion. This being the case, I think one might argue that one of the original motivations for the establishment of Catholic schools has disappeared. And lest this statement sound like an outsider's improperly poking his nose into your business, let me quote an insider.

In 1890, in an address to the National Education Association, Archbishop John Ireland had this to say:

"I am the friend and the advocate of the state school. In the circumstances of the present time I uphold the parish school. I do sincerely wish the need of it did not exist. I would have all schools for the children of the people state schools."

If Archbishop Ireland's reason for upholding the parochial school was "the circumstances of the present time"—that is to say, the anti-Catholic tendency of public schools in the 19th century—and if that bias has disappeared, what is the reason for parochial schools *now*?

I do not mean to suggest, even by implication, that Catholic education be scrapped. If it were, public education in many parts of the country would be in serious trouble. Moreover, as Father Greeley and Dr. Rossi point out in *The Education of Catholic Americans*, ". . . being for or against a school system with over five million students is like being for or against the Rocky Mountains; it is great fun, but it does not notably alter the reality."

PRIORITIES AND CATHOLIC EDUCATION

Rather I would argue that an examination of priorities is in order for Catholic education. American Catholic education has in a major way succeeded. It has transformed a predominantly immigrant class, poor and discriminated against, into an affluent population indistinguishable from its Protestant neighbors in any way except religious belief. They have followed their Protestant fellow-citizens to the suburbs; they have bought power-mowers and a second car and backyard barbecues.

In these circumstanes of social and economic parity, I question whether the single distinction between parochial and public schools—the provision of religious instruction—justifies the continuing establishment of a highly expensive, dual school system in the suburbs when our cities and their schools are so dangerously close to disaster.

Religious instruction is a worthwhile end in itself. It need not be defended on the ground that another way of belief is warring against it, nor does it lose its justification as religious hostility vanishes. But I believe that religious instruction can be effectively carried forward without, at the same time, demanding of Catholic parents that they finance instruction in geography, arithmetic, science, and driver-training as well. Greeley and Rossi report that Confraternity of Christian Doctrine classes for Catholic students in public schools have had only modest success. To that I would reply—along with many Catholic educators—that what George Bernard Shaw said of Christianity is true of CCD: it's a fine idea, but it's never been tried. It has never been financed adequately, and it might well succeed if it received a portion of the funds now going into new parochial schools in the suburbs, into Catholic swimming pools and Catholic football uniforms.

This is not an either-or argument. It is a question of priorities. If all of American education were adequately financed, there would be no need for Catholic education to address itself to urban needs.

That is not the case. Many suburbs can take care of themselves—but our cities need help, and Catholic education can provide a share of that help. I realize the financial problems that Catholic education faces, and that in some areas, it appears to be on the fiscal ropes. Yet I wonder whether Catholic education serves its own self interest or the National interest by borrowing to build in the suburbs while our cities cry out for help.

Do good public schools make bad Protestants? I doubt that many of you would feel comfortable arguing so, and I doubt that good public schools make bad Catholics, either. It seems to me that a growing portion of the Catholic investment in education might go to the cities—not only for the good of the cities themselves, and for the good of American society, but for the good of the American Catholic church as well.

I add this last clause because I think that American Catholic education has reached a new stage in its evolution. It began as an immigrant system; it is one no longer. If it is to flourish, it must—like any other successful organism—adapt to changing circumstances; it must meet the social and intellectual challenges put forward by an evolving nation, an evolving world, and an evolving American Catholicism. It must look to its intellectual underpinnings, to its reasons for being—for the old ones seem to be losing some of their validity.

PROBLEMS FACING PAROCHIAL SCHOOLS

You see the signs of trouble better than I: problems with financial resources; major criticism of the parochial schools; declines in attendance which, though modest, are striking in view of the increasing numbers and affluence of the Catholic population; growing dissatisfaction among younger priests and nuns, and growing difficulty in attracting young people to the religious life; an apathy among college students toward the traditional activities of their religion, and a consequent striking-out in harmful as well as wholesome ways for new meanings that may or may not bear the formal insignia of Catholicism.

Such problems are perhaps more visible in Catholicism, but they puzzle churchmen of every denomination, leading them to seek the reason why. Is it because our young people crave comfort, and reject the discipline, the necessary sacrifice and self-denial of religious belief?

I would say not. I believe, on the contrary, that many of the most able young people of our time have come increasingly to reject organized religion precisely because the churches in America—Protestant, Jewish, and Catholic—are such a thumping success. And if the Christian message in our time seems increasingly to go unheard, if organized religion seems to evoke as much cynicism as enthusiasm from those under 30, it may be because the churches—while preaching a denial of worldliness—have too often embraced it, have profited from it, have accepted "the American way of life" in its most superficial, materialistic sense.

I would wonder whether the current turmoil and rejection of traditional religion among younger persons represents not a craving for a more comfortable way of life, but rather disappointment over the apparent dissipation of that brilliant vision of service that religious commitment has traditionally offered. I would question whether such organizations as the Peace Corps, Vista, and Teacher Corps do not represent—for young atheists, Jews, Christians, the uncommitted—that very appeal to selflessness that Christianity once held out to those who prefer worthwhile adventure to organized security. And I would ask, finally, whether preoccupation with success and the successful on the part of Catholic education in the United States might not very well represent the gravest threat to its continued health.

If Catholic education is to retain its vitality, it must remember that its prime reason for being in the circumstances of our time goes back much further than John Ireland or John Carroll, further back than the founding of the American Republic, further back than the Protestant Reformation, or Aquinas, Augustine, and the early Church Fathers.

Catholic education draws its basic reason for being not from the American situation, but from the basic Christian message: love God; love your neighbor. Whatever other functions circumstances might give religious education at one time or another, in one country or another, Catholic education must be judged by its success in exemplifying human concern for other humans. And if Catholic schools and colleges raise up a new generation of young Americans with a firm belief in God and a detailed knowledge of doctrine, they will have realized only half of the opportunity that beckons them. They will have failed to grasp the additional opportunity of reaching out to serve those members of our society who most need help—those members, those neighbors, who are not necessarily Catholic.

EDUCATING THE URBAN POOR

In urging that Catholic educators take upon themselves a part of the burden of educating the urban poor, I recognize that I advocate a course which—from the economic standpoint—is dubious. But if our churches ever test their efforts against the single standard of fiscal prudence, they will work themselves out of existence. We have plenty of banks in America, and together with the Bureau of the Budget in Washington they provide all the fiscal prudence we need—perhaps more.

Christianity is supposed to offer something more. "Let us be fools for Christ's sake," said St. Paul. This was the kind of statement that the Reverend Martin Luther King understood, and—by rejecting an easy prudence and espousing a life of uncontaminated idealism—he built a majestic dream.

He is gone, and both the American reality and the American dream are poorer in consequence. We badly need high-minded visionaries who can help the poorest of our children see a new dream and fashion a better reality. For our Nation's sake, Catholic education must join the rest of education to give them a new horizon.

DISTRICT OF COLUMBIA HELICOPTER SERVICE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. PICKLE. Mr. Speaker, it was with keen disappointment that I learned last week that an initial decision by the Civil Aeronautics Board found that public convenience and necessity does not require the authorization of scheduled helicopter service in the Washington area.

In my opinion, there is a definite need for such service from a comprehensive area transportation standpoint, and the initial decision to defer certification of this service may well represent a step backward instead of a step forward in the solution of area transportation needs.

There can be no argument that there are pressing problems in ground congestion at National Airport and certainly a scheduled helicopter service would have served as an important function in shifting airline flights from National to Dulles and Friendship.

Certification of a scheduled helicopter service will do much to relieve congestion at National and at the same time make more use of the ultramodern facilities at Dulles.

I favor the helicopter link and have worked actively through the Transportation and Aeronautics Subcommittee of the Commerce Committee with my chairman, the Honorable SAM FRIEDEL, to help turn this idea into proposals with definite shapes.

I am hopeful that the Washington-Baltimore helicopter service investigation will not wither and die on the vine and that the Board will find occasion to review these preliminary determinations.

I note also that my feelings regarding the commuter helicopter service are also shared by the Washington Evening Star and I place the Star's Saturday editorial "Commuter 'Copters" in my remarks at this point:

COMMUTER 'COPTERS

There is no end of constructive speculation in the aviation trade about the logic of helicopter use in the urban transportation dilemma—especially in terms of the mounting human congestion at metropolitan airports.

Some months ago, moreover, the Civil Aeronautics Board received applications for scheduled helicopter service in the Washington area from no less than five aspiring operators. One pitch was from a consortium of 10 major airlines, requesting permission to provide at least 24 round trips daily linking National, Dulles and Friendship Airports—and eventually downtown Washington—at fares which did not sound exorbitant. The proposition struck us at the time as an extremely welcome display of airline initiative. The concept, moreover, has won favor with the Department of Transportation.

So what happens? After due consideration, CAB Examiner William J. Madden has concluded that there is no present need for such services in the Washington area, and therefore has rejected the appeals.

Among other things, in Madden's view, the proposed services would amount to "a luxury for a relatively few users"—a clientele so selective as not to warrant "financial assistance, regardless of the source of the assistance."

In regard to latter point, the government's coolness to such overtures in the past has generally been viewed as a desire to avoid federal subsidies, which have assisted helicopter programs in other cities.

One of the major attractions of the current proposals, however, was a clear private obligation to absorb deficits initially required—at no cost to the government. That being the case, the finding of the examiner makes no sense whatever. It ought to be reviewed and reversed.

It may well be true that commuter 'copters are not a major answer to the problems of moving massive numbers of people. In our own area, for example, they are surely no substitute for an effective system of rail transit. But what of that? There is surely a role for this means of transportation—which will never be defined unless someone looks for it.

CAMPUS COERCION

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. RYAN. Mr. Speaker, on May 9, I was one of 54 Members who opposed an amendment to the Higher Education Act to bar students or employees who disobey university regulations from receiving Federal scholarship and loan funds. I also opposed a similar amendment restricting National Science Foundation grants, when it was included in the independent offices appropriation bill on May 8.

The serious objections to these amendments are well stated in an editorial from the New York Times of May 13, entitled "Campus Coercion," which I commend to my colleagues:

[From the New York Times, May 13, 1968]

CAMPUS COERCION

The threat by the House to punish rebellious college students by cutting them off from Federal loans and scholarships is a dangerous excursion into political primitivism. The disregard of campus democracy by a minority of disruptive and irresponsible students at Columbia and elsewhere in no way justifies such Congressional vendettas in direct conflict with democratic freedoms. Campus stability must be safeguarded by sound reforms on the part of the academic community and by enforcement of its own democratic rules, not by governmental threats of fiscal sanctions.

It is deeply disturbing that so many politicians appear to think of Federal subsidy of students as an indulgent uncle's benefaction. In reality, the extension of educational opportunities is at least as vital to the future health of the nation as it is to the personal careers of individual students. But, more important, to turn Federal stipends into a device to regulate student views and behavior is to stoop to methods generally associated with totalitarian states. Such action can only give support to those extremists among today's students who charge that the campus is doing the mercenary bidding of a repressive establishment.

Federal interference with higher education is an intolerable violation of academic freedom. To permit such intrusions would undermine the nation's security far more severely than the disruptive insurrection of irresponsible youths.

THREE MARYLANDERS KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. LONG of Maryland. Mr. Speaker, Spec. 4 Gary E. Canapp, 1st Lt. Karl L. Bullard, and 1st Lt. Donald J. Mattaro, three fine young men from Maryland, were killed recently in Vietnam. I wish to commend their bravery and honor their memories by including the following article in the RECORD:

THREE MARYLANDERS DIE IN VIET WAR—SOLDIERS CAME FROM CITY, CHURCHVILLE, LANGLEY PARK

Three soldiers from Maryland, including a 19-year-old Baltimore youth, were killed in Vietnam, the Defense Department announced yesterday.

They are:

Spec. 4 Gary E. Canapp, 19, son of Mr. and Mrs. Robert E. Canapp, 5110 Kenwood Avenue.

1st Lt. Karl L. Bullard, 20, son of Mr. and Mrs. Ralph G. Bullard, Carson's Run Road, Churchville.

1st Lt. Donald J. Mattaro, Jr., 23, son of Mr. and Mrs. Donald J. Mattaro, Sr., of 1710 Merrimac Drive, Langley Park.

LESS THAN 3 WEEKS

Specialist Canapp had been in Vietnam a little less than three weeks when he was killed in a foxhole Tuesday by small arms fire, his father said yesterday.

A member of the 173d Airborne, Specialist Canapp enlisted in the Army in September, 1967. He had been graduated from Oakley High School last June.

Mr. Canapp said his son wrote that Vietnam was a "beautiful place" and that he was fighting in a different area every day. He said his son planned to reenlist in the Army and go back to Vietnam.

LEFT ON EASTER

The youth trained at Forts Bragg, Gordon and Bennett before being sent overseas. He left Baltimore for Vietnam on Easter.

Besides his parents, Specialist Canapp is survived by four brothers, Robert E. Canapp Jr., Roy, Craig and Keith Canapp; four sisters, Mrs. Patricia Engle, Phyllis, Nancy and Cindy Canapp; his paternal grandparents, Mr. and Mrs. Sherman Canapp, and his maternal grandparents, Mr. and Mrs. William Kurtz, all of Baltimore.

DIED IN SAIGON

Lieutenant Bullard died Monday in a Saigon hospital of wounds received in action, his mother said. A patrol leader in the 503d Airborne, he had been in Vietnam since October.

A graduate of Bel Air Junior High School, Lieutenant Bullard went to high school in Florida. He enlisted in the Army in April, 1966, after attending Dade Junior College in Florida.

Mrs. Bullard said her son received his basic training at Fort Benning and then was sent to Officers Candidate School. He went to Panama for jungle training and then to Fort Bragg, where the 503d, a new outfit, was being formed.

Lieutenant Bullard had wanted to go into the 82nd Airborne where his father had served from 1942 to 1951. Mr. Bullard retired in 1964 as a master sergeant after 23 years in the Army.

HEAT AND RAIN

Mrs. Bullard said she had received a letter from her son a week ago apologizing for not having written in the last month because he had been on four fire missions. He wrote that the rain was heavy and said he did not know which was worse, the heat or the monsoon.

Lieutenant Bullard planned to make a career in the Army and had extended his tour in Vietnam for another six months.

His mother said he felt he was doing something that was necessary, but felt sorry for the Vietnamese people.

Besides his parents, Lieutenant Bullard is survived by a brother, David, of Baltimore, and a sister, Mrs. Barbara Soliday, of Miami, Fla.

UNDER HEAVY FIRE

Lieutenant Mattaro, who had been in Vietnam since July, 1967, planned to be married August 30, his father said. A member of the 1st Cavalry Division, he was killed by a mortar shell under heavy fire Wednesday.

DISORDER IN THE HOUSE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. ROSENTHAL. Mr. Speaker, it is unfortunate when the legislative process becomes closely tied to the morning's headlines that actions are taken in haste and with insufficient deliberation.

I fear that the House fell into that tempting, but dangerous trap, last week when it expressed its indignation at student riots by acting with an abandon appropriate to a student, but not a legislative body. This is another ill-conceived retaliation to events from which cooler heads must save us.

The New York Post showed a better perspective when it commented on the House's action in this editorial:

DISORDER IN THE HOUSE

Incensed by turbulent disorders and demonstrations at Columbia and elsewhere, a throng of legislative sit-ins has run riot in the House of Representatives—haranguing at length, flinging law into the air and finally voting to deny federal aid of any kind to college students or faculty who participate in riots or disruption.

The Washington demonstration was at least as sophomoric as anything it crudely intended to control. The law could not be enforced. It could not be reconciled with the principle of academic freedom to manage internal affairs. The House bill is, in fact, the kind of threat of federal interference with education which Congressional conservatives—doubtless including many who supported this bill—never tire of invoking when education-aid bills are debated.

The House bill is even more extreme than the similarly hysterical measure approved by the New York State Senate this week, which would bar state aid to students convicted of crime—even "unlawful assembly"—on campus. Assembly Speaker Travia (D-Brooklyn), to his credit, "completely disapproves" of the bill. We hope leaders of the U. S. Senate will take the same view of the House version.

MARY LYNN DONOHUE: AN OUTSTANDING YOUNG AMERICAN

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. STEIGER of Wisconsin. Mr. Speaker, on Thursday, May 9, 1968, Mary Lynn Donohue, of Sheboygan, Wis., was presented with the Young American Medal for Service for 1966 by President Johnson at a White House ceremony.

It was my privilege to attend this ceremony and to watch as President Johnson commended Mary Lynn and the two other Young American Medal recipients and pinned on the symbol of their service.

Mary Lynn received the award in recognition of her leadership and service to her community, State, and Nation. Her accomplishments are many, and as President Johnson pointed out:

> You are a credit to your generation and an inspiration to your President and to your country.

I am proud of Mary Lynn for her dedicated service to others and want to call to the attention of the House this young woman's record of accomplishments.

I include as a part of my remarks, Mr. Speaker, two articles from the Sheboygan Press on Mary Lynn Donohue:

PRESIDENT PAYS TRIBUTE TO MARY LYNN DONOHUE

WASHINGTON, D.C.—Smiling sweetly and humbly saying, "Thank you, Mr. President," Mary Lynn Donohue of Sheboygan was presented with one of three Young American Medals by President Lyndon B. Johnson Thursday.

Presentation of the medals, for bravery and public service, gave Mr. Johnson, in his own words, "a chance to honor courage on the homefront instead of the battlefield."

"You are a credit to your generation and an inspiration to your President and to your country," he told the trio.

Besides Miss Donohue, 18, leader of several volunteer youth programs in Sheboygan the recipients were William G. Glynn III, 16, of Westbury, N.Y., who rescued a man from the Atlantic Ocean in a two-hour battle against high seas, and Carmalita Capilla, 19, of Kailua, Oahu, Hawaii, who worked as a volunteer every day she was not in school in 1966 to aid the mentally ill at Hawaii State Hospital.

The daughter of Mr. and Mrs. Gene Donohue, 2215 N. 4th St., Mary Lynn is a 1967 graduate of North High School and former president of the Sheboygan Association of Youth.

She directed more than 1,000 area youths in fund-raising projects for the USO, March of Dimes and Muscular Dystrophy, and also hosted a Christmas party for 60 children in the Head Start program.

Now a freshman at Lawrence University in Appleton, she is the second Sheboygan resident to receive the Young American Medal in four years. In 1964, Jean DeMaster, daughter of Mr. and Mrs. John DeMaster, 707 Mayflower Ave., won the coveted award.

Thursday's awards ceremony, in the Cabinet room of the White House, was attended by Atty. Gen. Ramsey Clark, Solicitor General Dean Griswold and FBI Director J. Edgar Hoover.

Miss Donohue's parents were also present to hear Mr. Johnson comment on the ferment of youth.

"Some of it is foolish, some self destructive, but most of it represents power for good, power for constructive change.

"I think most of it is brave and selfless," the President observed.

Miss Donohue, President Johnson and the other participants in the ceremony all wore leis, gifts from Miss Papilla, who gave Mr. Johnson a traditional Hawaiian kiss when she placed the necklace of flowers about his neck.

MARY LYNN TELLS STORY BEHIND YOUNG AMERICAN MEDAL

(By Marguerite Schumann, of Lawrence University)

Mary Lynn Donohue, whose gay blue eyes and gift for persuasion are logical equipment for anyone with an Irish surname, is as all-American as Sheboygan, her hometown.

Thursday, she, along with a boy from New York and a girl from Hawaii, demonstrated they were all-American in a special way; they were presented with Young American medals by the President of the United States.

The boy from Westbury, N.Y., received a medal for bravery for saving a man from drowning off Fire Island; the girl from Hawaii received a service medal for work with mental patients; and Mary, who is now a freshman at Lawrence University received a service medal for her work as president of the Sheboygan Association of Youth (SAY).

"The Sheboygan Association of Youth is a three-year old city-wide organization of more than 1,000 members who feel a more positive image of what youth are really like must be put before the community," Mary says. "Through charity drives and service projects that SAY sponsors, youth not only help the city, but also help project a sincere image of themselves. The adults of Sheboygan have discovered that SAY is perhaps one of the best ways to communicate with teenagers because it is the only organized 'voice of youth' in Sheboygan except for church youth groups."

DIRECTED PARTICIPATION

As president of SAY, Mary directed teen-participation in fund raising projects for mental health, People to People, the USO, March of Dimes and other causes. She also recruited volunteers for Head Start programs and was treasurer and a member of the steering committee of the Sheboygan Human Rights Association.

"The largest single sum we raised for a project was $300 for the USO," Mary recalled. "It was the first time I had ever planned a dance in my life, and I was really worried. I never realized there was so much work involved in giving a dance!" But the project that gave her the most personal satisfaction was a Christmas party for the Head Start children.

"The greatest experience for me as president of SAY was being exposed to the adult community," Mary continued. "I went to PTA and city counsel meetings; I met aldermen and other civic leaders, and I learned how adult charitable organizations work."

TREATED AS EQUAL

"So many times I would go to meetings and I would be 'the Youth' present and then they would ask me 'How does youth feel about this?' While it was hardly instant understanding, still they dealt with me as an equal."

Another great benefit, in Mary's opinion, was learning how to plan and organize. "I like to think that I can now pick up an idea for a project, give it some life and make it go," she says.

Still a third party by-product of community service on the teen-level was that "I got my own telephone extension," Mary reports happily. "I used to study in my room upstairs with the phonograph blaring, and the night my mother had to walk to the stairs 20 times and scream above the music convinced her that I should have a phone in my room."

One of the strongest influences in Mary's life is the recent pastor of St. Clement's Catholic Church in Sheboygan, Father Kenneth Fieber, who is now serving in Waterford.

SPECIAL FRIEND

"A lot of kids don't have any adult friends—I feel I'm very lucky to have two or three," Mary stated. Among these two or three, Father Fieber is special; he has stirred her sympathy and warmth for all sorts and conditions of men.

Actively concerned with civil rights, Father Fieber arranged for some of the youth of his parish to visit at St. Boniface in Milwaukee, with which Father Groppi is associated.

"I lived in Milwaukee's Inner Core for four days during the visit," Mary remembers, "and it was a great experience for me. I wish now I had been more mature and that I could have done it for a longer period. I was probably a sophomore in high school before I had met a Negro or shaken a Negro's hand."

"When I visited in Milwaukee, a girl passing in a car yelled "Nigger-lover' at me, and it shocked me. I felt badly for the two kids standing next to me; if the girl had hollered 'White-lover' at them I would have been really hurt." She added. "I met some great kids in Milwaukee."

The same visit was "the first time I'd ever seen poverty. In Sheybogan there's no poverty at all. It's a necessary experience for a teenager to see poverty; so many people go through there lives in a middle-class dream world."

FOR EQUALITY

Mary is dedicated to the cause of human rights. "People aren't willing to realize that something has got to happen in the field," she states earnestly. "So many of them say, "Oh, I'm for equality, but not next door to me. It's very difficult for me to cope with people like that."

Since enrolling at Lawrence, Mary has temporarily retired from the role of organization woman. "I've about had my fill of charitable organizations for a while. This year it has been nice not to be involved in every thing and do some studying for a change," she comments.

She has, however, been an announcer for WLFM, the Lawrence University radio station, doing three news shows and a two-hour program of classical music each week.

"I'm always setting up self-improvement projects, and I decided it was time I acquired an appreciation of classical music. After a couple of months at WLFM, I can at least listen to it without wanting to turn it off."

Most winners modestly profess to be surprised when honors come their way, but in Mary's case her surprise last March was honest. She had forgotten all about the nomination. "It was so long ago—about a year—that it really had left my mind."

Mary's nomination for the Young American medal came about through her journalism teacher at Sheboygan North High, Miss Fern Salisbury, who received an application form from a governor's commission in Madison. The form was duly filled out and a sheaf of newspaper clippings attached. A short time later Mary was called to Madison and given a pin testifying to the fact that she was Wisconsin's nominee for the honor. Then came one year of silence.

When she was reminded that the honor included an invitation to the White House and that the President would actually present the medal, she grinned and said, "I'll probably fall up the stairs—I'm always doing things like that."

But she was a poised, humble honoree under Washington TV cameras. The Mary Lynn Donohues don't stumble when it's important, whether it's accepting a medal from the President or getting a project off the ground.

REMEMBER THE "PUEBLO"?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. RARICK. Mr. Speaker, in a statement to the House in the Extensions of Remarks of the CONGRESSIONAL RECORD of March 11, 1968, I commented at length on "The *Pueblo* Incident: Pattern for More?" asking some very pointed questions that so far have not been answered in satisfactory manner, emphasizing that the responsibility for this ignominious affair must lie in Washington, and calling for an inquiry by the Congress to place such responsibility.

Instead of the necessary investigation by the Congress, the incident seems to have been ignored, obscured in deluges of propaganda about far less consequential issues, and now almost forgotten. This is certainly not the way in which our country became great and powerful, but the road to disaster—no road to peace, but one to surrender and defeat.

The latest thoughtful contribution to the literature on the *Pueblo* incident is an article by Maj. Gen. Thomas A. Lane, U.S. Army, retired, published in the May 18, 1968, issue of Human Events. In this, General Lane shows how the capture of the *Pueblo* exposed the timid quality of our leadership.

As the indicated article merits a far wider circulation, I insert it as part of my remarks, as follows:

[From Human Events, May 18, 1968]

DOES ANYONE REMEMBER THE "PUEBLO"?

(By Gen. Thomas A. Lane)

Is it idle in the climate of our time to cry "Remember the *Pueblo!*"? Our leaders don't want to remember the *Pueblo*. They hope that in the turmoil of peace talks, of national elections, of baseball season and of summer vacations, the people will forget the men who offered their lives to protect the people. Alas, there was a time when an American government which submitted to piracy would have been instantly repudiated by the American people.

You don't have to catalogue the failures of U.S. leadership in recent years to judge its character. That character is transparent in the *Pueblo* case. It is the same character—or lack of character—which has mired this country in no-win war abroad and raging insurrection at home.

Pipsqueak North Korea seized the U.S.S. *Pueblo* on the high seas off Wonsan harbor. It was reported at the time that the *Pueblo* had orders to surrender. The ship was not armed for self-defense. It was not escorted by protecting vessels. Thus, the employment of the *Pueblo* was an example of the incompetence which U.S. leadership has consistently demonstrated in recent years.

It is prudent for U.S. leaders to assume that their secret operational orders are known to the enemy. When Secretary McNamara posted our spy ships close to enemy waters under orders not to resist seizure, he was inviting the enemy to seize the ships. Capture of the electronic gear would be of great value to the Soviet Union.

Exposing the timid quality of U.S. leadership would exalt Soviet prestige in the world. Soviet daring would influence the wavering neutrals to admit the inevitability of Soviet triumph in the war for the world. And all this could be accomplished without risk because the orders to the spy ships were known to Soviet intelligence.

The United States has responded to the *Pueblo* seizure with diplomatic protest. But diplomatic protest is ineffectual because our leaders have reduced it to a process of begging. When the opponent knows that the United States will not invoke sanctions to support its position, he can be contemptuous of our words. Diplomacy becomes a sham to deceive and pacify the American people.

Panmunjom is the scene of U.S. mortification. The North Koreans are arrogant, defiant, insulting. Why does the United States submit to such calculated humiliation? Does the man in the White House practice this national self-abasement to show that he is a man of peace?

North Korean piracy is not the subject of discussion. Why, they demand, did the United States violate North Korean waters to spy on an innocent and peace-loving country? What ransom will the United States pay for the return of ship and crew? The United States must confess its guilt, beg forgiveness and promise to mend its ways. The President betrays our national honor by forcing our ambassadors to submit to such insult.

Our leaders are paralyzed by a mortal fear of confrontation with the Soviet Union. They will not invoke against North Viet Nam the sanctions authorized by international law because they don't dare. They will not bow to the demands of North Korea because the American people would not tolerate such open surrender. So they do what politicians always do in crisis—nothing.

Our leaders are lost in a maze of false premises. They fear that vigorous retribution in the *Pueblo* case would jeopardize negotiations in Viet Nam. In reality, forthright action to recover the *Pueblo* and its crew would hasten settlement in Viet Nam by showing the enemy that the United States has no intention of surrendering there. Toleration of the *Pueblo* aggression encourages the enemy to persevere in the war in Viet Nam. He gains confidence that the United States will capitulate there as it did in Korea.

The Soviet strategists are apparently correct in their assessment of U.S. leadership. Men who acquiesce abjectly in the seizure of the U.S.S. *Pueblo* simply lack the character to represent the United States effectively in Viet Nam or anywhere else.

[From the Washington (D.C.) Post, May 9, 1968]

UNITED STATES, KOREANS MEET AGAIN ON "PUEBLO" CREW

United States and North Korea representatives held their 16th bilateral meeting at Panmunjon Tuesday night, Korean time, to discuss the American request that North Korea release the Pueblo and its crew.

Robert J. McCloskey, State Department press officer, said that the meeting was "fairly brief," lasting for about 30 minutes.

In response to questions, he said he expects further meetings, but he declined to say whether any progress had been achieved Tuesday.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. SCHERLE. Mr. Speaker, this is the 112th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

WHY RIDGEWOOD IS TOP 10 SCHOOL

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. PUCINSKI. Mr. Speaker, the Chicago Daily News recently carried an excellent article about one of the most exciting high schools in my entire congressional district, and I would like to call this article to the attention of my colleagues.

This article describes why the Ridgewood High School in Norridge, Ill., which is in my congressional district and also serves Harwood Heights, Ill., today rates among the 10 top high schools in the Nation.

As chairman of the Subcommittee on General Education here in Congress, I am tremendously proud that a high school in my congressional district should be among the top 10 in the Nation.

But more important, Mr. Speaker, I am proud of the citizens of Norridge and Harwood Heights, Ill., who demand the very best in education for their students and have had the foresight to attract a superintendent-principal and then give him the support he needs to give their children the finest education that the state of the art can produce.

Superintendent-Principal Scott Richardson has brought to Ridgewood a whole constellation of exciting ideas which today are receiving nationwide recognition.

I have watched Ridgewood High develop from its infancy in 1958 and am proud of that fact that during the early years when there were many who questioned some of Mr. Richardson's ideas, the community supported him and gave him a chance to prove that the methods he was introducing would ultimately pay off in the space age.

The Daily News article points out that more than 50 percent of Ridgewood's graduates go on to some kind of advanced training. This in itself is a monument to the good judgement of the people of Norridge and Harwood Heights, who have proven again their deep devotion to their community.

The Norridge-Harwood Heights area in Illinois constitutes only a small segment of my huge congressional district, but I invite school Superintendent Redmond and all the principals of Chicago public high schools in my district to visit the Ridgewood High School and then see whether or not we can produce for their own high school youngsters the high level of education and opportunity now being afforded the young people of Norridge and Harwood Heights, Ill.

I congratulate the Norridge and Harwood Heights officials and the school board for its confidence in its young people and the property owners who are willing to make the financial sacrifice to give their community one of the 10 best high schools in the United States.

To say that I am proud of these people is to put it mildly, for indeed, in these days of high government cost, it is not easy to find citizens who are willing to make a supreme sacrifice in order that their children shall be given the opportunity that many of their forefathers had been denied.

In the Norridge-Harwood Heights area we find the real heart of America and the spirit which has made this Nation the hope of the entire world.

The Daily News article follows:

SPACE-AGE EDUCATION: WHY RIDGEWOOD IS TOP 10 SCHOOL

(By Robert J. Herguth)

Why does Norridge, Ill., have one of the 10 top high schools in the nation?

No one was surprised when the experts put two often-honored North Shore high schools—Evanston and New Trier—on the Top Ten list, published in the current Ladies Home Journal.

But the list also included Ridgewood High in Norridge.

From the Loop, Norridge is a fast ride out the Kennedy Expressway, then south on Harlem Av. It's a 20-year-old village of 18,000 that's crammed belatedly among a lot of other things.

There are new brick bungalows and light-manufacturing buildings on its side streets. Many dads in Norridge make time-and-a-half.

Turn west off Harlem and there's Ridgewood High at 7500 W. Montrose, a 7½-year-old, rambling glassy school on a grassy campus.

In the office of young Scott Richardson, Ridgewood's superintendent-principal, you begin getting clues to Ridgewood's excellence.

"Back in 1958, this little piece of territory didn't amount to much when it came to population. There were no high schools," Richardson says.

"Then a high school district was formed and the notion evolved among the residents that it ought to reflect the modern trends in education."

About the same time, J. Lloyd Trump, one of the patron saints of space-age education, was at the University of Illinois. He was proposing educational advancements now widely known as the Trump Plan.

The Trump Plan includes teaching students in large groups of perhaps 150, in labs, in seminars of 14 to 18 and by independent study and research.

It offers "team-teaching" with several specialist-instructors, some with different expertises, coming in on the same course at various times during the school year.

Ridgewood decided to operate on a modified Trump Plan and Richardson feels that things have gone swimmingly.

Ridgewood, above all, aims at getting students "involved" and interested in their own education. It makes extensive use of all modern teaching aids such as film, tapes, records, slides and student discussion, but its basic organizational unit is the teaching team.

"There are anywhere from two to eight teachers on a team," he said. "One team may deal with youngsters who have difficulty in math and science. The foreign-language team includes all the language teachers, and they work at the problem of language instruction. We can revamp the teams at any time, which gives us considerable flexibility."

Another flexible item at Ridgewood is the class period. Its basic unit is the 20-minute "module."

"A chemistry lab is operated during four modules in sequence," said Richardson. "Seminars are generally two modules long.

"But in languages, we have used one module—because that's just about enough time for beginning students to converse without running out of words they know."

Every 20 minutes, somewhere in Ridgewood, students are moving around to another class or to some free time. Free time at Ridgewood is considered a great force for good. Up to 35 per cent of a student's school day is free time—for independent study or discussions.

Remember the school library? It's called the Instructional Materials Center at Ridgewood, and it's a fine blend of book, tapes, LPs, slides and film—for individual use by a student who wants enlargement of learning, extra impact or repetition.

Students have electives among their courses. And teachers try to build a student's education on his strong points, not his weaknesses.

Each Ridgewood student still must absorb a basic package of knowledge before graduation. As Richardson explains: "We feel by its nature, there's a unity in knowledge.

"In the long run, we're trying to provide as many options as we can for students to become independent learners. Most of their learning in later life will be independent of a coercive structure."

Do Ridgewood's 1,465 students prefer an independence that makes THEM partly responsible for enlarging their education?

Apparently, most do.

Sophomore Bob Zaleski, 16, said, "I think I like it better. It puts you more in a mood to study. Here, you want to work."

Ridgewood has a pupil-teacher ratio of less than 19 to 1, which puts it in the middle range of most Chicago suburban schools. Its teaching staff starts at $7,600 a year (bachelor's degree with no experience) and is young and enthusiastic.

More than 50 per cent of Ridgewood's grads go on to some kind of advance training. That's up from about 30 per cent in the first graduating classes.

All these could be reasons that the experts picked Ridgewood as one of the top 10 U.S. high schools.

SMALL BUSINESS WEEK

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1968

Mr. ROTH. Mr. Speaker, the Governor of Delaware, the Honorable Charles L. Terry, Jr., has designated this week, May 12 through 18, as "Small Business Week" in Delaware, conforming with National Small Business Week.

I am happy to echo the Governor's statement praising the contributions of Delaware small business men and women to the cause of prosperity and opportunity for all our people.

Accordingly, Mr. Speaker, I place the statement of Governor Terry in the RECORD as part of my remarks:

STATEMENT BY GOV. CHARLES L. TERRY, JR., SMALL BUSINESS WEEK, MAY 12-18, 1968

Small businesses are a vital force in our free society, preserving competition and offering the consumer a wide choice of goods and services.

Small businesses can be counted upon to furnish much of the imagination and leadership needed to bring forth new ideas, new methods and new products vital to our nation's progress and economic growth.

Small businesses represent a broad source of diversified employment, providing men and women of all races and creeds with job opportunities or an independent livelihood.

Small businessmen, as civic leaders, continue to play an important role in commuity-wide programs to eliminate poverty;

Accordingly, it is a pleasure as Governor of Delaware, to designate the week beginning May 12, 1968, as "Small Business Week" within our State and to call upon Chambers of Commerce, boards of trade, and other public and private organizations to participate in ceremonies recognizing the contribution made by the small businesses of this State to our goal of a better and more productive life for all our people.

HOUSE OF REPRESENTATIVES—*Tuesday, May 14, 1968*

The House met at 12 o'clock noon.

Pastor David A. Swanson, Trinity Evangelical Lutheran Church, Wyandanch, N.Y., offered the following prayer:

Great God, we call this solemn assembly to session not necessarily in Your name, but it is in Your world; something hard for us to admit, and a world hard for You to recognize. We ask that we might have the intestinal fortitude not to be bent over by the pressure of inhuman vested interest; that we might have the backbone to stand straight for honest justice; that You pull the plugs out of our ears that we might hear the cries of Your people from the streets of our constituencies, from the nations of Your world; and finally that we may govern as instruments of solutions, not as instruments of problems. For God's sake. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 16409. An act to amend the District of Columbia Teachers' Salary Act of 1955 to provide salary increases for teachers and school officers in the District of Columbia public schools, and for other purposes.

THE LATE HONORABLE LOUIS GARY CLEMENTE

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ADDABBO. Mr. Speaker, it is my sad duty to announce to the House the death of my dear and close friend and neighbor, L. Gary Clemente at the age of 59. Gary served with distinction in this House from 1949 through 1952 and was a proud member of the Committee on Armed Services. He is still remembered by those who served with him for his great diligence, wit, and, in his relaxing moments, his harmonious singing voice. He was a close friend and associate of our late beloved House Member and President of the United States, John F. Kennedy. I am proud to now represent a part of the district he represented and to come from Ozone Park where he was born.

Mr. Clemente, prior to his House service, served on the New York City Council from 1945 through 1948.

Gary was a graduate of the Georgetown University School of Law and practiced law in New York City and Washington before World War II. He was commissioned a second lieutenant in 1940, served in Army Intelligence and as an Army judge advocate, rising to the rank of colonel. Following his House service, he was a partner in the law firm of Mannin, Hollinger & Shea.

Our former colleague had interests in many lines of endeavor, industry, religious, civic, and fraternal. He was a director of Mary Immaculate Hospital where he died; he had been a director of the Angel Guardian Home of Brooklyn and the New York World's Fair Corp., 1964–65; he was on the boards of the Federation Bank & Trust Co., the Queensboro Council for Social Welfare, the Queens Council of the Boy Scouts; he was a founder and past president of the Ferrini Welfare League of Catholic Charities; and he was a former chairman of the Americanism Committee of the Disabled American Veterans.

Mrs. Addabbo joins me in extending our sympathy and prayers to Gary's devoted wife, Ruth, and to their nine children, Gary E., Stephen C., Michael A., John P., Peter J., Christina A., Catherine M., Barbara C., and Patricia Ruth, and to all members of the Clemente family.

A mass for Mr. Clemente will be offered at 10:30 a.m. Friday, May 17, at Immaculate Conception Roman Catholic Church in Jamaica, N.Y.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ADDABBO. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I join our colleague, the gentleman from New York, in this expression of sorrow over the death of a fine former colleague, Gary Clemente.

Mr. Clemente served in the House with distinction. I knew him as a good friend, a fine legislator, and outstanding public servant.

I join the gentleman in extending sympathy to Mrs. Clemente and the children.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield?

Mr. ADDABBO. I yield to my colleague from New York [Mr. ROSENTHAL].

Mr. ROSENTHAL. I thank the gentleman.

Mr. Speaker, it is with a heavy heart that I received the news of the death of the Honorable Louis Gary Clemente, of New York, who served in the Congress of the United States for a period of 4 years—from 1949 to 1953.

This distinguished New Yorker, and Long Islander, served his country, his State, and his community in many and varied capacities. He was born in New York and received his basic education there. He was an ambitious and energetic young man, and attended law school here in Washington, and was subsequently admitted to the bar both here in the District of Columbia and in New York. He had previously entered the U.S. Army Reserve and had been commissioned in 1929. During World War II he served with the Army, entering as a second lieutenant in 1941, and being released from active duty in 1946 as a lieutenant colonel.

He ran for New York City Council upon his separation from the service, was elected and served as a councilman until 1949 when he ran for the House of Representatives and was elected. He served during the 81st and 82d Congresses, and then went into private industry in New York, where he was most active in community and civic affairs.

He will be well remembered by those who served with him here in Congress for his generous and warm personality, his gift of humor, his thoughtfulness and consideration, and his ability to get along with all those with whom he came in contact.

He will be sorely missed by those of us who knew him. I extend my deep and sincere sympathies to his good wife and his wonderful family. My prayers go out to them during this trying time.

Mr. **GERALD R. FORD**. Mr. Speaker, will the gentleman yield?

Mr. **ADDABBO**. I yield to the distinguished minority leader.

Mr. **GERALD R. FORD**. Mr. Speaker, I am saddened to learn of the passing of Gary Clemente. He and I came to the House of Representatives as a result of the elections of 1948. During the time he served I became well acquainted with Gary. We had many mutual interests. We used to reminisce a great deal about our previous association in athletics.

He was a wonderful gentleman. He was well liked and highly respected by all on both sides of the aisle. He was a good friend and I was sorry to see him leave the House.

As I said at the outset, I am saddened to learn of Gary's passing, and I join the gentleman from New York and others in extending to his family our deepest condolences.

Mr. **MURPHY** of New York. Mr. Speaker, will the gentleman yield?

Mr. **ADDABBO**. I yield to the gentleman from New York [Mr. MURPHY].

Mr. **MURPHY** of New York. Mr. Speaker, I did not have the privilege of serving in the Congress with Gary Clemente; however, I did know him personally, and I know the high regard all citizens of our city had for Gary Clemente.

I had the privilege of attending the same high school, La Salle Military Academy in Oakdale, Long Island, several years after Gary Clemente graduated. He was revered by the Christian brothers who were his teachers and counselors throughout those formative years. His academic record at Georgetown Law School and his success in the practice of law were indicative of the great mental capacity of Gary Clemente.

During World War II he entered military service as a second lieutenant, served his country for 5 years, and was released from the service as a lieutenant colonel. He served our city as a city councilman for 4 years and then served for two terms in the 81st and 82d Congresses. He was a faithful friend and a stanch supporter of his church and its many charities.

I want to express to his family my sincere condolences.

Mr. **ROONEY** of New York. Mr. Speaker, will the gentleman yield?

Mr. **ADDABBO**. I yield to the gentleman from New York [Mr. ROONEY].

Mr. **ROONEY** of New York. Mr. Speaker, I was utterly shocked this morning to learn of the passing of the Honorable L. Gary Clemente, our former colleague from the city and State of New York.

Gary Clemente served here with honor and distinction. He was a great credit to the New York delegation in the House of Representatives.

It seems but yesterday that I met him, in the usual hustle and bustle of the day's life, downstairs on the first floor by the elevators at the House wing of the Capitol. It seems impossible that the dread killer cancer could work so fast to take Gary from us.

Mr. Speaker, his lovely wife Ruth and their nine children have my deepest sympathy and prayers in their great loss.

Mr. **CELLER**. Mr. Speaker, I am grieved at the untimely death of Gary Clemente.

Though only 59 years of age, he leaves behind him a memorial of public service. Not only did he serve as a Member of this House, but he served as well as city councilman and commissioner of works for the Borough of Queens. During his service in World War II, he rose to the rank of colonel. His work in social welfare with private groups was well known to all of us who knew him though Gary was never one to advertise his acts of conscience and humanity. His was a way of life that can best be characterized as honorable and distinctive.

To his wife and to his children, and to the members of his family, I extend my deepest sympathy.

Mr. **RODINO**. Mr. Speaker, it is with a deep sense of loss that I join with my distinguished colleagues in mourning the passing of an old and cherished friend and former colleague, the Honorable Gary Clemente.

It was my privilege to first meet Gary in January of 1949 when we were sworn in as freshman Members of the 81st Congress, and from that very first day Gary became a warm friend in whom I found outstanding ability, a deep sense of understanding, and a high sense of purpose. It was these qualities that stamped his service in the House, and endeared him to his constituency. Throughout the years of his service, Gary gave completely of himself in order to try to bring fulfillment to the great ideas and high ideals which motivated him, and I know that when he left the Congress he went with the respect and admiration of all his colleagues.

Though there is little that one can say to ease his family's sorrow, I know that Gary's wife and children can take consolation in the sure knowledge that Gary's compassion and dedicated service touched all who knew him, and made all our lives more meaningful.

GENERAL LEAVE

Mr. **ADDABBO**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the life, character, and service of the Honorable L. Gary Clemente.

The **SPEAKER**. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON MINES AND MINING, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, TO MEET TODAY DURING GENERAL DEBATE

Mr. **KAZEN**. Mr. Speaker, I ask unanimous consent that the Subcommittee on Mines and Mining of the Committee on Interior and Insular Affairs may meet this afternoon during general debate.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

PUERTO RICO SALUTES JOB CORPS

Mr. **POLANCO-ABREU**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. **POLANCO-ABREU**. Mr. Speaker, Job Corps men and women deserve recognition for the effective assistance they have been quick to offer and render in times of emergency. Over 4,000 of these young men and women have spent 326,000 hours in service during times of emergency, including suppressing fires, search and rescue missions, tornado cleanup, flood cleanup, pine beetle eradication, and lake cleanup. These young men and women are helping to prevent and alleviate disaster instead of causing and aggravating it in our city streets.

Recently, Puerto Rico was the grateful recipient of the corpsmen's aid. As you know, the Liberian old tanker, *Ocean Eagle* ran aground, causing millions of gallons of crude oil to spill into San Juan Harbor, polluting it and some of our beautiful beaches and threatening wildlife. Seventy-five Job Corps men from the Rio Grande and Arecibo, Puerto Rico, Job Corps civilian conservation centers donated 2 weeks of their time helping to clean up the beaches by amassing congealed oil for disposal. Puerto Rico thanks them.

PARTNER IN STEEL PROGRESS

Mr. **SAYLOR**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. **SAYLOR**. Mr. Speaker, the Johnstown (Pa.) Tribune-Democrat introduced an annual section on local industry with this message:

> This is Johnstown, an indomitable city, a friendly city with a rich heritage of steel and coal. This is the nerve center of a growing number of industries which dot the district scene. Many can point to a proud, progressive past. Most are girding for more growth in the future.

Year in and year out, Hiram Swank's Sons, renowned for more than a century for its contributions to the steel industry's development, is an outstanding example of a business institution that persists in remaining in the vanguard of the Nation's industrial growth. Since the time that Founder Hiram Swank made the first pouring sleeve ever produced in the United States, the firm has continually anticipated the steel industry's needs for improved refractory products.

Hiram Swank's Sons is the oldest and largest producer of steel pouring refractories in the world. It serves every major steel company in the United States and 23 foreign countries. It has invariably met the challenge of solving refractory problems that come with every new metallurgical process, thus bringing the new processes to their full potential.

Johnstown, where Swank's headquarters and mother plant are located, is also the home of Swank Refractories Co.'s new research center, where the most competent technicians use the most modern equipment.

Mr. Speaker, Hiram Swank was among the industrial pioneers whose vision and initiative brought Americans a better way of life. His effort and that of his successors have been especially fruitful to Johnstown and other communities where Swank refractories are located, but the benefits have extended throughout this Nation and into most of the free world. For when the steel industry requires new and improved refractory products, Hiram Swank stands ready to provide them.

TAX SURCHARGE AND SPENDING CUTS

Mr. JOELSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. JOELSON. Mr. Speaker, this morning I sent the following letter to the White House, to the President:

> May 14, 1968.
>
> President Lyndon B. Johnson,
> *The White House,*
> *Washington, D.C.*
>
> Dear Mr. President: I am writing to you about the fact that House-Senate conferees have tied a mandatory, but undetailed cut of $6 billion in federal spending to the tax surcharge. As I understand the proposal, the Congress is not required to do all the cutting itself, but can pass the buck to the Executive branch.
>
> The acceptance of the Conference report will result in an abdication of the responsibility of the Legislative branch of government to allocate funds for government programs and agencies. While ostensibly casting its supporters in the role of the economizer, the Conference plan would allow Congress to continue blithefully on its way, approving unlimited spending measures and making no voting blocs unhappy. After passing our mammoth appropriation bills, we would then turn to the President and implore "big Daddy" to protect us against our own profligacy.
>
> In order that I might be assisted in determining my own vote on the Conference report, I would greatly appreciate it if you would supply me with a list of the programs you will cut to achieve the $6 billion reduction, and the amount by which each specific program would be cut if the Conference report is adopted.
>
> Warm personal regards.
> Sincerely,
> Charles S. Joelson,
> *Member of Congress.*

Mr. Speaker, it is my opinion that all of the Members should know what is going to be cut so that later on they cannot howl and cry about the fact that they did not know what was going to occur.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 1224, AUTHORIZING THE APPOINTMENT OF THE PRESENT CHAIRMAN OF THE JOINT CHIEFS OF STAFF FOR AN ADDITIONAL TERM OF 1 YEAR

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1168 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1168

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1224) to authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of one year, the officer serving in that position on April 1, 1968. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California [Mr. Smith] and, pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1168 provides an open rule with 1 hour of general debate for consideration of House Joint Resolution 1224.

The purpose, as stated in the title, is to authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of 1 year, the officer serving in that position on April 1, 1968. That officer is, of course, Gen. Earle G. Wheeler, who is nearing the end of his second 2-year term.

The United States Code provides that the Chairman of the Joint Chiefs of Staff shall be appointed by the President, by and with the advice and consent of the Senate, from the officers of the Regular components of the Armed Forces, to serve at the pleasure of the President for a term of 2 years. Existing law also provides that an individual appointed as Chairman may be reappointed for one additional term, but may not thereafter be reappointed except in time of war declared by Congress.

The President and the Secretary of Defense have requested that General Wheeler be reappointed for an additional term of 1 year.

Mr. Speaker, I urge the adoption of House Resolution 1168 in order that House Joint Resolution 1224 may be considered.

I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

I have taken this time simply to say that I concur and share in and associate myself with the remarks which have just been made by the distinguished gentleman from Tennessee [Mr. Anderson] in the explanation of this rule, and I urge its adoption.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 16165, EXTENSION AND AMENDMENT OF PUBLIC LAW 480, 83D CONGRESS

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, and on behalf of the gentleman from Texas [Mr. Young], I call up House Resolution 1163 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1163

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16165) to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 16165, the Committee on Agriculture shall be discharged from the further consideration of the bill S. 2986, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 16165 as passed by the House.

The **SPEAKER**. The gentleman from Tennessee [Mr. ANDERSON] is recognized for 1 hour.

Mr. **ANDERSON** of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Ohio [Mr. LATTA] and, pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1163 provides an open rule with 2 hours of general debate, waiving points of order, for consideration of H.R. 16165 to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes. The resolution also provides that, after passage of H.R. 16165, the Committee on Agriculture shall be discharged from further consideration of the bill S. 2986, and it shall be in order to move to strike out all after the enacting clause of the Senate bill and amend it with the House-passed language.

H.R. 16165, to extend and amend the law popularly known as Public Law 480, would:

First, extend titles I and II of the act for 1 year, through December 31, 1969;

Second, clarify the President's authority to accept foreign currencies for certain uses authorized by the act;

Third, establish the policy that the United States should get a "fair share" of any growth in commercial agricultural markets in developing nations;

Fourth, permit special convertibility of foreign currency at mutually agreed to rates for the purpose of paying U.S. and foreign public works contractors;

Fifth, permit the payment of U.S. importers in foreign currency;

Sixth, place increased emphasis on rodent, insect, weed, and plant and animal pest control programs in developing nations;

Seventh, rewrite the stockpile barter; provisions; and

Eighth, reduce the size of the joint Congressional-Executive Advisory Committee and establish a regular meeting procedure.

Mr. Speaker, I understand this bill was unanimously approved by the Committee on Agriculture, I urge the adoption of House Resolution 1163 in order that H.R. 16165 may be considered.

Mr. **HALL**. Mr. Speaker, will the gentleman yield?

Mr. **ANDERSON** of Tennessee. I am happy to yield to the distinguished gentleman from Missouri.

Mr. **HALL**. Mr. Speaker, I appreciate the gentleman yielding, and I believe the gentleman has explained the rule, and the bill that it would make in order; but, the gentleman has failed, insofar as my ability to hear is concerned, to discuss lines 6 and 7 of House Resolution 1163 where it says "all points of order against said bill are hereby waived."

I wonder if the distinguished gentleman from Tennessee would advise the Members of the House why it is again necessary to waive the prerogatives of the individually elected Members of the House against points of order on said bill?

Mr. **ANDERSON** of Tennessee. I understand that incorporated within the bill, as has been the case in the past, there are certain authorities for the transfer of funds. I believe it is planned to explain these in detail in general debate.

Mr. **HALL**. Mr. Speaker, the gentleman cannot cite the line or page of the bill wherein this transfer of funds, to which we might want to take exception, thereby voting down the rule—or attempting to—in order to amend this resolution.

I understand that these requests are discussed before the Committee on Rules before such waiver of all points of order is granted, or at least it is so represented often to the House that the Committee on Rules has in general an anathema against points of order. But I notice they yield and waive it more and more often recently.

For example, last week when we had three rules—or resolutions—making different bills in order, each of which waived a point of order or some points of order.

Could the gentleman cite wherein in the bill there is a transfer of funds?

Mr. **ANDERSON** of Tennessee. I do not have that presently before me. I may say to the gentleman that the Committee on Rules too is concerned about the matter to which the gentleman is addressing himself and just recently has made it a requirement that when a committee comes before the Committee on Rules and requests a waiver of points of order that we must be supplied in detail and in writing with the reasons therefor. That procedure was not adopted by the committee until after this bill was reported out so I am sorry that we do not have that statement in this instance.

Mr. **HALL**. I presume then that information and data concerning the reason why the points of order are waived will be available in the future at the time the resolution is considered and the "Bible and verse" quoted as to why the point was waived. We are getting far too many explanations from the committee—"But" we did this, and so forth. Can the gentleman tell me if the committee which will be handling this bill on Public Law 480, the so-called food-for-peace funds, requested it or was it substituted by the Parliamentarian or if the Committee on Rules itself felt that this was necessary?

Mr. **ANDERSON** of Tennessee. It was requested by the Committee on Agriculture and they will be prepared to explain it in detail precisely as to the requirement for it. I assure the gentleman that in the future, it will be a firm requirement when any committee comes before the Committee on Rules with a request for a waiver of points of order that the requirement will be in a detailed and substantiated written statement which will be available for all those who have an interest in the matter.

Mr. **HALL**. Mr. Speaker, if the gentleman will yield further, I certainly would hope so. We have been, so to speak, "making book" on these waiving of points of order and their sources, and it is high time that we protected the rights of individual Members on such waivers.

I am glad the gentleman from Tennessee agrees with me and I am glad to hear of the committee's plans for the future. But, Mr. Speaker, I have to reserve a right to object to this particular resolution since that information is not available and apparently, no member of the committee to handle the bill which this rule makes in order can comment on it.

I thank the gentleman for yielding.

Mr. **ANDERSON** of Tennessee. Mr. Speaker, I reserve the balance of my time.

The **SPEAKER**. The Chair recognizes the gentleman from Ohio [Mr. LATTA].

Mr. **LATTA**. Mr. Speaker, I agree with the statement made by the gentleman from Tennessee.

I want to point to section 303 of this bill, it will answer the question raised by the gentleman from Missouri for the reason for waiving points of order.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. **ANDERSON** of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE APPOINTMENT OF THE PRESENT CHAIRMAN OF THE JOINT CHIEFS OF STAFF FOR AN ADDITIONAL TERM OF 1 YEAR

Mr. **RIVERS**. Mr. Speaker, I ask unanimous consent that the joint resolution (H.J. Res. 1224) to authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of 1 year, the officer serving in that position on April 1, 1968, be considered in the House as in Committee of the Whole.

The Clerk read the title of the joint resolution.

The **SPEAKER**. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 1224

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 142(a) of title 10, United States Code, the President may, by and with the advice and consent of the Senate, reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of one year, the officer serving in that position on April 1, 1968.

Mr. **RIVERS**. Mr. Speaker, I move to strike the last word.

(By unanimous consent, Mr. RIVERS was allowed to proceed for 5 additional minutes.)

The SPEAKER. The gentleman from South Carolina is recognized for 10 minutes.

Mr. RIVERS. Mr. Speaker, I asked for this procedure to save a little time, because it is not necessary for us to take a whole hour on this resolution.

The resolution is very simple. It would empower the President of the United States, by and with the advice and consent of the Senate, to extend the term of the Chairman of the Joint Chiefs one additional term of 1 year at the expiration of his present term of 2 years.

The National Security Act of 1947 provides that the Chairman of the Joint Chiefs of Staff shall be appointed for 2 years with the right of the President to appoint him for one additional term of 2 years in time of peace, but in time of war no limit is placed on his time of service. But in time of peace, after that additional time, his term expires unless it is extended by an act of Congress.

The time of the Chairman of the Joint Chiefs of Staff has now expired and the President wishes to appoint him for one additional term of 1 year for the following reason: We have a brandnew Secretary of Defense. All the members of the Joint Chiefs, with the exception of one, will be new members. The President needs a man of experience to advise the Secretary of Defense. Moreover, the Secretary of Defense came to our committee and asked that the term of the present Chairman be extended for the reason that he needed advice on Vietnam, the Mideast, and all of those areas about which the Chairman of the Joint Chiefs is knowledgeable.

The continuation of his term would be beneficial to the country and beneficial to Secretary of Defense's office.

Mr. Speaker, I think the joint resolution is good business. The President should have a man in that office who is knowledgeable to advise a man who is new. I believe the present Secretary of Defense is going to make a great Secretary of Defense. The change in the Department of Defense has been good for the country. We are on excellent terms with the present Secretary of Defense. Never have we had better cooperation. This man says he needs the present Chairman of the Joint Chiefs. The President says he needs him. Our committee unanimously reported out this joint resolution. We tried to bring it to the floor of the House under unanimous consent, but you know what transpired. That is all there is to the resolution.

Moreover, under the law the Chairman of the Joint Chiefs of Staff has no vote in the Council of the Joint Chiefs. This man presides. This man advises. We have it on the highest authority that the President needs him. We have it on the next to the highest authority that the Secretary of Defense needs him. The President wants him; the President should have him. That is all there is to the joint resolution.

Mr. BATES. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this is a simple resolution. We are here today to ask for the extension of the term of office of the Joint Chiefs of Staff for 1 year. That will expire on July 2, 1969.

We are asking the House to enact this joint resolution today because the Secretary of Defense is new. He came before our committee only 2 weeks ago and indicated quite clearly that he wished to keep General Wheeler on the job for at least 1 more year, and during that period he could help bridge the gap between the past and the present and provide information that would not be readily available in the general's absence.

We have in these crucial times a great need for experienced men to run our Military Establishment. Some of our highest officers are new on the job. Some with experience will shortly be leaving. For instance, Admiral Moorer has been on the job as the Chief of Naval Operations for less than a year. In January of next year, General McConnell, Chief of Staff of the U.S. Air Force, will retire. General Johnson, Chief of Staff of the U.S. Army, will retire this coming July, and General Chapman has just been on the job for 4 months.

It seems to me the urgency of the situation requires that General Wheeler be continued as Chairman of the Joint Chiefs of Staff. I ask the House to so vote today.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. BATES. I yield to the distinguished minority whip.

Mr. ARENDS. Mr. Speaker, let me add my endorsement for the passage of this joint resolution to the remarks made by the chairman of the committee and the ranking minority Member. It is my hope that this joint resolution will be unanimously adopted by the Congress this afternoon.

Mr. FINDLEY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, as the chairman of the committee had said, we have a new Secretary of Defense. I do not question that he needs advice. I do not question that the new Secretary of Defense is doing a superior job. I do not question he needs a knowledgeable and able man as Chairman of the Joint Chiefs of Staff.

What I question today is not personality or person or uniform, but rather the attitude, the policies, the philosophy, and the determination of the man who would occupy a high office.

Under the Constitution, Congress has the exclusive power to declare war—an ominous responsibility. It also has the exclusive power to raise armies and navies and to provide for their regulation. So this is not extraneous for us to question the policies of the man who would become the highest uniformed military authority of the United States. That, of course, is what the Chairman of the Joint Chiefs is and would be. Because of the importance, even though he has no vote, as the gentleman from South Carolina said, the importance of this position is such that the Congress did provide that the Chairman could not occupy that high, important, influential office for more than 4 years except in times of war declared by the Congress.

Today, of course, we consider legislation to set aside this requirement, to permit the 1 additional year. I think in considering this legislation we ought to consider some very hard facts that are besetting our country today.

Fact No. 1 is that the United States is not engaged in a war declared by Congress. Instead the United States is—and this is my terminology, of course—bogged down in an undeclared war of gradualism on the land mass of Asia.

Fact No. 2. The United States is in one of the most, if not the most, agonizing military plights of our entire history. I wonder if anyone would question that? Land operations in Vietnam today are confined to the territory of the country under attack, with sea and air attack against the aggressor never permitted on an unlimited scale, and our Government has effectively prevented the government we seek to protect from engaging in land operations against the territory of the attacking nation.

Despite an investment of over 21,000 lives and injuries to more than 100,000 other U.S. military men and expenses approaching $100 billion, despite the deployment in Vietnam of over 500,000 U.S. troops and vast sea and air armadas, the end is nowhere in sight. Enemy forces are able to mount effective attacks even against the capital city of Saigon and the imperial city of Hue. A military or political victory is not in prospect and is no longer even mentioned by those in authority. Estimates show that enemy forces from the north now number perhaps 100,000 more than in January of this year. Militarily we are getting nowhere fast.

Fact No. 3. General Wheeler has been the highest uniformed military authority throughout the unfolding of these melancholy events that have brought us to today's unhappy military plight.

Fact No. 4. Declared or not, this war is the proper responsibility of the Congress. Our gravest responsibility is to the military men in combat zones and to their families. They are in uniform by act of Congress. They are paid and equipped by act of Congress. Their fate weighs heavily upon the Congress. It seems to me the Congress has the duty to determine, if possible, what went wrong to put our men and this Nation in this plight, and to explore ways to get our men and our Nation extricated from it.

I am not saying General Wheeler is to blame for the fix we are in. I simply do not know. But surely he could shed some light on how we got there. And if he has no promising new ideas for getting us out would it not be prudent to suggest a new Chairman with new ideas?

I am not suggesting that General Wheeler is the architect of the unprecedented military policies of limitation, restraint and gradualism which are the hallmarks of the Vietnam war, but if he has opposed these policies he has done so in muted and muffled tones.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. FINDLEY was allowed to proceed for 5 additional minutes.)

Mr. FINDLEY. Mr. Speaker, I am not interested in finding scapegoats, but neither am I interested in giving another fateful year of leadership to the general who presided throughout the time that our Nation got itself in its most agonizing of all military dilemmas, unless there is some assurance that things will now be different—and so far as I can determine, there is no assurance.

Last week I wrote to General Wheeler stating that my opposition to his reappointment was in no way personal nor did it represent any lack of appreciation for his sincerity of motives or patriotism. However, I was interested in learning his views on certain matters. To date, for understandable reasons, because he is out of the country, I have not heard from him.

Mr. Speaker, I ask unanimous consent that the text of my letter be printed in the RECORD at this point.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The letter is as follows:

MAY 7, 1968.

Gen. EARLE G. WHEELER,
Chairman, Joint Chiefs of Staff,
Department of Defense,
Washington, D.C.

DEAR GENERAL WHEELER: As you may know today I objected to House Joint Resolution 1224, authorizing the President to re-appoint you to an additional term of one year as Chairman of the Joint Chiefs of Staff. As I told the members of the House, I have the highest regard for your patriotism and sincerity of purpose and motives and appreciate your long service to this country. I assure you that my decision to object came only after the most careful consideration and weighing all of the factors involved and in no sense represented any lack of confidence in you or constituted an attempt on my part to embarrass you personally.

As the House debate discloses, I feel it a matter of vital public interest that, in so far as possible, your attitude be disclosed in regard to several subjects. Accordingly, I would appreciate having whatever comments you may wish to make concerning the following:

1. the concept of "gradualism" as a means of dealing with military problems like Vietnam, and potential problems in Korea, Thailand, and the Middle East;
2. the doctrine of flexible response, as finally adopted by NATO;
3. the doctrine of nuclear parity.

I will be grateful if you find it possible to respond at your earliest convenience.

With best wishes.

Sincerely yours,
PAUL FINDLEY,
Representative in Congress.

Mr. FINDLEY. Mr. Speaker, much of the blame for what has happened in Vietnam can be laid, I feel, to the policy of gradualism. As early as 1965, Congress was assured in the President's message on the Defense Budget, dated January 18, 1965, that the United States possessed the credible, usable military power to enable it to deal with guerrilla terrorism in addition to other forms of military challenge up to nuclear war.

Our experience in Vietnam speaks to the contrary. It has been a tragic chronicle of overly cautious, gradual, indecisive military response which has been characterized by a striking lack of timeliness, initiative, and decisive force.

On the ground, troop level increases have been a history of too little, too late. Plans designed to disarm the enemy have been discounted under a fear of provocation. In the air, the application of pressure has been incredibly untimely. With target approval reserved by the White House, 2 years elapsed between military recommendation and political approval in the case of a majority of vital targets. In the interval the enemy enjoyed the time to scatter vulnerable facilities, more vital operations underground, and vastly multiply his air defenses. The Senate Armed Services Committee has reported in the 18 months prior to August 1967, the number of antiaircraft guns deployed in North Vietnam increased more than 250 percent. Surface-to-air missile sites more than doubled. Radar early warning capability tripled and radar fire control capability increased at an even faster rate. Partly as a result of the "gradualism" in the air war against North Vietnam more than 2,000 American planes have been lost. If General Wheeler opposed this policy he did so discretely.

I insert at this point in my remarks some material reflecting the military implementation of "gradualism":

TABLE I.—GRADUALISM IN THE AIR WAR AGAINST NORTH VIETNAM

Year	USAF missions against North Vietnam	U.S. plane losses over North Vietnam
1965	[1] 24,570	168
1966	23,577	279
1967	37,493	325

[1] Figures for 1965 epresent sorties, 1966 and 1967 figures represent missions.

TABLE II.—AIR WAR GRADUALISM IN 1967 AGAINST NORTH VIETNAM

Month	Missions against North Vietnam	U.S. plane losses over North Vietnam
January	2,112	19
February	1,518	7
March	2,602	24
April	2,925	28
May	3,237	40
June	2,607	26
July	3,819	38
August	4,668	39
September	3,396	15
October	3,550	39
November	3,145	34
December	2,914	16

TABLE III.—*Gradualism in commitment of U.S. combat troops to Vietnam—U.S. troop strength in Vietnam*

Month and year:	
December 1963	16,500
December 1964	23,000
September 1965	131,000
October 1965	148,000
November 1965	140,000
December 1965	165,000
January 1966	181,000
February 1966	201,000
March 1966	215,000
April 1966	240,000
June 1966	273,000
July 1966	285,000
August 1966	303,000
September 1966	311,000
October 1966	345,000
November 1966	361,000
December 1966	389,000
January 1967	404,000
February 1967	415,000
March 1967	425,000
April 1967	442,000
May 1967	455,000
June 1967	466,000
July 1967	454,000
August 1967	466,000
September 1967	461,000
October 1967	468,000
November 1967	470,000
December 1967	486,000
January 1968	494,000
February 1968	507,000
March 1968	516,000
April 1968	524,000

TABLE IV.—GRADUALISM AND MUTUAL ESCALATION OF TROOPS OF THE UNITED STATES, SOUTH VIETNAM, VIETCONG, AND NORTH VIETNAM

Year	U.S. combat troops	Army of South Vietnam [1]	Vietcong [2]	Infiltration from north [3]
1960	900			
1961	3,200	338,000	63,400 (23,400)	4,556 (4,582)
1962	11,300	467,000	79,300 (29,300)	5,362 (12,857)
1963	16,300	525,000	91,700 (31,700)	4,726 (7,906)
1964	23,300	612,000	128,500 (34,000)	9,316 (12,424)
1965	184,300	692,000	251,000 (59,000)	23,770 (33,730)
1966	385,000	735,000	279,000 (62,000)	44,300 (84,800)
1967	486,600	730,000	223,000 (35,000–40,000)	20,700 (39,900)
1968	[4] 525,000	730,000	248,000	

[1] Includes regulars as well as irregulars.
[2] Figures include regulars and irregulars. Regulars are in parentheses.
[3] Top figure includes confirmed personnel infiltrated from north. Figure for 1967 is for 1st half only.
[4] As of May 4, 1968.

Source: Based on information supplied by Library of Congress, Legislative Reference Service from official sources.

It was defended as a means to prevent escalation, but it certainly has not had that effect. If this policy of gradualism is inappropriate in Vietnam, as I believe it to be, it will be just as inappropriate tomorrow in Thailand or in the Congo, the Middle East, Europe, or a dozen other places. If the doctrine of gradualism is so bankrupt, then what of the policy of flexible response which has been offered by the same policymakers over the same period of time? If flexible response works no better than gradualism, then we had better be prepared to face some terrible consequences. I believe we should question General Wheeler before approving this resolution and very closely seek his answers on these questions:

First. What is the policy of gradualism? Is it sound policy in his judgment? What are its goals? What latitudes are involved?

Second. What is the level of participation in policymaking decisions by the Joint Chiefs of Staff? As I recall, General Wheeler did not often attend, from what I have learned of it, the famous Thursday noon luncheons at the White House in which the Secretaries of State and Defense met with the President and Walt Rostow. Was General Wheeler's advice sought? Are military decisions made without the presence of the military?

Third. Who makes the tactical decisions in the field? What is the participation of military leadership in the decisionmaking process?

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to the gentleman.

Mr. RIVERS. I just want to understand the gentleman clearly. I did not understand why he held it up the other day, but I want to understand him now. Is the gentleman inferring or even slightly inferring that General Wheeler had anything to do with the policy we have been pursuing in Vietnam? Is the gentleman telling this House that a man who presides over the Joint Chiefs of Staff without a vote had anything to do with the gradualism which he is talking about, which I do not like, either? If the gentleman blames any of this on General Wheeler, he has been living not in a world of make-believe but in a world of some other fantasy. If the gentleman does not know who has been making the policies that the military men have been compelled to live with, then I am awfully sorry for him.

Mr. FINDLEY. May I say in response to the gentleman that General Wheeler occupied that high position, which I am sure is one of great influence and importance, for 2 years and then accepted a second 2-year term. To me it is inconceivable that any general officer who felt that his Nation was being carried into military policies contrary to the national interest would be so silent as to not speak out beyond the muffled tones General Wheeler obviously used, and furthermore, I cannot conceive of any such officer accepting a second term in office beyond that first term if he felt the policies being pursued by the leadership were detrimental to the national interest.

Mr. TAFT. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TAFT. Mr. Speaker, I have not taken time on this measure today to oppose it, for I feel that the President and the Secretary of Defense under the circumstances in which we find ourselves here today should be in a position to choose as the Chairman of the Joint Chiefs of Staff a man in whom they have confidence. They have the chief responsibility for making the decisions on military policy and for carrying them out.

But, Mr. Speaker, I do share many of the doubts which have been expressed by the distinguished gentleman from Illinois [Mr. Findley] as to the military policies that have been pursued under present leadership and during the tenure of office of the Chairman of the Joint Chiefs of Staff. Therefore, I would like to take this occasion to voice some of these doubts and to place them before the Members of the House.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. TAFT. I yield to the gentleman from South Carolina.

Mr. RIVERS. The gentleman is not charging the Chairman of the Joint Chiefs of Staff with the leadership? He is charging the leadership of the military in the Department of Defense during the tenure of the former Secretary of Defense?

Mr. TAFT. I agree with the chairman of the Committee on Armed Services entirely. However, I would also say to the distinguished chairman of the Committee on Armed Services that I share the views which the gentleman from Illinois [Mr. Findley] has expressed to the effect that an officer occupying the high position of Chairman of the Joint Chiefs of Staff, if he is in disagreement with the chief military policies of the administration and of the civilian officers making those policy decisions, has a very serious question as to whether his conscience and his feeling and his duty to the Nation would not require him to speak out and say so.

Mr. RIVERS. Mr. Speaker, will the gentleman yield further?

Mr. TAFT. I yield further to the gentleman from South Carolina.

Mr. RIVERS. Has the gentleman seen such a thing happen in this country?

Mr. TAFT. I feel that the situation is an anomalous one in American history insofar as I know. I know of no previous circumstances under which the Secretary of Defense has arrogated to himself the entire determination of military policy.

Mr. RIVERS. Mr. Speaker, if the gentleman will yield further, I do not wish to deprecate the gentleman's view because I do not agree with the gentleman.

Mr. TAFT. I certainly recognize what the gentleman said against a military policy of gradualism the other day when this measure came up for consideration, and I am in 100 percent agreement with the gentleman on that question.

Mr. RIVERS. Mr. Speaker, if the gentleman will yield further, I would not want it charged to the men in uniform, because they have gone through complete hell during the last few years because of civilian leadership.

Mr. TAFT. I would say to the gentleman from South Carolina that I recall a great military commander within our memory who, finding himself in disagreement with the President on certain matters, spoke out in disagreement and made clear his position to the Nation and to the Congress of the United States.

Mr. RIVERS. And, Mr. Speaker, if the gentleman will yield further, there has been no greater military man who was held in higher respect and esteem by the gentleman's father and as I know by the gentleman in the well and who enjoyed the respect and esteem of the American people any more than this commander did.

Mr. TAFT. I share fully with the chairman in his high regard for Gen. Douglas MacArthur.

Mr. Speaker, in order to continue with my general statement, I thought it might be of interest to the Members of the House to read some recent testimony on this subject of gradualism. I would like to read some of the testimony which was given by General Lemnitzer on this subject, because we may have the same situation of gradualism and escalation threatened in the European theater that we have in Vietnam. I would hate to see the authorization given under this measure today pass without considering this policy shown by this testimony and without reference to other matters such as our adverse balance of payments. I feel we have the responsibility for immediately going into a reexamination of our policies as to Europe, both economic and military. We have the additional problem of the balance of payments. We have the fiscal problem in which the country finds itself. I think it is time that we take a hard look at some of these policies in Europe as well as other areas of the world.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. TAFT. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, I am familiar with the statement which has been made by General Lemnitzer to which the gentleman from Ohio referred. I was present when he testified to the Committee on Foreign Affairs. However, I think the gentleman would agree with me that General Lemnitzer's statement at that time could not conceivably have been made under duress by the former Secretary of Defense.

Mr. TAFT. That is certainly true, because the former Secretary had already left that position.

What did General Lemnitzer say? I asked the general as follows:

> Mr. Taft. You mention that Soviet military writers continue to emphasize the importance of conventional warfare capabilities of ground forces, and you also mentioned a meeting last year on our side in NATO, at which emphasis again was put upon conventional forces.
>
> Do we go along with that in our military thinking, or did we oppose that?
>
> General Lemnitzer. As a matter of fact, the United States took the lead in this strategy trend. And, as a matter of fact, I happened to support it myself.

I continued: "What are the considerations?"

The SPEAKER. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. Taft was allowed to proceed for an additional 5 minutes.)

Mr. TAFT. I continue to quote:

> General Lemnitzer. I believe that flexibility is what we need. I have always believed that we should have the capability to respond to enemy military activities across the entire spectrum. If there is a gap in our ability to deal with the enemy capability, the enemy finds it out and he capitalizes on that gap.
>
> Mr. Taft. You think this applies to Europe as well as to other areas?
>
> General Lemnitzer. I do. And I do not think that anyone who comprehends what nuclear warfare—an all-out nuclear war—would be, would, in his right mind, advocate relying solely on nuclear weapons to combat enemy military activities across the spectrum.
>
> In other words, I am saying that the nuclear weapon is not the panacea for, or the solution to, all military problems.
>
> Mr. Taft. What chances do you think you have of winning a conventional war, or handling a conventional attack situation in Europe?
>
> General Lemnitzer. That will depend on what the enemy puts into it.
>
> Mr. Taft. Wouldn't this become a matter

of escalation, just as you had with Vietnam, with the enemy continuing to put in enough conventional forces so it wouldn't lose and so it would win, with our expanding response finally getting to the nuclear point.

General LEMNITZER. This is one of the intangibles that make this situation very interesting. It will depend upon the situation, which is sort of a classic response, but no other response can be given. If the Warsaw Pact forces employ their enormous conventional capability with the objective of overrunning us, and if we are unable to deal with them with our conventional capability, we have no alternative but to resort to our military capability.

Mr. TAFT. But if we have to make the decision first, if they stick to conventional weapons because they have the superiority in conventional weapons?

General LEMNITZER. This is correct, and the decision will be one of the toughest that we have ever been called upon to make.

Mr. TAFT. Don't you think we ought to make it right at the beginning, maybe, and not start relying on conventional weapons?

General LEMNITZER. No; because I believe that having only an allout nuclear response is a bankrupt position to be in. You have only one response to deal with countless types of military operations.

Mr. TAFT. I didn't eliminate the use of tactical nuclear weapons, now.

General LEMNITZER. I know. I believe we ought to use whatever force is required to deal with the situation that arises.

This statement by the general indicates that in the number of troops that we have in Europe we are still thinking of a possible conventional response to a situation in which we know that there are far greater conventional forces on the other side, with over four or five times the troops available to the United States and our allies, the NATO powers in Europe.

Not only that but, as I mentioned earlier, we have serious economic problems involved, and every day we are seeing heavier pressure put upon this Congress to find some solution to this difficult financial situation.

Therefore, I asked the Assistant Secretary of Defense recently for some figures on this matter, and I would like to give the Members of the House a few of those figures.

The Assistant Secretary indicated that as of December 31, 1967, there were about 299,000 U.S. military personnel in Europe. However, if we add to that the military personnel in Turkey, North Africa, and the 6th Fleet, we would come up with a total of 337,000. This is as high as it has been in many years.

The Secretary also indicated that the total cost of supporting these forces in Europe is a $2.6 billion figure per year. This, of course, would not be a net savings if some or all of those troops were brought back to this country and kept mobilized, as would in my opinion be desirable. But a sizable amount would be saved in expenditures and in exchange.

We also have in Europe, at the same time, some 238,000 military dependents.

It is estimated that the total unfavorable effect upon our balance of payments is about $800 per dependent, or a total of some $190 million per year on this basis.

If we act upon this measure today and, as I have indicated, I think we have no alternative but to act favorably upon it, we certainly should not consider it as putting aside or putting off for even 1 week or 1 month a reconsideration of all of our policies in connection with our military policies and establishments in Europe, either from the military point of view or from an economic one.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. TAFT. I yield to the gentleman.

Mr. RIVERS. Of course, the gentleman is for this resolution?

Mr. TAFT. Yes, I am.

Mr. RIVERS. Does the gentleman advocate pulling out of Europe now?

Mr. TAFT. I am not advocating pulling out of Europe in total or in part without a thorough study of the situation by the Congress. But I believe it should be studied, and the passage of this measure today or the reappointment of the Joint Chief of Staff should not be considered as any underwriting of our present policy.

Mr. RIVERS. Of course, the appointment of the Joint Chief of Staff has nothing to do with that. That is a matter of high level policy of the Department of State.

The gentleman does not question the legality of President Eisenhower signing and creating the SEATO treaty whereby we got involved in Vietnam; does he?

Mr. TAFT. Our commitment in connection with why we got into Vietnam is of course a good deal more complex than that. SEATO was a formal multilateral treaty with no definition of the nature or extent of U.S. military commitment or policy in Vietnam.

Mr. RIVERS. Of course, the gentleman would not question the right of the other body, to enter into their constitutional treatymaking powers, and which President Eisenhower sent to the Senate and which they ratified, creating a SEATO treaty whereby we got into Vietnam; he would not question that?

Mr. TAFT. But the military policy and extent of involvement in Vietnam were not determined by the SEATO treaty or by the Senate of the United States. Indeed as the chairman himself stated, these decisions were made by Presidents Kennedy and Johnson and by the military establishment, dominated, as the chairman has inferred, by the then Secretary of Defense.

Mr. Speaker, under unanimous consent I set out at this point in the RECORD a letter dated May 10, 1968, from Mr. Robert N. Anthony, Assistant Secretary of Defense in response to a recent request by me for information on U.S. forces in Europe:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., May 10, 1968.

Hon. ROBERT TAFT, JR.,
House of Representatives.

DEAR MR. TAFT: This is in response to your request of April 30, 1968, for certain information pertaining to the U.S. forces in Europe

Question No. 1. The number of troops in Europe.

Answer: As of December 31, 1967, there were about 299,000 U.S. military personnel in Europe defined as: Belgium, Luxembourg, Cyprus, Denmark, France, Germany, Greece, Italy, Malta, Netherlands, Norway, Portugal, Spain and the United Kingdom. These figures include personnel assigned to units, military missions of various types, and both NATO and U.S. military headquarters. Figures do not include the Sixth Fleet or U.S. military personnel in Turkey and certain North African countries. If these figures are included, U.S. military personnel located in the area of jurisdiction of the U.S. European Command were approximately 337,000.

Question No. 2. The cost estimate of maintaining all American troops in Europe. (Included in the answer to Question No. 3, following.)

Question No. 3. The amount of money which would be saved if all American troops were returned to the U.S. from Europe.

Answer: Accounting records are not maintained to reflect total costs on an area basis. Therefore, cost estimates are necessarily based on the use of factors where accounting records do not exist. Utilizing available data, it is estimated that direct budgetary costs during FY 1968 will be approximately $2.6 billion for maintaining U.S. forces in Europe. These estimates include the direct costs of military personnel, operation and maintenance, and military construction in Europe. Indirect logistic and administrative costs for support from sources outside Europe, and major procurement costs cannot be reasonably identified with support of forces in those areas and are not included in the estimates. A reduction of all U.S. forces in Europe would *not* result in equivalent budgetary savings unless the personnel and units were eliminated entirely from the force structure. Pay of military personnel and the operation and maintenance costs would continue to be incurred regardless of whether the troops are located in Europe or in the United States.

Question No. 4. The number of American dependents in Europe.

Answer: There were approximately 238,000 U.S. military dependents in the European countries as of December 31, 1967. (See countries in answer to Question No. 1)

Question No. 5. Estimated expenditures by dependents in Europe.

Answer: Accounting records are not maintained to reflect *personal* spending by dependents in Europe and it is not possible to quantify with any precision such an estimate. Any assessment of the balance of payments implications of withdrawal of military dependents from Europe depends on a number of specific assumptions, including whether such a withdrawal would be temporary (1–3 years) or permanent. Thus, assuming we would close entire support installations (e.g., schools and commissaries) and that the program would be effective (i.e., dependents would not join a sponsor in a tourist status), balance of payments savings (based on data in a European Support Study currently underway) could be over $150 million on an annual basis after one-time budgetary and balance of payments costs relating to transportation, etc. In this respect, our present force structure would not support a normal 13 month rotation in Europe, in addition to 12/13 month tours in Korea and Viet-Nam. The costs for such an expansion of our force structure would be substantial.

Question No. 6. The cost to the U.S. for dependents in Europe; schools, etc. (on an annual basis)

Answer: The average per year per dependent support cost, including schools, is estimated to be at approximately $800 for Fiscal Year 1967.

Question No. 7. Any other pertinent information regarding troops in Europe.

Answer: During the three year period, F. Y. 1965–1967, U.S. defense expenditures entering the international balance of payments in Western Europe averaged approximately $1.5 billion annually. During the same period, cash receipts from Western Europe purchases of U.S. defense equipment and services averaged approximately $1.0 billion annually. On this basis the net adverse balance averaged approximately $500 million annually. (In addition to military procurement, the Federal Republic of Germany is also purchasing during FY 1968 U.S. Treasury securities in the amount of $500 million and negotiations for a further purchase of such securities are in progress. Moreover the Bundesbank, which is the Central Bank of the FRG, has declared its intention to continue its practice of not converting dollars into gold.)

However, this does not mean that if all U.S. forces were withdrawn, the U.S. deficit would be reduced by an equivalent amount due to the interaction of the various accounts in the balance of payments. For example, sales of military equipment to our allies could decline as well as nonmilitary imports from the U.S. It is, therefore, not possible to quantify with any precision what the net effect of such a withdrawal would be on the balance of payments.

Sincerely,

ROBERT N. ANTHONY,
Assistant Secretary of Defense.

Mr. RIVERS. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. SPRINGER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. POAGE. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 136]

Abernethy
Ashley
Bevill
Bolling
Carter
Clark
Conyers
Corman
Delaney
Diggs
Dingell
Dorn
Dow
Flood
Ford, William D.
Fraser
Frelinghuysen
Green, Oreg.
Griffiths
Gurney
Hagan
Halleck
Hansen, Idaho
Hansen, Wash.
Hardy
Hébert
Herlong
Holifield
Hutchinson
Jarman
Kee
Leggett
Long, La.
Mailliard
Moore
Morse, Mass.
Olsen
O'Neill, Mass.
Purcell
Resnick
Roberts
Roybal
Schadeberg
Selden
Slack
Stubblefield
Teague, Tex.
Tenzer
Ullman
Wilson, Charles H.
Wright
Young

The SPEAKER. On this rollcall 378 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXTENSION AND AMENDMENT OF PUBLIC LAW 480, 83D CONGRESS

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16165) to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16165, with Mr. MOORHEAD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. POAGE] will be recognized for 1 hour, and the gentleman from Oklahoma [Mr. BELCHER] will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Chairman, this legislation will extend for 1 year what we generally know as Public Law 480, which is legislation authorizing the sale of agricultural commodities to foreign nations on concessional terms.

Some of us, I am sure, think of this program only in terms of selling for foreign currencies. That was the original intent of the bill. Over the years it has become evident that a good many countries could buy for dollars if given concessional terms, and under the provisions of the present title I of the act we are now selling to most of the countries of the world on a dollar credit basis.

I believe that last year there were only 10 countries which availed themselves of the foreign currency payments.

Mr. Chairman, over the years we have seen a remarkable transition on the part of a great many countries. Many of our best customers today were a few years ago buying agricultural commodities from the United States for foreign currencies. Japan, which is today our second best customer, was a substantial recipient of Public Law 480 assistance. Japan has in recent years shifted from paying the United States in yen, and has been making those payments in dollars, and continues to do so.

Spain was, for a number of years, a large recipient of Public Law 480 aid, and is today one of our good cash customers.

We have found in a great many countries that our program under Public Law 480 has developed some of our very best cash markets. We believe that we are going to be able to continue that kind of practice with the continuation of this program, and that is why we bring you the program today.

Actually, the need in some foreign nations has fortunately greatly diminished in the last few years. That has been due to the fortuitous weather conditions in the subcontinent of India. In 1966 the Indian grain production was about 72 million tons. Last year, in 1967, it went above 100 million tons. The members can see that the need for American assistance was in a large part resolved. If that kind of production can continue, we would not expect to have anything like the shipments of grain that we have been making in recent years.

We would not need to make them available and the Indians would not need to buy the commodities.

But we know that the drought will come again. We know that 1967 was not an especially good year from that standpoint. We hope that next year will not be as bad as 1966, but it will probably be somewhere in between.

There is going to be a need for American agricultural products in a good many countries of the world for a long time to come, and in a great many of these countries there is not going to be the buying power with which to buy these commodities with dollars and to pay cash for them.

We are hopeful, and we think that experience shows, that over the years a large part of these purchases will be made for dollars on credit.

Now I want to speak on a subject about which there has been a great deal of misunderstanding. We are receiving very substantial payments now. We are getting back a very large amount of what we have been putting out in the form of dollars today. We received, I believe it was, $350 million roughly in payments. Those are payments primarily for commodities that were delivered 10 and 12 years ago, but we are receiving payments now, substantial amounts in dollars.

In addition, we have been able in the last 2 years—in the last year—to use a very large part of the sales made under Public Law 480 to help rather than to burden our balance of payments.

I know there are members who are under the impression that if we spend $1.6 billion for this program that that means that money comes out of the Treasury. It comes out of the Treasury and is paid to American producers—but it stays in the United States.

We do not ship this money abroad. We ship only the agricultural products and the shipment of agricultural products does not reduce our money resources abroad. On the other hand, last year we sold to countries that were giving us military aid—a very substantial amount of agricultural products and received military aid in return. To the extent that we received this aid in return, we reduced the calls on the United States for American dollars and thereby improved rather than hurt our balance of trade with the rest of the world. In other words, we paid some $386 million worth of needed goods and services with foreign currencies. Without this program these payments would have had to be made in dollars.

So we find that actually Public Law 480 has directly reduced our expenditure of dollars over the world and has not sent any American dollars anywhere but has used American food in many cases to secure the goods and services for which we would have otherwise had to use dollars.

Entirely apart from the large repayments of previous obligations which I mentioned a minute ago—entirely apart from that, we have been creating a substantial saving on our American balance of trade, which I think is all to the good and is something that we desperately need.

In addition to that, we have developed substantial cash markets which never could have been developed had we not used this tool, Public Law 480, as a means of developing those markets.

Right now we are selling very large quantities of wheat in Japan. How did we develop that market? We developed that market when we were selling Japan American wheat for yen. Today they are buying it for dollars. But had they not bought it for yen, at the present time they would still be eating rice.

Thailand or some other country would be selling that rice and not the United States.

In most of those cases these local currencies have developed into a payment in dollars. We still have a few large customers who are still buying for local currencies, but I am sure it will surprise you, as it surprised most members of our committee, that today there is not an American nation—not a nation in the Western Hemisphere—that is paying in local currency. They are all trading with us on a dollar basis. That is a tremendous achievement, and one which most of our people have not recognized as taking place.

So we felt in the committee it was vital that we extend this bill.

There is only the question as to the time of extension. The committee had all kinds of views, but we composed our views on the basis that we would extend it for one year. This is a 1-year extension only.

However, this bill comes to you with several amendments to the law as it now stands. There are about eight items in which we would change the existing law.

The first is a 1-year extension.

The second one would clarify the President's authority to accept foreign currencies for certain uses authorized by the act.

The third would establish the policy that the United States should get its fair share of any growth in the commercial agriculture markets in these developing nations. In other words, if the country is going to be able to buy part of its agricultural needs for cash, the United States must share fairly in that increased cash market if we are going to continue to give them a concessional market.

The fourth would permit special convertibility of foreign currency at mutually-agreed-to rates through sales to U.S. and foreign contractors for the purpose of paying wages earned in the development and consummation of works of public improvement in the purchasing country. That is a peculiar provision which I think could work greatly to the advantage of the United States and of the recipient countries. I recognize full well that some of the recipient countries would not accept it. We do not insist that they accept. We simply give them the opportunity.

We provide that the United States and the recipient foreign country could agree upon a use for up to 50 percent of these counterpart funds through sale of such funds to contractors to pay the entire labor cost of public construction projects. The labor costs are, of course, substantial in any roadbuilding, harbor construction, or anything of that kind. We propose to let the contractor get these counterpart funds by buying them from the United States at a discount. We do not propose to devalue the money of foreign countries. We propose to let the United States sell these currencies at a discount only to the extent that they will be used to pay for labor in the host country for public works.

In other words, if in India there is a contract involving a million dollars worth of labor, the contractor could buy his currency from the United States, let us say, at a 30-percent discount and could thereby pay the local laborers a better wage and still be competitive. The rising per capita income resulting from such works would add to that country's ability to buy commercially the very commodities we desire to sell.

Still we will not be discounting the foreign country's money. This requires agreement of the foreign country as well as of the United States, but it does enable us to get a substantial amount in cash, because the contractor has to buy the rupes from the U.S. Government and pay us dollars. If we discount at 30 percent, we get 70 percent of it in dollars.

Frankly, if we get that, we are doing pretty well. I think it is a really good provision and one that will mean a little more money coming back to the United States and some more people will be working and thereby earning their own food needs in the host country.

We also permit the payment of U.S. importers in foreign currency. That is the fifth provision.

In the sixth place, we place increased emphasis on rodent, insect, weed and plant and animal pest control programs in developing nations.

In the seventh place, we repeal stockpile barter.

I think that last deserves a little explanation. There is what we know as direct barter. That is not involved in this provision at all. Direct barter is where we simply trade a bale of cotton for a calf. That is what we call direct barter. But we have also had a provision—and it doubtless served a useful purpose at the time—whereby we were enabled to build up stockpiles of various rare minerals, so-called strategic raw materials, let us say molybdenum. I do not know what molybdenum was selling for. Nobody knows the market price of molybdenum or the market price of black diamonds, or most of these exotic minerals we have been bringing in for stockpile purposes. Obviously the people who traded under the terms of that part of this law—they all lived in New York—fixed a price that was high enough on the molybdenum so they could take quite a loss on it if they traded for wheat. So the United States gave them, let us say, wheat in return. Then they took that wheat and sold that wheat in the markets of the world at something less than the world price. The reason they were able to sell at a cut price was that their molybdenum had been priced well above its cost to the traders. It does not take a fourth-grade education to understand that if we are going to sell wheat at $1.25 when the market has been $1.35 the day before, that the next day the market will be $1.25 for everybody's wheat, and everybody in the United States loses on the sale of their wheat as a result thereof.

As a result of that, we felt the time had come, since we do not need any more of these materials or stockpiles, when we ought to limit this kind of trading which has such a terribly deleterious effect upon the movement of our agricultural commodities.

Finally, we reduced the size of the joint Congressional-Executive Advisory Committee and established a regular meeting procedure. We think that will result in regular meetings of the committee. Most of us do not recognize we have a committee composed of majority and minority Members of the House and of the Senate which confers with the Executive in connection with these transactions, but we have no provision for meetings, and we have not had one for, I think, 18 months. So what we did was to cut the size of the committee and provide that it shall have meetings at least quarterly, and we put the responsibility on a fixed individual.

That, then, covers the changes proposed by this bill for the next year's operation of Public Law 480. We hope the House will agree that it is important to continue this legislation and that the changes made were all relatively minor. We look upon them rather as housekeeping changes, that bring this program abreast of the times; they were all accepted by all of our Members. We hope they will meet with the approval of the House and the House will pass this legislation.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, is it my understanding this legislation authorizes Public Law 480 until June 30, 1969?

Mr. POAGE. That is correct.

Mr. DENT. Mr. Chairman, can the gentleman give me the specific reasons for adding this sum—in the eyes of the public at least at this moment—to our expenditures, as it were, when we are talking about cutting back $6 billion?

What is the total amount 1 year would represent, if this is extended another year?

Mr. POAGE. We have been spending an average of about $1.5 billion or $1.6 billion a year for a good many years on this. We anticipate the expenditures will remain just about the same. We have not proposed an increase in expenditures. We believe they will remain just about as they have been. All we have done is to extend it for 1 more year.

Mr. DENT. Does the gentleman mean that all the Public Law 480 commitments amount to about $300 million or $400 million a year?

Mr. POAGE. No, about $1.5 billion or $1.6 billion a year is what we have been spending.

Mr. DENT. About $1.2 billion?

Mr. POAGE. About $1.6 billion a year,

or about $1½ billion a year has been the average.

I have the exact figures here.

For 1964 we spent $2 billion.

For 1965 we spent $1.8 billion.

For 1966 we spent $1.7 billion.

For 1967 we spent $1.4 billion.

For 1968, which is the present fiscal year, we are spending $1.3 billion.

Mr. DENT. This is an open-end authorization, without any limitation as to what may be spent in 1969; is that correct?

Mr. POAGE. These are the expenditures we have been making over a number of years. This bill does not change the authorization. We leave that exactly as it has been. We simply extend the period in which expenditures can be made.

Mr. DENT. What is the difference between the shipped price of commodities under Public Law 480 and what the Government pays for that part of the product that is subsidized? For instance, what is the market price of wheat in the world market?

Mr. POAGE. Of course, it depends on the commodity.

Mr. DENT. I asked about wheat particularly, because that is the bulk of it.

Mr. POAGE. Public Law 480 requires all sales to be made at the world market price. That is obtained by accepting bids. All Public Law 480 shipments are made under a bidding procedure whereby the low bidder is the one who supplies the commodity.

Actually, the world market price on wheat today is in the neighborhood of $1.35. I do not remember exactly what it is. This is about the American price less the certificates.

Mr. DENT. Cotton ships at about $42.50 less a bale than what it costs the Government at the present time, does it not?

Mr. POAGE. No; it does not ship at any less than what it costs the Government to buy the commodity. But we do have a number of subsidies in the United States which are payable when one is using the commodity in the United States. Most of them are not payable when one is shipping outside the United States in commercial transactions.

Mr. DENT. I may be all wrong, but having studied some part of our subsidy program in agricultural products, and particularly so with respect to cotton, I have discovered there is a differential on a bale of cotton of 500 pounds of the difference between about $139.50 and $172, which is the American price paid by the Government through its subsidy program; and we achieved some kind of a one-price market by giving American users of cotton, textile mills, the same price as we sold it to the foreign mills.

However, that only added about $260 million to the cost to the taxpayer, because we did not reduce the price paid by the American Government or the taxpayer. The same is true with regard to wheat. As I understand it, wheat ships in its own market at a price less than what the Government guarantees the grower of wheat. While we give some kind of certificate to bakers and others in the United States, it still does not mean that we are not shipping to foreign countries at a cheaper price. What I am trying to find out is why, following your own remarks on the floor, there is no way of accurately measuring production in the field of agricultural products or what may come about through the vicissitudes of weather and so forth with regard to next year's crop or this year's crop, which some of us have already planted although not harvested. Why do we go ahead and extend this act, in view of these circumstances, which does not run out until June 30, 1969? This gives the impression, as I see it in the papers that are coming out with the comments of some writers who may be well informed, although they do not put down their opinions correctly, or so it would appear to the people, at any rate, that we are adding on dollars to the obligations of this country at a moment when some of us are trying to cut back and some of us are holding out for a $4 billion cut in spending, although it looks like what we will come out with is a $6 billion cut in spending. How can we say on the one hand that we are cutting back $6 billion in our spending when we are turning around here and adding an obligation today in this authorization of over $1 billion to next year, 1969 fiscal year, spending? Is it necessary that we have in January when the new Congress comes in—and from the look of things it probably will be a new Congress that will be coming in—is it necessary that when the new Congress comes in in January they will have to undertake repealing this act rather than having it come before them to reenact it? I do not think we need to go into this particular action at this time. No one will be hurt if we wait until January. No one will starve if we wait until January, because shipments cannot be made until June 30 of next year, anyway. It has been helpful to have this measure enacted in this way in the past, but I see no need for it today under the conditions which exist with the tightness of money.

Mr. POAGE. Mr. Chairman, I will say that the answer to the gentleman's question is "Yes," "No," and "Maybe." The gentleman's question is something that I simply cannot follow.

Mr. DENT. I will repeat it.

Mr. POAGE. I cannot yield for another speech at this time. I have yielded for some 12 or 13 minutes.

Mr. DENT. May I have some time to speak in the well on this?

Mr. POAGE. No. I think I cannot yield further for such an involved question.

I did want to correct a statement I made in connection with an answer to the gentleman. I thought he was saying did the bill expire this year, that is, this January. He was saying next June. The bill does expire on the 31st day of December 1968. There is no opportunity for the next Congress to pass upon this. It must be acted upon at this session of the Congress. There should be some degree of security granted to those who are dealing with this. I think, I have taken too much time, but I do appreciate the consideration of the House.

Mr. BELCHER. Mr. Chairman, I yield myself such time as I may consume.

You have just heard the chairman of the committee do what I consider to be a very good job in explaining this bill. This bill was first passed in 1954. It has been extended from time to time until it now expires on December 31, 1968. There were some amendments made to this bill which I think make it a better bill and which the chairman has explained.

In my opinion we will be able to recover more value out of our foreign currencies than we have ever been able to do before. It is my further opinion that the provision which provides that certain contractors may pay for products with foreign currencies bought from the United States will enable us to recover a part of these foreign funds.

Mr. Chairman, at this time I yield 5 minutes to the distinguished gentlewoman from Washington [Mrs. May].

Mrs. MAY. Mr. Chairman, as has been pointed out by the distinguished chairman of our committee and others, the bill before us today would continue and strengthen what has been termed a "landmark law" and a "cornerstone of American agricultural and foreign policy for the past 14 years," the Agricultural Trade Development and Assistance Act of 1954—Public Law 480.

I am proud of the accomplishments of the food-for-peace program over the years, Mr. Chairman, and I am pleased to be a member of the committee whose responsibility it has been to recommend improvements and extensions of the program from time to time.

Enacted under the Eisenhower administration in 1954, Public Law 480 has been directed toward the achievement of a number of goals—the promotion of expanded trade and commerce between the United States and friendly nations throughout the world, the furtherance of foreign policy of the United States, the orderly and useful disposition of excess productivity of American agriculture, rendering of assistance to friendly developing nations, and providing humanitarian aid to hungry people throughout the world.

With the extension of the law in 1966, the program was modified to reflect a greater emphasis on self-help on the part of the developing nations receiving Public Law 480 assistance. In addition, the concept of "surplus" was removed from the program, and for the first time it became possible for agricultural commodities not in excess supply to be eligible for sales or donation under the act.

As is pointed out in our committee report on this bill, Mr. Chairman, through the years that the food-for-peace program has been operative, our committee has attempted to emphasize and implement each of the program's goals within the framework of a "graduation" theory. The basis of this theory is that the end result of the program in each country should be the eventual development of a commercial market, but that the program should start with whatever is most needed by that country at the time, which usually would be outright donations of food where people are in immediate need.

As our committee has pointed out, this theory has proven itself many times through the development of commercial markets in Japan, Israel, Taiwan, Korea, Italy, Spain, and the Philippines, for example.

Over the past 14 years since the enactment of Public Law 480, nearly $11 billion of U.S. farm products have been exported and sold for local currencies. Dollar credits have accounted for nearly $750 million worth, donations more than $3 billion, barter about $2.6 billion, and AID and mutual security programs $2.2 billion. All in all, $17.2 billion in U.S. farm commodities have been exported under Public Law 480 since 1954.

The development of new commercial markets for U.S. agriculture through the food-for-peace program has been of immeasurable benefit to U.S. farmers and to our balance-of-payments situation. Were it not for the $6.4 billion in agricultural exports during 1967, two-thirds of which were commercial sales, our balance-of-payments position would have been far, far worse than it is today.

But, Mr. Chairman, all its accomplishments notwithstanding, I believe that Public Law 480 holds even more potential as a force for peace and stability in the world. I believe that the food-for-peace program can be used to much greater effect by this Nation as an instrument in our attack on the critical world food and population crisis.

To utilize this potential, however, will require some rather fundamental changes in our approach—we must begin to think and act more in terms of a basic, coordinated, overall approach to the world food and population crisis, rather than continue to use the old "scatter gun" method on which we have relied so heavily in the past.

This Nation cannot feed the hungry world. We have been over that ground before, and recognize that our national resources are far from limitless. Yet, the United States is the single largest economic and agricultural unit in the world, and there is much we can do.

Our food aid programs have been effective in the past—but not as effective as they could have been had more attention been given to relating their aims and objectives to the goals of our other foreign assistance programs. By this I mean pulling together the whole "ball of wax" to see if all our assistance efforts are even pointed in the same direction.

Three years ago, Mr. Chairman, in October of 1965, I joined other members of the House Republican Task Force on Agriculture in calling for a comprehensive effort to study and plan the U.S. role in meeting the challenge of the world food and population crisis. Along with many of my colleagues in the House, I introduced legislation calling for a U.S. World Food Study and Coordinating Commission "to study world food and agriculture needs, to coordinate present U.S. efforts toward meeting these needs, and to evaluate the future role of U.S. agriculture and other resources in the light of present and projected world food and population trends."

A primary goal of this effort was to have been the coordination of all our food aid and other assistance programs, and an attempt to relate our agricultural capacity and the needs of U.S. farmers to our overall foreign assistance objectives.

I was keenly disappointed that no action was taken on this proposal. The idea was dismissed by some as impractical because "we don't have time for all this planning—people are hungry now." Although in the interim some additional limited progress in meeting the demands of the world food and population crisis has been achieved, how much more progress could have resulted had there been a greater attempt to plan and coordinate our efforts?

I would remind my colleagues that, had we taken prompt action on that proposal in 1965, the Commission study which it required would have been completed by January of last year.

In 1966, our House Agriculture Committee and Congress adopted an amendment to Public Law 480 which would have significantly improved coordination of all our foreign assistance programs had it been effectively utilized over the past 2 years. This amendment was a proposal I offered to establish a committee "to advise the President with respect to general policies relating to the administration of the act."

This advisory committee is composed of the Secretary of State, the Secretary of the Treasury, the Secretary of Agriculture, the Director of the Bureau of the Budget, the Administrator of the Agency for International Development, the chairman, the vice chairman and the two ranking minority members of the House Committee on Agriculture and the House Committee on Foreign Affairs, and the chairman, the next ranking majority member and the two ranking minority members of the Senate Committee on Agriculture and Forestry and the Senate Committee on Foreign Relations.

However, to my knowledge, the advisory committee has never met, and this potential for coordination of foreign assistance objectives and programs has not been realized.

This year I proposed and our committee accepted an amendment which would make some important changes in the law relating to this advisory committee—some changes which I hope will provide a more effective utilization of the potential offered by this committee. At this point I would like to quote from our Agriculture Committee report relating to these proposed changes:

> 7. Section 407 dealing with the organization and functions of the Joint Legislative-Executive Advisory Committee would be revised.
>
> The proposed amendment to section 407 would decrease the size of the Advisory Committee from 21 members to 13 members, while establishing a regular meeting schedule. In addition, it would require the Advisory Committee to meet at least quarterly, and it sets forth a rotating chairmanship to be shared by the four chairmen of the appropriate congressional committees.
>
> The committee feels that this Advisory Committee has not functioned as effectively as it could.
>
> Unfortunately, a "communication gap" has developed between two great committees of the House. This was manifested last year when the House Committee on Foreign Affairs adopted an amendment to the foreign aid bill proposing to bring Public Law 480 within its legislative jurisdiction. The House deleted the proposed jurisdictional change from that bill and this committee thereby retained its basic and historical jurisdiction over the program.
>
> This committee recognized that Public Law 480 has a direct influence on foreign policy, and it feels that the other committee's advice and counsel on the foreign policy ramifications of this program would be most helpful. Conversely, this committee feels the same advice and counsel from Agriculture Committee members will be useful to that committee in their deliberations and decision on general foreign policy questions.
>
> This amendment, therefore, would require the Advisory Committee to meet at least four times each year, starting with the calendar quarter in which this bill is enacted. If there was no business to transact, the meetings could be brief. If there were a need for more meetings, the Committee could meet as frequently as necessary. The amendment would establish a rotating acting chairmanship of the Committee. Someone must call any meeting to order. Just as the House committees are called in regular rotation under the "Calendar Wednesday" procedure, the Advisory Committee would meet at the call of the acting chairman in the order listed in the amendment. The rotation order of chairmanship is designed to provide the maximum comity between all four committees and both bodies of the Congress.

Mr. Chairman, I am hopeful that this new requirement for regular meetings of the advisory committee, and the change in its makeup to a more workable size will provide the ingredients necessary to make it a functioning, effective coordinating vehicle in the future—a vehicle through which Public Law 480 and our related assistance programs can be brought closer together in purpose and objective, and can become more useful instruments for achieving peace and stability in the world.

In conclusion, Mr. Chairman, the bill before us incorporates a number of changes to the food-for-peace program which I believe will serve to improve its operation in the future. Our committee has expended a considerable amount of time, effort, and thought on this legislation to make the program even more responsive to our increasing responsibilities as a nation, our needs, and the needs of the world. I urge all my colleagues in the House to support this bill.

Mr. BELCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from North Dakota [Mr. KLEPPE].

Mr. KLEPPE. Mr. Chairman, Public Law 480 is known by many names—the Agricultural Trade Development and Assistance Act of 1954, the food-for-peace program and more recently, as the food-for-freedom program. Under any name, it has been an outstanding success.

It has rescued from hunger, malnutrition, and even death millions of people around the world. Since its inception in 1954, this program has moved into consumption abroad $17.2 billion worth of U.S. agricultural commodities. It has helped substantially to build permanent dollar markets overseas. It is, in fact, a foreign aid program which not only reaches the people of the underdeveloped countries without placing additional strain on the U.S. balance-of-payments deficit but which actually reduces that deficit by expanding normal, commercial markets.

Japan, for example, in 1956 imported $370 million worth of American farm products, one-third of it under Public Law 480. Today, Japan buys $1 billion worth of our farm products each year, all of it for dollars. In 1956, Italy imported $114 million worth of U.S. farm products, one-third of it under Public Law 480. Now Italy buys $300 million worth each year, all for dollars.

This program has played a major role in pushing American farm exports toward an annual total of nearly $7 billion, with commercial exports accounting for $5.2 billion.

No other foreign aid program can show such dramatic and constructive gains. This successful record is the strongest possible argument for the extension of Public Law 480.

Mr. BELCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Chairman, it has very properly been pointed out here today that this bill definitely has a foreign policy aspect. With that I certainly agree.

As the Committee on Foreign Affairs considers the Foreign Assistance Act, one thing to which we address our attention, year after year, is the matter of unexpended funds or the pipeline.

I should like to put a few questions to the gentleman from Texas [Mr. POAGE] if I might.

It is my understanding that this bill authorizes in titles I and II the appropriation of $2.5 billion. Am I correct in that?

Mr. POAGE. That is correct.

Mr. ADAIR. Can the gentleman now tell us how much unexpended money there is in this program?

Mr. POAGE. There is $3,100,000,000 in title I and $588,000,000 in title II.

Mr. ADAIR. Then in round numbers there is unexpended about $3.7 billion.

Mr. POAGE. That is right.

Mr. ADAIR. Earlier in response to a question the gentleman recited the annual rate of expenditures for several recent years culminating, if I understood him correctly, in an estimated $1,300,000,000 for this fiscal year.

Mr. POAGE. It is a little bit more than that.

Mr. ADAIR. $1,400 billion?

Mr. POAGE. It is $1.267 billion for title I plus $425 million for title II.

Mr. ADAIR. So it would be $1,600 million or a little more?

Mr. POAGE. Yes.

Mr. ADAIR. If I understood the gentleman further correctly, he estimated that the rate of expenditure would probably continue about at that level.

Mr. POAGE. Actually, the Committee on Appropriations figures it will be a little bit less than that. So I do not think it will continue quite at that level. It seems quite clear that it will be something less than that.

Mr. ADAIR. If I can ask the gentleman a further question. Is the $3.7 billion available until expended?

Mr. POAGE. That is something that depends entirely upon the appropriations. I think you would get a more adequate and accurate answer from the Committee on Appropriations than from us because we do not prescribe the terms under which that is available.

Mr. ADAIR. That brings me then to the ultimate question along this line. That is, if we have $3.7 billion available from past authorizations and appropriations, and if the expected level of expenditures is to run at about $1,600,000,000—why do we need $2½ billion additional authority at this time?

Mr. POAGE. We are not at all sure that you need the additional authority, but as I said a moment ago, that is something over which this committee has no jurisdiction at all, any more than the gentleman's committee has. It is something under the jurisdiction of the Committee on Appropriations, and I would not undertake to try to speak for them.

Mr. ADAIR. Would it be the gentleman's opinion that if this money were not authorized, that is the additional $2½ billion, there would be sufficient money available to carry on the program that is anticipated?

Mr. POAGE. No, I would not say that, because if I could say that then I would, of course, answer the gentleman as he wants to be answered. But I do not know whether that money is available, and I do not think the legislative committee can make that determination. I think that depends entirely on the Appropriation Act, and I am not going to try to pass upon the Appropriation Act.

Mr. ADAIR. Mr. Chairman, I would conclude by saying I think Public Law 480, or the food-for-peace program has been a worthwhile program. I have supported it in the past and expect to continue to do so. However, I would reemphasize the reservation that I have in my own mind about the necessity of the additional $2.5 billion of authorization at this time.

Mr. BELCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. MIZE].

Mr. MIZE. Mr. Chairman, as one of the authors of legislation to provide for the extension of Public Law 480, I am naturally pleased that we have this bill before us at this time. The bills which my Kansas colleagues and I introduced called for a 3-year extension of the program without changes. The House Agriculture Committee saw fit to report out this bill calling for an extension of only 1 year with certain changes believed to be necessary in updating the law in order to help it achieve its goals. I would not argue with the collective wisdom of the committee. In general, I am in agreement with keeping all programs of this kind under constant review to evaluate their effectiveness and to amend them in line with changing needs and conditions. The public interest may be better served by holding hearings on the bill again in the 91st Congress and giving it further evaluation.

There appears little doubt that this has been one of our most successful programs, not only for what it means to the agricultural economy of the country but what it means to the foreign policy of this Nation. As an indication of its value to the U.S. economy in general and the wheat producers in particular, I wish to call attention to an article which appeared in the April issue of the Great Plainsman, the publication of Great Plains Wheat, Inc. That article, "Public Law 480—A Priceless Plus," follows:

PUBLIC LAW 480—A PRICELESS PLUS

Almost five billion bushels valued at more than seven billion.

This is the quantity and value of U.S. Wheat which has been shipped under the provisions of Public Law 480 during the first 12 years of its existence from 1955 to 1966.

Either way, it all comes out the same. Public Law 480, or Food for Peace, has been a tremendous plus to wheat producers and the United States.

In addition to the above amounts of wheat, 27.7 million pounds of flour, bulgur and rolled wheat valued at more than $1.1 billion has also been shipped. This adds to the value of the program which is now before Congress for extension.

During its existence, progress has been made in transforming this program from a temporary measure primarily of surplus disposal to a major tool in the worldwide struggle for freedom from hunger. It has also become an effective instrument to stimulate economic development and to support U.S. trade and foreign policy goals.

It is not easy to measure the accomplishments of a program with such multiple objectives as U.S. food aid. Hundreds of millions of people, including a high proportion of children, have benefited from food supplied by the United States. Food has been furnished to meet emergency situations and to meet nutritional needs as a contribution to the development of the economics of the recipient countries.

Loans to foreign governments for economic development are the largest item in the uses of foreign currencies generated under the foreign-currency provisions of the program.

Sales of commodities received under long-term dollar credit sales also generate local currencies which recipient governments apply to economic development.

However, increasing emphasis has been placed on the role of P.L. 480 in helping to improve the U.S. balance-of-payments position. Local currencies derived from the foreign-currency sales program have been used to pay U.S. expenses abroad whenever possible. For instance, from 1955 to 1966, the balance-of-payments benefit derived from foreign currency usage in lieu of dollars has resulted in a total saving of $1.5 billion.

But many other benefits are also derived from the use of foreign currency.

For instance, a major use made by the United States of these funds is the financing of a four-point agricultural market development program.

FOUR-POINT PROGRAM

These points are: cooperative programs with trade and agricultural groups such as Great Plains Wheat; trade fair and trade center activities; marketing research, and utilization research.

These programs, through the cooperation of the government and grain trade in conjunction with the commodity groups, have significantly contributed to the increase in commercial sales of U.S. Wheat.

And over the past 12 years, these rising commercial sales have brought tangible returns to the American farmer.

One of the major objectives of the P.L. 480 programs, and an important measure of the success of foreign policy goals, is the transition of countries from food aid to commercial trade.

In fact, it should probably be stressed that many of our commercial markets of today were concessional markets just a few years ago.

This has happened in Peru, Japan, Italy, and Ecuador. All started out as wheat purchasers under P.L. 480 or some type of aid program and are now dollar markets in whole or in part.

Japan, in particular, has not only become our largest dollar market for wheat, but our greatest dollar market for total agricultural exports.

By 1963, the United States became the largest supplier of wheat to that Asian nation.

Japan, which in 1956–57 received over 30 per cent of its imports of U.S. farm products under P.L. 480, increased her dollar purchases of U.S. wheat to almost 80 million bushels in 1967 alone.

ITALY SHIFTS TO CASH

Or consider Italy. During 1955–61, that European nation received substantial quantities of agricultural commodities under P.L. 480 and Mutual Security programs.

Wheat imports for dollars to Italy increased from 1.2 million bushels in 1955 to 7.5 million in fiscal 1967.

Peru increased dollar imports from 720,177 bushels in 1955–56 to 7.6 million last fiscal year.

But market development has not only been successful in converting concessional markets into cash customers, but also has strengthened the outlets for U.S. wheat in long-time dollar markets.

For instance, a total 12.7 million bushels of U.S. wheat was shipped into the The Netherlands in fiscal 1959. This increased to more than 42 million bushels in the last fiscal year.

Venezuela imported 17.2 million bushels in fiscal 1967 compared to 3.4 million bushels in fiscal 1959.

NEED STILL GREAT

But the need for P.L. 480 and market development is not past. Our experience with market development and the use of P.L. 480 funds has proven the United States can become a major wheat exporter.

For to create markets and then leave them without any further information about U.S. Wheat would be ill-advised.

Once the market need has been established and the people educated to the proper use of wheat and wheat products, we must continue to service that market to insure the U.S. wheat producer receives a fair portion of the export market. P.L. 480 is needed to accomplish this goal.

Concerning the value of market development, Clifford R. Hope, author of the original P. L. 480 legislation and former president of Great Plains Wheat, said, "No doubt several factors have contributed to this fabulous expansion in agricultural exports. I know of no method of analysis by which it is possible to determine what proportion of these gains may be credited to the market development program or to any other one factor.

"The very fact, however, that this increase began with the initiation of the program and has continued with little interruption during its life, is strong evidence of the contribution it has made."

Mr. BELCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. DOLE].

Mr. DOLE. Mr. Chairman, I rise in support of H.R. 16165, extension and amendment of Public Law 480. This program was conceived, in part, by the late, great U.S. Senator from Kansas, Andrew F. Schoepel, and passed the Congress in 1954 when another great Kansas legislator, Clifford R. Hope, was chairman of the House Committee on Agriculture. The program has strong Kansas roots and has been vigorously supported by Kansas Members of Congress through the years. Under this program, approximately $17 billion worth of U.S. agricultural commodities have been distributed around the world.

The food-for-peace program has built, in many countries, a solid basis for future trade in agricultural commodities.

A primary goal of the program is to encourage dollar sales of U.S. produced agricultural commodities. When a nation discontinues purchase of commodities under title I, they are encouraged to continue under title IV, which provides for long-term loans. In addition, straight commercial transactions have increased as a direct result of Public Law 480.

First take the case of Japan. Our billion-dollar agricultural cash market in Japan had its beginning in concessional sales. Japan was buying only $249 million from us commercially in 1956. Public Law 480 programs undoubtedly whetted the appetite of the Japanese for American food products: The Japanese have responded by providing this Nation with over $1 billion in hard currency annually.

U.S. dollar exports to Spain, which amounted to only $65 million in 1962, have proliferated to over $273 million today. Other nations shifting from aid to trade in agricultural products include Israel, Taiwan, Korea, Italy, and the Philippines.

EIGHTEEN NATIONS HAVE DOLLAR PROVISIONS

Mr. Chairman, of the 22 nations participating in Public Law 480 programs in 1967, only four had no dollar-payment provision, while six countries moved into payments in dollars or convertible currency.

While this Nation worries with the most severe monetary crisis of recent times, agricultural products—and America's farmers—provide a favorable balance of trade of some $1.5 billion annually. Much of this vital hard currency can trace its trade origin to Public Law 480 concessional sales. We cannot ignore the vital trade developmental history of food for peace.

WHEAT AND WHEAT PRODUCTS FARE WELL UNDER PUBLIC LAW 480

During the fiscal year ending June 30, 1967, exports of wheat under Public Law 480 were significant. Over 200.5 million bushels were sold for foreign currency. Long-term dollar sales of wheat exceeded 37.8 million bushels. Donations for disaster relief, and economic development accounted for over 20 million bushels. Nearly 65 million bushels were exported for barter. Sixteen million hundredweight of wheat flour was also exported under provisions of the food-for-peace program. Grain sorghum accounted for a food-for-peace export of 105.2 million bushels. Unquestionably, the food-for-peace program is a vital cornerstone of the economic welfare of the grain-producing States.

MILLIONS REACHED BY PUBLIC LAW 480 COMMODITIES

Mr. Chairman, it is sufficient to say the commodities under Public Law 480 reached and fed—for a time at least—some 102 million persons last year. In 1966 alone, 60 millions were saved from famine in India through the largest food transshipment operation in human history—all under Public Law 480. Under Public Law 480, 116 countries have at one time or another benefited.

Mr. Chairman, self-help has been emphasized in recent years. Certainly, while the United States has a mighty ability to feed millions, she does not have the capacity to feed all the millions in the developing world. This self-help program under Public Law 480 is a necessary step toward the development of reliance on local resources for major future needs.

An important element of the food-for-peace legislation, designed to help the developing nations' production through increased technical assistance, is section 406—establishing a farmer-to-farmer program. I introduced this legislation in 1966 as an amendment to Public Law 480. It became law when the 1966 amendments to Public Law 480 were adopted by Congress.

This program, when implemented, would provide technical assistance to developing nations, and would be administered by the Secretary of Agriculture in such a way as to use fully the combined experience and competence of the land-grant universities and the USDA. Farmers would be recruited in our country, trained, and sent—under the supervision of USDA—into the areas where their competence and commonsense could best be used to avert famine.

This program, while receiving the support of the House and the Senate, unfortunately has not yet been funded.

It is my belief this provision of the law, if implemented with funds, will further contribute to the eventual success of the self-help effort under Public Law 480.

SUPPORT FOR PUBLIC LAW 480

Mr. Chairman, I support Public Law 480 because it builds vital markets for my State and the Nation. I support Public Law 480 because it contributes in the long run to our favorable balance of trade in agriculture. I support Public Law 480 because it abates hunger and malnutrition among millions throughout the world, and is therefore humanitarian and often devoid of gross political overtones.

Mr. BELCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Chairman, Public Law 480 is a program that has been working reasonably well.

It is a program that has changed and is changing the lives and fortunes of millions throughout the world—people less fortunate than most of our American people.

As in the past when the bill was under discussion, the committee is again suggesting what it considers improvements.

I have taken a particular interest in pest control. We know that rodents consume too much food in some countries. My questions directed to the Secretary of Agriculture were noted in the press of India. This prompted several letters from an employee of AID saying that I was correct in stating too much food is consumed by rodents.

There are those in India who still subscribe to the belief that souls of departed relatives exist in the bodies of rodents. There is one temple known as the Temple of Rats. Here they are fed rather liberal quantities of food daily. It naturally follows that rats here were bigger and more numerous.

Ironically, last week I received a letter from a friend who is on a 2-year leave of absence from the University of Penn State. He and three colleagues are working in India attempting to help Indians produce more food.

He asked me to send him available information on rodent and bird control. This I have done and he has acknowledged receipt of this information.

I proposed and the committee accepted my amendment which places increased emphasis on rodent, insect, weed, and plant and animal pest control programs in developing nations.

Mr. BELCHER. Mr. Chairman, I want to state at this time that I am wholeheartedly in support of this bill and urge the Members of the House to vote for it.

I yield 5 minutes to the gentleman from Illinois [Mr. FINDLEY].

Mr. FINDLEY. Mr. Chairman, I thank the distinguished ranking member on the minority side, the gentleman from Oklahoma [Mr. BELCHER], for yielding this time to me. It gives me the opportunity to explain two amendments which are closely related that I shall offer at the proper time.

Throughout the life of Public Law 480, Congress has consistently required that export transactions generated by the act should be carried out by private business to the maximum extent possible. This has been written into the law.

At the same time Congress has expressed a concern that small exporters have a fair opportunity to participate in this business.

In spite of this attitude on the part of Congress, exports under Public Law 480 have consistently been monopolized by a few large firms, and the trend toward monopoly has accelerated.

In an effort to require that smaller companies be given a larger part of this Government-financed business, the 1966 revision and extension of the act added to the section requiring the President to "assure that private trade channels are used to the maximum extent practicable"—section 103(e)—the additional requirement "that small business has adequate and fair opportunity to participate in sales made under the authority of this Act."

In its report on the bill—House Report 1558, 89th Congress, page 39—the Agriculture Committee said:

> It has been reported to the Committee on numerous occasions that the regulations under which Public Law 480 sales are made have in many instances made it easier for large exporting companies to bid for and receive these export contracts. . . . The committee believes that small business firms should be given an equitable opportunity to bid on these concessional export shipments. It understands that the economies which may be offered by large shipments must be considered . . . (but) it is concerned that the small operator should not be frozen out of the export business . . .

It might be remarked that the reference to economies in shipment referred to by the committee has little relevance to the grains covered by the amendment since they are almost never exported in less than boatload quantities, while some other commodities are.

When several months had passed and the Department of Agriculture had done nothing about implementing this provision of the law, the Committee on Agriculture gave the Department a nudge. In its report on the resolution relating to emergency food assistance to India—House Report 67, 90th Congress, page 15—the committee said:

> The committee wishes to point out that section 103(e) includes the requirement: ". . . that small business has adequate and fair opportunity to participate in sales made under the authority of this Act."
>
> This language was approved by the House, remained unchanged in the conference between the House and the Senate, and was a part of the bill signed into law by the President.
>
> In spite of this unanimity on the part of Congress, the Department of Agriculture has not yet implemented this provision of the 1966 Act. Export of commodities under Public Law 480, as amended, is still being monopolized by a few big companies, some of them foreign-owned corporations.

In spite of this reminder from the Committee on Agriculture, the Department has still taken no effective steps to put this provision of law into effect.

According to figures compiled by the Department of Agriculture, in 1964 the five largest exporters of grains under title I of Public Law 480 accounted for 65.2 percent of the business. In 1965 the five largest got 67.2 percent of the grain business, in 1966—71.5 percent, and in 1967—70.2 percent.

Thus, in spite of the efforts of Congress, the monopoly of the five largest companies in this Government-financed export operation was greater in 1967 than it was in 1965.

It is also interesting to note that prominent among the largest grain exporters in each of these 4 years are three foreign-owned corporations, Bunge Corp., Louis Dreyfus Corp., and Continental Grain Co.—which I will refer to in connection with my other amendment.

It is my feeling that the Department of Agriculture would like to implement this small business policy far more effectively than it has. But it is a complicated and difficult area in which to make and enforce definitions, regulations, and procedures.

Under a very similar provision of its laws, the Department of Defense has developed and is administering a program to give small business an equitable opportunity to participate in defense procurement. But the regulations to accomplish this are more than 100 pages thick and their administration involves a large number of people both in the Department of Defense and the Small Business Administration.

The job would be even more difficult in connection with the Public Law 480 export program. The Department of Defense has to deal only with procurement by a single agency of our own Government pursuant to specifications and terms which are determined by employees of that agency.

The Foreign Agricultural Service, on the other hand, if it were to effectuate the small business provisions of its law, would have to develop and enforce regulations which would apply, not to its own employees and procedures, but to the purchasing agencies of foreign governments operating in the United States under the provisions of international agreements between the United States and the foreign government.

Admittedly, this poses a much more difficult problem, so I do not want to be too critical of the Department of Agriculture for not having carried out the intent of Congress more effectively.

At the same time, I think that something can and should be done to help break the big business monopoly on our Public Law 480 trade and I think that my amendment is a small but effective and easily administered step in that direction.

Whenever an amendment such as this is proposed, the cry is always raised that it is impossible of administration. In this instance the answer to that objection is very simple.

Early in each calendar year the Secretary of Agriculture will estimate the total value of grains which will be exported that year under title I of Public Law 480. This will be easy for him to do because the Department works out a quantitative export program for all commodities before the beginning of each calendar year and has a very good idea which countries they are going to. Obviously, the total value does not have to be determined at the very beginning of the year, because no company is going to exceed 15 percent of the total within the first few weeks.

Having made this estimate, the Secretary announces it publicly and, at the same time, calls attention to the limitation established by Congress.

Thereafter it is up to the companies involved to see that their total grain exports under the program do not exceed 15 percent of the total estimated and announced by the Secretary. They know that if they do exceed their share, the additional foreign currencies they take will be for their own account and not for the account of the Commodity Credit Corporation. So when they reach their 15 percent of the business, they will simply stop bidding on the Public Law 480 offers made by foreign government purchasing agencies, and other exporters will get the business. It is as simple as that.

Adoption of my amendment would tend to halt the trend toward monopoly. It would not, however, cause such an abrupt change in commodity merchandising as to make difficult or more costly the programing of Public Law 480 business.

It would arrest the monopoly trend, rather than reverse it. It would be a trial limitation, and when the act is next up for extension Congress can then review whether the limitation has been adequate to give small business the protection it deserves.

Based on 1967 Public Law 480 business, my amendment would affect only two firms and one of them only slightly. Last year Cargill handled 22 percent of the volume, and Continental 16 percent. Two others, Bunge and Dreyfus had 11 percent each, and Producers had 10 percent—each well under the 15-percent figure.

My amendment would have affected the same two firms, Cargill and Continental, in 1964, 1965, and 1966, as each of them ranged between 19 and 23 percent.

The question may arise, Could other firms adequately meet program requirements if the 15-percent limitation is imposed? The answer is affirmative, and proof is easily furnished.

In 1964, 15 firms, excluding the Big Five—Cargill, Continental, Bunge, Producers, and Dreyfus—handled over $300 million in title I grain. This was the equivalent of 70 percent of the total handled by all firms in 1967.

In 1965, 15 firms, again excluding the same Big Five, handled over $200 million. This was 45 percent of the total handled by all firms in 1967.

In 1966, 15 firms, again excluding the same Big Five, handled $175 million. This was 40 percent of the total handled by all firms in 1967.

These facts illustrate the ability of firms other than the Big Five to handle large volumes of grain. They also show clearly the trend toward monopoly.

These facts also argue persuasively against the charge that the 15-percent limitation would increase program costs. Plenty of merchants capable of handling overseas grain business stand ready, willing, and anxious to compete for Government business.

Mr. BELCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. PRICE].

Mr. PRICE of Texas. Mr. Chairman, I rise in support of extension of the Food for Peace Act.

As a member of the Agriculture Committee and a sponsor of the bill extending the act, I commend the Public Law 480 program to my colleagues as one of the most useful and helpful programs we have had both for the United States and the countries we have helped with the program.

There were some changes made in the act which, I believe, are improvements. These include an increased emphasis on self-help within the recipient countries on their efforts to improve their own domestic food production.

Also several changes were made to ease present restrictions on the uses this country may make in the foreign currencies it receives in sales abroad of American farm commodities.

Another provision in the bill changing the existing program gives authority to those handling negotiations for the United States to enter into agreements specifying that up to 50 percent of foreign currencies accumulated by Public Law 480 sales could be sold at the current rate of exchange to U.S. importers for the procurement of materials or commodities from the recipient nation.

Another provision of the measure strips from the existing law certain reference to barters. It would bar all three-way barters, but leave intact the direct bartering authority for off-shore procurement and for materials, goods, and equipment required in connection with foreign economic and military aid. Backers of this change argue that three-way barter generally depresses farm product prices.

Since 1954, the U.S. balance of payments has benefited by over $1½ billion through this program which I consider the best foreign aid program we have.

Mr. BELCHER. Mr. Chairman, I have no further requests for time on this side. I reserve the remainder of my time.

Mr. POAGE. Mr. Chairman, I yield 5 minutes to the vice chairman of the committee, the gentleman from Arkansas [Mr. GATHINGS].

Mr. GATHINGS. Mr. Chairman, the ability of the developing nations to feed themselves has been on a steady decline in the past few years as populations have been outstripping food production. In India alone the population of 432.7 million in 1960 is expected to grow to 1,233.5 million by the year 2000, which virtually triples India's present population numbers. Birth control, food from the U.S. production capacity under Public Law 480, as well as greatly expanded production in grain in the years ahead, are vitally needed to prevent hunger and suffering of millions of people. In addition, distribution and marketing systems are antiquated which has resulted in great losses in many countries by spoilage of perishable and other food items. The proper application of water and fertilizer and scientific use of lands are other needs in so many areas where there is inadequate food supply. Food production and greatly increased population in areas of Asia, Africa, and various South American countries is a catastrophic problem which urgently needs a solution. The food and agricultural organization has made a survey and has found that there will be 6 billion people to be fed at the turn of the century. The great part of this 6 billion population lives in the areas where food production fails to attain the actual requirements of their peoples. This situation is in reverse from a few decades ago in that these poorer countries not only fed themselves then, but exported large quantities of grain.

Let us take a look at what has been happening along this line. According to the Department of Agriculture, 3.8 million tons of grain each year were exported by these developing nations in the years 1934 through 1938. That situation began to change very fast when it was necessary for these nations to import 2.6 million tons of grain a year for the 4 years 1948 through 1952. In the years 1957–60 these same nations were importing 5 million tons of grain each year. Recent figures show that these same countries are importing more than 19 million tons of grain a year.

The total production on all of the usable agricultural lands over the world could not meet the needs for food of these developing countries within a few years unless a reversal in the present trends is made.

The primitive farm methods employed in many of the areas where there is a deficit in food production affects most seriously this overall problem. Technical assistance to these nations, as well as know-how in farming techniques, would aid appreciably in solving the food shortages which they suffer. In addition to their lack of modern machinery for use in their operations, there exists also a very poor system of marketing and distribution of food commodities at all levels. Nutritional deficiencies are a major cause of millions of people—infants and adults—being handicapped for life, either mentally or physically. Malnutrition makes for difficulty for a child in mastering his schoolwork. This weakens the ability of the Nation to move forward.

The legislation now being considered to extend and amend Public Law 480 of the 83d Congress is most desirable and meritorious. I hope that the bill will be approved and enacted into law. The original act which was approved in 1954 carried a provision which was known as section 104(a), establishing the market development program which is a cooperative effort on the part of the Government, producers and the industry to achieve the objective of expanding markets for American agricultural products. Commodities of all types grown in all geographical areas of the country have participated in the market development effort. The original Public Law 480 became effective in July 1954. Our total exports of agricultural commodities for the fiscal year which ended on June 30, 1954, amount to $2,936 million of which $2,331 million were sales for dollars. For the fiscal year ending June 30, 1967, agricultural exports totaled $6,800 million, of which $5,300 million were commercial sales for dollars. This is a sizable increase in exports of agricultural commodities as well as materially aiding our balance-of-payments problem. While Public Law 480 is not responsible for all this progress it has been a paramount consideration in moving America's farm commodities into export channels.

In 1959 the Congress recognized the significance and importance of section 104(a) which is the market development program, but specified that "the equivalent of not less than 5 percent of the total foreign currencies received from the sale" of title I commodities be earmarked and set aside solely for the purposes of market development.

When the extension of Public Law 480 was considered in 1966 representatives from many commodity groups appeared before the House Committee on Agriculture in behalf of the continuation of the act as well as the reenactment of section 104(a), as amended. In the hearings held in February and March of this year on the extension of Public Law 480, former chairman of the Committee on Agriculture, the Honorable Clifford R. Hope, of Kansas, filed a statement on behalf of certain commodity groups who were cooperating with the U.S. Department of Agriculture in market development programs. Mr. Hope's comprehensive statement can be found in the hearings starting on page 198 and concluding on page 203. One of the most significant parts of the statement deals with the U.S. poultry industry. Prior to the establishment of the market development program in Public Law 480 a very small amount of poultry produce, including eggs, was exported. New markets have been developed for poultry through efforts on the part of the industry itself cooperating with the Foreign Agricultural Service. As a result, sizable markets have been created for U.S. poultry, the large part of which sales have been for dollars. Today almost 100 countries are now buying our poultry and demonstrating full well their ability to compete in foreign markets.

The Rice Council for Market Development, a voluntary organization, is supported by 18,000 rice producers and 38 rice millers in Arkansas, California, Louisiana, Mississippi, and Texas. The council is at this time carrying out a market development program for rice in Denmark, South Africa, Sweden, Finland, the Netherlands, West Germany, Belgium, the United Kingdom, and France. The industry had signed a contract with the U.S. Department of Agriculture which authorized the use of funds developed under section 104(a) of Public Law 480. This joint industry-Government program of market development is benefiting the United States by the creation of dollar returns through the increased sales of rice.

While I have touched upon only one or two phases of this legislation there are many others which are just as beneficial. I trust that the bill will be passed and this law reenacted with the changes recommended by the committee.

Mr. POAGE. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I rise in support of this legislation and I wish to affirm most strongly the statements which have been made in support of this bill by the distinguished chairman of the Committee on Agriculture, the gentleman from Texas [Mr. POAGE], and the vice chairman of the Committee on Agriculture, the gentleman from Arkansas [Mr. GATHINGS].

I take this time, Mr. Chairman, not only to restate my enthusiastic support of this bill which is clearly on record, but also to pose certain questions relating to the use of counterpart funds to the distinguished chairman of the Committee on Agriculture.

Mr. Chairman, is my understanding correct that there is nothing in H.R. 16165 as reported by our committee which precludes the use of foreign currencies for a number of important educational and cultural exchange activities under programs now authorized by the Congress?

Mr. POAGE. That is correct.

Mr. FOLEY. Such programs might be those authorized by the National Science Foundation Act of 1950, the Cooperative Research Act of 1954, the National Defense Education Act, the Mutual Educational and Cultural Exchange Act of 1961, the International Education Act of 1966, the Higher Education Act of 1965, the Elementary and Secondary Education Act of 1965, the National Foundation on the Arts and Humanities Act of 1965, and the Public Broadcasting Act of 1967; is that correct?

Mr. POAGE. While I am not familiar with the details of all those acts, it is my opinion that is exactly correct. However, we must bear in mind the fact that the Committee on Appropriations would probably have to pass upon any such use of these funds.

Mr. FOLEY. That is, as they do under the present law?

Mr. POAGE. Yes; as they do under the present law.

Mr. FOLEY. Mr. Chairman, I thank the distinguished chairman of the Agriculture Committee. I hope that the House will pass this most important legislation by an overwhelming vote. Public Law 480 has been a magnificent example of the concern of the American people that their abundance of food shall not go unused in a world were starvation is the daily fear of millions out of our concern as a nation for these countless victims of hunger abroad we have fashioned a law which has improved foreign trade; improved and strengthened our cultural and educational relations with many nations; and improved the balance of our own economy and our balance of payments. I hope this law can continue to serve these great interests.

Mr. Chairman, I yield back the balance of my time.

Mr. KUPFERMAN. Mr. Chairman, I ask unanimous consent that the gentleman from Arizona [Mr. RHODES] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RHODES of Arizona. Mr. Chairman, the Republican policy committee supports the extension of Public Law 480. This statute which is the cornerstone of the food-for-peace program, was enacted into law under the leadership of President Eisenhower and by a Republican Congress in 1954. It has meant the difference between life and death for millions of people in a world where much of the population is engaged in a desperate race between food production and population growth.

The provisions of H.R. 16165 would—

First, extend titles I and II of the act for 1 year, through December 31, 1969;

Second, clarify the President's authority to accept foreign currencies for certain uses authorized by the act;

Third, establish the policy that the United States should get a "fair share" of any growth in commercial agricultural markets in developing nations;

Fourth, permit special convertibility of foreign currency at mutually agreed to rates for the purpose of paying U.S. and foreign public works contractors;

Fifth, permit the payment of U.S. importers in foreign currency;

Sixth, place increased emphasis on rodent, insect, weed, and plant and animal pest control programs in developing nations;

Seventh, repeal stockpile barter; and

Eighth, reduce the size of the Joint Congressional-Executive Advisory Committee and establish a regular meeting procedure.

Public Law 480 was established to provide aid to the hungry people of the world, to assist in the orderly disposition of the excess productivity of American agriculture, and to expand meaningful trade between the United States and friendly nations throughout the world. Today, there are no longer surpluses in many agricultural commodities. As a result, this law has become in great part another aspect of foreign aid and must be considered as such in figuring the total cost of this program.

This law still provides a good vehicle through which this country can assist those in need. However, we must make certain that this aid is not given to those who should be growing their own agricultural products or purchasing ours with dollars. Moreover, every effort should be made to insure that the foreign exchange available in underdeveloped and newly emerging nations is used for the purchase of food and fiber rather than the purchase of expensive arms and sophisticated weapons that escalate tensions and are unnecessary for internal security purposes.

In 1966 Congress adopted amendments under which friendly developing nations receiving assistance were encouraged to engage in greater agricultural self-help. The program was converted in great part from local currency sales to dollar credit and commercial sales. Voluntary family planning services were emphasized. And, as a result of Republican efforts which overcame the opposition of the Johnson-Humphrey administration, concessional sales to nations carrying on commerce with North Vietnam and Cuba were prohibited.

Properly oriented and directed, Public Law 480 can be a useful instrument for developing overseas markets. The annual billion dollar cash market in Japan had its origin in concessional sales. The cash markets in Israel, Taiwan, Korea, Italy, Spain, the Philippines and other countries are expanding.

Much more can be accomplished. The half-billion-dollar loss in agricultural sales that we suffered last year must be restored. As quickly as possible, commercial markets must be developed to replace the gift or concessional sales.

The present fiscal crisis makes it absolutely imperative that this program as well as all other programs produce the greatest benefit at the least possible cost. In sharp contrast to our position of just a few years ago, we are now the Nation with the serious budget deficit and the balance-of-payments problem. The tragic drift toward fiscal disaster is evidenced by our March trade deficit.

This country cannot engage indefinitely in massive and tremendously expensive foreign aid programs. The helping hand must be replaced by self-help. Food-deficient countries must be encouraged to develop their own resources so that they can carry a larger share of the responsibility for feeding their people.

Mr. KUPFERMAN. Mr. Chairman, I ask unanimous consent that the gentleman from Kansas [Mr. SHRIVER] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SHRIVER. Mr. Chairman, I support H.R. 16165 which extends for 1 year and amends Public Law 480. On March 5, 1968, I joined with other members of the Kansas congressional delegation in the House in sponsoring a bill, H.R. 15756, which also provided for the extension of this humanitarian program.

I commend the Committee on Agriculture for the unanimity which it has demonstrated in reporting this bill. At a time when our Government must be concerned with the serious balance-of-payments problem, the committee has given necessary consideration to this problem and in section 103(p) and section 103(q) of the act are aimed at improving the U.S. balance-of-payments position.

We are proud of the fact that the food-for-peace program, or war on hunger as it is now called, was originally conceived by two Kansans, the late Senator Andrew Schoeppel and former Congressman Clifford Hope.

This program has helped millions of the undernourished people throughout the world since its inception. Farm products worth nearly $11 billion have been exported and sold for local currency. Another $748 million worth has been exported under dollar credit. Donations have totaled over $3 billion, barter approximately $2.6 billion, and AID and mutual security programs account for an additional $2.2 billion.

Mr. Chairman, during 1967 commercial exports of agricultural commodities dropped $468 million below 1966. Greater emphasis must be placed on the development of commercial agricultural exports in the private sector.

Significantly, under this bill, up to 5 percent of the foreign currencies generated by title I sales may be used to maintain or expand present agricultural export markets or to develop new markets.

As we consider the extension of this important program, continuing attention should be given to the development of self-help programs in the underdeveloped countries. The pressing population growth in these countries demands that truly effective agricultural self-help and family planning activities be implemented.

Finally, as the House considers legislation to fight the world war on hunger, we should also remember that the American farmer represents the key to winning this war. He, too, is fighting a war—a war of economic survival. Last year alone he took a cut in realized net income of nearly $2 billion. The farmer must receive fair and adequate compensation for his vital contribution to this program.

Mr. GROSS. Mr. Chairman, I am astounded to learn from the questions asked by the gentleman from Indiana [Mr. ADAIR] that there is $3.7 billion in the Public Law 480 pipeline, and that the annual spending rate is $1.6 billion or less.

This simply means that there is no need for the authorization of new money for the purpose operating this program. Yet this bill is open ended—in other words there is no limit provided in this legislation as to the amount that may be authorized.

Moreover, in the past, Public Law 480 has been used to dispose of surplus U.S. agricultural products. Those surpluses have all but evaporated and purchases must now be made from stocks available to the market. There can no longer be the pretense of surplus disposal. This is an outright, naked foreign aid program and ought to be labeled as such. This is in addition to the $3 billion the administration is requesting for the foreign aid program now pending before the House Foreign Affairs Committee.

This Nation is confronted with a financial crisis. It cannot afford, as it has in the past, to raid the taxpayers for hundreds of millions of dollars each year to purchase agricultural and other products and then give those products to foreign governments or sell them for their local currencies which we cannot take out of the benefited countries and therefore are of little or no use to us.

Fiscal sanity demanded that the Public Law 480 program be drastically curtailed. This is not the case and I am left with no alternative but to vote against the bill.

Mr. POAGE. Mr. Chairman, I have no further requests for time.

Mr. BELCHER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 103(b) of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out the proviso at the end thereof and substituting the following: ": *Provided*, That, except where he determines that it would be inconsistent with the objectives of the Act, the President shall determine the amount of foreign currencies needed for the uses specified in subsections (a), (b), (c), (e), and (h) of section 104, and the agreements for such credit sales shall provide for payment of such amounts in dollars or in foreign currencies upon delivery of the agricultural commodities. Such payment may be considered as an advance payment of the earliest installments."

SEC. 2. Such Act is further amended by deleting the period at the end of subsection (n) of section 103 and inserting in lieu thereof a semicolon and adding new subsections (o), (p), and (q) to section 103 as follows:

"(o) Take steps to assure that the United States obtains a fair share of any increase in commercial purchases of agricultural commodities by the purchasing country;

"(p) Assure convertibility at such uniformly applied exchange rates as shall be agreed upon of up to 50 per centum of the foreign currencies received pursuant to each agreement by sale to United States or purchasing country contractors for payment of wages earned in the development and consummation of works of public improvement in the purchasing country; and

"(q) Assure convertibility of up to 50 per centum of the foreign currencies received pursuant to each agreement by sale to United States importers for the procurement of materials or commodities in the purchasing country."

SEC. 3. Section 104 is amended by deleting the word "and" at the end of subsection (i) and deleting the colon after subsection (j) and inserting in lieu thereof "; and ", and adding the following new subparagraph (k):

"(k) for paying, to the maximum extent practicable, the costs of carrying out programs for the control of rodents, insects, weeds, and other animal or plant pests:"

SEC. 4. Section 303 of the Act is amended by striking out the entire section and substituting the following:

"SEC. 303. The Secretary shall, whenever he determines that such action is in the best interest of the United States, and to the maximum extent practicable, sell or exchange agricultural commodities owned by the Commodity Credit Corporation for services, materials, goods, or equipment required in connection with foreign economic and military aid and assistance programs or required in substantial quantities for United States Government offshore programs. He is hereby directed to use every practicable means, in cooperation with other Government agencies, to arrange and make, through private channels, such sales or exchanges or to utilize the authority conferred on him by section 4(h) of the Commodity Credit Corporation Charter Act, as amended, to make such sales or exchanges. In carrying out sales or exchanges authorized by this section, no restrictions shall be placed on the countries of the free world into which surplus agricultural commodities may be sold, except to the extent that the Secretary shall find necessary in order to take reasonable precautions to safeguard usual marketings of the United States and to assure that sales or exchanges under this Act will not unduly disrupt world prices of agricultural commodities or replace cash sales for dollars. The Secretary shall endeavor to cooperate with other exporting countries in preserving normal patterns of commercial trade with respect to commodities covered by formal multilateral international marketing agreements to which the United States is a party. Agencies of the United States Government procuring such services, materials, goods, or equipment are hereby directed to cooperate with the Secretary in the disposal of agricultural commodities by means of sales or exchange. The Secretary is also directed to assist, through such means as are available to him, farmers' cooperatives in effecting exchange of agricultural commodities in their possession for the above purposes."

SEC. 5. Section 407 of the Act is amended by striking out the entire section and substituting the following:

"SEC. 407. There is hereby established an Advisory Committee composed of the Secretary of State, the Secretary of the Treasury, the Secretary of Agriculture, the Director of the Bureau of the Budget, the Administrator of the Agency for International Development, the chairman and the ranking minority member of both the House Committee on Agriculture and the House Committee on Foreign Affairs, and the chairman and the ranking minority member of both the Senate Committee on Agriculture and Forestry and the Senate Committee on Foreign Relations. The Advisory Committee shall survey the general policies relating to the administration of the Act, including the manner of implementing the self-help provisions, the uses to be made of foreign currencies which accrue in connection with sales for foreign currencies under title I, the amount of currencies to be reserved in sales agreements for loans to private industry under section 104(e), rates of exchange, interest rates, and the terms under which dollar credit sales are made, and shall advise the President with respect thereto. The Advisory Committee shall meet not less than once during each calendar quarter at the call of the Acting Chairman of such Committee who shall preside during each quarter in the following order: The chairman of the House Committee on Agriculture, the chairman of the Senate Committee on Foreign Relations, the chairman of the Senate Committee on Agriculture and Forestry, and the chairman of the House Committee on Foreign Affairs."

SEC. 6. Section 409 is amended by striking out "December 31, 1968" and substituting "December 31, 1969."

Mr. POAGE (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. FINDLEY: At the end of the bill add a new section 7 reading:
>
> "SEC. 7. Section 102 of the Act is amended by striking out the period at the end thereof and adding a colon and the following: '*Provided, however,* That the Commodity Credit Corporation shall not finance the sale and export of agricultural commodities under this Act for any exporter which in the 6 months immediately preceding the application for such financing has engaged in any sales, trade, or commerce with North Vietnam, or with any resident thereof, or which owns or controls or is affiliated with any company which in such period has engaged in any such sales, trade, or commerce, or which is owned or controlled by any company or person which in such period has engaged in any such sales, trade, or commerce either directly or through any branch, subsidiary, affiliate, or associated company: *Provided further,* That such application for financing must be accompanied by a statement in which are listed by name, address and chief executive officers all branches, affiliates, subsidiaries and associated companies, foreign and domestic, in which the applicant has a controlling interest.' "

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Texas.

Mr. POAGE. Mr. Chairman, I can only speak for myself, but as far I as am concerned I am perfectly willing to accept that amendment.

Mr. BELCHER. Mr. Chairman, I have had the opportunity to examine this amendment, and as far as I am concerned we will accept the amendment.

Mr. FINDLEY. Mr. Chairman, I thank the gentleman.

Mr. Chairman, section 103(d) of Public Law 480 prohibits the making of sales agreements with any countries which are not friendly to the United States and then goes on to spell out in some detail, related to specific Public Law 480 programs, which countries are to be considered not friendly.

I must confess to some familiarity with these provisions and with the commerce they are intended to prohibit because I have had to take the responsibility of authoring several of them.

In general, these limitations prohibit Public Law 480 sales agreements with Communist countries, with governments dominated or controlled by Communist countries, and with countries which are presently considered to be enemies of the United States. Perhaps the severest sort of strictures are those which prohibit a Public Law 480 sales agreement with any country which "sells or furnishes or permits ships or aircraft under its registry to transport to or from" countries deemed to be inimical to the United States "any equipment, materials, or commodities."

The principal target of this provision is North Vietnam.

While we have been careful to deny countries engaged in trade with inimical foreign nations access to the benefits of Public Law 480, it seems probable that we have been permitting private grain companies engaged in trade with North Vietnam to benefit from a large part of our export business under Public Law 480.

Three of the largest grain exporters under the Public Law 480 program are foreign owned—or are reputed to be. The three are Continental Grain Co., Louis Dreyfus Corp., and Bunge Corp. These giant corporations have branches or affiliates in many countries, doing business in grains in all parts of the world. In addition, the foreign owners of these corporations have other subsidiaries and affiliates on a worldwide scale which carry on commerce all over the globe.

It appears to me to be highly probable that some of the affiliates of these companies, or some of the subsidiaries or branches of the foreign corporations which own these companies, are carrying on business as usual today with North Vietnam or with persons or firms in that country.

And we are helping to finance their worldwide operations by permitting them to do a very large share of the guaranteed-profit, Government-subsidized business under Public Law 480.

From the beginning of the Public Law 480 program through December 31, 1967, the largest single exporter of grains under the program has been Continental Grain Co., with total grain exports, financed by the Commodity Credit Corporation, of more than $1.612 billion.

The third largest is Louis Dreyfus Corp. with exports of more than $678 million and the fourth largest is Bunge Corp. with exports of almost $625 million.

Together, these three foreign-owned corporate giants have accounted for $2.915 billion of the $6.469 billion of grain exports under Public Law 480—slightly more than 45 percent.

There is a fourth international corporate giant in the grain export business which should not go unnoticed, even though its chief ownership is reported to be in the United States. That firm is Cargill, Inc.

In Public Law 480 grain exports it is second only to Continental, having been financed by CCC for $1.552 billion of this business up to December 31, 1967. Cargill has branches and offices throughout the world and, in addition, is reported to be organized in Geneva, Switzerland, as Tradax International and under this name does business in many countries in other than U.S. grains.

Together, these four giant corporations with many foreign ramifications have completely dominated the Public Law 480 grain business—accounting for almost 70 percent of the exports since the start of the program.

It is interesting that I have found it impossible to obtain from Government sources any real information as to the international ownership and ramifications of these companies. As far as I am able to ascertain, those in our Government who are dealing with these companies have no idea what foreign companies these corporations may own or control, where their real ownership is, or what foreign business operations the owners may be carrying on. Their foreign affiliates may be doing business today with North Vietnam; our Government officials simply do not know.

Department of Agriculture regulations require that any corporation doing business under Public Law 480 must have a domicile in the United States and officials subject to process. I am assured that all of the corporations I have mentioned are incorporated in the United States and comply in this respect with Department regulations. But this appears to be all the knowledge that Department of Agriculture officials have on these companies—or have sought to obtain.

I have also talked with officials in the Department of Commerce, the Department of Justice, and other agencies and I have not found one who will admit to knowing the international ownership and connections of these corporations.

Here is what I have been able to find out elsewhere about their pedigrees:

The domestic Bunge Corp. is owned, at least in part, by Los Andes, S.A., based in Curacao. The ostensible reason for this is that this provides a "tax haven" because of the tax treaty between the United States and Netherlands. Los Andes, S.A. in turn is wholly or partially owned by Bunge & Born of Buenos Aires, Argentina. This is a private corporation owned by the two families whose names it bears and is said to be worth between $8 and $12 billion. In addition to operations of many kinds in numerous countries, the corporation has a bank in London and one in Zurich, which is said to be the center of its financial operations.

Continental Grain Co. is said to be French-owned, by the Compagnie Continentale of Paris.

The Louis Dreyfus Corp. is also said to be French-owned, or Belgian—opinions differ.

I am not contending that any of these domestically domiciled corporations are engaged directly with trade with our enemies. It would be most foolish for them to do so and they are not foolish. In fact, I am assured by persons who are in the grain trade that the domestic branches of these worldwide organizations have been very careful not to participate in the Canadian grain trade with China—although they do a substantial amount of Canadian business.

What does seem very probable to me is that some of the foreign owners who are reaping the profits from the Public Law 480 operations of their U.S. corporations have been and are now engaged in commerce through some of their foreign subsidiaries with North Vietnam.

If this is the case, it is utterly inconsistent, to say the least, for us to prohibit Public Law 480 sales agreements with countries doing business with North Vietnam, and, at the same time permit grain companies which are engaged in the same sort of commerce to reap huge profits from the operation of this program. My amendment would simply correct this inconsistency, if it exists.

If the parent or affiliate companies of Continental, Bunge, Dreyfus, and Cargill are not carrying on trade with the enemy, then the amendment will not hurt them. If they are, it should be stopped.

It seems to me that the amendment would be relatively easy to administer by simply requiring each Public Law 480 exporter to certify each time his company applied to CCC for redemption of foreign currencies that it was in compliance with this provision of the law. Such certifications are a usual and customary part of Government procedures and regulations.

I cite, for example, the notice of such a certification which was issued by the Department of Agriculture on March 26, 1968. It requires bidders for sale to the Government of soybean salad oil to certify that they do not maintain any segregated facilities for employees. It provides that by submitting a bid the offeror will be deemed "to have signed and agreed to the provisions" of the certificate. The notice reminds the bidders that the making of false statements in offers are felonies under the provisions of 18 U.S.C. 1001 or 15 U.S.C. 714m(a) subjecting the maker to a fine of up to $10,000 or imprisonment of not more than 5 years, or both.

If I were called upon to administer the provisions of my amendment, I would provide that a certification expressing the terms of the amendment would be a part of every application for redemption by CCC of the foreign currencies acquired in a sale under Public Law 480, or for effectuation of a dollar credit agreement.

I would then assign a competent team of investigators to check on the operations and the ownership of the companies involved and, in my opinion, this would take care of the situation.

My amendment also requires disclosure at the time of application of the name, address, and chief executive officer of each branch, subsidiary, affiliate, and associated company, foreign and domestic, in which the applicant has a controlling interest.

Mr. SCHEUER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SCHEUER. Mr. Chairman, the problem involved in this amendment is whether, on the one hand it accomplishes anything in helping to win the war in Vietnam or, on the other hand, it does serious harm to the United States in our efforts to assist the countries of Eastern Europe to become more independent of the Soviet Union.

Such countries as Poland and Yugoslavia receive commodities under Public Law 480. In recent weeks and months their people are putting continuous pressure on their governments to break away from the U.S.S.R. These encouraging "happenings" have been widely reported and heralded, in our press. Our Public Law 480 program makes it possible for those countries to avoid complete dependence on the U.S.S.R., to seek new roles of national independence and to create and maintain new and promising contacts with the United States.

I doubt if the assistance that North Vietnam gets from these countries means very much in terms of increasing the capability of the Vietcong forces. We have found no compelling evidence to that effect. The determining factor is the military equipment supplied by the Soviet Union and Red China.

Considering the realities of world communism, none of the Iron Curtain countries are going to be able to embargo their trade with North Vietnam in order to obtain commodities under Public Law 480.

It would hurt our efforts to encourage these countries who are buying agricultural commodities from us to develop closer ties with us and to assert their growing zest for more independence, for more and national political expression at home and free diplomatic flexibility abroad.

This amendment would be a meaningless gesture in terms of winning the war in Vietnam.

It would be the wrong gesture and contrary to our national interest in limiting our discretion, our flexibility and our options, in our efforts to tear down the Iron Curtain.

Mr. GONZALEZ. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BINGHAM. Mr. Chairman, the effect of this amendment, which has to do with the exporting firms handling Public Law 480 transactions and not with recipient countries, is not at all clear. To the extent that it refers to American exporter firms, it is superfluous, since such firms are already prohibited from trading with North Vietnam. To what extent foreign firms are involved in these export transactions has not been made clear, but it does appear that a foreign exporter would be free to trade with North Vietnam after handling a Public Law 480 transaction. The amendment is also poorly worded in that it would continue to apply even if the current Paris negotiations are successful and a satisfactory peaceful settlement is made with North Vietnam.

In my view, the amendment is of little substantive significance and was offered for political reasons. This view is supported by the fact that a separate rollcall vote was demanded on the amendment, even though it was originally accepted by a voice vote, after having been accepted by the chairman of the Committee on Agriculture.

The easy thing to do with respect to any amendment of this type is to vote for it. But I decline to do so without a clearer understanding of what the amendment would accomplish or of why it is needed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FINDLEY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: On page 2, following line 3, insert a new section 2 reading as follows and renumber subsequent sections to conform:

"SEC. 2. Subsection 103(e) of said Act is amended by striking out the semicolon at the end thereof and adding a dash and the following: 'for the purpose of assisting small business to have such opportunity, beginning with the calendar year 1968, the Commodity Credit Corporation shall not finance for export in any calendar year under the authority of title I of this Act for any exporter (including all branches, affiliates, subsidiaries, and associated companies in which the exporter has a controlling interest) more than 15 per centum by value, as estimated by the Secretary, of the grains (for this purpose: barley, corn and cornmeal, grain sorghums, oats, rye, soybeans, and wheat and wheat flour) financed for export under the authority of title I of this Act during the then current calendar year;'."

Mr. FINDLEY. Mr. Chairman, this is the amendment to which I referred during general debate. Its purpose is to carry out the intent of the Committee on Agriculture, and the Congress, as expressed repeatedly in recent years—that intent being to protect the interests of small businesses in participating in the trading of grains during the year under Public Law 480.

Mr. Chairman, this amendment is limited in several ways: First of all, it is limited to title I transactions. This means long-term dollar credits and soft currency transactions.

Second, it is limited to grains because this is the area in which the monopoly trade has been so evident, and which I feel in the long run carries with it some danger to the interests of consumers, taxpayers, and farmers.

The amendment as drafted would impose a 15-percent value limitation of the piece of the Government pie, so to speak, which any single firm can have.

Now a 15-percent piece of the Government pie is still a lot of business.

Cargill, Inc., is the only firm which this past year was substantially over the 15-percent limitation.

Continental is a firm which this past year had 16 percent of the total volume of grain under title I, only 1 percent above the ceiling I propose.

Had my amendment been in effect this past year it would have meant that Cargill would not have participated as broadly as it actually did under title I, Public Law 480 provision. It would mean that Continental would have been dropped off by 1 percent of the market, but it would not have meant there would be any lack of competition for bidding.

I pointed out in my earlier statement when one takes the year 1965 and excludes from the total figure the amount of grain handled by the big five in the grain business under title I, Public Law 480, had the 15 biggest exporters, that is excluding the big five these 15 handled a volume of grain in that year equal to 70 percent of title I, Public Law 480, business during the past year. That clearly demonstrates the ability of the small grain trader—and I say relatively small because even the smaller ones are big outfits, to handle a much bigger volume of Public Law 480 business than they did the last year or so.

If I may make one additional point, even though the circle of competition is small and getting smaller, the competition is real nevertheless. The contracts will turn on a fraction of a cent per bushel at times.

Therefore, I think we can have confidence that there will still be a large area of competition and my amendment in the legislation in the long run will serve to strengthen the competition in the marketplace because it will tend to arrest the trend toward giantness in grain merchandising.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. HALEY. I am in sympathy with what the gentleman is trying to accomplish here, but I do not see how it is going to be practical to determine what is 15 percent, for instance?

Mr. FINDLEY. I will explain to the gentleman how that is done, because it is an important point.

The Department of Defense protection of small business has been a cumbersome and costly procedure.

Under my amendment, however, the Secretary of Agriculture would make an estimate of the total amount of grain at the beginning of the year—he does this just before the beginning of the year as a matter of practice—and the 15-percent limitation would be based upon the estimate—not upon the actual amount ultimately shipped—but upon the estimate.

So anyone operating within the estimate given by the Secretary would be free of any problem under this amendment.

I have been assured by attorneys who work closely with the Department of Agriculture and here on the Hill on agricultural matters that this is an administratively simple and effective means of imposing the limitation on size.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. MACGREGOR. Under your amendment the five could be extended to the big seven, and they could each dominate the trade exclusively by each having a little over 14 percent; could they not?

Mr. FINDLEY. I will say to the gentleman, it is conceivable that my limitation is not at the right level. But I think it is a good starting point. If after a year it happens that we find it ought to be down to 10 percent, I will certainly support that move if that is what the gentleman has in mind. I assure him that I will stand by his side in supporting such a move.

Mr. MACGREGOR. In other words, it could become the big seven this year and the big 10 next year?

Mr. FINDLEY. I do not think that is a fair conclusion.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES of Missouri. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may proceed for 1 additional minute so that I may ask him a question.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. JONES of Missouri. What is the real purpose of this? Does it save anybody any money? Is it going to make any grain any cheaper? What is the purpose—just to keep people from getting big?

Mr. FINDLEY. It will I think be a small, but effective and important step toward protecting competition in grain merchandising both at the national and international level.

As to the cost, I am glad the gentleman brought that up. It could well be, as the Committee on Agriculture decided several years ago legislatively, that this might add a little bit of cost to the program. At the time the committee said, in effect, that any increase in cost would be in the full interest. I question whether any increase would be very much. But even if there should be a slight additional cost, I would predict that this would be more than offset by the income taxes paid into the U.S. Treasury. The big operators through foreign affiliates are often able to use tax havens abroad and thus less taxes here in the United States.

Mr. JONES of Missouri. Let me ask the gentleman this question. Would this be conceivably a limitation on any automobile producer in the United States not to get more than 25 percent of that business?

Mr. FINDLEY. Not at all. It would parallel in a sense to a limitation on Government car purchases. That would perhaps be a parallel situation, but I am not suggesting that.

Mr. JONES of Missouri. You would force us into buying foreign cars, then.

Mr. FINDLEY. I think the gentleman would agree with me that we already have the "big four" in the U.S. automobile business, and there is not much we can do to break that up into smaller businesses. We are at a point in the grain merchandising field where, with some farsighted action, which I believe is implicit in the amendment, we can prevent the development of an all-inclusive "big four" in the grain merchandising field.

Mr. RUMSFELD. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. RUMSFELD. Mr. Chairman, I do not intend to take the full 5 minutes, but I do have a question or two that I would like to pose to the gentleman from Illinois if he would be good enough to respond. In listening to the gentleman's amendment—and I know that he is a distinguished Member of the House, represents an agricultural district and served on the Committee on Agriculture—for the life of me, from the way it has been described, I cannot help but feel that the net effect of the amendment would be to raise the cost to both the taxpayers and the consumer. When a statute is written to limit competition by providing that a low bidder is not going to share in a market to the extent that his low bid would normally permit, an obvious conclusion is that a higher rate of some other company that would be participating eventually would be passed on to the consumer and in this case also to the taxpayer.

I represent a district that has very few farms. We do have a great many taxpayers and consumers, and I am a bit concerned about the gentleman's amendment.

Mr. FINDLEY. I am sorry I did not present it clearly. I did try to acknowledge in my response that it is conceivable the amendment might cause a slight increase in the cost of the program, in the cost to the taxpayer. No one can really predict that or say it with accuracy. It could mean that Cargill, Inc., once it reaches a point of 15 percent, would cease to compete. But let me assure the gentleman that there are many grain firms eager for this business that would be in the field actively competing.

However, it is fair to say that there could possibly be a slight increase in the cost of the program, and I think it is our responsibility as the Congress to look to the long haul to try to see what the future may be. I do not think it is unreasonable for us to put a 15-percent limit on the size of the Government grain business pie in order to preserve and encourage, at least to that degree, the competitive field in merchandising. I am sure the gentleman has noticed in the press in the past few years, almost every day in the trade journals, news of Continental, Dreyfus, Cargill, and Bunge doing this and doing that. New elevators combine with other elevators, and all kinds of arrangements are entered into which tend to strengthen the position of the "big four" in the grain business.

I am not an enemy of the "big four." I think they do an efficient job. But I hope to be regarded as a champion of competition, and I would hate to see the day come when we have just the "big four" in grain merchandising. The way things are going that could easily happen.

With the foreign involvement of these firms we never know where the taxes are being paid and what the operations of the firms are overseas.

Mr. RUMSFELD. Would the gentleman indicate as to whether he has an estimate of what the increased cost of the program to the taxpayers might be? And, also whether he has an estimate as to the extent to which increased costs might also be passed on to the consumer.

Mr. FINDLEY. As I said earlier, these contracts generally turn on a fraction-of-a-cent a bushel. So if there could be an increase, no one could really say with assurance whether there would be an increase, but assuming there would be, it would be a fairly nominal sum. When we regard the fact of the foreign ownership of three of these firms, and with Cargill operating through Tradax in Switzerland all of them may well have an opportunity to find tax havens.

Probably the smaller ones do not have

quite that ready an opportunity. I think we have to take into account the possibility there would be more income taxes paid into the U.S. Treasury because of my amendment than would be true otherwise.

This is sheer speculation. No one can prove the point, of course.

Mr. RUMSFELD. Mr. Chairman, I thank the gentleman for his comments.

Mr. POAGE. Mr. Chairman, I rise in opposition to the amendment.

I will not bring any documents with me, because I think this is just a matter of commonsense and one that we must just sort of reason about. It is one on which neither I nor the gentleman from Illinois can be too dogmatic, because I think neither of us knows exactly what the result of this amendment would be.

I think we all have an inherent desire to try to maintain the situation as we knew it when we were much younger, and we would all like to see all of the business in this country spread around as far as it can be done. Actually, we would all like to see our farms much smaller than they are today, and we would like to see a great many more people on those farms.

But modern business does not work that way. We have to recognize the actual existence of business institutions as they are and what they do. It has been pretty much an axiom that to get the efficiency that has enabled us to provide the cheapest food and fiber in the world, we have had to use the most modern and efficient means of getting it, including the most modern business operations.

I do not know who owns Cargill & Co. I do not know anything about their corporate setup. Neither do I know a single officer or stockholder of Continental Grain Co., nor of Bunge, the big grain operators.

I know a little bit more about General Motors and Ford and Chrysler. Yet I know nobody is going to be so brash as to come in here and suggest that no one of the great automobile companies should do more than 10 or 15 percent of all the business with the United States of America, because we know that would double or triple the cost of automobiles. We know we have to do business with those who are set up to do it and who can do it efficiently.

It is my understanding these very large grain companies—and there are four or five or six or seven—own most of the elevators and have the facilities to move the grain. If some of the other companies get the contracts, as they sometimes do, they have to pay for the use of the facilities of the larger companies, particularly in exporting to some of the foreign countries where facilities are extremely limited. I do not think it would make the slightest difference to the large companies whether they get the bid and take all the chance and possibility of loss, or whether they let some small company absorb the possibility of loss and the large company simply charges the small company a fee for using the facilities of the large company.

I do not think the proposal of the gentleman is going to cut down the income of the large grain corporations. As a matter of fact, if it were to do that, we would be hearing from the large grain corporations—which we have not been. I think that is the best evidence they are not being hurt by anything of this kind.

On the contrary, I think somebody is going to be hurt. At the present time we submit these invitations to bid and we move the grain through the cheapest channel we can find. If we take several of the most efficient channels out, I think it is evident the cost is bound to be higher.

Either we in the United States are going to pay that, or the country which is getting our beneficence is going to pay it. We do not want either one of these events to occur.

If we believe in really competitive business, then we believe in letting the contract to the man who supplies for the cheapest amount of money. If we believe in competition, we have to recognize it goes all the way. We cannot have competition just until it gets down to our friends, and then not make them compete. It has to go all the way.

I think what the gentleman is proposing—and I certainly recognize he does it in the best faith and for every good reason—instead of helping the people of the United States would be most injurious to the American people and would be most injurious to the taxpayer, and, of course, it would be most injurious to the poor people in India and Brazil and the other places which are now receiving our grain on the cheapest possible terms.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FINDLEY].

The amendment was rejected.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. STEIGER of Wisconsin: On page 3, line 14, immediately after the period, insert the following new sentence:
>
> "The Secretary shall take steps to assure that, insofar as practicable, in any fiscal year beginning after the date of enactment of this sentence, the ratio of the value of dairy products exported under this Act to the value of all agricultural products so exported is approximately the same as the ratio of the value of dairy products produced in the United States to the value of all agricultural products produced in the United States."

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer this amendment though I am in full support of the legislation now before us.

I believe it is undoubted that Public Law 480 and our foreign distribution programs have served a valuable and worthwhile purpose and are vitally essential to the proper use of the productive ability of American agriculture.

Those amendments which were adopted in 1966 to Public Law 480, which eliminated the surplus concept that had been a part of Public Law 480, I thought might have shifted the emphasis in Public Law 480 away from surplus toward that based on nutrition, so that our farmers could look forward to a new and more prosperous era in agriculture.

This hope may well have been realized, as the director of the Special Services Division of the National Milk Producers Federation, Mr. Norton, pointed out in his testimony before the committee:

> But in the case of milk and dairy products, the months subsequent to the 1966 amendments marked startling declines in the utilization of dairy products. Consequently, it became apparent that the surplus concept had not been eliminated in Public Law 480. For example, in 1966, utilization of dairy products in Public Law 480 amounted to only 0.76 percent of the total milk production; and in 1967 the utilization will be even lower.

The statistics and facts which were presented to the Committee on Agriculture are of grave concern to me, because it becomes apparent that the American dairy farmer has been caught in a scissors; at the same time that utilization of milk and dairy products under Public Law 480 was declining the rate of imports to this country from countries abroad dramatically increased.

As an example, in the year 1966, the imports of milk equivalent to this country were 2.775 billion pounds as compared to the export of no dairy products under the Public Law 480 program.

In 1967, before the action the President called for under section 22 became effective, the amount of dairy products imported was 2,855 million pounds milk equivalent, as compared to exports of almost nothing under Public Law 480.

I believe it is clear that the dairy industry is being shortchanged by the Department of Agriculture on the present basis under Public Law 480, and it is for that reason I have offered this amendment.

The purpose of the amendment is to provide a directive to the Department of Agriculture in its product selection. The amendment would provide that the ratio of the value of dairy products exported under this act to the value of all agricultural products so exported is approximately the same as the ratio of the value of dairy products produced in the United States to the value of all agricultural products produced in the United States.

During the period July 1, 1954, through December 31, 1967, Mr. Chairman, the value of the commodities shipped under Public Law 480 programs came to $17,261,842,000. The value of dairy products shipped under the same program during the same period was $1,339,301,000. This means that the value of dairy products shipped under Public Law 480 during this time came to only 7 percent. In 1967 this figure would be disastrously less.

Also in 1967, however, the amount of dairy cash receipts for the United States was $5,770,344,000, while the total cash receipts for all agricultural products in the United States in that same year amounted to almost $42 billion. Thus, the dairy industry accounted for over 13.5 percent of the total.

Mr. Chairman, I think it is only proper that dairy products receive more of a share of the Public Law 480 program. This program is one of our most worthwhile programs and I would not want to see it discontinued. On the other hand, I think it is imperative that the program be conducted equitably in order to give each commodity a fair share of the market.

In fact, it is amazing to me that dairy products have not received more of a share of the Public Law 480 program since its inception. This, as you know, is the greatest health food known to man and it would seem logical to give other nations more of a chance to both use it and to get accustomed to its use.

The record of the hearings clearly points out the inadequate treatment accorded our dairy industry. The figures presented to the committee by the American Farm Bureau Federation indicate the position of dairy products in the hands of the Commodity Credit Corporation as well as the significance of imports and exports of dairy products. As of February 23, 1968, the National Milk Producers Federation testified that uncommitted dairy products, stocks of dairy products held by the Commodity Credit Corporation amounted, in the case of cheese, to over 69 million pounds; in the case of butter, over 132 million pounds; in the case of nonfat dry milk, 195,774,000 pounds.

Thus, Mr. Chairman, there is a need to reflect the concern of the Congress and the American dairy farmer as to the treatment given under Public Law 480 to our dairy industry. This amendment would provide an equitable basis for commodity treatment and could effectively be implemented by the Department of Agriculture.

The record is clear and stated well by Mr. Norton in his testimony:

> It would seem, therefore, that the food-for-peace program, as amended in 1966, has apparently not, insofar as milk and dairy products are concerned, been implemented as effectively as the Congress had intended.

The amendment before us now would, I believe, help to insure more effective utilization.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the distinguished chairman of the full committee.

Mr. POAGE. I should merely like to comment that I believe most of us fully sympathize with what the gentleman from Wisconsin is attempting to do. We do recognize there has been very little, practically no sales of dairy products in the past 2 years.

We do recognize that it is highly desirable that milk and milk products share in the movement under this program. However, on the other hand, we recognize that this is a program in which foreign buyers determine what they want to buy. We simply cannot make this program function if we are going by law to force something on them that they do not want.

Nor could the gentleman hope to pass an amendment at this time without a dozen or more of his colleagues rising, as I see it, and adding similar provisions for tobacco, corn, wheat, flax, honey bees, and every other commodity grown in the United Statse, because everybody feels his commodity should share in like manner in such a program. We all join in that feeling. I think we cannot hope to solve it by this kind of an amendment. I think it would be so much better if we could express our views to the Department.

I, for one, certainly would favor expressing such views to the Department, and I think members of the Committee on Agriculture would join in suggesting to the Department that we would hope just as quickly as the price of milk makes this thing possible—and I think it does now—we should begin to try to find more markets for milk and milk products. I think that might have some practical effect, whereas I feel what the gentleman is doing will not achieve the desired effect no matter how desirable it is to achieve it.

Mr. STEIGER of Wisconsin. May I say to the distinguished chairman of the committee that I appreciate very much the concern he has expressed and the interest he has expressed in behalf of the American dairy farmer. Would you not agree, given the significant amount of surplus dairy products that the Commodity Credit Corporation now has available, that this is a time when we ought to be utilizing to the extent possible and within the limitations of the Public Law 480 program as much of our dairy products as it is possible to use?

Mr. POAGE. Yes. I certainly think so, and I would be very hopeful that the Department would find ways to have sales for substantially larger amounts of dairy products. I would be glad to urge that they do try to find such markets. We have to find a market first.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. POAGE. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin [Mr. STEIGER] may proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POAGE. We must find markets. That is the real question.

Mr. STEIGER of Wisconsin. I concur completely. I thank the chairman of the committee very much for what he has said.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am glad to yield to the ranking minority member of the committee.

Mr. BELCHER. Mr. Chairman, I thoroughly concur with what the chairman of the committee said. I hope we can find markets for these dairy products. I agree with the chairman of the committee that I do not think this amendment will accomplish practically the purpose that the gentleman from Wisconsin wants to accomplish. However, I do want to urge the Department of Agriculture to find markets for these dairy products and others especially at a time when we have a surplus of lots of other products. I certainly urge the Secretary of Agriculture to attempt to dispose of these products.

Mr. STEIGER of Wisconsin. Mr. Chairman, in view of the colloquy which has taken place and the remarks made both by the chairman and the ranking minority member in support of the need to increase the use of dairy products under Public Law 480, I ask unanimous consent that I be allowed to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. CAREY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I shall not propose an amendment, but I take this time in order to gain a colloquy with the distinguished chairman of the Committee on Agriculture.

Mr. Chairman, it is my understanding that when the U.S.-flag vessels are not available to transport cargoes under this program, the foreign recipient government can arrange to use foreign-flag vessels. Where a foreign-flag vessel is used the ocean freight may be paid and should be paid and is paid in currencies that are in the counterpart account of the government receiving the shipment. Is that correct? In other words, they do not use gold-backed U.S. dollars to pay the freight if they use a foreign-flag vessel.

Mr. POAGE. I assume that is correct. The gentleman's own committee has jurisdiction over that and not our committee. That comes under the Cargo Preference Act and not under the Public Law 480 Act. The gentleman, frankly, would be in a better position to answer that than I am, but I do think it is correct.

Mr. CAREY. I just want to take this time in order to make it a part of the history of this bill, because, Mr. Chairman, fortunately I have a constituent in my district who has been wide awake on this point. We do not have many Brooklyn farmers, as you know. But, we Brooklynites worry very much about the farm program of our country. One Brooklynite who is in the shipping business found out that our Government was losing gold-backed dollars, thereby impairing our balance of payments because some of the people downtown were not insisting that when foreign-flag ships were carrying our grain they be paid in counterpart funds rather than dollars. He wrote to me and I, in turn, wrote to the agency responsible downtown and they acted upon this request of my constituent and reversed it. In other words, they put out a new memorandum on April 1 covering the question about which he was concerned, so that our balance of payments will be reduced to that extent.

Mr. Chairman, his letter to me illustrated his alertness and his vigilance in this vital matter and it is my understand that during the month of March alone, in a 30-day period, the ocean freight bookings as a result of his action and his recommendations to our Government resulted in a savings of $1.2 millions in the gold outflow.

So, Mr. Chairman, I take this time to illustrate to the members of the committee that are "farmers" in Brooklyn, particularly Mr. Joseph Kearns, are very much aware as to this program and know how it operates and are concerned about our many efforts to see to it that our gold drain is not impaired in any way as a result of that type of operation.

Mr. POAGE. I wish to thank the distinguished gentleman from New York [Mr. CAREY] and also to thank his constituent for having observed and brought about this change.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. CAREY. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. I think it would be a practical thing to do to try to get this amendment added on in the other body, because if we are paying dollars now, we could be paying counterpart funds. It is just another example of how we are trying to destroy this Government from within and not from without.

Mr. CAREY. I thank the gentleman from Missouri for his remarks and assure the gentleman that it will not happen because of the alertness of my constituent. He wrote his Congressman and because of his initiative we straightened it out and I trust it is not going to happen again.

In order that Mr. Joseph Kearns, of Brooklyn, N.Y., a man who I know personally as an outstanding American and community leader may receive the credit he deserves I submit for the record the correspondence which covers the matter in question.

On January 17, 1968, Mr. Kearns addressed the following letter, with enclosures, to me:

DANIEL F. YOUNG, INC.,
New York, N.Y., January 17, 1968.

Hon. HUGH L. CAREY,
Brooklyn, N.Y.

DEAR HUGH: The attached clipping headed "Overseas Currency Use Urged" which appeared in the Journal of Commerce yesterday, points out that the United States Government has serious quantities of nonconvertible local currency in specified countries.

In my opinion, India is one of the greatest sieves through which the American dollar is being poured. I make reference only to the United States owned nonconvertible currency in India, the use of which is limited.

Attached is copy of letter sent to all voluntary relief agencies on May 24, 1966 by Howard S. Kresge, Director, Agency for International Development, Voluntary Foreign Aid service, Office of Material Resources, Washington, D.C. In accordance with this plan we arranged with Indian flag vessels operated from this country by Scindia Steam Navigation Co., Jayanti and Great Eastern, to accept payment of Catholic Relief Services-USCC Public Law 480 shipments on a freight collect basis, payable in U.S. owned nonconvertible Indian currency. Of course, it was with the understanding bookings would not be made on an Indian flag vessel if American flag vessel space was available.

On March 21, 1967, the voluntary relief agencies were advised as per attached that freight would not be paid in India by U.S. owned nonconvertible Indian currency, making it incumbent upon us to pay with U.S. dollars for any cargo lifted by Indian flag vessels. We believe the excuse given was that the currency could only be used within India. It is my belief that Indian flag vessels, regardless of their location in the world, is considered as part of India and that our plan of shipping on a freight collect basis should be recognized as being valid.

Millions of U.S. dollars could be saved each year by insisting that any USDA surplus food commodities carried by Indian flag vessels be paid in India out of U.S. owned nonconvertible currency. The re-adoption of this plan would save the United States Government millions and millions of dollars in its drive to curtail dollar spending.

If you decide there is merit to warrant your further investigation, may I suggest you have a talk with Mr. Joseph Ryan of United States Dept. of Agriculture, Ocean Transportation Division, Washington, D.C. who sees eye to eye with me in this matter.

There is no financial gain to be realized by Daniel F. Young, Inc. or me personally if our shipments are carried by American, Indian or a third flag vessel. My only purpose of calling this to your attention is to make sure you are aware of this loophole that you may be able to close to the advantage of our government. If you see fit, I am prepared to discuss this further with you at your convenience.

Kindest regards,
Sincerely yours,
J. G. KEARNS,
President.

[From the Journal of Commerce, Jan. 16, 1968]

OVERSEAS CURRENCY USE URGED

WASHINGTON, January 15.—The General Accounting Office (GAO), Congress' eye on executive branch activities, today recommended that all agencies follow the lead of the Maritime Administration and try to make maximum use of the vast accumulation of foreign currencies that have piled up especially as a result of the agricultural surplus disposal program.

At the urging of GAO, following a check by that office, MA has begun to encourage subsidized and nonsubsidized operators to purchase needed foreign currencies for their overseas expenses through the U.S. Treasury, rather than by way of commercial channels.

That action, GAO stressed has a three-fold effect.

It not only keeps dollars here and thus helps the U.S. balance of payments, but also helps the Commodity Credit Corp., to which the dollars are credited when such purchases of foreign currencies are made, and reduces the appropriations requests that agency must make of Congress. The use of these currencies also gets rid of them, GAO pointed out.

DIFFICULTY WITH PLAN

The major difficulty with the plan is that it is strictly limited to the availability of the currencies and the particular currency needed must be covered by a special agreement covering uses of such funds between the United States and the other countries.

The United States has piled up billions of dollars worth of foreign currencies. The difficulty has been that the money involved is not the right kind to a large extent. Too, by mid-1967 there were but eight countries with which the United States had agreements to allow such use, including the sale to U.S. citizens, at the official rate, for travel in those countries—Ceylon, Guinea, India, Israel, Pakistan, Tunisia, United Arab Republic and Congo.

GAO, in checking into the shipping aspect only, found that three subsidized ship lines, between March, 1965 and May, 1967 had purchased from regular commercial channels $1.7 million worth of the currencies of countries on the agreements list.

GAO said ship operators covered—four of which, at least—"expressed a commendable willingness" to help the government in using the accumulated foreign currencies.

GAO held up the action of MA and its acting administrator James W. Gulick as an example for other agencies to follow in a government-wide attack on the balance of payments. The Budget Bureau was urged by GAO to bring to the attention of all agencies the actions of MA and to request each agency to make an effort to take similar action.

Mr. Gulick actually obtained from Treasury for distribution to subsidized and nonsubsidized carriers details of the currency situation and how they can be obtained.

The shipping industry, itself, has suggested steps to utilize these currencies in the past, although availability of the right currency and convertibility, where necessary, were always problems that seemed to go unsolved.

AGENCY FOR INTERNATIONAL DEVELOPMENT, VOLUNTARY FOREIGN AID SERVICE, OFFICE OF MATERIAL RESOURCES,
Washington, D.C., May 24, 1966.

Agency letter No. 19 (amendment to agency letter No. 1, 1/13/61 and agency letter No. 8, 2/19/65).

Subject: Maximum use of U.S. carriers-dollar outflow and use of U.S. owned local currency.

In keeping with the concern for the U.S. balance of payments problem expressed in the subject Agency Letters it is requested that the voluntary agencies use the following booking procedures when it is necessary to use non-U.S. flag vessels.

1. First preference is the utilization of U.S. flag vessels to be paid in dollars or, when offered, full or part payment in U.S. owned non-convertible local currency.
2. Among foreign flag offerings preference must be given first to those foreign flag carriers which will accept U.S. owned non-convertible local currencies.
3. Next preference must be given to those carriers which will accept part payment of freight costs in U.S. owned non-convertible local currencies.

It is important that the carrier be aprised that U.S. owned local currencies are non-convertible. The dollar equivalent of local currencies used in reimbursement of ocean freight will be charged against the agencies' Procurement Authorizations.

Bulletin No. 66–1 issued by the Bureau of the Budget on July 2, 1965 lists the following countries in which U.S. owned currencies are excess for 1966: Burma, Ceylon, Guinea, India, Israel, Pakistan, Poland, Tunisia, United Arab Republic (Egypt), Yugoslavia.

This office will keep you informed as the Bureau of the Budget issues further bulletins on excess currency countries.

When part of ocean freight costs is to be made in local currency, payment will be effected in the following manner:

Vouchers formerly prepared by a voluntary agency claiming payment in U.S. dollars for shipment on non-U.S. flags, will be prepared in the usual manner except that invoices now must clearly indicate the proportion of the costs to be paid in excess currency. Forms AID 10–165, Voluntary Agency and Carrier Certificate, will show in Block 2 the total amount of the freight cost in dollars. For the benefit of the U.S. banks and AID/W, the voluntary agency will show on the invoice the amount payable in dollars and will have attached thereto a copy of its letter to the voluntary agency representative in the recipient country instructing him to submit a voucher to the USAID/Controller (or Embassy Certifying Officer authorized to certify A.I.D. vouchers) for payment to the carrier in behalf of the voluntary agency.

The voluntary agency must insure that the foreign currency voucher cites the PA number and A.I.D. appropriation, which is obtained from Block 3 of the PA, and must be supported by a duplicate copy of the invoice which was presented to AID/W or the U.S. bank for payment. In addition, the voucher will contain a certification that the signed original and two copies of Form A.I.D. 10–165 are on file in AID/W with the dollar voucher.

Upon receipt of foreign currency voucher, properly identified, from the voluntary agency representatives, the USAID or Embassy Certifying Officer will arrange for payment in foreign currency.

When entire payment for freight cost is to be made in local currency voluntary agencies are requested to submit the reimbursement voucher and supporting documents to the Mission Controller or Embassy Certifying Officer *of the country whose currency is involved in effecting payment.*

The same procedures will apply to ocean freight reimbursement of the voluntary agencies' normal and P.L. 480 shipments. *It is important in every case to cite the proper Procurement Authorization number and A.I.D. appropriation on all required documents.*

This office is most appreciative of the efforts the agencies have made to cooperate with the request to make maximum use of U.S. carriers. In this further effort to stem the dollar outflow by using U.S. owned local currencies wherever possible we are confident that the agencies will continue to show their fine spirit of cooperation.

Sincerely yours,

Howard S. Kresge,
Director.

American Council of Voluntary
Agencies for Foreign Service,
New York, N.Y., March 21, 1967.

To: Arthur Johnson, LWR; W. Langdon, CARE; E. O'Brien, CRS; Mel Myers, CWS.
From: E. C. Reiss, Council office.
Re: My telephone call of March 20, 1967, subject "rupee bookings"—"Cease and desist until further word."

The following cable message was received by AID/W from the U.S. Embassy, India, yesterday, March 20, and telephoned in by Mr. Kresge's office to the Council office today.

"PAYMENT OF FREIGHT FOR TITLE II AND III SHIPMENTS

"(1) Embassy has issued rupee checks for substantial number of freight invoices for Title II and III shipments to India and third countries. At our request Con Gon Bombay checked with Reserve Bank last October and were told that Indian shipping companies had been given special permission to accept rupees. Since then we have learned through voluntary agencies that shipping companies have been unable deposit rupee checks because of absence of specific waiver from Reserve Bank.

"(2) We called this situation to attention Ministry of Finance and and are now officially informed that neither GOI nor Reserve Bank has authorized any shipping company to accept rupees for incoming Title II or III shipments. Companies which have accepted rupees in past have therefore done so without legal authority. As we reported previously, Indian foreign exchange control regulations do not permit shipping companies accept rupees for incoming surface freight without special permission.

"(3) GOI apparently will as special consideration allow rupees be accepted in cases of checks already issued, but unwilling allow future invoices be paid in rupees. In future, therefore, any rupee invoices received will have to be returned to Washington for reissue in dollars."

In reply, I wrote to Mr. Kearns:

February 9, 1968.

Mr. J. G. Kearns,
President, Daniel F. Young, Inc.,
New York, N.Y.

Dear Joe: Thank you for taking the time to post me on the situation in India.

I thoroughly agree with you that under the current dollar drain situation every effort must be made to have this shipment paid for in United States owned non-convertible rupees.

I am, therefore, following your suggestion and I am contacting the Department of Agriculture as a first step.

I shall be pleased to keep you informed as to any developments and I again appreciate your attention to this matter at a time when we must be most zealous in our efforts to protect the dollar.

Best wishes to all at home.

Sincerely yours,

Hugh L. Carey.

On the same date I forwarded to Secretary of Agriculture Freeman, Mr. Kearns' recommendations with the following comments:

February 9, 1968.

Hon. Orville Freeman,
Secretary of Agriculture,
Washington, D.C.

Dear Mr. Secretary: I am enclosing for your consideration and comment a letter addressed to me by Mr. D. J. Kearns, President of Daniel F. Young, Inc., of One Whitehall Street, New York, New York.

I agree with the views expressed that under the current dollar drain situation every effort must be made to have the shipment paid for in United States owned non-convertible rupees.

Sincerely yours,

Hugh L. Carey.

Mr. Roy W. Lennartson, Associate Administrator of the Foreign Agricultural Service, U.S. Department of Agriculture, responded on February 29; his report was forwarded to Mr. Kearns:

U.S. Department of Agriculture,
Foreign Agricultural Service,
Washington, D.C., February 29, 1968.

Hon. Hugh L. Carey,
House of Representatives.

Dear Mr. Carey: This is in reply to your letter dated February 9, 1968, enclosing a copy of a letter dated January 17, 1968, from J. G. Kearns, President, Daniel F. Young, Inc., inquiring about the use of Indian rupees to pay freight.

Mr. Kearns is correct in stating that some time ago his office as well as other voluntary relief agencies and their representatives, together with the Department, in booking cargo under the Voluntary Agency and Government-to-Government programs authorized by Title II, Public Law 480, 83d Congress as amended, had arranged with Indian-flag vessel operators to pay the freight in United States-owned Indian rupees. Unfortunately, our understanding with the Government of India had not been formally cleared through all agencies of that Government and the rupee payment bookings had to be suspended until United States Government officials could negotiate suitable arrangements with the Government of India.

These arrangements were recently concluded and the parties responsible for the movement of voluntary agency cargoes were advised that hereafter when United States-flag vessels are not available for shipments to India, the shipper is authorized to solicit space from the national flag lines of India, with freight payable in United States-owned Indian rupees.

We appreciate your interest in this matter and if we can be of further assistance, please let us know.

Sincerely yours,

Roy W. Lennartson,
Associate Administrator.

Subsequently, on April 5, Mr. Kearns replied, submitting a copy of the Department of State's voluntary agency letter No. 14, dated April 1, 1968, indicating a saving of $1,253,756.44 during March and April on shipments to India:

Daniel F. Young, Inc.,
New York, N.Y., April 5, 1968.

Hon. Hugh L. Carey,
Brooklyn, N.Y.

Dear Hugh: Further to our exchange of correspondence regarding the use of non-convertible U.S. owned currency in India for the payment of Public Law 480 surplus food commodities, I am happy to attach Dept. of State's Voluntary Agency Letter No. 14 dated April 1, 1968. This document spells success for the effort that has been made over the past year to make the Indians see the light.

Also attached is a list of wheat shipments we are making to India for the account of CRS during March and April, the freight covering which will be paid on the above mentioned basis at a saving in U.S. dollars to the Government of $1,253,756.44.

Sincerely yours,

J. G. Kearns,
President.

Department of State, Agency for
International Development,
Washington, D.C., April 1, 1968.

Voluntary agency letter No. 14 (limited mailing list).
Subject: Public Law 480, title II, voluntary relief agencies' shipments to India.

The Government of India has agreed to accept 100 per cent U.S.-owned local excess rupee payment of Voluntary Agency P.L. 480 Title II and Government-to-Government shipments to India on Indian-flag vessels.

U.S. flag carriers will receive first preference on all such cargo, freight payable dollars.

If no U.S. flag space is available, Indian flag carriers will be offered cargo payable in U.S.-owned local excess rupees.

This office requests that when an agency shipment to India is to be paid in U.S.-owned local excess rupees, the following information be furnished:

1. Statement that no U.S. flag vessel available;
2. Name of Indian flag vessel;
3. Tonnage booked;
4. Commodity;
5. Freight rate;
6. Loading and discharge ports;
7. Loading date and ETA destination.

Howard S. Kresge,
Director, Voluntary Agencies Division,
Office of Private Resources.

WHEAT SHIPMENTS TO INDIA

FAS	Vessel	Loading date	Quantity	Loading port	Destination	Ocean freight
2187	State of West Bengal	Mar. 7	10,422,000	Beaumont	Calcutta	$162,843.75
2031	State of Madhya Pradesh	Mar. 21	9,437,120	New Orleans	Bombay	147,455.00
2031	Jaladharti	Mar. 28	10,281,080	do	Madras	160,641.88
1825	Vishva Jyoti	Apr. 4	5,000,000	Beaumont	Bombay	78,125.00
2188	Vishva Seva	Apr. 28	7,440,000	Galveston	Madras	211,417.22
2189	Jalakanta	Apr. 15	6,232,000	do	Calcutta	176,370.46
2031	Jalarashmi	Apr. 25	7,513,800	Beaumont	Bombay	117,403.13
2031	State of Mysore	Apr. 12	12,768,000	Houston	do	199,500.00
	Total					1,253,756.44

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Moorhead, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 16165), to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, pursuant to House Resolution 1163, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The **SPEAKER**. Under the rule, the previous question is ordered.

The question is on the amendment.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

Mr. **FINDLEY**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 370, nays 21, not voting 42, as follows:

[Roll No. 137]

YEAS—370

Abbitt
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashbrook
Ashley
Ashmore
Aspinall
Ayres
Baring
Barrett
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bolton
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Casey
Cederberg
Celler
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Conte
Corbett
Corman
Cowger
Cramer
Culver
Cunningham
Curtis
Daddario
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Dole
Donohue
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Fallon
Fascell
Feighan
Findley
Fino
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Fountain
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gardner
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodell
Goodling
Gray
Green, Pa.
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrison
Harsha
Harvey
Hays
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keith
Kelly
King, Calif.
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kuykendall
Kyl
Kyros
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lipscomb
Lloyd
Long, La
Long, Md.
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
MacGregor
Machen
Madden
Mahon
Marsh
Martin
Mathias, Calif.
May
Mayne
Meeds
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Minshall
Mize
Monagan
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Konski
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pollock
Pool
Price, Ill.
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roush
Roybal
Rumsfeld
Ruppe
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schweiker
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Tunney
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Willis
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Zablocki
Zion
Zwach

NAYS—21

Bingham
Brown, Calif.
Burke, Mass.
Burton, Calif.
Cohelan
Edwards, Calif.
Farbstein
Gallagher
Hathaway
Hawkins
Helstoski
Macdonald, Mass.
Matsunaga
Mink
O'Hara, Ill.
Podell
Rees
Rosenthal
Ryan
Scheuer
Yates

NOT VOTING—42

Abernethy
Arends
Bevill
Carter
Clark
Conyers
Diggs
Dingell
Dorn
Dow
Evins, Tenn.
Ford, William D.
Fraser
Frelinghuysen
Green, Oreg.
Griffin
Griffiths
Gurney
Halleck
Hansen, Idaho
Hardy
Hébert
Herlong
Holifield
Holland
Karsten
Kee
Mailliard
Mathias, Md.
Moore
Morse, Mass.
O'Hara, Mich.
Olsen
O'Neill, Mass.
Resnick
Selden
Slack
Staggers
Stubblefield
Tenzer
Wilson, Charles H.
Young

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Arends.

Mr. Hébert with Mr. Mailliard.

Mr. Evins of Tennessee with Mr. Moore.

Mr. Hardy with Mr. Halleck.

Mr. Abernethy with Mr. Gurney.

Mr. Holifield with Mr. Morse of Massachusetts.

Mr. Griffin with Mr. Mathias of Maryland.

Mr. Slack with Mr. Hansen of Idaho.

Mr. Bevill with Mr. Frelinghuysen.

Mr. Dorn with Mr. Carter.

Mr. Dow with Mr. Olsen.

Mr. O'Hara of Michigan with Mr. Resnick.

Mr. Selden with Mr. Dingell.

Mr. William D. Ford with Mr. Conyers.

Mr. Karsten with Mr. Diggs.

Mrs. Griffiths with Mr. Holland.

Mr. Herlong with Mr. Fraser.

Mr. Staggers with Mr. Charles H. Wilson.

Mr. Stubblefield with Mr. Kee.

Mr. Young with Mrs. Green of Oregon.

Mr. Tenzer with Mr. Clark.

Messrs. **GALLAGHER** and **BURKE** of Massachusetts changed their votes from "yea" to "nay."

Mr. **NIX** changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The **SPEAKER**. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER**. The question is on the passage of the bill.

Mr. **GERALD R. FORD**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 346, nays 42, not voting 45, as follows:

[Roll No. 138]

YEAS—346

Abbitt
Adair
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N Dak.
Annunzio
Ashley
Ashmore
Aspinall
Ayres
Barrett
Bates
Battin
Belcher
Bell
Berry
Betts
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bolton
Bow
Brademas
Brasco
Bray
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Casey
Cederberg
Celler
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Corbett
Corman
Cramer
Culver
Cunningham
Daddario
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dent
Devine
Dickinson
Dole
Donohue
Downing
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fisher
Flood
Foley
Ford, Gerald R.
Fountain
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gardner
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodell
Goodling
Gray
Green, Pa.
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrison
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keith
Kelly
King, Calif.
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kuykendall
Kyl
Kyros
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lipscomb
Lloyd
Long, La.
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade

McDonald,
  Mich.
McEwen
McFall
McMillan
MacGregor
Machen
Madden
Mahon
Marsh
Martin
Mathias, Calif.
Matsunaga
May
Mayne
Meeds
Meskill
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Monagan
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
O'Hara, Ill.
O'Konski
Ottinger
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Price, Ill.
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roush
Roybal
Ruppe
Ryan
St Germain
St. Onge
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schweiker
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Whitten
Widnall
Williams, Pa
Willis
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Zablocki
Zion
Zwach

NAYS—42

Adams
Ashbrook
Baring
Bennett
Brinkley
Buchanan
Burke, Fla.
Clawson, Del
Cowger
Curtis
Derwinski
Dowdy
Duncan
Fino
Flynt
Gross
Grover
Haley
Hall
Hicks
Hosmer
Ichord
Macdonald,
  Mass.
Michel
Nichols
O'Neal, Ga.
Passman
Pelly
Pool
Rarick
Reinecke
Rivers
Rumsfeld
Sandman
Smith, Calif
Snyder
Stuckey
Thompson, Ga.
Utt
Wiggins
Wilson, Bob
Wyman

NOT VOTING—45

Abernethy
Arends
Bevill
Brown, Calif.
Carter
Clark
Conyers
Diggs
Dingell
Dorn
Dow
Ford,
  William D.
Fraser
Frelinghuysen
Green, Oreg.
Griffin
Griffiths
Gurney
Hagan
Halleck
Hansen, Idaho
Hardy
Hébert
Herlong
Holifield
Holland
Karsten
Kee
Long, Md.
Mailliard
Mathias, Md.
Moore
Morse, Mass.
O'Hara, Mich.
Olsen
O'Neill, Mass.
Resnick
Selden
Slack
Staggers
Stubblefield
Tenzer
Vigorito
Wilson,
  Charles H.
Young

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Arends.

Mr. Hébert with Mr. Mailliard.

Mr. Brown of California with Mr. Moore.

Mr. Hardy with Mr. Halleck.

Mr. Abernethy with Mr. Gurney.

Mr. Holifield with Mr. Morse of Massachusetts.

Mr. Griffin with Mr. Mathias of Maryland.

Mr. Slack with Mr. Hansen of Idaho.

Mr. Bevill with Mr. Frelinghuysen.

Mr. Dorn with Mr. Carter.

Mr. Dow with Mr. Olsen.

Mr. O'Hara of Michigan with Mr. Resnick.

Mr. Selden with Mr. Dingell.

Mr. William D. Ford with Mr. Conyers.

Mr. Karsten with Mr. Diggs.

Mrs. Griffiths with Mr. Holland.

Mr. Herlong with Mr. Fraser.

Mr. Staggers with Mr. Charles H. Wilson.

Mr. Stubblefield with Mr. Kee.

Mr. Young with Mrs. Green of Oregon.

Mr. Clark with Mr. Vigorito.

Mr. Tenzer with Mr. Hagan.

Mr. Long of Maryland with Mr. Schwengel.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1163, the Committee on Agriculture is discharged from the further consideration of the bill S. 2986.

MOTION OFFERED BY MR. POAGE

Mr. POAGE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. POAGE: Strike out all after the enacting clause of S. 2986 and insert in lieu thereof the provisions of the bill H.R. 16165, as passed.

The SPEAKER. The question is on the motion offered by the gentleman from Texas [Mr. POAGE].

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16165) was laid on the table.

AUTHORIZING THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE COLORADO RIVER BASIN PROJECT

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, tomorrow the House of Representatives will be called upon to consider H.R. 3300, a bill to provide for regional water resource planning and development of the Colorado River Basin and the Pacific Southwest.

The bill, as reported by the Interior and Insular Affairs Committee and cleared for debate by the Committee on Rules, represents a great deal of effort and study on the part of many people, including those on the Interior Committee and on its Subcommittee on Irrigation and Reclamation, of which I have the distinct privilege to chair.

Throughout the long discussion which has taken place on this legislation, a great many questions have arisen and I hope in this presentation to answer many of these questions. Let us consider some of the issues which have a direct bearing on the debate which we will commence tomorrow.

1. THE AUGMENTATION STUDY ISSUE

There is no reasonable chance that the Colorado River will supply enough water to meet the foreseeable demands of the area which relies upon it. Yet, there can be no lasting solution to the water problems and disputes of the States of the Colorado River Basin without the addition of more water. The need for augmentation is beyond reasonable dispute. The only legitimate areas for difference of opinion lie in how and when this augmentation must be accomplished.

How the river should be augmented cannot be answered with confidence until the studies of all alternatives called for in the legislation have been completed. The experts who testified before the committee on water supply and growth of requirements for water in the area served from the Colorado agreed that augmentation will be required prior to the turn of the century, and that failure to provide additional water in the mid-1990's would bring development in the Pacific Southwest to a halt. Experience has shown that at least 25 years are required to plan, authorize, design, and construct a major water project. Hence, studies of alternative means of augmenting the Colorado River must be initiated immediately if the future growth and economy of the Pacific Southwest is to be assured and decisions concerning augmentation are to be made with full knowledge of all alternatives. Considering the potential leadtime needed to develop some of the alternatives, the studies must be completed and the facts before the Congress by not later than the mid-1970's. Under these circumstances, deferral of the studies would represent procrastination, and could result in decisions under crisis conditions rather than on the basis of orderly procedures.

Only through compromise and statesmanship by the seven States of the Colorado River Basin has a consensus been obtained to proceed with development that overcommits the river's limited resources before long-range augmentation studies are completed. This compromise is founded on studies of alternative means of augmenting the Colorado being conducted concurrently with construction of works that will increase the draft on the Colorado. To maintain the consensus, meaningful studies of all alternatives must be carried out on a strict timetable to provide assurance against the certain need in the future to apportion shortages from an overcommitted supply in the event nothing is done to augment the natural supply. The water supply for the central Arizona project relies in part upon the availability of temporarily unused supplies apportioned to the upper basin by the Colorado River Compact. The slower developing States of the upper basin consider the studies under title II as a meaningful step toward augmentation and as further assurance that they will be able to utilize fully their entitlements when the need arises.

The minority opposition to the inclusion of augmentation studies in the legislation argues that the only way to assure objectivity is to place the entire matter before an independent National Water

Commission authorized under separate legislation. Furthermore, the Northwest States request time to complete their in-basin and State water planning studies before initiation of interbasin studies. Thus these State studies as well as the Federal-State type I comprehensive framework studies are scheduled to be completed by 1971. The augmentation studies provided for in this bill, scheduled for completion in the mid-1970's allow full opportunity for consideration of the results of current State and Federal studies.

The committee, in 1967, approved legislation to create a National Water Commission. Favorable action was achieved on the floor of the House. Previously the Senate had passed a similar measure. The National Water Commission has the almost unanimous support of the Congress.

Even so, the committee believes that there is some confusion as to the purposes of the Commission. Certainly a small, temporary, "blue-ribbon" National Water Commission, created to deal with policy matters, should not be asked to manage and direct comprehensive studies of means of augmenting the Colorado River any more than it should be asked to manage and direct studies intent on solving the water and pollution problems of the Great Lakes, supplying the long-range water requirements of the high plains of Texas, or the almost endless quantity and quality problems which stretch from one end of the country to the other. In the words of the President, the Commission would "review and advise on the entire range of water resource problems. It will judge the quality of our present efforts. It will recommend long-range plans for the future."

To accomplish objectives of this nature, only the broadest strokes can be taken. Therein lies the value of such a commission, not in managing and directing specific regional studies.

The committee feels that water problems throughout the country, including the Southwest, are so urgent that studies should proceed concurrently with the policy review of the National Water Commission. In the case of the Colorado, the timetable will enable the Congress to appraise the results of the augmentation studies in light of the National Water Commission's recommendations, as the feasibility-level Colorado River report is not due until January 1, 1975, and the National Water Commission report is due 5 years from its creation.

In order to guard against deterioration of the economy of the Southwest when its water supply becomes completely developed and used, the committee concludes that augmentation studies covering all alternatives—such as reductions in water losses, water conservation practices, desalting, weather modification, interbasin water transfers, and other means—must be undertaken without delay. The committee believes that enactment and implementation of title II in the form which has been approved—including the protection afforded to the areas or origin and the veto powers given to the States involved before a recommendation can be forwarded to the Congress—will not only meet the urgent needs for objective investigations and studies essential to the future of the Colorado River Basin, but will provide also positive protection and benefits to other areas of the West as well.

2. PROTECTION FOR AREAS OF POTENTIAL EXPORT

States that are potential areas of export are fully protected under the provisions of H.R. 3300. The bill directs the Secretary to investigate the long-range water supply of areas from which water could be imported into the Colorado River system, and the probable ultimate requirements of such areas.

The bill also protects the areas of origin by giving their future requirements for water a priority in perpetuity over the users of waters that are diverted from the basin, even though the diverted waters are put to a prior consumptive use.

Section 203 protects the States of areas of origin in the event a plan is prepared for interbasin diversions into the Colorado River system. The Secretary is directed to include in the plan provisions that assure water supplies that are adequate to satisfy the ultimate requirements of the areas of origin at prices that are not affected adversely by the exportation of water to the Colorado River. For example, if the exportation of water caused the potential water users in the areas of origin to look to more expensive sources or methods of supply, the additional cost would have to be met either from one of the two development funds established in the Colorado River Basin or from other Federal revenues.

If the plan involves an interbasin diversion, no recommendation may be made unless the States affected approve, and the reports must include provisions for protecting the interests of the areas of origin.

3. THE MEXICAN WATER TREATY, A NATIONAL OBLIGATION

The Mexican Water Treaty, negotiated during the war years, is a treaty between nations and provides no tangible benefits in terms of flood control, water supply, or power generation to the seven Colorado River Basin States.

The history of the Mexican Water Treaty shows that the overriding issue during negotiation was to have the treaty ratified prior to the United Nations organizational conference of 1945. National interest required passage of this treaty so that the United States could successfully pursue other international issues of importance to the Nation. Thus, the treaty was entered into by the United States in the interests of international comity and to enhance the Nation's position of world leadership. These benefits are shared equally by all citizens. Hence, the costs should be borne by all as they become due.

The treaty was ratified by the Senate over the objection of water users throughout the Colorado River Basin States on the basis of testimony by Federal experts that Mexico would be supplied from surpluses not previously apportioned among the Colorado River Basin States. The Senate, hence, assumed that it was not asking citizens of the basin States to pay a price greater than that required of the citizens of other States. Congress and the executive branch have established precedents to protect the basin States against all costs of the treaty recognized to date.

The most recent congressional recognition of the Mexican Water Treaty as a national obligation occurred in 1965 when Congress, faced by Mexican complaints over the quality of Colorado River water she was receiving under terms of the treaty, authorized the construction of works to preserve the quality of releases to Mexico. The costs of constructing and operating these works were made nonreimbursable, and thus the responsibility of all taxpayers. Previously, the portion of the costs of constructing Davis Dam, completed in 1950, to provide storage necessary to regulate the supply granted Mexico, had been allocated to the Mexican Treaty. Painted Rock Dam, completed in 1959, as a nonreimbursable project on the Gila River was justified in part upon the fact that its construction was vital to the operation of the treaty.

Time has shown that the natural supply of the Colorado is much less than the Federal experts predicted in the early 1940's. The demands of the Mexican Water Treaty cannot be met from the natural supply of the river without significantly reducing the supplies apportioned to the seven basin States. This fact is set forth and the national character of the resulting burden reaffirmed in title II of H.R. 3300. Title II also authorizes a study of alternative means of augmenting the supply of the Colorado River and relieving the States of the burden of meeting the Mexican Treaty. Title IV continues the policy of making all costs allocated to satisfaction of the Mexican Treaty burden nonreimbursable.

4. CENTRAL ARIZONA PROJECT

Central Arizona project facilities authorized by H.R. 3300 will coordinate the use of Colorado River water and the local water resources of the Gila River Basin to provide water for the rapidly expanding metropolitan areas of Phoenix and Tucson, for agricultural areas presently dependent upon severely overdrafted ground water basins, and for other water-deficient areas of Arizona and western New Mexico through direct diversion or exchange of water. Additional purposes include flood control, recreation, fish and wildlife conservation, sediment retention, salinity control, power generation, and area redevelopment.

The backbone facilities of the central Arizona project are the Granite Reef, Salt-Gila, and Tucson aqueducts, which will convey pumped Colorado River water to the central service zone. Major project features include: Granite Reef aqueduct and pumping plants, Salt-Gila aqueduct and pumping plant, Orme Dam and Reservoir or suitable alternative, Tucson aqueduct and pumping plants—Colorado River source, Buttes Dam and Reservoir, Hooker Dam and Reservoir—New Mexico, Charleston Dam and Reservoir, and Tucson aqueduct—San Pedro River source.

GRANITE REEF AQUEDUCT

The Granite Reef aqueduct will transport water diverted from Lake Havasu by the Havasu pumping plant about 200 miles to Orme Dam located a few miles northeast of Phoenix. The designed capacity of the concrete-lined aqueduct is 2,500 cubic feet per second. The Granite Reef aqueduct, in addition to the initial pumping plant at Lake Havasu, will require a series of lower lift pumping plants, short tunnels, and siphon crossings at major drainages.

ORME DAM AND RESERVOIR

Located on the Salt River just downstream from its junction with the Verde River, the Orme Dam will be operated with the present Salt River project storage system as well as the aqueduct system from the Colorado River. Sediment-laden storm-flows, originating on tributaries below Bartlett and Stewart Mountain Dams, will be regulated and controlled. Coordinated with operation of the Granite Reef aqueduct, it will provide regulatory storage as needed for both Salt-Verde flows and Granite Reef aqueduct deliveries. In its multiple-purpose role it will serve as an afterbay, reregulate releases from upstream reservoirs, improve the Salt River project operating conditions by removing sediment, create a recreational area with fish and wildlife conservation uses, and in combination and coordination with the upstream reservoirs and downstream channelization, provide storage to meet the flood control requirements of the Salt River through the Phoenix area.

SALT-GILA AQUEDUCT AND PUMPING PLANT

The 1,800-cubic-feet-per-second capacity Salt-Gila aqueduct will receive water either directly from the Granite Reef aqueduct or by releases from Orme Reservoir. A relatively low-head pumping plant is required to lift the water into the aqueduct from either source.

BUTTES DAM AND RESERVOIR

Although investigated and reported previously as a separate facility, Buttes Dam and Reservoir is included as an integral part of the Central Arizona project. An earthfill structure, the Buttes Dam will form a reservoir of 366,000 acre-feet capacity. Conservation storage capacity will be 100,000 acre-feet, and 266,000 acre-feet of capacity will be used for sediment and flood control purposes.

TUCSON AQUEDUCT—COLORADO SOURCE

An aqueduct to deliver 100,000 feet annually to the Tucson metropolitan area will originate at the terminus of the Salt-Gila aqueduct. This municipal and industrial water supply will be conveyed through a 150-cubic-feet-per-second capacity pipeline and would be lifted 920 feet by a series of pumping plants.

CHARLESTON DAM AND RESERVOIR

On the San Pedro River between Tombstone and Fort Huachuca a concrete gravity structure rising 158 feet above streambed, with earthwing dams, will create a 238,000 acre-feet capacity reservoir. Water conservation will be provided through exchanges. Recreation, fish and wildlife uses, sediment detention, and flood control benefits will also accrue.

TUCSON AQUEDUCT—SAN PEDRO SOURCE

This conduit will convey about 12,000 acre-feet annually from the Charleston Reservoir to Tucson and vicinity.

HOOKER DAM AND RESERVOIR

Hooker Dam or suitable alternative would be a structure on the upper Gila River. The dam will be constructed to a size adequate to provide for new consumptive uses of 18,000 additional acre-feet of water annually by New Mexico as provided in this legislation. The reservoir will provide water supplies, fish and wildlife uses, recreation, sediment detention, and flood control. H.R. 3300 requires further study of this feature, and an alternative site may be recommended in the final plan.

DISTRIBUTION SYSTEMS

In all areas an improvement in conveyance and distribution system efficiencies is essential to obtain optimum water development and use.

H.R. 3300 provides for the authorization of up to $100 million of appropriations for Federal financing of distribution systems for non-Indian lands.

Construction of new irrigation systems and rehabilitation and lining of existing systems for the seven Indian reservations within the project area are included in the project costs.

DRAINAGE AND REUSE FACILITIES

Drainage facilities contemplated as part of the project works are open drains and drainage wells upstream from Gillespie Dam on the Gila River. Costs of these facilities are included in the project cost.

POWER GENERATION AND TRANSMISSION ARRANGEMENTS

The Secretary of the Interior is authorized to make prepayment arrangements to acquire an entitlement to the delivery of a portion of the electrical output of a large thermal generating powerplant to serve project pumping needs, assuming that he determines this is the best way to meet these power needs. The thermal plant would be owned, constructed, and operated by non-Federal interests (private and public utilities in the Southwest). Current studies indicate that approximately 400 megawatts of capacity will be required. The prepayment arrangements would permit the project to obtain power for pumping at a cost reflecting the economy of large thermal electric powerplants and the benefits of Federal financing.

WATER SALVAGE MEASURES

Included in the bill are water salvage measures consisting of ground water recovery in the Yuma area and phreatophyte clearing along the lower Colorado River. These undertakings will yield an estimated 320,000 acre-feet of water annually for use in the Lower Colorado River Basin.

FISH HATCHERIES AND WILDLIFE REFUGE

Fish and wildlife measures include national fish hatcheries for both warm water fish and trout, the Cibola National Wildlife Refuge, the New Mexico State Fish Hatchery, and a rough fish eradication program.

5. THERMAL POWERPLANT

The Secretary of the Interior is authorized to make prepayment arrangements to acquire an entitlement to the delivery of a portion of the electrical output of a large thermal generating powerplant to serve project pumping needs, assuming that he determines this is the best way to meet these power needs. The thermal plant would be owned, constructed, and operated by non-Federal interests—private and public utilities in the Southwest. Current studies indicate that approximately 400 megawatts of capacity will be required. The prepayment arrangements would permit the project to obtain power for pumping at a cost reflecting the economy of large thermal electric powerplants and the benefits of Federal financing.

WATER SALVAGE MEASURES

The Federal investment in the powerplant and transmission facilities is estimated at $94,700,000.

6. DIXIE PROJECT

The Dixie project is located in Washington County in southwestern Utah, and is for the purpose of utilizing waters from the Virgin and Santa Clara Rivers. The Dixie project will provide supplemental irrigation water to 9,400 acres of presently developed land, and will provide a full supply for 11,600 acres of new land. The city of St. George, Utah, will be provided with 5,000 acre-feet of water. Three powerplants will produce about 44,500,000 kilowatt-hours of electric energy annually. There are also minor flood control, fish and wildlife, and recreation benefits. Total project cost is about $58,000,000.

H.R. 3300 reauthorizes the Dixie project in Utah and provides for its financial integration into the Colorado River Basin project. Changes in the Dixie project plan of development have resulted in increased costs, and the appropriation authorization for the project is therefore increased by this section from $42,700,000 to $58,000,000. Financial integration of the project into the Colorado River Basin project will permit it to participate in the Lower Colorado River Basin development fund established by title IV.

7. THE LOWER BASIN SHORTAGE FORMULA

The Supreme Court, in Arizona against California found that the Secretary of the Interior has the power to allocate and distribute the waters of the mainstream of the Colorado in water-short years subject to the standards set forth in the Boulder Canyon Project Act. However, the Court recognized that Congress can reduce or enlarge this power of the Secretary if it wishes.

This legislation provides a statutory formula to cope with years of water shortage if such should occur. When the water supply is insufficient to satisfy annual consumptive use of 7.5 million acre-feet a year, diversions must first be made to satisfy existing contract commitments and present perfected rights and rights of Federal reservations in Arizona, California, and Nevada, before making mainstream water available to the proposed central Arizona project. Protection for California users would, however, be limited to a maximum of 4.4 million acre-feet per year.

The limitation on diversions by the central Arizona project would be inoperative in any year in which the lower Colorado River has sufficient water to supply the Mexican Water Treaty entitlement plus 7.5 million acre-feet annually of consumptive uses from the mainstream to Arizona, California, and Nevada.

California, which has used 5.1 million acre-feet a year, recognizes that authorization and construction of the central Arizona project will, in time, cause the Metropolitan Water District of Southern California to reduce its use by almost 700,000 acre-feet a year; with this reduction the total California uses would be only 4.4 million acre-feet a year. The central Arizona project would bear the next increment of shortage.

The proposed legislation represents a compromise agreed to by Arizona and California congressmen and is a solution to a most vexing problem between those two States.

B. UPPER BASIN PROJECT

COLORADO RIVER BASIN PROJECT

This title also provides for reimbursement of the Upper Colorado River Basin fund for expenditures made from that fund to meet deficiencies in the generation at Hoover Dam during the filling of Lake Powell.

The five projects that will be authorized by H.R. 3300 are the Animas-La Plata project in Colorado and New Mexico, and the Dolores, Dulles Creek, West Divide, and San Miguel projects in Colorado. They would be authorized as participating projects under the Colorado River Storage Project Act. The five projects are briefly described in the following paragraphs:

ANIMAS-LA PLATA

The Animas-La Plata project is in southwestern Colorado and northwestern New Mexico in the San Juan River Basin. The project would develop the flows of the Animas and La Plata River systems for irrigation, municipal and industrial use, recreation, and fish and wildlife enhancement.

Project water supplies would be provided to about 72,000 acres in Colorado and New Mexico of which 46,500 acres, including about 7,500 acres of Indian lands, would receive full supplies and 25,600 acres would receive supplemental supplies. About 76,000 acre-feet annually of municipal and industrial water also would be supplied by the project. A portion of these supplies would fulfill the present and future needs of Durango, Colo.; Farmington, N. Mex., and nearby communities. Substantial supplies would be made available for the development of coal-fired electric powerplants which will utilize the coal deposits on the Southern Ute and Ute Mountain Indian Reservations. By exchange, the project would also make irrigation water available to augment supplies of the existing Florida project nearby.

The Animas-La Plata project would assist in the trend toward more intensive farming and the production of vegetables, fruit, and dairy products in the area. The availability of water would insure the development of the area's valuable coal deposits. The development would be of particular value to the Indian tribes through the provision of both industrial and agricultural economic ventures.

DOLORES

The Dolores project is just east of the Utah-Colorado State line in southwestern Colorado. The project would develop the flows of the Dolores River to provide irrigation water for about 61,000 acres, of which 28,700 acres would receive supplemental water supplies and 32,300 acres, including 1,500 acres of Indian land would receive full supplies. The project would furnish 6,100 acre-feet annually of municipal and industrial water supply for the communities of Dove Creek and Cortez. Significant recreation, fish and wildlife enhancement, flood control, area redevelopment, and water quality control benefits would also be realized from the development.

The Dolores project would stabilize the existing agricultural economy by providing supplemental water to irrigated lands now experiencing shortages and by expanding irrigation to good quality lands presently dry farmed and producing only a part of their potential. The municipal and industrial water supply is urgently needed to meet current and future requirements of communities in the project area.

Development of the project would bring substantial employment benefits to Indians of the Southern Ute, Ute Mountain, and Navajo Reservations. The regulation provided by the project's McPhee Reservoir would improve the quality of water for municipal use at Cortez and Dove Creek and provide appreciable flood control benefits downstream along the Dolores River.

Opportunities for water-based recreation and for fish and wildlife enhancement would be afforded by the project in an area now nearly devoid of such opportunities.

DALLAS CREEK

The Dallas Creek project is in Delta, Montrose, and Ouray Counties in west-central Colorado. The project would develop the water of the Uncompahgre River and its tributaries to provide irrigation water for about 23,600 acres of land, of which 14,900 acres would receive full water supplies and 8,700 acres supplemental supplies, and 15,000 acre-feet annually of municipal and industrial water supply for the communities of Olathe, Montrose, and Delta and the surrounding rural areas. Recreation, fish and wildlife enhancement, and flood control benefits would be provided by the project's reservoirs.

The irrigation supplies of the Dallas Creek project are urgently needed to alleviate late-season water shortages, which commonly result in crop failures, and to augment the irrigated acreage which supports the livestock industry of the area.

The municipal and industrial water supplies are needed to meet the existing and potential needs for adequate and safe supplies for local communities and surrounding rural areas, particularly the city of Montrose which is presently experiencing rapid growth. The expansion of tourism is one of the factors contributing to the growth in the area.

Three project reservoirs would provide attractive recreation areas, and features for the conservation of fish and wildlife resources are also included in the plan. The proposed Ridgeway Reservoir would be valuable for the control of snowmelt floods.

WEST DIVIDE

The West Divide project is in Garfield, Mesa, Pitkin, and Gunnison Counties in west-central Colorado. Project water would be obtained from a series of Colorado River tributaries, including the Crystal River. The project would provide 77,500 acre-feet annually of municipal and industrial water and irrigation water for about 40,000 acres, of which 19,000 acres would receive full irrigation supplies and 21,000 acres would receive supplemental supplies. Recreation, fish and wildlife conservation, and flood control would also be important functions served by the project.

The project area lies along both sides of the Colorado River adjacent to the Roan Plateau which contains some of the world's richest oil shale deposits. Developmental oil shale activity is in progress near the project, and the area offers an attractive and convenient site for a municipal and industrial complex to develop this resource. The West Divide project would provide the initially required water supplies for the industrial processes and the attendant community growth. Municipal water would also be supplied for the current recreation and suburban expansion near Glenwood Springs.

The dependable irrigation water supplied by the project would alleviate the problems of the unstable and often marginal farming operations in the area and provide an expanded and more prosperous base for the existing agricultural economy.

The project reservoirs would significantly improve recreation opportunities in the already popular White River National Forest. Benefits to fisheries and upland game hunting would be provided by the project, and the project's Placita Reservoir would reduce snowmelt flood damages on the Crystal River.

SAN MIGUEL

The San Miguel project is in Montrose and San Miguel Counties in southwestern Colorado. The project would develop the flows of the San Miguel River to irrigate about 38,900 acres of land, of which 26,400 acres would receive full irrigation supplies and 12,500 acres would receive supplemental supplies, and to provide 44,000 acre-feet annually of municipal and industrial water supplies. It would also provide flood control, recreation, and fish and wildlife enhancement benefits.

Mining is the chief source of income in the project area, with agriculture second in importance. Mining activity has fallen off in recent years and an expansion of the agricultural base is urgently needed to offset the depressing effect on the general economy of the area. The project development would create new settlement opportunities and increased employment on existing farms and in related service industries.

The project would also provide water supplies for potential industrial and associated municipal expansion in the area. Interest has been evidenced in the development of coal resources near

Nucla for the expansion of existing thermal-electric generating facilities. Other potential industrial uses are for pulpmills to utilize nearby timber resources and the development of the area's potash reserves. A dependable water supply would be basic to the realization of any of these possibilities.

The growth of tourism in the area is creating a need for water-based recreation and fishing, which will be provided by the development. Damaging spring flows of the San Miguel River would also be reduced by the project.

9. THE DEVELOPMENT FUND

The legislation authorizes the establishment and operation of a fund in the U.S. Treasury to be known as the Lower Colorado Basin development fund. The fund is for the financial assistance of lower basin projects and augmentation works to alleviate water shortages in the lower basin.

The fund will receive moneys from a variety of sources including: first, all appropriations for the central Arizona project and the Dixie project; second, the revenues earned from the operations of the central Arizona and Dixie projects, except recreation user fees; third, all surplus revenues from the Boulder Canyon and Parker-Davis projects, deducting payments in lieu of taxes to the States of Arizona and Nevada of $300,000 each per year; and fourth, revenues from the portion of the Pacific Northwest-Pacific Southwest intertie located in Arizona and Nevada which are surplus after completion of repayment.

Appropriations for construction of the central Arizona and Dixie projects credited to the fund may be used for that purpose without further appropriation. Other revenues credited to the fund may not be used for any purpose until approved by Congress.

Revenues accruing to the fund from the central Arizona and Dixie projects, the Arizona and Nevada portions of the intertie after payout, and Boulder Canyon and Parker-Davis projects power sales in Arizona, may be used without further appropriation for operation and maintenance and for repayment of reimbursable costs of the central Arizona and Dixie projects.

All funds accruing to the fund not used for the above-mentioned purposes are to be used when appropriated by Congress for the repayment of reimbursable costs incurred in connection with future projects to augment the water supplies of the Colorado River and to reimburse the Upper Colorado River Basin fund for moneys paid Hoover allottees for deficiencies in Hoover firm generation.

Charges established for purposes of repayment of the central Arizona project will be continued after payout, and revenues surplus to O. & M. costs will continue to flow into the development fund.

10. MEAD-POWELL CRITERIA

H.R. 3300 establishes criteria and guidelines for the Secretary of the Interior to follow in the operation of the upper and lower basin reservoirs in order to enable the upper basin to meet its compact obligations in the most efficient manner and meet lower basin demands.

Storage in Lake Powell is the key to whether the upper division States can deliver water at Lee Ferry as required by articles III(c) and III(d) of the compact without curtailment of upper basin consumptive uses. If there is no water storage in Lake Powell to make the required releases during periods of drought, it is possible that upper basin consumptive uses would have to be curtailed in order to discharge the compact obligations. The greater the storage in Lake Powell, the less likelihood there will be of this happening. On the other hand, if too much water is withheld in Lake Powell on the ground that it is necessary for later discharge of upper basin compact obligations the possibility of spill and denial of use in the lower basin is increased. The language of title VI, implementing operations under the Colorado River compact, is intended to establish a commonsense balance between the right of the upper division States to store water to meet future delivery requirements under the compact and the lower basin's right under article III(e) of the compact to demand the release of water stored in the upper basin to meet lower basin consumptive uses.

With respect to the procedure for establishing the criteria required by subsection (a), it is the intention of the language approved by the committee that such criteria be prepared and reviewed each year after an exchange of views, first with State entities designated as official in the field of water resource development either by State law or by the Governor of the State; second, with representatives of interstate compact commissions primarily concerned with administration of the waters of either the upper or lower basins; and third, with parties to contracts with the Federal Government that may be affected by the criteria.

The section specifies that in the preparation of the reservoir operating criteria, and in their execution, certain priorities shall govern the storage of water in reservoirs of the Colorado River storage project and releases of water to the lower basin at Glen Canyon Dam. The first priority, set out in clause (1), is for the release of water to satisfy one-half the deficiency in deliveries of water to Mexico as described in article III(c) of the Colorado River compact, if such deficiency exists and is chargeable to the upper basin States. This priority for releasing water at Glen Canyon Dam shall not apply in any year that the Secretary, pursuant to section 202 of this act, proclaims that means are available and are in operation capable of delivering annually into the Colorado River or its tributaries sufficient water to satisfy the Mexican Treaty water requirements together with associated losses.

The second priority, set out in clause (2), for release of water from Lake Powell is to deliver at Lee Ferry 75 million acre-feet in every period of 10 consecutive years under article III(d) of the Colorado River compact. If the upper division States arrange for a delivery of water into the Colorado River below Lee Ferry from sources outside the Colorado River system, this water is to be credited to the States of the upper division which then, by exchange, can consume an equal amount of Colorado River water.

A third priority is given to the storage of water to enable the States of the upper division to meet their compact obligations without impairing consumptive uses in the upper basin. The language in the first part of clause (3) provides that water not required to be released each year to fulfill the priorities relating to the Mexican Treaty burden and delivery of 75 million acre-feet every 10 years shall be stored in upper basin reservoirs to the extent that the Secretary shall find to be necessary to assure long-term deliveries of water at Lee Ferry for these same purposes without impairing present or contemplated consumptive uses of water within the compact apportionment to the upper division States. In determining the extent to which water must be stored for those purposes, the Secretary is required to consult with the Upper Colorado River Commission and representatives of the three lower division States and to take into consideration all factors pertinent to an hydrologic analysis of the water supply situation, including historic streamflows, the most critical period for which water records are available, and probabilities of water supply under recognized statistical procedures. This procedure is consistent with the intent of the Colorado River Storage Project Act, and the committee believes that it can be complied with and still provide the Secretary the necessary latitude in determining the extent of storage reasonably required.

As the upper basin depletions increase with time, the controlling critical periods will lengthen and the required amounts of carryover storage will increase. It is recognized that the establishment of requirements for carry-over storage cannot be based on critical period considerations alone, but that probabilities of water supply also must be considered. Also, the production of power and energy is a relevant factor that must be considered if the financial feasibility of Federal developments in the Colorado River Basin is to be assured.

The committee understands that the language of the proviso in clause (3) establishes specific criteria for the release of water available in excess of compact III (c) and (d) requirements and water required to be stored as provided in clauses (1), (2), and the first part of (3). Before discussing the operating criteria of clause (3), it should be pointed out that during prolonged periods of low runoff there would be no available excess water and hence these criteria would not be applicable. During periods of high runoff and high storage content the problems of reservoir operation dealt with in clause (3) are not critical and their application would not be of major significance. Thus, it is within the intermediate ranges of runoff and storage content that the criteria specified are particularly meaningful.

The language of clause (3) embodies

three specific operating criteria. The first listed criterion (i) provides that if water excess to the requirements of clauses (1) and (2) is determined to be available, it shall be released from Lake Powell to the extent that it can be reasonably applied in the lower division States to the domestic and agricultural uses specified in article III(e) of the Colorado River compact, but no such releases of water will be made from Lake Powell when the active storage therein is less than the active storage in Lake Mead.

The second listed criterion (ii) has as its objective the distribution of available excess water in a manner that will equalize as nearly as practicable active storage in Lake Mead and Lake Powell. The committee believes that the policy, herein established, of maintaining so far as possible equal active storage in Lake Powell and Lake Mead is consistent with good operating practice and is fair and equitable to both the upper and lower basins. The committee was advised that although there may be conditions where it would be desirable and advantageous to operate over a limited period of time in a manner different than that specified in criterion (ii), particularly when both Lake Powell and Lake Mead have substantial reserves of storage, any problem caused by application of this criterion is not regarded as serious.

The third listed criterion (iii), to avoid spilling water from Lake Powell, is obviously consistent with good river management.

Subsection (c) of section 602 directs that section 7 of the Colorado River Storage Project Act—70 Stat. 109—which relates to power production, be administered in accordance with the criteria set out in this section. This provision is appropriate and necessary, in the view of the committee, in order to assure consistent power operations at all Federal reservoirs on the Colorado River, and to emphasize the point that the production of hydroelectric energy is a relevant factor that must be considered if the financial feasibility of Federal water resource developments in the Colorado River Basin is to be reasonably assured, as hereinbefore indicated.

The committee believes that the inclusion of the reservoir operating criteria of section 602 not only will prevent a recurrence of the misunderstandings that were manifest in the basin at the time the Secretary initiated the filling of Colorado River storage project reservoirs, but will also constitute a major contribution to more efficient and reasonable river management. The committee regards the operating criteria of this section as being fully consistent with the terms of the Colorado River compact, including article III(e) thereof. The committee wishes to emphasize that the language in this section is not an attempt to interpret article III(e) of the Colorado River compact; it simply places qualifications upon operations under article III(e). The successful negotiations between upper and lower basin representatives which produced these guidelines for the Secretary to follow in operating Federal reservoirs under article III(e) in the Colorado River Basin may preclude costly litigation in the future.

In conclusion, I recognize that the discussion has been long and detailed; however, I felt it important to outline to you these items which I personally feel reflect the most accurate interpretation that I can give you as to the elements of the Colorado River Basin development program and its various parts.

After following the extensive considerations on this very complex problem, I have come to the conclusion that this legislation as reported from the full committee is the best, fairest, most equitable legislation that can be achieved not only for California but for all of the basin States and also for all of the Nation.

I hope this authorization can receive the approval of the House of Representatives following the full debate which will start tomorrow.

THE DISCIPLINED USE OF FORCE BY THE METROPOLITAN POLICE DEPARTMENT

Mr. **MURPHY** of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **MURPHY** of New York. Mr. Speaker, it is one of the paradoxes of civilization that the maintenance of peace—the basic mission of law enforcement—should so frequently require the use of force. But everyone who has had contact with cantankerous drunks, armed psychotics or holdup men, or with rioters, looters, and arsonists cannot question that police officers must at times use force to protect the order of society.

It is often overlooked that the police mission at such troubled times differs from a military operation. The military seeks to strike with sufficient force to destroy the enemy. On the other hand, the police strive to apply only the minimum force necessary to produce conformity to law.

Mayor Washington and Director of Public Safety Murphy are to be commended for their judgment during the recent disorders in Washington and their aftermath in the disciplined use of force. The Metropolitan Police Department arrested more violators than any other police department in the country that was confronted with a riotous situation—even though far less property damage was suffered in the District of Columbia than in other cities. And this massive number of arrests was made without a single serious injury to police and fire forces. This is a terribly significant achievement, one that we in the Congress, who live in Washington at least part of the year, can be justifiably proud.

In the past few weeks following the disorders extraordinary police efforts, including the deployment of additional patrols, plainclothes, and undercover police officers have resulted in holding down the residue of crime that typically exists in a postriot situation. It should not be overlooked that scrupulous and persistent police investigation has caused the arrest of suspects now charged with homicides committed at business establishments in the District of Columbia and Prince Georges County. The speedy apprehension of the suspects who shot and killed a liquor store merchant, a pharmacist, and a Safeway clerk should give us reassurance that our law enforcement forces are dedicated to vigorous and firm action.

The weeks ahead will be critical and momentous weeks in the history of the District of Columbia. Mayor Washington and Director of Public Safety Patrick Murphy will have the responsibility not only to the people of the District of Columbia, but also must bear the responsibility of setting an example to the people of America that experienced municipal officials can cope with the serious critical, and complex problem of the American cities.

OPPORTUNITY IS UNLIMITED FOR POOR IN AMERICA

Mr. **BURKE** of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. **BURKE** of Florida. Mr. Speaker, Webster's Dictionary describes the word "poor" as lacking in material possessions—small in worth. The word "poverty" is described as covering a range from extreme want of necessities to a falling short of having comfortable means.

With the so-called Poor Peoples March on Washington getting so much publicity, the words "poor" and "poverty" are very much on the lips of many Americans today. In fact, there is much apprehension from officials as to the possible dangers which could result from the poor march.

There is no doubt that the poor should have their complaints against starvation or poor housing, or that in some cases their future is confined from birth to death in the same decaying, rotting part of town.

I know that you, like me, will agree that we would like to stamp out poverty completely, if it is at all possible. All of our people should have the equal opportunities to live and to partake of the good life.

But is it possible to achieve a society where everyone is affluent and the words "poor" and "poverty" are stricken from the vocabulary?

Our Founding Fathers had the right idea when they fled from Europe, many as poor people, to escape oppression in the 17th and 18th century and later laid the groundwork for our country's future. They gave to us the Bill of Rights so that every citizen would have equal opportunities. And we became "One nation under God, with liberty and justice for all."

They laid the foundation for our country and gave to us the Constitution as the chart of our destiny. We became a nation of laws and not of men because laws have been the guiding credo for our American way of life.

Thus, it was ordained that every man, whether he be white or black or red or yellow, should have the basic opportunity to pull himself up the ladder of success, rung by rung. Or he can if he chooses stay perched on the middle rung, or maybe the lower rung if this is his desire.

Let it not be said that initiative was stifled by our basic laws. The fact of the matter is that the law has encouraged and continues to encourage every man to achieve what he can and there has been bountiful success in all the races.

It is true that there was a period of our history when a minority of Americans held to the practice of slavery. But slavery was abolished and men died to insure that it would be. On January 1, 1863, Abraham Lincoln signed the Emancipation Proclamation and with this law the last vestige of slavery was lifted off the shoulders of the Negro and any other individual.

But now, today, it is 105 years later and there are still some men who cry that invisible slavery exists; that individuals are denied the rights that are granted to other men.

Cries that poverty and starvation are rampant in our Nation ring through the air.

Yes, there are people who are unemployed and people who are hungry, but today we see some of our people who by threats of reprisals demand that billions of taxpayers' dollars be spent regardless of the economic dangers that may result. They demand an increased welfare state; they demand a guaranteed annual income; they continue, not to ask, but to demand.

This is our country and it is a great country. It is also still a country of great opportunity for those who will take advantage of these opportunities.

I want to help, but truthfully, I have little sympathy for those who continue to lament that the majority is entirely responsible and wish to pull all others down to their level instead of working, studying, and trying to better their life with physical effort rather than verbal complaints.

Ours is not and never has been a country for the lazy. Our country always encouraged the individual achieving the maximum for himself and his family with the guiding efforts of laws and not handouts.

Yet, there have been some leaders in our country who have put promise on promise of an easy paradise by using the taxpayers' money to secure votes for utopian welfare programs. These programs come wrapped in glittering phrases, and they have become the habit of those seeking power.

Many of these welfare programs have been tried and billions of dollars have been spent until the public has been softened to immunity, yet we still have poverty today and in some respects more than we had 30 years ago when the first utopian programs were brought forth.

Where will it end?

I think the time has come when the Congress must stop supporting new programs and start reviewing the successes or failures of the old programs.

I hope the public will recognize for their own sake that they must demand that this be done.

I am for education, for more jobs, for better housing, and for stamping out poverty where we can, but I will not be a party to programs that perpetuate laziness and strangle hope, effort, and initiative just because it is easier to jump on the "something for nothing binge" that has engulfed our political way of life during the last 30 years.

I join you in wanting to help my fellow men by offering my hand as you do, to assist in raising him up to a better life, but I will fight his attempt to pull me down or to assist others in destroying the country I love. No Congressman or legislator has the right to put his hands in your pocket to show how charitable he can be with your money unless or until you grant him the right.

I agree with Abraham Lincoln when he said so many years ago:

> You cannot bring about prosperity by discouraging thrift. You cannot strengthen the weak by weakening the strong. You cannot help the wage earner by pulling down the wage payer. You cannot further the brotherhood of man by encouraging class hatred. You cannot keep out of trouble by spending more than you earn. You cannot build character and courage by taking away man's initiative and independence. You cannot help men permanently by doing for them what they could and should do for themselves.

PROBLEMS OF THE AGING

Mr. DANIELS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. DANIELS. Mr. Speaker, today I am introducing with 24 cosponsors, a joint resolution which is of major significance to our country's older citizens. This resolution would authorize the President to call a White House Conference on Aging in 1971 to stimulate new thinking on the problems of aging.

There is little doubt that our Nation has the resources to solve the problems of our senior citizens. How much we progress in the coming years may well depend on this important legislation which I am introducing today.

Presently, there are 19 million Americans who have passed their 65th birthday. By 1970, there will be 20 million individuals over 65. In 1980, there will be 25 million senior citizens.

Each group of newcomers who joins the ranks of those 65 and over, has lived through a somewhat different period of history, has diverse educational backgrounds, and has experienced different economic conditions.

The youngest of our senior citizens went to work about the time of World War I. They suffered during the depression when they were raising a family and saw their children go off to World War II. The oldest of our aged, the centenarians, were born during the Civil War era.

Because of the changing characteristics of our older populations, it is appropriate to set aside a period from time to time during which those who exercise significant responsibilities in the private sector and those who formulate Government programs, can come together and reevaluate the needs and characteristics of the older persons they are attempting to serve.

The resolution that I am introducing today would not only call for a White House Conference on Aging, but it would also provide every State with the opportunity to call its own conference on aging prior to the national conference. Each State would therefore have an opportunity to convene its leaders to determine the needs of its own older population and to bring its recommendations to the national forum.

It is the intent of the State and National conferences to seek and develop recommendations and plans for action which would first, assure older persons equal opportunity with others to engage in meaningful and gainful employment which they are capable of performing; second, enable retired persons to enjoy incomes sufficient for health and participation in family and community life as self-respecting citizens; third, provide housing suited to the needs of older persons at prices they can afford to pay; fourth, assist middle-aged and older persons to make the preparation, develop skills and interests, and find social contacts which will make the gift of added years of life a period of rewarding satisfaction; fifth, step up research designed to release old age of its burden of sickness, mental breakdown, and social ostracism; and sixth, evaluate progress made since the last White House Conference on Aging and examine the changes which the next decade will bring in the character of the problems confronting older persons.

The Secretary of the Department of Health, Education, and Welfare would be responsible for planning and conducting the White House Conference called for in this resolution and for assisting the States in conducting similar conferences on aging prior to the White House Conference. Other Federal departments and agencies would cooperate with the Secretary of Health, Education, and Welfare as requested.

An allotment of from $5,000 to $30,000 would be available to each State to finance its State conference, publish recommendations, defray the expenses of its delegates to a national meeting, and evaluate the work of the State with respect to the National and State conferences. Payments would be made by the Secretary to an officer designated by the Governor of the State to receive such payment and to assume responsibility for organizing and conducting the State conference. In States having an approved State agency on aging under the Older Americans Act of 1965, that agency would be the recipient of the State allotment.

A final report of the White House Conference on Aging would be submitted to the President not later than 120 days following the date on which the conference is called and the findings and recommendations would be immediately made available to the public. In addition, the Commissioner on Aging would within 90 days after the submission of the final report transmit to the President and the Congress its recommendations for administrative action and legislation necessary to implement the recommendations contained in the report.

A similar White House Conference on Aging proposed by the late Congressman John F. Fogarty was held in 1961. The impact of that Conference on our progress in meeting the needs of older people during the last 7 years serves to illustrate the vast potential of a conference such as the one I am proposing in this resolution. Since the 1961 Conference, the medicare and medicaid programs have been enacted; social security benefits have been increased; the Older Americans Act of 1965 has brought increased activity in States and communities; and the expansion of the vocational rehabilitation program has included many more services for older people.

Amendments to the housing program have provided more public housing and moderate income units for the elderly and authorized the rent supplement program which enables many low-income people, including the elderly to obtain housing at a price they can afford to pay. A new section has been added to the Economic Opportunity Act calling for increased emphasis on programs to help the elderly poor. The Higher Education Act, the Age Discrimination and Employment Act, the Comprehensive Health Planning, and Public Service Amendments of 1966, and the Manpower Development and Training Amendments of 1966 have all served to emphasize the concern of the Congress for our older citizens.

This is an impressive record, yet we must not stop here. The Conference called for in the resolution I am introducing today can be a most significant step forward in charting a course of action to meet the needs of our older citizens. This Conference on Aging will bring together the knowledge and experience of a large number of individuals in one place to pool their skills and forge new lines of cooperation not only at the governmental level but also at the private sector. Individuals representing States, communities, private organizations, the Federal Government, and older people themselves will evaluate what is being done now, chart future courses of action and identify areas in which new legislation is needed.

The 1961 White House Conference on Aging was a landmark. A new Conference in 1971 can be expected to be equally significant.

TAX SURCHARGE AND SPENDING CUTS

Mr. VANIK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, I hope that the President will not capitulate to the pressures and take a surtax on the basis of a $6 billion cut in spending.

When we exempt veterans services, interest on the public debt, and defense expenditures, the $6 billion cut in spending must result in severe cutbacks in the remaining 22 percent of Federal spending which provides most of our public services. Applying a $6 billion cut to this portion of the budget would result in cutbacks up to 30 percent in the fields of education, health, welfare, housing, community development, and pollution control. This cutback comes on the heels of Bureau of the Budget action in reducing spending for these items earlier this year by as much as 39 percent.

This senseless meat-ax approach is shortsighted and will cripple these vital programs for years to come. Short-term budgetary savings will result in compounded and spiraling long-term costs.

We do not save money by eliminating job training and retraining. We do not create more doctors and proceed toward better health by eliminating a $350 million medical trainee program. We cannot expect our young people to remain competitive if our educational programs are cut. We cannot train welfare recipients for the dignity of private employment by crippling training programs and eliminating day care facilities. We cannot begin to clean up pollution problems without funding. We cannot get better mail service by cutting delivery schedules.

The reduced services resulting from the $6 billion cutback will shift the burden for these program upon States and local governments. The local governments in my constituency have already indicated their inability to meet existing demands on their resources and have sought assistance from the Federal Government. Many State governments have already demonstrated their indifference to these needs.

Before we administer a lethal blow to these vital programs, we should establish a bill of particulars outlining the extent of service cutbacks in specific program areas.

We can defer the construction of a dam, a building, or a road. But we cannot afford to ignore human needs in these times or at any time.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. I would like to ask the gentleman from Ohio if he does not believe before we can vote for this $6 billion expenditure cut that it is the responsibility of the conferees to come into this House with a list of line item cuts that they propose to be made. If they do not do that, they will have completely abdicated their responsibility in expecting this Congress to vote for a so-called pig in a poke.

Mr. VANIK. I would say more than that. I think every Member of Congress ought to be aware of what is happening and should be aware of the ultimate destruction of important Federal programs which will cost many billion of dollars more to replace after they have been destroyed.

HAWAII: 50TH STATE OF THE UNION

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, in the Washington Daily News of yesterday, in an article written by Mr. Don Maclean, he stated as follows:

> It is interesting to note that the recent Interparliamentary Union Conference between the United States and Mexico was held not in Mexico or the United States, where the conferees might observe each other in action, but in the hardship post of Honolulu.

I would like to remind Mr. Maclean that Honolulu is in the State of Hawaii, which is the 50th State of the United States of America.

And in view of Mr. Maclean's apparent objection to the holding of the Interparliamentary Union Conference in Honolulu, let me ask him: In this period of racial turbulence throughout the world, what better site in the United States, or for that matter in the world, could have been selected?

As the late President John F. Kennedy so aptly observed, "Hawaii is what the United States is striving to be." It is a melting pot of all races where peoples of diverse cultural background live together in true harmony. It is the showcase of American democracy. In evidence of the wisdom of the choice, all attendants from Mexico at the conference were exposed to the spirit of Aloha which prevails in Hawaii, U.S.A., and left with a warm feeling and a new respect for the United States and the people which constitute this great Nation of ours.

As Hawaii's Congressman I ask Mr. Maclean and others of like thinking to look at the 50th State not merely as a vacation paradise—which it is—but also as a vibrant integral part of the United States fully prepared and willing to make contributions in the international arena which no other State can make.

SUMMA

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, the current academic year marks the 125th anniversary of the University of Notre Dame as well as the 100th anniversary of the Notre Dame Alumni Association.

It is, therefore, fitting that during this same academic year—which began last September—the University of Notre Dame launched the most ambitious capital fund drive in its history, SUMMA, a 5-year campaign to raise $52 million.

Mr. Speaker, it is vitally important that Notre Dame complete this drive successfully. The future of Notre Dame—and of every independent institution of higher education in America—is directly related to the financial support which its alumni and friends contribute.

Indeed, Mr. Speaker, the importance of private contributions to independent colleges and universities has never been greater than in this time of rapidly escalating costs for education.

As you know, Mr. Speaker, in the weeks ahead the House and Senate will be considering proposed amendments to the Higher Education Act of 1965, the National Defense Education Act, and the Higher Education Facilities Act of 1963. As a sponsor of much of that legislation—past and present—I am pleased that the modification and extension of these crucial acts will help provide the resources to meet the expanding demands on higher education.

A CRISIS IN FINANCING HIGHER EDUCATION

But, Mr. Speaker, it is clear that the costs of education at all levels—and of higher education, perhaps more than of any other level of education—have generated a serious financial crisis which this legislation alone cannot correct.

Let us consider some of the realities of mounting costs in American higher education.

Total enrollments in institutions of higher learning since 1955 have soared from 2.6 million to almost 7 million students in the current academic year. And this enrollment explosion will continue into the next decade. According to projections by the U.S. Office of Education, we can expect approximately 8.6 million students to enroll in colleges and universities in the fall of 1972—just 4 short years from now.

Not only are enrollment pressures mounting, Mr. Speaker, but there are other reasons for the rising costs in higher education. Universities and colleges today carry on an expanding volume of research activity. In addition, our society, now as never before, expects our institutions of higher learning to perform public service functions by committing their resources to help solve social problems. Moreover, the increased emphasis on graduate and professional education has further inflated costs at our colleges and universities simply because graduate education is substantially more expensive than undergraduate education.

A look at the projected total costs of higher education in the next decade gives us some notion of the financial strain on our colleges and universities. In the academic year 1955–56, Federal, State, and local governments spent $4 billion to support higher education. But in 1965–66 the cost was up to $11.4 billion. By the academic year 1976–77, we are likely to have to invest over $22 billion annually in order to keep up with the needs of institutions of higher education. Other estimates run higher still.

Mr. Speaker, let us look into the future as we consider the cost of higher education facilities. The American Council on Education estimates that over the next 10 years new academic facilities alone will cost $3 billion annually—just to meet minimum demands.

Greater numbers of students and higher costs place heavy burdens on all colleges and universities. But, Mr. Speaker, these pressures have a more serious impact on independent institutions which cannot readily turn for funds to State legislatures or to local public authorities.

NOTRE DAME'S RESPONSE: "SUMMA"

In the Third Congressional District of Indiana, which I am privileged to serve, several institutions of higher learning are striving to meet the expanding educational needs of the region and of the Nation.

The most widely known of these is the University of Notre Dame—a great independent institution enrolling 7,700 students from every State in the Union and 50 foreign lands—students who represent all racial, economic, and religious backgrounds.

Mr. Speaker, Notre Dame is determined to meet the challenge of excellence in education in the face of soaring costs.

Notre Dame today consists of a graduate school, a law school, and colleges of liberal arts, science, engineering, and business administration. There are in addition several specialized laboratories and institutes. One of these specialized facilities, the Radiation Laboratory, is supported entirely by the U.S. Atomic Energy Commission and is widely regarded as the most important university center for radiation chemistry research.

In all, Mr. Speaker, Notre Dame has over 200 research projects underway which together attract about $7.5 million annually—10 times the figure for 1952.

Mr. Speaker, as the sponsor of several bills designed to improve the quality of public service, I have been especially impressed with Notre Dame's deeply felt commitment to public service—a commitment reflected in many ways. For example, Notre Dame was one of the first campuses to train Peace Corps volunteers and to sponsor their work overseas. Notre Dame's faculty members and administrators are deeply involved in programs to strengthen universities in Peru and Afghanistan. Notre Dame students are tutoring disadvantaged children in the South Bend area and are involved as well in social service projects in Chicago, in Harlem, and in the Southwest.

Mr. Speaker, the dedication of the University of Notre Dame to the public interest is dramatically exemplified in the gifted and dynamic leadership of its distinguished President, the Reverend Theodore M. Hesburgh, C.S.C. Father Hesburgh, a great priest and educator, is a tireless servant of education, of the Nation, of his church, and of mankind. A member of the National Commission on Civil Rights under Presidents Eisenhower, Kennedy, and Johnson, Father Hesburgh has served as the Vatican delegate to the International Atomic Energy Commission, as an adviser to our own Government on the Peace Corps, on foreign aid and on science policy. These are only some of the achievements of this extraordinary man and help explain why he was awarded the Medal of Freedom by President Johnson in 1964.

But above all, Father Hesburgh is a great university president whose leadership is in large measure the reason that Notre Dame has made such remarkable advances as an institution of learning during the last two decades.

Mr. Speaker, despite the financial crisis which is enveloping all of independent education, Notre Dame looks to the future with confidence. Last September the university inaugurated its $52 million SUMMA program. This drive is the most ambitious fundraising effort ever undertaken by a Catholic institution of higher education and ranks among the largest campaigns mounted by any college or university regardless of its auspices.

SUMMA embraces 21 programs and projects. They fall within four major categories—faculty development, graduate education, special research programs, and general university development.

If this greatest campaign in Notre Dame's history is successful, the university will be able to achieve within 5 years what would transpire within 15 or even 20 years of normal growth. It is very gratifying, Mr. Speaker, that almost $31 million, or nearly 60 percent of the campaign's 5-year goal, has been committed by alumni, friends, corporations, and foundations—within SUMMA's first 8 months.

FACULTY DEVELOPMENT

Twenty million dollars in SUMMA funds are earmarked for faculty development, specifically for the creation of 40 endowed professorships. In addition to these endowed chairs, the university will establish other new faculty positions and will maintain faculty salaries which are truly competitive with those at other leading colleges and universities.

Faculty development is especially vital, for the distinction of any institution in teaching, research, and service will in large measure reflect the quality of its faculty.

GRADUATE EDUCATION TO EXPAND

The second largest segment of the SUMMA program is directed toward the growth of graduate education. Several areas of critical importance to our national life will benefit. For example, funds are being sought for a graduate program in urban studies. This program will enable Notre Dame to focus its many competencies on the vexing problems of our cities.

New and important interdisciplinary programs will be inaugurated in science and engineering. And the new graduate school of business, which now offers the degree of master of business administration for the first time at Notre Dame, will expand into the field of public administration better to prepare men for government service.

SPECIAL RESEARCH ACTIVITIES

Notre Dame's SUMMA program embraces a third area—special research programs. One such program, the Institute for Advanced Religious Studies, will bring to the campus resident scholars representing not only the Catholic, Orthodox, Protestant, and Jewish faiths, but the non-Christian religions of Asia and Africa as well.

Another special research program is a research center for the study of Christian Democracy. As we know, Mr. Speaker, Christian Democratic political parties are playing very important roles in Europe and Latin America today.

A third special research activity is the Office of Educational Resarch. This office will provide extensive data to enable us, for perhaps the first time, to assess accurately and critically the contribution which Catholic elementary and secondary schools are making to American life.

GENERAL UNIVERSITY DEVELOPMENT

Mr. Speaker, a fourth facet of SUMMA is general university development. Seven buildings will be erected at Notre Dame with SUMMA funds. Three of these are 11-story residence halls, and, Mr. Speaker, two of the three will be built beginning this spring with the help of a $3 million loan from the Department of Housing and Urban Development. Other buildings on the drawing boards include a chemical research building, a life science center, a new engineering building, and the Advanced Religious Studies Institute.

AN INSTITUTION WITH VISION, PROUD OF ITS PAST, EAGER FOR THE FUTURE

Mr. Speaker, I have here tried to sketch the scope and complexion of the greatest development program ever undertaken by the University of Notre Dame. Despite the great financial pressures facing all independent colleges and universities, SUMMA is not the program of an institution in crisis. Rather, it is the development plan of an institution with a vision, a university which is proud of its past, relevant to the present, and eager to meet the future.

Since October the dimensions of the SUMMA program have been outlined to thousands of alumni and friends of Notre Dame at dinner meetings in over 30 cities from Boston to Los Angeles and from Seattle to Miami. Seven thousand of these alumni and friends—a remarkable number—are directly involved in the program as volunteer workers. The national chairman of SUMMA, I am pleased to note, is a distinguished citizen of South Bend who has achieved distinction as both an educator and businessman, Dr. Oliver C. Carmichael, Jr.

The tenacious and devoted effort which Dr. Carmichael and Father Hesburgh, along with another outstanding leader, Notre Dame's Executive Vice President, the Reverend Edmund P. Joyce, C.S.C. have given to make the SUMMA drive a success will, I am sure, help make the University of Notre Dame one of the great centers of learning in the world. And succeed it must, Mr. Speaker, if Notre Dame is to continue to make its many outstanding contributions to our national life.

NOTRE DAME: VITAL, IMAGINATIVE, COMMITTED

Mr. Speaker, as I bring my remarks to a close, let me take this opportunity to commend the University of Notre Dame for its vitality and imagination and especially for its outstanding and increasing commitment to public service.

Moreover, Mr. Speaker, I applaud Notre Dame for its determination to meet unflinchingly the challenge of excellence in education—in the face of spiraling education costs.

For all these reasons, Mr. Speaker, I sincerely hope that alumni and friends of Notre Dame will continue to be generous in their support of that vital institution. I know my colleagues join with me in that wish.

But, Mr. Speaker, the future of the University of Notre Dame is not the chronicle of one institution alone. No, the future of Notre Dame will be shared by other great independent colleges and universities of America. And it is my fervent hope, Mr. Speaker, that the American people will rally to support her great centers of learning as never before. For in no small measure, the future of our free society will depend upon our response to the challenge to keep our colleges and universities strong and free.

PERSONAL ANNOUNCEMENT

Mr. BROWN of California. Mr. Speaker, I should like for the RECORD to show that I was delayed in my office on rollcall No. 138. Had I been present, I would have voted "yea."

TAX SURCHARGE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Missouri [Mr. CURTIS] is recognized for 60 minutes.

Mr. CURTIS. Mr. Speaker, yesterday I stated that I was going to take the floor under a special order to discuss the fiscal package that was voted out by the House-Senate conferees in respect to the excise tax bill that passed the House several months ago to which many Senate amendments were added. I stated at that time that I was one who had not signed the conference report and that my reasons were twofold, one procedural, and I just briefly will discuss that. Almost without exception the Senate amendments were not germane to the tax bill that was passed in the House. These nongermane amendments were in effect an initiation of tax legislation themselves and therefore were in violation of the Constitution. However, apart from that, this kind of procedure results in the House having to consider matters which none of its committees, and certainly in this instance the Committee on Ways and Means, have had an opportunity of conducting hearings on or even holding executive sessions on.

Mr. Speaker, I do not regard the five conferees from the Committee on Ways and Means as the equivalent of the Committee on Ways and Means, which consists of 25 members. Nor do I think that the House intended to grant to us this broad authority based on our judgment—and, of course, I hope it would be good judgment, but based on our judgment—to accept measures of such a far-reaching nature as are represented in many of these Senate amendments.

We had a similar situation with regard to the so-called civil rights bill, the open housing bill. Although the constitutional question of where the legislation originated was not involved there, this very important procedural question was raised of whether or not the House of Representatives is to be a studying and deliberative body. If we are going to act simply as a conduit and put our stamp of approval on work done by another body, without even having the opportunity of reviewing the other body's work, then indeed I argue this is very poor legislation.

I might say one other thing. Many of these Senate amendments, including the key one having to do with the tax increase, which I want to discuss further, had not received study by a Senate committee.

Here we are in 1968 facing the most severe fiscal or financial crisis since 1931, to quote Mr. William McChesney Martin, Chairman of the Federal Reserve Board. I happen to think he is accurate in his statement, and I do not think the statement was made out of emotionalism.

Here we are facing this fiscal situation, and the Congress of the United States is legislating in regard to it in this very cursory fashion, without its committees—in the House or even in the Senate—having considered it. But, so much for the procedural questions, serious as they are.

In many respects, probably the most serious thing that faces our society today is the diminution of the Congress of the United States as a coequal and independent branch of the Government; in effect, becoming ineffectual and not being responsive to meeting the problems of the people.

But another substantial problem which faces our society is that of inflation. Inflation lies at the base of our difficulties in our international balance of payments.

The Secretary of the Treasury testified before the Ways and Means Committee earlier this year in behalf of the administration's package as to what to do about this continuing domestic deficit and the cumulative deficit in our international balance of payments and the continuing flow of gold out of our society. He said, in effect, that the keystone to the program—this will now be my language—was the domestic Federal deficit. Actually, the Secretary of the Treasury said the keystone was the surtax, the increasing of revenues by imposing further taxes upon our people.

Mr. Speaker, I interrogated the Secretary and said, "Mr. Secretary, if you will change that to say that eliminating the deficit or reducing the deficit is the keystone—I agree that that would be the answer. But you say increasing taxes is your proposal. If you say that these taxes are your way to reduce this deficit, then we would be in accord." He agreed, indeed, that was a fair statement on my part; that it is the deficit that lies at the base of our domestic inflation, and the domestic inflation in turn lies at the base of the continuing deterioration in our international balance of payments.

Mr. Speaker, during the month of March, for which we have the trade figures, we saw the worst picture that we have had in 30 years in our balance of trade. Previous to that, our big asset in international accounts was our surplus of exports over imports. The trade balance deteriorated in March to the negative side, the worst negative side that we have experienced in 30 years. In other words, our balance of trade has gone down from a very substantial $8 billion of a couple of years ago to a balance in 1966 of about $4.8 billion and in 1967 of about $3.6 billion. And the manner in which things are going, if we are lucky, we still might have a slight positive balance this year. But domestic inflation is going to increase imports and, in other words, continue to damage our ability to export.

So there is no question that the balance-of-payments problem is considerably aggravated and nothing really has been done at this session of Congress to do anything about it.

Mr. Speaker, there is no need to further underline the seriousness of our domestic and international fiscal problems. I do not believe that there is too much disagreement now between the various schools of economists and others to the effect that underlying these problems is the domestic deficit, the cumulative deficit, that has occurred over a period of years.

The question that is before us is whether or not the package that was voted out as a result of the conference—about an $8 billion tax increase, with a $6 billion cut in expenditures—will actually relieve the problem.

Before we get to the question of whether the medicine itself would help or hinder, I believe it is important to recognize that the administration itself says that this is insufficient—that, granted their tax surtax that they requested, had it been voted back in January, that domestic inflation would still have continued at a rate of over 3 percent this year.

Again, in interrogating the Secretary of the Treasury earlier this year, and also I might say in interrogating the Chairman of the President's Council of Economic Advisers, when they said that even with the tax increase inflation would be over 3 percent, I said I did not believe that we could stand that amount of inflation, and that this would continue to undermine both the international picture as well as the domestic picture.

So whatever the size of the package is, it is certainly too late, and it is very clear that it is too late, because inflation now is running over 4 percent, and it is going to get up to about 5 percent. Hopefully we can hold it there. At the same time now, interest rates are the highest since Civil War days.

This situation has been brought about by an administration that claims to follow in the footsteps of the doctrine of William Jennings Bryan, at least as it relates to lower interest rates—and I happen to agree with the point made by Mr. Bryan that low-interest rates are necessary for sustained economic growth in a society, and that lower interest rates are necessary to bring about a more equitable distribution of wealth in a society. The question has always been as to how you bring about lower interest rates. Can you do it just by printing money and passing it around? The answer is "No." If you continue to print money beyond the amount of the economic growth that is justified, you create a kind of inflation that is even worse than that which we are talking about here.

We get into what I refer to as "banana republic finances," where interest rates really are reflecting the amount of inflation that the people who lend money anticipate. If there is going to be a 40-percent inflation, why, you have to charge a 40-percent rate for the money just that year to get the same amount of purchasing power, and on top of that interest rate you then add the cost of the money for the use of it, and the risk.

So here we are in 1968 with an administration that has so mishandled fiscal policy that we have the highest interest rates since Civil War days.

Now it is too little. Certainly it would be difficult to conceive of raising taxes at a greater rate than the President has asked in the surtax, because one of the questions that we on the Committee on Ways and Means, and on the Joint Economic Committee have to ask, is when do the tax rates themselves get beyond the point of diminishing returns?

It was just as recently as 1964 when we passed the tax reduction on the theory that our tax rates then were so high they were going beyond the point of diminishing returns, and if we lowered the rates we actually would increase our total revenues. We passed the tax reduction, and we held expenditure levels down on the part of the Federal Government, so this theory worked out and total revenues went up.

Now some 4 years later we are asked to increase the tax rates on the assumption that this will bring in more revenue. This assumption must be carefully looked into because it could produce the opposite result.

Last year Senator PROXMIRE, the chairman of the Joint Economic Committee, and indeed the gentleman from Arkansas [Mr. MILLS], chairman of the Committee on Ways and Means, raised the question whether or not increasing the tax rates might throw the economy into a recession and we would end up with less revenue. There was a lot of basis for their assumption. Although I must say I disagreed somewhat with them and raised the question——

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman.

Mr. BURKE of Massachusetts. There is an awful lot being said here about the Federal Government being to blame for inflation and everything. The truth of the matter is that 3 years ago the Federal Government reduced the taxes of individuals and they reduced the taxes on large corporations from 52 to 48 percent and on small corporations from 30 to 22 percent. The Government reduced excise taxes and removed most of the excise taxes with the exception of the excise tax on automobiles and telephones.

Since that reduction took place, which I believe totals up to about $25 billion a year, taxes have been increased, but not on the Federal Government level but rather taxes have been increased by the State governments and locally in cities and towns throughout the country.

In addition to that, when we put that $25 billion back into the private sector, what did industry do? Industry immediately raised their prices.

So in other words the Federal Government is being blamed for everything here when the actual facts are that the Federal Government 3 years ago reduced taxes, thus put $25 billion a year back into the private sector of our country. Then we found wage rates going up, prices going up and food prices and cost of living going up all around us.

But the cost of living so far as the Federal Government is concerned has not gone up, outside of the cost of the Vietnam war. If we did not have the Vietnam war, the fiscal condition and the fiscal picture here in the Federal Government would be excellent today. I know the gentleman knows that, but of course the gentleman cannot agree with that—but he certainly cannot argue very well against that position.

Mr. CURTIS. I will say that the gentleman in the well not only will argue against it, but he will say that the gentleman from Massachusetts is wrong on his facts.

Sixty percent of the increase in expenditures in the past 3 or 4 years have been non-Vietnam expenses and only 40 percent have been in Vietnam.

Further, I will reiterate the point I made just before I yielded to the gentleman, that the reason the tax rates were reduced was because the rates were beyond the point of diminishing return and by reducing the rates, we extended the base of our economy, and thus took in more tax revenues at the Federal level than were taken in before. This is a problem in the field of taxation. We ended up with more revenue and not less as a result of the tax reduction. I supported that theory then and I support it again—it is the reason I raised the question whether or not by increasing tax rates we actually will increase revenues. I say that that assumption must be looked into.

I was about to say—or I was saying—that the Members of the gentleman's own party, Senator PROXMIRE, chairman of the Joint Economic Committee, and Chairman MILLS were the ones last year who were arguing that increasing the rates might throw us into a recession, thus cutting back on the base and ending up with less revenue.

I was the one who disagreed with them and who raised the question of a tax increase. I will go on and discuss this.

Their argument was partly that the inflation that we were experiencing then and to a large degree are experiencing now is a cost-push inflation, not demand-pull. Increasing taxes will aggravate the cost-push inflation. I argued that granted our inflation was largely cost-push at the time, but I felt we were moving into an era or a time when it looked like demand-pull was beginning to take over and combine with cost-push. Demand-pull inflation would be helped to some degree by increasing taxes provided the decreasing power to spend that would be effected in the private sector by taking $10 billion of revenues from it and bringing it over in the way of taxes to the public sector were not offset by an additional $10 billion being spent by the Federal Government.

That is the reason we are treating demand-pull inflation by a tax increase. The private sector must pull back, and it will through a tax increase; but the Government must pull back at the same time. This is why we get involved in the question of whether we should cut back in Federal spending.

Mr. **BURKE** of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Massachusetts.

Mr. **BURKE** of Massachusetts. Will the gentleman agree with me that the responsibility for spending lies with the Congress?

Mr. CURTIS. No, I will not. I do not agree with that.

Mr. **BURKE** of Massachusetts. Let me finish this observation. The President cannot spend money unless we send him appropriation bills.

Mr. CURTIS. It is the President who sets the spending level for a given fiscal year. The congressional appropriation only gives the President the power to spend, while the pace and amount of spending are in large part left to the President's discretion. The President has failed to exercise in any meaningful way his discretion to reduce the level of Federal spending.

Mr. **BURKE** of Massachusetts. Do you not believe it is an untenable position for Congress to take that it can vote for all the appropriations it wants and send the appropriation bills to the President totaling over $188 billion, and then say to the President, "You have these spending bills before you, but you make the cuts. We haven't the courage to make them. You make them." Do you not believe there is an abdication of responsibility on the part of Congress when the Congress refuses to cut the appropriation bills?

Members on both sides of the aisle have their pet projects and their pet programs, and they want to let the folks back home know that they voted for appropriations for those projects and did not vote against them. They then send appropriation bills totaling $108 billion to the President and then tell the President, "It is your responsibility to cut. You designate the place to cut."

Mr. CURTIS. OK. That is exactly why I took the well of the House. The gentleman has made a speech along the line of the President's supporters that we have already heard, and it is about time that the Congress and a few others presented the other side. I am a little surprised that the gentleman, who is a Member of this body, which should be a coequal and independent body of the Government, advances the argument of the Executive, which has been undermining the powers of Congress.

Mr. **BURKE** of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I am not going to yield until I have answered the gentleman's argument.

Mr. **BURKE** of Massachusetts. You just referred to me, and I would like to make one observation in connection with that reference.

Mr. CURTIS. All right, I will yield to the gentleman from Massachusetts.

Mr. **BURKE** of Massachusetts. My position today is no different than it was 20 years ago.

Mr. CURTIS. I know you voted for all these appropriation bills.

Mr. **BURKE** of Massachusetts. When I first started in a legislative body I always accepted the responsibility. Yes; I have voted for many of these spending bills, and I will continue to vote for them.

Mr. CURTIS. And I have not.

Mr. **BURKE** of Massachusetts. I have never stood on the floor of the House and failed to vote for taxes to pay for those spending bills, as some Members of the Congress are doing today. It is almost hypocritical for them to stand up and vote for appropriation after appropriation and then turn around and demand an expenditure control. It is almost hypocritical; it is a complete abdication of their responsibility. Certainly the people back home do not understand what they are doing when they let them get away with it.

Mr. CURTIS. I thank the gentleman, and I hope that some of his colleagues on his side of the aisle will read what he has said, because I could not agree with that part of it more. These are the people who largely have voted for all of these appropriation bills and are the ones who publicly have stated that they are not going to vote for any tax increase. But you will find very few of that kind of Congressman on the Republican side of the aisle. This kind of lecture, I agree, is very much needed for the Democratic study group and others who have voted for all of these appropriation bills.

Let me get back to the President. The President signs every one of those bills. He has not vetoed any of them. Furthermore, the President presented the budget in the first place, which calls for these kinds of appropriations. I have seen on the floor of the House time after time when those of us who have felt that expenditures and appropriations were too high sought to put in cuts and in some instances were successful. We were always fighting against the lobbyists and the executive department who, by the way, are violating criminal statutes in lobbying the Congress. But this does not seem to make any difference to them. They are around here all the time attempting to prevent any of these appropriation cuts from being made. When the House has made them occasionally, and the bill goes over to the other side, the executive branch of the Government with its lobbyists is back at work again trying to put the cut appropriations back in the bills. This is the process we have experienced.

So in this kind of climate, I think the Executive is indeed in very poor taste when he criticizes the Congress for not cutting back these appropriation bills as I think they should be cut back in order to be able to cut back on the deficit.

Let me say one other thing. The Federal Government has increased taxes since the date we talked about. The payroll tax, the social security tax is a healthy bite on the people. Incidentally, it is the most regressive tax we have at the Federal Government level. Many of us have been warning for years we can get the social security and payroll and unemployment insurance tax and the workmen's compensation—which is levying a payroll tax—at a level beyond diminishing returns, and I think we have reached that point. We now actually have reached a point where the social security system, as well as unemployment insurance, is endangered because of the high rate of tax on the payroll.

We also see what happens in the employment area, because this becomes a cost. What really underlies the difficulties in our society is pushing wages and costs up beyond productivity increases. Of course, any business that wants to stay in existence will increase prices in order to cover costs. It has to do that. This is the wage-price squeeze we are familiar with.

We are familiar with a spiral that comes about, the inflationary spiral, where we cannot blame the labor unions and the workmen for asking for increased wages to pay for previous price inflation. When wages are increased, management and corporations and businesses have to increase prices again to cover those costs. We are describing the cost-push inflation that comes about. The Government deficit underlies all this. This is the thing we have to get to.

Now, the question will be before the House when this package comes in: Will this package help in cutting back on inflation? I have already observed that it is too little and it is clearly too late. In 1967, when the President's budget and Economic Report came down, we saw the President was going to spend at the $135 billion level. The Joint Economic Committee, 20 members, with 12 Democrats and eight Republicans, said unanimously that we must cut that by $5 billion. Otherwise the deficit would be in the range of $20 billions and would create inflationary pressures on society which we cannot bear.

The administration did nothing, month after month, until finally, about August, the President came with a message asking for his tax increase. The Ways and Means Committee held hearings in, I think, September, right after Labor Day. The administration said to Congress, "We have cut expenditures by $4 billion."

I well recall interrogating the Secretary of the Treasury. I said, "Fine. Then we are down to $131 billion from $135 billion." The Secretary appeared a little confused and flustered—and well he might—because the figure, he knew, was $142 billion. He said, "No, we have not. The figure is $142 billion."

What happened was, the administration may have cut expenditures of $4 billion somewhere, but somewhere else they had increased expenditures by $11 billion, so we had a net increase of $7 billion and not a decrease of $4 billion.

Under this kind of climate it became very clear we were not getting anywhere but simply transferring purchasing power from the private sector in the way of a tax increase to an administration that was increasing its expenditures even beyond a level that we felt was a breaking point then. This is an economic fact.

We held hearings further. I recall asking the economists who appeared before us, and all agreed what we should be talking about was a combination package of a tax increase with expenditure cutbacks. There was to be a balance between the two.

I want to say one other thing. The Republicans on the Joint Economic Committee this year, in our report in March, said in effect that even with expenditure cuts we think this fiscal picture is so serious it will require a tax increase. This is where there was disagreement with the Democrats on the Joint Economic Committee, who said they were opposed to a tax increase for some of the reasons I have given.

In further pursuing this economic problem I asked the economists, "What is the effect of a $1 billion tax increase in relation to a $1 billion cut in expenditures by the Federal Government on inflation?" They responded, all but one, that a $1 billion cut in Federal expenditures had a much greater multiplier effect in hitting at the problem of inflation than did the increased taxes.

From this answer we had at least the beginning of how we might have pursued the problem of getting the proper package of expenditure cuts along with whatever tax increase might be needed.

We ended up the calendar year 1967 with the administration refusing to sit down with the Ways and Means Committee to go over expenditure priorities on programs, or even to say where they would cut. They were adamant in saying, "There is no place we can cut. We have given you an austere budget. Anything you talk about cutting is just going to damage the program."

That is about the way we ended up the calendar year 1967.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. They also put the onus on Congress and said to the Congress, "You can cut any place you want." There was no one in the Congress with courage enough to come in and make cuts, or to recommend them.

Mr. CURTIS. I do not yield further until I answer the gentleman.

Mr. BURKE of Massachusetts. Certainly the gentleman should give an answer. I was going to answer what the gentleman said awhile ago.

Mr. CURTIS. I should like to have an orderly dialog. I should like to answer that, and then I will yield further.

Mr. BURKE of Massachusetts. I was going to answer what the gentleman said a few minutes ago. Otherwise, I will sit down and listen to the gentleman talk.

Mr. CURTIS. I would be happy to yield further, if we can conduct an orderly colloquy. The gentleman can make a statement and if I want to comment on it I expect to comment, and then I will yield further.

The gentleman made a statement which just is not true, that no one in the Congress dared to stand up and offer an expenditure cut.

As a matter of fact, beginning last year, around March and April, I got up my list of $15 billion of cuts in expenditures. I am not talking about appropriations, but expenditures, which is the "guts" of this thing. That would mean additional billions in authorizations and appropriations that might be cut. I wanted to discuss those.

To the credit of the U.S. Chamber of Commerce, they came out with a package of expenditure cuts. Before I finish here I will go over this list of $15 billion.

In the recent conference I constantly asked the Director of the Budget, who was present, and the Secretary of the Treasury, "Let us go over the areas where we think we can cut." The gentleman from Arkansas [Mr. Mills] introduced a bill to create a joint committee of the Congress to establish priorities in programs.

But this has to be done with the cooperation of the President of the United States.

Yes, the Congress deserves a great deal of the blame, but I want to say to the gentleman that the Congress is under the control of Members of his party. The chairmen of the committees are all Democrats. The Democrats have 15 Members on the Ways and Means Committee, as against 10 Republicans.

Yes, I believe the Congress has failed. On the other hand, where the Congress has moved—and in some degree we have—we have not seen any cooperation on the part of the Executive.

This leads me to the basic point I wanted to make, and why I am taking the floor of the House today.

As soon as the conference started, and we had the Director of the Budget on the stand, asking him where he would apply the $4 billion cut which the administration might want, he started listing a meat-ax cut beginning with school lunches. I interrupted to say, "Look, that is what the Ways and Means Committee listened to last October. This is not what we are talking about."

I pointed out to him that we were talking about establishing priorities.

I said, let us start with troops in Europe, because I think we can cut back considerably there, by about $2 billion. I want to start there. Next will be foreign aid and the bill that we passed here today, Public Law 480, and then the various development banks, such as the Asiatic and the Inter-American Development Banks, and then military expenditures abroad, although not those in Vietnam. I am talking about the military aid kind of thing. We are spending at the rate of about $5.5 billion, and I suggest that it ought to be about $2 billion. I suggested in the conference that we start talking in realistic terms. I know that the gentleman knows the Members of the House and the Congress would be very responsive to cutting in these areas. Yet this conference adjourned without the administration witnesses at any point spelling out where they will even cut the $4 billion let alone the $6 billion.

Now I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Will the gentleman please tell me why he and the Republican members of the Joint Economic Committee and the other leaders over here have failed to find a following on this side of the aisle for all of these cuts?

Mr. CURTIS. Which side are you pointing to?

Mr. BURKE of Massachusetts. The side that the gentleman sits on. I agree that the gentleman has made several recommendations for cuts. I agree he is sincere in them. But I am pointing out to the gentleman at the microphone that he does not have the troops over here following him, because they vote time after time for spending bills and are in the happy position of keeping the people back home happy and on the other hand are parading their arguments for economy.

Mr. CURTIS. If the gentleman will allow me——

Mr. BURKE of Massachusetts. I am merely commending the gentleman, if he will let me continue to do it.

Mr. CURTIS. I want to respond to him.

Mr. BURKE of Massachusetts. I want to compliment the gentleman, because he is sincere, but he fails to realize that he does not have the following over here, and this has not been demonstrated during the past 2 years.

Mr. CURTIS. Now I want to contradict the gentleman and say that I do have the following over here. If you will look at the votes on the appropriation cuts, you will find the overwhelming number of Republicans by far do try to cut back the budgets. We do have the votes over here. If the Republican votes were the ones that counted as to whether or not a cut were enacted, you would find this budget was in balance, but we do not have the votes in the Congress or in the House where there are three Democrats for every two Republicans. The gentleman can examine the record along with me as to whether what I am saying is accurate as to the Republican votes on these measures. So that part does not follow, either.

Mr. BURKE of Massachusetts. Before I leave let me say one other thing.

Mr. CURTIS. I will yield further.

Mr. BURKE of Massachusetts. Maybe the gentleman and I are looking at the wrong Members, but I watch them over here and see them stand for one spending bill after the other. Some of the Members over here, in fact, are far more liberal than I would ever be as far as spending is concerned.

Mr. CURTIS. God forbid that anybody would ever be more liberal than the gentleman from Massachusetts, who wants to help everybody, as do I. However, I know there is a limit to what we can do, if we want to help the people, especially the poor people. The best way we can help is by controlling inflation.

Mr. BURKE of Massachusetts. That is why I am asking for these line item cuts. I hope that the conferees have the courage to come in with a list of these line item cuts that will total $6 billion. Unless they do that I say that we are being false to our responsibility to the people, because no one knows where those cuts are going to be. I think we should have that.

I would like to ask the gentleman one other question about this $6 billion cut. Suppose it takes effect. When does that cut have to take effect? After January 1 of next year?

Mr. CURTIS. That is what I am going to go on and discuss.

Mr. BURKE of Massachusetts. I want to point out the hypocrisy of an expenditure cut, because it is meaningless as far as this administration is concerned.

Mr. CURTIS. Amen. Now, if the gentleman will sit down.

Mr. Speaker, I do not yield any further to the gentleman at this point.

Mr. BURKE of Massachusetts. I wish you would be kind enough to let me——

Mr. CURTIS. I do not yield any further.

The **SPEAKER** pro tempore. The gentleman from Missouri refuses to yield.

Mr. CURTIS. I am trying to carry on a colloquy. I will yield to the gentleman again later.

I want to point out that this is the second half of what I wanted to discuss, because what the gentleman from Massachusetts just said on the meaninglessness of expenditure cuts to this administration is eminently correct and is one of the reasons why I did not sign the conference report. This dialog we tried to develop last year had to do with fiscal 1968 which ends on June 30, 1968, just a month and a half away. The administration has horsed this thing around, and I believe they have done it intentionally, because they were not about to cut appropriations and I do not think that they really wanted a tax increase this year. I think they really wanted a whipping boy. They horsed it around to the point where fiscal year 1968 is almost gone. We did not discuss fiscal 1968 in conference. All they talked about was fiscal 1969, and almost—well, almost one-half of fiscal 1969 will be under a Republican President.

So, Mr. Speaker, the gentleman from Massachusetts is absolutely right in saying that anything we have done heretofore in cutting can be changed around by this President and this Congress by spending at the same level during the months of July, August, September, and October, the first 4 months of fiscal year 1969, which leaves only 8 months remaining for the cuts to fully take effect.

Mr. Speaker, the gentleman from Massachusetts is right. The conference has already issued its report. There were no line item cuts. This is what I was trying to get the dialog directed toward as to where they were going to cut. This is, in effect, a Presidential item veto that we have given, unless we pin down where he is going to cut.

But I note a very interesting thing. The President, far from accepting the $6 billion cut, a cut which has been proposed, has remained silent since this action was taken. I said in the past that the President of the United States should go on television and talk to the people with references to these cuts, as well as the Members of Congress, and say since we at the Federal level have got to tighten the belt, I ask you to be understanding with the Members of the Congress when they vote against a special public works program in your district in an effort to restore more power and confidence in the dollar. In other words, it was my opinion that the President had to get on television and radio and make these speeches in order for him to be believable and in order for the Congress to feel that it had his backing and that we were going to proceed toward this goal by establishing priorities with reference to the better programs from a domestic standpoint.

Let me say something further: The President says they will have to cut in the poverty area. Not that I do not think the poverty area could not stand a real scrutinizing, because we are feeding this money into the program at such a rate that it is being wasted in an effort not to put poor people upon their economic feet, but rather to put them upon a different part of their anatomy. There is room in that program for a cut in funds.

However, putting the war in Vietnam aside and the poverty war aside, the cuts I am talking about are in other areas which we have not gotten into this dialog and that is why I have taken the floor today to plead with my Republican friends as well as others not to vote for the conference report until the President does level with the people and the Congress. I say this because, if he does not, I am satisfied this fiscal package will not help correct inflation. It simply will transfer revenue back from the private sector and have the governmental sector spend more. That will hurt rather than help the monetary picture.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield further?

Mr. CURTIS. I yield further to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to bring the gentleman back to his prediction about who would be the next President.

Mr. CURTIS. I do not want to get into that.

Mr. BURKE of Massachusetts. If it is true, as he predicts, that there will be a Republican President, would one not think that the Members of this House would know enough to be politically smart enough to know that they could put line item cuts into this matter?

Mr. CURTIS. We would like to.

Mr. BURKE of Massachusetts. And do it in such a way that these expenditure cuts would take place so that the people would know about them now.

Mr. CURTIS. Let me respond——

Mr. BURKE of Massachusetts. Why bring a brandnew President in here in January and confront him with the impossible task of cutting $6 billion out of the budget?

Mr. CURTIS. Right.

Mr. BURKE of Massachusetts. It is a most impossible position to put a new President in, and it is a complete abdication of the responsibilities of Congress in failing to list those line item cuts in addition to their responsibility of letting the people know where those cuts are going to be.

Mr. CURTIS. The gentleman from Massachusetts is helping me make my speech, because that is exactly what I have been saying, and why I have been urging my Republican colleagues not to accept this fiscal package that came out of the conference until the President of the United States cooperates and works with the Members of the Congress, which up to this moment his officials have been refusing to do.

We have tried to get into a line item discussion, and we tried to develop a dialog on where the expenditure cuts should be made, and the Director of the Budget simply says, "Well, there is no way in the world to do that." The minute we start discussing line item cuts they start talking about cutting off the school lunch program, and the President gets on the television and tells the people—and falsely, I might say—that these cuts would have to be in the poverty war. Believe me, when he says the cuts would have to be taken out of the poverty war, I believe that he wants to take it out of the hides of those people, not because it is necessary to get the budget balanced.

Let me go on and remind the Members that in 1960 we were spending $77 billion a year, and this country was in fairly good shape. Here it is in 1968, and the expenditures for the same comparable administrative budget are $152 billion. Just look at how we went from $77 billion to $152 billion, and you will begin to gain an understanding of how we can contract in a reasonable fashion and cutback by $15 billion without hitting at some of these crucial items.

Now, on these $15 billion items, I mentioned $2 billion in the troops in Europe, I mentioned these foreign aid programs. I believe Public Law 480 can be cut from a $5.5 billion level by $3.5 billion to a $2 billion level.

We are spending about $17 billion in research and development. I happen to favor research and development programs by and large, but they have been expanded beyond all reason. If we cut it back to $14 billion we would probably be improving these research and development projects.

That is a $3 billion cut.

Cut public works—and this I hate to do because I happen to believe that public works tend to be a capital expenditure, but because of the times, cut them from $5 billion to $2 billion.

Yes, I am willing to have a sign go up on the projects in my district that says, "This project temporarily suspended until we put purchasing power back in the dollar."

I believe the people of this country would applaud this, and would be very happy to see it.

Cut space back from a level of about $5 billion to $3.5 billion.

In the Williams-Smathers amendment on Federal personnel, by looking at it a little bit there you can save $1 billion.

I have argued we ought to review our agricultural programs to help the farmers, but to pay them through the marketplace for producing rather than by paying them in this inefficient way to not produce. This actually would save $2 billion in tax money, which would channel through the private sector.

Then there is $1 billion on this that we would save on interest for the Federal debt by reducing these other expenditures.

Actually, this totals up to be more than $15 billion. There is some redundancy, I want to emphasize, in cutting research and development, and some of the other areas that have been mentioned such as space. But here is the list, where we could make a beginning in cutting back these expenditures.

I am satisfied, the way things have been going, that the Executive is not about to tell the people or the Congress that he is going to accept the $6 billion cut, and then spell out where it is. But, in my judgment, this must be done, if we are going to really hit at the problem of inflation.

I have one other final point. Some of the members on the Committee on Appropriations and others have said, "Well, the President just cannot continue to spend if there is this expenditure cut, and then leave it to the succeeding President to cut back the full amount because we have these laws on apportionment in respect to appropriations."

I have the statutes here in front of me and I would like and I would hope that my colleagues who may be concerned about it will read this.

These laws were not written to solve the problem I am discussing here. They are good laws and they were written really for efficiency of administration. But there are so many ways in which an Executive who is not willing—and who is desirous of doing the other, can go ahead and do it legally.

I do not think that we could even say by moving these expenditures in this way and putting on all the cuts in the final 8 months of this fiscal year or the final 6 months that he would even be operating outside of the law itself.

But I just want to raise or discuss this argument that I have heard advanced because it just will not hold water.

I think the Congress of the United States, Democrats and Republicans, have got to start fighting for the independence and the integrity of the Congress itself if we are going to get to the problem of solving this serious fiscal crisis that confronts us.

Increasing taxes without a real cut in expenditures would damage and not help.

There is one final point that I had forgotten about that I want to talk about.

We have some people on Wall Street and elsewhere who are trying to tell us that we in the Congress who have been trying to get this package, including cutting expenditures, are not being fiscally responsible if we do not go along.

Let me say to those leaders, and I have been after them for 2 years to help us on where we are going to cut—and they have ducked every time when it comes to cutting the line items as the gentleman from Massachusetts [Mr. BURKE] says we must do—as I say, I have been trying for them to even come in and try to get the discussion going on where to cut.

As you know, they do not want us to cut foreign aid because they happen to be interested, apparently, in having the Government spend the money, instead of having it done through the private sector. Time after time you can see their involvement in Government expenditures, and why they have a particular reason for wanting greater Government expenditures.

But I want to say to those gentlemen here and now that they have not exhibited the kind of responsibility that I expected to see from leaders of industry in this country when they fully knew that expenditure excesses lay at the base of this inflation. Simply passing the surtax will not pass the tax on to these industrial leaders as corporations are tax collectors and not taxpayers. Corporations simply collect taxes from the consumer by raising prices because they have to make a profit. The real taxpayers are the small people throughout this country, and they are passing the burden on to them.

I say it is time that they faced up to fiscal responsibility and I would urge them to help us in trying to get the President of the United States to make a statement that is a binding statement that he will accept a $6 billion cut and spell out where he will do it and the agreement that he will, moreover, do it for the full 12-month period.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr CURTIS. I yield to the gentleman.

Mr. SCHWENGEL. I am glad the gentleman has yielded to me because I want him to know and the House to know that I knew that he had a special order to talk about this fiscal responsibility before the House, and I wanted to get over here and listen to his dissertation. I am awfully glad that I did. I am also glad that the gentleman from Massachusetts [Mr. BURKE] entered into the colloquy because I think it helped to bring out some of the points more clearly so that this could be understood by all of us.

Mr. Speaker, I think the gentleman in the well who has led this discussion is one of the best posted men on fiscal matters for our Government as they relate to the economy that we have in America.

I am grateful that he is a Member of the Congress, and I am certainly grateful that he is taking the time today to talk about this very, very important issue that involves us all. Indeed, I think it involves the very future of this country.

In regard to the point that I want to make, and I think the gentleman will agree with me, that on this side we who have criticized and justly so are handicapped oftentimes because we do not have the facilities with which to work.

Mr. CURTIS. Yes, and that is with reference to the minority staffing.

Mr. SCHWENGEL. Yes, the minority staffing situation.

We have a bill now that is in the Committee on Rules and it ought to be brought to the floor of the House which will in part resolve that question.

Is it not true also that the Congress itself has not taken full advantage of the technology that is available to us so that we can properly make the different studies that we need to do in order to legislate honestly and appropriate and tax?

Mr. CURTIS. Yes, and I will respond that the gentleman from Iowa is eminently correct.

First, I want to thank him for those kind remarks. The gentleman is a leader and has been a leader over a period of years in trying to get adequate staffing and not just for the minority but in many respects for adequate staffing of the committees themselves.

On the Ways and Means Committee we do not have a professional staff person on the great social security system, the payroll tax, and so forth. On many of our committees we lack competent staff. Just this year on the Committee on Space the minority pleaded for staff so that they could come in and present in a forceful way their point of view.

You have noticed that I listed space as one of the areas in which cuts could be made. Incidentally, President Eisenhower told me—and I recalled it when he refreshed my memory—that the space program was started under the Eisenhower administration. Incidentally, those who say that the Republicans are not for things—I have about concluded that the things we are for happen to be so large that you tend to forget them. They are space, atomic energy, for example, the St. Lawrence Seaway, the great 90–10 Federal highway program, and all of these things.

Getting back to space, President Eisenhower told me that they originally projected a space program at a $2.8 billion level for about a 10-year period. Well, it went up to $5.5. I think we ran—not out of money but out of scientists and engineers. You can pay a fellow the salary of a scientist or an engineer, but that does not make him one. In fact, it will foul up your program. But this was to be a level of expenditure over a period of years. I can see reasons why it properly increased some, but my suggestion of cutting it back to $3.5 billion is based upon an improvement in the program as well as actually getting in and doing something about our Federal deficits.

Mr. KUPFERMAN. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from New York.

Mr. KUPFERMAN. I wish to commend the gentleman from Missouri on his very instructive economic analysis. I could not help but be intrigued, myself, with the comparison to the situation in New York City, where my predecessor, your friend, Congressman John Lindsay from the 17th District, when he took office as mayor of the city of New York, found that the previous Democratic administration had mortgaged the future in terms of fiscal expenditures. He was then in the position of having to make up not only for the current operating expense but also for that which had already been spent. And that could very well happen here if we get a Republican president.

Mr. CURTIS. I thank the gentleman for that observation. Indeed it is true.

My final remarks are these: I said in the beginning of the conference that I was withdrawing my support from the tax increase which I had given over a period of 2 years, contingent upon expenditure cuts, because the administration had horsed this around to the point at which they had escaped the discipline for fiscal 1968, which was so important. Now we are simply talking about fiscal 1969. Even now the administration will not spell out the details of expenditure cuts. I made the remark back last September that I thought the President did not want a tax increase, that he wanted a whipping boy, somebody to blame for the inflation and the serious fiscal problems. I said, "Now, there is only one date for everyone to have in mind, those who want to correct this fiscal picture, and that date is November." The people of this country will have an opportunity to cast their ballot in judgment between a fiscal policy that has produced these kinds of results and, hopefully, the fiscal policy that I would like to see. Let us only hope that people in Europe do not want to pull the rug out from under us in the intervening months. The reason they are not cashing in the $34 billion against the $11 billion of gold we still have left is that they, too, know that there is an election in November and they think that the American people are going to throw out of office an administration that not only cannot balance a budget but, very clearly, does not want to balance the budget.

I yield back the balance of my time.

HORATIO ALGER AWARD TO KENNETH J. KING, SR.

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. Feighan] is recognized for 10 minutes.

Mr. FEIGHAN. Mr. Speaker, one of the things that has made America the greatest nation and culture in the history of mankind is the firm belief that no matter how humble his beginnings, a man may rise to whatever heights his talent and ability can carry him.

The annual Horatio Alger Awards of the American Schools and Colleges Association is given to men and women who exemplify success stories in this great American tradition for achievement under the free enterprise system.

We of Cleveland are pleased that Kenneth J. King, Sr., president of Kenny King's Family Restaurants in northern Ohio, will receive this honor which is being conferred upon him tonight, at ceremonies in the Starlight Room of the Waldorf Astoria Hotel in New York by Dr. Norman Vincent Peale.

Mr. King, who began his working career at the age of 10 in his hometown of Rocky Mount, N.C., has risen to the presidency of a multimillion-dollar chain of restaurants and drive-ins in northern Ohio bearing his name.

Ten other national figures will receive the Horatio Alger Award along with Mr. King. Among them will be Arthur Goldberg, U.S. Ambassador to the U.N.; another man to whom Cleveland owes allegiance, Bob Hope; Walter D. Behlen, chairman, Behlen Manufacturing Co., Columbus, Nebr.; Marvin Chandler, chairman and president, Northern Illinois Gas Co., Aurora, Ill.; George S. Halas, owner and coach, Chicago Bears Football Club; Wallace E. Johnson, president, Holiday Inns of America, Inc.; Charles W. Lubin, chairman, Kitchens of Sara Lee, Deerfield, Ill.; Thomas W. Moore, group vice president, American Broadcasting Co., Inc.; W. Dewey Presley, president, First National Bank in Dallas; Dr. Margaret Durham Robey, president, Southern Seminary and Junior College, Buena Vista, Va., and Joseph Timan, president, Horizon Land Corp., Tucson, Ariz.

Mr. King is the only restaurateur to receive the award. The Horatio Alger Awards get their name from the "rags to riches" success stories of the fictional Horatio Alger novels of yesteryear. These "dime" novels held to the theme that a poor boy could overcome humble beginnings and win fame and fortune through hard work, honesty, thrift, and determination. Recipients of the bronze plaque awards are selected annually by ballots distributed to 500 colleges and universities throughout the United States.

Mr. King's first job was delivering shoes for a hometown merchant and carrying two paper routes. His father's death forced him to drop out of high school to help support his widowed mother, four brothers, sister, and aunt. He did this with a succession of jobs ranging from soda fountain clerk, construction helper, boilermakers helper, understudy to a tobacco buyer, shoe salesman, and hotdog stand operator. In spite of depression years wages of as low as 21¼ cents per hour, he managed to add to his education by enrolling part time at Campbell Junior College, in North Carolina.

Coming to Cleveland, Ohio, in 1932 in search of regular employment, he started in the restaurant business working as a dishwasher and counterman for one shift and spending another shift, each day, at no pay, to learn restaurant cooking. From 1933 to 1944 he worked for as little as $12 per week and as much as 12 hours per day, 7 days a week.

Finally, in 1944, with meager savings, he started his first restaurant. In 20 years the chain has grown to 18 units in northern Ohio, doing business in excess of $5 million a year. He now heads five corporations—four in the restaurant field and one in franchising.

In spite of long hours and difficult beginnings, Kenny King has spent much of his time, talent, and money helping others. He has worked for years with the rehabilitation of ex-convicts and alcoholics. At least 2 days a week is devoted to "in the field" assistance.

A great believer in youth, he has helped scores of young people to complete their college education or to start businesses. His companies have produced hundreds of teachers, doctors, and professional men and women.

He is active in the Independent College Fund, the Presidents Club of John Carroll University, Boy Scouts of America, and numerous youth and educational organizations.

His charitable works, while kept as private as possible, are legion. A deeply religious man, he tithes to his church and charity. He devotes much effort to welfare, hospital, and social agencies, and is active in the National Conference of Christians and Jews and other intergroup agencies.

His personal philosophy is wrapped up in two guidelines, "God is my silent partner," and "Give everyone a chance."

Mr. King and his wife, Zella, have four children, Mrs. Donald Springer, Kenneth J. King, Jr., twins Diane and Donna, and eight grandchildren. He resides at 3237 Fox Hollow Drive, Pepper Pike, Ohio.

SELF-HELP FOR THE POOR

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York [Mr. Goodell] is recognized for 30 minutes.

Mr. GOODELL. Mr. Speaker, today the urban affairs task force of the Republican planning and research committee had the opportunity to hear an inspirational, realistic, and provocative statement by Dr. Thomas Matthew, the president of an organization known as the National Economic Growth and Reconstruction Organization—NEGRO. He talks of self-help for the poor in a meaningful way—a way that truly involves the impoverished in our land with dignity, hope, and opportunity. I commend his message to all Members of Congress and shall read them into the Record at this point:

Statement by Thomas W. Matthew, M.D., President of NEGRO (National Economic Growth and Reconstruction Organization), Before the Urban Affairs Task Force of the Republican Conference, May 14, 1968

Not since the Civil War has so much attention been given to the plight of the Negro in America. Headlines greet each new proposal to solve his problem. Many concerned Americans have been surprised and bewildered by NEGRO's attack on what appears to them to be reasonable solutions to the problem of unemployment and poverty. Unfortunately, these proposals are only the latest in a series of programs designed to end poverty for all but the Negro.

The New Deal with its public works programs was a noble idea and an economic springboard for the majority of Americans but not for Negroes. The War on Poverty is the Great Society's answer, but the scorched earth of Detroit, Newark, and Washington has convinced us all of its failure to help appreciably the black poor. Now, civil rights leaders, with great sincerity, have come forth with a new panacea. This nostrum compounded specifically to cure Negro poverty is designed so as to treat everything except the illness it is advertised to cure. Almost every other group in America would benefit except for the hard core Negro unemployed.

The lack of success of each succeeding welfare program rests with what they share in common, the assumption that the causes of poverty for all people is the same, and therefore, what will eliminate poverty for one group of Americans will do it for the other. But, poverty is like pneumonia and every physician knows that until he identifies the specific agent, his therapy is, at best, a hit or miss affair.

The now apparently perennial summer riots are symptoms widely known but little understood. They say that the "black masses" believe that the American society has the power to help but that the War on Poverty has not reached them. This recognition has brought about a new rash of proposals, some noble some punitive, but all designed to treat the wrong disease.

Negro poverty is distinct and unique enough to set it apart from all other types of povery. For the Negro poverty is a complex disorder. For the rest of America, poverty is a simple malady which can be cured by the infusion of employment. The roots of Negro poverty are cultural as well as economic. Until this nation recognizes the difference and designs programs specifically designed to deal with the unique Negro problem, all efforts, no matter how well financed or managed, will fail.

Black Americans are essentially two different people. They can be differentiated by the dominance of the two cultures characteristic of the black man in America, emancipated culture and slave culture. Few of us could be considered completely emancipated, but, unfortunately some of us are still too much victims of the slave culture. It is still possible to encounter the American black man who functions in a culture identical with that of an early eighteenth century, well domesticated, chattel slave.

Our reason for encouraging a discussion of slave culture at this time is the current flurry of headline-catching proposals to deal with the racial crisis. Rather than dealing with root causes, these proposals are designed to prevent riot. The obvious seems to be forgotten: Making riots unnecessary is the best prevention. At all costs, we must prevent any further frustrations in the nation's ghettos caused by new hopes and inevitable disappointments.

Not since 1831, when Nat Turner, the slave, staged his bloody rebellion, has white America been so concerned about how the Negro people should live. Over a century has passed, but the cause for this concern is the same. The black man has placed in jeopardy, the physical safety of white persons and threatened the status quo. Nat Turner's activity was deemed a rebellion while the racial outbreaks of the last three years have been called riots. But, in both cases, violence was perpetrated by blacks for the purpose of destroying both the lives and property of white people.

The similarity is so striking that author, William Styron, has reconstructed the Nat Turner rebellion into a vivid semi-fictional novel. It is his contention that his readers can better understand current racial events from his historical recreation. Indeed, white America should note carefully the common factor in the rebellion of 1831 and the riots of the 1960s, i.e. the motivation.

Broken promises are the cardinal excitants to violence. Nat Turner and the "grass roots Negro" of today have eaten of the same bitter fruit.

The nation's policymakers fashioned a massive federal program to end forever poverty in America, the War on Poverty! The poor of America were to expect an improved standard of living. The grass-roots Negro took this promise literally and he had good reason for optimism. For the first time, millions of dollars were being poured into his community to improve his economic status. It was not long before he found out that little of the millions spent would ever reach the people of poverty. Administrative costs consumed anti-poverty funds before they could ever benefit the poor. Once again, the grass roots Negro had reason to feel betrayed.

It is because so many white people believe that the perennial riots are a prodrome to a possible all-out black violent rebellion that they are attempting to offer ways for its prevention. However, in the zeal for success (and at times to gain the public favor that accrues to a hero), some proposals are promoted that are not designed to accomplish their stated goal. Generally, this occurs because the proponents do not really understand the complexities of the Negro people's problem. With each attempt that starts out with lofty goals (so much so, that hardly a person would want to cast cold water on it before it has been tried), and then fails, the Negro masses perceive a broken promise. Feeling betrayed, they only become more hostile towards white people—the symbols of the power structure that denies them freedom.

Each of the disappointments occurs because the proposal is not geared to the realities of the needs of the Negro masses. Unfortunately, many proposals are well designed to help one part of the Negro population, and yet, leave unfulfilled, the needs of the people to whom the greatest promises were made. Ironically, the group helped is the one called upon to advise white leaders rather than the group that the white community fears most for its rebellious potential.

The anti-poverty program is a case in point. It was publicized as a war against poverty. The promise was clearly made that it was to eradicate poverty. The programs developed, however, were, in fact, responding to the problems of the "black bourgoise". In the terminology of E. B. DuBois, the "talented tenth" had skills and were ready to work with those skills if only a job opportunity was provided. This is the theme that the Urban League, through its "Skills Bank" program has been advocating. The NAACP promotes the same theme but uses the legal vehicle of breaking-down barriers of employment discrimination. Both of these approaches have been needed but it is essential to note that they only meet the needs of the relatively small number of Negroes who have skills or reasonable education. Yet, the Anti-poverty Program was widely advertized as being the vehicle to help the poor; sometimes euphemistically called the under privileged, the disadvantaged, the unskilled, or just the grass roots Negro.

As a consequence, the many programs conducted under the federal agency called the "Office of Economic Opportunity (O.E.O.), have been a great success for the Negro middle class. In a great measure, there is almost no difference between the significant effects of the W.P.A. during the depression and the OEO of the 1960s. They both made jobs for people who were quite able from a psychological, physical, and skill standpoint. Neither one made provisions for the so called, "unemployables". The only basic difference between WPA and OEO is that the WPA made jobs for the employable unemployed, whereas the OEO upgraded the skillful Negro to a job level that more accurately reflects his educational achievements. The college graduate was taken from running an elevator or a stock clerk's job or serving as a department store saleswoman and placed in a white collar position. This is precisely what the older Negro organizations were asking to be done so as not to "waste the manpower reserves of our nation".

Of course, not all the white collar jobs of the anti-poverty program went to Negro employables. As a matter of fact, there were more white employees than Negro, even when the specific projects involved essentially non-white populations.

What then of the poor Negro who is truly disadvantaged? He is informed by the news media that millions of dollars are appropriated to help him, yet, his state of poverty is not being changed. He hears about, or sees, Negroes working in the anti-poverty program with high-paying jobs moving away from him into suburbia.

The best that the adult poor Negro is offered is various forms of charity. The young people are induced to take jobs that are not intended to lead anywhere but only to keep idle hands from being the devil's workshop. Some of the young are taken out of the poverty environment by placing them in the armed services or in the Job Corps camps. Eventually, the word from anti-Vietam war sources reaches the young ghetto dwellers that the army is designed for black genocide and that it is almost certain death to go into the armed services. He hears, via the grapevine, that the Job Corps is only a place that serves to ease you into the armed services.

Disadvantaged people in the ghetto no longer get into the anti-poverty program so as to have something happen that will enable the individual to be self-supporting in the future. Rather, the object becomes a matter of living only from day to day. It is necessary, therefore, to make the anti-poverty program provide "bread" for the daily needs. When it ceases to do this, then the underprivileged ghetto dweller feels beset upon. He has already learned that everybody who is getting something in the anti-poverty program is getting it because of his poverty. He cannot pass the standards for a real job. Hence, this poor person quickly learns to threaten or actually make good enough threats to force the authorities into providing him with a "make-do" job.

In this Neighborhood Youth Corps job, he can "hustle", i.e. come to work when he pleases, have a friend punch the time clock for him, or if his supervisor is on the "take", pay to be marked as working full time, when in reality he only works a fraction of those hours. The whole anti-poverty program is seen as a grand hustle for all involved. The only difference he sees between himself and those more skilled is that they can get more money. Too often, the obvious point is missed, that with more education and skill, one is entitled to more pay and opportunities for advancement. This lesson is missed because the ghetto youth sees unskilled people shake down anti-poverty programs for high salaries.

The black masses, like computers, patiently store up the daily memories of despair and suffering. Because they are not new experiences, there is no outcry. Even the most persuasive militant cannot move the Negro masses from the states of resignation if all he has to offer is an exhortation. But, even the mediocre speaker is able to make this mass come alive with the offer of hope. Although the grass roots may appear apathetic, the people never cease to preserve a sensitive area of hope. Once that hope is aroused, there must be a reasonable delivery of what the people were given to expect. If not, like a dormant volcano activated, a violent eruption eventually occurs. It is notable to see the blind fury generated by some of the mildest looking individuals on a pay day when the poor are told that the funds are delayed a day or so. This same rage explodes into a riot when the black masses are disappointed by a broken promise that leaves them with no choice but to return to their old state of despair.

Obviously, it is not a single broken promise that causes an outburst. Rather, the accumulated memories of daily suffering are like data processed items, delivered by the stimulus of the "straw that tips the balance".

A NEW DIRECTION

To avoid further disappointment to the poor, a new approach must be undertaken, if, indeed, they are to become gainfully employed.

The essence of the new approach is the acceptance of the concept that there are different etiological types of unemployed persons. The remedy will be designed to meet the needs of the type of unemployed involved. The basic etiological types of unemployed are:

1. Market unemployed.
2. Unskilled unemployed.
3. Attitudinally unemployed.
4. Medically unemployed.

Market Unemployed, are persons who qualify in all respects to work but for whom there are no jobs available. These persons are usually the byproducts of a depression of the general economy or the economy of selective industrial areas.

Unskilled Unemployed, are persons who are anxious to work but have not the skills for available jobs.

Attitudinal Unemployed, are persons who are devoid of any compelling sense of responsibility to work. This condition is cultural rather than biological in origin. Because it begins from childhood, there is an expected concomitant lack of skills. The difficult-to-manage school child may be the youthful stage of the attitudinally unemployed (granted that there are also other causes for a difficult-to-manage school child). The attitudinally unemployed, as used here, is presumed to be essentially healthy physically, psychologically, and mentally. He is particularly psychologically intact and mentally adequate when evaluated within the context of his usual cultural milieu. The result is that this individual cannot work, even at jobs requiring no skill because for truly innocent reasons, he has no will to work.

Medically Unemployed, are individuals who are too old or too young, who are mentally deficient, or who have a psychological illness. This psychologically damaged person differs from the attitudinally unemployed because he would be judged abnormal when tested even by standards common to his usual environment.

It is self-evident that to employ the market or unskilled unemployed, there must be more jobs created in the first case and skill-training programs in the second instance. The medically unemployed require specific therapy for the illness. Youth and elderliness are simply factors relevant to age. The attitudinally unemployed, however, are a problem that needs to be dealt with as a separate entity.

Because attitudinally unemployed persons have not been clinically isolated, or at least identified as such, much frustration has occurred from the various attempts to solve the unemployment problem among the poor. Obviously, for the market and unskilled unemployed the wide range of programs in the New Deal and Great Society have been quite relevant. In spite of the success of these programs, the statistics for the unemployed Negro seem not to improve from generation to generation. This is better illustrated when we note that the New York City lower east-side Jewish and Italian poor have improved socioeconomically with each generation, while no such consistent claim can be made for Harlem or any other Negro ghetto. It is now being suggested that difference is that too great a part of the Negro population functions out of a culture that is different enough from other ethnic groups as to cause this result.

If any observer is to understand why the Negro problem of poverty is very distinctly a separate issue that must be dealt with apart from the poverty of any other group in America, he must become fully aware of the influence of the slave culture.

It is not the purpose of this statement to present an analysis of slave culture *per se,* but it is necessary that we clearly see the mechanism of how this particular culture perpetuates poverty. Further, the intent is to emphasize that if poverty among the Negro is to be eliminated, a special program which is responsive to the peculiar American recial problem must be established.

To attempt a solution to poverty of the Negro by assuming that a war on poverty in general will suffice is to ignore history. The great labor movement in the United States was to serve all workers, but instead, it moved on and excluded the defenseless black laborer. The welfare programs of the New Deal were designed to help people in the economic depression but, again, the Negro citizen was not fully taken along to enjoy the booming post World War economy. Already, in the Great Society's "War on Poverty" we see the repetition of the Negro being left behind. While all other groups, such as the Appalachian poor and the new immigrants from Eastern Europe or Spanish America rapidly are being projected into the main stream of our country's life, the Negro riots just for make-do welfare jobs.

The time has come for the country to face up to the fact that we have a special national problem which transcends just the matter of poverty. It is the task of socio-economic rehabilitation of a whole people . . . It is the job of restoring an identity and a personal feeling of belonging to someone. The concept of family is vacuous unless there are people with whom one relates. Economics is one aspect of what is needed but a new psychological reference is just as important. The Negro must have an identity. He must replace the slave culture with a new set of values based on a realistic assessment of his own worth.

HARD-CORE UNEMPLOYED

What is needed in programming for the hard core unemployed. Before discussing such activities, however, it is necessary to define the hard core unemployed—only a small portion of which is on public welfare. They fall into the following categories:

1. Persons excluded from jobs because of past criminal record.
2. Drug addicts (narcotics or alcohol).
3. Public welfare recipients with slave cultural traits.
4. School drop-outs with slave cultural traits.
5. Prison inmates ready for parole if employment was available.

It should be noted that persons who have criminal records can be good workers and may have certain advantages over the other slave cultured by being more attitudinally ready for employment. They may even possess a skill learned in prison.

NATIONAL ECONOMIC GROWTH AND RECONSTRUCTION ORGANIZATION (NEGRO)

As stated previously, as attitudinal problems exist as a basis for unemployment there is a need for more than just job training and purely economic considerations such as guaranteed wages. It is precisely this awareness that caused NEGRO to be developed. The experimental and study stages began in 1957 and were developed into a pilot project under the Interfaith Health Association (IHA) which, in 1966, evolved in its program form as NEGRO.

The primary objects of NEGRO are:

1. To assist with others in the projection of the Negro people in the mainstream of American life.
2. To promote and coordinate on a national basis local community Negro self-help programs.
3. To promote a Negro controlled economy to support self-help programs.
4. To conduct a national NEGRO Bond drive for program capitalization.
5. To promote a positive Negro culture to eliminate eventually all traces of slave culture, developing group identity and pride.
6. To serve as a bridge between the privileged and less privileged Negro.

The programs of NEGRO are both social and economic. They are intended to involve the facets of total living of the Negro people in America. Because of the urgent need, priority of efforts is given to more socioeconomically deprived members of the group. We "build from the bottom up". If the least of us is enabled to be self-supporting, then the more privileged of us will certainly do well.

The social programs of NEGRO cover a wide range. A person becomes, in effect, a member by working for or participating in programs or by supporting the organization by buying NEGRO Bonds. In spite of the clear intent to further Negro self-help efforts, benefits are also extended to non-Negroes who avail themselves of our services and facilities. An active social service department is maintained with experienced graduate social workers supervising a number of trainees and case aids. Vocational guidance, educational counseling, personal budgeting, family counseling, job placement, scholarship support, and providing housing for the homeless, are among the variety of social service activities.

Group sessions are used informally to support the group concept and spirit. This has therapeutic effects for persons in need of belonging to something or having the support of someone. Both interpersonal contact and group methods are the means of settling cultural problems.

The effectiveness of this total living social approach is evidenced in various ways. For example, youths who remain exposed to our program eventually develop the educational "bug". It is becoming the in-thing for high-school students to talk about going to college. School is an accepted norm and new-comers begin to sense it and measure themselves against the standards set by prevailing attitudes. This attitude is coupled with the concern for group pride.

Each person benefiting from NEGRO's many projects are encouraged to be aware of group identity and the aim to provide each person with opportunities for upward socio-economic mobility. Contrary to the more traditional training programs, NEGRO attempts to set an atmosphere of concern for the group while helping each individual with his own special interests.

Besides, the more formal social programs and special services such as legal aid, personal loans, and financial credit references, there is a steady current of influencing the values and attitudes of those coming in contact with the program. This is the most important portion of NEGRO. Without it, our activities would degenerate into a simple economic program with personal financial gain being the only concern.

Instead, individuals gradually become more group oriented and thereby feel more secure in the knowledge that they have the back up to help them in their personal aspirations. There is a "big daddy" type reassurance for persons who formerly assumed that nobody cared. Having a group behind them now makes them feel a sense of belonging. It is at this point that individuals get "hooked" into an attitudinal "addiction".

Because they want to belong, they become receptive to the prevailing attitudes and values of the group. The fact of their being Negro is so obvious, they have an easy symbol around which to identify themselves with the group. This further reinforces the individual's attachment to the program. It is as if the reasoning is: "This is my group so I belong, therefore, if I belong, this is the way I think and behave."

This attitudinal development occurs in such subtle ways and in unbelievable numbers and kinds of places. It is almost a can-you-top-me game listening to individuals telling how they spread the "gospel" to a Negro taxi driver who was aghast and then said he wanted to be affiliated. Or there is the Monday morning story of the new drug addicts coming in for treatment because they heard the word while trying to find a fix in the black ghettoes. On the other hand, the table is from a "black bourgoise" brother who feels a new sense of pride that he could use his highly skilled training in "his own place", and still earn a decent salary. It is here that attitudinal training is seen to go two ways. The middle class Negro gradually becomes at home and shares the theme of Negro pride and self-help with black grass roots brothers he otherwise would not have permitted in his company. He has learned to be understanding of his less-privileged fellow Negro. This is the attitude needed to begin building the bridge between those already skillful and those who are not. The trained Negro's flight to suburbia has been a "brain drain" on the black ghetto. With the skill-less left to lead, there is no question as to why those communities violently erupt with frustration. The feeling of inferiority and the need to feel white gradually disappears as the trained Negro becomes more comfortable with all of his people. For him, at this point, the last vestiges of slave culture begin to cease being a part of his values.

It is only through this wide variety of group and personal social inter-plays that attitudinal therapy develops. Gradually, from the maelstrom evolved formerly hard-core unemployed persons with new attitudes about work. Their new values impel them to seek employment. In this first step, the person is often very uncertain of himself and is sensitive to ridicule or rebuff. He is used to being rejected, hence, he expects it. This is a dangerous stage for him because he is only trying out his new attitude and, as yet, has no skills. He still has enough of his old slave culture habits to make him appear too often as unreliable to a regular businessman.

GHETTO INDUSTRIAL CLINICS

What is needed is a businessman who could afford the loss of employee and his own time to "coddle" the defective worker. Also needed is the security of the Negro group identity. It is obvious that only a very unusual non-Negro business could provide this necessary work environment. Even the Negro entrepreneur could hardly make a profit if he attempted to employ such defective employees—as much as he might want to.

This needed business in which to employ a "defective" worker is what **NEGRO** develops. We call them Industrial Clinics. They run parallel to profit making industries making the same products. There is no hiatus between our social program and the businesses. This smooth continuity is what makes it easy for the hard-core unemployed gradually to be convinced enough to get off the orange crate on the sidewalk on which he sits all day watching the crowd go by.

The new home for him is secured only because he identifies with the group identity concept. He is hostile about his oppression and sees this as a way of expressing his anger as well as actually gaining his freedom. Ironically, his going to work is, in a sense, a protest against whitey.

It is in the Industrial Clinics that broken workers are mended. These workers are not only without skill but still have enough traces of slave culture as to lack the ambition that compels the average worker to at least be reliable. Arriving to work on time, using basic initiative, not being side-tracked by non-business interests during work hours, or not taking a few days off after each pay day, are not yet easy standards for him. These, in variations, may impair the effectiveness of the worker and prevent him from putting in a real days work for a days pay. None of these factors have anything to do with job skills which the person is yet to learn. Obviously, the traditional job training program has first to get him in and then develop new work habits and attitudes. Their short comings in this regard were discussed above. The many Industrial Clinics of **NEGRO** are only cogs in a more complex process of retraining the hard core unemployed.

There is a need for developing a business managerial class among the Negro people as well as converting unemployables into productive workers. As long as government is prepared to provide subsidy funds, then these two needs should be target projects.

There could be no better workshop for the Negro managerial trainee to make his mistakes in than in a protected enterprise. International alignments are changing throughout the world and how much our country will need to develop positive relationship with colored nations of the world is yet to be determined. Well trained Negro businessmen could be one of Americas biggest diplomatic weapons. Until then America has need of them to solve our greatest domestic problem.

No matter what happens, **NEGRO** will continue its program of ghetto industrial clinics. We seek and will accept no gifts or grants but we do need the use of some of America's resources. In every black ghetto in the nation, groups are forming and asking **NEGRO**'s assistance and direction in creating similar programs. Only financial resources stand between **NEGRO** and immediate implementation of countless locally controlled ghetto industrial clinic programs across the country.

Government and private capital on a loan basis in fractional amounts of current anti-poverty expenditures could do the job. America has given away millions with no significant change in the condition of the ghetto. Is it not time she gamble a much smaller amount in loans which can give dignity and independence to her citizens?

LEGISLATIVE PROGRAM

NEGRO (solely owned by National **NEGRO** Fund, Inc., a philanthropic foundation) proposes that Congress enact legislation to assist in a ten year economic development program for the Negro people. The funding would come from three major sources: The Federal Government, private industry, and foreign investors.

1. We seek loans from the Federal Government up to $100 million a year to be repaid over 100 years at 2% interest. The principal would be repaid in five year installments. In light of current grants, never to be repaid, the maximum loan of $100 million is a reasonable figure. The reality of the cost of riot damage, police and armed forces, loss of business, increased welfare costs, and urban blight indeed make such loans good investments.

2. We ask Federal guarantees of 20 year loans from private industry at 4% interest. We further seek income tax deductions for investors with the investor having the option to choose the year of his deduction.

3. We see Federal guarantees of 5 year loans from foreign investors at a minimum of 6% interest. The amount of such loans would contribute to a better balance of payments.

Having asked for funds to create jobs it is incumbent on **NEGRO** to present a program to offer assurance that these funds will be so utilized as to earn enough income to pay its interest and amortization and lead the Negro people to independence and full partnership in America.

We therefore propose:

1. The Federal Government commit itself to granting up to 2% of all its contracts with private industry to **NEGRO**. Under this program **NEGRO** would be given the option to choose to bid lower than the lowest bid on contracts within that 2%.

2. Private industry commit itself to grant **NEGRO** ½% of its subcontracting business, again on a low bid basis.

3. The Federal Government commit itself to granting up to 10% of contracts currently or normally given out to firms in foreign nations. This would make another small dent in the balance of payments.

Two other factors will play a significant role in **NEGRO**'s success in dealing with the crisis which concerns our nation. **NEGRO** is already funded by the sale of **NEGRO** bonds, 10 year debentures paying 6½% interest annually in denominations from 25¢ to $10 thousand. This national **NEGRO** bond drive will be expanded as more Americans—white and black—choose to help the builders.

The rebuilding of the ghetto is a significant area for investment. **NEGRO** has already brought hundreds from the role of welfare dependent to wage-earner. We have also already returned substantial property to the real estate tax rolls. The ghetto is the gold mine in which our people can strike it rich in dignity and independence. There is work to be done and we only need the will and the money to do it.

TAX CREDIT TO PRIVATE INDUSTRIES WHICH CONSTRUCT WATER POLLUTION CONTROL FACILITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. BLACKBURN] is recognized for 10 minutes.

Mr. BLACKBURN. Mr. Speaker, during the past sessions of Congress, a number of bills have been introduced to provide a tax credit to private industry, in order to stimulate industry to construct water pollution control facilities. Recently, I introduced a bill, H.R. 16258, to provide a tax credit to industries which would construct water pollution control facilities.

Basically, my bill provides 20 percent of the cost incurred by a taxpayer in the construction of any water pollution facility shall be treated as a credit against the taxpayer's income tax. There is one point concerning the granting of the tax credit under my bill which I desire to clarify. Section (b)(1)(c) specifically states that all water pollution control facilities must be certified by the State water pollution control agency, so that it will be in conformity with the State program or requirements. Furthermore, my bill states that all water pollution control facilities must be in compliance with the regulations set down under the Federal Water Pollution Control Act. My measure goes on to state that a taxpayer may elect to treat expenditures paid or incurred by him, in connection with the construction of a water pollution control facility, as a deduction on his income tax. I firmly believe that this diversity will encourage the business community to engage in the construction of water pollution facilities. Now, the businessman can decide whether it is comparatively advantageous to take either the tax credit or tax deduction.

Recently, many Members have expressed the idea that industry should be a full-fledged partner in the attack on water pollution, and I wholeheartedly agree in this attitude. This situation can best be achieved by providing an economic incentive through lessening the tax burden of those industries willing to participate. Sixteen States and many local governments have already adopted such measures, in realization of their efficacy in stimulating action.

The worsening condition of the Nation's rivers has been a matter of growing concern. Each day, our Nation's rivers, streams, and creeks are becoming more polluted. The problem of water pollution has reached the scale where every effort possible must be made to mitigate its potential threat to the health and welfare of the public.

In the past when the Federal Government saw that the Nation's resources needed to be preserved it acted without hesitation. There is ample precedent in Federal law for such procedures, mostly favoring farmers and the mineral industry. Specifically, we have seen how the depletion allowance programs have helped preserve our mineral resources. We see that these have been proven to be successful and stimulating programs.

There are many small- and medium-size businesses who would find the cost incurred in the installation of a pollution control facility prohibitive. My bill would help the small and marginal operator, who might not otherwise be able to finance waste treatment facilities, while continuing to pay high taxes. Unfortunately, present depreciation provisions take too long to amortize for this purpose.

Many critics of this program feel that the Treasury would incur a great loss as a result of this program. I would like to point out that for every $1 million the Treasury loses, the public gains $5 million in water pollution control facilities. Thus, the annual loss of income to the Treasury is comparatively small when compared to the potential benefit to the public welfare.

It is only proper where companies purchasing expensive equipment and facilities to reduce pollution—which facilities bring no financial return on their investment, but are devoted to the greater public purpose and benefit—that some tax incentives should be provided.

The large capital investment required of industry, for waste treatment works, places a substantial burden on corporate resources and ultimately on the general public. Tax incentives would get the work done quicker and with no direct expenditure from the Federal Treasury.

AMENDING IMMIGRATION AND NATIONALITY ACT TO CORRECT AN INEQUITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FARBSTEIN] is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I am today introducing legislation to amend Public Law 89–236, the Immigration and Nationality Act, to correct an inequity concerning the immigration of refugees into the United States.

The law currently provides that victims of Communist persecution must go to a non-Communist county of which they are not nationals to apply for entry into the United States.

In retrospect, it is not clear what purpose this requirement was meant to serve. It imposes a highly technical and unduly restrictive definition upon the concept of the refugee, in assuming that one must already have fled his country to qualify for admission into the United States. Surely, reality does not correspond to this condition.

I am thinking of the Jews of Poland, many of whom have become refugees within their own country. They have been singled out and become a persecuted minority. They are, of course, denied the opportunity to flee to other lands. But surely they are refugees in all but a highly legalistic sense.

One of the purposes of the Immigration and Nationality Act of 1965, Mr. Speaker, is to provide humanitarian relief for the victims of oppression. But it is unjust that we require them to escape from their country before we will help them. It is, of course, also unrealistic.

My bill would redefine the second category within the seventh preference in the 1965 Immigration Act. It would continue to offer assistance to victims of racial, religious or political persecution but it would eliminate the purposeless requirement that they apply for entry from some country other than that which commits the persecution. In other words, if the oppressive government of a Communist country allows its victims to leave, we will not apply exotic standards for refusing to accept them. We will accept them within this seventh preference without further ado.

There are plenty of places available under Poland's remaining immigration quota. It requires no Presidential proclamation to increase the quota, and my amendment would not change the total of authorized immigration. But most of the Jews who would immigrate to this country fail to qualify under the first six preferences in the act and are excluded by a technicality under the seventh. It is that technicality that I would seek to amend.

I know my colleagues sympathize with the plight of the Jews in Poland. But the same obstacle can disadvantage the victims of persecution in any country, whether they be Jews or non-Jews. The provision I seek to change is unsound and unwise.

I call upon the distinguished chairman of the Committee on the Judiciary to give prompt consideration to this proposal. I hope it will soon be enacted into law.

SOUTH FLORIDA CITIZENS SPEAK OUT IN ANNUAL BURKE POLL

Mr. BURKE of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter and tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BURKE of Florida. Mr. Speaker, after an analysis of my annual 10th Congressional District poll was completed, I have determined that the people do not want more taxes, and generally favor a cutback in Federal spending programs.

It appears that residents from all parts of the district, from Fort Lauderdale through North Dade, favor spending reductions, stronger crime control and more clamps placed on the use of American forces.

It is interesting to note that despite the claims of many columnists indicating the people's willingness to support the Great Society's programs, and the demands presently being made by the poverty rights marchers, the people in the 10th District strongly indicated their opposition to any guaranteed annual wage program, and in general to the majority of the Great Society programs.

This poll was mailed to every household in the 10th District in late February, and most of the returns were sent to my office in March and early April. I have not noticed a great groundswell by those who answered the questionnaires at that time to change their positions or views today.

After reviewing the results by geographic area—Greater Fort Lauderdale, South Broward, and North Dade—and also by party preference—Republican, Democrat, and independent—it appears that the majority of the district, regardless of party, hold the same views on these major issues.

A group of university students and volunteer workers from the Washington, D.C., area processed and tabulated the returns as more than 38,731 citizens took part in this year's poll.

To review the results, simply match the following questionnaire with the corresponding questions, and results by number and letter. All results have been determined by percentage for or against a certain issue.

QUESTIONS

1. Do you support the Administration's proposed 10% increase in income tax?

2. Which of the following fiscal policies should the U.S. follow?

a. Impose a surtax on income?

b. Reduce appropriations for existing programs?

c. Postpone new domestic programs?

d. Encourage foreigners to visit the U.S.?

3. Do you favor the proposal for a federally guaranteed annual income regardless of whether the recipient works or is capable of working?

4. Do you favor the recent bill I introduced which encourages the employment and training of the unskilled by a partnership between federal government and private industry where employers would be refunded part of the minimum wages paid the worker during the training period?

5. To reduce crime, anarchy and disorder in our country do you favor?

a. Wiretapping in the investigation of organized crime?

b. Larger appropriations to slum areas?

c. Better enforcement of existing laws?

d. Additional criminal laws?

e. Government jobs for the unemployed?

6. If you believe federal spending and domestic programs should be reduced by the Administration and if the Administration fails to make such reductions, do you believe Congress should vote these reductions in spending?

7. Would you favor curbing the power of the President to commit United States troops to war without specific prior approval of Congress?

8. Do you support President Johnson's proposal to restrict foreign travel and the suggested 15 and 30 percent tax on all monies above $7 per day spent overseas as a method of reducing our balance of payment deficit?

RESULTS

	Entire district		Greater Fort Lauderdale		South Broward		North Dade	
	Yes	No	Yes	No	Yes	No	Yes	No
1	21.7	78.3	17.9	82.1	22.9	77.1	24.1	75.9
2a	30.4	70.6	24.5	75.5	33.7	66.3	33.6	66.4
2b	79.9	20.1	85.5	14.5	80.8	19.2	73.4	26.6
2c	72.3	27.7	78.1	21.9	74.7	25.3	66.7	33.3
2d	85.9	14.1	85.0	15.0	86.3	13.7	86.5	13.5
3	6.7	93.3	5.5	94.5	7.9	92.1	7.2	92.8
4	84.1	15.9	83.0	17.0	84.1	15.9	85.2	14.8
5a	80.2	19.8	81.4	18.6	80.9	19.1	78.3	21.7
5b	47.9	52.1	40.3	59.7	46.7	53.3	56.7	43.3
5c	98.2	1.8	98.1	1.9	98.4	1.6	98.1	1.9
5d	76.3	23.7	77.4	22.6	77.6	22.4	74.1	25.9
5e	28.1	71.9	25.4	74.6	29.2	70.8	30.0	70.0
6	87.6	12.4	90.8	9.2	88.1	11.9	83.5	16.5
7	74.9	25.1	77.0	23.0	78.0	22.0	70.1	29.9
8	42.9	57.1	36.8	63.2	44.7	55.3	47.1	52.9

1968 BURKE POLL (COMPUTED BY PARTY PREFERENCE, GEOGRAPHIC AREA—ALL FIGURES IN PERCENT)

	Greater Fort Lauderdale						South Broward						North Dade					
	Republican		Democratic		Independent		Republican		Democratic		Independent		Republican		Democratic		Independent	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
1	12.2	87.8	21.4	78.6	20.6	79.4	13.8	86.2	30.2	69.8	23.1	76.9	15.3	84.7	31.9	68.1	24.9	75.1
2a	15.0	85.0	31.8	68.2	26.6	73.4	24.6	75.4	39.9	60.1	32.3	67.7	18.7	81.3	39.5	60.5	39.6	60.4
2b	90.1	9.9	81.7	18.3	83.1	16.9	82.1	17.9	76.7	23.3	84.0	16.0	82.3	17.7	67.1	32.9	71.8	28.2
2c	86.2	13.8	68.6	31.4	79.6	20.4	77.9	22.1	66.9	33.1	79.5	20.5	84.6	15.4	56.1	43.9	62.1	37.9
2d	87.7	12.3	84.3	15.7	87.7	12.3	83.2	16.8	86.2	13.8	88.7	11.3	83.6	16.4	87.6	12.4	87.9	12.1
3	2.2	97.8	8.0	92.0	6.3	93.7	7.4	92.6	10.0	90.0	5.8	92.4	6.5	93.5	7.9	92.1	6.5	93.5
4	84.9	15.1	84.8	15.2	76.8	23.2	87.4	12.6	82.3	17.7	82.9	17.1	84.8	15.2	83.6	16.4	86.6	13.4
5a	85.2	14.8	77.3	22.7	82.4	17.6	17.5	12.5	76.1	23.9	80.2	19.8	82.3	17.7	76.8	23.2	76.3	23.7
5b	35.2	64.8	48.4	51.6	33.8	66.2	44.3	55.7	47.8	52.2	47.6	52.4	58.0	42.0	57.8	42.2	53.3	46.7
5c	98.6	1.4	97.5	2.5	98.4	1.6	99.5	.5	98.1	1.9	97.6	2.4	98.6	1.4	97.7	2.3	98.0	2.0
5d	83.1	16.9	74.8	25.2	73.0	27.0	77.3	22.7	78.3	21.7	77.0	23.0	70.7	29.3	77.7	22.3	77.8	22.2
5e	16.3	83.7	32.4	67.6	26.8	73.2	27.0	73.0	35.2	64.8	24.5	75.5	18.0	82.0	36.6	63.4	31.7	68.3
6	95.8	4.2	84.4	15.6	93.3	6.7	95.2	4.8	81.2	18.8	89.3	10.7	91.4	8.6	77.3	22.7	83.7	16.3
7	84.9	15.1	68.5	31.5	79.5	20.5	85.3	14.7	69.1	30.9	81.0	19.0	76.9	23.1	59.9	40.1	78.7	21.3
8	30.2	69.8	43.8	56.2	34.8	65.2	37.0	63.0	54.1	45.9	41.2	58.8	44.1	55.9	53.8	46.2	43.3	56.7

SUPPLEMENTAL STATEMENT ON CONSTITUTIONAL LIMITATIONS

Mr. UTT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. UTT. Mr. Speaker, I place in the body of the RECORD the "Supplemental Statement on Constitutional Limitations" which was prepared subsequent to the report of the President's Commission on Law Enforcement, which was issued February 18, 1966. The authors of this supplemental statement point up the possibility of a growing imbalance between the protection of the accused criminal and the protection of the public.

There is a great possibility that this imbalance has gone beyond the point necessary to protect the innocent, who may be the defendant.

The recent trend of Supreme Court decisions on the subject of self-incrimination has made it almost impossible to conduct the necessary police work so important to the preservation of law. The statement follows:

SUPPLEMENTAL STATEMENT ON CONSTITUTIONAL LIMITATIONS

(By Messrs. Byrne, Cahill, Jaworski, Lynch, Malone, Powell, and Storey, February 1967)

We have joined our fellow members of the Commission in this report and in commending it to the American people. This supplemental statement is submitted in support of the report for the purpose of opening up for discussion—and perhaps for further study and action—areas which were not considered explicitly in the report itself. These relate to the difficult and perplexing problems arising from certain of the constitutional limitations upon our system of criminal justice.

CONSTITUTIONAL LIMITATIONS

The limitations with which we are primarily concerned arise from the Fifth and Sixth Amendments to the Constitution of the United States as they have been interpreted by the Supreme Court in recent years. The rights guaranteed by these amendments, and other provisions of the Bill of Rights, are dear to all Americans and long have been recognized as cornerstones of a system deliberately designed to protect the individual from oppressive government action. As they apply to persons accused of crime, they extend equally to the accused whether he is innocent or guilty. It is fundamental in our concept of the Constitution that these basic rights shall be protected whether or not this sometimes results in the acquittal of the guilty.

We do not suggest a departure from these underlying principles. But there is a serious question, now being increasingly posed by jurists and scholars,[1] whether some of these rights have been interpreted and enlarged by Court decision to the point where they now seriously affect the delicate balance between the rights of the individual and those of society. Or, putting the question differently, whether the scales have tilted in favor of the accused and against law enforcement and the public further than the best interest of the country permits.

It is concern with this question which prompts us to express these additional views. As the people of our country must ultimately decide where this balance is to be struck, it is important to encourage a wider understanding of the problem and its implications.

In 1963 Chief Judge Lumbard of the Court of Appeals of the Second Circuit warned:

"[W]e are in danger of a grievous imbalance in the administration of criminal justice * * *.

"In the past forty years there have been two distinct trends in the administration of criminal justice. The first has been to strengthen the rights of the individual, and the second, which is perhaps a corollary of the first, is to limit the powers of law enforcement agencies. Most of us would agree that the development of individual rights was long overdue; most of us would agree that there should be further clarification of individual rights, particularly for indigent defendants. At the same time we must face the facts about indifferent and faltering law enforcement in this country. We must adopt measures which will give enforcement agencies proper means for doing their jobs. In my opinion, these two efforts must go forward simultaneously."[2]

The trends referred to by Judge Lumbard have had their major impact upon law enforcement since 1961 as a result of far-reaching decisions of the Supreme Court which have indeed effected a "revolution in state criminal procedure."[3]

THE COURT'S DIFFICULT ROLE

The strong emotions engendered by these decisions, for and against both them and the Court, have inhibited rational discourse as to their actual effect upon law enforcement. There has been unfair—and even destructive—criticism of the Court itself. Many have failed to draw the line, fundamental in a democratic society, between the right to discuss and analyze the effect of particular decisions, and the duty to support and defend the judiciary, and particularly the Supreme Court, as an institution essential to freedom. Moreover, during the early period of the Court's restraint with respect to State action, there were many examples of gross injustice in the State courts and of indefensible inaction on the part of State legislatures. In short, there was often a pressing need for action due to neglect elsewhere, and many of the great decisions undoubtedly brought on by such neglect have been warmly welcomed.

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[1] See Friendly, *The Bill of Rights as a Code of Criminal Procedure*, 53 Calif. L. Rev. 929 (1965); Schaefer, *Police Interrogation and the Privilege Against Self-Incrimination*, 61 Nw. U.L. Rev. 506 (1966); Traynor, *The Devils of Due Process in Criminal Detection, Detention and Trial*, 33 U. Chi. L. Rev. 657 (1966).

[2] Lumbard, *The Administration of Criminal Justice: Some Problems and Their Resolution*, 49 A.B.A.J. 840 (1963). Judge Lumbard is chairman of the American Bar Association's Criminal Justice Project.

[3] George, *Constitutional Limitations on Evidence in Criminal Cases* 3 (1966).

Whatever the reason, the trend of decisions strikingly has been towards strengthening the rights of accused persons and limiting the powers of law enforcement. It is a trend which has accelerated rapidly at a time when the nation is deeply concerned with its apparent inability to deal successfully with the problem of crime. We think the results must be taken into account in any mobilization of society's resources to confront this problem.

THE ACCUSATORY SYSTEM

In any attempt to assess the effect of this trend upon law enforcement it is necessary to keep in mind the essential characteristics of our criminal system. Unlike systems in many civilized countries, ours is "accusatory" in the sense that innocence is presumed and the burden lies on the State to prove in a public trial the guilt of the accused beyond reasonable doubt. The accused has the right to a jury trial, and—in most if not all States—the added protection that a guilty verdict must be unanimous.

Other characteristics which have marked our system include the requirements of probable cause for arrest, prompt arraignment before a judicial officer, indictment or presentment to a grand jury, confrontation with accusors and witnesses, reasonable bail, the limitation on unreasonable searches and seizures, and habeas corpus.

Argument and controversy have swirled around the interpretation and application of many of these rights. The drawing of a line between the obvious need for police to have reasonable time to investigate and the right of an accused to a prompt arraignment occasioned one of the most intense controversies.[4]

There also has been serious dissatisfaction with the abuse of habeas corpus and especially the flood of petitions resulting from decisions broadening the power of Federal courts to review alleged denials of constitutional rights in State courts.[5] No other country affords convicted persons such elaborate and multiple opportunities for reconsideration of adjudication of guilt.[6]

Another constitutional limitation, affecting criminal trials and now being increasingly questioned,[7] requires that a conviction be set aside automatically whenever material evidence obtained in violation of the Bill of Rights was received at the trial. The purpose of the rule is not related to relevance, truth or reliability, for the evidence in question may in fact be the most relevant and reliable that possibly could be obtained. Rather, the reason assigned for the peremptory exclusion is that there is no other effective method of deterring improper action by law enforcement personnel.

ESCOBEDO AND MIRANDA

But the broadened rights and resulting restraints upon law enforcement which have had the greatest impact are those derived from the Fifth Amendment privilege against self-incrimination and the Sixth Amendment assurance of counsel.

The two cases which have caused the greatest concern are *Escobedo* v. *Illinois*[8] and *Miranda* v. *Arizona*.[9] In *Miranda* the requirements were imposed that a suspect detained by the police be warned not only of his right to remain silent and that any statement may be used against him at trial, but also that he has the right to the presence of counsel and that counsel will be furnished if he cannot provide it, before he can be asked any questions at the scene of the crime or elsewhere. The suspect may waive these rights only if he does so "voluntarily, knowingly and intelligently" and all questioning must stop immediately if at any stage the person indicates that he wishes to consult counsel or to remain silent.

Although the full meaning of the code of conduct prescribed by *Miranda* remains for future case-by-case delineation, there can be little doubt that its effect upon police interrogation and the use of confessions will drastically change procedures long considered by law enforcement officials to be indispensable to the effective functioning of our system. Indeed, one of the great State chief justices has described the situation as a "mounting crisis" in the constitutional rules that "reach out to govern police interrogation."[10]

THE FATE OF POLICE INTERROGATIONS

If the majority opinion in *Miranda* is implemented in its full sweep, it could mean the virtual elimination of pretrial interrogation of suspects—on the street, at the scene of a crime, and in the station house—because there would then be no such interrogation without the presence of counsel unless the person detained, howsoever briefly, waives this right. Indeed, there are many who now agree with Justice Walter V. Schaefer who recently wrote:

"The privilege against self-incrimination as presently interpreted precludes the effective questioning of persons suspected of crime."[11]

In *Crooker* v. *California*, the Court recognized that an absolute right to counsel during interrogation would "preclude police questioning—*fair as well as unfair* * * *."[12] Mr. Justice Jackson, familiar with the duty and practice of the trial bar, perceptively said:

"[A]ny lawyer worth his salt will tell the suspect in no uncertain terms to make no statement to police under any circumstances."[13]

There will, it is true, be a certain number of cases in which the suspect will not insist upon his right to counsel. If he makes admissions or a formal confession, the question whether his waiver of counsel was "voluntarily, knowingly and intelligently" made will then permeate all subsequent contested phases of the criminal process—trial, appeal and even post conviction remedies. And the prosecution will bear the "heavy" burden of proving such waiver; mere silence of the accused will not suffice; and "any evidence" of threat, cajolery or pressure by the government will preclude admission.

The employment of electronic recorders[14] and television possibly may enable police to defend such an interrogation if conducted in the station house. But in the suddenness of a street encounter, or the confusion at the scene of a crime, there will be little or no opportunity to protect police interrogation against the inevitable charge of failing to meet *Miranda* standards. The litigation that follows more often than not will be a "trial" of the police rather than the accused.

There are some who argue that further experience is needed to determine whether police interrogation of suspects is necessary for effective law enforcement. Such experience would be helpful in defining the dimensions of the problem. But few can doubt the adverse impact of *Miranda* upon the law enforcement process.

Interrogation is the single most essential police procedure. It benefits the innocent suspect as much as it aids in obtaining evidence to convict the guilty. Mr. Justice Frankfurter noted:

"Questioning suspects is indispensable in law enforcement."[15]

The rationale of police interrogation was well stated by the Second Circuit Court of Appeals in *United States* v. *Cone:*

"The fact is that in many serious crimes—cases of murder, kidnapping, rape, burglary and robbery—the police often have no or few objective clues with which to start an investigation; a considerable percentage of those which are solved are solved in whole or in part through statements voluntarily made to the police by those who are suspects. Moreover, immediate questioning is often instrumental in recovering kidnapped persons or stolen goods as well as in solving the crime. Under these circumstances, the police should not be forced unnecessarily to bear obstructions that irretrievably forfeit the opportunity of securing information under circumstances of spontaneity most favorable to truth-telling and at a time when further information may be necessary to pursue the investigation, to apprehend others, and to prevent other crimes."[16]

THE FUTURE OF CONFESSIONS

The impact of *Miranda* on the use of confessions is an equally serious problem. Indeed, this is the other side of the coin. If interrogations are muted there will be no confessions; if they are tainted, resulting confessions—as well as other related evidence—will be excluded or the convictions subsequently set aside. There is real reason for the concern, expressed by dissenting justices, that *Miranda* in effect proscribes the use of all confessions.[17] This would be the most far-reaching departure from precedent and established practice in the history of our criminal law.

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[4] See *Mallory* v. *United States*, 354 U.S. 449 (1957).

[5] *Fay* v. *Noia*, 372 U.S. 391 (1963); *Townsend* v. *Sain*, 372 U.S. 293 (1963). In 1941 fiscal year there were only 127 petitions; by 1961 there were 984. The number escalated to 3,531 in 1964; during the first 6 months of fiscal 1965 there were 2,460 applications (an increase of 32.7 percent over the previous 6 months' period). See 90 A.B.A. Rep. 463 (1965). The *Townsend* case, to take one dreary example, was in the courts for more than 10 years after conviction of the defendant, with 6½ years being consumed in various habeas corpus proceedings. The great majority of these petitions are not meritorious. See *Ibid*.

[6] The Commission's report, ch. 5, contains helpful recommendations as to what the States can do to minimize frivolous habeas corpus petitions.

[7] See Friendly, *supra* at 951–53.

[8] 378 U.S. 478 (1964).

[9] 384 U.S. 436 (1966).

[10] Traynor, *supra* at 664. Chief Justice Traynor discussed this "mounting crisis" in the Benjamin N. Cardozo Lecture at the Association of the Bar of the City of New York on Apr. 19, 1966, prior to the Court's decision in *Miranda*.

[11] Schaefer, *supra* at 510. See also Justice Schaefer's first lecture in the 1966 Julius Rosenthal Lectures, Northwestern University Law School 8 (unpublished manuscript).

[12] 357 U.S. 433, 441 (1958), the holding of which was overruled in *Miranda*, *supra* at 479 n. 48, [Emphasis in original.]

[13] *Watts* v. *Indiana*, 338 U.S. 49, 59 (1949) (dissenting opinion).

[14] As recommended in *Model Code of Pre-Arraignment Procedure* § 4.09 (Tent. Draft No. 1, 1966).

[15] *Culombe* v. *Connecticut*, 367 U.S. 568, 578 (1961), quoting *People* v. *Hall*, 413 Ill. 615, 624, 110 N.E. 2d 249, 254 (1953).

[16] 354 F. 2d 119, *Cert. denied*, 384 U.S. 1023 (1966). Perhaps the best published statement of the considerations favoring in-custody interrogation is that found-in the *Model Code of Pre-Arraignment Procedure*, Commentary § 5.01, at 168–74 (Tent. Draft No. 1, 1966). See also Bator & Vorenberg, *Arrest Detention, Interrogation and the Right to Counsel: Basic Problems and Possible Legislative Solutions*, 66 Colum. L. Rev. 62 (1966); Friendly, *supra*, at 941, 948.

[17] Mr. Justice White, joined by Mr. Justice Harlan and Mr. Justice Stewart, said "[T]he result [of the majority holding] adds up to a judicial judgment that evidence from the accused should not be used against him in any way, whether compelled or not." *Miranda* v. *Arizona*, *supra* at 538 (dissenting opinion).

Until *Escobedo* and *Miranda* the basic test of the admissibility of a confession was whether it was genuinely voluntary.[18] Nor had there been any serious question as to the desirable role of confessions, lawfully obtained, in the criminal process. The generally accepted view had been that stated in an early Supreme Court case:

"[T]he admissions or confessions of a prisoner, when voluntary and freely made, have always ranked high in the scale of incriminating evidence." [19]

It is, of course, true that the danger of abuse and the difficulty of determining "voluntariness" have long and properly concerned the courts. Yet, one wonders whether these acknowledged difficulties justify the loss at this point in our history of a type of evidence considered both so reliable and so vital to law enforcement.

THE "PRIVILEGE" AND CRIMINAL TRIAL

The impact upon law enforcement of the privilege against self-incrimination as now construed by the Court is not confined to the *Miranda* issues of interrogation and confession. The privilege has always protected an accused from being compelled to testify; it now prevents any comment by judge or prosecutor on his failure to testify; and it limits discovery by the prosecution of evidence in the accused's possession or control.[20] It was not until 1964 that the privilege was held applicable to the States by virtue of the 14th amendment,[21] and the final extension came in 1965 when the Court held invalid a State constitutional provision permitting the trial judge and prosecutor to comment upon the accused's failure to testify at trial.[22]

The question is now being increasingly asked whether the full scope of the privilege, as recently construed and enlarged, is justified either by its long and tangled history or by any genuine need in a criminal trial.[23] There is agreement, of course, that the privilege must always be preserved in fullest measure against inquisitions into political or religious beliefs or conduct. Indeed, the historic origin and purpose of the privilege was primarily to protect against the evil of governmental suppression of ideas. But it is doubtful that when the Fifth Amendment was adopted it was conceived that its major beneficiaries would be those accused of crimes against person and property.

Plainly this is an area requiring the most thoughtful attention. There is little sentiment—and in our view no justification—for outright repeal of the privilege clause or for an amendment which would require a defendant to give evidence against himself at his trial. But a strong case can be made for restoration of the right to comment on the failure of an accused to take the stand.[24] As Justice Schaefer has said:

"[I]t is entirely unsound to exclude from consideration at the trial the silence of a suspect involved in circumstances reasonably calling for explanation, or of a defendant who does not take the stand. It therefore seems to me imperative that the privilege against self-incrimination be modified to permit comment upon such silence." [25]

Any consideration of modification of the Fifth Amendment also should include appropriate provision to make possible reciprocal pretrial discovery in criminal cases. One specific proposal, meriting serious consideration, is to accomplish this by pretrial discovery interrogation before a magistrate or judicial officer.[26] The availability of broad discovery would strengthen law enforcement as well as the rights of persons accused of crime,[27] and would go far to establish determination of the truth as to guilt or innocence as the primary object of our criminal procedure.

OTHER COUNTRIES LESS RESTRICTIVE

We know of no other system of criminal justice which subjects law enforcement to limitations as severe and rigid as those we have discussed. The nearest analogy is found in England which shares through our common law heritage the basic characteristics of the accusatory system. Yet, there are significant differences—especially in the greater discretion of English judges and in the flexibility which inheres in an unwritten constitution. There is nevertheless a developing feeling in England, parallel to that in this country, that criminals are unduly protected by the present rules. The Home Secretary of the Labor Government, speaking of proposed measures to aid law enforcement, recently said:

"The scales of justice in Britain are at present tilted a little more in the favor of the accused than is necessary to protect the innocent." [28]

One of the measures recommended by the Labor Government is to permit a majority verdict of 10, rather than the historic unanimous vote of all 12 jurors.[29] Leading members of the English bar are pressing for further reforms. After pointing out that "the criminal is living in a golden age," Lord Shawcross has commented:

"The barriers protecting suspected and accused persons are being steadily reinforced. I believe our law has become hopelessly unrealistic in its attitude toward the prevention and detection of crime. We put illusory fears about the impairment of liberty before the promotion of justice." [30]

Among the reforms being urged in England are major modifications of the privilege against self-incrimination, broadened discovery rights by the state, and the adoption of a requirement that accused persons must advise the prosecution in advance of trial of all special defenses, such as alibi, self-defense, or mistaken identity. Another change suggested would allow the admission in evidence of previous convictions of similar offenses, although convictions of dissimilar crimes still would not be admissible.[31]

THE FIRST DUTY OF GOVERNMENT

In the first chapter of the Commission's report the seriousness of the crime situation is described as follows:

"Every American is, in a sense, a victim of crime. Violence and theft have not only injured, often irreparably, hundreds of thousands of citizens, but have directly affected everyone. Some people have been impelled to uproot themselves and find new homes. Some have been made afraid to use public streets and parks. Some have come to doubt the worth of a society in which so many people behave so badly." [32]

The underlying causes of these conditions are far more fundamental than the limitations discussed in this statement. Yet, prevention and control of crime—until it is "uprooted" by long-range reforms—depend in major part upon effective law enforcement. To be effective, and particularly to deter criminal conduct, the courts must convict the guilty with promptness and certainly just as they must acquit the innocent. Society is not well served by limitations which frustrate reasonable attainment of this goal.

We are passing through a phase in our history of understandable, yet unprecedented, concern with the rights of accused persons. This has been welcomed as long overdue in many areas. But the time has come for a like concern for the rights of citizens to be free from criminal molestation of their persons and property. In many respects, the victims of crime have been the forgotten men of our society—inadequately protected, generally uncompensated, and the object of relatively little attention by the public at large.

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[18] Indeed, until very recently and back through English constitutional history, a distinction had been made between the privilege against self-incrimination and the rules excluding compelled confessions. See Morgan, *The Privilege Against Self-Incrimination*, 34 Minn. L. Rev. (1949); 3 Wigmore, *Evidence* 819 (3d ed. 1940). But see *Bram* v. *United States*, 168 U.S. 532, 542 (1897). In the United States, the common law and the due process clauses of the Constitution were construed to provide a voluntariness standard for the admissibility of confessions. See *Developments in the Law—Confessions*, 79 Harv. L. Rev. 935 (1966). The Fifth Amendment was adopted in 1791. Before that time, in England, and in this country, the privilege was construed to apply only at judicial proceedings in which the person asserting the privilege was being tried on criminal charges; at preliminary hearing the magistrate freely questioned the accused without warning of his rights and any failure to respond was part of the evidence at trial, such evidence being given by testimony of the magistrate himself. See Morgan, *supra* at 18. Dean Wigmore and Professor Corwin suggest that the intent of the framers of the Fifth Amendment was to retain these limitations upon the privilege. See Corwin, *The Supreme Court's Construction of the Self-Incrimination Clause*, 29 Mich. L. Rev. 1, 2 (1930); 8 Wigmore, *Evidence* § 2252, at 324 (McNaughton rev. 1961).

[19] *Brown* v. *Walter*, 161 U.S. 591, 596 (1896). Moreover, as Judge Friendly has pointed out: "[T]here is no social value in preventing uncoerced admission of the facts." Friendly, *supra* at 948.

[20] See 8 Wigmore, *Evidence* § 2264 (McNaughton rev. 1961). Beyond the trial itself, the privilege protects grand jury witnesses (*Counselman* v. *Hitchcock*, 142 U.S. 547 (1892)); witnesses in civil trial (*McCarthy* v. *Arndstein*, 266 U.S. 34 (1924)); and witnesses before legislative committees (*Emspak* v. *United States*, 349 U.S. 190 (1955); *Quinn* v. *United States*, 349 U.S. 155 (1955)).

[21] *Malloy* v. *Hogan*, 378 U.S. 1 (1964).

[22] *Griffin* v. *California*, 380 U.S. 609 (1965).

[23] See, e.g. McCormick, *The Scope of Privilege in the Law of Evidence*, 16 Texas L. Rev. 447 (1938); Schaefer, *supra;* Traynor, *supra;* Warden, *Miranda—Some History, Some Observations and Some Questions*, 20 Vand. L. Rev. 39 (1966).

[24] See Traynor, *supra* at 677: "I find no inconsistency in remaining of the opinion that a judge or prosecutor might fairly comment upon the silence of a defendant at the trial itself to the extent of noting that a jury could draw unfavorable inferences from the defendant's failure to explain or refute evidence when he could reasonably be expected to do so. Such comment would not be evidence and would do no more than make clear to the jury the extent of its freedom in drawing inferences."

[25] Schaefer, *supra* at 520.

[26] Schaefer, *supra* at 518–20.

[27] The Commission's report emphasizes the need for broader pretrial discovery by both the prosecution and the defense.

[28] Address of the Rt. Hon. Roy Jenkins, M.P., Secretary of State for the Home Department, National Press Club, Washington, D.C., Sept. 19, 1966. Mr. Jenkins, in emphasizing the deterrent effect of swiftness and certainty in justice, also said: "Detection and conviction are therefore necessarily prior deterrents to that of punishment, and I attach the greatest possible importance to trying to increase the chances that they will follow a criminal act."

[29] The rule in Scotland long has been that a simple majority vote suffices to convict.

[30] Address by Lord Shawcross, Q.C., Attorney General of Great Britain, 1945–51, before the Crime Commission of Chicago, Oct. 11, 1965, reprinted in U.S. News & World Report, Nov. 1, 1965, pp. 80–82. See also Shawcross, *Police and Public in Great Britain*, 51 A.B.A.J. 225 (1965).

[31] See statements of Viscount Dilhorne (Q.C. and Lord Chancellor, 1962–64 and Attorney General 1954–62), and Lord Shawcross, as reported in The Listner, Aug. 11, 1966, pp. 190, et seq.

[32] Commission's General Report, ch. 1.

Mr. Justice White has said: "The most basic function of any government is to provide for the security of the individual and of his property."[33] Unless this function is adequately discharged, society itself may well become so disordered that all rights and liberties will be endangered.

RIGHTING THE IMBALANCE

This statement has reviewed, necessarily without attempting completeness or detailed analysis, some of the respects in which law enforcement and the courts have been handicapped by the law itself in seeking to apprehend and convict persons guilty of crime.

The question which we raise is whether, even with the support of a deeply concerned President[34] and the implementation of the Commission's national strategy against crime, law enforcement can effectively discharge its vital role in "controlling crime and violence" without changes in existing constitutional limitations.

There is no more sacred part of our history or our constitutional structure than the Bill of Rights. One approaches the thought of the most limited amendment with reticence and a full awareness both of the political obstacles and the inherent delicacy of drafting changes which preserve all relevant values. But it must be remembered that the Constitution contemplates amendment, and no part of it should be so sacred that it remains beyond review.

Whatever can be done to right the present imbalance through legislation or rule of court should have high priority. The promising criminal justice programs of the American Bar Association and the American Law Institute should be helpful in this respect. But reform and clarification will fall short unless they achieve these ends:

An adequate opportunity must be provided the police for interrogation at the scene of the crime, during investigations and at the station house, with appropriate safeguards to prevent abuse.

The legitimate place of voluntary confessions in law enforcement must be reestablished and their use made dependent upon meeting due process standards of voluntariness.

Provision must be made for comment on the failure of an accused to take the stand, and also for reciprocal discovery in criminal cases.

If, as now appears likely, a constitutional amendment is required to strengthen law enforcement in these respects, the American people should face up to the need and undertake necessary action without delay.

CONCLUSION

We emphasize in concluding that while we differ in varying degrees from some of the decisions discussed, we unanimously recognize them as expressions of legally tenable points of view. We support all decisions of the Court as the law of the land, to be respected and enforced unless and until changed by the processes available under our form of government.

In considering any change, the people of the United States must have an adequate understanding of the adverse effect upon law enforcement agencies of the constitutional limitations discussed in this statement. They must also ever be mindful that concern with crime and apprehension for the safety of their person and property, as understandable as these are today, must be weighed carefully against the necessity—as demonstrated by history—of retaining appropriate and effective safeguards against oppressive governmental action against the individual, whether guilty or innocent of crime.

The determination of how to strike this balance, with wisdom and restraint, is a decision which in final analysis the people of this country must make. It has been the purpose of this statement to alert the public generally to the dimensions of the problem, to record our conviction that an imbalance exists, and to express the viewpoint as to possible lines of remedial action. In going somewhat beyond the scope of the Commission's report, we reiterate our support and our judgment that implementation of its recommendations will have far reaching and salutary effects.

WATER QUALITY IMPROVEMENT ACT OF 1968—FOR BETTER OR WORSE?

Mr. CLEVELAND. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, on April 24, 1968, I commented on the floor—CONGRESSIONAL RECORD page 10461—on the Water Quality Improvement Act of 1968, H.R. 15907, which is currently pending before the House Committee on Public Works.

At that time, two days of hearings had been completed before the committee and I called to the attention of my colleagues the remarks and testimony of Gov. Nelson Rockefeller, of New York, in which he warned of serious deficiencies in the proposed legislation.

I pointed to Governor Rockefeller's cogent warning that the section of the bill which would make interest from local and State sewage treatment plant bonds taxable "is really an initial attempt to erode the traditional immunity from Federal taxation of the obligation of the States or their subdivisions."

Since that time, many more deficiencies in the legislation have been called to my attention by concerned members of the New England Interstate Water Pollution Control Commission, which includes representatives from each of the six New England States.

Members of the commission have told me "the commission foresees drastic consequences" if the bill is passed and warns:

> The present pace of efforts to clean up New England's rivers and lakes will be sharply reduced, and orderly procedures for obtaining federal aid will be disrupted due to the wording of the bill that invites a panic among communities rushing to obtain limited federal aid.

I wish at this time to call to my colleagues' attention the full comments of the New England Interstate Water Pollution Control Commission on this piece of legislation:

COMMENTS OF THE NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION RELATIVE TO H.R. 15907

The New England Interstate Water Pollution Control Commission and the Compact signatory States have reviewed H.R. 15907 and considered its impact upon the individual State water pollution abatement programs.

It is recognized that the present level of appropriated funds under Section 8 of the Clean Water Restoration Act of 1966 is inadequate to sustain the level of construction of waste treatment facilities indicated in the State implementation plans submitted to the Federal Water Pollution Control Administration in compliance with the Water Quality Act of 1965. Means of obtaining additional funds must be developed if program momentum is to be maintained.

Lack of Federal construction grant funds and the reimbursement provision set forth in the Clean Water Restoration Act of 1966 led to legislative authorization for prefinancing the Federal grant share by the States of Connecticut, Maine, Massachusetts, New York and Vermont. The State of Rhode Island presently has such legislation under active consideration. These six States feel that with elimination of the reimbursement provisions from Public Law 660 as amended, it would not be possible to maintain the anticipated schedule of water pollution abatement, and it will be necessary for each State to reconsider its commitments to the Federal Water Pollution Control Administration relative to requirements of the Water Quality Act of 1965. Regardless of the method of providing additional construction grant funds, it is recommended that the reimbursement provisions of Public Law 660 be retained.

Limiting contractual arrangements to areas of 125,000 persons or more or a Standard Metropolitan Statistical Area would eliminate from consideration many communities in the New England Interstate Compact area. As shown in Table 1, there are 24 SMSA's in the New England Interstate Compact area and seven communities with a population of 125,000 or more. These communities are all within SMSA's.

TABLE 1

State	Number of SMSA's	Number of communities 125,000 or more
Connecticut	9	[1] 3
Maine	2	0
Massachusetts	10	[2] 3
New Hampshire	1	0
New York (compact area only)	[3] 1	0
Rhode Island	1	[4] 1
Vermont	0	0
Total	24	7

[1] Bridgeport, New Haven, and Hartford.
[2] Boston, Worcester, and Springfield.
[3] Part only.
[4] Providence.

Construction of waste treatment facilities for all other areas would be dependent upon the appropriated grant funds only, which admittedly, are inadequate. Existing State prefinancing authorizations in anticipation of subsequent reimbursement should stimulate construction in these other areas to a level approaching that required to meet the implementation schedules submitted to the Federal Government.

Supplemental financing should provide for specific allocations to States. Without such allocation, it will be impossible to plan what projects could be financed during a given year. Allocations could be based on the allocations set forth in Public Law 660 as amended or on formulas considering the population equivalent of a given waste; the Biochemical Oxygen Demand removal required to achieve the approved stream classification; anticipated volume of waste to be treated; anticipated strength of wastes to be treated or other similar methods. Under the language of the proposed bill as now written, it is conceivable that ten States could receive all funds appropriated for contractual agreements with the remaining forty States receiving no assistance.

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[33] *Miranda* v. *Arizona, supra* at 539 (dissenting opinion).

[34] In his recent State of the Union Address, President Johnson said: "Our country's laws must be respected, order must be maintained. I will support—with all the constitutional powers I possess—our Nation's law enforcement officials in their attempt to control the crime and violence that tear the fabric of our communities." State of the Union Address, Jan. 10, 1967.

The proposed bill requires the maintenance of a reserve fund to meet expansion or replacement requirements of the treatment works service area as a qualifying condition for contractual agreements. Such reserve funds are illegal in Massachusetts, and it is possible that some municipal charters in other States would not allow reserve accounts. The language of the proposed bill as pertains to user charges and the maintenance of a reserve fund has been interpreted by some as double payment for waste treatment facilities—user charges to amortize the cost of the facilities and additional charges to establish a reserve account. The other alternative to establishing a reserve account is expanding the bonding requirement. Such a requirement could meet with strong resistance in local referenda. Serious delays in qualifying for contractual agreements could be incurred should a municipality find it necessary to obtain additional legislative bonding authorizations.

Banks involved in municipal financing state that the debt service contract indebtedness reflects on a community's bonded indebtedness. If a community's debt limit is to be exceeded, special authorizing legislation would be required. Such action could delay the funding of a proposed treatment works. Bonding authorizations in the past have been granted to cover only a municipality's contribution to the cost of new facilities and not the cost of the entire project. Additional bonding authority would be required for those communities already authorized to sell bonds in anticipation of project construction thereby causing additional delays in getting needed projects underway.

The New England Interstate Water Pollution Control Commission supports the concept of mandatory certification of waste treatment plant operators as an instrument for improved waste treatment plant operation. The Commission has recently sponsored three one-week courses as in-service training for operators and is working toward establishment of a permanent school to train new people not now with the waste treatment industry. All courses will be designed to qualify an operator for certification. Upon completion of future in-service training courses, the New England Water Pollution Control Association certification examination will be offered to all operators on a voluntary basis. New Hampshire has a mandatory certification program and the Massachusetts legislature is considering a similar program for the Commonwealth. The New England Interstate Water Pollution Control Commission will encourage the development of a regional mandatory certification program. Coupled with the certification program must be an adequate wage scale for plant operators, and a concerted effort to make the industry more attractive as a career.

The States signatory to the New England Interstate Water Pollution Control Compact maintain a schedule of waste treatment plant inspections and require submission of periodic operational reports. Operation and maintenance surveillance could be strengthened to insure increased plant operation efficiency. New York State provides for operation and maintenance of grants of one-third of the total eligible cost of operating and maintaining treatment facilities. To qualify under this program, the municipality must:

"(1) Maintain standard operating reports, including the results of laboratory tests to evaluate plant performance and determine the effect of the plant effluent on the receiving waters.

"(2) Operate the sewage treatment plant under the supervision of a qualified operator.

"(3) Collect and treat all sewage from the tributary area.

"(4) Present evidence that the sewage treatment plant has been constructed in compliance with approved plans.

"(5) Have enacted and enforced an effective sewer use ordinance.

"In addition, the municipality must provide a minimum of primary treatment at this time, adequate staffing of the plant, and laboratory tests and physical measurements to evaluate plant performance and determine compliance with stream standards."

The signatory States agree that more research is necessary in several areas, however, the amount proposed for research under H.R. 15907 is approximately 56 percent of the total requested construction grant appropriation. With due consideration to the currently critical financial situation, and the need for treatment plant construction, it would seem appropriate to reduce the research appropriation by at least one-half and add the difference to the construction grant appropriation.

It is noted that the proposed legislation would eliminate the provision in the existing act that one of the Federal regional water pollution control laboratories shall be located in the Northeastern area of the United States. It is our understanding that the site for this laboratory was selected and the final construction plans prepared for locating the facility in the Boston, Massachusetts area. The New England area has many problems peculiar to the region which would support the location of a regional laboratory in the Boston area. Among these are agricultural run-off which adds nutrients and pesticides to our surface waters. The problem of combined sewage—storm water systems which are prevalent in this area; wastes associated with the food processing industries; the pulp and paper industries and tanneries still create problems in the waterways of the Compact area. The accumulated bottom deposits in our streams and lakes from these industrial as well as municipal wastes have undoubtedly changed the characteristics of the aquatic ecology and studies oriented to the restoration of a balanced clean water biota would be of great benefit to the region. With more than 4500 miles of coastline in New England, the problem of water pollution from vessels is one which warrants considerable study. With this in mind, it would seem highly desirable to retain the Boston site for a regional water pollution control laboratory serving the Northeast.

The Commission notes with concern the provision to remove the tax exempt status of bonds for construction of waste treatment facilities. It is anticipated that removing the tax exemption feature would hamper the marketability of municipal bonds and might allow interest rates to exceed legal limits.

In conclusion, it is considered imperative that the prefinancing authorization set forth in Public Law 660 as amended be retained; additional funds are needed to maintain the program momentum for water pollution abatement if the States' implementation plans are to be realized on schedule; new funding requirements should allow sufficient time for communities to comply with the requirements without generating a "slowdown" of construction activity. A system of fund allocations to States must be developed to allow for the effective planning and construction of treatment works. Removal of the tax exempt status of municipal bonds could make the financing of water pollution abatement projects more costly at the local level, and in some instances result in the need for legislative authority to exceed legal interest rate limits. From the standpoint of program administration, it would be highly desirable to develop aid programs compatible with existing programs so as not to increase the administrative load on the State regulatory agencies. It is also recommended that the research fund authorization set forth in the proposed bill be reduced with the difference applied to available construction grant funds; and, that consideration be given to retaining the Boston, Massachusetts area site for the regional water pollution control laboratory serving the northeast region.

PROPOSED SUBSTITUTE FOR FOREIGN ASSISTANCE ACT

Mr. BERRY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. BERRY. Mr. Speaker, I have today submitted to the House Foreign Affairs Committee a proposed substitute for H.R. 15263, the Foreign Assistance Act of 1968.

The substitute was patterned after a proposal by the Honorable Raymond I. Geraldson, a prominent international lawyer from Chicago, Ill., and Dr. Raymond W. Miller of World Trade Relations, Inc., Washington, D.C.

The proposal has been submitted by Mr. Geraldson and Mr. Miller to the President, to the Secretary of State, to the chairman of the House Foreign Affairs Committee and to several others on a nonpolitical, bipartisan basis.

I insert it here as a means of making it available to the public generally:

PROPOSAL FOR A REVOLVING LOAN FUND FOR WORLD DEVELOPMENT

In both of the principal episodes of the War of the Twentieth Century (World War I and World War II), the United States of America made extensive loans to its allies, as well as itself expending billions of dollars in the achievement of victory—for itself and for the other free and democratic nations of the world. For more than two decades since the end of World War II, the United States has been the chief underwriter of world development.

The total outlay by the United States in loans and aid (not including its own war expenditures) during this half century has exceeded $128 billion gross or some $113 billion net.

The Marshall Plan, largely financed by the United States, became the great revitalizer of collapsed Western Europe. With the vigorous cooperation of the people and the nations in the areas devastated by war, a new and prosperous Europe was born and is now almost totally independent economically.

The Point IV Program constituted a companion effort among nations and areas of the world which had not been industrialized before World War II, and which were rapidly struggling out of colonialism into independence and sovereignty. The Point IV Program has had varying degrees of success, but none of the nations assisted thereunder has risen to the economic achievement of Germany or Japan. It seems ironic, but not without logical explanation, that the most effective use of our aid has been by our fallen foes.

It is now obvious that billions of dollars of additional loans and grants will be needed by the less developed nations—if they are to realize the promise of their potential and are to remain within the family of freedom.

It is also obvious that it is neither possible nor just for the United States to bear the major burden of this future program.

It is proposed that those nations who have war debts owing to the United States and those who have benefited so much from the Marshall Plan, many of whom are large holders of gold, be now called upon to share in a program for world development by repaying their wartime obligations—not to the United States itself, but to a revolving loan fund which the United States will create and administer. It is proposed that this Revolving Loan Fund for World Development be funded by an assignment to it of the claims now held by the United States against the war-debtor nations and by an assignment to this fund by such nations of some portion of their reparation claims against the nations defeated in the world wars. It is further proposed that the Revolving Loan Fund for World Development be the channel through which all future United States aid to foreign nations be directed.

The advantages of the above proposal are many, but principally, at this stage of the world economic cycle, it will relieve the pressure of the gold drain on the United States, and it will afford the nations of Western Europe an opportunity to discharge their war debts, while at the same time aiding significantly in the elevation of the underdeveloped nations of the world and alleviating the economic threat to all of the world which is present in today's dollar drain problem.

Respectfully submitted,

RAYMOND I. GERALDSON,
Seyfarth, Shaw, Fairweather & Geraldson.
RAYMOND W. MILLER,
World Trade Relations, Inc.

THE CELOTEX CORP.'S STRUGGLE TO ELIMINATE URBAN SLUMS AND REVITALIZE OUR CITIES

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GIBBONS. Mr. Speaker, on April 18, 1968, in the city of Atlanta, an event occurred which, while passing without notice, may well prove to be a landmark in the Nation's long struggle to eliminate urban slums and revitalize our cities. The Celotex Corp., a Tampa-based national manufacturer, began on a nonprofit basis, construction on a 208-unit apartment project for low- and moderate-income families. It joined hands with an old and respected religious Negro institution in Atlanta, the Friendship Baptist Church, which will serve as the nonprofit sponsor and own and operate the apartments upon their completion. This is an outstanding example of what must be done in order to meet one of the greatest challenges confronting America today, a three-way partnership of community, business, and Government joining together to provide housing for low-income families.

Government alone cannot do this job. The community alone cannot do this job. Without immediate and substantial help from private industry, the Nation faces the real threat that our central cities will die and slums never be eliminated. Commonsense and common decency command us to prevent this with every means at our disposal.

There has been an enormous amount of time, energy, and brainpower directed at this problem and there are some hopeful signs of progress. With new housing legislation, administered by a Cabinet-level department in Washington, many of our cities have received fresh impetus and new weapons to step up the fight against poor urban housing. Countless men and women are giving their minds and their hearts to this fight. But it has not been enough. All this planning and good will and hard work have not yet been able to get urban rebirth and slum clearance off the ground on a massive, national scale.

The one essential element missing in all this has been big private capital. Up to now there has been remarkably little involvement by big business in urban renewal, for a variety of reasons: the prospect of little or no profit, building code restrictions, complexities of some Government programs, and simply a reluctance to become involved in an area fraught with controversy and political complications. Private capital seems to be waiting for legislation that will put urban renewal on some other basis than that which has led us to our present impasse.

There are some in the private sector, however, who have come to realize that this impasse cannot be allowed to continue while millions of our fellow citizens continue to exist in substandard housing. These few industrial leaders—precious few, I might emphasize—have chosen to set aside the timidity, doubts, and weary arguments expressed so long by those in both public and private life, and have determined instead to bring to bear against the urban problem the greatest weapon of free entreprise: direct, positive action.

One year ago the Celotex Corp. made such a decision. Believing that the time for talking and waiting was past, Celotex decided on a course of action that would produce concrete results in the form of new, attractive living units for low- and moderate-income families. Subsequently, in concert with the Atlanta Housing Authority and FHA, Celotex committed itself to the development of a 208-unit apartment community in a low-income neighborhood near the heart of downtown Atlanta. Under the FHA's 221(d)(3) program, the company is the developer and the Friendship Baptist Church serves as the nonprofit sponsor.

Application for the insurance of a mortgage loan of $2,535,000 has been approved by FHA and the Federal National Mortgage Association has agreed to buy the mortgage. On April 18, 1968, construction was begun on the site. Mr. Speaker, if construction goes according to schedule, by January of next year, 208 low-income families will be moving into new and decent apartments because somebody had the courage to try something new, to innovate, and to turn dreams into reality through direct action.

There have been several FHA 221(d)(3) projects in Atlanta and in other cities around the Nation. But this is the first time a major national corporation has joined hands with a small, predominantly Negro church to serve as a catalyst to bring other similar apartment projects to life. The real significance of this action lies in a simple question: If Celotex can do it, why cannot all the other large corporations in our Nation do it? If each firm were to undertake a project of similar size, consider what impact this would have on the total problem of urban housing. Not only would thousands of new, decent living units be created for those who need it most, but in the process businessmen would become involved and concerned with urban renewal at the working level. From this involvement would emerge forceful efforts to improve and refine present housing legislation which, in turn, would stimulate an even greater flow of private capital into urban renewal.

As the developer of the Atlanta project, Celotex expects to make no profit. But lack of profit is not a deterrent in this case. The principal motivation behind the company's action is to encourage, by its example, the involvement of other major national companies in urban renewal, to bring the power of large private industry to bear directly on the problem. Through trial and error, by doing and acting, companies such as Celotex would develop a new expertise in the field of urban renewal and a practical line of communications with government that does not now exist. But of paramount importance, we would see new apartment communities replacing slums and ghettos all across our Nation, and this dreadful impasse would at last be broken.

Secretary Weaver's recent establishment of an Office of Business Participation in the U.S. Department of Housing and Urban Development underscores the urgency of the need to attract private industry into urban renewal. Under the direction of Robert F. McAuliffe, this new group will explore new ways of more fully utilizing the managerial expertise, financial resources, and commitment of the private sector in the task of achieving the Nation's goal of 6 million new low- and moderate-income housing units over the next 10 years.

With a task of such magnitude before us, it behooves the administration, the Congress, and the political leaders of our States and cities throughout the Nation to commend and encourage the pioneering efforts of companies such as the Celotex Corp., who are trying to lead private industry into active involvement in the rebirth of our cities.

Mr. Speaker, the Celotex Corp. and its leaders are constituents of mine. They have been brought to the Tampa area under the dynamic leadership of Jim Walter, the head of the Jim Walter Corp., and his fine team of associates. We in Tampa are proud of what they have done.

A CALL TO LAW AND ORDER

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, I have just today received a copy of the complete text of an address delivered by Mr. Thurmar Sensing, executive vice president of the Southern States Industrial Council, before the National Defense luncheon at the Mayflower Hotel here in Washington on April 15. The title of it is "A Call to Law and Order."

I have seldom come across an address which so clearly and precisely pinpoints the crux of a problem and then deals with it with such incisiveness as does this talk by Mr. Sensing. If ever there was a time for someone to sound a call to law and order, this is it and, in the hope that this body will heed that call, I insert Mr. Sensing's address at this point in the Record:

A Call to Law and Order

(By Thurman Sensing, Executive Vice President, Southern States Industrial Council)

About three months ago, I gave Mrs. Griswold the choice of two subjects for my talk to you here today. One of these subjects was "A Call to Law and Order," and that is the one she chose.

It is rather ironic now that this subject should have been chosen for this setting three months ago because if any city in our whole nation has needed law and order, it has been Washington, D.C., the capital of the nation, during the past several days. During those days smoke caused by fires set by arsonists curled around the Washington Monument, the dome of the nation's Capitol, and settled like a pall over the White House. People have been shot to death and stores have been looted right here in our Capital City—a shame and a disgrace for a people who call themselves law-abiding citizens.

Naturally, this speech has been prepared for some time because I only returned from a five weeks' trip over the continent of South America a week ago, and knew that I wouldn't have time to prepare a talk after I got back. Therefore, I am really going to make the speech in two parts—first, as I had it prepared for delivery before my trip to South America—everything I wrote then still applies—and second, in view of the happenings during the past ten days.

This is not a racial speech; this is not a political speech—it is a law and order speech. It is a forthright speech and I will not pull any punches. However, the people named and quoted are named and quoted not because they are black or white, not because they are Republican or Democrat, but because they said what they said and did what they did.

We made a survey of all the Southern States Industrial Council members last fall, giving them a list of 22 national issues, and asked them to rate the issues in order of concern. Crime and lawlessness was named as the issue of paramount concern by a wide margin.

People of great political influence in this country have permitted the concept of "freedom of speech" to be expanded to include subversion, intimidation, sedition, and incitement to riot. They have condoned the distortion of "academic freedom" to encompass the adulteration of young minds with Communist doctrine and the disintegration of a well disciplined educational system. They have allowed "freedom of assembly" to mushroom into disruption of peaceful activity, mob rule, riot and insurrection.

Unless those in authority in the United States can be influenced to abandon this course—or unless they can be replaced by men who will—we cannot hope to restore in our nation the kind of domestic peace and order that have made our many generations proud to be Americans—living in a land of freedom, security, opportunity, and justice under law.

The crisis we now face is the most serious, the most dangerous, in the history of our country.

Remember, this was written three months ago.

"We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

This passage comes, as you will recognize, from the Preamble to the Constitution. The phrase I want to emphasize and dwell on for a while is "insure domestic tranquility." As you know, in many cities and towns in this country in the last few years we have had anything but "domestic tranquility"; in fact, we have had anarchy of the rankest sort. This was especially true during the past summer—the "long, hot summer" we had been warned about.

Actually it was a rather cool summer weatherwise, but it was certainly hot so far as domestic tranquility is concerned. The riots, arson, looting and murder that have occurred in many of our cities are a shame and a disgrace for a nation that calls itself civilized.

Now then, I want to suggest how we could put an end to arson and looting, both of which are despicable crimes. The solution is this: Issue orders to the police or the guardsmen, as the case might be, to shoot arsonists, looters and snipers on sight—and investigate later. We have mollycoddled, we have pampered, we have excused law breakers entirely too much in this land of ours to maintain a law and order nation.

This would not only stop the arson and looting—it would prevent it from happening in the first place. To give orders not to shoot under any circumstances for a period of time, as was done in some of our cities this past summer, not only encourages law-breaking, it also betrays the trust of the mayor or the governor, as the case might be.

Moreover, this is not a racial solution—it is a law and order solution, because law and order must be observed by everyone alike, both black and white, if we are to live in a civilized country.

The present disregard for law and order has been abuilding for quite a number of years. Five causes have worked hand in hand to wreak havoc upon the fabric of America. The riot roots may be found, I think (1) in Communism (2) in false compassion (3) in civil disobedience (4) in court decisions and (5) in the criminal instinct that lies repressed in the heart of man.

Communism, I believe, is the catalyst which has precipitated the present situation in this country. Anyone who has studied the details of the various riots that have taken place in the country must agree that they did not happen spontaneously—they were planned. Communism thrives on agitation and revolution of all sorts, upon overthrow of the existing order. The Communists are calling the riots in our streets a "war of national liberation." Communists are definitely involved in the various civil rights organizations in the country at the present time. It is no coincidence that Stokely Carmichael, the despicable self-proclaimed apostle of guerrilla warfare in the United States, turned up in Communist Havana at a meeting of the organization created by the Soviets and the Communist bloc countries to organize revolution in both the Americas.

If people like Carmichael and Rap Brown, the present head of the Student Non-Violent Coordinating Committee, better known as SNCC, are very soon not tried for treason then we are going to be well on our way to forfeiting our right to call our country a law-abiding, patriotic nation.

By the way, SNCC is certainly a badly named organization. Instead of being called the Student Non-Violent Coordinating Committee, it should be called the Non-Student Violent Coordinating Committee.

The second cause of riots is the false compassion that has been spewed out by our leaders in government, by some of the clergy, and others in positions of responsibility during the past few years.

It was no less than President Johnson who used the civil rights marchers' phrase, "We shall overcome," several times in one of his speeches, and lent them his encouragement. Didn't he know that this was the title of a song written for the civil rights marchers by Pete Seeger, a person who had been identified under oath as a Communist? When Seeger wrote "We shall overcome" it is not hard to imagine that what he meant was "We, the Communists, shall overcome."

It was no less than President Johnson who greeted an audience of students in the summer of 1965 as "fellow revolutionaries" and told them: "I am proud to salute you as fellow revolutionaries. We want change. . . . I hope you will go out into the hinterland and arouse the masses, and blow the bugles, and tell them the hour has arrived, and their day is here." Well, the bugles have sounded all right—in Newark, in Cambridge, Md., in East Harlem, in Detroit, in Milwaukee, and dozens of other cities—and the day is here.

And speaking of encouragement, I wonder if Vice President Humphrey cares to recall his remarks in New Orleans in the summer of 1966 when he said that if he had to live in the slums "I think you'd have more trouble than you've had already, because I've got enough spark left in me to lead a mighty good revolt." Well, Mr. Humphrey's services were not needed—there were plenty of other volunteers.

And let me insert right here that it is not buildings that make slums, it is people who make slums. You can take the same people out of the slums and put them in well built high rise apartments and these apartments will soon become more filthy and more dangerous than the slums they left. That has been well demonstrated in New York City.

And how about the carpet-bag Senator from New York—Senator Robert F. Kennedy when he said in the summer of 1965: "There is no point in telling Negroes to obey the law. To many Negroes the law is the enemy."

And back to President Johnson when he said in 1964: "We are going to try and take all of the money that we think is being unnecessarily spent and take it from the 'haves' and give it to the 'have nots' that need it so much." What kind of expectations did he think that he was arousing? He can look about him and find the answer.

Behind the criminal insurrection in Detroit and elsewhere are liberal counsels of appalling irresponsibility. The rioters, looters and arsonists have been encouraged in recent years to believe that they were above the law. When disturbances took place in Southern communities, for example, hundreds of clerical carpet-baggers descended on these towns and cities to condemn the law enforcement authorities. Now the shoe is on the other foot and the home towns of the liberal clergy and liberal professors are engulfed in the smoke of armed rebellion against lawful government, and Southerners cannot be used as scapegoats.

Looking back at the disastrous Detroit riot Americans may properly, I think, be dismayed at President Johnson's highly political reaction to the disorders. Whereas the White House in the past has been quick to send federal troops into Southern states at the earliest opportunity, Mr. Johnson delayed and delayed sending soldiers into strife-torn Detroit. The delays persisted despite pleas by Republican governor George Romney of Michigan and the Democratic mayor of Detroit.

When the troops finally were dispatched

into the city (and they constituted only a fraction of the massive force President Kennedy used to overwhelm the small town of Oxford, Miss., in 1962) he employed a nationwide TV address to explain his extreme reluctance to employ federal troops.

Under the circumstances this explanation seemed peculiar. If there ever was an occasion for federal assistance, this was it. The troopers were requested by state and local authorities. The havoc being committed in Detroit was equal to what an external enemy of the United States might achieve in a massive bombing raid.

Mr. Johnson apparently was trying to get off the hook with "civil rights" groups, but the vast majority of the American people are not political-minded "civil rights" activists. They are people who expect the President to assist the states in upholding law and order.

In the aftermath of the rioting, Mr. Johnson **asked the country to pray for domestic peace. He also appointed an investigative committee to inquire into the cause of the riots.**

Certainly prayer is in order as a proper avenue to reconciliation. On the other hand, Americans cannot overlook the fact that the liberal clergy is partly to blame for the disorders now shaking this nation. In recent years hundreds of liberal priests, ministers and rabbis have given their endorsements to civil disobedience and to protest movements which trampled on municipal and state laws. In Selma, Ala., there was an invasion of clergymen from the North. One wonders: Where were these clerical voices of "conscience" when the rioting broke out in Detroit and other cities. How is it that Martin Luther King didn't invade the streets of Detroit to call for non-violence? There is a distinct smell of hypocrisy in this situation.

As for the presidential Investigative Committee, no doubt the members, according to their lights, will search for answers. It would be a mistake, however, to expect much of the Committee. For instance, I refer you to the Warren Commission, so-called, to investigate the death of President Kennedy. The members of this Investigative Committee share in general the social outlook which has **prevailed in places of power in the last generation. That is to say, they believe that uplifting of backward people and the ending of public discipline problems can be solved by massive federal expenditures.** Thus it would be very surprising if the Committee came up with anything but a recommendation for vast increases in government antipoverty spending.

President Johnson certainly has indicated his approach to the riot problem. He has spoken of the riots in Detroit, Newark and other cities in such a way as to employ these tragic situations as arguments for salvaging his Great Society programs. In other words, the American people have been listening to him hoping to hear a crystal clear demand for law and order, and instead they received a stone in the form of a political message for more big government spending in metropolitan centers.

The ordinary citizen in the aftermath of a period of savagery and rampant looting, certainly knows the score. It is likely that President Johnson will feel the sting of a real law and order backlash if he persists in trying to end street revolution by bowing to the blackmail of Negro militants who try to pressure the country by using fire bombs and snipers' bullets.

The third cause of riots is the preaching of civil disobedience and so-called "nonviolent" resistance **against society. The** preachers of civil disobedience have gone so far as to say that "society" owes the Negroes what might be called 400 years of back pay—and unfortunately many of the people believe them. Actually their ancestors were sold into slavery in the beginning by their own chiefs at the time. One of the clear thinking, clear headed Negroes in this country went to Africa not long ago, and after comparing the Negroes of that continent with the Negroes in this country, came back and said: "Thank God, my ancestors were sold into slavery."

Unfortunately, not many of the Negro leaders have that attitude. Too many of them have told the Negroes: "Obey those laws you think are just; don't obey those you think are unjust"—thus advocating that each person decide for himself what is the law. Nothing could cause complete anarchy more quickly.

The fourth cause of the riots has been the invidious court decisions that have disarmed law enforcement and made law the protector of wickedness. These well known court decisions have diminished the law itself. Since the federal Brown decision of 1954 the law has abandoned its impartial majesty and become a tool of favoritism and social distortion.

After all, what can you expect from the courts when the President nominates a man for the court of last resort—the Supreme Court of the United States—not because he was the best man available, but because by doing so he could gain a lot of votes from a minority bloc in the next election.

The fifth cause of riots which I should mention is no respector of race. It is the fact that perhaps criminal instincts lie hidden in the heart of man. All men must struggle with the grace of God to overcome their baser nature. Mob rule drowns the pangs of guilt and the objections of conscience, and makes an individual feel, erroneously of course, that he is not guilty of his acts. It is a warning that white mobs may yet be set against Negro mobs by the calculating manipulators abroad in the land. In fact, we saw some of this in Milwaukee last summer. It may get worse, not only in Milwaukee but in many other places.

We have heard and read much this past year about the "long, hot summer" ahead of us, indicating that it would be during that summer we would have riots and anarchy. No doubt we have many long, hot summers ahead of us. Governor Terry of Delaware told the Southern Governors Conference at Asheville last fall that the troubles of 1967 are not "any at all compared with what we are going to have next year." Governor Terry offered no solution except to say: "We must get ready for it, be prepared for it, stop it, or we are going to be taken over." He referred to **Black Power agitator Rap Brown's threat of "the day of the atom bomb"—a statement which Terry said will be the "signal" when rioters "will come out with guns in every city across the nation,"** and that, Terry said, "will be a sad day unless we do something about it." He still didn't suggest what to do.

And so I go back to my opening statement that the mayors of the cities and the governors of the states should now issue proclamations loud and clear that the time has come to be firm, to be positive, in fact, to get tough. Unfortunately, this is the only language that law-breakers understand. They must proclaim that law and order must be preserved in this land by all people alike, that anyone using a Molotov cocktail or a sniper's rifle or looting a store will be shot on sight.

Law enforcement officers are finally beginning to realize there is no other solution. The Chief of Police of Philadelphia issued such orders last fall; later the Chief of police of Miami, shortly before Christmas, issued similar orders, saying: "When the looting starts, then the shooting starts." Since then at least two Associated Press stories out of Miami have related the tremendous drop in crime since that order was issued. Not a single Negro has been shot by a Miami policeman since then—but crimes of violence have shown a 70% drop. Surely, there is a lesson to be learned from this experience.

The time has come for action. And by action I don't mean rushing millions of dollars into riot-torn areas as a corrective measure—I mean swift, vigorous police action, expediated trials and convictions when supported by the facts. Detroit, for instance, had received $100 million since 1960 for urban renewal, and $41 million in poverty funds. **Detroit was a model city in those respects; yet there occurred the worst riot, the most people killed, the greatest property damage in any city in the land.**

Now we come to the second part of my speech, mainly centered, of course, on the burning, shooting and looting occasioned by the assassination of Martin Luther King, Jr., on Thursday evening, April 4th. Law and order have been violated in more than 100 **cities of this land during the past ten days, all of it triggered by King's death.**

The man who killed Martin Luther King, Jr. committed a senseless, tragic crime. He violated law and order. He should be apprehended if possible, and brought to trial for his crime.

However, the country seems to have been caught up in an orgy of emotionalism since King's death, and many people have said many things and have done many things that are not supported by facts and reason. It is not too much to say, in fact, that Martin Luther King Jr. brought this crime upon himself. He went around over this country for years proclaiming his belief in non-violence and yet nearly everywhere he appeared and spoke it resulted in violence. One of his basic beliefs was that people were morally obligated to obey only those laws they thought just. He said they were not morally obligated to obey the laws they considered unjust. As I mentioned earlier in my talk, putting these beliefs into practice leads very quickly to complete anarchy.

What Martin Luther King should have realized in adopting this philosophy is that it might work both ways; in other words, his assassin may very well have said to himself, "I think Martin Luther King should be killed. I realize there is a law against murder, but in this case, I think the law is unjust." Anyway, we all know the result.

As Congressman John M. Ashbrook of Ohio said in his speech to the House last October 4, in speaking of King:

"While preaching non-violence, I believe the record clearly shows him to be an apostle of violence. While gaining major support from clergymen, I believe he has preached an expedient, totally materialistic line, which is the antithesis of religious teachings. He has openly associated with the most radical elements in our society. I believe he has done more for the Communist Party than any other person of this decade."

Mr. Ashbrook went on at length to support these allegations and many others. He pointed out that King made a major speech on Vietnam just a year ago this month. He further said, "I believe that any thinking American who will study his (King's) words must conclude as I have that he is disloyal to the United States. He maligned his country with lies and accusations that came straight from the Communist Party line. A strange statement, you say. Listen to what he said. He praised Ho Chi Minh as the only true leader of the Vietnamese people. He condemned the United States as the 'greatest purveyor of violence in the world today' and likened our nation to Hitler's Germany. He . . . threw out wild charges like the United States may have killed 1 million children in Vietnam . . . He said we have no honorable intentions in Vietnam and our minimal expectation is to occupy it as an American colony. These are a few of the wild accusations of the Nobel Prize winner many people have been led to believe is a man of peace.

Even the Washington Post could not stomach King's blatant lies and propaganda. Roundly condemning King in an editorial headed 'A Tragedy,' the Post ended by say-

ing: "Many who have listened to him with respect will never again accord him the same confidence. He has diminished his usefulness to his cause, to his country and to his people. And that is a great tragedy."

Early this year, following a meeting with Stokely Carmichael and other agitators in Washington, Martin Luther King promised that more American cities would go up in flames this summer unless—and this is where the blackmail comes in—unless the Congress does exactly the bidding of the Black Power movement. King was unable to put a precise pricetag upon this blackmail, but he said it would cost somewhere between ten and thirty billions of dollars to do it—to give every Negro in America a guaranteed income, a "good" home, and, of course, "open housing." Failing to get all of this, he said, the Negroes of America plan to take to the streets this summer in fifteen major cities and countless smaller ones. "Our nation," King threatened, in—what does he call it?—his non-violent way, "will sink deeper and deeper into the tragic valley of chaos, and our cities will continue to go up in flames." Stokely Carmichael, standing nearby, just grinned.

Were these the words of a minister of the gospel, of a man of peace, a believer in non-violence? The answer has to be—no, they were not.

Two years ago I made a two-months' trip to Rhodesia, South Africa, South West Africa and Liberia. Now I have just returned from a five-weeks' trip to South America, visiting eight countries including the Panama Canal Zone. The more I study the situation abroad and the more I study the situation in this country, the more convinced I am that we are overlooking the fundamental issue at hand in our emphasis on welfare measures; namely, that it is not the function of government to guarantee prosperity to everybody, provide our citizens with a guaranteed income, provide them with government-subsidized housing, etc. It is only the function of government to provide a favorable climate in which a citizen may prosper. Then it is up to the citizen himself to produce his own prosperity and provide for his own welfare. Anything that is given a citizen beyond this must be provided by charity, not by government.

Applying this to our present-day situation, let me say that it is not the function of government to give a man a job or see that a job is given him simply in order to see that a minority group is represented on a pro rata basis, or represented at all. A man should be employed simply because of his ability, because he is the best man for the job, and he should be paid accordingly.

Let me also say at this point that one group of students in our public schools should never be bused across the city to assure proportionate representation of either race in our schools. Common sense and logic should prevail here, not a foolish ideology.

Now, considering the events since April 4th, let's pick up two or three loose ends.

I mentioned Stokely Carmichael and Rap Brown earlier in my talk. Stokely Carmichael made some talks in Nashville before the students of the Negro universities in early April 1967. It was undoubtedly these talks that triggered the riots that shortly followed, the first Nashville had had. Not too long after that, Carmichael went to Cuba, then behind the Iron Curtain, and then to Hanoi, thus violating all passport rules as laid down by our State Department. However, the Attorney General of the United States did not see fit to take any action concerning him when he finally returned to this country. Since then he has conferred with civil rights leaders and been active in many ways—still nothing has been done.

Rap Brown, who succeeded Carmichael as head of the SNCC, has been in jail for quite a while because he violated terms of the bail granted him by a federal judge in Richmond, Va., last September. He has been under arrest for this violation, and just the other day the federal judge turned down his plea to release him in the interest of racial harmony. You will note his plea to be released was not based on the fact that he legally should be released, but in the interest of racial harmony. To a defense attorney's suggestion that "We may be fiddling while our cities are burning," Judge Merhige made this significant and courageous reply: "Assuming that the cities are burning, that makes it more important that the law must be obeyed. I'm not going to be bullied by kooks on one side or the other."

The Justice Department is finally investigating Stokely Carmichael's activities in recent days—something they should have done and should have acted upon months ago. At a news conference in Washington, 14 hours after the death of Martin Luther King, Carmichael said Negroes would "have to get guns" and take to the streets to "retaliate for the (King) execution." Carmichael was on his way at the time to attend a court hearing in Richmond, Va., for Rap Brown on his bail appeal. He said further:

"When White America killed Dr. King, it declared war on us. We have to retaliate for the execution of Dr. King.

"Black people know that their way is not by intellectual discussions. They know that they have to get guns. Our retaliation won't be in the court room but in the streets of America."

In other words, Carmichael denied completely that the Negroes of this country are controlled by the rules of law and order. However, Attorney General Ramsey Clark had nothing further to say about him in his TV interview on April 8 other than that federal investigators are checking his statements to see if "he may have violated . . . any one of a number of statutes." This seems to me to be a very weak statement, a very immature approach to handling two of the most militant civil rights leaders in the country.

Now concerning federal troops, when the rioters camped on his own doorstep, President Johnson rather quickly got over his reluctance to use them, as was true in Detroit last summer. News reports are that more than 60,000 federal troops were called into service during the last several days, being mainly used in the cities of Washington, Chicago, Baltimore, and elsewhere in the North. Even so, in many cities for a period of time looting went uncontrolled, even on the main business street in Washington. It is too early yet to say whether the combined burning and looting and killing amounted to more than in the city of Detroit last summer, but there is hardly any question but that it did.

The assassination of Martin Luther King Jr. has been followed by an orgy of mob violence unprecedented in this country's history. The protest leader who espoused what he called a philosophy of "non-violence" left behind him a heritage of violence among his followers and admirers. As for flying flags at half-mast, as was done through Tuesday of last week, that, it seems to me, was very fitting—not for the reason given, but because the nation has been shamed by savage rampaging such as good citizens never believed they would see in this proud nation. The death of one Negro soldier in the American armed forces in Viet Nam is a thousand times more worthy of flags being flown at half-mast than was the death of Martin Luther King Jr.

This heritage of violence is no doubt led by a relatively small percentage of the Negro people; in fact, joined in altogether by only a minority of the colored population. However, that only makes the situation more tragic, in that a small part might destroy the whole. What we must all realize in this land, both blacks and whites, is that we must observe all the rules of law and order if we are to continue to live under the kind of government left us by our forefathers.

All people in this country must realize that this is a land of liberty, not a land of license; that this is a land where laws must be respected, not violated; that this is a land where each man is free to carve out his own destiny and choose his own future so long as he harms no one else in the process; that this is a land where a man's value is not determined by his race and his color, but by what he has contributed and is contributing toward making this a decent, law-abiding society in a free nation.

PRESIDENT JOHNSON CITES LATIN AMERICAN PROGRESS

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, as a member of the Subcommittee on Inter-American Affairs of the Foreign Affairs Committee, I have had an opportunity to observe the important role played by the Organization of American States in the development of Latin America.

Last week, President Johnson took note of this fact at a luncheon honoring the retiring Secretary General and Assistant Secretary General of the OAS. I had the pleasure of being present at the luncheon honoring Dr. Mora and Dr. Sanders. The President cited some of the highlights of recent years. The Alliance for Progress, the Inter-American Development Bank, the Central American Common Market, the Latin American Free Trade Association.

In more specific terms, he listed the following accomplishments:

First. Average per capita growth in Latin America has more than doubled in the past 3 years.

Second. Enrollment in primary and secondary school has increased almost by 9 million students.

Third. The United States has placed $7.7 billion at the service of the Alliance for Progress.

Fourth. One quarter of a million land titles have been distributed.

The President summarized by saying:

> Our Inter-American system has always been a trail blazer in the quest for a better world.

Because of the relevance of our inter-American system to the problems of other parts of the world, I feel that information on hemispheric achievements should be disseminated as widely as possible. Accordingly, I am inserting in the Record the remarks by President Johnson and Secretary General Mora:

Exchange of Remarks Between the President and Hon. Jose A. Mora, Secretary General of the OAS, State Dining Room

The President. Dr. Mora, Mr. Sanders, Distinguished Ambassadors, Members of Congress, Distinguished Ladies and Gentlemen:

We have come here to the White House today to honor two of the outstanding public servants of this Hemisphere.

Jose Mora and William Sanders have guided our Organization of American States through the most challenging decade in its history. Their stewardship has seen the launching of the Alliance For Progress and the Inter-American Development Bank.

They have witnessed and shared in the great movement toward economic integration that was reflected in the Central American Common Market and the Latin American Free Trade Association.

They stood in the front lines defending our Hemisphere during the times of great peril, and they stood beside us as we adopted a new charter of promise and hope in the Americas in the Presidents' action program of Punta del Este.

For almost half of this decade, I have worked shoulder to shoulder with these two distinguished men. We have strengthened the security of our Hemisphere beyond doubt. We have waged a successful battle for economic opportunity and social justice in Latin America.

In these years, just to cite a few facts, the average per capita growth in Latin America has more than doubled over the first three years of the Alliance, from nine-tenths of one percent in 1961 through 1963, to two and two-tenths percent from 1964 through 1967.

The United States has put $7 billion 700 million at the service of the Alliance For Progress. That is 35 percent higher per annum in the last four years than we did in the first three years.

The enrollment in our primary schools has increased by almost 7 million students, and in secondary schools by close to 2 million students. The number of cooperatives has increased by over 35 percent. A quarter of a million land titles have already been distributed, and tax collections, which rose $489 million in the 1961 through 1963 period, increased from $489 million to nearly $3 billion during the 1964 to 1967 period.

Our inter-American system has always been a trail blazer in the quest for a better world. We have pioneered procedures for the peaceful settlement of disputes. There has been no armed conflict between the members of our community now for more than 30 years.

We have championed the principle of self-determination of peoples. We have acted to preserve it—collectively—when it was threatened in our Hemisphere.

We have developed the modern concept of collective security. We are pursuing the goal of representative democracy. Elections held throughout the Hemisphere during the last two years show that we are making great progress.

We are demonstrating that through the Alliance for Progress, by all of us working together, nations in a region can build economic democracy and Latin America recently gave the world a model for preventing the spread of nuclear weapons.

All of this could not have been achieved without the dedication of wise men—men who saw that in laboring for cooperation between all the nations of America, they would serve the interests of each nation and its people.

Mr. Sanders, we are very proud of your dedicated service to the inter-American cause.

Dr. Mora, I am reminded of Emerson's words: "An institution is the lengthened shadow of a man." You leave your high office knowing that the OAS will carry the mark of your achievements throughout history. You leave with the deep gratitude of this Nation—of this Nation's President and of this Nation's people—for making the new world a better and a safer place for free men to pursue their destiny.

There is so much that is undone. There is still so much to be done. But it can and it will be done. If those who follow you in this institution cast the same shadow of solidarity and progress for our Hemisphere, then we have many good years to look forward to.

I ask you to rise and join me in a toast to Dr. Mora and Mr. Sanders.

Secretary General Mora. Mr. President, Distinguished Members of the Congress, Distinguished Ambassadors, Friends, Ladies and Gentlemen:

Dr. Sanders and I are greatly honored by this luncheon today, and deeply moved by the warm words of friendship that have just been spoken.

Of the many satisfactions that I have had during the term of my office as Secretary General of the Organization of American States, none has been greater than that afforded by the support given to our regional organization by leaders of the Hemisphere, and very particularly by our host, President Johnson.

The concern of President Johnson for his country's neighbors has been manifested time and again. It is a very real concern of President Johnson, based on a keen appreciation of the immense problems by which the people and governments of Latin America are confronted.

It is expressed in a conviction that the concepts of the good neighbor and the great society know no boundaries, and that the hand of friendship, once extended, should be a helping hand, such as President Johnson has demonstrated.

Above all, that concern is marked by a sense of the imperativeness of immediate action. In addressing his fellow chiefs of state at their meeting last year in Punta del Este, President Johnson proclaimed: "The pace of change is not fast enough . . . The time is now. The responsibility is ours. So let us declare the next 10 years the decade of urgency."

It is characteristic of President Johnson's sense of personal commitment that he has never issued a call for action by the Hemisphere without a clear plan in view and a firm pledge of support by his government for the common endeavor.

The most recent instance we witnessed only a few days ago in this house when President Johnson proposed a task force of the Hemisphere's outstanding planners to work out a five-year program for speeding up the physical integration of the Americas, "uniting the continents with roads and river systems, with power grids and pipelines, and with transport and telephone communications."

That proposal was concluded with the declaration: "I assure you that the United States will lend its full cooperation and support."

We of the Hemisphere are particularly appreciative of the depth of President Johnson's concern for our greater well being in the light of the vast problems facing him in other areas of the world.

I am sure I speak for all here present in voicing the fervent desire that the efforts President Johnson has ceaselessly put forth to bring about that peace which will permit the uninterrupted advance of humanity upon the path of progress may speedily be crowned with the fullest of success.

Thank you, Mr. President, for your kindness today and all of our support is behind you.

The President. Dr. Mora, it gives me great deal of pleasure to present you, for your services, this little box that has an inscription on it. We are very greatful for all you have done. This represents the feeling of all the people here.

I said something about divisiveness in my speech of March 31st. It doesn't mean that anyone here feels that way. It doesn't apply to this group. For instance, we have seated at this very table the Rockefellers and the Meanys. We come from the great open spaces of the cactus country of Southwest Texas, from one of the largest ranches in our country, to Mr. Hewitt over here from the black lands of Illinois.

We have the leaders of industry, the leaders of the press, the leading Ambassadors from this continent. They are all here today.

We all join in this tribute to an outstanding man who has done a very constructive service for all of us.

This is a token of our appreciation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Betts, for 60 minutes, on May 21; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. Kupferman) and to revise and extend their remarks and include extraneous matter:)

Mr. Goodell, for 30 minutes, today.

Mr. Blackburn, for 10 minutes, today.

Mr. Findley, for 30 minutes, on May 15.

Mr. Farbstein (at the request of Mr. Gonzalez), for 20 minutes today; to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. Price of Illinois in two instances and to include extraneous matter.

Mr. Mize to include extraneous matter in remarks made in Committee of the Whole on H.R. 16165.

(The following Members (at the request of Mr. Kupferman) and to include extraneous matter:)

Mr. Fulton of Pennsylvania in five instances.

Mr. Findley in two instances.

Mr. Rumsfeld in four instances.

Mr. Ashbrook in three instances.

Mr. Curtis.

Mr. Collier in six instances.

Mr. Harsha.

Mr. Vander Jagt.

Mr. Reinecke.

Mrs. Bolton.

Mr. Scherle in two instances.

Mr. Michel.

Mr. Smith of New York.

Mr. Derwinski in two instances.

Mr. Bob Wilson in four instances.

Mr. Springer.

Mr. Brock.

Mr. Adair.

Mr. Quillen in four instances.

Mr. Cramer.

Mr. Kuykendall.

Mr. Broyhill of Virginia.

Mr. Berry.

Mr. Pelly.

Mr. Nelsen.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Abbitt in two instances.

Mr. Thompson of New Jersey in six instances.

Mr. Resnick.

Mr. Evins of Tennessee in six instances.

Mr. Podell.

Mr. Giaimo in two instances.

Mr. Baring in two instances.

Mr. William D. Ford in two instances.

Mr. GILBERT.
Mr. COHELAN in three instances.
Mr. GETTYS.
Mr. TUNNEY.
Mr. HAMILTON.
Mr. GONZALEZ in three instances.
Mr. MCMILLAN.
Mr. RARICK in four instances.
Mr. VANIK in four instances.
Mr. EDWARDS of California.
Mr. MOSS.
Mr. NIX in two instances.
Mr. GALIFIANAKIS.
Mr. PICKLE in two instances.
Mr. BURLESON in two instances.
Mr. HAGAN in four instances.
Mr. WHITENER.
Mr. WOLFF in two instances.
Mr. NICHOLS in two instances.
Mr. REUSS in six instances.
Mr. O'HARA of Illinois.
Mr. ASHLEY.

SENATE ENROLLED BILL SIGNED

The **SPEAKER** announced his signature to an enrolled bill of the Senate of the following title:

S. 3033. An act to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. **BURLESON**, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 14681. An act to declare a portion of Boston Inner Harbor and Fort Point Channel nonnavigable;

H.R. 14940. An act to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations; and

H.J. Res. 1234. Joint resolution to provide for the issuance of a gold medal to the widow of the late Walt Disney and for the issuance of bronze medals to the California Institute of the Arts in recognition of the distinguished public service and the outstanding contributions of Walt Disney to the United States and to the world.

ADJOURNMENT

Mr. **GONZALEZ**. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 17 minutes p.m.), the House adjourned until Wednesday, May 15, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1842. A letter from the Comptroller General of the United States, transmitting a report on the need for improvement in utilization of available material in the Department of Defense; to the Committee on Government Operations.

1843. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the last sentence of section 201(b) of the Merchant Marine Act, 1936, and for other purposes; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 14954. A bill to amend title 38 of the United States Code to improve vocational rehabilitation training for service-connected veterans by authorizing pursuit of such training on a part-time basis (Rept. No. 1376). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 16902. A bill to amend title 38 of the United States Code in order to promote the care and treatment of veterans in State veterans' homes (Rept. No. 1377). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 7481. A bill to amend section 620, title 38, United States Code, to authorize payment of a higher proportion of hospital costs in establishing amounts payable for nursing home care of certain veterans; with amendment (Rept. No. 1378). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 16025. A bill to amend title 38 of the United States Code with respect to compensation and educational assistance for widows of veterans, to make certain widows and children eligible for care in Veterans' Administration hospitals, and to change the limitation on the periods of educational assistance available under part III of such title; with amendment (Rept. No. 1379). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 16027. A bill to amend title 38, United States Code, to provide increases in rates of compensation for disabled veterans; with amendment (Rept. No. 1380). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of Missouri: Committee on House Administration. Senate Joint Resolution 142. Joint resolution to provide for the reappointment of Dr. Crawford H. Greenwalt as Citizen Regent of the Board of Regents of the Smithsonian Institution (Rept. No. 1381). Referred to the House Calendar.

Mr. JONES of Missouri: Committee on House Administration. Senate Joint Resolution 143. Joint resolution to provide for the reappointment of Dr. Caryl P. Haskins as Citizen Regent of the Board of Regents of the Smithsonian Institution (Rept. No. 1382). Referred to the House Calendar.

Mr. JONES of Missouri: Committee on House Administration. Senate Joint Resolution 144. Joint resolution to provide for the reappointment of Dr. William A. M. Burden as Citizen Regent of the Board of Regents of the Smithsonian Institution (Rept. No. 1383). Referred to the House Calendar.

Mr. ASHMORE: Committee on House Administration. H.R. 8176. A bill to amend the Federal Voting Assistance Act of 1955 so as to recommend to the several States that its absentee registration and voting procedures be extended to all citizens temporarily residing abroad; with amendment (Rept. No. 1384). Referred to the House Calendar.

Mr. ASHMORE: Committee on House Administration. S. 1581. An act to amend the Federal Voting Assistance Act of 1955 (69 Stat. 584); with amendment (Rept. No. 1385). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 1170. Resolution providing for the consideration of H.R. 8578, a bill to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes (Rept. No. 1386). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 1171. Resolution providing for the consideration of H.R. 15794, a bill to provide for U.S. standards and a national inspection system for grain, and for other purposes (Rept. No. 1387). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 1172. Resolution providing for the consideration of H.R. 16363, a bill to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes (Rept. No. 1388). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1173. Resolution providing for the consideration of House Joint Resolution 1227, joint resolution to authorize the temporary funding of the emergency credit revolving fund (Rept. No. 1389). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By **Mr. BELL**:

H.R. 17250. A bill to establish a Commission on Hunger; to the Committee on Education and Labor.

By **Mr. BOGGS**:

H.R. 17251. A bill to amend the Internal Revenue Code of 1954 to provide for certain costs of construction; to the Committee on Ways and Means.

H.R. 17252. A bill to amend the Internal Revenue Code of 1954 to provide tax incentives for the rehabilitation of buildings; to the Committee on Ways and Means.

By **Mr. FARBSTEIN**:

H.R. 17253. A bill to amend section 203 (a)(7) of the Immigration and Nationality Act to permit refugees to qualify for a conditional entry under that section without first moving to a non-Communist or non-Communist-dominated country; to the Committee on the Judiciary.

By **Mr. GARMATZ** (by request):

H.R. 17254. A bill to repeal the laws authorizing limitation of shipowners' liability for personal injury or death; to the Committee on Merchant Marine and Fisheries.

By **Mr. HAMILTON**:

H.R. 17255. A bill to amend the Internal Revenue Code of 1954 to provide that farming losses incurred by persons who are not bona fide farmers may not be used to offset nonfarm income; to the Committee on Ways and Means.

By **Mr. HARRISON**:

H.R. 17256. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By **Mr. KORNEGAY**:

H.R. 17257. A bill to amend title 38, United States Code, to provide increases in rates of compensation for disabled veterans; to the Committee on Veterans' Affairs.

By **Mr. McMILLAN**:

H.R. 17258. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By **Mr. MIZE**:

H.R. 17259. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By **Mr. MONTGOMERY**:

H.R. 17260. A bill to modify the Yazoo

Basin headwater project, Mississippi, in order to authorize reimbursement for the costs of reconstructing a bridge originally constructed as part of such project; to the Committee on Public Works.

By Mr. ST. ONGE:

H.R. 17261. A bill to enable baby chick, started pullet, laying hen, and table egg producers to consistently provide an adequate supply of these commodities to meet the needs of consumers, to stabilize, maintain, and develop orderly marketing conditions at prices reasonable to the consumers and producers, and to promote and expand the use and consumption of such commodities and products thereof; to the Committee on Agriculture.

By Mr. SAYLOR:

H.R. 17262. A bill to amend title 38, United States Code, to provide increases in rates of compensation for disabled veterans; to the Committee on Veterans' Affairs.

By Mr. BROYHILL of Virginia:

H.R. 17263. A bill to amend the Civil Service Retirement Act to increase from 2 to 2½ percent the retirement multiplication factor used in computing annuities of certain employees engaged in hazardous duties; to the Committee on Post Office and Civil Service.

By Mr. COLLIER (for himself, Mr. Hanna, Mr. Friedel, Mr. Conyers, Mr. Karth, Mr. Ashley, Mr. Blatnik, and Mr. St Germain):

H.R. 17264. A bill to establish a Commission on Hunger; to the Committee on Education and Labor.

By Mr. FALLON:

H.R. 17265. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 17266. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. GROSS (for himself, Mr. Henderson, and Mr. Pool):

H.R. 17267. A bill to amend title 5, United States Code, to remove persons from Federal employment who engage in unlawful acts connected with riots or civil disorders, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PATMAN (for himself and Mr. Gonzalez):

H.R. 17268. A bill to amend the Defense Production Act of 1950, and for other purposes; to the Committee on Banking and Currency.

By Mr. PODELL:

H.R. 17269. A bill to establish a commission to study the use of chemicals in peace and war; to the Committee on Interstate and Foreign Commerce.

By Mr. ST. ONGE:

H.R. 17270. A bill to amend the Merchant Marine Act, 1936, and other statutes to provide a new maritime program; to the Committee on Merchant Marine and Fisheries.

By Mr. SCHEUER:

H.R. 17271. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. SHIPLEY:

H.R. 17272. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

By Mr. TUNNEY:

H.R. 17273. A bill to amend the act of September 21, 1959 (Public Law 86–339) relating to the Reservation of the Agua Caliente Band of Mission Indians; to the Committee on Interior and Insular Affairs.

By Mr. WATSON:

H.R. 17274. A bill to amend the Davis-Bacon Act to provide flexibility in the imposition of debarment sanctions; to the Committee on Education and Labor.

By Mr. DANIELS (for himself, Mr. Perkins, Mrs. Green of Oregon, Mr. Thompson of New Jersey, Mr. Holland, Mr. Dent, Mr. Pucinski, Mr. Brademas, Mr. Carey, Mr. Hawkins, Mr. Gibbons, Mr. William D. Ford, Mr. Hathaway, Mrs. Mink, Mr. Scheuer, Mr. Meeds, Mr. Burton of California, Mr. Ayres, Mr. Quie, Mr. Reid of New York, Mr. Bell, Mr. Erlenborn, Mr. Scherle, Mr. Steiger of Wisconsin, and Mr. Ashbrook):

H.J. Res. 1271. Joint resolution to provide that it be the sense of the Congress that a White House Conference on Aging be called by the President of the United States in 1971, to be planned and conducted by the Secretary of Health, Education, and Welfare to assist the States in conducting similar conferences on aging prior to the White House Conference on Aging, and for related purposes; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROTZMAN:

H.R. 17275. A bill for the relief of Yasar Melekoglu, his wife, Suna Melekoglu, and their children, Tayfun Melekoglu and Tamer Melekoglu; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 17276. A bill for the relief of Carmine D'Apruzzo; to the Committee on the Judiciary.

H.R. 17277. A bill for the relief of Benedetto Randazzo; to the Committee on the Judiciary.

By Mr. HATHAWAY:

H.R. 17278. A bill for the relief of Maj. Louis A. Deering, U.S. Army; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 17279. A bill for the relief of Jenny M. Jo; to the Committee on the Judiciary.

By Mr. MURPHY of Illinois:

H.R. 17280. A bill for the relief of Kwan Bih Wan and children, Tuan Gok Der, Hing Thloy Der, Wing Gok Der, and Kuen Thloy Der; to the Committee on the Judiciary.

By Mr. NEDZI:

H.R. 17281. A bill for the relief of Girolomo Martino G. Grillo; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 17282. A bill for the relief of Vincenzo Di Salvo; to the Committee on the Judiciary.

H.R. 17283. A bill for the relief of Rosario Lo Cicero; to the Committee on the Judiciary.

H.R. 17284. A bill for the relief of Americo Placidi; to the Committee on the Judiciary.

H.R. 17285. A bill for the relief of Domenico Zizza; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 17286. A bill for the relief of Yehoshua Sulimanoff; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.R. 17287. A bill for the relief of John Sebastian Bell; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 17288. A bill for the relief of Cosimo Damiano Ranauru; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

314. By the SPEAKER: Petition of Mrs. Rita Warren, Brockton, Mass., relative to assistance for mentally retarded children; to the Committee on Interstate and Foreign Commerce.

315. Also, petition of E. H. Brockelmann, Altadena, Calif., and others, relative to pensions for World War I veterans; to the Committee on Veterans' Affairs.

SENATE—*Tuesday, May 14, 1968*

The Senate met at 11 a.m., and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou who dost speak to us in the quietness, forgive us that we seem to listen too often to those about us who shout the loudest.

As in reverence we hallow Thy name, so may we hallow our own, keeping our honor bright, our hearts pure, our ideals untarnished, and our devotion to the Nation's weal high and true.

We are grateful for this sweet time of prayer, that calls us from a world of care, and bids us at our Father's throne make all our wants and wishes known.

At this altar of devotion we would be sure of Thy presence ere pressing duty leads us back to a noisy, crowded way.

"Direct, control, suggest, this day,
All we design or hope or say;
That all our powers, with all their might,
In Thy sole glory may unite."

In the dear Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 13, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon, it stand in adjournment until 11 a.m. tomorrow.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

(This order was subsequently changed to provide for the Senate to recess until 10 a.m. tomorrow.)

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Subcommittee on Constitutional Amendments of the Committee on the Judiciary and the Permanent Subcommittee on Investigations of the Committee on Government Operations be authorized to meet during the session of the Senate today.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Subcommittee on Flood Control—rivers and harbors—of the Committee on Public Works be authorized to meet during the session of the Senate today.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SCOTT

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the distinguished Senator from Pennsylvania [Mr. SCOTT] be recognized at as close to 2 o'clock as possible, for not to exceed one-half hour.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR THURMOND

Mr. **MANSFIELD**. Mr. President, I have an unusual request for "7 minutes—no more, no less—at exactly 2:30 p.m." That is an impossible request, but I ask unanimous consent that when the distinguished Senator from Pennsylvania [Mr. SCOTT] completes his remarks, the distinguished Senator from South Carolina [Mr. THURMOND] be recognized on that basis.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The **PRESIDING OFFICER** (Mr. TYDINGS in the chair) laid before the Senate the following letters, which were referred as indicated:

REPORT OF U.S. NAVAL ACADEMY

A letter from the Dean of Admissions, U.S. Naval Academy, Annapolis, Md., transmitting, pursuant to law, a report of that Academy, dated May 1968 (with accompanying papers); to the Committee on Armed Services.

AMENDMENT OF MERCHANT MARINE ACT, 1936

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the last sentence of section 201(b) of the Merchant Marine Act, 1936, and for other purposes (with accompanying papers); to the Committee on Commerce.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on opportunity to reduce costs by accelerating the disposal of unneeded storage structures, Commodity Credit Corporation, Department of Agriculture, dated May 13, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on need for improvement in management of mission support aircraft, Department of the Army, dated May 10, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on compilation of General Accounting Office findings and recommendations for improving government operations, fiscal year 1967, dated May 10, 1968 (with an accompanying report); to the Committee on Government Operations.

REPORT OF ATTORNEY GENERAL

A letter from the Attorney General, transmitting, pursuant to law, a report of the activities of the Department of Justice, for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF CIVIL AIR PATROL

A letter from the National Commander, Civil Air Patrol, Maxwell Air Force Base, Ala., transmitting, pursuant to law, a report of that organization, for the year 1967 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF U.S. COMMISSION ON CIVIL RIGHTS

A letter from the Chairman, U.S. Commission on Civil Rights, Washington, D.C., transmitting, pursuant to law, a report of that Commission relating to participation by Negroes in the electoral and political processes in 10 Southern States since passage of the Voting Rights Act of 1965 (with an accompanying report); to the Committee on the Judiciary.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Committee on the Disposition of Papers in the Executive Departments.

The **PRESIDING OFFICER** appointed Mr. MONRONEY and Mr. CARLSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the **PRESIDING OFFICER**:

A resolution of the Senate of the State of Maryland; to the Committee on Armed Services:

"SENATE RESOLUTION 15

"Senate resolution protesting the act of piracy committed by North Korea against a naval vessel of the United States and supporting the actions of the United States Government in this serious matter

"On Monday, January 22, 1968, the Communist Government of North Korea committed an act of piracy against the United States with the armed seizure of the USS 'Pueblo' in international waters near Korea.

"The facts of this outrageous incident, as reported by Ambassador Arthur J. Goldberg to a meeting of the United Nations Security Council, disclose that a naval intelligence ship of the U.S. Navy, the 'Pueblo', was accosted by a vessel of North Korea while in international waters off the shores of Korea, and after being surrounded by several North Korean vessels was boarded and forcibly taken to a North Korean port.

"The evidence presented by Ambassador Goldberg clearly shows that the 'Pueblo' was in international waters, more than twelve miles from the coastline of Korea and that the subsequent boarding and seizure of the 'Pueblo' was a dangerous and precipitous act devoid of justification or excuse.

"Such an action on the part of North Korea is not new. Recently a band of assassins from North Korea attempted to take the life of President Park Chung Hee of South Korea and failed. Other acts of piracy involving the seizure of South Korean fishing vessels and the kidnapping of South Korean Nationals have been successful.

"Such acts are clearly an indication of the desperate condition in which North Korea finds itself today. Since the Korean Armistice, South Korea with the help of the free world has prospered economically; North Korea with its communist help and resources has not prospered. The tyrannical regime in control of North Korea must learn that they cannot substitute for their failures, piratical attacks upon the free nations of the World.

"To date the United States Government has insisted on resolution of this attack by diplomatic means. If no results are forthcoming, then this government must consider other and more forceful means.

"Throughout the history of the United States, other governments have committed acts of piracy against the United States but have suffered retribution, as at Tripoli and prior to the War of 1812.

"America is a free nation because its government has protected the liberty and the property of its people. In this latest act of privacy by North Korea, the very ideals upon which our nation has been founded, are now jeopardized. The USS 'Pueblo', and its crew must be released immediately.

"Now as we face this clear and present danger to our security, the members of the Senate of Maryland have followed with increasing concern the rapid unfolding of the events surrounding the seizure of the 'Pueblo', and in the case of the Prince Georges County Senators, with special interest because of the presence on the 'Pueblo' of a resident of the county, Marine Sergeant Robert J. Chicca; now, therefore, be it

"*Resolved*, That the members of the Senate of Maryland express their shock with the act of piracy committed by North Korea against a naval vessel of the United States and we extend our unqualified support to the actions of President Lyndon B. Johnson and the United States government in resolving this crisis in a manner which will uphold American honor; ideals and prestige in the world. and be it further

"*Resolved*, That copies of this Resolution be sent to President Lyndon B. Johnson, Vice-President Hubert H. Humphrey, to Ambassador Arthur J. Goldberg, to the members of the President's Cabinet, and to Senators Daniel B. Brewster and Joseph D. Tydings and Representatives George H. Fallon, Samuel N. Friedel, Edward A. Garmatz, Gilbert Gude, Clarence D. Long, Hervey G. Machen, Charles McC. Mathias, Jr., and Rogers C. B. Morton.

"By the Senate, January 31, 1968.

"Read and adopted.

"By order, J. Waters Parrish, Secretary.

"WILLIAM S. JAMES,
"President of the Senate.
"J. WATERS PARRISH,
"Secretary of the Senate."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Commerce:

"SENATE CONCURRENT RESOLUTION 57

"Whereas, the Civil Aeronautics Board of the United States is now considering the Transpacific Route Investigation, and the final award thereof of operating authority to existing and additional United States carriers to meet the present and future needs of air transportation in the Pacific area will have far-reaching impact upon the State of Hawaii as the hub of transportation and communications among all nations bordering the Pacific Ocean; and

"Whereas, there is rapidly developing a community of interest in trade and commerce among the countries of Asia, Latin America and Hawaii; and

"Whereas, a direct, nonstop air service between Mexico and the State of Hawaii would cause further acceleration and expansion of this community of interest among the countries of the Pacific Basin with Hawaii continuing to be the center of such anticipated growth and development of trade and commerce in the Pacific; and

"Whereas, such nonstop service would also provide the people of Hawaii, traveling to central and eastern parts of the United States a direct alternate route eastward from Hawaii or westward to Hawaii through Mexico City, giving the people of Hawaii a real opportunity for cultural and commercial interchange with their Latin American Neighbors in the Pacific, and fulfilling the destiny of Hawaii as the home of an internationally oriented society in the Pacific; and

"Whereas, such nonstop service would also provide the people of the central and eastern parts of the United States traveling to Hawaii a direct alternate route westward to Hawaii or eastward from Hawaii through Mexico City; and

"Whereas, such nonstop service between Hawaii and Mexico City on through to the central and eastern parts of the United States is, among other matters, being considered in the Transpacific Route Investigation, now, therefore,

"Be it resolved by the Senate of the Fourth Legislature of the State of Hawaii, Budget Session of 1968, the House of Representatives concurring that it is the sense of the Fourth Legislature that such direct nonstop through service will be beneficial to the people of the State of Hawaii in expanding their community of interest in trade, commerce and tourism with their Latin American neighbors of the Pacific Basin, and that the Civil Aeronautics Board be respectfully urged to give serious consideration to authorizing such service; and

"Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to Governor John A. Burns, Senator Daniel K. Inouye, Senator Hiram L. Fong, Representative Spark M. Matsunaga, Representative Patsy T. Mink, the President of the Senate, the Speaker of the House of Representatives, and, in the appropriate manner, to the Civil Aeronautics Board.

"Attest:

"John J. ———,
"*President of the Senate.*
"Seichi Hirai,
"*Clerk of the Senate.*

"Attest:

"Tadao Beppu,
"*Speaker, House of Representatives.*
"Shigeto Kanemoto,
"*Clerk, House of Representatives.*"

A concurrent resolution of the Legislature of the Territory of American Samoa; to the Committee on Commerce:

"Senate Concurrent Resolution 39

"Conveying to the 90th Congress of the United States and the Governor of the Territory of American Samoa, on behalf of the people of American Samoa, that the Members of the Senate and House of Representatives of the Territory of American Samoa solicit the support and cooperation of each Member of Congress to vote against H.R. 13311 'the Pelly bill'

"Whereas, American Samoa is a Territory of the United States obtained through the 'Instrument of Cession' in April, 1900 A.D. which was accepted, ratified, and confirmed; and

"Whereas, the Government of the United States upon ratification of the 'Instrument of Cession' assumed the obligation of promoting the welfare of the people of said islands, which welfare can be better promoted by the continued employment of the Citizens of American Samoa; and

"Whereas, American Samoa has two canneries that employ hundreds of Nationals who are Income Tax payers to the Government of the United States; and

"Whereas, Star Kist, Inc. and Van Camp Sea Food Co., canneries doing business in American Samoa depend entirely upon the Korean Fleet, the Chinese and Japanese Fleets, Orientals who have perfected deep sea fishing operation, for their supply of fish, without which they could no longer keep their doors open causing widespread unemployment, and resulting in conditions similar to those now existing in the Appalachian region where, Senator Robert Kennedy in a recent inspection tour stated, 'what these people need is jobs, not government help'; and

"Whereas, American Samoa, its citizens and families depend on the income from employment in these canneries, the only industries in American Samoa; and

"Whereas, American Samoa through its Income Tax and industry is on the road towards self-support:

"Now, therefore, be it resolved by the Senate of the Tenth Legislature the House of Representatives concurring, that the Legislature of American Samoa go on record as Citizens of the Territory of American Samoa, a Territory of the United States that has voluntarily embraced the Income Tax laws of the United States, as soliciting the support and cooperation of each member of Congress in voting against H.R. 13311; and

"Be it further resolved that the Governor be, and he is hereby requested and authorized to distribute certified copies of this Concurrent Resolution to the President of the Senate and Speaker of the House of Representatives of the U.S. Congress; the Secretary of the Interior; Chairman of Committees on Interior and Insular Affairs of both Houses of the U.S. Congress; the Chairman of the Committee on Merchant Marine and Fisheries of the U.S. House of Representatives, the Director of Office of Territories, and Senator Robert Kennedy.

"A. P. Lauvao-Lolo,
"*President of the Senate.*
"Muagututi'a F. Tuia,
"*Speaker of the House of Representatives.*

"Attest:

"Mrs. Salilo K. Levi,
"*Secretary of the Senate.*

"Attest:

"Palauni M. Tuiasosopo,
"*Chief Clerk House of Representative.*"

A resolution adopted by the board of directors, Farm Credit Banks of Columbia, Columbia, S.C., praying for the enactment of legislation to allow the Mainland Cane Sugar Area to fill all or a portion of the unused Puerto Rican deficit; to the Committee on Agriculture and Forestry.

A resolution adopted by the Itoman Town Council, Okinawa, praying for the enactment of legislation for the immediate and complete return of Okinawa to the fatherland; to the Committee on Foreign Relations.

A resolution adopted by the Municipal Council, Kochinda-Son, Okinawa, praying for the enactment of legislation relating to the return of Okinawa to Japan; to the Committee on Foreign Relations.

A resolution adopted by the municipal council of the city of Clifton, N.J., remonstrating against the passage of a bill to liberalize truck size and weight limits on interstate highways; ordered to lie on the table.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. BARTLETT, from the Committee on Commerce, without amendment:

H.R. 15224. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard (Rept. No. 1120).

By Mr. BARTLETT, from the Committee on Commerce, with an amendment:

H.R. 15189. An act to authorize appropriations for certain maritime programs of the Department of Commerce (Rept. No. 1121).

By Mr. BARTLETT, from the Committee on Commerce, with amendments:

S. 3017. A bill to change the provision with respect to the maximum rate of interest permitted on loans and mortgages insured under title XI of the Merchant Marine Act, 1936 (Rept. No. 1119).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARTKE:

S. 3485. A bill for the relief of Amaden and Cecilia Simoes; to the Committee on the Judiciary.

By Mr. PEARSON:

S. 3486. A bill for the relief of Sugwon Kang; to the Committee on the Judiciary.

By Mr. EASTLAND (by request):

S. 3487. A bill to correct deficiencies in the law relating to the theft and passing of postal money orders; and

S. 3488. A bill to provide for the admission to the United States of certain inhabitants of the Bonin Islands; to the Committee on the Judiciary.

By Mr. TALMADGE:

S. 3489. A bill for the relief of Augusto G. Usategui, M.D.; to the Committee on the Judiciary.

By Mr. DODD:

S. 3490. A bill for the relief of Peter Boros; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 3491. A bill for the relief of Azucena de Borja; to the Committee on the Judiciary.

By Mr. BAYH:

S. 3492. A bill for the relief of Sau Lin Chu (also known as Sow Sam Chu); to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin [Mr. Nelson], I ask unanimous consent that, at its next printing, the name of the distinguished Senator from Michigan [Mr. Hart] be added to the bill (S. 3126) to provide for the regulation of present and future surface and strip mining, for the conservation, acquisition, and reclamation of surface and strip mined areas, and for other purposes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Kansas [Mr. Pearson] be added as a cosponsor of the bill (S. 263) to increase to 5 years the maximum term for which broadcasting station licenses may be granted.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SENATE RESOLUTION 288—RESOLUTION TO AUTHORIZE THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO CONDUCT AN OIL INDUSTRY STUDY

Mr. TOWER. Mr. President, I wish to take this opportunity to submit a measure which would authorize the Committee on Interior and Insular Affairs to make a comprehensive study of the state of the domestic oil industry. Particularly included would be: First, the present and probable future state of the domestic oil industry in the United States; second, the scope of harm and/or difficulties encountered or which might be encountered by the domestic oil industry in the United States by reason of existing or future oil import programs; and third, the effect of the expanding petrochemical industry on the domestic oil industry in the United States by reason of the fact that such industry is heavily dependent upon oil imports.

Mr. President, in 1967, the American petroleum industry experienced another trying year. The total number of wells drilled in the United States was about 33,000, down 12 percent from the previous year. Even more telling was the fact that proven crude oil reserves in the United States for the 1962–66 period were down 306 million barrels from 1957–61. The domestic user who is so dependent upon an adequate supply also has a vital stake.

The petrochemical industry is playing an ever-increasing role in American business. This industry is greatly dependent upon oil imports for their needs and will need even greater amounts of oil in the future, most probably from foreign sources. The domestic industry must know of the impact of petrochemicals upon its own future. In order to plan and to make provisions, these problems must be considered now.

Mr. President, by considering this resolution, the Senate will give notice that it is concerned about the state of the petroleum industry in the United States. It is certainly my hope that affirmative action will be taken so that we here in the Congress can formulate a program which will coincide with our stated national objectives of remaining the world's foremost power and a strong petroleum producer. I urge the Senate to expeditiously consider this matter. A positive program is needed to prevent a bad situation from becoming progressively worse.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the RECORD.

The resolution (S. Res. 288) was referred to the Committee on Interior and Insular Affairs, as follows:

S. RES. 288

Resolved, That the Committee on Interior and Insular Affairs, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to make a complete and comprehensive study and investigation of the plight of the domestic oil industry in the United States. Such study and investigation shall include but shall not be limited to:

(1) The present and probable future state of the domestic oil industry in the United States.

(2) The scope of harm or difficulties encountered or which might be encountered by the domestic oil industry in the United States by reason of existing or future oil import programs.

(3) The effect of the expanding petrochemical industry on the domestic oil industry in the United States by reason of the fact that such industry is heavily dependent upon oil imports.

SEC. 2. For purposes of this resolution the Committee, through January 31, 1969, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than March 1, 1969.

SEC. 4. Expenses of the committee under this resolution, shall be paid from the contingent fund for the Senate upon vouchers approved by the chairman of the committee.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967—AMENDMENT

AMENDMENT NO. 780

Mr. CURTIS submitted an amendment, intended to be proposed by him, to the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 781

Mr. LONG of Missouri submitted an amendment, intended to be proposed by him, to Senate bill 917, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 782

Mr. DIRKSEN proposed an amendment to the Senate bill 917, supra, which was ordered to be printed.

(See reference to the above amendment when proposed by Mr. DIRKSEN, which appears under a separate heading.)

AMENDMENT NO. 786

Mr. KENNEDY of Massachusetts submitted amendments, intended to be proposed by him, to Senate bill 917, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 787

Mr. GRIFFIN submitted amendments, intended to be proposed by him, to Senate bill 917, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 788

Mr. TYDINGS submitted amendments, intended to be proposed by him, to Senate bill 917, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 789

PROPOSED AMENDMENT TO TITLE IV OF S. 917, RELATING TO FEDERAL FIREARMS CONTROLS

Mr. DODD. Mr. President, this amendment would restore the provisions of S. 1, amendment No. 90, restricting the interstate shipment of long guns by licensees—that is, interstate mail-order type shipments by licensees to individuals in other States would be prohibited—but would provide that such provision would not apply with respect to a State which had enacted a law making such provisions inapplicable to shipment of such firearms into the State.

Also Federal licensees would be prohibited from selling rifles or shotguns to persons under 18 years of age.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 790

PROPOSED AMENDMENT OF TITLE IV OF S. 917 RELATING TO FEDERAL FIREARMS CONTROLS

Mr. DODD. Mr. President, this amendment would restore the provisions of S. 1, amendment No. 90, restricting the interstate shipment of long guns by licensees—that is, interstate mail-order type shipment by licensees to individuals in other States would be prohibited—but would provide that such provision would not apply with respect to any State until that State had enacted a law making such provisions applicable to shipment of such firearms into such State.

Also Federal licensees would be prohibited from selling rifles or shotguns to persons under 18 years of age.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

AMENDMENT OF CERTAIN EXPIRING PROVISIONS UNDER THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962—AMENDMENTS

AMENDMENTS NOS. 783 THROUGH 785

Mr. PROUTY submitted three amendments, intended to be proposed by him, to the bill (S. 2938) to extend certain expiring provisions under the Manpower Development and Training Act of 1962, as amended, which were referred to the Committee on Labor and Public Welfare and ordered to be printed.

NOTICE OF HEARING ON INTERNATIONAL DEVELOPMENT ASSOCIATION

Mr. SPARKMAN. Mr. President, as acting chairman of the Committee on Foreign Relations, I wish to announce that the committee has scheduled a public hearing on S. 3378, a bill to authorize an appropriation of $480,000,000 for the U.S. contribution to the International Development Association. The hearing will begin at 10 a.m. on Tuesday, May 21. It will take place in room 4221 of the New Senate Office Building.

Persons wishing to testify on this bill should communicate with Mr. Arthur M. Kuhl, the chief clerk of the Committee on Foreign Relations.

NATIONAL SMALL BUSINESS WEEK

Mr. SMATHERS. Mr. President, by proclamation, President Johnson has designated the week of May 12 as Small Business Week. It is appropriate indeed that we Americans give official recognition to the vital contribution which small business has made to the phenomenal growth of our economy. Since the founding days of the Republic, small business has provided a constructive outlet for the entrepreneurial talents which are native to the small businessmen and small businesswomen of this Nation.

Time and again, the Congress has expressed its confidence that smaller business firms, given a fair opportunity, can more than hold their own in the development of new products, in the production of goods and services, and through wholesaling and retailing, in making the abundance of such goods and services available to consumers in metropolitan markets and in remote hamlets.

Perhaps the most enduring monument to the faith of Congress in small business enterprises is the Small Business Act of 1953, which created the Small Business Administration. As frequently amended in the ensuing 15 years, this act is considered by many to be the Magna Carta of our free enterprise system.

As chairman of the Senate Select Committee on Small Business, I feel it appropriate, Mr. President, to call attention at this time to some of the accomplishments of the Small Business Administration—the only Federal agency whose sole mission is to promote the welfare of our almost 5,000,000 small business concerns.

Through its financial assistance programs, the SBA has made $5.3 billion available to more than 117,000 small business borrowers. It is interesting to take note that about 42 percent, or $2.2 billion, was advanced by private lending institutions, ample indication of the close partnership in this area between the Federal Government and the private sector.

Many of the Nation's smaller communities benefited greatly from SBA's local development company program where, again in cooperation with citizen groups, a gross investment of more than $300 million in some 1,500 community projects created an estimated 64,000 new jobs.

Finally, by means of the Small Business Investment Company program, 1,381 small firms received from SBIC's financial assistance totaling almost $1.2 billion, a direct result of which was an increase in these firms employment of 11,800 jobs.

The agency is also to be commended for pumping about $40 million of credit into loans to small business firms located in urban and rural poverty areas. Studies have shown that the 3,700 economic opportunity loans help to create 2.5 jobs per loan for a total employment gain since the start of the program of 15,000 job opportunities.

In addition to these productive lending activities, SBA has been instrumental through its procurement assistance programs in helping innumerable small firms to find a place in the vast Federal supply system. For an example, Federal prime contract awards to small firms increased from $4.3 billion in 1960 to $9.9 billion in 1967. The agency's subcontracting activities also produced tangible results—the total of subcontracts flowing to small suppliers reaching $6.6 billion in fiscal 1967.

By no means the least effective of the agency's programs is that which is designed to make small businessmen better managers. While perhaps more difficult to measure, SBA's management assistance program has been of inestimable help to thousands of owners and managers of small companies who were being penalized by their lack of expertise in modern management skills and techniques.

All in all, the Congress can take pride in the achievements of the agency that it established to aid our small businessmen. As part of the celebration of Small Business Week, SBA's Administrator, Robert C. Moot, issued a state of the agency message in which he proclaimed an objective for SBA with which it would be hard to disagree. Mr. Moot said:

> Despite a creditable record, we must reach still more of the population that has been denied opportunity. We must help more people attain a measure of economic security and a place of dignity in our affluent society.

POWER-GAS CORP. LTD., OF GREAT BRITAIN PUTS ITS TECHNOLOGY AT SERVICE OF FREE WORLD

Mr. McGEE. Mr. President, we hear a great deal these days about the "brain drain," meaning the immigration to this country of skilled scientists and engineers from various parts of the Old World. While our superior pay scales and living standards, to say nothing of our appreciation for the skills of these people, no doubt provide a strong attraction for many, it is encouraging to note that some of our friends and allies in Britain and on the Continent are not taking it lying down. In fact, they are standing up to the importance of technology and they are developing, and retaining, and using important talents.

Indeed, we hear from time to time of something that might be called the reverse of the "brain drain," which is to say instances in which the scientific assets of our friends abroad are employed to our domestic advantage. One such instance has been brought to my attention by a constituent.

It seems that in the manufacture of fertilizers a great deal of sulfur is consumed. In many parts of the world sulfur is in short supply, and the situation is worsened by the acute necessity to increase food production. But it seems that in England and Europe they have perfected a method of using nitric acid instead of sulfuric acid. A leader in this development has been the Power-Gas Corp., Ltd., a part of the Davy-Ashmore Group, a publicly owned British firm.

I am told by Mr. Raymond J. Kenard, Jr., president of the Power-Gas subsidiary in our country that this technology has already been made available to several of our large oil and chemical companies. Moreover, Mr. Kenard is fully cooperating with our authorities in the encouragement of agricultural expansion in many of the developing countries. He says he is guided by the general lines laid down by our Government as to the countries that can best benefit from this assistance.

Though we have some concern that this sort of technology might be offered to some countries of adversary or negative slant in their dealings with us, and I could illustrate that by mentioning Red China and Cuba, or even North Vietnam, I am assured that Power-Gas has declined to show an interest in prospective business in those areas.

I wish we could say as much for all similar technical and engineering firms in Britain and on the continent, but, unfortunately, this cannot be said. Some appear blind and deaf to the best interests of the United States, a Nation which most surely deserves better reward for the sacrifices made in our united efforts, and for the help we extended in time of need.

So, I think it all the more worthy to commend to our Government, and to our U.S. private enterprise companies, Mr. Kenard's firm for the attitude taken, and for the useful way in which it is putting its technology at the service of the free world.

ADDRESS BY RABBI DAVID BERENT AT NATURALIZATION CEREMONIES, FEDERAL COURT, PORTLAND, MAINE

Mrs. SMITH. Mr. President, one of Maine's most distinguished and respected citizens, Rabbi David Berent, of Beth Jacob Synagogue, Lewiston, Maine, and chaplain at the Veterans' Administration Center, Togus, recently delivered a stirring address at the naturalization ceremonies held May 1, 1968, at the Federal Court in Portland, Maine.

It is the kind of talk that is so desperately needed in these troubled times. It is an expression of responsibility from a religious leader of many, many years in Maine as contrasted with that made by any recent arrival in Maine determined to make Maine over. It is an expression of a quiet man as contrasted to bombastic shouts of publicity seekers.

I invite serious consideration of the address and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY RABBI DAVID BERENT OF BETH JACOB SYNAGOGUE, LEWISTON, AND CHAPLAIN AT THE VETERANS' ADMINISTRATION CENTER, TOGUS, AT NATURALIZATION CEREMONIES, FEDERAL COURT, PORTLAND, MAINE, MAY 1, 1968

It is a proud moment when one can say "I am an American". I congratulate you who today have taken the oath of citizenship and welcome you as partners in a noble enterprise and ask that you work with us to extend and strengthen it.

You who were born abroad and have attained American citizenship through the process of naturalization, are following a path pioneered by many who have contributed much to American life. America is a nation built by immigrants—and by the children of immigrants. With the exception of a very small number of Indians and their descendants, I think we can truthfully say that all of our families were immigrants.

A great many of the men who fought in the American Revolution were immigrants. Immigrants helped to carve out the empire of the West. They toiled to span the continent with railways. They helped build our greatest cities. They enriched our science and our culture, bringing with them their music, their art, their hunger for learning and their appetite for a good life. Above all, they brought a love for freedom—and many good, workable ideas to help us guard the freedom we had already won. The American tradition has been constantly refreshed by ideas from abroad. Fused with our own, these new outlooks and viewpoints have been a continual source of energy and inspiration.

We now look to you new citizens to continue this constructive process. This is one way of showing that you appreciate the privileges given you as full-fledged members of the American community. As you today reach full citizenship, you are taking on new responsibilities at one of the great moments in history, indeed if there was ever a crossroad in history, this is it, this year 1968. Some of you new citizens may become members of our Armed Forces. You will add your sacrifice to the sacrifices made by the people of Southeast Asia who suffer under the heel of communism. In the wake of the peace, which we hope will soon be established, we pray will come a new world. Whether it will be a better world or not, depends upon the millions of human beings living in it. Better worlds are not made by gray-bearded statesmen. They are made by common people—by ordinary people like you and me.

Taking part in shaping the future is an exciting task and it begins right here at home. Democracy is a cooperative way of life in which each citizen is expected to make decisions. It is a personal obligation upon each of us to grasp the fundamentals of economic, political and international affairs. That is the challenge which our way of life makes for us.

This year especially, great decisions overseas will depend in no small measure on decisions we make at home. The whole conduct of the war in Vietnam is being thrashed out in public as our citizens, old and new alike, prepare to go to the polls to elect a President. And while this preparation is going on, men are all too likely to call one another bitter names while batteries of accusations will be hurled back and forth. This will perhaps seem strange to you new citizens but don't be deceived by these excesses. Underneath it all lies one of the fundamental processes of free men—the right of free speech and the right to choose those who govern us. Picking one's rulers is not easy. You won't find a neat little tag attached to each candidate, telling the size and shape and content of the program he stands for. It is part of our business as citizens to find these things out for ourselves. Being an American means being on your toes—it means working with other Americans of every race, creed and ancestry to solve the many problems confronting us today. These are not empty phrases; they represent a way of life that has brought us prosperity and power, made us the envy—and hope—of the world.

The gravest challenge to our way of life is not on the battlefield but the subversive elements like Black Power and White Supremacy which promote notions and programs that are the very opposite of Americanism, hammering at the foundations of our national unity.

As you have today entered the golden-gate of citizenship it behooves you to pause frequently and appraise that citizenship, placing as much emphasis on its duties as its privileges. These two elements of the modern concept of citizenship—rights and duties—are mutually interdependent. The citizen will continue to enjoy his civil rights and liberties to the extent that he continues to perform his civic duties. First of all, you have the right to speak and write your thoughts and to assemble with your fellow Americans or even to march peacefully as a means of protest for the purpose of solving the problems which confront you. If you have a grievance you are entitled to petition those in authority to remedy them and obtain relief in a lawful manner and not to riot. Our Government has now established a riot-control center and will not permit the kind of riots that have taken place in America to continue.

The National Advisory Commission on Civil Disorders appointed by the President stated unequivocally that "The vital needs of our nation must be met; hard choices must be made". Violence cannot build a better society. Disruption and disorder nourish repression, not justice. They strike at the freedom of every citizen. The community cannot—it will not—tolerate coercion and mob rule be it on the College Campus, in the streets of the ghetto or in the lives of people.

Our government has designated this day as Law Day.

Our heritage of democratic government can be assured when the laws of our country are honored. Decisions forced by demonstrators of whatever age group or for whatever cause can not be allowed to become a way of life in America.

You now have the right to vote—you have the right to choose your work and your profession. As Americans, we have the right to speedy trial by jury if we are accused of a crime. Before the courts, every man is equal and there is the same justice under the law for the poor man as there is for the rich.

Another one of our rights is the privilege of educating our children in the free public schools. No other nation in the world has finer schools and nowhere in the world are the educational opportunities so great.

But self-government is weighted as heavily with obligations as it is with privileges. As an American therefore, your first duty is to obey your country's laws. Yours is the duty to pay such taxes as are assessed by your government. You have a duty to serve on a jury when called, you have, above all, the duty to defend your country when you are called to the colors. Remember that we are not Americans simply because we call it our country. Nor are we Americans because we are citizens whether native-born or naturalized as you are today. No—we are Americans because we have something in common with the Americans of the past who put the seal of their spirit and the imprint of their hands on this blessed land.

Loyalty to our country and our flag is of course included in the meaning of Americanism. Loyalty alone, however is not sufficient to make one a real American. To be an American means to share all the ideals of the American people and to be ready to serve them. Any good man and any good woman can be a good American. No matter what our ancestry has been, no matter where we were born, no matter what our race or religion, if we are bent on being good, we can be first-class Americans.

America is indeed *people* for there are other lands with "rocks and rills, with woods and temple hills"—perhaps none blessed with such a profusion of nature's goodness and grandeur as this America of ours—but its uniqueness is to be found in that miscellany of people—the dreams, the hopes, the aspirations which they brought with them from many lands, the possibilities which they saw in this new world to build a better, finer, nobler society than this earth has ever seen.

America is the promise of the schoolyard where dark-skinned children play with curlyheaded Jewish girls and boys. America is the baseball diamond where crowds shout for a home run by a Negro and applaud when a Scandinavian or Pole or Dutchman or Irishman steals a base. America is the promise of the football field where Notre Dame and Army and Holy Cross and Navy meet while thousands cheer their favorites on to victory.

America is Broadway and Hollywood where the dazzling lights, the screen and television illumine our entertainment world with illustrious names which are derived from every race and land. America is the free and vehement discussion round the cracker-barrel of the cross-roads country store or magnified a thousand-fold over our radios and TV screens where men can dare to differ in the democratic way. America is the spectacle; the only place perhaps on earth where ministers and priests occupy pulpits of Jewish synagogues and rabbis are welcomed into the chancels of the Christian church and occupy chairs in Catholic colleges and universities; America is the unknown soldier whose crumbled skeleton may be that of a Negro, a white, a Christian, a foreigner or a Jew. America is the S.S. Dorchester torpedoed, where at her rail were those four brave chaplains, one Catholic, two Protestants and one Jew, linked arm in arm, chanting together prayers to their common Father as they descended together into their common watery grave because they had given their life-belts to their comrades, their fellow-Americans. That, too is America! America is the air of feeling free, the right to speak one's mind out. America is the railroads and airplanes and the Empire State Building, yes; but it is also, in the words of one of our popular songs: "the folks beyond the railroad, the people all around; the worker and the farmer, the men who built this country, that's America to me; the people who just came here, or from generations back; the town-hall and the soap-box, the torch of liberty, home for all God's children; the words of Lincoln, of Jefferson and Paine and the tasks that yet remain; the little bridge at Concord, where freedoms fight began, Gettysburg and Midway, and the story of Bataan . . . a house that we call Freedom, the home of liberty, and the promise of tomorrow . . . that's America to me."

Let America feelingly mean to you the beauty, the nobility and the sublimity that America really means to be. You now join your fellow-Americans in making America's efforts to bring all men to true brotherhood, the deliberate aim of all your daily dealings.

Swear by the precious, glorious yesterdays of our great Republic;

Swear by the blood that stained the snow at Valley Forge and crimsoned the coral reefs at Iwo Jima;

Swear by the persisting voices of long-dead patriots echoing down the vestibules of time that eternally challenging cry, "Give us Liberty or give us Death";

Swear by the heartaches and heartbreaks of broken experiments in government, that our way of life shall be the way of the handclasp and heartclasp;

Swear by those imperishable documents, that tell in no uncertain terms our plan and program for the eventual fellowship of men at peace the whole world over . . . But at the same time *Swear* and *Dare* to preserve at any cost, these democratic privileges and these birthrights, with your very lives if necessary. Only so will you help to make that kind of an America for which our Fathers fought and bled, that kind of America which they thus sought to establish as an inheritance of happines for us, for our children and for generations unborn.

It is my hope that you will fulfill the faith that your country is placing in you, in giving you the precious honor of citizenship. It is my hope that you will help your fellow Americans to pass on unimpaired, the cherished values of which we of this generation are but trustees. I warmly extend to you my hand and my heart in welcoming you to the brotherhood of America.

THE CHALLENGE OF THE LATER YEARS

Mr. MUSKIE. Mr. President, the month of May has been designated as Senior Citizens Month by President Johnson. In his proclamation the President calls upon the Federal, State, and local governments, in partnership with private and voluntary organizations, to join in common efforts to give further meaning to the continuing theme of this special month: "Meeting the Challenge of the Later Years."

In the May issue of Aging, a magazine published by the Administration on Aging of the Department of Health, Education, and Welfare, there are two short articles which demonstrate how one organization and how one outstanding senior citizen are "Meeting the Challenge of the Later Years."

The first article describes the efforts of the Smithsonian Associates, a private nonprofit organization, in making the educational resources of the Smithsonian Institution available to senior citizens. The Smithsonian Associates are to be commended for their outstanding work in bringing educational movies, lectures, and other enrichment programs to our senior citizens.

The second article tells the story of Charles Greeley Abbot, the nearly 96-year-old former Secretary of the Smithsonian Institution who retired in 1944. Dr. Abbot continues to work a 10-hour day at home and still comes to work once a week in his 11th floor office atop a tower in the original Smithsonian Institution Building.

His accomplishments in the field of astrophysics are internationally recognized. Dr. Abbot is honorary research associate of the Smithsonian Radiation Biology Laboratory, which he founded in 1929.

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD at this point as an example of the kind of programs for our senior citizens that were called for by President Johnson, and as a tribute to an outstanding senior citizen who has accepted the "Challenge of the Later Years."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SMITHSONIAN PROGRAMS FOR OLDER PEOPLE—HOW AN UNUSUAL ORGANIZATION IS PLANNING TO INCLUDE OLDER PEOPLE IN CULTURAL AND EDUCATIONAL ACTIVITIES IN WASHINGTON, D.C.

Smithsonian Associates was established as a private nonprofit membership organization in 1965 on the 200th anniversary of the birth of James Smithson, an English scientist who left his entire fortune to the U.S. Government to found the Smithsonian Institution.

To make available the resources of the Smithsonian's education and research activities, the Associates offers films, concerts, and lectures; conducts special guided tours, demonstrations, and field trips; and schedules classes taught by Smithsonian scientists and scholars on such subjects as American history antiques, anthropology, fossils, and the physical evolution of the earth.

To help older and retired people who would not otherwise be able to participate in these classes, the Associates offers a few scholarships. Proceeds from the Associates' luncheon talks are being used to send speakers to institutions in the community, including homes for the aging. Last year the Associates provided a speaker to the Springdale Terrace housing project in Silver Spring, Md., and one to the Old Soldiers Home in Washington, D.C. In addition, transportation was provided from the Roosevelt Retirement Hotel for older people who wished to attend a film showing at the Smithsonian.

This year the Associates hopes to purchase a bus so that it may offer more opportunities for older people to attend its programs.

All of the Associates' activities are financed from contributions and membership fees and no Federal funds are involved. Much of the day-to-day work of the organization is performed by volunteers, one of whom is 80 years old this year.

Ninety-six years old on May 31, Charles Greeley Abbot, doctor of science and astrophysics, is a man distinguished for vastly more than nonagenarianism.

He still works with, for, and at the Smithsonian Institution, his sole employer for 73 years—since 1895, after he took his Master of Science degree at Massachusetts Institute of Technology.

He still works a 10-hour day at home, although he "retired" in 1944 as Secretary of the Smithsonian, a post he took in 1928.

Once a week he comes downtown to work in Washington's most unusual office—the 11th floor of a medieval tower topping a castle in the heart of the city—serene amid teeming modern government buildings, lofty cranes, tunnel excavators, snarling motor traffic, and alongside a full-sized space vehicle.

He probably has put in more years in the executive branch of the Government than anyone in history, the U.S. Civil Service Commission says.

He sometimes works his secretary, Mrs. Lena Hill, who is "only" 78, until 9 p.m. and on Saturdays. (On Sundays Dr. Abbot goes to church; he preached a sermon on his 95th birthday.)

For nearly half a century he has been predicting local and global weather on his own theory which relates rainfalls to solar radiation. Fewer meterologists than formerly scoff; there is the Abbot 1923–52 study proving such correlation, with projections. And Dr. Abbot is honorary research associate of the Smithsonian's Radiation Biology Laboratory, which he founded in 1929.

Possibly the best terse reaction to Abbot is that of a recent visitor. After learning of the doctor's great age, accomplishments, and activity, the newcomer peered at his tower in the Smithsonian castle and asked: "Are you sure he's not Merlin?"

THE BALANCE OF PAYMENTS

Mr. TOWER. Mr. President, I support S. 3218, which will come before the Senate shortly, and urge the Senate to give its approval to the bill's provisions. The stated purpose of the measure is to "improve the balance of payments and foster the long term commercial interest of the United States" by broadening the scope of Government financing of exports.

In essence, S. 3218 would authorize the Bank to facilitate through loans, guarantees, and insurance, certain export transactions which, in the judgment of the Board of Directors of the Bank, do not meet the test of reasonable assurance of repayment as provided in section 2(b) (1) of the Export-Import Bank Act of 1945, as amended. Mr. President, the Banking and Currency Committee is clearly of the opinion, and this opinion is overwhelmingly supported by all the witnesses before the committee, that this does not mean a transition in the Export-Import Bank from a hard loan to a soft loan agency. Chairman Linder has very clearly pointed out to this committee that when the Board of the Bank finds the risks involved in a particular loan application are greater than the Board believes it should undertake, the transactions will then be looked at in the light of this new authority. The essential considerations, he further states, will be:

> What reasonably near-term benefits to the balance of payments can we hope for from this sale? If even such benefits are marginal, does the sale carry with it significant potential for follow-on orders, for market penetration, or for other longer-term benefits to our on-going commercial interests? And, ultimately, is the prospect of repayment adequate, even though it does not amount to "reasonable assurance," to justify Ex-Im Bank support? On this last point, I can assure you that Ex-Im Bank is well aware that it is only repayments of principal and interest on export credits, and not the credit sales as such, that will help our balance of payments. Consequently, we shall certainly not approve every application which comes our way. Ex-Im Bank has never been a soft loan agency. Neither the Administration nor the management of the Bank intends that this legislation should make it one.

Mr. President, under present statutory authority, the Export-Import Bank is limited to credits offering "reasonable assurance of repayment." Under S. 3218, $500 million of the Bank's present authorization will be set aside as a separate fund, or category, to which this limitation will not apply. Instead, as to this special fund, the criterion is to be whether the loan will improve the balance of payments and foster the long-term commercial interest of the United States.

The Senate, I am sure, is mindful of the extraordinarily important role the Export-Import Bank has played for many years in financing the exports of the United States into areas where credit risks were high. Time and time again, the Bank has inaugurated new techniques and introduced new principles of international finance, and these new plans, new ideas, new techniques have been followed, for the most part, by all the great exporting nations of the free world. In Japan, the Government-financing facility is even named "Export-Import Bank" and is copied directly from our Export-Import Bank, even to the extent of the printing of its brochures.

Implicit in the testimony before our Senate Banking and Currency Committee, which held hearings on the bill, was the understanding that the great efforts of the Export-Import Bank are genuinely appreciated and acknowledged. But, also, implicit was the feeling that the time has come when the Export-Import Bank can, should, and will do more to promote the exports of the United States if a very reasonable modification is made in its statutory authority.

The climate in which the Bank has operated is changing very fast. Our exports have lately been declining and our imports increasing. Our trade surplus decreased from $6.6 billion in 1963 to less than $3.6 billion last year. Inherent in all business transactions is financing.

The strong arm of financial encouragement is badly needed to support our effort to increase our exports. Private finance carries the major burden of financing the exports of the United States but is not, at this time, in a position to give the needed financial encouragement which could, in a very substantial way, increase the flow of exports. Domestic pressures on our private financial institutions are so severe today that they cannot be expected to respond in the international field to the degree necessary. Nor can the private banks be expected to respond in the areas where credit risks are great, and these happen to be the same areas where the United States can increase its exports.

Mr. President, the Export-Import Bank has been operating longer than practically any other Government international credit facility situated in any country abroad. It is true that the Bank has built up substantial reserves, but it is even more important to note that the Bank is heavily committed in many underdeveloped and developing countries. While the Export-Import Bank may have $5 billion in loans, guarantees, and insurance outstanding in such countries, another credit facility located abroad may have only a few hundred million, or even less. As the Bank's credit commitments increase in a particular country, its risks of taking large, sudden losses as the result of general political or economic developments there also increase.

Thus a certain private credit risk in a given country may be quite good, and yet, because of the large credit commitments the Bank has in that country, the Board of Directors of the Bank may find considerable difficulty in determining that in that particular instance there is a "reasonable assurance of repayment." The borrower, a private concern, may have the most adequate credit responsibility, and yet the Bank cannot make the necessary determination.

Contrasted to the situation faced by the Export-Import Bank, a foreign government credit facility, or central bank abroad, not so heavily committed as the Export-Import Bank in a particular importing country, may, therefore, be quite willing to guarantee credits of a much lower quality for the single reason that it has a small extension of risk at that particular time.

Mr. President, competition is very keen in the marketplace of the world. This fact alone would give support to this legislation even though we were not faced with serious balance-of-payments problems. The passage of S. 3218 will encourage acceptance of our exports in difficult markets. It will assist in the establishment of our products in new markets and expanding markets where the potential for repeat sales is high. Indeed, it will also assist and facilitate the maintenance of existing export markets.

The principles and philosophies associated with S. 3218 have been under consideration for several years. In 1966, the Action Committee on Export Financing of the National Export Expansion Council proposed the creation of a somewhat similar National Interest Fund in the Export-Import Bank. The proposal also finds its origins in the Exports Expansion Act introduced in the Senate in 1965.

Mr. President, in light of the statements made before the committee by the Chairman of the Export-Import Bank, those made by the president of the Banker's Association for Foreign Trade, and the president of the Machinery and Allied Products Institute, there was some difference as to how conservative the Bank really has been and how liberal it may be under the new legislation. While the Chairman speaks of using the Bank's same hard terms and conditions and that the Bank shall expect normal cash payments and exporter participation, the witnesses from banking and business speak of the need for the commitment of some part of the Bank's resources to the truly imaginative use of credit which can open trade doors and meet competition. I feel that the witnesses from the banking and business sources more accurately equate the purpose of this new legislation. But I also feel that the desired results can very well be accomplished without turning the Bank into a soft loan agency. In the days ahead, there is more need for the Bank to act as an accelerator rather than a brake.

Mr. President, if S. 3218 is administered by the Bank as intended by the legislative history thus far existing, this new facility of the Bank can quickly become a forceful and useful addition and of tremendous importance in our efforts to solve the balance-of-payments problem and to foster the long-term commercial interests of the United States.

PULITZER PRIZE WINNERS

Mr. SMATHERS. Mr. President, the Pulitzer Prize is generally regarded as the most prestigious award a journalist can receive. It was therefore with some pride that I read that in this year's awards the Knight Newspapers came away with not one but three Pulitzer Prizes. This journalistic three-bagger is not only a record of its kind, but a particular tribute to the energetic John S. Knight, who as chief editorial executive of the newspaper chain bearing his name, won one of the three prizes for his own editorial efforts. John S. Knight is a man I have known and respected for many years. My hometown newspaper, the Miami Herald, is typical of the kind of prize-winning newspaper which Mr. Knight publishes.

I ask unanimous consent, Mr. President, that an editorial which paid tribute to John S. Knight, published in the Washington Evening Star, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

KNIGHT'S TRIPULITZER

In ice hockey, the scoring of three goals in a single game by one player is known as the hat trick. In newspapering, the winning of three Pulitzer prizes by a single newspaper group hasn't got a name, for the ample reason that—until this year—it had never been done in the 52-year history of the prestigious award.

It might, perhaps, be called the hat's off trick.

John S. Knight, at age 74, serves very actively as principal owner and editorial chieftain of the Knight Newspapers. At a time of life when many men are content to sit back and let their thoughts wander through the misty maze of memory, Knight is busy honing his mind against the great issues of the day and setting forth his crisp and forceful opinions in signed editorials. Pulitzer prize number one, for distinguished editorial writing.

The staff of the Detroit Free Press, a major link in the Knight chain, rose to the challenge of the 1967 Detroit riot with clear unhysterical coverage of the event and a thoughtful probe of its causes. Pulitzer prize number two, for local reporting.

On the payroll of the Charlotte, N.C., Observer, is one Eugene Gray Payne, a young man nobody much outside of the home town had ever heard of. They have now. Pulitzer prize number three, for the outstanding editorial cartoonist for the year 1967.

It is unfortunate that the Free Press has been deprived of some justified crowing on behalf of itself and its sister publications. The newspaper has been shut down by a labor dispute since November. Since they cannot do it themselves, we salute them and the other Knight winners with enthusiasm, a touch of envy and a great deal of admiration.

GRADUALISM

Mr. MURPHY. Mr. President, I am very much pleased to serve on the Republican Coordinating Committee and to have had a part in the deliberations of many men more expert than I which led to the publication of a policy statement on gradualism.

Our Nation's current peace efforts are fully supported by me and by all other members of the Republican Coordinating Committee. Our discussion of gradualism is not a criticism of current and continual peace efforts. It is, instead, a critique of the military strategy of the past two administrations. Our policy paper seeks in concise terms to go to the root of the problem—for the same strategic miscalculations which have led us into the morass of Vietnam, have also undermined our previously strong position in Europe.

I ask unanimous consent that the text of the Republican Coordinating Committee paper entitled "Gradualism: Fuel of Wars" be printed in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

GRADUALISM: FUEL OF WARS

(Overall comment.—This position paper is concerned with the basic military policies developed by the government of the United States over more than seven years; and should not be interpreted in terms of a specific event or time frame.)

INTRODUCTION

Peace is poorly served by those who shrink from the steps necessary to ensure it.

For almost a quarter century—ever since the explosions at Hiroshima and Nagasaki—the world has been tormented by the realization that the human race has at last achieved the capability of self-destruction through nuclear war. This dread menace has profoundly influenced the strategic policies of the United States and given rise to two sharply differing approaches to our security requirements.

The first—a cardinal feature of the Eisenhower years—was to ensure peace through an unmistakable determination to protect the vital interests of the United States anywhere in the world. This determination was made plainly evident to all through Administration policies, capabilities, statements and deeds. It was a policy of flexible deterrence through credible firmness—a policy retaining initiative and freedom of action in American hands. There was no apology for strength. There was no mistaking the sternness of the national will.

And America stayed at peace.

A military power strong enough to maintain the peace must follow four principles as old as warfare and diplomacy: It must maintain a force strong enough to meet any challenge; it must be prepared to crush all threats to the peace with force if required; it must clearly convince those who would disturb the peace that force will be used against them; and, once force is brought into play, it must be applied to the fullest extent the situation may demand.

Beginning in 1961 two related doctrines began to evolve and in succeeding years have radically altered our nation's defense planning. One is a basic revision of an earlier concept known as "flexible response." The other was a singular stratagem called "gradualism." Flexible response, in the current thinking, does not mean, as it has historically meant, the capability to respond to a variety of threats with applicable and sufficient force to crush it. It has come to designate instead a deliberate policy of reaction which induces stalemate. Though separate doctrines, conceptually they have the same effect—to de-emphasize our strength, leash our power, and replace our superiority with "parity," all in the euphoric hope that through such demonstrations of peaceful purpose and restraint, America would entice her sworn enemies away from aggression and subversion and into the pathways of peace.

However well intended, these departures have been tragic for America. Prudent firmness was displaced by extreme caution, then hesitancy, then indecisiveness. Unchallengeable power was eroded by the factor appearance of wavering will. Our tested guardians of peace—manifest strength and determination—have lost credibility throughout the world.

And so, two doctrines—the revised "flexible response" and "gradualism"— have grievously disserved the United States. They have fostered aggression. They have prolonged and escalated a war, undermined our alliances, divided the nation and stripped our reserves to the bone. As doctrines of response, not of initiative, they have created a world-wide crisis of confidence in United States deterrence. In place of peace they have spawned the very evils they were conceived to banish—war and escalation of war.

FLEXIBLE RESPONSE

"Flexible response," a traditional military concept, is neither complex nor objectionable. It prescribes the maintenance of military forces capable of containing all levels of aggression from guerrilla actions to unlimited war. For many years the armed forces of the United States adhered to this doctrine.

In very recent years a deadly new definition has been introduced transforming "flexible response" from an instrument for peace into a trigger of wars. As revised by the present Administration, "flexible response" means to an aggressor that his military excursions will initially encounter only comparable force. Thus war is invited as aggressors measure attractive options—freedom to choose the time, the place and the means of doing battle, all with an acceptable risk. Assured that America's crushing forces will be dribbled into battle, the military marauder is encouraged to believe that even a protracted conflict will be pursued on his terms.

It is this new application of "flexible response" that is conveyed when the expression appears in this paper.

GRADUALISM

As the new version of "flexible response" invites war, so "gradualism" escalates war once begun.

Ironically, gradualism—designed to prevent intensification of war—does the very opposite by preventing timely use of force against aggression. While "flexible response" blunts our first reactions, gradualism assures the aggressor that our subsequent reactions will also be cautiously phased to prevent over-application of force. Skillfully and patiently applied, the process can hardly fail to nourish a skirmish into a major war.

Moreover, after each carefully restrained escalation, gradualism dictates a "pause." This ingenuous stratagem is in effect a one-sided military recess during which the enemy is importuned to recalculate his risks and contritely review his indiscretions as his own depredations continue. The "pause," occurring when the aggressor's force has been at least temporarily stalemated by our military effort, actually enables the enemy to recoup his strength at his most vulnerable moment. Thus rejuvenated by successive pauses, the struggle continues and intensifies.

America's laboratory for testing the gradualism experiment has been Vietnam. There it has failed—it has prolonged and escalated the war.

It has permitted North Vietnam to acquire the weapons, supplies and training from the Soviet Union and Communist China needed to maintain and expand its war-making capability and to withstand punishing attacks. It has preserved the sanctuaries in which the Communists can safely regroup and reinforce. It has long delayed interdiction of the flow of suplpies to the South. It has denied our own military the strength and decisiveness the circumstances have required.

So completely has the Administration applied this policy of gradualism that tactical military decisions have been often made by civilians 9,000 miles away in Washington.

Even advance warnings to the enemy of U.S. steps to augment her forces or otherwise strengthen her military position have characterized gradualism in Vietnam. The professed object of this surprising tactic has been to prevent "over-reaction" by the enemy or his allies. One result, however, is clear: the enemy has been allowed to phase his buildup with our own.

Thus, gradualism has salvaged the enemy's warmaking capacity, enabling the tiny nation of North Vietnam to develop a major capability to sustain aggression in the South and to obtain massive assistance from the Soviet Union and Red China to off-set U.S. pressure from land, sea and air. America's overwhelming power has been fended off, not by the enemy, but by our own hand.

We have escalated, through gradualism, a minor engagement into our fourth largest war.

The shackling of our Air Force and Naval air power in Vietnam affords us a striking exhibition of gradualism in action.

In our system it is axiomatic that the highest civilian level of government must establish broad policies to govern the general direction in which our nation is to move. An obsession with preventing escalation of the air war in Vietnam, however, has led the Administration to transfer approval of attacks on specific targets from field commanders and even the Joint Chiefs of Staff to the President himself. Operational decisions reached far away in Washington have prevented some attacks altogether and in other instances have been so delayed as to forfeit precious military advantage. Certain targets unanimously recommended by the Joint Chiefs of Staff two years ago have but recently been placed on the approved lists.

During this long interval between target recommendations and approval, the enemy vastly strengthened his ability to withstand U.S. pressure from the air. He scattered his targets. Many of his vital operations were moved underground. With Soviet assistance he multiplied his air defenses. In the 18 months prior to August 1967, the number of anti-aircraft guns deployed in North Vietnam increased more than 250 percent. Surface-to-air missile (SA-2) sites more than doubled. Radar early warning capability tripled, and radar fire-control capability increased at an even faster rate.[1] U.S. losses in pilots and equipment soared.[2]

Surveying this appalling sequence, the Military Preparedness Subcommittee of the United States Senate reported on August 31, 1967:

"It is not our intention to point a finger or to second guess those who determine this policy, but the cold fact is that *this policy has not done the job and it has been contrary to military judgment.*" (Emphasis added).

A similar sequence has marked the prosecution of the ground actions of this solicitously directed war. As in the application of air power, "too little too late" has been the pattern dictated by gradualism, with consequent terrible cost to us and the stricken people of Vietnam. For many months, the military leadership vainly pressed the Administration for a substantial increase of ground forces for Vietnam. Again, in the long interval that elapsed before his recommendations were approved, the enemy gained time to increase his own strength.

Gradualism has restrained us from applying enough pressure, in adequate time, to convince the enemy of the futility of his effort. Restraints imposed, not by the enemy, but by ourselves, have made it possible for him to carry forward an aggression with a growing expectation of at least partial success.

This conduct of our efforts in Vietnam has been bitterly disappointing both militarily and politically and has imposed immense costs upon the American people. The war has already caused over 100,000 U.S. casualties, consumed some $50 billions of dollars, gravely impaired our international relationships, and sharply divided the American people. Continued adherence to this doctrine promises not only more disappointments, but also an escalating risk of world war.

NATO APPLICATION

The newly revised doctrine of "flexible response" is not regional in scope. Its injury to our nation's vital interests has been worldwide.

Announcement of adoption by NATO of the Administration's version of "flexible response" was made as recently as December 1967, but U.S. acceptance of this doctrine in the early Sixties left NATO no alternative.

Now, Soviet Communism in Eastern Europe can reasonably conclude from U.S. and NATO policy that military response to a thrust from the East would be initially opposed only with commensurate force. For NATO, however, conventional response to a major conventional military thrust would be unrealistic. NATO military strategists are acutely aware of this. The huge conventional forces of East European Communism, coupled with the political realities of the region, suggest that the new doctrine of "flexible response" may gravely menace all of Europe.

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[1] Report and Hearings on the "Air War Against North Vietnam" by the Preparedness Investigating Subcommittee of the Committee on Armed Services, U.S. Senate, Aug. 1967.

[2] Ibid, "The North Vietnamese air defense environment overall, including anti-aircraft fire, surface-to-air missiles and Mig aircraft over the heavily defended targets in North Vietnam, has been described as the most deadly that the world has ever seen. The massive air defenses have exacted a heavy toll of American aircraft and pilots. More than 660 planes have been shot down over North Vietnam."

Before this basic strategic revision, the NATO security design had given full consideration to conventional responses to acts of aggression short of major war. However, it was universally recognized and stressed that this capability had severe limitations. For the enemy who who pushed the alliance beyond these limits, such force as necessary would be swiftly applied. That this force might not materialize was never contemplated. Because it was known to all that the NATO nations had not only the capability but also the will to repel aggression, peace was preserved.

The doctrine of "flexible response" as now incorporated into NATO planning would seem to dictate initial reliance on conventional defense—a doctrine conceding the loss of forward areas early in any conflict. Then, with enemy forces occuping allied territory, our own military options would become critically restricted. Expecting an enemy to desist following his initial success is at best a deadly gamble, and at worst inviting defeat. For the new "flexible response" to become credible for Western Europe, a major increase of conventional forces would be required—an increase so great as to be economically and politically impracticable. We view the incorporation of this new doctrine into NATO security planning as a new "open door" policy—for Soviet Communism.

Shortly after this new doctrine was enunciated, former Chancellor Adenauer expressed concern that it would weaken NATO and cause fragmentation of the alliance. His assessment has since been borne out.

Thus, in but a brief span of years the new defense doctrine "flexible response" has gravely weakened the West's long-established objective of presenting any aggressor in Europe with unacceptable risks.

PREMISES REEXAMINED

In contrast to the Administration's premises, we are convinced that these judgments must underpin America's security policy:

(1) Our defense posture must confront an enemy with a clearly unacceptable risk; otherwise it invites political opportunism and aggression.

(2) Our policies in the course of a conflict must not allow an enemy to control the level and nature of the U.S. military response, or allow him to disengage at will; otherwise they invite a continuing escalation of the conflict.

(3) Our policies must not publicly proclaim that America will withhold any element of her might to prevent or repel aggression; otherwise they strip this nation of those military and diplomate options indispensable to the attainment of her national goals, the success of her foreign policies, and her influence for peace.

SUMMARY

These criticisms of the current doctrines in no way diminish our concern for safeguarding against irresponsibility in the use of military force. In a world of nuclear peril application of direct military force must always be a last resort. Rather, we are convinced that an intensive reexamination of this country's national security policies is long overdue. A re-appraisal of our strategic policies for countering aggression has become critical in the light of our mismanagement of the Vietnam conflict and the thrust of events elsewhere in the world.

It is recognized that certain types of conflict are not susceptible to solution by military power alone. This paper cannot properly be read as embracing the proposition that a military solution to the situation in Vietnam should have been undertaken at its inception 6 years ago. It should also be noted that the paper does not attempt in any way to treat the exceedingly complicated military-diplomatic issue of whether or not this war, having been so grievously mismanaged, can now reach a military solution lacking very major escalations evidently not now contemplated by the Administration.

There is urgent need to establish a credibility with the world at large—indeed, with our own people—that the U.S. does have the determination, and does have the will, to use its strength to restore and keep the peace.

The Administration's beguiling formulation for these new doctrines of "flexible response" and "gradualism" conceals a perilous unrealism. Offered in the name of prudence and humanitarianism, in application these doctrines are breeders of war and killers of men.

The concept that the United States must maintain a measure of military flexibility to counter varying forms of aggression is unchallengeably valid, but it is unrealistic to apply equal emphasis at each level of a conflict spectrum.

We require policies leading to a more efficient and effective military posture which will encourage new weaponry and new strategies by enhancing our total fighting capabilities and their deterrent effect.

Once this nation resorts to arms to stem aggression, force should be applied quickly and decisively to bring the conflict swiftly to an end. The longer a conflict is indulged, the greater the likelihood of its escalation and expansion and the greater its casualties and destruction. *And, once America is committed to military action, we must no longer merely respond; we must achieve and maintain the initiative.*

In view of the current tensions and instability of world affairs, America can little afford to forearm potential aggressors with the assurance that she is unlikely to use any element of her power against them. *Where our vital interests are at stake, meddlers and brigands must know that the risks they face are unacceptable.*

Looking to the future, there remains a probability of conflicts in other parts of the world. Communism is still enamored of fomenting "wars of national liberation." Communist forces are actively probing in the Middle East, Africa and South America, as well as Asia, undermining the established orders and relentlessly striving to extend their influence. The thrust of their effort is still to weaken U.S. and Free World positions in international affairs. Many areas under increasing pressure in recent months are vital to the interests of the United States and the West, as well as to indigenous forces of freedom.

America has neither the aspiration nor the resources to serve as policeman of the world. *Yet, realities of geography, ideology, and international politics dictate that this nation's vital interests project far beyond her shores. We must maintain these interests, and we must defend them. Policies and a posture which unmistakably show this nation's determination to protect these interests will discourage nibbling aggression and reduce the number of U.S. physical involvements.* Such policies, and such a posture, do not exist today.

CONCLUSION

The doctrines of "flexible response" and "gradualism" as developed by this Administration expose this nation and the world to intolerable, largely avoidable risks. They impose terrible costs in lives and resources. They are incompatible with the security of the United States and perilous to world peace.

Our country should announce at the highest level the resumption of a national security policy that the size of our response to aggression will be our own decision tailored to each situation as it arises. A potential enemy will be denied the assurance he has appeared to have under the "gradualism" policy of a moderate and limited price in response to aggression. At the same time, we will continue to have the leeway to make our response as moderate or as potent as we consider appropriate.

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Mansfield D. Sprague, Assistant Secretary of Defense for International Security Affairs, 1957–58.

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Maurice H. Stans, Director of the Bureau of the Budget, 1958–61.

Anthony J. Jurich, Secretary to the Task Force.

PARIS PEACE TALKS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a transcript of questions which were asked of me during a TV interview which was filmed on May 8, 1968, together with my answers thereto.

There being no objection, the transcript was ordered to be printed in the RECORD as follows:

TEXT OF SENATOR BYRD'S TELEVISION INTERVIEW, MAY 8, 1968

Question. Senator Byrd, you're a member of the Armed Services Committee. Would you comment on the beginning of the Paris negotiations on the Vietnam War?

Answer. Well, the choice of Paris was a compromise, and while there are many people who feel that President De Gaulle might try to negotiate the outcome of these talks—we all know that he is an extremely vain man, and that he was never wanted to see the United States succeed where France failed—I think most of our officials feel that the French authorities will assume a neutral role in the talks. The first order of business, of course, will be to determine whether or not there is any particular issue on which both sides are willing seriously to negotiate, and I am encouraged by the fact that we are going to have some talks. But I am not necessarily optimistic at this point. I would caution anyone who feels peace is near that we still have a long and difficult and dangerous road.

Question. How do you view the stepped-up attacks on Saigon and other Vietnamese cities?

Answer. Well, I think these are an indication that the North Vietnamese and the Viet Cong are trying to take advantage of the bombing halt in the North to improve their bargaining position. And I am afraid they are going to continue to try to take advantage of this bombing moratorium in order to improve their position. Since the bombing pause went into effect, they have sent tens of thousands of men in to the South.

Question. Well, Senator Byrd, how do you view the position that this puts us in, while we are in Vietnam?

Answer. Well, I think it puts us in an an increasingly difficult position there. We're not going ahead with any buildup of our forces in South Vietnam. And, as the North Vietnamese continue to send tens of thousands of men into the South, of course this is going to make the position of our own fighting men more difficult. I don't know just how long we can continue to maintain this bombing moratorium in the North. Because, certainly, the North Vietnamese are taking advantage of it. And I am fearful that Hanoi will attempt to stretch out, drag out, the talks, in Paris or elsewhere, wherever a subsequent meeting may take place if it does take place somewhere else, in order to continue to build up their forces and improve their bargaining position.

Question. In another area of the world, how do you view this rather tense situation in the Middle East?

Answer. Well, I view this situation with a great deal of concern. Of course the Middle East constitutes the crossroads of three great continents, Europe, Asia, and Africa. And the oil reserves in that part of the world are tremendous. From a military point of view, this area of the world is the most strategically located, and I am afraid that Russia is building up her forces there to an extent that we may be greatly endangered in the future. For example, the Russians now have about 40 warships in the area, whereas about two months ago they only had about 30. And, by the end of the summer, the Soviet armada will outnumber our own Sixth Fleet, which is in the area. Now I don't take sides as between the Arabs and the Israelis, and I don't think our country should take sides. I think that the purpose of our country should be, simply, that we ought to try to bring about a reconciliation between the Arabs and the Israelis and, try to avoid a confrontation there which would involve the major powers; and in the meantime we should do everything we can to prevent, if we can, the Soviets from accumulating such power there as to place us at a distinct disadvantage.

HUMAN RIGHTS CONVENTION STILL IGNORED

Mr. PROXMIRE. Mr. President, shortly after World War II ended, there was a great deal of effort expended to bring about something resembling an international bill of rights. The plan was similar to that envisioned at the U.N. in San Francisco.

It was December 1948, when the Universal Declaration of Human Rights was produced in the General Assembly. Simultaneously, a genocide covenant was given approval and has long since been adopted by the requisite number of nations to be effective as to the signatory nations.

I might have pointed out that even this treaty, designed to prevent the systematic destruction of people on racial, religious or cultural grounds, exists on paper only so far as this Nation is concerned.

The unfortunate fact is that the Human Rights Convention on Genocide—given unanimous vote by the U.N. General Assembly on December 9, 1948, signed in behalf of the United States 3 days later, submitted to the Senate for ratification on June 16, 1949, referred to the Committee on Foreign Relations the same day, and later considered by a subcommittee—is still lying ignored in the Senate.

Meaningless reasons were issued for the failure since 1950 to reaffirm this country's constitution and moral obligation to make genocide a crime against mankind.

Our country is in the unique historical position of having demonstrated in a practical manner the effectiveness of a bill of rights.

We have a great moral duty to take action now to lead the battle for the recognition of human rights everywhere.

The least we can do now is to ratify the Genocide Convention.

Let us do it now.

THE CLARK EQUIPMENT CO.

Mr. HART. Mr. President, the Chicago Sun-Times recently ran a story about a U.S. business firm that is managing to maintain both domestic and foreign growth while closely observing the new regulations on overseas investment.

The corporation is the Clark Equipment Co., of Buchanan, Mich. While most of us are always prepared to take note of admiring remarks about constituent companies, this article might also be of special interest to everyone concerned with the balance-of-payments problem.

I ask unanimous consent that it be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Sun-Times, May 3, 1968]

FROSTING ON CAKE: OVERSEAS MARKETS AND PROFITS

(By Edwin Darby)

This is having your cake and eating it, too, an example of the smart American businessman at work.

Sales of Clark Equipment Co. products outside the United States and Canada last year hit $164,000,000. This was an increase of $4,000,000 despite the economic slowdowns in England and Germany (since rebounding).

The greater part of these sales were generated by Clark plants in foreign countries—10 subsidiaries, 17 affiliates and nine licensees in 19 countries in Europe, Latin America, Australia, the Far East and Africa.

But $32,000,000 of the total was accounted for by goods shipped from Clark plants in the United States to foreign points.

Thus a goodly number of Clark workers in this country owe their jobs to Clark's direct exports. That's to say nothing of the profits the company made out of the direct export trade, a significant factor in that it raises production volume for the U.S. factory and lowers unit costs. And this is to say nothing of the products and materials from steel on down, that went into the finished products Clark shipped out of this country.

There's more to this pleasant business of having your cake and eating it, too.

Last year more than 22 per cent of the Clark company's consolidated net income of $23,000,000 came from sources outside the United States. This does not include the net income from the direct export shipments from the United States. It does include the money made from Canada and the dividends, license fees, interest payments and other monies earned by Clark in Europe and around the world.

BALANCE OF PAYMENTS

There's still more to the story than this, more than the effect on Clark, its stockholders and employes and its suppliers. Clark has done very well by the United States and our balance-of-payments problem. Last year, balancing out the value of what the company sent overseas against the value of what it got back, Clark made a favorable contribution of $56,000,000 to the U.S. balance. Since 1961, as the U.S. balance of payments problems has mounted each year, Clark has had a favorable dollar balance from international operations of $233,000,000.

This is the kind of thing that bankers and economists worry about when they think of the long-range effects of the President's efforts to curb overseas investment by American corporations. It is admitted that today, for the short run, it helps alleviate a critical situation if an American corporation is prevented from sending $1,000,000 or $10,000,000 to Europe to build a factory.

But what of the situation next year or five years from now? If Corporation X has been prevented from building the factory this year, it won't be sending money home next year.

By the end of last year, Clark had $43,700,000 tied up in investments and assets outside the U.S. and Canada. Without the original expenditure of dollars, the benefits to the company and to the balance-of-payments position would not be coming in today.

But, further, having firmly established its position overseas, Clark is now able to do some helpful maneuvering. Despite the Washington restrictions on new investment in such places as Europe, Clark is able to carry forward expansion projects. And to actually reduce its dollar investment.

MAINTAINING PACE

While Clark had assets and investments overseas of $43,700,000 last year, this was actually a reduction of exactly $5,000,000 from its 1966 commitment. The Buchanan (Mich.) company, moving with sophisticated expertise in the money capitals of Europe, was pulling capital home and meeting its needs through debt financing in the home country of its foreign operation.

As Clark's president, Walter E. Schirmer, has said, "Because of our borrowings overseas, we expect to maintain our rate of expansion overseas within the limitations imposed by the new government regulations on direct overseas investments . . . and the overall outlook for Clark's international operations appears favorable."

Clark, like any number of other U.S. companies, is indeed having its cake and eating it, too.

There's only one trouble with all this. With inflation, with controls, the trick is getting more and more difficult to turn.

NATIONAL SMALL BUSINESS WEEK

Mr. DOMINICK. Mr. President, this is National Small Business Week, proclaimed in honor of the thousands of small businesssmen throughout our country. I think it is most appropriate to pay recognition to these entrepreneurs who express through their independence and competitive spirit the viability and strength of our economy. Since my appointment to the Select Committee on Small Business, I have become increasingly aware of the enormous contributions to growth, innovation, and community pride made by those who are closest to the American consumer. Our small businessmen have taken leadership in providing employment opportunities and in civic progress, hastening the day when our society will offer to each and every citizen the ultimate fulfillment of his talents.

I am happy to point out that Colorado is taking part in our recognition of the small businessman by proclaiming its own Small Business Week, also this week. I ask unanimous consent that the executive order issued by Gov. John Love to mark the beginning of Colorado's Small Business Week be printed in the Record.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

Executive Order: Proclamation, Small Business Week, May 12–18, 1968

Whereas, the small businessmen in this State, along with small businessmen throughout the Nation, actively perpetuate the open and competitive marketplace so vital to our free enterprise system; and

Whereas, small businesses are close to the American consumer, providing much of the goods and the majority of the services we need in our daily lives; and

Whereas, small businesses offer job opportunities for job seekers of all races and all creeds; and

Whereas, small businessmen are recognized as leaders in the social and economic development of their own communities; and

Whereas, small businesses are the source of many innovations in products and merchandising;

Now, therefore, I, John A. Love, Governor of the State of Colorado, do hereby proclaim the week of May 12–18, 1968, as Small Business Week in Colorado, and call upon the chambers of commerce, industrial and commercial organization, board of trade and other public and private organizations to participate in ceremonies recognizing the contribution made by the small businessmen of this State to the progress and well-being of all our people.

Given under my hand and the Executive Seal of the State of Colorado, this Twenty-Fifth Day of April, A.D., 1968.

JOHN A. LOVE,
Governor.

HUMAN RIGHTS: WORLD PROBLEMS AND AMERICAN POLICIES—ADDRESS BY JAMES FREDERICK GREEN

Mr. HARTKE. Mr. President, 20 years ago, on December 10, 1948, the United Nations General Assembly, meeting in Paris, adopted the Universal Declaration of Human Rights. The adoption of the Universal Declaration, by unanimous consent vote, was a landmark in mankind's progress toward freedom. This was the first time that the world community had agreed upon a statement of goals and standards concerning human rights. Thanks to the leadership given in the drafting of the Universal Declaration by the American representative, Mrs. Eleanor Roosevelt, that document reflects the best in the American tradition.

On May 4, Mr. James Frederick Green, Executive Director for the President's Commission for the Observance of Human Rights, addressed the International Human Rights Workshop in Indianapolis, Ind. Mr. Green's remarks, entitled "Human Rights: World Problems and American Policies," are most enlightening. I ask unanimous consent that they be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, on May 4, 1968, Mr. James Frederick Green, the Executive Director of the President's Commission for the Observance of Human Rights Year 1968, delivered an interesting and timely address before the International Human Rights Workshop at Indianapolis, Ind.

It will be recalled that President Johnson on January 30 established a Commission for the Observance of Human Rights Year. This Commission was charged with "shaping the variety of our efforts with a major and purposeful national contribution" and with enlarging "people's understanding of the principles of human rights as expressed in the universal declaration and the Constitution and in the laws of the United States."

Mr. President, I commend the address to the Senate and join my senior colleague from Indiana in asking unanimous consent that it be printed in the Record.

The address was ordered to be printed in the Record, as follows:

Human Rights: World Problems and American Policies

(Address by James Frederick Green, Executive Director, the President's Commission for the Observance of Human Rights Year 1968, at the International Human Rights Workshop, Indianapolis, May 4, 1968)

Twenty years ago, on December 10, 1948, the United Nations General Assembly, meeting in Paris, adopted the Universal Declaration of Human Rights. The adoption of the Universal Declaration, by a unanimous vote, with eight abstentions, was a landmark in mankind's progress toward freedom. This was the first time that the world community had agreed upon a statement of goals and standards concerning human rights. Thanks to the leadership given in the drafting of the Universal Declaration by the American representative, Mrs. Eleanor Roosevelt, that document reflects the best in the American tradition.

The essence of the Universal Declaration is contained in its first Article: "All human beings are born free and equal in dignity and rights." This was the first time in history that the principle of human equality—defined by philosophers, preached by religious leaders, acknowledged by statement—had ever been defined in detail in an international document.

This concept of human equality, to be sure, had been proclaimed in many different national documents and international instruments. The League of Nations Covenant had provided for protection of the rights of minorities and of the inhabitants of the mandated territories. The peace treaties that concluded the two World Wars had protected the rights of peoples of the defeated nations. The Charter of the United Nations had specified human rights as a major concern of the Organization and had prohibited discrimination on grounds of "race, sex, language, or religion." The linking of human rights to peace and security is an essential element of the Charter.

As you know, the Universal Declaration of Human Rights is just that—a Declaration. It is a statement of standards and of goals toward which all mankind should be moving. Its thirty Articles set forth civil and political rights—like the right to vote and to hold office, freedom of speech and of assembly, freedom from arbitrary arrest and imprisonment, freedom of thought, conscience, and religion, and many others—that are familiar to us from our own heritage. Its thirty Articles also set forth economic, social and cultural rights—like the right to work, the right to education, the right to social security, the right to participate in cultural activities—that are equally familiar from legislation of modern times.

The Universal Declaration does not provide guarantees that these rights will be immediately fulfilled, nor does it impose legal obligations on any Government to provide all the rights. The Universal Declaration merely states that these are the accepted goals of the world community—equally valid in every country, including the United States, and in every city, including Indianapolis.

The Universal Declaration of Human Rights, embodying this principle of equality—of equal rights and equal opportunities—has already had an impact in international affairs. The constitutions of new states have embodied the provisions of the Universal Declaration, the courts of many countries have referred to the Universal Declaration, and the debates and resolutions of the United Nations have cited the Universal Declaration as their criterion of excellence.

In the twenty years that have passed since that historic vote at Paris, many different efforts have been made to codify and extend the Universal Declaration. Several additional declarations and some twenty-one international conventions have been adopted by the United Nations, the International Labor Organization, and UNESCO, in order to define the rights set forth in the Universal Declaration more precisely. These human rights conventions, all designed to codify certain groups of rights, are subject to ratification by each State.

Of these twenty-one conventions, only one has been approved by the Senate and ratified by the President—the Supplementary Slavery Convention. Six other conventions have been submitted to the Senate during the past two decades—Freedom of Association, Genocide, and Inter-American Convention on Political Rights of women, by President Truman; Abolition of Forced Labor and United Nations Convention on Political Rights of Women, by President Kennedy; and Employment Policy, by President Johnson. Twice in recent months President Johnson has urged the Senate to approve the human rights conventions.

May I suggest that you in Indianapolis study and discuss these human rights conventions and that you send your opinions about them, favorable or unfavorable or unfavorable, to the Senate Foreign Relations Committee and to the two Senators who represent your State. How else can the Senate know the views of the American people?

In addition to these efforts to codify human rights into international conventions, the United Nations has devoted enormous amounts of time and energy into action programs of different kinds. The Commission on Human Rights, its Subcommission on Discrimination and Minorities, and the Commission on the Status of Women have all sought to aid Member States in protecting and promoting human rights. They have studied the basic principles underlying human rights; they have examined the causes of violations of human rights; and they have looked for practical means to safeguard these rights. They have given special attention to racial discrimination, especially to its most virulent form, apartheid in South Africa.

To commemorate the Twentieth Anniversary of the Universal Declaration, the United Nations General Assembly has proclaimed 1968 as International Human Rights Year. The United Nations has called upon all its Members to celebrate Human Rights Year in their own countries and to take stock of their progress and lack of progress. The United Nations convened an International Conference on Human Rights, which is currently meeting at Tehran, to take stock of what has been accomplished in the past two decades and of what remains to be done.

The Chairman of the United States Delegation to the Tehran Conference is a distinguished Negro American, Mr. Roy Wilkins. In his opening address, Mr. Wilkins described with the utmost frankness what he called "the tortuous path by which the United States has corrected its past myopia about human rights, often by pain and once by a civil war." He concluded his description of "the tortuous path" with these moving words: "There is not the slightest doubt in my mind about my country's glittering future for all Americans—black men and white, Indians, Protestants, Catholics, Jews, non-believers. Such a statement is justified by the confidence that the President of the Nation, its courts system, and belatedly its National legislature, are fully committed towards this ideal—and the country will surely follow."

One of the many questions being discussed at the Tehran Conference is how best to deal with violations, and alleged violations, of human rights in some particular country. Obviously, the initial and best remedy is within the country itself; machinery must be available to enable every citizen, especially the poorest and weakest, to obtain justice. If that machinery is not available, however, what kind of international procedures might be instituted to enable the victim of injustice to obtain a hearing? There is no easy answer to this question, but an answer should be developed.

In response to the United Nations, President Johnson last October 11, the birthday of Mrs. Roosevelt, designated 1968 as Human Rights Year in this country; and on January 30, the birthday of President Franklin D. Roosevelt, he established a Commission for the Observance of Human Rights Year. The President appointed W. Averell Harriman, Ambassador at Large, as Chairman; and Mrs. Anna Roosevelt Halsted, daughter of two champions of human freedoms, as Vice Chairman. The members of the Commission include the heads of seven Government Departments and ten other distinguished citizens. They are charged, said the President, "with shaping the variety of our efforts into a major and purposeful national contribution." Their purpose is "to enlarge our people's understanding of the principles of human rights, as expressed in the Universal Declaration and the Constitution and in the laws of the United States."

The President's Commission has just begun its work, which will be designed to assist the efforts of the Federal Government, the State and Municipal Governments, and the many hundreds of civic organizations to celebrate Human Rights Year. One of the members of the Commission has said that the objective of the President's Commission, in effect, is to ensure that every American is aware of the existence and the significance of the Universal Declaration of Human Rights. That is, to be sure, a "tall order," as we say in the Middle West. It does not mean, of course, that every American should be able to recite and explain every Article in the Universal Declaration, any more than he can recite and explain each Article in our Bill of Rights. This means merely that every American should be aware that there is in existence a Universal Declaration of Human Rights, similar in purpose and content to our own Bill of Rights, though different in form and broader in scope.

To relate the Universal Declaration of Human Rights—and, indeed, or own Bill of Rights—to contemporary America is to confront the most difficult domestic issues of our times. Yet is not the basic concept clear? "All men are created equal," proclaimed our Declaration of Independence. "All human beings are born free and equal in dignity and rights," proclaims our Universal Declaration of Human Rights. Those ringing words of equality, those resounding phrases of justice, are indeed the only equitable, the only practical, approach to the issues that divide America today.

The National Advisory Commission on Civil Disorders, headed by the Governor of your neighboring State of Illinois, Otto Kerner, concluded that the basic issue underlying the unrest in our land and the riots in our cities is racial prejudice—White racial prejudice. The Commission stated this fact categorically: "Race prejudice has shaped our history decisively in the past; it now threatens to do so again. White racism is essentially responsible for the explosive mixture which has been accumulating in our cities since the end of World War II."

This race prejudice is based, as is all prejudice, on the idea that people who are different are, ipso facto, inferior. All discrimination—on grounds of "race, colour, sex, language, religion political or other opinion, national or social origin, property, birth or other status" in the words of the Universal Declaration—is based on this false concept. All discrimination is based on this scientifically untenable and morally unacceptable concept, that people who are different are inferior. Is not this the essence of discrimination? Is not this the essence of intolerance and hatred?

This age-old idea that one race is inferior to another, or more specifically, that all colored races are inferior to the white race, has been demolished once and for all by scientists—biologists, geneticists, anthropologists, and others. Groups of scientists convened by the United Nations Educational, Scientific, and Cultural Organization in 1951 and 1964 concluded that, in terms of biology, all men are truly created equal. Their findings were confirmed last year in a statement issued by eighteen experts brought together by UNESCO. This Statement on Race and Racial Prejudice should be read by every person who still questions whether there may not be some scientific evidence to justify discrimination. This is the conclusion of the UNESCO Statement: "Racism grossly falsifies the knowledge of human biology . . . The human problems arising from so-called 'race' relations are social in origin rather than biological."

In Human Rights Year, perhaps no single document is more significant than this simple Statement of the UNESCO experts—that no race or group is biologically superior to another. If every human being around the world would today acknowledge that every other person—Christian, Moslem, Jew, Buddhist, and Agnostic; black, white, brown and yellow; rich and poor; privileged and underprivileged—is his equal in dignity and rights, and if each were to recognize the obligation to respect the rights of the other, then we would be immeasurably nearer to stability at home and peace abroad.

This was the message of equality and mutual respect that was proclaimed to America and to the world, in words and in deeds, by Dr. Martin Luther King, Jr. This was the message that all who mourn his tragic death must remember and fulfill.

The danger, in this country and abroad, is that this idea of human equality, this concept of mutual respect of rights, this observance of the Golden Rule, which is an axiom common to all religious faiths, is not yet accepted. On the contrary, the old prejudices, the old historical intolerances, the old inherited hatreds, all work against the best that is in the human mind and the human heart. There is nothing natural, nothing normal, nothing eternal in these prejudices, these intolerances, these hatreds. They are not part of our biological being; but they are, alas, part of our cultural and social heritage.

Never has this tragic irony been more eloquently expressed than in Rodgers' and Hammerstein's *South Pacific*. The young American Lieutenant, Joseph Cable, exclaims about racial prejudice, "It's not born in you! It happens after you're born." Then he sings:

"You've got to be taught to hate and fear,
You've got to be taught from year to year,
It s got to be drummed in your dear little ear,
You've got to be taught.

"You've got to be taught to be afraid of people
Whose eyes are oddly made,
And people whose skin is a diff'rent shade,
You've got to be carefully taught.

"You've got to be taught before it's too late,
Before you are six or seven or eight,
To hate all the people your relatives hate,
You've got to be carefully taught!"

What is evidently needed in the world, in the nation, and in Indianapolis, is to reverse course and to "be carefully taught" *not* to "hate all the people your relatives hate," but to understand all those people and to respect them. Is not this the essence of human rights? The meaning of the Universal Declaration of Human Rights? Of the Declaration of Independence? Of the American Bill of Rights? Of the American Dream? Surely, it is the essence of the American Dream that all men are created equal, that all men enjoy equal rights and opportunities, and that they respect the right of all others to enjoy those same rights and opportunities. Surely, it is the essence of our heritage and the hope of our future that these goals can be achieved without hatred and without violence.

It would hardly be appropriate for me, a Foreign Service Officer speaking for the first time in Indianapolis, to advise you how to apply the principles set forth in the Universal Declaration of Human Rights to the local problems of your city. Having served over the past decade in three African countries and having visited many others, I can assure you that all countries in this world have their own particular problems of safeguarding and promoting the rights of their citizens. So far as our own own country is concerned, I can commend to your attention the pamphlet entitled "You in Human Rights," that was sponsored for Human Rights Year by the U.S. National Commission for UNESCO and the United Nations Association of the U.S.A., in cooperation with forty-five nongovernmental organizations. That pamphlet contains many useful suggestions promoting human rights in a local community.

This year, 1968, we Americans, in Indianapolis and throughout our country, commemorate Human Rights Year, the Twentieth Anniversary of the Universal Declaration of Human Rights. Perhaps we could do no better than to look inward upon our own consciences and upon our own attitudes. Once we accept the concept in our own minds and hearts, that all Americans are our equals—in the words of Mr. Wilkins, "black men and white, Indians, Protestants, and Catholics, Jews and non-believers"—then the hideous problems and imminent dangers confronting this country will be solvable. Once we regard the slum-dweller, the tenant farmer, the unemployed, the underprivileged, and the disinherited, as our equals, then we will treat them as our equals.

No one ever said this simple truth better than Mrs. Eleanor Roosevelt:

"Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: The neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world."

SELF-HELP—THE SUCCESS OF NEGRO

Mr. PERCY. Mr. President, 6 years ago, Dr. Thomas Matthew, a prominent neurosurgeon, gave up a lucrative private practice to organize a massive self-help program in the slums of New York. Today Dr. Matthew is the head of the National Economic Growth and Reconstruction Organization, NEGRO.

Starting from almost nothing, and moving forward with capital and talent largely mobilized from within the black community, NEGRO now claims 600 employees, an annual payroll of over $1 million, and more than $3 million in assets. It runs the Interfaith Hospital in Queens, a chemical company, a textile company, a paint company; two large apartment buildings which it renovated; a clothing plant; and two buslines, one in New York and one in Watts, Los Angeles.

Dr. Matthew is as controversial as he is talented. But one does not have to agree with all of his outspoken opinions—and I do not—to appreciate the tremendous job he has done in promoting independence and dignity among the black people he serves. He has grasped the truth that the black man in America must work his way into the economic mainstream—owning his own homes, businesses, and institutions. This, in my opinion, is the great promise of responsible black power. It stands in sharp contrast to philosophies of wanton violence and of perpetual dependency.

Mr. President, the April 1968 issue of Ebony, published in my State of Illinois, contains a fascinating article on NEGRO, and Dr. Matthew. I regret that the many photographs accompanying this story cannot appear in the RECORD, but I ask unanimous consent that the text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHARTS NEW PATH TO FREEDOM

(By Peter Bailey)

New thinking is shattering old concepts about the best ways to assure the survival of Black people in America. The old tactics of the civil rights movement stressed non-violent protest and legal action. Now many programs promote black self-help as a surer road to freedom.

Thus groups emphasizing this approach are springing up in communities across the country. Probably the best organized of such groups is the New York-based National Economic Growth and Reconstruction Organization (NEGRO), which is headed by Dr. Thomas W. Matthew, a neurosurgeon.

"The Negro people are looking for and are receptive to a self-help program," Dr. Matthew says, "because it offers them a lasting solution. Because the centuries of oppression have so gravely scarred the will for self-reliance . . . a very significant victory is needed on behalf of the concept of Negro self-help."

Now in its seventh year, NEGRO operated for several years as the Interfaith Health Association, a group founded by prominent businessmen, clergymen and physicians, including the late P. M. Savory, co-owner of the Harlem newspaper, The Amsterdam News; clergyman Gardner C. Taylor and sociologist Kenneth Clark. It was chartered in 1964 as a non-profit corporation with the aim of "developing of the self-help concept among the Negro people." NEGRO now employs more than 600 people, has an annual payroll of over $1 million, and has more than $3 million in assets, spokesmen say.

It owns and operates the following:

The Interfaith Hospital in Queens, New York. Acquired in 1963, it is a public service-type general hospital with 140 beds (there is room for expansion to 210 beds). The largest single business owned by Negroes in New York state, the hospital has been the experimental base for NEGRO's self-help program.

The Domco Chemical Co. in Jamaica, Long Island. Among the $700,000 in government and private contracts the company has is one for production of a disinfectant used in Vietnam for washing U.S. Army mess gear, fresh fruits and vegetables.

The Domco Textile Co., also in Jamaica, which makes most of the uniforms worn by NEGRO employes, and which has a $100,000 contract with singer Miriam Makeba for production of dresses for her Caribbean boutiques. A lingerie shop turns out stylish products, labeled "Free Fashions," which are sold in such New York department stores as Abraham & Straus, Alexander's and Mays.

A paint manufacturing plant which makes all paint used in buildings and the hospital that NEGRO owns.

Two 100-family apartment buildings in the Bronx, New York. Rehabilitation of the buildings was by NEGRO's Spartacus Construction Co.

A clothing manufacturing plant in Pittsburgh.

Two bus lines with 35 vehicles in Los Angeles' Watts section. Another bus line, Blue and White Bus Co., with 30 vehicles, is operated in Harlem and Jamaica, Long Island.

Always on the lookout for other acquisitions, NEGRO has adopted a guideline that a project must be not only economically sound but must fulfill a public need.

NEGRO's activities are financed by the sale of Economic Liberty Bonds offered in denominations ranging from 25¢ to $10,000. The bonds, which are sold on streets, by mail and through payroll deductions, mature in 10 years and pay "holiday interest" of 6½ percent annually between Thanksgiving and Christmas (and Hanukkah) celebrations. They are insured by NEGRO's $3 million in assets. The first bond program in 1965 raised $400,000, of which all but $5,000 has been repaid. A $2 million bond program begun last June has already raised more than $450,000.

Dr. Matthew, explaining the decision to use the bond system says: "It's a system that makes it absolutely impossible for any outside force to gain control of our policies. For once our bonds are bought, we can do what we want with the money as long as we keep up with our commitments. Outside forces can affect us only by buying or not buying the bonds."

Dr. Matthew, a much-honored neurosurgeon who gave up a $100,000-a-year practice to run NEGRO, says the organization has two major purposes—"the building of a people and the completing of the emancipation from slavery." He explains: "The primary function of NEGRO is to be a developing agency. It develops industry as well as social programs, particularly wherever there are groups of Negro people. We build ourselves not by attracting another Black man because he hates an enemy, but we attract him by being relevant to him and his survival." Operating a program which admits its "big brother" nature, the doctor believes that Black people must break up the "dependency complex" with which their experiences in this country have burdened them. The building of this complex, in the doctor's opinion, was the result of a deliberate policy based on American economic need for a large reservoir of cheap labor. Though now the need is not so great, the "dependency complex" is still maintained by the country's welfare system—all of which leaves the Black man "with little, if any, belief in his own capabilities." Dr. Matthew believes that this complex must be destroyed before Black people can be truly free.

So wary is the doctor about NEGRO acceptance of "handouts and paternalistic charity," as he refers to most of the existing programs aimed at the Black community, that when asked if the organization would accept a million dollar grant from the Ford Foundation, he replies: "We would not accept such a grant! We would not accept it because even the offering of such a grant would mean that they are not listening to or understanding the needs of the Negro people. Rather than offering a million dollar grant, they could buy a million dollars worth of our bonds."

Behind NEGRO's philosophy is a commitment to those Black people who have been completely left out of the affluent society. Says Dr. Matthew: "We are concerned with building the economic strength of our people. Our programs are geared toward improving the standard of living of the masses of Black people, not just the 'talented tenth.' All of our thrust is in that direction, so you will find that we are not as smooth as we would be if we took only the highly skilled." Dr. Matthew feels that "Black people must build up financial resources which belong to them as a whole and not to any specific person or group of persons." NEGRO, he says, has discussed the possibility of setting up "a National Negro Fund, which will be the treasury of 'the Negro nation'—our Fort Knox. With these funds we will be able to help the people who have hang-ups—people who need work, yet who won't be hired by this society's regular sources of employment. We recognize the importance of the dignity of working for a living."

For Dr. Matthew, the success of NEGRO represents another in a list of solid achievements which have marked his growth as a student, a neurosurgeon and a Black leader. He was born 43 years ago in New York City where his father was a janitor in an all-white apartment building. One of nine children, all of whom are now professionals, he says: "When I was growing up, I wanted to be one of three things: a lawyer, a science teacher or a clergyman. I ended up combining them all."

From the Bronx High School of Science through specialty training in neurology and neurosurgery at the Harvard Medical Center, Thomas W. Matthew received dozens of academic honors. He was the first Black graduate of both the Bronx High School of Science and Manhattan College. At Meharry Medical College he was on the Dean's List each year as an honor student. He was the first Black man to be trained as a neurosurgeon in the U.S. and the first Black man to serve as director of service at a major hospital outside the Harlem community. He has been an instructor at the Albert Einstein Medical College and clinical instructor at Harvard and Boston University medical schools. He has been a staff neurosurgeon at several top hospitals, and is currently a consultant neurosurgeon at four New York City hospitals and for the New York State Boxing Commission.

Always actively involved in the human rights struggle, Dr. Matthew was president of the Bronx Youth Division of the NAACP when he was a teen-ager. Today, he refuses to join the American Medical Assn. because there is segregation in some AMA local chapters.

Completely dedicated to the self-help approach, the mild-looking physician can be a formidable foe when confronted by what he feels is an unreasonable attack. On one occasion Flushing Savings and Loan Assn. found that out when they tried to take possession of the Interfaith Hospital for non-payment of rent. Overnight Dr. Matthew became a "nitty gritty" combatant, directing his aides and nurses to barricade the hospital and block the entrance for city marshals. He told his staff: "If you see marshals or policemen coming, don't let them in—call me." During the stalemate Dr. Matthew and his opponents negotiated a compromise. Only then, after a settlement, was the barricade (a chicken wire fence reinforced by white baby cribs) removed. At other times, city building inspectors have been refused entry into NEGRO buildings while rehabilitation was in progress. "We will let them in when we are finished," said Dr. Matthew.

At the moment, Dr. Matthew is embroiled in a struggle with New York City about enfranchisement of NEGRO's buses. Because of an injunction, the buses are not able to run on a regular schedule; instead they make gypsy-like trips through Harlem and Queens, picking up passengers where they find them and taking them where they want to go. "We are fighting the injunction," says Dr. Matthew, "but if things haven't been settled by the time the weather gets warm, we are going to run our buses in Harlem and Jamaica on regular schedules and dare the city to stop us."

Dr. Matthew has strong beliefs on many things affecting the future of Black people in America: especially civil rights. "The civil rights movement will eventually fail," he predicts. "It has to fail because it only asks for equal opportunity. But if the Black man has only 'equal opportunity' he won't be able to compete with non-Negroes for they will have the advantage of the support of their group. It will be the individual Negro against another group. Until the Negro has a strong group as a backup, his equal opportunity is meaningless, and 'equal opportunity' is the most that 'civil rights' can bring to the Black man. Our people's need transcends civil rights. If forced to make a choice, I'd give up civil rights for economic freedom."

On Black Americans: "I believe that we are a distinct people—distinct from Africans, distinct from other Americans, distinct from any other people on earth. I have always accepted the fact that we are a nation within a nation; a people with similarities based on our experiences in this country which bind us together, these similarities being both cultural and biological."

On Black Power: "White America can save Black Power and it is in white America's interest to do so. The Black Power worthy of saving is the only power NEGRO seeks: the power of self-help. The alternative to white America joining NEGRO in its struggle to bring the Negro people into the mainstream of American life is the Black Power of defeat. Those whose cries and even whose names frighten white America are shouting Black Power because it is the only power left to them."

On Laws and Lawlessness: "There are two kinds of laws in a society: laws of necessity which bind man to man and without which society would fall into chaos, and laws of convenience, which are laws that serve special interest groups because they have, in one form or another, enough power to bring those laws into existence. These laws are not vital to society's survival and society would not collapse without them. When the interests of my group demands that I break the majority group's laws of convenience, then I become the lawless. Laws of convenience are inherently discriminatory against the interests of Black people. When I break them I must be prepared to pay the penalty, though at times whether or not you pay the penalty depends upon your strength."

On Riots: "Riots are epidemics of erupting boils. Medically, pain and fever trigger natural responses, and under proper professional care, additional drugs and treatment defeat disease. It is only when pain and fever are masked by the palliative of aspirin that boils erupt on the human body. Similarly, the palliatives of civil rights bills, token integration, and an ineffective war on poverty have brought to the surface of American life the erupting boils we call riots. Riots are not caused by viciousness; they are triggered by viciousness I can't see our people completely giving up the concept of riots. Riots can be an important strategy for our people."

On Negro Leaders: "Our leaders have tried too long to make the Negro look more principled than any other group. We have no obligation to do this. It is a kind of backhanded racism for any Black leader to assume that we are going to be any more principled than any other people. We are the only group being called upon to fulfill the Christian-Judaism Ethic in pure, absolute form. Our leaders must also learn not to talk out of emotion, but out of sheer cold, factual, rational calculation."

On Malcolm X: "I knew Malcolm very well and often discussed things with him. Malcolm's great fault was that he never had a program. But I do feel he was the foremost spokesman our people have had to state the indictment of the oppression which we have experienced."

On Stokely Carmichael and Rap Brown: "Stokely and Rap are symbols of the racial problems in this country. They are spurs in the saddle. They are serving the important role of being catalysts. If the time comes when we no longer need this spur, the Negro people will put them down."

On the Guaranteed Income: "Negroes have known about guaranteed annual income since we first came to this country. Our grandparents had a guaranteed annual income; they called it slavery. . . . The civil rights leader, the white sociologist, the liberal economist all mean us well, but fate plays a cruel joke on us all. The guaranteed annual income they seek for us would doom us, as it has the American Indian who stayed on the reservation to an ever lower level of existence. The cruelty lies in the fact that this 'hope' they offer is but an empty dream. The Congress is not going to pass a guaranteed annual income and every informed observer and politician knows it."

CRISIS ON THE CAMPUS

Mr. McGEE. Mr. President, before coming to the Senate, I taught in several American universities. Thus, my interest in and my concern with the disturbances which have, of late, hit a number of college and university campuses in this land is great. In what promises to be an elucidating series of editorials, the Washington Post has, today, commented upon the crisis on the campus. The Post has made it clear that this is a revolutionary development, out of step with American traditions. It is more, for, as the editorial states, to these revolutionaries, "success is the destruction of American education."

Mr. President, I ask unanimous consent to have inserted in the Record at this point the lead editorial from today's Washington Post on the crisis on the campus.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Crisis on the Campus—I

The wave of disturbances that has swept university and college campuses in the last few months ought to be deeply troubling to all Americans. It tells us that something is seriously wrong—with the students, with the educational institutions, or both—and that this something is far more serious than the disputes over the war in Vietnam or the civil rights problems that seem to trigger the disturbances. That something has two parts. One is that a small group of students are so disillusioned with the United States that they want to destroy the existing institutions although they have nothing to offer in their place. The other is that a far larger number of students are so unhappy with particular aspects of society or of education that they are willing (or naive enough) to join the game.

This view of the rebel leaders received substantial support last week from two different perspectives. David B. Truman, vice-president of Columbia University, told Newsweek magazine, ". . . It's perfectly clear from what (the rebels) do and say and what they write that they regard the universities as the soft spot in a society that they're trying to bring down." Two students, involved on the side opposing Dr. Truman at Columbia, wrote in *The New Republic* that the decision "to take physical control of a major American university this spring" was made months ago at a conference of the Students for a Democratic Society. Columbia was chosen because it was an Ivy League school, had a liberal reputation, and was situated in New York. Claiming that the demands made by the demonstrators were tailored to fit Columbia after the decision to seize it was made, the two students explain:

"The point of the game was power. And in the broadest sense, to the most radical members of the SDS Steering Committee, Columbia itself was not the issue. It was revolution, and if it could be shown that a great university could literally be taken over in a matter of days by a well organized group of students then no university was safe. Everywhere the purpose was to destroy institutions of the American Establishment, in the hope that out of the chaos a better America would emerge."

Anyone who has spent much time talking with the leaders of student rebellions has a feeling these views are accurate. The rebels are out of touch with and do not understand the principles of democracy. Their heroes are the modern revolutionaries and the language they talk is that of anarchy. Freedom of speech means nothing to them except insofar as it protects their freedom to speak. The idea that differences are resolved through discussion and reason is irrelevant to them. The only thing that counts in their lexicon is power and the only way they believe power should be used is to enforce their beliefs on others. They have no doubts about the rightness and the righteousness of their views and they refuse to entertain any suggestion that they may be wrong. The historical parallels to this set of mind are only too easy to draw. It is sufficient to say that it is totally at war with everything this country has ever stood for.

It is now clear, for example, that the rebel leaders at Columbia never had any intention of negotiating a truce. They wanted what they got, forcible removal by the police, not to win their argument with the Administration but to solidify their following. Thus, the more violent the police action, the better it fits the rebels' purpose.

Confronted with this kind of mentality among leaders of student demonstrations, a university administration has little choice. It cannot tolerate students who seize offices and classrooms, hold administrators and faculty members prisoners, and rifle files and private papers. Even in their dream world, the hard-core revolutionaries on the campuses must know that a revolutionary who fails must take the consequences. And they must not succeed, for to them success is the destruction of American education.

IN 120 MAJOR CITIES 80 PERCENT OF GUN KILLERS HAD CRIMINAL RECORDS

Mr. **FONG**. Mr. President, gun interests argue that strong firearms laws would not affect the Nation's high murder rate, since most murders are committed, not in the commission of a crime, but on impulse. They cite the fact that the murder victim is usually a member of the family or a friend as proof of this.

These facts have indeed shown to be true by recent studies of the Judiciary Subcommittee on Juvenile Delinquency, of which I am a member.

But these studies also have shown, rather conclusively, I think, that if a strong gun control law had been in effect, a large majority of the killers would not have been able to buy guns.

In one study, a detailed case analysis of 125 murderers in the District of Columbia during fiscal 1966–67, it was found that 60 percent of the gun killers had been arrested for a crime of violence before he murdered another person.

A second study, a nationwide survey of 120 major cities, revealed the fact that the gun killer had a prior criminal record in 80 percent of the cases.

Clearly then, it was not the normal family man turned suddenly into an impulse killer who was responsible for the great bulk of the murders committed; rather, it was the known criminal who was responsible for most of the killings.

Mr. President, facts such as these showing the relationship between firearms and crime are now beginning to be publicized, to offset the massive letter-writing and publicity campaign mounted by the gun lobby.

An example of this is contained in the May 12, 1968—Mother's Day—issue of This Week magazine, a Sunday supplement having a circulation of more than 13 million.

A featured article entitled "How To Spot a Potential Killer," written by Frances Spatz Leighton, examines the case histories of gun murderers.

I believe this information has direct bearing on the debate now taking place in the Senate concerning title IV of the omnibus crime bill, S. 917.

Title IV—which I cosponsored as S. 1, amendment No. 90—would place effective workable controls over the interstate commerce in firearms to criminals, juveniles, and the demented. It is the gun law sought by almost 100 percent of America's law-enforcement community.

I ask unanimous consent that a document entitled "Profile of a Killer, Washington, D.C., July 1966 to June 1967," prepared by the Senate Juvenile Delinquency Subcommittee and the article written by Miss Leighton, published in This Week magazine, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

PROFILE OF A KILLER: WASHINGTON, D.C., JULY 1966 TO JUNE 1967[1]

The Washington, D.C. killer uses a handgun.

The victim is his friend, his wife, or his girlfriend.

He has been arrested previously six times, twice for serious crimes, including once for a crime of violence.

The gun killer is usually a man, 34 years old, and the murder occurs usually after a fight on Saturday night after the victim and the killer have been drinking.

The killer uses a foreign-made handgun available in a nearby store or through the mail for about $14.00.

80% of the killers who used a gun had a prior criminal record.

78% of all murderers studied had criminal records.

The gun killer had an average of 6 prior arrests before his first murder, 2 of them for serious offenses.

60% of the gun killers had been arrested for a crime of violence before the murder indictment.

In 81% of the cases the defendant and the victim were either friends, relatives, acquaintances, husband and wife, or common law cohabitators.

86%[2] of the murders stemmed directly from an argument, an altercation or a lovers quarrel.

[From This Week magazine, May 12, 1968]

PORTRAIT OF A KILLER

(By Frances Spatz Leighton)

The man is in his early 30s. He lives in your neighborhood, maybe in your apartment house. He looks and acts about like anyone else, maybe a little more hotheaded. He's been in trouble a few times but nothing like what is coming up next. Because he is going to commit the ultimate crime of passion—*murder*.

What will set him off? Almost anything. In Chicago, it was an argument over a bowl of chili. In Cincinnati, it was a heated dispute over who was better in—would you believe?—karate. In Atlanta, it was because a man "wanted to get some sleep" and a guest—who happened to be his wife's former husband—ignored his request to leave the house. In Minneapolis, it was a squabble over a parking space.

These cases may *seem* different, but all have something in common—the kind of person pulling the trigger. And thanks to a Senate Judiciary Subcommittee, we now have a profile of the average person who becomes a murderer. Aghast that the U.S. murder rate was up 12 per cent in 1967 and up 50 per cent from 1957—33 Americans were murdered *each day* last year, nearly two out of three with guns—Sen. Thomas J. Dodd's Subcommittee to Investigate Juvenile Delinquency launched a study in 130 American cities to find out just whose is the hand on the gun.

Based on the first 80 major cities studied, the picture emerges and it is a shocking one. The amazing thing is, the subcommittee found, that it is not the holdup man—not someone who comes out of the blue—who kills you.

It's someone you know.

WHEN DO THE MOST MURDERS TAKE PLACE?

He's usually a man, about 34 years old. The time is most often a Saturday night, and somewhere in the picture are a few friendly drinks.

There's usually another person in the picture, too, a friend or acquaintance, a wife or a girl friend. The gun—the average killer prefers a gun to any other weapon more than half the time—is foreign-made and purchased without any trouble in a nearby store or through the mail for about $14.

Now about that little trouble he had before—the subcommittee found that 80 per cent of the killers who used a gun had criminal records—in fact, had an average of *six* arrests over a 10-year period, *prior* to the murder.

In 74 per cent of the cases the killer and the victim were either friends, relatives, acquaintances, husband and wife, or common-law cohabitators. Surprisingly, in comparison, only 13 per cent of murders take place in the course of a crime.

Eighty-four per cent of the murders stemmed directly from an argument or a lover's quarrel. It's usually a man who pulls the trigger but, in Philadelphia, a 32-year-old spinster, told to stay out of sight while her sister and brother-in-law were visiting because she invariably fought with her sister, went to her father's room, got his gun and shot her brother-in-law.

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[1] The Subcommittee to Investigate Juvenile Delinquency is studying the backgrounds of America's murderers. One hundred and thirty (130) major population centers of the United States, are included in the survey, which is not yet complete.

[2] The results of a pilot study of all persons indicted for murder in the District of Columbia between July 1966 and June 1967 are consistent with the figures received to date from 80 major cities. This profile is based on the District findings.

MOST KILLERS ALREADY HAVE A GUN HANDY

Surprisingly, the subcommittee discovered that the average person who commits murder in the U.S. didn't go out and buy a gun for the job. The gun was already handy. The "chili" man, though he'd been in trouble over drunkenness and bad checks, had been allowed to carry a .32 caliber revolver. Although the woman who shot her brother-in-law had been treated for emotional problems, there was a gun right there when she wanted one.

The fact is, in any state except New Jersey or Illinois, you can get all the rifles and shotguns you want, no questions asked, no waiting period—any 10-year-old kid can get one. And only one state—New York—requires a license for possession of a gun on one's own premises.

Meanwhile, the "long hot summer" is already upon us—it started in Memphis. Carl Perian, staff director of the Senate subcommittee, told This Week: "People have told our committee they are buying guns for home protection. This is deplorable. In Detroit last year, snipers, most with long criminal records, armed themselves in advance under the existing firearms laws and turned a minor disturbance into a six-day holocaust. Thirty-two persons were shot by known snipers, five died, and 36 additional innocent people were shot by persons unknown, six fatally."

"It is shocking," Senator Dodd says, "to compare the battle in our streets to the battlefields in Vietnam. Since 1961, over 20,000 of our troops have been killed. But the slaughter in the streets has been three times as great."

And the next flare-up could start with that quick-tempered, but otherwise quite ordinary, 34-year-old man next door!

TRIBUTE TO THE LATE JOSEPH W. MARTIN, JR.

Mr. **MURPHY**. Mr. President, when historians of the next millennium look back with the wisdom of their hindsight to study the vibrant period in which we live, they will find ample evidence that there were among us a select few men whose vision and deeds matched the ever-expanding challenges around us.

Such a man was the late Joseph W. Martin, Jr., whose public service over a period of more than half a century gave new meaning and strength to the word "statesmanship."

To those of us who knew and worked with him, he was truly "Mr. Republican," and we learned from being exposed to his political philosophy that the foundations of responsible partisanship must be courage, principle, and patriotism.

During his service in the House of Representatives, no major congressional effort failed to carry marks of his wisdom and legislative craftsmanship.

No State has failed to reap the rewards of his vision and labor.

No person today can live from dawn to dusk untouched by the benefits of those social programs and public works projects which surround us as living monuments to his interest in the undertakings which have made possible the enormous progress during the past 50 years.

More significantly, however, our Nation's generations of the future will find that through Joe Martin and a few other patriots of his rare breed, the spirit of our forefathers which he espoused and exemplified so completely has been transmitted to them untainted and undiminished.

This is his epitaph and his legacy.

It must and will endure.

THE STEEL TRADE DEFICIT

Mr. **BAYH**. Mr. President, my colleague and good friend, the senior Senator from Indiana [Mr. Hartke], has written an important article in which he reviews the effects and implications of the steel trade deficit. As Senator Hartke points out, rising steel imports seem now to indicate that they will reach a total of 15 million tons this year, which would be an increase of about one-third over the level for 1967.

Senator Hartke has been a longtime advocate of an international conference in which the major steel producing nations could jointly look at this problem and search for answers. One of the significant factors which he emphasizes is the fact that some 42 percent of the steel producing capacity is actually owned by government and not private companies.

Mr. President, I ask unanimous consent that the article by Senator Hartke, published in Indiana Business and Industry for April 1968, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Serious Effects of the Steel Trade Deficit

(By Senator Vance Hartke, of Indiana)

The United States cannot maintain its high employment, industrial output and concurrently its high living standards if we accept unlimited imports under unfair competitive conditions. To do so will inevitably weaken the nation's entire industrial fabric.

The 1967 trade deficit in steel mill products was $877 million. This year, the steel trade lag may reach $1.3 billion. While partially due to strike-hedge buying, this is nevertheless in line with the long term trend.

With continuance of the present trend in 1968, imports will amount to 15 million tons—up to 15% of domestic consumption—or a total import increase of one-third over last year.

What are the national implications of this rapidly rising steel trade deficit? It is apparent there are no offsetting factors in the overall trade account in the making. Therefore, the steel trade deficit will have a serious impact on our 1968 balance of payments.

I am not asking whether something must be done to limit steel imports both for balance of payments reasons and the national security. Something has to be done and eventually will be done. Government action will occur. The real question is at what level of steel imports will government action take place? If we wait until the national concern is apparent to everyone, it may be too late then to redress the long-term impact on our balance of payments of a steel trade account seriously out of balance. A ratio of steel imports to consumption of 20 per cent or 30 per cent may permanently impair the ability of the steel industry to respond to a rapid increase in both military and supporting civilian requirements during the time of national emergency.

The 523-page Senate Finance Committee study of world wide steel competition was 18 months in the making, following my steel import hearings of June, 1966. Its principal point is that a continued rise in steel imports weakening the domestic steel industry would confront the United States with a "possible national ordeal."

What do we mean by "national ordeal?" Let me make it clear that America's defense is dependent upon preventing subsidized, below-cost foreign steel production from eroding our capability of fulfilling emergency demands in this country.

I agree with the Finance Committee Steel Report that "no private enterprise industry can, in the long run, survive in competition with foreign industries that have become 'instruments of government,' unless its own government lends assistance against subsidized import and against obstacles to exports."

In October of 1967, I introduced an orderly marketing bill that would set up a system of quotas on imports of steel mill products and pig iron. The report suggested that "some responsible, short-term measure along these lines may be the prod needed to cause the steel producing nations of the world to join together in an effort to solve problems of world steel in a manner calculated to serve the best interests of all of them."

"The arguments against Government intervention to provide protection for the domestic industry are persuasive in the abstract," the report stated. "The goals of keeping political alliances, maintaining price stability, and pursuing a consistent trade policy that upholds the principle of comparative advantage are all worthwhile and important. The real question is, however, at what point can a nation afford to allow one of its vital industries to undergo a serious decay because of imports? The United States, perhaps, could well afford to import 10 per cent of its domestic consumption of steel. But would it be in the national interest to import 15, 20, 30, or even 50 per cent? It is the trend which must be of concern, and a judicial decision will have to be made at some point as how much the nation can depend on imports of steel to meet domestic civilian and defense needs."

World excess steel capacity is a basic problem in world competition. This has caused foreign steel industries to unload their surplus production on the U.S. market at prices at or below cost.

"In some countries," the report states, "they (foreign producers) have been abetted by governments through the remission of taxes and through subsidies. In contrast, the U.S. steel industry has been unable to maintain its exports, in part because of a multitude of non-tariff barriers encountered abroad, and of the lack of U.S. export incentives."

The report termed the steel industry as "less dynamic than some other industries" in reacting to shifting trends and said that its research and development expenditures as a percentage of sales were among the lowest of 19 major industries.

But it added that the domestic producers face "no insurmountable problem except for the prospect that continually rising imports from lower cost or subsidized producers abroad could seriously weaken their market position."

The study contended that "it would be unrealistic to expect an uninterrupted flow of imports when this country might most need them: that is, in case of a major national emergency," and went on to say that steel imports could be interrupted even in peace time. "Japan might choose to export only to its Asiatic neighbors and Western Europe may concentrate on supplying Eastern Europe. It means courting a possible future national ordeal if such a highly strategic industry as steel would be permitted to drift into even partial decay."

Aside from defense, the viability of the domestic steel industry is a problem of national welfare. Steel is still the backbone of any industrialized economy. In the United States, it still accounts for 95% of the weight of all metals and the bulk of all processed materials used in manufacturing. If in certain product-lines imports exceed, say, 60%

of domestic consumption, domestic facilities might be scrapped, and labor shifted to other industries. Any cessation of imports at that stage, for whatever reason, would constitute a major problem to uninterrupted output of the steel-consuming civilian economy.

I have long recommended a world steel conference of the governments of major steel-producing nations as a means of attacking the problem of overcapacity. Such a conference would discuss common interests in adjusting the pace of steel expansion to the pace of world steel demand, and the chances of its success would be greatly enhanced if the sympathetic interest of the U.S. Government in safeguarding the industry is recognized by the countries now enjoying a market for their steel exports to this country.

Fairer rules in international steel trade are urgently needed to overcome the domestic industry's disadvantages in competing in the face of foreign export subsidies and nontariff barriers, and if fairer rules are achieved, the domestic industry should be able to expand both its domestic and foreign markets.

The problem has been aggravated by trade and taxation policies, by other countries, aimed at subsidizing production and exports while restricting imports.

Unfortunately, however, foreign steel industries have thrown steel on the world market, especially the largest and least restricted by nontariff barriers, i.e., the U.S. market.

There is nothing to indicate that world demand for steel will soon catch up with still-rising capacity. A 1967 estimate by the European Coal and Steel Community states that between 1966 and 1970 world steel capacity would grow by some 33 million tons a year to a total of 738 million tons by 1970, a figure substantially exceeding foreseeable world demand.

There is, therefore, reason to fear that foreign steel industries will not act prudently and adjust output and prices to levels permitting a reasonable return on sales and investment. The concern is that foreign producers, facing further deterioration of their financial status, will continue to sell increasing quantities of steel in the United States at prices which do not reflect their full direct and indirect cost, with the collaboration of their respective governments.

I must emphasize that 42% of world steel capacity is government-owned. Of "Free World" steelmaking capacity, not including the United States, 28% is government-owned.

Moreover, cartel-like association and subsidies are already at work and full or partial government ownership or control may lurk at the end of the road for many foreign steel industries, as a result of their recent financial difficulties.

Documenting the post-World War II performance of the leading steel making nations, we must recognize that United States production dropped from 61% of world output in 1945 to 26% in 1966 and will probably drop to 21% in 1975. Between 1947 and 1966 Japan's share of world steel output increased tenfold. In the same period, Italy's tripled, and Russia's doubled. Red China produced more steel in 1966 than any country had in 1947, except for the United States and Russia.

The signs are there for any who wish to read them.

THE TENANT CONDOMINIUM

Mr. PERCY. Mr. President, in the past year interest has increased greatly in expanding the opportunities for lower income families to become owners of their own homes or apartments. Typical of that interest is an article published in the February 1968 issue of Cornell Law Review. It is entitled "A Draft Program of Housing Reform: The Tenant Condominium," and it was written by Mr. William J. Quirk, general counsel of the New York City Department of Buildings; Mr. Leon E. Wein, assistant counsel for the department; and Mr. Ira Gomber, a third-year student at New York University Law School.

The article proposes a new program, drawn from New York City's experience in housing, to enable lower income families to become owners of their own condominium apartment units. The cost estimates presented hold forth the possibility that urban families having incomes as low as $3,500 can become homeowners, even without new legislation.

I note with some interest that section 10 of the article dissects the criticisms of Secretary Weaver with regard to S. 1592, the National Home Ownership Foundation Act, which I had the privilege to cosponsor with 39 other Senators and 112 Members of the other body. The authors find the Secretary's figures grossly overstated, something I strongly suspected at the time they appeared.

The authors conclude that a lower income condominium program could even be effectuated without any new legislation, such as S. 1592. I should point out, however, that they assume certain governmental actions which would bridge the gaps to which S. 1592 was directed. They assume that FNMA would be willing to buy condominium mortgages, thus providing the capital not hitherto forthcoming from private lenders. This, of course, is little more than direct Government lending through the FNMA special assistance program. S. 1592 would have dealt with the same problem by having the National Home Ownership Foundation issue bonds bearing the guarantee of the Federal Government. The Foundation's authorized $2 billion in debentures would have compared quite favorably with the $1 billion Congress authorized for FNMA in 1966.

Assuming the authors' cost figures to be accurate—and there may be some debate on that point—the fact remains that to lower the income levels to be served, some form of Government subsidy would be necessary. That provision, originally presented in S. 1592, is now incorporated in the new omnibus housing bill of 1968 unanimously voted out of the Senate Banking and Currency Committee and that will be considered by the Senate very shortly. The authors also pass over rather quickly the problem of equipping the nonprofit sponsor or tenant group to manage a complicated housing program. S. 1592 had provisions for substantial technical assistance to nonprofit sponsors to meet this need, a provision incorporated as section 106 of S. 3029.

But having made these observations, I wish to compliment the three authors for their timely article. I hope they may find a way to put their thesis to the test very shortly.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A DRAFT PROGRAM OF HOUSING REFORM—THE TENANT CONDOMINIUM

(By William J. Quirk,† Leon E. Wein,‡ and Ira Gomberg *)

Few dispute that the two central problems of America's cities are the pervasive hopelessness of the slums and the flight of the middle class to the suburbs. The resulting cities lack balance and diversity.[1] Only the very rich and the very poor remain, each in their separate sectors. The tax base is distorted, and in order to provide sufficient revenue the more regressive forms of taxation are used.[2] If our cities are to be saved, vast reforms must be effected, particularly in the area of housing.

The primary mode of housing in the larger cities is tenancy in a multiple dwelling.[3] In the slums, where the need for housing reform is greatest, the renting of apartments is almost universal. Thus, the raw material of any housing reform is the landlord-tenant relationship. The past twenty-five years have witnessed major improvements in our housing standards. Legal machinery has developed to force landlords to keep their buildings in repair.[4] We are increasingly told, however, that rigorous enforcement of housing codes will cause owners to abandon their buildings and that the city will be obliged to become the landlord of a "great mass of uneconomical, deteriorated buildings."[5]

But there is some basis for optimism. First, housing reform need not presuppose continuance of the landlord-tenant relationship. Indeed, a housing reform program that encourages tenants to become the *owners* of their apartments will tend to eliminate many of the sources of the social blight that plagues our cities. Second, and most surprising, the transformation of low- and middle-income tenants[6] into owners of rehabilitated or new apartments is presently practicable and requires *no new legislation*. The housing program herein proposed has the following features:

(*1*) Gradual obsolescense of landlords, both private and public;

(*2*) Creation of real property interests in former tenants;

(*3*) Monthly payments within the reach of low- and middle-income families;

(*4*) Radical rehabilitation and new construction;

(*5*) Maintenance of the individual character of existing neighborhoods;

(*6*) Absence of governmental intervention;

(*7*) Avoidance of governmental subsidies, except for very low income families; and

(*8*) Maintenance, and perhaps improvement, of the tax base.

The proposed program will be within the cost range of the existing rent structure. In 1960 the median monthly rent in New York City was $73.00.[7] Based on a high estimate of $12,000 per unit for the costs of acquisition and rehabilitation,[8] monthly amortization payments by the unit owner would be $62.49.[9] His total monthly payments, including maintenance,[10] insurance, and taxes, would be $87.49. Based on a more reasonable estimate of $7,500 per unit, monthly amortization payments would be $39.06, yielding a total monthly payment of $64.06.

These figures do not include any governmental subsidy. For persons at poverty levels—about fifteen to twenty percent of the population[11]—some subsidy will be necessary; for other groups it may be desirable. As will be discussed, an interest subsidy is the most flexible and cheapest type of governmental aid.[12] Where there is no subsidy, of course, income restrictions upon eligible occupants are unnecessary.

I. THE HOMEOWNERSHIP PRINCIPLE

Our tenements, once a haven for immigrant Jews, Italians, and Irish, now house

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Footnotes at end of article.

the impoverished internal migrants, mostly Negroes, and the failures of earlier immigrations. In past generations immigrants were able to assimilate themselves into this country's opportunity systems; but the volatile slums of today are characterized neither by opportunities nor by a culture of aspiration. Bringing quality housing within the means of slum dwellers is a prerequisite to any solution to the problem of urban unrest.

Our tenements contain both very large families that are not eligible for public housing and families that have been evicted from publicly assisted housing for antisocial behavior. Many slum dwellers, recently arrived in the city, have not yet adapted to the demands of urban living; others, despite prolonged residence in the slum, are unable or unwilling to do so. Slum tenants have no sense of pride in their homes, no sense of belonging to the community. Antagonism towards landlords, public or private, is one of the roots of urban unrest.

Many tenement landlords mulct their buildings and abandon them. Slum tenants frequently remove copper pipe, bathroom fixtures, or anything else of value. Indiscriminate vandalism makes maintenance and repair difficult. Thus, landlords seek profits in an atmosphere that does not promise increased return from improvements; and vandals, having no substantial interest in their community, often seek gain through pillage.

Homeownership, on the other hand, offers opportunities for personal dignity, self-reliance, and stability. It gives the owner a long-term interest both in the building and in the community. Ownership by residents would help discourage the social disintegration that marks our slums, and the resulting sense of responsibility and aspiration could replace the pervasive hopelessness.

Housing reform must deal with the needs of people, not just the construction of pleasant buildings. In his world-wide study of housing, Charles Abrams observed: "To the poorer family, homeownership is a prime hope, representing not only shelter but lifelong security. The emotions underlying the homeownership structure may or may not be based on reality, but they are powerful enough to win respect." [13]

In the United States the statement seems true of middle-income families as well. In light of the general desire to own a home and the social interests stimulated by resident ownership, truly significant housing reform must be based on the homeownership principle.

Besides offering improved housing at realistic prices, the proposed program offers a stake in society to the low-income family. It also provides middle-income groups with a permanent stake in the city, and improved living conditions throughout the city may eventually make the flight to the suburbs unnecessary.[14] For both groups the advantages offered are the pride of ownership, the building up of equity, tax benefits accruing from ownership treatment,[15] and the availability of a choice not now offered.

Most significantly, the program will place a check on the increasing power of the government. The creation of a property interest in the individual will act as a buffer against the state.[16] No new government machinery need be created, and even slum dwellers will be able to have a permanent property interest of their own.

II. VEHICLE OF TENANT OWNERSHIP

A unique characteristic of New York City is the high percentage of people living in multiple dwellings. Presently about seventy-three percent of the population lives in dwellings containing three or more units.[17] Fifty-five percent of all rental units are in structures with twenty or more apartments.[18] This accounts for almost half of the nation's total housing inventory in such structures.[19] Because of land shortage, other urban areas are likely to develop similar high-rise apartment living in the future.[20] The two basic formulas for homeownership in multiple dwellings are: (*1*) the stock cooperative and (*2*) the condominium.

The stock cooperative is a corporation that holds title to the land and building. Each tenant-shareholder owns stock in the corporation and has a "proprietary" lease covering his apartment. The corporation is the mortgagor of the premises and is directly responsible for paying real property taxes assessed against it. Each tenant-shareholder makes monthly payments to the corporation according to the provisions of his proprietary lease. These payments cover maintenance costs, management expenses, and other miscellaneous expenses, in addition to the mortgage and tax obligations.

Since foreclosure of the mortgage would result in loss of the shareholders' investment, the tenant-shareholders are highly dependent on their mutual solvency and good faith. The volatility of the stock cooperative is illustrated by comparing its seventy-five percent foreclosure rate to the twenty percent home mortgage foreclosure rate during the depression.[21] The financial interdependence of the shareholders results in restrictions on the sale of stock. Typically, a sale is prohibited unless the board of directors consents following an inquiry into the credit standing of the prospective purchaser. Because of such restrictions, the shareholder's stock is uninteresting security to a lending institution.[22] As a result, private cooperatives traditionally have required shareholders to make substantial cash down payments and to have sufficient financial resources to allow the money to be tied up.[23]

Unlike a cooperative, where each individual is dependent upon the solvency of the entire project, a condominium unit owner is responsible only for his own payments. This factor appears to have motivated passage of the New York Condominium Act in 1964. At that time the legislators observed:

"In a cooperative, if one tenant defaults on charges made to him for mortgage payments, the other tenants, if they wish to keep their apartments, must make good the default since the mortgage and the taxes apply to the building as a whole. In a condominium, where each unit has its own mortgage and is separately taxed, this liability for another's default is eliminated." [24]

Liability for another's default is not an acceptable risk for the low- or middle-income groups with which the program herein proposed is concerned. In a condominium, the individual tenant owns, in fee simple, his apartment and an undivided common interest in the common parts of the building. He thus owns a mortgageable asset.

A condominium comes into being when a "declaration," [25] with bylaws annexed, is recorded where conveyances are recorded. The declaration contains both a statement of intention on the part of the owner to submit to the Condominium Act, and a description of the land and building. The bylaws set forth the rules governing operation of the property,[26] and are, in effect, a constitution for the building. The bylaws must provide for a board of managers, at least one-third of whom are to be elected annually by the unit owners. In addition, the bylaws establish such matters as how the property will be operated and how common expenses will be allocated.[27] Amendment to the bylaws requires approval of at least two-thirds of the unit owners. If a unit owner fails to comply with the bylaws or other rules and regulations of the condominium, the board of managers may bring an action against him for injunctive relief.[28]

Illinois has enacted legislation which also permits the board of managers or the unit owners to delegate powers to a nonprofit corporation.[29] This provision was not thought essential, but was passed to remove any possible question concerning the delegation of statutory duties.[30] Formation of a nonprofit corporation achieves a degree of limited liability and may simplify relations with such organizations as the FHA and the proposed National Home Ownership Foundation.[31]

For purposes of low- and middle-income housing reform, the condominium is clearly preferable.[32] First, the condominium unit owner's interest in the premises is concrete, *i.e.*, it is direct real property ownership, as opposed to ownership of shares in a cooperative. Second, when rehabilitation is complete, the unit owner receives his own individual mortgage rather than a share of stock in a corporation holding a large mortgage. Consequently, the defaults of other unit owners, either on a mortgage debt or on taxes, will not result in foreclosure on the entire building and loss of equity by all involved. Third, the involvement of government can be minimized in the case of the condominium.

III. ACQUISITION

The number of vacant buildings in New York City has been increasing at an accelerating rate.[33] As of October 30, 1967, there were 3,151 reported vacant multiple dwellings,[34] distributed as follows: Manhattan—499; Brooklyn—1,831; Queens—266; Bronx—315; Richmond—240. Based on a low average figure of twelve apartments per building, accommodating three persons each, these vacant multiple dwellings could house more than 110,000 persons, the entire population of many medium-size cities.[35]

As might be expected, most of the vacant buildings are located in the poorer sections of the five boroughs. Areas such as Harlem (both East and West), the Lower East Side of Manhattan, the East Bronx, and Bedford-Stuyvesant in Brooklyn are infested with vacant apartments [36] that could be used in the beginning stages of the program.[37]

Three inexpensive methods exist by which title may be taken to both abandoned buildings and many other properties, free and clear of all encumbrances. The first method is to have the city foreclose its tax lien on the property desired.[38] Although in rem tax proceedings may commence only after a four-year default in payment, at any given time many buildings are in such default and the city may proceed against them.[39]

A second method is to have the city foreclose its emergency repair priority lien.[40] Under the new emergency repair program, the city is often called upon to make various repairs in both old and new buildings. A lien is taken prior to all mortgages for the expenses incurred in making these repairs. A large number of buildings would probably be available as potential condominiums under this program.

Finally, receivership proceedings under the Multiple Dwelling Law create a forecloseable lien,[41] which the city can foreclose for the cost of its expenses.

Upon foreclosure of any of these liens, a buyer in many cases probably could purchase title for a nominal amount above the city's liens. For purposes of this program, the buyer would be a nonprofit corporation [42] created specifically for: (*1*) taking title; [43] (*2*) securing FHA insurance for the tenant condominium and giving general financial advice to it; (*3*) hiring and supervising rehabilitation contractors in the exercise of its general business expertise; and (*4*) perhaps negotiating acquisitions with the private building owners. Immediately after acquisition, the nonprofit corporation would offer a condominium in the rehabilitated building to any existing tenants.

It might be argued that only rarely will a building be sold for $5,000 or $10,000 worth of liens, since mortgagees will protect their interest by bidding in to buy off the city's liens. But this would not be true for the

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many buildings that are not profitable in their present condition. They require complete rehabilitation, and there is little new money presently available from private sources. The lien foreclosure would force the present interest holders to invest an additional $5,000 or $10,000 to cover the liens, and afterwards they would still be left with the same unprofitable building. Many interest holders will forego this privilege.

Private negotiation between the nonprofit corporation and private owners is another feasible method of acquisition. Many buildings probably could be obtained for approximately $1,500 to $2,000 per apartment unit. [44] In the middle-income phase of this program, however, the purchase price, as well as the real estate taxes, will doubtless be much higher. But rehabilitation costs will be low, if not nonexistent. [45]

IV. FHA MORTGAGE INSURANCE

The National Housing Act was amended by the Housing Act of 1961 to include a new section entitled "Mortgage Insurance for Individually Owned Units in Multifamily Structures." [46] This legislation was designed to stimulate the construction and rehabilitation of buildings under the condominium form of tenure.[47] It authorizes the FHA to insure individual mortgages in multifamily structures.[48] By amendment in 1964, the FHA has been allowed to insure a blanket mortgage to cover the cost of acquisition and of construction or rehabilitation.[49] When rehabilitation is complete, the blanket mortgage is released and separate mortgages substituted.[50]

The limitations on mortgage insurance may be summarized as follows:

(*1*) The term of the individual mortgage cannot exceed thirty-five years or three-quarters of the remaining estimated life of the building, whichever is less.

(*2*) The interest rate cannot exceed five and one-quarter percent. The FHA charges an insurance premium of one-half of one percent, which apparently can be administratively waived.[51]

(*3*) The project must contain five or more living units. This requirement can be met by connected buildings that are part of the same project.

(*4*) The principal of an individual (as opposed to a blanket) mortgage cannot exceed $30,000.[52] Also, the mortgage cannot exceed ninety-seven percent of the first $15,000, ninety percent of the next $5,000, and seventy-five percent of the remainder.[53]

(*5*) The blanket mortgage covering the cost of construction cannot exceed $20,000,000.

To prevent speculation on the apartment mortgages, the statute provides that a mortgagor must own and occupy one apartment, and in no event may he own more than four.[54] As of December 31, 1965, the FHA had experienced no defaults in mortgages on insured apartments.[55]

V. SOURCE OF MONEY

With FHA insurance available private sources such as banks, insurance companies, and foundations will probably provide the needed money. In the past, large institutional investors have not actively participated in the urban housing field. Their lack of interest is probably attributable to an aversion to government regulation and involvement, as well as to the practical difficulties in operating and managing large real estate holdings.[56] Instead, the institutions have preferred to invest in stocks, bonds, and commercial mortgages. The proposed program would provide institutional investors with insured long-term investments that would involve neither day-to-day management of real estate nor government regulation. Institutional investors, therefore, should be more willing to venture into a condominium-based program than into other forms of urban investment.[57]

The Federal National Mortgage Association (FNMA) is authorized to provide special assistance in the financing of FHA and Veterans Administration mortgages by making advance commitments to purchase certain mortgages.[58] Condominiums financed under Section 234 of the National Housing Act presently come within these special assistance provisions.[59] The FNMA also provides financing assistance for condominiums under its regular program of secondary market operations.[60]

The FNMA was incorporated on February 10, 1938, as an instrumentality of the United States. Presently, it is under the jurisdiction of the Department of Housing and Urban Development.[61] Its business consists primarily of the purchase and sale both of mortgages insured by the FHA and, since 1948, of mortgages guaranteed by the VA. It is empowered to perform three functions: [62] (*1*) *Secondary market operations*—the purchase and sale of home mortgages to provide liquidity for mortgage investment; (*2*) *Special assistance functions*—the purchase of mortgages, as authorized by the President or Congress, to assist in financing home mortgages where established financing facilities are inadequate; (*3*) *Management and liquidating functions*—the management and liquidation of certain mortgages in its portfolio. The Federal National Mortgage Association Charter Act of 1954 [63] provided for separate accountability with respect to these operations, each having its own assets, liabilities, and separate borrowing authority.[64]

The central nonprofit corporation proposed in this program should be able to qualify with FNMA as an "eligible seller" of mortgages.[65] If the tenant condominium mortgages qualify under the FNMA special assistance program, the FNMA, in effect, would be the mortgagee. Formally, the approved lending institution would be the mortgagee, but it would issue the mortgage only when it had received a commitment from the FNMA; shortly after issuance, the mortgage would be sold to the FNMA.

For the purposes of the condominium program, two of the FNMA's functions are of special interest. The first of these is the secondary market operation described in the purposes clause, Section 301 of the National Housing Act:

"The Congress hereby declares that the purposes of this title are to establish in the Federal Government a secondary market facility for home mortgages, to provide that the operations of such facility shall be financed by private capital to the maximum extent feasible, and to authorize such facility to—

"(a) provide supplementary assistance to the secondary market for home mortgages by providing a degree of liquidity for mortgage investment capital available for home mortgage financing." [66]

Section 302(b) provides that the FNMA is authorized to purchase mortgages insured by the FHA:

"For the purposes set forth in section 301 and subject to the limitations and restrictions of this title, the Association [FNMA] is authorized, pursuant to commitments or otherwise, to purchase, lend (under section 304) on the security of, service, sell, or otherwise deal in any mortgages which are insured under the National Housing Act." [67]

Section 304, entitled "Secondary Market Operations," provides that "so far as practicable" the operations of the FNMA shall be confined "to mortgages which are deemed by the Association to be of such quality, type, and class as to meet, generally, the purchase standards imposed by private institutional mortgage investors . . . ." The price paid by the FNMA should be "within the range of market prices." [68] Consequently, the purchase of tenant condominium mortgages by the FNMA would not require new legislation or express Presidential authorization, but merely an administrative determination that the mortgages "meet, generally, the purchase standards imposed by private institutional mortgage investors." For the middle-income phase of the condominium program this requirement presents no problem. For the low-income phase, the requirement should be met, since the program will provide housing at a cost within the means of the owner. The secondary market function receives about eighty-five percent of its capital from the public issuance of debentures and short-term discount notes.[69] The Association's authority to issue its obligations to the public was increased in September of 1966 by about 3.75 billion dollars.[70]

The second operation of the FNMA relevant to the condominium program is the special assistance function, defined by section 305.[71] Its purpose is described by section 301 as follows:

"(b) [to] provide special assistance (when, and to the extent that, the President has determined that it is in the public interest) for the financing of (1) selected types of home mortgages (*pending the establishment of their marketability*) originated under special housing programs designed to provide housing of acceptable standards at *full economic costs for segments of the national population which are unable to obtain adequate housing under established home financing programs*." [72]

The italicized language precisely describes the tenant condominium situation. First, special assistance for low-income condominium mortgages may be needed pending the establishment of their marketability. Second, the tenant condominium is designed to provide housing of acceptable standards "at full economic costs." Finally, the tenant condominium is designed to provide housing "for segments of the national population which are unable to obtain adequate housing under established home financing programs."

The special assistance function is financed by borrowing from the Treasury. [73] In September 1966, Congress authorized one billion dollars of special assistance funds, half of which was to be transferred from an existing Presidential authorization. [74] This authorization is, by its terms, available for mortgages insured under section 234.[75]

VI. REHABILITATION COSTS

Although rehabilitation costs will vary from building to building and in accordance with the amount of work necessary, an examination of the cost data concerning several rehabilitation projects now under construction or recently completed makes possible certain general observations. [76] The complete rehabilitation of an apartment unit in New York City can be accomplished at a cost of from $5,000 to $8,000, exclusive of acquisition cost.

The New York City Rent and Rehabilitation Administration has undertaken to rehabilitate a number of buildings on an experimental basis, and the FHA has issued mortgage commitments on most of these projects. One such project involves the rehabilitation of West 114th Street between Seventh and Eighth Avenues in Manhattan. When completed it will consist of thirty-seven buildings containing 458 apartment units. The cost of the first three buildings completed amounted to an estimated $307,561, or $9,320 per unit, a figure which includes brick and mortar costs and the contractor's one-site expenses as well as the cost of acquisition.[77]

A subsidiary of U.S. Gypsum Company has completed rehabilitation of six buildings on East 102d Street. The total cost of the first building completed, including acquisition cost, was $219,000, or $9,120 per unit ($15.90 per square foot). Acquisition cost of that building was $30,000, or $1,250 per unit. Thus,

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rehabilitation cost, excluding acquisition cost but including builders' fees, was $7,870 per unit.[78]

Conceivably, the experimental "Forty-Eight-Hour Rehabilitation Project" undertaken with $250,000 of federal funds might lower rehabilitation costs still further. This program is intended to make possible the complete rehabilitation of a building within forty-eight hours, and was carried out on two buildings at 635 and 37 East Fifth Street in Manhattan.[79]

It must be understood that the programs upon which rehabilitation costs in New York City are estimated were experimental and not part of a broad-based program of rehabilitation.[80] Thus, in a new program for the annual rehabilitation of 5,000 apartment units planned by the City Housing and Redevelopment Board,[81] projected cost for a two-unit, owner-occupied masonry structure requiring extensive rehabilitation is $5,400 per unit. For a five-unit, three-story masonry structure requiring extensive rehabilitation and gutting, the projected cost is $6,000 per unit. For a twenty-five-unit Old Law walkup to six stories requiring extensive rehabilitation and gutting and installation of an elevator, $7,600 per unit is envisioned.[82] These figures contemplate rehabilitation under federal programs, and consequently the labor costs they reflect would comply with Section 212 of the National Housing Act.[83]

The foregoing discussion has focused upon radical rehabilitation. But many buildings requiring less extensive rehabilitation are probably available. Such buildings, improved at a cost of $1,500 to $2,500 per unit, would bring homeownership opportunities within the reach of low-income families without subsidy.

The feasibility of ownership housing for low- and middle-income families depends on the builder's cost of construction or rehabilitation and the potential homeowner's cost of long-term financing. If the cost of construction or rehabilitation increases greatly, without a corresponding decrease in financing cost, homeownership becomes impractical. Section 212 of the National Housing Act requires mortgages insured under section 234(d)[84] to provide that wages paid construction workers be in accordance with the Davis-Bacon Act of 1931.[85] The provisions of this act are designed to protect local laborers and contractors against unfair competition from outside contractors whose lower costs reflect lower wage levels prevailing elsewhere.[86] It provides that wages and fringe benefits paid laborers on federal construction and certain types of federally-aided construction shall be at the rate prevailing in the area[87] for the particular work done.

Prevailing wage rates are determined by the Secretary of Labor through a continuing program "for the obtaining and compiling of wage rate information"[88] conducted by the Solicitor of Labor.[89] Unlike new construction, rehabilitation of multiple dwellings in New York City is primarily a nonunion business. The Solicitor of Labor has set union scale wages as the prevailing rate for both new construction and rehabilitation.[90] The cost of rehabilitation at union rates is two or three times the rate that would otherwise prevail. It seems clear that rehabilitation should be a distinct work classification, and that wages for rehabilitation should be different from those for new construction. Although the Davis-Bacon Act attempted to protect local labor from unfair competition with lower-priced outside labor, its effect in New York City has been to protect local union labor from competition with local non-union workers who are unable to gain membership in construction unions because of restrictive practices.

Interestingly, section 212 is expressly made applicable only to the blanket mortgage for construction of a condominium under section 234(d). It does not apply to the individual mortgages of the unit owners.[91] Consequently, an institutional investor could finance the blanket mortgage and upon completion divide it among the unit owners. FHA insurance would be available for the individual mortgages and they could be purchased by the FNMA.[92]

The monthly amortization tables indicate the flexibility of the proposed program. For the low-income phase of the program, a per-unit acquisition and rehabilitation cost of $3,000 to $15,000 can be expected. For the middle-income phase of the program, a per-unit cost of $15,000 to $40,000 is expected, and in some cases new construction might be feasible. For the low-income groups new construction would probably require subsidy, in the form of either an interest subsidy or an extension of the presently permitted mortgage term.[93]

Acquisition and rehabilitation or construction cost	Monthly amortization payments			
	(A) 20 year (at 3 percent)[1]	(B) 35 year (at 5¼ percent)[2]	(C) 35 year (at 5¾ percent)[3]	(D) 40 year (at 5¾ percent)[4]
[5] $3,000	$16.64	$15.63	$16.61	$15.99
5,000	27.73	26.04	27.68	26.65
7,500	41.60	39.06	41.52	39.97
10,000	55.46	52.08	55.36	53.29
12,000	66.56	62.49	66.43	63.95
15,000	83.19	78.12	83.03	79.94
20,000	(6)	104.15	110.71	106.53
25,000	(6)	130.19	138.38	133.23
30,000	(6)	156.23	166.06	159.87
[7] 35,000	(6)	182.27	193.73	186.52
[7] 40,000	(6)	208.30	221.41	213.16

[1] The 3-percent interest rate is based on sec. 312 of the Housing Act of 1964, 42 U.S.C. sec. 1452b (1964, supp. I, 1965) which is limited to urban renewal or code enforcement areas.

[2] The 5¼-percent interest rate is based on sec. 234(f) of the National Housing Act, 12 U.S.C. sec. 1715y(f) (1964). This assumes that the 0.5-percent FHA premium will be waived. If not, the cost would be 5¾ percent as shown in col. C.

[3] The 5¾-percent interest rate is based on the sec. 234(f) rate without waiver of the FHA premium.

[4] Under sec. 213 of the National Housing Act, 12 U.S.C. sec. 1715e (1964, supp. I, 1965, supp. II, 1965-66), a 40-year term mortgage at 5¾-percent interest is authorized. The language of sec. 213 seems to authorize condominium insurance although it has not been so interpreted by the FHA. The omnibus bill reported by the Senate Committee on Banking and Currency proposes the removal of statutory interest rate ceilings under secs. 213 and 234, and would authorize the Secretary of HUD to establish such interest rate as he finds necessary to meet the mortgage market. S. 2700, 90th Cong., 1st sess. secs. 203(c), 203(i) (1967); S. Rept. 809, 90th Cong., 1st sess. 26, 49 (1967). See note 106 infra.

[5] A reasonable partial rehabilitation probably could be achieved for this amount of money. Condominiums for very low income persons would thus be possible.

[6] Not applicable.

[7] Sec. 234 presently does not authorize insurance for a mortgage in excess of $30,000. Persons in this price range, however, are probably capable of a substantial downpayment.

Section 312 of the Housing Act of 1964,[100] on which column *A* is based, is specifically limited to rehabilitation. Unlike most federal housing statutes, it provides for direct federal rehabilitation loans "to assist rehabilitation in an urban renewal area or area in which [there is] a program of concentrated code enforcement activities. . . ."[101] The Secretary is to establish a limit on the term of such loans, and the interest rate may not exceed three percent of the principal outstanding at any time.[102] Appropriations of one hundred million dollars were authorized for each of the next five fiscal years. Authority to make rehabilitation loans terminates as of October 1, 1969.[103] Although the program appears excellent and would be of great aid to the low-income tenant condominium, the federal government has not utilized the statutory authorization of funds. The most recent *Annual Report* of the Department of Housing and Urban Development shows that the rehabilitation loan program has been capitalized at only ten million dollars and that no loans have been made.[104]

Section 221(d)(3) of the National Housing Act,[105] which involves purchases by the FNMA's special assistance function, provides for one hundred percent mortgages for a forty-year term at an interest rate no lower than three percent, or the government borrowing rate. But the section does not authorize condominium insurance.[106] A further limitation on this section is that the project must be in a community with an approved "workable program."[107] As a matter of administrative policy, the FHA has to a great extent limited the use of section 221(d)(3) to urban renewal areas.[108]

VII. MAINTENANCE AND TAXES

In a condominium each householder owns his own apartment unit and therefore is responsible for its maintenance.[109] General costs, based on rental experience, will be reduced in a condominium because of the owners' stake in the building.[110] The cost of heating can be apportioned on a pro rata basis, and is estimated at five to ten dollars per month. Maintenance expenses for the public parts of the building include the salary of a building superintendent[111] and the cost of electric lighting. These expenditures also would be apportioned on a pro rata basis. The total of all maintenance costs is estimated at approximately fifteen dollars per unit per month.

A program of housing reform in an urban setting must maintain, rather than decrease, the city's tax base. Thus, under the condominimum program, each householder, as owner of his own apartment unit, will pay taxes on it.[112] The present taxes, on a pro rata basis, usually would be between $3.10 and $4.15 per unit per month.[113]

Fire insurance on a typical twenty-unit masonry building costs about $0.24 per $100 on a one-year rate. A ten percent discount is available when the rate is prepaid for a three-year period.[114] Thus, fire insurance on a one-year rate covering $200,000 in valuation would cost about $480, or $2.00 per unit per month. Liability insurance can be estimated at an additional $2.00 per unit per month.[115]

The total cost of maintenance and taxes can therefore be estimated at between $20 and $30 per unit per month.[116] The program would still be feasible even if maintenance and tax costs rise to $40 or $45 per month.[117]

VIII. TOTAL MONTHLY PAYMENT

The total monthly payment under this program will be the mortgage amortization cost plus maintenance and taxes. On the basis of maintenance and tax costs of $25 per month, the total monthly payments, according to column *B* of the amortization tables,[118] would be as follows:[119]

Acquisition and rehabilitation or construction cost per unit:

	Total monthly payment
$3,000	$40.63
5,000	51.04
7,500	64.06
10,000	77.08
12,000	87.49
15,000	103.12
20,000	129.15
25,000	155.19
30,000	181.23
35,000	207.27
40,000	233.30

The above figures include no element of government subsidy. As noted above, the absence of subsidy will mean the absence of the indignity of income restrictions.

IX. THE OPERATION OF A CONDOMINIUM PROGRAM

The problems of providing housing are not accurately described in terms of blight and neighborhood decay, nor can they be solved merely by bringing existing structures up to standard. Housing is about people, not buildings. Local residents must have concrete opportunities for improving the quality of life in their neighborhoods.

The condominium housing reform can be

Footnotes at end of article.

accomplished through existing neighborhood organizations: churches, social clubs and fraternal organizations, block improvement associations, and tenant groups. These are the organizations that express the desires and needs of local residents.[120] New organizations with grass roots support might be organized by such groups and funded by private foundations for the purpose of providing technical assistance. Such organizations have already begun to undertake schemes of this type.[121] Many groups have already expressed interest in such programs, and have turned to local government agencies for advice and assistance.[122] What then, is the role of local government?

Involvement by local government does not seem essential, though it may be desirable. Some existing homeownership programs have worked with little or no government involvement.[123] In other projects, cities and their agencies have directly participated in policy formulation and activities.[124] The strategy underlying any homeownership program should call for local government to supplement directly or indirectly the ability of local citizens and neighborhood organizations to "unslum" their surroundings.[125]

The initiative must come from below and not be imposed from above. No new legislation is needed; a new attitude, rather than a new policy, will suffice. It would be sufficient if the city supported a program of tenant ownership merely by overcoming the complicated technical, legal, and administrative entanglements involved in the acquisition and rehabilitation of tenements. Another area in which city participation is desirable is land assemblage. As discussed above,[126] no particular building is essential to the success of any program. Through normal tax foreclosures and otherwise,[127] the city should coordinate its code enforcement efforts with those of nonprofit groups engaged in low-cost rehabilitation and construction, thereby providing such groups with salvageable structures at a reasonable cost.

There is no prototype tenant condominium. The proposed reform comprehends both situations in which tenants pool their resources to purchase their building for rehabilitation and large-scale programs of rehabilitation or new construction intended to have a substantial impact on an entire district or city. In either case there would exist within the community an established method of providing housing opportunities for those most in need of them. The mere existence of such a process can mobilize renewed community efforts.

The housing problem of the low-income family entails a keen desire for homeownership, an inability to pay outright for a satisfactory home, and the lack of a financing mechanism to enable it to do so. A church, fraternal, or tenant organization representing the desires and needs of low-income families might decide upon a tenant condominium program for its members. Such an organization is likely to have sufficient funds to maintain its clergyman or other persons with sufficient authority, stature, and ability to institute a tenant ownership arrangement. Depending on the amount of money initially available to it, such an organization would purchase one or more salvageable structures for rehabilitation and would apply for FHA or conventional financing.[128] It would hire the rehabilitation contractors, involve area residents in a policy-making role, and employ the residents in the construction work whenever possible. Before undertaking rehabilitation or construction, the sponsoring organization would offer a condominium apartment in the rehabilitated building to the tenants. Slum dwellers would thus have a way out. By their own efforts, and at a cost equivalent to present rents, they would be afforded a homeownership opportunity.

Nor can the powers of reaction now obstruct or pervert the program; no new legislation is needed. Slum dwellers can be given the opportunity to use their limited funds, otherwise allocated for rent, to obtain quality housing and the dignity of homeownership. And, as taxpaying landowners, they would be able to contribute tax dollars to pay for the services they require.

X. THE PERCY PROPOSAL

A progressive homeownership program was recently advanced by Senator Charles H. Percy of Illinois.[129] On April 20, 1967 (he introduced a bill in the Senate entitled the "National Home Ownership Foundation Act." [130] Cosponsored by thirty-six Republican Senators, the bill is designed to make ownership housing available to low- and middle-income families.[131] To this end, the bill would create a national nonprofit corporation with the authority to issue two billion dollars worth of federally-guaranteed debentures.[132] The funds raised would be loaned to local "eligible borrowers," *i.e.*, nonprofit corporations or organizations. In turn, the local agency would rehabilitate or construct housing and sell it to the occupants. When appropriate, an interest subsidy of approximately four percent would be given to the purchaser.

After a four-month study, Secretary Robert C. Weaver of the Department of Housing and Urban Development recently issued an eight-page statement analyzing Senator Percy's proposal.[133] He observed that there has already been developed "a method of achieving . . . the home ownership objectives of the [Percy] proposal." [134] The Sullivan Amendment, Section 221(h) of the National Housing Act,[135] provides for the insurance of mortgages to finance rehabilitation and sale to low-income mortgagors. The term of each mortgage is to be determined by the Secretary, and the interest rate will be not lower than three percent.[136]

Although Secretary Weaver has asserted that this section meets the "home ownership objectives" of the Percy plan, his department has ruled that section 221(h) does not apply to multiple dwellings.[137] Also, Secretary Weaver has stated that the interest subsidy provision in the Percy legislation "provides a wholly inadequate subsidy to the low-income home buyer at an incalculable total cost to the taxpayer"; [138] and yet the cost to the taxpayer is fixed by statute.[139]

Moreover, an interest subsidy is the cheapest type of subsidy known. For example, assume that a housing program involves five billion dollars in capital expenditure and that all the mortgages require a total interest subsidy, *i.e.*, no interest is actually paid by the mortgagor. Based on a four percent government borrowing rate, the annual cost to taxpayers would be 200 million dollars.[140]

The flexibility of an interest subsidy in conjunction with a program of long-term mortgages (75 or 100 years) could provide new and imaginative housing to every segment of the American population. Since the building will likely last that long, there is no reason the mortgage should not also. The condominium program proposed herein does not entail an interest subsidy, but if such a subsidy could be obtained, housing could be made available to very low-income families.

The Percy legislation authorizes the National Home Ownership Foundation to "seek to arrange" equity insurance with private companies to cover a period of unemployment that may strike a homeowner. A related proposal, recommending direct federal equity insurance was submitted to Secretary Weaver's predecessor department in 1963 by Charles Abrams. The proposal was rejected because of the "administrative cost" involved. Mr. Abrams has written: "It is clear that the real obstacle is not the administrative cost but FHA's traditional aversion to innovation and to the assumption of social functions." [141]

Secretary Weaver characterizes the Percy proposal as "hopelessly naive":

"The proposal to develop insurance to protect the purchaser against inability to make the mortgage payment because of disability, or unemployment, is hopelessly naive. There is little hope that private insurance companies, without substantial subsidy, can provide the insurance needed at acceptable rates." [142]

If private insurance companies will not provide this needed protection, it would be advisable to return to the Abrams proposal of direct federal insurance. Secretary Weaver, however, has given no indication that his department will support an effort to provide this sensible and humane insurance.

The central fact of any homeownership program is the monthly cost to the occupant. Secretary Weaver has stated that "while well-intentioned" the Percy proposal demonstrates "little real understanding of the problems of producing housing within the economic means of poor people." [143] The Secretary describes the Percy plan as "totally unsupported by any factual analyses" and based on a "bewildering maze of financial juggling." [144] This criticism of Senator Percy's plan would lead one to expect both clear and substantiated cost analysis from Secretary Weaver. In fact his cost analysis assumes that the National Home Ownership Foundation would have to pay close to six percent for its federally-guaranteed debentures. Though this may be true in the current market the experience of FNMA indicates that a rate of five or five-and-one-quarter percent is more common.[145] Secretary Weaver assumes a typical acquisition and rehabilitation cost of $12,500 and a maintenance cost (taxes, repairs, fuel) of $53.49 per unit per month.[146] In view of the New York experience, where costs are the highest in the country,[147] the acquisition and rehabilitation cost seems unrealistically high.[148] A more reasonable estimate of maintenance costs is between twenty and thirty dollars per unit per month.[149] Secretary Weaver assumes a mortgage term of thirty years; but nothing in the Percy proposal requires this term, and a forty- or fifty-year term may be appropriate. In any event, the length of the mortgage would be determined by the "Board." [150] Finally, the Secretary assumes that a low-income family will spend no more than twenty-five percent of its income for housing. As of 1961, however, the Department of Labor statistics show a national average of 29.5 percent and a New York average of 30.8 percent of income expended on housing.[151] Further, these average figures do not accurately reflect the housing expenditures of low-income families, who usually pay a higher percentage of their incomes for housing than do middle-income families. In fact, the 1960 Census of Housing showed twenty percent of the nation's renter families paying thirty-five percent or more of their gross income for rent.[152] Based on the above assumptions, Secretary Weaver constructs a hypothetical monthly cost under the Percy plan of $132.50 per month without an interest subsidy and $100 per month with a four-and-one-quarter percent interest subsidy. These are computed by adding a monthly amortization of $79.01 (a six-and-one-half percent mortgage on $12,500 over a thirty-year term) to a maintenance figure of $53.49. From this construction, the Secretary concludes that the Percy legislation is inadequate and costly.[153]

A more realistic set of assumptions is as follows: *(1)* the National Home Ownership Foundation will pay five or five-and-one-quarter percent on its debentures; [154] *(2)* the rehabilitation and acquisition cost will be no higher than $10,000 per unit; *(3)* the maintenance cost will be no higher than thirty dollars per unit per month; and *(4)* the term of the mortgage can be forty or fifty

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Footnotes at end of article.

years, and perhaps longer. On the basis of a no-interest subsidy and an NHOF borrowing rate of five percent, a $10,000 mortgage would be granted for a forty-year term at a five-and-one-half percent interest rate. The amortization cost will be $51.58 per month and the total monthly payment about eighty-one dollars. Even with Secretary Weaver's high maintenance estimate of $53.49, the total monthly cost would be about $105.

With a full four-and-one-quarter percent interest subsidy and a thirty-year term, the monthly amortization cost would be $33.33.[155] With a thirty-dollar per month maintenance expense, the total monthly cost would be $63.33. Based on Secretary Weaver's maintenance estimate, the total monthly cost would be $86.82. If, as the Department of Labor statistics estimate, a family spends thirty percent of its gross income on housing, this would provide housing for persons earning $3,250 a year. This is substantially below the $4,800 a year that Secretary Weaver indicated would be necessary under Senator Percy's legislation.[156]

In terms of New York's housing problems, however, the Percy program would be severely undercapitalized. The program would be capitalized at two billion dollars, with no more than twelve-and-one-half percent, or $250 million, going to any one state.[157] The author's essential disagreement with the Percy proposal, however, stems from the belief that no legislation is needed.

XI. THE KENNEDY PLAN

Senator Robert F. Kennedy of New York has introduced legislation entitled "Urban Housing Development Act of 1967."[158] His proposal involves a combination of tax incentives and low-interest mortgages designed to enlist the "energies and resources of private enterprise"[159] in the construction or rehabilitation of low-income housing in "urban poverty areas."[160] The plan is intended to produce rentals between $70 and $100 per month and to return to investors a yield of between thirteen and fifteen percent per year.[161] No family whose adjusted gross income exceeds $6,000 is eligible for an apartment.[162] The 1960 Census for New York City showed 1,136,000 households, out of a total of 2,655,000, earning in excess of $6,000. Households earning between $6,000 and $10,000 numbered 728,000.[163] The low-interest mortgage aspect of Senator Kennedy's program provides for fifty-year mortgages at a two percent interest rate, granted through the special assistance function of the FNMA. The bill authorizes FNMA to purchase or make commitments for three billion dollars worth of mortgages over a six-year period.[164]

Among the proposed tax incentives are an investment credit,[165] accelerated depreciation,[166] "restoration" of basis,[167] addition to depreciable basis of demolition and site improvement costs and the absence of any salvage value for the building,[168] and availability of Subchapter S treatment to a corporation having corporate shareholders.[169] These provisions, of course, will only be helpful to taxpayers who have substantial income and tax liability from other sources. The provisions will not benefit organizations whose income is exempt in any event, such as foundations, pension trusts, and churches.[170]

The Senator's proposals for federal subsidy by way of tax incentives raise several problems. Initially, the special preferences proposed compromise the principles of tax reform.[171] Also, the permission for a corporation to be a shareholder of a Subchapter S corporation would create a virtually tax exempt class of income. Subchapter S corporations do not pay the corporate tax,[172] but the shareholders of such a corporation include in their gross income their proportionate share of the corporation's income.[173] This amount "shall be treated as an amount distributed as a dividend." [174] Consequently, if a corporation qualifies as a shareholder of a Subchapter S corporation, it will be permitted the eighty-five percent dividends-received deduction allowed corporations under section 243.[175] The Senator's proposal, therefore, results in an effective tax rate of 7.2 percent.[176] The usual requirement that a Subchapter S corporation shareholder be an individual [177] reveals Congress's intent to avoid creation of such tax havens.

Although the immediate social benefits accruing from the Kennedy proposal may override the tax inequities created, the long range results of the program seem more doubtful. In effect, the heavy subsidies will solidify the present landlord-tenant system by boosting landlords' profits. Since the market value of buildings will rise, acquisition costs for condominium programs will increase; and since such programs have no income, they will not reap the benefits of the Kennedy tax incentives. The condominium system, offering the great social values inherent in homeownership, will thus be at a disadvantage in competing with the rental system.[178]

CONCLUSION

It is wasteful for a low- and middle-income housing program not to take advantage of the human desire to own a home. Direct purchase, strict housing code enforcement, tax foreclosures, and an aggressive emergency repair program can make a large number of buildings available for acquisition by nonprofit organizations, which, in turn, can rehabilitate the buildings and institute the condominium system. Additionally, in the program's middle-income phase, buildings might be purchased directly from their present owners; even new construction would be possible. In light of present property values, costs, and financing, the resulting system of individual homeownership would not require higher monthly payments from unit owners than does the present tenancy system.

In both the low- and middle-income phases of the program, income restrictions on eligible occupants would be unnecessary, since there would be no government subsidy. The tax base, upon which all citizens must rely for essential services, would be maintained. Finally, this housing reform can be accomplished without new expense to the government and without legislation other than that which has been enacted and is waiting for use.

FOOTNOTES

† General Counsel, Department of Buildings, City of New York, A.B. 1956, Princeton University; LL.B. 1959, University of Virginia. The views expressed here are those of the authors and do not necessarily reflect those of the Department of Buildings. Grateful acknowledgement is expressed to George J. Castrataro, Jacques L. Debrot, Charles G. Moerdler, and William J. Diamond.

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[1] New York City has experienced a population upheaval recently. Between 1950 and 1960, Negro population increased by more than 47.7% (360,566), and Puerto Rican population by 148.7% (366,268). Meanwhile, the white population made a mass exodus (1,238,738). N.Y. CITY DEP'T OF COMMERCE & INDUS. DEV., 1964 STATISTICAL GUIDE FOR NEW YORK CITY 16.

[2] *E.g.*, real estate and sales taxes. *See* note 14 *infra*.

[3] In New York City, about 78% of all living units, or 2,078,000 units, are renter-occupied. N.Y. CITY COMMITTEE ON HOUSING STATISTICS, HOUSING STATISTICS HANDBOOK 12–13 (1966) [hereinafter cited as HOUSING STATISTICS HANDBOOK]. Several other cities have comparable rates of renter occupation. *See* BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, CENSUS OF HOUSING: 1960, FINAL REPORT HC (1)–1, UNITED STATES SUMMARY, table 18, pp. 1–127 to 1–153 [hereinafter cited as 1960 CENSUS OF HOUSING, UNITED STATES SUMMARY].

[4] For a history of New York City's building and housing laws from 1647 to the present, see 1966 N.Y. CITY DEP'T OF BLDGS. ANN. REP. 5-9.

[5] Grad & Gribetz, *Housing Code Enforcement: Sanctions and Remedies,* 66 COLUM. L. REV. 1254, 1290 (1966).

[6] For the purposes of this article the term "low income" is used to mean income between poverty levels and $7,000 per year. The term "middle income" is used to mean income between $7,000 and $20,000 per year. The government defines poverty levels on a sliding scale taking into account family size, number of children, and farm-nonfarm residence. For 1966 incomes the poverty level for nonfarm residents ranges between $1,560 (for a woman 65 years or older living alone) and $5,440 (for a family of 7 or more persons). For a nonfarm family of 4 the poverty level is defined as $3,300. BUREAU OF LABOR STATISTICS, U.S. DEP'T OF LABOR, & BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, SOCIAL AND ECONOMIC CONDITIONS OF NEGROES IN THE UNITED STATES 22 (BLS Rep. No. 332, Current Population Rep., ser. P-23, No. 24, Oct. 1967); *see Hearings on Housing Legislation of 1967 Before the Subcomm. on Housing and Urban Affairs of the Senate Comm. on Banking and Currency,* 90th Cong., 1st Sess. 534 (1967) (remarks of Senator Percy); N.Y. Times, Aug. 15, 1967, at 20, col. 3.

[7] N.Y. CITY COMMUNITY RENEWAL PROGRAM, NEW YORK CITY'S RENEWAL STRATEGY/1965, at 18 (based on the 1960 CENSUS OF HOUSING). As of 1960, the number of units in different rent ranges was as follows (rental figure includes utilities paid for by renter):

Rooms in unit	$0 to $49	$50 to $79	$60 to $119	$120 or more
1	61,000	67,000	32,000	15,000
2 to 3	125,000	390,000	237,000	103,000
4 to 5	126,000	434,000	246,000	127,000
6 or more	11,000	67,000	53,000	39,000

Source: 1960 Census of Housing, U.S. summary, supra note 3, at XLII.

[8] Per-unit figures are on the basis of a two-bedroom apartment.

[9] See p. 384 *infra* for monthly mortgage and amortization tables.

[10] See pp. 387–89 *infra* for an analysis of maintenance costs.

[11] Recent Census Bureau statistics report a poverty population of 15% or 29.7 million people. N.Y. Times, Aug. 15, 1967, at 20, col. 3. Michael Harrington's analysis of past government statistics indicates a tendency to underestimate the amount of actual poverty. M. Harrington, The Other America, app. (1962).

[12] *See* p. 396 *infra*.

[13] C. Abrams, Man's Struggle for Shelter in an Urbanizing World 221 (1964).

[14] The city receives economic benefits if the middle-income group stays, since that group is the most significant source of tax revenues. This is particularly important now, when cities, having extended regressive taxes such as real estate and sales about as far as is practicable, seem on the verge of bankruptcy. An official of the New York City Housing and Redevelopment Board has recently stated, "[i]t's nothing new but there doesn't appear to be much hope for the mid-

dle class in Manhattan." N.Y. Times, July 31, 1967, at 36, col. 8. The authors disagree.

For a thorough investigation of this and other urban problems, see *Hearings on Federal Role in Urban Affairs Before the Subcomm. on Executive Reorganization of the Senate Comm. on Gov't Operations*, 89th Cong., 2d Sess. (1966), and 90th Cong., 1st Sess. (1967) [hereinafter cited as *Executive Reorganization Hearings*]. On January 23, 1967, Senator Ribicoff, chairman of the subcommittee, discussed the 1966 hearings in a comprehensive speech on the Senate floor. 113 Cong. Rec. S709–22 (daily ed. Jan. 23, 1967). The Senator observed that the "truly overlooked individual in our housing market is the $5,000 to $8,000 wage earner." *Id.* at S714. He recommended homeownership legislation designed to offer this group "an important choice . . . either to rent or to own in decency and dignity." *Id.*

[15] A unit owner is permitted to deduct real estate taxes (Int. Rev. Code of 1964, § 164) and interest (*id.* § 163). Additional benefits are nonrecognition of gain on sale or exchange of principal residence (*id.* § 1034) and exclusion from gross income of gain from sale or exchange of principal residence of individual who has attained age 65 (*id.* § 121).

[16] Taper, *Profiles*, The New Yorker, Feb. 4, 1967, at 89 (interview with Charles Abrams). On October 28, 1785, Thomas Jefferson wrote to the Rev. James Madison:

> [I]t is not too soon to provide by every possible means that as few as possible shall be without a little portion of land. The small landholders are the most precious part of the state. (The Life and Selected Writings of Thomas Jefferson 390 (Koch & Peden eds. 1944).)

[17] Housing Statistics Handbook, *supra* note 3, at 2.

[18] *Id.* at 14–15.

[19] *Id.* at 14.

[20] The F. W. Dodge Co., a construction information service of McGraw-Hill, Inc., has projected that apartment construction will comprise 40% of all housing built in 1975. Engineering News-Record, Nov. 9, 1967, at 74.

[21] Walbran, *Condominium: Its Economic Functions*, 30 Mo. L. Rev. 531, 532–33 (1965).

[22] H. Vogel, The Co-Op Apartment 58 (1960).

[23] A peculiar form of cooperative has grown up in New York under the auspices of the Mitchell-Lama Act, N.Y. Priv. Hous. Fin. Law §§ 10–37 (McKinney 1962, Supp. 1967). Contrary to the sales literature, a Mitchell-Lama cooperative is more properly categorized as rental rather than ownership housing. This type of "moderate income" cooperative contains most of the risks of ownership but none of the usual attributes. Substantial down payments are required. Masaryk Towers, for example, requires a $2,700 down payment for a 2-bedroom apartment. Monthly carrying charges may be increased without the approval of the cooperators, upon the consent of the supervising governmental agency. If a cooperator's income rises above permitted levels he must leave the building. N.Y. Priv. Hous. Fin. Law § 31(3) (McKinney 1962). Significantly, there is no protection against the risk of foreclosure. Since the mortgagee is a state agency, foreclosure may be unlikely; but it is certainly possible. A cooperator's return on a sale of his stock may not exceed the face amount of his original equity. N.Y. City Housing & Redev. Bd. Rules & Regulations, art. XII, § 1; N.Y. State Division of Housing & Community Renewal, Form of By-Laws, at 8. His return is similarly limited on the dissolution of the corporation. N.Y. Priv. Hous. Fin. Law §§ 35, 36 (McKinney 1962, Supp. 1967). These sections do not describe the result of the dissolution of a project aided by a state loan made after May 1, 1959. It is possible, therefore, that a cooperator's return could exceed his equity in this situation. But in view of the general pattern of the law this is unlikely.

Mitchell-Lama projects are exempted from the full disclosure requirements of the New York securities registration statutes. N.Y. Gen. Bus. Law § 352-e(1)(a) (McKinney Supp. 1967).

Since Congress intended to treat tenants of cooperatives on a par with homeowners, the peculiar nature of the Mitchell-Lama cooperative raises doubts concerning the applicability of Int. Rev. Code of 1954, § 216, which permits a tenant-shareholder to deduct his proportionate share of real estate taxes and interest paid by the corporation. Similar questions are raised concerning the availability of a § 1034(f) (nonrecognition of gain on sale or exchange of principal residence) and § 121(d)(3) (exclusion from gross income of gain from sale or exchange of principal residence of individual who has attained age 65).

[24] *Memorandum of the Joint Legislative Comm. on Housing and Urban Dev.*, McKinney's Session Laws 1839 (1964).

[25] N.Y. Real Prop. Law § 339-n (McKinney Supp. 1967).

[26] *Id.* § 339-u.

[27] *Id.* § 339-v.

[28] *Id.* §339-j.

[29] Ill. Ann. Stat. ch. 30, § 318.1 (Smith-Hurd Supp. 1966).

[30] Ramsey, *Condominium—And the Illinois Condominium Property Act*, Chicago Title & Trust Co. Lawyers' Supp., July 1963, addendum.

[31] *See* pp. 391–98 & notes 124–52 *infra*.

[32] For a history of the concept of the condominium, see Cribbet, *Condominium—Home Ownership for the Megalopolis*, 61 Mich. L. Rev. 1207, 1210–14 (1963); Note, *The FHA Condominium: A Basic Comparison with the FHA Cooperative*, 31 Geo. Wash. L. Rev. 1014, 1015 (1963). For a detailed comparison of cooperatives and condominiums, see Comment, *Community Apartments: Condominium or Stock Cooperative?*, 50 Calif. L. Rev. 299 (1962).

See generally Committee on Real Property Law, N.Y. City Bar Ass'n, Symposium on the Practical Problems of Condominium (1964); Symposium, *The Condominium*, 14 Hastings L.J. 189 (1963); Berger, *Condominium Primer for Fiduciaries*, 104 Trusts & Estates 21 (1965); Berger, *Condominium: Shelter on a Statutory Foundation*, 63 Colum. L. Rev. 987 (1963); Boyer & Spiegel, *Land Use Control: Preemptions, Perpetuities and Similar Restraints*, 20 U. Miami L. Rev. 148 (1965); Kenin, *Condominium: A Survey of Legal Problems and Proposed Legislation*, 17 U. Miama L. Rev. 145 (1962); Kerr, *Condominimum—Statutory Implementation*, 38 St. John's L. Rev. 1 (1963); McCaughan, *The Florida Condominium Act Applied*, 17 U. Fla. L. Rev. 1 (1964); Moller, *The Condominium Confronts the Rule Against Perpetuities*, 10 N.Y.L.F. 377 (1964); Rohan, *Condominium Housing: A Purchaser's Perspective*, 17 Stan. L. Rev. 842 (1965); Rohan, *Disruption of the Condominium Venture: The Problems of Casualty Loss and Insurance*, 64 Colum. L. Rev. 1045 (1964); Rohan, *Drafting Condominium Instruments: Provisions for Destruction, Obsolescence and Eminent Domain*, 65 Colum. L. Rev. 593 (1965); Ross, *Condominium in California—The Verge of an Era*, 36 S. Cal. L. Rev. 351 (1963); Schwartz, *Condominium: A Hybrid Castle in the Sky*, 44 B.U.L. Rev. 137 (1964); Welfeld, *The Condominium and Median-Income Housing*, 31 Fordham L. Rev. 457 (1963); Wisner, *Financing the Condominium in New York: The Conventional Mortgage*, 31 Albany L.J. 32 (1967); Note, *Condominium—A Comparative Analysis of Condominium Statutes*, 13 DePaul L. Rev. 111 (1963); 77 Harv. L. Rev. 777 (1964).

For a discussion of the tax aspect of condominiums, see Anderson, *Tax Aspects of Cooperatives and Condominium Housing*, N.Y.U. 25th Inst. on Fed. Tax 79 (1967); Armstrong & Collins, *Condominium—The Magic in a Word*, U. So. Cal. 1964 Tax Inst. 667; Note, *The FHA Condominium: A Basic Comparison with the FHA Cooperative*, 31 Geo. Wash. L. Rev. 1014 (1962); Note, *Condominium—Tax Aspects of Ownership*, 18 Vand. L. Rev. 1832 (1965).

[33] N.Y. City Dep't of Bldgs., Report on Vacant Buildings, Sept. 1966, at 1.

[34] N.Y. City Dep't of Bldgs., Weekly Report on the Unsafe Buildings Division, Oct. 30, 1967.

[35] This large number of vacant apartments has given rise to a substantial squatter problem. For a discussion of the squatter problem in Pakistan, the Philippines, Venezuela, and Jamaica, see C. Abrams, *supra* note 13, at 14–21.

[36] Many of these buildings adjoin one another. In fact, in a study of the 3 boroughs of Manhattan, Bronx, and Brooklyn, 340 such sites were found to exist. In Manhattan alone, 40 of these sites include 3 or more adjoining vacant buildings. N.Y. City Dep't of Bldgs., Report on Vacant Buildings, Sept. 1966, at 14–15.

[37] In testimony before a committee of the United States Senate in 1966, Buildings Commissioner Charles G. Moerdler suggested a solution to the abandoned buildings problem:

"Now, the threat has been made time and again when everyone ever talks in this area, that landlords are going to walk away from buildings. I suggest to you those who walk away from buildings, the public is well rid of them. I suggest to you further that when that occurs an easy answer is available and it is an answer which we in New York are only just now beginning to explore and it is the so-called tenant cooperative.

"Now, here once the repair is affected by Government it can sue the landlord for the cost of the repair, foreclose on its lien, or, where appropriate, sell the building to the tenants on a cooperative basis so that they can thereafter manage the building and keep it in good repair. This latter concept of returning otherwise unclaimable buildings to the tenants not only has the advantage of providing for some means of recompense for government, but more importantly it provides some measure of assurance the building will thereafter be kept in a good state of repair, the tenants will have a stake in the building and that stake will certainly be preserved and protected.

"I should also add that the proposal for tenant cooperatives will also have ever-increasing attraction as a solution to problems in those areas where unscrupulous or inept landlords finally are forced to abandon their parasitic existence, leaving a legacy of ravaged and abused but otherwise structurally sound buildings. This approach will provide a vehicle for the redemption of such structures."

Hearings on Housing in the District of Columbia Before the Subcomm. on Commerce and Industry of the Senate Comm. on the District of Columbia, 89th Cong., 2d Sess. 340 (1966).

[38] Figures are not available from the Department of Finance concerning the number of buildings in tax arrears. A rigorous enforcement effort would probably result in the availability of a large pool of buildings.

[39] New York, N.Y., Administrative Code §§ D17-1.0 *et seq.* (1963) provide for in rem foreclosure of the city's tax liens that have been due and unpaid for a period of 4 years. The Director of Finance from time to time files with the County Clerk a list of all parcels on which taxes have not been paid for 4 years or longer. Upon this filing and other required filings, the Director of Finance publishes in statutory form a notice to all persons claiming an interest in the parcels, and states that a certified list of delinquent taxes is open to public inspection to a date certain (the last date for redemption) and that any person claiming an interest must file an answer not later than 20 days after the last date

for redemption. Notice by mail is required only for persons who are of record in the office of the Director of Finance. Mortgages and other lienors receive mail notice only if they have filed with the Director. The supreme court is given power to direct a sale at public auction held by the Director of Finance. *Id.* § D17-12.0(a). Where no answer is interposed, the "court shall make a final judgment awarding to the city the possession" of the parcel. *ID.* § D17-12.0(d). In such case, however, the city can petition the court to direct a sale at public auction. Following the sale, the purchaser would be given a deed conveying title in free simple absolute, free and clear of any encumbrances. *Id.* Such a deed is presumptive evidence that all proceedings leading to it are proper. This presumption becomes conclusive 2 years after recording. *Id.* § D17-12.0(e).

[40] Traditional enforcement of housing violations has been premised upon the use of criminal sanctions imposed by courts. During 1966, the housing division of the Buildings Department brought 26,046 new criminal cases to court resulting in an average fine of $14.58 per case. 1966 N.Y. City Dep't of Bldgs. Ann. Rep 245. Since a typical case involves between 20 and 50 violations, the average per-violation fine is well under $1.00. Quite obviously, it is cheaper for a landlord to pay the fine than make the repair; the fine is viewed simply as an additional cost of doing business.

In an effort to avoid this situation, the draftsmen of the Multiple Dwelling Law conferred upon the city the power to perform repairs directly and recoup its expenses. N.Y. Mult. Dwell. Law § 309 (McKinney 1946, Supp. 1967). The problem and its solution were described as follows:

"In connection with departmental authority, however, the Commission has been forced to observe the virtual breakdown in the enforcement by city magistrates of the Tenement House Law. The practice of frequently adjourning cases involving violations, freely discharging or suspending sentence, and of imposing negligible fines in the trifling number of cases in which any penalty whatever is imposed was noted in the earlier report of this Commission and continued down to the December hearings where vigorous public protest was made. In an effort to relieve the magistrates' courts as far as possible of a responsibility with which they have been unsympathetic, the Commission in the proposed law gives the enforcing department (primarily the tenement house department in the City of New York) power . . . to make the required repairs at the expense of the owner or his property." (Temporary Comm'n To Examine & Revise the Tenement House Law, Report to the Legislature, 1929 Leg. Doc. No. 54, at 5.)

In accord with the intent of the draftsmen, the Multiple Dwelling Law provides for an emergency repair program largely self-sustaining and independent of the judiciary. A revolving fund to finance the program is authorized, to replenish itself out of civil and criminal penalties recovered. N.Y. Mult. Dwell. Law § 304(5) (McKinney Supp. 1967). The department is given the power to repair dangerous and nondangerous violations with or without a previous order to the owner. *Id.* § 309(1). Recovery of the cost of repair may be had by civil suit against the owner, *id.* §309(3), by establishing a lien on the rents without any court proceedings (the tenants making rental payments directly to the department), *id.* § 309(7) (a)-(b), and by filing, without prior judgment, a lien against the building and land, which lien is prior to existing mortgages. *Id.* § 309(4)(a). In December 1966, the Department of Buildings instituted an emergency program based, in part, on the provisions of the Multiple Dwelling Law. During the 9-month period ending August 31, 1967, repairs had been made in 13,898 buildings. N.Y. City Dep't of Bldgs., Analysis and Recommendations: Rehabilitation, Assistance and Code Enforcement Programs of the Housing and Development Administration, Oct. 24, 1967, at 69.

For an extensive treatment of the emergency repair powers, see N.Y. City Dep't of Bldgs., *A Program for Housing Maintenance and Emergency Repair*, 42 St. John's L. Rev. 165 (1967). The emergency repair powers have recently been enhanced by the "WMCA" law, ch. 619, McKinney's N.Y. Session Laws 756 (1966), which imposes personal liability on certain shareholders of a corporation whose building has been declared a public nuisance. The law derives its name from WMCA Call for Action, a nonprofit civic group that sought its passage.

[41] N.Y. Mult. Dwell. Law § 309 (McKinney 1946, Supp. 1967).

[42] See pp. 390–93 *infra* concerning the creation of such a corporation.

[43] If the city itself takes title, there are severe charter problems relating to the sale of city property. *See* New York, N.Y., City Charter §§ 39(16), 384 (1963). An additional benefit of the proposal is that the lien will be paid and the city will be saved the expense of taking title and caring for the property.

[44] Mr. Howard Auerbach of Wm. A. White & Sons, real estate brokers, commented on this problem:

"We can usually make it clear to the landlord that his particular structure is not absolutely necessary to the success of the project. If a group of landlords hold out for inflated prices, we can always seek out an altogether different area for rehabilitation. Today, practically every block in Harlem is a prime candidate for rehabilitation, and there are hundreds more throughout the city . . ." (Real Estate Weekly, Aug. 18, 1966, at 11, col. 3.)

There seems to be general agreement that the slum real estate market is currently depressed. In a letter to the Mayor, Mr. Sidney Freidberg, an attorney, has written that "in terms of the destruction of property values" the Buildings Department has "wreaked more havoc than the Chicago fire, the San Francisco earthquake and the sack of Rome by Attila the Hun. This department is inefficient to the point of idiocy, unjust, confiscatory and cynically sadistic." The letter continued: "Buildings which sold for five or six times the annual rental before your inauguration are now going begging at less than half the price." N.Y. World Journal Tribune, Feb. 27, 1967, at 6, col. 4.

[45] In some cases the acquisition cost may be zero. For example, assume that the Emergency Repair Program is forced to install a new boiler and receives a priority lien in the amount of $5,000. At the foreclosure sale, the nonprofit corporation will purchase title to the property including the new boiler. As a result, the projected rehabilitation cost for the building would be reduced by $5,000.

[46] National Housing Act § 234, 75 Stat. 160 (1961), 12 U.S.C. § 1715y (1964). The legislative history of § 234 is found in S. Rep. No. 281, 87th Cong., 1st Sess. 16–17 (1961); H.R. Rep. No. 602, 87th Cong., 1st Sess. (1961); *Hearings on Housing Legislation of 1961 Before a Subcomm. of the Senate Comm. on Banking and Currency*, 87th Cong., 1st Sess. 327–28, 434–35, 479–82 (1961); *Hearings on Housing Act of 1961 Before the Subcomm. on Housing of the House Comm. on Banking and Currency*, 87th Cong., 1st Sess. 8–9, 109–10, 235–36, 247–53, 793 (1961); *Hearings on Housing Legislation of 1960 Before a Subcomm. of the Senate Comm. on Banking and Currency*, 86th Cong., 2d Sess. 484–608, 980–83 (1960) [hereinafter cited as *1960 Senate Hearings*]; *Hearings on General Housing Legislation Before the Subcomm. on Housing of the House Comm. on Banking and Currency*, 86th Cong., 2d Sess. 246–74 (1960) [hereinafter cited as *1960 House Hearings*].

The impetus for § 234 came from a Puerto Rican delegation headed by the Resident Commissioner, Dr. A. Fernos-Isern. *1960 House Hearings, supra* at 246–74; *1960 Senate Hearings, supra* at 585–608. The delegation observed that the condominium was a popular form of tenure in Puerto Rico and that its financing for middle- and low-income families would be assisted by the availability of FHA insurance. The 1960 legislation died in committee, presumably because of FHA opposition. *See 1960 Senate Hearings, supra* at 980–82 (testimony of FHA Commissioner Zimmerman).

In transmitting the Housing Act of 1961 to Congress, President Kennedy stated: "We must resume with full vigor the forward movement toward a better life for all Americans. Essential to such a better life is housing available to all at a cost all can afford." Public Papers of the Presidents of the United States, John F. Kennedy 1961, at 244 (1962).

[47] *See* Harrison, *The FHA Condominium: Use as a Means of Meeting the Need for Moderate Income Housing*, 11 N.Y.L.F. 458, 459 (1965). For general discussions of condominiums in a low-income context, see *A Chance for Low-Income Families To Own a Home*, Boston Sunday Globe, Oct. 15, 1967, at B-45, col. 1, and Krasnowiecki, *Professor Suggests Use of Condominium Concept*, Va. L. Weekly, March 3, 1966, at 1, *reprinted at request of Senator Percy in* the Congressional Record, vol. 113, pt. 9, pp. 12260–12262.

[48] National Housing Act § 234(c), 12 U.S.C. § 1715y(c) (1964).

[49] *Id.* § 234(d), 12 U.S.C. § 1715y(d) (1964, Supp. I, 1965). The committee reports on the 1964 amendments are found at S. Rep. No. 1265, 88th Cong., 2d Sess. 44–46 (1964); H.R. Rep. No. 1828, 88th Cong., 2d Sess. 44–46 (1964); H.R. Rep. No. 1703, 88th Cong., 2d Sess. 5–6, 37–38, 80–84 (1964). This amendment also extended the maximum term of an individual mortgage from 30 to 35 years.

[50] National Housing Act § 234(f), 12 U.S.C. § 1715y(f) (1964).

[51] Such waiver is possible with § 221(d)(3) insurance. National Housing Act § 221(f), 12 U.S.C. § 1715*l*(f) (Supp. II, 1965–66).

[52] Other limitations exist on a per-apartment basis. Thus a mortgage cannot exceed; on a 1-bedroom apartment, $12,500, and $15,000 in an elevator building; on a 2-bedroom apartment, $15,000, and $18,000 in an elevator building; on a 3-bedroom apartment, $18,500, and $22,500 in an elevator building; on a 4-or-more-bedroom apartment, $21,000, and $25,500 in an elevator building. These limitations, however, may, in the Commissioners discretion, be increased by 45% in high-cost areas. National Housing Act, § 234 (e)(3), 12 U.S.C. § 1715y(e)(3) (Supp. II, 1965–66).

[53] The Administration has recommended increasing the maximum mortgage limits from 75% to 80% of the value in excess of $20,000. *Hearings on Housing Legislation of 1967 Before the Subcomm. on Housing and Urban Affairs of the Senate Comm. on Banking and Currency*, 90th Cong. 1st Sess. 88 (1967) [hereinafter cited as *1967 Senate Hearings*] (testimony of Robert C. Weaver). This recommendation has been incorporated in the omnibus housing bill reported by the Senate Committee on Banking and Currency. S. 2700, 90th Cong., 1st Sess. § 205 (1967); S. Rep. No. 809, 90th Cong., 1st Sess. (1967).

[54] National Housing Act § 234(c), 12 U.S.C. § 1715y(c) (1964); 24 C.F.R. § 234.26(e) (1967). The House version prohibited any ownership other than by an occupant. The existing provision permitted ownership of 3 additional units was added by the Senate.

[55] 1965 U.S. Dep't of Housing & Urban Dev. Ann. Rep. 75 table 26 [hereinafter cited as 1965 HUD Ann. Rep.] (showing 807 insured mortgages in force). The 1965 *Annual Report* is the most recent available.

[56] *See generally* C. Abrams, The City Is the Frontier 92–100 (1965).

[57] Another method of attracting hesitant private capital is through the sale of federally guaranteed debentures, the proceeds of which would be used for mortgage investment. This method should draw capital from custodians of trusts and pension funds who presently avoid the mortgage market because of servicing problems and lack of liquidity. A system of federally guaranteed debentures for this purpose has been proposed by Senator Percy. *See* p. 394 *infra; 1967 Senate Hearings, supra* note 53, at 465–66 (colloquy between Senator Percy and Mr. Frank Carr, President of John Nuveen & Co., appearing on behalf of the Investment Bankers Ass'n of America); *id* at 1534–38 (statement of Senator Percy). *See also* Heimann, *The Necessary Revolution in Housing Finance*, in *1966 Executive Reorganization Hearings, supra* note 14, at 2274, 2279; *Hearings on Mortgage Credit Before the Subcomm. on Housing and Urban Affairs of the Senate Comm. on Banking and Currency*, 90th Cong., 1st Sess. 5, 12–13 (1967) [hereinafter cited as *1967 Mortgage Credit Hearings*] (testimony of Secretary Weaver); *id*. at 179–83 (statement of John Heimann).

The omnibus housing bill reported by the Senate Committee on Banking and Currency would authorize the Federal National Mortgage Association (*see* pp. 375–79 *infra*), in its secondary market operation, to subject part or all of its mortgages to a trust. S. 2700, 90th Cong., 1st Sess. § 229 (1967). FNMA would then issue and sell trust certificates representing the beneficial interests in mortgages held in trust. *Id.*; S. Rep. No. 809, 90th Cong., 1st Sess. 44–45 (1967). Mr. Raymond Lapin of FNMA has stated that the proposed trust certificate would be "a realistic means of providing the mortgage market with a security instrument that it needs to compete in the nation's capital markets." Address by Mr. Lapin, 23d Annual Conference of Senior Executives in Mortgage Banking, New York University, Jan. 12, 1968.

[58] FNMA Charter Act of 1954, 12 U.S.C. §§ 1716–23 (1964, Supp. I, 1965, Supp. II, 1965–66).

[59] National Housing Act § 305(g), 12 U.S.C. § 1720(g) (Supp. II, 1965–66), authorizes the FNMA to make commitments to purchase "any mortgages which are insured under Title II of this Act." Title II, "Mortgage Insurance," includes § 234, under which condominiums would be financed.

[60] *See* 1965 HUD Ann. Rep. 145 table 89.

[61] For a general discussion of the FNMA, see L. Vidger, FNMA (unpublished dissertation, University of Washington, 1960, available at the New York City Public Library).

[62] The division of functions was created by the FNMA Charter Act of 1954, 12 U.S.C. §§ 1716–23 (1964, Supp. I, 1965, Supp. II, 1965–66). This legislation was the result of President's Advisory Committee on Gov't Housing Policies and Programs, Recommendation (1953).

[63] 12 U.S.C. §§ 1716–23 (1964, Supp. I, 1965, Supp. II, 1965–66). Below is a table indicating the 1965 activities of FNMA by type of operation (dollars in millions):

Function or operation	Purchases	Sales	Repayments	Other credits	Yearend portfolio	Contracts outstanding
Secondary market operations	$756.9	$46.5	$125.6	$62.2	$2,519.5	$461.5
Special assistance functions	135.6	102.0	52.9	37.7	1,340.3	331.9
Management and liquidating functions	20.3	54.2	113.2	14.0	952.6	
Total	912.8	202.7	291.7	113.9	4,812.4	793.4

Source: 1965 HUD Annotated Report 142, table 78.

[64] 12 U.S.C. § 1722 (1964).

[65] 24 C.F.R. §§ 1600.71–.73 (1967).

[66] 68 Stat. 612 (1954), 12 U.S.C. § 1716 (1964).

[67] 68 Stat. 613 (1954), *as amended*, 75 Stat. 176 (1961), 12 U.S.C. § 1717(b) (1964, Supp. II, 1965–66).

[68] As originally enacted in 1954, § 304 provided that the price paid by the FNMA be "at the market price." 68 Stat. 615. The language was amended to its present form by Act of Aug. 7, 1956, § 203, 12 U.S.C. § 1719 (1964).

[69] 1965 HUD Ann. Rep. 148 table 93. As of December 31, 1965, the FNMA's secondary market operation had purchased mortgages insured under § 234 in the amount of $3,400,000. *Id*. at 145 table 89.

[70] The Act of Sept. 10, 1966, 80 Stat. 738, amended §§ 303(d), (e), and 304(b) of the National Housing Act, 12 U.S.C. §§ 1718(d)–(e), 1719(b) (Supp. II, 1965–66). This results in an increased borrowing power of about $3.75 billion. *See 1967 Mortgage Credit Hearings, supra* note 57, at 39–40.

[71] 12 U.S.C. § 1720 (1964).

[72] 68 Stat. 612 (1954), 12 U.S.C. § 1716 (1964) (emphasis added).

[73] National Housing Act § 305(d), 12 U.S.C. § 1720(d) (1964).

[74] Act of Sept. 10, 1966, 12 U.S.C. § 1720(g) (Supp. II, 1965–66). As of June 1967, about $400 million of this amount was still available. *1967 Mortgage Credit Hearings, supra* note 57, at 40 (testimony of Philip Brownstein, Ass't Sec'y for Mortgage Credit and Federal Housing Comm'r).

[75] *See* note 59 *supra*.

[76] The current thinking of the Administration with respect to rehabilitation is found in *1967 Senate Hearings, supra* note 53, at 12–13, 95–111 (testimony of Secretary Weaver).

[77] N.Y. City Rent & Rehabilitation Administration 7th Quarterly Rep., March 31, 1966, at 3. Subsequent *Quarterly Reports* do not include cost figures. Similarly, Secretary Weaver's recent discussion of the West 114th Street project does not include such data. *See 1967 Senate Hearings, supra* note 53, at 100–02. Senator Percy, however, has stated that the average cost per unit is $13,491. *Id*. at 201. *See generally 1966 Executive Reorganization Hearings, supra* note 14, at 564–73 (testimony of Mayor Lindsay).

[78] N.Y. City Rent & Rehabilitation Administration 7th Quarterly Rep., March 31, 1966, at 7. Based on its New York experience, U.S. Gypsum has estimated a total cost figure of $12,000 per unit for a 150-unit project in Chicago. Engineering News-Record, Sept. 21, 1967, at 64.

[79] *See generally 1967 Senate Hearings, supra* note 53, at 102 (testimony of Secretary Weaver); N.Y. Post, May 10, 1967, at 58, col. 2; N.Y. Times, March 30, 1967, at 91, col. 1.

[80] A national rehabilitation market of $50–75 billion has been estimated by ACTION-Housing, Inc., a nonprofit corporation that seeks to promote rehabilitation and lower costs by new methods. N.Y. Times, Feb. 5, 1967, § 8, at 1, col 2. *See also 1967 Senate Hearings, supra* note 53, at 993–1013 (testimony of ACTION-Housing, Inc.).

[81] N.Y. City Housing & Redev. Bd., A Large Scale Residential Rehabilitation Program for New York City 33 (HRB Rep. No. 14, Feb. 1967) [hereinafter cited as HRB Rep. No. 14].

[82] *Id*. at 12 table 2. The Housing and Redevelopment Board cost seems reasonable in light of the experience of ACTION-Housing, Inc., in Pittsburgh, which has shown that 2-story, single-family row houses over 60 years old can be completely rehabilitated with modern facilities at a cost of $6,000 per dwelling. *1967 Senate Hearings, supra* note 53, at 995. In a 1966 study for the City of Philadelphia, Charles Abrams reported a large supply of row houses, mostly in the Negro sections, which could be purchased at prices between $2,000 and $5,000. The buildings did not require rehabilitation, Mr. Abrams recommended that these row houses be made available as ownership housing to very low income families $2,700–$3,600 per year). *Id*. at 712. The possibility of a similar program for New York City was described by Mr. Abrams as follows:

"I am not saying that the Philadelphia situation or its price-levels are nationwide. In contrast to Philadelphia's row housing pattern, low income families in New York City and Chicago live in multi-family houses, but even in New York City the price of a ten-family house in Harlem is today only $20,000 or $2,000 per unit, reflecting in more vertical form the price levels I found in Philadelphia's row housing. If each unit in New York City could be improved at a cost of not more than $4,500, a low income family would be able to afford the unit if the interest rate were 3 percent. No additional subsidy would be needed." (*Id*. at 713.)

[83] 12 U.S.C. § 1715(c) (Supp. I, 1965); *see* pp. 381–82 *infra*.

[84] The provisions of this section apply generally to FHA-insured projects, including the insurance of any loan or mortgage under §§ 207, 213, 220, 221(d)(3), 221(d)(4), 221(h)(1), 231, 232, 233, and direct federal loans pursuant to § 312. *See* Housing Act of 1950, § 402(f), 12 U.S.C. § 1749b(f) (1964). The AFL–CIO has recommended that a Davis-Bacon provision be included in Senator Percy's homeownership bill, which is discussed at pp. 393–99 *infra*. *1967 Senate Hearings, supra* note 53, at 1557–58 (statement of C. J. Haggerty for AFL–CIO). The Davis-Bacon Act would apply to the two new mortgage insurance programs proposed in the omnibus bill reported by the Senate Committee on Banking and Currency. S. 2700, 90th Cong., 1st Sess. §§ 235(i)(2), 236(d)(l) (1967); S. Rep. No. 809 90th Cong. 1st Sess. (1967).

[85] 40 U.S.C. § 276a (1964).

[86] The Senate Report expressed the original intent of the Davis-Bacon Act as follows: "The Federal Government must under the law award its contracts to the lowest responsible bidder. This has prevented representatives of the departments involved from requiring successful bidders to pay wages to their employees comparable to the wages paid for similar labor by private industry in the vicinity of the building projects under construction. Though the officials awarding contracts have faithfully endeavored to persuade contractors to pay local prevailing wage scales some successful bidders have selfishly imported laborers from distant localities and have exploited this labor at wages far below local wage rates. . . . "Not only are local workmen affected but qualified contractors residing and doing business in the section of the country to which Federal buildings are allocated find it impossible to compete with the outside contractors who base their estimates for labor upon the low wages they can pay to unattached migratory workmen imported from a distance and for whom the contractors have in some cases provided housing facilities and food in flimsy temporary quarters adjacent to the project under construction." (S. Rep. No. 1445, 71st Cong. 3d Sess. 2 (1931). *See also* 74 Cong. Rec. 6510 (1931) (remarks of Representative Bacon).)

[87] "Area" is defined in 29 C.F.R. § 1.2(b) (1967) as the city, town, village, or other civil subdivision of the state where the work is to be performed.

[88] *Id*. § 1.3.

[89] The prevailing rate is the rate paid to the majority of those employed in the area. *Id*. § 1.2(a)(1). If there is no statistical majority, the prevailing rate is the rate at which the greater number of workers are paid, provided that the greater number comprises at least 30% of the total *Id*. § 1.2(a)(2). Should the

greater number comprise less than 30% of the total, the prevailing rate is the average, *id.* § 1.2(a)(3), determined by adding the hourly rates paid to all workers in the classification and dividing the resulting figure by the total number of such workers. *Id.* § 1.2(c).

[90] Decision of the Secretary, AG–17,077, July 23, 1967.

[91] National Housing Act § 234(c), 12 U.S.C. § 1715y(c) (1964).

[92] On September 13, 1967, the President announced the insurance industry's pledge of $1 billion for mortgage investments in ghetto housing and industry. The money is to be subscribed by the life insurance companies on a prorated basis according to their assets. The FHA will insure the investments against risk of loss, N.Y. Times, Sept. 14, 1967, at 1, col. 1; American Banker, Sept. 15, 1967, at 9, col. 1.

An imaginative if politically difficult, plan would be to use the $1 billion as a revolving fund to finance blanket mortgages for condominium housing. After construction or rehabilitation, the blanket mortgage, would be divided into individual mortgages which could be insured under § 234 and sold to the FNMA.

The insurance industry's pledge and other efforts to mobilize private interests in the solution of urban problems recently led Professor John Kenneth Galbraith to comment: "Private enterprise and private investment are being aroused to their responsibilities—as they have without result a hundred times before." Specifically referring to the insurance industry offer, Professor Galbraith stated: "Nothing will come of it." N.Y. Times, Oct. 17, 1967, at 77, col. 1.

The $1 billion offer has caused Charles Abrams to suggest the desirability of legislation to permit a federal interest subsidy on private loans. Mr. Abrams points out that this proposal would, in addition to stretching limited federal funds, also avoid problems arising from the inclusion of direct federal loans in the federal budget. N.Y. Times, Nov. 6, 1967, at 46, col. 5. It is worth noting that the President's Commission on Budget Concepts recently warned that inclusion of direct loans in the budget may cause the "undue expansion" of guaranteed and insured loans which are not so included. The Commission stated:

"Moreover, serious consideration should also be given to new forms of coordinated surveillance of direct, insured and guaranteed loans. Otherwise, an appropriate choice in terms of effective resource allocation may be difficult to achieve and the inclusion of direct loans in the budget may encourage an undue expansion of guaranteed and insured loans to avoid being counted in the budget." (N.Y. Times, Oct. 18, 1967, at 35, col. 4, *quoting* Report of the President's Comm'n on Budget Concepts.)

[93] Assuming low land acquisition cost (as described as pp. 307–72 *supra*), new construction may be feasible for persons earning under $7,000 a year. In New York City, new construction cost (including ordinary excavation, foundation footings, and contractors' overhead and profit) may be estimated at between $1.50 and $1.80 per cubic foot for a fireproof high-rise multiple dwelling. Assuming between 8,000 and 10,000 cubic feet to be attributable to a 2-bedroom apartment, the construction cost would be between $12,000 and $18,000 per apartment. *See generally* F. W. Dodge Co., Building Cost and Specification Digest (March 1967).

The New York City Housing Authority's current construction cost is about $1.50 per cubic foot. The average Housing Authority room contains 2,025 cubic feet (including an allocable share of common areas such as hallways and cellar). A 2-bedroom apartment would therefore have 8,100 cubic feet attributable to it and cost $12,150.

In the near future, the housing industry may be subject to radical change. *Engineering News-Record*, a construction industry journal, has warned that the industry may be bypassed by revolutionary changes developed and implemented outside the industry. One hopes that a major aspect of such developments, whether accomplished within or without the construction industry, would be lowered cost. The *Engineering News-Record* observed:

"Hovering over the construction industry is a vague, but ominous threat—the fear that some day, in a burst of impatience with the complicated mechanisms of contemporary construction practice, society will turn to the giant aerospace industry, with its systems approach, to sweep away the cumbersome obstacles—the outdated building and zoning codes, the stultifying union restrictions, the buck-passing organizational labyrinth—and bring the full potential of 20th century technology to bear on our environmental problems. What makes this threat credible is the virtual monopoly in the low-cost housing market achieved by the mobile home industry, which according to two Portland Cement Association officials, 'has grown outside the traditional construction industry—without benefit of its design professions, building contractors, and materials.'" (Engineering News-Record, November 9, 1967, at 75.) *See generally* testimony concerning the construction industry in *1967 Executive Reorganization Hearings, supra* note 14, at 3507–93; *id.* at 3257, 3284–85, 3300 (testimony of Dr. Jerome B. Wiesner, Provost, Massachusetts Institute of Technology).

(Footnotes 94 through 99 appear as table references 1 through 7, p. 13154.)

[100] 42 U.S.C. § 1452b (1964, Supp. I, 1965).

[101] 79 Stat. 479, 42 U.S.C. § 1452(a) (Supp. I, 1965). On August 29, 1967, the Kate Maremont Foundation and Dr. Martin Luther King, Jr., announced that § 312 was to be utilized for rehabilitation in a condominium plan involving 11 buildings (156 units) in the Lawndale section of Chicago. The estimated acquisition and rehabilitation cost is $1,200,000, and monthly payments of under $100 are expected. Kate Maremont Foundation, Press Release, Aug. 29, 1967, *reprinted in* the Congressional Record, vol. 113, pt. 20, p. 26654. Monthly maintenance cost is estimated at $40 per unit, and the rehabilitation cost at $4,500 per unit. The low rehabilitation cost is said to be due to a "no partition changes" approach as opposed to gutting. Letter from Executive Vice President Victor de Grazia to the N.Y. City Dep't of Bldgs., Sept. 14, 1967, on file in the Cornell Law Library.

[102] Housing Act of 1964, §§ 312(c)(2)–(3), 42 U.S.C. §§ 1452b(c)(2)–(3) (1964).

[103] *Id.* §§ 312(d), (h), 42 U.S.C. §§ 1452(d), (h) (Supp. I, 1965).

[104] 1965 HUD Ann. Rep. 263, tables 273–75.

[105] 12 U.S.C. § 1715*l*(d)(3) (Supp. II, 1965–66).

[106] Discussions of § 221(d)(3) are found in Note, *Government Housing Assistance to the Poor*, 76 Yale L.J. 508 (1967), and Prothro & Schomer, *The Section 221(d)(3) Below Market Interest Rate Program for Low and Moderate Income Families*, 11 N.Y.L.F. 16 (1965). The former also contains a discussion of the rent supplement program, Housing and Urban Development Act of 1965, § 101, 12 U.S.C. § 1701s (Supp. II, 1965–66), and the Widnall plan, or leased-housing program. *Id.* § 103, 42 U.S.C. § 1421b (Supp. I, 1965).

Senator Ribicoff has introduced legislation that would make available to homeowners benefits similar to those provided in § 221(d)(3) and § 312. S. 1434, 90th Cong., 1st Sess. (1967). Apparently the Senator's program would be limited to dwellings with 4 units or less. Senator Ribicoff has testified that his legislation is intended to assist persons earning between $5,000 and $8,000 per year. *1967 Senate Hearings, supra* note 53, at 285, 288 (testimony of Senator Ribicoff).

Senator Mondale's homeownership legislation is more limited in scope. S. 2124, 90th Cong., 1st Sess. (1967). It provides for a helpful interest subsidy (proposed § 235(c)), but is limited to "existing, previously occupied, single-family dwellings [for sale] to low or moderate income purchasers" (proposed § 235(a)). Senator Mondale views his legislation as filling a gap between § 221(d)(3), which "program mainly provides rental housing," and § 221(h) which "covers housing to be substantially rehabilitated for resale to low-income families." *1967 Senate Hearings, supra* note 53, at 473, 476 (testimony of Senator Mondale).

Senator Joseph S. Clark of Pennsylvania has also introduced homeownership legislation. S. 2115, 90th Cong., 1st Sess. (1967). *See also 1967 Senate Hearings, supra* note 53, at 82–85 (colloquy between Senator Clark and Secretary Weaver). In a statement accompanying his legislation, Senator Clark observed that tens of thousands of families who are of moderate means and can afford to buy a home have been denied FHA mortgage insurance because they fail to meet that agency's high financial standards. The Senator continued:

"As a result of these standards, FHA home financing has tended to operate primarily as a subsidy to middle class families buying homes in the suburbs. By and large this subsidy has not been available to persons living in the older parts of our cities, to members of minority groups, and to other persons of modest means." (Senator Joseph S. Clark, News Release, July 13, 1967, *reprinted in* the Congressional Record, vol. 113, pt. 14, p. 18780. The Senator's bill would establish a special revolving insurance fund for which $15 million is authorized for appropriation. S. 2115, 90th Cong., 1st Sess. § 235(j) (1967). The proposed legislation contains no interest subsidy. In explaining the thrust of his bill, Senator Clark stated:

"The bill is aimed primarily at the family with an income of from $4,000 to $6,000—too high for public housing, but too low for help under FHA's existing programs. There is strong evidence that families in this income range can achieve home ownership with FHA financing and budget counselling, but without a subsidized interest rate. This bill is designed to give them that chance." (Senator Joseph S. Clark, *supra*, the Congressional Record, vol. 113, pt. 14, p. 18780.

Recently, the Senate Committee on Banking and Currency reported out an omnibus housing bill entitled the "Housing and Urban Development Act of 1967." S. 2700, 90th Cong., 1st Sess. (1967); S. Rep. No. 809, 90th Cong., 1st Sess. (1967). The bill is intended "to assist lower income families obtain decent housing through homeownership." S. Rep. No. 809, *supra* at 3. To this end the bill proposes two new types of mortgage insurance, an interest subsidy, a special risk insurance fund, and a technical assistance service. The bill would authorize mortgage insurance—for condominiums and other forms of homeownership—to low- and moderate-income persons who because of their credit history or irregular income patterns cannot qualify for such insurance under existing FHA programs. S. 2700, 90th Cong., 1st Sess. § 102 ("Credit Assistance") (1967). The proposed interest subsidy authorizes the Secretary to make direct monthly payments on a market rate mortgage to the mortgagee. *Id.* § 101 ("Homeownership Assistance"). The mortgage insured and subsidized under this provision could be on a condominium, cooperative, or single-family dwelling. The amount of subsidy cannot exceed the benefits that would result to a mortgagor under § 221(d)(3). A person becomes eligible for subsidy if his monthly payments for mortgage amortization, taxes, insurance and mortgage insurance premium would exceed 20% of his income. The subsidy is determined on a sliding scale which is designed to make up the difference between the monthly payment and 20% of the mortgagor's income. At least every 2 years the mortgagor's income must be recertified in order to adjust the subsidy payment. The subsidy is available only if the purchaser's income does not exceed 70% of § 221(d)(3) income limits. In New York City 70% of the § 221 (d)(3) limit is presently $6,125 for a family of four. *1967 Senate Hearings, supra* note 53, at 122. A further limitation on the subsidy is that, with minor exceptions, it will be available only for newly constructed or substantially rehabilitated units. S. 2700, 90th Cong., 1st Sess. § 101 (1967) (proposed National Housing Act § 235(i)(3)(A)); S. Rep. No. 809, *supra* at 9, 46. Therefore, the subsidy would not be available for a low cost home-ownership program premised on improving existing units at a cost of $1,500 to $2,500 rather than on extensive rehabilitation. The bill provides for a "special risk insurance fund" for the payment of claims on mortgages insured under § 101 (home-ownership assistance) and § 102 (credit assistance). S. 2700, 90th Cong., 1st Sess. § 103 (1967); S. Rep. No. 809, *supra* at 11–12, 47.

The Senate committee estimates that the interest subsidy would be adequate to cover a total of 200,000 units over a 3-year period and authorizes $70 million to be appropriated for such purpose. S. Rep. No. 809, *supra* at 10.

The proposed bill will also extend § 221(d)(3) to include condominiums. S. 2700, 90th Cong., 1st Sess. § 104 (1967); S. Rep. No. 809, *supra* at 12–13, 47.

Additionally, the omnibus bill would broaden existing law to authorize the sale of condominium units in multi-family public housing projects to tenants. S. 2700, 90th Cong., 1st Sess. § 216 (1967); S. Rep. No. 809, *supra* at 37, 52. Existing law, as amended in 1965, provides that detached or semi-detached public housing units may be sold to tenants. Housing Act of 1937, § 15, *as amended,* Housing and Urban Development Act of 1965, § 507(a), 42 U.S.C. § 1415(a) (Supp. I 1965). The reaction of the Administration to the 1965 amendment was questioned in the *1967 Senate Hearings, supra* note 53, at 71–75. Two years later, in September of 1967, HUD announced that a "precedent-making inclusion of home ownership of public housing will be launched with a 200-unit [single-family detached] facility in North Gulfport, Miss." HUD Notes, Sept.-Oct. 1967, at 14. The HUD announcement also states that the North Gulfport "[t]enants can become home owners in from 13 to 21 years, depending on the speed with which they develop equity in the property." *Id.* at 15; *see* N.Y. Times, Dec. 10, 1967, § 8, at 1, col. 8. The present statute, § 15(9), appears to permit the immediate sale of units to tenants.

[107] Housing Act of 1949, § 101(c), *as amended,* 68 Stat. 623 (1954), 42 U.S.C. § 1451(c) (Supp. I, 1965).

[108] Prothro & Schomer, *supra* note 106, at 28; Note, *Government Housing Assistance to the Poor, supra* note 106, at 516.

Nathan Glazer has pointed out that, as of mid-1964, 80,070 dwelling units were completed or under construction as a result of urban renewal. The total of federal money used to accomplish this was $4.3 billion. The extraordinary per unit federal cost of urban renewal housing is therefore $53,703. Glazer, *The Renewal of Cities,* in Cities 175, 179–80 (Scientific American 1965). In commenting on the cost and approach of urban renewal, Mr. Glazer observed:

"Suppose it is—as I believe—essential that cities radically improve their function in inspecting buildings, requiring repairs and supporting them where necessary. Suppose a major way to improve a city is to root out substandard buildings wherever they are rather than demolish a huge area that is decrepit in spots. What Federal aid would be available for that?" *Id.* at 189–90.

[109] In a condominium, expenses, such as for heat, electricity, and a superintendent, are assessed against the unit owner in proportion to the value of the unit compared to the value of the whole project. This assessment is determined in advance at an annual meeting, and the owners pay monthly installments into a maintenance fund administered by the condominium management.

The nature of a condominium is such that certain areas, such as the structural walls, roofs, elevators, halls, and even the land upon which it is built, are held as tenancy in common. Again, it is the nature of a condominium that the costs of maintaining these common facilities must be provided on a pro rata basis.

[110] Some formal management arrangement is essential; two methods are possible. The unit owners acting through their board of managers can hire a professional management company to operate the building and provide the necessary services. Alternatively, the board of managers can itself undertake the day-to-day management of the building. This latter alternative not only will result in a lower cost to the unit owner but is also consonant with the goals of a program directed both at providing reasonable low-income housing and at encouraging the political and financial sophistication of the participants.

[111] A superintendent may be hired on a full-time or part-time basis depending on the size of the building involved. Union rates for a full-time superintendent are about $150 per month.

[112] The city provides a 12-year tax exemption for increased valuation due to specified improvements of multiple dwellings. In addition, a 9-year credit is allowed against real estate taxes otherwise payable up to the extent of 8⅓% of the cost of the improvement per year. The overall credit cannot exceed 75% of the cost. New York, N.Y., Admin. Code § J51-2.5 (1963), *as amended,* Local Law No. 57 (1966). In effect, the city pays for 75% of the cost of an improvement over a 9-year period. However, a good deal of these lucrative benefits are lost if a substantial rehabilitation is done, because the credit available during each of the 9 years will greatly exceed the taxes otherwise payable and will be lost. For purposes of the proposed program these provisions would result in a tax-exempt status for 9 years.

[113] A brief study of the *Annual Record of Assessed Valuation of Real Estate* indicates that the assessed valuation on a 20-unit slum building is in the range of $15,000–$20,000. The per-unit annual tax would therefore be between $37.50 and $50.

[114] On a larger development, fire and liability insurance costs will be substantially reduced. For example, East River Housing's (*see* note 116 *infra*) annual cost for both fire and liability insurance is slightly over $18,000 for 1,672 apartments. 1966 East River Housing Corp. Ann. Rep. 11.

[115] Fire and liability insurance cost might be reduced through some type of group coverage plan covering a large number of buildings and thereby minimizing sellers' commissions. For a discussion of the increasing industry practice of selling property insurance on a group basis, see Wall Street Journal, Nov. 30, 1967, at 1, col. 6.

[116] The maintenance estimate is supported by the experience of United Housing Foundation and its projects. United Housing Foundation is a federation of 24 housing cooperatives, trade unions, civic and neighborhood organizations, and other nonprofit groups. The Foundation has sponsored cooperatives with 15,061 units, and a cooperative under construction (Co-op City) will contain an additional 15,300 units. One Foundation project, East River Houses, constructed pursuant to the Redevelopment Companies Law, N.Y. Priv. Hous. Fin. Law §§ 100–125 (McKinney 1962), contains 7,307 rooms and 1,672 units. Monthly carrying charges on a 2-bedroom apartment have averaged $77 per month since the project was completed in 1956. Excluding real estate taxes, which vary from city to city, the per-unit per-month maintenance and operating cost (including occupants' utilities) for the fiscal year ending June 30, 1966, was $34.78. Excluding electricity and gas, the monthly cost was $26.03. Included in the monthly cost are management and operating expenses, repairs and maintenance (including repainting of apartments on a 3-year cycle), certain taxes (state franchise, city general business, and payroll), and employee benefits and insurance. 1966 East River Housing Corp. Ann. Rep.; Interview with Ralph Lippman, President, East River Housing Corp., Nov. 21, 1967.

[117] The Housing and Redevelopment Board estimates operating costs for rehabilitated units at $120 per room per year for walkups and $140 per room per year for elevator apartments. HRB Rep. No. 14, *supra* note 81, at 13.

[118] *See* p. 384 *supra.*

[119] In the middle-income phase of the program, the tax and maintenance costs will probably be higher than indicated.

[120] Some of the better-known organizations working to improve housing in New York City include the WMCA Call for Action, the Metropolitan Council on Housing, The Catholic Archdiocese Committee on Housing, The Community Association of East Harlem Triangle, Christians United for Social Action, Cooper Square Group, Stuckers Bay Community Program, and the Chambers Baptist Church.

[121] The Kate Maremont Foundation has done pioneering work in this area both in New York City and Chicago. It is now working with local community groups to institute a condominium program in the Lawndale section of Chicago. *See* note 101 *supra.*

[122] Rev. Norman Eddy of the Metro-North Citizens Committee has recently spent some time with the authors of this paper discussing the prospects for a condominium program in East Harlem.

The state urban renewal statute, N.Y. Gen. Munic. Law §§ 500–25 (McKinney 1965), authorizes a municipality to undertake urban renewal projects and to have the powers "necessary or convenient" to carry out such projects. *Id.* § 503. The more significant urban renewal powers are (*1*) the authority to designate a site as appropriate for urban renewal, *id.* § 504; (*2*) the authority to prepare and approve an urban renewal plan, *id.* § 505; (*3*) the authority to condemn property for urban renewal purposes, *id.* § 506(1); (*4*) the authority to dispose of property to "qualified" sponsors without public auction and without sealed bids, *id.* § 507(2)(d); and (*5*) the authority to control re-use of property by means of restrictive convenants to maintain the integrity of the plan. *Id.* § 507(3).

The statute would also permit a municipality to instittue a condominium-based program, at least for experimental purposes, without the necessity of a site designation or an approved urban renewal plan. Thus, § 503(e) provides that the municipality may:

"(e) Develop, test and report methods and techniques and carry out demonstration and other activities in relation to or in connection with one or more programs of urban renewal *or other programs relating to the arrest and prevention of conditions of deterioration or blight.*" (Emphasis added.)

In carrying out such demonstration the municipality itself may "reconstruct, repair, rehabilitate or otherwise improve" the property or sell it to a private party to effectuate the demonstration. *Id.* § 503(e). The sale may be made without public auction or sealed bids pursuant to § 507(2)(d). This provision would be most useful in situations where title is already in the municipality. *see* note 43 *supra.*

[123] The Interfaith Interracial Council of the

Clergy has instituted a low-income homeownership program in Philadelphia with minimal local government involvement. Fourteen rehabilitated homes have been sold to low-income families, the most frequent income being $3,900. Total monthly cost has been estimated at about $65. *1967 Senate Hearings, supra* note 53, at 737, 738, 744 (testimony of Interfaith Interracial Council); N.Y. Times, Oct. 1, 1967, § 8 (Real Estate), at 1, col. 6. A local organization in Boston, the Home Opportunities Foundation, has purchased and repaired a 4-family building in Dorchester. The group intends to sell the building as a condominium to persons earning less than $6,000. Boston Sunday Globe, Oct. 15, 1967, at B45, col 1. Flanner House Homes, Inc., a nonprofit corporation in Indianapolis, has provided homeownership since 1950 for some 400 low-income families ($4,200–$4,500 per year). New, prefabricated, single-family homes are provided at a monthly cost between $75 and $98. No down payment is required since the owner contributes "sweat equity" comprising 900 hours of labor. The "sweat equity" amounts to 39% of the value of the building. *1967 Senate Hearings, supra* note 53, at 729, 733 (testimony of Dr. Cleo W. Blackburn); Wall Street Journal, Nov. 13, 1967, at 1, col. 1. *See also* discussion of St. Bridgets in St. Louis at note 136 *infra*.

[121] *See* discussion of Philadelphia Housing Development Corporation in *1967 Senate Hearings, supra* note 53, at 712–13, 988–92. The background of this corporation's ownership program is discussed in the statement of Charles Abrams to the Ribicoff subcommittee. *1967 Executive Reorganization Hearings, supra* note 14, at 3441, 3443–45.

[125] *Compare* the examples discussed in J. Jacobs, The Death and Life of Great American Cities 270 (1961).

[126] *See* note 44 *supra*.

[127] *See* pp. 370–72 *supra*.

[128] *See* pp. 375–79 *supra*.

[129] The Senator's program was first proposed in a speech before the Kiwanis Club of Chicago on September 15, 1966, *reprinted in* the Congressional Record, vol. 113, pt. 1, p. 166.

As previously noted, Charles Abrams has advocated homeownership ideas for some time. The "Abrams Report" made a number of substantive proposals for housing in New York City, some of which are relevant here:

"9. The public housing 'project' should no longer be the norm for public housing endeavors. New York City's share of the 35,000 units of new public housing construction authorized annually under the Housing Act of 1965 (about 3,500 per year for the city) should be primarily devoted to providing buildings, not 'self-contained' projects. The buildings should be inserted as part of existing neighborhoods, not massively superimposed upon them. They should encourage and reinforce integration where it already exists; they should help house the 'overflow' families from older buildings which are being radically rehabilitated and uncrowded; they should add to the net supply of housing by taking advantage of potential building sites now idle or grossly underused as well as replace abandoned or unsalvageable buildings that mar a neighborhood. The Housing Authority should experiment with differing types and sizes of buildings." (Housing & Urban Renewal Task Force, Report to the Mayor, Jan. 10, 1966, at 7–8 [hereinafter cited as Abrams Report].)

"11. The Housing Authority should develop programs for leasing some of its existing housing projects to nonprofit corporations as a pilot effort. Nonprofit cooperatives, foundations and institutions should be stimulated into undertaking operation and management so that ultimately a substantial part of the Authority's massive management operations might be decentralized. Progress in this direction would help meet the objection to monolithic landlordism which has been one of the deterrents to popular approval of further public housing operations.

"12. The Authority should simultaneously experiment with cooperative arrangements for its operations. Tenants in state and city projects who increase their incomes could be sold their apartments under a condominium plan. As rents of some tenants rise, the excess above the maximum rent could be deposited in escrow to be used as future down payments for the dwelling units. This would help stabilize the tenancy and reduce the way-station aspect of housing projects." (*Id.* at 9.)

"25. The city should encourage the establishment of organizations with foundation assistance for aiding and advising religious, community and other non-profit groups to sponsor limited- and non-profit housing. . . .

"26. The city should embark upon a major program of rehabilitation of all salvageable structures, and of conservation of all good and repairable structures. This program should embrace (a) radical rehabilitation (providing new and modern dwelling units within old but sound walls), (b) strict enforcement of maintenance to meet codes, and (c) as and when the housing shortage is overcome, strict enforcement of the laws against overcrowding.

"27. The emphasis in radical rehabilitation should be primarily to benefit families now living in squalor, rather than on displacing them to make way for high-income residents while the displaced families form new slums elsewhere. Radical rehabilitation and all the aids accompanying it should not be confined to renewal areas but should be employed wherever salvageable buildings are in bad condition. . . .

"29. The city's stock of 1,150,000 existing dwelling units in old masonry structures should be surveyed and reassessed in the light of the new possibilities opened up by technological advances in materials, ventilating equipment and lighting (*e.g.*, installing prefabricated kitchen equipment in tenements, providing duplexes on the third and fourth and the fifth and sixth stories for large families, etc.).

"30. The Housing Authority should be prepared to acquire salvageable structures for sale to nonprofit or limited-profit corporations for radical rehabilitation. Funds could be obtained either by its own bond issues or through other available city, state or federal sources." (*Id.* at 13–15.)

"The past record of changes, abolitions, consolidations and reorganizations of the city's housing and building agencies underscores the endless quest for a foolproof administrative mechanism. There is none, for whether the administrator be individual, board or commission, no substitute has ever been found for competence, integrity and imagination." (*Id.* at 4.)

In contrast to the substantive recommendations of the Abrams Report, a later Mayor's Task Force produced the "Logue Report," which found that "[a]ccurate data on New York City are particularly difficult to obtain." Inst. of Pub. Admin., Study Group on Housing & Neighborhood Improvement, "Let There Be Commitment," A Housing, Planning, and Development Program for New York City 9 (1966), *reprinted in 1966 Executive Reorganization Hearings, supra* note 14, at 2837–75. This report consequently recommended a procedural reorganization of the city's housing agencies. These recommendations have substantially been enacted into law by the City Council. N.Y. City Local Law No. 58 (1967).

[130] S. 1592, 90th Cong., 1st Sess. (1967).

[131] For a full discussion of the purposes of the bill, see *1967 Senate Hearings, supra* note 53, at 191–226 (testimony of Senator Percy and Congressman Widnall); *id.* at 69–82 (colloquy between Senator Percy and Secretary Weaver); *id.* at 1517–45 (explanatory statement submitted by Senator Percy); Congressional Record, vol. 113, pt. 14, p. 18037 (reply of Senator Percy to April 21, 1967, statement of Secretary Weaver).

[132] S. 1592, 90th Cong., 1st Sess. § 109(b), (d) (1967). Loans in one state may not exceed 12½% of the $2 billion total. *Id.* § 110(d). The issuance would not constitute a part of the public debt subject to statutory limits. *1967 Senate Hearings, supra* note 53, at 143–45.

[133] N.Y. Times, April 22, 1967, at 34, col. 1. For later discussions by the Secretary, see *1967 Senate Hearings, supra* note 53, at 8–12, 69–82, 91–95.

[134] Only last year the Congress enacted the Sullivan Amendment which utilizes Section 221(d)(3) for the acquisition and rehabilitation of housing for non-profit groups for resale to families of very low income. Thus we have already developed a method of achieving, without additional and burdensome administrative machinery, the home ownership objectives of the proposal.

U.S. Dept's of HUD, Statement by Robert C. Weaver, Secretary, on the Proposed National Home Ownership Foundation Act, April 21, 1967, at 7 [hereinafter cited as Weaver].

[135] (Demonstration Cities and Metropolitan Development Act of 1966, § 310(a)), 12 U.S.C. § 1715*l*(h) (Supp. II, 1965–66).

[136] The Sullivan amendment, sponsored by Congresswoman Leonor K. Sullivan (D. Mo.) is based on the experience of a small Catholic parish in St. Louis, St. Bridgets of Erin. The parish, located in a Negro slum area, has formed a nonprofit corporation, Bicentennial Civic Improvement Corp., for the purchase, rehabilitation, and resale of existing slums. Over the past 4 years, the corporation has provided ownership housing for about 70 low-income families. The owner's purchase price is financed 20% by the nonprofit corporation (at a nominal interest rate) and 80% by a local savings and loan association (15-year term at 6%). The owner's monthly payment is about $65, including amortization of his loans, insurance, and taxes. Letter from Albert J. Nerviani, Community Relations Consultant Chief, Housing Section, Dep't of Public Safety, St. Louis, Mo., to the N.Y. City Dep't of Bldgs., Dec. 13, 1966, on file in the Cornell Law Library. *See 1967 Senate Hearings, supra* note 53, at 974–87 (testimony of Bicentennial Civic Improvement Corp.).

[137] Letter from John W. Kopecky, Acting Chief, Urban Renewal Section, Office of the General Counsel, U.S. Dep't of HUD, to the N.Y. City Dep't of Bldgs., March 8, 1967, on file in the Cornell Law Library. The omnibus bill reported by the Senate Committee on Banking and Currency (*See* note 106 *supra*) would authorize § 221(h) insurance for condominiums. S. 2700, 90th Cong., 1st Sess. § 106 (1967); S. Rep. No. 809, 90th Cong., 1st Sess. 17, 47 (1967).

[138] Weaver, *supra* note 134, at 1. The interest subsidy under the Percy legislation may not exceed the "average market yield to maturity on all outstanding marketable obligations of the United States." S. 1592, 90th Cong., 1st Sess. § 113(a) (1967).

[139] S. 1592, 90th Cong., 1st Sess. § 113(c) (1967).

[140] The leverage inherent in an interest subsidy has long been recognized and its use advocated by Charles Abrams. C. Abrams, *supra* note 56, at 258–62. *See also Hearings Before the Subcomm. on Housing of the Senate Comm. on Banking and Currency,* 85th Cong., 2d Sess. 81–86 (1958).

[141] C. Abrams, *supra* note 56, at 265. For a discussion of the economics of such insurance, see *id.* at 262–65; *1967 Senate Hearings, supra* note 53, at 716–17 (statement of Charles Abrams). *See also* Wall Street Journal, July 19, 1963, at 5, col. 2, discussing the Housing and Home Finance Agency report recommending study of equity insurance. A preliminary study by the insurance industry

has indicated the feasibility of such insurance. *1967 Senate Hearings*, *supra* note 53, at 1109–17 (testimony of J. Henry Smith and Richard Doss for Am. Life Convention, Health Ins. Ass'n of America, and Life Ins. Ass'n of America). The omnibus bill (*see* note 106 *supra*) contains a provision similar to that proposed by Senator Percy. S. 2700, 90th Cong., 1st Sess. § 108 (1967); S. Rep. No. 809, 90th Cong., 1st Sess. 18–19, 48 (1967); *see id.* at 70 (individual views of Senator Percy).

[142] Weaver, *supra* note 134, at 7.

[143] *Id.* at 1.

[144] *Id.*

[145] The FNMA issued $1.1 billion worth of participation certificates at an interest rate of 5.2% on January 19, 1967. According to the most recent HUD *Annual Report*, an issuance of $150 million of secondary market debentures on October 11, 1965 was sold at an interest rate of 4.5%, 1965 HUD Ann. Rep. 148 table 92. Since 1956, $6.78 billion of such debentures have been issued. The highest interest rate was 5.35% (December 10, 1959). *Id.* On November 28, 1967, the FNMA sold $1 billion worth of participation certificates at yields of 6.35% (2-year maturity) and 6.4% (20-year maturity). The rate is the highest for a long-term federal security since July 1861, when a $50 million Civil War bond issue was priced to yield 6.7%. N.Y. Times, Nov. 29, 1967, at 67, col. 4. On January 16, 1968, FNMA sold $125 billion worth of participation certificates at a yield of about 6%. N.Y. Times, Jan. 17, 1968, at 61, col. 3.

[146] The latter figure is not separately stated by Secretary Weaver, but is derived by deducting amortization and interest costs from the total figure.

[147] Abrams Report, *supra* note 129, at 10. For data on cost differential by building system, sewer line cost, and cost of common labor, skilled labor, equipment operators, electricians, mechanical trades, and plumbers, see Engineering News-Record, Sept. 21, 1967, at 92–113.

[148] See discussion of estimated rehabilitation costs at pp. 379–87 *supra*.

[149] *See* discussion on maintenance costs at pp. 387–89 *supra*.

[150] S. 1592, 90th Cong., 1st Sess. § 110(17) (1967). The term of the interest subsidy may not exceed 30 years. *Id.* § 113(a). However, at that point the owner would have sufficient equity to permit refinancing of the mortgage to secure funds to pay full interest cost.

[151] Bureau of Labor Statistics, U.S. Dep't of Labor, Post-World War II Price Trends in Rent and Housing in the New York Metropolitan Area 7 (Regional Rep. No. 7, June, 1967).

[152] C. Abrams, *supra* note 56, at 146–47 and materials cited therein.

[153] Weaver, *supra* note 134, at 1.

[154] *See 1967 Senate Hearings*, *supra* note 53, at 1540 (statement of Senator Percy).

[155] Amortization would be at 1¼%, assuming the NHOF borrowing rate is 5%.

[156] Weaver, *supra* note 134, at 5.

[157] S. 1592, 90th Cong., 1st Sess. § 110(d) (1967).

[158] S. 2100, 90th Cong., 1st Sess. (1967). The testimony of Senator Kennedy on S. 2100 is found in *1967 Senate Hearings; supra* note 53, at 622–67 and *Hearings on Tax Incentives To Encourage Housing in Urban Poverty Areas Before the Senate Comm. on Finance*, 90th Cong., 1st Sess. 56–114 (1967) [hereinafter cited as *1967 Senate Finance Comm. Hearings*]. Along with his testimony before the Finance Committee on September 14th, Senator Kennedy submitted an amendment to S. 2100 which substantially revised the bill. *See id.* at 421.

[159] Congressional Record, vol. 113, pt. 14, p. 18822 (remarks of Senator Kennedy).

[160] An "urban poverty area" is an area containing at least 250,000 people which is so designated by the Bureau of Census, the Office of Economic Opportunity, and the Secretary of Housing and Urban Development. S. 2100, 90th Cong., 1st Sess. § 3(2) (1967).

[161] Congressional Record, vol. 113, pt. 14, p. 18825 (remarks of Senator Smathers). Senator Kennedy has observed that in some large cities rehabilitation is feasible at a cost between $6,500 and $7,500. In these cities the Senator believe rents of $45-$50 will be possible. *1967 Senate Finance Comm. Hearings*, *supra* note 158, at 62–63, 73; N.Y. Times, Oct. 2, 1967, at 46, col. 5.

[162] S. 2100, 90th Cong., 1st Sess. § 103(3) (1967). A limited exception to this rule is provided for certain displaced families. *Id.* § 103(2).

[163] N.Y. City Community Renewal Program, New York City's Renewal Strategy/1965, at 12.

[164] S. 2100, 90th Cong., 1st Sess. §§ 201–03 (1967).

[165] *Id.* § 301(a) (proposed Int. Rev. Code of 1954, § 41). Assuming the taxpayer's equity investment percentage were 100% and his total cost $1,000,000, including land cost, *id.* § 301(c) (as amended, *see* note 158 *supra*) (proposed Int. Rev. Code of 1954, §§ 1392(a)(1), 1391(9), 1391(3)), he would be permitted a credit against tax of $300,000. The credit may be carried back 3 years and forward 7 years. *Id.* (proposed Int. Rev. Code of 1954, § 1392(b)). A taxpayer's equity investment is determined by subtracting from total basis the amount of any subsidized mortgages granted under the plan. *Id.* (proposed Int. Rev. Code of 1954, § 1391(5)).

[166] *Id.* § 301(c) (as amended) (proposed Int. Rev. Code of 1954, § 1393(b)) would permit an asset having a useful life of 50 years to be depreciated over a 7-year period.

[167] *Id.* (proposed Int. Rev. Code of 1954, § 1394). The Kennedy bill, as amended, would allow a "restored" basis, after the building has been fully depreciated, in the amount of the taxpayer's cost basis reduced by the amount of straight-line depreciation computed on a 50-year useful life. *Id.* (proposed Int. Rev. Code of 1954, § 1394(b)(1)). A limited capital gain tax is payable on the restoration. *Id.* (proposed Int. Rev. Code of 1954, §§ 1394(a), 1396(d)). The owner may restore the basis at least 5 times over a 50-year period. At each restoration, the basis will be diminished by the amount of straight-line depreciation figured on a 50-year term. As a result of this provision, the allowable depreciation deduction will exceed the taxpayer's investment. That deductions exceed cost basis has been the basic objection to the percentage depletion deduction:

"When depletion goes beyond the investment in the resource, it is not a necessary or equitable or appropriate tax deduction. It is a subsidy plain and simple. If we conclude that for reasons of defense or economic growth a particular industry should be subsidized, we should be frank about it and subsidize it directly so that we can measure whether the cost of the subsidy is commensurate with the purpose. There should be no hidden subsidies in the tax laws." (Rudick, *Depletion and Exploration and Development Costs*, in 2 Tax Revision Compendium 983) (House Comm. on Ways and Means, Comm. Print 1959).

[168] S. 2100, 90th Cong., 1st Sess. § 301(c) (1967) (proposed Int. Rev. Code of 1954, § 1393(a)). Demolition and site improvement expenses are normally added to land cost and are hence nondepreciable.

[169] Id. (proposed Int. Rev. Code of 1954, § 1391(4)); Congressional Record, vol. 113, pt. 14, p. 18824 (remarks of Senator Kennedy).

Considering all the tax advantages of the Kennedy bill, Senator Williams of Delaware prepared two hypothetical cases to demonstrate possible return to an owner over a 35-year period. Both assumed a $1 million project cost exclusive of land, that the owner contributed the entire cost, and that the owner's marginal tax rate was 50%. In Senator Williams' first hypothetical case the owner retains the property for the 35-year period and avails himself of the investment credit, accelerated depreciation, and restored basis provisions. Undersecretary of the Treasury Joseph W. Barr agreed with Senator Williams that S. 2100, as modified by Senator Kennedy's oral testimony of September 14th (*see* note 158 *supra*), would provide the owner with $2,135,000 in after-tax benefits. Additionally, the owner would still have title to the project. *1967 Senate Finance Comm. Hearings*, *supra* note 158, at 163, 165 (supplemental statement prepared by the Treasury Department). *See also id.* at 150–63 (colloquy between Senator Williams, Senator Kennedy, and Undersecretary Barr); *id.* at 180–89 (comparison submitted by Senator Kennedy). With the same hypothetical, the Treasury Department estimated that S. 2100, as formally amended by Senator Kennedy (*id.* at 421), would provide $1,619,000 in after-tax benefits. *Id.* at 163, 166 (supplemental statement prepared by the Treasury Department) (the figure of $161,000 at line 13, page 166 would seem to be a typographical error). *See also id.* at 249–56 (colloquy between Senator Williams and former Commissioner Caplin).

Senator Williams' second hypothetical assumed that the project would be sold at the end of each depreciation cycle and the proceeds reinvested in another qualified project. *Id.* at 155. Under this hypothetical the Treasury Department estimated an after-tax benefit of close to $4 million resulting from the bill as orally amended by Senator Kennedy. *Id.* at 163, 165 (supplemental statement prepared by the Treasury Department). After formal amendment of the bill, the Treasury Department estimated the benefits at about $2.2 million. *Id.* at 166.

[170] *1967 Senate Finance Comm. Hearings*, *supra* note 158, at 393–95 (statement of Lawrence M. Stone, former Treasury Department Tax Legislative Counsel).

[171] While speaking in 1963 about existing special privileges in the Internal Revenue Code, President Kennedy observed:

> Some reforms will improve the tax structure by reducing certain liabilities. Others will broaden the tax base by raising liabilities and will meet with resistance from those who benefit from existing preferences. But if this program of tax reduction is aimed at making the most of our economic potential, it should be remembered that these preferences and special provisions also restrict our rate of growth and distort the flow of investment. They discourage taxpayer cooperation and compliance by adding inequities and complexities that affect similarly situated taxpayers in wholly different ways.

Hearings on Tax Revision Before the House Comm. on Ways and Means, 88th Cong., 1st Sess., pt. 1, at 12 (1963) (message of President Kennedy). Former Commissioner Mortimer M. Caplin has written in a similar vein:

> Frequently tax preferences are granted as incentives of one sort or another. But is our tax law the proper vehicle for providing special incentives or subsidies? Doesn't such a legislative policy weaken our tax system and result in continuing inequities to other taxpayers? The tax law cuts across the whole fabric of our complex society. We must recognize our inability to cure all of our ailments by new variations of tax relief. If we continue to attempt this, the main function of our tax laws—the raising of revenue—is destined to fail.

Caplin, *Threats to the Integrity of our Tax System*, 44 Va. L. Rev. 839, 842–43 (1958). Mr. Caplin expressed support for Senator Kennedy's bill in hearings before the Senate Finance Committee. *1967 Senate Finance Comm. Hearings*, *supra* note 158, at 252–61.

[172] Int. Rev. Code of 1954, § 1372(b).

[173] *Id.* § 1373(b).

[174] *Id.*

[175] *Id.* § 243(a).

[176] *I.e.*, 48% (corporate tax rate) of 15% (dividend remaining subject to tax after 85% deduction). The revenue loss with respect to rental income will not be large, since rents are limited so as to provide no more than a 3% yield on minimum equity. S. 2100, 90th Cong., 1st Sess. § 102(a) (1967). However, the sale of a project before the end of the minimum holding period or without qualified reinvestment might result in a substantial revenue loss.

[177] Int. Rev. Code of 1954, § 1371(a).

[178] Senator Kennedy has stated that he would be "very enthusiastic" about a homeowership program if a low monthly cost could be achieved. The Senator expressed this view in a colloquy with Senator Percy:

"Senator Percy. I would just like to quote a constituent of yours, who spoke to Mayor Lindsay and myself one Sunday afternoon about a month ago. His is a low-income family from Brooklyn, and he had bought his own home after 18 years of payments. I asked him whether he preferred to pay rent or make mortgage payments. "When you're renting," he said, "you're just buying drinks for somebody else." . . .

"Senator Kennedy. Senator, if you can tell me how you are going to get homeownership down to $70 or $80 a month under your bill, I would be very enthusiastic about it as a plan for the ghettos." (*1967 Senate Hearings, supra*, note 53, at 654.)

Senator Kennedy has explained that his plan, while initially authorizing only rental housing, will provide inducements for a possible transition to ownership housing. In his view this would avoid initially "the complex and difficult" legal and financial problems of ownership of multiple dwellings. The Senator observed:

"The home management corporation can thus become one of the focal points of community activity—an organization with a specific purpose and yet an ability to engage individual participation in a wide range of social functions.

"Ultimately, the role of the corporation in the project itself may grow from maintenance assistance to ownership; the bill provides, after an 8-year period, inducements for the owner to sell the building to his tenants. Thus the management corporations could provide a gradual transition from ordinary renting to cooperative or condominium ownership, avoiding at the outset the complex and difficult legal and financial problems of ownership of multiple dwellings." Congressional Record, vol. 113, pt. 14, p. 18825.

The inducement provided in the Kennedy bill is that the owner may sell his project to a home management corporation, S. 2100, 90th Cong., 1st Sess. § 3(7) (1967), and not recognize any gain on the transaction. As originally proposed, an 8-year waiting period was required. Id. § 301(c) (proposed Int. Rev. Code of 1954, § 1396(c)). This has been shortened, however, to a 2-year period by an amendment proposed by Senator Kennedy, *1967 Senate Hearings, supra* note 53, at 1589–90 (Letter from Senator Kennedy to Senator Sparkman, Aug. 4, 1967). The provisions concerning sale to a home management corporation were further amended at the time of Senator Kennedy's testimony before the Senate Finance Committee. *1967 Senate Finance Comm. Hearings, supra* note 158, at 77, 79–80; *see id.* at 66, 75, 83–84, 93–94. The same nonrecognition benefits will accrue to the owner if, after a 10-year period, he sells to a third party and makes a "qualified reinvestment" of the proceeds. S. 2100, 90th Cong., 1st Sess. § 301 (c) (1967) (proposed Int. Rev. Code of 1954, § 1396 (a), (b)).

As amended by the Senator's letter of August 4, 1967, *supra*, the bill provides that the home management corporation "shall, subject to the approval of the Secretary, have an option to purchase such project" at any time after the expiration of a 2-year minimum holding period. *Id.* § 101(a)(4)(G). Prior to amendment, this section provided that the home management corporation "shall have a first option to purchase." Therefore, the original language provided that the home management corporation had a first option to buy if the owner chose to sell. Under the amended language, however, if after 2 years the Secretary approves, the owner must sell. The maximum purchase price, under the August 4th amendment, was established as the principal amount of any insured mortgage and the amount of the owner's initial equity reduced by any investment credit granted to the owner. *1967 Senate Hearings, supra* note 53, at 1589. As a result of this price formulation the owner would lose the benefit of the investment credit and retain most of the benefit of accelerated depreciation taken. Since the owner could be bought out after 2 years, the August 4th amendments would have severely limited the impact of the tax benefits previously discussed. As will be discussed below, the Senator's amendments of September 14th substantially increased the purchase price which the home management corporation must pay.

The August 4th amendments, unlike the original bill, provided for a financial mechanism to enable the home management corporation to make the purchase. *Id.* at 1589–90. A new § 235(e) was proposed which would have authorized a 50-year mortgage at a below-market interest rate (the current government borrowing rate) to finance the purchase by the home management corporation. *Id.* at 1590. The apparent theory of the August 4th amendments was that a home management corporation—assisted by a 50-year below-market interest rate mortgage—could economically purchase and maintain the building.

The amendments submitted by Senator Kennedy to the Senate Finance Committee on September 14th made substantial changes in the pattern of the August 4th amendments. Initially, the option price which the home management corporation must pay is increased. The new price formulation is the total cost of the project reduced only by the amount of straight line depreciation computed over a 50-year period. S. 2100, 90th Cong., 1st Sess. § 101(a)(5)(G) (1967) (as amended). Consequently the owner will retain the benefits of the investment credit as well as accelerated depreciation. *1967 Senate Finance Comm. Hearings, supra* note 158, at 163, 166 (supplemental statement prepared by the Treasury Department). The purchase and maintenance of the building is to be financed by (*1*) a 50-year 6% mortgage, S. 2100, 90th Cong., 1st Sess. § 201 (1967) (as amended) (proposed National Housing Act § 235(a)); (*2*) a 5% increase in "occupancy charges," *id.* § 102(a)(2) (as amended); and (*3*) a subsidy payment paid to the home management corporation in the "amount needed" to make mortgage payments. *Id.* § 108(a) (as amended). Since the subsidy is to be paid to the corporation it would seem that the statute contemplates a cooperative, rather than a condominium form of tenant ownership. This also seems implicit in the fact that the bill contains no provision for the release of the blanket mortgage and the substitution of individual mortgages. Senator Kennedy, however, has expressed his intent that condominiums be included. *1967 Senate Finance Comm. Hearings, supra* note 158, at 60, 71.

THE CAMPUS REVOLUTIONARIES

Mr. BYRD of West Virginia. Mr. President, on several recent occasions I have termed the disorders that have been occurring on American college campuses as nothing short of revolution. Today the lead editorial in the Washington Post confirms that estimate of the situation.

Two students, writing about the recent disgraceful events at Columbia University, are quoted in the editorial as revealing that the decision to seize control of a large university was made months ago by the Students for a Democratic Society to demonstrate that a group of well-organized students could do it. "It was revolution," they are quoted as saying.

The paragraph which follows should be read and digested by every person interested in education and in the future of this country. It ends with this observation: The campus revolutionaries are "totally at war' with everything this country has ever stood for."

Free speech for them, Mr. President, means free speech for them alone and the suppression of the views of anyone who happens to disagree with them—the antithesis of the true objectives of the university. The thing they are really interested in is power, and the use of power to force acceptance of their own viewpoint.

Revolutionaries, Mr. President, if they are true revolutionaries, as the editorial points out, must be prepared to take the consequences of their acts, if they fail. That is as it should be.

I ask unanimous consent that the editorial from the Post be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington, (D.C.) Post,
May 14, 1968]

Crisis on the Campus—I

The wave of disturbances that has swept university and college campuses in the last few months ought to be deeply troubling to all Americans. It tells us that something is seriously wrong—with the students, with the educational institutions, or both—and that this something is far more serious than the disputes over the war in Vietnam or the civil rights problems that seem to trigger the disturbances. That something has two parts. One is that a small group of students are so disillusioned with the United States that they want to destroy the existing institutions although they have nothing to offer in their place. The other is that a far larger number of students are so unhappy with particular aspects of society or of education that they are willing (or naive enough) to join the game.

This view of the rebel leaders received substantial support last week from two different perspectives. David B. Truman, vice-president of Columbia University, told Newsweek magazine. ". . . It's perfectly clear from what (the rebels) do and say and what they write that they regard the universities as the soft spot in a society that they're trying to bring down." Two students, involved on the side opposing Dr. Truman at Columbia, wrote in *The New Republic* that the decision "to take physical control of a major American university this spring" was made months ago at a conference of the Students for a Democratic Society. Columbia was chosen because it was an Ivy League school, had a liberal reputation, and was situated in New York. Claiming that the demands made by the demonstrators were tailored to fit Columbia after the decision to seize it was made, the two students explain:

"The point of the game was power. And in the broadest sense, to the most radical members of the SDS Steering Committee, Columbia itself was not the issue. It was revolution, and if it could be shown that a great university could literally be taken over in a matter of days by a well organized group of students then no university was safe. Everywhere the purpose was to destroy institutions of the American Establishment, in the hope that out of the chaos a better America would emerge."

Anyone who has spent much time talking with the leaders of student rebellions has a feeling these views are accurate. The rebels are out of touch with and do not understand the principles of democracy. Their heroes are the modern revolutionaries and the language they talk is that of anarchy. Freedom of speech means nothing to them except insofar as it protects their freedom to speak. The idea that differences are resolved through discussion and reason is irrelevant to them. The only thing that counts in their lexicon is power and the only way they believe power should be used is to enforce their beliefs on others. They have no doubts about the rightness and the righteousness of their views and they refuse to entertain any suggestion that they may be wrong. The historical parallels to this set of mind are only too easy to draw. It is sufficient to say that it is totally at war with everything this country has ever stood for.

It is now clear, for example, that the rebel leaders at Columbia never had any intention of negotiating a truce. They wanted what they got, forcible removal by the police, not to win their argument with the Administration but to solidify their following. Thus, the more violent the police action, the better it fit the rebels' purpose.

Confronted with this kind of mentality among leaders of student demonstrations, a university administration has little choice. It cannot tolerate students who seize offices and classrooms, hold administrators and faculty members prisoner, and rifle files and private papers. Even in their dream world, the hard-core revolutionaries on the campuses must know that a revolutionary who fails must take the consequences. And they must not succeed, for to them success is the destruction of American education.

ALBERT J. WEBBER, OREGON STATE CONSERVATIONIST

Mr. MANSFIELD. Mr. President, on behalf of the senior Senator from Oregon [Mr. MORSE], I ask unanimous consent that a statement by him concerning a staff member of the Soil Conservation Service be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

I wish to recognize an outstanding conservationist who has contributed greatly to the preservation, development, and wise management of America's soil and water resources over a period of more than 32 years on the staff of the Soil Conservation Service.

Albert J. Webber, Oregon's State Conservationist since 1964, has been awarded the coveted Superior Service Award of the U.S. Department of Agriculture "for dynamic leadership and initiative."

As with leadership in any field, Mr. Webber has demonstrated a unique ability to make productive use of people placed under his charge. Through his direction, soil and water resource conservation has advanced significantly in Oregon. He has given valuable service to the people of our State, and I am proud that he is one of us.

Mr. Webber's contributions will continue to multiply because of growing public awareness of the need to manage our resources wisely, and increasing public interest in making our resources serve as effectively as possible.

We must be sure that this concern for conservation of our natural resources continues to find expression throughout the population. It is particularly important that the youth of our country is taught the values of their rich natural inheritance.

Ours is a land of wondrous beauty, endowed with great wealth in vast forestlands, fertile soils, and abundant water supplies. We have been so generously endowed by Nature that it is easy to overlook the care required to protect and enhance this heritage. Fortunately, our Nation is blessed with the foresight, the skills, the dedication, and the leadership needed to stand up to the challenge. Albert J. Webber represents these qualities in his effective conservation leadership in Oregon. I am proud of his accomplishments, which are Oregon's also. I pledge my continued support of his valued efforts.

NATIONAL PAINTING AND DECORATING WEEK

Mr. BAYH. Mr. President, the National Painting & Decorating Contractors of America have again designated the week of June 15 through June 22, 1968, as National Painting and Decorating Week. During this time period, local chapters of this organization across the country will engage in a competitive effort by devoting their talents and materials to a "clean up, fix up" of selected deserving community facilities.

The Indianapolis chapter of the Painting & Decortating Contractors of America in concert with Painters Local No. 47 are planning to donate on June 22 the services of 100 men, 350 gallons of paint, and equipment from 16 different firms. These will be used in a 4-hour effort to completely redecorate, inside and outside, the Fletcher Place Community Center located at 410 South College Avenue in Indianapolis. It is estimated that the value of this contribution to the improvement of Indianapolis will be $5,800.

I believe that this public-spirited effort on behalf of the Indianapolis chapter and the National Painting & Decorating Contractors of America is worthy of attention.

I extend my congratulations to them and to Painters Local No. 47 of Indiana for their active contribution to the improvement of Indianapolis and Indiana.

THE 20TH ANNIVERSARY OF STATE OF ISRAEL—ADDRESS BY GOVERNOR REAGAN

Mr. MURPHY. Mr. President, the Governor of the great State of California made an excellent statement commemorating the 20th anniversary of the State of Israel at the Shrine Auditorium in Los Angeles on May 5, 1968.

I believe Governor Reagan's statement is of special importance because it continues to underline the Republican Party's continuing interest in a critical Middle East situation.

I ask unanimous consent that the transcript of Governor Reagan's speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SALUTE TO ISRAEL

(Transcript of Speech by Gov. Ronald Reagan, Shrine Auditorium, Los Angeles, May 5, 1968)

Thank you very much.

We are gathered together to observe the Twentieth Anniversary of a young and tiny nation, if measured in years and square miles.

It has been a little less than a year since we faced each other in the Hollywood Bowl. We were brought together then by a concern for the fate of that nation as it underwent its "trial by fire." But, even as we met, I think all Americans acknowledged with great gratitude that that little nation, in the bloody days, had reminded us of something that is so much a part of our own heritage, and yet had been so far back in our minds of late, that it is well we should be reminded.

We should always remember, if we are to survive as a nation ourselves and fulfill God's purpose in the world, that man is not animal. He is a creature of the spirit, and there are things for which men must be willing to die.

In the year since we met, those who were then in full retreat have been re-armed by an enemy who would impose on the world his own belief that man is but a freak of nature, without a soul and born only for the ant heap. It is the way of that enemy to arm others and let others do the fighting as it relentlessly pursues its goal of world domination.

The Middle East is essential for that plan, and all the world has a stake in the Middle East. Indeed, the freedom of the world is at stake in the Middle East.

But who defends that freedom? Only that one tiny nation, born of a hunger for freedom and inspired by two decades of the taste of freedom. Those who made the desert flower have been forced to lay aside the tools of peace, and they have stood manning the ramparts "en garde" for these many months since we last met. They deserve better from us. They must be provided the weapons to match the Soviet arms now aimed at their nation's heart.

While we do this and while there is still time, there is much more we can do. We as a nation can assert the leadership the world is crying for. It should be our national purpose to bring the nations of the Middle East to the conference table and there to settle permanently the problems of refugees and the problems of boundaries.

Now, I do not suggest bringing these nations to the table by reason of our power or threats of force—that has never been our way and is not our way now. Let us, instead, conquer, for example, nuclear desalting of the oceans that touch their shores as justification for our being there. Let us bring water to meet the greatest problem of the Arab nations and bread, not bombers, for their hungry millions. And for Israel, a guarantee of their borders, as well as the sovereignty of their nation.

Israel met its challenge. It is time for us to meet ours. And let that pledge be our birthday gift to those who have reminded all of us that the price of freedom is very high, but not so costly as the loss of it.

Thank you.

WILL OUR WISDOM MATCH OUR WEALTH?—ADDRESS BY ASSISTANT SECRETARY OF COMMERCE

Mr. BAYH. Mr. President, last week, Hon. Max N. Edwards, Assistant Secretary of Commerce for Water Pollution Control, addressed the 23d Annual Industrial Waste Conference at Purdue University, Lafayette, Ind. After reviewing some of the basic issues and problems involved, Secretary Edwards made a

stirring appeal for action which could help provide a better environment for all Americans. He also stressed the fact that the conferees would play "a critical role in helping the United States prevent pollution, reduce the ecological damage which pollution creates, and more immediately to restore our damaged environment."

Heretofore, science and technology, swept along by the surge in industrial growth, has tended to rush headlong into the production of new products without a close examination of their possible environmental impact. Studies on industrial waste treatment and the dissemination of research now are contributing to a wiser and more balanced use of technological power and to a more intelligent management of water and waste.

Mr. President, although Assistant Secretary Edwards has a primary interest in the water pollution control program, he also indicated that we must protect and promote the quality of all our natural resources—air and land as well as water. He emphasized that we must not "trade air pollution involving incineration of wastes for water or land pollution by dumping the same waste on water or land." In essence, instead of a fragmented look at the pollution problem, careful examination must be made of the total system by which our industry, economy and society transforms materials from raw materials, to finished products, to use, and to ultimate disposal.

As the Nation looks toward a period in which more growth can occur than in all of our previous history, Secretary Edwards raises the question of whether we will be able to use our wealth of resources and inventiveness wisely. In other words, will our wisdom match our wealth?

Mr. President, I ask unanimous consent that the remarks of Assistant Secretary Edwards be printed in full in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Will Our Wisdom Match Our Wealth?

(Remarks by Max N. Edwards, Assistant Secretary of the Interior for Water Pollution Control, before the 23d Annual Industrial Waste Conference, Purdue University, Lafayette, Ind., May 7, 1968)

I would like to start out, today, by making it unmistakably clear I intend to talk pollution, not politics. I was invited here. I did not opt for Hoosier or Boiler-maker, for football or forensics. I am not a candidate for my party's nomination. I am here on other business—to seek your vote for clean water.

However, while it is coincidental, I know, that this conference does take place on the same day as Indiana's Primary, the juxtaposition of politics and pollution is a somewhat ancient one. If, by "pollution", we refer to some state of intoxication, we are on safe ground. At the turn of the century alcohol was a concomitant of many campaigns.

If, on the other hand, by "pollution", we refer to the condition of the air and water and landscape, we are on equally safe footing. As recent Harris Polls have clearly demonstrated, the American people are very much concerned about the condition of their environment, and increasingly will be manifesting that concern at the polls. Indeed, it would not surprise me if, in days ahead, touching nature will win more votes than kissing babies, just as—and I seriously mean this—advocates of brotherhood will win out over mere champions of motherhood.

This is—it is unquestionably—a time of great social change. And so, in the future, when we talk of politics and pollution, we will be talking the perspicacity of the former, and the issue—not the proof—of the latter. Today's politician is very much attuned to the great environmental problems which our pervasive industrial society has created for itself. His ear is attuned to the noise of the jet. His eyes have seen the coming of the smoke. His heart is pulsing with the footsteps of the People's March. We are a Nation jointly caught up—at one and the same time—in crises of pollution *and* absolution.

And I, for one, believe that we, as a people, have the capacity to meet and master the challenge, and to produce a better environment and a better order than we have known.

Turning from the philosophical to the pragmatic, as the Nation's program takes hold, you have an opportunity to participate in the accelerated interest and demand for pollution control techniques, equipment, and chemicals. Both industry and government will be the market, and the former, of course, will be the manufacturer.

To give you an idea of the potential upsurge, let me cite a few highlights from the recent report on the national requirements for and the cost of treating municipal, industrial, and other wastes during fiscal years 1969 to 1973. To meet the new water quality standards, the total 5-year cost is estimated to range between $26 and $29 billion.

The cost of constructing municipal waste treatment plants and interceptor sewers is estimated at $8 billion, excluding land and associated costs. It was assumed that—with some exceptions—a conventional secondary treatment level (at least 85 percent effective removal of biochemical oxygen demand for normal domestic sewage) would prevail for treating municipal wastes in order to meet water quality standards. I hasten to point out that secondary treatment has generally been required by the States. Standards to meet the criteria of the Federal Act relate to the quality of the water, not the method of treatment.

Initial estimates indicate that $2.6 to $4.6 billion will be invested in treating and bringing industrial wastes to a level comparable to secondary treatment of municipal wastes. These estimates are based upon minimal levels of control necessary to comply with water quality standards.

Of particular interest to the waste management community and to industry is the research program operated by the Interior Department's Federal Water Pollution Control Administration.

The program involves direct, contract, and grant research to develop more efficient and economic techniques and technologies for attaining and maintaining water quality. Included are programs of grants to industry—totaling $20 million a year—to aid in finding new and improved ways to treat and prevent industrial wastes. With a more comfortable budget posture that figure should be increased significantly and I encourage you to submit your ideas and applications to FWPCA not only to take advantage of this program but to give our research experts a chance to look at anything which bears hope of shortening our road to clean water.

You will also find useful several recent reports which have been submitted to the Congress by the Federal Water Pollution Control Administration concerning national requirements and cost estimates for pollution control, and incentives to industry.

Contained in the requirements and cost estimate study are industrial waste profiles describing the source and quantity of pollutants produced by each of 10 industries: Blast Furnace and Steel Mills, Motor Vehicles and Parts, Paper Mills, Textile Mill Products, Petroleum Refining, Canned and Frozen Fruits and Vegetables, Leather Tanning and Finishing, Meat Products, Dairies, and Plastics Materials and Resins.

The profiles were designed to provide industry and government with information on costs and effectiveness, and with alternatives for dealing with industrial water pollution problems—for instance, through process changes, improved treatment, and reuse of wastes and water.

But as to our future, prescience will be more critical than mere profiles. You know, in the pressure-cooker of politics and the cauldron of commerce, there is a difficulty—and sometimes a reluctance—in facing up to causes. The effects become our preoccupation, and our study. The history of how we got some place, being less sensational than the headlines of what it is like now that we're there, is shelved and grows dusty.

The reason we have water pollution is not just that we have had the paper and pulp and chemical and steel and meat-packing industries. It is, as well, and perhaps more so, the social side of man . . . his unwillingness to recognize that natural resources are unnatural sewers, his failure to understand that when the frontier was officially declared closed, in 1890, we had crossed the last range, had forded the last undiscovered stream. And so, swept along on the surge of our growth, driven by the myth that there always would be a still-green field and a still-pure water-course, convinced that anything done was well done if it reflected itself in greater profit and a greater GNP, we failed to look before leaping.

And as part of our failure, we were reluctant to support reform government and public-interest legislation; we failed to place in office—especially at the local level—the best qualified candidates, to keep in office the best talent, to pay it the best of wages, and to see to it—through vigilance and vision—that legislation evolved from and inspired social planning.

It is not inappropriate, in this context, to digress for an instant, and—mindful of today's balloting as a precursor to November—point out that in our propensity to blame everyone else, we ignore the fact that among the great democracies, we have the poorest turn-out of eligible voters at the polls.

Now, if we are adequately to implement the water quality standards, if we are to have technological advance without cost to environmental quality, if we are to prevent and control the damage done by the wastes our economy produces, we need to look at the total pollution problem from a new perspective. Until now, we have defined pollution by its dumping ground—the air, land, and water, and also in terms of its form—gaseous, solid, and liquid. Moreover, we have organized our pollution control efforts in terms of these distinctions.

But, if our society is, in the long run, to prevent and control the waste which it generates at every step in the industrial process, we must enlarge our perspective. Instead of a fragmented look at the pollution problem we must examine the total system by which our industry, economy, and society transform energy and materials—from raw materials through to finished products—to ultimate use and then disposal. But more, we must examine the very goods and services we produce—for their possible environmental impact—before we produce them. The test ought not be, "Can we make it, mass produce it, and sell it?" That—to tell the truth—is hardly a test because with our industrial prowess and inventive genius and advertising and marketing skills, we can make and sell most anything. The test ought really be, "Will it work . . . for man?" and "What will it mean to man?"

A case in point is the SST. Here, because we could design and make it, we began with no thought beyond blueprint and budget. We commenced because the British and French were ahead of us with their Concorde (spelled with or without that final "e" depending on whether you prefer "God save the Queen" to "La Marseillaise"). Here, because haste and speed are so much a part of our way, we plunged ahead without really knowing what the consequences of sonic booming would be, and without knowing the extent to which indirect routing—that the intolerable boom would occur over water instead of land—would so add to travel time as to cause schedules to approximate our present subsonic pace. Yet there are spokesmen in responsible perches of authority who insist that society will adjust to the sonic boom just as we have learned to live with dirty water.

Another case in point, and you will forgive me for temporarily stratifying my arguments above water level, is air pollution caused by commercial and private aircraft. Our approach to the air pollution problem is still much too fragmented. We have legislated to curb automotive exhaust, and to require controls on the smokestack exhalations of incinerators and factroies and power plants. But who is looking at and legislating for aircraft air pollution? Even beyond our present jetliners, who is looking at the small private craft whose abundance is mounting? Who is saying: is that Piper or Cessna or Beechcraft today's Model "T"? Who is saying this: we learned after half a century of automotive exhaust; now, will we apply the lessons to the coming decades of increasing aircraft exhaust? It is—after all—the same air, part of the same supply, part of the finitude we must sometimes accept.

We need to limit, manage, and control waste and pollution at each step, starting at the drawing boards. The fact we are T-square Tarzans should not cause us to live by a jungle code. We have more auto junkyards than the elephants have graveyards—and ours have not their virtue of being hidden and unobtrusive.

We have the need to reduce waste, to recover, reuse, and control the waste products created at each step in man's transformation of energy and conversion of raw materials into finished products, not matter whether the pollution threat in waste disposal is directed against the air, the land, or the water, whether the form of the waste happens to be solid, liquid, or gaseous, or whether the source is our industries, cities, farms, shipping or outdoor recreation.

We must begin now to look at our total economy—as we do with our environment—as a system. We must manage waste products and reuse or render them less dangerous at each stage in our cycles of energy and materials transformation. If the pollution problem is looked upon in this way, then the distinctions between air, water, and land—or solid, liquid, or gaseous—pollution become artificial, academic, and avoidable.

The wastes we generate at various stages in our economic processes can be transformed into solid or liquid or gaseous forms, or combinations thereof. We can, in effect, trade one type for another. We can, within limits, choose which form, which receptacle—air, land, or water—depending on questions of ecology, environment, and last (in our new order of priorities), feasibility and cost.

Today, in our research, in our actions and institutions for pollution control, we do not sufficiently consider the fact we can control one type of pollution and thereby increase another type, or, that we can protect one potential waste receiver by damaging another. We can, for instance, trade air pollution involving incineration of wastes for water or land pollution by dumping the same wastes on land or in water. Thermal pollution oftentimes may be redirected from water to air. But, in facing these questions, let us ever be cognizant of our power—through prescrience as well as conscience— to minimize much pollution through rationale decision-making on the goods and services we produce. Restraint before the fact—instead of response to failure—should consume more of our energies and resourcefulness.

The water pollution control program is now in the stage where water quality standards have been submitted and reviewed and are being negotiated, revised, and approved. The purpose of these standards is to protect high-quality waters and to upgrade polluted ones. The next stage will be the implementation of these standards through action of the Federal, State, and local levels, as well as in industry.

There will be a need to monitor and enforce standards which have been approved and to explore all the alternatives available for managing both water and waste within river basins. The States will need to look ahead, to increase their funding and personnel, to strengthen enforcement procedures, and to improve their organizations responsible for attaining municipal and industrial economic and industrial growth, but demography.

In addition to implementing and enforcing the standards currently being set, there will be needed over the years to examine, revise, and improve the standards in the light of new knowledge and changes in man's activities or population distribution. The States must look ahead at the real possibility of increasingly higher quality standards. We must—all of us—be looking ahead to see just how adequate today's water quality standards will be over the next 5, 10, or 25 years. We must study not only trends of economic and industrial growth, but demography.

This conference plays a critical role in helping the United States prevent pollution, reduce the ecological damage which pollution creates, and more immediately to restore our damaged environment.

Your research, teaching, and consulting helps us prosper economically, and at the same time, to protect and promote the quality of our natural resources—of our water, land, and air.

Your studies on industrial waste treatment problems and the dissemination of research results will help America use its technological power wisely—in a more balanced way—and to more intelligently manage its water and waste.

As you know, however, science and engineering alone cannot save us from the wrong course. Nor can they alone guide us to the most productive societal use of technological power.

We need the *vision and wisdom* of the ages. The lessons of our past must chart our course today.

Our technological power has too often created without control or thought as to consequence. It has promoted economic and population growth, but it has not fostered environmental quality. It has developed powerful new chemicals without concomitantly providing scientific and social technologies to prevent adverse effects from other use. It has developed new and efficient forms of transport—such as oil tankers—without, at the same time, adequately developing techniques and social systems to minimize the likelihood of failure. It has for immediate benefit depleted and degraded resources without regard to the resources future generations will need.

We are now trying to catch up and to restore the balance between science and technology, on the one hand, and our institutions, laws, and attitudes, on the other.

Our national clean water program is part of this effort. We hope not just to achieve stated goals, not just to create a flexible framework adequate to tomorrow's challenges, but to demonstrate most clearly and persuasively that social machinery need not be the laggard it has been. That, really, is a major part of our awareness—that the fault is not necessarily that science and industry have traveled too far too soon, but that our societal institutions have been too slow to change, too rigid to move, too reluctant to lead. This must change. The future requires no less.

Under our water pollution control program, industry and governments face great challenges. The Water Quality Act of 1965 required that standards for interstate waters be set by States by June 30, 1967—almost one year ago—and then approved by the Secretary of the Interior. These standards identify uses of waters—as for fish and wildlife, agricultural, municipal, industrial, recreational purposes—and they indicate the water quality necessary to support each use. The standards include plans for implementation, financing, and enforcement.

In 1967, all States—including the District of Columbia, Puerto Rico, and the Virgin Islands—submitted their water quality standards. More than three-fifths of the States' standards have been approved, and by June we hope—and are aiming for—at least partial approval of the balance.

That we are here means we share a common interest and a common responsibility which each of us must act to fulfill on different levels and in different ways. Automation and computers and cybernetics have taken us into a new age. We have a framework in which more growth—economic, medical, spiritual, social, human—in which more growth can occur than has occurred in all of our history.

We have great resources.

We have many times demonstrated our great resiliency.

We are inventive beyond belief.

The question now is this: How will we use our resources? To what advantage will we turn our resiliency? To what social aspirations will we direct our inventiveness?

The question now is, quite simply: Will our wisdom match our wealth?

SHELTER FOR MARCHERS

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent to insert in the Record a story from today's Washington Evening Star titled "Work Pushed on Shelters for Marchers."

There being no objection, the story was ordered to be printed in the Record as follows:

Work Pushed on Shelters for Marchers—First Inhabitants Slated To Move in at Tent City Today

The thud of hammers wielded by Poor People's Campaigners and volunteers continued to sound around the Reflecting Pool as "Resurrection City" began to take shape for the first inhabitants, scheduled to move in later today.

The campsite at the foot of the Lincoln Memorial, where up to 3,000 demonstrators will be billeted, was dedicated yesterday by the Rev. Ralph David Abernathy, successor to the slain Dr. Martin Luther King Jr.

"We will be here in Washington until the Congress and leaders of government decide they are going to do something about poverty, unemployment and underemployment in the United States," the head of the Southern Christian Leadership Conference said.

CROWD CHANTS "FREEDOM"

As a symbolic nail was driven into a stake on the site of the first plywood-canvas structure and the crowd chanted, "Freedom, Freedom" with each stroke of the hammer, the denim-clad Abernathy declared:

"This is a nonviolent movement. We shall not destroy person or property. But we cannot guarantee anything more because we are going to plague the pharaohs of this country until we get meaningful jobs and a guaranteed annual wage."

The federal permit authorizes SCLC to occupy the campsite until June 16, but could be extended. Abernathy also has said a number of times that mass civil disobedience may be committed after the government is given a chance to react to demonstrator's demands.

At an Education Press Association luncheon yesterday, the Rev. Andrew Young, SCLC executive vice president, gave the first indication of what specific form these acts might take. Referring to the Department of Agriculture, Young said:

"We might have to go down there and hang around that office and raise hell for a couple of weeks. . . . I just don't think the Department of Agriculture can stand 5,000 people standing outside and praying for them. . . . And, if that doesn't work, we might march around the halls or something. . . ."

"A SICK COUNTRY"

And at the luncheon, at the Pitts Motor Hotel, 14th and Belmont Streets NW., Abernathy said Dr. King wanted to "reel and rock and shake this nation until everything fell into place. . . . I want to turn it upside down and right side up. . . . This is a mean, sick country and it killed (Dr. King)."

Late yesterday, a contingent of top SCLC officials flew to Detroit when word was received about 9 p.m. that some trouble had occurred there with the Midwest contingent.

Abernathy, Young, the Rev. Hosea Williams and staff aide J. T. Johnson left for National Airport to catch a flight, but en route it was decided that Abernathy would not go for fear of missing a scheduled rally with the Northeastern contingent in Philadelphia today.

Later reports from Detroit said the trouble had been relatively minor when a brief flare-up caused police to charge a small group of marchers. There were a couple of minor injuries, according to reports.

Figures on the number of persons in the other main contingents varied, for example, from 650 to 2,000 with the Midwest group, and with the Northeast caravan from 300 to twice that number. SCLC has said about 5,000 demonstrators are ultimately expected, but also has predicted up to 150,000 will attend a mass rally on Memorial Day.

HOSTS EXPRESS CONCERN

Area churches and residents were housing the 600 campaigners here so far. But first reports of concern were heard late yesterday from some of these groups over how long they would have to continue their efforts.

Complaints also were heard about cumbersome efforts in providing food and other supplies by SCLC. One church volunteer said tonight would be the last that the group would be able to accommodate any of the demonstrators.

Officials of the chronically fund-shy SCLC remained confident today that resources would be found to finish Resurrection City and provide for its inhabitants. One top official, William Rutherford, said today that the entire campaign would require $1 million in cash and materials, of which he said about $300,000 was in hand as of Saturday. A financial planning session was scheduled here today.

"Dr. Martin Luther King launched this campaign without any funds. We are continuing the program with the same spirit and hope that the ways and means will be provided," Rutherford said today.

CARAVAN COST CITED

Other SCLC officials said that although there is a need for more financing, they are confident a steady flow of lumber and materials would be provided for the campsite.

The SCLC, according to the Rev. Bernard Lafayette, had to spend a part of the $15,000 earmarked for staff pay this month on the Memphis caravan.

Although campaign officials said yesterday that work would continue through the night on Resurrection City, crews were forced to quit about 8 p.m., because of insufficient lighting. Some 90 of 500 of the prefabricated structures to comprise the camp had been substantially completed.

Elbert Ransom, an associate director of SCLC who will be in charge of the site, said today he expected to have between 300 and 500 persons moved into the symmetrically arranged campsite by tonight, providing work today proceeds on schedule.

Ransom said workers already have begun work on sewage lines and some electrical work was done last night.

SCLC leaders had to write checks totaling $10,250 yesterday to get power service started. Pepco officials told SCLC officials it would cost $8,000 to install new utility poles and run in high tension cables with 13,000 volts of current, which must be brought almost the length of the Reflecting Pool from high power cables near 17th Street.

Another $2,500 was required as deposit for electric meters, which will be returned when the meters are turned in. Another $250 was needed to install a temporary transformer site, but searchlights failed to arrive to permit construction to continue into the night. Pepco said it hoped to have power lines in by tomorrow but said it could take until Thursday or Friday.

MAYOR VISITS SITE

District Sanitary Engineering Department officials set up emergency water fountains at the site yesterday. A District fire truck also has been permanently stationed on the grounds.

An SCLC guard who spent the chilly night at the site said today that Mayor Walter E. Washington paid a brief visit there about 9 p.m. And one of the mayor's top advisers, Julian Dugas, director of the Department of Licenses and Inspections, also toured the area yesterday, although the site is not under the city's jurisdiction.

Dugas, a carpenter's mate in the Seabees during World War II, watched the workers, mainly amateurs, struggle with the structures. "Anything that happens in this town gives me a great deal of concern," he said, adding that his main concern is that the inhabitants' huts be safe and weatherproof.

A first-aid volunteer at the site said that "what they lack in skill, the volunteers make up for in enthusiasm," noting that a few sore thumbs were the only injuries so far. About 30 journeymen and apprentice carpenters from area unions offered needed expertise as the huts went up.

Meanwhile, the symbolic mule-train, plagued incessantly by problems since last week, finally left Marks, Miss., on its way to Washington.

The 15 wagons, with about 100 demonstrators, managed to make 10 miles yesterday, fighting a broken wagon tongue and a collapsed cover. It was to head for Grenada, Miss., today.

The other Southern caravan, with about 400 persons, made it to Greenville, S.C., last night from Charleston, and was to proceed to Raleigh, N.C., today.

The Northeastern caravan held a march in Trenton, N.J., yesterday, with the participants estimated at about 2,000. They marched to the state Capitol, where the Senate adjourned and the Assembly adopted a motion welcoming them to New Jersey. Today they head for Philadelphia for the Independence Hall rally at which Mrs. King was scheduled to join Abernathy, then on to Baltimore, arriving in Washington Thursday or Friday.

OFFICIALS CONFER

In Pikesville, Md., yesterday, state and county officials met with state police to discuss "manpower availabilities and other logistical matters" in preparation for the marchers' arrival and passage through Maryland.

Representing Montgomery County was Col. James S. McAuliffe, superintendent of police, and from Prince Georges County were Deputy Police Chief Vincent Free and Gladys Spellman, chairman of the board of county commissioners.

Also on hand were officials from Anne Arundel and Howard counties.

Reportedly the marchers are to spend the night Thursday in Baltimore's Memorial Stadium.

In Washington, SCLC officials are to meet with some members of Congress tomorrow through arrangements to be made by Rep. Charles Diggs, D-Mich. Diggs, as well as Mayor Jerome Cavanagh, greeted the Midwest contingent in Detroit yesterday.

WILL A TAX HIKE CURE INFLATION?—MILTON FRIEDMAN SAYS "NO"

Mr. HARTKE. Mr. President, we will soon have before us the conference report on the excise tax bill, which now includes the surtax proposal. But some hard questions remain.

Is this a cure-all for economic ill?

Will it really achieve the goals at which it is aimed?

Specifically, will it cure the inflation which is given as its prime object of attack?

My answer has long been "No," from the very day after the President made his proposal, when I set forth my objections and the reasons for them in a Senate speech. I again voiced my reasons and set forth my position when the current bill was debated in the Senate a few weeks ago. That position is one in which some distinguished economists join me—not all of them take the position of the Council of Economic Advisers.

One of the distinguished economists who agrees with me on this issue is Prof. Milton Friedman, widely known as a conservative. Dr. Friedman has been a Fulbright lecturer at Cambridge University, is widely known for his articulate writings, and for several years has been the Paul Snowden Russell Professor of Economics at the University of Chicago. In a column appearing in the May 13 Newsweek, Professor Friedman writes of his reservations about this "miracle drug" for the economy. Specifically, he says that to stem inflation by this means would require not a $10 billion but a $30 billion reduction, and that there is no proven relation between tax changes and total spending, which is supposed to result in curbing inflation. In fact, studies tend rather to refute any correlation and to "confirm the view that the relation is uncertain and erratic."

Mr. President, I ask unanimous consent that Professor Friedman's views, as set forth in the article, "Taxes: The Hard Sell," may appear in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsweek, May 13, 1968]

TAXES: THE HARD SELL

(By Milton Friedman)

Madison Avenue puffing of commercial products sounds like British understatement

compared with the current campaign for a tax increase.

Does the economy have an ill? A tax increase is just the pill. Are prices rising too fast? Just raise taxes. Is the construction industry being hurt by high interest rates? Just raise taxes. Are foreign payments out of balance? Just raise taxes. Are restrictions on foreign investment too burdensome? Just raise taxes. And, goes the advertising pitch, "virtually all experts agree."

What is the miracle drug that will solve all these problems? Has it been tested sufficiently to win certification from Pure Food and Drugs? Does it have any side effects? Just who are the experts who speak in a single voice? Are they, by any chance, the same ones who told us in 1963 that the way to solve the balance-of-payments deficit was to cut taxes?

The proposed 10 per cent surcharge would yield about $10 billion per year when fully effective—from an $800 billion economy. Prices are now rising at a rate of more than 4 per cent per year. Just to eliminate the inflationary pressure require cutting attempted spending by more than $30 billion a year, without counting the additional reduction required to release resources for construction, exports and foreign investment.

EFFECTS ON SPENDING

How can a $10 billion tax increase produce such prodigies?

Some $3 billion would come from corporations. This might induce them to cut somewhat their spending for new investment. But the effect would be small. Corporations invest for the long pull, and would borrow to finance promising investment—especially if the tax increase lowered the interest rate at which they could borrow.

The remaining $7 billion would come from individuals. Here the effect on spending might be larger per dollar of taxes, though, if the claim that the tax increase will be temporary were taken seriously, most of the effect might be on saving, not on consumer spending.

Any initial cuts in spending would reduce the incomes of others, who in turn might cut their spending, and so on *ad infinitum*, so the total effect on this score would be larger that the initial effect.

However, these effects on corporations and consumers are only one side of the account. If the government collects more in taxes, it needs to borrow less. Every dollar less that is left in the hands of taxpayers means a dollar more that is left in the hands of whoever would have purchased the government securities to finance the deficit. That dollar is available to pay the surcharge, or to spend, or to lend to someone else to spend.

WHERE IS THE EVIDENCE?

That is why a tax increase, with unchanged government spending, would tend to reduce interest rates—which would encourage additional spending on construction, business investment, and the like. This additional spending would offset, at least in part, any reduction in spending by taxpayers.

There is still likely to be a net effect on spending because the lower interest rates may induce some people to hold more cash than they otherwise would.

Ten billion dollars is a lot of money. If not matched by extra government spending (a big *if*), it would have a sizable effect on the deficit. But by itself, it would not even come close to offsetting present inflationary forces.

Perhaps I am wrong. Perhaps a tax increase is such potent medicine that every tax dollar will reduce spending by $4 or $5. In that case, there should be evidence from past experience. After all, we have had tax increases and decreases before.

Where is the evidence? Have well-documented studies of past experience revealed a close, dependable and multiplied effect of changes in government taxes and expenditures on total spending? Not so far as I know. On the contrary, the attempts I know of to find such a relation have failed and tend rather to confirm the view that the relation is uncertain and erratic.

Personally, I oppose a tax increase for reasons that I have spelled out in earlier columns. But whether you favor or oppose a tax increase you should know that no convincing evidence—from economic analysis or from historical experience—has yet been presented to support the extravagant claims that have been made for a tax increase.

Is it too much to ask that we apply the same standards of evidence to alleged cures for inflation as to alleged cures for cancer?

THE JOHNSON ADMINISTRATION CREDIBILITY GAP

Mr. HATFIELD. Mr. President, with other Senators I have spoken in the Chamber and accused the Johnson administration of not being candid with the American people concerning the war in Vietnam. Our criticism, I believe, has been valid. But seldom have I seen this "credibility gap" revealed with such incisiveness as it is in a pamphlet prepared by Mr. Rodney Driver, of Albuquerque, N. Mex. Mr. Driver has painstakingly researched and presented the administration's many myths about our commitment in Southeast Asia and then given the reader a view of Vietnam that comes much closer to reality.

I ask unanimous consent that Mr. Driver's pamphlet, entitled "Misinformation about Vietnam," be printed in the RECORD.

There being no objection, the pamphlet was ordered to be printed in the RECORD, as follows:

MISINFORMATION ABOUT VIETNAM

(The expression "credibility gap," as part of the American language, indicates a public awareness that the Johnson Administration has not always been quite candid about Vietnam.

(But few people yet fully realize the magnitude of the problem . . . I certainly didn't for a long time. It was only after hearing several similar accounts of gross misrepresentations that I felt obliged to check some primary references myself.

(Having started this, one is led from one item to another—until he is suddenly struck with the alarming realization that his government has been misleading him time and time again.

(Disconcerting as this discovery may be, it is vital in a democracy that people should find out what is going on.

(Such was the motivation for this pamphlet.

(Compiled herein (in bold-face type) are just a few typical statements on Vietnam by the Johnson Administration. These are accompanied by other contradictory information (and more important) with detailed references.

(My hope is that you will be sufficiently disturbed by the resulting contradictions to want to find out for yourself. (Rodney D. Driver, January, 1968.))

REFERENCES

Among the finest short general-background documents is The War in Vietnam, by the Staff of the Senate Republican Policy Committee, April 1967. Available as a Congressional Record reprint (May 9, 67, pp. S 6572–6585) from Sen. Bourke Hickenlooper (free), or, in booklet form, from Public Affairs Press, 419 New Jersey Ave. S.E., Washington, D.C. 20003 ($1.00).

One of the best periodicals for a continuing, carefully-documented analysis of myths about Vietnam and other subjects is I. F. Stone's Weekly, 5618 Nebraska Ave. N.W., Washington, D.C. 20015. Subscription: $5.00 per year.

In the present paper, the following abbreviations are used for frequently-cited references:

"Aggression From the North": Dept. of State Publication 7839, Feb. 1965. Also known as the "1965 White Paper."

CR: Congressional Record.

"Draper: Abuse of Power," by Theodore Draper, Viking Press, Apr. 1967. Available in paper back, $1.95.

DS Bull: U.S. Department of State Bulletin—the official weekly record of U.S. foreign policy.

"Gettleman: Vietnam; History, Documents, and Opinions on a Major World Crisis," ed. by M. E. Gettleman, Fawcett, 1965. Available in paper back, 95¢.

NYT: The New York Times. On microfilm in larger libraries. Many smaller libraries, which do not keep the Times, do keep the New York Times Index which contains much information itself.

"Why Vietnam": U.S. Government Publication, Aug. 20, 1965. U.S. Government Printing Office, Washington, D.C., 30¢

Most of the references cited are available in any moderate-sized library, and most of the material presented is also available in other sources besides those listed. For example: The Administration statements, which I quote from Department of State sources where possible, can usually also be found in the NYT, and many are in Gettleman.

The AP and UPI dispatches taken from the Albuquerque papers can also be found in other papers. And dispatches from the Albuquerque Tribune marked S–H can be found in other Scripps-Howard papers.

THE 1954 GENEVA ACCORDS

President Johnson and Secretary of State Rusk have repeated over and over again that the very basis for our involvement in Vietnam is that one country (called North Vietnam) has attacked another (called South Vietnam). And we have come to the aid of the victim. These two countries, they say, were created in 1954: ". . . we have had one consistent aim—observance of the 1954 agreements which guaranteed the independence of South Vietnam."

Lyndon Johnson, Aug. 12, 64, DS Bull, Aug. 31, p. 299.

But the 1954 agreements—the Geneva Accords which ended the fighting between France and the Vietminh—made no mention whatsoever of an independent nation of South Vietnam. In fact they made clear that there was no intention to create two countries out of Vietnam. They referred to a "provisional military demarcation line" near the 17th parallel and to "general elections which will bring about the unification of Vietnam."

The "Final Declaration" of the Geneva Conference, for example, emphasized that "the military demarcation line should not in any way be interpreted as constituting a political or territorial boundary," and that "general elections shall be held in July 1956, under the supervision of an international commission . . . Consultations will be held on this subject between the competent representative authorities of the two zones . . ."

The texts of the 1954 Geneva Accords are given in "Documents on American Foreign Relations 1954," Harper, 1955, pp. 283–314, and in "Gettleman," pp. 137–154. The "Final Declaration" is also in DS Bull, Aug. 2, 54, p. 164.

The United States did not sign the Geneva Accords, but our government made a commitment to "refrain from the threat or the use of force to disturb them . . ."

Same three sources, on pages 316, 156, and 162 respectively.

The elections were not held. In fact the discussions called for in the "Final Declaration" have not even been held. On numerous occasions in 1955 and 1956 (and later) Premier Ngo Dinh Diem of South Vietnam rejected not only the elections but even the preliminary conferences: "We did not sign the Geneva Agreements. We are not bound in any way by these Agreements . . ." he declared on July 16, 1955.

See "Gettleman," p. 193; or NYT, July 17, 1955, p. 7. For other examples, see also NYT, 1955: June 7, p. 1; July 16, p. 3; Aug. 9, p. 6; Aug. 10, p. 5; Aug. 11, p. 1; Aug. 31, p. 4; Oct. 26, p. 4; and 1956: Mar. 15, p. 12; May 13, p. 38; and Aug. 15, p. 5.

It was generally agreed that, had elections been held, Ho Chi Minh would have won overwhelmingly.

See Leo Cherne, Look, Jan. 25, 55, or Dwight Eisenhower, "Mandate for Change," Doubleday, 1963, p. 372.

In 1961, the U.S. Dept. of State issued a "White Paper" on Vietnam. Referring to the nationwide elections scheduled for 1956 under international supervision, it said, "The authorities in South Vietnam refused to fall into this well-laid trap."

"A Threat to the Peace," U.S. Dept. of State Publ. 7308, 1961.

"But we insist, and we will always insist, that the people of South Vietnam shall have the right of choice, the right to shape their own destiny in free elections in the South, or throughout all Vietnam under international supervision . . . This was the purpose of the 1954 agreements which the Communists have now cruelly shattered."

Lyndon Johnson, July 28, 1965, "Why Vietnam," p. 7. Were Diem and his friends Communists?

ORIGINS OF THE FIGHTING

"The root of the trouble in Viet-Nam is today just what it was in April and has been at least since 1960—a cruel and sustained attack by North Viet-Nam upon the people of South Viet-Nam."

Sec. of State Rusk, June 23, 65, DS Bull, July 12, p. 50.

But the matter is not that simple, even if one believed that North Vietnam and South Vietnam were two countries. During its 2000-year history, Vietnam has been invaded by the Mongols, the Chinese, the Siamese, the Spanish, the French, and the Japanese. One of the few things uniting the Vietnamese people is a strong common tradition of fighting outsiders.

The opposition to Premier Ngo Dinh Diem (whom the Vietnamese regarded as a representative of the French and the Americans) began in South Vietnam long before the dates cited by the Johnson Administration for the beginning of North Vietnam's involvement. Vietnam experts consider Diem's repressive dictatorial rule the main cause of the rebellion.

"Ngo Dinh Diem . . . is in the vanguard of those leaders who stand for freedom on the periphery of the Communist empire in Asia."

Vice President Lyndon Johnson, May 13, 1961, in a joint statement with Mr. Diem, DS Bull, June 19, p. 956.

"Diem's Presidential Ordinance No. 6 of January 11, 1956, provided for the indefinite detention in concentration camps of anyone found to be a 'danger to the state.' . . . The ordinance was followed by other repressive acts which hit harder at non-Communists than at Communists . . .

"By a presidential decree of June, 1956, Diem abolished elected village councils and mayors. This imposed directly on the Viet-Nam peasantry the dictatorial regime which he already wielded at the center. In March, 1957, the regime openly violated the last restraints placed upon it by the Geneva agreements with regard to reprisals exercised against 'former resistance members'—that is, ex-guerrillas of the Viet-Minh who had fought against the French . . ."

Bernard Fall, "Viet-Nam Witness," Praeger, 1966, Chapter 18.

"Millions of photographs, paintings and sketches of Diem . . . hang in every public office, stare down from the entrances of every public building and adorn the drab walls of peasant huts . . . Behind the facade of photographs, flags and slogans there is a grim structure of decrees, political prisons, concentration camps, milder 're-education centers,' secret police. . . . The whole machinery of security has been used to discourage active opposition of any kind from any source."

John Osborne, Life, May 13, 1957, p. 164.

"The Diem government . . . launched out in 1957 into what amounted to a series of manhunts . . . In 1958 the situation grew worse. Round-ups of 'dissidents' became more frequent and more brutal . . . the way in which many of the operations were carried out very soon set the villagers against the regime. A certain sequence of events become almost classical: denunciation, encirclement of villages, searches and raids, arrests of suspects, plundering, interrogations enlivened sometimes by torture, deportation, and 'regrouping' of populations suspected of intelligence with the rebels, etc."

Philippe Devillers, The China Quarterly (London), Jan.-Mar. 62, pp. 2–23. Reprinted in "Gettleman," pp. 210–235.

One of Diem's "political intelligence officers" explained that "they (the villagers) refuse to talk. So they have to be roughed up—or worse. After an operation of this sort, those who aren't Viet Cong already probably will be. It's a vicious circle.' "

Newsweek, May 22, 61, p. 38.

But Mr. Johnson was so impressed by Diem that he compared him to George Washington, Andrew Jackson, Woodrow Wilson, Franklin D. Roosevelt, and Winston Churchill.

Saigon Times, May 11–14, 1961. See House Republican report on Vietnam. *CR*. Aug. 25, 65, p. 21843; and *NYT*, May 13, 61, p. 1.

After Diem's brutal repression of the Buddhists, President Kennedy indicated his displeasure on Sept. 2 and Oct. 2, 1963 (*DS Bull*, Sept. 30, p. 499 and Oct. 21, p. 624). Then on Oct. 22, 1963 the U.S. cut off its support for those elements of the special forces used as Diem's security guard (*DS Bull*, Nov. 11, p. 736). Ten days later (Nov. 1) Ngo Dinh Diem, whom we had supported for ten years, was overthrown in a military coup. He and his brother Nhu were assassinated the following day.

See David Halberstam, *NYT*, Nov. 6, 63 (in *"Gentleman,"* pp. 271–281).

November 1, the anniversary of the overthrow of Diem (Lyndon Johnson's "Churchill of today") is now officially celebrated in Saigon as National Day.

DIEM'S SUCCESSORS

A succession of ten governments or juntas passed through Saigon in the next 19 months, each of them receiving an enthusiastic endorsement from the Johnson Administration.

On June 14, 1965 the military junta headed by Air Marshal Nguyen Cao Ky and General Nguyen Van Thieu came to power.

"Of the 10 generals in the junta, only one joined the Viet Minh resistance movement against the French in 1945 (not Ky or Thieu) . . . The other nine either fought on the side of the French or took training in French military schools during the Vietnamese war against the French from 1945 to 1954."

Parade magazine, June 19, 66, p. 2, in *Albuquerque Jour.* and other papers. See also *NYT*, June 11, 67, p. E 4.

"People ask me who my heroes are. I have only one—Hitler."

Marshal Ky, *Sunday Mirror* (London), July 4, 65, p. 1.

"South Vietnam's military Government warned today that penalties of death or imprisonment would be imposed for a variety of offenses ranging from 'hooliganism' to *support of neutralism*. The warning came in a decree issued by Maj. Gen. Nguyen Van Thieu . . ." (Emphasis added)

Reuters, July 23, 65, *NYT*, July 24, p. 2.

"At Da Nang, three persons were executed by a South Vietnamese firing squad . . . The three were among five persons arrested Monday during a demonstration by about 200 persons in downtown Da Nang. They were protesting crop damage from artillery fire and air strikes by U.S. forces."

Chicago Daily News (and most papers), Sept. 23, 65.

"Premier Nguyen Cao Ky . . . said his government would continue public executions 'because I think they are needed'."

AP, Albuquerque Journal, Sept. 28, 65, p. A-1.

"We are there because . . . we remain fixed on the pursuit of freedom as a deep and moral obligation . . . To defend that freedom—to permit its roots to deepen and grow . . . is our purpose in South Viet-Nam."

Lyndon Johnson, Dec. 9, 65, DS Bull, Dec. 27, p. 1014.

"Referring to earlier reports quoting him as saying Hitler was his idol, Premier Ky said this was not exactly what he meant. He said that when somebody asked him what South Vietnam needed to unify its people, he had answered a 'strong man' and had pointed out that Germany under Hitler was able to rise and grow strong. Besides, he said, amid laughter, he did not like Hitler because 'he was not handsome and not a lady-killer.' "

Reuters, NYT International Edition, Aug. 13–14, 66, p. 2.

"We saw that democracy is gaining in Viet-Nam."

Lyndon Johnson, Oct. 27, 66, DS Bull, Nov. 14, p. 738.

"FREE ELECTIONS" IN VIETNAM

"We fight for the principle of self-determination—that the people of South Viet-Nam should be able to choose their own course, choose it in free elections without violence, without terror, and without fear."

Lyndon Johnson, Jan. 12, 66, DS Bull, Jan. 31, p. 154.

On Sept. 11, 1966 elections were held for members of a Constituent Assembly:

"The government effectively ruled any outright opponents off the ballot by banning candidates considered to be Communist or neutralists.' . . . When some candidates in Saigon last week did try to criticize the military regime and raise questions about corruption Ky stepped in quickly to supress them. He said anyone who opposed the war cabinet's policies would be branded as 'traitors and henchmen of the Communists.' "

Jack Steele (S–H), Albuquerque Trib., Sept. 8, 66, p. E–2. On June 6, 66, Sen. Jacob Javits (R., N.Y.) had urged in vain that the Administration support genuinely free elections, CR, p. 11801.

The military junta continued its policy of press censorship during the campaign. And, to assure a good turnout, it spread the word that non voters could expect trouble from the police.

See, for example. Ralph Kennan, Baltimore Sun, Sept. 5, 66; Richard Critchfield, Washington Star, Sept. 3, 7, and 11; Stanley Karnow, Wash. Post, Sept. 11.

These elections "gave us a lasting lesson in democracy."

Lyndon Johnson, Sept. 13, 66, Wash. Post, Sept. 14, p. A2.

"The large turnout is to me a vote of confidence."

Lyndon Johnson, Sept. 14, 66, NYT, Sept. 15, p. 11.

In elections held on Sept. 3, 1967, Generals Thieu and Ky ran for President and Vice President. The new constitution was supposedly in effect during the election campaign:

"The Constitution secures freedom of speech and freedom of religion. It guarantees civil rights and due process of law and provides for free political expression by the press, political parties, and trade unions, as well as by individuals."

Lyndon Johnson, Mar. 20, 67, DS Bull. Apr. 10, p. 590.

"No candidate or newspaper, (Ky) said, would be permitted to 'attack the Government or members of the Government.' The Vietnam Guardian, an English-language daily newspaper that has been suspended since December, will be reinstated after the election, the Premier said. The paper was known to favor the election of one of the Premier's civilian opponents. Asked how he reconciled these policies with the abolition of censorship in the Constitution adopted on April 1, Premier Ky replied: 'There are parts of a Constitution that can be respected right away and there are others that take time.'"

R. W. Apple Jr., June 18, 67, NYT, June 19, p. 18. Despite a ban, on campaigning before Aug. 1, Marshal Ky was already using the facilities of the government for his own campaign.

If, in spite of everything, the military should lose the election, they reserved the right to overthrow the winner:

"If he is Communist or if he is a neutralist, I am going to fight him militarily. In any democratic country you have the right to disagree with the views of others."

Marshal Ky, May 13, 67, AP in NYT, May 14, p. 3; Aug. 13, p. E1.

"We are in South Viet-Nam today because we want to allow a little nation self-determination. We want them to be able to go and vote for the kind of leaders they want and select the type of government they want. We want them to be free of terror and aggression in doing that . . ."

Lyndon Johnson, June 27, 67, DS Bull, July 17, p. 59.

"One of the civilians, (Presidential candidate) Au Truong Thanh, called on the Constituent Assembly to remove General Thieu (and Ky) from the ticket because government employes and military men are required to take leave without pay when they run in the elections . . . (Mr. Thanh) is running on a peace platform."

Saigon, July 3, 67, NYT, July 4, p. 3.

"The Government has mounted a campaign to discredit Au Truong Thanh . . . 'because he is a Communist.' . . . (Mr. Thanh) served as Economic Minister in the Ky Government and in two other governments since 1963. . . A high-ranking United States official who worked closely with him said, 'I consider him one of the brighest Vietnamese I ever met, and he did a fine job.' 'No one accused him of being a Communist when he was in the government,' another American official said."

R. W. Apple Jr., July 8, 67, NYT, July 9, p. 5.

"A squad of South Vietnamese national police early today slapped handcuffs on Au Truong Thanh and drove (him) to police headquarters for questioning on allegations that he is pro-Communist and neutralist."

UPI, Albuquerque Jour., Sept. 22, 67, p. A-2.

"(On July 18) the assembly's election committee announced that it had not approved the Thieu-Ky slate . . . The move was completely unexpected and was followed quickly by an order from the ruling generals putting police and armed forces in the 3rd Military Region, which surrounds Saigon, on alert."

AP, The Denver Post, July 19, 67, p. 5.

"Gen. Nguyen Ngoc Loan, chief of the national police and a close friend of Premier Nguyen Cao Ky . . . turned up with a squad of hangers-on in the galleries of the baroque old French opera house where the assembly meets. Pistols bulged in the pockets of two of Loan's bodyguards . . . the assembly was confronted with a flood of rumors and reports that the military was prepared to act drastically if the Thieu-Ky ticket was not approved."

Raymond R. Coffey, St. Louis Post-Dispatch, July 19, 67, p. 4A. See also NYT, July 19, p. 1; or Newsweek, July 31, p. 26.

The result was that the Assembly voted to approve 11 slates, including Thieu-Ky, and to disqualify seven, including Au Truong Thanh and General "Big Minh," the hero of Diem's overthrow. Gen Minh, who lives in exile, was not permitted to return to campaign. However, he received the greatest support in a preliminary vote by the Assembly on July 2 (Saigon Post, July 3).

"My duty is to crush all disturbances of whatever origin."

Marshal Ky, Time, Aug. 11, 67, p. 25.

"It is remarkable that a young country fighting a tough war on its own soil has moved so far, so fast, toward a representative government."

Lyndon Johnson, Aug. 18, 67, NYT, Aug. 19, p. 10.

"South Vietnam's military government arrested a colonel who was actively working for a civilian presidential candidate and closed down two Saigon newspapers . . . Asked why the government chose to close the newspapers . . . the day before the election, Thieu replied: 'Even in a democracy one has the right to suppress newspapers that aid one's enemies.'"

Lee Lescaze, Sept. 2, 67, Wash. Post, Sept. 3, pp. A1, A8.

"In South Viet-Nam today, there are 11 candidates for President . . . They are free to attack the government, and most of them have done so. They are free to take their case to the people, and most of them have done so and are doing so at this hour."

Lyndon Johnson, Aug. 16, 67, DS Bull, Sept. 4, p. 290.

The runner up in the election, Truong Dinh Dzu, was one who attacked the government:

"Truong Dinh Dzu, the peace candidate who came in second in the presidential elections in September, has been under house arrest for nearly a month . . . Government authorities have declined to give any reason for Mr. Dzu's house arrest."

Bernard Weinraub, Nov. 4, 67 NYT, Nov. 5, p. 3. Actually there are thousands of political prisoners in South Vietnam. See Richard Harwood, Wash. Post, July 4, 67; or NYT, Nov. 4, 67, p. 6.

Thieu and Ky—the only military slate—"won" the election with a vote of about 35%. The remaining 65% was split among the 10 civilian slates . . . On Sept. 29, 67 the election committee of the Assembly recommended that the election of Thieu and Ky be thrown out because of "many irregularities" in the voting. But pressure from the military once again produced the desired result.

See UPI, Albuquerque Trib., Sept. 29, 67, p. A-1, and Los Angeles Times, Sept. 30, p. 2.

"I extend my warm congratulations to you and to Prime Minister Ky on your victory in the election . . . The election was a milestone along the path toward . . . a free, secure and peaceful Viet-Nam."

Lyndon Johnson to Thieu, Sept. 10, 67, DS Bull, Oct. 2, p. 421.

"This is our great adventure—and a wonderful one it is. Our business is to make history . . . it's wonderful to make it, make history in your own way and your own time."

Vice Pres. Humphrey, Oct. 31, 67, UPI, Denver Post, Nov. 1, p. 6.

THE ROLE OF NORTH VIETNAM AND CHINA

"We did not put our combat forces into South Viet-Nam because of dissident elements in South Viet-Nam. We put our combat forces in there because North Vietnamese forces moved into South Viet-Nam."

Sec. of State Rusk, Oct. 12, 67, DS Bull, Oct. 30, p. 558.

"At no stage have we wanted a larger war. But it was in November, December, January, over the turn of the year 1964–65 that North Vietnam moved the 325th Division of the regular North Vietnamese Army from North Vietnam to South Vietnam to up the ante here . . . That was before the bombing started . . ."

Sec. Rusk, Feb. 18, 66, The Vietnam Hearings," Random House, Apr. 66, p. 263. Mr. Rusk has asserted at least ten times, since Jan. 28, 66, that a whole division of the regular North Vietnamese Army was in the South before our massive involvement.

But this has been contradicted by the Defense Department, the Joint Chiefs of Staff and by Mr. Rusk himself.

"When the sharp increase in the American military effort began in early 1965, it was estimated that only about 400 North Vietnamese soldiers were among the enemy forces in the south which totaled 140,000 at that time."

Sen. Mike Mansfield (D. Mont.), CR, June 16, 66, p. 12857.

The Defense Department confirmed that it was the source of Sen. Mansfields' figures. See Ted Knapp (S–H), Albuquerque Tribune, June 25, 66, p. A-4. For a collection of mutually contradictory official estimates of North Vietnamese involvement in early 1965 see Draper, pp. 73–82; plus Wm. P. Bundy and Rusk, DS Bull, Sept. 4, 67, p. 283, Aug. 1, 66, p 182, and Sept. 18, 67, p. 344.

By Dec. 31, 1964, there were 23,000 American troops in Vietnam.

Dept. of Defense figures, CR, Oct. 10, 66, Senate p. 24855.

"There is no evidence that the Viet Cong has any significant popular following in South Viet-Nam."

Sec. Rusk, Apr. 23, 65, DS Bull, May 10, p. 699.

But, according to official sources, enemy strength grew from an estimated 5000 in 1960 to 290,000 by July 1967, only 60,000 of which were North Vietnamese regulars. This is in spite of the fact that we claim to have killed between 200,000 and 400,000 during this same period, the lower figure being verified by "body count." By Dec. 1967 the estimate of enemy strength was raised to over 400,000.

See J. T. Wheeler (AP), Albuq. Jour., July 9, 67, p. A-5, and Hedrick Smith, NYT, Dec. 20, 67, p. 1.

". . . this is really war. It is guided by North Vietnam and spurred by Communist China."

Lyndon Johnson, July 28, 65, "Why Vietnam," p. 5.

"Now, the flow of weapons from North Vietnam consists almost entirely of the latest arms acquired from Communist China; and the flow is large enough to have entirely reequipped the Main Force units . . ."

Sec. of Defense McNamara, Aug. 4, 65, "Why Vietnam," p. 20.

But this last claim was actually contradicted by the very figures offered in 1965 as proof by the Defense and State Departments. Of the approximately 7700 weapons we captured from the guerrillas from June 1962 through Dec. 1963, only 179 (less than 2½%) were of Communist manufacture. The rest were homemade or captured French or American weapons.

Compare "Why Vietnam," p. 21, with "Aggression From the North," Appendix D. See also I. F. Stone's Weekly, Mar. 8, 65 (reprinted in "Gettleman," pp. 317–323.)

And more recently, U.S. intelligence experts have revealed the startling statistic that the Chinese have spent less on the war in 13 years than we spend every three days:

"Since 1953 the Chinese have given Hanoi only $150 million in military aid, 65% of that since August 1964."

Frederick Taylor, The Wall Street Jour., Feb. 14, 67, p. 9.

By July 1967 the estimate was raised to $200 million while the war was costing the United States about $25 billion a year.

AP, Albuquerque Tribune, July 7, 67, p. A-1.

EFFORTS TO NEGOTIATE

". . . candor compels me to tell you that there has not been the slightest indication that the other side is interested in negotiation or in unconditional discussion, although the United States has made some dozen separate attempts to bring that about."

Lyndon Johnson, July 13, 65, NYT, July 14, p. 20.

A grim, almost unbelievable, pattern has developed since Lyndon Johnson became President. Time and time again evidence of de-escalation of the fighting by the enemy or of an interest on their part in negotiating has been denied, and has been followed by new escalation of the war by the Johnson Administration. These incidents include Johnson's response to: U Thant's efforts in 1964 (finally revealed by Eric Sevareid, Look, Nov. 30, 65); Hanoi's communication during the May 1965 bombing pause; the peace feelers communicated by Italian Foreign Minister Fanfani in Nov. 1965; the lull in enemy action during the 37-day bombing pause which ended Jan. 31, 1966; and many others.

Careful documentation is given in "The Politics of Escalation in Vietnam," by Schurmann, Scott, and Zelnik, Fawcett, Oct. 66 (paper back, 60 cents); "America's Vietnam Policy, The Strategy of Deception," by E. S. Herman and R. B. Du Boff, Public Affairs Press, Aug. 66 ($2.00); and Draper.

For illustration here is just one example which is quite typical of the many instances documented in the books cited—the peace talks which did not materialize in Warsaw in December, 1966:

Late in November, 1966, Januz Lewandowski, a Polish diplomat on the International Control Commission, arranged for secret talks to be held between American and North Vietnamese representatives in December. President Johnson assigned John A. Gronouski to represent the United States.

But, on Dec. 2 and 4, U.S. planes bombed targets on the outskirts of Hanoi, the closest since June 29, 66, and

"Before any North Vietnamese representatives showed up for the meeting, U.S. planes carried out the Dec. 13–14 raids on the outskirts of Hanoi. Some planes, at least, flew directly over the heart of the city . . . It later became known in Washington that one or two planes had in fact jettisoned their bombs over the city when they were attacked . . . Shortly after the Dec. 13–14 incident (Polish Foreign Minister) Rapacki reportedly told the United States that North Vietnam had made clear it no longer was interested in the planned talk because of the bombing of Hanoi."

J. M. Hightower (AP), Denver Post, May 9, 67, p. 5; and "War/Peace Report," Mar. 67, p. 3. Almost the same thing had occurred in similar circumstances one year earlier. See Draper, p. 186.

But the sanctimonious speeches keep coming:

"I want to negotiate. I want a political solution. I want more than any human being in the world to see the killing stop but I can't just negotiate with myself. Maybe someday, somehow, sometime, somewhere, somebody will be willing to sit down at a table and talk instead of kill, discuss instead of fight, reason instead of murder and whenever they do I will be the first one at that table wherever it is."

Lyndon Johnson, Apr. 26, 67, Newsweek, May 8, p. 33.

"Look, if you think any American official is going to tell you the truth, then you're stupid. Did you hear that?—stupid."

Asst. Sec. of Defense Arthur Sylvester, July 17, 65, to newsmen in Saigon, "Dateline 1966," Overseas Press Club of America. Reprinted in "War/Peace Report, June/July, 66, p. 9.

"Certainly the charge that the Johnson administration has been trying to mislead the American people is nonsense. Is nonsense."

Sec. Rusk, Sept. 10, 67, answering Governor George Romney's charges, ABC TV "Issues and Answers," official transcript, p. 14. Similar in DS Bull, Oct. 2, p. 414.

CIVILIAN CASUALTIES

"Secretary McNamara said today he had been advised that 137 Vietnamese civilians had been killed in American military operations."

AP, Apr. 20, 66, NYT, Apr. 21, p. 18.

It is difficult to estimate civilian casualties in South Vietnam because of the long-standing custom of including dead civilians in the body count of "enemy" killed in action. But McNamara's figures are certainly wrong:

"In the South where the enemy deliberately mixes with the population, a massive toll is taken among civilians by artillery and aircraft. There are estimates that up to 5,000 casualties die each month, with 10,000 wounded . . . The American command estimates that up to 40,000 Viet Cong and North Vietnamese regulars have been slain this year alone. But the figure is known to contain a large number of civilians. After a battle, all the dead other than allied troops are counted as enemy, even women and children."

AP survey, Milwaukee Journal (and other papers) Oct. 24, 66. Official figures from the Health Ministry in Saigon indicated more than 30,000 civilian casualties in the first half of 1967 not including those in the extensive areas under Viet Cong control. San Francisco Chronicle, July 19, 67, p. 1. For the year, they estimate 100,000. AP, Albuq. Jour., Dec. 12, 67, p. A–12.

"Can you imagine what an isolated village looks like after it has been hit by over 500 750-pound bombs in a matter of seconds. Women, children, old men, cattle and every living thing is struck down . . . This particular village ceased to exist because it was in a Viet Cong dominated area and intelligence reports said it might have been used as a North Vietnamese regiment headquarters. We never found any dead soldiers but, as is the custom in Viet Cong controlled area, all the dead found in the area were listed as Viet Cong . . ."

Letter from a Marine Lieut., CONGRESSIONAL RECORD, volume 113, part 12, page 16141. See also NYT, June 6, 65, p. 1; Apr. 5, 66, p. 4; Jan. 9, 67, p. 8.

"We will use our power with restraint and with all the wisdom we can command . . . These countries of Southeast Asia are homes for millions of impoverished people."

Lyndon Johnson, Apr. 7, 65, DS Bull, Apr. 26, p. 608.

Vietnam (North and South combined) is about the size of New Mexico and has a population of about 32 million. Yet, by March 1966 we were dropping 50,000 tons of bombs per month—mostly in the South. This is greater than the average monthly tonnage dropped during World War II in the European and African theaters combined. But, by March 1967 the rate had increased to exceed that of the peak year of World War II.

See Sec. McNamara's testimony, NYT, Apr. 21, 66, p. 18; Aviation Week, Jan. 30 67, p. 25, or James Reston, NYT, Mar. 16, 67, p. 9.

"Our burdens are heavy and will grow heavier. But the Bible counsels that we 'be not weary in well-doing.'"

Lyndon Johnson, Feb. 16, 66, DS Bull, Mar. 7, p. 364.

"In the children's ward of the Qui Nhon provincial hospital I saw for the first time what napalm does. A child of seven, the size of our four-year-olds, lay in the cot by the door. Napalm had burned his face and back and one hand. The burned skin looked like swollen, raw meat; the fingers of his hand were stretched out burned rigid. A scrap of cheesecloth covered him, for weight is intolerable, but so is air. His grandfather, an emaciated old man half blind with cataract, was tending the child. A week ago, napalm bombs were dropped on their hamlet. The old man carried his grandson to the nearest town . . ."

Martha Gellhorn, Ladies' Home Journal, Jan. 67, p. 108. See also Wm. F. Pepper, Ramparts, Jan. 67; R. E. Perry, M.D., Red book, Jan. 67; Robert Sherrod, Life, Jan. 27, 67; or David McLanahan, Sat. Review, Mar. 25, 67.

"'If they weren't V.C. what were they doing out of their area?' an American colonel justified (an air strike). He was from Denver. What was he doing out of his area?"

Nelson Algren, The Critic, Feb.-Mar. 67, p. 24.

"It is our policy to bomb military targets only."

Lyndon Johnson, Mar. 15, 67, DS Bull, Apr. 3, p. 536.

"The Air Force was dropping a variety of CBU's (cluster bomb units)—anti-personnel devices that explode over a large area, hurling shrapnel and even droplets of jellied napalm that sears into the flesh and cannot be rubbed off. The jelly must be cut out quickly with a knife."

UPI, Albuquerque Journal, June 12, 66. p. A-1.

"The FACs (forward air controllers) favor CBUs for 'recon by fire' missions. They call in a fighter to cruise along a highway or canal, dropping CBUs . . . If you see people break out and run in front of the plane, you've officially flushed some VC. You then call in a Huey or two and wipe them out . . .

"Another FAC . . . had been ordered to direct artillery against a village because 'three VC were reported there this morning.' He got over the village, he said, and looked down and all he could see were men, women and children walking around. He radioed back to the Arvins (Army of South Vietnam) . . . and told them he didn't see anybody who resembled a VC but that there were civilians in the village. Did the province chief really want this place hit? They radioed back that the province chief did, and to send the coordinates."

Frank Harvey (in the Mekong delta), Flying, Nov. 66, pp. 54–57.

". . . this fighting could be brought to an end very quickly indeed—very quickly indeed if the North Vietnamese were prepared to keep their armed forces at home and leave their immediate neighbors alone in Laos and South Viet-Nam. It's just as simple as that."

Sec. Rusk, Jan. 31, 67, DS Bull, Feb. 20, p. 275.

But 90 to 95% of the people we have killed or wounded in South Vietnam have been southerners. Some of the most devastating U.S. "search-and-destroy" operations in 1967 were carried out in the Mekong Delta and the "Iron Triangle" to destroy native South Vietnamese resistance.

U.S. statistics indicated more than half a million "enemy" killed, wounded, or captured from 1960 through June 1967 (plus civilian casualties). Yet Sec. McNamara's estimates of North Vietnamese soldiers entering the South during this period totaled at most about 110,000 of which 60,000 were still active. Compare "Why Vietnam," p. 20; NYT, Feb. 8, 67, p. 2; and J. T. Wheeler (AP), Albuq, Jour., July 9, 67, p. A–5.

"The four villages—Bensuc, Rachbap, Bungcong, and Rachkien—have in fact already ceased to exist. As they left, weeping, many of the women saw their homes put to the torch or bulldozed flat . . . 'I was very poor in my village, but I didn't mind that,' said Mrs. Le Thi Tau, 24, who is pregnant with her second child. 'I wanted to stay. Last week the fish-shaped planes flew over our fields. My husband didn't know what they were. He stood up and they shot him down and killed him. I wish I had stayed and got killed, too . . .'"

Tom Buckley, Jan. 15, 67, NYT, Jan. 16, p. 9. For a more complete account of this operation, "Cedar Falls," see Jonathan Schell, The New Yorker, July 15, 67, pp. 28 ff.

"As battle rages, we will continue as best we can to help the good people of South Vietnam enrich the condition of their life . . ."

Lyndon Johnson, July 28, 65, Why Vietnam, p. 7.

WHAT DO THE VIETNAMESE WANT?

". . . in Vietnam we are there to help the people and their Government to help themselves . . . The United States would never undertake the sacrifice these efforts require if its help were not wanted and requested."

Lyndon Johnson, Aug. 12, 65, NYT, Aug. 13, p. 1.

". . . the military junta in Saigon would not last a week without American bayonets to protect it."

Neil Sheehan, NYT Magazine, Oct. 9, 66, p. 140. This may be an exaggeration. Diem apparently lasted ten days.

"We find ourselves supporting a government of mandarins with little basis of popular support fighting for an army that has little inclination to do its own fighting."

Robert Sherrod, Life, Jan. 27, 67, p. 24.

"Desertions from the South Vietnamese army are running at the rate of 10,000 a month and are expected to total more than 400,000 by the end of the year."

Peter Arnett (AP), Albuquerque Jour., Sept. 17, 67, p. A–1. See also Jim Lucas (S–H), Albuq. Trib., Oct. 13, 66, p. F–5.

"I believe it is better to give to the American troops more of the mission of heavy fighting and more to the Vietnamese troops the mission of pacification."

Pres.-elect Thieu, Sept. 10, 67, AP, Albuq. Jour., Sept. 11, p. A–1.

"A survey of public opinion in South Vietnam . . . reported yesterday that 81% of those questioned want peace above all else. Only 4% listed victory over communism . . . The poll was organized by the Opinion Research Corporation of Princeton . . . for the Columbia Broadcasting System . . ."

AP, Gazette & Daily (York, Pa.), Mar. 22, 67. The result on this question was censored from the Saigon Post (Mar. 23, p. 1) and voluntarily omitted by most U.S. papers.

"Administration claims 5,188 South Vietnamese hamlets, with a population of eight million, are now under government control . . . But among the eight million, not all are friendly or even fully 'pacified.' U.S. officials put them in three categories: friendly (201 hamlets with 600,200 population), pacified (1,895 with four million people), and protected (3,092 with 3.5 million)." (Emphasis added.)

S-H weekly size-up. Albuq. Trib., Nov. 18, 67, p. A–1.

"If this is simply invasion from the North, why do we have to 'pacify' its victims in the South? Who ever heard of having to placate a people saved from aggression? Did we have to pacify Paris after driving the Germans out?"

I. F. Stone's Weekly, May 8, 67, p. 4.

COMMITMENT AND ESCALATION

"Three Presidents—President Eisenhower, President Kennedy, and your present President—over 11 years, have committed themselves and have promised to help defend this small and valiant nation."

Lyndon Johnson, July 28, 65, "Why Vietnam," p. 5.

"There is going to be no involvement of America in war unless it is a result of the constitutional process that is placed upon Congress to declare it. Now let us have that clear."

President Eisenhower, Mar. 10, 54, NYT, Mar. 11, p. 1.

"Under Eisenhower 700 military advisers were sent to Vietnam . . . Although Dulles and Admiral Radford wanted Eisenhower to save the French at Dienbienphu in 1954, Eisenhower refused. He considered the French position already lost, did not relish sending Americans to Vietnam to save and prolong the French colonial regime."

Parade, Dec. 26, 65, p. 2, Alb. Jour. See also Chalmers M. Roberts, The Reporter, Sept. 14, 54. In Gettleman, pp. 96–105.

"Some others are eager to enlarge the conflict. They call upon us to supply American boys to do the job that Asian boys should do. They ask us to take reckless action which might risk the lives of millions . . . Moreover, such action would offer no solution at all to the real problem of Viet-Nam. . . . Our firmness at moments of crisis has always been matched by restraint—our determination by care . . . and I pledge you that it will be so long as I am your President."

Lyndon Johnson (the peace candidate), Aug. 12, 64, DS Bull, Aug. 31, pp. 299, 300.

Then, after winning the election, Mr. Johnson escalated the war and said that the voters had given him "a direction" and that he had been "chosen by the American people to decide:"

"It was only 20 months ago that the people of America held a great national election and the people of 44 states of this union . . . gave me a direction and voted me a majority for the Presidency of this country . . . there is only one that has been chosen by the American people to decide."

Lyndon Johnson, June 30, 66, Vital Speeches of the Day, July 15, p. 582. This portion not in DS Bull, July 25, p. 119.

But it is now known that President Johnson had already planned the escalation of the war, even while he was denouncing Senator Goldwater as "reckless:"

In May 1964, Rep. Melvin R. Laird (R., Wisc.) revealed that Sec. of State Rusk had informed him of plans to carry the war to the North. Johnson gave a circuitous denial: "I know of no plans that have been made to that effect."

NYT, June 3, 64, pp. 3 and 25.

The testimony of Aug. 6, 1964 before the Senate Foreign Relations Committee on the Tonkin Gulf resolution was finally released—heavily censored—by the Administration on Nov. 24, 1966. Even what was left gives a fair idea of the planning and provocation which preceded the alleged Tonkin Gulf incident.

See I. F. Stone's Weekly, Dec. 5, 66, pp. 3, 4.

And, on Nov. 1, 1967, President Johnson admitted that as early as May 1964 he was considering the desirability of asking Congress "to join with us in deterring aggression."

NYT, Nov. 2, p. 16. For earlier evidence see Charles Roberts, LBJ's Inner Circle, Delacorte, 1965, pp. 20–22; and NYT editorial, May 20, 66, p. 46.

TOWARD WAR IN CHINA?

"A hostile China must be discouraged from aggression."

Lyndon Johnson, July 12, 66, DS Bull, Aug. 1, p. 161.

We have 500,000 troops in Vietnam. But (thus far) the Chinese have sent none and are not preparing to do so:

"I can tell you that we do not have present indication that they (the Chinese) are disposing their forces for a significant intervention in these border areas."

Sec. of State Rusk, Sept. 10, 67, DS Bull, Oct. 2, p. 415.

Of course "if 500,000 Communist Chinese troops were within 400 miles of the borders of the United States, say, in the southern part of Mexico or somewhere in Canada, and they started moving toward the borders of our country, we certainly would react very strongly, without worrying too much about whether we were wrong or right."

Sen. Thurston Morton (R. Ky.), CONGRESSIONAL RECORD, volume 113, part 10, page 12581.

"A misguided China must be encouraged toward understanding of the outside world and toward policies of peaceful cooperation."

Lyndon Johnson, July 12, 66, DS Bull, Aug. 1, p. 161.

"Two U.S. Navy jets were shot down Monday over China as American airplanes raided within six miles of Hanoi . . . The Pentagon announcement . . . was the fifth admission this year that U.S. planes might have intruded into Red Chinese air space."

UPI, Albuquerque Journal, Aug. 22, 67, p. A–1.

Question. "The President has now directed planes to bomb targets within seconds of the most populous nation on earth. Do you think that the President should seek authorization of the Congress to undertake such provocation to run such risk of war between the largest industrial nation and the most populous nation in the world?"

Under Sec. of State Katzenbach: "No."

Nicholas Katzenbach, Aug. 17, 67, NYT, Aug. 18, p. 14.

"(Congress was) given specific assurance that the Tonkin Gulf resolution was not intended to grant the unlimited sanction which, stretched to their ultimate, the words could be taken to convey . . . For the President to take advantage of the restraint and responsibility of Congress in this situation has been, I think, highly irresponsible."

Sen. Clifford Case (R., N.J.), CONGRESSIONAL RECORD, volume 113, part 20, page 26700.

"As I have repeatedly made clear, the United States intends no rashness, and seeks no wider war."

Lyndon Johnson, Aug. 5, 64, urging adoption of the "Tonkin Gulf" resolution, DS Bull, Aug. 24, p. 262.

"Your daddy may go down in history as having started World War III . . . You may not wake up tomorrow."

Lyndon Johnson, June 29, 66, to daughter Luci after ordering the first raids close to the heart of Hanoi and Haiphong, Wash. Post, May 12, 67, p. C–1. Also NYT, May 13, p. 1.

GHETTOS AND CAMPUSES

Mr. BYRD of West Virginia. Mr. President, two very sensible editorials appeared in Monday's Wall Street Journal dealing with two of the most difficult problems our Nation faces—the racial problem and the breakdown in properly constituted authority.

The first editorial, "Guilt by Verbal Association," puts the widespread improper use of the word "ghetto" into sharp focus, quoting Malcolm Muggeridge on the subject of the almost universal effort in America at present to equate Negro slums with real ghettos as they existed in Europe.

No one in this country, Mr. President, is locked up in a slum, as the use of the word "ghetto" implies. Anyone who has the ability and who is willing to make the effort can leave the slums, although he could not have left the ghetto.

The second editorial, entitled "A Better Example," draws a sharp comparison between what happened at Columbia University and the University of Denver as the result of student uprisings. Columbia caved in, while Denver stood up to the challenge, properly asserted administrative authority, and restored the rule of law quickly.

I have the highest respect for the way those charged with responsibility reacted at Denver. I am appalled by what happened at Columbia.

Mr. President, I ask unanimous consent that the two editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

GUILT BY VERBAL ASSOCIATION

That felicitous writer, Malcolm Muggeridge, is justifiably unhappy at the way other members of his craft (and practically everyone else) are misusing the word "ghetto" in connection with race relations. His remarks are worth noting, and not just because of the fate of one small word, although that too has significance as a symptom.

"I agree with Orwell," the former editor of Punch recently wrote the New York Times, "that the maintenance of the true meaning and correct usage of words is one of the essentials of civilization, and requires our constant vigilance. Already words like 'liberation' and 'love' have become so corrupted that one scarcely dares to use them any more.

"Nor should we forget that in the days of the wartime alliance, in all the weightiest organs of Western opinion, Stalin's Russia was invariably included among the 'freedom-loving powers.' In England at this moment we are paying—and bitterly—for indulging in the linguistic pretense that we had set up a 'multiracial commonwealth' when no such thing existed. . . ."

As to "ghetto" itself, Mr. Muggeridge makes these comments:

"No sane person, I think, will wish to contradict me when I say that the ghetto, as it existed in Imperial Russia and Poland, cannot be equated with, say, Harlem today. In some respects conditions were worse, in some better; they were in no wise the same. . . .

"By equating Negro slums with a ghetto, on the one hand white racialism—in itself bad enough in all conscience—is associated with the additional horrors of Nazi anti-Semitism. On the other hand the white bourgeois champion of the Negro can see his wrongs in terms of pogroms and other distant and remote wickednesses, rather than of nearby and present social and economic inequalities."

Not only is the racial picture thus doubly distorted. In addition, the very real progress that a great many Negroes have made over the years tends to get submerged.

We realize that it is considered Pollyannaish or worse, in these days of white breast-beating, to speak of Negro progress. Yet the simple fact is that a large Negro middle class and a smaller upper class do exist; Negro publications themselves stress the rewards to businessmen of appealing to the Negro market. And this fact, along with the undeniable poverty and other ills that many suffer, is surely an important part of the whole story.

Negroes, in short, are not locked up in ghettoes in the customary connotation of the term. If a man is born in a slum, he is able to leave it, and the proof is that considerable numbers of Negroes are doing so all the time.

It should also be mentioned that the special characteristic of largely Negro areas in the past 15 years or so is not that they are uniformly grim (Harlem certainly is not). It is that slum conditions have been hugely aggravated by an invasion, the in-migration of millions of unskilled, little educated people from rural regions. Had that not occurred, it is a safe bet there would be less denunciation of ghettoes today.

Far from fencing in anybody in a ghetto, American society has tried hard to provide equal opportunities for Negroes as well as all other citizens. Our courts, our laws, the mass of public opinion, all are on the side of Negro advancement. Maybe a little credit is due, considering that the difficulties of economic improvement and genuine integration are imposing indeed. A society running ghettoes doesn't even try.

It is inadequate so far, of course; that is universally acknowledged. More than acknowledged, white people are doing things about it on their own, quite apart from the legal structure.

Increasingly they are endeavoring to involve themselves personally, somehow, in Negro problems. Business enterprises plainly are doing it, especially in the concrete sense of making a concerted effort to furnish more jobs for Negroes. Some of the efforts will be unavailing, but a people generally afflicted with a ghetto mentality would not be reacting in this fashion.

The usage and meaning of certain words almost inevitably do change with time, and the process is not always bad. What is at least unfortunate is when words are falsified in order, as Mr. Muggeridge observes, to make them serve political ends.

A BETTER EXAMPLE

Columbia University provided one example of how to handle student demonstrations: Vacillate for a week. Finally call in the police to evict demonstrators from the buildings they hold for ransom. Resume vacillating. Call off classes for the rest of the academic year and suggest instead that students meet with professors for meditation and such.

Fortunately, a better example comes to hand from the University of Denver. Some 40 students seized the registrar's office there to support the inalienable right to change student election rules without bothering with the formalities for doing so spelled out in the student constitution.

The University dismissed the demonstrators on the spot, had them arrested for loitering and obstruction when they refused to leave, and forthrightly explained its actions afterward. Or anyway, its public relations office is sending around the remarks of Chancellor Maurice B. Mitchell. Some of them bear repeating.

"In the simplest language in which I can put it, the time has come for society to take back control of its functions and its destiny. If we condone the abandonment of the rule of law in the university, we have no right to expect those who attend it and later move into outside society to conduct themselves in any other manner.

"There is the assumption on the part of some disaffected students at the university that it is immoral for them to tolerate conditions not of their liking, and that they have some sort of moral obligation to engage in acts of defiance and violence. There is no way to prevent this, but there is every reason to hold those who engage in such practices fully responsible for the consequences of their acts.

"To those who insist that improper activities are the only answer to their problems, I have replied that the decision to engage in such activities carries with the full responsibility to accept punishment; and punishment on this campus under these circumstances and for such acts is going to be instant and sufficient to the cause."

Denver is one university, we venture to predict, not likely to be reduced to ending classes and substituting the educational insights of a semester of handwringing.

AIR FORCE TO DUMP 10 MILLION GALLONS OF "POISON" ON SOUTH VIETNAM

Mr. HARTKE. Mr. President, the use of vegetation- and crop-killing poisons in Vietnam will more than double in fiscal 1969, according to plans, over that of fiscal 1968.

Originally stressed primarily in 1962 and 1963 as a jungle defoliant, we have more and more used chemicals as a form of warfare which can destroy crops and thus breed hunger in those so deprived of their nourishment. Of more than 17,000 acres treated in 1962 only 717 were cropland; and in 1963 the cultivated acreage destroyed dropped to only 297 out of more than 34,000 acres. But in 1964 the cropland destroyed was a fifth of the total, 10,136 acres out of 53,873. The 1965 operations destroyed nearly 50,000 acres, or more than half of the 95,000 acre total, in cultivated areas. The next year the total went on up enormously—more than seven times as many acres in 1966 as in 1965. Last year we destroyed in the first 9 months alone, more than 843,000 acres—nearly 10,000 acres a month; the 121,400 acres of cropland laid waste comprised more than 170 square miles of rice paddies, sweet potatoes, vegetables, and other crops.

But that was only 9 months of crop destruction. Now we are going to really step up the pace. Instead of the $38,800,000 being spent for these poison chemicals in fiscal 1968, in fiscal 1969 the Air Force expects to spend $70,800,000. That is more than three times the amount that the United States spends out of Federal funds on the help it gives for retarded children. It is quite possible that through deprivation of food sources and the hoped-for result of starvation or malnutrition, we are actually contributing to the mental retardation of Vietnamese children. Nor can our scientists tell us what the long-range effects of thus poisoning crops and soil will be, whether when peace comes it may still be impossible for some time to raise normally abundant or uncontaminated crops on this land; and it is land which forms the heart of the basically agricultural Vietnam economy.

By the end of this calendar year, if one projects the figures, the loss of cropland will total more than half a million acres, and the total of acreage treated with destructive chemicals will exceed three and a half million acres. Part of this doubtless covers more than one application to the same area in different years. Yet I would note that 3½ million acres is three-quarters of the total encompassed by the State of New Jersey, and about a twelfth of the entire area of South Vietnam. Note also that this is our ally, South Vietnam, which we are spraying, not North Vietnam. We do it for their own good, of course.

So great will be the demand in the next fiscal year, according to an Associated Press account published in the Washington Post yesterday, that there may be a shortage of lawn and garden weedkillers for use by homeowners.

Mr. President, I ask unanimous consent that the item referred to, titled "United States To Expand Defoliation in South Vietnam," may appear in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES TO EXPAND DEFOLIATION IN SOUTH VIETNAM

The Air Force is preparing to dump 10 million gallons of vegetation- and crop-killing poison over South Vietnam in the year beginning this July, officials say.

The move represents a broadening of the chemical warfare effort to strip jungle cover from and deny food to enemy troops operating throughout the South.

And it may result in a shortage of lawn and garden weed-killers used by American homeowners. Chemical producers last year were reported strapped just to keep up with defense orders.

Air Force officials told Congress last week the chemicals required for Vietnam operations in fiscal 1969 will cost $70.8 million, an increase of $24.9 over the fiscal 1968 figure.

In 1967 the Air Force bought $38.8 million in defoliants and herbicides to spray over enemy-held or enemy-used territory in South Vietnam.

Defense Department statistics give this breakdown of acres treated with defoliants and, in parentheses, acres treated with crop-killing chemicals:

1962—17,119 (717); 1963—34,517 (297); 1964—53,873 (10,136); 1965—94,726 (49,637); 1966—775,894 (112,678); 1967—January through September only, 843,606 (121,400).

THE FOOD STAMP PROGRAM

Mr. BYRD of West Virginia. Mr. President, I have introduced a bill to place the food stamp program on a legislative base which will permit it to more effectively contribute to the elimination of hunger in this country.

The bill would:

First. Extend the food stamp appropriation authority through 1972, instead of the scheduled termination next year.

Second. Eliminate specific monetary limitations on appropriations. The act now limits the fiscal year 1969 appropriation to $225 million which, I am informed, will not be enough to adequately finance the program.

Third. Provide the Department of Agriculture with flexible authority to deal with emergency situations or unanticipated increases in participation due to rises in unemployment.

Fourth. Require a report to Congress each January forecasting needs for the ensuing calendar year. Such reporting would be helpful to the Congress in examining annual budget requests and, at the same time, it could indicate if the emergency obligation authority would be needed.

Fifth. Eliminate the restriction on the use of section 32 funds to finance part of the food stamp program cost.

Section 32 funds are derived under section 32 of the act of August 24, 1935, which provides the Department of Agriculture with a permanent annual appropriation for the general purpose of expanding farm markets.

Section 32, which provides for this purpose annually an amount equal to 30 percent of the previous year's U.S. Customs receipts, also permits the Department of Agriculture a carryover of $300 million each fiscal year.

In its fiscal year 1969 budget, for instance, the Department will have about $900 million in section 32 funds. One-third, or $300 million, represents the carryover and the rest, $600 million, equals 30 percent of the customs receipts.

There has been some objection to freeing section 32 funds to finance such programs as food stamp and school milk, based, I understand, on the argument that such moneys should be reserved for the purchase of perishable commodities to offset large crop surpluses.

I wish to point out, however, that the Department of Agriculture plans to utilize only $370 million of the section 32 money available to it in fiscal year 1969.

That leaves more than $500 million, of which $300 million would be kept as carryover to fiscal year 1970 and in excess of $200 million would be returned to the Treasury Department.

In view of the fact that the Department of Agriculture already maintains a $300 million cushion against crop surpluses, I think it appropriate that Congress be authorized to decide each year in the appropriation process whether leftover section 32 funds could better revert to the Treasury or be utilized to help do something about the serious problems of hunger and malnutrition which confront some segments of our population.

I believe that the experience with the food stamp program since 1961 demonstrates that it is a practical and prudent approach to the food problems of the poor. It is not and does not pretend to be a pie-in-the-sky solution. Rather, it makes it possible for the poor to help themselves obtain a more adequate diet and to buy food they can afford before the Federal Government steps in to help.

I think that is a second approach. And I believe needy families think so too. Responsible leaders among the poor repeatedly say they do not want charity or handouts but that they want the kind of help that will help them break the cycle of poverty.

I am aware that some groups are critical of the food stamps. They say the regulations and policies are too rigid. They say that some poor people cannot afford the cost of stamps and that some families do not get enough assistance.

I believe these criticisms should be looked at objectively. If they are found to be justified, I hope that the Congress and the Secretary of Agriculture will want to move to correct such deficiencies.

But the bill I am introducing today is designed to help States and localities plan to effectively use the program to eliminate hunger. A 4-year authorization will remove the uncertainties the States now face about the future of the program. It will let the Congress consider year-by-year the funding level required—with an annual report to the Congress—to be received in January before work starts on appropriations.

If we are to do more to feed needy families there are but two alternatives.

We can authorize the Department of Agriculture to buy food and hand it out to poor families through State or locally operated distribution facilities; or we can move to expand and improve the food stamp program, the self-help approach that uses our efficient commercial food distribution facilities.

I think the food stamp approach is the infinitely superior program. And, this conclusion is based upon a very close and continuing look at both the surplus commodity and food stamp programs in my own State. Suffice it to say that West Virginia counties now have total participation in the food stamp program.

The food stamp program has come a long way in West Virginia since the first pilot program was inaugurated in my State in the summer of 1961.

In June of that summer, there were only about 29,000 persons in four counties participating in the program.

By March of this year there were 48 counties and 122,300 persons taking part and a few weeks ago the program was extended to all 55 of West Virginia's counties.

In fiscal year 1962, the total value of food stamps issued in the State was $2.8 million. But last year that total had climbed to $17.8 million and through March of this present fiscal year the stamp value already exceeds $18 million.

Mr. President, I cannot speak too highly of the food stamp program and what it has meant to many West Virginians and other Americans in need of assistance.

The program benefits a region's economy, as well as stamp recipients. Such groups as the West Virginia Retailers Association have spoken highly of the stamp program because it benefits merchants, too—something which surplus food distribution cannot do. I believe the food stamp program is, without question, one of the better programs now operating in this country. I ask Senators to join me in support of the program and this vital legislation I have introduced.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The **PRESIDING OFFICER.** Is there further morning business? If not morning business is concluded.

NATIONAL GALLERY OF ART

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1098, S. 3159.

The **PRESIDING OFFICER.** The bill will be stated by title.

The **ASSISTANT LEGISLATIVE CLERK.** A bill (S. 3159) authorizing the trustees of the National Gallery of Art to construct a building or buildings on the site bounded by Fourth Street, Pennsylvania Avenue, Third Street, and Madison Drive Northwest, in the District of Columbia, and making provisions for the maintenance thereof.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Trustees of the National Gallery of Art are authorized to construct on the area reserved in section 1 of the "Joint resolution providing for the construction and maintenance of a National Gallery of Art", approved March 24, 1937 (50 Stat. 51; 20 U.S.C. 71); that is, the area bounded by Fourth Street, Pennsylvania Avenue, Third Street, and Madison Drive Northwest, a building or buildings to serve as an addition or additions to the National Gallery of Art: *Provided, however,* That costs of such construction shall be defrayed from trust funds administered by such Trustees: *And provided further,* That the plans and specifications for such building or buildings shall be approved by the Commission of Fine Arts and the National Capital Planning Commission.

SEC. 2. Upon completion, the building or buildings erected pursuant to section 1 hereof shall be incorporated into and become a part of the National Gallery of Art, and all provisions of the "Joint resolution providing for the construction and maintenance of a National Gallery of Art", approved March 24, 1937 (50 Stat. 51, 20 U.S.C. 71 et seq.), shall apply to such building or buildings, to the site referred to in section 1 hereof, and to the activities of the National Gallery of Art carried on in such building, or buildings, and site to the same extent as they apply to the original National Gallery of Art Building and its site and to activities carried on therein.

SEC. 3. All provisions of Public Law 206 approved October 24, 1951 (65 Stat. 634, as amended, 40 U.S.C. 193n et seq.), shall apply to the building or buildings constructed pursuant to section 1 hereof and to the site referred to in section 1 hereof which shall for such purpose be held to extend to the line of the face of the south curb of Pennsylvania Avenue Northwest, between Fourth Street and Third Street Northwest, to the line of the face of the west curb of Third Street Northwest, between Pennsylvania Avenue and Madison Drive Northwest, to the line of the face of the north curb of Madison Drive Northwest, between Third Street and Fourth Street Northwest, and to the line of the face of the east curb of Fourth Street Northwest, between Pennsylvania Avenue and Madison Drive Northwest.

SEC. 4. The Commissioner of the District of Columbia is authorized to transfer to the United States such jurisdiction as the District may have over any of the property delimited in the first section of this Act.

SEC. 5. In the event any privately owned or publicly owned utility located in the area delimited in the first section of this Act is required to be relocated or protected by reason of the construction on such area of any addition to the National Gallery of Art, such relocation or protection shall be at the expense of other than the District of Columbia.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1098), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE BILL

Section 1

Authorizes the Trustees of the National Gallery of Art to construct a building or buildings on the site previously reserved for such purpose by section 1 of Public Resolution No. 14, 75th Congress, approved March 24, 1937 (50 Stat. 51; 20 U.S.C. 71), that is, in the area bounded by Fourth Street, Pennsylvania Avenue, Third Street, and Madison Drive NW., to serve as an addition or additions to the National Gallery of Art: "*Provided*, That the costs of such construction shall be defrayed by private trust funds administered by such Trustees: *And provided further*, That the plans and specifications for any building or buildings shall be approved by the Commission of Fine Arts and the National Capital Planning Commission."

Section 2

Incorporates into the National Gallery of Art, on completion, the building or buildings constructed pursuant to section 1, and makes applicable to such building or buildings and the site on which they are erected the provisions of Public Resolution No. 14 to the same extent as they apply to the original National Gallery of Art Building, its site, and the activities carried on therein.

Section 3

Makes applicable to the new building or buildings and the site on which the same are constructed the police and other powers presently applicable to the National Gallery of Art and its site by the provisions of Public Law 206, approved October 24, 1951 (65 Stat. 634, as amended, 40 U.S.C. 193n et seq.).

Section 4

Authorizes the Commissioner of the District of Columbia to transfer to the United States such jurisdiction as the District may have over the property described in section 1.

Section 5

Provides against charging the District of Columbia with any cost for the relocation or protection of any privately or publicly owned utility located in or on the area described in section 1, should the same be necessary in the course of construction of any addition to the National Gallery of Art.

THE NEED

In the relatively short period of its existence, the National Gallery of Art has grown into, and is generally recognized, as one of the foremost art galleries in the world. Its collection and the educational services offered the public can no longer be housed adequately in the present building if its collection and its services are to grow and contribute to the cultural heritage and development of the people of the United States. The new building will provide additional exhibition space, room for a Center for Advanced Studies in the Visual Arts, and will facilitate the expansion of the Gallery's Extension Services to the schools of the Nation. It will also free additional space in the preseint building for exhibition purposes inasmuch as it is intended that certain administrative functions now being carried on in the present building will be transferred to the new building.

GENERAL STATEMENT

The late Andrew W. Mellon, in 1937, gave to the Nation a building and his magnificent collection for a National Gallery of Art. At the time of this gift he, President Roosevelt, and the Congress all foresaw that the Gallery would one day need to expand. Therefore, Public Resolution No. 14 of the 75th Congress, approved March 24, 1937, after providing for the acceptance of Mr. Mellon's gift and for the site on which the Gallery was to be erected, further provided that an adjoining area, bounded by Fourth Street, Pennsylvania Avenue, Third Street, and Madison Drive NW., be reserved as a site for future additions to the National Gallery of Art.

The Board of Trustees of the National Gallery is of the opinion that expansion of its facilities is necessary and desirable at this time, and that this expansion should be implemented through the construction of an additional building on the reserved site. With this in mind, the children of Andrew W. Mellon, namely, Mr. Paul Mellon, who is President of the National Gallery, and Mrs. Ailsa Mellon Bruce, in October of 1967, made an unrestricted gift to the Gallery of securities and cash, valued at approximately $20 million. This wonderful gift, together with other funds now available to the Gallery, is ample to cover the cost of the additional building; therefore, it will be constructed without cost to the taxpayers.

This addition to the National Gallery of Art will not only permit the Gallery to expand its Extension Services, which already reach some 3,000 communities throughout the 50 States, but will also house a Center for Advanced Study in the Visual Arts. The Trustees hope that the Center will serve as a meeting ground for teachers and scholars from all over the world. The stipends of Members of the Center and of the participants in its fellowship program will be met from private funds administered by the Trustees.

COMMITTEE VIEWS

In reporting S. 3159, the committee recognizes not only the need for a new building on the part of the National Gallery of Art, but also the outstanding generosity on the part of two of our citizens which makes the construction of the new building possible, without requiring the expenditure of publicly appropriated funds. The committee urges the enactment of S. 3159.

COST

This legislation authorizes no expenditure of public funds for site preparation and construction purposes. However, after the building is completed the Federal Government will be required to pay all operating and maintenance costs the same as it now does for the present National Gallery of Art Building.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, if the distinguished Senator from Arkansas [Mr. MCCLELLAN], who I understand has the floor, will yield to me, without losing his right to the floor, I would like to suggest the absence of a quorum.

Mr. McCLELLAN. I yield.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, the leadership has endeavored to contact the many Senators who have amendments pending at the desk. The amendments number somewhere between 40 and 60.

There seems to be a lack of enthusiasm on the part of almost all the Senators to offer their amendments; the result is that the Senate is operating on a happenstance basis. We are accomplishing nothing, but engaging in a lot of conversation. Simply stated we are avoiding the issues. I believe the Senate is being placed in a most embarrassing and awkward position.

Senators have engagements elsewhere. They say they are vitally interested in this bill, but the bill simply will not wait for their convenience. I would suggest to those Senators who have amendments, whether they are running for office or not, that they postpone some of their outside engagements, remain on the Senate floor to offer their amendments and have the issues considered and disposed of one way or the other. If they do not see fit to do so, it is the intention of the leadership to bring this bill to third reading at the earliest opportunity. We do not intend to allow the Senate to continue in the position in which it has been for the past 2 weeks.

So this is to serve notice that if sponsors of amendments do not think enough of their amendments to be on the floor to offer them and to let the Senate decide their merit, the leadership will have to take the bull by the horns, so to speak, and bring this measure to third reading at the earliest opportunity. We will not do so abruptly, of course, but we are serving notice and warning that this is the situation that confronts them and us and the Senate as a whole.

Mr. DIRKSEN. Mr. President, I do, indeed, concur and join with the majority leader in the sentiment which he has just expressed.

I have one amendment of particular significance, and I am prepared to offer it at any time. It was suggested that it be withheld for a little while because of certain considerations that were involved; but it will come along very shortly, I am sure.

My information is that 59 amendments are now pending. I did speak with some of our Members yesterday and urged that they come to the floor and offer their amendments and let us vote on them one way or the other. But I doubt whether we can go very much longer on this bill, because this is the third week.

Knowing, of course, what generally the adjournment target could be and ought to be, if it can be contrived, this is no way of advancing toward that target. So I am going to join with the majority leader, and, if at some propitious time it is possible to enter the motion for third reading of the bill, I believe it ought to be done.

Today at our policy luncheon I intend to notify all of our Members that somewhere along the line, if there is an opportunity, the motion for third reading will be made, and, if it is not objected to or if it is not challenged, we would go on with final passage of the bill.

Mr. MANSFIELD. Mr. President, I thank the distinguished minority leader. I am delighted that we see eye to eye on this particular matter. I hope what we have said will be taken to heart by those Senators who have amendments at the desk and that those amendments will be placed before the Senate as soon as possible for consideration and disposition.

Mr. McCLELLAN. Mr. President, as the coauthor of two titles of this bill which are controversial, I had hoped that amendments would be offered to these titles or that motions would be made to strike them, and that we could begin debating them and expediting them to a final vote.

I hope the leadership understands it is not the Senator from Arkansas, who is in charge of the bill, who is delaying action on these measures or on these amendments. I stand ready and willing to proceed until someone is ready to offer the amendments. I am ready for the amendments to be offered.

I think this is an important bill and every Member of this body who desires to do so should have the opportunity to discuss the overall merits and also to discuss, if he chooses, any amendment that may be offered.

This is an important bill and it should not be rushed through. However, I think we have given Senators ample time to study it and arrange to offer such amendments as they feel should be made.

Let us move along. We are going to get out a crime bill of some kind; the Senate is going to pass this measure in some form. Some things may be deleted and some things may be added, but we cannot get provisions deleted, we cannot get provisions added, and we cannot get the bill passed until amendments are offered to accomplish that result.

It is not the manager of the bill on the floor of the Senate who is delaying the bill, although I have talked about it at some length and I intend to talk about it some more. It is not my purpose in so discussing the bill to delay action with respect to the adoption or rejection of amendments that will be proposed.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. MANSFIELD. Mr. President, as the distinguished minority leader said, we are in the third week in the discussion of this bill. I can vouch for the fact that the distinguished Senator from Arkansas during all that time has been on the floor of the Senate day in and day out. I can say the same thing for the distinguished Senator from Maryland [Mr. TYDINGS], who is interested in this bill—very vitally interested. He has been here and he has tried to work out arrangements by means of which the amendments could be considered and the bill brought to a final conclusion.

Mr. President, if Senators who have offered amendments are really interested in them, I would hope that they would come to the Chamber and have them considered. There is also a possibility of obtaining a time limitation on each amendment individually—that is apparently the best we can achieve on the disposition of amendments at the moment—so that something fruitful could be attained in the way of orderly action so we would not be too far behind schedule on our way to making the August 2 adjournment—a date which I would not bet on at the moment.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, I am persuaded that the anticrime provisions of S. 917 are supported by the vast majority of American people as well as by many learned members of the bar and bench.

As strong evidence of this, the National District Attorneys Association, representing about 2,500 prosecuting attorneys in America and Canada endorsed—by formal resolution—much of the substance of the pending crime control bill.

Mr. Patrick F. Healy, executive director of the National District Attorneys Association recently forwarded me copies of resolutions adopted at his group's midwinter conference. In his letter of transmittal, Mr. Healy said:

> The National District Attorneys Association representing approximately 2,500 prosecuting attorneys throughout America and Canada recently held their Mid-Winter Conference. A series of resolutions were passed at this Conference which we feel if implemented by legislation would greatly assist the prosecutor in the discharge of his difficult duties. We are enclosing a copy of these resolutions and we strongly urge that pending legislation be acted on without undue delay or legislation be considered which would give these proposals force and effect.
>
> I need not go into the breakdown of law and order in our society today. We feel that many of the philosophies being expressed by certain individuals and groups offer serious threats to our traditional concept of a society based on order and liberty.
>
> If we may be of any assistance to you we would be only too willing to cooperate in any manner.

I would like to read in its entirety, Resolution 2 adopted by these 2,500 prosecutors:

> MCCLELLAN AMENDMENTS
>
> *Be it resolved*, That the National District Attorneys Association in convention assembled hereby endorses amendments offered by United States Senator John McClellan to the Safe Streets and Crime Control Act (S. 917) as follows:
>
> 1. An amendment authorizing wire-tapping and electronic interception of communication pursuant to court order.
> 2. An amendment making voluntariness the test for admissibility of any statement, admission or confession.
> 3. An amendment restricting the jurisdiction of the United States Supreme Court to review certain decisions of state supreme courts.

Mr. President, I must say they were in error in giving me credit for amendment No. 3 to which they referred in their resolution. The distinguished Senator from North Carolina [Mr. ERVIN] is the author of that amendment which is incorporated in the bill by the Committee on the Judiciary.

Mr. President, I ask unanimous consent to have this letter from the National District Attorneys Association printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> NATIONAL DISTRICT ATTORNEYS
> ASSOCIATION,
> *Chicago, Ill., April 18, 1968.*
>
> DEAR SENATOR: The National District Attorneys Association representing approximately 2,500 prosecuting attorneys throughout America and Canada recently held their Mid-Winter Conference. A series of resolutions were passed at this Conference which we feel if implemented by legislation would greatly assist the prosecutor in the discharge of his difficult duties. We are enclosing a copy of these resolutions and we strongly urge that pending legislation be acted on without undue delay or legislation be considered which would give these proposals force and effect.
>
> I need not go into the breakdown of law and order in our society today. We feel that many of the philosophies being expressed by certain individuals and groups offer serious threats to our traditional concept of a society based on order and liberty.
>
> If we may be of any assistance to you we would be only too willing to cooperate in any manner.
>
> Very truly yours,
> PATRICK F. HEALY,
> *Executive Director.*
>
> Enclosure.

RESOLUTION 1: SAFE STREETS AND CRIME CONTROL

Whereas, the high incidence of crime in the United States threatens the peace, security and general welfare of the nation and its citizens; and

Whereas, the increasing rate of crime has undermined the confidence of citizens in going about their usual affairs and has impaired the freedom of the people of this country; and

Whereas, to prevent crime and to insure the greater safety of our people, law enforcement and criminal justice efforts must be better coordinated, intensified and made more effective at all levels of government; and

Whereas, the control of crime is primarily the responsibility of state and local governments; and

Whereas, additional funds are acutely needed by law enforcement and other criminal justice agencies of the state, county and city governments throughout the nation: Now, therefore, be it

Resolved, That the National District Attorneys Association urges the Congress to promptly enact legislation which will provide grants to state and local governments to assist them in up-grading their law enforcement capabilities.

RESOLUTION 2: McCLELLAN AMENDMENTS

Be it resolved, That the National District Attorneys Association in convention assembled hereby endorses amendments offered by United States Senator John McClellan to the Safe Streets and Crime Control Act (S. 917) as follows:

1. An amendment authorizing wire-tapping and electronic interception of communication pursuant to court order.
2. An amendment making voluntariness the test for admissibility of any statement, admission or confession.
3. An amendment restricting the jurisdiction of the United States Supreme Court to review certain decisions of state supreme courts.

Mr. McCLELLAN. During the past several days I have shared with my colleagues excerpts from communications I have received from people from all walks of life from all over the country who are concerned—and in some instances, frightened, frustrated, and outraged—over the menacing threat of lawlessness which currently imperils the very safety and internal security of our Nation.

Today's list is headed by the chief justice of the Supreme Court of Pennsylvania, John C. Bell, Jr., who writes:

> I enthusiastically endorse your attempts and your proposal to overturn recent Supreme Court decisions invalidating, on recently created technicalities made of straw, voluntary confessions which are made by brutal criminals. These technicalities which four Justices of the Supreme Court of the United States have declared to be unconstitutional, drastically weaken the protection of the law-abiding public from murderers, robbers, rapists and other dangerous criminals, and make a mockery of Justice.

I wonder whether the critics of the bill, particularly some of the liberal press in their editorials criticizing those of us who support the provisions, would say that this distinguished jurist is also making an attack upon the Supreme Court. I wonder whether they would say he wants to turn back to the time of the third degree methods of obtaining confessions. No, Mr. President, they would not say that about this distinguished jurist. Of course, he does not; and neither does anyone else. But this distinguished jurist, like many of them throughout the Nation, recognizes and will tell you, Mr. President, and tell me in private, that it is disgraceful what the Supreme Court is doing to this Nation of ours.

Mr. Rolland Truman, court commission, the superior court, Long Beach, Calif., writes:

> All of our law-abiding citizens, including innocent children, are indebted to you for your tireless efforts to swing back the pendulum of justice to at least a middle-of-the-road course so that our U.S. Supreme Court decisions will no longer be in favor of the criminals. Your two-fisted fighting leadership in this matter is greatly appreciated.
>
> May God bless you with success in having the Senate approve the controversial Title II of the Anti-crime bill.

The district attorney of the 20th judicial district of Louisiana sends me a copy of a letter he had addressed to a member of the other body in which he said:

> I am sick and tired of watching federal judges, on any flimsy pretext, toss out hard won state court convictions of desperate criminals, the magnitude of whose crimes and the certainty of whose guilt are beyond question, because of a seemingly paranoid obsession with "due process of law" and "civil rights."
>
> If Congress is really serious about wanting to do something about the soaring crime rate, it can begin by removing some of the shackles from local police, prosecutors and judges and placing them on the federal judiciary, beginning with the U.S. Supreme Court.

The writer of this letter, Mr. President, has been a prosecutor for the past 13 years, and prior to that practiced law and defended many criminal cases successfully. At that time, most criminal cases ended with the verdict of the jury and, certainly, with a decision by the State supreme court. But no, the prosecutor has to win before a jury, the State supreme court, the U.S. Supreme Court and then start all over running the gauntlet of every Federal judge within a hundred miles. No wonder the criminals never had it so good.

A Mr. Emmett Lawshe from New York writes:

> Is there anything that can be done to offset some of the laws which have come out of the Supreme Court—laws protecting the criminal and disregarding the rights of decent citizens?

From Jefferson City, Mo., Mrs. Robert Wilson writes:

> I would like to commend you on your Crime Control Bill. It is the first step that has finally been made in the right direction. I am sure it would pass if it were put to a vote of the people. I only hope that the Congress has the knowledge of how most of the people feel.

Mrs. Margaret Wallin, from Forsyth, Mont., writes:

> It is high time that the citizenry of our great land take cognizance of the need for a hard line in law enforcement.

Another New Yorker writes:

> In my lifetime I have seen a gradual erosion of the strength of America. In recent years this erosion seems to have accelerated. I hope we can at least arrest this drift [toward lawlessness] which could, in the end, destroy the country we love.

Mr. President, I have many other excerpts from letters received from many States. These are just a few selections. Some of the letters I have received are in tone and temper of the kind that I would not insert in the Congressional Record. The letters clearly indicate and, I think, convincingly, that there is a great distrust throughout the land regarding the Supreme Court decisions of today, which favor the criminals and disregard the rights of society.

When I say "Supreme Court decisions of today," I mean the 5-to-4 decisions which have overruled a century of precedents set by their predecessors, who acted upon and ruled upon identically the same issues and declared that the Constitution did not require all this pampering of criminals now being directed and enforced by the present Supreme Court.

There are many letters here that I could read. Let me mention the sources of some. One is from St. Louis; one is from Washington, D.C.; one is from a housewife in Idaho; another from a Pennsylvania businessman, and one from a citizen of Ohio. I do this for the Record so that it may reflect the letters come from all over the country.

Here is one from Oregon; another from California; from Indiana; from New York; from New Jersey; from Mississippi; from Miami, Fla.; from Baltimore, Md.; a citizen writes from Stilwell, Okla.; another one from Oklahoma; another from California; from South Carolina; another from Pennsylvania; another from Texas—on and on.

Mr. and Mrs. C. R. Mauldin from Prescott, Ark., write:

> We would like to see the Congress regain the powers to make laws with penalties stiff enough to discourage such crimes. The strength of the penalties controls the desire to do crimes.

An Ohio citizen writes:

> The majority of the public wonder "what goes" with our Supreme Court.
>
> More power to you! I am sure you have the encouragement of millions of U.S. citizens.

Another citizen writes:

> I want to congratulate you for your action in trying to push through the passage of a crime control bill, that would supersede several controversial Supreme Court decisions in regard to the High Court coddling criminals.

An Idaho housewife:

> I would like to commend you for your courage in pushing for Senate passage of a crime control bill that would supersede several controversial Supreme Court decisions. Many, many people are very much disturbed about some of the decisions that this court has handed down. I'm sure that this court is not expressing the will of the majority of Americans.

A Pennsylvania businessman, concerned about the recent Supreme Court 5–4 decisions, writes:

> I certainly hope you are successful in passing your Crime Control Bill, which would supersede some of the controversial Supreme Court decisions.

Another concerned citizen from Wisconsin writes:

> I congratulate you on your stand regarding the recent (deplorable) Supreme Court rulings, which are placing our country in the

> hands of the criminal element. It's time that someone does something about it, before the bottom drops out. Keep up the good work.

Here is one, Mr. President, that merely carries the AP writeup on my opening statement on S. 917, and written at the bottom is:

> Thank you, Senator McClellan.

A concerned citizen from St. Louis writes:

> By letting these black minority storm troopers determine the condition of the U.S., you are just encouraging disrespect of law and the representative form of political democracy.
>
> I say this permissive liberalism must stop to save the republic. Liberalism never meant anarchy. Not to FDR or Jefferson, or any sane man.

A citizen from Missouri writes:

> Our U.S. Constitution is in jeopardy, if they continue, coddling criminals and gangsters.

A group of Polish Americans from Chicago, concerned about the lawlessness in our country, write:

> We want to thank you for trying to do something about the lawlessness that is threatening to wreck America.
>
> We hope you create a real tough anti-crime law as God knows we really need it.

A Washington, D.C., man writes:

> For the first time in my life I have purchased a revolver, for both myself and my wife to have handy, and I blush with shame to record the fact in a nation of such progress and plenty as the United States.
>
> But what can the average, decent citizen do? Neither the police nor legislators take action—either being too few or afraid of losing potential votes from people who have shown themselves to be the scum of our society.

A citizen from Oregon writes the following about the lawlessness in our country:

> The U.S. has plenty of laws and it is time to enforce them regardless of race, creed, or color.

Mr. President, all of this mail has been on one central, overriding theme—lawlessness. Some of them express direct concern, or emphasize one or more aspects, of that scourge. The following group of letters, which I have excerpted, relate primarily to riots and/or the threatened march on Washington.

I received a copy of a telegram sent to the President from Athens, Ga., which states:

> Rev. Abernathy's threats are very much like Hitler's demands with threats of burning America unless his demands of government are met. Many threats and acts of treason, in my opinion. You have had ample proof in destruction. Will you act before it is too late?

One of my constituents writes:

> We, the working taxpayers who have to foot the bill for such destruction are quite unhappy about the over-ruling of our voices in regard to the present demand for the tax increase and we are especially displeased with an administration which while demanding more money would seem to more readily accede to the wishes of this lawless element than to we responsible citizens. Don't we have any rights????

A citizen of Oak View, Calif., exclaims:

> We will not be intimidated! We demand action, immediately!

I would like to quote this letter received from Brooklyn, N.Y., in its entirety:

> Washington D.C. is in serious danger from the poor peoples march on Washington. Hordes of negroes from all the large cities who have been taught to make Molotov Cocktails are in the March.
>
> These Negroes have been assigned to different areas of Wash., D.C. and the suburbs with instructions to toss Molotov Cocktails into thousands of homes and start fires in white areas—burn—burn and when the whites panic these blacks were instructed to shoot many down!
>
> I have [this] information from Negro friends.

Another citizen from New York writes:

> This cannot go on. Our government will have a white revolt on its hands unless something is done to help those who work.

A letter from Indiana states:

> Washington has been warned and it is time for action to prohibit these agitators from entering any city for the purpose of exciting a riot.
>
> This is another step toward an inevitable Revolution!

A man from New Jersey writes:

> I agree and support your decision to stop the "poor peoples" march on Washington. The mall is no place to pitch tents. I do not want the march and ensuing riots which will undoubtedly happen.

Another constituent writes:

> On the TV news tonight the report was given of your recommendation to the President concerning the supposedly "poor peoples" march. I agree completely with you that the President should give them warning that riots will not be tolerated, then be prepared to stop them.

A businessman from Rolling Fork, Miss., states:

> I just would like to commend you on the stand you have taken and what you had to say about stopping these riots. I am certain if the officials in Washington would do what you recommend we would not have these riots.

A Washington, D.C., businessman sent this telegram:

> As the owner of a downtown Washington business I have already felt the wrath of the riot. I implore the Government to do something to stop the rage of terror in our city when people have to live in fear, this is no longer a democracy.

An ex-marine from Miami, Fla., writes:

> We shall watch for the red glow in the sky and the smell of burning buildings being wafted down our way in a southerly breeze and by that token we shall be appraised that our beautiful city of Washington is being assaulted again by a militant minority.

A Virginia citizen states:

> We appreciate very much your noble efforts to restore the respect for law and order in Washington, D.C., and our country in general.

A housewife from Baltimore, Md., writes:

> As a law-abiding citizen, I am most concerned about the anarchy which may result from the Poor Peoples' March on Washington. I appreciate your stand.

A letter from a concerned real estate broker in Sioux City, Iowa, states:

> Let us bring law and order to the United States, a thing that we do seem to be lacking. I do not feel that any person is above the law and must answer to the civil authorities for their crimes. Under the guise of peaceful protest, however violent, we are witnessing larceny and the devastation to our cities with no respect shown for the rights of others.

A citizen of Stilwell, Okla., writes:

> Another thing that should not be tolerated in this country is the riots, the burning and looting and the killing. If this is not stopped soon the lawless element will take over and the country will have anarchy. What ever force that is necessary should be used to put down these riots because force is the only thing the rioters understand and respect. The riots will stop if enough force is used to put them down hard and fast. Lawlessness such as riots and looting must be put down with an iron hand or no man, woman or child is safe on the street or even in their own homes.

Another letter from an attorney in Oklahoma writes:

> Our compliments and appreciation *for your efforts* to warn of the dangers inherent in the so-called "Poor March", and to get the Executive branch to announce that the government "will not be subjected to intimidation, humiliation and disruption, and * * violence, rioting, burning and plundering * * will be promptly met with such force as may be necessary.

A citizen from Greenwood, S.C., plaintively asks:

> Why can't we have order in our country? Just what has gone wrong?

Another constituent from my State writes:

> A minority group's civil rights ceases to exist when they seek to use those rights to tear up the country that guarantees them those rights. The majority should rule in all things and the majority is tired of all this and it is up to your people in Washington to stop it legally before it becomes necessary to stop it in the streets.

A housewife from California writes:

> Thank you for your firm stand against letting our Nation's Capitol become a scene of violence and rioting. It is time our leaders show some backbone, and deal firmly with demonstrators who will stop at nothing unless their demands are met. Millions of honest, law-abiding taxpayers are getting sick of our money being senselessly wasted by destruction of our cities.

A housewife from Pennsylvania writes:

> This march from Selma to Washington, D.C. is a disgrace and a true American wouldn't do such a thing. They would be better off at home. Planting a garden and learning how to sweat for a good Cause.

Another Pennsylvanian states:

> I am in complete agreement with your views which were expressed in an interview with U.S. News & World Report. The government is going to have to stop the racial disturbances by enforcing the laws; and the attitudes of the President are going to have to change, if the United States of America is to survive as a great nation.

And still another Pennsylvanian writes:

> The Supreme Court is wrong letting criminals go free.

From Maryland I received a letter stating:

> I can say that I agree with you 100%. If the government would show more force instead of preaching restraint, we might have more peace in our cities.

From a Maryland housewife:

> Thanks for laying this problem on the line. Your ideas, observances, and solutions are refreshing; you bring out the hard work ahead to correct the problem—but how else are problems really solved, then to physically and mentally exert ourselves for the betterment of mankind.

From Arlington, Va., I received a letter from a lady about the District of Columbia riots:

> Traffic violators receive harsher treatment and punishment than those who took part in the riot. I cannot understand why our laws have been so dreadfully compromised . . . and for what?
>
> My final point is this. Abernathy demands a guaranteed income for people on welfare, better distribution of high ranking jobs, more negro owners of businesses, etc. In other words, an equal share for all: take from the rich and give to the poor. To me, this sounds frightfully close to communism. I think Abernathy and his crew should be made aware of the fact that this is a capitalistic country; not a socialist or communist country. In the United States the practice is that you work for what you get, you make your own breaks and if you can't make it on your own merit, then that's just too bad.

A businessman from Maryland writes:

> Frankly I am sick and tired of the idea that our government must do all . . . and I want to put in a plug for good salesmanship and the only function of government here is to guarantee the opportunity to be free to enter business, to manage and work creatively.

A Maryland housewife writes concerning riots:

> The police have to stand by and watch rioters and looters burn our cities and get konked on the head by stones and it's almost impossible for them to make arrests any more while crime keeps climbing then everyone they do arrest they get out on some small technical point scot free and do the same thing over.

A Washington, D.C., man writes the following about the Poor People's March:

> This march has certainly not been designed to "petition" the U.S. Government, but to intimidate and blackmail its leaders. If the march is allowed to take place as planned, it will certainly lead to disruption in the conduct of the affairs of the U.S. Government, will probably lead to violence, more looting and burning.
>
> The big majority of the colored people themselves don't want this to happen, but there are enough militants and malcontents, enough petty crooks, enough undisciplined teenagers, enough revolutionists, enough racists among them so as to take advantage of the slightest provocation to stir up real trouble.

From an Oklahoma businessman I received the following:

> Everyone with whom I talk hope that Senators and Representatives who feel as you do, together with a strong leader in the White House, will help put this nation back on the right track.

A California man writes:

> You are clearly stating what should be obvious facts regarding the rigid enforcement of law and order, and about the hopelessness of trying to solve all our problems by the massive application of money.

Three citizens from California write:

> We heartily concur with your thinking in this article and feel that if more of the public and law-makers felt as you do regarding law and order perhaps we could get back to sane thinking and not give in to the lawlessness that is now prevailing among certain groups of people in this country today.

Another Californian writes concerning the riots:

> I'm convinced that law enforcement is vital to our national survival. Looters, white or black, I think, must be warned what to expect, and let them know we mean business. And again I agree, this order should come from the top.

A Sacramento housewife writes the following about rioting:

> They openly threaten to burn this country down and they shoot our policemen in the back then demand the release of the killer.

Another California housewife, concerned about rioting, writes:

> We had better be realistic about our capabilities as a nation, and also about the capabilities of these marchers and rioters.

A high school teacher from New Mexico writes the following about the march:

> I agree with you that "Law and Order must be maintained at all cost."
>
> I would hope that Congress takes strong measures to insure our National Monuments and objects that men throughout ages have died to protect. This March on Washington should be stopped. I fear these bands of Revolutionaries will sack our Seat of Government.
>
> Sir, I fear that there is no end to this disorder. I hope that Congress will not be "Blackmailed" into pouring more money into useless and corrupt programs.

A citizen from Illinois writes concerning my comments on rioting:

> Your comments were well taken, and I agree with you. In fact, your words are almost like a candle in the darkness.

A couple from Oregon write:

> I am sure there are many, many people who agree with your views as I do.

From New Jersey I received the following:

> If we do not stop playing politics, the country is in for serious times.

A businessman from New York City writes:

> I am certain that you have the approval of the great majority of my associates.

An Arizona citizen writes simply on the crime bill:

> More power to you, sir.

From a man in Florida:

> I believe we are in deep trouble.

A businessman from Texas writes:

> Your discussion on riots in the recent U.S. News and World Report, I have no doubt, will be warmly applauded by every straight-thinking citizen who has the opportunity of reading it. Congratulations and keep up the good work you are doing. Your efforts are greatly appreciated by untold numbers of people.

A Georgia housewife writes the following about the rioting:

> I deeply feel that it is much later than we realize—as these groups have been working undercover for years. And riots in our streets are near the climax of their long-range plan—and anarchy.

From a Michigan housewife I received the following:

> We have read the U.S. News & World Report for May 6, 1968, and are extremely pleased with your interview!
>
> We are in agreement 100%, and thank you for giving the information to this magazine, so that many people in this country can read it.

A citizen from Tennessee writes:

> An engine has a governor on it. It's the governor's job to protect the engine from damaging itself. And that is just what our Government should be doing for the American public, the Government should be protecting us from ourselves.

A physician from North Carolina writes the following about the widespread rioting and disorder:

> Strict adherence to the law and strict enforcement of the law is the only solution to this problem, and the sooner it is initiated the sooner the problem will be solved. You are on the right track.

A Wisconsin housewife writes about the Poor People's March:

> Because of the great danger of riots and destruction of property, we heartily endorse the House Public Works Committee's vote to keep the poor people's march from using public property for shanty towns.

A citizen from Alabama states the following about the riots:

> As the son of immigrant parents I *know* that the answer for *everyone* in the U.S. is *not* riots but *hard work*. Hard work and determination can overcome all problems—*not* waiting for "free" handouts.

I do not believe there is a State in the Union I have not heard from. The selections here are only a few of the many.

Up to this hour, when I left the office this morning, I had received only five letters disagreeing with the position I have taken and am advocating with respect to title II of the bill.

I know that I should be receiving more letters than that in opposition to it. There is more opposition than that, but the very fact that these people are writing in from all walks of life and from every State in the Union complaining about the quality of justice being administered by the Supreme Court today clearly indicates that there must be something wrong, because our people have always had great reverence for the Supreme Court.

Since it has been referred to in debate—otherwise I would not refer to it—I remember the effort made to pack the Supreme Court, the so-called court-packing bill. I remember my opposition to it and that the people of my State were almost outraged because they felt that such an action would defile—if that is the right word—the Constitution, and that it would be an act in violation of the spirit of the Constitution.

But I do not feel that this effort here by due process of legislative power and following the authority vested in the Congress by the Constitution, to limit certain actions of the Supreme Court, in any way reflects upon or violates the Constitution. I regret that this effort is necessary, but in order to preserve justice and integrity of great precedents as the law of the land in this country it has become necessary to take this action. We have no alternative. When we vote on this issue on the floor of the Senate, we are going to aline ourselves either on the side of the Constitution, preserving it, maintaining it, honoring it, just as it was written and as it was intended to mean at the time it was written and as it had been interpreted for more than a century, down through the years, by the Supreme Court of the past, or we are going to unwillingly lend our support to the opposite view, which apparently is that the Supreme Court can, at its will and at its whim, based upon some sociological theory, say, "Well, no matter what the Constitution meant, we are going to give it another meaning today, and we are going to throw it out and overrule the past in order to establish our doctrine."

Mr. President, what has happened is actually tragic. This is the opportunity, and I hope this body and this Congress will seize upon this opportunity to prevent what has been happening and to try to reverse the trend and turn back the pendulum of justice, as someone said to me in a letter, to somewhere near a middle ground, which will make certain that society is protected, but that the guilty are convicted and punished.

Mr. MURPHY. Mr. President, first of all, I congratulate our distinguished colleague from Arkansas on his remarks. Insofar as my experience is concerned, he is certainly reflecting the opinion and the enthusiastic desires of the great majority of the people of my State of California.

AMENDMENTS NO. 740

Mr. President, I call up my amendments (No. 740) to S. 917, and ask that they be read by the clerk.

The PRESIDING OFFICER. The amendments will be read.

The assistant legislative clerk read the amendments, as follows:

> On page 107, between lines 4 and 5, insert the following new title:
>
> "TITLE V—CONFIRMATION OF THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION
>
> "SEC. 1001. Effective as of the day following the date on which the present incumbent in the office of Director ceases to serve as such, the Director of the Federal Bureau of Investigation shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate prescribed for level II of the Federal Executive Salary Schedule."
>
> On page 107, line 5, strike out "TITLE V" and insert in lieu thereof "TITLE VI".
>
> On page 107, line 6, strike out "SEC. 1001" and insert in lieu thereof "SEC. 1101".

Mr. MURPHY. Mr. President, the amendment is a very simple one. As a matter of record, it has been passed in this body on two occasions, but the House has refused to act on the amendment.

It provides, very simply, that the Director of the Federal Bureau of Investigation be hereafter appointed by the President of the United States by and with the advice and consent of the Senate.

This requirement would be effective whenever the present incumbent, Mr. J. Edgar Hoover, ceases to serve. Present law does not require that the Director of the Federal Bureau of Investigation, as important as this position is, be confirmed by the Senate.

Second, my amendment would continue the compensation of the Director of the FBI at the level 2 of the Federal executive salary schedule, which is currently in the amount of $30,000. Present law provides that the compensation of the Director would revert to level 3 when the incumbent resigns or ceases to serve.

Mr. President, the Federal Bureau of Investigation, unlike any other agency in the Government, has grown up under the personal guidance and under the leadership and tutelage of one man. I have had the great privilege of knowing him personally for over 40 years. I know of no man for whom I have more respect and regard. I do not know of any man who has served his country in greater degree than the present Director of the Federal Bureau of Investigation. In a very real sense, its organization and efficiency are a monument to the life work of J. Edgar Hoover.

When Mr. Hoover was appointed Acting Director of the Bureau of Investigation in 1924, the organization was in disrepute. It did not enjoy a very good reputation. Its condition at that time has been described by Joseph Kraft in Commentary as "a private hole-in-the-corner goon squad for the Attorney General. Its arts were the arts of snooping, bribery, and blackmail. It acted independently of the rest of the Government and without reference to other law enforcement agencies. Its agencies were political hacks and con men." That is the opinion of Mr. Kraft.

Mr. Hoover, however, after his appointment, moved very quickly to rid the investigating unit of its disrepute and of the objectionable practices and agents, and set about immediately on the task of professionalizing it.

Professionalize it, he did, until today the Federal Bureau of Investigation is possibly the most respected organization of its kind. It has about 6,500 agents in major cities across the Nation. Its name is synonymous with honesty and dependability and it enjoys the support and the confidence of the citizens of this great country. Its record could be recited in this Chamber from now until a month from now, and even then only the tops of its accomplishments would be covered. Its collection of fingerprints is the largest in the world. Its laboratories can identify the tiniest and most minute particles of evidence, and they have achieved a degree of expertise that is matched nowhere.

The FBI, in cooperation with State and local police authorities, is one of the most effective instruments for combating crime not only in the Nation, but in the entire world. Day after day, hour after hour, minute after minute, its dedicated public servants wage an unending war against crime, corruption, and against those individuals who seek to destroy the peace and tranquillity and safety of this great Nation.

Before accepting the position as Acting Director of the Federal Bureau of Investigation in 1924, Mr. Hoover rightfully insisted that the Federal Bureau of Investigation be divorced from politics and that the selection and promotion of Federal Bureau of Investigation agents be determined completely on the basis of ability. These conditions, first accepted by Harlan Fiske Stone, have been carefully observed and preserved—thank goodness—by every Attorney General, whether he be Republican or Democrat, since that time.

Most of this is common knowledge Mr. President, even to the average 12-year-old American boy. I may add that the great character of Mr. Hoover has been an inspiration to millions of American boys who have grown up, with him as an ideal that should be copied. It does serve to point up the fact that the Federal Bureau of Investigation is a tremendously important agency of the Government, with rather considerable resources at its command. And because of the unique way in which it grew over the years, under the personal authority and responsibility of J. Edgar Hoover, no provision has ever been made for the appointment of a future Director.

But J. Edgar Hoover, with 44 years of service with the FBI this month, will regrettably not be with us forever. I believe it is time for us, now, to give consideration to making provision for the appointment of future Directors of the FBI. It is time for Congress to make certain that it has a voice in the naming of subsequent Directors, for this work is not only vital to the welfare and security of the Nation, but to the entire world. I believe that the cumulative judgment of the Senate is quite necessary and quite proper in this selection.

Article II, section 2 of the Constitution empowers the President to nominate "by and with the advice and consent of the Senate, ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper in the President alone, in the courts of law, or in the heads of departments." Cabinet officers, the heads of major independent and regulatory agencies, and under secretaries and assistant secretaries of the executive departments, have traditionally been appointed by the President with the advice and consent of the Senate.

Logically, therefore the Director of the FBI should also fall into this category, for it is much too important a position to be included in the second classification where the Congress has no voice in his selection.

I have taken this much time of the Senate today to discuss my proposed amendment, not because it is so complicated—and it is not; it is very simple—but because I feel it is an important matter, that should be considered and resolved. Too often, these are the kinds of things that we let slip by until a crisis arises, and then sometimes we find we are without the authority that we need and properly should have.

Therefore, I hope my amendment will be adopted.

Mr. BYRD of Virginia. Mr. President, I am pleased to associate myself with the remarks just made by the distinguished Senator from California. It seems to me that the amendment which the Senator from California has offered today is an extremely important one, and one upon which the Senate should act favorably.

I do not believe in the theory of the indispensable man. I do not think any man is indispensable. But I am inclined to think that if there were any such thing as an indispensable man, the one who would come closest to fitting the description would be the present Director of the FBI, J. Edgar Hoover.

As the Senator from California has pointed out, Mr. Hoover cannot forever be Director of the FBI, and I think it is important, just as the Senator from California has stated, that the Senate give consideration now to what might happen in future years in regard to the directorship of the FBI.

Certainly there is no more important nor more powerful agency in the Government than the FBI. It has become important and powerful because of the character and integrity of Mr. Hoover, and the character and integrity of the men with whom he has surrounded himself over a period of years—the executives and agents of the FBI.

I believe it is vitally important to the liberties of the American people that the FBI continue in future years to demonstrate the same high principles and the same integrity that it has for so many years in the past; and unless subsequent Directors of that splendid organization are of the caliber of J. Edgar Hoover, I think citizens of our country may be in some danger of losing their individual liberties.

So if the Senate and the Government of the United States think that it is important that the Senate have the right to confirm, pass upon, advise, and consent to the selection of ambassadors—as the Senate did twice yesterday, in the case of Mr. Ball as Ambassador to the United Nations and that of Mr. Williams as Ambassador to the Philippines—then I think it is even more important that the Senate advise and consent as to who shall be the Director of the Federal Bureau of Investigation. As I have stated, Mr. President, I doubt that there is any more important position in our Government. I doubt that any office in our Government can have such a great effect on the lives of individual citizens as that of the FBI Director.

So I am pleased, today, to support wholeheartedly the amendment of the distinguished Senator from California to require that the name of any new appointee to the position of Director of the FBI be submitted to the Senate for confirmation. I congratulate the Senator from California upon offering this amendment.

Mr. MURPHY. I thank my distinguished colleague for his remarks. I am appreciative of his help. I know of his long interest and deep knowledge regarding the FBI and its performance.

Sometimes we think of the FBI as merely an organization of investigators and detectives. I wish that the great body of the American people would have the opportunity to know as much about the performance, the job that has been done, and the daily work that goes on across this great Nation, and the service to the people of the Nation of the FBI as we in the Senate have the opportunity to learn. Its record is so amazing. Here is a case where truth and actual facts are more amazing than fiction. People would find it difficult to believe.

Moreover, in these times when we hear so much about the cost of Government; yet the efficiency of the FBI's operation is so magnificent that I, in my humble way, cannot find words to express it. I think this is a most important issue, and I thank the distinguished Senator from Virginia for his remarks.

Mr. President, I ask for the yeas and nays on my amendment, for a most definite reason: Similar measures have heretofore been passed twice by the Senate As this bill leaves the Senate, I believe we should have a record of a yea-and-nay vote, so that a reflection of the feeling of this body might indicate to the House of Representatives in a strong voice just how strong the Senate's feelings are in this matter.

The yeas and nays were ordered.

Mr. MURPHY. Mr. President, I yield to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, on June 13, 1963, the Senate passed S. 603, which had the same purpose as the amendment now offered by my distinguished friend from California; namely, to require Senate confirmation for a successor to the present incumbent as Director of the FBI.

Incidentally, Mr. President, it was 44 years ago last Friday that J. Edgar Hoover accepted the job of Acting Director of what was then a very small and obscure Bureau in the Department of Justice. And he did so on condition that he would be divorced from policy, that he would not have to make it a catchall for political hacks, that appointments to the FBI would be made on merit, that promotions would be made on proven ability, and that the Bureau would be responsible only to the Attorney General. I think at that time Harlan Fiske Stone was the Attorney General, and he fully concurred. That is how the FBI started as a defendant investigatory agency.

In those 44 years, the Bureau has become indeed a monument to one man. It has grown in influence, and it has grown in power. It has grown in personnel. It has grown so far as its needs for funds were concerned, and it has virtually become worldwide in its operations because the Bureau has been able to cooperate with other territories and countries in matters involving crime.

It is a real testimony to J. Edgar Hoover. And he has stood by those ideals that he announced 44 years ago, from that day to this.

The Senate passed that measure, and it went to the House. But, somehow or other it foundered over there in the House Judiciary Committee. So, I made another try.

I introduced S. 313 on January 7, 1965. That measure was sponsored by the then Senator Simpson, of Wyoming, and me. It was very short, but it managed to pass the Senate on May 24, 1965.

That measure also went to the House Judiciary Committee, and it was referred to a subcommittee, the chairman of which was not exacty friendly to the idea. And, once more, this proposal foundered.

My interest was reexcited when the President was decorating a soldier in the Rose Garden at the White House. On that day, J. Edgar Hoover was an invited guest. And, in a very informal way, the President of the United States said that J. Edgar Hoover could remain as Director of the FBI, notwithstanding his age, so long as he was alive, so long as he was competent, and so long as he wanted to remain on the job.

I began to think about his successor. Over the years I have heard a number of names bruited about in the Capital. Some of them, of course, inspired some real apprehension in me because of the nature of the work of the FBI. I thought they simply would not do. But the appointment could be made, and nobody could stop it, because in the law there is no requirement that this position in Government require the attention and the confirmation of the Senate.

And so it is here now in connection with the crime bill. It is here very properly, because this is in a sense a kind of an omnibus crime bill dealing with wiretapping, with Supreme Court decisions, with grants, both planning and action grants, aggregating $500 million over the next 3 years to States and localities to cope with the ever-growing problem of crime and unsafe streets.

There are other provisions in the bill, and the pending amendment is at once appropriate and timely. I am delighted that the distinguished Senator from California has seen fit to offer it.

I could offer a lot of statistics as to what the FBI has done by way of fines, savings, and recoveries, which are well over $200 million a year, how it deals with organized crime, what it does in the domestic intelligence field, what it has done with respect to the operations of subversive elements in our country, and a host of other matters. But, to save time, Mr. President, I ask unanimous consent to have printed in the RECORD a memorandum referring to this matter.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM, MAY 14, 1968

To: Senator DIRKSEN.
From: Bernard J. Waters.
Subject: S. 313, FBI Director to be appointed by President and consent of Senate.

On January 7, 1965 you introduced S. 313, co-sponsored by Mr. Simpson, and it read as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective as of the day following the date on which the present incumbent in the office of Director ceases to serve as such, the Director of the Federal Bureau of Investigation shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate prescribed for Level II of the Federal Executive Salary Schedule."

This measure was passed by the Senate on May 24, 1965.

The introduction to the report you presented was as follows:

"The accomplishments of the FBI reached new highs in many categories in the fiscal year 1964. At the same time, investigative demands on the agency increased tremendously, Meeting the dual threats of subversion and lawlessness required the full, dedicated effort of the more than 14,300 FBI employees.

"A variety of important violations in the criminal field were handled by the FBI during the fiscal year. At the order of the President, a full inquiry was made into the tragic assassination of President Kennedy. Numerous civil rights cases received intensive investigation. A record number of violations of the Federal bank robbery statute occurred, and other crimes increased substantially.

"In coping with the increased numbers of Federal lawbreakers, the FBI conducted investigations which led to 12,921 convictions during the year, an increase of 105 over the previous fiscal period. This figure represented 96.5 percent of all persons brought to trial. Fines, savings and recoveries rose to $210,771,402, a new high. Included in this figure is the value of 19,856 stolen motor vehicles which were recovered in cases investigated by the FBI. This total sum amounted to a return of $1.43 for every dollar appropriated for the Bureau. The number of fugitives located by the FBI increased to 12,810, including 16 whose names had appeared on the 'Ten Most Wanted' list.

"The tightly knit ranks of organized crime continued to be targets of highly effective penetration by the FBI. Investigation in this field is concerned with the gathering of intelligence data and collection of evidence for prosecution. During the 1964 fiscal year 56 members of the organized mobs were convicted under interstate gambling and racketeering laws. FBI informants furnished valuable information regarding the organized underworld, and made tremendous contributions in other areas of the Bureau's responsibilities. Information furnished by informants which was of interest to other agencies was promptly disseminated. More than 187,000 items of criminal information received from informants and other sources were relayed by the FBI to appropriate authorities in the fiscal year.

"In the domestic intelligence field, the FBI continued to effectively counter the operations of various subversive elements. During the year, two Soviet nationals and two alleged Soviet illegal agents were arrested by the FBI on espionage charges. The Soviet nationals were released to return to Russia in exchange for an American citizen held in that country.

"FBI investigations of nationalistic organizations in Puerto Rico did much to forestall violence by these groups. In March 1964 the Bureau furnished information to the Puerto Rican police regarding a nationalist group which had committed a series of burglaries to obtain funds for the purchase of arms and supplies. Based on this information, the police arrested most of the members of this group and at year's end they were in prison or awaiting trial.

"The FBI kept appropriate Government agencies constantly informed regarding the activities of the Communist Party, USA, which stepped up its programs on all domestic fronts during the year. A close check was also maintained on the activities of numerous Communist front groups.

"In keeping with its emphasis on raising the professional level of law enforcement, the FBI participated in 4,163 police training schools during the fiscal year. These schools were attended by 117,275 officers. Two classes of officers were also graduated from the FBI National Academy, bringing the total number of graduates to 4,546.

"During the year, thousands of agencies availed themselves of the cost-free services of the FBI Laboratory and Identification Divisions. New records were set by the Laboratory with 200,119 specimens submitted and 257,060 examinations conducted. A record total of 20,270 fugitives were identified by the FBI Identification Division through fingerprint searches and, at year's end, that Division had 171,775 fingerprint cards in its files.

"An alltime high of 578,903 persons toured FBI Headquarters during the 1964 fiscal year."

Mr. DIRKSEN. Mr. President, I do not think there is any point in gilding gold or painting the lily. J. Edgar Hoover does not need it from me. His name is a household word, and it is a word for the underworld of this country to conjure with. His name is better known than the names of Senators, generals, Vice Presidents, and I could name a great many others.

But he has become an institution; and he is an institution because he has so constantly, so steadfastly, and so diligently followed the ideal that he set for himself long ago. In so doing, he became the No. 1 nemesis of the criminals of the country.

By placing it in the bill, this proposal will not get lost in the House Committee on the Judiciary, where it has foundered twice, because the bill has got to go to the White House for signature. The President wants it. When we put the proposal in the bill, our only job then will be to make certain that the Senate conferees will prevail in the conference and keep it in the bill.

So I give my heart and my hand most enthusiastically to the amendment and trust that it will be adopted.

Mr. MURPHY. Mr. President, I thank the distinguished minority leader. I am honored and pleased to have this association. Much of the credit for the amendment should go to the minority leader, the distinguished Senator from Illinois, who offered it in the first instance. He has led this fight in the past. He is an author of a similar bill in this Congress. I also believe that the distinguished senior Senator from Delaware [Mr. WILLIAMS] has introduced a bill on this subject. I do not see that any purpose would be served in prolonging the discussion. As I said, we could speak from now until next week, telling a most interesting and exciting story of the achievements of J. Edgar Hoover.

But one of the things that is overlooked—and I say this from personal knowledge—is the number of times that this great man, Mr. Hoover, has been offered opportunities to leave his position and go into industry, to make his fortune, to fill his bank account with gold, if you will. But that was not his interest. His interest was in the job he had started, the job he had done. He considered that it was his obligation to work for the welfare, safety, and peace of mind of the people of our great Nation, not only for the present, but for the generations to come, as well.

Mr. President, I ask that the amendment now be considered and that the Senate vote on it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Hawaii [Mr. INOUYE], the Senator from Utah [Mr. MOSS], and the Senator from West Virginia [Mr. RANDOLPH] are absent on official business.

I also announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Georgia [Mr. RUSSELL], and the Senator from New Jersey [Mr. WILLIAMS] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from New Jersey [Mr. CASE] is absent on official business.

The Senator from California [Mr. KUCHEL] and the Senator from Wyoming [Mr. HANSEN] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] is detained on official business.

The Senator from South Carolina [Mr. THURMOND] is absent on official business, attending a ceremony at the Pentagon in honor of James Elliott Williams, of Darlington, S.C., who is being awarded the Medal of Honor.

If present and voting, the Senator from Kentucky [Mr. COOPER], the Senator from Wyoming [Mr. HANSEN], the Senator from California [Mr. KUCHEL], and the Senator from South Carolina [Mr. THURMOND] would each vote "yea."

The result was announced—yeas 72, nays 0, as follows:

[No. 130 Leg.]

YEAS—72

Aiken
Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Griffin
Hart
Hartke
Hatfield
Hickenlooper
Hill
Holland
Hruska
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Lausche
Long, Mo.
Long, La.
Mansfield
McClellan
McGee
McIntyre
Metcalf
Miller
Morton
Mundt
Murphy
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Tower
Tydings
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—28

Case
Clark
Cooper
Fulbright
Gore
Gruening
Hansen
Harris
Hayden
Hollings
Inouye
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Magnuson
McCarthy
McGovern
Mondale
Monroney
Montoya
Morse
Moss
Muskie
Randolph
Ribicoff
Russell
Thurmond
Williams, N.J.

So Mr. Murphy's amendment was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 3033) to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

TAX INCREASE IMPERATIVE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record a very interesting editorial published in Life magazine for May 16, 1968, entitled "Why a Tax Increase Is Now Imperative."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Why a Tax Increase Is Now Imperative

The long Indian rassle between President Johnson and Chairman Wilbur Mills of the House Ways and Means Committee reached a climax and we hope an end last week. Whoever won, it wasn't the United States.

Mills and his committee reported in favor of the tax increase Johnson asked for, and Johnson agreed to some of the budget cuts Mills insisted on. The combination has been badly needed for at least a year. The delay has permitted the growing strains on our economy to turn into a palpable inflation affecting everybody.

Personal incomes are at an all-time high, and the national product increased by $20 billion in the first quarter—but nearly half of that was in price increase, now running at 4% a year. Poor and prosperous alike are feeling the general price upcreep in every thing from mortgage money and rents to shoes and groceries. Says a lady in Norton, Mass., "Why, I'm going to Florida next week and they tell me cigarettes are 50c a pack down there." Complains a Harvard junior with a good memory: "Last year I could buy a six-pack of cola for 75c plus deposit on the returnable 16-ounce bottles. Now you pay 99¢ for 10-ounce bottles which are not returnable." But even returnable bottles makes fewer trips back to the store than they used to because pennies are so meaningless; some kids actually threw them away. A cup of coffee, lately a dime, is now in many cities 15¢ or 17¢. Best-sellers and textbooks cost about twice what they used to. In Los Angeles, bus fares have gone from 25¢ to 30¢ since last year, and the Red Cross blood bank has just raised its processing fee for union members from $9 to $13. Asked why, the Red Cross replied, "Well, everything is going up."

Some of the increases are meeting buyer resistance. The higher cost of haircuts—now $2 or more—has led many women with growing sons to buy hair-cutting sets and become free barbers. In Denver, to fend off a return of the housewives' boycotts that helped stabilize frisky food prices in 1966, one major chain has just marked down 10,000 items to start what looks like a timely price war. And in Philadelphia ghetto areas, "day-old" stores have been selling fantastic amounts of marked-down bread and pastry that the chains don't consider fresh.

But in most places, inflation seems to have as many friends as foes. Luxury goods and services have gone up more wildly than necessities, but the posh restaurants are still full and so are jewelry stores. Wage-earners, whose first-quarter contract settlements have brought them an average 6% increase (it was 5.5% a year ago), mutter at higher prices but take them in their stride. The poor, and those on low fixed incomes, are so far the main sufferers.

But the whole economy will be hurt badly if this unchecked inflation is allowed to spiral. And maybe the politicians who allowed it to start will suffer at the polls this fall. It is a nice question whether the inflation will be as much of a voting issue as the tax increase necessary to control it. "Tell me again why we need a tax increase. All I know is I'm poorer," says a man in Denver. The answer is that we have been trying to buy more than we produce. The booming increase in total consumer demand is outrunning the increase in production and has to be damped down. This excess demand, combined with rising wage costs and a swelling money supply, fuels the inflation.

The biggest single contributor to total demand is the federal budget. With virtually full employment and most resources under strain, the deficit in that budget becomes directly inflationary. The deficit will approach $25 billion in the current fiscal year (which ends July 1) and unless taxes are increased it will reach $20 or $25 billion in fiscal '69 as well. As the Council of Economic Advisers itself admits, "there is simply no excuse for two $20 billion deficits back to back."

When Johnson introduced his monster $186 billion budget for '69 he called it "stringent," but it didn't seem so to Wilbur Mills, who has therefore refused to sponsor Johnson's tax increase without serious budget cuts. He held out until Johnson assented reluctantly to $4 billion of immediate pruning plus another $18 billion of cuts in "obligational authority," which would show up as expenditures in later years. A House-Senate conference committee has now agreed on recommending $6 billion in immediate cuts instead of $4 billion. Either sum, plus a tax increase of $10 billion, would make next year's deficit manageable.

Mills, a knowledgeable conservative, is said to be more interested in the "obligational" than the immediate cuts. The latter he needs to win enough Republican votes for the tax increase; but the former would be a more significant check on the budget's tendency to grow faster than the economy. In the past couple of years, government spending has been rising about twice as fast as total production.

In trying to make immediate budget cuts of $6 billion, there is danger that Congress will victimize the newest federal programs rather than the less needed. Johnson's budget was conspicuously lacking in a clear ordering of national priorities and these will take time and careful thought to get straight, whether or not the Vietnam war remains a major budget factor. Many of the new urban and poverty programs, for example, should have a higher priority than the space program or the $6.7 billion (about half of it subsidies) we are spending on agriculture; yet farm subsidies can't be radically reduced until the present law, which expires next year, is rewritten. Thus immediate budget savings will be hard to achieve—which makes the tax increase all the more imperative.

U.S. pension systems, most U.S. family and business planning, and even the U.S. political order are based on the assumption of a reasonably stable dollar. As economist William Butler has remarked, "Four percent inflation is not very much for Brazil or Chile," but it is too much for the kind of expectations Americans live by. It is also too much for a country whose dollar underpins a world economy and which is in serious balance-of-payments difficulties. Only fiscal retrenchment, of which the tax increase has become the international symbol, will restore to the dollar the shaken confidence of our foreign creditors. Only by stopping inflation can we check the flood of imports which, in combination with the rising costs of our exports, has all but eliminated our much-needed favorable balance of trade.

The Johnson-Mills struggle over the tax increase has been a tedious but also hair-raising study in the politics of blame-pinning. When Johnson accused Congress of "blackmail" before a nationwide TV audience, he almost killed the tax bill then and there. Fortunately congressional leaders have at last got to work on the retrenchment package. Neither voters nor politicians should place any new obstacles in their way. Of the presidential campaigners, Rockefeller and Humphrey have supported the tax increase, while Nixon is strong for deep budget cuts. Kennedy and McCarthy voted no when the Senate passed its version of the tax bill last month, but each may switch—and should.

"Not for generations," said J. Howard Laeri, president of the American Bankers Association, the other day, "has the nation's political leadership exhibited so stunning a compulsion to catastrophe." It is still not quite too late for it to wake up and do something right.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. MANSFIELD. Mr. President, may I have the attention of the Senate. I want to extend my thanks to the distinguished Senator from California [Mr. Murphy] for offering the amendment and having it acted on so expeditiously.

I would hope that other Members would follow Senator Murphy's example and call up their amendments. There are nearly 60 pending at the desk.

I have talked to Senators on this side of the aisle who have amendments. Some would prefer to wait until tomorrow before calling up their amendments. Some want to go over until next week. I assume that the same situation exists on the other side of the aisle.

I would hope that Senators who think enough of the bill to offer amendments would think enough of the Senate to call them up and have them debated, discussed, and disposed of. There is a breaking point, I want to say, on behalf of the joint leadership. If this sort of dillydallying is going to continue, we will have no choice but to call for a third reading.

The PRESIDING OFFICER. The bill is open to further amendment.

Several Senators called for a third reading.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded. I had thought it would be a live quorum call, but it will not be, unless a Senator objects.

The PRESIDING OFFICER (Mr. BIBLE in the chair). Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 749

Mr. PERCY. Mr. President, I call up my amendment No. 749.

The PRESIDING OFFICER. The amendment will be read.

The bill clerk read the amendment, as follows:

On page 21, between lines 19 and 20, insert the following new subcategory:

"(7) The recruiting, organization, training and education of community service officers to serve with and assist local and State law enforcement agencies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanisms; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety and the objectives of this section."

On page 22, on line 1 after the word "grant." insert: "The amount of any grant made under paragraph (7) of subsection (b) of this section may be up to 90 per centum of the cost of the program or project specified in the application for such grant."

On page 22, on line 10 after the word "personnel" strike the period, insert a comma and "except 90 per centum of the compensation of community service officers may be paid from a grant."

On page 22, on line 12 after the word "compensation" strike the period, insert a comma and insert "except the compensation of community service officers shall not be included in this calculation."

On page 43, between lines 8 and 9, insert the following new definition:

"(L) 'Community service officer' means any citizen with the capacity, motivation, integrity, and stability to assist in or perform police work but who may not meet ordinary standards for employment as a regular police officer selected from the immediate locality of the police department of which he is to be a part, and meeting such other qualifications promulgated in regulations pursuant to section 501 as the administration may determine to be appropriate to further the purposes of section 301(b)(7) and this Act."

Mr. PERCY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PERCY. Mr. President, one of the great problems that we have with our law-enforcement agencies in many slum and ghetto areas of the cities in America is to find a rapport between the citizens of the community and the law-enforcement agencies.

Mr. President, under my amendment, community service officers would be retained for the purpose of assisting regular law-enforcement officers. They would be people who live in the community served by the police unit they worked with, and as such, they would provide a link between the local police department and the citizens of the community. They would tend to be in the 17- to 21-year-old age level.

As I pointed out in remarks on the floor last Friday, most crime in the Nation is committed by the teenagers and younger people. These young citizens simply have not been imbued with a concept of an orderly society. Many times they have seized the law unto themselves, and they are prone to look upon the police agencies as their natural enemies.

It has been found in many communities that the work of the police could be more effective if the police better understood the youth of the community; if they had a better communication link to them and vice versa; and if they could enlist the cooperation of the residents in the community they serve.

The President's Commission on Law Enforcement and the Administration of Justice and the Advisory Commission on Civil Disorders—the Riot Commission—both have recommended that community service officers be retained by local law-enforcement agencies for the purpose of assisting the police and promoting these objectives.

Community service officers could be uniformed or ununiformed. Generally they would be unarmed. They might be equipped with two-way radios, by means of which they would stay in contact with local police headquarters. They would be able to discuss and talk with local teenagers and other groups within the community. They could report disturbances. They would be the eyes and ears of the police force. The men in uniform or in patrol cars usually cannot reach into the communities as young people who know and are accepted by the community could.

I would envision that the type of individuals who would be hired would be those who would not qualify, because of lack of education and training, for local police duties. They would not meet the rigid and high standards that the urban police forces usually insist upon, and rightly so. But many times they could certainly come from the membership of the dominant ethnic group of the community. They could be returning veterans from Vietnam. They could be young men who would otherwise be unemployed for the summer, but whose main asset would be a desire to associate themselves with maintaining stability and order in a community; a desire to carry out the wishes of the community to have the streets safe and to have the homes in the community safe. They would themselves be young enough so that they could maintain the communication and contact with these youth groups and with the community generally, that is so essential.

To cite an example: in the city of Chicago we have some very large, organized teenage gangs. For many years they have been lawless gangs, armed, and have roamed the streets of Chicago, carving up territories and areas as if they owned them. They are called such names as the conservative Vice Lords, the Disciples, or Blackstone Rangers. Some of the groups range in number as high as 2,500. Most of the members are armed. Some of the members have committed robbery, murder, violence in the community. They look upon many of those areas as their own territory.

Some of these young men have been drafted. As a matter of fact, a great many of them have been, and they have gone to Vietnam. They have been trained to handle arms. They have been trained to kill the enemy. After engaging in warfare in Vietnam, or completing other honorable service, many times they come back to face a life of unemployment and idleness back home.

Their return is a pivotal time in their lives. They may not be able to find a job. They may not have the qualifications necessary to serve as law-enforcement officers—perhaps they cannot meet the educational standards. But they have assets that can help law enforcement. They have know-how and respect in the community. They have a considerable amount of experience. Many of them have had discipline instilled in them for the first time in their lives, the discipline of a military life.

If these young men could be hired by local agencies, even though they would not qualify as regular uniformed law-enforcement officers, I think they could make a very useful contribution to effective law enforcement in the community.

It is for this purpose that my amendment provides, under title I, that up to 90 percent of the cost to local communities of community service officer programs could be provided from Federal grants. In conjunction with the accelerated procedure of section 304(b) of title I, community service officers could be provided in many urban centers this summer to assist in avoiding outbursts of the tension and violence that characterized the summer just past.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. MURPHY. I think the Senator's suggestion might prove to be of great value. Is there any provision in the amendment that such organization would be required to have the concurrence of the police department? Two years ago in Los Angeles there was an idea to put together a community alert patrol, which was not developed quite to the degree the Senator from Illinois suggests. Unfortunately, there were certain aspects of it that did not meet with the approval of the department of police or the mayor. In fact, it was pointed out that they might act as overseers of and spies on the police. I am sure that is not what the Senator wants.

This is the cause of my concern and the reason why I wondered if the amendment provided that such an organization would be given approval by the police department, so that their respective activities would be cooperative.

Mr. PERCY. I thank the distinguished Senator for his comment. The purpose, of course, would be complete cooperation. The community service officers would be under the jurisdiction of the local police force. They would be hired, retained, paid by them. They would be under their direction, day by day. They would report—by whatever means might be expedient, such as two-way radio, as they walk the community—directly to precinct headquarters, or the headquarters of the local police unit to which they would be attached. They would be the eyes and ears of the police force. They would represent an inside link with local ethnic groups, with whom they can closely identify themselves and with whom they can easily communicate, but their objective in this would be to assist local police units.

A widespread problem found in our large cities is the problem of communication with the police force. Community service officers, as my amendment intends, would understand the objectives and purposes of enforcing the law in the community. They could interpret many of the peculiar problems of their neighborhoods to the police in the community and vice versa, in order to make the efforts of the police more effective. But certainly they would not be spies on the police. They would be an extension, an arm of the police in the community, and a necessary communicative link.

Mr. MURPHY. I thank my distinguished friend. I think such officers could serve a most useful purpose.

Mr. PERCY. I thank the distinguished Senator for his support. I would hope the city of Los Angeles and other urban areas will be able to benefit from the provisions of this amendment.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. PERCY. I shall be happy to have the Senator's question.

Mr. ERVIN. If I construe the Senator's amendment right, all it would do would be to authorize the making of grants to the authorities within the States, to organize and train persons answering the description which the amendment presents. It does not require any local authorities in the States to solicit such grants or accept them, and does not abbreviate in any way the power which local authorities have to select the personnel of their police forces, or those who may assist the police forces?

Mr. PERCY. The Senator's interpretation is absolutely correct. This is permissive; it does not require anything. It leaves all of the authority and all of the decisionmaking in local hands. It simply broadens the concept of how these Federal funds may be used and gives more flexibility. I think it will serve to bring to the attention of law-enforcement agencies all over the country the very interesting and helpful projects that have been carried on in diverse areas of the country along these lines. It will encourage full implementation of the recommendations in this area that have been made by two Presidential Commissions.

Mr. ERVIN. I thank the Senator.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. PERCY. I yield to the Senator from Arkansas.

Mr. McCLELLAN. I think this is also true about it: The proposed administration could very well say to any community or to any applicant for a grant, anyone filing a plan, "If you do not include this in it, we will not approve your plan." They can say, "Very well, but you have got to include this in it, otherwise we do not think your plan would be adequate, and we will reject it."

Mr. PERCY. It would not be, of course, my intention that that be the effect of the amendment. It would not be my intention to impose on a community any particular type of organization or structure, simply for the reason that needs vary so much from community to community.

I do feel that this amendment helps to underscore the need for the block grant approach under title I that will be proposed by my senior colleague from Illinois [Senator DIRKSEN]. I believe the States and the communities should have the initiative in this case and the other subsections of title I. I would feel it a misconstruction of the purpose if any Federal agency would ever try to impose this plan upon a local community, when the amendment is intended to be purely permissive. It is intended to enable funds to be used, if the basic decision is made by the local community that they want funds for such purpose.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). The question is on agreeing to the amendment of the Senator from Illinois.

Mr. McCLELLAN. Mr. President, I am sure the author of the amendment, in drafting it, has intended to provide some additional service and assistance to communities in law enforcement. But I am afraid that if we continue to add to the opportunities to secure Federal grants, we are going to load this bill down to the point where we will weaken or destroy any greater degree of effectiveness that this legislation would enable local officials to achieve through Federal assistance.

Let us examine what the amendment would do:

> The recruiting, organization, training and education of community service officers to serve with and assist local and State law enforcement agencies in the discharge of their duties through such activities as recruiting—

I wonder how they could aid in recruiting—

> improvement of police-community relations and grievance resolution mechanisms—

I do not know just what that means.

> community patrol activities;

I am trying to ascertain the intention. Does the Senator propose to employ these people to engage in community patrol activities?

Mr. PERCY. If I should make it perfectly clear to the Senator from Arkansas, first, that I am a cosponsor of the amendment for block grants. It is my purpose to strengthen——

Mr. McCLELLAN. I am not objecting to block grants as such, at the moment, at least.

Mr. PERCY. All right.

Mr. McCLELLAN. I have supported the President's program up to now, with respect to how these funds shall be allocated and administered. I do not see the relationship, at the moment, to block grants. Perhaps the Senator can tell me.

I am wondering how these service officers could assist in police recruiting, how they could assist in community relations and grievance resolution mechanisms; and then, in community patrol activities, I ask the Senator, what are they to do? Are they to go out on patrol in the community? I am trying to find out what really can happen under the provisions of the Senator's amendment.

Mr. PERCY. I envision these young people—and they would be young people——

Mr. McCLELLAN. The Senator says young people. Are we talking about minors, people under 21 years of age, or what?

Mr. PERCY. The Commission recommended they be young men, between the ages of 17 and 21. They certainly could go up to, say 23 or 24.

Mr. McCLELLAN. The Senator says "they could." Could they also be as young as 17, or say, 16? I do not know just what the amendment would authorize.

Mr. PERCY. I think here we would want to leave the discretion to the local officials. Certainly, I could envision, for instance, one young man—and I think, rather than deal in generalities, let me be specific at this point. I personally know a young man who had been one of the founders of one of our youth gangs, who went to Vietnam in the service. He was disabled out there, he lost an arm and a leg. He is now back in Chicago. I have kept in close touch with him.

He now sees that some of the things that he inspired in the youth of his gang in Chicago before are destructive of the very type of society he was trying to help preserve abroad.

That young man is not qualified to be a law-enforcement officer. He is now unemployed. He could receive, certainly, veteran's compensation. But I envision that a young man such as this could be extremely useful to the Chicago Police Department. He knows the youth gangs, and he knows the methods of those gangs are now wrong. He can communicate and talk with them. He can walk about his own community and command its respect. He knows, inside and out, the South and the West Sides of Chicago. He could be an outstanding community service officer, hired by the police department to help communicate with the inner workings of the gangs that have the potential of disrupting life on the South and West Sides of Chicago.

This does not require that the city of Chicago in any way set up such a program. But it would authorize them to do so if they chose. They could experiment in accordance with recommendations made by two Presidential Commissions, to see if a new type of link and communicative body could be established, to assist the police department in bridging the gap between itself and the residents of the ghetto.

Mr. McCLELLAN. It says here:

> . . . to serve with and assist . . . community patrol activities; . . .

Would they be on patrol? Could they be?

Mr. PERCY. They could well be on patrol, with or without regular police officers. I think one of our great problems is in quickly alerting the police to the occurrence of crime.

I would visualize these young people of the community being employed and being assigned to a particular neighborhood or community patrol. They would report back to the police. He might be equipped with nothing but a two-way radio. He would report back to the police the occurrence of a crime in the community, as he observed it, or as it was reported to him. It might be the case of a woman that was being assaulted, a store that was being robbed, or an automobile that was being damaged. On the other hand, he might ride with a regular officer in a police car, freeing a regular patrolman for other duties. The same might be true of foot-patrol duty.

I think using the younger people in the community to work with the police, whom many residents of the ghetto look upon as their natural enemies, would help to bridge the gap that many distinguished individual citizens and commissions have pointed out exist between the citizens of the community and the police and law-enforcement agencies of the city.

Mr. McCLELLAN. Would those young people be paid policemen in a sense?

Mr. PERCY. They would not be paid police salaries, of course, because they are not qualified to meet the usual standards of policemen.

The salaries could be established at a level appropriate for the job and the condition of the community.

Mr. McCLELLAN. Mr. President, one section of the amendment, beginning on line 4 of page 2, reads:

> On page 22, on line 1 after the word "grant." insert: "The amount of any grant made under paragraph (7) of subsection (b) of this section may be up to 90 per centum of the cost of the program or project specified in the application for such grant."

Does that mean that 90 percent of the salaries of those who were employed could be paid by the Federal Government?

Mr. PERCY. That is correct, however, there would be no increase of any kind in the authorization in the bill. If a community decides it wants to establish community service officers and if it undertakes to experiment with this program, up to 90 percent of the salaries of those individuals could be paid out of the Federal grants, and that community would initially pay 10 percent of the salaries or cost of the program.

Mr. McCLELLAN. The local community would pay 10 percent and the Federal Government would pay 90 percent.

Mr. PERCY. The Senator is correct.

Mr. McCLELLAN. Does the Senator favor a provision for the Federal Government to make grants for the payment of salaries of police personnel?

Mr. PERCY. Certainly to this extent. I think the distinguished Senator knows the provisions of the pending bill better than I do. I appreciate his concern for the compensation provisions. However, this would not in any way add funds authorized under the bill. It would merely enable a community to set up this type of program if they feel that this would be for them the best use of the Federal funds provided under the pending bill and wish to do so.

Mr. McCLELLAN. It would not add funds because there would be an authorization of so much in funds for this year and for the next year. The Senator is correct. It does provide for additional services, however, for which funds will be sought from time to time.

I have gone along with the administration in an effort to try to pass a bill that would do substantially what the President recommended in the safe streets and crime bill and have made some modifications in it in view of the limited funds that will be appropriated, to the end that we might give some of these proposals an opportunity to be tried so that we might see what good could come from them.

I have not been able to study the matter as thoroughly as has the Senator from Illinois, but one of my concerns about the pending amendment and other amendments along this line that will be offered is that if these amendments are agreed to it will load the bill down with so many programs in which the Government would have to participate that we will find ourselves in the position of being requested to furnish the money to do all manner of things. In that event, the Federal assistance may become so burdensome and be spread so thin that the good we hope to get out of it and the benefits that we hope will be provided for the people will not materialize.

My own thought is that we ought to start off with two or three of these major programs. Let us enact the statute, get some appropriations, and move into these areas, and see how the eligible communities respond with plans and getting planning grants, and we can then get the program going and later strengthen the law as experience indicates it should be strengthened or expanded, and where.

I believe that we would be making a mistake if we were to load the initial legislation down with so many authorizations that we would find it difficult to finance adequately any of them.

I would rather start on a smaller scale and experiment with the program, because this is an innovation in the sense of having the Federal Government aid financially in law enforcement in local communities. We all agree that the primary responsibility is in the local communities, but we are proposing to bring the Federal Government into the matter with financial assistance. I think it would be wiser—without going into the merits of the matter—to get started on some of these other vital things possibly and get the legislation working and then concentrate on some of these major things and see if we can make a go of it and make it work and make it effective. Then we could add to it after we have gained experience and ascertained where the Government can be of more effective assistance. At that time we could amend the statute accordingly.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. PASTORE. Mr. President, I think that the main difficulty here is in a meeting of the minds as to exactly what the amendment means.

We already have under the bill six subsections for which an application can be made.

The Senator is suggesting an additional subsection. And it strikes me that in the draftsmanship of the amendment, it would necessarily mean that a community could apply for section 7 solely and strictly, which is, of course, of some concern to the Senator from Arkansas.

If the Senator from Illinois really means this to be within the grants made, so that then I believe all we need to do here is to correct the Senator's amendment to provide that if a grant is made within the provisions of the previous six criteria, a community within its discretion could use that grant for the additional purpose included in the Senator's amendment.

I think that is where the fault lies, because if the Senator looks at page 20, line 14 of the bill, it reads:

> Under this part grants may be made pursuant to an application which is approved under section 303 for—

The Senator is adding another criterion why a grant could be made. In other words, the way the amendment is drawn, this would be an additional basis for which an application can be made. As the Senator from Illinois has already explained, he does not intend that at all, but intends it within the grants already made for the six reasons above, or any one thereof, so that it can be expanded to cover the other use. Is that correct?

Mr. PERCY. The Senator is absolutely correct, if I understand his point.

Mr. PASTORE. Then, I think all the Senator has to do is to modify his amendment so that it will read that way, and then we would not have any trouble, because that would not increase the authorization, and it would not increase the purposes for which an application is made. However, as soon as an application is made under the six provisions contained in the pending bill, for the reasons stated in any one of these provisions, a community within its discretion can use part of the grant for this additional purpose.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. JAVITS. I should like to concur with Senator Pastore. I believe this is an extremely desirable amendment. I intend to support it. I believe the Senator can probably deal with the major objection of the manager of the bill in the way that Senator Pastore has suggested. I hope very much that the Senator from Illinois will consider doing that.

Mr. PERCY. I should like to ask a question of the distinguished Senator.

Mr. McCLELLAN. May I suggest this, if the Senator will yield to me at this point. I am not sure that my colleagues are correct in what they are saying.

Frankly, I believe the Senator from Illinois is making the right approach, if he wishes to have a title VII and to put in it a provision that they can make an application for that specific purpose.

I would rather see it this way than to just say that they make application under one of the other sections and take the money and use it for some purpose not outlined or set forth in one of the other specific authorities. I believe there must be authority. What is desired to be done must be spelled out in the authorization. I know of no better way to do it than as the Senator is doing it, so far as the mechanism of the proposed legislation is concerned—to have another title and set it out.

If they want to submit a plan for this purpose, let them submit a plan that conforms to this subsection.

Mr. JAVITS. As I understand Senator Pastore's remarks, he is dealing with the problem of increasing the umbrella authorization. He says that it is not increased if it is made crystal clear that this shall be one of the items for which they have a right to file an application within that umbrella authorization.

Mr. PASTORE. No. I have been listening very attentatively. I do not know whether this is an approach to set forth a new formula for a new grant or an addition to the six provisions already in the bill that was reported by the committee.

I am only going by the explanation of the Senator from Illinois. Of course, if he intends that in addition to these six provisions there shall be the other seven, that is one thing. But he did not explain it that way. He said he meant it to be within the grants already made.

Mr. JAVITS. He means the money.

Mr. PASTORE. Then they can use it for this purpose as well. I thought there might be a better meeting of minds according to the explanation made by the sponsor of the amendment.

Mr. JAVITS. It is my understanding that Senator McCLELLAN goes along with the idea that the Senator from Rhode Island has expressed, but he says it should be necessary to make a proposal which would be comprised within the authority of subsection (7).

Mr. McCLELLAN. That is one point. But the Senator from Illinois is correct. It must be legislated. It must be authorized.

The same authorization could be included in one of the other sections. It makes no difference that it is given a separate number or that it is made item No. 7.

I was trying to emphasize that we might say that we want to let them make a plan and that if they decide later to use the money for this purpose, they would have a right to do it; by, in my judgment, it cannot be done that way. The plan would have to incorporate, before being approved by the authority that they have a project of that character and included in their plan as is the situation with any of the others. As the Senator has said, there would be seven different things for which they could submit a plan.

Mr. JAVITS. For the same money.

Mr. McCLELLAN. They would not have to submit a plan to cover everything. They could take subsections (1), (2), (3), or (4), and submit a plan for it and get it approved and get money for that purpose.

However, having submitted a plan for section 5 or section 3 or section 2, they could not then decide to take the money and use it for something not authorized under that particular title.

Mr. JAVITS. The Senator is correct.

Mr. McCLELLAN. I have no objection from the standpoint of making it a separate title if it is going to be enacted. It might very well be better to do that. I do not know how many more amendments will be offered to expand this authority.

I believe the better part of wisdom and judgment is not to try to unduly expand this bill to cover everything. Let us get started on this new program of Federal cooperation with the local communities, local municipalities, or States—if they submit a State plan—and get it started, so that it is functioning, and from that experience add some of these other things.

The Federal Government cannot carry the entire burden. This proposal may be needed; but I am sure that if it is needed in other areas where funds are going to be made available, it will hopefully release present funds for the local people to do this themselves.

When they get this program organized and get it going as they have with recruiting and training and other things, then, if it is the judgment of Congress that experience indicates that it should be expanded to include your suggestion for assistance in that area, that might be well and good.

I am not necessarily objecting to or opposing the idea. What I am attempting to point out is that we will wind up with a law that will not get anything done. I am sincere about wanting to see title I enacted. I do believe the time has come when the Federal Government must assume responsibility to get into the communities and to provide some assistance in recruiting and training and in securing modern police equipment. I am going along with that aspect of the bill with some measure of enthusiasm, although I do not believe, as I have said many times, that that alone will solve the crime problem in this country. But it is a step in the right direction, and it will help.

I urge my friends who I know support this approach to this title of the bill as enthusiastically as I do that we proceed with some caution and not load it down at this stage. I say that in all earnestness, not opposing, not fighting—not in that spirit—but truly trying to get some thing that in the beginning is workable, which we can all get behind and support, and try to make it work. And as we develop the experience needed, and local communities find that they can expand in an area such as the Senator suggests by his amendment, then let us consider assistance in that field.

Mr. PERCY. Mr. President, I should like to make it quite clear to the distinguished Senator from Arkansas that I wholeheartedly and enthusiastically support title I of the bill. I have discussed it in detail with the Director of Public Safety of the State of Illinois, with the Commissioner of the State Police, and with our distinguished Governor, Otto Kerner. I have discussed it as recently as last week.

My whole purpose in offering the amendment is not to expand the bill unnecessarily. Many of the functions of the community service officer are inherent in the other subsections, such as education, community relations, and others. My amendment is intended to provide a more flexible means of achieving these objectives.

I particularly appreciate the feeling of the distinguished Senator from Arkansas that the way the amendment has been offered is the best way if we are to approve this particular function. I am very anxious—as I know many of my colleagues are—to see that we have some authority within fiscal 1968, especially this summer, to respond to the needs of local communities.

I emphasize again that the amendment was passed upon by the President's Commission on Law Enforcement and the Administration of Justice—the President's Crime Commission—and the National Advisory Commission on Civil Disorders—known as the Riot Commission.

In February 1967, the President's Crime Commission issued its report entitled "The Challenge of Crime in a Free Society." That distinguished Commission concluded:

> Two striking facts that the UCR (Uniform Crime Reports of the Federal Bureau of Investigation) and every other examination of American crime disclose are that most crimes, wherever they are committed, are committed by boys and young men, and that most crimes, by whomever they are committed, are committed in cities.

I shall quote from the March 1, 1968, report of the National Advisory Commission on Civil Disorders:

> The conditions of life in the racial ghetto are strikingly different from those to which most Americans are accustomed—especially white, middle-class Americans.

I spent a good part of my life working with young people in such distinguished organizations as the Boy Scouts of America, of which I was a vice president, and as a trustee of the Boys' Club of Chicago for the past 15 or 20 years. I have worked with youth gangs of all types, trying to utilize those young people in constructive work. I am more impressed than ever, as I have gone back time and time again to the ghettos of Chicago, by the increasing gap that exists between law enforcement agencies and the young—especially the blacks—of those communities.

They cannot seem to converse with each other; they do not understand the language of each other; and for all that appears, they have an entire set of different objectives for society.

I could best depict that situation with an excerpt from the President's Crime Commission, the task force report on the police which relates an interview that police had with a young man.

The young man said:

> Why in the hell—now this is more or less a colored neighborhood—why do we have so many white cops? As if we got to have somebody white standing over us. * * * Now if I go to a white neighborhood, I'm not going to see a lot of colored cops in no white neighborhood, standing guard over the white people. I'm not going to see that; and I know it, and I get sick and tired of seeing so many white cops, standing around—page 167.

I think that the President's Commission included that illustration not as an idle comment from one isolated youth, but as an indication of the feeling and overwhelming attitude of young Americans. These are the same young boys we are drafting to go to Vietnam, and that we are going to teach to kill, and to whom we are going to teach guerrilla warfare.

I have talked to boys in Vietnam and I have talked to them when they returned to America. All I am saying is that within the whole purpose and objective of title I, which is so overwhelmingly in the national interest, and which will be responded to so enthusiastically by our State and local law-enforcement officials, I hope we would recognize that in this one area of finding answers to crime among our young people, we have to find a way to communicate, to get in touch with them, to talk with them. We have to sign up leaders of those groups on the side of law enforcement. Many of them do not now qualify, as of this moment or as of this summer, for the standards set down, and rightly so, by our police officials.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. McCLELLAN. Let me ask the Senator a question. I am beginning to be a little more enlightened about this matter.

As I understand the Senator, he proposes to go into these communities where these toughs and law violators are and hire them. I do not agree with that at all.

Mr. PERCY. Hire whom?

Mr. McCLELLAN. The toughs and law violators; those persons causing the trouble, as I understand the Senator.

Mr. PERCY. No, I did not say that at all. I think there are thousands of young people who want to see the enforcement of law and order in their communities. They live in communities where families are terrorized and their sisters are raped. They want to see something happen to make their communities livable, free from fear of criminal activity, and free from fear of riots.

It would be helpful if we were to take only the number of blacks returning from Vietnam, those men who have had the discipline of Army life, who have lived and worked alongside of others, and who have found what it is like to live in a better-ordered society. They could be taken, I would not suggest we take men with a criminal background, although I would not say that a man should be totally disqualified if he has some sort of minor police record. That situation should be judged by the local law-enforcement agency. They are not anxious to hire lawbreakers, but they are anxious to make law enforcement more effective than it is now. Several communities in the Nation have already found this to be the best investment they could make in a new program which would provide a valuable link that they do not now have.

Mr. McCLELLAN. Under subsection (b), item (3), the bill already provides for public education relating to crime prevention and encouraging respect for law and order, including educational programs in schools and programs to improve public understanding and cooperation with law-enforcement agencies.

It seems to me that language is broad enough to do everything that should be done to try to establish better relations with the community and to encourage the youth not to violate the law. That language is in very broad terms.

Mr. PERCY. I would just like to picture for the distinguished Senator what effect it would be and what effect it would have for a white police officer——

Mr. McCLELLAN. Just a moment. Will the Senator yield at that point?

Mr. PERCY (continuing). To walk into a school in Chicago, a high school noted for crime, for violence, for all types of disorder, and for him to stand up and try to communicate to the black community of high school students in front of him. How much better it would be if the police could arrange with the principal of that school to have a young man appear, a black, who is not a police officer, as such, but who is retained by and is under the employed control of the local police and law-enforcement officials. This element of the police force then could serve the purpose of educating, communicating, meeting with, counseling, and talking with these young people in the language of the street, language they would understand.

If I were a law-enforcement agent I would certainly want authority in my city of Chicago to go into such communities in that way rather than to have a uniformed policeman stand up in front of an audience in an auditorium or classroom and try to preach law and order.

We have to bridge the barriers that now exist between the residents of that community.

Mr. McCLELLAN. Why say white police? Why can we not say colored police? We have some that are capable and competent.

Mr. PERCY. We do have many that are capable and competent.

Mr. McCLELLAN. Then why say white police? If they resent white people why not send in colored police? Why can they not send those?

Mr. PERCY. I accept that—it would be more effective to send a black policeman in. But I would only ask the question: Is it the best use of any policeman's time? A policeman is a highly paid, highly trained law-enforcement official. His job is to be out where crime is to be committed, of course. Could we not better use someone whose salary might be half that of his, who is closer in age, and would have a better opportunity, really, to communicate and be on the same wavelength as the young individuals sitting in front of him?

Mr. McCLELLAN. Who is going to train the people going out to do this? Where are they going to get their training? I do not believe they could get it by accident.

Mr. PERCY. That training could well be provided by the training forces and facilities which now exist within our major cities, and whatever areas of the country might take advantage of the provisions.

Mr. McCLELLAN. What training forces does the Senator have reference to?

Mr. PERCY. I presume we have well-ordered and well-established police forces for training police officers.

Mr. McCLELLAN. Is it the Senator's idea that they should be authorized to make arrests?

Mr. PERCY. No; it would not be. Again, it could be a local option for them to assist in arrests. I would envision that this would be an on-the-job training program to a great extent, but I would not begin by authorizing them to make arrests.

Later in the program he could be elevated to the point that he would put on a uniform of some sort. Then he might be authorized to assist in making an arrest, though he still might not be armed. However, I think a motivated man could progress up to the level qualifying to be a police officer as a result of his on-the-job training and completion of a modest educational program. This would certainly be true—the case of a veteran.

Mr. McCLELLAN. Well, how many does the Senator think will be needed in addition to the police? The Senator is talking about running and calling for the police if he sees a crime being committed. I wonder what has happened to America that its citizens will not call a policeman if they see a crime being committed? What have we come to? Have we got to hire someone to call a policeman if a crime is being committed? I cannot see it that way.

Mr. PERCY. I ask the distinguished Senator only to interject an element of realism here. I deplore citizen apathy as much as he does in the face of crime. But we are all aware of the fact that all over the country we have seen crimes committed that went unreported, sometimes, for many hours. Some were not reported at all, because the citizen feared the police more than the criminal.

The community service officer would be an individual who knows the community backward and forward because he grew up in it; he would know its difficulties; and he would know where to go. He would try to be in evidence in those areas of high crime incidence. For instance, we have stores in the community of Washington which have been robbed three, four, or even five times a year. I feel that if someone in the community would know that someone could recognize them if they committed a crime, and knew he was armed with a two-way radio, could call the police immediately, and could identify his car as well, we might cut down the incidence of this kind of crime.

Mr. McCLELLAN. How many will it take to be everywhere where crime might be committed? It is impossible. If the citizens of this country will not do that much, at least report crimes and call the police when a crime is being committed, it is impossible, I say to my good friend, to hire enough people to stand guard at every place of business that might be robbed. It just cannot be done.

Mr. PERCY. What we are trying to do is make a start.

Mr. McCLELLAN. I would say this, further. In an area such as the Senator just referred to, I think that is beyond any question of reason to try to put one person on every block. I do not believe we could keep one person on every block for 24 hours a day. We might be able to place one for every three or four blocks, but I do not think it would be possible for them to see every crime being committed. It is just too fantastic.

If we are going to try to do all of that, we are going to have to appropriate millions of dollars. If we are going to try to provide that sort of—I would call it nursing care to every community, I do not think it can be done.

Under the education program now provided in the bill, I am sure that there is some expectation, some hope, that civic interest in the community, civic pride, and law-abiding citizens will, in some measure, cooperate with the police to the end that the functions can be administered and improvements can be made by these methods. But, Senator, although it sounds good to have someone present everywhere a crime is going to be committed, so that he can call the police quickly, I think it is fantastic and do not think it is possible. I believe we have in the pending bill—I say this in all earnestness—the basic authority to give communities the opportunity to deveolp plans and submit them.

At the moment, I regret that I am unable to develop any great enthusiasm for the Senator's amendment.

Mr. President, I am ready to vote, if the Senator from Illinois is.

Let me add this, that I am sure the Senator is doing this out of a desire to try to strengthen the bill and reach down into his communities and do a lot of things he would like to see done or would like to see happen. But, I am apprehensive that it is going a little too far, too soon, at least at this stage of the general concept of the Federal Government's trying to give assistance to law enforcement.

Mr. PERCY. Mr. President, I should like to summarize in this way: I support title I of the bill. I support the concept of as much initiative coming from our local communities as we can possibly have.

I believe that we all recognize the high incidence of crime which exists among the young people in this country, and that we must recognize the tremendous gap which exists between law-enforcement officials and young Americans committing this incidence of crime. It is for this reason that I should like to empower local agencies to use Federal assistance, not increasing the authorization of the bill, but out of those funds which have been made available, authorize the implementation of county service officer programs, to assist and reinforce the efforts of local law-enforcement officials. I envision obviously that there cannot be enough law-enforcement officials hired to stamp out every crime. There must be a certain amount of neighborhood surveillance; citizens must be encouraged to cooperate with law-enforcement officers; and police-county relations need dramatic improvement.

Mr. McCLELLAN. That is provided for in the bill now.

Mr. PERCY. Part of the great problem we have had is that, as the poor from rural, southern communities, have migrated to the North, they have been put in 16-story high-rise public tenement buildings called public housing. They are in increasingly crowded tenements. Not only is the surveillance that a mother or other members of the family had over the children removed but the control as well. Children cannot be watched from 16 stories away.

What my amendment proposes to do is to provide a link between the police and the community—young and old—through a person who has grown up in that community; who is motivated to find a way of getting greater citizen support for the law-enforcement officials of their city; and who finds a way to communicate the needs to the citizens of his own community to help the police rather than hinder them in their work.

It is for that reason that I have offered the amendment. It was my hope that it would be accepted, but I appreciate very much the spirit in which our distinguished colleague has engaged in this colloquy. It has been helpful in reinforcing some of the points I have tried to make.

Mr. LAUSCHE. Mr. President, I have listened to the discussion today between the Senator from Arkansas and the Senator from Illinois on the amendment proposed by the Senator from Illinois, contemplating the establishment of further services in the Department of Justice that will give education to our youth about the need of complying with law and order.

I must immediately subscribe to the general objective of the proposal made by the Senator from Illinois. However, I think it is not amiss if at this time there be pointed out the low depths to which we have fallen in our country with regard to compliance with law and order, which in substance means compliance with morality.

We have now reached the point where the Federal Government, in the Department of Justice, will establish an agency that will cooperate with local governments, primarily in educational fields, to procure compliance with the law.

I am obliged at this time, Mr. President, to make the query: Why have we failed in the degree pointed out in the discussions had on this floor, in spite of the great educational, religious, and cultural programs of our country? How many policemen do we now have enforcing law and order? How many prosecutors are there who have been vested with the responsibility of procuring compliance with law? How many probation officers, how many social workers, how many guidance officers in our penal institutions, how many parents vested with the primary responsibility of inculcating in their children an understanding that freedom and liberty cannot be preserved unless there is compliance with the law?

Why have we failed to the extent indicated by the arguments made? It is a travesty, it is difficult to understand, but there must be something more basic than multiplying the agencies of government needed to bring about compliance with moral laws.

In my judgment, Mr. President, the best thing that we could do would be to have high government begin complying with law and order. The best teacher is example. Teaching by word is secondary and tertiary to teaching by example.

Take a look around and see what the situation is with regard to high public officials. By example it should be demonstrated to youth that, if they want democracy to survive, youth must accept the concept that moral righteousness is absolutely needed everywhere, and primarily in a democracy.

I regret having to make this statement, but, in my opinion, we are failing in the highest level of government. It is proposed to give the Department of Justice authority to teach and to develop an attitude of compliance with law and order. The first thing I would do is tell the Department of Justice, perform your duty as a law enforcement agency. That is the best thing that could be done. But we are not asking that. The Department of Justice will go on, looking with indifference upon insurrection and defiance of law and order, while asking the Congress to give it authority in educational fields.

I support the effort set forth in title I, but let us give it a trial, instead of expanding it, as has been proposed by the amendment of the Senator from Illinois.

Mr. President, I have viewed our present problems in the following order: No. 1, the international problem in South Vietnam; No. 2, defiance of law and order; No. 3, the challenge to the stability of the American dollar. Perhaps category 3 could be put into category 2, or category 2 into category 3, but I want to repeat that, if we are to succeed in getting youth to comply with law, it will have to be more than by spending Federal dollars and by establishing new agencies of enforcement. It will have to be by setting the example at every level of public office by compliance with duty and obedience to responsibilities imposed on public officers by law. By that alone, the greatest good will be achieved.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment (No. 749) of the Senator from Illinois.

Mr. MILLER. Mr. President, I ask unanimous consent that the portion of the amendment beginning on line 4, of page 2, and running through line 16 on page 2, be voted on first, separately.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the clerk will call the roll on the part of the amendment that has been requested by the Senator from Iowa, beginning on page 2, line 4, through line 16.

The part of the amendment referred to is as follows:

On page 22, on line 1 after the word "grant." insert: "The amount of any grant made under paragraph (7) of subsection (b) of this section may be up to 90 per centum of the cost of the program or project specified in the application for such grant."

On page 22, on line 10 after the word "personnel" strike the period, insert a comma and "except 90 per centum of the compensation of community service officers may be paid from a grant."

On page 22, on line 12 after the word "compensation" strike the period, insert a comma and insert "except the compensation of community service officers shall not be included in this calculation."

Mr. MILLER. Mr. President, I should like to make the point that I believe this amendment is pretty well divisible for purposes of consideration by the Senate.

The idea embodied in the provisions on community service officers appeals to me very much. It is the 90-percent ratio which is in question in the portion of the amendment we are now about to vote on. A vote for this portion of the amendment means 90-percent money for community service officers; a vote against it means that the same ratio will apply with respect to community service officers as to all other sections of the bill.

The ACTING PRESIDENT pro tempore. On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Oklahoma [Mr. Harris], the Senator from Indiana [Mr. Hartke], the Senator from South Carolina [Mr. Hollings], the Senator from New York [Mr. Kennedy], the Senator from Louisiana [Mr. Long], the Senator from Washington [Mr. Magnuson], the Senator from Minnesota [Mr. McCarthy], the Senator from Wyoming [Mr. McGee], the Senator from New Hampshire [Mr. McIntyre], the Senator from Minnesota [Mr. Mondale], the Senator from Oklahoma [Mr. Monroney], the Senator from New Mexico [Mr. Montoya], the Senator from Oregon [Mr. Morse], the Senator from Connecticut [Mr. Ribicoff], and the Senator from Florida [Mr. Smathers] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. Inouye], the Senator from Utah [Mr. Moss], and the Senator from West Virginia [Mr. Randolph] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. McGee] and the Senator from New Mexico [Mr. Montoya] would each vote "nay."

On this vote, the Senator from Oregon [Mr. Morse] is paired with the Senator from South Carolina [Mr. Hollings]. If present and voting, the Senator from Oregon would vote "yea," and the Senator from South Carolina would vote "nay."

On this vote, the Senator from Connecticut [Mr. Ribicoff] is paired with the Senator from Louisiana [Mr. Long]. If present and voting, the Senator from Connecticut would vote "yea," and the Senator from Louisiana would vote "nay."

On this vote the Senator from New York [Mr. Kennedy] is paired with the Senator from West Virginia [Mr. Randolph]. If present and voting, the Senator from New York would vote "yea," and the Senator from West Virginia would vote "nay."

On this vote, the Senator from Washington [Mr. Magnuson] is paired with the Senator from Maryland [Mr. Brewster]. If present and voting, the Senator from Washington would vote "yea," and the Senator from Maryland would vote "nay."

Mr. DIRKSEN. I announce that the Senator from New Jersey [Mr. Case] is absent on official business.

The Senator from California [Mr. Kuchel] and the Senator from Wyoming [Mr. Hansen] are necessarily absent.

If present and voting, the Senator from Wyoming [Mr. Hansen] would vote "nay."

The result was announced—yeas 29, nays 47, not voting 24, as follows:

[No. 131 Leg.]

YEAS—29

Aiken
Bartlett
Bayh
Boggs
Brooke
Carlson
Clark
Cooper
Dirksen
Dodd
Hart
Hatfield
Jackson
Javits
Kennedy, Mass.
Mansfield
McGovern
Morton
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Scott
Tydings
Yarborough

NAYS—47

Allott
Anderson
Baker
Bennett
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Griffin
Gruening
Hayden
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Lausche
Long, Mo.
McClellan
Metcalf
Miller
Mundt
Murphy
Russell
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NOT VOTING—24

Brewster
Case
Fulbright
Gore
Hansen
Harris
Hartke
Hollings
Inouye
Kennedy, N.Y.
Kuchel
Long, La.
Magnuson
McCarthy
McGee
McIntyre
Mondale
Monroney
Montoya
Morse
Moss
Randolph
Ribicoff
Smathers

So the designated portion of Mr. Percy's amendment was rejected.

The ACTING PRESIDENT pro tempore. The question now arises——

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, in view of the developments that have occurred, I am about to propose a unanimous-consent request which meets with the approval of the distinguished senior Senator from Arkansas [Mr. McClellan] and the distinguished junior Senator from Illinois [Mr. Percy].

I ask unanimous consent that there be a time limitation of 10 minutes on part 2 of the amendment, the time to be equally divided between the Senator from Arkansas and the Senator from Illinois.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. HOLLAND. Mr. President, the vote has been announced.

The ACTING PRESIDENT pro tempore. The vote has been announced on the first part of the amendment. The question now comes on the second portion of the amendment.

The Senator from Montana is asking for a time limitation of 10 minutes on that part.

Is there objection? The Chair hears none, and it is so ordered.

Mr. PERCY. Mr. President, for the benefit of many Senators who have not heard the earlier debate, my amendment is based upon recommendations of the President's Commission on Law Enforcement and the Administration of Criminal Justice and the Presidential Advisory Commission on Civil Disorders, the Riot Commission.

It is the solid conclusion of these two Presidential commissions—who have collected the facts and statistics back them up—that the incidence of crime in this country is created to a great extent as a result of crimes committed by boys and young men. Further, most crimes by whomever they are committed are committed in the cities.

It is for this reason that if the Senate wishes to address itself to the problem of crime, it must deal with crime in the cities, and it must deal with crime committed by young people.

It is the contention of the Presidential Advisory Commission on Civil Disorders, furthermore, in its report that the conditions of life in the racial ghettos are strikingly different from those that most Americans are accustomed to. The great problem that exists with relation to law and order in our cities is caused by the great gap existing between the residents of the ghettos and the law-enforcement officers of the great cities.

It is for that reason that in several communities in the country experimental projects have been carried out—and with great success—in which young people, sometimes returning veterans from Vietnam who are residents of the ghetto communities, have been hired by the police to be the eyes and ears of the law-enforcement agencies in the neighborhoods they know so well. At the same time, they are a close familiar immediate link of the residents of the community to the police.

These young men are distinguished by some emblem, but would not necessarily be uniformed police. Many of them would not qualify to be hired as police officers of their particular city because of their lack of educational background or by reason of a minor police record. However, these young men know the youth of their community. They know something about law enforcement through training in the Army or by their local police force. They have a way of communicating that the police do not presently have in our major cities.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. MURPHY. Mr. President, earlier in the colloquy I mentioned the fact that an unfortunate experience had occurred in Los Angeles

The senior Senator from California [Mr. Kuchel] joined with me a year ago in discussing the Community Alert Patrol, a group of the sort we are discussing here today, that was to be funded by the Department of Health, Education, and Welfare. There was evidence to show that this group was to do surveillance work and to report police brutality and that it was to work as a separate entity and not necessarily arm in arm with the Los Angeles Police Department.

This was an unfortunate experience.

Mr. President, I ask unanimous consent that an editorial entitled "Alert Patrol?" published in the Los Angeles Herald-Examiner on Thursday, June 8, 1967, and a news release of mine under date of June 3, 1967, be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Los Angeles Herald Examiner, June 8, 1967]

Alert Patrol?

In the face of determined opposition by California's two senators and many other Los Angeles community leaders, it appeared today that the controversial Community Alert Patrol plan may be defeated.

This was to have been financed with a $238,429 Federal grant. Most of this sum would have been spent to support a private patrol by citizens whose principal duties would have been to spy on police and bring to light instances of alleged "police brutality."

But yesterday John Gardner, secretary of Health, Education, and Welfare admitted that:

"It is out of the question for this department to support a project of this nature that intervenes in the relationship between the police and the local community."

Proponents of the Community Alert Patrol had declared they planned to use the organization as a "buffer" between the police department and citizens of the community.

There was another announced purpose of the Community Alert Patrol in addition to its spying on police. The fund also, it was asserted by its sponsors, would have provided money to rent, equip and maintain a garage at which CAP members could repair their own and neighborhood automobiles.

At the same time it was disclosed that although the $238,429 had been allocated for CAP, the actual assignment of the funds would be held up pending further study.

This action followed shortly after Sen. George Murphy announced he was demanding an investigation.

Senator Murphy requested that funds be held up until Gardner could appear before the Senate Subcommittee on Employment, Manpower, and Poverty to give a full explanation of the huge Federal grant.

Joining Senator Murphy was Senator Thomas Kuchel, Mayor Yorty, Police Chief Tom Reddin and members of the Los Angeles County Republican Committee.

Said Sen. Murphy:

"I particularly want to know why this Federal grant was awarded without formal notification to the Los Angeles Police Department or to Mayor Sam Yorty of Los Angeles.

"I am a firm believer in the theory that locally elected officials are the proper parties for controlling crime, and I also firmly believe that the police departments of this country should be protected from harassment."

This vigilant action by our senators and local officials is to be commended. The fund is too big a handout to be taken for granted and the principle behind it is too important to go unchallenged.

NEWS RELEASE FROM THE OFFICE OF SENATOR GEORGE MURPHY, JUNE 3, 1967

WASHINGTON.—Senator George Murphy, R-Calif., today called for an investigation of a $238,429 Federal grant to the Community Alert Patrol in South Los Angeles and asked that funds be withheld until that time.

Murphy, a member of the Senate Subcommittee on Employment, Manpower and Poverty, said he will ask to have John Gardner, Secretary of Health, Education, and Welfare, appear before the subcommittee to further explain the grant. He said funds should be held up until Gardner clarifies the purpose of the program.

Gardner's department, together with the U.S. Office of Economic Opportunity, recently awarded the Federal grant to the CAP for an experimental year-long program in police-community relations.

In its application, the CAP said it would serve as a "buffer" between the Los Angeles Police Department and residents of "high-crime" areas in Watts and other districts of South Los Angeles. The Federal money would be used to finance a 15-member civilian patrol which would cruise the streets in their own automobiles.

Although the Federal grant was made on the assumption that the patrol would report both criminal acts and evidences of "police brutality," Ronald (Brother Crook) Wilkins, CAP commander, was quoted in Los Angeles newspapers as saying that patrol members will report police brutality but will not report civilian crimes.

"I am concerned over this statement," Senator Murphy said. "I want to know more about this Federal grant, and I particularly want to know why it was awarded without formal notification to the Los Angeles Police Department or to Mayor Sam Yorty of Los Angeles."

"I am a firm believer in the theory that locally elected officials are the proper parties for controlling crime, and I also firmly believe that the police departments of this country should be protected from harassment. If there is any tinge of police harassment in establishment of the Community Alert Patrol I want to know about it and take steps to remedy it."

In its application to HEW for a grant under the Juvenile Delinquency and Youth Offenses Control Act of 1961, the Community Alert Patrol proposed to (1) pay CAP members, some with criminal records, to patrol high-crime areas in their own cars and (2) to rent, equip and maintain a garage at which CAP members would repair their own and neighborhood automobiles.

The application said the CAP would "provide an observant presence on the streets which would function as a protective buffer between the Negro community and the police so as to prevent disorder arising from unlawful acts by either police or citizens."

Senator Murphy noted that Police Chief Thomas Reddin of Los Angeles has said that he was unhappy over the idea of "nonpolicemen policing the police." "In addition to the clarification of the statement that the CAP would observe police but do nothing to prevent crime, I want to get more details on the cost of this program. It seems to me to be rather expensive when only 15 or 20 persons are involved," Senator Murphy said.

Senator Murphy made his request for an investigation by the Senate Subcommittee in a telegram to Senator Joseph Clark, D-Pa., chairman of the Subcommittee.

Mr. MURPHY. Mr. President, it is my intention to make certain that this activity be done with, and only with, the concurrence of the local authorities and the local law enforcement agencies. I would hope the Senator from Illinois would concur.

Mr. PERCY. That is the spirit and intent of the amendment.

Mr. MURPHY. Mr. President, will the Senator accept a language change on page 2, line 3, following the word "section," to strike the period and the quotation marks and insert in lieu thereof a semicolon and the following language:

> *Provided,* That in no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement agency.

Mr. PERCY. I am happy to accept such a modification.

Mr. MURPHY. This would assure us that the unfortunate experience which occurred in Los Angeles would not happen again in other cities. In other words, it would require that funding under the Percy amendment would be dependent on the approval of the local law enforcement agency or the local government.

I thank the Senator.

Mr. PERCY. I believe that the experience in Atlanta and in Miami would bear out the wisdom of the comments made by the distinguished Senator from California, and I ask unanimous consent that the modification be agreed to.

The ACTING PRESIDENT pro tempore. The clerk will state the modification.

The legislative clerk read the modification, as follows:

> On page 2, line 3 of the amendment, strike the period and the quotation marks and insert the following: ": *Provided,* That in no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement agency."

The ACTING PRESIDENT pro tempore. Is there objection to the modification? The Chair hears none, and the amendment is so modified.

The time of the Senator from Illinois has expired.

Mr. McCLELLAN. Mr. President, I believe the Senate acted wisely in rejecting the part of the amendment that has already been voted upon, because it would have given 90-percent grants for this purpose, whereas no other part of the program would have received such grants from the Federal Treasury. The highest grant in the bill is 75 percent, and that is for dealing with the problems of riots to organized crime.

I should like to call attention to the fact that if we are going to keep expanding the bill, we will put so many words in it that we will not know what is and what is not authorized.

I call attention to section 301 of this title:

> SEC. 301. It is the purpose of this part to encourage States and units of general local government to carry out programs and projects to improve and strengthen law enforcement.
>
> * * * * *
>
> (b) Under this part grants may be made pursuant to an application which is approved under section 303 for—
>
> * * * * *
>
> (3) Public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding of and cooperation with law enforcement agencies.

Now, that is pretty broad language. It seems to me that when we are launching a new program, a new experiment such as this, that language is broad enough. If you are going to try to name everything, to employ people who have no qualifications—and it is admitted that none of them are trained or maybe not even trainable—who is going to train these people who will be employed, who are not suitable to be policemen, who cannot qualify? They would have to be trained to go into schools and into the community to perform some kind of function. We already have the authority in the bill to educate and to do those things that are necessary to prevent lawlessness.

Every time we add something to the bill, we are making an obligation to appropriate more money. We are starting a new program. This is a new experiment. In my opinion, we should hold this experiment down until we can get it started in the vital areas, so we can see how it is operating and can gain some knowledge and experience with it; and then if we need to expand it, we can do so.

You cannot cover everything in one bill without breaking it down. Only $400 million is authorized for all purposes, for the next 2 years. Compared to the gravity of the problem that is just a drop in the bucket. We have just enough money authorized to get some experience in these vital areas. If we keep adding all these things to the bill, the money will be spread so thin that we will not get good results from any of the programs.

Mr. President, I am ready to vote.

The ACTING PRESIDENT pro tempore. Does the Senator yield back the remainder of his time?

Mr. McCLELLAN. I yield back the remainder of my time.

Mr. PERCY. Mr. President, will the Senator yield for a comment?

Mr. McCLELLAN. I yield. I might have to ask for another minute.

Mr. PERCY. I should like to reply to one comment made by the distinguished Senator.

The Law Enforcement Assistance Act has been in effect now for 3 years. This form of assistance is not new. My amendment will simply fill a need, supported by two Presidential commissions, in recommending a new approach to solve a problem that we simply have not been very effective in solving to date.

I thank the Senator.

The ACTING PRESIDENT pro tempore. All time on the amendment has expired.

The question is on agreeing to the second part of the amendment offered by the Senator from Illinois, as modified.

(The second part of the amendment (No. 749), as modified, reads as follows:)

On page 21, between lines 19 and 20, insert the following new subcategory:

"(7) The recruiting, organization, training and education of community service officers to serve with and assist local and State law enforcement agencies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanisms; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety and the objectives of this section: *Provided*, That in no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement agency.

On page 43, between lines 8 and 9, insert the following new definition:

"(L) 'Community service officer' means any citizen with the capacity, motivation, integrity, and stability to assist in or perform police work but who may not meet ordinary standards for employment as a regular police officer selected from the immediate locality of the police department of which he is to be a part, and meeting such other qualifications promulgated in regulations pursuant to section 501 as the administration may determine to be appropriate to further the purposes of section 301(b)(7) and this Act."

The ACTING PRESIDENT pro tempore. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Oklahoma [Mr. HARRIS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. McCARTHY], the Senator from Wyoming [Mr. McGEE], the Senator from New Hampshire [Mr. McINTYRE], the Senator from Minnesota [Mr. MONDALE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. INOUYE], the Senator from Utah [Mr. MOSS], and the Senator from West Virginia [Mr. RANDOLPH] are absent on official business.

I further announce that, if present and voting, the Senator from New York [Mr. KENNEDY], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Washington [Mr. MAGNUSON] would each vote "yea."

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from West Virginia [Mr. RANDOLPH]. If present and voting, the Senator from Oregon would vote "yea," and the Senator from West Virginia would vote "nay."

On this vote, the Senator from Connecticut [Mr. RIBICOFF] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from Connecticut would vote "yea," and the Senator from South Carolina would vote "nay."

Mr. DIRKSEN. I announce that the Senator from New Jersey [Mr. CASE] is absent on official business.

The Senator from California [Mr. KUCHEL] and the Senator from Wyoming [Mr. HANSEN] are necessarily absent.

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from Wyoming [Mr. HANSEN]. If present and voting, the Senator from California would vote "yea," and the Senator from Wyoming would vote "nay."

The result was announced—yeas 40, nays 38, as follows:

[No. 132 Leg.]

YEAS—40

Aiken
Anderson
Baker
Bayh
Boggs
Brooke
Carlson
Clark
Cooper
Dirksen
Dodd
Dominick
Fong
Griffin
Hart
Hartke
Hatfield
Jackson
Javits
Jordan, Idaho
Kennedy, Mass.
Long, Mo.
Mansfield
McGovern
Miller
Morton
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Scott
Symington
Tydings
Yarborough
Young, Ohio

NAYS—38

Allott
Bartlett
Bennett
Bible
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cotton
Curtis
Eastland
Ellender
Ervin
Fannin
Gruening
Hayden
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
Long, La.
McClellan
Metcalf
Mundt
Russell
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.

NOT VOTING—22

Case
Fulbright
Gore
Hansen
Harris
Hollings
Inouye
Kennedy, N.Y.
Kuchel
Lausche
Magnuson
McCarthy
McGee
McIntyre
Mondale
Monroney
Montoya
Morse
Moss
Randolph
Ribicoff
Smathers

So the second part of the amendment (No. 749) offered by the Senator from Illinois [Mr. PERCY], as modified, was agreed to.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the second part of the amendment as modified was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPLANATION BY SENATOR RANDOLPH

Mr. RANDOLPH subsequently said: Mr. President, earlier today, I was unable to answer the three rollcalls on amendments to the pending Omnibus Crime Control and Safe Streets Act. The reason for my absence was that I was in my home community of Elkins to vote in the West Virginia primary election.

Mr. SCOTT was recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly?

Mr. SCOTT. I yield to the majority leader.

ORDER IN THE SENATE

Mr. MANSFIELD. Mr. President, I ask that the Chamber be cleared except for those persons who have a right to be here and that those persons who are here be seated.

The ACTING PRESIDENT pro tempore. The Senator has made a point of order that is very appropriate. The Chamber will be cleared of all persons who do not have official business on the floor of the Senate. The Senate is not in order. The conversations in the rear of the Chamber will cease. All those people who are in the rear of the Chamber who do not have official business will leave the Chamber. The Sergeant at Arms is instructed to carry out the order of the Chair. It is the desire of the Chair that the Chamber be cleared.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the Senator from Kansas.

VISIT TO THE SENATE BY MEMBERS OF CONGRESS OF VENEZUELA

Mr. CARLSON. Mr. President, it is my privilege to introduce to the Senate five distinguished Members of the Congress of Venezuela who are visiting the Capitol today. Two are Members of the Senate and three are Members of the Chamber of Deputies.

It is always an honor to have with us Members of the Congress of Venezuela, for their country is one of the countries of Latin America with which we have the best relations. Venezuela has been in the forefront of the Alliance for Progress; it has successfully resisted subversive efforts directed from Cuba; it is an example for the rest of Latin America. I am most happy and honored to present to the Senate Dr. Aristides Fernández, of Anaco, Member of the Venezuelan Senate, Union Republicana Democratica Party; Dr. Godofredo González, of Caracas, Member of the Chamber of Deputies, COPEI Party, a former Minister of Development; Dr. Guillermo Muñoz, of Caracas, Member of the Chamber of Deputies for Movimiento Electoral del Pueblo Party, Chairman of the Finance Committee of the Chamber of Deputies; Dr. Enrique Betancourt G., a lawyer from Caracas, Member of the Chamber of Deputies, Union Republicana Democratica Party, former Speaker of the

Chamber of Deputies; and Dr. Pedro Battistini C., of Caracas, Member of the Senate of Venezuela, Accion Democratica Party, former Governor of the State of Bolivar.

[The distinguished visitors rose in their places and were greeted with applause, Senators rising.]

Mr. CARLSON. Mr. President, I ask unanimous consent to have printed in the RECORD the list of participants in the 1968 seminar for Venezuelan opinion leaders.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF PARTICIPANTS IN 1968 SEMINAR FOR VENEZUELAN OPINION LEADERS

Dr. Oswald Visla Bermúdez, Lawyer, university professor, Maracaibo.

Sr. Euro Fuenmayor, Feature editor of "El Nacional," Caracas.

Sr. Rómulo Martinez, Editor of "El Regional," Valencia.

Sr. Luís Garcia, Promotion manager, Capriles newspapers, Caracas.

Sr. Luís Alfredo Chávez, Managing director, "El Universal," Caracas.

Dr. Manuel Delgado Ocando, Rector, University of Zulia, Maracaibo.

Dr. Juan Galeazzi, Former Governor, State of Tachira, San Cristobal.

Dr. Aristides Fernández,[1] Member of Venezuelan Senate for Union Republicana Democratica Party, Anaco.

Dr. Godofredo González,[1] Member of Chamber of Deputies for COPEI Party, former Minister of Development, Caracas.

Sr. Joffre Paúl Jatem, Businessman, Punto Fijo.

Dr. Guillermo Muñoz,[1] Member of Chamber of Deputies for Movimiento Electoral del Pueblo Party, chairman, Finance Committee of Chamber, Caracas.

Dr. Enrique Betancourt G.,[1] Member of Chamber of Deputies for URD Party, former Speaker of Chamber, lawyer, Caracas.

Dr. José Luís Bonnemaison, Rector, University of Carabobo, Valencia.

Dr. Efrain Schacht Aristiguieta, Lawyer, former Director General of Foreign Ministry, university professor, Frente Nacional Democratico Party.

Dr. Pedro Battistini C.,[1] Member of Senate for Accion Democratica Party, former Governor, State of Bolivar, Caracas.

Sr. Vicente Cupello, Travel Coordinator, North American Association, Caracas.

Sr. Marco Aurelio Rodriguez, Travel Coordinator, NAA, Caracas.

RECESS

Mr. CARLSON. Mr. President, I move that the Senate stand in recess for 2 minutes in order that Senators may greet our distinguished visitors.

The motion was agreed to; and (at 2 o'clock and 19 minutes p.m.) the Senate took a recess until 2:21 p.m.

During the recess, the distinguished guests were greeted by Members of the Senate.

On expiration of the recess, the Senate reassembled and was called to order by the Presiding officer (Mr. BYRD of Virginia).

TRIBUTE TO MEDAL OF HONOR RECIPIENT JAMES ELLIOTT WILLIAMS

Mr. THURMOND. Mr. President, I rise in tribute to a fellow South Carolinian who has just been awarded our Nation's highest and most esteemed military decoration—the Medal of Honor.

The winner of this most coveted award, who is visiting the Senate today, is James Elliott Williams, now a resident of Darlington, S.C., where he makes his home after spending 20 years on active duty in the U.S. Navy. James Elliott Williams is one of the most highly decorated men in the military service. For action during the Korean war and the war in Vietnam he has been awarded the Medal of Honor, the Navy Cross, the Silver Star, Navy and Marine Corps Medal, two Bronze Star Medals, Navy Commendation Medal, and two Purple Hearts. In addition, he had earned seven campaign ribbons and the Vietnamese Gallantry Cross.

Most of Mr. Williams' medals for gallantry were awarded for his service as commander of a river patrol boat in Vietnam from April 1966 to March 1967. The river patrol boat—PBR—has rendered invaluable service to the cause of the United States and her allies in South Vietnam, and is used primarily in patrol of the immense system of waterways that crisscross through the Vietnam jungles.

Having achieved the rank of boatswain mate first class, James Williams was, on his arrival in Vietnam, assigned as boat captain and patrol officer of a river patrol boat on the Mekong River. In addition, as a senior petty officer of the river command, Williams also was in overall command of a force of four patrol boats during the 11 months that he was on combat duty in the delta of South Vietnam. Many times he took his boats into a hail of fire from the enemy, and successfully destroyed numerous sampans and junks. On one occasion he captured a number of secret Vietcong documents which were of vital importance to the United States and friendly forces.

On another occasion he rescued survivors from a sunken dredge, personally swimming inside the sinking hull and bringing one wounded man to safety. The incident for which the President awarded him the Medal of Honor, occurred on October 31, 1966. At that time Petty Officer Williams was on patrol with his own boat and one other patrol boat when they encountered an enemy concentration of sampans and troops concealed in the foliage along the shore.

In utter disregard for his own safety he often exposed himself to enemy fire in order to direct the fire of his own craft and to inspire his men. Although opposed by an overwhelming concentration of enemy boats and out-gunned by heavy automatic weapons, Williams displayed great initiative and promptly led his patrol boat into action.

During the 3-hour fight, the two boats under Williams' command accounted for the destruction or loss of 65 enemy boats and inflicted numerous casualties on the Vietcong.

It was characteristic of this determined leader that he ordered the patrol boats' searchlights turned on to better illuminate the area and to press on his attack. He did this even though the search lights made his own craft better targets for the enemy and his own supply of ammunition was getting perilously low.

Having completed 20 years' service at the age of 37, Boatswain Mate Williams retired from the Navy in April of 1967. He, his wife and their five children chose Darlington, S.C., for their home. At present he is employed as a security officer and is seeking election this year as the Darlington County sheriff on the Republican ticket. His parents, Mr. and Mrs. Roy Franklin Williams, also of Darlington, are indeed proud of their son. They are not alone. All of South Carolina, the Navy, the Armed Forces, and the country are proud of James Williams and the other brave men like him who have given so much for their country.

It has been my pleasure today to see Mr. Williams for the second time. Last month I attended the ceremony in Florence, S.C., where Adm. J. S. Dorsey, commandant of the 6th Naval District, presented Mr. Williams with the Navy Cross for another river action in which he destroyed a force of nine enemy craft, killing 16 Vietcong and wounding 20. Admiral Dorsey remarked at the time that it was significant that during these 11 months of combat, in which Williams conducted numerous patrols and fought many engagements, he only lost one of his men during the entire period. This speaks well of his leadership and his courage.

Mr. President, I am proud to have the honor of reciting the accomplishments of this brave man, and I am also proud to call him my friend. In conclusion, I ask unanimous consent that a biographical data sheet on Mr. Williams and the complete citation for his Medal of Honor be printed in the RECORD.

There being no objection, the data sheet and citation were ordered to be printed in the RECORD, as follows:

JAMES ELLIOTT WILLIAMS, U.S. NAVY

(Biographical data)

Date of Birth: 13 June 1930.

Place of Birth: Rock Hill, South Carolina.

Next of Kin: Wife: Mrs. Elaine W. Williams, Box 425A, Route 5, Darlington, South Carolina; Children: Deborah Kay Williams (daughter), James Elliott Williams, Jr. (son), Stephen Michael Williams (son), Charles Edward Williams (son), Gail Marie Williams (daughter), (address same as above); Parents: Mr. and Mrs. Roy Franklin Williams, R.F.D. #5, Darlington, South Carolina 29532. 29532.

Religion: Protestant.

Date of Enlistment: August 8, 1947, at Columbia, South Carolina.

Promotions: 8 August 1947—Apprentice Seaman; 6 November 1947—Seaman Second Class; 16 March 1949—Seaman; 1 January 1955—Boatswain's Mate Third Class; 16 November 1960—Boatswain's Mate Second Class; 16 November 1963—Boatswain's Mate First Class.

Hostile opposition: Morale high. Preparing full scale troop movement. Approximately 60 sampans and 11 junks carrying insurgent troops were detected. Many enemy emplacements positioned in area. 28 sampans sunk, 25 sampans damaged, 3 sampans and 3 junks captured, 2 killed in action.

Defenders' situation: Two Swift Boats (PBRs) with Petty Officer Williams as boat captain and patrol officer spotted two enemy sampans and after killing the occupants of one began to pursue the other.

Narrative description of gallant conduct: (Please see attached press release.)

Decorations and Medals: Navy Cross, Silver Star Medal, Navy and Marine Corps Medal, Bronze Star Medal with Combat Distinguishing Device, Gold Star in lieu of second Bronze

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[1] Members of Congress of Venezuela.

Star Medal with Combat Distinguishing Device; Navy Commendation Medal with Combat Distinguishing Device; Purple Heart; Gold Star in lieu of second Purple Heart; Good Conduct Medal with four bronze stars in lieu of subsequent awards; National Defense Service Medal with bronze star; Korean Service Medal; Armed Forces Expeditionary Medal; Vietnam Service Medal; Vietnamese Gallantry Cross with bronze star; United Nations Service Medal; Korean Presidential Unit Citation; Republic of Vietnam Campaign Medal.

CITATION

The President of the United States in the name of The Congress takes pleasure in presenting the Medal of Honor to Boatswain's Mate First Class James E. Williams, United States Navy for service as set forth in the following Citation:

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as a member of River Section 531 during combat operations on the Mekong River in the Republic of Vietnam. On 31 October 1966, Petty Officer Williams was serving as Boat Captain and Patrol Officer aboard River Patrol Boat (PBR) 105 accompanied by another patrol boat when the patrol was sudenly taken under fire by two enemy sampans. Petty Officer Williams immediately ordered the fire returned, killing the crew of one enemy boat and causing the other sampan to take refuge in a nearby river inlet. Pursuing the fleeing sampan, the U.S. patrol encountered a heavy volume of small arms fire from enemy forces, at close range, occupying well-concealed positions along the river bank. Maneuvering through this fire, the patrol confronted a numerically superior enemy force aboard two enemy junks and eight sampans augmented by heavy automatic weapons fire from ashore. In the savage battle that ensued, Petty Officer Williams, with utter disregard for his own safety, exposed himself to the withering hail of enemy fire to direct counter-fire and inspire the actions of his patrol. Recognizing the overwhelming strength of the enemy force, Petty Officer Williams deployed his patrol to await the arrival of armed helicopters. In the course of this movement he discovered an even larger concentration of enemy boats. Not waiting for the arrival of the armed helicopters, he displayed great initiative and boldly led the patrol through the intense enemy fire and damaged or destroyed fifty enemy sampans and seven junks. This phase of the action completed, and with the arrival of the armed helicopters, Petty Officer Williams directed the attack on the remaining enemy force. Now virtually dark, and although Petty Officer Williams was aware that his boats would become even better targets, he ordered the patrol boats' search lights turned on to better illuminate the area and moved the patrol perilously close to shore to press the attack. Despite a waning supply of ammunition the patrol successfully engaged the enemy ashore and completed the rout of the enemy force. Under the leadership of Petty Officer Williams, who demonstrated unusual professional skill and indomitable courage throughout the three hour battle, the patrol accounted for the destruction or loss of sixty-five enemy boats and inflicted numerous casualties on the enemy personnel. His extraordinary heroism and exemplary fighting spirit in the face of grave risks inspired the efforts of his men to defeat a larger enemy force, and are in keeping with the finest traditions of the United States Naval Service.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. SCOTT. Mr. President——

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. DIRKSEN. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. DIRKSEN. Mr. President, I send to the desk an amendment in the nature of a substitute for title IV of Senate bill 917 and ask that it be called up and made the pending business.

Mr. HRUSKA. Would the Senator from Illinois withdraw that last statement?

Mr. DIRKSEN. I withdraw the last part of my request.

Mr. HRUSKA. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. HRUSKA. Mr. President, I call up my amendment No. 708 and offer it as a substitute for the amendment just offered by the distinguished Senator from Illinois. He withdrew his request to make it the pending business.

Mr. DIRKSEN. Mr. President, I renew my original request to make it the pending business.

The PRESIDING OFFICER. The clerk will state the amendment in the nature of a substitute.

The legislative clerk proceeded to read the amendment.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further reading of the amendment in the nature of a substitute for title IV be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment in the nature of a substitute, offered by Mr. DIRKSEN, is as follows:

On page 80, beginning with line 15, strike out through line 4 on page 107 and insert in lieu thereof the following:

"TITLE IV. FIREARMS AMENDMENTS

"SEC. 901. The first section of the Federal Firearms Act (52 Stat. 1250; 15 U.S.C. § 901) is amended to read as follows:

"'That as used in this Act—

"'(1) The term "person" includes an individual, partnership, association, or corporation.

"'(2) The term "interstate or foreign commerce" means commerce between any State or possession (not including the Canal Zone), or District of Columbia, and any place outside thereof; or between points within the same State or possession (not including the Canal Zone), or the District of Columbia, but through any place outside thereof; or within any possession or the District of Columbia. The term "State" shall be held to include the Commonwealth of Puerto Rico and the District of Columbia.

"'(3) The term "firearm" means any weapon, by whatsoever name known, which will, or is designed to, or which may be readily converted to, expel a projectile or projectiles by the action of an explosive, the frame or receiver of any such weapon, or any firearm muffler or firearm silencer.

"'(4) The term "handgun" means any pistol or revolver originally designed to be fired by the use of a single hand, and which is designed to fire or capable of firing fixed cartridge ammunitions or any other firearm originally designed to be fired by the use of a single hand or which has an overall length of less than twenty-six inches.

"'(5) The term "manufacturer" means any person engaged in the manufacture or importation of firearms for purposes of sale or distribution; and the term 'licensed manufacturer' means any such person licensed under the provisions of this Act.

"'(6) The term "dealer" means (a) any person engaged in the business of selling firearms at wholesale or retail; (b) any person engaged in the business of repairing such firearms or of manufacturing or fitting special barrels, stocks, or trigger mechanisms to firearms, or (c) any person who is a pawnbroker. The term "licensed dealer" means any dealer who is licensed under the provisions of this Act.

"'(7) The term "fugitive from justice" means any person who has fled from any State, the District of Columbia, or possession of the United States, (a) to avoid prosecution for a crime punishable by imprisonment for a term exceeding one year; or (b) to avoid giving testimony in any criminal proceeding.

"'(8) The term "pawnbroker" means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm as security for the repayment of money loaned thereon.

"'(9) The term "Secretary" or "Secretary of the Treasury" means the Secretary of the Treasury or his delegate.

"'(10) The term "indictment" includes an indictment or any information in any court of the United States, the several States, possessions, or the District of Columbia under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

"'(11) The term "crime punishable by imprisonment for a term exceeding one year" shall not include any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate.'

"SEC. 902. (a) Subsections (a), (b), (d), (e), (g), and (h) of section 2 of the Federal Firearms Act are amended by striking out the words 'or ammunition' wherever they appear.

"(b) Subsection (d) of section 2 of such Act is amended by striking out the word 'Territories'.

"(c) Subsection (f) of section 2 of such Act is amended to read as follows:

"'(f) It shall be unlawful for any person who is under indictment or who has been convicted by any court of a crime punishable by imprisonment for a term exceeding one year, or who is a fugitive from justice, to receive any firearm which has been shipped or transported in interstate or foreign commerce.'

"(d) Subsection (i) of section 2 of such Act is amended by striking out the words 'and the possession of any such firearm shall be presumptive evidence that such firearm was transported, shipped, or received, as the case may be, by the possessor in violation of this Act.'

"(e) Section 2 of such Act is amended by adding at the end thereof the following new subsections:

"'(j) It shall be unlawful for any manufacturer or dealer knowingly to deliver, or cause to be delivered, to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed dealers or manufacturers, any package or other container in which there is any handgun as defined in this Act, or any firearm as defined in section 5848 (1) of the Internal Revenue Code of 1954, without written notice to the carrier that handguns or such firearms are being transported or shipped.

"'(k) It shall be unlawful for any common or contract carrier to deliver, or cause to be delivered, in interstate or foreign commerce any handgun as defined in this Act, or any firearm as defined in section 5848(1)

of the Internal Revenue Code of 1954 to any person with knowledge or with reasonable cause to believe that such person is under eighteen years of age.

" '(l) It shall be unlawful for any manufacturer or dealer to ship any firearm as defined in section 5848(1) of the Internal Revenue Code of 1954 in interstate or foreign commerce to any person other than a licensed manufacturer or licensed dealer or person exhibiting a license as prescribed in subsection (c) of this section.

" '(m) It shall be unlawful for any manufacturer or dealer to ship any handgun as defined in this Act in interstate or foreign commerce to any person other than a licensed manufacturer or licensed dealer or person exhibiting a license as prescribed in subsection (c) of this section, unless the person to whom such handgun is to be so shipped has submitted to such manufacturer or dealer a sworn statement in such form and manner as the Secretary shall by regulation prescribe, to the effect that such person (1) is eighteen years or more of age; (2) that he is not a person prohibited by this Act from receiving a handgun in interstate or foreign commerce; and (3) that there are no provisions of law, regulations, or ordinances applicable to the locality to which the handgun will be shipped, which would be violated by such person's receipt or possession of the handgun. Such sworn statement shall contain the true name and address of the principal law enforcement officer of the locality to which the handgun will be shipped. It shall be unlawful unless such manufacturer or dealer has, prior to the shipment of such handgun, forwarded by United States registered mail (return receipt requested) to the local law enforcement officer named in the sworn statement, the description (including (1) manufacturer thereof, (2) the caliber, (3) the model and type of handgun but not including serial number identification) of the handgun to be shipped, and one copy of the sworn statement, and has received a return receipt evidencing delivery of the registered letter or such registered letter has been returned to the manufacturer or dealer due to the refusal of the named law enforcement officer to accept such letter as evidenced in accordance with United States Post Office Department regulations. It shall be unlawful for any person to cause to be transmitted to United States mail or to cause to be transported in interstate or foreign commerce such a sworn statement which contains any false statement as to any material fact for the purpose of obtaining a handgun.'

"Sec. 903. Section 3 of the Federal Firearms Act is amended to read as follows:

" 'Sec. 3. (a) Any manufacturer or dealer desiring a license to transport, ship, or receive firearms in interstate or foreign commerce shall file an application for such license with the Secretary, in such form and containing such information as the Secretary shall by regulation prescribe. Each such applicant shall be required to pay a fee for obtaining such license as follows:

" '(1) If a manufacturer of firearms, a fee of $50 per annum;

" '(2) If a dealer (other than a pawnbroker) in firearms, a fee of $10 per annum; or

" '(3) If a pawnbroker, a fee of $50 per annum.

" '(b) Upon filing by a qualified applicant of a proper application and the payment of the prescribed fee, the Secretary shall issue to such applicant the license applied for, which shall, subject to the provisions of this Act, entitle the licensee to transport, ship, and receive firearms in interstate or foreign commerce during the period stated in the license. Except that, no license shall be issued pursuant to this Act (1) to any applicant who is under twenty-one years of age; or (2) to any applicant, if the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is prohibited by the provisions of this Act from transporting, shipping, or receiving firearms in interstate or foreign commerce.

" '(c) The provisions of section 2 (d), (e), and (f) of this Act shall not apply in the case of a licensed manufacturer or licensed dealer who is under indictment for a crime punishable by imprisonment for a term exceeding one year, providing that such manufacturer or dealer gives notice to the Secretary by registered or certified mail of his indictment within thirty days of the date of the indictment. A licensed manufacturer or licensed dealer who has given notice of his indictment to the Secretary, as provided in this subsection, may continue operations pursuant to his existing license during the term of such indictment, and until any conviction pursuant to the indictment becomes final, whereupon he shall be fully subject to all provisions of this Act and operations pursuant to such license shall be discontinued.

" '(d) Each licensed manufacturer and licensed dealer shall maintain such permanent records of production, importation, shipment, and other disposal of firearms as the Secretary may by regulation prescribe.'

"Sec. 904. Section 4 of the Federal Firearms Act is amended to read as follows:

" 'Sec. 4. (a) The provisions of this Act shall not apply with respect to the transportation, shipment, receipt, or importation of any firearms sold or shipped to, or issued for the use of (1) the United States or any department, independent establishment, or agency thereof; (2) any State, or possession, or the District of Columbia, or any department, independent establishment, agency, or any political subdivision thereof; (3) any duly commissioned officer or agent of the United States, a State, or possession, or the District of Columbia, or any political subdivision thereof; (4) to any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables, which is granted an exemption by the Secretary; (5) to any research laboratory designated as such by the Secretary; or (6) to the transportation, shipment, or receipt of antique or unserviceable firearms (other than a 'firearm' as defined in section 5848(1) of the Internal Revenue Code of 1954) possessed and held as a curio or museum piece.

" '(b) Nothing contained in this Act shall be construed to prevent shipments of firearms to institutions, organizations, or persons to whom firearms may be lawfully delivered by the Secretary of Defense or his delegate, nor to prevent the receipt or transportation of such firearms by their lawful possessors while they are engaged in military training or in competitions.'

"Sec. 905. (a) Subsection (b) of section 5 of the Federal Firearms Act is amended by striking out the words 'or ammunition.'

"(b) Subsection (b) of section 5 of such Act is further amended by striking out the words 'title 26' where they first appear and inserting in lieu thereof the words 'the Internal Revenue Code of 1954', and by striking out the words 'section 2733 of title 26' and inserting in lieu thereof the words 'section 5848 of said Code.'

"Sec. 906. The Federal Firearms Act is amended by adding at the end thereof the following new section:

" 'Sec. 11. Nothing in this Act shall be construed as modifying or affecting the requirements of section 414 of the Mutual Security Act of 1954, as amended, with respect to the manufacture, exportation, and importation of arms, ammunition, and implements of war.'

"Sec. 907. The amendments made by this title shall become effective on the first day of the second month beginning after the date of enactment of this title."

AMENDMENT NO. 708

Mr. **HRUSKA**. Mr. President, will the distinguished Senator from Pennsylvania yield further to me, without losing his right to the floor?

Mr. **SCOTT**. I yield.

Mr. **HRUSKA**. Mr. President, I call up my amendment No. 708 and propose it as a substitute for the pending business, which is an amendment in the nature of a substitute for the amendment just offered by the distinguished Senator from Illinois.

The **PRESIDING OFFICER**. The clerk will state the amendment.

The Legislative Clerk. The Senator from Nebraska proposes:

TITLE IV—FIREARMS AMENDMENTS

PART A—FEDERAL FIREARMS ACT AMENDMENTS

Sec. 901. The first section of the Federal Firearms Act is amended to read:

"That as used in this Act—

"(1) The term 'person' includes an individual, partnership, association, or corporation.

"(2) The term 'State' includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

"(3) The term 'interstate or foreign commerce' means commerce between any State and any place outside thereof; or between points within the same State, but through any place outside thereof; or within any possession or the District of Columbia.

"(4) The term 'firearm', except when the context otherwise requires, means any weapon, manufactured after the year 1898, by whatsoever name known, which will, or is designed to, or which may be readily converted to, expel a projectile or projectiles by the action of an explosive or the frame or receiver of any such weapon.

"(5) The term 'handgun' means any pistol or revolver originally designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition, or any other firearm originally designed to be fired by the use of a single hand.

"(6) The term 'manufacturer' means any person engaged in the business of manufacturing or importing firearms for purposes of sale or distribution. The term 'licensed manufacturer' means any such person licensed under the provisions of this Act.

"(7) The term 'dealer' means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms or of manufacturing or fitting barrels, stocks, or trigger mechanisms to firearms, or any person who is a pawnbroker. The term 'licensed dealer' means any dealer who is licensed under the provisions of this Act.

"(8) The term 'pawnbroker' means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm as security for the repayment of money loaned thereon.

"(9) The term 'Secretary' means the Secretary of the Treasury or his designee.

"(10) The term 'indictment' includes an indictment or any information in any court of the United States or in any court of any State under which a crime of violence may be prosecuted.

"(11) The term 'fugitive from justice' means any person who has fled from any State to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

"(12) The term 'published ordinance' means a published law of any political subdivision of a State which the Secretary of the Treasury determines to be relevant to the enforcement of this Act and which is contained on a list compiled by the Secretary of the Treasury which list shall be published in the Federal Register, revised annually, and furnished to each licensee under this Act."

SEC. 902. Section 2 of the Federal Firearms Act is amended to read:

"(a) It shall be unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of this Act, to transport, ship, or receive any firearm in interstate or foreign commerce.

"(b) It shall be unlawful for any person to receive any firearm transported or shipped in interstate or foreign commerce in violation of subsection (a) of this section, knowing or having reasonable cause to believe such firearm to have been transported or shipped in violation of said subsection.

"(c) It shall be unlawful for any licensed manufacturer or licensed dealer to ship or transport, or cause to be shipped or transported, any firearm in interstate or foreign commerce, to any person in any State where the receipt or possession by such person of such firearm would be in violation of any statute of such State or of any published ordinance applicable in the locality in which such person resides unless the licensed manufacturer or licensed dealer establishes that he was unable to ascertain with reasonable effort that such receipt or possession would be in violation of such State law or such ordinance.

"(d) It shall be unlawful for any person to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm to any person knowing or having reasonable cause to believe that such person is under indictment for or has been convicted in any court of the United States or in any court of any State of a crime punishable by imprisonment for a term exceeding one year, or is a fugitive from justice.

"(e) It shall be unlawful for any person who is under indictment for or who has been convicted of a crime punishable by imprisonment for a term exceeding one year, or who is a fugitive from justice to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm.

"(f) It shall be unlawful for any person who is under indictment for or who has been convicted of a crime punishable by imprisonment for a term exceeding one year, or who is a fugitive from justice, to receive any firearm which has been shipped or transported in interstate or foreign commerce.

"(g) It shall be unlawful for any person to transport or ship or cause to be transported or shipped in interstate or foreign commerce any stolen firearm, knowing, or having reasonable cause to believe, such firearm to have been stolen.

"(h) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any firearm or to pledge or accept as security for a loan any firearm moving in or which is a part of interstate or foreign commerce, and which while so moving or constituting such part has been stolen, knowing, or having reasonable cause to believe, such firearm to have been stolen.

"(i) It shall be unlawful for any person to transport, ship, or knowingly receive in interstate or foreign commerce any firearm from which the manufacturer's serial number has been removed, obliterated, or altered.

"(j) It shall be unlawful for any manufacturer or dealer knowingly to deliver, or cause to be delivered, to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed manufacturers or licensed dealers, any package or other container in which there is any handgun without written notice to the carrier that such handgun is being transported or shipped.

"(k) It shall be unlawful for any common or contract carrier to deliver, or cause to be delivered, in interstate or foreign commerce any handgun to any person with knowledge or with reasonable cause to believe that such person is under twenty-one years of age or any firearm to any person with knowledge or with reasonable cause to believe that such person is under eighteen years of age.

"(l) It shall be unlawful for any licensed manufacturer or licensed dealer to ship any handgun in interstate or foreign commerce to any person other than another licensed manufacturer or licensed dealer unless:

"(1) such person has submitted to such manufacturer or dealer a sworn statement in the following form: 'Subject to penalties provided by law, I swear that I am twenty-one years or more of age; that I am not prohibited by the Federal Firearms Act from receiving a handgun in interstate or foreign commerce; and that my receipt of this handgun will not be in violation of any statute of the State and published ordinance applicable to the locality in which I reside. Further, the true title, name, and address of the principal law enforcement officer of the locality to which the handgun will be shipped are ______________________________
Signature ____________________ Date ______',
and containing blank spaces for the attachment of a true copy of any permit or other information required pursuant to such statute or published ordinance.

"(2) such manufacturer or dealer has, prior to the shipment of such handgun, forwarded by registered or certified mail (return receipt requested) to (A) the local law enforcement officer named in the sworn statement, or (B) the official designated by the Governor of the State concerned under this subsection, a description of the handgun to be shipped (including the manufacturer, the caliber, the model, and type of such handgun, but not including serial number identification), and one copy of the sworn statement, and has received a return receipt evidencing delivery of such letter, or such letter has been returned to such manufacturer or dealer due to the refusal of the named law enforcement officer or designated official to accept such letter in accordance with United States Post Office Department regulations; and

"(3) such manufacturer or dealer has delayed shipment for a period of at least seven days following receipt of the notification of the local law enforcement officer's or designated official's acceptance or refusal of such letter.

A copy of the sworn statement and a copy of the notification to the local law enforcement officer or designated official along with evidence of receipt or rejection of that notification shall be retained by the licensee as a part of the records required to be kept under section 3(d). For purposes of paragraph (2)(B), the Governor of any State may designate any official in his State to receive such notification for such State or any part thereof in lieu of the notification required by paragraph 2(A) and shall notify the Secretary of the name, title, and business address of such official and the Secretary shall publish in the Federal Register the name, title, and address of such official. Upon such publication, notification to the local law enforcement officers required under paragraph (2)(A) of this subsection will not be required for a period of five years from the date of such publication unless the request is withdrawn by the Governor of such State and such withdrawal is published in the Federal Register.

"(m) It shall be unlawful for any licensed manufacturer or licensed dealer to sell or deliver for sale any handgun to any person other than another licensed manufacturer or licensed dealer who is not a resident of the State in which such manufacturer's or dealer's place of business is located and in which the sale or delivery for sale is made, unless such manufacturer or dealer has, prior to sale, or delivery for sale of the handgun, complied with the provisions of subsection (1) of this section.

"(n) It shall be unlawful for any person in connection with the acquisition or attempted acquisition of a firearm from a licensed manufacturer or licensed dealer to—

"(1) knowingly make any false or fictitious statement, written or oral; or

"(2) knowingly furnish or exhibit any false, fictitious, or misrepresented identification with the intention to deceive such manufacturer or dealer with respect to any fact material to the lawfulness of the sale or other disposition of a firearm by a licensed manufacturer or licensed dealer under the provisions of this section.

"(o) It shall be unlawful for any person to transport or receive in the State where he resides a firearm purchased or otherwise obtained by him outside the State where he resides if it would be unlawful for him to purchase or possess such firearm in the State (or political subdivision thereof) where he resides."

SEC. 903. Section 3 of the Federal Firearms Act is amended to read:

"SEC. 3. (a) Any manufacturer or dealer desiring a license to transport, ship, or receive firearms in interstate or foreign commerce shall file an application for such license with the Secretary, in such form and containing such information as the Secretary shall by regulation prescribe. Each such applicant shall be required to pay a fee for obtaining such license as follows:

"(1) If a manufacturer of firearms, a fee of $50 per annum;

"(2) If a dealer (other than a pawnbroker) in firearms, a fee of $10 per annum, except that for the first renewal following the effective date of the Federal Firearms Amendments of 1968 or for the first year he is engaged in business as a dealer such dealer will pay a fee of $25;

"(3) If a pawnbroker, a fee of $50 per annum.

"(b) Upon filing by a qualified applicant of a proper application and the payment of the prescribed fee, the Secretary shall issue to such applicant the license applied for, which shall, subject to the provisions of this Act, entitle the licensee to transport, ship, sell, and receive firearms in interstate or foreign commerce during the period stated in the license. No license shall be issued pursuant to this Act—

"(1) to any applicant who is under 21 years of age;

"(2) to any applicant, if the applicant (including, in the case of a corporation, partnership, or association, any individual who, directly or indirectly, has the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is prohibited by the provisions of this Act from transporting, shipping, selling, or receiving firearms in interstate or foreign commerce;

"(3) to any applicant who has willfully violated any of the provisions of this Act or regulations issued thereunder; or

"(4) to any applicant who has willfully failed to disclose any material information required, or made any false statement as to any material fact, in connection with his application.

"(c) The provisions of section 2 (d), (e), and (f) of this Act shall not apply in the case of a licensed manufacturer or licensed dealer who is under indictment for a crime punishable by imprisonment for a term exceeding one year: *Provided*, That such manufacturer or dealer gives notice to the Secretary by registered or certified mail of his indictment within thirty days of the date of the indictment. A licensed manufacturer or licensed dealer who has given notice of his indictment to the Secretary, as provided in this subsection, may continue operation pursuant to his existing license during the term of such indictment, and until any conviction pursuant to the indictment becomes final, whereupon he shall be fully subject to all provisions of this Act, and operations pursuant to such license shall be discontinued.

"(d) Each licensed manufacturer and licensed dealer shall maintain such records of production, importation, notification, shipment, sale, and other disposal of firearms as the Secretary may by regulation prescribe."

SEC. 904. Section 4 of the Federal Firearms Act is amended to read:

"SEC. 4. (a) The provisions of this Act shall not apply with respect—

"(1) to the transportation, shipment, receipt, or importation of any firearms sold or shipped to, or issued for the use of (A) the United States or any department, independent establishment, or agency thereof; (B) any State or any department, independent establishment, agency, or any political subdivision thereof; (C) any duly commissioned officer or agent of the United States, a State or any political subdivision thereof; (D) any bank, common or contract carrier, express company, or armored-truck company organized and operating in good faith for the transportation of money and valuables, which is granted an exemption by the Secretary; or (E) any research laboratory designated as such by the Secretary; or

"(2) to the transportation, shipment, or receipt of antique or unserviceable firearms possessed and held as a curio or museum piece.

"(b) Nothing contained in this Act shall be construed to prevent shipments of firearms to institutions, organizations, or persons to whom firearms may be lawfully delivered by the Secretary of Defense or his designee, nor to prevent the receipt or transportation of such firearms by their lawful possessors while they are engaged in military training or in competitions."

SEC. 905. Section 5 of the Federal Firearms Act is amended to read:

"SEC. 5. (a) Any person violating any of the provisions of this Act or any rules and regulations promulgated hereunder, or who makes any statement in applying for the license or exemption provided for in this Act, knowing or having reasonable cause to know such statement to be false, shall, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than ten years, or both, and shall become eligible for parole as the Board of Parole shall determine.

"(b) Any firearm involved in any violation of the provisions of this Act or any rules or regulations promulgated thereunder shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5848(1) of said Code shall, so far as applicable, extend to seizures and forfeitures incurred under the provisions of this Act."

SEC. 906. The Federal Firearms Act is amended by adding at the end thereof the following new section:

"SEC. 11. Nothing in this Act shall be construed as modifying or affecting any provision of—

"(1) the National Firearms Act (chapter 53 of the Internal Revenue Code of 1954); or

"(2) section 414 of the Mutual Security Act of 1954, as amended (section 1934 of title 22 of the United States Code (relating to munitions control)); or

"(3) section 1715 of title 18 of the United States Code (relating to nonmailable firearms)."

SEC. 907. The amendments made by this part shall become effective on the first day of the sixth month beginning after the date of enactment of this part.

SEC. 908. This part may be cited as the "Federal Firearms Amendments of 1968."

PART B—NATIONAL FIREARMS ACT AMENDMENTS

SEC. 911. (a) Paragraph (1) of section 5848 of the Internal Revenue Code of 1954 is amended by inserting after "or a machine gun," the words "or a destructive device,".

(b) Paragraph (2) of section 5848 of the Internal Revenue Code of 1954 is amended by inserting after the words "or is designed to shoot," the words "or which can readily be restored to shoot," and by striking out the period at the end thereof and inserting after the word "trigger" the words ", and shall include (A) the frame or receiver of any such weapon, and (B) any combination of parts designed and intended for use in converting a weapon, other than a machine gun, into a machine gun".

(c) Section 5848 of the Internal Revenue Code of 1954 is amended by renumbering paragraphs (3), (4), (5), (6), (7), (8), (9), (10), and (11), as paragraphs (4), (5), (6), (7), (8), (9), (10), (11), and (12), respectively, and by inserting after paragraph (2) a new paragraph (3) as follows:

"(3) The term 'destructive device' means (A) any explosive or incendiary (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile, (v) mine, or (vi) similar device; (B) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive, the barrel or barrels of which have a bore of more than 0.78 inches in diameter; or (C) any combination of parts designed and intended for use in converting any device into a destructive device. The term 'destructive device' shall not include (i) any device which is not designed or redesigned or used or intended for use as a weapon, (ii) any device, although originally designed as a weapon, which is redesigned for use or is used as a signaling, pyrotechnic, line throwing, safety, or similar device, (iii) any shotgun or rifle, (iv) any firearm designed for use with black powder, regardless of when manufactured, (v) surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684 (2), 4685, or 4686 of title 10 of the United States Code, (vi) any device which the Secretary finds is used exclusively by the United States or any department or agency thereof, or (vii) any other device which the Secretary finds is not likely to be used as a weapon."

(d) Paragraph (4) of section 5848 of the Internal Revenue Code of 1954 (as renumbered) is amended by striking out the period at the end thereof and inserting the words ", and any such weapon which can readily be restored to firing condition."

(e) Paragraph (5) of section 5848 of the Internal Revenue Code of 1954 (as renumbered) is amended by striking out the period at the end thereof and inserting the words ", and any such weapon which can readily be restored to firing condition."

SEC. 912. Section 5803 of the Internal Revenue Code of 1954 is amended to read as follows:

"SEC. 5803. EXEMPTIONS.

"The tax imposed by section 5801 shall not apply to any importer, manufacturer, or dealer all of whose business as an importer, manufacturer, or dealer is conducted with, or on behalf of, the United States or any department, independent establishment, or agency thereof. The Secretary or his delegate may relieve any such importer, manufacturer, or dealer from compliance with any provision of this chapter with respect to the conducting of such business."

SEC. 913. (a) Section 5814 of the Internal Revenue Code of 1954 is amended by—

(1) striking out the word "duplicate" in the first sentence of subsection (a) and inserting in lieu thereof "triplicate";

(2) inserting before the period in the second sentence of subsection (a) thereof the following: "and the age of such applicant"; and

(3) striking out "a copy" in the first sentence of subsection (b), inserting in lieu thereof "one copy", and adding before the period in such sentence the following: "and one copy to the principal law enforcement officer of the locality wherein he resides".

(b) Subsection (e) of section 5821 of the Internal Revenue Code of 1954 is amended by—

(1) inserting before the period in the last sentence thereof the following: 'and the age of such applicant"; and

(2) adding at the end thereof the following new sentence: "At the same time that the person making the declaration forwards the declaration to the Secretary or his delegate, he shall forward a copy thereof to the principal law enforcement officer of the locality wherein he resides."

(c) Section 5843 of the Internal Revenue Code of 1954 is amended by inserting at the end thereof the following sentence: "If a firearm (possessed by a person other than an importer or manufacturer) does not bear the identification required under this section, the possessor thereof shall identify the firearm with such number and other identification marks as may be designated by the Secretary or his delegate, in a manner approved by the Secretary or his delegate."

SEC. 914. (a) The second sentence of section 5841 of the Internal Revenue Code of 1954 is hereby repealed.

(b) Section 5841 of the Internal Revenue Code of 1954 is further amended by adding at the end thereof the following: "No person required to register under the provisions of this chapter shall be prosecuted or subjected to any penalty for or on account of any matter or information contained in any declaration or other statement required pursuant to the provisions of this chapter nor shall such information or matter be used as evidence in any criminal proceeding against him in any court: *Provided*, That no person shall be exempt under the provisions of this section from prosecution for any violation of the provisions of section 1001 of title 18 of the United States Code."

SEC. 915. (a) Subchapter B of chapter 53 of the Internal Revenue Code of 1954 is amended by adding at the end thereof a new section as follows:

"SEC. 5850. APPLICABILITY OF OTHER LAWS

"Nothing in this chapter shall be construed as modifying or affecting any provision of—

"(1) the Federal Firearms Act, as amended (15 U.S.C. 901–909); or

"(2) section 414 of the Mutual Security Act of 1954, as amended (section 1934 of title 22 of the United States Code (relating to munitions control)); or

"(3) section 1715 of title 18 of the United States Code (relating to nonmailable firearms).

(b) The table of sections in subchapter B of chapter 53 of the Internal Revenue Code of 1954 is amended by adding at the end thereof:

"Sec. 5850. Applicability of other laws."

SEC. 916. (a) Subchapter C of chapter 53 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new sections:

"SEC. 5856. UNLAWFUL RECEIPT IN VIOLATION OF STATE LAW.

"It shall be unlawful for any person to transport or receive in the State where he resides a firearm purchased or otherwise obtained by him outside the State where he resides if it would be unlawful for him to purchase or possess such firearm in the State (or political subdivision thereof) where he resides.

"SEC. 5857. UNLAWFUL SALE TO A PERSON UNDER 21 YEARS OF AGE

"It shall be unlawful for any importer, manufacturer, or dealer, subject to the special tax imposed under section 5801 to sell any firearm to any person with knowledge or with reasonable cause to believe that such person is under 21 years of age."

(b) The table of sections in subchapter C of chapter 53 of the Internal Revenue Code of 1954 is amended by adding at the end thereof:

"Sec. 5856. Unlawful receipt in violation of State law.

"Sec. 5857. Unlawful sale to a person under 21 years of age."

SEC. 917. Section 5861 of the Internal Revenue Code is amended to read as follows:

"SEC. 5861. PENALTIES

"Any person who violates or fails to comply with any of the requirements of this chapter shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than ten years, or both, and shall become eligible for parole as the Board of Parole shall determine.".

SEC. 918. (a) The proviso in paragraph (3) of subsection (a) of section 5801 of the Internal Revenue Code of 1954 is amended by striking out the words "under section 5848 (5)" and inserting in lieu thereof the words "under section 5846(6)".

(b) The proviso in subsection (a) of section 5811 of the Internal Revenue Code of 1954 is amended by striking out the words "under section 5848(5)" and inserting in lieu thereof the words "under section 5848 (6)".

(c) Subsection (d) of section 5685 of the Internal Revenue Code is amended to read as follows:

"(d) DEFINITION OF MACHINE GUN.—As used in this section the term 'machine gun' has the same meaning assigned to it in section 5848(2)."

SEC. 919. (a) This part shall take effect on the first day of the sixth month following the month in which it is enacted.

(b) Notwithstanding the provisions of subsection (a), any person required to register a firearm under the provisions of section 5841 of the Internal Revenue Code of 1954 by reason of the amendments to section 5848 of such Code contained in section 911 of this part, shall have ninety days from the effective date of this Act to register such firearm, and no liability (criminal or otherwise) shall be incurred in respect to failure to so register under such section prior to the expiration of such ninety days.

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nebraska will state it.

Mr. HRUSKA. Is it the effect of these two requests that amendment No. 708, offered by me, is now the pending business before the Senate?

The PRESIDING OFFICER. The Senator from Nebraska is correct.

Mr. KENNEDY of Massachusetts. Mr. President will the Senator from Pennsylvania yield for the purpose of suggesting a quorum call, without losing his right to the floor?

Mr. SCOTT. I yield, under those conditions.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. KENNEDY of Massachusetts. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation on the pending substitute by the distinguished Senator from Nebraska [Mr. HRUSKA] of 3 hours, the time to be equally divided between the distinguished Senator from Nebraska [Mr. HRUSKA] and the manager of the bill, the distinguished senior Senator from Arkansas [Mr. MCCLELLAN], or whomever he may designate.

Mr. McCLELLAN. Mr. President, I would like to designate the Senator from Connecticut [Mr. DODD], the author of the title, or the Senator from Maryland [Mr. TYDINGS], who is a cosponsor of the title.

Mr. MANSFIELD. They can work it out, themselves.

Mr. McCLELLAN. I assure the majority leader he will have no difficulty in getting me to delegate authority.

Mr. MANSFIELD. And 3 hours on the amendment to be offered by the distinguished Senator from Massachusetts [Mr. KENNEDY], the time to be equally divided between the distinguished Senator from Massachusetts [Mr. KENNEDY] and the distinguished Senator from Arkansas [Mr. MCCLELLAN], or whomever he may designate.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, I do not expect to object, but I would like to get the picture.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. Do I correctly understand that the substitute offered by the Senator from Nebraska means it is now an amendment in the second degree and that it cannot be amended?

The PRESIDING OFFICER. The Senator from New York is correct.

Mr. JAVITS. Mr. President, another parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. Will it then be possible, if the Hruska amendment is accepted, if adopted by the Senate, to offer any amendment to the gun title of the bill?

The PRESIDING OFFICER. If the Hruska amendment were agreed to, the question would then occur on the Dirksen amendment, as amended by the Hruska amendment.

Mr. JAVITS. But could that be amended?

The PRESIDING OFFICER. The Dirksen amendment could not be amended at that point, but it would be in order to amend the language of the bill proposed to be stricken out by the Dirksen amendment.

Mr. JAVITS. One other point. May we know, therefore, where the amendment of the Senator from Massachusetts [Mr. KENNEDY] fits, since that is a gun amendment?

The PRESIDING OFFICER. The Senator from Massachusetts has not offered it.

Mr. JAVITS. I understood that the unanimous-consent agreement would apply to an amendment which has not been offered. Is that correct?

The PRESIDING OFFICER. The amendment has not been offered.

Mr. JAVITS. May we know the answer?

The PRESIDING OFFICER. The answer is it would be in order to ask unanimous consent.

Mr. JAVITS. Even though the amendment had not been presented?

The PRESIDING OFFICER. Even though the amendment had not been presented.

Mr. JAVITS. A further parliamentary inquiry. The amendment of the Senator from Massachusetts, as I understand it, would seek to include certain other gun legislation in the bill. I have a similar amendment. I would like to know what would be the parliamentary status of the amendment of the Senator from Massachusetts and my amendment when, as, and if the Hruska substitute for the Dirksen amendment were adopted and the Dirksen amendment were adopted. I do not want to find myself in the parliamentary tangle of being shut out because I stood mute when the unanimous-consent agreement was proposed.

The PRESIDING OFFICER. If the Hruska amendment were agreed to, the Senator from Massachusetts could offer his amendment, if it were a perfecting amendment to the text of the bill proposed to be stricken out by the Dirksen amendment. The amendment of the Senator from Massachusetts would be open to amendment to one degree.

Mr. JAVITS. Mr. President, a further parliamentary inquiry. Does a unanimous-consent agreement exclude the possibility of my offering an amendment either to amend that of the Senator from Massachusetts, or an independent amendment if his is defeated?

The PRESIDING OFFICER. Not unless the unanimous-consent agreement would include all amendments to its exclusion.

Mr. JAVITS. I ask the majority leader what is his intention.

Mr. MANSFIELD. Which it does not.

Mr. JAVITS. Which it does not.

Mr. President, I would suggest most respectfully to the majority leader that, in view of the fact that these parliamentary questions exist, the unanimous-consent agreement include provision both for the Kennedy amendment and my own. On my own, I will accept a 2-hour limitation. There is no great need for time, but I am concerned lest in the course of a parliamentary give and take I may find the door shut for my proposal.

Mr. SCOTT. Mr. President, reserving the right to object, I would like to ask that I be given a 1-hour limitation on my amendment in the event I offer an amendment to the gun provision.

Mr. MANSFIELD. Mr. President, I have made the request only as it applies to the substitute and the Kennedy amendment. If any Senator wishes to object to that request—and it looks like everything is rolling—I think it would be the best policy for me to withdraw the unanimous consent request. So if the

Chair would put the question, I would appreciate it.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Montana?

Mr. KENNEDY of Massachusetts. Mr. President, reserving the right to object——

Mr. JAVITS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania has the floor.

Mr. SCOTT. I yield myself 30 minutes.

Mr. President, this Nation has failed in its primary responsibility—the maintenance of law and order—the protection of every citizen, young and old. We are threatened, because of it, with anarchy. This we dare not tolerate.

Every citizen, every housewife, every worker, every infirm or elderly person in America is deeply concerned about the possibility of bodily harm and destruction of property. Statistics, reliable and frightening, can be invoked in proof of this. Opinions of law enforcement officers and agencies can be quoted in confirmation of it.

But no American needs any more statistics or opinions to know that fear grips our Nation.

We need action—firm, fair, comprehensive—and the Senate now has before it the Omnibus Crime Control and Safe Streets Act, designed to produce that action. This is the most comprehensive legislative proposal yet to be made in the field of law enforcement and criminal justice in America. It has my vigorous support.

Under this legislation new ways and means of dealing effectively with crime can be explored, methods already proven successful can be maintained and reinforced, ineffective programs will be discarded.

We must be concerned equally with the protection of both the public safety and with individual rights. I plan to urge that some provisions of this legislation be modified to provide stronger protection of such rights. With those modifications, this legislation will have my wholehearted support because it will then represent a fundamental commitment by our people to a truly nationwide war against crime.

Several sections of this proposed legislation deserve particular attention because of their outstanding importance.

I strongly favor that part of title II of this legislation which will permit voluntary statements made by an accused person to be admitted into evidence at a trial where the judge determines that such statements were truly voluntary under all the circumstances. Such a procedure would be in my judgment a marked improvement over the recent Supreme Court decision in the Miranda case which, while aimed at preventing abuses of the accused's constitutional rights—and rightly so—seemed to overlook the right of the public to be free of abusive activities committed by criminals. This section of title II contains the necessary safeguards to enable the judge and jury to search for the truth within the bounds of constitutional guarantees.

The provisions in title III, authorizing the use of electronic surveillance, such as wiretapping, by authorized law-enforcement officials, under strict court supervision, will prove invaluable in this Nation's fight against the increasing threat of organized crime syndicates. It is designed to meet the requirements of recent Supreme Court decisions, most notably, Berger against New York.

We all insist upon protection of the rights of individual privacy. But even the Bills of Rights does not establish the privacy of the individual in his person and effects as an absolute right. Protection was only guaranteed against unreasonable search and seizure. That is the basis of carefully limited search warrants and the authority for electronic surveillance which I favor, providing it is guarded by the most specific and rigorous supervision. The balancing of individual rights and privacy against the public good is a basic precept of civilized society. This balance demands that the public good prevail. This bill prohibits such surveillance by all private persons, and by public officials unless they demonstrate a compelling law-enforcement need. Therefore, title III protects the privacy of the ordinary, law-abiding citizen.

There are, however, two sections of the Omnibus Crime Control and Safe Streets Act which should be altered to make this an even more effective anticrime measure.

I do not support the system of direct Federal grants to individual units of local government set out in parts B and C of title I with the opinion of the "State crime agency" being given merely advisory status as to the benefits of the program in question. This system will encourage fragmentation and confusion among existing State law-enforcement agencies and services and would encourage the temptation to bypass the State governments. On the contrary, I favor bloc grants. That method would enable those States willing to meet their responsibilities to plan and to implement comprehensive blueprints for action. This will encourage the pooling of services, effective regionalization and increased coordination and innovation in law-enforcement activities.

This forward-looking, comprehensive approach—the so-called Cahill amendment—has been incorporated into the House-passed crime bill, H.R. 5037, and is now before the Senate as amendment No. 715. It deserves approval by the Senate.

I believe that section 520 in part E of title I which limits to 20 percent of the authorized funds the amount of money which can be spent on grants for purposes of correction, probation, and parole—the criminal justice system—is unfortunate. Our law enforcement and criminal justice systems must represent a unified assault on crime based on a meaningful distribution of resources to be effective. All necessary efforts must be made to reverse today's cycle of recidivism—the continual breaking of the law by persons convicted of serious crimes. Rather than setting any limit, I believe the decision on the allocation of resources in an anticrime program should be left as a matter of judgment to those persons directly dealing with the problem—those who best know local problems and local conditions.

I believe my record, as evidenced by my cosponsorship of the Prisoner Rehabilitation Act of 1965 and the Narcotics Addict Rehabilitation Act of 1966, is clear. When I argue for a balanced system of criminal justice and law enforcement, I do not argue for a "soft" or "hard" policy on criminals. I argue for a rational, firm but fair approach that will enable us to meet and to overcome the major crime problem facing this Nation.

I ask unanimous consent to have printed in the RECORD at the end of my remarks:

First. A letter from the Honorable William C. Sennett, attorney general of Pennsylvania, setting forth Pennsylvania's strong support of the bloc grant approach;

Second. My "Individual Views" in the committee report on S. 917 which deal with the four matters discussed above; and

Third. My article entitled "Wiretapping and Organized Crime" published in the winter 1968 edition of the Howard Law Journal.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. SCOTT. Mr. President, the Omnibus Crime Control and Safe Streets Act is a well-conceived and comprehensive attack on crime. But more needs to be done and some proposals are currently before the Congress awaiting action.

We need first, a reform of Federal criminal procedure; second, increased protection to small businesses; third, better methods to select Federal judges; fourth, improved court administration; and, fifth, more citizen participation preventing and fighting crime.

FEDERAL CRIMINAL PROCEDURE

Federal criminal procedure must be reformed so that our law-enforcement officials are not unduly hampered by regulations which have proven inadequate for today's problems.

Law-enforcement agencies need far more useful tools in obtaining information about specific criminal cases and in being able to bring such information before a jury.

For this reason, I have supported legislation which would reform several vital procedural provisions of the Federal Criminal Code. Those reforms would first, authorize a Federal arresting officer to make a reasonable search of the suspect as well as the immediate area under specified conditions; second, authorize Federal enforcement officials to seize property within an area for which a search warrant has been granted; third, authorize Federal enforcement officials to make forcible entry without "knocking" if authorized by the courts upon a finding that the property sought may be quickly destroyed; fourth, authorize the Government to appeal from a court order for the return of seized property or to suppress evidence; fifth, grant immunity to witnesses in Federal criminal proceedings in exchange for the compelling of testimony or the production of evidence; and sixth, revise and modernize the present provisions relating to perjury and false statements.

I am pleased to see that legislation I cosponsored to make it a crime to obstruct an investigation is now public law. Prior to that, while it was a crime to obstruct a court proceeding, there was no law to prevent interference with an investigation. Thus, by successfully stifling the flow of information at the investigative level, either through violence or the threat of violence, "interested persons" with questionable motives could prevent the case from ever reaching the courtroom.

SMALL BUSINESS AND CRIME

We must move ahead and prevent the evaporation of small businesses in our big cities. If such a businessman can no longer operate because his location in a high-crime area makes insurance prohibitive or totally unattainable, the Government has a responsibility to act in his behalf for it is the failure of the Government at its several levels, to prevent crime that has pushed up his insurance rates.

Criminals habitually prey upon the small concerns, subjecting their proprietors and their employees to assaults, robberies, burglaries, loan sharking, and varied acts of vandalism.

I interpolate here in my remarks to commend the Senator from Florida [Mr. SMATHERS] and the members of his subcommittee who are conducting a hearing beginning today on this iniquitous practice of loan sharking which is one of the most vicious elements of organized crime in this country. The cost of such crime in anguish, injury, blood, and money can no longer be tolerated.

All America must face up to this problem realistically. If we fail to do so, we will inevitably lose far more than a vital part of our economy. If the small businessman goes out of business or relocates, it is the neighborhood which suffers the loss. This is an "urban problem" as important as any other we face.

For this reason, I am supporting legislation which would provide insurance protection to these small businessmen operating in high-risk, crime-ridden areas of our cities. Of course, insurance itself would serve only to ease the financial burdens and not to strike at the major problem, the incidence of crime. However, by actively pursuing other aspects of the total crime problem, by applying our technological and scientific know-how to the unique problems of the small businessmen, I am confident significant progress can be made.

JUDICIAL SELECTION

Our system of selecting judges at all levels must be improved so that the American people do not lose their respect for the law and the men who help shape it.

Today, we witness the impact that the Federal judiciary can have on the administration of our criminal laws—both State and Federal. The quality of the judiciary determines the quality of justice. It also determines whether equity results. I endorse the strengthening of present, ineffective screening procedures in the States for potential candidates for the judiciary. I would like also to see such a screening procedure in the Federal system. To this end I have introduced legislation proposing a Judicial Service Commission that would recommend to the President the most qualified men to sit on the Federal bench.

There should be no doubts in the minds of the people that judicial ability, not political affiliation, places men in a position to make important decisions affecting all our lives. Patronage considerations are a poor substitute for a totally unobligated judiciary corps. They undercut the basic American tradition of respect for the law. Loss of respect for the law can prove fatal to our society. Let there be no doubt of that.

COURT ADMINISTRATION

Courts at both the Federal and State level must take the necessary steps to deal with the overwhelming increase in judicial business.

To be effective, our system of criminal justice requires court administration which enables the accused to be brought to trial promptly. Thus, the innocent person is quickly cleared, while the guilty individual learns that transgressions against the public safety are dealt with swiftly.

The law creating the Federal Judicial Center, a measure of which I was cosponsor, has brought us closer to this goal. The Center is authorized to conduct research in all aspects of Federal judicial administration and to conduct programs to train personnel in the judicial branch. I have joined in proposing the National Court Assistance Act, S. 1033, which is similar legislation that is designed to assist State and local courts to improve their methods of operation and administration.

CITIZEN PARTICIPATION

This war against crime, everywhere and at every level, is ours—yours and mine. It demands the enlistment of every American, male and female, young and old. Whether we like it or not, we are involved—in our own defense, for our own protection. Our rights, our safety, our very lives are at stake.

Public support of law enforcement officers is required of us, at all times and in all places. Readiness to testify in court is imperative. The willing bearing of the taxes required for improved law enforcement is essential. The providing of reliable information to those in authority is all important. A closer relationship and understanding between the citizen and our holders of public office is vital.

In short, the doing of our full duty as alert and alarmed citizens is fundamental if this war against crime is to be won. This is what the military sometimes call "an all-hands evolution." It is as necessary now for the public safety as it is for our national defense.

LOCAL POLICE COMPENSATION

In one important area, appropriate steps have already been taken and legislation is on the books. Thus, I am very pleased that the local law enforcement officers' compensation bill, which I cosponsored, has been signed into law. It provides compensation to any local policeman who is disabled, or to his survivors if he is killed, while apprehending persons suspected of having committed a Federal crime.

This measure is one of simple justice and an appropriate recognition of the notable and noble contributions made by local police forces in this Nation's fight against crime. Local law enforcement officers often supplement the activities of Federal law enforcement personnel which lessen the need for a larger Federal force. In performing this duty, local officers are sometimes severely injured or killed. This is reason enough for the Federal Government to assume some responsibility toward the local agencies which very often are able to maintain only minimal compensation programs.

ACT NOW

I urge the Senate to act promptly on the Omnibus Crime Control and Safe Streets Act and on the other measures necessary to launch a full-scale attack against crime and the criminal elements in America.

We must legislate with an awareness of the need both for the public safety and the protection of individual rights.

But we must legislate also with concern for the data in the President's Commission on Law Enforcement and Administration of Justice which showed that:

Forty-three percent of the people interviewed stayed off the streets at night.

Thirty-five percent would not speak to strangers.

Twenty-one percent used only motor vehicles at night.

Thirty-three percent kept firearms in their homes.

Twenty-eight percent kept watchdogs.

We must be aware that this fear is permeating America—a fear that alternately paralyzes and panics our people.

We need to legislate with an awareness of that fear. We need to end the alarm felt by citizens nearly everywhere. We need to pass the Omnibus Crime Control and Safe Streets Act.

Mr. President, I yield back the remainder of my time.

EXHIBIT 1

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF ATTORNEY GENERAL,
Harrisburg, Pa., October 9, 1967.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: I want to take this opportunity to present Pennsylvania's position with regard to the Law Enforcement and Criminal Justice Assistance Act of 1967, particularly H.R. 5037 containing the so-called Cahill Amendment. The dominant aspect of the Cahill Amendment is its provision for "block grants" to those states that plan a comprehensive effort to improve their systems of criminal justice.

Pennsylvania strongly urges the adoption of the "block grant" Cahill Amendment for the following reasons:

A. NEED FOR COORDINATION OF LAW ENFORCEMENT IN PENNSYLVANIA

The Pennsylvania Crime Commission was created in March of this year by the Executive Order of Governor Shafer to seek ways to prevent and control crime and to prepare a strategic plan for improving the entire structure of criminal justice in Pennsylvania. After four months of active operation, the Crime Commission has determined that one difficult aspect of our present system of criminal justice is the diffused fragmentation of the police. There are at present 20,000 state and local law enforcement officers in Pennsylvania who are employed by 720 police departments. The Crime Commission has ascertained that half of these law enforcement officers have never received any training of any kind. There is an immediate drastic need to coordinate as much as possible the standards and training of law enforcement officers throughout the state.

If Federal assistance is screened directly to cities and smaller segments of local government, there will be a tendency to emphasize this fragmentation and create innumerable problems. As an example—in Allegheny County alone there are approximately 129 police departments. Allegheny County is primarily a metropolitan area that needs highly coordinated law enforcement services. If each local political subdivision could apply individually for federal funds—without any overall coordination—all that would result would be mass confusion.

In the eastern part of Pennsylvania in the three heavily populated counties surrounding Philadelphia, there are so many law enforcement agencies that regional planning so far as recruitment, training, communications and compensation of law enforcement officers is desperately needed.

Pennsylvania has a State Planning Agency—the Pennsylvania Crime Commission—and we are earnestly attempting to coordinate and improve law enforcement throughout the state. To accomplish this we need to formulate and implement a statewide strategic plan.

B. EFFECTIVE STATE CONTROL

It is our firm belief in Pennsylvania that Federal assistance given at the state level will not in any way result in political bickering between the State and local governments. Pennsylvania does not seek to dominate local law enforcement in any area of our state but we would like to assist local authorities in upgrading and improving their law enforcement agencies on a broad based level.

C. PENNSYLVANIA IS READY

We do not anticipate the slightest delay in Pennsylvania in the fight against crime if the Cahill Amendment were enacted. Our Crime Commission is in its fourth month of active operations and its staff will be escalated by the Governor within the next month. Five highly qualified experts in various parts of the criminal justice spectrum will be assigned by the Governor to the Crime Commission to help fulfill its mission.

If the Cahill Amendment were enacted it would be an incentive that no state would ignore. In other words, every state would set up state planning agencies as quickly as possible since they could get the resources to launch an all-out effort to improve their systems of criminal justice.

Pennsylvania is also very much in favor of the Amendment requiring the "highest priority" for riot control and organized crime programs. These two problems are two of the most critical law enforcement problems in this state and we would welcome an opportunity to acquire additional resources to combat these great evils.

I hope that you will find these comments useful in the deliberations in the Sub-Committee. Please advise me if I may be of any further help to you with regard of these vital issues.

Sincerely,

William C. Sennett,
Attorney General.

Exhibit 2

Individual Views of Mr. Scott

As a member of the original U.S. Crime Commission headed by Governor Franklin D. Roosevelt, as a former Assistant District Attorney, and presently as a member of the Senate Judiciary Subcommittee on Criminal Laws and Procedures, I have had the opportunity both to witness crime and its manifold effects and to hear and study the enlightened views of this Nation's specialists on this most urgent problem.

But while expertise and sophistication are necessary to mount a successful anti-crime attack, one need be no specialist to sense the growing and understandable concern of America. It should be clear to all that this country has failed in the first order of business—the maintenance of law and order. And this failure threatens to rend the very fabric of American life as we know it.

Recent surveys of high crime areas discussed in the President's Commission on Law Enforcement and Administration of Justice found that due to the fear of crime:

Forty-three percent of those interviewed stayed off the streets at night.

Thirty-five percent did not speak to strangers.

Twenty-one percent used only taxicabs and cars at night.

Over 33% kept firearms in their houses.

Twenty-eight percent kept watchdogs.

Surely we can take no pride when our citizens restrict and alter their daily way of living because law and order have broken down. Moreover, these are not idle fears. They represent a toll of the increased incidence of crime which must be considered along with the personal tragedy that accompanies every additional murder, rape, robbery, and other such senseless acts. Nor can we ignore the growing feeling that crime is the easy way out, with the rewards high and the chances for conviction low. The long-range prospects of such a philosophy, unless its errors are clearly demonstrated, are truly alarming.

How extensive is crime? Read the Uniform Crime Reports of the Federal Bureau of Investigation and learn that serious crime is increasing at a sharper rate now than at any time during almost the past 10 years. Read the well-documented Reports of the President's Crime Commission on Law Enforcement and Administration of Justice. Regretfully, in fact, you need not read further than your local newspaper.

The need is clear as is the urgency. We cannot wait until the bolted door and suspicious glance totally replace the warmth of America. Our resolve to act must be articulated and transformed into coordinated, planned and reasoned programs which strike out at every facet and level of the law enforcement and criminal justice systems. New approaches must be sought, proven methods continued and expanded and ineffective approaches discarded. Greater efforts to bring the benefits of modern technology to bear on the problem are necessary to provide the latest techniques and equipment to local law enforcement officials throughout the Nation. Law enforcement training and education must be encouraged along with advanced research into the causes and prevention of crime. In short, the best talent and most progressive thinking must be focused on—and a part of—the entire law enforcement and criminal justice systems. The public interest and safety must continually be measured against the rights of the individual—new balances being struck within Constitutional limits where old ones prove unworkable or unwise. America must commit herself to a truly national effort to combat the internal threat confronting us and to create a setting in which crime is neither a permanent fixture, a predominant fear, nor a promising alternative to those that feel that all other approaches are closed off or too difficult. Moreover, those who out of desperation move into a life of crime must be assured the opportunity for access to the benefits of society through normal and lawful channels.

We must address ourselves to the anarchy which has erupted the past several years in ghettos throughout the Nation. Such mass repudiations of law and order strike at the very core of a free and civilized society. We must plan and take the necessary steps now so that personnel adequately trained and equipped for riot prevention and control can deter underlying and sometimes understandable frustrations from erupting into blind mob violence once again. We must not, however, delude ourselves into believing that improved prevention and control is an adequate or just alternative to dealing with the underlying problems which beset many of our major cities.

The Omnibus Crime Control and Safe Streets Act of 1967 (S. 917), the major and most comprehensive legislative proposal in the field of law enforcement and criminal justice, substantially meets the needs I have discussed and has my strongest support. After extensive hearing before the Senate Judiciary Subcommittee on Criminal Laws and Procedures, an impressive hearing record and blueprint for action were developed. As a result, the Subcommittee and full Committee made several additions and changes in the bill as introduced and has reported legislation which truly represents an effective overall anticrime program.

Several sections of this legislation deserve individual attention because they concern areas that can be of extreme importance in improving our law enforcement and criminal justice systems. I will briefly refer to these sections and then discuss them in detail.

I strongly favor the section in Title II of this legislation which will permit voluntary statements made by the accused to be admitted into evidence at trial where the trial judge determines that such statements were truly voluntary under all the circumstances and facts in the specific case. Such a procedure is a marked improvement over the recent Supreme Court decision in the *Miranda* case which while aimed at preventing abuses of the accused's Constitutional rights—and rightly so—seemed to overlook the right of the public to be free of abusive activities committed by criminals. The provisions in Title III authorizing the use of electronic surveillance by specified law enforcement officials under strict Court supervision will prove invaluable in this Nation's fight against the increasing threat posed by organized criminal syndicates.

There are, however, two sections of the Omnibus Crime Control and Safe Streets Act which should be altered to make this an even more effective anti-crime measure. I do not support the system of direct Federal grants to individual units of local government with the opinion of the "State crime agency" being given merely advisory status as to the benefits of the program in question. On the contrary, I believe the bloc grant approach would enable the States to plan and to coordinate law enforcement activities more effectively. I also oppose setting any statutory limit on the resources which should be allocated for the purposes of our criminal justice system.

CONFESSIONS

Title II of this legislation makes the test of admissibility of a confession in a Federal Court the "totality of circumstances" and the voluntariness with which it was given. This would restore the test which had been in use and considered constitutional until recent Supreme Court decisions, most notably *Miranda* v. *Arizona*.

In *Miranda* the Court held that an otherwise voluntary confession made after a suspect was taken into custody could not be admitted into evidence unless the suspect was given four warnings prior to questioning:

(1) He has the right to remain silent.

(2) Any statement he makes may be used as evidence against him.

(3) He has the right to the presence of an attorney.

(4) If he cannot afford an attorney one will be appointed for him.

The Court further stated that only a voluntary knowing and intelligent waiver of these rights by the defendant will make the confession admissible.

I express my views not to find fault with Court decisions, but to observe that recent decisions of great important to the protection of the individual accused of crime have in themselves raised new questions of criminal law enforcement. In *Miranda* the Court sets up a new standard not supported by law, not supported by valid precedent, but very tortuously worked out in order to staple in what it is justly concerned about, the prevention of abuses.

As a citizen, it is my duty to respect the law of the land. As a Senator and legislator, it is my duty to uphold the Court whenever I conscientiously can; where I cannot, I seek to explore possible alternatives within the orderly framework of our governmental system. I think one thing that shakes public and Congressional confidence in the Court is the Court's seeming determination to make broad Constitutional findings which establish entirely new directions for the law on these narrow 5-to-4 decisions. As lawyers, many of us are seriously concerned that our higher Courts seem so rarely to be impressed by the need for some disciplines or some restraint on Courts as Courts until a true test case can be found, that Courts can do more than to make their decisions depend upon the narrow shading of a single man's opinion, knowing as the Court has to know, that the very next appointee to the Court may, in the very next test case, reverse the whole procedure under that particular constitutional decision. We need something better than the "last guess" doctrine.

If the Court will not exert self-discipline, then it is the role of the legislative branch to express its concern as to that very unfortunate aspect of the Court's attitude toward vast and fundamental changes in constitutional viewpoints. This responsibility is aptly stated by the late Chief Justice Harlan F. Stone:

"Where the courts deal, as ours do, with great public questions, the only protection against unwise decisions, and even judicial usurpation, is careful scrutiny of their action, and fearless comment upon it."

The Court itself in the *Miranda* decision urges Congress to examine this whole problem and encourages it to come up with a solution, which, I can only read into the Supreme Court's language, is a better proposed solution. The Court couples its encouragement to Congress with a judicial warning that the solution must be in consonance with the Constitution, the Bill of Rights, and presumably with the Court's disposition and composition at that time. But the latest decision, the *Miranda* case, is far from an ultimately satisfactory conclusion of a matter which affects not only the life and liberty of the accused, but also affects the life and security of all American citizens in this process.

The Senate Judiciary Subcommittee on Criminal Laws and Procedures has responded positively to this "urging" and has developed an impressive body of opinion from judges, lawyers, sociologists, academicians and private citizens. Title II represents a fair and effective solution more in keeping with the "genius of the people." As a general principle it should be noted that Congressional Committees and Subcommittees are better situated to explore human experience, to analyze the impact of judicial decisions, to conduct detailed hearings, and to make extensive findings on the total situation than is a Court considering a single factual situation and a specific legal issue. When fundamental changes in constitutional law on criminal procedure are contemplated, there can be no doubt that such extensive considerations as just outlined are most desirable.

Regrettably, the President's Crime Commission—another excellent forum—did not examine the question of recent confession and interrogation decisions. The additional views of seven members of the Commission appear at the end of the Report and declare that these decisions have tilted the balance of justice too far in favor of defendants. While these members state, and rightly so, that these decisions are the law of the land, they go on to make the point that a body such as the Commission should have studied this important area. I agree wholeheartedly.

As stated earlier, my purpose is not an attack on the Court, but rather a reasoned discussion of its action and its impact. In this, I do not speak alone—there were four dissenters in *Miranda*. The words of one of these, Justice John Harlan, bear repeating at this juncture:

> There is, in my view, every reason to believe that a good many criminal defendants, who otherwise would have been convicted on what this Court has previously thought to be the most satisfactory kind of evidence, will now, under this new version of the Fifth Amendment, either not be tried at all or acquitted if the State's evidence, minus the confession, is put to the test of litigation. I have no desire whatsoever to share the responsibility for any such impact on the present criminal process. In some unknown number of cases the Court's rule will return a killer, a rapist or other criminal to the streets and to the environment which produced him, to repeat his crime whenever it pleases him. As a consequence, there will not be a gain, but a loss, in human dignity.

To those who say that a Court decision cannot "cause" crime, I would remind them of the excellent communications system of the underworld, the so-called "grapevine" of the prison "sea lawyers." One need not be a legal scholar to sense the tendency of the law, and where it is felt that a "technicality" will prevent prosecution, the result is bolder action. There has been a sharp decrease in confessions and concomitant decline in convictions and these developments cannot be ignored.

How should we approach this most vexing and important problem? For one, our criminal laws must seek to create and maintain and equitable balance between the rights of the individual and society. Laws must be drafted with as full purpose to protect the innocent as to preserve the rights of those charged with offenses. Of course, the innocent can either be a victim of the crime or a person wrongly accused of committing it.

An appropriate consideration in attempting to strike this balance are the words of Judge Learned Hand:

> Our dangers do not lie in too little tenderness to the accused. Our procedure has always been haunted by the ghost of the innocent man convicted. It is an unreal dream. What we need to fear is the archaic formalism and the watery sentiment that obstructs, delays, and defeats the prosecution of crime.

As was so aptly stated by Justice Cardozo:

> Justice, though due to the accused, is due the accuser also. The concept of fairness must not be strained until it is narrowed to a filament if we are to keep the balance true.

Title II keeps the balance true. The trial judge is required to take into account all the surrounding circumstances in determining whether the statement under consideration was voluntary. He is specifically required to examine certain enumerated factors which historically have been considered relevant in this area. If the judge finds the statement involuntary, he does not even allow it in evidence before the jury. Should he find the statement voluntary, he will permit the jury to consider it with the instruction that it should be given no more weight than the circumstances warrant. I believe these safeguards will enable the judge and the jury to search for the truth within the bounds of constitutional guarantees. This, in my way of thinking, is the purpose of our criminal law.

I hope that the President, in his search for a better system of law enforcement in this country, may provide a little encouragement to the legislative branch as he is perhaps called upon to fill vacancies on the High Court. By the action of the President in his selection of the candidates to make these judgments, the Court perhaps may someday be able to formulate some fundamental rules of law or, as some would think, changes in the law, by something more than the assumption of rather seismic risks when judgment depends upon the hairline decision of a single Justice.

WIRETAPPING

Title III of the bill would authorize carefully circumscribed and strictly controlled electronic surveillance (eavesdropping and wiretapping) by duly authorized law enforcement officials under a Court order procedure for the purpose of investigating specified crimes involving national security and serious offenses. This Title also prohibits the utilization of wiretapping and bugging by all private persons and by all public officials where there is no compelling law enforcement need as discussed above. In those circumstances, there can be no justification for the use of such techniques.

This legislation is vitally important if we are successfully to encounter the most insidious threat to the continued existence of American society as we know it—the threat of organized crime.

While I have a natural reluctance to authorize the overhearing of private conversations, even where there is the possibility that evidence concerning criminal activity may be uncovered, I must admit some doubt as to whether any wiretapping legislation should prevent the use of this weapon in society's struggle against organized crime—especially in view of the unique evidence-gathering problems in this area.

The impact of the Crime Commission Reports revealing testimony before the Senate Judiciary Subcommittee on Criminal Laws and Procedures, on which I serve, and discussions with many persons expert in the criminal justice system lead me to believe that if such organized criminal activity is permitted continued immunity from surveillance while it infests all of our lives, it may well destroy our society. As stated in the report of the *President's Commission on Law Enforcement and Administration of Justice* and in the *Task Force Report on Organized Crime:*

> Organized crime is a society that seeks to operate outside the control of the American people and their governments. It involves thousands of criminals, working within structures as complex as those of any large corporation, subject to laws more rigidly enforced than those of legitimate governments. Its actions are not impulsive but rather the result of intricate conspiracies, carried on over many years and aimed at gaining control over whole fields of activity in order to amass huge profits.
>
> The core of organized crime activity is the supplying of illegal goods and services—gambling, loan sharking, narcotics, and other forms of vice—to countless numbers of citizen customers. But organized crime is also extensively and deeply involved in legitimate business and in labor unions. Here it employs illegitimate methods—monopolization, terrorism, extortion, tax evasion—to drive out or control lawful ownership and leadership and to exact illegal profits from the public. And to carry on its many activities secure from governmental interference, organized crime corrupts public officials.

It should be patently clear that organized crime does not operate in a vacuum. We can ill afford to stand aside and shake our collective heads at the effects of such criminal activity, for in one way or another, every individual is affected when such activities are permitted to exist in our society. Indeed, some are affected more harshly than others, with the primary victims of organized crime being the disadvantaged persons in our urban areas. For the most part it is not the upper or middle class who are lured into the web of narcotics addiction, victimization by loan sharks, and the numbers racket, to name a few—it is the urban poor. And when illegal profits are extracted from the public, as described in the above-quoted passage, it stands to reason that the burden falls heaviest on those who can least shoulder it and have the least share in the advantages of our society.

I firmly believe that any so-called War on Crime that falls short of a total attack on the roots and infrastructure of organized crime is a limited war, being fought for an unrealistically limited objective, with no chance of success in its declared purpose. There is no sound basis for giving organized crime immunity from pursuit and prosecution. Moreover, no matter how well-intentioned and thoughtfully conceived and administered are our efforts to assist those caught up in a cycle of poverty, no program will be successful unless the effects of organized crime on these very persons are neutralized. It has been estimated that the revenue of nationwide crime syndicates reaches nine billion dollars a year. The chief brunt of this tribute is paid by the poor in the big cities and far outweighs the benefits of the anti-poverty programs.

However, the mere conviction and intent to mount an effective assault on organized crime will not suffice. The very nature of the criminal syndicate increases the difficulty of dismantling it. Due to the complex structures and intricate overlays of authority described above, law enforcement officials have a difficult time in ever really reaching the high command of organized crime. Underlings "on errands" for the boss often come within the ready grasp of alert law enforcement officials, but they are the "expendables." When they neither know exactly who their real boss is or are fearful of discussing such matters, law enforcement work is stymied. The reluctance and fear of victims and witnesses do not ease the task.

How then do you break into this core and get to the center of this cancer? How do you obtain the necessary evidence when an organization is dedicated to protecting its masters through a Code of Silence? What do you look for when almost all communication is by word of mouth, and there are no telltale records or memoranda of illicit enterprises? There can be no doubt as to the extent of the problem, the question is how successfully to combat it.

It is against this unique background that I turn to probably the most controversial means of obtaining evidence—the techniques referred to as bugging and wiretapping. There are those who say that these techniques are the only effective tools to fight such criminal activity. Others condemn these methods as a dangerous invasion of privacy. There are valid arguments on both sides. But there should be no doubt that the final decision on how to proceed in this area must be based on both the rights of individuals and the need to protect society, not an emotional harangue which too often accompanies these electronic surveillance debates. It should also be noted that the present United States law on wiretapping and bugging is totally unsatisfactory. Neither the right of privacy nor enforcement of the law is adequately served.

Anyone who has ever attempted an intelligent discussion of wiretapping and bugging will undoubtedly find himself confronted with a major problem at the outset: the sinister connotation and fear of Big Brother and 1984 which has become attached to the very terms themselves due to the amazing scientific developments in the field of electronic surveillance in the past fifty years. If we only devise a word to mean "scientific techniques to combat crime," I believe the issue would be placed in much clearer perspective and discussion could proceed unhampered by the distorted images which are conjured up by the very terms themselves.

One should realize that the need to balance the competing interests of privacy and law enforcement occurs at a number of points in our criminal justice system and the decision as to where to strike the balance must depend on the specific circumstances involved. But the concept of balance is not new and can in fact be traced by a reading of the United States Constitution. The framers of the Bill of Rights did not establish the privacy of the individual in his person and effects as an absolute right nor his home as an impenetrable sanctuary. Safety was only guaranteed against unreasonable—not every—search and seizure and institutions of law enforcement were afforded the privilege of such search and seizure under carefully circumscribed criteria. This is the recognition of a basic precept of civilized society: there is a *point* at which individual privacy and rights yield to the public safety. The difficulty of striking this balance should not deter us from our responsibility as legislators.

There is overwhelming evidence that we have reached the "crisis point." Modern surveillance techniques are urgently needed if law enforcement institutions are successfully to perform their sworn duty of protecting the public. New York County District Attorney Frank Hogan—whose office has made the most sophisticated use of the techniques under consideration—believes that telephonic interception pursuant to Court order and under proper safeguards is the single most valuable and effective weapon in the arsenal of law enforcement particularly in the battle against organized crime." A distinguished array of witnesses before the Senate Judiciary Subcommittee on Criminal Laws and Procedure also urged the need and propriety of such techniques. All members of the President's highly respected Commission on Law Enforcement and Administration of Justice agree both on the difficulty of striking the balance between the benefits to law enforcement versus the threat to privacy, and the belief that if authority to employ electronic surveillance techniques is granted it must be done with stringent limitations. But a majority of the members favored enacting legislation "granting carefully circumscribed authority for electronic surveillance to law enforcement officers to the extent it may be consistent with the decision of the Supreme Court in *People* v. *Berger*. . . ."

A telling point is made by District Attorney Hogan when he points out that no responsible critic of wiretapping—not even the Attorney General of the United States—urges that it should be abandoned in national security situations. District Attorney Hogan views this as a concession that wiretapping and electronic surveillance are vital weapons of detection against elaborate criminal conspiracies.

In response to those who believe such surveillance activity would lead to excessive invasions of privacy and a Big Brother Society, I would point out the practical considerations which rule out the arbitrary use of wiretapping and electronic surveillance devices and which therefore reduce possible invasions of privacy to a minimum: difficulty of installation, "maintenance" of the equipment once installed, properly monitoring conversations and adequately covering "rendezvous," overheard through surveillance. Thus, in view of the effort, time, and manpower required for the proper use of such modern surveillance techniques, these methods—far from being a substitute for good police legwork—are frequently a preliminary to a great deal of it.

Moreover, Title III contains an elaborate system of checks and safeguards whereby criminal and civil remedies would be available to prevent abuses and unauthorized surveillance by public officials and private persons.

Congressional concern and activity in the organized crime-surveillance area are somewhat recent. Following World War II, the Congress attempted to pass a wiretap bill on several occasions. However, the primary concern in the 1950s was subversive activities, and it was not until the 1960s that such legislation was envisioned as a means to combat crime. In 1961, the Kennedy Administration endorsed proposals for a wiretapping law authorizing federal agencies to tap in cases of national security, organized crime, and other serious crimes, placing no limits on State wiretapping.

In 1962, the Kennedy Administration sent a somewhat more restricted bill to the Congress. It authorized federal wiretapping in cases of national security, organized crime, and other serious crime, i.e., narcotics violations, murder, kidnaping, extortion, bribery, interstate transportation in aid of racketeering, interstate communication of gambling information, and a conspiracy to commit any of the foregoing. It limited State wiretapping to certain serious crimes and outlawed all other wiretapping. Congress took no action on the proposal. The Kennedy Administration recommended passage of similar legislation in 1963, but again Congress took no action.

In 1965, 1966 and 1967, several bills on wiretapping and eavesdropping were introduced in both the House and the Senate, but the Administration of President Johnson has not endorsed any that would extend electronic surveillance to organized criminal activities. In fact, by Executive Order promulgated in July 1965, President Johnson ordered all federal agencies except the Justice Department to cease wiretapping. The Presidential order permitted the Justice Department to continue to tap wires only in cases of national security, but prior approval of the Attorney General was necessary.

In the recent *Berger* v. *New York* decision, the Supreme Court reversed a State conviction for conspiracy to bribe based on a Court-approved eavesdrop.

The Court found the statute failed to meet the constitutional standard because it did not require sufficient particularity in the orders concerning the place to be searched, the person's conversations to be overheard, and the expected nature of the conversations and the times at which they will be heard. Significantly, the Court indicated that a statute meeting these standards would meet constitutional requirements. Therefore, I read this case as an invitation to the Congress to work its legislative will on the difficult problem of drafting a just, effective and comprehensive wiretapping and electronic surveillance statute.

The legislation under consideration has responsibly answered that invitation and deserves our support. This Title was drafted with the *Berger* decision specifically in mind and every effort was made to conform to the criteria set forth by the Court and to develop a proposal which would fully comply. This Title is also in accord with the Court's more recent decision in *Katz* v. *U.S.* which dealt with the issue of electronic eavesdropping. I believe this Title can provide our law enforcement authorities a useful tool in their investigations of organized crime while not unduly disturbing the privacy of the ordinary, law-abiding citizen.

In short, the advantages to society of this legislation outweigh its disadvantages. If flaws appear in its administration, they can—and must—be corrected.

BLOC GRANTS

Parts B and C of Title I provide for direct Federal planning and law enforcement grants to individual units of local government, largely bypassing the Governors of the States. The creation of this nationwide competition for funding will lead the way to Federal control and restrictions while encouraging fragmentation and confusion among existing State law enforcement agencies and services. Moreover, units of local government hurriedly attempting to submit their applications for funds will have little time for the thoughtful analysis necessary to formulate innovative programs of law enforcement and criminal justice.

The President's Commission on Law Enforcement and Administration of Justice pointed out that one of the major problems of effective law enforcement is in the fragmentation of police efforts. As an example, in my own State of Pennsylvania, one county—a metropolitan area needing highly-coordinated law enforcement services—has approximately 129 police departments. Imagine the results if each local political subdivision could apply individually for Federal assistance without any overall coordination. I am sure similar instances can be found across the Nation.

I therefore urge that we stimulate intrastate activity and interstate cooperation by adopting the bloc grant approach (so-called Cahill Amendment) incorporated into the House-passed crime bill, the Law Enforcement and Criminal Justice Assistance Act of 1967 (H.R. 5037), and proposed during Committee consideration by Senator Roman Hruska. Under this approach, Federal financial assistance to State and local law enforcement would be channeled through "State planning agencies" created or designated by the Governors of the several States. These funds would be allocated by the State agencies to State and local law enforcement activities pursuant to current comprehensive plans which must be approved annually by the Federal Law Enforcement Administration. Each State agency would determine its own priorities for expenditures consistent with its comprehensive plan.

To participate in the bloc grant system, a State must indicate its commitment to a statewide program of law enforcement and criminal justice as well as its willingness to contribute to such a program. Moreover, where a State is unable or refuses to meet the necessary conditions, the bloc grant approach provides for a bypass of the State by direct Federal grants to units of local government. By thus giving those States that are willing to meet their responsibilities the opportunity to formulate and implement comprehensive plans of action, this method of providing crime-fighting funds would encourage the pooling of services, effective regionalization and increased coordination in law enforcement activities. Moreover, it would enable the States, who are more familiar than the Federal Government with local needs and are directly responsible to their constituents, to apply funds to the specific projects most urgently needed in their areas rather than permitting the National Government to set priorities. My views on this matter are in line with the able recommendations of Attorney General William C. Sennett of the Commonwealth of Pennsylvania.

CRIMINAL JUSTICE SYSTEM

Section 520 in Part E of Title I limits to 20% of the authorized funds the amount of money which can be spent on grants for purposes of "correction, probation, and parole"—what I call the criminal justice system. This limitation is unfortunate because our law enforcement and criminal justice systems must represent a unified assault on crime based on a meaningful distribution of resources to be effective.

Today, there is imbalance between criminal justice and law enforcement. To increase the effectiveness of law enforcement while limiting the funds for criminal justice will reinforce this imbalance and prevent the very type of planning and action that this legislation envisions. By establishing this standard of imbalance by statute, we may run the risk of forcing a judge to select a sentence—be it prison, probation or rehabilitation—on the basis of what is available as opposed to what is best suited for society and the criminal in each particular case.

It should be remembered that the President's Commission on Law Enforcement and Administration of Justice found that "the most striking fact" about persons convicted of serious crimes is that they continue to break the law. It is imperative that when these people are within the criminal justice system, we devote all necessary resources and do all under our control to break this cycle of recidivism. Rather than setting any limit, I believe the decision on the allocation of resources in an anti-crime program should be left as a matter of judgment to those persons directly dealing with the problem.

I believe my record is clear. When I argue for a balanced system of criminal justice and law enforcement, I do not argue for a "soft" or "hard" policy on criminals. I argue for a rational approach that will enable us to meet and overcome the major crime problem facing this Nation.

HUGH SCOTT.

EXHIBIT 3

[From the Howard Law Journal, winter 1968]

WIRETAPPING AND ORGANIZED CRIME

(By Senator HUGH SCOTT*)

One need make no lengthy study to realize that a major problem facing the Nation is the internal threat created by the increasing incidence of crime. As a result, our citizens cannot lead their lives free of the fear and disquieting atmosphere resulting from the existence and reports of crime.

On March 9th of this year, I spoke at length on this subject in an address on the floor of the Senate entitled "Crime in America." At that time I stated:

"The failure of our society today is its inability to maintain law and order. For what is the purpose of society if not to provide a setting in which citizens may lead productive lives, free of the fear that others are able to abridge their rights, injure, or kill them at will? A nation guided by law must be a nation protected by law.

"It is especially significant that in recent years, while the standard of living in the United States has increased—in economic growth, average income, educational levels, technological know-how—the rate of crime has not decreased. Today it is worse than ever.

"This is a shocking commentary on a 'justice gap.' A nation within reach of the moon cannot guarantee its citizens their safety of the streets." [1]

In this article, I will direct my remarks to the one aspect of this problem which represents the most insidious threat to the continued existence of American Society as we now know it—the threat of organized crime. These are not the spontaneous crimes of passion, or the thrill escapades of misled youth—but rather the planned activities of professional criminals who plot their exploits with the utmost care and precision. As stated in the report of the President's Commission on Law Enforcement and Administration of Justice:

"Organized crime is a society that seeks to operate outside the control of the American people and their governments. It involves thousands of criminals, working within structures as complex as those of any large corporation, subject to laws more rigidly enforced than those of legitimate governments. Its actions are not impulsive but rather the result of intricate conspiracies, carried on over many years and aimed at gaining control over whole fields of activity in order to amass huge profits.

"The core of organized criminal activity is the supplying of illegal goods and services—gambling, loan sharking, narcotics, and other forms of vice—to countless numbers of citizen customers. But organized crime is also extensively and deeply involved in legitimate business and in labor unions. Here it employs illegitimate methods—monopolization, terrorism, extortion, tax evasion—to drive out or control lawful ownership and leadership and to exact illegal profits from the public. And to carry on its many activities secure from governmental interference, organized crime corrupts public officials." [2]

It should be patently clear that organized crime does not operate in a vacuum. We can ill afford to stand aside and shake our collective heads at the effects of such criminal activity, for in one way or another, every individual is affected when such activities are permitted to exist in our society.[3] Indeed, some are affected more harshly than others, with the primary victims of organized crime being the disadvantaged persons in our urban areas. For the most part, it is not the upper or middle class who are lured into the web of narcotics addiction, victimized by loan sharks, and the numbers racket, to name a few—it is the urban poor. Moreover, when illegal profits are extracted from the public, as described in the above-quoted passage, it stands to reason that the burden falls heaviest on those who can least shoulder it and have the least share in the advantages of our society.

I firmly believe that any so-called War on Crime that falls short of a total attack on the roots and infrastructure of organized crime is a limited war, being fought for an unrealistically limited objective, with no chance of success in its declared purpose. There is no sound basis for giving organized crime immunity from pursuit and prosecution. Moreover, no matter how well-intentioned and thoughtfully conceived and administered are our efforts to assist those caught-up in a cycle of poverty, no program will be successful unless the effects of organized crime on these very persons is neutralized. It is estimated that the revenue of nationwide crime syndicates reaches nine billion dollars a year.[4] Unfortunately, the heaviest burden of paying this tribute is on the poor in the big cities and far outweighs the benefits of the antipoverty programs.

However, the mere conviction and intent to mount an effective assault on organized crime will not suffice. The very nature of the criminal syndicate increases the difficulty of dismantling it. Due to the complex structures and intricate overlays of authority described above, law enforcement officials have a difficult time in reaching the high command of organized crime. Underlings "on errands" for the boss often come within the grasp of alert law enforcement officials, but they are the "expendables." They either do not know who their real boss is or are fearful of discussing such matters. Under these circumstances, law enforcement is stymied. The reluctance and fear of victims and witnesses do not ease the task.[5]

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* United States Senator, 1958—; Visiting Fellow, Balliol College, Oxford, England, for the Michaelmas Term, 1967; U.S. Congressman, 1942–1958; Assistance District Attorney (Philadelphia), 1926–1941; LL.B., University of Virginia, 1922.

[1] CONGRESSIONAL RECORD, vol. 113, pt. 5, pp. 5973–5976.

[2] President's Commission on Law Enforcement and Administration of Justice Report, The Challenge of Crime in a Free Society (1967).

[3] For a most interesting discussion of criminal syndicates, see Cressey, The Functions and Structure of Criminal Syndicates, Task Force on Organized Crime Report, Appendix A, at 25 (1967).

[4] Figures may be found in CONGRESSIONAL RECORD, vol. 113, pt. 16, p. 21759; quoted in Childs, Justice or Privacy or a Bit of Both.

How then do you break into this core and get to the center of this cancer? How do you obtain the necessary evidence when an organization is dedicated to protecting its masters through a code of silence? What do you look for when almost all communication is by word of mouth, and there are no telltale records or memoranda of illicit enterprises? There can be no doubt as to the extent of the problem, the question is how to successfully combat it.

It is against this unique background that I turn to probably the most controversial means of obtaining evidence—the techniques referred to as "bugging" and "wiretapping."[6] There are those who say that these techniques are the only effective tools to fight such criminal activity. Others condemn these methods as a dangerous invasion of privacy. There are valid arguments on both sides. But there should be no doubt that the final decision on how to proceed in this area must be based on both the rights of individuals and the need to protect society, not on an emotional harangue which too often accompanies these electronic surveillance debates. It should also be noted that the present United States law on wiretapping and bugging is totally unsatisfactory. Neither the right of privacy nor enforcement of the law is adequately served.

Anyone who has ever attempted an intelligent discussion of wiretapping and bugging will undoubtedly find himself confronted with a major problem at the outset: the sinister connotations and fear of "Big Brother" and "1974" which has become attached to the very terms themselves due to amazing scientific developments in the field of electronic surveillance. If we could only devise a word to mean "scientific techniques to combat crime," I believe the issue would be placed in much clearer perspective, and discussion could proceed unhampered by the distorted images which are conjured up by the very terms themselves. On this point, an historical parallel comes to mind. In eighteenth century England, when crime pervaded the city of London and the surrounding highways in staggering amounts, attempts to establish a constabulary met fierce opposition. The reason? Englishmen feared the very name "police" as it was a French word connoting foreign tyranny.

In our system of criminal justice, the need to balance the competing interests of privacy and law enforcement occurs at a number of points. The decision as to whether to strike the balance must depend on the specific circumstances involved. Indeed, the concept of balance is not new and, by a reading of the United States Constitution, can be traced. The framers of the Bill of Rights did not establish the privacy of the individual in his person and effects as an absolute right, nor did they establish his home as an impenetrable sanctuary. Protection was only guaranteed against unreasonable—not every—search and seizure. Thus, institutions of law enforcement were afforded the privilege of search and seizure under carefully circumscribed criteria. This is the recognition of a basic precept of civilized society: there is a point at which individual privacy and rights yield to the public good.

The problem, as Pound has described it, is "one of compromise; of balancing conflicting interests and of securing as much as may be with the least sacrifice of other interests."[7] While the striking of this balance is difficult, the study of law and the responsibility of legislating hopefully enable us to arrive at a point of equilibrium. It is clear that before striking any meaningful balance, one must study the competing values and interests so that the problem may be viewed in the proper perspective, since, as Burke points out:

> "For that which taken singly and viewed by itself may appear to be wrong when considered with relation to other things may be perfectly right—or at least such as ought to be patiently endured as the means of preventing something that is worse."[8]

It should be clear at the start: what is sought is not the forsaking of "the requirements of the fourth amendment in the name of law enforcement"[9]—but rather a consideration of what is necessary in the name of the survival of the freedoms and liberties constituting our concept of an orderly and safe society.

In a subsequent part of this article, I will discuss the manner in which appropriate legislation can meet the Constitutional guidelines set out in the *Berger case*[9a] in order to ensure that basic guarantees are not disregarded. The following discussion centers on the other half of the equation—the need for modern surveillance techniques if law enforcement institutions are to be able to successfully perform their sworn duty of protecting society.

New York County District Attorney Frank Hogan, whose office has made the most sophisticated use of the techniques under consideration, has stated:

> "I believe, as repeatedly I have stated, that telephonic interception, pursuant to court order and under proper safeguards, is the single most valuable and effective weapon in the arsenal of law enforcement, particularly in the battle against organized crime.
>
> It is an irreplaceable tool and, lacking it, we would find it infinitely more difficult, and in many instances impossible, to penetrate the wall behind which major criminal enterprises flourish."[10]

All members of the President's highly respected Commission on Law Enforcement and Administration of Justice agreed both on the difficulty of striking the balance between the benefits to law enforcement and the threat to privacy. They shared the view that the authority to employ electronic surveillance techniques, if granted, must be exercised with stringent limitations. But a majority of the members favored enacting legislation "granting carefully circumscribed authority for electronic surveillance to law enforcement officers to the extent it may be consistent with the decision of the Supreme Court in *Berger* v. *New York*."[11]

The Commission referred to a conclusion by the English Privy Councillors who studied Great Britains' twenty year experience in this area:

> "The freedom of the individual is quite valueless if he can be made the victim of the law breaker. Every civilized society must have power to protect itself from wrongdoers. It must have power to arrest, search and imprison those who break the laws. If these powers are properly and wisely exercised, it may be thought that they are in themselves aids to the maintenance of the true freedom of the individual.
>
> "We cannot think it to be wise or prudent or necessary to take away from the Police any weapon or to weaken any power they now possess in their fight against organized crime of this character.* * * If it be said that the number of cases where methods of interception are used is small and that an objectionable method could therefore well be abolished, we feel that . . . this is not a reason why criminals in this particular class of crime should be encouraged by the knowledge that they have nothing to fear from methods of interception. * * * This, in our opinion, so far from strengthening the liberty of the ordinary citizen, might very well have the opposite effect."[12]

Recently, District Attorney Hogan pointed out that no responsible critic of wiretapping—not even the Attorney General of the United States—has urged that it be abandoned in national security situations. District Attorney Hogan views this as a concession that wiretapping and electronic surveillance are vital weapons in the detection of elaborately organized criminal conspiracies.[13] Mr. Justice White, dissenting in *Berger*,[14] has phrased the same vital question:

> "If the security of the National Government is of sufficient interest to render eavesdropping reasonable, on what tenable basis can a contrary conclusion be reached when a State asserts a purpose to prevent the corruption of its major officials, to protect the integrity of its fundamental processes, and to maintain itself as a viable institution?"[14a]

In response to those who see Big Brother running rampant, one should point out the practical considerations which rule out the arbitrary use of the wiretapping and electronic surveillance devices and which therefore reduce possible invasions of privacy to a minimum: difficulty of installation, "maintenance" of the equipment once installed, properly monitoring conversations and adequately covering "rendezvous" overheard through surveillance.[15] Thus, in view of the effort, time, and manpower required for the proper use of such modern surveillance techniques, these methods—far from being a substitute for good police legwork—are frequently a preliminary to a great deal of it.

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[5] Two bills which I have joined in proposing should serve to better this situation. While it is presently a crime to obstruct a court proceeding, it is not a crime to obstruct an investigation. Thus, by successfully stifling the flow of information at the investigative level either through violence or the threat of violence, shadowy interested persons prevent the case from ever reaching the courtroom. S. 676, 90th Cong., 1st Sess. (1967) would make such obstruction a federal offense.

A witness immunity statute is also needed. Through the proper legislative framework and with the proper safeguards, this would enable the U.S. Attorney General to grant immunity from prosecution to a witness where that witness could provide testimony essential to the conviction of the accused. Used with the proper attitude and in the appropriate circumstances, S. 677, 90th Cong., 1st Sess. (1967) would provide a useful tool in the war on crime.

[6] This article deals exclusively with the need for wiretapping and electronic-surveillance to combat organized crime. Though I do not discuss the questions of such surveillance by private and public individuals and related to such law enforcement purposes, I wish to make it perfectly clear that I believe there is no justification whatsoever for such activities and feel the Congress must act to flatly prohibit them. Such prohibitions are contained in S. 2050, 90th Cong., 1st Sess. (1967), discussed later in this article.

[7] Pound, Criminal Justice in the American City 18 (1922).

[8] Stanlis, Edmund Burke: Selected Writings and Speeches 318 (1963).

[9] Berger v. New York, 388 U.S. 41, 62 (1967). This decision will be discussed in detail later in this article.

[9a] Ibid.

[10] Subcomm. on Criminal Laws and Procedures of the Senate Comm. on the Judiciary, 90th Cong., 1st Sess. 1093 (1967) (hereafter cited as Senate Hearings). See District Attorney Hogan's statement before this Subcommittee, at 1104–11, for specific instances of the successful use of wiretapping and electronic surveillance in criminal cases. Mr. Hogan was primarily testifying on a proposed wiretapping statute, but later in his remarks he referred to the "powerful effectiveness" of electronic surveillance investigative activity. Senate Hearings, supra at 1109.

[11] Organized Crime Task Force Report, supra note 2a at 19.

[12] Before Subcomm. No. 5 of the House Comm. on the Judiciary, 90th Cong., 1st Sess., ser. 3, 1110, 1112–13 (1967). Hereafter cited as House Hearings.

[13] Senate Hearings, supra note 10 at 1111.

[14] Berger v. New York, supra, note 9.

[14a] Id. at 116.

Congressional concern and activity in the organized crime-surveillance area is somewhat recent, but a quick glance indicates that those who stress the role of partisan politics on this issue do not know their "legislative history." Following World War II, the Congress attempted to pass a wiretap bill on several occasions. However, the primary concern in the 1950's was subversive activities, and it was not until the 1960's that such legislation was envisioned as a means to combat crime. In 1961, the Kennedy Administration endorsed proposals for a wiretapping law authorizing federal agencies to tap in cases of national security, organized crime, and other serious crimes, placing no limits on State wiretapping.

In 1962, the Kennedy Administration sent a somewhat more restricted bill to Congress. It authorized federal wiretapping in cases of national security, organized crime, and other serious crime, i.e., narcotics violations, murder, kidnapping, extortion, bribery, interstate transportation in aid of racketeering, interstate communications of gambling information, and a conspiracy to commit any of the foregoing. It limited State wiretapping to certain serious crimes and outlawed all other wiretapping. Congress took no action on the proposal. The Kennedy Administration recommended passage of similar legislation in 1963, but again Congress took no action.

In 1965, 1966, and 1967, several bills[16] on wiretapping and eavesdropping were introduced in both the House and the Senate, but the administration of President Johnson has not endorsed any that would extend wiretapping and/or electronic surveillance to organized criminal activities. In fact, by Executive Order[17] promulgated in July 1965, President Johnson ordered all federal agencies except the Justice Department to cease wiretapping. The Presidential order permitted the Justice Department to continue to tap wires only in cases of national security, but prior approval of the Attorney General was necessary.

Before discussing in detail the pending legislation in this area, I believe a brief analysis of the existing statutory law on wiretapping and eavesdropping and a summary of major court decisions on the use of these techniques is in order.

The basic statutory law on wiretapping is found in the Federal Communications Act of 1934[18] which created the Federal Communications Commission and vested it with jurisdiction over radio, telegraph, and telephone communications. Section 605, dealing with interception of messages, reads in part: "no person not being authorized by the sender shall intercept any communication and divulge or publish the . . . contents . . . of such intercepted communication to any person." In construing Section 605, the Supreme Court has read the statutory prohibitions to apply to both interstate and intrastate telephone wires;[19] and has held that "no person" includes state and federal law enforcement officials;[20] and the barring of "divulgence" renders wiretap evidence inadmissible in federal courts.[21] The court has also excluded the fruits of wiretap enforcement official who introduces wiretap evidence is state proceedings technically commits a federal crime, the Court has held that suppression of the evidence is not required by the statute.[23]

A 1941 statement[24] by Attorney General Jackson to the House Judiciary Committee advanced an interpretation of Section 605 on which federal agencies have since relied. By construing the phrase "intercept . . . and divulge" as an inseparable unit, Jackson's interpretation rendered wiretapping itself permissible. He also stated that the Federal Bureau of Investigation was a "person" under Section 605 in order to conclude that the interdepartmental sharing of information among FBI personnel would not constitute a "divulgence" in the sense prohibited by the statute.

Testifying on this issue, former Attorney General Nicholas deB. Katzenbach stated.

"I agree with my predecessor that the present law regarding wiretapping is intolerable. In fact, I would go so far as to state that it would be difficult to devise a law more totally unsatisfactory in its consequences than that which has evolved from Section 605.

"First, it adequately protects the privacy of no one. To prosecute successfully, the Government now must prove both interception and disclosure. Under these circumstances there is a good deal of illicit wiretapping. . . .

"Second, under present law, use of wiretapping for potentially justifiable prosecutive purposes is impossible. A number of State laws authorize wiretapping by police officials under certain circumstances and procedures. But the Federal law has been interpreted by the courts to prevent the use of this information in a criminal prosecution.

"I think there is general agreement that the President should be permitted to authorize wiretapping for national security purposes so long as this procedure is strictly controlled; wiretapping should not be permitted by private individuals and the law should be strengthened to insure that such abuses do not take place; if wiretapping is to be permitted at all, it should be done by law-enforcement officials, under strict controls."[25]

The present law gives us the worst of all possible solutions. . . .

Congress has never enacted legislation explicitly dealing with electronic eavesdropping. The Federal Communications Commission has recently banned the use of radio transmitting microphones for eavesdropping purposes without the consent of both parties to the conversation, but this ban does not apply to "operations of any law enforcement officers conducted under lawful authority."[26] The Attorney General has recently issued a Memorandum to Heads of Executive Departments and Agencies prohibiting the "use of mechanical or electronic devices by federal personnel to overhear or record non-telephone conversations involving a violation of the Constitution or a statute."[27]

Let us now take a closer look at judicial activity in this area. In 1928 (therefore, pre Section 605) the Supreme Court ruled in *Olmstead* v. *United States*,[28] that evidence obtained by wiretapping defendant's telephone at a point outside defendant's premises was admissible in a federal criminal prosecution. The Court found no unconstitutional search and seizure under the fourth amendment because words as intangibles cannot be "seized" and because the tapping of wires at a place removed from the defendant's house is not a "search" (physical intrusion or trespass of a constitutionally protected area) within the Amendment.

In *Goldman* v. *United States*[29] the Court extended the theory of *Olmstead* to bugging in a case involving a detectaphone, i.e., a telephonic apparatus with an attached microphone transmitter. This decision was followed by *Silverman* v. *United States*[30] where the Court held that the use of bugging equipment that involved an unauthorized physical entry into a constitutionally protected private area without the consent of one of the parties violated the fourth amendment and rendered evidence so obtained inadmissible. This case concerned a spiked microphone that had penetrated the party wall to a heating duct in defendant's house. In *Wong Sun* v. *United States*[31] the Court specifically stated that under the fourth amendment verbal evidence, as well as the more common tangible evidence, may be the fruit of official illegality: "It follows from our holding in *Silverman* v. *United States*, 365 U.S. 505, that the fourth amendment protects against the overhearing of verbal statements as well as against the more traditional seizure of 'papers and effects'." If one of the parties consents, no constitutional issues are presented, no matter where the interception takes place.[32]

The fifth amendment as such places no ban on the use of electronic surveillance devices.[33] The fourteenth amendment applies to state action the same limitations imposed upon federal action found in the fourth amendment.[34]

Thus, upon a reading of the preceding cases, the law could be stated as: wiretapping or eavesdropping in the absence of physical intrusion of a constitutionally-protected area does not violate the Constitution.

This brings us to one very recent Supreme Court decision in this area, *Berger* v. *New York*.[35] That decision reversed 6–3 a state conviction for conspiracy to bribe based on a court-ordered eavesdrop. The Court held that a search that would otherwise be unconstitutional because of the element of physical trespass into a constitutionally protected area is not validated by a court order pursuant to a statute[36] which "on its face" failed to meet certain standards required by the fourth amendment to the Constitution. Thus this opinion partially negates *Olmstead* by finding that conversations are within the fourth amendment and the use of electronic surveillance devices to "capture" them is a search. But the Court did not specifically negate *Olmstead's* other ground, i.e., where oral evidence is acquired by electronic devices which do not physically penetrate a constitutionally protected area, the fourth amendment does not govern.[37]

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[15] See Task Force on Organized Crime Report, supra note 2a, Appendix C; Blakey, Aspects of the Evidence Gathering Process in Organized Crime Cases, at 92; and Senate Hearings, supra note 10, testimony of District Attorney Hogan, at 1101–02.

[16] For a comparison of two representative bills introduced in the Senate, see Appendix.

[17] See Senate Hearings, supra note 10 at 922, Memorandum of Attorney General, I.A.; and statement of Attorney General Ramsey Clark voicing the Department of Justice's opposition to court-controlled wiretapping legislation, Senate Hearings, supra note 10 at 82.

[18] 48 Stat. 1064 (1934), 47 U.S.C. 151–609 (1964).

[19] Nardone 1. United States, 302 U.S. 379 (1937); Weiss v. United States, 308 U.S. 321 (1939).

[20] Nardone v. United States, supra note 19; Benanti v. United States, 355 U.S. 96 (1957).

[21] Nardone v. United States, supra note 19.

[23] Schwartz v. Texas, 344 U.S. 199 (1952).

[24] Statement of Attorney General Robert L. Jackson, Hearings on H.R. 2266 and H.R. 3099 before Subcomm. No. 1 of the House Comm. on the Judiciary, 77th Cong., 1st Sess. 18 (1941).

[25] Hearings on S. 2189 Before the Subcomm. on Criminal Laws and Procedures of the Senate Comm. on the Judiciary, 89th Cong., 2d Sess. 34 (1966). See also statement of Attorney General Clark, Senate Hearings, supra note 10 at 82.

[26] 31 Fed. Reg. 3400 (1966), amending 47 C.F.R. 15.11 (1966).

[27] See Attorney General's Memorandum to the Heads of Executive Departments and Agencies Concerning Wiretapping and Electronic Eavesdropping (June 16, 1967), reprinted in Senate Hearings, supra note 10 at 922–24.

[28] Olmstead v. United States, 277 U.S. 438 (1928).

[29] Goldman v. United States, 316 U.S. 129 (1942).

[30] Silverman v. United States, 365 U.S. 505 (1961).

[31] Wong Sun v. United States, 371 U.S. 471, 485 (1963).

[32] Osborn v. United States, 385 U.S. 323 (1966) (recorder); Lopez v. United States, 373 U.S. 427 (1963) (recorder).

[33] Hoffa v. United States, 385 U.S. 323 (1966) (admission overheard by informer, like result); Olmstead v. United States, supra note 28.

[34] Nardone v. United States, 308 U.S. 338 (1939).

[35] Berger v. New York, supra note 9.

As discussed below, the *Berger* decision is an invitation to Congress to enact appropriately circumscribed wiretapping and electronic surveillance legislation.[38] An examination of the points stressed by the Court should reveal the basis for this outlook.

The Court found the statute did not require sufficient particularity in the orders concerning the place to be searched, the person's conversations to be overheard, and the expected nature of the conversations and the times at which they will be heard. Significantly, as will be seen below, the Court indicated that a statute meeting these standards would meet Constitutional requirements.

Mr. Justice Clark for the majority stated that the absence of particularization in the statute as to offenses to which it applied and descriptions as to the type of conversations to be overheard gave the officer executing the order a roving commission. While specific words of a future conversation are hardly predictable and therefore difficult to describe with particularity, such particularity ought not to be required. The test under the fourteenth amendment has been sufficient particularly in terms of the subject matter. Thus, where a search warrant may issue to seize equipment used in illegal off-track betting, a surveillance order could issue where the conversation may be described as the placing and receipt of bets on horesracing between suspected persons at a specified location.

The opinion then considered the statute's authorization of a two-month period of continuous surveillance, characterizing this grant as a "series of intrusions, searches, and seizures pursuant to a single showing of probable cause."[39] Thus, the period of the authority to wiretap or eavesdrop must be carefully considered and the standard is that no greater invasion of privacy can be permitted than is necessary under the circumstances.[40]

Moreover, the Court found that the statute apparently permitted surveillance to continue for the duration of the statutory period in spite of the fact that the objective for which the order had been sought may have been realized. A provision for self-termination on the eavesdrop once the conversation sought is seized—shutting down the "plant"—would meet this objection. Language to the effect that extensions of the order could be obtained only upon a showing of present probable cause for continuance would meet the Court's objections to the statutory scheme whereby extensions could be obtained solely on a showing that it was in the "public interest," with no probable cause showing required.

Mr. Justice Clark then discussed the issue of notice. Noting that the sucecss of the electronic surveillance warrant by its nature depends on the absence of notice, he found the statute had no requirement for notice as to conventional warrants nor did it overcome this defect by "requiring some showing of special facts" or "exigent circumstances."[41] But there is precedent for the showing of such "special facts." *Ker* v. *California*[42] sustained unannounced entry to arrest and to search where reasonable fear existed that an announced entry might lead to the destruction of evidence otherwise lawfully subject to seizure. Specific language conditioning the granting of an electronic surveillance order on a showing that "normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried," would appear to meet this objection.

Mr. Clark's objections that the statute did not require a return on the warrant—a report by the executing officer to the issuing Court on the results of the interception—does not create any legislative difficulties.

Where does this all leave us? On this point, I would quote Mr. Clark's remarks at page 21 of *Berger* in reference to the opinion of the dissenters that no warrant or statute could be drawn to meet the majority's requirements:

"If that be true then the 'fruits' of eavesdropping devices are barred under the [Fourth] Amendment. On the other hand this Court has in the past, under specific conditions and circumstances, sustained the use of eavesdropping devices. . . . The Fourth Amendment does not make the 'precincts of the home or office . . . sanctuaries where the law can never reach,' . . . but it does prescribe a constitutional standard that must be met before official invasion is permissible."[43]

In *Berger* the Court held the statute did not meet the Constitutional standard. But I do not read this case as making the pursuit of such a constitutionally-drawn statute fruitless. Rather, I read this case as an invitation to the Congress to work its legislative will on the difficult problem of drafting a just, effective and comprehensive wiretapping and electronic surveillance statute.

On June 29th, 1967, Senator Roman Hruska, introduced the "Electronic Surveillance Control Act of 1967"[44] which authorized electronic surveillance (eavesdropping and wiretapping) by duly authorized law enforcement officials under court order procedures. This legislation prohibited the private utilization of wiretapping and bugging.

Of utmost importance is that this bill is the only surveillange legislation pending before the Congress which was drafted post-*Berger* and with that decision specifically in mind. Others have also been active in this area—most notably the Chairman of the Senate Judiciary Subcommittee on Criminal Laws and Procedures, Senator John L. McClellan, who has a long history of concern and activity in combating the threat of organized crime in our society. But, as was stated at the time of introduction of S. 2050, every effort was made to respond to the criteria the Court set forth in *Berger* and to develop a proposal which would fully comply.

While I feel a natural reluctance to authorize the overhearing of private conversations, even where there is the possibility that evidence concerning criminal activity may be uncovered, I must admit some doubt as to whether any widetapping legislation should prevent the use of this weapon in society's struggle against organized crime—especially in view of the unique evidence-gathering problems in this area. The impact of the Crime Commission Reports, revealing testimony before the Senate Judiciary Subcommittee on Criminal Laws and Procedures, on which I serve, and discussions with persons interested and concerned with all aspects of the criminal justice system lead me to believe that if such organized criminal activity is permitted continued immunity while it infests all of our lives, it may well destroy the viability and organization of our system. At the least, I am afraid I may have been wrong to believe that society does not need this weapon in its struggle against organized crime.

It is for these reasons that I have decided to co-sponsor S. 2050, the Electronic Surveillance Control Act of 1967, introduced by Senator Hruska. This legislation has the following major provisions:

1. Private utilization of wiretapping and bugging would be flatly prohibited.

2. Federal authorities would be authorized upon the obtaining of federal court orders pursuant to application of the appropriate U.S. Attorney, to conduct carefully circumscribed and strictly controlled electronic surveillance in investigation of specified crimes involving national security and serious criminal offenses.

3. At the state level, electronic surveillance would be authorized pursuant to state statute and upon order of a court of general jurisdiction.

4. An elaborate system of checks and safeguards would be established whereby criminal and civil remedies would be available to prevent abuses and unauthorized surveillance by public officials and private persons.

I believe that this legislation can provide our law enforcement authorities a useful tool in their investigations of organized crime while not unduly disturbing the privacy of the ordinary, law-abiding citizen.

In short, the advantages to society of this legislation outweigh its disadvantages. If flaws appear in its administration, they can—and must—be corrected. In the hope of encouraging continued discussion on this important question and also of having such discussions shed light rather than heat, I conclude this article by (1) listing what appears to be the basic legislative criteria set out in *Berger*[45] followed by (2) a comparison submitted to me of two pending surveillance bills, one pre-*Berger* and the other post-*Berger*.

1. There must be a neutral and detached authority interposed between the police and the public; that is, orders for interception of communications falling within the privilege of the fourth amendment must be issued upon the order of an impartial judge of competent jurisdiction.

2. Probable cause must exist where the facts and circumstances within the knowledge of the official requesting the order (warrant) and of which he has reasonably trustworthy information, are sufficient unto themselves to warrant a man of reasonable caution to believe that an offense has been or is being committed.

3. The warrant must particularly describe

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[36] N.Y. Code Criminal Procedure, Section 813–a, as amended L. 1958, c. 676, effective July 1, 1958.

[37] To the effect that while wiretapping therefore remains outside the 4th amendment, it would be prudent to consider Berger v. New York, supra note 9, in drafting such legislation, see statement of District Attorney Frank Hogan in Senate Hearings, supra note 10 at 1112. See also, Berger v. New York, supra note 9, Justice Douglas's dissent, at 64, to the effect that the decision completely overrules sub silentio Olmstead v. United States, supra note 28; and letter from Professor Kent Greenwalt, Judicature, Volume 51, Number 1, June–July 197 at p. 29; and statement of G. Robert Blakey in Senate Hearings at p. 934.

[38] On this point, see the excellent statements of District Attorney Frank Hogan and Professor G. Robert Blakey in Senate Hearings at p. 1092 and p. 932, respectively.

[39] Berger v. New York, supra note 9 at 59.

[40] See, Berger v. New York, supra note 9 at 56–58, for a discussion of Osborn v. United States, 385 U.S. 323 (1966).

[41] Berger v. New York, supra note 9 at 60.

[42] Ker v. California, 374 U.S. 23 (1963).

[43] Berger v. New York, supra note 9 at 63–64.

[44] S. 2050, 90th Cong., 1st Sess. (1967).

[45] See Speech of Senator Roman Hruska, S. 9145, Congressional Record, vol. 113, pt. 14, p. 17998.

the place to be searched and the persons or things to be seized.

4. The specific crime which has been or is being committed must be identified.

5. Precise and discriminate procedures must be spelled out for issuance of the order.

6. The order must relate to specific conversations sought so as to be construed to give authority for a general warrant.

7. Prompt extension of the warrant must be accomplished.

8. There must be probable cause for the continuation of the order.

9. There must be a termination date for the order once the conversation sought is obtained.

10. There must be a requirement for notice—apparently within a reasonable time—to the person against whom the order has been issued.

11. There must be a provision for a return on the order.

I welcome the comments, recommendations, criticism, and assistance of law enforcement and criminal justice personnel, the bar, bench, educators, interested citizens, aspiring law students and all who would work actively to formulate a concrete and reasonable approach to a major problem facing this Nation.* We can ill afford to shirk this responsibility. The need for action could not be clearer.

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*Ed. Note. Shortly before the publication of this article, the Supreme Court held that the fourth amendment bars the admission of evidence obtained by an electronic eavesdropping device placed by FBI agents, without a search warrant, on top of a public telephone booth, even though no trespass occurred. Katz v. United States, 36 LW 4080 (December 18, 1967).

APPENDIX

COMPARISON OF THE TWO BILLS WHICH HAVE BEEN INTRODUCED RE WIRETAPPING AND EAVESDROPPING

	S. 675 SENATOR M'CLELLAN'S BILL, FEDERAL WIRE INTERCEPTION ACT [Pre-Berger]	S. 2050 SENATOR HRUSKA'S BILL, ELECTRONIC SURVEILLIANCE CONTROL ACT [Post-Berger]
Prohibition	Prohibits wire interception to overhear private conversations without consent of one of the parties to the conversation.	Same plus prohibits eavesdropping also (electronic devices).
Exemption	Exempts routine activities of employees of a communications carrier or FCC.	Same.
Penalty	Makes interception, disclosure, use or attempts at such unlawful except where authorized under Act; penalty for violation re this is $10,000 and/or 2 years.	Same as McClellan but penalty is $10,000 and/or 2 years.
Use as evidence	Any information obtained in violation of this Act is inadmissible in evidence.	Same as McClellan.
Manufacturing equipment		Bans manufacture, shipment, advertising of devices useful for eavesdropping and wiretapping. Exempts from those provisions (with the exception of advertising) common carriers in the normal course of business and federal, state or local governments or persons under contract with such units of government. Penalty for violation is $10,000 and/or 5 years.
Seizure		Authorizes seizure and forfeiture of any device used, shipped, or manufactured in violation of this Act.
National security	Excludes the application of this Act to the "President taking such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power or to protect the national security information against foreign intelligence activities". No information obtained under this power shall be used in any judicial or administrative proceeding.	Same as McClellan Bill but the information so obtained may be received in evidence—but only where the interception was reasonable.
Leave to intercept—Federal Government	Permits Attorney General to authorize any federal law enforcement agency to apply to a federal judge for leave to intercept, and authorizes such judge to grant leave to intercept wire communications when such interception may provide evidence of certain serious felonies, to wit: Any offense punishable by death or imprisonment for more than one year and concerning violations of the Atomic Energy Act, espionage, sabotage, or treason; Any offense involving murder, kidnapping, or extortion which is punishable under Title 18 of the United States Code; Any offense involving the manufacture, importation, receiving concealment, buying, selling, or otherwise dealing in narcotic drugs, or marihuana punishable under laws of the U.S.; Any conspiracy to commit any of the foregoing acts.	Same as McClellan Bill, but the leave to intercept is for *eavesdropping* as well as wiretapping. The felonies concerned are (1) all the crimes listed in the McClellan Bill, plus (2) offenses relating to sports bribery, obstruction of justice, injury to the President, and welfare fund bribery.
Leave to intercept—State government	Permits Attorney General of a State or the principal prosecuting attorney for any political subdivision thereof, to make application to State court judge of competent jurisdiction for leave to intercept wire communications within the State when such action may provide evidence of *any crime* or any conspiracy to commit crime as to which the interception is authorized by the law of that State.	Same as McClellan Bill, but such interception is limited to those cases where evidence of the following specific offenses may be provided: murder, kidnapping, gambling (if punishable as a felony), bribery, extortion or dealing in narcotic drugs or marihuana or any conspiracy involving the foregoing offenses.
Use of information by law enforcement officers	Permits any investigative or law enforcement officer who has obtained knowledge of the contents of a wire communication in accordance with this Act to use or disclose such to another officer to the extent necessary for the proper performance of official duties. Also makes disclosure while giving testimony permissible where knowledge gained in accordance with this Act.	Same as McClellan, but concerns evidence derived from the intercepted communication as well as the communication. Intercepted information, gained in accordance with this Act, otherwise may be disclosed only upon a showing of good cause before a judge with authority to authorize such interception.

APPENDIX—Continued

COMPARISON OF THE TWO BILLS WHICH HAVE BEEN INTRODUCED RE WIRETAPPING AND EAVESDROPPING—Continued

S. 675 SENATOR M'CLELLAN'S BILL, FEDERAL WIRE INTERCEPTION ACT [Pre-Berger]	S. 2050 SENATOR HRUSKA'S BILL, ELECTRONIC SURVEILLANCE CONTROL ACT [Post-Berger]
Contents of application	
Each application for leave to intercept shall be made in writing upon oath or affirmation, and shall state the applicant's authority to make such (Federal or state statute). Each application shall include the following information: Full and complete statement of the facts and circumstances relied upon by the applicant; The nature and location of the communications facilities involved; A full and complete statement of the facts concerning all previous applications, known to the individual authorizing the application, made to any judge for leave to intercept wire communications involving the same communication facilities, or any of them, or involving any person named in the application as committing, having committed, or being about to commit an offense, and the action taken by the judge on each such application. The judge may require the applicant to furnish additional testimony or documentary evidence in support of the application.	Same as McClellan Bill, plus application must include: identity of the person authorizing it and the number of outstanding authorizations based on grounds similar to those in the present application.
Grounds for issuance	
Judge may enter an ex parte order granting leave to intercept if the judge determines on the basis of the facts submitted by the applicant that there is probable cause for belief that: (1) An offense for which such an application may be filed under this Act is being, has been, or is about to be committed. (2) Facts concerning that offense may be obtained through such interception. (3) No other means are readily available for obtaining that information. (4) The facilities from which communications are to be intercepted are being used or about to be used in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by a person who has committed, is committing, or is about to commit such offense.	Same as McClellan, with the exception that (3) reads as follows: (3) Normal investigative procedures have been tried and have failed or reasonably appear unlikely to succeed if tried. NOTE.—No probable cause test.
Public telephone	
	No public telephone may be intercepted, unless in addition to satisfying all the foregoing requirements, the judge also determines that: the interception will be conducted in such a way to minimize or eliminate intercepting communications of other users of the facility and there is a special need to authorize such interception.
Privileged communications	
	Conversations between husband and wife, doctor-patient, lawyer-client, or clergyman-confidant, may not be intercepted unless in addition to satisfying all the foregoing requirements, the judge also determines that: the interception will be conducted in a way that minimizes or eliminates intercepting "privileged communications" and there is a special need to authorize such interception. No privileged communication intercepted shall be disclosed or used other than as *it is necessary* in the authorized disclosure or use of an intercepted communication under this Act.
Contents of order	
Each order granting leave to intercept shall specify: The nature and location of the communications facilities as to which leave to intercept is granted; Each offense as to which information is to be sought; The identity of the agency authorized to intercept; The period of time during which such interception is authorized; No order granted may permit wiretapping for more than 45 days. Extensions may be granted for not more than 20 days each upon further application made in conformity with the above requirements and the necessary findings by the court.	Same as McClellan Bill
Emergency situations	
	Law enforcement officials may temporarily waive the formal requirements for authorization so long as the emergency situation requires such a waiver such authorization would be available absent the waiver Formal application must be made within 48 hours after the emergency interception. If the application is denied, no information obtained may be used or disclosed and the person whose conversation was intercepted must be notified of the interception.
Precautions for accuracy	
Applications made to a court and orders granted by a court shall be sealed by the court, not to be made public except in accordance with the Act or by court order.	Information obtained by interception shall be sealed & recorded by the authorizing judge and retained for a period of 10 years. Unless under seal (or no satisfactory explanation of its absence) the information contained in such recording may not be used in any court or other proceeding. Applications for interceptions must also be sealed by the judge and retained for at least 10 years.

APPENDIX—Continued

COMPARISON OF THE TWO BILLS WHICH HAVE BEEN INTRODUCED RE WIRETAPPING AND EAVESDROPPING—Continued

S. 675 SENATOR M'CLELLAN'S BILL, FEDERAL WIRE INTERCEPTION ACT [Pre-Berger]	S. 2050 SENATOR HRUSKA'S BILL, ELECTRONIC SURVEILLANCE CONTROL ACT [Post-Berger]
Copy to defendant	
The contents of a wire interception shall not be received in evidence or otherwise disclosed in any criminal proceeding in a federal court unless each defendant is furnished a copy of the authorizing court order not less than 10 days before trial.	Same as McClellan Bill, but the information from the interception cannot be used in *State court* as well as in federal court if defendant is not given notice.
Motion to suppress	
Any *defendant in a criminal trial in federal court* may move to suppress the use as evidence of any intercepted communication on the ground that: (1) Communication was unlawfully intercepted. (2) The authorization for interception is insufficient on its face. (3) There was no probable cause for believing the existence of the grounds on which the order was issued. (4) The interception was not made in conformity with the authorization. If the motion to suppress is granted, the evidence is inadmissible in a court or proceeding. Disclosure of the contents of the communication could result in criminal penalties depending on the law of libel and slander in the jurisdiction in question.	Same as McClellan, *but* "any *aggrieved person*" (a person who is the direct or indirect object of the interception) may move to suppress in *any trial, hearing, or proceeding.* NOTE.—Though the Hruska bill only contains (1), (2) and (4) as grounds for suppression and therefore not the *probable cause* test of (3), Senator Hruska's man says that the probable cause test is implied in (1). Same as McClellan Bill plus the possibility of civil damages (again depending on the law of the jurisdiction as to libel; what is publication; etc.) U.S. given right to appeal suppression order.
Reports concerning intercepted communications	
Within 30 days of the expiration of any order granting leave to intercept, the judge shall transmit to the Administrative Office of U.S. Courts and the Attorney General a copy of the order extensions, and the application(s) made therefor. Within 30 days of a denial of an application or extension, the judge shall transmit a copy of the application to the same parties. Each March, the Administrative Office shall transmit to Congress a report concerning the number (#) of applications made, granted, and denied during the preceding year. Such Report shall state: (1) Number of applications made by each federal agency and the number of orders granting or denying such (2) Number of applications made to, and granted and denied by, each federal or state court (3) Number of applications made, granted, and denied with respect to each category of criminal offense enumerated in the Act (4) Number of applications made, granted, and denied within each state and political subdivision with respect to each category of criminal offense.	Similar to McClellan Bill, plus some information which goes to the issue of the effectiveness of the interceptions and an accounting of the deposition of motions to suppress.
Witness immunity	
	Permits U.S. Attorneys to seek immunity from prosecution for witnesses in cases involving violations of this Act.
Recovery of civil damages	
	An individual whose communication is intercepted, disclosed or used in violation of this Act, is given (1) a civil cause of action against the person making the interception, disclosure or use and (2) is entitled to recover— (A) Actual damages but not less than liquidated damages computed at the rate of $100 for each day of violation or $1,000, whichever is higher; (B) Punitive damages; (C) Reasonable attorneys fees and litigation costs. A good faith reliance on an interception order issued by a judge pursuant to this Act shall constitute a complete defense to an action under this section.

ORDER FOR RECESS TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon, it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MODIFIED ORDER FOR RECOGNITION OF SENATOR GRIFFIN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unanimous-consent order heretofore accorded to the distinguished Senator from Michigan [Mr. GRIFFIN] be put into effect at the conclusion of the prayer tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to speak briefly on a nongermane subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

TWENTIETH ANNIVERSARY OF THE FOUNDING OF ISRAEL

Mr. BYRD of Virginia. Mr. President, last Monday evening, May 13, it was my privilege to speak before the B'nai

B'rith men and women and the Richmond Jewish community council. The meeting at the handsome Jewish community center was to commemorate the 20th anniversary of the founding of Israel.

In the brief period of its existence, Israel has written a record of economic and political achievements which is unexampled among the 70 or more countries which acquired independence after World War II. Today, Israel stands as a model and an inspiration for those nations which aspire to better the lives of their citizens.

They could find no better example—unless it be the settlers and pioneers of our own country—of what people can accomplish when they are willing to help themselves.

Nor could the new nations of the world find better proof that rapid economic development does not have to come at the expense of democratic government.

Despite the constant military threat from its neighbors and the enormous obstacles to its economic survival, Israel has not wavered in its dedication to the principles of representative government and individual freedom.

For these reasons alone, the world has good cause to celebrate the anniversary of Israel's founding.

But there is another—perhaps more important—reason. And that is the role of Israel in providing a home and a refuge for the Jews of the world seeking to escape a history of 2,000 years of persecution in other lands.

We are vividly reminded of that history this year as we observe the 25th anniversary of the Warsaw uprising.

The heroic struggle of the Jews of Warsaw is a symbol of the undying spirit of the Jewish people in their quest for freedom.

The terrible atrocities of the Nazis in those years—the death of 6 million Jews in the gas chambers and concentration camps of the Third Reich—has stamped itself upon the conscience of the world. It must not be allowed to happen again.

It is with deep concern, therefore, that the world takes note of the resurgence of anti-Semitism in the Soviet Union and countries of Eastern Europe. Especially disturbing are the reports of repressions against Jews in Poland.

Scarcely 25 years have gone by since nearly 3 million. Polish Jews were exterminated. Today, the remaining few thousand Jews in Poland—probably not more than 25,000—are again the target of official repressions.

Rabbi Myron Berman of the Temple Beth-El, acting on behalf of the Jewish community in Richmond, presented me with a petition calling the attention of the Congress of the United States to the campaign of repression against Polish Jewry.

I ask unanimous consent to have the resolution printed at this point in the RECORD, and I invite the attention of the Senate and the House of Representatives to the resolution, signed by a group of outstanding Virginians.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

MAY 13, 1968.

We deplore the current resurgence of anti-Semitism in Eastern Europe We note with dismay the efforts of the Soviet Union, and now of Poland, to attribute their military debacle in the Middle East and the emergence of internal political dissension to an alleged Zionist conspiracy. As the *New York Times* reported on March 15, 1968, the anti-Semitic campaign in Poland, transparently masked as anti-Zionism, constitutes a fundamental threat to the security of the few thousand Jews still remaining in Poland. Hardly twenty-five years have transpired since the extermination of almost three million Polish Jews.

Therefore, it is incumbent upon the free world, in the name of humanity, to protest the treatment of Polish Jewry and to denounce the resurgence of anti-Semitism in Eastern Europe.

We therefore call upon the Congress of the United States, which has traditionally championed the cause of the oppressed, to condemn the campaign of repression against Polish Jewry and undertake whatever measures it deems necessary to intercede on their behalf.

Signed by the following:

Saul Viener, President, Jewish Community Council.

Laurence Levy, Executive Committee Chairman, Virginia Regional Advisory Board, Anti-Defamation League of B'nai B'rith.

Dr. Myron Berman, Rabbi, Temple Beth-El.

Aaron Miller, President, Temple Beth-El.

Dr. Ariel Goldburg, Rabbi, Temple Beth Ahabah.

Lawrence Roffman, President, Temple Beth Ahabah.

Avrum Isaacs, Rabbi, Jewish Academy of Richmond.

Charles Schreiber, President, Jewish Academy of Richmond.

William W. Glick, President, Temple Beth Israel.

Harold Rapp, President, Congregation B'nai Shalom.

Mrs. Philip Dobken, President, Richmond Section National Council of Jewish Women.

Mrs. Aaron Miller, President, Richmond, Hadassah Chapter.

Mrs. Mitchell L. Applerouth, President, Richmond, B'nai B'rith Women.

Irving J. Koslow, National Executive Committeeman, Jewish War Veterans, Fourth Region.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD two articles published in the New York Times, one on April 20, 1968, and the other on April 18, 1968, and an Associated Press report of April 19, 1968—all dealing with the subject of repression of the Jews in Poland.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 20, 1968]

CONCERN OVER ANTI-SEMITISM

(By Anthony Lukas)

As Jews in the United States and elsewhere celebrated yesterday the 25th anniversary of the Warsaw ghetto uprising, fears were mounting in this country that a new wave of anti-Semitism once more endangered Polish Jews.

Reports reaching Jewish organizations, Polish émigrés and others here suggest that the anti-Semitic campaign in Poland has created a climate of fear among many Polish Jews.

Wladyslaw Gomulka, the Polish Communist leader, appears to have become alarmed by the excesses of the campaign, which evidently is directed at least partly at him. He and some of his close colleagues have sought to damp it down.

But some sources say they see indications that Mr. Gomulka has lost control of the situation and that persons both within and outside the party are determined to step up the attack on Jews to further their own political and ideological ends.

Analysts of Polish affairs here said the anti-Semitic campaign apparently began as a long-planned move in an intraparty power struggle waged by Maj. Gen. Mieczyslaw Moczar, the Minister of the Interior.

However, they said the theme had been enthusiastically picked up and elaborated upon by anti-Semitic groups in Poland—Boleslaw Piaseski's pro-Communist, Catholic Pax movement and the leaders of the nominally middle-class Democratic party, a political group with some representation in the Assembly.

So far, there is no evidence that the Polish man in the street has joined in the officially instigated denunciations of Jews. In fact, there are signs that many Poles reject the campaign.

However, some analysts here warn that if the movement continues to gain force, it could eventually tap the deep well-springs of traditional Polish anti-semitism and—in the words of one Polish émigré—could even lead to "outbursts of physical savagery."

NO REPORTS OF VIOLENCE

So far there has not been any report of physical violence against Jews. The campaign has relied on denunciations in the press and communications positions, and suppression of literary or artistic expression that offers support or sympathy for Jews.

In most cases the public pronouncements do not even mention the word Jew, and officials have repeatedly denied that anti-semitism is involved. Instead, they have used such terms as Zionists, alien forces, foreign elements, non-Polish persons or persons known for their national nihilism—all frequently used euphemisms for Jews.

However, even such indirect methods are reported to have created fear in the Polish Jewish community.

PANIC AND INSECURITY

A recent report from the Paris office of the American Jewish Committee said, "the purges of Jews on all levels of cultural life and Government departments is assuming such proportions that every Jew in Poland is practically in a state of panic and insecurity, at least economically, if not yet physically."

Anti-semitism is nothing new to Poland. Jews have experienced abuse, persecution and outright physical attack off and on since they settled there in the 10th century.

For many centuries the peasants were the predominant element in the Polish population and there was no indigenous middle-class. The Jews supplied the country with craftsmen, middlemen, innkeepers and a small group of rich merchants.

They seem to have been protected by the kings, but hated and abused by some of the clergy, townspeople and the great mass of peasantry. The nobility generally despised them but also protected and employed them as middlemen.

Despite all this, Polish Jews developed a flourishing cultural and religious life. When Poland regained her independence after World War I, the Jewish community there was one of the largest and most vital in the world.

Then came the German march into Poland and the Nazi occupation. In 1939 there were about 3.3 million Jews in Poland. There were 50,000 to 70,000 left when Poland was liberated in 1945. Many Jews who had fled were repatriated, but soon there was a reverse flow of Jews emigrating, primarily to the United States and Israel.

20,000 TO 30,000 THERE NOW

Today there are believed to be only 20,000 to 30,000 Jews left in a total Polish population of about 33 million. Most of them are old people, widows, invalids and others who for one reason or another did not want to abandon their homeland. A report by the American Jewish Committee estimates that 59 per cent of the Jews now in Poland are 40 years old or over.

In addition, there are an estimated 10,000 to 15,000 people who do not regard themselves as Jewish but who have Jewish ancestors or are married to Jews, and thus are regarded as tinged with Jewishness. Mr. Gomulka's wife, Sofia, is Jewish.

There was little overt antisemitism in Poland for the first 10 years after the war. The memory of Nazi atrocities was still too strong. Perhaps even more important, many members of the Government and party leaders in the Stalinist era were Jewish.

These men belonged to the so-called Muscovite group—Jews who fled from Poland to the Soviet Union during the war and remained there until liberation. Stalin saw to it that these Soviet-trained Jewish Communists were installed in key positions in the post-war Polish regime.

MANY ABANDONED STALINISM

In 1956, when Poland's rigid Stalinist Government gave way to the nominally liberal Gomulka regime, many Jews were among the first to turn away from the old line. The Stalinists, casting about for some weapon with which to defend themselves, resorted to anti-Semitic slurs. But this backfired, gaining more sympathy for the Jews and the new Gomulka line.

Until recently, many Jews remained in high positions in the Government and the party. Guided by what one Pole has called "the ideology of fear," they swung with the prevailing wind. As Mr. Gomulka's promise of liberal reform has faded, many have swung back toward the harsh line.

According to Jewish émigré sources, the current "anti-Zionist" campaign appears to have been carefully planned by General Moczar as part of the struggle for succession to Mr. Gomulka now going on inside the party.

[From the New York Times, Apr. 18, 1968]

EXCESSES IN PURGE SCORED IN POLAND: GOMULKA ASSOCIATE CHARGES "FILTHY DEFAMING" OF AIDES IN "ANTI-ZIONIST" DRIVE

(By Jonathan Randal)

WARSAW, April 18.—A Communist official close to Wladyslaw Gomulka, the party leader, has charged that the current "anti-Zionist" campaign has gotten out of hand and deteriorated to the level of "downright filthy defaming of people," it was disclosed tonight.

The first such public admission was made by Jozef Kepa, the Warsaw city secretary, who pointedly recalled that Mr. Gomulka said last month that Zionism was not a danger to Poland's Communist system.

That injunction for moderation was disobeyed and Mr. Kepa's remarks, made yesterday, were believed to reflect an effort by forces associated with Mr. Gomulka to strike back at those who challenge his authority.

ISRAEL IS DENOUNCED

Despite Mr. Kepa's admonition, a speaker used today, the commemoration of the 25th anniversary of the uprising of the Warsaw ghetto, to compare Israel's "Zionist agression" against the Arabs to the Nazis' massacre of Jews in World War II.

The charges were made at a ceremony organized by the Polish veterans' association in honor of Polish Jews who fought German tanks, planes, flamethrowers and artillery in the month-long ghetto uprising in 1943.

The veterans' organization is headed by Interior Minister Mieczyslaw Moczar, who many Poles believe is a driving force behind the current campaign against "Zionism."

The warning against excesses in the "anti-Zionist" campaign were made by Mr. Kepa before the same audience—members of the Warsaw party organization—that Mr. Gomulka addressed a month ago. Mr. Kepa's speech was made public tonight by the Polish press agency, which provided no explanation for the delay.

"We must chiefly fight energetically against attempts to foster social demagoguery that the political adversary tries to introduce into our party ranks," Mr. Kepa said.

Without identifying the adversary, Mr. Kepa said that "he attempts to use our correct political and ideological fight against Zionism for various aims contrary to the position of the party."

At the same time Mr. Kepa sought to strengthen the threatened dominant role of the Central Committee and the Politburo, which are still controlled by Mr. Gomulka and his associates.

These ruling bodies of the party have been under indirect attack in the leadership struggle from advocates of change identified with General Moczar, the Interior Minister.

Observers regarded Mr. Kepa's speech as a counteroffensive by Mr. Gomulka, who in the last six weeks has faced his gravest crisis since assuming power in 1956.

"All basic party organizations will be directed by principles binding in our movement and will observe the principle of Democratic centralism," Mr. Kepa said.

Political analysts suggested that this phrase was intended as a rebuff to the advocates of change who have appealed directly to party cells to take decisions in disregard of normal party practice reserving initiative to the leadership Democratic centralism means the party leadership in Communist parlance, the analysts stressed.

Mr. Kepa approved of the recent purges, but tempered his approval with criticism of the methods used. He said certain unidentified newspapers had been excessive.

METHODS CRITICIZED

He condemned "a sort of extremism that makes itself felt in a certain clamoring, in a simplified use of the concept of Zionism, a hasty generalization of some disquieting phenomena in our economic and social life, a too hasty transferring of criticism of the educational situation at Warsaw University and some other colleges to the entire educational system."

"We must undertake a sharp fight against downright filthy defaming of people," he added.

The speech at today's commemoration of the Warsaw ghetto uprising was made by Kazimierz Rusinek, secretary general of the veterans' organization. In referring to Israel's charges of Arab sabotage in Israeli-occupied areas, Mr. Rusinek said:

"Bad Zionist tongues clamor about the alleged indifference of Poles to the destruction of Jews during the occupation," he said in denouncing what the regime has called a Zionist campaign to slander Poland.

He asserted that the "betrayal and indifference of world Zionism and the Western powers" were responsible for the destruction of Jews in World War II.

Mr. Rusinek quoted what he termed a message from ghetto fighters sent to American Jews complaining that "the remnants of Jews are convinced that during the most horrible days in our history you have not given us help."

The Veterans official charged that "rich Jews in the United States and England cared more for their billions deposited in banks than about the fate of Jews burned in the crematories of Auschwitz."

The uprising of the Warsaw ghetto involved the last 65,000 of the half-million Polish Jews who had been concentrated there by the Germans before their extermination in Treblinkka and other death camps.

The alleged campaign against Poland seeks to "rehabilitate the murderers and place the guilt on their victims," Mr. Rusinek told an audience of several thousand gathered in the auditorium of the Palace of Culture.

His voice shaking with emotion, Mr. Rusinek said: "There is no country in Europe that displayed so much heroism in saving Jews as did the Polish nation and there is no country that had so many victims for helping the Jews."

He recalled that the first victims of the Auschwitz camp, when it opened in 1940, were "Poles, soldiers, priests and teachers." He did not say that as many as three-quarters of the four million victims who died in Auschwitz were Jews.

Earlier, more than a dozen Polish organizations and a visiting delegation of Argentine Jews placed wreaths on the granite monument that stands on what was the ghetto before the Germans razed it after the uprising.

Military drummers beat a slow tattoo through the 15-minute ceremony which was attended by a few hundred persons, many of them children.

[From Associated Press Report, Apr. 19, 1968]

GOMULKA ASSOCIATE TRIES TO MUTE POLAND'S CAMPAIGN AGAINST JEWS

WARSAW, April 19.—A close associate of Communist Party chief Wladyslaw Gomulka has made another attempt to tone down the current anti-Jewish campaign in Poland and warned that it must not become "downright filthy defaming of people."

Jozef Kepa, first secretary of the Warsaw Party Committee, said in a speech released last night, "A sort of extremism is making itself felt in a certain clamoring, in a simplified use of the concept of Zionism."

Kepa quoted from Gomulka's speech March 20 in which the Party leader said Zionism was no danger to the Communist Regime. In that speech, Gomulka apparently attempted—but failed—to tone down the clamorous anti-Jewish statements in the press, on television and in public speeches.

NEW DENUNCIATIONS

A few hours before publication of Kepa's speech, the secretary general of the Polish veterans' organizations made new denunciations of Israel and Zionism at a ceremony observing the 25th anniversary of the Warsaw Ghetto uprising against the Nazis.

Kazimierz Rusinek told the few hundred persons who attended the 15-minute ceremony that "the crimes which Israeli soldiers commit against the Arab people, we remember from the times of Hitler's occupation."

He accused "rich Jews in the United States and England," world Zionism and Western nations of "betrayal and indifference" toward the unsuccessful 1943 uprising.

The uprising began April 19, 1943, when only about 65,000 Jews remained of the half million who had been jammed into the ghetto by the Nazis. The others had starved, died of disease or been shipped to death camps. It took the Nazis about a month to quell the uprising and level the ghetto. Most of the 56,000 Jewish survivors were sent to the gas chambers at Treblinka.

MOCZAR'S VIEWS

Observers said Rusinek's speech reflected the views of Mienyslaw Moczar, Poland's interior minister and secret police chief who is rumored to be contesting with Gomulka for power.

These observers said Kepa in his speech probably was referring to Moczar when he said a "political adversary" had attempted to "use our correct political and ideological fight against Zionism for various aims contrary to the position of the Party."

Kepa also spoke of "reactionary forces" which try to profit from "the political campaign conducted by the Party." He said "standing up against Zionism cannot weaken the sharp fight with the forces of revisionism . . . with all kinds of political reaction."

Another aspect of Kepa's speech was reported by Reuters:

"The voice of the reactionary party of the Church hierarchy" had been heard among forces united against the people's power, Kepa said in condemning the support given by Polish Roman Catholic leaders to the student demonstrations last month for intellectual and democratic freedoms.

It was the first time the authorities had publicly attacked the Church for its stand on the student troubles. The criticism seemed clearly aimed at the Primate, Stefan Cardinal Wyszynski. The Cardinal has praised the students for their maturity and moderation.

Kepa said there was considerable convergence between the hierarchy's views and allegations of police brutality toward students raised in a recent parliamentary question by five right-wing Catholic deputies.

The deputies, of the Znak association of lay Catholics, defended the demonstrators, saying they were not hostile to socialism and that police intervention during demonstrations had aggravated the situation.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPONG in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. ERVIN. Mr. President, article V of the Constitution provides as follows:

> The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

In discussing this article in the Federalist, James Madison said that the Constitutional Convention of 1787 recognized that time would suggest that there should be changes in the Constitution, and that the Convention provided this method, and this method only, for amendment as a happy compromise between making it too difficult to amend the Constitution and making the Constitution as changeable as statutes. This is the only provision in the Constitution which authorizes any change in the Constitution.

I should like to make it very plain that amending the Constitution is a power which can be exercised only by Congress and the States under the circumstances set forth specifically in article V. The Supreme Court of the United States has the undoubted power to interpret the Constitution, but it does not have the power to amend the Constitution in any respect.

The power to amend the Constitution is the power to change its meaning; the power to interpret the Constitution is the power to ascertain its meaning; and the power of the Supreme Court extends only to the power of interpreting the Constitution, and the laws and treaties of the United States.

The Supreme Court has no authority to change the meaning of a single word in the Constitution, or the meaning of a single clause in the Constitution. Those who drafted the Constitution attempted to place Supreme Court Justices in a situation where they would never be tempted to usurp and exercise the power to change the meaning of the Constitution. They attempted to put them beyond the reach of all earthly temptations. They provided first that they should hold office for life. They provided second that they should receive compensation for their services which could not be diminished by Congress or any other power on earth. Then, for the purpose of enjoining them to interpret the Constitution according to its true intent, and to effectuate the purposes of the men who drafted it and ratified it, they put a provision in the Constitution requiring the judges to take an oath to support the Constitution.

This Constitution belongs to the American people. It does not belong to five, or six, or seven, or eight, or nine Supreme Court Justices. The purpose of all constitutional interpretation is to ascertain the intent of those who framed and those who ratified this great document. So it can be truly said, Mr. President, that the very existence of constitutional government in the United States is absolutely dependent upon the majority of the Supreme Court interpreting the Constitution according to the true intent of those who drafted and ratified this great instrument.

The people of the United States, through their representatives in the Constitutional Convention, drafted this Constitution and subsequently ratified it because they had observed from the history of the past that no men, or set of men, could be trusted safety with unlimited governmental power.

A great Virginian, James Madison, pointed out that when you combine the power of making laws, and the power of enforcing laws, and the power of interpreting laws in one body of men you have a tyranny regardless of the name by which you may call a government in which such powers are concentrated.

Now, when all is said, there is only one restriction, or to put it a little more accurately or a little more technically correct, there is only one practical check or balance upon the powers of Supreme Court Justices. When this Constitution was written, a great Virginian, George Mason, and a great resident of the Commonwealth of Massachusetts, Elbridge Gerry, opposed its ratification on the ground that there was no real check or balance to prevent the usurpation of power by the Supreme Court. Their argument was met by Alexander Hamilton, who said that argument was a phantom. He said that the argument of Mason and Gerry was a phantom because there would be very few men in the country fit for the position of judge and they would be men who by long and laborious study had acquired a knowledge of the law and the precedents, and they would feel themselves bound down by the law and the precedents, and they would follow the law and the precedents.

Mr. President (Mr. SPONG in the chair), what Alexander Hamilton was saying, in substance, was that no man is fit for the station of judge in a government of laws as distinguished from a government of men, unless he is able and willing to subject himself to the restraint inherent in the judicial process when the judicial process is rightly understood and applied.

What is the restraint inherent in the judicial process? It is the ability and the willingness of the judge to lay aside his personal notions of what the Constitution or a statute should say and to be guided solely by what the Constitution or the statute does say.

Despite my great reverence for George Mason and Elbridge Gerry, I think there is one check or balance which the Constitution places upon the Supreme Court. It is the only practical restraint which is placed upon the Supreme Court by the Constitution. Of course, Congress and the States, by concurring action, can overrule or rather set aside a ruling by the Supreme Court which they deem to be inconsistent with the Constitution by the long, tedious, and difficult process of amending the Constitution to restore the original meaning of the Constitution. That is a very cumbersome process and it may be an absolutely vain process if followed because if the Supreme Court Justices do not attribute to the plain words of the Constitution their obvious meaning and instead of doing so substitute their personal notions for what the Constitution provides, there is no assurance that the same Justices will not do the same thing in respect to any amendment which may be adopted by the Congress and the States to restore the original meaning of the Constitution after the handing down of the decision which ignores the Constitution.

The only practical check is set out in as plain words as appear in the Constitution. Article III provides to what kind of cases the judicial power of the United States can extend. It divides the jurisdiction of the Supreme Court of the United States into two classes—to wit, original jurisdiction and appellate jurisdiction.

Section 2 of article III states in part:

> In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction.

Mr. President, that is jurisdiction which the Court takes fully under the Constitution. Congress does not have the power to deprive the Supreme Court of its appellate jurisdiction in the limited classes of cases mentioned.

But section 2 of article III further specifies:

> In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

This provision of the Constitution gives to Congress, in as plain words as can be found in the English language, the undoubted power to limit the jurisdiction of the Supreme Court in all cases not falling within the original jurisdiction of the Supreme Court.

That has been held by the Supreme Court itself in a multitude of cases and no other interpretation can be placed upon those words of the Constitution.

For some strange reason, men who condemn the usurpation of power by the President, or the usurpation of power by Congress, seem to regard the usurpation of power by a majority of the Supreme Court Justices as something sacrosanct and something for the American people to endure unless the Constitution is amended by the States and the Congress, acting in concert.

That is not true, as the words of the Constitution declare.

The self-incrimination clause of the fifth amendment which states, "nor shall be compelled in any criminal case to be a witness against himself," means just exactly what it says. It says that it applies where a man is compelled to be a witness against himself in a criminal case or a case tantamount to a criminal case.

It has no possible application to voluntary confessions, as the Supreme Court of the United States held in every case from the 15th day of June 1790, when those words became a part of the Constitution, down to the 13th day of June 1966, when the Supreme Court, by a 5-to-4 decision, handed down the Miranda case and attempted to make it apply to voluntary confessions.

The majority opinion confesses at least twice, whether voluntary or involuntary I do not say, that the majority were usurping and exercising the power to change the meaning of the self-incrimination clause, because the majority opinion speaks of the warnings it invented that day as the principles, or the warnings announced today—that is, June 13, 1966—warnings invented for the first time, 176 years after those words became a part of the Constitution.

The Miranda decision is inconsistent with the words of the Constitution. It is inconsistent with every decision of the Supreme Court of the United States construing the Constitution through a period of 176 years. It is also inconsistent with all the practices followed by law-enforcement officers during that 176 years.

When the Supreme Court handed down its 5-to-4 decisions in the Wade and the Gilbert cases, the majority of the Court undertook to place limitations upon the admissibility of the testimony of an eyewitness that he saw the accused commit the crime, and to exclude such testimony under specified circumstances on the trial of criminal actions in both Federal and State courts. The majority of the Court confessed that in so doing they were not interpreting the words of the sixth amendment providing that "in all criminal prosecutions, the accused shall enjoy the right to have the assistance of counsel for his defense", but, on the contrary, they were giving a new meaning to those words which no one could have anticipated would ever be assigned to them before June 12, 1967, the date the cases were decided.

The confession of the majority that they were amending the Constitution rather than interpreting it appears in the Stovall case, reported in 388 U.S., page 293. I should like to direct the attention of the Senate to the confession which appears on page 299. It was made because the question had been raised whether the new rule declaring it unconstitutional under the right to counsel clause of the sixth amendment for an eyewitness to look at a suspect in custody for the purpose of identifying or exonerating the suspect as the perpetrator of a crime the eyewitness saw committed, unless the lawyer representing the suspect is present was to be applied retroactively.

The rule is unworkable. It is out of harmony with life and psychology. But the Court held in the Wade and the Gilbert cases that if an eyewitness saw a suspect in custody for the purpose of identifying him or exonerating him as the perpetrator of a crime the eyewitness saw committed, when an attorney representing the suspect was not present, that the eyewitness could not be permitted to take the witness stand on trial on the merits against the suspect and testify that he saw the suspect commit the crime and based his identification of the suspect solely upon what he saw at the time the crime was committed unless the judge stops the trial and assumes the role of psychologist and delves into the innermost recesses of the mind of the witness and ascertains by clear and convincing evidence that the pretrial view of the suspect by the witness, in the absence of the suspect's lawyer, did not influence the eyewitness in his positive testimony that he recognized the suspect as the man he saw commit the crime.

As I say, that rule is contrary to psychological principles. It is contrary to common sense, because no judge can invade the mind of a man and say at what particular time that man's mind received an impression or came to a certain conviction of truth.

Yet, unless a judge can do that, under this rule, and say as a result that he finds by clear and convincing evidence that the pretrial view had nothing whatever to do with the willingness of the eyewitness to testify that he saw the suspect commit the crime, it is not competent in evidence.

I say this was a new rule, contrary to the words of the sixth amendment, contrary to every decision handed down under the sixth amendment by the Supreme Court, and contrary to the rules of evidence followed by the courts in the enforcement of criminal law in this land.

Here is the voluntary, or involuntary, confession, whatever it may be, of the majority that handed down the Wade and Gilbert cases as set out:

> The law enforcement officials of the Federal Government and of all 50 States have heretofore proceeded on the premise that the Constitution did not require the presence of counsel at pretrial confrontations for identification.

I digress from reading the confession of the majority to remark that the law-enforcement officials of the Government of all our States had entertained that opinion for 177 years, and it was perfectly correct and was in harmony with the decisions and interpretations of the Supreme Court construing those words.

I proceed to read the Supreme Court's confession:

> Today's rulings were not foreshadowed in our cases; no court announced such a requirement until Wade was decided by the Court of Appeals for the Fifth Circuit, 358 F. 2d 557. The overwhelming majority of American courts have always treated the evidence question not as one of admissibility but as one of credibility for the jury.

I digress from reading the confession of the majority of the Supreme Court to say that that was what had been recognized for 177 years to be true under the sixth amendment.

I resume the reading of the confession of the majority of the Supreme Court in the Stovall case:

> Law enforcement authorities fairly relied on this virtually unanimous weight of authority, now no longer valid, in conducting pre-trial confrontations in the absence of counsel. It is, therefore, very clear that retroactive application of Wade and Gilbert "would seriously disrupt the administration of our criminal laws."

So, on that basis, the Supreme Court said that the new rule it invented on the 12th day of June 1967 applied only to cases originating after the rule was announced on that day and had no application to any cases which had arisen between the time those words were placed in the Constitution on June 2, 1790, and the 12th day of June 177 years later.

Yet some of those who oppose this bill say that the Congress should refuse to enact title II of the bill in the exercise of its undoubted power under section 2 of the 3d article, and continue to let criminals go free for want of identification even though they can be positively identified by eyewitnesses who saw them commit the crimes for which they are placed on trial.

As I said in the closing statement I made on this subject previously, I think enough has been done for those who murder, rape, and rob. It is time for Congress to do something, under section 2 of article III, for those who do not wish to be murdered or raped or robbed.

BLOCK GRANTS

Mr. PROXMIRE. Mr. President, I feel compelled to speak in opposition to the block grant amendment to Senate bill No. 917. It would provide for financial assistance to improve law enforcement and criminal justice on the local level only through block grants to the States, instead of providing financial assistance directly to both State and local governments in the Nation's war against crime.

It is obvious that the block grant approach is fraught with significant defects. The amendment fails to recognize that the local level of government in our major metropolitan areas is the primary unit responsible for law enforcement. There can be no doubt today that the greatest need for financial assistance to improve the quality of law enforcement and criminal justice is in these metropolitan areas.

State involvement in law enforcement is minimal. Ninety percent of the 348,000 full-time State and local police officers in the country are employed by county and municipal police agencies, according to the report of the President's National Crime Commission. Seventy-two percent of the total State and local expenditures for law enforcement are made by local governments.

Equally serious, the block grant amendment poses the grave threat of State domination over local law enforcement. Continuing political controversies and partisan rivalries between State and local governments will seriously upset the historic balance between State and local law-enforcement agencies.

In addition, the block grant amendment creates a potential conflict of interest for States which act as applicants in their own right and as applicants on behalf of local units within the State.

It has been argued that the proposal for directing title I funds to units of local government from the Federal level would bypass the States. Nothing could be further from the truth. In neither its language nor its intent does title I bypass the States.

Indeed, under title I all grants to local units would be subject to review and comment by the State Governor. Rather than being bypassed, the Governor's role is increased with respect to overall State planning. The State Governors are thus given full opportunity to join in the coordination and direction of all law-enforcement activities in the States.

Title I retains the maximum flexibility that is appropriate in a new Federal grant program. It also provides for grants to be made directly to local governments. The program thus combines the threefold expertise of Federal, State, and local agencies in the fight against crime. The "block grant" concept, on the other hand, would drastically reduce participation at both the Federal and local levels, leaving the sole responsibility for the war against crime to State-level agencies.

Experience reveals that, of the three levels, by and large, State agencies are the least qualified to take on such a role.

The block grant amendment would deny units of local government their essential role in the war against crime. Accordingly, I urge the adoption of title I as reported out by the Senate Judiciary Committee.

DR. NOEL O. GONZALEZ

Mr. EASTLAND. Mr. President, I ask that the Chair lay before the Senate the message from the House of Representatives amending S. 68.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 68) for the relief of Dr. Noel O. Gonzalez which was on page 1, line 6, strike out "April 20, 1962." and insert "May 4, 1962.".

Mr. EASTLAND. Mr. President, on May 18, 1967, the Senate passed S. 68, to grant lawful permanent residence to the beneficiary retroactively. On May 7, 1968, the House of Representatives passed S. 68 with an amendment to grant such permanent residence as of the date of parole into the United States, rather than as of the date of arrival.

The amendment is technical and does not affect the benefits provided in the bill. I move that the Senate concur in the House amendment to S. 68.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi that the Senate concur in the House amendment.

The motion was agreed to.

CITA RITA LEOLA INES

Mr. EASTLAND. Mr. President, I ask that the Chair lay before the Senate the message from the House of Representatives amending S. 107.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 107) for the relief of Cita Rita Leola Ines, which was on page 1, line 5, after "natural-born" insert "alien".

Mr. EASTLAND. Mr. President, on October 19, 1967, the Senate passed S. 107 to enable the 3-year-old beneficiary to qualify for second preference status as the unmarried daughter of a lawful permanent resident of the United States.

On May 7, 1968, the House of Representatives passed S. 107 with a technical amendment that does not affect the benefits provided in the bill.

I move that the Senate concur in the House amendment to S. 107.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi that the Senate concur in the House amendment.

The motion was agreed to.

DR. JOSE FUENTES ROCA

Mr. EASTLAND. Mr. President, I ask that the Chair lay before the Senate the message from the House of Representatives amending S. 2248.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2248) for the relief of Dr. Jose Fuentes Roca, which was, on page 1, line 6, strike out "September 5, 1961" and insert "September 6, 1961."

Mr. EASTLAND. Mr. President, on October 19, 1967, the Senate passed S. 2248 to grant lawful permanent residence to the beneficiary retroactively. On May 7, 1968, the House of Representatives passed S. 2248 with an amendment to grant such permanent residence as of the date of parole into the United States, rather than as of the date of arrival.

The amendment is technical and does not affect the benefits provided in the bill. I move that the Senate concur in the House amendment to S. 2248.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi that the Senate concur in the House amendment.

The motion was agreed to.

PARTICIPATION OF FEDERAL EMPLOYEES IN BOYCOTTS AND RIOTS

Mr. EASTLAND. Mr. President, I have been informed by reliable sources that at least four employees of the Office of Economic Opportunity in Bolivar County, Miss., are leading a black power boycott directed against the schools and businesses of Shelby. The employees to which I refer are Bobbie Holmes, L. C. Dorsey, L. M. Reynolds, and Mildred Coleman. This information has come to me by correspondence from Mr. W. E. Adams, a member of the board of trustees of Bolivar County School District No. 3, and the Honorable Charles C. Jacobs, Jr., attorney at law, Cleveland, Miss.

Unfortunately, this type of conduct has been the rule rather than the exception in the operation of OEO projects in Mississippi. It is inexcusable that Federal employees should be allowed to foment lawlessness and disorder. If these reports are true, not only is their conduct reprehensible on its face, but violative of the civil and criminal prohibitions of Mississippi law, including but not limited to, section 1088 and the following, dealing with unlawful restraints of trade, and section 2236.5, prohibiting the willful and malicious interference with a lawful trade or business, and so forth.

These instances have not been confined to Mississippi. During the antiriot hearings last year the Senate Judiciary Committee received substantial evidence of widespread participation by OEO employees in the riots of 1967. It has recently been reported that large numbers of Federal employees were arrested as participants in the riots which occurred in Washington last month. After 2 years of such exposures, it is incredible that these practices are still permitted to continue.

I have today written a letter to the Honorable Bertrand M. Harding, Acting Director, Office of Economic Opportunity, asking that an investigation be made into this matter. I ask unanimous consent that this letter, together with enclosed letters from Mr. Adams and Mr. Jacobs, and a letter addressed to "Merchants, Shelby, Miss.," be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington D.C. May 13, 1968.

HON BERTRAND M. HARDING,
Acting Director, Office of Economic Opportunity, Washington, D.C.

DEAR MR. HARDING: I enclose letters from W. E Adams, a member of the Board of Trustees of Bolivar County School District No. 3, Shelby, Mississippi, and Honorable Charles C. Jacobs, Jr., attorney of Cleveland, Mississippi, relative to some OEO employees in Shelby, Mississippi.

This disturbs me very much. If these employees are conducting themselves in this fashion, I think you should know about it and I think something should be done immediately.

I would appreciate your having the matter looked into and advising me.

Sincerely yours,
James O. Eastland,
U.S. Senator.

Enclosures.

Shelby, Miss.,
May 8, 1968.

Hon. James O. Eastland,
U.S. Senate,
Washington, D.C.

Dear Sir: I am a member of the Board of Trustees of Bolivar County School District Number 3, and we have been experiencing great difficulty during the last week from a student boycott of Broad Street High School in Shelby and a boycott of merchants in the City of Shelby. This movement has been organized and conducted by a black militant group according to information reaching us.

One of our concerns is that three of the leaders of the boycott movement are employees of the Tufts OEO Project in Mound Bayou and have been observed last Friday, Monday, and today demonstrating on the street in front of Broad Street High School. We are told that they receive their daily pay while absent from their duties for this purpose. Arthur Gunby, a Negro policeman in Shelby, has given us their names: Mrs. L. M. Reynolds, Mrs. Mildred Coleman, Mrs. L. C. Dorsey.

Knowing your interest in preventing misuse of federal funds, I hope your office can influence the discharge of these individuals.

Sincerely yours,
W. E. Adams.

Jacobs, Griffith & Hatcher,
Cleveland, Miss., May 8, 1968.

Senator James O. Eastland.
Senator John Stennis.
Congressman Tom Abernathy.

Gentlemen: Last night I attended the Town Board meeting at Shelby, Mississippi, and one of the gentlemen at the meeting produced a letter which was sent to him as a merchant in the City of Shelby, Mississippi, with reference to a boycott of the businesses in Shelby by the negro citizens of that area.

This letter is signed by Bobby Holmes and Dorsey, both of whom are paid with federal money. Bobby Holmes works for the Headstart Program and Dorsey is employed in Mound Bayou by the Tufts Medical Center.

This same group has organized a boycott of the colored school which has been very effective in keeping negro youngsters from the school. I thought you would be interested in knowing what our Washington money is promoting on a local level.

I am advised that all of this action stems from the fact that the School Board failed to renew the contracts of two male teachers. I am informed also that these teachers have been actively advocating "black power" among the students at the school, which was probably one of the reasons that their contracts were not renewed.

Yours very truly,
Charles C. Jacobs, Jr.

Shelby, Miss.,
May 7, 1968.

Merchants,
Shelby, Miss.

Dear Sir: This is to serve notice that the selective buying campaign being conducted in Shelby is not directed at you, solely.

However, we do solicit your support in our effort to negotiate with the school board for the renewal of our teachers' contracts.

These people were customers of yours. Their salaries constituted a sizable part of your income.

We feel that you owe them your support.

Sincerely,
Shelby Educational Committee.
Mrs. Lucinda Young, *Chairman.*
Miss Bobbie Holmes, *Secretary.*
Mrs. L. C. Dorsey, *Spokesman.*

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I send to the desk a unanimous-consent request and ask that it be read.

The PRESIDING OFFICER. The clerk will read the unanimous-consent request.

The legislative clerk read the unanimous-consent request, as follows:

Ordered, That on the pending Hruska amendment, debate be limited to 4 hours, to be equally divided and controlled by the Senator from Nebraska and the senior Senator from Connecticut or whomsoever he shall designate; that on the Kennedy perfecting amendment the time be limited to 3 hours; that on all other perfecting amendments the time be limited to 1 hour; that the time on the Dirksen substitute be limited to 1 hour; that the time on the amendments be equally divided and controlled by the sponsor of the amendment and the manager of the bill, Senator McClellan, or whomsoever he shall designate; that this agreement shall become effective on tomorrow. It is the understanding that all voting will take place on Thursday.

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from Michigan [Mr. Griffin] will be recognized at the conclusion of the prayer and the disposition of the Journal tomorrow, for not to exceed 20 minutes.

ORDER FOR RECOGNITION OF SENATOR HRUSKA

I ask unanimous consent that following the conclusion of the remarks by the distinguished Senator from Michigan [Mr. Griffin], the distinguished Senator from Nebraska [Mr. Hruska] be recognized for up to 1 hour, and that at the conclusion of his remarks, the time limitation under the unanimous-consent agreement begin.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. The reason for this request is that the Senator from Nebraska had intended to make a rather lengthy presentation this afternoon, but because of developments he was unable to do so.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I have not objected, and I do not intend to object. I have one little problem. I have a rather important bill to submit on Thursday. I would like 20 minutes for this purpose on Thursday, and perhaps the majority leader could bring the Senate in a little earlier and give me 20 minutes.

Mr. MANSFIELD. I had the Senator in mind for 45 minutes. I understood that it would be at any time that day, and I was hoping that it would be after the votes on title IV were concluded.

Mr. President, I ask unanimous consent that on Thursday that there be an additional 20 minutes on each amendment or substitute on which all time was consumed on Wednesday, and that the time be equally divided between the sponsor of the amendment and the manager of the bill or whomever he may designate, except that in the case of the Hruska amendment, the time will be controlled by the distinguished Senator from Connecticut [Mr. Dodd].

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Chair wishes to inquire of the Senator from Montana if all of the unanimous-consent requests dealt only with title IV of the pending bill?

Mr. MANSFIELD. They all dealt only with title IV of the pending bill. It is hoped that will dispose of title IV one way or the other.

The PRESIDING OFFICER. The Chair thanks the Senator from Montana.

Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, later reduced to writing, is as follows:

Ordered, That effective on Wednesday, May 15, 1968, immediately after the speech by the Senator from Nebraska [Mr. Hruska], further debate on amendments of title IV to S. 917, to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, be limited as follows: debate on the pending Hruska amendment (No. 708) be limited to 4 hours, to be equally divided and controlled by the Senator from Nebraska [Mr. Hruska] and the senior Senator from Connecticut [Mr. Dodd] or whomsoever he shall designate; debate on the perfecting amendment to be proposed by the Senator from Massachusetts [Mr. Kennedy] be limited to 3 hours; that debate on all other perfecting amendments be limited to 1 hour; and debate on the Dirksen substitute (No. 782) shall also be limited to 1 hour; and that the time on all of the amendments except the Hruska amendment shall be equally divided and controlled by the sponsor of the amendment and the manager of the bill [Mr. McClellan] or whomsoever he shall designate.

Provided further, That on Thursday during the further consideration of any amendments to title IV on which all debate was consumed on Wednesday, May 15, an additional 20 minutes shall be allowed on each such amendment to be equally divided and controlled by the Senators as designated above.

Ordered further, That it is the understanding of the Senate that voting on all amendments will not begin until Thursday, May 16.

ORDER FOR RECESS FROM TOMORROW, TO 9 A.M., THURSDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in recess until 9 a.m., Thursday next.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS ON THURSDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of all the votes on title IV, the distinguished senior Senator from New York [Mr. JAVITS] be recognized for not to exceed one-half hour.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SEA-LEVEL CANAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1096, H.R. 15190.

The **PRESIDING OFFICER.** The bill will be stated by title.

The **LEGISLATIVE CLERK.** A bill (Calendar No. 1096, H.R. 15190) to amend sections 3 and 4 of the act approved September 22, 1964 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with an amendment, in line 6, after " 'December 1, 1970' " strike out the comma and "and (2) by striking out '$17,500,000' in section 4 and inserting in lieu thereof '$24,000,000'."

The **PRESIDING OFFICER.** The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1112), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY OF PROPOSED LEGISLATION

H.R. 15190, would extend the time from December 1, 1969, to December 1, 1970, in which the Commission must complete its study and make its recommendations and would increase the amount authorized for the study from $17.5 to $24 million.

BACKGROUND

In 1964 after reviewing the commercial and strategic inadequacies of the Panama Canal, the members of this committee were convinced of the need for an investigation and study to determine the feasibility of, and the most suitable site for a second canal at sea level through Central America and recommended that a commission be established to conduct the study. Under the provisions of Public Law 88-609, on April 18, 1965, the President appointed members of the Atlantic-Pacific Interoceanic Canal Commission. This study commission is required by the terms of Public Law 90-244 to report its findings and recommendations to the President by December 1, 1969.

The Commission has under consideration four general routes on the American Isthmus: Route 8 along the Nicaragua-Costa Rica border; Routes 10 and 14, alinements in or near the Panama Canal Zone; Route 17, in the Darien region of Panama; and Route 25, in Colombia.

Unavoidable delays have slowed the Commission in the conduct of the investigation. First, agreements with Panama and Colombia to permit necessary onsite surveys were not concluded in time for these surveys to advance very far during the 1966 tropical dry season. In addition, the U.S. Atomic Energy Commission's plowshare program, which includes the nuclear cratering experiments necessary to determine the feasibility of nuclear excavation of the new canal, has fallen behind schedule.

Two successful experiments in this program have been conducted this year including the first nuclear row-charge detonation which produced a ditch-like crater. The prospects of the use of nuclear excavation in public works projects are now more encouraging but at least four more tests are necessary before the Commission can make a final determination of the feasibility of this technique for the excavation of a sea-level canal.

Although the Commission has made substantial progress in the studies of the various Panama routes, much work remains to be done in Colombia.

NEED FOR LEGISLATION

Under present law, the Commission is required to conclude its investigation and study of the various proposed routes in Central America for a new sea-level canal and report its findings by December 1, 1969. An extension of 1 year, until December 1, 1970, is required to complete the onsite surveys, the AEC's nuclear cratering experiments and the Commission report.

The Commission estimates that the cost of this investigation will exceed the $17.5 million now authorized under law and will total $24 million because of the delays encountered and the necessity to contract for services originally expected to be provided at no cost by the Department of Defense.

COMMITTEE AMENDMENT

In view of urgent congressional efforts to curtail Federal spending and to reduce the budget deficit while maintaining our defense commitments throughout the world, this committee does not favor an additional authorization of $6.5 million at this time and, therefore, has deleted the authorization increase from the bill.

The amendment is as follows:

On page 1, strike out the comma at the end of line 6, strike all of line 7, and all of line 8, up to but not including the period.

COST

The enactment of this legislation will not entail additional cost to the U.S. Government.

The **PRESIDING OFFICER.** The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 15190) was read the third time and passed.

AMENDMENT OF THE INTERSTATE COMMERCE ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1101, S. 758.

The **PRESIDING OFFICER.** The bill will be stated by title.

The **LEGISLATIVE CLERK.** A bill (Calendar No. 1101, S. 758) to amend the Interstate Commerce Act to enable the Interstate Commerce Commission to utilize its employees more effectively and to improve administrative efficiency.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with an amendment, to strike out all after the enacting clause and insert:

That section 17(2) of the Interstate Commerce Act (49 U.S.C. 17(2)) is amended—

by inserting immediately after the second sentence therein the following: "The Commission may also refer to individual qualified employees for decision those matters which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits. In cases where such matters are assigned to individual employees of the Commission, any order or requirement of such individual employee shall be subject to the same provisions with respect to reargument and reconsideration, with respect to reversal or modification, with respect to stay or postponement pending disposition of the matter by the Commission or appellate division, and with respect to suits to enforce, enjoin, suspend, or set aside such order or requirement in whole or in part, as are contained in paragraphs (6), (7), (8), and (9) of this section with respect to orders or requirements of a board."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1117), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY OF PROPOSED LEGISLATION

S. 758 would permit the Interstate Commerce Commission to refer to individual qualified employees for decision those matters which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits. The bill specifically provides for a right of appeal from these individual employee decisions to the Commission and the courts.

PURPOSE OF PROPOSED LEGISLATION

The proposed legislation would allow individual qualified Commission employees to process administrative matters, that is those matters which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits. The items to be delegated to individual qualified employees would include: (1) processing requests from carriers for extensions of time for filing their annual or other financial and statistical reports with the Commission; (2) rejection of tariff publications for failure to give lawful notice to the public or for failure to comply with the Commission's tariff publishing requirements; (3) approval of special permission applications by carriers for authority to deviate from the requirements of the Commission's tariff publishing rules in appropriate circumstances; (4) various requests by carriers dealing with the Commission's accounting procedures and regulations, including and not limited to: (a) authority to permit the use of prescribed accounts which by provisions of our accounting rules require special authority; (b) authority to permit departures from general rules prescribing uniform systems of accounts; (c) authority to prescribe by order, rates of depreciation to be used by individual carriers by railroad, water, and pipeline; (d) authority to issue special authorizations permitted by the prescribed regulations governing the destruction of records of carriers; (5) valuation of pipelines; (6) extensions of time for the filing of pleadings in formal cases, assigning cases for hearings, and postponing compliance dates.

GENERAL DISCUSSION

In addition to the large volume of formal cases disposed of each year, the Interstate Commerce Commission's responsibilities under the act extend to numerous matters of an essentially routine and specialized nature. An example of these responsibilities is the processing of requests from carriers for extension of time for filing their annual or other financial and statistical reports with the Commission. (In the appendix to this report, other examples of such items are set forth). The Commission estimates that these routine or technical items that are essentially minor in nature total some 10,000 items annually.

Under the provisions of section 17(2) of the Interstate Commerce Act, the Commission may delegate functions only to a division of the Commission, a single commissioner, or three-member employee boards, all members of which boards must be "examiners, directors or assistant directors of bureaus, chiefs of sections, and attorneys." Section 17 has not been changed since the Transportation Act of 1940, except for an amendment approved September 14, 1961 (Public Law 87-247) to authorize employee boards to perform functions of the same character as those performed by duly designated divisions of the Commission.

Enactment of the proposed legislation would enable the Commission to refer to qualified employees routine or technical items requiring the attention of specialists. Depending on the nature of the technical matter, qualified employees of the Commission who would be eligible for such referral could include accountants, transportation economists, and other specialists. This proposed legislation would not only relieve Commissioners of the necessity of handling these numerous routine and specialized matters, but also would enable their more expeditious processing by employee experts in the agency.

COMMITTEE AMENDMENT

The Chairman of the Interstate Commerce Commission testified that the Commission did not intend to delegate to individual qualified employees any matter which would require an employee to decide the merits of a formal proceeding or any part of such a proceeding. The committee amendment specifically limits the individual delegation to matters which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

The Chairman of the Commission also testified that the Commission does not intend by the language of the bill to affect the right of any party to appeal a decision by an individual employee on a matter delegated to him for decision. At the present time matters delegated to an employee board are fully appealable, either by way of petition or letter of request. The Chairman further testified should the committee believe that this matter requires clarification that the Commission would have no objection to the inclusion of an amendment such as that added by the committee to S. 1148, a similar bill considered in the 89th Congress, which was passed by the Senate on July 20, 1965.

In its Report No. 461, 89th Congress, 1st session, to accompany S. 1148, the committee explained its decision to add an amendment to specifically preserve the right of appeal from any employee action. The committee continues to be of the opinion that the language of the bill should make it absolutely clear that a party shall have the right of appeal from any order or requirement of an individual Commission employee.

Subsection (2) of S. 758 as originally proposed would have expanded the present list of "eligible" employees, set forth in section 17(2) of the act, to include assistant chiefs of sections, chiefs and assistant chiefs of branches, accountants, transportation economists and specialists, and other qualified persons designated by the Commission.

Witnesses at the hearing noted that subsection (2) of S. 758 as originally proposed would have authorized the Commission to appoint to three-member employee board individuals, such as economists or cost analysts, who are not presently permitted to serve on such boards unless they are also members of the classes of employees presently specified in section 17(2), that, is directors or assistant directors of bureaus or chiefs of sections.

The Chairman of the Commission advised the committee by letter dated March 28, 1968, that it was not the intent of the Commission in proposing S. 758 to expand the present list of employees eligible to serve on employee boards, but rather, to simply permit certain delegations of authority to individual employees.

The committee amendment deletes subsection (2) of S. 758 as originally proposed to make clear that the list of employees eligible to serve on employee boards is not to be expanded, however, this deletion is not intended to limit those presently eligible serve on employee boards or to limit the list of "qualified employees" who may receive an individual delegation. The committee intends by the words "qualified employees" to mean such personnel, including accountants, transportation economists and specialists, as the Commission may designate to receive an individual delegation of matters which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Without objection, the committee amendment is agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and was passed.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the increase of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. TYDINGS. Mr. President, I rise to speak in opposition to amendment No. 708 which has been offered by the distinguished Senator from Nebraska and others.

Before doing so, however, I would like to emphasize that the proponents of this amendment agree in many significant respects with those of us who are supporting enactment of title IV as reported by the Senate Judiciary Committee. This has not always been the case. We have watched efforts to enact significant additional Federal controls of traffic in firearms beginning at least as early as 1961, with bills and hearings and committee considerations virtually every year since then. During the early years of this struggle many Senators questioned the wisdom or necessity of having any additional controls. But now I think almost all Senators are agreed that the terrible abuse and slaughter caused by virtually unrestricted access to firearms by all individuals, regardless of their backgrounds, requires Congress to act.

The horrible and stark figures of death and destruction caused by misuse of firearms cannot be explained away by rhetoric. Each year some 19,000 persons in the United States die from gunshot wounds. Each year we experience some 43,000 aggravated assaults by use of firearms, and some 50,000 robberies where firearms are the main instrument of force. Guns claim on the average of 50 lives a day, or one every half hour. Nineteen out of every 20 police officers slain each year are killed by firearms. Since 1900 over 750,000 people have died in the United States by firearms misuse—which is five times the number of Union forces lost in the Civil War, 14 times the number of Americans lost in World War I, nearly three times the number of Americans lost in World War II, and half again as many deaths as we have suffered in all our wars throughout the history for our Nation.

Enactment of either title IV will not eliminate all of this slaughter. But it will make it possible for State governments to effectively implement laws of their own enactment which can substantially reduce this tragic toll. Within the context of Federal control of traffic in firearms, States and localities can move effectively to keep these lethal weapons out of the hands of criminals, drug addicts, mentally disordered persons, juveniles, and other persons whose possession of them is too high a price in danger to us all to allow.

And so I am greatly encouraged that this year the issue of gun control is not being left in subcommittee and is not being left in committee, but it is now out on the floor of the Senate for exposure, illumination, debate, and for the visibility of all citizens of the United States and hopefully for final enactment. And I am gratified that those who oppose the provisions of title IV do not do so on the head-in-the-sand basis that no controls are needed. The advocates of amendment No. 708 agree with the sponsors of title IV on these critical points:

First, that Federal action is imperative to help stem the virtually uncontrolled flow of firearms to persons in this country;

Second, that the appropriate role of the Federal Government in this area is to assist State and local law-enforcement authorities in making State and local controls and laws more effective so as to protect their people; and

Third, that stringent prohibitions are necessary to keep dangerous devices out of the hands of dangerous people.

These are the broad objectives on which we all agree, or, at least, hopefully so. These are certainly the broad demands whose necessity is so well documented by the comprehensive, thorough and enlightening hearings conducted by the Committee To Investigate Juvenile Delinquency under the chairmanship of Senator DODD. These common grounds for agreement are so compelling that I think all of us must conclude that the issue before us is not whether to enact an effective law to control gun traffic, but rather which such law would be most effective.

That is the issue presented before the Senate by the amendment of the Senator from Nebraska and by the perfecting amendments to be offered by the senior Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. DODD], the junior Senator from Massachusetts [Mr. BROOKE], and the senior Senator from New York [Mr. JAVITS].

We are confronted with two broad approaches to this problem. Each contains numerous restrictions on shipments of handguns and other firearms in commerce, many of which are already contained in the existing provisions of the Federal Firearms Act.

In addition to those provisions, title IV proceeds on the premise that the most effective way to place gun control within the reach of the State and local authorities is to channel sales of firearms through local sources, and, in title IV, to handguns, through local gun dealers, through local hardware stores, and through local licensees.

Two key provisions in title IV, therefore, are: First, a prohibition on the sale of handguns—that is, pistols and revolvers—to residents of other States: and second, a prohibition on shipments in commerce of handguns by licensed dealers to unlicensed persons in other States—in other words, a prohibition against the mail-order sale of handguns. The effect of these provisions will be to require an individual who desires to purchase a pistol or a revolver to make his purchase from or through a dealer in his own State; and if he desires to purchase a weapon through the mail, he must go to his own dealer, a licensee, a licensed dealer, and have that dealer order the gun through the mail. And if he desires to purchase a weapon over the counter, he will have to do so locally.

Now, why make these requirements so stringent, if indeed they are stringent? The answer is that if these purchases are channeled through local dealers, then State and local enforcement officers can easily police the sale of these weapons because they are done through local dealers and local persons known to the local authorities.

Most States which have enacted control on firearms require dealers within their jurisdiction to be licensed under State law. The outlets are known. Records are kept. And there would be no great difficulty in enforcing the local law.

However, amendment No. 708—the amendment offered by the distinguished Senator from Nebraska—proceeds on a somewhat different basis with respect to handguns. Amendment No. 708 does not prohibit the out-of-State sale of a handgun, but conditions that sale on the filing of an affidavit with the law enforcement official of the place of residence of the out-of-State purchaser.

Thus, both bills recognize at least the significant problem of controlling traffic in handguns by persons going out of their State to acquire them. However, they differ to a high degree in the matter of method, and I will discuss that subject a little later in my remarks.

Mr. President, the second major premise of title IV is that insofar as the provisions of Federal law are concerned, the appropriate place to put primary responsibility for enforcement is not with State and local officials, but rather with Federal licensees who are best situated to enforce the control. For this reason, title IV greatly tightens up the qualifications of a Federal licensee over existing law and over what is contained in amendment No. 708. And the most important responsibilities of those licensees must be undertaken with the sanction not only of a loss of license, but also criminal penalties for willful violation.

The point I wish to make now, Mr. President, is that under existing Federal firearms provisions, it is possible to be a licensee in a State, a Federal licensee, for the sale of firearms, for a $1 fee, with minimal restrictions, no criminal sanctions, and it is very easy to circumvent the law.

The structure of title IV is not unlike the responsibilities we place on pharmacists who dispense dangerous and narcotic drugs. Surely lethal firearms are no less dangerous, and persons engaging in that business should be under no less of a responsibility.

Amendment No. 708, on the other hand, proceeds on the premise that no Federal law should be "inconvenient" to persons desiring to purchase firearms. Moreover, it assumes that we should not place any particular responsibility with Federal licensees, who should serve primarily as conduits in the sale of firearms. Rather, the primary burden, to enforce both Federal prohibitions on, for example, shipments to convicted criminals, as well as to enforce State and local law is placed on State and local law enforcement officials. And the form which this takes is the so-called affidavit waiting period procedure required for sales over the counter of handguns to nonresidents, and mail-order shipments of handguns to nonresidents.

So our choice is between a bill premised on a technique of channeling traffic to local sources to be enforced primarily by Federal licensees, on the one hand, and on the other hand, a bill predicated on the affidavit procedure with primary enforcement responsibility placed on State and local police.

The heart of amendment No. 708, therefore, is in the affidavit waiting period procedure. With minor exceptions, this is virtually the only significant addition to existing law contained in amendment No. 708. I will examine the other provisions of that amendment in due course, but I think it is only fair to say that judging it on its merits, it must stand or fall with the effectiveness of this affidavit procedure.

As written in the amendment, the procedure appears to be simple enough. Any person desiring to purchase a handgun by mail order, or out of State over the counter, must submit a sworn statement reciting that he is over 21 years of age, and not prohibited by State, local, or Federal law from receiving the handgun. The sworn statement is then to be forwarded by the dealer to the appropriate local law-enforcement official of the applicant's residence. Who that happens to be and how the dealer is supposed to find out is not spelled out in the bill. Seven days after confirmation of receipt by local officials, the sale may be completed.

But this procedure, simple on paper, is not likely to be very effective. It is not likely to be effective in those cases where it is actually complied with. But in the context of the provisions of amendment No. 708, this affidavit procedure will not even apply in the great majority of handgun sales or I miss my bet.

For the moment, let us assume that the procedure is being complied with. How effective will it be? First, let us look at this from the point of view of the police official who receives the sworn statement. And let us assume that there is a local ordinance prohibiting receipt of possession of firearms by any person who has a criminal record, is a drug addict, an alcoholic, a juvenile, or is mentally unstable. Many States do have such laws, despite the NRA. What is that local police department to do with this sworn statement? All that appears that is of any help to them is the name of the applicant. In the form contained in the statute, there is not even a requirement that the applicant give his home address. Nor is there any other form of identification contained in the statement. There is no notarization or witness of the signature. There are no fingerprints. There is no photograph. So the first task of local law enforcement would have to be to determine whether the person whose name appears on the statement was in fact the person who signed it. And how is this to be done? I take it, that unless it is a very small community, where the law enforcement officials know the residents personally, it will be necessary to track down the applicant and verify the signature. This alone is no small task. I submit that in Fairfax County, Arlington County, Montgomery County, and Prince Georges County it would be no small task, particularly with no address attached.

But even assuming that the signature is valid, or that the local police are willing to make that assumption, what else must they do? They would have to check their own records to determine if the individual had a criminal record. But the individual may well not have lived in that locality all of his life, and we recognize we have a transient society, and so it would be necessary to check State records, and records from other States, as well as national crime data. But the act also prohibits shipments to persons under indictment for certain offenses, so court records would have to be checked to determine whether the individual was under indictment. Hospital records would have to be checked to determine whether the individual had a drug addiction problem, or an alcoholic or mental problem. But there is no central filing of hospital records, at least not in most jurisdictions, and certainly not nationally. And all of these checks would have to be conducted within 7 days, or else the transaction will already have been completed. It automatically goes through 7 days after the letter has been received from the local law enforcement official.

Now I suggest that very few police departments are equipped to make a search as thorough as this and I suggest further, that many departments will simply file these papers away. Certainly those departments which do not now have a State or local law on the subject will be disinclined to want to do the research in order to enforce Federal prohibitions on sales to convicted or indicted persons, or fugitives from justice.

But even if the police are able to conduct a thorough investigation within the short time permitted, and do correspond with the dealer and advise the dealer that the particular individual is ineligible under State or local law to make that purchase, nothing in amendment No. 708 would prohibit that dealer or that individual from completing the transaction over the counter.

Title IV prohibits sales to persons not authorized to receive or possess handguns or other firearms in the State or locality of their residence; there is no such provision in amendment No. 708. The only requirement the dealer is under in amendment No. 708 is to receive the affidavit in the form requested.

Now it is possible to draft an affidavit procedure that is effective. But this would require the individual to obtain in advance from local officials a valid certification to his right to receive and possess the firearm. Such an affidavit procedure is contained in title IV, for purposes of restricting traffic in dangerous devices. Essentially this procedure is required under the law of several States which require an advance permit to purchase a firearm.

Under this procedure, the burden of investigation is on the individual who desires the weapon, who would have to satisfy local officials of his eligibility. But amendment No. 708 proceeds on the premise that the purchaser should not be inconvenienced, and so it places a heavy burden on local officials, who in many respects simply are not equipped to handle the matter effectively, and who are given almost no assistance by dealers and purchasers. Title IV would place primary responsibility on the dealer in these situations. The dealer simply could not ship a handgun to an unlicensed nonresident, so that there would be no difficulty of identification through the mail. And in over-the-counter situations, the dealer sees the individual face to face. Questions of the individual's identification would be handled much in the way a merchant now requires identification for purposes of cashing an individual's check. And dealers are under considerable incentive not to be careless, or close their eyes to persons whose identification simply is inadequate. And because the transaction must be consummated within the State of residence of the individual, and because his name, address, age, and other information must be recorded by the dealer, whose records are available for inspection by Treasury officials as well as State and local officials, it is very unlikely, under title IV, that an unauthorized individual could successfully purchase a handgun over the counter.

Now another difficulty with the affidavit procedure in amendment No. 708, even when it is complied with, is that the same language is apparently required whether the sale of the handgun is by mail order, or by purchase over the counter. Yet, the language contained in the affidavit, appropriate for mail-order shipments, is at best ambiguous in over-the-counter transactions, and perhaps essentially meaningless. For example, the affidavit requires the individual to state that his "receipt" of this handgun will not be in violation of any statute of the State and published ordinance applicable to the locality in which he resides. Now if this is construed literally, as I think any criminal provision must be, it does not mean very much in over-the-counter sales to nonresidents. Take the case of a citizen of Massachusetts who, let us assume, is not authorized under State or local law to purchase or possess a handgun. So he goes up to the State of Maine—or "down Maine" to be precise—to make such a purchase. Now it is abundantly clear that his receipt of a handgun—or anything else for that matter—in Maine cannot be a violation of Massachusetts law. Massachusetts cannot regulate the conduct of individuals who are not within its jurisdiction. So a statement that this individual's receipt of the handgun would not be in violation of Massachusetts law merely states what is inevitably true for transactions which take place outside of Massachusetts.

Now another provision in the affidavit states that the individual is "not prohibited by the Federal Firearms Act from receiving a handgun in interstate or foreign commerce." Now this would apply to persons indicted or convicted of certain offenses, or who are fugitives from justice. But a purchase over the counter may not be "receipt in interstate or foreign commerce." Moreover, amendment No. 708 contains no provision similar to section 921(c) of title IV which prohibits a federally licensed dealer from selling a firearm to a convicted or indicted felon, or fugitive from justice. So again, in over-the-counter transactions, the language of this sworn statement simply does not mean what at first blush it appears to mean.

Finally, the affidavit speaks in terms of "the law enforcement officer of the locality to which the handgun will be shipped," rather than the locality of the purchaser's residence. It is not at all clear what the implications of that provision are in the context of an over-the-counter purchase.

So even when the affidavit procedure is complied with, it is by no means an effective or efficient method of controlling traffic in handguns. But perhaps the greatest difficulty with amendment No. 708 is that in numerous situations the procedure simply is inapplicable. In other words, the amendment is riddled with holes so obvious and so gaping that persons as imaginative as those who generally desire these weapons could not help succeeding in obtaining them. I am going to demonstrate this by posing a number of situations which are by no means farfetched, to demonstrate how easy it would be if one had a mind to purchase a handgun out of State, or sell handguns to nonresidents, without complying with the affidavit procedure.

Example 1: The affidavit procedure is only required for sales to unlicensed persons. It can be easily circumvented, therefore, by the simple expedient of taking out a dealer's license. Under amendment No. 708 there is no requirement that a licensee intend to engage in the business of dealing in firearms, or that he have business premises for that purpose, or that he satisfy the Secretary that he intended to engage in such a business lawfully. The license fee is only $10. Issuance of the license, as long as the individual complies with four rather simple qualifications, is mandatory. Now we know from experience under existing Federal Firearms Act licensing that this technique is well-known to the trade, and is engaged in on a large scale already. There are issued annually in this country over 100,000 dealers' licenses under the Federal Firearms Act. The Treasury estimates that at least one in four—or over 25,000—of these licenses are held by persons who desire to evade the provisions of section 902(c) of the present Federal Firearms Act.

One of the things we are trying to do in title IV is to plug some of those holes. The amendment of the Senator from Nebraska would do nothing. It would keep those loopholes as wide as they are today.

This provision prohibits a licensee from shipping or transporting a firearm in commerce to any unlicensed person in a State which requires a license for the purchase of that firearm, unless the State license to purchase is exhibited to the dealer by the purchaser. There are some eight or nine States which have such a requirement. So residents of those States frequently purchase a Federal dealer's license, for $1 a year, to avoid having to submit a State permit. And some of the mail-order houses which have received orders from persons residing in those States who have not attached the license, simply return the order with the advice that the purchaser take out a Federal dealer's license to avoid the necessity of complying with State law. Now amendment No. 708 makes some improvements in the licensing requirements of existing law, but certainly nothing of any consequence. Amendment No. 708 increases the dealer's license fee, but $10 is not likely to inhibit this practice. So this is the first method to evade the affidavit procedure—simply take out a Federal license. This way a person can avoid the State law, and avoid complying with the Federal affidavit procedure as well.

Example 2: The affidavit requirement applies only to sales by federally licensed dealers and manufacturers. So another easy method of avoiding trouble in the purchase of a handgun is to buy it from a private source, which does not engage in the business so regularly as to need a license. Title IV, on the other hand, prohibits sales to nonresidents by any person, and not just Federal licensees.

Example 3: Not all manufacturers and dealers must be licensed under amendment No. 708. The amendment only requires a dealer or manufacturer to obtain a license in order to transport, ship, or receive any firearm in interstate or foreign commerce. It is clear that the amendment contemplates that some dealers and manufacturers will not require a license, because some provisions in the amendment refer to licensed manufacturers and licensed dealers—for example, section 902 (c), (l), (m)—while other provisions refer only to manufacturers or dealers without reference to their being licensed—for example, section 902(j). So my next example of easy evasion of the affidavit requirement is an enterprising firm which decides to do a massive over-the-counter business of selling handguns to nonresidents by simply establishing itself in the State where the handguns are manufactured. The firm purchases handguns from the factory, and therefore does not receive them in interstate commerce. And it does all of its sales over-the-counter, so that it is not shipping or transporting firearms in interstate or foreign commerce. Not needing a license, it is not subject to the affidavit-waiting period requirements of section 902(m).

Example 4: On the same premise, that a license is only needed for dealers who ship, transport, or receive in interstate commerce, I submit that most pawnbrokers would not be covered. This would be true despite the fact that in the definitional sections of amendment No. 708 a "dealer" is defined to include "any person who is a pawnbroker."

There is also a separate definitional section defining pawnbrokers as persons whose business occupation includes the "taking or receiving, by way of pledge or pawn, of any firearms as security for the repayment of money loaned thereon." Based on these provisions, one reading through the amendment for the first time would assume that pawnbrokers are covered by the critically important provisions of the affidavit-waiting period procedure. But, if a pawnbroker only receives secondhand weapons as security for the repayment of a loan and does not deal in new firearms, he is not transporting, shipping, or receiving a firearm in interstate or foreign commerce. Used weapons presumably will have come to rest in the hands of the borrower, and the transaction will be wholly intrastate. Such a pawnbroker would not need a Federal firearms license to conduct over-the-counter transactions in firearms. And, accordingly, he would not be a "licensed dealer" required to comply with the affidavit-waiting period procedure for his over-the-counter sales in handguns. Now, if this analysis is correct, and I believe it is, this is no small omission. Surely the great bulk of criminally irresponsible purchasers of pistols and revolvers buy their weapons secondhand, and many of them from pawn shops. We all have seen the virtual arsenals displayed in the windows of pawnshop dealers in all of the major cities of the country. To say that we have effectively regulated traffic in firearms when we will not have touched the great bulk of these pawnbroker operations is a complete and utter hypocrisy.

Example 5: Another significant source that does not need to obtain a license, and is therefore, not bound by the provisions of the affidavit waiting period procedure for the sale of handguns, are foreign firms. Under existing law, firms located outside of the borders of the United States are not required to obtain Federal manufacturer's or dealer's license, even if they do a significant mail-order business with U.S. citizens. The regulations issued by the Secretary of the Treasury under present law, in section 177.20 state:

> Licensing requirements under the Act are applicable to manufacturers, importers and dealers *within the United States, or any possession (except the Canal Zone) under its control or jurisdiction* . . .

Now amendment No. 708, insofar as concerns the provisions defining who must obtain a license, would reenact verbatim existing law. Under usual assumptions, this means that the Congress will be affirming the existing regulations under the law. So the next easy way to get around the affidavit waiting period procedure for handguns is for an enterprising outfit to establish itself in Canada, or Mexico, or West Germany, or wherever it appears easiest. The firm could then advertise in all of the journals and magazines in the United States that any person who desired to purchase a handgun by mail order but did not wish to comply with the affidavit waiting period procedure could do so by the simple expedient of ordering from the foreign firm. These firms would be required to obtain a license, to be sure, but under the Mutual Security Act, and not under the Federal Firearms Act. And nothing in the Mutual Security Act would prohibit a large scale mail-order business in handguns.

Example 6: My final example is a firm established across the Canadian or Mexican border conducting substantial over-the-counter sales of handguns to U.S. citizens. For example, Detroit has experienced substantial purchases of handguns by its residents in other States with no gun control laws. Surely these same persons could go a few miles north instead of east, west or south. And so long as the individual did not bring back more than three pistols or revolvers for resale there would be no Federal violation.

Now each of these six examples are typical transactions that occur daily throughout this country. I submit that any bill which is predicated on the assumption that an affidavit-waiting period procedure would somehow contribute to effective controls of firearms in this country, that that bill is virtually worthless unless the procedure is required in all of the situations which I have outlined. Instead of that, however, we have a situation where what in my judgment is a less effective control—namely, the affidavit procedure—is enacted, but that control is so easily avoided that Treasury officials and the Congress in the future will have to constantly shore it up to stop leakage.

In contrast, title IV is a simple, workable, effective means of channeling handgun traffic to local sources which can be easily policed by local officials. The affidavit procedure is cumbersome, and considerably less effective, even when it is applicable, and the provisions of amendment No. 708 do not really require it in numerous classes of great significance.

Now, there are many other difficulties in amendment No. 708 which I think we should consider. For example, how effective will amendment No. 708 be in keeping handguns and other firearms out of the hands of juveniles? This is a question on which the sponsors of amendment No. 708 apparently agree with those of us who support title IV. Implicit in both bills is the premise that the Federal Government has a responsibility to control the free traffic in firearms available to juveniles. But what does amendment No. 708 do about this problem? Essentially, it does only one thing: it prohibits a common or contract carrier from delivering in interstate commerce a handgun to a person whom the carrier knows or has reasonable cause to believe is under 21, or any firearm, including shotguns and rifles, to any person whom the carrier knows or has reasonable cause to believe is under 18. And to back that provision up, the amendment requires manufacturers or dealers who desire to ship handguns in commerce by common or contract carrier, to identify in writing the contents of any package containing a handgun.

First of all, there is an obvious discrepancy. The dealer must identify to the carrier the contents of a package containing a handgun, which the carrier must not deliver knowingly to a person under 21. But there is no provision requiring dealers to identify the contents of packages containing firearms other than handguns, such as rifles and shotguns. So it is highly unlikely that the provision restricting deliveries of other firearms to persons under 18 would be effectively enforced.

More important, if there is a Federal interest in controlling traffic of firearms to juveniles, why limit exercise of Federal authority to this rather cumbersome device of restricting deliveries by contract or common carriers? Why not take a direct approach, as does title IV, and prohibit the sale by a Federal licensee of a handgun to a person under 21 years of age? But under amendment No. 708, Federal licensees can sell over-the-counter to 2-year-olds, without violating the act. And even in the sale of a handgun to a nonresident, the dealer is under no obligation to determine the accuracy of claims of age made in the affidavit, if one is required, or even to refuse to sell to the nonresident juvenile knowing that the affidavit was false. In their zeal to relieve the dealer of any responsibility for enforcement of the Federal law, the proponents of amendment No. 708 have placed an awkward burden on common and contract carriers, and failed to take even the most obvious steps to make effective the intended restriction on sales to juveniles.

Another area where the proponents of amendment No. 708 and supporters of title IV apparently agree is the desirability of some Federal controls over the flow of firearms to indicted or convicted criminals and fugitives from justice. Both bills carry over provisions already contained in the Federal Firearms Act. But whereas title IV effectively tightens up these provisions, amendment No. 708 dilutes them, and introduces some very confusing language.

As most of us are aware, amendment No. 708 is a revised version of S. 1843, which has been under consideration by the Judiciary Committee. S. 1843 limited the applicability of the sections restricting shipment, or receipt in commerce of firearms to criminals or indictees who had been convicted or indicted for so-called crimes of violence. And in S. 1843 there was a separate definitional section specifying which offenses would be deemed crimes of violence. In effect, S. 1843 was trying to return the coverage of the Federal Firearms Act to the pre-1961 provisions which had included only crimes of violence. In 1961, the Congress amended the Federal Firearms Act to include prohibitions on interstate shipment of firearms by persons indicted or convicted of any offense punishable by imprisonment for more than 1 year, with minor exceptions. But in converting S. 1843 to the present amendment No. 708, there was included neither the crime of violence standard, nor the "crime punishable by imprisonment for more than 1 year" standard, but a hodgepodge of both. In amendment No. 708 the term "indictment" is defined to include only indictments or informations under Federal or State law "under which a crime of violence may be prosecuted." Now, it is not clear any longer what is meant by the term "crime of violence" because the definition section of S. 1843 has beeen omitted in amendment No. 708. But more difficult than that is that sections 902 (d), (e), and (f), containing the operative prohibitions on indicted persons, do not talk in terms of indictment for crimes of violence, but, instead, refer to indictments for "a crime punishable by imprisonment for a term exceeding 1 year." I for one am not at all sure what is intended here. Does this mean that the crime of violence language in the definitional section does not apply? Does it mean that only crimes of violence which are also crimes punishable by imprisonment for a term exceeding 1 year are included? And if so, how are we to define crime of violence, since the definition of those crimes has been removed from the statute?

Rather strangely, a person indicted for a "crime of violence" may be subjected to a different standard than a person who has been convicted, because convictions are not defined in terms of "crimes of violence."

More confusing is the definition of "fugitive from justice." There can be no mistake what the definition is, for the term is defined as any person who has fled "from any State to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding." But what does this mean?

First of all, it is a strange provision that says that a person who is fleeing prosecution from any State will only be deemed to be a fugitive from justice if the crime for which he would be prosecuted is a so-called crime of violence. But at the same time, this definition states that a mere witness who is seeking to avoid testifying is considered to be a "fugitive from justice" regardless of the type of criminal proceeding involved. Surely a person fleeing prosecution, for whatever offense, should be considered more dangerous than a person merely seeking to avoid testifying. But under the definitions contained in amendment No. 708 a witness is considered more dangerous than a defendant.

But this mingling of crimes of violence standards with felony standards has very significant implications for eligibility to obtain a dealer's license. One of the requirements of an applicant for a license under amendment No. 708 is that the applicant, or managing individual in the case of a corporation, not be "prohibited by the provisions of this act from transporting, shipping, selling, or receiving firearms in interstate or foreign commerce." The only persons blocked by this qualification from obtaining a license are those who come within the definition of convicted or indicted persons or fugitives from justice. Under these standards, narcotics offenders and gamblers, presumably not indicted for a "crime of violence," would not be covered and could obtain a Federal dealer's license to engage in the business of receiving and dealing in firearms.

Moreover, the prohibitions on shipping, transporting, or receiving firearms in commerce would not apply to persons indicted for violation of the Federal Firearms Act, which again is not a "crime of violence." Violations of the act are specifically made a ground for refusal of a license, but no similar provision applies to the other disabilities applicable to a person convicted or indicted for crime.

So again, in the case of restricting access to firearms by dangerous persons, just as with juveniles, amendment No. 708 fails to take the obvious and logical step which would do more than any other to curtail that access—and that is, to prohibit federally licensed dealers from selling to known criminals. Title IV makes this prohibition. Under amendment No. 708, a federally licensed dealer could sell to a known criminal or a known juvenile—or a known drug addict, or a known mentally disordered person—with impunity. And I might remind the Members at this point of the pawnbroker situation I described earlier. For it is obvious that many persons with criminal records purchase from pawnbrokers, and there are many occasions when the pawnbroker knows the criminal background of the client. Under amendment No. 708, many of these pawnbrokers will not be required to be licensed. They would not need to comply with the affidavit procedure. And even if they were licensed, there would be no prohibition on their selling firearms to known criminals. Under title IV, on the other hand, all of these pawnbrokers would be required to be licensed—because all dealers and manufacturers must be licensed whether or not they ship, receive, or transport in commerce—and all of them would be under direct Federal sanction not to sell firearms to known criminals. I ask you, which bill is likely to be more effective?

Now, the next major omission in amendment No. 708 is the failure to include any restriction of any kind on the importation of firearms. I submit to you, that no effective firearms act can omit dealing with the problem of imports. Under present law the only restrictions on importation of firearms are those contained in the Mutual Security Act of 1954. This act is administered by the Department of State, and deals exclusively with problems affecting our relationship with foreign nations. In no way was it designed to protect U.S. citizens from abuse or wholesale traffic in firearms. As the Director of the Office of Munitions Control indicated in his July 1967 testimony before the Juvenile Delinquency Subcommittee, the Department of State is guided by the Mutual Security Act's language which states that controls are authorized "in furtherance of world peace and the security and foreign policy of the United States." The only responsibility of the Department of State with respect to legitimate commercial imported firearms is to determine that they are initially consigned to bona fide wholesalers.

In the 5 years from 1962–67, some 3,364,634 rifles, pistols, and revolvers were brought into this country, not including .22-caliber weapons, and not including firearms imported through Canada. Most of these weapons are inexpensive, because they are cheaply constructed. They are as dangerous to the user as they are to those against whom they are used. They find their way in disproportionate numbers to illegal hands. For example, 80 percent of the weapons seized in Atlanta, Ga., for violation of State and local law were from an import source. At least 75 percent of the mail-order guns sold in the United States are imported. Imported "starter pistols"—designed for use in athletic contests—are easily converted to .22-caliber pistols. Attorney General Lynch of California testified before the Juvenile Delinquency Subcommittee that during the past 8 years, hundreds of felonies had been committed by youngsters armed with these weapons. Even Mr. Franklin Orth, executive vice president of the National Rifle Association, has noted the low quality of these imports, and the dangers inherent in them. But amendment No. 708 makes no effort to regulate importation of these weapons.

And, as I discussed previously, this failure to regulate imports along with domestic traffic in firearms, opens a gaping hole in restrictions on mail-order sales of handguns which would not need an affidavit or waiting period if they were shipped from outside the United States.

Moreover, failure to include imports invites persons in States bordering on foreign countries to simply cross over to Canada or Mexico, purchase the weapon over the counter, and bring it back. So long as they do not bring back in excess of three for resale, no provision in the Mutual Security Act would prohibit their reentry. Just as Federal controls are needed on interstate traffic to channel commerce in firearms to local dealers subject to local policing, so also it is necessary to control the traffic of firearms into the United States from foreign nations. The omission of coverage of this type from amendment No. 708 is in my judgment wholly unjustifiable. No one is saying that legitimate sporting weapons should not be imported—they are specifically exempted under title IV. But wholesale dumping of the war-surplus weaponry of foreign countries on the domestic civilian market in the United States must be stopped, and only legitimate hunting weapons and the other exceptions such as collectors items should be permitted to continue.

There are other problems with amendment No. 708. For example, the amendment attempts to deal with the problem of destructive devices by amendment of the National Firearms Act. But in the course of doing that the amendment defines "destructive device" so as specifically not to include "any shotgun or rifle." In testimony before the Juvenile Delinquency Subcommittee, Mr. Warren Page, president of the National Shooting Sports Foundation, pointed out that the exception for "rifles and shotguns" would permit exclusion from the National Firearms Act of Lahti tank guns, a Finnish tank gun which has been misused on frequent occasions, as well as battleship cannons or other devices of mass destruction designed like a rifle or shotgun. Senator HRUSKA, who was present at those hearings, is recorded as saying that it was true that the word "rifle" could be construed to include an antitank gun. He himself suggested that the word "sporting" be inserted before the word "rifle" so as to "cure that dilemma." But now we come to the actual provisions of amendment No. 708, and the exception for rifles remains in the bill, wholly unqualified.

These are just a few of the very serious deficiencies in amendment No. 708, which I hope each Senator will consider carefully before voting to adopt that amendment. To summarize, the amendment attempts to regulate interstate traffic in handguns by essentially only one new provision—the affidavit waiting period procedure. But that procedure is cumbersome, clumsy, and inefficient, and places an awkward burden on local law-enforcement officials solely in order to save dealers and purchasers of firearms any "inconvenience." But in addition to being ineffective, the affidavit waiting period procedure will be easily evaded in numerous classes of cases, which virtually insure the ineffectiveness of this act. I have tried to point out the situations in which and the reasons why the affidavit procedure would not apply: the ease with which persons can continue to take out Federal dealers licenses; the failure to require intrastate dealers, particularly pawnbrokers, to obtain licenses and become subject to the affidavit procedure; the failure to regulate imports, so that mail-order and over-the-counter sales by foreign firms will not be an easy avenue of avoidance of new requirements; the failure to draft the language of the affidavit in such a way as to be meaningful in over-the-counter transactions; the failure to prohibit sales by licensees to juveniles and known criminals; and the failure to effectively regulate destructive devices.

These are major omissions, and major deficiencies. Amendment No. 708 simply does not stand up to careful scrutiny. I urge the Senate not to adopt amendment No. 708, but instead to vote for the carefully drawn and effective provisions of title IV as reported out by the Senate Judiciary Committee. Surely the objections of those who oppose title IV go more to its form than to its content. Title IV, like amendment No. 708, seeks to carry out the Federal responsibility in making State gun control laws effective; seeks to assert Federal authority to try to stop the flow of firearms to known criminals and juveniles; seeks to channel the traffic in firearms in such a way that State and local officials can effectively enforce State and local law. Both title IV and amendment No. 708 seek these common objectives. But amendment No. 708 does so in what I consider to be a wholly ineffective manner, while title IV is a simple, workable, effective means of obtaining this very vital Federal legislation.

Mr. President, I ask unanimous consent that a memorandum entitled, "Re: Critical Analysis of Amendment No. 708 to S. 917," be included at the completion of my remarks.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM: RE: CRITICAL ANALYSIS OF AMENDMENT NO. 708 TO S. 917

COMPARISON OF AMENDMENT NO. 708 AND TITLE IV

The acknowledged objective of both Title IV and the substitute amendment, No. 708, is to permit state and local laws controlling the use and possession of firearms to be effectively enforced. The greatest obstacle to effective enforcement of these laws is the ready availability of firearms in other states with few or no controls, and interstate mail-order shipment of firearms.

To meet this problem Title IV adopts two principles:

1. *The most effective way to place gun control within the reach of state and local authorities is to channel that traffic through local sources.* Accordingly, under Title IV no person, whether or not a licensed dealer, may sell or transfer over-the-counter to an unlicensed nonresident any firearm other than a rifle or shotgun or any firearm which the transferee could not receive or possess under the law of his residence. Federal licensees are prohibited from shipping or transporting in commerce any firearm, other than rifles and shotguns, to unlicensed nonresidents, and any firearm whose receipt or possession by the transferee is prohibited by state or local law.

2. *Title IV places primary responsibility for enforcement of the federal law on federal licensees.* Federal licensees are under criminal sanction not to do any of the following:

Ship or transport in interstate commerce any firearm other than a rifle or shotgun to an unlicensed person.

Sell or deliver any firearm, other than a shotgun or rifle, to a nonresident or to a person under twenty-one years of age.

Sell or deliver any firearm, including a rifle or shotgun, to any person prohibited by the law of his residence from receiving or possessing the firearm, or to any person prohibited from receiving or possessing such a firearm at the place of sale or delivery, or to any convicted or indicted felon or fugitive from justice.

To make any false entry in records required to be kept, or to fail to keep required records.

The substitute amendment seeks to accomplish the shared objective by different means. Under the substitute amendment federal licensees are essentially only conduits in the sale of firearms, and are under few direct enforcement obligations. The *only* obligations of a federal licensee under the amendment are:

Not to ship or transport any firearm in interstate commerce to any person in any state which by state law or published local ordinance prohibits such person from receiving or possessing such firearm "unless the licensed manufacturer or licensed dealer establishes that he was unable to ascertain with reasonable effort that such receipt or possession would be in violation of such State law or such ordinance."

Not to deliver for shipment by a common or contract carrier a package containing a handgun without identifying in writing the contents.

Not to ship any handgun in interstate commerce to any unlicensed person, or to sell or deliver any handgun over-the-counter to a nonresident, without obtaining an affidavit from the purchaser stating that he is over twenty-one years of age, and not prohibited from receiving the handgun under state, local, or federal law. The licensee must forward the statement to appropriate local officials of the applicant's residence, and wait a period of seven days prior to completing the transaction.

Other than the "reasonable effort" to determine legality of shipments under state or local law, licensees under the substitute amendment are subject to no criminal penalties not already provided under existing law. The primary burden of enforcement of the interstate traffic in guns is placed on local law enforcement of the recipient's residence.

DEFICIENCIES IN AMENDMENT NO. 708

1. Deficiencies of the affidavit procedure

The principal provision contained in Amendment No. 708 which is not already contained in the Federal Firearms Act is the waiting period—affidavit procedure required for interstate shipments of handguns by licensees and over-the-counter sales of handguns by licensees to unlicensed nonresidents. This procedure is not likely to effectively prevent persons not entitled by the law of their residence to possess such weapons for the following reasons:

Local law enforcement will be greatly overburdened in having to verify the contents of each sworn statement. For example, to check a person's criminal record may require searching not only local but national files. Court records locally and elsewhere must be checked to determine if the individual is under indictment, legally incompetent, or otherwise ineligible.

Many state and local jurisdictions have no gun control regulations. Would local law enforcement in such places be under a duty to investigate to determine whether the proposed shipment is to a person prohibited from receiving it under *federal* law (e.g., a convicted or indicted felon)?

There is no requirement that the statement be notarized, or even witnessed. Nor is there any requirement for a photograph or fingerprints. Therefore, local law enforcement will also be required to determine the authenticity of the signature, presumably by direct contact with the purported applicant.

The federal licensee is apparently under no obligation not to complete an over-the-counter sale even if notified by local law enforcement of the applicant's residence that the applicant is ineligible to purchase. In mail-order situations a licensee is prohibited from shipping to a person ineligible to receive under state or local law (Section 2(c)); there is no parallel provision with respect to over-the-counter sales to nonresidents whose state or local law would prohibit receipt or possession of the firearm.

The provision only applies to handguns. A licensee may apparently sell any other firearm over-the-counter to any purchaser, regardless of age, known criminal background, or known ineligibility under state or local law.

The affidavit procedure and waiting period is only required for sales to unlicensed persons. Amendment No. 708, however, makes no significant qualification for applicants for dealer licenses. Any individual over twenty-one years of age who is not a felon and who has not violated the act is apparently eligible to receive such a license upon the payment of a $10 annual fee, whether or not he intends to engage *bona fide* in the business of selling firearms. Inasmuch as the Treasury Department estimates that some 25,000 dealer licenses are now held by persons not engaged in the business, this failure to increase the requirements for such a license creates a major avenue of evading even the limited affidavit-waiting period procedure.

Only licensees are required to comply with the affidavit-waiting period procedure in sales or shipments of handguns to nonresidents. Thus, *unlicensed* persons may sell at will any firearms to nonresidents, or ship them in commerce as long as they do not do this so regularly as to become dealers.

The affiant must state that his "receipt" of the handgun is not in violation of the law of his residence. This statement would be of little effect in over-the-counter transactions for the law of another state could not prohibit "receipt" of a firearm by its residents beyond its jurisdiction.

2. Control of sales to juveniles

Amendment No. 708 establishes very weak control of sales to juveniles. The only provisions affecting such sales are the requirements that nonresidents purchasing handguns by mail order or over-the-counter state in their sworn statement that they are over twenty-one years of age, and that common or contract carriers not deliver handguns to any person with knowledge or with reasonable cause to believe that such person is under 21 years of age, or any firearm to persons under 18—

Although there is a requirement that any manufacturer or dealer (apparently whether or not licensed) must notify the carrier in writing of the contents of a package containing any handgun, no similar provision applies to contents of a package containing "any firearm". Thus, the prohibition on delivery to persons under eighteen is unlikely to be effective.

Under the substitute amendment no licensee is prohibited from *selling* any firearm to any person regardless of age;

The affidavit provisions requiring a sworn statement that the purchaser is twenty-one years of age apply only to handguns;

Even where the affidavit is required, there is no prohibition on completing the sale even if the licensee knows or has reason to know the applicant is under twenty-one.

3. Sales and shipments to convicted or indicted felons and fugitives from justice

Both the substitute amendment and Title IV continue the prohibitions contained in the present Federal Firearms Act against an indicted or convicted felon or fugitive from justice shipping, transporting or receiving any firearm in commerce. The substitute amendment also continues the provision of the Federal Firearms Act prohibiting any person from shipping or transporting any firearm to any person knowing or having reasonable cause to believe that such person is under indictment or has been convicted of a felony or is a fugitive from justice. However, the substitute amendment is weaker than Title IV in several respects:

The substitute amendment is now very ambiguous with respect to coverage of convicted and indicted persons. Under its predecessor bill, S. 1843, the only criminals or indictees affected were those who had been convicted or indicted for a "crime of violence". "Crimes of violence" were specifically defined to include enumerated offenses. (Only "crimes of violence" had been included in the Federal Firearms Act prior to a 1961 amendment. In 1961 this coverage was expanded to include persons indicted or convicted of an offense punishable by imprisonment for more than one year.) The substitute amendment now defines "indictment" and "fugitive from justice" in terms of "crimes of violence". The definition of "crimes of violence," however, has been deleted. Moreover, all operative sections are in terms of crimes punishable by imprisonment for more than one year. Are "indictments" in the operative sections limited to "crimes of violence" so long as the crime of violence is punishable by imprisonment for more than one year? If so, narcotics offenders and gamblers, presumably not indicted for a "crime of violence" would not be covered. Nor would persons indicted for violation of federal firearms laws.

The definition of "fugitive from justice," although less ambiguous, appears to be anomalous. On the one hand, persons who are *fleeing prosecution* from any state are only defined "fugitives from justice" if the crime for which they would be prosecuted is a so-called "crime of violence." On the other hand, a mere witness who is seeking to avoid testifying is considered a fugitive from justice regardless of the type of criminal proceeding involved. Surely a person fleeing prosecution, for whatever offense, should be considered more dangerous then a person merely seeking to avoid testifying.

The substitute amendment nowhere specifically prohibits a federal licensee from selling over-the-counter to a known criminal, as does Title IV. This omission could be particularly significant in the case of pawnbrokers who frequently know or have reason to know of the criminal background of some of their clients, but who under the substitute amendment may sell to such a person with impunity.

4. Deficiencies in licensing requirements

The most important provision in amendment No. 708 is the affidavit-waiting period requirement for shipments or sales of handguns to nonresidents. However, this requirements only applies to nonresidents who are not licensed. The ease by which a person may obtain a license is therefore a critical weakness of this aspect of the substitute amendment.

The only substantive requirements for such a license are: (1) that the applicant be at least twenty-one years of age; (2) that the applicant not be under indictment or be convicted for a crime of violence (or felony, depending on construction), or be a fugitive from justice; (3) that the applicant not have willfully violated any provisions of the Act or regulations, and (4) that the applicant not willfully fail to disclose any material fact in connection with his application. In contrast, Title IV requires, in addition to the requirements of the substitute amendment, that: (5) the applicant be likely to conduct business operations in a lawful manner during the term of the license; and (6) that the applicant have business premises for the conduct of business.

The substitute amendment seeks to sharply curtail any discretion in the issuance of the license by the Secretary. The issuance is mandatory, subject only to the qualifications noted. Under Title IV the issuance is discretionary, but denial is mandatory for failure to qualify as provided.

The substitute amendment does not require all dealers or manufacturers to be licensed. It only requires a license for a dealer or manufacturer to ship, transport or receive firearms in interstate commerce. Thus, it is possible that substantial firearms business could be conducted by a person with no federal license, *including over-the-counter sales of handguns or other firearms to nonresidents without complying with the affidavit procedure*. For example, a pawnbroker who deals only in second-hand firearms might not be required to obtain a license. Or a dealer could operate in one state by purchasing firearms, including handguns, directly from the manufacturer, and conduct a massive over-the-counter trade to neighboring state residents, without having to comply with the affidavit procedure.

The substitute amendment includes record keeping requirements, but they are considerably weaker than in Title IV. Each licensee is required to maintain records required by the Secretary, but there is no provision for criminal penalties for failure to do so. Title IV, on the other hand, puts the licensee under a strong obligation, with criminal sanctions, to maintain a specific record of the name, age, and place of residence of each purchaser of a firearm. Willful failure to maintain required records, or entry of false information thereon, also are violations of Title IV.

The substitute amendment fails to make clear that records kept by dealers must be available for inspection by the Secretary. Title IV also authorizes the Secretary to cooperate with state and local law enforcement officials by disclosing the contents of these records.

Compared to Title IV amendment No. 708 provides for substantially reduced fees for manufacturers and importers ($50 instead of $500) and for pawnbrokers ($50 rather than $250).

5. Omission of restrictions on imports

One of the serious omissions of the substitute amendment is any control over imported firearms. Title IV prohibits importation of arms which the Secretary determines are not suitable for research, sport or as museum pieces. There can be no justification for continued wholesale dumping of war surplus merchandise on the American civilian market. The existing controls of the Mutual Security Act of 1954 are inadequate. That Act, administered by the State Department, relates to relations with foreign nations, and is not designed to protect citizens domestically. Under the substitute amendment firms in Canada or Mexico, licensed under the liberal provisions of the Mutual Security Act, could ship into the U.S. or sell to U.S. residents most firearms, including handguns, without even complying with the affidavit procedure.

6. Additional defects in amendment No. 708

Narrower definition of firearms: Title IV defines the term "firearm" broadly, and then makes exception in certain portions of its coverage for rifles and shotguns, which are specifically defined. The substitute amendment defines "firearm" more narrowly by omitting specific reference to starter guns, mufflers and silencers, and by eliminating all weapons manufactured before the year 1898, and by permitting exceptions to the definition "when the context otherwise requires". The substitute amendment then makes its new provisions—essentially the affidavit procedure for interstate sales and shipments—applicable only to "handguns" which are narrowly defined in terms of their "original design". Thus, questions of definition of coverage will be construed in favor of coverage in Title IV, but against coverage in Amendment No. 708.

Receiving stolen firearms: The substitute amendment repeats the confusing language of existing law relating to receiving and concealing stolen firearms. Under this language the firearms must not only move in or be a part of interstate commerce, but must have been stolen while so moving in or constituting a part of commerce. Title IV makes no qualification on when the firearm was stolen. Thus, if a non-commercial arsenal were robbed, under the substitute amendment it would not be a federal offense to knowingly receive those weapons in commerce.

Obliterated serial number: The substitute amendment repeats the confusing language of existing law making it unlawful for any person ~~to~~ "transport, ship, or knowingly receive" ~~in commerce~~ a firearm from which the manufacturer's serial number has been removed, obliterated, or altered. Title IV makes it clear that the word "knowingly" modifies all of the prohibited acts, and not just the act of receiving.

The substitute amendment fails to broaden the power to seize firearms for all violations of federal criminal law, as continued in Title IV, and limits seizure to violations only of the Federal Firearms Act.

Mr. TYDINGS. Mr. President, I yield the floor.

Mr. DODD. Mr. President, this is a high point in the afternoon. At least, at long last, we are going to get to the gun bill. I would have preferred that it be taken up in order in the general bill, only because I think, since it is the fourth title, it should have come up that way. But the parliamentary situation does not permit that. Anyway, it has been a long fight since 1961, and I am grateful to all those who have joined me in it.

AMENDMENT NO. 788

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. TYDINGS. Mr. President, I send to the desk an amendment to S. 917, and ask that it be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

ADDITIONAL LEGAL SCHOLARS CONDEMN TITLE II OF CRIME BILL, S. 917

Mr. TYDINGS. Mr. President, on April 19, I wrote to law schools across the country calling attention to the provisions of title II of the proposed omnibus crime bill, S. 917, which is now pending before the Senate. In my letter, I asked for views regarding the wisdom and the constitutionality of the provisions of title II.

To this date, I have received responses from 43 law schools, signed by 212 legal scholars, including 24 law school deans. All of these letters express a unanimous opinion that title II should not be enacted into law.

The law schools from which I have received replies are as follows:

University of Arizona College of Law, Tucson, Ariz.

Boston College Law School, Brighton, Mass.

University of California School of Law at Davis, Calif.

University of California School of Law at Los Angeles, Calif.

California Western University School of Law, San Diego, Calif.

Chase College School of Law, Cincinnati, Ohio.

University of Chicago School of Law, Chicago, Ill.

University of Cincinnati College of Law, Cincinnati, Ohio.

University of Connecticut School of Law, West Hartford, Conn.

University of Detroit School of Law, Detroit, Mich.

Duke University School of Law, Durham, N.C.

Emory University School of Law, Atlanta, Ga.

Georgetown University Law Center, Washington, D.C.

George Washington University National Law Center, Washington, D.C.

Gonzaga University School of Law, Spokane, Wash.

Harvard University Law School, Cambridge, Mass.

Indiana University School of Law, Bloomington, Ind.

University of Kansas School of Law, Lawrence, Kans.

University of Louisville School of Law, Louisville, Ky.

Loyola University School of Law, Los Angeles, Calif.

University of Maine School of Law, Portland, Maine.

University of Maryland School of Law, Baltimore, Md.

University of Michigan School of Law, Ann Arbor, Mich.

University of Missouri School of Law, Columbia, Mo.

University of Missouri School of Law, Kansas City, Mo.

University of New Mexico School of Law, Albuquerque, N. Mex.

University of North Dakota School of Law, Grand Forks, N. Dak.

University of North Carolina School of Law, Chapel Hill, N.C.

Northeastern University School of Law, Boston, Mass.

Notre Dame Law School, Notre Dame, Ind.

University of Oklahoma College of Law, Norman, Okla.

University of Oregon School of Law, Eugene, Oreg.

University of Pennsylvania School of Law, Philadelphia, Pa.

Rutgers, The State University, School of Law, Camden, N.J.

University of South Dakota School of Law, Vermillion, S. Dak.

Southern University Law School, Baton Rouge, La.

Stanford University School of Law, Stanford, Calif.

University of Tennessee School of Law, Knoxville, Tenn.

University of Tulsa College of Law, Tulsa, Okla.

University of Utah College of Law, Salt Lake City, Utah.

University of Virginia School of Law, Charlottesville, Va.

West Virginia University College of Law, Morgantown, W. Va.

Yale University School of Law, New Haven, Conn.

I have previously read into the RECORD letters from 38 law schools. These letters appear in the RECORDS of Monday, April 29, at page 10888; Wednesday, May 1, at page 11235; Friday, May 3, at page 11747; and Monday, May 6, at page 11898. I now ask unanimous consent that there be printed at this point in the RECORD letters which I have received from the University of Arizona College of Law, the University of Connecticut School of Law, the University of Detroit School of Law, the University of Louisville School of Law, and Notre Dame Law School.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF ARIZONA,
Tucson, Ariz., May 6, 1968.

Senator JOSEPH D. TYDINGS,
U.S. Senate, Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR TYDINGS: I have read with interest, and I may say astonishment, Title II of the Omnibus Crime Control and Safe Streets bill. Passing the question of the power of the Congress to overrule the Supreme Court's decisions in *Miranda* and *Wade,* I should like to direct my comments to the proposed reduction of the Court's appellate jurisdiction in certain aspects of criminal cases and abolishing federal habeas corpus jurisdiction over all state criminal convictions.

As a student of the criminal process, as one who has served as a prosecutor as well as defense counsel, I can only say that I regard these proposals as the most dangerous to have grown out of our current concern for the criminal process. I respectfully suggest that these sections of the statute bespeak a misdirection of the Senators' concern over the state of criminal procedure. The fact is that the states have long ignored the necessity to revise and modernize their procedures in order to accomplish their objectives of social control with efficiency, fairness but a due regard for individual rights. As a result, the Supreme Court and lower federal courts have been compelled to exercise their long standing power to enforce the Constitution. The result has been considerable friction and restiveness under the pressure of federal court decisions but the solution is the improvement of statute procedure not the dismantling of the federal courts' power to protect individuals from injustice and unconstitutional treatment.

For example, few states in this nation have any post-conviction procedures worthy of the name. To resolve that problem by making it impossible for one who has been aggrieved to vindicate his right in federal court seems unwise in the extreme.

The practicing profession and the law schools are only now beginning to awaken to their responsibility to modernize our criminal process. If this responsibility is discharged in reasonable fashion, there will be little necessity for the federal courts to exercise their ancient authority but that authority ought always to be available.

I appreciate the opportunity to express my views on this most important legislation.

Sincerely,

CHARLES E. ARES,
Dean.

THE UNIVERSITY OF ARIZONA,
Tucson, Ariz., May 6, 1968.
Senator JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: Dean Ares has forwarded to me a copy of your letter of April 19th requesting comment upon S. 917, the Omnibus Crime Control and Safe Streets bill. Without attempting to write a lengthy legal memorandum which I am sure you have in sufficient supply, I want to say that in my considered opinion the bill is, in certain respects, plainly unconstitutional.

Of particular concern to me is the attempt to regulate the appellate jurisdiction of the Supreme Court. While language in *Ex Parte McCardle*, 7 Wall. 506, certainly suggests a residual power in Congress to deprive the federal courts of specific areas of jurisdiction, it is my view that Congress, having once established the courts, must refrain from disestablishing areas of judicial concern when to do so would seriously hinder the protection of basic civil and constitutional rights. (See: *Glidden* v. *Zdanok*, 370 U.S. 530 at 604–605, dissenting opinion of Douglas J.)

The other provisions of the bill which attempt to legislatively define constitutional standards, are to my mind equally offensive. In our system of government the judiciary is the body that is empowered to "expound the constitution," to paraphrase Chief Justice Marshall.

Sincerely,
WINTON D. WOODS Jr.,
Professor of Law.

THE UNIVERSITY OF CONNECTICUT
SCHOOL OF LAW,
West Hartford, Conn., May 3, 1968.
Hon. JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: We would like to express our views concerning certain provisions of the proposed Omnibus Crime Control and Safe Streets bill.

We are of the opinion that the provisions of the bill which in effect repeal the *Miranda* and *Wade* cases are unconstitutional, and that Congressional attempts to undo Supreme Court decisions of Constitutional Law do not reflect credit on the legislative process.

The provisions of the bill which withdraw the jurisdiction of federal courts over state court convictions, although argually constitutional, are unwise and unwarranted. We feel that legislative action which is designed to limit the availability of federal judicial protection of individual constitutional rights is an extremely dangerous precedent.

Very truly yours,
JOSEPH A. LAPLANTE,
Professor of Law.
ARNOLD H. LOEWY,
Assistant Professor of Law.

UNIVERSITY OF DETROIT
SCHOOL OF LAW,
Detroit, Mich., May 8, 1968.
Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Our Dean, Father Paul Harbrecht, referred your letter of April 19, 1968 to various faculty members with academic responsibility over the subject matter of S917, the so-called Omnibus Crime Control and Safe Streets Bill. As I teach the basic six-hour course in Constitutional Law as well as the Seminar in Crime and Society (Criminology), I would like to take this opportunity to indicate that I fully agree with your stand regarding Title II, as I have in the past with respect to the Dirksen Amendment on reapportionment (e.g. your remarks of March 22, 1967 on the Senate floor).

Although the McNabb-Mallory Rule should be retained as a standard for states to work toward in their administration of criminal justice, and thus proposed section 3501 should be struck down, I would like to center my remarks on proposed sections 3502, 3503 and 2256 due to the portentous ramifications they embody with respect to the federal balance-of-power. Such dangers are *pro tanto* enhanced with the diminishing powers of the states due to their failure to respond to the needs of the population. Given this increasing political fact of American life, the federal balance of power so wisely provided by our founding fathers constitutes a virtual "last stand" against a situation conducive to absolutism.

First let us look to experience. Over the one hundred seventy nine years of the republic there have been only three opinions of the Supreme Court that have had to be reversed by amendment, viz, Amendments 11, 13–15, and 16. If after given a chance to operate, the decisions obviously attacked are improper ones, then all informed citizens committed to our utilitarian system would have to reply, "so be it." However, the truth is that the above proposed sections represent the pressure of a small minority of politically powerful individuals who mistakenly feel that they, and their past performance, are attacked when the Supreme Court attempts to equalize the substance of criminal justice meted out to all citizens in spite of their financial and/or intellectual resources.

Those instances, for example, where attempts have been made to determine if the decisions regarding confessions have had a negative impact on successful prosecutions, the answer has almost always been no. (I say "almost always" because I am not aware of any such reports, but admit they may exist.) The Eleventh Amendment resulted from an error of draftsmanship; the 13–15 from a basic social problem still with us, and then only after a bloody war; and the 16th from the political ramifications of the industrial revolution. Let us not now set the dangerous precedent of allowing special-interest groups (however well-meaning they may feel their cause to be) the ability to overturn untested rules directed at the protection of the individual, the very *raison de etre* of our nation. As Justice Brandies once wrote, "The greatest dangers to liberty lurk in the insidious encroachment by men of zeal, well-meaning but without understanding."

I have had the privilege of discussing the cases in issue with both Mr. Justice Brennan and former Justice Tom Clark. The latter informed me shortly after the Miranda decision that he has realized the wisdom behind the majority opinion of the Court, and supports it. May I suggest you request that he, or both he and Mr. Justice Brennan (if tradition permits) be called to testify regarding the proposed legislation. May I suggest District Attorney Yeager of Los Angeles County, California, also be called.

More dangerous than the substance of these proposals, and the portentous consequences of further dividing this nation between the rich and the poor, is the methods the proponents choose to realize their objectives. Rather than attempt the Amendment route, honestly proclaiming their objective, and requesting the people for a mandate through the state legislatures, the supporters of the Title II are willing to risk a serious impairment of the federal balance-of-power, with all the consequences alluded to above. If I may be allowed to utilize a cliché, they are willing to run the grave risk of throwing the baby out with what deem to be bath water.

Moreover, the legislation raises serious problems of constitutional dimensions. It is true that *Ex Parte* McCardle is on the books. It is a product of its times, of Reconstruction with its concomitant national anger over the unnecessary carnage of brother against brother. But it was followed later the same year by *Ex Parte Yerger*, and most significantly, by *United States* v. *Klein* shortly thereafter. With the disappearance during recent years of the deference granted to property rights (Klein) when contrasted with those of the individual (McCardle), the Supreme Court, in my opinion, will deem the above proposals regarding its jurisdiction unconstitutional as a violation of the balance-of-power. Certainly the language of *Baker* v. *Carr*, as well as Mr. Justice Douglas' remarks in *Glidden Co.* v. *Zdanok* in response to Mr. Justice Harlan, tends to support my conclusion.

Should this prove to be the case, where will Congress find itself? It will in effect "be out on a limb." It will have forced upon itself the choice between backing down in the face of a challenge to its power under Article III, Section 2, Paragraph 2, Sentence 2 of the Constitution, or calling into issue the fundamental power of judicial review upon which rests our most sacred and traditionally proclaimed national characteristic—that we are a nation "of laws and not of men."

One is compelled to ask, "For what purpose does Congress present itself with this possible dilemma?" "Is it due to a basic national need or requirement?" (I find none!) "Is it acting to protect a fundamental American principle with respect to the rights of the individual?" (Quite the contrary will result.) Thus, perhaps presumptuously, I must suggest that Congress forbear, lest it and the nation end up the eventual victims of the ominous legislative effort.

Respectfully,
ALLEN SULTAN,
Assistant Professor.

LOUISVILLE, KY.,
May 8, 1968.
Hon. JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.:

The undersigned law professors respectfully urge you to vote against title II of Senate bill 917 which title is designed to curtail many important constitutional guaranties affirmed by the Supreme Court. We regard this title as reactionary and one which may bring the courts and Congress into conflict over constitutional guaranties. Legislation in this field is apt to provoke more trouble than it settles. History has shown that the limits of constitution rights are more properly a field for judicial development than for legislative action. CC Hon. Joseph D. Tydings.

DEE A. AKERS,
WM. E. BIGGS,
NATHAN S. LORD,
JAMES R. MERRITT,
RALPH S. PETRILLI,
WM. E. READ,
ABSOLEM C. RUSSELL,
W. SCOTT THOMSON,
University of Louisville School of Law, Louisville, Kentucky.

NOTRE DAME LAW SCHOOL,
Notre Dame, Ind., May 7, 1968.
Hon. JOSEPH D. TYDINGS,
U.S. Senate, Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR: I regret exceedingly that it has not been possible to reply sooner to your letter of April 19 concerning S. 917. One of our brilliant young professors, at my request, has written a brief memorandum on Title II of the Bill. I share his views and pass them on to you, since it seems to me that he has said what I would say better than I could say it myself.

"The effort to legislatively overrule *Miranda* is unfortunate and illegal. Unfortunate because *Miranda*, when all is said and done, does no more than extend to the poor and stupid what the wealthy and sophisticated have had all along. Illegal because it attempts to amend the Constitution by statute, which is a legislative version of what Senator McClellan accuses the Court of.

"Restriction of the *habeas corpus* jurisdiction is unwise, in view of the proud history of that remedy in Anglo-American jurisprudence and in view of its use in our own history to protect the most disadvantaged and unpopular of criminal defendants. It is also a paltry attempt to punish the Supreme Court by hopelessly clogging its certiorari and original dockets."

With warm regards and all best wishes, I am,

Sincerely,

JOSEPH O'MEARA,
Dean.

GUN SALES UPSURGE BRINGS NEW SUPPORT FOR STRONG LAW

Mr. DODD. Mr. President, recognition of the need for a strict Federal firearms law to help the police and help the States enforce their own gun laws is more widespread now than ever.

Police departments, city fathers, State leaders, newspapers, and business leaders who were previously not convinced of the need for the type of legislation I have proposed, and which is now title IV of the omnibus crime bill, are now openly supporting the measure.

In the Washington area, Fairfax County Police Chief William L. Durrer has called for a broad extension of the existing firearms laws.

He will ask the jurisdictions that are members of the Metropolitan Washington Council of Governments to agree upon and adopt a strong uniform law containing the provisions contained in my title IV of the omnibus crime bill whether or not the Federal bill is acted upon.

Why this change in attitude by public officials? I have previously pointed out to my colleagues the rash of hysterical gun buying in cities during and following civil disorders.

Witnessing long lines of people at gun shops purchasing firearms out of fear and hysteria has been enough to convince many.

Here is what Colonel Durrer found happening in this area since the assassination of Dr. Martin Luther King on April 4:

Suburban gun sales shot up from a first-quarter monthly average of 1.350 to a total of 2,500 in April.

Between January 1 and April 1 there was a total of just more than 4.000 handgun applications in Arlington, Fairfax, Montgomery, and Prince Georges Counties and the city of Alexandria.

Colonel Durrer concluded:

> There is little doubt that the laxity of the laws and their lack of uniformity contribute to many weapons eventually falling into the hands of the wrong people.

A detailed story on Colonel Durrer's findings appeared in the Washington Post on May 11, 1968.

I ask unanimous consent to have printed in the RECORD the article entitled "Fairfax Chief Urges Strict Area Gun Code," written by Kevin Klose and published in the Washington Post of May 11, 1968.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FAIRFAX CHIEF URGES STRICT GUN CODE

(By Kevin Klose)

With suburban handgun sales after the Washington riot almost doubled to a monthly rate of 2500, Fairfax County Police Chief William L. Durrer called yesterday for sweeping extension of the area's local gun laws.

Col. Durrer said he will ask jurisdictions that are members of the Metropolitan Washington Council of Governments to agree upon and adopt a strong uniform law.

It would require police review and approval of all rifle and shotgun sales. Such controls are now required only on sales of handguns.

Durrer said he also would seek laws forbidding dealers to sell guns to nonresidents of the jurisdictions, either over the counter or by mail.

At present, there are no local laws governing the purchase of rifles and shotguns in any of the jurisdictions. Limits on handguns sales vary widely. Durrer said these variations should be eliminated to improve the administration and police control of weapons sales.

Durrer, who has been Fairfax chief for 10 years, declared, "There is little doubt that the laxity of the laws and their lack of uniformity contribute to many weapons eventually falling into the hands of the wrong people."

All suburban police departments have reported a sharp rise in the number of pistol applications since the Washington disorders that started April 4, the day Dr. Martin Luther King, Jr., was assassinated in Memphis, Tenn.

Suburban gun sales shot from a first-quarter monthly average of 1350 to a total of 2500 in April.

Between Jan. 1 and April 1 there was a total of just more than 4000 handgun applications in Arlington, Fairfax, Montgomery and Prince Georges counties and the City of Alexandria. Most of those applications, police have said, were made by residents of the counties.

Since April 1, applications have jumped to slightly more than 2500 a month. Most police departments report no drop in pistol applications.

There are no figures available for Loudoun or Prince William County, which have no local gun control laws.

District police have declined to release any figures on weapons purchases on the grounds that to do so might stir apprehension.

Purchasers of rifles and shotguns in the suburbs need not file any application with police, as there are no figures available for sales of these weapons. However, police privately express concern at the continuing heavy sales of arms of every type.

Police routinely approve handgun applications unless the applicant is under age, judged mentally incompetent or has a criminal record. Police make these checks during waiting periods before the purchaser can pick up the gun. The periods vary in length among the jurisdictions.

Durrer said the uniform local law should include the provisions of Sen. Thomas J. Dodd's (D–Conn.) strong gun control measure whether it becomes Federal law or not. Senate action on the Safe Streets Act, of which the Dodd bill is part, is pending.

The main thrust of the Dodd law is to prohibit the interstate shipment of handguns to individuals and over-the-counter sale of handguns to individuals who live outside the dealer's state.

Initial reaction in the area to Durrer's proposals was luke-warm.

The State's Attorneys in both Montgomery and Prince Georges Counties said that while they favor passage of a uniform gun control law, they did not see much chance of its being passed.

Fairfax Commonwealth's Attorney Robert F. Horan Jr. said he believes gun control laws, no matter how stringent, do not prevent criminals from obtaining weapons.

Washington Public Safety Director Patrick Murphy was unavailable for comment.

The Fairfax law gives police three days to check out hand-gun applicants, but requires them to destroy all records of gun sales within 10 days of receipt. Durrer called this provision "ridiculous."

However, he said it would be of little use for Fairfax alone to strengthen its gun ordinance. "Without a uniform law for the whole metropolitan area, there is little point in Fairfax's going it alone. It would be too easy to buy a weapon outside the County and thwart our efforts.

Mr. DODD. But the need for uniformity in laws regulating firearms is recognized in other areas also. In the April 8, 1968, edition of the St. Joseph, Mo., News-Press, the editors observed:

> If the state laws to regulate guns are to be effective, there must be a degree of uniformity. And the eventual alternative to uniformity among state laws is the mandatory uniformity of a Federal law.

It seems, Mr. President, that a resident of St. Joseph, Mo., who cannot get a firearm because of the restrictions of Missouri law, can simply go across the border to Kansas and buy whatever he wants. The Kansas gun law is weak.

I ask unanimous consent that the editorial entitled "Kansas Gun Law Weak," published in the St. Joseph, Mo., News-Press of April 8, 1968, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

KANSAS GUN LAW WEAK

A Senate committee's defeat of a proposed gun regulation measure points out a problem that exists in St. Joseph, or in other border cities in Missouri.

The defeated measure would have prohibited over-the-counter sale of hand guns to residents of another state.

Under Missouri law, a hand gun may be purchased here only if prior arrangements are made for registration. Thus, authorities have some knowledge of where the gun is.

However, a St. Joseph resident, without any type of registration, may go to Kansas and purchase a gun there. Kansas has no such registration law for hand guns.

The discrepancy in the laws presents a dilemma for the sheriff in a Missouri county, who handles the registration. If he feels a man for some reason should not have a hand gun, he may decline to register the request and give him authorization to buy the gun. In such instances, the man need only go to Kansas.

On the other hand, the sheriff, even though knowing the man is not the type who should have a hand gun, may feel it is wiser to register it and permit him to purchase it here. In that way, there is at least a record of who has the gun.

If state laws to regulate guns are to be effective, there must be a degree of uniformity. And the eventual alternative to uniformity among state laws is the mandatory uniformity of a federal law.

Mr. DODD. Threatened civil disorder in the Independence, Mo., area on April 11 and 12 caused Mayor Donald M. Slusher of that city to declare a complete curfew at 8 p.m.

The mayor forbade the sale of gasoline and liquor after 8 p.m. and completely suspended the sales of firearms and ammunition.

It was another case of a responsible public official recognizing that local firearms laws were not adequate and using his good judgment to keep them out of the hands of a panicked public in the event of public disorder.

I ask unanimous consent to have printed in the RECORD the article entitled "Sale of Ammunition, Firearms Halted Here," published in the Independence, Mo., Examiner of April 12, 1968.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SALE OF AMMUNITION, FIREARMS HALTED HERE

The sale of firearms and ammunition in the city of Independence is prohibited until further notice, Mayor Donald M. Slusher said today.

Slusher said a decision on a curfew tonight remains up in the air, but liquor establishments, taverns and sale of liquor will stop at 8 o'clock tonight.

Slusher said the sale of gasoline also will be suspended at 8 p.m.

"It is not the intention of the city administration to hamper the normal movement of the citizens," Slusher said, "but because of circumstances in our neighboring city, I feel the foregoing restrictions are important."

Slusher said he had utmost faith in all citizens of Independence and in all minority groups in the community.

So far as can be determined, yesterday's full curfew restrictions were the first imposed on the city of Independence. There have been other curfews, of course, during war time years and back in the early pioneer days.

The curfew yesterday is thought to be the first full-scale civil curfew imposed.

Mr. DODD. Finally, an Associated Press story out of New York City dated May 10, published in the Washington Post on May 11, 1968, tells in some detail the reaction of government after the recent civil disorders.

The lead paragraph says:

> Many state and local governments and major department stores are clamping down on gun sales in the aftermath of recent civil disorders.

I commend to the attention of my fellow Senators and ask unanimous consent to have printed in the RECORD the article entitled "Firearms Sale Curbs Spreading," published in the Washington Post of May 11, 1968.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIREARMS SALE CURBS SPREADING

NEW YORK, May 10.—Many state and local governments and major department stores are clamping down on gun sales in the aftermath of recent civil disorders.

Most active in restricting sales and possession of firearms, particularly pistols, have been states in which riots occurred, a spot check around the country showed today.

Sears, Roebuck and Montgomery Ward, major mail order houses, have quit filling mail and phone orders for guns. Some major department stores have discontinued gun sales entirely.

Early this year Chicago enacted laws which require gun owners to register them and which extend the ban on carrying concealed handguns to include rifles and shotguns.

Effective July 1, the state of Illinois will require all persons possessing firearms or ammunition to have a license. California enacted a gun control law banning loaded firearms in public areas except for police and permit holders.

Montgomery Ward announced it will not mail directly to customers firearms, pellet and BB guns and ammunition. Customers who order guns by mail or telephone will be required to pick up their orders personally and show proof that they are over 21 years old.

Sears, Roebuck said it was imposing the same restrictions.

In New York City, Macy's, Alexander's and Abraham Straus department stores have discontinued gun sales. So has Bamberger's, the biggest department store chain in New Jersey.

In Detroit, a group of businessmen is running a series of newspaper and television advertisements in an effort to curb what has been called an arms race by white suburban residents fearful of riots.

NRA LOBBY KILLS ANOTHER GUN BILL

Mr. DODD. Mr. President, while we have been debating S. 917, the omnibus crime bill including title IV, my amendment to beef up the Federal firearms laws, the gun lobby, led by the National Rifle Association, has won another battle.

Yesterday, the New York State Assembly killed Governor Rockefeller's firearms legislation which would have required the statewide licensing of rifles and shotguns.

And the debate, long inflamed by legislative bulletins, letter-writing campaigns, and publicity generated by the NRA and its followers, flared into animosity.

In the confusion of heated debate, where lobbies—and the firearms lobby in particular—work their will best, the firearms legislation was sent back to committee.

The New York Times, in a page 1 story printed today, March 14, 1968, told it this way:

> The action came as the legislators—and a noticeably large number of lobbyists—returned to the rococo gray Capitol building to attempt to finish off the backlog of this year's bills.
>
> But the feeling among many legislators here was that the session might well drag on into next week.
>
> S. William Green, Republican of Manhattan, acted as sponsor of the gun bill for the Rules Committee, which alone can bring bills to the floor at this late date.
>
> Speaking above a hubbub of conversations, Mr. Green said the bill was necessary to keep weapons out of the hands of "people who are mentally deranged." He cited recent multiple slayings by riflemen at the University of Texas and in New York's Bryant Park.
>
> But he spent much of his speech stressing that the new licensing bill would "substantially increase the rights" of gun-owners in New York City by establishing a statewide board of appeal to which they would have recourse if denied a license under the city's more stringent regulations.
>
> Leonard P Stavisky, Democrat of Queens, spoke at length in favor of the bill, mentioning the ease with which the weapons used in the sniper slayings of President Kennedy and the Rev. Dr. Martin Luther King Jr. were obtained.
>
> When Mr. Stavisky charged that the National Rifle Association, which lobbies against gun control legislation, "delights in misinforming" the public, Edwyn E. Mason, Republican of Hobart, jumped to his feet.
>
> "I've been a member of the National Rifle Association for more than 20 years and you don't know what you're talking about," he shouted.
>
> "You're just blowing off steam—you're shooting off your mouth," Mr. Mason continued angrily over Mr. Stavisky's protests of "I will not yield."
>
> "Mr. Stavisky—You're lying!" continued Mr. Mason.
>
> Mr. Travia gavelled for order, and Mr. Mason returned to reading his newspaper. A few minutes later the Speaker called for a show of hands of those opposed to the bill.
>
> Nearly all the members on the Republican side of the aisle and about half of the Democrats raised their hands, and Mr. Green nodded quietly when Mr. Travia asked him if he would move to recommit.

Mr. President, this is a familiar story to those of us who have sought to represent the public interest in the matter of firearms legislation. It has been repeated for 30 years here in the Congress. And in State legislatures and city councils across the country it has been the same.

The "educational functions" of the tax-free lobby called the National Rifle Association has come into play. It has used its prestige as a partially Government-supported institution and its money, in large part derived from the firearms industry, to distort the intent and provisions of virtually every piece of proposed firearms legislation without regard to where it appears.

And at the end of each year it brags in its annual operating report how efficient it was in opposing laws that would keep firearms out of the hands of madmen and criminals.

For example, under the title of "Legislative Service" in the 1967 annual operating report, the NRA makes the following boasts about its antifirearms law campaign for the previous year:

> Through reporting machinery, legislation proposed at the federal and state levels usually can be discovered in time to inform NRA members when urgent action is required. Local legislation, however, may be enacted much more swiftly than national or state laws. Local communities must be alert and must act quickly and decisively, in a well-organized manner, to defeat such threats. Some communities have met the situation by means of a "watchdog" committee consisting of local NRA members and club representatives who are capable of quickly detecting restrictive measures and, as quickly, generating concerted, well-timed action.
>
> Information to NRA members about firearms control proposals is supplied by three principal means: (1) The regular report, "What the Lawmakers are Doing," in The American Rifleman; (2) NRA legislative bulletins and memoranda; (3) direct contacts by mail, telephone or telegram. During 1966 over 180 bills of interest to gun owners were introduced in 21 state legislatures and the U.S. Congress. Details about the more important proposals were published in 43 columns of the magazine, and 8 legislative bulletins were mailed to 91,754 members and clubs in 6 states. NRA members reacted promptly, firmly and in force. As a result, no severe legislation was enacted on the federal level, and only one significant control measure was enacted on the state level (New Jersey).

Mr. President, I ask unanimous consent to have printed in the RECORD the article entitled "Assembly Kills Gun Control Bill," written by John Kifner and published in the New York Times of May 13, 1968.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ASSEMBLY KILLS GUN-CONTROL BILL—SENDS ROCKEFELLER PROPOSAL TO COMMITTEE AFTER DEBATE

(By John Kifner)

ALBANY, May 13.—The State Assembly killed Governor Rockefeller's gun-control bill today.

The bill, which would have required the statewide licensing of rifles and shotguns, was sent back to the Committee on Rules by an overwhelming show of hands after a 45-minute debate that flared briefly into animosity.

The action came as the legislators—and a noticeably large number of lobbyists—returned to the rococo gray Capitol building to attempt to finish off the backlog of this year's bills.

But the feeling among many legislators here was that the session might well drag on into next week.

The Assembly moved at its usual Monday pace today, meeting at 3 P.M. and adjourning a little before 6, with the Republican back-benchers voting as a bloc against any bill that appeared to have anything to do with public housing, and other members wandering in and out.

Much of the day's calendar, including controversial bills authorizing publicly built atomic power plants and permitting eavesdropping under certain circumstances, was put aside until tomorrow, causing Speaker Anthony J. Travis to warn several times that it would be a long working day.

S. William Green, Republican of Manhattan, acted as sponsor of the gun bill for the Rules Committee, which alone can bring bills to the floor at this late date.

Speaking above a hubbub of conversations, Mr. Green said the bill was necessary to keep weapons out of the hands of "people who are mentally deranged." He cited recent multiple slayings by riflemen at the University of Texas and in New York's Bryant Park.

But he spent much of his speech stressing that the new licensing bill would "substantially increase the rights" of gun-owners in New York City by establishing a statewide board of appeal to which they would have recourse if denied a license under the city's more stringent regulations.

Leonard P. Stavisky, Democrat of Queens, spoke at length in favor of the bill, mentioning the ease with which the weapons used in the sniper slayings of President Kennedy and the Rev. Dr. Martin Luther King Jr. were obtained.

When Mr. Stavisky charged that the National Rifle Association, which lobbies against gun-control legislation, "delights in misinforming" the public, Edwyn E. Mason, Republican of Hobart, jumped to his feet.

"I've been a member of the National Rifle Association for more than 20 years and you don't know what you're talking about," he shouted.

"You're just blowing off steam—you're shooting off your mouth," Mr. Mason continued angrily over Mr. Stavisky's protests of "I will not yield."

"Mr. Stavisky—You're lying!" continued Mr. Mason.

Mr. Travia gavelled for order, and Mr. Mason returned to reading his newspaper. A few minutes later the Speaker called for a show of hands of those opposed to the bill.

Nearly all the members on the Republican side of the aisle and about half of the Democrats raised their hands, and Mr. Green nodded quietly when Mr. Travia asked him if he would move to recommit.

BUSINESS LEADERS FEAR HYSTERICAL GUN BUYING

Mr. DODD. Mr. President, ever since Detroit exploded into one of the most severe race riots of our history last year, residents of the Detroit area have been hearing "promises from both races of a long, hot, death-filled summer" in 1968.

Rumors, deadly rumors, have kept the community on edge. Racists have been having their day. Fear has been exploited. And that fear has too frequently exhibited itself in buying firearms. Home and self protection are the byword. The suggestion is that possessing a loaded gun within the home is the answer to the community problems underlying civil unrest.

In Michigan, and especially the Detroit area, if you want a gun and cannot comply with local law, it is a simple matter to run over to Toledo, Ohio, and buy just about anything you want in just about any quantity you want.

Investigators of the Juvenile Delinquency Subcommittee proved that in the midst of the Detroit riot last summer.

The Senate will recall that the Detroit riots and the legislative hearings on S. 1, amendment No. 90, were running concurrently. I reported to the Senate at that time the findings of our investigators. I pointed out that the direct findings of our investigators, even in the heat of the civil disorders, confirmed the need for strong Federal laws to control the interstate shipment of all firearms.

Michigan residents were crossing State lines to buy arms and ammunition and then returning to Michigan. The weak Federal laws were useless. They were little or no help to Michigan officials who wanted to effectively enforce their own laws.

What is needed is a Federal law that will enable the States to enforce their own statutes, whatever those statutes may call for.

The Detroit situation was a classic example of Federal laws drawn in another era to accommodate hunters and gun collectors, now being used by racists and an alarmed public to contribute to civil disorder and the devastation that goes with it.

My plea for action then fell on deaf ears.

There was no action then. And there has been no significant action to date.

I repeat the plea that President Johnson made to the Senate last week:

> The pending bill also addresses itself to another urgent national concern—the need for gun control legislation.
>
> I have sought a proper and strong gun control bill for as long as I have been President.
>
> Title IV takes a long step toward public safety, by helping to keep pistols and other hand guns away from the dangerous and the deranged.
>
> But it does not go far enough.
>
> It fails to provide the same protection against weapons which are just as deadly in criminal hands—the rifle and other long guns.
>
> Now, it is time to stand up and show we are not a Government by lobby but a Government of law.
>
> Has not the high powered mail order rifle brought tragedy enough to America? What in the name of conscience will it take to pass a truly effective gun control law?
>
> The issue of immediate importance is to bring safety to our streets.
>
> We can best do this by:
>
> Strengthening the Gun Control Law.

Mr. President, that plea has been made a hundred times over by newspapers across this country, by broadcasters, magazines, labor unions, religious leaders, women's groups and other associations too numerous to mention.

Citizens across the country are deeply concerned, not only about the proliferation of firearms, and their unrestricted sale in the face of the obvious stockpiling of them by extremists on both sides, but by thousands of nervous, just plain scared people purchasing weapons and ammunition who have no knowledge of their use.

Because this is precisely the situation in the Detroit area, Men United for Sane Thought—MUST—was formed this year.

It is an organization of Detroit business and professional men who are worried about the "hysteria and fear within the white community represented by the gun buying taking place within the metropolitan area."

MUST, last winter, became "deeply concerned that little or nothing constructive was being done to confront the very real likelihood of riots in the city of Detroit."

The situation in Detroit at the moment must be tense. There must be official concern that riots could break out again this summer.

Mayor Jerome P. Cavanaugh, speaking in Los Angeles this week, according to the Washington Daily News, said the most disturbing aspect of the recent racial turmoil is the willingness of the American people to suspend their rights to achieve tranquillity.

Mayor Cavanaugh cited the 5 days in Detroit after Dr. Martin Luther King, Jr.'s death "when for 5 days we had in effect suspended the Constitution."

MUST must know what it is talking about. The organization said:

> As far back as January, Detroit was in the midst of an arms buying spree unprecedented in the history of the city.

According to a public statement by the group:

> It was felt by "MUST" that to sit still and do nothing as we all have done for a number of years, and to allow the racists to have their day would not only be a physical threat to ourselves, but an insult to everything we have been taught, worked for and tried to maintain within our society.

Thus, a cooperative effort by these professionals has resulted in a newspaper, television, and radio campaign that is saturating the Detroit metropolitan area. It points out:

> The ridiculousness of rumors and the danger to individuals possessing loaded weapons within their homes.

The campaign has been endorsed by the mayor, the Inter-Faith Action Council of the Detroit Council of Churches, Bishop Emerich's Human Relations Council, and the New Detroit Committee's Subcommittee on Communications.

The advertising copy emphasizes the obvious flaws of logic in possessing a loaded firearm in the midst of a riot, keeping a loaded shotgun in the closet, or purchasing a gun in the midst of tension and fear.

Here are some quotations from the copy:

> Anyone looking forward to celebrating the 2nd Annual Detroit Riot this summer . . . is too sick to go.
>
> Charlie's the fastest draw on the block. Just last night he got the drop on Miller's trash can. Charlie's not taking any chances.
>
> Willie made it through Normandy, Seoul, and DaNang. He doesn't need the Purple Heart for Detroit.
>
> Keeping up with the Joneses this summer could cost you your life.

Mr. President, I ask unanimous consent that the entire copy of this outstanding public service advertising campaign be printed in the RECORD at this point, together with a statement concerning it made by the officials of MUST on May 2, 1968.

I hope it will be an example to my colleagues of the depth of public concern over the need for an effective Federal firearms law as debate on title IV of the omnibus crime bill proceeds.

There being no objection, the advertising copy was ordered to be printed in the RECORD, as follows:

"MUST" (Men United for Sane Thought)

DETROIT, MICH., May 2, 1968.—"MUST" (Men United for Sane Thought), an organization of concerned Detroit business and professional men, announced the launching of a saturization advertising campaign aimed at "the hysteria and fear within the white community represented by the gun buying taking place within the metropolitan area." Kenneth M. Davies, spokesman for the group, told a press conference today the campaign is designed to point out what he called, "the ridiculousness of rumors and the danger to individuals possessing loaded weapons within their homes."

"MUST," a group of young business and professional people including lawyers, doctors, accountants, bankers, stockbrokers, restaurateurs, salespeople, engineers, and advertising people, in January of this year became deeply concerned that little or nothing constructive was being done to confront the very real likelihood of riots in the city of Detroit.

In January, Detroit was in the midst of an arms buying spree unprecedented in the history of the city. At the same time, Detroit was hearing promises from both races of a long, hot, death-filled summer.

It was felt by "MUST" that to sit still and do nothing, as we all have done for a number of years, and to allow the racists to have their day would not only be a physical threat to ourselves, but a insult to everything we have been taught, worked for and tried to maintain within our society.

In the past 4 months, "MUST" has and continues to consult with the many representatives of our community, including the city government, the New Detroit Committee, the Board of Commerce, clergymen, civil rights organizations, and militants, both white and black.

The advertising campaign, which at present consists of eleven ads suitable for newspapers, two 1-minute television spots, and one 1-minute radio spot, were produced without the direct outlay of any moneys. The newspaper ads are running in the: Royal Oak Tribune, Macomb Daily, Cessa Summaries, Birmingham Eccentric, Jewish News, Lincoln Parker, Allen Parker, Melvindale Messenger, Ecorse Enterprise, Southgate Sentinel, Township Tribune, Southwest Detroiter.

The following, additional, Detroit newspapers have provided the campaign with 95% of the available newspaper space and have agreed to run the campaign as outlined in the earlier release: East Side Shopper, East Side Booster, East Side Express, Grosse Pointe Express, Harper Woods Community News, St. Clair Shores Community News, East Detroit Community News, Roseville Community News, Clinton Township Community News, Mt. Clements Community News, Centerline Community News, Warren Community News, Northwest Detroiter, Northwest Recorder, Westtown News, Oak Park News, Huntington News, Southfield Record, Southfield Reporter.

The television spots are being produced by W.X.Y.Z., Channel 7, and will be distributed to other local television stations.

The Naegele Sign Co., has donated two billboards and the Archdiocese of the City of Detroit is distributing copies of the ads to all Parish Churches in the Metropolitan area.

The campaign has been endorsed by the Mayor, by the New Detroit Committee's Sub-Committee on Communications, by Bishop Emerich's Human Relations Council, as well as by the Inter-Faith Action Council of the Detroit Council of Churches.

It is the groups' intent to expand the campaign nationwide and to develop new advertising campaigns pointing out the crisis in our cities.

Anyone Looking Forward to Celebrating the Second Annual Detroit Riot This Summer Is Too Sick To Go

The illness has nothing at all to do with skin color. It can affect whites just as potently as it can blacks. With the same ultimate results.

Rumor has it some people already have the bug. Their numbers are few. And they can be controlled.

We can stop them cold with some individual responsibility of the part of every sane citizen, black and white, in metropolitan Detroit.

You see, even the sickest minds in our community can't go anywhere unless a whole lot of healthy people help them out.

The wonder drug here is reason. Use it. The bug can be fatal.

—MUST.

Charlie's the Fastest Draw on the Block. Just Last Night He Got the Drop on the Miller's Trash Can—Charlie's Not Taking Any Chances

After all, Mr. O'Neil told him the neighborhood was going to be attacked by rioters. And Mr. O'Neil knows. Because he got it from Sam Harper who heard it from Thelma Higgins who picked it up from a lady she drives to work.

So naturally, Charlie had to dust off his faithful old shotgun, buy a couple hundred rounds of ammo and practice that hipshot he learned in the army back in '44. Just in case the local authorities can't handle things.

Charlie means well. He's no killer. But what do you think will happen tonight if, by some small oversight, Charlie gets the drop on Mr. Miller? Instead of the trash can.

—MUST.

Willie Made it Through Normandy, Seoul, and DaNang—He Doesn't Need the Purple Heart for Detroit

Now, that surprises some people. Because Willie is a Negro. And some people would have you and me believe that every normal, average, red-blooded American Negro is looking forward to a riot in Detroit this summer.

The fact is this. The normal, average, red-blooded American Negro doesn't want a riot in Detroit this summer any more than the normal, average, red-blooded American white. He wants to live as much as we do.

And for the same reasons.

Take Willie. He's a family man—a wife and two kids. He works hard for a living—career Master Sergeant, U.S. Army. He owns his own home—complete with 20-year mortgage. And the only weapon he enjoys is a red and white jitterbug that drives the smallmouth bass in Anchor Bay positively wild.

If that amazes you, we're glad.

Perhaps you ought to amaze some of your friends. Because we still believe that the best way to squelch a lot of ugly rumors is a bit of pure honest-to-gosh truth.

—MUST.

Keeping Up With the Joneses This Summer Could Cost You Your Life

You know the Joneses.

The family next door. Who always buy the things you plan on getting—just before you do.

This year it's guns.

A shotgun and a .45.

Plus a .22, a .38 Colt and a Four-Ten just in case.

You know why.

The local authorities just won't be able to handle things this summer. That's what Jones says, anyway.

So you're going to get a few guns.

What are you going to do with them after you buy them?

If your son can find the toys 2 weeks before Christmas, he can find anything you hide. He might even show his little sister.

Look. No one knows what'll happen in the city this summer. Hopefully nothing.

But we all know what might happen in a suburban home filled with lethal weapons.

All it takes is a sleepy wife.

A nervous neighbor.

A curious child.

And a loaded gun.

—MUST.

POLICE CHIEFS ENDORSE TITLE IV AMENDMENT 100 PERCENT

Mr. DODD. Mr. President, the police officers, the attorneys general and virtually everyone involved in criminology or penology has now rendered their considered judgment on the value and effectiveness of the various gun bills pending before this Congress.

Wednesday I spread on the RECORD endorsements for my legislation from virtually everybody that is anybody in law enforcement.

My proposal meets the minimum requirements of law enforcement in the judgment of the Attorney General of the United States, the Director of the Federal Bureau of Investigation, J. Edgar Hoover, the International Association of Chiefs of Police, a host of attorneys general and others.

Each day I hear from more law officers who want the kind of legislation I have proposed.

Just yesterday, I received a letter from the Police Chiefs Association of Southern Pennsylvania. The president, Thomas F. McDermott said:

> Be assured that the members of this Association of over 800 dedicated law enforcement officials back you 100% in having the firearms control bill passed.

And chief of police, Brice G. Kinnamon of Cambridge, Md., in another letter just received said:

> I have read your proposed amendment to S. 917 and believe it is a step in the right direction. . . . I heartily endorse its contents in their entirety.

Mr. President, we have now nearly 100 percent endorsement from law enforcement. They do not want just any law. They want a law that will work, that will help them to disarm the criminals and keep the peace.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to myself from Thomas F. McDermott, Police Chiefs Association of Southern Pennsylvania, dated May 7, 1968, and a letter from Brice G. Kinnamon, chief of police, of Cambridge, Md., dated May 8, 1968.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

POLICE CHIEFS ASSOCIATION OF
SOUTHERN PENNSYLVANIA,
Philadelphia, Pa., May 7, 1968.

Hon. THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DODD: Be assured that the members of this Association of over 800 dedicated law enforcement officials back you 100% in having the firearms control bill passed.

We also are behind President Johnson in having the safe streets and crime control bill passed as is.

Very truly yours,

Thomas F. McDermott,
President.

City of Cambridge,
Cambridge, Md., May 8, 1968.

Senator Thomas J. Dodd,
U.S. Senate,
Washington, D.C.

Dear Senator Dodd: I have read your proposed amendment to S. 917 and believe it to be a step in the right direction.

I heartily endorse its contents in their entirety.

Your truly,

Brice G. Kinnamon,
Chief of Police.

STATEMENT OF CHARGES THAT TITLE IV OF THE OMNIBUS CRIME BILL PROTECTS THE NEW ENGLAND FIREARMS MANUFACTURERS

Mr. DODD. Mr. President, I would like to address myself to a statement made on Friday, May 3, 1968, by Senator Hruska on the floor when he discussed title IV, my firearms control provision, to the omnibus crime bill. He said:

> For more than a decade, the New England firearms manufacturers have been engaged in various attempts to restrict or eliminate competition from foreign sources. In the past several years, however, with imports of military surplus on the decline and many of the manufacturers obtaining firearms from foreign subsidiaries, interest by the industry in banning imports or restricting them has somewhat waned. However, since President Kennedy was assassinated with a military surplus weapon, repeated attempts have been made to justify embargoes because this particular type of weapon was used in the commission of the heinous crime.
>
> Domestic gun-control legislation is no place to attempt to impose protectionist views on foreign trade policy. More importantly, the standard imposed for allowing imports would arm the Secretary of the Treasury with broad discretionary powers but would be virtually meaningless.

I must assume, being from New England and the sponsor of this legislation, Senator Hruska infers that I, or supporters of the title, are attempting "to impose protectionist views on foreign trade policy" to the benefit of the New England firearms manufacturers.

I would like to point out to the Senator from Nebraska that I wrote to these manufacturers or their trade organizations asking for support for title IV and I am sure that he would not really be surprised at their answers. For example, the National Shooting Sports Foundation which represents the bulk of the manufacturers of firearms and related equipment in this country, wrote to me on May 1, 1968 and said:

> Our position is that we support Senator Hruska's Amendment No. 708.
>
> The Board of Governors of NSSF has asked me to thank you for your consideration in allowing us to state our position.

I point out to the Senator from Nebraska that the membership of the National Shooting Sports Foundation includes the 10 major firearms manufacturers in Connecticut and seven firearms firms in Massachusetts.

The Sporting Arms and Ammunition Manufacturers' Institute in a letter of April 30 said:

> For years we have supported the ideas which are best expressed in the Hruska bills, S. 1853 and S. 1854, now identified as amendment 708 to S. 917. We are hopeful that firearms legislation such as that proposed by Senator Hruska can be promptly enacted.

I think the Senator from Nebraska knows that this organization lists nine members including five major firearms manufacturers from New England, four of which are from Connecticut.

And, of course, the greatest representative of the gun merchants of them all, the National Rifle Association, wrote to me on May 3, 1968, and said:

> The National Rifle Association has publicly supported a positive program for effective federal firearms controls. The pivotal elements of this program are S. 1853 and S. 1854, by Senator Roman L. Hruska of Nebraska, to provide for a certified statement approach for the receipt of handguns in commerce, and to regulate "destructive devices" under the registration and heavy tax provisions of the National Firearms Act. These bills have now been submitted as Amendment 708, a substitute for Title IV. The Association is in full accord with and categorically supports this Amendment.

I have similar letters from those who have a monetary interest in the proliferation of firearms in this country and to a man they support the Hruska bill. Two of these organizations include the Wildlife Management Institute and the National Wildlife Federation.

My question to the Senator from Nebraska is: Who is protecting whom?

I ask unanimous consent to have printed in the Record the following items:

A letter from Charles Dickey, director, National Shooting Sports Foundation, Riverside, Conn., dated May 1, 1968.

A list of the members of the National Shooting Sports Foundation, Inc.

A letter written by Harry Hampton, secretary-treasurer, Sporting Arms and Ammunition Manufacturers Institute, 420 Lexington Avenue, New York, N.Y., dated April 30, 1968.

A list of the members of SAAMI.

A letter from H. W. Glassen, president, National Rifle Association of America, Washington, D.C., dated May 3, 1968.

A letter from C. R. Gutermuth, vice president, Wildlife Management Institute, Washington, D.C., dated May 2, 1968.

A letter from Thomas L. Kimball, executive director, National Wildlife Federation, Washington, D.C., dated May 1, 1968.

There being no objection, the items were ordered to be printed in the Record, as follows:

National Shooting Sports
Foundation, Inc.,
Riverside, Conn., May 1, 1968.

Senator Thomas J. Dodd,
Chairman, Subcommittee To Investigate Juvenile Delinquency, U.S. Senate, Washington, D.C.

Dear Senator Dodd: Thank you for your letter of April 26 and for sending us a copy of your S. 1—Amendment No. 90, with some modifications, as Title IV to S. 917 the Omnibus Crime Control and Safe Streets bill. We appreciate your taking the time to ask our position.

NSSF testified in both the House and Senate in favor of the principles of S. 1853 and S. 1854. It is our understanding that these bills are now embodied in Amendment No. 708 which was introduced in the Senate on April 29 by Senator Roman Hruska.

Our position is that we support Senator Hruska's Amendment No. 708.

The Board of Governors of NSSF has asked me to thank you for your consideration in allowing us to state our position.

Sincerely,

Charles Dickey,
Director.

Members of National Shooting Sports
Foundation, Inc.

Abercombie & Fitch Co., New York, New York.

Amateur Trapshooting Association, Vandalia, Ohio.

American Walnut Manufacturers Assoc., Chicago, Illinois.

Ammodyne, Los Angeles, California.

Argosy, New York, New York.

Athletic Goods Manufacturers Assoc., Chicago, Illinois.

Bausch & Lomb, Inc., Rochester, New York.

H. J. Behn & Company, Inc., Bridgeport, Connecticut.

George Brothers, Great Barrington, Massachusetts.

Brownell's Inc., Montezuma, Iowa.

Browning Arms Company, Morgan, Utah.

J. M. Bucheimer Company, Frederick, Maryland.

Buffalo Gun Center, Inc., Buffalo, New York.

D. P. Bushnell & Company, Inc., Pasadena, California.

Canadian Industries, Ltd., Montreal, Quebec, Canada.

Carter's Gun Works, Charlottesville, Virginia.

Casting Engineers, 2323 North Bosworth Ave., Chicago, Illinois.

Charter Arms Corporation, Bridgeport, Connecticut.

Colorado Magazine, Incorporated, Denver, Colorado.

Colt's Inc. Firearms Division, Hartford, Connecticut.

Converse Rubber Company, Melrose Park, Illinois.

Crossman Arms Company, Inc., Fairport, New York.

Daisy Manufacturing Company, Rogers, Arkansas.

Dallas Uniform Cap & Emblem Mfg., Inc., Dallas, Texas.

Davis Publications, New York, New York.

Detroit Bullet Trap, Arlington Heights, Illinois.

Dixie Gun Works, Inc., Union City, Tennessee.

E. I. duPont de Nemours & Co., Inc., Wilmington, Delaware.

Reinhart Fajen, Inc., Warsaw, Missouri.

Field & Stream, New York, New York.

Firearms International Corporation, Washington, D.C.

Fitz, Los Angeles, California.

Game Winner, Inc., Atlanta, Georgia.

The Gun Digest Company, Chicago, Illinois.

Guns & Ammo Magazine, Hollywood, California.

Guns & Hunting, New York, New York.

Guns Magazine, Skokie, Illinois.

GUNsport Magazine, Falls Church, Virginia.

Gun Week, Sidney, Ohio.

Gun World, Covina, California.

The Handloader Magazine, Peoria, Illinois.

Harrington & Richardson, Inc., Worcester, Massachusetts.

Hearbath Corporation, Springfield, Massachusetts.

Herriett's Stocks, Twin Falls, Idaho.

The High Standard Manufacturing Corp., Hamden, Connecticut.

Hi-Precision Manufacturing Co., Orange City, Iowa.

B. E. Hodgdon, Inc., Mission, Kansas.

Frank A. Hoppe, Inc., Jenkintown, Pennsylvania.

Hornady Manufacturing Company, Grand Island, Nebraska.

Ithaca Gun Company, Incorporated, Ithaca, New York.

Iver Johnson's Arms & Cycle Works, Inc., Fitchburg, Massachusetts.

Jet-Aer Corporation, Paterson, New Jersey.

The George Lawrence Company, Portland, Oregon.

Lead Industries Association, Inc., New York, New York.

Lee Custom Engineering, Inc., Hartford, Wisconsin.

Leupold & Stevens Instruments, Portland, Oregon.

Lion Brothers Company, Inc., Owings Mills, Maryland.

Lyman Gun Sight Corporation, Middlefield, Connecticut.

Mershon Company, Los Angeles, California.

O. F. Mossberg & Sons, Inc., North Haven, Connecticut.

National Skeet Shooting Association, Dallas, Texas.

National Sporting Goods Association, Chicago, Illinois.

National Wildlife Federation, Washington, D.C.

Navy Arms Company, Incorporated, Ridgefield, New Jersey.

Noble Manufacturing Co., Inc., Haydenville, Massachusetts.

National Muzzle Loading Rifle Assoc., Friendship, Indiana.

Ohaus Scale Corporation, Union, New Jersey.

Outdoor Life, New York, New York.

Pachmayr Gun Works, Inc., Los Angeles, Calif.

Pacific Gun Sight Company, Lincoln, Nebraska.

Poly-Choke Company Inc., Hartford, Connecticut.

Popular Science Publishing Company, Inc., New York, New York.

Redfield Gun Sight Co., Denver, Colorado.

RCBS, Inc., Oroville, California.

Remington Arms Company, Inc., Bridgeport, Connecticut.

Richmond Sport Products, Inc., Richmond, Illinois.

Savage Arms, Westfield, Massachusetts.

Buddy Schoellkopf Products, Inc., Dallas, Texas.

Walter Schwimmer, Inc., Chicago, Illinois.

Scopes, Inc., Pasadena, California.

Selling Sporting Goods, Chicago, Illinois.

Sheridan Products Inc., Racine, Wisconsin.

The Shooters Bible, South Hackensack, New Jersey.

The Shooting Industry, Skokie, Illinois.

Shooting Times, Peoria, Illinois.

Sierra Bullets, Inc., Santa Fe Springs, California.

Simmons Gun Specialties, Inc., Kansas City, Missouri.

Skinner's Sportsmens Supply, Juneau, Alaska.

Smith & Wesson, Springfield, Massachusetts.

Speer, Lewiston, Idaho.

Sporting Goods Dealer, St. Louis, Missouri.

Sports Afield, New York, New York.

Sports Age Magazine, Minneapolis, Minnesota.

Stackpole Books, Harrisburg, Pennsylvania.

Stoeger Arms Corporation, South Hackensack, New Jersey.

Sturm, Ruger & Company, Inc., Southport, Connecticut.

10–X Manufacturing Company, Des Moines, Iowa.

Trap & Field Magazine, Indianapolis, Indiana.

Trius Products, Inc., Cleves, Ohio.

Utica Duxbak Corporation, Utica, New York.

Weatherby, Inc., South Gate, California.

W. R. Weaver Company, El Paso, Texas.

Winchester-Western Division of Olin, New Haven, Connecticut.

SPORTING ARMS & AMMUNITION
MANUFACTURERS' INSTITUTE,
New York, N.Y., April 30, 1968.

Senator THOMAS J. DODD,
Chairman, Subcommittee To Investigate Juvenile Delinquency, Washington, D.C.

DEAR SENATOR DODD: Your letter of April 26, 1968 addressed to Mark K. Benenson, 420 Lexington Avenue, New York, was received on April 29. Mr. Benenson is counsel for the New York Sporting Arms Association located at 114 Chambers Street, New York, N.Y., 10007. This is an entirely separate organization from the Sporting Arms and Ammunition Manufacturers Institute of which I am Secretary-Treasurer. I forwarded a copy of your letter to Mr. Benenson. He will no doubt reply to you on behalf of the New York Sporting Arms Association. The following is the reply of the Sporting Arms and Ammunition Manufacturers Institute.

Since you need a response to your letter within a day or two after its receipt, and in view of the diversity of our membership, we cannot set forth a specific position on Title IV, S. 917 as you have requested. The individual views of the member-companies could be obtained by contacting them directly.

However, we have testified before committees of both the House and Senate in favor of firearms legislation which regulates rather than prohibits the interstate shipment of handguns and which prohibits the interstate shipment of any firearms in contravention of state laws. For years we have supported the ideas which are best expressed in the Hruska bills, S. 1853 and S. 1854, now identified as amended 708 to S. 917. We are hopeful that firearms legislation such as that proposed by Senator Hruska can be promptly enacted.

These views generally represent the attitudes of our membership, and undoubtedly will be expressed by Senator Hruska and other members of the Senate who support amendment 708 to S. 917. We appreciate your contacting us and requesting our views on this matter.

Sincerely,

HARRY HAMPTON,
Secretary-Treasurer.

MEMBERS OF SAAMI

E. I. DuPont DeNemours & Co., Inc., Wilmington, Del: Sporting powders.

Federal Cartridge Corp., Minneapolis, Minn.: Sporting ammunition.

Hercules Powder Co., Wilmington, Del.: Sporting powders.

The High Standard Manufacturing Corp., Hamden, Conn.: Sporting firearms.

Ithaca Gun Co., Ithaca, N.Y.: Sporting firearms.

O. F. Mossberg & Sons. Inc., North Haven, Conn.: Sporting firearms.

Remington Arms Co. Inc., Bridgeport, Conn.: Sporting firearms, ammunition, clay targets and traps.

Savage Arms, Westfield, Mass.: Sporting firearms.

Winchester-Western Division, Olin Mathieson Chemical Corp., New Haven, Conn.: Sporting firearms, ammunition, clay targets and traps.

NATIONAL RIFLE ASSOCIATION OF AMERICA,
Washington, D.C., May 3, 1968.

Hon. THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DODD: I have your letter of April 26, 1968, addressed to Mr. Franklin L. Orth our Executive Vice President, and with which were enclosed (1) a copy of Title IV of S. 917, (2) a draft report on this title, and (3) a section-by-section analysis of your firearms proposal as most recently amended.

As I view Title IV, it appears to be essentially S. 1 with Amendment 90 but with rifles and shotguns removed from certain provisions, particularly the ban on the shipment or receipt of firearms in interstate or foreign commerce by non-federally licensed individuals.

The position of the National Rifle Association on S. 1 with Amendment 90 is well known. The Association made its views quite clear in public hearings before the Subcommittee on Juvenile Delinquency, Senate Judiciary Committee, in July 1967.

Although the prohibition on the movement of firearms in commerce, as reflected in Title IV, has been limited to handguns, the National Rifle Association still finds Title IV unacceptable because its basic orientation is that of total prohibition rather than regulation. In my opinion, nothing adduced so far in the many hours of hearings on the firearms control question over the last few years supports such an approach. NRA opposition is reinforced by the tone and content of the findings and declaration, the sweeping assertions of which are in my view gratuitous, unsubstantiated and indicative of the general "anti-gun" sentiments of the supporters of this legislation. Further, the opposition of the National Rifle Association to Title IV is not in any degree lessened by the announced intention of the proponents of this measure to reinsert rifles and shotguns under the ban now applying to handguns only when the measure is considered on the floor of the Senate.

The National Rifle Association has publicly supported a positive program for effective federal firearms controls. The pivotal elements of this program are S. 1853 and S. 1854, by Senator Roman L. Hruska of Nebraska, to provide for a certified statement approach for the receipt of handguns in commerce, and to regulate "destructive devices" under the registration and heavy tax provisions of the National Firearms Act. These bills have now been submitted as Amendment 708, a substitute for Title IV. The Association is in full accord with and categorically supports this Amednment.

The charge has been frequently made that NRA members and sportsmen generally have been misinformed with respect to S. 1 with Amendment 90. It seems to me, this charge must be predicated on the assumption that those who oppose do not read their newspapers, listen to radio or watch television. I assure you, from the mail I receive, that the membership of NRA is not misinformed and overwhelmingly supports the position expressed here.

You may be sure the National Rifle Association greatly appreciates the opportunity to reiterate its stand on firearms legislation soon to be considered by the Senate.

Sincerely,

H. W. GLASSEN,
President.

WILDLIFE MANAGEMENT INSTITUTE,
Washington, D.C., May 2, 1968.

Hon. THOMAS J. DODD,
Chairman, Subcommittee To Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR DODD: We have your letter of April 26 and the enclosures concerning your amendment which appears as Title IV of the Omnibus Crime Control and Safe Streets Act, S. 917.

In your letter soliciting our views, you state that "It would be helpful to the public in understanding this issue if you would forward to me your views on my proposed legislation.

"When this comes to debate in the Senate, I want to effectively present all positions to my colleagues for consideration before they vote on this measure.

"It is essential that the Congress understand the position taken by your organization before voting on this measure."

We are pleased to respond and do so in the expectation that this letter will be presented in full context to the Senate. This reply sets forth the views of conservationists who long have recognized the problems resulting from the misuse of certain firearms and destructive devices. Our recommendations for the revision and enforcement of existing laws are a matter of record in the printed hearings of the Subcommittee To Investigate Juvenile Delinquency.

We support strict controls over the interstate shipment of handguns as proposed in S. 1853, by Senator Hruska and others, that would strengthen the Federal Firearms Act. We prefer the provisions of that bill which require notification to local law enforcement officers and an adequate waiting period before a dealer may make delivery of a handgun. We also favor the provision in S. 1853 that would prohibit the interstate shipment of any firearm contrary to state laws.

We believe that the provisions of your Title IV which would prohibit completely, rather than regulate, interstate commerce in handguns discriminate against law-abiding persons. Such a prohibition holds maximum inconvenience for all sections of the country rather than focusing attention where it is required.

We have been advocating that grenades, bazookas, crew-served weapons and similar destructive devices should be regulated rigidly. This desirable control should be achieved by amendment of the National Firearms Act as contemplated in S. 1854, by Senator Hruska and others.

Sportsmen everywhere have asked the committee not to link sporting firearms with destructive devices. They have urged repeatedly that sporting firearms continue to be handled through the Federal Firearms Act and destructive devices through the National Firearms Act. Your Title IV treats them together and puts them in the criminal code.

We are hopeful that the corrective legislation that the sportsmen have been seeking will be enacted during this session. We believe the Senate should do this by adopting S. Amendment No. 708 that was offered on April 29, 1968, as a substitute for Title IV in S. 197. That amendment incorporates the widely supported features of S. 1853 and S. 1854.

Sincerely,

C. R. GUTERMUTH,
Vice President.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., May 1, 1968.

Hon. THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DODD: This will acknowledge receipt of your letter of April 26 sent via certified mail to request our opinion and position on Title IV of S. 917, the Omnibus Crime Control and Safe Streets Act, as approved by the Senate Committee on the Judiciary.

Time does not permit a thorough study of this proposed legislation by the National Wildlife Federation's officers, directors, and affiliated organizations prior to Senate debate which you have indicated will begin May 2–4.

The position of the National Wildlife Federation on firearms control has been made clear, however, in previous public hearings conducted by the Committee. In brief, we favor, (1) strict regulation and control of concealable weapons (pistols and revolvers); (2) we support existing regulations prohibiting the sale or interstate shipment of firearms to persons under indictment or convicted of a crime punishable by imprisonment for a term exceeding one year or is a fugitive from justice or is prohibited by state or local law from owning or possessing firearms; and (3) we firmly believe the importation, sale, shipment, use or ownership of destructive devices (such as bombs, bazookas, grenades, and other military type weapons or devices) by private citizens should be completely prohibited; not regulated as your amendments provide.

As we understand your proposal, it would repeal the Federal Firearms Act of 1938. We firmly believe this Act should *not* be repealed. If properly enforced, this Act could have been used to solve most of the current problems involved in the interstate sale and shipment of firearms to persons not legally entitled to possess them. Rather than repealing what we consider to be a very sound, workable law, we believe further amendment is necessary to assist local and state enforcement agencies in further regulating and controlling mail-order sales of concealable weapons to residents, or over-the-counter sales to non-residents, along the lines proposed in Senate Amendment 708.

Thank you for this opportunity to offer these comments and opinions. As you well know, the National Wildlife Federation has always supported adequate control, coupled with strict enforcement, over the sale, use, and possession of firearms by our citizens. We believe the basic answer to the crime problem in the United States is to resolve our current social problems and to educate all law abiding citizens on the proper, safe use of firearms and to severely punish those persons who deliberately misuse firearms or other weapons in the commission of criminal acts.

Sincerely,

THOMAS L. KIMBALL,
Executive Director.

Mr. DODD. Mr. President, since we start the debate on this matter tomorrow, I will say—as I have said before, but I think it needs to be said over and over again—that I have read in at least one newspaper the statement that I agreed to withdraw my long-gun provision from title IV. I did no such thing. It was knocked out in the Committee on the Judiciary over my protest. And that was in the afternoon, before the slaying of Dr. Martin Luther King that evening.

I believe that the record, if it had been preserved—and I assume that it has—will show that at that meeting I said:

> How many more assassinations are we going to have by this kind of weapon before we come to our senses?

Far from agreeing to withdraw the measure, I was fighting to get it included in title IV. That is the historical fact of the matter. It was not until I got home that afternoon that I heard about the assassination of Dr. King with a long gun.

It has also been asserted time and time again that I introduced the bill first in 1963 I did so in a moment of hysteria, which would have been understandable enough if it were true, after the assassination of President Kennedy. However, here again the RECORD ought to be set right. That is not true.

I introduced the bill in August 1963, which preceded by approximately 3 months that tragedy in Dallas.

I wanted to make those points clear in the RECORD.

I took this matter up in 1961 when we started our studies. It is now 1968. And I believe that we are going to get somewhere. We will get, I hope, a good bill.

I look forward to the final vote on this measure. Despite all the handicaps, hardships, and difficulties that have plagued me and other members of our committee during these long years, we have finally gotten the measure on the Senate floor.

Mr. President, I yield the floor.

Mr. KENNEDY of Massachusetts. Mr. President, during the week of April 20, the nearly 3 million people who see the New Yorker magazine read the following statement:

> Nothing renders Congress less capable of action than the need for it. The more urgent the need, the more controversy it is likely to create, and the more controversy it creates, the greater is the danger for any member who takes a stand.

Thus began an article stretching across almost 100 pages of that distinguished magazine, an article detailing an American tragedy, the tragedy of a nation unable to keep the instruments of death and destruction out of the hands of its children, its criminals, its mental incompetents, the tragedy of public representatives, frightened by the rantings and ravings of a small group of fanatics, fiddling Nero-like with rhetoric while the sound of gunshots rings incessantly through the land and the toll of their victims mounts daily.

The latest chapter in this national tragedy was written just yesterday in New York State, when the gun lobby succeeded in getting almost all the members of the Governor's own party to kill his gun bill.

In the coming days we here in this Chamber will decide whether we want to write the end of this tragic history, or merely to add another inglorious episode. We will decide whether we want to see next year's statistics for gun deaths, gun injuries, and gun crimes climb or fall. We will decide whether the cries of the American people for protection from the unfettered traffic in firearms will be answered or ignored. We will decide whether we want to be, and to be seen in the world, as a people of bloodshed and violence, or a people of reason and peace.

Let us be direct. Let us be candid with ourselves and our people. Are we mice or men? Is our position on gun legislation to be determined by the mindless screaming of a few of our constituents or by the legitimate needs of the quiet and vast majority? By conscience or convenience? By what we know to be right and necessary or by what is easiest?

There are two things that each of us looks at every morning—the newspapers and the mirror. Some morning soon each of us will find in his paper the story of a criminal who murdered a shopkeeper with a mail-order shotgun, or a disturbed mother who in a fit of anger drove to the next State and bought a pistol to slay her family, or a juvenile who wounded a bank teller with a revolver he had just purchased; and each of us will then have to look himself in the face and answer one simple question: Would my vote have saved that shopkeeper's life, preserved that woman's family, protected that teller? For though we are not talking about a measure which will end all killing or all crime, we are talking about a measure which will save some lives and prevent some crimes, and will do so at almost no cost, with almost no sacrifice of other national values. How can we, then, refuse to respond to such an obvious need? How can we explain to ourselves and to our constituents, to the victims of gun crimes and the survivors of gun victims why we have vacillated so long?

How can we be parties to the perpetuation of a national scandal of the highest order, a scandal which deprives the many, of a measure of protection to satisfy the whims and emotions of a very few? How long are we willing to be accessories before the fact in every shooting, and accomplices in every holdup? What will it take to move us, if a pun may be excused, from dead center on the gun issue?

The fact is that for 5 years now we have been drafting, and discussing, and deciding and debating, and delaying—all without any results. We have held hearing after hearing and read report after report with the same result.

Effective gun controls must be at the top of any responsible list of anticrime measures. Law enforcement officials from the Attorney General and Director Hoover to local police chiefs want us to act. A clear and convincing majority of the public wants us to act. The American Bar Association, the National Council on Crime and Delinquency, and dozens of other public interest groups want us to act. And logic and morality both demand that we act.

And let us be clear on what we are really being asked to do. We are not going to "take guns away" from anyone. We are not going to interfere with any legitimate use of guns at all. Under S. 1, amendment 90, the gun bill which I am hopeful we will enact, all we are going to do is say to criminals that they cannot buy guns, to juveniles that they cannot buy guns, to other gun purchasers that they cannot evade their own State and local laws through out-of-State purchases.

In an abundance of generosity to the traveling hunter, amendment 90 will let him purchase a rifle or shotgun in another State if he meets the laws of both States. As a further symbol that it is not our intent to be vindictive, or to cast aspersions on the hobbies or habits of legitimate gun users, I have today introduced a perfecting amendment to title IV which will include long guns in title IV's coverage. If this amendment is adopted, the result will be a bill parallel to amendment 90, introduced by Senator Dodd, who has worked so long and hard in leading this effort—with the exception that the preamble is omitted. It is my personal belief that the substance of the preamble, is supported by irrefutable evidence, and that it is completely unobjectionable, and I ask unanimous consent that it be printed in the Record at this point.

There being no objection, the preamble was ordered to be printed in the Record, as follows:

Preamble to the "State Firearms Control Assistance Act of 1967"

(a) The Congress hereby finds and declares—

(1) that there is a widespread traffic in firearms moving in or otherwise affecting interstate or foreign commerce, and that the existing Federal controls over such traffic do not adequately enable the States to control the firearms traffic within their own borders through the exercise of their police power;

(2) that the ease with which any person can acquire firearms (including criminals, juveniles without the knowledge or consent of their parents or guardians, narcotics addicts, mental defectives, armed groups who would supplant the functions of duly constituted public authorities, and others whose possession of firearms is similarly contrary to the public interest) is a significant factor in the prevalence of lawlessness and violent crime in the United States;

(3) that only through adequate Federal control over interstate and foreign commerce in firearms, and over all persons engaging in the businesses of importing, manufacturing, or dealing in firearms, can this grave problem be properly dealt with, and effective State and local regulation of the firearms traffic be made possible;

(4) that the acquisition on a mail-order basis of firearms by nonlicensed individuals, from a place other than their State of residence, has materially tended to thwart the effectiveness of State laws and regulations, and local ordinances;

(5) that the sale or other disposition of concealable weapons by importers, manufacturers, and dealers holding Federal licenses, to nonresidents of the State in which the licensees' places of business are located, has tended to make ineffective the laws, regulations, and ordinances in the several States and local jurisdictions regarding such firearms;

(6) that there is a causal relationship between the easy availability of firearms and juvenile and youthful criminal behavior, and that firearms have been widely sold by federally licensed importers and dealers to emotionally immature, or thrill-bent juveniles and minors prone to criminal behavior;

(7) that the United States has become the dumping ground of the castoff surplus military weapons of other nations, and that such weapons, and the large volume of relatively inexpensive pistols and revolvers (largely worthless for sporting purposes), imported into the United States in recent years, has contributed greatly to lawlessness and to the Nation's law enforcement problems;

(8) that the lack of adequate Federal control over interstate and foreign commerce in highly destructive weapons (such as bazookas, mortars, antitank guns, and so forth, and destructive devices such as explosive or incendiary grenades, bombs, missiles, and so forth) has allowed such weapons and devices to fall into the hands of lawless persons, including armed groups who would supplant lawful authority, thus creating a problem of national concern;

(9) that the existing licensing system under the Federal Firearms Act does not provide adequate license fees or proper standards for the granting or denial of licenses, and that this has led to licenses being issued to persons not reasonably entitled thereto, thus distorting the purposes of the licensing system.

(b) The Congress further hereby declares that the purpose of this Act is to cope with the conditions referred to in the foregoing subsection, and that it is not the purpose of this Act to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trap shooting, target shooting, personal protection, or any other lawful activity, and that this Act is not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes, or provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this Act.

Mr. KENNEDY of Massachusetts. However, some gun groups and individuals have taken exception to it, and whether their reasons are justified or not, in hopes of fostering a spirit of reconciliation and cooperation, I for one am willing to dispense with the preamble. It is a fact that one need not subscribe to each thought in the preamble in order to conclude that amendment 90 should be enacted. And to the extent that the bill depends on facts and findings, these are adequately presented in the several sets of hearings and in the various reports. Thus I hope those who have joined in supporting amendment 90 will also join in this first step toward a new attitude of mutual respect and restraint in what has unfortunately and unnecessarily been an emotional and unrestrained conflict.

Now each of us must keep counsel with his own mind and his own conscience, as we begin the debate in earnest tomorrow.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Bartlett in the chair). The Senator will state it.

Mr. KENNEDY of Massachusetts. Mr. President, am I correct in understanding that if, after the expiration of the time for debate on the Hruska substitute, perfecting amendments are called up, they would be debated and voted upon before the vote on the Hruska substitute?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY of Massachusetts. Mr. President, do I also correctly understand that as a result of the earlier unanimous-consent agreement, the first perfecting amendment would be the amendment perfecting title IV of the measure I introduced?

The PRESIDING OFFICER. Again, the Senator is correct, if he is recognized and calls it up.

Mr. KENNEDY of Massachusetts. I thank the Chair.

RECESS UNTIL 10 A.M. TOMORROW

Mr. KENNEDY of Massachusetts. Mr. President, in accordance with the order previously entered, I move that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock p.m.) the Senate recessed until tomorrow, Wednesday, May 15, 1968, at 10 a.m.

EXTENSIONS OF REMARKS

KNOW YOUR FEDERAL GOVERNMENT

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. SMITH of New York. Mr. Speaker, recently I visited a new and exciting one-stop Federal job information service office in the Federal Building in Buffalo, N.Y., and had the pleasure of attending a luncheon sponsored by the Niagara Frontier Federal Executive Association before the unveiling of an exhibit called know your Federal Government, which was planned with imagination by the association and put together by long hours of work of many Federal employees interested in this project.

By conceiving and executing this most interesting and informational exhibit, the Niagara Frontier Federal Executive Association has been credited with an outstanding contribution to the public understanding of our Federal Government. Under the leadership of Mr. James E. Pigott, president—manager of the VA Regional Office, Buffalo, N.Y.—and Mr. John F. Chilton, vice president—District Director of Customs, Buffalo, N.Y.—this massive undertaking was a first in western New York—possibly a first in the United States.

The exhibit was displayed in the main concourse of the Boulevard Mall, Amherst, N.Y., a suburb of Buffalo. The mall is the largest shopping enterprise in western New York. It is a site visited weekly by 500,000 people. The displays of 20 Federal agencies were viewed by an estimated 750,000 people; 35 tours of schoolchildren were shown the exhibit. The exhibit was shown from March 27 through April 6, and was viewed without accident or incident.

The highly commendable central theme of the exhibit was the education of the children. The mission of the brochure, "Facts About the Niagara Frontier Federal Executive Association—Servants of the People," issued to the children as well as to other visitors, was to promote better understanding of the Federal Government's operation and to stimulate an interest in careers in public service.

Covering an 800-foot concourse, flags of our 50 States were artistically displayed around a cluster of six U.S. flags, suspended from the center of the mall. Imaginative displays ranged from a border patrol vehicle surrounded by a group of signal-safety devices to an interesting and educational presentation of contraband material which had been confiscated. This display was shown by the U.S. Customs.

Service-type agencies, such as Social Security, the Veterans' Administration, and the Internal Revenue Service, manned public information booths, dispensing timely, helpful information about their specific programs.

The schoolchildren were proud of the souvenir American flags presented to them during the tour. Girl and Boy Scout units also viewed the exhibits.

Evidence of community spirit and close working relationships and understanding among public officials was noticeable. The mayor of Buffalo, the Honorable Frank A. Sedita, suitably dignified the event by issuing a mayoral proclamation It exemplifies community effort and underscores the Niagara Frontier Federal Executive Association's positive contribution and aggressive role in community service. The proclamation read as follows:

PROCLAMATION—CITY OF BUFFALO

Whereas, the Niagara Frontier Federal Executive Association, an organization composed of the heads of Federal agencies in this area, is dedicated to the task of communicating its mission to the general public, thus promoting a fuller understanding and appreciation of Government's role in the community; and

Whereas, the Government as an employer has a continuing need for skilled employees and a corresponding obligation to promote the acquisition of knowledge; and

Whereas, the Government is concerned with the educational level of all its citizens to the end that each one is afforded equal opportunity to attain the highest socioeconomic level within his capability; and

Whereas, the Niagara Frontier Federal Executive Association is, by Executive Order, charged with the responsibility of assisting whenever and wherever possible in those local endeavors which are considered in the community interest and informing all potential beneficiaries of the benefits to which they are entitled; and

Whereas, this association recognizes that an informed, educated community lends itself to progress, vitality and leadership.

Now, therefore, I, Frank A. Sedita, Mayor of the City of Buffalo, do hereby proclaim the period of March 27 through April 6, 1968 as the opportune time to

"KNOW YOUR FEDERAL GOVERNMENT"

and call up all community activities to cooperate with the Niagara Frontier Federal Executive Association in recognition of the contributions being made by more than ten thousand Federal employees whose duties serve to protect and serve this vast community.

FRANK A. SEDITA,
Mayor of Buffalo.

Furthermore, the excellent cooperation extended by the business community in furnishing the arena for this meaningful event is indicative, too, of the fine relationship that exists between government and business enterprise.

The Niagara Frontier Federal Executive Association has wisely captured the history of this event. Packets of descriptive material have been forwarded to the Honorable John Macy, Jr., Chairman of the U.S. Civil Service Commission, for such use as he may deem appropriate.

Mr. Speaker, the Niagara Frontier Federal Executive Association is to be warmly commended for the excellent job it is doing in communicating to the general public a fuller understanding and appreciation of the Federal Government's role in the community.

PROBLEMS OF VIETNAM—ADDRESS BY MRS. CLAIRE LEE CHENNAULT

HON. JOHN G. TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Tuesday, May 14, 1968

Mr. TOWER. Mr. President, on April 30, Mrs. Claire Lee Chennault delivered an important address before the Union League of Philadelphia on the problems of Vietnam, both at home and abroad. Mrs. Chennault is a highly knowledgeable person on this and other subjects involving Asia. I wish to share her thoughts with Senators and other interested parties. Therefore, I ask unanimous consent that her remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

MRS. CLAIRE LEE CHENNAULT, VICE PRESIDENT OF INTERNATIONAL AFFAIRS, THE FLYING TIGER LINE, ADDRESSES THE UNION LEAGUE OF PHILADELPHIA, APRIL 30, 1968

I

Tonight you have asked me to discuss with you the crisis in Vietnam. I would like to point out that I am not talking to you as an expert on Asian affairs. Having been to Vietnam a number of times and a frequent visitor to the Pacific and Southeast Asia during the past few years I regard myself as a student of Asian affairs. The experts are the people who go out to Asia for a few days and return to this country to write a book, or the people who have never been to Asia and yet able to give you all the solutions and answers on paper. I must confess I do not belong to this category.

Tonight I come to talk to you as an American who is deeply concerned with the problems at home and crises we face abroad.

I came from a broken country, China. I grew up during the Second World War. I witnessed the Communists taking over Mainland China. My husband, General Chennault, and I lived through the Korean War and the Communist infiltration of Southeast Asia. Maybe I know a little bit more than the average person what it means to be homeless and forgotten. I came to America and became an American citizen.

I consider the strength and the power of this nation the greatest accomplishment of our time. We have been given the opportunity to build, the freedom to challenge and the knowledge to seek the truth. I am grateful. I am proud. I cannot understand why so many Americans today are so apologetic of our power and our wealth; so defensive of our actions to preserve freedom, justice and peace.

The reason the United States faces criticism, faces attack is because the Communists know of our strength and our power. The Communists realize the United States is the only country which can offer people in the other nations a choice: a choice of life in freedom, or a choice of life under Communism and totalitarianism.

Every day, thousands and thousands of people from other nations seek entry to this great land of America not because we have people who march for peace, not because we have protests; but because we have open opportunity, because we exercise free enterprise, because we practice a system which proves better than the others have to offer.

During the past few months we have had reason to wonder what has happened to this great society. We have had reason to be concerned. What has happened to law and order? Every good citizen realizes that the Communists are trying to destroy our system by using their more effective method and strategy—"Destroy and corrupt from within" and "isolation by infiltration." Our strength, our power, our determination and our unity are being put to test not just in Vietnam but right here at home in U.S.A. Unless every American understands what this test is all about, unless we have the will to face up to reality, we can see more trouble, more danger ahead.

It is time we do more thinking and less shouting, more constructive action and less destructive protest. America can't go on in the same manner for much longer.

Time is later than we think and the crisis is more serious than we realize. War is closer than we want to face. And we can't run away from it all.

Maybe we Americans who live in this land of plenty have been too comfortable. We have too many dreams. We'd better come down to earth to reality. Otherwise, we can be sure this nation will end up in nightmares.

II

Since many people blame Vietnam for our crisis at home, let's study the Vietnam crisis together.

We are fighting a very strange war, an undeclared war, and during this period something has happened to our courage, something has happened to our loyalty to others, and something has happened to the judgment of some of the American people as well as some of our leaders. How can we expect our men to fight a successful battle when they are not even sure they have our full support at home? How can our allies have full confidence in us when some of the people in this country are advocating support of the enemy? How can our commanding officers concentrate in their job when they have to come home to Washington, D.C. to defend our own action in Vietnam? Aren't we too hard on ourselves and too soft on our enemies? Half million U.S. fighting men deserve better treatment than we give them.

It is irresponsible for some of our political leaders to make promises which cannot be kept. It is un-American for some of our civic leaders to criticize the war without knowing all the facts, and it is extremely dangerous to have our analysts offering short cut solutions in the name of peace, which will only endanger our security and our freedom in the long run.

In this nuclear age collective security has become a necessity for our own survival as a free nation. Limited wars have to be fought in order to prevent escalation to a larger war.

To keep the balance of power, to maintain world peace, we require determination and strength. Only strength, determination and unity of this country can carry us through this crisis. Only law and order at home, strength and firmness abroad will carry us through crisis.

The Vietnam crisis is just the beginning of a series of crises we have to face now and in the future.

We do not believe the Communists have the ability to win in Vietnam. However, what the Communists cannot win on the battlefield they will try to win by working on American public opinion, to create violence and crisis at home, and at the same time keep us busily engaged abroad. Today, during this election year we Americans stand divided. Our weakness is not on the battlefield. Our weakness is the division, confusion and hesitation being created at home by the minority. The behavior of the dissenters and the protesters will make honorable, favorable negotiation an impossibility. We will prolong the war if we advocate peace at any price. For this kind of improper behavior will only encourage our enemy to carry out their objective and to give the impression that we have lost the capacity to make firm national decisions and act on them.

The reason the war has not been able to come to an honorable conclusion is partly that we have been sending the wrong message to our enemy. Until they are convinced of our determination, until they are convinced that we will not allow them to take over all of Southeast Asia it will be rather difficult to persuade them to come into the conference room for honest and sincere negotiation.

The Communist tactic is to keep us in Vietnam as long as they possibly can, to drain our resources, to confuse public opinion, to create internal problem in the United States and to separate us from our friends. Then the complete take-over of Southeast Asia by the Communists will be easy for them.

Remember, the French did not lose the war in Dienbienphu. The war was lost long before in the heart of Paris. The war of Vietnam will not be lost in Khesanh, in Hue or in Saigon. But if we keep on playing politics with peace, the war in Vietnam could be lost in Washington, D.C.

One of the greatest myths of the Vietnam situation is that the war will go away once negotiations and talks begin. Actually, agreeing to talk is only a short stop on a long and painful road to peace in Vietnam and Southeast Asia. Getting Hanoi to the conference table is only part of the problem. During the past 38 times when we have ceased bombing, our enemy never failed to take advantage to rebuild their supply line. We have information that during the past few weeks, the Ho Chi Minh Trail has been active with movement and many of the military installations as well as Vietcong positions have been re-equipped and resupplied.

Personally I think it is only fair and just that America and the Free World should demand that Soviet Russia stop sending supplies to North Vietnam and to the Vietcong. We should also demand that Red China stop sending ammunition and supplies to North Vietnam and the Vietcong. And more important, demand our allies stop selling ammunition to our enemies. If the enemies are really sincere about peace they must support their talk by action. That is, for the Vietcong to stop infiltration in South Vietnam and stop attacking the United States and South Vietnam bases.

Remember, in 1949 Chinese peace talks ended by Mao Tse-tung regime taking over the whole mainland of China.

On July 10, 1951, the Korean peace talks began at Panmunjon. For two years while the Communists took advantage of the situation driving a hard bargain, fighting continued and casualties mounted until an unsatisfactory armistice was concluded on July 27, 1953.

We must remember, during the Panmunjon talk the Chinese Communists aimed their offensive not at a military target but at the war nerve of U.S. public opinion.

We should have learned a great deal about talking with the Communists by now. We learned our lesson in China. We learned our lesson in Korea. The only language the Communists understand is strength, power and determination. We must get the message across to the enemy that American people and the free people around the world as a whole want peace but not surrender.

Militarily speaking we are winning. We have no need to surrender. However, we seek freedom for Southeast Asia not Communization. We must be firm in our conviction that totalitarianism and aggression should not be encouraged.

Our late President Kennedy once said, "We shall not be afraid to negotiate but we shall never negotiate out of fear."

If we do not try to bring the Vietnam conflict to a favorable conclusion I am afraid we may expect more trouble in the future and other Vietnam conflicts elsewhere.

III

The world is full of trouble but not empty of hope. In fact, even the situation in Vietnam is not as hopeless as you have read or you have heard. I would like to bring to your attention the following facts:

1. We are not fighting alone in Vietnam. Our Vietnamese friends have been doing their part. Since 1960 over 10,000 Vietnamese soldiers were killed, 150,000 Vietnamese soldiers wounded, almost half a million Vietnamese civilians were killed and wounded, and almost 10,000 Vietnamese civilians were assassinated, kidnapped or wounded by the Vietcong. These are facts seldom published.

There are other Asian allies fighting in Vietnam. South Korea has 50,000 soldiers fighting alongside us and they are doing an excellent job.

The Australians, the Thais, the Filipinos and the New Zealanders all have military forces in Vietnam. The entire foreign military forces now in combat in Vietnam have about 60,000 men—a greater number than the foreign allied forces in Korea. (In the Korean War they had less than 40,000 men from U.N.)

The Republic of China would like to participate too if we allow them to do so. Right now, the Chinese from Taiwan have agricultural experts to help the Vietnamese farmers to promote the land reform project and they are doing an excellent job. These facts you seldom learn from our press.

2. The Vietnamese Government is trying their best to create a government for the people. In September 1967 when they had their first presidential election, over 80% of the South Vietnamese cast their votes against the Communist threats and warnings. I consider this act a miracle. Remember, the Vietcong failed in Saigon and in Hue. In fact, due to their cruelty and totalitarianism, the innocent people want no part of them.

Sometimes we are inclined to be too critical on our friends. In Asia, in Latin America and other areas we have no alternative, either we compromise with our friends who are willing to stand alongside with us, even though they are not perfect according to our standards, or we will have to give in to our enemies. I do think it is more practical and realistic to compromise with friends instead of joining the enemy. The Bible which teaches us to love our enemies certainly does not tell us to join them.

Vietnam is in a terribly difficult war of aggression shaken by instability. Despite that, they have carried out their election.

Before we become too critical of South Vietnam let's ask ourselves:

How many of us would accept an official position in small towns and villages often visited by murderers? How many of us would support the government knowing we risk our lives, chance of being kidnapped, tortured or killed and expose our families to the same fate?

The South Vietnamese do.

Let's stop being so critical. Let's give South Vietnam credit and a fair chance. In doing so we give ourselves a chance. We must remember Vietnam is a country at war, and it is not a civil war. It is a war against aggression. It is a war to prevent infiltration by the Communists. We must not expect to achieve the impossible. We must not give the Communists the satisfaction of taking advantage of our confusion, our indecision and our division to make propaganda against the United States and the Free World. Our march and our protest always make front page news in Communist press.

Building democracy is a slow and difficult process, for it involves not only the creation of new institutions but also the development of new and responsible attitudes. We are so used to instant coffee and instant tea. Let's not try to create instant democracy. We cannot just add water and serve.

First things must come first to these people. The first thing is security and protection—to give the leaders and their people a chance to organize a more stabilized government. The second thing is protection—protection in order to enable the people to achieve a better standard of living. The third thing is education—education to give people knowledge and understanding of self-government. When all these things are accomplished, then we may talk about individual liability and political freedom.

3. Another hopeful sign which I have observed in Asia is the political change in Indonesia. Indonesia is considered one of the richest nations in Asia. She has rice, rubber, tin and oil. For 15 years the Indonesians under the Sukarno regime suffered the infiltration of Communism. However, 2 years ago due to our firm stand in Vietnam, our action inspired the people in Indonesia to rebel against their own government, and Indonesia is now anticommunist. This political change in Indonesia had a very significant and important message to the people in Asia. The message is this: If the overturn of Communist power could happen in Indonesia it can also happen in other parts of the world. As long as there is will, there is hope.

There is also another significant message from the political change in Indonesia. Today, we are engaged in a so called power struggle with totalitarianism. We are not only fighting a hot war but also a cold war. We must win this psychological struggle. And our job is to keep our strong friends on our side. Give them our trust. Give them our confidence so that eventually our strong friends in Asia not only will be strong enough to stop the Communist aggression but effective enough to prevent the weaker and smaller nations from falling into the Communist orbit.

4. The other encouraging and hopeful movement I have observed in Asia is the forward look and unity among the free nations in Asia. Both the South Koreans and Free Chinese have done a great deal to help themselves. In Taiwan the land reform project is the shining example of how an underdeveloped country can help herself by hard work, by promoting free enterprises. Since the beginning of 1965 they have required no more aid from the United States. In fact, they are helping others. They have exported their own products and trade with other free nations. They have introduced their land reform projects to Africa, to Latin America and to Southeast Asia, including India. The standard of living in Taiwan comes second in Asia while Japan comes first. This is the kind of movement we like to encourage.

Compare this kind of performance with Red China's failure in Latin America and Africa and we have the answer, that is, Communism has very little to offer whereas free enterprise sets the best example for those who have the will and determination to work.

In Korea we observe a nation suffering long years of war. Now under able leadership Korea is not only doing much for herself but also sending their soldiers to fight along with us in Vietnam. Politically, economically and militarily they are stepping forward because their people are willing to work, because they have self respect, because they have a society which believes in law and order.

People in Free China, in Korea, in Japan believe in civil rights too, but more important, civil obedience.

Last year the Asian banking corporation was formed and most of the free nations in Asia became members of this powerful economic organization. These free nations in Asia are combating Communism by promoting free enterprise. They are combating Communism by introducing and carrying out land reforms in different areas. The Communists talk about Asia for the Asians. We might adopt the same line. Encourage our friends to do more for themselves.

5. We often hear people say that the United States cannot be a policeman and a relief agency all around the world. And I firmly agree. Maybe in the past we have spent too much time and money trying to convert enemies instead of keeping friends. The time has come for us to help only those who are willing to help themselves, to help those nations who are on our side.

Let us not forget that the Communists are having their trouble too. Take a look at the power struggle, the culture revolution in Red China. The Mao Tse-tung regime is going through a very difficult time, and we must not at this time go to their rescue.

IV

People the world over are beginning to understand what Communism means and what free enterprise has to offer. There are positive actions we should take in order to prevent Communist power expansion, in order to bring peace and prosperity to mankind.

We must not waste our time and money trying to convert enemy. We must concentrate our energy in keeping strong friends.

1. I firmly believe that without the generous trade terms extended by our allies, Cuba would be unable to export revolution to Latin America.

2. Without aid and trade from our so called allies, Red China cannot survive for long under this condition.

3. I firmly believe effective economic boycott and denial will stop the dangerous power from growing and at the same time will help our friends to stand on their own feet.

4. There are things our press can do too. I firmly urge our free press and broadcasting industry to give the same attention to progress, to accomplishment as they do to violence and to riot. They must also report what our enemies have done to our soldiers and to the innocent civilians. Give U.S. public the whole truth. The good things deserve the front page too.

At this critical time America stands divided. This country is crying for responsible leadership and the American public has the right to demand accurate and responsible reporting. The appetite of the aggressor grows by what it feeds on. The price of Vietnam war is high! But the price of future wars will be even higher if Vietnam is lost.

The battle is now being engaged in a far off country of which we know little. Many Americans have died, many South Vietnamese have died and many South Koreans have died. They give their lives for a more secure future. I don't know how others feel but, I am proud to be an American. I am grateful that we still have brave men willing to defend freedom and justice. I am grateful that we still have brave men who choose conviction instead of surrender. I am grateful that we still have brave men who choose country, honor and duty instead of defeat.

War has never been popular but the path to peace has never been easy.

I hope free people in America and free people of the world will never give up their courage and their hope. Otherwise, even God cannot save America.

GOP MOCK CONVENTION A HUGE SUCCESS

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. SPRINGER. Mr. Speaker, it recently was my privilege to make the keynote speech at a mock Republican National Convention staged by students of high schools in central and eastern Illinois.

This was a very remarkable conclave. I doubt if there has ever been another one like it.

While mock conventions are being held at many colleges and universities throughout the country during this presidential year, and even at some of the larger high schools, I am confident that the convention held May 4 in the National Guard Armory at Urbana, Ill., was the first of its kind.

It was unique in that it was an intercity convention, involving more than 1,300 students of 38 high schools spread out over several counties of our State.

Another unusual fact about this convention is that the impetus for it came not from one of the bigger high schools of our area but from one of the smallest, the Mahomet-Seymour High School, which has all of 310 students.

This project could not have been the huge success that it was without the enthusiastic backing of the Mahomet-Seymour High School administration and board of education as well as many local business firms, notably Joe Pugh, publisher of the Mahomet Sucker State weekly newspaper.

I am sure that all those who participated in this great event agree with me, however, that the major share of the credit goes to Mr. David Lemons, chairman of the history department at Mahomet-Seymour. It was his idea and it was he who carried the project through to its successful conclusion.

And, may I say to my friends on the other side of the aisle, while this was a Republican convention, on the model of the real one that will convene in Miami next August down to the last of the 1,133 delegates, many Democrats in our area gave their cooperation and even helped pay the bill. For the convention was financed largely from the proceeds of a 100-cents-a-plate dinner last January 6 at which the principal speaker and a number of the political leaders present were prominent Democrats. In other words, the purposes of the mock convention were more educational than partisan.

Under leave to extend my remarks I include an article entitled "The Story of the Convention," from a recent issue of the Mahomet Sucker State, as well as newspaper reports on the outcome of the balloting from the Champaign-Urbana Courier and the Champaign News-Gazette:

[From the Mahomet (Ill.) Sucker State]

THE STORY OF THE CONVENTION

On May 4, 1,333 students will converge on the National Guard Armory in Urbana, Illinois to act as delegates to a mock convention of the Republican Party. The mock convention is sponsored by the Mahomet-Seymour High School and is probably the most ambitious extra-curricular project that the school has ever attempted.

Students at the school, under the direction of David Lemons, chairman of the history department, have contacted individuals at 35 area schools to participate in the convention. Schools as widely separated as Decatur, Paris, Georgetown, and Danvers are involved in the project, which will be a simulation of the actual Republican convention to be held this summer.

The idea of a mock convention is not an innovation of Mahomet-Seymour High School. Oberlan College initiated the idea in 1860, and it was reported that in 1964 over

150 colleges had picked up the Oberlan idea and were holding such student conventions. Some large high schools have also held mock conventions as an intra-school project.

However, there is no precedent for an inter-school convention sponsored by a high school as small as Mahomet-Seymour.

The planning and coordination required by this extensive project began on November 2, 1967 when 27 Mahomet-Seymour students met to elect an executive committee. Those elected were Frank Primmer, Chairman; Ronald Beasley, Vice Chairman; Cathy Beightler, Secretary; Denne Knell, Treasurer. Marilyn Bidner and Debbie Cutchin are in charge of public relations, with Doug Wiegel, Sue Davis, Mary Phipps and Vi Gattis in charge of credentials, rules, registration and program respectively. The group further decided that evening to have the mock convention simulate the Republican convention because that party was sure to have a vigorous contest.

The initial action of the executive Committee was to contact interested schools through letters and news coverage. Letters were sent to 88 schools in ten counties on mock convention stationery especially designed and printed for this purpose. In addition, 4,000 pamphlets entitled "1968 Republican National Mock Convention" were printed for distribution. In it the "recipe" for a mock convention was given.

"Take 650 delegates and arrange in a shell, putting the most Republican states in front; garnish with posters, bunting, banners and bands; mix in one keynote speaker, and sprinkle with applause and cheers. Set aside to cool. Break out one permanent chairman and one recording secretary to read the roll; open up the convention and read the roll of the states; season with nominating speeches; bring the delegates to a boil and let them parade. Simmer in caucus; baste with deals for 15 minutes in steaming oven. Then, blend all ingredients together, fold in major political issues, dice opponents and mild delegates' minds. Prepare for first balloting, dissolve differences, knead delegates, brush with final promises, and mold a political deal. Add final roll call; let set; serve on November 5."

The response from the first mailing was so good that it became apparent to the Executive Committee that a half-size convention was not sufficient to meet the wide-spread interest in the project. They also decided that instead of 667 delegates, a full complement of 1,333, duplicating the exact number of delegates that will be in the actual Republican convention, would be desirable.

Because of the increased size of the convention, the high school gymnasium was no longer a suitable place to hold the number of students who would be attending. To provide an adequate convention hall, the Executive Committee contracted with the Illinois National Guard Armory for the use of the armory in Urbana. Also they called on the University of Illinois to supply the seating and public address system that the new hall would require.

With the expansion of the convention program, expenses also expanded. To raise money, a 100-cents-a-plate dinner was held on January 6 in the Mahomet-Seymour High School gym. In spite of an unexpected snow storm, 400 people came to hear State Senator Paul Simon speak. The educational purpose of the mock convention rather than any partisan purpose was emphasized by the fact that Simon is a Democrat from Troy, Illinois who is a candidate for lieutenant governor in Illinois. Other political leaders present were Paul Stone, a Democrat from the 4th district, and Representative Charles Clabaugh, ranking Republican in the state legislature.

The $500 raised at the dinner along with the 50-cent fee that each delegate to the mock convention is charged covers the $1,300 total budget for the project.

In order to coordinate the efforts of the various schools participating in the convention, three regional meetings have been held. The first meeting was at Decatur on February 3; the second meeting was at Mahomet-Seymour on February 10; and the final meeting was held at Georgetown on February 17. At these meetings, Lemons, who initiated this project and a similar one at Illinois State University in 1964, and Executive Committee Members explained the history, purpose, and plans of the mock convention.

At the regional meetings several information brochures were distributed. The most useful information to the delegations was the "Mock Conventional Manual" in which typical questions are answered, such as "What is a mock convention?" The manual explains that "a mock convention is a meeting of students assembled to act out or play the role of delegates to a national nominating convention. Acting as "politicians", students will parallel as closely as practicable the role of delegates to the convention. Also a temporary order of business is given for the day of the convention along with a list of the states and the convention votes controlled by each. In addition, a summary of each state delegation's prominent Republican leaders is listed. Other information distributed at the meetings include brochures of the duties of state delegation chairmen and the duties of candidate managers.

To guarantee the nomination of real candidates, students applied to be campaign managers. The four managers finally selected were Ronald Beasley of Mahomet-Seymour for Rockefeller, Dave Ghere of Arcola for Reagan, John Roberts of Cerro Gordo for Nixon, and Scott Woodard of St. Joseph-Ogden for Percy. The manager whose candidate is nominated will name a cabinet composed of students from state delegations that cooperated in supporting the winner. Promising positions in the cabinet in exchange for a delegation's votes is the device that managers will often use to imitate the offering of political favors done at actual conventions.

Communications with schools became an important aspect of making the mock convention successful. Thus, a mock convention newspaper was published, called the Gavel Knocker. Four issues of this publication have been distributed so far. Besides general convention news items, the newspaper gives hints on how to prepare for convention day, such as an article by Sandy Davis on "How to Stage a Demonstration".

To make the mock convention as realistic as possible, the Executive Committee secured a keynote speaker of significant political stature. Congressman William L. Springer from Illinois' 22nd Congressional District agreed to keynote the convention. Springer who was first elected in 1950, is the ranking Republican in the House Interstate and Foreign Commerce Committee.

The Executive Committee appointed the following students as convention-day officials: Denne Knell, Permanent Chairman; Frank Primmer, Temporary Chairman; Debbie Cutchin, Permanent Secretary; Suzanne Schneider, Recording Secretary; and Bill Jarboe, Sergeant-At-Arms.

As a preliminary gathering before convention day, a political rally was arranged for the evening of April 6 in the Illini Union at the University of Illinois. The rally gave the campaign managers a chance to contact delegations and gather support for their candidates. With either new commitments or reaffirmed loyalties, the 250 delegates who attended will now urge other delegates to their persuasion.

With convention day fast approaching, all is in near readiness for the excitement and enthusiasm that will be generated in the armory on May 4. The care and thoroughness that Mahomet-Seymour students have shown in preparing for this convention will certainly result in all the participants understanding better what goes into the making of an American president.

[From the Champaign-Urbana (Ill.) Courier, May 5, 1968]

HIGH SCHOOL MOCK CONVENTION: KIDS WHEEL AND DEAL ROCKEFELLER INTO TOP GOP SPOT AT CONCLAVE

(By Mary Miglione)

The Rockefeller machine gave the New York governor victory on the second ballot Saturday at the Mock Republican convention in Urbana.

After the last caucus, canvass, deal and promise had been made, Sen. Charles Percy was named as the Republican vice presidential candidate.

Letters were to be fired off to Washington Saturday night to inform the winners of their victories in possibly the only inter-high school mock convention to be held in the United States.

Cong. William Springer of Champaign, the keynote speaker, seemed a bit amazed at the turnout of 1,300 area high school pupils, all decked out in appropriate costumes as official delegates—Hawaiian shirts, cowboy hats and guns and one bird-fruit-flower hat with trailing sash.

THE OLD FOOTBALL YELL

There were balloons, signs ranging in length from six inches to 18 feet, pom poms, cow bells, horns, an inexhaustible supply of confetti and shrieks finely honed at countless football and basketball games.

Looking out at the throng in the National Guard Armory, Springer said one of Mayor John Lindsay's aides in New York City had asked him if he had "heard" about the convention.

After the Congressman noted he was the main speaker, the aide told him a local youth had appeared in Mayor Lindsay's office asking for campaign literature and had announced he intended to nominate the mayor for president. He got the literature.

The Congressman was asked if the subsequent vote would best represent labor, big business, the farm bloc or the pupils mothers and fathers.

"This is the first high school convention I've been to and I can't say," he chuckled.

He did predict some 90 per cent of the participants would go on to become bona fide Republican voters in the future.

NORTH CRIES "BIGOTRY"

The delegates had done their homework. They wrote Republican leaders in all states to ask how state delegations might vote on the first ballot and they polished their campaign oratory.

Nominating speeches were sprinkled with time-honored rhetoric . . . "The geereat State of Geeorgia is privileged to nominate the next President of the United States, the Honorable . . ."

The Mississippi delegation from Mahomet-Seymour High School had a Confederate flag attached to a pole and was accused of bigotry by enflamed delegates from Michigan, Rhode Island, Wisconsin.

Chairman Frank Primmer put it to a roll call and it was 19 for "yes they have to get rid of the flag" and "30 for no they can keep it." The Rhode Island delegation tersely switched its vote after they got mixed up and voted "no they can keep the flag," to the delight of the Mississippians.

"We're not bigots, this is just state spirit," sniffed a member of the Magnolia State delegation.

PROMISE THEM ANYTHING

In the catacombs of the armory were campaign headquarters for Sen. Percy, Gov. Rockefeller, Richard Nixon and Gov. Ronald Reagan.

The rooms were empty as the convention wore on and the loyalists rushed around making deals, promising cabinet posts or the vice presidency to all comers.

Doug Whitley of Atwood-Hammond High School (Florida), a Rockefeller lieutenant, said his group came to the convention with a solid bloc of 500 votes, and then lost some temporarily.

Why did they break away?

"They wanted Mayor Lindsay for president and would not compromise their man for the vice presidency," he explained.

Who was being pushed for the vice presidency by the New York crew?

"We've promised everyone," said Ron Beasley of Mahomet-Seymour High School, campaign manager for Rockefeller.

Other key men in Rocky's camp were Neil Cox and Beryl Harshbarger of Atwood-Hammond High School and Frank Primmer of Mahomet-Seymour High School.

TO THE VICTOR

They attributed the Rockefeller win to "cloakroom maneuvers"—countless phone calls, personal visits to area high schools and promises of cabinet posts.

Beasley announced the Rockefeller cabinet after the end of the balloting. The state of each member gives some clue to "which delegation joined the right winner at the right time."

Charles Britchford of Michigan, secretary of state (Michigan held out its 48 votes for Rocky until the end of the crucial second ballot).

Bill Gillfillan of Wisconsin, secretary of defense; Doug Whitley, attorney general and Beryl Harshbarger, secretary of commerce, both of Florida. (Wisconsin and Florida gave all votes to Rocky on the second ballot.) Bill Standerfer of Maine, secretary of the Treasury; Dave Henry of Pennsylvania postmaster general (Pennsylvania gave 61 votes to Rocky).

Chuck Hutchcraft, secretary of agriculture from North Dakota; Brooks Gardner of New York, health, education and welfare; Anita Primmer of Louisiana, secretary of the interior, and Don Hollinger of Ohio, secretary of labor.

A BACHELOR'S JOB

The man responsible for the convention is David Lemons, a teacher at Mahomet-Seymour High School.

He said he has been planning until 10 p.m. every evening for the past six weeks. He started the project in November.

"It takes a bachelor or a bigger school to plan something like this," he sighed.

Lemons said he would like to try again in four years "from a bigger school."

He was chairman of a mock convention four years ago at Southern Illinois University, and hoped to participate in another. When he became a high school teacher instead of a college instructor, he saw no reason to abandon the idea.

[From the Champaign News-Gazette,
May 5, 1968]

STUDENTS NOMINATE ROCKY, PERCY

(By Bob Miller)

New York Governor Nelson Rockefeller was nominated as the Republican presidential candidate by over 1,300 teen-agers who convened Saturday at the Urbana Armory for a mock GOP Convention.

Rockefeller's running mate, according to the teen-agers, will be Illinois' Sen. Charles H. Percy.

Rockefeller was nominated on the second ballot after overcoming an early lead built up on the first ballot by backers of Richard M. Nixon.

Percy's nomination came on the first ballot as the high school students hurried to get under a 5 p.m. deadline.

The mock convention was sponsored by Mahomet-Seymour High School and, more specifically, a young political science instructor there, who wanted to demonstrate the realties of politics for his students.

The instructor, David Lemons, along with other adults at the mock convention, were obviously pleased at the success of the efforts to stage the event.

At one time, Lemons had considered holding the convention on a much reduced scale at the Mahomet-Seymour High School. He said he upped the plans when it became evident that so many other schools wanted to participate.

Congressman William L. Springer of Champaign, keynote speaker for the convention, said that when he accepted the invitation to speak, he believed that if 200 students were present, the convention would be a success.

Instead of the 200, over 1,300 roared approval as Springer was led down the center aisle toward an impressive speaker's platform for the keynote address.

The convention was but slightly stage-managed by officials from the 38 high schools who participated.

At one point, the convention stopped being an exercise and heart-felt convictions were exhibited.

The delegation from Rhode Island upset the convention and touched off a bitter floor fight when the chairmen of the delegation, Kurt Dammers and Albert Ascoli, protested the Confederate flag that was displayed by the Mississippi delegate, represented by a group from Mahomet-Seymour.

The Rhode Islanders, with help from other delegations, forced the issue to a vote. The Mississippi delegation threatened to walk out of the convention unless the flag was allowed to remain.

The Mississippians argued that the Confederate flag is also the state flag and was therefore in its rightful place.

When the voting got under way, it was evident that some confusion prevailed as to the wording of the motion on whether to remove the flag. A "yes" vote meant that the flag had to go. A "no" vote meant that the flag could stay.

When it came time for Rhode Island's vote, Chairman Albert Ascoli marched to the microphone, and as one of the sponsors of the fight against the flag, roared "no."

When his fellow delegates reacted, he realized what he had done. He sank to his seat and buried his head in his hands.

For a few minutes, he looked like a ballplayer who had just scored the winning goal—for the other team.

Kurt Dammers, the other chairman for the Rhode Islanders, hurried to the microphone and asked the chair if the vote could be changed.

He was ruled out of order by Denne Knell, Mahomet-Seymour, permanent chairman of the convention.

After the voting, which resulted in a 30 to 19 decision to allow the flag to stay on the floor, Rhode Island was permitted to change its vote.

The depth of feeling on both sides of the issue was evident in some of the remarks made by delegation chairmen as they cast their votes.

The Michigan delegation roared approval as their chairman shouted that Michigan was against the flag because the delegation stood "in opposition to bigotry."

This was countered by another state chairman who roared, "It's one of their freedoms."

The convention was in time trouble through most of the afternoon. The officials quickly called for the dispensing of seconding speeches for favorite-son candidates and attempted to speed up the roll call balloting whenever possible.

The opening roll call was for nominations and much of the oratory and the demonstrations were almost carbon copies of that witnessed on television in 1964.

From the start, it was obvious that the winner would either be Rockefeller or Nixon. Many of the first ballot delegates were committed to favorite sons.

When Chairman Denne opened the roll call, Alabama deferred to the Virgin Islands, who nominated New York Mayor John Lindsay. Lindsay was seconded by Wisconsin. Then came the demonstration. From the size of the demonstration, it appeared that Lindsay had considerable support, and later there were rumors that Lindsay backers had sewed up 500 of the 667 votes necessary for nomination.

He got 22 on the first ballot.

As the demonstration continued through the afternoon for the candidates, there was a definite feeling on the part of some spectators that a number of the delegates were demonstrating for each candidate.

At the end of the first ballot, the leaders were Nixon with 477, Rockefeller with 354, and Gov. Ronald Reagan with 230.

On the second ballot, defections from the Nixon camp began with the changeover by a number of states. On the second ballot, Illinois, which had cast its 58 votes in the first time around for Sen. Percy, gave 42 votes to Rockefeller.

As the roll call continued through the second ballot, an announcement was made from the podium by Chairman Denne.

He announced that Rockefeller had 660 votes. Illinois immediately asked for recognition and switched its remaining votes to the Rockefeller camp.

As is customary, state banners began waving over the nearly exact replica of a real convention floor, all seeking to change their votes and get on the bandwagon.

The New York chairman moved that the nomination be declared unanimous and the issue was brought to a voice vote.

Rockefeller supporters roared their approval and Nixon backers were equally loud in their disapproval, but Chairman Denne, with an ear and gavel seemingly equal to that of the late Sam Rayburn, gaveled down the dissent and announced that the convention unanimously backed Rockefeller as the Republican candidate.

THE GREAT SOCIETY'S POVERTY PROGRAM

HON. JOHN G. TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Tuesday, May 14, 1968

Mr. TOWER. Mr. President, this month a book is being published which I believe will be of widespread interest to most Americans. It deals primarily with the Great Socity's poverty program, to which we have committed billions of dollars. The book is entitled "Poverty Is Where the Money Is" was written by Shirley Scheibla, associate editor of Borron's, and is being published by Dow Jones and Co., Inc. The book itself is being published under copyright by Arlington House publishers of New Rochelle, N.Y.

Nation's Business condensed one chapter of the book for readers of its May issue, and I find the contents most interesting. Because I believe other Americans will also find it interesting, I ask unanimous consent that it be printed in the RECORD, so that it might be brought more fully to public attention.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GREAT SOCIETY'S POVERTY PROGRAM

The known extent to which the Office of Economic Opportunity gave money to questionable persons, organizations and activities in the name of community action is enough to stagger the imagination.

The full extent will probably never be known because OEO lavishly parceled out money to literally thousands of local agencies.

It failed to adequately study the petitioning organizations, their employees, or what they planned to do. Moreover, to keep track of the funds granted often proved impossible. With dozens of OEO-funded agencies sometimes functioning in a single city under one umbrella agency, close administration went by the wayside.

When the inevitable scandals resulted, the course OEO pursued depended upon which side brought the most pressure. In some cases it continued to fund agencies found to be misappropriating federal money and/or dominated by leftists. In other cases it even gave new grants to groups caught in the middle of Justice Department investigations of them for possible misappropriation of funds.

After some members of Congress began to fume about communists and criminals being on Community Action Program (CAP) payrolls, OEO issued a directive saying that subversives and persons convicted for crimes of moral turpitude should not be hired. It didn't say anything about getting rid of those already on the payroll; it just said not to hire any more of them.

James Kelleher, who served as OEO Deputy Director for Public Affairs, told me that OEO turned down the idea of having the FBI do a security check on CAP directors and immediate subordinates.

When OEO concluded that there was no Negro leadership in the deep South except the militants, OEO told the CAP people not to be militant on government time or use government facilities, according to Mr. Kelleher.

The situation prompted these remarks from Sen. Robert C. Byrd (D-W. Va.):

"The purpose of the CAP's is being subverted by extremists and activists, and federal funds are being used to support activities not in the least related to constructive anti-poverty efforts. . . . Picketing, demonstrations, rent strikes and sitins are not activities which will provide poor people with the education, training or jobs they need. It may be fun for activists to engage in this type of program, but it seems to me of little benefit to the poor. Such activities are designed to fight city hall and not to fight poverty. Groups indulging in this type of action certainly should not be receiving federal money."

Since no one person could study in depth all that occurred under the CAP's, it is possible to take only a cursory glance at cases brought to light across the country.

PROPAGANDISTS ON PAYROLL

Anne Braden was one of the incorporators of the West End Community Council, Inc., a CAP in Louisville, Ky., which received a $28,000 anti-poverty grant.

Mrs. Braden was identified under oath as a member of the Communist Party. She and her husband, Carl, were listed on a "Call for Strike" flyer as sponsors of a national student strike which the Communist newspaper, *The Worker*, said "will include demands to bring the GI's home, to end the draft and to abolish complicity by universities and colleges with the war effort."

During hearings of the Louisiana State Joint Legislative Committee on Un-American Activities in March, 1967, Committee Counsel Jack N. Rogers testified that Mrs. Braden "is currently, along with her husband, Carl Braden, managing the Southern Conference Educational Fund, a cited communist front. She and her husband both cooperate in the publishing of the *Southern Patriot* . . . which has been cited by the United States Congress as a subversive newspaper."

Mr. Rogers also testified that Virginia Y. Collins, a community worker in the Louisiana War on Poverty, was a member of the Board of SCEF and a special assistant to James Dombrowski director of the SCEF.

Her paid anti-poverty job was with the Social Welfare Planning Council of New Orleans which received federal anti-poverty funds.

In the fall of 1966, James J. Flynn, mayor of Perth Amboy, N.J., charged anti-poverty workers with contributing to riots there. He specifically accused the local anti-poverty boss, Milton Zatinsky, with trying to "foment and incite unrest, agitation and disorder."

Raphael O. Lewis was executive director of Community Action for Youth, Inc., a CAP in Cleveland, another riot-torn area. This is what he said in a paper for presentation to the Conference on Training for Community Action in Urban Ghettos, at Howard University in Washington, D.C., in the spring of 1966:

"The notion is that social change frequently requires prior rehearsal of actions which will not itself provide solution to problems. It is necessary for these rehearsals to proceed, no matter how painful or bloody the results may be, in order to set the stage for the next sequence of circumstances which can provide solutions to the problems at hand."

Though Saul Alinsky, a self-styled professional radical and organizer of the poor, called the war on poverty a "prize piece of political pornography," he too was on a CAP payroll. Here is what *Counterattack* said about him:

"The Community Action Training Center opened by Syracuse University appeared largely patterned upon Alinsky ideas. . . . The university placed Alinsky under contract to organize the poor at federal expense so that they could force greater concessions from the community.

"For this Alinsky was paid $10,000 a year, also from federal funds furnished the center. To earn this, Alinsky made 48 appearances at the center during 1956 'to rub the sores of discontent' in Syracuse. . . .

"They [the students] were trained in the art of sit-ins, demonstrations and marches against the community from which they expected to exact tribute on behalf of its indolents and laggards."

It is not known whether demonstrators at Syracuse City Hall were trained by Mr. Alinsky. In any event, when they were arrested, CAP funds were used to pay their bail.

In March, 1967, Wendy Goepel, an employee of OEO in Washington, was in Lowndes County, Ala., helping to prepare an application for the county to be the first in the nation to have a rural anti-poverty medical program.

The following is from a report of the Alabama Legislative Commission to Preserve the Peace, a branch of the Alabama state legislature, dated Mar. 21, 1967, and titled "OEO Personnel and Operation in Lowndes County":

"The U.S. Office of Economic Opportunity has announced it is assigning to Lowndes County, Ala., Miss Wendy Goepel. Her duties, as announced, will be to coordinate a pilot 'medicaid' program, which will be used as a pattern for similar programs throughout the United States between now and 1975. . . .

"Wendy Goepel, a 27-year-old Stanford University graduate, has established a background of 10 years of pro-communist activity, which includes:

"1. Attended Communist World Youth Festival at Helsinki, Finland.

"2. Member of DuBois Club . . . identified by FBI Director J. Edgar Hoover as a youth project of the Communist Party, USA.

"3. Miss Goepel served as a lieutenant and strike organizer for Cesar Chavez, National Farm Workers Association. Chavez was trained as revolutionary by Saul Alinsky, who bills himself as a 'professional radical' dedicated to radical change in our society.

AIDING STRIKERS

"The background of NFWA is radical in the extreme. It was organized to stage the so-called grape workers strike in Delano, Calif., in 1965 and was aided in that effort by a host of known communists, including Bettina Aptheker, Berkeley riot leader and daughter of Communist Party theoretician, Herbert Aptheker (Miss Aptheker has publicly announced she is a member of the Communist Party); Robert Treuhaft, West Coast communist attorney and his wife, communist writer Jessica Mitford Treuhaft (now a contributing editor to *Ramparts* magazine); Holland Roberts, communist educator who is currently organizing tours of the USSR; Mickey Lima, Communist Party chairman of Northern California, and a score of other procommunist professors, ministers, lawyers and newspaper editors (including Sam Kushner, of the West Coast Communist Party organ *People's World*).

"The NFWA has spread through Texas, Wisconsin and other Eastern farm states, and is currently operating in Florida, Mississippi and the Black Belt of Alabama, including Lowndes County.

"The addition of Miss Goepel, with her background in the NFWA, would lend emphasis to the current 'colonizing' of radical groups of the Black Belt, while in the pay of OEO. . . .

"We here raise the question not only of why Miss Goepel and others of her persuasion should be sent to Lowndes County, Ala., but why any person with the clear communist record of Miss Goepel should be in the pay of the United States government?"

OEO also gave money to the striking grape workers mentioned in the above-quoted report.

The Washington Star said the following after OEO announced a $267,887 grant:

"The timing appears to have been an incredible blunder by the OEO. It embarrassed the strikers, outraged the landowners and ignited an ever-widening circle of opposition from within the city and state. . . . Although the money was approved as a community action program it came under provisions of the Economic Opportunity Act relating to migrant workers. It did not require the approval of any local or state agency. . . . At the center of all the turmoil stands one man. Cesar Chavez, the director and founder of the National Farm Workers Association and the person who will head the poverty program for the migrant workers."

The Chavez organization also was connected with a grant OEO was going to make until California Gov. Ronald Reagan vetoed it. OEO attempted to renew a $109,520 grant sought by the California Self-Help Corporation of Del Ray.

Governor Reagan thus announced his veto:

"There is no reason why the taxpayers should be forced to pay for a program in which people are trained in methods of striking and demonstrating. . . . The center has loaned its personnel to the United Farm Workers Organization Committee and its predecessor, the National Farm Workers Association in Delano, for extensive periods to help in unionizing farm workers."

A study made for the National Association of Housing and Redevelopment Officials showed that over a period of two years, community action groups financed by OEO organized a series of disruptive protests and demonstrations against public housing authorities around the country.

Said the report, "Local authorities in approximately 20 cities found themselves the targets of civil rights or tenant organizations charging the public landlords with failure to do their job and going so far, on some occasions, as to compare them with the slumlords they were presumed to displace."

In Cleveland, a group receiving OEO money piled rats and trash on the steps of City Hall to dramatize the conditions under which slum dwellers live.

These developments failed to shake Vice President Hubert H. Humphrey, however. He told a New Orleans audience that if he lived in a rat-infested slum, "there is enough of a spark in me to lead a pretty good revolt."

LAVISH SPENDERS

But the growing and seemingly endless list of examples of use of community action funds for questionable persons and activities upset others. Rep. Charles E. Goodell (R–N.Y.) expressed outrage when he discovered that in Durham, N.C., nine anti-poverty workers used anti-poverty vehicles to transport people to Democratic precinct meetings.

Rep. Robert L. F. Sikes (D–Fla.) didn't like it either when he learned that five CAP workers from Akron got $16 per diem, plus transportation and hotel expenses, to lobby in Washington for a Greater Summit County Community Action Council, a CAP agency.

The government was lavish in spending CAP money in other ways, too, especially on salaries. In New Haven, Conn., the executive director of the CAP (Community Progress, Inc.) received $25,000 a year, compared with a salary of $18,000 for the mayor of New Haven.

Most of the top administrative personnel received substantial pay increases when they went to work for the St. Louis CAP, the Human Development Corporation, according to Rep. Durward G. Hall (R–Mo.) He said General Manager Samuel Bernstein went from $18,500 to $24,000, Stephanie B. Stevens from $9,111 to $16,000, Curtis Gatlin from $9,900 to $16,000, Jacquelyn A. Walton from $7,500 to $12,000, Harold Antoine from $9,000 to $12,000 and Donald Checket from $9,500 to $12,000.

Moreover, many of them had further boosts after a short time on their new jobs.

Social, Educational Research & Development, Inc., received a $105,247 anti-poverty contract to train workers in community action, as well as to acquire work experience and adult basic education. According to Rep. Albert H. Quie (R–Minn.), it was a one-man corporation run by John W. McCollum, a $90-a-day OEO consultant.

Said Rep. Quie, "SERD not only failed miserably in its assigned task of training poverty officials, but it is reported that guest speakers, who received their regular pay in federal tax dollars, were paid honorariums of $75 a day plus expenses."

In Boston, the executive director of Action for Boston Community Development received $27,500 a year while running a program which, late in 1965, was the subject of nationwide publicity concerning political corruption, misuse of funds and fiscal irresponsibility.

By March, 1966, OEO, the FBI and the Labor Department all had launched investigations of ABCD, sparked by complaints from youths that they received federal income-tax forms showing more income then they actually received and by the inability of ABCD to locate some 200 persons listed as employees.

In Newark, N.J., the CAP director received $24,000 a year, only $1,000 less than the mayor of Newark and more than the salaries of the members of the city council.

In Los Angeles, an official in the city school system received $75 a day in CAP money for 28 days while he was being paid full time and overtime from the Los Angeles city school funds.

Federal auditors found that when Paul Barker was the CAP director in Indianapolis, Ind., he violates federal regulations in receiving an anti-poverty salary while he was on the payroll of another government agency.

According to President Johnson's 1967 budget, 1,032 CAP workers were to be paid $10,000 a year or more from federal funds. But New York obviously qualified for the prize for having the biggest mess in community action, even though relatively little information was available, compared with all that was going on in the big city's 80 agencies involved.

Up to Jan. 15, 1967, community action in New York City had cost OEO $125 million. OEO made a grant of $260,490 to evaluate the anti-poverty program in the city and see how it could be improved.

The evaluation never was made, and the money was returned intact.

AUDIT REVEALING

To my knowledge, the only audit of a New York CAP ever made public was the one by the city's Comptroller, Mario Procaccino, on Haryou-ACT—although half a dozen investigations had been launched regarding that one organization. It was an amalgamation of Harlem Youth Opportunities Unlimited and Associated Community Teams.

Under the Haryou-ACT came more than 100 community groups.

Of the $13,393,430 in anti-poverty funds which Haryou-ACT received between July 1, 1964, and June 30, 1966, Comptroller Procaccino found that over half went for salaries. Here are a few of his findings regarding the spending of the exorbitant sum of $7.3 million for salaries:

"Certain persons were hired for positions for which they did not possess the required qualifications. . . . Some employees were overpaid. However, no refunds were forthcoming . . . Employees working in one program were charged to another program. The fact that the programs may not have been funded by the same government agency was not considered . . . Some hourly employees were paid for a full week even though the time records indicated that the individual did not work a full week . . . The time clock and time cards were not under the visual control of anyone."

In addition to the millions for salaries, Mr. Procaccino found an additional expenditure of $281,206 for "consultant fees." A number of the so-called "specialists" hired as consultants, however, were merely "routine clerical employees." Some of them, he said, had served for long periods of time at fees in excess of the maximum allowed under OEO regulations.

Here are a few other startling findings made by the Comptroller:

While the balance in the Haryou-ACT treasury was $38,943 on June 30, 1966, accounts payable were at least $600,000, although the exact amount "could not be determined." Unpaid bills were not centrally filed.

Expenditures of $569,066 were impossible to identify clearly with any program. No accountability for petty cash advances was established. Haryou-ACT withheld $199,732 in payroll taxes from salaries, but instead of giving the money to the federal government and New York State, used it to continue programs.

There was no control over personal phone calls, with the result that phone bills came to $101,530. Payments to restaurants for $15,617 were charged to meetings and conferences.

The $25,000-a-year Executive Director Livingston L. Wingate was given a leave of absence to reconstruct the books during the period of the investigation and shortly thereafter was reinstated without any public announcement that the accounts were in order.

According to Mr. Procaccino's account, they definitely were not.

The minority views in the House Education and Labor Committee 1966 Poverty Report contained some startling revelations about Haryou-ACT, too.

It said the latter leased six cars and two station wagons from a small travel agency at $90 a week, plus gas, for each car.

"The travel agency, however, reportedly rented the cars from the Hertz U-Drive-It firm for $65 a week . . . In addition . . . a member of the travel agency which leased the cars to Haryou-ACT was deported placed on the Haryou-ACT payroll at $175 a week as a 'consultant.' "

While Haryou-ACT announced a grandiose program for vest-pocket parks in Harlem, "only three were completed, and no one seems to know how much money was spent or why only three parks were completed."

Some $40,000 worth of toys from a well-known manufacturer never were used and were stored in a warehouse for more than a year with the agency paying high storage fees for them.

LeRoi Jones's Black Arts Theater obtained $115,000 in Haryou-ACT funds before being cut off by OEO. Mr. Jones once wrote:

"The force we want is of 20 million spooks [Negroes] storming American cities with furious cries and unstoppable weapons. We want actual explosions and actual brutality."

When 50 New York policemen raided his theater, they discovered a rifle range, an arsenal of deadly weapons, a pipe bomb, sharpened meathooks, pistols, knives, clubs and a cache of ammunition.

DEFYING IN COURT

Then there was the case of the Reverend Willie M. Johnson. The Bronx minister faced a 145-count indictment which alleged he had stolen $7,760 in anti-poverty funds and had tried to steal $15,199 more. It said he had presented false bills and vouchers and demanded kickbacks from staff members.

When Justice Joseph A. Sarafite attempted to hear the case on March 21, 1967, supporters of the minister disrupted the courtroom by shouting in his defense, and the judge postponed the hearing. No one was arrested for that demonstration.

A $15,000-a-year New York CAP director was arrested for disorderly conduct in another instance, however. Lloyd A. Johnson, director of the Brownsville-East New York Community Progress Center, according to *The New York Times*, was "proud of his arrest on June 24 [1966] for disorderly conduct while trying to see Governor Rockefeller at his office in Manhattan. He was with a group seeking the Governor's help in moving an anti-poverty bill that was stuck in a state Senate committee."

Mr. Johnson was responsible for administering an anti-poverty budget for more than $1 million a year.

New York anti-poverty funds also financed a Chicago trip by four CAP workers to organize a Puerto Rican protest march. They were Ted Valez of the East Harlem Tenants' Council and three staff assistants.

Perhaps the most ridiculous use of anti-poverty funds occurred when New York's Economic Opportunity Committee put up 50 slum-dwellers at the luxurious Astor Hotel. The Committee sent them there during a cold spell in January, 1966, when their Harlem apartments were without adequate heat.

A month later, 10 of them were still there, enjoying wall-to-wall carpeting, color television and a daily allowance for eating in restaurants.

NATIONAL SMALL BUSINESS WEEK

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. EVINS of Tennessee. Mr. Speaker, President Johnson has designated this week as National Small Business Week as a means of paying tribute to the Nation's 5 million small businessmen and directing attention to their indispensable role in our economy.

Small business stands as a bulwark in our economy and as a champion of our competitive free-enterprise system.

Small business is the seedbed of our great free-enterprise system. From small business flows the creativity, diversity, imagination, and talent which constitute the foundation of our dynamic free-enterprise economy.

Because of the Nation's concern for small business, Congress created the Small Business Administration for the explicit purpose of providing Federal assistance to small businessmen in many areas, including credit, management guidance, procurement, and contract assistance to promote and perpetuate our free-enterprise system.

The House Small Business Committee, of which I am honored to serve as chairman, has made many recommendations over the years to improve these programs and a number of these suggestions have been adopted.

Congress has adopted as its declared policy a commitment that the Federal Government shall aid, counsel, assist, and protect small business to assure a strong and competitive economy.

The Small Business Administration has been made a permanent independent agency of the Government.

The latest official records of the Small Business Administration reflect an increasing awareness and utilization of the agency's programs by the Nation's small businessmen.

During the past 5 years there have been—

Eighty-five thousand two hundred and twenty-one regular business loans to small businesses totaling almost $2 billion.

One thousand and four hundred and four local development loans totaling $217 million.

Federal procurement awards of $10,700 million to small business.

Distribution of almost 22 million small business assistance publications.

Individual management counseling to 400,000 small businessmen.

These are indicators—there are many other small business programs of assistance, including the antipoverty loan program which has resulted in loans of $78 million to create employment and opportunity in poverty areas.

Small business has shared in the longest sustained peacetime prosperity in our history.

I want to commend and congratulate the Nation's small businessmen and their dedication to our independent free-enterprise system and to Administrator Robert Moot of the Small Business Administration and his staff for their commitment to these programs of assistance to our Nation's small businessmen.

GOOD SAM WILSON AND THE DOLLAR

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. **BOB WILSON**. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

GOOD SAM WILSON AND THE DOLLAR

(By Carl W. Ritter)

This fellow I have in mind—let's call him Sam Wilson—got out of high school back in 1940 and was fortunate enough to find a job paying 60 a week, which doesn't sound like much now but was a decent wage at the time.

Sam, as you might imagine, got drafted and spent four years or so in the military. When he finally got squared away again in civilian life, he had a job paying somewhere between $80 and $85 a week and he got married.

To make a long story short, Sam worked conscientiously over the years until now, as a man in his mid-40s, with family, he receives $150 a week for his labor, or two and one-half times what he earned in 1940.

Doesn't sound too bad, does it?

Well, would you believe this fellow—good worker though he is and always has been—is a total flop in the personal income department? Wilson, 28 years after taking his first job, has done no better than stand still for nearly three decades. And it isn't really his fault.

The fault rests with national administrations which over the years permitted the dollar to hit the skids and stay there.

Based on purchasing power, today's dollar is worth just 40 cents compared with the 1940 dollar. Therefore, a $150 wage is no better than a $60 wage then.

And with high income taxes grabbed from Sam Wilson before he can lay hold of his pay check, well . . . you get the idea. Here's a flop.

What's more, the conditions that contributed to this distressing case, as well as to millions of others among us over the years, are growing worse now. The cost of living soared in March at what would amount to an annual rate of 4.8 per cent—far above the disturbing 4 per cent a year advance recorded in the Korean War.

In April, the living cost increase is estimated to have been more severe—somewhere between 4.8 and 5 per cent, on an annual rate basis.

The government tries to make this big robbery of its citizenry sound like not much. The word for March, out of Washington, D.C., was that "the cost of living went up another 0.4 per cent." Government doesn't say this is equivalent to an annual rate of 4.8 per cent, and government implies that the 0.4 is too little to worry about.

Infinitesimal? Indeed, Sam Wilson doesn't think so. In fact, he is beginning to wonder if he shouldn't have been fighting inflation all these years with the same zest he has been putting into the battle for higher wages. He figures it doesn't do any good at all to get raised to say, $3.15 an hour from $3 if we are getting into a period when inflation will take 5 per cent of the dollar's buying power in a year.

He also realizes that a weakening dollar at home is linked to mistrust of the dollar abroad. It is only natural that foreigners seeing inflation growing in the United States would prefer our gold to our dollars.

So would Sam Wilson. He'd gladly turn in some of his dollars for gold, if citizens were permitted to buy gold in this free country.

Sam admits he's saving silver coins. He doesn't know quite why, except that they do have intrinsic worth. Intrinsic worth of the new, clad coins is negligible and the paper dollar has betrayed our friend no end, he feels. Sam Wilson is bitter.

Sam can't understand why his government—with its implied promise of integrity in its monetary system—has failed him and his family so badly that he stands on the job now, with many skills acquired over the years, in no better reimbursement position than when he approached his first job as a green kid just out of high school.

It takes no great imagination on this conscientious working man's part to see what will happen to the value of his Social Security, pension fund and savings, the way things are going.

THE CHALLENGE TO YOUTH IN TODAY'S WORLD

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. SCHERLE. Mr. Speaker, Danny Allen, a young man from Council Bluffs, Iowa, in my congressional district, recently was a winner of the Modern Woodmen of America contest in Iowa. In his speech, Danny outlines what he believes are the major challenges facing the youth of America today—honesty, education, and freedom.

After examining each challenge, Danny concludes that honesty is the basic challenge in life and that happiness is the ultimate goal.

His speech reflects incisive thinking and clear expression of his conclusions. I commend it to my colleagues:

THE CHALLENGE TO YOUTH IN TODAY'S WORLD

Honesty! That is the challenge to youth and to people of all ages. Webster's Dictionary defines honesty as: sincerity, fairness, straightforwardness; a refraining from lying, cheating and stealing. Now that covers just about everything. Just think of a whole world of honest people. If you could believe in others, rebellions, such as the hippies and the riots, would probably disappear. I believe rebellions start because of loss of trust in our fellow man. Wars could be avoided by honest leaders. What can honesty do to help youth such as me? First, we must be honest with ourselves. We must know our capabilities and strive to do our very best. Next, we must be honest with others and gain trust, honor and a place for ourselves in the world. In doing these things we also set a good example for the youth of tomorrow.

Education! The youth of today's world have the opportunity to get a good education in whatever field we choose. We must learn as much as possible to become useful citizens in America.

Freedom! It should be prized by everyone. Our freedom is challenged every day. We wonder whether freedom can withstand the pressure that communism and other forces are putting on the world. We youth must fight to keep our freedom on the battlefields and at home.

Religion! All people need faith. With faith we can accomplish what we cannot accomplish without it. Life could be really good if we abided by the two commandments given to us by Jesus: You shall love the Lord, your God with all your heart, with all your soul and with all your mind. You shall love your neighbor as yourself. These two commandments could mean peace and love for everyone. It could also mean a better understanding between the black race and the white race which we do not have in today's world.

And what of the youth who haven't fulfilled their challenge? These young people will not become responsible adults. They can't help themselves or their nation.

So the youth of today's world have many challenges to fulfill. I believe the basic challenge is honesty and I believe the goal in life is happiness. Those who seek to fulfill their challenge will also reach their goal, and they will become the honest, responsible and happy people in today's world.

THE COCKEYED ELECTORAL COLLEGE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. MICHEL. Mr. Speaker, the word "crisis" is heard so often in the public dialog during these troubled times that there is a real danger of the word losing its real meaning. This is especially so because of a distressing tendency on the part of so many prominent public officials to apply the term "crisis" to almost any situation or problem which does not hold out the promise of complete and instantaneous solution.

It seems appropriate, however, to think in terms of crisis when we consider the dangers inherent in our present outmoded electoral college system of choosing the President of the United States. Some of us were hopeful that action would be taken to improve the system after the bad taste resulting from the outcome of the 1960 presidential race but unfortunately nothing happened. It is my understanding now that within a few weeks the Constitutional Amendments Subcommittee of the Senate Judiciary Committee will give this question consideration by taking up an amendment in the nature of a substitute for Senate Joint Resolution 2 offered by the respected minority leader of the Senate, Senator DIRKSEN. I sincerely hope that we can get something done at the earliest possible moment and I know that my colleagues on the House Judiciary Committee will give this good attention.

I include an editorial from the Peoria Journal Star of May 11, 1968, entitled "The Cockeyed Electoral College" at this point in the RECORD:

THE COCKEYED ELECTORAL COLLEGE

In 1964, Lyndon Johnson got a record 43,126,506 votes for "President of the United States". Barry Goldwater got a measly 27,176,799.

An overwhelming landslide, hmm?

But that was all the make believe election. The real election was in the electoral college, and Goldwater could have won it there if those same 27 million votes had simply been in the right places!

In fact, 27,000,000 is plenty of votes if concentrated in the right states to wrap up the electoral college, where the real election takes place, even if your opponent does poll 43,000,000 in the wrong places!

Technically, there are more than 5,000,000 votes to spare! Just 22,000,000 spread over 12 selected states (in strip city districts of our country) would sew up 271 electoral votes—more than enough to be the legally uncontested President regardless of what else happens in what we have long regarded as the "presidential election."

Yes, a canny politician can get the 12 key states with 22,000,000 votes, and thereby get 271 electoral votes, and as of that point it doesn't make a bit of difference how the rest of the people vote in those states or the other 40!

That's how cockeyed the electoral college system has become with the population shifts that have occurred over the years!

Why hasn't anybody fixed it before?

Well, the distortions between the "presidential election" in which we vote and the real presidential election has ranged from four per cent to 50 percent, but it has thus far distorted it in favor of the same guy that won the "popular vote" so it hasn't seemed to make any real difference.

It not only can go the other way, and make a gigantic difference, but the polarization of population, and the ingenuity of political strategists makes it increasingly probable that it will one day—if we don't provide for honest presidential vote counting, instead of this legal trick.

What makes it work so cockeyed?

Well, here's a clear example: Richard Nixon won Wisconsin by 64,370 votes in 1960. Kennedy won Illinois by 8,875. Nixon's majority of 64,000 was actually worth only 12 votes in the real presidential election. Kennedy's 8,000 majority was worth 26—more than twice as many.

More than 2,325,000 Illinois voters voted against Kennedy in that instance, but under the electoral college rules those votes were counted for Kennedy because he won the state." So, the voters in half the state were not merely disenfranchised but actually counted the opposite of those voters actual wishes!

And all of Illinois' 25 electoral votes went for Kennedy swamping the Wisconsin result not because of greater support but just because Illinois happens to be a larger state overall.

You think the politicians aren't hep to this freakish possibility?

They are!

If special treatment of all kinds directed at New York City, Los Angeles, Chicago, Cleveland, Detroit, Boston, Philadelphia, Pittsburgh, and Newark swings a local "victory" in each of those states, the candidate who has pulled that off needs but a scattered few other electoral votes and he can tell the rest of the country to go jump—even though the "rest of the country" has twice the population totals!

You think that statistical fact doesn't affect political strategy? And vastly increase the danger of a presidential "loser" becoming the legal President of the United States?

Presidential political power, based on this legal gimmick in the electoral college, is already vastly distorted from "one man one vote" so badly that it tends to disenfranchise the majority of voters in this country—those in "downstate" or "upstate" communities, and those in the disenfranchised states.

But they are only thus diminished in presidential elections.

When it comes to making the rules for a presidential election via the constitution itself the 40 states not dominated by a metropolis still have the power . . . and the senators from the cheated areas vastly outnumber those from the "special areas", and so do the Congressmen!

It is overdue that these state and national legislators wake up, get on the ball, and provide us a Constitutional change that regularizes and makes honest our vote for President.

A freak election, seating an unpopular and outvoted "President" through a technical trick would tear this country apart!

That's a risk it is downright silly to continue.

Let's get the presidential selection process cleaned up!

C. L. DANCEY.

PULITZER PRIZE TO JAMES MUDGE, MEMBER OF CONGRESSIONAL STAFF

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. VANDER JAGT. Mr. Speaker, the Pulitzer Prize, journalism's most prestigious award, has been given to the entire staff of the Detroit Free Press.

James M. Mudge was a Free Press reporter, columnist, and city-county bureau chief until he joined my staff a few months ago.

Mr. Mudge was a member of the Free Press staff which was awarded the coveted prize for outstanding reporting of local news in its comprehensive coverage of the Detroit riot last year.

The Pulitzer citation reads:

> The prize for a distinguished example of local general or spot news reporting, giving consideration to alertness, resourcefulness and high quality of writing: Awarded to the Detroit Free Press for its coverage of the Detroit riot of 1967, recognizing, both the brilliance of its detailed spot news staff work and its swift and accurate investigation into the underlying causes of the tragedy.

Lee Hills, publisher of the Free Press, said this of the award honoring his staff:

> Fine journalism is built on individual performance, but there are some things one person cannot do alone. It is a source of great pride to all of us at the Free Press that so many excellent individual efforts came together to produce these outstanding newspapers.

Frank Angelo, managing editor of the Free Press, said:

> Ours is the finest local staff in the country. If you can be proud and humble at the same time, that's what I am.

The entire Free Press staff and editorial chairman John S. Knight were awarded the Pulitzer Prize from among more than 500 entries, representing newspapers throughout America.

Only rarely are two of the coveted prizes awarded to a single newspaper. Another of this year's Pulitzer prizes went to the Free Press' sister newspaper, the Charlotte Observer, for editorial cartooning.

It is a great source of pride to me to have Mr. Mudge as a member of my staff.

I salute the entire Free Press staff, Mr. Knight, Mr. Hills, Mr. Angelo, and the Charlotte Observer for their distinguished accomplishments.

MISTAKES ALL AROUND

HON. FRANCES P. BOLTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mrs. BOLTON. Mr. Speaker, those of us who are on the Foreign Affairs Committee spend a great deal of time reviewing the effectiveness of U.S. foreign policy. A few days ago the Christian Science Monitor carried an editorial which gives much food for thought about our relations with other peoples. To bring it to the attention of those who have not seen it I include it in the RECORD, as follows:

MISTAKES ALL AROUND

A flagship of the Soviet Navy has just completed what turned out to be a "bad-will" visit to India. The result was a fiasco of such proportions as to prove that even those as devoted to careful propaganda as the Communists can sometimes make horrendous mistakes.

When a press party, gotten together by

Indian defense officials, sail out to visit the Russian cruiser in Bombay harbor, they were told the captain was too busy to see them. Then they were told to get off the ship, but their launch had left. They were then given a quick tour surrounded by half-a-dozen Russian guards. In short, a frustrating experience all around.

If the West but knew, such incidents happen all too frequently where Communists—above all Russian and Chinese—are involved. So heavy-handed were many of those sent our from both Russia and China that for a number of years they were almost personae non gratae in many African lands. Only during the past several years have they been able to partially repair the damage done by their earlier affronts to native self-respect.

In fact, and surprising as it may seem, Western diplomats, including American, are often far better attuned to other people's feelings and reactions than are those from Communist countries. It is a rare occurrence when a Western diplomat, again including the Americans, takes a misstep which can be construed as a slight to the feelings of another country. When and where disagreement arises, it is almost always over government policy, not over the acts of individuals.

It is in the matter of governmental policy that the Communist countries are sometimes more finely attuned to the feelings of the underdeveloped areas of the world than are Western nations. It was this faculty, plus a strong inmixture of self-interest, which prompted the Soviet Union to step in and take over construction of Egypt's High Dam after the United States and Great Britain had canceled offers to finance this huge project. Russia has greatly benefited throughout Arabdom.

If the truth be known, both the West and the Communist world have their deep and abiding problems in dealing with the vast, seething and so often economically backward continents of Asia, Africa, and South America. Here the West may do better; there the Communists. But both still have a great deal to learn about the rest of the world.

A TRIBUTE TO TOMMY RIVES

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. KUYKENDALL. Mr. Speaker, for 5 months during the summer and fall of 1963, this Chamber was a more pleasant place, I am told, because of the presence of little Tommy Rives of Collierville, Tenn.

Tommy was realizing one of his keenest ambitions—to serve as a page in the Congress. And he served with distinction.

House Reading Clerk Joe Bartlett, himself a former page and chief of pages, recalls Tommy as an outstanding young man. Joe would include him in the top 10 of all the hundreds of pages he has known in the past quarter of a century.

Because Tommy was such a sparkling and promising personality, it makes the reason for these references all the sadder.

I must inform you, Tommy Rives died on May 1, when a fire destroyed the trailer in which he was living while attending the University of Tennessee.

Tommy was only 20 years old. But his community, the Congress, and thereby this world, was the richer because Tommy Rives had imparted to it the special sunshine of his presence.

All who knew him would, I am sure, want to join me in this expression of sympathy to his parents, Mr. and Mrs. Joe Boyd Rives, Jr., of Collierville.

I include the story from the Collierville Herald reporting this tragic event:

[From the Collierville (Tenn.) Herald, May 8, 1968]

TOMMY RIVES LOSES LIFE IN TRAILER FIRE AT KNOXVILLE

John Thomas (Tommy) Rives, a student at the University of Tennessee, died last Thursday when a fire swept his trailer home at West Hills Trailer Park, Knoxville.

Mr. Rives, 20, son of Mr. and Mrs. Joe Boyd Rives Jr. of 10074 Poplar, near Collierville, was a junior in the School of Business Administration.

He graduated from Collierville High School in 1965 where he was voted the friendliest boy in his class. He was a popular member of the young set in Collierville and admired by the adults for his friendly manner and outgoing personality.

During his high school career, he was a member of the CHS Band, serving as Drum Major during his senior year. He was a member of the "C" Club, FFA and Hi-Y.

Tommy achieved an honor during his junior year in high school that was probably the highlight of his life. He was selected to serve as a Capitol Page in the U.S. House of Representatives. The appointment came from the Honorable Clifford Davis.

Funeral services were held at the Memphis Funeral Home Saturday afternoon at 2:30 with burial in Memorial Park.

In addition to his parents, he leaves a sister, Miss Suzanne Rives of Atlanta, Ga.; a brother, Joe Boyd Rives III of Nashville and his grandmother, Mrs. J. T. Rook of Memphis.

Serving as pallbearers were Sammy Sammons, Tommy Luck, Craig Hall, Sammy Gibbons, Frank Ballard and Richard Strong.

LAWLESSNESS REPLACES WAR AS NO. 1 PUBLIC ISSUE ACCORDING TO SURVEYS

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. BERRY. Mr. Speaker, I have asked unanimous consent to insert in the RECORD an editorial which appeared in the May 2, 1968, issue of the Buffalo, S. Dak., Times-Herald, entitled "Lawlessness Replaces War as No. 1 Public Issue According to Surveys."

The article follows:

LAWLESSNESS REPLACES WAR AS NO. 1 PUBLIC ISSUE ACCORDING TO SURVEYS

Congressmen polling their constituents have found that lawlessness in our country ranks ahead of the Vietnam War as the most serious issue facing the United States at this time. It appears that the American people fear that lawlessness and dissension within the country may be able to do what outside enemies have never been able to do . . . . destroy the American Way of Life as we have known it.

It may be remembered that a considerable number of years ago, top Communists boasted that America would not have to be invaded to be defeated by Communism. . . . that "like an over-ripe fruit it would fall into their hands."

The "divisiveness" which President Johnson deplored in his "do not choose to run" message has been of immeasurable value to the forces which wish to see this country destroyed. Rich against poor, poor against rich; colored against white, white against colored; labor against business, etc. etc. have long been encouraged by the radicals who make it a point to foment trouble in the United States. This action, coupled with the Supreme Court's soft decisions which have placed the criminal's constitutional rights above those of the good citizen and honest man, have made the job of undercutting the American Way easier for the country's enemies.

It is very true that racism in the United States, and the denial of full citizenship rights to people of different races, has been deplorable. The country is working rapidly through legal and legislative channels to correct these conditions. It is our opinion that riots, looting and burning in the name of civil rights will set the cause of true civil rights back a generation or more.

Equality and justice is more apt to come when the basis of mutual trust and respect has been established. Some of the most respected men and women in America are Negroes. These men and women have sincerely tried to dissuade their people from following the type of leadership which advocates disobedience and disregard of the laws of the land under which they hope for justice.

A man or a mob who kills, loots, burns and riots in the name of justice deserves justice . . . swift and sure.

Unless our nation is able to halt and reverse the trend of lawlessness and re-instill in its people the pride in America and her heritage, the work of our men in Vietnam and other places around the world to protect freedom may become a mockery.

In our opinion, the proposals involving massive increases in relief in our cities will not cure the problems of the ghetto. In fact, several generations of relief handouts may have done more to spawn the problem than ill treatment of the unfortunate people.

The time has come when America and Americans must face the fact that something we have been doing for the past 35 years has been wrong. Massive relief programs, massive government interference in private business, massive tax increases all down the line, massive foreign aid programs. Everything has been on a massive scale. Now we appear to be reaping the whirlwind with massive civil unrest throughout the land. When the individual ceased to become the dynamic force behind the country and began to assume the role of a mere cog in the wheel, materialistic progress began to replace the sincere pride of many Americans in their self-reliance and destiny as God-fearing, responsive American citizens.

Somewhere in this failure and its reversal lies the cause and solution to the nation's No. 1 problem of lawlessness.

BUSINESS INCENTIVE REVAMPS A PHILADELPHIA NEIGHBORHOOD

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. NIX. Mr. Speaker, it is not too often that I find myself in agreement with the social or political views of that rather conservative columnist, James J. Kilpatrick, of the Washington Star syndicate. But Mr. Kilpatrick has written a commentary on an example of corporate "good citizenship" in my own congressional district in the city of Philadelphia which I am glad to join with him in applauding. I hope we can be together on other social issues in the future.

Mr. Kilpatrick wrote of Smith Kline &

French Laboratories' program of redevelopment and assistance to the people of Philadelphia's Spring Garden neighborhood, where that company's main plant is located.

Two years ago, this pharmaceutical house quietly began a three-part effort of encouragement and aid to the people among whom, in a manner of speaking, Smith Kline & French lives. The first part was a job-training program. The second was establishment of an information services center right in the neighborhood, to help the predominantly Negro and Puerto Rican residents of Spring Garden learn about the assistance available to them from public and private sources if they know but to ask.

The third part of Smith Kline & French program was to underwrite, in these days of high interest rates, a portion of the cost of financing conversion of large, rundown, but still sound one-family homes in Spring Garden into modern apartment units. In cooperation with the Philadelphia Public Housing Authority and a private developer, more than 60 houses now have been done over. They provide 200 new, low-rent housing units.

Mr. Kilpatrick also referred to enactment by the Pennsylvania Legislature last November of the Neighborhood Assistance Act, which provides credit against corporate income tax up to 50 percent of the first $150,000 invested by a company in State-approved programs that will benefit residents of disadvantaged areas.

The Smith Kline & French program was the seed that bore fruit in enactment of this forward-looking law. Other corporate good citizens of the Commonwealth now have a new incentive to follow suit, and I urge them to do so.

Smith Kline & French Laboratories, a 125-year-old Philadelphia concern, is to be commended, Mr. Speaker, for demonstrating so tangibly that it does care about helping to improve the lives of the people of the Spring Garden area. With this kind of constructive leadership in the business community; with, perhaps, encouragement of State and local laws of the type just enacted in Pennsylvania; and with proper Federal response to the needs, significant progress, so desperately needed in human relations, economic opportunity, education, and housing, can, I hope, now really begin.

I urge my colleagues in the House to read the Kilpatrick column, which appeared April 25 in the Washington Evening Star, as follows:

BUSINESS INCENTIVE REVAMPS A NEIGHBORHOOD

(By James J. Kilpatrick)

HARRISBURG, PA.—It is too early to do much crowing about Pennsylvania's Neighborhood Assistance Act," for the law has been in effect for less than five months, but two good reasons suggest that it deserves an encouraging word.

First, this modest piece of legislation seeks to bring the skills of business directly to the problems of the slums. Second, it provides one more example of the continued vitality of the states in our federal scheme of government.

The Pennsylvania law is largely the brainchild of a freshman Republican legislator, Daniel Beren of Abington. He learned last year of the quietly hopeful job being done in the Spring Garden neighborhood of Philadelphia by Smith Kline & French, the drug manufacturers. He took a look at their program, and thought he saw not the answer, but one answer, to the complex problems of neighborhood improvement and Negro advancement.

The SKF people have their main plant in a part of Philadelphia that is typical of countless such districts across the nation. It was once a fine neighborhood of large homes, meant for large families. Then families grew smaller and the march to the suburbs began. The neighborhood slipped downhill. Puerto Rican and Negro families moved in, as the old houses were converted to rooming houses and tenements. A slum was on its way.

Two years ago this month, Smith, Kline & French quietly launched a three-part program to serve the people of Spring Garden. One part was a job-training program, similar to other such programs elsewhere. Of greater interest is an "Information Services Center," which the company set up in the basement of an unused church. The third part goes to the rehabilitation of housing.

Today the center has a full-time staff of four persons whose job is to cut through redtape and to help the neighborhood residents find the help available to them. Many of the Spanish-speaking members of the community are wholly unable to cope with forms, rules and regulations. Others are afraid of the bureaucratic presence and generally apprehensive of anything that smacks of officialdom. By keeping the program low-keyed and unpretentious, the center has managed to win a solid place in the community.

The company's role in housing rehabilitation is equally as inconspicuous. The old houses of the neighborhood were basically too sound to be destroyed. Too large for single families, they appeared to offer fine opportunities for conversion into decent flats and apartments. So SKF helped to find a developer who would contract with the Philadelphia Public Housing Authority for house-by-house modernization. The company pledged to underwrite a part of the interest costs. Now 60 to 70 houses have been done over, to provide 200 renovated housing units. The neighborhood is coming back.

Beren was so impressed by the SKF achievement that he won approval in November of his Neighborhood Assistance Act. The law is short and simple. It provides a credit against corporation income tax of up to 50 percent of the first $150,000 invested by a business firm in state-approved programs of benefit to persons living in impoverished areas. So many business firms have indicated an interest in participation at a higher level that Beren already has introduced an amendment to raise the maximum credit to $175,000.

These things can't be hurried. Big business, like big government, sometimes moves with less than lightning speed. But the Pennsylvania law appears to offer the incentive, the opportunity, and the room to turn around in that business leaders have been urging.

Perhaps other States have preceded Pennsylvania in the tax-credit approach to neighborhood improvement. If so, more power to them. For business leaders, the plan offers a fresh challenge; for slum dwellers, it offers fresh hope.

IN MEMORY OF MSGR. JOSEPH R. NUÑEZ

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. TUNNEY. Mr. Speaker, I would like to place in the RECORD a sermon given by Rev. Louis Balderas eulogizing the late Msgr. Joseph R. Nuñez of Calexico, Calif., Monsignor Nuñez was a man loved by many and highly respected by all who knew him. In memory of Monsignor Nuñez, and his work, I place this eulogy in the RECORD:

CHRIST HAVE MERCY

His Excellency, Bishop of San Diego; His Excellency, Auxiliary Bishop; sisters, brothers and other family members of Monsignor Nuñez; most reverend monsignors, very reverend and reverend priests; reverable sisters, parishioners of this parish and friends of Monsignor Nuñez, in the first place I would like to express my most profound feelings of sympathy to the brothers, sisters and other family members of Monsignor Nuñez, as well as to all the parishioners of this parish on the irreparable loss which you have suffered with the death of the Monsignor. The Mass which has just been celebrated had two purposes: the principal one to ask God Our Father to grant the soul of Monsignor eternal glory and in second place that God grant his relatives and parishioners Christian resignation in the holy will of God.

I am not going to make a sermon, since the very life of Monsignor Nuñez was a continuous sermon for all those who had the privilege of knowing him and dealing wtih him; only at the request of the Bishop, will I make a simple reflection on the sorrowful deed which we are all witnessing at this time: a funeral—every funeral is sad, but this is not one of just any brother of ours, but of a special friend, and more than that, of an Apostolic priest, of a beloved father.

For this reason, this morning the most conflicting emotions strongly agitate the minds and hearts of all those who are here united in the presence of this sorrowful spectacle. A coffin which contains the inert body of a beloved father, who ascended to the altar of this Parish every day for almost 29 years in order to offer the sacred sacrifice of the Mass for all the faithful of this parish. His familiar voice which for many long years spoke words of eternal life is mute and silent, his lips sealed by the convulsive grimace of death. We shall no more listen to his consoling words which brought peace and tranquility to many afflicted souls when he solemnly pronounced the sacramental words: I forgive you your sins. Everything is quiet, everything is silent with the solemn silence of death.

Pain is reflected in every face, tears which although silent fill the eyes and announce to the world the sincerity of pain for an irreparable loss. This sorrowful picture which we now witness is a funeral which moves everyone. This loss which we all lament strongly oppresses our spirits, but above this tragedy serenely and majestically like a queen, the Church our Mother arises in order to console us repeating the holiest phrase of the Teacher filled with encouragement and hope: "I am the resurrection and the life: he that believeth in me, though he were dead, yet shall he live."

The Church surrounds its beloved dead with a tender reverence. They are carried to and placed at the foot of its altars, liturgy is offered, and from the bloodless Calvary abundant blessings are poured upon their souls. The Church warmly begs God for eternal rest, light and peace for its dead. And through this darkness, faith, hope and love show us the road which leads to the land where neither death, illness, nor weeping exist, where complete and perfect happiness without end exists.

Probably you know the anecdote which took place on the deathbed of Pope Innocent IX. Before dying he called for a priest, an intimate friend of his and showed him a small box which had the shape of a coffin and asked him to guess what it contained; the priest in spite of all the efforts which he made was not able to say what it contained. The Pontiff then opened the small box and there appeared within a miniature of Innocent IX himself as a corpse. The Pope explained to the Priest, who was filled with surprise, the reason for this: he said that a Pope has to make important decisions upon which rest the eternal happiness or condemnation of many. "Each time that I have to make a transcendental decision I come to this chamber, I open the coffin and I ask myself: 'Innocent, what would you have wanted to have said or decided once you were inert in this coffin?' "

On the shoulders of the Holy Father rests the responsibility for the souls of all the world. In a similar manner, only on an inferior scale, the parish priest has the responsibility for all the souls of his own parish. And Monsignor Nuñez accepted this tremendous responsibility with conscientious fidelity. Frequently he must have seen his own coffin in the calm of his prayers. Frequently he must have sized up the situation which we are now witnessing. Only in this way can the fact of his living an intensely apostolic life be explained; he was untiring in his work for the good of souls. All the faithful of this Parish are witnesses to the apostolic work which he carried out for many years; he gave us all an example even in physical manual labor; he worked with his own hands; even when he was established in dignity, he was not embarrassed to work with a pick and shovel, when it was necessary. The constant thought of his death explains or gives us the reason for his constant and devote oration, for the faithfulness with which he fulfilled his priestly duties. Exactly one week ago I asked him why did he recite the rosary every day in the church when there were not enough in attendance, and he answered me "Son, whether or not there are people, we must honor the Holy Virgin by praying the rosary."

Every priest has as a vocation, preaching. Monsignor was extremely conscientious in the fulfillment of this duty. He was clear and simple, but above all sincere in his preachings. He always spoke with truth, kindness and with firmness when it was necessary. A priest should teach. Monsignor was especially fond of and took care that the little ones of the parish always received religious training and his greatest sorrow and mortification was that the children did not attend catechism, because he said that the children are tomorrow's Catholics.

The priest should administer the sacraments. Innumerable times he poured the baptismal waters over infants' heads as well as on those of converts. He prepared the children with great dedication for receiving the sacrament of the Holy Spirit. He was untiring in the confessional, his hand never ceased to grant afflicted souls the satisfaction of a pure conscience; as well as to present the people with the bread of life. In the pulpit, in the office, everywhere, he always preached and taught the sanctity of Marriage, and his greatest satisfaction was to be able to prepare young couples for this state, because he said it is the basis of a Christian family.

Each parish priest has the obligation to celebrate the Holy Mass for his own flock. Even though very few Catholics know this, the faithful receive great benefits from the blessings which the celebration of the Mass provides for the parishioners. In the celebration of the Mass he had special unction feeling [?].

It is impossible to enumerate all the good examples which we could cite about this good Father who we have only lost from sight,—but who is—we have great hopes—blessing us from heaven. With all propriety we can apply the consoling words of the Teacher: "Come ye blessed of my Father, and you shall inherit the kingdom of heaven . . . Well done, thou good and faithful servant; thou hast been faithful, enter thou into the joy of thy Lord." Monsignor Nuñez has left us bodily, but his spirit becomes larger in order to encourage and enliven the life of this his parish which continues being his.

TWENTY-FIVE FIRMS TACKLE HOUSING IN TRENTON, N.J.

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. THOMPSON of New Jersey. Mr. Speaker, I think it is generally accepted that the terrible problems which confront our center cities cannot be solved without massive participation by private industry. Therefore, it gives me great pleasure to place before the House an effort made by 25 business firms in my home city of Trenton to create decent housing in rundown areas of the city.

The story as detailed in the Sunday Times Advertiser of May 12, is as follows:

TWENTY-FIVE CITY FIRMS TACKLE HOUSING

Twenty-five Trenton business firms are taking aim on one of the most crucial problems of center-city residents—housing.

The group, adopting the name Trenton Coalition of Business, already has initiated a renovation program on eight homes, and is laying plans for similar efforts elsewhere in the city.

TCB purchased eight homes at 401–415 North Olden Avenue, and is improving those properties for resale as low cost housing.

After rehabilitating the structures, they will be sold to the present tenants or to other owners who can qualify. With financing provided through the Federal Housing Administration (FHA), carrying charges are slashed by as much as 25 percent.

REDUCED COSTS

The reduced costs will allow many families to own their own homes while paying no more, and often less, than their present rental costs.

The coalition was formed, it was explained, because of the desire of the business community to become involved in the urban problems of Trenton in a way that would achieve the "quickest measurable gains."

Home ownership, it was pointed out, is the first step in stabilizing neighborhoods and in providing individuals with their personal identification of their own neighborhoods.

Several months ago the first steps were taken at an organizational meeting. From that session came the non-profit corporation which now is buying and rehabilitating buildings.

The eight homes of the pilot project are being renovated completely, including the installation of new plumbing, wiring, kitchens and bathrooms where necessary.

The city's anti-poverty agency, United Progress, Inc. (UPI), is cooperating by providing supportive services such as homemaker courses, job referral, advice on financing, selection of potential purchasers, and follow-up work after the purchases are made. Wherever possible, the present occupants will be the purchasers.

The participating firms have established a revolving fund which will be used for additional purchases when the FHA mortgages are obtained.

James Kerney Jr., editor and publisher of the Trenton Times Newspapers, is president of the coalition, while the vice presidents are John H. Nevius of Nevius Brothers Inc. and Julian J. Aresty of S. P. Dunham & Co. Basil Outerbridge of the Homasote Company is secretary; Sydney G. Stevens and H. Walther, both of First Trenton National Bank, are treasurer and assistant treasurer, respectively. S. Kenneth Paul is the coalition's acting executive director, on loan from First Trenton National Bank. Thomas Harrison has been designated by UPI as coordinator of the coalition's projects with UPI functions.

The executive committee of the coalition consists of the officers and Charles Levy of S. P. Dunham & Co.; J. Carr Nevius of Nevius Brothers Inc., and Patrick J. Murphy of Sears Roebuck & Co. John S. Rhoads is serving as consulting architect and Edward Goldberg is the real estate consultant.

The coalition is seeking cooperation from other area firms who may wish to join. The 25 firms now in the coalition are:

Acme Hamilton Manufacturing Company, American Biltrite Company Inc., Broad Street National Bank, Circle F. Industries, Crescent Insulated Wire & Cable Company Inc., DeLaval Turbine Inc., S. P. Dunham & Company, First Trenton National Bank, Goodall Rubber Company, Heinemann Electric Company, Homasote Company, Lenox Inc., and Lit Brothers.

Also, Nevius Brothers Inc., New Jersey Bell Telephone Company, New Jersey Manufacturers Insurance Company, Sears Roebuck & Company, Security National Bank, Thiokol Chemical Corporation, Trenton Savings Fund Society, Trenton Times Newspapers, Trenton Trust Company, The Trentonian and United States Steel Corporation.

In announcing the organization's work, Kerney and Stevens added that the coalition does not feel it is the final answer to all housing problems in the city.

CONGRESSMAN HAMILTON INTRODUCES TAX BILL TO HELP FAMILY FARMER

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. HAMILTON. Mr. Speaker, I introduce today a bill to end unfair competition between the genuine family farmer and the wealthy businessman and corporations who farm just to lower their tax rate on other primary sources of income.

This bill would amend the Internal Revenue Code of 1954 to provide that farming losses incurred by persons who are not bona fide farmers may not be used to offset nonfarm income.

Statistics from the Internal Revenue Service demonstrate that significant numbers of persons and interests are taking money derived from nonagricultural enterprises and putting it into farm operations which they then run at a loss, losses which they ultimately recapture in the form of capital gains.

These interests take money subject to high taxation rates and pour it into farm maintenance, new buildings, machinery and stock and then sell the farm and pay only a 25-percent capital gains tax.

Such practices undermine the economic position of the genuine farmer, encourage unreliable farm practices and reduce the revenues of the Federal Government.

I believe this situation should be corrected. I believe the bill I offer today does this by a principle well established in the American tradition: equal opportunity for all and unfair competition for no one.

This bill does not prohibit corporations from entering farming or nonfarmers from engaging in part-time farm operations. It simply forbids farming as a tax avoidance mechanism.

Corporations in which at least 80 percent of the stock is held by bona fide farmers are exempt from the provisions of this bill; nonfarmers who acquire land, and who certify their intent to become bona fide farmers, are not penalized by this bill; and nonfarmers who acquire land are given a reasonable period of time to adjust their holdings in compliance with this law.

In short, this bill is directed only to those persons and interests who chronically and purposely run a farm operation at a loss to avoid paying taxes on their income.

Mr. Speaker, it is the family farm, operated efficiently and by local interests, that is in the best interest of this country. It is the real family farm, not the hobby farm or corporation farm, that creates jobs, that encourages local businesses and that makes a contribution to, and has a genuine interest in, the development of strong local communities.

These strong local communities are part of this Nation's most cherished heritage. And the perpetuation of these local communities must be part of our national response to the plight of our large urban areas.

Therefore, in the interest of fairness to the genuine family farmer, sound economic development of our rural areas, and the general welfare of the Nation, I urge the speedy passage of this bill.

L. B. J.'S RECORD: DEMOCRATS' MILLSTONE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

L. B. J.'S RECORD: DEMOCRATS' MILLSTONE

Pulitzer prize-winning publisher John S. Knight, in a *Miami Herald* editorial on Sunday, May 5, points out that L.B.J.'s withdrawal from the presidential sweepstakes does not cancel out criticism of him—nor of his record. He is more than just a caretaker for the remaining eight months of his term, he still has the powers and the responsibilities of the Presidency to perform.

Knight says that the Democrats will have to run on this record, especially Hubert Horatio Humphrey. He says L.B.J.'s biggest blunder was his betrayal of the American public on Vietnam. He recalls that in 1964 Johnson painted Barry Goldwater as a superhawk, while retaining the image of a statesman who would not let American boys fight a war that Asian boys ought to be fighting. Says Knight: "It was Johnson who began the bombing of the North and consigned more than 500,000 Americans to a bloody and unending struggle." Some 383 Americans were killed in Vietnam last week, while L.B.J. is engaged in creating another shimmering mirage—that of instant peace.

Knight charges that Johnson economic policies have brought the Nation to the state of crisis, which William McChesney Martin, Federal Reserve Board Chairman compares in severity to that of 1931. A tax increase two years ago, and cutbacks in Federal spending could have avoided the crisis. "Yet at no time has the Johnson Administration been able to cope with inflation, rising costs of living or effect reasonable wage and pricing guidelines. The President has been organized labor's strong ally yet even his mildest urgings for restraint find labor's ears completely tone deaf," he declares.

Taking the measure of Johnson's promises vs performances, Knight states: "As I have said, the pledge and the performance are contradictory. No amount of emotional rationalizing can make us forget the promise, or gild the deed."

L.B.J. is demonstrating continuity and consistency as a lame duck President. He has stood firmly against all thoughts of economy. He has artfully suggested that Congress bears the responsibility for cutting the budget—yet it is the President who is supposed to ask for funds, manage the fiscal affairs of the Nation so that inflation is not Federally-created.

Republicans may well remember the statement to Congress by Carl Schurz in 1872: "Our Country, right or wrong! When right, to be kept right; when wrong, to be put right!"

Putting right L.B.J.'s massive mistakes will be a big G.O.P. job.

COLUMBIA AND COMMUNISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. RARICK. Mr. Speaker, when the student is able to take over the school and dictate to the educator what he is to be taught, the conditions under which he will study, and the overall policies that govern his environment, we no longer have education, we have chaos. No one can be educated without discipline. No one can learn without direction.

College students will be college students—problems, showoffs, demonstrations—all these are young people trying to be heard and make a mark.

But such was not the case at Columbia University. The only victor was a small minority of "professional agitators" camouflaged as students who would destroy the right of the overwhelming majority of American students to pursue an education.

Let us hope the trustees of Columbia University are courageous enough to place the welfare and interests of "the student" first rather than destroy the university by giving in to impossible demands from a destructive minority.

Mr. Speaker, I include the article "Columbia Milestone for Marxist Revolution," from Dr. McIntire's Christian Beacon for May 9 following my remarks. The problem is whether education shall be to build or to destroy.

The article referred to follows:

COLUMBIA MILESTONE FOR MARXIST REVOLUTION

(By Jon Reid Kennedy)

Columbia University has been for over a week under a voluntary seige by the New York Police Department.

The several years of relative peace among American new leftist university factions, attributed by many sociologists to the rising of the psychedelic drug-love generation, ended when a bloody battle between students and police broke out at Columbia in the early morning hours of Tuesday, April 30. The police evicted students who had locked themselves in offices and classrooms in five university buildings, arrested 720. Reports were that 150 were injured.

The student sit-in was part of a strike called by two Columbia organizations, Students for a Democratic Society and the Student Afro-American Society. SDS has been active in university uprisings and Marxist causes since the University of California at Berkeley went through similar crises in the name of what militants called student power and free speech in 1964. That rioting resulted in tighter controls over the campuses by California's university regents and the replacement of Clark Kerr as president of the statewide system because his liberality was thought to have been a contributing factor to the riots. Many also feel that the Berkeley situation's becoming so out of hand was a major contribution to the election of California Governor Ronald Reagan, whose campaign included promises to keep the university under control.

In New York the political atmosphere is considerably different and Columbia is not, like Berkeley, a state or public institution. In fact, the outbreak of rioting at Columbia is probably much more significant even than what happened at Berkeley in view of Columbia's long-established position as one of the most prestigious institutions in the land, ranking with Harvard, Cornell, Yale, Princeton and Penn as a member of the Ivy-League conference. Columbia is famous as the nation's leading journalism school with many of the nation's leading news reporters and industry executives being alumni and trustees. It is also famous as the birthplace of the liberal or Dewey approach to public, especially elementary level, education. Columbia, which will someday own Rockefeller Center in the heart of Manhattan, is said to be the richest university in the world. It is also among the most expensive to attend, when compared to such institutions as the University of California and New York University, and for this reason would be considered an unlikely place for such disturbances as broke out the last week of April. An additional factor is that Columbia's entrance requirements, again in contrast to the state institutions, are among the highest in the land; the type of institution at which only "the cream of the crop" of American high school graduates can hope to be accepted.

Total enrollment at Columbia is 17,500, but this is not a realistic figure in light of the present turmoil. This figure includes all campuses and divisions. The present siege has taken place at the main campus which extends from 114th Street to 120th Street in Manhattan between Broadway and Amsterdam Avenue. Across 120th Street is another section of the institution, Columbia Teacher's College, and across Broadway is the women's undergraduate institution which is indirectly part of Columbia, Barnard College. Also included in the student community in the Columbia section of Manhattan are the student bodies of Union Theological Seminary, long known as one of the most liberal Protestant institutions in America, which is also just across Broadway from Columbia, and Hunter College, a liberal teachers college. These latter institutions are not included in the 17,500 figure for Columbia, however.

WHY?

The Columbia strike began at the same time a nationwide student strike had been called by National SDS. That strike was, in typically SDS-Marxist terms, called so that students could oppose "war and racism," America's involvement in Vietnam and the refusal of the government, thus far, to give Negro Americans a guaranteed annual income. The nationwide strike was supported by Marxist militants on campuses all around the country. This writer observed support for it at Berkeley, UCLA, San Francisco State College, and the University of Pennsylvania during visits to those campuses within the past three weeks. But nothing else that happened during the nationwide "strike," which was actually supported by very few of the nation's college students, compared with what began at Columbia.

Columbia SDS and other New York Marxists, including the Communist Party, saw an ally in the Student Afro-American Society (SAS) at Columbia. Compared to war and racism, the SAS had a fairly unromantic cause, simply the halting of construction by Columbia of a new gymnasium, to be used both by the community and the university, in a park in a Negro community, a section of Harlem in Manhattan.

The Marxists knew, of course, that they could win much more support from the typical liberal American youth who make up the Columbia student body on the issue of the building of an unwanted gymnasium than they could for the nebulous concept of "racism" in general. So they backed SAS on the gymnasium, which had already received considerable play in the New York *Times*, and also asked students to strike against "war" by opposing Columbia's University's involvement with a defense research organization, the Institute for Defense Analysis.

It was one of the most successful Marxist strategies ever undertaken in this country and appears to be turning into one of the greatest successes Communism in this country has ever had.

Of course most of the students at Columbia are not Marxists, nor do they support Communist goals on principal, nor did they, at the start of the strike, even support SDS. Yet the main goals of the Marxists stand a very good chance of being carried out—at least to some extent—as of this writing. These are the restructuring of the Columbia University system to make faculty and students the real controllers of the institution and the shapers of its policy. Virtually all the Columbia students are now saying (and this writer spoke to strikers as well as those—still in the majority—who opposed the strike) that the plan to build a gymnasium would never have started if the faculty and students had had the right to decide.

If most of the students feel this is a legitimate attitude on the way their university should be administered, the Marxists have already won a major victory. Columbia, like our nation, is a republic, not a democracy, but the Marxists know that if they can get their idea of democracy into practice and acceptance by the people, they have reached more than the beginning of the end so far as our republic is concerned.

Columbia is a private University, owned by its trustees. These include such men as the publisher of the New York *Times* and the head of Columbia Broadcasting, all of them highly successful and influential men, most of them capitalists in practice but, like the German aristocrats who backed Hitler, not always in principle.

The New York *Times* itself has taken seriously the charge of the Marxists that "the trustees have been running this university for 200 years, and they've been running it wrong." If the *Times* can publish such a statement and make it appear to be a responsible, credible minority point of view, why should not the tuition-paying majority of Columbia's students feel they have a right to vote on every decision the university makes?

The *Times*, unfortunately, does not take seriously the Marxist loyalty of the militants of SDS, telling its readers that: "For many students brought up in the complex and ideologies that profess to offer an all-encompassing world view are now considered largely irrelevant." A true statement, but hardly significant in view of the fact that a Marxist youth organization cited as Communist by spokesmen for our federal government precipitated the Columbia strike.

STUDENT ATTITUDES

The main six-block Columbia campus was surrounded by several hundred New York City Police throughout the crisis, and only students and faculty members bearing identification cards were admitted to the inside, in an effort to keep outside trouble-makers off campus.

Students stood in line to pass through the gates where their cards were checked, many of them wearing badges with the word "strike," and many with armbands. Red armbands indicated support for the strike and the fact that their wearers were among those arrested the morning of April 30. Blue armbands indicated opposition to the strike and especially SDS. The opposition was led by a group which at one point represented a majority of students and called itself the majority coalition. Leaders of that coalition received phone calls threatening their lives for opposing the strike, and one of the callers (coalition leaders presumed it was spurious) identified himself as representing National SDS.

A Columbia student stood in front of the gate to Barnard College holding a sign: "Majority Coalition Leaders Lives Threatened." With him was a Columbia law student who wore a badge saying "Stop SDS." He identified himself as Fred Moran and told the writer that he opposed SDS because it was obviously irresponsible but mainly because SDS leaders had refused to exhaust the legal channels available to them for their protest before resorting to the illegal procedure of seizing five Columbia administrative and classroom buildings and disrupting for days the operation of the university.

After talking with this student a few minutes it was obvious that although he opposed SDS he did not do so for exactly the same reasons given by SDS's main opponent on most American campuses, Young Americans for Freedom. He had arrived at his own conclusions regarding SDS, and they paralleled those of Young Americans for Freedom on many particulars, yet this student said he did not oppose the goals of SDS—student control of the University and opposition to the gymnasium—but only their illegal methods of attaining them. He also said that he feared most of the Columbia students had been converted, during the strike, from opposing the strike to supporting it. He said (with the backing of the New York *Times* and Mayor John Lindsay) that he thought there had been brutality committed during the arrests by some policemen and that virtually all students felt the police should not have been called in. They feel the university is their property, certainly not public property, and although most students opposed the sit-in which disrupted the university, they even more strongly opposed the police action.

If this is true, and it almost undoubtedly is, SDS had scored a major victory.

Most significant was a paper by this student, Fred Moran, which he circulated to the Columbia faculty. It was entitled: "Do not support the SDS Strike—attend classes. Supporting SDS is fostering fascism." (The Young Americans for Freedom magazine, *The New Guard*, several months ago bore a cover story suggesting that SDS change its name to Students for a Fascist Society.) As it is an excellent and, we believe, unprejudiced, presentation of the basic principles involved, we are reprinting it in full with this story:

"DO NOT SUPPORT THE SDS STRIKE—ATTEND CLASSES—SUPPORTING SDS IS FOSTERING FASCISM

" 'Martyrdom' does not validate the tactics SDS has employed. It is not the absence of violence that is the criteria in determining whether acts should be tolerated by a democratic society but whether an infringement of fundamental human rights has occurred.

"The tactics employed by SDS have violated numerous fundamental human rights:

"1. The Right To Privacy: President Grayson Kirk's personal files were broken into and examined by SDS activists.

"2. The Right To Not Be Threatened With Physical Violence.

"3. The Right To Freedom Of Movement: Dean Coleman and 2 other university officials were held captive by SDS and his life was threatened by their SAS co-conspirators.

"4. The Right To Not Have One's Person Attacked And Not Be Physically Assaulted: An elderly maintenance man was thrown down a flight of stairs, receiving severe injury including 5 broken toes. He was admitted to St. Luke's Hospital in severe pain.

"5. The Right Of A University Administration, Students, And Faculty To Have Areas Designated For Particular Uses Remain Accessible And Usable For Those Purposes.

"6. The Right To Not Be Physically Coerced By Sheer Power But Instead To Be Persuaded By The Merits Of An Adversary's Argument: SDS activists usurped university buildings designated for classroom lectures, administrative work and other academic pursuits making those areas inaccessible to persons who have a proprietary right to utilize those areas.

"Well-organized dissident minorities have a responsibility to the community in which they are active to restrain themselves from utilizing all the power at their disposal. Only when the political structure of that community is not sufficiently flexible to permit an airing of their views does it become justifiable for them to trample upon the fundamental human rights of other persons.

"Why didn't SDS picket around Low Library and in other key locations? Why didn't SDS inform the mass of the student body of its beliefs and objectives? Why didn't SDS request all students to picket and not attend classes? And why didn't SDS accept the Administration's 4/25 offer to meet with them and consider SDS demands? When persons holding minority views are permitted to use any means available to them to manipulate the community, the most aggressive persons in the community, whatever their views may be, will necessarily maintain greater influence than their numbers warrant. The validity of their ideals will have no bearing on the extent of their influence because coercion and not persuasion will have been their means.

"Only persons who are such egotists that they believe the opinions they hold must be right and the variant views of others are necessarily inferior, will attempt to coerce a community into adopting their views. A democracy is based on the ideal that most men, given a free flow of ideas, will eventually find truth and that no one group has a monopoly on 'right opinions'. If SDS's ideals are not accepted by the majority this necessitates the conclusion that either they have not made a sufficient effort to persuade others of the merits of their views or the majority finds little validity in the SDS position. If the latter is the case, then given a democratic and not a totalitarian community, SDS must resign itself to the non-implementation of its views.

"Revolution, i.e., action outside community permitted processes, is only morally justifiable when the political system is too inflexible to permit the extensive airing of new views and the implementation of those views once most persons come to accept them. The democratic process cannot be said to have broken down at Columbia because SDS did not fully utilize the legal means available to it.

"This is why the Majority Coalition believes a real punishment must be administered to those persons who unlawfully occupied university buildings.

"Be warned, because next time you may not agree with Mark Rudd's objectives. [Rudd is chairman of Columbia SDS.]

"If you agree with our position attend your classes and wear a blue armband.

"Remember, a democracy does not maintain itself. It must be continually fortified by its members.

"F. A. MORAN, 1968."

The thesis that SDS is fostering fascism is especially poignant in view of the fact that the Communists' constant rallying cry is that anyone who does not agree with them is a fascist. Yet it is obvious from reading Moran's paper that SDS was guilty of totalitarian tactics at Columbia (and it frequently has been in the past, as Young Americans for Freedom has documented).

Moran calls for justice in asking that "a real punishment be administered to those persons who unlawfully occupied university buildings," but unfortunately many Columbia faculty members and liberal community leaders have asked the University to drop charges against those arrested. But not only that, New York *Times* reports, representing the publisher of the *Times* who is a Columbia trustee and therefore considered the enemy by the strikers, have indicated that a new approach to governing the University must be undertaken, giving the leftists the chief desire of their hearts.

THE CRUX OF THE MATTER

That a university could be the property of its students and faculty and that they could democratically decide what its policies should be is not in itself a dangerous concept, nor is it of necessity an undesirable one. (But it is an improbable one, as neither most college students nor faculty members could afford to finance such an institution.) The principal involved in the Columbia revolution is that here a totalitarian minority have by violent and illegal means been able to persuade men in responsible positions that they have some "right" to take over that which does not belong to them. If they go unpunished for trespassing and for depriving the 16,000 Columbia students who did not sit in with them of their right to continue the education they paid for, a milestone precedent has been made. The university and therefore its trustees, who include some of the most wealthy and influential men of America, will be saying that it's morally justifiable to break laws to speed the process of revolutionary change.

But, if in addition to failing to punish the trespassers the trustees of Columbia make some move to give them that which they most desire and least deserve, a voice in the policy making of the university, they will not only be condoning the wrong already done but encouraging similar wrongs in the future to bring about additional "progress."

The Marxist psychology here is becoming highly effective. It is the same principle used in the burning and looting of ghettos to get the city, state, and federal governments to "reward" the looters for bringing their needs to our attention.

Rewarding the participants in violent and illegal actions establishes a climate of tolerance toward more violence and illegal acts which could result in the overthrow of our local and national governments themselves, and the New York *Times* in editorializing against it (assuming it was granted that liberty) would have neither principle nor precedent to stand on, in view of its attitude on the Columbia revolution.

The SDS victories at Columbia are the most important milestone to date along the road to an American Marxist revolution.

The Rev. William S. VanMeter stood outside the gate to Columbia University's main campus and handed this statement to students while they waited in line to enter the besieged institution. With this implicit endorsement of the National Council of Churches and the Protestant Council of New York to the ideology of Columbia's militant Marxists, how could the students in general be expected to see the issues clearly? While the President of Columbia is attacked for using force to evict trespassing students who disrupted the entire university, the force used by those students themselves to coerce others into supporting them is completely ignored. What is implied by the protestations of police brutality? That criminals are to be brought to justice without police to arrest them?

The statement follows:

NEW YORK, N.Y.,
May 3, 1968.

As neighbors of Columbia University, we feel compelled to add our voice to those who have spoken out against the decision to resort to the use of force by the University administration. The question is not a legal one. Columbia had every right to call upon the police. The question is one of leadership and judgment.

We agree with President Kirk that this issue extends far beyond the Columbia community; that it has implications for all academic institutions. At a critical period in human history, when men of intelligence, common sense and good will are struggling to find the alternatives to force and violence as accepted methods for the resolution of human conflict, we feel that the Columbia administration has failed. We feel that in choosing force as a solution to dispute and by opting for the abuse of humans in response to the abuse of property, Columbia abdicated both its leadership role and its good judgment.

We are angered but not shocked by the action of the police. The question of police brutality is not new. To condemn all police for the actions of some would be irresponsible. However, the violent behavior of far too many of this nation's law enforcement personnel, especially when dealing with racial, political or social minorities, is frightening, dangerous and deserves intensive investigation, study and punishment where necessary.

We were pleased to learn that for whatever reason the black students in Hamilton Hall were well treated. However, the brutal treatment accorded other students, faculty and spectators raises serious questions that must be answered.

The police action at Columbia adds to the overall crisis in the nation. It also raises fundamental questions about the role of the police in our society. Is a police force to be an agent of punishment or is this the right of our courts? We believe the latter to be true in a democratic society and that continued use of excessive force by police is a threat to the rights of all citizens.

Rev. WILLIAM S. VANMETER,
Executive Secretary, Department of Christian Social Relations, Protestant Council of the City of New York.
Dr. CHARLES S. SPIVEY, Jr.
Executive Director, Department of Social Justice, National Council of Churches, U.S.A.

APPOINTMENT OF GEORGE BALL AS AMBASSADOR TO THE UNITED NATIONS CALLED MOVE FOR PEACE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. EVINS of Tennessee. Mr. Speaker, the distinguished columnist of the New York Times, Mr. James Reston, has reported that the appointment of George Ball as U.S. Ambassador to the United Nations is a clear signal that Washington wants an honorable peace settlement in Vietnam.

Mr. Reston, in his article, writes that Ball has been a longtime opponent to the war but that he is a tough, practical negotiator who will represent the best interests of our country. Because of the interest of my colleagues and the American people in peace in Vietnam, I include this Reston article in the RECORD.

The column follows:

BALL APPOINTMENT IS A CLEAR SIGNAL TO NORTH VIETNAM

(By James Reston)

WASHINGTON.—President Johnson's appointment of George Ball as United States ambassador to the United Nations is a clear signal to Hanoi that Washington wants an honorable compromise peace in Vietnam.

But the important words are "honorable" and "compromise." Ball was the most articulate opponent of the Vietnam war from the beginning to the end of his years here as Under Secretary of State, but he is a tough and practical man, and his opposition to the war should not be misjudged.

He is, first and foremost, a good lawyer, even when he has a bad case. Almost alone among the advisers to Presidents Kennedy and Johnson, he argued against committing America's men and prestige to that war. More than that, he opposed the bombing and the policy of replacing the South Vietnamese on the battle field, but even when he lost every battle within the government about increasing Washington's involvement in the war, he refused to break with Johnson, no matter how much he disagreed with the trend of Jonson's policy.

No doubt this is why Johnson turned to George Ball when Arthur Goldberg insisted on resigning as United States ambassador to the United Nations. Goldberg's timing may seem strange. He held on at the U.N. during the days when the Johnson-Rusk-McNamara-Rostow coalition was taking the hard line against peace negotiations. Now he is resigning just when negotiations to end the war may be starting.

But Goldberg is a believer. He has to be sure about the objectives of the negotiations for peace, and as a veteran labor negotiator, he has to be sure he is in charge of the negotiations, and there is reason for saying that he had doubts on both points.

Also, Goldberg is one of those odd characters—he is both a realist and a moralist. He knew that the peace negotiations were not going to take place at the United Nations in New York. He also knew that the negotiations would go on for a very long time, so he asked to get out.

Besides, there was a lot of silly gossip that he was hanging on because he wanted to be reappointed to his old post on the supreme court, and that annoyed him too. The truth is that he wants to live a free life again, to practice law on his own, and go back to his old farm at Orlean, in the foothills of the Blue Ridge in Virginia.

This created a problem for Johnson. He was confronted by the resignation of a man who wanted peace at the beginning of negotiations for peace, so he turned to George Ball, who had the reputation of wanting to end the war in Vietnam and get on to more important questions at home and abroad.

It is an important appointment. Ball is a blunt man. He will be an advocate for the administration at the United Nations, but he will argue fiercely for liquidating the Vietnam war and getting back to what he regards as the main issues of American policy at home, in the hemisphere, and in the industrial centers of power in Europe and Japan.

This may very well influence the balance of power in the Johnson administration. Ball will be in on the discussions of the cabinet and the national Security Council. He is old enough and secure enough and dogmatic enough to say what he thinks, and risk the consequences. He likes but disagrees with Secretary of State Rusk on Vietnam, and he dislikes and disagrees with Walt Rostow in the White House and the other hawks, and he is just hard enough to say precisely what he thinks.

Hanoi, however, should not be deceived by Ball's reputation as the official dissenter on Vietnam in Washington. He will argue within and without the administration for a fair and decent compromise settlement, but he has not left a fabulously successful private career in law and finance in order to support a sell-out.

NO REASON FOR LOSS OF FAITH

HON. TOM S. GETTYS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. GETTYS. Mr. Speaker, an editorial appearing in the May 6 edition of the Cheraw, S.C., Chronicle, edited and published by Mr. Edward M. Sweatt, is worthy of the attention of all Americans. Each of us is so inclined to curse the dark rather than light a match that it is good to be reminded that our Government is the best ever conceived by the mind of man. We truly are blessed. The editorial of which I speak follows:

No Reason for Loss of Faith

It is not difficult to understand why many Negroes and members of other minority races in the United States are impatient with social and economic inequality.

It is not difficult to understand the idealism of youth which recognizes and rejects the obvious flaws and hypocrisies in the society of their elders.

It is not difficult to understand why a generation raised under the threat of nuclear annihilation opposes warfare, regardless of the reasons advanced by their elders to justify the fighting.

It is not difficult to understand why young people are frustrated by the system of military conscription which requires they risk their lives on the battlefield at an age considered too young to vote.

It is not difficult to understand why young men reject the idea of fighting a war thousands of miles away, while at home an affluent society makes no sacrifices for a war which many feel is immoral and unjustified.

What is difficult to understand is why some Americans have lost faith in the democratic principles upon which the United States was founded. These principles have produced the best—if not perfect—system ever developed by man in which to live.

Negroes who are so desperate or misguided as to believe that there is no solution to this country's racial problems, short of burning the nation to the ground and starting all over, overlook the fact that the only sure hope for minorities is under a system of government such as ours.

No thinking American can deny that racial injustice is a major social ill in this country and that improvement of the plight of the Negro has been slow. But it is also a fact that Negroes have advanced from slavery to the threshold of equality under the system of government some of them now are ready to renounce.

Given the same conditions, there is no other form of government under which the Negro could have faired much better. Think of how the Negro riots in major cities of America would have been dealt with in some of the countries which militant black power leaders want the U.S. to imitate.

Young people on college campuses who feel like rebelling because of this country's shortcomings ought to study their history more thoroughly. What other country in the world has achieved so much for so many and is striving to eradicate conditions of poverty for the rest?

While citizens have the right to dissent from the United States policy in Vietnam, it should be done in a responsible way. There is no justification for giving aid and comfort to this country's enemies or trying to interfere with government agencies charged with the conduct of the war.

There is certainly need for selective service reform, but draft card burning and other illegal acts are no way to bring about change.

This country is beset by many problems. But no solutions can be produced by rebellion, insurrection or anarchy. It is through the process of truly representative, democratic government that freedom and justice is achieved for all citizens.

While our democracy may not be a perfect form of government, it should be remembered that all others are much worse.

POOR PEOPLE'S MARCH

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. NICHOLS. Mr. Speaker, we are witnessing the beginning of a sad spectacle here in our Nation's Capital this week. Some 2 miles from this Chamber and almost within sight of the White House, temporary structures are being built on Federal property to house the so-called Poor People's March. It is difficult for me to realize that the Government is actually condoning this situation by granting a permit for this camp-in.

The Department of the Interior and the National Park Service are setting a precedent by granting a permit for 3,000 people to live on Federal land for this summer. I hope they are going to be prepared to grant similar permits to any group which wants to come to Washington in the future, whether their aim be to lobby or to sightsee. This land belongs to every American, and it would be discrimination to deny other groups use of this land.

The aim of the Poor People's March is to force the Congress to enact massive welfare legislation costing billions of dollars. We have already experienced legislation by emotion when the Congress was stampeded into passing the open housing bill. If this type of action continues, there will be no need for the legislative process. Bills will simply be enacted according to which special interest group can put on the biggest show in Washington.

Although the leaders of this demonstration are insisting that their people will be nonviolent, it should be quite evident that there is an element here in Washington which will seize this opportunity to renew the violence and rioting that the city experienced earlier this spring. Sufficient evidence was presented to and ignored by the Justice Department to indicate that there was a plan for these riots. Since the conspirators are apparently still free, it would not take a genius to figure out that they are at this moment making plans for another opportune time to signal the start of disorders.

Finally, Mr. Speaker, we understand that some $40 million worth of hotel and motel reservations have been canceled for this summer here in the city. This does not include other losses from visitors who might have come to visit their Capital, but who now will take their vacations elsewhere. Other millions in trade, meals, bus fares, sightseeing tours, and other similar items will be lost this summer. With these losses in dollars will go losses in the number of jobs available. This will, of course, affect the very people this demonstration is attempting to help.

Our country has many problems. They will not be solved overnight. They will not be solved by coercion and by threats to the legislative bodies of this Nation. This Congress is elected to serve all the people of America, and I do not believe that a majority of them are in agreement with the direction in which we are moving. This so-called Poor People's March is not in the best interest of our country, and I hope that those officials responsible for allowing it to take place will soon come to realize this.

This editorial from WDNG radio in Anniston sums up the feelings of many people in this country toward the demonstration:

Poor People's March

Daily we search for the "silver lining". We think of Marks, Mississippi—a very small town of 26-hundred people on which descended equal that number of strangers whose purpose it was—the Associated Press reports—to "recruit more volunteers for the invasion of Washington . . . by the Poor People's March". Marks, Mississippi is a typical very small southern agricultural community. There are thousands of Marks, Mississippis. The strangers were uninvited. The strangers were annoyed that water and power lines had not been run to each of four big circus tents. The mayor of Marks explained that the strangers "have changed their minds 4 times" about the length of their uninvited visit. Marks, Mississippi's water and power facilities and its staff are meager—total annual city budget is $90,000. But the mayor said that after the strangers had decided to extend their visit, he would run the water and power lines into the tents without delay. Water and power were delivered that day. With credit to the strangers, their leader—the Rev. James Bevel, top aide to the Rev. Ralph Abernathy, top aide and successor to the Rev. Dr. Martin Luther King—stated that he was "delighted" with the mayor's "attitude and concern for everybody".

The Associated Press reports Marks, Mississippi's "attitude and concern for everybody" before the strangers invited themselves to Marks at the expense of the community. AP reports that the residents of Marks, Mississippi already had contributed the sum of $14,000 toward a joint local-state-federal training program for unemployed Negro farm hands who are out of work due to mechanization. Marks, Mississippi—as are other southern agricultural communities—is contributing to the training of their unskilled neighbors. All over the South—under construction or already built—are shining, modern vocational and technical education facilities.

The "silver lining" is in the forebearance, tolerance and sacrifice of the people of Mark's

Mississippi to the strangers who descended upon the community uninvited and for the purpose—AP reports—of "recruiting volunteers for the invasion of Washington . . . by the Poor People's March". The uninvited strangers marched no further than to waiting busses and no farther than to have their pictures taken leading two mules and a wagon. The uninvited strangers are leading a march on the U–S Treasury. The people of Marks, Mississippi are training their neighbors how to use their hands. What's good about Civil Rights? The best thing about Civil Rights is that the picture is becoming clearer and clearer. The only way that a man can attain personal stature and dignity—a good income—a good home—a good life—is by applying himself to learning how to earn a good living—not how to take a living from someone else by way of the U–S Treasury. The Poor People's March is as phoney as the two mules and a wagon that could not get on the bus.

LAW DAY—BATON ROUGE, LA., 1968

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. RARICK. Mr. Speaker, Law Day, 1968, in Baton Rouge, La., was commemorated with an en banc sitting of all judges, members of the bar, and the general public at the parish courthouse.

The address was delivered by Hon. Fred A. Blanche, Jr., district judge of the 19th Judicial District Court of Louisiana.

As a former district judge and congressional representative of East Baton Rouge Parish, as well as personal friend of Judge Blanche, I am proud to include the full text of his speech following my remarks:

ADDRESS DELIVERED BY THE HONORABLE FRED A. BLANCHE, JR., AT THE LAW DAY EXERCISES ON MAY 1, 1968, BEFORE THE 19TH JUDICIAL DISTRICT COURT, PARISH OF EAST BATON ROUGE, STATE OF LOUISIANA, AND THE CITY COURT OF THE CITY OF BATON ROUGE, SITTING EN BANC, THE MEMBERS OF THE BATON ROUGE BAR ASSOCIATION AND THE GENERAL PUBLIC AT THE EAST BATON ROUGE PARISH COURT HOUSE, BATON ROUGE, LA.

Two years ago I gave an address at the opening ceremonies of this Nineteenth Judicial District Court where the doctrine of civil disobedience was explored. The doctrine has been preached by many since that address, and now on this spring day which will usher in the summer of 1968 we have seen how the contagious doctrine of nonviolent disobedience of the law has spread into the violent disobedience of the law.

So today I would like to speak to you concerning the widespread use of violence, the logical concomitant of civil disobedience, as the acceptable method of achieving lawful ends. When we contemplate the widespread use of such means, we can then begin to think about violent revolution and the threat of destruction it poses to our entire framework of government and the court itself. Violent revolution is the chosen method of the Communists to bring about political and social change, and lest you suspect that I am somewhat of an alarmist and overfearful of the threat of such a revolution, I will shortly offer you some evidence on the subject.

At the outset you may believe that the threat becomes more meaningful when you consider that except for the protection afforded us by law and order, it will become necessary to protect ourselves; and when that day comes, then a riot could well have turned into a revolution.

It is popular sport to label those who seek social change by means of violence or preach selective disobedience of the laws as Communists. I make no such accusation, as I have no proof of it. However, I attach little significance to labels so long as they advocate the overthrow of our government of laws by such means.

It may well be that some of our laws are unjust and a change is in order, for law is ever changing, but it is a horse of a different color to accomplish such change by unlawful means. It is unlawful to accomplish a lawful end by unlawful means, and those who preach such a device either wittingly or unwittingly are playing the prelude to violent revolution.

How is it that one can preach on the one hand nonviolent disobedience of a specific law and on the other reasonably expect that all others be obeyed? It cannot be expected and that is excuse enough for the violence that has followed in the wake of such preaching.

I turn now to an examination of the historical developments which led to our present predicament. I need research no farther than your own memory. The handwriting has been on the wall for some time. It started with the freedom of speech decisions of the Supreme Court of the United States, the extension of which was the spawning grounds for peaceful demonstrations which ultimately ended up not so peaceful. The doctrine has been in years past used by labor leaders to commit crimes of violence against the property of their employers and against the persons of their fellow employees until our Supreme Court finally placed restrictions on the doctrine.

Sit-in demonstrations were not the original idea of Dr. Martin Luther King, neither were the mass marches that he has led against helpless cities of the United States. They were no more than a copy of the coercive practices (such as sit-ins and mass picketing) employed by labor unions against their employers.

If that Court can place restrictions on free speech in the field of labor relations, I immediately urge them to do so in the civil rights movement. The object sought to be protected is greater. In the former it was the property rights of some unfair employer. In the latter it is the peace and dignity of whole communities and the protection of our constitutional form of government. So much for the crimes committed under the guise of freedom of speech.

It is not difficult to understand the popularity of the doctrine of civil disobedience. This heresy prospered because the morality of the goals of the civil rights movement has obscured the means by which they are attained. But this doctrine examined in its true light is nothing more than a display of the unlawful for their contempt for law and order.

Many responsible leaders and men of good will, because of these worthy goals, have failed to recognize the consequences that follow selective disobedience of the law. Even when riot came, in its wake, the Vice-President of the United States, Mr. Hubert Humphrey, stated in a visit to New Orleans in 1966 that if he were a Negro, you would have more trouble than you have had already, because (and I quote) "I've got enough spark left in me to lead a mighty good revolt under those conditions."

Mr. Lewis F. Powell, the former President of the American Bar Association, writing on this same subject in *The U.S. News and World Report*, the October 30, 1967, issue, stated:

"Once lawlessness is tolerated and justified, it seeds upon itself and leads either to revolution or violent repressive measures. It has been said wisely: 'Once you give a nervous, hostile and ill-informed people a theoretical justification for using violence in certain cases, it is like a tiny hole in a dike; the rationale rushes through in a torrent and violence becomes the normal, acceptable solution for a problem ———. A cardinal fact about violence is that once it is initiated, it tends to get out of hand. Its limits are not predictable.'"

Now was this not prophetic and would you believe black power as falling within the predictable limits? This is a call by the militant leaders of the movement on our unsuspecting Negro population for armed revolt. Over and over again they preach to a "nervous, hostile and ill-informed people" that if they get anything from the white man, they will have to take it by force. Stokely Carmichael has characterized the armed struggle as "the only solution." Wilfred Ussery, number two in command of CORE, has stated that "Armed conflict between black and white can no longer be averted." H. Rap Brown, a native of Baton Rouge, said: "We'll make the Viet Cong look like Sunday School teachers. Violence is necessary."

It was impossible for the average, quiet, peace-loving American citizen hearing these statements to consider them even in the realm of possibility, and they were written off as being no more than the irresponsible statements of some kook or radical. But men and organizations of substance and influence have given comfort to the doctrine. Father Groppi has said: "Morally, I have no argument against the black man's right to use violence." Last October the National Council of Churches sponsored the United States Conference on Church and Society in Detroit, and one of the study groups assigned "The Roll of Violence in the Church" made the suggestion in their report that open violence was a legitimate means by which people can help transform society. What a disservice they do to the kindess and humility of Jesus Christ.

Yes, violence is becoming an acceptable way of resolve. In answer to the freedom rides, white men in certain communities of the south beat the riders and burned up the buses. When civil rights organizers met in churches, white men bombed the churches and killed little children. When a civil rights leader gains prominence, he is murdered by a sniper's bullet. Some were shot and buried like cattle with a bulldozer. Across the river at a jobsite in Plaquemine peaceful picketing was abandoned in favor of chains, clubs and shotguns.

Yes, the weather is getting right as the summer is coming on, and we can reasonably expect rioting, burning and murder. It occurs to me that the white race will be credited by some members of the colored race for the death of Dr. Martin Luther King. Retaliation has occurred and can reasonably be expected in the future, the doctrine of nonviolence notwithstanding. Men are riding around in cars and pick-up trucks with pistols and rifles and shot guns hanging from gun racks, and I am not aware of any hunting season. New marches are being planned like the "Poor People's March" on Washington which ought to number in the millions if all the poor people show up. Yes, not only is the climate right, but both the oppressors and oppressed have arms.

As stated before, the handwriting is on the wall, and from these observations we should all have understood its meaning. It has prompted me to make to you the following recommendations:

First, I recommend the complacent members of both the white and Negro races come alive. I charge them to take leadership of the civil rights movement and take it away from the extremists on both sides. To the members of the Negro race, I charge you that only through lawful means will you obtain the lawful objectives to which you aspire. To the members of the white race, I charge that our greatest sin lies not in our acts of commission but in our acts of omission. The sin is equally as great. Let the law reflect that what we as free, white Americans expect for ourselves we could not in good conscience deny to another. Take your pick—housing, education, public accommodation, employment. The list is long.

Second, I recommend punishment for those who preach disobedience of the law and violence. That seems like a fair limitation on the freedom of speech. Let the law reflect that we will not tolerate these professional agitators who deceive us under the banner of a noble cause.

Third, I recommend that restrictions be placed on the right to demonstrate insofar as that right threatens the safety of persons and their property in chosen communities. That seems like a fair limitation on the freedom of speech. Let the law reflect that we will not tolerate coercion by thousands and tens of thousands of marchers. Surely you will remember that our courts struck down mass picketing by labor unions as not within the bounds of peaceful picketing.

Fourth, I recommend that we accept the full responsibility of our fellow citizens less fortunate than ourselves. We have been giving away tax money by the ton to every nation in the world as a means to combat communism. We had better start giving less to them and more to our own to combat that threat from within. Let the law reflect that we will take care of our own by eradicating slums in poverty-stricken areas, the breeding ground for communism.

Fifth, I recommend that law enforcement officials at all levels redouble their efforts to keep the peace. We owe them the fullest measure of our support, for their failure will shift the responsibility of our own protection to ourselves. If this occurs, a riot will have turned into armed revolution. I recommend that the laws be obeyed, not some of the time but all of the time; and I recommend that they be obeyed by all of the people—the unemployed, those living in ghettos or slums, those who want their rights and those who have them, white people and black people.

Lastly, to the vast majority of our citizens who have faith in the protection of the law, I give to you this word of comfort, and to those who would take the law into their own hands—the rioters, looters and arsonists—I give to you this warning. You have already been promised by our Mayor-President, the Honorable Woody Dumas, that if caught in such activity you will be shot. The Sheriff of the Parish of East Baton Rouge, the Honorable Bryan Clemmon, and the Chief of Police of the City of Baton Rouge, the Honorable Eddie Bauer, have dedicated themselves to keep the peace at the cost of your life if necessary. The District Attorney, the Honorable Sargent Pitcher, has dedicated himself to prosecute you to the fullest extent of the law, and I, Fred A. Blanche, Jr., as one of the judges of this Honorable Nineteenth Judicial District Court, will promise you the justice which you deserve and will punish you to the fullest extent of the law. To make such a promise is not to prejudge the case. The evidence has been previously submitted by the rioters in the cities of Washington, Cambridge, Philadelphia, Detroit Newark, Chicago, and others.

The destruction of property and the loss of lives have been observed. The suffering and shame have likewise made their marks in history to our everlasting regret. A government of laws has been challenged. Now, how can we meet it? We can meet it by working together to build a better society with a lawful society that cherishes and respects the lawful rights of all.

PRESIDENT JOHNSON REAFFIRMS HIS FAITH IN THE FUTURE

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. MOSS. Mr. Speaker, last Saturday night, President Johnson addressed the annual dinner of the White House Correspondents' Association. Traditionally, this event is a lighthearted affair, and the President joined in the spirit of the evening.

But in his remarks, the President turned serious. He reviewed some of the enormous challenges facing us and the struggles that occupy our attention at home and abroad. He concluded that we are at a turning point in history—balanced between great promise and great peril. It is clear that President Johnson believes America can tip the balance toward realizing our historic potential for all people. He stated:

> Together, we can move this nation and our world, and we can move them away from conflict and toward conciliation. We can move them away from violence and toward orderly change; away from frustration and toward fulfillment; away from the fears and the hatreds and the torments that tear people apart, toward the respect, the friendship and the tolerance that bring people together and that can allow the world of men to finally live in peace.

In these trying times there is a lesson for all of us in the President's inspiring remarks, and I insert them in the RECORD, as follows:

EXCERPT OF REMARKS OF THE PRESIDENT AT THE WHITE HOUSE CORRESPONDENTS' ANNUAL DINNER

Mr. Vice President, Mr. Cormier, Mr. Kilpatrick, ladies and gentlemen, as I was reminded earlier, 12 months ago we did share another evening like this together. Some of you may remember that I concluded my remarks that evening with a reference to our struggle, all of our struggle, for peace.

That struggle goes on as we gather here again tonight. We cannot yet celebrate the seizing of any tantalizing prices. We reach out still for the elusive happiness of peace, but we have not yet failed.

Much has happened in a year to give us heart, some things to lift our hopes.

This morning Ambassador Harriman and Cy Vance completed the technical arrangements to open the talks in Paris for which we have waited and worked and longed so long.

This week in Jordan, in Israel and in Egypt other men are working to try to find a way to peace in the Middle East.

In Cyprus and in Nigeria, men are trying to pull away from the old habits and the memories of violence to once again set their feet on new paths to peace.

In the cities and the communities across our country, this is our work, too. We know that the frustrations and the fears that go hand in hand with the problems of poverty and race can pull this Nation to disaster.

But we know something better and truer in our hearts: We have in ourselves, in our institutions, the real power to show the world that we are still Americans, the place on earth which promised in the 18th Century that reason and justice would triumph, that all men were born to stand equal before God and the law, the place on earth where every single child would grow with an equal chance to fulfill the talents that his Creator had given him.

And no man sitting as President in the spring of 1968 could help feeling and knowing in his heart that humanity had really reached one of those rare and eventful moments when history turns, placing mankind on the edge of a very great decision.

Looking about him, at his nation and his world, a President could see the making of catastrophe all around him. He could see the raw elements of hatred and prejudice, of division and demagoguery and disorder all over the place, to carry a blind race of men over the brink into a nuclear age.

But a president could also look about him and find promise that would balance the peril. He could see and he could feel a stirring and a movement that is often submerged or hidden in the clamor—the quiet joining of many hands, men trying to pull together the strands of decency and common sense, compassion, and moderation.

Every day of my Presidency, I put my hand to this work. It has gone long into every night.

I did what I did on March the 31st to put the full weight of the Presidency and of the President on the hopeful side of balance. Now, six weeks later, the scales have not yet settled. It is too soon to cast up the accounts.

But I do want to tell you what I really feel in my heart tonight.

I make no predictions. I pretend neither to be a pessimist nor an optimist, but I know what we have in the scales tonight: All of our good faith and all the skill we can summon, all the reason and resolve that we can place in the service of peace. And from all that, from all that which I have seen in the years as President, from all that I have learned in my entire public life, I think this may be enough to tip the balance.

In the final reckoning, each of us is going to be accountable. This is our year of decision. And our decisions now will bind the destinies of men for the long years to come throughout the lives of our grandchildren.

We can take history at its turn. Together, we can move this nation and our world, and we can move them away from conflict and toward conciliation. We can move them away from violence and toward orderly change; away from frustration and toward fulfillment; away from the fears and the hatreds and the torments that tear people apart, toward the respect, the friendship and the tolerance that bring people together and that can allow the world of men to finally live at peace.

History does not turn by itself. It is turning tonight because we have tried—tried so hard for so long. And, yes, whatever we may have said or done or thought, we have tried to do what we thought was right.

If we are to seize the full promise of this moment, if we are to continue turning the tides of time and fortune in man's favor, it will take a strong and a unified America to do it. It will ask all of our old faith and wisdom and courage.

We are called once again to show the strength of our character and the greatness of our American spirit.

You have been the reporters of my hopes and the recorders of my convictions throughout these many days of my Presidency. There have been days and nights when you told the people that I had asked for their help and for their prayers as I tried to lead them and as I worked for peace in the world. So, tonight as I leave you, I ask again for yours.

Thank you and good night.

NEW CHALLENGES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. PICKLE. Mr. Speaker, Commissioner Willard Deason of the Interstate Commerce Commission, an able jurist and close friend, recently made a speech which highlights what I consider to be one of the most fundamental changes in America today.

In this age of materialism, with glowing reports of the prospective increase in American production, it is easy to be lulled into a feeling that if the economy can only continue its phenomenal climb, we will soon experience fulfillment of the "American dream." There is becoming a feeling that if a person can carve out his own secure niche, well lined with the luxuries of the day, then all will be solved.

Lost in this approach is the feeling of reverence and patriotism on which our country was founded. Lost is the individual incentive which brought this country out of the ranks of second- and third-class powers. And, lost is the belief that a democracy benefits far more from an aggressive, independent and free-thinking man than from a houseful of consumer goods.

Mr. Speaker, I believe the words of Commissioner Deason deserve the attention of all of us, and insert at this point the text of his speech:

NEW CHALLENGES

(Remarks of Willard Deason, Commissioner, Interstate Commerce Commission, at the annual spring conference of Work-Factor Associates of the East Coast, New York, N.Y., April 26, 1968)

Whatever the mind of man visualizes, the genius of modern science turns into fact. Ahead for America, the 70's hold an amazing new age of miracles.

During the 70's our gross national product will have reached 1.2 trillion.

Our people will be in the midst of a credit card economy and we'll be approaching a cashless, checkless society in which computers will handle everything.

Our cars will have clocks that work—our ladies will have bathing caps that don't leak—and our appliances won't need servicing the day after the warranty expires.

Today, our population is 200 million—and the curve of the future is up.

Sometime during the 70's our population will reach 250 million.

Our farm population will be half what it is today.

70% of our people will live on 1% of our land.

In the 70's the world will be our neighborhood. Let us hope that by then we will have learned to become *good* neighbors.

In the 70's, as today, most of our children will be learning in buildings that are a generation old.

But we will see.

High school graduates increase by 25%.

Teachers increase by one-half million.

A 70% increase in those seeking bachelor's degrees.

And a 100% increase in those seeking master's and doctoral degrees.

Our schools will be designed around television, electronic printers, and microfilm libraries.

The 70's will be distinguished by mental rather than physical labor.

Educated professionals will enjoy a seller's market.

However, we must take care that these accomplishments are not in vain. We must take care that the children of the 70's do not retreat into a world of psychedelic dream—loving in and dropping out.

We must plan now if our youth are to become a part of the American mainstream that flows into adult maturity.

By the end of the 70's over half of our families will be earning more than $10,000 a year.

Our affluent society will be even more affluent.

We will have more goods and more services than ever before, and we will spend more for recreation and labor-saving devices.

Projecting current trends, the average work week will have been reduced to 35½ hours.

But, projecting other current trends—

The number of divorces may reach an all-time high.

The number of children born out of wedlock may exceed 300,000 per year.

Our courts may hear over 1 million juvenile delinquency cases each year.

And suicide may continue to be the second leading cause of teen-age deaths.

These trends disturb me. They must be reversed if we are all to really enjoy the prosperity of the 70's. There cannot be a better life *for any* unless there is a better life *for all*.

During the 70's, there will be an explosion in the number of young adults. Over half of our people will be under 25 years old.

Prosperity has been the general rule throughout the lives of these young people. Debt will hold no horror for them. They will have become accustomed to satisfying wants now—and paying later.

The effect these young people have on business will be dramatic. Their style of living will set the pattern for society, and their beliefs will be a strong force in politics.

The 70's will bring change in the important 35–54 year-old group—a fact which could have serious consequences for a number of industries.

It is this group that can afford a second or a third or a fourth car.

It is this group that buys higher quality merchandise.

It is this group which manages virtually all of the nation's business.

And it is this group which supplies its executives.

Competition for the goods and services of these people is bound to be severe in the 70's. The competition for executive talent is likely to be even more severe.

In the 70's over 20 million Americans will have reached the legendary retirement age—65. No longer will these people be content to merely survive. They will want the good things in life. These people will have money to spend.

They will represent a distinct and profitable market with special needs in services, medical care, recreation, food and travel. Politically, they will be a potent force.

The consumers' market of the 70's will be more vast than today's—and it will be different from today's.

The American consumer will be subjected, through various media, to over 2,000 advertisements per day, and selectivity will be high.

Today's industries must expect and they must be prepared for a more sophisticated customer in the 70's.

One of the greatest problems we will face in the next decade is the conservation of our natural resources.

Today, our daily water consumption is 360 billion gallons.

That is two-thirds of our nation's natural water supply.

By the end of the 70's, our water needs will be over 500 billion gallons a day—considerably more than our natural water supply.

This means that in 10 years desalinated water will be used if we are to satisfy our daily needs.

Closely related to this problem are such potential difficulties as waste disposal, highway litter, air pollution, and the contamination of our rivers and streams.

Our efforts to obtain clean air and water will have a hard time keeping pace with threats from new sources of pollution. The next decade may find us buried in our own garbage.

During the 70's, an enlightened business community will be obliged to take the lead in the effort to conserve natural resources and those *who lead* will be obliged to prod those *who lag*.

No less important in the 70's will be the conservation of human resources.

In the next 10 years the transplanting of hearts and other vital organs will be common.

Communicable diseases will be virtually eliminated.

Medical data will be captured, stored, and analyzed by computers.

A cure for the common cold may be found.

And some cancers will be arrested.

But the physical and emotional health of our people may still be far from perfect.

It is still a shocking fact that in saving the lives of babies, America ranks 15th among the nations of the world.

That crippling diseases still go undetected.

That life expectancy for non-whites has come up only to the 1940 level for whites.

That alcoholism accounts for an economic loss of $2 billion per year.

That half of our hospital beds are occupied by the mentally ill.

Yes, we have a way to go if our aspirations for a healthier America are to be fulfilled in the 70's. And unless those aspirations are fulfilled, our material accomplishments, however great, will be of little consequence to many.

Research and development is starting to pay off, and by the 70's its dividends could be handsome.

The atomic age will have begun to deliver its promised world of wonders—enriching the lives of people everywhere. In the next decade:

One-third of our electrical power could come from nuclear energy.

The atom could be used to eradicate agricultural pests.

Atomic power could be used to desalt sea water and allow it to be used to irrigate the world's deserts and increase the world's tillable land.

Atomic energy could allow us to produce better products from sheet steel to automobile tires.

Yes, the 70's hold all this and more for the man who brings the atom under control for peaceful purposes.

In just the past few years we have seen the communications industry grow dramatically.

Americans have spent $20 billion for 120 million TV sets.

The component hi-fi industry has been increasing at the rate of 20% a year.

The transistor radio ranks with the printing press in widening men's horizons.

Manufacturers have predicted that the home electronics industry will grow to rival, and perhaps surpass, even the automobile industry.

A Roper survey tells us that more people look to television as a primary source of news than to newspapers.

The social and political influence of broadcasting is enormous. And we need look no further than the censorship in communist nations to appreciate that fact.

Within the next decade it may be possible to broadcast television from satellites directly into the home—bypassing the TV station.

General Sarnoff predicts a global TV audience of 1 billion by the end of the 1970's.

The responsibilities of the broadcasting industry to the public in the 70's will be awesome. That industry, I am gratified to say, has already accepted the challenge.

I am even more gratified that the public has responded so favorably to good programming.

The National Geographic Society has consistently received high ratings for its series, and it has been flooded with letters.

Humble Oil received thousands of letters of appreciation for its presentation of the "Age of Kings"—and many included requests for credit cards.

During the 70's the sales potential of good programming will be realized. More firms will sponsor programs that broaden artistic and intellectual horizons.

Educational television will come into its own.

The communications industry of the 70's will have rid itself of the "vast wasteland" tag.

As the 70's bring more and more people into urban areas, transportation will play a vital part in our scheme of living.

Today, the word "transportation" means many things to many people.

In a recent talk Secretary of Transportation Alan Boyd expounded a lengthy, but provocative, definition not found in the dictionary. He said:

"To the carrier and shipper, transportation is a knot of government red tape that can be untied only by lawyers, tax consultants and lobbyists.

"To the poor commuter, it is a road to hell paved with good intentions.

"To the cities which need better transit systems, it is a desire named streetcar.

"To the air traveler, transportation is the friendly skies full of fast planes, slow ticket counters, and hundreds of suitcases that look exactly like his.

While there may be some disagreement on the definition of transportation, there may be no disagreement that tomorrow's needs will not be satisfied by today's transportation system.

The nation's transport capacity must double by the end of the 70's if demands on the system continue at present rates.

This development should bring a new spirit of cooperation among the various modes. But I doubt that we will have fully integrated transportation companies operating trains, trucks, buses, and planes in the 70's.

Motor vehicle travel on our city's streets may be slower than the horses and wagons of the 1900's.

Parking will be acute and much of our time, as today, may be spent in bumper-to-bumper traffic.

In the 1970's our interstate highway program will be complete, but another will be needed to handle the additional 26 million cars.

The reshaping of our railroads will continue into the 70's.

In just the past few days, the Santa Fe and Penn-Central Railroads have proposed a transcontinental "Land-Bridge" freight service between Los Angles and New York City.

Their proposal is aimed at cargo moving between Europe and Asia and it could cut up to 2 weeks from the present all-sea movement through the Panama Canal.

I look for other railroads to follow that lead and, in the 70's to see transcontinental freight service firmly established.

I expect the high-speed passenger service in the Northeast Corridor will prove a success and that the same type of operation will probably be extended to other congested areas.

Further technological changes will continue and railroads will probably receive a better return on investment.

Of all modes of transport, the airline industry will probably be the greatest beneficiary of the 70's.

But totally new concepts in airports will be required over the next decade.

Walking distances in air terminals will be reduced.

Automated ticketing systems will issue tickets and confirm reservations.

All-weather landing will be possible at most airports.

High-speed mass ground transportation connecting airport to city center will be built to relieve airport access congestion.

Computers will be used by all airlines to monitor the health of engines.

The supersonic transport will enter airline service and, even with passengers, it will carry more than 3 times as much freight in its cargo compartment as today's passenger jets carry in theirs.

But I'm not here today *just* to forecast future material improvements. We've all read about them. We've all talked about them. We all expect them. And we'll all get them.

There is another matter—often overlooked—but no less important than material accomplishments. The mood of the American people in the 70's.

Will the values of the American institution keep pace with our material growth?

Will the fabric and fibre of our democratic process be able to stand the strain?

Will our ethics and moral attitudes be in a state of decay?

Will a tradition of reverence be lost?

Will the mood of America allow us to fully enjoy the material accomplishments of the 70's?

In 1776, a small group of colonists proclaimed to the world an "American Dream." A model for all mankind. They fought for it, starved for it, and many died for it. But they won, and in the end, the American Dream became a reality.

Somewhere along the line, the mood of many of our people seems to have sagged.

The vitality of the American Dream has become tarnished.

The thought of patriotism often evokes feelings of embarrassment.

Some apologetically speak of the Declaration of Independence.

How often do we sing the Star Spangled Banner or recite the Pledge of Allegiance?

A few years ago, speaking before the American Bar Association, Chief Justice Warren said that if the Bill of Rights were to be voted on today, he doubted that it would pass.

These attitudes alarm me. The *mood* of America must be the *touchstone* of the 70's—and not the *millstone*.

The 70's will truly be an age of miracles but, in conclusion, I would caution you that the progress of no nation can be measured solely by the yardstick of material growth.

We must take care not to allow ourselves to become so overwhelmed with our physical accomplishments that we lose sight of the basic things that have made America great.

We must stop the drift from the American Dream today.

By accepting the burdens of a free world.

By returning to the barn-raising spirit of mutual endeavor.

By ending the "Age of the Shrug" and by preparing now for the 70's.

To paraphrase Vice President Humphrey—Let's not sell our country short.

It is a young nation—yet it is a mature nation.

If we can't succeed with all our wealth, our power, our resources, and heritage of freedom, who in the world can?

We are as young as our hope. As old as our doubts.

The challenge of the 70's is great. But we can meet that challenge if we will it.

EVIDENCE MOUNTS THAT DR. KING'S MURDERER WAS HIRED COMMUNIST

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. EVINS of Tennessee. Mr. Speaker, the distinguished columnist, Carl T. Rowan, has written a most interesting article in the Washington Star in which he outlines the theories relating to the assassination of Dr. Martin Luther King.

Because of the interest of my colleagues and the American people in this matter, I am placing Mr. Rowan's article in the RECORD.

The article follows:

KING MURDER HATCHED ABROAD?

(By Carl T. Rowan)

The entire U.S. intelligence apparatus, including the military and the Central Intelligence Agency, has now become involved in the investigation of the murder of Dr. Martin Luther King.

Evidence gathered by FBI agents in one of the most massive probes in the nation's history has forced serious investigation of these possibilities:

1. That James Earl Ray, the alleged assassin, was the hired killer in a Cuba-Red China plot.

2. That the "assassin squad" of the Soviet secret police was somehow involved in the plot.

3. That Ray was hired indirectly by certain black nationalists who paid him with money made available by foreign sources.

The FBI has had as many as 2,000 agents working at one time, in cooperation with hundreds of local policemen and other U.S. intelligence agents, to track down every lead—including the above possibilities that the assassination was plotted with the intention of creating internal chaos in the United States.

It should be emphasized that the dominant theory—and hope—among those directing the investigation is still that the killer was a loner who murdered King out of his own crazy, rascist views.

But this theory loses supporters as each day goes by without agents turning up any trace of Ray, who is linked to the murder and murder weapon by fingerprints and ballistics data.

FBI agents believe he no longer could get food and drink for so long a period in this country without being detected in the massive day-and-night search that is under way.

This point, added to the now known fact that Ray had plenty of money, has given credibility to the theory that King's assassin was a hired killer.

A growing fear in FBI circles is that the killer was given $10,000 in advance to murder King with a promise of much more upon completion of the job. When he returned to his U.S. racist employers for the final payoff, the theory goes, he was slain and his body dumped where agents may never find it.

International intelligence agents have entered the investigation, however, because of

Ray's mysterious trips to New Orleans—and certain of the suspect's trips out of the country. The FBI reportedly has pinpointed Ray's movements even to knowing which prostitute he spent which night with in certain countries, but it has not yet produced meaningful evidence of an international plot.

But there is deep suspicion of a Cuba-Red China plot. The assumption is that, if the Cubans had made arrangements to spirit their hired killer out of the United States, they very likely killed him and dumped him in the ocean.

Totally informed sources here say, however, that there is no evidence whatsoever of involvement by the Communist party of the United States, or of any splinter group of U.S. Communists.

One source called the King killing "one of the most baffling cases in memory."

He also theorized that the slaying and escape were so smoothly organized that they tend to discredit suspicions of black Nationalist involvement—but that "every possibility must be checked."

The FBI is pouring vast amounts of manpower and money into the search because it knows its reputation is at stake. It also knows that if King's killer is not found all sorts of rumors will arise.

Some of those directing the investigation are are openly hoping that it will turn out to be the work of one man. They fear the explosive repercussions if it turns out that the murder was a hired killer for white U.S. racists—or for a foreign power.

STATEMENT MADE IN 1933 STILL HOLDS TRUE TODAY

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. BARING. Mr. Speaker, we are facing trying times both at home and abroad. The news media daily carries stories of how law and order is breaking down in various parts of the country. Why?

Because certain people in high administrative circles lack the courage and leadership needed to get this country back on sane and safe ground.

I have come across an old February 1933 clipping from the Chicago Daily News with a story about a gentleman who was then president of the Quaker Oats Co., Mr. John Stuart.

I commend my colleagues to carefully read the following article on Mr. Stuart, who 35 years ago, pointed out the need for leadership and law and order.

Mr. Speaker, these same needs are a prime requisite for the salvation of our country today.

The article follows:

SAYS LEADERSHIP IS NEEDED

The courage of John Stuart, president of the Quaker Oats Company, in declaring an extra dividend of $1 a share as usual, in spite of the depression and the ability he has shown in earning more than double the regular and extra payments, has already received general mention.

Less emphasis has been placed upon the equally important views he expressed in his report regarding general business and political conditions. He sees business recovery, not through panaceas, but as coming only if unwise legislation is avoided.

"These are difficult times," he said. "The people in this country are troubled and for various reasons many have lost confidence. Many in politics and business whom we trusted have failed us.

"To again establish the right kind of confidence we need to be reassured by definite evidence on the part of our political leaders that untried theoretical cures will not be substituted for sound treatment of old depression ills.

"We need courageous political and business leadership that will put the welfare of the country ahead of party expediency or personal gain. We need speedy and equal enforcement of the law against all lawbreakers, and we need businesslike methods and careful economy in government."

FIREARMS TRAINING REDUCES CRIME

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. BROCK. Mr. Speaker, on April 25 I inserted an article in the RECORD which described some of the enlightened police policies which had drastically reduced the crime rate in the city of Orlando, Fla. The following article, published by Mr. Neal Knox, editor of "Gun Week," suggests the existence of another factor which he feels made a significant contribution, and I include it in the RECORD.

ORLANDO RECORDS CRIME REDUCTION AFTER 6,000 WOMEN GUN-TRAINED: RAPE COUNT DOWN FROM 33 TO THREE

Orlanda, Fla., where 6,000 women were trained in defense with a gun last year, has recorded a 90 percent reduction in assaults upon women—and is one of the few cities in the nation to show an overall crime decrease in latest 1967 figures.

The program, which was conceived by the publisher of the Orlando Sentinel and Star, resulted from concern over the large numbers of firearms being purchased in the city by women frightened by a series of rapes.

Orlando Police Chief Carlisle Johnstone, approached by the publisher, agreed to hold a training class on a Sunday afternoon, but instructors were overwhelmed by 2,400 women who showed up carrying an assortment of firearms (Gun Week, Dec. 2, 1966).

Classes were quickly organized with the assistance of the newspaper and police, military and civilian instructors. They continued for an eight-month period.

As a result of national publicity, some of it derogatory, similar classes were organized in many other cities under the sponsorship of police, civic and professional groups and sportsmen's clubs.

Deputy Chief of Police Jack Stacey told Gun Week that in the first 11 months of 1966 there were 27 forcible rapes and six attempted rapes in the city. During the same period in 1967, there was one forcible rape and two attempted rapes.

Stacey credited much of the decrease to the publicity given the program and added that he knew of no accidents involving members of the posse", as the classes were termed or their families.

He said the program had been beneficial for "it taught 6,000 women safe handling of guns" and resulted in "over 400 defective guns being examined and turned down as unsafe to fire" and the safe firing during training of more than 300,000 rounds.

Many of the guns brought to the classes were "cheap, inferior, not practical for defense and some very dangerous," he said.

Stacey said a large number of the 1966 rapes were perpetrated by one man, who was apprehended shortly after the program began, which he felt was one factor in the reduction.

Charlie Wadsworth, of the newspapers' staff, said that "We felt when trouble comes, people are going to obtain guns—and the fact that members of the posse were taught to use the guns, and would-be wrongers in our town knew this, would have a positive effect."

Wadsworth pointed out that during the first nine months of 1967 the national crime rate increased 16 per cent while Orlando recorded a 2.9 decrease. It was one of the few cities in the nation to show such a decrease while the average increase of cities of its size was more than 19 per cent.

"I think this is due to the fact that people who commit these crimes were made fully aware that over 6,000 of our women knew how to handle a gun and to take care of themselves, and intended to do so if attacked," he added.

"When we closed the classes we were besieged with calls here at the office from people who had not enrolled and who wished to do so, and from people who didn't want the classes to stop. We still draw a query or two.

"As for my impression, and the effect of the program, I point to the reduction in crime percentage. That is about as effective as one program can get, I would think."

DISCIPLINE NEEDED NOW

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the San Diego (Calif.) Sentinel, May 5, 1968]

DISCIPLINE NEEDED NOW

It's not so much a question as to whether the United States can carry on the wars against North Viet Nam and poverty at one and the same time so much as it is a will to do so, backed up by a necessary amount of personal discipline.

It is obvious this country faces the greatest internal dissension we have known in 100 years.

Some wish to withdraw from Viet Nam to better fight poverty.

Others argue that unless we hold up our integrity internationally, the internal condition of the United States is inconsequential.

With doves, hawks, pigeons, chickens and lame ducks flying around the country in profusion—and seeming confusion—it's no wonder the world is referring to the US as Birdland.

The war on Poverty and the war in Viet Nam are both important, even though the administration has been unable to convince enough people that both are.

If the will were there, both wars could be carried on with much less consequence than if either were abandoned. But it does require will—and discipline.

By discipline, I mean the recognition that if we are to prevent inflation and devaluation of the dollar, and still continue the fighting on both fronts, price and wage controls are necessary as well as priority allocations of scarce materials.

This was done during the Korean conflict and at that time we had only one war on our hands.

The Viet Nam war is much more costly and we have the problem of poverty to boot. Plus the fact that the dollar is undergoing tremendous international pressures.

Obviously, the mood of our people is not for discipline and control, but for retreating on one front or the other, and there is no agreement as to which.

It has always seemed a paradox to me that rich and poor alike have been willing to see their sons drafted for military duty, but their protests rise to high heaven when you start tinkering with their freedom or their property rights or the drafting (or taxing) of their dollars.

DRASTIC OVERHAUL OF FARM POLICIES NEEDED

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. FINDLEY. Mr. Speaker, a recent article by Edmund R. DeMoch of the Associated Press points out the sad contradiction in the American economy, that while American farmers are caught in a vicious cost-price squeeze and are being handicapped by unworkable Federal farm policies, American consumers are also faced with intolerable burdens caused by ever-spiraling inflation of costs of goods and commodities.

Mr. DeMoch's article points out clearly that, contrary to current thinking of the administration that consumers are to be favored through price and program manipulation at the expense of the farmers, both consumers and farmers are being hurt—and badly so—by current administration practices.

Is this dilemma unsolvable? I think the answer is clearly that this problem can be solved, but not easily. There are several steps which must be taken if we are to avoid depriving farmers of a living wage, and allowing consumers to purchase the best possible products at the least cost. The first is a major overhaul of the Federal farm policy continuing present programs is no answer.

Federal farm policies, created in the 1930's to meet the problems of the 1930's, are not working in the 1960's; and if we allow existing farm legislation to continue into the 1970's, we will be in an even bigger mess. We must get the Federal Government out of the agricultural economy to the greatest extent possible consonant with orderly and fair marketing procedures. Only when we return to a farm marketplace uninhibited by unrealistic restrictions and political manipulations, that we will be able to attain a living wage for farmers and fair prices for consumers.

The above-mentioned article follows:

FARMERS, CONSUMERS BEAT SAD TUNE

(By Edmund R. De Moch)

CHICAGO.—If happiness is low food prices for the housewife and high crop prices for the farmer, there are plenty of unhappy people around.

The homemaker's complaint about high food prices and the farmer's lament over low income beat a melancholy tune.

How can both be true?

The answer is both simple and complex—simple in that the reasons are easy enough to pinpoint and complex in that the riddle has so far defied solution.

Here are the basic factors:

The farmer normally cannot choose the time when he will sell. He usually has to sell at harvest—and pretty much at the offered price—or his crops spoil.

The cost of the middleman has risen sharply. This covers all the processing, packaging, and distribution that makes wheat into a loaf of bread on your table. The farmer and the purchaser pay these increased costs.

Also a factor in prices at the consumer end is the housewife's desire for better meats with less fat, special diet foods, improved grains and fruit and vegetable strains. It costs more to produce these foods and they cost more to buy.

Frozen foods, too, are big sellers because of their convenience. They, too, cost more to produce and more to buy.

The federal government's cost of living index—of which food is a part—has risen over the past six months at a rate of 4 per cent a year.

In 1967, the rise was 3.1 per cent. This meant that in 1967 it cost $11.82 to buy the goods and services one could get for $10 in 1957–59.

Figures from the Bureau of Labor Statistics show that the food a housewife bought in 1957–59 for herself, her husband and two small children cost $25 a week. The bureau's weekly figure for now: $29.55.

The farmer's problems are revealed in another set of statistics which show steadily increasing gross expenses for farmers and net income that has not kept pace with these increases. All figures in billions

Year	Net income	Expenses
1967	$15.0	$34.4
1966	16.5	33.2
1962	12.5	27.0
1960	11.7	26.2

Going back even further, the Department of Agriculture reports that prices paid by farmers are now 3½ times what they were in 1910–1914. But the prices received by farmers are only 2½ times what they were then.

Buyers have become more selective. They want better foods prepared better. And this costs more.

Federal farm policy has, at times, created problems for the farmer.

Take the grain situation in 1967, for example.

Secretary of Agriculture Orville L. Freeman, saying he feared a world shortage, asked farmers to produce more grain. So they bought more seed and more fertilizer and used more machinery and labor for harvesting. The farmers' costs thus went up.

They produced record yields: 4.7 billion bushels of corn, 1.5 billion bushels of wheat and about 1 billion bushels of soybeans.

But while the crops were still in the ground U.S. exports started slowing as countries in Europe, Africa and South America also harvested record or near-record crops.

And that wasn't all. Much rain and snow in this nation's corn belt delayed the harvest and much high moisture corn and soybeans resulted. These bring lower prices because they have to be commercially dried.

For instance, Illinois farmers figured they would have to get 75 to 85 cents a bushel for corn to break even at the end of the 1967 crop year. Mainly because of the high moisture content, some sold for as low as 60 cents. A year earlier, when less was produced, corn brought $1.10 to $1.20 a bushel.

Now comes the middleman. His costs for labor and other things were climbing and so he bargained hard with the farmer. Then since he could not make up all of his increasing costs just by paying low prices to the farmer, he had to pass on some higher food costs to the consumer.

VIETNAMESE WANT REAL, NOT ARTIFICIAL PEACE

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. PRICE of Illinois. Mr. Speaker, the May 10 edition of the Messenger, the official newspaper of the diocese of Belleville, Ill., carried an article based on a recent interview with Father Cao Van Luan, a Saigon University professor and personal friend of President Nguyen Van Thieu, about the political situation in South Vietnam.

Father Laun is in this country with two friends to discuss the war and the peace talks with Government officials, members of the Catholic hierarchy, the press, and private citizens.

For the benefit of my colleagues, I include at this point in the RECORD, the article containing Father Laun's comments:

VIETNAMESE WANT REAL, NOT ARTIFICIAL PEACE

(By John J. Maher)

WASHINGTON.—The day before (May 2) President Johnson's announcement that peace talks will begin in Paris on May 10, Father Cao Van Luan, a close friend of South Vietnamese President Nguyen Van Thieu, said here: "We want to live in peace, but not in an artificial peace that is a hidden form of surrender to the communists.

"Since we want to have a just and lasting peace," he continued, "we cannot possibly accept a coalition government. This would mean suicide for the nationalist cause."

Father Luan, 53, founder and president of Hue University from 1957–64, is now a professor of philosophy at Saigon University.

The prevalence in the United States of what they regard as misconceptions concerning the war in Vietnam has brought Father Luan and two friends, also Catholics, to this country to speak to government officials, members of the Catholic hierarchy, the press and private citizens.

Although the press reported that Father Luan had come to test U.S. opinion prior to a visit by President Thieu, who has been invited to come here by President Johnson, Father Luan himself made the connection more tenuous. He said that, if he sees President Thieu in Vietnam, he will give him his opinion about conditions in the United States.

In fact, Father Luan and his companions disclaimed any government connections. They had themselves, they said, contacted friends at the Vietnamese embassy here prior to their visit, and these friends had arranged the group's meetings with U.S. officials. Father Luan said that he is traveling as a private citizen at his own expense.

At the press conference, Father Luan, speaking in Vietnamese, discussed the matter of coalition through his interpreter.

He said that coalitions with the communists are possible in Europe, where communism is perhaps more evolved and more liberal, but not in South Vietnam.

"Communism in South Vietnam," he went on, "has not reached the stage where communists can accept the cooperation of other parties. They consider those who are not for them to be against them. The proof of this is that the communists massacred 1,200 civilians in Hue during the 25-day occupation after the Tet offensive. If they had a chance to occupy all of South Vietnam for the same length of time, there would perhaps be a million victims."

Father Luan pointed out that the first government in Hanoi in 1945 under Ho Chi Minh was a coalition government in which there were representatives of non-communist nationalist groups. "Within a short time he said, "the non-communists had to leave, were imprisoned or were killed. He said that the government of Red China had also begun as a coalition government formed under pressure from the U.S. government.

Father Luan denied that the war in Vietnam is unjust or immoral. He presented it as a war of self-defense.

"After the Geneva Accords," he continued, "Vietnam was divided. North Vietnam went to the communists and South Vietnam to a nationalist government. People were then free to move to the North or South. A small number went north. One million went south.

"But communist ambition aimed at the control of all Vietnam and they have chosen to do this by force. The National Liberation Front (the political arm of the Viet Cong) came into being as an arm of North Vietnam. Besides North Vietnam has been introducing men and weapons in South Vietnam for years. The South Vietnamese had the right and the duty to defend themselves."

In response to a question, Father Luan said that the majority of the people who went to South Vietnam after the Geneva Accords were Catholic, but that there were also several hundred thousand non-Catholics. All of these, he said, moved freely and spontaneously. No pressure, he stated, was exerted by the Catholic hierarchy or clergy. He added that the U.S., France and South Vietnam provided assistance to the people who moved south.

In a private interview later in the day, Father Luan commented on the appeals of Pope Paul VI for peace in Vietnam. "From a humanitarian point of view, the Pope's appeal is justified. We welcome and support his appeal. But the Pope emphasizes that peace should be just and honorable."

With regard to a statement in January by the Bishops' Conference of Vietnam in which they spoke of corruption in the Vietnamese government as an obstacle to peace. Father Luan said that President Thieu is making efforts to eradicate corruption and has removed several corrupt province chiefs since he took office.

Questioned about alternatives to a coalition government or total military victory, Father Luan said that the Viet Cong could enter the political life of South Vietnam as individuals with full political rights. "We do not conceive," he said, "of the extermination of all communists." He said that after acting politically as individuals for a time they could form political groups which might have a communist orientation. At the present time, acting as a Front, they represent North Vietnam, he said.

The suffering caused by the war grieves them, Father Luan and his companions said, but "we cannot measure the good and evil to see whether one outweighs the other."

"We are not sure," they added, "whether the activities of the U.S. or those of the Viet Cong cause more civilian casualties, whether such casualties are caused more by bombing or ground operations."

They said that, during the Tet offensive, much of Hue was destroyed by bombs, but they stressed that they did not think many people were killed by the bombing, while the communists deliberately killed 1,200 civilians.

He admitted the truth of reports of the decline of morality in Vietnam due to the presence of large numbers of troops, but pointed out that the situation was similar in France when the Allies were in the process of driving back the Germans in World War II. "One cannot expect soldiers to be saints," he said.

MEN OF TOMORROW: GILLIGAN FOR SENATE, VANIK FOR CONGRESS

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. ASHLEY. Mr. Speaker, never in our history have we lived in more troublesome or more challenging times. The gap between evolution and revolution is both narrow and tenuous. The volatile dynamics of change are evident in every nation in the world, including our United States.

Yesterday there appeared in the Cleveland Press an editorial which addressed itself to the demands of the uncertain future and the need for the kind of vision that looks ahead to tomorrow rather than back at yesterday.

I commend the editors of the Press for their insight, and, under unanimous consent, I place the editorial at this point in the RECORD:

THE PRESS RECOMMENDS MEN OF TOMORROW: GILLIGAN FOR SENATE, VANIK FOR CONGRESS

A taxing and nagging distrust of things as they are . . . an impatience for change and with the slow tempo of change . . . an anxiety to break the old sanctioned chance and a frantic searching for a new course. . . . These are the moods of the times. They find expression in many places. On the restless campuses. In the tense ghettos. Across the back fences in every neighborhood. In the corporation board rooms. In the union halls. And at the ballot box. This mood six months ago swept an old and established political order out of Cleveland's City Hall. And last week the upset on the institute of Ohio's politics—Frank J. Lausche. The old rules, the old order is yielding. The new alignments are in the making. The new hopes are emerging. Yesterday is long ago. Tomorrow is here with all its uncertainties, but with all of its high hopes and big dreams.

Against this backdrop of dramatic change, the Press today takes a long look ahead—months ahead—to next November—and makes some early comments and recommendations on two political races.

One is the Senate: John J. Gilligan who upset not only the man, but the tradition, reflects the new mood. He wants to shake things up. He wants change. He wants tomorrow—today. He can bring into our established political order thousands and thousands of people—the young, the concerned, the discontented—who otherwise might stand on its fringes.

He has shown he can reach people. He has shown he can make them believe in him and he has shown to the Press that his policies and ideas are tomorrow's for a wide appeal. The Press did not appreciate this an era ago—before the primary, but it realizes it today—in time for tomorrow. Jack Gilligan is today, his opponent is yesterday. Ohioans should send Gilligan to the Senate.

And in Congress: Charles A. Vanik recognized the crunching impact of urban problems long before most people saw even a gathering cloud on the distant horizon, and he has been fighting a hard battle to find solutions for many, many years. He has struggled in Congress for legislation which brings the resources of the Federal government into the cities and he has opened doors in Washington for thousands of Greater Cleveland officials who needed these resources. Redistricting displaced Charlie Vanik. He is now running in a new district, but it would be an intolerable misfortune for this community, if his voice and his strength were lost in Washington. Vanik is today, his opponent is yesterday. The voters of the 22nd District should return him to Washington.

These are only two of the races in which yesterday and today come face to face. There are many others and the Press will relate them to the new times and the new mood in the weeks ahead. But, meanwhile, let it be remembered that while change is always uneasy, from change should emerge a better society that is the proud history of this country and there is no reason whatever the cynics say to believe otherwise now.

A BETTER EXAMPLE

HON. BASIL L. WHITENER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. WHITENER. Mr. Speaker, an editorial entitled "A Better Example," which appeared in the Wall Street Journal on May 13, 1968, sets forth views which should be read by college administrators in this Nation. The two methods of handling student demonstrations mentioned in the editorial lead to the only conclusion that a reasonable person can reach—firmness in college administration is the only wise policy to follow.

I make the editorial a part of my remarks at this point:

A BETTER EXAMPLE

Columbia University provided one example of how to handle student demonstrations: Vacillate for a week. Finally call in the police to evict demonstrators from the buildings they hold for ransom. Resume vacillating. Call off classes for the rest of the academic year and suggest instead that students meet with professors for meditation and such.

Fortunately, a better example comes to hand from the University of Denver. Some 40 students seized the registrar's office there to support the inalienable right to change student election rules without bothering with the formalities for doing so spelled out in the student constitution.

The University dismissed the demonstrators on the spot, had them arrested for loitering and obstruction when they refused to leave, and forthrightly explained its actions afterward. Or anyway, its public relations office is sending around the remarks of Chancellor Maurice B. Mitchell. Some of them bear repeating.

"In the simplest language in which I can put it, the time has come for society to take back control of its functions and its destiny. If we condone the abandonment of the rule of law in the university, we have no right to expect those who attend it and later move into outside society to conduct themselves in any other manner.

"There is the assumption on the part of some disaffected students at the university that it is immoral for them to tolerate conditions not of their liking, and that they have some sort of moral obligation to engage in acts of defiance and violence. There is no way to prevent this, but there is every reason to hold those who engage in such practices fully responsible for the consequences of their acts.

"To those who insist that improper activities are the only answer to their problems, I have replied that the decision to engage in such activities carries with it the full responsibility to accept punishment; and punishment on this campus under these circumstances and for such acts is going to be instant and sufficient to the cause."

Denver is one university, we venture to predict, not likely to be reduced to ending classes and substituting the educational insights of a semester of handwringing.

BIPARTISAN SUPPORT FOR LAW AND ORDER

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. BROYHILL of Virginia. Mr. Speaker, members of the 18th and Columbia Road Business Association, of Washington, D.C., have called to my attention a letter they have addressed to President Johnson pointing out the broad, bipartisan support nationwide for law and order and the "domestic tranquility" insured by the U.S. Constitution.

Some of the members of the association have had their shops looted in the April 4, 5, 6, disturbances and some have been set afire and burned.

These good people, hoping to have the widest possible notice made of their concern over lawlessness in the Nation's Capital, have asked that I insert their letter in the RECORD. This I am pleased to do, and I commend it to those who read this RECORD for the most thoughtful and careful evaluation.

The letter reads as follows:

THE 18TH AND COLUMBIA ROAD BUSINESS ASSOCIATION,
Washington, D.C., May 9, 1968.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: No one in recent times has spoken out more forcefully, or has addressed themselves more directly, than you, to the major issues of our times such as the rise in crime, the arson, looting, and destruction which have been visited on the great cities of our land, including the Nation's Capital. The three-fold rise in crime in the past ten years, the destruction of hundreds of jobs, homes and businesses in the burned out and/or looted areas of the District in recent weeks and days with losses of more than $20,000,000, the inability to obtain insurance, or adequate loans, the fear which stalks our streets, concern every citizen. The arson is continuing, and there is little difference between the protection and demands which are being made now, and the protection and demands made by more organized forms of crime.

You have said that: "The safety and security of its citizens is the first duty of government". This statement appears on page 7, Chapter 1 of the appendix of the Report of the President's Commission on Crime in the District of Columbia. In your Address to the Nation last year, after the arson and destruction in Detroit and Newark, you said: "First—let there be no mistake about it—the looting, arson, plunder, and pillage which have occurred are not part of the civil rights protest. There is no American right to loot stores, or to burn buildings, or to fire rifles from the rooftops. That is crime—and crime must be dealt with forcefully, and swiftly," and unfortunately, these forceful and moving words of yours have not been translated into action in the Nation's Capital and in other cities, and the situation is getting worse.

Perhaps it would be helpful for us to call to your attention the words of former President Dwight D. Eisenhower about crime and violence. In the current issue of the *Reader's Digest* (May 1968) he makes a number of sound recommendations for curing the ills of our cities, and begins by saying:

"One of the principal aims of our Constitution was to "insure domestic Tranquility"; indeed, in sequence of objectives, the authors placed it ahead of "common defence". The wise men who founded this nation well knew that human freedom can exist only in an orderly society. They understand that anger over justice denied, or envy and hatred begotten of ignorance, and prejudice, would, as always before, create trouble; that there would always be false leaders ready to inflame men to acts of purposeless violence. Consequently, they strove mightily to create a structure of government where all would have equal justice under law; where the causes of internal conflict would be minimized; where, also, any wholesale defiance of the law would be dealt with swiftly and sternly. Riots did flare up in our early years; but each outburst was promptly quelled by firm enforcement of the law. Certainly, riots were never allowed to become a way of life—until recently.

"Mob action, of course, does great harm to the rioters themselves, and to any cause they espouse. As one of our ablest Negro leaders, Sen. Edward Brooke of Massachusetts, has said: 'Riots and violence are the mortal enemies, not the servants, of the civil-rights movement.' Yet today rioting, with its useless bloodshed and destruction of property, seems to have become a tolerated instrument of protest."

We would also like to call your attention to the recent address of the Honorable Erwin N. Griswold, Solicitor General of the United States, at Tulane University School of Law, in which he said: "Government and order are not only a necessity but are the preference of an overwhelming majority of the citizenry. . . . True freedom and substantial justice come not from violent altercations or incendiary dissent. 'No mob has ever protected any liberty, even its own'."

Your own National Advisory Commission on Civil Disorders declared that "Preserving civil peace is the first responsibility of government." We request you to take immediate steps to "insure the domestic tranquility" for which this Nation was established and which is guaranteed in the Constitution of the United States.

We also request you to recommend immediate high-density, high-rise zoning in the burned out and/or looted sections of the District, such as the 18th and Columbia Road area, to provide desperately needed jobs, housing and business opportunities for everyone wanting to go into business. We urge you to give immediate consideration to Republican as well as Democratic proposals for rebuilding our cities, and call your attention to the sound proposals advanced by former President Eisenhower, and former Vice President Richard M. Nixon in order to rebuild and renew our cities. We are sure you will agree with us that this is no time for partisan political efforts to take advantage of the major crisis of our cities, and the Nation's Capitol.

We request that the District's police force be immediately reinforced with Federal troops, and remind you that you spoke at a White House press conference recently of the disorders which will accompany the Poor People's March on Washington. Despite your warning of further disorders, Federal troops have not been returned to the streets of our city, even in token numbers. We request that Federal troops NOW without further delay and equivocation.

May we have some immediate reply to this letter in order that the fear which the businesses and the residential community alike feels may be dispelled?

Respectfully yours,
JOHN JARBOE,
President.
SIDNEY S. FABER,
Vice President.
CLARENCE H. ELLIS,
Treasurer.
GEORGE FRAIN,
Secretary.
C. I. SMITH,
DONALD D. GARTENHAUS.

W. FRANK THREATT NAMED SMALL BUSINESSMAN OF YEAR

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. EVINS of Tennessee. Mr. Speaker, Mr. W. Frank Threatt, an industrialist from Congaree, S.C., has been named Small Businessman of the Year.

This annual award of recognized achievement and merit was made on yesterday by Administrator Robert C. Moot, of the Small Business Administration.

Mr. Threatt in the true tradition of the small businessman of America has made a tremendous contribution to his community. He has grown in his business and has halted a mass exodus of young people to other areas by providing increased employment in his community.

Certainly he is richly deserving of this honor, and I commend and congratulate Mr. Threatt and wish him continued success. In this connection and because of the interest of my colleagues and the American people in small business, I am placing in the RECORD a news release prepared by the Small Business Administration on Mr. Threatt's award, as follows:

W. Frank Threatt, an industrialist from Congaree, S.C., today was named Small Businessman of the Year.

The award highlighted the opening day of National Small Business Week.

Later Threatt was also honored by the National Advisory Council of the Small Business Administration which opened its two-day annual meeting at the Washington Hilton Hotel this morning.

SBA Administrator Robert C. Moot said of Threatt's selection: "It is a tribute to an outstanding man who 'got off the floor' to turn business disaster into notable business achievement.

"It is far more than just a personal triumph and national recognition, for Frank Threatt has been responsible for an enormous impact on his town and the surrounding area.

"His own great enterprise has yielded great community benefits such as a new million-and-a-half-dollar annual payroll, two new schools and 27 classroom additions, more than 75 new homes, new businesses, a greater local tax base, and perhaps as important, a halt to the trend of a mass exodus of young people to other areas. In short, he has turned an ailing area into a thriving one with a greater measure of economic security and opportunity for a disadvantaged population. The Nation is indebted to him."

Threatt's company, Congaree Iron and Steel Company, which has more than 400 employees and does an annual business in the millions, was started in 1957 on $3,000 in cash and a $14,000 bank loan.

It was just four years after Threatt had returned from service in the Korean conflict to find that the construction business he had left behind had failed and that he and his partner faced a $150,000 bankruptcy judgment.

Refusing to take the easy way out by declaring personal bankruptcy, the partners paid out the settlement in the next seven years.

Threatt recalled today that Congaree Steel was started on 15 acres of swamp land near Columbia, S.C., and that he and three neighbors spent their first two months digging ditches by hand to drain the land of standing water.

Threatt, 52, was born in North Carolina, but was brought up in Rock Hill, South Carolina, where he attended public schools. He later attended the University of South Carolina.

He is married to the former Dorthy Mather. They have two daughters, Lydia, (Mrs. Wayne Clark), now studying for her Master's degree in Mathematics at the University of North Carolina, and Robin, a Laboratory Technician at the Research Center of Duke Hospital, at Durham, N.C.

Mr. and Mrs. Threatt live in a 200-year-old home on a farm tract about 24 miles from Columbia, on Tom's Creek.

JOSEPH WILLIAM MARTIN

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. WILLIAM D. FORD. Mr. Speaker, few persons in this century have left their mark so indelibly on the history of this Nation as did the late Joseph William Martin, Member of the House of Representatives from 1924 until his recent death.

Mr. Martin began his remarkable career of public service in 1912 as a Member of the House of Representatives in his native State of Massachusetts. Two years later, he was elected to the Massachusetts State Senate, where he served until 1917.

During these tumultuous years, which saw this Nation emerge as a world power, Mr. Martin played a key role in State and national Republican Party activities. He was chairman of the Massachusetts Republican Legislative Campaign Committee, a presidential elector in 1920 for the Harding-Coolidge ticket and executive secretary of the Massachusetts Republican State Committee.

He was a delegate to the Republican National Convention in 1916, and again in 1936, 1940, 1944, 1948, and 1952. He was permanent chairman of the Republican National Conventions in 1940, 1944, 1952, and 1956, and was chairman of the Republican National Committee from 1936 to 1940.

Mr. Martin was Republican minority leader in the 76th through 85th Congress, except for the 80th and 83d, when he served as Speaker.

Together with his Democratic counterpart, the late Sam Rayburn, Mr. Martin was closely associated with every legislative action of this Congress for more than a quarter of a century.

His legislative skill, his knowledge of human nature, and his willingness to compromise, made him one of the most effective leaders in the history of this great legislative body.

When the history of this past half-century is written, the name of Joseph William Martin will rank high among those men and women who helped lead the United States through some of its most challenging years. History will also record that his Nation and the world were better for his having lived.

OLYMPIC DISCRIMINATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. RARICK. Mr. Speaker, possibly because the Red-black power bloc feared superior competition from free athletes they banned South Africa.

Mr. Thurman Sensing in his recent column, explains how discriminatorily the Olympic ban was enforced.

In the April 24, 1968, CONGRESSIONAL RECORD, page 10572, I urged support for a free world Olympics in South Africa which would ban not color, but ideology.

As can be seen from a report from South Africa, the free world Olympics are prospering.

I include the Sensing column and South Africa report, as follows:

OLYMPIC BAN FOR SOUTH AFRICA SHOWS VALUES DISARRAY

(By Thurman Sensing)

In these mixed-up, turbulent times that distort truth and real values, the law-abiding and the respectable suffer and the violent and irresponsible receive praise or kind treatment.

An example of this is the pressure successfully applied on the International Olympics Committee to ban South African athletes from the games, even though they had been formally accepted for participation in the summer Olympics at Mexico City. The Olympics, which should stand for good sportsmanship, have had to bend before the winds of politics.

The banning of South African sportsmen is a cruel blow to the South African athletes of all colors and race who would have taken part in the games this summer. They have been discriminated against and denied an opportunity to excel in international competition.

The refusal to let the South Africans compete testifies to the degree to which our world is in disarray. The Communist and Afro-Asian nations never miss an opportunity to force South Africa, a constitutional republic, into the pillory.

If nations are to be barred from the Olympics on the basis of their political records, responsible men can easily think of some prime candidates for banning. The first would be the Soviet Union, the country that holds millions of captive people in its grip—the nation that swallowed up the little states of Estonia, Latvia and Lithuania and deported millions of men, women and children to Siberia.

Few of the black African nations would be exempt from banning if a strict political behavior rule were applied. Tanzania is a one-party state that gives Communists a base for terrorist campaigns against its neighbors. Guinea is a Communist dictatorship, as is Congo (Brazzaville). The Republic of the Congo (Kinshasa) is a tyranny with mixed elements of force and tribal terror.

Ethiopia is an absolutist monarchy where no one has any rights. Almost everywhere one looks on the African continent, one finds cruelty and despotism, and backwardness in sub-Saharan Africa. Only in South Africa, Rhodesia and the Portuguese provinces will one find civilization and a rule of law. These advanced nations and territories are condemned, however, because they will not accept the kind of governmental system that prevails elsewhere in Africa; they will not agree to give up and accept a return of primitivism. That's why the South Africans are banned from the summer Olympics.

The real tragedy is that some supposedly responsible people in Western countries are delighted that the South Africans are banned. They mistakenly view this vindictive action against a highly modern country, which spends more than any other African country on social services and education of all its people, as a victory for human rights. This reaction only indicates the extent to which logic is ignored in our time.

We see the same phenomenon with respect to the law enforcement authority in our own country. For example, when the New York police finally were called in to remove radical students from Columbia University buildings, they didn't get any thanks for a tough and nasty job. On the contrary, Mayor John Lindsay of New York called for an investigation into charges of "police brutality." He apparently didn't find it expedient to order an investigation into the student groups that ran the red flag up over Columbia, who placed the Communist hammer and sickle symbol on blackboards, who shouted "Lenin won; Fidel won; we'll win." No; the radicals were virtually excused; Lindsay upheld their right to "dissent."

It is a strange world, all right. Apparently academic freedom doesn't include the right of a university to maintain order on campus, hold classes and end student hoodlumism. In the view of the prevailing "liberals," academic freedom involves toleration of sit-ins, wrecking college administration buildings, pulling down bookshelves for barricades, and screaming obscenities at police and at students who want to study.

Confusion of basic values is one of the worst things that can happen in a free society. It means that society is being undermined. Such confusion took place at the end of the Roman empire when the Dark Ages began to fall on Europe. Nowadays, it often seems that a new Dark Age is beginning, as the police are condemned, universities are terrorized, riots take place in great cities and anticommunist countries such as South Africa are victimized by political extremists. The outlook is very grim for the forces of civilization.

[From News from South Africa, May 8, 1968]

FINANCIAL AID FOR SOUTH AFRICA'S OWN GAMES

CAPE TOWN.—A contribution of $210,000 to be used to cover the cost of organizing a South African Sports Games at a place and date to be decided upon, has been made by the Shell Oil Company of South Africa. This was announcd in a statement last week by the Prime Minister, Mr. John Vorster. The money will be made available over three years.

The Prime Minister, after expressing his appreciation for the contribution said: "The Minister of Sport and Recreation will, as soon as possible, after consultation with sports leaders, appoint trustees to receive this money and other funds which may be rceived and also the State's contribution, and to make them available to the sports organizations which will organize the Games and which will be exclusively responsible for the Games".

THE ORIGIN AND DEVELOPMENT OF U.S. COMMITMENT IN VIETNAM

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. ABBITT. Mr. Speaker, I wish to call to the attention of the Members of the House a splendid address made by the Honorable Frederick E. Nolting, former Ambassador to South Vietnam, on April 2, 1968, before the Central Virginia Asian Affairs Study in Lynchburg, Va.

Ambassador Nolting's address entitled "The Origin and Development of United States Commitment in Vietnam" is a most important discussion of our involvement in Vietnam from one who has a great reservoir of knowledge on this subject.

Ambassador Nolting's address speaks for itself, and I commend it to the reading of the Members of the House and all those who have access to the CONGRESSIONAL RECORD.

The address follows:

THE ORIGIN AND DEVELOPMENT OF U.S. COMMITMENT IN VIETNAM BY FREDERICK E. NOLTING, FORMER AMBASSADOR TO SOUTH VIETNAM, APRIL 2, 1968

Senator Spong, I want to thank you very much for your generous introduction. It's a great pleasure and privilege for me to be introduced by you whose career in the United States Senate has already taken on significance for our state and for our country and I know promises great things for both in the future. I thank you very much indeed.

Ladies and gentlemen, I have so much on my heart and mind to say tonight that I hardly know where to begin. When a man comes back home after a long absence—back to his own country and to his own well-loved native state, he is drawn by many associations and for many reasons to share his thoughts and his experience in all frankness with those he feels close to. I want to do that this evening. I cannot do otherwise with an audience like this of my fellow Virginians. I thank you for the privilege of being here, Dr. Lippard. I have been looking forward to it a great deal. As it so happens, I come home to a changed situation—a drastically changed situation in regard to the Viet Nam problem, as Senator Spong has just mentioned, and in regard to the American political scene—a situation transformed 48 hours ago by President Johnson's dramatic announcement. One of the minor casualties of that announcement was my prepared speech. But neither you nor I, I think, cares too much about the speech—it's our country and its future that we care about. We cannot see clearly at this stage where this announcement of the President's will lead. But at least it seems to me it has given a new dimension to the problem of Viet Nam and maybe the possibility of an avenue towards its solution. Frankly, for the past four years I have been pessimistic about the success of U.S. policy in Viet Nam as it has been carried on in those years. I did not want to say this and have not said it publicly, I think, up to now, for fear of undermining what chance there was of success in that policy. But I have felt that errors committed some four years ago, in the last months of the Kennedy administration—errors which were inherited by President Johnson and, I think, compounded during his administration—were so great as to be practically unredeemable. To show that I am not speaking entirely from hindsight, I will read you a letter. This letter is dated February 25, 1964.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am sorry I have been unable to get an appointment to see you, for I have wanted for several months to talk with you about Viet Nam and related matters. I believe you and I have seen the issues in Viet Nam in much the same light from the time of your visit there in May 1961—at least, I have that impression from talks we have had in the past. I know, therefore, how heavily this problem must now weigh on your mind, as indeed it does on mine also; and I earnestly hope that, despite certain irrevocable errors that I think have been made, a way can yet be found to fulfill our national interests there with honor.

I take the liberty of sending this letter, Mr. President, because I feel an obligation as well as a desire to tell you frankly and directly about my future course of action, which is likely to be interpreted in the press and elsewhere as being related to my tour of duty as ambassador in Viet Nam.

I have today sent to the Secretary of State a request to be granted retirement from the Foreign Service, in order to accept an exceptional offer in private business. That my decision has been influenced by my strong disapproval of certain actions which were taken last fall in relation to Viet Nam, with predictable adverse consequences, I do not deny. Nor do I deny that I have been uncomfortable in my association with the Department of State since returning from Viet Nam six months ago.

Under these circumstances, it seems sensible for me to accept a very attractive position in private business. As a private citizen, I shall continue to do my best to contribute to our country's success.

I solicit your understanding, Mr. President, and I wish for you, as you know, personal happiness and all success in looking after the affairs of our nation.

Sincerely and respectfully yours,
FREDERICK E. NOLTING.

For many long years now, with deepening foreboding, I have seen, as you have, the problem of Viet Nam grow and transform itself from a relatively minor concern of the United States to the raging central affliction of our times—poisoning the spirit, the confidence, and the unity of our people. I have been sick at heart—the more so because I myself participated and shared in the long series of events that led to this "bloody impasse." I must tell you at the outset that I have no magic formulas to propose. There are none, I think. The choices before our nation are hard, painful choices—much harder than they had any need to be. Yet we must somehow find a national consensus, based on the best judgment we can bring to bear, and that right quickly before events overtake us again. Your chairman, Dr. Lippard, has asked me to speak on the origins of American involvement in Viet Nam, but he was kind enough not to limit me to that aspect of the matter. Past history helps to illuminate the future if we are wise enough to draw lessons from it, but you have had a great deal of background in this seminar and the anxious eyes of our nation are fixed on the present and the future—not on the past. I shall limit myself to a sketch of the history of United States involvement in Viet Nam—putting aside innumerable pages of material. This will be incomplete and over-simplified. It will, no doubt, omit many things of importance, but I would like to save some time to discuss with you the central, immediate questions—for these questions cannot wait—not even until elections.

Where to pick up the continuous thread of history in Indo-China is difficult to decide. I shall pick it up at the close of World War II—after the Japanese surrender and the return of the French—but with the important proviso that we do not assume that the history of the Vietnamese people began then. Actually, Vietnamese recorded history goes back some 2,000 years, and if I had to give the thrust of that history in one sentence it would be 2,000 years of struggle against Chinese domination.

America's *involvement* in Viet Nam began in the aftermath of World War II. America's *obsession* with Viet Nam began almost twenty years later—with the overthrow of the Diem government and the subsequent introduction of U.S. combat forces. Between the two there lies a long period of time and an enormous difference of policy.

In 1946–1947, as the opposition of the Vietminh to the return of French rule began to intensify, the United States in spite of its traditional anti-colonialism was sympathetic to France. There were two main reasons for this—which I cite without evaluation. France was a key factor in the recovery of Western Europe and the loss of Indo-China, it was feared, would so weaken her centrist government as to lead to a political upheaval and possibly a communist take-over in France itself. The other reason was the belief that a Vietminh victory would amount to communization of Indo-China. Ho Chi Minh was known to be a life-long agitator and revolutionary, trained in Leninist ideology and tactics in Moscow. In nearby Indonesia, Sukarno was regarded by the United States in those days as an indigenous nationalist. Ho Chi Minh definitely was not.

At the same time the United States urged France to support a non-communist nationalist counterforce to the Vietminh. By 1949, when the quasi-independent government of Bao Dai was established, another and more compelling reason was added for U.S. support of the anti-communist forces in Indo-China—of which about three-quarters were native Indo-Chinese. This was Mao Tse-tung's stunning victory in China. General mobilization was decreed in Vietminh territory at that time and in February 1950 Vo Nguyen Giap stated "The covert war has ended and open warfare has begun." Moscow recognized Ho Chi Minh's government on February 1, 1950, and Communist China and Yugoslavia followed suit. Ho Chi Minh proclaimed in a broadcast, "Henceforth we definitely belong to the powerful anti-imperialist bloc of eight hundred million men." Chinese aid to the Vietminh—food, arms and ammunition, military advisors and military training both in North Viet Nam and China itself—began in March 1950. For its part, the United States decided to send material aid to France and its Vietnamese allies, beginning with the very modest sums of $15 million for military aid and $25 million for economic assistance.

On June 25, 1950, the North Koreans struck in force across the 32nd parallel and the Korean War began. For two years this limited but bloody war, involving Chinese as well as North Korean forces, served to divert American attention from Indo-China where the Vietminh forces steadily strengthened. Whether planned or not, this was an example of the kind of reciprocal action for which the Communists are past masters.

After the Korean War, U.S. aid to the French and the Associated States of Indo-China increased rapidly, until in 1954 we were paying 78% of the total cost of the war. The United States, however, had no part in the policies or conduct of the war at that stage—a fact which caused considerable friction between French and American representatives in Indo-China.

The rest of this sad chapter up to the convening of the Geneva Conference in 1954, the Vietminh victory at Dien Bien Phu, and the withdrawal of France from Indo-China, is perhaps better known to you, for it is well-publicized now.

There are three points, however, which I think deserve special attention. The first is that after eight years of warfare the armies of France and the Associated States were never defeated in any over-all military sense. The political will of France to continue the struggle simply gave out and France, under Premier Mendes-France, got out as best she could. Actually, the provisions of the Geneva Accords of 1954 were somewhat more favorable to the non-communist side than one might have expected under the circumstances. It is interesting to note that Ho Chi Minh did not want to settle for a divided Viet Nam, even temporarily, but was persuaded to do so by Russia and China, among others.

The second fact of importance is that the United States, when faced with a decision in 1954 of whether or not to intervene with combat forces, decided against doing so, despite strong voices in the Eisenhower administration who thought that we should. I am happy to say that the Honorable Walter S. Robertson is with us tonight—and I do hope that after my remarks on this period, which he knows so well, he will straighten us out about it from firsthand experience.

The third point is that even the United States was of two minds about this matter. There were "doves" and there were "hawks" then, and people in between. There was no strong national consensus among the American people and U.S. action, while generally in support of France and the Associated States, was in that period finally ineffectual.

The second chapter starts after the withdrawal of the French Expeditionary Corps and the partitioning of Indo-China, when all the world expected South Vietnam to stagger and to fall quickly into the arms of Hanoi. This period begins with what has been called "the miracle of Diem." Incidentally, let me say that the pronunciation of President Diem's name is "Ziem" even though it starts with a D. I have found quite often that after a remark about this period I was accused of lisping, or people didn't understand whom I meant. I mean the former president of Viet Nam, Ngo Dinh Diem, spelled Diem. This period begins with what has been called "the miracle of Diem." It ends in 1963 with the overthrow and assassination of President Diem. The record is one of a remarkable recovery by South Viet Nam, based on a do-it-yourself philosophy and encouraged and assisted by the United States. It is, I think, a record of which both South Vietnam and America can be proud—except for the last sudden fatal months in 1963. It is a record nearly blotted out by more recent events and, I think, by deliberate intent—for reasons which will become clearer later on.

I sometimes think of the period of 1954 to the present in terms of a classic Greek drama. The first act is the story of the gradual triumph of relatively good men and good ideas over relatively bad men and bad ideas. The second act depicts the act of *hubris*, when our country, setting its judgment and its power above that of the people and government it was helping, encouraged a revolution against its ally. The third and present act unfolds the dreadful consequences of that act of *hubris*. The fourth act is yet to be revealed. It will be revealed, I think, either in greater tragedy or in the regaining of America's unity, in the strengthening of her moral integrity, and in the regeneration of her leadership.

You will recall that the Geneva Accords of 1954 provided among other things for the cessation of hostilities, the independence and neutral status of Viet Nam, Cambodia and Laos, and the temporary division of Viet Nam at the 17th parallel pending a vote on unification. The armed forces of both sides were to be withdrawn to their respective territories and neither side was to be reinforced from outside. Provision was also made for an exchange of civilians, at their choice. Neither the government of South Viet Nam nor the United States signed the Accords but the United States agreed not to violate them, and South Viet Nam, under Ngo Dinh Diem, tacitly accepted them with one exception, the provision on unification.

Both halves of Viet Nam at that time were beset by great difficulties and faced Herculean tasks of reconstruction and readjustment. To the surprise of most observers, progress towards order and economic stability was faster in the South than in the North, due in part to more abundant food supplies and despite the absorption of 900,000 refugees from the North. It is noteworthy that Hanoi did not press at that time for unification as provided in the Geneva Accords. Ho Chi Minh had his hands full in coping with internal problems, including a violent peasants revolt, and was presumably as unsure of the outcome of the referendum as was President Diem. In any event, there ensued a period of competition of a relatively peaceful sort between Hanoi and Saigon, as each strove by different means to bring some order and a measure of economic viability into their shattered countries. The miracle of Diem consisted of the fact that having formed a government under conditions of wild disorder in the South, in a country which had not known independence for four generations, he was able to inspire the respect necessary to cope with the problems confronting him. I knew this man well, after the American press had largely turned against him. To me the secret of his success was his moral integrity. I wish there were one like him in Viet Nam now.

From 1955 to 1960, South Viet Nam, with American aid of about $150 million a year, accomplished the following. Rice production rose from 2.8 million metric tons to 4.6 million metric tons, rubber production rose from 66,000 metric tons to over 79,000. Diversification of crops was encouraged, resulting in large increases in jute, kapok, copra, tea, coffee, fruit, vegetables. By 1961, 80 agriculture extension agents were working in 32 provinces, 574 4-T clubs (the Vietnamese version of our own 4-H clubs) with a membership of 20,681 rural boys and girls were active in 2,330 villages. New lands were opened for re-settlement. By 1961 over 200,000 people had taken up new lands, each family receiving five hectares, about 12 acres, of which one hectare had been cleared by the government—the rest they cleared themselves. Nearly one million refugees from the North had been re-settled in one way or another and enabled to become contributing members of society. I have visited a number of these villages, often in the company of President Diem. To get out from Saigon and see this progress in the countryside was always a heartening experience.

The commercial catch of fish under government help rose from about 100,000 tons in 1955 to 250,000 tons in 1961. The government's farm credit program loaned over 3 billion piastres to over one million farm families. A national agriculture college was established with a student body of 300. 97 district farmers associations were serving 778 villages and 292 farm cooperatives were established with a membership of 110,000 and a paid-in capital of over 50 billion piastres.

I don't want to bore you with statistics. I cite them because I daresay you saw little or nothing about these accomplishments in the American press. I remember giving these facts and figures and others like them to members of the press corps in Saigon. No articles appeared on them to my knowledge. Most of the reporters there were more interested in the bloody side of the struggle, and in criticizing the government's shortcomings.

This period also marked the beginning of an industrial base in a country which had had until then almost no industry whatever. 51 manufacturing firms were established in South Viet Nam from 1955–1961. The largest plants were in textiles which attracted 560 million piastres of investments. New factories reduced the imports of refined sugar from 25,000 metric tons in 1954 to zero in 1961. By manufacturing many of the things required and formerly imported, South Viet Nam saved $35 to $40 million annually in foreign exchange.

In transportation and communications, by 1958, the entire railroad line was operating for the first time in 12 years. Three major highways were completed and others were under construction. 14½ million cubic meters of infill was dredged from canals, restoring the water transport system in the delta area. Electric power generation doubled.

In health measures, 3,500 hamlet health stations were established; training facilities for health workers were developed; the number of doctors graduating from medical schools increased rapidly; facilities were developed to train 120 professional nurses annually; and 100 assistant nurses. By 1962, small but well equipped surgical wings were added to 25 of the 40 provincial hospitals in South Viet Nam. A malaria eradication program was established, dramatically reducing the incidence of malaria cases.

In education, the number of students, teachers, and classrooms were more than doubled in 5 years. Two new universities were established—one in Hue and one in Dalat. Four new technical vocational schools were opened. A government information program and library facilities were established in most of the 41 provinces and in all the major cities.

These social and economic programs were largely directed toward the hamlets—the small villages where the farmers lived surrounded by their fields. This is where the government put most emphasis and where its greatest strength lay. In retrospect, one might wish that equal attention had been paid to the cities where the political climate was more volatile. I could cite many other evidences of economic and social progress, but I should mention also the military and political sides.

A native army of 350,000 men was raised, equipped, trained, deployed. A civil guard for the protection of the peasants in the provinces was similarly formed—all this with American equipment and training. Police for the cities, and rural police forces, were established, equipped and trained. These were major, difficult accomplishments. I cannot begin to do justice to those involved in these few sentences.

In 1955 South Viet Nam drew up, ratified, and put into effect a constitution and a system of free national elections. This was a brand new concept of government to the Vietnamese people. That it did not work perfectly was no surprise. The surprise was that it worked as well as it did. Their constitution, modeled on that of the United States, provided for an elected president and vice president, an elected legislature, a cabinet of responsible ministers, and a supreme court. Ngo Dinh Diem was elected president in 1955 and re-elected in 1961. Elections for the National Assembly were held regularly until October 1963. It is worth remembering that the roots of self-government in Viet Nam were planted more firmly under President Diem than ever before or since. And all this was done while the most vigorous efforts were underway to knit together a torn, confused, heterogeneous, and devastated country. This was "the miracle of Diem."

Next we come to what I term "the period of renewed aggression." This began in 1959. It is still continuing, but in a different form. The aggression started slowly, covertly subtly. Alarmed by the progress in the South and having gotten a firm grip on the North, Ho Chi Minh decided that Viet Nam should be reunited, by force if necessary. He had a legal cover for this—the Geneva Accords of 1954. He also had ready tools—the Vietminh organizers, armed cadres, and sympathizers who were left behind in the South after the Accords.

The first objective of the aggression was to undermine the government of the South, to set back or if possible to destroy, what had been so painfully built up by the Diem government over the past years. The instruments were slander, propaganda, incitement of local grievances, promises, threats—working up to terror, destruction, kidnapping, and murders—reinforced at each stage by directions, supplies and trained agents from the North.

Here I must explain several terms. What is the difference between the Vietminh and the Viet Cong? I am sure you know. Vietminh is the term Ho Chi Minh used for his independence movement starting way back in 1946. It means roughly "Vietnamese nationalists." You can see why President Diem did not want to leave President Ho Chi Minh in possession of this term. Diem, too, was a nationalist and so were his followers, and so they began to call the terrorists in the South "Viet Cong," which means Vietnamese communists. Behind this distinction in terms lies a distinction in organization and perhaps in aims, although less so now than formerly, I think. I refer to the difference between the National Liberation Front in the South and the government in Hanoi, and to the Viet Cong military organization in the South as distinct from North Viet Nam's regular army units infiltrated into the South. The National Liberation Front was publicly proclaimed in 1960 as the political spearhead of the Viet Cong organization. It seems to have had two major purposes: to consolidate and direct the Viet Cong terrorists and guerrillas and to coordinate with Hanoi. The Viet Cong leaders in the South at first had some difficulties with Hanoi, and vice versa. Some southern Viet Cong did not relish the prospect of being swallowed up by Hanoi, and most did not like taking orders from Hanoi. This reflected the widespread Vietnamese factionalism and jealousy. I saw considerable evidences of these differences when I was there, but it was clear nevertheless, even seven years ago, that the Viet Cong were dependent upon Hanoi's help to keep going and couldn't have sustained their subversive activities without it. I think it is probably too late now to count on or to exploit differences of aims between the two.

A personal reminiscence may cast some light upon the degree of control exercised by Hanoi vis-a-vis the Viet Cong some years ago. A friend of mine, an Indian on the International Control Commission, told me this story in 1961 in Saigon. As a member of the commission he went to Hanoi shortly after an attempt had been made on my life by Viet Cong agents in Saigon. He saw Pham Van Dong, the North Vietnamese Prime Minister, and berated him for allowing or ordering such a thing. The Prime Minister, according to my friend, said he was sorry. It was a stupid thing to do and he would try to see to it that it didn't happen again. This account has always puzzled me. Did Pham Van Dong mean that it was stupid to directly provoke the United States by such an act? Or did he mean that Hanoi didn't have close control over the Viet Cong terrorists? Or was he trying to placate the Indian Chairman of the International Control Commission? I don't know, but in any event I felt more offended than reassured by this message.

Now I come to the period of vivid personal recollections of Viet Nam—the most exciting job I ever had and the most gratifying—except for the last three months. With my family, working hard, believing in the rightness of our purpose and with an outstanding team of colleagues—these were years, not of a "Mission in Torment" (the title of a book about that era), but of a mission on the go.

President Kennedy, you remember, came into office in January, 1961. Southeast Asia was one of his graver problems. Laos and South Viet Nam were weakening under increased communist insurgency. He and his government decided on a negotiated settlement in Laos and at the same time a substantial increase in American support to the government and people of South Vietnam. This must have seemed rather strange to the strategists in Moscow, Peking, and Hanoi, who, despite their differences, tended to look upon the whole of Indo-China as one strategic area. They saw their opportunity and did not fail to take advantage of it. The treaty on Laos, negotiated by Averill Harriman, signed in Geneva in 1962 and never lived up to by the communist signatories, promptly turned the Ho Chi Minh trail into the "Harriman Memorial Highway." (I did not coin the phrase.) The treaty on Laos gave immunity to the North Vietnamese to take control of the northern provinces of Laos and to infiltrate South Vietnam while tying the hands of our side. At best the Laotian settlement can be regarded, I think, as one of the poorer alternatives in an admittedly difficult and awkward situation.

Meanwhile, the Viet Cong attempt to undermine progress in South Vietnam and to paralyze its government was making alarming headway. One of the figures I remember from my briefings for my Vietnam assignment was the figure 2,400. This was reportedly the number of South Vietnamese government officials, non-military, assassinated or kidnapped by the Viet Cong in 1960, the year before I got there—minor officials, for the most part, who were carrying on the work of the Diem government, the agriculture extension agents, road engineers, dredge foremen, district chiefs, school teachers, doctors and nurses, anti-malaria teams, and others. Twenty-four hundred of them killed or kidnapped in one year. Was this a popular uprising against an unpopular government as some would have us believe? Or was it a planned, deliberate strategy of aggression against a constitutional free government? From all the evidence I had, and it was considerable, I have no hesitation in saying it was certainly the latter.

In May 1961, Vice President Lyndon B. Johnson arrived in Saigon. He was accompanied by his wife and a group of officials from Washington, including members of the Kennedy family. President Kennedy had requested Mr. Johnson to go to Vietnam to survey the situation first-hand. The new administration in Washington was facing important decisions. I was then the new ambassador to Saigon. My wife, my family, and I had arrived 48 hours before. Vice President and Mrs. Johnson were guests of President Ngo Dinh Diem. No such high American official had been in South Vietnam since Vice President Nixon's trip in 1957. Mr. Johnson's visit consisted of four whirlwind days of conferences with President Diem and his advisers, inspection trips in and around Saigon, receptions, public appearances, handshakings, dinners, and more conferences. As a participant, I was impressed by the Vice President's drive and energy, by President Diem's calm determination and force of character, and above all by the enormous differences of approach to political leadership between the two men—the one occidental and the other oriental, the one forceful and the other reserved, the one seeking popular approval and the other seeking to deserve respect, the one democratic in our sense, the other paternalistic in his attitude towards his people, in the good Mandarin tradition. Yet there was an evident rapport between them.

At the farewell dinner, Mr. Johnson proposed a glowing toast to the Vietnamese president. "To the George Washington of Vietnam," he said, and we all drank a toast of warm champagne. This was the beginning of my tour of duty in Vietnam.

From the shambles of occupation, division, and war, a new society was being built. But now again it was under attack. Would it be capable of bearing the responsibilities of self-government, while at the same time fighting off a renewed and vicious subversive attack? Could the two countries, South Vietnam and America—so disparate in size, strength, outlook, and ways of doing things—find a formula for working more closely together in their common interest? What was that common interest? These were the central questions we pondered and discussed seven years ago.

That was in May 1961—the mid-way point between the French withdrawal from Indo-China and today. President Kennedy, you remember, had been inaugurated in January. President Diem had been re-elected in April. Less than three years later, they were both dead.

The United States and the government of South Vietnam quickly arrived at an understanding. There were three agreed principles underlying increased U.S. aid to South Vietnam in 1961. One, the South Vietnamese, through their elected government, undertook to prosecute their struggle against the Viet Cong more intensively in all respects—economic, social and political—behind a strengthened military shield. Two, the U.S. undertook to help by increased material aid and by advice and training. The introduction of U.S. combat forces, however, was definitely ruled out. President Diem did not want them, and President Kennedy did not want to send them. Three, there would be no interference by the United States in the internal affairs of South Vietnam—no attempt to usurp the powers of the South Vietnamese government, nor to take control of the conduct of the struggle. Both parties agreed that it had to be a Vietnamese victory if it was to endure.

These principles formed the basis of a partnership of good faith directed toward a common end, the defense of the right of the South Vietnamese people to determine their own future without coercion, force or terror. They rested on a fact which is as sound today as it was then—that indigenous nationalism has to be the mainspring of resistance to the communists.

South Vietnam's appeal for more aid was answered by the United States under President Kennedy for the following main reasons. The South Vietnamese people under President Diem had shown courage, perseverance and progress for six years. As a people they seemed worthy of support in their determination to remain free. They appeared to be the best bet for making a stand against the southward thrust of Asian communism. South Vietnam was more accessible than Laos and relatively well-governed. The South Vietnamese were anti-Chinese as well as anti-communist. They held the key to the rice bowl of Asia, the lower Mekong Delta. They were by treaty under the protection of SEATO.

An agreement was worked out between President Diem and myself following General Maxwell Taylor's visit to Vietnam and was promptly approved by President Kennedy. It provided vigorous new programs of action to protect the Vietnamese people and to win them solidly to the government's side—without enlarging the area of conflict, without inviting outside interference, without undercutting the essential spirit of Vietnamese nationalism, and without the use of American combat forces. To make the arrangement work in practice, it was necessary to establish a high degree of mutual confidence between the members of our mission in Saigon and the members of the Vietnamese government.

My instructions, with which I thoroughly agreed, laid heavy emphasis on building a bridge of confidence strong enough to carry the load of advice and aid which we were giving. Since, as was right and proper, we could not command, we had to rely on persuasion and mutual confidence. We had to be prepared for some disappointments and frustrations, for occasional misunderstandings, for patient negotiation, and for keeping our American influence "under a bushel," in order not to give credence to the Viet Cong propaganda that the Diem government were puppets of the Americans. We had to be prepared to recognize on occasion that American prescriptions were not always the best remedies in Vietnam. Anyone who has had the experience of trying by cable to persuade Washington that a plan approved by the National Security Council has some flaws in it will know how hard this is.

By and large this program of help and advice worked well for two years. The testimony of the enemy is more eloquent than what I can say. These are quotations from Wilfred Burchett, the Australian journalist, who spent a great deal of time with both the Hanoi government and the Viet Cong. According to Burchett, Ho Chi Minh said: "1962 was definitely Diem's year." Another quotation, according to Burchett, was from the Viet Cong: "We could not have imagined that the United States would be so stupid as to pull the rug from under Diem."

Confidence was established at all levels of our mission with their Vietnamese opposite numbers, with gratifying results. This applied to civilian as well as military activities, intelligence collection and analysis, police training, the treatment of prisoners, "the Open Arms policy," land distribution, the communications network, and last but not least, the placement of the best available men for the innumerable jobs that had to be done in the countryside.

I would like to take this occasion to express my deep admiration for the Americans I worked with, military and civilian, for their accomplishments during this period. The vast majority understood their difficult and delicate advisory roles and carried them out to the benefit of our country. It is a mark of their accomplishments that in 1963, when I left Vietnam, the government had reestablished effective control in 75% of the country as against 25% two years earlier. The cost in American lives over a period of eight years was 98 men killed.

When I went to say goodbye to my friend President Diem in August of 1963, he looked at me earnestly and asked, "Does your departure mean that the United States government has changed its policy from what you and I agreed to two and one-half years ago?" I replied, "Mr. President, I have been assured on highest authority from Washington that it does not. You can rely on that"—and I showed him the telegram signed by Secretary Rusk referring to "highest authority," which meant the President. Diem thought a moment and said, "Mr. Ambassador, I believe you but I am sorry to say I do not believe the message you have received." I said, "Mr. President, you must believe it. Otherwise, all that we have accomplished will be destroyed. You and I know that confidence and mutual respect is the sole basis for successful cooperation between our two countries."

When I left Saigon on August 15, 1963, I knew I had not convinced Diem that American policy would remain the same. As it turned out, he was right. Two months and fifteen days later President Diem was overthrown and assassinated, on the first of November, 1963. This was done, not by the Viet Cong, but by a group of Vietnamese generals encouraged by the U.S. government. The thing I blame myself most for in twenty-two years of government service is my failure to persuade the State Department and President Kennedy that this would be a tragedy for Vietnam and for the United States. I had at that time been relieved as ambassador and was back in Washington on another job. But nevertheless I should have been able to make our government see what would happen.

The Vietnamese generals who overthrew President Diem still rule in Saigon. Their new constitution and civilian clothes do not hide their origins. In Washington some of those who encouraged the generals and promised them support still make policy on Vietnam. What was the explanation of this sudden disastrous change in American policy? Why did the Kennedy administration turn on its proven ally and connive in his overthrow? President Kennedy was warned against this action. Among those who warned him was Vice President Lyndon Johnson. It is indeed ironic that President Johnson is now suffering the consequences of that act. It is even more ironic that he has been under attack by members of the Kennedy administration who favored it. And it is incredible, to me at least, that he retains among his principal advisers some of those who engineered it.

The reasons for this change in U.S. policy? First, the press. American press reporting from Saigon in 1963 and earlier was generally, in my opinion, inaccurate, prejudiced, superficial, and misleading. There were some exceptions to this, but the overwhelming weight of public information on Vietnam was prejudiced and slanted—in some cases towards the editorial line of the reporter's paper. This had a profound effect on American public opinion It also had a profound effect on Vietnamese opinion, since American press articles were played back to South Vietnam in Vietnamese by the Voice of America.

Second, in the State Department and in the White House staff there was a small group which had been against Diem for years. They had been squelched and silenced for a while by President Kennedy's earlier forthright decisions but they remained basically unconvinced.

Third, with American public opinion already prejudiced against the Diem government and with certain elements in the State Department working for a change in U.S. policy, there came in mid-1963 the Buddhist crisis. A sudden series of violent events in Vietnam shocked and confused the world. Whether or not, or to what extent, Viet Cong strategists were behind the Buddhist agitation, I do not know. While I was there we never got conclusive evidence, although the parallel between the Buddhist objectives as they developed and the tactical aims of the Viet Cong were striking. This much, however, is clear. A clever and inhumane political plot came through to the American public as a genuine revolt against religious persecution, exactly as the Buddhist agitators had intended.

I said then and repeat now that during my two and a half years of work and observation throughout South Vietnam I saw no evidence whatsoever of religious persecution on the part of the Diem government. Soon after my recall from Vietnam in August of 1963, I had a brief revealing talk with the Secretary of State, Dean Rusk. Pointing out that he himself had stated a few months before that he was encouraged by the progress made in Vietnam, I asked him why the State Department had turned so sharply against the Diem government. Mr. Rusk's reply was, "We cannot stand any more burnings." Behind this laconic statement there lay a dismal lack of understanding and judgment. This was the atmosphere, then, in which vital decisions were being made in Washington in the fall of 1963. "We cannot stand any more burnings." It is worth noting that these burnings were not the last protest suicides, either in Vietnam or in America.

In those hectic days American public opinion was understandably confused. But our policy makers in Washington are supposed to be more farsighted. For them to yield to popular misconceptions and encourage a coup d'etat was in my judgment unjust to an honorable ally and irresponsible to the American people.

I see, Mr. Chairman, that I am going over my time; I will try to summarize very quickly from that point on what happened in South Viet Nam. The overthrow of the government that had existed in South Vietnam for nine years left a political vacuum into which the Viet Cong came storming back. Government was paralyzed. The province chiefs, the district chiefs, the village chiefs, all of whom depended on the constitutional government, no longer knew what to do. The military junta which succeeded the Diem government quarreled among themselves and jockeyed for position and power. In the period of less than three years there were nine different governments. You remember this period—a revolving succession of generals and governments. To make matters worse, our own government embraced each new faction that came into power in Saigon. By late '64, the year after President Diem had been overthrown, the situation became so bad that President Johnson was faced with the alternative of having South Vietnam go down the drain or sending in U.S. combat forces. He decided to take the latter fateful step. These two events—the overthrow of Diem and the introduction of U.S. combat forces—were the turning point, in my judgment, of the whole affair.

I must say in all frankness that the decision, whether to send in combat forces or not, was a very, very difficult one. In retrospect one can think of a lot of other things that could have been done rather than this involvement in a ground war in Asia—which was the very thing that all previous U.S. administrations since 1946 had avoided, with the exception of Korea. Yet, I am sure there is not a person in this room who does not respect the bravery, the devotion to duty, of our soldiers, sailors, air force, marines in Vietnam, not only those who are there now but those who have been there over the past years. Nothing that any of us says or does could have the intent of weakening their resolve and their outstanding devotion to duty. They saved Saigon—American forces did—in 1965, and they saved it again in 1968 at the time of the TET offensive. But the trouble is Americans, or any other foreigners, can't pacify the villages and the districts and the provinces of South Vietnam. This has to be done by the South Vietnamese themselves.

This concludes my summary of the historical development of U.S. involvement. I am sorry I did not have time to go more fully into the last three or four years, but I think this is well known—the political vacuum, the increase in Viet Cong control in the countryside, the inefficiencies of the governments, the introduction of U.S. combat forces, and the continued buildup of the forces on both sides and the intensity of the war.

Let me now try if I may, Mr. Chairman, very briefly to summarize my thinking on this matter, for whatever it may be worth and perhaps as an introduction to questions.

I do not believe now, nor have I ever believed, that a military victory in South Vietnam or against North Vietnam will achieve in itself the pacification, stability, or long term independence of South Vietnam nor the permanent containment of communism in the threatened East Asian countries. I do recognize that the thrust of the communist movement, however much certain communist countries may differ among themselves, is continuous and implacable, and I do not expect it to abate soon. I expect this threat to continue in Southeast Asia—under various forms—and it will be just as implacable as it has been over the last fifteen or twenty years. I see, however, little evidence of a will among the South Vietnamese people to support their present government and its policies sufficiently to achieve the *real* victory, namely, the pacification, the restoration of law and order, and the rebuilding of a stable and viable society in South Vietnam. I'm afraid the Viet Cong cancer has gone very far indeed, spread by the destruction of the war and, in a certain sense, by the very presence of one foreign soldier for every 25 South Vietnamese men, women, and children.

My hope for the success of our policy in Viet Nam since the revolution in 1963 has diminished steadily with each failure of Vietnamese leadership and each American military escalation. I have no illusions about the evils and the dangers to our country of communist aims and methods. I have no doubts about who started the war in Vietnam and who *ought* to win it. I saw it start, and I have no moral scruples about killing those who are out to kill you. I have no illusions about the shock to our friends and allies in the far East from a change of course in Vietnam nor about the shock to our own pride. I recognize the difficulties of finding a turning place on the road of military escalation which does not risk, even more than now, the lives of Americans fighting in Vietnam.

I have no confidence in the bona fides of our enemies and their backers, and I certainly do not share the thought that the Soviet Union will lend us a willing hand to get out of our difficulties—not even to the extent that we lent them one to get out of Cuba. On the contrary, it has always seemed clear to me that the principal aim of the USSR is to catch up with America by any means, and whatever she can do to bleed us white, while bleeding herself little, contributes to the fulfilling of that aim. Neither can we expect much help from our European allies, however much they would like to see us extricate ourselves. No, we got ourselves into this predicament and it is up to us to find a way out. Opinions may—and do—differ on where we went wrong. I have given you my view—we went wrong when the Kennedy administration pulled the rug on the Diem government three months before President Kennedy died. And this comes from one who admired President Kennedy for many qualities, among them his courage to admit mistakes. But in my judgment the errors committed in Vietnam have overwhelmed the ideal—the accumulated mistakes have turned a noble effort into a near disaster. It is time. I think, to reassess, to regroup, and to recover our unity and our strength for tests that are surely to come.

President Johnson's announcement 48 hours ago opened a new possibility—the possibility of a working consensus in our country on this issue. It to me was an act of real statesmanship. His renunciation of an intention to run again multiplied many times the weight of his peace offer, and put it up much more squarely to the other side. His call for national unity was to me fundamental, right, and a sine qua non to a solution in Vietnam. Holding to his basic belief that the U.S. cannot and will not allow communist aggression to go unchecked where we can effectively prevent it, he did not, I am glad to say, weaken on that fundamental principle. Recognizing the unacceptable danger of waiting in disunity and national paralysis until after elections, he gave a new dimension, it seems to me, and a new flexibility to the whole problem, and greatly enhanced his ability to deal with it. President Johnson has never blamed his predecessor for the cruel dilemma he inherited in Vietnam in November, 1963, upon succeeding to the presidency, although he was one of the few in the Kennedy administration who opposed the fatal error in Vietnam in 1963. Yet, having said that, I think that his introduction and buildup of U.S. combat forces, as it turned out, compounded that error. Nevertheless, the fact that he did not put the responsibility on anybody else, even in the face of severe political attack by the late president's brother and closest adviser, shows considerable forbearance. I am not making a political speech on anybody's behalf but this has bearing, it seems to me, on the future of Vietnam.

The de-escalation announcement leaves many question marks, of course. Will Hanoi respond? If not, what about our 550,000 troops—their safety, their morale, their ability to carry on? If Hanoi does respond, what position will we take in negotiations? This is, of course, a crucial question. Will the South Vietnamese army, government and people shoulder more of the responsibility or will they slump as the result of this development? These and many other questions remain to be answered. But surely a new possibility has been opened by the President—the chance to achieve a national working consensus so desperately needed. This seems to me to be a time for care and forbearance in political debate and public judgment. If as President Johnson evidently sincerely hopes, our nation can find a measure of unity now, we may be able at last to retrieve some of the errors of the past five years. Thank you.

EAST EUROPE LOOKS TO UNITED STATES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. DERWINSKI. Mr. Speaker, recent developments in Czechoslovakia and Poland indicate the need for fundamental diplomatic strategy on the part of the United States which unfortunately has been lacking under the Kennedy-Johnson administration. A very timely commentary was carried in the April 20 edition of the Sacramento, Calif., Union by its Eastern European authority, Dumitru Danielopol, and is as follows:

DUMITRU DANIELOPOL: EAST EUROPE LOOKS TO UNITED STATES

WASHINGTON.—"The United States should never abandon its basic goal of self-determination for the peoples of Eastern Europe."

This is the recommendation of a GOP Coordinating Committee on Eastern Europe.

The committee is made up of top Republican brass, including Gen. Dwight D. Eisenhower, Richard Nixon, Thomas Dewey, Barry Goldwater, Govs. George Romney, Nelson Rockefeller, and leading members of the House and Senate.

The study says that "all Communist governments in Eastern Europe came to power through the Russian military presence," and "none has dared to hold free elections."

It was a Democrat president who "tacitly agreed to Soviet domination of Eastern Europe," at Yalta in 1945, the group states.

Communism has not been able to gain popular support in that region, the GOP committee says.

The regimes have failed dismally in their attempts "to indoctrinate and motivate their young people ideologically."

"These young people are Communism's greatest weakness.

"We must encourage the development of this intellectual 'fifth column'."

The study says it is imperative that:

"The Eastern European peoples who are now forced to live in the dark shadow of Russian tyranny be assured that America remains true to her great traditions."

It calls for "encouragement of all-European economic and political schemes which would seem to provide the best . . . chance for freeing Eastern Europe from economic serfdom and political fealty to the Soviet Union."

In other words, the GOP group favors an intensified psychological warfare campaign to increase the people's resistance and force their Communist governments to change.

LAW DAY MORE THAN CEREMONIAL THIS YEAR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. EDWARDS of California. Mr. Speaker, on May 1 each year, we celebrate Law Day. The San Jose Mercury-News, of San Jose, Calif., and the Santa Clara County Bar Association wisely and clearly recognized that in 1968, the controversy and concern in our Nation regarding law and the maintenance of order has made "the May 1 observance of Law Day more than an empty ceremonial occasion this year." In light of this, a forum presentation was sponsored by the paper and the bar association in the Sunday, April 29, 1968, edition of the Mercury-News.

As a part of this forum, Mr. Michael di Leonardo, one of the prominent and very able attorneys-at-law in the San Jose area, gives explanation to the basic concepts of our system—the "rule of law" and equality of all before the law. He sees the challenge today in the degree of our commitment to these basic concepts—whether or not the revolutionary changes and dynamics of our national life can be encompassed and coped with through the rule of law.

The role of the judge and the district attorney within this system of law and justice are closely examined by two very fine representatives of these positions—Judge George H. Barnett of the superior court and District Attorney Louis Bergna. Judge Barnett cogently outlines the gravity of the judge's position and the demands and pressures upon him while Mr. Bergna does an equally superb job of relating the sensitivity of the job of the district attorney with his equal responsibilities to the accused, the public, and the court.

This series of articles performs a much-needed service in public understanding of law, justice, the courts and certainly contributed to a more meaningful celebration of Law Day in this critical year. Therefore, under unanimous consent, I place these three fine articles in the RECORD at this point. The articles follow:

THE LAWYER—JUST SOLUTIONS

(By Michael di Leonardo, attorney at law)

The most often-heard phrase from speakers' platforms and editors' desks as Law Day annually approaches, is that "ours is a nation of laws."

I believe that to be true. I believe it to be equally true that ever since man existed, every social unit he has created, from family to tribe, to organized societies and nations, have all had rules by which they governed the relationship among themselves and with other social units.

At some stages of our development, the rule or law of physical might—the jungle law of tooth and claw—prevailed. At other stages the rule or law of greater organized military might or of economic power prevailed. There was a time in human history (and it exists in some parts of our world today) where an authoritarian government of one man, or several, claimed for themselves the right of supreme power over all those under their jurisdiction. This arrogation of power might come through custom or inheritance, through military might, or through claimed divine intervention.

In the earliest forms of social organization on the part of our common primate ancestors, the law might be conceived to be those taboos of the family, tribe or nation, which experience had indicated were necessary to its continued existence or well-being, and that the transgression of these "taboos" or "laws" would threaten the continued existence or well-being of the individual members of the family, tribe or the nation itself.

In the last analysis, in a much more complex and sophisticated sense, "the law" still has as its underlying, creative force the establishment of rules and guidelines, admittedly, on occasion, arbitrarily selected, which in the collective judgment of society as a whole represent the ultimate best interests of that society and of all of the individuals within that society.

Law can never mean more than this. It should never mean less.

The central feature of our law, and its most glorious adornment, is the concept that all appear before the bar of justice equal in the sight of the law. This is what we mean when we today say that ours is the "rule of law": That law governs us, and not men; that all may seek the aid of the law and receive an equal application of those laws that are enacted by our elected representatives.

The function of an attorney who represents private clients in our society is, in the judgment of the writer, a comparatively easy one to describe. Whether it is the defense of one accused of the commission of a crime, or the representation of an individual in a dispute with another individual within the society, or with the very society itself, the attorney stands with his client as against the world to insure that his client will receive the benefit of all of the rules of law applicable to the case.

No matter the personal failings of the individual client, no matter the forces arraigned against him, whether governmental, or, in a civil case, financially powerful, it is the attorney's function to see that the laws that apply to the dispute treat his client as fairly as it would treat any other unit within the given society.

It is axiomatic to say, as the headlines often do in our daily newspapers, that we live in an age of dissent and in an age when youth challenges or rejects the value judgments and standards of the generation preceding it.

It is becoming trite to say that these are troubled times. For many years it was a favorite feature of the Sunday supplements or other periodicals to point out the speed of progress made in the physical or technological sciences. Almost unnoticed was the revolutionary changes which were and are taking place in the forms and institutions of society as these have been reflected in the lowest social unit (the family) and the highest social unit (an international compact among nations).

The real challenge of the law today is whether any society is so committed to the theory of the rule of law so as to device the means and forms within which these revolutionary changes may be encompassed, to the end that the entire fabric of our society is not torn apart and helpless in the face of the powerful and conflicting demands for social change and social organization.

I believe it to be the function of all private attorneys in their daily practice to prove that ours is a system of law capable of just solutions to all of our problems for all of our people, and capable of adopting new solutions for new problems.

THE JUDGE—MYSTIC AURA

(By Judge George H. Barnett, Superior Court)

The bailiff raps his gavel, voices are suddenly stilled and the lawyers and other people in the courtroom arise.

A side door opens and the judge enters. He wears an imposing black robe and strides silently to his elevated bench, from which he will direct the court proceedings.

Every individual in the courtroom, including the attorneys, will feel an emotion either of respect, fear, awe, nervousness, or even apprehension. The formality of the courtroom ritual, the black robe, the flags of California and the United States, all symbolize our system of justice. Within that courtroom, the judge's rulings on evidence and procedure are final.

It is no wonder, then, that in these surroundings, the judge often is imparted with a mystic and supernatural aura. Within him, in non-jury cases, reposes the power and authority to decide whether a person shall go to prison or be free; to lose his business and his property or to gain; to receive justice or to have it denied.

Because of this, the public and the lawyers expect that the judge will have wisdom and knowledge beyond that of other legally trained persons.

How does a lawyer become a judge? Where does he get his training?

He must be a lawyer with a specified number of years of experience in practice as a minimum. He is either elected by the people or chosen by the governor, after consultation with the State Bar and knowledgeable local residents. A lawyer is trained to be an advocate, faithfully pressing the cause of his client and meeting the challenge of the opposition. He is also a legal adviser, a counselor and a technician in the use of the rules of law on behalf of his clients.

A judge, on the other hand, must learn to avoid advocacy and to avoid being swayed by emotion and argument which do not satisfy his reason. He must learn to balance the elements in favor of each side upon the scales of justice and to arrive at an equitable decision. He must learn to glean the wheat from the chaff and to discern the facts amid the fury; and while he represents authority, he must be mindful of the fact that he is not the symbol of power but of justice.

In all that he does it is of supreme importance not only that justice be done, but that the litigants and the public understand that it is being done and that the judge is beholden to no one but to his God and his conscience.

Socrates stated that four things belong to a judge: to hear courteously; to answer wisely; to conduct soberly; and to decide impartially. While these qualities are important, they do not alone make any lawyer a good judge.

The function of a judge is adjudication—the finding of just and peaceful solutions to disputes. It is assumed that the judge will be skilled in every branch of the substantive law and procedures. In the Municipal Courts, the judge arraigns persons charged with traffic and criminal misdemeanors and felonies. He conducts preliminary hearings in more serious cases. He judges small claims, conducts non-jury and jury civil and criminal trials. He hears contested traffic cases, consults with the Probation Department and imposes sentences and probation. He hears matters involving writs of executions, bail, evictions and many other facets of the law.

It is important, also, that the judge be familiar with the background out of which the cases which he hears arises. He must be as familiar with the market place and the community as with the library. In one case, he may be required to decide a dispute between a city and a public utility over complicated franchise agreements. In the next, he must be able to understand and deal with the intricacies of real estate financing or of medical diagnoses and treatment.

How does a judge use his knowledge and experience in arriving at a decision? The law, contrary to the impression many lay persons have, is not a static compilation of ancient and dusty decisions but it is a living organism continuously changing to meet the times, the mores and the needs of society. It is a body of rules and procedures which gives stability to our system of government and affords protection to the individual.

As a government of law and not of men, the courts and the judge must use the law as tools in arriving at decisions which then become precedents for other judges. These cases, found in thousands of volumes, are the foundation upon which a judge relies. But as circumstances, technology and attitudes change, the judge must use these to meet current challenges. It is balancing of the principles to the problems of the present.

Chief Justice Charles Evans Hughes said that if our democratic institutions are to survive, it will not be by maintaining a majority rule but because a sense of justice preserved by judicial process will adapt to the times.

Adjudication is an art. It is the result of knowledge and experience and a skillful use of law based upon an understanding of human nature and our society.

In the courtroom, the judge deals with the frustrations, the tragedies and the tribulations of life. He meets the sordid, the antisocial and the lost. He is confronted with greed, with despair, with hope and optimism, with courage and with confidence. It is essential that the judge understand and have an empathy for the persons who appear in his courtroom. In discharging his responsibility, the judge must keep in mind the admonition of the ancient prophet, Micah: "Do justly, love mercy and walk humbly with God."

Because the judge is, after all, a mere man, he is not able to live up to the high expectations, mysticism and wishes of the people. Beneath his black robe he is as frail and subject to emotions and errors as any other human being. As a psychiatrist must, the judge is required to learn to control his biases and attitudes and to render decisions which his duty and justice require.

His experiences, his education and his philosophy inevitably pervade his court, his demeanor and his decisions. Justice Cardoza reminded that no judge can be truly objective since he sees the matter with his own two eyes and not through those of the litigants or the attorneys. It is when a judge forgets his human weaknesses and that the courts belong to the people and not to him, that criticism justly arises. Should he make honest errors, there is a higher court with other judges to correct him.

His duty is not to render decisions which are popular, but those which are just. He must afford the punk who has no respect for himself, society or even the court, the same legal rights as would be tendered to a respected member of the community. In other words, if our courts are to afford equal justice to all persons, then it is as important that the deprived be as protected as the affluent.

Likewise, if in interpreting the constitutional rights of all individuals the courts allow an invasion of those of a minority member or a known criminal, there would be no reason why any other individual should not be subject to the same rule.

It is the judge's responsibility to mold the law and its procedures to meet present-day society.

A judge is not a mere umpire or referee, but is charged with the responsibility of doing whatever may be required within his authority and jurisdiction to settle the conflict before him in accordance with those principles of law which are accepted and established. As new situations are presented, he must chart a course which can be followed by others who may be facing a similar dilemma.

His responsibility and duties are great. As he presides over a trial ruling on the admissibility of evidence, controlling the decorum in his courtroom, instructing a jury in the rules of law, or writing a decision, he is ever aware that the manner in which he discharges his responsiblities affects the entire democratic form of government.

Should the public lose faith in the ability of the courts and the judge to render justice in accordance with our concept and under the guidance of our Constitution, then the last vestige of respect for our government will vanish and a rule of men and not of the law will follow as it has in those countries in which the judges are not independent and are not respected.

THE DISTRICT ATTORNEY—HE ACTS FOR ALL

(By Louis Bergna, District Attorney)

The principal function of the district attorney is that of prosecuting attorney representing the people of the state in criminal actions.

He is an elected county official, an officer of the court, an attorney, and a member of the State Bar. His duties to the court are those of an attorney with additional quasi-judicial duties in determining whether or not evidence is sufficient to merit prosecution.

In the area of enforcement of the law, the office of the district attorney is charged with grave responsibilities to the public demanding integrity, zeal and conscientious effort in the administration of justice.

The role of the district attorney in the law is not only to obtain convictions in proper cases, but also to fully and fairly present the evidence material to the charge. He shares in the legal responsibility for the protection of every person from the illegal taking of life, liberty, or property without due process of law.

This responsibility is particularly great when a person is a suspect in a crime since the suspect's life, liberty and property may be jeopardized if he subjected to a criminal charge.

The particular responsibility of the district attorney is to exercise the discretion of initiating prosecution of criminal charges in such a manner that the possibility of innocent persons being subjected to the risk and expense of criminal prosecution is minimized while insuring that the possibility of guilty persons being apprehended, charged and successfully prosecuted for criminal conduct is maximized.

Other important functions are delegated to his office in accordance with various laws. For example, the aid to needy children laws empower him to act as legal counsel for dependent children to secure their support; and under the juvenile laws he sometimes acts as counsel for the juvenile in matters before the juvenile court.

In other instances, the district attorney prosecutes civil actions to end fraudulent conduct and to abate public nuisances. He also serves as advisor to the grand jury and prepares and presents criminal cases for their consideration.

In a real sense the office of the district attorney stands as a screen between the police agencies and the courts. For it is the district attorney who must initially decide whether or not a person arrested by the police shall be prosecuted. When a crime has come to the attention of the authorities and police investigation has disclosed evidence, the district attorney must analyze the evidence and make a legal judgment as to the sufficiency of the evidence to warrant a prosecution.

In this regard the district attorney has as a practical matter the absolute legal discretion in deciding whether or not a person shall be charged in court and prosecuted.

While acting as attorney for the people in conducting prosecutions his responsibilities to the accused, to the public, and to the court are significantly different from those of an attorney representing the defendant.

For example, the defendant's attorney may interview the victim of the crime, the police investigators and other prosecution witnesses, while the district attorney cannot interview the defendant who is represented and will not even know until they are called in court what witnesses the defendant has.

While the district attorney has a very severely limited right to inspection or information concerning the defendant's case prior to trial, the defendant's attorney is entitled to much of the information in the possession of the district attorney so that he may properly present the accused's defense.

The right of discovery of matters in the prosecution's file includes the right to names of witnesses known to the district attorney whom he intends to call, statements of the defendant, photographs, documents and, in certain cases, physical evidence and statements of experts concerning physical evidence.

The prosecution has no corresponding right to information in the defense file so that the defendant's attorney may know his client to be guilty and have evidence in his possession which proves it but this privileged information is not available to the prosecution.

While the district attorney must prove the prosecution case beyond a reasonable doubt to 12 jurors, the defense attorney need only create a reasonable doubt in the mind of one juror to secure a mistrial and need only create a reasonable doubt in the minds of 12 jurors to secure an acquittal.

Since a person is presumed innocent, the district attorney must always present witnesses and evidence in presenting his case and these witnesses are always subject to cross-examination.

The defendant, however, cannot be compelled to be a witness nor need he present any evidence, and therefore the opportunity for the district attorney to cross-examine frequently does not occur.

While the defense attorney has the obligation to present the best legal defense for his client, even though he may believe him to be guilty, the district attorney has the obligation not to proceed against an accused person even though he believes him to be guilty where the evidence and legal proof of the offense is not sufficient to overcome the presumption of innocence.

The quality of justice in a community is not the result of the efforts of any one agency, but for law to be the equivalent of justice it is essential for the district attorney to make a substantial contribution.

Although it is a principal function of the district attorney to act as public prosecutor, it must always be remembered that he has the duty not merely to act as a partisan legal advocate but to seek justice through the courts.

ST. PETERSBURG AMERICAN LEGION PAYS HOMAGE TO VIETNAM CASUALTIES

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. CRAMER. Mr. Speaker, on November 13, 1967, the American Legion in St. Petersburg, Fla., held a special program honoring our Vietnam fighting forces. The main speaker was Brig. Gen. Charles J. Kaniss, commandant of the Florida National Guard. The dedication of a plaque honoring those brave men from St. Petersburg who to that date paid the supreme sacrifice was made.

I enter at this point in the RECORD the names of those deceased soldiers whose memories were honored at this special program in St. Petersburg which was held at St. Petersburg Post No. 14 of the American Legion:

Russell T. Ford, Lawrence C. Clausen, James T. Frashaw, Harry J. Shepherd, Jr., Robert C. Bowman, Michael T. Murphy, James W. Barksdale, Howard L. Barden, Charles Rogerson, Robert L. Sandner, Maurice F. Dixon.

William I. Nelson, Terrence C. Dixon, Jeffery Bouton, Robert P. Wyatt, Durward F. Ray, John Grandville, John T. Demaline, John G. Bansavage, Barry R. Delphin, Kurt L. Kuhno, David Young.

Michael J. Laurie, Bradford D. Green, Herbert Smith, Jr., Parks C. McCall, Joseph F. Rosato, Victor G. Spray, Charles W. McKinnie, Sr., Williard F. Elder, Michael W. McDonald, James P. Spencer.

In addition, the Veterans Liaison Council of Pinellas County, consisting of 28 veterans service organizations, has requested a 23-day memorial observance in honor of the 22,000 deceased veterans of the Vietnam war. The request includes flying the American flag at half staff from May 3 until sundown May 30—Memorial Day.

ILLINOIS FARM LEADER OPPOSES EXTENSION OF COMMODITY PROGRAMS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. FINDLEY. Mr. Speaker, one of the most outstanding agricultural leaders of the United States, Mr. William J. Kuhfuss, president of the Illinois Agricultural Association, has put in brief but eloquent words the reasons why many farmers in Illinois oppose the 1-year extension of the Agricultural Act of 1965. I commend this to the attention of my colleagues, especially those in city districts who many have concluded erroneously that farmers are eager for the 1-year extension.

The text of his letter follows:

ILLINOIS AGRICULTURAL ASSOCIATION.

DEAR CONGRESSMAN FINDLEY: We understand that the House Agricultural Committee has reported a bill to extend the Agricultural Act of 1965 for one year. We cannot support the extension even for only one more year of a program which has had an opportunity to prove its worth, but has failed. The allotments on a historical basis under this program have been inequitable. It tends to increase the movement of wheat, feed grains and soybeans into government control where they can be released at prices which further depress farm income. Under this program, the cost price squeeze upon farmers has become more severe and the parity ratio has fallen to the depressed lows of 1933.

We believe there is need for sound legislation to replace the Agricultural Act of 1965 when it expires next year. We believe the new administration and the new Congress will have adequate time to enact sound legislation before the current law expires in 1969

We, therefore, urge that you oppose any extension of the Agricultural Act of 1965 at this time.

Sincerely,

WILLIAM J. KUHFUSS,
President.

STUART R. PADDOCK, SR.

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. RUMSFELD. Mr. Speaker, few men in America have made contributions to their communities which parallel those made by the late Stuart R. Paddock, Sr., editor emeritus of the 16 suburban triweekly newspapers published in the 13th Congressional District by Paddock Publications, Inc., Arlington Heights, Ill.

Mr. Paddock, referred to by a fellow newspaper publisher as "the father of modern suburban journalism," died on May 4, 1968, at the age of 86.

His long and full life is testimony to the fact that one man, acting with dedication and determination, can make a profound impact on his community and on his fellow men. He was a pioneer in the suburbs northwest of Chicago in the fields of education, public service, and journalism.

I offer for the RECORD the Paddock Publications' final tribute to a man who lived by the creed "Service Above Self" and who made the public cause his cause:

[From Paddock Publications, May 8, 1968]

THE LEGACY OF STUART PADDOCK

The growth and development of Paddock Publications—and to a great extent, that of the communities he served—are tributes to the vision, insight, and imagination of Stuart R. Paddock Sr. who died May 4, 1968, at the age of 86.

In his funeral address Wednesday, Rev. Sheldon B. Foote noted: "Mr. Paddock—in his precise instructions for his funeral—requested that there be no sermon. . . . it occurred to me that, indeed, he wanted no eulogy. He stood on his record, for good or ill, as a faithful son, brother, husband, father, writer, editor, publisher and, predominantly, a Christian gentleman."

To his employees and fellow newspapermen, he will be remembered as a skilled editor, a dedicated journalist, a creative publisher with an unerring instinct for the right decision, an understanding and generous employer.

Mr. Paddock's life was dedicated to making the public cause his cause, and to serve it regardless of cost or consequence. He had the courage and independence to be true to himself; he was not always right, but he was true to himself and to his principles even when wrong.

He never finished high school, having left classes to join his late father, Hosea C. Paddock, in publishing the Palatine Enterprise and Cook County Herald, cornerstones of the newspaper chain which today encompasses 16 suburban tri-weekly editions serving northwest Cook and north DuPage counties.

Mr. Paddock was editor-in-chief of these newspapers until his retirement in 1963 with the title of editor emeritus.

Through his many years of active service, he embarked his newspapers on a major development program which has included innovations in content and format, establishment of new newspapers, land acquisition, plant and office expansion, equipment purchases, staff additions, streamlined mechanical operations, modernized business practices and advertising services, and expanded concepts of public service.

His formula has been a successful one.

Paddock Publications has enjoyed unprecedented growth and prosperity; today, its influence and leadership are unexcelled. The newspapers have become thick with added news coverage, and advertising lineage is setting new records.

A fellow newspaper publisher has appropriately described him as "the father of modern suburban journalism."

Under his leadership, the newspapers earned an enviable national reputation as a pacesetter for suburban journalism, establishing new standards which have had a far-reaching impact on both the character and form of the emerging new suburban press.

For more than half a century, Mr. Paddock's simple statements of purpose and policy have been the basis of our publishing philosophy:

The only excuse a newspaper has for its existence is the community service it can give;

The welfare of the community is more important than anything else;

Freedom of the press carries with it obligations as well as privilege; and

The newspaper belongs to every individual, rich or poor.

These will continue to be the foundation of our desire to provide northwest suburbs with quality news media, to serve our communities unselfishly, to earn and to retain the respect of readers, and to continue serving the best interests of community, reader, and advertiser.

This dedication and determination will be our memorial to Stuart R. Paddock Sr.

BRITISH SOCIALISTS ARE DESPERATE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. RARICK. Mr. Speaker, the British Socialists under Harold Wilson continue their program of money before conscience.

Now they are underbidding the Russians to sell war machinery.

Little wonder Wilson's crew are regarded the world over as unethical and desperate to hold on to power in order to exploit their citizens.

What American mother knows whether or not her son in Vietnam was killed or maimed by Wilson's sales of war materiel to the Communist dictatorship of North Vietnam?

This is the Government that would provoke war against Rhodesia and South Africa merely to be able to sell planes and weapons to African tribal states.

Mr. Speaker, I include a clipping from the Washington Post for May 9 as follows:

Reports from London, meanwhile, said that Britain has promised King Hussein of Jordan to try to replace most of the Hunter jet fighters destroyed by Israel in last year's war. About 20 Jordanian air force Hunters were destroyed by the Israelis. The British already have set aside at least six planes and are searching for more, qualified sources in London said tonight. The jets are now out of production.

Hussein had a two-hour working luncheon with Prime Minister Harold Wilson, Foreign Secretary Michael Stewart, and Aviation Minister John Stonehouse.

HON. DOMINICK V. DANIELS, OF NEW JERSEY, IS GRAND MARSHAL OF JERSEY CITY, N.J., AMERICANIZATION DAY PARADE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. HOWARD. Mr. Speaker, one of the great days in northern New Jersey is the annual Americanization Day celebration, which is jointly sponsored by the Clinton E. Fisk Post, Veterans of Foreign Wars, in Jersey City, and the city of Jersey City.

This year the grand marshal was the Honorable DOMINICK V. DANIELS, for whom all Members have the greatest esteem as one of the truly outstanding Members of this House.

Mr. Speaker, I include Mr. DANIELS' remarks at this point in the RECORD:

REMARKS OF HON. DOMINICK V. DANIELS, OF NEW JERSEY'S 14TH DISTRICT, GRAND MARSHALL OF THE 37TH ANNUAL AMERICANIZATION DAY PARADE, JERSEY CITY, N.J., APRIL 28, 1968

Mr. Chairman, Reverend Clergy, distinguished guests, officers and members of the Clinton E. Fisk Post, friends, it is a high honor to join with you today as we participate in the 37th Annual Americanization Day Parade.

As Grand Marshall of this Parade, I would like to extend my congratulations both to the Fisk Post and to the City Government of Jersey City for their co-sponsorship of this great patriotic celebration which deserves the thanks of every man, woman and child in our city, County and State.

As a lifelong resident of Jersey City, I have seen this great day become institutionalized. Indeed, it has become a sure harbinger that Spring is with us again.

Knowing what an important event this is, it is difficult for me to find words to thank you for selecting me as the Grand Marshall for the year of 1968.

I would like to tell all present that this is an honor I shall never forget and would like to thank each of you from the bottom of my heart.

Because our program is long, I shall speak only briefly.

I would be remiss if I did not express my firm belief that at this critical time in our nation's history, that there is a place for patriotism and love of country.

There are those who feel that patriotism has gone out of style—that it is a relic of by-gone eras.

I wish anyone who feels that way could be with us today in Jersey City. Surely this outpouring of citizens indicates that there are many many people in Hudson County who do not share these sentiments.

As I look out at all of you who have come here to Pershing Field to pay tribute to this nation, I see persons whose ancestors came from every nation on earth to seek in the new world what was denied them in the old.

Each of us bears testimony to the simple faith of those who came before that this is the land of opportunity, the greatest nation on the face of the earth.

It is fashionable in some circles to find fault with this nation.

Yet, if we are honest with ourselves, can we not say that the doors of opportunity have never been open as they are open today?

In the 1960's we have seen the forces of bigotry rolled back. John F. Kennedy, the grandson of landless Irish peasants, was elected to the highest office in the land, destroying for all time the notion that the office of the Presidency is denied to Catholics.

Thurgood Marshall, the grandson of a slave, today serves with distinction as a member of the highest court in the land.

John Pastore, the child of immigrant Italians, is one of the most important members of the United States Senate, the greatest deliberative body in the world.

Today every ethnic and every religious group has produced great Americans and we are moving toward an America where it only matters what you are and not who your parents were.

I say to those misguided individuals who sell America short, that they have much to learn.

America is still the greatest nation on earth and with God's help it is going to stay that way.

Since I see no American Indians present today, I think each of us ought to get down on his knees and thank Almighty God that someone in his family sought a new life in this great nation.

Perhaps this feeling was put best by a man who was the child of Jewish immigrants who came from Russia to the Lower East Side of New York.

Irving Berlin put into music what is in all our hearts when he wrote that all time classic "God Bless America".

"From the Mountains—
To the Prairies—
To the Oceans, white with foam—
God Bless America, My home sweet home."

LET US COMBINE LAW DAYS WITH SCHOOLDAYS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. COLLIER. Mr. Speaker, during the next few months we will have many primary elections throughout the United States, to be followed by the general election of November 5, when over 100,000,000 people will be eligible to elect a President, a Vice President, 435 Members of the House of Representatives, 34 Senators, and numerous Governors. These elections will be of great interest to those who participate in them as candidates or voters. There are also others who should have an interest in these elections.

One of my constituents, Joseph A. Tecson, of Riverside, Ill., has, for a number of years, provided short lectures on voting procedures for schoolchildren. In a very interesting and informative article in this month's Illinois Bar Journal, Mr. Tecson relates some of his experiences. His observations should be of interest to my colleagues, which prompts me to place the article in the RECORD.

Joseph A. Tecson, who did his undergraduate work at Ripon College, graduated from the Law School of the University of Wisconsin in 1953 and holds the degrees of LL.B. and J.D. He was on the legal staff of the Employers Group of Insurance Cos. as a trial attorney and is presently engaged in the general practice of law in Chicago.

The article follows:

LET'S COMBINE LAW DAYS WITH SCHOOL DAYS

(By Joseph A. Tecson)

When someone asked the Greek philosopher, Aristippus, what should be taught to youth, he replied: "Those thing which they will use when men."

Having spent considerable hours in the last eight years in precinct polling places as a precinct captain and also as a township committeeman, I have had the opportunity often to observe the traumatic experience that some voters have when using our voting facilities.

Most voters come to a polling place every two years and some even less frequently. Many new voters experience clammy hands and turbulent stomachs when they enter a polling place. Many older or newly naturalized citizens even refuse to enter a polling place because of the complexities of casting their votes for the fear that they "break" or "jam" the machine or in some other way be embarrassed.

It occurred to me that we ought to train our school children how to vote so that they will not experience this feeling of helplessness when they enter a voting booth for the first time. If we cannot improve our voting procedures, then let's train our voters of the future to better understand our existing procedures and facilities.

We take great pains to teach our children about many activities and skills before they are ready for them. They become familiar with driving automobiles and traffic laws, and through the news media and movies, there is hardly any adult experience which is left to their imagination. However, it seems that the mystery of voting remains a mystery until the first day they vote.

One election day, while standing in the school hall outside a polling place, I impulsively invited my son's third grade teacher and her class to visit the polling place. Within an hour, I found myself giving my first polling place tour and informal lecture about the relationship between good citizenship, good government, and voting. To my surprise, before the day was over, the word had spread to seven or eight other teachers who brought in their classes, and I spoke to children from second grade up to eighth grade and found it to be a very rewarding and stimulating experience.

Since that time, I have spoken to hundreds of young students. Some of them I have brought into the polling place when they were in second grade, again in fourth grade, and again in sixth grade. By the time they were in sixth grade, they were "old pros" and asked some rather sophisticated questions about voting procedures and politics in general.

Of course, it is always necessary to obtain permission from the election officials, the school administration, and also, one should discuss such a program with the election judges in the polling place so that they will not think you are bringing a misguided museum tour into the polling place.

The busy hours of the polling place, which are usually early in the morning and late in the day, should be avoided. Also, one should keep in mind that it is the duty of the judges of election to prevent any interference with the progress of the election.

My suggested presentation, depending upon the age of the class involved, is a combination of United States and Illinois history, the history of voting, and any current information which might seem appropriate. They are told that at that moment there are more than 10,000 similar polling places in 102 counties in the State of Illinois. The judges of election are pointed out respectfully as election officials, who are in complete charge of the polling place. I usually ask the children to name the two major parties and inquire about the names of some of the candidates. From fifth grade and above they usually know the names of the more prominent candidates, and in talking with the second, third and fourth grades the names of George Washington and Abraham Lincoln often pop up as candidates. Naturally, no favoritism should be shown toward either party.

Before actually showing them the voting machine, the history of voting is brought to their attention. It is pointed out that the word "ballot" is derived from the Italian "ballotta" which means "little ball." At this point I might take a white ball and a black ball out of my pocket to show the way voting was conducted in ancient Greece, or that the Senate in Rome used white balls to vote "yes" and black balls to vote "no." A few kernels of corn and some beans are usually in my pocket to demonstrate how voting was done in Colonial Massachusetts. If you were for a man, you dropped a kernel of corn; if you were against him, a bean.

We usually discuss the Australian secret ballot, which has the characteristics of uniformity, printing and public expense, and most of all secrecy.

Sometimes it is appropriate to ask the group at this time whether they would rather be off school on Washington's birthday or Lincoln's birthday and ask for a show of hands. This can be further commented upon by showing that their raising of hands is another way of voting. Also, it takes just a few seconds to line up ten of the children in a row and ask five of the ten to raise their hands, and thereby demonstrate to the class that only about five people out of every ten eligible people in the United States vote for the whole ten. I usually ask the class if they think it is fair that only five people can decide what will happen to the other five people, and I point out that three of the five are a majority and thereby emphasize the importance of everyone participating by voting in our elections.

The importance of one vote can be pointed out by relating that to some people voting is a headache. But that is nothing compared to the neckache that King Charles I of England got when by a 1-vote margin, 68 to 67, it was voted to behead him.

By this time we are ready to examine the machine itself, which is merely a mechanical Australian ballot which was first used in our country in New York in 1892. The actual examination of the machine by a class can be done in a few moments and the group can then be moved away from the machine so as not to interfere with the orderly conduct of the polling place.

After displaying the voting machine, there are usually a few questions asked. I have been asked everything from "How does the Electoral College work?" to "Does anyone ever get stuck in the machine?"

The teachers often ask questions and when they know that the class is going to visit the polling place, they gear their classroom work a few days before election day to provide background information for the visit in order to make it more meaningful.

Such a tour of a polling place can be handled in 10 to 15 minutes, depending on how much detail one cares to cover. Most of the information can be imparted in an area away from the voting machine itself or in a separate room, or it can be combined with a brief visit to the classroom.

It is suggested that the Bar Associations as a group, or lawyers as individuals, combine Law Day activities in May and June with giving the school children a tour of the polling place which is often located in the school buildings or, perhaps, a half-block away in another building. Many lawyers participate in Law Day activities and give talks on citizenship, show films, or put on mock trials. When doing so, they could also ask the school officials about conducting a polling place tour on Primary Election Day which is in June.

This is also an appropriate time, in accordance with the objectives of Law Day, to discuss our duties as a citizen, such as the duty to obey laws, to vote in elections, to serve on juries, to serve and defend our country; and also, our rights as a citizen, such as the right to equal protection of laws and equal justice in the courts, the right of free speech, press and assembly, the right to choose public officers in free elections, the right to attend the church of our choice, and the right to have legal counsel of our choice.

Uusually, I find that the school administration is cordial, the teachers are pleased, and the children attentive.

In conclusion, the typical election day in Illinois involves a multi-million dollar effort on the part of election officials. There are over 10,000 precinct polling places, each with five election judges, making a total of over 50,000 trained election officials, not counting poll watchers and party workers who are actively engaged in a practical demonstration of citizenship.

When election day is over, this magnificent single purpose voting apparatus and organization is hastily dismantled until the next election day. At the same time that the polls are open, thousands of teachers are teaching millions of school children about the theory of citizenship, the history of our country, and the importance of voting. Let us bring the practical demonstration and the teaching of theory together into the same room . . . the polling place.

THE LATE BOTSWANA AMBASSADOR ZACHARIAH KEODIRELANG MATTHEWS

HON. BARRATT O'HARA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. O'HARA of Illinois. Mr. Speaker, the United States and the new nations of Africa join today in mourning the death of an accomplished African statesman whose peaceful but unsuccessful efforts to moderate and eliminate racism in his birthplace of South Africa were in the tradition of the late Martin Luther King and Chief Albert Luthuli.

Zachariah Keodirelang Matthews, first Ambassador to the United States and the United Nations from the Republic of Botswana, passed away peacefully Saturday, May 11, at Georgetown Hospital after a lengthy illness. Botswana, formerly the Bechuanaland Protectorate on South Africa's northern border, became independent September 30, 1966.

Born of Batswana parents in 1901 in Kimberley, diamond mining center of the Republic of South Africa, Ambassador Matthews spent most of his life in that troubled country until constant harassment from its segregationist government drove him abroad in 1962, when he joined the World Council of Churches in Geneva, Switzerland.

Botswana's independence enabled Ambassador Matthews to renew an acquaintance with our country which commenced in 1934, when he was awarded a scholarship and obtained a master of arts degree in anthropology from Yale University.

In 1952 he was appointed Henry W. Luce visiting professor of world Christianity at New York's Union Theological Seminary. He was said to be the first Negro to hold that position. He is reported to have relinquished the post and returned to South Africa when the South African Government canceled his passport. Invited by the University of Hawaii to attend a 1954 conference on race relations, Ambassador Matthews was refused a passport by the South African Government.

As a youth, Ambassador Matthews demonstrated an outstanding intellect which carried him through a Christian mission high school to become in 1923 the first African to obtain a degree from South Africa's Fort Hare University College. He began a teaching career the next year at the American Board of Mission's Adams School in Natal Province, South Africa, where he was a contemporary of the late Nobel Prize holder, Chief Albert Luthuli, whose career set an example of peaceful African opposition to South Africa's increasingly stringent segregationist policies.

Ambassador Matthews later obtained a law degree from the University of South Africa. Following his studies at Yale he did further graduate work in anthropology at the London School of Economics and performed anthropological research in the then Bechuanaland Protectorate, where he was a member of the Bamangwato tribe, that of Botswana's President Sir Seretse Khama.

In 1936 Ambassador Matthews began a lengthy association with his alma mater of Fort Hare University College for Africans, serving first as a lecturer in native law. In 1945 he became the school's first African full professor, and its acting principal in 1955.

Upon his return from London in 1936 Ambassador Matthews began another career in politics, demonstrating the quiet courage and moderation which has helped to keep his ancestral homeland free of South African rule since the 19th century. He helped organize the All African Convention in protest against South African legislation which in 1936 largely ended the vestiges of the African voting franchise. In 1941 he was elected to the natives representation council, a purely advisory body, but resigned in frustration in 1950. He joined the now-banned African National Congress in 1942, serving on its national executive and as president for the Cape Province. In 1945 he was appointed to the Government's advisory board on native education and in 1947 became a member of the executive of the multiracial and nongovernmental South African Institute of Race Relations.

His peaceful and persistent efforts within law to improve the lot of Africans in South Africa earned him the enmity of South Africa's Nationalist Party Government. After withdrawing his passport, the Government charged Ambassador Matthews with high treason in 1956, tried him with 156 other defendants in the 1957 treason trials but dropped the charge in 1958. Just before becoming eligible for retirement he resigned his post at Fort Hare but in 1960, following the Sharpeville incidents, was detained for 135 days without charges or trial.

He went into private law practice in 1961 but the next year accepted a position in Geneva as World Council of Churches area secretary for Africa, a post he held until he was named Botswana Ambassador to the United States.

Accomplished in law, education, and anthropology, Ambassador Matthews was also a prolific writer whose publications include "The Black Man's Outlook," "South Africa: A Land Divided Against Itself," "The African Response to Racial Laws," and many other works.

My heartfelt condolences go out to Ambassador Matthews' wife of 40 years, Frieda Deborah Matthews, their five children, and to the Republic of Botswana. In these troubled times southern Africa and indeed, mankind, can ill afford to lose men dedicated to peace, good will and justice. We who are left behind cannot fail to carry on in his footsteps and move closer to his goal of universal brotherhood.

HIGHWAY SAFETY

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. BLATNIK. Mr. Speaker, when we realize the number of lives that are lost on our highways excel the number of lives that America has lost in all the wars in which we have been engaged, it is time that drastic action be taken to prevent the slaughter on our highways.

One of the leading safety experts in the prevention of the loss of lives on our highways is the general counsel for the Association of Western Railways, Mr. Joseph H. Hays. This remarkable gentleman gave an address at the recent meeting of the Association of American Railroads in St. Louis on the subject of grade crossings accident prevention techniques.

Since this subject matter is such a close concern for all of us, I submit the following address so that all might benefit from its message:

HIGHWAY SAFETY: GRADECROSSING ACCIDENT PREVENTION PROGRAM

(Remarks by Joseph H. Hays, general counsel, The Association of Western Railways, before the western sectional meeting of the communication and signal section of the Association of American Railroads, St. Louis, Mo., April 9, 1968)

Gentlemen, as Signal officers you perform very important functions in railroad operation and with the steady increase in automation your duties and your responsibilities increase. You deal with the dynamics of railroad operation in two broad and rather distinct fields: first, in the movement of trains along with the growing complexity of the many devices which allow that movement to be accomplished both safely and rapidly as well as communications in connection with that movement. Second, you must deal effectively with the movement of the amazingly increased number of motor vehicles at the 215 thousand places at which railways are intersected by highways or streets.

Your functions in these two broad fields differ in at least one important aspect. As to the first of these—train movement—you have a fair degree of control. Necessary mandates can be, and are, strictly enforced. In the second of these fields—motor vehicle movement at grade crossings—the effectiveness of controls and regulations depends almost entirely upon the voluntary reaction of the millions of people who drive motor vehicles.

As you well know, the sickening impact of some 53,000 deaths each year in motor vehicle traffic accidents has focused nation-wide attention upon the need for improvement in highway traffic safety. The Federal government has entered the picture and has joined with the states, the cities, and many other public interest groups to bring a halt to this ghastly performance.

While we welcome this quickened interest and are doing everything within our power to assist, it is well for us to remember a fact that is often overlooked: the railroads were well ahead of the parade in the promotion of safety at the one place where these two modes of transportation come in physical contact, that is at the grade crossing. While the railroads have been promoting safety for many years they joined with railroad brotherhood groups in 1961 to support a general investigation by the Interstate Commerce Commission to determine what could be done to prevent highway-railway collisions at grade crossings. That investigation was the most comprehensive study of the grade crossing problem that has ever been conducted and resulted in a report that has become the bible of grade-crossing safety. With the publication of that report and the final defeat in the United States Supreme Court of a delaying action brought by certain ones of our competitors, the railroads joined with brotherhoods in a program for which we have some justifiable pride. We undertook to implement in every way within our power the recommendations of the I. C. C. as to the prevention of grade crossing collisions. On every railroad an officer has been designated by its President to have charge of and responsibility for the program. We have joint labor and management grade crossing committees both at the national level and in many states and there is a program in action or being formulated on every railroad the activate both men and management to carry out its objectives.

The movement is being carried out under the letters GAPP for grade crossing accident prevention program. It is picking up momentum both locally and nationally. While we have no way of proving that our action is responsible for the changes in the figures, it is a fact that during 1967 there was a distinct improvement in the record of deaths and injuries at grade crossings. There were 1627 deaths in grade crossing collisions in 1967 compared with 1782 in 1966, a reduction of 155 or 8.7 per cent. During the same period there were 3826 persons injured in such collisions compared with 4,073 in 1966, a decrease of 247 or a little better than six per cent.

Time does not permit the discussion of all the details of the action being taken. One of our strongest points is the fact that men and management on each railroad carry out their program in their own way. To summarize, it may be said that action is being pressed in at least four fields; namely, (1) the closing of unnecessary crossings and the public financing of an increased number of grade separations or eliminations; (2) the improved education and indoctrination of motor vehicle drivers; (3) the establishment of improved advance warning systems as motor vehicles approach grade crossings; and (4) the achievement of better compliance by motor vehicle drivers with existing laws and regulations which bear upon driving at grade crossings.

The Department of Transportation has established a task force with personnel from both the Federal Railway Administration and the Federal Highway Administration. Its sole purpose is to discover what can be done to prevent grade crossing accidents and to stimulate action to accomplish that end. This task force has already been of great value. One of its many interesting projects is to select a limited number of grade crossings dependent upon the mileage of the Interstate Highway System within the respective states to be used for experimentation with various devices and practices which may be helpful in preventing collisions.

One sure way to prevent grade crossing collisions is to eliminate the crossing. Each railroad is being urged to survey its own property at regular intervals at least once every two years, in order to identify crossings, either private or public, which can be closed to highway traffic. Each road is urged to resist the opening of new crossings without clear proof of real necessity. In many cases state public service commissions are prevailed upon to close little used or unnecessary crossings and they frequently direct the closing of nearby crossings when automatic protection or separation structures are installed.

In the legislative field states are urged to establish grade crossing funds to aid road and street authorities, particularly as to local roads and streets, in financing protection or separation structures. Some 65% of the grade crossings in America are within the limits of cities and towns. A very limited percentage of grade crossings are on the Federal aid or Interstate Highway systems where plenty of money is usually available. Eight states have established grade crossing funds generally financed from gas tax revenues, although one state, Minnesota, finances its funds from fines collected for traffic violations. California and Texas have set up substantial amounts to pay all or part of the cost of maintenance as well as the cost of installing protective devices. In most states money from the grade crossing fund is available for only protective devices on only local roads or streets on the theory that there is plenty of money from motor vehicle revenue to cover these expenses on state and Federal aid highways.

We have argued with some success that the expensive separation structures are really for the convenience of motor vehicle traffic so motorists will not be obliged to sit and wait while the train goes by and that all of the difference in cost between separation structures and automatic gates should be paid from motor vehicle funds. The I.C.C. found, you will remember, that the cost of protecting automotive traffic as it flows over railroad tracks is a public responsibility. Yet the railroads, year after year, are obliged to dig into their own pockets and to spend well in excess of one hundred million dollars each year to accomplish this protection. Whatever is done to solve this problem, you will find money is at the heart of the solution. The total cost for separations is too much for the railroads to bear—some $86 billion and the same is true of the cost of protective devices at all crossings an estimated two billion.

The railroad industry has formally adopted the position as a matter of policy that Federal aid should be provided to states and local units of Government to help them pay for both the installation and maintenance of grade crossing protection, not only on Federal highways, but on state and local roads and city streets as well. The explosive growth in motor vehicle use and in motor vehicle speed have made Federal aid necessary if we are to make motorists stop killing themselves at grade crossings.

DRIVER EDUCATION

An area in which the railroads have long been active and successful is driver education. Many thousands of copies of "Safety at the Crossing" and "A Plan to Save Lives" as well as other illustrated pamphlets have been distributed through the schools especially for those taking driver training courses. In some states stickers which admonish stops and caution at grade crossings have been furnished by railroad labor and management and have been placed in the driver's compartment of school busses. Questions regarding driver conduct at grade crossings have been incorporated, at our request, in drivers' tests. Many excellent motion pictures and slides have been made by individual railroads and are distributed through a common clearing house for showing at all kinds of public gatherings. Our committees are in personal contact with many state directors of public education and those promoting traffic safety in many different public organizations and groups.

ADVANCE WARNING

We believe that the motorist is entitled to know when he is approaching a grade crossing so he may take necessary precautions if he is willing to do so. The railroad crossbuck has been a trademark for many years. But even with the lowly crossbuck the railroads are spending substantial sums to brighten them and reflectorize them so they may be seen more clearly in the evening. Some people still argue that the railroads should be compelled to reflectorize their rolling stock. As an industry we have taken the position that safety would be better served if the requisite funds were spent to improve and increase warning signs along the roads and streets on the approach to grade crossings. Many of our advance warning signs are located in accordance with 1930 motor vehicle speeds.

In one state, California, in 1966, there were 1330 instances where crossing gates were smashed after they had been lowered, smashed by vehicles that "couldn't stop." We find a similar situation in Pennsylvania and in other states where records are so classified. To me those facts point directly to a definite conclusion. Too many motorists do not begin to slow down soon enough. The advent of high speed motor vehicles and high speed highways has added a different dimension to the grade crossing problem. In my own opinion, advance warning signs should be bigger and brighter and there should be several of them along the roadside on the approaches placed at intervals far enough back to let the motorists know in plenty of time to slow down or stop. Those advance warning signs should be reflectorized so they may be seen at night. To reflectorize rolling stock would be of no value at the thousands of places where the view of an approaching train is obstructed. Of course you know that about forty percent of the grade crossing collisions are those in which the vehicle strikes the train and that about half of them occur in broad daylight—many of them when the train is standing still.

In my opinion, in addition to vastly improved advance warning sign systems, there should be incorporated into the surfacing of every highway and street in advance of each grade crossing a rumble strip or strips to alert the driver as to his approach to danger. I would also like to see highway officials experiment with a triradial light placed on a post on each side of the grade crossing about 50 or 60 feet in advance of the crossing to be activated by the same electrical impulse that activates the gates, flashing lights or wigwags.

In several states the railroads cooperate with the state railroad commission and road authorities to inspect the approaches to grade crossings. A crossbuck or other sign is of no value if it cannot be seen because of weeds or drooping tree branches or, for that matter, because of other road signs so placed as to obstruct the view. Inspection of the approaches to every crossing should be made at regular intervals. If this cannot be done by public officials, it should be done by railroad personnel with reports to road authorities where something needs to be done.

COMPLIANCE WITH LAW

One of the most interesting phases of GAPP is the joint effort by men and management to obtain compliance with laws and ordinances which require safe driving at grade crossings. We don't use the word "enforcement." "Compliance" seems to have a little better connotation. In many states we have joint committees which meet and formulate and carry out programs. These committees call upon the governor and other proper state officials including the state highway patrol, the state highway commissioner or engineer, state director of public education, state safety director (every state now has one), safety directors of state farm organizations, American Legion, state AAA, and many other groups. The purpose of such contacts is to solicit active cooperation in obtaining safe driving at grade crossings and one of the by-products of such work is the demonstration of good faith shown by the railroad industry in their effort to prevent grade crossing collisions.

Railroad men are encouraged to become members of local safety councils, to become active in the railroad speaker's bureaus for local or other assignments, to become acquainted with local police officials having highway safety jurisdiction. Our railway police have done a wonderful job in contacting local police officers at frequent intervals to encourage and support them in their work. One of the things we request is that each traffic officer devote one hour per week to the surveillance of motor vehicle traffic at grade crossings.

Our "Near Miss" program is also effective. Near collisions with school busses, gasoline trucks, and other dangerous units are reported by train crews and when the vehicles can be identified the incident is often followed up by a letter or personal call. In most cases drivers appreciate the admonition. In some cases railway police, with the use of a good deal of tact, have called at loading docks where gasoline tank trucks are loaded and have reminded tank truck drivers of the danger to themselves as well as to train crews which is inherent in the failure to stop and to use caution at grade crossings.

An encouraging note is the wealth of good ideas generated by the very large number of people who are active in the program.

I would like to say in conclusion that never in my experience has there been a program or joint endeavor in which railroad labor has joined with management so willingly and so sincerely. The men who ride the rear end of our trains just don't want these collisions. They are glad to do anything in their power to avoid grinding to pieces people in cars or kids in school busses and they abhor the idea of their friends being cremated when a gas truck drives into the path of an approaching locomotive.

It takes a long time to get a program like this off the ground and into action, but I am happy to say that it seems to be picking up momentum. We all sincerely hope that, nationwide, grade crossing fatalities and injuries will continue to decline.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. SCHERLE. Mr. Speaker, this is the 113th day of the U.S.S. *Pueblo* and her crew have been in North Korean hands.

HELM DISCUSSES ADVISORY OPINION OF FTC AS AID TO SMALL BUSINESS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. EVINS of Tennessee. Mr. Speaker, an outstanding attorney of the Federal Trade Commission, Mr. Hugh B. Helm, recently addressed the members of the National Independent Dairies Association, who met in annual convention in Washington, D.C. During the course of his remarks, Mr. Helm described dramatically how and why the advisory opinion procedures initiated at the Federal Trade Commission by Chairman Rand Dixon have been so well received by small business.

As discussed by Attorney Helm, this new method of preventing the use of unfair competition has helped the business community learn and understand the requirements of the laws administered by this Commission, which is concerned with promoting free and fair competition, and preserving small business in the public interest.

As we observe National Small Business Week, I place excerpts from Mr. Helm's address in the Record.

The Helm speech follows:

FTC Advisory Opinion Procedure

(Remarks by Hugh B. Helm, Chief, Division of Advisory Opinions, Federal Trade Commission before the National Independent Dairies Association 11th annual meeting, April 30, 1968)

Mr. Paulson, distinguished Guests, Ladies and Gentlemen, nearly everybody knows that the Federal Trade Commission was established by Congress on request of President Woodrow Wilson by enactment in 1914 of the Federal Trade Commission Act. This Act gives the Commission jurisdiction over unfair methods of competition in commerce and unfair or deceptive acts in commerce. Of course there is much more than this to the Act but these powers under Section 5 are the main ones you are interested in. The Commission has exercised jurisdiction over nearly every kind of business in America under the Federal Trade Commission Act. This Act supplements the Sherman Act. Sherman Act violations are stopped in their incipiency as unfair methods of competition under this our basic act.

In 1936, the Clayton Act was amended by the Robinson-Patnam Act to protect small business from big business and its "deep pocket" by prohibiting discriminatory acts and practices having a probable substantial effect on competition if they could not be cost justified or were not for the purpose of meeting competition. Certain other acts and practices were made illegal per se by the Robinson-Patman Act, all to the purpose that small business would have a fair chance against the big resources of big business.

For forty-six years, the lawyers of the Federal Trade Commission were kept busy directing investigations, drawing complaints and prosecuting violations of the FTC Act. In 1936 the same procedure was in effect enforcing the Robinson-Patman amendment to the Clayton Act. Law suits under these two statutes were our main business. We did a good job at it and won most of our cases including those appealed. Today these two statutes are still the two main statutes enforced by the Federal Trade Commission. Most of our cases have been and are brought under these two statutes. Most of our business is transacted under their jurisdiction. There are others—The Webb-Pomerene Act, The Wheeler-Lea Act, The Lanham Act, The Fair Packaging and Labeling Act, The Insurance Act, The Wool Products Labeling Act, Fur Products Labeling Act, Flammable Fabrics Act and The Textile Fiber Products Identification Act. These are the statutes that confer jurisdiction to act on the Federal Trade Commission. All our activity proceeds under them, including Advisory Opinions. We can give an advisory opinion under any of these Acts.

The present Chairman of the Federal Trade Commission, Honorable Paul Rand Dixon has now been Chairman of the Federal Trade Commission going on 7 years. He was appointed by President Kennedy early in 1961 and reappointed by President Johnson at the beginning of this year. One of the first things that Chairman Dixon changed after his first appointment was the emphasis and thrust at the Commission on litigation. This is somewhat strange, in a way, because Chairman Dixon had been one of the top trial lawyers at the Federal Trade Commission in his long career there. However, he changed the thrust from litigation—and the emphasis from litigation—to consultation and advice on future courses of action and voluntary compliance on present courses of action where they violate statutes administered by the Federal Trade Commission.

The history of the Federal Trade Commission prior to Chairman Dixon can be read in one reported case after another. Some accepted the Commission's Order and went no further. Others pursued their right of appeal to the Circuit Courts of the United States and even to the Supreme Court of the United States. The way was long, cumbersome and indeed expensive. One distinguished attorney at the Federal Trade Commission was 17 years in litigation on one case. Seventeen years to get the word '"Liver" out of Carter's Little Liver Pills. This case of course was an exception, but it shows what a tough minded corporate litigant can do if they wish to tie up the Federal Trade Commission in expensive litigation. There comes to mind the Cement Institute case which was fought by some 40 law firms for the respondent members of the Cement Institute and its members for about eight years, with over 50,000 pages of oral testimony. The complete record with exhibits cost over $500,000. The three years of trying the record before the Commission cost the industry 5 million dollars. Many, many others could be cited, although I would say the average litigated case could run the full course before the Commission and the Circuit Court on appeal and certiorari denied by the Supreme Court in about two years. Now think, not only how expensive this litigation is, but how disrupting to the business involved and how worrisome to the corporate executives who must manage and pursue this course of action. More than this, think of the pitiful plight of the small businessman without vast corporate resources to wage this kind of battle.

As a trial attorney, Chairman Dixon experienced all of this and knew it well. And when he became Chairman, he did not forget it. Many people had said there ought to be an easier way to handle enforcement. There ought to be a fairer way to do this for those involved. There ought to be a less costly way to do this for the little fellow.

Most businessmen big or small are honest and want to do the right thing. Nobody wants to get in trouble with the Federal Government—tax-wise, fraud-wise or business-wise. It is too expensive and it is too time consuming. It is not good publicity for the business or the executive who finds himself or his business so involved. Nevertheless, there is a hard core of hard cases who can be treated no other way and the Federal Trade Commission, no more than any other

Government agency is about to dispense with litigation entirely. There will be trial attorneys at the Federal Trade Commission after we are all dead and gone, but I venture to predict that there will never be as many trials or as many people engaged in litigation again as the history of the Commission reveals prior to the appointment of Chairman Dixon.

There ought to be a way—an easier way—a cheaper way—to do it better. Yes and there is such a way—it was found in 1962 when the Division of Advisory Opinions was created. Years ago, President Wilson in his own words had sounded the need for the advisory opinion procedure:

"It is of capital importance that the businessmen of this country should be relieved of all uncertainties of law with regard to their enterprises and investments and a clear path indicated which they can travel without anxiety."

Now what is an advisory opinion?

An advisory opinion is a written opinion voted by all five or a majority of the five participating on a proposed or future course of action presented to them in writing by a requesting party not under investigation and not under order of the Commission or another governmental agency as to the proposed course of action.

It is not an opinion by the staff.

It is by the Commission.

It is not on a present course of action, that is a matter for voluntary compliance or consent order.

It is not an opinion on a past course of action or a future course of action covered by an order. That is an advisory opinion to be obtained through the proper compliance section because it involves an outstanding order. This action is governed by Rule 3.61 of the Commission's Rules of Practice.

This brings us to the most important feature of the advisory opinion. It is binding upon the Commission. Just like a cease and desist order in a litigated case. An advisory opinion is binding on the Commission until rescinded or overuled. It is not a mere "railroad release" good as of the time of issue only. It is good until revoked or rescinded. I might say here, that I know of only one advisory opinion out of some 322 handled by the Commission that has been rescinded. This particular instance involved bad faith on the part of the requesting party.

When you request an advisory opinion through the Division of Advisory Opinions, we may not precisely pinpoint the legal edge of the problem but we will get you an opinion from the Commission telling you where it is safe to tread.

How do you get an advisory opinion?

The procedure is as simple as we can make it. There is no special form or format. The requesting party simply submits his request in writing, usually in the form of a letter either to the Division of Advisory Opinions or to the Secretary of the Commission. This written request should contain enough information to enable the staff to prepare a memo to the Commission intelligently stating the proposed course of action and its predictable effects and the question or questions about its legality for which answers are desired. If you don't give enough information, the staff attorney to whom it is assigned will either write or call you for what he needs. If the information is not available, the Commission may not be able to give an opinion because of the necessity for an investigation, or the need for scientific tests.

However, the requesting party generally gets an opinion within 30 to 60 days. In the case of an involved pre-merger clearance request requiring extensive economic analysis, the time may be extended. Recently, when the Commission was reviewing the whole foreign origin question, the elapsed time was much longer. But all requesting parties were advised of the problem and their requests in effect suspended until the Commission thrashed the matter out in the public interest.

When you get an advisory opinion from the Federal Trade Commission what do you get?

The requesting party receives a letter signed by the Secretary of the Commission by order of the Commission. This letter is rarely over two pages in length and quite often only one page. It is the opinion and is not released to anyone else in order to preserve the identity of the requester in confidence. However, the text or a digest of the text is usually distributed as a press release for the guidance of others throughout the nation.

How has the advisory opinion worked?

Has it been worthwhile? The answers are quite clear by now. The procedure has worked well indeed. It has been very worthwhile.

We have handled and processed some 322 advisory opinions to date and published about 250. Not only this, but hundreds and hundreds of voluntary compliance affidavits have been placed before the Commission for action without litigation.

We have had a good many advisory opinion requests by trade associations dealing with the selling practices, compliance of labeling rules, dealing with customers, conditions of membership, exchange of information, guaranteed pricing, product standards, range of prices in advertising and uniform hours. We have had advisory opinion requests covering cooperatives and the Capper-Volstead Act and establishing of a common sales agency under the Capper-Volstead Act. We have had requests under the Clayton Act covering functional discounts, free merchandise, aggregate purchases and back-haul allowances, tripartite promotional plans. We have had advisory opinions under deceptive advertising and deceptive practices.

The advisory opinions are widely quoted and increasingly sought. When it is remembered that a single trial attorney cannot handle more than four litigated cases during a year and an attorney-adviser on the Advisory Opinion staff can handle 30 to 50 advisory opinions in a year, the savings in time and money is quite obvious.

The Federal Trade Commission will keep you out of trouble if you will simply ask us for advice on matters under the laws we administer.

The voluntary compliance procedure is open to you at all times if you haven't been in trouble with us before. If you have been in trouble with us and have an order against you the compliance division will give you advice if you will apply to them.

Any business planning or contemplating a new or changed course of action for the future can be passed on by the Commission through the advisory opinion procedure. We will tell whether or not it violates any of our statutes. This service is quick and it is free to all who comply with our rules on the subject. And I submit the price is right. Be safe; save your worry; save your time and save your money. Ask us in advance. Participate in the governmental process through the Federal Trade Commission's Advisory Opinion Procedure.

The watchword for the Republic, in my opinion, for the next fifty years will be economy in government. Your participation in the voluntary compliance program and the advisory opinion procedure will help the Federal Trade Commission keep down its costs of serving you.

I compliment you on coming here to your nation's capital once a year to see your Congressmen and Senators and visit with members of government whose acts affect you and your businesses. This is the democratic way to participate in the governmental process. It is good for you. It is good for the country. Not only your participation, but your leadership is needed in these complex times. We must all cooperate with the President and the Congress, to help solve the many problems that confront our country.

FINANCIAL "CRUNCH" OF 1966

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. COHELAN. Mr. Speaker, since the crash of 1929 and the subsequent depression, the economics of John Maynard Keynes and the increasing sophistication of our monetary policies have come to be looked on as our proof against the collapse or even minor setback of our economy. In addition, the reformed institutions established under Franklin Roosevelt have been able with subtle skill to handle incidents which in 1930 would have created massive runs on the financial institutions.

However, despite our sophisticated economics and institutions, there are times when we have tread close to the brink.

Recently, Trans-action magazine published an article by Hyman P. Minsky, of the faculty of Washington University, in which the author reviews some of the events in the "crunch" of 1966 and 1967. Professor Minsky shows how near, in his view, we had gotten to the edge of major recession. Too, he makes the point that what was essential in avoiding that recession was the return of uncertainty to the monetary markets, for when the institutional belief was that business cycles had been eliminated, the traditionally conservative instincts of these institutions went the way of the wind and set the stage for the "crunch" which followed. In the end, the calculated return of uncertainty, according to Mr. Minsky, was the agent responsible for stabilizing the situation.

Mr. Speaker, I commend Mr. Minsky's article to the readers of this RECORD, and include it at this point:

THE CRUNCH OF 1966: MODEL FOR NEW FINANCIAL CRISES?—THE EVENTS OF 1966 SHOW THAT A MAJOR FINANCIAL CRISIS CAN HAPPEN AGAIN

(By Hyman P. Minsky) [1]

For the millions of Americans old enough to remember it, the Bank Holiday of 1933 was grimly misnamed. Those ten days, with the doors of the nation's banks locked and its businesses standing still, marked the climax of the prolonged debt-deflation that began with the stock-market crash of 1929. This preiod of financial instability was the initial phase of the Great Depression, which lingered on until the defense and war efforts of the 1940s. In response, the Roosevelt Administration undertook thorough reforms of the American banking and financial system—reforms designed to guarantee that a financial crisis of these dimensions could never occur again.

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[1] Hyman P. Minsky is professor of economics at Washington University and an associate editor of *Trans-action*. From time to time he has been a consultant to the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and the Office of Economic Opportunity.

in the period following the Great Depression, the strength of the reformed financial system was not really tested. But then, in late summer of 1966, the stability of the U.S. financial system was once again in jeopardy. Fortunately, in 1966 the financial pressures were kept within manageable bounds—the crisis turned out to be only a mini-crisis, as befits an era of mini-skirts. Thus it seemed that the defenses erected in the 1930s had passed their first serious test.

Nevertheless, the events of 1966 are a warning: They show that a financial crisis, carrying the seeds of a deep depression, can happen again. Thus, we need to examine the forces that created and resolved the mini-crisis of 1966, and to explore some of its repercussions.

The financial community's label for the crisis that reached its climax in the late summer of 1966 was the "Crunch," a colorful way of describing intense pressure upon banks and other financial institutions—pressure for cash or, to put it another way, for liquidity. However, more was involved than just pressure for cash. On Wall Street, in late August of that year, the atmosphere was one of controlled panic. That the panic was controlled represented an act of faith—everyone felt sure that *this* time, in contrast with the 1930s, the Federal Reserve would step in and prevent a cash stringency from escalating into a fully developed panic that would shake the entire economy. But although Wall Street was confident that the Federal Reserve would act, it was still uncertain throughout August as to how—and how soon—this intervention would come. Nobody was sure what losses he or his organization would have to face before the pressure was relaxed.

As it turned out, the price wrung from the financial community was sufficiently high, both in money and in fear and uncertainty, to cause a major restructuring of desired portfolios. Throughout 1967, commercial banks, life-insurance companies, savings banks (meaning here both savings and loan associations and mutual-savings banks), and nonfinancial corporations all preferred distinctly more conservative asset and liability positions than they held during the euphoric boom period just before the Crunch. Cash flows have been used to acquire liquid assets, and the desire for liquidity has led some businesses to raise funds in the capital market in order to improve balance sheets rather than for investment in plant and equipment. As a result, the mini-crisis of 1966 led to a mini-recession in 1967; the economy slowed down, despite strong expansionary pressures generated by steeply rising Federal defense-spending for the war in Vietnam. In fact, had it not been for this increased defense-spending, the employment repercussions of the 1966 crisis might have been grave indeed.

The fundamental economic law behind the Crunch is this: The only way to break an inflationary investment boom set off by an evaporation of uncertainty is to reintroduce uncertainty. This is what the Crunch did. In short, the Crunch was both an instrument of policy and a result of that policy.

WHAT TRIGGERED THE CRUNCH?

To see how the Crunch developed, it is necessary to recall the political and economic climate of 1966. Today, in the gloom of late winter 1968, with the country heavily burdened by an unpopular war, civil disorders, and sagging confidence in the quality of national leadership, it is hard to remember the optimism and pride that ruled America's thinking as recently as two years ago. The contribution of economics to this modern era of good feeling was the belated achievement of a consensus that the Keynesian New Economics really worked. It was felt that if the policy prescriptions of the New Economics were applied, business cycles as they had been known would be a thing of the past. The accepted view was that businessmen and householders need no longer fear a "hair-curling depression." From then on, the perfected tools of economic policy would "fine-tune" the economy so that, period by period, it would stay on a course of sustained growth. Seven good years would be succeeded not by seven lean years, but always by seven more good ones. The resulting rapid and sustained growth would make all good and desirable goals compatible: Americans would be able to have tax reductions *and* the Great Society.

Because of this confidence, there was a swing away from portfolios designed to protect against unfavorable economic conditions. As soon the belief became dominant that business cycles had been eliminated and that steady growth was assured, the country embarked upon an unprecedented investment boom. This boom was partly financed by portfolio changes designed to decrease liquidity, since having ready cash—or having securities readily convertible into cash—was under these circumstances of lesser importance.

TABLE I.—INVESTMENT AND INTERNAL SOURCES OF FUNDS—NONFARM, NONFINANCIAL CORPORATE BUSINESS, 1961–66

[Dollar amounts in billions]

Year	Purchase of physical assets		Internal sources of funds	Net external funds	Net external funds as a percentage of purchases of physical assets
	Amount	Growth rate (percent) [1]			
1961	$37.0	−5.6	$35.6	$1.4	3.8
1962	44.7	20.8	41.8	2.9	6.5
1963	46.7	4.5	43.9	2.8	6.0
1964	52.2	11.8	50.8	1.4	2.7
1965	61.9	18.6	55.3	6.6	10.7
1966	73.8	19.2	58.6	15.2	20.6

[1] Value year t ÷ value year t-1×100–100.

Source: Table B–69, p. 294: 1967 Economic Report of the President.

INVESTMENT BOOM IN THE SIXTIES

An unprecedented investment boom made the mid-1960s soar. In 1966, the dollar value of physical assets purchased by nonfarm, nonfinancial corporate business was $73.8 billion, almost twice the $37.0 billion of 1961. When the investment boom accelerated in 1965 and 1966, business began to rely heavily on external financing. In the years 1961 through 1964, roughly 3 to 6 percent of corporate investment was financed with net external funds; in 1965, about 11 percent of investment was financed from outside sources; and in 1966, the figure had climbed to more than 20 percent. (See Table I.)

This vast demand for external financing generated stresses and strains throughout the financial system. To obtain the funds they wanted, corporations borrowed a great deal from banks and issued a huge number of bonds—both public offerings and direct placements (offered to large-scale lenders, such as insurance companies and educational institutions). Because the demand for financing was so intense, interest rates climbed steadily during 1965 and 1966 despite developments that should have helped stabilize them—namely rapidly increasing supplies of money and bank credit.

The rapid rate of increase of money and bank credit during this period was due to two factors, which we can label as the traditional and the innovational elements in the developing picture. The traditional element was a rapid increase in the reserves of member commercial banks at the Federal Reserve Banks. The innovational element was that the efficiency of reserves was being increased due to the very rapid growth of negotiable certificates of deposit ("CDs").

The reserves of member banks consist mainly of deposits by member commercial banks at their district Federal Reserve Bank. To a large extent, changes in the amount of such deposits are determined by the Federal Reserve System. The favorite instrument of the Federal Reserve for affecting the volume of such deposits is "open-market operations." If the Federal Reserve wants to increase member-bank reserves, it will purchase U.S. government debt in the very active market in which banks, other financial institutions, and ordinary business corporations participate; if the aim is to decrease reserves, then the Federal Reserve sells U.S. government debt. As the U.S. banking system is a fractional reserve banking system, commercial banks need keep only a fraction of such reserves against their demand-deposit liabilities. Their other assets held against deposits are earning assets, which are bank loans and investments, that is, bank credit.

Foreshadowing some of the story to follow, we can note that open-market operations are not the only Federal Reserve operation by which the reserves of member banks can vary. Another way is by member-bank borrowing from the Federal Reserve at the "discount window." The discount window was an important source of total bank reserves in earlier days; however, during the period under discussion the discount window was not much used. As will be pointed out, this abstention from the discount window, even though interest rates were such that borrowing from the window seemed profitable, was one of the special characteristics of this period.

Negotiable certificates of deposit, which have been called the "new instrument" of the 1960s, are evidence of large (minimum $100,000) time (interest-earning) deposits at commercial banks that cannot be withdawn until a stated due date—typically 90 days, 180 days, or one year after deposit. However, as leading Wall Street investment banking houses make a secondary market (buy and sell) in these certificates of deposit, any owner of such a deposit can obtain cash by selling in this market prior to the due date of his certificate. Almost always anyone with idle funds can purchase a CD from the market with a desired number of days, less than the minimum of 90 days for which banks issue such certificates, to maturity. As certificates of deposit are time deposits, by Federal Reserve regulations the emitting bank need keep a smaller fraction of reserves against these deposits than against demand deposits. Thus if banks can get deposits to shift fund from demand deposits to certificates of deposit, the amount that can be lent or invested increases. During the period of rapid bank-loan expansion in the mid-1960s, money-market banks were able to sell such CDs in increasing volume, which enabled them to increase loans at a faster rate than reserves were increasing.

TABLE II.—MONEY AND BANK CREDIT—ANNUAL RATES OF CHANGE FOR VARIOUS PERIODS, DECEMBER 1965 TO NOVEMBER 1967

[In percent]

	December 1965 to April 1966	April 1966 to July 1966	July 1966 to December 1966	December 1966 to November 1967
Reserves of member banks	6.8	2.6	−4.3	11.4
Money stock	6.8	−3.0	1.0	7.0
Time deposits	9.5	10.7	4.2	16.6
Bank credit	8.0	8.0	1.5	12.4

Source: Federal Reserve Bank of St. Louis, Monetary Trends.

These CDs compete with Treasury bills and open-market commercial paper for the temporarily idle funds of large-scale enterprises such as corporations, other financial institutions, and state and local governments. However, whereas there is no ceiling on the interest rates that these competing instruments can buy, there is a ceiling, set by the Federal Reserve System, on the rate that banks can pay on their newly-issued CDs. Whenever other money-market rates rise above this ceiling, banks cannot "sell" new deposits, and as a result of runoffs of maturing deposits they face a decrease in their ability to lend. In December 1965, when this was threatened, the Federal Reserve responded by simultaneously raising the ceiling rate on CDs to 5.5 percent and the discount rate (the rate at which the Federal Reserve lends to member banks) to 4.5 percent.

December 1965, when the Federal Reserve raised allowable interest rates on CDs to protect the commercial banks that had them outstanding, is a good place to start on detailed examination of the events leading up to the Crunch. An investment boom was in full swing, and the rise in interest rates following the Federal Reserve action did not "cool" the boom. Between December 1965 and April 1966, the reserve base of member banks and the money stock grew at the rapid annual rate of 6.8 percent. Since time deposits (heavy CDs) grew even more rapidly, bank credit grew at an 8.0 percent annual rate. But in spite of this, the interest rates for financing private business continued to climb. For example, the yield of prime (highest quality) commercial paper rose by 63 basis points (63/100 of a percentage point), and the yield of Aaa (highest quality) corporate bonds rose by 25 basis points.

TABLE III.—INTEREST RATES—1ST WEEK IN SELECTED MONTHS PLUS PEAK AND THROUGH RATES JANUARY 1966 TO NOVEMBER 1967

	January 1966	April 1966	July 1966	September 1966	1966		January 1967	1967		November 1967
					Peak	Date		Trough	Date	
3-monthly Treasury bills	4.53	4.51	4.47	5.07	5.52	Sept. 23	4.80	3.41	June 9	4.57
Federal funds	4.63	4.65	5.42	5.35	6.00	Sept. 9	5.31	3.45	July 21	4.05
Large CD's	4.80	5.30	5.60	5.75	5.90	Oct. 14 and 21	5.70	4.25	Apr. 7	5.30
Prime commercial paper	4.75	5.38	5.58	5.88	6.00	Oct. 7, 1966, to Jan. 6, 1967.	6.00	4.63	May 19 to June 23	5.13
Long-term Government bonds	4.44	4.54	4.69	4.87	4.87	Aug. 26, Sept. 2	4.46	4.37	Feb. 3	5.35
Corporate bonds Aaa	4.73	4.98	5.10	5.44	5.44	Sept. 9	5.38	5.00	Feb. 10	5.95

Source: Federal Reserve Bank of St. Louis, U.S. Financial Data.

In April, by decreasing the rate at which it purchased government securities in the open market, the Federal Reserve slowed down the rate of growth of the reserve base, and with it the money supply. Between April and July, the reserves of member banks grew at only a 2.6 percent annual rate, and the money stock actually declined at a rate of 1.4 percent. However, time deposits at commercial banks grew at a rate of 10.7 percent annually—so that bank credit grew at an accelerated rate of 8.6 percent. Interest rates also continued to rise.

It was at this point that CDs—the *Wunderkind* new instrument of the 1960s—began to cause difficulties. Toward the end of June 1966, the price of large CDs carrying the ceiling rate of interest went to a discount in the secondary market (the return on "used" CDs became greater than the largest return allowed on new CDs). This effectively stopped the increase in the volume of such CDs outstanding, and beginning in August the amount outstanding began to fall rapidly. This change in the trend of CDs outstanding combined with a decline in member-bank reserves—between July and December of 1966, member-bank reserves fell at an annual rate of 4.3 percent—slowed down the rate of increase in bank credit.

In December 1965, at the same time it had put a ceiling of 5.5 percent on CDs, the Federal Reserve placed a maximum of 4 percent on the interest commercial banks could pay on passbook savings deposits—the typical savings account kept by householders. Since this rate was considerably lower than the rates offered by savings and loan associations and mutual-savings banks, commercial-bank savings deposits were not a threat to the savings banks.

Late in the second quarter of 1966, the savings institutions felt the squeeze when some Eastern banks, struggling to attract new deposits, started promoting *small*, household-sized CDs at the ceiling interest rate of 5.5 percent. These household CDs posed a serious threat to the savings and loan associations—particularly in California, where a large portion of the deposits were from out of state—and the mutual-savings banks, mainly concentrated in New York and New England. In July 1966, the previously rapidly growing savings and loan associations experienced an unprecedented $1.5 billion decrease in deposits.

THE SAVINGS-BANK SQUEEZE

Throughout the rest of the year, a major concern of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board—three arms of the peculiarly decentralized central bank of the United States—was to protect the savings institutions. Savings institutions have mortgages as their principal asset, and the standard American mortgage is a long-term, fully amortized, fixed-interest contract. Hence, most savings institutions were locked into assets that reflected past interest rates. For example, the New York savings banks were under pressure to pay interest rates competitive with the 5.5 percent that New York commercial banks were willing to pay on their household CDs, but the savings banks' portfolios consisted mainly of mortgages that yielded substantially less than 5 percent.

Not only were these banks technically insolvent—the market value of their mortgage portfolios was substantially lower than the face value, so that their deposit liabilities exceeded the market value of their assets—but they were making running losses, since the returns on their portfolios were well below the cost of borrowing money plus operating costs.

Another trouble spot in the savings-bank picture was California. Interest rates on California mortgages had long been high enough so that, on the surface, the California savings institutions seemed able to meet commercial-bank-rate competition for deposits. During 1966, however, when the rise in competing interest rates slower' the flow of money to the California savings institutions, elements of weakness in their mortgage portfolios became apparent. Over the July 4 weekend, the Federal Home Loan Bank Board—the regulating and deposit-insurance agency for savings and loan associations—stepped in and arranged for the quiet takeover of a threatened institution by one that was considered sound. Such discreetly managed take-overs, rather than public closings and liquidations, constituted the pattern preferred by the deposit-insurance agencies throughout the rest of the year. The power of deposit insurance to prevent explosive instability was tested for the first time in 1966, and it passed with honors. Events that would have triggered "runs" in the past occurred without causing any major deposit withdrawals.

In turn, these pressures upon the savings banks swiftly affected the market for housing. Not only did savings banks raise the interest rate, increase the down payment, and shorten the duration of new mortgages, but they also decreased their commitments to acquire future mortgages. Generally, the savings banks make financing commitments to speculative builders in the fall of the year for the following spring. The savings banks' shaky position in the late summer and fall of '66, however, assured decreased commitments and poor "new starts" for housing in the spring of '67.

In addition, the cash squeeze hit the insurance companies, adding to the trouble in the housing industry and putting additional pressure on commercial banks. Many life-insurance policies guarantee the policy-holder borrowing rights at 5 percent. As interest rates rose, life-insurance companies experienced a sharp rise in the exercise of these rights. Further, the loan demand was reinforced by the need for ready cash to meet stock-market margin calls following the sharp decline in August. The result of this pressure on the life-insurance companies was that they, too, radically decreased their mortgage take-out commitments for the following spring—a move that further weakened the home-building industry. In addition, as prior commitments to acquire mortgages and corporate bonds became current, many life-insurance companies resorted to borrowing from commercial banks.

THIN MARKET FOR MUNICIPALS

Another element in the developing crisis centered on the market for municipal securities ("municipals" is the market term for state and local bonds). Banks are required to pledge collateral against the deposits of state and local government units. The usual collateral is U.S. government debt. By mid-year 1966, commercial banks had very little in the way of government debt that had not been pledged as collateral for such deposits. The combination of a decrease in the reserve base due to Federal Reserve action, the rundown of CDs due to the interest-rate relations, the lack of unpledged U.S. government debt, and the strong business-loan demand led many banks to try to obtain cash reserves by selling some of their municipals. As a result, the price of municipals fell sharply.

The effect on new issues of municipals was disastrous. Commercial banks normally take about one-third of the new issues of municipals, but as the Crunch developed, they withdrew from the market. By the end of August, the market for municipals was "disorganized," to say the least. The yield on high-grade municipals reached 5 percent—and income from municipals is tax-exempt—but even at such rates the market was thin.

Let us now follow the movement of interest rates that were not under "ceilings." Between the first week in July and the first week in September of 1966, the three-month Treasury bill rate rose by 60 basis points; prime commercial paper rose by 30 basis points. This rise in money-market rates, which apply to relatively short-term notes, was paralleled by increases in the longer term capital-market rates: Government bonds rose by 18 basis points, and the highest-grade corporate bonds rose by 34 basis points. (See Table III.)

Meanwhile, despite these rising interest rates, investment continued to boom. It is a phenomenon of the American economy that, as long as interest rates remain within a range that is compatible with institutional stability in the American setting, business investment is not likely to be greatly inhibited—or stimulated—by fluctuations in interest rates.

Throughout this period the Federal Reserve, while maintaining the discount rate at 4.5 percent, allowed but a slight increase—some $300 million during the first half of 1966 (out of the total member-bank reserves of $23 billion)—in borrowings by member banks at the discount "window." In theory the discount window serves as a source of funds to member banks so that they do not need to pay much more than the discount rate for funds. It also serves as a safety valve against too great a build-up of pressure for liquidity. In practice, the discount window is administered by the various Reserve banks, and the rules guiding the administration of the window are mysterious if not devious.

During July and August the window was so tightly administered that even though banks were paying up to 1.5 percent more than the discount rate for reserves, member-bank borrowings at the Federal Reserve, on the average, did not increase. In particular the money-market banks believed that the discount window was effectively closed to them: As liquidity pressures were building up, the safety valve that the discount window in principle represents was not allowed to function.

By the end of August 1966, the disorganization in the municipals market, rumors about the solvency and liquidity of various savings institutions, and the frantic position-making efforts of money market banks confronting a discount window that was apparently closed generated a controlled panic. It was clear that the next move was up to the Federal Reserve.

THE RESOLUTION

There are a considerable number of instruments of control at the disposal of the Federal Reserve Board. Conversely, at any time there are many interdependent variables and constraints upon Federal Reserve actions. At this time perhaps the most urgent constraint came from the savings banks. In order to protect them from losing deposits and incurring even greater operating losses, the Federal Reserve ruled out the possibility of raising the ceiling rate on CDs or the discount rate, as had been done in December 1965. In other words, although the intent was to constrain business investment, the orthodox solution of across-the-board increases in interest rates could not be applied.

Thus, the Crunch developed with some rates fixed—at effective ceilings—and others free to vary. Had the Federal Reserve taken the course of expanding the reserve base, which, through the banking process, would have increased available credit, the investment boom could have been financed without significant increases in interest rates. But that course would have meant that the Federal Reserve would quite literally have become an engine of inflation.

It is not necessary to approve the timing or the details of the Federal Reserve's constraining action in order to recognize that the situation developing in 1966—which was due to a rapidly exploding demand for financing from the private sector, combined with expansionary economic forces unleashed by the war in Vietnam—was such that sooner or later the Federal Reserve would have had to undertake a policy of active constraint.

A money panic is ephemeral, compounded of a combination of real cash shortages and a precautionary demand designed to protect against awesome, unknown contingencies. As was true for some of the money panics of the 19th century, the 1966 crisis evaporated when the authorities sent out a letter.

On September 1, the president of each of the twelve district Reserve banks sent every member bank in his district an identical letter stating that loans were available at the discount window to banks whose policies corresponded to Federal Reserve objectives. In particular, funds were available to finance current holdings of municipal securities for banks that could show that they were constraining expansion of business loans. In addition, the letter stated that the Federal Reserve recognized "that banks adjusting position through loan curtailment may need a longer period of discount accommodation than would be required for the disposition of securities." The import of the letter was that the Federal Reserve acted to bolster municipal securities. By allowing municipals to be used at the discount window, it set a firm floor to their price and quite suddenly made what had been an illiquid asset liquid. As the money-market banks had been actively trying to restrain expansion of business loans even before ceiling-rate CDs went to a discount at the end of June, each bank considered itself eligible for such accommodations. The Federal Reserve's discount window, which had been assumed to be closed, now appeared provisionally open: The safety valve was allowed to work.

During the first week in September, a slight "peak" (about $100 million) occurred in borrowings at the Federal Reserve. Thus, although statistically little had been changed by the September 1 letter, the psychological elements of the mini-panic had been dissipated. More important than the extent to which the window was actually used was the fact that once discounting was available, there was no further need to hoard reserves against future crises.

Other events combined with the letter to ease the pressure in financial markets. Congress passed a law, effective in late September, permitting the Federal Reserve to discriminate by size when it set ceiling interest rates on time deposits. Simultaneously, Congress granted the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board the power set set ceiling and differential interest rates on deposits at institutions under their jurisdiction. The authorities immediately set a 5 percent ceiling on time deposits of less than $100,000 at commercial banks, effectively checking their competition with the higher-paying savings institutions.

Furthermore, the Administration requested that the investment tax credit be put aside. To the financial community, this move signaled that a larger share of the effort to control inflation was to be made through fiscal policy—by means of adjustments in taxation and spending. Presumably, this would permit the Federal Reserve to relax some of its monetary constraints upon banks and other financial markets.

Throughout the rest of the year, the Federal Reserve continued to restrict expansion of the reserve base and bank credit. However, in spite of this constraint, liquidity pressures eased—and even more quickly than they had developed. Borrowings by member banks at the Federal Reserve fell from a peak of almost $900 million to about $500 million by the year's end. A further fall to $200 million occurred by March of 1967. The three-month Treasury bill rate fell by 72 basis points between the September peak and the first week in January. Over roughly the same period, the yield on long-term government bonds fell by 41 basis points. (See Table III.)

THE AFTERMATH

The Crunch worked. The investment boom was broken. Gross private domestic investment decreased at an annual rate of 26.0 percent between the fourth quarter of 1966 and the second quarter of 1967. In large part, this drop signaled a halt in inventory accumulation, but equally significant was the fact that it was accompanied by no growth in the volume of business investment in plant and equipment. This was in sharp contrast with the rapid increases in 1966. (See Table I.)

In December 1966, the Federal Reserve switched to an expansionary monetary policy, which was maintained for most of 1967. Through November of 1967, the reserves of member banks grew at an annual rate of 11.4 percent, and bank credit grew at an annual rate of 12.4 percent. (See Table II.) Large-denomination certificates of deposit reached a trough of $15.4 billion in mid-December of 1966. By December 1967, the amount outstanding exceeded $21 billion—a significant increase over the $18.5 billion of August 1966.

Normally, with the money supply and the reserve base increasing rapidly, the gross national product static or growing slowly, and private investment dropping swiftly, interest rates would fall. Certainly, money-market and capital-market rates would normally be below the peak they reached when the economy was growing rapidly and the Federal Reserve Board was imposing monetary constraint. And, in fact, in December of 1967 short-term rates *were* below the levels they had reached during September and October of 1966. But each rate was well above its post-Crunch trough. For example, the rate for three-month Treasury bills rode a roller coaster: from a peak of 5.52 percent on Sept. 23, 1966, to a trough of 3.41 percent on June 9, 1967, to 4.92 percent in early December of 1967.

The most significant post-Crunch developments, however, took place in the market for long-term government and corporate bonds. In December of 1967, both these rates were well above their Crunch peak. For example, Aaa corporate bonds reached a peak yield of 5.52 percent in September 1966, and a trough of 5.00 percent in February 1967. In early December the rate of return on such securities was 6.13 percent.

The climb in these interest rates was due to a huge outpouring of corporate bonds in 1967. These issues were not the result of any rapid expansion of business investment. Quite the contrary; business investment did not change, or declined. However, an institution with a long-term debt to pay is more liquid than one with an equivalent amount of short-term debt; its cash needs in the near future are smaller. Furthermore, in the fall of 1966, corporations were made aware that banks can be unreliable sources of financing, and many wished to decrease their dependence upon bank borrowings. That is, the pressure in the long-term bond market in 1967—and it was acute, with many new issues yielding well over 6.00 percent—in substantial part reflected a desire on the part of business to rectify balance sheets rather than to finance any burst of new investment.

Through 1967, the economy was sustained by a sharp increase in Federal spending, especially for defense. As a result, a hefty government deficit was racked up—in part due to the decline in tax revenue stemming from the decline in corporate profits. Government debt fed into the portfolios of banks, financial institutions, households, and ordinary businesses increases their liquidity. The combination of government expansion sustaining total demand, government deficits feeding liquid assets into portfolios, and the use of long-term debt by corporations is now satisfying the increased preference for liquidity that developed after the 1966 Crunch. But once this preference is satisfied, conditions will be ripe for another take-off of investment demand.

The events of 1966–67 show that in the intensely financial American economy—despite the precision ministrations of the New Economics—investment booms and liquidity crises are still possible. Business cycles remain very much part of the picture, even though the 1966 Crunch led to no more than a mini-recession rather than a true depression. The modest overall impact was the result of the offsetting rapid increases in Federal spending in Vietnam. Without them, it is very likely that an event such as the Crunch of 1966 would have had serious employment repercussions. Because of the accident of Vietnam, there is a danger that the Crunch's lesson about the perils attending stretched liquidity positions may soon be forgotten.

The period covered here closes before any serious impact from the devaluation of the British pound could become manifest. The next chapter in the history of America's financial system most likely will center on the way in which the precarious international position of the dollar is resolved. The current emphasis upon defending the dollar can very well lead to economic policies that generate continuing constraint on financial markets. If this constraint takes place in the midst of strong expansionary pressures from business, then liquidity-stretching financial changes will occur to offset at least part of the constraint. Under these circumstances we will not have to wait another 30 years before the authorities' ability to handle a liquidity stringency is once again tested.

On the other hand, constraint on financial markets may be so severe that strong expansionary pressures from business do not develop. In such a relatively stagnant economy, financial instability of the type discussed here is not an issue. Thus the alternatives before us may be either to stagnate—albeit at a high level—or to live with the danger of recurrent Crunches.

HON. JOSEPH W. MARTIN, JR.

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. ADAIR. Mr. Speaker, I rise to join with my colleagues to say a word in tribute to a great American. We are all saddened by the death of former Speaker of the House, Joseph W. Martin, Jr., of Massachusetts. However, he left an indelible record on the pages of congressional history. As a faithful, conscientious public servant, he represented his constituency with the highest ideals and principles. His legislative work in the tradition of the Republican Party carried him to the highest pinnacle when he was selected to serve as Speaker. Too, he was a familiar figure at Republican national conventions when the party called upon him to chair the convention deliberations.

His mark of dignity, integrity and dedication to the American way of life remains inscribed in the pages of history and his passing leaves a void which will be hard to fill. I am proud to have known him and to have had him as a friend.

EDUCATION ABOUT COMMUNISM

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. ASHBROOK. Mr. Speaker, as I have stated before such national organizations as the American Bar Association, the American Legion, and the National Education Association have gone on record supporting the need for responsible education concerning the philosophy, strategy, and tactics of the world Communist movement. Another organization which heartily endorses this policy and has been doing something about it for the last 10 years is the Cardinal Mindszenty Foundation. The foundation has formed over 6,000 study groups across the Nation and has distributed millions of pieces of literature on the nature of communism, including 300,000 copies of the report by the American Bar Association on this issue.

On April 21 of this year the foundation held a 3-day leadership conference in St. Louis in commemoration of its 10th anniversary which were highlighted by talks from outstanding lay and religious leaders. Of particular and timely interest are the resolutions passed unanimously by the 25 Catholic clergymen in attendance. Resolution No. 3, for instance, states:

> It is immoral to fight a war against aggression if there is no intent to win. Therefore victory must be our goal in Vietnam.

Or consider Resolution No. 4:

> Appeasement is a major cause of war. It is immoral to negotiate peace at the sacrifice of justice.

How provocative and refreshing are these approaches to the Vietnam war.

How I wish I could ask each of our servicemen in Vietnam who know the savage brutalitiy of the Vietcong how they would vote on these resolutions. It would indeed be interesting to ask them what they thought of the gradual escalation theory. I am sure they would overwhelmingly concur with the House Special Subcommittee on National Defense Posture which stated in February of this year:

> The theory of gradual escalation in the use of power violates accepted and proven military concepts. . . . Our military forces should be permitted to take the offensive—on land and sea and in the air—with a definite timetable for the earliest possible successful conclusion of the war.

I insert the above-mentioned resolutions in the RECORD at this point:

MINDSZENTY COUNCIL LISTS RESOLUTIONS

The following resolutions were passed unanimously by the 25 Catholic clergymen in attendance at the national 10th anniversary conference of the Cardinal Mindszenty Foundation, April 19–21, held in St. Louis at the Chase-Park Plaza Hotel:

1. The words of Pope Pius XI in his encyclical, *Atheistic Communism*, are as true today as ever: "Communism is intrinsically evil and no one who would save Christian civilization may collaborate with it in any undertaking whatsoever." Communism and freedom are incompatible. They can never coexist in the same country. They cannot permanently coexist in the same world. The free world must work to extend the bounds of freedom without any hesitation or apology.

2. The official statement of the U.S. Catholic hierarchy in November, 1966, on the war in Vietnam should be studied and applied. In view of the pacifist propaganda since that time we urge the Bishops to reaffirm their stand.

3. It is immoral to fight a war against aggression if there is no intent to win. Therefore victory must be our goal in Vietnam.

4. Appeasement is a major cause of war. It is immoral to negotiate peace at the sacrifice of justice.

5. We have not won in Vietnam because of the prevailing notion that we did not have to win, that all we had to do was to "negotiate." In view of Hanoi's refusal to keep its previous agreements, we should not rely on Hanoi to keep its word in any future settlement.

6. We should never give up military advantage in exchange for negotiations, nor should we allow negotiations to be prolonged as was done in Korea.

7. There can be no useful dialogue with men of ill will or with masters of deceit.

8. The most basic function of every society is to provide law and order for its citizens and to protect their lives and property. Our government provided this from the first day of our Republic, even on the remote frontier. The ordinary citizen is entitled to much better protection than he receives today.

9. Catholics and especially Catholic clergy should take the lead in encouraging respect for law and order.

10. Civil disobedience is a violation of the law. It should never be resorted to until legal recourse has been exhausted. Looting is stealing. It can never be condoned and calls for restitution. Criminal acts such as arson should be dealt with swiftly and severely. People who threaten the lives of others assume the risk of forfeiting their own.

Mr. Speaker, the members of the Cardinal Mindszenty Foundation have one important attribute in common with our boys in Vietnam—they know and appreciate the treacherous nature of communism. Through the diligent study of responsible material on the subject they have learned the lesson that our servicemen are learning through actual first-hand experience. I am certain that both factions would agree with another finding of the above-cited special committee:

> Contrary to the views so often voiced by benighted disciples of defeat and appeasement, the battle in Vietnam is not between the greatest nation in the world and a small,

underdeveloped country. Rather, it is a struggle with the United States on one side and Communist China and Russia on the other. It should be recognized and clearly understood that while the enemy we are fighting is the North Vietnamese and the Viet Cong, they are merely the conduit for the aggression of China and Russia.

The editor of Twin Circle, the National Catholic Press publication, Rev. Dan Lyons, S.J., in the May 5 issue, gives us the history and an account of the 10th anniversary conference of the foundation. To show what one organization is doing to preserve the security of our Nation and extend freedom to other areas of the world, I include these two items by Father Lyons in the Record at this point:

Noted Lay and Religious Leaders Attend: Cardinal Mindszenty Foundation Holds 10th Anniversary Conference

(By Daniel Lyons, S.J.)

More than 500 members of the Cardinal Mindszenty Foundation gathered from all over the United States April 21 for a three-day conference in St. Louis. The annual leadership conference was highlighted by talks from outstanding lay and religious leaders. The keynote address was delivered by the Rev. Stephen Dunker, C.M., a Vincentian missionary now stationed in Formosa. It was Father Dunker who gathered a handful of dedicated Catholics in St. Louis 10 years ago and founded the Cardinal Mindszenty Foundation. Its purpose then as now was to combat Communism "with knowledge and facts."

Speakers at this conference included former FBI undercover agent Herbert Philbrick, the author of "I Led Three Lives"; Miss Lola Belle Holmes, a Negro union leader who joined the Communist Party in 1957 as a secret agent for the FBI to help expose Communist manipulation in the civil rights movement; Clarence Manion, former dean of the Notre Dame Law School; Captain E. R. Barnes, a former Navy chaplain and member of the California state assembly; and Miss Monika Flidr, a young teacher who recently escaped from Czechoslovakia.

Each of the speakers presented new documentation concerning the Communist movement. Miss Holmes described how much of the racial turmoil and civil unrest in the country today was planned by the Communist Party when she was a member. As early as 1958 she was appointed by the Communist Party leader, Claude Lightfoot, to work out plans for fomenting racial strife.

"If anyone tells you there are no Communists in the civil rights movement," she said, "they are wrong. I know who many of them are, and they know I know who they are. I worked with them in the Communist Party. I am dedicating my life to convincing my fellow Negroes that only under the American system can we advance and enjoy our freedoms."

Philbrick described how the recent riots in major U.S. cities were largely Communist inspired. "The Communist Party," he pointed out, "is the only organization that preaches violence as a means of achieving its objectives." Many youths today, he said, are taken in by certain "peace" groups and other Communist-front organizations.

Miss Flidr, who was a teacher in Czech Communist schools until 1966, described how her people were not for Communism when it conquered her country in 1948 and "they are still not or Communism." The help America is giving the Vietnamese people gives "great hope" to the Czechoslovakians, she continued. The recent reports about "liberalizing" the government in Czechoslovakia are not to be believed. "It is nothing but an internal diversionary tactic. What the government is doing is trying to divert the people's attention from their serious economic problems by letting the students demonstrate against things that do not matter to the government. The new Czech government is not splitting with the Soviet Union. Even if it did, the people would still suffer as long as Communism remains in power.

"All that counts with the government is whether you are a loyal and subservient Communist. If you are, you can get an apartment to live in. If you aren't you will have to live with relatives during all of your married life. It is the same with nearly everything else."

Captain E. Richard Barnes, who has led the fight against pornography in California, described how Communists use bad literature to destroy our moral standards. He quoted the Communist principle so often stated by Mao Tse-tung: "To fight and win by fighting is not the supreme test. The real test is whether you can destroy the will of your enemy to fight." Pornography serves the Communist goal "by destroying the will of Americans to resist." The Communists help spread the propaganda that all legislation against pornography is an attack on freedom of speech, he said, whereas it is often merely a sharper definition of the existing laws against smut. "The American Civil Liberties Union and other groups in California," he said, "have opposed every bill against immoral literature in California."

Members of the Council of the Cardinal Mindszenty Foundation who attended the conference included the Very Rev. L. K. Parker, O. Praem.; the Rev. Raymond de Jaegher, the Rev. John A. Houle, S. J., and the Rev. Warren Dicharry, C. M., all of whom served prison terms as priests behind the Iron or Bamboo Curtains.

Father Dan Lyons, S.J., Views the News

When Father Stephen Dunker joined with Eleanor, Fred and Phyllis Schlafly ten years ago to form the Cardinal Mindszenty Foundation he spoke of it as "the mustard seed" that would grow into a tree. He had never seen a mustard tree and—not concerned with botanical details—was probably thinking of a mighty oak. But he and the Schlaflys knew that if they prayed and worked hard and long, God would give the increase. And He has, indeed!

Father Dunker and his little flock of three worked very hard. With a few volunteers like Carol Martens they organized study groups, sponsored lectures, published literature, and swallowed their pride in the face of the usual criticism reserved by such ultra-liberal journals as *Look* magazine for those exposing Communism when *Look* knew, or thought it did, that Communism was our friend.

The years went by, and Father Dunker was re-assigned to China, where he is in charge of 11 parishes in Tainan, Taiwan. Fred and Phyllis got bogged down a bit in the raising and supporting of six children. They gave all the time they could to the Cardinal Mindszenty Foundation and still do. But the burden of conducting all of its activities has fallen to Miss Eleanor Schlafly, a most remarkable young lady who has devoted all of her time for the last ten years to this wonderful work. Eleanor serves as the executive secretary of the Foundation, without any salary or "expense account."

Totally dedicated, intellectual, and deeply spirtual, Eleanor Schlafly is one of the most capable laywomen in the U.S. Church today. Born into a prominent St. Louis family, Eleanor could easily have taken a leading place in St. Louisan society. She is charming, attractive, and gracious to the nth degree, making a profound impression on anyone who meets her or even speaks with her on the phone. She has a quiet sense of humor just beneath the surface which provides her sense of balance—a sense of humor which, I like to think—comes largely from her mother's side of the family. Her mother was a Lyons, and we like to think that we are cousins, although the Lyons in County Mayo, where my father was born, had little or no lace curtains.

Under the direction of Eleanor Schlafly, the Cardinal Mindszenty Foundation has formed over 6,000 study groups across the nation. It has distributed millions of pieces of literature on the nature of Communism, including 300,000 copies of the report by the American Bar Association on the subject. It provides excellent booklets for Church racks, gives free materials which are largely government documents, rents films, and provides speakers throughout the country. It also produces a 15-minute radio program that is broadcast each week as a public service on more than 100 stations.

One of the most important works is the *Mindszenty Report*, a monthly bulletin especially for teachers but useful for anyone who wants to keep informed. It also publishes the *Red Line*, a unique fortnightly analysis of numerous Communist publications from Peking to Moscow.

The number of outstanding Americans who write to congratulate the Foundation in its tenth anniversary is far too numerous to mention here. But with them we wish to say, "Hats Off to the Cardinal Mindszenty Foundation" a little group that has done more than other Catholic organizations in this country to teach all of us the value of freedom and the colossal need for preserving it.

(Editor's Note.—Anyone interested in contributing to the CMF or in contacting it regarding any of its aids or activities should write to: Miss Eleanor Schlafly, Executive Director, Cardinal Mindszenty Foundation, P.O. Box 11321, St. Louis, Mo. 63105.)

LETTER TO THE PEOPLE OF THE 22D DISTRICT OF NEW YORK

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. GILBERT. Mr. Speaker, it is the responsibility of every Member to inform his constituents of his work in Congress and his position on various issues confronting the country. As most other Members, I have adopted the practice of sending out a periodic letter as well as a newsletter report on my activities in Congress. This week I am mailing to my constitutents the following letter, which I hereby insert in the Record:

May 1968.

Dear Friend: I am sending you this note to explain my failure to get around to see you more often. I want to spend as much time as possible in my District, but this year my Congressional work has been so heavy that I have found it impossible to be home as much as I would like.

As you know, I am a member of the important Ways and Means Committee, the Congressional body responsible for making the laws of our land on social security, welfare and taxation. The President has urged an increase of 10% on our current income tax payments. A coalition of Dixiecrats and conservative Republicans has been trying to tie a compulsory spending reduction of six billion dollars onto such a tax. You know who would be hardest hit by that reduction: city people, the poor, school children, minority groups, the retired. I will not support this legislation. I believe that the Government must provide more, not less, assistance to these people. I feel that I must be on hand fulltime to fight for vital domestic programs in the Ways and Means Committee.

Of course, that is only part of my work. This has been a tumultuous year, with problems that require much attention. I have been doing everything I possibly can to accomplish a peaceful settlement in Vietnam. I have supported legislation to reduce crime in the streets and to lessen the prospects of civil disorder. My time is devoted to many other matters which concern both our domestic and foreign policies.

Another part of my responsibility is to see to it that our District gets a fair share of Federal funds for such programs as Anti-Poverty, Model Cities, Mass Transportation, better housing and education. I am proud to say that I have succeeded in bringing millions in Federal funds into our District.

I know you expect to have fulltime representation of your interests in Washington. That is what I provide. My record of attendance, calculated by an impartial agency, shows that I am present for Floor votes 98% of the time. As much as I would like to have more days with you in the Bronx. I feel that my duty is to work for you here. That is why I was elected to Congress.

Thank you for understanding and I do hope to have the opportunity to meet with you in the near future.

Sincerely yours,

JACOB H. GILBERT,
Member of Congress, 22d Congressional District.

WITHOUT LAW AND ORDER WE FACE ANARCHY

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. GIAIMO. Mr. Speaker, we in the Nation have been quite rudely awakened to the need for respect for, and full compliance with, the law.

In the past few years we have witnessed the rapid unraveling of the very fabric of our society as disrespect for the legal threads of its existence has torn their cohesive bonds asunder. What was formerly a large, but controllable crime rate has grown unchecked to mammoth proportions. What was formerly a special type of civil disobedience displayed against certain statutes in an effort to get them declared unconstitutional has been expanded and overgeneralized by some to be a blank check to be cashed by every disgruntled person as he sees fit.

This is not to equate the quest for the recognition of existing rights with crime; nor do I mean to suggest that less discriminate civil disobedience is motivated by the same lack of principle which characterizes crime. What I am saying is that good principles are done a grave disservice when attached to careless and irresponsible opposition to the law.

Disrespect for the law is an invitation to violence, and crimes of violence necessitate a strong response. This fact stands out above all else.

What then will be the consequence of widespread destruction of the civic peace? The answer is as tragic as it is simple: The result will be the destruction of democratic order.

For if crime becomes ever more prevalent, how stringent must the police functions of society be made? If the just cause of civil rights is allowed to be confused with racism of a new sort, what is to become of racial progress? If we allow both to continue indefinitely, where will it all end?

These are the questions which trouble me today. This country cannot afford the harsh reactions which will be the inevitable product of a breakdown of communications between the races, and our traditional liberties cannot survive a breakdown of law and order.

Surely radicals and minority group racists must realize that by virtue of their comparatively small size they cannot possibly prevail in a direct confrontation with the rest of American society.

But in their acts of communal destruction they do threaten the very legal structure which protects them. For democratic order is predicated upon tolerence. Without the protection of the law all of us are exposed to the harsh winds of prejudice and random injustice.

There is little doubt but that the few who would take the expression of discontent to the streets in the form of rioting, arson, looting, and massive civil disobedience threaten to provoke a reaction which could extinguish liberty for all. These are the hard facts of the anger being aroused among the people in this year of public anguish.

More citizens need to be made aware of the imminence of the danger. For this reason, I should like to bring a recent speech by Judge Herbert S. MacDonald of the superior court in New Haven, Conn., to the attention of the House.

Made at the New Haven County Bar Association's annual Law Day ceremonies at the superior court, Judge MacDonald's talk vividly describes the nature and magnitude of the crisis confronting the law. If his remarks seem harsh, they are not intemperate. They serve as a measure of the depth of concern of one committed to the defense of the law. In asking for its firm enforcement he is protecting our common property.

Special heed ought to be paid to his concluding paragraphs in which he reminds Americans of all colors and convictions that the law is all-encompassing, protecting the contented and the dissatisfied alike. The essence of his message to the latter group contains compassion and wisdom:

> If the ends sought are the right ones, they can be accomplished by persistent action and hard work—within the law.

With the permission of the House, the full text of his remarks follows:

WITHOUT LAW AND ORDER WE FACE ANARCHY

Law Day 1968, without a shadow of doubt, holds a far deeper significance and a much more crucial concern than any of its predecessors for every citizen of this country—black as well as white, young as well as old, far-out hippie, as well as ultra-conservative "square". The waves of rioting, burning and looting by mobs of irresponsible hoods; the take-overs of administration buildings and imprisonment of officials at our colleges and universities by immature, undisciplined and misled undergraduates; the open counseling of our youth to disregard and violate those laws with which they conscientiously disagree by otherwise respected and lawabiding professional men—these actions, regardless of their immediate provocations or their underlying motives, are leading to such a complete disregard and disrespect for the law that the very foundations of our democratic way of life are being undermined. For without law and order, we face complete anarchy—unless we are ready to substitute communism or dictatorship for democracy as our controlling force.

As I have stated before upon these occasions, I do not criticize those who seek to test the constitutionality of certain laws by refusal of the individual to comply, followed by appeal from conviction to the highest courts. But if such orderly attempts to correct laws claimed to be discriminatory within the framework of the law itself and without interference with the safety, liberty or property rights of others are indicative of a healthy, regenerative force, as claimed by their proponents, then it is equally true that riots, disorderly demonstrations, student take-overs and even peaceably-intended mass marches in certain areas and under certain volatile conditions—actions calculated to rouse the emotions and subject other members of the general public to the dangers of violence, constitute a definitely degenerative force.

No violation of the law can be justified or should be condoned or disregarded, whatever may be the motive of the violator, (1) which is in itself a crime of violence, or (2) which threatens the safety, health or well-being of other citizens, either directly or by indirectly inciting disorder or breach of the peace, or (3) which undermines the restraining influence of a universal respect for the law by encouraging others to violate it.

In the first category—acts of actual violence—we find some crimes so obvious that they should not require any discussions—rioting, burning and looting—except for the undeniable fact that they were disregarded, excused and almost condoned in recent weeks on the ground that they were touched off by the tragic murder of Dr. King, that it was more important to spare lives than to save property and that the use of force would only cause more bloodshed. But is it right to spare bloodshed by condoning arson, looting and open defiance of the law? Can we permit periods of complete anarchy without undermining the entire legal system of the nation?

As recently pointed out by James Reston in The Times, this raises many perplexing legal questions over which lawyers will be arguing for a long time. Is one man convicted of arson in Connecticut to be sent to prison for 10 years while packs of arsonists in Washington burn down whole city blocks with comparative immunity? Are the owners of small businesses to pay the full penalty of police restraint or should their losses somehow be made a charge on the whole community? Are our insurance companies to pay for these outbreaks of violence or do such spasms of lawlessness amount to insurrection which relieves the companies of liability? Meantime, while these legal questions are being pondered, many in Washington and some of our own burned out cities, seem to feel that something even deeper than the law is at stake now: that the whole foundation of order, reason and confidence which sustains a civilized community has broken down. To prevent this, I subscribe to those law enforcement officers who say that arsonists caught in the act should be shot on sight, that looters who disregard orders to stop, attempt to escape or resist arrest, should be given the same treatment, and that any use of unlawful force should be subdued by whatever amount of force is required. This, of course, will result in screams of police brutality by those who would scream the loudest anyhow if they were not protected from an outraged public by those same brutal policemen.

Into this first category of acts of actual violence also would fall, of course, attacks by pickets upon the person or property of those disregarding picket lines—and also some of the recent stupid and irresponsible actions of students at Trinity, Columbia and elsewhere seizing college buildings, vandalizing the office of the president, holding captive for hours, even if in orderly and lighthearted fashion the trustees, the dean, or the representative of a chemical company seeking job applicants. Apparently, accustomed to being wholly undisciplined, they question the validity of administrative regulation of their lives and administrative discipline for their violations of such regulations—and then, in typical mob fashion, they demand amnesty for their leaders as a condition for restoring order. To give into such outrageous conduct is to surrender to mob violence and encourage it as a bargaining medium and if such activities continue, I hope that some college presidents or board of trustees soon will have the guts to call for whatever police power is necessary to restore order as was somewhat belatedly done at Columbia, discipline the mob instead of yielding to its demands and finally unhesitatingly expel the ringleaders to make room for some of the thousands of more deserving, decent law-abiding young men eagerly seeking the privilege of attending college.

Youth in general, and students in particular, loudly proclaim their protests over any attempts to regulate their lives by rules or by law, claiming to be mature enough and responsible enough to decide for themselves what is right or wrong, good or bad. Such clashes between students and university demonstrators are, of course, nothing new. What is new in this particular conflict, however, is the fact that students are clamoring today for all of the rights and privileges of full citizenship. Aided and abetted by certain liberal faculty members, they are demanding that their rooms be protected against search without a warrant and that they be able to refuse to answer questions on ground of self-incrimination. They want due process with a capital D and capital P. However, as pointed out bv a college president in a recent article in the American Bar Journal, this means that they also must accept the responsibilities that accompany the rights. If academic administrators must act in all respects like the civil authorities, then inevitably there will be increasing resort to those authorities. In plain language, the colleges will "call the cops," and student misdemeanors no longer will be dealt with in a private office with wide discretionary powers exercised by the dean, but in open court with counsel. Convictions will become part of the student's permanent and public record instead of being kept in a confidential dean's file, regarded as youthful pranks or aggressive intellectualism to be forgotten and forgiven. If that is what the rebellious students want, let them have a taste of it—but they won't like it. They seem unable to realize that behind every right lies a responsibility; behind every privilege, an obligation; and that the first cannot exist without the second; that without some form of public order, no individual has any civil rights—except what he can protect by his own brain and brawn. So, in actuality, they are not appealing to private morality against public law, but are only exchanging the law of the police and the courts for the law of the dean and the trustees. Any other alternative is anarchy. So much for the students—and so much for acts of violence.

My second category of unjustifiable violations of the law consists of those acts which threaten the safety, health or well being of other citizens either directly or by indirectly inciting disorder or breach of the peace. This would include sit-ins, stall-ins, boycotts and mass marches on public streets or roads which, however, peaceably intended and non-violent in their inception physically inconvenience and interfere with the liberties of others and thereby incite disorder and violence. In their early stages, the participants were testing certain specific laws—local ordinances which were clearly discriminatory in nature—against the constitution of the United States—and thereby repugnant to their individual consciences. That sort of relationship between private morality and public law is legitimate and unquestionably has noble tradition behind it. But what our current civil rights and antiwar agitators are demanding is that in the name of their private morality, they be permitted to violate laws that are perfectly constitutional and then be excused on the grounds that they were done for conscience's sake. They seriously believe that they should be allowed to stop traffic during rush hour at busy intersections, to occupy buildings and offices, so as to prevent the rightful owners and occupants from carrying on their legitimate duties; to picket stores in a senseless indiscriminate way so as to interfere with the normal business activities of business men who have meticulously respected the rights of those who are protesting. If it is excusable on grounds of conscience for groups of civil rights or antiwar demonstrators to disrupt a city's traffic or a merchant's business, then why is it not equally excusable for a white citizen council or a group of patriotic supporters of our fighting men, also on grounds of conscience, to step in and forcibly disrupt such demonstrations?

Ironically, most of our present day protesters not only accept but loudly demand the full protection of the law for their rights to dissent, to demonstrate, to speak, publish and assemble. But if the police do not act to shield them from hecklers and bullies, they are outraged. They apparently fail to see that those same police officers are merely doing their same duty when they break up a sit-in or march which threatens to get out of hand. Some of the more bizarre protest groups—the hippies and beatniks in our midst, suggest in their actions and appearance, if not in their words, that all authority, conformity order and law are beneath contempt—curiously failing to recognize the strong likelihood that if their vision of society prevailed they themselves would be the first victims of the lawlessness they advocate. Unrestrained by police and civil law, an outraged public would quickly move in on these "Kookvilles" and clean them out—or at least clean them up.

The third and final category of unjustifiable violations of the law is perhaps the most controversial—actions which undermine the restraining influence of a universal respect for the law by encouraging others to violate it. Such violations cannot be disregarded or condoned, regardless of the motive, whether committed by black or white, whether by rabble rousers of apparent ill will like Stokely Carmichael and H. Rapp Brown, or by men of unquestioned good will like the Reverend Coffin and Dr. Spock. The first two urge the militant blacks to "burn or bomb the whites' stores 'till they have to sell to blacks"; the others counsel, urge and aid young students to violate the draft law and further advocate the offering and escape from prosecution. All four are urging violations of the law and all should be prosecuted—even though miles apart in motive. No man is above the law and no man is below it—regardless of color—and regardless of position. As stated last week by Erwin Griswold, Solicitor General of the United States and former Dean of the Harvard Law School: "Punishment must come simply because the law has been broken. It is the essence of law that it binds all alike, irrespective of personal motive." If the ends sought are the right ones, they can be accomplished by persistent action and hard work—within the law. One outstanding example has been the constructive activism of the thousands of college students who have funneled their sincere crusade for peace into working for the avowed peace-seeking presidential candidates of their choice—instead of burning their draft cards. Another was the "cool it, baby" task forces of militant young Negroes who showed their ability to assume responsibility and authority to preserve order in many of our cities during the crisis following Dr. King's assassination—especially in Newark, where the Negro militant, LeRoi Jones told his followers "cool it and go home." We can take over this city with ballots" As stated editorially in The New Haven Register "No citizen, black or white, could quarrel with such a take over. Ballots, not bullets, is the foundation stone upon which our democracy was erected."

I call upon our militant young students, our militant young Negroes and our militant young whites—to follow these examples, and to join hands with those of us of an older generation who are charged with the responsibility of enforcing the law, to preserve our democractic way of life which, although far from Utopia, is just about the best that man has jet produced.

Albert Einstein once said "A tank is a defense against a bullet, but there is no defense in science against a weapon which can destroy civilization. Our defense is not in armaments, nor in science, nor in going underground. Our defense is in law and order."

A GREAT STATESMAN WILL LEAVE THE SENATE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. ASHBROOK. Mr. Speaker, Senator FRANK J. LAUSCHE will be missed in the 91st Congress. I personally think he is one of the great statesmen of our modern era. Ohio has produced Senator Robert A. Taft and Senator John Bricker. FRANK J. LAUSCHE has served in that great tradition.

In this day when politics has become the unbridled quest for power those with the most money or most voter blocs behind them seem to have the most success at the polls. It is fair to say, however, that while this has proved successful at the polls the labor bosses and party bosses have not produced many statesmen or are they likely to.

FRANK J. LAUSCHE has operated successfully as his "own man" for years and Ohioans have respected him and honored him as few other men have been honored in this century. His leaving the Senate will leave a void which is well described by my friend, James J. Kilpatrick, in the Sunday Star.

I deem it a loss to our country and to the State of Ohio to lose the services of a fine gentleman, a statesman, and a friend like Senator FRANK J. LAUSCHE. I know it will be many years before another man of his caliber comes down the political paths. America is all the poorer for it.

The article follows:

LAMENT FOR LAUSCHE: A VIRTUOSO ON THE HILL

(By James J. Kilpatrick)

Back in mid-April, when the newspaper editors were having their annual consistory out at the Shoreham, I ran into Ohio's Senator Frank Lausche and asked him how he was doing. He rolled those expressive eyes to heaven and crossed his fingers for luck. I promised myself to write a piece about the old maverick, but other things got in the way. Now, dammit, it's too late. He went down to defeat in Tuesday's senatorial primary. His departure from the Washington scene will be a real loss to the Senate, and to the country, too.

Lausche was in a class by himself. Over the years, you came to expect most of the Southern Democrats to rack up a stoutly Republican record, but the old warhorses from Dixie were secure in their saddles; no one paid much attention. By the same token, you knew about where Wayne Morse, the Oregon cactus, would sink his barbs. Lausche was different. He voted his convictions with reckless disdain for party labels. He was a conservative, but a restless conservative; he would not stand and be hitched.

Great day, we will miss him next year! He came to the Senate in 1957, after serving five terms as Governor of Ohio. He had done a brilliant job in the statehouse. My own recollection of Lausche goes back to the fall of 1951, when the National Conference of Editorial Writers met in Cleveland. He held his tough audience with a virtuoso performance on the problems and prospects of State government.

Come to think of it, he always had the air of a virtuoso. He looked like a solo pianist or a visiting guest conductor—swarthy, his hands always in motion, his mobile face urging a faster tempo. Over the years, his great shock of dark hair turned grey; the lines deepened around his eyes and mouth, but he never lost the vitality of 1951. In a chamber of lusty debaters, he held his own with the best.

A good deal was made in the press of the Senator's age—he is 72—but it wasn't his age that beat him on Tuesday. It was a combination of Lausche's own stubbornness and organized labor's strength. The last time the Senator ran, in 1962, he won reelection by nearly 700,000 votes. He spent next to nothing in that campaign, and he adamantly refused to spend much of anything this spring. The people knew where he stood—or they ought to have known. He had voted for the open housing bill, but he also had sponsored (with Strom Thurmond) a tough amendment to punish rioters. He was hard on Vietnam. He was hard, in truth, on just about everything. There was mighty little softness in him.

It is especially ironic that Lausche should have been toppled by former Representative John J. Gilligan, for Gilligan was defeated two years ago by young Robert Taft. In the zoology of politics, Taft is a kitten and Lausche a catamount.

This time, Gilligan benefited from one of those great efforts that labor can mount in Ohio. During his single term in the House (1965–66), Gilligan rated a net 100 percent in the scorecards of the AFL–CIO. By contrast, his rating from the conservative Americans for Constitutional Action was a feeble 7 percent. Gilligan also benefited in Cleveland from the help of Negro leaders identified with Mayor Carl Stokes.

In November, Gilligan will be pitted against the Republican senatorial nominee, Ohio's Attorney General William B. Saxbe. Conservatives who are dismayed by the loss of Lausche may be consoled, to some extent, by the lively hope of seeing Saxbe elected. Saxbe is known as a pragmatist, a savvy campaigner, a competent middle-of-the-roader with broad appeal across the Republican spectrum. The House elections of 1966 demonstrated a Republican trend in Ohio; if the momentum can be sustained in November, Saxbe should win.

But with deference to the gentleman, he won't bring to the Senate the color, the verve, and the bare-knuckled spirit of Ohio's little giant. In the lovely hurly-burly of the Hill, Lausche has fought the good fight. It's a pity to see him knocked out.

QUESTIONNAIRE, 1968, BY HON. JOHN J. RHODES OF ARIZONA

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. RHODES of Arizona. Mr. Speaker, under leave previously granted, I am inserting in the CONGRESSIONAL RECORD my 1968 questionnaire which will be mailed within the next few days to just under 213,000 of my constituents in the First District of Arizona. The questionnaire follows:

DEAR FRIEND: Last year I sent out a questionnaire to get your opinions on several matters. The response was very gratifying and most helpful. Once again I am soliciting your views on some of the more urgent problems facing us in the Congress. Please know that I welcome your answers and find them most helpful.

Sincerely yours,

JOHN J. RHODES.

	A	B	C	D	E
A. Sex: (a) male; (b) female	☐	☐	☐	☐	☐
B. Age: (a) 18 to 24; (b) 25 to 44; (c) 45 to 64; (d) 65 or over	☐	☐	☐	☐	☐
C. Residence: (a) S. Phoenix; (b) Tempe-Mesa-Chandler; (c) Scottsdale; (d) Phoenix	☐	☐	☐	☐	☐
D. Political: In 1964, did you (a) vote Democratic; (b) vote Republican; (c) vote a split ticket, or (d) not vote	☐	☐	☐	☐	☐
1. In the following programs, do you think Government spending should be (a) reduced; (b) maintained at present level; (c) increased:					
Foreign aid	☐	☐	☐	☐	☐
Social security	☐	☐	☐	☐	☐
Space program	☐	☐	☐	☐	☐
Medicare	☐	☐	☐	☐	☐
War on poverty	☐	☐	☐	☐	☐
Defense spending	☐	☐	☐	☐	☐
Farm subsidies	☐	☐	☐	☐	☐
Supersonic transport	☐	☐	☐	☐	☐
2. Which of these alternate solutions comes closest to what you feel should be done in Vietnam: (a) declare open, unlimited war on North Vietnam; (b) bomb dikes and remove present restrictions on other North Vietnamese targets whose destruction may lead to military victory; (c) seal off Haiphong and other North Vietnamese supply depots to force enemy to truce on our terms; (d) contain the Vietcong and the North Vietnamese and work for a truce; (e) withdraw our troops immediately and let the Vietnamese people manage their own affairs	☐	☐	☐	☐	☐
3. Do you favor any additional firearms legislation at this time?—Yes ☐, No ☐					
4. To ease the strain of continued deficit spending, would you favor (a) the administration's proposed 10 percent surcharge on income taxes; (b) cutbacks in government expenditures, or (a)(b) both of these. Punch neither box if opposed to both	☐	☐	☐	☐	☐
5. Do you believe rioting and crime in the streets can be controlled best by: (a) stricter enforcement measures by police and the courts; (b) greater spending to improve conditions in city slums, (c) both of these: (d) neither of these	☐	☐	☐	☐	☐
6. Are you (a) satisfied (b) dissatisfied with the way the administration handled the U.S.S. "Pueblo" incident?	☐	☐	☐	☐	☐
7. How do you rate this administration's overall performance in office: (a) excellent; (b) good: (c) fair; (d) poor	☐	☐	☐	☐	☐

HON. JOE MARTIN

HON. OMAR BURLESON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. BURLESON Mr. Speaker, I came to Congress in the 80th session. Joe Martin was Speaker then. I never knew a more kindly and considerate man and shall always appreciate and hold an especially warm place in my heart and memory for him.

He was understanding of the freshman in this body and as I look back, I find that he was like all great men in such responsible positions—they would not have been there if they had been lacking in these qualities.

Speaker Martin was a man anyone would want to call his friend and he reciprocated with a warmth never to be forgotten.

SMALL BUSINESS WEEK IN NORTH CAROLINA

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. GALIFIANAKIS. Mr. Speaker, in view of the fact that the week of May 12 through May 18 has been designated "Small Business Week in North Carolina," I insert the following statement by Gov. Dan K. Moore into the RECORD:

STATEMENT BY GOV. DAN MOORE

In response to a request from The Small Business Administration I am pleased to call attention of the citizens of North Carolina to the vast and indispensable contributions made to our national success by small business firms. They always have been a fountain of personal independence and advancing living standards among our people. The United States now has more than five million small businesses, which turn out more than one-third of our goods and services and provide almost 40 per cent of the total employment. Today, more than ever before, small business is a field of innovation and opportunity.

Therefore, I am pleased to designate May 12–18, 1968, as "Small Business Week in North Carolina" and I commend the observance as being a worthwhile endeavor.

DOES THE NAVY HAVE THE RIGHT TO LIE?

HON. JOSEPH Y. RESNICK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. RESNICK. Mr. Speaker, when I originally became interested in the case Lt. Comdr. Marcus A. Arnheiter over a year ago, my main concern was not to determine whether Arnheiter was innocent or guilty, but rather, to determine whether he had had his "day in court," whether he had, in fact, been given a fair hearing in accordance with the Uniform Code of Military Justice.

It was only after I determined that he had not received a fair hearing that I wrote to Secretary of the Navy Paul R. Ignatius and House Armed Services Committee Chairman L. Mendel Rivers. Both of these gentlemen replied that "no further inquiry was necessary" in this case.

However, there was ample evidence—including the statements of a number of high-ranking naval officers—which indicated that further inquiry was very necessary in this case. It was at this point that I decided to hold ad hoc hearings.

This inquiry, which I held last week, I believe, proved beyond any doubt, that Arnheiter was not given a fair hearing. In fact, the hearings proved that there was no longer any question of his guilt or innocence, because the Navy had, on three separate occasions, vindicated him.

Throughout the course of these hearings, I repeatedly gave the Navy the opportunity to participate. I urged them to send anyone they chose, to introduce any evidence they chose, to cross-examine any witnesses they chose. They refused.

Instead, they remained on the sidelines and said nothing. Then, after the hearings were concluded, and the Navy felt that it was safe from challenge and cross-examination, in order to counteract unfavorable publicity, they released to the press a statement containing some of the charges which had originally been brought against Arnheiter, and which the Navy's own men had thrown out.

Proof of this is contained in the second endorsement of Vice Adm. Walter E. Baumberger, submitted November 1, 1966. This entire case and the Navy's behavior raises in my mind—and, I am certain, in the minds of many Americans—one very disturbing question. That question is—does the U.S. Navy have the right, for any reason, to lie to the American public?

I respectfully include Vice Adm. Baumberger's second endorsement in the Record at this time:

DOES THE NAVY HAVE THE RIGHT TO LIE?

(Second endorsement on Capt. Ward W. Witter, USN, 085147/1100, COMDESRON 11 INVESTRPT Ser 70 of April 27, 1966)

From: Commander Cruiser-Destroyer Force, U.S. Pacific Fleet.

To: Judge Advocate General.

Via: Commander-in-Chief, U.S. Pacific Fleet.

Subject: Investigation to inquire into the circumstances connected with the relief of Lieutenant Commander Marcus A. Arnheiter, USN, 554819/1100, from command of USS *Vance* (DER 387), which occurred on or about 1 April 1966

Reference: (f) COMCRUDESPAC First Endorsement to COMCRUDESGRU, U.S. Seventh Fleet ltr ser 137 of 26 May 1966.

Subj: Detachment of Lieutenant Commander Arnheiter from command of USS *Vance* (DER 387)

Enclosed: (35) Copy of reference (f)

1. Readdressed and forwarded.

2. In paragraph 11 of the Preliminary Statement to the Investigative Report the following statement appears:

"Due to the nature of this investigation, the Investigating Officer has not been able to fix in his mind how he can proceed from testimony, to facts, to opinions and end up at recommendations in the classical pattern of the normal invesigation."

There appears an additional statement that many of the opinions are based on matter that could not feasibly be laid out in the "facts section". It is considered that had the Investigating Officer pursued his inquiry in accordance with the dictates of the convening order and conducted the proceedings in strict accordance with the provisions of reference (a), he may have avoided this dilemma.

3. An Investigation is a quasi-legal proceeding designed to determine facts, and, where appropriate, to state opinions based upon factual determinations, and to make recommendations as to the disposition of certain matters relative thereto. This Investigation was convened to inquire "into the circumstances connected with the relief of Lieutenant Commander M. A. Arnheiter from command of USS *Vance* (DER 387)." [It is evident that from its inception the Investigating Officer changed the purpose for which the Investigation was convened—that of determining the factual validity of allegations made against the commanding officer which had occasioned his summary relief—to one of whether he is "the type of officer who deserves command at sea.] . . . (Preliminary Remarks, para 8). It is not surprising, therefore, that in pursuing this objective the Investigating Officer found it necessary to hold long off-the-record "discussions" with Lieutenant Commander Arnheiter to get him to see "the overall problem" (Preliminary Remarks, para 6). Conceding that an inquiry for the purpose of the Investigation was convened is most difficult under ideal circumstances, [the Investigating Officer in his approach unwittingly compounded his already difficult task by injecting himself personally into the role of a "psychologist" rather than that of an impartial finder of fact. Indicative are his improper comments respecting Lieutenant Commander Arnheiter's "vicious exchanges" and "incredulous tones in responses." Well intentioned as these "illuminating" remarks may be, they are completely improper in the context in which they appear in the record, and indicate a lack of objectivity on the part of the Investigating Officer. Further, the record is replete with instances in which the Investigating Officer either neglected or refused to pursue available evidence concerning specific allegations of misconduct. His findings of fact are for the most part based upon the unsubstantiated opinions of witnesses inimical to Lieutenant Commander Arnheiter.

Particularly noteworthy is the seeming disregard in the findings of fact and opinions of the prerogatives of a commanding officer, of the circumstances surrounding some of his admitted violations of regulations, and the sometimes less than adequate support he had a right to expect from his subordinates.

4. A reinvestigation of the allegations is not deemed practical by the Type Commander. Accordingly, an objective review of this record has been undertaken. Separate findings and opinions respecting incidents into which inquiry was made are submitted below. Additional findings, opinions, and recommendations are likewise included. Only those portions of the Investigative Report and the First Endorsement thereto not in conflict with the following are approved. The remaining findings and opinions are disapproved.

5. Towing Motor Whale Boat.

FINDINGS OF FACT

a. That on one occasion during the exit from Song Cau Harbor the ship's motor whaleboat, containing 8 unidentified men and one unidentified officer, was towed behind *Vance* which was advancing at night at an alleged speed of 12 knots in a "choppy" sea. (Encl (22), pg. 20) (Encl (24), pg. 4)

b. That since *Vance*'s aluminum boat davits had failed on the ship's last deployment the commanding officer alleges he attempted to tow the boat to save the boat davits and to save time consumed in lowering the boat. (Encl (24), pg. 4)

c. That on another occasion the "speed boat" was towed at night at a speed of 15 knots with one officer and two men embarked. (Encl. (11), pg. 38) (Encl (22), pg. 20)

OPINION

a. That in the absence of testimony of those persons embarked in the boats, meteorological data, kind of line used, duration of time that boat was towed, nature or urgency of the operation which deemed towing of manned boats advisable, etc., there is insufficient evidence to make a determination of the propriety of these evolutions.

6. Abandonment of Ship's Motor Whale Boat.

FINDINGS OF FACT

a. That *Vance* departed the immediate vicinity of its motor whale boat at night on an undetermined date, in an unidentified area, for an undetermined period of time.

b. That *Vance* departed in order to pursue three unidentified junks. (Encl (9), pg. 3) (Encl (11), pg. 9)

c. That upon apprehending the junks they were tied alongside *Vance* and towed back into the bay where the motor whale boat was picked up. (Encl (11), pg. 9)

d. That the record does not contain ship's logs, charts, testimony of lookouts, testimony of persons embarked in the boat respecting what danger, if any, they were placed in, etc.

OPINION

a. That since the mission of *Vance* included pursuit and search of unidentified craft in its area, the evidence of record does not indicate that *Vance*'s departure from its whale boat in this instance was improper.

7. Use and Acquisition of Speedboat.

FINDINGS OF FACT

a. That the allegation that the speedboat was used to draw enemy fire thus enabling *Vance* to conduct gunfire support is completely without credible foundation.

b. That the use of speedboats for "patrols" involving search of junks was encouraged by the CORTRON Commander; the ship's motor whale boat was also used for such search and boarding of junks. (Encl (24), pg. 5)

c. The speedboat was used in many instances for recreational purposes.

d. That the speedboat was purchased with the consent of the ship's Welfare and Recreation Committee. (Encl (9), pg. 10 & 13) (Encl (11), pg. 35) (Encl (21), pg. 5) (Encl (22), pg. 21) (Encl (24), pg. 6)

OPINION

a. That there is no evidence indicating that the acquisition by *Vance* of the speedboat from ship's Welfare and Recreation Funds was improper, or that its limited use as a "scout boat" was censurable.

8. Causing False Position Reports to be Transmitted From the Ship Knowing Such Report to be False.

FINDINGS OF FACT

a. That CSC Qui Nhon required ships operating locally to report their positions every two hours. (Encl (5), pg. 15)

b. That at 1400 and 1600 on an undetermined date in which *Vance* had followed the USS *Mason* (DD 852) which was proceeding to a gunfire support mission, the commanding officer caused a position "other" than *Vance*'s actual position to be transmitted to CSC Qui Nhon. (Encl (5), pg. 15)

c. That Lieutenant Generous, the ship operations officer claims that other false posits were sent to CSC Qui Nhon by *Vance*. (Encl (5), pg. 15)

d. That CSC Qui Nhon was not in *Vance*'s operational chain of command. (Encl (22), pg. 19)

OPINION

a. That the allegedly false posits noted in para b above related a lineal distance difference from the actual position of "several miles; about 10 miles". (Encl (5), pg. 15)

b. That the Commanding Officer, USS *Vance* considered that position reports to CSC Qui Nhon were unnecessary and not required.

c. That CSC Qui Nhon was at all times aware of the general area in which *Vance* operated. (Encl (24), pg. 4)

d. That the general area in which *Vance* operated extended about 105 miles North and South and about 40 miles East and West. (Encl (5), pg. 17)

e. That in the absence from the record of copies of the alleged false position reports ship's log entries. CSC Qui Nhon Regulations and OP-orders applicable to *Vance* it is impossibe to determine the extent of the alleged false posits; and that in the absence from the record of any factual definition of CSC Qui Nhon's precise involvement in coastal operations, responsibilities, etc., it is *impossible to determine* whether the false posits, sent by *Vance* hampered related evolutions.

9. Delay in AN/SPS–10 Radar CASREP.

FINDINGS OF FACT

a. That on 31 January 1966, the commanding officer was first informed that the AN/SS–10, surface search radar, was not operating properly, i.e., the drive gear which caused the antenna to turn was slipping. (Encl (24), pg. 11)

b. That it was observed that the seas were rough at the time and that therefore the ship was not a stable platform. (Encl (5), pg. 24) (Encl (24), pg. 11)

c. That the commanding officer ordered that the radar not be used in heavy seas, but that it be placed in standby, for emergency use only. (Encl (24), pg. 11)

d. That the AN/SPS–8 radar was used in place of the AN/SPS–10. (Encl (20) pg. 2)

e. That on 7 February 1966 the commanding officer released *Vance* message 070400z which informed higher authority that AN/SS–10 performance was diminishing in heavy weather. (Encl (24), pg. 11)

f. That on 10 February 1966 the commanding officer released a message casualty report on the AN/SPS–10. (Encl (24), pg. 12)

g. That on about the 20th of February 1966 the radar was rendered operable by the ship's force through the jury-rig method, and, thereafter, it operated satisfactorily for about 45 days at which time the ship entered Manila. (Encl (20), pg. 1)

h. That the evidence of record relating to the precise status of the radar during the period 31 January to 10 February 1966, about 10 days, is not clear and in serious conflict. While some witnesses testified that the radar was totally inoperative during this period, (Encl (5), pg. 24); (Encl (20), pg. 1, pg. 2), the commanding officer alleges that it was only so due to his direction that the radar be placed in standby, for emergency use only (Encl. 24), p. 12). He further states that it was placed in the standby condition in order that the ship's technicians might be able to work on it and thereby effect repairs or accurately diagnose the situation as one beyond the repair capabilities of the ship's force (Encl (24), pg. 12).

1. That the commanding officer affirmatively asserts that at no time was the ship's capability adversely affected by the status of the AN/SPS–10 radar (Encl (24), pg. 12); and that this contention is unrebutted by evidence of record.

OPINION

a. In view of the unequivocal fact that the radar was subsequently repaired at the commanding officer's urging, in a short period of time, and thereafter operated satisfactorily for over 45 days, and in the absence of any clear and convincing evidence that the radar was totally inoperative during the period in question, it is considered that the question of whether the radar was required to have been reported as a casualty is purely academic, and a matter properly within the prerogatives and judgment of the commanding officer. There being no showing to the contrary, it is considered that this incident should not be made the basis for criticism.

10. CTU 70.8.5 Request for list of onboard critical diesel parts.

FINDING OF FACT

a. That on about 13 March 1966 *Vance* received a message originated by CTU 70.8.5 requesting an accurate inventory of certain critical diesel parts on board. Lieutenant junior grade Edward G. Fuehrer, *Vance*'s Engineering Officer, having prepared a message reply reflecting the actual number of parts aboard, expressed to the commanding officer that he hoped the ship would not be robbed of an adequate supply of spare parts. The comamnding officer directed Lieutenant junior grade Fuehrer to list what he, Lieutenant junior grade Fuehrer, thought other DER's had. The commanding officer then released a message which did not reflect the actual number of spare parts aboard. (Encl (10), pgs. 5 & 6); (Encl (24), pg. 37).

OPINIONS

a. That although the messages released did not reflect the actual number of spare parts aboard, the extent of the messages misrepresentation cannot be determined. The commanding officer's stated purpose with respect to this irregularity, "was to make available. . . . for redistribution the maximum number of such parts that, in the opinion of the (his) Engineering Officer, the ship could possibly provide without gravely undermining (the) ship's ability to carry out her assigned mission". (Encl (24), pg. 36).

b. That despite his stated purpose, the deliberate omission of a single item, in response to his Unit Commander's request, constitutes censurable conduct. However, since the extent of the misrepresentation is unknown the degree of dereliction cannot be determined.

11. Gunfire Support Missions.

FINDINGS OF FACT

a. That on 30 January 1966, while searching junks, the *Vance* came upon the USS *Bache* which was conducting shore bombardment. The *Vance* inquired as to whether *Bache* required assistance and received a negative reply. *Vance* then proceeded up the coast several miles where she anchored. While scanning a nearby hill the commanding officer asserted that he saw something near a small hut on the hill. He fired an M–1 rifle at the location and thereafter directed that .50 caliber machine gun and 3/50 fire come to bear on the hut. The firing was of several minutes duration. (Encl (10), pgs. 3 & 7) (Encl (11), pg. 32) (Encl (21), pg. 3) (Encl (24), pg. 48).

b. That *Vance* conducted gunfire support in company with USS *Mason* on an undetermined date.

c. That it was understood that DER's could engage in naval gunfire when the following conditions existed:

(1) When U.S. or friendly forces are under fire, U.S. air or ground spotters are present, and naval gunfire is considered urgent.

(2) When assigned a preplanned fire mission by CTF 115.

OPINIONS

a. That the shore bombardment by *Vance* on 30 January did not fall strictly within the rules of engagement as specified by the Operation Order.

b. That *Vance*'s shore bombardment in company with USS *Mason* was directed fire and within the rules of engagement. Accordingly, it is considered that this incident does not warrant criticism.

12. Material Acquisition.

FINDINGS OF FACT

a. That Lieutenant junior grade Williams, the weapons officer, at the direction of the commanding officer, procured 15 M–1 rifles in excess of the ship's allowance. In addition, the commanding officer directed procurement of .22, .38 and .30 caliber ammunition for which the ship had no allowance. (Encl (7), pg. 1) (Encl (24), pg. 14)

b. That the commanding officer directed the weapons officer to procure various items for the ship among which were 24 fifty-five gallon oil drums, to be used for target practice. That Lieutenant junior grade Belmonte eventually was assigned this task, but was unable to obtain authorization for the removal of oil drums that he located on the Naval Base in Guam. Thereafter, he caused them to be brought aboard *Vance* without authorization. (Encl (11), pg. 22)

c. That at the direction of the commanding officer, Lieutenant junior grade Robert H. Gynn, USNR, the supply officer purchased 100 rolls of polaroid, 26 Kodakcolor film mailers, 25 movie film mailers and 50 rolls of black and white "plus X" and an undetermined quantity of 8 millimeter movie film. These items were paid for out of the ship's Optar fund at a cost of about $370.00. The film was expended on various shipboard evolutions, search and seizure of junks, and, allegedly, for other "intelligence purposes."

OPINIONS

a. That procurement of 15 M–1 rifles in excess of the ship's allowance was justified in that they were used to outfit the ship's special fire team. It is considered that exceeding the ship's allowance of such items is not improper where they are legally obtained for a lawful purpose.

b. That although the 24 fifty-five gallon oil drums were obtained without authorization, evidence of record does not support the contention that the commanding officer directed this illegal procurement.

c. That the purchase of about $370.00 in film from Optar funds is authorized. Since the record does not establish that such an expenditure for film prejudiced the ship's capability to procure other more critical items, and no evidence of record that the film was improperly used, the purchase of these items is not considered irregular.

13. Reduction of in-port watch to level below that required by Fleet Commander.

FINDINGS OF FACT

a. That Commander Seventh Fleet Instructions require that at least one-third of the crew be aboard at all times.

b. That prior to a mess night held while *Vance* was in Guam, Ensign Bernard O. Black was directed by the commanding officer to relieve Lieutenant W. T. Generous as command duty officer of *Vance* during the evening. (Encl (5), pg. 1 & 2) (Encl (8), pg. 1)

c. That Ensign Black, as command duty officer, was the only officer aboard which for a period of about six hours during which the remainder of the ship's officers attended the mess night of the Naval Base Officers' Club. (Encl (22), pg. 17).

d. That Ensign Black was the ship's junior Ensign and had been abroad for about two months and had occupied the billets of Damage Control Assistant and R-Division Officer. (Encl (8), pg. 1).

e. That *Vance* was tied up to "Sierra" Pier with no ship outboard of her. (Encl (5), pg. 2 & 3).

f. That the engineering plant was in a cold-iron condition: *Vance* had no operational commitments; electrical power was being received from the pier. (Encl (5), pg. 2 & 3).

g. That there is no evidence that the enlisted manning fell to less than one-third or that the enlisted watch set was inadequate.

h. That Ensign Black had readily accessible telephone communications with the Officers Club where the commanding officer and the ship's officers were located. (Encl (5), pg. 3) (Encl (8), pg. 1).

i. That no problems, not easily handled, were encountered by Ensign Black.

OPINION

a. The violation of Fleet Regulations is not to be condoned. The "one-third" requirement is obviously designed to ensure a degree of readiness to meet emergencies. The nature of *Vance*'s employment on that occasion, and the otherwise normal manning of inport watch stations tends to mitigate the violation, however.

14. Small Arms firing in the vicinity of junks.

FINDINGS OF FACT

a. That on various occasions the commanding officer did fire both rifles and pistols from the bridge in the vicinity of junks tied up alongside *Vance*.

b. That the commanding officer's targets on these occasions consisted of sea life in the area. (Encl (8), pg 1).

c. That on one occasion the commanding officer fired "ahead" of a junk that had failed to heed the ship's signal to come alongside. (Encl (15), pg. 3).

d. That without exception the testimony of record attests to Lieutenant Commander Arnheiter's outstanding markmanship.

OPINION

a. Excepting the evidence described in paragraph 14b, above, the commanding officer's firing at sea life in the close proximity of junks alongside *Vance* was imprudent.

15. Signing a fraudulent survey report that was known to be false.

FINDINGS OF FACT

a. That on 5 February 1966 three large motorized junks entered *Vance*'s area from the North. (Encl (10), pg. 4).

b. That *Vance* released a confidential message DTG 051242z February 1966 concerning the encounter. (Encl (24), pg. 3).

c. That each of the junks contained about 30 persons, many of whom were children who appeared to be in ill-health. (Encl (10), pg. 4 & 5) (Encl (24), pg. 3).

d. That the persons embarked in the junks, claiming to be refugees from a bombed out village, appeared to be hungry. (Encl (10), pg. 6) (Encl (24), pg. 3).

e. That upon being directed by the commanding officer to provide candy for the refugee children, the ship's Supply Officer, Lieutenant junior grade Gynn, informed the commanding officer that it could not be provided from the ship's store unless it was paid for. (Encl (10), pg. 5).

f. That the commanding officer directed the supply officer to provide a full day's supply of canned milk, fruit juices, bread, candy, and toilet paper. (Encl (24), pg. 3).

g. That the commanding officer later ordered the supply officer to survey the candy as "unfit for use" to cover its cost on the records, and that the survey form was signed by the commanding officer, supply officer, and the executive officer.

OPINION

a. That in the absence from the record of the *Vance* message, the survey form, the photographs, and testimony of the ship's hospital corpsman, the commanding and supply officers' versions of the incident must be accepted, and that while surveying the candy as "unfit for use" was improper—the insistence by Lieutenant Commander Arnheiter that food and candy be provided under the circumstances was justified and should not be made the subject of censure.

16. Introduction of Alcohol to the Wardroom.

FINDINGS OF FACT

a. That Lieutenant junior grade Gerald J. Prescott, USNR, was presented with a list of cooking wines and brandies that he was to procure for the wardroom (Encl (18), pg. 5). Subsequently, while in Subic Bay, Lieutenant junior grade Prescott purchased $16.00 worth of Cherry Heering and sherry which was given to the executive officer upon his return to the ship. (Encl (18), pg. 5).

b. That the Cherry Heering, termed "Guamanian Guava Berry Juice" on the menu, and the sherry were poured over various types of desserts such as peaches, baked apples, strawberry short cake, etc. (Encl (5), pg. 22). (Encl (7), pg. 9).

c. That these alcoholic beverages were kept in the custody of the executive officer and dispensed at the direction of the commanding officer. (Encl (18), pg. 5).

d. That on Christmas, eggnog was provided that was "obviously spiked". (Encl (5), pg. 22).

OPINIONS

a. That the alcoholic beverages were not explicitly revealed as such to the wardroom officers.

b. That the alcoholic beverages did not produce any effects of intoxication or symptoms of the influence of alcohol upon wardroom officers. (Encl (5), pg. 23).

c. That other than the instance in which alcohol spiked eggnog was used on Christmas, no alcohol was introduced for beverage purposes.

d. That the commanding officer was personally responsible for introduction of said alcohol aboard USS *Vance* (Encl (24), pg. 28b), and felt that its use on gourmet dishes upgraded the etiquette and tastes of the wardroom officers.

e. That the introduction of alcoholic beverages for other than medicinal purposes for consumption aboard is contrary to Navy Regulations and cannot be condoned.

17. Alleged Mess Share Discrepancies.

FINDINGS OF FACT

a. That during the month of November the ship's galley was closed, but a mess bill was collected (Encl (18), pg. 2), which resulted in an increase in the value of the mess share. Although the galley was reopened in December, a mess bill was not collected for this month in order to deplete the high mess share resultant from the month of November in which no expenditures were incurred (Encl (19), pg. 3). In January, at the direction of the commanding officer, the mess treasurer prepared two mess statements. One statement reflected the actual expenses of December (excluding $150.00 spent for a mess night in Guam) resulting in a mess share of $18.00. The other statement reflected the actual expenses of December plus $150.00 for the mess night, resulting in a mess share of $7.14 (Encl (18), pg. 1) (Encl (14), pg. 6). The mess night in Guam, with its attendant, $150.00 expenditure, actually occurred in January. (Encl (18), pg. 1) (Encl (14), pg. 6). The commanding officer elected to charge the December statement for the January mess night expenditure resulting in a mess share reduction from $18.90 to $7.14.

b. That the commanding officer, pursuant to arrangements made by the prior commanding officer, Lieutenant Commander Wright remained a guest of the wardroom until 1 January, 10 days after he had assumed command. He joined the mess, however, after he made the election noted above which resulted in reduction of the mess share. The commanding officer then assessed himself an additional $10.00, thereby realizing a "windfall" of $1.85.

OPINIONS

a. That the commanding officer's change in procedures was affected in order that the mess bill for a particular month would be determined on the basis of anticipated expenditures for that month as opposed to collecting for such expenditures the following month.

b. That the commanding officer, as the mess president, may determine and effect methods and policies for management of wardroom funds as his judgment deems appropriate. Accordingly, while the reflection of a January expenditure on a December mess statement may constitute a form of "book juggling", it was manifestly within the prerogatives of the mess president to ordain that accounts will reflect anticipated future expenditures and that wardroom functions will be financed from existing wardroom assets rather than be the subject of a separate later assessment of individual members.

c. That the circumstances described do not indicate that the commanding officer was motivated in this instance by a desire to save himself $1.85.

18. Violation of Ship's Store and Postal Regulations

FINDINGS OF FACT

a. That the commanding officer, while officiating over the inspection of junks alongside *Vance*, requested that he be provided a pair of sun glasses. The ship's store operator reported to the bridge with several pair from which the commanding officer selected one pair, but did not tender payment at the time. (Encl (10), pg. 3). The commanding officer, however, personally paid for the sunglasses later on the same day. (Encl (24), pg. 8)

b. On the occasion of the departure from the ship of a Vietnamese Liaison Officer, the commanding officer directed that the ship's store operator report to the bridge with a ship's cigarette lighter and some soap, which were subsequently given to the liaison officer. The commanding officer directed the ship's store operator to collect for the items from the proceeds of the "boner box". (Encl (24), pg. 8)

c. That following an evening meal it was discovered that the wardroom supply of cigars had been depleted. The commanding officer directed that the ship's store operator report to the wardroom with a box of cigars for the officers. Payment was not tendered immediately but was made on a later occasion from the proceeds of the "boner box". (Encl (10), pg. 3)

d. That upon assumption of command the commanding officer directed that he be provided postage stamps for the mailing of change of command announcements, directing the postal officer to find some authority for obtaining the stamps at government cost. During the next two and a half months the commanding officer repeatedly insisted that the stamps could be paid for by the government while the postal officer asserted that he was unable to find any authority for it. When the commanding officer became satisfied of the validity of the latter fact, he tendered $11.57 to cover the cost of the stamps. (Encl (14), pg. 3 & 4) Prior to this event, the postal officer, Lieutenant junior grade Hamaker, had advanced his own private funds to cover the shortage, (Encl (22), pg. 3) yet no request had been made to the commanding officer for payment. (Encl (22), pg. 4)

OPINION

a. That in the above instances the letter of the law was violated. However, as the "credit" extended was minor in nature, not a continuing occurrence, and payment was always tendered, it is considered that there was no attempt or intent to defraud.

19. "Boner Box."

FINDINGS OF FACT

a. The "boner box", initiated by the commanding officer on about 10 January 1966, consisted of a small box into which the ship's officers were required to deposit a quarter (25¢) (to treat all other officers to cigars after dinner) each time they committed various infractions. The offenses for which fines were assessed were determined largely by the commanding officer; however, the "system" was administered by the executive officer. Some of the fines assessed are listed below:

Lieutenant junior grade Meisner.—Improper use of knife at meal—$1.25; Coming to dinner in a sweaty shirt 25¢. (Encl (7), pg. 2)

Ensign Black.—Not taking enough navigational fixes. (Encl (8), pg. 3)

Lieutenant junior grade Gynn.—Substituting green beans on wardroom menu in place of asparagus. (Encl (10), pg. 1 & 2)

Lieutenant junior grade Belmonte.—Coming to 0900 briefings unshaven; improper uniform (wearing T-shirt in WPF) (Encl (11), pg. 17); one of his men answering the commanding officer with "yes sir" vice "aye, aye, sir". (Encl (11), pg. 18).

b. The "bone box" system started about 3 to 4 weeks after Lieutenant Commander Arnheiter assumed command. During its tenure a total of about $30.00 was collected which was spent primarily for cigars for the wardroom officers. (Encl (22), pg. 10) (Encl (24), pg. 4).

OPINIONS

a. In the majority of cases, the fines were assessed for repetition of the types of offenses noted above. (Encl (10), pg. 2) (Encl (22), pg. 43).

b. That the "boner box" was instituted by the commanding officer as a means of correcting breaches of etiquette and for the purpose of emphasizing his desire for more than merely adequate performance of duty.

c. That the wardroom officers did not object to the purpose of the "boner box", but rather to the means used to correct what in most cases were admitted infractions.

d. That once it came to the attention of the commanding officer that the "boner box" was resented, it should have been discontinued and other measures taken to correct the officers concerned. In the absence of consent by all the wardroom officers the "boner box" concept approaches imposition of punishment without the procedural guarantees set forth in Article 15, UCMJ.

20. Moral Guidance Lectures.

FINDING OF FACT

a. That the commanding officer initiated a program of conducting "moral guidance" lectures on the fantail on Sunday mornings, at which attendance of the officers and men was compulsory. Various members of the crew, as well as some of the officers, objected to attending these sessions on the grounds that they were religious in nature and infringed upon the right to free exercise of religion. As the program proceeded, however, the commanding officer played a less active role, various members of the crew being selected to give presentations on subjects relating to morals, leadership, naval character, marriage, and conduct ashore. (Encl (6), pg. 3) (Encl (10), pg. 12) (Encl (11), pg. 21).

OPINION

a. That although the nature of the initial lectures did have religious overtones, the tenor of the program subsequently changed to conform with the spirit of General Order 21 to which objection could not reasonably be raised.

21. Alleged Disproportionate Expenditures of Welfare and Recreation Funds.

FINDINGS OF FACT

a. That the commanding officer directed expenditure of Welfare and Recreation funds for the following:

(1) Bus tours of the island of Guam.

(2) Ship's dinner party for the crew in Guam.

(3) Transportation to and from Chapel on Sundays in Guam.

(4) Transportation to swimming pools in Guam.

(5) Beach picnics in Guam.

(6) Tours of Bangkok.

(7) Steak dinners and beer for the crew at the EM Club in Bangkok.

(8) Hiring of independent taxi in Bangkok, controlled by the executive officer, and available for the crew's use.

(9) Hotel accommodations in Bangkok, for officers, chief petty officers, and also used by some enlisted men.

OPINIONS

a. That the commanding officer personally arranged for the preceding recreational activities for the crew in the almost complete absence of recommendations, or action on the part of the Welfare and Recreation Council itself. The two wardroom mess nights were financed exclusively by the wardroom mess. Although Welfare and Recreation funds were not spent on a strictly per capita basis in Bangkok, the preponderance of evidence does not support the insinuation that such funds, overall, were disproportionately expended.

b. There is no evidence of impropriety in the expenditure of Welfare and Recreation funds.

22. Alleged Irregularities of Recommendations for Awards and Medals.

FINDING OF FACT

a. That the commanding officer recommended certain officers and men of the *Vance* for various awards and medals. The executive officer recommended the commanding officer for a Silver star.

OPINION

a. That, although the record contains many references and allegations that the executive officer was coerced into recommending Lieutenant Commander Arnheiter for an award, the record contains no credible evidence in support of a contention that the recommendations for medals and awards for either the commanding officer or members of the crew were in fact coerced or executed in bad faith.

23. In enclosure (3) the propriety of the procedures utilized by the convening authority in effecting Lieutenant Commander Arnheiter's relief is questioned by his counsel. The same issue was raised by Lieutenant Commander Arnheiter in his reply to the convening authority's letter to the Chief of Naval Personnel requesting sustainment of Lieutenant Commander Arnheiter's relief. For the reasons set forth in paragraph 3 of the First Endorsement thereto, reference (f), the Type Commander is of the opinion that although this Investigation does not contain sufficient proof of misconduct to justify Lieutenant Commander Arnheiter's relief for cause, the allegations made against him under the conditions then pertaining, justified his relief under the provisions of Articles C–7801, subparagraph 4(d)(2) of reference (b). The foregoing notwithstanding, however, the Type Commander is of the further opinion that the record is clear that sufficient time did exist to have disclosed to Lieutenant Commander Arnheiter the general nature of the allegations at the time he was relieved.

24. A review of the proceedings of this Investigation reveals that during Lieutenant Commander Arnheiter's tenure as commanding officer of *VANCE* he exhibited a lack of tact and good judgment in his attempt to achieve commendable goals. It is obvious that many of his methods were not understood and, thus, not supported by some of his subordinates. It is clear that there existed a severe personality conflict between Lieutenant Commander Arnheiter and his operations officer, Lieutenant Generous. With respect to this, Lieutenant Generous' performance was colored to a degree intolerable to Lieutenant Commander Arnheiter, and the overtones resulting undoubtedly contributed greatly to the low state of morale on the part of some of the officers in *VANCE*. Inasmuch as the foregoing is in large measure conjectural it is considered that this trait, if other than a personality conflict, will be revealed in Lieutenant Generous' future performance. No further inquiry into this matter as it relates to this case is deemed feasible or desirable. The Type Commander's views on this and other related matters in this case are contained in reference (f).

THE FEDERAL DATA CENTER: PROPOSALS AND REACTIONS

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. RUMSFELD. Mr. Speaker, I would like to submit for the consideration of my colleagues a paper prepared by Robert L. Chartrand, information sciences specialist at the Library of Congress, with the assistance of Louise Giovane Becker, entitled "The Federal Data Center: Proposals and Reactions." I believe this to be a useful presentation and commend Mr. Chartrand for his continuing efforts to encourage and add to the dialog on this important subject.

The text of the paper follows:

THE FEDERAL DATA CENTER: PROPOSALS AND REACTIONS

(By Robert L. Chartrand, Information Sciences Specialist, Science Policy Research Division, assisted by Louise Giovane Becker, Research Assistant)

INTRODUCTION

With the invention and development of the electronic computer, a new dimension was added to man's ability to index, store, process, and retrieve selected information about himself, his activities, and his needs. During the 1960 decade, there has been increasing discussion both in the public and private sectors regarding the identifiable requirement for a coordinated system or national center for the preservation and use of economic data.

Statistical data, sometimes augmented by interpretive commentary, have been collected, stored, and utilized by many Federal agencies. As the planning, programming, and budgeting functions of the Federal community became more complex, it was decided, by the American Economic Association that a study of this critical area should be undertaken by the Social Science Research Council, so that the needs of the Nation might be met in a reasonable way.

The Social Science Research Council created, late in 1960, a Committee on the Preservation and Use of Economic Data. The efforts of this study group were to be but the first in a series of studies, critiques, Congressional hearings, and special analyses which still are in progress.

The issue has broadened significantly since the issuance of the initial report by the Committee on the Preservation and Use of Economic Data. Concern has been expressed by Members of the Congress and authorities on the constitutional rights of the American people that the centralization of statistical data, such as that gathered by the Bureau of Census, the Bureau of Labor Statistics, and the Internal Revenue Service, might lead to an invasion of the privacy of individual citizens.

A review of the salient activities involved in this controversial subject area points up a major dilemma which must be resolved as the United States increases in size and complexity: are data requisite to the proper planning of programs essential to national development to be centralized in one information handling system featuring automatic data processing (ADP) techniques or do the traditional guarantees of personal privacy preclude the collection of such data in a form which may allow unprecedented analysis of information about groups or individual units within society? The answer is unresolved at this juncture. The sequence of events, however, which relates to the subject area begins with the activity of the Social Science Research Council Committee on the Preservation and Use of Economic Data [See Above].

RECOMMENDATIONS CONTAINED IN RUGGLES REPORT

After four years of study the Committee, with Richard Ruggles serving as chairman, submitted its report to the Social Science Research Council, which in turn rendered the findings to the Director of the Bureau of the Budget. The prime concern of the committee was the "development and preservation of data for use in economic research."[1]

The recommendations of the six-man study group included.

First, . . . that the Bureau of the Budget, in view of its responsibility for the Federal statistical program, immediately take steps to establish a Federal Data Center.

Second, . . . that the Office of Statistical Standards of the Bureau of the Budget place increased emphasis on the systematic preservation in usable form of important data prepared by those agencies engaging in statistical programs.

Third, . . . that at an early date the Social Science Research Council convene representatives from research institutions and universities in order to develop an organization which can provide a clearinghouse and coordination of requests for data made by individual scholars from Federal agencies.[2]

In discussion of the problems of data acquisition, indexing, processing, and retrieval, the Ruggles Report explored the tradeoffs involved in the employment of automatic data processing in the handling of such statistical data. Also stressed was the importance of evaluating accurately the ramifications of interagency use of statistical data collected by a given agency for a given purpose. The report noted the requirement for standardization of data and mutual supportability in classifying, storing, and retrieving selected data elements.

Included as an important part of the Ruggles Report is an "initial inventory" of the machine-readable data in the possession of 20 Federal agencies of the Departments of Agriculture, Labor, Interior, Commerce, Treasury, and Health, Education, and Welfare, plus the Board of Governors of the Federal Reserve System. Within the 600 identified repositories of data[3] are approximately 30,000 computer tapes and 100 million punched cards. The inventory was initiated by the Office of Statistical Standards of the U.S. Bureau of the Budget in cooperation with the National Archives and Records Service. Access to these data is not unlimited. Among the constraints on exchange of the data are different management procedures for indexing and storing the variety of forms of written material, diverse criteria for placing caveats on the use of the data by outside groups (whether in the Federal Government or in the private sector), and lack of adequate computer program documentation for processing the data.

The authors of this report recognized that any Federal Data Center must have clear guidelines in the acquisition and utilization of computerized data from other Federal groups. At the present time, the Internal Revenue Service and the Bureau of Labor Statistics offer specific tapes for sale.[4] The committee undertook a special survey of 10 major areas of economic data in order to determine whether existing computerized data could be assembled to aid the researcher. The areas featured were: population, housing and real estate, labor force and wages, education, health, consumer behavior, agriculture, business and industry, government finances and taxation, and foreign trade and payments.[5]

Inasmuch as the proposed Center would furnish a broad spectrum of services, it was indicated in the report that the new establishment would function in a way similar to the Library of Congress by being responsible for providing "a systematic and comprehensive coverage of the material available in its area of competence."[6] Also, the Federal Data Center's activities in the statistical area were likened to the role fulfilled by the National Archives in the handling of basic records and documents.

SCOPE AND NATURE OF THE DUNN REPORT

The Ruggles Report was submitted to the Social Science Research Council in April of 1965. Following a review by the Bureau of the Budget, a decision was made there that an evaluation should be undertaken by Edgar S. Dunn, Jr. of Resources for the Future, Inc. Mr. Dunn was directed to concern himself primarily with the first two recommendations listed above. During a six-month period which ended in November 1965, Mr. Dunn examined not only the Bureau of the Budget interest in how statistical data was to be used for research, policy, and decision making in the public and private sectors at various levels of operation, but he also appraised "the relationships between the collecting and compiling processes on one hand, and the preservation and accessibility for further use on the other."[7]

In approaching his task, Mr. Dunn sought to clarify the problem at hand in this statement:

"The central problem of data use is one of associating numerical records and the greatest deficiency of the existing Federal statistical system is its failure to provide access to data in a way that permits the association of the elements of data sets in order to identify and measure the interrelationship among interdependent or related observations. This is true at virtually all levels of use and for all purposes from academic model builders to business market researchers."[8]

In justification of the Ruggles group's recommendation in favor of the establishment of a Federal Data Center, the Dunn critique points out that general purpose data should be accessible not only for easily predictable needs, but for special requests for information. Data files need to be designed and implemented after careful definition of standards and user requests has taken place. File maintenance, always a concern in any large volume environment, must be effected by the directives which satisfy both intra-agency and interagency needs. It is noted that the solution to such problems does not lie, necessarily, in the physical centralization of all existing data, but rather in ensuring a capacity to provide certain data, upon request, to system users.

It is through the passage of new legislative authority that the eventual creation of a coordinated data system can be accomplished, say the Dunn Report. Thus, the "National Data Service Center"—as it is referred to by Dunn—may be afforded file custody of information designated for its use, thereby relieving the participating Federal agencies of certain disclosure restrictions as they pertain to the release of data to the Center. By the same mechanism, the individual agency's obligations for protecting the data sources and content could be transferred to the proposed Center. The location of such a Federal center is discussed and alternatives set forth.

Among the recommendations resulting from his endeavor there are two which Mr. Dunn cites for possible immediate action:

"(1) Development of standards to shape the content of archival records and determine the essential forms of file maintenance and documentation; and

"(2) The 9,000-tape nucleus identified in a special study by Rudolph C. Mendelssohn could be achieved quickly at a cost of approximately $260,000, with funding from the participating agencies."[9]

In establishing an initial capability for any projected Federal Data Center, the following grouping of magnetic tape records is feasible: Internal Revenue Service, 5,300 reels; census housing data, 750 reels; census current population data, 375 reels; Bureau of Labor Statistics Consumer Expenditure Survey, 43 reels; BLS industry hours, earnings, and labor turnover data, 36 reels; and Bureau of Old Age and Survivors' Insurance social security data, 1,900 reels.[10]

The Dunn Report, then, represented a useful additional look at the problems and possible paths of action inherent in creating and operating a Federal Data Center.

INVESTIGATIONS BY THE HOUSE SPECIAL SUBCOMMITTEE ON INVASION OF PRIVACY

As awareness of the recommendations of the Ruggles and Dunn reports became more general, the Special Subcommittee on Invasion of Privacy of the House Committee on Government Operations initiated a series of hearings to consider the question of "the computer and invasion of privacy." Taking heed of the growing demand for placement of selected data in a Federal Data Center, Representative Cornelius E. Gallagher of New Jersey, the Subcommittee chairman, underscored the objectives of the hearings:

"What we seek at this point is to create a climate of concern, in the hope that guidelines can be set up which will protect the confidentiality of reports and prevent invasion of individual privacy, while at the same time allowing government to function more efficiently and facilitating the necessary research of scholars in statistical analysis."[11]

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[1] U.S. Congress. House. Committee on Government Operations. Special Subcommittee on Invasion of Privacy. The computer and invasion of privacy. Hearings before the Special Subcommittee. (89th Cong., 1st sess., July 26–28, 1966). Washington, U.S. Gov't. Print. Off., 1966. Appendix 1, p. 195.

[2] *Ibid.*

[3] *Ibid.*, p. 201.

[4] *Ibid.*, p. 206.

[5] *Ibid.*, p. 209–213.

[6] *Ibid.*, p. 203.

[7] *Ibid.*, Appendix 2, p. 254.

[8] *Ibid.*, p. 255–256.

[9] *Ibid.*, p. 272.

[10] *Ibid.*, p. 276.

[11] *Ibid.*, p. 2.

The emphasis of the subcommittee was upon safeguarding the privacy of the individual citizen. It was pointed out that although "the personal data bank apparently has not been proposed as yet, many people view this proposal as a first step toward its creation."[12]

Witnesses from the academic world, government, and the legal profession were summoned to offer their perspectives of the problem at hand. The question of how to safeguard effectively any information in a machine-oriented system was raised and pursued at length. Exemplary projects such as the New York State Identification and Intelligence System were discussed, and the problems integral to the management of and access to such systems noted.[13]

As a result of the Special Subcommittee's focus on the broader ramifications of establishing a Federal Data Center, there was extensive debate in professional journals and the public press. It became apparent to many that the collection in machineable form of economic statistics could not be separated in the eyes of numerous critics from the issue of invasion of personal privacy.

THE KAYSEN REPORT: CONSIDERATIONS AND RECOMMENDATIONS

In order to further explore the organization, scope, and projected inter-relationships of the proposed Federal Data Center, a Task Force on the Storage of and Access to Government Statistics was formed under the leadership of Dr. Carl Kaysen, Chairman of the Institute for Advanced Study at Princeton. The committee was charged with considering "measures which should be taken to improve the storage of and access to U.S. Government Statistics"[14] but broadened its frame of reference by examining the organization and operation of the Federal Statistical System. The central problem addressed was "the consequences of the trend toward decentralization in the Federal Statistical System at a time when the demand for more and more detailed quantitative information was growing rapidly."[15]

In its report to the President, the Task Force stated:

"Although different government agencies may require information about specific individuals or businesses as part of their legal operating responsibilities, the committee was unanimous in its belief that Federal agencies or other users should not be able to draw on data which is available within the Federal statistical system in any way that would violate the right of the individual to privacy."[16]

The inefficiency bred by decentralization, inadequate professional staffing by agencies, the failure to utilize modern tools and techniques, and the time lags inherent in outmoded information transfer were treated at length by the study group. Consideration of the problem of actually establishing a functioning Federal Data Center was given in the light of existing institutions and problems. In order to improve the integration and storage in accessible form of selected data, it was recommended that a National Data Center be established which would be given the responsibility for:

(1) assembling in a single facility all large-scale systematic bodies of demographic, economic, and social data generated by the present data-collection or administrative processes of the Federal Government;

(2) integrating the data to the maximum feasible extent, and in such a way as to preserve as much as possible of the original information content of the whole body of records; and

(3) providing ready access to the information, within the laws governing disclosure, to all users in the Government and, where appropriate, to qualified users outside the Government on suitably compensatory terms.[17]

The report also cited the importance of Federal cooperation with State and local Government agencies in order to optimize data base uniformity. Also, the important of delineating and enforcing "uniform disclosure standards so that the legal requirement of confidentiality can be met with no unnecessary sacrifice of analytically useful information" was stressed.[18]

Organizationally, the proposed National Data Center would be placed in the Executive Office of the President. The Task Force noted that it might be organized into an operations division and a research division. Responsibility for the effective interaction of the National Data Center with other agencies within the Federal Statistical System would reside with the Director of that System. In particular, proper division of labor, coordination of information, and utilization of the new Center would be scrutinized.

CONGRESSIONAL COMMENTARY ON THE KAYSEN REPORT

Reaction to the Kaysen Report was not long withheld. In reviewing the developments concomitant with the publication of the Kaysen Report in October of 1966, Representative Gallagher informed his colleagues in the House that:

"It was my considered opinion, after much analysis and investigation of the Kaysen report, that this too represented an insufficient examination of all the problems and potentialities that would arise from the establishment of a National Data Center, and that it should not be considered an acceptable basis for the beginning of a National Data Center."[19]

He then went on to say that there were several specific areas which merited additional appraisal:

"(1) whether centralization or decentralization is intrinsically more beneficial on both a cost effectiveness and an invasion of privacy basis;

"(2) whether panels and commissions that have so far reported to him [Charles L. Schultze, Director, Bureau of the Budget] are adequately representative of the public interest;

"(3) whether in fact there is a possibility that the Statistical Data Center would wittingly or otherwise be turned into a "Big Brother" dossier center;

"(4) whether the specification and identification of individuals would be a vital source for the information maintained within the Center; and

"(5) whether, and in what detail, the rights of privacy of the individual would be sacrificed to the greater rationalization and centralization of the statistical collection of data by our Government."[20]

As the debate over the advantages and disadvantages of having a Federal Data Center continued, a report was issued by the Joint Economic Committee in August of 1967 which contained pertinent commentary. In essence, the report recommended the coordination and integration of Government statistical programs, and stressed that current statistical information is "totally inadequate to meet the changing policy needs of our times."[21]

The report further noted that the Federal statistical system could provide "valuable information on productivity, prices and income . . . which might significantly improve economic policy . . . [and] would help to improve the design and administration of government programs."[22] Members of the Congress took issue with the recommendation of the report. Representative Jackson E. Betts of Ohio expressed the belief that:

"Legal safeguards would not, in the final analysis, prevent an overzealous bureaucrat or autocratic government from using a national data center to persecute or prosecute its detractors."[23]

Another major development in the Congress took place when a series of hearings on "computer privacy" were held by the Subcommittee on Administrative Practice and Procedure of the Senate Committee on the Judiciary. This legislative entity which had reflected upon the Dunn Report in meetings held in mid-1966 sought to explore further "the role of the computer as a potential invasion of individual privacy."[24]

In the words of the subcommittee Chairman, Senator Edward V. Long of Missouri, "we intend to analyze guidelines for safeguarding existing records; . . . explore the role of the computer, with emphasis on its future capabilities; [and] . . . will attempt to draw a balance between individual privacy and computerized efficiency."[25]

During the course of the hearings, Dr. Kaysen appeared and discussed the highlights of his group's report. Of particular interest, as presented by representatives from the St. Louis Regional Industrial Development Corporation, was a detailed description of the structure, holdings, and operation of the proposed Regional Economic Data Bank.[26] The Subcommittee also considered the problems brought about by "the growing convergence of computers and communications,"[27] with all of the implied regulatory and policy questions involved.

The questions revolving about the establishment of the proposed Federal Data Center continue to be addressed by the Senate Subcommittee and individual Members of both chambers. No resolution of the problems has been forthcoming, but many persons believe that the greatly increased exposure of the public, as well as responsible governmental officials, to these problems has been desirable.

THE CRITICALITY OF SAFEGUARDS AGAINST UNCONTROLLED DISCLOSURE

In all of the debate regarding the centralization of computerized data by the Federal Government, no individual or group has minimized the importance of meticulously controlling the release of certain categories of information. In many cases, agency representatives acquire data on individual persons or groups (such as industrial firms) on a confidential basis. Throughout the literature on the subject runs the theme of cautionary handling of the subject data. Guidelines for monitoring user requests for any type of data are a prerequisite, and in the case of certain types of confidential information, a *sine qua non*. The Ruggles Report observes that there is a real problem in getting system users to render realistic requests:

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[12] *Ibid.*, p. 3.

[13] *Ibid.*, p. 146–181.

[14] U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on Administrative Practice and Procedure. Computer privacy. Hearings before the Subcommittee. (90th Cong., 1st sess., March 14–15, 1967). Washington, U.S. Gov't. Print. Off., 1967. p. 25. [Testimony of Dr. Carl Kaysen.]

[15] *Ibid.*, p. 7.

[16] *Ibid.*, p. 26.

[17] *Ibid.*, p. 31.

[18] *Ibid.*

[19] Gallagher, Cornelius E. The Federal data center and the invasion of privacy—a progress report. Remarks in the House. Congressional record. [Daily ed.]

[20] *Ibid.*

[21] U.S. Congress. Joint Economic Committee. Subcommittee on Economic Statistics. The coordination and integration of government statistical programs. Joint committee print. (90th Cong., 1st sess., 1967). Washington, U.S. Gov't. Print. Off., 1967. p. 4.

[22] *Ibid.*, p. 5.

[23] Betts, Jackson E. Federal data bank closer to a reality. Remarks in the House. Congressional record. [Daily ed.] (Washington). v. 113, August 25, 1967, p. H11253.

[24] U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on Administrative Practice and Procedure. Computer privacy. *Op. cit.*, p. 1.

[25] *Ibid.*, p. 2.

[26] *Ibid.*, p. 47–66.

[27] *Ibid.*, p. 87.

"Few outsiders can know enough about the data, their nature and characteristics to make sensible requests, or to have a realistic appreciation of the analytic limitations which the data impose." [28]

Edgar Dunn calls out this salient aspect of the problem:

"The structural problems of concern to today's policy makers and the effort to bypass problems of record incompatibility force the utilization of data at levels of disaggregation that place severe strains upon regulations restricting the disclosure of information about individual respondents." [29]

Gradually, as the discussions of safeguards has evolved, a better understanding of the procedural and technical checks possible has come about. It was stated on several occasions that in order to "break" the Federal Data Center, it would be necessary to have: a machine, a code book, a set of instructions, and a technician.[30] Recent emphasis has been placed on the effect of computer technology on "our concept of society and man's view of himself." [31]

The realization has grown that there is a family of safeguards [32] which could serve to deter greatly any unintentional disclosure of information:

(1) Legislative and administrative regulations, already in effect in some agencies, could be augmented and strengthened.

(2) Establishment of uniform, multiagency criteria controlling "need to know" both for government and other data users.

(3) More explicit explanation of the scope and nature of the data available, thus reducing the number of unnecessary or illogical requests by users.

(4) Creation and uniform use of classification and coding systems, to include the assignment of unique accession codes and indicators to privileged data elements.

(5) Establishment of an expert in-house group for receiving, transcribing, and refining the request for information from the system according to the needs of the users and existing regulations.

(6) Employment of "a number of servicing procedures based upon computer technology that can satisfy the needs of the user in most cases without violating disclosure regulations." [33]

(7) In some instances, data reduction by design can be performed, thus transforming absolute figures to percentages, increments to gross and vice versa, etc.

(8) Anonymous sampling, with the removal of identifying data elements already has been used; here again the need for a uniform Federal set of procedures and criteria is apparent.

SUMMARY

The precise role of a projected Federal Data Center continues to be a matter of deep concern to persons in every part of our society. In a recent presentation before the American Bar Association, Charles J. Zwick, Assistant Director of the Bureau of the Budget, set forth certain characteristics which the proposed Center would *not* possess; in his words, it would not:

"(1) be a collection agency;

"(2) have data on all individuals and firms; and

"(3) have investigatory file information." [34]

Since the Center by definition would not perform in the way noted above, its positive characteristics warrant attention; according to current planning, the National Data Center would:

(1) maintain a current inventory of data collected by Government agencies;

(2) contain information on a sample of individuals and firms, a key feature of a Data Center from the point of view of the privacy issues;

(3) perform statistical analyses, including analyses requiring data on individuals and individual firms; and

(4) provide users both in and out of Government with summary information and the results of statistical analyses.[35]

Another development affecting the Federal collection, storage, and retrieval of information on individuals and group entities is represented by the so-called "Freedom of Information Act". This act, established in 1966, provides that information and records be made available to the general public except for certain categories of data. The protection of privacy is reinforced in the following:

"To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction: *Provided* that in every case the justification for the deletion be fully explained in writing." [36]

Among the categories of data exempted from the general instructions of Public Law 89–487 are: "(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;" and "(7) investigatory files compiled for law enforcement purposes except to the extent available by law to a private party." [37] The considerations involved in handling computerized information are not defined, and this area remains conjectural.

Responsible elements in the Legislative and Executive Branches, it may be seen, are faced with resolving the question of how key economic data are to be utilized. The need for many types of data is very real, and their availability to planners and research specialists becomes more and more imperative. Equally critical is the preservation of individual freedom and privacy. The compromise required may prove to be significant to the future of the Nation.

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STATEMENT OF GOVERNOR REAGAN

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. BOB WILSON. Mr. Speaker, our Governor of California recently made a statement which will be of interest to my colleagues since it deals with the Vietnam negotiations now underway in Paris. Because all of us are following the progress of the Paris talks very closely, I should like to bring Governor Reagan's statement to the attention of the House. The statement follows:

STATEMENT OF GOVERNOR REAGAN ON NEGOTIATION FOR A SETTLEMENT OF THE WAR IN VIETNAM

I do not think there is anyone who doesn't want an end to the conflict in Vietnam and an end to the killing. For that reason, we must be thankful that the enemy has evidenced a desire to come to the bargaining table, hopefully as a result of our increased military activity.

However, while there is reason for optimism regarding the negotiations, there is also reason for caution. I do not believe the communists ever negotiate except when they are hurting or when they are seeking what they have not been able to win on the battlefield.

The United States must not give away through negotiations what it has won with our men's lives, or this whole war will have been in vain. In addition, this country should make it clear that any kind of meaningful negotiations involve a cease fire on both sides, so that when the talking starts, the dying must stop.

If negotiations fail, then the full might of our nation should be used to achieve a military victory.

DR. H. GUYFORD STEVER DRAFT PROPOSAL

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. FULTON of Pennsylvania, Mr. Speaker, I am submitting for the U.S. Congress and the American people an excellent letter which all should read.

The letter follows:

CARNEGIE-MELLON UNIVERSITY,
Pittsburgh, Pa., May 6, 1968.

Hon. JAMES G. FULTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FULTON: As president of Carnegie-Mellon University I would like to call to your attention two matters relating to Selective Service regulations that will have an adverse impact on our educational operation and, I believe, on higher education throughout the country, and respectfully urge that they be reconsidered.

REGULATIONS FOR DRAFTING GRADUATE STUDENTS

Current Selective Service regulations for drafting graduate students will cause a significant reduction in the number of first and second-year graduate students next year. A further consequence will be the depletion of qualified teaching and research assistants within the University, which will hamper both operations. As a specific example of another impact on our campus, our plan to establish a Graduate School of Urban and Public Affairs will be handicapped in its objective to develop specialists to tackle urban problems which have reached crisis proportions.

From a national point of view, the disruptive consequences of siphoning off manpower entering and passing through the graduate education pipeline cannot be overemphasized. Continuation of this policy for any period of time plus the time required to restore the system to normal will reduce our reservoir of this top trained talent in the country. It will widen the gap of technical manpower production between Russia and this country and undercut the efforts to deal with the sociotechnological problems upon whose solution the health of our society depends.

Several revisions of this draft policy have been advanced to avoid the rapid erosion of the top talent pool of this country. An example of a revision which would greatly alleviate the problem was presented in a recent draft hearing before Representative Green's Subcommittee on Education. It was revealed that a Defense Department directive could cause a grouping of the draft pool into three categories to each of which the oldest-first rule would apply; since graduate students would comprise only one of these three groups, the erosion of the nation's highly-trained manpower could be considerably reduced.

In stating this position, I want to make clear that we do not believe that the educational world should not carry its share of the national burdens. We believe that all sectors of society should be tapped for national service in a fair way and to make maximum use of their potential contributions.

GENERAL HERSHEY'S MEMORANDUM OF OCTOBER 26, 1967, TO SELECTIVE SERVICE BOARDS

Many of our students and faculty, like those on other campuses, are deeply disturbed by the Hershey memorandum of October 26, 1967, to Selective Service Boards. A petition signed by 650 of our students requested that military recruiting be barred from the campus until the memorandum is rescinded or clarified. A similar petition has been received signed by more than one-third of our faculty. Although both petitions have been denied as calling for an improper response to the Hershey memorandum, the cause for their discontent remains.

They are deeply concerned that their freedom of speech and action under the law may be abridged and that they are in danger of being reclassified for military service through a procedure that denies them due process. They feel that the Selective Service System is not the proper vehicle through which the civil authorities should express their disapproval of the actions of citizens even if such acts are in fact illegal. The courts are available for this purpose with the assurance that those brought before them will be protected fully by due process.

The uneasiness which this memorandum has created on the campus has diverted students and faculty from their educational concerns, and it would be most helpful and reassuring if the memorandum could be rescinded or clarified more fully than it was in the Joint Statement by Attorney General Ramsey Clark and Director of Selective Service Lewis B. Hershey released on December 9, 1967.

In stating this concern of some of our students and faculty, I do not imply that they have any particular opinion about our involvement in the Vietnam war. We have a cross-section of opinion on our campus somewhat similar to that in the nation.

If Carnegie-Mellon University can be of any help in further consideration of these problems, we would be glad to contribute whatever we can.

I am also sending this letter to President Johnson, the Secretary of Defense, General Hershey, and selected senators and representatives.

Sincerely yours,

H. GUYFORD STEVER.

POLISH CONSTITUTION DAY

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. REUSS. Mr. Speaker, the 3d of May marks one of the most significant actions in the long history of mankind's constant striving for freedom under law—the anniversary of the adoption of the Polish Constitution of 1791.

This great document declared that "all power in civil society is derived from the will of the people." This constitution granted the Polish people full protection of the laws, religious freedom, and the right to acquire land. It also guaranteed fundamental human rights.

This year we also celebrate the 50th anniversary of the rebirth of the Polish republic after one and a half centuries of partition and foreign subugation.

The hearts of all freedom-loving Americans, and particularly of the sons and daughters of Poland who have contributed so much to our great democracy go out to the courageous people of Poland who have not and will never cease their struggle for liberty and justice.

YOUR FUTURE AS A PILOT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. WOLFF. Mr. Speaker, I wish to call to the Members' attention a recently published book, "Your Future as a Pilot." The author of the book is Kimball J. Scribner, who I met with here at the Capitol today, an airline pilot and a leader in the field of civilian aviation.

I have read Captain Scribner's book and consider it an excellent discussion of a career in aviation. The book provides extensive discussions of commercial, corporate, and military and government aviation. Captain Scribner clearly sets forth the qualifications and rewards of a piloting career and I would consider his book required reading for all young men considering a career as a pilot.

Some time ago I introduced legislation to create a Civil Aviation Academy to insure that sufficient numbers of young men are adequately trained to fill the rising demand for civilian pilots. Captain Scribner recognizes, from his perspective as a pilot and as an authority in his field, the need for such an academy.

Furthermore Captain Scribner, long active in affairs of the Civil Air Patrol, recognizes and explains the value of this organization to the future of aviation in this country. As the commander of the Congressional Squadron of the Civil Air Patrol I appreciate Captain Scribner's active and vital role in support of CAP.

Captain Scribner's many significant contributions to American aviation are too numerous to list here.

But I can say with complete confidence that only with the hard work and complete devotion of men such as Captain Scribner can American aviation maintain its preeminent position.

His book is another in a series of Captain Scribner's history of commitment to aviation in this country and I commend "Your Future as a Pilot" to my colleagues' attention.

WHAT'S HAPPENING TO AMERICA?

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. WYMAN. Mr. Speaker, much has been said and written recently about the direction toward lawlessness which many individuals on American campuses are taking. Mr. Roscoe Drummond, in today's edition of the Christian Science Monitor, takes his turn in the discussion. What he has to say is worth repeating and I commend his excellent article entitled "What's Happening to America?" to the Members of this body:

WHAT'S HAPPENING TO AMERICA?

(By Roscoe Drummond)

WASHINGTON.—Something is happening in the United States and to the United States and we better see it for what it is before it's too late.

The militant extremists are acting to deepen our suspicion and fear of one another and to loosen the bonds that hold our democratic society together.

They could succeed in pulling it apart. The fateful question is: Would anyone really know how to put it back together again?

Vice-President Hubert Humphrey recently said that what has been going on at Columbia University made him "sick all the way through."

He had good reason, for he was referring to the fact that a militant minority of some 200 undergraduate revolutionaries, aided by nonstudents from nearby Harlem, seized five university buildings, occupied and ransacked the office of the university president, held the college dean hostage for 24 hours, and closed down the college so that the other students couldn't pursue their education.

In an editorial some months ago The Christian Science Monitor said—and I think rightly:

"To date the forewarners of possible McCarthyism have been shown to be largely wrong. Free speech, free disagreement, free protest are strong and open in the United States. This is no small victory in times of such tension and disagreement. Let nothing come along to spoil it."

But something has come along to spoil it. I refer to the mounting instances in which the most extreme, anti-Vietnam, antidraft, antilaw, antialmost-everything protesters resort to harassment and violence to prevent others from peacefully using their rights of free speech and assembly.

The overriding danger in the United States today is not that the rights of dissidents will be suffocated, but that their rampant and heedless abuse by those recklessly acting to deny these rights to others will undermine the concept and climate of freedom of speech and freedom of assembly for everybody.

If we are going to preserve the whole range of Civil Rights, we must reject the whole range of Civil Wrongs.

Harassment against free speech has been more evident on college campuses than anywhere else. In recent months five members of the President's Cabinet and the chairman of the Joint Chiefs of Staff have all been targets of violent, antifree-speech demonstrators who either attempted to rough them up, overturn their cars, prevent them from entering the auditorium or engaged in such raucous jeering that they couldn't be heard.

When a college student stands up at a public meeting and hurls a pie into the face of the speaker whom other students wanted to hear, he isn't just staining the clothes of an invited guest, he is smearing the Bill of Rights.

And what does all this mean? Are these just passing exuberances, college pranks? Far from it. They are rebellion against civil order tearing apart our democratic society. Ponder these words from Erwin N. Griswold, Solicitor General of the United States and former dean of Harvard Law School:

"Violent opposition to law—any law—or forcible disregard of another's freedom to disagree falls beyond the pale of legitimate dissent or even of civil disobedience, properly understood; it is nothing short of rebellion."

Mr. Griswold is not expounding merely a personal view. He is expounding the law of the land as expressed by the Supreme Court:

"No mob has ever protected any liberty, even its own.

"Civil government cannot let any group ride roughshod over others simply because their 'consciences' tell them to do so."

The Vice-President has put it this way: "Fascists, Communists, racists, cross-burners, book-burners, flag-burners—all of them share a basic intolerance for the views of others and for the rights of others."

Communism and fascism enthrone the premise that the end justifies the means. The antifree-speech harassment and violent disdain of the rights of others at loose in the land today is the stuff from which communism and fascism are made.

The time is at hand when all Americans must be alert to see that they do not neglect their duty to protect the Bill of Rights whose guarantees are essential to practice and preserve all freedom including freedom of religion.

SECRETARY OF INTERIOR UDALL SHOWS PROMISE

HON. THEODORE R. KUPFERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. KUPFERMAN. Mr. Speaker, now that it has become fashionable for people in high places to use iambic pentameter for the argument of a public position, it is refreshing to note that our Secretary of the Interior has managed to compose an antinoise ode in free verse.

In the May 11 issue of the Saturday Review at page 50, Stewart L. Udall's "Once by the Pacific (1967)," is featured together with a pithy comment by John Ciardi. I welcome the Stew of U. to the ranks of poetic politicians.

The poem follows:

ONCE BY THE PACIFIC (1967)

(By Stewart L. Udall)

(Poets, as Shelley claimed, are the unacknowledged legislators of the world. Any man of rueful honesty, if only on his way home from the last symposium, may come to the thought after Shelley's, which is that poets do better out of office. Now Secretary Udall suggests a third thought: how good it is when those in high office find themselves raised above data and memoranda to a height of feeling at which the substance of their official concern moves them to poetry. Let legislators be acknowledged poets and we shall all, I must believe, be better governed. We welcome Secretary Udall to the roster of *SR* poets.—JOHN CIARDI.)

At sunrise near a city on a beach
I heard the wash of surf
The call of birds
The chiming of church bells
A fog horn's far-off song
A dog's cry and a boy's

Tender noise like this
Has salved the waking mind
Since Homer; but sullen morning came
And engines ripped the urban air
Annulling all the subtle sounds.

Must all the soft chords go,
Torn by a savage celerity,
To caress us only at dawn and dusk?
Or must we curse the sonic time
And brace our ears against the din?

MIGRANT WORKERS AND CIVIL LIBERTIES

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. COHELAN. Mr. Speaker, I have long supported the migrant agricultural worker in his attempts to realize the guaranties already extended to other members of the labor force. I have introduced legislation to extend the provisions of the National Labor Relations Act to agriculture, to extend the child labor provisions of the Fair Labor Standards Act of 1938 to agriculture, to amend the Internal Revenue Code in such as way to encourage the construction of housing facilities for agricultural workers and to establish a National Advisory Council on Migratory Labor. While this legislation awaits House action, the injustices it seeks to correct continue.

Many, however, want to help. Many want to rectify the situation. The Roger Baldwin Foundation of the American Civil Liberties Union has undertaken a legal attack on "the forces that operate directly or indirectly to deprive migrant farmworkers of their civil liberties." Mr. Martin Garbus, director-counsel of the Roger Baldwin Foundation, discusses the role of the American Civil Liberties Union in this fight in a recent issue of Civil Liberties.

Mr. Garbus states that the issue goes beyond labor rights, and points out that—

> Until migrant farm workers have strength to stand independent of the local power structure, they will not be able to assert their rights.

He also states that—

> The purpose of the organizing effort is not only to increase the living wages of union members but to instill in them a social consciousness and a self respect to fight for their liberties.

Mr. Speaker, I urge each Member of Congress to read Mr. Garbus' article, "Migrant Labor Fights for Freedom," in order that they may appreciate the complexity of the problem and the urgency of the need, and I insert the article in the RECORD at this point:

[From Civil Liberties, March-April 1968]

MIGRANT LABOR FIGHTS FOR FREEDOM

(By Martin Garbus)

The Roger Baldwin Foundation of ACLU has begun a massive legal attack on the forces that operate directly and indirectly to deprive migrant farm workers of their civil liberties.

Farm workers, who are excluded from the National Labor Relations Act, for several years have been attempting to unionize to insure that their collective voice will be heard, in order to achieve the independence and respect they need to assert their liberties. In the process they have been further deprived of their liberties by their opponents—growers and local and state officials. The Baldwin Foundation is trying to break the cycle.

RBF's attack at present is centered in the California grape district. For more than two years the United Farm Workers Organizing Committee AFL-CIO has been organizing grape pickers. But the union's only weapons—their right to persuade others to join them, the strike and the boycott—have been blunted by the local power structure and by the existence of archaic laws similar to those that were declared unconstitutional during the labor battles of the 1930's.

Growers and law enforcement officers have assaulted, arrested and otherwise intimidated and harassed pickets. Growers and distributors have illegally scuttled the boycott. State statutes limiting the farm workers' rights of free speech and free association are used to break picket lines and strikes.

ELEVEN LAWSUITS

Baldwin attorney Jerome Cohen recently filed five damage suits on behalf of workers who were victims of growers' attempts to break the strike. In six more suits Cohen is representing the UFWOC in an effort to stop illegal practices by which the growers have gotten around the strike and boycott.

The status of the migrant farm laborer is illustrated by the nature of the suits. Unlike the pleadings in most modern day labor cases, the migrants' pleadings complain of abuses such as:

"On or about Oct. 15, 1966, at the packing shed located at Garces Highway and Glenwood St. in the City of Delano, County of Kern, State of California, at or about the hour of 10 a.m. of said day, defendant Lowell Jordan Schy, acting within the course and scope of his employment, did maliciously, deliberately, and wilfully assault and batter plaintiff by driving a flatbed truck, California license number W49-554, over plaintiff's body . . ."

The plaintiff had been engaged in peaceful picketing at the grower's packing shed when he was run down. With less efficiency but no more subtlety another grower knocked a woman laborer to the ground with three large bunches of grapes—and sufficient force to injure her legs, chest and face. The County District Attorney uniformly refuses to allow the farm workers to file criminal complaints arising out of incidents such as these.

CHAINED TOGETHER

The three migrants in a third suit, one of them a minor, were seized, forced into closed trucks, assaulted, threatened, arrested, required to disrobe, chained together in a crowded cell for 24 hours and made to stand trial for an unspecified misdemeanor (of which they were acquitted).

Two other plaintiffs were fired without notice, despite contracts with the grower and wages owed, for the sole offense of engaging in UFWOC activity. The Baldwin Foundation contends in the complaints that the purpose and effect of firing these men was to make refusal to join the union a condition of employment. This violates the right of free association.

Besides attacking the laborers, the growers have undercut the union by recruiting nonunion pickers to work the struck fields. The growers do not inform the recruits of the labor dispute. Cohen is making a three-pronged attack on this problem with one suit against the giant Giumarra growers, one against a labor contractor, and one against Mexican migrants who enter the country for the primary purpose of working struck fields.

The State Superior Court last September issued a preliminary injunction forbidding Giumarra's recruiting laborers without "plainly and explicitly" advising them of the strike. Giumarra has not observed the order.

STRIKE-BREAKERS PROTEST

The plaintiffs include workers who were recruited in ignorance of the dispute. They claim they were misled. Had they known the facts, they say, they would not have accepted employment from Giumarra. But not knowing of the strike until they arrived at the fields, they were forced to work to sustain costs of moving and lost wages. The suit contends both the strikers and the strike-breakers are being deprived of their freedom of association.

The suits against the labor contractor and the Mexican migrants charge the aliens are being recruited and are entering the country in violation of Federal law. An alien who has left the country cannot reenter if he has agreed in the meantime to accept employment at a place where the Secretary of Labor has determined that a labor dispute exists.

Violations of federal law are involved also in a new round of suits aimed at protecting UFWOC's boycott against Giumarra grapes. Giumarra has been evading the boycott by having its grapes sold under other labels.

Cohen, with the help of cooperating attorneys throughout the United States, recently field federal suits against the grower and distributors in Boston, Chicago, Philadelphia and Englewood Cliffs, N.J. The suits charge violations of the Federal Fair Label and Packaging Act of 1967, which requires growers to place their names on their products. The Federal Food and Drug Administration has asked Giumarra to obey the law.

FRUSTRATES FIRST

Giumarra's violation of the Labeling Act frustrates the exercise of First Amendment rights. The defendants began mislabeling the grapes after the union met with some success in convincing the public not to buy Giumarra products. The campaign included circulation of literature, demonstrations and other First Amendment protected activities. The suits contend Giumarra and the distributors conspired to nullify these activities by false labeling.

The unlawful practice has allowed Giumarra to resist the lawful pressures brought to bear by the workers through the exercise of First Amendment rights. Persons who are persuaded to boycott Giumarra products cannot do so.

Among the plaintiffs in the labeling suit are consumers who say the practice interferes with their right to free choice. They choose not to "contribute to the profits of Giumarra and perpetuate working conditions, long hours and poor pay for the migrant agricultural workers."

These issues, like the direct violations of constitutional rights, are of civil liberties concern. The purpose of the organizing effort is not only to increase the living wages of union members but to instill in them a social consciousness and a self-respect to fight for their liberties. Therefore, every issue that involves the project is, directly or indirectly, a civil liberties issue. Until migrant farm workers have strength to stand independent of the local grower power structure, they will not be able to assert their rights.

NEED FOR A MARKETING ORDER FOR EGGS

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. ST. ONGE. Mr. Speaker, I am introducing today a bill to establish a nationwide marketing order for eggs as a way to solve the present pricing situation which is proving detrimental to egg producers. Egg production is an important segment of the agricultural economy of the independent family farm in the State of Connecticut, as well as in the Nation as a whole.

The present dangerous pricing situation is severely hurting the egg producers in Connecticut, and in the other egg marketing States. I understand that many farmers have had to sell their eggs below the cost of production for long as 7 months, and that others have been forced to go out of business because they are not able to sustain losses over so long a period.

Specifically, the bill would enable poultry and egg producers to provide an adequate supply of eggs to meet the needs of consumers, to stabilize and maintain orderly marketing conditions at prices reasonable to consumers and producers.

The problems of the poultry and egg industry do not stem from any sudden moves toward overproduction on a national scale. In fact, egg production in 1965 was only enough to supply the average consumer with 307 eggs per person per year in the United States. This is considerably less than the proverbial egg a day, and includes eggs partaken "invisibly" such as in commercial baked goods, noodles, and prepared mixes. Not only is this per capita consumption figure less than an egg a day, it is smaller than at any time during the 1950's. Total annual production of eggs has been at about the same for the past 10 years.

Connecticut egg producers on the family-farm scale now have three and four times as many hens as they did 20 years ago and they produce more eggs, yet they earn less from the enterprise now than they did then. Many of them must supplement their income by doing off-farm work or live from the depreciation of their buildings and equipment.

I believe that my bill will assist the egg producers by permitting them to operate under a program that would provide for a marketing order having the approval of two-thirds of the poultrymen and the U.S. Department of Agriculture. I am confident that sufficient expertise exists in the Agriculture Department, State colleges, and farm organizations, to devise a more equitable and satisfactory system than the one now prevailing.

Mr. Speaker, because of its great importance to our farm economy, I ask that early and considered attention be given to this bill. I also request my colleagues to give it their full support in committee and when it comes before the House of Representatives.

ISRAEL INDEPENDENCE DAY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1968

Mr. HOWARD. Mr. Speaker, since World War II, many new nations have entered the ranks of independent, sovereign states. In most cases, the event has been marked by appropriate pomp and circumstance amid the dignity of ceremony and with the assembled representatives of the several nations as witnesses. One independence day that was perhaps less impressive but no less important to its citizens was the simple but direct reading by Mr. David Ben Gurion on May 14, 1948, of the proclamation of statehood for the State of Israel.

There was another difference in the emergence of the ancient but new State of Israel, and that was that most new states look forward to the prospects of creating viable economies and independent societies, but the State of Israel could look forward only to war in those May days of 1948. Waiting on the borders of the new nation were the armies of avowed enemies of the Jewish State. Thus, the proclamation of statehood was also a declaration of war.

And yet, another difference exists between Israel and many of the more recent additions to the family of nations, and that is the State of Israel has been singularly successful in its search for stability, democracy, and progress. The Israel success story is familiar to almost everyone and is the model for many of the nations of Africa and Asia.

On May 15, the citizens of Israel celebrate the 20th anniversary of their independence and the world offers its congratulations to this valiant nation.

HOW TO DESTROY AMERICA

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. HAGAN. Mr. Speaker, I would call to the attention of my colleagues an interesting and quite disturbing column by Henry J. Taylor. Mr. Taylor outlines a 16-point program for destroying America, as follow:

HOW TO DESTROY AMERICA

(By Henry J. Taylor)

WASHINGTON.—A 16-point program for the destruction of the United States:

(1) Pound home the preachment of individual rights instead of individual responsibility. Preach the sick sentimetality that condones criminality as society's fault and dismisses the individual from responsibility.

(2) Go easy on anarchy.

(3) Glorify cowardice as intellectualism and appeasement as enlightenment. Steal the liberal label and falsify the contents of the bottle.

(4) Sneer at patriotism. Teach the youth to shun the battlefield. "Be a lover—not a fighter." And if the enemy is a fighter, not a lover? Dr. Martin Luther King repeatedly stated: "The Vietnam war must be stopped and one way is to have 'peace rallies' like we have 'feedom rallies.'" But would Ho Chi Minh allow those parades in the place that is holding up the peace—Hanoi?

(5) Claim the aggressor can be bought off. The Carthaginians gave their sons and daughters to the Roman aggressor to prove and guarantee Carthage's nonaggressive intent. History means nothing?

(6) Do not require American history. Two-thirds of our institutions of higher learning fail to require—require—students to study American history. One out of four of our teachers' colleges do not require any course in it; more than half do not require any preliminary knowledge of it. Yet good citizenship and progress in American ideals are admittedly impossible without an appreciation of our unique American heritage and the great sacrifices it took to establish and preserve them.

(7) Breed distrust of the military; belittle the men who have advanced in this responsible career. Make them seem ignoble and lie about their democratic purposes long enough, and the military establishment on which a nation's security must depend becomes only a hollow shell, incompetent for a country's defense.

(8) Be patient with the hippies who disrupt the universities and other established institutions. Let their protests take the form of sit-ins, lie-ins, flag-burnings, draft-card burnings and mayhem along with missiles and stink bombs. The first business of good government is to provide safety for its citizens. Destroy this.

(9) Pound home to the population that discrimination and lack of opportunity account for all who are "underprivileged." Ignore individual capability and personal application entirely. The IQ of the American population varies from about 50 to 180. The national dropout rate for college students, reflecting both incapacity and failure to apply one's self, exceeds 50 percent.

(10) Teach all "underprivileged" that somebody else owes them a living. Preach this long enough and it is sure to create a "march of the poor" on the nation's capital government by city-burning, government by blackmail. It is also sure to create a great many loafers who wouldn't do a day's real work under any conditions whatever. In just New York City, during history's biggest boom, 816,699 people (as of February, 1968) are drawing relief, some for the second and third generations.

(11) Emphasize the "curing" of poverty as the cure for civil disorders. The report of the President's National Advisory Commission on Civil Disorders found that the average rioter did hold a job; was now unemployed and was better educated than his nonrioting neighbors. It completely demolished many of the usual contentions regarding the "causes" of the looting and disorders.

(12) Sponsor unlimited government spending. Said Lenin: "The surest way to destruction is to debauch the currency."

(13) Preach "permissiveness." If "anything goes" then, of course, everything goes. Every internal and external enemy knows the advantages of destroying a nation's standards. The rewards are as old as the Trojan horse. See that the TV, drama and movie critics, book reviewers, etc., accept the immoral as moral, the abnormal as normal, the obscene as valuable. Countries that praise the pigs in the pasture don't last very long.

(14) Infiltrate or confuse the teaching-talking-writing intelligentsia, especially those who work behind a prominent man as ghost writers.

(15) Draw the churches into politics. See that the churches gradually liquidate their influence as a spiritual power, and thus as a stabilizing force, having ministers and church leaders make the historic mistake of using the church itself as a political lever.

(16) Manipulate the news.

FOOD-FOR-PEACE PROGRAM NEEDS FORCEFUL ADMINISTRATION

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. NELSEN. Mr. Speaker, I want at this time to urge support for continuing the food-for-peace program, recognizing its many contributions to people at home and abroad.

Particularly commendable is the fair share provision embodied in the legislation. The establishment of a fair share, in agricultural market growth in developing countries is a particularly sound reason for the United States to extend the program this year.

In general reference to the program, it has helped millions of hungry people survive, in addition to helping the United States with problems of agricultural overproductivity. It is a continuing foreign policy weapon we cannot possibly minimize as we watch populations soaring in a world in which there is already too little food.

It should be noted, however, that last year farmers were hit by a half-billion-dollar loss in agricultural sales which the administration's forceful use of this program would have helped prevent. Not only has this loss lowered U.S. farm income, it has obviously contributed to the first U.S. merchandise trade deficit in 5 years, revealed last month by the administration. As a consequence, our balance-of-payments problem is worsening.

A main reason the food-for-peace program was designed is to expand U.S. farm markets overseas, and its value as a market builder should not be ignored or permitted to slip backward. After all, the program has stimulated the annual billion-dollar cash market the United States has with Japan. Cash markets in Israel, Taiwan, Korea, Italy, Spain, the Philippines, and other nations have had their origins in the program.

LET'S HAVE A DEMONSTRATION—BY FLYING THE FLAG

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. GIAIMO. Mr. Speaker, I want to take this opportunity to bring to the attention of my colleagues an editorial which appeared in the New Haven Register, on Sunday, May 12. The editorial urges national solidarity behind the efforts of the U.S. negotiating team now in Paris. It suggests that as a demonstration of that support Americans fly the flag at least every day during the first week of negotiations.

I can think of nothing which would give Ambassadors Harriman, Vance, and their deputies more encouragement than to know that as they pursue the delicate path to peace, there is widespread demonstrable support for their efforts at home. I am sure that it would immeasurably strengthen their hand vis-a-vis the North Vietnamese.

I heartily endorse the Register's suggestion and hope that it will be echoed throughout the country. The editorial follows:

LET'S HAVE A DEMONSTRATION BY FLYING THE FLAG

The talks that got underway in Paris this weekend will probably produce more early frustration than satisfaction. The psychological maneuvering which is so basic a part of the Communist approach to any diplomatic encounter is already apparent—in the bloody and ruthless destruction of Saigon and its people for the sake of momentary headlines, in the upside-down use of words and phrases and the bold hate-mongering which are already being made a part of the North Vietnamese record in Paris.

The only way to meet such an assault is with firm faith and a few gestures of our own.

And we can think of nothing more appropriate—or more meaningful over the long run to the sign-watchers in Hanoi—than the national move to have every American who can do so arrange to fly the flag at least every day during this first week of Vietnam negotiations.

The least we can do is to demonstrate to the North Vietnamese—and to the world—that the United States stands unified behind the hopes for peace and behind the negotiators who are going to try to bring those hopes to fruition in terms that will uphold the American goals of freedom.

It is a good season for flag flying. It is only two weeks to Memorial Day. We are only a month away from Flag Day. The hard work in Paris will, undoubtedly, still be inching forward when Independence Day rolls around in July. In a season for patriotic holidays let us have a consistent demonstration of the national faith and support for those national ideals which have kept America synonymous—all over the world—with freedom, and individuality and the good life.

There will be those in a sophisticated and unsettled minority who will consider this "corny". But there will be many, many more, we are sure, who will find in it a first step back toward the basic unity, the basic fairness of shared responsibility, and the basic truth about Americans and their national attitudes, which we have misplaced or subordinated in the excitement of the recent past.

So let's fly the flag. Let's have a demonstration—of solid American support for the move toward peace in Vietnam, and of solid support for the American negotiators who are pursuing that peace. This week, and this month, get out your flag and fly it!

"TRIBUTE TO THE AMERICAN FLAG"

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. QUILLEN. Mr. Speaker, Miss Sue Combs, grand flag bearer for her high school in Bluff City, Tenn., recently sent to me a "Tribute to the American Flag," which she composed and delivered before 3,000 girls assembled for a Rainbow for Girls Grand Assembly in Chattanooga, Tenn.

This "Tribute to the American Flag" is one of the finest I have had the privilege of reading, and my congratulations to this fine young lady for her devotion and love for her country. This tribute is a shining example for other young people to follow.

Sue will graduate on June 6, 1968, from Bluff City High School, Bluff City, Tenn., which is located in my home county.

This tribute is very inspirational, and I thought it should be called to the attention of the readers of the RECORD, as follows:

TRIBUTE TO THE AMERICAN FLAG

(By Sue Combs, Grand flag bearer)

Today Sisters let us commemorate the anniversary of our great and wonderful American Flag.

It was on June 14, 1777, one hundred and ninety years ago that Congress adopted the Stars and Stripes as the National Emblem of these United States.

For a period of one hundred and ninety years, Old Glory, you have flown proud and free; your colors have been an inspiration for freedom loving Americans decade after decade. Your colors have preceded countless thousands of American youths into battle with but one objective and that to assure freedom to millions of people the world over. You have returned from each battle triumphant and you have never dipped your colors to another nation.

You returned, O great and noble Flag but many, many of those young Americans spilled their life's blood on the battle field during the course of the battle. We are saddened at the loss of life of these young Americans, however, we must accept the fact, difficult, oh how difficult it is, that some lives must be sacrificed to preserve the freedom that we treasure so greatly; and we do treasure this freedom O great and noble Flag, treasure it as much as did Patrick Henry who was inspired to utter those immortal words, "Give me liberty or give me death."

It was an inspiration furnished by you that caused Admiral Farragut to completely disregard enemy fire and to plunge full speed into their midst.

As I watch your glorious colors go passing by in a parade accompanied by the beat of the drums, I feel a tingle and lots of pride for this is America, the land of the free and home of the brave. May you, our great American Flag, always fly high and proudly and may we as citizens voice our love of flag and country so loudly and firmly that everyone, everywhere will hear and know that we will never bow to another form of Government. This, then is our tribute to you, Old Glory. We salute you on this anniversary as guardian of Democracy—Democracy that is a way of life well worth the resulting responsibilities, and challenges. It is our prerogative to discover it, study it, teach it, defend it, cherish it, or we lose it and know not what we have lost.

STRONGER U.S. ROLE URGED FOR INTERNATIONAL HUMAN RIGHTS YEAR

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, the following article written by our Ambassador to the United Nations, Arthur J. Goldberg, for the National Jewish Monthly, was called to my attention by Herman Edelsberg, director of the B'nai B'rith International Council. This article shows a way in which U.S. support may give more meaning to the International Human Rights Year—1968.

HUMAN RIGHTS AND THE U.N.

(By Ambassador Arthur J. Goldberg)

Since its founding, the United Nations has been dedicated to the belief that the advancement of human rights is an essential part of its work toward a better and more peaceful world. The Charter itself commits all member states to foster "human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." This Charter provision marked an important advance over the League of Nations, for it was the first time that such an undertaking, embracing the entire scope of human rights, had ever been entered into by the community of nations.

In pledging itself to the advancement of human rights, the United Nations was motivated by far more than an abstract devotion to the ideal of human existence. With the events leading to World War II clearly in mind, it recognized the direct and inescapable connection between human rights and world peace. As President Kennedy later observed: "Is not peace, in the last analysis, basically a matter of human rights?"

The Universal Declaration of Human Rights, passed by the General Assembly in 1948, was the first attempt by the UN to clothe with flesh and blood the bare bones of the Charter pledge, and to define in detail the rights which its members believed should be accorded to all human beings. Although this Declaration was not legally binding on governments, it served the great and important purpose of providing a moral statement, a standard recommended by the United Nations to all the nations of the earth.

It is in recognition of the 20th anniversary of this historic document that 1968 has been designated International Human Rights Year by the United Nations and, in the United States, by presidential proclamation.

Since the passage of the Universal Declaration, the UN has worked to advance human rights not only through other, more specific declarations, but also through the formulation of conventions and covenants which, under international law, are legally binding on states which ratify or accede to them. The UN has now passed, among others, conventions outlawing genocide, slavery, and forced labor, as well as conventions on the political rights of women and the elimination of racial discrimination. And in 1966, the General Assembly approved two extremely broad and important human rights covenants—the Covenant on Civil and Political Rights, and the Covenant on Economic, Social, and Cultural Rights. These two Covenants are the first major attempt to embody a comprehensive code of human rights in legally binding agreements; and although the United States had reservations regarding the interpretation of certain specific articles, we supported the covenants as an important advance in the field of human rights.

The United Nations is now drafting a Convention on the Elimination of Religious Discrimination. The United States has consistently supported the position that this convention should contain a specific reference to anti-Semitism. Although the General Assembly decided to make no reference in the convention to specific forms of religious intolerance, the discussions which took place clearly established that anti-Semitism is considered by the UN to be a specific and flagrant form of religious discrimination. The convention, when completed, will therefore clearly outlaw anti-Semitism, among other forms of religious discrimination.

As we consider these declarations, conventions, and covenants—and indeed all the work of the United Nations in the field of human rights—we must not be afraid to face, realistically and candidly, the question of their practical value. How effective have they been and what can we expect from them, in practical terms, in the future? These are serious questions and they deserve straightforward and realistic answers.

LEGALITY MISSES THE POINT

The declarations of the United Nations on human rights are not, as I have said, legally binding. Although the conventions and covenants are binding on those states that ratify them, international enforcement machinery is non-existent, or at best, embryonic. Does this mean that all the declarations, conventions, and covenants of the UN in the field of human rights amount to nothing more than fine words—grand ideals but totally without practical effect upon the world? Any such view, I believe, would overlook the very real influence the UN has had in advancing the concept of human rights, and would miss the basic point of what it is trying to accomplish in this field over the longer run of history. And I have several reasons for this belief.

First, in countries where a long and continuing tradition of human rights is lacking, there are strong reasons to believe that these international standards and definitions, developed and supported by the UN, provide meaningful standards and goals for future development. For example, the standards of the Universal Declaration of Human Rights have been reflected in the constitutions of many of the dozens of new nations which have emerged from colonialism since the founding of the UN. The fulfillment of these rights may take time—just as it did in our own country. But no one should underestimate the importance of having an international standard, endorsed by the leading world organization, to which all nations can look in developing their own ideals and practice of human rights.

POWER OF PUBLIC OPINION

Second, I do not believe that any nation in the world is totally indifferent to the moral force of international opinion represented by these documents. The existence of the United Nations and of the declarations, conventions, and covenants on human rights which it has supported must be a source of strength and inspiration to those brave individuals who emerge, even in repressive societies, to protest the wrongs which are done in their countries—to speak, for example, against apartheid in South Africa.

And third, the General Assembly took the first major step toward establishing a mechanism for the implementation of a human rights convention when it approved, in 1965, the Convention on the Elimination of Racial Discrimination. This convention calls for reports by all states which are parties to it on the measures they have taken to carry out its provisions, and provides for a committee to review the reports and make suggestions and general recommendations based upon them. The committee will also be able to receive reports from any state party to the convention which wishes to complain that another signatory is not giving effect to its provisions; after certain interim procedures, the good offices of a conciliation commission will be available to the states concerned for the purpose of reaching an amicable settlement of the matter.

Further, the convention provides for an optional procedure whereby states may permit the committee to consider petitions from individuals and groups who assert that their rights are being violated. The adoption of such a provision in a human rights convention was an important step toward the recognition under international law of the rights of the individual.

Implementation procedures have also been included in the Covenant on Civil and Political Rights, adopted by the Assembly in 1966. The United States hopes that implementation provisions will also be written into the Convention on the Elimination of Religious Discrimination which is now being drafted.

We must recognize, however, that these implementation procedures will apply only to states ratifying the conventions and covenant, and that some of them will apply only to the states which specifically make optional declarations or, in the case of the covenant, ratify the optional protocol. Obviously, there is still more that should be done to increase the practical effectiveness of the UN's work in human rights.

One way to do this would be to create a new post in the United Nations—a High Commissioner for Human Rights. The United States has strongly supported this proposal, and we hope it will be considered at next fall's session of the General Assembly.

The High Commissioner would serve, in effect, as an international Ombudsman in the field of human rights. As envisaged in a resolution adopted by the Human Rights Commission and the Economic and Social Council, he would be available to help governments, on request, to define and carry out their commitments in the human rights field. He would also report to the UN, through the Economic and Social Council, on the state of human rights—on developments in the field and on his evaluation of significant problems and prospects.

By virtue of his office and functions, the High Commissioner would stand as the effective symbol of the commitment of the UN to the value and rights of the individual human being, regardless of race, creed, color, status, sex, or political convictions. As one man, above politics, he would be able to speak with a moral force and conviction which no committee, no commission, no fact-finding group, could hope to command.

It is my own belief that the United Nations has already made great contributions to the advancement of human rights—and that it will make even greater contributions in the future. But it is also my conviction that we, as Americans, in paying tribute to the work of the UN in human rights, must note our own poor record in ratifying UN conventions and covenants in this field.

U.S. DELAY "INEXCUSABLE"

I find it inexcusable that the United States—which has contributed as much if not more than any other nation to the drafting of human rights conventions and covenants—and which offers its citizens the broadest range of opportunity and of secure human rights of any nation on earth—should lag far behind so many other nations, including even the Soviet Union, in the ratification of these important documents.

Under the administration of President Johnson, the Senate in 1967 approved and the United States ratified the Supplementary Convention on Slavery—the first such action by the Senate in the post-war period. Three other conventions are pending before the Senate—the Convention on Genocide, and conventions dealing with forced labor and the political rights of women.

Why is it important that the United States ratify these conventions?

They will not, of course, create a new standard for the American people. The rights of our people, which were enumerated in the Constitution and the Bill of Rights, have through succeeding generations been amplified by amendment, spelled out by legislation, and implemented by executive action and judicial decree. And political and civil rights once denied to a part of our people are now, by law, available to all.

ACCORDS WITH CONSTITUTION

But the fact that our own laws, traditions, and Constitution already grant such a full range of human rights is no reason why we should fail to ratify United Nations conventions in this field. The United States stands in a position of world leadership on these issues, and our decisions regarding these conventions will go far to determine their future effectiveness around the world. For if the nation that was born proclaiming that "certain inalienable rights" are the birthright of "all men"—not just Americans—fails to give its formal adherence to these conventions, why should other nations take them seriously?

Most of the delay in ratifying these conventions has been due, of course, not to any lack of bipartisan support for the principles they embody, but to honest doubts that the principles of Federalism permit us to participate in them. But the discussion, over the years, should by now have dispelled these doubts. It is my strong belief that all the UN conventions submitted to the Senate are consistent with our Constitution—and that we need have no fears that they contravene our domestic laws which are, in fact, more protective of human rights than anything the conventions provide.

For these reasons, it is my hope that in 1968—International Human Rights Year—the United States Senate will take further action on the Human Rights conventions that are pending before it. No other action would so effectively mark our observance of International Human Rights year.

JAMES E. WILLIAMS PRESENTED CONGRESSIONAL MEDAL OF HONOR

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. McMILLAN. Mr. Speaker, I have just returned from witnessing the President present the Congressional Medal of Honor to my constituent, PO James E. Williams. After learning of Petty Officer Williams' extraordinary heroism during the Vietnam war it makes us all proud to be an American.

I have never attended a more impressive ceremony during my lifetime.

Petty Officer Williams is an outstanding gentleman in every respect, and I am certain every real American takes great pride in knowing that the highest honor a grateful Government can give has been bestowed upon him. I realize we have thousands and thousands of unsung heroes: However, when a man risks his life and goes far beyond the call of duty as did Petty Officer Williams, mere words and the distinguished Medal of Honor really does not do justice. However, it does give all of us an opportunity to take off a few minutes and pay tribute and our respects to a man who will go down in history as one of our greatest heroes.

I am inserting a copy of the President's citation in connection with Petty Officer Williams' outstanding heroism:

The President of the United States in the name of The Congress takes pleasure in presenting the Medal of Honor to Boatswain's Mate First Class James E. Williams, United States Navy for service as set forth in the following citation:

"For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as a member of River Section 531 during combat operations on the Mekong River in the Republic of Vietnam. On 31 October 1966, Petty Officer Williams was serving as Boat Captain and Patrol Officer aboard River Patrol Boat (PBR) 105 accompanied by another patrol boat when the patrol was suddenly taken under fire by two enemy sampans. Petty Officer Williams immediately ordered the fire returned, killing the crew of one enemy boat and causing the other sampan to take refuge in a nearby river inlet. Pursuing the fleeing sampan, the U.S. patrol encountered a heavy volume of small arms fire from enemy forces, at close range, occupying well-concealed positions along the river bank. Maneuvering through this fire, the patrol confronted a numerically superior enemy force aboard two enemy junks and eight sampans augmented by heavy automatic weapons fire from ashore. In the savage battle that ensued, Petty Officer Williams, with utter disregard for his own safety, exposed himself to the withering hail of enemy fire to direct counter-fire and inspire the actions of his patrol. Recognizing the overwhelming strength of the enemy force, Petty Officer Williams deployed his patrol to await the arrival of armed helicopters. In the course of this movement he discovered an even larger concentration of enemy boats. Not waiting for the arrival of the armed helicopters, he displayed great initiative and boldly led the patrol through the intense enemy fire and damaged or destroyed fifty enemy sampans and seven junks. This phase of the action completed, and with the arrival of the armed helicopters, Petty Officer Williams directed the attack on the remaining enemy force. Now virtually dark, and although Petty Officer Williams was aware that his boats would become even better targets, he ordered the patrol boats' search lights turned on to better illuminate the area and moved the patrol perilously close to shore to press the attack. Despite a waning supply of ammunition the patrol successfully engaged the enemy ashore and completed the rout of the enemy force. Under the leadership of Petty Officer Williams, who demonstrated unusual professional skill and indomitable courage throughout the three hour battle, the patrol accounted for the destruction or loss of sixty-five enemy boats and inflicted numerous casualties on the enemy personnel. His extraordinary heroism and exemplary fighting spirit in the face of grave risks inspired the efforts of his men to defeat a larger enemy force, and are in keeping with the finest traditions of the United States Naval Service."

LYNDON B. JOHNSON.

NATIONAL TRANSPORTATION WEEK

HON. ED REINECKE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. REINECKE. Mr. Speaker, man is known as a restless creature. And well he should be, as through most of history man has expended great energy in moving himself and his produce from one place to another—always journeying a little farther in a little less time.

As a result of these basic motivations to overcome the vastness of time and space, man has constructed a magnificent achievement in transportation. It is in this spirit that I salute National Transportation Week—a time to recall a dynamic saga of renaissance in the moving of goods and people throughout the land and around the world.

It is equally important to pay tribute, in the form of this National Transportation Week, to the men and women whose constant efforts move our produce and people throughout the world.

For a period of 5,000 years transportation underwent few innovations. But only within a short 70 years a metamorphosis in transportation has occurred in which man now accepts automobiles, jet airliners and spacecraft as common modes of transportation. However, transportation is much more than just technological advances.

The role of transportation today is a kaleidoscope of important functions. Man's progress toward ever-increasing knowledge and comfortable affluence depends on the mechanical genius of modern transportation. Our trains, trucks, buses, airplanes, pipelines and ships have placed the goods of the world on our doorsteps. Only a primitive society where people procure their own simple necessities from materials at hand can exist without modern transportation.

In modern industrialized societies transportation becomes vital. In such a nation groups of people are interdependent on one another for such simple necessities as food, clothing, and shelter. Finally such groups cannot live in isolation. Thus transportation becomes an indispensable lifeline for making the goods and services of each specialized segment available to all.

Things are not made, nor are they useful, unless they can be distributed, and more efficient distribution depends on progresses in transportation. Our mines, mills, factories and farms rely on transportation as a vital bloodstream to national and world markets.

The Nation's growth pattern toward fewer and larger farms, increasing industrialized and urbanized areas, mushrooming suburbs, and a nation of cities depends on effective transportation.

Such closeness demands that people get along together. In our Nation transportation has done much to unite the people. It has brought them together to produce goods, to trade with each other, and provided opportunities for understanding one another.

Transportation is the enemy of stagnation, immobility, isolation, and low productivity. It fosters change as well as exchange, opening new lands for production, new markets for sellers and inventive genius.

Transportation is a major ingredient for achieving a large-scale educated populace in our Nation. It makes centralized schools possible, transports more students to them and prevents large attendance drops in bad weather.

Finally it is important to remember that the production of goods is futile without transportation. Transportation is such a necessity in the modern world that a fairly good indicator of the economic and social achievement level of a country is reflected in the status of its transportation. The United States through extensive roads, waterways, rails, and pipelines has welded the country into a single national market. In contrast much of the world still depends on animal transport, and the huge nation of India relies on 10 million animals to haul about 100 million tons a year.

As man rushes toward the stars and the 21st century it is essential that we remain aware of the colossal impact of transportation on men and nations.

This week I am glad to join in saluting the men and women who work day to day to move our goods and people in the form of this National Transportation Week. I think it also important to salute the transportation innovators, the researchers and technicians, whose work, inspiration and invention will move us to an unimaginable and dynamic 21st century of transportation.

THE NATIONAL ECONOMIC GROWTH RECONSTRUCTION ORGANIZATION

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. RUMSFELD. Mr. Speaker, today the Republican Task Force on Urban Affairs met with Dr. Thomas W. Matthew, a neurosurgeon who has given up his practice to serve as the president of the National Economic Growth and Reconstruction Organization—NEGRO.

This is an organization which has as its objective to provide the poverty-level Negro an ownership stake in our society, and in so doing, to provide employment training and jobs. In his presentation before the GOP task force, Dr. Matthew persuasively attacked a number of the basic premises on which antipoverty efforts to date have been based. The thrust of his argument was that present programs in the poverty area touch only the upper economic and social levels among the Negro poor, leaving without help or hope the great bulk of those living in poverty. Dr. Matthew describes steps which he believes the Congress should take to reach those who he maintains are not currently affected by Federal programs.

While the testimony of Dr. Matthew represents but one viewpoint, and the approach of his organization would obviously not be universally applicable, I do believe it merits study by all who are interested in better understanding the magnitude of the problem and in considering possible avenues of solution.

Dr. Matthew's statement follows:

STATEMENT BY THOMAS W. MATTHEW M.D. PRESIDENT OF NEGRO (NATIONAL ECONOMIC GROWTH AND RECONSTRUCTION ORGANIZATION), BEFORE THE URBAN AFFAIRS TASK FORCE OF THE REPUBLICAN CONFERENCE, MAY 14, 1968

Not since the Civil War has so much attention been given to the plight of the Negro in America. Headlines greet each new proposal to solve his problem. Many concerned Americans have been surprised and bewildered by NEGRO's attack on what appears to them to be reasonable solutions to the problem of unemployment and poverty. Unfortunately, these proposals are only the latest in a series of programs designed to end poverty for all but the Negro.

The New Deal with its public works programs was a noble idea and an economic springboard for the majority of Americans but not for Negroes. The War on Poverty is the Great Society's answer, but the scorched earth of Detroit, Newark, and Washington has convinced us all of its failure to help appreciably the black poor. Now, civil rights leaders, with great sincerity, have come forth with a new panacea. This nostrum compounded specifically to cure Negro poverty is designed so as to treat everything except the illness it is advertised to cure. Almost every other group in America would benefit except for the hard core Negro unemployed.

The lack of success of each succeeding welfare program rests with what they share in common, the assumption that the causes of poverty for all people is the same, and therefore, what will eliminate poverty for one group of Americans will do it for the other. But, poverty is like pneumonia and every physician knows that until he identifies the specific agent, his therapy is, at best, a hit or miss affair.

The now apparently perennial summer riots are symptoms widely known but little understood. They say that the "black masses" believe that the American society has the power to help but that the War on Poverty has not reached them. This recognition has brought about a new rash of proposals, some noble some punitive, but all designed to treat the wrong disease.

Negro poverty is distinct and unique enough to set it apart from all other types of poverty. For the Negro poverty is a complex disorder. For the rest of America, poverty is a simple malady which can be cured by the infusion of employment. The roots of Negro poverty are cultural as well as economic. Until this nation recognizes the difference and designs programs specifically designed to deal with the unique Negro problem, all efforts, no matter how well financed or managed, will fail.

Black Americans are essentially two different people. They can be differentiated by the dominance of the two cultures characteristic of the black man in America, emancipated culture and slave culture. Few of us could be considered completely emancipated, but, unfortunately, some of us are still to much victims of the slave culture. It is still possible to encounter the American black man who functions in a culture identical with that of an early eighteenth Century, well domesticated, chattel slave.

Our reason for encouraging a discussion of slave culture at this time is the current flurry of headline-catching proposals to deal with the racial crisis. Rather than dealing with root causes, these proposals are designed to prevent riot. The obvious seems to be forgotten: Making riots unnecessary is the best prevention. At all costs, we must prevent any further frustrations in the nation's ghettoes caused by new hopes and inevitable disappointments.

Not since 1831, when Nat Turner, the slave, staged his bloody rebellion, has white America been so concerned about how the Negro people should live. Over a century has passed, but the cause for this concern is the same. The black man has placed in jeopardy, the physical safety of white persons and threatened the status quo. Nat Turner's activity was deemed a rebellion while the racial outbreaks of the last three years have been called riots. But, in both cases, violence was perpetrated by blacks for the purpose of destroying both the lives and property of white people.

The similarity is so striking that author, William Styron, has reconstructed the Nat Turner rebellion into a vivid semi-fictional novel. It is his contention that his readers can better understand current racial events from his historical recreation. Indeed, white America should note carefully the common factor in the rebellion of 1831 and the riots of the 1960's, i.e. the motivation.

Broken promises are the cardinal excitants to violence. Nat Turner and the "grass roots Negro" of today have eaten of the same bitter fruit.

The nation's policymakers fashioned a massive federal program to end forever poverty in America, the War on Poverty! The poor of America were to expect an improved standard of living. The grass-roots Negro took this promise literally and he had good reason for optimism. For the first time, millions of dollars were being poured into his community to improve his economic status. It was not long before he found out that little of the millions spent would ever reach the people of poverty. Administrative costs consumed anti-poverty funds before they could ever benefit the poor. Once again, the grass roots Negro had reason to feel betrayed.

It is because so many white people believe that the perennial riots are a prodrome to a possible all-out black violent rebellion that they are attempting to offer ways for its prevention. However, in the zeal for success (and at times to gain the public favor that accrues to a hero), some proposals are promoted that are not designed to accomplish their stated goal. Generally, this occurs because the proponents do not really understand the complexities of the Negro people's problem. With each attempt that starts out with lofty goals (so much so, that hardly a person would want to cast cold water on it before it has been tried), and then fails, the Negro masses perceive a broken promise. Feeling betrayed, they only become more hostile towards white people—the symbols of the power structure that denies them freedom.

Each of the disappointments occurs because the proposal is not geared to the realities of the need of the Negro masses. Unfortunately, many proposals are well designed to help one part of the Negro population, and yet, leave unfulfilled, the needs of the people to whom the greatest promises were made. Ironically, the group helped is the one called upon to advise white leaders rather than the group that the white community fears most for its rebellious potential.

The antipoverty program is a case in point. It was publicized as a war against poverty. The promise was clearly made that it was to eradicate poverty. The programs developed, however, were, in fact, responding to the problems of the "black bourgoise". In the terminology of E. B. DuBois, the "talented tenth" had skills and were ready to work with those skills if only a job opportunity was provided. This is the theme that the Urban League, through its "Skills Bank" program has been advocating. The NAACP promotes the same theme but uses the legal vehicle of breaking-down barriers of employment discrimination. Both of these approaches have been needed but it is essential to note that they only meet the needs of the relatively small number of Negroes who have skills or reasonable education. Yet, the Anti-poverty Program was widely advertised as being the vehicle to help the poor; sometimes euphemistically called the under privileged, the disadvantaged, the unskilled, or just the grass roots Negro.

As a consequence, the many programs conducted under the federal agency called the "Office of Economic Opportunity (O.E.O.), have been a great success for the Negro middle class. In a great measure, there is a almost no difference between the significant effects of the W.P.A. during the depression and the OEO of the 1960s. They both made jobs for people who were quite able from a psychological, physical, and skill standpoint. Neither one made provisions for the so called, "unemployables". The only basic difference between WPA and OEO is that the WPA made jobs for the employable unemployed, whereas the OEO upgraded the skillful Negro to a job level that more accurately reflects his educational achievements. The college graduate was taken from running an elevator or a stock clerk's job or serving as a department store saleswoman and placed in a white collar position. This is precisely what the older Negro organizations were asking to be done so as not to "waste" the man power reserves of our nation".

Of course, not all the white collar jobs of the antipoverty program went to Negro employables. As a matter of fact, there were more white employees than Negro, even when the specific projects involved essentially non-white populations.

What then of the poor Negro who is truly disadvantaged? He is informed by the news media that millions of dollars are appropriated to help him, yet, his state of poverty is not being changed. He hears about, or sees, Negroes working in the anti-poverty program with high-paying jobs moving away from him into suburbia.

The best that the adult poor Negro is offered is various forms of charity. The young people are induced to take jobs that are not intended to lead anywhere but only to keep idle hands from being the devil's workshop. Some of the young are taken out of the poverty environment by placing them in the armed services or in the Job Corps camps. Eventually, the word from anti-Vietnam war sources reaches the young ghetto dwellers that the army is designed for black genocide and that it is almost certain death to go into the armed services. He hears, via the grapevine, that the Job Corps is only a place that serves to ease you into the armed services.

Disadvantaged people in the ghetto no longer get into the anti-poverty program so as to have something happen that will enable the individual to be self-supporting in the future. Rather, the object becomes a matter of living only from day to day. It is necessary, therefore, to make the anti-poverty program provide "bread" for the daily needs. When it ceases to do this, then the underprivileged ghetto dweller feels beset upon. He has already learned that everybody who is getting something in the anti-poverty program is getting it because of his poverty. He cannot pass the standards for a real job. Hence, this poor person quickly learns to threaten or actually make good enough threats to force the authorities into providing him with a "make-do" job.

In this Neighborhood Youth Corp job, he can "hustle", i.e. come to work when he pleases, have a friend punch the time clock for him, or if his supervisor is on the "take", pay to be marked as working full time, when in reality he only works a fraction of those hours. The whole anti-poverty program is seen as a grand hustle for all involved. The only difference he sees between himself and those more skilled is that they can get more money. Too often, the obvious point is missed, that with more education and skill, one is entitled to more pay and opportunities for advancement. This lesson is missed because the ghetto youth sees unskilled people shake down anti-poverty programs for high salaries.

The black masses, like computers, patiently store up the daily memories of despair and suffering. Because they are not new experiences, there is no outcry. Even the most persuasive militant cannot move the Negro masses from their states of resignation if all he has to offer is an exhortation. But, even the mediocre speaker is able to make this mass come alive with the offer of hope. Although the grass roots may appear apathetic, the people never cease to preserve a sensitive area of hope. Once that hope is aroused, there must be a reasonable delivery of what the people were given to expect. If not, like a dormant volcano activated, a violent eruption eventually occurs. It is notable to see the blind fury generated by some of the mildest looking individuals on a pay day when the poor are told that the funds are delayed a day or so. This same rage explodes into a riot when the black masses are disappointed by a broken promise that leaves them with no choice but to return to their old state of despair.

Obviously, it is not a single broken promise that causes an outburst. Rather, the accumulated memories of daily suffering are like data processed items, delivered by the stimulus of the "straw that tips the balance".

A NEW DIRECTION

To avoid further disappointment to the poor, a new approach must be undertaken, if, indeed, they are to become gainfully employed.

The essence of the new approach is the acceptance of the concept that there are different etiological types of unemployed persons. The remedy will be designed to meet the needs of the type of unemployed involved. The basic etiological types of unemployed are:

1. Market unemployed.
2. Unskilled unemployed.
3. Attitudinally unemployed.
4. Medically unemployed.

Market Unemployed, are persons who qualify in all respects to work but for whom there are no jobs available. These persons are usually the byproducts of a depression of the general economy or the economy of selective industrial areas.

Unskilled Unemployed, are persons who are anxious to work but have not the skills for available jobs.

Attitudinal Unemployed, are persons who are devoid of any compelling sense of responsibility to work. This condition is cultural rather than biological in origin. Because it begins from childhood, there is an expected concomitant lack of skills. The difficult-to-manage school child may be the youthful stage of the attitudinally unemployed (granted that there are also other causes for a difficult-to-manage school child). The attitudinally unemployed, as used here, is presumed to be essentially healthy physically, psychologically, and mentally. He is particularly psychologically intact and mentally adequate when evaluated within the context of his usual cultural milieu. The result is that this individual cannot work, even at jobs requiring no skill because for truly innocent reasons, he has no will to work.

Medically Unemployed, are individuals who are too old or too young, who are mentally deficient, or who have a psychological illness. This psychologically damaged person differs from the attitudinally unemployed because he would be judged abnormal when tested even by standards common to his usual environment.

It is self-evident that to employ the market or unskilled unemployed, there must be more jobs created in the first case and skill-training programs in the second instance. The medically unemployed require specific therapy for the illness. Youth and elderliness are simply factors relevant to age. The attitudinally unemployed, however, are a problem that needs to be dealt with as a separate entity.

Because attitudinally unemployed persons have not been clinically isolated, or at least identified as such, much frustration has occurred from the various attempts to solve the unemployment problem among the poor. Obviously, for the market and unskilled unemployed the wide range of programs in the New Deal and Great Society have been quite relevant. In spite of the success of these programs, the statistics for the unemployed Negro seem not to improve from generation to generation. This is better illustrated when we note that the New York City lower eastside Jewish and Italian poor have improved socioeconomically with each generation, while no such consistent claim can be made for Harlem or any other Negro ghetto. It is now being suggested that the difference is that too great a part of the Negro population functions out of a culture that is different enough from other ethnic groups as to cause this result.

If any observer is to understand why the Negro problem of poverty is very distinctly a separate issue that must be dealt with apart from the poverty of any other group in America, he must become fully aware of the influence of the slave culture

It is not the purpose of this statement to present an analysis of slave culture per se, but it is necessary that we clearly see the mechanism of how this particular culture perpetuates poverty. Further, the intent is to emphasize that if poverty among the Negro is to be eliminated, a special program which is responsive to the peculiar American racial problem must be established.

To attempt a solution to poverty of the Negro by assuming that a war on poverty in general will suffice is to ignore history. The great labor movement in the United States was to serve all workers, but instead, it moved on and excluded the defenseless black laborer. The welfare programs of the New Deal were designed to help people in the economic depression but, again, the Negro citizen was not fully taken along to enjoy the booming post World War economy. Already, in the Great Society's "War on Poverty" we see the repetition of the Negro being left behind. While all other groups, such as the Appalachian poor and the new immigrants from Eastern Europe or Spanish America rapidly are being projected into the main stream of our country's life, the Negro riots just for make-do welfare jobs.

The time has come for the country to face up to the fact that we have a special national problem which transcends just the matter of poverty. It is the task of socio-economic rehabilitation of a whole people . . . It is the job of restoring an identity and a personal feeling of belonging to someone. The concept of family is vacuous unless there are people with whom one relates. Economics is one aspect of what is needed but a new psychological reference is just as important. The Negro must have an identity. He must replace the slave culture with a new set of values based on a realistic assessment of his own worth.

HARD-CORE UNEMPLOYED

What is needed in programming for the hard core unemployed. Before discussing such activities, however, it is necessary to define the hard core unemployed—only a small portion of which is on public welfare. They fall into the following categories:

1. Persons excluded from jobs because of past criminal records.
2. Drug addicts (narcotics or alcohol.)
3. Public welfare recipients with slave cultural traits.
4. School drop-outs with slave cultural traits.
5. Prison inmates ready for parole if employment was available.

It should be noted that persons who have criminal records can be good workers and may have certain advantages over the other slave cultured by being more attitudinally ready for employment. They may even possess a skill learned in prison.

NATIONAL ECONOMIC GROWTH AND RECONSTRUCTION ORGANIZATION (NEGRO)

As stated previously, as attitudinal problems exist as a basis for unemployment there is a need for more than just job training and purely economic considerations such as guaranteed wages. It is precisely this awareness that cause NEGRO to be developed. The experimental and study stages began in 1957 and were developed into a pilot project under the Interfaith Health Association (IHA) which, in 1966, evolved in its program form as NEGRO.

The primary objects of NEGRO are:

1. To assist with others in the projection of the Negro people in the mainstream of American life.
2. To promote and coordinate on a national basis local community Negro self-help programs.
3. To promote a Negro controlled economy to support self-help programs.
4. To conduct a national NEGRO Bond drive for program capitalization.
5. To promote a positive Negro culture to eliminate eventually all traces of slave culture, developing group identity and pride.
6. To serve as a bridge between the privileged and less privileged Negro.

The programs of NEGRO are both social and economic. They are intended to involve the facets of total living of the Negro people in America. Because of the urgent need, priority of efforts is given to more socio-economically deprived members of the group. We "build from the bottom up". If the least of us is enabled to be self-supporting, then the more privileged of us will certainly do well.

The social programs of NEGRO cover a wide range. A person becomes, in effect, a member by working for or participating in programs or by supporting the organization by buying NEGRO Bonds. In spite of the clear intent to further Negro self-help efforts, benefits are also extended to non-Negroes who avail themselves of our services and facilities. An active social service department is maintained with experienced graduate social workers supervising a number of trainees and case aids. Vocational guidance, educational counseling, personal budgeting, family counseling, job placement, scholarship support, and providing housing for the homeless, are among the variety of social service activities.

Group sessions are used informally to support the group concept and spirit. This has therapeutic effects for persons in need of belonging to something or having the support of someone. Both interpersonal contact and group methods are the means of setting cultural problems.

The effectiveness of this total living social approach is evidenced in various ways. For example, youths who remain exposed to our program eventually develop the educational "bug". It is becoming the in-thing for high school students to talk about going to college. School is an accepted norm and newcomers begin to sense it and measure themselves against the standards set by prevailing attitudes. This attitude is coupled with the concern for group pride.

Each person benefiting from NEGRO's many projects are encouraged to be aware of group identity and the aim to provide each person with opportunities for upward socioeconomic mobility. Contrary to the more traditional training programs, NEGRO attempts to set an atmosphere of concern for the group while helping each individual with his own special interests.

Besides, the more formal social programs and special services such as legal aid, personal loans, and financial credit references, there is a steady current of influencing the values and attitudes of those coming in contact with the program. This is the most important portion of NEGRO. Without it, our activities would degenerate into a simple economic program with personal financial gain being the only concern.

Instead, individuals gradually become more group oriented and thereby feel more secure in the knowledge that they have the back up to help them in their personal aspirations. There is a "big daddy" type reassurance for persons who formerly assumed that nobody cared. Having a group behind them now makes them feel a sense of belonging. It is at this point that individuals get "hooked" into an attitudinal "addiction".

Because they want to belong, they become receptive to the prevailing attitudes and values of the group. The fact of their being Negro is so obvious, they have an easy symbol around which to identify themselves with the group. This further reinforces the individual's attachment to the program. It is as if the reasoning is: "This is my group so I belong, therefore, if I belong, this is the way I think and behave."

This attitudinal development occurs in such subtle ways and in unbelievable numbers and kinds of places. It is almost a can-you-top-me game listening to individuals telling how they spread the "gospel" to a Negro taxi driver who was aghast and then said he wanted to be affiliated. Or there is the Monday morning story of the new drug addicts coming in for treatment because they heard the word while trying to find a fix in the black ghettos. On the other hand, the tale is from a "black bourgoise" brother who feels a new sense of pride then he could use his highly skilled training in "his own place", and still earn a decent salary. It is here that attitudinal training is seen to go two ways. The middle class Negro gradually becomes at home and shares the theme of Negro pride and self-help with black grass roots brothers he otherwise would not have permitted in his company. He has learned to be understanding of his less-privileged fellow Negro. This is the attitude needed to begin building the bridge between those already skillful and those who are not. The trained Negro's flight to suburbia has been a "brain drain" on the black ghetto. With the skill-less left to lead, there is no question as to why those communities violently erupt with frustration. The feeling of inferiority and the need to feel white gradually disappears as the trained Negro becomes more comfortable with all of his people. For him, at this point, the last vestiges of slave culture begin to cease being a part of his values.

It is only through this wide variety of group and personal social inter-plays that attitudinal therapy develops. Gradually, from the maelstrom evolved formerly hard-core unemployed persons with new attitudes about work. Their new values impel them to seek employment. In this first step, the person is often very uncertain of himself and is sensitive to ridicule or rebuff. He is used to being rejected, hence, he expects it. This is a dangerous stage for him because he is only trying out has new attitude and, as yet, has no skills. He still has enough of his old slave culture habits to make him appear too often as unreliable to a regular businessman.

GHETTO INDUSTRIAL CLINICS

What is needed is a businessman who could afford the loss of employee and his own time to "coddle" the defective worker. Also needed is the security of the Negro group identity. It is obvious that only a very unusual non-Negro business could provide this necessary work environment. Even the Negro entrepreneur could hardly make a profit if he attempted to employ such defective employees—as much as he might want to.

This needed business in which to employ a "defective" worker is what NEGRO develops. We call them Industrial Clinics. They run parallel to profit making industries making the same products. There is no hiatus between our social program and the businesses. This smooth continuity is what makes it easy for the hard-core unemployed gradually to be convinced enough to get off the orange crate on the sidewalk on which he sits all day watching the crowd go by.

The new hope for his is secured only because he identifies with the group identity concept. He is hostile about his oppression and sees this as a way of expressing his anger as well as actually gaining his freedom. Ironically, his going to work is, in a sense, a protest against "whitey."

It is in the Industrial Clinics that broken workers are mended. These workers are not only without skill but still have enough traces of slave culture as to lack the ambition that compels the average worker to at least be reliable. Arriving to work on time, using basic initative, not being side-tracked by non-business interest during work hours, or not taking a few days off after each pay day, are not yet easy standards for him. These, in variations, may impair the effectiveness of the worker and prevent him from putting in a real day's work for a day's pay. None of these factors have anything to do with job skills which the person is yet to learn. Obviously, the traditional job training program has first to get him in and then develop new work habits and attitudes. Their short comings in this regard were discussed above. The many Industrial Clinics of NEGRO are only cogs in a more complex process of retraining the hard core unemployed.

There is a need for developing a business managerial class among the Negro people as well as converting unemployables into productive workers. As long as government is prepared to provide subsidy funds, then these two needs should be target projects.

There could be no better workshop for the Negro managerial trainee to make his mistakes in than in a protected enterprise. International alignments are changing throughout the world and how much our country will need to develop positive relationship with colored nations of the world is yet to be determined. Well trained Negro businessmen could be one of America's biggest diplomatic weapons. Until then America has need of them to solve greatest domestic problem.

No matter what happens, NEGRO will continue its program of ghetto industrial clinics. We seek and will accept no gifts or grants but we do need the use of some of America's resources. In every black ghetto in the nation, groups are forming and asking NEGRO's assistance and direction in creating similar programs. Only financial resources stand between NEGRO and immediate implementation of countless locally controlled ghetto industrial clinic programs across the country.

Government and private capital on a loan basis in fractional amounts of current anti-poverty expenditures could do the job. America has given away millions with no significant change in the condition of the ghetto. Is it not time she gamble a much smaller amount in loans which can give dignity and independence to her citizens?

LEGISLATIVE PROGRAM

NEGRO (solely owned by National NEGRO Fund, Inc., a philanthropic foundation) proposes that Congress enact legislation to assist in a ten year economic development program for the Negro people. The funding would come from three major sources: The Federal Government, private industry, and foreign investors.

1. We seek loans from the Federal Government up to $100 million a year to be repaid over 100 years at 2% interest. The principal would be repaid in five year installments. In light of current grants, never to be repaid, the maximum loan of $100 million is a reasonable figure. The reality of the cost of riot damage, police and armed forces, loss of business, increased welfare costs, and urban blight indeed make such loans good investments.

2. We ask Federal guarantees of 20 year loans from private industry at 4% interest. We further seek income tax deductions for investors with the investor having the option to choose the year of his deduction.

3. We seek Federal guarantees of 5 year loans from foreign investors at a minimum of 6% interest. The amount of such loans would contribute to a better balance of payments.

Having asked for funds to create jobs it is incumbent on NEGRO to present a program to offer assurances that these funds will be so utilized as to earn enough income to pay its interest and amortization and lead the Negro people to independence and full partnership in America.

We therefore propose:

1. The Federal Government commit itself to granting up to 2% of all its contracts with private industry to NEGRO. Under this program NEGRO would be given the option to choose to bid lower than the lowest bid on contracts within that 2%.

2. Private industry commit itself to grant NEGRO ½% of its subcontracting business, again on a low bid basis.

3. The Federal Government commit itself to granting up to 10% of contracts currently or normally given out to firms in foreign nations. This would make another small dent in the balance of payments.

Two other factors will play a significant role in NEGRO's success in dealing with the crisis which concerns our nation. NEGRO is already funded by the sale of NEGRO bonds, 10 year debentures paying 6½% interest annually in denominations from 25c to $10 thousand. This national NEGRO bond drive will be expanded as more Americans—white and black—choose to help the builders.

The rebuilding of the ghetto is a significant area for investment. NEGRO has already brought hundreds from the role of welfare dependent to wage-earner. We have also already returned substantial property to the real estate tax rolls. The ghetto is the gold mine in which our people can strike it rich in dignity and independence. There is work to be done and we only need the will and the money to do it.

THE HONORABLE IRVING W. KONIGSBERG, MAYOR OF UNIVERSITY HEIGHTS, OHIO

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. VANIK. Mr. Speaker, I wish to call the attention of the House to a splendid article on Mayor Irving W. Konigsberg, of University Heights, Ohio. Mayor Konigsberg epitomizes the dedication to service and the genuine interest which mayors of many of the communities of the Greater Cleveland area show toward efficient operation of local governments.

In addition to his regular work as mayor of University Heights, Mayor Konigsberg has been distinguished among political leaders in his selection as treasurer of the Cuyahoga County Mayors and City Managers Association and vice chairman of the new Northeast Ohio Areawide Coordinating Agency. Mayor Konigsberg and his family are activists who cannot tolerate delay in place of action. His hard work and creative talents have helped to make University Heights one of the best governed cities in the country.

I am proud to insert in the RECORD, at this point, an article which appeared in the Cleveland Plain Dealer on Sunday, May 12, 1968, entitled "Job Is Hobby for University Heights Mayor":

FAVORS RETAINING SEPARATE TOWNS—JOB IS HOBBY FOR UNIVERSITY HEIGHTS MAYOR

(By Judith McCluskey)

When Irving W. Konigsberg was a child studying the Talmud, the testament of Jewish civil and canonical law, he learned the proverb: "A man is rich who enjoys his portion."

Irv Konigsberg celebrated his bar mitzvah, was graduated from Glenville High School, received a degree in political science and a law degree from the University of Chicago, returned to the Cleveland area to practice law, became a University Heights councilman and, two years ago was elected the city's mayor.

As he learned the routine of the office, attended meetings, proposed ideas, listened to citizen's problems and tried to solve them, it came to him that he liked being mayor so much he enjoyed his morning as chief executive markedly more than his afternoons as a lawyer. And he remembered the proverb and knew what it meant.

Konigsberg has been wealthy in happiness and contentment since becoming mayor.

"I really can't say how much I enjoy this work," he said, relaxing after an interview about more weighty matters in his office in University Heights.

"I'm not a politician. I don't like running for office. But when somebody comes in here with a problem and I can pick up a phone and 10 minutes later, his problem is solved—you feel so good."

The mayor said, just after his election, his hobby was municipal government. He meant it. Once he thought of teaching political science but decided his chances of later involvement in government would improve if he went on to law school.

He is also treasurer of the Cuyahoga County Mayors and City Managers Association and vice chairman of the new Northeast Ohio Areawide Coordinating Agency.

The agency will review applications for federal loans in a seven-county northeast Ohio area including Cuyahoga County and eventually will coordinate area planning projects.

Konigsberg calls it a tremendous organization and is pleased at being in on its beginning.

For all his active support of area governmental councils, Konigsberg is a champion of retaining small municipalities.

"I'm an ardent advocate of this idea," he said, talking slowly and measuring his words carefully. "Without sounding too dramatic, I hope, I can say I believe this is one of the ways we can retain a democracy. People can maintain close contact with their governments this way.

"I don't think it costs more this way.

"Because something is larger, it is not necessarily cheaper. I know this is blasphemy, but I am not convinced big business is cheaper. It takes over because it has power.

"Some 85% of our budget is salaries that couldn't be cut even if we were within a larger governmental structure. Otherwise we are quite thrifty, and much of our services and goods are donated. A larger government might have trouble getting them."

But, Konigsberg added, there are certain areas of government, such as sewers and transportation, where it would be wiser to consolidate, probably on a county level.

"If we don't co-operate in those areas where it would be thriftier and better, then the public is going to give up on the idea of local government and throw in with a central government," he said.

Although widely active in civic activities within his community and county, Konigsberg would rather talk about his other great interest in life.

The mayor is a family man. He thinks he has licked the problem of how to be extraordinarily busy and at the same time, give his three children as much attention as possible. The rule is he eats breakfast, lunch and dinner at home.

His wife, Elsa, has her own projects. She is the new president of the Cleveland Heights-University Heights PTA.

TESTIMONY OF A. H. VON KLEMPERER

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. WOLFF. Mr. Speaker, earlier today A. H. Von Klemperer, a constituent of mine and a senior vice president of Morgan Guaranty Trust Co., testified before the Committee on Banking and Currency on H.R. 16162.

Mr. Von Klemperer articulated clearly and succinctly the merits of this legislation. I concur completely with his testimony and, under leave to extend my remarks, wish to include Mr. Von Klemperer's testimony in the RECORD at this point:

My name is Alfred H. Von Klemperer. I am a senior vice president of Morgan Guaranty Trust Company of New York. I am testifying in favor of H.R. 16162 on behalf of the Bankers' Association for Foreign Trade and the National Foreign Trade Council of which I am a director. The Bankers' Association for Foreign Trade has 132 member banks throughout the United States who handle the bulk of U.S. export financing from non-governmental sources. At the annual meeting in April of this year this Bill was carefully discussed by the membership of the BAFT and strong support for it was expressed. The National Foreign Trade Council represents a large number of U.S. exporters and its directors recently voted strong support for this Bill.

Both bankers and exporters welcome this new facility because it represents a positive and creative effort to correct our balance of payments deficit by expansionary rather than restrictive measures. They believe that it is more effective to overcome our gold problem through an increase in foreign earnings rather than through reductions in foreign expenditures. H.R. 16162 is an effort in this direction.

Today there are opportunities for American suppliers to develop additional export markets of which no advantage is being taken because the financial risks involved go beyond the customary credit standards of the commercial banks, the Export-Import Bank, and the exporters themselves. A governmental guarantee or insurance to assure financing for some of these transactions would be beneficial. The exports made possible by this financing would open up new markets, especially in the developing countries. To be the first in developing and growing markets lays the foundation for repeat orders and long range foreign exchange earnings well in excess of the potential losses connected with the initial financing. The strong technology of U.S. industries and the salesmanship of American exporters are well qualified to assure a vigorous follow-up to this government sponsored initial effort. No doubt there will be some losses, but it is the solid and profitable overall balance of gains that counts.

Experience in recent years with existing programs of governmental guarantees for export risks have indicated a useful educational effect. They have enabled the banks and exporters to become acquainted with the specific exposures and technical problems involved, without undue risk. I would think that the experience gained has led to additional risk taking without governmental support. In the banking profession this educational effect is of particular importance today. There is a sizable number of banks which are inexperienced in foreign financing but which are now trying to gear themselves towards an active participation in support of their exporter clients.

We have noted that the President will nominate an Export Expansion Advisory Committee chaired by the Secretary of Commerce to provide guidance to the Directors of the Export-Import Bank for this new program. We consider this committee to be of great importance. Export expansion is a joint effort of a number of government departments and agencies. Their recommendations should be brought to bear on the day-to-day operation of this new program. It is our suggestion that your Committee include in its report a recommendation that the Export Expansion Advisory Committee should receive a specific mandate from the President to involve itself in an active way in the administration of this program. The committee should be fully conversant with individual applications for loans and guarantees submitted by exporters. While the final approval or disapproval of these applications would clearly lie with the Export-Import Bank, the other members of the committee should be able to make detailed and constructive recommendations of an advisory nature.

We have carefully studied the testimony in the Senate of Mr. Harold Linder, Chairman of the Export-Import Bank, and of other representatives of the government. We conclude therefrom that this new facility is not going to be merely another soft-loan window or a catchall basket for weak or giveaway loans. The statements made by these government officials indicate that it will be utilized as an aggressive sales tool for American exporters, and on this basis we believe that it will serve the national interest.

DEFENSE BUDGET AND POLICY FACE BROAD SENATE ATTACK

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. COHELAN. Mr. Speaker, today's edition of the New York Times carried a most significant front-page story concerning the mounting interest in close scrutiny of the defense budget to determine where reductions might be most appropriate in view of the present fiscal and international circumstances.

I commend this article to the attention of my colleagues, and include it in the Congressional Record, at this point:

Defense Budget and Policy Face Broad Senate Attack

(By John W. Finney)

Washington, May 13.—For the first time in recent years a concerted attack is being mounted in the Senate on the multi-billion-dollar defense budget. Somewhat to the surprise of senior members of the Senate Armed Services and Appropriations Committees, the normally sacrosanct defense budget is being challenged in influential quarters in the Senate both as to its size and its strategic assumptions.

To a degree this Senate move is being stimulated by the economy mood in Congress. If Congress is to cut $10-billion in appropriations from the Administration budget—as proposed in the spending and tax package being prepared for Congressional approval—it is apparent that some of the reductions are going to have to be made in the Administration's $79.1-billion defense budget proposed for the fiscal year that starts July 1.

MOVE GOES DEEPER

But the Senate move goes deeper than the normal economizing desires in Congress. Probably for the first time since the nation set off on a course of a global nuclear strategy some 20 years ago, some of the basic strategic assumptions in the defense budget are being critically challenged in the Senate.

Some influential Senators for example, are questioning the need to keep six Army divisions stationed in Western Europe. Others are challenging the plan to start deploying a ballistic missile defense system.

Perhaps in reaction to the Vietnam war, protests are also being raised against construction of a new type of fast deployment logistic ship on the ground that such vessels could lead to greater military commitments for the United States.

Significantly, senior Senators believe the attack on the defense budget no longer is being directed by back-row liberals who, over the years, have vainly sought to reduce military spending.

Rather, the challenge now is coming from members of the Senate "establishment," such as the majority leader, Mike Mansfield of Montana; John Sherman Cooper of Kentucky, probably the most respected Senator on the Republican side; Stuart Symington, Democrat of Missouri, a senior member of the Armed Services Committee, Philip A. Hart, Democrat of Michigan, a leader of Senate liberals, and J. W. Fulbright, Democrat of Arkansas, chairman of the Foreign Relations Committee.

The opening skirmish in the developing attack came last month when the Senate considered a bill authorizing $22.3-billion in military procurement and research. Reflecting the economy mood. The Senate cut the bill as reported out by the Armed Services Committee by $600-million.

OTHER ATTEMPTS BEATEN

Only by narrow votes did the committee turn aside attempts to cut the $8-billion in research authorization, to postpone a decision on deployment of a ballistic missile defense system and to prohibit construction of the logistic ships.

Now the critics are regrouping for a new assault when the defense appropriations bill, which actually provides the money for the Pentagon whereas authorization bills set ceilings, comes to the Senate floor, probably late next month.

With the support of Senator Mansfield, Senator Fulbright is laying the groundwork for cutting defense research, particularly the social science type of research that the Pentagon is sponsoring in universities.

In support of his effort, Senator Fulbright and the Foreign Relations Committee have been assembling a record of what they consider superfluous research being conducted by the Pentagon.

AN EXAMPLE READY

One example Senator Fulbright is prepared to offer is a contract the Pentagon gave to American University in Washington to study "witchcraft, sorcery, magic and other psychological phenomena and their implications on military and paramilitary operations in the Congo."

Senator Cooper is preparing to renew his move, defeated by a 31–28 vote last month, to prohibit deployment of a ballistic missile defense system until the Secretary of Defense certifies that such a system is "practicable" and its cost known "with reasonable accuracy."

The effect of the Cooper amendment would be to block the Administration's plans to start deploying the Sentinel ballistic missile defense system as a "thing" defense against Chinese missiles. But the Cooper amendment would go deeper than the technical feasibility of such a system, whose cost is estimated at $5-billion.

By introducing the issue of practicability, the amendment is intended also to raise questions as to how such a system fits into the nation's foreign policy objectives and whether its deployment would only accelerate the atomic arms race, as contended by some military planners.

But the move being awaited with the greatest trepidation by the Administration, and with approving anticipation in the Senate, is one by Senator Symington to use the appropriations bill as a device to force a reduction in the military commitment to the North Atlantic Treaty Organization.

During the debate on the authorization bill, Senator Symington offered and then withdrew an amendment specifying that all but one of the six divisions should be withdrawn from Western Europe within a year. If the Symington amendment had come to a vote, Senate leaders are sure that it would have been overwhelmingly approved.

The expectation is that Senator Symington will come up with a less drastic variation of his amendment in the debate on the appropriations bill and that it will be approved.

If so, the Senate critics of the defense budget will have seized the initiative in reversing a basic military policy laid down 17 years ago when the United States first committed troops to NATO.

CONFIRMATION OF GEORGE W. BALL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. ASHBROOK. Mr. Speaker, in the May 2, 6, 7, and 10 issues of the Congressional Record I inserted material concerning a phone monitoring facility at the State Department and its relationship to the nomination of Mr. George W. Ball as our new Ambassador to the United Nations. It will be recalled that Ball's nomination was received by the Senate on May 1, the same day that the Government Employees Exchange hit the newsstands with an article charging that a monitoring facility had existed at State and that Mr. Ball had authorized its use to monitor the conversations of States employees and the conversations of over 80 newspapermen and journalists. On May 2 I inserted the Exchange article in the Congressional Record.

On May 3 Mr. Ball appeared before the Senate Foreign Relations Committee to testify on his nomination, and I understand that each of the Senators at the hearing had been apprised of the contents of the Exchange article. In a series of questions directed to Mr. Ball, Chairman Fulbright asked if a phone monitoring facility, a room or a device did exist at the State Department. Mr. Ball replied—the testimony was not under oath—that he was not aware of such a facility, that none did exist or had existed, and that he would have known of its existence if indeed it had.

I was subsequently informed that Mr. Ball's statements before the committee would be challenged, and accordingly I placed a short statement in the Record of May 6 stating that his testimony would be questioned.

On May 7, the Government Employees Exchange, in order to clarify and substantiate its article, forwarded to me a memorandum with a floor plan of the third floor of the New State Department, describing the location, room numbers, and history of the facility, along with the names of those who had been authorized to use the facilities. I inserted the text of this memo in the Congressional Record of May 7 which was not publicly available until the next morning, May 8. In the meantime, the Senate Foreign Relations Committee had approved Ball's nomination in executive session on May 7.

Yesterday, May 13, Mr. Ball's nomination was brought to the Senate floor for action. Senator Strom Thurmond, in a comprehensive treatment of the wiretapping and perjury episode of the Otto Otepka case, explored Mr. Ball's role in the sordid State Department vendetta against Otepka. Especially interesting was Ball's handling of the "amplification" letters which the three State employees had been requested to submit to a Senate subcommittee after their previous testimony had been found to be false. Senator Thurmond was joined in his opposition to the Ball confirmation by Senator JOHN WILLIAMS, of Delaware, who stated that—

> The record shows that before a Senate subcommittee, representatives of the Department (State) first denied that it had used a wire tap, then later retracted the denial after other testimony before the committee proved they were false statements. However, it was disturbing to find later that the men who testified truthfully before the subcommittee were punished by being ostracized and put into Siberian positions.

Senator WILLIAMS then inserted his remarks from the CONGRESSIONAL RECORD of February 14, 1968, concerning the case of Harry M. Hite and Edward Burkhard who had testified truthfully in behalf of Otto Otepka and were consigned to a nearly abandoned State Department annex and who were avoided like the plague by other State employees. As Senator WILLIAMS observed back in February:

> The State Department is operating what might be referred to as a special isolation ward or cooler for employees whose only crime is telling the truth to a Senate committee.

Senator THURMOND in his speech also dwelt on Ball's May 3 testimony before the Foreign Relations Committee relating to his denial of the existence of a phone monitoring facility. Senator THURMOND exhibited a GSA floor plan of the third floor of the New State Department Building which showed the location of an "electronics laboratory," the one referred to in the Government Employees Exchange article.

At the conclusion of the debate, George W. Ball's nomination was approved.

I include the May 11 column of Willard Edwards of the Chicago Tribune, along with the article of Philip Dodd, also of the Tribune, concerning the Ball case at this point in the RECORD:

CONFIRMATION OF GEORGE W. BALL

(By Willard Edwards)

WASHINGTON, May 10.—If the ability to dissemble is a prime requisite in international councils [and history so suggests], George W. Ball seems qualified to put on a magnificent performance as the nation's future chief spokesman in the United Nations.

As President Johnson's nominee to succeed Arthur Goldberg in the U.N. post, Ball last week blandly denied knowledge of wiretapping and internal espionage in the state department during the five years when he was its top administrative officer as undersecretary of state.

Under questioning before the Senate foreign relations committee, Ball was asked about the existence of an "electronics espionage laboratory" in the state department with facilities to tap the thousands of telephones of officials in the new, 48 million dollar structure.

"I am unaware of it, he testified. "I certainly would have been aware of it if there had been such a room and there was none. There is none."

Ball was not under oath. The committee accepted his statement and approved his nomination four days later.

In the meanwhile, overwhelming evidence was submitted, supplying factual detail concerning the operations of the "spy headquarters" together with a diagram showing its location in the northwest corner of the third floor of the state department building where it occupied a total floor space of 2,065 square feet.

The first description of the wiretapping operation appeared in the Government Employes Exchange, a reputable weekly for federal government workers. The supporting evidence was supplied by its editor to Rep. John M. Ashbrook [R., O.], who became curious about Ball's profession of ignorance.

FIVE ROOMS REQUIRE SPECIAL PASS

This report noted that five rooms, numbered 3803, 3805, 3808, 3809 and 3810, were sealed off from remaining rooms on the third floor by a locked door. No employe could enter without a special pass issued by John W. Reilly, then deputy assistant secretary of state for security.

Reilly was forced to resign when he denied he had ordered tapping of the telephone of Otto Otepka, a former security chief, and was threatened with perjury charges on the Senate floor when evidence of this act was obtained.

Otepka, still battling after five years for restoration to the office from which he was removed for too much candor before the Senate internal security subcommittee, confirmed the existence of the espionage headquarters.

The evidence obtained by Ashbrook placed the cost of the spying operation at $1,500,000 a year. It revealed that Roger Hilsman, assistant secretary of state, was one of those whose conversations were recorded. His "indiscreet" references to President Johnson led to his forced resignation.

The facilities of the third-floor "laboratory" were used to monitor and record conversations between state department officials and the White House, Capitol hill, newspaper offices, and all other government departments. It was used during Ball's tenure, the report said, by the central intelligence agency and by the attorney general's office, then headed by Robert F. Kennedy, "to carry out certain operations they did not wish the Federal Bureau of Investigation to monitor."

DENIALS CALLED PROOF OF LOYALTY

Ball was not called back for questioning altho none could accept the preposterous claim that he had, indeed, been ignorant of what was going on. He is one of the most intelligent and perceptive men in government.

His denials were accepted as evidence of his loyalty to the Kennedy-Johnson administrations. He was obeying the state department code which Otepka had violated. It demands a cover-up when congressional investigators pry into department operations.

The penalties are severe for those who defy it but the rewards are correspondingly rich for those who protect their superiors. Ball's nomination as ambassador to the U.N. acknowledged his devotion to the code as well as his unquestioned talents. It was duly noted by all government career men.

SENATE OK'S BALL AS U.S. ENVOY TO U.N.—ACCUSED OF COVERING UP PERJURY CHARGES

(By Philip Dodd)

WASHINGTON, May 13—George W. Ball, former undersecretary of state, was confirmed by the Senate today as ambassador to the United Nations, but not until after he had been accused of covering up charges of perjury by state department employes.

The opposition to Ball was led by Sen. Strom Thurmond [R., S.C.], who told the Senate that Ball's denial the state department maintains an electronics room for "bugging" official telephones was "incredible."

Ball entered his denial in unsworn testimony before the Senate foreign relations committee 10 days ago when he was being questioned about his qualifications to succeed Arthur J. Goldberg as U.N. envoy.

FIGURED IN OTEPKA CASE

The existence of the electronics laboratory is a well-known Washington secret, confirmed by sworn testimony given to the Senate internal security subcommittee. It figured in the case of Otto F. Otepka, fired from his job as top state department security officer because he told Senate investigators about lax security in the department.

Senate testimony five years ago developed that Otepka's telephone had been tapped during the state department's investigation of his conduct.

Three subordinates of Ball had denied at a Senate hearing that the wiretapping had occurred, but their testimony was disputed subsequently.

THREE LIED, HE SAYS

Thurmond told the Senate the three employes, John F. Reilly, David I. Belisle, and Elmer Dewey Hill, had lied and that Ball, then administrative chief of the department, was in a position to know it.

When questioned by the foreign relations committee May 3, Ball said he would have known if there had been a wiretapping facility in the department but that "there was none. There is none."

"I cannot see what Mr. Ball had to gain by denying fairly well-known facts without reservation," Thurmond said. "I find Mr. Ball's testimony incredible. Either he was very naive, or he was falsifying. I am opposed to his nomination."

ASKS PERJURY PROBE

Thurmond said the question of perjury "is not trivial" but that no action had been taken against Belisle, Hill, or Reilly. He said he was sending records of the case to Atty. Gen. Ramsey Clark "to be examined for perjury."

"Mr. Ball's role in the affair seems to be that he was more interested in getting the state department off the hook than in seeing the case pursued thru all of its ramifications," Thurmond said.

Sen. John J. Williams [R., Del.] told the Senate he was "deeply disturbed" by Thurmond's findings. He said he also deplored the fact that Otepka and others had been humiliated while no action had been taken against Otepka's detractors.

There were five senators on the floor when Thurmond ended his speech and Ball's nomination came up for a vote.

Senators John L. McClellan [D., Ark.], Robert C. Byrd [D., W. Va.], and Howard W. Cannon [D., Nev.], shouted "aye." Thurmond and Williams voted "no."

MANY RESERVISTS SUFFERING HARDSHIPS

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. PELLY. Mr. Speaker, I have been sent a copy of a letter one of my constituents mailed to President Johnson, informing the President of hardships being suffered because of the President's callup of the Reserves last January. I sympathize with this young man and his family, and I agree wholeheartedly with him. If the Department of Defense is not going to utilize the services of the reservists involved, and it would appear the emergency has passed, then I believe they should be released and allowed to return to their normal activities.

Mr. Speaker, I call this letter from a rightfully concerned young man to his President to the attention of my colleagues, and I include this letter in the RECORD:

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: I realize that as a single member of the armed services, my opinions cannot be expected to carry great weight (I am at present a member of the Air Force 941st Support Squadron, a reserve unit on active duty at McChord Air Force base in Tacoma, Washington). Yet insofar as this nation is a land of free individuals, neither can my opinion (and I'm sure the opinion of many like me) be ignored. I am asking that I be heard and that I be answered. If this nation is the stronghold of freedom and democracy that it purports to be, I cannot be denied.

My unit was called to active duty January 25, 1968, in alleged response to the Korean crisis. As a proud American I have never attempted to shirk my responsibilities to my nation. But I want to feel that my service is not in vain. The weeks since the Korean crisis have slipped into months. The *Pueblo* incident seems stuffed into a diplomatic grave and forgotten. According to the news broadcasts of May 8, 1968, the planned additional Air Force Reserve callup has been cancelled. And still, with no plausible explanation, our unit sits on its rear.

I have a wife and Two year old daughter and thus responsibilities as husband and father. I am attempting to maintain my former full time job on a part time basis. But the strain is beginning to tell. My financial situation is becoming critical. My employer needs a full time employee, or at least assurance that I can again soon fill this role. And the vague uncertainties perpetuate. Do I let my wife go to work and relegate my daughter to a baby-sitter's care? Do I give up my job? I know my employer is obligated to rehire me, but with a very limited number of positions available what will he then do with my replacement?

If I am now serving a useful function to my nation that can justify the personal hardships thrust upon me, all I ask is that I be shown this. I see no such function. Any nation, and ours must be included, can ask only so much of its citizens. What am I being asked to do? To Die—no; to train others—no; to serve any immeidate purpose—no. Either give me and others like me a legitimate reason for our continued active status or release us.

Respectfully yours,

——— ———.

MR. KENNETH J. KING, SR., RECIPIENT OF THE HORATIO ALGER AWARD

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. VANIK. Mr. Speaker, I am pleased to announce to the House of Representatives that Mr. Kenneth J. King, Sr., has been chosen to receive the high honor of the Horatio Alger award at the Waldorf Astoria in New York City today. He is joining an illustrious group of men and women who have risen to high levels of achievement through their own industry and creative talents.

Kenny King, whose name is well known throughout the Cleveland area on family-style restaurants serving thousands of Greater Clevelanders, began as a newsboy and a shoeshine boy. In 1936, he began to develop his talents as a cook

His story is an inspiration to all young people who believe that, in this modern age, there is no longer a chance to begin at the bottom of the ladder and rise to a high level of fulfillment—spiritually as well as financially. The qualities embodied in Mr. King serve as an inspiration to all of us.

I insert in the RECORD, at this point, an article which appeared in the Cleveland Plain Dealer entitled: "Kenny King Calls Honesty Best Policy."

KENNY KING CALLS HONESTY BEST POLICY

Kenneth J. King Sr., son of a locomotive engineer, has this advice for a potential businessman:

"Simplicity. Honesty—just being honest with yourself and not trying to take it all yourself. You can't outdo God's generosity."

King, 52, came to Cleveland in 1932 from his home in North Carolina and took a job as a fry cook.

"Fry cook. That's something. You mopped the floor, you were a dishwasher, you did everything. It was a job."

But he was ambitious and had a notion of promotion.

Now he is the owner of Kenny King's Family Restaurants, a chain of 17 restaurants in northeast Ohio and president of five corporations.

On Tuesday in New York City, King will be honored with the Horatio Alger award of the American Schools and Colleges Association. Former orphan, newsboy and shoeshine boy, Kenny King is the epitome of that very American story of the rags to riches kid.

He came to Cleveland without much hope, but with an uncle here who ran a restaurant. So he went to work as a fry cook.

Then in 1936 he started working for J. O. Dissinger, who he says, "taught me how to cook" and developed him into a manager.

Then one day Dissinger went on vacation.

"He was supposed to be gone for two weeks, but he called back a couple times and he ended up staying a month."

King says he doubled the business in that month.

King and Dissinger soon went into business together and then King bought his own interest, started his own place in the Keith Building and "first thing you know" he's selling 42,000 hamburgers a week.

But it was not really just "the first thing you know." The important thing is the thing Kenneth J. King Sr. can't explain—how in 20 years he built a hotel's luncheonette counter into a chain of 17 restaurants.

But besides being another business man who had success, King has been a humanitarian, and that is what makes him special. He likes to help people.

At one point some 10 years ago he had tried to be the right employer for so many people that most of us call undesirables that he was getting a reputation.

"People were saying, 'Well if you work for Kenny King there must be something wrong with you,' so I stopped that. Now I just try to get people jobs someplace else."

He can tell any number of stories about the fine but troubled people he has helped, but finally you sense that Kenny King himself has been helped.

THERE'S A CHARM, A MAGIC

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. SIKES. Mr. Speaker, the Charleston Evening Post has presented an interesting and very informative series of articles about the great Seminole leader, Osceola. The series was written by Jack Leland. The concluding article tells so much about the life and death of Osceola that I feel it should be reprinted in the RECORD and I submit it for that purpose:

THERE'S A CHARM, A MAGIC

(By Jack Leland)

WAHOO SWAMP, FLA.—"There is a charm, a magic . . . in the land of one's earth."

These words, from the Army and Navy Chronicle (VIII, 220) were written in 1837 when Gen. Thomas S. Jesup began an aggressive campaign to rid Florida of all Seminole Indians.

And, in particular, Osceola whose name meant "Black Drink," the amber-onyx brew of yaupon leaf. The drink was served at the green corn festival and during the ceremonies when a Creek Indian youth became a warrior. The word: variously "Asonyaholi," or "Asse holer", or "Asyo:li' or ASI:yaholi", is today spelled "Osceola."

Osceola . . . Seminole . . . Warrior . . . Chief . . . What was he?

The Army and Navy Chronicle says of the Seminoles in 1837 when Gen. Jesup unleashed the full force of the U.S. Army troops in Florida upon the Indians: "Thus it is. The poor devils are driven into the swamps and must die next summer, if not before, from the effects of being constantly in the damp, low and foggy ground. And yet they will not go. There is a charm, a magic . . . in the land of one's birth."

When captured at last, Osceola apparently accepted his fate with stoicism and his words on leaving his beloved Florida are not recorded, but those of his kinsman Cooacoochee (Wildcat), son of King Philip and the last of the Seminole chiefs to surrender, express, perhaps, the spirit of both.

Three years after Osceola's death in prison at Fort Moultrie, S.C., Cooacoochee gave up. He, like Osceola, had been taken prisoner at Fort Marion (San Marcos), St. Augustine, under a "white" flag but, unlike the death-destined Osceola, Wildcat escaped.

American Army manipulations of the Indians in the second Seminole War have been criticized for 150 years and it is interesting that the man who gave the world the term, "War is hell," was the man to whom Cooacoochee succumbed.

It was William Tecumseh Sherman who, in in May, 1841, took a whisky sodden Wildcat in custody and sent him to Tampa Bay. There, aboard a ship headed for New Orleans and the upriver journey to Indian Territory, Cooacoochee stalked through the supine forms of weeping women on the deck and stood, staring at the receding coastline, sun-heated, snowy white, beach sands below the cool, green fringe of pines rising to meet the blue sky.

A government chronicler writes that the one-time companion of Osceola said: "I am looking at the last pine tree on my land."

And so ended the battle begun a scant six years before when a hitherto unheard of Indian of the Creek lineage emerged as the war leader of the Seminoles who opposed being moved from Florida to the Arkansas-Oklahoma area.

Osceola never admitted to the widely believed reports that he was a half-breed (Indian-Scottish) but stated on two documented occasions that he was an Indian with "no foreign blood in my veins."

Displaced—the English meaning of the Muskogee word Seminole—from his birthplace in the Chattahoochee River Valley between Georgia and Alabama by the defeat of the Creeks by Andrew Jackson in 1814. Osceola accompanied his mother's people—the recalcitrant "Red Stick" Creeks—to Florida, then British territory. These "run aways" or Seminoles migrated ever southward, pausing for a while at a British post on the Appalachicola River, then near Wakulla and St. Marks and on April 12, 1818, were defeated by Andrew Jackson's troops at Econfina on the Natural Bridge River where Osceola, as a captive, was described as "but a lad."

He was released along with nearly 100 women and children and apparently grew up near the Withlacoochee River in the area of what is now Ocala. Near there, at Rainbow Springs, developers are planning a multimillion-dollar tourist attraction, with one of the major magnets the "mortal remains" of Osceola, which a Miami businessman, Otis Shiver, says he took from beneath a grave marker at Fort Moultrie two years ago.

While the knifing of treaty papers, real or unreal, made romantic news, Osceola actually began emerging as a leader in 1832, when he was a factor in the preliminaries leading to the Treaty of Payne's Landing, the terms of which he objected to. The treaty would have required all Indians in Central and South Florida to agree to removal to the western Indian territories within one year.

For Osceola it was a two-pronged war: on one hand the American troops and on the other older, more powerful, chiefs of his own people who apparently gave in and accepted the dictum from Washington that all Indians be removed to Arkansas and Oklahoma.

But the "trail of tears" was not for Osceola and he fought a typical guerilla war, using the weapons he had; lying when he felt it necessary; ambushing when the chance offered; killing his fellow chiefs when they refused to go along with him and—always—on the run, the run that took him through the sawtooth palmetto scrub which as one U.S. Army officer wrote home: "cut off the troops pantaloons as high as the knee."

But the enemy without and within were too much, even for Osceola. He disappeared from the battlefields for a 3-month period late in 1836, reportedly too ill to walk. During that time the Americans took full advantage of his absence, winning skirmish after skirmish against lesser leaders. The Indians who believed they would be inevitably sent west did not plant their normal crops and starvation entered the picture. Still the hit-run tactics continued and the U.S. Army was frustrated until Gen. Jesup, by guile, and his brigadier, Gen. Joseph Hernandez by counter strategy, succeeded in splitting the Indians and knocked the various bands off one by one. The coup de grace was inadvertently made possible by Cooacoochee. He had ridden into St. Augustine under a white flag to visit his father, Chief Philip a prisoner there.

The Army and Navy Chronicle reports: "He was mounted on a spirited horse and attired in his native costume; he rode into town with a great deal of savage grace and majesty." Wildcat was placed in jail with his father and it was his escape and later return that led to his being used as a messenger to Osceola and to that great warrior's capture.

And so Osceola, along with Micapony, Coahadjo, King Philip, Little Cloud, 116 warriors and 82 women and children were taken from St. Augustine aboard the steamer Poinset to Fort Moultrie, S.C. in the custody of Capt. Pitcairn Morrison. That they were given considerable freedom is attested to by several letters written by responsible observers and also by the fact that Osceola and other members of his group attended a performance at the New Theater in Charleston on Jan. 6.

However, the fight was over and Osceola apparently realized it. Physicians who attended him and artists who painted his portrait agreed that he bore the mark of impending death. Just what sickness had incapacitated him in Florida is not known but it had taken his strength and when struck down at the last by "Quinsy" (strep throat?) he succumbed, Jan. 30, 1838, unable or unwilling to continue the struggle.

The army surgeon, Dr. Frederick Weedon, privately opened the casket after the chief's body was placed in it and cut off the head. While physicians at that time were greatly interested in phrenology and some maintained large collections of heads, Dr. Weedon might have had other motives. His wife was Mary Thompson, sister of Gen. Wiley Thompson who had been killed by Osceola at Fort King.

Dr. Weedon, however, was known as a friend of Osceola's and had attended the Seminole at St. Augustine and aboard the ship to Charleston. He called in Dr. B. B. Strobel of the S.C. Medical College when Osceola became ill. But the Seminole medicine man, who was in Osceola's room along with the chief's two wives and two children, refused to allow medication. Dr. Weedon wrote to George Catlin, the artist who painted Osceola's portrait, that about a half hour before Osceola died, the chief asked for his full dress war costume which he put on. "He then called for his red paint . . . he deliberately painted one-half of his face, his neck and throat—his wrists—the backs of his hands and the handle of his knife, red with vermillion, a custom practiced when the irrevocable oath of war and destruction is taken.

"In full dress . . . and with most benign and pleasing smiles, he extended his hand to me and to all the officers and chiefs that were around him and shook hands with us all in dead silence and also with his wives and little children; he made a signal for them to lower him down upon his bed, which was done, and he then slowly drew from his warbelt his scalping knife, which he firmly grasped in his right hand, laying it across the other on his breast and a moment later smiled away his last breath without a struggle or a groan."

Dr. Weedon later gave the head to his son-in-law, Dr. Daniel Whitehurst, who, in 1843, presented it to Dr. Valentine Mott, one of the founders of New York University Medical School. It was placed in Dr. Mott's museum of pathological specimens and was listed in its 1858 catalog. In 1866 the museum burned and it is assumed the head of Osceola was consumed by the purifying flames.

Dr. Whitehurst's letter to Dr. Mott contains a fitting tribute to Osceola. He wrote, in part: "Among those distinguished in an eminent degree was Osceola: Brave and active in war—he was equally docile in peace and once having been a firm friend of the white man, he became his bitterest foe. He . . . buried the calumet of peace and lit up the flame which for six years burned with such desolating waste over this unhappy land."

Today, 130 years after his death, the ashes of his head are somewhere in Manhattan and mystery surrounds the true whereabouts of the rest of his remains. Are they, indeed, somewhere "outside the main entrance" to Fort Moultrie or are they encased in a sealed steel case in a bank vault in Florida?

A National Park Service spokesman said yesterday: "The National Park Service now is pursuing all possible means of research to develop all facets it can of Osceola's burial in view of the present situation."

Should the Park Service obtain a court order for "claim and delivery" of the Shiver-Rainbow Springs steel box, part of the mystery may be solved. However, should the container reveal nothing, the exact site of the "Black Drink" warrior's grave may never be known unless extensive archeological investigation is done at Fort Moultrie.

But, whether in an artificial site for the curious in Florida or a by-passed historical spot in South Carolina, the bones and body of Osceola leach out into the nothingness of water running through sand when compared with the legend of his undaunted spirit.

For deep in the saw-grass swamps, undulating over the pine-topped sand hills and flowing, glowing with the boiling blue waters of the streams he knew and loved, the spirit of Osceola lives.

The hand of man is impotent to harm; the glare of neon lights cannot dim; the blare of a midway barker is powerless to silence; and the onrushing hordes of humanity can never trample the legend, the soul, the message of this displaced person who once sent a challenge to the U. S. Army: "You have guns and so have we. You have powder and lead and so have we. You have men and so have we. Your men will fight and so will ours, til the last drop of the Seminole's blood has moistened the dust of his hunting ground."

MILWAUKEE INSURANCE INFORMATION FAIR

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. REUSS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following statement by the Wisconsin Insurance Alliance on their Insurance Information Fair held in Milwaukee's inner core on April 20, as well as several newspaper stories covering this fair:

The Wisconsin insurance industry provided a "task force" of 80 volunteer insurance company employees from 30 stock and mutual companies to provide the manpower for conducting an all-day Insurance Information Fair in the heart of Milwaukee's inner core area on April 20. Residents from the largely Negro populated area met with teams of volunteer company underwriters and claims adjusters to discuss their personal insurance problems involving all lines of insurance. All complaints were recorded and are being investigated by industry committeemen acting as intermediaries with the insurance carriers involved.

Believed to be the first event of its kind in the nation, the Insurance Information Fair idea developed from meetings conducted by Wisconsin's Insurance Commissioner Robert D. Haase with leaders of several of Milwaukee's inner city Negro organizations during the fall of 1967. Core area spokesmen had complained that residents of the area were uninformed about insurance matters, frequently were unable to obtain necessary fire and automobile coverage and did not know where to seek assistance.

Three major Milwaukee television stations and local newspaper reporters were on hand to record the historic event as core residents entered a church auditorium where they were directed by hostesses to booths set up for individual counselling by company personnel. Booths were designated for life, health, automobile, and fire insurance problems. Other booths also were available for insurance sales and for career opportunities in insurance. The participating companies had previously surveyed local insurance offices and a list of 49 job opportunities was available to interested residents.

The Insurance Information Fair concept created widespread interest among governmental as well as insurance industry leaders. Congressman Henry S. Reuss from Wisconsin's fifth district and Milwaukee Alderman Martin E. Schreiber joined Wisconsin's Insurance Commissioner Haase and Deputy Commissioner Stanley C. DuRose in observing the Fair's activities. Insurance company executives participating in the Fair included Robert W. Doucette, president of the Milwaukee Mutual Insurance Company, Milwaukee; T. Lawrence Mulcahy, vice president of the Northwestern National Insurance Company, Milwaukee; Gerry Seider, president of the Badger Mutual Insurance Company, Milwaukee; and Robert S. Barber, president of the West Bend Mutual Insurance Company, West Bend, Wis. Observers from the insurance departments of adjacent states also attended to evaluate the effectiveness of the "Insurance Information Fair" concept for possible use in the inner core areas of metropolitan centers in other states.

Promotion of the event with the inner core residents was handled by local Negro committeemen with Milwaukee's Negro press and radio stations. The committee also distributed handbills and made sound truck announcements in adjacent neighborhoods. Publicity and arrangements with Milwaukee's metropolitan news media were handled by the Insurance Information Center of Wisconsin, the public relations office of the Wisconsin Insurance Alliance, which is an organization of domestic stock and mutual fire and casualty insurance companies.

The entire cost of the Fair was defrayed by voluntary contributions from the participating insurance companies. The event expenses approximated $1,600, including advertisements in Negro news media, handbills, hall rental, free refreshments, and other promotional costs.

Insurance industry and core area spokesment agreed that the experiment was successful in creating greater mutual understanding between core residents and local insurance company personnel and acclaimed the fair concept as an effective method of providing direct assistance to inner city residents with insurance problems.

[From the Milwaukee Journal, Apr. 17, 1968]

RISK FIRMS TO GIVE CORE INFORMATION

(By Edward S. Kerstein)

An insurance information fair for Milwaukee inner core residents, to be held Saturday, is believed to be the first such event attempted in the country.

The fair will be at the St. Francis auditorium, 1926 N. 4th st., from 10 a.m. to 4 p.m.

Milwaukee representatives of more than 25 insurance companies will be present to confer with the area's residents on personal insurance problems.

Automobile and property owners encountering difficulties in getting insurance will have a chance to air their grievances.

TELLS OF COOPERATION

The fair is sponsored by core organizations in cooperation with Milwaukee's leading life, health, fire and casualty insurers, as well as Robert D. Haase, Wisconsin insurance commissioner.

Co-chairmen of the fair are Mrs. Ann Hudson, 4213 N. 15th st., and George J. Pazik, executive vice-president of the Northtown Planning and Development council

"There has been a most gratifying spirit of cooperation between insurance company representatives and members of the inner city residents' planning committee," said Pazik. "The insurance problems produced by today's social and economic conditions in the inner city are most urgent, yet greatly complicated by social unrest.

"A greater mutual understanding of the insurance problems faced by core residents as well as financial difficulties incurred by insurance companies in recent years meeting the public's insurance needs, would be a major achievement for the fair."

NEED FOR KNOWLEDGE

Mrs. Hudson pointed out that lack of knowledge by the public of standard insurance policy coverages, underwriting and claims adjusting procedures often created distrust and confusion.

"We believe that the face to face interviews which will be possible at the fair will benefit everyone," she said.

In addition to the presence of insurance company specialists, a representative of the state motor vehicle department will be on hand.

Persons whose problems require further investigation will be asked to fill out inquiry forms that will be referred later to the insurance company involved for action, and the complainant will be contacted by complaint investigators in an attempt to reach a solution.

A feature of the fair will be the presence of hostesses who will direct questioners to five areas containing booths. These booths will be manned by insurance company experts in underwriting and claims matters in the fields of life, fire, accident, health, and automobile insurance sales.

[From the Milwaukee Journal, Apr. 14, 1968]

BOOTHS ON INSURANCE PLANNED IN CORE

Four booths to provide inner city residents with information on auto insurance, property insurance, job opportunities and insurance agent opportunities will be featured at an insurance fair next Saturday at 1900 N. 4th st.

Core residents have promoted the idea of the fair. The state insurance commissioner and several insurance companies will have representatives there.

[From the Milwaukee Sentinel, Apr. 17, 1968]

INNER CITY INSURANCE STUDY SET

Insurance problems in the inner city will be aired Saturday when representatives of more than 25 companies will visit with core residents at a meeting believed to be the first of its kind in the nation.

Billed as an insurance information fair, the discussions will be held from 10 a.m. to 4 p.m. at the St. Francis auditorium, 1926 N. 4th st. The program is being jointly sponsored by a number of inner city organizations in co-operation with Milwaukee's leading life, health, fire and casualty companies and by Robert D. Haase, state insurance commissioner.

Teams of specialists will be on hand to answer questions and provide advice for persons with any insurance problems, said George J. Pazik, executive vice-president of the Northtown Planning and Development council.

Standard policy coverages, underwriting and claims adjusting procedures will be discussed, he said.

[From the Milwaukee Journal, Apr. 21, 1968]

CORE INSURANCE CLASS HELD

About 125 inner core residents found a way to get their insurance difficulties unsnarled Saturday.

Eighty volunteer insurance men, including several company presidents, worked in shifts to provide information and counseling at the St. Francis auditorium, 1926 N. 4th st.

The all-day insurance information fair was sponsored by inner core organizations, insurance companies and Robert D. Haase, Wisconsin insurance commissioner.

Among the problems described:

A woman said she had to pay $157 every three months for automobile insurance.

A woman had tried to surrender nine insurance policies for cash, but received instead a notice that the policies had been converted to paid up term insurance at a reduced rate.

An elderly man felt automobile insurance rates were too high for older people.

A man received an extra bill of $166 for an insurance premium, without an explanation of what it was for.

Another man's home insurance had been canceled.

The insurance fair was divided into sections. The first was an orientation session. Then came class sessions explaining various types of inurance—health, fire, life and automobile.

After that, insurance men provided individual counseling. When a person had a complaint, the agents filled out forms detailing the problem.

Robert A. Rogo, assistant vice-president of Milwaukee Mutual Insurance Co., said the forms would be reviewed and the complaints investigated by a committee of insurance men.

"If a person has had his policy canceled without justification," he said, "we will insist that his policy be reinstated."

PROMISES ASSISTANCE

He said the committee would do all it could to follow up on all problems and complaints.

"But we can't guarantee everybody will be insurable," he said.

About 30 insurance companies participated in the fair. Rogo said they would be asked to help defray the estimated $2,000 cost.

Part of the expense was for free lunch and refreshments served at the fair.

In addition to insurance counseling, a booth also was set up to sell insurance—"to show our good faith," Rogo said.

JOB OPENINGS LISTED

There also was a booth to describe career opportunities and job openings in the insurance industry. Forty-nine jobs were on the list—from filing clerk to claim adjuster to one request for a life underwriter.

About 85% of those who attended were black; the rest were white. As they left, hostesses asked them whether they were satisfied with the service they had received.

George J. Pazik, executive director of the Northtown Planning and Development council—one of the sponsoring organizations—said about 75% of those who came in said they were satisfied.

Names of the rest, he said, will be referred to a local representative of the state insurance commission. He said the representative would follow up on their complaints.

Pazik said the fair was a success, in view of the fact that many people in the inner core had been skeptical about insurance companies.

THE LIMITS OF CIVIL DISOBEDIENCE

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. ROGERS of Florida. Mr. Speaker, Supreme Court Justice Abe Fortas, writing in the May 12 New York Times Magazine presents an interesting and thought provoking definition of "civil disobedience" which should receive the attention of those who would seek to hide behind this banner in an attempt to forcefully disrupt the legitiment functions of government.

Justice Fortas was discussing student unrest, but included similar activity sweeping the Nation. Of the protester, he says:

> He is entitled to the full protection of the state and the courts in the exercise of speech and symbolic speech, however hostile. But he is not entitled to immunity if he directly and willfully incites violence or insists upon deliberately disrupting the work or movement of others . . . violent activities, in my judgement, should be regarded and treated as intolerable.

The term "civil disobedience" has been used to describe a person's refusal to obey a law which he believes to be immoral or unconstitutional—

Justice Fortas says—

but the phrase "civil disobedience" has been grossly misapplied in recent years. Civil disobedience, even in its broadest sense, does not apply to efforts to overthrow the government or to seize control of areas or parts of it by force, or by the use of violence to compel the government to grant a measure of autonomy to part of its population. These are programs of revolution . . . they are not protected in the use of violence. Programs of this sort, if they are pursued, call for law enforcement by police action.

Civil disobedience is violation of law. Any violation of law must be punished, whatever its purpose, as the theory of civil disobedience recognizes. But violations direct not against laws or practices that are the subject of dissent, but to unrelated laws which are disobeyed merely to dramatize dissent, may be morally as well as politically unacceptable—

Justice Fortas says—

I hope the Attorney General, and the Public Safety Director of Washington, and others, will take note.

PRESIDENTIAL POWER

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. RUMSFELD. Mr. Speaker, an issue which has been the subject of considerable debate, particularly as it relates to foreign affairs, is whether more or less power should be vested in or exercised by the President, on the one hand, or the Congress on the other. In the Wall Street Journal column which follows, Alan L. Otten, distinguished political writer for that newspaper, offers some timely and perceptive observations on the topic which I believe deserve close attention:

PRESIDENTIAL POWER

(By Alan L. Otten)

WASHINGTON.—Lyndon Johnson has worked many changes in American political theory, but none more dramatic than the doubts he has spread among many long-time liberals about the need and value of a strong Presidency.

It used to be an article of liberal faith that Congress was too strong and the President too weak. Only the President, the argument went, really represented all the people, while Congress tended to represent conservative rural areas or vested business interests.

The Congressional seniority system, the far-reaching powers of committee chairmen, free-wheeling investigations, the Senate filibuster, the traffic-cop role of the House Rules Committee—these practices, liberals said, prevented the President from doing what was needed, what the nation really wanted.

And so, many liberal battles of earlier years aimed at curbing these practices and straightening and invigorating the Presidency. When historians predominantly liberal, rated the Presidents, those who had bullied programs through over Congressional opposition and who had expanded the power of the office into new areas were always the great ones: Teddy Roosevelt Woodrow Wilson, Franklin Roosevelt. The conservative arguments for a less aggressive Executive, or for a Legislature with a stronger hand on the brake, were dismissed as typical reactionary short-sightedness.

Some liberals, to be sure, still plump for the strong President. (On Monday President Johnson announced a top-level study, by officials from his and previous Administrations, of ways to "improve" and "strengthen" the Presidency.) But lately a large number of liberals have swung toward the more traditionally conservative view of the office.

They've moved this way on other issues too, of course. They've begun to question whether Federal spending alone can solve all social problems, and to map out a larger role for private enterprise. They've begun to concede that Federal bureaucracy can be blundering and ineffective, and to suggest that power must be shared more with state and local officials. Now, many have begun to wonder whether the President may have become too powerful, and whether Congress ought to have a little more say.

"For the first time in decades, the power of the Presidency is undergoing critical reevaluation by American liberals," said a recent New Republic article by James MacGregor Burns (one political scientist who still argues for a strong Executive). "Left-wing historians are wondering if they have been too hard on 'weak' Presidents like Madison, Buchanan and Harding. Liberal political scientists are reconsidering the need for institutional checks and balances against the man in the White House."

The reasons for this changing attitude aren't really hard to find. Congress has weakened or removed some of the worst roadblocks to legislative action. Reapportionment and the decline in the number of safe seats—in the Democratic South or Republican Midwest—have also made Congress somewhat more responsive to changing national moods.

Liberal academicians, exploring new ways to solve old problems, often find Executive Branch bureaucrats stubbornly committed to the status quo. The need for swift response to foreign crisis inevitably enlarges the President's pre-eminent power in international affairs—and many liberals worry about how this may be used in the future. Historian Henry Steele Commager, for instance, contends that "the possession of power encourages and even creates conditions which seem to require its uses."

Professor Commager's statement, however, suggests the real cause of the liberals' change of heart: Lyndon Johnson and the Vietnam war. Many liberals simply do not like the way Mr. Johnson has filled the office: His overbearing self-confidence and vanity, his mercurial changes of mood, his secrecy and manipulation of people and events, his Texas entourage, his concessions to business and other conservatives he seeks to keep under his consensus tent and, above all, his decisions to enlarge and prosecute the Vietnam war. Their hostility is ad hominem and ad bellum. They don't like his style, they don't like his policies, and they transfer the dislike to the office itself.

Certainly much of the liberal unease stems from the use of Presidential power, by Mr. Johnson and earlier Chief Executives, to commit the U.S. in foreign trouble spots: Lebanon, the Bay of Pigs, Vietnam, the Dominican Republic. In Commentary magazine, political scientist Marcus Cunliffe notes that "liberal advocates of an aggrandizing Presidency now sense unsasily that they have created a Frankenstein: An Executive which, in the name of leadership and patriotism, may respond to the demand for spectacular Presidential direction by acting in the only untrammeled way open to it—belligerently."

In an examination for the liberal Center for the Study of Democratic Institutions, Constitutional expert Francis Wormuth finds that "although Executive war-making is illegal, it is practiced, and ultimately, practice makes the law. And the transfer of the war power to the Executive will draw other powers with it."

Sen. Eugene McCarthy again and again deplores "the tendency to treat the Presidency of the United States as a personal office, to view it as the seat of power of one man rather than the repository of the power of all the people." He complains bitterly of the way "the occupant uses the personal pronoun 'my' . . . 'my' White House or 'my' Congress or 'my' Cabinet or even 'my' Vice President."

The Senator's children's crusaders seem to dream of a weak Presidency. A sweet 20-year-old political science dropout from Radcliffe, talking to Wall Street Journal reporter Fred Zimmerman, dismisses the traditional liberal argument for a strong Presidency with a wave of her hand and the comment, "Yeah, I've read Neustadt." She's frightened to think what Robert Kennedy might do.

All of which, in turn, suggests that perhaps liberals, after all, don't take pure philosophical positions any more than conservatives do, but rather adjust their theories to the events and personalities of the moment. And this further suggests that if they get a liberal President who uses Executive power in ways they like, and a more conservative Congress that uses Legislative power in ways they don't like, they may once again see the virtues of a strong national Executive.

HOUSE SMALL BUSINESS COMMITTEE SETS HEARING ON SBA'S ANTIPOVERTY LENDING PROGRAM

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. EVINS of Tennessee. Mr. Speaker, our House Small Business Committee will begin a full-scale review May 20 of the small business assistance programs of the Small Business Administration, with particular emphasis on the antipoverty loan program.

Because of the interest of my colleagues and the American people in small business and the programs of the Small Business Administration, I herewith place a press release concerning these hearings in the RECORD, as follows:

CHAIRMAN EVINS ANNOUNCES FULL REVIEW OF SBA'S ANTIPOVERTY LENDING PROGRAM BY HOUSE SMALL BUSINESS COMMITTEE ON MAY 20

Representative Joe L. Evins (D-Tenn), Chairman of the House Small Business Committee, announced today that the Committee on May 20 will begin a full-scale review of the small business assistance programs of the Small Business Administration—with special emphasis on the anti-poverty loan program.

"The Committee," according to Chairman Evins, "will seek to determine the impact of the Small Business Administration and its three billion dollar financing authority on the Nation's economy and to fully document the manner in which the agency is fulfilling its role and responsibilities assigned by the Congress."

Evins said the Committee review will include SBA's lending programs, its procurement and management assistance programs, its small business investment programs, its community development programs—the entire scope of the agency's operations and organization.

Evins also said that the Committee will make a detailed study of the anti-poverty lending program of SBA which is designed to provide jobs and stimulate the development of a strong business sector in poverty areas.

Testimony will also be received concerning the operations of the Small Business Investment Division. Hearings regarding the SBIC's will be held on May 22nd, the Chairman announced.

The full Committee hearings will open at 10 a.m. on Monday, May 20, 1968, and will be held in the Committee's Hearing Room, 2359 Rayburn House Office Building, Washington, D.C.

In addition to Chairman Evins and the Honorable Arch A. Moore, Jr. (R–W. Va.), Ranking Minority Member, other Members of the Committee are as follows:

Rep. Wright Patman (D–Tex.).
Rep. Tom Steed (D–Okla.).
Rep. John C. Kluczynski (D–Ill.).
Rep. John D. Dingell (D–Mich.).
Rep. Neal Smith (D–Iowa).
Rep. James C. Corman (D–Cal.).
Rep. Donald J. Irwin (D–Conn.).
Rep. Joseph P. Addabbo (D–N.Y.).
Rep. Silvio O. Conte (R–Mass.).
Rep. James T. Broyhill (R–N.C.).
Rep. Frank J. Horton (R–N.Y.).
Rep. Rogers C. B. Morton (R–Md.).
Rep. Laurence J. Burton (R–Utah).

SENATE—*Wednesday, May 15, 1968*

(Legislative day of Tuesday, May 14, 1968)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, in the fresh mercies of yet another day we come with hearts grateful for Thy grace, praying that, by a strength not our own, our individual record may be kept unstained by any word or act unworthy of our best.

Thou knowest that these testing times are finding out our every weakness and calling for our utmost endeavor against the wrong that needs resistance, and for the right that needs assistance.

May we go forth on our way, attended by the vision splendid, as we lift up our hearts with the grateful te deum, "He restoreth my soul."

Open our eyes to simple beauty all around us, and our hearts to the loveliness men hide from us because we do not try enough to understand them.

Save us from ourselves, and show us a vision of a world made new.

We ask it in the name of that One whose truth shall make us and all men free. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, May 14, 1968, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, with the concurrence of the distinguished Senator from Michigan [Mr. GRIFFIN] who is to be recognized at this time under the order of yesterday, I ask unanimous consent that the following subcommittees be authorized to meet during the session of the Senate today:

The Permanent Subcommittee on Investigations of the Committee on Government Operations.

The Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary.

The Subcommittee on Intergovernmental Relations of the Committee on Government Operations.

The Subcommittee on Constitutional Amendments of the Committee on the Judiciary.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. HATFIELD in the chair). Under the previous order, the Senator from Michigan [Mr. GRIFFIN] is recognized.

A NONPROLIFERATION TREATY ON CONVENTIONAL WEAPONS FOR THE MIDDLE EAST

Mr. GRIFFIN. Mr. President, while the Paris peace talks on Vietnam hold the world's attention, a potentially more explosive crisis in the Middle East festers on with no settlement in sight.

One year ago, events were set in motion which culminated in the third outbreak of war between Israel and her Arab neighbors.

Today, a fragile cease-fire preserves an uneasy state of semipeace between the two sides. Acts of terrorism and reprisal flare up almost daily along the demarcation lines.

Since the June 1967 war, little progress has been made toward resolution of the fundamental political issues which divide the parties. Dr. Gunnar Jarring, the special envoy of the United Nations, has managed to switch his confidential, bilateral discussions from the Near East to U.N. headquarters in New York. But the basic deadlock concerning implementation of the Security Council's November 22, 1967, resolution still remains.

Instead of reconciliation, a rising tide of mutual hostility threatens once again to embroil the countries of the Middle East in a costly, armed conflagration.

The basic political issues which lie at the root of the chronic instability—such as the political status of Israel—must ultimately be resolved. Moreover, a durable and stable peace will remain only a pipedream until and unless the nations of the Middle East begin to deal in a more objective manner with the facts and realities of their situation.

On the other hand, the great powers must bear some measure of responsibility for the existing pattern of belligerence. For they have put muscle behind the bluff and bluster which is the trademark of Middle East politics. By introducing more and more modern instruments of war in an effort to shore up friendly governments, or to buy allegiance or to restore a balance of military capability, the great powers have actually poured oil on the fires of political ambition and militancy that have made meaningful negotiations impossible.

To offset Soviet influence, the United States has deemed it necessary to seek leverage in the area partly by marketing military hardware. Indeed, military assistance has been the carrot and stick of big power diplomacy in the Middle East.

The climate of fear and hatred which exists in the area is ready made for great power rivalry. For two decades the Middle East has been an ever-active, volatile front of the cold war.

As a first step toward organizing a durable peace in the Middle East, I believe the world community somehow must take effective action to place this strife-torn region off limits to the gun merchants of the East and the West.

Today, the cause of peace is menaced by the Soviet Union which has been rapidly reequipping the Arab armies following the war of last June. It is estimated that the Soviet Union has replaced between 80 percent and 100 percent of the Arab armaments which were then lost or destroyed. Moreover, the new supplies of weapons are more sophisticated than the pre-1967 vintage, and the arms race now threatens to escalate into a costly scramble for intermediate-range missiles. It is reported that Egypt has been supplied with surface-to-surface missiles by the Russians. And it has been disclosed that Israel is negotiating with France for the acquisition of a new 300-mile missile.

Such weapons threaten ever more quickening destruction should hostilities break out again. Instead of dealing with a 6-day war, the creaky machinery of the United Nations may be dealing next time with a 6-hour war.

The steadily expanding Soviet military presence in the Middle East increases pressures on the United States to reassert its power as a counterweight to Soviet influence. It is not likely that the United States can sit idly by while the Soviets continue to pump in military supplies which jeopardize American interests in the area and which undermine the political independence of important Middle Eastern countries.

Recognizing the inherent dangers in the evolving situation, it becomes imperative to make a determined effort to break the upward proliferation of arms.

Mr. President, for 20 years it has been the policy of the United States to avert an arms race in the Middle East.

Yet, our Government has been unable to refrain from participating actively in the race itself.

The Tripartite Declaration of 1950 succeeded only temporarily in limiting the quantity of arms shipments into the area. In the mid-1950's, the Soviet Union emerged as a major supplier of weapons, courting militant Arab opinion. And since 1954, the United States has been providing Nasser's Arab rivals with weapons. For example, in 1954, our Government signed a $46 million military aid agreement with pro-Western Iraq, the mainstay of the now defunct Baghdad Pact.

In 1956, the United States sent tanks and aircraft to Saudi Arabia.

To counter the steadily increasing Soviet penetration in the Middle East, the Eisenhower Doctrine was promulgated for the purpose of negotiating military assistance programs to any nation "desiring such assistance." The object of the policy was to curb Soviet influence and, secondarily, to strengthen pro-Western regimes against the threat posed by Nasser's revolution and his Russian-equipped divisions.

Since 1955, an estimated $2 billion of Soviet military equipment has flowed into the Middle East. The United States has shipped approximately $370 million in arms to Arab States, and an estimated $41.6 million in weapons to Israel. France and Great Britain have also contracted for the sale of military equipment to Middle East nations.

Such feverish activity testifies to the failure of past efforts which have been made to stem the arms race in the Middle East.

President Eisenhower, addressing the third emergency session of the United Nations General Assembly in 1958, proposed that steps be taken to "avoid a new arms race spiral" in the Middle East.

The present administration has likewise expressed its adherence to the principle of restricting military assistance to the Middle East.

In January 1967, President Johnson suggested, in a message to the 18-Nation Disarmament Conference, that all countries explore, on a regional basis, means toward limiting "competition among them for costly weapons."

On June 19, 1967, Secretary of State Dean Rusk told a meeting of NATO ministers that the United States and the Soviet Union should try to scale down the delivery of arms to Middle East countries. On the same day, back in Washington, President Johnson told an assemblage of educators that the June war "demonstrated the danger of the Middle Eastern arms race." The President said that an arms limitation was essential in achieving a stable, permanent peace in the area.

Despite admirable intentions, the deadly competition for weapons has continued unabated. Today, war fever is rampant throughout the area, and the Middle East has become a tinderbox potentially more dangerous to world peace than Vietnam.

Mr. President, some means must be found to bring the arms race under control before a new and more destructive war is triggered—a war that could involve the super powers in a major confrontation.

Mr. President, I propose that an international conference be convened by the United Nations for the purpose of negotiating a nonproliferation treaty on conventional weapons for the Middle East.

I intend to introduce a Senate resolution on Tuesday, May 21, calling upon the President of the United States to advance such a proposal through appropriate action in the United Nations.

I have already sent a copy of this speech, as well as a copy of the draft resolution, to the President, to the Secretary of State, and to our Ambassador to the United Nations; I have urged their careful consideration of this new and different approach—an approach which offers a brighter promise of success.

NUCLEAR TREATY EXAMPLE

Mr. President, in my judgment, the recently concluded Nuclear Nonproliferation Treaty embodies some useful concepts which could be applied regionally to limit the buildup of conventional arms.

In the first place, expertise developed at the nuclear treaty conference sessions, as well as experience gained in accommodating a host of conflicting security interests, should be helpful in an effort to solve the problems of regional, conventional arms control.

Second, the Nuclear Nonproliferation Treaty imposes a mix of obligations upon both the have nations and the have-not nations. Under the principle of shared responsibility, the treaty obligates nuclear powers not to transfer nuclear weapons to non-nuclear states, while the latter are prohibited from manufacturing or otherwise acquiring such weapons.

In like manner, I believe that effective control of the Middle East arms race can be achieved only through collective responsibility, shared by the nations which supply weapons as well as the Middle East nations which receive them.

Any effort, then, to negotiate a conventional weapons nonproliferation treaty should include participation by the supplier nations and the recipient nations.

Mr. President, efforts made in the past have not emphasized this approach which, I believe, holds greater promise.

In the past our Government has failed to interest the Soviet Union in a bilateral accord to restrict such military assistance. Assistant Secretary of State Lucius D. Battle testified recently that, despite numerous approaches to Soviet officials, the State Department had not succeeded in holding down the flow of Soviet weapons into the Middle East.

Similarly, the countries of the Middle East—the recipient nations—have shown no inclination to participate in regional discussions on arms control. And they are not apt to do so in the future—unless strong impetus is provided by the great powers and by the weight of world public opinion, mobilized through the United Nations.

OBSTACLES REMAIN

Mr. President, I believe the concept of a multilateral arms control agreement, negotiated among supplier as well as recipient countries, offers the best hope of achieving what has seemed in the past to be unattainable.

Security is a basic need of both Israel and the Arab States. Such a treaty could go far toward meeting the need of both sides for security.

Although the fundamental political issues which divide Israel from her Arab neighbors would remain unsolved, it is altogether possible that both sides could find mutual advantages at this particular time in a treaty to bring the current arms race under control.

Of course, it would be foolish to underestimate the obstacles and difficulties which block the path to such a treaty.

It is true that many of the variables which favorably influenced negotiation of the Nuclear Nonproliferation Treaty are different or entirely absent in this situation.

But I am convinced Mr. President, that a determined effort should and must be made, if only because the alternative of doing nothing courts disaster.

Of course, one of the serious obstacles may be the attitude of the Soviet Union. Without Soviet cooperation, a fresh initiative to contain the Middle East arms buildup would stand little chance of getting off the ground.

Assuredly, both the Soviet Union and the United States have a major stake in preventing the Middle East from exploding.

It seems reasonable to suggest that the Soviets would find it a bit more difficult to repudiate a collective undertaking if it were the work of the United Nations with the weight of world opinion behind it.

In addition, since they have substantially replaced the material losses suffered last June by Arab forces, it may be possible for the Russians, now or in the near future, to consider that their prime commitment to those states has been fulfilled.

Thus, we may have arrived at, or be near, a point in history where a new effort to control the arms race—an effort embracing all the various parties involved—could win Soviet cooperation.

Of course, Soviet leaders are very well aware of the high costs of their military investments in the Middle East, and they must be mindful of the unpredictable nature of any long-range political yield.

Mr. President, I am suggesting that the time may be ripe for a U.N.-sponsored conference looking toward a conventional weapons nonproliferation treaty for the Middle East—that such a treaty could be an attractive vehicle at this time for both the Soviets and the United States—a means to deal effectively with a situation which threatens to get out of hand and which is becoming more and more expensive for both the East and the West.

NEW APPROACH NEEDED

Mr. President, if such an initiative is to meet with success, our Government must make certain that the Soviets cannot misjudge American intentions in the Middle East. For it has been primarily the ambiguity of American policy that has enabled the Soviets to reap significant benefits from a seemingly insurmountable setback last June. And the Soviets will probably continue to probe and penetrate in the area until and unless they become convinced that the risks and costs are too high.

Mr. President, a conventional weapons nonproliferation treaty, such as that proposed in the resolution I shall introduce next Tuesday, could be the important, first step in breaking the Middle East arms syndrome which for 20 years has distorted priorities, stunted economic growth, and generated unreal political ambitions.

Pessimists should recall that few held out any hope for success of the nuclear nonproliferation treaty when negotiations toward that end were first proposed.

Mr. President, the time has come—and the United States should move—to launch a major diplomatic offensive for arms control in the Middle East.

Mr. President, I ask unanimous consent that the text of the proposed resolution, to which I have referred, be printed at this point in the RECORD.

There being no objection, the text of the proposed resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas a stable and durable peace in the Middle East is essential to the foreign policy interests of the United States and to the common interest of all nations in furthering world peace; and

Whereas the peace and security of the nations of the Middle East are endangered by the continuation of a wasteful and destructive arms race in that area: Now, therefore, be it

Resolved, That the President is hereby requested to take all necessary measures, through the United States delegation to the United Nations, to bring before the United Nations for its consideration at the earliest possible time a resolution providing for the convening of an international conference for the purpose of preparing, and reaching agreement on, a nonproliferation treaty controlling and limiting the supply of conventional military armaments, and of military assistance and services, to the nations of the Middle East.

SEC. 2. It is the sense of the Senate that all the nations of the Middle East as well as all nations furnishing or supplying military armaments or military assistance and services to the nations of the Middle East should be represented at the international conference provided for in this resolution.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Chair now recognizes the Senator from Nebraska [Mr. HRUSKA].

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE YEAR OF THE BLUES

Mr. SYMINGTON. Mr. President, on the evening of October 11 the day before that great baseball team, the St. Louis Cardinals, went to Boston and won the World Series in the seventh game of a memorable series, another major league sport was introduced to the people of St. Louis. It was on that night a new hockey team of the National Hockey League took the ice—the St. Louis Blues.

Backed by an outstanding group of citizens, led by Sidney Salomon, Jr., he himself one of the Nation's outstanding sportsmen, this new franchise played for the first time before a fair but not overexcited crowd; and the hope that the Blues' owners had that evening was for their team to give a reasonably good account of itself during the months to come in this the first season of St. Louis major league hockey.

Slowly but surely, over those months, the Blues won the hearts of the people of the town and encouraged by that very support, the accomplishment of the players in this first year has exceeded even the fondest dreams of their most enthusiastic supporters.

Fighting to stay out of last place during the first weeks, the Blues barely made it to the playoffs. They then astonished everyone by first taking the playoff series, in four out of seven games, from the Philadelphia Flyers; and then, to the amazement of the entire sports world, carried on and up by thereupon winning in the semifinals of the playoff four out of seven, against the superb Minnesota North Stars.

As a result of ultimate success in these 14 grueling playoff contests in this, their first year, the St. Louis Blues leaped into the world's series of hockey, the Stanley Cup playoffs, and found themselves pitted against the finest of all hockey teams, the Montreal Canadiens.

Fatigued by these 14 previous playoffs in the western division, the Blues nevertheless battled to the point where all these Stanley Cup final games were decided by just one goal—two in overtime.

This incredible feat has perhaps not been equalled in sports since the miracle Boston Braves of George Stallings took four straight games from Connie Mack's world champion Philadelphia Athletics in 1914.

St. Louis is now mighty proud of its new champions, a team of character and indomitable courage, a gathering of determined athletes who fill out a worthy triumvirate along with the baseball and football St. Louis Cardinals.

No one will ever forget this first year; and one can be confident that the super players on the Canadiens would agree with Robert Fachet's observation from Montreal in Sunday's Washington Post—

> Montreal knew this would not be remembered as the year the Canadiens won the cup; 1968 has to be the year of the Blues.

SUPPLEMENTAL APPROPRIATIONS

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 1268.

The PRESIDING OFFICER laid before the Senate House Joint Resolution 1268, making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the joint resolution be ordered to lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. HRUSKA. Mr. President, I rise to address myself to amendment No. 708 to title IV of the pending bill, S. 917.

As the sponsor of amendment No. 708 and as one who has been interested in the subject of firearms legislation for a long time, I wish to make clear that the issue is not whether a firearms control bill should be enacted, but what kind of measure should receive approval.

I do not question the need for improved firearms control. In fact, I strongly favor passage of an effective, enforceable, and workable bill for that purpose, a measure which will achieve as much progress as is practicable to help keep firearms out of the hands of the wrong people and to reduce the crime rate. I believe my amendment, No. 708 is such a measure. It is my hope that it will receive approval of the Senate.

Anytime the Senate deals with legislation covering a sizable objective, there are alternative proposals. Not every proposal will necessarily achieve the desired objective; not every proposal is necessarily desirable or sound. This certainly is the case in regard to firearms control legislation. Differences exist only as to what provisions a measure should contain in order to best serve the overall purpose of "keeping guns out of the hands of the wrong people."

There are now two Federal laws dealing with firearms. Congress enacted the National Firearms or "Machinegun" Act in 1934. In 1938 it enacted the Federal Firearms or "Sporting Guns" Act. The passage of time and accumulation of experience indicates that these laws should be revised and improved. In addition, there have been other intervening factors.

The Nation now has a much greater population. It has grown by more than 70 million in the past 30 years.

There has been a tremendous shift of population from rural to metropolitan areas; from certain sections of the country to other sections of the country.

New types of firearms and destructive devices have appeared.

There has been a tremendous increase in the crime rate. Since 1960 serious crimes have increased 88 percent.

There has been an increasing incidence of riots, massive civil disobedience, violence, looting, and arson. At times, these acts have occurred almost simultaneously in widely separated points of our Nation.

There is a threat that a stubborn, ugly disregard for laws will replace the respect for law, order and peace which has long been the tradition of our Nation.

All of these changes establish the need for revision and amendment of the present statutes. Improved firearms control is urgently needed.

LEGISLATIVE OBJECTIVE SOUGHT

Very simply, the objective sought is to keep firearms out of the hands of the wrong people—those who misuse them.

The Senate firearms hearings established that Federal legislation should be directed toward first, effective and forceful laws regulating firearms commerce across State lines; second, provisions enabling and assisting States and their political subdivisions to enforce their own laws and ordinances, with special reference to firearms coming into a State from outside of its borders; and, third, modernizing and improving Federal law regulating the manufacture, sale, transfer, and possession of automatic weapons to include destructive devices.

Throughout the extensive hearings on this subject, the principal concern and frustration of local law enforcement officials was the shipment of firearms from other States into their own State. Commerce across State lines simply was not under their control. The witnesses repeated time and again that if they had such control, significant progress could be made to keep firearms out of the hands of those who misuse them.

The legislatures of the several States would be the ones to establish how much control and what kind would be exercised within the States themselves.

TWO APPROACHES TO CONTROL THE SALE OF FIREARMS

There are two primary legal sources of firearms which find their way into the hands of a resident within any State. One source is the interstate mail-order sale. A buyer will mail his order to the seller in another State. The seller ships directly to the buyer, by a legally qualified carrier. The other legal method of obtaining firearms is to have them shipped to a dealer within a State, followed by purchase and delivery from that stock of merchandise by the resident in an over-the-counter transaction.

Advocates of title IV seized upon the concept of prohibition to achieve the objective they sought. Their measure, as introduced, would totally remove interstate mail-order sales to individuals from the picture, insofar as handguns are concerned; and, within the next day or two, an effort will be made to include long guns within that prohibition. The result, it is said, is that there would no longer be "wanton and random distribution of guns" from that source, and presumably, mail-order murder would disappear—a rather farfetched conclusion, but, that is the implication of the arguments advanced by the proponents of title IV. However, over-the-counter sales still remain as a source of firearms.

Title IV covers this source by providing that the dealer would bear the responsibility for making sales only to persons who are eligible to buy or own such a firearm under the local, State, or National law.

A different approach is embraced in amendment No. 708—which incorporates S. 1853 and S. 1854. This approach recognizes the mail-order sale and over-the-counter sale as legitimate channels and methods of sale and distribution of a lawful product. Both of these channels would be effectively regulated and controlled by amendment No. 708. Compliance with the law would be enforced by strict criminal penalties, up to $10,000 in fines and up to 10 years in prison.

My amendment regulates the mail-order sales of handguns by requiring the buyer to submit a sworn statement to the dealer reciting the material facts of the proposed sale. The seller must notify local law-enforcement officers of the proposed purchase, and information regarding the purchaser. After such notice, a suitable waiting period furnishes ample time to enable such law-enforcement officials to object to the sale and delivery of the article ordered. This same presale notice procedure applies to a person seeking to buy a handgun over the counter in a State other than the State of which he is a resident.

Under this approach, the responsibility of controlling mail-order sales is placed jointly upon the seller and the law-enforcement officers of the locality in which the buyer lives. The buyer also shares responsibility because the mail order he signs is a sworn statement. Any false or fictitious representation or information contained therein renders him subject to a fine up to $10,000 and imprisonment up to 10 years.

Likewise, the carrier who makes delivery of a firearm to a buyer bears part of the burden. Such a carrier is subject to a penalty, upon conviction, for delivering a handgun to a person under 21 years of age, or a long gun to a person under 18.

Title IV and amendment 708 contain many other provisions. Each approach deals with destructive devices. Each provides for updating and modernizing the system of Federal licenses for manufacturers, importers, and dealers, and pawnbrokers as well.

The essence of the controversy between each approach, however, is to be found first in the method by which each seeks to control interstate shipment of firearms, as already briefly described; second, in the joinder in title IV of provisions as to both sporting firearms and destructive devices, whereas amendment 708 keeps them in the separate acts in which they have been for over 30 years; third, in provisions relating to destructive devices; and, fourth in provisions relating to imports of firearms.

CRIME AND FIREARMS CONTROL

Before getting into the details of the alternatives, we must consider just how effective any firearms control measure can be. What can it do? What is realistic?

Certainly it is desirable to have laws prohibiting the purchase and possession of firearms by convicted felons, delinquents, mental incompetents, drug addicts, habitual drunkards, and fugitives from justice. These are all actual or potential misusers of firearms.

Many of those who advocate overly restrictive firearms legislation as a means of reducing crime in the United States, however, are doing the public a real disservice, in my judgment, by leading them to believe that such legislation will successfully solve the crime problem, or for that matter, even a significant part of it. The facts dictate that it will not. The grave harm done by such misleading is that it tends to reduce the public's justifiable concern over alarming crime rates and delays positive action aimed at the real causes of crime.

There are innumerable instances in which such statements and representations have been made. Let me quote one statement made recently:

> We cannot control crime without controlling the random and wanton distribution of guns . . . We must stop what amounts to mail order murder.

Statements such as this constitute a clear effort to create the belief that crime can be rigidly controlled by legislative control of firearms and their distribution; and that mail-order sales amount to mail-order murder. The implication is that if mail-order sales are outlawed, murder by gun would disappear or, at least, be reduced. The facts do not justify such a simplistic conclusion. There is far too much of this kind of oversimplification in the problems inherent in this subject.

What are the facts? What impact can firearms legislation have on crime?

Mr. President, the facts are as follows:

Crimes involving misuse of firearms constitute a relatively minimal part of total crimes committed in the United States. The FBI Uniform Crime Reports for 1966 show a total of 3,243,370 serious crimes. Serious crimes as defined by the FBI include first, murder and nonnegligent manslaughter; second, forcible rape; third, robbery; fourth, aggravated assault; fifth, burglary; sixth, larceny, $50 and over; and seventh, auto theft.

Of the total of 3,243,370 serious crimes, firearms were involved in 109,734 of them. This is 3.4 percent. Rifles and shotguns were used in less than one-half of 1 percent of the total serious crimes.

Mr. President, this means that if all firearms were done away with, totally and completely, and no criminal substituted any other type of weapon for a firearm, the United States would still have had 96.6 percent of its reported serious crime in 1966. Instead of 3,243,370 serious crimes under those circumstances, the number would have been 3,199,095.

Mr. President, this figure contemplates total elimination of firearms. Hence, it is absurd to intimate or to imply that crime will be controlled if the "random and wanton distribution of guns" is outlawed.

The plain fact is that such prescription would not solve the crime problem, nor even any meaningful part of it.

Again, I say, misleading the public in this way tends to reduce the public's justifiable concern over our alarming crime rate, and delays positive action aimed at the real causes of crime, which are, as all of us know, in the main socioeconomic in nature.

What I am calling for is a reasonable appraisal of the facts. Firearms are used in crimes and new controls are needed. But our actions should be guided by our understanding of the potential effectiveness of any firearms control measure.

The statistics on misuse of firearms in serious crime classes, as defined and estimated by FBI crime reports for 1966 run thus:

Homicide	6,476
Aggravated assault	43,578
Robbery	59,680
Total	109,734

Advocates and friends of title IV urge that this is a large enough statistic to warrant enactment of a total prohibition of mail-order sales and all of the rest of the title's provisions.

Mr. President, I am sure we all deplore the crime rate. Certainly, the statistics quoted above are tragic. The general increase in crime—88 percent since 1960—is shocking. All thoughtful Americans are greatly concerned because of the inreasing tempo of law enforcement deterioration, disrespect for the law, and the skyrocketing incidence of crime.

But statistics on misuse of guns or on the growth of crime are insufficient in themselves to form a basis for enacting gun control law. It takes much more than that. It takes provisions which are workable and enforceable. Legislation should be based on an understanding of the legitimate commerce in firearms, and the abuses of these channels by which the lawless obtain guns. It must be drafted so people generally will accept and support it. It must not interfere with the tens of millions of law-abiding citizens who own and use guns lawfully, wholesomely, and in many cases, out of sheer necessity.

Furthermore, Mr. President, a connection must be clearly shown between the proposed law and its claimed ability to reduce the misuse of firearms. The burden of proof lies on the advocates of title IV to justify the provisions of their bill in that light.

In my judgment, they have not sustained it. They have not shown that the prohibition of mail order sales of firearms will have any appreciable or measurable impact on rates of crime, nor even on the number of instances of misuse of firearms.

OBSTACLES TO EFFECTIVE FIREARMS CONTROL

It is a fact, Mr. President, that outlawing firearms would not eliminate crime. It is further a fact that prohibition of mail-order sales and over-the-counter sales would not control firearms crimes.

First of all, even with total elimination of all legitimate commerce in firearms—let alone mere control—other weapons still would be available.

The best example is zip guns. These are easily and quickly made. They are deadly and effective as a criminal's weapon. The materials needed to make them are readily available or easily acquired, and are very cheap. Hearings on the proposed gun control bills clearly documented this point. See footnotes 2, 15, 19, 20, 25, 27 in the CONGRESSIONAL RECORD for April 2, 1968, at page 8587, which cite Life magazine article, testimony of Mark K. Benenson before congressional committees; Field and Stream article; S. Texas Law Journal; M. E. Wolfgang "Patterns in Criminal Homicide"—Oxford University Press, 1958.

In a State which has a "tough" gun control law, the criminals have taken advantage of this substitute. In fact, the New York State Legislature's joint committee on crime reported that in 1966 the use of homemade zip guns exceeded the misuse of rifles and shotguns in murders, robberies, and assaults in New York State. Misuse of rifles and shotguns in crimes totaled 705 as against a zip gun total of 976. This is in a State which has had the Sullivan Law for over 50 years.

A second factor which would minimize the impact of even a total ban on all commerce in firearms in reducing crime is the extent of firearms ownership in the United States. There is no way of taking an exact inventory of them, of course, but the ownership is vast, and in recent years, it has trended upward. The better estimates indicate that between 40 million and 50 million persons in the United States own some 200 million firearms of all types. See proceedings of 20th annual meeting of S.E. Association of Game and Fish Commissioners, Tulsa, Okla., pages 70 to 78 entitled "The Socioeconomic Impact of Firearms in the Field of Conservation and Natural Resources Management."

Mr. President, a total ban on all firearms commerce is not proposed by title IV, but rather only a shutting off of one legitimate channel of sale and distribution; namely, mail order. With mail-order sales prohibited, there would be small impact, indeed, upon the capacity of those who wished to misuse firearms, when there is a vast reservoir of 200 million privately owned firearms to draw upon. Even if there were a total ban on all commerce in firearms, it would be difficult to make a plausible argument that misuse of firearms would be affected to any appreciable degree.

In addition, advocates of title IV constantly assert that their proposed legislation will not curtail ownership of firearms used for sport or self-protection; that at most it would impose only slight inconvenience on those who are lawful users of guns. Its provisions are referred to sometimes as "minor regulations that this bill imposes are not significant enough to justify any complaint." Repeatedly, it is said: "This legislation would not in any substantial way burden any person who has a legitimate purpose in obtaining a firearm."

I quote these statements to indicate that the already large reservoir of weapons will continue to grow, notwithstanding the proposed legislation. Thus, the obstacle presented by that reservoir of privately owned guns is built in. It will remain to hinder the objective of "keeping guns out of the hands of the wrong people."

Even at best, any kind of firearms control legislation would have limited effectiveness. To reiterate, the pertinent considerations are:

First. Crimes involving misuse of firearms are relatively minimal in the entire picture.

Second. Homemade or stolen firearms are too readily available.

Third. Substitution of other weapons for banned firearms is a demonstrated fact.

Fourth. The vast reservoir of some 200 million guns in private ownership would further dilute the effectiveness or impact of a control measure.

Fifth. That vast reservoir will be increased even under the proposal of those who advocate passage of title IV.

PROHIBITION OF MAIL ORDER SALES IS UNREASONABLE

Generally, mail order sales are a well-established, legitimate, and widely used channel of sales and distribution of merchandise. In many instances, they are a necessary, and very often, a sole method of purchase and delivery to substantial segments of our population.

This is true with ordinary merchandise. It would be especially true in the field of firearms where the number and location of merchants may be drastically reduced because of Federal licensing requirements.

Vast areas of territory exist in the United States where today's population is more sparse than 50 years ago. Scarcity of people means fewer merchants located at far distant points. Except for the automobile, means of transportation are limited, and often nonexistent.

Illustrative of these geographical territories and their respective populations is the following:

Census figures for 1960 indicate that the combined population of the metropolitan areas of New York City, Chicago, and Los Angeles was roughly 26 million. That is more than the entire population of 24 States.[1] No doubt the disparities will be even greater when the 1970 census figures are complete.

Title IV would severely penalize those people living in the sparsely populated areas. In many instances, it would completely prevent them from acquiring firearms.

Fortunately, there is an alternative. Mail order sales need not be prohibited. There is a workable, enforceable, and effective method which can be used to regulate firearms and to keep them out of the hands of the wrong people. This method is known as the presale notice procedure, which is provided for in amendment No. 708.

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[1] Alaska, Arizona, Arkansas, Colorado, Delaware, Hawaii, Idaho, Kansas, Maine, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Utah, Vermont, West Virginia, Wyoming.

THE DEALER'S BURDEN UNDER TITLE IV IS UNREASONABLE

Prohibition of mail-order sales will not keep firearms out of the hands of the wrong people. Nor will it make any measureable progress in that direction. It simply shifts the problem onto the dealer in over-the-counter sales.

Title IV's requirements impose upon the dealer a very difficult—if not impossible—burden. He must make a variety of decisions before he determines that a potential customer possesses all the qualifications of a person to whom a firearm may lawfully be sold. Penalties for a mistake are very severe. Fines up to $10,000 and imprisonment up to 5 years may be the consequence of such a mistake.

In fact, the onerous responsibility and risk of following the law in selling only to lawful buyers will be so burdensome and fraught with so much danger, that first, many merchants will refuse to become dealers which for many communities and locations will mean no dealers whatsoever; and second, those who will become dealers will tend to be overly cautious in making sales. A dealer cannot personally know everyone in his trade territory and certainly not well enough to vouch for all qualifications of a prospective purchaser. Naturally, rather than take a chance, he will say "no sale."

This is particularly true if a prospective customer comes in to a dealer and presents identification from another jurisdiction. Then the dealer must—using his own resources—because there is no requirement for a sworn statement or a police check in title IV—determine that the identification is genuine and that the buyer is qualified under the applicable State and local law. If the sale is made and if it later develops that the sale was in violation of law—any law—then the dealer has committed a Federal crime. The same situation for the mail-order sales that are still allowable under title IV exists.

The inescapable conclusion is that on the one hand many people will suffer the harsh effects of a monopoly given to a dealer in over-the-counter sales, and on the other hand will be without any opportunity to buy firearms by mail.

In more detail, here are some of the difficulties which title IV creates for the dealer: The dealer must make a decision as to the accuracy of all the information concerning the prospective buyer's name, his residence, and his proper age; his ability to receive and possess a firearm by reason of any Federal law or any State or local law, regulation, or ordinance applicable; his not being an ex-convict, a fugitive from justice, or under indictment and all of the other detailed statements required to qualify a man.

In colloquy in the Senate Chamber earlier in debate on title IV the Senator from Connecticut [Mr. DODD] was asked what the dealer could do to protect himself from Federal criminal liability if, in fact, the prospective buyer is not qualified to buy a firearm.

Senator DODD's reply on page 12329, CONGRESSIONAL RECORD:

> I assume he would have to do the things that any reasonable man would have to do. As was said about other questions, due diligence would have to be exercised to determine whom he represented himself to be, that he lived where he said he did, that his age was what he alleged it to be, and that the laws of the place were he resided did not prohibit it.

When the Senator from South Carolina [Mr. THURMOND] observed:

> It is my strong feeling that it would be better to provide a more tangible means of protection for honest dealers . . . however, I am concerned about the possible hidden dangers of this bill for the honest dealer who under section 922(b)(2) must now be responsible for thousands of local ordinances.

The answer of the Senator from Connecticut was:

> The best I can say about that—and I do not want to be overly critical—is that if he does this knowingly or with reasonable cause to believe that it is illegal, then he is liable.

A situation of this kind is certainly overloaded with uncertainty and great risk. What may be "due diligence" in the mind of one Federal district attorney, may not be "due diligence" in the mind of a different district attorney. Very likely, judges might differ on the meaning of "due diligence" or "good business practice," and even juries, in their composite judgment, could differ greatly.

If a gun recently purchased was ostensibly purchased under proper circumstances and was sold with good judgment, but if that gun is shortly thereafter used in some crime—which could happen—the fever pitch of the community would be directed against the helpless merchant who used his earnest good judgment and due diligence.

The price would be too high. It would not take more than one or two such occurrences to really make the business of dealing in firearms under Federal license an undesirable one. The licensed dealer would either turn in his license, or say "no sale" to a qualified purchaser.

Another facet of the same problem is that many jurisdictions impose vague restrictions on the sale of firearms. For example, in the District of Columbia the ordinance forbids sales of handguns to felons, narcotics addicts, vagrants, or prostitutes. Texas law forbids sales to "undesirable persons" whoever they may be. Under that type of vague description, how can a merchant exercise due diligence and good business judgment? Yet, he is charged with that responsibility, and he opens himself up to severe penalties if he is wrong.

Actually, Mr. President, the dealer is not armed with any procedures or tools which he may use to protect himself when he sells a firearm. He cannot rely on a sworn statement or affidavit which he can submit to the police department or to the sheriff or the State patrol. He cannot get their assistance in his effort to comply with the law. In fact, it is his individual effort alone that is expected to make this law work.

Again, fortunately, there is an alternative. We need not prohibit mail-order sales. We can regulate them, and regulate them very successfully and effectively.

Under the presale notification procedure of amendment 708, a dealer, whether he sells by mail or over the counter, can send his customer's affidavit to the chief law enforcement officer in the purchaser's locality. In mail-order sales, there is a suitable waiting period before delivery can be made by the dealer. In that interim, if the chief of police finds something suspicious or finds that some representation or inaccuracy is contained in the affidavit, the sale will never be consummated. The law enforcement officer has only to give notice to that effect to the dealer.

This procedure is not available in title IV. The dealer is compelled to go it on his own and at his own peril.

Title IV, as now drawn, will mean not only that many people will pay the harsh penalties brought about by a monopolistic system of trade with firearms, but also that many of them will be unable to buy firearms because dealers will tend to become unduly cautious, or may not engage in the business of selling firearms at all.

TITLE IV WOULD CREATE MONOPOLIES

Prohibition of mail-order sales of firearms would create a monopoly in the merchant who would become a licensed dealer. Such a monopoly would possess all of its bad attributes. For example, the buyer would be compelled to pay substantially higher prices.

Lack of competition, the necessity to pay substantially higher prices for guns the cost of which would otherwise be very moderate and within the reach of millions of people who still use guns and use them wholesomely and for lawful purposes; few dealers located far apart; all these things are the very stuff of which monopolies are made. It is very fine for large companies and large factories. But it is not good for a person entitled to buy a gun, who will not have a reasonable opportunity to do so under the provisions of title IV.

Such a condition will mean that not only will potential buyers be compelled to pay prices that tend to be high, but also that they will have to put up with service of indifferent quality; or in fact be totally and unjustifiably rejected as a customer. All are badges of monopoly.

Fortunately, there is an alternative. Mail-order sales need not be prohibited. They can be reasonably, effectively, and acceptably controlled. This can be done to a point where regulation can be enforced and reasonable progress made toward the goal of keeping firearms out of the hands of the wrong people.

That alternative is amendment 708 to title IV.

LAW ENFORCEMENT SHOULD BE PREEMINENT

We ought to adhere to certain principles in legislation of this type. I believe that when title IV of this act is entitled "law enforcement assistance to State firearms control acts," it is misleading. What really results from title IV as it is drawn and as it now reads is that the Federal Government will handle the enforcement of all the gun control laws of America—local ordinances, State laws and regulations, as well as Federal laws.

Under title IV all sales in technical violation of State law or city ordinances would become Federal offenses. This means an imposition of duties and burdens on dealers far beyond reasonable commercial practice. More importantly, however, it would put the Federal Government into the business of enforcing State and local law.

Such a consequence would be in direct violation of the constitutional heritage and mandate of this country that enforcement of local laws is the duty and right of local authorities.

It should be remembered that there are some 400,000 full-time law-enforcement officers in America. Only about 23,000 are Federal law-enforcement officers. Many of these are engaged in duties other than law enforcement in the sense in which we use it here.

Construction of a Federal constabulary that would go into the highways and byways of the Nation for the purpose of enforcing another national prohibition law, this time in the field of firearms, should not be permitted.

It has been said that the presale notification procedure is defective because it counts on the honesty of the buyer in executing mail orders.

This is not difficult to answer. At least evidence of dishonest, false or fictitious statements is in writing, signed by the prospective buyer. A false purchaser incurs severe criminal penalties upon conviction to wit: fines up to $10,000, and imprisonment up to 10 years.

Also, the purchaser's local police chief has the opportunity to verify the material facts and representations made in the sworn statement before delivery occurs. If local permits or other requirements are placed on firearms purchases within that State, those requirements must be recited in the application.

The presale notification procedure in amendment 708 to title IV is an intelligent, enforceable alternative to title IV and I earnestly urge its support.

MAJOR PROVISIONS OF AMENDMENT 708

This amendment contains the text of two bills introduced by this Senator earlier in this Congress. S. 1853 seeks to amend the Federal Firearms Act concerning sporting weapons. S. 1854 seeks to amend the National Firearms Act, also known as the Machine Gun Act, or as the Destructive Device Act.

My amendment is designed to place under effective and enforcible control the shipment and transportation of firearms across State lines. It is the feature of interstate commerce in firearms pointed out in the Senate hearing record as making it impossible for States and cities to enforce their own firearms control laws.

It is a strict, in fact, a tough measure.

Severe penalties are provided upon conviction of violation of the act. Fines are up to $10,000, and imprisonment for terms up to 10 years.

First. All manufacturers, dealers and pawnbrokers must have a Federal license.

Second. Shipment or transportation by any dealer or manufacturer of any firearm, including rifles and shotguns, in interstate commerce is unlawful if made to a person in any State or locality where its receipt by such person would violate any local statute or published ordinance.

Third. It is unlawful to transport into or receive in a State any firearm, including rifles and shotguns, which are acquired outside of such State and which would be unlawful to acquire or possess in the State of the recipient.

Fourth. As to a person who has been convicted of a crime punishable by imprisonment for more than 1 year, or who is under indictment for such a crime, or who is a fugitive from justice: First, it is unlawful for any person to transport or ship to such indictee, convict, or fugitive any firearm in interstate commerce, whether it is a long gun or a hand gun; and, second, it is unlawful for any such indictee, convict, or fugitive to receive any firearm which has been transported in interstate commerce, or for such person to transport or ship any firearms in interstate commerce.

Fifth. It is unlawful for any person to purchase a handgun over the counter in a State which is not the State of his residence or to purchase any handgun by mail order without complying with the specified presale sworn statement procedure.

Sixth. It is unlawful for any person, in acquiring or attempting to acquire a firearm from a manufacturer or dealer to make a false or fictitious statement, written or oral; or to exhibit any false identification with intent to deceive such manufacturer or dealer as to any material fact.

Seventh. It is unlawful for any carrier to deliver a handgun in interstate commerce to any person under 21 years of age or of any other firearm to a person under 18 years.

PRESALE AFFIDAVIT PROCEDURE

It is unlawful for any manufacturer or dealer to ship any handgun in interstate commerce to any buyer unless the presale affidavit procedure is complied with. Also it is unlawful to sell and deliver a gun to a nonresident of the State where the sale is made unless this procedure is strictly followed. Thus, over-the-counter sales may be made to a nonresident but not without this compliance.

The presale affidavit procedure furnishes local law-enforcement officers timely and adequate information as to proposed shipment across State lines to persons within their jurisdiction. This gives them advance information so as to enable them to control firearms coming into their jurisdiction over State lines. Here is how the procedure works:

First. Contents: The prospective buyer must submit to the manufacturer or dealer a sworn statement in which he swears that he is 21 years of age or older; that he is not prohibited by the Federal Firearms Act from receiving a handgun in interstate commerce; that his receipt of the handgun will not be in violation of any statute of the State and published ordinance applicable to the locality in which he resides; the name and address of the principal law-enforcement officer of the locality in which the handgun will be shipped; and attachment of a true copy of any permit or other information required pursuant to such statute or published ordinance.

Second. Procedure: Affidavit is sent to the dealer by the prospective buyer. The dealer by registered or certified mail—return receipt requested—sends a copy thereof to the law-enforcement officer, sheriff, or State patrolman named in the affidavit, together with the description of the handgun as to manufactured caliber model and type.

Third. Shipment: Dealer must delay shipment for a period of at least 7 days following the receipt by him of the notification of the law-enforcement officer's acceptance or refusal of such letter.

Fourth. Delivery: Dealer must give carrier written notice that such handgun is being transported or shipped.

Fifth. Delivery: It is unlawful for carrier to deliver a handgun to a person under 21 years of age or any other firearm to a person under 18 years of age.

Mr. President, it is submitted that this procedure will fill the void now existent in the enforcement of firearms control laws in the entire Nation, Federal, State, or local.

Law enforcement officers will receive notice with every ample information of intended delivery. Law-enforcement officers everywhere are aware of the very high importance of controlling firearms commerce. Everywhere America is aware of the high order of priority of keeping guns out of the hands of the wrong people.

This is the intelligent and effective alternative to a prohibition of mail order sales. It will be effective because no prospective buyer will be likely to sign his name to an affidavit which incurs such severe criminal penalties upon conviction for falsity or misrepresentation, without giving full, accurate disclosure of all the necessary information. Under the other system, the duty of gathering and judging the evidence concerning the eligibility of a prospective buyer is thrown upon the dealer in over-the-counter sales. He is not even provided with the means by which to judge the matter. It is unreasonable to expect him to bear the burden and the responsibility all alone.

Under the presale affidavit procedure, there is a division of the duty and responsibility to screen a prospective purchaser's eligibility.

It should be noted, that the first duty is on the prospective buyer, himself. He must truthfully disclose his eligibility under penalty of severe fine or imprisonment. He can count upon a check being made by the local police to confirm residence, his police records, the existence or nonexistence of a license or permit, and similar information. He is aware of this at the time he makes out the application.

It is submitted that the deterrent effect to dishonesty or falsity will be substantial under an affidavit procedure. It certainly is highly superior to the verbal and oral transactions that will occur over the counter under title IV.

The second responsibility is upon the police or other enforcement agency. Their processing of presale affidavits will be a very important step. It should and, in the judgment of this Senator, it will receive high priority and speedy attention by law-enforcement officers.

The carrier of the weapon also bears some responsibility in that it must not deliver any handgun to a person under 21 years of age, nor any long gun to any person under 18 years of age. Severe penalties are provided for violators. This is an adequate safeguard that the age requirement will be enforced and observed in firearms transactions.

The dealer, himself, is under obligation to proceed carefully, because his license is at stake. However, he does receive some protection because the procedures regarding what he must do are spelled out in the bill.

This presale affidavit procedure is workable and enforceable. It will be acceptable. It recognizes the fact that handguns are the principal problem. However, any dealer may use the affidavit procedure for the sale of any firearm, including long guns, if he chooses in order to protect himself.

THE PRINCIPAL PROBLEM: HANDGUNS

Mr. President, there has been much testimony that the handgun is the most formidable and most frequently used tool of the criminal. Because of its attributes, including its compactness and concealability, it is the most frequent weapon in crimes which are committed with firearms. The existence in many States of laws controlling the handgun, and the statistics showing its dominance as the weapon used in unlawful activities, establish it as the principal problem.

Exact breakdowns are not available, but Director J. Edgar Hoover, of the Federal Bureau of Investigation, has estimated that handguns were used in 70 percent of murders committed with firearms, although he did further advise that there "is no available breakdown of the type of firearms used in these attacks." In the Uniform Crime Reports it was estimated that approximately 19 percent of the 231,800 aggravated assaults, in the 1966 report, were committed with firearms. In that same year, 39 percent of the 153,420 robberies were committed with firearms. In regard to the robberies Mr. Hoover further estimated that most of them were with the handgun.

It is because the handgun is the special offender that its sales, both by mail-order and over-the-counter sales to out-of-State residents, are made subject to the presale affidavit procedure. This is not to suggest that crimes committed with long guns are not serious or that they should be free from Federal regulation. It should be noted that several, very tough provisions of amendment 708 apply to them as has already been indicated.

AN ACCEPTABLE APPROACH

The regulatory features of amendment 708 are fair, reasonable, nondiscriminatory, and acceptable to the overwhelming majority of the millions of Americans who would be directly affected by expanded Federal firearms control legislation.

It is one thing to talk about the need for stringent legislation—Federal registration, licensing, total prohibition, embargoes, and even confiscation of all firearms. It is quite another proposition to fashion legislation that will be widely accepted by those who must carry the burdens imposed.

We cannot escape from the fact that there are many millions of households—one reliable estimate is 40 million—which contain firearms. There are at least 15 million hunters who take to the fields each fall. Although no recent figures are available, it appears that at least 3 million firearms—new and used, domestic and imported, are sold at retail each year.

The sad experience with the 18th amendment indicates that if a Federal law is placed on the books that is not acceptable to those who must abide by it, it is doomed to failure.

Amendment 708, which embodies the provisions of S. 1853 and S. 1854, has the necessary broad appeal. Its provisions have received the open and sustained support by every major sporting and conservation group in the country. Hundreds of thousands of individuals have written to their representatives in Congress urging early passage of these bills.

Organizations who have publicly endorsed S. 1853 and S. 1854 are the National Wildlife Federation, Wildlife Management Institute, Izaak Walton League, National Rifle Association, National Shooting Sports Foundation, and the International Association of Game, Fish and Conservation Commissioners.

More interested organizations have also gone on record generally supporting the approach taken in amendment No. 708. Included would be the National Police Officers Association, the American Legion, the American Farm Bureau Federation, the National Grange, the National Association of District Attorneys, and others.

The legislatures of at least 14 States have passed resolutions either supporting the Hruska bills or opposing the Dodd bills.

Mr. President, the public considers amendment 708 an acceptable measure.

IMPORTS

In the new section 925(d) of title IV, severe restrictions are placed on the importation of firearms. In the case of destructive devices, National Act weapons, and military surplus handguns, there are total prohibitions. In the case of military surplus long guns, and other commercially manufactured firearms, they are importable only if they are generally recognized as "particularly suitable for or readily adaptable to sporting purposes."

Under existing law—section 414 of the Mutual Security Act of 1954—the Department of State presently grants import licenses for all firearms and other implements of war. Since 1965, the Department has not issued import licenses for destructive devices. Under the provisions of the Hruska amendment, imports are treated the same as any other firearms.

For more than a decade, the New England firearms manufacturers have been engaged in various attempts to restrict or eliminate competition from foreign sources. In the past several years, however, with imports of military surplus on the decline and many of the manufacturers obtaining firearms from foreign subsidiaries, interest by the industry in banning imports or restricted them has somewhat waned. However, since President Kennedy was assassinated with a military surplus weapon, repeated attempts have been made to justify embargoes because this particular type of weapon was used in the commission of the heinous crime.

Domestic gun control legislation is no place to attempt to impose protectionist views on foreign trade policy. More importantly, the standard imposed for allowing imports would arm the Secretary of the Treasury with broad discretionary powers, but would be virtually meaningless.

The thing that is so difficult to understand is why there is an evil that attaches to an imported gun that does not attach to a gun made in this country. It is difficult to justify, and I do not think it can be explained.

One of the most important law enforcement problems is the so-called starter pistol or "Saturday night special." These are small caliber handguns, usually of foreign commercial manufacture, that sell for a few dollars on the retail market. They are generally made of pot metal or other inferior materials. Their legitimate use is for firing blank cartridges to "start" races at track meets and other athletic contests. They are widely used by juveniles and others in the commission of crimes according to the testimony presented to the committee. It is also noted that there are domestic manufacturers of similar items which sell at competitive prices to the foreign imports.

It is said, "Let us stop the imports." But what is done about domestically manufactured starting guns which are selling at competitive prices with the imports? Nothing. Apparently when an American merchant makes it and sells it, it is all right; but when it is brought in from the outside, it is not. The same reasoning goes into other categories of imported firearms.

Assuming that it could somehow be found that the starter pistols were not being brought into this country for lawful sporting purposes—track meets and other contests—still the market would be supplied by domestic sources. The proper way to deal with this problem is the imposition of the affidavit requirement for mail-order sales and over-the-counter sales to our-of-State residents. It is probable that the "redtape," inherent delay, and notification of local police would result in desirable restraints to minimize and control the problem.

DESTRUCTIVE DEVICES

Part B of amendment 708 strictly regulates destructive devices such as rockets, bazookas, antitank guns, and the like by placing them within the framework of the National Firearms Act of 1934. This law presently requires the Federal registration of and heavy transfer taxes—$200—on machine guns, sawed-off rifles and sawed-off shotguns. The same treatment would be given to destructive devices.

There is no question about the need for this provision and there is no disagreement. The law would be tightened up. The registration provisions are now in such shape under amendment 708 that they conform to the most recent provisions of the Supreme Court with respect to the registration of these guns. It would be a great improvement and a much needed amendment of a 34-year old law.

Part B requires that no Federal licensee may sell a national act weapon to persons under 21 years of age. Part B also makes it a Federal crime for any person to bring a machinegun or destructive device into the state of his residence in violation of State law. The purchaser's local police agency is notified of each sale or transfer of these weapons. The present National Firearms Act is amended by increasing maximum penalties to ten years in imprisonment and $10,000 in fines upon conviction of violation.

These provisions were included in S. 1854 introduced by this Senator. There has been no fundamental disagreement concerning it. In fact its provisions were generally discussed and approved.

Now title IV approaches this in an ill-considered and unacceptable way. Title IV combines, in one act, sporting arms and destructive devices which for over 30 years have been treated separately in separate acts. I think that sportsmen generally are entitled to be disturbed when they find themselves bracketed in the same act with the use of destructive and automatic weapons which are under prohibition of heavy taxation for transfer and, in fact, Federal registration.

So it is hoped that the National Firearms Act will be amended on its own to bring it up to date and to stiffen its provisions. It does not have to be combined with the provisions which relate to sporting arms that originally were treated in S. 1853 and which are now incorporated as part A of amendment No. 708.

Mr. President, it is one of the traditions of America that the primary responsibility for law enforcement rests upon State and local authority. The approach used in amendment No. 708 is calculated to achieve that result. That is the only way there can be effective, overall enforcement of any firearms control act within the boundaries of any State.

It is my hope that the Senate, in due time, will express its will favorably upon the amendment.

Mr. President, I ask unanimous consent to have printed in the Record a number of telegrams, letters, petitions, and other messages pertaining to the firearms control legislation.

There being no objection, the material was ordered to be printed in the Record, as follows:

National Police Officers Association of America,
Venice, Fla., May 8, 1968.

Senator Roman Hruska,
Senate Office Building,
Washington, D.C.

Dear Senator Hruska: The National Police Officers' Association of America, representing the interests of 480,000 law enforcement officers throughout the United States, wishes to reaffirm our statement of July 25, 1967, on hearings before the Subcommittee to investigate juvenile delinquency, in which we supported the principles of your bills, which are now incorporated into Amendment 708. Amendment 708 would be a satisfactory substitute for Title Four Section of Senate Bill 917, known as the Omnibus Safe Streets and Crime Bill.

Please call upon us any time we can be of service to you or the Subcommittee.

Sincerely,

Frank J. Schira,
Executice Director.

National District Attorneys Association,
Chicago, Ill., April 18, 1968.

Dear Senator: The National District Attorneys Association representing approximately 2,500 prosecuting attorneys throughout America and Canada recently held their Mid-Winter Conference. A series of resolutions were passed at this Conference which we feel if implemented by legislation would greatly assist the prosecutor in the discharge of his difficult duties. We are enclosing a copy of these resolutions and we strongly urge that pending legislation be acted on without undue delay or legislation be considered which would give these proposals force and effect.

I need not go into the breakdown of law and order in our society today. We feel that many of the philosophies being expressed by certain individuals and groups offer serious threats to our traditional concept of a society based on order and liberty.

If we may be of any assistance to you we would be only too willing to cooperate in any manner.

Very truly yours,

Patrick F. Healy,
Executive Director.

Resolution 5: Firearms Control

Whereas, the easy accessibility to firearms is a significant factor in criminal homicides and other crimes of violence; and

Whereas, federal and state firearms control laws will assist law enforcement in reducing the number of offenses committed with firearms and will aid in the detection, arrest and successful prosecution of persons using firearms in the commission of crimes; now, therefore

Be it resolved, that the National District Attorneys Association supports efforts presently being made in the Congress to regulate the interstate and mail order shipment of firearms, over-the-counter sale of hand guns to out-of-state purchasers, and the sale of firearms to minors; and

Be it further resolved, that we urge the Congress to consider expanding such legislation to prohibit the sale of firearms to convicted criminals and to persons suffering from mental disorders; and

Be it further resolved, that we support legislation at the local level requiring the registration of all firearms.

National Wildlife Federation,
Washington, D.C., May 1, 1968.

Hon. Thomas J. Dodd,
U.S. Senate,
Washington, D.C.

Dear Senator Dodd: This will acknowledge receipt of your letter of April 26 sent via certified mail to request our opinion and position on Title IV of S. 917, the Omnibus Crime Control and Safe Streets Act, as approved by the Senate Committee on the Judiciary.

Time does not permit a thorough study of this proposed legislation by the National Wildlife Federation's officers, directors, and affiliated organizations prior to Senate debate which you have indicated will begin May 2–4.

The position of the National Wildlife Federation on firearms control has been made clear, however, in previous public hearings conducted by the Committee. In brief, we favor, (1) strict regulation and control of concealable weapons (pistols and revolvers); (2) we support existing regulations prohibiting the sale or interstate shipment of firearms to persons under indictment or convicted of a crime punishable by imprisonment for a term exceeding one year or is a fugitive from justice or is prohibited by state or local law from owning or possessing firearms; and (3) we firmly believe the importation, sale, shipment, use or ownership of destructive devices (such as bombs, bazookas, grenades, and other military type weapons or devices) by private citizens should be completely prohibited; not regulated as your amendments provide.

As we understand your proposal, it would repeal the Federal Firearms Act of 1938. We firmly believe this Act should *not* be repealed. If properly enforced, this Act could have been used to solve most of the current problems involved in the interstate sale and shipment of firearms to persons not legally entitled to possess them. Rather than repealing what we consider to be a very sound, workable law, we believe further amendment is necessary to assist local and state enforcement agencies in further regulating and controlling mail-order sales of concealable weapons to residents, or over-the-counter sales to non-residents, along the lines proposed in Senate Amendment 708.

Thank you for this opportunity to offer these comments and opinions. As you well know, the National Wildlife Federation has always supported adequate control, coupled with strict enforcement, over the sale, use, and possession of firearms by our citizens. We believe the basic answer to the crime problem in the United States is to resolve our current social problems and to educate all law abiding citizens on the proper, safe use of firearms and to severely punish those persons who deliberately misuse firearms or other weapons in the commission of criminal acts.

Sincerely,

Thomas L. Kimball,
Executive Director.

Wildlife Management Institute,
Washington, D.C., May 2, 1968.

Hon. Thomas J. Dodd,
Chairman, Subcommittee To Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Washington, D.C.

Dear Senator Dodd: We have your letter of April 26 and the enclosures concerning your amendment which appears as Title IV of the Omnibus Crime Control and Safe Streets Act, S. 917.

In your letter soliciting our views, you state that "It would be helpful to the public in understanding this issue if you would forward to me your views on my proposed legislation.

"When this comes to debate in the Senate, I want to effectively present all positions to my colleagues for consideration before they vote on this measure.

"It is essential that the Congress understand the position taken by your organization before voting on this measure."

We are pleased to respond and do so in the expectation that this letter will be presented in full context to the Senate. This reply sets forth the views of conservationists who long have recognized the problems resulting from the misuse of certain firearms and destructive devices. Our recommendations for the revision and enforcement of existing laws are a matter of record in the printed hearings of the Subcommittee To Investigate Juvenile Delinquency.

We support strict controls over the interstate shipment of handguns as proposed in S. 1853, by Senator Hruska and others, that would strengthen the Federal Firearms Act. We prefer the provisions of that bill which require notification to local law enforcement officers and an adequate waiting period before a dealer may make delivery of a handgun. We also favor the provision in S. 1853 that would prohibit the interstate shipment of any firearm contrary to state laws.

We believe that the provisions of your Title IV which would prohibit completely, rather than regulate, interstate commerce in handguns discriminate against law-abiding persons. Such a prohibition holds maximum inconvenience for all sections of the country rather than focusing attention where it is required.

We have been advocating that grenades, bazookas, crew-served weapons and similar destructive devices should be regulated rigidly. This desirable control should be achieved by amendment of the National Firearms Act as contemplated in S. 1854, by Senator Hruska and others.

Sportsmen everywhere have asked the committee not to link sporting firearms with destructive devices. They have urged repeatedly that sporting firearms continue to be handled through the Federal Firearms Act and destructive devices through the National Firearms Act. Your Title IV treats them together and puts them in the criminal code.

We are hopeful that the corrective legislation that the sportsmen have been seeking will be enacted during this session. We believe the Senate should do this by adopting S. Amendment No. 708 that was offered on April 29, 1968, as a substitute for Title IV in S. 917. That amendment incorporates the widely supported features of S. 1853 and S. 1854.

Sincerely,
C. R. GUTERMUTH,
Vice President.

NATIONAL SHOOTING SPORTS
FOUNDATION, INC.,
Riverside, Conn., May 1, 1968.
Senator ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: During Senate and House hearings on firearms legislation in 1967, the National Shooting Sports Foundation, Inc. testified in support of your S. 1853 to amend the Federal Firearms Act and your S. 1854 to amend the National Firearms Act.

We wish to inform you that we support your Amendment 708 as introduced in the Senate on April 29.

The National Shooting Sports Foundation, Inc. has 103 member companies which manufacture sporting firearms and ammunition, accessories, components and sports clothing; some of our members are publishers of outdoor and gun magazines and books. The company membership of our organization represents the major portion of the shooting industry.

We sincerely urge the passage of Senate Amendment 708.

Thank you,
CHARLES DICKEY,
Director.

NATIONAL RIFLE ASSOCIATION
OF AMERICA,
Washington, D.C., May 3, 1968.
Hon. THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DODD: I have your letter of April 26, 1968, addressed to Mr. Franklin L. Orth, our Executive Vice President, and with which were enclosed (1) a copy of Title IV of S. 917, (2) a draft report on this title, and (3) a section-by-section analysis of your firearms proposal as most recently amended.

As I view Title IV, it appears to be essentially S. 1 with Amendment 90 but with rifles and shotguns removed from certain provisions, particularly the ban on the shipment or receipt of firearms in interstate or foreign commerce by non-federally licensed individuals.

The position of the National Rifle Association on S. 1 with Amendment 90 is well known. The Association made its views quite clear in public hearings before the Subcommittee on Juvenile Delinquency, Senate Judiciary Committee, in July 1967.

Although the prohibition on the movement of firearms in commerce, as reflected in Title IV, has been limited to handguns, the National Rifle Association still finds Title IV unacceptable because its basic orientation is that of total prohibition rather than regulation. In my opinion, nothing adduced so far in the many hours of hearings on the firearms control question over the last few years supports such an approach. NRA opposition is reinforced by the tone and content of the findings and declaration, the sweeping assertions of which are in my view gratuitous, unsubstantiated and indicative of the general "anti-gun" sentiments of the supporters of this legislation. Further, the opposition of the National Rifle Association to Title IV is not in any degree lessened by the announced intention of the proponents of this measure to reinsert rifles and shotguns under the ban now applying to handguns only when the measure is considered on the floor of the Senate.

The National Rifle Association has publicly supported a positive program for effective federal firearms controls. The pivotal elements of this program are S. 1853 and S. 1854, by Senator Roman L. Hruska of Nebraska, to provide for a certified statement approach for the receipt of handguns in commerce, and to regulate "destructive devices" under the registration and heavy tax provisions of the National Firearms Act. These bills have now been submitted as Amendment 708, a substitute for Title IV. The Association is in full accord with and categorically supports this Amendment.

The charge has been frequently made that NRA members and sportsmen generally have been misinformed with respect to S. 1 with Amendment 90. It seems to me, this charge must be predicated on the assumption that those who oppose do not read their newspapers, listen to radio or watch television. I assure you, from the mail I receive, that the membership of NRA is not misinformed and overwhelmingly supports the position expressed here.

You may be sure the National Rifle Association greatly appreciates the opportunity to reiterate its stand on firearms legislation soon to be considered by the Senate.

Sincerely,
H. W. GLASSEN,
President.

SPORTING ARMS AND AMMUNITION
MANUFACTURERS' INSTITUTE,
New York, April 30, 1968.
Senator THOMAS J. DODD,
Chairman, U.S. Senate Committee on the Judiciary, Subcommittee To Investigate Juvenile Delinquency, Washington, D.C.

DEAR SENATOR DODD: Your letter of April 26, 1968 addressed to Mark K. Benenson, 420 Lexington Avenue, New York, was received on April 29. Mr. Benenson is counsel for the New York Sporting Arms Association located at 114 Chambers Street, New York, N.Y. 10007. This is an entirely separate organization from the Sporting Arms and Ammunition Manufacturers Institute of which I am Secretary-Treasurer. I forwarded a copy of your letter to Mr. Benenson. He will no doubt reply to you on behalf of the New York Sporting Arms Association. The following is the reply of the Sporting Arms and Ammunition Manufacturers Institute.

Since you need a response to your letter within a day or two after its receipt, and in view of the diversity of our membership, we cannot set forth a specific position on Title IV, S. 917 as you have requested. The individual views of the member-companies could be obtained by contacting them directly.

However, we have testified before committees of both the House and Senate in favor of firearms legislation which regulates rather than prohibits the interstate shipment of handguns and which prohibits the interstate shipment of any firearms in contravention of state laws. For years we have supported the ideas which are best expressed in the Hruska bills, S. 1853 and S. 1854, now identified as amendment 708 to S. 917. We are hopeful that firearms legislation such as that proposed by Senator Hruska can be promptly enacted.

These views generally represent the attitudes of our membership, and undoubtedly will be expressed by Senator Hruska and other members of the Senate who support amendment 708 to S. 917. We appreciate your contacting us and requesting our views on this matter.

Sincerely,
HARRY HAMPTON,
Secretary-Treasurer.

OUTDOOR WRITERS ASSOCIATION
OF AMERICA, INC.,
Columbia, Mo., May 1, 1968.
Hon. ROMAN HRUSKA,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HRUSKA: In a letter to you of last July 5, it was reported that members of the Outdoor Writers Association of America, in this organization's annual convention of June 22, 1967, endorsed the principles of Senate Bill S. 1853 and S. 1854 by unanimous vote. A copy is attached.

In attendance at this convention were members from 41 of the 50 United States and the District of Columbia; inclusive of newspaper, magazine and book textual writers, photographers, radio-TV broadcasters and lecturers in the broad fields of outdoor recreation and natural resources.

It is my pleasure to inform you that the endorsement applies to the present form of this proposed legislation as expressed in pending Amendment 708 of Omnibus Crime and Safety in the Streets bill.

Respectfully yours,
DON G. CULLERMORE,
Executive Director, OWAA, Editor, Outdoors Unlimited.

Whereas, Senator Roman Hruska has introduced S. 1853 to amend the Federal Firearms Act to tighten controls on interstate shipment of firearms, similar to a bill introduced in the U.S. House of Representatives by Rep. Cecil King, and,

Whereas, Senator Hruska has introduced S. 1854 to amend the National Firearms Act to place tighter controls on heavy military ordnance termed "destructive devices," and,

Whereas, the intent of these bills is to preserve the rights of all hunters and other recreational shooters to be able to continue enjoying the shooting sports,

We, the Outdoor Writers Association of America, do hereby endorse the principles of Senator Hruska's bills as introduced in the 90th Congress.

JACKSON, N.H.,
May 3, 1968.
Senator ROMAN HRUSKA,
U.S. Senate Building,
Washington, D.C.

The officers board of directors and membership of the New England Outdoor Writers Association wish to go on record in support of Hruska Amendment 708 to S. 917 and express vigorous opposition to Senator Dodd Title Four Amendment to S. 917.

DAVID O. MORETON,
Executive Secretary, New England Writers Association.

SOUTH EAST OUTDOOR PRESS ASSOCIATION,
May 6, 1968.
Senator ROMAN HRUSKA,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HRUSKA: The South East Outdoor Press Association, representing working writers and photographers in the outdoor field, firmly supports in principle your Amendment 708.

We advocate your position as reasonable, workable and effective.

Very truly yours,
DAVID DALE DICKEY,
President.

MAY 1, 1968.

Senator THOMAS J. DODD,
Chairman, Committee on the Judiciary, Subcommittee To Investigate Juvenile Delinquency, U.S. Senate, Washington, D.C.

DEAR SENATOR DODD: To reply to your letter of 26 April, 1968, in which you asked for a forwarding of my views on your proposal now amended and known as Title IV to S. 917, I would have the following comments:

Our position on this matter of firearms legislation is as it was when I testified before your Subcommittee on Juvenile Delinquency on 20 July, 1967. We do not concur with and object strongly to the Statement of Findings which form the first section of this amendment and we are opposed to the general philosophy and thinking indicated in this measure.

We most strongly support, as previously indicated in our testimony, legislation such as the Hruska bill for the reasonable control of Interstate traffic in handguns and the many other beneficial yet safeguarded features that this measure contains. We further feel a license fee of $10.00 a year following an initial license fee of $25.00 per year will force many legitimate small town hardware stores and general supply stores from the firearms business and we fail to see any connection between such a license fee increase and crime control. We would pose no objection to a modest license fee increase.

We further feel that control of importation surplus firearms should remain in the Department of State.

Very truly yours,
GAME AND PARKS COMMISSION,
FRANK FOOTE,
Section Chief, Division of State Parks.

TALLAHASSEE, FLA.
May 3, 1968.

Senator ROMAN L. HRUSKA,
Old Senate Office Building,
Washington, D.C.:

We heartily support your amendment No. 708 to S. 917. The sportsmen of this country most sincerely appreciate your reasonable approach to firearms legislation.

O. E. FRYE,
Director, Florida Game and Fresh Water Fish Commission.

RICHMOND, VA.,
May 3, 1968.

Hon. ROMAN HRUSKA,
U.S. Senate,
Washington, D.C.:

The Virginia Commission of Game and Inland Fisheries with concurrence of the sportsmen of this State, has unanimously opposed anti-gun legislation now incorporated in title IV of S. 917 and endorsed the sound approach to effective firearms control offered by amendment 708 parts A and B. We urge Senators to adopt amendment 708 to S. 917 as substitute for present title IV of the bill.

CHESTER F. PHELPS,
Executive Director, Virginia Commission of Game and Inland Fisheries.

STATEN ISLAND, N.Y.
May 2, 1968.

Senator HRUSKA,
U.S. Senate,
Washington, D.C.:

The Staten Island Federation of Sportsmens Club, Inc., of 3,000 members opposes the Dodd amendment the crime in the streets bill and support your amendment 708.

EDWARD L. BURTURE,
President.

READING, PA.,
May 4, 1968.

Senator ROMAN HRUSKA,
Senate Office Building,
Washington, D.C.:

Our organization, including 41 clubs and 16,000 members, urges to you to push for passage of Amendment 708 to Senate Bill 917.

BROOKE FOCHT,
Secretary, Federated Sportsman's Clubs of Berks County.

NEW YORK, N.Y.,
May 1, 1968.

Hon. ROMAN HRUSKA,
Senate Office Building,
Washington, D.C.:

The following rifle and pistol clubs of New York City urge passage of Amendment 708 and the defeat of the Dodd Amendment, Knickerbocker; Uptown; Latin-American; Interboro; Chester; 8th Regiment Vets; Eclipse; Winchester; 4th Estate; Palmach; and Trail's End.

HOWARD ROTH,
President, Bronx County Sportsman's Federation.

ERIE, PA.,
May 5, 1968.

Senator ROMAN HRUSKA,
Senate Office Building,
Washington, D.C.:

We the members of the Erie County Council of Federated Sportsman's Clubs 5,097 strong representing 17 Sportsman's Clubs in Erie County, Pennsylvania, support Senator Hruska's amendment 708 Senate Bill 917.

ERIE COUNTY COUNCIL FEDERATED SPORTSMAN'S CLUBS.

MAPLEWOOD, N.J.
May 5, 1968.

Senator ROMAN HRUSKA,
Washington, D.C.:

Association of New Jersey Rifle and Pistol Club Incorporated representing 33,000 NRA members in that State of New Jersey support the Hruska Bill as stated in amendment 708 to S. 917 since we are strongly in favor of sensible fire arms legislation.

CARL E. KASTNER,
Secretary.

NEW YORK STATE CONSERVATION COUNCIL, INC.,
Troy, N.Y., May 2, 1968.

Hon. ROMAN HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: The New York State Conservation Council has in the past, as an organization of over 350,000 members, and through its member Clubs, indicated its support and endorsement of S–1853 and S–1854, and our opposition to the many versions of the Dodd bills.

It has come to our attention that these bills may be substituted as Amendment No. 708, in place of the Dodd Amendment to the Safe Street Bill.

Our organization would appreciate any efforts on your part to make our position known to the Congress.

Sincerely yours,
LOVELL E. COOK.

CITIZENS COMMITTEE FOR FIREARMS LEGISLATION, INC.,
Belle Mead, N.J., May 1, 1968.

Senator ROMAN HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: Please be advised that our Committee, representing over 100,000 citizens and sportsmen in the State of New Jersey, earnestly supports your efforts in effecting the passage of Amendment 708 to S917, the Omnibus Crime Bill.

We have consistently deplored the so called "Dodd Bill" when certain other influences changed his original bill, and we continue to oppose efforts to sneak that bill through with the guise of attaching it to another bill.

We are working to pass a stronger sensible firearms law here in New Jersey, since we have witnessed and documented the ineffectiveness of the recent N.J. Antifirearms law, that presently harrasses the honest citizen, while the crime has risen in N.J. over the past two years.

We feel that your bill should be considered on its merits, and passed after due consideration. We are strongly opposed to many features of the Dodd Bill.

Sincerely,
L. A. BURTON,
Secretary.

THE NEW YORK STATE RIFLE & PISTOL ASSOCIATION, INC.,
May 2, 1968.

Re Amendment 708.
Hon. ROMAN HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: The thousands of members and member Clubs of this Association has repeatedly endorsed the Hruska Bills S–1853 and S–1854 and repeatedly opposed the Dodd Bills.

We have been informed that these bills may be substituted for the Dodd bill amendment to the Safe Street bill.

Such action would be in the best interest of the Public and has our wholehearted support.

We would appreciate your efforts in making this position known.

Sincerely,
MICHAEL PETRUSKA,
Legislative Director.
FRANKLIN VOLK,
President.

PRIVATE DETECTIVES ASSOCIATION OF NEW JERSEY, INC.,
Union City, N.J., May 2, 1968.

Re Omnibus Crime Bill.
Senator ROMAN HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: Our complete membership is in full agreement with your Amendment 708 to the Omnibus Crime Bill, S917.

We are in active opposition to the so-called "Dodd Bill" being attached to the Omnibus Crime Bill. We agree that your approach is best, and you may rely on us for any further support you may deem necessary.

Sincerely,
CORNELIUS H. GRONDIN, Jr.,
Legislative Chairman.

N.J. SPORTING GOODS DEALERS AND MANUFACTURERS ASSOCIATION,
Milltown, N.J., May 2, 1968.

Senator ROMAN HRUSKA,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The New Jersey Sporting Goods Dealers and Manufacturers Association desires that the omnibus crime Bill No. S197 should not contain any legislation concerning firearms. Legislation concerning firearms should be in a catogory of its own, not tagged on to another bill.

If it must be considered with S197, the New Jersey Sporting Goods Dealers and Manufacturers Association favors the Hruska Amendment No. 708 rather than the Johnson-Dodd Bill.

In lieu of either the Johnson-Dodd Bill or Hruska bill, we suggest the following procedure enclosed with this letter.

Very truly yours,

Herman Treptow,
Vice-President.

To Roman Hruska:

All out of state purchases of pistols and revolvers shall be made through purchasers local chief of police.

Permits for same to be supplied by U.S. Post Office Dept. and made available at all U.S. Post Offices.

Purchaser makes application on official blank and submits same to chief of police.

If chief of police okays purchase, he signs application blank and he personally inserts applicants official order and his check or money order to cover in official police department stationery and police department mails same.

The Ohio Gun Collectors
Association, Inc.,
April 29, 1968.

Hon. Roman L. Hruska,
Committee on the Judiciary,
U.S. Senate, Washington, D.C.

Dear Senator Hruska: Enclosed with this letter is a copy of a letter to Senator Dodd stating that the Arms Collector groups and associated Sportsmen's groups which I represent oppose the addition of S. 1, or Amendment 90 or any watered-down portions of those bills to the Crime Bill, S. 917.

Please believe that we heartily endorse the provisions as you have presented them in S. 1853 and S. 1854, and that our membership has now increased not less than 12 percent over that of last July (1967) when our testimony was presented before the Senate Subcommittee to investigate Juvenile Delinquency.

Sincerely,

P. L. Shumaker,
Chairman, Legislative Committee.

The Ohio Gun Collectors
Association, Inc.,
April 29, 1968.

Hon. Thomas J. Dodd,
Chairman, Subcommittee to Investigate Juvenile Delinquency, U.S. Senate, Washington, D.C.

Dear Mr. Dodd: Thank you for your letter dated April 26, 1968.

However, the Arms Collector groups and recognized Sportsmens' groups which I represent remain opposed to S. 1, or Amendment 90 to S. 1, or to portions of those Bills which are proposed to be added to S. 917 (as Title IV).

We will support S. 1853 and S. 1854 as proposed by Senator Roman Hruska, and have so notified our Senators.

A copy of this letter is being sent to Senator Hruska for his information.

Respectfully submitted.

P. L. Shumaker.

Dallas, Tex.,
April 29, 1968.

Re: S. 917, Title IV (S. 1—Amendment 90 as Revised).

Senator Thomas J. Dodd,
New Senate Office Building,
Washington, D.C.

Dear Senator Dodd: Your letter of April 26 and the enclosures regarding the above legislation have been received and I feel honored that you have requested my opinion on the proposed Title IV.

Senator, if Title IV is presented to the Senate on the theory that it will in any way aid in reducing crime, then the entire Title IV should be stricken. It will do nothing except encumber the law-abiding private citizen's right to acquire firearms. The bill does not regulate, it prohibits! Not one criminal will comply with this Act; on the contrary, he will simply steal your pistol, or break into a gun store and take what he desires. Has this not been made clear by all of the recent difficulty we have had in the streets of this country? I respectfully remind you that Attorney General Clark, in his testimony before Committee No. 5 of the House Judiciary Committee, stated that this bill will only "reduce the probability" of guns falling into wrong hands, and this is set forth on pages 275 and 276 of the House Hearings, 1967.

My position on this bill is made clear in the printed hearings before your Committee at pages 639 et seq. I cannot help but feel that your S. 1591 as presented in the 89th Congress and Senator Hruska's S. 1854 in the 90th, both dealing with the regulation of "destructive devices," could be of some aid, and you will note my remarks regarding this in the printed hearings.

On behalf of the National Skeet Shooting Association I respectfully suggest that this package submitted as Title IV is step No. 1 to disarming procedures aimed at the private citizenry, and I respectfully urge that it be removed in total from the bill.

Sincerely yours,

Joe H. McCracken III.

Raritan Bay Rod and Gun Club, Inc.,
Perth Amboy, N.J., May 2, 1968.

Re: Omnibus Crime Bill.

Senator Roman Hruska,
U.S. Senate,
Washington, D.C.

Dear Senator Hruska: Our entire membership is in full accord with your Amendment 708 to the Omnibus Crime Bill, S917.

We agree that your approach is best and are in active opposition to the so-called "Dodd bill" being attached to the Omnibus Crime Bill. We wish to assure you of any further support you may deem necessary.

Sincerely,

Cornelius H. Grondin, Jr.

Mr. HRUSKA. Mr. President, I yield the floor and yield back the remainder of my time.

Mr. METCALF subsequently said: Mr. President, I wish to associate myself with the remarks made by the distinguished Senator from Nebraska, Senator Hruska with respect to amendments to the Federal Firearms Act and the National Firearms Act.

Senator Hruska has quite properly stated the objective of such legislation: It is to "keep the firearms out of the hands of the wrong people—those who misuse them."

My views on the misuse of firearms are based on my own understanding of the problem and the hundreds of suggestions I have received from Montanans for whom I speak. I am sure my experience in this matter is similar to that of other Members of Congress who returned to their respective States after adjournment. I found Montanans vitally concerned with the kind of firearms legislation that may ultimately be enacted. As would be expected, their concern ranged over a broad front, extending from the individual right to possess and use firearms for legal purposes of all kinds, including defense of family, home, and property, to the continuance of the very substantial hunting and recreational service industry that the sporting use of firearms supports in Montana. There is concern, too, about the continuation of State wildlife management programs supported entirely by the license fees paid by hunters and by the Federal excise taxes they pay on sporting arms and ammunition. In Montana, as in other States, hunters pay the bills for necessary wildlife management and restoration programs as well as maintain the food, transportation, equipment, and allied businesses that service their needs. Furthermore, Montanans want firearms restrictions to apply directly to criminals and the criminally inclined, rather than to the vastly greater number of law-abiding citizens, as Senator Hruska has so ably said.

I fully share the concerns of Montanans in this regard, Mr. President. As they do, I support corrective amendments to the Federal Firearms Act and to the National Firearms Act that hold promise, with vigorous enforcement, of reducing the criminal misuse of sporting firearms and the so-called destructive devices. I question whether the existing Federal Firearms Act has been enforced with sufficient vigor, and I believe that many of the abuses the committee now hears about would not have taken place had this been done. Clearly, the Federal Government has been lax in discharging the responsibilities it assumed under that act. Many of the complaints we hear can be attributed to this laxity. Nevertheless, it is clear, as experience has shown, that some additional amendments would help the States in preventing the interstate acquisition of firearms by persons in violation of State laws or regulations. It is this traffic, the record shows, that contributes largely to the criminal misuse of firearms. It is through this route that many criminals, alcoholics, addicts, and juveniles circumvent State or local restrictions against their acquisition and possession of firearms.

The goal of any legislation that is considered should be to provide the utmost Federal assistance to State and local government in curbing traffic in concealable weapons that is contrary to State and local law. These are the firearms that figure most prominently in crime. Because of their concealability and lack of bulk, handguns are the firearms favored by criminals and the criminally inclined. They are the firearms most used in premeditated crime. I believe that the flow of pistols and revolvers to certain individuals can be slowed by the enactment of appropriate legislation and by its subsequent vigorous enforcement. All interested persons should realize, however, that it would be unrealistic and inaccurate to assume that any legislation ever would end the misuse of firearms or, for that matter, of automobiles, narcotics, alcohol, or kitchen knives.

Certainly, it is reasonable to expect that any State or local unit of government, experiencing difficulty with the misuse of firearms, should have enacted or should enact laws pertaining to the possession of firearms to meet its own specific purposes. What these units of government need now, because local laws are being circumvented by the out-of-State purchase of firearms, is a relatively uncomplicated and straightforward act to close this loophole.

I believe that this would be done by the enactment of the amendment proposed by the senior Senator from Nebraska

[Mr. Hruska]. I believe that this proposal closes the loopholes that have been causing the most trouble, makes certain other needed corrections in the Federal Firearms Act, properly establishes restrictions on interstate traffic in the problem handguns, while at the same time assuring the least inconvenience to the millions of citizens who own and use firearms for lawful purposes. Legislation of this kind as we have seen has the support of all of the major sporting and shooting organizations as well as of individual sportsmen across the country.

Contrary to some of the statements that have appeared in the press, I find that sportsmen do believe that improvements can be made in the Federal Firearms Act. They do believe that some improvements are necessary and that these amendments are workable, realistic, and hold promise of effectiveness. They hold the promise of helping the State and local governments to enforce laws and regulations that respond to conditions as they exist in various sections of the country. They do not seek to invoke a broad national ban on firearms. Rather, the recommended amendments recognize that conditions vary widely through the country and that a ban or prohibition that may be desirable in one State or local area may not be in the best interest of another.

Before concluding, I want to comment on another legislative matter that has the strong endorsement of sporting groups throughout the country. This is the control of destructive devices, automatic weapons and others that can only be used for war materiel. From letters I have received and from copies of resolutions that have passed over my desk, there can be no misunderstanding about the desire of all Americans to bring crew-served weapons and other of the destructive devices under prompt control.

Unfortunately, some persons prefer to persist in thinking that sportsmen object to such control. Nothing could be further from the truth. Sportsmen want destructive devices controlled, but they want the control to be accomplished by an amendment to the National Firearms Act, the so-called Machinegun Act, rather than through the Federal Firearms Act, which applies solely to sporting firearms. There is a clear distinction between machineguns and weapons of that kind and sporting firearms. Machineguns, hand grenades, and the heavy ordnance of war have a use and a purpose separate and apart from sporting firearms. That is why we have a Federal and a National Firearms Act.

Personally, I doubt if we ever will see the day when sportsmen will agree to lumping sporting firearms and destructive devices into the same basic law. I am confident that a destructive device amendment to the National Firearms Act could have been enacted by now had it not been for the ill-advised persistence of some persons to link such weaponry with sporting firearms.

I have sought in these brief remarks to show that there is positive support for certain corrective firearms legislation in Montana and throughout the Nation. This support is based on the belief that Federal legislation should assist, rather than usurp, State and local authority to deal with the firearms problem as it may exist. There is no justification, in my opinion, in attempting to blanket the entire country with restrictive legislation when the criminal misuse of firearms is largely a local or regional problem.

Maximum, but realistic, effort should be made to restrict the interstate traffic in concealable weapons, the kind of firearms that are used most prevalently in the commission of armed crime. Much of the difficulty that has been encountered, especially in the centers of population where armed crime is most prevalent, would be overcome by more vigorous law enforcement and by greater attention in the courts. The failure to provide such enforcement and the laxity of some courts have contributed to the current problem.

Corrective legislation along the lines proposed by Senator Hruska, plus better enforcement all the way from the streets to the courts, will do much to solve the problem with which all law-abiding persons are concerned.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may make two unanimous-consent requests without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Flood Control of the Committee on Public Works be authorized to meet during the session of the Senate today; and I also ask unanimous consent that the Subcommittee on Executive Reorganization of the Committee on Government Operations be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs and the Committee on Agriculture and Forestry be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 1224) to authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of 1 year, the officer serving in that position on April 1, 1968, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1224) to authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of 1 year, the officer serving in that position on April 1, 1968, was read twice by its title and referred to the Committee on Armed Services.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. DODD. Mr. President, I yield myself as much time as I may require. I hope it will not be long.

Mr. President, I ask unanimous consent to have inserted at this point in the Record a copy of a letter that I wrote to Members of the Senate, and a chart and a memorandum, which were delivered this morning.

There being no objection, the letter, chart, and memorandum were ordered to be printed in the Record, as follows:

U.S. Senate, Committee on the Judiciary, Subcommittee To Investigate Juvenile Delinquency,
Washington, D.C., May 15, 1968.

Hon. ———,
U.S. Senate,
Washington, D.C.

Dear ———: I have had several inquiries as to the specific differences between Title IV of S. 917, the Administration's firearms control bill, and Senator Roman L. Hruska's substitute, Amendment No. 708.

Because of the complexity of these proposals, I am attaching a chart for your information comparing the firearms controls that would be established by each of these measures. I am also enclosing a memorandum which points out many serious weaknesses and inadequacies in Amendment No. 708 as compared to Title IV.

As you can see, Senator Hruska's Amendment does not place a reasonable burden on the dealer to ascertain the legitimacy of the prospective purchaser either adult or juvenile. It does not propose licensing of all dealers, thus allowing fly-by-night traffickers to sell firearms to non-residents. And, it is ambiguous in restricting gun sales to fugitives and indicted persons.

Furthermore, the Amendment would not prohibit the *intrastate* sale of firearms to felons. It would not prohibit the *instrastate* sale of handguns to persons under 21 years of age. And it would not prohibit the *intrastate* sale of firearms in violation of state or local laws.

Amendment No. 708 places excessive reliance on the sworn statement. That is a dubious control device which has been called *inadequate and worthless* by all of the Federal and state law enforcement witnesses who testified at our hearings. It is a device the net effect of which would be to overburden the even now undermanned and overworked police departments throughout the nation. For example, a crippling flaw in the sworn statement approach is that it cannot cope with the habitual criminal, who is often a transient person. He usually has a police record in several cities. The only way a police department could be positive about a prospective gun buyer's criminal record would be to obtain an F.B.I. record check. This could result in millions of such record checks being requested from the Bureau which is obviously not feasible.

I hope that the attached documents will be helpful to you in the course of our deliberation of these proposals.

With kindest regards, I am

Sincerely yours,

THOMAS J. DODD,
Chairman.

SHORT COMPARATIVE ANALYSIS OF TITLE IV AND THE HRUSKA AMENDMENT NO. 708

CONTROL PROVISIONS	TITLE IV	AMENDMENT NO. 708
1. *Scope of coverage*	Controls *all sales* of firearms by federally licensed dealers, manufacturers, and importers.	Controls interstate shipment, transportation and receipt of firearms. Amendment No. 708 does not restrict *intrastate sales.*
	Interstate	
2. *Interstate* mail order sale of handguns.	Regulates (channels through local dealers).	Regulate with purchaser's sworn statement.
3. *Interstate* (non-resident) over-the-counter sale of handguns.	Regulates (channels through local dealers).	Regulate with purchaser's sworn statement.
4. All sales of firearms including *Interstate* sale of rifles and shotguns to felons.	Prohibits.	Prohibits interstate shipment to felons.
	Intrastate	
5. *Intrastate* sales to *anyone.*	Regulates. (Identifying information, name age and address, must be obtained and must be kept in files. Failure to do so is a violation of the Title.)	(Retains existing law requiring name and address.)
6. *Intrastate* sales of firearms to *felons.* (Handguns and long guns)	Prohibits.	No provision. (Does not restrict *intrastate sales.*)
7. *Intrastate* sale of handguns to *persons under 21.*	Prohibits.	No provision. (Does not restrict *intrastate sales.*)
8. *Intrastate* sales in violation of state and local gun laws.	Prohibits.	No provision. (Does not restrict *intrastate sales.*)
	Imports	
9. Import controls.	Prohibits import of surplus handguns and other nonsporting firearms.	Restricts import of destructive devices under National Firearms Act.
	Destructive devices	
10. Destructive Devices.	Requires police clearance to purchase.	Impose transfer tax of $200 under National Firearms Act.
	Licensing	
11. Licensing.	Licenses *all* dealers, manufacturers and importers in Firearms business. (This includes *intrastate* as well as *interstate.*)	Licenses only *interstate* dealers and manufacturers.
12. Standards for Licensees.	Title IV would deny a license to: (1) a person under 21 years of age. (2) a felon, a fugitive or person under indictment for a felony. (3) a person who has violated any provision of the Title. (4) a person who has falsified his application. (5) *a person who is not likely to conduct operations in compliance with the Title's provisions.* (6) *a person who has no business premises.*	No. 708 would only deny a license to: (1) a person under 21 years of age. (2) a felon, a fugitive (crime of violence) or person under indictment for a crime of violence (3) a person who has violated any provision of the Act. (4) a person who has falsified his application. These weak standards mean: (a) A person with no place of business could be licensed, such as those who operate on the street corner or out of a truck, *persons who we have found to be indiscriminately selling guns to juveniles and criminals.* (b) An *intrastate* dealer *would not have to be licensed* and could carry on a business with no Federal controls. (c) It would allow the 25,000 people who now own Federal licenses and are not *bona fide* dealers to keep them and continue to avoid compliance with important provisions of the Title. *If you can afford ten dollars, you are a dealer.* We are thus carrying over a major flaw in the present law. (d) It encourages persons to obtain licenses to evade the requirement of a sworn statement on mail order and non-resident sales, thus skirting state and local gun laws.

MEMORANDUM: COMPARISON OF AMENDMENT NO. 708 AND TITLE IV

The stated objective of both Title IV and the substitute amendment, No. 708, is to permit state and local laws controlling the use and possession of firearms to be effectively enforced. The greatest obstacle to effective enforcement of these laws is the ready *availability of firearms in other states with few or no controls, and interstate mail-order shipment of firearms.*

Title IV would meet this problem by channeling all interstate sales of all firearms other than rifles and shotguns through locally licensed dealers, which would allow maximum effective use of state and local law.

However, Amendment No. 708 uses a cumbersome and much less effective system of non-notarized sworn statements and notification of intended delivery of *handguns* only to local law enforcement.

The deficiencies of the latter approach have been underscored by virtually every law enforcement official who testified before the Subcommittee.

Below is an analysis of the major deficiencies in that approach.

This procedure will not effectively prevent persons not entitled by the law of their residence to possess such weapons for the following reasons:

Local law enforcement will be greatly overburdened in having to verify the contents of each sworn statement. For example, to check a person's criminal record may require searching not only local but national files. Court records locally and elsewhere must be checked to determine if the individual is under indictment, legally incompetent, or otherwise ineligible.

Many state and local jurisdictions have no gun control regulations. It is doubtful that in those situations local law enforcement would investigate to determine whether the proposed shipment is to a person prohibited from receiving it under Federal law (e.g., a convicted or indicated felon).

There is no requirement that the statement be notarized or even witnessed. Nor is there any requirement for a photograph or fingerprints. Therefore, local law enforcement will also be required to determine the authenticity of the signature, presumably by direct contact with the purported applicant. And there is absolutely no guarantee of any kind that the sworn statement is correct or that it is even sworn to.

The federal licensee is apparently under no obligation not to complete an over-the-counter sale even if notified by local law enforcement of the applicant's residence that the applicant is ineligible to purchase. In mail-order situations a licensee is prohibited from shipping to a person ineligible to receive under state or local law (Section 2(c)); *but there is no parallel provision with respect to over-the-counter sales to non-residents whose state or local law would prohibit receipt or possession of the firearms.*

The provision only applies to handguns. A licensee may apparently sell any other firearms such as machine guns, mufflers, silencers, etc., over-the-counter to any purchaser, regardless of age, known criminal background, or known ineligibility under state or local law.

The affidavit procedure and waiting period is only required for sales to unlicensed persons. Amendment No. 708, however, makes no significant qualification for applicants for dealer licenses. Any individual over twenty-one years of age who is not a felon and who has not violated the act is apparently eligible to receive such a license upon the payment of a $10 annual fee, whether or not he intends to engage *bona fide* in the business of selling firearms. Inasmuch as the Treasury Department estimates that some 25,000 dealer licenses are now held by persons not engaged in the business, this failure to increase the requirements for such a license creates a major avenue of evading even the limited affidavit—waiting period procedure. (This same situation has rendered the present act useless.)

Only licensees are required to comply with the affidavit-waiting period procedure in sales or shipments of handguns to non-residents. Thus, *unlicensed* persons may sell at will any firearms to non-residents, or ship them in commerce as long as they do not do this so regularly as to become dealers.

The affiant must state that his "receipt" of the handgun is not in violation of the law of his residence. This statement would be of little effect in over-the-counter transactions for the law of another state *could not prohibit* "receipt" of a firearm by its residents beyond its jurisdiction.

CONTROL OF SALES TO JUVENILES

Amendment No. 708 establishes very weak control of sales to juveniles. The only provisions affecting such sales are the requirements that non-residents purchasing handguns by mail order or over-the-counter state in their sworn statement that they are over twenty-one years of age, and that common or contract carriers not deliver handguns to any person with knowledge or with reasonable cause to believe that such person is under twenty-one years of age, or other firearms to persons under eighteen years of age.

Under Amendment No. 708 no licensee is prohibited from *selling* any firearm to *any* person regardless of age.

Although there is a requirement that any manufacturer or dealer (apparently whether or not licensed) must notify the carrier in writing of the contents of a package containing any handgun, no similar provision applies to contents of a package containing "any firearm". Thus, the prohibition on delivery to persons under eighteen is unlikely to be effective.

The affidavit provisions requiring a sworn statement that the purchaser is twenty-one years of age apply only to handguns, and then only for mail orders and over-the counter sales to non-residents.

Even where the affidavit is required, there is no prohibition on completing the sale even if the licensee knows or has reason to know that the applicant is under twenty-one.

SALES AND SHIPMENTS TO CONVICTED OR INDICTED FELONS AND FUGITIVES FROM JUSTICE

Amendment No. 708 does not specifically prohibit a federal licensee from selling over-the-counter to a *known criminal,* including felons, fugitives, and indictees for felonies, as does Title IV. This omission could be particularly significant in the case of pawnbrokers who frequently know or have reason to know of the criminal background of some of their clients, but who under the substitute amendment may sell to such a person with impunity.

Amendment No. 708 is now very ambiguous with respect to coverage of convicted and indicted persons. Under its predecessor bill, S. 1853, the only criminals or indictees affected were those who had been convicted or indicted for a "crime of violence". "Crimes of violence" were specifically defined to include enumerated offenses. (Only "crimes of violence" had been included in the Federal Firearms Act prior to a 1961 amendment. In 1961 this coverage was expanded to include persons indicted or convicted of an offense punishable by imprisonment for more than one year.) The substitute amendment now defines "indictment" and "fugitive from justice" in terms of "crimes of violence". The definition of "crimes of violence", however, has been deleted. Moreover, all operative sections are in terms of crimes punishable by imprisonment for more than one year. Are "indictments" in the operative sections limited to "crimes of violence" so long as the crime of violence is punishable by imprisonment for more than one year? If so, narcotics offenders and gamblers, presumably not indicted for a "crime of violence" would not be covered. Nor would persons indicted for violation of federal firearms laws.

DEFICIENCIES IN LICENSING REQUIREMENTS

The most important provision in amendment No. 708 is the affidavit-waiting period requirement for shipments or sales of handguns to non-residents. However, this requirement only applies to non-residents who are not licensed. The ease by which a person may obtain a license is therefore a critical weakness of this aspect of the substitute amendment.

The only substantive requirements for such a license under Amendment No. 708 are: (1) that the applicant be at least twenty-one years of age; (2) that the applicant not be under indictment or be convicted for a crime of violence (or felony, depending on construction), or be a fugitive from justice; (3) that the applicant not have willfully violated any provisions of the Act or regulations, and (4) that the applicant not willfully fail to disclose any material fact in connection with his application. In contrast, Title IV requires, in addition to the requirements of the substitute amendment, that: (5) *the applicant be likely to conduct business operations in a lawful manner during the term of the license; and (6) that the applicant have business premises for the conduct of business.*

Amendment No. 708 does not require all dealers or manufacturers to be licensed. It only requires a license for a dealer or manufacturer to ship, transport or receive firearms in interstate commerce. Thus, it is possible that substantial firearms business could be conducted by a person with no federal license, *including over-the-counter sales of handguns or other firearms to non-residents without complying with the affidavit procedure.* For example, a pawnbroker who deals only in second-hand firearms might not be required to obtain a license. Or a dealer could operate in one state by purchasing firearms, including handguns, directly from the manufacturer, and conduct a massive over-the-counter trade to neighboring state residents, without having to comply with the affidavit procedure.

Amendment No. 708 includes record keeping requirements, but they are considerably weaker than in Title IV. Each licensee is required to maintain records required by the Secretary, *but there is no provision for criminal penalties for failure to do so.* Title IV, on the other hand, puts the licensee under a strong obligation, with criminal sanctions, to maintain a specific record of the name, age, and place of residence of each purchaser of a firearm. Willful failure to maintain required records, or entry of false information thereon, also are violations of Title IV. (This would have applied to the Martin Luther King assassination weapon).

OMISSION OF RESTRICTIONS ON IMPORTS

One of the serious omissions of the substitute amendment is any control over imported firearms other than minimal control over the importation of destructive devices. Title IV prohibits importation of arms which the Secretary determines are not suitable for research, sport or as museum pieces. There can be no justification for continued wholesale dumping of war surplus merchandise on the American civilian market. The existing controls of the Mutual Security Act of 1954 are inadequate. That Act, administered by the State Department, relates to relations with foreign nations, and is not designed to protect citizens domestically. Under the substitute amendment firms in Canada or Mexico, licensed under the liberal provisions of the Mutual Security Act, could ship into the United States or sell to United States residents most firearms, including handguns, without even complying with the affidavit procedure.

Mr. DODD. Mr. President, I take the Senate floor for the purpose of discussing the deficiencies of Senator HRUSKA's substitute, amendment No. 708.

I do not take this matter lightly, for I believe that the Hruska substitute is so inadequate, so unenforceable, and so burdened with the philosophy of the gun lobby that to enact it would be a travesty comparable only to the passage of the woefully inadequate Federal Firearms Act in the 1930's.

In those years it was the same voice and the same lobby that reduced that legislation to a condition of general and pathetic inadequacy.

History cannot and should not repeat itself on the gun issue.

The 90th Congress can and must enact strong, enforceable gun control legislation.

The Hruska substitute does not meet these standards.

The deficiencies of the Hruska substitute are many.

These deficiencies were attested to by every witness, other than those representing the gun interests, who appeared before the Juvenile Delinquency Subcommittee during hearings on the legislation.

I intend to discuss each of the major shortcomings of the Hruska substitute at length, but first there are three major concerns which the Senate must be made aware of.

First, the Hruska substitute would not assist law enforcement.

True, the Senator from Nebraska tells us that it would. But the only people who agree with him are the National Rifle Association and that minority of sportsmen who have been duped by gun lobby propaganda.

Let use see what the law enforcement people have to say about the Hruska bill.

They say it would hinder, inconvenience, and strain the resources of our law-enforcement agencies throughout the land.

Ramsey Clark, Attorney General of the United States, told the subcommittee that the affidavit approach in Hruska's bill would "impose a burden and an unnecessary burden on the law-enforcement officer." He testified that the affidavit approach "is not efficient," and in his judgment, "it would not prove effective."

Sheldon Cohen, the Commissioner of Internal Revenue, the man who would enforce the new law, referred to the Hruska affidavit approach as "cumbersome, imposing burdens on both buyer and seller."

Quinn Tamm, the executive director of the International Association of Chiefs of Police, in commenting on the major control provision in the Hruska bill said:

> May I say that, having been in charge of the largest fingerprint collection in the world in the FBI, the affidavits bearing the names and partial descriptions of individuals, as far as identification is concerned, are *absolutely worthless. They have no value. They would serve no purpose* . . ."

Second, the Hruska substitute is the gun-lobby approach, and nothing more than that.

In fact, their support of this substitute is reminiscent of the 1930's when the National and Federal Firearms Acts were being considered. At that time the Congress was asked to pass meaningful and reasonable controls over long guns, but it caved in under pressure from the gunrunners.

There was a meaningful bill which had been introduced by Senator Royal Copeland, and which, as is the situation today, had the support of the American Bar Association, the law-enforcement agencies of the country, and just about everyone concerned with the safety of this country's citizens.

But then, as now, the NRA had its bill introduced, had tons of letters written to an unsuspecting Congress, and got the bill it wanted.

I maintain that if we do the same thing now, then we must share the responsibility for the countless Americans who will be gunned down in our homes and streets and places of business, because we did not act decisively to curb the availability of guns to lawless elements.

I cannot believe that we, the 90th Congress, will knuckle under to the gun interests and their militant campaign of deceit, distortion, and innuendo.

Third, every public opinion poll since 1959 has reflected the public's support for stringent gun control legislation, including the provisions of title IV.

There has been no indication of public sentiment on such a scale for the Hruska substitute.

It is a fact that 65 percent of America's gunowners support gun registration, and my bill does not even go that far. Their sentiments are for strong Federal gun controls.

It is rather ironic that when I questioned the president of the National Rifle Association, during the 1967 hearings, as to whether the NRA had ever polled its membership on this question, he replied in the negative.

His reply was that they did not have to poll their members for they knew how they felt, based on letters received.

Yet when the hunters, farmers, and sportsmen of the great Midwest—the people the NRA says it represents—are polled by independent sources, it turns out that a majority of these responsible Americans are in favor of my bill.

I now turn to the specific areas of the Hruska substitute, which, as I have pointed out, the vast majority of Federal, State, and local law-enforcement officials believe to be weak at best and unenforceable at worst.

1. THE INTERSTATE MAIL-ORDER AND OVER-THE-COUNTER, NONRESIDENT SALE OF FIREARMS, OTHER THAN RIFLES AND SHOTGUNS

The major differences in approach between title IV and the Hruska substitute center on the mechanism for controlling the interstate mail-order and nonresident sale of handguns.

This, undoubtedly, is the major area covered by both title IV and the Hruska substitute, and it is the most controversial.

Title IV prohibits the interstate mail-order sale of handguns as well as the over-the-counter sale of handguns to individuals who are not residents of the licensee's State. In other words, it requires that all such sales be made through licensed dealers in the purchaser's State of residence.

This, I believe, is a reasonable and effective approach to this problem, and it would more readily accomplish the stated goal of curbing sales of deadly weapons to felons, fugitives, criminals, juveniles, and crime-bent individuals by allowing the strict enforcement of each State's and locality's own firearm laws.

However, the Hruska amendment No. 708, seeks to control such traffic utilizing a sworn statement, but one which has not been notarized and which furnishes incomplete identifying information about the purchaser to the licensed dealer.

The defect of this approach has been underscored by every law-enforcement officer, who appeared before the subcommittee, from the Attorney General of the United States to the law-enforcement officials in the cities and States.

I believe that references to their testimony are in order.

Consider the following excerpts from the subcommittee's 1967 hearings:

Quinn Tamm, the executive director of the International Association of Chiefs of Police, said:

> I have listened with a great deal of interest to the Governor of New Jersey testify about the difficulty that law enforcement agencies would have in searching such affidavits.
>
> May I say that having been in charge of the largest fingerprint collection in the world in the FBI, the affidavits bearing the names and partial descriptions of individuals, as far as identification is concerned, *are absolutely worthless. They have no value. They would serve no purpose*, and I question whether a police department in a small community could do anything or any justice to such a request for a name search. It is not quite as simple as just having the chief walk over to a file and look in a small index to see if so-and-so has a criminal record. It goes a great deal further than that, in identifying the individual and where he is from.
>
> It takes time and it takes money, and I am not too sure that this is a police responsibility under our present concept of police. They have a lot of other things to do right now.

William Cahalan, the man in charge of law enforcement in Wayne County, Mich., told the subcommittee just 5 days before the Detroit riot:

> I was conferring with Commissioner Girardin, who is commissioner of the Detroit Police Department, and he says that a name does not suffice; they need fingerprints. The name check doesn't do much for them . . . a name check is insufficient.

Even some of the alleged supporters of the Hruska substitute have been constrained to criticize the measure. The National Wildlife Federation, for example, gave eloquent testimony on the pitfalls inherent in that legislation.

I should add that the Wildlife Federation represents some 2 million American sportsmen.

Their executive director, Thomas Kimball, told the subcommittee in July of 1967:

> We would prefer, in connection with handguns, to permit people to purchase handguns through the mail, providing they file a statement and have a waiting period, and have the police check out their statement, and so on, before the gun is shipped. *But there has been some concern over the fact that if a criminal who intends to use a concealable weapon in the commission of a crime, that he is not going to hesitate to violate other laws and use a fictitious name to acquire a gun if he is intent on committing something even more serious than violating his sworn statement.*
>
> There is some concern that perhaps the police with the volume of such business, might not get around to this in the time that is allotted. This has happened in connection with some other laws that have been enacted in New Jersey, which says the police will act on application for a firearm within a certain designated time, but they are not able to do it. So how are the police going to be penalized? Is somebody going to put the police in jail for not complying with the law in this respect?
>
> *Well, it has just broken down to the point where there is some concern that maybe the best way, then, if we are going to control the misuse of concealed weapons, is to have persons appear before a licensed dealer in their own State and buy it.*

The sworn statement is unworkable. It is unenforceable. Furthermore, I cannot understand the reasoning of those who would allow concealable weapons to be sold by mail order, or allow a nonresident to go to a weak-gun-law State and buy a gun over the counter, and then return to his own State and commit a crime with it. I say that must be stopped. I believe my colleagues will agree, if they stop and think about this matter. It is just sensible.

I believe my position is completely reasonable. I think that is why every poll shows that 70 percent or more of the people of this country want a strong gun control law passed. Mr. President, that percentage must include many sportsmen. And they certainly want a strong gun control law with respect to concealable weapons.

Senator HRUSKA's amendment seeks to control this traffic by a sworn statement. I observe that it is sometimes called an affidavit and sometimes called a sworn statement. Mr. President, they are not the same thing. An affidavit has to be notarized by a public official. Anybody can write a sworn statement, just by saying, "I swear this and this and this is so," and by signing it. I have no doubt that the criminal element in this country would do that, if that were the only way they could get guns.

So I say it just will not work. Every law-enforcement officer, I believe without exception, who appeared before our committee, said it would not work and could not be enforced, and every one of them opposed it, from the Attorney General down, including Quinn Tamm, whom I have quoted as saying that it is absolutely worthless, has no value, and serves no purpose.

Interestingly, even some of the alleged supporters of the Senator's substitute have been constrained to criticize the measure. The National Wildlife Federation, for example, gave some eloquent testimony on this point to which I have referred.

There are further deficiencies in the nonnotarized sworn-statement approach.

The Federal licensee is under no obligation to refuse an over-the-counter sale, even if notified by local law-enforcement authorities in the applicant's State or hometown, that the applicant is ineligible to purchase firearms in the State or municipality in question. In mail-order situations a licensee is prohibited from shipping to a person ineligible to receive under State or local law—Section 2(c)—but there is no parallel provision with respect to over-the-counter sales to nonresidents whose State or local law would prohibit receipt or possession of the firearms.

Furthermore, the sworn statement provision applies only to handguns. Therefore, a licensee could sell any other firearms, such as machineguns, mufflers, silencers, and so forth, over the counter to any purchaser, regardless of age, known criminal background, or known ineligibility under State or local law.

Finally, the sworn-statement procedure and waiting period is only required for sales to unlicensed persons. So far as I know, the Hruska substitute, makes no significant qualification for applicants for dealer licenses. Any individual over 21 years of age who is not a felon and who has not violated the act would be eligible to receive such a license upon the payment of a $10 annual fee, whether or not he intends to engage bona fide in the business of selling firearms.

Inasmuch as the Treasury Department estimates that some 25,000 dealer licenses are now held by persons not genuinely engaged in the business, this failure to strengthen the requirements for such a license creates a major avenue for evading even the limited affidavit-waiting-period procedure. This same situation has rendered the present act useless.

2. SALES TO JUVENILES

Of all the weaknesses in the Hruska substitute, none is more glaring than the failure to prohibit the sales of firearms to minors and juveniles.

All the substitute does is to establish some weak and inadequate controls over sales to juveniles. The only provisions affecting such sales are the requirements that nonresidents purchasing handguns by mail order or over the counter, state in their sworn statement—which, as I have pointed out, will not be notarized—that they are over 21 years of age; and that common or contract carriers may not deliver handguns to any person if they have knowledge or if they have reasonable cause to believe that such person is under 21 years of age; or in the case of other firearms if they have knowledge or reasonable cause to believe that the consignee is under 18 years of age.

Although there is a requirement that any manufacturer or dealer—apparently whether or not he is licensed—must notify the carrier in writing of the contents of a package containing any handgun, no similar provision applies to contents of a package containing "any firearm." Thus, the prohibition on delivery to persons under 18 is unlikely to be effective.

Despite the affidavit requirement, the language of the substitute does not prevent a licensee from completing a sale where the licensee knows or has reason to believe that the applicant is under 21.

Title IV specifically prohibits the sale by Federal licensees of firearms, other than rifles and shotguns, to persons under 21 years of age.

The reasons for the total prohibition in title IV are substantial.

In 1966, minors under 21 accounted for 35 percent of the arrests for serious crimes of violence, including murder, robbery, and aggravated assault.

Twenty-one percent of our arrestees for murder in 1966 were under 21; and since 1960, juvenile arrests for murder have increased 45 percent.

Fifty-two percent of our robberies in 1966, were committed by persons under 21; and in this category, since 1960, arrests of juveniles have increased 55 percent.

In 1966, 28 percent of our assaults were committed by minors; and since 1960, arrests of juveniles in this category have increased 115 percent.

Mr. President, law-enforcement experts virtually to a man agree that we can curb these serious increases of violence by young people by restricting the availability of guns to them.

On this point, all the evidence taken by the Subcommittee on Juvenile Delinquency leads me to agree with the views of our law-enforcement authorities.

But it is clear that there are others in this body who are not prepared to be guided by the advice of our law-enforcement experts, for the Hruska substitute does not provide for the prohibitions on sales to minors that title IV provides.

Finally, as a means of implementing the prohibition on the sale of firearms, except long guns, to minors, title IV requires that purchasers of firearms identify themselves and provide proof of age. There is no similar provision in the Hruska substitute.

3. LICENSING PROVISIONS

Another deficiency in the Hruska substitute is that it retains the present inadequate provisions of the Federal Firearms Act with regard to the licensing of dealers and manufacturers in interstate commerce.

On the other hand, title IV requires that all persons engaged in the business of importing, manufacturing, or dealing in firearms be licensed as Federal dealers and it applies standards that would insure that only bona fide businessmen would become licensed. They are the only people in our society who should be licensed—decent businessmen who have some sense of responsibility about the sale of firearms.

Senator HRUSKA's substitute does not require that all dealers or manufacturers be licensed. We are dealing with a dreadfully deadly weapon. Our lack of control over it is the scandal of the world. No other country that pretends to be advanced has a situation such as we have. I think it was a week or two ago that the British, for the third time in very recent years, declared an amnesty, saying to all citizens, "Turn in your guns, and we will not prosecute you," and they got 13,000 or more people to turn them in.

Again I repeat, the Hruska substitute does not require all dealers or manufacturers to be licensed. It only requires a license for a dealer or manufacturer to ship, transport, or receive firearms in interstate commerce.

Thus, it is possible that substantial firearms business could be conducted by a person with no Federal license, including over-the-counter sales of handguns or other firearms, to nonresidents without complying with the affidavit procedure.

For example, a pawnbroker who deals only in secondhand firearms might not be required to obtain a license. Or a dealer could operate in one State by purchasing firearms, including handguns, directly from the manufacturer, and conduct a massive over-the-counter trade to neighboring State residents, without having to comply with the affidavit procedure provided for in the Hruska substitute.

It is clear from the foregoing that there is a necessity to license everyone in the firearms business, if we are to have effective Federal controls.

We have lived for 30 years with the inadequacies of the Federal Firearms Act, and we now have the opportunity to rectify the mistakes made in 1938.

I hope that Senators agree that the provisions of title IV regarding licensing are preferable to those of the Hruska substitute.

I should add further, the fact that the Hruska substitute retains the language in the Federal Firearms Act which provides an exception for National Rifle Association members who order and receive firearms from the Secretary of Defense under the civilian marksmanship program.

This conceivably could lead to a convicted felon becoming an NRA-exempted recipient of a firearm shipped to him by the Federal Government.

I point out that title IV does not contain such an exemption for National Rifle Association members.

These are only a few of the more crippling shortcomings of the Hruska substitute.

Let me now consider certain major points made in the minority views as presented in the Judiciary Committee report on this title, for the purpose of underscoring the advantages of title IV.

THE MINORITY VIEWS

1. MINORITY INTERPRETATION OF THE ORIGINAL INTENT OF THE NATIONAL AND FEDERAL FIREARMS ACTS

The minority views contend that the National Firearms Act of 1934 is the "machinegun" act and that the Federal Firearms Act of 1938 is the act that deals with sporting weapons. This is, by the way, the interpretation to which the gun lobby adheres.

Based on this interpretation, the minority views represent that title IV "departs from the logical division of subject matter which has prevailed for a third of a century" when it joins in one measure destructive devices and firearms for sporting purposes.

But the fact of the matter is that no such "logical division of subject matter" has ever existed.

The gun lobby has dreamed up a legislative history of the National Firearms Act and the Federal Firearms Act that accords with their philosophy. But their conception of the intent of both laws is totally inaccurate.

The gun lobby sees the National Firearms Act, basically, as that Federal law which covers gangster weapons. And they conceive of the Federal Firearms Act as covering only sporting firearms.

Let me set the RECORD straight on this issue.

First, by virtue of the very definitions of the Federal Firearms Act, all firearms, whether sporting or gangster, are covered. And, in fact, it is only under the Federal Firearms Act that a felon could be prosecuted for shipping, transporting, or receiving such gangster weapons as machineguns in interstate commerce.

The gun lobby fails to acknowledge this in its interpretation of the Federal Firearms Act.

It is fact that the National Firearms Act provides for the imposition of $200 transfer taxes on the transfer of the so-called gangster weapons, but it does not prohibit felons from acquiring them. Only the Federal Firearms Act does this.

The Federal Firearms Act is, therefore, all inclusive and has always been so. Accordingly, it is proper, and substantively and procedurely sound to include "destructive devices" in the Federal Firearms Act.

2. MATTER OF INTRASTATE SALES

The Hruska substitute does not in any way restrict intrastate sales—that is, sales within each State; and, in line with their limited approach, the sworn statement would only be applicable with regard to mail-order and nonresident sales of handguns.

On the other hand, title IV prohibits licensees from selling handguns and certain other firearms to any person under 21 years of age. And it prohibits licensees from making any sales that would be in violation of State or local gun laws pertaining to the purchase or possession of firearms.

This would not impose an undue hardship on the dealer. Any federally licensed dealer certainly should be aware of the laws of his own State and locality governing the sale or purchase of firearms. In seeking to render State and local laws more operable and effective, title IV would strengthen, not weaken, the authority of the States.

I must add one further observation regarding title IV's restrictions on intrastate sales.

Title IV specifically prohibits the sale of firearms to felons.

The Hruska substitute does not. Nor does it prohibit a Federal licensee from selling over-the-counter to a known criminal, including felons, fugitives, and indictees for felonies, as does title IV.

This omission could be particularly significant in the case of pawnbrokers who frequently know or have reason to know of the criminal background of some of their clients, but who, under the substitute amendment, could sell to such a person with impunity.

It makes no sense to me to allow federally licensed dealers, or, for that matter, unlicensed dealers, to sell firearms to felons, and thus title IV specifically prohibits such sales.

Against the background of the recent assassination of Dr. King, I fail to understand how any one can rationalize or justify an omission which makes possible the sale of a gun to a felon.

3. INTERSTATE SHIPMENT TO OR BY CRIMINALS

A further deficiency of the Hruska amendment which it is appropriate to discuss at this point is its ambiguity with respect to convicted and indicted persons.

Under its predecessor bill, S. 1853, the only criminals or indictees affected were those who had been convicted or indicted for a "crime of violence." Crimes of violence were specifically defined to include enumerated offenses such as robbery, murder, and so forth. Only "crimes of violence had been included in the Federal Firearms Act prior to a 1961 amendment. In 1961 this coverage was expanded to include persons indicted or convicted of an offense punishable by imprisonment for more than 1 year.

The substitute amendment now defines "indictment" and "fugitive from justice" in terms of "crimes of violence." The definition of "crimes of violence," however, has been deleted.

This creates an extremely puzzling statutory problem. But that is only the beginning.

The matter is further complicated because all operative sections are in terms of crimes punishable by imprisonment for more than 1 year with no reference to "crimes of violence."

What are we to make of this?

To give these sections their most reasonable construction, if indeed any reasonable interpretation can be found in all this confusing and contradictory language, it would appear that "indictments" in the operative sections are limited to "crimes of violence" so long as the crime of violence is punishable by imprisonment for more than 1 year.

But if this is so, narcotics offenders and gamblers, presumably not indicted for a "crime of violence," would not be covered; nor would persons indicted for violation of Federal firearms laws.

4. THE MINORITY OBJECTION TO IMPORT CONTROLS IN TITLE IV

The Hruska substitute fails to provide controls over the importation of firearms, except for minimal controls over destructive devices, and the reasons for this are contained in Senate Report 1097 at page 245.

The report language refers to New England firearms manufacturers and the efforts that they have made over the years to restrict the importation of firearms.

The report then goes on to state specifically:

> Domestic gun control legislation is no place to attempt to impose protectionist views on foreign trade policy.

I am a New England Senator, and my State has 10 of the Nation's largest gun manufacturers. I must assume that the minority views imply that I am attempting to protect the firearms industry in Connecticut and the other New England States by including import controls in my bill.

I would first remind the Senators that the firearms industry, including the manufacturers in New England, have not supported my bill.

But, they have supported the Hruska bill.

Their representatives have publicly endorsed the Hruska bill, which does not provide for import controls on the type of firearms they produce.

It is apparent to me that the New England firearms manufacturers do not share the Senator from Nebraska's concept of "protectionist views on foreign trade policy." If they did, they certainly would not have given his bill their support.

They would have supported mine.

Second, I would remind my colleagues that the United States no longer sells domestic—that is, American-made—military surplus to the public. This has been so since April of 1965.

Clearly, then, with regard to military surplus handguns, title IV simply serves to make applicable to foreign military-surplus handguns the domestic prohibitions which have been the law of the land for 3 years.

Furthermore, the minority views contain references to domestically manufactured handguns, which sell at prices competitive with the imported "Saturday night specials."

I would first ask the Senator from Nebraska what American-made handguns sell at retail for $12 to $14, for I have been unable to locate any such weapons. The fact of the matter is that it is the foreign, imported, inexpensive, small-caliber revolver that has been abused on a very substantial scale throughout the United States.

Law-enforcement officials from South Carolina to California have told the subcommittee that the importation of these weapons should be stopped, and the files of law-enforcement agencies indicate that as high as 80 percent of the confiscated crime guns are foreign imports.

The subcommittee's recent study concerning the profile of a gun murderer in this country shows that in over half of the cases where murder guns are positively identified, it is the small-caliber, foreign import that is used by the defendant. This is so for the simple reason that, in the case of the low-grade, amateur criminals, who account for most of our crime and so much of our murder, the bargain basement price on imported handguns is an inducement of major importance.

Finally, I wish to remind Senators that under title IV the importation of sporting handguns would not be affected, nor would the importation of sporting rifles and shotguns be affected.

The entire intent of the importation section is to get at those kinds of weapons that are used by criminals and that have no sporting purpose.

5. THE MINORITY VIEWS SCORE THE TRANSFER OF THE FEDERAL FIREARMS ACT TO TITLE 18

The minority views make a big issue of the fact that, under title IV, the Federal Firearms Act would be transferred from title 15 of the United States Code to title 18 of the code—that is, to that portion of the code which contains all of our criminal laws. To me it makes sense that a Federal law designed to curb the flow of firearms to criminals, juveniles, and other irresponsible elements, and which establishes criminal penalties for its violation belongs in the criminal section of the United States Code rather than under title 15, which has to do with commerce and trade.

Nevertheless, the minority report states flatly:

> The statutory transposition has met with very stiff opposition.

The question that I ask is: What is the source of this stiff opposition?

Does the opposition come from the Federal officials who will administer and enforce the provisions of title IV, or from any other responsible Federal, State or local official?

The answer of course is "No."

The "stiff opposition" comes again from the "gun lobby."

This is another attempt to befuddle the issue and stall a good firearms law for another 30 years.

Instead of talking about "statutory transposition" as though this were some kind of unspeakable evil, it would make more sense if the spokesman for the opposition viewpoint explained to us just why it is wrong to place the Federal Firearms Act under that title of the criminal code which deals with criminal violations. I say this is sound from a legislative standpoint and sound from an administrative standpoint, and I challenge the opposition to prove otherwise.

6. MINORITY VIEWS ON THE ISSUE OF CONTROLLING DESTRUCTIVE DEVICES

I have briefly referred to the control of destructive devices under the previous heading "Intent of the National and Federal Firearms Acts."

However, I believe that, because this is a controversial issue, it deserves further discussion.

The senior Senator from Nebraska, in citing the legislative history of the gun control bills, going back to my introduction of S. 1591 and S. 1592, in 1965, says that—

> For some unexplained reason, S. 1591 was not reintroduced in the 90th Congress. Instead, Senator Dodd introduced, on behalf of the Administration, a highly controversial and strongly objectionable feature of S. 1, Amendment No. 90 (which is incorporated into Title IV) which would control destructive devices by requiring prior approval by local police, in the form of a sworn statement, before a person could purchase one of these weapons.

I fail to understand the Senator's statement on this point, especially in view of the fact that he neglected to say that the very same destructive provision to which he alludes in S. 1, amendment No. 90 was also contained in S. 1592, the bill that I introduced in March of 1965.

Obviously then, it was not "for some unexplained reason" that I failed to reintroduce S. 1591. Destructive devices were appropriately covered in S. 1592 and in its successor, S. 1, amendment No. 90.

Another matter which is appropriate to this discussion was discussed at length during the subcommittee's 1967 hearings, when Warren Page, president of the National Shooting Sports Foundation was testifying.

When he indicated his support of the Hruska approach toward destructive devices, I pointed out that the .20-millimeter antitank rifle, like the one used to blow up a Brink's installation in Syracuse, would not be covered under the definition of a destructive device in Senator HRUSKA's bill.

I maintained then that such a weapon would not be covered, because of two factors both of which are still applicable under amendment 708: First, the nomenclature of the weapon, which would classify it as a rifle; and, second, that there is a blanket exception for all rifles and shotguns in the destructive device definition of the Hruska substitute.

This means that we would be faced with the appalling situation where a .20-millimeter antitank gun could be sold in the same manner as any .22-caliber "plinking rifle."

Certainly this should not be the intent of Congress.

I should add that during the aforementioned discussion, which can be found at pages 804–805 of the hearing record, Senator HRUSKA apparently agreed with my view and indicated that the problem could undoubtedly be resolved by adding the word "sporting" to the exclusion for rifles and shotguns.

I now find that the Hruska substitute, part B, does not contain the qualifying word "sporting," and the situation that I have just discussed, therefore, still prevails.

This is another of the glaring examples of the deficiencies in the Hruska substitute.

I hope that my analysis has given the Senate an insight into the many weaknesses of the Hruska amendment. As a measure designed to control the sale of guns, it is for all practical purposes worthless.

The record proves it is misunderstood by many of its supporters who are being blindly led by the "protectionist" gun lobby.

The polls show what the people want. They want title IV, with controls over the sale of long guns thrown in.

I ask the Senate to give the Nation the gun law it wants and needs.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. CHURCH in the chair). Does the Senator yield?

Mr. DODD. I yield for a question.

Mr. LAUSCHE. Mr. President, I have not been in the Chamber. Will the Senator tell me the present status of the bill, the original of which I was a cosponsor with the Senator from Connecticut?

Mr. DODD. I believe the Senator from Ohio was a cosponsor of S. 14 in the 89th Congress.

Mr. LAUSCHE. I am talking about the Senator's bill.

Mr. DODD. Does the Senator mean the parliamentary situation?

Mr. LAUSCHE. No. I am asking about the bill the Senator is urging should be adopted.

Mr. DODD. Principally, I want to stop the mail-order sale and transfer of concealable weapons.

I do not think they should be permitted. I think if a person wants to buy a concealable weapon, he should buy it in his home State and he should not be able to put $20 in an envelope and send it to a mail-order house in California and get a gun. However, that is being done every day.

That is the principal thrust. Further, I want to prevent the importation of dangerous, concealable weapons, particularly military surplus.

Mr. LAUSCHE. Would there be any conditions attached to the ability of a person in his local community to buy a gun?

Mr. DODD. Yes. He would have to be 21 years of age. For example, to buy a handgun, he would have to properly identify himself, and he would have to give his name, address, and age. There are standards imposed on the dealer requiring him to make certain that he is not selling to someone to whom he should not sell.

To answer the Senator's question more

specifically, my bill would prohibit the interstate mail-order sale of handguns.

Mr. LAUSCHE. Absolutely?

Mr. DODD. No, the sale would have to be consummated between federally licensed dealers.

It would prohibit over-the-counter sales of handguns to nonresidents of a State.

What has happened in States which have good gun laws is that the criminal who purchases a gun to commit a crime goes outside the State and into a State with weak gun laws, and then comes back with a gun to kill or assault someone. I do not know of any other way to stop that except by saying that one cannot buy a handgun or a concealable weapon except where he lives. I think that makes sense.

It also prohibits a Federal dealer from selling a handgun to anyone under 21 years of age.

It also prohibits licensed dealers from selling a gun to anyone who is prohibited by State or local law from receiving or possessing a firearm.

It provides a higher standard for obtaining Federal firearms licenses. I think it should. We have all these fly-by-night people who sell guns out of the trunks of cars or trucks. I say this is one commodity which should be sold by responsible citizens. I think the overwhelming majority of the people of this country want to get rid of this fringe operation. That is why we included a higher license fee for pawnbrokers. I certainly do not suggest that pawnbrokers are crooks. I know that they are not. Some of them have been found to be loose in their practices. Thus, I believe that they should pay a higher license fee.

Then title IV regulates the importation of firearms by excluding surplus military handguns; and rifles and shotguns that are not truly suitable for sporting purposes.

The Senator from Ohio was not here, but I pointed out that every country in the world that pretends to be advanced prohibits that within its own country. We prohibit the sale of our own military surplus to our own citizens. We have done so since 1965. But surplus military weapons are dumped here every year in disassembled form and then reassembled and sold to "nuts," children, and criminals. It should be stopped.

I do not care how much legitimate sporting equipment is imported but I want to see an end to the import of surplus military handguns.

Next, the title stringently controls the selling of destructive devices such as antitank guns, bombs, hand grenades, mortars, and such. In order to be fair, I want to repeat: The Senator from Nebraska does not want that stuff here either, but he thinks it should be covered in the National Firearms Act which provides only for a tax on the transfer of those weapons of war. I believe that it should be under the Federal Firearms Act where real punishment is attached to the transaction.

Mr. HRUSKA. Mr. President, will the Senator from Connecticut yield at that point?

Mr. DODD. Will the Senator let me finish my points first?

Mr. HRUSKA. Surely.

Mr. DODD. I want to list all the points, if I may.

It also prohibits the transportation or receipt in interstate commerce of a firearm knowing a felony is to be committed with it. Here again the Senator from Nebraska and I have no difficulty about that. That is essentially what it is.

Mr. LAUSCHE. Did not the original bill contain some prohibition against selling guns to felons or to persons mentally deficient?

Mr. DODD. Yes. It does now, actually.

Mr. LAUSCHE. What about the mentally sick?

Mr. DODD. It would include them in this way, that the dealer would be bound by the law of his locality, or the municipal ordinance of his city or State. I do not think there is a State in the country which would allow an insane or mentally incompetent person to be able to purchase a gun.

Mr. LAUSCHE. I thank the Senator.

Mr. DODD. I am happy to have been able to yield to the Senator from Ohio.

Mr. HRUSKA. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I am happy to yield to the Senator, on his time.

Mr. HRUSKA. Mr. President, I ask the Chair to take this time out of that which is allotted to me.

The PRESIDING OFFICER. The Senator from Nebraska may proceed.

Mr. HRUSKA. Is it not true that the National Frearms Act now requires registration and a transfer tax?

Mr. DODD. Yes. It requires both. But it has no really punitive teeth in any part of it. There was a recent Supreme Court decision, the Haynes case, having to do with the self-incrimination features of the act, which, in effect, negated the registration requirement.

Mr. HRUSKA. That may be because the Federal authorities do not investigate, prosecute, or try to enforce the law. We know, for example, that under section 902(c) of the Federal Firearms Act which has been on the books for 30 years, there was never a case filed up until this calendar year, although undoubtedly there have been many thousands of cases where that section 902(c), has been violated. Yet there has not been a single conviction.

Mr. DODD. Yes, I know.

Mr. HRUSKA. The fact is that the National Firearms Act imposes great penalties upon persons who violate section 5861 who fail to comply with the provisions of that chapter. The penalty is a fine of not more than $2,000 or imprisonment for 5 years, or both.

Mr. DODD. Let me conclude my remarks on 902(c). The real point is this. Section 902(c) of the Federal act has been for all practical purposes unenforceable. We have been allowing anyone—practically anyone—in this country to get a license as a Federal dealer for $1. They have been purchased in considerable numbers. As a consequence, revenue from licenses is not nearly so adequate to provide the number of people who should be enforcing the law. More important, a licensed dealer does not have to comply with the section to which the Senator referred—902(c). That is one reason they cannot enforce it. Sheldon Cohen, the Commissioner of Internal Revenue, said that it is just too much of a loophole and that they cannot do much about it.

Mr. HRUSKA. It is not weak under amendment No. 708, is it?

Mr. DODD. I think it is. I do not think amendment No. 708 does anything, substantially to improve this defect.

Mr. HRUSKA. Amendment No. 708 requires Federal registration of destructive devices. It requires a transfer tax of $200. It requires that an order sent in for any of the devices covered by the act must be filed with the police.

Mr. DODD. Are we still talking about 902(c)?

Mr. HRUSKA. No; I am talking about part B of amendment 708 which would place destructive devices under the strict controls of the National Firearms Act. The distinguished Senator from Connecticut was talking about the entire act. He said it was too weak and could not be enforced.

Mr. DODD. That's right. The part we were discussing was 902(c). I am referring to page 10 of the pamphlet the Senator has, which contains the National Firearms Act and the Federal Firearms Act.

I do not know whether I explained it well enough. The point is that under 902(c), as I said, the licensee can avoid compliance with important provisions of the Federal Firearms Act, for all practical purposes, by paying a $1 license fee. That is a great weakness.

We get into all these details about it. I have said over and over again that it is the big things that are at stake. Are we going to allow this traffic in weapons, or are we going to try to curb it and have a more responsible attitude toward it? Are we going to allow foreign countries to ship in their excess military junk, or not, when we do not permit it to be sold in our own country by our own Government?

There are the outstanding questions. Are we going to stop these destructive devices?

We can pick at these details for a long time. I know the Senator from Nebraska is not a "gun nut." I have never suggested he was. I think he wants a good law, too; but I truly do not believe his substitute will ever be much better than what we have now.

Mr. HRUSKA. Mr. President, if the Senator will yield, I think the Senator is entitled to his own opinion about it. However, if the substitute, calling for presale affidavit procedure for mail order sales of handguns under the Federal Firearms Act will be the nullity the Senator from Connecticut contends, it means that the police or law-enforcement officers do not take the problem of gun possession and gun use as seriously as they have testified. In my opinion, they do take it. All they pleaded for throughout the hearings was, "Give us a chance to control the guns that come across State borders. Let us know about them." Under my proposal, that information is being given to them. They are being given a chance to enforce their laws. If they do not enforce those laws, and if they do not take advantage of that procedure, then certainly they will not even take the trouble to enforce the laws that are on their books now.

Mr. DODD. May I respond?

Mr. HRUSKA. Surely, on the Senator's own time.

Mr. DODD. Very well. I will take a couple of minutes.

I think everyone who testified said that they wanted the stringent and prohibitive mail order and concealable weapons provision. The Senator remembers what the witnesses said. They said, "What good does it do to have a reasonably good gun law when some child or some criminal or some insane person can put a few dollars in an envelope, mail it to California, and get a pistol which we do not know about, unless we discover it was used during the course of a murder or assault?" They said it over and over again. They said it to a man.

That is one of the things I am trying to do. One of the principal things I am trying to do is give them some help.

Under the Senator's suggestion, just a sworn statement will be sufficient. All of the witnesses said that cannot work. I consider a sworn statement to be a different thing from an affidavit, which is notarized before a public official authorized to notarize such documents. I do not advocate an affidavit, but it would be stronger than a sworn statement.

Mr. HRUSKA. Yet the Senator resorts to it in the case of destructive weapons in the application of the National Firearms Act. It is curious that the affidavit will be used in the Senator's provision for dangerous weapons, destructive devices, machineguns, sawedoff shotguns, but it is not sufficient for the ordinary pistol.

Mr. DODD. I will tell the Senator why. There are only about 5,000 destructive devices in the country and, according to the Senator's own figures, there are 200 million of the other types of weapons. The sale of 3,000,000 firearms a year seems to me to constitute a greater and more dangerous problem than the destructive devices. I do not know of anybody who wants destructive devices sold indiscriminately. I know the Senator does not. I do not. The only difference is in how to accomplish the purpose of controlling this traffic.

Mr. HRUSKA. There are laws on the books. There is the Mutual Security Act of 1959, section 414, that has been enforced for a long time.

I would not want the RECORD to indicate that there is not ample revision of the National Firearms Act in amendment 708, because there is.

Mr. President, I ask unanimous consent that at this point there be inserted the language in the report on this bill beginning on page 249, under the heading, "Part B—National Firearms Act Amendments," which extends over to page 250.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

PART B—NATIONAL FIREARMS ACT AMENDMENTS

1. The Act is amended to include "destructive devices" within the scope of those weapons which must be registered and upon which a $200.00 transfer tax is imposed.

2. "Destructive devices" are defined to include bombs, grenades, rockets and weapons having a bore of more than 0.78 inches in diameter.

a. Specifically excluded are rifles, shotguns, signaling and line-throwing devices, black powder firearms, firearms provided by the National Board for the promotion of Rifle Practice, and other weapons not likely to be used as destructive devices.

3. The definition of "machinegun" is amended to include frames, receivers, and sets of parts which will convert a weapon into a machinegun, as well as weapons which can be readily restored to shoot as machineguns.

4. The definitions of rifle and shotgun are amended to include any such weapons that can be restored to firing condition.

5. Firearms without serial numbers may be required to be identified as prescribed by the Secretary.

6. The second sentence of the registration provision (§ 5841) is stricken and new language added to overcome that section's unconstitutionality as recently proscribed by the Supreme Court.

7. Persons under 21 may not possess "National Act" weapons.

8. A copy of the transfer application for a "National Act" weapon must be sent to the purchaser's local chief of police.

9. The penalty provision is increased from a maximum of $2,000 and 5 years to $10,000 and 10 years.

Statistics on firearms used in crimes

Federal Bureau of Investigation statistics delineate the handgun as the firearms problem.

The 1965 FBI Uniform Crime Reports state that 59 percent of the willful killings during that year were committed with firearms. Thus, out of a total of 10,920 such killings, firearms were used in 6,476 cases. Writing to Senator Roman L. Hruska on July 27, 1966, FBI Director J. Edgar Hoover supplemented the Reports. Indicating that handguns were used in 70 percent of the murders committed with firearms, the Director stated:

Based on the submission of police reports under the uniform crime reporting program, 70 percent of the murder by gun in this country is committed with a handgun, 20 percent by the use of a shotgun, and 10 percent with a rifle or other firearm. This will supplement the data available to you in Uniform Crime Reports—1965.

In regard to aggravated assaults, approximately 19 percent of the total (231,800) were committed with firearms. However, Mr. Hoover advised that,

There is no available breakdown of the type of firearms used in these attacks.

In 1966, there were 153,420 robberies. Of this figure, 39 percent, or about 59,680, were armed robberies committed with firearms. In regard to this category, Mr. Hoover stated in the above-mentioned letter:

Although we do not make a regular collection of the type of weapon used in armed robbery, from special surveys in the past we have determined about two-thirds are firearms and most of these the handgun.

From these statistics, as well as the treatment accorded handguns by State and city statutes and ordinances, it is quite clear that the principal offender in the unlawful use of firearms is the handgun.

The Federal Bureau of Investigation Uniform Crime Reports show that the number of serious crimes reported in the United States for 1966 came to a total of approximately 3,243,370.

In crimes of violence, statistics showing use of firearms in their commission are available in only three classes; willful killings, aggravated assaults, and robbery. The total of crimes of these 3 classes in 1966 was 396,140.

It becomes very pertinent to inquire how many of those 396,140 crimes of violence were committeed with firearms. The answer for the uninitiated is rather spectacular—only one in every four. Firearms were used in about 109,000 of this number. This means about a 27-percent use of firearms in these crimes of violence.

Mr. DODD. I am losing all my time. The Senator's statements are very provocative.

Under title IV, as I introduced it, a person who wants to purchase destructive devices will have to go before a law-enforcement official and justify his reasons for wanting them. He would have to say such a device was for some legitimate reason.

I think that is a better measure than what is suggested here. He will have to make a sworn statement. He will have to have a hearing. There are precautions to see that those devices are not purchased indiscriminately.

I do not want to prolong this discussion. I intend to speak at a later time, because I have not had an opportunity to read what I am sure is the very eloquent presentation of the Senator from Nebraska. I listened as best I could, but knowing him and his talents, I would want to read his presentation word for word before I started to answer it.

So I yield the floor.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield me 15 minutes?

Mr. DODD. Mr. President, I do not know how much time I have.

The PRESIDING OFFICER. The Senator has exactly 1 hour left.

Mr. DODD. Can the Senator make it 10 minutes?

Mr. KENNEDY of Massachusetts. Mr. President, I will ask unanimous consent to call up my own amendment and use up time on that.

Mr. DODD. Mr. President, I may say that the Senator from Massachusetts [Mr. KENNEDY] has made a most valuable contribution to this title. It has been monumental. He is very knowledgeable on this question. My only interest is that we both want to reserve some time. We do not know what is coming. That is my reason for hesitating.

Mr. KENNEDY of Massachusetts. How much time will the Senator yield me?

Mr. DODD. Is 10 minutes satisfactory?

Mr. KENNEDY of Massachusetts. Yes

The PRESIDING OFFICER. The Senator from Connecticut yields 10 minutes to the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. President, this is really a historic day for those of us who believe in the opportunity for Members of this great body to express their will on a matter which is of great importance and significance to all Americans. I thank each and every one of us realizes that long and arduous hearings were had on this question by a responsible committee of this body, the Juvenile Delinquency Subcommittee. Voluminous hearings were held. Many different witnesses expressed a variety of different shades of opinion about the legislation. Very useful and knowledgeable contributions were made by many Members of this body from different parts of our country. The record is full, and it has been available to the Members of this body for many months, both last year, when the Hruska bill itself was reported out of the Judiciary Committee, and since. They also have had a chance to consider the report and the minority views.

Once again today we have the full benefit of the documented record by the Juvenile Delinquency Subcommittee.

I think that any kind of opening comments that any Member of this body would make would have to recognize the very significant contribution that has been made by the Senator from Connecticut in this matter. He has given many hours of his time and much attention to the development and the working of not only the subcommittee of which he is chairman, but also the full committee, and he has held long and extensive hearings on this matter, as well as giving close attention to the work that has been done by the staff.

Mr. President, I think that many members of the committee as well as Senators generally have for far too long been frustrated in not having an opportunity to express their views about this matter. It seems that now at last the full Senate will have an opportunity to express itself on the matter before us on a series of proposals which will be made, which will, I believe, strengthen significantly title IV; ultimately a chance to express itself on the matter now directly before us, the Hruska amendment to the Dirksen amendment; and then, as I understand, possibly the opportunity of also considering registration legislation.

But I think all of us who have had a profound and considerable interest in this legislation are extremely pleased with the fact that at last the Senate will, after full consideration and full opportunity for debate, and with reasonable prospects of a determinative vote, have a chance to express itself on this matter.

We have waited too long, Mr. President—far too long. It has only been a result of extremely unfortunate events that at last the Senate is finally measuring up to its responsibility, and giving to all Senators a chance to express themselves on this important issue.

Mr. **DODD**. Mr. President, will the Senator yield?

Mr. **KENNEDY** of Massachusetts. I yield.

Mr. **DODD**. I think the Senator ought to take the additional 5 minutes.

Mr. **KENNEDY** of Massachusetts. I thank the Senator.

Turning, then, from those brief opening comments, Mr. President, the distinguished Senator from Nebraska has offered an amendment in the nature of a substitute for title IV. He is an able and persuasive spokesman. But not even his ability and eloquence can convince me that this approach is effective, or even workable. I will not comment at this time on some other aspects of his amendment, including the fact that it effectively reduces the coverage of existing firearms control in many important areas. I would like to address my comments primarily to the basic new addition that this proposed substitute amendment would make in the field of firearms control—the required use of an affidavit to accompany all mail-order purchases and over-the-counter purchases of handguns by nonresidents.

This amendment in the nature of a substitute is offered because the distinguished Senator from Nebraska and others find the form of legislation contained in title IV as it was reported out by the Senate Judiciary Committee offensive. Their primary argument on this is that title IV as reported would be inconvenient to a number of persons who would like to be able to buy weapons simply by ordering from out-of-State dealers and manufacturers, or who are inconvenienced by restrictions contained in the law of their residence and would like to be able to cross State boundaries to a State which has less inconvenient firearms control. If inconvenience is the problem with title IV as reported, then I am bewildered at the proposed substitute. Under the substitute, everybody is inconvenienced. The purchaser must get information necessary for the affidavit, prepare it, and wait for over a week while his order is processed. The dealer or manufacturer is greatly inconvenienced by the required paperwork and delay, and the greatest inconvenience of all land squarely on the shoulders of those least deserving of having an additional burden placed upon them—State and local law-enforcement officials.

As I understand the Senator's amendment, a person desiring to purchase a handgun by mail order or over the counter in a State where he does not reside would be required to submit to the manufacturer or dealer a sworn statement stating that he was over 21 years of age, not prohibited by Federal or State or local law from purchasing the handgun, and stating the title, name, and address of the principal law-enforcement officer of the locality where he resided. In addition, the sworn statement would include an attachment of a true copy of any permit required pursuant to State or local law. The manufacturer or dealer would then be required to forward by registered or certified mail the sworn statement to the appropriate local law-enforcement official, together with a description of the handgun to be shipped. The local law-enforcement official would then have a limited period of time—7 days from the time the dealer gets the mail receipt notice—in which to investigate the application.

That sounds simple. But is it? The number of such applications that would have to be investigated is difficult to estimate. But it is known that in a single city—Detroit—in a 2-year period, more than 6,000 handguns were purchased by Detroit citizens in Toledo alone.

And it is no simple matter to make this check. First, it would be necessary to check the authenticity of such an application, to determine whether it had in fact been submitted by the person appearing as the signatory. How is this check to be made? Is the local law-enforcement official going to have to go to the address shown in the affidavit? I keep using the word "affidavit." Actually, it does not clearly appear that the applicant would even have to sign the statement before a notary public or other witness, so that there is no assurance the signature is valid, or that the name is not an alias.

But assuming the official determines that the affidavit or statement was in fact submitted by the person whose name appeared on it, what additional checks will be required? Obviously, there will be a need to check to see if the individual has a criminal record. But many States and localities do not have a comprehensive file of all crimes committed by all persons who may be residing in their jurisdiction. It may be necessary to check a number of places, including national crime data. And many jurisdictions do not have a recordkeeping system that would permit a simple check. It would be necessary to comb through files, court dockets, and other materials. The local law-enforcement official would apparently be responsible for determining whether the recipient would be in violation of Federal law as well—and this would require a determination not only of prior convictions, but whether the purchaser is under indictment at the time, or a fugitive from justice.

Then again, there are many jurisdictions in the country which at present have no gun control legislation. In these jurisdictions the police would be put in an anomalous position. Are they to undertake an investigation to determine the legality of the interstate purchase under Federal law? It is a strange allocation of burden that by Federal statute we would relieve purchasers of the slight inconvenience of having to purchase locally, and impose by that Federal law a heavy burden of investigation on local officials who would otherwise have no obligation in this area. The imposition of a burden like this on local authorities should be a matter for local, not Federal, decision.

And what if local law-enforcement officials failed to make Federal investigations on each of these applications? I think it should be acknowledged by the proponents of this legislation that one unstated premise is that few such investigations will be made. But out of thousands of applications, surely our experience is clear that many of these guns will be purchased and received by persons in violation of local, State, and Federal law. And among those persons will be several who will commit heinous offenses with those firearms. The newspapers and others who may be anxious to criticize the police, will land on them with both feet. Headlines will announce "Police Failure To Investigate Leads To Violence."

In contrast to this burdensome procedure, title IV as reported out by the Senate Judiciary Committee encourages self-enforcement to a large extent, and concentrates responsibility with those who are most interested and should have that responsibility in this field—federally licensed firearms dealers and manufacturers. Local law enforcement in jurisdictions which have local gun control legislation can concentrate their efforts on known outlets for these weapons, and close out dealers who fail to comply with local law.

And in other States, which may not yet have this legislation, local law enforcement would not be saddled with enforcing Federal law. Federal restrictions would be enforced directly by Federal licensees, supervised by the Treasury Department.

The International Association of Chiefs of Police is vigorously opposed to placing this heavy inspection burden on local law enforcement other than by local option. So is the National Association of Sheriffs.

We are dealing with an omnibus crime control bill, which, if it has any common theme, that theme is "Let Us Make Law Enforcement More Effective." Title I will provide for the first time significant Federal assistance to local law enforcement to help make up the ever-widening gap between resources and need. Although I disagree with them, the proponents of title II argue that its provisions will make law enforcement more efficient.

This, too, is the intent of title III. But then we come to title IV and suddenly we are asked to reverse this pattern of trying to assist local law enforcement, and instead impose upon it an inefficient, burdensome volume of investigation.

In addition to imposing this heavy and unnecessary burden on local law enforcement, the real problem with this affidavit procedure is that it is likely to be totally ineffective. Many police departments across the country simply do not have the resources or personnel to do a thorough job, least of all on such short order as required by this proposal. This procedure seems really designed more to convict a person after he has used a weapon than it is to keep weapons out of the hands of known dangerous persons. But I believe in the maxim that "an ounce of prevention is worth a pound of cure." Prosecution of an individual for violating a Federal gun statute is too late to help his victim, and too late to help the victim's family.

The worst thing we could do in enacting gun control legislation is to enact a bill which uses the name of gun control, but is gun control in form only. As Quinn Tamm, executive director of the International Association of Chiefs of Police, has stated:

> Let me emphasize that it is essential that Congress provide workable control over the interstate shipment and sale of firearms. We must avoid "paper" controls which offer form as an alternative to substance.

If we fail to enact at least title IV as reported by the Judiciary Committee and instead enact a procedure which will not work, and which will unnecessarily burden local officials, we will have deceived the American public. We certainly will not have deceived those irresponsible persons who desire the "convenience" of obtaining weapons out of State in violation of their local law. We must recognize that if we today enact superficial legislation, we will indefinitely block the way to passage of effective legislation. The affidavit procedure is superficial legislation. Title IV, especially if it is extended to cover long guns, is meaningful legislation. Let us enact meaningful gun control. Now.

Mr. President, I should like to ask the Senator from Nebraska some questions on his proposed legislation if he is prepared to respond at this time.

Mr. HRUSKA. Mr. President, I would be happy to respond to the best of my ability.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. HRUSKA. Mr. President, I yield 5 minutes to cover the time taken by my replies.

Mr. DODD. Mr. President, I yield 4 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Nebraska has yielded himself 5 minutes, and the Senator from Connecticut has yielded 4 minutes to the Senator from Massachusetts.

The Senator from Massachusetts may proceed.

Mr. KENNEDY of Massachusetts. Mr. President, the Senator from Nebraska recognizes, as I understand it, the importance of providing coverage for juveniles in his firearms control legislation.

Mr. HRUSKA. Yes; indeed.

Mr. KENNEDY of Massachusetts. As I understand it, the Senator from Nebraska provides for this in a number of ways and recognizes that under his measure, a common or contract carrier will be precluded from delivering or causing to be delivered in interstate commerce such firearms to persons whom the carrier knows or believes are below the stated age.

Mr. HRUSKA. The Senator is correct. There is a provision that carriers may not deliver a handgun to anyone under 21 years of age, nor a rifle or a shotgun to anyone under the age of 18.

Mr. KENNEDY of Massachusetts. The proposed legislation of the Senator places the burden of delivery on the common or contract carrier.

Mr. HRUSKA. It places a burden on the common carrier. It is not the sole burden that is placed by the statute. The affidavit that is filed will state that the applicant is 21 years of age or over, and so he undertakes some responsibility.

Mr. KENNEDY of Massachusetts. He undertakes some responsibility.

Mr. HRUSKA. The Senator is correct.

Mr. KENNEDY of Massachusetts. But there is a prime responsibility on the contractor.

Mr. HRUSKA. If a person recites that he is 21 years of age and is only 18 years of age, he is guilty of a violation of the Federal statute with a penalty, upon conviction, of up to 10 years in jail and $10,000 fine, or both.

Mr. KENNEDY of Massachusetts. Nevertheless, it does apply the prime responsibility for delivery of that weapon to the juvenile on the common or contract carrier.

Mr. HRUSKA. No. I just pointed out that that is not the case.

Mr. KENNEDY of Massachusetts. That is an additional responsibility.

Mr. HRUSKA. That is an additional one. Amendment No. 708 contains that provision with respect to common carriers. It also has the other provision with reference to the affidavit. And if the local law or city ordinance provides a higher age than 21, that would have to be complied with also.

Mr. KENNEDY of Massachusetts. Why does the Senator rely on the carrier itself to enforce this procedure? Why does the Senator not recognize that, as in other areas such as drugs or liquor, the prime responsibility comes to the dealer? And those people are recognized to be responsible for enforcement in those cases.

Why does the Senator in his legislation provide that the common carrier bears—at least from my reading—a significant, if not a prime, responsibility for the enforcement?

Mr. HRUSKA. It is an added safeguard. The primary responsibility, however, is on the buyer, the dealer, and on the police department. The policeman can come in and investigate.

Mr. KENNEDY of Massachusetts. It is then on the local police?

Mr. HRUSKA. It is on the local police, yes, indeed. That is where it belongs.

Mr. KENNEDY of Massachusetts. But this is an additional kind of burden on the local police.

Mr. HRUSKA. Yes, indeed, just as any law that is passed puts an additional burden on them.

It is complained that the police would be heavily burdened and that they would have to check in a number of places to see if a man has a criminal record, has been indicted, or actually lives at a certain address.

Merely by saying that it is up to the local law-enforcement officer does not dispose of the problem. That burden under the provision of title IV vests solely in and is imposed upon the dealer. So, all of the difficulty, burden, and the time devoted to the problem of determining whether a man is legally eligible to own a gun is placed in the dealer.

The burden will be imposed upon a man who is struggling to make a living, probably selling a $50, $60, or $100 gun. He would have perhaps a 25-percent markup and would make anywhere from $12.50 to $25 on the sale. He is supposed to do what the Senator from Massachusetts says law-enforcement officers do not want to do.

Mr. President, we do not want the burden of enforcement placed anywhere else but on the law-enforcement agencies. It is not too big a problem for them.

Mr. KENNEDY of Massachusetts. Where in the Senator's provision is there any enforcement procedure under section 902(c) with relation to over-the-counter sales?

Mr. HRUSKA. Under amendment No. 708, the laws of the State of course would apply to over-the-counter sales.

Mr. KENNEDY of Massachusetts. But there is nothing contained in the Senator's provision to prohibit over-the-counter sales of weapons to nonresidents who could not buy them under their State or local law.

Mr. HRUSKA. Under section 2(m) it is unlawful for any licensed dealer to sell or deliver for sale any handgun to anyone who is not a resident of the State.

Any nonresident could not purchase a handgun without going through the same affidavit procedure that he would have to go through in the case of delivery by mail.

Mr. KENNEDY of Massachusetts. So a nonresident purchase would not be covered?

Mr. HRUSKA. A nonresident purchase would be covered by the amendment. Subsection (m) reads:

> (m) It shall be unlawful for any licensed manufacturer or licensed dealer to sell or deliver for sale any handgun to any person other than another licensed manufacturer or licensed dealer who is not a resident of the State in which such manufacturer's or dealer's place of business is located * * *

That is on page 9 of the amendment.

Mr. KENNEDY of Massachusetts. But you have not read the full section. Subsection (m) makes the sale lawful, as far as the dealer is concerned, if he simply follows the mechanics of the affidavit procedure. All subsection (m) really does is to require that the affidavit must be completed. It does not provide any enforcement procedures even if the Senator's amendment will apply.

Mr. HRUSKA. Oh, yes, indeed. That affidavit is filled out by a nonresident on an over-the-counter sale; it is sent to the dealer; the dealer sends a copy to the chief of police; and we go on from there.

Mr. KENNEDY of Massachusetts. Could the Senator read the parts of his amendment, for my edification, which say that it does apply to a nonresident purchase in over-the-counter sales?

Mr. HRUSKA. I read it a short time ago. Let me point out that subparagraph (m), on page 9 of amendment No. 708, is the language about which he requests information.

Mr. KENNEDY of Massachusetts. Where does it say that if the police object to the affidavit, the dealer himself would be in violation of the law if he went ahead and sold the weapon?

Mr. HRUSKA. When the affidavit is received by the police——

Mr. KENNEDY of Massachusetts. Then the police return it and say, "Don't sell it." Then the dealer goes ahead and sells it. How does the Senator's amendment provide enforcement procedures?

Mr. HRUSKA. In this way: If it is against the law of the State to make a sale to the applicant, and the dealer makes the sale anyway, the latter is guilty of a Federal offense.

Mr. KENNEDY of Massachusetts. With all due respect, I do not see that interpretation of what the Senator has stated. If there is a violation of the law of the purchaser's residence in an over-the-counter sale, and the affidavit is sent back, rejected by the local law-enforcement officials, are there any provisions in the Senator's proposal for enforcement procedures?

Mr. HRUSKA. Yes, on page 4 of the amendment, subparagraph (c):

> (c) It shall be unlawful for any licensed manufacturer or licensed dealer to ship or transport, or cause to be shipped or transported, any firearm in interstate or foreign commerce, to any person in any State where the receipt or possession by such person of such firearm would be in violation of any statute of such State or of any published ordinance applicable in the locality in which such person resides . . .

Mr. KENNEDY of Massachusetts. I have heard the Senator state that; and, as I read it, that is in interstate commerce. I am talking about over-the-counter sales.

The PRESIDING OFFICER. All time has expired.

Mr. KENNEDY of Massachusetts. May I have 1 minute?

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY of Massachusetts. I am talking about over-the-counter sales, not shipments in interstate commerce. And subsection (c) only makes it illegal for the dealer to "ship or transport." There is no prohibition on sale, even if the dealer is on notice of violation in the buyer's State or of disapproval of the affidavit by the local police.

If one has ever seen provisions that cannot be enforced, it is when an affidavit is filled out by a nonresident; it is sent back by the local law-enforcement official—who says it is no good, that the person is a criminal, has a criminal record, or is a juvenile delinquent—and the dealer sells the gun over the counter. There are no provisions in the amendment which would provide any kind of limitation. I suggest that this is the beginning of just one loophole in effective gun legislation.

Mr. HRUSKA. I will answer that argument but not at this time. There is provision, Mr. President, and the situation is covered as fully as it is in any other instance under title IV, and I will demonstrate that in due time.

The PRESIDING OFFICER. Who yields time?

Mr. BIBLE. Mr. President, will the Senator from Nebraska yield me 5 minutes?

Mr. HRUSKA. I yield 5 minutes to the distinguished Senator from Nevada.

Mr. BIBLE. Mr. President, I rise to support the Hruska amendment. I recognize the controversy and the problems that have arisen in developing the proposed crime control legislation and certainly the controversy in this title.

It seems to me, however, that the amendment offered by the Senator from Nebraska is a realistic and a moderate way of approaching a very difficult problem.

It is rather ironic that in the proposed legislation we do have a conflict in certain areas of constitutional rights. One of the conflicts that will be argued at length next week, I am sure, is in title II, on the matter of confessions—questions that have arisen as a result of the Mallory rule and the Escobedo and Miranda cases. The other is in gun controls—the issue now before us.

Increasingly, it seems, Americans today are confronted by a paradox in the area of rights and freedoms. In some respects our constitutional rights are given broad new emphasis and protection, and strict boundaries are placed around government powers. In other respects our freedoms seem to be restricted more and more by a complex array of laws, and government has assumed greater powers. We are indeed living in a period of constitutional conflicts. To the average American this question of rights and freedoms is getting pretty badly jumbled.

The constitutional right of an American to refuse to bear witness against himself has been given rigorous new safeguards lately, as we have discussed at length in dealing with title II and criminal confessions. Unless a suspect is given an immediate lecture on constitutional rights and provided with an attorney, his confession cannot be used against him regardless of how voluntary it was. Even with those precautions, the confession may be thrown out unless the arrested man is taken quickly before a magistrate.

But the same system that has made such a fetish of rights in criminal arrest procedures has also come up with an equally rigorous restraint on many of the freedoms that once were taken for granted by Americans. We can no longer exercise a free choice, for example, in selling or renting of homes, in planting crops, in hiring or firing of employees, in serving business customers, in going on strike, in merging businesses, in setting prices on goods, and in a myriad of other activities upon which government restraints have been placed.

Many of these new safeguards and many of these new restraints are good. Many, I think, are not good. To most Americans, I am sure, they are greatly confusing. We begin to wonder—what are our rights and freedoms? Which ones will next be protected with new emphasis and which will be severely restrained?

When we take up the question of gun control in title IV, we definitely enter into the area of constitutional rights. Are we going to create still another paradox?

I am wondering, simply, how my right not to bear witness against myself stacks up against my right to bear arms. Perhaps that is oversimplification, but I submit that the recent zeal to protect the rights of the accused has gone too far. I would not want to see our zeal to control weapons also go too far.

In the Omnibus Crime Control and Safe Streets Act, as amended and submitted by the Committee on the Judiciary, I contend we have a built-in paradox. We are trying in one section to restore balance to the interpretation of one constitutional right and in the other to infringe too far into another constitutional right. To remove the paradox and provide a more balanced bill, I believe we must insist on changes in the gun control section.

Mr. President, I am speaking now directly in support of the title IV amendment proposed by the Senator from Nebraska [Mr. HRUSKA]. I believe it is the best alternative before us in the very sensitive area of gun controls. Title IV as it stands goes too far, in my opinion, and places excessive restraints on millions of law-abiding and responsible Americans to achieve the goal of impeding criminals. I agree with Senator HRUSKA that title IV—or the "Dodd bill," as it is best known—is fundamentally objectionable. The exemption of rifles and shotguns in two instances eases but does not eliminate the objections. These longguns are covered in some 50 other provisions in the title.

We have heard it many times, but I will repeat again the argument of the sportsmen, the hobbyists, and the millions of other law-abiding Americans who wish to be free to buy guns within their constitutional right to bear arms: Guns do not cause crime; criminals cause crime.

The target of any legitimate Federal gun controls, then, must be the criminal and those clearly incompetent to possess firearms. And the thrust of any legitimate Federal gun controls must be at strengthening, not overriding, State and local controls. With this in mind, I can find no serious objection to the Hruska amendment. I believe this alternative does the best job of providing the minimum restraint on legitimate gun purchases while imposing the most effective restraints possible on criminal and incompetent purchases. It does the best job of bolstering State and local controls. And, looking at gun controls from a strictly practical view, it is most workable.

Mr. President, we are all too familiar with the many reasonable laws that have been enacted that turned out to be burdened with unreasonable and unworkable rules, regulations and enforcement provisions. I do not believe title IV as it is now worded, can pass the practicality test from several standpoints. The Dodd bill requirements on dealers, shippers, buyers, and various public officials, for example, are cumbersome at best. In many respects they tend to eliminate several legitimate commerce activities and further tend to create federally sanctioned monopoly. The burdens they impose are often unfair.

To those who say the only pertinent test of gun control is its effectiveness, I say that we know at the outset that no gun control law, no matter how strict we write it, is going to keep guns out of the hands of criminals. They will steal them, smuggle them, blackmarket them—even manufacture them if they are determined to have them—and they are. Our real objective, as I see it, is to make guns less accessible to those who would misuse them and, in the process, make it easier for State and local authorities to enforce their own laws and keep tabs on gun purchases. It is also our objective not to infringe on the constitutional rights of honest and responsible Americans in the process.

With these objectives in mind, Mr. President, I urge the adoption of the Hruska amendment. We already have enough paradoxes in our laws. Let us not build any more into this important crime control legislation. Let us aim the provisions of this legislation directly and accurately at the real target—the major domestic problem confronting our Nation today: the criminal.

The PRESIDING OFFICER (Mr. CANNON in the chair). Who yields time?

Mr. KENNEDY of Massachusetts. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator make that request on his time?

Mr. HRUSKA. Mr. President, I ask unanimous consent that I be permitted to suggest the absence of a quorum and that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY of Massachusetts. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 786

Mr. KENNEDY of Massachusetts. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of my amendment No. 786, as modified, which is a perfecting amendment to title IV; and I ask that it be stated.

The PRESIDING OFFICER. Is the Senator from Massachusetts asking unanimous consent that he be permitted to offer his amendment now, even though all time has not been used on the Hruska amendment?

Mr. KENNEDY of Massachusetts. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY of Massachusetts. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 80, beginning with line 17, strike out all through line 22 on page 83.

On page 84, line 1, strike out "902" and insert in lieu thereof "901".

On page 89, line 20, strike out "other than a rifle or shotgun"

On page 90, between lines 15 and 16, insert the following new paragraph:

"(C) This paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from shipping a rifle or shotgun to an individual who in person upon the licensee's business premises purchased such rifle or shotgun: *Provided*, That such sale or shipment is not otherwise prohibited by the provisions of this chapter; and".

On page 90, line 16, strike out "(C)" and insert in lieu thereof "(D)".

On page 93, line 12, strike out the period and insert in lieu thereof: "; or to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, if the firearm is a shotgun or rifle."

On page 106, line 1, strike out "903" and insert in lieu thereof "902".

On page 106, line 4, strike out "904" and insert in lieu thereof "903".

On page 106, line 14, strike out "905" and insert in lieu thereof "904".

On page 106, line 18, strike out "906" and insert in lieu thereof "905".

On page 106, line 20, strike out "907" and insert in lieu thereof "906".

Mr. KENNEDY of Massachusetts. Mr. President, I yield myself 12 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY of Massachusetts. Mr. President, I believe we have come to a turning point in the long and arduous contest over a Federal gun law. Finally there seem to be rays of light and clarity shining through the murky fog that has surrounded this contest for over half a decade. Let me set forth as plainly and as simply as I can the bare facts which should enable us to move swiftly and responsibly when we vote on the various alternative proposals for Federal gun regulation that will be before us tomorrow.

First and foremost is the fact that no one, to my knowledge, is arguing any longer that there should not be any Federal gun legislation. This is a crucial development, for it means that we all recognize that something must be done about the ease with which people who should not have guns can acquire them. Thus the question before us is no longer whether we should have Federal gun legislation, but what kind of gun legislation we should have. We are agreed that there is a connection between the easy availability of guns in this Nation, and the damage they cause. We are agreed that there is something lacking in the present legislative framework. We are agreed that any comprehensive anticrime program must include gun-control legislation. Now we must agree on what the best and most effective way to meet this need is.

The second pertinent fact is that we have broad agreement on the nature and source of the gap which needs to be filled by Federal legislation. Both title IV and the Hruska amendment focus on the heart of America's problem with the flow of firearms—interstate evasion of State and local gun regulations. We are a large nation of 50 States and thousands of local communities. The size, shape, topography, density, habits, needs, and traditions of each State and each community differ vastly in many dimensions of life, but especially in both the nature of the crime problem and in the role of firearms in daily living. That is why the framing, and administration, and enforcement of comprehensive gun controls has been left to the States and their subdivisions. Especially in the field of law enforcement, we try to leave as much choice, discretion, and flexibility in the communities' local leaders and limit Federal regulation and enforcement to fields where it is necessary to effect national goals to assure consistency where consistency is desirable, and to provide support and sustenance to the achievement of local goals. It is primarily in this last effort that the need for Federal gun legislation is critical. We have left to the States and localities the choice of whether, and what kind of, restrictions they want to place on their citizens' purchase, ownership, and use of deadly firearms. Some States and communities have opted for the strongest possible licensing, permit, registration, and control provisions on both handguns and long guns. Some have chosen only certain types of regulation over only certain types of weapons. Others have chosen to leave their citizens, as it were, to their own devices, letting them buy and sell and hold and use guns in whatever way they please. We can, and do, assume for the purposes of the decisions we here will make this week, that those local decisions are within the permissible range of responsibility, that a State can reasonably decide that it wishes to place no restrictions on the acquisition, ownership, and use of guns. But the question we as national legislators are faced with is, What are the national implications of such a decision? What happens when two neighboring States make different choices as to the kind of gun controls they want?

This is where, again both the title IV approach and the Hruska approach come to the same general conclusion. Both recognize that no State can enforce the gun regulations it has chosen for its citizens when those citizens can merely go to the next State to purchase weapons, and can merely order a gun from a distant State by mail. No State really has any strong incentive to pass or enforce its own gun regulations if they can be so easily evaded through out-of-State transactions. Thus, again, we are all agreed that the primary role of the Federal Government should be to reinforce local law enforcement by precluding the evasion of State and local laws. And we are agreed that the two principal loopholes in effective local controls are out-of-State mail-order sales, and over-the-counter sales to nonresidents. Title IV covers both of these areas. The Hruska bill covers both of these areas.

Two facts, then, are both plain and accepted by all: First, we need Federal gun control legislation; and, second, the legislation should affect both interstate mail-order sales and nonresident over-the-counter sales. There are two remaining facts which have over the past several months become clear to many of us, and which, I believe, will form the basis of agreement in this body. The first is that the best way to support local gun law enforcement is to assure that at some point in the acquisition process some local entity, locally responsible and locally known, has a role to play. The simplest, most convenient way to do this is to require that on all out-of-State sales, delivery be made through a locally run, federally licensed dealer. This dealer can routinely and effectively see to it that the requirements of the buyer's community, as well as those of the Federal Government, are met. This is the framework of title IV.

I might say, Mr. President, that what we are really trying to achieve is to provide the principal responsibility where the responsibility is due; namely, with the dispenser of the firearms. We feel that he should bear somewhat more responsibility for the distribution of those weapons. It is in line with respect for tradition in our society and in our legal framework.

For example, in the distribution of drugs, we provide that pharmacies shall bear the principal burden for supervision and overseeing the provisions of Federal legislation. That is appropriately so because they are closest to the distribution of drugs. As well, we provide for responsibility in the distribution of liquor and alcoholic beverages, that the dealers themselves have the responsibility to live up to the provisions of any Federal legislation.

Similarly, the thrust of both title IV and the provisions suggested by my amendment is that the principal responsibility will be with the dealer, which I believe is appropriate because they will be the ones to make the profit from the distribution and sale of weapons and should therefore bear some responsibility to assist in making the law meaningful. And I want to emphasize that even under title IV and my amendment, this responsibility is not very burdensome.

Those of us who support that approach feel this is the best way, and that we should not, in turn, expect to provide unnecessary and cumbersome kinds of burdens and responsibilities, upon the local law-enforcement agencies, which we believe will be the result of the Hruska amendment.

The only alternative which has been suggested is that enforcement by remote control be attempted by the out-of-State seller through an affidavit procedure.

Let me repeat some of the observations I made very briefly in colloquy with the distinguished Senator from Nebraska [Mr. HRUSKA].

It does seem that the affidavit procedures themselves are not realistic and are not generally enforceable. For example, in reviewing the affidavit procedures, we find that no picture needs to be included in the affidavit, nor any fingerprints, nor do there really have to be any witnesses, and that it would be possible for the applicant himself to write in aliases on the affidavit instead of his real name.

Think of the tremendous burdens and responsibilities for local law enforcement to have to run through any of these kinds of procedures and then report back within a period of 7 days to the distributor of the weapon.

The affidavit procedure does seem to require these rather elaborate kinds of procedures to check and see whether the applicant himself is in violation of any Federal, State, or local laws.

Think of the additional burdens that will be placed upon local law enforcement.

I think we see, as well, that the affidavit provisions and procedures cannot really be considered as a realistic alternative. Not only are there Members of the Senate who have suggested that the affidavit procedure is unworkable, but a number of Federal, State, and local law-enforcement groups have stated it as well. They are the most familiar with the various kinds of procedures. They will have to follow the kinds of procedures which they themselves have rejected as an effective way to fulfill their obligations.

I think this is the approach which Members of the Senate must consider extremely closely, both in title IV and in the amendment I have suggested this afternoon.

To include the long guns places the responsibility where it is due; namely, upon both the applicant himself and the distributor of the weapon.

It is only fitting to do it and does not create a serious inconvenience upon our sportsmen in the pursuit of their own interests.

Referring back to the affidavit provision, I think it is clear from the discussion we have had today that the procedures suggested for implementing such an alternative would be complex, burdensome to all concerned, subject to easy evasion and avoidance, and, most important, incapable of producing the desired result.

Moreover, there is just no need to look for an alternative. The procedures outlined in title IV are reasonable and responsible. They are in fact almost identical to the procedures which some of the Nation's largest gun sellers have voluntarily adopted in the public interest.

I think it is important that two of the largest distributors of these weapons, as I understand it, Montgomery Ward and Sears, Roebuck, have already set in motion voluntary kinds of procedures, themselves, to prevent the indiscriminate use of firearms and intrastate applications for these weapons. The procedures which they have outlined have been far more severe than the modest ones which have been outlined in this legislation. Both of these distributors have established new company policies that no firearm—and this means rifles and shotguns—will be sold to a purchaser unless he picks it up in person and proves that he is 21.

These companies have established these procedures at whatever inconvenience or burden to themselves. They have assumed them and have demonstrated good faith in trying to meet this problem. I think their experience has demonstrated that it does not place a considerable burden on the distributors themselves.

The long gun provisions will not prevent any law-abiding adult from purchasing any gun anywhere in the country which his State and local laws would permit him to purchase. Let us be clear that the obligation of a citizen to comply with the State and local regulation of the place in which he lives cannot legitimately be called an "inconvenience." A man who chooses to live in a place must abide by its laws, and he certainly has no equities if his complaint about title IV is that it will require him to do so.

Much is made of the argument that it will place additional burdens on individuals to fulfill the provisions of the laws of his own State if he goes out of the State. It seems to me this is a spurious argument.

The last plain fact, and the principal subject of the amendment I have proposed, is that if we are to met the goal of reinforcing local gun regulations through Federal regulation of interstate gun transactions, it makes no sense to provide coverage over some guns but not others. Specifically, if we cover only the sale of handguns and not the sale of equally—and sometimes more—potent and deadly long guns, we wil be leaving a loophole for death and destruction that has no justification and no logic. Let there be no misunderstanding. To seek to prevent rifles and shotguns from being misused is not to place any stigma on those who use them legitimately. We are not criticizing those who hunt or compete with long guns, or those who collect them. But we must, again, recognize plain facts. Even under present laws nearly 30 percent of gun murders are committed with long guns. And, it is the snipers rifle, with its long range and deadly accuracy, which throws fear into the policeman and the fireman who must deal with the violent upheavals which have plagued our cities. It is the rifle that has been the tool of the vicious assassins who have brought us national tragedy and international shame. What is more, if we are able effectively to prevent criminals, juveniles, addicts, incompetents, and others designated by State and local law, from having interstate access to handguns, then if there are no controls on the interstate flow of long guns, those same people will substitute long guns for their activities.

This we cannot and should not tolerate. We must add long gun coverage to title IV. That is what amendment 786 will do, and that is why we must adopt it.

I would like to include in the Record some of the important and significant statistics on this question, but first I yield to the distinguished Senator from Connecticut [Mr. Dodd]. I shall then come back to this request.

Mr. DODD. Mr. President, I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY of Massachusetts. I yield 15 minutes to the Senator from Connecticut.

Mr. DODD. That will be ample. I think I will not use that much time.

Mr. President, I wish to express my support for the amendment that has just been called up by the distinguished Senator from Massachusetts [Mr. Kennedy], adding controls over rifles and shotguns to the other provisions of title IV.

So that the Record will be clear, I perhaps should point out that I have always favored including rifles and shotguns in any gun control legislation. Indeed, such controls were incorporated in a bill which I introduced as early as November of 1963.

I fought for the inclusion of rifles and shotguns in the prolonged debate which took place in the Judiciary Committee before title IV was accepted as an amendment to S. 917. Unfortunately, a majority of the committee voted otherwise.

The amendment introduced by the Senator from Massachusetts is identical to the amendment which I myself introduced on May 7. I warmly welcome the support and participation of the Senator from Massachusetts who, as Senators know, has been in the front ranks of the battle for effective gun control legislation.

As I have pointed out, the amendment now before us originally formed part of the amendment to S. 917 which I offered in the Judiciary Committee, but these provisions were stricken from title IV because they were unacceptable to the majority of the committee.

I ask the Senate to accept the amendment now before us, however, because this is the only way we can make the other provisions of this title fully effective.

Essentially, this amendment does two things.

First, it would restrict the interstate mail-order shipment of long arms to individuals other than licensed dealers.

Second, it would prohibit federally licensed dealers from selling rifles and shotguns to persons under 18 years of age.

I ask for the enactment of this amendment because the evidence before us demands it.

And I appeal to every Senator to consider the facts, and to disregard the pressures brought to bear by the opponents of this measure.

The issues should be clear.

Shall we pass legislation that most effectively protects the Nation? Or shall we, after 5 years of hearings and committee discussions and prolonged debate, enact compromise legislation that only does half the job?

This is the question that must be asked on all the control provisions of title IV of the crime bill.

And this is the question that must be asked in connection with my amendment to include rifle and shotguns under the controls proposed in the bill.

Some 500 editorials carried by the press of this Nation over the past 2 years have accused Congress of negligence in gun control.

We have been accused of stalling on the gun bill, of being swayed by the gun lobby.

And there is truth to all of these accusations.

Even now, when after 5 years of deliberations, a bill has finally reached the floor of the Senate, it is a bill which has been weakened and rendered partially ineffective by the Judiciary Committee's decision not to include rifles and shotguns in the bill.

And there is now an effort afoot to further whittle down this legislation or to pass substitute legislation tailored to appease the gun lobby.

The principal argument against this amendment is that purchasers of rifles or shotguns might be "inconvenienced" by the requirement that they appear in person at some point in the course of making their purchase.

Let us not exaggerate this inconvenience. Any legitimate buyer will still be able to get the same variety of weapons that is available to him now through mail-order catalogs. This is true because the only difference this amendment would make is that he would have to order the weapon through a local dealer or local outlet; and that he would have to appear at some point before receiving the weapon.

He can have the catalogs at home, or go look at them down at the dealer's shop. Either way, he will have the same variety of choice that he has had up until now.

Mr. President, I ask my colleagues to look at the evidence, to resist the pressures of a lobby that represents only a minority of our hunters and to pass the proposed title IV together with this rifle and shotgun amendment.

I will repeat the facts to support this need, as I have found them in years of study and investigation.

I will set them forth, once more, as I have in scores of statements explaining the gun problem.

We must pass the gun bill, because 18,000 of our citizens are killed every year by firearms in the hands of persons who should not have been allowed to obtain them and to use them.

We need controls over shotguns and rifles because they play a substantial role in this massacre.

Thirty percent of all firearms murders in the Nation involve the long guns. In rural areas it is over 50 percent.

In 1966 alone, 1,747 of our citizens were murdered with rifles or shotguns.

And the growing volume in the mail-order traffic of long arms shows that at a minimum, according to a Juvenile Delinquency Subcommittee study, 15 percent of the purchasers of these long arms have criminal records.

The evidence shows that as more regulations are placed on handguns, the criminals resort to long arms to threaten, assault, and murder our citizens.

This has been true in Philadelphia, in New York, and in other cities across the Nation.

Death by mail-order gun has become commonplace in this, the "age of the sniper."

At a tragic cost, we have had to learn in recent years that the long arm is as deadly as a handgun.

There is also ample proof that, fitted with a sniperscope, it is far more deadly as a murder weapon.

A mail-order rifle, not a pistol, was used to assassinate President Kennedy.

A rifle with a sniperscope struck down Dr. Martin Luther King.

And a rifle made possible the murderous toll in young lives taken by a demented firearms fanatic at the University of Texas.

Time and again the assassin has chosen the rifle over the handgun.

It should also be a matter for increasing concern that the rifle is the main arm of the big city riot sniper, the new breed of killer from the rooftop.

In the Detroit riot, far more long arms were taken from criminals and snipers than handguns.

There is no truth in the assertions of those who oppose regulation of the mail-order trade in long arms, that these guns are not used by criminals because they cannot be concealed.

Both Lee Harvey Oswald and Charles Whitman concealed their rifles and transported their weapons in broad daylight, through streets and buildings, in full view of the public.

Furthermore, a sawed-off shotgun or rifle can easily be concealed.

And these sawed-off weapons can be and are produced from long arms acquired through mail order.

I asked the Treasury Department to study their latest long gun cases, and they found 98 sawed-off shotguns and 14 sawed-off rifles among 207 guns involved in just 200 recent firearms violations. The Treasury Department told me that the conversion of long arms into concealable weapons was the most compelling reason for controlling rifles and shotguns under Federal legislation.

I fully predict that with stronger regulation on handguns there will be more of this conversion of long arms into deadly concealable weapons.

In one way or another, as summed up by Mr. Quinn Tamm representing the International Association of Chiefs of Police, "the long arm has taken its place in 20th century crime with a demolishing force."

Today the problem has reached explosive proportions. But the potential danger from the long arm and the need to control it was recognized as long as 30 years ago by the then Attorney General Homer Cummings of Connecticut. Speaking before the very organization Mr. Tamm today represents, Mr. Cummings said:

> These weapons continue to take their terrific toll. The high-powered rifle which will kill big game at tremendous distances is, unfortunately, equally effective against human beings. During the past two years, improvements have been made, both in hand arms and the quality of ammunition which have already rendered obsolete much of the protective equipment of law enforcement agencies. We cannot longer remain blind of these facts.

The truth is that we have remained blind to these facts for the last 30 years.

That is why we have the explosive problem today.

And that is why I call for the regulation of the mail-order traffic in these weapons. That is why I ask that we do not procrastinate any longer.

Further failure to act on the need to regulate the sale of long guns will continue to render State and local gun laws ineffective and State and local law-enforcement officials virtually helpless.

The files of Kleins Sporting Goods Co. of Chicago, Ill., which is a leading and reputable firm, show that mail-order rifles and shotguns have been sent to persons with criminal arrest records in Chicago, Ill.; in Dallas, Tex.; in Philadelphia, Pa.; in Los Angeles, Calif.; in the State of New Jersey; and in the State of New York. The criminal records of the persons who received these weapons include offenses of assault, assault and battery, assault with a deadly weapon, assault and battery on a police officer, sex offenses, and narcotics and dangerous drug offenses.

This amendment would require such individuals to appear in person before a federally licensed dealer when attempting to buy a long arm.

And it would require them to signify, under the threat of imprisonment, that they do not have a felony conviction in their past, in order to lawfully obtain the weapon.

Some of them would almost certainly duck such a confrontation.

And, to the extent that criminal elements will be deterred or prevented from purchasing rifles, lives will be saved by the overall reduction of the number of deadly weapons in criminal hands.

Mr. President, life in the 20th century requires regulation of many aspects of human behavior.

I cannot believe that we are so blind that we would reject this minimal control over a deadly weapon when our times have required regulation even over the ownership of children's bicycles.

I stand convinced that we must have this mail-order regulation over long arms.

Equally important is the other part of this amendment, which would prohibit the sale of rifles and shotguns to persons under 18 years of age unless accompanied by a parent or guardian who makes the purchase.

Since 1960, crimes against the person by juveniles have increased 78 percent.

These crimes of violence include robbery, assault, and murder.

Since 1960, the number of persons under 18 years of age arrested for murder increased 45 percent.

Juvenile robberies increased 55 percent.

Aggravated assault increased 115 percent.

We must protect immature youth from themselves and from the unscrupulous dealers who sell deadly weapons indiscriminately. No juvenile should be permitted to buy a gun without permission from a parent or guardian.

Certainly, no juvenile should be able to buy a gun, when the law forbids him to purchase beer or cigarettes or to drive an automobile.

This is a simple matter of public safety, of parental responsibility, and of commonsense.

The prohibition on juvenile gun purchases must be in this bill.

Mr. President, this amendment does not place unreasonable hardships on the hunter; it does not infringe on his ownership of firearms or his ability to acquire them.

But it does spell the difference between a half measure and an adequate law.

It will, I am certain, make a difference in the crime rate and a difference in the number of human lives lost to gunfire every year.

The public has asked for this protection and our law-enforcement officers have endorsed it.

A vote to approve the gun bill with the amendment now before us will prove that this Congress represents the majority of the American people who want meaningful gun laws, and not the small minority of gun fanatics and gunrunners who oppose them.

I thank the Senator from Massachusetts.

Mr. **KENNEDY** of Massachusetts. Mr. President, how much time do I have remaining?

The **PRESIDING OFFICER**. The Senator has 63 minutes remaining.

Mr. **KENNEDY** of Massachusetts. I yield myself an additional 10 minutes.

I wish, first of all, to express my appreciation for the helpful comments which have been made by the Senator from Connecticut. As I mentioned earlier in the afternoon, he sat through many long hours of hearings, and had an opportunity, perhaps greater than that of any other Senator, to hear the pros and cons of this legislation; and, of course, with that kind of background, he brings a high degree of knowledge and understanding to this debate.

One of the things the Senator brought up in the course of his comments, to which I alluded earlier, is the kind of routine regulation that we as a people accept in this country, for the policing of our society in a variety of different ways.

I think, as has been suggested by the Senator from Connecticut, that we all realize the extraordinary amount of regulations imposed upon the ownership and use of children's bicycles. The same pertains in the field of automobiles. The public generally accepts and recognizes the need for these regulations. It is necessary to have such regulations in order that we might enjoy the right and opportunity to use our automobiles on local roads and on our great interstate highways.

Young people are required to have a license in order to drive an automobile even within the State. There are also detailed obligations and regulations pertaining to the purchase of a vehicle. Certain documents must be obtained if one sells his vehicle. Also, a vehicle must be inspected so many times a year.

We have to have a driver's license. This license has to be renewed at different times in different States. It is sometimes every year and sometimes every 2 years.

It is necessary to have all of these regulations. In our daily activities of life we accept them because we know they are needed. Society generally understands and accepts the need for such regulation.

Those of us who support title IV and also the long gun amendment recognize that we are really attempting to provide some very basic, minimal kinds of procedures which must be observed and lived up to in order to help eliminate the opportunity for juvenile delinquents and hardened criminals and mental incompetents to acquire weapons in our society today.

The Crime Commission was made up of some of the most important law-enforcement officials in our country today. They have all stated that this kind of legislation is the absolute bare minimal legislation that should be passed if we are really going to come to grips with crime and the problems that exist in our society today.

Those of us who support this legislation realize that even the proposals advanced in title IV and in the amendment which I have offered this afternoon in no way really infringes upon the legitimate sportsman or interferes with his interest in and his legitimate use of weapons.

Those of us who support the pending legislation are merely following the recommendations of the principal law-enforcement officials of our country. These officials have stated time and time again before the Juvenile Delinquency Subcommittee that if we are serious about meeting the problems of crime and violence as they exist in our country today, we should be prepared to come to grips with this legislation and pass the kind of legislation which we are considering this afternoon. And we will have a full opportunity to express ourselves as a unit and as a legislative body tomorrow.

Mr. President, we encounter the argument time and time again concerning the constitutionality of gun control legislation. I do not know whether that argument has been made as yet today. I have not heard it made this afternoon. However, in every kind of publication the argument is made, by those who do not want the passage of any kind of effective legislation, that the passage of any kind of legislation would effectively interfere with the second amendment rights. It is said that it is somehow unconstitutional to control the flow of lethal firearms to private persons in this country.

The proponents of this view usually cite the last portion of the second amendment about "the right to bear arms," but in the interests of thoroughness and fairness, I state the amendment in its entirety:

> A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

As we all know, both the National and Federal Firearms Acts were enacted by Congress over second amendment arguments identical with those which have been raised in opposition to title IV of S. 917. Congress did not believe that the second amendment was an obstacle to such legislation and that belief has been supported in case after case decided by the Supreme Court of the United States.

Gun control opponents would have us believe that the second amendment was adopted to insure the private citizen the "right to bear arms" unhampered and uninhibited by any Government controls. Neither Congress nor the Supreme Court has accepted that interpretation.

Legal scholars are in general agreement that the second amendment was adopted as a prohibition upon Federal interference with the creation and maintenance of state militia. The term "state militia" today means the National Guard, equipped and trained by the Federal Government. Those scholars for the most part, also agree that the concept of "bearing arms" is not a civilian, but a military concept and that the "right," as it relates to individuals, is simply the right to participate in the state militia. Private armies, like the self-appointed defenders of the country called the Minutemen, are not "militia" in this sense, for they are not State-organized.

I believe that the case of *United States* v. *Miller*, 307 U.S. 174, decided by the Supreme Court in 1939 is the clearest expression of the law in this area. That case involved a violation of a Federal firearms law and, in answer to a challenge by the defendants that the law was unconstitutional, the Court said that the second amendment did not guarantee the right to keep and bear any weapon which did not have a "reasonable relationship to the preservation or efficiency of a well regulated militia." The Court pointed out that the obvious purpose of the amendment was to assure the continuation of the effectiveness of the militia subject to call and organization by Congress under article 1, section 8, clauses 15 and 16 of the Constitution. The Court concluded that that end must be kept in mind in interpreting and applying the second amendment.

There is also authority for an even more narrow and restrictive interpretation of the second amendment. Under this view, the second amendment merely affirms the right of the State to create and maintain militia.

But, regardless of which view we choose to accept, the fact remains that a challenge to Federal firearms legislation finds little support in the second amendment.

A thorough analysis of this question has been prepared by the Department of Justice. I ask unanimous consent to have this analysis printed at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE MEMORANDUM RE FEDERAL FIREARMS CONTROL AND THE SECOND AMENDMENT

The Second Amendment to the Constitution provides: "A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed."

An examination of the relevant federal and state cases, commentaries on constitutional law, and the legislative history of the National Firearms Act and of the Federal Firearms Act produces the following conclusions, which will be amplified and supported below:

(a) At the time of the passage of the National Firearms Act in 1934 and the consideration and passage by Congress of the Federal Firearms Act from 1935 to 1938, the Second Amendment was not considered to be an obstacle.

(b) Decisions applying federal firearms legislation hold that the Second Amendment was not, as the First Amendment was, adopted with individual rights in mind, but was a prohibition upon federal action which would interfere with the organization by states of their militia. The federal firearms legislation was held not to interfere with such organization.

(c) The organized militia of the several states is today the National Guard of each state (and any Naval Militia) equipped by the Federal Government and trained in accordance with the discipline established under the authority of Article 1, section 8, clause 16 of the Constitution. Consequently, it appears that the "well regulated militia" referred to in the Second Amendment is at the present time the organized militia of the several states. The amendments to the Federal Firearms Act would in no way interfere with the organization, functioning or expansion of the National Guard (or Naval Militia).

(d) The concept of the right of the people to keep and bear arms, as expressed in state constitutions as well as in the Second Amendment, has been held not to prevent the states from regulating the carrying of deadly weapons by individuals, or from prohibiting the formation of military organizations other than the organized militia. The concept of "bearing arms" is primarily a military concept and has been distinguished from the carrying of a weapon for personal purposes. In so far as the right is deemed to exist in individuals, it is often identified with the right to participate in an organized militia. Moreover, several state decisions and commentators on constitutional law have concluded that the word "people" in the Second Amendment and like provisions in various state constitutions is used in the collective sense to mean the people organized as a body politic.

(A) CONSIDERATION OF THE SECOND AMENDMENT IN THE PASSAGE OF PRIOR FEDERAL FIREARMS LEGISLATION

In connection with the passage of the National Firearms Act in 1934 under the power of Congress to lay and collect taxes and to regulate interstate commerce, the Attorney General advised the Committee on Ways and Means that there was no constitutional objection to the legislation.[1] Members of the Committee indicated agreement with this view.[2] That this was the accepted view is indicated by the fact that the Second Amendment was not referred to in the 1935 hearings[3] preceding the passage of the Firearms Act of 1938, regulating interstate traffic in firearms, nor was it discussed in the several Committee Reports on this legislation.[4]

(B) INTERPRETATION OF THE SECOND AMENDMENT IN FEDERAL FIREARMS PROSECUTIONS

The argument that the Second Amendment inhibits federal regulation of dealings in firearms was raised by defendants charged with, or convicted of, violation of the National Firearms Act or the Federal Firearms Act. In each case the Second Amendment was held not to bar the federal legislation, one of the cases being decided by the Supreme Court and two being considered by that court; *United States* v. *Adams*, 11 F. Supp. 216 (S. D. Fla. 1935); *United States* v. *Miller*, 307 U.S. 174 (1939); *United States* v. *Tot*, 131 F. 2d 261 (3rd Cir. 1942), reversed on other grounds, 319 U.S. 463 (1943), and *Cases* v. *United States*, 131 F. 2d 916 (1st Cir. 1942), cert. denied, sub nom. *Velazquez* v. *United States*, 319 U.S. 770 (1943). An analysis of these decisions, particularly those in *Tot* and *Cases*, demonstrates that the proposed amendments to the Federal Firearms Act are in no way invalidated by the Second Amendment.

The National Firearms Act of June 26, 1934, 48 Stat. 1236 (now 26 U.S.C. 5801–5862) levied taxes on dealers, manufacturers and importers of defined firearms and on transfers of such firearms, and required that every person possessing any such firearm not acquired from a registered manufacturer or dealer or importer must register with the Secretary of the Treasury or his delegate the identification of the firearm and his own identification. Each transfer of such a firearm (except between registered dealers) was to be accompanied by a written order with an IRS stamp affixed.

In an early prosecution under this act, *United States* v. *Adams, supra*, the defendant demurred to the charge of violations of the act on several constitutional grounds including infringement by the act of the Second Amendment. The court disposed of this argument by holding that the Second Amendment had no application to the Firearms Act. It declared that the Constitution "refers to the militia, a protective force of government; to the collective body and not individual rights" (at 219), citing Supreme Court and state court cases and a constitutional commentary on "The Right to Keep and Bear Arms," by McKenna, discussed below.

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[1] Hearings on H.R. 9066, 73rd Cong., 18–19 (April 16, 1934).

[2] *Id.* at 53–54.

[3] Hearings before the Senate Committee on Commerce on S. 3, 74th Cong. (April 16, 1935).

[4] See S. Rept. 997, 74th Cong., H. Rept. 2663, 75th Cong., and S. Rept. 82, 75th Cong.

In *United States* v. *Miller,* 307 U.S. 174 (1939) the Supreme Court upheld the conviction of two men who transported in interstate commerce a shotgun which came within the definition of a "firearm" under the National Firearms Act and was not registered as required by that act nor covered by a stamp-affixed order. The act was challenged by the defendants as unconstitutional under the Second Amendment. The Court found that the Second Amendment did not guarantee the right to keep and bear any weapon not having a "reasonable relationship to the preservation or efficiency of a well regulated militia." The Court stated that the obvious purpose of the amendment was to assure the continuation and render possible the effectiveness of the militia subject to call and organization by Congress under Article 1, section 8, clauses 15 and 16 of the Constitution and that the amendment must be interpreted and applied with that end in view (at 178).

The Supreme Court recognized that at the time the Constitution was drafted the militia was considered to be a "Body of citizens enrolled for military discipline" and that "ordinarily when called for service these men were expected to appear bearing arms supplied by themselves and of the kind in common use at the time" (at 179). The Court further recognized that as of 1934 most, if not all, of the states had adopted provisions regulating the right to keep and bear arms and concluded that none of these laws affected the right of the Federal Government to adopt the National Firearms Act (at 182).

Any implication in the reasoning of the Court that the more efficient a weapon might be for purposes of a well regulated militia the less subject it might be to Congressional regulation was dissipated in the two Circuit Court holdings which the Supreme Court did not disturb. *Cases* v. *United States,* 131 F. 2d 916 (1st Cir. 1942), cert. denied, sub nom. *Velazquez* v. *United States,* 319 U.S. 770 (1943; *United States* v. *Tot,* 131 F. 2d 261 (3d Cir. 1942), reversed on other grounds, 319 U.S. 463 (1943). These cases upheld convictions under the Federal Firearms Act enacted June 30, 1938 (15 U.S.C. 901–909). The provision of the act which had been violated in each of these cases was section 902(f) making it unlawful for any person convicted of a crime of violence to receive firearms or ammunition transported in interstate or foreign commerce. The defendants in both cases invoked the Second Amendment.

In the *Tot* decision the Circuit Court held that it was abundantly clear from the discussions of the Second Amendment contemporaneous with its proposal and adoption, and from the analysis of the amendment by learned writers since then, that unlike the First Amendment, it "was not adopted with individual rights in mind, but as a protection for the States in the maintenance of their militia organizations against possible encroachments by the federal power" (at 266). It further stated that "weapon bearing was never treated as anything like an absolute right by the common law" but was regulated by statute as far back as the Statute of Northampton in 1328 and on many occasions since (at 266). The court concluded that the federal statute providing a general regulation of interstate and foreign commerce in firearms was consistent with the history and purpose of the Second Amendment. The court affirmed the lower court decision, (*United States v. Tot,* 28 F. Supp. 900, 903 (D. N.J. 1939)) which had cited approval the opinion in the *Adams* case that the amendment referred to a collective protective force and not to individual rights.

In the *Cases* decision the First Circuit also pointed out that the right to keep and bear arms "is not a right conferred upon the people by the federal constitution" and that whatever rights they might have depended on local legislation (at 921). Furthermore, while the only function of the Second Amendment was to prevent the Federal Government from infringing that right, the limitation imposed was not absolute (at 922). The court concluded that the framers of the amendment did not intend to give private individuals a right to possess deadly weapons of any character, whether or not they were of the kind that would be useful to a well regulated milita. Specifically, the possession of ammunition by the defendant in that case for purposes of his own was not a right guaranteed by the Second Amendment.

(C) THE PRESENT DAY "WELL REGULATED MILITIA"

In 1792, the year following the adoption of the Second Amendment, Congress acted under its power in Article I, section 8, clauses 15 and 16 of the Constitution to provide for calling forth the state militia as necessary to meet invasion or insurrection with payment the same as for United States troops,[5] and to provide for the enrollment and organization in the state militia of able-bodied men between prescribed ages with the requirement that they provided their own arms as specified.[6]

However, in 1808 Congress provided that a certain number of arms should be annually supplied to the whole of the enrolled militia. An annual appropriation of $200,000 was provided for this purpose. The arms were to be distributed to the states in the proportion that each militia bore to the whole, and in accordance with state regulations, while title to the arms was to pass to the states.[7] This arrangement continued until 1897 when Congress, dissatisfied with the 1808 Act, doubled the annual appropriation and required the states to create and maintain a regular, enlisted, organized and uniformed, active militia in order to be eligible for the federal arms. Moreover, Congress required the states to account for the property furnished and provided that it was to remain the property of the United States.[8] Soon thereafter Congress provided that the "regularly organized armed and equipped militia" (generally known as the state National Guard) could exchange its arms, either furnished by the Federal Government or purchased by the state out of its own appropriation, for an equivalent number of caliber .45 Springfield rifles.[9] Congress also provided that the states could purchase for the use of their militia other arms and supplies from the Army for cash.[10] It was recognized that the states continued to purchase arms and equipment for their militia from their own appropriations.[11]

From 1887 to the present day the Federal Government has supplied arms to the state militia under legislation prescribing the kind, quality, care and accounting of such arms, with the provision that the arms remain the property of the United States.[12]

In 1903 Congress provided that the "regularly enlisted, organized, and uniformed active militia in the several States" should constitute the "organized militia" and be known as the National Guard (or such other name as the state might give), that all other able-bodied men between the ages of 18 and 45 should be known as the Reserve Militia, that federal equipment could be distributed only to the organized militia, and that any state could procure from the War Department additional arms for its organized militia where that body met certain specified training requirements.[13] Since that time the organized militia of the states has been the National Guard (and the Naval Militia),[14] and the remaining eligible manpower forms "the unorganized militia" which has no status until members are called into the National Guard under state or federal law (see 10 U.S.C. 311). This distinction between the organized militia known as the National Guard (or the Naval Militia) and the unorganized reserve is followed in state laws. For example, see New York—Military Law § 2; Pennsylvania—51 P.S. §§ 1-202, 1–203; Virginia—§ 44–1; and Texas-Verons Ann. Civ. St. Art. 5765.

It appears from the foregoing that for nearly a century and a half Congress has provided for the arming of the enrolled, organized militia, the arms being similar to or identical with those provided to the defense forces, and that for at least the past half century no member of the organized militia has been required or permitted to supply his own arms.[15] Moreover, during almost all of the twentieth century the only organized militia has been the National Guard, and since 1914 the Naval Militia. These may consequently be described as the "well regulated militia" of the present day.

Since the "well regulated militia" referred to in the Second Amendment is the subject of a compatible network of special federal and state laws and since the proposed amendments to the Federal Firearms Act exempt from their application activities by federal and state authorities, it is evident that the Second Amendment is no obstacle to the passage of the amendments. However, because the Second Amendment refers to "the right of the people to keep and bear arms" it is sometimes argued that this concept impedes federal legislation even if it be conceded that the Second Amendment relates only to the organized militia. For this reason this memorandum provides an analysis of this concept.

(D) THE CONCEPT OF THE RIGHT OF THE PEOPLE TO BEAR ARMS

While the Constitution cannot be said to be the source of a right to keep and bear arms, its wording indicates that a preexisting right was recognized. A majority of court decisions, both state and federal, assume without discussion or determination of the issue that the right to bear arms exists in the people as individuals either because it is deemed to be a natural right or because conferred by state constitutions.

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[5] Act of May 2, 1792, c. 28, 1 Stat. 264.

[6] Act of May 8, 1792, c. 33, 1 Stat. 271.

[7] Act of April 23, 1808, c. 55, 2 Stat. 490; see the pertinent part of the debates in Congress on this act in 18 Annals of Congress 2176, 2181–2185, 2195–2197 (April 1808).

[8] Act of February 12, 1887, c. 129, 24 Stat. 401; see S. Rept. 41 and H. Rept. 1267, 49th Cong.

[9] Act of February 24, 1897, c. 310, 29 Stat. 592.

[10] *Ibid.*

[11] 28 Cong. Rec. 2933.

[12] See acts in this century so providing: Act of January 21, 1903, c. 196, § 13, 32 Stat. 775, 777; Act of May 27, 1908, c. 204, § 8, 35 Stat. 399, 401–402; Act of June 3, 1916, c. 134, §§ 67, 83–87, 39 Stat. 166, 199–200, 203–205; Act of Aug. 10, 1956, c. 1041, 70A Stat. 615 (32 U.S.C. 710(a)).

[13] Act of Jan. 21, 1903, c. 196, § 1, 32 Stat. 775.

[14] The organized Naval Militia was created in 1914; see Act of Feb. 16, 1914, c. 21, 38 Stat. 283; it was to be composed of state Naval Militia which had been established in some of the states approximately beginning in 1880 and thereafter; see H. Rept. 94 and S. Rept. 167, 63d Cong. and 10 U.S.C. 7851.

[15] As early as December 1807, Congress recognized that the requirement that militiamen provide their own weapons (see footnote 2) had not been adhered to in many parts of the United States (17 Annals of Congress 1040–1041). In 1903 this 1792 requirement that each enrolled militiaman provide his own "musket or firelock" was finally repealed (Act of Jan. 21, 1903, c. 196, § 25, 32 Stat. 775, 780). It was then recognized that even the requirement of enrollment had been obsolete for over one hundred years (H. Rept. 1094, 57th Cong., 11).

However, it is well settled, that there is nothing inherent in the right making it absolute. Inasmuch as "arms" is traditionally a military term and the statement of the right in the federal and several state constitutions is connected with the necessity for a well regulated militia, it has been concluded that, if such a right is personal in nature, it is at least restricted to members of a well regulated or, synonymously, organized state militia. "The word 'arms' in the connection we find it in the Constitution of the United States, refers to the arms of a militiaman or soldier, and the word is used in its military sense." *English* v. *The State*, 35 Texas 473, 477 (1872). "[T]he provision in question [the counterpart to the Second Amendment in the Bill of Rights of Kansas] applies only to the right to bear arms as a member of the state militia, or some other military organization provided for by law." *City of Salina* v. *Blaksley*, 72 Kan. 230, 83 Pac. 619, 620 (1905). (Brackets supplied.)

While a few older state cases went so far as to hold that all citizens had the unabridgable right to bear arms for self-protection as well as for militia purposes and that a statute prohibiting the carrying of concealed weapons was violative of the Second Amendment (see *Bliss* v. *Commonwealth*, 2 Litt. (Ky.) 90, 13 Am. Dec. 251 (1822)), that point of view is virtually extinct. The Supreme Court stated as an axiom in 1897 that the Second Amendment "is not infringed by laws prohibiting the carrying of concealed weapons," *Robertson* v. *Baldwin*, 165 U.S. 275, 282. The overwhelming majority of state cases follow the doctrine expressed in *Commonwealth* v. *Murphy*, 44 N.E. 138 (Mass. 1896), that "it has been almost universally held that the legislature may regulate and limit the mode of carrying arms." Therefore, a state statute regulating, and in certain instances prohibiting, the carrying of enumerated deadly weapons is not repugnant to the Second Amendment or its counterpart in the state's constitution. *English* v. *State*, 35 Texas 473 (1872). Likewise, an act prohibiting the carrying of revolvers without a license does not violate either the federal or state constitution; neither does a state law forbidding possession of concealed weapons. *Strickland* v. *State*, 72 S.E. 260 (Ga. 1911); *Haile* v. *State*, 38 Ark. 564 (1882).

Moreover, no body of citizens other than the organized state militia, or other military organization provided for by law, may be said to have a constitutional right to bear arms. *City of Salina* v. *Blaksley*, 72 Kan. 230, 83 Pac. 619 (1905); *Presser* v. *Illinois*, 116 U.S. 252 (1886).

The modern tendency among judges and legal scholars is to regard the right to bear arms as existing in narrowly limited circumstances. The present state of the law concedes *at the most* that "the Second Amendment only forbids Congress so to disarm citizens as to prevent them from functioning as state militiamen." [16] If this statement accurately reflects the prevailing trend of the law, it follows that any act of Congress which does not in fact prevent an eligible citizen from functioning as a state militiaman is not proscribed by the Second Amendment.

The preceding discussion and conclusion are based on what many courts assume to be true, that the right to bear arms as referred to in the Constitution is personal in nature. However, respectable authority supports the view that the Second Amendment merely affirms the right of the states to organize and maintain militia. That is, it applies to "the people" as the body politic of each state.[17] Support for this is found in English history.[18]

Several early cases suggested that the right to bear arms "is one of those rights reserved to the States." [19] In *Aymette* v. *State*, 21 Tenn. 154, 158 (1840), the court declared, "The single individual . . . is not spoken of or thought of as 'bearing arms'." *People ex rel. Leo* v. *Hill*, 126 N.Y. 497, 27 N.E. 789, 790 (1891), contains language of similar import: "The power to control and organize the militia resided in the several states at the time of the adoption of the Constitution of the United States and was not taken away by that instrument."

The leading case of *City of Salina* v. *Blaksley*, 72 Kan. 230, 83 Pac. 619 (1905), has been interpreted as going so far as "expressly to decide that the word 'people' means only the collective body and that individual rights are not protected by the constitutional clause." McKenna, "The Right to Keep and Bear Arms," 12 Marq. L. Rev. 138, 145 (1928). Mr. McKenna proceeded to suggest that future courts might say "that the states may have their well-regulated militia even though individuals possess no weapons of their own, provided the states supply the necessary armament upon mobilization" (at 149). This they do, under federal and state provisions, as described above.

The foregoing analysis reveals that there is nothing in the meaning, scope or application of the Second Amendment to impede passage of federal legislation limiting interstate traffic in firearms to licensed or excepted persons and prohibiting sales by licensees to juveniles and convicted felons.

Mr. KENNEDY of Massachusetts. Mr. President, I referred in my earlier comments to some private industries that are recognizing their responsibility in this area. A number of them have been responsible. A number of them have recognized their responsibility. A number of them have adopted procedures which are far more extensive and which might even be considered far more harsh than the rather basic minimal requirements which have been suggested in title IV and in the amendment which I offer this afternoon.

Two of the great merchants in our country, Montgomery Ward and Sears, Roebuck, have announced, effective immediately, that they will no longer sell guns or ammunition to persons under 21 years of age, or accept mail or telephone orders for this merchandise. This policy will apply to rifles, shotguns, air rifles, pellet guns, and all ammunition.

Furthermore, this policy will affect more than 4,300 Sears and Wards retail catalog and agency stores located in all 50 States. More than one-third of these outlets are located west of the Mississippi. In requiring firearms orders to be filled on a person-to-person basis, instead of by mail or express shipments, the companies felt their new policy would help enforce the registration and delivery provisions of new and changing State and local ordinances without interferring with the sale of guns and ammunition to ranchers, farmers, hunters, and other legitimate customers.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY of Massachusetts. Mr. President, I yield myself an additional 10 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for an additional 10 minutes.

Mr. KENNEDY of Massachusetts. Mr. President, this decision reflects a commendable dedication by Sears and Wards to share the social responsibility for dispersing lethal weapons. No doubt this decsion may have some immediate effect on sales—but given the enactment of the administration's gun bill—no long-range hardship should be experienced. It is my sincere hope that the great number of American people desiring gun legislation, both gun owners and not, will express their appreciation to these companies for their display of civic responsibility. It should be noted, however, that several large department stores have followed Sears and Wards lead by imposing more stringent regulations on their sale of guns.

It is a welcome relief to know that in these weeks when lobbying organizations are willing to spend several million dollars to defeat even a nominally restrictive gun bill, that major business companies as Wards and Sears, have infused a certain needed rationality and responsibility to the debates.

In this case we have private industry and private enterprise in the various States assuming this responsibility. Evidently, if there is to be some kind of financial loss, they are prepared to assume it because of their interest in and recognition of the problem.

Time and again the statement has been made on the floor of the Senate that such legislation will inconvenience and harass the public.

Montgomery Ward and Sears, Roebuck and other distributors are not concerned with this argument. We actually see that this is not the case.

Sears' and Ward's decision to stop mail-order sales of guns has reinforced further what many of us have maintained—that the minor inconvenience imposed on the legitimate and honest sportsmen, hunter or hobbyists, is a small price to pay for the disgraceful and unnecessary bloodshed experienced presently throughout our land at the expense of unregulated guns.

Mr. President, I believe that many of the comments that have been made on the floor of the Senate today will help to establish a solid case for the adoption of the amendment which I have suggested, together with earlier comments made by the Senator from Connecticut, the Senator from Maryland, and a number of other Senators, including the distinguished Senator from New York [Mr. JAVITS] and other Senators on the other side of the aisle, who, over a period of years, have put into the RECORD extremely comprehensive commentaries, statements, and indications of their own experience and their own reasons for the support of such proposed legislation.

I believe it is appropriate at this time, on the eve of our voting on a long gun amendment, to take cognizance of some statistics in connection with this subject.

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[16] McKenna, "The Right to Keep and Bear Arms," 12 Marq. L. Rev. 138, 143 (1928).

[17] See attached Appendix entitled, "The Origin of the Second Amendment."

[18] Haight, "The Right to Keep and Bear Arms," 2 Bill of Rights Review 31–33 (1941). Mr. Haight was Chairman of the Bill of Rights Committee of the American Bar Association when the article was published. See also Emery, "The Constitutional Right to Keep and Bear Arms," 28 Harv. L. Rev. 473 (1915).

[19] *Ibid.*

The statistics are revealing and extremely discouraging and heart rending, but nonetheless stare us all in the face, when we realize the death and destruction that have been brought about because of the failure of effective legislation. I should like at this time to review some of the statistics with respect to long guns, because the case is sometimes made that if we have effective handgun legislation this will solve the immediate problem. When one has an opportunity to review these statistics, he will realize that this is not so.

Nearly 30 percent of the firearms murders are committed with rifle or shotgun, and the report of misuse of rifles and shotguns comes from local authority.

Two thousand persons a year—it amounts to some five persons a day—are murdered with a rifle or a shotgun.

More than 70 police officers were slain in the line of duty by rifles. One-quarter of the law enforcement officers killed in 1966 were killed by long guns.

In major riots and civil disturbances, nine policemen and 75 civilians were killed, many victims of snipers. The use of rifles by snipers elevates the level of violence.

Experience at the local level indicates that where handguns are regulated but not long guns, the use of long guns in crime has increased. This has occurred, for example, in New York City and Philadelphia.

Even if title IV is enacted, we can expect a corresponding increase in the crimes of violence involving long guns; and if we are really going to come to grips with this problem, it is incumbent upon us to act in the long-gun field as well.

Mr. President, I believe that we delude the American people when we pass just any kind of gun legislation. Unless we are going to pass effective gun measures, the American people will be given a false sense of security. Certainly, title IV, plus the amendment we have suggested today, supported by a number of Members of the Senate, will provide the type of security which I believe the American people deserve.

Mr. President, I reserve the remainder of my time.

Mr. HRUSKA. Mr. President, I yield 5 minutes to the distinguished Senator from Wyoming [Mr. HANSEN].

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. McCLELLAN. I believe that, under the unanimous-consent agreement, I am supposed to control the time on our position; but I have advised the Senator from Nebraska that if I am not present, he may yield such time as he wishes in opposition.

The PRESIDING OFFICER (Mr. BAYH in the chair). The Senator from Nebraska yields 5 minutes to the Senator from Wyoming.

STATEMENT IN SUPPORT OF AMENDMENT 708 TO TITLE IV, S. 917

Mr. HANSEN. Mr. President, today the Senate will resolve—for all time, it is my earnest hope—an issue that has been a matter of considerable concern to this Congress and to Congresses before us.

Mr. President, the question before this Congress at this time is simple and clear—it is to what extent should guns be controlled by the Federal Government? It is not, as has been intimated, the question of whether guns should be regulated—we all agree that there should be some sort of control over the procedures for the sale of firearms.

The question, I repeat, is to what extent.

My distinguished colleague the senior Senator from Connecticut has proposed legislation that would prohibit almost completely any interstate commerce in firearms. It has been argued that guns cause crime, and therefore guns should be made hard to get. If you follow this line of reasoning, you will argue that the fewer guns there are, the fewer crimes there will be.

Mr. President, I submit that such is not the case. I submit that depriving the general public of firearms will make little, if any, contribution to the solution of the crime problem in this or any other country. For every case in which it can be demonstrated that strict gun laws reduce crime, there is an equally demonstrable statistic that will show that strict gun laws have no effect on the crime rate, or even that, despite strict gun laws, the crime rate continues to rise.

Mr. President, today we have up for consideration several different approaches to gun control.

I want to make it clear that I am in favor of tightening up regulations on the availability of handguns, primarily so that they can be kept out of the hands of criminals, of juveniles not old enough to be entrusted with them, of drug addicts, of habitual drunkards, and of other undesirables who represent a danger to society, or to themselves. The sponsors of title IV say that this is also their aim. But in order to accomplish it, they would remove practically all handguns from the American scene. They would, in effect, deprive all American citizens of their right to purchase handguns, in order to keep them out of the hands of an extremely small segment of American society who misuse guns.

I submit that this approach is prohibitive, that it is too drastic. I believe that the cure involved in this approach is more serious than the illness.

I also believe that it would not work. I have no confidence in the contention that such action would reduce crime. It certainly would curtail outdoor recreation on the part of the legitimate sportsmen in this country, for they would wish to adhere to the letter of the law, and they would be greatly discouraged by the time-consuming redtape involved in obtaining handguns if title IV were to be enacted.

But the criminals—those at whom this legislation is purportedly aimed—would not. They would simply not bother to go through the legal processes of obtaining handguns. They do not do it today, and they would not under this proposal. What reason is there to believe that a man intent on using a gun in the pursuit of crime, is going to go through the process required under title IV?

There is, however, a way in which to control the availability of handguns to those who should not have them, and this approach is embodied in amendment No. 708, by Senator HRUSKA of Nebraska. Under this amendment, which I support as a substitute for title IV as now written, anyone wishing to purchase a handgun in interstate commerce would be required to submit a sworn affidavit to the seller attesting to his age and other eligibility factors. This affidavit would contain the name and address of his chief local law enforcement officer. The seller would re required to send a copy of the affidavit to that local law enforcement officer, who would then have up to 7 days to check out the eligibility and the qualifications of the applicant.

Mr. President, the prime way to control crime in this country is to empower local police with the authority—and the information—they need to prevent crime. Laws are enforceable only when the police can act to implement them. A law that would give the police the kind of information that would be obtained under the handgun affidavit procedure I have outlined, would arm the police with the tools they need to prevent sales of handguns to criminals and others who should not have them. To simply dry up the legal supply of guns would make little, if any, contribution to solving the problem. But to inform the police of impending gun sales would be to give them what they need to control such sales.

In addition to providing a workable solution, aimed directly at the core of the problem, amendment No. 708 would serve to protect the interests of legitimate citizens who should not be denied the right to own firearms. It would set forth, clearly and succinctly, the criteria for eligibility for ownership of handguns. If it is found by investigation that a prospective buyer is ineligible under one or more of those criteria, the sale could be halted easily before it could be completed. But if the buyer is not found to be ineligible under those clearly defined criteria, the police would not be permitted to block the sale.

We must not lose sight of this valuable American right. We must protect all the rights of all our citizens, and not trample them in our haste to correct our social ills. We must continue to guarantee the exercise of the rights laid down in the Constitution.

The PRESIDING OFFICER. The Senator's 5 minutes have expired. Does the Senator request additional time?

Mr. HRUSKA. Mr. President, I yield 2 additional minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. HANSEN. Mr. President, every year in the United States approximately 20 million Americans purchase hunting licenses. In almost every case, a rifle or shotgun is used for hunting.

Every year, somewhere in the neighborhood of 3 million major crimes are committed in the United States. In perhaps 110,000 of these, a gun is involved.

In perhaps 17,000 of these, a rifle or shotgun is involved.

Because of 17,000 misuses of rifles or shotguns, are we to deny an age-old right to millions of American citizens.

These figures do not even take into account the many millions of Americans who own or use rifles and shotguns but do not regularly purchase hunting licenses. No one knows for sure how many such rifle or shotgun owners there are, but for every one who owns a rifle or shotgun, and uses it wrongly, there are literally hundreds of thousands who own them and use them legitimately.

I submit that they should not be denied their rights in a blind move to control criminal misuse of firearms. I submit that we should be highly discriminate in our approach to firearms legislation in order that it imposes restrictions only where needed, and not indiscriminately on the population as a whole.

We are faced today with a decision as to how far to go in controlling guns. The lines are clearly set forth; and the Senate, I am sure, is well informed on the various approaches to the problem.

I urge the adoption of amendment No. 708.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY of Massachusetts. Mr. President, I yield 8 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. BREWSTER. Mr. President, I strongly support amendment No. 786 to title IV of S. 917, an amendment which has been offered by my colleague Senator TYDINGS. This amendment would add two additional sections to the State firearms control assistance title so as to impose some restrictions on the traffic in all firearms, including rifles and shotguns. Essentially, these two provisions would do the following: First, a federally licensed dealer could not ship a rifle or shotgun to an individual unless that individual had appeared in person on the premises of the dealer; and second, a federally licensed dealer could not sell a long gun to a person under 18 years of age.

There has been considerable confusion on the subject of the control of long guns. Although the amendment is short and clear, many interested persons continue to assume that it would seriously interfere with the legitimate use of firearms. This is not true.

The only way I know to approach this problem effectively is to ask four questions: What is the problem? What is the proposed solution? What problems will be created for law-abiding citizens if we implement that solution? On balance, is the proposal a good one?

In my judgment, these two very modest provisions, when contrasted to the severity of the problem and the compelling need, produce a minimum of inconvenience to lawful users of firearms for a very significant gain in control. Stated simply, for a small price in inconvenience to a few, we will achieve a significant gain in security for many.

Let me address myself first to the need.

First, the whole objective of title IV is to establish Federal control of the distribution of firearms in such a way that State and local law-enforcement authorities can effectively enforce State and local laws concerning the ownership, use, and possession of firearms. Many States have laws on the ownership or possession of rifles and shotguns. But we will not have done our work, we will not have established a Federal structure within which these State laws can be effective, if we omit one of the most frequent methods of obtaining firearms contrary to State law—mail-order shipment.

Second, there can be no argument that long guns are used exclusively by hunters, and not by criminals and mentally disordered persons. Nearly 30 percent of the 6,500 firearm murders in the United States during 1966 were accomplished with rifles or shotguns. Fifty-seven law enforcement officers were murdered in that year, 55 of them by firearms—and one out of every four of these by a rifle or shotgun. In the outbreaks of civil disorder of the last few years the weapon of the sniper has been the rifle. And it would be a strange law that was passed in part because of recent notorious sniping incidents but failed to cover the sniper's main weapon—rifle. The assassination of our President, the wholesale slaughter at the University of Texas, and the tragic death of Martin Luther King, Jr.—all these were the work of a sniper's rifle bullet. Yet it is proposed to pass a law that would be irrelevant to these events.

What are the arguments against amendment 786? They are essentially two: First, that the provisions would so inconvenience legitimate hunters and sportsmen that these citizens would be precluded from their lawful pursuits—and this in turn would be a loss to many States of substantial license revenues; and second, that to include this amendment would equate concealable weapons with rifles and shotguns—even though the vast majority of firearms abuse involves concealable weapons and handguns.

I will acknowledge that under the amendment it might be slightly more difficult for some persons to obtain rifles and shotguns than under present law—or the present absence of law. I make no apology for this admission, for that is obviously the whole point of the amendment. But just who would be inconvenienced, and to what degree, is a question that has been answered too often in exaggerated generalities.

I have many friends who are hunters, and I myself like to hunt. Let me just talk about a number of examples of typical hunting excursions and see exactly where this great inconvenience is:

Many hunters already own their own rifles or shotguns. Is there anything in this bill that would preclude such a person from taking his rifle or shotgun anywhere in the country, using it for lawful hunting purposes, and bringing it back home? No.

Many hunters and sportsmen who do not already own their rifle or shotgun, like to purchase these weapons out of State, perhaps where they have gone hunting. Is there anything in this bill which would preclude them from buying over the counter a rifle or shotgun anywhere in the country? No.

Many hunters like to buy their ammunition over the counter out of State, or in-State, or even have it shipped to them from out of State. Is there anything in this bill which would in any way interfere with their access to ammunition for their rifles or shotguns? No.

Many hunters like to buy from or sell guns to their hunting friends, or perhaps trade firearms. Is there anything in this bill which would preclude such a person from trading his shotgun for another man's rifle, even if the other man is from out of State. No.

Many hunters and sportsmen like to have access to all types of firearms, including those of foreign manufacture. Is there anything in this bill that would prohibit an individual from importing a foreign manufactured rifle or shotgun for sporting purposes? No.

Many hunters and sportsmen like to be able to order from a catalog their rifles and shotguns so that they will be sure to obtain as large a variety of weapons as possible. Is there anything in this bill which would preclude a hunter or sportsman from ordering through a catalog a rifle or shotgun? No—so long as the rifle or shotgun was delivered through a local licensed dealer.

The case that is frequently cited as being most inconvenienced by this amendment is that of a person who lives in a place so remote that he cannot appear at a dealer's place of business to pick up his rifle or shotgun. Such a person would have to live so far away from everybody else that I cannot believe there are very many of them. Except for Hawaii, no State in the Union has less than 500 licensed dealers now, and sparsely populated States, which tend to be States with a high rate of firearms use, tend to have a much higher per capita incidence of dealers. These dealers need not be exclusively in the firearms business. The local hardware store, or feedstore, or general store would likely be a firearms dealer as well.

Certainly amendment 786 does not equate long guns with concealable weapons. There is a very legitimate reason for distinguishing between the treatment of long guns and the treatment of handguns—and that is that it is very difficult to be inconspicuous in carrying a long gun, so that it is not as frequently used in the commission of crime. So it is perfectly appropriate for title IV, as amended by amendment No. 786, to distinguish between these two classes of firearms. And that is exactly what the title thus amended would do: the title would prohibit purchase of handguns out of the State of one's residence—but there would be no such prohibition on the purchase of long guns out of the State of one's residence; the title would prohibit interstate shipments of handguns to unlicensed nonresidents—amendment 786 would permit such shipment of long guns so long as the recipient had appeared at the dealer's premises; the title would prohibit transporting into one's State of residence a handgun purchased or otherwise acquired outside of that State—but no such prohibition would apply to rifles or shotguns.

Finally, let me make a few comments about the second provision in amendment 786, which would prohibit sales of rifles and shotguns to persons under 18 years of age. This is a very sensible provision, to which I think there can be very little objection. First, it does not prohibit the use or possession of rifles or shotguns by children under 18—it only prohibits a federally licensed dealer from selling these weapons to children under 18. Thus, if a father had worked with his son to teach him how to properly handle a rifle or shotgun, it would be perfectly permissible under Federal law for the father to give his son such a weapon. But the Federal Government has a responsibility to control the unilimited access to these weapons by juveniles, so that parents and guardians and other interested persons will be able to protect or control the juveniles.

I might mention that the substitute amendment offered by Senator HRUSKA also includes a provision restricting access to rifles and shotguns by children under 18. That provision precludes a common or contract carrier from delivering a rifle or shotgun to a child under 18. Amendment 786 goes to the heart of the matter, and prohibits a federally licensed dealer from selling such weapons to juveniles. But there should be little controversy over the fact that there is Federal responsibility and a Federal interest in restricting access to firearms by juveniles.

I can only conclude, Mr. President, that the good that would derive from passage of this amendment is so much greater than any possible inconvenience to any legitimate user of rifles or shotguns that there is no reason at all why this amendment should not be adopted. In many respects I would like to see it go further. But at the very least we should take this amendment with its very reasonable and sensible controls over the presently almost unrestricted traffic in rifles and shotguns.

Mr. President, we need not look far to see the need for strong gun control legislation. Just yesterday in this city, a merchant was shot to death in his store. He was the fourth merchant slain in the past 15 days.

The members of the business community of this city, of every city—indeed, citizens everywhere—are tired of the lawlessness on the streets. They rightly demand action to curb crime. They demand better police protection. They demand gun controls. These controls must be all-encompassing, to include rifles and shotguns as well as the hand weapons.

Mr. SMATHERS. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY of Massachusetts. Mr. President, I yield to the Senator from Florida such time as he may need.

The PRESIDING OFFICER. The Senator from Florida may proceed.

Mr. SMATHERS. Mr. President, the Omnibus Crime Control and Safe Streets Act of 1968 contains four substantive titles. Title I is the administration's Safe Streets and Crime Control Act, originally introduced by Senator McCLELLAN more than a year ago on behalf of President Johnson. Title II contains a series of provisions seeking to overrule certain recent decisions of the Supreme Court and to limit the appellate and habeas corpus jurisdiction of the Supreme Court and lower Federal courts. Title III establishes a system of electronic surveillance by Federal and State law-enforcement officers acting under court order. Title IV contains a series of provisions regulating the sale of handguns in interstate commerce and through the mails. Title V of the bill consists of a technical provision—a general severability clause, applicable in the event one or another provision of the bill is held unconstitutional.

I wish to speak at length at this time of title I of S. 917, and also to discuss briefly title IV of the bill.

I wholeheartedly endorse title I. Its provisions offers a major program of urgently needed Federal financial assistance to State and local governments to improve and strengthen all aspects of their systems of law enforcement and criminal justice. Title I will become the heart of our national strategy against crime in the United States. Under it, the Federal Government can seek to create and guide the allocation of new resources to law enforcement, consistent with our historical conviction that law enforcement in our Nation must continue to be primarily a State and local responsibility. Crime is essentially a State and local problem that must be dealt with by State and local governments.

At the same time however, lawlessness in the United States is a national phenomenon that reaches into every section of the country. The Crime Commission found that there are many problems in the war against crime that State and local governments cannot solve on their own. Therefore, a major program of Federal financial assistance is both necessary and appropriate to support and encourage greater efforts by State and local governments to find new answers to the problem of crime.

We are all well aware of the serious problem that crime presents to our society. Since 1940 the crime rate in the Nation has doubled. It has increased five times as fast as our population since 1958. In dollars, the cost of crime runs to tens of billions annually. The human costs are simply not measurable.

We must identify and eliminate the causes of criminal activity wherever they lie, whether deep in the environment around us or in the nature of individual men. The administration is presently doing a great deal to combat poverty and improve education, health, welfare, housing, and recreation. These measures are vital, but crime will not wait while we pull it up by the roots. The active war against crime calls for vast improvements in our system of law enforcement. We must give new priority to improving our police, courts, and corrections.

In July 1965, President Johnson appointed the National Commission on Law Enforcement and Administration of Justice. At the conclusion of its study in February 1967, the Commission published a thorough report—"The Challenge of Crime in a Free Society"—summarizing its research in detail. Subsequently, the Commission issued nine task force volumes analyzing specific problems in law enforcement, and five additional research studies. The studies of the Crime Commission are a landmark in crime research. They represent the most comprehensive analysis of the problem of crime in the history of our country. They precisely document the immense need for reform in all aspects of our law enforcement system.

The Commission found that criminal behavior permeates every segment of American society. The Commission reported that in the United States today, one boy in six is referred to a juvenile court. In 1965, more than 2 million Americans were received in prisons or juvenile training schools, or placed on probation. The Commission estimated that about 40 percent of all male children now living in the United States will be arrested for a nontraffic offense at some time during their lives. In a sample of 1,700 persons, 91 percent admitted they had committed acts for which they might have received jail or prison sentences.

We are all familiar with some of the most dramatic findings of the Crime Commission, especially those as to the widespread fear of crime among our citizens: 43 percent of the population of high crime areas in two large cities said they stay off the streets at night because of their fear of crime; 35 percent said they do not speak to strangers any more because of their fear of crime; 21 percent said they use cars and cabs at night because of their fear of crime; 20 percent said they would like to move to another neighborhood because of their fear of crime.

The Commission's report emphasized the urgent need for the Federal Government to embark immediately on a program of financial and technological assistance to State and local governments to combat the rising incidence of crime. The Commission clearly recognized that day-to-day law enforcement is primarily a State and local responsibility, but it insisted that the Federal Government's contribution to any national effort against crime would be crucial. President Johnson acted immediately on the recommendations of the Crime Commission. In February 1967, he submitted to Congress the Safe Streets and Crime Control Act of 1967.

That bill, the essential features of which are incorporated in title I of S. 917, is designed to implement the eight major needs documented by the Crime Commission:

First. State and local planning in law enforcement.

Second. Education and training of law enforcement personnel.

Third. Surveys and advisory services to improve the organization and operation of law-enforcement agencies.

Fourth. Development of coordinated national crime information systems.

Fifth. Development of demonstration programs in law-enforcement agencies.

Sixth. A program of scientific and technological research and development in all areas related to law enforcement.

Seventh. The establishment of institutes for research and for the training of personnel.

Eighth. Grants-in-aid for operational innovations and action programs in law enforcement.

Title I is divided into five principal parts:

Part A provides for the administration of the program by a bipartisan, three-member entity to be called the Law Enforcement Assistance Administration.

Part B provides grants to States and local governments to prepare and develop comprehensive law enforcement plans.

Part C provides grants to States and local governments for action programs to implement their law enforcement plans and to improve and strengthen all aspects of law enforcement.

Part D provides grants to public agencies, institutions of higher education, and private organizations for training, education, research and development in all areas related to law enforcement.

Part E contains general requirements and administrative provisions applicable to the overall grant program. It authorizes the appropriation of $100,111,000 for the first year of operation of the program, and $300,000,000 for the second year. Eventually, the Federal Government's contribution to law enforcement may well reach the level of $1 billion per year.

I believe that the major provisions of title I will repay the careful attention of Members of the Senate.

Part A provides that the Law Enforcement Assistance Administration will be located within the Department of Justice, under the general authority of the Attorney General. Under title I, the Attorney General will not have the power to approve or disapprove particular grant applications, but, rather, his authority will be limited to overall policy guidance of the long-range affairs of the Administration. The head of the Administration will be the Administrator of Law Enforcement Assistance, who will have a rank equivalent to that of an Assistant Attorney General in the Department. The Administrator will be assisted by two Associate Administrators of Law Enforcement Assistance.

Under part B of title I, Federal grants of up to 80 percent will be available to help State and local governments prepare, develop, or revise comprehensive law enforcment plans. In accordance with the recommendations of the National Crime Commission, title I is grounded squarely in the premise that planning must be a prerequisite for Federal assistance to State and local action programs to improve law enforcement. Adequate planning will insure that new expenditures are properly allocated and that appropriate priorities are established. In addition, planning will encourage cooperation and joint efforts by contiguous or overlapping jurisdictions, and will help to coordinate the three principal types of agencies in our over-all system of law enforcement and criminal justice—the police, courts, and corrections.

Part C of title I offers Federal grants of up to 60 percent to State and local governments for action programs to implement their law enforcement plans and improve all aspects of their law enforcement systems. As the new statutory program matures, the major share of Federal financial assistance to State and local governments will inevitably take place through the action grants under part C.

Grants under part C are intended to cover the entire spectrum of law enforcement and criminal justice. They will emphasize such priority areas as first, specialized training, education and recruitment programs, including intense training in such critical areas as organized crime, riot control, police-community relations, and the development of police tactical squads; second, modernization of equipment, including portable two-way radios for patrol cars, new alarm systems, and improved laboratory instrumentation for applying advanced techniques in identification; third, broad programs for the reorganization of personnel structures and the coordination and consolidation of overlapping law enforcement and criminal justice agencies; fourth, advanced techniques for rehabilitating offenders, including the establishment of vocational prerelease guidance in jails, work-release programs and community-based corrections facilities; fifth, high-speed systems for collecting and transmitting information to police, prosecutors, courts, and corrections agencies; and, sixth, crime prevention programs in schools, colleges, welfare agencies, and other institutions.

Part D of title I will promote new programs of training, education, research, and development in all areas related to law enforcement. One of the most disturbing disclosures of the Crime Commission is that the modern scientific and technological revolution that has so radically changed so much of American life has had remarkably little impact on our system of law enforcement. Industry, medicine, and the military and other agencies of government draw heavily on branches of science and technology, but our police, courts, and corrections persist in treating today's problems with yesterday's techniques. Part D of title I is intended to remedy this serious deficiency by establishing a major law enforcement research institute within the Federal Government—a National Institute of Law Enforcement and Criminal Justice. Consistent with the basic importance attached to training and research in law enforcement, the Institute is authorized to make Federal grants of up to 100 percent to public agencies and private organizations for research activities.

ORGANIZED CRIME

No program to improve and strengthen law enforcement in the United States can succeed unless it comes to grips with a problem of immense magnitude in our society—the problem of organized crime. We have always had organized crime and corruption. But organized crime today transcends the crime known to us in the past. Our present criminal laws and procedures are inadequate to cope with it. These hard-core groups have become more than just loose associations of criminals. As the Crime Commission found, they have developed into huge corporations of corruption. They are involved in the importation, distribution and sale of narcotics, in loan sharking, in labor racketeering, in gambling, and in a wide variety of other offenses. They have also penetrated many legitimate businesses and unions. In some cities, they dominate juke box and vending machine distribution, laundry services, liquor and beer distribution, night clubs, food wholesaling, record manufacturing, the garment industry, garbage collection, and a host of other lines.

The Crime Commission found that organized crime flourishes best only in a climate of political and official corruption. Today's corruption is less visible, more subtle, and, therefore, more difficult to detect and assess than the corruption of earlier eras. With the expansion of governmental regulation of private and business activity, the power to corrupt has given organized crime immense control over matters affecting our everyday lives. At various times in the past, organized crime was a dominant political force in such metropolitan centers as New York, Chicago, New Orleans, and even Miami. Political leaders, legislators, police officers, prosecutors and judges have been tainted and corrupted by organized crime. The public is the victim, because there can be no true liberty or justice under a corrupt government.

To combat organized crime, the Crime Commission made several specific recommendations:

First. Each attorney general in a State where organized crime exists should form a unit of attorneys and investigators to gather information and assist in prosecutions for such criminal activity.

Second. Police departments in all major cities should have a special intelligence unit devoted solely to ferreting out organized criminal activity and to collecting information regarding the possible entry of organized crime into the illegal local operations or into legitimate businesses in the area.

Third. The prosecutor's office in every major city should have sufficient manpower assigned fulltime to organized crime cases.

Fourth. The Department of Justice should provide financial assistance to encourage the development of efficient systems for regional intelligence gathering, collection and dissemination. Through financial assistance and provisions of security clearance, the Department should also sponsor and encourage research by the many relevant disciplines, regarding the nature, development, activities, and organization of these special criminal groups.

Title I offers major Federal support to implement these recommendations in practice. Part C specifically requires the Attorney General to give special emphasis to action grants for programs to control organized crime, and provides that Federal grants may be used to pay up to 75 percent of the cost of such programs.

GRANTS TO STATES AND LOCAL GOVERNMENTS

I wish especially to emphasize the provisions of Title I that make grants available not only to State governments, but to local governments as well.

The primary goal in any Federal grant program such as that offered in Title I is to move the money to the place where it will do the most good, and to do so quickly and efficiently. Title I of S. 917 accomplishes this goal by maintaining the broadest possible flexibility for grants to both States and local governments under the program. Nothing would more seriously impede the development of the new Federal program than the adoption of the controversial bloc grant amendment, which would impose a straitjacket on law enforcement by requiring all grants to local law enforcement to be channeled solely through State governments.

I oppose the bloc grant amendment, because I believe it fails to meet the single most urgent need in our country today in the war against crime—the need for immediate financial assistance to law enforcement in our major metropolitan areas. The proponents of the bloc grant amendment are on unsound ground when they say that it preserves the position of the States in our Federal system of government. On the contrary, this argument ignores the fundamental reality that has become all too obvious in recent weeks—it is in our great urban centers that the most difficult battles in the war against crime are being fought, and where the need for financial assistance to law enforcement and criminal justice is most acute.

We must never forget that law enforcement in the United States is primarily a local responsibility; 90 percent of the 348,000 State and local police officers in the Nation are employed by county and municipal police agencies; 72 percent of the total State and local expenditures for law enforcement are made by local governments. Whatever the role of the States in other areas, such as housing, transportation, education, and the like, State-level involvement in law enforcement has traditionally and properly been extremely limited.

In addition, the bloc grant amendment will sow seeds of frustration and partisan politics in the new Federal program. It will encourage political rivalry between Governors and mayors, and between urban and rural areas. If there is one thing we do not need at the present time, it is to play politics with the war on crime.

Equally serious, the bloc grant amendment would impose unnecessary and disastrous delays on metropolitan areas in their struggle against crime. To be sure, the amendment, as considered by the Judiciary Committee, contains an inflexible requirement that 75 percent of the Federal funds granted to a State must be made available to local governments. But by giving the State governments domination over the utilization of the funds, the States will inevitably tend to overemphasize State level activities in law enforcement, such as courts and corrections, and underemphasize local-level activities such as police.

The true irony of the bloc grant amendment is that its proponents, who urge so vehemently in other respects that its primary emphasis should be on improving the police, are also urging the adoption of the single amendment that is most likely to defeat their goal of aiding the police, since the real danger of the bloc grant amendment is that the States will bypass the cities and counties. And if our cities and counties are bypassed, it is the police who will suffer most, because the police function is so overwhelming the responsibility of the cities and counties of the Nation.

I strongly believe that the financial assistance to be made available under title I must be provided to both State and local governments on the most flexible basis possible, in order to meet the entire range of law-enforcement needs at all levels of government.

In addition, the bloc grant approach will cause severe delays in providing such assistance. As the bloc grant amendment makes clear, a State may take up to 6 months to apply for a planning grant, and another 6 months to apply for action grants to implement the plan. Thus, up to an entire year may be wasted by a State in applying for a planning grant and obtaining action grants, not to mention the additional lengthy delays required to obtain the action funds and put them into operation.

TITLE IV

I wish to speak next of the provisions of title IV of S. 917. The specific language of title IV consists essentially of a series of provisions, long overdue, regulating the sale and distribution of handguns. I am convinced, however, that title IV must not stop with coverage of handguns, but also include adequate provisions to restrict the sale and distribution of rifles and shotguns.

We have talked for a long time about fighting crime in our Nation. Gun control legislation is an opportunity to deprive the criminals in our midst of their principal weapons. We can no longer neglect the tens of thousands of robberies, assaults, and murders committed every year with such weapons. It is disastrous enough that we are plagued with riots in our cities, but it is far worse to have our police and firemen disabled by snipers armed with weapons they should not have.

Crime in the United States is a problem of enormous complexity. I firmly believe that financial assistance programs of the sort provided in title I of S. 917 offer what is by far the best approach to this problem in the long run. I also believe, however, that of all the various types of assistance to law enforcement that Congress has it within its power to provide over the short run, none offers such quick and substantial assistance to public safety as the simple enactment of effective gun control legislation.

We are no longer a frontier society in which a citizen must be armed for protection. We are a highly technical and urbanized Nation. It is a simple fact of life in the 20th century that guns are extensively used to commit crimes. It is, therefore, imperative to control the indiscriminate flow of firearms to those who use them to break the law.

As President Johnson stated in his recent crime message:

> To pass strict firearms control laws at every level of government is an act of simple prudence and a measure of a civilized society.

There is no doubt that existing Federal and local firearms laws cannot do the job. The Federal laws provide little control over mail-order sales. Even the most stringent local laws are all too easily avoided by ordering firearms from another jurisdiction, either through the channels of interstate commerce or through the mails. Title IV is aimed solely at more effective control over interstate and foreign commerce in these deadly weapons. Action is long overdue. Further delay is unconscionable. Title IV gives us the chance to act, and to act now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ERVIN. Mr. President, will the Senator yield me some time?

Mr. HRUSKA. Mr. President, I yield 15 minutes on the amendment to the Senator from North Carolina.

Mr. ERVIN. Mr. President, without dispute, the greatest domestic problem now confronting this country is a soaring crime rate. Responsible citizens now recognize that the crime problem has reached such proportions that immediate action is required to control or prevent behavior that threatens the public order and security of this Nation.

Mr. President, consider if you will, that in 1967 there was a forcible rape every 23 minutes, a robbery every 4½ minutes, an assault every 2½ minutes, a car theft every minute, and a burglary every 27 seconds. The resulting monetary loss is authoritatively estimated to be at least $27 billion. Of course, there is no way of adequately measuring the pain, misery, fear, and suffering inflicted upon the innocent victims of crime.

The problem and its complexity in our modern industrial-technological society are obvious. Equally obvious is the necessity for prompt and efficient action now to afford adequate protection for our lives and property. With this in mind, careful consideration is being given by the Congress to several bills now under consideration to accomplish, through legislation, increased Federal assistance in such critical areas as narcotics and drug abuse, police organization, judicial administration, State detention and correctional agencies, organized crime, research in the prevention and control of crime, and firearms control.

It is to this final topic, firearms control, which has generated much debate and emotion, that I direct my remarks.

During recent years, the increasing crime rate, the assassination of a President, and the rioting in our cities have caused the Congress to take another look at the possession and use of firearms to determine if increased regulation would be in the national interest. The legislation which has thus far been proposed has fallen generally into two categories: First, the greatly restrictive type of legislation such as S. 1, amendment No. 90 and title IV of S. 917; and, second, the more moderate bills which have been introduced by several Members of the House of Representatives, and S. 1853 and S. 1854 introduced by Senator HRUSKA. These two bills have been incorporated into the provisions of Amendment No. 708.

S. 1, as amended, and H.R. 5384 provide

express restrictions on the shipment of any firearms, including shotguns and rifles, in interstate commerce. They prohibit the interstate mail-order sale, except between federally licensed dealers, of all firearms including handguns, shotguns, and rifles, and military surplus weapons. They prohibit the over-the-counter sale of handguns to nonresidents. Also, the bills contain elaborate licensing procedures and increased fees for firearms dealers, manufacturers, and importers.

Senator HRUSKA's amendment provides for an affidavit procedure for mail-order and nonresident over-the-counter sales of handguns, because it is felt that handguns are the principal tools of criminals. Included in the bill is a ban on the mail-order delivery of such guns to those under 21 years.

After careful consideration of the various bills and of available crime statistics, and after weighing the utility of the proposed controls against the threatened infringement upon individual and constitutional rights, the conclusion is inescapable that comprehensive Federal controls on the availability of all firearms is unwarranted and unnecessary. I, therefore, support the less restrictive but effective provisions.

As I see it, apart from the constitutional question, there are two policy considerations which must be balanced in the study of any firearms legislation, and they are: First, the problem of increasing crime in our country, and how it will be affected by legislation restricting the purchase of firearms; and second, the lawful use and enjoyment of firearms by the 40 million citizens who own them, and the effect such legislation would have on such lawful use of firearms as recreational shooting, including hunting, and personal protection.

I strongly believe that firearms should be kept from those who would misuse them; however, we have a recent example of how difficult it is to keep weapons from the hands of those who would break the law. A substantial number of guns that were used during the riots which have swept our large cities were stolen, not purchased, from local sporting goods stores and pawnshops.

If I felt that extreme legislation such as title IV would prevent the commission of serious crimes, I would have to support it; but commonsense tells us that a criminal who sets out to commit a serious assault will not be deterred by a law which says he cannot have a gun in his possession. The fact is that guns are used in only a small percentage of serious crimes. A Federal Bureau of Investigation survey shows that in 1966 only 3.4 percent of the 3,243,000 serious crimes committed in the United States were committed with firearms. These FBI figures show that guns of all types were used in only 19 percent of aggravated assaults, while knives and razors were used in approximately 34 percent of the total, blunt instruments accounted for 22 percent, and miscellaneous and personal weapons completed the total. Also, a report by a Wisconsin State agency indicates that the murder rate in those States that regulate firearms is no lower than the rate in those States that have no such regulation. And so it seems that the regulation of firearms could solve only a small part of the crime problem.

I must concede, however, that even though guns are used in a small percentage of serious crimes, the argument for gun legislation would be meritorious if gun legislation would, in fact, keep guns from criminals and save lives. While I feel that hardened criminals and potential criminals with no records would still be able to obtain a large percentage of their firearms needs no matter how stringent our legislation might be, I have decided that the benefits to be derived from legislation designed to restrict the sale of handguns are significant enough to warrant the expense, the restriction, and the interference which would be imposed by such legislation upon the lawful users of these firearms. There is little doubt that handguns are the principal tools of criminals. For example, during 1966, 60 percent of the willful killings in the United States were committed with firearms and 70 percent of these gun murders resulted from handguns. Of the 19 percent of aggravated assaults referred to in the previous paragraph which were committed with firearms, it has been estimated by the FBI that at least two-thirds of these were committed with handguns. Additionally, by far the largest percentage of armed robberies are committed with handguns. And so it appears to me that the firearms problem is primarily reduced to one of adequately controlling the misuse of handguns.

It also appears quite logical to me that rifles and shotguns belong in a separate category, exempt from the controls placed on handguns. The handgun, because of its physical characteristics, its easy concealability, is the weapon most often utilized by the criminal element. On the other hand, rifles and shotguns, both by custom and heritage, are the firearms of the sportsman. Subjecting both categories of firearms to the same requirement seems no more logical to me than placing identical controls on ships and automobiles.

For this reason, and with the firm resolve that the substantial segment of our society that lives in rural and semirural areas should not be denied the opportunity to purchase firearms for recreational use or personal protection, or be subjected to exorbitant taxes and extra costs connected with such purchases, I favor amendment No. 708 which exempts rifles and shotguns from the affidavit and notification requirement which it imposes upon the mail order and nonresident over-the-counter sales of handguns.

Mr. President, I should like to emphasize that the forward-looking, positive program embodied in amendment No. 708, specifically would include the following features:

First. It would require that no manufacturer or dealer may ship any firearm in interstate commerce to any person in violation of State or appropriate local law.

Second. It would provide that no person may transport or receive in his place of residence a firearm acquired by him outside the State if such acquisition or possession is unlawful in the place of his residence.

Third. It would require that no carrier may deliver any handgun to a person under 21 years of age or longgun to persons under 18.

Fourth. It would require that the purchaser of a handgun in interstate commerce make an affidavit of eligibility which is filed with the purchaser's local law-enforcement agency, and that the seller wait at least 1 week before shipping the handgun to the purchaser.

Amendment No. 708 has received the full support of not only hunters and sportsmen but also a substantial part of the American public, including the approval of all of the major gun and wildlife organizations, such as the National Rifle Association, the National Shooting Sports Foundation, the Sporting Arms Manufacturing Institute, the National Wildlife Federation, and the Wildlife Management Institute, and others.

Mr. President, at this time, I would like to express my strong support for part B of amendment No. 708 to amend the National Firearms Act to strictly regulate the making or transfer of so-called destructive devices such as bazookas, mortars, bombs, grenades, rockets, and field ordnance. The bill would place these devices under the same restrictions and requirements that apply to machineguns, sawed-off shotguns and sawed-off rifles under the National Firearms Act—often known as the Machinegun Act. It is generally conceded that destructive devices have no legitimate sporting purpose and ought to be strictly regulated. Because of the effectiveness of the National Firearms Act in strictly controlling machineguns and sawed-off rifles and shotguns since 1934, the placing of destructive devices under the controls of this law would appear to be sound and appropriate.

In reaching my conclusions on this important matter, I have given a great deal of consideration to the question of the degree of control that should be exerted by the Federal Government to help control misuse of firearms. I fully recognize that the Federal Government is empowered to exercise its control over interstate commerce. I do not question this authority. However, bills such as S. 1, as amended, and title IV, would prohibit all mail-order sales of all firearms except sales between federally licensed dealers. I feel this extreme approach is unsatisfactory because it detracts from the traditional police powers of the States in this area.

I contend that the most just and reasonable approach to the question is for the Federal Government to exercise its control over interstate commerce by requiring first, a sworn statement that the applicant is not prohibited by State laws from purchasing a firearm; and, second, notification of local police, prior to the interstate or mail-order purchase of a pistol or revolver. In this manner, a control, with responsibility for enforcement shared by the Federal and State and local authorities, would be placed upon the purchase of those firearms being misused most frequently, while permitting the purchase of rifles and shotguns, weapons obviously most used and enjoyed by the sportsman, free of prior Federal restraint but still subject to whatever requirements for possession, transportation or use the State and local governments think necessary.

In conclusion, it is my hope that the Senate will adopt amendment No. 708 as part of our total legislative involvement in the war on crime.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY of Massachusetts. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 32 minutes remaining.

Mr. KENNEDY of Massachusetts. I yield myself 8 minutes.

Mr. President, I ask unanimous consent that these remarks be included at the end of my first opening presentation on the description of my amendment No. 786.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY of Massachusetts. Mr. President, I shall describe rather briefly, but in a way which I think will give the Members of this body a view of its exact scope and purposes, what my amendment would do and what it would not do; and I shall try to do that within the time which I have allotted myself.

Essentially, the amendment which I have proposed does only two things: First, it says that a man cannot buy a long gun without appearing in person at a dealer's premises at least once, either to pick up the weapon, or to order it and have it shipped to him; and, second, it states that a federally licensed dealer cannot sell a longgun to a child under 18 years of age.

Now, that is all this amendment does. There is nothing in this amendment that says every person who owns or purchases a rifle or shotgun must register that weapon. There is nothing in this amendment that says that persons may not own a shotgun or rifle. Indeed persons under 18 years can own a shotgun or rifle so long as they do not purchase it from a federally licensed dealer.

In fact, the argument that this amendment would "inconvenience" a large segment of the population is so obviously contrived that I think it is worth noting all of the things that this amendment does not do:

It does not prohibit anyone from owning a rifle or shortgun.

It does not prohibit anyone from using a rifle or shortgun.

It does not prohibit a person from taking his longgun from his State and carrying it with him to another State.

It does not prohibit a person living in one State from traveling to another State and buying a rifle or shotgun over the counter in that other State. Moreover, he can put the gun in his car and take it back home with him when he is through. And if you do not want to bring the weapon home yourself you can have it shipped to you, so long as you appeared in person at the time of the purchase.

This amendment does not require any person to register a weapon he now owns, or which he may purchase in the future.

Even if a person is not a federally licensed dealer he can sell a rifle or shotgun to a nonresident friend, or trade it or give it away so long as the friend would be permitted to receive it under the law of his residence.

Under this amendment a person can even give a rifle or shotgun to his child if he thinks that wise, whether or not the child is 18 years old.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. KENNEDY of Massachusetts. I yield.

Mr. MURPHY. Many of the people in my State, and many in all the Western States, are afraid such a provision would work a hardship on them.

Mr. KENNEDY of Massachusetts. Can the Senator, perhaps, ask his question on the Senator from Nebraska's time?

Mr. MURPHY. Mr. President, may I have time? I will borrow 3 minutes; the question will take me less than that. I will take 2 minutes of the time on this side.

I merely wanted to make the point that the adoption of the Senator's amendment might work a hardship on many of the people in the Western States, who do not go into the city often, or do not operate as we do in New York or Boston or Beverly Hills, and they do a great deal of mail-order buying. It would be difficult for them, or impossible in many cases, to go in to the dealer and be recognized and identified. I am sure the Senator has no intention of impeding anybody in that manner. Will the Senator tell me how his amendment would affect such persons?

Mr. KENNEDY of Massachusetts. As I have suggested, this provision would not really in any way interfere with intrastate sales, because the applicant could write to the dealer and receive his weapon within the State. That right would certainly be recognized. I do not see how my amendment would cause any real inconvenience, if any at all.

Mr. MURPHY. I am not talking about the intrastate situation. What about interstate? Suppose that in Oregon, where our friend has his ranch, a hunter wishes to buy a shotgun that is manufactured in Massachusetts or up in New Haven, Conn. Can he order that shotgun by filling out an order blank, or how is such an order handled?

Mr. KENNEDY of Massachusetts. By a very simple procedure. He just orders it through his local hardware store, his local distributor.

Mr. MURPHY. Has the Senator been in eastern Oregon lately?

Mr. KENNEDY of Massachusetts. As a matter of fact, I have.

Mr. MURPHY. I think the Senator should know that to find a local distributor in some areas up there is not an easy thing. You sometimes need a couple of days and have to drive 400 or 500 miles to get to one.

Mr. KENNEDY of Massachusetts. I think the point has been made that this amendment really does not establish a restriction or hardship, that the residents of a given State can go through their licensed hardware stores or distributors, order these weapons, and have them shipped. I think it is appropriate, in this connection, to consider the number of Federal licensees in the various States.

Mr. MURPHY. Mr. President, if the Senator will yield further, I am sure that the number of licensees per State is great enough to constitute a most effective argument, and would give the impression that anyone could find a licensee without difficulty; but I assure the Senator that not only in eastern Oregon, but also in California, which State I expect my distinguished colleague will be visiting soon, there are areas where it would work a hardship, and I do not think the matter can be brushed over simply by saying they can do it. In many cases it is not that simple; I think it would work a hardship.

Mr. KENNEDY of Massachusetts. I appreciate the expression of concern by the Senator from California, and I know the concern that he feels, as he has stated on other occasions, about those who live in remote areas.

I think, as was brought out in the course of the hearings, the number of licensees in the various States is significant. In Oregon, for example, the State that the Senator mentioned, there are some 1,709 licensed dealers. In Montana, there are some 1,417. I think what we are really attempting to balance off here is what inconvenience there is to those who live in the more remote parts of our country against what has been suggested and testified to time and time again by the principal law-enforcement officers of this country—that one of the most effective ways of meeting the problems of crime and violence that exist in this Nation today is by passing a strong firearms bill. That case has been made repeatedly, it has been substantiated, and it is, I think, irrefutable. In any case, I believe it is a judgment that will have to be made by the Members of this body.

The only things prohibited under this amendment are these: First, a person cannot mail order a rifle or shotgun without appearing at the business premises of a dealer either at the time the order is placed, or at the time the weapon is received; second, a child under 18 cannot buy a rifle or shotgun from a dealer. He can get it from a friend, or a parent, or someone else. But federally licensed dealers will not participate in gun traffic with children.

Now the principal argument against this amendment is that the requirement that a man appear in person at some point in the course of purchasing a rifle or shotgun would "inconvenience" him. But let us look at what this means. First of all, a person will still be able to get the same variety of weapons that is available to him now through mail-order catalogs. This is true because the only difference this amendment would make is that he would have to order the weapon through a dealer—it does not even have to be a local dealer, but only a dealer at whose place of business he will appear at some point before receiving the weapon.

He can have the catalogs at home, or go look at those down at the dealer's shop. Whichever way, he will have the same variety of choice that has been the case up until now.

Balanced against this alleged "inconvenience," let us take a look at why it is important to require a person to buy rifles and shotguns through a dealer. Primarily, this requirement is important because it is the best way to make the firearms industry self-policing. A licensed dealer who can see the purchaser in the flesh is the person best situated to be sure a purchaser is not a felon, is not under indictment for felony, is not a fugitive from justice, and that the purchase would not be in violation of State or local law.

And mark this: If we do not take this essential action with respect to long arms, we cannot say to ourselves or to citizens of this country that we have meaningful and effective gun control legislation. Even though rifles and shotguns are more the weapon of the sportsmen than are handguns, they are too often the weapon also of the murderer, sniper, and criminal. We cannot ignore recent events, recent tragedies, and a growing volume of alarming statistics testifying to the misuse of these weapons.

We cannot forget the terrible tragedy in Austin, Tex., when Charles Whitman stood in the clock tower at the University of Texas and fired rifles and shotguns at the innocent people below, killing 16 of them and critically injuring 31.

We cannot forget that within the last month another great American, a symbol and advocate of nonviolence, was brutally murdered by means of a rifle apparently purchased by a man whose criminal record would have prohibited him from purchasing that weapon if this bill were law.

We cannot forget that in the Detroit riot last summer, and in some of the recent civil disorders, the weapon of the sniper is the rifle.

We cannot forget that nearly 30 percent of the 6,500 firearm murders in the United States during 1966 were accomplished by rifles or shotguns. Fifty-seven law-enforcement officers were murdered in 1966, 55 of them by firearms—and one out of every four of these were by rifles or shotguns.

Continued failure to regulate in some manner the mail-order traffic in rifles and shotguns makes State and local law impotent, and State and local enforcement officials virtually helpless. For example, Klines Sporting Goods Co. of Chicago, Ill., which is a leading and reputable firm, has disclosed that its files show that mail-order rifles and shotguns have been sent to persons with criminal arrest records in Chicago, Ill.; in Dallas, Tex.; in Philadelphia, Pa.; in Los Angeles, Calif.; in the State of New Jersey; and in the State of New York. The criminal records of the persons who received these weapons include offenses of assault, assault and battery, assault with a deadly weapon, assault and battery on a police officer, sex offenses, and narcotics and dangerous drug offenses.

Can we, in the light of these facts, honestly say that the small amount of supposed "inconvenience" to a few is not overwhelmingly justified by the threat to all of us inherent in a system which permits dangerous persons to receive lethal weapons simply by ordering them through the mail, in a system in which State and local efforts to regulate possession and use of firearms are rendered meaningless by the failure of the Federal Government to channel interstate traffic to sources which State and local authorities can control?

This is a modest amendment. I would rather see us go much further. The President's Crime Commission would rather see us go further. The President's Commission on Civil Disorders would rather see us go further. But we must at least take this action now.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has used his 8 minutes. He has 24 minutes remaining.

Mr. KENNEDY of Massachusetts. Mr. President, I yield 10 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 10 minutes.

Mr. TYDINGS. Mr. President, the vote tomorrow on the amendment offered by the Senator from Massachusetts, myself, and others will mark hopefully the coming of age of the responsibility of the Congress of the United States to give the law-enforcement officers of our Nation the assistance they need in controlling the unrestricted traffic in firearms into the hands of convicted felons, hoodlums, junkies, narcotic addicts, and other persons who should not possess them.

It is impossible, unfortunately, as the law exists today, for a State such as Michigan, Massachusetts, Maryland, or some other State, even though its own legislature has enacted legislation restricting weapons from being sold to convicts, hoodlums, and other undesirable elements, to prevent the sale of weapons through the mail to such persons.

It is also impossible to prevent the sale of weapons by stores in other jurisdictions to these undesirable persons.

Wayne County, Mich., experienced a very frightful disorder last summer. An analysis of the records of those persons arrested with firearms indicated that over 70 percent of those who had weapons could not have bought those weapons in the State of Michigan because it is illegal in the State of Michigan to sell a pistol or, indeed, a long gun to a convicted felon or person with a criminal record.

What these individuals did, when they could not buy a weapon in Michigan, was to slip down the expressway over the county and State lines into Toledo, Ohio, and they bought all the guns they wanted in that strip down there in Ohio without regard to the fact that they were convicted felons.

The police chief of Atlanta, Ga., who testified before the Senate Subcommittee on Juvenile Delinquency of the Committee on the Judiciary a few years ago, told us that over 50 percent of the weapons of arrestees in the Atlanta area were weapons which had been bought from mail order sources and which could not have been bought in the city of Atlanta by these individuals because of their conviction records.

All that the amendment offered by the Senator from Massachusetts and myself and others would do basically would be to try to plug the loopholes which permits any convicted felon, juvenile, or narcotic to circumvent the law of his own community, which prohibits him from acquiring a weapon in that community, by ordering it through the mail, as has been done time and time again and as was done in the case of the murder weapon that assassinated the late President of the United States.

It is my understanding that the first vote tomorrow will be on the so-called long-gun amendment of the Senator from Massachusetts and myself.

I hope that the Senate of the United States will not be persuaded by the arguments of the National Rifle Association and others that this legislation is aimed at the sportsman, the hunter, or the legitimate outdoor sportsman who is seeking recreation with his family or friends.

I have argued the point many times. This legislation, if enacted, would not in any way hinder the legitimate sportsman. It would require him at the very most, if the long gun he wishes is not readily obtainable from his local gun dealer, to have that local gun dealer order it through the mail rather than doing it himself.

That is a small price to pay in return for the assistance which has been sought almost without exception by every police officer who testified before our subcommittee for the past 3 or 4 years.

Mr. President, how long are the people of America going to have to put up with the unrestricted sale of surplus military weapons in the United States to enrich the pockets of a few gun importers? How much longer are we going to have to put up with the lobbying efforts of the NRA which are not benefiting the sportsmen of America, but which are benefiting the lobbyists whom they keep on their payrolls to come down day after day and send letter after letter to our constituents in an effort to force us to change our position?

I think that the average American citizen is entitled to have a little help extended to local law enforcement officials. The first amendment we will vote on tomorrow, the long-gun amendment, is little enough help in that direction.

As we know, we were unable to attach this amendment to the bill in the Judiciary Committee. Title IV as reported from the Judiciary Committee is restricted primarily to pistols and handguns. If we can adopt the amendment offered by the Senator from Massachusetts, myself, and others, we will have made a tremendous step forward in assisting local law enforcement officials across the United States.

Mr. President, the record of the United States vis-a-vis sane gun legislation is not a happy one compared with that of other civilized nations of the Western World. When we compare the number of gun deaths and murders in the United States in each of the last 10 or 20 years with the number in Great Britain, France, or any of the other Western European countries which have sane gun legislation, it does not paint a very pretty picture.

We no longer live in the type of frontier society in which we lived when our Nation was built. It is no longer necessary—if, indeed, it ever was—to have everybody, regardless of his criminal record, regardless of his personal habits, carry a gun.

Does the present occupant of the Chair realize that since 1900 there have been 750,000 gun deaths in the United States from the misuse of firearms? That is more than all of the men killed in all of the wars in the history of this country—just since the turn of the century.

I hope, Mr. President, that Senators tomorrow will realize that all that the proponents of the Kennedy amendment seek is a little assistance for law enforcement officers—the local and State law enforcement officers of the United States.

The PRESIDING OFFICER. The Senator's time has expired. Does the Senator wish to grant himself additional time?

Mr. TYDINGS. I do not, Mr. President. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may put in a brief quorum call, without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield myself 15 minutes out of the time that will be allotted to me when I call up amendment No. 739.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, the situation which faces the Senate is as follows:

The entire gun bill, so-called, which is contained in the committee's proposal, and which is before the Senate, is essentially a bobtailing of the original Dodd provision—that is, the provision developed by Senator Dodd—which put a ban on the interstate shipment of all guns, handguns as well as shotguns and rifles, and made other provisions with regard to imports and other restrictions, including the fact that they could not be bought except in the home State of the individual purchaser, and so forth.

The bobtailing which occurred in the committee is that the scheme of regulation which has been described here many times was confined to handguns and sawed-off shotguns but was not extended to rifles and long guns, so-called, used for sporting purposes.

We are well aware of the tremendous debate on this matter and of the activities of the National Rifle Association and its various affiliated organizations and individuals, which have reached us all, in terms of tons of mail and very strong effort.

The amendment proposed by Senator Hruska would substitute for the provisions in the bill an affidavit procedure which would essentially put no basic restriction, such as is contained in the bill, upon the interstate shipment of handguns, their purchase outside the State, and so forth, but would place certain provisions for notice upon such transactions, including the main provision—it has certain prohibitions about the age limit of those who can buy, and so forth—but its main provision is an affidavit procedure, within the State where the person making the purchase lives, by which the local enforcement official charged with administration will know that this particular handgun is going to this particular person.

The Kennedy amendment, which has been debated on the floor of the Senate, would propose to extend the Dodd type of regulation—to wit, the prohibition against interstate shipment, the prohibition against purchase outside the State, and so forth—to all forms of guns—that is, to the handgun as well as to the rifle and the shotgun.

That is the issue, Mr. President, and that was the issue before the Committee on the Judiciary when I was a member of that committee, which was prior to January 1, 1967. I participated at that time in the discussions—and in the Subcommittee on Juvenile Delinquency—which had to do with gun control legislation. At that time I came up with a compromise proposal, and that compromise is contained in my amendment No. 739, which I am now discussing. That compromise, in effect, would regulate rifles and long guns by applying to them the affidavit procedure which Senator Hruska was applying only to handguns. So that it was a middle position between that of Senators Dodd and Kennedy and that of Senator Hruska. Senator Hruska omitted the long gun entirely.

They included it in full control and regulation, as in the case of the handgun.

I took the Hruska plan for the long gun and retained the Dodd plan, which is, therefore, not a part of my amendment because it is already in the bill before the handgun.

Our present situation is such, according to the way the matter has developed parliamentarywise, that the first question which probably will be voted on will be the Kennedy amendment. That measure takes the whole form of the regulation identified with the names of Senator Dodd and Senator Kennedy, and endeavors to make it law. I have supported that approach before and I shall support it again. I did so in committee and I shall support it again. However, to me this does not seem to discharge my full obligation because I feel if that measure fails then the Senate should have the opportunity to vote on some kind of compromise before we assume that the Senate does not intend to legislate on long guns and rifles at all.

According to the parliamentary situation, therefore, if the Kennedy amendment succeeds that will be the end of the matter, at least as far as I am concerned. If the Kennedy amendment fails I expect to propose amendment No. 739, the same compromise I offered in committee, which had the support of eight members of the Committee on the Judiciary at the time I was there. It had considerable support as a solution to this entire problem. That is the factual situation which faces us.

Mr. President, I now wish to address myself to another matter. It is obvious if we are not going to crack down on the easy availability of guns we are not going to end murders and we are not going to end crime. We know that.

However, Mr. President, we are trying to come abreast of a burgeoning situation which amounts to a grave national emergency. Therefore, we must undertake practical forms of regulation which will give us some opportunity to effect some measure of control to the extent it is humanly possible to devise over these weapons.

I am fully cognizant of the pride and dignity traditionally associated in our land with the right to own a weapon. Indeed, this was contemplated in the Constitution itself. But as with so many of the rights, privileges, and enjoyments of living in our country, many times they must yield to even greater necessities, desirabilities, and enjoyments. One of the conditions is that we shall live in tranquillity free from crime, which all charts and figures show to be increasing.

This matter represents such a sensation that some persons think they can win a presidential campaign on the strength of it. We should have enough wit in Congress to do what needs to be done so that the situation would not be controlled through those who desire to be the President of the United States. We should be good enough police chiefs to take care of the crime situation. That is why we have to yield to the need for gun legislation.

Mr. President, I wish to call the attention of the Senate to the fact that the 1966 bill was reported by the Subcommittee on Juvenile Delinquency. It had favorably reported this compromise which is the subject of the amendment that I shall propose to the Senate, assuming that the parliamentary situation requires it. The whole committee did not go along with that proposal as a compromise, but the subcommittee reported it in that way.

Mr. President, I wish to describe the compromise. Under the compromise handguns were excluded from interstate mail-order sale, where shotguns and rifles, as I said before, are now excluded from the bill entirely.

Under my amendment shotguns and rifles would be included in the bill under an affidavit procedure whereby the prospective buyer submitted to the seller a sworn statement that, first, he is 18 years of age or more; second, that he is not a person prohibited by Federal law from receiving a shotgun or rifle in interstate or foreign commerce; and third, no local laws would be violated by his receipt of a gun.

The affidavit would also contain the name, address, and title of the principal local law enforcement officer in the buyer's area, and the seller would then be obliged to submit a copy of his statement together with a description of the gun to said law enforcement officer.

Seven days after receiving return receipt of the letter, the seller could ship the gun. Notification to local law enforcement officers could be suspended upon the request of the Governor of a State. This is essentially the regulatory provision the Hruska amendment provides for with respect to handguns.

While some Members might feel reluctant to vote for a complete prohibition on mail-order sale of guns used primarily for hunting purposes, this proposal should be an acceptable solution.

Surely, legitimate hunters cannot object to submitting information on their age or the legality of their owning firearms. Similarly, I fail to understand why they would object to notifying local law enforcement officers of their mail-order purchases of such guns.

It seems to me to be completely doctrinaire for law-abiding men and women with families to refuse such a reasonable regulation essential to cope with the burgeoning crime rates, with respect to the use of firearms.

Law enforcement officials have testified at length on the need for firearms regulation, including some control over rifles and shotguns. While it is agreed that the more serious use of firearms occurs with pistols and revolvers, we must not overlook the fact that about 30 percent of all firearms murders are committed with rifles and shotguns, as in the case of major bank robberies. Further, while the use of rifles and shotguns is less widespread in urban areas, these figures jump when one considers only rural areas.

FBI statistics show, for example, that 52.8 percent of rural gun murders are by rifle and shotgun.

And records of reputable mail order houses subpenaed by the Juvenile Delinquency Subcommittee in 1966 indicate that between 10 percent and 15 percent of mail-order sales of sporting guns were made to persons with criminal records Should not local police at least be notified of such sales—even if Congress refuses to prohibit the sale entirely? Indeed, some control over rifles and shotguns seems only prudent if we are to regulate strictly the mail-order sale of handguns. At the 1966 hearings, Howard R. Leary, now police commissioner of New York City—and at that time commissioner in Philadelphia—testified as follows:

> We have noticed a greater tendency, as police pressure on methods of securing of handguns is stepped up, for felons to use shotguns and rifles to hold up and threaten the public.

If we cannot deal with concealable weapons and long guns with the same regulation—to wit, that proposed by the Senator from Connecticut [Mr. DODD]—let us at least not ignore half the problem. My proposal is a reasonable one—which has been supported in the past by eight members of the Judiciary Committee.

I deeply feel that it should be approved, if the strict level of regulations on which it will be founded should fail.

Mr. President, I reserve the remainder of my time.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I might suggest a brief quorum call without the time being charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HICKENLOOPER. Mr. President, will the Senator from Nebraska yield?

Mr. HRUSKA. Mr. President, I yield 10 minutes to the Senator from Iowa on the Kennedy amendment.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 10 minutes.

Mr. HICKENLOOPER. Mr. President, the differences between the administration approach to firearms controls, as manifested in title IV of S. 917 and the Hruska approach as set forth in amendment No. 708 are differences not only of degree but also of substance. The philosophy and orientation of the administration bill is one of restriction and prohibition of the law-abiding citizen to acquire, possess, and use firearms for legitimate purposes. Proposed controls of title IV are both direct and indirect and reflect an approach alien to the American tradition.

Veritable mountains of testimony have been presented both for and against the administration proposal to regulate firearms in commerce. But, Mr. President, I have seen nothing in all the oral and written presentations to justify a policy of prohibition—the kind of policy exemplified clearly and directly in title IV.

We are constantly being told by the proponents of the administration measure that the American public wants this kind of bill; that not only public officials of various kinds but also private citizens throughout the United States have raised their voices loudly and unmistakably for highly restrictive controls. If this be true, then I am unaware of this clamor. I say this both as a Member of this body of lawmakers and as a private citizen. In fact, everything that I have seen, heard, and experienced has convinced me that rather than urging the passage of the administration gun bill, a highly significant portion of the electorate has opposed the enactment of such a restrictive measure. The reason is that title IV is highly restrictive and susceptible to arbitrary action.

There is a proposal, Mr. President, which fulfills the requirements for proper Federal control, on the one hand, and for noninfringement of the regulatory rights of the States on the other. This measure would not only maintain in proper perspective and balance the Federal-State fields of operation but would also by implication recognize the basic right of the individual to acquire, possess and use firearms for legitimate purposes, free from unnecessary and undesirable bureaucratic interference. Amendment No. 708 by the Senator from Nebraska [Mr. HRUSKA], is this proposal; and I commend it to you for your consideration and approval.

Amendment No. 708 would apply only to handguns—the firearm used in over 70 percent of armed crime—and would provide a certified statement system for the shipment or receipt by a private person of a handgun in interstate commerce. This bill regulates; it does not prohibit. It controls with temperance, soundness and reasonableness an area which is recognized by all in need of additional regulation.

Mr. President, I should like to state and make clear that the forward-looking, positive program embodied in amendment 708 specifically would include the following features by amendment of the Federal Firearms Act of 1938:

First. No manufacturer or dealer may ship any handgun in interstate or foreign commerce to any person, except a licensed manufacturer or dealer, unless that person submits to the shipper a sworn statement that the prospective recipient first, is at least 21 years of age; second, is not prohibited by Federal, State, or local published law from receiving the handgun; third, discloses the title, name, and address of the principal law-enforcement officer of the locality to which the handgun will be shipped. Prior to shipment, the manufacturer or dealer must forward the sworn statement by registered or certified mail—return receipt requested—to the local law-enforcement officer named in the statement, containing a full description—excluding serial number—of the firearm to be shipped, and must receive a return receipt evidencing delivery of the registered or certified letter, or evidence, in accordance with Post Office regulations that such letter has been returned because of the refusal of the local law-enforcement officer to accept the letter. Further, the shipper must delay delivery to the purchaser for 7 days after he has received the return receipt or notice of refusal.

The sworn statement contains a blank space for the attachment of a copy of any permit required by State or local law for the receipt of a handgun.

Second. No person may transport or receive in the State where he resides a firearm purchased or otherwise obtained by him outside that State if it would be unlawful for him to purchase or possess such firearm in the State—or political subdivision therof—of residence.

Third. No common or contract carrier may knowingly deliver any handgun to any person under 21 years of age.

Fourth. No manufacturer or dealer may deliver any package containing a handgun to any carrier for transportation or shipment without prior written notice to the carrier.

Fifth. No manufacturer or dealer may ship any firearm to any person in any State in violation of the laws of that State.

Sixth. A person must be at least 21 years of age to obtain a Federal firearms manufacturer's or dealer's license.

Seventh. The fee for a manufacturer's

or pawnbroker's license is $50 a year; for a dealer's license, $25 for the first year, and $10 for each renewal year.

The distinguished Senator from Nebraska is not content to regulate mail-order sales only. His amendment 708 would also amend the National Firearms Act of 1934 to impose a heavy tax and registration upon the making or transfer of so-called destructive devices—for example, bombs, grenades, rockets, bazookas, and other field ordnance. These devices would come under the same restrictions and requirements which now apply to machineguns, sawed-off rifles and sawed-off shotguns under the National Firearms Act—often known as the Machinegun Act.

There is universal agreement that destructive devices have no legitimate sporting purpose and ought to be strictly regulated. Because of the effectiveness of the National Firearms Act in strictly controlling fully automatic weapons and sawed-off rifles and shotguns since the inception of the act in 1934, the placing of destructive devices under the controls of this law appear to be sound and appropriate.

The major provisions of part B of amendment No. 708 with respect to "destructive devices" are as follows:

First. Destructive devices are included in the National Firearms Act.

Second. Destructive devices are defined to include explosives, bombs, grenades, rockets, missiles, mines, and any weapons having a bore diameter of 0.78 inch, or larger.

Exempted from the definition are rifles and shotguns, line-throwing devices, firearms using black powder, devices not designed or used as weapons, and devices to be used by the U.S. Government.

Third. Weapons presently covered by the national act—machineguns, sawed-off rifles, and shotguns—are redefined to include the frame or receiver of these weapons and any such weapon which can be readily restored to firing condition.

Fourth. A copy of the order form for the transfer tax and the declaration form for manufacturing of national act weapons must be submitted to the purchaser's or maker's local police chief.

Fifth. No person may possess a national act weapon in the State where he resides which he obtained outside his State if it is unlawful for him to purchase or possess the weapon in his own State or locality.

Sixth. No person under 21 may possess national act weapons.

Seventh. The maximum penalties are increased from $5,000 to $10,000 and from 2 to 10 years' imprisonment. Sentenced offenders are made eligible for parole in the discretion of the U.S. Board of Parole.

With the comprehensive, yet balanced, controls offered by amendment No. 708, Mr. President, I strongly feel that this body can regard Senator Hruska's proposal as a sound, reasonable, and effective answer to the questions of what kind of firearms regulation and how much.

Mr. DODD. Mr. President, I have cleared with the Senator from Massachusetts [Mr. Kennedy] that he will yield to me 5 minutes from his time on the pending amendment.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. DODD. Mr. President, in the debate on the need for firearms laws, my colleagues should keep in mind the principal issue under consideration, and that is the reduction of crime and violence in our time.

I would like to quote on that subject a recent comment of a young author, Evan Hunter, who has devoted much of his time in writing to the crime and violence of our young people. He said:

> The climate in the country today says something like this to our youth: "If you can shoot a President, and murder his assassin two days later on TV anything goes." In such an atmosphere of violence, the line between reality and nightmare gets thinner and thinner, with the result that people—maybe young people in particular—tend to solve problems in a barbaric rather than a civilized way.

If that description of the present situation is not dead center, then it is not very far off. And others agree. I have spread hundreds of their opinions on the record within the last week or 10 days.

Mr. President, I ask unanimous consent to include in the Record at this point an editorial view of this problem published just today. The Washington Daily News entitled its view, "Strengthen the Gun Bill." It is a plea for crime control over "inconvenience" to sportsmen.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Strengthen the Gun Bill

> It approaches the incredible that the United States Senate has before it a so-called "gun-control" bill that does nothing to control the indiscriminate sale of rifles and shotguns.
>
> It was a mail-order rifle that killed President Kennedy. It was a high-powered rifle that killed Dr. Martin Luther King, Jr. On Aug. 2, 1966 a deranged student armed with rifles and shotguns killed 13 and wounded 32 persons on the University of Texas campus. Rifle fire has pinned down police trying to quell urban riots.
>
> Yet Senate Republicans want to weaken—not strengthen—the inadequate bill the Senate Judiciary Committee has produced!
>
> That bill quite properly would ban mail-order sale of handguns (pistols and revolvers) and prohibit over-the-counter sale of such weapons to non-residents of a state and to minors. A toothless counter-proposal by Sen. Roman Hruska (R., Neb.) would permit mail-order sale of handguns upon the filing of an affidavit by the prospective buyer that he was at least 21 years old and not prohibited by law from owning a gun.
>
> What is needed is not weakening of the handgun provision, but its extension to include rifles and shotguns. Sen. Thomas Dodd (D., Conn.) has said he'll propose such an amendment on the floor. In the name of simple common sense it should be adopted.
>
> Whatever minor inconvenience this might be to legitimate sportsmen—who still could get guns of all sorts at their local sporting-goods stores—would be more than outweighed by the national interest in crime control.

Mr. DODD. Mr. President, the gun lobby, in making a plea for its special interest, has never been at a loss for ideas to influence legislators.

It drums up hundreds of thousands of letters from sportsmen by merely sending out a legislative bulletin or press release distorting whatever legislative issue is at hand. Thus misinformed, the "sportsmen" echo the misinformation in letters and telegrams to their Congressmen.

These groups and associations principally claim to represent sportsmen, the sporting fraternity, the conservation people, and all that is good and wholesome in the great outdoors. Most of all, they want no interference with the hunter or trap and skeet shooter's right to have a gun for sporting purposes.

The National Rifle Association, as the admitted spiritual leader of these lobbies, in particular has peddled this line of propaganda.

But I doubt their sincerity. I doubt that "sport" is all they have in mind.

First of all, they have been too unsportsmanlike in their constant misrepresentation of the legislation before the Congress. I have said it time and time again, and no one has ever challenged it, because the falsehoods are on the record; they are not sportsmen at all; they would tell the truth if they were.

The NRA has so obviously overstepped the bounds of decency and taste in that respect that they are the subject of criticism by newspapers, magazines, and legislators across the land.

Their posture as speaking for the sportsman alone, and not as also speaking on behalf of the gunrunners, is a charade.

In fact, it has been a divisive force in the matter of disarming the criminal and the demented at a time when its good offices should have been used in the interest of all the public.

The NRA has exploited fear.

The NRA has suggested to the public that law and order might break down, and if it does, the best friend of the householder is a gun.

I could go on. There is some of it in each edition of their monthly publication, the American Rifleman.

There is no better example of this split personality of the leaders of the National Rifle Association than an article which appeared on page 21 of the March issue of that magazine.

The article is entitled "Why Antigun Laws 'Hit Hardest at the Negro'."

Nowhere does the article mention anything about sporting, hunting, trapshooting, plinking, and the great American outdoors. It does not emphasize any of that.

It does emphasize riots and sniping, self-protection and home protection.

It suggests that a strong firearms law would disenfranchise the Negro. It says there are enough misfits still in police departments for Negroes to mistrust the police.

The article flatly states that the recommendations of the President's Crime Commission "can be used against the right to bear arms and discriminate against the Negro."

The NRA, of course, would like to point out that those are the "individual" views of the author, who happens to be a major in the U.S. Air Reserve.

However, the NRA thought it was one

of the top articles in that issue of its magazine. It sent out an advance bulletin on the story to editors around the country, calling their attention to it at this time of civil unrest.

What better, I say, to reveal the real purpose of the NRA. I say it shows they will go, and have gone, to all lengths to exploit the civil unrest, fear, and the harried police departments of this country to gain their ends.

And their efforts worked well. The story of a gun law that would disarm Negroes was picked up by newspapers around the country, virtually word for word out of the NRA news release.

I have here three stories which are word for word almost identical from such far apart places as the Oakland, Calif., Voice; the San Antonio, Tex., Register, and the Atlanta, Ga., World. And the headlines all emphasize "gun laws disarm Negroes."

Mr. President, these "news" stories contain distorted interpretations of what we are trying to do in Congress.

I ask unanimous consent to have printed in the RECORD the article to which I have referred, entitled "Why Antigun Laws 'Hit Hardest at the Negro,'" written by William J. White, and published in the American Rifleman of March 8, 1968; the three news stories I have mentioned; an article entitled "Gun Permit Laws Disarm Negroes, Says National Magazine's Author," published in the Atlanta, Ga., World of March 8, 1968; an article entitled "Gun Laws Disarm Negroes," published in the San Antonio, Tex., Register of March 8, 1968; and an article entitled "Says Gun Permit Laws Would Disarm Negroes," published in the California Voice, of Oakland, Calif., for March 8, 1968; and two editorials, one entitled "Rifle and Gun for Jolly Fun," published in the Kenosha, Wis., News of December 9, 1967; and the other entitled "The NRA's Distortions," published in the Greensburg, Pa., Tribune-Review of October 31, 1967.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the American Rifleman, Mar. 8, 1968]

WHY ANTIGUN LAWS "HIT HARDEST AT THE NEGRO"

It appears that the distinguished gentlemen pressing for the strongest anti-gun bills either know absolutely nothing about firearms or are using the bills as a cover for some less obvious venture.

Anti-gun measures would have the effect of disarming the American citizen in general and the Negro in particular. That is why I, as an American citizen and as a Negro, oppose them.

If passed and obeyed, such laws will effectively make the law-abiding Negro citizens defenseless and especially vulnerable to crime. This should cause deep concern among all Americans of good will, as a recent U.S. Department of Justice (FBI) Uniform Crime Report states that 54% of U.S. murder victims last year were Negroes and they are much victimized also in other types of crime.

Law-abiding Negroes, nearly all of them extremely scrupulous, are likely to flock to register their firearms rather than risk being in violation of the law. Many know, too, that in certain areas there is a tradition and often a practice of "cracking down" harder on Negroes than on others in any form of law enforcement. While enforcement has made strides toward fairness, there are still enough misfits in police uniforms to reinforce the Negroes' long-standing mistrust of policemen.

If there were reason to believe that the issuance of permits to purchase or keep firearms would be on a non-discriminatory basis, like automobile driving permits, the proposed anti-gun laws could be considered as just another nuisance. But experiences in the American past do not support this.

These proposals are similar in some respects to the old poll tax. Although the Negro had the same right to vote as any other American citizen, the power structure knew that few Negroes would pay the poll tax to vote and that those few who tried could be prohibited from actual voting in a number of ways.

While the bills now before Congress do not impose a gun permit system, some of their sponsors make no bones about wanting just that and the President's Crime Commission has advocated firearms registration—which means permits—in every state. Any and all such permit systems, I firmly believe, can be used against the right to bear arms and to discriminate against Negroes.

Because I am a Negro, I conceive that I would have little or no chance of obtaining a firearms permit in most of the 50 States. I think this would prove true although I hold a field grade commission in the infantry Reserve, and saw combat service in World War II and Korea.

Two organizations of which I am a member—the Disabled American Veterans and the National Rifle Association—oppose the kind of firearms bills that would lead to registration, taxation and confiscation.

One of the thinnest arguments advanced in support of anti-gun bills is that Negroes used firearms extensively in riot sniping. That simply does not hold true and is like a low blow to all those men who saw military service as snipers. Guns played a very minor role, actually, and those who assert otherwise should know better.

Anti-gun bills could in fact disenfranchise the Negro of his right to bear arms and to protect himself and his property. To me as an American, they are un-American. To me as a Negro, they are anti-Negro. I take no pleasure in saying so, but feel it is my duty and right to express my views.—WILLIAM J. WHITE.

(NOTE.—William J. White, of Hempstead, L.I., N.Y., is a Major, USAR, and is with an electronics corporation. He gives here his individual views on an issue of national significance.)

[From the San Antonio (Tex.) Register, Mar. 8, 1968]

GUN LAWS DISARM NEGROES

WASHINGTON.—Negroes in general would be disarmed by gun registration laws, for they would have "little or no chance" of obtaining permits to possess firearms in most states, a Negro author warns in the March issue of The American Rifleman, magazine of the Nation Rifle Association of America.

William J. White, of Hempstead, Long Island, a Negro and a major in the United States Army Reserve, now employed by an electronics corporation, compared firearms registration laws to the poll tax. He said:

"Although the Negro had the same right to vote as any other American citizen, the power structure knew that few Negroes would pay the poll tax to vote and that those few who tried could be prohibited from actual voting in a number of ways. If there were reason to believe that the issuance of permits to purchase or keep firearms would be on a non-discriminatory basis, like automobile driving permits, the proposed anti-gun laws could be considered as just another nuisance. But experiences in the American past do not support this."

"Anti-gun measures would have the effect of disarming the American citizen in general and the Negro in particular," Major White said.

Several cities and states have gun registration laws that require a permit for a citizen to purchase or possess firearms, and many jurisdictions require permits to carry guns. Almost all require the owner to prove to the satisfaction of the regulatory authority his need to carry a gun before a permit to carry can be obtained.

Permit laws make law-abiding Negro citizens defenseless and especially vulnerable to crime, White said. He pointed out that the FBI Uniform Crime report shows that 54 per cent of United States murder victims last year were Negroes, and that they are also victimized in other crimes. Law-abiding Negroes are likely to flock to register their guns rather than risk being in violation of the law, he said.

White characterized as "one of the thinnest arguments advanced in support of anti-gun bills" the charge that Negroes used firearms extensively in riot sniping. "That simply does not hold true," he said. "Guns played a very minor role, actually, and those who assert otherwise should know better."

The author pointed out that bills now before Congress would not impose a gun permit system. But, he added, "some of their sponsors make no bones about wanting just that and the President's crime commission has advocated registration—which means permits—in every state. "Any and all such permit systems, I firmly believe, can be used against the right to bear arms and to discriminate against Negroes."

White said that, because he is a Negro, he feels he would have "little or no chance" of obtaining a firearms permit in most of the 50 states.

He said:

"Anti-guns could in fact disenfranchise the Negro of his right to bear arms and to protect himself and his property. To me as an American, they are anti-American. To me as a Negro, they are anti-Negro."

[From the Oakland (Calif.) California Voice, Mar. 8, 1968]

SAYS GUN PERMIT LAWS WOULD DISARM NEGROES

WASHINGTON, D.C., March 1.—Negroes in general would be disarmed by gun registration laws, for they would have "little or no chance" of obtaining permits to possess firearms in most states, a Negro author warns in the March issue of "The American Rifleman," magazine of the National Rifle Association of America.

William J. White, of Hempstead, Long Island, a Negro and a major in the U.S. Army Reserve now employed by an electronics corporation, compared firearms registration laws to the poll tax: He said:

"Although the Negro had the same right to vote as any other American citizen, the power structure knew that few Negroes would pay the poll tax to vote and that those few who tried could be prohibited from actual voting in a number of ways. If there were reason to believe that the issuance of permits to purchase or keep firearms would be on a nondiscriminatory basis, like automobile driving permits, the proposed anti-gun laws could be considered as just another nuisance. But experiences in the American past do not support this."

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Permit laws make law-abiding Negro citizens defenseless and especially vulnerable to crime, White said. He pointed out that the FBI Uniform Crime Report shows that 54 percent of U.S. murder victims last year were Negroes, and that they are also victimized in other crimes. Law abiding Negroes are likely to flock to register their guns rather than risk being in violation of the law, he said.

White characterized as "one of the thinnest arguments advanced in support of anti-gun bills" the charge that Negroes used firearms extensively in riot sniping. "That simply does not hold true," he said. "Guns played a very minor role, actually, and those who assert otherwise should know better."

The author pointed out that bills now before Congress would not impose a gun permit system. But, he added, "some of their sponsors make no bones about wanting just that and the President's Crime Commission has advocated registration—which means permits—in every state." "Any and all such permit systems, I firmly believe can be used against the right to bear arms and to discriminate against Negroes."

White said that, because he is a Negro, he feels he would have "little or no chance" of obtaining a firearms permit in most of the 50 states.

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"Anti-gun bills could in fact disenfranchise the Negro of his right to bear arms and to protect himself and his property. To me as an American, they are anti-American. To me as a Negro, they are anti-Negro."

[From the Atlanta (Ga.) World, Mar. 8, 1968]

GUN PERMIT LAWS DISARM NEGROES, SAYS NATIONAL MAGAZINE'S AUTHOR

WASHINGTON.—Negroes in general would be disarmed by gun registration laws, for they would have "little or no chance" of obtaining permits to possess firearms in most states, a Negro author warns in the March issue of "The American Rifleman", magazine of the National Rifle Association of America.

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"Although the Negro had the same right to vote as any other American citizen, the power structure knew that few Negroes would pay the poll tax to vote and that those few who tried could be prohibited from actual voting in a number of ways. If there were reasons to believe that the issuance of permits to purchase or keep firearms would be on a non-discriminatory basis, like automobile driving permits, the proposed anti-laws could be considered as just another nuisance. But experiences in the American past do not support this."

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[From the Kenosha (Wis.) News, Dec. 9, 1967]

RIFLE AND GUN FOR JOLLY FUN

Out of all the shooting for and against stricter gun laws, one fact emerges on target.

The National Rifle Association has its political artillery trained on Congress so effectively that our gun-shy representatives have thrown up their hands in surrender.

There are many lobbies which bombard Congress with heavy firepower. But for sheer marksmanship in gunning down anything that might deflect its intense defense of rifle and gun for good, clean fun, you have to confer the sharpshooting medal on the NRA.

And all the shooting in all the rioting in all the country doesn't seem to upset the NRA aim.

[From the Greensburg (Pa.) Tribune-Review, Oct. 31, 1967]

THE NRA'S DISTORTIONS

The National Rifle Association's dogged and thus far successful effort to block enactment of a reasonable federal gun control law is reminiscent of the American Medical Association's fight, a couple of decades ago against what it called "socialized medicine." In each case, the opponents depicted the proposed legislation as a fearsome bugaboo which bore little resemblance to actual proposals.

This has been brought out again by Senator Tydings of Maryland, a chief advocate of the administration bill for more careful regulation of gun sales in the interest of public safety. In a debate with NRA President Harold Glassen, Tydings charged the NRA—and the record bears him out—with misrepresenting the purpose and scope of the proposal. He quoted as typical a statement in the NRA's magazine that its enactment "may mean goodbye to guns," and branded as "completely untrue" any implication that the bill would ban hunting and sport shooting.

Glassen somewhat lamely replied that, while it is true the administration measure would not have this effect, it might lead in the end to complete federal control of gun sales and possession. In support of this view he quoted Tydings and other supporters of the bill as saying it is "a good first step."

There is some reason to be wary lest enactment of a moderate gun law lead to later enactment of a tougher law. But the notion that passage of a mild gun control proposal would inevitably lead step by step to rigid curbs on sportsmen, marksmen and the like simply does not hold water. This can be prevented by keeping an alert eye on subsequent proposals and letting Congress know where the public wants the regulatory line drawn. Meanwhile, Congress ought to quit paying so much heed to the NRA's distortions and enact something along the lines of the administration proposal.

The PRESIDING OFFICER. The Senator's time has expired. Does the Senator request additional time?

Mr. DODD. I yield myself one-half minute.

Mr. President, I am fed up with this gun lobby in this country. It is a bad, bad influence. It is unprincipled, and it is dishonorable. It has lied time and again. It misleads many of our colleagues here in the Senate and in the House of Representatives. They receive thousands of letters written by their misguided constituents, and Senators who know better about the gun situation in this country succumb to that propaganda.

I have heard of one Senator who said, "I cannot vote for the Dodd bill; I received 2,000 letters in opposition to it. I think DODD is right about it, but I cannot do it."

Well, we have reached a pretty bad place in our history if Senators who know better cannot vote for a decent piece of legislation like this.

The PRESIDING OFFICER. Who yields time?

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. McCLELLAN. Mr. President, I have delegated the opposition time to the Senator from Nebraska.

Mr. HANSEN. Will the Senator from Nebraska yield time in order that I may question the distinguished Senator from Connecticut?

Mr. DODD. I am happy to yield for a question. I do not have much time.

Mr. McCLELLAN. How much time the Senator from Wyoming wish?

Mr. HANSEN. Probably 20 minutes.

Mr. McCLELLAN. How much time is remaining?

The PRESIDING OFFICER. Fifty-four minutes.

Mr. McCLELLAN. I yield the distinguished Senator 20 minutes.

Does the Senator from Connecticut wish to split the time?

Mr. DODD. I thought it would be more fair to the Senator from Wyoming.

Mr. McCLELLAN. I can only yield the time to the Senator from Wyoming. If he wishes to split the time with the Senator from Connecticut, that is satisfactory to me.

Mr. DODD. Very well.

Mr. HANSEN. I refer the Senator to section 924(b) of title IV, which appears at pages 101 and 102 of the bill. That section reads as follows:

> (b) Whoever, with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, or with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year is to be committed therewith, ships, transports, or receives a firearm in interstate or foreign commerce shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

The commentary in the committee report on that section does not shed much light on its meaning. It says:

> *Section 924(b)*.—This subsection provides that a person who ships, transports, or receives a firearm in interstate or foreign commerce with intent to commit a felony, or

> with knowledge or reason to believe that such crime will be committed, with the weapons shall be fined not more than $10,000 or imprisoned not more than 10 years, or both. There is no comparable provision in the present Federal Firearms Act.

Apparently this is one of the major features of the pending bill, is that correct?

Mr. DODD. Well, I think it is an important feature.

Mr. HANSEN. What does this subsection mean?

Mr. DODD. It means what it says. It means, for example, that these organized rioters who are running guns into Detroit from New York or some other State, will be severely punished for doing so, if they carry those guns in there with the knowledge and intent that they are to be used to commit a felony. And I think they ought to be punished.

Mr. HANSEN. Must a person actually cross a State line to be in interstate commerce within the meaning of this section, or if he uses a public road or an instrumentality of interstate commerce, would that be enough to bring the section into operation?

Mr. DODD. Well, I think in itself it would be sufficient if he crossed a State line. There are other things that might bring it into operation; but if that was the fact, and he crossed a State line, I think that is a simple fact of interstate commerce.

Mr. HANSEN. The answer is that if he crossed a State line, it would come under the purview of the law, and it would not if he did not?

Mr. DODD. Well, of course, he would have to do more than that. He would have to do so with intent to commit a felony. As the section says:

> With intent to commit therewith an offense punishable by imprisonment for a term exceeding one year—

That is a felony—

> or with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding 1 year is to be committed therewith, ships, transports, or receives a firearm in interstate or foreign commerce shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

Mr. HANSEN. Would this have the effect of federalizing all crimes committed with the use of firearms?

Mr. DODD. No; not at all. I do not see how it could possibly be so construed. It certainly was not my intention to so write that section.

Mr. HANSEN. Are all felonies covered by this section? Would it not be possible for a court to construe this action broadly in this regard, and federalize all gun crimes?

Mr. DODD. I do not think so. I do not think any court would ever do that. We have aberrations, I suppose, in the judicial departments of our State and Federal Governments. However, they are rare. As a general answer, I would have to say "No", especially in view of the fact that the title excludes certain felonies.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. HANSEN, I yield.

Mr. HRUSKA. Mr. President, the section, leaving out the words that are not pertinent, says:

> Whoever, with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, or with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year is to be committed therewith, ships, transports, or receives a firearm . . .

If that firearm is ordered or procured from a dealer by a man who uses it the next day to engage in a holdup operation or to shoot someone, that would be a Federal offense, would it not, if it could be properly established in court that he had the intent to use that gun for that purpose ?

Mr. DODD. That is exactly what we are trying to stop the interstate movement of firearms for felonious purposes. And it ought to be stopped.

Mr. HRUSKA. Then the answer to the question as to whether or not it is federalized is: "Yes, it would be federalized."

Mr. HANSEN. It would federalize practically all crimes committed with a gun.

Mr. DODD. No. I think that would be carrying it too far.

Mr. HANSEN. I think so, too.

Mr. DODD. All the section means is that if a man personally carries a gun across a State line or causes it to be carried across a State line, knowing that it is to be used in a riot or in the commission of a crime, the punishment for which is more than 1 year, then he will be punished for that offense.

The Senator agrees that this is one of the most serious offenses that we have to stop. This is one of the most knowledgeable and deliberate crimes.

Mr. HANSEN. It seems to me that there is no disagreement on the desirability of stopping crime. But I think we ought to give serious consideration to the instrumentality by which we effect the decrease in crime.

What about stealing oranges in California? If a man had a gun in his car and he were caught stealing oranges, could that act not be construed to come under the purview of this section?

Mr. DODD. One can reduce this to the absurd. However, I call the attention of the Senator to page 89 of S. 917 where we tried to put a limitation on this matter.

Subsection (3) reads:

> (3) The term "crime punishable by imprisonment for a term exceeding one year" shall not include any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate.

We have cited the stealing of one orange in California. I do not know how many oranges one has to steal in California to commit a felony.

Mr. MURPHY. One.

Mr. DODD. Perhaps one is enough in California. I do not think that would be true in many other States. However, that is a great orange-producing State, and I suppose the matter is taken very seriously by the people in California.

It is true that we have different laws in the 50 States. I do not think that in my State stealing one orange would amount to a felony. However, if it amounts to a felony in California, and the interstate requirement of title IV is satisfied, then the individual who commits that offense ought to be punished.

Mr. HANSEN. It would follow then by the Senator's own admission that, it being a felony to steal one orange in California if the person had a gun in his car at the time he attempted to steal the orange, he would have committed a Federal offense.

Mr. DODD. I do not follow that line of reasoning at all. We are talking about guns and not about oranges. The whole intent of this section is to prevent people from carrying guns across State lines to commit crimes or to cause them to be shipped or transported across State lines or to receive a gun across a State line with the intention to commit a felony.

The Senator can cite the example of stealing one orange in California. That might be a felony there. It would be hard for me and perhaps for others to understand such punishment except perhaps in the case of Florida, California, or some other orange-producing State.

An exception of this sort does not really vitiate the language in any respect. The idea is to stop people from carrying guns or transporting them or receiving them in interstate commerce to commit crimes.

We cannot write legislation that will cover the law in every State. However, the best we can do is to provide that if it is a crime in a certain State, then the person has no business carrying a gun or shipping it across a State line to commit the crime.

I do not know how we could write legislation any different. We would have to take into consideration every criminal statute in every State of the Union. The Californians would be up in arms. Others would be as well.

I think this is the best we can do. We are talking about guns and the terrible traffic in guns. That is what we are trying to stop and put an end to.

Mr. HANSEN. Mr. President, I appreciate the response of the Senator. It occurs to me that he has gone beyond my question.

The point I wished to make was that by the interpretation—which I think is a legitimate interpretation—of the bill as drafted, a good number of State acts could be construed as being Federal offenses. That is precisely the point I wanted to make.

It does surprise the Senator from Connecticut that there might be a law on the statute books in California that would federalize an offense even as insignificant as the stealing of an orange if that person had a gun in his car at the time.

The point stands, and is well made, that that is nevertheless the law. I suggest to the Senate that I think we are going far beyond any reasonable interpretation of what might be done in the way of the steps society should take to reduce crime when we support a bill that goes too far.

I would like to ask the Senator to consider the effect of title IV upon law-abiding, bona fide collectors of firearms.

Mr. DODD. Before I answer that question, may I make an observation.

Mr. HANSEN. That was a statement.

Mr. DODD. May I make an observation?

Mr. HANSEN. Would the Senator like to do so on his own time?

Mr. DODD. I do not have the time. All I want to say is that the answer to your original question is "No."

And, by the way, I should add that the same provision, or one almost identical to it, is in the riot bill. And what we are both talking about is guns, not oranges. We are trying to stop crime in this country. I never knew that if you stole one orange in California you could go to jail for a year or more.

I do not know how else we could move. It may seem boring to the Senator that I take so much time to say so.

The whole idea of this section is that the person does this with a weapon. If he goes out there to steal one orange with a gun which he has transported in interstate commerce, he is probably going to stick up a couple of places besides, or murder somebody. I believe it is a fair assumption. He is going out to commit a felony, to commit a crime; and if he has an opportunity to commit more, my guess is, with the little I know about this field, that he will not stop with one orange.

Mr. HANSEN. Would the provisions of title IV limit the ability of firearms collectors in the United States to pursue their interests?

Mr. DODD. No.

Mr. HANSEN. The bill purports to assist the States in controlling commerce in firearms. Under title IV would collectors still be able to purchase or trade firearms with each other in the pursuit of their hobby?

Mr. DODD. Yes. It was certainly my intention, in drafting this section, to exempt genuine collectors from the provision of this title.

Mr. HANSEN. Would two collectors in different States be able to exchange Revolutionary War pistols?

Mr. DODD. Does the Senator mean the American Revolutionary War?

Mr. HANSEN. Yes.

Mr. DODD. Yes. My answer is that they would be able to do so.

Mr. HANSEN. Would two collectors living in different States be able to exchange the Colt handguns used in the Western frontier times of our country?

Mr. DODD. I believe so, if they were manufactured before 1870. That should be frontier date enough. That is the way the bill is written.

Mr. HANSEN. The Senator is correctly informed, as I understand it, insofar as the date is concerned. But many guns used in the West that are antiques were made after 1870 and used center-fired ammunition. Apparently they could not be so exchanged because they were made after 1870. They are no longer in general use, but they are collectors' items. As I read the section, they could not be so exchanged.

Mr. DODD. May I say to the Senator that I got that date from the firearms industry. Does the Senator have a later date to suggest?

Mr. HANSEN. I believe a great many organizations suggested a cutoff date of 1898 instead of 1870.

Mr. DODD. Well, I had not heard of that. I tried to find out as best I could, from the people in the trade, and I got the date of 1870. But I have no hardnose attitude about it. If it is legitimately wrong and it should be a little later, that would not bother me, so long as the person is a genuine collector.

Mr. HANSEN. I would suggest that there is a legitimate reason for the 1898 date. I understand that it is used by some agencies of the Government. It was a year or two before the manufacture of the semiautomatic pistol.

Mr. DODD. I wish the Senator would give me an opportunity to check into that matter.

Mr. HANSEN. As the Senator is aware, it is the practice of serious gun collectors to gather at meetings where their collections are displayed, and, if so inclined, they buy or trade for additions to their firearms collections. Would title IV prohibit this activity?

Mr. DODD. No, I do not believe it would if they were licensed. I cannot think of any section that would prohibit it.

Mr. HANSEN. It is my understanding that the only way this could be done would be to deal with a licensed dealer; and if two collectors were from different States, it would obviously become part of interstate commerce, and consequently it would be prohibited.

Mr. DODD. I believe the Senator is correct; that it would have to be done through the dealers. But that would not prevent it.

Mr. HANSEN. Mr. President, I am prepared to relinquish the floor in a moment. I do wish to make one final comment.

The **PRESIDING OFFICER** (Mr. HART in the chair). The time of the Senator has expired. Does the Senator request additional time?

Mr. HANSEN. I request 2 additional minutes.

Mr. HRUSKA. I yield 2 minutes to the Senator from Wyoming.

Mr. HANSEN. I should like to say in conclusion, Mr. President, that there is no argument at all about the objectives we all have in mind. But I believe the serious, justifiable concern arises when we examine proposed legislation that would do things that no one intended to do. I suggest that that is exactly what this bill, unamended, would do.

It would make it a Federal offense, for example, if you should happen to have a gun with you and you were involved in stealing an orange—even something as simple as that. I can foresee the Federal Government becoming involved in any number of cases that have no relevancy at all so far as Federal offenses are concerned; and the Federal Government would be brought in only because we have put together a law that is so broad and so all-encompassing as to make Federal offenses of a great many activities which we do not condone but which certainly should be treated and resolved by local enforcement officials.

Mr. President, I yield the floor.

The **PRESIDING OFFICER.** Who yields time?

Mr. DODD. Mr. President, I have authority for 1 additional minute, so I may help the Senator a little.

Mr. HANSEN. I yield back the remainder of my time.

Mr. DODD. I shall take 1 additional minute.

The **PRESIDING OFFICER.** Will the Senator suspend, in order that we may clarify the time situation?

Mr. McCLELLAN. Mr. President, how much time remains?

The **PRESIDING OFFICER.** The Senator from Connecticut has been yielded 1 additional minute by the Senator from Massachusetts.

Mr. DODD. It is important to read the following language from page 93 of Senate Report No. 1866, 89th Congress, which is a part of the legislative history of title IV:

> The provisions of the new subsection (b) would provide a severe penalty for shipping, transporting, or receiving a firearm in interstate or foreign commerce with intent, or with knowledge or reasonable cause to believe, that a felony offense is intended to be committed therewith.

It goes on to say that it is an extension of the penalty proposed under the present act, and the 10-year maximum penalty appears clearly warranted in the cases to which subsection (b) would be applicable. That was the intent in including this provision in title IV.

Also, for the Senator's benefit, I should like to point out that the vice president of Smith & Wesson, which is an old and respected gun manufacturer—by the way, not a Connecticut company—testified before my subcommittee that the term "antique firearm" means any firearm utilizing an early type of ignition system, including, but not limited to, matchlock, flintlock, percussion cap, with a light, and of a design used before 1870. He goes on with some other language which I do not believe it is necessary to read.

I wish to demonstrate, for the Senator's information, that we tried to find out the date.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Who yields time?

Mr. KENNEDY of Massachusetts. Mr. President, how much time remains?

The **PRESIDING OFFICER.** The Senator from Massachusetts has 4 minutes remaining, and the Senator from Nebraska has 32 minutes remaining.

Mr. KENNEDY of Massachusetts. Mr. President, I yield 2½ minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I would like to indicate my support for the amendment of the Senator from Massachusetts [Mr. KENNEDY]. If that amendment is rejected, and I hope it is not rejected, I wish to indicate my support for the amendment offered by the Senator from New York [Mr. JAVITS]. I also want to express my appreciation to the Senator from Connecticut [Mr. DODD] for his leadership and perseverance in this difficult legislation.

Mr. President, I speak from the standpoint of one who has lived in the business world, and does not like to restrict business unduly. I also speak as a sportsman who has spent many wonderful hours in the fields with my boys hunting quail, pheasant, and duck. Generally, I have restricted my shooting to that done with a camera and the birds have never been safer.

I have lived with sportsmen enough to know that undue restraints should not be placed on this wonderful activity. However, we must do something about the mail-order murder business.

Chicago is known as the home of many mail-order houses. Chicago is also known for a high rate of crime. I would imagine that among the youth of Chicago we probably have a higher incidence of youth armed and carrying firearms than anywhere else in the United States, if not in the world. Illinois law has been brought to bear on this situation, as has the law of Chicago. In my State we have enacted strong measures to try to restrict the use of firearms.

However, I feel that something must be done at the Federal level. I would like to commend such mail-order companies as Montgomery Ward and Sears, Roebuck, which have voluntarily restricted the sale of dangerous weapons.

I feel strongly that we should now take this step to limit what I consider one of the gravest threats to all Americans regarding safety in the streets, safety in the homes, and peace of mind. The situation cannot be placed in responsible hands without control over interstate sales.

Mr. President, for this reason, I enthusiastically support the amendment of the Senator from Massachusetts [Mr. KENNEDY], and if that measure fails, and I hope it will not, then I will support the amendment of the Senator from New York [Mr. JAVITS].

Mr. BURDICK. Mr. President, will the Senator from Connecticut yield to me for a question?

Mr. McCLELLAN. I yield 5 minutes to the Senator.

The PRESIDING OFFICER. Five minutes have been yielded to the Senator from North Dakota by the Senator from Arkansas.

The Senator from North Dakota is recognized.

Mr. BURDICK. Mr. President, I call the attention of the Senator from Connecticut [Mr. DODD] to section 906 of title IV which appears on page 106 of the bill which repeals the Federal Firearms Act.

Mr. DODD. Section 906?

Mr. BURDICK. Section 906. Presumably the substantive provisions of that act would be carried forward to the new title. Are there any provisions of the Federal act which are not carried forward?

Mr. DODD. No. We retain the present Federal Firearms Act, and strengthen it.

Mr. BURDICK. Why does the Senator feel it necessary to repeal the Federal Firearms Act rather than to amend it?

Mr. DODD. To move it, is the best answer I can give the Senator. It is a matter of semantics. I am not trying to wipe out the Federal Firearms Act. The best way I know to handle this matter is to move it to amend it, and make it stronger. If the Senator wishes to call that repeal, he may be technically correct, but the word "repeal" to me means to abandon or wipe out, and we have not done that.

Mr. BURDICK. Did not all of the Senator's previous bills, S. 1975 of the 88th Congress, S. 14 and S. 1592 of the 89th Congress, and S. 1 of the 90th Congress, amend the Federal Firearms Act rather than repeal it?

Mr. DODD. Yes, but I wish to point out that the best reason I had in mind for taking this course of action is that I wanted to remove the act from title 15, the commerce title to title 18, because I strongly feel that is where it belongs.

Mr. BURDICK. Are not the criminal penalties in the Federal Firearms Act just as applicable and enforceable as the criminal penalties contained in title 18?

Mr. DODD. Title 18 is the criminal code. It seems to me this is what we are really talking about. We are not talking about rules for the transportation of things in commerce; we are talking about crime and the use of guns in crime, which is a growing factor in our society. I think it makes sense to place the provision under that section of the code dealing with such problems.

Mr. BURDICK. I respectfully suggest that a person who has been convicted of violating the Federal Firearms Act might disagree with you on that score. I now come to the nub of my inquiry.

It appears that the repeal of the Federal Firearms Act would be effective immediately upon the date of enactment of title IV. Is that correct?

Mr. DODD. No, I do not believe so.

Mr. BURDICK. I refer to section 906.

Mr. DODD. I thought it was 180 days. I believe I am right. I think it is after the passage of this act.

Mr. BURDICK. Now I shall read section 907 of title IV which states:

> The amendments made by this title shall become effective 180 days after the date of its enactment—

Except that those persons presently licensed under the Federal Firearms Act shall have valid licenses until the date of their expiration.

From this language, it would appear that the other regulatory provisions of the Federal Firearms Act, other than licenses, are repealed immediately, but that the Senator's new provisions do not come into effect for 180 days.

Does not this situation leave a 6-month gap where we would have no Federal law on the books?

Mr. DODD. I have consulted with legislative counsel, who advises me that this is acceptable language.

Mr. BURDICK. Regardless of the advice, is there not a gap in the law?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. I yield 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. DODD. The best answer I can give is "no," but I do not wish to make it so abrupt. I think the Senator is entitled to more than that. It is not just the opinion of legislative counsel to whom we all turn for advice. I also took up the matter with both the Treasury Department and the Justice Department, and they said as far as administration and enforcement are concerned, they would not consider the Federal act to be repealed, nor the enactment of title IV to be in effect for 180 days. I do not know where else I could have gone to ask for advice more reliable than that.

Mr. BURDICK. I thank the Senator.

Mr. DODD. I thank the Senator from North Dakota. I know of his great interest in this legislation. He is a valued member of our subcommittee and he devotes much of his time to his work. I do not minimize his attitude about the bill. I think if I had more time I could win him over.

Mr. BURDICK. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes remaining.

Mr. KENNEDY of Massachusetts. Mr. President, in the final minute or so, I wish to discuss a statement which has been issued by the National Rifle Association on May 13, in which it refers to the long gun amendment. The item to which I refer is a press release to editors of newspapers. The press release states in part:

> [This] section, rejected earlier by the Judiciary Committee * * * would impose the same restrictions on sale of the so-called "long guns" as the proposed legislation now imposes on handguns.

Mr. President, this statement is totally inaccurate and misleading. Under the long gun amendment, the treatment of long guns differs markedly from the treatment of handguns in several respects. First, a person still can purchase long guns in an over-the-counter, out-of-State sale. Second, he can bring a long gun purchased out-of-State back into his State of residence. Third, he can buy a long gun from a Federal dealer if he is over the age of 18.

This complete distortion of fact by an organization which should know better is outrageous. The good public relations office of the NRA, after that organization has followed this legislation so closely and carefully and for so many years, certainly should have known that it was sending out false statements.

It is inexcusable and cannot be written off as mere sloppiness or negligence.

The NRA has been criticized often, and I understand that it was criticized earlier today by the Senator from Connecticut for misinterpretation, exceptions, exaggerations, and gross distortion of representations made by those who support the fair and reasonable gun law. They have done so again and I hope it will be the final gesture on these amendments.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. One minute remains to the Senator from Massachusetts. Is there additional discussion? Who yields time?

Mr. HANSEN. Mr. President——

The PRESIDING OFFICER. Who yields time?

Mr. HANSEN. Mr. President, will the distinguished Senator from Arkansas yield me time for a few more additional questions?

Mr. McCLELLAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty-four minutes remain to the Senator from Arkansas.

Mr. HANSEN. Mr. President, will the Senator from Arkansas yield me 10 minutes?

Mr. DODD. Does that time apply to the amendment?

Mr. McCLELLAN. Mr. President, how much time remains on this amendment?

The PRESIDING OFFICER. One minute remains to the Senator from Massachusetts and 24 minutes to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I yield 10 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 10 minutes.

Mr. HANSEN. I thank the Senator from Arkansas.

Mr. President, I should like to direct these questions to the Senator from Connecticut [Mr. DODD].

Why does the Senator include destructive devices in the same amendment as sporting firearms?

Mr. DODD. Because I think that is where they belong.

Mr. HANSEN. Is there any basic separation under existing law?

Mr. DODD. I do not think there is. There is no clear distinction.

Mr. HANSEN. My understanding was that the Federal Firearms Act of 1938 generally regulates sporting weapons while the National Firearms Act of 1934 places heavy restrictions on gangster-type weapons and deals exclusively with these weapons. Was there not strong protest against placing gangster-type weapons in the same bill as sporting firearms?

Mr. DODD. I am not familiar with that provision. Would the Senator identify it for me?

Mr. HANSEN. Was there not strong protest against placing gangster-type weapons in the same bill as sporting firearms?

Mr. DODD. I assume that is some special provision, is it, of the National Firearms Act?

Mr. KENNEDY of Massachusetts. To what provision is the Senator from Wyoming referring specifically?

Mr. HANSEN. The Senator spoke about the Federal Firearms Act of 1938 and the National Firearms Act of 1934.

Mr. KENNEDY of Massachusetts. Will the Senator identify the section?

Mr. HANSEN. I think the whole thrust of the Federal Firearms Act of 1938 applies generally to sporting firearms; is that not correct?

Mr. DODD. No.

Mr. HANSEN. The National Firearms Act of 1934 places heavy restrictions on gangster-type weapons. This is the thrust of the two laws, is that not right?

Mr. DODD. No, it is not right. I talked about that this morning. If the Senator will read the legislative history, he will find that Attorney General Cummings of the United States wanted to register all firearms of any kind. He certainly was not making any distinction between so-called sporting weapons and destructive devices. It is a matter of legislative history. The gun lobby has dreamed up a legislative history that does not exist in respect to the National Firearms Act and the Federal Firearms Act. It accords with their own ideas but not with the facts. Thus, the conception of the Senator from Wyoming is entirely inaccurate. The gun lobby has been telling this falsehood and fable for years now.

It has been saying that it was the intention to have the National Firearms Act apply only to gangster weapons and the Federal Firearms Act only to sporting weapons. But that is not in the legislative history.

Mr. HANSEN. Insofar as the interpretation of these two acts are concerned and insofar as the activities of the Attorney General are concerned, it is my contention that the Federal Firearms Act of 1938 has been interpreted and enforced generally over the past 30 years to apply to sporting arms whereas the National Firearms Act of 1934 does place a heavy restriction on gangster-type weapons and has been so interpreted.

Mr. DODD. I know that. But I would reiterate that the Federal Firearms Act covers all firearms.

Mr. HANSEN. I should like to ask the Senator: In the 89th Congress, the Senator from Connecticut introduced S. 1591, a bill to amend the National Firearms Act by placing destructive devices within that framework. Why was that bill not reintroduced in the 90th Congress?

Mr. DODD. Because conditions in the country worsened and the sale of destructive devices spread wider and wider. Certainly when I introduced that bill, gangsters had not held up and blasted the Brink's installation in Syracuse, N.Y. I thought it was about time to do something more stringent and put on more restrictions with respect to destructive devices. That is why I changed it. If the Senator will read the several gun measures I have introduced over the past several years, he will find in each instance that I felt it was necessary to make them tougher because the situation was worsening. Those are the only reasons.

Mr. HANSEN. Section 922(b), subsection (4) of title IV, on page 94, calls for control of destructive devices by requiring prior police approval in the form of a sworn statement before purchase could be made. The sworn statement must attest to the fact that there is no provision of law, regulation, or ordinance which would be violated by the person's receipt or possession of a weapon, and the law enforcement officer is satisfied that it is intended for lawful purposes. Does the Senator think it is constitutionally possible for the Federal Government to place such a burden upon the local police?

Mr. DODD. Forgive me if I ask the Senator to give me that citation again.

Mr. HANSEN. Title IV, section 922(b), subsection (4), on page 94.

Mr. DODD. Subsection (4) which reads "any destructive device, machinegun"—is that it?

Mr. HANSEN. It requires prior police approval in the form of a sworn statement before a purchase could be made, and the sworn statement must attest that there is no provision of law, regulation, or ordinance which would be violated by the person's receipt or possession of the weapon, and the law enforcement officer is satisfied that it is intended for lawful purposes.

My question is: Does the Senator think it is constitutionally possible for the Federal Government to place such a burden on the local police?

Mr. DODD. Yes, I do. I think it is entirely constitutional. The purpose of this section is to restrict the sale of these dreadful, destructive devices except for clearly legitimate purposes. I think it is entirely sensible and constitutional for the Government to see to it that their sales are regulated.

Mr. HANSEN. I do not believe the burden under this particular section is on the police but, rather, is on the dealer. Is not that the fact? Rather than being on the police, is not the burden on the dealer?

Mr. DODD. Will the Senator from Wyoming indulge me while I read the section?

Mr. HANSEN. Yes.

Mr. DODD. I recall the language now, having read it. As I read it, the burden is on the dealer to get permission from the police authority to handle this sort of commodity. I do not pretend to be a constitutional lawyer; but I believe, from the advice I sought and received on this title in its entirety, that this provision is constitutional.

Mr. HANSEN. If we assume that this constitutional hurdle can be overcome, what recourse would a potential purchaser have if the local police refused to sign such a statement; and second, if it refused to process an application at all? Would there be no appeal?

Mr. DODD. I suppose he would have recourse to the courts, as all of us do. There are provisions of law in every jurisdiction that I know of.

Mr. HANSEN. Would the Senator cite a provision in the law?

Mr. DODD. Does the Senator mean by that, What statute in my State or his state applies? I know that if any public body arbitrarily and unreasonably denies a fair hearing to an individual, the law provides measures that his lawyers can take to see to it that he gets a hearing.

Mr. HANSEN. But am I correct in saying that there is no provision in the bill in title IV?

The PRESIDING OFFICER. The time of the Senator from Wyoming has expired.

Mr. HANSEN. Mr. President, will the Senator from Arkansas yield me 5 additional minutes?

Mr. McCLELLAN. I yield 5 additional minutes to the Senator from Wyoming.

Mr. DODD. Besides the answer I have already made, I think that the applicability of the Administrative Procedure Act would cover certain situations relating to licensees under title IV. With his indulgence, I should like to place in the RECORD a memorandum from the Library of Congress on the applicability of the Administrative Procedure Act to title IV. It would be helpful to all of us.

Mr. HANSEN. Does it apply specifically to this section?

Mr. DODD. I believe there is a reference that is applicable to this section but only as it applies to licensees.

Mr. HANSEN. Will the Senator cite it or supply it for the RECORD?

Mr. DODD. I will supply for the RECORD the document I referred to entitled "Applicability of the Administrative Procedure Act to Title IV of S. 917, Safe Streets Act."

There being no objection, the document was ordered to be printed in the RECORD, as follows:

[From the Library of Congress, Legislative Reference Service, Washington, D.C.]

APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT TO TITLE 4 OF S. 917, TO SAFE STREETS ACT

S. 917, 90th Congress, is a four-part anticrime bill. Title 4 of the bill would impose a ban on interstate mail-order sale of handguns to individuals and a prohibition against the across-the-counter sale of a handgun to a person who did not live in the dealer's State.

S. 917 gives the Secretary of the Treasury discretionary authority to license importers, manufacturers and dealers to transport or receive in interstate commerce certain designated types of firearms (§§ 922, 923).

In this connection, under S. 917, the following powers would be expressly delegated to the Secretary of the Treasury:

"§ 923. Licensing

* * * * *

"(f) Licensed importers and licensed manufacturers shall identify, in such manner as the Secretary shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer."

The Secretary of the Treasury would also be given certain specific authority to relieve certain persons from disabilities under the Act:

"§ 925. Exceptions: relief from disabilities

* * *

"(c) A person who has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of this chapter or of the National Firearms Act) may make application to the Secretary for relief from the disabilities under this chapter incurred by reason of such conviction, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to conduct his operations in an unlawful manner, and that the granting of the relief would not be contrary to the public interest. A licensee conducting operations under this chapter, who makes application for relief from the disabilities incurred under this chapter by reason of such a conviction, shall not be barred by such conviction from further operations under his license pending final action on an application for relief filed pursuant to this section. Whenever the Secretary grants relief to any person pursuant to this section he shall promptly publish in the Federal Register notice of such action, together with the reasons therefor.

"(d) The Secretary may authorize a firearm to be imported or brought into the United States or any possession thereof if the person importing or bringing in the firearm establishes to the satisfaction of the Secretary that the firearm—

"(1) is being imported or brought in for scientific or research purposes, or is for use in connection with competition or training pursuant to chapter 401 of title 10 of the United States Code; or

"(2) is an unservicable firearm, other than a machinegun as defined by 5848 (2) of the Internal Revenue Code of 1954 (not readily restorable to firing condition), imported or brought in as a curio or museum piece; or

"(3) is of a type that does not fall within the definition of a firearm as defined in section 5848 (1) of the Internal Revenue Code of 1954 and is generally recognized as particularly suitable for or readily adaptable to sporting purposes, and in the case of surplus military firearms is a rifle or shotgun; or

"(4) was previously taken out of the United States or a possession by the person who is bringing in the firearm.

"*Provided*, That the Secretary may permit the conditional importation or bringing in of a firearm for examination and testing in connection with the making of a determination as to whether the importation or bringing in of such firearm will be allowed under this subsection."

In addition, to the specifically delegated powers, the Secretary of the Treasury would be given general authority to make such rules and regulations as he deems necessary:

"§ 926. Rules and regulations

"The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter. The Secretary shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing such rules and regulations.

and:

"SEC. 903. The administration and enforcement of the amendment made by this title shall be vested in the Secretary of the Treasury."

The provisions of the Administrative Procedure Act, as a general rule, are considered to be applicable to all federal administrative agencies whose acts affect personal or property rights other than those agencies specifically excluded in the Act, see 2 *Am. Jur.* 2d § 202 at page 33; 5 USC § 551.

The Administrative Procedure Act defines the agencies subject to the Act in rather general terms as follows:

"5 USC § 551. Definitions

"For the purpose of this subchapter—

"(1) 'agency' means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

"(A) the Congress;

"(B) the courts of the United States;

"(C) the governments of the territories or possessions of the United States;

"(D) the government of the District of Columbia; or except as to the requirements of section 552 of this title—

"(E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;

"(F) courts martial and military commissions;

"(G) military authority exercised in the field in time of war or in occupied territory; or

"(H) functions conferred by sections 1738, 1739, 1743, and 1944 of title 12; chapter 2 of title 41; or sections 1622, 1884, 1891–1902, and former section 1641(b)(2), of title 50, appendix;

"(2) 'person' includes an individual, partnership, corporation, association, or public or private organization other than an agency;

* * * * *

In addition to the general provisions of the Administrative Procedure Act, in some statutes enacted subsequent to the Administrative Procedure Act there are specific provisions bringing the agency involved in the particular statute within the requirements of the Administrative Procedure Act, see the discussion in 2 *Am. Jur.* 2d § 202 at page 33. Title IV of S. 917 does not contain such a provision.

Where there is no specific provision in a statute which indicates whether it was intended that the agency involved was to be subject to the requirements of the Procedure Act, the courts have laid down some guidelines for making this determination.

The United States Supreme Court has held that for purposes of determining the coverage of the Administrative Procedure Act in a given case, "questions of coverage may well be approached through consideration of its [the Administrative Procedure Act's] purposes as disclosed by its background." *Wong Yang Sung* v. *McGrath*, 339 U.S. 33,36 (1950). Among the administrative evils sought to be cured or minimized by the Administrative Procedure Act, the Court mentioned two in the *Wong* case, one, the lack of uniformity of procedure and standardization of administrative practice among the diverse agencies whose customs had departed widely from each other, the other, the practice of embodying in one person or agency the duties of prosecutor and judge (at page 41).

Other decisions have elaborated on the factors to be considered in determining whether an agency is subject to the act in a particular case.

Those factors found especially significant include (1) the performance of quasi-judicial functions in the agency's hearings, (2) fact-finding by the agency, (3) appraisal of the laws and policies of the Federal Government by the agency, (4) adoption of rules by the agency. *Larche* v. *Hannah*, 176 F. Supp. 791 (DCLa. 1959).

In concluding that the Secretary of the Treasury is an "authority of the Government of the United States" and thus an "agency" subject to the Administrative Procedure Act, the provisions of S. 917 considered significant are those directing him to make appropriate regulations which will serve to identify each firearm imported or manufactured, authorizing him to relieve certain persons from disability because of conviction of a crime and requiring him to publish his action in this respect in the Federal Register, and authorizing him to make general rules and regulations and to administer and enforce the law.

Mr. HANSEN. Section 923(a)(4) of title IV—the Senator may refer to page 85 of the bill and page 111 of the report, if he wishes to follow along—defines "destructive device" to include any explosive and any rocket, among other things. By explosive, I would assume that the Senator would include dynamite, for it is certainly an explosive; is it not?

Mr. DODD. Oh, yes; of course, it is an explosive. But it is not included, nor was it intended to be included, in this title when used for lawful purposes.

Mr. HANSEN. And it should logically be included if the Senator intends to regulate explosives. Would that not be true?

Mr. DODD. I do not think so, unless unlawfully used.

Mr. HANSEN. Was not dynamite used to blow up a church in the South, in which four little girls were killed?

Mr. DODD. My recollection is that the Senator is right, but it could be misused and then it would be covered. It is like any other dangerous explosive or deadly weapon, but we specifically say in section 921(b)(2) that a destructive device shown to be designed and intended for lawful use in construction or for other industrial purposes would be excepted.

We had in mind an explosive like dynamite, used in mining or excavating or a similar legitimate enterprise.

Mr. HANSEN. I would suggest that the Senator from Connecticut has made the very point I would like to make, and that is that there are a great many instrumentalities and devices that can be destructive of human life, and there is no reason to condemn guns because they have been used in this sort of activity. It is the people in whose hands they are that we are concerned about. Not only are guns used to kill people, but dynamite and Molotov cocktails have been used to burn people to death right here in the Capital City of the Nation in the past several weeks. Yet no one seriously suggests that we would try to put a prohibition or prior police approval on the use of gasoline.

It emphasizes the point I am trying to make—that we are going about this in the wrong way. Instead of arming the law enforcement agencies with the authority to exercise their discretion and good judgment and take such steps as they wish to take, we place undue restrictions on instrumentalities which certainly become destructive and death-dealing if they are in the hands of the wrong people.

Mr. DODD. First of all, I think the incidence of using dynamite in that way is rare in this country. There is a law against such use, wherever it occurs, and title IV would also cover such misuse.

Mr. HANSEN. I could not agree with the Senator more. I think the record is quite clear that in general other "destructive devices" are only rarely used by the lawless. I think there is quite a difference. I suggest you have not been sufficiently discerning in trying to strike at that difference. I do not think we are arguing at all insofar as our objectives are concerned. I am sure all of us would like very much to take such steps and actions as would reduce crime in this country. I am concerned because I have seen guns in the hands of a great many people that are properly used.

I must say that if our Government fails to protect citizens—and I hope with all my heart that this will not be the case—and if we cannot do a better job than we have done so far, it may be that a number of our people will believe that their only protection lies in keeping guns in their own homes, not to take them beyond their homes, not to use them outside their homes, but simply to have them there to protect themselves in their own homes.

Mr. DODD. That is going to happen unless we have a decent gun law, and it is happening every day.

Mr. HANSEN. That is going to happen unless the Government recognizes that crime has gotten completely out of hand, that we have not preserved law and order in this country, and does something about it.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields additional time?

If there is no discussion to be had, is it desired that the time be yielded back?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there may a short quorum call, without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. I yield 10 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I thank the distinguished Senator from Nebraska.

I commend the Senator from Nebraska for his able and diligent work in the Judiciary Committee on the omnibus crime bill and for his very illuminating and forceful presentation of the issues confronting the Senate with regard to the provisions of title IV. It has been my privilege to observe my colleague and friend, Senator HRUSKA, in both the Subcommittee on Criminal Laws and Procedures and the full committee while we were considering S. 917. Mr. President, the efforts of the Senator from Nebraska were invaluable to the members of the Judiciary Committee, and he has been especially helpful to me and my colleagues on this side of the aisle.

I have listened to portions of the Senator's presentation and read his speech, and I wholeheartedly agree with his comments and with the approach taken by amendment No. 708. I was especially pleased that the Senator pointed out the need for effective control of the sale of firearms rather than just another law which some have held out to be a panacea for the prevention of heinous crimes. The approach of title IV as it is now written would prohibit all mail-order sales to individuals and would place an unreasonable burden on dealers with respect to over-the-counter sales in a way that the dealer would bear the responsibility for making sales only to persons who are eligible to buy or own such a firearm under the local, State, or national law. It must be kept in mind that the present wording of title IV does not provide for a sworn statement which would aid the dealer with the help of the local law enforcement officials to prevent the sale of firearms to persons most likely to commit the type of crimes we are trying to prevent.

I was also pleased that the Senator contrasted the approach of amendment No. 708 with that of title IV as it is now written and pointed out that while amendment No. 708 recognized "the mail-order sale and over-the-counter sale as legitimate channels for methods of sale and distribution of a lawful product" and at the same time providing for the effective regulation and control of these channels. I would like to ask my distinguished colleague from Nebraska several questions about the affidavit system in amendment No. 708 which I believe will be a most effective means of preventing the sale of firearms to those who are prevented by State or local law from obtaining a gun. I have received a number of letters from gun dealers and other citizens who are concerned about the unreasonable burden placed upon dealers by the present wording of title IV. Has this been the case with the distinguished Senator from Nebraska?

Mr. HRUSKA. Oh, yes, indeed it has, because all of the heavy burdens that are described by those who oppose amendment No. 708 as being too burdensome, including the requirement of having in hand a sworn statement signed by the man who is trying to buy a gun, will, under title IV, fall upon the dealer. They do not think that is fair, and they think it is much too big a burden to carry the responsibility of trying to enforce that law. That is a job for the policemen.

Mr. THURMOND. I should like to quote from one of the letters I received from a dealer:

> Over the years I have built up a decent and highly legal mail order handgun business. In every case, the enclosed form is sent to the law enforcement agency of the customer, informing them of his intent to purchase a handgun. Agencies are given ample time to check out the customer's record and to prevent the sale if they see fit.

The card used by this dealer reads as follows:

> Order No. -----
>
> CHIEF OF POLICE.
>
> GENTLEMEN: In regard to gun purchased by:
>
> Name --
> Address ------------------------------------
> City and State ----------------------------
> Description of gun: -----------------------
>
> In our endeavor to co-operate fully with law enforcement agencies, we will ship the above order unless we hear from you to the contrary within ten days. Thank you.
>
> Sincerely,
>
> ——— ———.

Does the Senator from Nebraska feel that most of the gun dealers in our Nation diligently seek to be law abiding citizens and are, in fact, outstanding members of their community and civic-minded individuals?

Mr. HRUSKA. They certainly are out our way, and in the Middle West generally, to the fullest extent of my knowledge and contact with them. They realize they are dealing with a very dangerous instrumentality, and I think the great majority of them abide by the law and make every effort even to assist in seeing that the spirit of the law as well as its letter is enforced.

Mr. THURMOND. As I read from the letter, this particular dealer has made it a practice to seek the help of the local law enforcement agencies in an effort to protect society from those persons who would use a gun in an unlawful manner. I wonder if the distinguished Senator from Nebraska has found this to be the attitude of most of the gun dealers in the Nation?

Mr. HRUSKA. Well, it is widely true. I cannot say I have conducted any detailed study on it, but it is widely true, in my judgment.

Mr. THURMOND. Is it not true that the present wording of title IV fails to make use of an affidavit system and fails to properly bring local law enforcement agencies into the picture at a time when they could prevent the unlawful sale of guns to a person within their jurisdiction?

Mr. HRUSKA. Yes; that is true. That affidavit system is not employed, and moreover, it is not available to the gun dealer.

Mr. THURMOND. Mr. President, again I commend the distinguished Senator from Nebraska for his efforts on behalf of responsible legislation which will effectively control the misuse of the legitimate channels of commerce in the sale of firearms. I do not believe that the present wording of title IV will effectively eliminate the misuse of firearms but it will substantially limit the legitimate use of and methods of obtaining firearms. As a cosponsor of amendment No. 708, I certainly hope that this approach will be adopted by the Senate.

Mr. DODD. Mr. President, will the Senator from Nebraska yield me one-half minute?

Mr. HRUSKA. I am happy to yield to the Senator from Connecticut.

Mr. DODD. I just wish to say that the Senator from South Carolina is a valuable and esteemed member of the subcommittee, and put in a lot of time at the hearings. However mistaken I think he is about title IV, I wish to say for the record that I, together with many other Senators, highly value his judgment in all respects.

Mr. THURMOND. Mr. President, I thank the able and distinguished Senator from Connecticut for his kind remarks.

Mr. DODD. Mr President, the Senator from Massachusetts [Mr. KENNEDY] asked me if I would use up his 1 remaining minute.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 1 minute.

Mr. DODD. Mr. President, I do not care to ask the Senator from Illinois [Mr. PERCY] a question, but I would like to have his attention while I make a comment.

The Senator from Illinois made a very intelligent comment about the Kennedy amendment. It seems interesting to me that the Senator commented on the fact that he thought most of the Chicago juveniles had obtained their weapons outside of that city. I think that the figures would bear out the statement of the Senator.

I think the Senator will find that most of those weapons came from the mail order houses in California, and not from the great mail order houses in Chicago

It strikes me as odd that a juvenile in Chicago, where they have very good gun laws, can put a few dollars in an envelope and send it to California and get a gun, whereas if he were to steal an orange in California, he would be committing a felony.

I thought the Senator made a very significant contribution to the amendment by his statement.

The PRESIDING OFFICER. The additional minute of the Senator has expired.

Mr. DODD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DODD. Mr. President, I do not know where we are, timewise. I understand that we have 39 minutes remaining.

The PRESIDING OFFICER. The Senator from Nebraska has 97 minutes remaining, and the Senator from Connecticut has 39 minutes remaining.

Mr. DODD. Mr. President, as usual, the Senator from Nebraska has an advantage in time.

I have no interest in delaying the proceedings, but I hope that the Senator from Nebraska will agree that we might go over until tomorrow in the event that other Senators wish to speak a few minutes in support of my title. I am not sure that there are others, because the Senators have not all been present today.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a brief quorum call may be had without the time being charged against either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 3 minutes.

Mr. MUNDT. Mr. President, I take this time simply to call attention to some testimony which was taken yesterday by our permanent Senate Committee on Investigations, which is charged by Senate resolution with investigating the causes of the various riots which have taken place.

We have been dealing with this matter since the time preceding the assassination of Dr. Martin Luther King, Jr. We have been trying to come up with some suggestions for curtailing or stopping these riots.

In the course of the testimony yesterday, we had a witness by the name of Chief William E. Stephens, chief of police of the city of Highland Park, Mich.

Highland Park, Mich., is a highly urbanized city within the city of Detroit which entirely circumnavigates this little independent municipality. However, it is in the area in which they have had some riot difficulties. And because it deals with the general subject of general legislation and the impact of firearms on riots and on crimes, I think the testimony is especially pertinent.

I take this occasion to read the testimony into the RECORD because the hearing was not well attended or very well covered by the press. Few could anticipate the significance of some of the statements which were made.

Mr. President, I read now from the statement of the chief of police of Highland Park, Mich., which is located right in the center of the great metropolitan area of Detroit.

The chief of police said:

> Prior to the riots, on or about May 1, 1967, the Highland Park Police Department had started a Gun Clinic to give instructions in the use of firearms to those of our citizens and businessmen that were interested; this came about because we had experienced a great number of armed robberies and we found that many citizens and businessmen were coming to us to exercise their legal right to purchase and own firearms but who were not familiar with safe handling of guns; and it was my belief that in light of the fact that they had a legal right to possess such firearms we had a duty to give them some basic instructions on their proper use. To this end we gave some degree of training to those that requested it on our police firing range. Word of this small program apparently got around, for thereafter the number of armed robberies we experienced was reduced by one half.

Mr. President, I believe this is a significant statistic for us to reflect upon when we come to vote on gun legislation tomorrow, when we come to the consideration of the Hruska amendment.

In subsequent colloquy and during the question period, as the printed record of the hearings will reveal when it is ultimately printed, it was brought out by the chief's testimony that as the hoodlum element—those engaged in crime—began to learn that respectable citizens had firearms in their homes and that they had taken training under the guidance and tutelage of the police department in the correct and proper use of them and how to use them in self-defense for their own lives and their own families and their own businesses, the number of armed robberies was reduced by 50 percent.

I believe we should keep that in mind as we ask ourselves the question, "Does the legitimate ownership and use of firearms tend to increase crime or decrease crime?"

I recall stating to the chief of police that I wanted to congratulate him on this rather novel approach, and suggested it is something which might be emulated by other police departments and by other mayors and by other municipalities.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. I yield 1 additional minute to the Senator from South Dakota.

Mr. MUNDT. I also told him of reports in a rural State like South Dakota, back in the era when there were a great many bank robberies taking place, that some of the criminals who were apprehended freely confessed that they made a habit of casing a city or a small town—to use their language. They sent their observers around, up and down Main Street, looking in the stores, and where they found a community in which there were many mounted shotguns and rifles on display, and where it appeared that the citizens were pretty well armed and able to engage in a posse to apprehend a robber, they passed up that community in favor of one where the people had to rely upon the necessarily small group that was paid to enforce the law.

I simply wanted to have this information before the Senate, because in some areas of the country there is a mistaken notion that firearms are something which are employed exclusively by the hoodlum element, whereas there is considerable evidence to point out that ownership of firearms in defense of one's property is one of the ways in which crime can be reduced.

ORDER FOR VOTE ON KENNEDY AMENDMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on the perfecting amendment proposed by the Senator from Massachusetts [Mr. KENNEDY] occur tomorrow morning at 9:30.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Who yields time?

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business, the time not to be charged against either side, and that statements therein be limited to 3 minutes.

Mr. MUNDT. Reserving the right to object, does the Senator mean now or in the morning?

Mr. BYRD of West Virginia. Now.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AUTHORIZATION TO PRINT ADDITIONAL COPIES OF REPORT TO ACCOMPANY BILL TO ASSIST IN THE PROVISION OF HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES

Mr. SPARKMAN. Mr. President, I send to the desk a Senate resolution which would authorize 2,000 additional copies of the report to accompany the bill to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development. I ask unanimous consent that the Senate proceed to the immediate consideration of the resolution.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 289) as follows:

S. RES. 289

Resolved, That there be printed for the use of the Committee on Banking and Currency two thousand (2,000) additional copies of its report to the Senate to accompany S. 3497, a bill to assist in the provision of housing for low and moderate income families, and to extend and amend laws relating to housing and urban development.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 289) was considered and agreed to.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on May 13, 1968, the President had approved and signed the joint resolution (S.J. Res. 131) to designate May 20, 1968, as "Charlotte, N.C., Day."

REPORT OF COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

I am pleased to transmit to the Congress the Annual Report of the Commodity Credit Corporation for fiscal year 1967.

The Report shows that the Corporation has continued to reduce agricultural surpluses. This success is directly related to the substantial gains in the level of farm income since 1960—amounting to 24 percent in total realized net income, and 50 percent in net income per farm.

Despite this progress, per capita income for farmers still falls short of the level for urban workers.

Parity of income for farmers remains an unachieved goal. We began moving closer to its achievement with the passage of the Food and Agriculture Act of 1965. This legislation gives us the flexibility needed to adjust wheat, feed grain and cotton production levels. Supply management programs are vital if we are to improve returns to the Nation's farmers.

In my 1968 Message on the Farmer and Rural America, I have recommended the permanent extension of the 1965 Act to insure that authority for basic commodity programs will not be terminated. The farmer could ill-afford such a lapse.

With surpluses gone, the market operates more freely today than in many years. But the absence of surpluses also means that we must carefully maintain planned security reserves—a National Food Bank. I have recommended the new legislation which will be required to establish such a Bank. We must be able to hold reserve stocks of commodities in readiness for emergency use. At the same time our farmers must be protected against the price-depressing effects of such reserve stocks, particularly during their build-up.

Even though burdensome surpluses are no longer overhanging farm markets, farmers still need and use price-support loans to protect their prices from the depressing effects of temporarily large supplies, particularly at harvest time. In fiscal year 1967, farmers took out loans of nearly $1.4 billion on 1966 crops, and at the end of the year, price-support loans outstanding on these and previous crops totaled $1.5 billion. In addition, price-support purchases, primarily of dairy products, amounted to $327 million.

Commodity inventories owned by CCC at fiscal year end had a value of $1.9 billion. This was more than $1.2 billion less than a year earlier and more than $2 billion less than 2 years ago. The inventories have dropped further since the end of last fiscal year. The smaller inventory level is bringing substantial reductions in CCC's storage, handling and transportation costs. In fiscal year 1967, these costs were down to $310.7 million, compared to $472.9 million in fiscal year 1966 and $513.6 million in fiscal year 1965.

The CCC, in financing P.L. 480 sales for foreign currency and under long-term credit, helps to provide added outlets for U.S. farm production and to supplement the supply of agricultural commodities for people in the less developed countries. During fiscal year 1967, the total costs of this financing amounted to nearly $1.3 billion.

The fiscal 1967 Report demonstrates that the broad authority of the Commodity Credit Corporation is being used to benefit both the U.S. farmer and those in great need abroad. No longer the caretaker of large and costly surpluses, the CCC is returning to its original objective of helping farmers to hold commodities off markets for better prices. And farmers are moving into a new era of balance between supply and demand, while continuing to help free the world from the danger of hunger.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 15, 1968.*

REPORTS ON CASH AWARDS TO MEMBERS OF THE ARMED FORCES—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following messages from the President of the United States, which, with the accompanying reports, was referred to the Committee on Armed Services:

To the Congress of the United States:

I am happy to transmit to the Congress reports of the Secretary of Defense and the Secretary of Transportation on cash awards to members of our Armed Forces for noteworthy suggestions, inventions, or scientific achievements.

The cash awards program, first authorized by Congress in September 1965, has proved an excellent incentive for reducing costs and increasing efficiency in the Armed Forces.

The largest percentage of awards—89 percent—continues to be in the $50 and under range. Of the 34,527 awards, however, 1,094 awards were over $250. The total amount paid in awards for suggestions in 1967 was $1,307,832.

In the Department of Defense, over $63,000,000 in first-year benefits have resulted from suggestions submitted by military personnel during 1967. In the Coast Guard, since the inception of the program, benefits have amounted to over $391,000. This raises the total amount of tangible benefits received during the relatively short life of the program to over $119,000,000. Many additional benefits not measurable in dollar amounts have resulted from suggestions concerning safety and other matters.

Few investments of public funds have ever returned such prompt results in economy and efficiency. Few forms of recognition have so widely benefitted the morale or encouraged the initiative of our men and women in uniform.

I urge every Member to examine the truly remarkable and encouraging achievements described in these reports of the Secretary of Defense and the Secretary of Transportation.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 15, 1968.*

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT OF DEFICIENCIES FOR ARMED SERVICES

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, that certain deficiencies have been authorized to be incurred for the necessities of the current year in certain appropriations for "Operation and maintenance," for the Army, Navy, Marine Corps, and Air Force; to the Committee on Appropriations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of the need for improvement in utilization of available material in the Department of Defense (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of the need for improvement in airlift of cargo to Southeast Asia, Military Airlift Command, Department of the Air Force, dated May 14, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of the need to strengthen control over incoming U.S. AID cargos in Vietnam, Agency for International Development, Department of the Army, dated May 15, 1968 (with an accompanying report); to the Committee on Government Operations.

PAYMENT OF CERTAIN EXPENSES RELATING TO REMAINS OF A FEDERAL EMPLOYEE WHO DIES WHILE PERFORMING OFFICIAL DUTIES

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize the payment of the expenses of preparation and transporting to his home or place of interment the remains of a Federal employee who dies while performing official duties in Alaska or Hawaii, and for other purposes (with an accompanying paper); to the Committee on Government Operations.

PAYMENT OF JUDGMENT IN INDIAN CLAIMS COMMISSION DOCKET NO. 314

A letter from the Assistant Secretary of the Interior transmitting a draft of proposed legislation to authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission docket No. 314, amended, and for other purposes; (with accompanying papers); to the Committee on Interior and Insular Affairs.

LOAN APPLICATION UNDER SMALL RECLAMATION PROJECT ACT

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a copy of an application by the Hidalgo and Willacy Counties Water Control and Improvement District No. 1 of Edcouch, Tex., for a loan under the Small Reclamation Projects Act (with an accompanying document); to the Committee on Interior and Insular Affairs.

REPORT OF U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting, pursuant to law, the annual report of the U.S. Department of Health, Education, and Welfare for the fiscal year 1967 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the **PRESIDING OFFICER**:

A resolution adopted by the American Immigration and Citizenship Conference, New York, N.Y., praying for the ratification of the United Nations convention relating to the status of refugees; to the Committee on Foreign Relations.

A resolution adopted by the Ozato Village Assembly, Okinawa, praying for the enactment of legislation relating to the immediate return of Okinawa to Japan; to the Committee on Foreign Relations.

A resolution adopted by the California State Board of Education, Sacramento, Calif., urging the continuance of the provisions of title II of the Elementary and Secondary Education Act at its present level of funding; to the Committee on Labor and Public Welfare.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. JORDAN of North Carolina, from the Committee on Public Works, with amendments:

S. 3363. A bill to designate the United States Customs House Building in Providence, R.I., as the "John E. Fogarty Building" (Rept. No. 1122).

S. 3497—HOUSING AND URBAN DEVELOPMENT ACT OF 1968—REPORT OF A COMMITTEE—INDIVIDUAL AND ADDITIONAL VIEWS (S. REPT. NO. 1123)

Mr. SPARKMAN. Mr. President, from the Committee on Banking and Currency, I report an original bill (S. 3497) to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Illinois [Mr. PERCY] and the additional views of Senators TOWER, BENNETT, and HICKENLOOPER.

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Alabama.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLAND:

S. 3493. A bill for the relief of Dr. Laureano S. Falla (also known as Severino Laureano Falla-Alvarez); to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3494. A bill to amend title 39, United States Code, to provide for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties, and for other purposes; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. HARTKE when he introduced the above bill, which appear under a separate heading.)

By Mr. MILLER (for himself and Mr. HICKENLOOPER):

S. 3495. A bill to authorize the Secretary of the Army to release certain use restrictions on a tract of land in the State of Iowa in order that such land may be used as a site for the construction of buildings or other improvements for the Iowa Law Enforcement Academy; to the Committee on Armed Services.

By Mr. MUSKIE:

S. 3496. A bill to amend section 1777(c) of title 38, United States Code, so as to remove the 2-year time limit applicable to on-the-job training courses for eligible veterans; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. MUSKIE when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN:

S. 3497. A bill to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development; placed on the calendar.

(See the remarks of Mr. SPARKMAN when he reported the above bill, which appear under a separate heading.)

By Mr. BREWSTER:

S. 3498. A bill for the relief of Ho Wing Hong; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 3499. A bill to repeal section 8524 of title 5, United States Code, so that payments for accrued leave to members of the uniformed services will not be counted as Federal wages for purposes of determining eligibility for unemployment compensation; to the Committee on Finance.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. ERVIN:

S. 3500. A bill for the relief of Jimmie R. Pope; to the Committee on the Judiciary.

By Mr. HICKENLOOPER:

S. 3501. A bill for the relief of Eligio Cornejo Cruz, M.D.; to the Committee on the Judiciary.

S. 3494—INTRODUCTION OF BILL TO PROVIDE FEDERAL PROTECTION FOR POSTAL EMPLOYEES

Mr. HARTKE. Mr. President, today I am introducing, for appropriate reference, a measure to provide for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties.

Under present provisions of section 1114 of title 18, United States Code, a Federal penalty exists for murder and manslaughter if the victim is a U.S. judge, attorney, U.S. marshall or deputy marshall, an officer of the FBI, postal inspector, and a whole list of other Federal employees in other agencies.

Section 1111 of title 18, United States Code provides penalties for anyone who "forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of his official duties." Certainly the provisions of title 18, United States Code, sections 1111 and 1114, should be made applicable to postal employees as well.

In recent months, several brutal assaults have taken place around the country, and I would briefly like to mention a few to illustrate that a bill such as I am now offering is badly needed. In Philadelphia, a postal supervisor was brutally murdered by a disgruntled employee. The only thing the supervisor had done to this employee was to notify him officially that he was to return to the position in the post office which he had originally held.

In another case which happened in

New York recently, an employee snatched a fire ax from the wall and menaced a fellow postal employee. Fortunately, he was restrained before he could do any serious damage.

A somewhat similar assault took place in a Chicago post office where a supervisor was knocked to the ground by an employee, who then ran to his locker and took out an umbrella. Returning to the prostrate supervisor, he rammed the point of the umbrella into his chest several times, inflicting several very serious wounds.

In all of these cases, the victim was not protected by Federal law, and had to seek justice in a local court. In the case of the Chicago supervisor, he sought a conviction in a local court, but there were numerous postponements and by the time the case was finally heard, the supervisor had fully recovered from his wounds and the case was promptly dismissed.

Mr. President, just as I recognize that we cannot legislate morality, I equally recognize that you cannot completely stop one individual from assaulting another individual if he is so disposed. However, if a sufficient measure is enacted into law, it would serve as an added deterrent, and make a person think twice before committing a Federal offense.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3494) to amend title 39, United States Code, to provide for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties, and for other purposes, introduced by Mr. Hartke, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 3496—INTRODUCTION OF BILL TO REMOVE 2-YEAR LIMIT APPLICABLE TO ON-THE-JOB TRAINING COURSES FOR ELIGIBLE VETERANS

Mr. MUSKIE. Mr. President, I introduce today a bill to amend section 1777(c) of title 38, United States Code, to remove the 2-year time limit applicable to on-the-job training courses for eligible veterans.

Under existing law no on-the-job training program is eligible for Veterans' Administration approval unless it can be completed within 2 years. Several Navy Department training programs, particularly the engineering draftsman technician training program and the mechanical skills progression program, cannot meet their educational objectives within 2 years. Because of their highly technical nature, these courses require from 3½ to 5 years for completion.

Veterans who enroll in apprenticeship training programs are covered under the present law, but trainees enrolled in on-the-job training programs dealing with the same skills are not eligible because of the 2-year time limit. Consequently, many qualified and otherwise eligible veterans are being denied educational assistance under the GI bill. Because of the discriminatory 2-year time limit of the present law, veterans enrolled in these technical training programs are denied the benefit of educational assistance even for the first 2 years of the training program.

The bill I introduce today would amend the present law to permit flexibility in determining the length of eligible programs. My amendment would allow the Administrator to evaluate the eligibility of each program upon the nature of the skill involved and the time necessary for students to attain the skill required in the job objective.

I ask unanimous consent to have the text of this bill printed in the Record at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3496) to amend section 1777(c) of title 88, United States Code, so as to remove the 2-year time limit applicable to on-the-job training courses for eligible veterans, introduced by Mr. Muskie, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 3496

Be it enacted by the Senate ana House of Representatives of the United States of America in Congress assembled, That paragraph (2) of section 1777(c) of title 38, United States Code, is amended to read as follows:

"(2) The job customarily requires full-time training for a period of not less than six months and not longer than such period as may be prescribed by the Administrator, taking into consideration the time necessary to attain the skill required for the job objective, and after consulting with the Secretary of Labor, or his designee, regarding the length of the training period which should be prescribed for the job objective."

S. 3499—INTRODUCTION OF BILL RELATING TO REPEAL OF 5 U.S.C. 8524(f) CONCERNING DISQUALIFICATION OF EX-SERVICEMEN IN RECEIPT OF ANNUAL LEAVE FROM UNEMPLOYMENT INSURANCE

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to repeal 5 U.S.C. 8524, which provides that for purposes of determining the eligibility of ex-servicemen for unemployment compensation any payment for unused accrued leave received at the termination of service is considered to continue the Federal service and to constitute Federal wages during the period after termination of service with respect to which the payment was made.

The effect of this section is to disqualify ex-servicemen from receiving unemployment compensation during the period covered by any payment for accrued leave they may have received upon separation, even if the State law under which compensation is claimed would otherwise permit payment. This provision unfairly discriminates against ex-servicemen since no similar disqualification is imposed on Federal civilian employees. The discrimination is particularly blatant because the present section 8524 of title 5 is directly traceable to a similar provision, section 1505 of the Social Security Act, 42 U.S.C., section 1365, which in its original form, did apply to Federal civilian employees.

In 1960 by Public Law 86–442, section 1, effective with benefit years commencing after April 22, 1960, this provision was repealed, insofar as Federal civilian employees were concerned. But in section 2 of the same bill a special provision was inserted continuing it in effect for ex-servicemen.

The bill was subject to very little debate in either the House or the Senate and although the provision continuing section 1365 in effect for ex-servicemen was added as an amendment by the House committee, neither the committee reports on the bill nor the debates offer any explanation of the difference in treatment accorded under the bill to ex-servicemen and Federal civilian employees.

The purpose of Public Law 86–442, as set forth in the committee reports and on the floor of the House and Senate at the time it was considered was simply to leave it up to each individual State to decide whether or not accrued leave payments would be considered as wages for the purpose of determining eligibility for unemployment compensation. I am informed by the Legislative Reference Service and the Department of Labor that approximately 26 States do not treat accrued leave payments as wages for the purpose of determining an ex-serviceman's eligibility for unemployment compensation. Since unemployment insurance for both ex-civilian employees of the Federal Government and ex-servicemen are administered in the same manner; that is, through the States, I cannot see any reason why this matter should be left to the States in the case of ex-civilian employees of the Federal Government but not in the case of ex-servicemen.

The problem caused by this disparity in treatment obviously has become more acute, with the recent expansion of our Armed Forces and the consequent increase in the number of servicemen who are now, and will in the future, upon their discharge, be seeking private employment. Several committees of the Congress have already begun to consider various measures designed to facilitate the transition from service in the Armed Forces to private employment. Clearly, at the very least, our unemployment compensation policy should insure that ex-servicemen are not discriminated against in obtaining unemployment compensation when they are unsuccessful in obtaining immediate employment upon their discharge. That is the purpose of the bill I have introduced today. I emphasize that this bill would not compel any State to disregard accrued leave payments received by servicemen in determining eligibility for unemployment compensation; it merely allows the States to decide for themselves whether or not to do so, as in the case of Federal civilian employees. The Department of Labor informs me that the total cost of this bill based on current experience would not exceed $2.5 million per year.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3499) to repeal section 8524 of title 5, United States Code, so that payments for accrued leave to members of the uniformed services will not be counted as Federal wages for purposes of determining eligibility for unemployment compensation introduced by Mr. Javits, was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSOR OF BILL

Mr. ELLENDER. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Pennsylvania [Mr. Scott] be added as a cosponsor of the bill (S. 3165) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for loans to public bodies which upon sale by the Farmers Home Administration shall bear taxable interest.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 289—RESOLUTION TO AUTHORIZE THE PRINTING OF ADDITIONAL COPIES OF REPORT ACCOMPANYING S. 3497

Mr. SPARKMAN submitted a resolution (S. Res. 289) authorizing the printing of additional copies of the Senate report to accompany S. 3497, the Housing and Urban Development Act of 1968, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. Sparkman, which appears under a separate heading.)

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967—AMENDMENTS

AMENDMENT NO. 791

Mr. TYDINGS submitted an amendment, intended to be proposed by him, to the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 792

Mr. DODD submitted an amendment, intended to be proposed by him, to Senate bill 917, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 793

Mr. LONG of Missouri submitted an amendment, intended to be proposed by him, to Senate bill 917, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 794

Mr. BENNETT submitted an amendment, intended to be proposed by him, to Senate bill 917, supra, which was ordered to lie on the table and to be printed.

NOTICE OF HEARING ON NOMINATION OF EDWIN M. ZIMMERMAN, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, May 22, 1968, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of Edwin M. Zimmerman, of California, to be an Assistant Attorney General, Vice Donald Frank Turner.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas [Mr. McClellan], the Senator from Nebraska [Mr. Hruska], and myself, as chairman.

NOTICE CONCERNING NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary.

Eldon B. Mahon, of Texas, to be U.S. attorney, northern District of Texas, for a term of 4 years, vice Harold Barefoot Sanders, Jr., resigned.

Richard B. Hardee, of Texas, to be U.S. attorney, eastern district of Texas, for a term of 4 years, vice William Wayne Justice, resigning.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, May 22, 1968, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

JUDICIAL REFORM ACT—NOTICE OF CHANGE OF HEARING DATE

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce that the subcommittee's hearing on S. 3055, the Judicial Reform Act, scheduled for tomorrow at 10 a.m., has been postponed until June 6 at 10 a.m. Chief Judge J. Edward Lumbard, of the U.S. Circuit Court of Appeals for the Second Circuit, who was originally scheduled to testify tomorrow, has graciously agreed to appear on June 6.

NOTICE OF HEARING ON NONAPPROPRIATED FUND ACTIVITY JURISDICTION (S. 3163)

Mr. TYDINGS. Mr. President, as chairman of the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary, I wish to announce the continuation of hearings by that subcommittee on S. 3163, a bill to provide courts of the United States with jurisdiction over contract claims against nonappropriated fund activities of the United States.

The hearings will begin at 9:30 a.m. on Tuesday, May 21, 1968, in the Post Office and Civil Service Committee hearing room, 6206 New Senate Office Building.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

Mr. DODD. Mr. President, in the course of this debate, and for the last 6 years as far as I am concerned personally, I have been criticized publicly and privately, indeed put upon in person, because I have proposed a much-needed firearms law to disarm criminals and the demented.

The charge invariably has been that I am trying to disarm the American sportsmen. The hunters, I have been told, are a good lot and should not be inconvenienced by rules and regulations.

I can say that the hunters, shooters, sportsmen I have known have been a good lot, men of substance and standing in the community. And I have been careful to preserve their rights in the legislation I have proposed.

But no one would contend that all those who masquerade as target shooters, hunters, sportsmen really do wear white hats, that they are really qualified to be a symbol of the American rifleman.

The fact is that large numbers of the untrained, the unskilled, and the unprincipled go about in the garb and under the guise of hunters and sportsmen. There is not a hunter, or law officer, or conservationist in the country who does not know that. They also know that traditional hunting and sporting weapons constantly show up in crimes, and I say crimes of the most heinous variety.

The untrained and the unskilled and the careless sportsman each year accounts for the deaths of thousands of innocent people, and the maiming of tens of thousands of others.

And only the most unsophisticated would claim ignorance of the fact that extremists, criminals, the insane, and others take advantage of the easy way the law is written to accommodate the hunter and sportsman to arm themselves against the public interest.

Only those who cannot read would say this is not so. Extremists on both sides have publicly advocated the stockpiling of arms—and that stockpiling is done legally under the existing law.

In point of fact, the hunters themselves see themselves in a poor light.

Consider this description of the eastern deer hunter by Roger Barlow, which appeared in the September 1966 edition of Guns and Ammo magazine. I entitle it "Mommy, Mommy, They Killed Bambi":

> A hunting friend in New Jersey recently protested that we hunters are ourselves largely responsible for the almost unbelievably repulsive "image" we present to the vastly more numerous non-hunting—but voting—public. We shooters, he points out, are supposed to love and understand guns—yet each year far too many Eastern deer hunters are killed. Some of us obviously don't understand guns and hunting. Therefore all hunters are discredited in the many unfriendly news stories and editorials dealing with such "accidents."
>
> But far more important than this, my Jersey friend insists, is our perverse and stupid insistence each fall upon parading thousands of bleeding deer carcasses on car roofs along hundreds of thousand of miles of turnpikes, highways and byways, through thousands of towns and hundreds of cities. Literally millions of non-hunting Eastern citizens are forcefully reminded by a revolt-

ing and bloody display (to them) of the reprehensible activities of the hunters they already despise and resent.

I've seen children get semi-hysterical in a restaurant parking lot when a successful deer hunter's car drives up, "Mommy, Mommy, they killed Bambi!"

This hunter from New Jersey is quite right—why must we, as individuals, discredit ourselves as a group by driving around in red caps and jackets with a gory deer on our car? We can just as easily avoid offending and antagonizing our far more numerous fellow citizens of this area upon whose good will our future hunting depends.

It is to our own great advantage not to remind our non-hunting neighbors, who outvote us, that hunting involves killing.

We do have to worry about what all the housewives and little old ladies (of both sexes) think about us. It may not be too late for us Eastern hunters to live down our reputation of being "Bambi killers."

But killing Bambi is not the whole picture. It does not tell nearly all of the story.

Firearms have accounted for 792,343 deaths from 1900 through 1966.

That is more Americans than were killed in all our wars put together. Think of that and consider this breakdown:

Homicides	278, 519
Suicides	369, 306
Accidents	144, 518
Total	792, 343

The exact toll of firearms in the wrong hands will never be known. The above figures do not include the almost 80,000 who are maimed each year by the unskilled and unprincipled.

I mean the people who are cut down by the witless, senseless "sportsmen," armed with rifles and shotguns, like the woman in Maryland who was shot in the neck while weeding her garden just this week, or the little girl knocked out of a tree in Virginia by a high-powered rifle while picking peaches a year or so ago.

Are these the sportsmen who demand the right to go unfettered in their pursuit of shooting happiness, so often advertised and glorified in the shooting magazines?

The National Rifle Association has sponsored an advertisement in its campaign to enroll a million members which reads like this: "More Fun With Your Guns the Year Around—Join the National Rifle Association."

The NRA also puts emphasis on the need for firearms safety as part of its program. Obviously, the safety program has had little effect in terms of the magnitude of the problem since the founding of the organization.

It is estimated that some 20,000 persons will be shot to death this year, and enough more to make up 100,000 innocent people will be wounded or maimed.

Mr. President, I personally do not believe that "plinking is fast becoming the national family pastime," as Capt. William Askins contends in the June 1968 issue of Guns and Ammo magazine which is entitled ".22 Plinking Pistol for Summer Fun."

I disagree with Captain Askins when he says:

> No Sunday afternoon picnic is complete without a plinking session.

He says:

> The most common target for plinking is tin cans, but more satisfying are bottles, because of the delightful way they break. I like a reaction when I hit a target. Rats, cockroaches, turtles, frogs and sparrows are on my plinking list, too. One of my best plinking sessions was spent shooting English sparrows out of cottonwoods surrounding a farm in Oklahoma. I proudly finished up the afternoon with a bag of 21 birds.

My idea of a Sunday afternoon picnic is something different.

But this is one shooter's portrait of a Sunday afternoon picnic.

There are other views of the shooter, the sportsman who wants everything and is willing to give nothing in return.

One such word picture of the "hunting establishment" was drawn by Bil Gilbert, a noted naturalist, an expert in survival techniques, and a native resident of rural Pennsylvania.

It was published in the October 21, 1967, issue of the Saturday Evening Post.

He sees the hunting establishment, which I point out includes most of the associations and conservation groups that form the gun lobby, as "the most pampered, privileged, subsidized, recreational group in existence." He says:

> Nevertheless, it has a paranoiac fear of even the mildest criticism.

That is how he begins his article. I can say that from experience the most of his opinions and virtually all of his facts are well taken.

I ask unanimous consent that the entire article be printed in the RECORD at this point so that when sportsmen, hunters, conservationists, and shooters are referred to in this debate, it will be properly understood that while these sportsmen are not all bad, neither are they all good.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUNTING IS A DIRTY BUSINESS

(By Bil Gilbert)

(NOTE.—A native resident of rural Pennsylvania, naturalist and author Bil Gilbert has taught survival techniques to members of the Peace Corps.)

The sports-hunting Establishment—the numerous private and public agencies, industries and lobbies whose life depends upon the killing of our native fauna for pleasure—is the most pampered, privileged, subsidized recreational group in existence. Nevertheless, it has a paranoiac fear of even the mildest criticism. As far as hunters are concerned, every critic is a sentimental old lady (regardless of sex). She is also most probably a vegetarian agent of the socialist conspiracy.

I grew up among a clan whose first instinct upon encountering a creature was to blow a hole in it. Now I earn my living as a naturalist, although when I am in the bush and hungry I will kill and eat anything I can. I have no moral objections to killing various species for legitimate purposes. But I think a live mallard is a thing of beauty and wonder and a dead duck an object of limited interest. The usual hunter does not see the difference.

At the lowest critical level, in my experience, the average hunter is a hypocritical nuisance. Unfortunately I have intimate knowledge of the common, suburban-garden type of sport. Each year the easterly spur of the central Appalachians on which we live is invaded by several regiments of gunners from the wilds of Washington, Baltimore, Philadelphia. Each one seems to believe that because he is trying to shoot an inoffensive animal, he is a tough, crafty, courageous woodsman whose chest is covered with hair, a figure out of James Fenimore Cooper by Ernest Hemingway. Frankly I suffer these clowns more as a composite of Studs Lonigan and Walter Mitty.

Physically they run to paunch and red faces. They are slow of foot, expensively dressed from the tips of their down bootees to the knobs of their silver hip flasks. They have little desire to search for game, but a great desire to kill something that can be tied to a fender or held up in a barroom. They shoot from the road ("Don't slam the door, Jack, you'll scare him"). They rarely pursue wounded game, and after a hunting season the woods are filled with cripples. Hunters are noisy, belligerent and the dirtiest of all outdoors-users, littering the landscape with bottles, corn plasters and aspirin tins. They are also dangerous.

Stories about hunters shooting cows, goats, poodles, Volkswagens and people are part of the folklore, but unfortunately they are frequently true. One fall I foolishly ventured out with three small children into our overgrown pasture. Suddenly there was the report of a gun, the zing-zing of slugs passing through the underbrush a foot or so over our heads. One satisfaction of the whole scary incident was proving that at least one bird watcher was hardy enough to run down one 17-year-old hunter. I took the gun away from the boy and took him to his father, who was sporting nearby. The old man mildly admonished the boy and lectured me sternly about letting "unmarked" children wander about our own posted field.

Beyond the fact that sports hunters are, as a rule, disreputable, the most obvious complaint against them is that they are destructive of wildlife. Several species—the passenger pigeon, heath hen, Eskimo curlew—were simply hunted into extinction. Many more—buffalo, antelope, grizzly bear, wolf, mountain lion, eagle, certain waterfowl—now barely survive.

Hunters say that these were merely atrocities of the past, committed by gunmen who had not been saved by the National Wildlife Federation or the National Rifle Association. Today's hunters are said to be enlightened conservationists whose fees and political support make possible all sorts of wildlife research, protection and preservation. In fact, about half of the funds of state game agencies is spent to hire, equip and arm wardens to protect wildlife from gunners. Hunters are therefore in the position of would-be bank robbers who, upon encountering armed guards in front of a vault, decline to blow it open and then demand a good-conduct medal.

While traveling throughout the country recently, I got in the habit of asking state wildlife officials what they thought would happen if they suddenly halted all their enforcement activities. Eventually all admitted that without gardens the sports gunners would probably come close to wiping out all game and a variety of other species. Actually, removing all hunting restrictions might be the quickest, most effective and natural way of solving the whole hunting problem. It is likely that after a year or two there would be scarcely any conspicuous animals left alive within a quarter of a mile of any road. Surviving wildlife could then be left for nature lovers and those who have sufficient pride, endurance and patience to master the skills of true hunting.

The most irksome aspect of all of this is that, unlike bridge players, Boy Scouts, pool hustlers or any other sporting group, hunters are more or less public wards. I, you, we are required to subsidize hunters with our taxes and set aside large chunks of our increasingly scarce wild lands and wildlife for their use. Somewhere in the neighborhood of 25,000 public wildlife "conservation" workers, state and federal, consume upwards of a half-billion dollars a year mostly to make it easier and quicker for gunners to gun things. No other sport comes anywhere close to being so pampered and coddled.

Take, for example, the National Wildlife Refuge system operated by the Department of the Interior. Some 29 million acres of public land (2 million more than are in the National Park system) are set aside for wildlife refuges. Much of this land is managed and maintained for the primary benefit of waterfowl gunners. Hunters point out that they buy duck stamps and assert that this money pays for the refuge system. The truth is that the annual refuge budget is about $30 million, and the annual income from duck stamps is $5 million. In other words, about 85 percent of the refuge money comes from general tax revenues. So far as I know, there are no state game agencies that do not need appropriations which issue from people who do not hunt at all.

Hunters attempt to justify this obvious inequity by explaining that the work of state and federal wildlife agencies benefits all wildlife. It is claimed that state and federal hunting lands also serve as a sanctuary for many nongame birds and mammals. They do sometimes, but it is largely accidental. For example, Michigan is contemplating creating about a half-million acres of new deer habitat. This will involve bulldozing the land, turning it into deer-browse scrub. Some other species will find this scrub hospitable, but the variety of wildlife that can use the land will decline. From the standpoint of the nature watcher, these acres will be about as attractive as a housing development in preconstruction stages.

The record of research and management of nongame species carried on by public wildlife agencies is all but nonexistent. You seldom find public wildlife employees out ministering to a bluebird, chipmunk or owl, since they are occupied almost exclusively with about 30 shootable species (out of approximately 1,000) of North American birds and mammals. "You may be hired as a wildlife manager, biologist or whatever, but you soon find that you are paid to put out so much meat on the hoof," explains a man who until last year was an official in a "conservation" department. He is now employed by a private conservation foundation. "I just got tired of being a butcher's assistant and quit."

The results of our national wildlife policy, almost totally dominated by hunters, have been disastrous. A few months ago, for example, the Secretary of the Interior published a list of 169 species of animals judged to be either rare or endangered; that is, they have come perilously close to extinction as public wildlife agencies mismanage or decline to manage nongame species. Another fact that should be considered is that hunters, despite their many privileges, are minority users of wildlife, and their numbers are declining. In 1960 the Department of the Interior estimated there were 14½ million sports hunters. In the 1965 edition of the department's report the number of hunters had dropped by a million, and by now the department has finally counted others who appreciate our wildlife, without violence. There were 11½ million nonhunting users of our fauna, to whom must be added the 120 million national-park users (most of whom hope to encounter a bear in the Smokies, an elk in Yellowstone, a moose on Isle Royale) and the uncountable number whose Sunday stroll can be made memorable by the sight of a pheasant, fox or hawk.

Despite their declining numbers and importance, the hunters are grabbing successfully for still more privileges. When federal legislation for study and management of rare and endangered wildlife was finally enacted in 1966, the price of its passage was a rider that permitted all of the National Wildlife Refuge system to be opened to hunting. Previously, hunting had been allowed on no more than 40 percent of any given refuge. Many of our new and proposed national parks—Pictured Rocks in northern Michigan being an example—are administered by the National Park Service, and commonly called national parks, and yet federal administrators explain that these lands are not "national parks" but "national recreation areas." Through semantics, hunting is not being introduced into forbidden parks, only into recreational areas.

An obvious solution to many of these inconsistencies and inequities is to remove the financial—and thus polticial—stranglehold that hunters and many public wildlife men believe they have on widlife agencies. The crucial need is for all the operating funds for wildlife agencies to be appropriated from general revenues. Freed from the bondage of hunters' money, state and federal wildlife agencies should be required to initiate research and habitat-development-and-preservation programs which would benefit all our fauna, not just those creatures that hunters shoot. There is no reason why some public refuges could not be managed for the pleasure and instruction of small boys who want to climb trees to see crows' nests, of butterfly collectors, deer photographers and those who simply enjoy seeing and contemplating the ways of species not classified as human.

The increase in numbers of non-hunting wildlife-users suggests a source of conservation funds that might more than compensate for the loss of hunters' fees. Already the Federal Government, in a quiet attempt to free itself from hunters' pressure, has begun to tap this source. Last year some nine million dollars was collected from campers, bird watchers, picnickers and scenery viewers and funneled into the Land and Water Conservation Fund. I concede that hunters, whatever their failings, still constitute a recognizable recreational group, and some provision should be made for them. However, they should, proportionately, receive no greater privileges than are granted other sports—pleasure boaters, campers, golfers. Perhaps their share should be a little less since hunting is an aggressive, exploitive use of resources, and the land where ducks are being shot is unsafe for other fun and games. If a fair share of public land, money and services seems to hunters to be insufficient for their needs, then they would be free to buy and stock their own land and pay fees to private landowners or hunting clubs.

None of these changes in wildlife policy and use will occur simply because they are logical and equitable. Hunters are so firmly entrenched in our wildlife bureaucracy that only a concerted, aggressive campaign will flush them. A philosophical basis for this campaign might be the realization that despite a lot of pious, self-congratulatory propaganda, hunters generally are a destructive, dangerous lot, who have made a mess of our wildlife resources. They may or may not have hair on their chests, and maybe some do. But hunters all must be skinned of the right to use the forests and fields as if they were a personal preserve, a private butcher shop.

Mr. DODD. Mr. President, so that my colleagues will understand precisely what the firearms lobby consists of as it is used in this debate, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, an article on the group's membership which was prepared and published April 10, 1968, by the editors of Congressional Quarterly.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. The article, which identifies the National Rifle Association as the leader and principal spokesman for the gun lobby, is reasonably, but not entirely complete.

Nor are the references to finances, and their resources complete. I will submit for the RECORD a more thorough analysis of these items at a later date.

EXHIBIT 1

[From Congressional Quarterly, Apr. 10, 1968]

PRESSURE GROUP EFFORT AGAINST GUN CONTROL LEGISLATION PACED BY THE NATIONAL RIFLE ASSOCIATION

Following are the major pressure groups that have worked for and against gun control legislation:

NRA. The National Rifle Assn. (NRA) is by far the most powerful pressure group against strong firearms-control measures. The organization was founded in 1871 by National Guard officers to improve its members' marksmanship. By 1968, the NRA had more than 900,000 members. Of the NRA's $5.7-million budget in 1967, only $131,000 went to its legislative activities, according to the organization's annual report. The large bulk of the funds (37 percent) went to publish its magazine. *The American Rifleman* (25 percent of the income of the NRA was from advertising in the magazine, which is sent free to all members). The remainder of the NRA's expenditures went for such activities as competitions, promotion and membership activities, including the keeping of marksmanship records.

The NRA has never registered as a lobbying organization on the grounds that its functions are primarily educational and that its legislative activities are not a "substantial" portion of its total activities. According to Congressional sources, NRA officers are seldom in direct contact with Members of Congress. But the organization is remarkably efficient in sending information on gun legislation to its members and in encouraging the members to write letters. NRA Secretary Frank C. Daniel told CQ he had no idea how many letters an NRA appeal could generate. But he said that "perhaps half a million would not be too far off."

The NRA's legislative information activities are under Daniel's direction. The organization keeps a complete file, not only of federal laws affecting firearms but also of the laws of each state and many large cities. When gun-control legislation is introduced in a state legislature or in a major city, the NRA immediately sends a two- or four-page bulletin to its members in the area affected. The bulletin describes the proposal, gives the NRA opinion of the effects it would have and lists the appropriate legislators and city officials whom the NRA members are encouraged to write. Similar information is contained in each issue of the *Rifleman*.

More than 500 bills pertaining to firearms, hunting or conservation were introduced in state legislatures in 1967, a typical year, according to NRA officials. A number of these would have put firearms under stricter regulations. Yet, as an indication of the effectiveness of the NRA's legislative bulletins, no gun control legislation which the NRA actively opposed has been adopted at the state or local level in decades with the exception of a 1966 New Jersey law and city ordinances in New York City, Chicago and Philadelphia.

The NRA gains some of its strength from its close ties with the Pentagon. These ties remain despite the 1967 cancellation of Government support for the NRA-sponsored National Rifle Matches. The group's Executive Vice President, Franklin L. Orth, is a former deputy assistant secretary of the Army (also a former member of the Subversive Activities Control Board). And many of the past military directors of the civilian marksmanship program have retired from the Army and are now on the NRA payroll.

A major source of strength in recruiting membership is a 1903 law, and its subsequent amendments, which gives the Pentagon only two ways to rid itself of surplus firearms and ammunition. It can sell the surplus for scrap. Or it can sell it to NRA members at a bargain price. In 1967, after the Detroit riot, 400 members of the Detroit police force were required to pay a $5 membership fee to the NRA before they could purchase surplus carbines for use in riot control.

Wildlife Groups. Wildlife and conservation organizations also have opposed strong gun control legislation. According to an official of a wildlife organizaiton, they tended to follow the lead of the National Rifle Assn. on legislative matters, opposing what the NRA opposed and supporting what the NRA supported. "We have no machinery to evaluate gun laws ourselves, so we depend on them," the official said.

Among the better known of these organizations are: The National Wildlife Federation, a nonprofit private organization seeking to attain "conservation goals through educational means"; the Wildlife Management Institute, concerned with research into wildlife restoration, which has 15,000 members; and the Izaak Walton League, concerned with hunting and fishing.

Firearms and ammunition manufacturers contribute heavily to the support of the National Wildlife Federation and the Wildlife Management Institute. And a sizeable portion of the federal funds that are spent for wildlife and conservation are directly related to gun and ammunition manufacturing. Under the Patman-Robertson Act (the Federal Aid in Wildlife Restoration Act) of 1937, which was supported by the gun industry, an 11-percent excise tax on the manufacture of sporting arms and ammunition is earmarked for aiding state fish and game agencies. In 1967, this excise tax generated $28 million for the states. While virtually every other industry in the country opposes excise taxes on its own goods, the firearms industry repeatedly has supported the Pittman-Robertson tax.

Industry Organizations. The National Shooting Sports Foundation (NSSF) is an organization of about 100 manufacturers, dealers, magazines and organizations with interests in sports shooting. It was established in 1961, to conduct promotion and public relations for the industry. According to Carl Bakal's book, "*The Right to Bear Arms*," the organization was conceived on June 8, 1960, at a New York seminar on antifirearms legislation. *The New York Times* reported that the conferees—firearms industry representatives, outdoor writers and conservationists—agreed that a central body was needed to coordinate the efforts of "many public and industrial groups that already monitor vigilantly a yearly torrent of bills in Congress, legislatures and city councils aimed at the regulation of firearms." The organization spends large sums of money on advertising and promotion ($200,000 in 1963, according to Bakal), and some of the ads are concerned with legislation. For instance, one which ran in outdoor magazines went: "Lawmakers who know the feel of the field can become great marksmen. Good enough to shoot holes in the antifirearm argument." The NSSF has never registered as a lobbyist.

In addition to the NSSF, the Sporting Arms and Ammunition Manufacturers' Institute (SAAMI), a trade association of nine of the largest makers of guns and ammunition, has opposed firearms control legislation.

Many manufacturers have Washington offices, including Colt, DuPont (the parent company of Remington) and Olin Mathieson (Winchester-Western). But, except for the four manufacturers which registered a representative in 1965—Savage Arms, Redfield Gun Sight Co., O.F. Mossberg & Sons Inc. and High Standard Corp.—none has lobbyists registered for it.

COUNCIL FOR A RESPONSIBLE FIREARMS POLICY

The only organization primarily concerned with enacting stronger gun-control laws has been the National Council for a Responsible Firearms Policy. The Council was formed in 1967, and has as directors such prominent men as New York Mayor John V. Lindsay (R), former Maryland Gov. J. Millard Tawes (D) and author Cleveland Amory.

The Council has few members, no more than 75, according to one source. Its secretary, J. Elliott Corbett, would not tell CQ how many members the organization has, but he said there were "not as many as we would like." The Council also has no full-time staff and little money.

Corbett said the Council has applied to the IRS for tax-exempt status as an educational organization, and, he said, if this is approved, the organization will hire a staff and become more active. The Council has not and does not plan to register as a lobbyist.

THE SENATE SHOULD ENACT TITLE IV, THE CONCEALED WEAPONS TITLE OF THE OMNIBUS CRIME ACT

Mr. TYDINGS. Mr. President, Congress has an obligation to the American people to delay no longer the enactment of legislation which will place reasonable, intelligent, and long-needed curbs on the indiscriminate interstate traffic in firearms. I believe that the passage of title IV of S. 917 will give us such legislation.

Most of us are—or should be—aware of the major provisions of title IV. It has been the subject of heated debate both in and out of the Senate. The provisions were the subject of congressional hearings in 1963, 1964, 1965, and 1967. It has been the target of well organized attacks again and again and to many of us who have supported it there have been ascribed a variety of motives which range from a simple lack of understanding to a diabolical desire to strip our fellow citizens of their constitutional rights. The charges used in these attacks have been ridiculous, wrong, and in many instances, irrational.

We have been told that gun control is a local problem; we have heard that gun laws do not keep firearms out of the hands of criminals; and the highly vocal opponents of effective gun legislation would have us believe that passage of the bill would lead to the disarming of our citizenry.

The time has come, I believe, for us to reject these frivolous and ill-founded charges and to acknowledge the serious threat which unbridled firearms traffic poses to this Nation's well-being. Indeed, it has passed from being a mere threat to becoming stark reality in many areas of the country. The evidence is all about us; we need only examine it to discover that the danger is immediate, clear and real. We cannot afford to ignore it.

I noted a moment ago that it has been said that the imposition of any controls upon the use, acquisition or possession of guns is properly a function of the States. It has also been said that the Federal Government should not invade a field in which the States are best qualified to act.

I think it is abundantly clear that title IV does not represent an effort on the part of the Congress to invade the domain of the States; I think it is equally clear that what title IV does represent is an effort to help the States help themselves. And, title IV would do that simply by controlling the flow of weapons from State to State.

The ultimate purpose of the overwhelming majority of State gun laws is to keep firearms out of the hands of criminals and others who are obviously unfit to properly use such weapons and to prohibit the acquisition and possession of certain types of weapons and destructive devices for which there is no legitimate need.

Title IV contains two important provisions which would help the States to achieve that purpose: First, title IV would direct the flow of commercial interstate traffic in firearms between persons licensed under the act. Second, a dealer-licensee would be prohibited from selling firearms, other than rifles and shotguns, to a resident of a State other than that in which the dealer's place of business is located. Where rifles and shotguns are concerned, a licensee could sell to out-of-State residents only if he were satisfied that the laws of the buyer's home State did not preclude his purchase or possession of such a firearm in the purchaser's own State.

Title IV also imposes restrictions on private interstate sales and purchases of firearms. A nonlicensee would be prohibited from selling a firearm, other than a shotgun or rifle, outside his State of residence. Further, this measure would prohibit a purchaser from transporting into or receiving in his State of residence a firearm, other than a rifle or shotgun, purchased outside that State, or a rifle or a shotgun which it would be illegal for him to purchase or possess in his home State, county, or city. These are necessary restrictions, for without them, State and local authorities would be given little support in the implementation of their own gun control laws.

I recognize that these measures might, at times, cause minor inconvenience to private individuals but I believe that this is a small price to pay for the benefits which will flow from such measures.

In recent years, shameful and tragic riots have shocked many of our major urban areas. We know of the frightful toll in lives and property which has been taken during these periods of civil unrest. Our law enforcement agencies have told us of the role which guns have played in making even more difficult the hazardous duties of our police and firefighters.

During the riot which swept Detroit, Mich., during July 23 to 30 of last year, police officers were shot by snipers and 16 others were injured as a result of snipers firing at police vehicles. In that period, some 267 handguns were confiscated and many of them taken from known killers, robbers, thieves, and looters. Under Michigan law, a permit is required to purchase a handgun and such guns must also be registered. Yet 207 of these guns were not registered and 38 were taken from individuals who possessed the weapons without the knowledge of the owners.

Detroit law-enforcement authorities established that the majority of the handguns seized from the rioters had come from out-of-State, most of them from Toledo, Ohio, where no meaningful gun control laws exist.

The same pattern has been followed in city after city and until effective Federal legislation is enacted there appears to be little cause to hope that the pattern will be broken. The National Advisory Commission on Civil Disorders has strongly urged passage of this legislation. The Commission concluded after months of intensive study:

> The fact that firearms can readily be acquired is an obviously dangerous factor in dealing with civil disorders. It makes it easier for a serious incident to spark a riot and may increase the level of violence during disorders. It increases the dangers faced by police and others seeking to control riots . . .
>
> We . . . believe that Federal legislation is essential in order to make state and local laws fully effective, and to regulate areas beyond the reach of state government.

I do not believe it necessary to dwell at length upon the features of title IV. We know what the bill provides and we know what it does not provide. The opponents of the bill know that this legislation is not intended nor will it disarm law-abiding and responsible citizens. They also know that it is clearly constitutional.

The time has come when we must evaluate our country's needs objectively, disregarding the emotional rhetoric which has accompanied almost every attempt to obtain rational gun controls. I think that after we have made our evaluation of those needs, we will appreciate the urgency for the immediate enactment of sensible and effective gun controls. Indeed, a perusal of the many hearings held in recent years on proposed Federal gun controls convinces one that those opposing meaningful and effective controls in this vital area are purporting to support weaker measures, but would prefer no measure be passed at all.

We are now living in troubled times. The welfare and safety of this Nation demands effective firearms controls. The vast majority of our citizens support meaningful controls.

How long are we going to continue to allow maniacs, criminals, drug addicts, drunkards, and other irresponsible people easy access to lethal firearms? The time has come for Congress to enact a strong and effective Federal firearms law now. We have been considering firearms legislation since prior to President Kennedy's assassination in 1963. We have not enacted any substantive firearms legislation since 1938—nearly 30 years ago.

How long will we continue to allow nearly 19,000 deaths each year by means of firearms? How long will we allow criminals to use firearms in some 43,000 aggravated assaults and some 50,000 robberies each year? Guns claim on the average of 50 lives a day or one every half hour, and are the means used to kill more than 95 percent of the police slain each year across the Nation. Three-quarters of a million people have died in the United States by firearms misuse since 1900—more than in all our wars.

Title IV is an effective means of controlling the indiscriminate sale of handguns in interstate commerce, although frankly, I believe we need controls over indiscriminate sale of rifles and shotguns as well.

Rifles and shotguns were used in about one-third of the homicides committed with firearms last year. More and more maniacs and criminals are resorting to these weapons to maim and kill people. This legislation should be of material assistance to the States in enforcing their own State and local firearms laws.

The present Federal Firearms Act is totally ineffective and inadequate to deal with our firearms problem today. There are presently no controls over the interstate mail-order sale of handguns and the over-the-counter purchase of handguns by nonresidents. Criminals use the interstate mail-order route to circumvent effective State and local firearms laws by having handguns shipped into their State unknown to law-enforcement officials. Criminals also buy handguns in States where firearms laws are lax, and return to their own State where the laws are more stringent and could not purchase a handgun to commit crimes. These handguns are again obtained unknown to law-enforcement officials.

Firearms legislation has been endorsed by the President, the International Association of Chiefs of Police, the American Bar Association, the Department of Justice and FBI, most State and local law-enforcement officers in the United States, and numerous National, State, county, and local organizations.

Public opinion polls have shown repeatedly that a vast majority of the public favor more effective Federal firearms control. The latest Harris survey indicated that the American people favor the passage of Federal laws that place tight controls over the sale of guns in this country by 71 to 23 percent margin. This poll indicated that the public favored registration of firearms. However, title IV is much less severe than registration. The National Crime Commission in its February, 1967 report recommended registration of firearms. Again title IV nowhere approaches this type of strict regulation.

This bill will not hamper the legitimate sportsman or the hunter in obtaining his rifles and shotguns, nor will it hamper or prevent a person from possessing a firearm in his home or place of business for self-defense, assuming he has complied with his State and local laws.

Title IV is aimed primarily at controlling the interstate sale of handguns. It would—

Prohibit the interstate mail-order sale of handguns, except between federally licensed firearms dealers;

Prohibit the over-the-counter sale of handguns to persons not residing in the State in which the firearms dealer's place of business is located;

Prohibit a Federal firearms dealer from selling a handgun to a person under 21 years of age;

Prohibit a Federal firearms dealer from selling a firearm to a person who the dealer believes is prohibited by State or local law from receiving a firearm;

Prohibits a Federal dealer from selling a firearm to a convicted felon, fugitive from justice, or person under indictment;

Prohibits the transportation or receipt in interstate commerce of firearms knowing a felony is to be committed with that weapon;

Provides higher standards and increases fees for obtaining Federal firearms dealer's licenses to prevent persons from obtaining such licenses for illegal purposes;

Regulates the importation of firearms into the United States by excluding military surplus handguns which show up in more than 50 percent of the crimes where handguns are confiscated. Also rifles and shotguns not suitable for sporting purposes could not be imported; and

Prohibit the sale of destructive devices—such as antitank guns, bombs and grenades—and machineguns unless the purchaser's local law enforcement officer approves such sale.

Title IV does not do the following:

Does not prohibit the mail-order sale of rifles and shotguns;

Does not prohibit the over-the-counter purchases of rifles and shotguns by persons in their own State or in other States unless a State or local law would be violated;

Does not require the registration or licensing of handguns, rifles, or shotguns;

Does not prohibit the transportation, carrying, or receipt of rifles or shotgun unless you are a felon, fugitive, under indictment, desire to use them to commit a felony, or would be violating State or local law; and

Does not prohibit the intrastate mail-order sale of handguns or the intrastate over-the-counter purchase of handguns, except where the purchaser is under 21 or the purchase would be in violation of State or local law.

Although title IV prohibits the interstate mail-order sale of handguns except between licensed dealers, a resident of one State may order a handgun offered for sale in another State through his own local firearms dealer.

It is fundamental in our Federal system that the States determine their own firearms policy since the need for firearms control varies with the State or region. However, it is apparent that in the firearms area, Federal support is needed to help the State and local communities enforce their own firearms laws.

The bill would not curtail ownership of guns among those legally entitled to own them, nor would registration be forced on unwilling States. Sportsmen and hunters can carry rifles and shotguns across State lines, and pistols can be carried in conformity with State and local law.

Title IV is not the cure-all for violent crime. It will not prevent all crime, but it will give the States and local communities an opportunity to enforce effectively their own State and local firearms laws.

The people of the United States want stricter control of guns. Congress is fully empowered to act. The issue has been debated beyond reason. The public interest and the public safety require action now.

NATIONAL DISTRICT ATTORNEYS ASSOCIATION ENDORSES TITLE IV, THE CONCEALED WEAPONS PROVISION

Mr. President, the National District Attorneys Association representing approximately 2,500 prosecuting attorneys throughout America and Canada recently held their midwinter conference. A series of resolutions were passed at this conference which the association believes would greatly assist the prosecutor in the discharge of his difficult duties, if implemented by legislation. One of those resolutions, entitled "Firearms Control," strongly endorses "efforts presently being made in Congress to regulate interstate and mail-order shipment of firearms, over-the-counter sale of handguns to out-of-State purchasers, and the sale of firearms to minors."

In other words, the National District Attorneys Association has endorsed the principal provisions of title IV, the concealed weapons title of the Safe Streets Act. I ask that the "Firearms Control" resolution of the National District Attorneys Association be reprinted at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 5: FIREARMS CONTROL

Whereas, the easy accessibility to firearms is a significant factor in criminal homicides and other crimes of violence; and

Whereas, federal and state firearms control laws will assist law enforcement in reducing the number of offenses committed with firearms and will aid in the detection, arrest and successful prosecution of persons using firearms in the commission of crimes; now, therefore

Be it resolved, that the National District Attorneys Association supports efforts presently being made in the Congress to regulate the interstate and mail order shipment of firearms, over-the-counter sale of hand guns to out-of-state purchasers, and the sale of firearms to minors; and

Be it further resolved, that we urge the Congress to consider expanding such legislation to prohibit the sale of firearms to convicted criminals and to persons suffering from mental disorders; and

Be it further resolved, that we support legislation at the local level requiring the registration of all firearms.

JAMES J. KILPATRICK ENDORSES TITLE IV, THE CONCEALED WEAPONS PROVISION

Mr. **TYDINGS**. Mr. President, the noted conservative columnist, Mr. James J. Kilpatrick, has urged Senate passage of title IV, the concealed weapons provision of the Safe Streets Act. He has called title IV's passage "urgently needed now."

Writing in last Thursday's Washington Evening Star, Mr. Kilpatrick put the gun lobby's objections to title IV in their proper perspective. He effectively answered objections, saying:

> With the best will in the world, it is difficult to comprehend the opposition of the National Rifle Association, and other sportsmen's groups, to a bill along the lines now under debate in the Senate.

Mr. Kilpatrick's views on the concealed weapons provision of the safe streets bill deserves the attention of every Member of the Senate. I ask that they be reprinted in full at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT'S HIGH TIME FOR FEDERAL GUN-CONTROL LAW

(By James J. Kilpatrick)

What's in the news? Here in Washington, three juveniles, armed with pistols, rob a bank. An ex-con, armed with a pistol, murders a storekeeper. A hysterical girl seizes a pistol and kills her father. Two thugs, armed with pistols, wound a local grocer.

This is news? This is routine stuff. With deadly, dreary monotony, the same items appear every day across the land. It is high time—it is way past high time—for the Congress to take effective action on handgun control within the United States. Under Title IV of the crime bill now pending in the Senate, an opportunity is presented for legislative decision. That opportunity must not be wasted.

Who can quarrel with the legislative findings set forth in the bill? There is, in fact, a widespread traffic in concealable firearms. There is no question of the ease with which criminals, thrill-seeking juveniles, narcotics addicts, and mentally defective persons may acquire handguns. Who can deny that the mail-order sale of such weapons thwarts the effectiveness of State and local regulations? Hundreds of pages of testimony support these conclusions.

With the best will in the world, it is difficult to comprehend the opposition of the National Rifle Association, and other sportsmen's groups, to a bill along the lines of the bill now under debate in the Senate. The major purpose of the proposal is to limit the commerce in concealable handguns to federally licensed dealers, who in turn would be required to regulate their sale. What's wrong with that? How does this hurt the law-abiding sportsman?

It is true that in some of its provisions, dealing with the importation of foreign guns, the bill seeks to impose restrictions upon rifles and shotguns as well. The pending bill would be a better bill, in my own view, if it were stripped of language giving all sorts of broad powers to the Secretary of the Treasury. These provisions are not essential to the bill's main purpose, and they are bound to arouse opposition among the sportsmen groups.

It may be useful, in this regard to spell out what the pending bill does not do.

For one thing, the measure has nothing whatever to do with collectors of antique firearms. The bill defines an antique firearm as "any firearm of a design used before the year 1870 or replica thereof." Such weapons are expressly excluded from the bill.

The pending bill would not prohibit the mail-order sale by dealers, within the United States, of sporting shotguns and rifles. The bill would not prohibit the ordinary sale of such long guns to persons under 21. In one provision after another, the proposal deals solely with firearms "other than a rifle or shotgun."

The bill would not have the slightest effect upon hunters taking rifles or shotguns across a state line. It would not inhibit the routine shipment of weapons for repairs. It would not, in short, interfere in any unreasonable way with the sportsmen or target shooters engaged in lawful activities.

What, then, is all the row about? Some gun buffs contend that federal legislation is altogether prohibited by the Second Amendment to the Constitution, which says that "the right of the people to keep and bear arms shall not be infringed." But this provision clearly relates to the maintenance of a "well-regulated militia, being necessary to the security of a free state." The objection is groundless.

Other opponents are full of a kooky paranoia. They see the Communists taking over the United States and proceeding at once, through gun registration records, to the confiscation of all private firearms. These critics are having nightmares; they are groaning in their sleep.

A responsible Congress will keep its eye on the main target: handguns—concealable handguns. In a violent time, these tools of violence must be brought under sensible control. Such a legislative achievement is not impossible; and it is urgently needed—now.

LOS ANGELES TIMES ENDORSES TITLE IV, THE CONCEALED WEAPONS PROVISION

Mr. **TYDINGS**. Mr. President, in deciding between title IV, the concealed weapons provision of the Safe Streets Act and the pending substitutes for title IV, the Senate will have to decide whether we are going to have some reasonable gun control law in this country, or a bill which is not worth the paper upon which it is written.

The question is whether we are, by enacting title IV, going to cut off the interstate sale of handguns or whether we are merely going to require a self-serving affidavit procedure which has the same purpose but which in fact will not deter criminals, lunatics, and juveniles from getting guns and will impose a burden and harassment on honest sportsmen.

A recent editorial in the Los Angeles Times on this question is particularly relevant to our debate. The Times editorial points out:

> At a time of ever increasing violence in crime, it seems incredible that we still have the most lax restrictions on firearms of any developed country.

The Times endorses title IV, the bill now pending before the Senate and in addition would go further. The Times says:

> The Times not only urges passage of the proposed gun controls but also suggests that registration of all lethal weapons may be in order.

The Times issues a challenge to the Congress. It says:

> Now is the time for Congress finally to take a stand on mail order murder.

Mr. President, I ask that the full text of the Los Angeles Times editorial be inserted at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Apr. 24, 1968]

CONGRESS AND THE GUN LOBBY

The tragic slaying of Dr. Martin Luther King Jr. has focused new national attention on the continued failure of Congress to enact effective gun control laws.

At a time of ever-increasing violence and crime, it seems incredible that we still have the most lax restrictions on firearms of any developed country.

Nowhere in the world are guns so readily available as in the United States. The result is a frightening toll: 6,400 murders were committed with firearms in 1966 plus 10,000 suicides and 2,600 accidental deaths.

Yet every attempt in recent years to gain tougher federal gun legislation has been frustrated in Congress. Even the assassination of President Kennedy with a mail-order rifle didn't lead to restrictions on the traffic in such weapons.

That was in 1963. On April 5, 1968—the day after Dr. King's murder—the best that the Senate Judiciary Committee could do was to vote a watered-down measure limited to restricting inter-state shipment of handguns or their direct sale to out-of-state customers.

The day before, the committee once again voted down the major gun control proposal by rejecting the long-sought prohibition of all mail-order sales of rifles and shotguns as well as of handguns.

This minimal protection had the strong support of President Johnson, Atty. Gen. Ramsey Clark, FBI Director J. Edgar Hoover, American Bar Assn. president Earl F. Morris and most police chiefs throughout the country—and, according to polls, the backing of a big majority of all the people of the United States.

Nevertheless, the curiously effective lobbying of the National Rifle Assn. and allied organizations still manages to exert sufficient pressure to spike gun laws.

Five years after Lee Harvey Oswald clipped a coupon from the NRA official magazine to order the carbine with which he shot the President, any potential assassin, revolutionary or common criminal can arm himself as easily.

One of the biggest reasons for the NRA's success is that it purports to fight restrictions which aren't even before Congress. The association claims that the pending bill would limit rights of hunters and honest citizens to own a gun.

It would do nothing of the kind.

The legislation would only have restricted mail-order gun shipments, which are now virtually without any control. Firearms are thus easily and alarmingly available to psychopaths like Lee Harvey Oswald, to criminals and to minors.

Some persons even have gone so far as to propose that perhaps total civilian disarmament is necessary in a society so violence-oriented.

The measure turned down by the Senate Judiciary Committee would simply have strengthened the gun controls now exercised by states. No mention is made of registration of weapons or "disarming" of the public—favorite scare words of NRA.

The Times not only urges passage of the proposed gun controls but also suggests that registration of all lethal weapons may well be in order.

"How long," Atty. Gen. Clark asked a Senate subcommittee last year, "will it take a people deeply concerned about crime in their midst to move to control the principal weapon of the criminal: guns?"

As long as it takes our lawmakers to resist the gun lobbyists and to act to protect their constituents.

Now is the time for Congress finally to take a stand on mail-order murder.

THE POOR PEOPLE'S MARCH

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have the following items printed in the RECORD:

An article by Willard Clopton, Jr., published in today's Washington Post, entitled "Marchers Move in, Hint a Long Stay."

A news story by Carl Bernstein, published in today's Washington Post, entitled "Firms in Riot Area Losing Insurance."

An article by Alfred E. Lewis, published in today's Washington Post, entitled "Merchant Slain in Store Looted During April Riot."

A story by Bernadette Carey, published in today's Washington Post, entitled "Poor People's University Planned To Specialize in Study of Poverty."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCHERS MOVE IN, HINT A LONG STAY

(By Willard Clopton, Jr.)

"Resurrection City USA" acquired its first settlers and a zip code yesterday, as hints were given that the poor people's shantytown by the Reflecting Pool could become a semi-permanent encampment.

"We may be here two or three years," the Rev. James Bevel, a top official of the Southern Christian Leadership Conference, said at an afternnon press briefing.

The Rev. Bernard Lafayette Jr., national coordinator of the Poor People's Campaign, told newsmen that the protesters are prepared to ignore the June 16 expiration date for the permit that allows them to camp on West Potomac Park.

"The permit may run out, but we will not be run out," he said and added: "We got our permission to stay here from the American Indians."

About 600 camp-in participants, most of them from Mississippi, are in Washington now.

At the camp site, the banging of hammers competed with the overhead roar of jetliners, and by nightfall more than 100 plywood-and-plastic shanties had been erected.

A Campaign spokesman said that at least 200 persons would be living in the structures by last night.

One postal official said the settlement had been tentatively assigned the zip code 20013. But another said the matter of mail delivery was still being worked out.

A wooden barricade went up at the camp entrance yesterday and Campaign marshals politely shooed away reporters and other outsiders.

Several explanations were given.

"We are not animals in a zoo, but people trying to establish a nonviolent community," said the Rev. A. E. Sampson, an SCLC field director. Mr. Bevel said it was to keep the work crews from being distracted, while Mr. Lafayette said it was to prevent injuries to visitors.

One nonparticipant admitted was Stokely Carmichael, former chairman of the Student Nonviolent Coordinating Committee, who made a smiling, hand-shaking visit to the scene during the afternoon.

Mr. Bevel later described Carmichael as "a friend and brother . . . one of the very important and outstanding black leaders in the country."

Early in the day, Sen. Charles H. Percy (R-Ill.) dropped by to don a carpenter's apron and pound a nail into a shelter.

He again endorsed the Campaign and said that as long as it is kept nonviolent and reasonable, "We must be receptive, we must listen and we must learn."

At the press briefing, Mr. Lafayette restated the SCLC aim of maintaining order. The campground, he said, "will be a nonviolent city—the first we know of in the United States."

Mr. Bevel said the protesters will practice "political psychiatry" on the Nation's leaders and "educate" them on the need to eliminate poverty now.

In another action, the National Capital Area Child Day Care Association said it would continue its day-care program for the marchers' preschool children at Sacred Heart Church, 16th Street and Park Road nw.—until the families can move into the camp site.

Meanwhile, representatives of the National Welfare Rights Organization met with officials of the Department of Health, Education, and Welfare to discuss pending welfare amendments to the Social Security Act, to which they object.

Dr. George A. Wiley, head of the Organization, said later he would call for protest demonstrations throughout the country when the amendments take effect July 1.

At Resurrection City, the first arrivals were busy getting acquainted with their new surroundings.

One Mississippi woman ran her hand across the plywood walls and commented: "This is okay. It's better than what we have at home."

The youngsters darted here and there and scampered across piles of lumber. One woman started to cuff her unruly son but was restrained by another mother, who said, "Uh-uh, no violence now."

FIRMS IN RIOT AREA LOSING INSURANCE

(By Carl Bernstein)

The insurance policies of at least 100 firms doing business in riot-affected areas of the city have been canceled, the District superintendent of insurance said yesterday.

The superintendent, Albert F. Jordan, said that his office is receiving "five to ten complaints a day," and that "more than 100" cancellations have been verified.

Aides in Jordan's office estimated that the actual number of cancellations—many reports are still being checked—probably exceeds 200.

Jordan, who described the number of insurance cancellations here as "very serious," said that "we are in for very big trouble" unless Congress moves quickly to establish a National Insurance Development Corp., to aid underwriters suffering losses from rioting.

Mayor Walter E. Washington's appeal to insurance companies to refrain from either canceling or refusing to renew policies in the ghetto, Jordan said "has been something less than successful."

Also, the Superintendent said, the Mayor's effort to convince underwriting firms that they should voluntarily pool their resources against future losses in slum areas has been "hampered by delays."

The Mayor's pooling plan, which he presented to insurance companies April 29 as a stopgap measure to protect ghetto firms until Congress acts on the National Insurance Development Corp. proposal, will be the subject of a meeting today between Jordan and industry representatives.

According to Jordan, no firms in riot-affected areas reported insurance cancellations "in the first few days" after April's civil disturbances here. "Then we started getting a few," he said, "and now we're getting more and more. The problem is getting worse obviously."

Jordan said the number of cancellations is "compounded" by an undetermined number of refusals to renew policies in slum areas, "as well as the fact that no other company will pick up insurance on a man who has been canceled because of the riot."

Jordan, who said the "more than 100 cancellations" verified by his office have been attributed to eight insurance companies, commented that "the great majority" of underwriting firms "are trying to cooperate with us the best they can."

Members of Jordan's staff said they are checking reports that about ten other companies have canceled policies. More than 270 insurance firms are licensed to do business in the District.

Jordan said that "no company has engaged in wholesale cancellations" of their policies in ghetto areas," but added "no company wants to write new policies in the riot areas either."

Jordan identified the eight companies known by his office to have canceled policies as the Aetna Casualty & Surety Co. of Hartford; the Hartford Mutual Co. of Blair, Md.; the Home Insurance Co. of New York; the Phoenix Assurance Co. of New York; the Zurich Insurance Co. of Chicago; the Northwestern National Insurance Co. of Milwaukee; the Grain Dealers Mutual Insurance Co. of Indiana, and the Firemen's Insurance Co. of Washington, D.C.

Most of the stores where insurance was canceled were small retail establishments, with liquor stores the hardest hit, according to Jordan. He did not list specific businesses.

Jack Veatch, president of the District Association of Insurance Agents, said yesterday that he is "not surprised" by the number of cancellations. He said the industry is "trying to be as fair as possible." Like Jordan, Veatch called for national legislation to provide a reinsurance pool for ghetto businesses.

Herbert M. Pasewalk, vice president of the Firemen's firm here, said that his firm is "trying to cooperate" with Mayor Washington's request but that "we've got to live, too." He said Firemen's has canceled most of its policies in which stores were damaged or looted during rioting, but said the firm "will not engage in wholesale cancellations in the ghetto." Representatives of the other seven companies could not be reached for comment yesterday.

In a related development yesterday, a local drycleaning firm filed suit in U.S. District Court against an insurance company it says will not pay off claims because Washington's disturbances constituted a "civil insurrection."

The suit, for $500,000 in damages, was filed by Aristo Cleaners and Dyers, Inc., against Royal Exchange Assurance of America, Inc. Aristo claims that the April disturbances were not an insurrection but a "riot" and thus the firm's losses should be covered by its policy with Royal Exchange.

Merchant Slain in Store Looted During April Riot

(By Alfred E. Lewis)

A 62-year-old hardware merchant was found shot to death in his store at 3213 Georgia ave. nw. yesterday afternoon.

His wife, concerned when he hadn't answered her phone calls, entered the store while police were investigating her husband's slaying.

Police said the merchant, Bert C. Walker, had been shot twice in the head by a holdup man who apparently fled without a dime. The cash register was jammed and had been pounded with a blunt instrument. The dead man's wallet was still in his pocket. It contained a small amount of money.

The windows of the store were smashed when it was looted during last month's rioting, and the plywood that stood in their place blocked a view of much of the interior from the street.

It was the fourth slaying of a Washington area merchant in 15 days.

Capt. Eugene D. Gooding, commander of the Tenth Precinct, said the killing took place between 1:15 and 2 p.m., when the body was found.

Walker, who lived at 6518 8th ave., Hyattsville, and who had been in business at the store for more than 30 years, had called a nearby liquor store at 1:15 p.m. to order beer and cigarettes to take home.

At 2 p.m., John Bethea, 59, an employe of the Georgia Avenue Liquor Store, 3210 Georgia ave. nw., walked into Walker's paint and hardware store with the order. The store appeared to be empty and Bethea called out Walker's name. He searched and found Walker's body at the rear of the store, lying behind a counter.

Dr. Richard Whelton, District coroner, pronounced Walker dead at the scene at about 2:45 p.m. He said cursory examination showed Walker had been shot at least twice through the head. An autopsy will be performed today.

Police, who arrived shortly after 2 p.m., were followed soon after by Mrs. Walker.

Walker's store was looted and the windows were broken during the rioting April 5.

The first of the earlier slayings occurred April 29, with the fatal shooting of Benjamin Brown, 59, in his liquor store at 1100 9th st. nw. Next was Emery Wade, 40, an A&P store manager, killed May 3 in the store at 821 Southern ave., Oxon Hill, Md. The third victim was Charles Sweitzer, 59, a sundries department manager in the Brinsfield Rexall Drug Store, 3939 South Capitol st, on May 7. Arrests have been made in each of the earlier cases.

Poor People's University Planned To Specialize in Study of Poverty

(By Bernadette Carey)

Organizers of the Poor People's Campaign are working with a committee of faculty members at area colleges to set up a Poor People's University.

The special school for the study of poverty, its problems and tactics for its elimination, hopes to enroll between 5000 and 7000 people, predominantly among the college students expected to come to Washington to join Campaign demonstrations.

It is scheduled to open May 29, and to run through the remainder of the Campaign.

Supporters of the program have already met with representatives of the consortium of five area universities (American, Catholic, George Washington, Georgetown and Howard), and have requested use of classrooms, dormitories and other facilities on their campuses.

The universities are expected to respond to those requests at a meeting tonight.

"We know that lots of young people who are planning to come here for the Poor People's Campaign, have very poor reasons for coming," explained Stoney Cooks, 25-year-old coordinator of campus and student activities for the Southern Christian Leadership Conference, and originator of the idea for a Poor People's University.

"But we hope to use even their vague interest to get them involved in our movement—not just while they're here, but in our summer task force for youth, and after they've returned to their schools and communities."

Cooks said the courses will include such titles as "Welfare Regulations and Qualifications," and "The Negative Income Tax," to "The Psychology of Racism," and "The Corporate Establishment."

Though many leaders of organizations participating in the campaign would act as teachers and leaders of discussion groups the proposed university also hopes to have a corps of experts such as author Michael Harrington, Ebony magazine editor Lerone Bennett, Jr., and Bayard Rustin, director of the A. Philip Randolph Institute.

Cooks said the university would require no qualifications for prospective students, and that poor people and young people not currently enrolled in any college would be eligible.

"We hope to provide housing and some meals for those participating," he added. "But we are asking that those students who can afford it bring money of their own."

Cooks identified the members of the faculty committee working with him on the university as: Grady Tyson and Bernard Ross of American University, Sister Mary Gerald of Trinity College, Cynthia Thomas of Georgetown U, Clifton Jones and Roy D. Jones of Howard, Mal Harris of George Washington and Sister Mary Frieda of Catholic U.

SOVIET NAVAL FORCES IN PERSIAN GULF

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record a column by Rowland Evans and Robert Novak, published in today's Washington Post, entitled "Soviet Naval Forces in Persian Gulf Pose Threat to Western Interests."

There being no objection, the column was ordered to be printed in the Record, as follows:

Soviet Naval Forces in Persian Gulf Pose Threat to Western Interests

(By Rowland Evans and Robert Novak)

The newest, profoundly disturbing evidence of how the Soviet Union is building its power base in the Middle East is the presence, reported here for the first time, of Soviet naval vessels in the Persian Gulf.

Composed of a cruiser and several destroyers, this latest show of Soviet penetration of the Middle East has been quietly followed by U.S. intelligence experts as it moved across the Indian Ocean from a goodwill mission to India.

In itself, the presence of Soviet naval vessels in the northern Indian Ocean does not mean that Russia is about to inherit the position of Great Britain as the great power that will be calling the shots in that highly strategic, oil-rich region.

The British have already announced their intention to pull out from their historic power bases in the Persian Gulf by 1971, under the pressure of economic crisis at home. With the British leaving, it is only natural for the Soviet Union to start maneuvering for maximum advantage, and a show of naval power is an obvious gambit.

But the disturbing fact is that U.S. officials do not find a single example in history of Russian naval vessels ever before having sailed into the Persian Gulf. This, then is a symbolic display of the Soviet flag with historic overtones designed to influence one of the most strategic areas in the world at precisely the moment that a power vacuum is being created.

Moreover, it coincides with the establishment of Soviet naval bases or their equivalent along the southern shore of the Mediterranean in the Egyptian ports of Alexandria and Port Said. A large and well-equipped Soviet fleet has been patrolling the eastern end of the Mediterranean, watering, supplying and fueling at those two Egyptian ports ever since the six-day Arab-Israeli war one year ago.

It is no wonder that of all the nations vitally interested in reopening the Suez Canal the most interested today is the Soviet Union. Once the canal is again navigable, the Soviet fleet will not have to sail from Asia via the Indian Ocean to reach the Persian Gulf. Soviet vessels can then sail down the Red Sea, around the southern tip of the South Arabian states (where anti-Western forces in the Yemen civil war are directly supplied by Russia) and up into the Persian Gulf.

For the United States, the clear warning that Moscow is leaping into the Persian Gulf vacuum presents dangerous alternatives. Quite apart from the Persian Gulf, for example, the United States is already in an intolerable bind over what to do in the Arab-Israeli crisis, a dilemma that bears directly, on the more distant question of the Persian Gulf.

The basic U.S. hope in the Arab-Israeli struggle is that the Soviet Union will finally decide that the risks of war with the United States outweigh all the political advantages Moscow could still gain from helping the Arabs against Israel. Thus, the Johnson Administration continues to refuse to give Israel the F–4 Phantom aircraft she says she needs for self-defense.

By not giving Israel our top-rated fighter aircraft, it is hoped that Russia will decide not to send open-ended arms shipments to the Arabs. Experts here now claim that these shipments have tapered off and that Russia may not build up Egypt beyond its military strength of last May.

In other words, U.S. policy, which has consistently followed rather than led the major events in the Middle East for the past several years, is still geared to a long-range, Washington-Moscow detente, the vital part of which is that neither great power will provide enough new arms to upset the precarious balance of power, as it was upset a year ago.

The trouble with this policy is that it is based primarily on hope—hope that Moscow will see the Middle East as Washington sees it—and not on U.S. initiative. And therein lies the real danger of the Soviet naval force now steaming in the Persian Gulf.

While Washington hopes, Moscow is acting—building naval facilities, penetrating regions historically out of bounds, and systematically subverting U.S. interests.

NATIONAL GALLERY OF ART

Mr. PELL. Mr. President, I should like to call to the attention of the Senate an article which appeared in the Newsweek magazine of May 6, 1968, which reviewed the career and accomplishments of Richard Bales, director of music of the National Gallery of Art.

Last week commemorated Mr. Bales 25th anniversary as director of music for the National Gallery and the opening of the Gallery's 25th annual American music festival which he founded. To my mind, we as a nation are very fortunate to have someone like Richard Bales affiliated with one of our national institutions. He is not only a gifted musician who has brought the pleasures of music to his fellow musicians, but is also a first-rate historian. It is interesting to note that the Newsweek article is entitled "America's Kapellmeister." It is also interesting to note that Johann Sebastian Bach was also a Kapellmeister. Perhaps the most clear definition of this term is one who composes and performs music for the people by whom he is employed; Bach in a church for the communicants and Bales in a national museum for the country's citizens.

The pleasurable moments spent in the east garden court of the National Gallery listening to the finely trained chamber orchestra of Richard Bales are moments which thousands of people both residents and visitors to our Nation's Capital will long remember.

On the occasion of his 25th anniversary at the National Art Gallery I wish not only to congratulate Mr. Bales, but also to extend warm wishes for many more successful years.

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICA'S KAPELLMEISTER

Joseph Haydn would have appreciated the scene in Washington's National Gallery, which is not so different from the palace of the Esterházys where he was *Kapellmeister*. The skylighted, columned East Garden Court is a hothouse of potted palms, lilies and philodendron. And some people not quick enough to find one of the 600 seats perched on the edge of the large Louis XIV fountain that used to decorate the gardens at Versailles.

Last week, in that leafy splendor, America's Kapellmeister, Richard Bales, celebrated both his 25th year as director of music for the National Gallery and the opening of his 25th annual American Music Festival, seven concerts devoted exclusively to American music from the eighteenth-century William Billings to the world première of avantguardist Charles Wuorinen's "Making Ends Meet." The hit of the opening program, with the 57-piece National Gallery Orchestra, was Charles Tomlinson Griffes's "The Pleasure Dome of Kubla Khan," a lush tone poem written in 1919, that conductor Bales calls "one of the greatest American works."

American music plays an important role in the other 33 Sunday-night concerts at the Gallery. In a quarter of a century the 53-year-old Bales has provided a forum for more than 400 American composers and well over 200 world premières, including works by Leonard Bernstein, David Diamond, Quincy Porter and Ulysses Kay. But the classics are regular fare. "I don't think you can do a good job with American music," Bales told NEWSWEEK's Jane Whitmore, "without that background. And an adventurous spirit."

ANCESTORS

Bales regards as his "happiest and most important" contribution his early championing of Charles Ives—in 1953 he led the world premiere of Ives's First Symphony. "Now it's easy, Ives is famous," says Bales. "But in those days we jumped into the cold water and swam." In gratitude Ives sent Bales all of his published songs and in a memorable letter said, "Your fervent insight into the sources, mostly from bygone days, reflecting the lives and souls of our spiritual ancestors is deeply and truly felt."

As the national Kapellmeister, Bales has looked to America's musical past as well as its future. He has been the archivist of American music, diligently seeking forgotten scores and rescuing many, from the march played at Abraham Lincoln's funeral to three nineteenth-century baseball ditties that Bales used in the third of his four National Gallery suites. Shortly before Bales conducted the orchestra at the reopening of Ford's Theatre in January, he discovered the piano score to A. A. Hopkins's "Silver Bell Waltz" bearing a notation from Mrs. Lincoln that it had been the President's favorite. Bales orchestrated the touching dance music in time for the dedication ceremonies.

But Bales's most notable evocations of history have been his cantatas, "The Revolution," "The Confederacy" and "The Union," all available on Columbia records, in which he has revived and orchestrated the music of the time and welded it into a coherent and stirring musical history. "It's like writing history in your own words," says Bales, "hoping to hit the style of the period. I call it instant history."

He also made modern history of a sort when, in looking for a love song for "The Confederacy," he came upon "The Yellow Rose of Texas." "I thought it was a peach," he says, and so did Mitch Miller, who turned it into a pop smash. What makes the Civil War cantatas so moving is not only Bale's authoritative and sensitive presentations of soulful music, whether it is "General Lee's Grand March" or a sentimental love song such as "Lorena," but the dramatic expression of the human spirit, both Blue and Gray, from general to private, mother to girl friend, during the times that tried men's souls.

PATRIOT

The search for America's musical past is a personal exploration for the Virginia-born Bales. His great-great-grandfather spent a winter at Valley Forge and tended Lafayette's wounds at the battle of Brandywine. Two of Bales's grandparents fought on opposite sides during the Civil War. "I was raised to be patriotic," he says. "Lee and Grant and Stonewall Jackson were just like members of the family." He studied music at Eastman and Juilliard where he was one of four private pupils chosen by Serge Koussevitzky to spend the summer of 1940 at Tanglewood. The other three were Leonard Bernstein, Lukas Foss and Thor Johnson.

"I have tried to put a musical carpet under the lives of our ancestors," he says. "I think there is an American flavor to our music. It doesn't have anything to do with whether it's great music or not. It's us, our own, under our own sun. In this age everyone wants to be terribly original, but maybe that is not the high point. Maybe Americans should express themselves for what they are."

It's rare to see a man so happy in his work. "I really feel like the last of the Kapellmeisters," he says. "The gallery has been just like a patron prince. I feel as lucky as Haydn."

PRESIDENT JOHNSON'S INTEREST IN THE ARTS AND HUMANITIES

Mr. PELL. Mr. President, when he concludes his term of office, President Johnson will leave a firm and positive implant on our Nation's history through his support of the arts and humanities during his administration.

In fact, never have the arts and humanities been so encouraged by official policy and never have the arts and humanities in our country so flourished as they have in the past few years. And, when history is written 100 or 200 years hence, I believe that the artistic explosion that has occurred in this time will be one of the shining remembrances of President Johnson's administration.

One of many examples of President Johnson's interest in the arts and humanities was his dedication recently of the Smithsonian Institution's National Collection of Fine Arts. At that dedication he delivered a perceptive and sensitive talk. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT AT DEDICATION OF SMITHSONIAN INSTITUTION'S NATIONAL COLLECTION OF FINE ARTS

Distinguished Regents of the Smithsonian, Secretary Ripley, Dr. Scott, Ladies and Gentlemen:

This is a proud moment. I wanted to say that dedicating the new home of this National Collection makes me feel like a proud father, but on the plane this evening coming back from Kansas City, Mrs. Johnson said that would sound boastful.

So then I thought that I might say that I felt like a proud grandfather. But some people, she told me, think I already talk too much about my grandson.

So tonight, my friends, I am authorized to tell all of you that I do feel very much like a proud uncle of the National Collection.

I think you know how an uncle is. He doesn't visit very often, but he likes his relations to do well and it is good to see that the National Collection is doing well.

If I will never be remembered as a patron of the arts, I should be delighted to be known as an uncle of the arts.

Truly, this is a historic night for all of us. Until now, the United States was the only great country which had no national museum devoted to its own art.

The American collection was shunted about our Capital like a cultural stepchild. It was always in search of a home. Tonight it has a home, a great, historic home whose sandstone came from the quarries that were first operated by George Washington, and whose halls welcomed Abraham Lincoln on the night of his Inaugural Ball.

So tonight, thanks to the tireless dedication of many, many Americans, we see laid out before us the creative history of our great Nation.

From the beginning, America was known as a very vigorous and a very dynamic nation. It grew quickly in size and population and wealth. From the beginning, America was a wonder of the world, and also a hope for the world.

It would have been most unusual, I think, if all of this energy had not been accompanied by great artistic outpouring. As we can see here this evening, it was, and it is.

Through art, it is said, the soul of a nation is revealed. This new museum is a great resource for America, and for all the world, for that matter.

I am proud that I can be here with you to open this museum. I am very proud of the patrons who have made it possible. I am proud to wish it a long, happy, and prosperous life.

Let me add another word.

This is a day that we shall remember for another reason. It was 1:00 o'clock this morning that I was awakened and informed that Hanoi was prepared to meet us in Paris, to talk about peace.

We often think about peace as an absence of war. But, in fact, peace is a struggle, an achievement, an endless effort to convert hostility into negotiation, bloody violence into politics, and hate into reconciliation.

I have sought this moment for more days and nights than you will ever credit, and in enough places for all the historians to fully judge that we were fully credible when we said "any time, anywhere."

Now we shall begin. The days, the weeks, and the months ahead are going to be very hard and hazardous and trying, and exact the best from all of us. But with every fiber of my being, I shall try to move us from fighting to peace, from enmity to brotherhood, and from destruction to common efforts on behalf of the men and women and children of all of Southeast Asia.

In all of this, I ask all of you for your prayers.

Thank you, and good night.

RESOLUTION OF THE RHODE ISLAND GENERAL ASSEMBLY ON INCOME TAX EXEMPTIONS

Mr. PELL. Mr. President, I invite the attention of the Senate to a resolution adopted by the General Assembly of the State of Rhode Island, urging an increase in the exemptions allowed individuals under the Federal income tax.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION H1547

Resolution memorializing the Congress of the United States to raise the individual tax exemption from $600 to $1,000

Resolved, That the members of the congress of the United States be and they are hereby respectfully requested to enact such legislation as may be necessary to raise the individual tax exemption from the present six hundred dollars ($600.00) to one thousand dollars ($1,000.00); and be it further

Resolved, That the secretary of state be and he hereby is requested to transmit to the senators and representatives from Rhode Island in the congress of the United States duly certified copies of this resolution in the hope they will exert every effort to effect its purposes.

Attest:

AUGUST P. LA FRANCE,
Secretary of State.

RESOLUTION OF THE RHODE ISLAND GENERAL ASSEMBLY ON ESTABLISHMENT OF A NATIONAL CEMETERY IN RHODE ISLAND

Mr. PELL. Mr. President, I invite the attention of the Senate to a resolution adopted by the General Assembly of Rhode Island memorializing Congress to authorize establishment of a national cemetery in Glocester, R.I.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 5620

Resolution memorializing the Congress of the United States to pass H.R. 5649, a bill to establish a national cemetery in Glocester, R.I.

Whereas, Congressman Fernand St Germain, United States Representative in Congress, First District, Rhode Island, has introduced H.R. 5649, a bill to establish a national cemetery in Rhode Island; and

Whereas, Rhode Island, one of the most densely populated states in the country, has no national burial facilities; and

Whereas, Adequate and proper burial facilities for Rhode Island's honored veterans are badly needed and earnestly desired; and

Whereas, In every other region of the country there are at least four national cemeteries, but in New England there are none; and

Whereas, It is grossly unfair that the New England area which gave birth to this nation and particularly Rhode Island, the first of the original American colonies to formally renounce allegiance to Great Britain, remains without a national cemetery; and

Whereas, The historically rich State of Rhode Island, which has contributed so much to the greatness of this nation, should be permitted a national cemetery within its boundaries; now therefore be it

Resolved, That the general assembly does hereby memorialize the Congress of the United States to pass H.R. 5649, a bill to establish a national cemetery in Glocester, Rhode Island; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in the Congress of the United States in the hope that they will give this matter their personal attention.

Attest:

AUGUST P. LA FRANCE,
Secretary of State.

NO. 2 FUEL OIL

Mr. PELL. Mr. President, one of the most pervasive and persistent economic problems affecting my State and the New England region generally is the maintenance of adequate supplies of fuel oil at prices which are equitable and fair for the average consumer.

During the past winter, there were threatened and actual shortages of No. 2 fuel oil which is the basic fuel used by thousands of my constituents for home heating during the long New England winter, and only by the issuance of emergency import allocations was an adequate supply maintained.

In one case, the major deep water terminal facility at Providence which supplies fuel oil to many Rhode Island dealers actually ran out of fuel. Fortunately, the supply was restored in time to prevent disruption of service to consumers, but it was an unpleasant reminder to all of us that the comfort and well-being of many thousands of people depends on a rather slender supply line.

On that occasion, I sent a telegram to Secretary Udall urging him to take steps to provide continuity of oil supplies in the future so that there would not be a repetition of the threatened disruption. In response, I received a courteous and encouraging reply from Secretary Udall advising me that his staff would undertake a careful analysis of the problem and that he would consider remedies to prevent a recurrence of this year's problems. I ask unanimous consent that I may insert in the RECORD at this point my telegram of March 5, 1968 to Secretary Udall and his letter of response dated March 21.

There being no objection, the telegram and letter were ordered to be printed in the RECORD, as follows:

MARCH 5, 1968.

Hon. STEWART L. UDALL,
Secretary of the Interior,
Washington, D.C.:

Northeast Petroleum Corp. of Rhode Island advises me that their deep water terminal at Providence ran out of number 2 fuel oil at 2 p.m. today, March 5. This facility serves more dealers than any other in Rhode Island and severe public inconvenience could result from disruption of its service.

I am advised that Northeast Petroleum is expecting shipment this week of fuel allocated February 27. However, the shortage today demonstrates clearly that New England needs a permanent long-range solution and not stop-gap relief.

Urgently request that you give this matter your immediate attention and that you advise me at the earliest of any steps you can take to provide permanent continuity of fuel oil supplies for New England.

Warm regards,

CLAIBORNE PELL,
U.S. Senate.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 21, 1968.

HON. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: Thank you for your telegram of March 5 about the No. 2 fuel oil picture in New England.

I am well aware that the recent allocations by the Oil Import Appeals Board constitute at best a temporary solution. It may be that a more permanent solution is not possible under the present Oil Import Program. In any event, the essential first step is a careful analysis of the No. 2 fuel oil situation in light of the unusual developments of the past year. I plan to have my people do such an analysis as soon as the heating season ends and advise me on the alternatives available to prevent a recurrence of this year's problems.

We will keep you advised of our progress.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Mr. PELL. Mr. President, since this exchange of correspondence, there has been a most surprising and disturbing development which further indicates the constriction in the supply of this most basic commodity. In mid-April, just when the demands of the winter heating season were slackening off and when the pressure on the price for No. 2 fuel oil was beginning to recede, the major producers of the fuel announced an increase in the price. My office received dozens of messages of complaint from fuel dealers in Rhode Island and yesterday the Rhode Island congressional delegation met with a delegation of the dealers to review the causes of the problem.

The basic cause seems to be that there

are built-in economic pressures against the production of an adequate supply of fuel oil as long as the American market is forced to depend on American suppliers. The operation of these forces is simple and predictable: refineries are able to make more money producing high-priced fuels such as gasoline and jet fuel, and they therefore have less incentive to produce less lucrative products such as No. 2 fuel oil.

The solution, as the distributors in my State see it, is not to jetison the entire oil import control program but rather to permit selective, controlled importation of No. 2 fuel oil from Caribbean sources, where ample supplies are being produced at considerably lower prices. A thorough and detailed explanation of both the problem and the proposed solution has been presented to me in the form of a memorandum prepared by the Rhode Island fuel oil dealers and suppliers.

I ask unanimous consent that the memorandum may be printed in full at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Mr. President, at our meeting yesterday which was vigorously and ably chaired by my distinguished senior colleague, Senator PASTORE, the Rhode Island fuel dealers voiced clearly the viewpoint of an interest group which feels that its economic survival is threatened by bureaucratic regulation. I do hope that our efforts will bear fruit, particularly in view of Secretary Udall's encouraging letter of March 21.

Exhibit 1

Memorandum: Fuel Oil Situation in Rhode Island

1. Last week the Humble Oil Company announced a major price increase for No. 2 fuel oil. Other major oil companies have followed by raising their own prices. The increase is expected to raise the retail price paid by home owners in Rhode Island by ½ cent per gallon, and will cost the people of Rhode Island at least $5 million per year in increased home heating bills.

2. Retail prices for No. 2 fuel oil in Providence have gone up steadily over the past few years:

[Cents per gallon]

1964	15.6
1965	15.8
1966	16.6
1967	17.0
1968 (estimated)	17.5

3. No. 2 fuel oil is a critical commodity in Rhode Island: 475 Fuel Oil dealers depend on supplies to support their business; 150,000 buildings, almost all homes, are heated by No. 2 oil; 77% of buildings with central heating use No. 2 oil; 250,000,000 gallons of No. 2 oil are consumed annually.

4. Action can be taken to stop the continuing price escalation. Price pressure has resulted from a simple economic fact: Home heating oil has been in chronic short supply over the past few years in the United States and this short supply has forced prices upward.

5. The major reason for this short supply is that not enough No. 2 oil is being produced in the United States, and very little can be imported from overseas sources.

Advanced refining facilities (employing the "hydrocracking process") are being installed at U.S. refineries at a rapid rate. The new facilities enable refiners to produce a larger percentage of high priced products such as gasoline and jet fuel from each barrel of crude oil; a lower percentage of products such as No. 2 oil is thus produced.

Demand for jet fuel is rising at a rate of 10% per year. Refiners understandably want to produce as much high priced product as possible. But it results in a smaller supply of product for home heating purposes.

By mid-1968, the capacity of East and Gulf Coast refineries (which supply New England) to convert No. 2 oil to other products will have increased to the point where they can convert up to 30% of No. 2 requirements to other products.

No. 2 oil is available from Caribbean sources at ⅓ *less* than current U.S. prices.

But no significant amount of No. 2 oil comes into the country under present regulations.

Under the Oil Import Program, imports of No. 2 oil are frozen at 1957 levels. The Program makes no allowances for increased need for No. 2 by the U.S. consumer. It makes no allowance for new importers to participate in the Program. It places independents and small dealers at a competitive disadvantage against the major oil refiners and their vast, integrated marketing organizations.

6. These conditions have resulted in chronic shortages of No. 2 oil.

Severe shortages have occurred in Rhode Island over the past two years. Several large suppliers, including major oil companies, ran completely out of No. 2 oil in Providence for several periods during March of 1967 and 1968—only last month.

Unless increased supplies are made available, supplies of No. 2 oil can be expected to be short in the coming winter.

7. The Solution: Selective, controlled importation of No. 2 fuel oil.

The price spiral can be reversed and critical shortage can be alleviated by a simple step; an amendment to the Oil Import Proclamation which would allow small amounts of No. 2 oil to be imported from Caribbean sources. The amendment should specify that allocations could be given to those with a demonstrated need, for No. 2 oil *only*.

This limited, controlled amendment to the Program would have the following effects:

ON NATIONAL SECURITY

The national security basis for the Oil Import Program would not be adversely affected. Oil would be brought in from the same defense area, the Caribbean, which supplies the major portion of residual oil and other petroleum products. No. 2 oil would be shipped by tanker, over protected routes, in the same manner as from Texas and Louisiana.

The national security would be strengthened by building up an assured hemispheric supply of heating oil and building up U.S. stocks in case of an emergency.

Heating oil is as essential to defense as gasoline and jet fuel.

ON THE DOMESTIC OIL INDUSTRY

Only small amounts of No. 2 oil would be imported. Less than 3% of total U.S. consumption of No. 2 would be supplied by such imports.

Imports would have almost no impact on U.S. Production. No. 2 oil imports needed to relieve shortage would represent *½% of 1% of total U.S. production of crude oil.*

Imports would have no impact on U.S. refineries. These refineries are producing at capacity now, and are not making enough No. 2 fuel oil.

The domestic oil industry is in excellent condition. Profits are at record highs. In contrast to a 5 percent drop in net income between 1966 and 1967 of all manufacturing industries in the United States, net income after taxes of the petroleum industry increased 10 percent.

The Chase Manhattan Bank reported that in 1966, the domestic rate of return on invested capital by U.S. oil companies was at the highest level in 15 years (12.3%); and that for the first time in 20 years, the return on invested capital for such companies was higher for its domestic operations than for foreign operations.

ON NEW ENGLAND AND RHODE ISLAND

More than 75% of homes in New England burn No. 2 oil. Consumers who pay the heating bills will be spared the effects of a continuing price spiral. Jobs will be preserved. Employees of oil suppliers, jobbers and terminal operators will be kept on the payroll.

Supplies will be kept at healthy levels during the coming heating season, sparing the area from a possible supply crisis.

Air pollution control efforts will be strengthened by increased supplies of low-sulfur No. 2 oil; since this product contains far less sulfur than other fuel oils that have been de-controlled, such as No. 4, No. 5 and No. 6 oil.

8. In order to arrest the price spiral, and restore competitive equity to fuel oil marketing, I propose that the following plan be adopted by the Department of the Interior:

(a) The current finished product quota of 76,000 b/d into Districts I–IV should be made available by the Secretary of the Interior solely for imports of No. 2 fuel oil. No. 2 oil is the only finished product now in critically short supply and projected to be short well into the future.

(b) The Secretary should distribute the quota among non-refiner controlled deepwater terminal operators on the East and Gulf coasts on a percentage of input basis as follows: (1) 15% for the first 10,000 b/d; (2) 10% for next 10,000 b/d; (3) 5% for next 15,000 b/d; (4) Nothing for inputs in excess of 35,000 b/d.

For the reasons outlined, it makes sense to devote the entire finished product quota to No. 2 oil, rather than to allow it to be used for gasoline and other products which are in abundant supply.

As the Oil Import Appeals Board recognized by granting 12 firms import license on February 27, 1968, on the grounds of exceptional hardship, the independent deepwater terminal operators have been hit especially hard by the No. 2 oil shortage. A short supply situation affects the independent deepwater terminal operator first and hardest, since refiners cut sales to independents first. This is natural.

Since independent terminal operators are suffering hardship, since No. 2 oil is in short supply, and since independent terminal operators can receive overseas shipments at their own docks, this small portion of the Oil Import Program should be allocated in this manner.

Independent deepwater terminal operators now receiving finished product allocations on a historical basis would, of course, be eligible to receive quota under this plan. Those who would lose quota under this plan are major refiners who already participate very substantially (as they should) in the crude portion of the program, which is much larger than the finished product program. Another major recipient of finished product quota, who would not participate under this plan is the Defense Department. But that Department should not, as a U.S. Government agency, be the recipient of commercial import allocations from another Government agency. If any U.S. Government agency needs to purchase petroleum products abroad, it should be able to do so directly and not as a part of any import program involving private commercial firms.

SENATOR MONRONEY SPEAKS BRILLIANTLY IN DALLAS ON LAW DAY

Mr. YARBOROUGH. Mr. President, on May 2 the distinguished Senator from Oklahoma [Mr. MONRONEY] addressed the Research Fellows of the Southwestern Legal Foundation and the Dallas Bar Association at a meeting commemorating the 11th anniversary of Law Day, USA.

I regret that I was not present to hear Senator MONRONEY, but reports of his speech have come to me praising it as an outstanding evaluation of the meaning of law in our society today. It is all the more significant because MIKE MONRONEY is not a lawyer, although he has been a lawmaker for 30 years. But he certainly has a broad, comprehensive understanding of the significance and influence of law and lawful behavior in our world today.

I am highly pleased, as one inside the legal profession, to congratulate one outside the profession.

I ask unanimous consent that Senator MONRONEY's address and a letter which I have received from Mr. James D. Fellers of Oklahoma City dated May 8, 1968, be printed in the RECORD. I commend both Mr. Fellers' letter and Senator MONRONEY's great speech to attention of the Senate and the Nation.

There being no objection, the address and letter were ordered to be printed in the RECORD, as follows:

FELLERS, SNIDER, BAGGETT, BLANKENSHIP & BOSTON, ATTORNEYS AND COUNSELLORS AT LAW,
Oklahoma City, Okla., May 8, 1968.

Hon. RALPH W. YARBOROUGH,
U.S. Senate,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: The senior Senator from Oklahoma recently addressed the Research Fellows of the Southwestern Legal Foundation and the Dallas Bar Association at a great meeting in your State. The occasion was May 2 on the observance of the 11th anniversary of Law Day U.S.A. and Senator A. S. Mike Monroney delivered a significant and challenging message which vividly illustrated that only a lawful society can build a better society.

Although interest and concern over law and order are of particular interest to those closely identified with the legal profession, many of those present from the five southwestern states expressed regret that more lawyers and laymen were not exposed to this comprehensive and timely address. As an Oklahoma Trustee to the Southwestern Legal Foundation, I am taking the liberty of sending you a copy of Senator Monroney's remarks which you might want to share with his colleagues of the Senate.

It is meaningful to Americans to have statesmen who are informed and knowledgeable on significant issues and problems that confront the Congress and our country. And certainly, it is an appropriate time for all citizens, not merely those directly involved with law and law enforcement, to recognize that we have a personal and not inconsiderable responsibility, and that all who believe in freedom under law should resolve anew to support and defend it.

Sincerely yours,

JAMES D. FELLERS.

ADDRESS OF U.S. SENATOR A. S. MIKE MONRONEY TO THE SOUTHWESTERN LEGAL FOUNDATION, MAY 2, 1968

I am greatly honored to address the Southwestern Legal Foundation on this eleventh anniversary of Law Day, USA.

Most of my colleagues in the Congress are lawyers, but to an old newspaperman, the labyrinth of words and phrases and whereases and provided-howevers characteristics of law is perplexing. I have a staff of lawyers working for me, and I am sometimes impressed, or puzzled, or irritated by the pains they take to read a simple sentence. "Well, lemme look it over, Senator," they often say. Sometimes I think, like Dickens, they are paid by the word: the more words they use the more money they make.

The oldest and greatest law known to man is ten short sentences, seven of them simple negatives, and most of our earthly problems, legal and nonlegal, arise from our failure to apply them.

The late Charles T. McCormick, perhaps Texas's greatest legal scholar, upon finishing a class discussion of a very involved Supreme Court decision, remarked to his students, "My, my, my—what a terrible waste to so much nice, clean white paper."

I am comforted by his humor, for the intricacies of law are a mystery to the nonlawyer. I got into law the easy way; not by studying in a law office or through the hallowed halls of the University of Oklahoma law school, but by putting my name on the ballot and getting elected to Congress. I have been reading law ever since.

I do not claim to qualify as a legal scholar, but I do understand the meaning of law in our society, and that is what I emphasize today.

We are gathered together to pay homage to principles of behavior which bind mankind and permit the construction and maintenance of a peaceful social state. We have come to recognize that if law prevails, man will be able to achieve social progress, scientific advance, and spiritual development

Ten years ago, President Eisenhower proclaimed May Day as Law Day, U.S.A. Since then, the recognition of law as a means of both domestic and international harmony has grown. The World Peace Through Law movement has made advancement. It is singularly appropriate that in the Communist countries yesterday, parades of military might—tanks, guns, soldiers and other weapons of destruction—were paraded; while in the United States, ceremonies such as this meeting of the Southwestern Legal Foundation celebrated the meaning of the rule of law on this 2000-year-old holiday.

All the efforts of our civilization, from the law of Hammurabi to the Charter of the United Nations, have been designed to achieve social order.

Law is a social compact to protect and preserve life and property, by which men agree to refrain from antisocial conduct and to support and defend a government which is empowered to enforce the law. In its broadest form it is a constitution which sets out basic principles of government with a few specifics and a few directives. The magnificence of our own constitution stems in part from its general directive. It has lasted 180 years with only 24 amendments, only a very few of which altered or attempted to alter the basic concepts of American thinking.

If law is to govern effectively, it must reflect the society it governs.

The failure of law to do this cultivates dissent. The failure of law to respond to the needs of those governed results first in the disavowal of the law and finally in efforts to overthrow the law.

The American Revolution is a glorious event in our past, but from the viewpoint of law it climaxed a historic failure; for it resulted from the failure of the Government to govern properly.

When people lose faith in the government, they withdraw from the compact which law establishes and take upon themselves powers which in our world today cannot be assumed by individuals unless society is injured. It is a reversion to stone age civilization. It is a failure of our whole society. The irresponsible looter who throws a Molotov cocktail and the housewife who keeps a pistol in the cupboard have one thing in common: they express their loss of faith in the ability of the Government to govern.

Montesquieu said, "The deterioration of government begins with the decay of the principles on which it was founded." The principles of American government upon which this nation was founded are those enunciated in the Declaration of Independence and the Constitution. When we violate the law, we are deserting those principles. What happened in Watts and Newark and Detroit and Washington was a tragic failure of our people to live up to our principles.

For although no responsible citizen can condone or even permit any form of violence or civil disobedience, it is the responsibility of the Government to assure justice and prevent civil disobedience. There is an old saying among historians that the origins of war can be found in the peace treaty of the previous war. By abridging the rights of any we create problems of the future. Violation of law is by its very nature untenable in a lawful society. It is the right and duty of the Government to forbid antisocial behavior. But what is the alternative to antisocial behavior when laws themselves are corrupt? The answer to this question must lie in the ability and willingness of those who govern to do so wisely, and in the recognition by us all that my freedom ends where your nose begins.

The problems facing our civilization today are for the most part the result of our failure to reckon with problems of the past. Unfortunately, problems are Malthusian: they multiply geometrically and are soon completely out of hand. Often, our best efforts to resolve them are rejected or met with indifference. In the past four years, Congress has enacted three major civil rights statutes to extend to Negroes and other nonwhite minority citizens rights and privileges previously denied them. And yet there is rioting in our streets.

The crisis of white against black results not from our efforts to solve the problems, but from neglect for a hundred years before now, from the failure of law and government to answer effectively the question of the place of the Negro in American society.

Our gold drain and balance of payments problems result from complacent and unrealistic fiscal policies developed in the decade following the Second World War, when America had most of the gold in the world stored in Fort Knox.

Sometimes it is a heavy burden to ask of mortal man to grasp and resolve these problems, but it must be done. The felony is compounded, as you lawyers would say, if we continue to defer payment on the debt society owes. For we owe ourselves a just and lawful place to live. DeFoe said, "Justice is the end of Government." But in practice, out of the textbooks, it has not always worked out that way.

I believe that law must derive from justice in order to create social order, and that the corruption of law abandons justice and leads to social disorder. The history of man is filled with examples.

Law and order will triumph if law is just, not if soldiers fill the streets. We cannot expect to serve the purposes of Almighty God unless we are dedicated individually and collectively to that proposition.

There are loud voices in our land saying that law and order are breaking down, that force must meet force, and that irresponsible, lawless people are spoiling the fruits of American life. That is so. It is a national tragedy. We are deluged with problems. We are fighting a most difficult war against lawless Communist force in southeast Asia; we face fiscal problems that erode our dollar and weaken our monetary strength internationally; we are quarreling violently in our cities. National efforts to solve these problems are met with hostility, indifference, lack of money, administrative failures, and public misunderstanding.

All Americans are gravely concerned about the state of our nation and our civilization. The news is gloomy. It is pertinent to ask, then, what is the situation? How do we stand compared to those golden days of the past we look back upon?

How far have we come? How much have we achieved? Are we closer today to the realization of an orderly society? Or, will Communism and chaos overwhelm freedom and order?

Eleven years ago, in October 1957, the Soviet Union startled the world by launching the first Sputnik. National programs sponsored and financed by the Federal Government for the advancement of education and technology were in an embryonic state. Sputnik changed our national viewpoint. Not long after the launching of that first satellite, Robert Hutchins, President of the University of Chicago, in answer to a reporter's question of "What will we do about Sputnik," said, in essence "nothing." He believed that the America of the 1950's was a complacent society little interested in mustering the resolve to attack great national problems. There was much evidence at that time to support his viewpoint. But I am greatly encouraged by our nation's response in the last ten years.

Consider any aspect of our nation's life. The only battleground in the world for active military conflict is Vietnam. There is no other engagement between the military forces of the free world and communism. Our allies in Europe, and even those who do not wish us well, are living in economic and social prosperity that did not exist ten years ago and was not dreamed of 20 years ago. It is the direct result of American foreign policy—UNRRA, the Marshall Plan, NATO, and other international assistance which we have given to maintain a free Europe—probably the most successful peaceful foreign policy in the history of man.

Our allies in Southeast Asia recognize and appreciate the value of our American contribution to the establishment of a just and lasting peace in Vietnam. To those across the Pacific who live within the shadow of Communist aggression, the helping hand of the United States is viewed far differently than it is by those in this country—to some of whom Hitler is a name out of a book—which they probably haven't read. There is hope that our firearms and sacrifice in this trial will convince our adversaries of our intention to preserve peace and order.

Internationally, the United Nations, with our constant support, has achieved respect and status unparalleled in history. Ten years ago, a most popular slogan in this country was "Get the U.S. out of the U.N., and get the U.N. out of the U.S." The United Nations, which in 1945 was a Western-oriented institution of 51 nations, has now more than twice that number, half of its seats being held by the nations of Africa and Asia. It has had notable achievements, distinguished by the outstanding leadership of Dag Hammarskjold and U Thant. In Korea, it successfully met open full-scale aggression. In the Middle East, Kashmir and Cypress, it has kept smoldering conflicts under control. In the Congo, it prevented a new-born nation from being torn apart, recolonized, or turned into a great-power battleground in the heart of Africa. It has contributed to the settlement of, or at least the diffusing of the most dangerous problems of the cold war, the Berlin blockade, the Cuban missile crisis, and nuclear weapon testing.

Without its independence and international stature, I shudder to think what could have happened in these past ten years.

Domestically, we are perplexed by difficult social and economic problems.

Our people are divided on basic national issues. A portion of our youth seems dedicated to a withdrawal from society, to drop out from participation in life itself. Dean Griswold recently remarked:

"Perhaps I am not perceptive enough to discern the latent wisdom and goals of movement that seek the elevation of dirty words on campus or that exalt the virtues of flower power or that conduct a strip-in in a public park. The message, if there is one, escapes me."

To those of us born into the world before 1914, who came into maturity in the Depression, who remember as yesterday Pearl Harbor and Salerno, it is difficult in the extreme to understand the thinking of some young people today.

But if it is our sad plight to govern society when a portion of society expresses no interest in being governed, it is also our challenge to fulfill the promise of American life and to convey to those who come after us a lasting understanding of what this country is, of what liberty means, and of how it can be defended.

Eleven years ago when Sputnik went up, Congress and the President had already pledged themselves to a major program of economy in government and a great reduction in Federal expenditures. Today a major aim of the 90th Congress and the President is to reduce Federal expenditures. And yet look at the difference between expenditure reduction today and a decade ago. For today it is accepted that the reduction of cost in the Government does not mean the abolition of vital social programs which will, in the last analysis, provide the means for victory over the ancient enemies of man—cold, hunger and disease.

In the past four years, 55 different programs have been created by statute to improve the opportunities of all Americans. The Elementary and Secondary Education Act, the Manpower Training and Development Act, the Juvenile Delinquency and Youth Offences Control Act, the Water Resources Planning Act, the Water Quality Act, the Clean Air Act, the Student Loan Insurance Act, the Higher Education Act, the Highway Safety Act, the Demonstration Cities and Metropolitan Development Act, the Vocational Rehabilitation Amendments, and medical care insurance under Social Security.

These are just a few of the many programs that have been enacted to improve the quality of American life for all.

In the field of law, we have used the statutory process to improve our society, but the administration of law has not kept pace with these changes. Too often the impact of new programs is not felt because of red tape and ancient ways which hinder the proper administration of justice. Our courts, both civil and criminal, are jammed. Prisoners literally rot in jail waiting for trial. Dockets on the civil side are long, requiring months and sometimes years before a suit can come to trial. Judge Learned Hand's fear of winding up in a law suit is more justified today than when he uttered the famous statement.

We must not permit our legal institutions to live in horse-and-buggy days. We must not reinstitute a labyrinth such as the common law pleadings with a new system that is equally difficult. The intricacies of a *Dorrance* decision may make good reading for the student in conflict of laws, but it does little to simplify the administration of estates or any other aspect of law in our society. Fifty sets of laws and rules and practices makes a maze for the public to deal with, and antiquates our legal system.

There is an old story, a Texas story by the way, of the El Paso lawyer who practiced for 40 years, until Texas adopted the uniform rules of civil procedure. He then sent his license back to the State Bar with a note saying, "You just repealed all the law I ever knew."

It makes for a good story; but what Texas did was to abolish an unprofitable and indefensible system of legal delay and replace it with a modern system of procedure.

The adoption of uniform, or reasonably uniform, statutes continues in that direction. The leadership of the American Law Institute, the American Bar Association, and this Southwestern Legal Foundation is a significant contribution. But I recommend that you take heed—delay and confusion and indifference to changes in our legal system will but hasten the day when the Federal Government will be forced to step in and enact such changes by law. There is a new word coming in our vocabulary—judi-care.

Our legislatures suffer similar disabilities, and probably worse. I have no pride in stating that our state and national legislatures are sometimes pitifully equipped to do their job. We have a budget approaching 200 billion dollars—let that figure soak in—in our Federal Government, and when it comes to Congress in the form of appropriation bills and proposed authorizing legislation, it is split into dozens of pieces and scattered to various committees, few of which are aware of or able to learn of the activities of others. We do not have a single computer in service in the Congress. I don't know of any in state legislatures, including New York or California, which resemble our Federal Government in programs and responsibilities, as well as large appropriations.

I have been an advocate of legislative modernization for 30 years. I had the honor and pleasure to co-sponsor with the late Bob La Follette, Jr., the Congressional Organization Act of 1946, the only reorganization bill ever enacted by Congress. I sponsored another bill in 1967 which has passed the Senate and I hope will be enacted before adjournment. I know first hand that the road to modernization is long and rocky. I was on my feet for seven weeks defending a reorganization bill last winter before my colleagues in the Senate, some of whom were not deeply interested in some of our recommendations for change.

But change is necessary; it is vital. It makes government and law work. We must never flag in our efforts towards a better government, a better legal institution, and a better society.

The practices of the past which are no longer useful have no place in the legislative hallways or the court house, or the law offices of the present and the future. They grow cobwebs. Government and law cannot respond effectively to the needs of society if they are encumbered by outdated methods. Much work remains to be done.

Eleven years ago we had no Sputnik of our own. Today we have the most advanced program for the exploration of outerspace in the free world. It is only the secrecy shrouding the Soviet Union that keeps us from ascertaining whether we are ahead of the Russian space effort.

Eleven years ago we were just starting to build a nationwide network of 41,000 miles of superhighways to increase the mobility of the American people and the productivity of American transportation. Today we are close to the finish of that great project.

Recent developments in aviation—new super-sonic and jumbo jets—will bring South America and Europe to our shores and Australia just hours away. Much of this development has been made possible through Federal research programs.

We have developed drugs and vaccines that were unknown to science a decade ago for the cure and prevention of polio, measles, and other diseases that have plagued man throughout history. We have learned to reproduce in artificial form vital organs of the body. We are just entering the field of heart and other vital organ transplantation, which is an exciting and miraculous field of medicine.

We have continued to feed the free world with our bounty of wheat and other farm products.

Now we are planning the exploration of the ocean's depths, where natural foods and resources abound in quantity and quality far exceeding the bounty we discovered and utilized and sometimes cruelly wasted on the face of the globe. The role of the lawyer in this vast new field of international relations and exploration will be as important to its successful and peaceful development as the role of the scientist in making it possible.

And so, as President Kennedy remarked in December, 1962, the American people have much to be proud of in the twenty years since the last war. Our achievements have come through cooperation with our friends and restraint with our adversaries. Through law, we have much to look forward to.

When I looked out my office window recently and saw fires blazing in Washington, I was heartsick and frustrated by the senseless destruction and the ravages of irresponsible plunderers. The cry has gone out, "get out your gun." The sale of firearms, nationally, is at an all time high. Yet, you who are lawyers, who spend your lives resolving human conflicts of law—whether it is a sentence in a contract or the arraignment of a killer—recognize the absolute necessity to resolve our problems with reliance upon law, order, and justice.

If we fail to adhere to our principles of our American constitution—"To form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity," then we are rejecting the compact between the citizen and the government that has existed since 1789. We cannot permit that failure of law. We cannot surrender such a triumph to lawlessness and anarchy.

"Let them eat cake" must never become an American expression.

I have no patent solution to the problems America faces today. But I am willing to accept the challenge to find answers. I believe that reasonable men can work together to overcome the great difficulties, both foreign and domestic, that face us.

We have lived through many crises in this country and we have become the great free nation on earth.

We are a free people. We maintain a responsible and responsive Government. We have successfully opposed tyranny and aggression in every instance since the nation was born.

I look forward with hope and energy to the day when the problems which perplex us today will be resolved. I am confident that that day shall come, and I am equally confident that when it comes there will be new problems and a new generation of Americans to resolve them.

The wisdom of Thomas Jefferson is as meaningful to us today as it was two centuries ago: Eternal vigilance is the price of liberty. I would have it no other way.

A ROLE FOR THE "NEW GENERATION" IN TODAY'S SOCIETY

Mr. McINTYRE. Mr. President, the presidential campaign of the distinguished Senator from Minnesota, Eugene McCarthy, has caused many to reconsider their attitude toward the youth of today.

A group that was once called the "dropout generation," has proven itself to be just the opposite—a group of dedicated, interested, and vigorous participants in American society.

One cannot help being impressed by the thousands of young men and women who have given their time and energy to the distinguished Senator's campaign. Tireless workers and bright, intelligent political practitioners, they have proved to us all and to themselves that there is a role for young people in today's society.

Too much attention has been given to the small minority of college students who have caused the much-publicized disturbances on our college campuses. These irresponsible youths do not represent the young people of today. Much more attention should be given to the spirited young people who have dedicated themselves to making our great Nation even greater and who have devoted their energies to working on behalf of candidates they respect and admire. These people represent the youth of today, and they represent them well.

This new generation of young men and women has given new hope and new inspiration to all of us. Whatever success they may or may not have, they will nevertheless serve as a proud example of what America's youth can do when they put their hearts and minds to work to help make our Nation a better place to live.

Mr. President, David Broder, in a column published in yesterday's Washington Post, has written movingly and effectively about this "new generation." I ask unanimous consent that his article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

McCarthy Challenge Attracts a New Generation to Politics

(By David S. Broder)

Omaha, Nebr.—It was Sunday morning in the abandoned auto showroom that is the McCarthy For President headquarters in Omaha, and the volunteer "shape-up" was taking place.

A young man with a bullhorn was standing in the middle of the vast floor. A canvass captain would hand him a slip of paper and he would sound off:

"I need five volunteers for Ward Four—five for Ward Four."

In groups of two or five or ten, scattered around the floor, the college kids from Iowa and Illinois and Texas and Missouri were waiting, sleep still in their eyes. The Saturday night party had been a good one, and they looked somewhat the worse for wear. But there was little delay in filling the canvass quotas. They would stand, stretch and come forward to receive their instructions.

One's mind went back, and one remembered similar scenes. These same kids or their brothers and sisters had come to Manchester, to Milwaukee, to Indianapolis and now to Omaha, bringing their bedrolls and battered suitcases with them to spend their weekend working for McCarthy. One knew, with certainty, that whatever the results in Nebraska today, they will be coming again, by bus and by car, to work in the Oregon, California and South Dakota primaries.

This is the great thing McCarthy has done. He has involved a whole new generation in politics—and what marvelous young people they are. As he prophesied his challenge to President Johnson channeled at least some of the energy and the idealism of the campus protesters into legitimate channels of politics.

In a sense McCarthy's own fate has now become irrelevant. The student workers think they have accomplished their major goals of denying President Johnson renomination and forcing a start of peace talks on Vietnam. No one can prove them wrong.

If they fail to win their third objective, McCarthy's nomination, they seem realistic enough to accept that.

The whole history of our political era shows that efforts which fall short—or even fail utterly—of their objective nonetheless can leave behind the seeds of future triumphs.

The Democratic Party for a decade lived off the ideas that were generated, the enthusiasms that were kindled and the talent that was brought into politics in the Adlai Stevenson campaign of 1952.

Similarly, many of the young Goldwater enthusiasts of 1964 undoubtedly will emerge as Republican leaders of the 1970's.

But perhaps the most pertinent parallel to the McCarthy movement—for those of us who can remember that far back—was the struggle on the college campuses, centering on the American Veterans Committee (AVC), immediately after World War II. A generation of idealistic GIs found themselves locked in battle with the Communist cadres for control of the AVC. So bloody was the strife before the non-Communist liberals won that the organization itself was in ruins. AVC failed, but the survivors have a lesson in politics of immense value, and many of them have gone on to prominence in both parties.

I think it is predictable that the McCarthy movement will yield greater future dividends than either AVC or the Stevenson campaign. The AVC fight taught chiefly the tactics of parliamentary maneuver and the caucus and convention strategy. Its most distinguished alumni—men like Rep. Richard Bolling of Missouri, the liberal Democratic strongman of the House Rules Committee, and F. Clifton White, the conservative Republican who organized Goldwater's nomination.

The Stevenson campaign veterans—men like Arthur Schlesinger Jr. and Willard Wirtz and John Gilligan and George Ball—practice the politics of aristocratic eloquence that reflects the man who was its source. But the Stevenson campaign experience was also a limited one. Its precinct work, for example, was confined largely to white middle and upper class areas, and in states like California, where the Stevenson heirs are still in control of the Democratic Party, this weakness shows up.

The McCarthy campaign has been in inclusive political curriculum. Its leader has set a Stevensonian example of eloquence, and his rapport with the intellectuals and upper-class whites of both parties is exceptional.

But his disciples have also had lessons in convention in-fighting from their bruising (and mostly losing) battles in Minnesota, Iowa and other states. And their canvassing has taken them, unlike their predecessors in the Stevension movement, into all parts of America—farms and ghettos, suburbs and city apartments.

You cannot talk to the McCarthy volunteers without knowing that as they have been explaining McCarthy, they have also been discovering America.

That is why, whatever his own fate this year, McCarthy was right when he told the University of Nebraska students Sunday, "What has happened in our campaign will not be a footnote in history but a part of the main text."

THE LATE HONORABLE LOUIS GARY CLEMENTE

Mr. PASTORE. Mr. President, a precious memory is born and a precious privilege passes with word of the death of the Honorable Louis Gary Clemente, distinguished American, dedicated humanitarian, dear personal friend.

The precious privilege we have lost is the pleasure of his visits to Washington out of the pressures of his busy life—a return to the scenes of his congressional days—and to the circle of friendship that remained unbroken.

The day was made a little brighter by the sunshine of his eternal good nature—a luncheon would be a little lovelier for latest news of his big and beloved family—life was a little more worth while for this good man's interest in good causes, for Gary was the good neighbor personified.

Student of the law, lawmaker, and practitioner of the law, we urged him to accept service on the bench and held him worthy of its highest honors.

The precious memory that is born with the passing of Gary Clemente is one we must share with a long list of community causes that profited from his work and his wisdom.

He had served his country in uniform as well as in high office as his devotion was as varied as banks and Boy Scouts—from impressive world fairs to the plight of the individual who could be helped by a favorite work of Gary's, the Ferini League of the Catholic Charities.

Homes of refuge and hospitals of his heart held the affection of this man of family—an affection sweet enough to see the whole world as his family. This took not one whit away from his father's love for the nine children of his own hearth and for his dear wife, Ruth, from whom only death could part him.

Welcome at the White House—welcome in the humblest home—Gary Clemente was welcome everywhere. He had rare gifts of character, competence, compassion and commonsense that made him an inspiration to us who relaxed in his good humor, revered him for his humanity, and rejoiced in the honors paid him by Nation and by neighbors.

One dares to express here sentiments that would have embarrassed Gary in person, but now may be spoken with sincerity for his truly noble soul.

Gary Clemente has indeed left a precious heritage of nobility to his dear ones and out of our hearts goes our deepest sympathy to them in their great loss.

PROTECTION OF GLEN ECHO AMUSEMENT PARK FROM EXTENSIVE COMMERCIAL DEVELOPMENT

Mr. BREWSTER. Mr. President, for 2 years I have been working with concerned public officials and private citizens in Montgomery County, Md., to protect the Glen Echo Amusement Park property from extensive commercial development.

This property lies adjacent to the Chesapeake & Ohio Canal and the Potomac River. It is in an area rich in history and beauty. It is property that should be preserved for the benefit of the public for enjoyment as a public park.

The owners of the property and the officials of government on the Federal, State, and local levels accepted some time ago my proposition that a "swap" be arranged so that this piece of land could be exchanged for another piece of surplus Federal property elsewhere. Such an arrangement would satisfy the owners and would assure the protection of the Glen Echo property by placing it under public ownership.

The National Capital Planning Commission recently took a major step to bring about such an arrangement. It is highly pleasing to me to note that the original idea now is progressing toward becoming a reality. It also is pleasing to note the acceptance of the community, as expressed by an editorial published in the Washington Evening Star of May 14. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Saving Glen Echo

There is a two-fold value in the new effort launched by the National Capital Planning Commission to prevent the Glen Echo Amusement Park property from passing into a different commercial use. The threatened new use is an apartment complex which would deal a severe blow to the federal government's program to protect the Potomac shore. The second regrettable loss would of course be the passing of the amusement park itself.

Under the involved transaction now set in motion, the Interior Department will attempt to acquire title to the 17-acre site through a trade of surplus federal land of comparable value somewhere else to the present owners of the amusement park. If such a swap can be arranged Interior in turn might well lease the Glen Echo property to Montgomery County for its further development and operation as a recreational facility which is sorely needed by the community.

The key to the plan's initiation was a decision as to whether the acquisition of the park tract, adjoining the George Washington Memorial Parkway, served a legitimate federal purpose. It seems to us there is no room for argument on that score. The public purpose to be served is entirely valid, and we trust that the project is diligently pursued by each of the several parties who must cooperate to bring it about.

M–16 CONTRACTS

Mr. NELSON. Mr. President, during the past several weeks, the distinguished Senator from South Dakota [Mr. McGovern] made some interesting comments about the Department of Defense on rifle procurement, with particular reference to the M–16.

In his initial statement he noted that the announcement of awards of contracts for second source procurement of the M–16 was made just 2 days after we completed consideration of a military authorization bill. The announcement indicated that General Motors and Harrington & Richardson were to produce 240,000 rifles each, yet their prices differed by $13 million. Senator McGovern noted that this disclosure raised questions about the Defense Department's handling of tax money.

Subsequently, Senator McGovern learned that a still lower bid, from Maremont Corp., of Maine, was completely passed over. It was fully $19 million below the General Motors contract, and thus far the Pentagon has not explained its reasons for rejection.

South Dakota's largest newspaper, the Sioux Falls Argus Leader, recently editorialized that Senator McGovern's questions are pertinent.

These questions are immensely significant for reasons of security, and I hope the investigations currently underway by the appropriate Senate and House subcommittees will examine this aspect of the issue in some depth.

The issues Senator McGovern has raised are pertinent from the standpoint of economy. The Defense Department's expenditure should be scrutinized as closely as are the M–16 contracts and any other procurement contracts, and should be discussed thoroughly in committees and on the Senate floor.

I ask unanimous consent that the Sioux Falls Argus Leader editorial, entitled "Pertinent Questions Raised by Senator McGovern," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Sioux Falls (Wis.) Argus Leader, May 10, 1968]

Pertinent Questions by Senator McGovern

The Pentagon should heed the criticism South Dakota's Sen. George McGovern made of new contracts for additional production of the M16 rifle.

McGovern pointed out that during the first year of new contracts awarded to push production of the rifle, the government will, when cost of acquiring proprietary rights is added, be laying out an average of $321.25 per rifle. This compares to $104 per unit paid to Colt Industries under previous contracts.

He questioned the situation under which the Massachusetts firm of Harrington and Richardson got a contract for 60,000 rifles for $15 million while a General Motors plant in Michigan was paid $19 million for an equal number of rifles.

McGovern asks, "Why was it necessary to pay a premium to General Motors?" McGovern says the Pentagon's handling of rifle procurement leads to the question of its ability to handle the taxpayers' money wisely.

The Army cited differences in wage scales between Detroit and Worcester, Mass. Average weekly pay for a manufacturing employe in Detroit in February was $167.74; the figure for Worcester was $118.89. Costs also include expenses for tooling up.

McGovern's questions are pertinent. Procurement of a needed weapon in a hurry costs more money than when the purchase is anticipated. Such a situation calls for awareness by the Pentagon and Congress to protect the taxpayer and at the same time get the GI what he needs.

CUBAN INDEPENDENCE DAY

Mr. SMATHERS. Mr. President, for more than 9 years I have spoken on the anniversary of Cuban Independence Day concerning the subjection of the Cuban people and the perversion of the dream of liberty by Fidel Castro.

The anniversary of Cuban independence, which falls on May 20, has traditionally been for Cuban people a time of rededication to the ideals of Jose Marti. Yet, for nearly a decade, Castro has clamped over the homeland of this great liberator the dead hand of communism.

Fidel Castro, invoking the name of the people as tyrants always do, has made stateless exiles of many of Cuba's citizens. He has racked the once-productive economy of his native island; he has opened Cuba as a haven to all manner of revolutionaries and assorted apostles of hate; but most of all, he has destroyed free expression.

Mr. President, this is the concluding year of my Senate term, and I will not have the opportunity to address my colleagues on the subject of Cuba on the next anniversary of independence.

Suffice it to say that our hope of developing a new era of good feeling, prosperity, and freedom from the Caribbean throughout Latin America cannot succeed until that time when the thorn of Castroism is removed.

The despots must be removed from Cuba and from every other area in Latin America where they attempt to gain a foothold, for we know that wherever they seize power it is not long before the light of freedom is extinguished.

Cuba should thus be an object lesson for all of us. I once described the situation in Cuba as "an evil on our doorstep." That evil remains.

Clearly, this evil must one day be purged—if we are to resume the march toward progress that the late John F. Kennedy envisioned for all Latin America.

I hope that the United States will continue to work with all the means at its disposal within the framework of the Organization of American States to end the Castro tyranny over Cuba.

I hope that we will, on a day not too far distant, see the Cuban exiles return to their homeland from their temporary sanctuary in our country, in order to rebuild a better society in their own land, for themselves and their children.

Mr. President, it is my sincere hope that on this May 20 anniversary, the Cuban people will—after much suffering—mark the turning point that will signal the return of their homeland and the carrying forward of the vision of peace and liberty which the poet Marti expounded.

Justice demands this. Let us pray that history will answer.

SENATOR ELLENDER'S ADDRESS AT HONOR AWARDS CEREMONY OF THE DEPARTMENT OF AGRICULTURE

Mr. ELLENDER. Mr. President, on Tuesday, May 14, it was my privilege to take part in a ceremony honoring employees of the U.S. Department of Agriculture who have rendered distinguished and superior service to the Department and to the Nation. This was the 22d annual awards ceremony to be held by the Department.

It was my further privilege to deliver the principal address on this occasion. In my remarks, as chairman of the Senate Committee on Agriculture and Forestry, I complimented the employees on their conduct of the Department's business and on their devotion to duty, with which I am well acquainted.

I also pointed out that, over the years, Congress has given the Agriculture Department more and more duties not primarily related to assisting our farmers. Most of its activity today is directed to services on behalf of the consumer and other segments of the general public, including citizens living in urban areas. With all its increased activity, the Department has remained true to the words of Lincoln, who called it the agency of Government in which "the people feel more directly concerned than in any other."

Most of the Department's growth and increased responsibility has taken place in the years since 1937, when I first came to Washington and became a member of the Committee on Agriculture and Forestry. The country has changed tremendously since then, and American agriculture and rural life have changed with it. I have been a part of all these changes and have had the pleasure of seeing many dreams of a better life for our rural people realized.

I attempted to reflect my own experiences and the successes of the Department of Agriculture in the remarks I prepared for delivery, and hope that I succeeded. I ask unanimous consent that the text of my May 14 address at the honor awards ceremony of the U.S. Department of Agriculture be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks Delivered by Senator Allen J. Ellender at the Honor Awards Ceremony of the U.S Department of Agriculture, May 14, 1968, at the Sylvan Theater, Washington, D.C.

On the outer cover of a short pamphlet, which describes the rise of one of our industrial giants, appears the following quotation:

"Ideals are like stars; you will not succeed in touching them with your hands, but like the seafaring man on the desert of waters, you choose them as your guides, and following them you will reach your destiny."

Beginning in a small basement workshop, this man became the world's largest manufacturer of welding equipment. His enthusiasm for his work knew no bounds. He never grew tired of his work because he found joy and pleasure in planning and pursuing it.

Each of you being honored here today, chose to work in the Department of Agriculture. Because of your skill, your devotion to duty, your willingness to work beyond the call of duty, you are being honored today. You have helped to create many services for the people of our country. You may not have earned the tangible riches of the welding manufacturer, but by pursuing your ideals, you have helped to create the greatest instrumentality in our government—the U.S.D.A.—for the production and distribution of our very life blood, Food and Fibre.

Agricultural legislation in this country has a long history. It actually began in 1839 when Congress appropriated the munificent sum of one thousand dollars to enable the Patent Office to distribute seeds, conduct investigations, and collect statistics.

In 1852, a few thousand dollars were appropriated to carry on experiments in the growing of tea and sorghum and those experiments were carried on not very far from where I stand.

In 1862, Congress created the Department of Agriculture, and provided for State Land Grant Colleges of Agriculture.

I shall skip details from that period to January of 1936, and merely state that Congress provided farmers with additional opportunities, with access to science, research, credit, and the means of utilizing technological advances, so that they could be in a position to compete successfully with other segments of our American economy.

In other words, Congress sought to provide farmers with the tools to help themselves.

In January 1936, I was selected as the Democratic nominee for the United States Senate for Louisiana and by coincidence the Supreme Court of the United States declared the first direct price support operation unconstitutional.

Unless that decision was reversed, and it was not, Congress had to start enacting a new law to provide support prices for farmers.

I was elected to the Senate in November 1936 and in January 1937, I was sworn in. After quite a lot of maneuvering, I obtained a berth on the Senate Committee on Agriculture and Forestry. I am still there and I have been serving as Chairman longer than any Senator in history.

One of my first duties as a member of the Committee was an assignment to a Special Senate Subcommittee. At the request of the late President, Franklin D. Roosevelt, the Subcommittee held grassroots hearings in all the major farm areas of our country. On the basis of those hearings the Agricultural Adjustment Act of 1938 was enacted—a measure which still stands as the basis of our present farm price support programs.

When the 1938 Act was approved by the Congress, many of you were not yet born. Many others were too young really to know what was transpiring during that decade of the thirties.

But I was not too young. I know what it was like then. And I have not forgotten.

It was a time of trial and travail, a time of testing. The early part of the decade, in particular, was a period of poverty and insecurity and lack of jobs in town and country alike.

Only about half of the farmers of this nation owned the land they worked on. And they sold the products of their toil for next to nothing—nickel cotton, dime corn, and two-bit wheat. It was literally more economical in some instances to burn corn for fuel than to take it to market.

It was a time of growing debt—a time of crisis for millions of people whose lifetime savings quickly melted away.

It was a time of desperation—a time when farm people gathered with shotguns to stop foreclosure sales—a time when they threatened to tar and feather judges and officers of the courts who were proceeding with foreclosures and evictions.

It was a time when the houses of our farm and rural people lived in were very cold in the winter, and very hot in the summer, and dark at night.

When I came to Washington only one farm out of nine in the nation had electricity. In my home State of Louisiana the proportion was less than one out of fifty, and I am glad to state that the first cooperative for the distribution of electricity was formed a short distance from where I live.

What a change has come about since then. Today 99 per cent of all farms in the nation and in Louisiana are electrified.

In 1940 only 3 per cent of all the farms in my State had telephones. Today three out of four have telephones. In the nation as a whole over 80 per cent of the farms have telephones—and most of them have modern dial service.

When I came to Washington the term "dust bowl" was a grim reality. I can well remember when the skies over Louisiana were so filled with dust coming from the midwest that the sun could hardly be seen. You could have looked high and low all over the United States and never found a Soil Conservation District. The first one was established that year—in 1937. Today there are over 3,000 conservation districts and they contain more than 95 per cent of the nation's farmland.

When I came to Washington there was no nationwide Federal agency to provide supervised credit to farm people unable to get funds from commercial sources. Last year alone more than 3.2 million farm and rural people benefited from almost $5 billion in FHA credit. This credit has been advanced to support family farms, to build and improve rural housing, to provide modern water and disposal facilities for thousands of communities, and to enable low-income farmers and rural people to start new business enterprises.

When I first came to Washington there was no Food for Peace or Food for Freedom Programs. Modern research achievements—such as wiping out the screwworm population by using radiation to sterilize the male flies—were years in the future. So were wash-and-wear cottons, shrink-proof woolens, penicillin, dextran, and dozens of other advances developed by agricultural researchers.

In these 30-odd years we have seen our farms and homes electrified, our nights made bright, our soil and water conserved, our forests replanted, our farms rebuilt.

We have seen U.S. agriculture become the number one instrument in the war on world hunger. We have seen agricultural experts teaching people all over the free world the know-how of a more productive agriculture.

And we are now witnessing a great rural revival taking place here in America stimulated by many thousands of volunteer leaders all over the land. New economic, social, and cultural opportunities are being opened in rural America. Today there is real hope that we can eventually restore rural-urban balance to this Nation.

Because I have had some part in helping bring about these changes of the past three decades, I cannot help indulging in a certain feeling of pride.

I am proud to have helped promote rural electrification and soil conservation, and to have had a part in establishing the School Milk Program, the Food Stamp Program, and the Food for Peace and Food for Freedom Programs.

I am proud to be known as the co-author of the School Lunch Act, along with Senator Richard Russell of Georgia.

Of all the agricultural legislation with which I have been associated, however, I can think of no single measure which is more vital to our farm people than the Food and Agriculture Act of 1965. This is truly legislation for a new era of balanced and sustained abundance.

But I say to you—and everybody in the Congress recognizes this fact—that none of these programs would be worth anything at all if it were not for the dedication with which you of the USDA administer them, explain them, and carry them out.

Over the years we in the Congress have constantly given the Department of Agriculture more and more responsibility. Do you think it is by chance that your great Department provides more categories of services to the general public than any other agency of government?

Do you think it is by chance that we have so greatly expanded the work of the Farmers Home Administration, the Soil Conservation Service, the Agricultural Stabilization and Conservation Service, the Agricultural Research Service, the Extension Service, and other USDA agencies?

Do you think it is by chance that the USDA devotes more than two-thirds of its appropriations and more than 90 percent of its man-hours to programs and services which are not primarily farmer-oriented but are rather directed to the welfare of consumers and the general public?

No, it is not by chance, but by design.

Let me tell you why we come back again and again to the Department of Agriculture when we desire to get something done for the people.

It is because you started out in 1862 as the "people's department." This was the agency in which, as President Lincoln said, "the people feel more directly concerned than in any other. And you have remained the people's department to this day.

It is because you of the Department of Agriculture have been faithful and skillful and dedicated in carrying out the responsibilities the Congress has given you that we constantly place larger burdens on your shoulders.

We do this because we know you *care* about what you do.

You *care* about conservation and so you inspire other people to cooperate in carrying out your programs in the Soil Conservation Districts, in small watersheds, in resource development and conservation projects, in the Great Plains, in the Agricultural Conservation Program, in the Cropland Adjustment Program, in the Greenspan Program.

You *care* about the farmer's economic welfare. You believe he is entitled to a fair income in return for his immense contribution to the economy. And so you skillfully help him adjust supply to effective demand.

You *care* about the rural renaissance. You believe that it is possible to build ideal communities of tomorrow—what Secretary Freeman calls Town and Country communities. And you make believers out of other people.

You *care* about winning victory over hunger and you believe in food for freedom and in aid to the developing nations so that they can one day feed themselves. And because you do, there is new hope in the world that the war on hunger can be won.

You *care* about helping the undernourished here at home to improve their diets through the Food Stamp Program the School Lunch and Milk Programs and the Direct Food Distribution Programs. With your continued interests and the tools to work with we should be able to eliminate undernutrition within 5 years.

It has often been said that we are living in the most exciting and challenging period in history. There is no doubt that it is also by far the fastest moving period in history. We are told that our scientific and technological knowledge is now doubling every decade. We see more changes in a year or two than our great grandparents saw in a lifetime. Because of electricity, the gasoline engine and our expanding knowledge each of us has power at his or her fingertips such as the kings and princes of old would have envied.

But with power goes responsibility. The past 30 years have changed the face of the world more than the preceding 300. And the changes of the next 30 years may well alter the face of the world more than it has been changed in the past 3000.

This is a great challenge. And nowhere is the challenge more direct—more pressing—more vital—than in agriculture.

Yours has been the responsibility of guiding agriculture in the past, and yours will continue to be the responsibility of guiding it in the future.

I strongly endorse what Secretary Freeman told you a year ago, namely, that no public agency anywhere has contributed more to American welfare than the U.S. Department of Agriculture—and that no agency anywhere has the ability to contribute more to mankind during the remainder of this Twentieth Century.

To meet the responsibilities which the Congress has given you—and to which future Congresses will surely add—you will need dedication and diligence, intelligence and imagination, industry and perseverance, and many other qualities. But we can sum them all up in two words—devotion and skill.

We can honor only a few of you today—but in honoring the few we honor all. Because what the Department of Agriculture accomplishes is always the result of teamwork. And those who receive awards today would be the first to acknowledge that what they have done was not done and could not have been done by any of them alone.

And so we salute you—the Honor Awards Winners of 1968—for *your* achievements and, symbolically, for those of the whole Department.

Because of what you have done in the past, the people of America can have more confidence in the future.

And from the continuing union of your devotion and skill, we will go on expecting greater and greater accomplishments in the field of Agriculture.

LAW AND THE CHANGING SOCIETY

Mr. LONG of Missouri. Mr. President, the American Bar Association and the American Assembly of Columbia University held an American Assembly on Law and the Changing Society in Chicago on March 14–17, 1968.

The consensus statement issued at the conclusion of these discussions deserves the attention of all Americans. A number of concrete suggestions have been presented, and all must be considered by the Congress of the United States. All must be considered by lawyers, educators, and others dealing with the problem of our changing society.

One paragraph is of especial interest to me as chairman of the Administrative Practice and Procedure Subcommittee. That paragraph recommends that:

> Consideration should be given to the introduction of the Ombudsman system as a supplemental method of assuring fairness and regularity in governmental processes. Legal services—through private lawyers and legal aid—are themselves an important method of checking on government. The ombudsman system, however, seems especially promising to deal with abuses in administrative agencies where the cost of intervention by other means may be prohibitive.

Additionally, the report suggests that "access to legal services must be recognized as a matter of legal right." I deem this of importance to the consideration my subcommittee will give on May 16 to S. 3303—a bill to extend the right of counsel to the Selective Service System. To paraphrase the American Assembly report, access to legal services must be recognized as a matter of legal right—even to the Selective Service System.

I ask unanimous consent that the consensus statement of the American Assembly on Law and the Changing Society be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Consensus Statement of the American Assembly on Law and the Changing Society, Co-sponsored by the American Bar Association and the American Assembly of Columbia University

At the close of their discussions the participants in The American Assembly on Law and the Changing Society reviewed as a group the following statement. The statement represents general agreement; however no one was asked to sign it, and it should not be assumed that every participant necessarily subscribes to every recommendation.

Our changing society now faces challenge to public order and to the realization of American ideals greater than any since the Civil War—the cluster of problems known as the urban crisis.

Legal institutions provide a network of relationships for cooperation and for reconciling conflict in society, and so are inconspicuous when society is at peace. Their inadequacies as well as the importance of their functions become clear in times of trouble. Central to the crisis of our time are the recurring violations of the human dignity of people who live in the cities. These violations take many forms—race discrimination, crime, inadequacy of education and employment. They have many causes—public indifference, archaic government institutions, and insufficiency of tax resources. Our complex society is pervaded by similar if less evident problems.

The legal profession is especially concerned with these problems. The law seeks fair-dealing, equity and redress of grievance—these are the benefits of legal order. For many, our institutions have proved inadequate to secure the benefits of equal justice. We must overcome this failure.

Beyond this, the systematic re-examination and evaluation of the substance of our law, with a view to its continuous improvement is essential to the legal order and especially important in a period of sweeping social change. It is a professional responsibility of lawyers to create and support the institutions necessary to achieve that end. The lawyer contributes to enhancement of respect for law by assuring that law is truly worthy of respect.

THE INSTITUTIONS OF SOCIETY

Our problems arise partly from basic weakness in social, economic and political institutions and partly from weakness in the machinery of justice itself. Lawyers, who traditionally have acknowledged responsibility for the machinery of justice, must assume an important share of the responsibility for the reform of these other institutions in our society.

To achieve social justice will require far-reaching institutional changes. For example, our welfare system must do more than support persons in a state of dependency. Union rules and practices that restrict job opportunities must be abated. Building codes and practices must be modernized to reduce housing costs. Political boundaries must be adapted so that they accomplish their role of keeping government close to people without obstructing better education, more effective law enforcement, and more equitable distribution of welfare burdens.

Lawyers have special skills—as advocates, planners, negotiators and organizers—needed in achieving such objectives. They must help provide leadership in both the public and private sectors. The profession should promptly create devices for placing these matters high on its agenda and moving forward rapidly with them.

Greater responsibility must be assumed through legislation for dealing with society's current problems and changing needs. Lawyers must help to create understanding of the need for legislative changes; they must draft appropriate legislation. They must press for its enactment, as individuals, as members of the organized bar, and as legislators.

At the same time the bar must meet society's needs and demands for legal services. In increasing volume and variety, the law and the legal profession are called on to perform new tasks, for new clientele, in relation to new problems, and in new context. The legal profession must adapt itself accordingly.

LEGAL SERVICES

Access to legal services must be recognized as a matter of legal right. Legal services provided through conventional law office and lawyer-client relationships are beyond the means of many citizens.

Innovations are needed in legal services offered all segments of the community. These should include law offices to serve lower income groups; greater utilization of services of law students; training and employment of sub-professionals and paraprofessionals acting, where appropriate, under the supervision and upon the responsibility of fully qualified lawyers; standardization of routine legal transactions; and elimination of needlessly complicated and costly legal procedures. We make the following recommendations:

1. Civil legal services for persons without sufficient means should be further expanded. Criminal defense services, both public and private, should be made adequate to defend indigent persons accused of crime. Federal, state and local government support of the activities of legal aid and defender facilities deserves to be a permanent element of public policy. These agencies should be expected and encouraged to deal not only with emergency and short-term matters but with fundamental legal problems—such as legislative programs, constitutional questions and the legality of agency and executive actions. They should be expected and encouraged to participate in the development and enactment of new legislation that is of interest to their clients.

2. Group legal service arrangements should be encouraged, subject to safeguards that will assure independence of professional judgment and fidelity in the lawyer-client relation. Properly administered, they should reduce the cost of needed legal services, ease the problem of finding a lawyer, and provide the client with a lawyer in whom he has reason to have confidence.

3. Lawyer referral services should be improved and expanded so that all persons seeking access to a lawyer can find one. Effective measures must be adopted in lawyer referral services to assure that the client receives competent service. Such measures should include identification of areas of special competence of lawyers on referral panels.

4. Bar associations have a continuing responsibility to study the extent to which legal services in their communities are being adequately coordinated.

5. Remedial justice in civil controversies involving small amounts must be made available more swiftly and economically to all citizens. Arbitration and mediation should be used more widely, perhaps in cooperation with such private organizations as the American Arbitration Association, consumer organizations, better business bureaus, and Chambers of Commerce. Rapid procedures at the neighborhood level should be developed to adjudicate disputes over simple transactions.

6. Consideration should be given to the introduction of the ombudsman system as a supplemental method of assuring fairness and regularity in governmental processes. Legal services— through private lawyers and legal aid—are themselves an important method of checking on government. The ombudsman system, however, seems especially promising to deal with abuses in administrative agencies where the cost of intervention by other means may be prohibitive.

7. We commend the efforts of the American Bar Association to create legal cost insurance arrangements in cooperation with state and local bars. Although there will be difficulties of cost, schedules of charges, eligibility standards and administration, the prospects are sufficiently promising to warrant the attempt.

8. Law offices should use all available means to reduce operating costs and to make available legal services at reasonable cost. Important savings are possible through reorganization of small law offices, use of modern equipment, standardization of legal instruments and improvements in office procedures.

9. The American Bar Association should continue to explore the feasibility of certificating specialists as a means of aiding the public to secure competent legal services for particularized needs.

EDUCATION

The changes in society's expectation for the legal profession require corresponding changes in legal education:

1. Financial sources now available to law schools are inadequate. Additional financial support is required from government, foundations, corporations, the legal profession and other sources.

2. The cost of going to law school, when added to the cost of college, makes the cost of a legal education prohibitive for many persons in our society. The question of the required duration of legal education and pre-legal education should be reappraised from this perspective. Pending such inquiry, substantial scholarship assistance ought to be made available to students who cannot otherwise afford to go to law school.

3. The legal profession should attract to its ranks members from all segments of our society. Experience indicates that this can be accomplished only if a special effort is made to overcome barriers imposed by poverty and cultural differences. Lawyers and law firms must take affirmative action to provide career opportunities for lawyers who are members of minority ethnic groups. We commend establishment of the Council on Legal Education Opportunities by the American Bar Association, the National Bar Association and the Association of American Law Schools, and the training and scholarship program the Council is organizing to encourage Negroes, Mexican-American and members of other disadvantaged groups to become lawyers.

4. The evolvement of predominantly Negro law schools, regardless of the circumstances surrounding their origin, must now be recognized as a reality and as a needed education resource. Many Negro students attend these schools. We encourage their strengthening and expansion. At the same time, the right of all minority group students is now assured to be considered for admission to all law schools without discrimination on account of race. We urge all law schools to facilitate admission of students from disadvantaged groups.

5. Law schools cannot be identical in their curricula. Each law school should be encouraged to determine whether its program of legal education responds to the needs of the bar and the society it serves. In this reevaluation, each school should weigh the need for professional preparation, for clinical work, education in the lawyer's role in legal and social planning, and research, including interdisciplinary research. While recognizing the relevance of the explosion of specialized knowledge in the behavioral sciences, law schools should keep in view their obligation to prepare lawyers for their roles as generalists.

6. Law schools should seek closer relationships with other parts of their universities and with each other to profit by and contribute to the advancement of knowledge. Law schools, in cooperation with the organized bar, should consider the development of programs of education and training for subprofessional and paraprofessional personnel.

7. The necessary growth of continuing legal education depends upon the support of the bar, the law schools and the judiciary. Greater cooperation among participating organizations, improved efficiency, and higher quality should be the aim. Continuing legal education can contribute to instruction in the law schools, and the law schools can in turn improve the quality of continuing legal education, if the relationships between the two are extended and strengthened. Judges should assist in education programs designed for the bar and participate in programs designed especially for them. Programs of continuing education for judges should be strengthened, and similar programs should be established for adjudicative officials in administrative agencies.

8. The value and nature of bar examinations should be reassessed, particularly in the light of the influence they may have on law school curricula. The bar should consider developing alternative means to verify the competence of a new lawyer.

RESEARCH AND TECHNOLOGY

1. Research is important to the rational analysis and evaluation of legal services and

institutions. There is need for detailed study of the effects of particular legal arrangements, and for basic and applied research into law. The conduct of such research will require closer connection between law and the behavioral sciences. Increases in the currently miniscule level of funding for such studies would generate important interdisciplinary work. We urge Congress to support agencies authorized to provide for research on the law, and to enact pending legislation to establish and fund a national law foundation.

2. The profession should increase its efforts to take advantage of the developing technology of electronic data processing. Possible uses for the computer range from the storage and systematic retrieval of legal materials, to the employment of simulation techniques and linear programming, to calculate the consequences of legally significant events. At the same time, the profession should seek to develop the law necessary to deal with computer technology.

JUSTICE AND RESPECT FOR LAW

1. The improvement in the organization and administration of our courts and the methods of selecting our judges remains a pressing necessity, in part because of rapid increases and changes in the work of the courts. We reaffirm that necessity. We make no recommendations on these subjects because the American Bar Association and the Twenty-Seventh American Assembly, *The Courts, the Public and the Law Explosion*, have spoken specifically to them. We urge implementation of the proposals for improvement of judicial administration contained in those recommendations, except that which concerns automobile accident cases, a matter we refer to below.

2. Equal access to the legal system requires not only the availability of counselors and advocates but also public subsidization of the other expenses of litigation for those who cannot afford them. These expenses include court fees, transcripts, deposition costs, supersedeas bonds and similar expenses often incurred in the defense or assertion of claims. Each jurisdiction should provide for waiver or public subsidization of all such expenses for persons who are otherwise unable to utilize the legal system.

3. Automobile accident claims are of vital concern to the public, the court and the bar. We commend the American Bar Association's determination to give objective and urgent study to the problem.

4. Instruction in law and legal processes, should be a part of primary, secondary and college education. The legal profession should encourage programs of such instruction. As part of its responsibility regarding education of the public, lawyers should seek to explain court decisions, especially where unpopular, and to help the public understand that a lawyer's duty includes representation of unpopular clients.

5. Law enforcement must be provided the resources to carry out its responsibilities firmly, capably and with sensitivity. Security in our daily lives depends upon this capability. The tranquility of our cities may depend upon the ability of law enforcement to demonstrate to the community that it deals justly both with the troubles of persons and with the troubles created by persons whose lives are touched by it.

Lawyers administering justice must take responsibility for assuring not only that these procedures are fair to the individual and the comunity but that they appear to be fair, to the end that justice be done and be known to be done. We urge that the institutions involved in law enforcement and prosecution, many of which are unduly fragmented, should be organized and financed on a scale sufficient to enable them to perform the tasks demanded of them.

THE NEWS FROM EASTERN EUROPE

Mr. MONDALE. Mr. President, today's newspapers are filled with the news of Eastern Europe. The Czechs need Western economic assistance; the Russians attacked Thomas Masaryk, the first President and national hero of Czechoslovakia; and De Gaulle began a visit to Rumania amid warm welcomes by calling for a united Europe and increased attempts to bridge the gap between East and West.

In past weeks it has become clear that Czechoslovakia is walking a fine line. The country must have more contacts with the West for the sake of its economic survival. The Soviets put pressure on the Czechs by procrastinating in providing the requested economic assistance.

Czechoslovak economists concede that the country must extricate itself from its lopsided dependence on trade with the socialist countries. However, during the first few months of this year, imports from the West dropped while imports from Eastern European nations rose more than 9 percent.

Czechoslovak officials, worried about their economic position, now welcome foreign investment in industry. Premier Cernik yesterday said that the new government is interested in the gradual removal of East-West trade barriers.

Now is the time for the United States to consider our response to these changes in Eastern Europe. I invite the attention of the Senate to the East-West trade resolution I submitted last week, and to the hearings on East-West trade scheduled to begin later this month.

I ask unanimous consent that articles concerning the events in Eastern Europe, published in the Washington Post and New York Times of May 15, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PRAGUE'S LEADERS OUTLINE REFORMS; NEW CHARTER DUE—PREMIER AND TWO DEPUTIES HOLD NEWS CONFERENCE—STRESS CITIZENS' RIGHT—ECONOMIC CHANGES DUE—WESTERN CAPITAL WELCOMED—LAW BEING DRAFTED ON FREEDOM OF THE PRESS

(By Tad Szulc)

PRAGUE, May 14.—Premier Oldrich Cernik and two deputy premiers announced at a news conference here today a far-ranging program of political and economic reforms they also said Czechoslovakia would welcome foreign investment in industry.

In a sharp departure from practices since the Communist takeover in 1948, the Czechoslovak premier submitted to a Western style of questioning by Czechoslovak and foreign reporters.

For an hour and 20 minutes, Mr. Cernik and Deputy Premiers Ota Sik and Gustav Husak freely, and often humorously, replied to questions ranging from relations with the Soviet Union the amount of work performed by civil servants.

Revealing the latest plans in Czechoslovakia's quickening "Socialist democratic revolution," Mr. Cernik and his colleagues announced these moves:

A special commission will be named tomorrow to draft the new constitution establishing a federal state in Czechoslovakia composed of Czechs and Slovaks and guaranteeing the rights of other minorities.

Legislation is being prepared to guarantee freedom of the press and the right of assembly.

A new electoral law will be drafted, though no date for elections has been set. Mr. Husak said that the ruling National Front was "not a political party," but that the electoral law would deal with the parties of the front—the Communists, the Socialists and the Peoples party.

A law, to be completed later this month, will regulate the rehabilitation of victims of previous Communist regimes.

The rehabilitation process has been in progress since early this year, when the present Government came to power, Mr. Cernik said today that rehabilitation was "one of the primary tasks" of the new program of the Czechoslovak Communist party.

In his opening statement, Mr. Cernik said that one of the guiding principles of the new regime was "to stress the democratic rights and freedom of citizens."

Discussing economic problems, Mr. Cernik and Mr. Sik, who is this country's leading liberal Marxist economist, announced plans for changes that contrast sharply with orthodox communism.

The economy is to be reorganized to become competitive both domestically and in Western export markets.

The reorganization calls for creation of a central policymaking economic body. But at the same time there is to be a complete decentralization of industry and management, granting full autonomy to individual state enterprises and forcing them to compete for credits and markets.

Free enterprise will be permitted in "personal services." Mr. Sik explained that individuals could provide services as private businessmen if they worked alone or with their families, though they might also employ "one or two apprentices."

Subsidiaries to noncompetitive enterprises will gradually be removed.

Mr. Sik concedes that this might cause temporary "social problems" and some unemployment, but said that the workers would be absorbed by other enterprises.

It was the announcement of Czechoslovakia's desire to cooperate economically with the West that served to emphasize the new regime's determination to break away from the Communist bloc's economic patterns.

Mr. Sik said that Czechoslovakia would accept Western capital for industrial "jointed ventures" with state enterprises, although it will be up to each enterprise to negotiate with "capitalist companies."

He said offers of this type were already coming in from France, West Germany, Italy and other Western European countries.

Discussing what he and Premier Cernik described as Czechoslovakia's desire to contribute economically to the "European continent," Mr. Sik said that one of this country's goals—but also "the hardest nut to crack"—was achievement of convertibility for Czech currency—the crown.

He said such convertibility must result from economic productivity and not from arbitrary measures.

WEIGHING MONETARY LINK

In reply to questions, Mr. Sik, said that it was premature to think of Czechoslovakia's potential ties with the European Common Market, but he conceded that this country might consider a relationship with the International Monetary Fund.

He noted that Czechoslovakia was a member of the Communist bloc's Council for Mutual Economic Assistance—the Comecon—and that she was preparing proposals to make this organization more effective.

But Mr. Sik made it clear that Czechoslovakia would insist on her independence and the protection of her interests in economic development.

After Mr. Cernik said that Czechoslovakia would make every effort to use trade to break down the "barriers" between the east and the west, a reporter asked him whether this country's ties with the Soviet Union and the Comecon would not be an obstacle.

Mr. Cernik replied that while Czechoslovakia respected her relations in Eastern Europe, her decision to deal with the west or anywhere else was a matter of "our sovereign right."

He and Mr. Sik confirmed that Czechoslovakia was seeking industrial development credits from the Soviet Union. But they said Moscow had set no date for a reply to this request.

The premier said that the Government had invited the Soviet Premier, Aleksei N. Kosygin, to visit Czechoslovakia and that he expected him soon. He also said the Hungarian party chief, Janos Kadar, who has emerged as a cautious supporter of Czechoslovak policy, would probably meet the Czechoslovak party chief, Alexander Dubcek, next month in Budapest.

There has been concern here that Moscow will not grant credits to Czechoslovakia because of the growing Soviet irritation with Prague's "democratic socialism." Representatives of the Comecon countries began talks on Moscow today.

The news conference was held at the Presidential residence, Mr. Cernik and his associates were as relaxed and natural as if they had been holding sessions with the press all their lives. Later, a spokesman for the Premier said that such news conferences would be held regularly.

More than 100 reporters, including American, British and Soviet correspondents, filled the large conference room along tables bearing coffee, mineral water and plates of cookies.

Mr. Cernik, wearing a gray suit, answered questions standing in front of a microphone. He accepted written questions as well as those asked from the floor. When a question touched on one of his colleague's specialties, he would turn it over to Mr. Sik or Mr. Husak.

After 80 minutes, Mr. Cernik told the reporters, "Thank you for coming."

Then he and his deputies mixed with the correspondents, shaking hands and exchanging pleasantries.

[From the Washington Post, May 15, 1968]

De Gaulle Visits Rumania, Hails Its Independent Policy

(By Donald H. Louchheim)

Bucharest, May 14.—President de Gaulle called on Communist Rumania today to march "side by side" with France toward a united Europe of truly independent nations.

At the start of a six-day state visit, de Gaulle indicated approval of Rumania's policy of independence from the Soviet Union, and indirectly appealed to Moscow to permit other Eastern European nations to follow the same path.

De Gaulle is the first Western chief of state to visit this country, which has been as much a maverick in the Soviet bloc as France has been in the Western alliance.

CONGRATULATES NATION

In a toast to President Nicholae Ceausecu, de Gaulle congratulated the Rumanians for refusing to bow to either ideology or outside political pressure in their quest for national independence.

He said that France and Rumania are particularly well suited to be partners in "a united political effort" to bridge "the sterile and artificial separation" between Eastern and Western Europe.

Rumania has ignored Soviet wishes on major foreign policy questions over the last year, and, in recent months, has moved into open opposition to Moscow on several issues.

In his toast, de Gaulle apparently sought to reassure Moscow that he had not come to Bucharest to exacerbate the breach between Rumania and the Soviet Union.

He said, "The fact is that Rumania is next to Russia, to which it is attached by certain links." He credited the Soviet Union with keeping Europe from being "entirely enslaved" 25 years ago, and said that the Soviet Union's "value and power make it an essential pillar" of a reunited Continent.

But he stressed that the nations of Europe must put an end to "a situation in which many of them find themselves divided into two opposing blocs, bowing to political, economic and military direction from outside."

From the moment de Gaulle stepped out of his Caravelle jetliner at the Bucharest airport he received an unprecedented welcome from the Rumanians, who view the visit as a consecration of their effort to win international prestige.

The streets were jammed with flagwaving students and workers who were either given a special holiday or time off to participate in the welcome. At the airport de Gaulle plunged into the crowds, who seemed surprised to be suddenly shaking his hand.

TO ADDRESS LEGISLATURE

Throughout the day, spectators gathered to catch a glimpse of de Gaulle as he laid wreaths at monuments and traveled to the Opera House for a presentation of traditional Rumanian dancing.

De Gaulle is scheduled to make three major speeches here, including addresses to the Rumanian Parliament and Bucharest University.

In his brief arrival speech, de Gaulle also stressed the twin themes of European independence and unity.

Ceausescu welcomed de Gaulle by sounding many of the same nationalistic notes. The Rumanian leader said that in Rumania's view, "the nation, far from having exhausted its role in modern society, still remains an essential factor of social life."

Like de Gaulle, he expressed the hope that the two nations could strengthen political ties, but he stopped short of de Gaulle's appeal for "a combined political effort."

Ceausescu, whose shortness is accentuated by de Gaulle's height, also included a condemnation of "American aggression" in Vietnam in his luncheon toast. De Gaulle did not refer to Vietnam in his speeches and toasts today.

[From the Washington (D.C.) Post, May 15, 1968]

Prague Obscures U.S. Firm's Role in Project

(By Dan Morgan)

Prague, May 14.—The Czechoslovak Communist government is trying to play down the fact that a United States company is to supply technological expertise for one of the largest chemical combines ever planned for the country.

The contract for the Slovnaft Polypropylene Chemical factory in Slovakia was signed recently, but there has as yet been no official recognition that an American firm will supply several millions dollars worth of scientific and technical know-how for the project.

[A U.S. official in Washington said that under the terms of the Export Control Act, the government could not publicly identify the American company involved. It was also not clear whether the company had yet been issued the Commerce Department license required of American firms selling technical skills to East European Communist countries.]

On Monday the Communist Party newspaper Rude Pravo reported that two Japanese firms, Chisso and C. Itoh, will supply machinery and technology, but there was no mention of American participation. The total cost will be 238 million Czechoslovak crowns—or about $60 million at the foreign exchange rate.

The factory project is an example of the delicate position Czechoslovakia's new leaders find themselves in as they try to pull out of their economic slump without arousing suspicions among their Communist neighbors that the country is on the road to capitalist domination.

The new Prague team is carefully trying to avoid provoking the Soviet Union, which is upset by the turn the democratization process has taken in Czechoslovakia.

However, two of the country's top leaders indicate today, that Czechoslovakia may now have to risk more capitalist contacts for the sake of its own economic survival.

One of the reasons is Soviet procrastination in providing requested economic assistance.

Premier Oldrich Cernik said at a press conference that the new government was "interested in collaboration" with Western firms, and the gradual removal of East-West trade barriers.

Cernik declined to comment directly on whether Czechoslovakia was interested in a formal commercial deal with the Common Market. But Deputy Premier Ota Sik, who conceived the Czechoslovak economic program, said that he had personally received many proposals from Western firms, which he has turned over to the Ministry for Foreign Trade.

The Soviet Union has procrastinated so far on the Prague request for quick aid in the form of a hard currency loan to revive the worsening economy.

Czechoslovak economic planners have admitted such a loan would be used in part for purchases of licenses and materials in the West.

Cernik said gloomily today that "when it is convenient for them (the Soviets) they will give us an answer."

Adding to the urgency of the situation was the release yesterday of trade figures for the first three months of the year.

They showed imports from capitalist countries off from the comparable 1967 quarter by 5 per cent and exports lower than the average quarterly figures for 1967.

Contrary to previous reports, there was no sign of any lessening of exchanges with socialist countries. Imports from that area rose more than 9 per cent.

After 20 years of mismanagement, Czechoslovak economists concede the country must extricate itself from its lopsided dependence on socialist trade.

The country's deficit with the capitalist countries is increasing. A hard currency loan is needed to refinance the debt, make needed investments in housing, highways and the chemical industry and work toward a convertible currency, a process that Sik says will take five to seven years.

Despite new Western business interest in Czechoslovakia, there has been no dramatic upturn in investment here, even though Czechoslovakia is the only socialist member of the General Agreement on Tariffs and Trade (GATT).

In 1951, GATT revoked most favored nation treatment for Czechoslovakia by a vote of 24 to 1, which means that it receives none of the special tariff considerations available to other members.

The Tatra automobile, one of the most desired products in Europe in the 1930s, has practically disappeared from Western markets. The Skoda auto works, however, has just completed a cooperative deal with Simmons Machine Tool Corp.

Automobile production is now under 100,000 a year, but economic planners want to boost this to 200,000.

Sik said this would mean closing down factories in other areas of productions, notably in the overcapitalized steel industry. He did not say what would happen to the workers.

In other events in Czechoslovakia today, a Soviet marshal speaking at a steel works in Ostrava brought greetings from Soviet Party leader Brezhnev said that the Soviet Union would not interfere with Czechoslovakia.

Party to Canvass Public Opinion

Prague, May 14.—Czechoslovakia's Communist leaders are asking readers of the official Communist Party newspaper what they think of the democratization drive, and if communism is compatible with democracy.

But the Party Central Committee's Institute of Political Science, which is taking the poll, has not announced whether it will publish the results.

Among the issues raised is: "One can speak of democracy only when voters have a chance to decide freely between two independent and equal political parties which are not dependent on each other."

Another question in the section on democracy asked is one "can only speak of socialist democracy when the Communist Party has a leading role."

The long questionnaire was printed in the paper, Rude Pravo, and replies were to be sent anonymously.

Dan Morgan of The Washington Post filed this report from Prague:

A top Czechoslovak official today indicated the new government is not interested in having Hungarian Party leader Janos Kadar mediate in its difficulties with the Soviet Union.

There had been reports from Budapest that Kadar would meet Czechoslovak Party leader Alexander Dubcek here soon to discuss the issue.

However, Premier Oldrich Cernik said the two would not meet before Dubcek goes to Budapest in June, and then primarily to work out a new trade agreement.

[From the Washington Post, May 15, 1968]

Moscow Is Increasing Pressures on Prague

(By Anatole Shub)

Moscow, May 14.—The Soviet Union today began increasing the pressure on Czechoslovakia despite renewed assurances of loyalty from Prague. The main developments were:

A blistering attack on the late Thomas G. Masaryk, Czechoslovakia's first President, on whose grave the new President, Ludvik Svoboda, laid a ceremonial wreath last month.

A carefully phrased warning by Soviet Marshal Ivan Yakubovsky, military commander of the Warsaw Pact, that pact states—including Czechoslovakia—are expected to carry out the long-delayed joint maneuvers of their armed forces and to enact new measures for tightening the pact's high command.

The attack on Masaryk, which appeared in the newspaper Sovietskaya Rossiya, seemed certain to provoke a strong reaction in Prague, which is preparing to celebrate this fall the 50th anniversary of Czechoslovak independence. Masaryk was generally regarded as the George Washington and Thomas Jefferson of that independence until Stalinists forbade even the mention of his name from 1950 to 1963. He has been restored full honors in the current Czechoslovak national revival.

The Soviet attack, drawing partly on the work of a Czechoslovak Stalinist historian, charged Masaryk with subsidizing murderers and spies in Russia during and after the civil war, and accused him of "bloody crimes against the Soviet and Czechoslovak peoples."

"We would not mention this now," the article declared, "if it were not for the slogan 'Back to Masaryk' that has been wittingly or unwittingly taken up by some people in fraternal Czechoslovakia. . . . Do those people who repeat this slogan today realize what disaster they are courting for their people?"

Although Masaryk died in 1935, the article blamed his successors for the loss of Czechoslovak independence through the 1938 Munich Pact. The cause, according to Sovietskaya Rossiya, was the Prague government's rejection of a Soviet proposal to render military assistance. The proposal involved the passage of Soviet armed forces through Poland into Czechoslovakia—an idea by no means irrelevant today. East Germany and other critics of Prague's new course have urged that Soviet and other Warsaw Pact forces be moved into Czechoslovakia to strengthen the common defense.

Yakubovsky, writing in Pravda on the 14th anniversary of the pact, declared that member states "have carried out, are carrying out and will carry out joint maneuvers of the united military forces." Large-scale maneuvers originally scheduled for Czechoslovak soil in April, were delayed at Prague's request. The new Czechoslovak Defense Minister said last week that only staff maneuvers, rather than troop movements, would be held but Moscow has yet to confirm this limitation.

The Warsaw Pact commander also declared that "the exposure of anti-Marxist and various kind of anti-socialist elements" had now become of decisive importance and that "supreme responsibility lies with the socialist states for the fate of the revolutionary achievements of the peoples."

Yakubovsky concluded by asserting that recent Communist summit meetings at Sofia, Desden and Moscow had "reaffirmed the determination to strengthen in all ways the monolithic structure of our ranks." At the Dresden meeting, he said, "concrete measures for strengthening the Warsaw Pact and its military organization were unanimously decided," which would act as 'guarantee" of the pact's future. The reference to unanimous decisions at Dresden last March 23 seemed strange, in view of the fact that Rumania, a pact member, was not invited there and has stated it will not honor decisions made in its absence. Czechoslovak leader Alexander Dubcek did attend, but his government is reported to have reconsidered since then his original assent to a new pact political council, with headquarters in Moscow.

Along with the Masaryk attack and Yakubovsky warning, the Soviet press today reprinted without comment new assurances of loyalty to the alliance by Dubcek, Czechoslovak ambassador to Moscow Vladimir Koucky, and the Czechoslovak Defense Ministry.

NEED TO KEEP FAITH WITH AMERICAN HERITAGE

Mr. **PROXMIRE**. Mr. President, America's support for the important Human Rights Conventions on Forced Labor, Political Rights of Women, Freedom of Association, and Genocide would help to clarify the basic problems cluttering the road to world peace.

The American tradition—an unalterable belief in human rights—sets our great country apart from other nations which live under totalitarian rule and order.

I have for many months spoken in the Senate, asking that the Senate ratify these treaties and put a stop to the diplomatic embarrassment inflicted upon our country.

Especially during the observance of International Human Rights Year, it is imperative that we take action now to reaffirm our Constitution and end our professed righteousness.

It is quite perplexing to see the continuation of this country's failure to put its responsibility on the line and endorse these treaties which distinguish our idea of government from any and all types of tyranny.

I recall the words of President Johnson while commemorating the United Nations:

> The world must finish once and for all the myth of inequality of races and peoples, with the scandal of discrimination, with the shocking violation of human rights, and the cynical violation of political rights.

Our adherence to the human rights conventions can serve as the greatest contribution to the Nation's interests and enable us to keep faith with our heritage.

I again urge the Senate to give its advice and consent to the conventions on—Forced Labor, Political Rights of Women, Freedom of Association, and Genocide.

DEATH OF JOHN COLLIER, FORMER COMMISSIONER OF INDIAN AFFAIRS

Mr. **McGEE**. Mr. President, the word of John Collier's death last week has brought to the minds of many a renewed appreciation of his unique insight and exceptional contribution to humanity in general and to the Indians of the Americas in particular. John Collier is an individual very often described in superlatives, as illustrated by the Washington Post's editorial, beginning:

> John Collier is probably the best-known authority this country has produced on the subject of the American Indian.

On his 80th birthday, in 1964, Mr. Collier was named by the Secretary of the Interior to receive the Distinguished Service Award, the highest honor of that Department, in recognition of his extraordinary leadership in the field of Indian affairs. The citation opened with this paragraph:

> John Collier, humanitarian, conservationist, poet, and teacher was United States Commissioner of Indian Affairs from 1933 to 1945. He is being honored today because more than any other one person, he symbolizes the turnabout in the nation's treatment of the American Indian.

Mr. Collier was caught up in the forefront of the struggles, both in and out of Government, for the rights of Indians and other dependent peoples of the world. In 1946, in London, he served as an adviser to the U.S. delegation at the first General Assembly of the United Nations where guiding trusteeship concepts were formulated. He devoted himself to the principle of civilian administration and increased local participation in the governments of Guam and American Samoa.

In an unpublished poem written in his 70th year, John Collier wrote:

> Then, it might be, from our so-transient hour
> Some impulse, some strange grace to future man
> Might pass; . . .

I think we can affirm that he did indeed give to today's and future man the ideas, action, and courage which stood tall and led.

Mr. President, I ask unanimous consent that an editorial entitled "Indians Lose a Friend," published in the Washington Post, and an article entitled "John Collier, Ex-Commissioner of Indian Affairs, Is Dead at 84," published in the New York Times, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, May 11, 1968]

Indians Lose a Friend

John Collier is probably the best-known authority this country has produced on the subject of the American Indian. His studies of the Indians of the Southwest began in 1919 and continued after he became executive secretary of the American Indian Defense Association. Over a period of many years he turned out a stream of magazine articles and books on the Indian's culture, way of life and critical economic problems.

When Mr. Collier became United States Commissioner of Indian Affairs in 1933, he may well have been better prepared for the post than any other man who has held it, and his 12 years in the job are the longest span that any man has occupied it. He contributed much to an understanding of the native tribes and their aspirations. To the country he brought a new awareness of this small native minority and of the need to preserve its traditions, tribal government and social values.

Unfortunately, it cannot be said that, with Mr. Collier's death at the age of 84, this peculiar minority problem is on the way to solution. The Indians are still faced by a cruel dilemma. If they leave their reservations and participate in the mainstreams of social and economic life, they tend to lose their Indian culture, traditions and identity. And if they remain segregated in remote areas with meager resources, most of them are doomed to poverty and stagnation. Though the dilemma remains, Mr. Collier helped us to see its dimensions more clearly and to appreciate the values that would be lost with the disappearance of tribal life from the continent.

[From the New York Times, May 9, 1968]

John Collier, Ex-Commissioner of Indian Affairs, Is Dead at 84—U.S. Official From 1933 to 1945 Also Taught Sociology at City College

Taos, N. Mex., May 8.—John Collier, who served 12 years as United States Commissioner of Indian Affairs and lived in Taos in retirement, died at a hospital today, four days after his 84th birthday.

Mr. Collier held the Indian post from 1933 to 1945, longer than any other Commissioner. After that he was professor of sociology and anthropology at City College in New York until 1954.

He had lived in this northern New Mexico community for 12 years.

Secretary of the Interior Stewart L. Udall sent a message of condolence today to the widow.

In the face of historic prejudice and entrenched interests, Commissioner Collier worked to establish in law the right of Indians to determine their own future through self-government; to reverse the devastating erosion of the Indian estate; and to reawaken the Indian's pride in his own heritage."

A private funeral service will be held here tomorrow, with a private burial following. A public memorial service will be held May 18.

SPURRED LEGISLATION

Mr. Collier devoted the major part of his career to helping American Indians. He fought for them both as Commissioner of Indian Affairs and as an official of several privately operated organizations devoted to the welfare of Indians.

His main purpose was to increase the self-sufficiency of Indians and to allow them a liberal measure of self-government. In 1934, a step was taken toward this goal with the passage of the Wheeler-Howard Bill (Indian Reorganization Act), designed to establish Indian political and economic home rule, to bulwark Indians against the encroachments of unscrupulous whites and to improve education for Indians.

The act was to a large extent Mr. Collier's work. On the whole it was regarded as one of the nation's greatest Indian reforms.

Mr. Collier had written that year in an article for The New York Times Magazine:

"Who can look on the condition of the Indians today—poverty stricken, dying at twice the white man's rate of mortality, limited in education and opportunity, hopeless, distrustful—and not say that a reversal [of Government policy] is indicated? Who could dare? Unless he be willing to say, 'Their blood be on our heads,' surely no one."

NAVAJO'S RICH LIFE

His fight for Indian rights was largely based on personal appreciation of Indian culture. In his 1949 book, "Patterns and Ceremonials of the Indians of the Southwest," published by E. P. Dutton & Co., he wrote:

"The Navajo has created out of his human material a house of wonder, his intangible culture matches the splendor of his land. In terms of life, not of goods, it is we who are poor, not the Navajo."

Born in Atlanta on May 4, 1884, Mr. Collier attended Columbia University from 1902 to 1905 and, the next year, the College de France, Paris. Before he had finished his schooling he was doing social work with immigrants in Atlanta.

He helped organize the National Board of Review of Motion Pictures and was its secretary from 1910 to 1914. He was director of the National Training School for Community Centers from 1915 to 1919, and helped to establish the Child Health Organization, later called the American Child Health Organization.

He moved to California in 1919, and the next year began extensive travels throughout the Southwest during which he studied Indians and their conditions. In 1923, he became executive secretary of the American Indian Defense Association.

KNOWN AS CRUSADER

During this period he became familiar to the readers of liberal weeklies as a crusader, and to certain business and political circles as that "dangerous lobbyist." He waged a bitter fight for religious liberty when the attempt was made to forbid the performance of ancient Indian rituals and ceremonials. For seven years he edited the magazine, American Indian Life.

After he became Commissioner of Indian Affairs, Mr. Collier hacked away at Government policy that called for "civilizing" the Indian. He tried instead, to re-awaken interest in Indian art and music, folklore and custom.

Mr. Collier often referred to the Indian tribes of the Southwest as the "mountain peaks of a submerged social continent." He maintained that the Indians' culture, or "cosmic soul," was spirtually superior to that of white, Western civilization.

Mr. Collier saw to it that more than half of his department's employees were Indians.

He wrought many changes in the Indians' educational system, eliminating most of the boarding schools and substituting day schools in which children could begin their education without being wrenched from their native roots. In former days, they had been forbidden to talk their own language even on the playgrounds.

RULES HELD UNCHANGED

Some recent observers have noted, however, that the boarding schools still have rules against the use of Indian languages.

Mr. Collier was a member of the Indian Arts and Crafts Board from 1934 to 1945, a director of the National Indian Institute from 1945 to 1950 and in 1946, was United States delegate to the Inter-American Institute of the Indian at Mexico City. He had been president of the Institute of Ethnic Affairs, Washington, since 1947.

His other books included "The Indians of the Americas," 1947 and "American Colonial Record," 1947.

In September, 1947, Mr. Collier was appointed Professor of Sociology at City College.

MRS. FRANCES P. YORK, 72-YEAR-OLD GREAT-GRANDMOTHER, RECEIVES HIGH SCHOOL DIPLOMA

Mr. MUSKIE. Mr. President, I invite the attention of the Senate to an article published in the May 9 issue of the Portland Press Herald, of Maine. The article tells the story of Mrs. Frances P. York, of South Portland, a 72-year-old great-grandmother who has just received her high school diploma.

When asked why she returned to school after so many years, she replied:

> I feel there should be no end to learning. After you get into it, it is something to be enjoyed.

I ask unanimous consent that the article be printed in the Record as an example that we are never too old for expanding our horizons. May many more Americans join Mrs. York in enjoying the new horizons that only education can bring.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Portland Press Herald, May 9, 1968]

Great-Grandmother, 72, Is the Proudest Graduate

(By Marjorie Sinclair)

It's noteworthy to see a high school dropout return to classes and earn a diploma.

And when that dropout is a 72-year-old great-grandmother who left school 54 years ago, the occasion merits some very special recognition.

Mrs. Frances P. York, 521 Ocean St., South Portland, had the kind of recognition Wednesday night which makes a woman happiest. As she received her diploma from Portland Evening School, her son and grandson were in the audience. They had come here from California just to see her graduate.

Her son is Harold York of Northridge, Calif. Her grandson, Stephen, 17, is a high school student there. She also has great-grandchildren living in Ohio.

Mrs. York left a Dover, N.H., high school during her senior year in 1914 to help out at home after the death of her father.

"But I always had the idea that sometime I would go back to get that diploma," she said.

It took her 54 years because in the interim she has raised a family and then operated Ledgemere Country Day School at Cape Elizabeth for 31 years.

In the 1966–67 school year, she began to taper off her nursery school activities, working only half days. This season she quit permanently, except for occasional substitute work. Then she decided to return to high school and get the diploma.

"After spending 31 years in kindergarten, it was nice to have a promotion," she quipped.

Mrs. York enrolled for two courses in English, one in history and one in sewing to earn enough credits to complete requirements for graduation.

She was a straight-A student but for awhile it seemed she might not graduate.

"I had a terrible time getting my credits from Dover," she explained. "They had just moved into a new high school and the records hadn't been straightened out. It took from September to January to get them. If they hadn't found them I don't know what might have happened."

However, she was assured by Principal James E. Flanagan of Portland Evening School that he would find some way for her to get sufficient credits for her diploma.

"He was wonderful," Mrs. York said, "The whole experience was wonderful. It was nice to have something to do. Also, I met so many different people. I've made some wonderful friends there."

Now that Mrs. York has her treasured diploma she is toying with the idea of attending a class or two at the University of Maine in Portland where she once took a nursery school course.

"A friend asked me why I would want to do it," she related. "I feel there should be no end to learning. After you get into it, it is something to be enjoyed."

Mrs. York enjoyed her courses so much that she chalked up a perfect attendance record for the twice-weekly sessions from October until commencement.

She said she hopes her achievement will encourage other people no longer young to return to school.

"I noted a few enrollees on opening night last fall who seemed hesitant about starting," she related. "I had a little talk with one of them and tried to make him see he was not too old. After all, he was only 50."

Mrs. York said she is "absolutely flabbergasted" by the number of cards and congratulatory messages she received in recognition of her graduation.

"I've only done what I should have done 50 years ago," she stated.

THE CANADIAN AUTOMOTIVE AGREEMENT

Mr. GORE. Mr. President, I have addressed the Senate on several occasions on the subject of the unwise Canadian Automotive Agreement. This agreement has been in effect for more than 3 years, and its damage to the United States should now be apparent to anyone who studies the matter. Results have clearly borne out the warnings issued by me and others at the time of the unfortunate approval by Congress of the legislation which put this agreement into effect. One can understand why the big automobile companies and Canada wanted this deal. They are the beneficiaries. But there is no justification from the standpoint of the U.S. Government. I can understand, I think, why Henry Ford wanted it, but I do not understand how President Johnson could justify his recommendation of it, or how Congress could have approved it, or why it should not be promptly repealed.

The legislation passed by Congress called for an annual report from the President to Congress on the functioning of the agreement. The first report was not submitted until the agreement had been in effect for more than 2 years, and was transmitted to Congress by the President on March 21, 1967. Another annual report is now long past due. I made inquiry some weeks ago about the next report and was told that a final draft was to go to the White House on March 22. I have not yet seen a copy of this official report, and I do not know when it may arrive.

Pending the receipt of the delayed official report, it might be of interest to Senators to read a report prepared by Mr. James E. Burke, who is a consultant to a trade organization, the Automotive Service Industry Association. Although I cannot vouch for the accuracy of all the statistics and statements in the report, it does appear to be accurate.

Mr. Burke, having served as consultant on the United States-Canadian Automotive Agreement, is well qualified for his position with the Automotive Service Industry Association. For 45 years he was in charge of export sales for Stewart-Warner Corp., of Chicago, and was a vice president of that company from 1953 until his retirement at the end of 1964.

During his years with the Stewart-Warner Corp., Mr. Burke spent from 3 to 6 months each year in overseas travel for the company, visiting virtually every nation of any consequence in the world. He was president of the Overseas Automotive Club in 1953 and 1954, and was cofounder of the Automotive Exporters Club of Chicago as well as its first president.

Since coming with ASIA, Mr. Burke has interviewed automotive service industry manufacturers in both the United States and Canada to obtain their views with regard to the automotive treaty between the two countries. He also subscribes to and studies all of the important automotive and financial periodicals and newspapers from both sides of the border.

I ask unanimous consent that the report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

The United States-Canadian Automotive Agreement: 3 Years Later

(A report by James E. Burke, special consultant to ASIA, issued April 1968)

The United States-Canadian Automotive Agreement governing tariffs on automobiles and automotive parts went into effect in January of 1965, shrouded in secrecy (including secret letters of commitment given the Canadian Government by the major American vehicle manufacturers) and surrounded by conflicting opinions as to its probable affect on the automotive parts industry. After three years, that affect is beyond doubt.

The Financial Post (Canada) on March 1, 1968 reported that over these three years Canadian exports of automobiles and parts to the United States increased nearly 800%, while U.S. Exports of the same commodities to Canada grew just over 125%. It comments that these figures demonstrate that this was "the most successful bilateral trade arrangement in Canadian history". Looking at the other side of the coin, one could add that it is probably the most disastrous bilateral trade agreement in United States history. If the present trend continues, the United States-Canadian automotive account will be balanced within a few years . . . in fact, it is not inconceivable that the automotive trade surplus may be in Canada's favor just as some other commodities are now.

WHY THE AGREEMENT?

Why was the agreement advanced by the Canadians? Because they contended that while they bought 7% of the American type vehicles for what they term the "North American Market", they produced only 4% of those types. This they considered unfair and contrary to their economic and labor interests. The treaty is designed to correct that imbalance. This reasoning is strictly unilateral since, if applied both ways, it would result in a considerable cutback of our consumption of such Canadian imports as wood and petroleum products (including natural gas), and other commodities where Canada enjoys a considerable surplus on her merchandise trading account with the United States.

How did our Government come to accept this contra-liberal trade agreement? The Administration told the Senate Finance Committee at the hearings on the treaty in September of 1965 that if the treaty was not approved, Canada would follow the example of Argentina, Brazil and Australia by shutting out vehicle imports and most of the parts, resulting in Canadian manufacture of all cars and trucks for their market, and with close to 100% Canadian content. These discussions failed to bring out the important differences in the situations in Argentina, Brazil and Australia as compared to Canada. These differences are:

(1) Argentina, Brazil and Australia are located great distances from the U.S. and are, therefore, remote from the influences caused by contiguity.

(2) Argentina and Brazil have different languages and have been dictator-controlled for a long term of years.

(3) Argentina and Brazil went into local vehicle production only after they exhausted their foreign exchange resources for everything but dire necessities.

(4) Local vehicle production for all four countries has resulted in higher vehicle prices than prevailed when vehicles were imported and were paying substantial tariffs. Only a few years ago, new Chevrolets smuggled into Argentina were selling for the equivalent of $12,000 (U.S.).

(5) A large percentage of the Canadian population lives very close to the U.S. border. We not only share a common language, but the Canadians listen to and watch the same radio and television programs, are regular readers of our periodicals, and closely follow U.S. events and trends.

(6) People in marketing centers such as Buffalo-Hamilton-Niagara Falls-Toronto, Detroit-Windsor, Halifax-Boston, and Seattle-Portland-Vancouver have much more in common with the people in their respective area groups than they do with their own nationals located hundreds or thousands of miles away.

(7) If Canada went in for the manufacture of vehicles with near 100% Canadian content, it would be necessary to concentrate on a very few makes and models and even these would undoubtedly sell for considerably higher prices than their American counterparts. This is evidenced by the inability of the Canadian producers to bring their costs down to U.S. levels, even under the rationalization program resulting from the treaty.

(8) Any Canadian political party which limited the publics choice to a few models, particularly at prices higher than prices for equivalent models in the U.S., would find the going very rough indeed.

WHAT THE TREATY PROVIDES

The United States agreed to free trade in vehicles and parts (subject to imports from Canada having at least 50% Canadian content) *for the vehicle manufacturers only*. Replacement parts were not included because of the objections of the Canadians.

The Canadian's agreement had three provisos in an addendum. These three provisos were in the separate letter commitments made by the U.S. Vehicle producers with the Canadian Government, plus a fourth commitment not referred to in the treaty.

The first proviso or condition required the vehicle manufacturers to maintain, *as a minimum*, the Canadian content of their 1964 models. For example, if General Motors had $250 million Canadian content in their 1964 models, they were required to provide at least this amount of Canadian content every year regardless of the condition of the market. There has been no difficulty meeting this "floor".

The second proviso required that on any increase in domestic demand over the 1964 base year, there would be at least a 60% Canadian content on passenger cars, and a 50% Canadian content on trucks for the increased demand. These were the same percentages stipulated in 1964 and established some time prior in order to qualify for British Commonwealth preferential tariff treatment. There obviously has been no difficulty in achieving these percentages.

The third condition required the vehicle producers to maintain the same ratio of production to sales in Canada as prevailed in the 1964 model year. Ford testified at the 1965 Senate Finance Committee hearings that their 1964 ratio was 99 production to 100 of sales on passenger cars, and 109 of production to 100 of sales on trucks. The ratios of the other producers have not been revealed, but is believed to run about 95 production to 100 of sales. Assuming that the ratio is 1 to 1, the net effect of this proviso is that the value of each producer's exports must equal *or exceed* the value of the producer's imports from the U.S. in order to qualify for duty free entry into Canada. Regular duty rates must be paid on any export deficiencies. Because the overseas market for North American type cars is now limited, all (or nearly all) Canadian vehicle exports must go to the United States.

Finally, the letter agreements stipulate that within the period of the 1968 model year—that is between July 31, 1967 and August 1, 1968—the four vehicle producers agreed to increase their Canadian content by $260 million (Canadian). *These commitments are over and above the three previously described. Exported parts are credited toward the satisfaction of the commitments.*

The treaty has no termination date, but can be cancelled by either party giving twelve months' notice.

SELLING THE TREATY TO CONGRESS: A CREDIBILITY GAP

In seeking Congressional approval for the treaty, representatives from the State, Treasury and Commerce Departments assured the Senate Finance Committee that the U.S. automotive trade surplus with Canada—which amounted to $578 million in 1964 and $692 million in 1965—would, under the treaty, drop to $500 million and then stabilize at that figure.

The first annual report to the Congress on the operation of the treaty put our 1966 surplus at $486 million. Several times during 1966 the observation was made that the treaty results would not show up in the 1966 figures, but would appear in 1967 as the treaty effects took hold. The figures for the first eleven months of 1967 are now in and, based on these figures, our 1967 Canadian automotive surplus will not amount to more than $286 million. *This is 45% below the forecasts given to the Senate Finance Committee in 1965.*

That is not all. The trend anticipated in 1966 continues. In fact, one of the automotive trade reporting services recently raised the possibility that the U.S.-Canadian automotive account would come into balance within a few years—and it is not inconceivable that the surplus will move over to the Canadian side of the ledger before too long. It is estimated that in the years 1965 through 1967 approximately $650 million has been invested in new Canadian automotive production facilities.

THE TREATY REVIEW

During the past year the Canadian press has occasionally carried intimations from Ottawa that in the review of the treaty now taking place between the two governments (as required by the treaty) *the Canadians will require the vehicle manufacturers to make further Canadian-value-added commitments.* Our Government was not a party to this commitment in 1965 and, apparently, only became aware of it shortly before the signing of the treaty.

Considering its adverse effect upon our automotive trade balance with Canada, it is to be hoped that the American negotiators will refuse to carry on under the treaty beyond the twelve month's notice period if such a further commitment is to be made a part of the treaty, or if another separate letter agreement is arranged with the vehicle producers. It is estimated that the vehicles being produced in Canada now have from 72% to 75% Canadian content.

UNITED STATES-CANADA BALANCE OF TRADE

While it is true that a large factor in lowering the U.S. trade surplus has been the heavy preponderance of Canadian vehicles entering the U.S. over American vehicles moving to Canada, there has also been a substantial reduction in the U.S. surplus of automotive parts since the creation of the treaty. Following are the figures, going back to 1963.

[In millions of dollars]

OEM	1963	1964	1965	1966	1967 (11 months)
U.S. parts exports to Canada	472.6	466.4	435.0	546.7	561.5
Parts imports from Canada	20.2	37.6	76.6	170.4	227.0

The above figures do not include engines where the flow in each direction is of approximately equal value, or stampings exported from the U.S. and which are largely captive items and, likewise, not generally regarded as parts.

Replacement automotive parts imports from Canada are not separately listed in the U.S. import statistics, but U.S. exports of such parts are given. Following are the figures, also from 1963:

[In millions of dollars]

Replacement	1963	1964	1965	1966	1967 (11 months)
U.S. parts exports to Canada	86.9	96.0	68.6	83.9	64.5

Again, the export statistics do carry some separately identified replacement parts, but they are not listed above for the reason given previously.

It would seem from the statistics given that the Canadian parts producers would be happy over what these figures show, particularly the ones in the O.E.M. grouping. Such, however is not the case. The Automotive Parts Manufacturers Association of Canada is complaining that most of the additional Canadian content in Canadian vehicles represents increased assembly operations, or parts obtained from captive parts plants of the vehicle manufacturers. *They are pressing the Canadian Government to modify the treaty so as to provide for greater Canadian content.* There is no doubt—if our Government should yield to such demands—that the further Canadian content would come from parts production since the vehicle manufacturers are now well set up on their assembly facilities.

COMPLACENCY BY A.S.I.A. MANUFACTURERS

Some A.S.I.A. manufacturers may be complacent if their exports to Canada have not suffered as a result of the treaty, *even though they may not be sharing in the expansion resulting from increased Canadian vehicular production. They could be in for a shock later on if the Canadians have their way about higher Canadian content.*

DUTY-FREE ACCESS INTO UNITED STATES FOR OVERSEAS FIRMS

It was earlier mentioned that articles covered by the treaty can enter the U.S. duty-free if they contain 50% or more Canadian content. The U.S. law implementing the treaty, HR 9043, provides for free entry "whether imported directly or indirectly". There are now two companies void of U.S. interest undertaking vehicle manufacturing-assembly operations in Canada—Volvo and a company named Soma, financed by the Quebec provincial government, set up to produce the Renault and Peugeot. A Japanese group is also preparing to produce a car in Nova Scotia.

One Canadian newspaper reported that Renault of France was considering the production of a car *in France* with 50% Canadian content for purposes of securing duty-free entry into the United States. The idea may seem far-fetched—Canadians exporting parts to France for incorporation into vehicles destined for the U.S. just for the sake of saving the 5½% duty. However, if enough vehicles are involved, the triangular operation would make economic sense.

There is also the possibility that "third" countries will take advantage of the treaty to assemble in Canada (or have assembled for them) automotive components with 50% or slightly more of Canadian content. The Japanese, for example, might do this with anti-friction bearings on which they are proving to be strong international competitors. As evidence that this is not a remote threat, imports from the Virgin Islands are currently admitted duty-free into the United States under a similar 50% provision. A very large volume of watches now enter this country from the Virgin Islands, with the slightly under 50% of content *being supplied by the Russians.* What is occurring in the Virgin Islands could just as easily develop in Canada.

WHAT THIS MEANS TO A.S.I.A. MANUFACTURERS

The treaty is a bad one in terms of U.S. interests, not only because of the results to date but also because any further deterioration in our automotive trade balance will fall heaviest on the independent parts manufacturing sector. There is now considerable sentiment in the Congress for import quotas on certain items, notable steel and textiles, which would limit the quantities of products brought in under those categories. The Administration has indicated that it would veto any such import legislation passed by the Congress. The U.S.-Canadian Automotive Treaty, coupled with the separate letter agreements, constitutes a Canadian quota system, and a very tough one at that.

The legislation proposed in the Congress puts ceilings on certain imports. The quotas in the U.S.-Canadian Automotive Treaty, and the letter agreements, not only establish Canadian production "floors", but also force on the United States the $260 million additional Canadian content requirement. It is hard to see how the Administration can act negatively on any import quota legislation, if passed, and still espouse the treaty. Not only would these positions be inconsistent, but there is also the hard fact that we have suffered a drastic reduction in our automotive trading account with Canada—contrary to the Administration's assurances in 1965 that our surplus would level off at a constant annual figure of $500 million.

THE FINANCIAL CRISIS

Mr. BYRD of Virginia. Mr. President, it was a refreshing, but surprising, statement made in Virginia, Friday, by

Arthur M. Okun, Chairman of the President's Council of Economic Advisers.

Speaking before the Business Council at Hot Springs, Va., Mr. Okun asserted that the Federal Government has been "the major cause" of the recent inflation because it has poured so much more money into the economy than it has taken out. This policy, Mr. Okun said, was "inappropriate" to the economic conditions that existed.

What Mr. Okun was saying in a roundabout way is that the Federal Government is spending too much money.

I agree.

I agree with Mr. Okun, too, that this policy is "inappropriate" to the economic conditions that have existed.

Mr. Okun was a little more frank than I had anticipated. Of course, his assertion was coupled with a renewed demand for an increase in taxes. But even if the taxes are increased to the extent the President recommends, the new fiscal year will end with a deficit of approximately $15 billion—unless there is a sharp reduction in Government spending. The current fiscal year will end with a $20 billion deficit.

So I agree with Mr. Okun that the major cause of the recent inflation has been Government spending. Even if taxes are increased the inflation will continue because the deficit will continue.

Another factor I want to emphasize today is this:

If the Federal Government were to levy a 100 percent tax—yes, 100 percent tax—on all income over $10,000—$20,000 on a joint return—the revenue gained would be only $13.2 billion—not enough to pay the interest on the national debt.

To me this dramatizes not only the seriousness of the financial crisis which our Nation is facing, but it dramatizes, too, that the bulk of the Federal Government's revenues come from the middle income and lower income groups. That is a fact the liberal spenders should bear in mind.

STATE GOVERNMENT AT THE CROSSROADS—ADDRESS BY MR. BRADY BLACK

Mr. MUSKIE. Mr. President, recently I was privileged to speak to a regional conference of State legislative leaders and newspaper publishers who were meeting in Baltimore, Md., to consider ways and means of improving State legislatures. Mr. Brady Black, vice president and editor of the Cincinnati Enquirer and a member of the board of trustees of the Citizens Conference on State Legislatures discussed the role of State legislatures in our Federal system.

> The State legislature's task—

He said—

> is to do the wisest job the citizens of the State will permit it to do . . .

He asserts:

> Citizens, in their fear of big government, protect themselves so carefully against government at home that they permit central government to grow greater and greater while protesting that it does so.

Many of us share Mr. Black's concern. I have the pleasure of serving on the Advisory Commission on Intergovernmental Relations along with two other Members of this body, the Senator from South Dakota [Mr. MUNDT] and the Senator from North Carolina [Mr. ERVIN]. The Advisory Commission has devoted much of its attention to finding ways and means of strengthening State and local government. Modernization of State legislative operations is sorely needed. Indeed, some observers contend that State legislatures are the weakest link in our Federal system. The Advisory Commission has urged States to hold annual sessions, to offer adequate compensation, to provide year round professional staffing of major committees, and to devise more effective ways for making the views of State legislatures known to Congress.

Mr. Black's frank and perceptive comments merit thoughtful consideration by all Members of Congress. I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATE GOVERNMENT AT THE CROSSROADS

(Remarks of Brady Black, vice president and editor, the Cincinnati Enquirer, before Mid-Atlantic Regional Conference on Strengthening the Legislature, February 14–15, 1968, Johns Hopkins University, Baltimore, Md.)

The role of the American state legislature in relation to present day federalism is to do the wisest job the citizens of the state will permit it to do in the state's partnership with local government and with the Federal government.

I say permit because citizens, in their fear of big government, protect themselves so carefully against government at home that they permit central government to grow greater and greater while protesting that it does so.

They protect themselves with constitutional restrictions and they protect themselves with overlapping local governments.

The American Assembly, when it concluded a meeting of 76 Americans on state legislatures on May 1, 1966, issued a statement which suggested elimination of limitations on a legislature's power to appropriate funds, repeal of the right of referendum and initiation where reserved by the people, and establishment of legislatures as continuing bodies with the power to call themselves into action. In short, state legislatures would be allowed discretions similar to those of Congress.

Such a broadening of state legislative authority may be beyond our times. This is because voters, unable to get at Washington directly with restrictions on debt and spending and legislation, are damned if they're going to give another layer of government such unrestricted access to their purses, in those places where they still can use the ballot to say yes or no.

Therefore, the direction of legislative change has been to annual sessions, to increased staffing, to greater independence of the executive, to four-year and staggered terms, to fewer committees, to increased competition, to adequate space and to modern equipment.

Let me point to two recent examples of the hesitancy of citizens to give legislatures less citizen restriction on spending.

Kentucky in 1966 tried a massive overhaul of its constitution. This included a sharp scaling upward of the $500,000 limit on debt unless voter approved. The issue was clobbered.

In Ohio last spring, citizens were asked to set up a bond commission with powers to develop and finance a master plan for state growth. The program would have bypassed the $750,000 limit on unvoted debt. The issue was smashed.

Now, having raised a doubt that citizens are going to give state legislatures power equal to that of Congress, let us review currents which may influence change, including financing state governments while holding fast to the right to say no.

CITIZEN UNREST AND DISSATISFACTION

A great deal of dissatisfaction and unrest today is directed toward Washington. Where there is dissatisfaction, there is greater willingness to change and change spawned in great social upheaval is likely to be sweeping.

Areas of dissatisfaction include:

The war

Washington is forced to give priority to Vietnam, which is costing $2 to $2½ billion a month and which is frustrating because we are an impatient people and there seems to be no end in sight.

Big city riots

The Federal government is blamed on the one hand because it is spending money in Vietnam instead of on big city slums and on the other for arousing expectations among Negroes for quick solutions to problems which defy quick solutions.

Crime

Crime menaces the safety of the individual and of his property. The courts, spurred by U.S. Supreme Court rulings, seem to be increasingly tolerant of criminals. Discontent again is directed in large part toward Washington.

Strikes

When strikes interfere with the welfare and the convenience of the people as a whole, the people look for a scapegoat. Big everything causes eyes to turn toward big government, which is Washington, and the massiveness of labor disputes sometimes adds to the grumbling.

High prices

Inflation is pushing up prices and the housewife notices this when she goes to market. At the other end, the farmer argues that his prices are too low. More causes for unrest.

In today's discontent and citizen restiveness, there is opportunity for government closer to home to look for ways in which it can tackle and solve problems, and thereby build its standing with the people.

In some cases, however, state government lacks the tools and in some cases it lacks the boldness.

It is in this atmosphere that the Citizens Conference on State Legislatures is stimulating interest in American state legislatures so that the state citizens committees, wherever motivated, can work to strengthen their legislatures.

This we can call a present-day trend.

There are other trends, too.

Consider, for instance, the prominence of governors among Republicans being considered as likely prospects to oppose President Johnson next November. We hear Romney of Michigan, Reagan of California and Rockefeller of New York mentioned quite often and sometimes Rhodes of Ohio. A former governor, Wallace of Alabama, is leading a challenging third force.

Governor once was a springboard to President, but hasn't been since our country became a super-power at the end of World War II. Since the last governor in the White House, Franklin D. Roosevelt, we have had three U.S. senators and one general.

State voters, while they have shied off from giving blank checks for state spending, have been generous when the use was specific. Ohioans, since Jim Rhodes became governor more than four years ago, have approved more than $1 billion in bonds and will be asked for $850 million more this year. Pennsylvanians last year passed a large bond issue.

California's legislature in 1967 imposed $1 billion in tax increases and Ronald Reagan still rides tall in the saddle. Ohio added $200 million a year in taxes in 1967 and Jim Rhodes continued popular.

In Washington, Congress is taking a stronger hand in shaping spending programs and, in at least one instance—the anti-crime program—was inclined to go along with block grants to the states.

WHAT LEGISLATURES FACE

What are the problems which legislatures must face, with or without new tools from citizens?

Education is a major one. The action of Ohio's legislature in 1967 can be looked to for clues.

In Ohio's school districts, as in others in other states, property owners have been in rebellion against carrying so much of the burden for education. Whereas once the vote yes was almost automatic for bonds and for operating levies, nos began to show up, campaigns of opposition to emerge, and financial crises to occur.

This rebellion occurred as there were more children to educate, increased pressure to pay higher salaries or be unable to find enough teachers, more demands for special education to meet slum problems, and a drive by parochial schools to get taxpayer help.

Governor Rhodes, safely into a second term and with a two-term limit, eased off his no-new-taxes policy under education's pressures and the result was that a newly apportioned legislature, with a heavily suburban influence, increased taxes and gave most of the new revenues to local school districts and state-supported universities.

It gave parochial schools at least a tentative beginning in use of tax funds by appropriating $15 million for school auxiliary services in which such schools can share. This is the subject of a constitutional challenge in a state court. Supplementary funds were provided for extra attention in big city poverty districts and for vocational education. The increased state aid did not head off teacher demands, however. Cincinnati has just gone through a teacher strike.

Welfare is the source of another immense pressure on state legislatures and one which will grow. Contrast Ohio's handling of this question to its handling of education. The combinations of Federal, state and local effort have been meeting only about four-fifths of what is considered the minimum standard for subsistence under Ohio programs.

Pressures for greater state effort built up from county welfare recipients through marches on the state capital, and from state organizations.

The result was that the legislature appropriated $17½ million of an estimated $70 million needed to get to 100%, and made available another $17½ million provided local governments will match it $2 for $1.

You can read into this a wariness against getting the state too deeply committed in welfare.

I think there are several reasons for this.

One is that suburban legislators are representing areas to which many white taxpayers have fled and still are fleeing from central cities that are filling up rapidly with black tax consumers moving in from agricultural areas and frequently without education and training for jobs. These are the people of the so-called black ghettos, in some of which riots have been occurring. The suburban dwellers, beset by their own problems of schools, sewers, trash removal and mortgages, are reluctant to assume the costs of solving city problems.

Add to this, the ruling last year by a three-judge Federal court that Connecticut's residency requirement for Aid to Dependent Children is unconstitutional because it discourages the right of interstate travel, and you have a potential tripling of the costs of public assistance on the present aid base.

Almost 8 million depend on public assistance and the annual cost, at all levels of government, is $7 billion, which is double the cost of 10 years ago. Yet numbers fail to qualify under residency rules and the waiting period may be a factor which slows down migration to the cities. Immediate qualification certainly would open up some growth potentials.

Concern already is being expressed that the welfare system locks the poor in dependency, develops generations of welfare clients, attracts the untrained and uneducated jobless to further augment the restless slums, and influences the taxpaying whites to go on fleeing to the suburbs.

In state after state the governor has had to dispatch the National Guard to cities to help restore order and in Michigan even this wasn't enough and battle-hardened Federal troops were sent in.

Ohio, while it was wary in 1967 of getting the state too deeply committed in welfare costs, continued this year in preparing to handle riots if they should come next summer.

Efforts generally are directed toward making it simpler for the governor to respond quickly in an emergency and for authorities to contain rioters, to cut off sale of alcohol and to restrict sale of gasoline.

I suspect that before summer there will be provisions for shifting of National Guard troops among the states and for airlifting of Federal troops when a governor calls for help.

The states, and the cities, face a very grave test of whether they can maintain order and whether, if they do, they can avoid drifting into a police state.

You know there is more than one way our country could go. A state of anarchy could develop in which citizens would not be safe. Or revulsion against disorders could bring the rise of a Hitler-type. The state legislature is under pressure to be a factor in seeing that neither occurs—that instead we solve our problems and maintain order.

Local government aid

Ohio, when it came to considering appeals from local governments for greater financial help, responded cautiously on welfare and otherwise simply authorized additional areas of taxation if counties and cities want to use them.

Municipal governments have shown a growing inclination to run to Washington for help because:

A. The Federal income tax and unlimited borrowing have made the funds available.

B. The mass urban vote can and does decide presidential elections and therefore programs are devised to attract voters.

C. Legislatures, with an experience of quick reprimands at the polls for raising taxes and with election bases which encourage avoidance of some city problems, have tended to seek ways to avoid rather than to rush in with panaceas, which is the reverse of Federal experience.

There are, however, evidences that this may be beginning to change.

For one thing, a new breed of governors who are boldly seeking solutions has come on the scene as a shocked citizenry begins to wonder whether all answers do lie in Washington. They, too, have masses of urban voters and some of them have ambitions which lie beyond the governor's mansion.

Legislatures, altered greatly by reapportionment, are showing responsiveness to the seeking of solutions to problems, but members will be cautious about going beyond the political comprehension and depth of their constituents. This a political fact of life.

This is taking place amid a growing pondering that there must be something which badly needs fixing when rioters burn our cities, criminals make our streets unsafe, and when even policemen, firemen and teachers are going on strike—against us, the taxpayers.

Whether you are a learned man from a university faculty, a day-to-day educator and opinion influencer from the news media, a lawmaker or a civic leader, you know that something is wrong and somebody ought to do something about it.

For, unless something is done about it, however much you might prefer the status quo of yesterday, yesterday is history.

And doing something about it includes preserving the state as a strong part of the Federalist system.

You know and I know that there is every indication that the urban sprawls will get bigger, that the confusion of overlapping governments will remain, that the tax users will go on inundating the central cities, that the taxpayers will go on fleeing to their suburban outposts, that the tax users will go on flexing their political muscles as they demand more government money, that riots or the threat of riots will continue to come from the militant, that police will be armed to the teeth, that soldiers will be called upon to defend Americans against Americans in our cities, and that suburban and rural lawmakers will hesitate to vote upon their constituents the costs of city problems from which they have fled.

This, of course, is the point of challenge for each of us. What are the solutions? How can our Federalist system be strengthened as a partnership to find solutions and to put them into effect. What can we do to help?

The American state legislature, unless it is strengthened by citizen guidance and support, is likely to give its attention to education, to public health, to parks and recreation, to highway building and highway safety, to helping enforce the law in emergencies—all worthy causes—but to back off and leave to Washington the massive and high cost problems of American cities—poverty, crime, housing and the black power riots.

It is these problems which are tearing us apart. Since we have gotten into today's grave crisis while weakening our state and local partners in our Federalist system, it seems to me that it is time that we tried to restore some of their power.

The American state legislature is an integral part of such a partnership, but it needs citizen help and backing if it is to play its fullest role.

For, as I noted when I opened these remarks, the role of the American state legislature in relation to present day federalism is to do the wisest job the citizens of the state will permit it to do.

DISMAL STORY OF THE ICC

Mr. RIBICOFF. Mr. President, last Monday's lead editorial in the New York Times emphasized the importance of protecting the traveling public from the inefficiencies, discomforts, and hazards which have become the commonplace occurences of our country's railroad passenger service.

I commend that newspaper for illuminating the serious difficulties now encountered by the railroad passenger and the dire need to dedicate ourselves to improving this service.

The passenger has player second fiddle to freight service for entirely too long.

While there are laws affecting the traveling conditions of dumb animals, the rulebook is strangely silent regarding human cargo.

While ingenious new methods have been developed to transport livestock, farm commodities, cement, and even wine, there have been no similar improvements in passenger accommodations.

The Times pointed out that these conditions are a serious indictment of the Interstate Commerce Commission. But, more than that, the Federal and State Governments and railroad companies themselves must bear a major share of the blame. Last week I spoke at length of the immediate need to upgrade passenger service and facilities in order to bring much needed balance to our national transportation system. That challenge remains before us.

It is no longer possible to view railroad services as the poor cousin. The railroads and many of our public agencies have treated the passenger train like a prehistoric animal—soon to become extinct and a relic of the past. This is blindness. Almost 100 million passengers rode the rails last year—and this does not count the commuter whose livelihood depends on rail transportation. This figure is likely to rise in the future as our airports and expressways become clogged.

The time to take responsible action is now. We can no longer hide our heads in the sand.

I ask unanimous consent that the New York Times editorial be inserted in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

> HOTFOOT FOR THE ICC
>
> The Interstate Commerce Commission awoke from its torpor long enough last week to authorize the discontinuance of a few more of the country's vanishing fleet of blue-ribbon passenger trains. The Santa Fe was allowed to drop its Chicago-Los Angeles streamliner, the Chief; the Chesapeake & Ohio got permission to kill the Fast Flying Virginian and the Sportsman on the Washington-Cincinnati run.
>
> It is all part of a dismally familiar story for the I.C.C., the oldest of the Federal regulatory agencies and—except for the Federal Communications Commission, which nominally regulates the radio and television industry—the sleepiest and least effectual.
>
> Made up of eleven commissioners who rotate the chairmanship each year, the I.C.C. has a shifting membership, no executive head and few consistent policies. Its protracted procedures sometimes irritate the railroads, buslines and trucking companies, but these private interests much prefer to suffer its fussy inconsequence than to deal with a small, reformed agency which might aggressively defend the public interest.
>
> The scorching report of John S. Messer, the hearing examiner in a case involving a reduction of service standards by the Southern Pacific, is nothing less than an indictment of the commission for neglect of duty. Its failure to protect the traveling public against the exploitation of railroad managers is bodly set forth.
>
> It is astonishing to learn that the commission has never formulated minimum standards for passenger service. Instead, the commission has supinely cooperated with those railroads which have wished to discontinue passenger service and concentrate on their more profitable freight service. Railroads are not ordinary business firms; they are quasi-public corporations endowed with enormous land grants and the power of eminent domain in order to perform a specific service. That service is to provide transportation for persons and goods.
>
> Passenger service sometimes incurs a deficit, although the railroads exaggerate their losses, as the Southern Pacific did in this case; but the I.C.C. already takes the passenger deficit into account in setting (and raising) freight rates.
>
> Railroad companies have developed the propaganda myth that maintenance of passenger service is a matter of interest only to a dwindling number of train buffs. In reality, ninety-eight million passengers, not counting daily commuters, traveled on intercity trains last year. Rather than dwindling, the number of rail passengers is likely to rise in the coming decade as highway and airlane congestion worsens. If highway traffic triples in the near future as experts expect, the immensely expensive interstate highway system now being built will not be able to sustain the burden.
>
> A functioning network of passenger railroads connecting major points in this nation is not a matter of nostalgia and romance; it is a practical necessity. The first duty of the I.C.C. is to stop finding excuses for discontinuance of service and act upon the recommendations of this landmark report. If the preservation of adequate service ultimately requires government reforms, that is the responsibility of the President, the Department of Transportation, and especially of the Congress. The I.C.C.'s duty is to stop pampering the railroads it is supposed to regulate and to begin protecting the defenseless traveling public.

PUTTING OUR ECONOMY THROUGH A WRINGER

Mr. HARTKE. Mr. President, on April 2, in speaking about the Tax Adjustment Act of 1968, which will presumably soon come before us again in the form recommended by the conference committee, I quoted a number of statements by Prime Minister Wilson. They sounded remarkably like those made now in arguments for the tax increase, travel tax, and other measures which are equivalent to the British "belt tightening." For example, there are these:

> Action is needed . . . to redeploy resources . . . and check inflation . . . by cuts in the present inflated level of demand . . .
>
> The Treasury has . . . put a surcharge of 10 percent on (certain duties) and on Purchase Tax. Thus for goods now chargeable at 10 per cent the new effective charge will be 11 per cent . . .
>
> The Government are introducing a number of deferment measures which will reduce demands on resources . . .
>
> Private overseas expenditures must also make its contribution. . . . The amount of foreign exchange which may be bought for journeys . . . will normally be limited to £50 per person.
>
> Within each major area we have of course been highly selective in the cuts we have made . . . We propose to cease to provide free milk in secondary schools . . . The capitation grants to direct grant schools will be reduced . . .
>
> The Government has decided to reduce planned approvals of new houses by 15,000 . . . Overall expenditures on roads will be reduced so as to produce savings of £53 million . . . Assistance to public pasenger transport . . . is being limited to £10 million.
>
> Special measures must be taken to arrest the growth of the number of people employed in Public Service . . . no further net increase in the number of civil servants as a whole . . .

Mr. President, every one of these statements has its parallel in the arguments being made for cutting back on our expenditures, for taking money out of the spending stream in the private sector, for reducing the costs of operating the Federal Government.

As I stated in the portion of my April 2 speech headed "The Dangers of Austerity," the purpose of the British effort has been identical to our own. Specifically, Prime Minister Wilson said, "that action was needed for the purpose of making a direct impact on our balance of payments." The purpose has been the same; the remedies advanced have been the same; and it might very well be supposed that the results will be the same. It is that very probability which is so disturbing to me.

For the result, I believe, is inevitably a damaging slowdown in the economy in which, as in Britain, unemployment will rise; income will be reduced and consequently expenditures will be smaller by the people who consume the products of the economy and by the Government as well; and, as Prof. Milton Friedman has said in a column published in Newsweek, which I placed in the RECORD yesterday, the $10 billion surtax in our economy "would not even come close" to killing inflation.

Recently, Britain's Chancellor of the Exchequer, Roy Jenkins, announced a new budget which includes a tax rise of $2.2 billion over a full year—the equivalent of $20 billion in our economy. Yet, even with such harshness, and in spite of—or perhaps rather, partly because of—the extreme measures of devaluation, it is anticipated that the average Briton's cost of living still will rise by about 6 percent for the year. At the same time, the target for economic growth is reduced from 4 to 3 percent.

Sacrificing economic growth is a strange way to run a country. It is an economic masochism to thus punish oneself; and as the British by elections have been showing, the public is rebelling against the lash of such harsh counterproductive policies. If we follow the British example, purchasing a better balance of payments at the cost of our overall economic welfare, what will be the result?

Recently the AFL–CIO News reprinted a discussion of the situation which appeared in the Washington Post under the byline of its business and financial editor, Hobart Rowen. The title puts the objections I have so often raised in a capsule form: "Sacrificing Economic Growth a Strange Way to Run a Country." This is, as the subhead said, confusing ends and means. As Mr. Rowen puts it:

> It seems rather strange that the only way modern democracies have found to handle their intricate international financial payments problems is to put the home economy through a wringer. . . . It seems topsy-turvy reasoning to be applauding . . . an American policy designed to half growth that exceeds a 4 percent level.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the AFL–CIO News, Apr. 20, 1968]

Confusing Ends, Means: Sacrificing Economic Growth Strange Way To Run a Country

(NOTE.—The following column by Hobart Rowen, business and financial editor of the Washington Post, appeared in the Post on April 7, 1968. It is reprinted here with the permission of the Washington Post Co.)

Winston Churchill once said that he did not become Britain's prime minister to preside over the liquidation of the Empire.

But the present chancellor of the exchequer, Roy Jenkins, facing the harsh realities which find his country living beyond its means may, by turning the economic screws, be presiding over the metamorphosis of Britain from a major world power to a small one.

Two weeks ago, Mr. Jenkins produced a new budget for Britain that raises taxes at the rate of $2.2 billion over a full year. For the British, this is a stunning amount. A comparable tax increase in our economy would be something on the order of $20 billions.

The whole program is designed to permit devaluation to work. The theory is that taxes on motoring, liquor, tobacco, and consumer luxuries will dampen demand at home, and force more of a rising British output into export channels.

Thus, the British public would "purchase" a balance of payments surplus by cutting their living standard at home. The cost of living for a British subject, counting the effects of the tax increase and last November's devaluation of the pound, apparently will rise about 6 percent.

Since wage increases are to be limited to 3.5 percent, it becomes clear why Jenkins himself said it would be a "hard slog" for the next two years.

In his discussions with key officials here this past week, the British chancellor no doubt discussed the striking areas of comparability between the American and British problems.

Luckily, our own excesses haven't matched those of the British, and the tax medicine that Congress may feed us may not be so bitter.

But it seems rather strange that the only way modern democracies have found to handle their intricate international financial payments problems is to put the home economy through a wringer. Are depression and unemployment the only ways of solving these problems?

One wonder whether any American Administration would ever be able to get away with the punishing kind of austerity that Jenkins devised. He lowered the target for economic growth from 4 to 3 percent. His expectation is that personal consumption will be reduced by nearly 2 percent, instead of rising by 1 percent.

Response among businessmen and economists in Britain has been favorable: most feel that the deflationary package was necessary—a kind of "last chance" for Britain.

If there has been any "overkill," it may be apparent on the political front. The by-elections seem to suggest that the British public doesn't take too kindly to the idea that there can be no boost in the standard of living for the next couple of years.

This is a human and understandable reaction. Like M. I. T. Prof. Robert Solow, I am depressed that the automatic reaction here and in Britain to repeated monetary crises is to resort to deflation.

When everything is sacrificed to solving the balance of payments problem, as Solow says, we confuse the end with the means. This isn't to say that either Britain or the U.S. could continue to have perennially big deficits.

But it seems topsy-turvy reasoning to be applauding a British budget because it is so "harsh," or an American policy designed to halt growth that exceeds a 4 percent level.

Mr. Jenkins' counterpart, Treasury Sec. Henry H. Fowler, has just had a great success at Stockholm by assuring our friends that an appropriate slow-down in the American economy would be enforced.

Something would seem to be screwy somewhere.

But if there is a glimmer of hope out of all of the confusion that began with devaluation of the British pound, it is the partial step toward gold demonetization that is inherent in the two-price system.

One even hears suggestions in highplaces that in any new crisis, the powers that be would go all the way to a full demonetization, instead of yielding to the temptation of raising the price of gold.

For that we can thank the speculators and M. deGaulle. They may have forced us, unwittingly, onto the right track.

THE POOR PAY MORE FOR UTILITIES

Mr. METCALF. Mr. President, one reason why the auto insurance industry is under investigation is because of the discrimination by some companies based on the location of a man's residence. If he lives in a poor neighborhood, he is rated, and has to pay more than he would if he lived at a better address.

One of the reasons why the utility industry should be under investigation is because some utilities engage in this same practice .

We all know that a "good" address and a good credit rating are not synonymous. It is grossly unfair to require a payment by a person who may have an unblemished record while waiving payment for a person whose credit rating may be low. Yet the situation exists. As summed up in a recent Electrical World editorial:

> Today it's not uncommon to require service deposits equivalent to one, two or more months' bills throughout the ghetto areas without considering who the applicant is or what credit risk is involved in serving him.

Utility bills are a large percentage of a poor family's budget. As a public welfare administrator wrote me last fall:

> Utility charges . . . is an area where poor people suffer the most. Many of the poor in Baltimore have housing that is heated by gas space heaters. This means that utility charges often run as high as $50 per month during the winter.
>
> The Baltimore city public welfare allowance for utilities is approximately $15 per month. Coupled with the fact that our rent standards are based on a 1952 survey, you can readily see how the poor are suffering.

According to Electrical World, the local electric utility, Potomac Electric Power, is one of the power companies that requires a deposit from persons living in a designated poor-risk area. The District of Columbia Public Service Commission is currently considering complaints from the Shaw area that Washington Gas Light is demanding high deposits in that area.

Union Electric, in St. Louis, asks for a 2-month deposit from all new service applicants who live in what the company calls poor economic areas, according to Electrical World. The deposit is returned, with interest, after 3 years. However, acquiring enough money to make such an advance deposit presents a real hardship for many poor families.

Mr. President, in my opinion every agency of government, every corporation, needs to rethink and reshape its policies, as necessary, to assure that its policies do not hurt those who need help most. Regulatory commissions can exercise leadership in this particular issue, by obtaining and disseminating the facts about advance deposit policies of utilities under their jurisdiction. The action of the District of Columbia Public Service Commission in this respect is noteworthy.

Unfortunately there is little public information available about the policy of utilities on advance deposits. The Electrical World editorial to which I referred, and which I shall place in the RECORD, was based on the magazine's investigation on only 10 utilities. Utilities are not presently required to report this information in their annual reports to Federal regulatory commissions. This deficiency in the reporting system would be corrected through passage of my bill, S. 2933, the Utility Consumer Counsel Act. However, it is my hope that both the Federal Power Commission and the Federal Communications Commission, through existing general authority and without awaiting a specific statutory mandate, will forthwith ascertain and publicize the advance deposit policy of each electric, gas, and telephone utility under their jurisdiction. I urge the utilities to review their own policies and abandon policies which discriminate against poor neighborhoods. Detroit Edison has already made such a change, which is reported in the March 4, 1968, Electrical World article, "Customer Deposits Under Fire," to which I have referred.

Mr. President, I ask unanimous consent to insert in the RECORD that article, the Electrical World editorial of the same date, "Let's Not Make This Summer Longer and Hotter," and the March 1, 1968, article from the Washington Post, "Gas Rates Hurt Poor, PSC Told," by Stuart Auerbach.

There being no objection, the article and editorials were ordered to be printed in the RECORD, as follows:

[From the Electrical World, Mar. 4, 1968]

Customer Deposits Under Fire—Minority Groups Charge Area-Based Deposits Are Unfair—Detroit Edison Shifts Policy

Utilities which require deposits from customers because they live in low-income areas could be in for trouble in the months ahead, confronted with the charge that such a policy is based on racial discrimination.

While most utilities contacted by *Electrical World* in a spot survey either require deposits from virtually all customers, or base the deposit requirement on a person's credit rating, there are some others which require deposits from individuals living in "high-loss areas." In neighborhoods where there is a history of non-payment of bills, these utilities ask for security before providing service.

Leaders of minority groups have been complaining that such a policy constitutes discrimination—that a man's address doesn't indicate whether he can pay his bills on time or not.

Says Henry Lee Moon, a Washington, D.C., spokesman for the National Association for the Advancement of Colored People, "Deposit policies are part of the total problem we face as consumers."

He adds, however, he doesn't object to policies based on credit ratings "if they are applied equally among the races. But too often the Negro is discriminated against, and the NAACP is against deposit policies based on regions."

Floyd McKissick, national director of the Congress of Racial Equality, speaks in stronger terms of the region-based deposit requirement.

McKissick says CORE is "talking with its counsel" about bringing legal action against the utilities that use regional deposit policies, and that CORE is "working with other civil rights groups to affect a change in those policies."

Tony Perot, CORE's national program director, says that the organization is developing a survey on customer deposit policies "from city to city, documenting patterns across the country." He adds that deposits required from low-income groups "are similar in most major cities."

Although CORE would like a legal precedent, Perot feels that the courts would probably rule in favor of utilities, which can show a relatively high incidence of default among low-income groups. Therefore, attempts to change service deposit policies could be "based on a protest focus," rather than through court proceedings.

Of the ten utilities contacted by EW which serve large urban areas, two set their deposit policies by regions—Potomac Electric Power and Union Electric. Pepco requires that if a person lives in a designated poor-risk area, he must put up a deposit—ranging from a minimum of $10 to $100 for those who have been delinquent in the past or who have had their service discontinued. If the customer pays his bills on time, he can request that the deposit—with interest—be returned.

Union Electric asks for a two-month deposit from all new service applicants who live in what the company calls "poor economic areas." The deposit is returned, with interest, after three years. Thus far there has been no community pressure on either of these utilities to alter their polices.

One utility which has experienced community pressure—and as a result changed its deposit policy from a regional to personal-credit basis—is Detroit Edison. What happened in Detroit could happen elsewhere.

Until last summer, DE required a two-month deposit from all applicants whose addresses fell in "high-loss areas." But according to the new policy, DE asks deposits only when customers "show no evidence of ability to pay their bills." If after 90 days a bill is still delinquent, DE requires security, in addition to full payment of the bill.

Some observers saw the change as a move to appease minority groups since the shift came so soon after the riots. This was definitely not the case, however. The decision to revise the policy came more than a month earlier, and was affected principally by a small group of mothers and their backers.

In September, 1966, the group of mothers, who were receiving Aid to Dependent Children [ADC] benefits, and who called themselves the West Side Mothers, complained to the Michigan Public Service Commission about the cash deposit requirements of the electric, gas, and telephone utilities. They contended, among other things, that because of their limited income, the deposits presented a financial hardship and therefore operated unfairly against the poor.

According to DE, this complaint, along with some others, caused the utility to reexamine its credit policies.

The West Side Mothers, who were organized by the Detroit Chapter of CORE, number only 25 or 30. Their family income ranges from $128 a month for a family of two to $296 for a family of eight or more. The mothers' chief complaint was that the combined deposits required by the three utilities could drain the family of more than a month's income.

Actually, Detroit Edison's deposit requirement was only $20, refundable with interest after two years, and for persons receiving government aid was sometimes paid by the Michigan Department of Social Services. This was not the case for persons receiving Aid to Dependent Children, however, which is the type of support received by the West Side Mothers.

To help the mothers in their fight, CORE contacted the office of the Urban Law Program at the University of Detroit, which filed a formal complaint before the Michigan Public Service Commission. The ULP, supported by federal funds, is staffed by law students who handle civil and criminal cases for low-income groups.

The PSC, headed by Peter B. Spivak, heard the complaint, and steered the issue into private meetings with each utility. DE representatives told Spivak "that the administration of policies has led to discrimination by the failure to evaluate persons on an individual basis." At the meeting, the utility agreed to discuss the problem with the West Side Mothers and the Urban Law Project to see what steps could be taken to alter the situation.

In less than six months DE had satisfied the mothers that the utility would return to a deposit policy based on individual credit standing.

By settling the issue informally, DE avoided what might have been a long legal controversy. DE fought the complaint at the very outset—even denying its legality. But CORE was equally determined to have a precedent set before the PSC.

The Urban Law Project had asked PSC to "call a hearing to inquire into the deposit policies of the utilities and generally into the administration of policies as they effect those of low income."

DE's attorneys immediately called for a dismissal, charging that: Neither the mothers' group nor its chairman were customers of DE and therefore could not legally complain; that law students under the Urban Law Program could not legally represent the complainants; and that the PSC was powerless to prohibit the service deposit on the grounds that it would result in an unconstitutional usurpation of legislative power."

In December, 1966, a formal hearing was held on DE's motion to dismiss, but no ruling was handed down. PSC Secretary Knight D. McKesson was assigned to moderate meeting with the utilities. He said that the matter never should have been brought before the PSC on a formal basis.

"There always was an issue. There was no reason at the time for it to be resolved by formal hearings. A simple letter to the commission could have lead to a proper investigation," he said.

Three months after the formal hearings the mothers group severed relations with the Urban Law Program. Somewhere there had been friction. One observer theorizes that CORE, which had retained ULP, had its eye on a longer range goal—that of ending economic discrimination against an entire minority. The mothers, however, were simply pushing for the more immediate goal of exemption from deposits. The mothers complained privately that CORE wasn't passing word of the meetings back to them, so they apparently decided that CORE's dominant role could be minimized if the counsel CORE chose could be dumped. Once this occurred, the mothers finally sat down at the table with the utilities.

With the field reduced to principals, the list of unresolved issues began to dwindle. According to McKesson, "When we met with the women they began to understand why certain deposits had been put into effect . . . and the utilities began to understand why these people should be treated as individuals . . ."

On July 11, at the last day of talks, DE announced its policy revision that affected not only the West Side Mothers but the utility's entire franchise area. Although the mothers' victory was complete, CORE's was not. Settlement had been reached at the table, not in formal proceedings, so CORE's desire for legal precedent was never satisfied.

Attempts were never made to establish what lead to the service deposit problem in the first place. Spivak left it unresolved by stating: "It may have been partially the fault of those with traditionally poor credit, or partially the fault of utilities . . . or there may be no fault involved. It may be because over a period of time something new has grown up within DEs service area and that of other utilities."

DE now lines up with most other utilities contacted by *Electrical World*—which either ask almost all customers for deposits, or base the deposit on personal credit.

Consolidated Edison, N.Y., for example, asks for a two-month deposit for all new customers—unless the applicant has been employed at least three years with the same company. Niagara Mohawk, requires a two-month deposit, but limtis the requirement to those lacking good credit ratings.

Commonwealth Edison, Chicago, doesn't require a deposit from residential customers as long as one of four criteria are met: If an applicants payment record at another address within Commonweath Edison's service area or that of another utility has been satisfactory; if an applicant has been employed continuously for two years; if he owns the residence which is to be served; or if he has an established credit card. The deposits range from $15 to $75 and are designed to cover the normal billing periods.

Until the fall of 1965, Cleveland Electric Illuminating required new csutomers "of unknown credit risk" to put down 130% of a given month's bill, or on the average between $10 and $25. Tests showed that only 35% of the customers defaulted, so the practice was changed. As a cost-saving move, initiated by the utility and not the result of any pressure by segments of the community, the policy was changed so that no deposit is required unless a customer defaults during his first 12 months of service. Should the customer default, the utility asks the 130% deposit, returnable with interest at the end of a year, after the customer has reestablished his credit.

Pacific G&E doesn't require its normal two-month deposit if an applicant either owns his own home; has been in the same job over a year; or holds a "reasonable" job. PG&E has some 130 offices and many employees taking applications, so there are very broad judgments involved when establishing what a "reasonable" job is.

If a customer of the Los Angeles Dept. of Water & Power has either a good-paying record, active charge accounts, continuous employment for one year with an established firm, or if he is a property-owner, he doesn't have to pay the $15 deposit. Although the department has received some complaints about its policy, when the callers learned that the policy is citywide—not restricted to any zone—complaints were dropped. While neither Congressman Edward R. Roybal, a Democrat whose constituency is chiefly Mexican-American, nor the East Los Angeles Service Center has received complaints, the center's director feels the service deposits probably represent an additional difficulty to newly-arriving Mexican-American and Negro families.

Florida Power Corp.'s policy is for everyone in the service area to pay a flat two-month deposit, returnable when a customer leaves the area.

[From Electrical World, Mar. 4, 1968]

Let's Not Make This Summer Longer and Hotter

Summer's coming and trouble is brewing over service deposit policies! Never a popular aspect of utility credit and collection procedures, there are growing signs that the practice of requiring sometimes sizable cash service deposits in certain areas is about to become the target of an organized campaign by minority group organizations, relief recipients, and others. If utility management is as sincere as it seems in its avowed intention to make a conscientious contribution to solving social-environmental problems in urban ghettos and depressed areas, a good place to start would be with *prompt*, thoughtful, re-evaluation of company service deposit and cut-off policies.

Today it's not uncommon to require service deposits equivalent to one, two or more months' bills throughout ghetto areas without considering who the applicant is or what credit risk is involved in serving him. This practice has certain basic flaws. These flaws have their foundation in discrimination, because similar deposits are not so universally required in the so-called high-rent or silk-stocking districts. Recognition of this basic flaw in area-based deposit policy is growing among regulatory and legislative bodies where it is finding scant support; sometimes outspoken opposition.

A more enlightened service deposit policy is one that takes careful account of individual credit ratings. Where a particular rating is questionable, a deposit is required that may be one or two months' service bill—depending on the billing period. But this deposit, more often than not, is refunded with interest at the end of a year or so of satisfactory credit performance. In fact there are instances where some utilities have won wide commendation from customers by extending long-term credit during strikes or sustained periods of unemployment to customers with good credit records.

It may be a truism, but it is certainly not trite, to say that the essential ingredient of any sound service deposit policy today must be its equitable and indiscriminate application to all customers throughout the service area without regard to the economic character of the area. Moreover such policies need to recognize the credit rating of the individual over and above the collective credit reputation of the area in which he lives.

And while we are dealing with the sensitive and unpopular subject of service policies, let us not fail to recommend the review by management of company policies governing disconnection of services for non-payment . . . with particular reference to the circumstances and frequency of application in ghetto areas.

By all indications there's another long hot summer ahead. It makes no sense at all to perpetuate policies that will make it longer and hotter.

[From the Washington (D.C.) Post, Mar. 1, 1968]

Gas Rates Hurt Poor, PSC Told

(By Stuart Auerbach)

A Shaw area consumers group yesterday accused the Washington Gas Light Co. of discriminating against the poor by demanding high deposits and charging unusually high rates in slum areas.

The complaint was filed with the District's Public Service Commission and served on the gas company. PSC Chairman George A. Avery said a hearing may be held after the gas company files an answer and if the Commission decides the complaint has substance.

The gas company denied the charge. A spokesman, Jack Raymond, said people with poor credit must pay deposits no matter where they live. Credit, he said, is determined by employment stability, bill-paying habits and other criteria.

"The gas company is eager to learn the specifics of the cases referred to in the complaint," Raymond said. "If there is indeed evidence that anyone at the gas company is discriminating against any group of customers we want to know about it and do something about it."

The Consumer Action Committee of the Urban League's Neighborhood Development Center detailed its complaints during a press conference at its headquarters, 1009 New Jersey ave. nw.

One woman, Jennie Lee Dozier, said the gas company demanded a $135 deposit when she lived at 66 K st. nw. and used gas for cooking and heating. When she moved seven months ago to 57 K st. nw., she asked for some of her deposit back since she used gas only for cooking.

The gas company refused, she said, even though she does not owe it any money.

Raymond, the gas compainy spokesman, promised to look into the case. He acknowledged that the $135 deposit was unusually high.

The formal complaint cites a four-month survey conducted in the Shaw area last fall. Of the 209 persons questioned, 21 per cent said they had to pay more than $25 in deposits. One deposit was as high as $150, the complaint said.

Raymond said that amount is "ridiculously" high. "It's obviously an error"—either by the gas company or the consumer group, he said.

The consumer group survey showed the belief that gas bills were too high. "A bill of $80 for one winter month for a two-bedroom unit was not uncommon," the complaint said.

Marian Anderson, 21, a mother of three children, said the gas was turned off after she could not afford to pay a $96.41 bill for January and February. She said the company refused to let her pay part of the bill now and make up the difference in the summer, when she does not need gas for heat.

She said she had been living with the limited warmth of an electric heater and cooks on a hot plate.

The complaint, prepared by Neighborhood Legal Services attorneys Paul F. Cohen and Susan Freeman Shapiro, requests an investigation to see if the gas company policy discriminates against the poor. It also asks that deposits be abolished and the PSC see how the deposits are used by the gas company.

SENATOR ERNEST GRUENING HONORED BY MARGARET SANGER AWARD IN PUBLIC SERVICE

Mr. TYDINGS. Mr. President, earlier this month in Cincinnati, Ohio, our friend and colleague from Alaska [Mr. GRUENING] received the Margaret Sanger Award in Public Service for his work to make family planning information available upon request at home and overseas. He pioneered in introducing in 1965 the first legislation, S. 1676, which would authorize the Federal Government to coordinate and disseminate—on request—information on birth control. I am proud to be a cosponsor of that bill.

The in-depth hearings that Senator is holding on the population crisis and S. 1676 have opened wide the population dialog, and they may be credited with helping establish a greater national consensus on family planning and responsible parenthood as well as giving some long overdue direction and coordination to Federal Government family planning programs. The hearings to date constitute the most complete compendium on population crisis ever made available. They are indexed. The Population Reference Bureau has called them Population Baedeker, a proper comparison with the most informative travel books ever published.

The citation accompanying the Margaret Sanger Award in Public Service says the hearings "already have been instrumental in achieving a substantial expansion of foreign aid in this field," and "have also assisted in vividly illuminating the unmet needs for family planning in the United States."

The Senator from Alaska [Mr. GRUENING] is the first Member of Congress to receive the Margaret Sanger Award.

First established in 1966, the Margaret Sanger Award was given that year to President Lyndon Baines Johnson for world leadership; to the Reverend Martin Luther King, Jr., for leadership in human rights; to Dr. Carl G. Hartman for his contribution in medicine; and to Gen. William H. Draper, Jr., for public service. Last year the Margaret Sanger Awards Committee decided to make only one award annually. The 1967 recipient was John D. Rockefeller 3d.

We live in times which present undreamed of challenges. Perhaps the biggest is the worldwide population explosion and what it is doing to the quality of man's life on earth. I believe we can solve it, and I know that we are closer to solving our population crisis because of the sincere efforts being made toward finding acceptable solutions by men such as ERNEST GRUENING.

Mr. President, I ask unanimous consent that the full text of the Margaret Sanger Award in Public Service to ERNEST GRUENING be printed in the RECORD.

There being no objection, the text of the award was ordered to be printed in the RECORD, as follows:

The Margaret Sanger Award in Public Service to Ernest Gruening

This award is presented to Ernest Gruening for his outstanding public service to the cause of family planning for over half a century.

Throughout his career, as a distinguished journalist, public official and member of the Senate from the State of Alaska, he has been in the vanguard of efforts to bring into being a responsible, effective population policy by the United States Government at home and throughout the world.

Senator Gruening met Margaret Sanger in the early days of the birth control movement and became a pioneering advocate of her work. He was a sponsor of the First American Birth Control Conference, and a member of the National Council of the American Birth Control League.

While in Federal service, as Director of Territories and Island Possessions, he led the first successful efforts to establish publicly sponsored birth control clinics in Puerto Rico and other areas.

In this decade, as Chairman of the Government Operations Subcommittee on Foreign Aid Expenditures of the United States Senate, he has exhibited rare foresight and leadership in focusing public attention on the responsibilities of the United States and its government with regard to global needs for voluntary fertility control.

The hearings he conducted have yielded the most complete body of documentation in behalf of family planning ever assembled, and already have been instrumental in achieving a substantial expansion of foreign aid in this field. They have also assisted in vividly illuminating the unmet needs for family planning in the United States, and have led to the expansion of both public and private programs to meet these needs.

From the beginning, Senator Gruening has strongly emphasized that voluntarism must be an essential element of government population policy. His advocacy of freedom of choice in family planning for all the world's people reflects the highest tradition of American democracy.

For his courage, his vision, his warmth and personal dedication, for his extraordinary public service, this Award is presented.

GEORGE N. LINDSAY,
Chairman.
ALAN F. GUTTMACHER,
President.

DOWN WIND AND ACROSS THE COULEE

Mr. HANSEN. Mr. President, a few weeks ago I brought to the attention of the Congress a matter of real concern which has become a heated controversy involving some of the citizens of Wyoming. The problem arises over the fate of the wild horse herd in the Pryor Mountain area of Wyoming and Montana. This herd constitutes one of the last remaining vestiges of the wild mustang—our 20th century tie with the Old West.

These horses are in danger of losing their homes, even their lives, as a result of the Bureau of Land Management's efforts to "preserve our natural resources."

In an effort to shed some additional light on this controversy, the Bureau of Land Management recently held a hearing in Powell, Wyo., conducted by two Bureau of Land Management area managers: Dean Bibles, of the Billings office, and Rex Colton, of Worland. The purpose of the hearing was to explain the wild horse situation and to offer alternatives as possible solutions to the question.

I ask unanimous consent to have printed in the RECORD an article entitled "Down Wind and Across the Coulee," written by Wayne R. Breitweiser, and published in the Powell Tribune of April 30, 1968. The Tribune is a semiweekly newspaper serving this area. The article describes the meeting and the alternatives presented by the area managers.

These articles add to the material I submitted on this question on April 26, 1968, which appeared on pages 10810–10815 of the CONGRESSIONAL RECORD.

Further, I ask unanimous consent to include in the RECORD following my remarks, an article, "The Last Roundup," published in the May 13, 1968, issue of Newsweek, and an editorial published in the Casper Star-Tribune, which comments on the Newsweek article.

If we read at face value the Newsweek article and the Casper Star editorial, I fear that this controversy is escalating and that the parties are drawing farther apart rather than closer in their areas of mutual understanding. I am extremely hopeful that the Bureau of Land Management will make an immediate effort to put to rest the change that has been imputed to them and will address themselves as factually as they can to the independent evidence that has been presented regarding the condition of the rangeland in the Pryor Mountain area along the Wyoming-Montana border.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Powell Tribune, Apr. 30, 1968]

DOWN WIND AND ACROSS THE COULEE

(By Wayne R. Breitweiser)

Over 90 people interested in the "wild horse" herd and erosion in the Pryor Mountains were present at Trapper Auditorium last Thursday evening to see slides and take part in a question-answer period conducted by two Bureau of Land Management area managers, Dean Bibles of the Billings office and Rex Colton of Worland.

Bibles presented most of the show and held attention of the crowd by answering their questions thoroughly.

Lovell was well represented by its Chamber of Commerce officials.

Bibles said he and the BLM are in favor of horses in the area, but only if the herd is reduced consistent with proper management of the watershed and wildlife habitat.

Some people in attendance, evident by their questions, seemingly couldn't understand what a large horse herd has to do with proper care of the soil and vegetation of the area.

According to figures presented, the poor condition the wildlife habitat is in at the present time, one horse would need 400 acres to feed for one year. The horse herd is estimated at 200 now, so 80,000 acres are needed. Something has to give way as there are only 22,815 total acres in the area.

The 400 acres per horse per year may seem tremendous, but when you consider that rocky terrain and forest, absent of forage, takes much of that total, it isn't hard to figure. And too, on the slopes and valleys where the land is fairly smooth, pictures showed practically no vegetation, which is caused by over-feeding.

The disputed area is that on the southern slopes of East Pryor Mountain from Crooked Creek east to the East Pryor Ridge. In this area, BLM controls 11,000 acres in Montana and 2,000 in Wyoming; there is a national park area just over 500 acres; and over 9,000 acres in a wildlife area.

Bibles, who recently was appointed chief of the Billings area BLM office, presented three alternatives, which he hopes the people, who actually own the land, will choose one and send it to the Billings office. They are:

(1) management for maximum horse use consistent with proper management of watershed; (2) management of watershed, wildlife habitat, and horses consistent with all uses; (3) removal of all horses, closure of area to horse use, and management of wildlife habitat and watershed.

This would mean:

(1) Reduce horse herd to 30–35 select animals, horses would have priority over wildlife, reducing hunting, introduction of bighorn sheep would not be permitted.

(2) Reduce horse herd to 10–15 select animals with potential of 30 which would be maintained until such time native grasses recover and watershed is stabilized. Wildlife would also be maintained.

(3) Corral all horses, return branded or claimed horses to rightful owners, sell remainder at auction. Following removal big game habitat would be managed to maintain present deer numbers and introduce bighorn sheep herd, population to be controlled through sport hunting.

When asked what the fourth alternative is, Bibles retorted, in about these words, "let the horses multiply until they all die of starvation."

The Lovell group came armed with their own "facts about the wild horse situation near Lovell, Wyo." They indicate a willingness to cooperate with BLM in cutting the herd in half; they favor introduction of bighorn sheep to the area; but they feel "continuity in the BLM's administrative program is one of the problems. We were promised an adequate horse herd by the previous administration and asked to assist in over-all development of the area."

The Lovell facts continue "we are concerned about the historical aspect of this herd! As such it would make a worthwhile contribution to the viewing public and enhance the economy of the entire area. Construction of the proposed roads will make this area accessible to all adjoining towns. This area is on the main tourist route to Yellowstone Park and therefore could easily be viewed. . ."

Bibles consented that some of the horses in the Pryors show signs of descendant to the Spanish Mustang, the only recognized wild horse, but many are branded and most are stray horses from ranches in the area.

If the past administration at the Billings BLM office had maintained the horse herd, probably all the controversy wouldn't now be taking place; and if roads are built all over the area—how can the herd remain supposedly "wild"? As for being on the main Yellowstone Highway, it is nearly 20 miles off the highway, unless the herd is finally contained within the Big Horn National Recreation Area.

When someone asked Bibles, "what will the tourist see if the herd is reduced?" he answered that as a BLM and public employee, it is his duty to see that the land is rehabilitated first; horses can come after that!

Bibles asked his listeners to pick up one of the three alternatives and mail to him before next June 14. Send to: District Manager, Bureau of Land Management, 3021 Sixth Avenue N., Billings, Mont. 59101.

[From Newsweek, May 13, 1968]

THE LAST ROUNDUP?

The closest most dudes ever get to a wild horse or "mustang" is when the "Late Show" reruns "The Misfits." Arthur Miller's 1961 film, co-starring Clark Gable and Marilyn Monroe, exposed the operations of the mustangers—itinerant wranglers who ran down the wild steeds with jeeps and airplanes, then packed them off to dog-food canneries at 4 cents a pound. Miller, in fact, was employing dramatic license; Federal legislation had outlawed such horse-corralling techniques two years earlier.

Nonetheless, the fabled mustang remains as much in danger of losing his home on the range as the bison and bighorn sheep. Inbreeding, encroaching civilization and a scarcity of grazing forage have trimmed the numbers of the spirited little beasts—some direct descendants of horses imported to the New World by the Spanish conquistadores—from 3.5 million in the 1870s to fewer than 18,000 today.

A classic chapter in the struggle is now unfolding among the sagebrush-tufted buttes of the Pryor Mountains on the Montana-Wyoming border, the desolate country of Custer's Last Stand. Some 200 graceful mustangs roam 22,815 acres of Federal grazing land in bands of six or eight, each composed of a proud, watchful stallion, and his harem. During the past decade, the herd has served as a colorful if elusive tourist attraction. But now the Bureau of Land Management, the powerful government agency that oversees such Federal acreage, is threatening to sell horses to dealers who, in turn, would reduce them to horsemeat.

The BLM claims that the mustangs are defoliating the range at a rate ruinous enough to threaten the survival of young mule deer. "Overgrazing," says BLM official Dean Bibles, "has had a disastrous effect on the land resources." Accordingly, the agency has proposed three courses of action; reduce the herd to 30 selected animals and maintain that number until the watershed stabilizes; reduce the herd to fifteen animals until the natural grasses recover, then let it grow to

30; or corral all the horses and auction them off.

REMOVEST

To the concerned citizens of Lovell, Wyo., the tiny community (population: 2,700) that borders the BLM range, these choices simply translate into "remove, remover, removest." "No one disagrees that the land is overgrazed," allowed 51-year-old Royce Tillett, a lanky rancher who has championed the mustangs' cause. "But we want a herd large enough—say at least 100 horses—so they won't inbreed and spoil the mustang blood."

The shoot-out has grown increasingly bitter. The BLM has implied that the Lovellites are more interested in tourism and publicity than the fate of the land; mustang preservationists on the other hand, have labeled the BLM "armchair naturalists" and "horse haters." Recently, the government agency received a pack of protest letters from a group of Lovell fifth-graders, one of which began "Dear Horse Thievers . . ." Says a BLM spokesman with a rueful shrug: "We're the guys in the long mustaches and black hats."

The inevitable losers are the mustangs, creatures so wild they will die of thirst rather than approach a water hole if a man is present. As the controversy now stands, the BLM is adamantly sticking to its guns and has set June 14 as the day of final decision. An auction of some scope seems assured—and a few Lovellites have decided to make the best of it. Andy Gifford, a local rancher, admits he intends to bid on the horses for resale to dog-food packers, "I don't want to see it," he says. "But that's what I'll do—and there are four or five other horse dealers around here just waiting to do the same."

[From the Casper Star-Tribune, May 11, 1968]

The Star-Tribune Thinks: Wild Horse Dispute

"The BLM has implied that the Lovellites are more interested in tourism and publicity than the fate of the land."

So states a quote in an article on the wild horse controversy appearing in the May 13 issue of Newsweek Magazine.

Such a statement is sure to rankle the people of Lovell, as well as all westerners and indeed, all horse lovers, who seek to preserve this little pocket of rangeland in the Pryor Mountains along the Wyoming-Montana border as a home for the vanishing mustang.

The BLM position, if quoted accurately, belittles the sincere effort of many people to preserve this heritage of the West.

The Bureau of Land Management, which plans to trap the horses on June 14, and eliminate all but about 30, has turned to the time-honored cliche of "soil erosion" to counter the clamor of the "horse lovers".

How many people, tourists and otherwise, would see 30 horses on a range of 30,000 to 40,000 acres?

A professional range management consultant has surveyed the area and estimates it can support about 100 wild horses, without damage to the range. This is less than two nags per section. He once worked for BLM, too.

In a region of six to seven inches of annual precipitation, there will be soil erosion—unless the BLM or some other agency can come up with a reliable rain maker.

Such limited rainfall cannot support a cover of grass and sod. When it does rain, it rains hard. And without grass or roots to hold the soil, there will be gully erosion. The sediments will wash down the gullies and spread out on the deltas and benches, forming new ground. That is how the country was made, and is still being made.

The BLM cannot plant any grasses or forage in such an area to protect the soil, whether or not the horses are around.

Only the native plants such as salt sage, brown sage, rabbit brush and some sparse grass in the bottom of the draws can survive.

This natural feed has been sufficient to support the wild horses in the area since the early 1800s, along with some deer and cottontail rabbits.

The ranchers in the area do not consider it good cattle or sheep range, since there are few watering places.

Easterners and many other "conservationists" have little conception of this type of range. To say that the soil is being eroded is like waving a red flag, which the BLM probably knows quite well. But geologists, for instance, can understand that erosion is a continuing process that tears down some land and builds up other, and it doesn't end because Man may think he can control all of the forces of nature.

We believe the soil erosion argument in this case is a slap against the people of the Big Horn Basin who are interested first in preserving the wild mustang and only incidentally in the influx of tourist dollars. There are enough other attractions in the new recreation area to bring in hordes of tourists.

INDIANA CITIZENS URGE RATIFICATION OF CONVENTIONS IN HUMAN RIGHTS YEAR

Mr. HARTKE. Mr. President, a group of some 30 citizens of the South Bend, Ind., area recently addressed an appeal to the chairman and members of the Foreign Relations Committee in connection with the observance of 1968 as the International Year for Human Rights. They commended the committee and the Senate for acting on the Convention on the Abolition of Slavery and appealed for action on four other conventions now pending before the committee. They are the conventions dealing with genocide, freedom of association and organization, political rights of women, and abolition of forced labor.

To many citizens, and I think rightly so, it is a mystery why a nation having the long history of practice of such rights remains unwilling to go on record internationally in their support. But it is rare in my experience to receive a plea for action on such issues from a group of concerned citizens as these, who sent me a copy of their statement. I ask unanimous consent that the text of the appeal and the names of the signers be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Mr. Chairman and Members of the Senate Foreign Relations Committee, Gentlemen: The undersigned citizens of St. Joseph County in the State of Indiana wish to commend the action of your Committee, and of the Senate as a whole, in unanimously ratifying the United Nations Supplementary Convention on the Abolition of Slavery in November of 1967.

We note that in ratifying the Charter of the United Nations, this country pledged itself to take action to achieve "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

In keeping with our pledge and in this year of 1968, "International Year for Human Rights", we urge the Senate of the United States to ratify the following conventions presently pending.

1. Convention on prevention and punishment of the crime of genocide.
2. Convention concerning freedom of association and the right to organize.
3. Convention on political rights of women.
4. Convention concerning abolition of forced labor.

We note with dismay that the record of the United States in endorsing the Universal Declaration of Human Rights has not been good, despite the fact that these principles spring from our most basic national traditions and are found in our own Bill of Rights.

By ratifying the pending conventions the United States can set an example for emerging nations and exert a position of moral leadership for the entire world. Moreover, we believe that a world permanently at peace will be achieved only when these basic rights are guaranteed and practiced by all of the United Nations and all of the citizens of the world.

Sincerely,

Fern M. Barnett, Rev. Philip S. Moore, C.S.C., Mr. Margaret Kertesz, Lois T. Clark, Mrs. Vernon S. Sutton, Stefan I. Nutsz, Irene D. G. Millars, Mrs. Helen E. Spears, Herman L. Carrington, Mrs. Everett Overmyer, Richard H. Reiswehl, Miss Helen O. Weber, Mrs. Zoie O. Smith, Mrs. Alvin Thomas, Marie D. Kleinkoff, Hugh P. Warren, Mrs. Ruth L. Rehm, Mrs. Jem Bennitt, Mrs. Sherman L. Egden, Barbara Sylvester, Roy M. Wilcox, Mary A. Wilcox, Josephine M. Curtis, Mrs. Marion L. Hopkins, Mary Geraldine Hatt, Noel H. Yarger, George C. Beamerop, Joan Meyers, Marion L. Hopkins, James R. Meyers, Velma Kekko.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, I remind Senators that a vote will occur on the perfecting amendment offered by the Senator from Massachusetts [Mr. Kennedy] tomorrow morning at 9:30.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order of May 14, 1968, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 15 minutes p.m.) the Senate recessed until tomorrow, Thursday, May 16, 1968, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 15 (legislative day of May 14), 1968:

In the Air Force

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law:

Major to lieutenant colonel

LINE OF THE AIR FORCE

Abersold, Edward G., 38710.
Ackerman, Donald G., 38706.
Adams, Donald F., 40429.
Adams, Gerald M., 39226.

Adams, Robert L., 17928.
Adams, Theodore R., 38543.
Adams, William, 39029.
Adams, William F., 39021.
Addy, Noel D., 40025.
Ahner, Lyle L., 17960.
Aird, William W., 38059.
Akerland, Gustav J., 38682.
Albright, Donald J., 40023.
Alderman, James D., 21526.
Alexander, Martin E., 39093.
Alexander, Richard L., 40378.
Alexander, William, 39404.
Allen, Guy T., 38319.
Allen, Harry G., Jr., 40132.
Allen, James R., 17789.
Allen, Ledewey E., Jr., 22742.
Allen, Milton E., 39392.
Alley, Max P., 39794.
Allison, Russell R., 39807.
Almond, Julius H., Jr., 40373.
Alston, Maurice E., Sr., 40020.
Alvarado, Ricardo R., 26678.
Amador, Earl M., 17944.
Amerman, Roy W., 38656.
Amery, Robert S., 48827.
Anderson, Andrew B., Jr., 17791.
Anderson, Carl A., 17747.
Anderson, James W., 39960.
Anderson, John P., 40205.
Anderson, Marvin J., 39250.
Anderson, Mont R., 38729.
Anderson, William A., 40416.
Andrew, Hugh S., 23877.
Andrews, Melvin H., 52555.
Angenendt, Harry E., 38594.
Anken, Ross J., 38199.
Annis, Edwin C., 40087.
Anspach, Robert J., 39688.
Antonietti, Bruno J., 38691.
Apple, John J., 40289.
Armen, Leslie H., 52466.
Armstrong, Clement H., 38947.
Armstrong, James E., Jr., 25782.
Arnett, Harry L., Jr., 40027.
Arnold, Franklin B., 39257.
Arnold, Robert C., 39167.
Asbury, Richard W., 39196.
Ashbridge, George A., 39302.
Ashland, Maurice I., 37856.
Aslett, Worthing, 40091.
Atkins, Edwin L., 39127.
Atkinson, Marion H., 40487.
Ausburn, Franklin E., 17939.
Avis, Robert F., 38548.
Axmacher, Harold G., Jr., 39708.
Aylsworth, Clark, 39391.
Babler, Leon H., 39355.
Baden, Vernon E., 39693.
Baird, Jacob C., 22736.
Baker, Elmer W., Jr. 40056.
Baker, John H., Jr., 39582.
Baker, Walter H., Jr., 38684.
Baker, William F., 38897.
Baker, William J., Jr., 39428.
Balazik, Joseph C., 39994.
Baldwin, James E. 25806.
Baldwin, Richard F., 38907.
Balega, John L., 24396.
Ball, John C., 22783.
Ballweg, James E., 38316.
Balser, William D., 39928.
Baltrusaitis, William, J., 38879.
Balzano, Daniel N., 39540.
Banks, Ernest S., 39846.
Barber, Alden F., 39150.
Barber, Kenneth H., 17845.
Bare, Merle M., 40871.
Barker, Frank H., 39085.
Barker, Frederick N., 60041.
Barkwill, James W., 22785.
Barnard, Martin J., 17956.
Barneti, James G., 38488.
Barondes, Arthur D., 17774.
Barr, Harold E., 39696.
Barreti, Donald E., 38937.
Barrett, Lewis R., Jr., 37340.
Barrow, James F., 40106.
Barsum, George K., Jr., 39980.
Barta, John J., 39466.
Bartley, George S., 37765.
Barton, Hugh H., 37612.
Bassett, Earl F., 64462.
Bateman, William N., 38844.
Bates, Mary E., 39851.
Batey, Thomas D., 52616.
Baugh, William, 39065.
Baughn, Richard M., 25705.
Baumgardner, Thor P., 40153.
Bavuso, Joseph K., 52488.
Beach, William J., 39780.
Beatty, Charles R., 39795.
Beauregard, Edward C., 39463.
Beaver, George W., 39063.
Becher, Donald F., 38945.
Beck, Harold, 38915.
Beckner, Alfred A., Jr., 38875.
Bedford, Ernest D., 54926.
Bednorz, Everist L., 39690.
Beers, Milton E., 40043.
Behrens, Rae A., 37503.
Bekius, Joseph E., 27699.
Bellamy, William R., 38661.
Bemiss, Robert E., 39395.
Benedict, Warren V., 39223.
Bennett, Benjamin E., 39340.
Bennett, Ernest J., 39640.
Benson, Bradford L., 40897.
Benson, Hollis A., 40326.
Benson, Jack R., 22825.
Benwell, Tommy, 39965.
Bergman, Lloyd H., 38835.
Bergwin, Clyde R., 38793.
Berkenpas, Nephi, 40017.
Bernard, Duane R., 25615.
Bernsen, James M., 64491.
Berrier, Raymond S., 64528.
Berry, Jack W., 39492.
Berry, Richard P., 17840.
Berthold, Oscar A., 39174.
Bertoia, Arthur R., 39080.
Bertoni, Waldo E., 17780.
Best, Warren E., 40055.
Bettis, William E., 40024.
Beville, Jacob E., 38588.
Bianco, Frank J., Jr., 37755.
Bibb, Harry L., 39052.
Biddle, Fred D., 38721.
Bier, Samuel, 39535.
Bigelow, Ralph J., 37495.
Bigelow, Robert O., 39927.
Billings, Gilbert M., Jr., 52579.
Bird, Claude M., 38651.
Bisher, Harry E., 38926.
Bishop, Charles W., 39616.
Bishop, Tedd L., 17951.
Black, Donald C., Jr., 38824.
Black, Harlan K., 38502.
Black, Paul A., 38805.
Blackburn, Denny R., 40182.
Blackman, Robert D., 54928.
Blades, Joseph P., 39429.
Blaine, Jay M., Jr., 39926.
Blakeney, Lewis R., 38477.
Bland, Kenneth R., 22818.
Blank, George W., 39293.
Blecharczyk, Tadeusz, 39824.
Blenis, Ronald D., 52588.
Blickenstaff, Robert, 39375.
Bloodgood, Donal D., 17863.
Blum, Edward H., Jr., 37415.
Blythe, John J., 37788.
Bobbett, Robert L., 38991.
Bogan, Thomas R., 39565.
Bogie, David B., 25522.
Boguss, Leonard E., 37894.
Bohnhoff, Wilbur C., 39368.
Bolton, Charles F., 40081.
Bolton, Howard F., 39724.
Bolton, James C., 26449.
Bond, Joseph C., 38076.
Booher, John W., 38896.
Borden, Robert E., 40433.
Borsari, Evo E., 39823.
Bortness, Lawrence E., 40420.
Bosch, Frank L., 40853.
Botzong, Wilbur B., 39871.
Bounds, Malcolm S., 38551.
Bowen, Roy M., 38707.
Bower, Archie F., Jr., 39883.
Bowers, John H., 39353.
Bowman, John H., 39417.
Bowser, Kenneth D., 39522.
Boyd, Stanley M., 38524.
Boyd, William C., 28819.
Boyden, Clair H., 39561.
Bozeman, John W., Jr., 39641.
Brackney, Paul J., 39337.
Braddock, James E., 24849.
Bradshaw, Robert D., 40448.
Brandes, Harry E., 38895.
Brandon, Durward, 39716.
Brandt, Robert L., 39509.
Braswell, Arnold W., 17745.
Bratton, Keith D., 39638.
Brauckman, Alvin J., 39803.
Braun, Louis D., Jr., 40506.
Brenholtz, George E., Jr., 39348.
Bressler, Ray B., Jr., 17891.
Brett, Robert A., 40322.
Brewer, Zane G., 39511.
Brewington, Russell D., 23852.
Briggs, Josephus A., Jr., 38963.
Bright, Charles D., 23888.
Brill, Jay R., 17767.
Brinson, Elmo, 38600.
Brinson, Pat D., 17887.
Brion, Leonard L., 52615.
Britton, Charles L., 39834.
Britton, Raymond P., 38858.
Britton, Robert B., 40189.
Broadway, Roy D., 39969.
Brock, Woodrow W., 39038.
Brodersen, Robert E., 28416.
Brooks, Harold C., 39882.
Brooks, William L., 38186.
Brotbeck, Charles B., 38839.
Brown, Calvin W., 49303.
Brown, David A., 39837.
Brown, Edward L., 38565.
Brown, Gerald S., 38627.
Brown, Harry F., 39685.
Brown, James F., 39215.
Brown, James M., 39956.
Brown, John R. Q., 39482.
Brown, Ralph W., 39618.
Brown, Robert D., 40143.
Browning, James H., 39907.
Brudzinski, Walter M., 39333.
Brunetti, Anthony W., 25528.
Bryant, Norman, 38938.
Buchanan, Robert S., 18292.
Buckley, Paul J., 39633.
Buechler, Theodore B., 17833.
Bugg, Radul, 39500.
Bunch, Melvin E., 38669.
Bundick, Paul S., 40110.
Burcham, Loyd C., 39832.
Burdette, James M., Jr., 17930.
Burgess, Benjamin F., 39884.
Burkhart, John W., 38493.
Burkholder, Richard W., 17883.
Burlingame, Colin R., 40327.
Burman, John R., 39045.
Burnstad, Basil B., 39514.
Burris, Rupert H., 40328.
Burrows, William C., 17758.
Burt, Robert L., 38683.
Burton, Billy B., 50542.
Burton, John C., 39303.
Butler, Blaine R., Jr., 17803.
Butler, Heber M., 40503.
Butler, Robert K., 64508.
Buttermore, Franklin T., 39010.
Butterworth, Edgar E., 39691.
Buttery, Thomas W., 39843.
Butz, Roy E., 38373.
Buzbee, Jack A., 52596.
Byers, Herbert L., 39981.
Cafarella, Joseph R., 38572.
Cahill, Jack A., 64535.
Cahill, Lawrence J., 38527.
Calhoun, Atticus A., 24271.
Callahan, Daniel H., 39224.
Cameron, Joseph E., 39568.
Campbell, Claude P., 38890.
Campbell, Richard J., 39214.
Campbell, Robert H., 38992.
Campbell, William F., 39252.
Campbell, William T., Jr., 39726.
Canady, Thomas H. Jr., 39113.
Canfield, John O., 24415.
Cannon, James W., Jr., 40071.

Caporale, Michael R., Jr., 71884.
Capraro, Thomas C., 39186.
Carberry, James E., Jr., 39216.
Cardwell, Jack E., 39488.
Carey, John H., 56042.
Carey, Richard J., 38614.
Cargill, Harris B., 38629.
Carleton, Myron L., 39050.
Carlomagno, Armand M., 23769.
Carlson, Carl R., 39645.
Carney, Gilbert J., 36121.
Carroll, Arthur B., 38989.
Carter, George M., 38983.
Carter, Graham M., 64498.
Carter, Leo, 39617.
Case, Richmond B., 38371.
Cattron Ward J., 38558.
Caulfield, Thomas J., 40376.
Cavalli, Ralph L., 64484.
Caviness, Jamie N., 39227.
Cerrone, Warren E., 38857.
Cesaris, Joseph M., 38801.
Chady, Wincell R., 39672.
Chamberlain, Jame S., 38732.
Chamberlin, Lloyd W., Jr., 38246.
Champlin, Fredric F., 38638.
Chanatry, Fred I., 17788.
Chandler, John L., 39571.
Chapin, Robert L., 39439.
Chapman, Charles V., Jr., 39266.
Chappelle, Ernest C., Jr., 40221.
Charles, Harry G., Jr., 48831.
Chenot, Richard P., 39904.
Christian, James W., 40228.
Christianson, William C., 39882.
Chrones, Thomas A., 39004.
Chrzasiek, Myron J., 39430.
Church, James F., 38528.
Cimino, Anthony P., 40667.
Clark, Joseph L., 40262.
Clark, Kenneth A., 40311.
Clark, Loren D., 39342
Clark, Raymond S., 40040.
Clark, Robert L., III, 25523.
Clark, Roy T., Jr., 24594.
Clark, William G., 38579.
Clark, William T., 39961.
Clarkson, Raymond E., 39949.
Claypoole, Gordon, 39162.
Clayville, Howard G., 39481.
Clegg, John E., 39318.
Cleveland, Howard R., 38700.
Cline, William J., 40162.
Clinger, Bordean W., 23878.
Cloud, Lester A., Jr., 39852.
Cockley, John R., 64481.
Coffey, John B., 39471.
Coffman, Roy W., 64428.
Cole, Courtland T., 38492.
Cole, John S., Jr., 37763.
Coleman, Kermit, 52637.
Coleman, William D., 25804.
Coleman, William R., 39797.
Colip, Robert C., 52598.
Collette, William E., 40127.
Collier, James L., 39745.
Collins, Charles A., 39996.
Collins, William F., 38602.
Comeau, Ulysse A., 38788.
Compton, Milton S., Jr., 38574.
Cone, Charles L., Jr., 40177.
Conlee, Gail D., 39083.
Conley, Douglas C., 40879.
Connelly, Hubert A., 39872.
Connolly, Thomas J., 48820.
Conover, James E., 38653.
Conrad, Charles M., 38872.
Conway, James T., 40830.
Cook, Emmerson C., 39525.
Cook, Norman W., 39413.
Cooke, Morris H., 38562.
Cooksey, George D., Jr., 22829.
Cooper, Leo L., 39096.
Cooper, Stanley, 39756.
Coover, Jean L., 24721.
Corey, Alexander E., 39149.
Corken, Jack C., 39604.
Cornett, Edgar L., 52365.
Corvey, Russell G., 39911.
Costello, Elmer P., 39556.
Costenbader, Henry L., 39890.
Courlas, John G., 23803.
Courndyer, Richard L., 64512.
Coward, Roderick W., 22842.
Cowgill, John D., 17860.
Crane, Charles L., 39723.
Cranford, Gordon E., 52590.
Crecelius, Charles E., 40269.
Crevonis, Edward B., 40241.
Crites, Frank W., Jr., 40325.
Crockett, Tom A., Jr., 39322.
Croker, Charles J., 39398.
Crosnicker, Mervyn T., 38632.
Cross, Earle G., Jr., 40058.
Cross, James U., 24719.
Crow, Earl S., Jr., 40112.
Crown, John L., 52622.
Crumley, James R., 38376.
Crutchlow, Russell F., 52562.
Culberison, Richard N., 39752.
Cullom, Robert F., 38809.
Cunningham, William A., 38294.
Cuno, Francis T., 39179.
Cuny, Roy A., 40331.
Currie, James B., 26447.
Curry, Clarence G., Jr., 39431.
Dabrowski, Edmond J., 39235.
Dahl, Raymond H., 39676.
Dallas, Harry G., 39612.
Dana, Richard E., 52620.
Daniel, John I, III, 17923.
Daniels, Lloyd E., 40251.
Darling, William R., 64537.
Davidson, Harold E., 39484.
Davies, Bill M., 39606.
Davis, Blair J., 39995.
Davis, Carl F., 39189.
Davis, Dougall, M., 38507.
Davis, Frank H., 39675.
Davis, Glen E., 38789.
Davis, Harold N., 40332.
Davis, Norman E., Jr., 52557.
Davis, Robert C., 17855.
Davis, Robert J., 38125.
Davis, Robert M., 39365.
Davis, Thomas P., Jr., 64530.
Davis, Wayne E., 52566.
Davison, Clark E., 39523.
Davison, Henry O., 39534.
Davison, Peter H., 23848.
Dawson, Leland W., 39078.
Dearth, Ray A., 52635.
Deas, John, 22768.
Decastro, William R., 38693.
Decima, Eleo, 23896.
Dedecker, Charles C., 27675.
Defelice, Louis F., 38919.
Deffendall, Bryce D., 39572.
DeGaugh, Roy A., 39123.
DeGraaf, Henry, 38513.
Delaune, Harvey P., 48828.
DeLuca, Harold J., 38899.
Dendle, William H., Jr., 40077.
Denkler, Edward G., Jr., 38871.
Dennis, Robert, 23901.
Densford, Howard W., 39657.
Deptula, Alfred R., 40152.
Depyssler, Steven L., 40194.
DeRose, Roy L., 38608.
Derrington, William H., 40161.
Desipin, Thomas J., 38794.
Devlin, John J., Jr., 25781.
Deyo, James E., 39101.
Dickerson, Aaron E., 39805.
Dildy, Sims G., 17848.
Dill, Kenneth, 39815.
Dillon, Louis H., 38526.
Dineen, Dennis J., 39386.
Dittmar, John D., 39203.
Dixey, Joseph R., 39699.
Dockery, Louis A., 25823.
Dodd, Glen A., 39873.
Dodds, William J., 38563.
Dodson, Leo H., 39231.
Donaldson, Howard W., 39829.
Donnelly, John R., 48809.
Dopp, Calvin S., 40100.
Dorger, John H., 40118.
Doria, Oswald, 38610.
Dornstadter, Joseph L., 40333.
Dorrer, Walter H., 39569.
Dotson, Richard A., 39808.
Dougherty, John, 39015.
Doughty, Orville L., 40144.
Douglas, Tommy L., 40334.
Douglas, Wilson D., 39902.
Downing, Hollis R., 39913.
Downs, Eldon W., 38584.
Doyle, Lawrence A., 17897.
Drack, Warren E., 38980.
Drake, Paul F., 39126.
Drebelbis, Robert C., 38692.
Dreier, George E., 39432.
Driscoll, James J., 38604.
Dronen, Warren S., 64510.
DuBois, Joseph M., 24455.
Dubson, Boris N., 39176.
Ducote, John B., 40399.
Dudding, Carl O., Jr., 40047.
Dugard, William T., 40236.
Dumais, Philip A., 39329.
Dumas, Earl A., 39649.
Dunaway, Paul E., 38878.
Dunham, Charles I., 39826.
Dunlap, Wesley W., 38665.
Dunning, Leslie L., 39864.
Durant, Ralph E., 64482.
Dutko, Francis J., 40895.
Dyer, Kenneth A., 39646.
Eakins, Benjamin W., 17766.
Eastman, Loren S., Jr., 26793.
Easton, Read C., 39628.
Ebersole, Howard R., 24476.
Echabarne, Paul, 52575.
Echols, Barney F., Jr., 39331.
Economy, Peter, 40174.
Eden, James I., 22836.
Eder, John E., Jr., 39230.
Edgarian, Arthur A., 39274.
Edmonds, Carter M., 52535.
Edmonson, James L., 39114.
Edmunds, William H., 39560.
Edson, Herbert, 64518.
Edwards, Asa B., 40191.
Edwards, Harry M., 39124.
Edwards, Jack J., 38637.
Edwards, James E., 40428.
Egan, Wesley W., 38848.
Egbert, Harold H., 39557.
Egbert, Howard D., 38883.
Egginton, Jack H., 24430.
Eggleston, Glenn I., Jr., 39609.
Eggleston, Telford S., Jr., 39282.
Ehrhardt, Robert F., 39667.
Eickholt, John J., 40137.
Eilenberg, John E., 39051.
Ekert, Roderick A., 38784.
Elchak, John, Jr., 39469.
Elder, Carl W., 39620.
Elder, Ramon C., 38772.
Elebash, Clarence C., 17796.
Elkin, Clarence S., 38626.
Ellis, William F., 39715.
Elton, Harold R., 39888.
Emerson, Russell C., 39382.
Engle, Clifton G., 39701.
Engle, Forrest W., 39247.
Erickson, Richard B., 40426.
Erie, Dan R., 39198.
Ernst, Herbert W., 38743.
Erzen, Paul E., 55745.
Eskridge, John T., 40398.
Evans, John, 38838.
Evans, Michael J., Jr., 40335.
Evans, Richard L., 39622.
Evans, Robert C., 28337.
Everett, Ralph W., 64479.
Evers, Alfred C., 39629.
Ewing, Marvin F., 38949.
Faircloth, James W., Jr., 39315.
Favorite, Walter B., 22775.
Fawver, Robert E., 40844.
Fearn, Cabell J., 39773.
Fedro, William E., 17945.
Feeney, Edward M., 23934.
Fein, Albert L., 64507.
Feltey, Donald R. 39434.
Ferrell, Jack G., 39344.
Ferryman, Neil R., 38973.
Feuerriegel, Karl T., 39822.
Fiederer, Joseph J., 39334.
Fifer, Reginald D., Jr., 40193.
Fimbel, Robert A., 52553.
Finch, J. P., 39982.
Finefrock, George H., 24602.
Finkbiner, George D., 40790.

Fischer, John C., 39412.
Fisher, Robert K., 39516.
Fisher, Vernon W., 39884.
Fisler, Kenneth H., 38911.
Fjelsted, Marquis A., 38583.
Flagg, Earl V., 64500.
Flagg, John B., 40806.
Flaherty, Joseph E., 39748.
Flake, Thomas J., Jr., 22837.
Fletcher, Glenn A., 40321.
Fletcher, James D., 40130.
Fletcher, Westwood H., Jr, 40198.
Floyd, Donald S., 22812.
Floyd, William W., 38962.
Flynn, Robert E., 25524.
Fogg, Clarence H., Jr., 38842.
Forbes, Myron D., 26783.
Ford, Francis M., 23860.
Ford, John R., 23767.
Ford, Lester W., 39591.
Foster, Cecil G., 38964.
Foster, Herbert R., 55741.
Fought, Oliver C., 39467.
Fowle, Bernard H., 39177.
Fowler, Felix C., 38876.
Fowler, June B., 64517.
Frady, Ellis E., 39573.
Francis, Albert H., 24424.
Frankie, Merton J., 40160.
Franscioni, Warren R., 38597.
Franz, Donald F., 39261.
Frazee, Merle W., 52549.
French, William G., Jr., 64536.
Frey, Ivan R., 25535.
Fries, Edward F., 37823.
Friss, Raymond J., Jr., 23907.
Frost, Keith I., 39140.
Fruit, James A., 52609.
Fry, Loyal W., 39768.
Fuller, Walter T., 38739.
Fulton, Fay D., 39614.
Funke, Robert W., 38944.
Furnace, Earl, 24362.
Furr, Richard H., 39698.
Furr, William W., 39595.
Gabriel, Joseph A., 38791.
Gaddis, Norman C., 26772.
Gaffey, John T., II, 22859.
Gafford, William F., 37443.
Gagnon, Lawrence, 40141.
Gallagher, Gilbert G., 39494.
Galloway, James D., 38756.
Galpin, Harry T., 24348.
Galt, John R., 39626.
Galt, Robert, Jr., 40033.
Galyon, Hershel E., 39286.
Gantz, Henry L., Jr., 52648.
Garner, Vernon W., 40210.
Garrigus, Norman F., 39069.
Garrison, Joseph B., 60043.
Garrison, Robert F., 39999.
Garvey, Joseph J., 23932.
Gausch, Dean S., 17655.
Gavin, Herbert J., 39013.
Gayikian, Hyko, 39339.
George, Edsel L., 40063.
Georgi, William F., 38567.
Geurtz, James E., 39130.
Gibson, Ben S., 52606.
Gibson, Charles V., 40337.
Gibson, Millard L., 40282.
Gibson, Robert E., 38923.
Giles, Richard S., 39067.
Gill, Albert A., 38704.
Gill, John L., 40044.
Gillespie, Clinton G., 17943.
Gilliland, Billy I., 39741.
Gillogly, Harold S., 17828.
Giuntini, Louis J., 39131.
Given, Robert B., 39048.
Givens, Robert W., 49308.
Glass, Wilbur A., 39211.
Glaze, Harry W., Jr., 64514.
Gleason, Joseph P., 21519.
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Stanton, Daniel B., 25486.
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Walters, Robert C., 55774.
Williams, Donald E., 55773.
Wright, William G., 27650.

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Atkinson, Roy J., 76224.
Baker, Robert W., 25655.
Brewer, Samuel J., 55761.
Connolly, John M., 26373.
Draper, David H., 26861.
Goodnow, Robert W., 79616.
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Hatfield, Theodore R., 27597.
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Kratochvil, Clyde H., 25663.
Mahaffly, Gerald H., 26369.
Newton, Dwight E., 26699.
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Collier, M. Irene G., 25753.
Geringer, June H., 59731.
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Dillehay, Joseph R., 48957.
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Herberholt, Vincent W., 48982.
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Hutson, Robert W., 48984.
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Nold, Max M., 23597.
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Terry, John L., Jr., 24232.
Watson, William H., Jr., 25334.
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Bitter, Harold L., 49024.
Deming, Elsie L., 20901.
Ezell, Manie J., 48983.
Jean, Jack V., 40209.
Kaplan, William, 48976.
Lappin, Paul W., 55330.
McKenzie, Richard E., 48985.
Sparling, Kenneth G., 21881.
Vodopic, Mary A., 59987.

HOUSE OF REPRESENTATIVES—*Wednesday, May 15, 1968*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

It is God who is at work within you, giving you the will and the power to achieve His purpose.—Philippians 2: 13 (Phillips).

Our Father in Heaven, we thank Thee for this sacred minute when we unite our hearts in prayer unto Thee, when for a moment we pause in Thy presence seeking guidance and strength from Thy hand.

Let not the beauty of the earth, nor the glory of the skies, nor the love which surrounds us daily blind us to the needs of the needy and the poverty of the poor. Make us so dissatisfied with large professions and little practices, with fine words and feeble works, with smiling faces and sour faiths that we now pray earnestly for the renewal of a right and a good spirit within us.

Speak Thou to us, O Lord, and may we hear Thy voice, and hearing it harken to it, and harkening to it heed it, for the glory of Thy name, the good of our Nation, and the greatness of this House of Representatives. In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Bradley, one of its clerks, announced that the Senate had passed, with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 15190. An act to amend sections 3 and 4 of the act approved September 22, 1964 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 68. An act for the relief of Dr. Noel O. Gonzalez;

S. 107. An act for the relief of Cita Rita Leola Ines; and

S. 2248. An act for the relief of Dr. Jose Fuentes Roca.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 758. An act to amend the Interstate Commerce Act to enable the Interstate Commerce Commission to utilize its employees more effectively and to improve administrative efficiency; and

S. 3159. An act authorizing the Trustees of the National Gallery of Art to construct a building or buildings on the site bounded by Fourth Street, Pennsylvania Avenue, Third Street, and Madison Drive NW., in the District of Columbia, and making provision for the maintenance thereof.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1969, UNTIL MIDNIGHT MAY 16

Mrs. HANSEN of Washington. Mr. Speaker, the Committee on Appropriations plans to report the Interior appropriation bill tomorrow

I ask unanimous consent that the Committee on Appropriations have until midnight, May 16, 1968, to file a privileged report on the Department of Interior and related agencies appropriation bill for fiscal year 1969.

Mr. McDADE reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

POOR PEOPLE'S MARCH ON WASHINGTON

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, I would like to welcome the Poor People's March on Washington to the Nation's Capitol. I applaud its leaders for exercising their constitutional rights of petition, for expressing their grievances eloquently but nonviolently. I trust that violent revolutionaries will not exploit the peaceful protests of the marchers by provoking disorder. I implore my colleagues in Congress, Mr. Speaker, to take the message of the Poor People's March to heart—for this is a country in which there should not be poverty, nor racial injustice. This Nation is too great and too affluent for us not to feed the hungry, clothe the naked, and house the homeless—in short to take care of the poor in our land.

ANOTHER MERCHANT KILLED IN WASHINGTON

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the

House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, yesterday another merchant was killed in his store in the Nation's Capital—the fourth such killing in this area in 15 days.

The Mayor is quoted as being critical of the merchants associations which have taken ads in the local newspapers to call for increased protection. The Public Safety Director says the increase in crime this year is about the same as the increase last year—not that that is very reassuring, when it means that 394 major crimes are committed each week.

Yet neither the Mayor nor the Public Safety Director has announced any forceful plan to bring law and order to the city of Washington.

There were 122 cases of arson and suspected arson in Washington in April—not counting the 488 cases associated with the April 4–8 riot period. There were 85 such cases during January, February, and March, before the riot. The May figure will undoubtedly be large judging from the cases reported daily in the press.

The crime rate in Washington shows a 27.4-percent increase for March 1968 over March 1967, the month before the riot. Robbery increased 46 percent, burglary 30.6 percent. And these figures are for "major" crimes only, and do not even include arson or looting or vandalism.

I am now informed that policemen already overworked trying to combat crime are being detached from precincts around the city to help handle the problems resulting from the March on Washington. The effect of this deployment of manpower on crime can only be guessed.

Law and order must be restored in Washington—now. If the Mayor or Public Safety Director wish to call a 40-percent increase in robbery "normal," it is but further proof of the need for a change at city hall.

PROVIDING FOR CONSIDERATION OF H.R. 3300, COLORADO RIVER BASIN PROJECT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1162 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1162

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3300) to authorize the construction, operation, and maintenance of the Colorado River Basin project, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill, and such substitute shall be considered under the five-minute rule as an original bill and read by titles instead of by sections. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 3300, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 1004, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 3300 as passed by the House.

CALL OF THE HOUSE

Mr. FARBSTEIN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 139]

Ashley
Blatnik
Button
Carter
Clark
Collier
Davis, Ga.
Derwinski
Dorn
Flood
Fraser
Frelinghuysen
Griffin
Gubser
Gurney
Halleck
Hardy
Hébert
Herlong
Holland
Karsten
Kee
Kelly
Kluczynski
Mailliard
Montgomery
Moore
Morse, Mass.
Olsen
O'Neill, Mass.
Pool
Purcell
Randall
Resnick
Rosenthal
Selden
Teague, Tex.
Tenzer
Wilson, Charles H.
Young

The SPEAKER. On this rollcall 392 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On May 11, 1968:

H.R. 2434. An act for the relief of Nora Austin Hendrickson.

On May 13, 1968:

H.R. 13176. An act to amend the acts of February 1, 1826, and February 20, 1833, to authorize the State of Ohio to use the proceeds from the sale of certain lands for educational purposes.

AMENDMENT OF TITLE OF S. 2986, TO EXTEND PUBLIC LAW 480

Mr. POAGE. Mr. Speaker, I ask unanimous consent that in the engrossment of the amendment to the Senate bill (S. 2986) to extend Public Law 480, 83d Congress, to which the House agreed yesterday, that the Clerk of the House be authorized and directed to make a conforming amendment to the title of the bill. The title of the Senate bill provided for a 3-year extension of the law, but the House only extended the law until December 31, 1969.

The title should be amended to read as follows: "To extend the Agricultural Trade and Assistance Act of 1954, as amended, and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, that means then specifically that it is limited to 1 year?

Mr. POAGE. That is right; it just gets it in the title.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3300, COLORADO RIVER BASIN PROJECT

The SPEAKER. The gentleman from California, Mr. SISK, is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH] and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1162 provides an open rule, waiving points of order, with 4 hours of general debate for consideration of H.R. 3300 authorizing funds for the Colorado River Basin project. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment. After passage of H.R. 3300, the Committee on Interior and Insular Affairs shall be discharged from further consideration of S. 1004 and it shall be in order to move to strike out all after the enacting clause of the Senate bill and amend it with the House-passed language. The waiver of points of order was granted due to a transfer of funds in the bill—page 73, beginning on line 25, section 403(c)(2).

H.R. 3300 provides for regional and westwide water resources planning to remedy the present and prospective critical water situation in the Pacific Southwest, including the the entire Colorado River Basin. The Secretary of the Interior, working under general criteria to be established by the Water Resources Council and in consultation with the affected States, is required to conduct westwide studies to determine how and where to get additional water supplies for use in the Colorado River Basin and to develop a plan for meeting not only present Colorado River water commitments but future water needs throughout the basin as well. However, he is forbidden to recommend importation from areas of surplus without the approval of the States affected.

Mr. Speaker, I urge the adoption of

House Resolution 1162 in order that H.R. 3300 may be considered.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SISK. I will be happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, do we understand from the statement made by the gentleman—and we compliment him on bringing to the Members of the House the reason for the waiving of points of order in the wisdom of the Committee on Rules—that this is the only place in the bill, in the entire bill, for which all points of order are waived?

Mr. SISK. That is my understanding. In fact, it was my original understanding that the request of the chairman of the Committee on Interior and Insular Affairs only went to this section, and that the waiver of points of order applies to that specific section.

Actually, as the resolution is written, I might say in all fairness to my good friend from Missouri, of course, it does indicate that all points of order are waived. But that is the only point, as I understand, that would be subject to such a point of order, due to the transfer of funds.

Mr. HALL. As the gentleman well knows, in the rule that came out of the committee, House Resolution 1162, page 1, after "and for other purposes," on line 7 it says "and all points of order against said bill are hereby waived."

So that, if in the wisdom of the individual Members, we should find other places in the bill to which we wish to submit points of order for a ruling of the Chair, that would be automatically voided by this rule.

As I said in the beginning, I compliment the gentleman, and we had a colloquy on the floor only yesterday wherein we were advised that it is the intent of the Committee on Rules to have definite stipulations for granting points of order, and that they will be portrayed to the Members here on the floor. I say it is timely inasmuch as we have been subjected to six or more such waivers in the last 2 weeks totaling less than 12 such resolutions. I wonder if we might not consider further, where a specific request is asked by the chairman of a committee that the Committee on Rules put in the stipulation on the rule making consideration of the bill in order, at which place in the bill it occurs; so that we do not automatically eliminate the prerogatives of the individually elected Members of the Congress against all other portions of the bill than that which is necessary in the wisdom of the Committee on Rules?

Some of us are perfectly willing to accept this as it comes from the committee chairman. If it is put in by an extraneous source other than the Committee on Rules or the committee chairman, as I said yesterday, we might be "making book" on this situation. But be that as it may, I wonder if the committee could specify hereafter where it is?

Mr. SISK. If the gentleman will permit me at this point to make one comment, the Committee on Rules has given careful consideration to this whole matter of waiver of points of order. We recognize that all Members are concerned about arbitrary waivers, and so on.

So as a result of that, we are now requesting from any chairman of any legislative committee coming before the Committee on Rules and requesting a waiver of points of order to cite specifically the purpose, section, page, information and reasons for it. Hereafter, it is my understanding that the Committee on Rules will pin the waiver of points of order to that specific request and not to the entire bill.

As I said, it was my understanding at the time the request was made that that would be true in this case. But we are now just putting into effect these new rules so to speak, and inadvertently the way the resolution reads, it does waive all points of order.

The remarks of the gentleman from Missouri are well taken and I agree with him and that is what we hope to do in the future.

Mr. HALL. I appreciate the gentleman's statement and thank the gentleman.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the distinguished chairman of the Committee on Interior and Insular Affairs.

Mr. ASPINALL. Following the thoughts expressed by the gentleman from Missouri [Mr. HALL] and also in conformity with the present thinking of the Committee on Rules, I have had a brief prepared relative to section 403 of the bill, H.R. 3300 as to where the waiving of points of order is pertinent and I would ask unanimous consent, Mr. Speaker, to include this statement that I have at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, the provision waiving points of order against H.R. 3300 is directed to language which, in effect, constitutes an appropriation in violation of rule XXI of the House.

Section 403 of H.R. 3300 establishes a separate fund in the Treasury. Among the revenue sources for this fund are the revenues collected from projects authorized by H.R. 3300 as well as revenues from the existing Boulder Canyon and Parker-Davis projects and the Pacific Northwest-Pacific Southwest intertie. In turn, moneys in the fund are made available, without further appropriation, for, first, defraying the costs of operating and maintaining the central Arizona project; second, reimbursing water users in the State of Arizona for losses sustained as a result of diminution of the production of hydroelectric power at Coolidge Dam because of exchanges of water between users in Arizona and New Mexico; and, third, reimbursement of the Upper Colorado River Basin fund for money expended to meet deficiencies in power generation at Hoover Dam during the filling period for Lake Powell.

There are numerous precedents for making project revenues available for operation and maintenance expenses without further appropriation, including the upper Colorado River storage project, the Fort Peck project, the North Platte project, the Tennessee Valley development, and the dams and navigation works of the Corps of Engineers. Actually, these costs are paid into the fund each year specifically for operation and maintenance purposes. The estimated amount involved in the operation and maintenance expenses for the central Arizona project is about $12.8 million annually. The reimbursement amount for the other items, which is a temporary obligation, is just over half a million dollars annually.

Mr. SISK. I thank the gentleman from Colorado for his addition to the information on this subject.

Mr. Speaker, I would like at this time to make my own position clear on this bill rather than to take the time of the Committee later in debate.

As a Member of the Congress from the State of California, this Member is in full support of the bill that has been brought to us today.

I want to commend the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado [Mr. ASPINALL], and the chairman of the subcommittee, my colleague, the gentleman from California [Mr. JOHNSON] and all the members of that committee for the long and arduous work they have done in attempting to bring together the necessary parts in the legislative procedure to put this program together. This program goes back I suppose almost 40 years or more in history. The passage of this bill will fulfill a dream going back for lo those many years for the people of the State of Arizona and for others in the Southwest area.

Mr. Speaker, a few days ago a very distinguished and a very great American announced his intention to retire, a Member of the other body, the distinguished senior Senator from the great State of Arizona, who will be retiring after 56 years of service in the Congress of the United States, a record that is unsurpassed in the history of our country. During the major portion of those 56 years, the distinguished senior Senator from that State has made this one of the prime subjects of his efforts. I know that the passage of this bill and the signing of it into law will be a deserved tribute to this distinguished American.

Mr. Speaker, there has been much controversy surrounding the Colorado River and much controversy between the State that I have the honor to represent and the State of Arizona and between the States in the lower basin and those in the upper basin over the disposal of the waters of the Colorado River.

Over the years many, many people have worked long and hard in an attempt to put together a reasonable compromise, a reasonable proposal to make available to the people of Arizona their rightful share of the waters of the Colorado River.

As I have said, I think the Committee on Interior and Insular Affairs, as well as many others who are here today, and some who have gone on before, are to be paid a tribute for the work that they have done, for the contributions that they have made from many of the States of the West.

So, Mr. Speaker, I would hope that this resolution would be adopted, and that the committee be permitted to explain this legislation and, finally, Mr. Speaker, that H.R. 3300 pass this House overwhelmingly. I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in the remarks of the gentleman from California [Mr. SISK] in explanation of House Resolution 1162. I would like to make a few remarks about the bill, as I, too, am from California and in strong support of this legislation.

The purposes of the bill are to authorize the central Arizona project; to provide for the immediate start of augmentation studies including transbasin diversions; to make the provisions of the Mexican Water Treaty a national obligation with satisfaction of this obligation the first priority of the water to be imported from other basins; to guarantee in perpetuity to California the use of 4.4 million acre-feet of water from the Colorado; and to authorize five projects in the upper basin.

Some general background information is necessary to set the bill in proper perspective. The Colorado River Basin is one of America's fastest growing regions. This growth is to a very substantial degree dependent on the waters of the Colorado; particularly is this true in central Arizona and southern California. There is now more Colorado River water already committed by compacts, the Mexican Water Treaty, and the recent Supreme Court decision in Arizona against California than will be available from the river in times of normal flow. In the lower basin States of Arizona and California a shortage would currently exist if these States were not now using waters guaranteed for use by upper basin States but not currently needed. Year by year this excess of water will decline as the upper basin's needs grow. The question is not whether the waters of the Colorado should be augmented—they must—but rather how this is to come about. H.R. 3300 attempts to resolve these problems and thus assure all basin States of adequate water for their future growth and development.

The bill authorizes the construction of the central Arizona project. This will serve the water-short areas of Phoenix and Tucson and carry out the mandate of the Supreme Court. The bill authorizes the expenditure of $779,000,000 for construction and related costs. Of this amount, it is estimated that over a 50-year period the fees charged to users will return to the Federal Government about $671,000,000 or about 86 percent of the expended funds. The area served by the project produces over $1,000,000,000 in agricultural products. This production is almost entirely dependent upon fresh water. The area's underground water table has fallen from a level of 70 feet below the surface in 1940 to over 200 feet below today—and the lower it falls the lower the quality of the water. Additionally, the population and development of the area is expanding rapidly and it, too, depends on more fresh water.

In addition to authorizing the central Arizona project, the bill also authorizes the construction of five projects in the upper basin States of Colorado, Utah, New Mexico, and Wyoming. Authorizations for these projects total $392,000,000 for construction and related needs. Of this total, it is estimated that users fees over a 50-year period will return to the Federal Government about $370,000,000 or 92 percent of the costs.

Total authorizations called for in the bill are $1,286,000,000. All but $200,000,000 is in connection with the central Arizona project and the five upper basin projects. The remaining authorizations cover such projects as: $100,000,000 for construction of drainage and distribution facilities in the lower basin States and an increase in the authorization for the Dixie project in Utah, which is a part of the overall development of the Colorado River Basin.

The bill also guarantees to the State of California no less than 4.4 million acre-feet of water annually. Now California is using over 5 million acre-feet, but as explained, this surplus water is actually water which upper basin States have a right to use, but have not yet needed to tap. Each year they increase their needs and the available surplus will continually decrease. The bill confirms the Supreme Court decision and California law: this provides that no matter what the rate of flow, California is guaranteed its right to use 4.4 million acre-feet in perpetuity. If the water supply of the Colorado is insufficient to satisfy the annual consumption use of 7.5 million acre-feet—the amount now contracted for and guaranteed to current users in Arizona, California, and Nevada—then the user who will suffer a diminution of water is the new user authorized in the bill, the central Arizona project.

In order to assure that no permanent water shortage develops further in the lower basin, and to assure further development throughout the area, a number of provisions have been included in the bill which have created the controversy surrounding it. First, the bill provides that the obligations assumed by the seven basin States in guaranteeing to Mexico by treaty 1.5 million acre-feet annually is now to become a national obligation. The reason for this is that as domestic use increases it is a certainty that this additional water is not and will not be available for Mexico unless the Colorado is augmented with water from other sources. This provision has created a good deal of controversy because testimony before the committee indicates the cost of bringing in the additional water, dams, canals, pumping stations, and so forth, will amount to about $2.5 billion, which will now become a national obligation. Opponents believe the seven basin States should stand this expense, that just because the terms of the treaty work a hardship on them is no reason to ask the Government to bail them out. However, it should be noted that it is a treaty with another country we are talking about, and that development of the Southwest is as much in the national interest as the Tennessee Valley or Appalachian development.

Title II of the bill is controversial. It authorizes the Secretary of the Interior to undertake studies of the means and resources available to augment the flow of the Colorado. Both reconnaissance studies and feasibility studies are to be carried out, the first to be completed by 1973, the second by 1975. Opponents claim that authority for such studies of interbasin diversions of water already exists, and that since such authority does exist the Colorado Basin should not be singled out.

It is clear today that past studies and estimates have been wrong in their assessment of the water available from the Colorado. Unless the Nation is prepared to see the growth of the Southwest arrested the answer is clear; the waters of the Colorado must be augmented, probably by as much as 2.5 million acre-feet. It is now clear that by about 1985 the expected shortage will be a permanent fact of life, and the central Arizona project will not have the water necessary to fully realize the benefits which could flow from construction of the project.

This bill seeks to assist the general growth of the Southwest and to begin to examine ways to insure its future needs, without interferring with the rights of Mexico under its treaty. The bill does not deprive any area or State of any water or rights to water it now legally possesses. No augmentation of the Colorado by interbasin transfer can be affected without congressional approval at some future time.

It should be noted that much of the problem with the bill last year revolved around the construction of two dams which would flood the lower portion of the Grand Canyon. They are not included in this bill.

The bill also creates a National Water Commission to examine the Nation's water needs and formulate recommendations for the Congress on a national program.

A number of Members have filed various individual and additional views on various aspects of the bill. They relate to the Mexican Treaty obligation, authorizing water augmentation studies, and the substitution of the Connor site for the proposed Hooker site of the dam on the Gila River.

The Department of the Interior supports the bill as does the Bureau of the Budget.

Mr. Speaker, I support H.R. 3300. I urge the adoption of the rule and reserve the balance of my time.

Mr. Speaker, I have no further requests for time.

Mr. SISK. Mr. Speaker, I have no further requests for time. I urge adoption of the resolution.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF THE COMMISSION TO STUDY MORTGAGE INTEREST RATES AND AVAILABILITY OF MORTGAGE CREDIT

The SPEAKER. Pursuant to the provisions of section 4(b), Public Law 90-301, the Chair appoints as members of the Commission To Study Mortgage Interest Rates and the Availability of Mortgage Credit at a Reasonable Cost to the Consumer the following members on the part of the House: Mrs. SULLIVAN and Mr. BROCK.

REPORT OF SECRETARIES OF DEFENSE AND TRANSPORTATION ON CASH AWARDS TO MEMBERS OF ARMED FORCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Armed Services.

To the Congress of the United States:

I am happy to transmit to the Congress reports of the Secretary of Defense and the Secretary of Transportation on cash awards to members of our Armed Forces for noteworthy suggestions, inventions, or scientific achievements.

The cash awards program, first authorized by Congress in September 1965, has proved an excellent incentive for reducing costs and increasing efficiency in the Armed Forces.

The largest percentage of awards—89 percent—continues to be in the $50 and under range. Of the 34,527 awards, however, 1,094 awards were over $250. The total amount paid in awards for suggestions in 1967 was $1,307,832.

In the Department of Defense, over $63,000,000 in first-year benefits have resulted from suggestions submitted by military personnel during 1967. In the Coast Guard, since the inception of the program, benefits have amounted to over $391,000. This raises the total amount of tangible benefits received during the relatively short life of the program to over $119,000,000. Many additional benefits not measurable in dollar amounts have resulted from suggestions concerning safety and other matters.

Few investments of public funds have ever returned such prompt results in economy and efficiency. Few forms of recognition have so widely benefited the morale or encouraged the initiative of our men and women in uniform.

I urge every Member to examine the truly remarkable and encouraging achievements described in these reports of the Secretary of Defense and the Secretary of Transportation.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 15, 1968.*

ANNUAL REPORT OF THE COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1967—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

To the Congress of the United States:

I am pleased to transmit to the Congress the Annual Report of the Commodity Credit Corporation for fiscal year 1967.

The Report shows that the Corporation has continued to reduce agricultural surpluses. This success is directly related to the substantial gains in the level of farm income since 1960—amounting to 24 percent in total realized net income, and 50 percent in net income per farm.

Despite this progress, per capita income for farmers still falls short of the level for urban workers.

Parity of income for farmers remains an unachieved goal. We began moving closer to its achievement with the passage of the Food and Agriculture Act of 1965. This legislation gives us the flexibility needed to adjust wheat, feed grain and cotton production levels. Supply management programs are vital if we are to improve returns to the Nation's farmers.

In my 1968 Message on the Farmer and Rural America, I have recommended the permanent extension of the 1965 Act to insure that authority for basic commodity programs will not be terminated. The farmer could ill-afford such a lapse.

With surpluses gone, the market operates more freely today than in many years. But the absence of surpluses also means that we must carefully maintain planned security reserves—a National Food Bank. I have recommended the new legislation which will be required to establish such a Bank. We must be able to hold reserve stocks of commodities in readiness for emergency use. At the same time our farmers must be protected against the price-depressing effects of such reserve stocks, particularly during their build-up.

Even though burdensome surpluses are no longer overhanging farm markets, farmers still need and use price-support loans to protect their prices from the depressing effects of temporarily large supplies, particularly at harvest time. In fiscal year 1967, farmers took out loans of nearly $1.4 billion on 1966 crops, and at the end of the year, price-support loans outstanding on these and previous crops totaled $1.5 billion. In addition, price-support purchases, primarily of dairy products, amounted to $327 million.

Commodity inventories owned by CCC at fiscal year end had a value of $1.9 billion. This was more than $1.2 billion less than a year earlier and more than $2 billion less than two years ago. The inventories have dropped further since the end of last fiscal year. The smaller inventory level is bringing substantial reduction in CCC's storage, handling and transportation costs. In fiscal year 1967, these costs were down to $310.7 million, compared to $472.9 million in fiscal year 1966 and $513.6 million in fiscal year 1965.

The CCC, in financing Public Law 480 sales for foreign currency and under long-term credit, helps to provide added outlets for U.S. farm production and to supplement the supply of agricultural commodities for people in the less developed countries. During fiscal year 1967, the total costs of this financing amounted to nearly $1.3 billion.

The fiscal 1967 Report demonstrates that the broad authority of the Commodity Credit Corporation is being used to benefit both the U.S. farmer and those in great need abroad. No longer the caretaker of large and costly surpluses, the CCC is returning to its original objective of helping farmers to hold commodities off markets for better prices. And farmers are moving into a new era of balance between supply and demand, while continuing to help free the world from the danger of hunger.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 15, 1968.*

COLORADO RIVER BASIN PROJECT

Mr. ASPINALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3300) to authorize the construction, operation, and maintenance of the Colorado River Basin project, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Colorado.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3300, with Mr. MILLS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Colorado [Mr. ASPINALL] will be recognized for 2 hours, and the gentleman from Pennsylvania [Mr. SAYLOR] will be recognized for 2 hours.

The Chair recognizes the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, as we begin the consideration of H.R. 3300, which will be before us for the next 2 days, let us keep in mind one thing above all others. This is an authorization for a large reclamation program—not the largest that we have ever had before the Congress, but one of the largest that has been before the Congress since reclamation programs were first authorized.

Many of my colleagues have stated to me during the last 2 or 3 weeks that this is not an appropriate time to bring up a piece of legislation such as this for consideration. I am not in agreement with these colleagues. I think that this is the appropriate time. What we propose by this legislation is to authorize a large public works program which will be in keeping with the best of similar programs so that it will be ready for construction when we are through with the war efforts in which we are now involved and the tremendous expenditures which go along with those efforts. When peace comes to this country—and may God grant that it come soon—there will be a tremendous slackening off of our economic programs. This legislation, and bills similar to it, are being prepared for those times of peace which we hope are not too far distant from us.

I want it clearly understood by all that the gentleman from Colorado now speaking does not intend to request funds to start construction of this great project until the fighting in Vietnam has been brought to a close. I promise my colleagues that if I remain in Congress I will not appear before appropriation committees asking for a start of construction for any of the projects authorized by this legislation until our expenditures for war have been greatly reduced.

This is not a new approach, may I say to my colleagues, because the most expensive of reclamation projects, which was coordinated with the most expensive of all Corps of Engineer projects, was authorized under similar conditions during the Second World War. I refer, of course, to the Missouri River Basin project authorized in 1944.

And here may I say to my colleagues that the project authorized by the 1944 act was not as well thought out, and the legislation not as orderly arrived at, as the legislation now before the Committee. Let us be ready so that the factories, fabricating plants, and the like, which are so essential to the welfare of our economy, may continue to operate for the building of a civilization rather than for its destruction.

Mr. Chairman, as we start our consideration of this important legislation, I would like to refer briefly to the importance to this Nation of these great water resources development programs. The dollars which this Nation has spent on water resources development, in my opinion, has been its wisest investment. These are programs which help build the Nation and strengthen its economy—programs which add wealth and will assure returns in the future which will repay their costs many times over. They also are programs which, from the short-range viewpoint, are available when needed to give the economy a "shot in the arm" and provide employment opportunities. They have a favorable impact on every segment of our economy—an impact that is felt in every part of our Nation.

I am sure that every Member of this body recognizes that if the economy of the United States is to continue to grow and prosper, there must be adequate supplies of good quality water available for our rapidly growing population, our expanding industry and for our agriculture. In the West, water has been the magic ingredient which has converted a once barren wasteland into the most prosperous and fastest growing segment of the United States. Except for seaport cities, virtually every major population center west of the 98th meridian has had its origin at the site of a water project, and every water resource development project is a nucleus of diversified economic development.

When Federal water programs were initiated in the early part of this century, water was plentiful all across our Nation, even in the West. The need was to put it to use. There were few conflicts in water use, and projects for the most part were single purpose. As water development moved forward and more and more of the available supplies were put to use, we adopted the basinwide concept for water planning, and multiple-purpose projects came into being. Plans were formulated on the basis of developing the water resources of the entire basin for serving all needed purposes, many of them simultaneously. The great water development programs in the Tennessee River Basin of the Southeast, the Missouri River Basin in the heartland of our Nation, the Columbia Basin in the Northwest, and the Central Valley of California are examples of what basinwide, comprehensive multiple-purpose development can mean to the economy of a region and the Nation. These massive developments required considerable Federal assistance and investment, but from all of them the rewards and benefits far exceed the costs, and their contribution to this Nation's economic strength is beyond measure.

As the water needs of our Nation continue to grow and water supplies, in relation to demands, are starting to dwindle, conflicts and problems are becoming more and more serious. We have come to recognize the need for an overall coordinated planning effort by not only the Federal Government and the States, but all segments of our economy, to provide for making the most efficient and wise use of the Nation's limited water supplies. To assist this effort, we enacted, a few years ago, the Water Resources Planning Act, and the procedures established in that legislation are to be followed in the water planning called for in the legislation we are considering today.

Mr. Chairman, we have now reached the point in water planning in this country where basinwide planning is not adequate to do the job. At least this is true in the West. One great river basin of our Nation is facing a critical water shortage, with the available supplies already overcommitted. This, of course, is the Colorado River Basin which is only partially developed and which is facing economic stagnation unless new sources of water can be found. The answer provided in H.R. 3300 is to extend the basinwide water planning concept to make it a westwide concept. We need to examine all possible sources of water and all foreseeable water needs on a westwide basis and develop plans which will make the best possible use of all available water resources. The legislation before us today makes a start in this direction. It is the key to future water development in the entire western part of our country.

The Colorado River, of course, has been a river of trouble and controversy from the beginning of its development. It has been undependable, unruly, and wasteful because of the vagaries of nature. There has been controversy between individual water users, between and among the States of the basin, and between the upper basin and the lower basin. The major factor contributing to all this controversy has been the shortage of water, and the fact that the river has never produced the water expected of it. This has made it almost impossible to reach any lasting agreements.

In 1922, the States of the Colorado River Basin entered into a compact which divided the basin into two parts and apportioned waters between the upper division States—Colorado, New Mexico, Utah, and Wyoming—and the lower basin States—Arizona, California, and Nevada—waters which were then thought to be only a portion of the water that would be available from the Colorado River. There were 7½ million acre-feet apportioned to the upper basin and 8½ million acre-feet to the lower basin. Any right which Mexico later acquired to Colorado River water was to be supplied from water that was expected to be surplus to the 16 million acre-feet apportioned to the two basins. In addition, the compact commissioners reported, in 1923, that they expected to meet at some later date to divide the remainder of the surplus water. In contrast to the expected water supply from the river, the average annual virgin flow of the Colorado River at Lee Ferry—the dividing point between the two basins—since the compact was signed in 1922 has amounted to only 13.7 million acre-feet. The trend has been steadily downward and the forecast by some that there would be an upturn in the river flows has not materialized. With the compact, contracts, the Mexican Water Treaty—which was entered into in 1944—and the recent Supreme Court decision in Arizona against California all based upon the delivery of more water than will be available, you can readily understand why there has been continued controversy.

In 1948, the upper basin States entered into a compact dividing the upper basin water entitlement among the upper basin States, thus opening the way to upper basin development. In 1956, as many of you well recall, Congress passed the Colorado River Storage Project Act which authorized the construction of the Glen Canyon Dam and several other mainstream storage dams as well as several multiple-purpose water projects in the upper division States, and, thereby, initiated upper basin development on a large scale. Upper basin projects existing and authorized will consumptively use about 4.6 million acre-feet of water, still leaving a considerable portion of the upper basin entitlement to be developed. In contrast, water in excess of the lower basin entitlement is already being used in the lower basin and Arizona is overdrawing its ground water to the tune of 2.5 million acre-feet annually.

The lower basin States were never able to reach any agreement on the lower basin entitlement and this eventually led to litigation and the Supreme Court decree in 1964 granting to Arizona its right to mainstream Colorado River water and to the renewal, immediately thereafter, of Arizona's efforts to build the central Arizona project. The history of the legislation we have before us today dates from that time.

Since 1964, there have been continuing negotiations among all of the States of the Colorado River Basin with respect to regional planning and legislation which would protect the rights and interests of all of the States. The final outcome of these prolonged and complex negotiations is the legislation we have before us today. None of the States agree with everything that is in H.R. 3300. There has been "give and take" on the part of each. However, this is legislation that all can live with, and it represents the highest degree of cooperation and understanding. We have the opportunity to bring the entire basin together and into closer agreement than ever before. There is the opportunity for Arizona to go forward with the central Arizona project which it so desperately needs, with the understanding that all of the States of the basin will work together to meet the prospective as well as the present critical water situation in the Pacific Southwest, including the entire Colorado River Basin. For the first time, there is an opportunity for real peace on the Colorado River.

Mr. Chairman, with this brief background, I am sure you can understand why this is probably one of the most important water resources development bills to emerge from my committee since I became chairman nearly 10 years ago.

The importance of this legislation stems not so much from the projects it will authorize at this time as from the actions and procedures which will be set in motion for saving, maintaining, and strengthening the economy of the Colorado River Basin and the entire Southwest, as I have indicated.

While others will discuss the provisions of H.R. 3300 in detail, I would like to refer briefly to the key provisions, particularly those that were controversial in the committee.

First. Since the key to the future of the Southwest is more water, the first matter with which H.R. 3300 deals concerns studies to find new sources. It faces up to the fact that the river is already overcommitted by providing for an immediate start on regional and westwide water resources planning to remedy the present and prospective water situation in the entire Colorado River Basin. The studies are to be conducted by the Secretary of the Interior working under criteria to be established by the Water Resources Council and in consultation with the affected States. As I have already indicated, water is the lifeblood of this area, and unless new sources can be found, this thriving, prosperous, large segment of our Nation is, in my opinion, on a collision course with economic disaster.

These study provisions became a very controversial issue in the committee's consideration of this legislation, because representatives of the Northwest felt that their area was the target of the studies for new sources of water. This, of course, is understandable, since water flow records on the Columbia River show that more than 10 times the average annual flow of the Colorado River empties unused into the Pacific Ocean each year. Every attempt was made to allay the fears of the Northwest and make the legislation acceptable to the Northwest States. All that is provided for in this legislation are studies, and there is not going to be any study of importation from the Northwest, or any other area, until the water supplies available in the area concerned, and the future water needs thereof, have been thoroughly studied and a determination made as to any surplus supplies. Even then, any study of importation will be at reconnaissance level, and the Secretary cannot include in any report a recommendation for importation of water without the approval of the States affected. Should a plan be prepared for diversions into the Colorado River Basin, protection for the area of origin is included in the strongest language the committee could develop, which makes it certain that no future water need in an area of origin will ever be denied by reason of such diversion.

The purpose of title II is to assemble all of the relevant facts with respect to water availability and future water needs for all river basin draining into the Pacific Ocean, whether they are water-short areas or water-surplus areas. The schedule we have established for completion of the reconnaissance studies called for in this legislation allows full opportunity for consideration of the results of the present State and Federal studies which are being conducted in the Northwest.

In my opinion, the limitation of 2½ million acre-feet placed upon the feasibility study and report eliminates the Northwest from consideration so far as the feasibility study authorized in this legislation is concerned. However, we will know this only after the reconnaissance studies are completed. While I understand the concern of the Northwest States, I believe their fears are unjustified and that they are fully protected.

Second. H.R. 3300 gives assurance to the Colorado River Basin States that, at such time as new water becomes available in the basin, they will not have to relinquish water which they apportioned among themselves by compact in order to meet water deliveries to Mexico required by the Mexican Water Treaty. By making the Mexican Water Treaty burden a national obligation, this provision will correct an inequity resulting from the serious mistake in forecasting the availability of water, which I mentioned earlier, and from other factors which caused the United States to place national interests above the interests of the Colorado River Basin States. It should be made completely clear that this relief to the Colorado Basin States occurs only at such time as the river has been augmented, and that augmentation works cannot be built until they have been determined to be feasible and have been specifically authorized by the Congress. Any wild guesses which you may hear as to the cost of these augmentation works have no meaning at this time. That is why we need the studies—to determine the most economical means of augmentation. I can assure you that if the estimates of cost given in the dissenting views in the committee report—and I consider them completely unreasonable—turn out to be anywhere near correct, I shall never appear before you asking for the authorization of these works.

This provision relating to the Mexican Water Treaty was also controversial in the committee's consideration of H.R. 3300. There were those who felt that this constituted an unjustified shift in responsibility for making water deliveries to Mexico. The majority of the committee, however, after listening to the testimony and studying this matter, feel that there is justification for relieving the Colorado River Basin States of any obligation of meeting the Mexican Treaty water burden if such an obligation does, in fact, exist. This testimony and study clearly show that, first, the Mexican Water Treaty was based on a "mistake of fact"; that is, that delivery to Mexico of 1.5 million acre-feet of water would not decrease upper and lower basin apportionments of water; second, the treaty was based on the mistaken assumption that its fulfillment would not require the use of Lake Mead storage, when, in fact, treaty deliveries have first call on such storage; third, consideration of the Rio Grande and the Colorado Rivers together in the treaty negotiation worked to the detriment of the Colorado River Basin States; and, fourth, negotiations during wartime and just prior to the conference to organize the United Nations resulted in additional concessions by the United States.

Like all treaties, the Mexican Water Treaty is, of course, a national obligation. The principle here is no different from other treaties where the Federal Government has made huge payments to other countries in the interest of international comity or for benefits to U.S. citizens in specific areas. For example, the Columbia River Treaty provides for the payment by the United States to Canada of more than $64 million as compensation to Canada for benefits which U.S. citizens in the Northwest will receive from construction on headwaters of the Columbia River and provides, in addition, for turning over to Canada huge amounts of electric power and energy generated in the United States and paid for by the American taxpayers. Numerous other treaties along this line were called to the attention of this committee. Clearly, the precedent has been established that the costs of fulfilling the Mexican Treaty are to be borne by all of the American taxpayers.

Both the Department of the Interior and the Bureau of the Budget have endorsed this provision which makes the Mexican Water Treaty a national obligation, and the committee approved it as fair and equitable.

THE MEXICAN WATER TREATY

INTRODUCTION

During the hearings on H.R. 4671 of the 89th Congress in 1965–66 and on H.R. 3300 in 1967–68, the proposed subject legislation, the committee heard detailed testimony related to the effects of fulfilling the U.S. obligation under the Mexican Water Treaty—Treaty Series 994 (59 Stat. 1219)—from the water supply of the Colorado River system. At an early stage in the proceedings it became evident to the committee that questions associated with the delivery of Colorado River water to Mexico occupied a prominent position among constraints on future water resources development in both the Upper and Lower Colorado River Basins. There appear to be two major interrelated facets to the overall Mexican Treaty problem. One problem is the actually deficient water supply of the river in comparison with the supply thought to be available when the treaty was negotiated. The other problem is the unresolved dispute between the States of the upper and lower basins over accounting of consumptive uses of water from the Gila River in Arizona when computing amounts of water that must be supplied by the basin States to fill deficiencies in deliveries of water to Mexico in short water years. This issue was not resolved by the Supreme Court as between the upper basin and lower basin in Arizona against California. The committee believes that both facets of the Mexican Water Treaty problem could be solved partially by the Federal Government's assumption and implementation of the Mexican Treaty water burden as a national obligation and entirely by an adequate augmentation of the water supply of the Colorado River.

HISTORICAL

The 1944 Mexican Water Treaty is one of a series of international contracts between the United States of America and Mexico. The primary purpose of all of these treaties was to resolve problems related to a common border. All of the preceding treaties constitute integral parts of the background of the 1944 treaty. The earliest treaty with Mexico is now over 120 years old. It is the Treaty of Guadalupe-Hidalgo, February 2, 1848, which fixed the United States-Mexico boundary. Under this agreement U.S. citizens were granted free access to the Gulf of California via the Colorado River. Both countries were given rights of navigation in the Gila River and Rio Grande on the common border. Neither country could construct any works that might obstruct the rights of the other country.

The Gadsen Treaty, December 30, 1853, created a new boundary below the Gila River. Citizens of the United States were given free access to the Gulf of California via the Colorado River and mutual navigation rights on the common boundary portion of the Rio Grande were reaffirmed.

The Boundary Convention, November 12, 1884, limited the common navigation rights to the "actually navigable main channels," and provided that the shifting river channel was not to alter the jurisdiction over the physical territory of the country to which it originally belonged.

The Convention of March 1, 1889, created the International Boundary Commission with jurisdiction over matters affecting the common water boundaries of the two countries.

The Convention of March 20, 1905 extended the authority of the Commission.

The Convention of 1906—Treaty Series 455 (34 Stat. 2493)—settled claims of Mexico concerning damages due to increased uses of water from the Rio Grande. This convention involved only the reach of the river upstream from Fort Quitman, Tex. Under it Mexico was given the right to 60,000 acre-feet of water per year at Mexican headgates as full settlement of its claims against the United States.

The above summary of activities of the United States and Mexico demonstrates the long history of national concern by both governments with respect to the settlement of mutual border problems—including the use of international waters. In all instances the problems were regarded by our country as national in character. Their resolution or fulfillment were not left to the individual States concerned.

The Mexican Water Treaty of 1944, by itself, has a rather extended and complex history. Not long after 1900 preliminary discussion took place concerning a water treaty to cover the Rio Grande downstream from Fort Quitman—hearings on treaty with Mexico relating to utilization of water of certain rivers, Senate Committee on Foreign Relations, 79th Congress, first session, 1945, page 1201. Subsequent to 1900 large blocks of irrigated land had been developed in the lower Rio Grande Valley within the United States. It was evident that optimum use of this river could not be attained without water storage and regulation in the lower valley. In 1924 the U.S. Congress enacted Public Law 118 of the 68th Congress—43 Stat. 118—which authorized a joint study of the Rio Grande. Mexico suggested that the Colorado River should be included in the joint study—House Document No. 359, 71st Congress, second session. On March 3, 1927, Congress passed Public Resolution No. 62, 69th Congress, authorizing the U.S. Commissioners to enter into studies with regard to the equitable division of the Rio Grande and the Colorado River. Authority was extended to include the Tijuana River. The Commission met, and each party presented its proposal. The American section submitted a report, published as House Document No. 359, 71st Congress, second session.

The desire on the part of Mexico to consider the Rio Grande and Colorado River together is readily understandable from Mexico's point of view. So far as the Rio Grande was concerned, the United States needed the consent of Mexico in order to regulate this river by reservoirs because of the common boundary and past agreements with respect to navigation. The United States had reached its practical limits of water development without river regulation. The U.S. development was subject to the risks of flood damage and needed protection. Mexican streams furnished most of the water for the Rio Grande below Fort Quitman, Tex. Mexico could control the tributaries in Mexico and put their water to use. Increased Mexican uses of water could damage the U.S. water users. In other words, Mexico was in the control position so far as the Rio Grande was concerned.

For Mexico in 1928 the Colorado River presented a different picture. The water supply for Mexico came entirely from the United States. Development in Mexico had largely resulted from the Imperial Irrigation District's use of the Alamo Canal as a means of supply for its land in the United States. In order to secure the right-of-way through Mexico, a complex arrangement was secured whereby Mexican lands could use as much as one-half of the water carried through Mexico. Mexico also benefited from the flood protection provided by Imperial's system of protective works.

For many years there had been discussion of an all-American canal to supply Imperial Valley in the United States. In 1918 the Secretary of the Interior had appointed a board of three men to investigate the matter of the all-American canal and related problems. This Board filed a report entitled "Report of the All-American Canal Board." Part of the recommendation of this Board was the construction of an all-American canal to deliver water to American lands and a storage reservoir as a flood control measure. In 1920, Congress enacted the Kinkaid Act—act of May 18, 1920, 41 Stat. 600—which authorized a study of the "Problems of Imperial Valley and Vicinity." From this study came the Fall-Davis Report—Senate Document No. 142, 67th Congress, 2d session. This report also recommended an All-American Canal and a storage dam on the Colorado to control the floods which menaced the lower reaches of the Colorado River.

In 1922 the Colorado River Compact was negotiated by the seven Colorado River Basin States. Recognizing that a treaty between the United States and Mexico must some day be formulated, the signatories of this compact included the following language in article III(c) of their agreement:

> If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of any waters of the Colorado River System, such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantities specified in paragraphs (a) and (b); and if such surplus shall prove insufficient for this purpose, then, the burden of such deficiency shall be equally borne by the Upper Basin and the Lower Basin, and whenever necessary the States of the Upper Division shall deliver at Lee Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

During this same period the Boulder Canyon Project Act bills were before Congress. This legislation included the authorization of a high dam on the Colorado River. In 1928 it was enacted into law—Boulder Canyon Project Act, 45 Stat. 1057.

Mexico was aware of activities taking place in the United States which would make possible the expansion of water uses and river control. The United States was in an advantageous bargaining position so far as the Colorado River was concerned.

The International Water Commission accomplished little except collect data. It was abolished by the Economy Act of 1932 and its functions transferred to the International Boundary Commission. This Commission continued to study the common border water problems—Senate Executive Report No. 2, 79th Congress, 1st session, page 2. In 1935 Congress authorized further study, in cooperation with Mexico, of the possibilities of a treaty.

Subsequent to 1935 the State Department continued to study the border water problems. Discussions were had with water interests in the Colorado River Basin through the Committees of 14 and 16, "semiofficial" groups composed of representatives of the seven basin States—Senate Executive Report No. 2, supra.

The negotiators on the Colorado River were confronted with a different type of problem; namely, a completed Hoover Dam. Releases of water for power production caused a well-regulated flow below Hoover Dam. In the 1930's and 1940's the water users in the United States could not absorb the water released at Hoover Dam; thus a large quantity of water was spilling to Mexico. Mexico was in a position to use this water. It appeared that lower basin development in the United States would not be in a position to use all water released from Lake Mead for some time. It was feared that Mexico would create rights by use and at some future date could claim in an arbitration suit that these water uses should be protected.

The 1944 Mexican Water Treaty was the culmination of the preparation, studies, and negotiations summarized above. The agreement has the essence of an international contract. All activities with reference to the treaty were at a national level.

THE MEXICAN TREATY BURDEN ON THE COLORADO RIVER

The first mortgage on the Colorado River water supply is the burden of fulfilling the requirements of the Mexican Water Treaty. Basically, the Colorado River part of the treaty guarantees to Mexico an annual delivery of 1,500,000 acre-feet of water under a predetermined schedule. This guaranteed water has to be delivered in the limitrophe section of the Colorado River with certain exceptions, and is from "waters of said river," whatever their origin. There is provision for an increased delivery to Mexico if sufficient water is available.

Students of the Mexican Water Treaty have marshaled a rather convincing array of authority in the form of excerpts from diplomatic correspondence, recently released by the State Department, which demonstrates that there was a trade of Colorado River water to Mexico in return for an increased amount of water from the Rio Grande for use in the United States. In the light of evidence now available it appears that there was, at least from the point of view of Mexico, a trade; although a representative of the U.S. section of the International Boundary Commission testified that no such trade was made. Certainly the Colorado River portion of the Mexican Water Treaty was not considered as an independent item in the relations between the United States and Mexico. It is clear that the settlement of the water issues by this treaty was only one part of a package plan to settle international problems which existed between the United States and Mexico at the time.

Under the present water supply situation it is difficult to understand how there could be an agreement to grant such a quantity of water as 1,500,000 acre-feet per annum to Mexico. The facts pertaining to water availability appeared different in 1944. The hydrologic studies at that time demonstrated a greater water supply than has proved to be existent—page 75, hearings, Senate Committee on Foreign Relations, 79th Congress, 1st session, "Treaty With Mexico Relating to the Utilization of the Waters of Certain Rivers, Part I." Also, note under the section of this report on "Water Supply" that figures 1 and 2 clearly picture the persisting decline in water yield of the Colorado River during the past 34 years.

According to the discussions that are reported in House Document No. 359, 71st Congress, 2d session, Mexico originally claimed a right to 4.5 million acre-feet of water per year from the Colorado River. This was later scaled downward to 3.6 million acre-feet per year. The United States had offered 750,000 acre-feet plus an additional amount to compensate for main canal losses. In addition, Mexico would receive the return flows from the U.S. border projects, as in the Yuma area—pages 45 and 46 of House Document No. 359, supra, and page 82, treaty hearings, supra. It was argued that actually the 1.5 million acre-feet from any and all sources was a better deal for the United States than the original offer of 750,000 acre-feet plus main canal losses and return flows of the original offer.

The committee learned from testimony of H.R. 4671 of the 89th Congress that at the Mexican Treaty hearings witnesses asserted that to guarantee 1,500,000 acre-feet per year in perpetuity to Mexico would create bankruptcy in the water supply of the Colorado River. This was denied by the State Department; but memorandums released 20 years later confirm the fact that the United States stated that any delivery of water to Mexico in excess of about 1,100,000 acre-feet would automatically create a shortage in the United States. Notwithstanding this admission, the U.S. Senate ratified the treaty guaranteeing 1,500,000 acre-feet per year to Mexico, which, in effect, was a national commitment of water to Mexico, the use of which had already been apportioned by interstate compact, with the consent of the Congress, to the upper and lower division States of the Colorado River Basin. It was probably for overriding foreign policy reasons in a critical wartime setting, in the context of both a Colorado River and Rio Grande dispute with Mexico, and on the basis of an overestimated water supply that the United States permitted such a large amount of water to be perpetually dedicated for delivery to Mexico.

The impact of the Colorado River part of the Mexican Treaty burden is acute, drastic, and seriously adverse to the water resource development of seven sovereign States. It is a rigid constraint upon the economy of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, and ultimately upon the economy and social welfare of the Nation. There can be no dispute that the perpetual payments on this "first water mortgage" between two respected nations must be met. The water deliveries to Mexico resulted from an international agreement. The terms of this agreement must be filled by the United States. The seven basin States, as well as the other 43 United States, would have it no other way. Furthermore, at this point in history there is nothing to gain by arguing that the quantities of water granted to Mexico from the Colorado River were excessive. Our good neighbor to the south, too, could use many thousands of acre-feet of additional water, if she could obtain it reasonably.

The hearings in the U.S. Senate are replete with evidence that this treaty is of national and international status as contrasted with a regional, or individual State's problem. At the time the treaty was before the Senate the statement by the Secretary of State recognized clearly the national character of the responsibility involved. For instance, at page 20 of the hearing, supra, he stated:

> It seemed to us to be in keeping with our democratic institutions and procedures that the representatives of the communities most vitally concerned should be consulted with respect to these matters, *despite the fact that these questions are also of large national and international significance.* (Emphasis supplied.)

From its historical background, from the nature of pretreaty negotiations, from hearings on the treaty in the Senate, and from the manner in which it is administered, it is obvious that the Colorado River water burden is a national obligation—not the obligation of the seven basin States. The treaty was entered into by the United States on behalf of all its citizens. The benefits of the treaty are national in character, made possible only by the sacrifices of water of the seven Colorado River Basin States. These States receive no tangible benefits from the treaty in the form of water supply, power generation, navigation, flood control and so forth. On the contrary, their sacrifices of water caused many tangible benefits to accrue to the States of the Rio Grande Basin, as well as to Mexico.

RESPONSIBILITY FOR WATER BURDEN OF MEXICAN TREATY

The committee is convinced that the Mexican Water Treaty, like all other treaties between the United States and another country, is an international agreement for which the citizens of all 50 States must bear the national responsibility. This premise is well established both by direct documentation and by precedent. The real question is how this national responsibility should be met. The committee believes that the time has come for this water delivery burden to Mexico to be shifted from the backs of seven children to the entire family—from the seven Colorado River Basin States to the United States as a nation. Sections 202 and 401 of H.R. 3300 constitute an initiation of the policy of making the deliveries of water required by the Mexican Water Treaty a national responsibility, as it should be.

Section 202 of the pending bill says:

> The Congress declares that the satisfaction of the requirements of the Mexican Water Treaty from the Colorado River constitutes a national obligation which shall be the first obligation of any water augmentation project planned pursuant to section 201 of this Act and authorized by the Congress. Accordingly, the States of the Upper Division (Colorado, New Mexico, Utah, and Wyoming) and the States of the Lower Division (Arizona, California, and Nevada) shall be relieved from all obligations which may

> have been imposed upon them by article III (c) of the Colorado River Compact so long as the Secretary shall determine and proclaim that means are available and in operation which augment the water supply of the Colorado River system in such quantity as to satisfy the requirements of the Mexican Water Treaty together with any losses of water associated with the performance of that treaty.

The above-quoted language clearly expresses the intent of the Congress to resolve the problems associated with the deliveries to Mexico of Colorado River water required by treaty. This is done by earmarking the first increments of any water developed by an augmentation program for relief of the Mexican Treaty burden now plaguing the Colorado River Basin States. More specifically:

First. Section 202 is a declaration by the Congress that the obligation to deliver the 1944 Mexican Treaty water should be a responsibility of all 50 States, and not a burden on only seven.

Second. It supplements article 12(b) of the treaty which provides:

> The United States, within a period of five years from the date of the entry into force of this Treaty, shall construct in its own territory and *at its expense*, and thereafter operate and maintain *at its expense*, the Davis storage dam and reservoir, a part of the capacity of which shall be used to make possible the regulation at the boundary of the waters to be delivered to Mexico in accordance with the provisions of Article 15 of this Treaty. (Emphasis supplied.)

Third. It requires that water to serve the treaty deliveries shall be "the first obligation of any water augmentation project authorized by the Congress."

Fourth. Under certain specified conditions it relieves the Colorado River Basin States "from all obligations which may have been imposed upon them by article III(c) of the Colorado River compact."

Fifth. Complete relief of the basin States is conditioned upon a determination by the Secretary of the Interior that an augmentation program would be in operation adequate to supply Mexico's treaty entitlement to Colorado River water. The pertinent language of section 401 of H.R. 3300 is:

> Costs of construction, operation, and maintenance allocated to the replenishment of the depletion of Colorado River flows available for use in the United States occasioned by compliance with the Mexican Water Treaty (including losses in transit, evaporation from regulatory reservoirs, and regulatory losses at the Mexican boundary, incurred in the transportation, storage, and delivery of water in discharge of the obligations of that treaty) shall be nonreimbursable.

This sentence extends the intent of the Congress to include the costs of construction, operation and maintenance of facilities necessary to replace Colorado River water that is delivered to Mexico as a charge to be paid by taxpayers in all 50 States. This procedure would be in conformity with that used to meet commitments under other portions of the Mexican Water Treaty involving both the Rio Grande and Colorado River, and with other international treaties concerned with international water problems.

The principle of nonreimbursability to provide 1.5 million acre-feet of augmented water to supply the Mexican Treaty requirements has been recognized officially by the Bureau of the Budget. In a letter dated May 10, 1967 to the chairman of the Senate Committee on Interior and Insular Affairs, the Deputy Director of the Bureau of the Budget commenting on S. 1019 and similar bills predecessor to H.R. 3300 stated:

> The Bureau does recognize, however, that one of the important demands on the river is to provide water necessary to meet commitments made by the U.S. Government to the Republic of Mexico in the treaty of 1944. Should the Congress decide that the situation is unique, we believe that the price guarantee should be further limited to not more that 1.5 million acre-feet of water annually, the amount required to meet the U.S. treaty obligation. With this proviso, the chances would appear minimal, based on Department of the Interior estimates, that any imported water would have to carry a price higher than main stream water—at least in the period through year 2030.

The effect of the above-quoted paragraph was the approval of language in the bill that would have permitted the supplying of water to Colorado River water users, limited to 1,500,000 acre-feet annually to meet the Mexican Treaty commitments, at prices to Colorado River water users that would not include the cost of importation—augmentation.

The Department of the Interior in 1965 recognized and approved this same principle of supplying water for replenishment of the depletions caused by the Mexican Treaty burden at prices that would not reflect costs of importation. The Department in its comments approved, as an alternative, a nonreimbursable allocation to replenishment of deficiencies in water supply caused by Mexican Treaty deliveries. The Secretary of the Interior in a letter dated May 17, 1965, to the Honorable WAYNE N. ASPINALL, chairman of this committee, commenting on H.R. 4671 and similar House bills precedent to the pending legislation, stated:

> The Bureau (of the Budget) recognizes that the Mexican Treaty imposes an important demand on the Colorado River and it suggests that if the Congress decides that the situation in the Lower Colorado River Basin is unique, the price guarantee in the pending legislation should be limited to the importation of not more than 1,500,000 acre-feet of water per annum, with the costs being met from the development fund. A cost guarantee of up to 1,500,000 acre-feet per annum would, as the Bureau of the Budget points out, make minimal the chances that any imported water would carry a price higher than main stream water, at least through the year 2030.
>
> An alternative approach, of course, to assure the maintenance of main stream prices for not to exceed 1,500,000 acre-feet of imported water per annum would be to retain the nonreimbursable allocation, now provided for in section 402 (of H.R. 4671) to replenishment of deficiencies in main stream water occasioned by Mexican Treaty deliveries, with the limitation that the nonreimbursable costs be limited to those associated with the importation of not to exceed 1,500,000 acre-feet for replenishment purposes. In the Bureau of the Budget's view this alternative, too, would be applicable if the Congress considered the Lower Colorado River situation unique.

The effect of the comments by the Department would have been to make the commitment to deliver water to Mexico under the 1944 treaty a national obligation with the costs of augmenting the Colorado River water supply to the extent necessary to meet the treaty requirements nonreimbursable. This is almost exactly what enactment of title II and section 401 of H.R. 3300 would accomplish.

It should be observed that H.R. 3300 does not authorize the appropriation of any moneys for the purpose of relieving the basin States of the Mexican Treaty water delivery requirement through a water supply augmentation program. This legislation does authorize studies of methods of augmenting the river and expresses the intent of the Congress that the first increments of water resulting from any form of augmentation shall be used to meet the treaty commitment to deliver water to Mexico as a national responsibility.

PRECEDENT TREATIES INVOLVING INTERNATIONAL WATERS

The concept of providing that the costs of meeting treaty requirements should be borne by the Nation as a whole is not new. In fact, this is the general practice, even where international waters are concerned, with the water delivery from the Colorado River to Mexico being an exception, an exception that is completely unwarranted on such a water deficient river system and that can and should be corrected as soon as possible.

The following examples are cited as precedents involving international waters under which the United States has assumed the financial responsibility as a national obligation.

First. The most cogent argument for assuming the cost of augmenting the Colorado River water supply to replace water that must be delivered to Mexico can be found in the Mexican Water Treaty itself. So far as the Rio Grande is concerned, the obligations assumed by the United States with respect to the construction of the necessary control structures were national obligations. Article 5 of the treaty provides for the construction and cost allocations between the two National Governments of the necessary agreed-upon dams. Article 6 provides for further studies of other future construction that may be agreed upon by the two Governments, and costs are made the national obligations of the two Governments. Falcon Dam and Armistad Dam were both built on the Rio Grande under terms of the Mexican Water Treaty. Also note that Davis Dam on the Colorado River is used for meeting the Mexican Treaty obligation. Its costs, so far as regulation of the river for delivery of treaty water is concerned, was assumed as a national obligation.

Second. Painted Rock Dam on the Gila River was completed in 1959. It was justified as a nonreimbursable project because its construction was important to the operation of the treaty.

Third. As further evidence of congressional recognition of the Mexican Water Treaty as a national obligation, Congress in 1965, faced by Mexican complaints over the quality of Colorado River water delivered to her under terms of the treaty, authorized the construction of works to preserve the quality of releases to Mexico. The costs of constructing and operating these works were made nonreimbursable, and thus the responsibility of all taxpayers.

Fourth. In 1925 the United States entered into a convention with Canada concerning the Lake of the Woods—Treaty Series 721 (44 Stat. 2108). This treaty and its protocol became effective February 17, 1925. In this treaty Canada was seeking to raise the Lake of the Woods' level for power production. Article VIII of the treaty provides for the securing of flowage rights to a specified elevation. The United States assumed the liability to all U.S. owners for needed land. Further, the United States was to provide the necessary protection works to make effective the raising of the level of the Lake of the Woods.

Article X provided that Canada was to pay the United States the sum of $275,000 to cover the expenses which the United States would incur under the said article VIII. If this sum proved insufficient Canada was to bear only one-half any deficiency, provided the additional expenses were incurred within 5 years. It is obvious from this treaty that the United States assumed as a national obligation all expenses of purchasing needed U.S. land and one-half of any expenses for protective works in excess of $275,000.

Fifth. In the Niagara Water Treaty of 1960—1 U.S. Treaties and Other International Acts, page 695—dealing with the remedial works necessary to preserve the Niagara River, article II provides:

> The total cost of the works shall be divided equally between the United States of America and Canada.

Sixth. Under the Rio Grande Convention of 1906—Treaty Series 455 (34 Stat. 2953)—this treaty being the one which granted Mexico 60,000 acre-feet of water from the Elephant Butte Reservoir, by the act of March 4, 1907—34 Stat. 1295—the United States appropriated $1 million "toward the construction of a dam for storing and delivering 60,000 acre-feet annually in the bed of the Rio Grande at points where the headworks of the Acequia Madre now exists above the City of Juarez, Mexico." The treaty also provides:

> The said delivery shall be made without cost to Mexico, and the United States agrees to pay the whole cost of storing the said quantity of water to be delivered to Mexico, of conveying the same to the international line, of measuring the said water, and of delivering it in the river bed above the head of the Mexican Canal.

Seventh. In 1933 the United States entered into the Rio Grande Convention—Treaty Series 864 (48 Stat. 1621). The purpose of this convention was to provide for rectification of the channel of the Rio Grande below Elephant Butte Reservoir. In this convention, article III, the cost of the works was prorated between the two governments in the following percentages: United States 88 percent and Mexico 12 percent.

Eighth. Under minute No. 129 of the International Boundary Commission—43 Stat. 1628—the cost which was estimated to be appropriated to the United States was $4,340,424. This particular minute also recommended the construction of Caballo Dam below the Elephant Butte Dam as a part of the flood control measures necessary in this rectification program. The United States constructed this dam with an enlarged capacity, part of which was to be for reclamation purposes. In the Reclamation Repayments and Payout Schedules, 1902–1957, there is indication that at least $1,500,000 was transferred to the Department of the Interior from the State Department as a nonreimbursable allotment to aid in the construction of Caballo Dam.

Ninth. The Columbia River Treaty—15 U.S. Treaties and Other International Agreements, page 1555—provides in article VI for the payment by the United States to Canada of $64,400,000 as compensation to Canada for flood control benefits which the United States would receive from the construction of dams in Canada on the headwaters of the Columbia River. In addition, the protocol attached to this treaty, paragraph 11, provides for an increased payment to Canada for these flood control works should it be determined that benefits would result to the United States for a longer period than that set out in the treaty.

CONCLUSIONS, MEXICAN TREATY ISSUE

After hearing the testimony of both Federal and non-Federal witnesses on the subject and considering the problems associated with the delivery of water from the Colorado River to Mexico the committee concluded that:

The Mexican Water Treaty was ratified by the U.S. Senate as the result of testimony by Federal experts that the water granted to Mexico would be supplied from surpluses not previously apportioned by interstate compact, with the consent of the Congress, among the Colorado River Basin States. Time has shown that the natural supply of the Colorado River is much less than Federal experts predicted in the early 1940's. The demands of the treaty cannot be filled from the natural supply of the river without significantly reducing the supplies apportioned to the seven States.

One of the principal reasons for initiating a study of methods of augmentation of the water supply of the Colorado River is the fact that the Mexican Treaty water deliveries are a drain upon the supply and have resulted in shortages in water supplies needed by basin States.

The Colorado River Basin States are entitled to be on a more equal basis with States on the Rio Grande where controversy was also settled by the Mexican Water Treaty. There is no real difference between paying for the construction, operation, and maintenance of necessary water control structures as national obligations under a treaty and assuming the costs of assuring a physical water supply under the same treaty through a water supply augmentation program as provided in H.R. 3300. In the case of Rio Grande, the construction was for the purpose of assuring a more adequate water supply and protection against floods to insure future development of the river basin. For the Colorado River the national obligation that is to be assumed is to assure the anticipated water and related resources development of the seven basin States.

If the problems associated with the delivery of water to Mexico can be resolved through a water supply augmentation program on a nonreimbursable basis future litigation between the upper and lower basin States can be avoided.

Unless the water supply is augmented at least to the extent of filling the Mexican Treaty requirements and losses incident thereto, the central Arizona project will suffer severe water shortages, possibly as early as 1990, due to the priority for 4.4 million acre-feet of lower basin water granted to California by H.R. 3300.

The United States—not the basin States—in 1944 made the treaty with Mexico. The United States agreed to construct and operate the necessary facilities on the Rio Grande and Colorado River "at its expense" to meet the Mexican Treaty burden. If in the future the United States can fulfill its treaty commitment only by curtailing deliveries of Colorado River water already allocated by compacts or court decisions to the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming—then the United States, as a national policy, should be responsible for augmenting the water supply to the extent of the Mexican Treaty deliveries. Equity requires such action by the Federal Government.

The time has arrived for the Nation to assume the responsibility for the Mexican Treaty water burden on the Colorado River. A first step in this direction is the enactment of sections 202 and 401 of H.R. 3300 which express the intent of the Congress to make the responsibility a national obligation with the cost thereof to be paid by the United States. This policy has ample precedent and is in the best interests of the Nation, the region, and the States.

H.R. 3300 authorizes additional development in both the Lower and Upper Colorado River Basins. In the lower basin, it authorizes the central Arizona project, which will be discussed in detail by others. The controversial Colorado River dams have been eliminated from the plan at this time and the stretch of the river between Hoover Dam and Glen Canyon Dam has been removed from the jurisdiction of the Federal Power Commission, thus reserving any decision with respect to possible further water development for later action of the Congress. These dams were originally proposed by the administration, and when the administration reversed its position, the committee removed them from further consideration.

The Hooker Dam project is included in this legislation to provide the storage necessary for downstream flood protection on the Gila River, and to permit New Mexico to use at least 18,000 acre-feet of water pursuant to its agreement with Arizona. The present Hooker Dam plan is based on reconnaissance studies many years old. The studies need to be updated, giving consideration to all new and pertinent information. The flexibility needed for modifying the plan on the basis of the further studies is provided by the inclusion in the legislation of the words "or suitable alternative" following the language which authorizes

Hooker Dam and Reservoir. In restudying this feature, the Secretary should give consideration to all the usual factors that go into determining the most feasible development.

H.R. 3300 provides a statutory formula to cope with the years of water shortages on the Colorado River. Under this formula, California water users will be given a priority to 4.4 million acre-feet of water ahead of deliveries of main stream water to the central Arizona project. It should be pointed out, however, that California is presently using about 5.1 million acre-feet and California will have to bear the first cutback in water use. This limitation on diversions by the central Arizona project would be inoperative in any year in which the lower Colorado River has sufficient water to supply the Mexican Water Treaty entitlement plus 7.5 million acre-feet annually for consumptive use from the mainstream in Arizona, California, and Nevada.

The matter of water deliveries in the lower basin in water-short years is a problem which the Supreme Court turned over to the Secretary of the Interior. The formula which the committee has developed and written into this legislation resolves this troublesome problem. This matter, of course, was very controversial between Arizona and California. However, the formula which has been developed has been agreed to by representatives of both States.

To help finance the central Arizona project, the previously authorized Dixie project, and future augmentation works, H.R. 3300 provides for establishing a development fund. The revenue sources for this fund, in addition to the central Arizona project and the Dixie project, are the Hoover and Parker-Davis projects and the Pacific Northwest-Pacific Southwest power intertie.

The upper basin projects included in H.R. 3300 for authorization are the Animas-La Plata project in Colorado and New Mexico and the Dolores, Dallas Creek, West Divide, and San Miguel projects, in Colorado. These five projects, taken together, are estimated to cost $392 million. They are all multiple-purpose projects for irrigation, municipal and industrial water supply, flood control, recreation, and fish and wildlife enhancement. They have all been determined to be economically and physically feasible and much-needed in the areas which they will serve. All five projects have favorable benefit-cost ratios with the composite benefit-cost ratio for the five projects combined determined to be 1.68 to 1. These upper basin projects will be financed through Colorado's entitlement from the Upper Colorado River Basin fund established in 1956 by the Colorado River Storage Project Act.

ANIMAS-LA PLATA PROJECT

A dependable water supply is the most urgent need of the Animas-La Plata project area. It is essential to expansion of the irrigated area, to stabilization of agriculture on the presently irrigated area, and to the continuing development of other resources. Because of the great seasonal and yearly fluctuations in riverflow, the additional water needed can be obtained only through construction of regulatory reservoirs.

Practically all the land now irrigated is in need of supplemental water in the late growing season. Good quality lands without irrigation are idle or, under dry farming, are producing only a small part of their potential. Dry farming is a speculative venture and many man-years of low rainfall investments in dry farming are almost totally lost. Because of shortages of feed, the livestock industry on which much of the area is economically dependent is at a standstill. With the limited crop production winter feeds are in short supply and national forest and Taylor grazing lands are used to capacity. High transportation costs make it impractical to import additional feed into the area. Many farmers work off the farm part time to supplement their income. As a result, a growing number of small farms are inefficiently operated.

When the Animas-La Plata plan was developed in 1962, the project was designed to serve primarily irrigation needs. However, in the period since the 1962 plan was formulated, a need for larger quantities of municipal and industrial water in an area serviceable by the project has become evident. Interest in obtaining water has been expressed by a number of New Mexico communities extending from Aztec on the Animas River through Farmington at the junction of the Animas and San Juan Rivers and downstream along the San Juan River through Kirtland, Fruitland, Waterflow, and Shiprock. Farmington plans to extend its municipal water system to include these downstream communities. Active interest has also been shown in obtaining water for uses associated with development of the extensive bituminous coal deposits underlying large areas of the La Plata River Basin and the adjacent Mancos River Basin to the west. The Peabody Coal Co. and the Pittsburgh and Midway Coal Mining Co. are separately exploring the feasibility of a large coal-fueled powerplant that would utilize coal from the La Plata coalfield near the Colorado-New Mexico State line. The Peabody Coal Co., has expressed an interest in obtaining 30,000 acre-feet of water annually for cooling purposes at that location. Any development there would involve lands owned by the Southern Ute Indian Tribe. The Ute Mountain Indian Tribe has coal deposits on its lands in Colorado in the service area of the Animas-La Plata project. Other potential needs for municipal and industrial water in the project area are associated with natural gas, oil, and other mineral resources recreational attractions, and the trend toward more intensive farming in the raising of vegetables and fruit in the New Mexico portion of the area and dairying in the Colorado portion.

The 1962 project plan for the Animas-La Plata project has been modified to meet the growing requirements for municipal and industrial water.

The estimated cost of the project is $115,880,000. It is economically and physically feasible with a benefit-cost ratio of 1.64 to 1.

THE DOLORES PROJECT

A dependable water supply through development of additional storage regulation is the most urgent need for continued growth of the Dolores project area. The water demands cannot be met by direct flows and the limited storage supplies presently available.

Additional irrigation water supplies are needed to stabilize and expand agricultural development. Lands in the Dove Creek area, which are now dry-farmed, produce only a part of their full potential because of the farmers' dependence on rainfall for moisture. In years of adequate rainfall, yields are good and the farmers prosper, yet in years of drought, which frequently occur, the lands produce barely enough to offset farming expenses. Although much of the Montezuma Valley area is irrigated, the irrigation supply fails to meet requirements and sufficient feeds are not available for the livestock industry. In the Towaoc area, a part of the Ute Mountain Indian Reservation, the sage-covered lands are usable only for sparse grazing. Indians on the reservation are forced to hire non-Indian operators in adjacent areas to raise much of their livestock feed supply.

Communities in the project area, particularly Dove Creek and Cortez, anticipate a need for additional water for future growth. Dove Creek's present supply is excessively costly because of high-head pumping involved in securing water from the Dolores River, and any development of additional supplies without project development would be equally as expensive. Without the Dolores project, it will be necessary for Cortez to acquire water which is currently used for irrigation and to construct storage facilities. Not only would such action be costly to the city but it would take valuable agricultural land out of production.

The estimated cost of the Dolores project is $53,850,000. It is economically and physically feasible with a benefit-cost ratio of 1.72 to 1.

THE DALLAS CREEK PROJECT

In the Dallas Creek project irrigation service area there is an urgent need for additional and dependable irrigation supplies to improve and stabilize the economy of the farmers and of related service industries. At the present time the late-season water shortages on irrigated lands commonly result in crop failures. Dryland farming is practiced to a limited extent but results are uncertain. Large acreages of land once cleared for dry farming at considerable expense are no longer farmed because of frequent crop failures due primarily to insufficient rainfall. Decreases in grazing privileges on public lands in recent years have adversely affected some livestock operations and increased the need for more farm-grown feed. Many of the farmers have depressed living standards because of limited agricultural production.

Additional municipal and industrial water is needed to meet existing and anticipated needs of local communities and to provide a safe and convenient supply for surrounding rural areas. The need for additional water in the communities is accentuated by the population growth anticipated for them in the years ahead. The already important recreational attractions of the area will soon be greatly increased with completion of the Curecanti unit of the Colorado River storage project. Local industrial development also is expected to be stimulated by electric power from the Curecanti unit and other units of the storage project. Growth in the area will almost certainly result from the new power operations center at Montrose, Colo. Development of the authorized Fruitland Mesa and Bostwick Park projects and of the Dallas Creek project itself, if authorized, would increase agriculture and would improve recreational and fish and wildlife attractions, further stimulating growth of the general area.

Control of floodlands of the Uncompahgre River is needed to prevent the inundation of farmlands and frequent channel changes that now occur during the spring snowmelt period and during heavy rainstorms which usually occur in the late summer.

The estimated cost of the Dallas Creek project is $42,310,000. It is economically and physically feasible with a benefit-cost ratio of 1.70 to 1.

THE WEST DIVIDE PROJECT

Additional water is the most urgent need of the project area, both for agriculture and as a reserve for municipal and industrial use.

Because of inadequate irrigation supplies, agriculture incomes in the project irrigation service area on the south side of the Colorado River are unstable and many farm operations are marginal. Less than half of the arable lands are irrigated. Even lands with high-priority water rights often have late-season water shortages and lands with low-priority water rights receive almost no irrigation water in drought years. Recent decreases in grazing permits on public lands have aggravated the agricultural problems and forced a number of farmers to reduce their livestock herds and sell or abandon their farms. An increased supply of irrigation water made dependable by reservoir storage, such as would be provided by the West Divide project, would alleviate the farm problems and provide a base for an expanded and more prosperous agriculture.

Important as is the need for irrigation water, an even greater need appears to exist for municipal and industrial water in connection with the oil shale potentialities. Large water reserves are essential to the processing of the shale oil on a commercial basis and to the establishment of urban complexes to support the large influx of industrial workers and their families that would necessarily accompany the industrial development. Municipal water also is urgently needed to support suburban and recreational areas rapidly expanding in the eastern portion of the project area southward from Glenwood Springs and in the vicinity of Redstone, Colo.

The estimated cost of the project is $106,580,000. It is economically and physically feasible with a benefit-cost ratio of 1.86 to 1.

THE SAN MIGUEL PROJECT

An expansion of the agricultural base is urgently needed to offset the fluctuating and currently depressing effects of the mining industry on the general economy of the San Miguel project area. New agricultural development would create new settlement opportunities, more work on existing farms, and employment in related service industries. Such development would be a boon to the area's younger generation seeking job opportunities and to many now in the labor force with uncertain futures in the mining industry.

Improved control of San Miguel River flows is desirable to firm the water supply for industrial expansion and associated municipal water needs. Interest has been shown in obtaining regulated water supplies near the Nucla coal reserves to stabilize and expand present operations to meet continuously increasing power requirements. Interest has also been expressed in the establishment of a wood pulp or pulp and paper mill to utilize the products of nearby forests. Development of the area's potash reserves and the use of water in secondary oil and gas recovery operations represent other potential water needs.

The growing number of tourists in the project area is creating a need for water recreation areas such as would be provided by the San Miguel project. Reservoir areas would help fill the demand for fishing, picnicking, and other outdoor recreational opportunities.

The estimated cost of the project is $73,140,000. It is economically and physically feasible with a benefit-cost ratio of 1.42 to 1.

One final matter with which H.R. 3300 deals relates to operation of Federal works on the river—particularly at Glen Canyon Dam and Hoover Dam. Operating criteria are to be established which assure equitable treatment of all seven States of the basin now and in the future. In the preparation of the reservoir operating criteria, and in their execution, certain priorities shall govern the storage of water in reservoirs of the Colorado River storage project and releases of water to the lower basin at Glen Canyon Dam.

The language expressed in title VI constitutes a fair and reasonable solution to the problem of protecting the future water resources development of the four upper division States, and also providing for the use of the water in the lower division States until the water is required upstream. This should result in the greatest beneficial use of the available water.

This language clearly protects the rights of the upper basin to the consumptive use of water apportioned to it from the Colorado River system by the Colorado River Compact against any claims to the use of that water over either a short term or long term by water users in the Lower Colorado River Basin.

Mr. Chairman, while the $1.286 billion, which is the estimated cost of all the Projects in H.R. 3300, is a high price tag. I want to point out that $1.156 billion, or 90 percent, will be repaid. I also want to point out that this is a long-range program—10 to 15 years or more—and that the fund needs in the first few years will be relatively small.

Mr. Chairman, I recognize full well the fiscal crisis which this Nation is experiencing at the present time. However, I don't believe this should be considered a serious obstacle to the authorization we are requesting. Only relative small amounts, starting with around half a million dollars will be needed for the studies, costing in total only about $10 million, and, as already indicated, the early funding needs for the projects, if it is possible to start them, will be small. In addition, even if delays in construction are necessary, the existence of authorizations such as this is the best means of picking up the slack in the economy when there is a cessation of hostilities and the economy begins to sag. The understandings that are embodied in this legislation and the procedures that will be set in motion by its enactment are so very important that this legislation must not be held up for economic reasons.

In closing my statement, Mr. Chairman, let me quote the late Senator Bob Kerr:

> Prosperity does not really come from our automobile factories, steel plants, railroads, and other elements of our industrial processes. Prosperity comes instead from the land, the woods, and the waters of this land.

I urge my colleagues to support this important and far-reaching legislation.

Mr. SAYLOR. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I rise in opposition to H.R. 3300, a bill to authorize the construction, operation, and maintenance of the Colorado River Basin project, as amended and reported by the House Committee on Interior and Insular Affairs.

I am opposed to the bill because the approach of this legislation goes far beyond what is justifiable, necessary, and reasonable at this point in the development of the water resources of the Colorado River. The approach of H.R. 3300 in attempting to resolve the multitude of water problems of the Southwestern United States results in its highly controversial provisions which affect the people of the other several States of this Nation.

I do, however, support the authorization of the central Arizona project in Arizona and New Mexico, which is the original and underlying purpose of H.R. 3300. I support the authorization of the central Arizona project because the people of the State of Arizona are entitled to the use of 2.8 million acre-feet of Colorado River water as adjudicated by the Supreme Court of the United States in *Arizona* v. *California, et al.* 373 U.S. 546 (1963).

In support of this position I shall offer at the appropriate time an amendment in the nature of a substitute for H.R. 3300, which authorizes the central Arizona project without the extorted provisions contained in H.R. 3300. The substitute which I shall offer is similar to legislation which has passed the other body.

The central Arizona project has had a long and troubled history. Bills to authorize construction of the central Arizona project were first introduced in the Congress in 1947–48.

Hearings on this legislation have always centered on the legal rights and availability of water. In 1951, I offered the motion which resulted in the committee's action that sent the States of Arizona and California into the Supreme Court to decide these questions.

Arizona won the lawsuit. Arizona won it fairly and handsomely. Arizona is entitled to the fruits of that victory without the extorted provisions and conditions imposed upon Arizona by California, Colorado, and the other basin States as contained in H.R. 3300.

H.R. 3300, with its many direct authorizations, its open-ended authorization, its limitations, protections, conditions, exceptions, and consent for suit against the United States, seriously opens to question the basic purpose and merits of this legislation.

H.R. 3300, as amended and reported by the House Committee on Interior and Insular Affairs, constitutes an unreasonable demand upon the people of the State of Arizona, as the price they must pay to the other basin States for their support of the central Arizona project. Arizona should not be required to pay a price as the result of her victory in the Supreme Court of the United States.

Nor should the Congress of the United States require Arizona to pay this ransom by authorizing the Colorado River Basin Project Act. The Congress should not be placed in this position because in the gathering storm underlying this legislation hangs the future of the Federal reclamation program. The importance of this Federal program to the future of this Nation and its people cannot be overstated. Its curtailment or nonexistence is obvious.

Notwithstanding these matters of national interest and concern, the other basin States insist upon eviscerating Arizona's Supreme Court victory as their price for supporting the authorization of the central Arizona project. Faced with such opposition, Arizona has unwillingly and reluctantly accepted the provisions of H.R. 3300, which provides:

First, a guaranteed priority to the State of California in perpetuity of 4.4 million acre-feet of water each year—an amount to which California is entitled only if there is 7,500,000 acre-feet available in the mainstream of the Colorado River below Lee Ferry, but not otherwise;

Second, that satisfaction of the requirements of the Mexican Water Treaty constitute a national obligation and the first obligation of any water augmentation project;

Third, provisions providing for the augmentation of the water supplies of the Colorado River based upon studies the expenses of which shall be borne by all the States; and

Fourth, provisions which authorize new projects in the upper basin and guarantee that their future water needs are not endangered in any way.

H.R. 3300 is similar to H.R. 4671, a bill also cited as the Colorado River Basin Project Act, which was reported by the committee during the 89th Congress. H.R. 4671 was not acted upon in the 89th Congress for at least two reasons: First, the highly controversial provisions which included the authorization of dams in the Grand Canyon; and, second, a withdrawal and breach by the other basin States of their agreement with Arizona.

Immediately after the 90th Congress convened, bills were again introduced in both Houses to authorize the central Arizona project and the Colorado River Basin project. In the hearings before the committee on H.R. 3300, Arizona testified that she could not wait to solve all the water problems of the Southwest. And, in reference to H.R. 4671 of the 89th Congress, Arizona testified:

> It was large, it was expensive, and it was ambitious. And, we regret to say, it was highly controversial. It included some elements which continue to be controversial—elements flatly unacceptable to some segments of the public.

In response to a California comparison of H.R. 3300 and H.R. 4671, Arizona responded in part:

> We think realistically, if we are to get the Central Arizona Project and go forward on the water needs of the region, that we have to have something that is reduced in scope.

The pleas of Arizona were for naught as the other States of the basin insisted on dictating a bill which would attempt to solve many of the present and future water problems of the entire Southwest. In doing so, the other States of the basin have assumed a congressional responsibility to allocate shortages of water in the Colorado River Basin in a self-serving way.

A comparison of H.R. 3300, as reported, and H.R. 4671, as reported in the 89th Congress is most interesting.

H.R. 4671 was regional in scope and raised a number of issues of national concern. This bill included authorization of the central Arizona project; establishment of a National Water Commission; provisions for augmentation studies, including studies of transbasin diversions of water; provisions making the Mexican Water Treaty a national obligation and satisfaction of the treaty requirements from water to be imported from other river basins; authorization of Hualapai and Marble Canyon Dams; establishment of a basin development fund; provision for a 4.4 million acre-feet guarantee to California; authorization of participating projects in the upper basin; and various other provisions reflecting the results of interstate negotiations.

H.R. 3300, as amended and reported, is by comparison a bill which is regional in scope and raises a number of issues of national concern. The bill includes the authorization of the central Arizona project; provisions for augmentation studies, including studies of transbasin diversions of water; provisions making the Mexican Water Treaty a national obligation with satisfaction of the treaty requirements the first obligation of water to be imported from other river basins; establishment of a basin development fund; provisions for a 4.4 million acre-feet guarantee to the State of California in perpetuity; authorization of numerous projects in the Upper Basin; and various provisions reflecting the results of interstate negotiations.

H.R. 4671, as reported in the 89th Congress, involved Federal expenditures of $1,756,438,000. This figure did not include the costs of studies and importation works factually estimated to cost an additional $8,000,000,000.

H.R. 3300, as reported in this 90th Congress, involves Federal expenditures conservatively of approximately $1,286,000,000. This amount does not include the costs of the studies for importing 2½ million acre-feet of water for satisfying the requirements of the Mexican Water Treaty, or the costs of the associated studies, plans, and reports.

This comparison reveals very little difference between H.R. 4671 of the 89th Congress and H.R. 3300 of the 90th Congress. Despite her plea, Arizona is again being required to bear the burden of an expensive, ambitious, and controversial regional water plan under the guise of basinwide support for the central Arizona project. Moreover H.R. 3300 as amended and reported by the Committee on Interior and Insular Affairs, goes far beyond the recommendations of the administration in support of this legislation.

The issue of water availability for the central Arizona project was again the major consideration during the committee hearings on this legislation. The other basin States have consistently maintained there is not sufficient water available to authorize an economic and financially feasible central Arizona project.

The committee concluded in reporting similar legislation during the 89th Congress that a full water supply from the Colorado River will be available for the central Arizona project until some time during the decade 1990–2000.

In reporting H.R. 3300, the committee arrives, on page 40 of the committee report, at a somewhat different conclusion, which is a follows:

> 4. Based upon the studies that have been examined by the Committee and its staff, the Committee believes that 1,200,000 acre-feet can reasonably be expected for the Central Arizona Project until sometime during the decade 1985–1995.

The committee report on H.R. 3300 gives no explanation or reason for the different conclusion on this point in reporting this legislation to the 90th Congress. However, testimony by the Department of the Interior before the committee on water available for the central Arizona project clearly established, first, that the testimony of the Department of the Interior pertaining to Colorado River water supplies was based upon detailed and complete studies; and second, that those studies clearly show a full water supply available for a feasible central Arizona project until the period 1990–2010.

It is interesting to note that the other basin States consistently attempted to impeach the validity of the studies performed by the Department of the Interior on the basis of different conclusions by other independent studies. This is most interesting because the same basin States insist on the inclusion of the controversial provisions of title II of H.R. 3300 which require the Department of the Interior to prepare reconnaissance and feasibility studies and investigations providing for augmentation of the water resources of the Colorado River.

Title II of H.R. 3300, in my opinion, duplicates already existing authority for comprehensive regional and river basin planning, including transbasin diversions of water. Such authority already exists in the Water Resources Planning Act—Public Law 89-90, 79 Stat. 244. And, notwithstanding the fact that I am a member of the loyal opposition, I must agree with the testimony of the administration on this point, that the National Water Commission, established pursuant to bills which have passed both Houses of this Congress, "is the appropriate entity to undertake an evaluation of basic issues relative to Colorado River water supply problems."

The provisions of title II of H.R. 3300 are so controversial that they should be stricken from the bill. The reasons for striking these highly controversial provisions are simply: First, the authority to conduct the type of studies authorized by H.R. 3300 already exists as has been previously pointed out; second, the committee did not have available the preliminary information or cost analysis to justify authorization of the study provisions of title II; and third, the Congress does not have available the necessary information as to costs of the studies authorized in title II to justify their authorization.

One other important point should be carefully observed concerning title II of H.R. 3300, and that is that the study provisions therein make the responsibility of augmenting the water supply of the Colorado River and the costs associated therewith a Federal responsibility to be paid for by all the taxpayers of the United States and not a responsibility, fiscal or otherwise, of the Colorado River Basin States.

This Federal responsibility to augment the water supply of the Colorado River was most cleverly created and designed by the Colorado River Basin States to arise from the requirements of the Mexican Water Treaty.

The provisions of section 202 of H.R. 3300, which declare that the satisfaction of the burdens of the Mexican Water Treaty constitute a national obligation raises an issue of national concern to the States of this Nation lying outside the Colorado River Basin.

This provision of H.R. 3300 will shift the burden of the Mexican Water Treaty from the Colorado River where it belongs to the other States of this Nation, where it does not belong, and at the expense of the people of the United States who should not bear it.

The position of the seven Colorado River Basin States on this issue is quite clear and has been proudly stated in this matter:

> In our bill last year we had a little feature that went almost completely unnoticed, and there was little controversy about it. That feature provided that the federal government would assume the Mexican Treaty burden, picking up the tab for the first 2.5 million acre-feet of augmentation of the river. That little item, all by itself, could mean perhaps about $2.5 billion to the states of Colorado River Basin, the equivalent of about two Hualapai Dams. I think such a transfer of that burden is still possible and ought to be getting our maximum attention and effort. I think that what we can do for ourselves in this area is a lot more important than grousing about the loss of those two dams.

The logic of the Colorado River Basin States in attempting to shift the burden of the Mexican Water Treaty is most interesting. The basin States have started from the premise that the Colorado River is a river short of water. They then concluded that the reason the river is short of water is because the satisfaction of the burdens of the Mexican Water Treaty is a requirement of the river. The basin States then concluded that this burden is a Federal requirement placed there by Federal authority and therefore not the responsibility of the Colorado River Basin States.

It was then concluded that if the river is to meet the future consumptive uses of an economically expanding area, augmentation of the water supply of the Colorado River is mandatory. The question then followed as to how augmentation could be accomplished and at whose expense.

Title II, section 202, is the result of that logic and concludes that since the Federal Government burdened the river with the requirement to deliver 1.5 million acre-feet of water annually, plus losses, to the Republic of Mexico, the Federal Government should therefore assume this obligation and be responsible for augmenting the water resources of the Colorado River and the costs associated therewith.

The Colorado River Basin States, all of them, knew as early at 1922, at the time of the Colorado River Compact, that the Republic of Mexico had been using and was entitled to the use of the water in the Colorado River. They have all known since 1944, when the Mexican Water Treaty was ratified, precisely what amount of water that would be.

The discussions of water for Mexico occupied a prominent part in the negotiations for the compact between the basin States. Now, the Colorado River Basin States have concluded that the apportionment of Colorado River water to Mexico under the treaty was done on the basis of a mistake in judgment as to the amount of water in the Colorado River.

The Colorado River Basin States have thus stated, a fortiori, the Federal Government has a responsibility to correct this mistake in judgment and should do so by assuming the obligations of the Mexican Water Treaty.

With this logic I cannot agree. This shallow reasoning covertly attempts to saddle the other States of the Nation with the costs of studying, planning and augmenting the water supply of the Colorado River as a Federal responsibility and not a responsibility of the seven basin States.

Assuming the Mexican Water Treaty may have been negotiated on the basis of a mistake in judgment as to the amount of water available for delivery to Mexico, such mistake appears to be a unilateral mistake to which the seven States of the Colorado River Basin long ago assented. There is no evidence of a mutual mistake of fact in the negotiation of the Mexican Water Treaty which in equity might call for the rescission or renegotiation of this agreement. The burdens of the Mexican Water Treaty should not now be the subject of internal unilateral negotiation.

The Mexican Water Treaty is as much a fact of life for the States of the Colorado River Basin as it is for the Federal Government. The treaty is as much a part of the "law of the river" to which the basin States pledge their allegiance day in and day out, when it suits them to do so—as is the geology of the area or the paucity of precipitation that is one of its characteristics. And, the basin States ought to have planned accordingly.

If there were no Mexican Treaty and these States were planning a project to import 2,500,000 acre-feet of water into their basin to bolster their water-short economy, there is no question but that they would be obligated to pay for it. The case is no different here. For what absolving them from the burden of the Mexican Treaty means is that they will have 2,500,000 acre-feet of water more than they now have to bolster that same economy. They should be required to pay for it either out of power revenues or from taxes on themselves or by some other means, and project planning should be required to proceed on the assumption that they will have to do so.

The bill, as amended, goes further than this. It is abundantly clear that all costs associated with bringing these 2,500,000 acre-feet of water into the Colorado Basin will be nonreimbursable, but the bill is seductively vague on how the costs of the other investigations and studies will be allocated. Absent anything in the bill to the contrary, I read this as an invitation to assign all the basic costs of the works to satisfying the Mexican Treaty requirement. I read it, in other words, as an invitation to load on the American taxpayer not only the Mexican Treaty's proportionate share of the cost of the importation works but a good deal more than this in addition. This is unjustified.

Title V of H.R. 3300, which authorizes participating projects in the Upper Colorado River Basin is another feature of this bill which I oppose.

The authorization of these upper basin participating projects and the inclusion of a number of provisions affecting the Upper and Lower Colorado River Basin relationships constitute the ransom extorted by the States of the Upper Colorado River Basin as their price for supporting the authorization of the central Arizona project.

Considerable testimony before the committee concerned the availability of water and the rate of upper basin depletions which would occur by the authorization and construction of the upper basin projects. As a result of the time consumed on the rate of upper basin depletions, the committee received little or no testimony concerning the economic or financial feasibility of the upper basin projects.

In authorizing these upper basin projects, H.R. 3300, again goes far beyond the position of the administration in support of this legislation. In transmitting the planning reports on these projects to the

Congress, only two projects were recommended by the administration for authorization. The Bureau of the Budget has recommended deferral of three other projects pending the establishment of a National Water Commission and completion of its review of water problems.

In view of the position of the administration, and the lack of testimony before the committee on the economic and financial justification of these upper basin projects, these projects should not be authorized by H.R. 3300. Authorization of the upper basin projects without detailed testimony on their economic and financial feasibility is, in my opinion, an outstanding example of improper water resource development planning.

Mr. Chairman, proper water resource development and planning has long called for the authorization of the central Arizona project in Arizona and New Mexico. The need for the authorization of the central Arizona project has long been known. It is needed to maintain the existing economy of Arizona and to supply the needs of growing municipal and industrial uses.

It follows, Mr. Chairman, that the next logical step in the water resource development of the Colorado River Basin is the authorization, construction, operation, and maintenance of the central Arizona project.

H.R. 3300 does not, in my opinion, present a long-range regional water development plan based upon completed studies and reports so important for intelligent water resource planning. If this Nation is to have a viable Federal reclamation program in the future, if we are to encourage progress in the economic development of the Southwestern United States, we must proceed at a pace in which this Nation and its people have the capacity to perform. I suggest, therefore, that in the absence of the detailed studies and reports authorized in H.R. 3300, that we proceed one step at a time and authorize the central Arizona project.

Mr. ASPINALL. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. JOHNSON].

Mr. Chairman, will the gentleman yield to me?

Mr. JOHNSON of California. I yield to my chairman.

Mr. ASPINALL. Is it not true that the bill that was passed over from the other body last year is a much more expensive bill than this particular legislation now before the House?

Mr. JOHNSON of California. Yes, it was.

Mr. ASPINALL. Is it not also true that that which is proposed in the House bill is at least $50 million less than which was proposed in the other body, just for the central Arizona project, last year because of the fact that we have reduced the aqueduct from a 3,000-cubic-feet-per-second time to 2,500-cubic-feet-per-second time?

Mr. JOHNSON of California. That is right.

Mr. ASPINALL. May I ask, also, is it not true that we have never stated that the central Arizona project itself is not a financially feasible project? In fact, in the report on page 40, paragraph 9, we show it is a financially feasible one but also go further and state that there will not be any water for this project a few years after the cost of the project has been repaid? Is that not true?

Mr. JOHNSON of California. That is correct.

Mr. ASPINALL. Is it not also true, Mr. JOHNSON, the conferees of the Colorado River compact sitting in Santa Fe, N. Mex., and other places, came to the conclusion that there was a minimum of 16.5 million acre-feet of water in the river annually?

Mr. JOHNSON of California. That is the figure that was considered at that time.

Mr. ASPINALL. And they also went further and made provision in the compact to divide the surpluses which would be in excess of that.

Mr. JOHNSON of California. That is true.

Mr. Chairman, it has been my privilege, as chairman of the Subcommittee on Irrigation and Reclamation, to conduct the hearings and preside over the committee's consideration of the legislation we bring before the House today.

The Interior and Insular Affairs Committee has given more time and more study to this legislation than to any other legislative matter we have considered in recent years.

During the time the committee has had this legislation under active consideration, the States of the Colorado River Basin have been negotiating with respect to its provisions, and these negotiations, of course, had an important bearing on the language finally approved.

Each of the States has made important concessions in order to obtain a bill that is acceptable to the States and the Nation.

H.R. 3300 has the endorsement of all of the Colorado Basin States with the exception of Wyoming.

However, we believe that the bill provides adequate protection for Wyoming as well as the other basin States.

The committee-approved legislation also has the endorsement of the Department of the Interior and the support of the administration.

Mr. Chairman, as chairman of the subcommittee that handled this legislation, I would like to briefly review some of the more important provisions of the bill.

It is significant, I believe that title I states that the objective of this legislation is to provide for the comprehensive development of the water resources of the Colorado River Basin, including provision for additional and adequate water supplies throughout the basin.

This statement of purpose establishes this legislation as the key to future development of the water resources throughout the western part of the United States.

Title II covers the investigations and planning required to carry out the objective just stated.

The studies in section 201 are to be conducted by the Secretary of the Interior under general criteria established by the Water Resources Council and in consultation with the affected States.

A reconnaissance report considering future water requirements and all alternative ways of meeting these requirements, including weather modification, desalination, and importation, is due in 1973.

A limited feasibility study for 2.5 million acre-feet per year would be completed in 1975.

These dates will allow for congressional consideration of the results of the Federal-State studies now under way throughout the West, State water plans, and the policy recommendations of the proposed National Water Commission.

H.R. 3300 recognizes that the Mexican Water Treaty is a national obligation and not that of the Colorado River Basin States.

The Colorado River portion of the Mexican Water Treaty did not provide any benefit to these States.

The history of the Mexican Water Treaty shows that the overriding issue during negotiation was to have the treaty ratified prior to the United Nations organizational conference of 1945.

National interest required passage of this treaty so that the United States could successfully pursue other international issues of importance to the Nation.

Thus, the treaty was entered into by the United States in the interests of international comity and to enhance the Nation's position of world leadership.

If, on the basis of the studies provided in this legislation, augmentation works are found to be feasible and are later authorized by Congress, the cost assigned to delivering water necessary to meet the Mexican Water Treaty will be made nonreimbursable.

Section 203 is included to provide protection for States or areas of origin in the event a plan is prepared for interbasin diversions into the Colorado River system.

This protection is provided in the strongest language which the committee could develop.

States that are potential areas of export are fully protected in the following four ways:

First. Providing for a determination of the ultimate water requirements of areas of origin, including not only consumptive use requirements but all requirements such as navigation, power, and pollution control;

Second. Giving the States of origin priority of right in perpetuity;

Third. Requiring the Secretary to make sure that water supplies shall be available for use in the States of origin to satisfy their ultimate requirements at prices to users not adversely affected by exportation of water to the Colorado River system; and

Fourth. Stipulating that no recommendation for import can be made by the Secretary of the Interior unless approved by the States affected by the exportation from their areas.

Title III of H.R. 3300 provides for authorization of the central Arizona project and includes language for protection of existing uses.

The central Arizona project will be fully described by others and I shall not discuss it further except to say that the committee concluded that the central Arizona project is urgently needed, is, in effect, a rescue operation, and should be constructed at the earliest possible date provided this is accomplished by the immediate initiation of meaningful studies to find new sources of water.

Power for pumping will be furnished from thermal power sources, with the Secretary of the Interior acquiring the right to capacity in a new large thermal plant by prepayment of the costs of a portion of such plant.

The central Arizona project is estimated to cost $779 million.

Section 301 has the effect of implementing the Supreme Court decree in Arizona against California by providing a statutory formula to cope with years of water shortage in the Colorado River.

That decree directs the Secretary to first satisfy pre-1929 rights and to allocate the remaining available water in accordance with applicable law.

This section writes the applicable law which the Secretary would have to follow.

The bill provides that when there is insufficient water, existing rights in the three States must be honored, and diversions for the central Arizona project be curtailed if necessary to accomplish this, but protection to California users is limited to 4.4 million acre-feet per year.

California has used 5.1 million acre-feet per year and has built works to divert the 5.4 million acre-feet per year included in its contracts with the Secretary of the Interior.

Thus the first impact of shortage will require California to reduce its use by up to 700,000 acre-feet per year.

The next impact of shortage will fall on Arizona.

Title III also includes special provisions for the benefit of the Indians in connection with the acquisition of Indian lands for project uses.

Section 304 relates to water contracts and places strict limitation on water use in connection with the central Arizona project.

The committee feels very strongly—and the legislation provides—that no water shall be used to bring any new agriculture lands into production.

This section also provides for construction of Hooker Dam or a suitable alternative and for additional uses in New Mexico.

Section 305 provides that water made available to the States of Arizona, California, and Nevada by augmentation, within the limits of 2.8 million acre-feet, 4.4 million acre-feet, and 300,000 acre-feet respectively, will be furnished to users at the same cost and on the same terms that would have applied if mainstream water had been available.

This provision, of course, is limited by the financial assistance available from the development fund and the satisfaction of the Mexican Water Treaty.

The Secretary, by section 306, is authorized to undertake a program for water salvage and groundwater recovery adjacent to the Colorado River, which will result in conserving an appreciable amount of water that is presently wasted.

Section 307 provides for reauthorization of the presently authorized Dixie project in Utah in order that it may receive financial assistance from the development fund established by this legislation.

Because of changes in plan and increased cost, the Dixie project authorization is increased from $42,700,000 to $58,000,000.

Title IV includes provisions for allocating cost and for repayment.

It also establishes the Lower Colorado River Basin fund to help finance the central Arizona project, the previously authorized Dixie project, and future augmentation works if they are found to be feasible.

The revenue sources for this fund, in addition to the central Arizona project and the Dixie project, are the Hoover and Parker-Davis projects and the Pacific Northwest-Pacific Southwest power intertie.

A financially sound development fund is critical to the success of any augmentation program and to resolution of the controversy over the sharing of the water shortages in the lower basin. Augmentation works will be expensive and beyond the ability of the water users in the basin to finance.

In recognition of the fact that the development fund should be dedicated primarily to future augmentation works, the committee provided that financial assistance to the central Arizona project from surplus revenues of the Hoover and Parker-Davis projects would be limited to that portion of such revenues derived from sale of such power and energy to Arizona.

H.R. 3300 also authorizes additional water resources development in the Upper Colorado River Basin by authorizing as participating projects of the Colorado River storage project the Animas-La Plata, Dolores, Dallas Creek West Divide, and San Miguel projects which together are estimated to cost $392 million.

The Uintah unit of the central Utah project is conditionally authorized.

Title V also deals with the financial problems created by the filling of Lake Powell and the resulting firm power deficiencies at Hoover Dam.

These provisions called for repayment to the Upper Colorado River Basin fund of the actual money expended out of the fund pursuant to the Glen Canyon filling criteria.

Title VI, while including certain administrative provisions, relates primarily to the establishment of guidelines for operation of the Federal reservoirs on the Colorado River in order to assure equitable treatment of all seven States of the basin.

All the Colorado River Basin States agreed to these provisions after long and arduous negotiations.

The committee believes that this language in title VI constitutes a just equitable solution to the problem of protecting future water development in the four upper division States and at the same time providing for the use of water in the lower basin States until it is required upstream.

It will establish a commonsense balance between the right of the upper division States to store water to meet future delivery requirements under the Colorado River Compact, and the lower basin's right to demand the release of water stored in the upper basin to meet lower basin consumptive uses.

Section 605 removes that stretch of the Colorado River between Hoover Dam and Glen Canyon Dam from the licensing authority of the Federal Power Commission, reserving decision with respect to any development on this stretch of the river for later action of the Congress.

This is the stretch of the river which included the controversial dams which have now been eliminated from the plan authorized in this legislation.

Mr. Chairman and Members of the House, the Colorado River Basin is living on borrowed time.

Its best chance for continued economic growth is through the enactment of H.R. 3300.

This legislation is so important and so urgent that it warrants your support even during this period of fiscal crisis.

The initial funding requirements are relatively small but the actions and procedures set in motion will mean much in terms of this Nation's future economic well-being.

I urge the approval of H.R. 3300 as amended by the committee.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HOSMER].

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman.

Mr. RHODES of Arizona. Mr. Chairman, as the senior member of the Arizona delegation in the House of Representatives, I would like to speak in support of H.R. 3300, as recommended by the Committee on Interior and Insular Affairs. As is the case with every piece of major legislation before the Congress—it is not a "perfect" bill, but having survived the give-and-take process of negotiation and compromise, it is a good bill. It is a bill which will go far toward bringing peace to the Colorado River Basin States—and will cause these States to join together to solve the long-time future water needs of the great Pacific Southwest area of our country.

I need not tell you the long and tortuous path which this legislation has traveled to finally reach the floor of this House for debate. Others have—or will—tell you of the geography, the history, and other pertinent matters relating to the Colorado River and its 242,000 square miles of drainage area. I need not even tell you the great need which my State has for what many have referred to as a "rescue" project. Even the bill's severest critics preface their remarks and criticism with the phrase: "I'm all for the central Arizona project itself, but—." On this subject even the minority views conclude with this comment:

> We agree that Arizona's needs for supplemental water from the Colorado River are most critical and will become more so as time goes on. We agree too, that to maintain the existing economy of Arizona and to supply the needs of growing municipal and industrial use, the Central Arizona Project should be authorized without further delay.
>
> We also believe the next logical step in the water resources development of the Colorado River Basin is the authorization, construction, operation and maintenance of the Central Arizona Project.

Others will tell you of problems of Utah, Colorado, and New Mexico which this bill seeks to resolve—and yet others will explain the important compromises laboriously negotiated between all basin States and representatives of the Department of the Interior on the technical matters embodied in title VI of the bill. But I want to discuss with you two important matters—one, a matter of particular concern to Arizona and California, and the other, a budgetary matter—of concern to the entire Nation.

First, let me review briefly the bitter fight between Arizona and California which has kept our two States at each other's throats over the Colorado River for almost 50 years. Even when Arizona finally ratified the Colorado River Compact between the States of the upper basin and the lower basin and entered into a contract with the Secretary of the Interior for 2,800,000 acre-feet of Colorado River water, California was successful in blocking passage of legislation here in the House which would have authorized construction of the central Arizona project. On April 18, 1951—on motion of the gentleman from Pennsylvania [Mr. SAYLOR]—the House Interior Committee, during deliberations on central Arizona project legislation which had already passed the Senate, adopted a resolution providing that consideration of further bills relating to the central Arizona project "be postponed until such time as use of the water in the Lower Colorado River Basin is either adjudicated or binding or mutual agreement as to the use of the waters is reached by the States of the Lower Colorado River Basin."

The history of our effort is discussed in the committee report as follows:

> Shortly after this resolution was adopted, an action was instituted in the Supreme Court of the United States by the State of Arizona against the State of California to obtain such an adjudication. The principal issue in this litigation concerned the relative entitlement of California and Arizona to the use of water from the Colorado River, Arizona alleging that, pursuant to the Colorado River Compact and the Boulder Canyon Project Act, Arizona was entitled to the beneficial consumptive of 2.8 million acre-feet of water each year from the Colorado River and that California's corresponding entitlement was limited to 4.4 million acre-feet.
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> The United States and Nevada intervened and, on the motion of California, New Mexico and Utah were added as parties in the case. The litigation was referred to a special master whose report was issued in December 1960. The opinion of the Supreme Court was rendered on June 3, 1963 (373 U.S. 546), and, 12 years after it began, the Court, on March 9, 1964, issued its decree (376 U.S. 340).
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> The Supreme Court findings are summarized as follows:
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> "The Colorado River Compact essentially divided the water between the Upper and Lower Basins, but it did not attempt to allocate water to individual States within either Basin. The Court held that neither the Compact, nor the law of prior appropriation, nor the doctrine of equitable apportionment controlled the division of Lower Basin water between the states of the Lower Basin, but that the Boulder Canyon Project Act authorized an apportionment of the lower Colorado River and hence must be used as a guide.
>
> "In ratifying the Boulder Canyon Project Act, California covenanted—by the Act of its Legislature—to limit its annual consumption of Colorado River water to 4,400,000 acre-feet plus one-half of any surplus. Under terms of the Act, Arizona and Nevada were allocated 2,800,000 and 300,000 acre-feet respectively, with Arizona to share any surplus equally with California with provision that should Nevada contract for 4 percent of the surplus, Arizona's share of such surplus would be reduced to 46 percent.
>
> "The apportionment of Lower Basin water was restricted to the main stream of the Colorado downstream from Lee Ferry within the United States. Each State retained exclusive use of its tributaries without charge to its apportioned water; consequently, the all-important use of the Gila River in Arizona was awarded to that State without charge against its main-stream entitlement—a key issue in the dispute.
>
> "The Secretary of the Interior, within the confines of the Act, has authority to allocate and distribute the waters of the main stream of the Colorado in water-short years, subject to power of Congress to enlarge or diminish his authority.
>
> "Indian reservations are given priority for water, dating from the time the lands in question became a part of the reservation."

Almost immediately following the issuance of the opinion in Arizona against California, legislation was again introduced in both Houses of the Congress to authorize the construction of the central Arizona project. But to our chagrin and great disappointment, California insisted that any acceptable central Arizona project legislation must contain a provision which would give California a priority of right in times of river shortages—limited, however, to 4.4 million acre-feet—which is about 700,000 acre-feet less than California is now using and is capable of diverting through existing facilities. Arizona took the position that this decision should wait until some time in the future when the shortage was imminent—and then be decided, as the Supreme Court had left it, by the Secretary of the Interior "under the circumstances then existing."

With the legislation stalemated in the House, the Senate in 1967 (S. 1004) recognized the equities on both sides of this issue and attempted to resolve it by giving California a priority to 4.4 million acre-feet for a period of 27 years from the date of the act. This Senate shortage formula was designed to assure repayment of the Metropolitan Water District bonds—issued to construct their great aqueduct from the Colorado River to the coastal plain of southern California—and would have provided a substantial period of time in which Arizona, California, the United States, and other Basin States could make and place in effect plans to provide supplemental water for the Colorado River Basin. However, this was completely unacceptable to California and her various interested water agencies. When the second session of this 90th Congress convened we appeared to be as far apart as ever in resolving this bitter issue.

On February 27 of this year, during the executive sessions held to mark up H.R. 3300 in the Subcommittee on Irrigation and Reclamation, the chairman of the Committee on Interior and Insular Affairs, the distinguished gentleman from Colorado, proposed a series of amendments in an effort to resolve this longstanding difference between Arizona and California. Arizona's two members of the subcommittee did not support that portion of the chairman's compromise which dealt with the 4.4 million acre-feet priority to California—and voted against the amendment. The Arizona representatives were the only members of the subcommittee to so vote and, as a consequence, the amendment to grant California a 4.4 million acre-foot priority was carried.

While this particular amendment did not meet with our approval, when considered along with the chairman's other amendments, it clearly does present a substantial improvement in the language previously contained in the California and Colorado bills. Thus once the amendment had been adopted, Arizona then considered the bill in its entirety, without undue emphasis on any one provision. When viewed in this light, the bill recommended by the committee contains so many substantial benefits for the State of Arizona that it will represent the greatest forward step for Arizona since statehood.

One of the key provisions of the bill is this provision:

> The Congress declares that the satisfaction of the requirements of the Mexican Water Treaty from the Colorado River constitutes a national obligation.

With this expression of good faith by the United States, the Federal Government may join with the basin States to find sources of augmentation. The problem now becomes one of finding the best and most economical means of augmentation—not just for the Mexican treaty, but for the ultimate future needs of the people of the Southwest.

The problem of dividing water shortages in the Colorado River becomes, to a great extent, academic if the Mexican treaty burden can be satisfied by augmentation. We are not dealing with the water supply of the river as it exists today nor as it will exist in the 1970's or in the 1980's. Shortages which will preclude the consumptive use of a full 7½ million acre-feet in the lower basin will not occur until development in the upper basin has progressed far beyond its present magnitude. Thus, there is time for the States and Federal Government to seek and find the most feasible means of augmentation to meet both the Mexican treaty requirement and added requirements for the States themselves. With the Mexican Treaty obligation satisfied, the day when there will no longer be sufficient water in the river to supply the consumptive use in the lower basin of a full 7,500,000 acre-feet per annum is postponed by many decades—and possibly forever.

Although a threat of curtailment of water supplies cannot be taken lightly, we in central Arizona do have an advantage over many other areas which look to only one source for their water supplies. The central Arizona project provides more latitude—more flexibility—than the customary municipal and industrial supply project or the customary agricultural project. In central Arizona, following completion of the project—although limited in quantity—we will have two, and in some instances, three sources of supply; namely, the Colorado River, the groundwater basins—assuming they are not totally depleted—and the surface waters of the Gila River and its tributaries. Thus, we can afford to take an occasional limited shortage of Colorado River which would, if it were the sole source of supply, be devastating to a municipal and industrial supply project and would be harmful to an agricultural project.

Implicit in the criticism voiced by those Arizonans who would have us stand and "slug it out" with California to the bitter end—and probably end up with no project at all—is the concept that in the absence of a 4.4 million acre-foot priority to California, shortages would be shared ratably between Arizona and California. Oddly enough, many people will versed in Colorado River matters seem to have this idea. In the case of Arizona against California and others, the special master recommended that should there be less than 7.5 million acre-feet available for consumptive use in the lower basin from the mainstream of the Colorado River, whatever water was available should be divided on the basis of forty-four seventy-fifths to California, twenty-eight seventy-fifths to Arizona, and three seventy-fifths to Nevada. The Supreme Court declined to accept the master's recommendation in this regard. In lieu thereof, the Supreme Court left this decision to the discretion of the Secretary, to be made in light of the circumstances and conditions at the time of the shortage.

Absent instruction from the Congress, the disposition of the available water is left to the discretion of the Secretary. Even in the absence of a statutory 4.4 priority to California, it is entirely possible that the Secretary might elect to award California 4.4 million acre-feet in times of shortage, and hence arrive at the same end that would result from enactment of H.R. 3300, as it is presently written. One basis for such a decision might be that the California projects are older and by "the law of the West" are entitled to such priority. Certainly California would so contend and might persuade the Secretary of the validity of such an argument. Also, California would probably argue to the Secretary that such an award should be made because, under the existing priorities within the State of California, the Metropolitan aqueduct—although providing municipal water—has the lowest or poorest priority. Thus, it would be pointed out to the Secretary that any reduction in California's allotment of 4.4 million acre-feet would represent a diminution of water available to people, whereas a reduction in the water diverted to central Arizona would result only in a reduction of water available to crops.

In my opinion, these are not valid arguments, and should not prevail. There are logical and convincing rebuttals. There are, moreover, arguments to be made which are more substantive in support of the proposition that Arizona—with the Colorado River system as its sole supply—should receive a full supply of 2,800,000 acre-feet annually, even in times of shortage. However, it would waste the time of this body were I to fully delineate the various arguments which might be presented to some future Secretary at some future time under future circumstances which we cannot now foresee. It is also futile to guess how this future Secretary would react to these arguments. Certainly, in the absence of instructions from the Congress, such as those contained in this bill, we can only guess at how shortages ultimately would be shared and whether Arizona would fare better at the hands of some future Interior Secretary than she does in H.R. 3300. Suffice it to say that there is no validity in the belief so widely held that in the absence of a shortage sharing formula such as that set forth in this legislation, Arizona can rely on a more favorable division.

I am convinced that H.R. 3300, as reported by the Committee on Interior and Insular Affairs, is essential and, on balance, beneficial to the future growth and economic prosperity of the State of Arizona. I feel that I would be doing my constituents and my State the greatest possible disservice were I to do other than lend H.R. 3300 my full support.

So—in summary on this important point—if it were a matter of free choice for me alone—or for the Arizona delegation alone—we would obviously prefer a bill which fulfills our every desire on every point in issue between the States. We would prefer the bill our way without any compromises—without any concessions to California or to the other basin States. But, gentlemen, I am realist enough—and have observed the time-honored processes of this great legislative body long enough to know—that such a bill has never been enacted into law. I am realist enough to "give" a little—for the support of our sister States in the Colorado River Basin. I am realist enough to know that this bill—if it is to pass this body with the substantial majority which it is entitled to receive—must remain intact—and must not be amended even to add further benefits for my own State.

Consequently, I respectfully request—and strongly urge—my friends who might otherwise be sympathetic to Arizona's position in its longfought battle with California to forgo any impulse to come to our "rescue." Arizona's representatives in this body have come to the rational conclusion that, as a part of the overall "package," we should and will accept this compromise. We hope you can join with us in supporting the entire bill as recommended by the committee.

This is an authorization bill. It does not appropriate any money. However, it settles several longstanding disputes in the West and places in readiness a group of well-considered, badly needed public works projects—ready to go full blast whenever our economic situation permits.

Therefore, it should be passed now. Even if the Department of the Interior started to move immediately after enactment of H.R. 3300 by this Congress—I am advised by the Bureau of Reclamation that for the first year their expenditure capability is only about $2 million.

The entire funding schedule, provided by the Bureau of Reclamation, is as follows:

[In millions of dollars]

CENTRAL ARIZONA PROJECT

Year:	
1970	2.0
1971	18.7
1972	36.3
1973	59.8
1974	90.1
1975	110.4
1976	115.5
1977	99.5
1978	87.6
1979	74.0
Balance to complete [1]	85.2
Total central Arizona project	779.1

COLORADO

Year:	
1970	.3
1971	.7
1972	1.9
1973	9.4
1974	19.7
1975	24.3
1976	38.8
1977	48.0
1978	59.0
1979	51.4
Balance to complete [1]	138.3
Total Colorado	392.0

[1] The balance to complete will take from 4 to 6 years.

To bring these expenditures into proper focus—let me point out that even in the year of greatest expenditures, 1976—the impact of the central Arizona project is only sixty-one one-thousandths of 1 percent of the 1969 budget.

So, Mr. Chairman, this bill is not a threat, in any way, to the economy of the country. I ask that the House join with us now in helping to resolve these longstanding disputes in the Colorado River Basin. I ask that our Members join with us in enacting this legislation which will pave the way toward beginning these badly needed water projects.

Again I ask that the committee's recommendations be accepted in toto—and that H.R. 3300 be approved without amendment.

Mr. HOSMER. Mr. Chairman, we have heard alleged that we have some controversial monstrosity before us today that is impinging upon the rights of Arizona and on the taxpayers and a lot of similar charges.

Actually, I do not think that is quite a true picture of what we have before us. What we do, indeed, have before us is a thing of fragile compromise and delicate structure calculated to enhance and enrich both the Nation and an important region of it.

H.R. 3300 deals with the lifeblood, that is, the water, of seven important States of our Nation comprising one-twelfth of the entire land area of the continental United States. This region contains many millions of people whose welfare depends upon this river and this bill, and in the future will be the home of many, many more millions of Americans.

Now why was this fragile compromise put together instead, as the gentleman from Pennsylvania suggested, of bringing in the central Arizona project all by itself? He gave the answer when he told you that the water supply of the river is so short that the seven States involved do not have a problem of dividing up water as they do in other parts of the country, but they have a much more difficult task of dividing up tremendous deficits in the supply and allocating those heavy burdens amongst themselves. And those burdens are made much, much heavier by the imposition by our Government, by treaty of a national obligation, as the gentleman from Pennsylvania described it, on the part of the United States to each year get 1,500,000 acre-feet of wet water down that river past these seven States to Mexico. That is a national obligation. The United States promised it.

Now when this treaty was being considered in the Senate back in 1944, they proceeded, and this will appear by quotation later in my remarks, on the basis that there were 18,000,000 acre-feet of water available from that river every year.

Thus the 16 million required by the States would be adequately handled, and the 2 million extra would adequately supply that burden to Mexico. That was the assumption of the treaty. It turned out that there was not 16 million. There was not 15 million. There is less. That shortage is the burden we are bearing. That is the burden that we are sharing by the terms of this bill. That is what these seven States, after decades of water warfare, have finally, by water statesmanship, come together, each giving what it must, in order to arrive at a a live and let live arrangement amongst them, so that each can live, so that none will suffer unfairly.

Arizona is not asking California to commit hari-kari, or Colorado to commit hari-kari, or any of the other of her neighboring States to commit hari-kari on this, and we are not asking Arizona to do so. What all of us are asking, in the form of this bill, is a chance once and for all to settle our differences, know where we stand, and to make our future certain so that we can plan for it and move ahead as a vital part of the United States of America.

What the opponents of the bill would do would be to shake it down, tear it to pieces, tear up the pieces, and gut it to a hollow shell. That is not the kind of legislation that Congress should enact. That would impose a terrible burden on a part of our land and relegate it to a future of dark uncertainty.

Now what about the national obligation of the United States taken on by the 1944 treaty? It admittedly is a national obligation of the United States to come up with the water. Do these people who oppose recognizing it want to renege on a check signed by the United States in the form of a formal treaty and force the States of this water-short area to make it good?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HOSMER. Will the gentleman yield further time?

Mr. SAYLOR. I will at least give the gentleman 5 additional minutes if he will yield to me.

Mr. HOSMER. I will yield to the gentleman after I receive the extra minutes that he is going to give me in addition to the second 5.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from California.

Mr. HOSMER. We look to the United States not to push this burden on these seven States, but to carry out its obligation as it told Mexico it was going to do, and that is going to require a little money.

There was no quibbling in this Congress when we faced the Chamizal situation down in San Antonio. There was an international lawsuit between the United States and Mexico, and some of the land of the United States was ordered ceded to Mexico.

What happened then? Did the United States say to Texas that Texas had to give up that land? Did the landowners have to do it? No, they said, "This is a national obligation." Uncle Sam spent $39 million buying dirt and soil to carry out this national obligation to Mexico.

What is the difference in the case of water? It is still a national obligation and it ought to be carried out by the Nation.

We had a treaty with Canada on the St. Lawrence Seaway. We spent billions of dollars on that water project. What happened? The States along the seaway and the States in the Middle West that were getting the benefit of this—they were not asked to pay it—it was a national obligation because the Nation obligated itself by treaty, just as it obligated itself by the 1944 Mexican Water Treaty.

Now let us look at this fabulous allegation that by this legislation we are getting ourselves into the expenditure of untold billions for water importation to handle our Mexican obligation and the needs of our own States. This bill does not put up a cent for anything like that. This bill authorizes some studies to be made as to how we might augment the water supply and, contrary to what you have been told, the record shows what it will cost, and it is between $12 and $16 million for such studies.

When the studies are made, then we can have before this body something with a price tag on it, something with specifications, something that Congress can pick or choose or turn up or turn down. But we cannot have even that unless we provide for and make the studies.

We are not obligated for one cent of importation. Those billions they are talking about and trying to scare us with are invisible, nonexistent, hypothetical billions that are conjured up and spat out in the form of some kind of dragon to frighten the Members of this body. When and if there is a study and a plan and a proposal at some date in the future, there will be a price tag on it and some future Congress will deal with it.

I want to say this. We have heard how Arizona is being tromped on. But let me explain what Arizona thinks of what her statesmen here, her Members of Congress have done, in putting together this bill and massing support behind it. The explanation comes from another Arizonan, who is Secretary of the Interior of the United States of America. This is one of the most unusual stories I have ever read. It was printed in the Arizona Republic on May 12, just 3 days ago. Here it is:

UDALL LABELS RHODES LEADER OF CENTRAL ARIZONA FIGHT

(By Ben Cole)

WASHINGTON.—Rep. John J. Rhodes, R-Ariz., is the man to carry on Arizona's battle for money to build the Central Arizona Project after Sen. Carl Hayden, D-Ariz., leaves Congress, in the opinion of Interior Secretary Stewart L. Udall.

Udall, a Democratic Party stalwart and a former congressman himself, was taking a moment's pause in a busy day to toss off some of his thoughts on politics and public affairs to an Arizona newspaperman.

The Rules Committee had just dispatched the Central Arizona Project bill to the House floor for a long-awaited decision. The secretary marveled at how far the long-fought battle has moved.

"I think my brother, Mo, (Democrat) and John Rhodes, as captains of the battle, have done one of the most effective jobs of legislative strategy that I've ever observed," Udall said. "I want them to have a great share of the credit. These two men, in the main, deserve the credit. Never once has anyone played politics with the Central Arizona Project . . ."

Then, unexpectedly, "I have a feeling that now that Carl Hayden is retiring, John Rhodes, because he is the senior Republican on the public works appropriations subcommittee, is in a position to carry on where Hayden is leaving off. His position is extremely vital in the next few years."

Udall observed that Rhodes had at last chosen to make a career in the House.

"He is young, yet he is the senior Republican on that subcommittee," Udall reiterated. The Democrats would be wise, now, to do what the Republicans used to do for Hayden—they gave him only token opposition for over a decade or so, because his seniority was so important to the state. I think the Democrats ought to do this for John Rhodes."

(Rhodes came to Congress in 1953, has advanced steadily in the Republican ranks and is now GOP policy committee chairman. He at one time hoped to run for the Senate, but now would have to surrender his long House seniority; and former Sen. Barry M. Goldwater, R-Ariz., is seeking Hayden's place while Sen. Paul Fannin, R-Ariz., has the other Arizona seat. It is unlikely Rhodes would oppose either of them. Hence, his future would appear to be in the House where it is conceivable he will one day be speaker or party leader.)

A Democratic Secretary of the Interior of the United States, a former Member of this body, says that his brother and our Republican colleague, the gentleman from Arizona [Mr. RHODES], has led his State into such a fine position by bringing this bill together and onto the floor today for enactment, and he is so important to this project, which is so acceptable to Arizona, that he, like Senator HAYDEN on the other side, should only have token opposition for so long as it takes, after we pass this authorization, to get it financed and pouring water into that State.

Mr. Chairman, California is united in support of H.R 3300. Her entire congressional delegation in both Houses is on record to that effect. It carries out, in full, the objectives stated in a resolution of the Colorado River Board of California, adopted January 24, 1968, which is to be printed following my remarks. It is endorsed by all six of the public agencies represented on the Colorado River Board. These are the Metropolitan

Water District of Southern California, the Imperial Irrigation District, the Department of Water and Power of the City of Los Angeles, Coachella Valley County Water District, San Diego County Water Authority, and Palo Verde Irrigation District. The bill in its present form is endorsed and supported by Gov. Ronald Reagan and his principal spokesman, William Gianelli, director of the department of water resources. It is approved by Attorney General Thomas C. Lynch. His legal opinion rendered to the Colorado River Board of California also will appear below.

California's objectives have been, and are, first, the protection of our existing uses; second, augmentation of the river; third, financing to assure that augmentation. On these conditions, we can and do support those provisions of the bill which authorize the central Arizona project and other provisions which are for the benefit of the upper basin States.

GENERAL BACKGROUND

Of these objectives, the one which has caused the greatest difficulty between Arizona and California, and which this bill satisfactorily resolves, is the shortage formula. Another very vital subject the bill deals with is the Mexican Treaty burden. After discussing the general background of this legislation I shall discuss these two features in some detail so that this record may be inclusive. In Hollywood's wild West it is easy to spot the good guys—they wear white hats. In today's real life West it is not so easy. A gigantic water battle wages and both sides deck out in the white of righteousness. The result is somewhat confusing, particularly here in Congress where the struggle now focuses.

The battle and its issues are wrapped up in H.R. 3300, the bill before us to authorize $1.3 billion for eventual construction of a series of projects to permit growth in the arid West. It will benefit seven States and affect a vast area of approximately 242,000 square miles—about one-twelfth of the continental United States. Mexico, our neighbor to the south, has a stake in it too, for the lower reaches of the Colorado wind through that country to the Gulf of California. The whole Nation, however, is the real beneficiary because its strength is the aggregate of the strength of its various regions.

The project's proponents are the responsible water officials of Utah, Wyoming, Colorado, New Mexico, Nevada, Arizona, and California. Faced with spectacularly rising population curves and burgeoning new demands for municipal, industrial, and agricultural water, they foresee a bleak future of drought and economic stagnation unless H.R. 3300 is enacted. Further, they see in the sensible revenue provisions of the measure a practical means to price water within reasonable relationship to its users' ability to pay.

The project's opponents are a coalition of objectors who I believe are generally well meaning but fail to remember or realize that only by bold investments in our country's future and through the process of cooperation between the States and regions can that future be preserved and the general welfare of America assured.

Basic to this battle is the conflict which inescapably occurs when a dynamic, expanding society reaches physical boundaries tending to contain it. For centuries the consequence in Europe has been bloody wars. In America it has been water wars.

How did the fight begin? What are the facts and fancy?

The beginning was long ago. The current battle is only the latest of a century-long series of water wars dotting the history of the arid West. Pioneers turned to the Colorado's waters for their needs when the States involved first were settled. By the law of the West appropriation of water for "beneficial consumptive use" creates a right to continue that use indefinitely against subsequent appropriators. While the land remained sparsely settled water rivalries arose on a local basis. Later, as population increased, more rapidly growing States, particularly the southern section of California, begin appropriating uses of the Colorado's water at a rate alarming to the others. Growing California, it was feared, would lay claim to a lion's share by prior appropriation before maturity in the other States would grant them their rights. Local rivalries ripened to interstate contests.

Defensive actions by California's neighbors took the form of blocking her reclamation projects in the Senate. Their success hinged on the fact that smallness of a State's population does not dilute its political power in that body. Senators from the Upper Colorado River Basin States of Wyoming, Utah, New Mexico, and Colorado ganged up with Arizona's and Nevada's to outvote the two from California, the other lower basin partner.

Not until 1922 was the impasse partly broken by a compact amongst the seven Colorado River Basin States negotiated at Santa Fe, N. Mex., under guidance of Herbert Hoover, just back from Europe as post-World War I food relief czar. The compact did not divide the Colorado's water amongst the States, but between the upper and lower basins, with the dividing line at Lee Ferry in northern Arizona. It left to the respective States the further task of allocating basin entitlements between them.

The compact was written in acre-foot terminology—an amount of water covering an acre of land to a depth of one foot, roughly 325,000 gallons. Along with other provisions, it gave each basin a right to beneficial consumptive use of 7½ million acre-feet annually. The lower basin was authorized to increase its use by 1 million acre-feet per year if surplus water was available. Water to which Mexico might be entitled, and the amount was assumed to be small, was to be deducted first from the surplus and then equally from each basin's allocation. With this exception the basins now were freed to appropriate water permanently to beneficial consumptive use up to the limits of the compact and, on a temporary basis, use water in excess of that amount until uses in the other basin required its retention. The slower developing upper basin was protected against the fast developing lower basin, exemplified by California.

Without the pressure of rapid growth and expansion during the 1920–50 period, the upper basin moved leisurely and amicably to an agreement in 1948 dividing up their water.

The situation was quite different to the south. Arid southern California desperately wanted the Boulder Canyon project based on Hoover Dam. It wanted the all-American canal to make Imperial Valley an oasis. It wanted large-scale importation of Colorado River water to its coastal plain via a massive aqueduct planned by the Metropolitan Water District of Southern California. Arizona wanted none of this. Its strategy was to throw every possible roadblock against acquisition of water rights by the growing giant next door. It refused even to ratify the 1922 agreement. It declined to agree on a division of Lower Basin water. In Congress it fought a bitter delaying action against the Boulder Canyon Project Act, first introduced in 1922, and stalled from passage until 1928.

Congress, wearied of the running Arizona-California feud, determined by that act to settle it. It said before Hoover Dam could be started, California must renounce all claims to over 4.4 million acre-feet annually of Colorado River water, plus one-half of surplus waters, if any. A 2.8 million acre-feet allocation was suggested for Arizona and 300,000 acre-feet for Nevada. In 1929 the California legislature agreed to the limitation. Thus began the process of writing a formula to allocate equitably the shortages of the river. That process we are continuing here today. Construction of Hoover Dam at last began in 1930 despite threats by Arizona's Governor to call out his National Guard to halt the groundbreaking. It was not until 1944 that Arizona reluctantly ratified the Santa Fe compact in order to sign a contract with the Department of the Interior for its stipulated 2.8 million acre-feet of water.

During that same World War II year, 1944, a treaty with Mexico was ratified giving it a surprisingly large 1.5 million acre-feet of the Colorado's water annually. The actual burden of this treaty is not 1.5, but approximately 1.8 million acre-feet to account for water lost through evaporation and regulation of the delivery to Mexico.

By itself the superimposed Mexican Treaty burden was an unexpected, but not staggering blow. Taken with more complete data on the Colorado River's actual water supply accumulated following the compact, it ran up a life-sized red warning flag. The Santa Fe negotiators, it turned out, had divided up more water than the river supplied. This deficit now was to be augmented further by the imposing treaty burden. The gap between water expectations and water realizations of the States was staggering. In short, the water bankruptcy of the river became clear and certain.

The seeds of violent controversy between the States along its banks again were sown. This time the mere division of an assumed water sufficiency was not the issue. The dispute transmuted to a dreaded responsibility to allocate a frightening deficiency. Arizona moved quickly in 1946 to insulate itself from any deficiency allocation by asking Congress for the central Arizona project measured by the State's full 2.8 million acre-feet claim, undepleted by any shortages in supply. California and others countermoved by stalling legislation. Frustrated in Congress, Arizona moved its battle to a new arena in 1952. It filed suit against California in the Supreme Court to enforce its hopes and desires.

The Court rendered its decision in 1963. It refused to consider the question of deficits. That hot potato was tossed back to the Secretary of the Interior and Congress. In the process California's 4.4 million acre-feet paper allocation of water was confirmed. The Court further decreed that the considerable waters of an Arizona tributary of the Colorado, the Gila River, need not be counted against Arizona's 2.8 million acre-feet paper allocation. This was a bitter blow to California as it meant, in practical effect, the Colorado River's deficit was not to be lessened by the Gila's estimated 1.75 million acre-feet flow.

Anticipating the possibility of a dismal day in court, California fought hard during the mid-1950's to delay legislation sought by the upper basin States to approach their compact entitlements use of Colorado River water. Water rights and compacts to the contrary, California theorized that as long as wet water flows down the river it is not held upstream and consequently is available for use in existing California projects. She gained 4 years delaying passing of the upper basin's Colorado River storage project until 1956.

This contest marked the beginning of the current truce on bickering between the river States. It became apparent to California as well as to the others that fighting between themselves offers no real solution to the basic problem common to all: water bankruptcy of the river. Each passing year has brought a closer realization that the river's water ledger must be brought out of the red by a substantial augmentation of water supply. Within 20 years the actual wet water to meet California's 4.4 million acre-feet entitlement will not be flowing due to new uses upstream. Should the central Arizona project be built, its situation will be the same. Only a little farther in the future will the same consequences plague upper basin States. Their entitlement by the compact may meet their needs, but water actually available will not.

Out of the decade's background of bitterness that I have recited the water statesmen of these warring States at last have achieved a fair peace. Its equitable terms are embodied in the provisions of H.R. 3300. It is before you now for ratification. If you will but do so, the West and the Nation will be enhanced.

Although the seven Colorado River States may agree on little else, all are now convinced that a dire future of drought can be avoided only by augmentation of their river basin's deficit water supply through augmentation by some means: importation of surplus, unused, unneeded water from sources outside the natural drainage basins of the Southwest, desalination, weather modification, and other means as H.R. 3300 would study. And at this point it must be emphasized that absolutely no proposal for importation could be made unless it fully provides for the water needs of any area of origin. Of equal importance the bill provides for a means for repaying the cost of the projects authorized by a basin fund into which revenues will pour, not only for this purpose but also to pay for any augmentation measures which may later be found appropriate and which, of course, are approved by Congress and all States involved. The bill states that the cost of supplying the first 1.5 million acre-feet of augmentation logically ought to be a national obligation since the obligation to supply that amount of water to Mexico is a national obligation assumed by solemn treaty. However, this legislation does not make it a national obligation or commit the United States to spend a cent of money on augmentation to supply the Mexican burden. It states only this Congress' feeling as to the equities involved. Any future Congress which actually takes up the augmentation implementation is wholly free to say how it shall be financed.

This bill includes other features acceptable to all seven States by way of give-and-take compromises, such as:

Authorization of the central Arizona project for Arizona.

Authorization of five new participating projects for the upper basin.

Assurance to California that calculation and allocation of the river's water deficit will acknowledge its prior acceptance of the first burden of shortages by limiting itself.

A provision guaranteeing first claim to the areas of origin of water imported from them. That is to say, not one drop of water they need can ever be taken away from them.

Despite the area-of-origin protective clause, States of the Pacific Northwest—Washington, Oregon, Idaho, and Montana—violently oppose the legislation. They fear imports will come from their Columbia River. Such opposition is not rational in context of these States' amply generous water supply. It is only explainable by the fact that they have such an excess of water in relation to their needs that they have never studied carefully what their present and future needs are. They have not studied it carefully in relation to possible future needs based on expansion during the decades ahead. They do not want to take chances on unknowns. Further, their numerous Congressmen, Senators, Governors, and candidates for office at all levels find mounting a crusade "to save the Northwest's water from greedy California" is much more productive at the polls than debating more controversial issues. Otherwise they would not ignore the total effectiveness of the protective clause. There is as much chance of imports from northern California as there is from the Pacific Northwest. In California we are already moving our water around the State under such protection and we know it is ironclad and it works.

There can be but two alternative results of this battle. If good sense prevails, H.R. 3300 will pass without crippling amendments and the West will have water. If the opposition's campaign succeeds, there will be disastrous and lasting water shortage throughout one-twelfth of the U.S. continent. Down the drain with the wreckage will go the water future of my own and six neighboring States. Funds for and hopes of augmenting the Colorado River's inadequate water supply will not be available. Even studies aimed at water augmentation will be scrapped and so will relief from the Mexican treaty burden. A delicately structured compromise will be brutally shattered and the Colorado River States will be relegated to a hopeless future of internecine water warfare. Arizona does not ask for prostitution of the legislation to a parochial central Arizona promotion by the elimination of these features which make it a regional plan valuable to all seven States. Colorado does not ask for special preferment, nor does California nor Utah nor any other States involved ask another to commit water hara-kari. Why should these pleaders from everywhere ask us to do so?

As a Californian, I am further concerned that the bogus fears of the politicians from the Pacific Northwest or the groundless and unfair reluctance and refusal to own up to a national treaty obligation or the "central Arizona project only" flim-flam or the callous rejection of a fairly arrived at settlement of the decades-old Arizona-California dispute or other bill-gutting maneuvers may recklessly murder this plan so interwoven with the destiny of the West.

I plead that crippling amendments to this bill be beat down and that it receive your approving vote intact so that 30 million of your fellow citizens may have the opportunity to develop their precious water resources in harmony and plan wisely together for the future's many more millions of Americans who will inherit and inhabit this land and who must have their opportunity to make it grow apace with the rest of our Nation.

Now I wish to discuss in detail two features of the bill before us that I have mentioned in a general way. These are the Mexican Treaty burden and the 4.4 shortage formula.

THE MEXICAN WATER TREATY

The Colorado River Basin project bill, faces up to the fact that performance of the wartime Mexican Water Treaty is causing a water shortage on the Colorado River, which will frustrate the interstate apportionment made by Congress in the 1928 Boulder Canyon Project Act, as well as the interbasin apportionment made by the Colorado River compact. Title II of the bill accordingly, and properly, directs the Secretary to investigate means of augmenting the river characterizes the treaty as a national obligation in section 202, and tells him to treat as nonreimbursable the cost of the augmentation works required to offset the treaty burden in 401. The Secretary of the Interior and the Bureau of the Budget have approved this principle.

The Secretary reported to the House Interior and Insular Affairs Committee May 17, 1965, during hearings on H.R. 4671, at page 9:

> An alternative approach, of course, to assure the maintenance of main stream prices for not to exceed 1,500,000 acre-feet of imported water per annum would be to retain the nonreimbursable allocation, now provided for in section 402, to replenishment of deficiencies in main stream water occasioned by Mexican Treaty deliveries, with the limitation that the nonreimbursable costs be limited to those associated with the importation of not to exceed 1,500,000 acre-feet for replenishment purposes. In the Bureau of Budget's view this alternative, too, would be applicable if the Congress considered the Lower Colorado River situation unique.

The Bureau of the Budget had reported to the Senate Committee on Interior and Insular Affairs on May 10, 1965, on S. 1019, 89th Congress, reprinted in hearings, House Committee on Interior and Insular Affairs on H.R. 4671, 89th Congress, page 17:

> The Bureau does recognize, however, that one of the important demands on the river is to provide water necessary to meet commitments made by the U.S. Government to the Republic of Mexico in the treaty of 1944. Should the Congress decide that the situation is unique, we believe that the price guarantee should be further limited to not more than 1.5 million acre-feet of water annually, the amount required to meet the U.S. treaty obligation. With this proviso, the chances would appear minimal, based on Department of the Interior estimates, that any imported water would have to carry a price higher than main stream water—at least in the period through year 2030.

The U.S. Department of Justice properly conceded, in its proposed findings and conclusions submitted to the U.S. Supreme Court's Special Master in Arizona against California at page 47:

> "If such shortage should occur, it would be by reason of the Mexican Treaty obligation."
>
> The above caption restates the second point of our Proposed Conclusion 11.15. We think argument is not necessary to support it.

Like all treaties, the Mexican Water Treaty is, of course, a national obligation, and the bill so states, but the circumstances back of this particular treaty would make it a particularly shocking injustice to impose the treaty's financial consequences on the Colorado Basin States alone.

The facts are these:

THE BOULDER CANYON PROJECT ACT (45 STAT. 1057)

In 1928 the Boulder Canyon Project Act stipulated in section 1 that the waters stored in Hoover Dam should be dedicated to "beneficial uses exclusively within the United States." The bill as reported by the Senate Committee on Irrigation and Reclamation read simply "beneficial uses within the United States." Senator Pittman, chairman of the Foreign Relations Committee and member of the reporting committee, explained in the CONGRESSIONAL RECORD of December 10, 1928, at page 338:

> A treaty may never be necessary with regard to this. Whenever a treaty is necessary with regard to this matter, the burden of applying for that treaty will be on Mexico, not on the United States.
>
> When we use this water which we store, it will be used before it can possibly get to Mexico, except such of the return as may go there. If Mexico maintains that she is being deprived of water from the Colorado River to which she is entitled, she has only one known legal remedy, and that is, through the State Department of Mexico, to protest to the State Department at Washington, to see if a harmonious adjustment can not be brought about.
>
> We might seek to enter into a treaty with regard to what water could be used in Mexico. In the first place, you would have a question as to whether, if it was already being used, any treaty could take away any vested rights. We know no statute can, and I hold that a treaty is only a statute.
>
> We will assume, however, as a violent conclusion, that the Secretary of State of the United States would enter into a treaty with Mexico, giving them many times the amount of water to which they were entitled, from the natural flow of this river, and, to do so, should attempt to injure some vested rights in this country, to take away from people the use of water they had been legally using for irrigation.
>
> That treaty would have to come to this body for ratification before it would ever be a treaty. It would take two-thirds of this body to ratify it. It is totally inconceivable, if we pass this bill, which states that all of the impounded water above the natural flow shall be used exclusively in the United States, that they would ratify any such treaty. They would have just as much right to say to Meixco then, as they would have if we would pass just such a resolution as the Senator from Utah has read: "You never had any right under the comity of nations to the stored waters of our country. Your rights were solely limited to the natural flow and the use to which you put the natural flow. Then, in addition to that, the Congress of the United States passed a public act in which they stated to you and the rest of the world that all of this impounded water was to be used exclusively in the United States. You and your citizens had notice of it. You cannot complain that you are now injured because you took no notice of it."
>
> There is not a chance in the world of Mexico ever getting anything except that which she is morally entitled to under the comity of nations, and we know just what that is.

But, to make doubly sure, the Senate added the word "exclusively."

The Congress, in the same act, granted the consent of Congress to the Colorado River compact, section 13, and directed in section 8a, that the United States and all of its water users should be controlled by that compact. Article III(c) of that compact provides:

> (c) If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of any waters of the Colorado River System, such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantities specified in paragraphs (a) and (b); and if such surplus shall prove insufficient for this purpose, then, the burden of such deficiency shall be equally borne by the Upper Basin and the Lower Basin, and whenever necessary the States of the Upper Division shall deliver at Lee Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

The Congress proceeded on the assumption that the water supply was substantially more than 18 million acre-feet and therefore there was at least 2 million acre-feet of "surplus" to satisfy Mexico above the 16 million acre-feet of consumptive use allocated by the compact, 7.5 million to the upper basin, per article III(a), and 8.5 million to the lower basin, per articles III (a) and (b).

Accordingly, Congress in section 4(a) directed the allocation of 7.5 million acre-feet of the water apportioned to the lower basin, 4.4 million to California, 2.8 million to Arizona, 300,000 to Nevada, and directed that the "excess" above that quantity, the million referred to in article III(b) plus the "surplus" above 8.5 million, should be equally divided between Arizona and California.

WORKS BUILT IN RELIANCE ON THE PROJECT ACT

Between 1928 and 1944 over $600 million was invested by the United States, underwritten by lower basin water and power users, and by water users in the lower basin States to put water to use in reliance on the assurance of Congress that no agreement would be made with Mexico that would invade the basic 7.5 million acre-feet that Congress had apportioned among the three lower basin States; that only the uses in excess of that quantity were at the hazard of any future treaty; and that the foreseeable surplus water would more than satisfy any probable treaty.

THE MEXICAN WATER TREATY, AND ITS MISTAKEN WATER SUPPLY ASSUMPTION

In 1941, in wartime, the State Department undertook negotiations with Mexico for a treaty to encompass the Rio Grande, where most of the water originates in Mexico but is largely used in the United States, and the Colorado, where all the water originates and is stored and conserved in the United States; Mexico contributes no water and has no sites for storage dams. Obviously, any treaty would be a trade of Colorado River water to Mexico for Rio Grande water for lands in Texas. Both nations negotiated on mistaken estimates of the water supply.

Mexico asserted that the available supply was 18,400,000 acre-feet annually, and stated, according to VI "Foreign Relations of the United States, Diplomatic Papers 1942," at page 550; published by the State Department in 1963:

> This means a surplus of 2,400,000 acre-feet annually, which amount could be allowed to Mexico without injury to its northern neighbor.

Our State Department replied at page 561:

> Based upon the best data presently available, the total virgin flow of the river is estimated at 18,000,000 acre-feet per annum on the average, leaving an estimated average quantity of 2,000,000 acre-feet per year to take care of reservoir losses and for future allocations in the United States. This water can all be beneficially used in the United States. Projects in operation and under construction in the lower basin of the United States at the present time will use 9,140,000 acre-feet of Colorado River water per year. This is 640,000 acre-feet more than the firm allocations of the Colorado River Compact to the lower Basin States. These projects do not comprehend the total possibilities of the lower basin.
>
> In addition it must be borne in mind that we are here dealing with average figures which do not take into account extended periods of low run-off such as have been recently experienced, where American developments would necessarily be deprived of sufficient water if any substantial amount was guaranteed to Mexico. It is quite possible that in years of abnormal run-off 2,000,000

acre-feet of water or more could be delivered to Mexico without deprivation to lands in the United States, even after ultimate developments in the United States. In the average year, however, the amount that could be so delivered would be very much less than this figure, and during dry cycles much less than 1,000,000 acre-feet would be available without serious deprivation to American interests.

Mexico's estimates of the water supply and that amount which will be available for ultimate use were undoubtedly based on early figures which have been shown by later surveys to be inaccurate. When the Colorado River Compact was negotiated in 1922 it was assumed that total water production in the basin was about 19,000,000 acre-feet. Sixteen million acre-feet were allocated by the Compact. Subsequent stream flow records have indicated that the 1922 estimate was too high.

Later, and mistakenly, the American negotiators shifted to higher estimates. A Mexican negotiator reported to his Senate as reprinted in full in U.S. Senate Document 98, 79th Congress, and in part in Senate Document 249, 79th Congress, at page 14:

The negotiations of the treaty on the part of the American delegation and later its approval by the American Senate were made by taking as a fundamental basis the official document called the Santa Fe agreement, which with the approval of the American Federal Government distributed, since 1922, the main stream of the Colorado River among the American States of the upper and lower basins, and specified that the waters assigned to Mexico should be taken from the excess which the average virgin volume of the river (22,000,000,000 cubic meters) (17,835,000 acre-feet) had over the volume distributed among the American States of the upper and lower basins (20,000,000,000 cubic meters) (16,213,600 acre-feet). Our assignment of 1,850,000,000 cubic meters (1,500,000 acre-feet) is included, then, within the 2,000,000,000 cubic meters (1,621,000 acre-feet) of the difference.

It is clear that both the American and Mexican negotiators thought they were disposing only of waters that the Colorado River compact describes as "surplus," entailing no curtailment of uses of water apportioned by the Colorado River compact.

The treaty actually signed, in 1944, Treaty Series 994, 54 Stat. 1219, guaranteed Mexico a minimum of 1.5 million acre-feet annually, measured at the boundary. But the actual burden on the American water supply occasioned by this guarantee is about 1.8 million. This is because the United States absorbs all reservoir evaporation and channel losses, and because the treaty gives the United States credit only for water delivered in response to Mexican schedules of demands, with no credit for overdeliveries, which are unavoidable. Wartime exigencies, plus the desire to have this agreement signed before convening of the conference to organize the United Nations, accounted for some of the concessions granted Mexico. The guarantee to Mexico now known to be insupportable without grave damage to American interests—reads as follows:

ARTICLE 10

Of the waters of the Colorado River, from any and all sources, there are allotted to Mexico:

(a) A guaranteed annual quantity of 1,500,000 acre-feet (1,850,234,000 cubic meters) to be delivered in accordance with the provisions of Article 15 of this Treaty.

(b) Any other quantities arriving at the Mexican points of diversion, with the understanding that in any year in which, as determined by the United States Section, there exists a surplus of waters of the Colorado River in excess of the amount necessary to supply uses in the United States and the guaranteed quantity of 1,500,000 acre-feet (1,850,234,000 cubic meters) annually to Mexico, the United States undertakes to deliver to Mexico, in the manner set out in Article 15 of this Treaty, additional waters of the Colorado River system to provide a total quantity not to exceed 1,700,000 acre-feet (2,096,931,000 cubic meters) a year. Mexico shall acquire no right beyond that provided by this subparagraph by the use of the waters of the Colorado River system, for any purpose whatsoever in excess of 1,500,000 acre-feet (1,850,234,000 cubic meters) annually.

"In the event of extraordinary drought or serious accident to the irrigation system in the United States, thereby making it difficult for the United States to deliver the guaranteed quantity of 1,500,000 acre-feet (1,850,234,000 cubic meters) a year, the water allotted to Mexico under subparagraph (a) of this Article will be reduced in the same proportion as consumptive uses in the United States are reduced."

The United States has never invoked the "extraordinary drought" escape clause, even at a time when the Secretary of the Interior was imposing a 10 percent reduction in consumptive uses below Hoover Dam.

There were those who foresaw the havoc that this guarantee to Mexico would create. Ex-President Herbert Hoover, who had been the Federal representative chairing the negotiation of the Colorado River compact in 1922, wrote in 1944, in response to an inquiry from a member of the Senate Foreign Relations Committee to be found in Senate Document 32, 79th Congress, and House Document 717, 80th Congress at pages 159–160:

At the time the Compact was negotiated the possibility that a treaty might be made with Mexico some day was recognized, and that under it Mexico might become entitled to the use of some water. In that event, the compact divides the burden between the upper and lower basins, but it cannot be said that the compact "foreshadows" such a treaty as that now proposed.

I am sure none of the Commissioners who negotiated the compact had any idea that our Government would offer to guarantee Mexico any such amount as the 1,500,000 acre-feet stated in the proposed treaty. At that time Mexico was using about 500,000 to 600,000 acre-feet per year. Her lands were subject to a serious flood menace every year, and the silt in the river water was clogging her irrigation canals and ditches and thus threatened her whole development. It was a serious question as to how Mexico could prevent disaster to the lands she was then cultivating, much less increase that use.

Now, by means of American works, we have controlled the floodwater and silt, which is of tremendous value to Mexico. No one would want to deny these benefits to Mexico. But had it been suggested in 1922 that the United States was to be penalized in the future by having to furnish free to Mexico a volume of water, made available by works constructed in the United States to supply lands made possible of development only because of those works, I know it would have met with the opposition of the compact framers. Moreover, had the compact negotiators considered such a treaty possible as the present one, I am not sure that agreement on a compact could have been reached. Certainly, the compact that was concluded would have been different.

* * * * *

1. *As to the allocation of water.*—(*a*) Quantity.—The treaty guarantees at least 1,500,000 acre-feet per year to Mexico but contains no specific allocation or reservation of water to the United States. This guaranty takes precedence over older American users who are paying for the storage works which alone will make possible Mexico's increase of use above the quantity of approximately 750,000 acre-feet which she used before construction of the Boulder Canyon project. Each country ought to be allocated a pro rata of the flow of the river so that Mexico will share the hazards of the American water supply if she is to share the benefits of the American storage. The so-called "escape clause" entitling the United States to diminish deliveries only if her own consumptive use is curtailed by extraordinary drought is so uncertain in operation as to invite acrimonious dispute.

(*b*) *The impairment of existing American rights.*—The Boulder Canyon Project Act stipulated that the waters stored by that project should be used exclusively within the United States. Congress appropriated $165,000,000 on that representation to the taxpayer. Communities in the lower basin entered into contracts with the United States reciting that pledge, and in reliance upon it have incurred over $500,000,000 of debt to repay the Government's whole investment and to construct aqueducts, canals, transmission lines, etc., to use the water so stored and paid for. Figures used by the Reclamation Bureau show that in a decade like 1931–40, if 1,500,000 acre-feet were guaranteed to Mexico each year, some 15,000,000 acre-feet of Boulder Canyon storage would have to be drawn down for that purpose, exhausting substantially the whole active storage of the reservoir, after making deductions for flood control and dead storage. Our pledge ought to be kept. If it is to be broken, Mexico ought to be admitted no further than to a basis of parity with, not precedence over, the American users who assumed the obligation to pay for these works on the promise that the benefit would be theirs.

(*c*) *Quality.*—The treaty's evasion as to quality of water to be furnished to Mexico should be clarified one way or the other: Either by adding a reservation requiring Mexico to take all water regardless of quality, and even though it is unusable, which is what the State Department says this treaty means, but which must be a profound shock to Mexico; or, in the alternative, providing for the delivery of waters through the All-American Canal only, assuring Mexico substantially the same quality as that delivered to American projects through the same canal, and disclaiming specifically the quality of any water delivered to Mexico in the bed of the stream through works which she may herself build.

As to quality, this was the sort of representation received by the U.S. Senate from one of our negotiators, as recorded in Senate Document 249, 79th Congress at page 12:

Senator DOWNEY. Mr. Tipton, is there any statement in the treaty as to the quality of water that must be delivered by the United States to Mexico?

Mr. TIPTON. We are protected on the quality, sir.

Senator DOWNEY. *That is, you would mean by that statement that we could perform the terms of our treaty with Mexico by delivering to her water that would not be usable?*

Mr. TIPTON. *Yes, sir.*

Senator DOWNEY. *And you think that some court in the future would uphold that kind*

> *of interpretation, that we could satisfy in whole or in part our obligation to Mexico under this treaty of delivering 1,500,000 acre-feet of water, even though some or all of it were not usable for irrigation purposes?*
>
> Mr. Tipton. *That is my interpretation of the treaty, sir. During the negotiations, that question was argued strenuously. Memoranda passed back and forth during negotiations indicate what the intent was. Language was placed in the treaty to cover that situation and to cover only that situation.* [Emphasis supplied.]

Not surprisingly, the Mexican negotiators gave the opposite report to their Senate:

> That was covered in the treaty when it spoke of waters for irrigation. No one would be able to sign a treaty to give or receive waters of bad quality because both parties would suffer damage therefrom.

The dependence of Mexico on Hoover Dam storage, dedicated by the Project Act to the exclusive benefit of American water users, was conceded by one of the principal Mexican negotiators, reporting to his own Senate as reported in U.S. Senate Document 249, 79th Congress, at page 9:

> This graph shows clearly that in the irregular form in which the flows would occur, *Mexico, instead of receiving benefits would repeatedly sustain damage; as a rule when the water was available, it would descend in veritable floods which would destroy everything; and on other occasions in the months of the greatest scarcity and the greatest necessity, the channel would be dry.*
>
> Instead, the waters that Mexico will receive in accordance with the treaty will be received regulated by the American works, and at the appropriate time for their application to the lands. For this purpose there is established in the treaty, procedure by means of which the Mexican section of the International Boundary and Water Commission will present each year, in advance, to the American section of the same Commission monthly tables for delivery of the water which our lands are going to need for the following year; and, what is more, there is a stipulation that these tables can be varied 20 percent, plus or minus, 30 days in advance, in the event that the forecasts that shall have been made are not exact. * * *
>
> In the same graph to which I referred it is shown clearly that *even supposing that not a single drop of water of the Colorado River were retained in American territory, the irregular form in which the discharge would arrive in our country would not permit any important area of land to be irrigated;* that is to say, supposing that there is accepted as correct the conclusion to which Lic. Manzanera del Campo arrives, *not only would we be unable to increase our irrigation system on the Colorado River in Lower California and Sonora up to 200,000 hectares in round figures, as we are going to do when the treaty enters into effect, but probably the area already irrigated would have to be reduced considerably.* * * *

At page 10 of the same document another Mexican negotiator reported:

> We Mexican engineers, when we saw that these gigantic works were being executed, understood that there approached the critical moment for Mexico in which the lands of the Mexicali Valley ran the danger of returning to their condition of one of the most inhospitable deserts in the world through lack of water, since our country would have to depend on taking water, in the manner that it might best be able to do it, from the Colorado River by using occasional surpluses that might flow through said river.
>
> * * * * *
>
> That is, even when it is true that the total volume of the surpluses which flow through the Colorado River will still be very great in many years, its current is from now on so irregular that it can be stated that, while during some weeks the Mexican lands of the Mexicali Valley can be dying of thirst, in the following weeks they may be choked and submerged by the inundations provoked by discharges from the American dams.
>
> * * * * *
>
> It is necessary to note that as Mexico did not have any place to regulate the waters of the Colorado River in order to distribute them day by day, during each year, according to the needs of irrigation, *it was necessary to arrange by means of the treaty for the United States to deliver that water to us regulated to our wishes within certain limitations which do not impose on us any sacrifice for any plan of cultivation that is followed in Mexicali Valley. For this service of regulation of that water, our country does not have to pay a single cent.*

It is wholly unclear whether the "extraordinary drought" clause would enable the United States to protect its reserves in storage, or whether American reservoirs must be drawn down without limit to satisfy the treaty burden, so long as American consumptive uses are not reduced below some quantity, itself unstated, unless it is assumed that the compact apportionments are the implied criteria for this purpose. This was typical testimony before the Senate committee as reprinted in Senate Document 249, 79th Congress, at pages 16 and 17:

> Mr. Tipton. * * * Senator Millikin asked two questions. His first question was, as I understood it—and I hope the Senator will correct me if I am wrong—if there was no curtailment in the consumptive uses, but there was a depletion of reservoir capacity, whether or not we could invoke this provision. I said I did not think so.
>
> His second question was this—that if, accompanying the commencement of depletion of water in main stream storage, there also was a curtailment of use—actual curtailment of consumptive use—by virtue of a lack of water in the upper basin above our main stream reservoirs, whether or not under that condition this provision could be invoked. I said that it could be so interpreted.
>
> Senator La Follette. But you were not certain?
>
> Mr. Tipton. I was not certain.
>
> Senator La Follette. One other thing that I got from this series of questions was the fact in the negotiation of this treaty, in which you participated, as I understand it, there was not very much discussion of this provision with the Mexican negotiators. *I came to the conclusion, therefore—and if I am wrong, I wish to be corrected—that this particular language in the treaty—this drought-clause language—was arrived at without a full meeting of the minds of the negotiators as to what its actual provisions involved.*
>
> Mr. Tipton. I think, Senator, that that resulted from this fact——
>
> Senator La Follette. *Is that true? Am I correct in that deduction?*
>
> Mr. Tipton. *You are substantially correct, sir.*
>
> * * * * *
>
> Senator La Follette. Was there any difference of opinion among the American negotiators as to how it would be interpreted and how it would be invoked and how it would be operated if it was invoked?
>
> Mr. Tipton. I hesitate to say that there was a consensus of the negotiators that it would be invoked when curtailment in the upper basin was caused in order that the upper basin might make its delivery at Lees Ferry. That was discussed as one criterion. I would hesitate to say, Senator, that there was a consensus of the American negotiators on the basis, and I would not say there was not consensus. That condition would be a most unfavorable interpretation to the United States, and, in my opinion—my personal opinion—that would be a measure which could not be controverted.
>
> Senator La Follette. I understand that that would be one criterion, one way to measure it; but *I must say that it does strike me as rather strange that this provision got into the treaty without a full understanding on the part of the United States negotiators as to exactly what it meant, how it would operate, and when it would be invoked; and, secondly, that that understanding on the part of the United States negotiators was not conveyed to, fully understood by, and threshed out with those negotiating the treaty on the part of Mexico.*

Nevertheless, the Senate gave its advice and consent to the treaty; greater wartime interests of the United States compelled an agreement with Mexico. On water supply, the report of the Senate Committee on Foreign Relations, 79th Congress, first session, at pages 4 and 5 said:

> According to all the testimony, the average annual virgin run-off from the Colorado River Basin is approximately 18,000,000 acre-feet a year.
>
> The amount allocated to Mexico is thus only about 8 percent of the total supply, and the amount of firm water—that is, water which must be released from storage at Davis Dam—which will ultimately be required, in addition to return flows which will be in the river in any event, is only 3 percent or less, of the total annual supply. The balance remaining for use in the United States, or approximately 16,500,000 acre-feet on the average, will permit of a total development in the United States almost treble the present development.
>
> * * * * *
>
> Presumably then, the Mexican allocation of 1,500,000 acre-feet per year will be supplied from the amount of approximately 2,000,000 acre-feet which is estimated to be the surplus after the compact allocations, totaling 16,000,000 acre-feet, have been supplied.

By contrast, recent testimony to the House Interior and Insular Affairs Committee on H.R. 3300 now shows there is only a 50–50 probability that the long-range average will be as much as 15 million acre-feet, and one chance in four that it will equal 16 million. Ironically, the same distinguished witness, Royce J. Tipton, who supported an estimate of 18 million in 1944 in testifying in support of the Mexican Water Treaty—his honest appraisal at that time—testified before this committee 21 years later that the hydrologic record will no longer support an estimate in excess of 15 million.

THE WORSENING WATER SUPPLY

Since the date of the treaty's ratification, the Colorado River's water supply, and the quality of that supply, have worsened. Storage in American reservoirs has been depleted, at times, to the bare minimum of operating heads of the powerplants—in grim contrast with the assumption stated in the Senate committee 1944 report on the treaty, page 9:

> The use of Boulder Dam is not contemplated under the treaty for the delivery of the Mexican allocation.

Lake Mead is only half full, and it has not yet been possible to fill Glen Canyon

Dam, while honoring the Mexican Water Treaty—as, of course, we have done. Mexico has complained of the quality of the water reaching her, with the consequence that extra quantities have been released from American storage to improve that quality, and expensive works have been built at American expense to bypass return flow from the Welton-Mohawk project in Arizona around the Mexican points of diversion. This, also, is in contrast with the remarkable assurance given the U.S. Senate by one of the American negotiators that the treaty could be satisfied by delivering to Mexico water of unusable quality as reported in Senate Document 249, 79th Congress, at page 12. Davis Dam, built at American expense as a treaty structure to reregulate the power discharges at Hoover, has had to be supplemented by the Senator Wash Dam, at American expense, to more nearly regulate the flows to Mexico. Sentinel Dam has been built at American expense to control floods from the Gila, which enters the Colorado just above Mexico.

The testimony before the House Interior and Insular Affairs Committee shows that the ultimate introduction of an additional 2 million acre-feet of new water of high quality into the river is essential if two objectives are to be accomplished: First, to supply the minimum of 7.5 million acre-feet annually of main stream water which the Congress apportioned among the three lower division States; second, to avoid deterioration of the quality of the water at the boundary, already containing several times the salt content countenanced by U.S. Public Health Service standards, to a level wholly unacceptable for use in either the United States or Mexico.

Water must be added to the river to offset the treaty burden. The cost of performing the treaty is, and ought to be, a Federal responsibility. There is no more justification for saddling American water users with the cost of replacing the water taken from them to export to Mexico in performance of a treaty than there would be in taking grain from the Midwest farmers without compensation in order to export it to satisfy a treaty commitment in Asia. The exclusively Federal obligation to perform the Mexican Water Treaty at Federal expense is inseparable from the exclusively Federal power to make the treaty in the first place, overriding the promises made to American water users in the Boulder Canyon Project Act that the flood waters stored by Hoover Dam would be used exclusively in the United States.

THE 4.4 SHORTAGE FORMULA

Now I turn to the second vital provision of H.R. 3300 on which I wish to elaborate; namely, the 4.4 shortage formula.

THE SHORTAGE FORMULA

Section 301 (b) and (c) of H.R. 3300 contains a shortage formula, agreed upon between Arizona and California, which settles the issues between those two States which the Supreme Court refused to decide, and which it sent the States back to Congress to settle. Thus we come full circle: In 1928 Congress, in the Boulder Canyon Project Act, wrote one-half of the shortage formula which we are about to complete.

THE FIRST HALF OF THE SHORTAGE FORMULA

In 1928, Congress had before it the Swing-Johnson bill, to authorize construction of Hoover Dam and the All-American Canal, but only on condition that all seven States of the Colorado River Basin should ratify the Colorado River compact. Arizona alone refused to ratify. So, to break this stalemate, Congress, in section 4(a) of that act, provided that the dam and canal should be built if six States ratified the compact, but, in that event, only on the added condition that California's legislature agree to limit California's uses of Colorado River water in accordance with a formula. California was then preparing to build the Colorado River aqueduct, and this, together with appropriations of water for existing projects, would bring California's use up to about five and a half million acre-feet. The U.S. Supreme Court, in the case of Wyoming against Colorado, had just decided that the law of appropriation—"first in time, first in right"—applied in interstate water controversies. The limitation on California's appropriations which Congress required was this: California's uses of the 7.5 million acre-feet apportioned to the lower basin by article III(a) of the Colorado River compact should be limited to 4.4 million acre-feet; but, in addition, California might use one-half of any excess or surplus waters available above that 7.5 million. In other words, of the 5.5 million that California was about to put to use, a firm right could be established to 4.4 million, whereas, if more than 4.4 million was used, any shortages in the water needed to supply that excess would have to be prorated. California would receive one-half of the excess, whatever it might be.

The relevant portion of section 4(a) of the Project Act reads as follows:

> SEC. 4. (a) This Act shall not take effect . . . unless and until (1) the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have ratified the Colorado River compact, mentioned in section 13 hereof, and the President by public proclamation shall have so declared, or (2) if said States fail to ratify the said compact within six months from the date of the passage of this Act then, until six of said States, including the State of California, shall ratify said compact . . . and the President by public proclamation shall have so declared, and, further, until the State of California, by act of its legislature, shall agree irrevocably and unconditionally with the United States and for the benefit of the States of Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming, as an express covenant and in consideration of the passage of this Act, that the aggregate annual consumptive use (diversions less returns to the river) of water of and from the Colorado River for use in the State of California, including all uses under contracts made under the provisions of this Act and all water necessary for the supply of any rights which may now exist, shall not exceed four million four hundred thousand acre-feet of the waters apportioned to the lower basin States by paragraph (a) of Article III of the Colorado River compact, plus not more than one-half of any excess or surplus waters unapportioned by said compact, such uses always to be subject to the terms of said compact.

CALIFORNIA'S INVESTMENT OF $600 MILLION IN RELIANCE ON HER AGREEMENT WITH CONGRESS

Congress passed the Project Act; California enacted the Limitation Act just described; by 1941, the three great California projects—the All-American Canal, the Metropolitan Water District's Colorado River aqueduct and the Palo Verde project, were in operation. Altogether, California's taxpayers have spent, or mortgaged their homes, businesses and farms, to pay about $600,000,000, in reliance upon what Arizona has sometimes called the "statutory compact" between California and the United States evidenced by the Boulder Canyon Project Act and the reciprocal California Limitation Act.

THE EFFECT OF THE FIRST HALF OF THE SHORTAGE FORMULA ON CALIFORNIA

Let us pause here to note, with emphasis, the present effect on California of this limitation, this first half of the shortage formula. It imposes the first shock of any shortage on California, drying up existing uses in California. This is because California has actually built projects to put to use 5.4 million acre-feet. California has, in fact, used 5.1 million. Accordingly, 700,000 acre-feet of present uses of water by California people must be abandoned, a million acre-feet of constructed capacity must be rendered idle, by California's performance of her promise, given in the Limitation Act, to reduce her uses to 4.4 million acre-feet if the total supply shrinks to 7.5 million. This leaves 3.1 million for a vast expansion of uses in Arizona and Nevada. Arizona expects to expand her existing uses to 250 percent of her present uses—from 1.2 million to 2.8 million. Nevada can expand her present uses nearly 10 times. But California's lost 700,000 acre-feet, now used by her people, farms, and industries, must be replaced from other sources. People must have water. It is being replaced, at an added expense of some $30 million per year, by importations from northern California. Such is the effect of the Limitation Act, the first half of the shortage formula. California will keep her word, perform her bargain, and bear that loss. But California, her people, and her representatives in Congress, ask that Congress keep the other half of the bargain, and to this Arizona has agreed.

THE SECOND HALF OF THE SHORTAGE FORMULA

Section 301 (b) and (c) write the second half of the shortage formula, on which Arizona and California have agreed. It is written in the phraseology of the decree in *Arizona* v. *California* (376 U.S. 340, 41, 42–43 (1964)). In simplest terms, it means that after California has borne the first shock of the shortage, reducing her actual existing uses to 4.4 million acre-feet, incurring a certain and known loss of 700,000 acre-feet of existing uses, the central Arizona project shall run the risk—if any there may be—of any further shortage, which reduces the whole supply below 7.5 million. But, it goes on to provide, Arizona will be protected from this consequence if, and so long as, the water supply of the main stream is augmented by the introduction of enough additional water to restore the supply to 7.5 million acre-feet.

The text of section 301 (b) and (c) reads:

> (b) Article II(B)(3) of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340) shall be so administered that in any year in which, as determined by the Secretary, there is insufficient mainstream Colorado River water available for release to satisfy annual consumptive use of seven million five hundred thousand acre-feet in Arizona, California, and Nevada, diversions from the main stream for the Central Arizona Project shall be so limited as to assure the availability of water in quantities sufficient to provide for the aggregate annual consumptive use by holders of present perfected rights, by other users in the State of California served under existing contracts with the United States by diversion works heretofore constructed, and by other existing Federal reservations in that State, of four million four hundred thousand acre-feet of mainstream water, and by users of the same character in Arizona and Nevada. Water users in the State of Nevada shall not be required to bear shortages in any proportion greater than would have been imposed in the absence of this subsection 301 (b). This subsection shall not affect the relative priorities, among themselves, of water users in Arizona, Nevada, and California which are senior to diversions for the Central Arizona Project, or amend any provisions of said decree.
>
> (c) The limitation stated in subsection (b) of this section shall not apply so long as the Secretary shall determine and proclaim that means are available and in operation which augment the water supply of the Colorado River system in such quantity as to make sufficient mainstream water available for release to satisfy annual consumptive use of seven million five hundred thousand acre-feet in Arizona, California, and Nevada.

As explained in the report of the House Committee on Interior and Insular Affairs, the two halves of the formula—the 1928 half, burdening California, the 1968 half, burdening Arizona—work together like this:

> Subsections (b) and (c) establish a shortage formula which assures California 4.4 million acre-feet ahead of the Central Arizona Project in any year in which the water supply of the Colorado River is not adequate to provide 7.5 m.a.f. of mainstream consumptive use in the Lower Basin and to satisfy the Mexican Treaty obligation. This formula applies to all uses in Arizona, California, and Nevada under present perfected rights (which means rights existing as of June 25, 1929, the effective date of the Boulder Canyon Project Act), under existing contracts with the United States, and existing Federal Reservation rights.
>
> In any year in which there is insufficient main stream Colorado River water available to satisfy annual consumptive use of 7,500,000 acre-feet in Arizona, California, and Nevada, diversions for the Central Arizona Project shall be so limited as to assure the availability of water to meet present perfected rights and other uses in Arizona, California, and Nevada, including existing Federal reservations, with a limitation of 4,400,000 acre-feet on California uses. Water users in the State of Nevada will not have to bear shortages in any proportion greater than would have been imposed in the absence of this section. The relative priorities, among themselves, of the water users in the three States whose rights are senior to diversions for the Central Arizona unit will not be affected by the provisions of this section.
>
> The effect of the limitation on California imposed by section 4(a) of the Boulder Canyon Project Act is to require California to bear the first impact of any shortage which reduces the water supply from the main stream of the Colorado River for the three States to 7.5 million acre-feet. There are existing projects in California designed and built to use 5.4 million acre-feet in anticipation of the availability of 1 million acre-feet of surplus water, and the projects have actually used 5.1 million acre-feet. Thus, California, would have to give up 700,000 acre-feet of existing uses when the main stream supply shrinks to 7.5 million acre-feet, and Arizona and Nevada require their full decreed rights. The effect of this section of the legislation is that if the supply of main stream water drops below 7.5 million acre-feet, the next impact of shortage will have to be borne by the Central Arizona Project. Under this condition diversions for the Central Arizona Project would have to be reduced to the extent necessary to assure the availability of water for use in Arizona, California, and Nevada by holders of present perfected rights and for meeting commitments to other users served under existing contracts with the United States, with the protection to California limited, however, to 4.4 million acre-feet.
>
> The provisions in subsection (b) have the effect of implementing Article II B(3) of the decree of the Supreme Court in *Arizona* v. *California* which deals with shortages in the 7.5 million acre-feet apportioned by the Supreme Court. Article II B(3) directs the Secretary to first satisfy perfected rights and to allocate the remaining available water in accordance with applicable law. This section writes the applicable law which the Secretary would have to follow.
>
> Under the provisions of subsection (c) the limitation on the Central Arizona Project diversions stated in subsection (b) will be inapplicable in any year that the Secretary determines and proclaims that means are available and in operation to augment the water supply of the Colorado River System so as to provide annual consumptive use of 7.5 million acre-feet of mainstream water to Arizona, California, and Nevada users.
>
> A priority for present California uses, up to 4.4 million acre-feet per year, over new uses for the Central Arizona Project, has been one of the major stumbling blocks in this and prior bills. If the flow of the River is eventually augmented, as a result of the studies authorized in Title II, the problem will become academic. If the augmentation does not occur, however, the decreased amount of water estimated to be in the River for use in the Lower Basin will curtail the water supply for the Central Arizona Project.

"AUGMENTATION"

Note particularly, in connection with section 301(c), how section 606(f) defines "augment":

> "Augment" or "augmentation", when used herein with reference to water, means to increase the supply of the Colorado River or its tributaries by the introduction of water into the Colorado River System which is in addition to the natural supply of the system.

This definition excludes from the meaning of "augment," as used in section 301(c), the concept of exchanges of water on the California coastal plain or elsewhere which do not result in "the introduction of water into the Colorado River system." The reason is plain enough. Additional water must be introduced into the Colorado River to meet the requirements of the Mexican Water Treaty, as well as shortages in the main stream supply otherwise occasioned. In addition to quantitative shortages, the Commissioner of Reclamation has made plain in his testimony that the introduction into the river of 2 to 2.5 million acre-feet annually of the equivalent of "distilled water" is necessary to prevent degradation of the present quality of water, bad as it is, 1,000 parts of salt per million, to 1,400 parts whenever upper basin depletions reduce the river's flow to the compact minimum. This is nearly three times the salt content which Public Health Service standards tolerate, and is the equivalent of 2 tons of salt per acre-foot. Moreover, if the water diverted in the United States contains 1,400 parts of salt per million, the return flow to Mexico will contain a much higher concentration. The committee was, therefore, quite conscious of what it was doing when it restricted the meaning of "augmentation" to the "introduction of water into the Colorado River system which is in addition to the natural supply of the system."

This is intentionally consistent with the direction to the Secretary in section 201(a)(2) that he "investigate and recommend sources and means of supplying water requirements of the Colorado River Basin, either directly or by exchange, including reductions in losses, importations from sources outside the natural drainage basin of the Colorado River system, desalination, weather modification, and other means."

Indeed, benefits to the upper basin from introduction of water into the main stream below Lee Ferry can only come about by exchange of portions of such water, introduced in addition to that contemplated by section 301(c), for reductions in deliveries otherwise required from the upper division States at Lee Ferry. But this has nothing to do with section 301(c), and is a matter to be considered in future interstate agreements or acts of Congress.

DIFFERENCES BETWEEN H.R. 3300 AND PRIOR BILLS

Section 301(c) differs from provisions in earlier bills; for example, H.R. 4671, 89th Congress, which would terminate the priority protection whenever works are constructed to deliver 2.5 million acre-feet annually of imported water into the main stream. The difference is important in two respects: First, H.R. 3300 contemplates that, inasmuch as the lower basin shortage may be expected to materialize gradually as uses in the upper basin develop, successive introduction of a series of relatively small increments of additional water into the river may restore the lower basin supply, for a time, to 7.5 million acre-feet, so that the necessity for reductions in central Arizona project diversions may be successively postponed; second, under H.R. 3300 the protection of California's priority—and that of existing uses in Arizona and Nevada—does not cease upon the happening of a particular event. The change relieves Arizona from the fear that a major importation program will be inordinately delayed, thus requiring indefinite curtailment in Arizona's diversions, while reassuring California that the protection of her existing investments will not be erased, once for all time, by construction of augmentation works which subsequently prove to be inadequate to permanently restore the full 7.5 million acre-feet of supply. Both States regard this as a fair compromise.

THE SUPREME COURT DECISION IN ARIZONA AGAINST CALIFORNIA

In justice to our Arizona friends who participated in the negotiation of this compromise, and who are unjustly attacked for having given up something that their opponents say, quite incorrectly, that the Supreme Court gave Arizona, let us set the record straight.

In 1953 Arizona brought her fourth suit against California in the U.S. Supreme Court. This time the United States intervened, so that the Court for the first time had jurisdiction to proceed to a decree, and did so. The Court referred the case to a special master for trial. In this trial, Arizona made the claim that Congress and the California legislature had intended not only that California's uses which were in excess of 4.4 million acre-feet must be prorated with Arizona's—which California freely admitted, because section 4(a) says "one-half of any excess or surplus"—but also that, in the event that the supply should be less than 7.5 million acre-feet, California's use of the basic 4.4 million acre-feet, which California water users had appropriated and put to use at a cost of $600,000,000, was also subject to proration with Arizona's later uses. California, of course, resisted this contention, pointing to the language of section 4(a), which related this 4.4 million to "present perfected rights" and "rights which may now exist," in addition to "uses under contracts made under the provisions of this act."

The special master filed a report with the Supreme Court in 1961. He proposed to divide the first 7.5 million acre-feet of the waters of the main stream 4.4 million to California, 2.8 million to Arizona, 300,000 to Nevada. He would divide the "surplus" above 7.5 million one-half to California, one-half to Arizona—with the possibility of reducing Arizona's share of this surplus to 46 percent, giving Nevada 4 percent. The significance of this was not in the apportionments to the three States—these quantities had long since been agreed to, and were not in controversy—but in the exclusion of the Gila and other tributaries from contributions to the "fund" of water thus divided. The primary effect was to eliminate all possibility of "surplus"; that is, the category on which California was required by her limitation act to depend for water in excess of 4.4 million. But, as evidence before the House Committee on Interior and Insular Affairs has conclusively demonstrated, the future dependable water supply of the Colorado River Basin will be so low that there would be little or no "surplus" above 7.5 million acre-feet, even if the flow of the lower basin tributaries were added to the main stream flow. Consequently, while the apportionment which the special master recommended was widely hailed as a victory for Arizona, his apportionment actually was not of practical significance.

What was of tremendous significance in the master's report was his proposed shortage formula, to govern if less than 7.5 million acre-feet were available in the main stream. Although, as we shall see in a moment, the Supreme Court unanimously reversed him on this shortage issue—while sustaining his apportionment—the master's formula requires our attention because of the persistently erroneous assertion that his rejected proposal is indeed the law of the land, and that H.R. 3300 reverses it.

The master proposed that if less than 7.5 million acre-feet is available in the main stream, the supply be prorated forty-four seventy-fifths to California, twenty-eight seventy-fifths to Arizona, three seventy-fifths to Nevada—the numerators, of course, being related to the apportionments, the denominator to the total apportioned.

The Supreme Court unanimously rejected and set aside the special master's shortage formula. It did not get a single vote. Instead, three Justices voted to substitute the law of priorities, interstate. Five Justices held that there was no shortage formula before the Court, and declined to fashion one. They said that the Secretary had authority to devise a shortage formula, and, if he did, it could be reviewed by the Court. But, more significantly, the Court said that Congress had final authority, and could write its own shortage formula.

To drive the point home, the Court went still further in its decree. It restricted the apportioning authority of the Secretary and the Congress, in the event of shortage, to that portion of the water supply which is in excess of the requirements of "present perfected rights." These it defined as water put to use before the effective date of the Project Act, June 25, 1929, plus the rights of Federal reservations. And, as to this excess—which will be relatively small, in the light of the testimony on H.R. 3300—the Court directed that the apportionment be not only in accordance with the Boulder Canyon Project Act, but also in accordance "with other applicable Federal statutes."

As the House committee report says, quite accurately, H.R. 3300 now writes the "applicable Federal statute" which controls the Secretary's allocation of shortages.

Reproduced below are the January 24, 1968, resolution of the Colorado River Board of California, reaffirming its position taken November 1, 1967, stating California's objectives, embodied in H.R. 3300, 90th Congress, as reported out of the House Committee on Interior and Insular Affairs, and the opinion of Attorney General Thomas C. Lynch, of California, on the application of the provisions of the Supreme Court's decree in Arizona against California which relate to water shortages, together with relevant portions of the special master's shortage formula, which the Supreme Court rejected, the Court's opinion, and its decree:

RESOLUTION OF THE COLORADO RIVER BOARD OF CALIFORNIA, JANUARY 24, 1968

The Colorado River Board of California unanimously approves the following statement with respect to Colorado River legislation. This reaffirms its position taken on November 1, 1967.

COLORADO RIVER LEGISLATION, 90TH CONGRESS

We regard H.R. 3300, 90th Congress, which is a reinstatement of the seven-state agreement embodied in H.R. 4671 in the 89th Congress, as eminently fair, and regret Arizona's withdrawal from her agreement.

Arizona's present bill, S. 1004, repudiating that agreement, is totally unacceptable.

In our view, California can continue to support construction of a Central Arizona project if, but only if, the pending proposals for modification of H.R. 3300 preserve three features essential to California, stated below:

1. *Protection of existing uses.* We must insist upon the principle stated in H.R. 3300 for the allocation of water shortages, irrespective of how it may be expressed. This is the universal principle of western water law, that existing uses shall not be impaired to make water available for new ones. The Boulder Canyon Project Act in 1929 limited this protection for California to 4.4 million acre-feet annually. The result is that California's presently existing projects, which were constructed to use 5.4 million acre-feet at a cost exceeding $600,000,000 and are now furnishing 5.1 million acre-feet of water annually to more than half of California's population, must bear the full impact of shortages which reduce the Lower Basin's total mainstream supply to 7.5 million. California is then reduced to 4.4 million, while leaving 2.8 million for Arizona, 300,000 for Nevada, to make possible large expansion of uses in those states. California's legislature agreed to this in 1929 because Congress required it of us if construction of Hoover Dam were to proceed notwithstanding Arizona's rejection of the Colorado River Compact. We will live up to that burdensome limitation, but we did not agree then, and will not agree now, to any deeper cut, below 4.4 million. If the supply is less than 7.5 million, the next loss must be borne by Arizona, and diversions for the Central Arizona project must be reduced, as H.R. 3300 requires, in the amount necessary to supply the requirements of existing projects in Arizona and Nevada, and 4.4 million acre-feet of the requirements of existing projects in California.

2. *Augmentation.* Inasmuch as the assurance of 7.5 million acre-feet of mainstream consumptive uses will require the introduction of about 2.5 million acre-feet of new water annually into the river below Lee Ferry, the bill should authorize investigations of means to accomplish at least this minimum objective. The protection of existing uses must continue until that objective is accomplished. To facilitate passage of the bill, we would reduce the target figure for planning the first stage of augmentation to a flat 2.5 million acre-feet (it is now stated in H.R. 3300 as a "range" of 2.5 to 8.5 million). By "augmentation" we mean the introduction of new supplies into the river for use below Lee Ferry, not salvage or exchange or other devices. We must insist on adequate priority protection for areas and states of origin in the event that any of that water is taken from California rivers.

3. *Financing.* To facilitate passage of the bill, we would reluctantly agree to delete authorization of Hualapai dam, deferring that issue to later consideration. But if Hualapai is eliminated, we must insist that the remaining sources of revenues for the "development fund", primarily Hoover, Davis and Parker Dam power revenues be earmarked to finance augmentation works, and not be made available to subsidize the Central Arizona project. This accords with the Boulder Canyon Project Act, which specifically prohibits use of any Hoover power revenues to assist the All-American Canal, and denies use of such revenues to aid Metropolitan's aqueduct. The cost of augmentation works attributable to the Mexican Treaty burden and associated losses (about 1.8 million acre-feet altogether) must be nonreimbursable, carrying out the agreement which Senator Kuchel obtained from the Budget Bureau on this point.

California should oppose any bill authorizing the Central Arizona project which does not safeguard these three principles.

So much for the Arizona-California settlement.

As to Upper Basin matters. We will stay with our agreement with the Upper Basin States to support the features of H.R. 3300 favorable to them, including: (1) five new Upper Basin projects, (2) a formula to balance storage in Lake Mead and Lake Powell, (3) repayment of deficits in the Upper Basin fund, (4) relief from the Treaty burden when sufficient water is imported to offset the whole Treaty burden, etc., *if* those States will stand by their agreement to support California on the three matters essential to our State. The Upper Basin has now asked, in addition, that relief from the Treaty burden be conditioned, not on importation of 2.5 million acre-feet annually as agreed in H.R. 3300, but on augmentation in the lesser quantity required to offset only the Treaty burden (about 1.8 million). We will agree to this, if the States asking this new improvement in the Upper Basin position stand by their agreement, stated in H.R. 3300, that protection of California's 4.4 million shall not cease until 2.5 million is imported.

State of California,
Department of Justice,
Los Angeles, February 21, 1968.

Re Colorado River legislation.
Mr. Raymond R. Rummonds,
Chairman, Colorado River Board of California, Los Angeles, Calif.

Dear Mr. Rummonds: This is in response to your letter of January 12, 1968, asking the views of this office on the shortage formulas that might lawfully be adopted by the Secretary of the Interior (hereinafter "Secretary") under the decree in *Arizona* v. *California*. More particularly, your inquiry relates to the range of legally permissible formulas available to the Secretary under article II(B) (3) of the decree. That article applies in a year in which there is less than 7.5 million acre-feet of consumptive use of main Colorado River water available for distribution among Arizona, California, and Nevada.

Any answer to your inquiry must, of course, be general; but some broad principles may be laid down. To do so, however, requires an understanding of the Special Master's recommended decree, the opinion in *Arizona* v. *California*, 373 U.S. 546 (1963), and the decree in *Arizona* v. *California*, 376 U.S. 340 (1964), amended, 383 U.S. 268 (1966).

SPECIAL MASTER'S RECOMMENDED DECREE

The relevant provisions of the Special Master's recommended decree are articles I(G) and (H) and II(B)(1), (2), (3), (5), and (6), the texts of which are set forth as appendix A hereto. These articles would have provided substantially as follows:

Article I(G) and (H) would have defined present perfected rights, in essence, as water rights valid under state law existing as of June 25, 1929, to the extent that such rights had been exercised by the actual diversion and use of water by that date.[1] In addition, present perfected rights would have included water rights created by federal reservations (primarily Indian reservations) prior to that date, regardless of whether any water was put to beneficial use.

Article II(B) would have dealt with the allocation of main Colorado River water among Arizona, California, and Nevada as follows:

Article II(B)(1) would have provided that if the Secretary determined that main stream water was available to satisfy 7.5 million acre-feet of consumptive use, it would be allocated 2.8 million to Arizona, 4.4 million to California, and .3 million to Nevada.

Article II(B)(2) would have provided that if main stream water were available in excess of the 7.5 million, that excess should be divided 50% to Arizona (subject to a reduction of 4% in favor of Nevada) and 50% to California.

Article II(B)(3) would have provided:

"If insufficient mainstream water is available for release, as determined by the Secretary of the Interior, to satisfy annual consumptive use of 7,500,000 acre-feet in the aforesaid three states, then the available annual consumptive use shall be apportioned as follows:

(a) For use in Arizona.............. $\left\{\frac{2.8}{7.5},\right.$

(b) For use in California........... $\left\{\frac{4.4}{7.5},\right.$

(c) For use in Nevada................ $\left\{\frac{.3}{7.5};\text{"}\right.$

As is evident from this formulation, the Special Master, in establishing the pro rata share of each state, treated all water rights of each state on a par, including present perfected rights.[2] He did this notwithstanding the fact that in two subsequent provisions he provided for the priority of present perfected rights over all other rights to the use of main Colorado River water.

Article II(B)(5) as proposed by the Master would have provided, in essence, that present perfected rights in each state could not be reduced until all uses under nonperfected rights were first exhausted in all states. Article II(B)(6) would have provided that if there were insufficient water to supply all present perfected rights, then such water should be allocated in accordance with the priority of present perfected rights without regard to state lines (California being limited to 4.4 million acre-feet per annum).

OPINION IN ARIZONA V. CALIFORNIA

In its opinion in *Arizona* v. *California*, 373 U.S. 546 (1963), the Supreme Court unanimously rejected the proration formula set forth in article II(B)(3) of the Special Master's recommended decree. The three dissenting Justices would have required the Secretary to meet such shortages by application of the doctrine of equitable apportionment, including priority of appropriation and protection of existing projects, as urged by California. (373 U.S. at 603–30.) The five-judge majority ruled only that no shortage formula had been stated by Congress or devised by the Secretary. Hence, they concluded that there was no action of the Secretary to be reviewed in this regard at that time. (373 U.S. at 592–94.) The complete text of the opinion on this issue is set forth as appendix B thereto.

With reference to a decree, the Court concluded (373 U.S. at 602):

"While we have in the main agreed with the Master, there are some places we have disagreed and some questions on which we have not ruled. Rather than adopt the Master's decree with amendments or append our own decree to this opinion, we will allow the parties, or any of them, if they wish, to submit before September 1963, the form of decree to carry this opinion into effect, failing which the Court will prepare and enter an appropriate decree at the next Term of Court."

DECREE IN ARIZONA *V.* CAIFORNIA

In compliance with this suggestion by the Court, the parties submitted to the Court an agreed form of decree as to most of its provisions. Each party also submitted its separate views upon the several provisions that were not agreed upon, and these were resolved by the Court.

The decree entered by the Court in 1964 (376 U.S. 340) adopts in article I (G) and (H) the Special Master's definition of "present perfected rights." It also adopts in article II(B) (1) and (2) those identical provisions of the Special Master's decree that allocate the 7.5 million acre-feet of main stream water and any excess over that 7.5 million. However, the provisions of article II(B)(3) of the Court's decree, which replace article II(B) (3), (5), and (6) of the Special Master's recommended decree, differ markedly from the Special Master's recommendation. The full text of article II(B) (1), (2), and (3) of the Court's decree are set forth as appendix C hereto.

Article II(B)(3), which was submitted to the Court by agreement of all parties, provides in substance as follows: If there is not sufficient main stream water available to satisfy 7.5 million acre-feet of consumptive use among Arizona, California, and Nevada, then the Secretary, "after providing for satisfaction of present perfected rights in the order of their priority dates" and after consultation with the parties to major delivery contracts and the states' representatives, "may apportion the amount remaining available for consumptive use" in such manner as is consistent with the Boulder Canyon Project Act as interpreted by the opinion "and with other applicable federal statutes"; however, California's share shall not exceed 4.4 million acre-feet, including all present perfected rights.

ANALYSIS OF ARTICLE II(B)(3) OF DECREE

Article II(B)(3) requires the Secretary, in the event of shortage of main stream water to supply 7.5 million acre-feet of consumptive use among the three states, to do two things in this precise order:

First, the Secretary must satisfy "present perfected rights" in the order of their priority dates, without regard to state lines. In general, it may be said that the Secretary is thereby providing water first for those uses that had been made prior to authorization or construction of Hoover Dam, hence without the storage and regulation provided by that dam.[3]

Second, the Secretary may then apportion "the amount remaining" after satisfaction of present perfected rights in a manner consistent with the Project Act, the opinion, and any other applicable federal statutes. In general, it may be said that the Secretary is thereby permitted to allocate the incremental supply above that which was usable from the unregulated flow, *i.e.*, the remaining waters are those made available by the construction of Hoover Dam, which provides storage and regulation of flood flows that previously were unusable and wasted to the ocean.

The real issue is therefore a very limited one: How may the Secretary apportion among Arizona, California, and Nevada "the amount remaining" after satisfaction of present perfected rights? This is another way of asking how the Secretary may apportion among these States the benefit of the conservation accomplished by Hoover Dam, since, by hypothesis, the unregulated flow put to use before construction of Hoover Dam is all accounted for by "present perfected rights," which the decree withholds from the Secretary's power of allocation.

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[1] *See* Sp. Mas. Rep. 308: "Hence I conclude that a water right is a 'present perfected right' and is within the protection of Section 6 [of the Boulder Canyon Project Act] only if it was, as of the effective date of the [Boulder Canyon] Project Act (June 25, 1929), acquired in compliance with the formalities of state law and only to the extent that it represented, at that time, an actual diversion and beneficial use of a specific quantity of water applied to a defined area of land or to a particular domestic or industrial use."

[2] *I.e.*, the Master treated present perfected rights as a minimum, but gave them the same value in his proration equation as all other rights. (Sp. Mas. Rep. 306, 311–12). As pointed out later, this concept did not survive in the Supreme Court.

[3] As we have noted earlier, water reserved for federal establishments, *e.g.*, Indian reservations, prior to the effective date of the Project Act, June 25, 1929, is given the status of a present perfected right irrespective of the quantity put to use before that date. It is clear from the legislative history of the Project Act that the unregulated flow had been fully appropriated, quite aside from the additional (unused) Indian rights which the decree characterizes as present perfected rights.

Suppose, for example, that present perfected rights are 3.4 million acre-feet in California and .8 million acre-feet in Arizona.[4] (For the purpose of this example, Nevada's present perfected rights, which are claimed in a quantity less than 7,000 acre-feet, are taken as *de minimis*.) Out of the 7.5 million, a total of 4.2 is claimed as present perfected rights and 3.3 million thus represents "the amount remaining."

Similarly, out of California's 4.4 million, 3.4 million is claimed as present perfected rights, and only 1.0 million is dependent upon "the amount remaining." Out of Arizona's 2.8 million, only .8 million is claimed as present perfected rights, and 2.0 million is dependent on "the amount remaining." Substantially all of Nevada's .3 million is dependent on "the amount remaining."

In allocating "the amount remaining" among the three states in the event that there is not 7.5 million acre-feet of consumptive use available from the main stream (and hence less than 3.3 million acre-feet of "the amount remaining"), the Secretary may take one or a combination of two basic approaches: (1) a formula based on respect for the relative ranking of the competing claims, or (2) a formula based on quantitative proration, irrespective of other considerations.

In more detail, as to these two allocation concepts:

1. First of all, the Court's opinion tells us that the Secretary may "lay stress upon priority of use" (373 U.S. at 594). The "judicial doctrine of equitable apportionment" and "the law of prior appropriation" can provide "some guidance" (*ibid.*). For these are "recognized methods of apportionment" (373 U.S. at 593). Under this approach, the Secretary might, for example, provide that "the amount remaining" be allocated in order of priority dates without regard to state lines, by analogy to the allocation of "present perfected rights" in that manner. Or, conceivably, he might rank the competing claims by priorities related to classification of uses rather than dates of initiation of rights (as he has done in contracts recently executed under the Southern Nevada Project Act), which, with respect to intrastate allocations within Nevada, give preference to municipal and industrial uses against agricultural uses, if less than 300,000 acre-feet is available for consumptive use in Nevada.[5] Or, it is conceivable that other criteria, related primarily to equities or qualitative considerations (as distinguished from quantitative proration) may be articulated.[6]

2. Secondly, the Secretary may also "adopt *a* method of proration" (373 U.S. at 594; emphasis added). "[T]he Secretary may or may not conclude that a pro rata division is the best solution" (373 U.S. at 593). But if he does, he may "choose among the recognized methods of apportionment" or "devise *reasonable* methods of his own" (*ibid.*; emphasis added). It is further suggested that one appeal of pro rata sharing of shortages is that it "seems equitable on its face" (*ibid.*).

We are concerned here with the range of choice open to the Secretary *if he resorts to quantitative proration, wholly ignoring interstate priorities or character of use.* The inquiry is sharpened by the fact that, as we shall see in a moment, this is exactly what the Special Master proposed and the Supreme Court rejected.

If the Secretary resorts to proration of "the amount remaining" above the requirements of present perfected rights, what common denominator, and what three numerators, can he lawfully use in defining the fraction allocated to each of the three States?

Manifestly, the sum of the numerators must equal the common denominator. The Special Master's shortage formula used a common denominator of 7.5, as representing the whole universe (7.5 million acre-feet), at the first onset of shortage, and numerators of 2.8 for Arizona (representing 2,800,000), 4.4 for California (representing 4,400,000), and .3 for Nevada (representing 300,000)—the States' respective shares if 7.5 million were available. In the event of shortage, California, for example, was to receive 4.4/7.5 of the supply, hence bear 4.4/7.5 of the shortage, although most of California's share constitutes present perfected rights.

But the whole universe which the Supreme Court's decree permits the Secretary to divide is not 7.5 million, but a much smaller figure, identified as the "amount remaining available" above present perfected rights. We have shown that if the present claims of present perfected rights of the States were sustained, the maximum "amount remaining available" could not exceed 3.3 million. That is to say, of the 7.5 million acre-feet of consumptive use apportioned by article II(B)(1) of the decree, the uses of 3.3 million are dependent for their satisfaction upon the magnitude of "amount remaining" above present perfected rights. If the "amount remaining" were large enough to satisfy all of this 3.3 million acre-feet of demand, Arizona's share of that 3.3 million (as we have seen, *supra*) would be 2.0/3.3 (since 2 million of Arizona's total apportionment is dependent on the "amount remaining," only .8 million being present perfected rights); California's share would be 1.0/3.3 (since 1 million of California's total apportionment of 4.4 million is dependent on the "amount remaining," 3.4 million being present perfected rights); and Nevada's share would be .3/3.3 (since substantially all of Nevada's total apportionment of .3 million is dependent on the "amount remaining"). The common denominator applicable under the decree, comparable to the Special Master's common denominator, would thus be 3.3, not the Master's 7.5, and the comparable ratios would be: California, 1.0/3.3, not 4.4/7.5; Arizona, 2.0/3.3, not 2.8/7.5, and Nevada, .3/3.3, not .3/7.5. These ratios, in each case, would be applied to whatever quantity may be the "amount remaining available" above the requirements of present perfected rights (which are assumed to aggregate 4.2 million acre-feet). Each State's total entitlement would be the quantity so determined added to, and not inclusive of, present perfected rights (contra the Special Master's formula).

It would see to require little argument, therefore, to demonstrate that whatever proration formula the Secretary might use (assuming that he resorted to proration), the employment of the Special Master's shortage formula would be precluded by the Supreme Court's decree. The numerators, the denominator, and the universe to which the resulting ratios are applicable, are all required by the Supreme Court to be wholly different from those which the Special Master supposed.

This comparison may also be viewed in terms of percentages: Although California's share of the "amount remaining available" is only about 30% (1.0/3.3), the Special Master's formula would have required California to bear approximately 57% (4.4/7.5) of the shortage. On the other hand, although Arizona's share of the "amount remaining available" is about 60% (2.0/3.3), the Special Master's formula would have required her to bear only about 37% (2.8/7.5) of the shortage.

The contrast between the Master's proposal and the Court's decree is conclusively illustrated by the following example: Assume a water supply of 5.5 million acre-feet. Under the initial application of the Special Master's formula, California would be given 4.4/7.5 or about 3.2 million acre-feet; however, since California's share could not be less than her present perfected rights, California would receive 3.4 million acre-feet.[7] By contrast, if the approach under article II(B)(3) of the decree is applied to these same assumptions, California must first be awarded her present perfected rights of 3.4 million acre-feet. It follows that the Master's conclusion that California should receive no more than 3.4 million acre-feet out of a total supply of 5.5 million could not be reached under the decree unless the Court were prepared to sustain a Secretarial apportionment that would include, in effect, a provision that when the supply is 5.5 million acre-feet, the 1.3 million acre-feet "amount remaining available"[8] shall be apportioned as follows: to California, zero; to Arizona and Nevada, all. We think that the Court would reject this attempt to deny to California any of the benefits of Hoover Dam's conservation of water and to limit California to the quantity of the unregulated flow that she had put to use before that dam was authorized or built.

SUMMARY AND CONCLUSION

1. The quantity of water which is within the power of the Secretary of allocate, in the event of shortages, is not the whole supply, but the much smaller quantity representing the "amount remaining available" after satisfaction of present perfected rights. Present perfected rights constitute decreed quantities, which the Secretary may not reduce, but which must be satisfied in order of priority

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[4] These are the quantities of present perfected rights claimed by California and Arizona respectively. Article VI of the decree provides that if the States are unable to agree, the court will determine the quantities and priority dates of present perfected rights. No agreement has been reached, as of this date, although negotiations are continuing.

[5] See contract between the United States and the Nevada Colorado River Commission, dated August 25, 1967, article 8.

[6] In *Nebraska* v. *Wyoming*, 325 U.S. 589, 618 (1945), the Court said:

"Priority of appropriation is the guiding principle. But physical and climatic conditions, the consumptive use of water in the several sections of the river, the character and rate of return flows, the extent of established uses, the availability of storage water, the practical effect of wasteful uses on downstream areas, the damage to upstream areas as compared to the benefits to the downstream areas if a limitation is imposed on the former—these are all relevant factors. They are merely an illustrative, not an exhaustive catalogue. They indicate the nature of the problem of apportionment and the delicate adjustment of interests which must be made."

The Special Master, in *Arizona* v. *California*, quoting the foregoing, added (Rept., p. 326):

"It is worthy of note that the Court, in an equitable apportionment suit, has never reduced junior upstream existing uses by rigid application of priority of appropriation. Indeed, the tendency has been to protect existing uses wherever possible. See *Washington* v. *Oregon*, 297 U.S. 517 (1936); *Kansas* v. *Colorado*, 206 U.S. 46 (1907)."

[7] Although our example uses the parties' present perfected rights claims as set forth *supra* in this letter, the application of the Special Master's formula is identical (only using different figures) to that presented by way of example in his report (Rept. 306, 311–12).

[8] The 5.5 total water supply less the 4.2 total present perfected rights (3.4 in California and .8 in Arizona) equals the 1.3 "amount remaining available."

without regard to state lines. Claims of present perfected rights aggregate about 4.2 million acre-feet, hence leaving, within the 7.5 million, only 3.3 million acre-feet of water "remaining available." If the supply should shrink, for example, to 5.5 million, the quantity which would be within the Secretary's power of allocation would be not the 5.5 million, but only 1.3 million (5.5 million less 4.2 million).

2. The Supreme Court's decree does not require proration of this "amount remaining available." The Secretary may, instead, respect priority of appropriation interstate, or protect existing uses, or perhaps invoke other qualitative and equitable criteria as yet untested in the courts. Or Congress, as the Court's opinion says, may take the matter out of his hands and establish its own shortage formula in an "applicable federal statute."

3. If the Secretary does attempt to invoke quantitative proration, to the exclusion of all equitable considerations, it is clear that the Supreme Court's decree prohibits his use of the Special Master's proration formula, and requires a formula more advantageous to California, for two reasons: (1) the decree restricts proration (if proration is applicable to all) to the limited "amount remaining available" after satisfying present perfected rights, not the whole supply (contra the Special Master),[9] and (2) the quantity to be prorated to each State (if proration is invoked at all) shall be in addition to, not inclusive of, that State's present perfected rights (again contra the Special Master).

Finally, it should be emphasized, as noted above, that the Secretary's action is subject to review by the Supreme Court under article IX of the decree, which reserves jurisdiction for any party to apply to the court for relief thereunder.[10] As the opinion points out (373 U.S. 594):

"It will be time enough for the courts to intervene when and if the Secretary, in making apportionments or contracts, deviates from the standards Congress has set for him to follow, including his obligation to respect 'present perfected rights' as of the date the Act was passed."

We trust that the foregoing analysis will be useful to you. If you have any further questions on any of the matters covered in this letter, please call upon us for further advice.

Very truly yours,

THOMAS C. LYNCH,
Attorney General.

APPENDIX A

EXTRACT FROM SPECIAL MASTER'S RECOMMENDED DECREE (SP. MAS. REP. PP. 345–49)

I. For purposes of this decree:

* * * * *

(G) "Perfected right" means a water right acquired in accordance with state law, which right has been exercised by the actual diversion of a specific quantity of water that has been applied to a defined area of land or to definite municipal or industrial works, and in addition shall include water rights created by the reservation of mainstream water for the use of federal establishments under federal law whether or not the water has been applied to beneficial use;

(H) "Present perfected rights" means perfected rights, as here defined, existing as of June 25, 1929, the effective date of the Boulder Canyon Project Act;

* * * * *

II. The United States, its officers, attorneys, agents and employees, be, and they are hereby severally enjoined:

* * * * *

(B) From releasing water controlled by the United States for irrigation and domestic use in the States of Arizona, California and Nevada, except as follows:

(1) If sufficient mainstream water is available for release, as determined by the Secretary of the Interior, to satisfy 7,500,000 acre-feet of annual consumptive use in the aforesaid three states, then of such 7,500,000 acre-feet of consumptive use, there shall be apportioned 2,800,000 acre-feet for use in Arizona, 4,400,000 acre-feet for use in California, and 300,000 acre-feet for use in Nevada;

(2) If sufficient mainstream water is available for release, as determined by the Secretary of the Interior, to satisfy annual consumptive use in the aforesaid states in excess of 7,500,000 acre-feet, such excess consumptive use is surplus, and 50% thereof shall be appropriated for use in Arizona and 50% for use in California; provided, however, that if the United States so contracts with Nevada, then 46% of such surplus shall be apportioned for use in Arizona and 4% for use in Nevada;

(3) If insufficient mainstream water is available for release, as determined by the Secretary of the Interior, to satisfy annual consumptive use of 7,500,000 acre-feet in the aforesaid three states, then the available annual consumptive use shall be apportioned as follows:

(a) For use in Arizona................ $\frac{2.8}{7.5}$
(b) For use in California.............. $\frac{4.4}{7.5}$,
(c) For use in Nevada.................. $\frac{.3}{7.5}$;

* * * * *

(5) If the water apportioned for consumptive use in any of said states in any year is insufficient to satisfy present perfected rights in that state, the deficiency shall first be supplied out of water apportioned for use in the other two states but not consumed in those states, and any remaining deficiency shall be supplied by each of the remaining states, out of water apportioned for consumptive use in such states which is in excess of the quantity necessary to satisfy present perfected rights in such states, in proportion to the ratios heretofore established between them, to wit: if water must be supplied to satisfy present perfected rights in two of the three states, then the third state shall, out of such excess, supply all the necessary water, and if water must be supplied to satisfy present perfected rights in one state, then each of the other two states shall out of such excess supply that proportion of the necessary water that its apportionment of the first 7,500,000 acre-feet of consumptive use bears to the aggregate apportionment of the two states;[1] provided, however, that present perfected rights in California shall not exceed 4,400,000 acre-feet of consumptive use per annum;

(6) If the mainstream water apportioned for consumptive use in any year is insufficient to satisfy present perfected rights in each and all of the three states, then such water shall be allocated for consumptive use in accordance with the priority of present perfected rights without regard to state lines; provided, however, that present perfected rights in California shall not exceed 4,400,000 acre-feet of consumptive use per annum;

* * * * *

APPENDIX B

EXTRACT FROM OPINION IN ARIZONA V. CALIFORNIA, 373 U.S. 546, 592–94 (1963)

III. APPORTIONMENT AND CONTRACTS IN TIME OF SHORTAGE

We have agreed with the Master that the Secretary's contracts with Arizona for 2,800,000 acre-feet of water and with Nevada for 300,000, together with the limitation of California to 4,400,000 acre-feet, effect a valid apportionment of the first 7,500,000 acre-feet of mainstream water in the Lower Basin. There remains the question of what shall be done in time of shortage. The Master, while declining to make any findings as to what future supply might be expected, nevertheless decided that the Project Act and the Secretary's contracts require the Secretary in case of shortage to divide the burden among the three States in this proportion: California 4.4/7.5; Arizona 2.8/7.5; Nevada .3/7.5. While pro rata sharing of water shortages seems equitable on its face,[1] more considered judgment may demonstrate quite the contrary. Certainly we should not bind the Secretary to this formula. We have held that the Secretary is vested with considerable control over the apportionment of Colorado River waters. And neither the Project Act nor the water contracts require the use of any particular formula for apportioning shortages. While the Secretary must follow the standards set out in the Act, he nevertheless is free to choose among the recognized methods of apportionment or to devise reasonable methods of his own. This choice, as we see it, is primarily his, not the Master's or even ours. And the Secretary may or may not conclude that a pro rata division is the best solution.

It must be remembered that the Secretary's decision may have an effect not only on irrigation uses but also on other important functions for which Congress brought this great project into being—flood control, improvement of navigation, regulation of flow, and generation and distribution of electric power. Requiring the Secretary to prorate shortages would strip him of the very power of choice which we think Congress, for reasons satisfactory to it, vested in him and which we should not impair or take away from him. For the same reasons we cannot accept California's contention that in case of shortage each State's share of water should be determined by the judicial doctrine of equitable apportionment or by the law of prior appropriation. These principles, while they may provide some guidance, are not binding upon the Secretary where, as here, Congress, with full power to do so, has provided that the waters of a navigable stream shall be harnessed, conserved, stored, and distributed through a government agency under a statutory scheme.

None of this is to say that in case of shortage, the Secretary cannot adopt a method of proration or that he may not lay stress upon priority of use, local laws and customs, or any other factors that might be helpful in reaching an informed judgment in harmony with the Act, the best interests of the Basin States, and the welfare of the Nation. It will be time enough for the courts to intervene when and if the Secretary, in making apportionments or contracts, deviates from the standards Congress has set for him to follow, including his obligation to respect "present perfected rights" as of the date the Act was passed. At this time the Secretary has made no decision at all based on an actual or anticipated shortage of water, and so there is no action of his in this respect for us to review. Finally, as the Master pointed out, Congress still has broad powers over this navigable international stream. Congress can undoubtedly reduce or enlarge the Secretary's power if it wishes. Unless and until it does, we leave in the hands of the Secretary, where Congress placed it, full power to control, manage, and operate the Government's Colorado River works and to make contracts for the sale and delivery of water on such terms as are not prohibited by the Project Act.

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[9] For example, the effect of the Special Master's formula would have been to impose on California 4.4/7.5, on Arizona the lesser ratio of 2.8/7.5, of any shortage in the 7.5 million apportioned. By contrast, California's share of the "amount remaining" in excess of present perfected rights is 1.0/3.3, which is only one-half of Arizona's share of 2.0/3.3.

[10] Article IX (376 U.S. at 353) provides: "Any of the parties may apply at the foot of this decree for its amendment or for further relief. The Court retains jurisdiction of this suit for the purpose of any order, direction, or modification of the decree, or any supplementary decree, that may at any time be deemed proper in relation to the subject matter in controversy."

[1] Thus if water is to be supplied to California from the other states' apportionment, Arizona shall contribute $\frac{2.8}{3.1}$ and Nevada $\frac{.3}{3.1}$ of the total amount supplied.

[1] Proration of shortage is the method agreed upon by the United States and Mexico to adjust Mexico's share of Colorado River water should there be insufficient water to supply each country's apportionment.

APPENDIX C

ARTICLE II(B)(1), (2), AND (3) OF DECREE IN ARIZONA *v.* CALIFORNIA, 376 U.S. 340, 341, 342–43 (1964)

II. The United States, its officers, attorneys, agents and employees be and they are hereby severally enjoined:

* * * * *

(B) From releasing water controlled by the United States for irrigation and domestic use in the States of Arizona, California and Nevada, except as follows:

(1) If sufficient mainstream water is available for release, as determined by the Secretary of the Interior, to satisfy 7,500,000 acre-feet of annual consumptive use in the aforesaid three states, then of such 7,500,000 acre-feet of consumptive use, there shall be apportioned 2,800,000 acre feet for use in Arizona, 4,400,000 acre feet for use in California, and 300,000 acre feet for use in Nevada.

(2) If sufficient mainstream water is available for release, as determined by the Secretary of the Interior, to satisfy annual consumptive use in the aforesaid states in excess of 7,50,000 acre feet, such excess consumptive use is surplus and 50% thereof shall be apportioned for use in Arizona and 50% for use in California; provided, however, that if the United States so contracts with Nevada, then 46% of such surplus shall be apportioned for use in Arizona and 4% for use in Nevada;

(3) If insufficient mainstream water is available for release, as determined by the Secretary of the Interior, to satisfy annual consumptive use of 7,500,000 acre feet in the aforesaid three states, then the Secretary of the Interior, after providing for satisfaction of present perfected rights in the order of their priority dates without regard to state lines and after consultation with the parties to major delivery contracts and such representatives as the respective states may designate, may apportion the amount remaining available for consumptive use in such manner as is consistent with the Boulder Canyon Project Act as interpreted by the opinion of this Court herein, and with other applicable federal statutes, but in no event shall more than 4,400,000 acre-feet be apportioned for use in California including all present perfected rights;

Mr. BROTZMAN. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman.

Mr. BROTZMAN. Mr. Chairman, I rise in support of H.R. 3300, the Colorado River Basin project bill

For more than 20 years the development of the Colorado River Basin and the central Arizona project has been the center of controversy both here in the Congress and in the seven-State area directly affected by this legislation. This bill H.R. 3300 is the product of long and difficult negotiations between the States of Arizona, California, Colorado, New Mexico, Utah, and Nevada, and represents a compromise of the various interests involved. An important feature of the compromise is the provision of the bill which directs the Federal Government to assume the responsibility for replacing the 1.5 million acre-feet of Colorado River water which must be supplied annually to the Republic of Mexico under the provisions of the 1944 Mexican Water Treaty.

The Mexican Treaty was negotiated in time of war, by the Government of the United States, in an effort to foster international good will and to settle another dispute between the two countries over the use of Rio Grande River water.

The simple fact is that there has not been enough water in the Colorado River to meet the obligations of the Mexican Treaty after the States of the Colorado River Basin divide the water of the river among themselves. The Colorado River States had already agreed on how to divide the water before the Mexican Treaty was ratified. The agreement requires the upper basin States, of which Colorado is one, to deliver 75 million acre-feet of water at Lee Ferry every 10 years. This obligation, plus the obligation imposed by the Mexican Treaty, would not leave enough water in the upper basin to meet the needs of that area.

With the asumption of the Mexican Treaty obligation as a national obligation, the water supply of the Colorado River can be augmented to meet that need. This bill directs the Secretary of the Interior to investigate means of augmenting the water in the Colorado River under principles to be established by the Water Resources Council. The acceptance of national responsibility for the Mexican Treaty obligation will not, however, create an immediate need for large quantities of water to augment the Colorado. It is estimated that under normal conditions, there will be ample water in the river until around 1987 when gradual reductions may commence. The central Arizona project and future water use developments in the Upper Colorado Basin will put the ultimate overdraft on the river until about 1990. By 1990 an augmentation of 102,000 acre-feet—or less than 1 percent of the total requirement—may be needed.

One of the major obstacles to passage of the bill 2 years ago was the authorization of the construction of the Marble and Bridge Canyon Dams on the Colorado River. That authorization was opposed by several conservationist groups. Both of these projects have been eliminated. This bill not only forbids the construction of Bureau of Reclamation dams in this area, but also prohibits the licensing of private dams by the Federal Power Commission.

The bill does provide for the construction of the Hooker Dam on the Gila River in New Mexico. However, the committee, in reporting this bill, did not specify the Hooker site absolutely, but left open the consideration of "a suitable alternative."

Mr. Chairman, the State of Colorado has strongly endorsed this measure. Gov. John Love, of Colorado, told the Interior and Insular Affairs Committee:

> Hundreds of hours of most difficult negotiations have been incorporated into H.R. 3300. It is not a bill which provides an immediate solution to all of the water problems of the Colorado River states. It does, however, approach the problems on a broad, regional basis. . . . We support each of its provisions.

The soundness of this legislation is demonstrated by the unity among the diverse parts of Colorado in working for passage of this measure. We, in Colorado, have recognized the greater benefit which this legislation will bring to the entire State by setting the controversial water problems of the Southwest.

H.R. 3300 authorizes the construction of the Five Fingers projects in Colorado. We like to refer to these five projects as a "helping hand" in the solution of Colorado's water supply problem. The projects are the West Divide, Dallas Creek, San Miguel, Dolores, and Animas-La Plata. In total, the Five Fingers projects will provide about 719,000 acre-feet of water annually for irrigation, municipal, and industrial use in Colorado.

Most of the flow of the Colorado River originates in the State of Colorado. The river accounts for about 70 percent of the total surface water produced in the State. Under the Colorado River Basin Compact of 1948, the State of Colorado was allocated 51¾ percent of the water available to the upper basin States.

The Five Fingers projects will mean an annual depletion of the Colorado River flow of about 398,000 acre-feet. This depletion represents less than 4 percent of the Colorado River water that is actually produced within the State each year. It represents only a portion of the State's allotted 51¾ percent of the water available to the upper basin States.

All of the Five Fingers projects will contribute greatly to Colorado's municipal, industrial, and agricultural water supplies. One of them, the West Divide project, is designed to provide water for the State's emerging oil shale industry. Two of the projects—the Animas-La Plata and the Dolores—would directly benefit both the Ute Mountain Ute and the Southern Ute Indian Tribes, and would greatly enhance the economic opportunities of both groups.

Except for the usual nonreimbursable items such as fish and wildlife, flood control, recreation, and water salvage, the construction costs of these reclamation projects will be repaid to the United States.

Mr. Chairman, H.R. 3300 is a compromise measure which provides a solution to the water problems of the Colorado River Basin and the Pacific Southwest—a center of controversy for more than 20 years. This bill affords us an opportunity to end that controversy and to benefit not only the citizens of the Colorado River Basin but of all the United States.

Those of us who represent districts in the Southwestern United States, from both sides of the aisle, have, for the last few weeks been talking with our colleagues from the other areas of the Nation to educate them and make known to them just what this bill means not only to the States of the Colorado River Basin, but to the entire country.

For my part, I have contacted many of my Republican colleagues, as well as Democrats, and have attempted to explain to them what this compromise means and how this bill, if enacted, can settle a controversy which has raged for more than 20 years over the use of the waters of the Colorado River. Unlike so many other measures considered in this body, this bill is the product of a truly bipartisan effort.

I want to take this opportunity, Mr. Chairman, to congratulate the Interior and Insular Affairs Committee and particularly, the committee chairman, my colleague from Colorado [Mr. ASPINALL], for the fine work they have done in putting together this legislation. I urge its enactment.

Mr. ASPINALL. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona [Mr. UDALL].

Mr. SAYLOR. Mr. Chairman, will the gentleman yield, and I will yield the gentleman a minute?

Mr. UDALL. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, I would like to read into the RECORD a section of the original Colorado River compact. If people think what happened in 1944 was done under wartime stress or a mistake of fact as to the amount of water in the river, and that people did not expect the States of the basin would have to provide water to Old Mexico then they have not read the Colorado River compact because article III, section (c) says:

> (c) If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of any waters of the Colorado River System, such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantities as specified in paragraphs (a) and (b); and if such surplus shall prove insufficient for this purpose, then, the burden of such deficiency shall be equally borne by the Upper Basin and the Lower Basin, and whenever necessary the States of the Upper Division shall deliver at Lee Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

Mr. UDALL. Mr. Chairman, the gentleman from Pennsylvania has read the compact correctly, but, of course, in 1944, when the treaty was ratified, the United States of America gave away water we thought we had, and thought was surplus. The gentleman from Pennsylvania pointed out in his remarks that Senators from six of the seven States voted for the treaty. I want to tell the gentleman why they voted for it.

They voted for it because it was believed by the States and by the Senate—and page 44 of the report says this—that we thought we had a surplus that we would give away to Mexico, and that the States would not have to reduce the allocations they had under the 1922 compact, from which you read. In the Senate report on the treaty of 1944 there was one sentence I will read as follows:

> Presumably then, the Mexican allocation of 1,500,000 acre-feet per year will be supplied from the amount of approximately 2,000,000 acre-feet which is estimated to be the surplus after the Compact allocations, totalling 16,000,000 acre-feet, have been supplied.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Arizona.

Mr. RHODES of Arizona. I believe the gentleman from Arizona also would agree with my recollection of the minutes of the Santa Fe compact. Is it not the gentleman's recollection that the commissioners who finally agreed on the Santa Fe compact thought that at no time there would ever be more than 500,000 acre-feet of water allotted to the Republic of Mexico? Are not those figures in the minutes relating to the compact?

Mr. UDALL. Precisely. When the treaty gave them 1½ million acre-feet, they were using only about one-half of that.

Mr. Chairman, to the surprise of no one in the Chamber, I suppose, I want to say that I support this bill. I support it as the committee reported it. It is a sound bill. It is a sound compromise, as was said earlier today, of one of the problems which has plagued the most water short area of our country, the seven-State area of the Colorado River Basin.

Mr. Chairman, for nearly half a century Arizona has hoped and planned for full use of its allotted share of water from the Colorado River. The Santa Fe compact of 1922 laid the groundwork for allocations from the river's flow among the seven States of the basin. The Boulder Canyon Project Act of 1928 allocated to Arizona the use of 2.8 million acre-feet annually from the main stem of the river.

In 1944 the Arizona Legislature appropriated $200,000 for a $400,000 cooperative investigation by the Bureau of Reclamation which culminated in 1947 in a full feasibility report on a central Arizona project to the Congress. Our stuggle for an authorization really began in the 80th Congress with S. 75. But today, for the first time after 21 years of patient but frustrating effort, a bill to authorize the central Arizona project has finally reached the floor of this House.

For Arizona this is an historic and heart-warming moment. H.R. 3300 is a distillate of our hopes, our struggles, our faith in the future.

As some of my colleagues may tell you, the bill is not perfect in every detail. But, gentlemen, that which we have been unable to make absolutely perfect during 21 years of give and take, of negotiation and compromise, of study and planning is probably beyond the ability of mortal men to achieve. Two generations of great men have lived and died in the attempt to solve the problems of the Colorado River. More must and will devote their minds to those problems in the future.

But H.R. 3300 is here and now, and it is a milestone of progress. It gives Arizona the water which it must have for elementary survival as a productive unit of our Nation; and more, it establishes the framework for future regional resolution of water resource development problems directly affecting the lives of millions of people in the seven States of the river basin and millions more in the years ahead.

Thus, in pleading the cause of this bill as it affects by own State of Arizona, I am also championing the rights and aspirations of the family of Southwestern States, of which Arizona is a member.

The history of the Colorado River from the beginning of this century is the most fascinating chapter of the development of the American West. A formidable barrier to migrating pioneers, a gigantic challenge to man's courage and inventive genius, a promise of good things to come, a threat of destruction by flood and a fulfilment of men's dream—all these and more compose the human saga of our people and their river, the Colorado.

Below Lee Ferry in northern Arizona—the dividing point between the upper and lower basins of the river—diversions of water for irrigation were begun in the Yuma area of Arizona and the Palo Verde Valley of California before the beginning of this century. The great Imperial Valley irrigation development was begun in about 1902. All of these areas were menaced from the beginning by the uncontrolled flow of the river. Floods destroyed the fragile works of the pioneering developers.

Out of the dark and forbidding canyon of the Colorado came vast floods of water from the melting snows of the great Rocky Mountains. The paper allocations of the Santa Fe compact of 1922 meant nothing. Water could not be stored and held back for orderly release.

Not until the Congress authorized and commenced construction of Hoover Dam was the river tamed and future water resource development in Arizona, southern California, and Mexico secure from repeated disaster.

Development of lower basin resources began in earnest with the completion of Hoover Dam. The storage capacity of 32,000,000 acre-feet in Lake Mead was a guarantee against the danger of both droughts and floods. Power from the dam's hydroelectric generators was available for industrial and population expansion. The Boulder Canyon Act also appeared to have settled at last the aggravating controversy over the allocation of river water among Arizona, California, and Nevada in the lower basin. By act of Congress, Arizona's annual allotment was 2.8 million acre-feet, California's 4.4, and Nevada's 300,000.

In 1932, California contracted with the Secretary of the Interior for delivery of its 4.4 million-acre-foot allotment and for 962,000 acre-feet of any available surplus. In 1937, consulting engineers for the Department of the Interior produced a report, "Surplus Waters of the Colorado River," in which the conclusion was drawn that water was available for use in Mexico. Parker Dam was completed in 1938 as a diversion point for the Los Angeles aqueduct, and in Arizona, a Colorado River Commission was established.

A preliminary report was prepared on the Bridge Canyon project—forerunner of the central Arizona project—in 1942, and in 1944 Arizona contracted with the Secretary of the Interior for delivery of its 2.8 million acre-feet of water.

The Senate Subcommittee on Public Lands actually held hearings on a Bridge Canyon—central Arizona—project bill,

S. 75, in 1947. Arizona's Gila project was reauthorized that year to apply mainstream Colorado River water to the lands of the Welton-Mohawk Valley and other areas in Yuma County, and that was, to this day, the last reclamation project authorized by the Congress for Arizona.

In December of 1947 a formal central Arizona project feasibility report was submitted to the Secretary of the Interior by the Bureau of Reclamation, and in the following September the Secretary's favorable report and findings were transmitted to the Congress and published in House Document No. 156.

In the 80th Congress, the 81st, and the 82d, hearings were held on central Arizona project bills. Arizona's hopes rose and fell with each succeeding attempt and failure for an authorization.

World War II began and ended, and the Korean conflict arose, both demanding food and fiber production in immense quantities; and Arizona responded by tapping its limited groundwater resources in ever increasing quantities to help meet the needs of the Nation.

Yes, we knew in Arizona that groundwater was precious and irreplaceable. But with traditional American faith and optimism we continued, in the national interest, to use what was available in the firm belief that when the crisis of war was over, the Congress would make it possible to bring our share of Colorado River water to the richly productive developed lands of the State's central valleys so that we could balance our internally available water account. We would develop no new lands for irrigation with central Arizona project water. We would use Colorado River water simply to maintain what had been developed but reduce our overdraft upon groundwater.

That was, and still is, our purpose. We have pinned our hope upon it. We have had faith that it would be done. We still have that faith, but time is running out for us, it is running out for our economy and for our people.

Certainly one of Arizona's greatest frustrations came in 1951 in the 82d Congress when, with a central Arizona project bill already passed by the Senate, the House Committee on Interior and Insular Affairs adopted a resolution offered by my good colleague from Pennsylvania, the Honorable JOHN SAYLOR, to defer further action on central Arizona project legislation until the question of legal entitlement to water had been resolved between Arizona and California.

To carry out the dictates of the committee, Arizona filed suit against California in 1952 in the U.S. Supreme Court. We were assured by our adversary and others that no more than a few months would be required for the litigation. And thus, the beginning of the "big lawsuit"—which was filed in 1952 and ended over 10 years later in June of 1963—substantially upholding Arizona's claim to 2.8 million acre-feet of water from the mainstream of the river. We call it the "big lawsuit" because the trial itself lasted from June 14, 1956, to August 28, 1958, during which period 340 witnesses were heard on almost every conceivable subject, thousands of exhibits were received, and 25,000 pages of testimony were transcribed. Evidence was even introduced on behalf of those interested in wildlife on the subject of how much water is required to keep a wild goose in the manner to which he is accustomed. On this important subject the transcript contains an outstanding piece of verse by one of the learned counsel who participated in the trial. He offered in evidence this lyrical documentation of this difficult problem—it is called "Owed to a Waterfowl":

> It seems just trifle absurd
> That, in water consumption, a bird
> Tho lesser in weight
> And more waddling in gait,
> Equals almost two men and a third.

Immediately following the court's decision, Arizona's Senators HAYDEN and Goldwater introduced S. 1658, on June 4, 1963, and her Representatives in the House introduced H.R. 6796, H.R. 6897 and H.R. 6798—all to authorize the central Arizona project essentially the same as was recommended by the Secretary to the 80th Congress 20 years earlier.

In that same year, 1963, my wise colleague from Colorado, the chairman of the House Interior and Insular Affairs Committee, urged upon Arizona a unified and regional approach to the Colorado Basin problem, including the central Arizona project, and responding to this advice, the Department of the Interior rushed to completion a report on its Pacific Southwest water plan. This plan and S. 1658 were given committee hearings during the remainder of the 88th Congress. The House Subcommittee on Irrigation and Reclamation came to Arizona for field hearings to learn of the need for the central Arizona project.

As the 89th Congress opened in 1965, California and Arizona were engaged in open warfare, particularly on the Senate side where Senators HAYDEN and FANNIN had reintroduced central Arizona project legislation as S. 75, and Senators KUCHEL and MURPHY had introduced their version in S. 294. On February of 1965, Senator HAYDEN, in order to break the deadlock, indicated he might accept Senator KUCHEL's amendment granting to California a priority for 4.4 million acre-feet annually until such time as 2.5 million acre-feet annually were imported to the river—if such a bill actually passed the House.

Here on the House side, 34 California Congressmen introduced bills similar to the Kuchel bill—as did Arizona's three Members. The action was hailed as a great breakthrough for unified regional water development, and Arizona dared hope again for approval of its desperately needed aqueduct from the river. Primary action shifted from the Senate to the House where H.R. 4671 was the bill upon which hearings were begun by the Subcommittee on Irrigation and Reclamation on August 23.

A seven-State consensus involving Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming was laboriously ground out during the next several weeks, and with each new agreement, the bill grew more inclusive, more cumbersome and more costly.

The gross regional project package, with its authorization of both Hualapai—Bridge Canyon—Dam and Marble Canyon Dam, and its proposal to import water from another regional river brought effective opposition from organized nature preservationists and the people of the Pacific Northwest.

Finally, on June 28, 1966, the House subcommittee sent the bill to the full Committee on Interior and Insular Affairs, and on August 11, that committee reported it out favorably. The hour was late. The bill was big. Its enemies outside the Colorado Basin were many and powerful. It did not reach the floor of the House, and Arizona's hopes for a central Arizona project were again shattered. Indeed, so shaken and discouraged were Arizona's leaders that the State legislature passed a water and power plan act as the basis for a "go-it-alone" central Arizona project in case the Congress ultimately failed to authorize it as a Federal reclamation project.

Obviously it is unfair to expect Arizona alone among the 17 western reclamation States to so heavily burden its people and its economy—and obviously none of the regional problems of the basin would, or could, be solved by such an approach. When hundreds of millions of Federal dollars are poured annually into so many other States for flood control, rivers and harbors and water resource development for which no repayment is expected, surely the Nation will not deny to Arizona its badly needed project for which practically all costs will be returned by its Arizona beneficiaries under terms of the National Reclamation Act.

I have brought this brief history now to the threshold of this 90th Congress. Swiftly, last January, we Members of this House from Arizona introduced again new central Arizona project bills, as did Congressman HOSMER, of California, and Congressman ASPINALL, of Colorado. It is Mr. ASPINALL's bill, H.R. 3300, that is before us today; and again it is a regional bill, though far more practical and acceptable to a larger majority than was H.R. 4671 in the 89th Congress.

On the Senate side, S. 1004, a bill jointly introduced by Senators HAYDEN, JACKSON, FANNIN, ANDERSON, and BIBLE, was passed by an overwhelming vote on August 7 of last year.

For those of my colleagues who have not had time to study H.R. 3300 in detail, I want to emphasize two points in particular which seem to be of concern to many Members of this body. First, the bill does not authorize any dams on the main stem of the Colorado River. Second, the bill does not appropriate any money.

As an Arizona representative from the reclamation West and an active conservationist, I had many discussions and some honest disagreements with those who so effectively opposed the authorization and construction of Hualapai and Marble Canyon Dams during hearings in the 89th Congress.

But the conservationist organizations carried their point of view so effectively to the public at large that many of you felt the heat of their well-organized, well-financed, nationwide letter writing and newspaper advertising campaign.

Most of my Western States colleagues have believed that the social, esthetic, and economic values of Hualapai Dam and lake heavily outweigh the very minor encroachment upon the total natural values of the Colorado River—and that this dam at least ought some day to be built.

Nevertheless, in this bill, H.R. 3300, we bow to the superior political influence of our preservationist friends and invite and expect their support of a project authorization that does not include any dams on the Colorado River.

It is, incidentally, this omission of the mainstream hydroelectric power producing dams that necessitates H.R. 3300's new approach to the acquisition of power to lift water out of the river up into the central Arizona project aqueduct.

If you agree, as do even the bill's severest critics, that Arizona truly needs and ought to have its central Arizona project after all these years of waiting—and if you agree with the necessity of omitting the hydroelectric dams, then you will find this bill essential and worthy of your full support.

Concerning the second point having to do with appropriations of money for the project, I repeat that this bill is an authorization only and appropriates no funds whatever. We do not ask in this bill for appropriation of funds to begin construction of the central Arizona project or any other of the authorized works.

It is our conviction that with the hoped for early end of the war, it will be in the national economic and social interest to begin construction of this project as quickly as possible as an important means for economic adjustment. Thousands of people will be employed over a period of several years in the construction of this project. Millions of dollars worth of raw materials and industrial products and machinery will be required from suppliers located across the Nation.

In any event, the need for appropriated funds for the central Arizona project will be relatively small during the early construction period, and will peak out at about $115 million in the 8th year.

Now I should like to proceed with an analysis of some of the other major provisions of H.R. 3300, and with comments on the compromises that are reflected in those provisions and Arizona's understanding of the agreement reached relating to those compromises.

The title of H.R. 3300—"Colorado River Basin Project"—indicates the bill's regional character. It is not simply a central Arizona project bill. On the other hand, it is very substantially reduced in scope from the Department of the Interior's 1964 Pacific Southwest water plan or H.R. 4671, which was reported out by the House Committee on Interior and Insular Affairs in 1966 during the 89th Congress. The regional nature of H.R. 3300 lies largely in the foundation it provides for future actions by the Congress to resolve the future water problems of the Upper and Lower Colorado River Basin States. This purpose of the bill is stated in section 102(a), and in 102(b), the Congress advises the Secretary of the Interior to consult with affected States and with appropriate Federal agencies and then to develop a regional water plan as a framework for future coordinated project authorizations in the Colorado River Basin.

Title II provides for investigations and planning, and involves a determination of the long-range water supply available to the Colorado River Basin; investigation of all the possible sources and means for meeting anticipated water needs of the basin, except that no recommendation shall be made on importation of water from any other river basin without the approval of those States which might be affected by an exportation.

Arizona recognizes that eventually some means for augmenting the present supply of water in the basin must be found. Apparently such means should be developed within the next 30 to 40 years if serious shortages are to be avoided. However, our Arizona economy cannot tolerate a delay of the central Arizona project itself until the means of an augmentation are developed and achieved.

The investigations authorized by title II include water quality and conservation concerns, matters which are of prime interest to us as they are to the Nation as a whole.

Section 201(a)(5) of title II instructs the Secretary to prepare estimates of long-range water supply in States from which water could be imported after their own long-range needs are fully accommodated. He must do this in accordance with principles, standards and procedures established by the Water Resources Council in conformity with the Water Resources Planning Act.

Next the Secretary is to submit a reconnaissance report to the President and the Congress by 1973, covering the results of all of his investigations of the means of augmentation. And by 1975 he is to submit a feasibility report on a plan for augmenting the supply of water available in the river below Lee Ferry by 2.5 million acre-feet annually.

Arizona is aware of the opposition to section 201 of title II by the States of the Columbia River Basin, and we are sympathetic with their desire and need to reserve and protect the vast water resources of their basin for long-range future uses in that basin. However, we call attention to the fact that as a result of the opposition arguments of the Columbia Basin States, section 203 of title II provides very specific protection for all possible States and areas or origin. We also submit our opinion that it is quite likely that the authorized investigations will ultimately determine that the best and most economical way to increase the supply of water available to the Colorado Basin is by means of a combination of desalting plants, weather modification and various conservation measures.

This opinion is fully substantiated by Commissioner Dominy's testimony before the House committee in January and February of this year, as illustrated, in part, by the following dialog:

> Mr. HOSMER. Don't you think when these studies are turned out, when they do take in all these alternatives, they will find anything from the Northwest is equally prohibitive, that nobody would consider trying to go that route?
>
> Mr. DOMINY. I think that is right, sir.
>
> Mr. FOLEY. Is it not a fact, Mr. Commissioner, that there is really not much of an impression in your Department that it is economic to move water from the Columbia Basin southwest compared to other available alternatives?
>
> Mr. DOMINY. We have no final judgment and, of course, the quantities involved would play an important part in it.
>
> Mr. FOLEY. If you had to make a present estimate based on the amounts required to make the Colorado River whole, would you judge that transmission of water or diversion of water from the Pacific Northwest is more expensive than any of the other proposals, assuming that they work out as projected?
>
> Mr. DOMINY. Assuming conveyance limited to 2.5 million acre-feet, yes; I would say the cheapest source is in the Southwest rather than to go as far as the Columbia River.
>
> * * * * *
>
> Mr. FOLEY. In that context, it is your opinion, is it not, that if we were looking to costs, we would have to place diversions from the Pacific Northwest as the most expensive of the current suggested means of augmentation?
>
> Mr. DOMINY. When you are thinking in terms of 2.5 million acre-feet; I think this is correct.

Title II does not point a gun at the States of the Columbia River Basin. If it points anything at all, it is but a small and very tentative question mark, and control of the answer is left in the hands of the Columbia Basin States.

Section 202 of title II simply confirms that satisfaction of the requirement of the Mexican Water Treaty is a national obligation. I will discuss this in some detail a little later in my remarks.

Section 205 authorizes, but does not appropriate money for the purposes of title II.

Title III is of primary interest to Arizona because it is most closely addressed to our immediate needs. Section 301(a) authorizes the physical works and facilities required for delivery of Colorado River water into the central part of the State.

I call your attention to the Granite Reef aqueduct and pumping plants which are sized to have a capacity of 2,500 cubic feet per second.

The matter of central Arizona project aqueduct capacity was once a subject of intense controversy between Arizona and California. The original Bureau of Reclamation design for the Granite Reef aqueduct was a capacity of 1,800 cubic feet per second, which would handle a maximum diversion of 1.2 million acre-feet annually on the basis of 11 months of continuous operation.

When the system was designed more than 25 years ago, it was assumed that there would never be less than 1.2 million acre-feet per year available; and an aqueduct of that capacity was therefore adequate. Since then, however, the need for water in central Arizona has greatly increased and the eventual possibility of recurring shortages of water available for diversion from the river has become a real possibility.

Simply stated, while there may ultimately be years in which there is less than 1.2 million acre-feet of water for the central Arizona project aqueduct, there will also be years in which substantially more than 1.2 million acre-feet are available to central Arizona. In the latter case, the central Arizona project aqueduct should have a capacity to carry more water in order to average out the years of short supply. A capacity of 2,500 cubic feet per second makes this averaging process physically possible. Fortunately, Arizona's development and use of groundwater makes such management of varying surface water supply very practical. When more than the average quantity of Colorado River water is available and being delivered—deep well pumps in central Arizona can be shut down to reduce the deliveries of groundwater in precise proportion to the amount of Colorado River water being delivered in excess of the average. In this way, water conservation management becomes a result and a function of adequate sizing at a 2,500 cubic feet per second capacity.

With this understanding of the purpose and function of a central Arizona project aqueduct capacity greater than 1,800 cubic feet per second, California agreed to a designated capacity of 2,500 cubic feet per second. In fact, in H.R. 4671 California agreed to a capacity even greater than 2,500 cubic feet per second providing Arizona itself financed the difference in cost above the cost of the 2,500 cubic feet per second capacity.

In subcommittee hearings on H.R. 4671, Bureau of Reclamation testimony showed that the benefits-cost ratio of the central Arizona project actually improves with increased aqueduct capacity, at least up to 3,800 cubic feet per second.

Subsection (b) of section 301 is the real basis for California support of the central Arizona project. It provides a shortage formula in any year in which there may be too little water to satisfy a consumptive use of 7.5 million acre-feet in Arizona, California, and Nevada. In the case of California, this protection is limited to not more than the 4.4 million acre-feet to which the U.S. Supreme Court said was allocated by the Boulder Canyon Project Act to California.

Arizona faced a political fact of life as it turned from the victory in court to resume the legislative effort in the Congress. California's representation in the Congress was overwhelming superior in numbers to Arizona's three Members of the House of Representatives. It became abundantly clear to us that although the court had not provided a formula for sharing any shortage which might occur in the lower basin supply of mainstream Colorado River water, California would insist upon a formula being written into any central Arizona project bill as a condition of its approval.

Our urgency of need, and recognition of California's power and influence to prevent enactment of any central Arizona project bill of which it did not approve, persuaded Arizona to negotiate the issue in search of a basis for agreement. This was also in line with our interpretation of Chairman ASPINALL's plea to Arizona on September 8, 1963, that we compose our differences with our neighbors in the basin before submitting our project to his committee and the Congress.

Incidentally, though significantly, the priority of use over the central Arizona project under shortage conditions is extended by this provision to existing contract users in Arizona, as well as in California and Nevada. It is not our intention in any year of Colorado River shortage to reduce or limit contract deliveries of water to other established projects in Arizona for the advantage of the central Arizona project.

The first agreement with California on this issue was negotiated in connection with Senate bill 1658 which was introduced by Senators HAYDEN and Goldwater in the 88th Congress.

About that time, too, in a letter to my constituents in Arizona, I said:

> Both Arizona and California have pressing water needs which cannot be long delayed. It's time we came out of the old trenches, shook hands and began working together to solve our common problems. To this end we should not decide in advance to reject any and all overtures, however constructive, which our neighbors to the west might take. Let us remember that our goal is water for Arizona at the earliest possible date. Which path is most likely to achieve that goal? This should be our only question.

At about that same time Northcutt Ely, California's chief counsel in the Colorado litigation, was reported telling his people that in all further proceedings the interstate priorities of existing California projects "must be protected against future Arizona projects" to the extent of 4.4 million acre-feet annually.

At a meeting of the Governors of Arizona, California, and Nevada on July 25, 1963, Secretary of the Interior Stewart Udall appealed to them to try to resolve interstate controversies and thus avoid carrying their differences before the Congress. He said:

> I hope you will explore every possible route of compromise.

On September 8, 1963, speaking in Arizona, Gov. PAUL FANNIN warned that:

> We have a long and difficult job ahead of us, and the major battle will be in the U.S. House of Representatives, probably after the Senate has passed the Hayden-Goldwater bill.

Shortly after the Supreme Court handed down its final decree on March 9, 1964, Mr. Ely publicly offered the 4.4 priority for California as the key for ending the Arizona-California deadlock over central Arizona project legislation. Later this suggestion, or demand, coming from both Mr. Ely and California Attorney General Stanley Mosk, was proposed as an amendment to S. 1658 by Senator KUCHEL, of California. Commenting on it at that time, Attorney General Mosk said:

> If the amendment I have proposed becomes law, I shall, so long as life and health remain, appear before any committee of Congress if requested and testify in favor of appropriations to complete as rapidly as possible the proposed Central Arizona Project.

And Mr. Ely, in testifying before the Senate committee, said of the 4.4 million acre-foot California priority proposal:

> Accept this and your new project (CAP) can be authorized at once, with our support not only for authorization but for appropriation.

It was against this backdrop of proposals, threats, and promises that negotiation of this issue was quietly begun between Governor Brown, of California, and Senator HAYDEN, of Arizona, in May of 1964. On July 27, 1964 the Senate Subcommittee on Irrigation and Reclamation recommended passage of S. 1658 which then included the 4.4 California priority for a period of 25 years.

The agreement which this expressed in proposed legislation certainly meant that when California's diversions were reduced to the court-decreed right of 4.4 million acre-feet annually from the 5.1 million acre-feet then being diverted by California, the Metropolitan Water District of Southern California would lose about 700,000 acre-feet of water annually due to the California intrastate system of priorities. For Arizona it meant acceptance of the principle that its central Arizona project water supply right is inferior to California's right to 4.4 million acre-feet. In the sense that both States yielded something of value in return for something of apparent value, a true compromise was reached.

The terms of the compromise have, however, been changed from time to time since 1964. In H.R. 4671 in the 89th Congress, at California's insistence, the 4.4 million acre-foot priority for that State became a forever-and-ever guarantee rather than being time-limited to 25 years. In S. 1004, the bill passed in the first session of this 90th Congress, the priority time period was increased from 25 years to 27 years to conform with the payout schedule of MWD bonds. In H.R. 3300 the California priority extends until the available supply of water in the Colorado River system is augmented in such quantity as to make sufficient mainstream water available for release to satisfy annual consumptive use of 7.5 million acre-feet in Arizona, California, and Nevada.

Arizona is not happy with this compromise—neither are many Californians. Nevertheless, we will support it because it is a necessary condition imposed by California in return for a promise of that State's support of a bill authorizing the central Arizona project and ensuing appropriations.

Section 302 of title III deals fairly and handsomely with the rights of certain Arizona Indians as they are affected by the central Arizona project. Our Indian citizens deserve equitable consideration by both Federal and State Governments and section 302 provides just that in terms of money, lands, and other benefits.

Section 303 is a highly significant resolution of the problem created by the omission from this bill of the hydroelectric dams on the main stem of the Colorado River. This method of providing the essential power requirements for the central Arizona project was among the Sierra Club's suggested alternatives for the dams to which they so militantly objected.

Section 303 provides that the Secretary of the Interior should study all alternative methods of supplying power to meet the pumping needs of the central Arizona project, but none of the plans are to include dams on the mainstream of the Colorado River.

Any plan which the Secretary selects must be submitted to the Congress within one year after the date of this act, unless the plan selected is for participation in a thermal steamplant by prepayment as provided in subsection 303(b) of this act. If participation in a thermal steamplant is selected, the Secretary may enter into contracts with the non-Federal interests who propose to construct and own a large thermal generating powerplant, under which the United States will acquire sufficient capacity in the plant to operate the pumps and associated facilities of the central Arizona project.

The Federal Government will pay not more than its share of the costs of the powerplant and facilities under the power prepayment plan. The Federal Government's share of the capacity of the thermal powerplant shall not exceed the ratios of the respective capacities to be provided for the use of the United States to the total capacity of the thermal plant. For example, if the United States requires 400,000 kilowatts of power, the Federal Government's share of capacity of a 2-million-kilowatt thermal plant would be 400 two-thousandths, or 20 percent. The prepayment by the United States would be 20 percent.

The Federal Government will also share in transmission capacity from the powerplant to the pumping plants. The Government will pay for and use a proportionate share of any line capacity needed to meet the pumping requirements.

The policy of the State of Arizona, and a basic concept of the Bureau of Reclamation plan for the central Arizona project, is that no water delivered by the project shall be used to develop new irrigated lands. It always has been and is now a rescue project to provide supplemental water to sustain existing agricultural uses and future municipal and industrial uses.

Section 304(a) provides that no water delivered by the central Arizona project shall be made available for irrigation of lands which have no recent irrigation history. Indian lands and national wildlife refuges are, of course, excepted.

Our annual overdraft upon groundwater in central Arizona is estimated to be in excess of 2 million acre-feet. Central Arizona project water simply must be used to the fullest possible extent to reduce that overdraft upon limited groundwater reserves. This gets at the heart of our most pressing and immediate need.

Subsections (b), (c), (d), and (e) of section 304 set forth the conditions which will govern central Arizona project water delivery contracts with the Secretary. The Secretary may, if necessary, require that contracting organizations possess the power to levy assessments against real property to assure repayment. The basic project cost repayment period is 50 years. The price of water for each class of use shall be the same at all points of delivery. Water contracted for irrigation use may be made available by the Secretary for municipal and industrial use if such water is no longer required by the contractor for irrigation purposes. This last provision is intended to accommodate change in water use as agricultural lands in the central Arizona project service area are urbanized. It is a wise provision in light of Arizona's rapidly expanding urban population and industrial development, and in view of limited water resources.

With growing pressures of population and the very real need by people for recreation facilities to enrich their lives, it is logical and reasonable that water should contribute to meeting that need. The Arizona Game and Fish Department is making a valiant effort to keep up with the demand for such facilities. It has a tentative plan for development of a few small water impoundments in the high, cool elevations of Arizona where evaporation rates are relatively low. Water, even in the small amounts required for such nonconsumptive use, is available only if, by means of the central Arizona project, exchanges can be negotiated. Subsection 304(d) provides authority for such exchange contracts.

Central Arizona project contracts are also tied to conservation of both surface and ground water. Contracts will require measures in effect and adequate to control expansion of irrigation from ground water aquifers receiving recharge from irrigation in the contract service area. Canals and ditches must be lined to prevent conveyance losses, and ground water shall not be pumped inside any central Arizona project service area for use outside such areas unless a surplus exists which requires drainage.

Contractors may be required to make water exchange agreements in order to benefit water-short communities beyond reach of the central Arizona project main aqueducts.

Section 304(f) provides a potential central Arizona project benefit for users of Gila River water in New Mexico by exchange. An average of 18,000 acre-feet annually may be made available in New Mexico in this way providing that such an exchange produces no economic injury or cost to exchange-conditioned contractors in Arizona. If and when the Colorado River system is augmented sufficiently to make more than 2.8 million acre-feet annually available in Arizona, an additional 30,000 acre-feet may be made available from the Gila River by exchange.

This again is the result of an interstate compromise, negotiated somewhat reluctantly on Arizona's part, but agreed to and kept in good faith insofar as this particular bill, H.R. 3300, is concerned. Arizona considers it a part of the package which it supports for the purpose of obtaining the central Arizona project authorization contained in H.R. 3300. If this bill is not enacted the agreement between Arizona and New Mexico on this matter is, of course, nullified.

Section 305 is a further implementation of the principle that the water requirement of the Mexican Treaty is a national obligation. It specifies that water added to the river to meet this obligation—to the extent that the treaty deliveries reduce the available supply for California's 4.4 million acre-feet, Arizona's 2.8 and Nevada's 0.3—shall cost users in these States no more than it would have had it been available without the augmentation. This is a part of the legislative package which Arizona supports because of the agreement on a regional approach to Colorado River problems including authorization of the central Arizona project. But although we support this and other regional factors of the bill, and regard it in good faith as a part of the package on which an agreement exists, we wish to point out that the Bureau of Reclamation has repeatedly indicated that the central Arizona project is completely feasible in all respects on its own merits alone.

Section 306 directs the Secretary to undertake programs for water salvage and groundwater recovery along the mainstream of the Colorado River. This highly important program can ultimately make several hundreds of thousands of acre-feet of water available in the river according to the Bureau of Reclamation, and to the extent that it does, the shortages which may develop could be delayed or even prevented entirely. Water users in the Colorado Basin, including Arizona, can ill afford preventable waste or losses of water.

A compromise between Arizona and Utah is given force in section 307 which reauthorizes the Dixie project and provides for its participation in the repayment arrangement of the Lower Colorado River Basin Development fund. The estimated costs of the Dixie project have increased and Arizona cannot deny Utah the advantages made available to other basin States by the regional approach of H.R. 3300.

While section 309 authorizes the appropriation of funds required for construction of the central Arizona project works and facilities, it does not actually appropriate any money.

Of course Arizona wishes and badly needs an immediate start of construction. Even with a start this year it would be 1976 at the earliest before water deliveries could be made—nearly another decade of groundwater overdrafting to stay alive. Eight years in which more farmland will go back to the desert, and more economic losses will be sustained by Arizona businessmen whose incomes depend in whole or in part on agriculture.

But we respect the judgment of so many of our colleagues that the condition of our national economy recommends a temporary postponement of spending, even for wealth producing resource development projects such as ours.

TITLE IV

As in most present day major reclamation projects, the bill provides for the establishment of a development fund covering the authorized lower basin projects and future augmentation of the water supply of the Colorado River.

A development fund, as used in reclamation project legislation, is nothing more than a special bank account set up in the Federal Treasury in and out of which flow all funds related to project construction and operation. The revenues which will flow into the fund from water and power sales will be used to repay the Federal Government for a major portion of the money advanced for the construction. These revenues will later be used to help finance future programs needed to augment the Colorado River water supply.

Project revenues are derived principally from water and power sales from projects which are authorized by this legislation, as well as from other projects after amortization. Repaying the Federal Government for water resource projects such as the central Arizona project is a long-established, time-honored procedure in the reclamation program.

As a practical matter, this bill actually creates two development funds. One fund will be used principally for assistance to the central Arizona project—including Hooker Dam and Reservoir in New Mexico—and Utah's Dixie project. Into this fund will go 23 percent of Hoover-Parker-Davis postamortization power revenues—the portion flowing from sales in Arizona—plus surplus revenues of the Pacific Northwest-Southwest intertie attributable to Arizona and Nevada.

The other fund—the remaining 77 percent of Hoover-Parker-Davis revenues—will be credited to the fund and earmarked for the long-range augmentation program. These moneys come from California-Nevada sales.

After the 50-year payout period of the central Arizona project, the two funds will then be consolidated with all revenues combining to finance whatever plan has proven feasible for the ultimate stages of augmenting the water supply of the river.

This two-fund arrangement is the result of another basic compromise between California and Arizona which has permitted this legislation to move forward.

TITLE V

The principal section of this legislation relates to the authorization of five projects in the upper basin—Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel. Since these projects will be discussed in detail by my colleagues representing the areas where the projects are to be located, I shall refrain from speaking on them—other than to say that they are necessary projects and have the complete support of my State.

TITLE VI

Title VI is the result of long and arduous negotiations between representatives of the basin States relating to many important and hotly contested issues. The negotiations were carried on by the technical staffs of the States and the Department of the Interior, and dealt with extremely complex technical and difficult matters. The final agreement establishes guidelines for water management and power generation on the river and are intended to assure equitable treatment for all seven States of the basin now and in the future.

Also included as a later compromise is section 605 which removes the stretch of the Colorado River between Hoover Dam and Glen Canyon Dam from licensing authority of the Federal Power Commission, reserving decision respecting any new power development on this stretch of the river to the Congress itself at some future time.

THE MEXICAN TREATY OBLIGATION

To win friends in Mexico in 1944, the Government of the United States gave away a large part of the Colorado River. However justified the giant giveaway may have been in terms of international relations, it created the water supply shortage that now threatens the economic life of seven American States and more than 11 million American citizens.

The treaty negotiated by the Federal Governments of Mexico and the United States, and ratified in 1945 by the U.S. Senate, skimmed 1.5 million acre-feet of water off the top of the annual flow of the Colorado River for delivery to Mexico, where no more than half that much was required at the time. Thus, at the expense of an area covering one-twelfth of the continental United States, the future expansion of irrigation in Mexico was guaranteed by the U.S. Government.

Since the Federal treaty created the water shortage in the Colorado River Basin, it is reasonable to expect the Federal Government to assume full responsibility for replacing the water it gave away. This is what is proposed by section 202 of the Colorado River Basin project bill, H.R. 3300.

Now a few of our colleagues have declared war against this provision of the bill. They express outrage against it. They have been heard to claim that it will cost taxpayers $8 billion—or is it $80 billion or $800 billion—and that Arizona and its sister States ought to pay it.

This is basic nonsense. The provision is fair and reasonable. It is based on solid precedent. In any event, it will not become effective before the latter part of this century, and when—and if—it is finally implemented by a future Congress, it will not cost any outrageous amount of money.

All we are asking now is the adoption of a simple statement of intention and good faith by this Congress that when a sound and reasonable plan is developed, the 50 States will some day help the seven States get out of the box that they put us into with the Federal treaty in 1944.

I am a little outraged myself on one point. If my colleague from Pennsylvania had not so effectively led the battle in committee against Hualpai and Marble Canyon Dams, we would have the means to pay for augmentation works through the sale of hydroelectric power without this provision which he also now does not like.

If the Colorado River were controlled by the seven States through which it flows and from which it receives its water, the case might be quite different. But the States do not control it.

The Colorado is an interstate river, an international river, and a Federal river. That is trouble, trouble, trouble. It has been anybody's river, nobody's river, and everybody's river. But through all of its trouble-ridden history Uncle Sam has insisted on his right to hold the nozzle for everybody who has a bucket to fill.

Before the turn of the century, boats carried freight from the Gulf of California up the river at least as far as Yuma, Ariz., and that, by definition of the Department of Commerce, established it as a navigable stream and, therefore, subject to Federal control.

Before the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming could negotiate a compact among themselves concerning use of water from the river, they had to be given the authority by the Congress of the United States.

When the Boulder Canyon project was authorized by the Congress in 1928, Federal control of the Colorado was even more thoroughly established. Thereafter the only way a right to divert water could be acquired in the lower basin was by means of a contract with the Secretary of the Department of the Interior.

If there was after that any doubt that the Colorado River was completely owned and controlled by the Federal Government, such doubt surely died when in 1944 the State Department negotiated a treaty with the United States of Mexico taking 1.5 million acre-feet annually of the river's flow and giving it to Mexico. The right to do just that had been reserved in the Colorado River compact, and when it was done, it was a Federal action, not an action of the seven States of the basin.

Later, in 1964, in the case of Arizona against California, the U.S. Supreme Court's final decree reserved the right of the Federal Government to deliver water from the river to federally reserved land, Indian reservations, and in satisfaction of the Mexican Treaty obligation.

No more evidence is needed to prove that the Colorado River is possessed, owned, controlled, operated by the Federal Government. It is in that light that we must examine and act upon the provisions of this bill which deal with the Mexican Water Treaty.

So far the Federal Government has exercised its right to divide and distribute the water of the river, but that is only half of the authority of ownership and control. The other half is the responsibility to deliver what has been promised.

The Mexican Water Treaty of 1944 is a promise on the part of the U.S. Federal Government to deliver a net 1.5 million acre-feet annually from the Colorado River to Mexico. Furthermore, it is a first priority draft upon a river that flows entirely in the United States for all but 75 miles of its 1,300-mile length.

It is beside the point to argue that at the time the treaty was negotiated many experts thought there was more than enough water in the Colorado to satisfy all of the allocations made to the seven American States by the Santa Fe Compact, plus the estimated 1.8 million required to deliver 1.5 million to Mexico.

This bill H.R. 3300 does not propose the use of any more water than was allocated to the American States by the Santa Fe compact of 1922. The fact that there may not be enough water in the river to supply all of those allocations is traceable to just two causes:

First. The 1.8 million acre-foot requirement to meet the obligation of the federally negotiated Treaty with Mexico; and

Second. The decreasing flow of the river due to prolonged drought.

We can ask the Lord to end the drought, but the Lord expects us to help ourselves, too, and that is what section 202 of this bill proposes in the following words:

> SEC. 202. The Congress declares that the satisfaction of the requirements of the Mexican Water Treaty from the Colorado River constitutes a national obligation which shall be the first obligation of any water augmentation project planned pursuant to section 201 of ths Act and authorized by the Congress.
>
> Accordingly, the States of the Upper Division (Colorado, New Mexico, Utah, and Wyoming) and the States of the Lower Division (Arizona, California, and Nevada) shall be relieved from all obligations which may have been imposed upon them by article III(c) of the Colorado River Compact so long as the Secretary shall determine and proclaim that means are available and in operation which augment the water supply of the Colorado River system in such quantity as to satisfy the requirements of the Mexican Water Treaty together with any losses of water associated with the performance of that treaty.

Here in brief is what this provision means:

First. The Congress declares that in all good conscience and fairness the obligation to deliver the Mexican water under the 1944 treaty should be a burden of the 50 States which made the treaty, and not a burden of just the seven States from which the water was taken.

Second. The enactment of this provision is not an authorization nor an appropriation of a single Federal dollar. Except for any force it might have as a moral commitment, it would not bind a future Congress to authorize or appropriate money for water augmentation works.

Third. It simply confirms and supplements article 12(b) of the 1944 treaty which provides:

> The United States, within a period of five years from the date of the entry into force of this Treaty, shall construct in its own territory and *at its expense*, the Davis storage dam and reservoir, a part of the capacity of which shall be used to make possible the regulation at the boundary of the waters to be delivered to Mexico in accordance with the provisions of Article 15 of this Treaty." (Underscoring added.)

And further, by requiring that water to serve the treaty burden shall be "the first obligation of any water augmentation project authorized by the Congress."

Fourth. It conditionally relieves the Colorado River Basin States "from all obligations which may have been imposed upon them by article III(c) of the Colorado River compact"—if in fact such an obligation did continue to exist after the negotiation and ratification of the Mexican Treaty containing article 12(b) above.

Fifth. It conditions final and complete relief upon an augmentation program having been put into operation adequate to provide for Mexico's treaty entitlement.

The provision is addressed to a long-range problem of anticipated water shortage which is at the very root of the controversy that has raged among the Colorado Basin States for many years. The augmentation will not be required all at once, but rather, in stages and in relatively small amounts beginning probably about the year 1990 when 102,000 acre-feet of "new" water may be needed to satisfy total minimum contract entitlements.

I want to emphasize again that if this bill authorized the Hualapai and Marble Canyon Dams on the main stem of the Colorado River, as was the case in previous bills, there would be very little problem with paying the cost of the augmentation of water supply made necessary by the Mexican Treaty.

In the 1966 subcommittee report on H.R. 4671, page 40, report No. 1849, the statement was made that over a period of 100 years, the sale of power generated at Hualapai and Marble Canyon Dams would put $1,996,000,000 into a development fund to help pay the cost of augmenting the water supply of the Colorado River Basin.

But neither Hualpai nor Marble Canyon Dams are proposed or authorized by H.R. 3300. We can all remember the stacks of frantic letters that came to our desks from the organized opponents of the dams. We can remember the hostile testimony by those opponents during committee hearings on H.R. 4671. We can remember the full page advertisements in the New York Times and the Washington Post raising a fearful cry of alarm at the very thought of building the dams. It was a political nightmare for many of you who otherwise wished to give us wholehearted support for the bill.

In those dams we had a traditional reclamation way of paying for the central Arizona project and of making nearly two billions of dollars available from the sale of power for eventual augmentation of the water supply. We had that way, but it was denied to us by the political pressures of opposition.

The provisions of section 202 of this bill are therefore proposed and are essential as the only available and practical alternative for those dams.

Returning now to the water treaty with Mexico, let me give you some of its background and history.

Early diversions of Colorado River water for use in Mexico were made about the same time diversions were made for Imperial Valley and others in the lower Colorado River area. Inasmuch as the Colorado is a "feast or famine" river, these uses did not reach substantial proportions until after Hoover Dam was built—resulting in the control of floods and storage of water for use during summer low periods of flow.

Following this, during World War II, water uses of Mexico and the United States from both the Colorado and the Rio Grande Rivers gradually increased. Although never officially recognized, it seems to be no secret that Senator Connally, of Texas, was the chief proponent of a new treaty with Mexico relating to these rivers. The only existing treaty related to a relatively small stretch of the Rio Grande in the El Paso-Juarez area. The proposed new treaty would relate to the remainder of the river—clear to the Gulf of Mexico— and would provide Texas with a firm right to a substantial quantity of water otherwise under dispute with Mexico. At the same time, the Mexicans were only taking about 750,000 acre-feet out of the Colorado—but wanted more for their long-range development in the Mexicali area of the Colorado River delta. So the "trade" was made by which the Mexican Government gave up a big part of its claim on the Rio Grande—in exchange for doubling Mexico's supply on the Colorado. The State of California—the largest user of Colorado River water—led the bitter fight against ratification of the treaty, but without success. The treaty became effective in November of 1945, giving Mexico first call on the river for a net of 1,500,000 acre-feet.

At the treaty hearings numerous opposition witnesses warned that a shortage situation would ultimately come to pass—as it now seems clear will be the case. The United States having made this treaty, it should now bear the burden of making good on the obligation. Mr. Northcutt Ely, counsel for the Colorado River Board of California, in his testimony before the House Committee on Interior and Insular Affairs in connection with H.R. 4671, discussed the matter this way:

> As I say, in 1944, under wartime conditions, this generous treaty was made with Mexico in which we guaranteed her the availability of 1,500,000 acre-feet at the boundary in perpetuity. There were assertions then before the committee that this would in fact create bankruptcy in the water supply of the Colorado River. This was denied by the State Department. We now have, released 20 years after the event, some of the memoranda exchanged between our State Department and Mexico during the negotiations of the treaty. One of them is a communication from our Government to the Mexican Government saying that any delivery to Mexico in excess of about 1,100,000 acre-feet would automatically create a built-in shortage in the United States. Notwithstanding this, the treaty guaranteed perpetually the delivery of 1,500,000. We think that the United States having undertaken this as a national obligation for a valid international reason, should not require the farmers, the water users, the cities of the Colorado River Basin, to make good on this any more than when it gives away millions of tons of wheat from the Middle West it should expect the farmers to furnish that wheat without proper compensation.

Although shortages were certainly anticipated by many witnesses during the treaty hearings, we must assume that the Senate must have mistakenly concluded that the river would have a water supply adequate for all. Such being the case, the Nation—not the basin States—should rectify the error.

There is a whole body of precedent for Federal financial responsibility in connection with the Mexican Treaty. Construction of Davis Dam on the main stem of the Colorado and Painted Rock Dam on the Gila and Elephant Buttes Dam on the Rio Grande was paid for by the Federal Government without question in order to fulfill the promises and purposes of the treaty. When Mexico complained about the salinity of Colorado River water 3 years ago, a bypass canal was built at Federal expense to carry salty return flows around Mexico's diversion point. The treaty obligation does not demand any such action, but it was done to accommodate an accepted moral obligation, and at Federal expense.

Furthermore, as reported on page 44 of House committee report No. 1312 on H.R. 3300, the Bureau of the Budget recognizes and supports our position in this matter in the following words:

> The Bureau [of the Budget] does recognize, however, that one of the important demands on the river is to provide water necessary to meet the commitments made by the U.S. Government to the Republic of Mexico in the Treaty of 1944. Should the Congress decide that the situation is unique, we believe that the price guarantee should be further limited to not more than 1.5 million acre-feet of water annually, the amount required to meet the U.S. treaty obligation. With this proviso, the chances would appear minimal, based on Department of the Interior estimates, that any imported water would have to carry a price higher than mainstream water—at least in the period through year 2030.

Among knowledgeable people there seems to be little if any disagreement that the Mexican Treaty is a national obligation on the Colorado River just as much as it is on the Rio Grande—and that the United States should clearly assume and acknowledge this obligation—as the language of H.R. 3300 would have it do. Secretary Udall, on being asked his opinion on the question during last year's hearings on H.R. 3300, gave this concise reply:

> This is my own personal feeling: I think most of my people feel the same way, as far as the Colorado River is concerned, that we ought to see and assume this as a paramount national obligation and that we ought to have, roughly, the same pattern on the Colorado that we have on the Rio Grande, which is the other river that this country shares with Mexico.

Not only is such an assumption fair and proper—it is the key to the political problem of "compromising" the difficult issues between California and Arizona with reference to California's claim for a priority in times of shortage. Unless the Mexican Treaty is assumed as a national obligation all coming shortages in the river fall on the central Arizona project alone. With the hydroelectric dams having been deleted from the bill there is no practical, economical, or political way for Arizona, as an inland State, to provide this badly needed water for all others in times of river shortage.

The United States itself—not the basin States—made the treaty with Mexico. The United States alone agreed to construct and operate Davis Dam and other facilities "at its expense" to fulfill the Mexican Treaty burden. If at some future date it can only fulfill its treaty commitment by curtailing deliveries of Colorado River water already allocated to California, Arizona, and Nevada by the Boulder Canyon Project Act, then in all honesty and good conscience it alone should be responsible for augmenting the water supply of the river to this extent.

In any event, there is nothing unprecedented, outrageous, or unusual about the Federal Government paying for flood control, water, or other resource development projects, even though the main benefit goes to a single State or region. Indeed, the basic pattern of harbor, flood control, river channeling, navigation improvements—particularly where several States, or an entire river basin is involved—is for Federal financing on a nonreimbursable basis.

The fact that we have two different standards and approaches in this country toward financing Federal water projects is often overlooked. In all States but the Western reclamation States the Federal Government, largely through the Corps of Engineers, has provided tens of billions of dollars for harbors, navigation, flood control, and other works and facilities usually without any repayment by the local beneficiaries. Few complaints are heard when the Federal Treasury picks up the check for the St. Lawrence Seaway, Tocks Island Dam and Reservoir, the Intercoastal Waterway, and many similar projects.

In the West, however, the pattern is entirely different. Few water projects have ever been built in the Western States without strict provisions for user repayment of the costs with interest. Thus central Arizona project water users will repay some 90 percent of the costs of our project, most of it with interest.

In the light of the above discussion, I believe Arizona and the Colorado River States can ask the National Government fairly—in this unusual situation which the National Government brought about—to make an expression of good faith, a tentative, moral commitment to pay for the works necessary to enable the Colorado River Basin States to carry out a burdensome foreign treaty they did not make.

CONCLUSION

Mr. Chairman, this has not been easy legislation to put together. In fact, with the diverse interests of the seven Colorado Basin States and their respective water agencies, the States of the Pacific Northwest, the recreation-conservation groups, the private and public power interests, the coal industry, the affected Indian tribes, the Mexican Treaty problem, and many others, this bill has become one of the most complex reclamation bills ever considered by this body. But with its complexities, its compromises and its long look into the future of the Southwest, it is a bill which will—after 50 years of battle—finally bring peace to the Colorado River Basin and its people.

Every provision, every section, is important to final passage of the bill. I urge each of you to accept the bill as a "package"—as a complete foundation upon which to solve the water supply problems of the great Pacific Southwest area of our country. Never was more time, more thought and more serious consideration given to a great regional problem by any committee of the Congress. Changes and amendments at this time could be fatal to the entire effort. I respectfully request that each of you accept the committee's recommendations without any amendment.

I know of no one who opposes the central Arizona project. The gentleman from Pennsylvania says he is for it. My good friends from the Northwest tell us they are for the central Arizona project.

The opposition is centered on some of the peripheral things, on some of the additional things, which, as the gentleman from California [Mr. HOSMER] pointed out, have helped to solidify the seven States and to compromise the differences which have divided us.

I should like to spend about 10 minutes on one of those controversial things, a matter which has resulted in a flood of letters to your offices.

The gentleman from Pennsylvania and others have been making war on this Mexican Treaty provision. They are outraged by it. They tell us it will cost $6 billion or $8 billion. I saw "$19 billion" in a letter today. By tomorrow morning I expect it will be $190 billion, and we will be bringing the water from Jupiter by space ship.

They say that we are saddling the taxpayers with a blankcheck, with an obligation no one can really determine, and that this outrageous thing will fall upon the taxpayers of New York and of Michigan and of other States.

The gentleman from Pennsylvania said in his remarks that we have no idea what this provision will cost. I will tell the Members exactly what it will cost. I hope someone will get out a pencil and write it down. I want to tell precisely what the Mexican Treaty provision in this bill will cost.

It will cost nothing. This provision does not authorize a dollar. It does not appropriate a dollar. It does not promise to authorize or to appropriate a dollar. It is merely a statement of good faith and of good intention by the people of this country to someday, perhaps, help out the Southwest States with a very serious problem.

What they have been saying about this provision is really nonsense.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Colorado.

Mr. ASPINALL. And that is only after the study shows feasibility.

Mr. UDALL. Precisely.

If there is any doubt on that, send to the back of the room and get a copy of the bill or of the committee report. It is section 202 of the bill, on page 52.

This provision is not complicated. It is not outrageous. It is not unfair. It has precedent for it. It is based on sound reason. It will not become operative until at least a large number of years have passed and studies have been made, as the gentleman from Colorado suggests.

All we ask now and all this provision contains is a kind of tentative moral commitment and statement of good intention by the Congress toward the people of our seven States. It is a simple little "sense of Congress" thing that has caused a great deal of comment around here, and I believe a great deal of unfair and distorted comment.

Now, the single most important fact about the Southwest is that we are short of water. This Colorado River area is short of water. Let us get plainly clear here that we are short of water, in part, because twice—twice now—the Federal Government, for reasons which probably made sense to the people of this Nation and probably made sense in terms of national policy, has imposed upon our States, and particularly upon my State.

First in 1944, in a wartime situation, in order to settle a whole host of problems with Mexico involving the Rio Grande and the Colorado, in a situation when we were about to go to the United Nations, when we were fearful of arbitration or a suit in the World Court by Mexico, the United States of America gave away our water we did not have to give. It was done in good faith and sincerely and with good intentions, but the financial burden of this falls upon seven States, just as if it had been done vindictively.

As the gentleman from California [Mr. HOSMER] pointed out, when we make a treaty, a NATO Treaty, for example, its cost does not fall on Pennsylvania or New York. The cost of such a Federal treaty falls upon the 50 States.

So all we are asking here is that Uncle Sam, through the Congress, will consider these things and say to the seven States, that some day down the road, if your States will come up with a reasonably designed plan which does not cost too much money and, if you will let us take a look at it before any final commitment, we in the Congress will be inclined to look at it with favor. That is all it says.

The second thing done by the Federal Government is just as damaging. Some of you who have been complaining about this bill will remember some of this. In the year 1919 Congress decided that we ought to have a Grand Canyon National Park. Senator HAYDEN, who was then in the House, said: All right, let us have one, but let us not forget one of the best damsites in the whole Western United States, which is in the bottom of that canyon. The United States of America, acting through the Congress, wrote into that law a provision saying to the seven States and to Arizona that, when you need that damsite, it will be available. The creation of the park will not prevent the construction of the dam.

We came in a couple of years ago and said: All right, we are ready to go ahead with water development in this area. We want a couple of dams in the Colorado River as the Government said we could have. Well, a great storm of controversy arose. You remember the full-page ads, the letters, and the books that were put out. We had all of this great controversy about it. One of the things they said was that these were just "cash registers," they are just money raisers to help you build water facilities in your State. Indeed, they were just cash registers. The truth is that Hualapai Dam would have provided excess revenues of $2 billion to help us replace water given away to Mexico in 1944. When we came to the Congress, we fought that fight, and apparently it was the will of the majority of the Congress that these dams not be built, and they are not in this bill. We have done what the Sierra Club and other conservation groups said for us to do, that is, take out these dams. They said that the people of the country would help us. During that debate people were testifying that, if it were just money that Arizona wanted, then let us give them the money. However, for reasons that the people of the United States have considered adequate, we have had taken away from us, for the time being at least, this right to build a $2 billion asset. The Government has reneged on a promise to our State and the States of the region.

So I say once again that the United States of America, for reasons which were considered adequate, has imposed this upon our State.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASPINALL. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. UDALL. Mr. Chairman, we accept these decisions. The treaty is done. This is an obligation of the Nation which will be a first mortgage on the river. We bear the consequences and accept them. We accept the decision, at least for now, that there will not be any dams built in the Grand Canyon. We are willing to do that, and our project in Arizona will pay back 90 percent of its cost with interest into the Federal Treasury. We point out to our sister States and to the people of this country and to the Members of the Congress who represent them that you have done these two things to us, but here is what we would like you to do for us. We are going to have a 5-year study made to see how to augment that river. This is in title II of the bill. This is what they are complaining about here. At the end of that 5-year period we will have an augmentation plan based on the Secretary of the Interior taking a full look at all of the possibilities. He will then come in here with a plan as to how to augment the river. This might be composed of various things such as weather modification, channeling, water recovery programs, desalting, or imports.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Colorado.

Mr. ASPINALL. This is limited to the amount of 2.5 million acre-feet, which makes it a very small project as far as any such program is concerned. Is that right?

Mr. UDALL. That is right. The testimony before our committee was that of all the alternatives, from what we now know, importing water from the Columbia River is the most expensive and the most unlikely. It would cost 120 times as much to do it this way as by weather modification, if we could prove it out. We do not have the answers yet, which is why we need this study. It would cost something like five times as much or $30 versus $150 to provide this water, from what we now know, by desalinization. So Columbia River export is one of the most unlikely of all of the possibilities. But we want to, and think we are entitled to look at all the possibilities before a decision is made.

Now, we are saying to the country, in the 1970's we will come in with a plan and present it to Congress and at that time give you the details thereof. We will then have a price tag on it. At that time we want to be able to point out the fact that back in 1968 the House of Representatives said that having taken away our dams and our water, we would feel inclined to give you a hand to pay for this kind of a reasonable program.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Colorado.

Mr. ASPINALL. Does not this also go to the point that when the upper basin begins to use its entitlement in the Colorado River compact area, you do not then wish to be placed in the position that the facilities for the central Arizona Valley project could no longer be operated satisfactorily.

Mr. UDALL. Precisely.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Iowa.

Mr. GROSS. According to the gentleman, the Federal Government seems to have done nothing really worthwhile and it has been niggardly with the State of Arizona. I hope the gentleman from Arizona [Mr. UDALL] does appreciate the help and assistance which was provided to his State during last winter's blizzard when the Air Force fed and kept alive thousands of head of livestock.

Mr. UDALL. I extend our heartfelt thanks to a generous Federal Government which helped feed our livestock during the period of that snowstorm.

Now, Mr. Chairman, let me sum it up, if I may, with an analogy. A father has seven sons and he has a big estate and all of it is not being farmed. He plans someday to carve out smaller separate farms for each of the sons. He has a river running through it and thinks he has more than enough water for eventual development of all the land, and he makes available, some of it, to a neighbor, on a permanent basis. Time passes and the sons grow up and the father finds that he does not have sufficient water for the operations of his sons. He says to them, "I am not going to sign a blank check, but I think I ought to help you." I ask you to go out and obtain plans to get the water which you need. You check with the water engineers, you get a well driller and you get an engineer and find some water resource nearby and get some bids on wells and canals necessary to bring it in here. Then come back to me with some sound cost figures. If that is done it is my intention as your father to help. If the cost is reasonable and my financial positions permits, I'll be inclined to help my sons, since I helped my neighbor at your expense. In terms of an analogy our States in this bill with respect to this Mexican treaty are about in the same position as the seven sons.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Are you the same MORRIS K. UDALL who delivered a speech at the Biltmore Hotel in Los Angeles on Tuesday, Dec. 19, 1967?

Mr. UDALL. I am the same individual who delivered that heroic and noble speech; yes. Will the gentleman agree that that was one of the finest orations of modern times?

Mr. SAYLOR. If the gentleman will yield further, I would not go quite that far. But, it is my opinion that the Members of the House should know what the gentleman said on that occasion because in my opinion it has a great deal to do with this treaty, and this is what you said:

> In our bill last year we had a little feature that went almost completely unnoticed, and there was little controversy about it. That feature provided that the federal government would assume the Mexican Treaty burden, picking up the tab for the first 2.5 million acre feet of augmentation of the river. That little item, all by itself, could mean perhaps about $2.5 billion to the states of the Colorado River Basin, the equivalent of about two Hualapai Dams. I think such a transfer of that burden is still possible and ought to be getting our maximum attention and effort. I think that what we can do for ourselves in this area is a lot more important than grousing about the loss of those two dams.

Those were your figures, were they not?

Mr. UDALL. The gentleman from Pennsylvania read a part of my speech with reference to the cost figures. In the quote he read I said, "could mean, perhaps, about $2.5 billion." I went on to say that we did not have definite figures; that we needed to make a study. Those figures you quote were based on a rule of thumb figure given in testimony before the committee. The estimated figure was $1 million for every 1,000 acre-feet. That is the only kind of figure we will have now. On further, refined study, the cost may be less or it may be more. This is why we need this study, because we want the distinguished gentleman from Pennsylvania on our side and want to give to him pretty solid information on this project.

Mr. Chairman, before my time runs out, permit me to make two other points.

This outrageous provision they are talking about, this raid on the Treasury, has survived the scrutiny of the Budget Bureau. The Budget Bureau is not noted for approving wild-eyed, blankcheck, open-ended spending schemes, and the Budget Bureau in the report on this bill said they did not oppose it if the Congress found it was an appropriate provision.

Finally let me make this last point——

Mr. FOLEY. Mr. Chairman, will the gentleman yield at that point?

Mr. UDALL. My time is running out, but I will yield briefly to the gentleman from Washington.

Mr. FOLEY. Is it not true that the Budget Bureau specified that it was a matter for Congress to determine; that they were not urging the Congress to undertake this. They only said they had no objection as long as the undertaking was considered "unique" by Congress and did not exceed 1.5 million acre-feet; is that correct?

Mr. UDALL. I do not have the report in front of me. I know the Budget Bureau said it was a matter for the Congress, and if Congress wanted to do this they would not choose to stop it.

Mr. FOLEY. If the gentleman will yield further, is it not also true that the Justice Department in its report on the bill in 1966 opposed the assumption of the Mexican Water Treaty burden, and that nothing has happened to indicate a change of opinion by the Department of Justice?

Mr. UDALL. The official position of the administration is through the Budget Bureau, and the Budget Bureau in the hearings, and in the report, did not object.

Mr. Chairman, I want to make one more point before my time runs out.

The irony about the consideration on the Mexican Water Treaty is that we are saying that the Nation is asked to give us an expression of good faith, to say that someday maybe it will help assume this as a national obligation in the light of what was done to the seven States.

Certainly in every other section of the Nation, when we dam the Mississippi River, establish flood controls on the Ohio River, fix the harbor at Philadelphia, build the St. Lawrence Seaway, and build the Intercoastal Shipping Channel, in each and every one of those cases the Federal Government picks up the tab as a national obligation. The States are not required to pay that back, as has been done traditionally in the West.

Now in this one case, based on these two peculiar events, two peculiar occurrences, where our States ask the Federal Government to help them assume this one problem as a national obligation, then there are great cries of outrage, and these have included cries of outrage from the Pacific Northwest which has had hundreds of millions of dollars assumed as a national obligation to help in the resource development of that great area.

So, Mr. Chairman, I suggest in closing that this provision which has been so distorted around here in the last few days is a sound, sensible, just, fair provision; it does not cost anything, it does not authorize any money, it does not promise the authorization of any money, but it is a tentative statement of good faith. It ought to be approved by this House in this debate.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I thank the gentleman for yielding.

Just so that we all understand what the Budget Bureau had to say, here is the report—and I want to read it to the Members:

> The Bureau does recognize, however, that one of the important demands on the river is to provide water necessary to meet commitments made by the U.S. Government to the Republic of Mexico in the treaty of 1944. Should the Congress decide that the situation is unique, we believe that the price guarantee should be further limited to not more than 1.5 million acre-feet of water annually, the amount required to meet the U.S. treaty obligation. With this proviso, the chances would appear minimal, based on Department of the Interior estimates, that any imported water would have to carry a price higher than main stream water—at least in the period through year 2030.

Is there any provision in this bill, I ask the gentleman from Arizona [Mr. UDALL], that the U.S. Government will be required to put up any funds later on, in accordance with the feasibility study, for more than the 1.5 million acre-feet of water annually, taking into consideration the losses which might be chargeable?

Mr. UDALL. No, indeed; the gentleman has stated the situation correctly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAYLOR. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. REINECKE].

Mr. REINECKE. Mr. Chairman, I thank the Congressman from Pennsylvania.

Mr. Chairman, I am here today in a little different role than I would have been last year or the year before, because I was violently opposed to this legislation for the past 2 or 3 years, and worked very diligently to eliminate all dams that were proposed to be constructed in the Grand Canyon.

I also have sponsored some significant changes which have been made in this legislation in the last 2 or 3 years, and I am happy and pleased to be able to stand here along with the rest of my colleagues from California, and the Pacific Southwest, to support this with a great deal of enthusiasm, and feel that what we are doing here is correct, reasonable, and feasible.

Specifically, I would like to talk about the proposed investigation. I want to get at what is really involved in such an investigation. We are doing it every day in almost every conceivable area of our Government that we have today. We are investigating water. We are investigating air pollution. We are investigating water pollution. We are investigating mass transit problems and everything we do today—sometimes we say we are studying the problems to death—and occasionally I think we do.

Nonetheless we cannot proceed in a reasoned and responsible manner unless we know and have the facts before us so we can come to a reasonable conclusion.

The studies we are talking about are not specifically directed to importation, as I believe you have been led to believe. The studies we are talking about here is what are we going to do about the problem of water in the Southwest.

There are several sources of water that will be investigated very thoroughly before we ever come to the position of suggesting that we are going to propose importation. I know for a fact, because I made a study myself, that importation is the most costly method that will come about and I seriously doubt we will ever have a feasible project by importation from the Northwest.

What we have to do is to start by reviewing our needs and what will our needs be by the year 2000 or 2030, taking into consideration the increased per capita use of water and the increased industrial activity in the Southwest and the increase in population. We simply make the projection as to what our needs and requirements are going to be. Then we look at our resources and find out what our resources are and what the projection is to be and what we can do about conserving some of our resources that are already developed.

Finally, we arrive at a conclusion, be it a deficit or a surplus—that is what we must deal with. That is the first step.

The second step is to find out what we can do about solving the problem. We know, indeed, it affects our area and we have known it long. We must face the problem. The fact that it is regional does not make it any the less a Federal obligation because of that regional aspect.

Certainly, we must legislate and deal with it here. Simply because it affects one region far greater than another region, I do not think we can put it aside.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. REINECKE. I yield to the gentleman.

Mr. FOLEY. Is it not true that there has never been any objection in the committee in any of the previous considerations of this bill to the investigation and the studies that would be directed to meeting the water needs of the Southwest specifically those reconnaissance studies that are contained in section 201(a)2 of the bill.

Mr. REINECKE. I am sorry I did not hear the gentleman; would he repeat his question?

Mr. FOLEY. I refer to the reconnaissance studies authorized in this legislation. There has never been any objection to these studies; is that correct?

Mr. REINECKE. Yes, it is.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. REINECKE. I yield to the gentleman.

Mr. ASPINALL. Is it not true, may I ask the gentleman from Washington [Mr. FOLEY] that you offered an amendment in committee to strike all of section 2? I think that shows there was objection.

Mr. FOLEY. I think the record will also show, if the gentleman will yield further, that there is no need, and I think the chairman will verify this, that there is no need for an authorization for reconnaissance studies and the Secretary of the Interior presently has authority to conduct any reconnaissance studies, and conduct them subject only to appropriations; is that not correct?

Mr. REINECKE. The Secretary has authority to conduct reconnaissance studies but in this case he had to go further because it is a regional matter and because there are secondary problems involved.

One of the principal sources I think that we will look to for new water is not importation, as the Northwest seems to think, but is weather modification. This is where the most dramatic changes have been made. It is indicated that upwards of a 20-percent increase in precipitation has been effected on the west side of the Continental Divide.

This is the place we can do it, because there is no construction to be accomplished other than the necessary seeding or the necessary nucleation of the clouds in the air. This, to me, is one of the most reasonable, one of the most practical, and one of the most probable methods.

Second is the area of desalting. We all thought that desalting was going to develop economically until a few weeks ago when we were advised of new figures on the Bolsa Island plant. Now we are a little disillusioned. Nevertheless, this is another method that will be given serious consideration. Some States have already been making studies in that regard.

Another area—just to prove that this is not the case of the basin trying to raid the water of another basin—we have a reconnaissance study going forward at the present time in respect to bringing some water from northern California down to southern California as a means of solving this problem. We are not just looking to the Northwest. We are not taking a dog-in-the-manger attitude, that that is the only place we can go for water. But I think it is reasonable for all of us to assume that we must look at all possible sources in order properly to effect a solution of this problem.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. REINECKE. I yield to the gentleman from California.

Mr. HOSMER. Is not the State of California satisfied with the provisions for protecting the origin if that origin happens to be California itself?

Mr. REINECKE. Yes. In fact, I was just about to come to the protection that is offered to areas of origin. Some people believe we are trying to take what is their water. That is not the case. The bill specifically includes a provision whereby the Secretary of the Interior could not recommend an importation program unless he has the approval of the States to be affected. In other words, the Governors of those States would have a veto power over any such recommendation.

Likewise, no State affected would be affected adversely from a price point of view because, again written in the bill, is a provision which would guarantee the States of origin a firm, fixed price equal to or less than what they are paying at the present time. So even if it is necessary to get water from some other area, the area of origin would not be affected adversely on the price of water.

Likewise, they are given rights in perpetuity to their title of the water and the provision I just mentioned will last for that length of time.

Finally, before water can be taken away, the Interior Department would have to make a survey in those areas to be sure that there is a surplus amount of water.

A few years ago, when the Northwest was fighting this particular proposal, they were saying, "We want a study of our own." In years gone by they have studied the problem, and by 1971 those studies will be completed. The reconnaissance study called for in this bill is not due until 1973. So there is an overlapping of 2 years. Finally, the feasibility study which the gentleman from Washington refers to is not due until 2 years after that, 1975, so it is obvious that the States of origin in the Northwest that are opposing this particular measure will have had 4 full years to decide what they want to do, to decide what their position is with respect to their surpluses of water before they have to come to a decision.

I might also say that the Columbia River, which is the river to which they are referring, has traditionally emptied on the order of 100 million acre-feet of water into the Pacific Ocean every year for as long as we have figures available. Many years it has gone over, some years it has gone under. But 100 million acre-feet a year is a pretty good average. We are looking for only 2½ million acre-feet.

I wish also to point out that while our friends in the Northwest sell their power to the Southwest and take the proceeds from that sale, for some reason they do not want to sell the water, which creates that power, to the Southwest at this time.

I wish to make a few comments about the thermo plant that is to be constructed in northern Arizona, according to the direction in the bill. As you probably realize, the dams in the Grand Canyon were placed there for the purpose of generating pumping power to pump the water from the river to the Phoenix and Tucson areas. Likewise, we still need the power because we are still pumping a large amount of water.

Now, instead of putting hydroelectric dams in the Grand Canyon, we are proposing a thermo plant, I am happy to say, which would burn coal—I point that out to the gentleman from Pennsylvania again—and this in turn, I think, will produce a very effective low-cost baseload powerplant.

Very simply, then, I will briefly restate the matter. This powerplant that is being proposed would not be built, owned, or operated by Federal entities. They are all non-Federal, private, public utilities, and there would be no Federal involvement in this other than the fact that there is a prepayment of power purchased for pumping.

This prepayment amounts to a loan, which will be paid back 100 percent, including interest at the going rate of, I believe, 3¼ percent at the present time.

The capacity is 470 megawatts of power that are required, and if private facilities who decide to go ahead with this plant want to build it larger, they can, and that power is for them to use in any way they want to.

Again I indicate, all that money is being returned to the Treasury of the United States. This is a loan and prepayment of capacity which will be taken out later. The water for this plant does not represent any new withdrawal, any new claims on this river. This is part of Arizona's entitlement and will be charged to Arizona.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. REINECKE. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Chairman, last year, when we considered this last, or another version of this bill, it contained a feasibility plan for 8 million acre-feet. Is that correct?

Mr. REINECKE. It was 8½ million acre-feet, I believe.

Mr. FOLEY. Did not the gentleman in the well, a mechanical engineer, calculate for the benefit of the Interior Committee how much it would cost to divert that amount of water from below Bonneville Dam in the McNary pool.

Mr. REINECKE. That is correct.

Mr. FOLEY. Would the gentleman mind telling this Committee how much he calculated?

Mr. REINECKE. Not at all. It was 7.48 billion.

Mr. FOLEY. Did the gentleman calculate the amount of power that would be required to make, as I believe it was, a dead lift of 7,000 feet?

Mr. REINECKE. The lift was about 7,000 feet. I do not recall what the amount of the power requirement was. It was very substantial. I opposed the bill.

Mr. FOLEY. Was it something like three times the output of the Grand Coulee Dam?

Mr. REINECKE. Something on that order; yes.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. REINECKE. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, is it the purpose of the studies contemplated by the bill to clear away this fuzz of hazy estimates, which I am sure the gentleman himself realizes had to be made, and to come up with something that has a price tag on it and specifications on it that are meaningful to the Congress who will be looking at it rationally, instead of hollering about speculative sums of money that are totally meaningless? As I said before, such talk is calculated only for the purpose of frightening people.

Mr. REINECKE. It was about 8½ million acre-feet, and it is down to 2½ million acre-feet in this bill. It is no longer a feasibility study, but is a reconnaissance; but there is to be a follow-on study, so we can contemplate the project at some future time.

Mr. PETTIS. Mr. Chairman, will the gentleman yield?

Mr. REINECKE. I yield to the gentleman from California.

Mr. PETTIS. Mr. Chairman, California's stake in the Colorado River depends on passage of H.R. 3300. This is a "peace" bill and if it does not become law, the past history of Colorado River conflict and litigation will not only continue but probably intensify. This is a harsh fact of life in California's 33d Congressional District. San Bernardino County borders the Colorado River for many miles and the thousands of people who live in this part of California and who depend on that river for their water supplies see in this legislation the long-sought solution of the seemingly endless bickering.

The present and anticipated water supply situation in the Colorado River Basin shows that a water deficiency already exists in the lower basin of the Colorado River and that, as this imbalance between requirements and availability continues to grow, the water situation throughout the entire basin will become more critical. There is no reasonable chance that the Colorado River will supply enough water to meet the demands of the area which relies upon it. The water supply situation, combined with the fact that there is insufficient water in the Colorado River to furnish the amounts specified in compacts, contracts, the Mexican Water Treaty, and the Supreme Court decree in Arizona against California, means continued controversy unless there is augmentation of the water supplies available from the river. There can be no lasting solution to the water problems and disputes of the States of the Colorado River Basin without the addition of more water.

How the river should be augmented cannot be answered with confidence until the studies of all alternatives called for in the legislation have been completed. Experience has shown that 15 to 25 years are required to plan, authorize, design, and construct a major water project. Hence, studies of alternative means of augmenting the Colorado River should be initiated immediately if the future growth and economy of the Colorado River Basin and the Pacific Southwest is to be assured and decisions concerning augmentation are to be made with full knowledge of all alternatives. Considering the potential leadtime needed to develop some of the alternatives, deferral of the studies could result in decisions under accelerated conditions rather than on the basis of orderly procedures. All of the studies and investigations taken together are directed toward development of a regional water plan to serve as the framework for coordinated, future development throughout the entire Colorado River Basin.

The most pressing need is for an amount of new water necessary in order to satisfy the Mexican treaty water requirements and the annual consumptive use of 7.5 million acre-feet in the States of Arizona, California, and Nevada. This amount has been estimated by water experts to be between 2 and 2.5 million acre-feet.

It is this pressing need which is the basis for the provision in this legislation calling for preparation of a feasibility report on the most economic means of augmenting the water supply of the Colorado River.

Mr. ASPINALL. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida [Mr. HALEY].

Mr. HALEY. Mr. Chairman, one of my first observations, when this matter was under consideration in the Committee on the Interior, was that I just came over here to find out who was stealing from whom. I thought at that time probably each one of the two basins was stealing from the other, but I sadly came to the conclusion that what this bill will do will be to steal from all the people of the United States.

This river is overcommitted, and it was well known that it was overcommitted many, many years ago. They talk about 2½ million acre-feet. This river is overcommitted 3½ million acre-feet right now. I can tell why. It is because the upper basin is entitled to 7½ million acre-feet, and the lower basin is entitled to 7½ million acre-feet, and the Mexican Treaty, which takes precedence—first place—over both these basins is for 1½ million acre-feet. That is 16½ million acre-feet.

The only records—and I think the best records we have—as to the flow of the river are in the table which appears on page 697 of the hearings, and here are the figures. From 1931 to 1967 the average flow of the river was 12,990 million acre-feet of water.

So I say, Mr. Chairman, that the Mexican Water Treaty is an obligation of the river and not of the people generally throughout the United States. The Secretary of the Interior, in response to a question, said "Yes," that was a prior right.

As I say, who is stealing from whom? I do not know where you are going to get this amount of water. You need 3½ million acre-feet. If you are going to get water from some other place, you might as well get sufficient. I would say probably 8½ million acre-feet is what is eventually going to be required for economic growth, if it continues in the Southwestern part of the United States.

So let us not figure here on getting just a little bit of water. It is going to cost a lot of money. There is only one place that amount of water is available, and that is from the Columbia River.

What will be the cost? Who knows? If we try to bring that water into this basin, it is going to cost billions and billions of dollars.

We have been talking about the commitments and the authorizations we have now, and trying to reduce them, to get this Nation back to some fiscal sanity, since we have been running just as wild as we could for the past 20 or 25 years.

How can Members go back to their people and say, "Yes, we gave them a blank check here. We do not know what it is going to cost. We know it is going to be a terrific cost to bring about what is necessary to alleviate the arid, dry conditions that are in that part of the country."

Mr. Chairman, my good friend from Pennsylvania, next to the chairman, probably, or perhaps equally with him, is one of the most knowledgeable men in the Congress on water resources, I say, along with him, the best thing to do, first, if we are not going to do anything else, is to eliminate this obligation of all the people of the United States to take care of the so-called Mexican treaty.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SAYLOR. Mr. Chairman, I yield the gentleman 2 additional minutes.

Will the gentleman yield to me?

Mr. HALEY. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, I want to commend our colleague from Florida for his statement and thank him for the kind remarks he just made. I ask him if he recalls that during the 89th Congress, when a similar bill was being discussed, the committee included at that time the Southwestern part of the United States, and we had in that bill, if my memory serves me correctly, 7½ million acre-feet for Texas and 7½ million acre-feet for Kansas.

One of the true improvements in the legislation this year has been the exclusion of the State of Texas from the investigation and study provisions. Despite the efforts of our colleague, the gentleman from Texas [Mr. PRICE], to include the State of Texas, in the legislation again this year. I commend our colleague for his knowledge and understanding on this problem. In turn, I want to assure Mr. PRICE of my understanding of the problems of west Texas and offer him my cooperation in his future efforts to alleviate the water shortage in his area.

Mr. HALEY. The gentleman is absolutely correct.

Getting back to the Mexican treaty for just a minute, that treaty calls for water out of this basin, not out of the Missouri and not out of the Mississippi and not out of any other river. It is an obligation of the river and should be supplied from there.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. HALEY. I yield to the gentleman from California.

Mr. HOSMER. I realize that the gentleman is concerned about the cost which might be incurred for the import work, but will the gentleman not agree with me that the works are no part of this bill? The only thing this bill does is to invite some studies so that we can find out what kind of a problem we do indeed have.

Mr. HALEY. I will say this to the gentleman: You know what your problem is. The State of California at this moment is using 5.1 million acre-feet of water and is entitled under the compact to 4.4 million acre-feet of water.

Someone said—and I forget just who—a little while ago, "Oh, yes. We will turn that water back when it's needed." I cannot visualize California returning 1 gallon of water. You will need more water. So whenever you come here and say, "We will take care of that shortage when it comes along," I do not believe you will do it.

Mr. HOSMER. If that were true, California would be against building the central Arizona project. We lose by it over 700,000 acre-feet of water annually, yet we are strongly supporting the bill. We feel we have to live and let live in our area.

Mr. SAYLOR. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon [Mr. WYATT].

Mr. WYATT. Mr. Chairman, the bill we are debating today is merely an authorization bill, but it is so complex, so involved that each Member should pause and make absolutely certain he knows exactly what is contained in the bill.

We in the Northwest have repeatedly expressed our support for the central Arizona project. We support the five reclamation projects in Colorado. We cannot, however, support title II of the present bill, nor can we support the bill if title II remains in the bill.

This bill contains far more than the central Arizona project. Besides authorizing approximately $1.3 billion of new construction, the title II provisions authorize the first steps toward a gigantic interbasin transfer which could cost billions and billions of dollars. Most important of all is that the so-called Mexican Water Treaty obligation would be made a national obligation. This is the cash register for interbasin transfer, all at the Federal taxpayers' expense, rather than that of the water user.

The fallacy in making the Mexican Water Treaty a national obligation is that the Republic of Mexico, as a lower river water user, always has had certain vested rights to Colorado River water. which could not be cut off by upriver users. It is very clear from the testimony of State Department personnel witnesses who participated in the negotiation of the Mexican Water Treaty, that all Mexico received in the treaty was confirmation and ratification of the amount of water to which she was already legally entitled. This being the case, it is impossible to justify the theory that all the taxpayers in the United States should share in replacing this water going to Mexico.

If this theory is consistently applied in other areas of national concern, this country would be soon bankrupt.

All of title II should be stricken from the bill, especially that portion attempting to load onto Federal taxpayers the huge costs of replacing the Mexican Water Treaty obligations.

Title II is not contained in the Senate version of this bill, and is a costly add-on to the $1.3 billion specifically authorized. The additions could easily total many billions of dollars.

Mr. SAYLOR. Mr. Chairman, I yield 10 minutes to the gentleman from Utah [Mr. BURTON].

Mr. BURTON of Utah. Mr. Chairman, I know one of the things that bothers some of our friends here in the Chamber is the fact that this is an authorization bill authorizing nearly $1.3 billion. However, I need not explain to our friends here the difference between an authorization bill and an appropriation bill. Following the remarks of my good friend from Florida [Mr. HALEY], I think he and others would be interested to know that previous Congresses have indicated even during unhappy times, times of deficit, war, and misfortune, and in the direst of straits, they have indicated a confidence in planning for the future and that happy times would return and we could get on with the business of building our Nation. I have a list of projects authorized for and by the Bureau of Reclamation during the period of the Korean war, beginning in 1951 and ending in 1953. That list is as follows:

ANNUAL AUTHORIZATIONS FOR RECLAMATION PROJECT CONSTRUCTION DURING KOREAN CONFLICT—FISCAL YEARS 1951–53—PROJECT AND STATE

1951

Canadian River: Texas.

Central Valley, Sacramento Canals: California.

Eklutna: Alaska.

Kendrick, Alcova Powerplant: Wyoming.

Minidoka: American Falls Power Division: Idaho; North Side Pumping Division: Idaho.

Palisades (reauthorized): Idaho.

Vermejo: New Mexico.

1952

Provo River, Deer Creek powerplant: Utah.

1953

Central Valley, Trinity River Division: California.

Central Valley, Sacramento Canals (Pursuant to Act of Sept. 26, 1950): California.

Collbran: Colorado.

Grants Pass, Savage Rapids Dam: Oregon.

Provo River, Deer Creek powerplant: Utah.

During World War II, from 1942 until 1945, these were the projects that were authorized for the Bureau of Reclamation:

1942

Mann Creek, WCU (not built): Idaho.

Palisades (reauthorized, 1951): Idaho.

Palisades (reauthorized, 1951): Idaho.

Rapid Valley, Deerfield Dam, WCU: South Dakota.

1943

Buford-Trenton, enlargement, WCU: North Dakota.

Columbia Basin—Project Act: Washington.

Scofield, WCU: Utah.

1944

Balmorhea, WCU: Texas.

Bitterroot Valley, Woodside Unit, WCU, (not built): Montana.

Buffalo Rapids, 2d Div., WCU complete: Montana.

Colorado River Front Work, Palo Verde weir: California.

Hungary Horse: Montana.

Milk River, Dodson Pumping, WCU: Montana.

Missoula Valley, WCU: Montana.

Newton, WCU (completion): Utah.

Rapid Valley, Deerfield Unit, WCU (completion): South Dakota.

Rathdrum Prairie, Post Falls, WCU: Idaho.

1945

Mancos, Expansion, WCU: Colorado.

Mirage Flats, UCU (completion): Nebraska.

Rathdrum Prairie, Post Falls, WCU (USDA): Idaho.

Shoshone, Heart Mountain Powerplant: Wyoming.

You will note that all of these projects that I listed cover the Western Reclamation States, but the West was not the only beneficiary of projects and authorizations during periods of war. Our sister States in the East benefited under flood control projects that were authorized in World War II. For example, an authorization in 1942 which became Public Law 77–228 authorized 60 projects by the Corps of Engineers at a cost of $275 million in 26 States ranging from Florida to Washington State.

Mr. Chairman, in 1945, the chairman of the full Committee on Interior and Insular Affairs [Mr. ASPINALL] alluded briefly to the fact that the Congress, in its wisdom, enacted a public law authorizing 48 projects, costing $993 million in 30 States, ranging from Arizona to Pennsylvania, as well as in the same year authorized 293 navigational and flood control projects in 32 States and three Territories, ranging from Puerto Rico to Hawaii.

Now, Mr. Chairman, I would like to say that I agree with the remarks which were made by the gentleman from California [Mr. HOSMER] when he alluded to the fact that this was not a big boondoggle; as a matter of fact it is a very delicate, fragile compromise that has been worked out over a long period of years between the seven States involved. These seven States represent about one-fourth of the total land area of the United States; they have congressional delegations, as follows: One from Wyoming, there are 38 from California, there are three from Arizona, there are two from Utah, two from New Mexico, four from Colorado, and one from Nevada.

Mr. Chairman, this represents a total of 51 Members of the House of Representatives. To my personal knowledge 50 of these 51 Representatives of these seven States are in agreement with this project.

Mr. Chairman, I say to the members of the Committee of the Whole House on the State of the Union, that when you can get 50 out of 51 Members of the House of Representatives, having them coming from the varying geographic and economic interest areas which we all represent, and having them representing both parties and having them come into the well of the House and say 50 of the 51 of us are in support of this bill, I think that represents a rather formidable combination and a rather unusual situation.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Utah. I yield to the gentleman from Arizona.

Mr. UDALL. Has the gentleman ever heard of any other piece of legislation where you could have the support of such Members as the gentleman in the well, such as the distinguished gentleman from California [Mr. HOLIFIELD], such as the distinguished gentleman from Arizona, the gentleman from California [Mr. UTT], representing such a wide range of statesmen who have been found to come together on other issues?

Mr. BURTON of Utah. The gentleman from Arizona has enlarged upon my point and I thank my colleague for his remarks.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Utah. I yield to the gentleman from Washington.

Mr. FOLEY. Will the gentleman be similarly impressed with the fact that all Members of the northwestern delegations, Republicans and Democrats alike, are in opposition to the bill in its present form?

Mr. BURTON of Utah. I am not impressed with that point at all.

Mr. ASPINALL. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, about 2 years ago I was the happy beneficiary of an invitation by our two distinguished colleagues, from Arizona [Mr. UDALL and Mr. RHODES] to fly down to Arizona and view the proposed central Arizona project with them. By accepting that invitation I was able to see the area which was to be irrigated and to hear their compelling arguments on the need and right of Arizona to its share of the Colorado River. At that time I announced publicly to the press and other news media that I considered myself one of the strongest supporters of the central Arizona project in the House of Representatives, because I was for it absolutely without conditions. I was for it without the 4.4 million acre-feet guarantee to California; I was for it without feasibility studies of 2½ million acre-feet of augmentation water. I was for it without the assumption of the Mexican Water Treaty; I was for it without all of the encumbrances, reservations, conditions, and addenda which has been attached like leeches or barnacles to this long-suffering project. I want to give Mr. RHODES and Mr. UDALL what they have the right to have—the central Arizona project.

I am even willing to support the other projects in the State of Colorado and the Dixie project in Utah; but I cannot support the provisions of this bill which are unnecessary to the central Arizona project and cannot be otherwise justified; namely, the assumption of the Mexican Water Treaty burden as a national obligation and the authorization in advance of a reconnaissance study or a feasibility study for augmentation of the Colorado River by 2½ million acre-feet.

We are told that these two provisions and many others are part of a delicate compromise between the seven Basin States.

We are in effect invited not to tamper with the agreement because it is a solemn agreement of these seven States. I believe that is a perfectly appropriate suggestion if you happen to be from one of those seven States; indeed, if you are from any of the Colorado River States I suggest to you that it is probably in your political interest not to tamper with the agreement, but on the other hand if you are from some other State I believe you would do very well to consider how your constituents and your State interests might suffer if these two provisions are left in the bill.

Let me underline the point that we do not need to pass these extra provisions of this bill in order to give Arizona all it is entitled to have. Many Members received a letter from the distinguished senior Member of the other body inviting support of this legislation. In his next-to-last paragraph that distinguished representative of Arizona said:

> While this bill—

That is, the House bill—

> differs in some respects from the Senate bill 1004, either would authorize construction of an aqueduct from the Colorado River to bring water to Arizona.

Senator HAYDEN has, in effect, said that the Senate bill accomplishes the purposes for which Arizona has fought so many years. The Senate bill does not contain either the assumption of the Mexican Water Treaty or feasibility studies of augmenting the Colorado River by 2.5 million acre-feet. It is a clean bill. That distinguished gentleman sponsored S. 1004 in the other body. I do not believe anyone in this body would compromise or question his sincerity or dedication to the interests of Arizona. And he has assured every one of us that the passage of a bill such as S. 1004 would fully serve the interests of Arizona.

These other provisions of H.R. 3300 are not for Arizona. They are for other States, and they include what I do consider to be an exceptional, most unusual—if I might put it in the words of the gentleman from Arizona—"outrageous" provision to make the assumption of the Mexican Water Treaty a national obligation.

Let us just consider for a moment what the Budget Bureau did say. It did not endorse the assumption of the Mexican Water Treaty, nor has any recommendation from this administration or any previous administration ever endorsed the assumption of the Mexican Water Treaty. It said that the Mexican Water Treaty assumption was not objectionable to the Bureau of the Budget if two things were accomplished: First of all, if the Congress felt there were unique circumstances justifying the assumption by the Nation of the water burdens of the treaty. I repeat—unique. And secondly, if the Congress limited the price guarantee to 1.5 million acre-feet. Obviously the Bureau of the Budget is deeply concerned about the prospective costs of this program as well they should be.

What is the section of this bill which assumes the burden of the Mexican Water Treaty obligation? Members have said it is nothing. The gentleman from Arizona said "Take out your pencil and write this down." I took out my pencil and I wrote it down. He said, "It is nothing. It is not a promise, it is not a guarantee, it is nothing, it is just a simple, little sense-of-Congress resolution."

Now, Mr. Chairman, I look around this room and I do not see anybody who I consider less than a knowledgeable and a clear-headed Member of the House. Simple, little sense-of-Congress resolutions—the gentleman said—simple, little sense-of-Congress resolutions are as dangerous as delayed action bombs. They are designed to be. They do not blow up in your face today. They tick quietly away for a few years until someone is ready to hit the detonator.

I prophesy to those who are in this House today, and who will be in the House at that time, that 3 or 4 years from now they are going to be asked for 4 or 5 or more billions of dollars to justify a project to which we never thought we were committing ourselves when we passed this simple, little sense-of-Congress resolution. And tomorrow, I hope, when we have a motion or an amendment on the floor to take out this simple, little, sense-of-Congress resolution, we may save ourselves and other colleagues some real future grief.

If we should give—and I use the verb advisedly—to the Colorado River Basin a nonreimbursable project of agumentation of a million and a half acre-feet, why is it necessary to do it now before we know the cost in billions of dollars? Let us do what we ought to do in simple, businesslike responsibility. Wait until the studies have been completed, until the cost estimates have been prepared; wait until we know where the water is coming from, where it is going, how it is going, what method of delivery will be used, and how much it is going to cost—especially how much it will cost. Is that not a simple, basic, businesslike option for this House to undertake? Why should we act now if this section is not essential to this bill; if it is just a little, simple, sense-of-Congress resolution, as the gentleman says? Why do they object to taking it out? If it does not do anythink or promise anything, if it does not lay the groundwork for anything, then it does not serve any purpose, does it? Does it? I leave it to your judgment.

I want to speak now about the feasibility study to augment the Colorado River by 2½ million acre-feet. In 1965 Congress passed the Federal Water Project Recreation Act. Section 8 provides as follows:

> Effective on and after July 1, 1966, neither the Secretary of the Interior nor any bureau nor any person acting under his authority shall engage in the preparation of any feasibility report under reclamation law with respect to any water resource project unless the preparation of such feasibility report has been specifically authorized by law, any other provision of law to the contrary notwithstanding. Public Law 89-72. July 9, 1965.

Today we are asked to authorize such a feasibility study for the costly augmentation of water to the Colorado River before the preliminary reconnaissance studies have been completed—indeed, before they have been taken.

Why are we asked to do that? I suggest the purpose of this unconventional provision is to remove the possible objections which some Members might make to such a feasibility study if they have the reconnaissance study conclusions before them.

We can change this inverse order of studies without delaying proper investigation because, as the reconnaissance studies have to start first anyway, and the Secretary of the Interior has full power to undertake any reconnaissance studies he can fund.

Besides the improper sequence, the section gives only one direction to the Secretary. The Secretary is given authority to study the most economical means—in his judgment the most economical means— of augmenting the river by 2½ million acre-feet. He can study any source and any means.

I would suggest to my friends from the Missouri Basin that there is nothing in this section to prevent the investigation of the feasibility of bringing the water from the Missouri Basin if the Secretary decides that should be done. We do not give him any of the customary directions or limitations for his guidance. As in the water treaty section the drafters obviously considered vagueness as a virtue and uncertainty a goal.

The whole thing is a blank check—not only a blank check for the Mexican Water Treaty obligation, but a blank check for the feasibility studies.

If these two sections can be removed from the bill, I will support the bill. The central Arizona project should be built. Arizona deserves it. They have fought for it for a generation and their fight has been a good fight.

But these other provisions have nothing to do with the central Arizona project. They endanger its ultimate success.

The prospective costs of the Mexican Treaty obligation and the feasibility study, if either results in the construction of works to bring water by surface diversions, is many, many times the total authorization cost of $1.3 billion that is directly provided by this bill. The sum of $1.3 billion is a lot of money to authorize this year as we all look a tax increase and massive budget cut full in the face. Surely we should identify and reject subtle provisions which are very likely to commit us to many, many billions more.

Mr. Chairman, I plead with the committee to look at this bill calmly and unemotionally and judge this matter not on the basis of what seven States have agreed suits their present convenience but on the broader basis of what is reasonable and sensible for the entire Nation and for the Members of this House who represent the other 41 States which will get no benefits from this bill but which will bear the cost.

Mr. RHODES of Arizona. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. LIPSCOMB] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. LIPSCOMB. Mr. Chairman, H.R. 3300 represents a long and welcomed step forward. Its enactment will permit a controlled continuation of the Colorado River's development and set the stage for an equitable solution of the river's basic water supply problems.

Those interested in the development of the Colorado River Basin have spent years shaping and molding this legislation into its present form, so that it might provide the optimum net benefit for each area, a balancing of interests.

California will obtain recognition of its vast investment in existing Colorado River water facilities through protection of 4.4 million acre-feet of its present annual Colorado River water supply of 5.2 million acre-feet. Arizona will, of course, obtain authorization for the central Arizona project, a project which she has sought for generations, and which will permit the future development of that State.

Colorado will obtain authorization of five smaller projects needed by its growing economy. Utah will obtain authorization of a similarly needed project and assistance on a previously authorized project. New Mexico will directly and substantially participate in the benefits of the central Arizona project. Wyoming and the other States of the Upper Colorado River Basin will obtain important provisions for controlling the operation of the two great reservoirs on the river, Lakes Powell and Mead.

All of the Colorado River States will benefit from the bill's authorization of realistic studies for augmenting the Colorado River's water supply, and from its realistic framework for actually obtaining that augmentation. Conversely, States with surplus water supplies will obtain valuable area of origin protection as well as veto protection against water export projects. Conservationists will obtain protection against new Colorado River dams, as well as provisions for the development of fish, wildlife, and recreational facilities in each of the projects authorized by the bill.

It is generally known that reclamation projects earn income which repays almost all of their cost. This bill has such a provision. The expert and careful work of the Interior Committee under the leadership of Chairman WAYNE ASPINALL, of Colorado, has come up with a workable and fair proposal.

This bill protects existing economies of the areas involved. It makes possible new development. It is financially sound. It will require relatively small appropriations to start and will not need major investment until our improving circumstances make such funds available. It accumulates earnings even after meeting repayment obligations so that funds to help finance future progress will be on hand when the time comes to take another step forward.

H.R. 3300 is truly a representative bill that will benefit California as well as all the Colorado River Basin States and the entire Nation, by changing a future of strife and continuing litigation to one of harmony and mutual development.

I recommend the Colorado River project bill to you as worthy of your favorable vote.

Mr. SAYLOR. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES of Arizona. Mr. Chairman, if I might I would like to have the attention of my good colleague, the gentleman from Arizona [Mr. UDALL] for a question.

On page 68 of the bill, my colleague will recall that certain mention is made of the so-called Gila decree—Globe Equity No. 59—with regard to the division of waters of the Gila River.

Is it the impression of my friend, the gentleman from Arizona, that the mention of this decree in this bill, as it is mentioned, does not in any way change the existing rights of any individual or of any group of individuals as to the waters of the Gila River?

Mr. UDALL. I will say that both of us have been involved over the last several years in putting together the very complex provisions of this bill. The particular language that the gentleman refers to has been of some concern to one of the Indian Tribes located along Gila River.

I can state flatly and specifically that it has always been our intention in drafting these provisions, that we were not changing the rights of those Indians or the rights that were fixed by the Gila decree in any way. I question that Congress would have the power in any way to change the terms of the Gila decree, determined by a Federal court, which determine water-user rights along the river. I wish to make that clear, so there is no misapprehension on the part of anyone.

Mr. RHODES of Arizona. I agree with the gentleman. I doubt that Congress would have any right to do that. I ask him further whether it is his understanding that passage of this bill as now written would not change the rights of any person who is a party to, or might later become party to this matter, and who disagrees with any part of the Gila decree to apply to a court for a modification of that decree, or some part of it.

Mr. UDALL. As a practicing Arizona lawyer, as a member of the committee, and as one who helped to put these provisions together, I would fully agree with what the gentleman has said.

Mr. RHODES of Arizona. The gentleman qualifies as an expert.

Mr. Chairman, I cannot help but wonder why there are so many people who are afraid of a study. There is nothing in this bill insofar as water augmentation is concerned other than a provision that the Secretary of the Interior may enter into a study for the purpose of determining three things: First, water needs; second, water supply of given areas, and third, to bring in recommendations, if indeed shortages are found in the Colorado Basin, as to the best means of alleviating those shortages.

There is nothing in this bill—and it has never been alleged otherwise by anyone that I know of—which would authorize any project whatsoever to be built to augment the water supply or to alleviate the shortages of the Colorado Basin or anywhere else. There is nothing in here which calls for the spending of money for any project, for construction, or for anything other than a study.

So, I repeat, what is the trouble with people who are afraid of a study? There is certainly no assurance that the Secretary of the Interior will recommend the importation of fresh water from any other basin into the Colorado Basin. If his study determines a shortage exists, he may recommend augmentation by desalinization, by water salvage, by weather modification, or by some means other than importation. He has many alternatives.

For instance, my good friend from California [Mr. HOSMER] and I have been collaborating on a project which we hope the Atomic Energy Commission will take up at some time in the future. This would be like Project Gas Buggy in many ways, in that there would be a nuclear detonation which would fracture the rock strata under the surface of the ground. The hope would be that the fracture would occur in such an area that water would come of the watersheds, and go into the underground, where it would be stored for human use. We think this is a possibility as a means of augmenting water supply.

So why do our friends from the Northwest assume that any water study is going to be pointed at the Columbia River? That is not my intention. It is not the intention of the other people who have had anything to do with this legislation. It is our intention, however, to do what we can to alleviate the water shortages which we have in this basin. The shortages are real.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from Washington.

Mr. FOLEY. I think the gentleman might point out that Members from the Pacific Northwest not only approved and supported, but several of us sponsored legislation for the National Water Commission, which would authorize specifically studies of interbasin transfer of water.

Mr. RHODES of Arizona. I am glad the gentleman brought that up, because the measure which would create the National Water Commission is languishing in the other body. I hope at the proper time the other body will bring it out. It is a good bill. I am for it and I want it to pass.

Mr. FOLEY. All we are concerned about is authority for a feasibility study before a reconnaissance study is made and is available for Congress.

Mr. RHODES of Arizona. Would the gentleman support title II if the feasibility study provision were taken out and only the reconnaissance study is left in?

Mr. FOLEY. Yes, indeed, I would enthusiastically.

Mr. RHODES of Arizona. I thank the gentleman for his contribution.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I think it might help for the Members now present on the floor to have something in the way of a comment from me, representing the northern coast of California, where we have approximately 40 percent of the entire water resources of the State of California. I can say there was a time when people from our congressional district had the same reservations the people of Oregon and Washington had about studying the water resources for export, as have been expressed. I can say most of our people have removed themselves from that particular position primarily because of the safeguards included in this legislation. The Eel River Association and the members of the various boards of supervisors of our counties are now encouraging the development of these valuable water resources, hopefully for the benefit of people.

Mr. RHODES of Arizona. Mr. Chairman, I thank the gentleman for his contribution. When the gentleman speaks of safeguards, I think it might be well to read a few. On page 50 of the bill, title II, section 201(a)(2), dealing with the provision allowing the Secretary of the Interior to investigate and to recommend sources and means of supplying additional water to the Colorado Basin, toward the end of that section there are these words included:

> *Provided,* That the Secretary shall not, under the authority of this clause or anything in this Act contained, make any recommendation for importing water into the Colorado River system from other river basins without the approval of those States which will be affected by such exportation, said approval to be obtained in a manner consistent with the procedure and criteria established by section 1 of the Flood Control Act of 1944 (58 Stat. 887)

So, Mr. Chairman, the Secretary cannot make any recommendation for any importation unless the State which will be affected actually has been consulted and agrees to it.

It has been said, and I think it is true, that 160 million acre-feet of water from the Columbia River flows into the Pacific Ocean every year. This is a lot of water. This is more than 10 times the average flow of the Colorado River. It is at least 20 times as much as even the wildest estimates of possible importations from the Columbia River.

I might ask my friend, the gentleman from Washington, if he wants to answer, how much water does the gentleman have to have flow into the ocean from the Columbia River before he feels secure?

Mr. FOLEY. Mr. Chairman, we do have a problem of adequate flows. While we do have very large flows in some years, there are other years in which the flow reaches under 50 million acre-feet. When it goes below that, there are threats to power generation and also to fisheries and navigation and water quality including pollution of the river from the atomic works at Hanford. We could not stand diversions of water in those low water years.

Mr. RHODES of Arizona. Mr. Chairman, may I answer the gentleman there? I refer the gentleman to section 203(a), which protects areas of origin. If we have a water shortage in an area of origin, then the exportation does not occur. There would be no water exported at all. The area of origin retains an absolute priority—forever.

Mr. FOLEY. May I answer the gentleman by saying that I addressed a question during the committee hearing to the distinguished Governor from Colorado, Governor Love, and I quoted that exact language to the Governor, and I asked the Governor if he would be satisfied to take those assurances on behalf of Colorado and the upper basin States, and he replied categorically "No."

I think the gentleman is asking a lot to ask us in the Northwest to take assurances the State of Colorado would not take.

Mr. RHODES of Arizona. Mr. Chairman, the gentleman knows full well that even the distinguished Governor of Colorado cannot make legislative history. We are making that here, today.

Mr. Chairman, the Mexican Water Treaty is, and should be a national obligation. It serves a national purpose, not just the purpose of the Colorado Basin. There are several precedents for the assumption of this responsibility by our National Government.

One precedent for assuming the Mexican Water Treaty as a national obligation insofar as the Colorado River is concerned may be found in connection with the Mexican Water Treaty as it applies to the Rio Grande. On the Rio Grande, the obligations assumed by the United States with respect to the construction of the necessary control structures were national obligations.

Article V of the treaty provides for the construction and cost allocations by the two National Governments of the necessary agreed upon dams.

Article VI provides for further studies of other future construction that may be agreed upon by the two governments. Falcon and Armistad Dams were both built on the Rio Grande under the terms of the Mexican Water Treaty and were financed by the National Government.

As further evidence of congressional recognition of the national obligations in connection with the waters of the Rio Grande, under the Rio Grande Convention of 1906—Treaty Series 455 (34 Stat. 2953)—this treaty being the one which granted Mexico 60,000 acre-feet of water from the Elephant Butte Reservoir, by the act of March 4, 1907 (34 Stat. 1295) the United States appropriated $1 million "toward the construction of a dam for storing and delivering 60,000 acre-feet annually in the bed of the Rio Grande at points where the headworks of the Acequia Madre now exists above the city of Juarez, Mexico." The treaty also provides that:

> The said delivery shall be made without cost to Mexico, and the United States agrees to pay the whole cost of storing the said

quantity of water to be delivered to Mexico, of conveying the same to the international line, of measuring the said water, and of delivering it in the river bed above the head of the Mexican Canal.

In 1933, the United States entered into the Rio Grande Convention—Treaty Series 864 (48 Stat. 1621). The purpose of this convention was to provide for rectification of the channel of the Rio Grande below Elephant Butte Reservoir. In this convention, article III, the cost of the works was prorated between the two governments in the following percentages: United States 88 percent and Mexico 12 percent.

It is noteworthy that in the foregoing instances the States were not called upon to bear any share of the costs involved.

Additional material relevant to this general topic may be found on pages 43 to 53 inclusive of the Committee Report No. 1312 on H.R. 3300. Pages 50 and 51 are particularly in point. On page 51 there is mention of the Lake of the Woods Treaty, the Niagara Water Treaty and the Columbia Treaty all being treaties between the United States and Canada.

Mr. Chairman, I ask unanimous consent that the gentleman from Arizona [Mr. STEIGER] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STEIGER of Arizona. Mr. Chairman, I would like to direct my remarks to the effects which H.R. 3300 will have upon the Indians in Arizona in the project area.

I have categorized the effects into three classes: First, the water rights of the Indians; second, the direct effects; and third, the indirect benefits to be derived.

First of all, nothing in the bill would affect adversely the present perfected rights of Indian reservations in waters of the mainstream of the Colorado River. It would, however, enhance the position of some tribes.

The Supreme Court decree in Arizona against California set out these present perfected rights for the lower basin in article VI, thereof. The Court held that water sufficient to irrigate all the acreage practicable of irrigation on the reservations was reserved; that the United States had reserved such rights for the Indians; and further, that such rights are "present perfected rights" with priorities as of the dates the reservations were established. The Yumas, Fort Mojaves, Chemehuevis, Cocopahs, and Colorado River Tribes are entitled to divert 905,496 acre-feet or to irrigate 117,662 acres with water from the mainstream of the Colorado River. Section 301(b) and section 601 of H.R. 3300 maintain the efficacy of that decree.

There is no judicial determination as to the upper basin quantitative water rights. However, article XIX of the Upper Colorado River Basin Compact of 1948 states:

> Nothing in this compact shall be construed as: (a) Affecting the obligation of the United States of America to Indian Tribes.

The Indian reservations in the upper basin are the Navajo, Jicarilla Apache, Southern Ute, Ute Mountain, Uintah, and the Uncompahgre. Section 601 of the bill provides, among other things, that nothing in the act shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of the Upper Colorado Basin compact.

As for the tribes within the area of the project, section 304 provides that central Arizona project water will not be made available for the irrigation of lands unless the lands have recent irrigation history, as determined by the Secretary. The prohibition does not apply to Indian lands.

In the upper basin authorization, the specific provision is included that the planning report for the Ute Indian unit of the central Utah participating project shall be completed on or before December 31, 1974, to enable the United States of America to meet the commitments heretofore made to the Ute Indian Tribe of the Uintah and Ouray Indian Reservation under the September 20, 1965, agreement. Thus, all water rights of the Indians will be fully protected.

DIRECT EFFECTS

The direct effects upon Indians and tribes are as follows: First, construction of new irrigation systems and rehabilitation and lining of existing systems for the seven Indian reservations within the project area are included in the project.

Under the terms of section 402, all construction costs allocated to the irrigation of Indian lands are nonreimbursable to the extent that such costs exceed the ability of the Indians to pay. To the extent that such costs are within the ability of the Indians to repay the repayment of such costs is deferred for as long as the Indian lands are in Indian ownership.

Next, section 302 of the bill provides for the acquisition of the Indian lands that are needed for the Orme Dam and Reservoir, a structure in the distributions system of the central Arizona project.

The Indians will be paid fair market value for their property interests. The lands of the Salt River Pima-Maricopa Indian Community, Ariz., and the Fort McDowell-Apache Indian Community, Ariz., are affected.

In addition, the Secretary shall offer to pay up to $500,000 for relocating or replacing the improvements thereon.

In addition, title to any land or easement acquired shall be subject to the use of the Indians, or its lease, for any purpose that is not inconsistent with the operation of the project. This means, for example, use for grazing when not under water, as well as for mineral rights, if any.

The Fort McDowell Indians will lose a substantial portion of their lands because of the dam and reservoir. Therefore, in addition to the compensation, the Department of Interior will add 2,500 acres of Federal land to the reservation so that an adequate land base will be maintained.

In addition, both of the Indian communities involved will have the right to develop and operate recreational facilities on the Federal lands along the shoreline of the Orme Reservoir that are or or adjacent to its reservations.

Finally, any funds received pursuant to this section and any per capita distribution thereof are exempt from State or Federal income taxes.

The White Mountain Apaches in the highlands of Arizona will benefit greatly through the "exchange" provisions of the bill. The San Carlos Apaches will also benefit from the "exchange" provisions because they are dependent upon higher elevation water supply.

The Pima-Maricopas of the Gila Indian Reservation will, at long last, be in a position to receive a badly needed supplemental water supply.

ANCILLARY BENEFITS

In addition to the direct benefits set forth herein, certain ancillary benefits will be derived by Indians with the passage of this bill.

Section 303(b) authorizes the project participation in entitlement to certain capacity of a thermal generating plant to be used for project pumping in connection with the Arizona project aqueduct. It is planned this plant be a large facility constructed by non-Federal interests located on the Navajo Indian Reservation using Navajo and Hopi coal with the revenues going to these tribes for both fuel and land use.

Mr. Chairman, from a comparative standpoint, when we talk in numbers of people in Arizona, I think it safe to say the Indian citizens of our State will benefit more percentagewise than any segment of our population.

I feel compelled to add at this point, however, that removal of the Bridge Canyon Dam and Reservoir from the plan has removed, at least for the present, an immediate chance for economic improvement of the Hualapai Indian Community. With the compromise to remove this Colorado River Dam from the project plan, the long-sought Hualapai enterprise disappeared. I regret this loss to the most deserving Hualapai Tribe. However, at the hearings the record was amply made. This loss was recognized by the Secretary and is accordingly to be considered in the Department's future plans for the tribe.

Mr. ASPINALL. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. TUNNEY].

Mr. TUNNEY. Mr. Chairman, first I would like to say, before I address myself to the investigations and studies, that in my opinion if it had not been for the wisdom and patience and legislative skill of the chairman of the full committee, this bill would not be before the House in the form that it can be accepted by the Members of Congress from the Southwest and by the Members of the Congress from all over the country. There were times in the last three and a half years I have served on the Committee on the Interior that the controversy was heated and some of the statements made were acerbic. I think it was due to the patience and foresight of the chairman that we were able to get a bill hammered together in final form that is acceptable.

I should like to address myself to the need for the studies and why it is these studies are in the bill to begin with.

The facts of the matter or very clear. We have a deficit right now in the lower basin of 1½ million acre-feet a year, and sometime between 1985 and 1995 there is going to be deficit in the basin of about 2½ million acre-feet. There is no question about this. In our hearings we had four volumes of testimony that made it very, very clear the critical period was going to be somewhere between 1985 and 1995.

If there is a need to have more water in this basin, obviously we must have studies of some kind before we can construct any projects to bring water in. This is as simple as ABC.

So it is a wonder to my why Members of Congress from the Northwest, from the State of Washington in particular, would talk about the cost, when they know very well unless we are going to tell the people in the Southwest they are going to have to change their way of life or they are going to have to move out of the area we will have to have these studies, which eventually may or may not lead to importation works, which may or may not lead to desalination plants, and which may or may not lead to weather modification programs.

I also believe it is no small surprise to some of us to hear Members of the Northwest talking about the cost when it was only last year, I believe, we authorized $400 million for the third power plant at Bonneville. Bonneville was designed to bring cheap power to the Northwest. I voted for that authorization in committee and on the floor, and I am proud to have voted for it, because I feel that the people of the Northwest have a need. It is important they build up their area. It is important they have an opportunity to attract industry. But it seems to me to be somewhat unfair for them now to come on the floor of the House of Representatives and say, "Oh my gosh, this is going to cost so much money in the future."

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. TUNNEY. I yield to the gentleman from Washington.

Mr. MEEDS. Has the gentleman or anyone in the Pacific Northwest voted against any of the authorization money in this bill for the central Arizona project?

Mr. TUNNEY. I have not heard any statement made against the central Arizona project; no.

Mr. MEEDS. I thank the gentleman.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. TUNNEY. I yield to the gentleman from California.

Mr. HOSMER. I believe, however, we must say that we have heard several of the gentlemen from the Northwest wish to destroy this bill, to "gut" it, to tear it to pieces and to throw the pieces away.

Mr. TUNNEY. That is right.

Mr. HOSMER. And to leave nothing upon which the Congress could act.

Mr. TUNNEY. That is correct.

This is an area of the country which is extremely important. I need not point this out, but 13 percent of the total population of the country lives in this area. Fifty-one percent of all retail sales of the West take place in this area. Fifty-five percent of the industrial production of the West is in this area serviced by the Colorado River.

What this study will do is to provide, first, for a reconnaissance report, and second, for a feasibility report. But the study itself is to be broad based. It is to look at all the present uses of water along the Colorado River and the basin, as well as the uses up in the Northwest or other areas of potential export. Second, it will——

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ASPINALL. Mr. Chairman, I yield the gentleman an additional 3 minutes, and I ask the gentleman to yield to me.

Mr. TUNNEY. I yield to the chairman of the committee.

Mr. ASPINALL. Is it not true that if the Federal Government had not been understanding of the vagaries of this river and that the users of the waters of this river had not been willing to repay, either through consumption of power within the area by power users or by irrigation repayment, or by municipal water repayment, that this river would not be developed even today? The flood which went through the area in 1904 and 1905 cut off the Yuma area and Mexico and all the rest of the lower basin entirely.

Mr. TUNNEY. That is correct.

Mr. FOLEY. Would the gentleman agree before the feasibility study can be undertaken there has to be a reconnaissance study first? The bill anticipates two stages; namely, a reconnaissance study followed by a feasibility study. Is that not correct?

Mr. TUNNEY. The bill anticipates the two stages will probably be taking place at the same time, because what the bill states in section 201(a) is that the Secretary is authorized to investigate and recommend sources and means of supplying water to meet the current and anticipated water requirements of the Colorado River Basin, and then it goes on to talk about a reconnaissance study having to be completed in 1973 and a feasibility study directed at bringing 2.5 million acre-feet of water into the Colorado River Basin by 1975.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield to me?

Mr. TUNNEY. I am glad to yield to the chairman of the committee.

Mr. ASPINALL. I will say what I said to the gentleman from Washington in answer to the question he asked the gentleman from Arizona [Mr. Rhodes]. This 2.5 million acre-feet of water provided as far as the feasibility study is concerned is the maximum that this bill calls for. It cannot be said in any way to be pointed toward any particular area of the Nation. Is that not correct?

Mr. TUNNEY. That is absolutely correct.

Mr. ASPINALL. Not only that, but up to just the last 2 or 3 years the feasibility report would have been automatic from the Bureau of Reclamation, but under the procedures which we are now following and which the Committee on Interior and Insular Affairs, working with the Committee on Appropriations, suggested, it calls for an authorization for a feasibility report no matter how small it is.

Mr. TUNNEY. That is absolutely right. And time is of the essence. The fact is clear from the testimony we have had, plus private correspondence, that the Northwest is going to finish their basin study by 1971 or 1972, and the reconnaissance study will be completed 1 year thereafter and will be able to take into consideration the information contained in the Northwest study.

Mr. FOLEY. Mr. Chairman, will the gentleman yield to answer a question on his own account?

Mr. TUNNEY. I will be happy to answer.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HOSMER. Mr. Chairman, I yield 10 minutes to the gentleman from Wyoming [Mr. Harrison].

Mr. HARRISON. Mr. Chairman, it is with extreme concern that Wyoming views debate on the central Arizona project—the principal feature of H.R. 3300, the Colorado River Basin Project Act.

Our concern has a single primary source: Wyoming's water will be required to make the project function and the legislation provides only the most ambiguous language to suggest that additional water will be drawn into the Colorado River from some outside source to augment that which will be lost.

At an appropriate time, I shall offer an amendment to clarify the question of augmentation.

The bill being debated today is in every sense regional legislation.

It greatly benefits one region—primarily one State—at the expense of others because the water with which the central Arizona project will be fueled will come from the upper basin States of the Colorado River. A half million acre-feet that is rightfully Wyoming's will be drawn into Arizona's reclamation project.

I urge that the bill before us be either rejected or amended to insure that Wyoming and other upper basin States will not be penalized in their industrial, municipal, and agricultural developments by the downstream expropriation of water which legally is an upstream asset. While the bill reported out by the distinguished chairman of the House Interior and Insular Affairs Committee, the gentleman from Colorado [Mr. Aspinall], does address the question of augmentation, it is only in the context of a study and the Interior Secretary is prevented from recommending a specific river basin from which augmentation might come without the agreement of the exporting State. This clearly means that no importation will be forthcoming as the result of this act.

As Members know, H.R. 3300 sets no dates for the importation of water into what will soon be a water-deficient river. Nor does the bill provide for the construction of augmentation facilities or any reconnaissance that might lead to the naming of a specific river from which to import water into the Colorado. H.R. 3300 recognizes that the delivery of 1.5 million acre-feet of water to Mexico under the 1944 treaty is a national obligation. Wyoming supports that obligation.

But it is for the agricultural and industrial future of Wyoming—a future predicated largely on the expansion of our irrigation projects for increased food production as well as development of my State's rich coal reserves—to which I hinge my plea for rejection or amending of the Colorado River Basin Project Act.

Wyoming could be the site of several score coal to gasoline plants in the decades ahead, and these plants, together with possible oil shale research, would put many demands on Wyoming water.

Accordingly, a legal right for the use of the water will be created, or Wyoming will be presented with a dry well at building time if the water is lost to us by virtue of the huge project to be built in Arizona.

The Office of Coal Research, whose Director, George Fumich, visited Wyoming last month at my invitation, estimates that the average coal to gasoline plant will consume from 3 to 15 million tons of coal per day and produce from 15,000 to 125,000 barrels of oil per day. But for this consumption and production to be realized, each plant will require an estimated 15,000 to 30,000 acre-feet of water per year. Clearly, if Wyoming does not have the water, none of these plants will be built, and what is now America's richest coal reserve will not be utilized to bring jobs, business, and taxes into our State.

The very capable Governor of Wyoming, Stanley Hathaway, has prepared a letter for delivery to each Member of Congress prior to debate on the central Arizona project.

Governor Hathaway points out:

> The Secretary of the Interior has not submitted a report on the presently proposed central Arizona project to the State of Wyoming. We have had no opportunity to review and comment upon the central Arizona project as proposed in H.R. 3300.

Governor Hathaway further asserts:

> My State is entitled to formally present its objections concerning this legislation as provided by existing reclamation laws.

But despite the reclamation laws, the central Arizona project has not been submitted to Wyoming for review and, indeed, may be on the verge of House approval today.

The short period between committee approval, Rules Committee action, and the scheduling of the bill on the floor has made distribution of the letter to each member an impossibility, and I will ask that it be printed in the RECORD at this point in my remarks. The letter follows:

PROPOSED LETTER TO MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES

In the near future, H.R. 3300, which would authorize the Central Arizona Project, will be considered on the floor of the House of Representatives. Methods followed by the present administration concerning the Central Arizona Project violate the Reclamation Laws. Those laws provide that the Secretary of the Interior shall transmit a report on any proposed project to all States that lie within the drainage basin of that project. Under this provision, a 90-day time period after the receipt of such report is set aside within which the States can review and comment on the proposed project. If any affected State objects to the project, it shall not be deemed authorized except upon approval by an Act of Congress. Plans, proposals or reports for any irrigation project are to be submitted to Congress only upon compliance with this procedure.

The Secretary of the Interior has not submitted a report on the presently proposed Central Arizona Project to the State of Wyoming. We have had no opportunity to review and comment upon the Central Arizona Project as proposed in H.R. 3300. In August 1963, the Department of the Interior submitted the Pacific-Southwest Water Plan to the State of Wyoming for review and comment. That Plan proposed a comprehensive region-wide plan which was designed to meet the needs of the entire Southwest. The Central Arizona Project as presently proposed is a far cry from anything recommended in the Pacific-Southwest Water Plan.

That Plan proposed a two phase program. The major features of Phase I were the creation of a Pacific-Southwest Development Fund, construction of Bridge Canyon and Marble Canyon Dams on the Colorado River, construction of the Central Arizona Project, and the enlargement of the California State Water Project Aqueduct. The major features of Phase II pointed to the construction of works necessary to import water from the North Coastal Area of California into the Pacific-Southwest.

In accordance with the Flood Control Act of 1944 (33 U.S.C.A. Sec. 701–1), on August 26, 1963, the Pacific-Southwest Water Plan was presented to Governor Clifford P. Hansen for review and comment. The Plan upon which Governor Hansen commented upon recognized the inevitable water shortage and offered a positive approach to solving it. Governor Hansen commented favorably, with some limitations, on that Plan. The Pacific-Southwest Water Plan, as submitted to Governor Hansen in August, 1963, is the only Report on the Central Arizona Project that the Secretary of the Interior has submitted to the State of Wyoming in accordance with the Flood Control Act.

The present legislation, whether it be H.R. 3300, S. 1004, or any of the other Bills concerning the Central Arizona Project, proposes a radically different program than that presented in the Pacific-Southwest Water Plan.

The Development Fund recommended in the Pacific-Southwest Water Plan was to be used to underwrite the construction of the works in Phase I. Money for that Fund would have come from the excess power revenues from Bridge Canyon and Marble Canyon Dams. Also, power revenues from Hoover and Parker-Davis Dams would have added to the Development Fund when those projects are paid off in about 1987. The Bureau of Reclamation predicted that by the year 2025, that Development Fund would have a net balance of $916,000,000. This money would have been available to help defray the cost of augmenting a shrinking water supply in the Colorado River.

H.R. 3300 proposes a Development Fund which would receive all revenues connected with the operation of the Central Arizona Project, revenues from the Boulder Canyon and Parker-Davis Projects available after payout of those two projects, and surplus revenues from the Pacific Northwest-Pacific Southwest power intertie. Revenues available after repayment of the reimbursable costs of the Boulder Canyon and Parker-Davis Projects, and funds available from the other two sources, after repayment of the reimbursable costs of the Central Arizona Project, could be used to assist in the repayment of works which would augment the supply of the Colorado River. The Secretary of Interior has not informed the State of Wyoming how much money this would provide to assist in such an augmentation.

The Pacific-Southwest Water Plan proposed that the United States cooperate with the State of California in enlargement of the California Aqueduct from Wheeler Ridge to Cedar Springs. The Plan stated that $100,000,000 could be saved if the United States would, by 1964, commit itself to supply the additional money needed to enlarge the proposed Aqueduct so that it might carry an additional 1.2 million acre-feet. The remaining facilities necessary to supply that water had been shown to be feasible but final refinement of the details of the individual features were necessary before they were ready for authorization and construction. The time has now passed when this would have been feasible.

The Pacific-Southwest Water Plan estimated that water requirements from Glen Canyon to the Gulf of Mexico totaled 14,520,000 acre-feet annually. It showed 13,160,000 acre-feet of water to be presently available. This indicated a present deficiency of 1,360,000 acre-feet annually. The Plan showed that with the California Aqueduct in operation, by the year 2000, even though the available supply would have increased to 16,325,000 acre-feet annually, the demand would have increased to 19,805,000 acre-feet annually. When conveyance losses of 170,000 acre-feet annually were added, the total annual deficiency amounted to 3,650,000 acre-feet annually.

The approaches taken in current Bills proposing to authorize the Central Arizona Project, and that of the Pacific-Southwest Water Plan are radically different. The Pacific-Southwest Water Plan presented a broad regional approach that attempted to find an equitable and area-wide solution to a regional problem. Present legislation proposing to authorize the Central Arizona Project would utilize a narrow and limited approach which will leave the fundamental water supply problems on the Colorado River unresolved.

As Governor of the State of Wyoming, I feel that the provisions of the Flood Control Act of 1944 have not been fulfilled in the current process of presenting H.R. 3300 and S. 1004 to the Congress. My State is entitled to formally present its objections concerning this legislation as provided by existing Reclamation Laws.

We therefore request your support in defeating all currently proposed legislation which would authorize the Central Arizona Project so that the State of Wyoming might have the opportunity to review and comment on a detailed report of the Central Arizona Project as now being considered.

Mr. Chairman, Wyoming is deeply concerned that passage of the central Arizona bill may affect the legal standing of the basic laws of the Colorado River—the compacts of 1922 and 1948, and the Mexican Water Treaty. So that the record on this debate might be crystal clear, I address the distinguished chairman of the House Interior and Insular Affairs Committee.

As you know, the State of Wyoming has long had serious reservations about the passage of any legislation authorizing the central Arizona project, which does not adequately protect our State's lawful rights to Colorado River water.

It has always been Wyoming's view that the Colorado River Compact of 1922, the Upper Colorado River Basin Compact of 1948, and the Water Treaty of 1944 with the United Mexican States represent the supreme law of the Colorado River. It is of the utmost importance that the House record on H.R. 3300 be clear, because much that occurs with respect to the Colorado River in the future will be cast in the context of these debates. For this reason, I respectfully ask if H.R. 3300 is intended to alter or abrogate in any way the law of the river as set out in the instruments I have cited, or is H.R. 3300 intended to directly or indirectly change the apportionment of water to the State of Wyoming in any way from that which has been set out by these instruments?

Mr. ASPINALL. Mr. Chairman, will the gentleman yield to me?

Mr. HARRISON. I yield.

Mr. ASPINALL. The answer is "No." The only reason that the State of Wyoming does not have any projects in this legislation for authorization, admitting its entitlement has gone unused and will be unused for a few years to come, is the fact that they have no projects ready for the Subcommittee on Reclamation of the Committee on Interior and Insular Affairs to take notice of or to work upon at this time. That is the only reason that the State of Wyoming does not have any project in this legislation.

Mr. HARRISON. There might be a possibility, could there not, a theoretical proposition—and I know the gentleman cannot answer definitely, but I would just ask for his opinion—if this water is put to use, the water that belongs to the upper basin, and the State of Wyoming in particular, and is put to beneficial use by the State of Arizona in its projects before Wyoming is able to establish projects for the balance of their water, would it not be possible or very probable that in the case that Wyoming would demand a return of their share of the water, that such return would be refused, and that the case would have to go to court, and that possibly there could be a judgment saying that as the water was being put to beneficial use, Wyoming could not recover it?

Mr. ASPINALL. Mr. Chairman, if the gentleman will yield further, I have long since quit trying to prophesy what the Supreme Court of the United States decisions would be.

While I would say that there is this possibility, yet I do not believe that there will be any Congress of the United States in the future that will deny the burdens or the responsibilities, as well as the benefits of the Colorado River Compact. To me this is a binding agreement, binding as it can possibly be, and as far as that is concerned I believe the Congress of the United States will always be considerate as soon as the projects for the upper basin can be properly placed before the Congress, so that the upper basin will get to use its water. That is what we are trying to do here through some of the provisions in this bill. We are trying to protect the lower basin water, especially the central Arizona project, from going out of existence after the upper basin begins to use its water.

Mr. HARRISON. I thank the gentleman.

Mr. Chairman, in addition to the amendment I will present later in this debate, providing for a feasibility study for a 4-million-acre-foot augmentation of the Colorado River by 1990, I am drafting legislation for presentation in the event H.R. 3300 passes and the central Arizona project is written into law.

I will introduce a bill to provide for construction of facilities with which to physically make augmentation possible.

To do so as an amendment to H.R. 3300 would be little more than a gesture, because it would dramatically alter the character of the act.

But I am optimistic that this can be accomplished through separate legislation so that construction of augmentation structures can be started as soon as the prerequisite feasibility studies have been completed. All studies and construction should be ready for augmentation of the Colorado by 1990, by which time the river will be sadly in need of a transfusion of precious liquid.

Mr. Chairman, I reiterate that this is regional legislation; it seeks to expropriate Wyoming's water, and adequate means for replacing that water have not been provided for in the bill. I ask the Congress to reject the bill as written or to give Wyoming and other upper basin States some concrete assurances that they will lose none of their water for the benefit of the reclamation project in a single basin State.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. SAYLOR. Mr. Chairman, I yield 4 additional minutes to the gentleman from Wyoming.

Mr. Chairman, I do this for the purpose of directing a question to our distinguished colleague from Wyoming.

The gentleman has heard a number of proponents of this legislation rise and stand in the well today, and say that there is this great unanimity among the basin States. Has Wyoming been a party to this unanimity?

Mr. HARRISON. Wyoming has not been. And to comment upon the previous remark which was made on the floor, in which it was stated that there were 51 Members of the House from this reclamation area, and 50 of them were in accord, I might say that if you check the legislation very thoroughly you will probably find reason for that accord statement, and I wish to say that Wyoming feels that it is being hurt, and it will be hurt in the future, and as a Representative from the State of Wyoming, I have no hesitancy—and I certainly have no apology—for standing up for the rights of my State.

Mr. SAYLOR. I would like to commend my colleague for his stand. I would also like to direct a further question to the gentleman from Wyoming, because I have had reports from people in Wyoming that they have received calls from the Commissioner of Reclamation threatening the State of Wyoming with allowing no projects now or in the future unless Wyoming supports this legislation.

Does the gentleman from Wyoming know whether or not people have received calls of this nature?

Mr. HARRISON. May I say to the gentleman from Pennsylvania, I had statements made to me that such statements were made. It is hearsay, of course, because I did not hear them.

I had just recently concluded a phone call to my Governor in Hawaii and he said that such statements were made to him. I must say that that is hearsay. I am not going to mention any names, but I was assured that that statement was made.

Mr. ASPINALL. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. MEEDS], a member of the committee.

Mr. MEEDS. Mr. Chairman, I rise to speak in favor of the central Arizona project but against several other portions of this bill.

Let me make it clear at the outset I favor the central Arizona project. Nothing I say should in any way detract from the necessity and propriety of proceeding with it.

And I suppose—being from the Pacific Northwest—my position will be a little suspect. May I also at the outset admit to just a little regional partisanship.

But above and beyond these two factors—the need for the central Arizona project and a bit of regional partisanship—I think there are at least two portions of this bill which bear close scrutiny, substantial change, or rejection by this body.

First of all, Mr. Chairman, I think the precedent of burdening the taxpayers of this country with the financial responsibility of the Mexican Water Treaty 24 years after the pact, is not only dangerous but improper.

Second, Mr. Chairman, I think that shifting the actual physical burden of furnishing the water for the Mexican Water Treaty 24 years after the fact, to some other river basin is not only without precedent but totally wrong.

Let us examine these two facets in more detail—

Section 202 of this bill provides that the satisfaction of the Mexican Water Treaty constitutes a national obligation which shall be the first obligation of any water augmentation project.

Section 401 provides that this shall not be a reimbursable cost of the project. These provisions do two things.

First. Require the taxpayers of the United States to pay the costs of that augmentation.

Second. Require some other area—unless augmentation takes place within the basin or from the sea—to bear the physical burden of the treaty.

Now I admit that there is ample precedent for all of the citizens of the United States to bear the financial burden of treaties. We see it every day. But there is an important distinction which must be made between what this bill asks and the precedent of the Senator Washington Dam, the Painted Rock Dam, the Columbia River Treaty and others. In these instances we have known what our financial obligation is.

Under the legislation before us today we are asked to write a blank check on the U.S. Treasury for any amount found necessary to augment the Colorado to the extent necessary under the treaty.

We are told by the basin States that the treaty was entered under a mistake of fact and they are anxious to be relieved of that mistake. And I don't blame them, but I say to this body that we should not accept this section and ourselves succumb to a mistake of fact. Before we accept this obligation let us find out how it shall be fulfilled and how much it is going to cost us.

And now, Mr. Chairman, to the second point, the actual physical burden of the treaty. Where is this 1.8 million acre-feet of water going to come from? If we follow the rationale of the basin States to its logical conclusion the responsibility of furnishing this augmentation devolves equally upon all the States. Now we know that is totally impractical, so unless the augmentation comes from within the basin States or the ocean, the actual physical loss of some 2.5 million acre-feet of water is going to take place in some other river basin. What other river basin? We do not know, although the bill is pointed at the Pacific Northwest like a loaded gun. Now I ask you, is it proper to make the basin States whole, at the expense of some other area which had no reason to suspect the Mexican Water Treaty, signed 24 years ago, would cause the loss of 2.5 million acre-feet of its water?

This augmentation could conceivably come from the Missouri Basin. Would the Senators those States of the Missouri Basin have advised and consented to the Mexican Water Treaty in 1944 had they felt their water was going to Mexico? Perhaps they would have, but we do not know and they did not have the chance to know.

But the basin State Senators knew. They knew that under the treaty 1.5 million acre-feet of water was to be delivered at the border, and they knew it was to come from the Colorado and they advised and consented to it.

Now we are told that it must come from some other place and we are asked to give the Secretary of Interior the authority to determine the feasibility of importing water by interbasin transfer without the benefit or a reconnaissance study upon which we can exercise further judgment.

And therein lies another sleeper. Under ordinary circumstances we have the benefit of a reconnaissance study before we authorize a full blown feasibility study. But this legislation in title II, section C, directs the Secretary to prepare a feasibility report without further authorization.

Under some circumstances I might not even object to that. If we were operating on an emergency schedule which dictated such haste. But we are not. The evidence is clear. All of the obligations of the Colorado are being met presently and they will be met in the future, including the 2.8 million acre-feet of the central Arizona project until at least 1990.

Both bodies have passed legislation establishing a National Water Commission. The function and purpose of that group will be to study the very questions we are asking ourselves today: What are the needs of the Southwest now and in the future? What are the needs and resources of the Missouri Basin and the Columbia Basin? Are interbasin transfers likely to be necessary? In short, the Commission will address itself to the water problems and resources of the entire Nation. Their report could well be the comprehensive master plan under which many of the conflicting claims, needs, and demands are settled.

But we cannot expect such a comprehensive plan if we go on willy-nilly with a patchwork of solutions to regional problems and disregard the remainder.

There is no question— the central Arizona project needs to be authorized and it needs to be authorized now. There is a substantial question that this Nation should bear the financial burden of the Mexican Water Treaty.

There is substantial question that some other area should be required to transfer 2.5 million acre-feet of its water to make the Colorado whole.

And there is substantial question that we should authorize feasibility studies without the benefit of a reconnaissance reports.

But there is no question, Mr. Chairman, that we have time to await the findings of the National Water Commission before plunging into the murky waters created by title II of this bill.

I hope it can be eliminated.

May I have the attention of the gentleman from Colorado? A little earlier in discussing title II the gentleman used the words "a minimum of 2.5 million acre-feet." I think the gentleman meant to use the word "'maximum."

Mr. ASPINALL. The gentleman from Washington is correct. Perhaps the chairman was a little overenthusiastic. It is the maximum, and the reason we use it as a maximum is to see to it that we are not trying to make an inroad on the Northwest.

Mr. MEEDS. That was my understanding. I thank the chairman.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from South Dakota.

Mr. BERRY. Mr. Chairman, I rise in support of H.R. 3300 as it is. I feel that there is no area in the Nation that needs the help now, that needs a project now as much as Arizona needs this project.

Let me just say that in the 17 years that I have served on the Interior and Insular Affairs Committee, no project has received more careful and thoughtful attention than this project has, and I hope it will have the support of a large majority of the Members of the House.

Mr. Chairman, I have visited Arizona a good many times in the last 40 years. I have watched the State grow from pretty much a desert area to a State with thriving cities and energetic people. But by the same token, I have watched the water supply become less and less adequate. I know the great aquifer that Tucson has depended upon for its source of water is rapidly diminishing. I know that action must be taken if this part of the great 50 States is to continue to grow and prosper.

As a member of the Interior and Insular Affairs Committee, it has been my privilege to see a large number of important reclamation projects work their way through the Congress of the United States. In my 17 years as a member of that committee, however, no bill has had such meticulous and painstaking investigation as has H.R. 3300.

It was my privilege years ago to be a member of the committee when the great Colorado River project was authorized, but even that project—although massive in size—had not had the careful consideration that H.R. 3300 has had.

I know what the water shortage is, I know what the water problem is, and Mr. Chairman, the water problem in Arizona is truly critical. This bill will help solve that problem and with that solution, the problems of all the Colorado Basin States.

Out of 40 years of controversy the great States of the Southwest have forged a solution. They have also taken into consideration the greater national interest. When it was proposed to build dams which might impair the beauty of one of the world's greatest scenic wonders, the Grand Canyon, I, along with others of you, told the southwesterners that there should be a different answer. That answer has been provided, and no threat to the Grand Canyon now exists.

Even the possibility of an insignificant intrusion of a wilderness area in New Mexico—some 110 acres in the edge of a vast area of acres—is to receive further study to see if a suitable alternate site can be found.

Whenever possible, the States have yielded to the national interest and to the problems each has had with the other. It is time for a decision. It would be tragic, indeed, if H.R. 3300, which has so painstakingly been put together, should not receive an overwhelming approval by this body. We cannot and must not fail to come to the assistance of the State of Arizona and her great sister States of the Southwest.

Mr. Chairman, I deem it a privilege and an honor as a member of the Interior Committee to urge my colleagues in this body to vote "Yes" on H.R. 3300.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. BERRY. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, a moment ago the gentleman from Wyoming [Mr. HARRISON] expressed some fears about the possibility of his State eventually achieving its desires with relation to the waters it has allocated. I know the gentleman from South Dakota has been a longtime member of the Interior and Insular Affairs Committee, and I wonder if he might have an opinion as to whether or not, when Wyoming finds it timely to have such a project or projects, it would receive consideration and most likely favorable consideration?

Mr. BERRY. Mr. Chairman, as one who lives in the upper reaches of Missouri, where we have not yet accomplished our reclamation purposes, I certainly hope the upper reaches in every river basin have preference when and as they need the water and can put it to their use.

Mr. HOSMER. Mr. Chairman, I thank the gentleman. For my own part, I certainly would wish to reassure the gentleman from Wyoming as well. Frankly, I know of no one who does not feel the same way with respect to the projects that State may require within its allocation of the water.

Mr. HARRISON. Mr. Chairman, will the gentleman yield?

Mr. BERRY. I yield to the gentleman from Wyoming.

Mr. HARRISON. Mr. Chairman, I thank the gentleman from California for his remarks. I have the highest respect for the gentleman. I had the privilege and pleasure of serving on the Interior and Insular Affairs Committee with the gentleman for many years, as I did with the gentleman from South Dakota. This assurance is very welcome to me and to the State of Wyoming.

Mr. ASPINALL. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. ULLMAN], a former member of the Committee on Interior and Insular Affairs and presently a member of the Committee on Ways and Means.

Mr. ULLMAN. Mr. Chairman, first I want to acknowledge with a great deal of respect and affection the monumental achievement of the gentleman from Colorado, the chairman of the committee, in being able to put together this package and hold it together and bring it to the floor at this time. It has been said that the Colorado River Basin project is a delicate patchwork of conflicting interests held together by string and adhesive tape. I think it would be more accurate to say it is held together by the gentleman from Colorado.

I also want to commend the chairman of the subcommittee, the gentleman from California, for his diligence and his fairness in conducting the hearings and handling this matter.

I also would like to single out the gentleman from Arizona [Mr. UDALL], who is so highly respected among his colleagues in the House for the tremendous job he has done, and also his colleague, the gentleman from Arizona [Mr. RHODES].

I want it to be clear that I favor the construction of the central Arizona project. I have always favored its construction, from its original inception. I do not, as a matter of fact, know of anyone here in Congress from the Pacific Northwest States who does not favor the construction of the central Arizona project. We certainly recognize the problems of water shortages in that great area of the country. As a nation, we do need to get involved in this problem. We need to get involved in the water shortage problems all over this Nation of ours.

But our point of contention here, those of us from the Pacific Northwest, is quite simple; what we are really talking about, when we boil this whole thing down, is the diversion of water from one river basin to another river basin. If we look at the map of the United States, we do not have to be very perceptive to see exactly what we are talking about. We are talking about the diversion of water from the Columbia River into the Southwest.

I believe that if any of you represented an area such as that which it is my privilege to represent, or the areas represented by the other Members from the Pacific Northwest, you would feel as strongly about this matter as I do and as we do here today, because water is the most important asset we have in the great Pacific Northwest.

We have not grown quite as rapidly as the Southwest, but one day—and one day not too far off—we are going to come to the end of the road on our water supply, too.

I am not opposed to the study of this problem. It should be studied. I said that at the beginning. But I am opposed to this kind of a study incorporated in an advocate's bill from another region of the country which so desperately needs water.

That is what it is all about here today.

The second problem involved in this bill is the fact that without the Mexican Treaty provision one could not possibly have the potential for feasibility that would make this kind of diversion possible. But with the assumption of the cost of such a diversion project by the taxpayers of the United States then this comes within the area of feasibility.

So this kind of a package has been very delicately put together, with its ultimate design obviously the importation of water from the Pacific Northwest. That is why we are here today. That is what the argument is all about.

I hope all Members will read the recent letter to the Members of this House from the esteemed President pro tempore of the Senate, the Honorable CARL HAYDEN, of Arizona, appealing for approval of the central Arizona project. It would be an appropriate tribute to this gentleman's remarkable career, the culmination of a 40-year effort, if the House would do that. We should strip this bill of its appendages, make it conform to the bill approved by the other body, and pass it.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. SAYLOR. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. ULLMAN. Mr. Chairman, as Senator HAYDEN said in his letter regarding H.R. 3300:

> While this bill differs in some respects from the Senate bill, S. 1004, either would authorize construction of an aqueduct from the Colorado River to bring water into Central Arizona.

My friends, that is it. That is the issue in a nutshell. That is what we should be doing here in the House today, providing a means to get Arizona's entitlement to the Colorado River from Lake Mead to the farms and the cities of Arizona. Instead, we are asked to authorize a carte blanche feasibility study of means to augment the Colorado River, including massive importation works from other river basins. Water diversion studies involving interbasin and interstate transfers should be considered by Congress, but should be considered separate from the proposed authorization of the central Arizona project.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I want to commend the gentleman on his statement and to call the attention of the Members of the House to the fact that the great State of Oregon has some areas which are arid and desert-like, as there are such areas in Arizona, and someday the waters of the Columbia River and its tributaries are going to be needed to supply those areas.

Mr. ULLMAN. The gentleman is absolutely correct. As a matter of fact, in this year's budget we have the start of a new reconnaissance study under the traditional reclamation concept of a project, the South Bank project, which will include some 300,000 to 400,000 acres of fertile lands in Oregon lying adjacent to the Columbia River.

This is just one of many projects that we are going to need to develop. In addition to that, the Columbia River area has its own unique uses and purposes for its water, such as the navigation in the Columbia River, fish and wildlife, and all of the other benefits to the Pacific Northwest that are built about this water facility.

Mr. SAYLOR. I would like to ask one other question of the gentleman. It seems to some people that these two areas are tremendously removed one from the other. Yet, if you look at a relief map of the western part of the United States, the tributaries of the Columbia River and of the Colorado River at one point are approximately 100 miles apart. Is that not correct?

Mr. ULLMAN. It is certainly correct.

Mr. SAYLOR. This indicates there is a real possibility, since the bill now calls for diversion of the tributaries of the Colorado River, of some real danger to the folks in the Pacific Northwest.

Mr. HOSMER. Mr. Chairman, will the genleman yield?

Mr. ULLMAN. I will be glad to if I have any time left.

Mr. HOSMER. I heard the gentleman in the well and the other gentleman from the Northwest constantly reiterate how they would like to see the central Arizona project only. But what about this situation? Arizona is not drinking something different, from a different well, than other neighbors of hers. Are her other neighbors as much entitled as she is to consideration when it comes to trying to cope with this water shortage?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAYLOR. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. ULLMAN I want to say here that the bill that was passed in the other body under the leadership of the distinguished gentleman from Arizona, the dean of the Senate, is the bill that we should rightfully pass here today if we are to follow a sound reclamation concept. What I am urging my colleagues here to do is to strip this bill of its appendages and get it back into the form where it will put the water on the land in Arizona. Then I will be happy to join in the separate consideration of the long-range water problems of the Southwest.

Mr. HOSMER. We all drink out of the same well.

Mr. ULLMAN. And to support the kind of study and procedures that will allow the House to come to a conclusion on this important problem of water supplementation. That should be considered separately under orderly procedures.

Water diversion studies involving interbasin and interstate transfers should be considered by Congress completely separate from the proposed authorization of the central Arizona project.

To do any less is to relegate the interests of other regions to that of the Southwest. The purpose of the feasibility study called for in the bill is clearly apparent. It is to enhance the water supply of the Colorado Basin and to enhance the feasibility of projects in that region. It is our responsibility to see that such studies are made, instead, in an aura of objectivity, in a spirit of impartial concern with the water problems of every region.

I ask the Members of this House to reflect on the implications this legislative innovation may hold for their own regions, and I hope you will join me in opposing title II of H.R. 3300 and in supporting instead reasonable, separate and objective studies of this volatile issue.

I turn now, Mr. Chairman, to the true "Trojan horse" of this episode.

We have all heard the soothing assurances that the assumption of the Mexican Water Treaty as a national obligation is not a commitment for expenditure of Federal funds. I submit that it can be interpreted no other way.

To put this issue in proper perspective, it must be clearly understood first that the Colorado Basin States were not deprived of water by this treaty. Mexico had an entitlement, and the treaty formalized that entitlement. The entitlement was not to unspecified waters from anywhere in the United States, but to water from the Colorado River.

The assumption of this obligation by the United States means that the American people will have a moral obligation to pay whatever costs are required to obtain water from other sources and to deliver it into the Colorado River system. Under the terms of this legislation, the obligation would be assumed without any valid estimate of costs. The obligation would be assumed without any advance knowledge that water can be secured from other sources without doing damage to the area of origin.

The record is not completely vacant, however. We do have the words of the Commissioner of Reclamation in his testimony of last year before the Interior Committee. In answer to a question on potential costs of diverting water from the Columbia River to the Colorado Basin, Commissioner Dominy said—and you will find this on page 897 of the hearing record:

> It looks like it could well cost $125 to $150 an acre foot to transport it 1200 miles because of the extra length and extra pumping head to move it from the Columbia.

Section 201 of H.R. 3300 calls for studies of importation works of 2½ million acre-feet. At $150 per acre-foot, it would cost $375 million yearly, or almost $19 billion over the 50-year life of the project.

We would be assuming an obligation to perform this monumental task without regard to financial or economic feasibility. In effect, we will be agreeing to do it at any and all costs.

It is no secret, Mr. Chairman, that this feature of the bill is seen by the proponents as the base upon which incremental water importation can be made at costs far lower than those assumed by the United States in providing the initial importation works. Without the nonreimbursable Mexican Treaty provision, it is almost inconceivable that expensive, massive diversion works will ever be constructed—or will ever be needed in view of advances being made in desalinization and other techniques. But once the Congress has authorized diversion works to meet the treaty obligation, the temptation to enlarge the facilities at slight incremental costs will be overpowering.

It is my earnest hope that this House will vote to remove section 401 so that we can legitimately consider this problem in its proper context, and when more facts are known about costs and alternatives.

This is no time to vote a blank check on the Federal Treasury.

Finally, Mr. Chairman, I want to make it clear once again that I favor studies of means to solve the water problem of the Southwest, but only under circumstances that will assure impartiality and will conform to the usual standards of reclamation law and practice. The study provisions of this bill are, like the provision for assuming the financial responsibility for the Mexican Water Treaty, totally unacceptable.

I ask that you vote to recommit this bill to purge it of these gargantuan and far-reaching provisions. If we are successful in that, then I hope you will join in voting for the central Arizona project authorization so that the good people of that region can get on with the task of developing their water resources.

If we are not successful in recommitting the bill, then in all fairness it should be rejected, and the truth should be made abundantly clear—the central Arizona project was the victim only of those who heaped its burden too high.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, at the outset let me say that I am proud of this Committee and of the Members of this House. As I have sat here and listened to this debate today and recognized the different interests we represent, it has come to me that we have a great procedure for legislating. I think Committee debate has been at its very finest. I know those of us who may differ with others—for example, I with the chairman of this great Committee on Interior and Insular Affairs—respect those who have differing views. I just want to say for one that I think the record we are writing here will certainly transcribe into legislative language a background of a very argument expressed by both sides of the controversy without rancor and with great reason.

As I say, today I am proud of this body and the way it has carried out its important function.

Mr. Chairman, I rise in opposition to H.R. 3300, the Colorado River Basin project, in its present form. However, I support the authorization of one of its features, the central Arizona project, which would enable the people of the State of Arizona to use their entitlement of 2.8 million acre-feet of Colorado River water as adjudicated by the Supreme Court of the United States. The project meets the criteria and policies of the Interior Committee for Federal water resource developments, and considered on its own merits, it warrants early congressional approval.

But, while providing proper provisions for one area, this bill jeopardizes many other river basins of the Nation, and this must not be permitted.

To me, one of the objectionable provisions of this bill is found in title II. The purpose of title II is to authorize the Secretary of the Interior to engage in investigations and studies of the means of augmenting the water resources of the Colorado River, including interbasin transfers and the preparation of reconnaissance and feasibility reports thereon. This duplicates already existing authority as contained in the Water Resources Planning Act, but above this, it is the National Water Commission which is the appropriate entity to undertake an evaluation of basic issues relative to the Colorado River water supply problems.

And, Mr. Chairman, this title of the bill sets a dangerous precedent by providing money on a nonreimbursable basis for this project. I might add that it is unthinkable to me, in these times of fiscal pressures, that we should support an open-end authorization which has no more than an estimated figure, and I might add, too, that we are talking of a project which ultimately could cost as much as $10 to $30 billion.

The point is, Mr. Chairman, that as this bill stands, with its unthinkable high cost, no river basin in the Nation would be safe from being tapped as a source of water for the Colorado River.

I might add, Mr. Chairman, that I oppose the provisions of section 202 of H.R. 3300 which would make the satisfaction of the requirements of the Mexican Water Treaty a national obligation. The burden of the treaty should remain in the Colorado River, and not be shifted to other parts of the country at the expense of the people of the United States.

The provision to make the satisfaction of the Mexican Water Treaty a national obligation is an attempt by the Southwest supporters of this bill to get 2,500,000 acre-feet of water delivered annually to their doorstep free of cost to them without regard for the areas from which the water might be taken and with the Federal Government footing the bill. The rights of Mexico are to a portion of the Colorado flow, not the Missouri, Columbia, Hudson, or any other river. If they are excessive, then I believe the treaty should be renegotiated; not rob other areas to solve the problem.

Mr. Chairman, I think if title II is eliminated from H.R. 3300, I can support the central Arizona project authorization, for only in this way can the Nation have sensible water resource planning. Otherwise, I certainly intend to vote against the bill, and I would urge others to do likewise.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from California.

Mr. HOSMER. We, like the other gentlemen from the Pacific Northwest, again reiterate the fact that trying to take care of Arizona and build the project is necessary, but they do not want to do anything about the other States along the river. And, as I said before, we are all drinking out of the same well which is now going dry. Why should we not all receive equal consideration?

Mr. PELLY. We do not want these stones in the well that gives us water to be less than we need. I say to the gentleman that we have had his support in the past and we have appreciated it. But without rancor or recrimination I urge the gentleman to consider our position in the Northwest as, for instance, in the State of Washington alone, we have 1 million acres of arid land which we would like to make use of but have not been able to do so because as yet it is not developed. We must protect this 1 million acres for the production of food and fiber in the future.

Mr. SAYLOR. I say to my colleague, the gentleman from Washington [Mr. Pelly], that I commend the gentleman on his statement and I would like to remind my friend, the gentleman from California [Mr. Hosmer], who was talking about drinking out of the same well, that when the State of California came in and asked for their projects they never were called upon by the Congress to assume any of the burdens or responsibilities that they now want Arizona to assume. I think it is utterly unfair.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. SAYLOR. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Iowa [Mr. Kyl].

Mr. KYL. Mr. Chairman, I recognize the need for bringing more water to the State of Arizona. I recognize the substance contained in the statement, that water is worth what you have to pay to get it.

Mr. Chairman, I signed the minority report. I hope some amendments will be adopted to this bill. Such amendments may satisfy my objections and therefore before the amending process starts, I want to clarify my position. My only son is a member of an esteemed law firm, which has been actively engaged in the promotion of the central Arizona project. That involvement is on record. Lest there be some implication or inference, on final passage of this bill, I shall vote "present."

I thank the gentleman from Pennsylvania for yielding this time to me.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho [Mr. Hansen], a member of the committee.

Mr. HALEY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Sixty-two Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 140]

Ayres
Biester
Broomfield
Burleson
Carter
Cederberg
Clark
Collier
Dawson
Diggs
Dorn
Everett
Evins, Tenn.
Flood
Fraser
Frelinghuysen
Griffin
Gurney
Halleck
Hanley
Hardy
Hébert
Holland
Karsten
Kee
Kelly
Long, Md.
MacGregor
Mailliard
Montgomery
Moore
Morse, Mass.
Moss
Olsen
O'Neill, Mass.
Pool
Purcell
Randall
Resnick
Rivers
Rosenthal
Selden
Teague, Tex.
Tenzer
Wilson, Charles H.
Young

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Price of Illinois) having assumed the chair, Mr. Mills, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 3300, and finding itself without a quorum, he had directed the roll to be called, when 386 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. At the time of the quorum call, the gentleman from California had yielded 5 minutes to the gentleman from Idaho [Mr. Hansen].

Mr. HANSEN of Idaho. Mr. Chairman, we have heard a lot of speeches today so I plan to take this time to clarify a few items. I would like to ask the chairman of the full committee or one of the proponents of the bill to respond to some questions.

Mr. Chairman, with regard to this legislation there is a provision designed to allow any State to reject proposals for transfer of water if they feel it is not in their best interest to allow this water to be exported from their State.

Does the gentleman from Colorado envision any pressure being placed upon the chief executive or the water commission or board of any particular State in such manner as to prejudice against future Federal reclamation projects if they do not go along with some sort of water transfer program?

Mr. ASPINALL. Mr. Chairman, if the gentleman will yield, I do not envision such pressure being placed upon the Governor or the authorities in charge of these programs. Insofar as I personally am concerned, I would look at it with a great deal of criticism, any attempt to force the Governor or the State authorities to enter into any agreements with reference to water that would be adverse to their interest.

Mr. HANSEN of Idaho. Might I ask the gentleman further if he speaks for himself or if he speaks for members of the committee and administrators of the Department of the Interior and the Bureau of Reclamation who can create pressures in their dealings with such States regarding the development of their water resources?

Mr. ASPINALL. I cannot speak for the committee. I cannot speak for the present Department of the Interior. The gentleman knows full well that I cannot speak for a future Congress a full decade from now. I say this because I do not believe that the procedures under which we operate would be used in order to bring about the creation of such a situation.

Mr. HANSEN of Idaho. But there is really no assurance, except upon an individual basis with those people concerned that this so-called pressure may not exist or be brought to bear?

Mr. ASPINALL. Mr. Chairman, if the gentleman will yield further, the only thing this Congress can do is to write its own legislative history. I could not speak for the next Congress and most certainly in the last few years it has been shown that a Congress could not speak for an administration on how this would operate. All I can do is to attempt to allay the fear of the gentleman from Idaho through stating that there is not going to be any invasion of the water rights of his State and its welfare, as a result of this committee's action.

Mr. HANSEN of Idaho. Mr. Chairman, I thank the gentleman from Colorado and desire to ask further questions on another topic.

The second major item of concern, Mr. Chairman, would include the assumption of obligation of the Mexican Water Treaty by the taxpayers or by the citizens of the United States rather than the States of the Colorado River Basin. With the assumption of this obligation by the United States as a whole, is this not to presume that—even though it has been stated many times that there is no money authorized in the legislation today—that there would be the possibility or the probability of a request for funds as soon as it is decided that there is some way to augment the flow of the Colorado which is the aim of this legislation?

Mr. ASPINALL. If my colleague will yield further, I would simply state this. That it all depends on the study, and if the study indicates a feasibility and if the Federal Government should assume its responsibility in regard to 2.5 million acre-feet, which is the Mexican water burden, and the users along the Colorado River would assume their responsibilities to repay the costs of the 1 million acre-feet, which would be their portion, and the feasibility would be certainly at least 1 to 1, then I would say to my friend that we might look for some kind of project being suggested some time in the next 6 or 8 years, or further on by the Congress of the United States.

But at that time the Congress would be the one to approve or disapprove the project.

Mr. HANSEN of Idaho. Would the gentleman say that the legislation before us today would provide that the Mexican Water Treaty obligation is shifted, period?

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. SAYLOR. Mr. Chairman, I yield 2 additional minutes to the gentleman from Idaho [Mr. Hansen].

Mr. HANSEN of Idaho. I thank the gentleman for the additional time.

Mr. Chairman, I would ask the gentleman, would this not mean, then, that there does have to be some method provided to satisfy the Mexican Water Treaty obligation by the country as a whole, and there would be some expense somewhere?

Mr. ASPINALL. At the present time there is a question in the minds of many people as to possibly where this burden lies, but it is a fact that if the water is in the river, and Mexico is entitled to 1.5 million acre-feet of water, then the river is going to furnish that. That is a practical explanation of the present situation.

Now, if the National Government assumes this responsibility, as it has on other areas, in the Columbia River Basin, and the Rio Grande River Basin, and it has partially in this river basin, then I would say that the responsibility and expense has shifted, but this also depends upon the feasibility study.

Mr. HANSEN of Idaho. Is the gentleman saying that there is no shift of obligation until such feasibility studies are completed, and you come back to the Congress with recommended measures, and appropriate money to take care of the project?

Mr. ASPINALL. Exactly; but I say that, with the gentleman's permission, that there is a statement of policy that the Colorado River Basin has to receive the same treatment in the consideration of treaty obligations as any other river basin in the United States.

Mr. HANSEN of Idaho. I thank the gentleman.

Mr. Chairman, it is quite obvious that the Governor's veto provisions are not adequate and do not guarantee that a State can exercise free choice without possible pressures and reprisal on the part of Federal officials. It is further obvious that future costs are inevitable and indeterminable with regard to the shift of the Mexican Treaty obligation to the Federal Government, with accompanying feasibility studies for water augmentation in the Colorado Basin.

Mr. Chairman, I have long advocated proper development and use of our natural resources so that our country might grow and progress and serve the ever-increasing needs and desires of the people of this great Nation.

Early in my time in the Congress, I went on record in this matter with the following statement:

WASHINGTON, D.C., August 19, 1965.—Recent hearings by the Irrigation and Reclamation Subcommittee, of which I am a member, have again pointed up the necessity for maintaining a constant vigil over the waters of the Snake River and the Columbia Basin. In view of this, I have called for open and long range planning by the Department of the Interior, and also for an open declaration of its intention in connection with various water projects which it is proposing.

The latest indication that the Bureau of Reclamation is at least considering transferring water from one basin to another came during hearings on the Southern Nevada Water Project. In this particular case, there appears to be more project than available water and a witness from the Bureau of Reclamation, Mr. D. C. McCarthy, was taken to task by Rep. John P. Saylor (R-Penn) on the future intentions of the Bureau. Following is a part of the colloquy between the two, which I believe to be very interesting and illuminating.

"Mr. McCARTHY. We, of course, expect within the next 20 to 25 years there will be a means of increasing the water supply for the Colorado River. If there is not, then the whole area faces a dismal future.

"Mr. SAYLOR. Come on, tell the rest of it.

"Mr. McCARTHY. I do not think there is any more to tell, sir.

"Mr. SAYLOR. You might as well admit you have your eye on the water in California—North California—and you have your eye on the water up in the Columbia Basin. These are the places you are going to try to put the water in the Colorado from.

"Mr. McCARTHY. We recognize there will be a shortage of water in the entire Colorado River Basin. Where we are going to get it requires a lot more investigation and study."

Following this exchange, and because of its implications, I then made the following statement:

"Mr. HANSEN. I think there have been some important things brought out today in this examination which we should certainly keep an eye on. This especially applies to policies and development of water, particularly as they relate to efforts and desires of the Department of the Interior and the Bureau of Reclamation. I think it is important for us to get these figures straight so we know where the water is coming from and if there is sufficient water. If water is to be brought from other areas, we should know how, when, and how much."

I think the examination today has shown without doubt that there is a water problem in the Colorado River area. Certainly it is going to be vitally necessary for us to make a good, long objective study of this. We cannot encourage piecemeal projects which have not taken into account our overall water picture and comprehensive future needs and naively hope they will work themsleves out in 100 years.

Soon after I issued this further statement bearing in the matter of comprehensive development of our water resources:

Current hearings before the House Committee on Interior and Insular Affairs, of which I am a member, have disclosed a dire threat to Idaho's future water. The hearings—on the Lower Colorado Basin project—have revealed that water for the project in the immediate future would come from the Upper Colorado Basin—but that the Upper Colorado Basin could reclaim the water should it be needed in the future, or it would be replaced by imported water. Implied is the intention of the Bureau of Reclamation to get future water—imported water—from the Columbia River Basin, of which the Snake River is a part.

Because of this, I have written to the Bureau of Reclamation asking that a full and complete study of present and future water needs and resources be made in the Western States. I have asked that this study include wastage of water in the Colorado Basin; reclaiming of water in the Basin; desalinization of sea water; and sources of additional water within, or adjacent to, the Basin—including the millions of acre feet of water flowing into the sea each year from Northern California.

It is also vitally important that Idaho be given the opportunity to completely assess her resources and needs, which can be done properly through the Idaho State Department of Reclamation with the assistance of organizations such as the newly-created State Water Resource Board and the Idaho State Reclamation Association.

In Committee I shall insist that no action be taken on authorization of the Lower Colorado Basin project unless it can be demonstrated that it can stand by itself, or until such time as reports are received on these studies absolutely proving that a surplus exists—and then that it be authorized only if Idaho receives adequate assurance of protection of area of origin so that its usable water, present and future, is not placed in jeopardy. I shall also insist that all possible sources of water available to both the Upper and the Lower Colorado Basins are exhausted before any water—from any outside source—is imported into these areas.

The following year I again issued a statement on the progress of water development as pertaining to the central Arizona project when it was before the 89th Congress:

WASHINGTON, D.C., September 15, 1966.—As reported last week, the Lower Colorado Basin Bill is dead for this Congress. This stoppage, even though proponents will try to revive it during the next Congress, gives the states of the Pacific Northwest added valuable time in which to inaugurate and complete studies of their own water resources and future needs. This is essential in that it is these states that would most likely have been called upon to furnish large quantities of water for the Southwest under terms of the bill.

In this respect, Senator Len B. Jordan and I have introduced legislation calling for the Southeast Idaho Water project; and the entire Idaho Congressional Delegation has introduced legislation for the Southwest Idaho Water project.

The Southeast proposal provides for supplying new and supplemental irrigation water to Idaho lands through Lynn Crandall dam, recharge of the underground waters in the Snake River plains, construction of a two-dam project on the Wood River and low head dams below Thousand Springs to create slack water for pump back and re-use. As advanced, the project would include an analysis of the economics and hydrology of each unit.

The Southwest proposal calls for a four-divisioned project encompassing an area of about 15,500 square miles and spread across eleven Southwestern Idaho counties. It would provide full irrigation water to nearly a half-million acres of new land and supplemental water for 62,000 acres now inadequately irrigated.

The demise of the Lower Colorado Basin project is especially heartening news to proponents of the Southeast and Southwest Idaho Water Development projects who have been and are diligently working to gain early feasibility reports on them.

On the weekend of August 26th, Senator Jordan, Senator Church and I—together with representatives of the Corps of Army Engineers and the Department of the Interior—toured the Snake River by boat from the Swan Valley bridge to the proposed Lynn Crandall dam site, some twenty miles downstream, viewing possible reclamation and flood control sites. The trip was rewarding and informative.

On September 8 the Department of the Interior announced that it has approved a feasibility report on developing initial phases of the Southwest project, including the Mountain Home Division and two units of the Garden Valley Division. On September 9 public hearings were held in Boise on the project. Rep. Walter Rogers (D-Tex.), chairman of the Irrigation and Reclamation Subcommittee of the Interior Committee, conducted the hearings, with several other Congressmen from the subcommittee attending.

No "big news" came either from the reconnaissance trip down the Snake or from the hearings, but they are vital steps toward gaining favorable congressional action. When these projects, together with similar projects in Oregon and Washington, are approved, then the states of the Pacific Northwest will have gained added assurance that they will have water in perpetuity to meet their needs.

Now this year we are again faced with the central Arizona project along with the full-scale treatment of the Colorado Basin water problems as they have been added through compromise and deliberation among the Colorado States and before the Committee on Interior and

Insular Affairs. My statements on this matter are clear:

WASHINGTON, D.C., April 11, 1968.—Probably the biggest problem with which we have had to cope the last few days in the House Committee on Interior and Insular Affairs was the Colorado River Project, or the Central Arizona Project as it is commonly known. Instead of just trying to take care of the Central Arizona Project, as was originally intended, this bill tries to solve all of the problems of the entire Colorado River Basin—not only for today, but for generations to come.

The most objectionable—and dangerous—section of the bill would transfer to the United States as a whole the obligation of the seven Colorado River Basin states to furnish one and one-half million acre feet of water annually to Mexico as provided for in the United States-Mexican Water Treaty of 1944. The bill anticipates that the flow of the Colorado River must be augmented by that amount, plus an additional 300,000 acre feet for evaporation. But it makes no mention of how the augmentation shall be accomplished.

There are several ways in which this could be done. Weather modification is one, desalination of sea water is another. But, as Congressman John Saylor of Pennsylvania, the ranking Republican on the Interior Committee recently said to me, "I might say to you, who come from Idaho, that one of the places they are looking for water with a very jaundiced eye is the Pacific Northwest."

The Department of the Interior has said that they have made no studies of the cost of diverting water from the Pacific Northwest to the Colorado River Basin. But it was stated in Committee by qualified experts that such diversion would cost $2½ billion to $4 billion—or more—for the necessary 1.8 million acre feet annually. Then, after breaching the dyke and allowing a trickle of Pacific Northwest water to flow to the Southwest, it would cost very little more for the Colorado Basin states to increase the trickle to a torrent—6.7 million acre feet a year is the figure most often mentioned.

This is the real threat. If the plans and schemes of the Colorado River Basin states are realized, up to 8.5 million acre feet of water could be irretrievably lost to the Pacific Northwest. Our chance to defeat this water grab will come when the bill reaches the floor of the House for vote.

Rep. Wayne Aspinall (D–Colo), Chairman of the House Interior Committee, has conceded that he will have a hard time getting the bill through in its present form. And Rep. Saylor, a 20-year veteran of the House, and an extremely capable legislator, has pledged a "real effort" to get Section 302, the Mexican Water Treaty transfer, out of the bill. He told me that, with the section in the bill, "I don't see how anybody from other than any of the seven basin states could possibly support it."

WASHINGTON, D.C., May 9, 1968—The Colorado River Project Bill, now before the Congress, is a devious and tricky method of increasing the available water in the Colorado River—very possibly at the expense of Idaho and the Pacific Northwest—with the cost to be underwritten by the taxpayers of the whole country.

Going back a bit into the history of the Colorado River, in 1922 the seven states of the Colorado River Basin signed a compact governing the use of the river's water. At that time they knew that the Republic of Mexico was using, and was entitled to use, water from the river. As a matter of fact, discussions of water for Mexico occupied a prominent part in the negotiations for the compact. Then, in 1944, the Mexican Water Treaty was ratified, assuring to Mexico 1.5 million acre-feet of water a year.

Now the Basin States want to shift the responsibility for Mexico's quota from themselves to the rest of the United States. If this were done, the flow of the Colorado would have to be increased by the 1.5 million acre-feet allocated to Mexico, plus an additional 300 thousand acre-feet to allow for evaporation. And, inasmuch as it would be a national responsibility, the taxpayers of the entire United States would pay for the cost of the procurement of the increased water flow.

The threat to Idaho and the Pacific Northwest is that the Southwestern States are looking to our area as the most logical source for the water with which to increase the flow of the Colorado. And, realistically, the original transfer of 1.8 million feet to satisfy Mexico's claim, at an estimated cost to the U.S. taxpayer of 2½ to 4 billion dollars, would just be a foot in the door. It would then be possible for the Basin States to increase the flow from a trickle to a torrent at relatively little expense to themselves. They speak now of an additional 6.7 million feet—a figure that could, and probably would, be increased greatly.

Obviously, the transfer of responsibility under the Mexican Water Treaty is a thinly-disguised pretext, but a pretext that would result in an immediate windfall of 1.5 million acre-feet of water for the seven Basin States—plus what they could later acquire.

I have great sympathy for the people of the State of Arizona in this matter. The Central Arizona Project, which is a part of the bill—and which would give to Arizona what is rightfully hers by virtue of a decision of the Supreme Court—would be no problem if it were to be considered by itself. It should not be tied in with the scheming water grab which the Colorado River Project would authorize. Unfortunately, acceptance of the Colorado Project is the price the other Basin States are forcing Arizona to pay in order to obtain their support for the CAP.

It is possible that the Colorado River Project will die, as it did last year, in the House Rules Committee. However, should it reach the House for vote, I am confident that, with its drastic and far-reaching proposals fully explained, the House of Representatives will not allow the responsibilities of seven states to be foisted on the entire country.

The following statement further illuminates this situation:

H.R. 3300—THE COLORADO RIVER BILL

The central feature of the Colorado River Basin Bill, the Central Arizona Project is a worthy project, of economic feasibility and in the tradition of sound reclamation development.

However, two other provisions which have been added make H.R. 3300 highly objectionable.

In particular they imply an immense *federal expenditure* and an unusual abandonment of congressional authority and responsibility.

1. One provision of Section 401 provides that "Costs of construction, operation and maintenance allocated to the replenishment . . . of Colorado River flows . . . *shall be nonreimbursable.*" The effect of this language, when taken together with language found in Title II of the bill, is to commit the Federal Government to construct a massive public works project—probably consisting of pumps, canals and reservoirs to import water or a desalting project—capable of increasing the flow of the Colorado River by 2½ million acre-feet per year.

The cost of constructing this project would be "nonreimbursable" or, in other words, it would be built at federal expense.

The cost of replacing water delivered to Mexico has been estimated at *$8 billion dollars.* And these costs do not reflect interest charges.

Congress *should not* make a legislative commitment of this nature until it has weighed and evaluated all of the facts and all of the costs involved. At present, no studies have been made of any of the relevant questions such as where the water would come from, what it would cost, etc. Congress should reserve a decision on assuming an obligation of this magnitude until the appropriate information is available.

2. The second objectionable feature of the bill is found in Title II. Title II directs the Secretary of the Interior to prepare reconnaissance and feasibility plans for increasing the flow of the Colorado River by 2½ million acre-feet per year.

Contrary to existing law and policy, the Secretary is directed to proceed immediately from a reconnaissance grade study to a preconstruction feasibility plan. As a result the Congress is denied an opportunity to review and evaluate the reconnaissance plan before the feasibility study is authorized. This creates an unwarranted exception to Section 8 of the Federal Water Project Recreation Act and procedures normally followed by the Committee and the Congress.

This is the first time an exception has been made to the Act and normal procedures. It constitutes an abdication of Congressional responsibility to evaluate water resource projects by the executive branch *before* authorizing detailed preconstruction feasibility studies.

It is unwise as a matter of principle.

It is irresponsible as a matter of economics, because the project which will ultimately be proposed may cost as much as $10 to $30 billion. Furthermore, it is unnecessary because no water shortage will occur for more than 30 years.

H.R. 3300 should me amended to remove these two features from the bill. If this is done, the Central Arizona Project and the other projects which would be authorized by H.R. 3300 may proceed. It should be pointed out that the cost of these proposed projects alone is $1.3 billion. This is a large authorization at a time when we are all conscious of the pressures for economy. Yet this is a justified authorization.

The bill should not, however, be adopted if the provisions discussed here are not deleted. They were not recommended by the Administration when the basic legislation was transmitted to the Congress. They were not included in the Senate passed bill to authorize the Central Arizona Project.

Attention is directed to the "additional separate and dissenting view" at pages 162–170 of the Report on H.R. 3300 (Report No. 1312) for a more detailed discussion.

Mr. Chairman, the central Arizona project, an irrigation development long awaited by the State of Arizona, itself is worthy of support.

But it is essential to critically examine two particular features of H.R. 3300, the Colorado River Basin project bill, which are different from the measure as passed by the Senate and which are not in agreement, with the Department of Interior's position:

First. The Mexican Water Treaty provision is contrary to existing law and is without precedent. It also implies a potential cost to the taxpayers of inestimable billions of dollars and is like writing a blank check on the Federal Treasury.

Second. The provision for a Department of the Interior feasibility study flagrantly disregards existing law and is an improper and unbridled delegation of congressional authority and responsibility to an executive agency.

Both of these troublesome features can and should be removed from H.R. 3300. Neither is essential to the authorizing of the central Arizona project.

I hope this body will eliminate these highly objectionable and extremely controversial and costly features from H.R. 3300 to make it an acceptable piece of legislation.

Mr. ASPINALL. Mr. Chairman, I yield 5 minutes to the gentleman from New Mexico [Mr. MORRIS].

Mr. MORRIS of New Mexico. Mr. Chairman, I hope that the House will act favorably today on this bill to authorize the Colorado River Basin project. I believe it is projects such as this that represent the best investment that we could possibly make in the economic future of our Nation. I personally am concerned at the tendency to place greater emphasis on some of the newer, more glamorous domestic programs and neglect the programs basic to the development and preservation of our great natural resources.

It is not generally appreciated that of the total reclamation investment, for example, 89 percent is repayable and is being repaid, a good share of it with interest. I know of no other Federal investment in our natural resources that can show such a return. Only the investment charged to purposes which, by national policy, are nonreimbursable, is not repaid. Since the reclamation program was initiated back in 1902, we have expended about $5.5 billion on Federal reclamation projects. This incidentally, as you know, represents only about one year's expenditure under the space program. These reclamation projects are now furnishing water to over 9 million acres of land and producing more than 150 different crops with a gross crop value of about $1.5 billion annually. It is estimated that income taxes generated by these reclamation projects during the last 25 years alone, have exceeded the total of Federal investment in the projects.

The benefits that have accrued from other aspects of our water resource development are equally startling. For a relatively small public investment, large investments have resulted in the private sector. For example, it is estimated that since 1952, about $131.5 billion has been invested in industrial production facilities at water-oriented sites. Yet the Nations' total capital investment in all navigation work to date by the Corps of Engineers, including our harbors and inland waterways, is less than $5 billion. This represents a pretty good investment ratio of more than 26 to 1. It is estimated that the Federal flood control investment of $5 billion to date by the corps has already saved an estimated $15.8 billion in damages. Storage in the reservoirs constructed by the Corps of Engineers and the Bureau of Reclamation now furnishes about 2 billion gallons of municipal and industrial water to over 14 million people annually. And there are many other valuable benefits accruing from these projects, such as power generation and recreation.

It is interesting to note that these great benefits which have accrued to date from these projects constructed by the Corps of Engineers resulted from an investment of only about $20 billion since the Corps of Engineers was founded in 1824, or only about one-fourth of what we will spend on national defense in the next fiscal year.

Although we have accomplished a great deal to date in the water resource development of our country, the job facing us in the years ahead is of tremendous magnitude and complexity. We must not stop now in providing the essential authorizations required to meet the critical water resources needs facing many areas of the country.

It is estimated, with the population explosion and rising standard of living, that the daily water requirements of the next generation may approximate a trillion gallons compared to the present daily level of 400 billion gallons. Since the supply cannot be significantly increased, every possible means will have to be employed to conserve and use water wisely. No area of our country will escape water resource problems in the future, whether it be flood control, drought, pollution control, industrial and municipal water shortages, navigation, and so forth.

I feel that there is no alternative to providing the necessary authorization for the construction of essential water resource projects which after review have been found to be economically feasible.

Certainly the Colorado River Basin project is urgently needed by the region to augment its inadequate water supply and the plan, as recommended by the committee, is feasible and economically well justified. Over 86 percent of the project cost will be repaid over a 50-year period.

Mr. Chairman, I strongly support this authorization and hope it will be favorably acted upon by the House.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Utah [Mr. LLOYD].

Mr. LLOYD. Mr. Chairman, representing a State whose cultivated lands represent only 4 percent of its total land area carries with it the responsibility to communicate to my colleagues in the Congress the urgency of adopting responsible legislation to put to beneficial use the existing water resources of this vast land with such great potential benefit to all America.

Two authorizations in this Colorado River Basin project bill directly affect my State and district. The first is the Uintah, or first unit of the ultimate phase of the central Utah project, which will make possible the continued industrial and population growth of much of central and north central Utah where the greater part of our population now resides and which future population projections reveal to be dependent upon water from the Colorado River. The Dixie project, near Utah's semitropical southern boundary, will make possible industrial, population, and agricultural development in a wonderfully scenic land, with attractive climate, and geographically adjacent to the southern California, Salt Lake City and other markets. These projects of course are to be substantially repaid by the users of water and other services of the projects, and ad valorem taxes to be paid by local residents.

There are many solid arguments for the first of these authorizations—the Uintah unit of the central Utah. I want to emphasize the need for municipal and industrial use in Utah's urban areas.

POPULATION GROWTH OF SALT LAKE COUNTY AND WASATCH FRONT

The population of Utah today is a little over 1 million, but Utah ranks fifth among the 10 fastest growing States in the Nation, percentagewise, according to a population projection study by U.S. News & World Report, based on official data from the U.S. Census Bureau. The study revealed that the percent of Utah's population growth between 1966 and 1980—30.1 percent—will be exceeded only by Arizona, Florida, New Mexico, and California. A more recent study on population projections conducted by the Bureau of Economic and Business Research, University of Utah, predicts an even faster rate of growth than the U.S. News & World Report projections anticipated. The first projection estimated a population in Utah of 1,311,000 by the year 1980, as compared to about 1 million today. The University of Utah projections estimate the population at 1,446,800 by 1980, a difference of 135,800.

Over 76 percent of the State's entire population is concentrated in the "Wasatch front," the industrial counties of Salt Lake, Utah, Davis, and Weber, with over 44 percent living in Salt Lake County alone. Population projections based on the scientific studies by the bureau of economic and business research show that in little over 50 years, by the year 2020, the State will have a total population of 2,675,000, an increase of over 265 percent. Of that number, 1,310,000, or nearly 49 percent, will be located in Salt Lake County, with Weber, Davis, and Utah Counties each containing over 11 percent of the State's total population. That is, provided water is available for municipal and industrial growth—water which must be provided by the central Utah project now under construction with additional and essential authorizations provided by this bill.

ECONOMIC AND INDUSTRIAL GROWTH OF SALT LAKE COUNTY AND THE WASATCH FRONT

Studies based on official data from the U.S. Census Bureau show that Wasatch front counties which make up the intermountain West's major urban and industrial center, are also experiencing phenomenal economic and industrial growth, a growth which will be stopped in the absence of newly developed water supplies from the Colorado River.

Among the major standard metropolitan areas of the Nation, during the decade 1954-63, this area ranked: sixth in percent increase—64 percent—in employees in manufacturing, eighth in percent increase—70.6 percent—in growth of retail sales, 10th in percent increase—54.9 percent—in value added by manufacturing, 16th in percent increase—93.1 percent—in effective buying income, 19th in percent increase—40.4 percent—in service receipts, and 28th in percent increase—23.7 percent—in wholesale sales.

The National Planning Associates economic and demographic projections for 224 metropolitan areas predict that between 1962 and 1975, the total civilian employment of the Wasatch front area will increase at an average annual rate of 2.9 percent, compared with 1.8 percent for the United States, and 2.2 percent for the Mountain States. During the same period, personal income is expected to increase by 4.7 percent annually in the Wasatch front area, compared to 4.2 percent for the United States, and 4.6 percent for the Mountain States.

In Salt Lake County alone, total employment has increased from 119,350 jobs in 1952 to 179,670 in 1965. The University of Utah Bureau of Economic and Business Research, in its population projections for Utah and Utah's counties, noted of Salt Lake County:

> The explanation for the county's growth in population is economic opportunity. To illustrate, in the postwar period of 1952 to 1960, employment in the Salt Lake Metropolitan area increased at an average annual rate of 3.5 percent as against a growth rate for the state as a whole of only 2.2 percent for this period. With the exception of agriculture, which lost jobs in the 1952 to 1965 base period, and mining, which held fairly constant, all other categories had increasing employment. The most rapidly growing categories were manufacturing, services, finance, trade and government.

Salt Lake County's total personal income has risen from $544 million in 1954 to $1.3 billion in 1966. Wholesale and retail trade in 1965 accounted for over 22 percent of the wage and salary receipts in the county, while manufacturing accounted for over 19 percent; government, 17 percent: and services, 11 percent. Total personal income for Utah as a whole was $2.5 billion in 1966. Government accounted for over 30 percent of wage and salary receipts for the entire State, with manufacturing accounting for nearly 19 percent; wholesale and retail trade, 17 percent; and services, 10 percent.

The Wasatch front area is a leading steel-producing center in the West, with plants operated by the Geneva division of the United States Steel Corp. It is also the center of the largest nonferrous smelting area in the country, producing copper, gold, silver, lead, zinc, coal, salt, and other valuable metals and minerals. Oil, first discovered in Utah 20 years ago, has led to extensive oil and gas exploration in the area, and Salt Lake City is the refining center for major markets in the intermountain West.

The area is also home of large-scale defense-related activities, including Boeing Aircraft, Thiokol Chemical Corp., Litton Industries, Sperry, Hercules, Inc., and Montek. The Univac Computer Division of Sperry-Rand Corp. has announced its intention to establish a major computer production facility in the area. Additionally, Salt Lake County has been selected as one of 10 proposed site locations for the Sentinel missile system, which would employ between 400 and 700 persons. Military activities already established in the area include Hill Air Force Base, Tooele Army Depot, Defense Depot Ogden, and Dugway Proving Ground.

Salt Lake metropolitan areas rank sixth with other major metropolitan areas in percent of growth in employees in manufacturing.

Rank, city, and increase, 1954 to 1963

	Percent
1. Anaheim, Santa Ana, Garden Grove, Calif	513.3
2. San Jose, Calif	233.5
3. Sacramento, Calif	161.5
4. Phoenix, Ariz	159.5
5. Miami, Fla	77.8
6. Salt Lake City, Utah	64.0
7. Washington, D.C	63.2
8. Denver, Colo	61.3
9. Tampa, St. Petersburg, Fla	60.3
10. San Bernardino, Riverside, Ontario, Calif	57.3

Salt Lake metropolitan areas rank 10th with other major metropolitan areas in percent of growth in value of manufacture.

Rank, city, and increase 1954 to 1963

	Percent
1. Anaheim, Santa Ana, Garden Grove, Calif	280.3
2. Phoenix, Ariz	91.2
3. San Jose, Calif	88.1
4. Sacramento, Calif	80.7
5. Tampa, St. Petersburg, Fla	72.5
6. Washington, D.C	68.3
7. Denver, Colo	65.2
8. Atlanta, Ga	60.3
9. San Bernardino, Riverside, Ontario, Calif	58.9
10. Salt Lake City, Utah	54.9

Salt Lake metropolitan areas rank 8th with other major metropolitan areas in percent growth in retail sales.

Rank, city, and increase 1954 to 1963

	Percent
1. Anaheim, Santa Ana, Garden Grove, Calif	293.3
2. San Jose, Calif	163.4
3. Phoenix, Ariz	130.3
4. San Bernardino, Riverside, Ontario, Calif	107.0
5. Sacramento, Calif	91.8
6. Tampa, St. Petersburg, Fla	88.9
7. San Diego, Calif	75.8
8. Salt Lake City, Utah	70.6
9. Washington, D.C	67.9
10. Miami, Fla	66.5

PRESENT WATER SUPPLIES AND FUTURE NEEDS FOR SALT LAKE COUNTY

The U.S. Army Corps of Engineers, in a report on the Little Dell flood control project now pending authorization by Congress, noted:

> Provision of an adequate municipal water supply to keep pace with the rapidly expanding population of Salt Lake City and its environs has been a continuing problem since the founding of the city in 1847. The supply available from convenient and inexpensive sources already has been developed. Supplemental supplies have become progressively more expensive owing to the necessary costs for storage, conveyance and treatment. The most recent substantial addition to the supply was obtained from the Federal Provo River Project by means of the 42-mile Salt Lake aqueduct completed in 1950. According to data available from the Metropolitan Water District of Salt Lake City, the domestic water requirements in the service area of that district will exceed the presently developed firm supply by about the year 1970. The predicted future requirements were based upon the rate of population growth in the service area, and a future average daily rate of water consumption of 220 gallons per capita. Further, there are some areas adjacent to the city, not presently serviced by the Metropolitan Water District, in which an urgent need for domestic water already exists.

The present dependable water supply for the area served by the metropolitan water district of Salt Lake City from existing sources is 93,600 acre-feet annually. Runoff from creeks accounts for 62 percent of the total supply, while water from Deer Creek Reservoir via the Salt Lake aqueduct accounts for 23 percent. The remaining 15 percent is obtained from wells and springs.

The annual water demand for the 368,000 persons presently served by the metropolitan water district is 88,300 acre-feet per year. Based on estimates contained in the Corps of Engineers report, shortages will begin to exist in 1971, when the population in the service area reaches 410,000. The annual water demand at that time is estimated to be 98,400 acre-feet, exceeding the existing supply by 4,800 acre-feet. As the population grows the shortage will continue to increase until by 1985, when the population in the service area reaches 575,000, an additional 44,400 acre-feet annually will be required just to meet human needs.

An independent study conducted for the metropolitan water district by Berger Associates, Inc., a consulting engineering firm in Salt Lake City, noted in a 1964 report:

> Irrespective of whether the (population) forecast may be too high or too low, it is now apparent that an additional water supply for the Salt Lake Metropolitan Area will be needed by 1970 or possibly before that time. It is also apparent that the development of new sources of supply will continue to be needed at eight to fifteen year intervals after 1970—depending on the rate of population growth and the amount of water obtained from each new source of supply.

It should be noted at this point that the population estimates used in the 1964 study projected a population of 1,160,000 persons in Salt Lake County by the year 2020. The most recent projections by the Bureau of Economic and Business Research, University of Utah, estimates a population in Salt Lake County of 1,310,000 by the year 2020, or 150,000 more than the figure on which the Berger report was based.

PRESENT AND FUTURE WATER DEMAND

Calendar year	Population, Salt Lake City metropolitan water service area	Annual water demand (acre-feet)	Dependable water supply from existing sources (acre-feet)	Additional water required (acre-feet)
1960	277,000	66,500	93,600	0
1961	285,000	68,400	93,600	0
1962	292,000	70,100	93,600	0
1963	300,000	72,000	93,600	0
1964	310,000	74,400	93,600	0
1965	323,000	77,500	93,600	0
1966	337,000	80,900	93,600	0
1967	352,000	84,400	93,600	0
1968	368,000	88,300	93,600	0
1969	380,000	91,200	93,600	0
1970	390,000	93,600	93,600	0
1971	410,000	98,400	93,600	4,800
1972	422,000	101,300	93,600	7,700
1973	432,000	103,700	93,600	10,100
1974	442,000	106,100	93,600	12,500
1975	454,000	109,000	93,600	15,400
1976	465,000	111,600	93,600	18,000
1977	478,000	114,700	93,600	21,100
1978	491,000	117,800	93,600	24,200
1979	505,000	121,200	93,600	27,600
1980	520,000	124,800	93,600	31,200
1981	530,000	127,200	93,600	33,600
1982	540,000	129,600	93,600	36,000
1983	550,000	132,000	93,600	38,400
1984	562,000	134,900	93,600	41,300
1985	575,000	138,000	93,600	44,400

Source: U.S. Army Corps of Engineers.

Another study conducted by the U.S. Bureau of Reclamation in November 1967, shows that presently developed water supplies for all of Salt Lake County, including areas served by the Salt Lake Metropolitan Water District, the Salt Lake County Water Conservancy District, and smaller independent systems and wells is about 249,000 acre-feet annually. Authorities agree that by 1970, present supplies will become inadequate.

Estimates for municipal and industrial water for the entire county are contained in the following table prepared by the Bureau of Reclamation:

Year	Population	Industrial water required (acre-feet)	Municipal water required (acre-feet)	Total (acre-feet)
1960	383,000	117,000	77,000	194,000
1980	704,000	200,000	166,000	366,000
2000	1,044,000	322,000	275,000	597,000
2020	1,406,000	455,000	394,000	849,000

The Bureau's report stated:

> The studies showed that the present water supply and existing facilities are adequate to meet the demands of Salt Lake County until 1969. Additional supplies would need to be developed to meet needs beyond that time.

The Bureau estimated that new developments already planned, including delivery of water to Salt Lake County from the Bonneville unit of the central Utah project beginning in 1972, some increased use of ground water, construction of local storage reservoirs to retain flood waters, and a gradual conversion of irrigation water to municipal and industrial purposes could meet the municipal water needs of the county up to the year 1966 and the industrial needs to the year 2016. Maximum supply from the Bonneville unit is dependent upon orderly development of the ultimate plan of the central Utah project, the first unit of which is authorized by this bill.

Water needs beyond that time depend on a completed and fully operable central Utah project, which, when completed, would allow Utah to divert water from the sparsely populated eastern borders of the State to the teeming Wasatch front area for municipal and industrial uses.

Utah currently uses about 6 million acre-feet of water annually from its main sources, including the Colorado River, of which the State presently uses about 34 percent of its compact entitlement, the Bear River, Wasatch Mountain watersheds, the Virgin River and other minor streams, and underground water supplies. A report by the Utah Division of Water Resources to the Coordinating Council on Natural Resources stated:

> If the State of Utah were to irrigate all of the arable lands, meet expected municipal and industrial uses, and supply water for fish and wildlife, over 14 million acre feet of water would be required annually.
>
> It is considered probable that substantially more water could be put to beneficial and economic uses than will be available in the reasonably foreseeable future.

If Utah were able to put to beneficial use its entire compact entitlement of 1.7 million acre-feet, assuming a full supply in the river, the State would still be far short of its needs and potential.

That startling fact underscores the importance of reclamation development in the second most arid State in the United States, and the vital role which a completed central Utah project plays in that development. A completed central Utah project and related facilities will ultimately allow Utah to put to beneficial use its full share of the Colorado River, which experts agree is essential to support the expected growth in population and the economy of the area.

DIXIE PROJECT

Title III, section 307, of H.R. 3300 reauthorizes the Dixie project in southwestern Utah and provides for its financial integration into the Colorado River Basin project. The Dixie was originally authorized for construction under Public Law 88-565, approved September 2, 1964. Following that authorization, detailed studies of the original reservoir site unexpectedly revealed the probability of excessive reservoir leakage which would require extremely costly treatment of the subsurface to correct. The subsequent search for another damsite resulted in selection of a site about 15 miles downstream.

However, the change required considerable modification of project facilities, including the elimination of power development as a feature. Without power revenues, which would have provided revenues to assist in repayment of the costs of the project, the Dixie's financial status has been changed, and it now requires financial assistance from the lower basin fund as provided in H.R. 3300.

The Dixie project would collect surplus flows of the Virgin River, which forms a part of the Lower Colorado River Basin as defined by the Colorado River Compact. The Virgin River is an interstate stream which drains an area of 6,000 square miles, of which 2,900 square miles are in Utah, 1,100 square miles are in Nevada, and some 2,000 square miles are in Arizona. Waters collected by the Virgin River empty into Lake Mead.

The Dixie project, which would be constructed at a total cost of $58 million, would consist of a Virgin River dam and 256,200 acre-foot reservoir, a hurricane diversion dam to divert unregulated riverflow to the LaVerkin Canal, and the enlarged Hurricane Canal, and the Washington Fields Canal system and the Washington-Ivans Canal system, which will receive water from the Virgin River Reservoir. The primary purpose of the plan would be to supply 45,400 acre-feet of irrigation water from the Virgin River to 6,900 acres of new lands to be irrigated in the area and supply supplemental irrigation water to 10,004 acres presently irrigated from the Virgin and Santa Clara Rivers. The plan also provides from 5,000 acre-feet of water to meet municipal and industrial requirements of the city of St. George, Utah, which is expected to quadruple its population between 1965 and 2025. The project would also benefit Cedar City, Utah, by permitting an average 5,500 acre-foot upstream diversion to meet expected growth in that area.

The reservoir would also provide flood control benefits, salinity control benefits, and recreation and fish and wildlife benefits.

The Dixie project area is located about 320 miles southwest of Salt Lake City, Utah. The project area would extend about 25 miles up the Virgin River from St. George, almost to Virgin City near the southwest corner of Zion National Park. It extends up the Santa Clara River from its confluence with the Virgin River near St. George to within 5 miles of Gunlock, Utah.

The Dixie project receives its name from that part of the Virgin River Valley known as the Dixie of Utah, due to its comparatively mild climate and because cotton was grown there when it was first settled. Climate of the area is characterized by a small amount of precipitation, short mild winters, an abundance of sunshine, long summers, and a long growing season. The mean annual precipitation in the highest parts of the drainage basin amounts to 25 to 30 inches and provides most of the water presently used for irrigation. The average annual precipitation of 7.74 inches occurs mostly as rainfall, with 3.52 inches of this amount received during the growing season. The mean annual temperature is 61.2 degrees.

The area was first settled by Mormon missionaries about 1852. St. George, which is now the county seat and largest town with a population in 1960 of 5,130, was established in 1861. Agriculture is the most important industry in the area, although tourist services has been growing in recent years due to the fact that St. George is located on U.S. Highway 91, the major route from Salt Lake City to Las Vegas and Los Angeles.

Land in the general area is used primarily for grazing of livestock, with a small amount of dryland wheat farming and irrigated farming. Crops of the area include small grains, fruits, vegetables, and sugar beet seed. Of the 10,004 acres of irrigated acreage in the area, about 90 percent is used for feed and forage, 8 percent for fruit, truck, and other specialty crops, and 2 percent is idle.

LOCAL EFFORT

Though small as most reclamation projects go, the Dixie project is nonetheless vital to the economy of southwestern Utah. Local support for an irrigation project has been very active since the early 1930's. The Washington County Water Conservancy District was created especially to contract with the Federal Government for the Dixie project, and special legislation was passed by the Utah State Legislature to enable the district to levy an ad valorem tax of up to 5 mills to assist in the repayment of project costs. Moneys derived from this tax will contribute more than $6.6 million toward repayment of the project costs. In recent years, an increased emphasis has been placed on the need for municipal and industrial water for St. George and Cedar City, and the city of St. George has expressed a desire to purchase water from the project and expressed its willingness to enter into a formal contract.

SUMMARY

The lands to which the project will bring water are fertile. These new and developed lands in a semitropical climate will help feed the exploding populations of Nevada and southern California to which this area is very near. And very significantly to me, we will be creating new and permanent wealth, new and permanent jobs—basic to a truly healthy economy and certainly preferable to artificial make-work and temporary employment which Government handout represents in so many other areas of Federal expenditure. This all hinges on having a predictable and regulated water supply.

The public benefits and desirability of the Dixie project have already passed the careful scrutiny of the Congress. The need for the Dixie project was realized then, and that need is no less today. Therefore, I urge that this important project be approved. Let me emphasize to you who represent the water-starved States of California and Arizona that the Dixie project will take from the Colorado River less than one-tenth of 1 percent of the water supply of Lake Mead.

In conclusion I wish to pay a personal tribute to the distinguished chairman of the committee, Chairman ASPINALL, to my colleague LAURENCE J. BURTON of Utah, a member of the committee and the subcommittee who has championed the Utah cause in committee and on the floor and to the others of the majority of the committee who after long months have produced a bill, not completely satisfactory in every respect to any single State, but a bill which most nearly respects the needs and justifiable development of the water resources of the Colorado River consistent with the real but delicate balance of equities among the affected States.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentlewoman from Washington [Mrs. MAY].

Mrs. MAY. Mr. Chairman, I have tried to listen to today's debate with an open mind. And I must say I appreciate the difficult position expressed by the proponents of H.R. 3300. I appreciate their position because if you dig deep enough, you will find a basically good piece of legislation embodied in this bill.

The provisions which I feel have merit, and have had merit for a good long time, are those which would authorize the CAP, the central Arizona project.

Here is a project which I feel merits an affirmative response from the Congress. It is a project which has been pending consideration for many, many years. It is a project which has received the blessings of the Senate, and which, rightfully, should be the project before us today.

It is unfortunate that the central Arizona project has once again found itself smothered in a bill which embodies this proposal only as an incidental, which, in effect, buries the central Arizona project in a sea of confusion by building onto it appendages which have no business being there.

Mr. Chairman, soon this House and all of its Members will have up for consideration a conference report which calls for an increase in personal income taxes for nearly every taxpayer. This same bill will call for a reduction in Federal spending to the tune of $6 billion. Now both the 10-percent surcharge on income tax, and the reduction in spending of $6 billion is a considerable amount of money. But even $6 billion would appear to be but a drop in the bucket compared to what we are being asked to spend—and make no mistake about it—spend, this afternoon.

The story is told, and it well could turn into a nightmare to haunt every Member of this body, on pages 162 and 163 of the committee report on H.R. 3300.

We are being asked, Mr. Chairman, to commit the people—the taxpayers—of the United States to spend almost $19 billion—I said billion dollars—to authorize what is depicted as the central Arizona project with a "little trimming."

What I am saying is that the CAP, the central Arizona project, all by itself, would cost in the neighborhood of $1,400,000,000. In these days of financial crisis, this is a lot of money. Yet I believe this expenditure would be justified.

But $19 billion? For what?

First of all, let us look at just how large $19 billion is in terms of reclamation. The entire Federal investment in all of the reclamation facilities constructed in the United States since 1902, and this includes Grand Coulee Dam, Hoover Dam, the Colorado River storage project, the Central Valley project, the Missouri River Basin project, and all the rest, amounts to only $5½ billion. This afternoon, all in one vote, Mr. Chairman, we are being asked to give our blessing to a bill that could ultimately cost something in the neighborhood of $19 billion.

What are these appendages that have been built onto this house of cards that we are told is so delicately balanced?

Mainly, they are two.

The first is an authorization and directive—if you please—to the Secretary of the Interior to undertake immediate reconnaissance and feasibility studies leading to the construction of facilities to import to the Southwest millions of acre-feet of water from the major river basins of other regions of the Nation.

What is wrong with that?

Several things are very wrong with that. First, I know something about procedures followed in congressional authorization of projects carried out by the Secretary of the Interior or the Corps of Engineers. Congress does not authorize at the same time both a reconnaissance study and a feasibility study. Congress authorizes a reconnaissance study first. Then Congress looks at the reconnaissance study. It looks at the expected cost. It looks at the expected benefits. It looks at the plans. It decides whether the project shows enough promise to authorize a feasibility study. And only then, Mr. Chairman, does Congress take the next step, the authorization of a full-scale feasibility study.

Yet, this afternoon, we are being asked to forfeit that second vote. We are being asked to pass a bill which would allow the Secretary of the Interior to make a decision which under normal and usual circumstances is reserved only to the Congress of the United States. We are saying to the Secretary, you cast each and every vote in the House of Representatives and the Senate—unanimously—for a feasibility study of importation of millions of acre-feet of water from one or more major river basins to the Colorado River Basin.

I can only assume, Mr. Chairman, that Members who represent constituents from the Columbia River Basin, the Missouri River Basin, the Mississippi River Basin, and the Arkansas River Basin, would not wish to forfeit congressional privilege and responsibility in saying to the Secretary of the Interior, "You cast my vote for me, Mr. Secretary. Be my guest." I happen to represent a congressional district in the Columbia River Basin, in the Pacific Northwest. This is one of the fastest growing regions in the United States. The population has doubled since 1937, from 3 to 6 million persons. Our water resources potential has been estimated to have been developed, so far, to only 10 percent of its potential. I do not want to have the Secretary of the Interior cast my vote for me on the question of diverting the Columbia River from its bed to another river basin. I want to be able to cast that vote myself. And I should think Representatives of the Missouri River Basin, the Mississippi River Basin, and the Arkansas River Basin, would feel exactly as I do. The proponents of the appendages to this bill say they do not know where the water they intend to divert will come from. Beware, my colleagues, it could be from you.

The second thing wrong with this forfeiture of the opportunity to vote on a specific plan is that regardless of what kind of plan the Secretary of the Interior draws up, it is unnecessary to the success or operation of the central Arizona project. The simple fact is that the central Arizona project does not require diversion of water from any other river basin. We are being asked to buy, sight unseen, a fantastically expensive scheme, we are being asked to give up our individual votes with regard to it after the plan is revealed, all in the name of a project which does not need it.

The second appendage to this bill which gives me concern is found, like the first appendage, in title II. This appendage amounts to a congressional commitment to develop sources of water to provide, at taxpayer expense and at completely unknown cost, all of the water Mexico is entitled to receive under rights which have been confirmed by the Mexican Water Treaty. Let us not be confused about this section of the bill.

At first glance, some may think that this section deals with an obligation on the part of the United States to a foreign power. Not so. This section would oblige the taxpayers of the United States, not to provide a certain amount of water to Mexico, but would commit the people of the United States to replace the water that is naturally flowing to Mexico, by a like amount of water from nobody knows where.

Who, then, would benefit? Arizona? No. California? Yes. And several other Southwest States. As the proponents have stated, this is a delicately structured compromise. The fact is that every one of the seven States of the Colorado River Basin, has its specific wants, and none will support the other unless each gets those wants out of the deal.

But look who pays for this scheme that is so cleverly tied up in a package that is labeled, "Foreign affairs—keep hands off." Footing the bill—to the tune of almost $19 billion—will be Mr. and Mrs. Taxpayer, U.S.A. The same Mr. and Mrs. Taxpayer who are being asked to dig down deep to come up with a 10-percent income tax surcharge. The same Mr. and Mrs. Taxpayer who are going to feel the pinch of Federal belt tightening when the effects of budget cutting hit them.

Now, Mr. Chairman, if either of these provisions of title II were urgent or absolutely necessary, that would be one thing. But they are not. The proponents of these appendages to H.R. 3300 admit, in the majority report, that "a full water supply—1,200,000 acre-feet—can reasonably be expected for the central Arizona project until some time during the decade 1985–95." There is no crisis on the Colorado, Mr. Chairman. There is not even a problem which requires a solution or a decision at this time.

Quite frankly, it is my suspicion that the only real reason these appendages are on the bill is that the proponents are afraid that by themeslves, these appendages simply could not stand up.

Well, if that is their worry, so be it. But certainly, we of this body should not be asked to approve a bill that is so delicately contrived that the least little alteration will jeopardize the arrangement.

Any project that cannot stand by itself, and stand tall, Mr. Chairman, needs to be critically examined on its merits. I have attempted to do this, and have found that an unencumbered central Arizona project can stand all by itself. It's a good project.

But these other appendages cannot stand by themselves because they are not, at this time, justified.

I intend to support amendments to delete these two provisions; the directive to the Secretary of the Interior to undertake immediate reconnaissance and feasibility studies on water importation to the Southwest, and the national commitment to pay untold billions of dollars to replace Mexican treaty water from an unknown source. If these two provisions are removed, I am prepared to support the central Arizona project with all of the vigor at my command.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. DELLENBACK].

Mr. DELLENBACK. Mr. Chairman, my respect for a number of my colleagues on both sides of the aisle who have stood before us today in support of H.R. 3300 is sufficiently high that I thought hard before asking for this time in which to express my own concerns about this measure. The gentleman from Arizona [Mr. UDALL] who, in my opinion, is one of the most able debaters in this body, has very eloquently argued that the provision of this bill which relates to the Mexican Treaty obligation merely amounts to a simple little sense-of-Congress resolution, a declaration of congressional good faith, a declaration that impliedly could very well not cost anybody anything.

The argument is made that a feasibility study will now be made, and only when the results of that study are known will the Congress be asked to approve any actual expenditure of funds.

The point that is lost sight of as this fast shuffle of words takes place is that this declaration of congressional intent would lay the groundwork for the feasibility study. Having made certain by this bill that a major share of the costs involved in this whole project would be considered a Federal obligation, nonreimbursable, the results of any feasibility study made thereafter would be skewed and to a very significant degree predetermined.

If this declaration is really unimportant, then let it wait. But if it is in truth of the major significance we feel it to be, then it is in fact an improper putting of the cart before the horse and should by no means be the action of this Congress.

The further argument is made that we are dealing only with 2½ million acre-feet of water. Each of us knows that the ultimate amount of water is extremely likely to be much, much more than that amount. Once the sluice gate is open, the trickle will become a torrent. Maybe it should. But let us not delude ourselves. Let us proceed in a normal and proper fashion. Let us first make the proper, normal reconnaissance study. Let that study deal with the full real possibilities. Then, and only then, should we face the question of proceeding with the feasibility study.

The concerns of the Members of this body from both the upper basin and the lower basin are sincere and deserving of careful attention. But a matter of the importance here dealt with should not be hastily or peculiarly handled. It is not the type of project which should be handled by legislation held together by adhesive tape or string, or fear that sound amendments will remove quid pro quos or cause a collapse of support.

Admittedly we of the Pacific Northwest are apprehensive about this bill. In spite of the fact that the feasibility study called for by this legislation could well embrace other possibilities than diversion of water from the Columbia River, the remarks which have been made on this floor here today by a number of the proponents of this bill make clear that such diversion is at least one of the possibilities, and most likely the most seriously considered possibility, in the minds of these proponents.

I join in support of the central Arizona project. But at the same time I object strongly on behalf of the people of Oregon to the passage of H.R. 3300 in its present form. I urge the Members of the House to join in support of amendments which will be offered to eliminate the Mexican Treaty obligation provisions and the precipitant feasibility study provisions.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. I yield to the gentleman from California.

Mr. HOSMER. The Columbia River Treaty of 1964 settling a dispute between the United States and Canada provided some rather hefty payments by the United States to Canada for certain assumed benefits. Does the gentleman argue with that kind of principle with respect to a formal treaty arrangement between a couple of countries?

Mr. DELLENBACK. May I say to my good friend from California that the thing to which I object is a predetermination of what the feasibility studies should show. If we come out of a feasibility study, as happens with every public works project, with a calculation of benefits, and at that time it is properly determined that some benefits are nonreimbursable and some benefits are reimbursable, I do not object for a moment to the fact that some benefits are properly then considered the obligation of the United States and that they are borne on a nonreimbursable basis.

The thing that seems to me eminently irresponsible is this——

Mr. HOSMER. Did not the United States give this treaty to Mexico, and is it not on the United States of America and should not the United States of America have to make good on it?

Mr. DELLENBACK. Is the gentleman asking me or is he stating what his opinion is?

Mr. HOSMER. I am asking the gentleman.

Mr. DELLENBACK. My answer to that is no. That treaty merely recognized the rights of the respective nations and States in the waters of the Colorado River. It did not create an obligation on the part of this Nation to assume a massive financial obligation in unknown amount under the incorrect label of making good on a treaty.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASPINALL. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WAGGONNER. Mr. Chairman, some might raise the question why a Member of the House of Representatives from the State of Louisiana would want to take part in the debate which occurs here today, when we have the colloquy that we have had between the Southwestern part of the United States and the Northwestern part of the United States. But it might just be possible that some are having a little bit of trouble seeing the forest for the trees. I have no axe to grind, I have no motive except to fulfill the responsibility which is mine as a Member of the U.S. Congress.

We have heard the quotation referred to on a number of occasions, but believe me, here over the Speaker's desk is a very significant statement by Daniel Webster, a statement which says:

> Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests—

And then there are other words which are much the same, but challenge us a little bit further—

> and see whether we also in our day and generation may not perform something worthy to be remembered.

That is the creed of a conservationist, and I am a conservationist. It is significant to me, as I have listened to those from the Northwest and the Southwest discuss the merits and supposedly the demerits of this Colorado River Basin project, that no one has said there is not in the southwestern part of the United States a need for more water. So, if we begin by admitting that the southwestern part of the United States needs more water, what is there to argue about except how and when we are going to do it?

The gentleman from Florida [Mr. HALEY], said that the water available presently in the Colorado River, in the mainstream of the Colorado River, fell by 3½ million acre-feet per year, I believe the gentleman said, short of the present needs.

This occurs, I am told, because engineers years ago made a mistake—as engineers make, and as everybody makes—and overestimated the amount of water available for the southwestern part of the United States and Mexico through one agreement, one compact, one treaty or the other. But the fact is we have agreements, we have compacts, and we have treaties. If we admit that they need water, how do we fulfill our responsibility to those compacts, those agreements, and those treaties?

Would my friend from Florida like me to yield?

Mr. HALEY. Mr Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Chairman, I think the gentleman either misunderstood what I said or is misquoting what I said. The availability of the acre-feet of this water in the Colorado River was known as far back as 1906 and right up through 1967. I make the statement that the people who entered into this compact knew those figures and knew they were overapportioning the water that was in the river.

Mr. WAGGONNER. But if the gentleman will allow me to ask one question, he does not take the position there is not a shortage of water in the southwestern part of the United States?

Mr. HALEY. I do not. My main thrust or my main argument is that there is a water shortage. We are going to have to go somewhere to get it. Why not find out what it is going to cost to bring that water, because three and a half, or two and a half million acre-feet is not even going to begin to meet the needs of the southwestern part of the United States in a few years to come.

It will be closer to 8 million acre-feet, and the cost will be perhaps $25 billion or $30 billion.

Mr. WAGGONNER. I will speak to that in just a moment.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to the gentleman from Arizona.

Mr. RHODES of Arizona. Of course, what the gentleman from Florida stated is exactly our version of what title II would do. It would allow studies to be made to determine what the needs are, where the surpluses are, and where the augmentation would come from.

Mr. WAGGONNER. If we can agree here as Members of the House today that we need more water in the southwestern part of the United States—or, for that matter, anywhere in the United States—and we recognize that need, what obligation do we have to ourselves and to future generations? The answer is simple. We have the obligation to try to provide that necessity. Future generations will remember us for it. And, truthfully speaking, we would all support this project if we lived in this area.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. ASPINALL. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. WAGGONNER. Mr. Chairman, this project, the central Arizona project, I am told, is going to cost $779 million. Eighty-six percent of that will be repaid. The five projects in the upper reaches, in the upper basin, will cost $391 million. This is a lot of money but on the overall, 90 percent of this money is going to be repaid, not just 86 percent.

The overall cost-benefit ratio, within 50 years, for this project is 2.1 to 1, for future generations of Americans. There is not anything wrong with that.

Some people are trying to make a scapegoat of the people of Arizona. There are six other States involved, and they have some benefits to be accomplished from this project as well.

We have an obligation, whether we like it or not, to the Mexican people. We have entered into a treaty with Mexico, to be honored by the U.S. Government. We are a part of that treaty. We pledged them 1½ million acre-feet of water a year. I believe we ought to fulfill that obligation.

What else are we going to do other than to authorize the central Arizona project? We are merely going to authorize a feasibility study to see if other water is available and if we can bring more water in. If we can, we will determine from where and whether or not it, too will result in a cost-benefit ratio we can justify and live with. If we can, as the gentleman from Washington [Mr. FOLEY] suggested earlier, then I am sure the request will come back to this Congress to put up some money to bring that water in. If it has a favorable cost-benefit ratio and the shortage still exists, then I, as an interested American, interested in the future needs for water as well as the present-day needs, for all these United States, will support such a proposal.

But this legislation does not authorize anything except a study. The Congress, whether we are Members of it in future years or not, will make a determination then about whether we should go forward to augment the then existing supply.

I believe this project is just. It is fair. It is equitable. It needs and deserves our support.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. SAYLOR. I should like to have the attention of the gentleman from Louisiana. I should like to yield him 2 minutes, and I wish to tell him that I commend him for his statement on this bill.

I believe what the gentleman must understand is that everyone has said he is in favor of these projects. The only thing is that we are duplicating what is already in the law.

In the 89th Congress we passed the Water Resources Planning Act. There is already in existence a Commission which will do the work which is to be duplicated in this bill.

This is the objection of the people of the Pacific Northwest. This is the objection I have to the bill. It is not that the projects to be authorized would not do just what the gentleman said.

Mr. WAGGONNER. Would the gentleman answer a question for me?

The gentleman does not take the position, as some would like to indicate—and I do not believe any Member of the House believes—that this legislation actually would authorize the construction of any further addition to this project which is not included, after the feasibility study?

Mr. SAYLOR. That is correct.

Mr. WAGGONNER. Then can the gentleman tell me what there is to lose by a feasibility study and determining this? If we have a 3½ million acre-foot shortage of water in that part of the United States now, what is wrong with finding out whether a favorable cost-benefit ratio can be obtained and whether we can find water somewhere to help these people without depriving others.

Mr. SAYLOR. All I can say is that there is already in existence the mechanics to get just what they have asked for. This House has already passed and sent over to the Senate a National Water Commission bill.

If the Senate will just pass that, that will be another thing which would indicate that this is not needed.

Mr. WAGGONNER. But the gentleman will recall the debate when this commission was created and there was consideration given to that legislation at that time, here on the floor on that day, which pointed out the functions of that commission which could be in itself a duplication of the already existing water Resources Council. Is that correct?

Mr. SAYLOR. The gentleman is correct. The gentleman from Colorado is one of those who worked that out.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASPINALL. Mr. Chairman, I yield the gentleman 1 additional minute and ask the gentleman if he will yield to me.

Mr. WAGGONNER. I will be glad to yield to the chairman of the committee.

Mr. ASPINALL. Of course, this is not exactly directly in point, and I can tell my colleagues who have followed my recommendations and suggestions so many times in the past that the National Water Commission study bill will not do the job that this bill does, and neither does the act referred to by my good friend from Pennsylvania [Mr. SAYLOR]. This highlights the necessity for this particular study. That is the reason why it is placed in this legislation, so that we do not get lost in a maze of general activities of some of the other commissions.

Mr. WAGGONNER. I have to agree with the gentleman from Colorado in that respect.

Mr. ASPINALL. Thank you.

Mr. SAYLOR. Mr. Chairman, I yield 10 minutes to the gentleman from Idaho [Mr. McCLURE].

Mr. McCLURE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I take this time, not to repeat all of the arguments that have been made, but to underscore some of the arguments that have been made on the floor today. I will not open my remarks by making eulogies to our chairman and to the members of the committee, because it has been my experience in the short while that I have served here that those eulogies are followed by condemnations and generally you build up a man so you can let him down.

I think one thing that must be taken into consideration here, and which was totally missed in the last remarks made before this body, is the distinction between reconnaissance surveys and feasibility studies. This Congress and this committee from which this bill has come to the floor found that the authorizations and the practices being followed in making feasibility studies without prior authorization by the Congress were leading to unwise legislation and building up pressures here in this body when the study was brought forward to the committee and this body. Because of this the Bureau of the Budget and this committee, the Committee on Interior and Insular Affairs, have adopted the procedures which have been followed in every instance, to my knowledge, save this one, since they have been adopted, of requiring that the reconnaissance study be made first and then the Congress pass on that reconnaissance study and is asked to authorize a specific feasibility study. Why, then, are we departing from that sound plan in this instance? It has been suggested here this afternoon, only once to my knowledge, that we are duplicating the studies which will be required of the National Water Commission, an act which has already passed this House of Representatives. The National Water Commission is charged with the responsibility of looking at all of the water resources of this country, not just one area, one region, or just the relationship between two river basins. It is said that we are not pointing a finger at the Columbia River Basin, and this water augmentation for the Colorado River might come from weather modification, desalinization, and from the Missouri River or the Mississippi River or from Canada. If this is exactly what is meant by the people who have said that, then how can they say that the National Water Commission study is not necessary to put this into the context of the overall national needs for water in the future of this country? They say also that this is no threat to the Pacific Northwest and that there will be no demand made upon any river or any river basin which does not have a surplus of water. I call to the attention of my colleagues the fact that repeatedly out of the State of California we are faced with threats and continuing proposals are made to come to the State of Idaho and divert water from the Snake River Basin.

Mr. Chairman, the Snake River Basin is a potentially water-deficient area at the present time. We have within the Snake River Basin still to develop 6 million to 12 million acres of ground. In short water years there has been no water spilled past Milner Dam, the midpoint in that basin.

Mr. Chairman, faced with these threats and faced with this continuing pressure from people outside our basin aimed directly at a river which is already water short, how can we be asked to take on faith alone the fact that there will not be further threats made from other sources?

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from California.

Mr. HOSMER. This is not authorizing a study, but if the gentleman says there is not any water in his river, it is perfectly obvious that no one is going to get any water out of it.

Mr. McCLURE. Unless it may be the people of the State of California, because that has been the history in the past with reference to water resources.

Mr. HOSMER. This Columbia River is not the only place that is looked at. I think other rivers are looked at from the standpoint of possible water resource.

Mr. McCLURE. Mr. Chairman, I decline to yield further to the gentleman from California.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Chairman, is it not true that the objection in the Northwest goes not to studies as such, but rather to breaking of the tradition of the Interior Committee in and the Congress in not authorizing a feasibility study in advance of the completion of a preliminary reconnaissance study

Mr. McCLURE. That is correct.

Mr. FOLEY. Mr. Chairman, if the gentleman will yield further, is not the effect of authorizing a feasibility study prior to the reconnaissance study simply to deny the Members of Congress the benefit of this reconnaissance study conclusions before they vote on a costly feasibility proposal?

Mr. McCLURE. The gentleman's observation is correct. We have been assured that the language in the bill is a sufficient guarantee of rights, because the Governors have the right to veto such proposals I would point out the fact, however, that there cannot be any better guarantee to any State than a decree of the Supreme Court of the United States. If the decree won by the State of Arizona is not sufficient to protect them against the demands of another State, how can the language in this bill constitute such a guarantee?

Mr. FOLEY. Mr. Chairman, will the gentleman yield further?

Mr. McCLURE. I yield further to the gentleman from Washington.

Mr. FOLEY. I want to congratulate the gentleman in the well upon a very fine statement and a very accurate statement of the problems this conglomerate bill has raised. If he will bear with me further, I wish to inform the committee that when we reach the 5-minute rule I am going to offer an amendment to substitute a reconnaissance study for this feasibility study. I would like to have the attention of the gentleman from Arizona [Mr. RHODES] who asked me a few moments ago whether I would accept title II if the word "feasibility" were changed to the word "reconnaissance." As I have just said, I intend to offer such an amendment and I hope the gentleman from Arizona will support it. It will simply change the word from "feasibility" to "reconnaissance," but I will make a statement that if it is adopted then I shall support title II of the bill.

Mr. McCLURE. I thank the gentleman from Washington for his contribution and I would like to say that I will support that change also.

Mr. RHODES of Arizona. Mr. Chairman will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from Arizona.

Mr. RHODES of Arizona. I thank my good friend from Idaho for yielding. The process which the House must go through in order to authorize a feasibility report is to determine as best it can whether or not a project when it is authorized either has or appears to have some possibility that it will prove beneficial. This has already happened and this is not a suggestion to authorize a feasibility study. Therefore, I could not support the amendment which is proposed to be offered by the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, if the gentleman from Idaho will yield further, I am sorry that the gentleman cannot support my proposed amendment. I thought that was the burden of his question to me, in asking if I would agree to such an amendment.

Mr. McCLURE. I would like also to comment further on this particular feature written into the bill and which is similar to the story told of the gentleman working for a large corporation who was asked to donate to the Community Chest.

All of the people in that great corporation, save one, had made this donation, and the president of the corporation wanted to know why this one man was holding out, and he sent various people to persuade him to make the donation so the company could be 100 percent on the donation. The man was adamant, and again said, "No." Finally, the president called the man into his office and told him, "You will donate, or you will be fired." The fellow said, "Of course I will donate." The president said, "If you are going to donate now, why was it that you required me to call you in?" The man replied, "Well, I never had it explained to me so clearly before."

The people of Arizona are in that position today. They have never had the demands of the river explained to them so clearly as when California said, "If you want any more projects in Arizona, you will concede to us what you have won in the Supreme Court decision."

So they have, and so we may be faced with the same kind of threats in the future when it comes to the future development of the water resources and lands in the Northwest. The same kind of proposition is being suggested to us, "Will you concede? Will you knuckle under? Will you stand on your rights to veto the diversion at the expense of any future development within your States?"

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, I would like to commend the gentleman for the statement he has made, and to point out another example of the highhanded manner in which the folks from California have demanded prizes in this bill.

We set up a basin fund, and the committee in this session, on one day said that the funds should pay for that portion of the projects in Utah which could not be paid out of the farm development funds——

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. SAYLOR. Mr. Chairman, I yield 5 additional minutes to the gentleman from Idaho [Mr. McCLURE].

Mr. McCLURE. I thank the gentleman.

Mr. SAYLOR. If I may continue, the next day we reconsidered the act whereby we took it out, at the insistence of the Representative from California who insisted that the Dixie project and the projects in Utah be paid by the State of Arizona.

Mr. TUNNEY. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. If I have time I will be delighted to yield to the gentleman, after I have completed my remarks.

Mr. Chairman, I believe there is one other element that must be pointed out here, that there is a source of water in the States affected in the Colorado River Basin which has not been pointed to except in passing remarks. There is adequate water in northern California to meet the future requirements within the foreseeable future of the demands of southern California. This is water which is kept in the bank by the State of California for their future demands while they are looking outside to augment the supplies for the Colorado River Basin.

Mr. Chairman, I would like to touch briefly on the Mexican Water Treaty obligation, because it has been said here that this really does not change anything. I would like to repeat again what has been said, that if the language in this bill does not really mean anything, why, then, the insistence upon its inclusion? "Methinks thou dost protest too much."

Mr. Chairman, I would like to read to the Members the language of this bill exactly, in case anyone present has not done so.

Section 202, which appears on page 52 of the bill, says:

> The Congress declares that the satisfaction of the requirements of the Mexican Water Treaty from the Colorado River constitutes a national obligation—

While it is true that this bill does not require any immediate expenditure to satisfy that obligation, it does indeed constitute a blank check for the future. In the words of the gentleman from Arizona, as quoted by the gentleman from Pennsylvania, it "transfers" this obligation to the National Government, and it then becomes the responsibility of all 50 States to satisfy this obligation when, as, and if we find a means to do it.

I believe we need to look at the background for a moment, for those people who are not familiar with Western water law, that, generally speaking, waters which are not used are subject to appropriation by the first person who can put it to use.

The compact on the Colorado River has changed that by making a reservation for future use of the waters that are not now being used.

The Mexican Water Treaty is a recognition of this principle. It did not give Mexico something that Mexico did not have. It did not give Mexico something that the other States in the basin did not have. It was in recognition of an existing right, and now we are seeking to make this an obligation, not of the river—but of the United States generally.

I would again say that the compact recognized this in 1922. It was again recognized in the treaty discussions in 1944. It should again be recognized at this time.

A gentleman in one of the speeches earlier remarked about the fact that we have taken something away from Arizona and that we should pay them for it because we are not going to allow any dams to be built in the Grand Canyon and we should compensate the State of Arizona.

I wonder if this principle applies to my State where 3 million acres of the State of Idaho have been dedicated to wilderness uses. Is the State of Idaho to be compensated then for those 3 million acres?

In conclusion let me say, I want to make it clear, as has been stated repeatedly, that I, along with other members of the Northwest delegation, support the central Arizona project. We think Arizona is entitled to develop their water and their land as has been determined under the compact by the Supreme Court of the United States and that they should be permitted to do so. They are having to surrender rights which are theirs legally and morally, and which this legislation requires them to surrender.

I would like to conclude my remarks by stating at the conclusion rather than at the inception of my remarks that never has any committee been chaired in a more fair manner and by a more capable chairman than this great Committee on Interior and Insular Affairs. Certainly, as a freshman Member of the Congress, I would be remiss if I did not extend to the chairman my heartfelt gratitude for his generosity and fairness in the consideration of this bill.

Mr. HOSMER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOSMER. Mr. Chairman, there are misconceptions in the debate relative to the Water Resources Council and related matters that ought to be cleared up.

For instance, the claim that the provisions of title II, "Investigations and planning," duplicate existing authority given the Water Resources Council in the Water Resources Planning Act and the bills passed by both Houses of the Congress establishing a National Water Commission.

The minority states on pages 116–117 of its report that authority to study interbasin diversion of water already exists in the provisions of the Water Resources Planning Act—page 117—and quotes some irrelevant sections—the minority omits the key provision; for example, section 3(d) which prohibits the study of interbasin water transfers under the jurisdiction of more than one river basin commission or entity performing the function of a river basin commission. Since section 3(d) became law, the Water Resources Council has scrupulously interpreted that subsection as meaning not even reconnaissance study of interbasin transfers. An excellent case in point is guideline 3, page 3, of the Water Resources Council publication "Guidelines for Framework Studies, October 1967," which states:

> Framework studies will be concerned only with the *intraregional* water and related land resources and their uses. . . . (Emphasis supplied.)

NATIONAL WATER COMMISSION

The facts do not support the minority's claim that the National Water Commission will have the authority to make needed studies. First of all, time is of the essence and the establishment of the proposed Commission is proceeding at a snail's pace. A year ago, the House of Representatives passed a Commission bill with relatively minor differences from the Senate-passed version. No Senate-House conference has been called so there has been great trouble even launching this supposed cure-all study agency.

This delay is symptomatic of blue-ribbon commissions. The policy problems involved transcend all others. It is inconceivable that a seven-man Commission, with a life of 5 years, can do more than examine, on a broad-brush basis, fundamental nationwide water and related land resources problems. Such a Commission cannot make, or even hope to direct, studies of the type required to meet equitably the diverse challenges which stretch from one end of the country to the other. Not only are there the major western areas of deficient water resources—such as the Colorado River, Rio Grande, High Plains of Texas, and the Great Basin—there are very significant but different types of problems associated with water-rich areas in the West, such as the Columbia River, California's north coast, and the Missouri-Mississippi Rivers.

There are the multiple and unique problems in the Great Lakes area, the Northeast, and the Southeast. There are water quality problems nationwide. There is the competition between "wild rivers" and "wilderness areas" and conservation. There are many, many more water and related land resources problems. For the Southwest, Northwest, Northeast, Southeast, or any other region of the country to stop regional planning until a yet-to-be authorized National Water Commission finishes its report is tantamount to abdication of responsibility. The ideal solution is to have regional studies proceeding concurrently with the National Water Commission review, that way more data would be available to the Commission, and the Congress would be furnished with the report on national water policy which can be put to immediate use in appraising regional plans. The title II studies of a specific plan are scheduled for completion in 1975, which will enable full consideration of the Commission's report.

It also has been alleged that the Committee on Interior and Insular Affairs and the Congress do not have available the preliminary information and analysis to justify authorization of the study provisions of title II.

The facts are otherwise. These people reverse their field. Having said that title II was unnecessary because Congress has already provided study authority in other legislation, there is no rational basis for asserting that there is not enough information to justify the study authorization provisions in title II. The undisputed facts show the Southwest is facing a water problem rapidly approaching the crisis stage—manifestly a study is justified. A very large part of the four-volume set of hearings deal squarely with the critical water outlook in the Southwest.

It also has been said that the committee and the Congress do not have available the necessary information as to the costs of the studies authorized by title II.

The facts are otherwise on this point as well. On page 1400 of the House hearings on H.R. 4671—1966—the Department of the Interior furnished cost data for both the reconnaissance- and the feasibility-level studies. The reconnaissance study was estimated to cost about $4 million; the feasibility-level study from two to three times that amount.

We have also heard allegations that there is no emergency and no immediate water shortages which require or justify immediate and hurried approval of the provisions found in title II, and quoted is the fact that there will be a full water supply available for the central Arizona project until sometime during the decade 1985–95. This does not prove anything at all. The lapse of time between initiation of studies and delivery of water for major water projects invariably covers decades.

For example: First. The central Arizona project studies were initiated in 1945, and water will not be delivered before 1979, which is a lapse of time of 34 years. Adding 34 years to 1968 would result in a water delivery in year 2002, for an augmentation project 7 to 17 years too late to meet 1985–95 requirements.

Second. The California State water project studies were initiated in 1947, and water will be delivered to southern California in about 1972, an elapsed time of 25 years. Adding 25 years to 1968 would result in a water delivery in year 1993, barely before the 1995 date.

Even with title II studies being authorized this year, and the feasibility-level study being completed by 1975 as specified in title II, more than a decade will have been spent in making reports to the Congress. At that time, the augmentation studies will be at the stage the CAP studies were 17 years ago, and who can argue that Colorado River augmentation authorization will be less controversial than CAP. Clearly, there is no time to lose in getting meaningful studies underway.

There has also been loose talk that the committee's report does not make any reference to the estimated cost of augmenting the Colorado River by any of the alternatives mentioned in title II.

The answer to this one is simple. There are no reliable, comparable cost data on the alternatives. To get that data is the express purpose of title II. The committee rightfully refrained from prejudging or speculating on costs. If the studies show whether modification is reliable and less costly than other alternatives, the Southwest will welcome the news. The same is true if desalting appears to be the preferable source. The minority views miss the point. Alternative costs will not be ignored if title II studies are authorized, they will constitute the cornerstone of the studies. By quoting unsupported preliminary cost estimates the minority appears to be prejudging the results of yet to be undertaken studies.

At the time the Interior Department was assuming desalting costs may be reduced to 9.8 cents per 1,000 gallons in the next 25 years, the estimated costs for the Bolsa Island plant off the coast of southern California were being raised from 22 cents—1965 estimate—to 37 cents—1968 estimate.

Operational weather modification may be technically feasible by 1975, although there is no consensus on that, but even if that fortuitous circumstance happens, what are the legal implications of "milking" millions of acre-feet out of the skies to augment the flows of the Colorado River? What happens if droughts occur in nearby regions? Are there legal and financial responsibilities? What happens if floods should accompany weather modification, or if inclement weather adversely affects business? If all of the weather modification problems are solved by 1975, there will be no conflict with title II, because the feasibility report is due at the beginning of that year. Congress will be in the happy position of making an easy choice. If weather modification fails legally or technically, the Congress will have the necessary data to turn to some other solution.

Someone earlier complained that the Congress has reserved to itself the authorization of feasibility-level studies and that title II would permit the Secretary of the Interior to proceed directly from reconnaissance- to feasibility-level studies without affording a congressional review of the reconnaissance level studies. There is absolutely no wager about this whatsoever.

The reconnaissance reports will be available in 1973. The Congress can review them and stop the feasibility-level study at that time.

Mr. ASPINALL. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I want to say that all Members of the New Mexico delegation appreciate and support this legislation.

The people of southwestern New Mexico have been waiting for enactment of this legislation for a long time, some as long as 50 years.

We believe it is a sound proposal. Water in New Mexico and the rest of the arid Southwest is our most valuable resource. It is our life's blood, not only for the survival of game and fish, but for the survival of people, and industry and farming.

The New Mexico Wildlife and Conservation Association, the State's oldest conservationist association, held its meeting in Silver City last month, and for the second time in 2 years, endorsed this legislation as reported by the committee.

I greatly appreciate, and I know I speak for the people of New Mexico, particularly San Juan County, the inclusion of the Animas-La Plata project in H.R. 3300.

For many years, farmers and ranchers of San Juan County have been unable to use otherwise arable land because of lack of water, and full growth of some crops is not realized because of inadequate moisture.

Mr. ASPINALL. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Chairman, I am happy to urge the enactment of H.R. 3300. The enactment of this bill into law can go a long way toward helping the people of the Colorado River Basin resolve the problems created by rapid population growth and dwindling water supplies.

The city and county of Denver, which comprises the First Congressional District of Colorado, and which I have the privilege of representing derives a significant portion of its water supply from the major tributaries of the Colorado River. Because of its dependence upon that source, Denver is vitally concerned with any Federal legislation affecting the Colorado River.

I am especially interested in section 501(f). My concern over this provision stems from the fact that Green Mountain Reservoir is located on the Blue River, one of the major tributaries of the Colorado River from which the Denver metropolitan area now derives a part of its water supply. That area must necessarily look to this river for increasingly large amounts of its supply to support its future growth. Denver's rights to the use of this water, created by the people of Denver at a cost of more than $70 million, are closely tied in with the operation of Green Mountain Reservoir under Senate Document 80 by reason of the incorporation of certain provisions of that document in that decree of the U.S. District Court for the District of Colorado which defines the rights of both the United States and Denver in the Blue River.

Under the law, the definition of those rights by the court is simply a description of what Denver and the United States, as appropriators, did to create their respective rights. In describing the rights of the United States therefore, the court, rather than presuming to intrude upon the functions of Congress, merely copied the language of Senate Document No. 80 without interpreting it. Since question exists, not as to any court interpretation, but as to the Congress' purpose in creating Green Mountain Reservoir, it is appropriate that only Congress resolve any problem relating to this Federal property which may have arisen out of this congressional document.

In reporting on that problem, the Committee on Interior and Insular Affairs of this House, stated in its report on H.R. 3300—Report No. 1312, 90th Congress, second session—at pages 81 and 82:

> Subsection (f) has been included in the legislation in order to give congressional interpretation to the meaning of the words "any western slope appropriations" that appear in paragraph (i) of the section of Senate Document No. 80, 75th Congress, 1st session, entitled "Manner of Operation of Project Facilities and Auxiliary Features." The meaning of these words which this subsection approves is the same as that approved by the Colorado Water Conservation Board. The section of Senate Document No. 80 referred to provides for three principal water components of the Colorado-Big Thompson Federal reclamation project; namely, for diversion of water to the eastern slope of Colorado, for storage of replacement water, and for storage of water for use in western Colorado. The replacement water (52,000 acre-feet) and water for use in western Colorado (100,000 acre-feet) are stored in Green Mountain Reservoir in western Colorado.
>
> The last sentence of paragraph (g) of the particular section of Senate Document No. 80 in question says:
>
> "The 100,000 acre-feet of storage in said reservoir shall be considered to have the same date of priority of appropriation as that for water diverted or stored for transmountain diversion."
>
> This quoted sentence is subsequently qualified by paragraph (i) of the same section which, with reference to the Colorado River Compact, states, in part, as follows:
>
> "Notwithstanding the relative priorities specified in paragraph (g) herein, if an obligation is created under said compact to augment the supply of water from the State of Colorado to satisfy the provisions of said compact, the diversion for the benefit of the eastern slope shall be discontinued in advance of any western slope appropriations."
>
> The Committee was informed that there has been considerable misunderstanding within the State of Colorado as to the effect of the additional projects herein authorized when viewed in the light of the above quoted provisions of Senate Document No. 80. Although the misunderstandings may be less real than they appear, the Committee agrees to resolving the matter by approving the interpretation of the words "any western slope appropriations" to mean and refer to the appropriation heretofore made for storage in Green Mountain Reservoir on the western slope of Colorado. It is the view of the Committee that any other interpretation would interfere with water rights vested by law in prior appropriators, and that the approved interpretation defines and observes the purpose of said paragraph (i) of Senate Document No. 80, and does not, in any way, affect or alter any rights or obligations arising under Senate Document No. 80 or under the laws of the State of Colorado.

This matter concerning Senate Document No. 80 affects no other State than Colorado. If it did, as a Member of the National Congress, I would have to exercise my judgment, not only from the local viewpoint but from the viewpoint of national interest as well. Here I have no such problem; the State of Colorado has spoken officially through its water conservation board, its legislature, and its Governor who testified before the Subcommittee on Irrigation and Reclamation of the Committee on Interior and Insular Affairs of this House on May 8, 1966—page 1045 of serial No. 89–17, part II, hearings on the H.R. 4671 and similar bills, 89th Congress, second session. He said at that time:

> The current controversy concerns the meaning of the words "any western slope appropriations." It appears clear enough from the document that such words apply only to the priority of water in Green Mountain Reservoir for use in western Colorado, as set forth in paragraph (g). Any other interpretation would do violence to rights vested by law in prior appropriations. Since it is a congressional document which creates the problem, we feel that it is necessary to have the matter clarified by the Congress. It is not our intention that any rights in western Colorado to the use of water from Green Mountain Reservoir be diminished or impaired. We ask only that the intent of Senate Document No. 80 be observed by all parties.

Senate Document No. 80 grew out of negotiations between representatives of eastern and western Colorado during the time that I was the attorney general of Colorado. My recollection of the product of those negotiations agrees with the understanding of the intent of the parties which section 501(f) confirms.

I am glad to see that the other body concurred with the Colorado Governor's request by adopting an identical provision in its version of the Colorado River Basin project bill.

I, too, concur with this official State policy which determines that the development of water uses in western Colorado should not, by reason of this portion of Senate Document No. 80, jeopardize the existing and future economy of eastern Colorado which is also dependent upon the use of the waters of the Colorado River. With this clarifying language in the bill, I give my wholehearted support to its passage.

Mr. Chairman, I would like to direct a question to the chairman of the committee.

Do you understand that the effect of section 501(f) is to cast the burden of providing water for a Lee Ferry deficiency upon all the water rights on the Colorado River within Colorado in the order of their priority under State law?

Mr. ASPINALL. Yes, I do.

Mr. SAYLOR. Mr. Chairman, to show that the planning sections of this act are a duplication of already existing law, let me quote to you the provisions of that act relative to the duties of the Water Resources Council and the Federal projects procedures.

> SEC. 102. The Council shall—
>
> (a) maintain a continuing study, and prepare an assessment biennially, or at such less frequent intervals as the Council may determine, of the adequacy of supplies of water necessary to meet the water requirements in each water resource region in the United States and the national interest therein; and
>
> (b) maintain a continuing study of the relation of regional or river basin plans and programs to the requirements of larger regions of the Nation and of the adequacy of administrative and statutory means for the coordination of the water and related land resources policies and programs of the several Federal agencies; it shall appraise the adequacy of existing and proposed policies and programs to meet such requirements; and it shall make recommendations to the President with respect to Federal policies and programs.
>
> SEC. 103. The Council shall establish after such consultation with other interested entities, both Federal and non-Federal, as the Council may find appropriate, and with the approval of the President, principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects. Such procedures may include provision for Council revision of plans for Federal projects intended to be proposed in any plan or revision thereof being prepared by a river basin planning commission.

Mr. SAYLOR. Mr. Chairman, I wish to take the remaining time to commend the members of the Committee of the Whole House on the State of the Union for the debate which has taken place today. I believe that in the 19 years it has been my privilege to serve in this House I have never seen a finer example of the House of Representatives working at its best on a bill which is controversial, and a bill which is of tremendous interest not only to the people in the Colorado River Basin but to all the United States. The attitude of the proponents and the opponents has been in the highest and best tradition of the House of Representatives.

There has been no rancor, no bitterness or personalities injected into the debate. Those who represent other areas have carefully explained their reasons for opposition to the bill and the proponents have explained their reasons for the compromises that exist in the legislation.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Colorado.

Mr. ASPINALL. May I join in the gentleman's commendation of our colleagues in the House?

Mr. SAYLOR. I just hope with the same spirit the Members of the House will tomorrow morning have an opportunity to examine the record that has been made on the House floor today and will determine tomorrow that some of the amendments which we have proposed can be accepted—so that this legislation may become law.

Mr. ASPINALL. Mr. Chairman, I yield to the gentleman from California [Mr. VAN DEERLIN].

Mr. VAN DEERLIN. Mr. Chairman, coming, as I do, from the thirstiest end of California, it will occasion no surprise that I rise in support of the bill.

Mr. Chairman, all of us from the West have been waiting a long time for this day. H.R. 3300 would go far toward ending the disputes that have prevented full and efficient use of a great natural resource, the Colorado River.

The Interior Committee, under its able chairman, the distinguished gentleman from Colorado, is especially to be commended for giving us a bill that so carefully balances the interests of the States involved.

We Californians are delighted, of course, that the committee has seen fit to preserve our entitlement of 4.4 million acre-feet of water a year from the Colorado.

I shudder to think where we would be today without this river which furnishes

80 percent of all the water used by the 10 million people who live in Southern California. California has been taking around 5.1 million acre-feet a year, and our water experts tell us we could not live with less than the 4.4 million acre-feet specified in H.R. 3300.

This same allotment was specified in the Boulder Canyon Project Act of 1929. But California is a notably thirsty State. In our desire to anticipate the future needs of a very rapidly growing population, we built projects, at a cost of more than $600 million, that are intended to use 5.4 million acre-feet. We recognize, however, that our neighbor States also have a right to grow, and we accept the hard fact that we will eventually have to operate our expensive system at 1 million acre-feet below its design capacity.

I wish I could say that this spirit of cooperation extended to our good friends from the Pacific Northwest.

Unfortunately, many of them seem to regard the augmentation study recommended by the bill as the beginning of a plot to grab off their own water.

I must confess that I find it difficult to understand the logic of our colleagues from the Northwest, although I certainly sympathize with this desire to protect the rights of their own region and people.

But what are they worried about? If anything, they suffer from an overabundance of water. Compared with their big river, the Columbia, the Colorado is a mere stream. Some 140 million acre-feet of water gush through the Columbia each year—and most of them keep flowing right out into the Pacific. The annual flow of the Colorado—on which seven States depend—is in the neighborhood of 13 million acre-feet, less then one-tenth of what the Columbia produces.

My learned colleagues, BIZZ JOHNSON and CRAIG HOSMER, have summed up the situation very cogently by comparing the Colorado to the U.S. gold stock: both are woefully depleted and in urgent need of augmentation.

> To the 20 million people in the seven States served by the Colorado, water is gold—

Said Messrs. HOSMER and JOHNSON—

> But, water or gold, there isn't enough of it to cover a cow's knee by the time the Colorado reaches the Gulf of California.

In other words, the Colorado River Basin States, unlike their counterparts in the Northwest, simply cannot afford the luxury of waste.

And today's scarcity promises to become a critical shortage in the future—unless something can be done to replenish the Colorado.

H.R. 3300 would make up some of the deficiency by adding 2.5 million acre-feet a year to the river from some outside source. The bill does not say what this source, or sources, should be. Instead, it directs the Secretary of the Interior to study all possibilities and come up with a feasible plan by 1975. The possibilities include, but are not limited to, desalting, weather modification, or an interbasin transfer from a water surplus area, including northern California.

The Interior Secretary cannot, however, recommend an interbasin diversion unless the plan has been approved by the affected States. Once they have given their OK, areas of origin not only get full protection of existing uses but also recall of the water if it is needed later and development fund assistance.

I cannot see how this wise proposal, with its built-in protection for all 11 of the Western States, can be construed as a threat to anyone's water supplies.

Rather, it seems to me, the augmentation provision would tend to assure the orderly development of water resources throughout the West to the advantage of all the Western States, not just some of them.

Water does not recognize political boundaries—and we should not either, when we are handling legislation as comprehensive as this excellent bill.

I would urge our colleagues to think twice before voting to scuttle the augmentation section or any other provision of H.R. 3300. If we tamper with the bill here on the floor of the House, we could kill it in the process and all our States would be the losers.

Mr. ASPINALL. Mr. Chairman, I yield the balance of the time to the gentleman from California [Mr. HOLIFIELD].

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I am happy to yield to my colleague from California.

Mr. ROYBAL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYBAL. Mr. Chairman, my remarks will be brief in support of this bill to develop the Colorado River to meet the inevitable needs of growth.

I do support it and in doing so, I reflect the overwhelming sentiments of my constituents. Every communication from my home district in Los Angeles urges me to support this legislation as recommended by the House Interior and Insular Affairs Committee.

One of the most striking facts about the Colorado River is that the water it produces now is completely used up. For the past several years no useful water has been discharged to the Gulf of California. The relative trickle from the mouth of the Colorado River to the sea is too degraded by dissolved minerals for further use. Although this legislation contemplates an increase of demands upon the supply of water in the future I can support this bill because it also provides for a factfinding program to guide our future decisions about the best way to augment the water supply of this stream.

There is no hope for reduction of demand. No law exists to stop new settlers from moving into the arid Southwest where water from the Colorado River must be used to support them. Every index promises population growth in these areas and the only question is whether the growth will be just plain big, or even bigger. Translated into water requirements, this question becomes one of how much additional water will be required and where can it best be found and how best delivered.

In conversations with some of our colleagues, I have encountered some reservations about a provision of this Colorado River project legislation which assigns as a national obligation the cost of providing water to Mexico under the 1944 treaty. Speaking as a member of the Foreign Relations Committee who fully endorses the good neighbor policy, I have no such reluctance to endorse that provision. All treaties are national obligations.

When this particular agreement with Mexico was reached, many members of the other body voted against ratification because, among other inequities, it placed no obligation upon the citizens of the Nation as a whole to provide the required water which the United States promised to deliver annually. The treaty was approved, however, in spite of the anxiety of those who objected on behalf of the seven Southwestern States which depend upon the Colorado River. The million and a half acre-feet plus conveyance losses, which must be delivered yearly to Mexico fell by default as a burden upon only the citizens living on lands comprising the Colorado River Basin. Their protesting representatives were correct. The burden was not fairly shared.

I congratulate the members of the Interior and Insular Affairs Committee for the language in this bill which corrects the injustice. Cost of paying this debt to Mexico should be borne by all of us, not by just a few of us and, in this instance, a few least able to afford to do so.

At the moment, the distress is minimal because development of the Southwestern States is still in progress. But all the water of the river is now being used. What little flows to the Gulf of California is too saline for further service to either Americans or Mexicans. And both Americans and Mexicans are concerned, Mexicans about water quality and Americans about both quantity and quality.

Therefore, some kind of a meaningful augmentation program holds extra significance because of its great potential for good in our relations with Mexico. New water added to the Colorado River would serve primarily to alleviate the salinity problem south of the border. And, who knows, there might also be enough to provide Mexico with additional supplies.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I am happy to yield to my colleague from California.

Mr. JOHNSON of California. Mr. Chairman, awhile back in the debate reference was made to a letter received from the Honorable CARL HAYDEN, Senator from Arizona. I received a letter from that fine gentleman, Senator HAYDEN, and I think all of the letter should be made a part of the RECORD since only a part of it was quoted for the RECORD.

In the letter he addressed to me Senator HAYDEN said that H.R. 3300, as well as S. 1004, would provide the essential Arizona project. I do believe that he is in support of H.R. 3300 as it came from the committee and is authored by the chairman of our full committee, the gentleman from Colorado [Mr. Aspinall].

The letter is as follows:

U.S. Senate,
Washington, D.C., May 13, 1968.

Hon. Harold T. Johnson,
House of Representatives,
Washington, D.C.

Dear Biz: By now, every member of the Congress knows that the State of Arizona is in desperate need of supplemental water.

For over forty years, driven by necessity, plagued by frustration and sustained by hope, Arizona has worked hard to secure and use its share of Colorado River water. At times I have been called upon to lead that fight, just as I have supported many measures of resource development in every State in the Nation. It has become my fervent hope to see the passage of legislation which will make the Central Arizona Project a reality.

Three times the Senate has passed a bill to make that dream come true, but never, until this year, has the House of Representatives had the opportunity to vote on this legislation. Soon you will be voting on Chairman Aspinall's bill, H.R. 3300. While this bill differs in some respect from the Senate bill, S. 1004, either would authorize construction of an aqueduct from the Colorado River to bring water into central Arizona.

I hope that you will now support Arizona and that you will urge your colleagues to help in passing this legislation by the House of Representatives without crippling amendments.

Yours very sincerely,
Carl Hayden.

Mr. HOLIFIELD. Mr. Chairman, first I wish to thank the chairman of the full committee for yielding me some time. As a member of the 38-member California delegation, I want to say that we are unanimous in support of H.R. 3300. To us the river water of the Colorado is the lifeblood of our whole economy.

I wish to go back at this time to something that occurred when I was first a Member of the House, along in 1944 and 1945. At that time, in 1944, as I remember, the Mexico-United States Treaty was proposed, and in 1945 it was ratified. That treaty guaranteed 1½ million acre-feet of water to Mexico.

Before that time floods would devastate Mexico below the U.S. boundary, and they could never depend upon getting a crop, regardless of what it was. When the Hoover Dam was built, we had a means of controlling that water, and water that had been destructive became beneficial water, not only to the people of California but to the people of Mexico, because we could save them from the annual flooding which usually took place.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Colorado.

Mr. ASPINALL. Hoover Dam has been paid for by the consumers of the electric power that is generated by the Hoover Dam generating facilities, and those consumers live in California and Arizona; is that not correct?

Mr. HOLIFIELD. The gentleman is correct. The bulk of the power is bought by California. At that time we built an aqueduct with California funds—not with Federal funds—some 275 or 300 miles, which cost us at that time $500 million.

If that aqueduct had to be built today, it would probably cost a billion or a billion and a half. But we built that with our own funds and not with Federal funds, and it was paid for by the taxpayers of California in order to bring that lifegiving river water into southern California.

We have an annual rainfall of about 14 inches in southern California. That, of course, is the reason why we need the water.

The next reason is we have about 10 million people in that area. We have close to 19 million people in California. We might say that from almost the northern part of California down through the southern part, we need the lifegiving water that flows through the rivers of California and flows through the aqueduct into California.

Back to the treaty, the testimony at that time before the Foreign Relations Committee of the Senate, from the experts and from the State Department, was that there was something like 18,400,000 acre-feet in the Colorado River flow. They did not have the means of measuring water as accurately then as they do now, and there may have been some decrease in the flow of the river in the meantime due to weather variance.

However, the million and a half acre-feet was given to Mexico on the basis that it was being given out of surplus, over and above the 15 million acre-feet committed to northern and southern basin States. We were giving them something out of surplus, we thought, and the State Department so testified, and the experts who came before us so testified.

This was for the benefit of Mexico in an international treaty. It was not for the benefit of the people of California, or the people of Colorado, or of the other Colorado Basin States. This was an international treaty of comity between two nations, but hooked in with that was also the Rio Grande River treaty of flood control and division of water between Mexico and the United States.

Something has been said here that it was not a national obligation, that a treaty is not a national obligation.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I think it well to point out just what the gentleman said, that when they made the treaty what they were talking about was water that was going into Mexico anyway, but it turns out it was water that was not going to go to Mexico at all, and it has to come out of somebody's field and somebody's factory and somebody's home.

Mr. HOLIFIELD. That is correct. Let me stress that part of the treaty was the Rio Grande water control and distribution. Here again the Federal Government came in and built two dams, at Federal expense and not at the expense of the people of Texas. The National Government took over that, thereby proving it was the national obligation. We built those two dams in order to control the waters of the Rio Grande and divert the water to Mexico that should go to Mexico and the water to Texas that should go to Texas.

Now, is this diversion of water to Mexico from the Colorado River a national obligation or is it an obligation that should be assessed against the basin States, north and south? In 1965 we came on this floor with legislation which was in effect a modification of that treaty for improving the quality of the water. The quantity was not in question. We were giving them some 1,500,000 acre-feet, but it had become too salty due to the situation on the Colorado, so the Federal Government again, in an agreement with Mexico, came to the Congress for Federal funds to modify that treaty, and we spent approximately $30 million to $40 million making diversion canals around the Morales Dam to bring sweet water in to protect Mexico from water that had become too saline.

There is adequate proof, in my opinion, that it is a national obligation. It was done for a national purpose, and the National Government stood behind its responsibility in that treaty and paid for the diversion canals—some $30 to $40 million.

It was a mistake on the part of the experts before the Senate Foreign Relations Committee when they said there was 18,400,000 acre-feet in that river. Should we, the seven member States of the Colorado Basin, bear that mistake, which was made in testimony by the State Department, or should the Nation as a whole bear the cost of that mistake? The effect of that mistake is redounding upon the States that are involved in the Colorado Basin, because we find we have a scarcity of water which was not foreseen or forecast or estimated at the time of the treaty.

Let me call to the attention of the Members of the Northwestern States of Washington and Oregon the fact that they are benefiting from the Canadian Treaty by the expenditure of millions of Federal dollars to bring water down from Canada into the Bonneville system, which makes kilowatts that will go as far south as Los Angeles eventually through the Northwest-Southwest intertie.

It was the Federal Government which took over the obligation of that treaty, and it was the Federal Government which built the canals to bring the 20 million acre-feet into the Bonneville system from Canada. So I say to the people of the Northwest, they are benefiting from a treaty made between Canada and the United States.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. No. The gentleman has had a lot of time and I have had little. I ask the gentleman to bear with me. I know he does not like to hear these facts, but they are facts, and he knows it.

I believe the point that the Colorado River Basin States should bear a national treaty impact, because of a mistake in testimony and a mistake in estimates which was made, would be an equitable arrangement in line with many national treaty precedents.

Do we want any State involved in any international treaty with any nation to bear the impact, good or bad, of that treaty? Of course not. A treaty is a national obligation between two sovereign nations. It is not to be borne by any section, by any State, by any county or by any city in the United States.

If there be deleterious effects upon a State, that State should be made whole, because the treaty which was made, was made for the benefit of all the people of the United States and not for the people of a certain area of the United States, although the water in this instance had to come from a river which drains seven of these States. Nevertheless, if an impact which is deleterious on those States occurs as a result of a national treaty, I say it is just simple equity that the Nation itself bear that cost, and not the six States, one State, two States, or three States pay for the impact of a national treaty.

This is an important thing I want to say, because the point has been repeatedly made that we are doing something very devious in asking that the United States bear the cost and the obligation and the burden of an international treaty. In my opinion, that is a completely fallacious position to take. We have precedent after precedent. If Members will read the report, pages 47 to 51, they will find a number of those precedents where the Nation picked up the tab. That is all we ask, simple equity to the seven States in the region who have long worked to get an agreement and a piece of legislation which will help us on the distribution of the water, on the preservation of the water, and the restoration to that basin of waters which were taken by mistake in an international treaty.

So I say that we have a good cause. I hope the Members of the House who are not on the floor will read my words and will remember that we seek to help an area of the United States which represents 13 percent of the population.

I would say to my friends from the Northwest, from Oregon and Washington, there are some 31 million people in these seven States. There are about 6 million people in the States of Idaho, Oregon, and Washington. I would say the greatest market they have are the people of California, who buy the apples of Washington and the lumber of Washington and the potatoes of Idaho and the other products of that area. It is their natural market. That market is growing. It will continue to absorb the products of those States.

Let us look at this as a regional problem, a problem whereby the whole region will profit from its solution. You sell your potatoes and apples and lumber to Californians. We buy them. We have to have water to drink or we cannot live there, and we cannot build our houses, and we cannot eat your food. So let us try to look at this thing for one moment on the basis of regional prosperity, for without regional prosperity, Washington, Oregon, and Idaho cannot have prosperity, either.

If we work together on this, without detriment, because there are plenty of safeguards in the legislation to keep away any detrimental diversion of water from the States in the North, we can solve this problem. We do not say in this legislation that there will be diversion, but we say that the study will take into consideration desalting, in which I am very much interested, recovery of waste water from all sources, and weather modification as well as importation.

This bill provides that we make a study and then that the recommendations will come back to this committee. Then this committee, as it sees fit, will make whatever recommendations it determines are necessary from this feasibility study. This then comes back to the Congress, and then the Congress has the final word as to whether we shall authorize and appropriate for these items that are recommended by the study and which survives the regular committee process of authorization and appropriation.

The **CHAIRMAN.** The time of the gentleman from California has expired. All time has expired.

Pursuant to the rule, the Clerk will read the committee substitute amendment printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—COLORADO RIVER BASIN PROJECT: OBJECTIVES

SEC. 101. That this Act may be cited as the "Colorado River Basin Project Act".

SEC. 102. (a) It is the object of this Act to provide a program for the further comprehensive development of the water resources of the Colorado River Basin and for the provision of additional and adequate water supplies for use in the upper as well as in the lower Colorado River Basin. This program is declared to be for the purposes, among others, of regulating the flow of the Colorado River; controlling floods; improving navigation; providing for the storage and delivery of the waters of the Colorado River for reclamation of lands, including supplemental water supplies, and for municipal, industrial, and other beneficial purposes; improving water quality; providing for basic public outdoor recreation facilities; improving conditions for fish and wildlife, and the generation and sale of electrical power as an incident of the foregoing purposes.

(b) It is the policy of the Congress that the Secretary of the Interior (hereinafter referred to as the "Secretary") shall continue to develop, after consultation with affected States and appropriate Federal agencies, a regional water plan, consistent with the provisions of this Act and with future authorizations, to serve as the framework under which projects in the Colorado River Basin may be coordinated and constructed with proper timing to the end that an adequate supply of water may be made available for such projects, whether heretofore, herein, or hereafter authorized.

TITLE II—INVESTIGATIONS AND PLANNING

SEC. 201. (a) The Water Resources Council, acting in accordance with the procedure prescribed in section 103 of the Water Resources Planning Act (79 Stat. 244), shall within one year following the effective date of this Act establish principles, standards, and procedures for the program of investigations and submittal of plans and reports authorized by this title. The Secretary, in conformity with the principles, standards, and procedures so established, is authorized and directed to—

(1) prepare estimates of the long-range water supply available for consumptive use in the Colorado River Basin, of current water requirements therein, and of the rate of growth of water requirements therein to at least the year 2030;

(2) investigate and recommend sources and means of supplying water to meet the current and anticipated water requirements of the Colorado River Basin, either directly or by exchange, including reductions in losses, importations from sources outside the natural drainage basin of the Colorado River system, desalination, weather modification, and other means: *Provided*, That the Secretary shall not, under the authority of this clause or anything in this Act contained, make any recommendation for importing water into the Colorado River system from other river basins without the approval of those States which will be affected by such exportation, said approval to be obtained in a manner consistent with the procedure and criteria established by section 1 of the Flood Control Act of 1944 (58 Stat. 887);

(3) undertake investigations, in cooperation with other concerned agencies, of means for maintaining an adequate water quality throughout the Colorado River Basin;

(4) investigate means of providing for prudent water conservation practices to permit maximum beneficial utilization of available water supplies in the Colorado River Basin;

(5) investigate and prepare estimates of the long-range water supply in States and areas from which water could be imported into the Colorado River system, together with estimates and plans to satisfy the probable ultimate requirements for water within such States and areas of origin for all purposes, including but not limited to consumptive use, navigation, river regulation, power, enhancement of fishery resources, pollution control, and disposal of wastes to the ocean, and estimates of the quantities of water, if any, that will be available in excess of such requirements.

(b) The Secretary is authorized and directed to prepare reconnaissance reports covering the matters set out in subsection (a) of this section, and such reports shall be submitted to the President and to the Congress not later than Jan. 30, 1973, and, as revised and updated, every five years thereafter. For the purpose of providing for the repayment of the reimbursable costs of any projects covered by such reports, the Secretary shall take into account such assistance as may be available to the States of the Upper Division from the Upper Colorado River Basin Fund (70 Stat. 107), and to the States of the Lower Division from the development fund established by section 403 of this Act.

(c) On the basis of the investigations and studies performed pursuant to this section, and subject to the provision of subsection (a)(2) and section 203 hereof, the Secretary shall prepare a feasibility report on a plan which shows the most economical means of augmenting the water supply available in the Colorado River below Lee Ferry by two and one-half million acre-feet annually. The recommended plan may include the construction of works and facilities by such successive stages as are estimated to be necessary to alleviate critical water shortages as they occur. The report prepared pursuant to this subsection, along with comments of the affected States and appropriate Federal agencies thereon, shall be submitted to the Congress on or before January 1, 1975.

SEC. 202. The Congress declares that the satisfaction of the requirements of the Mexican Water Treaty from the Colorado River constitutes a national obligation which shall be the first obligation of any water augmentation project planned pursuant to section 201 of this Act and authorized by the Congress. Accordingly, the States of the Upper Division (Colorado, New Mexico, Utah, and Wyoming) and the States of the Lower Division (Arizona, California, and Nevada) shall be relieved from all obligations which may have been imposed upon them by article III(c) of the Colorado River Compact so long as the Secretary shall determine and proclaim that means are available and in operation which augment the water supply of the Colorado River system in such quantity as to satisfy the requirements of the Mexican

Water Treaty together with any losses of water associated with the performance of that treaty.

Sec. 203. (a) In the event that the Secretary shall, pursuant to section 201(a)(2) and 201(c), plan works to import water into the Colorado River system from sources outside the natural drainage areas of the system, he shall make provision for adequate and equitable protection of the interests of the States and areas of origin, including assistance from funds specified in section 201(b) of this Act, to the end that water supplies may be available for use in such States and areas of origin adequate to satisfy their ultimate requirements at prices to users not adversely affected by the exportation of water to the Colorado River system.

(b) All requirements, present or future, for water within any State lying wholly or in part within the drainage area of any river basin from which water is exported by works planned pursuant to this Act shall have a priority of right in perpetuity to the use of the waters of that river basin, for all purposes, as against the uses of the water delivered by means of such exportation works, unless otherwise provided by interstate agreement.

Sec. 204. The Secretary shall submit annually to the President and the Congress reports covering progress on the investigations and reports authorized by this title.

Sec. 205. There are hereby authorized to be appropriated such sums as are required to carry out the purposes of this title.

TITLE III—AUTHORIZED UNITS: PROTECTION OF EXISTING USES

Sec. 301. (a) For the purposes of furnishing irrigation water and municipal water supplies to the water-deficient areas of Arizona and western New Mexico through direct diversion or exchange of water, control of floods, conservation and development of fish and wildlife resources, enhancement of recreation opportunities, and for other purposes, the Secretary shall construct, operate, and maintain the Central Arizona Project, consisting of the following principal works: (1) a system of main conduits and canals, including a main canal and pumping plants (Granite Reef aqueduct and pumping plants), for diverting and carrying water from Lake Havasu to Orme Dam or suitable alternative, which system shall have a capacity of not to exceed two thousand five hundred cubic feet per second; (2) Orme Dam and Reservoir and power-pumping plant or suitable alternative; (3) Buttes Dam and Reservoir, which shall be so operated as not to prejudice the rights of any user in and to the waters of the Gila River as those rights are set forth in the decree entered by the United States District Court for the District of Arizona on June 29, 1935, in United States against Gila Valley Irrigation District and others (Globe Equity Numbered 59); (4) Hooker Dam and Reservoir or suitable alternative, which shall be constructed in such a manner as to give effect to the provisions of subsection (f) of section 304; (5) Charleston Dam and Reservoir; (6) Tucson aqueducts and pumping plants; (7) Salt-Gila aqueduct; (8) related canals, regulating facilities, hydroelectric powerplants, and electrical transmission facilities required for the operation of said principal works; (9) related water distribution and drainage works; and (10) appurtenant works.

(b) Article II(B)(3) of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340) shall be so administered that in any year in which, as determined by the Secretary, there is insufficient main stream Colorado River water available for release to satisfy annual consumptive use of seven million five hundred thousand acre-feet in Arizona, California, and Nevada, diversions from the main stream for the Central Arizona Project shall be so limited as to assure the availability of water in quantities sufficient to provide for the aggregate annual consumptive use by holders of present perfected rights, by other users in the State of California served under existing contracts with the United States by diversion works heretofore constructed, and by other existing Federal reservations in that State, of four million four hundred thousand acre-feet of mainstream water, and by users of the same character in Arizona and Nevada. Water users in the State of Nevada shall not be required to bear shortages in any proportion greater than would have been imposed in the absence of this subsection 301(b). This subsection shall not affect the relative priorities, among themselves, of water users in Arizona, Nevada, and California which are senior to diversions for the Central Arizona Project, or amend any provisions of said decree.

(c) The limitation stated in subsection (b) of this section shall not apply so long as the Secretary shall determine and proclaim that means are available and in operation which augment the water supply of the Colorado River system in such quantity as to make sufficient mainstream water available for release to satisfy annual consumptive use of seven million five hundred thousand acre-feet in Arizona, California, and Nevada.

Sec. 302. (a) The Secretary shall designate the lands of the Salt River Pima-Maricopa Indian Community, Arizona, and the Fort McDowell-Apache Indian Community, Arizona, or interests therein, and any allotted lands or interests therein within said communities which he determines are necessary for use and occupancy by the United States for the construction, operation, and maintenance of Orme Dam and Reservoir, or alternative. The Secretary shall offer to pay the fair market value of the lands and interests designated, inclusive of improvements. In addition, the Secretary shall offer to pay toward the cost of relocating or replacing such improvements not to exceed $500,000 in the aggregate, and the amount offered for the actual relocation or replacement of a residence shall not exceed the difference between the fair market value of the residence and $8,000. Each community and each affected allottee shall have six months in which to accept or reject the Secretary's offer. If the Secretary's offer is rejected, the United States may proceed to acquire the property interests involved through eminent domain proceedings in the United States District Court for the District of Arizona under 40 U.S.C., sections 257 and 258a. Upon acceptance in writing of the Secretary's offer, or upon the filing of a declaration of taking in eminent domain proceedings, title to the lands or interests involved, and the right to possession thereof, shall vest in the United States. Upon a determination by the Secretary that all or any part of such lands or interests are no longer necessary for the purpose for which acquired, title to such lands or interests shall be restored to the appropriate community.

(b) Title to any land or easement acquired pursuant to this section shall be subject to the right of the former owner to use or lease the land for purposes not inconsistent with the construction, operation, and maintenance of the project, as determined by, and under terms and conditions prescribed by, the Secretary. Such right shall include the right to extract and dispose of minerals. The determination of fair market value under subsection (a) shall reflect the right to extract and dispose of minerals but not the other uses permitted by this subsection.

(c) In view of the fact that a substantial portion of the lands of the Fort McDowell Mohave-Apache Indian Community will be required for Orme Dam and Reservoir, or alternative, the Secretary shall, in addition to the compensation provided for in subsection (a) of this section, designate and add to the Fort McDowell Indian Reservation twenty-five hundred acres of suitable lands in the vicinity of the reservation that are under the jurisdiction of the Department of the Interior in township 4 north, range 7 east; township 5 north, range 7 east; and township 3 north, range 7 east, Gila and Salt River base meridian, Arizona. Title to lands so added to the reservation shall be held by the United States in trust for the Fort McDowell Mohave-Apache Indian Community.

(d) Each community may, pursuant to an agreement with the Secretary, develop and operate recreational facilities along the part of the shoreline of the Orme Reservoir located on or adjacent to its reservation, including land added to the Fort McDowell Reservation as provided in subsection (b) of this section, subject to rules and regulations prescribed by the Secretary governing the recreation development of the reservoir. Recreation development of the entire reservoir and federally owned lands under the jurisdiction of the Secretary adjacent thereto shall be in accordance with a master recreation plan approved by the Secretary. Each community and the members thereof shall have nonexclusive personal rights to hunt and fish on the reservoir, to the same extent they are now authorized to hunt and fish, without charge, but shall have no right to exclude others from the reservoir except by control of access through their reservations, or any right to require payments by the public except for the use of community lands or facilities.

(e) All funds paid pursuant to this section, and any per capita distribution thereof, shall be exempt from all forms of State and Federal income taxes.

Sec. 303. (a) The Secretary is authorized and directed to continue to a conclusion appropriate engineering and economic studies and to recommend the most feasible plan for the construction and operation of hydroelectric generating and transmission facilities, the purchase of electrical energy, the purchase of entitlement to electrical plant capacity, or any combination thereof, including participation, operation, or construction by non-Federal entities, for the purpose of supplying the power requirements of the Central Arizona Project and augmenting the Lower Colorado River Basin Fund: *Provided*, That nothing in this section or in this Act contained shall be construed to authorize the study or construction of any dams on the main stream of the Colorado River between Hoover Dam and Glen Canyon Dam.

(b) If included as a part of the recommended plan, the Secretary may enter into an agreement with non-Federal interests proposing to construct a thermal generating powerplant whereby the United States shall acquire the right to such portion of the capacity of such plant, including delivery of power and energy over appurtenant transmission facilities to mutually agreed upon delivery points, as he determines is required in connection with the operation of the Central Arizona Project. When not required for the Central Arizona Project, the power and energy acquired by such agreement may be disposed of intermittently by the Secretary for other purposes at such prices as he may determine, including its marketing in conjunction with the sale of power and energy from Federal powerplants in the Colorado River system so as to produce the greatest practicable amount of power and energy that can be sold at firm power and energy rates. The agreement shall provide, among other things, that—

(1) the United States shall pay not more than that portion of the total construction cost, exclusive of interest during construction, of the powerplant, and of any switchyards and transmission facilities serving the United States, as is represented by the ratios of the respective capacities to be provided for the United States therein to the total capacities of such facilities. The Secretary shall make the Federal portion of such costs available to the non-Federal interests during the construction period, including the period of

preparation of designs and specifications, in such installments as will facilitate a timely construction schedule, but no funds other than for preconstruction activities shall be made available by the Secretary until he determines that adequate contracts have been entered into between all the affected parties covering land, water, fuel supplies, power (its availability and use), rights-of-way, transmission facilities and all other necessary matters for the thermal generating powerplant;

(2) annual operation and maintenance costs, including provisions for depreciation (except as to depreciation on the pro rata share of the construction cost borne by the United States in accordance with the foregoing clause (1)), shall be apportioned between the United States and the non-Federal interests on an equitable basis taking into account the ratios determined in accordance with the foregoing clause (1);

(3) the United States shall be given appropriate credit for any interests in Federal lands administered by the Department of the Interior that are made available for the powerplant and appurtenances;

(4) costs to be borne by the United States under clauses (1) and (2) shall not include (a) interest and interest during construction, (b) financing charges, (c) franchise fees, and (d) such other costs as shall be specified in the agreement.

(c) No later than one year from the effective date of this Act, the Secretary shall submit his recommended plan to the Congress. Except as authorized by subsection (b) of this section, such plan shall not become effective until approved by the Congress.

(d) If the thermal generating plant referred to in subsection (b) of this section is located in Arizona, and if it is served by water diverted from the drainage area of the Colorado River system above Lee Ferry, other provisions of existing law to the contrary notwithstanding, such consumptive use of water shall be a part of the fifty thousand acre-feet per annum apportioned to the State of Arizona by article III (a) of the Upper Colorado River Basin Compact (63 Stat. 31).

SEC. 304. (a) Unless and until otherwise provided by Congress, water from the Central Arizona Project shall not be made available directly or indirectly for the irrigation of lands not having a recent irrigation history as determined by the Secretary, except in the case of Indian lands, national wildlife refuges and, with the approval of the Secretary, State-administered wildlife management areas.

(b)(1) Irrigation and municipal and industrial under supply under the Central Arizona Project within the State of Arizona may, in the event the Secretary determines that it is necessary to effect repayment, be pursuant to master contracts with organizations which have power to levy assessments against all taxable real property within their boundaries. The terms and conditions of contracts or other arrangements whereby each such organization makes water from the Central Arizona Project available to users within its boundaries shall be subject to the Secretary's approval, and the United States shall if the Secretary determines such action is desirable to facilitate carrying out the provisions of this Act, have the right to require that it be a party to such contracts or that contracts subsidiary to the master contracts be entered into between the United States and any user. The provisions of this clause (1) shall not apply to the supplying of water to an Indian tribe for use within the boundaries of an Indian reservation.

(2) Any obligation assumed pursuant to section 9(d) of the Reclamation Project Act of 1939 (43 U.S.C. 485h (d)) with respect to any project contract unit or irrigation block shall be repaid over a basic period of not more than fifty years; any water service provided pursuant to section 9(e) of the Reclamation Project Act of 1939 (43 U.S.C. 485h (e)) may be on the basis of delivery of water for a period of fifty years and for the delivery of such water at an identical price per acre-foot for water of the same class at the several points of delivery from the main canals and conduits and from such other points of delivery as the Secretary may designate; and long-term contracts relating to irrigation water supply shall provide that water made available thereunder may be made available by the Secretary for municipal or industrial purposes if and to the extent that such water is not required by the contractor for irrigation purposes.

(3) Contracts relating to municipal and industrial water supply under the Central Arizona Project may be made without regard to the limitations of the last sentence of section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); may provide for the delivery of such water at an identical price per acre-foot for water of the same class at the several points of delivery from the main canals and conduits; and may provide for repayment over a period of fifty years if made pursuant to clause (1) of said section and for the delivery of water over a period of fifty years if made pursuant to clause (2) thereof.

(c) Each contract under which water is provided under the Central Arizona Project shall require that (1) there be in effect measures, adequate in the judgment of the Secretary, to control expansion of irrigation from aquifers affected by irrigation in the contract service area; (2) the canals and distribution systems through which water is conveyed after its delivery by the United States to the contractors shall be provided and maintained with linings adequate in his judgment to prevent excessive conveyance losses; and (3) neither the contractor nor the Secretary shall pump or permit others to pump ground water from within the exterior boundaries of the service area of a contractor receiving water from the Central Arizona Project for any use outside said contractor's service area unless the Secretary and such contractor shall agree, or shall have previously agreed, that a surplus of ground water exists and that drainage is or was required. Such contracts shall be subordinate at all times to the satisfaction of all existing contracts between the Secretary and users in Arizona heretofore made pursuant to the Boulder Canyon Project Act (45 Stat. 1057).

(d) The Secretary may require in any contract under which water is provided from the Central Arizona Project that the Contractor agree to accept mainstream water in exchange for or in replacement of existing supplies from sources other than the main stream. The Secretary shall so require in the case of users in Arizona who also use water from the Gila River system to the extent necessary to make available to users of water from the Gila River system in New Mexico additional quantities of water as provided in and under the conditions specified in subsection (f) of this section: *Provided*, That such exchanges and replacements shall be accomplished without economic injury or cost to such Arizona contractors.

(e) In times of shortage or reduction of mainstream Colorado River water for the Central Arizona Project, as determined by the Secretary, users which have yielded water from other sources in exchange for main stream water supplied by that project shall have a first priority to receive mainstream water, as against other users supplied by that project which have not so yielded water from other sources, but only in quantities adequate to replace the water so yielded.

(f) (1) In the operation of the Central Arizona Project, the Secretary shall offer to contract with water users in New Mexico for water from the Gila River, its tributaries and underground water sources in amounts that will permit consumptive uses of water in New Mexico of not to exceed an annual average in any period of ten consecutive years of eighteen thousand acre-feet, including reservoir evaporation, over and above the consumptive uses provided for by article IV of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340). Such increased consumptive uses shall not begin until, and shall continue only so long as, delivery of Colorado River water to downstream Gila River users in Arizona is being accomplished in accordance with this Act, in quantities sufficient to replace any diminution of their supply resulting from such diversions from the Gila River, its tributaries and underground water sources. In determining the amount required for this purpose full consideration shall be given to any differences in the quality of the waters involved.

(2) The Secretary shall further offer to contract with water users in New Mexico for water from the Gila River, its tributaries, and underground water sources in amounts that will permit consumptive uses of water in New Mexico of not to exceed an annual average in any period of ten consecutive years of an additional thirty thousand acre-feet, including reservoir evaporation. Such further increases in consumptive use shall not begin until, and shall continue only so long as, works capable of augmenting the water supply of the Colorado River system have been completed and water sufficiently in excess of two million eight hundred thousand acre-feet per annum is available from the main stream of the Colorado River for consumptive use in Arizona to provide water for the exchanges herein authorized and provided. In determining the amount required for this purpose full consideration shall be given to any differences in the quality of the waters involved.

(3) All additional consumptive uses provided for in clauses (1) and (2) of this subsection shall be subject to all rights in New Mexico and Arizona as established by the decree entered by the United States District Court for the District of Arizona on June 29, 1935, in United States against Gila Valley Irrigation District and others (Globe Equity Numbered 59) and to all other rights existing on the effective date of this Act in New Mexico and Arizona to water from the Gila River, its tributaries, and underground water sources and shall be junior thereto and shall be made only to the extent possible without economic injury or cost to the holders of such rights.

SEC. 305. To the extent that the flow of the mainstream of the Colorado River is augmented in order to make sufficient water available for release, as determined by the Secretary pursuant to article II(b)(1) of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340), to satisfy annual consumptive use of two million eight hundred thousand acre-feet in Arizona, four million four hundred thousand acre-feet in California, and three hundred thousand acre-feet in Nevada, respectively, the Secretary shall make such water available to users of mainstream water in those States at the same costs (to the extent that such costs can be made comparable through the nonreimbursable allocation to the replenishment of the deficiencies occasioned by satisfaction of the Mexican Treaty burden as herein provided and financial assistance from the development fund established by section 403 of this Act) and on the same terms as would be applicable if mainstream water were available for release in the quantities required to supply such consumptive use.

SEC. 306. The Secretary shall undertake programs for water salvage and ground water recovery along and adjacent to the mainstream of the Colorado River. Such programs shall be consistent with maintenance of a reasonable degree of undisturbed habitat for fish and wildlife in the area, as determined by the Secretary.

SEC. 307. The Dixie Project, heretofore authorized in the State of Utah, is hereby reauthorized for construction at the site determined feasible by the Secretary, and the Secretary shall integrate such project into the repayment arrangement and participation in the Lower Colorado River Basin Development Fund established by title IV of this Act consistent with the provisions of the Act: *Provided*, That section 8 of Public Law 88–565 (78 Stat. 848) is hereby amended by deleting the figure "$42,700, 000" and inserting in lieu thereof the figure "$58,000,000".

SEC. 308. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the project works authorized pursuant to this title shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213), except as provided in section 302 of this Act.

SEC. 309. (a) There is hereby authorized to be appropriated for construction of the Central Arizona Project, including prepayment for power generation and transmission facilities but exclusive of distribution and drainage facilities for non-Indian lands, $779,000,000 plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved here and, in addition thereto, such sums as may be required for operation and maintenance of the project.

(b) There is also authorized to be appropriated $100,000,000 for construction of distribution and drainage facilities for non-Indian lands. Notwithstanding the provisions of section 403 of this Act, neither appropriations made pursuant to the authorization contained in this subsection (b) nor revenues collected in connection with the operation of such facilities shall be credited to the Lower Colorado River Basin Development Fund and payments shall not be made from that fund to the general fund of the Treasury to return any part of the costs of construction, operation, and maintenance of such facilities.

TITLE IV—LOWER COLORADO RIVER BASIN DEVELOPMENT FUND: ALLOCATION AND REPAYMENT OF COSTS: CONTRACTS

SEC. 401. Upon completion of each lower basin unit of the project herein or hereafter authorized, or separate feature thereof, the Secretary shall allocate the total costs of constructing said unit or features to (1) commercial power, (2) irrigation, (3) municipal and industrial water supply, (4) flood control, (5) navigation, (6) water quality control, (7) recreation, (8) fish and wildlife, (9) the replenishment of the depletion of Colorado River flows available for use in the United States occasioned by performance of the Water Treaty of 1944 with the United Mexican States (Treaty Series 994), and (10) any other purposes authorized under the Federal reclamation laws. Costs of construction, operation, and maintenance allocated to the replenishment of the depletion of Colorado River flows available for use in the United States occasioned by compliance with the Mexican Water Treaty (including losses in transit, evaporation from regulatory reservoirs, and regulatory losses at the Mexican boundary, incurred in the transportation, storage, and delivery of water in discharge of the obligations of that treaty) shall be nonreimbursable. The repayment of costs allocated to recreation and fish and wildlife enhancement shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213): *Provided*, That all of the separable and joint costs allocated to recreation and fish and wildlife enhancement as a part of the Dixie project, Utah, shall be nonreimbursable. Costs allocated to nonreimbursable purposes shall be nonreturnable under the provisions of this Act.

SEC. 402. The Secretary shall determine the repayment capability of Indian lands within, under, or served by any unit of the project. Construction costs allocated to irrigation of Indian lands (including provision of water for incidental domestic and stock water uses) and within the repayment capability of such lands shall be subject to the Act of July 1, 1932 (47 Stat. 464), and such costs that are beyond repayment capability of such lands shall be nonreimbursable.

SEC. 403. (a) There is hereby established a separate fund in the Treasury of the United States to be known as the Lower Colorado River Basin Development Fund (hereinafter called the "development fund"), which shall remain available until expended as hereinafter provided.

(b) All appropriations made for the purpose of carrying out the provisions of title III of this Act shall be credited to the development fund as advances from the general fund of the Treasury, and shall be available for such purpose.

(c) There shall also be credited to the development fund—

(1) All revenues collected in connection with the operation of facilities authorized in title III in furtherance of the purposes of this Act (except entrance, admission, and other recreation fees or charges and proceeds received from recreation concessionaires), including revenues which, after completion of payout of the Central Arizona Project as required herein are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of said project; and

(2) any Federal revenues from the Boulder Canyon and Parker-Davis projects which, after completion of repayment requirements of said Boulder Canyon and Parker-Davis projects, are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of those projects: *Provided, however*, That the Secretary is authorized and directed to continue the in-lieu-of-tax payments to the States of Arizona, and Nevada provided for in section 2(c) of the Boulder Canyon Project Adjustment Act so long as revenues accrue from the operation of the Boulder Canyon project; and

(3) any Federal revenues from that portion of the Pacific Northwest-Pacific Southwest intertie located in the States of Nevada and Arizona which, after completion of repayment requirements of the said part of the Pacific Northwest-Pacific Southwest intertie located in the States of Nevada and Arizona, are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of said portion of the Pacific Northwest-Pacific Southwest intertie and related facilities.

(d) All moneys collected and credited to the development fund pursuant to subsection (b) and clauses (1) and (3) of subsection (c) of this section and the portion of revenues derived from the sale of power and energy for use in Arizona pursuant to clause (2) of subsection (c) of this section shall be available, without further appropriation for—

(1) defraying the costs of operation, maintenance, and replacements of, and emergency expenditures for, all facilities of the projects, within such separate limitations as may be included in annual appropriation Acts; and

(2) payments to reimburse water users in the State of Arizona for losses sustained as a result of diminution of the production of hydroelectric power at Coolidge Dam, Arizona, resulting from exchanges of water between users in the States of Arizona and New Mexico as set forth in section 304(f) of this Act.

(e) Revenues credited to the development fund shall not be available for construction of the works comprised within any unit of the project herein or hereafter authorized except upon appropriation by the Congress.

(f) Moneys credited to the development fund pursuant to subsection (b) and clauses (1) and (3) of subsection (c) of this section and the portion of revenues derived from the sale of power and energy for use in Arizona pursuant to clause (2) of subsection (c) of this section in excess of the amount necessary to meet the requirements of clauses (1), and (2) of subsection (d) of this section shall be paid annually to the general fund of the Treasury to return—

(1) the costs of each unit of the projects or separable feature thereof authorized pursuant to title III of this Act, which are allocated to irrigation, commercial power, or municipal and industrial water supply, pursuant to this Act within a period not exceeding fifty years from the date of completion of each such unit or separable feature, exclusive of any development period authorized by law: *Provided*, That return of the cost, if any, required by section 307 shall not be made until after the payout period of the Central Arizona Project as authorized herein;

(2) interest (including interest during construction) on the unamortized balance of the investment in the commercial power and municipal and industrial water supply features of the project at a rate determined by the Secretary of the Treasury in accordance with the provisions of subsection (h) of this section, and interest due shall be a first charge.

(g) All revenues credited to the development fund in accordance with clause (c)(2) of this section (excluding only those revenues derived from the sale of power and energy for use in Arizona during the payout period of the Central Arizona Project as authorized herein) and such other revenues as remain in the development fund after making the payments required by subsections (d) and (f) of this section shall be availalbe (1) to make payments, if any, as required by sections 307 and 502 of this Act, and (2), upon appropriation by the Congress, to assist in the repayment of reimbursable costs incurred in connection with units hereafter constructed to provide for the augmentation of the water supplies of the Colorado River for use below Lee Ferry as may be authorized as a result of the investigations and recommendations made pursuant to clause 201(a)(2) and subsection 203(a) of this Act.

(h) The interest rate applicable to those portions of the reimbursable costs of each unit of the project which are properly allocated to commercial power development and municipal and industrial water supply shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the first advance is made for initiating construction of such unit, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from the date of issue.

(i) Business-type budgets shall be submitted to the Congress annually for all operations financed by the development fund.

SEC. 404. On January 1 of each year the Secretary shall report to the Congress, beginning with the fiscal year ending June 30, 1969, upon the status of the revenues from and the cost of constructing, operating, and maintaining each lower basin unit of the project for the preceding fiscal year. The report of the Secretary shall be prepared to reflect accurately the Federal investment allocated at that time to power, to irrigation, and to other purposes, the progress of return and repayment thereon, and the estimated rate of progress, year by year, in accomplishing full repayment.

TITLE V—UPPER COLORADO RIVER BASIN AUTHORIZATION AND REIMBURSEMENTS

SEC. 501. (a) In order to provide for the construction, operation, and maintenance of the Animas-La Plata Federal reclamation project, Colorado-New Mexico; the Dolores, Dallas Creek, West Divide, and San Miguel Federal reclamation projects, Colorado; and the Central Utah project (Uintah unit), Utah, as participating projects under the Colorado River Storage Project Act (70 Stat. 105; 43 U.S.C. 620), and to provide for the completion of planning reports on other participating projects, clause (2) of section 1 of said Act is hereby further amended by (i) inserting the words "and the Uintah unit" after the word "phase" within the parentheses following "Central Utah", (ii) deleting the words "Pine River Extension" and inserting in lieu thereof the words "Animas-La Plata, Dolores, Dallas Creek, West Divide, San Miguel", (iii) adding after the words "Smith Fork:" the proviso "*Provided*, That construction of the Uintah unit of the Central Utah project shall not be undertaken by the Secretary until he has completed a feasibility report on such unit and submitted such report to the Congress along with his certification that, in his judgment, the benefits of such unit or segment will exceed the costs and that such unit is physically and financially feasible:". Section 2 of said Act is hereby further amended by (i) deleting the words "Parshall, Troublesome, Rabbit Ear, San Miguel, West Divide, Tomichi Creek, East River, Ohio Creek, Dallas Creek, Dolores, Fruit Growers Extension, Animas-La Plata", and inserting after the words "Yellow Jacket" the words "Basalt, Middle Park (including the Troublesome, Rabbit Ear, and Azure units), Upper Gunnison (including the East River, Ohio Creek, and Tomichi Creek units), Lower Yampa (including the Juniper and Great Northern units), Upper Yampa (including the Hayden Mesa, Wessels, and Toponas units)"; (ii) by inserting after the word "Sublette" the words "(including a diversion of water from the Green River to the North Platte River Basin in Wyoming), Ute Indian unit of the Central Utah Project, San Juan County (Utah), Price River, Grand County (Utah), Gray Canyon, and Juniper (Utah)"; and (iii) changing the period after "projects" to a colon and adding the following proviso: "*Provided*, That the planning report for the Ute Indian unit of the Central Utah participating project shall be completed on or before December 31, 1974, to enable the United States of America to meet the commitments heretofore made to the Ute Indian Tribe of the Uintah and Ouray Indian Reservation under the agreement dated September 20, 1965 (Contract Numbered 14–06–W–194).". The amount which section 12 of said Act authorizes to be appropriated is hereby further increased by the sum of $392,000,000, plus or minus such amounts, if any, as may be required, by reason of changes in construction costs as indicated by engineering cost indices applicable to the type of construction involved. This additional sum shall be available solely for the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel projects herein authorized.

(b) The Secretary is directed to proceed as nearly as practicable with the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel participating Federal reclamation projects concurrently with the construction of the Central Arizona Project, to the end that such projects shall be completed not later than the date of the first delivery of water from said Central Arizona Project: *Provided*, That an appropriate repayment contract for each of said participating projects shall have been executed as provided in section 4 of the Colorado River Storage Project Act (70 Stat. 107) before construction shall start on that particular project.

(c) The Animas-La Plata Federal reclamation project shall be constructed and operated in substantial accordance with the engineering plans set out in the report of the Secretary transmitted to the Congress on May 4, 1966, and printed as House Document 436, Eighty-ninth Congress: *Provided*, That construction of the Animas-La Plata Federal reclamation project shall not be undertaken until and unless the States of Colorado and New Mexico shall have ratified the following compact to which the consent of Congress is hereby given:

"ANIMAS-LA PLATA PROJECT COMPACT

"The State of Colorado and the State of New Mexico, in order to implement the operation of the Animas-La Plata Federal Reclamation Project, Colorado-New Mexico, a proposed participating project under the Colorado River Storage Project Act (70 Stat. 105), and being moved by considerations of interstate comity, have resolved to conclude a compact for these purposes and have agreed upon the following articles:

"Article I

"A. The right to store and divert water in Colorado and New Mexico from the La Plata and Animas River systems, including return flow to the La Plata River from Animas River diversions, for uses in New Mexico under the Animas-La Plata Federal Reclamation Project shall be valid and of equal priority with those rights granted by decree of the Colorado state courts for the uses of water in Colorado for that project, providing such uses in New Mexico are within the allocation of water made to that state by articles III and XIV of the Upper Colorado River Basin Compact (63 Stat. 31).

"B. The restrictions of the last sentence of Section (a) of Article IX of the Upper Colorado River Basin Compact shall not be construed to vitiate paragraph A of this article.

"Article II

"This Compact shall become binding and obligatory when it shall have been ratified by the legislatures of each of the signatory States."

(d) The Secretary shall, for the Animas-La Plata, Dolores, Dallas Creek, San Miguel, West Divide, and Seedskadee participating projects of the Colorado River storage project, establish the nonexcess irrigable acreage for which any single ownership may receive project water at one hundred and sixty acres of class 1 land or the equivalent thereof, as determined by the Secretary, in other land classes.

(e) In the diversion and storage of water for any project or any parts thereof constructed under the authority of this Act or the Colorado River Storage Project Act within and for the benefit of the State of Colorado only, the Secretary is directed to comply with the constitution and statutes of the State of Colorado relating to priority of appropriation; with State and Federal court decrees entered pursuant thereto; and with operating principles, if any, adopted by the Secretary and approved by the State of Colorado.

(f) The words "any western slope appropriations" contained in paragraph (i) of that section of Senate Document Numbered 80, Seventy-fifth Congress, first session, entitled "Manner of Operation of Project Facilities and Auxiliary Features", shall mean and refer to the appropriation heretofore made for the storage of water in Green Mountain Reservoir, a unit of the Colorado-Big Thompson Federal reclamation project, Colorado; and the Secretary is directed to act in accordance with such meaning and reference. It is the sense of Congress that this directive defines and observes the purpose of said paragraph (i), and does not in any way affect or alter any rights or obligations arising under said Senate Document Numbered 80 or under the laws of the State of Colorado.

SEC. 502. The Upper Colorado River Basin Fund established under section 5 of the Act of April 11, 1956 (70 Stat. 107), shall be reimbursed from the Colorado River Development Fund established by section 2 of the Boulder Canyon Project Adjustment Act (54 Stat. 755) for the money expended heretofore or hereafter from the Upper Colorado River Basin Fund to meet deficiencies in generation at Hoover Dam during the filling period of storage units of the Colorado River storage project pursuant to the criteria for the filling of Glen Canyon Reservoir (27 Fed. Reg. 6851, July 19, 1962). For this purpose, $500,000 for each year of operation of Hoover Dam and powerplant, commencing with the enactment of this Act, shall be transferred from the Colorado River Development Fund to the Upper Colorado River Basin Fund, in lieu of application of said amounts to the purposes stated in section 2(d) of the Boulder Canyon Project Adjustment Act, until such reimbursement is accomplished. To the extent that any deficiency in such reimbursement remains as of June 1, 1987, the amount of the remaining deficiency shall then be transferred to the Upper Colorado River Basin Fund from the Lower Colorado River Basin Development Fund, as provided in subsection (g) of section 403.

TITLE VI—GENERAL PROVISIONS: DEFINITIONS: CONDITIONS

SEC. 601. (a) Nothing in this Act shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of the Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 with the United Mexican States (Treaty Series 994), the decree entered by the Supreme Court of the United States in Arizona against California, and others (376 U.S. 340), or, except as otherwise provided herein, the Boulder Canyon Project Act (45 Stat. 1057), the Boulder Canyon Project Act (45 Stat. 1057), the Boulder Canyon Project Adjustment Act (54 Stat. 774) or the Colorado River Storage Project Act (70 Stat. 1053).

(b) The Secretary is directed to—

(1) make reports as to the annual consumptive uses and losses of water from the Colorado River system after each successive five-year period, beginning with the five-year period starting on October 1, 1970. Such reports shall be prepared in consultation with the States of the lower basin individually and with the Upper Colorado River Commission, and shall be transmitted to the President, the Congress, and the Governors of each State signatory to the Colorado River Compact;

(2) condition all contracts for the delivery of water originating in the drainage basin of the Colorado River system upon the availability of water under the Colorado River Compact.

(c) All Federal officers and agencies are directed to comply with the applicable provisions of this Act, and of the laws, treaty, compacts, and decree referred to in subsection (a) of this section, in the storage and release of water from all reservoirs and in the operation and maintenance of all facilities in the Colorado River system under the jurisdiction and supervision of the Secretary, and in the operation and maintenance of all works which may be authorized hereafter for the augmentation of the water supply of the Colorado River system. In the event of failure of any such officer or agency to so comply, any affected State may maintain an action to enforce the provisions of this section in the Supreme Court of the United States and consent is given to the joinder of the United States as a party in such suit or suits, as a defendant or otherwise.

SEC. 602. (a) In order to fully comply with and carry out the provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, and the Mexican Water Treaty, the Secretary shall propose criteria for the coordinated long-range operation of the reservoirs constructed and operated under the authority of the Colorado River

Storage Project Act, the Boulder Canyon Project Act, and the Boulder Canyon Project Adjustment Act. To effect in part the purposes expressed in this paragraph, the criteria shall make provisions for the storage of water in storage units of the Colorado River Storage Project and releases of water from Lake Powell in the following listed order of priority:

(1) Releases to supply one-half the deficiency described in article III(c) of the Colorado River Compact, if any such deficiency exists and is chargeable to the States of the Upper Division, but in any event such releases, if any, shall not be required in any year that the Secretary makes the determination and issues the proclamation specified in section 202 of this Act.

(2) Releases to comply with article III(d) of the Colorado River Compact, less such quantities of water delivered into the Colorado River below Lee Ferry to the credit of the States of the Upper Division from other sources.

(3) Storage of water not required for the releases specified in clauses (1) and (2) of this subsection to the extent that the Secretary, after consultation with the Upper Colorado River Commission and representatives of the three Lower Division States and taking into consideration all relevant factors (including, but not limited to, historic streamflows, the most critical period of record, and probabilities of water supply), shall find this to be reasonably necessary to assure deliveries under clauses (1) and (2) without impairment of annual consumptive uses in the upper basin pursuant to the Colorado River Compact: *Provided*, That water not so required to be stored shall be released from Lake Powell: (i) to the extent it can be reasonably applied in the States of the Lower Division to the uses specified in article III(e) of the Colorado River Compact, but no such releases shall be made when the active storage in Lake Powell is less than the active storage in Lake Mead, (ii) to maintain, as nearly as practicable, active storage in Lake Mead equal to the active storage in Lake Powell, and (iii) to avoid anticipated spills from Lake Powell.

(b) Not later than January 1, 1970, the criteria proposed in accordance with the foregoing subsection (a) of this section shall be submitted to the Governors of the seven Colorado River Basin States and to such other parties and agencies as the Secretary may deem appropriate for their review and comment. After receipt of comments on the proposed criteria, but not later than July 1, 1970, the Secretary shall adopt appropriate criteria in accordance with this section and publish the same in the Federal Register. Beginning January 1, 1972, and yearly thereafter, the Secretary shall transmit to the Congress and to the Governors of the Colorado River Basin States a report describing the actual operation under the adopted criteria for the preceding compact water year and the projected operation for the current year. As a result of actual operating experience or unforeseen circumstances, the Secretary may thereafter modify the criteria to better achieve the purposes specified in subsection (a) of this section, but only after correspondence with the Governors of the seven Colorado River Basin States and appropriate consultation with such State representatives as each Governor may designate.

(c) Section 7 of the Colorado River Storage Project Act shall be administered in accordance with the foregoing criteria.

Sec. 603. (a) Rights of the upper basin to the consumptive use of water available to that basin from the Colorado River system under the Colorado River Compact shall not be reduced or prejudiced by any use of such water in the lower basin.

(b) Nothing in this Act shall be construed so as to impair, conflict with, or otherwise change the duties and powers of the Upper Colorado River Commission.

Sec. 604. Except as otherwise provided in this Act, in constructing, operating, and maintaining the units of the projects herein and hereafter authorized, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) to which laws this Act shall be deemed a supplement.

Sec. 605. Part I of the Federal Power Act (41 Stat. 1063; 16 U.S.C. 791a–823) shall not be applicable to the reaches of the main stream of the Colorado River between Hoover Dam and Glen Canyon Dam until and unless otherwise provided by Congress.

Sec. 606. As used in this Act, (a) all terms which are defined in the Colorado River Compact shall have the meanings therein defined;

(b) "Main stream" means the main stream of the Colorado River downstream from Lee Ferry, within the United States, including the reservoirs thereon;

(c) "User" or "water user" in relation to main-stream water in the lower basin means the United States or any person or legal entity entitled under the decree of the Supreme Court of the United States in Arizona against California, and others (376 U.S. 340) to use main-stream water when available thereunder;

(d) "Active storage" means that amount of water in reservoir storage, exclusive of bank storage, which can be released through the existing reservoir outlet works;

(e) "Colorado River Basin States" means the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming; and

(f) "Augment" or "augmentation", when used herein with reference to water, means to increase the supply of the Colorado River or its tributaries by the introduction of water into the Colorado River system, which is in addition to the natural supply of the system.

Mr. ASPINALL (during the reading). Mr. Chairman, I ask unanimous consent that the committee substitute amendment be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. FOLEY. Mr. Chairman, reserving the right to object, is it the intention of the distinguished chairman of the Committee on Interior and Insular Affairs to proceed under the 5-minute rule at this time?

Mr. ASPINALL. No. I can say to my colleague that this will end our work for today.

Mr. FOLEY. Then, Mr. Chairman, I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Mills, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3300) to authorize the construction, operation, and maintenance of the Colorado River Basin project, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM FOR BALANCE OF THE WEEK

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, I take this time to inquire of the distinguished majority leader if there are any announcements he cares to make relative to the program for the rest of the week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I am glad to yield to the gentleman.

Mr. ALBERT. Mr. Speaker, we will continue with the program as announced previously except that the interstate taxation bill will not be called up this week. However, I would like to advise the gentleman, for the edification of the House, that after consulting with the distinguished chairman of the Committee on Ways and Means we can advise the House that the tax bill conference report will not be called up before the Memorial Day holiday.

Mr. ARENDS. I thank the gentleman.

THE LATE HONORABLE LOUIS GARY CLEMENTE

Mr. HALPERN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HALPERN. Mr. Speaker, on Monday of this week the Nation suffered a great loss. A beloved and esteemed former Member of this House, L. Gary Clemente, died of an incurable cancer at Mary Immaculate Hospital in Jamaica, N.Y.

Gary Clemente served with distinction, from 1945 through 1948, as a member of New York's City Council. Few men in the history of that body scored as outstanding a record of achievement as did Gary Clemente.

Then, from 1949 through 1952 he made an enviable mark as a member of this House, representing the then Fifth District of New York in my own county of Queens.

As a Congressman, Gary Clemente's contributions toward a better community and a better America were notable. His great works and good deeds are recorded in the annals of congressional history and serve as an permanent tribute to one of life's truly beautiful human beings.

As a civic crusader, as a lawyer, as a public servant and as a soldier, Gary Clemente was a tireless, determined fighter for the causes he believed. His military career was brilliant and his work in Army intelligence and as an Army judge advocate won wide acclaim for him.

Despite his boundless activities in public, charitable, professional, and civic life, Gary Clemente always found time to devote to his dear wife, the former Ruth Sonnefeld, and their nine wonderful children.

To them we extend our heartfelt sympathy and assure them that the love and esteem that this humble, compassionate man had achieved shall be everlasting.

THE LATE HONORABLE LURLEEN BURNS WALLACE

Mr. ANDREWS of Alabama. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ANDREWS of Alabama. Mr. Speaker, Alabama suffered a severe blow in the wee hours of May 7 when our 47th Governor, Mrs. Lurleen Burns Wallace, died. For weeks it had been obvious that the end of the short life of Lurleen Wallace would be soon. And yet no one is ever prepared for the finality of death.

She died at an age when most mothers can begin to relax and enjoy the families they have ministered to and cared for during long years when there seemed no end to the drudgery. This was tragic for her but profoundly more tragic for the husband and children who must live without her. The courage and indomitable will of Mrs. Wallace in her long fight against cancer are gifts of example she bequeathed to every Alabamian, every American.

Lurleen was, in a very real sense, a queen untouched by the swirl and heat of partisan politics. She was sui generis, and died with the affection and grief of virtually every Alabamian, regardless of political persuasion. Queens die proudly, and I believe she did, serene in the knowledge that surely the greatest of her contributions was the compassionate interest which led to major advances in mental health. Still fresh in the memory of most Alabamians is the scene of her weeping after touring the wards of those suffering from the cruel ravages of the mind. It was here she resolved to do what she could for these people and those to follow them. She did more than any Governor ever has, but of higher importance than the program she sponsored was the womanly compassion with which she presented the case. That did more, perhaps, than has ever been done in Alabama to disabuse Alabamians of the still persistent notion that there is something vaguely evil about mental illness. Because she cared, uncounted thousands will be relieved of misery greater than any physical pain.

This above all can be said of Gov. Lurleen B. Wallace: neither the State of Alabama nor any other State has ever had a chief executive for whom there was a much genuine affection and so little of the ill will which usually goes with public office.

On a bright, sunny day in January, nearly a year and a half ago, Lurleen Burns Wallace took the oath of office as Governor of Alabama and told the people who had elected her:

> I pledge to you that I shall do my duty to you in honesty and with conviction. With God's help and guidance and with wise counsel to call upon, I shall make you a good governor. I ask your prayers that I shall not fail you in the trust that you have placed in me.

She was 40 years old at the time, and she had been elected by the largest majority ever enjoyed by an Alabama Governor. She was running against nine male opponents, including two former Governors and a former Congressman and in the May primary surprised even her most ardent admirers and the most partisan Wallace supporters by winning without a runoff. It was a long road traveled in a short time by the Tuscaloosa-born Lurleen Burns who had childhood ambitions of becoming a nurse.

It was evident in her life and in her short service as Alabama's first woman Governor that, as seriously as she took the office fortune gave her and death took away, it remained for her a priority lower than her obligations as a wife and a mother. This is as it should have been, since she symbolized for many the family ties and home environment which Alabamians still believe is their greatest heritage and strength. She lived by a rule as old as civilization: The family comes first. Courage, loyalty, faith, and old-fashioned ideas about the role of wife and mother—these are the attributes which should be her monument, along with her interest in and successful program for the mentally ill.

May her family find comfort in the sure knowledge that no woman in Alabama's history has been so honored and so mourned. That should be an inspiration to them all of their lives.

THE 33D ANNIVERSARY OF THE REA

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, the House was not in session on May the 11th, the occasion of the 33d anniversary of the Rural Electrification Administration, therefore, today I would like to call your attention to the role that our Nation's rural electric cooperatives have taken in an effort to lift the standard of living for millions of rural people.

Electric cooperatives financed by REA, have moved into the forefront of rural progress. In providing service to more than 20 million rural Americans during a relatively short span of 33 years, the dedicated men and women who operate these systems have helped to build an environment making rural America a better place to live, work, and play.

But the role of REA-financed electric co-ops, and telephone systems too, does not stop here. In their eager and successful determination to help return man to these rural areas where they operate, they have combined their talents and resources to create jobs for those who seek opportunity in rural America. And the task is being accomplished; it is being accomplished with the same fortitude that rural electric leaders have used since REA's creation—May 11, 1935—in making available the benefits of electric power and modern communications to 98 percent of rural America through low-cost financing from REA.

A national survey completed early this year, reveals that REA-financed systems have helped to create 34,000 new jobs during 1967 through their rural areas development activities. These jobs were created in rural areas of the Nation, through 616 projects launched with the help of these systems.

The new jobs brings to 216,000 the total number of jobs created with the help of REA borrowers since the rural areas development programs of the U.S. Department of Agriculture began in 1961.

Employment opportunities stem from commercial, industrial, and community facilities projects undertaken with the assistance of REA borrowers working with other Federal agencies and local organizations in the development of new rural businesses and the expansion of existing ones.

This is a tribute to the responsible spirit of citizenship prevailing in the REA programs.

Yes, this is truly a tremendous accomplishment of which all concerned—private citizens and Government officials alike—can view with justifiable pride.

DISCONTINUATION OF USE OF REVENUE BONDS

Mr. DENNEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. DENNEY. Mr. Speaker, on March 6 of this year the U.S. Treasury Department put an end to one of the most effective economic development tools ever employed in our Nation. For more than 30 years, States, counties, and municipalities have used revenue bonds to provide employment in underdevelcped areas. The bonds were a unique development tool in that they did not require appropriated funds from any level of government, they did not require the use of credit by any level of government, and they were not an obligation of any governmental unit. Now, by administrative regulation, this important employment tool has been destroyed, and with it a substantal part of the economic development program of my State of Nebraska and 41 other States.

Unfortunately, this development tool is not understood by those who destroyed it. It creates governmental revenue—it does not curb it; and it provides employment where no other tool can. It has provided incomes in areas where no employment opportunities are available. It has kept our nonurban areas from dying, and it has retarded the trend toward more heavily impacted population centers. No Federal appropriations are required to administer it; and in most States a commitment can be made in as little as 30 days.

Perhaps the greatest assets of revenue bonds for industrial development purposes are their simplicity and their comprehensive character. The land, the construction, and the equipment can be assembled by the use of a single issue. No complex financial arrangements are necessary, and operating capital can be kept for operating purposes. In Nebraska these bonds are the heart of our economic development program and no substitute will match their speed, simplicity, and character. Their destruction is a disaster to every one of our States that utilize them.

My colleague, the distinguished junior Senator from Nebraska [Mr. CURTIS], has made a valiant effort to undo the Treasury's action by securing passage of an amendment to the pending excise tax extension bill, H.R. 15414, rescinding the Treasury's action. The summary of the decisions of the conferees on H.R. 15414 states that the conferees have decided that the income on these bonds should be taxable in the case of any issue over $1 million. This provision is to be effective with respect to bonds issued on or after May 1, 1968, except where a commitment has been made before that time.

I have been informed by the States using the bonds that a limitation of not less than $10 million would permit this program to continue to provide a substantial measure of employment for areas that would not otherwise have it. A limitation of substantially less than this amount would severely handicap this program. Today very little in the way of employment can be created with production facilities costing substantially less than $10 million.

Furthermore, no large industrial corporation, or conglomerate, needs or wants industrial development bonds involving construction of facilities costing less than $10 million. Such amounts are usually taken from surplus or reserves. Bonds issued in amounts of less than $1 million are usually for warehouse, storage, or garage facilities that employ little or no personnel.

If revenue bonds for industrial development purposes are to be preserved as an effective economic development tool providing substantial employment, a dollar limit should not be set below $10 million. I assure my colleagues in the House and Senate that if such a limit is set, these issues will not be used by large corporate enterprise, but by small- and medium-sized firms who could not otherwise find the capital to expand or add to their existing facilities.

POOR PEOPLE'S MARCH

Mr. STEIGER of Arizona. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STEIGER of Arizona. Mr. Speaker, the Poor People's March on Washington raises many questions about legislation—and it raises others, as well.

No one who believes in constitutional government is opposed to the right of petition, and I am certainly not out of sympathy with the hopes and desires of our less fortunate citizens.

But this march is more than simple petitioning.

Its leaders have declared that among its goals is enactment of legislation specifically designed to provide the Nation's poor with economic relief. This obviously goes far beyond the petitioning process.

Here we become involved with an effort to influence Congress, a move to influence the course of legislation and to seek new legislation.

This raises certain questions about the financial support of the Poor People's Campaign.

The Southern Christian Leadership Conference, which is leading this campaign, is a tax-exempt civic organization barred by law from participating in political activity.

I believe it is incumbent upon the Internal Revenue Service to determine whether the SCLC's stated goals constitute political activity and whether SCLC funds are being spent on this activity.

I believe the IRS should also determine whether any tax-exempt foundation or organization specifically barred from political activity has provided or has agreed to provide financial assistance to the Poor People's Campaign.

There are many foundations in this country that have become deeply involved in the support of civil rights and economic welfare programs. It is altogether possible that funds for some programs, particularly in the South, may have been diverted into this campaign.

There is ample recent precedent for action by IRS. It was not too long ago that the Sierra Club, a group promoting conservation, lost its tax exemption because it sponsored newspaper advertising calling for the defeat of legislation that would have dammed part of the Grand Canyon.

If this was political activity in violation of the Sierra Club's tax-exempt statute, as the IRS has ruled, it must follow that the Poor People's Campaign—with its avowed purpose of influencing Congress—is also political activity.

Mr. Speaker, it is only right that what is done in one case should be done in another of a similar nature.

There is a certain irony here, too. What if there is violence, what if there is killing during the encampment in West Potomac Park? We certainly pray that such will not occur again in our Nation's Capital.

But if violence does occur, and tax-exempt funds have helped to bring it on, then this puts the Federal Government in the unique position of having subsidized lawlessness.

As I said earlier, Mr. Speaker, we all sympathize with the plight of our poor. But the laws should be applied equally to all.

I have asked the Internal Revenue Service for a thorough investigation of the funding of this campaign to determine whether the SCLC or any other organization has contributed funds, directly or indirectly, in violation of the law. I have also asked IRS whether it has any knowledge that such expenditures are contemplated, by direct or indirect means, by any such organization.

I have asked the IRS for a ruling on whether such spending by the SCLC or any other group similarly barred from political activity would cause that group to lose its tax exemption.

PROPOSED NATIONAL COMMISSION ON YOUTH PROBLEMS

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, all any country has for its tomorrow is its youth. The problem of our society's relationship with its young people pervades every issue before the American people this critical year of 1968.

War, poverty, crime in the streets, civil disorder—all these issues are affected by this all-pervasive problem, which truly involves the future of our Nation.

I know that there are those who say that what we have seen occur on our campuses and in the streets of our country in recent months involves only a small minority. But I, for one, take no comfort from such a view. For the fact is—and every American parent today knows it—that there is a dangerous generation gap developing between our society and its young people.

The events of recent months have puzzled, and in some cases angered, the people of our society who can no longer classify themselves as young. Older Americans, middle-aged Americans, do not understand what is happening on many of our campuses, in our streets, at universities, and in cities throughout the country.

They ask:

> What is happening to our youth?

It is a question not unique to our society or our times, of course. Every society has had to cope with problems concerning alienation of the young. The pattern is well known:

The society blames the young people.

The young people, in turn, blame the society.

We hear it said that the times are too soft—that standards of morality are breaking down or being corrupted—that the young generation of Americans, not having had to sacrifice for its freedom, does not appreciate it.

In their turn, youth claims it is misunderstood—that the standards appropriate to a former era do not apply today—that, in the words of a popular young folk song, "Times, they are a 'changin'."

That, as I say, is the established pattern. Variations on this theme can be found in the Bible. And Socrates, we remember, was brought to trial for his alleged role in corrupting the youth of Athens. Thus, in perspective, we understand that the gap between generations is really as old as man's life on earth itself.

And yet, in this year of 1968, there is a difference between the problem our society faces and that faced by former societies. This is true in America. It is true in Western Europe. It is even true in Communist-bloc states of the world.

Youth is restless. It is increasingly activist. It is in what might be called a state of cold war against organized society and institutions.

Nor is the war always cold. We have seen youth in other countries take to the streets in recent months. We have seen American youth, of all races, in the streets and disrupting our university campuses.

Not long ago, I experienced firsthand one aspect of this battle between the generations, when the students of Tuskegee Institute in Alabama took over the school's administration building. As a member of the Tuskegee board of trustees, I was held in that building, along with other trustees, after students had presented a list of demands regarding the operation of the school.

I shall not go into detail regarding that experience, other than to say that since that time I have given considerable thought to what lay behind the demonstration at Tuskegee.

What has since occurred at Columbia University in New York, and at other institutions, confirms my belief that the cause of such demonstrations is not as simple as first appears.

Neither is there any simple answer to bridging the generation gap between modern youth and what they see as the social establishment. Certainly, there must be a return of discipline and order to our campuses and our cities. But beyond this, a greater effort must be made to determine the root causes of youth problems in modern American society.

Statistics alone point out why we cannot ignore these problems.

Almost 50 percent of our country's population today is age 25 and under.

More than 50 percent of our young adult population attend colleges.

There are more young people—and they are better informed and more aware than preceding generations. The 20th century revolution in communications, transportation, science, and medicine, has had its impact on the physical and intellectual development of the young.

Improved environmental conditions and better nutrition have actually speeded up the maturation process itself, according to a report published in a recent issue of the Scientific American.

Can any society afford to take for granted the problems of nearly 50 percent of its population? Can we afford a gap between the social organization and such a sizable segment of our people?

I think not. It is time that we stopped wringing our hands over the problems of America's younger generation, and started finding out exactly what—in the vernacular of that generation—is bugging them.

For my own part, I have determined that the old answers and approaches, good for other eras, are not adequate for the problems of youth today. Nor do I believe we can complacently take it for granted that this generation, like previous generations of rebels, will come around in time.

In a modern nuclear age, the margin of time is not that great. We must examine a problem of this magnitude with fresh eyes. We must take a new look at society's relationship to its young people and the capabilities of young people of 1968 to assume a larger share of responsibility in society itself.

What can be done?

First, we must recognize that what is happening among our young people is a unique problem and must be approached as one. It would seem to me that a society which has recognized the importance of other urgent problems affecting our population ought to do the same in the case of the problems of our youth.

We have had national study commissions to study the problems of the aged; to study in depth the problems surrounding enforcement of civil rights; and recently, to study the problem of civil disorders.

These commissions were comprised of experts who reported back to the Chief Executive their findings and recommendations in those respective fields.

I think we can do no less for such an urgent matter as finding out and doing something about bridging the generation gap.

It seems to me, therefore, that what is needed is a National Commission on Youth Problems. This Commission would study and come up with recommendations as to how our traditional legal and social structure applies to today's youth; how effective our educational system is in preparing today's youth for the challenge of living in a modern world; whether our laws regarding voting age, the age of legal majority, and other laws regulating youth in our society are effective and relevant to the modern age.

I believe this special Commission should be composed of 15 members, eight to be appointed by the House and Senate, seven to be appointed by the President.

For such a unique problem, there needs to be a unique Commission, one reflecting a mutual concern of both the legislative and executive branches of government. The National Commission on Youth Problems in American society should, therefore, be a joint congressional-executive commission, and it should provide for representation of the young people themselves; that is, leaders and representatives of American youth should participate in the findings and recommendations of the Commission. These representatives should be selected from nongovernmental segments of American society.

I would hope that, like the National Commission on Civil Disorders, the National Commission on Youth Problems would be able to report back its findings and recommendations within a year after its formation. These findings and recommendations would be comprehensive, including scientific, medical, legal, social, political, and economic aspects of the problem.

Today I am introducing a bill providing for the establishment of a National Commission on Youth Problems and containing the provisions I have outlined. It is my hope that the appropriate committees of the House and Senate will take prompt action in reporting it out.

Ralph Waldo Emerson said that America is a country of young people. He did not simply mean, I would venture to say, young in terms of chronology, but young in terms of ideas and ideals. We have nurtured and brought our American dream along for nearly two centuries now, handing it from generation to generation. The challenge of our time—the challenge of young and old alike—is to reach out—to seek to understand—to bridge the gap of misunderstanding between Americans of all races, creeds, and ages.

I include the text of the bill to establish a National Commission on Youth Problems, which follows:

H.R. 17289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established a commission to be known as the National Commission on Youth Problems (hereafter referred to in this Act as "Commission").

DUTIES OF COMMISSION

SEC. 2. The Commission shall conduct a comprehensive study and investigation of the role and responsibilities of youth in modern America society, including the impact of scientific, technological, legal, social, and economic factors upon American youth.

MEMBERSHIP

SEC. 3. (a) The Commission shall be composed of 15 members:

(1) Four Members of the House of Representatives to be appointed by the Speaker;

(2) Four Senators to be appointed by the President of the Senate; and

(3) Seven members, including representatives of American youth, to be appointed by the President.

A vacancy in the Commission shall be filled in the same manner as the original appointment was made.

(b) Members shall be appointed for the life of the Commission.

(c)(1) Except as provided in paragraph (2), members of the Commission shall each be entitled to receive $75 for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(2) Members of Congress and full-time officers or employees of the United States shall receive no additional compensation on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(d) Eight members of the Commission shall constitute a quorum.

(e) The Chairman of the Commission shall be designated by the President.

(f) The Commission shall meet at the call of the Chairman or a majority of its members.

DIRECTOR AND STAFF OF COMMISSION

SEC. 4. (a) The Commission shall have a director who shall be appointed by the Chairman, and whose compensation shall be determined by the members of the Commission.

(d) The Commission may appoint and fix the compensation of such other personnel as it deems advisable.

(c) The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

POWERS OF COMMISSION

SEC. 5. (a) The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable.

(b) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(c) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman of the Commission such department or agency shall furnish such information to the Commission.

REPORT

SEC. 6. Not later than one year after the date of the enactment of this Act, the Commission shall submit a final report to each House of Congress, and to the President.

TERMINATION

SEC. 7. The Commission shall cease to exist 90 days after submitting its final report pursuant to section 6.

THE TAX INCREASE PACKAGE—CONGRESS SHOULD MAKE SPECIFIC REDUCTIONS

Mr. WYMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. WYMAN. Mr. Speaker, in an editorial entitled "Why a Tax Increase Is Now Imperative" appearing in its issue of May 17, Life magazine says in part:

> . . . but the whole economy will be hurt badly if this unchecked inflation is allowed to spiral. And maybe the politicians who allowed it to start will suffer at the polls this fall. It is a nice question whether the inflation will be as much of a voting issue as the tax increase necessary to control it."

I voted against the tax reduction in 1964. I said then, and subsequent events have established the fact, that a tax reduction in a time when the Government was being operated in the red was wildly inflationary. It was then as potentially explosive as pouring gasoline on hot coals. What has happened to the economy was as inevitable as it was predictable. The inflation that is upon us has harmed every American citizen. Unless there is a restoration of a semblance of balance in our national budget and an end to the huge deficits of the Johnson administration, there can be permanent damage to the economic structure of this Nation.

I want no part of continuing monstrous deficits. To be sure of ending them, this Congress, at this hour, ought to legislatively require specific spending reductions. Speaking as one member of the Appropriations Committee, I believe it is our responsibility to the American people to cut the $6 billion out of the present budget and not leave the cutting to a frankly hostile President who has repeatedly expressed his reluctance to do this.

Leaving the cuts to the President means more politics in this time of fiscal crisis. He is going to prune right where it hurts the most in every congressional district in terms of public reaction, whether or not the cut ought to be made. It means cuts in school lunch programs again, and urban renewal funds, and road money, and educational retraining programs, and anywhere else this politically oriented President can make hay in politically retaliating against a Congress that, just the other day he said on national television, was trying to blackmail him. His objective will be to force the Congress to restore the cuts, or at least $2 billion of them. This, too, is predictable.

In such a situation it is our responsibility in this Congress to make the specific cuts now and in the tax package. Is there no one in this great body who is willing to assume the responsibility and initiative of making the basic decisions in respect to priorities in spending that must be made if we are to achieve a semblance of national solvency once again? If we are to win in the war against inflation in America, a war that we in Congress fight for the people of the United States against a recklessly profligate Democrat administration that has danced for 8 long years without once paying the fiddler, we must establish these priorities and make these cuts.

The proportion of the fiscal crisis that has been forced upon the American people and that is now with us at this hour makes it incumbent on the Congress that it establish priorities regardless of political party. If we fail, the dollar may have to be devalued, and if this happens I predict the American voters will turn those responsible, out of office wholesale this fall, as well they should. The urgency of the situation is reflected in the fact that experts tell us that unless Congress acts now to restore balance, devaluation of the dollar may be forced upon us before November.

In such a crisis, if it were a Republican administration that had gotten us into this mess, I would protest it and act to resolve the situation even if it meant congressional action counter to a President of my own party. But it is not a Republican President who has overspent our income by more than $10 billion since 1960 alone. It is President Johnson and a controlled majority in this and prior Congresses who share the responsibility and who deserve the wrath of the electorate. We are in deep financial trouble because of L. B. J. and company and this Congress must now bail out the boat lest we all go down. Once this is done, perhaps we can return to squabbling about party politics. But until it is done, the situation is too serious to warrant further delay. The Democrat Members of this House owe it to the American people to make these cuts and make them now even if L. B. J. squawks to high heaven. Even if it means that perhaps there will not be a particular new post office building or flood-control project in a given Member's district this year.

Mr. Speaker, what is needed here is a firmness of resolve to do what needs to be done to save this country from printing press money. Perhaps a better phrase for it would be "guts to make the cuts."

To those who ask where, the answer is easy but the application will hurt. Public works programs can be deferred and stretched out to cut back $2 billion in spending. Foreign aid can—and should—be reduced a billion. The space program can stand another three quarters of a billion. All Government agencies should be required to take a 5-percent spending reduction both administratively and operationally. This alone will produce more than $5 billion in expenditure reductions without even getting into the farm programs, or the spending proposals for urban areas which because of the crisis in the cities may be of a higher priority at this time than the space program for example.

To do these things will take courage and decision. Of course it will hurt and there will be protests. This is expectable. But the protests and the name calling will be nothing next to the roar of a people whose dollar is devalued. We can prune $6 billion from this budget but first we must find some men in this Congress and get rid of the boys.

Mr. Speaker, unless we do this, I repeat the language of Life's editorial with which I started these remarks:

> Maybe the politicians who allowed it to start will suffer at the polls this fall.

To have a meaningful tax increase so that the tax package will give all Americans surcease from runaway inflation, this Congress must make specific cuts in the coming tax package. Anything less is a breach of faith with the responsibility that is ours on the Appropriations Committee and as Members of this great body.

The Appropriations Committees of both Houses should immediately convene and recommend to the conferees on the tax bill $6 billion in specific cuts. I urge such action today.

PRESIDENT JOHNSON PRESENTS THE MEDAL OF HONOR

Mr. MAHON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, yesterday, I had the honor of being present at the dedication of the Hall of Heroes in the Pentagon, a room set aside in the memory of the more than 3,200 men who have won the Nation's highest military award, the Medal of Honor.

Four new names were added to that list yesterday: Charles C. Hagemeister, U.S. Army; Richard A. Pittman, U.S. Marine Corps; James E. Williams, U.S. Navy, and Gerald O. Young, U.S. Air Force.

President Johnson spoke at the ceremony and his remarks reflected two emotions—pride at the bravery of our fighting men, and sorrow at the human cost of this bravery. He repeated George Washington's words, spoken in deep concern and anguish at the time of this Nation's first war—"Good God, what brave men must I lose today." Then, looking ahead to the future, he said:

> As we meet here, other men—in Paris—are begining the very hard negotiations that we hope will one day silence the guns in a free Vietnam.

I am sure that those thoughts are echoed by millions of Americans.

I insert the text of the President's remarks in the RECORD, as follows:

REMARKS OF THE PRESIDENT AT THE MEDAL OF HONOR CEREMONY AND DEDICATION OF THE HALL OF HEROES

Secretary Clifford, Members of Congress, Secretary of the Services, Members of the Joint Chiefs of Staff, Members of the Joint Chiefs of Staff from some of our neighboring nations, Distinguished Guests, Ladies and Gentlemen:

It was in August of 1776, the month after the Continental Congress announced the American people's Declaration of Independence, that George Washington's troops were struggling to make their independence a reality—with their rifles.

Fired by the glory of his cause, but aware always of its terrible costs, Washington voiced the words that have whispered in the mind of every leader since that time—every leader who has had to commit men to the agony of battle:

"Good God, what brave men must I lose this day."

In the mind and in the heart of this President, those words have echoed without stop throughout the hours of many days and many long nights.

Thirty-three times I have awarded the Medal of Honor to America's fighting men. On 19 of those occasions, I have been able to make the presentation myself.

Each ceremony has been—for me—one of emotions in deep conflict.

First of all, there is pride. Any man is exalted who stands in the presence of bravery.

But there is always, too, a haunting and humbling awareness that it is the battlefield which illuminates the courage that we honor.

Today we confer the Medal of Honor on four more gallant Americans. This is the first time that four men—from each of the military services—have been so honored together.

As we meet here, other men—in Paris—are beginning the very hard negotiations that we hope will one day silence the guns in a free Vietnam.

Diplomacy's painful work now is to forge, from the fires of hostility, the way in which men can live without conflict and in mutual accord.

The world prays that the way to peace will be found at that distant table—the peace with honor for which these men, and their comrades, have fought so long and so nobly.

When it comes, that peace will be the monument of many men. Among them are Charles C. Hagemeister—Richard A. Pittman—James E. Williams—and Gerald O. Young. They will place their names now in a new Hall of Heroes, created here in the Pentagon as a memorial to all who have earned their country's highest award for courage in combat.

In that Hall, which we open here today, a noble muster rings out, calling: "valor—in the service of our country."

And—from every hour of America's need, from every crisis of America's history—the answering call comes back: "here, sir . . . here, sir."

In this Hall of Heroes, 3,210 men—who have served above and beyond the call of duty—stand guard on a Nation's pride, and on the freedom that those men have bought so dearly.

Thank you.

ACTION AGAINST CRIME

The SPEAKER. Under previous order of the House the gentleman from Illinois [Mr. FINDLEY] is recognized for 30 minutes.

Mr. FINDLEY. Mr. Speaker, during the time I speak with you today, 126 major crimes of violence will be committed in the United States. There will be 10 robberies, 15 assaults, one rape, 40 automobile thefts, 90 burglaries, one murder, and 60 thefts exceeding $50. This toll of crime is staggering. The prevention of crime is the No. 1 domestic political issue and enough Americans feel concerned about it that 28 percent of them want to move their homes to a safer neighborhood. Yet if present trends continue there will be no place for them to move. The FBI has reported that 1967 marked the highest crime index level and the greatest 1-year increase in the history of this country. During 1967 a serious crime was committed every 8 seconds. Counting all crimes, felonies and misdemeanors, more than 10,000 are committed a day. In no category of crimes has there been a decrease either in total number or percentage.

Yet despite all the talk on crime more heat than light has been cast on the matter. Many people believe that the same methods to prevent, say, welfare "chiseling" will prevent rape. Draft resisters are somehow equated in the minds of many people with auto thefts. Gun control and registration laws have been flaunted as a panacea to everything.

My purpose today is to discuss briefly three types of criminal conduct and suggest some approaches that could be undertaken to meet these threats.

As I see it there are essentially three types of criminal activity. There is first organized crime. This type of crime involves not only the gambling and number rackets but reaches out to include loan sharking, narcotics, and the like. Personal crimes of violence are a second type. Here we find murder, criminal assault, theft, burglary, and so forth. A third type, and perhaps most dramatic, involves either civil disobedience and/or violent civil disorders such as rioting. These three categories are not mutually exclusive. Components and organizers of one may be involved in one or both of the other activities.

ORGANIZED CRIME

In many important respects, organized crime is the most sinister kind. The men who control it have become wealthy, influential, and powerful by encouraging the needy to gamble, by luring the troubled to destroy themselves with drugs, by extorting the profits of honest and hardworking businessmen, by collecting usury from those in financial plight, by maiming or murdering those who oppose them, by bribing those who are sworn to destroy them. Organized crime is not merely a few preying upon a few. Instead its tentacles reach out across the land, into courthouses and statehouses alike. Organized crime in a very real sense is dedicated to subverting not only American institutions, but the very integrity and decency that are the most cherished attributes of a free society. As the leaders of Cosa Nostra and their racketeering allies pursue their conspiracy unmolested, in open and continuous defiance of the law, they represent a fact that all too many Americans heed: The government is for sale; lawlessness is the road to wealth; honesty is a pitfall and morality a trap for suckers.

The extraordinary thing about organized crime is that America has tolerated it so long. The prime victims of organized crime are the urban poor. A society concerned about poverty must be concerned about organized crime—for while Federal money is poured into the urban poverty areas, organized crime siphons money out of the same areas. Badly needed funds from welfare programs go to the urban poor and organized crime takes the same money away through narcotics, number games, gambling, and drug addiction, and the "protection racket." Continued indifference to organized crime threatens to turn government welfare and antipoverty programs into a subsidy for society's most notorious predator.

In view of these developments it may come as a shock to you—as it does to me—to learn that the Congress is not enacting substantive legislation on organized crime. True, the administration did send to the Congress a so-called safe streets bill, but this was not aimed at combating organized crime.

Yet early in 1965 President Johnson told the Congress that he had ordered his Attorney General to enlarge his efforts against organized crime. He told the Congress he would submit legislative proposals dealing with this subject. More than 3 years later the Congress has still not received the proposals. You will not find this surprising when I tell you that not only has the administration not sent any legislation to the Hill on organized crime, it has actually made drastic cutbacks on its efforts. Notwithstanding the President's declaration in 1965 that the Attorney General and the Federal Government would "enlarge" their efforts, consider these facts: The number of man-days spent in field investigation by members of Organized Crime Section, the number of man-days spent testifying before grand juries, and the number of man-days spent in court have decreased between 50 and 75 percent.

Yet during this same period the FBI reported that the national crime rate had increased by over 38 percent.

Many actions of the present administration have had the effect—whether desired or not—of actually encouraging and assisting organized crime. Consider these developments:

First. The National Crime Commission was influenced by the Attorney General to reverse an earlier recommendation for wiretap legislation. The fact is undeniable that organized crime was the principal beneficiary of President Johnson's bill to abolish all use of wiretap and eavesdrop devices except in national security cases.

Second. In his 1967 message to Congress on crime the President ignored almost every single recommendation on organized crime made by his National Advisory Commission on Law Enforcement and Administration of Justice.

To help meet the problems of organized crime I have introduced several bills which will give the Attorney General and the Department of Justice the tools they need. One bill would authorize electronic surveillance in certain clearly defined specific cases by police and other law enforcement officers engaged in the investigation of organized crimes. The bill would provide judicial safeguards to prevent an abuse of this surveillance. Another bill would amend the Sherman Act by prohibiting the investment of certain illegal income in any business enterprise affecting interstate or foreign commerce. This would help prevent penetration of legitimate businesses by the Mafia. A third would permit the compelling of testimony with respect to certain crimes and the granting of immunity thereafter. Hopefully, this would encourage those in the organized crime network to assist the police in divulging inside information with a protection of personal immunity against subsequent criminal action.

CRIMES OF VIOLENCE

Although organized criminal elements often engage in personal crimes of violence, most of these crimes are unorganized—at least in the sense of any continuing organization. Often they are committed by a single individual with a previous criminal record. Crimes of violence generally attract the most attention from the public and the press. Ironically the greater the incidence of crime, the greater the chances the culprit will never be apprehended. For instance, 90 percent of those who commit murder are subsequently apprehended, but only 10 percent of those who commit petty larceny are caught by the police. The frustration of unsolved crimes of personal violence mixed with the wide newspaper coverage given the actual violence has resulted in a national hand wringing in which almost everyone and everything has been blamed.

I suspect that the real problem is not so much the prevention of crime but the apprehension of the criminal. While poverty, unemployment, and discrimination undoubtedly influence criminal behavior, it would be misleading to attribute all crime to these causes. Certainly we should not forgo our national commitment to redress social wrongs and injustice, factors so easily exploited by extremists. But shooting, robbery, and looting cannot be tolerated.

Nor is it adequate—or reasonable—to make the Supreme Court the principal increase in crime. Although the celebrated Miranda case may well deserve scapegoat, blaming it primarily for the review and possibly reversal, one of the Nation's most effective and responsible law enforcement agencies—the FBI—has long followed the essential guidelines laid down in the Miranda and the Escobedo cases.

To understand what is involved here let us take just a moment and list briefly what the Supreme Court held in Gideon, Miranda, and Escobedo. In Gideon the Supreme Court held that no man could be convicted of a crime without the benefit of legal counsel. How many of us would be willing to appear in court—even on a minor offense—and try to match wits with the prosecution or the district attorney without benefit of legal counsel? Not many, I suspect.

In Escobedo, the defendant repeatedly asked to consult his attorney who was barred from the room by the police. Suppose you were being questioned in a police station and demanded to see your attorney and were told you could not, how would you feel? Would you believe your right to "due process of law" was being protected? Again, I think not.

In the Miranda case the Supreme Court held that a defendant must be warned he has a right to consult an attorney. The suspect must be apprised of his right to remain silent. The fifth amendment guarantees the right to maintain silence. The defendant is to be told that anything he says may be used against him in court.

I suspect that a great many Americans would be surprised to know that it was not until 1967 that the Supreme Court spelled these rules out and that until then they had not been observed in some areas.

The defendant may be the worst of men, but the rights of the best of men are secure only so long as the rights of the vilest and most abhorrent are protected. There are some fine people in jail today in Greece, in prison in Cuba, dead in Haiti, or vanished forever behind the Iron Curtain. They were nice folks, until the State said they were not. There is no innocence in this world unless the individual has the right to assert his innocence and compel the state to prove it to his fellow men. To deny due process to any man is to deny it to ourselves and to our children. To give full constitutional rights to Gideon, to Escobedo, Miranda, Malloy, and Mapp is to give them the rights we want preserved for ourselves. Guilt or innocence is decided in a court of law, not in a police station squadroom.

Most of us believe that it is better that some criminals should escape than that the innocent should be imprisoned. In the development of our liberty, insistence upon procedural regularity has been a large factor. The U.S. Constitution says that no man's life or liberty shall be taken except by "due process of law." The concept of "due process of law" is central to our concept of criminal justice. It is respect for due process of law that is our bulwark against a police state. Those who would seek to deny it to some endanger it for all of us.

We must not deal with crimes of violence at the expense of basic liberties.

Crimes of violence in the United States are a continuing national tragedy and challenge of gigantic dimensions. Although this frightening picture of lawlessness and violence has certainly not been a secret to anyone, very little actually is known scientifically about the complex causes and possible cures of crime. General observations are not much help. Slums cause criminal violence—it is argued. This may be true but it does not necessarily account for the rising incidence of crimes committed by the children of "suburbia," by the "white collar" employees of stores and corporations, by bored and frustrated students on the campuses of highly reputable colleges and universities.

Others have blamed crime largely on drug addiction, "soft" judges, short sentences, hobbled police, public apathy, urban living, broken homes, fatherless children, and racial factors. The truth is there is no single explanation of criminal violence. It occurs in every part of the country and in every level of society. Its practitioners and its victims are people of all ages, incomes, and backgrounds. Its trends are difficult to ascertain. Its causes are legion and its cures are speculative and controversial.

There is, however, one very important thing that can and should be done. Notwithstanding some occasional lemons, the police forces of America constitute our very best and our first line of defense against crime. Without these dedicated, courageous law officers America would be a jungle of cringing fear, violence, and death. By exposing themselves to danger law officers buy safety for each of us and keep the crime rate—shocking though it is—from skyrocketing. In a single 8-hour shift police officers are each exposed to more danger than most of us will encounter in a lifetime. They deserve a pat on the back, not brickbats on the head. They deserve applause and our support, not our jeers, apathy, and indifference. In remaining silent and unappreciative we unwittingly strengthen the hand of the criminal whose objective is to weaken law and order. Each one of us in his own community should examine and see whether his local police are getting the support they need. Are their salaries adequate? What about retirement benefits? Is the job of policemen made attractive enough to hold the best men?

Every third day a police officer is killed in the line of duty somewhere in the United States. Yet death benefits for their widows and children are almost nonexistent in many cases. I have felt for some time that we should establish a fund which will give assurance to every policeman in the United States that if he dies in the line of duty any financial problems confronting his widow and children will be adequately and properly met, including a regular income to the widow until the children reach the age of 21.

Widows of American servicemen killed in line of duty to defend the freedom of South Vietnam are given death benefits of $10,000. Surely to widows of American policemen—who are, after all, defending our own freedom—should be given equal benefits.

CIVIL DISOBEDIENCE

A third level of crime needs close examination and appraisal. A protest marcher or student or one engaged in civil disobedience is hardly guilty of anything more than a misdemeanor. He may be sentenced to a very brief jail term or a small fine may be imposed. In no case, however, is the penalty severe. Yet in many respects mass civil disorders weaken the fabric of our society far beyond the magnitude the penalty would suggest.

Today we must face the fact that a climate has been created in the country that approves and encourages violence as a form of protest. This atmosphere has been created by a combination of forces: by white terrorism directed against nonviolent protest, including instances of murder of some civil rights workers; by the open defiance of law and Federal authority by State and local officials resisting desegregation; and by protest groups engaging in civil disobedience who turn their backs on nonviolence. The latter go beyond constitutionally protected rights of petition and free assembly. They resort to violence to attempt to compel alteration of laws and policies with which they disagree.

Unfortunately these people have not realized that if any man can be allowed to determine for himself what is law, every man can. If force and might—rather than legislative and legal procedures—are used to change laws, then any superior force or might may work still another change. The implications of this to students, civil rights workers and the "flower people" should not be lost. Of all groups they are ultimately least effective in mustering force or might. By accepting force and protest as a means of changing law, they invite their own destruction and the imposition of harsh and authoritative codes of behavior.

What good is a civil rights law in a lawless society?

The mere fact that a person wishes to make a public point does not sanction any method he chooses to use to make it. I agree with Dean Griswold that much protest today seems reflective rather than cerebral, motivated more by the desire to reject established positions and policies than by deliberate preference for some alternative. Perhaps, like Dean Griswold, I am just not perceptive enough to discern the wisdom and goals of movements that seek the elevation of dirty words on campus, or that exalt the virtues of the hippie movement or that conduct a "strip in" in a public park. Their message, if there is one, has escaped me.

Yet the level of violence in civil disorders continues to rise and effective action must be taken to preserve law and order.

Improvement in the capability of local police forces to handle widespread civil disorders is absolutely necessary in light of the recent rioting and looting in major cities which resulted in more than 40 deaths and heavy property damage.

While it would be a grave error to establish a Federal police system—and I will oppose any such move—it is nevertheless obvious that civil disorders are a national problem which Congress cannot wisely ignore.

To help meet this problem, I suggest four new Federal programs which would leave control of police completely in local hands but at the same time expand the number of people properly trained and equipped to deal with riots.

They are:

First, the establishment of a series of training centers, similar to the Federal Bureau of Investigation Academy, where, I might note, several police officers from the 20th Congressional District have already received valuable training. These centers would be open to peace officers at any level, municipal, county, and State. In order to encourage participation, part of the training cost could properly be assumed by the Federal Government. The purpose, of course, would be to provide peace officers with thorough training in the best techniques in dealing with riots and looting.

Second, provision of funds to restructure, reequip and retrain the National Guard for civil duty as contrasted with national defense. National Guard units presently are trained and equipped mainly for military combat. If, instead, they were given the same special training proposed through the Federal training centers for local police and properly equipped, they would constitute a splendid backup reserve which State authorities could call upon on short notice when emergencies arise.

Third, the expansion of a unified computer and communications system through which the work of police officers at all levels could be coordinated to maximum efficiency. A beginning toward this concept has been made through the FBI computer system, but it is presently only a beginning.

Fourth, Congress should authorize the establishment of a special fund which would compensate the widow of each Federal, State, and local law enforcement officer killed in the line of duty the sum of $10,000 as a death benefit.

These four programs, if enacted promptly, would make possible a rapid expansion of trained police and facilitate recruitment. And frankly, if civilized society is to survive, rioting and looting must be met quickly by overwhelming police power.

The grim events in Chicago, Kansas City, Washington, and other cities during the past month clearly reveal that existing police forces simply do not have the equipment, training or numbers to maintain law and order in riot zones.

I would conclude on this point. The preservation of law is more than just an end in itself, it is a means to an end. The preservation of law is important not just to maintain order, but to achieve moral and social justice. The law must always preserve the rights of all Americans and offer to each one of us an avenue to redress abuses and grievances. The statute of justice is blind, it favors neither the rich nor the poor. Too often, however, those who speak in terms of law and order do so to preserve the status quo. A great many people who today criticize civil rights marches and stand-ins were strangely silent when Governor Wallace of Alabama conducted his famous stand-in at the University of Alabama in 1963. These voices were mute when Governor Faubus closed the Little Rock schools nor were they outspoken when bombs snuffed out the lives of four Negro children in a Montgomery, Ala., church. If there had been as much concern for law and order then, as now, perhaps much needless bloodshed could have been prevented.

Abraham Lincoln said it best when he concluded an address:

> Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries and in colleges; let it be written in primers, spelling-books and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls and enforced in courts of justice. And, in short, let it become the political religion of the nation; and let the old and the young, the rich and the poor, the grave and the gay of all sexes and tongues and colors and conditions sacrifice unceasingly upon its altars.

BUSINESSMEN WARNED ON ORGANIZED CRIME

The SPEAKER. Under previous order of the House the gentleman from Alabama [Mr. EDWARDS] is recognized for 60 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, in April 1967, at the opening of hearings on organized crime by the Legal and Monetary Affairs Subcommittee, I stated:

> Organized crime is a pervasive threat to, and cancerous growth upon, the very foundations of our society. Every individual in every walk of life is adversely affected, personally and materially, by the tentacles of organized crime. Ill-gotten wealth, acquired through gambling, narcotics, loan-sharking, and other unlawful means, is used to seize power and control lawful endeavors. Legitimate businesses are infiltrated, labor unions are taken over, public officials are corrupted.

Since making that statement, the griphold of organized crime upon society has, if anything, grown tighter.

The threat that organized crime holds to our society is not, I fear, known to the average American. The fault is not his, however. Only a few leaders of society, among them Congressman RICHARD POFF, of Virginia, and Richard Nixon, have apparently taken the time to comprehend the danger and to sound the alarm. The Attorney General of the United States, on the other hand, although designated by the President as chef coordinator of organized crime enforcement, does not appear to fully appreciate the magnitude of the danger. Not only has he tolerated a decline in the number of man-days spent by the Organized Crime Section of the Justice Department in field investigations, grand jury appearances, and court actions, but he has pulled the teeth of effective law enforcement by prohibiting the use of electronic countermeasures such as wiretapping.

In the latter case, he has maintained this attitude of obstinance in spite of apparent legal sanctity by the Supreme Court and in spite of urgent calls for the use of such measures by leading jurists, elected officials, prosecutors, law enforcement officials, leading members of the bar, and others.

I fear that permissive attitudes shown toward crime in the streets, disobedience, riots, and general lawlessness by the present Democratic administration, resulting in a skyrocketing of all categories of crime, has also had the effect of drowning out the equally serious but more hidden activities of organized crime.

The lack of zeal by the Attorney General in moving against organized crime has apparently carried over to many of the other responsible Federal departments and agencies. During hearings by the Legal and Monetary Affairs Subcommittee, witness after Government witness appeared to claim that all was under control and that all was being done that could be done in attacking organized crime. Yet, at the same time, newspaper articles kept coming to my attention indicating: mobsters were grabbing power in Teamster locals; Mafia was increasing investments in legitimate businesses; east coast longshoremen's union was linked with the Cosa Nostra; banks were tied to the Mafia in questionable loan operations; and Wall Street was found infiltrated by organized crime rings.

Attitudes of complacency can no longer be tolerated in our fight against organized crime whether held by responsible officials who should know better or by the general public who has not been told otherwise. What I called for over a year ago is even more urgently required today:

> Every citizen must be made fully aware of its [organized crime's] scope and threat to society. Every legitimate technique must be utilized to rid the country of its presence. Every law enforcement agency must be harnessed into a coordinated and efficient instrument to apprehend its membership. Every lawful judicial process must be employed to punish and incarcerate those apprehended.

It is with this sense of responsibility, then, that I call the Congress' attention to an excellent and well-documented report on the infiltration of organized crime into legitimate business which was prepared recently by the Research Institute of America.

The report points out the many areas of business that have been infiltrated by organized crime and that no business, large or small, is immune from invasion. An excellent analysis is prepared of the key ways that organized crime seeks to gain a foothold among honest and unsuspecting businessmen—unfair competition, in-plant gambling, planned bankruptcies, loan sharking, monopoly, union takeovers. Stress is placed on the fact that once organized criminals infiltrate a business, the costs to businessmen will be much greater because of higher insurance costs, higher labor costs, heavier tax burdens, increased bad debts, reduced profits, and lower employee morale than would be incurred in preventing or driving out organized crime.

The average businessman, as the Research Institute points out, is, like the average citizen, unaware of organized crime's hovering presence or of its tactics of infiltration. Even those who may have a general awareness are inclined to believe that "it can't happen here." This, according to the institute, is the first vital mistake made. To prevent the businessman from committing this first mistake or to help him correct it rapidly if infiltration has begun, the Research Institute presents detailed and constructive guidelines that businessmen should follow.

Among these guidelines are those which instruct a businessman on the various Government agencies he should contact to seek assistance. While I strongly concur in this approach, my recent examination of certain Federal agencies leaves me with some concern over how active a response the businessman will receive or how much help the businessman will receive due to the hamstringing of effective law enforcement by recent actions of the Supreme Court and the Attorney General.

That should not be interpreted, however, as in any way downgrading the praiseworthiness of the Research Institute's report or as an effort to discourage the businessmen from taking the actions suggested in the report. To the contrary, I commend the report to every citizen, whether businessmen or not, for a thorough examination.

The private citizen can only proceed so far, however. The Government must assume its fair share of the burdens and responsibilities in this area. First, forceful and vigorous action must be taken to unshackle the bonds to effective law enforcement which have been fashioned in recent years by the Supreme Court and the Attorney General.

Second, responsible Government agencies must do more than sit back and await businessmen or newspapers bringing evidence of organized criminal activity to their attention. These agencies must acquire a missionary appeal, must go out and meet businessmen in their own territory, must contact trade associations and labor groups and, thereby, bring the word to them, as the Research Institute has done in this report, on what is wrong, what is to be watched for, and what should be done.

In this regard, I am pleased to note in a recent Wall Street Journal article, which I attach at the end of my remarks, that Federal and State law-enforcement agencies are now beginning to intensify the drive against organized crime and, in at least one case, are seeking to bring the word to businessmen and other citizens as I suggested earlier in my remarks. But, of course, much more forceful action is still required.

Third, additional legislation must be considered by the Congress in such areas as: First, legalizing judicially enforced wiretapping; second, making it a crime to invest illegal money in legitimate businesses; third, enacting an organized crime immunity statute; and fourth, tightening up bankruptcy and loan-sharking laws.

In the latter case, I call to the Members' attention another recent article in the New York Times which cites testimony by Henry E. Peterson, Chief of the Organized Crime Section, on the Cosa Nostra control of loan sharking in the New York metropolitan area. Mr. Peterson supports therein findings made in the Research Institute's report that loan sharking is a principal means for organized crime to gain a foothold into legitimate business and that such activities may now constitute the second largest source of income to Cosa Nostra. It is noteworthy that Mr. Peterson feels, as I do, that Federal legislation should be considered against loan sharking.

Finally, Federal agencies charged with regulating businesses must engage far greater resources and time in uncovering organized crime activities. In this regard, I particularly have the Antitrust Division and Federal Trade Commission in mind. I am firmly convinced that if more time were devoted to this endeavor, rather than to certain other theoretically oriented or record-padding actions, competion would be far better protected. Along this line, in-depth studies should be initiated to determine within each industry such matters as: Income obtained from legitimate sources versus that obtained from apparently illicit sources; methods by which organized criminals make initial investments; anticompetitive techniques used by organized criminals after entry is gained; increase or decrease of firms within an industry over different periods of time after illegal entry; infiltration of organized criminals into trade associations and labor unions; and merger history of an industry after the entry of organized crime.

Mr. Speaker, the menace of organized crime is undermining our entire society. Unless prevented, its cancerous growth can destroy our freedom and strength as surely as any foreign force or domestic rabblerousers. This element not only drains away our moral fiber, but siphons off billions of dollars annually which could otherwise be devoted to the necessities of life.

The excellent report of the Research Institute, included in my remarks hereafter, clearly demonstrates that the business community is now becoming aware of and launching an attack against organized crime. The President, his Attorney General, and the responsible agencies of the Federal Government must now come to recognize that words are no substitute for action; that they must immediately and fully dedicate their resources and will to eliminating this deadly force.

The articles and report referred to, follow:

[From the Wall Street Journal, May 15, 1968]

The Gangbusters: State, Federal Officials Team Up To Intensify Drive Against Crime—One Coordinated Attack Yields 33 Arrests; Massachusetts, California Form New Units—Making a Mobster Miserable

(By Byron E. Calame and Paul E. Steiger)

The wiry young man drives a powder-blue sports car and dresses casually. You might take him for a college student, unless you became suspicious of the slight bulge under his sport jacket. It is caused by a 38-caliber revolver.

The pistol-packing "student" is a Federal agent keeping an eye on a gambling syndicate and some suspected accomplices within the police force of a major western city. He is part of a rapidly expanding army of Federal and state officials assigned to a stepped-up drive against organized crime.

In the past seven years alone, says Henry Peterson, chief of the Justice Department's organized crime and racketeering section, the number of Federal officials chasing and prosecuting mobsters has quadrupled. Some of the newcomers are undercover agents like the young man, who spends his days posing as a college student anxious to place bets with local bookies. At night he sometimes prowls through garbage looking for scraps of paper that may later become courtroom evidence. "You'd be surprised at how much someone's garbage tells about the way he lives," he says.

STEP-UP IN STATE EFFORTS

Many states are also intensifying their mob-watching and anti-crime efforts. Early last year Michigan's attorney general set up a special statewide unit made up of crack lawyers and experienced investigators. Since then, California, Pennsylvania and Massachusetts have followed suit. Other states are currently considering special anti-mob units. Illinois has had a Crime Investigating Commission for four years.

A 1967 Presidential task force report on organized crime criticized past state anti-mob efforts as relatively feeble. A key goal of the new state groups is to cooperate more closely with Federal investigators by sharing information with them. They also hope closer ties with Federal officials will reduce confusion as to whether state or Federal laws offer the best prospects for prosecution.

"The states have 90% of the available laws to enforce with respect to the activities of organized crime," says Shane Creamer, a former assistant U.S. attorney in Philadelphia who now heads Pennsylvania's anti-mob group. Mr. Creamer and other officials note that much organized criminal activity—vice, extortion, robbery and murder—often becomes a Federal offense only when suspects cross state lines.

BUDGET INCREASE SOUGHT

At the Federal level, President Johnson has proposed spending $22.9 million in fiscal 1969 to battle organized crime, a budget boost of 11% over the current year. Much of the additional money would go to multi-agency Federal strike forces that would concentrate on certain sections of the country where mobster activity is known to be widespread.

Details of the strike force plan are still closely guarded, and Justice Department officials decline comment on reports published last fall that strike forces would be launched in seven areas of the U.S. during the following 18 months. But it's known that a successful pilot project in Buffalo in late 1966 resulted in 14 indictments involving 31 defendants, two of whom had direct Cosa Nostra links. Strike forces are now operating in Detroit and in Brooklyn.

Both Federal and state officials are devoting particular attention to blocking organized crime's invasion of legitimate business. The California attorney general's new unit is currently trying to determine the extent of the Mafia's interest in business in that state. In New York, U.S. Attorney Robert M. Morgenthau is probing into Cosa Nostra forays into real estate, where he says underworld investment is "obviously easy to conceal," because funds can be channeled through almost any number of middlemen.

As part of the New York effort, Mr. Morgenthau recently appeared before a group of top New York businessmen to detail the ways gangsters penetrate legitimate enterprises, such as by providing financial backing to a seemingly upright businessman. The meeting was sponsored by the National Council on Crime and Delinquency, a business group concerned about organized crime. Federal officials plan similar briefings for business executives in several cities across the country in the next few months.

A TAKE-OVER TRY BLOCKED?

It's not always easy to tell when underworld interests are making a move to get into legitimate business. But California investigators believe they headed off one such attempt a few months ago when an out-of-state "investor" quietly tried to buy the Continental Hotel in Hollywood, then owned by Gene Autry, a former cowboy movie star now turned financier. It's understood that Mr. Autry broke off negotiations after investigators advised him that the would-be buyer had extensive underworld connections. Through a spokesman, Mr. Autry declines comment on the matter. In any event, when he did sell his hotel, it went to the Hyatt House Hotel chain.

Just how successful intensified teamwork between Federal and state law enforcement officials will be once the state units are fully staffed remains to be seen. But if the probe coordinated by Michigan's new anti-mob unit late last year is any indication, the prospects are good. In that case, 33 people were arrested almost simultaneously in three states, on charges involving robbery, bad-check passing, prostitution and operation of a football pool that grossed $100,000 weekly.

State and Federal forces sometimes hesitate to take local law enforcement officials into their confidence. However, the Michigan case originated last August when a county prosecuting attorney called in the state anti-organized crime forces to look at criminal activity in Flint, Mich. It was too well organized to be the handiwork of local hoods, in the prosecutor's view.

The probe quickly spread to Detroit and its suburbs, and from there to Pittsburgh and Erie, Pa., and to Canton, Ohio. In all, more than 50 investigators from a dozen Federal, state and local agencies took part. Thus far, four of the 33 persons arrested have been indicted on felony charges, and nine are in the process of entering pleas on various misdemeanor charges; charges against three were dismissed, and the other suspects are awaiting completion of preliminary examinations of their cases.

[In an unrelated case, five men, including two who were identified during 1963 Senate hearings as key members of the Mafia in Detroit, were arrested in that city yesterday on charges of conspiring to extort money in an alleged loan-shark operation in Michigan. The arrests came after several months of work by the Michigan anti-organized crime unit.]

A West Coast case illustrates some of the methods employed in the coordinated attacks on crime. The leading criminal figure in the affair is James Fratianno, 54.

Known to his enemies as Jimmy the Weasel, Fratianno has spent more than 13 years in prison on felony convictions. He was named by a 1959 California legislative committee report as "the executioner for the Mafia on the West Coast."

The current case against Fratianno arose when a trucking firm he owned started work on an interstate highway project in early 1966. Investigators received information that the firm was using "gypcs"—slang for drivers paid less than the minimum wage—and began pressing a probe of Fratianno.

PICTURES OF GIRLS

Under a quirk of California law, paying drivers less than the minimum wage is a misdemeanor, but conspiracy to employ drivers at such a wage is a felony under both California and Federal law. Thus, authorities were anxious to find evidence of a conspiracy, which would carry a stiffer penalty. They set out to find persons who would testify that Fratianno had discussed with some of his associates a plan to use gypos—and hence had conspired.

Officials decline to reveal any details about the case. But a talk with Fratianno himself in the Beverly Hills office of his attorney shows investigators use a variety of techniques. "They've ruined my life," says Fratianno. "They showed my wife pictures of girls they said I was involved with to try to get her to turn against me. They go to people I work with and ask them if they know about my record and what a terrible guy I am. A contractor I've done business with for six years won't give me work now. . . ."

The upshot of such investigations is that Fratianno now faces Federal and state charges for allegedly conspiring to employ truck drivers for less than the minimum wage. If convicted of all charges, he could be sentenced to up to 10 years in jail.

The Fratianno case also illustrates another maxim of gangbusting. Prosecutors must often settle for what's called a "spitting on the sidewalk" offense, because evidence on major crimes is frequently too skimpy to obtain a conviction. Says the undercover agent who poses as a student: "You know a man has done some lousy things, even had people killed, but you can't prove it. So you follow him around for months or years until you get *something* that will put him in jail."

Closer ties between state and Federal authorities take several forms. One example involved Fratianno. In that case, Richard Huffman, a California deputy attorney general and criminal trials expert, was lent by the state to Federal prosecutors to help prepare their case. Authorities found the arrangement worked so well that Mr. Huffman was recently named a part-time assistant to U.S. Attorney Edwin Miller in San Diego. He now acts as a special liaison between state and Federal agencies.

HIRING ACCOUNTANTS

The mob-watching units being formed at the state level contain experts in several fields. Charles A. O'Brien, who heads the new California group, says he plans to hire several accountants skilled at tracing mysterious transfers of funds as members of his 15-man staff.

But even for experts, trying to find concrete links between underworld interests and their business activities can be frustrating. Not long ago law enforcement officials worked several weeks—with inconclusive results—trying to pin down suspected ties between mob interests in Las Vegas and a multimillion-dollar housing and resort project.

Investigators believe gangsters provided much of the financial backing for the resort, probably as a means of investing money illegally obtained. But probers have yet to come up with enough evidence to seek indictments. "We can't even tell who goes in or comes out of there (the resort) because they've got a private landing strip," says one frustrated Federal investigator who took part in the probe.

[From the New York Times, May 15, 1968]

COSA NOSTRA TIED TO LOAN-SHARKING—SENATE PANEL TOLD 120 IN CITY ARE INVOLVED IN USURY.

(By Richard L. Madden)

WASHINGTON, May 14.—The head of the Federal Government's organized crime unit said today that more than 120 members of Cosa Nostra were engaged in major loan-shark activities in the New York metropolitan area.

Henry E. Petersen, chief of the Justice Department's organized crime and racketeering section, said the estimate came from "a survey of racketeers in New York City" but he did not elaborate.

"Our intelligence indicates that loan sharking may be the second largest source of income to Cosa Nostra, secondly only to gambling," Mr. Petersen told the Senate Select Committee on Small Business, which began three days of hearings today on the impact of organized crime on small business.

Mr. Petersen noted that at present there is no Federal law against loan-shark activity, which is the lending of money at usurious rates of interest. He said the Justice Department had looked into such activities, particularly of the Cosa Nostra, for possible violations of the Federal tax laws. But he said that the effort "hasn't been very productive."

He suggested that Congress consider ways to broaden the federal jurisdiction "so that we may have additional weapons to use before greater inroads into the legitimate business community are made by Cosa Nostra and allied syndicates."

Cosa Nostra is another name for the Mafia, or crime syndicate. It came into usage after Joseph Valachi, an informer, outlined the structure of organized crime for a Senate committee in 1963.

"Our intelligence information indicates that the loan shark has gained a foothold in the legitimate business community," Mr. Petersen said.

'Those businessmen whose credit ratings are unsatisfactory or who are without adequate collateral are easy prey for the loan sharks who are only too willing and able to make loans to substandard risks," he continued.

"The loan shark is quite ready to take over the debtor's business upon his default in his payments of either the principal or the outrageous interest charged."

Ralph F. Salerno, a consultant to the National Council on Crime and Delinquency and a former New York City Police official, also told the committee that a Federal statute against loan-shark activity would be "a very welcome weapon" in the fight against organized crime.

"There is growing evidence that many people who have engaged in illegal gambling operations for many years have lately made the evaluation that loan-sharking is much more lucrative, particularly when measuring the gain to be realized as against the risk involved in possible apprehension, conviction and penalty," Mr. Salerno said.

Henry S. Ruth Jr., associate professor of law at the University of Pennsylvania and a former deputy director of the President's Commission on Law Enforcement and Administration of Justice, said that in some cases interest rates charged by loan sharks have ranged from 100 per cent to more than 1,000 per cent a year.

Mr. Ruth said that in New York "loan sharks have taken over businesses ranging from optical stores to nightclubs to brick companies."

Mr. Salerno said that a New York City hairdresser, in debt to loan sharks, had become a "finger man" for jewel thieves to win credits against his indebtedness by pointing out customers who might be likely targets for jewelry robberies. The hairdresser and the businesses taken over by loan sharks were not identified at the hearing.

DIFFERENCE OF OPINION

At one point Mr. Ruth clashed with committee members by suggesting that some local government officials, businessmen and labor leaders were "perfectly happy" to tolerate organized crime.

Mr. Ruth said that an elected official sometimes may find that "he's got more to lose from his career standpoint" by cracking down on criminal activity.

"I completely disagree with that statement 100 per cent," replied Senator George Smathers, Democrat of Florida and chairman of the committee.

The speakers at today's hearing said that New York had been one of the few states to gather information on the loan-shark problem, and was one of the few states to have a criminal statute against usury.

The hearing will continue tomorrow with testimony on loan-shark activities in New York City. Among those scheduled to appear are a "John Doe," who is said to be a victim of loan sharks, and three men described by the committee as alleged leaders of loan-shark activity in New York.

Protecting Your Business Against Organized Crime: Research Institute Staff Recommendations, April 15, 1968

Highly organized, disciplined, ruthless—and successful; that's how top Justice Department officials describe the underworld's infiltration of legitimate business. Inadequate, disorganized, too timid and too late—that sums up the remedies available to the *businessman* who finds himself the victim.

The reasons why business has become the *target* of crime are simple: Business can provide several things that organized crime needs: a legitimate *front*, a *market* for hot goods, an outlet for *investing* its enormous capital, a cover for illegal *payoffs*, the insulation of *respectability*, and last but not least, an important and useful source of *power*.

The reasons why business should be so *vulnerable* to organized crime are more complex. For one thing, there is the normal human reaction that "it could never happen to me." Thus, few companies take any active steps to protect themselves against exploitation. What's more, the urgent pressures of day-to-day operations often make it essential that business be conduced on an assumption cf mutual trust. Ironically, it may be the company that is *most ethical* in its own business dealings that becomes *most vulnerable* to the methods used by organized crime.

It is not the purpose of this *Staff Recommendations* to *exaggerate* the dangers or to urge the already burdened and busy executive to assume the role of the racket-buster. Rather, it is designed to help business take a *realistic reading* of the situation, recognize what industry is up against and take *precautions* to minimize the risks.

THE NEED TO KNOW

Frankly, this is one study we hesitated doing—primarily because it is a "dirty" subject, too often milked for sensationalism by the press. In addition, there is the built-in legal restriction against naming names in many cases. This opens the double-danger of protecting the guilty and casting suspicion on the innocent.

Why then touch this subject at all? Simply because our research has convinced us that very *few businesses* of any size or character are truly *immune*. And there is just *no way of predicting* which company will be next. In addition, the growing problems of breakdown of law, of overburdened or callous courts now threaten to add *new strength* to the efforts of the mob. Not only are the nation's police forces woefully inadequate to cope with the growing problems of law enforcement, but the trend of court decisions and the pendulum against wire-tapping make prosecution increasingly difficult.

It is for these very reasons that major business groups, trade associations and local boards of trade are beginning to take a more active part in the fight against crime. As a first step, business needs to *know more* about how organized crime operates.

OF COURSE IT COULDN'T HAPPEN TO YOU! . . . OR COULD IT?

Read the newspaper stories of the loan-shark racket or the latest bankruptcy swindle and it's often easy to assume that the victim was a small or shaky outfit. But the fact is that crime is becoming more sophisticated and more daring all the time. They are true "entrepreneurs," ready to go into any business. The major banking institutions and Wall Street securities firms that are deeply involved today would not have thought it could happen to them 20 years ago.

As Allan Shivers, President of the U.S. Chamber of Commerce put it, "To ignore the danger of organized crime to legitimate business is to deny reality. Racketeers have exploited manufacturing, wholesaling, retailing, banking, trade associations, and transportation enterprises, among others. *The first line of defense* is for every manager and executive to become acquainted with the strategy and tactics of organized criminals in order to take appropriate preventive measures."

Myles Lane, Chairman of the New York State Commission of Investigation, agrees that "racketeers have penetrated virtually every area of commerce and industry." And H. Ladd Plumley, insurance executive and Chairman of the National Emergency Committee of the National Council on Crime and Delinquency adds: "Recognition of this fact and implementation of effective countermeasures must rank as among the most pragmatic and essential of management actions."

For the businessman who has seen no active signs of criminal activity in his own industry, it may seem unrealistic to worry about "countermeasures." But Research Institute analysts are convinced that the *only effective time* to take action may very well be in *advance*. Prevention—though it may involve some investment of time and effort—can be infinitely more effective than any presently available remedies, once crime gets a foothold.

Secondly, the *indirect costs* to your business—even when you are not the actual victim—are real and they are heavy. If organized crime gets a foothold in your industry or your community, your company will be paying the price in a number of ways:

Higher insurance costs, as risks mount.

Higher labor costs when unions fall into underworld hands.

Heavier tax burden—not merely because of the costs of investigation and apprehension but because the criminal often pays no taxes on the heavy profits which he sucks out of the legitimate community.

RECOGNIZING WHAT YOU'RE UP AGAINST

A synopsis of the methods used by organized crime may sound like a grade-B movie plot—but don't let that fool you. It would be a serious mistake to underestimate the tight family network that binds organized crime—its size, its strengths or its brutal effectiveness.

Major law enforcement units, at the local, state and federal levels, accept as a basic operating premise this conclusion expressed by the Kefauver Committee, which conducted a nationwide investigation of crime in 1951: "There is a nationwide crime syndicate known as the Mafia . . . Its leaders are usually found in control of the most lucrative rackets in their cities . . . There are indications of a centralized direction and control of these rackets . . . The Mafia is the cement that helps to bind (the major syndicated) as well as the smaller criminal gangs and individual criminals throughout the country . . . The domination of the Mafia is based fundamentally on 'muscle' and 'murder' . . . It will use any means available—political influence, bribery, intimidation, etc.—to defeat any attempt on the part of law enforcement to touch its top figures or to interfere with its operations."

The Kefauver conclusion is probably a conservative estimate of the problem today, as this up-to-date rundown of crime's "organization chart" would indicate:

Organization: The basic group is the "family," of which there are up to 24 throughout the country. (New York City is blessed with five.) The Commission, a national advisory group comprised of the heads of the most powerful families, is the supreme arbiter, disciplinarian, and rule maker of the confederation. The *Boss* is top dog of each family. His mandate is twofold: Maintain order and maximize profits. His authority within the family is absolute, barring being overruled by the Commission.

In a position roughly comparable to that of a company president, the Boss usually has the services of a staff consultant—frequently an elder statesman, retired after a successful and active criminal career. There is invariably an Underboss—vice president of sales, if you will—who acts as a buffer between the president and the various lieutenants or regional sales managers, who, in turn, supervise an army of soldiers (salesmen). The salesmen bear the brunt of the front-line operation of the criminal enterprise. The relationship among families and among members within a family is analogous to that within cliques of a business organization: no written rules, but a code of conduct; no formal elections, but a leader emerges; no written standards for membership, but members exist and they can be "typed."

Scope: The Organization is nationwide. Some sections of the country are open territories; that is, up for grabs by any family that can turn a profit in the area. Other sections are reserved for the exclusive cultivation of one family, although agreements do exist permitting more than one family to operate in an otherwise restricted territory. But each has its own sphere of activity so that they do not overlap or compete. Although not an operating subsidiary of the Sicilian Mafia, the autonomous U.S. organization cooperates with and receives assistance from its overseas counterparts.

Resources: Approximately 4.000 to 5,000 men are identified members of Mafia families, but many experts consider this figure merely as the top of a huge iceberg. What's more, a huge army of non-members work for them. Members' specialties are varied. Some are enforcers; others are corrupters, money-movers, legal and accounting experts. Many man the front line of criminal activities. A few simply act as buffers between the decision-makers and implementers. A family may number several hundred or merely a score of men. Family members are the inner core—the well organized part—of organized crime. Including non-member but affiliated criminals—and taking into account political machines, labor unions, and business enterprises directly or indirectly controlled by organized crime—the manpower of this national network is estimated by a former inspector of New York City's Police Department at many hundreds of thousands.

The most valuable resource of all, and the one most plentiful, is *money*. According to an informed estimate, the "take" is approximately $40 billion yearly. The bulk of Mafia income ($20-billion gross) comes from gambling (numbers, dice, bookmaking) followed by a multibillion-dollar loan-shark operation. Gambling nets organized crime about $6 billion yearly, while it's no great feat for loan sharks to double their money annually. Knowledgeable observers consider it inevitable that organized crime is reaping a *higher net income* than any single *legitimate industry*.

Some perspective on the growing danger of the problem was provided by the 1965 Oyster Bay Conference on organized crime. It concluded that "In earlier times, criminal activities were the principal source of income for organized crime, and legitimate business served as an outlet for investing the proceeds; thus, money flowed from 'dirty' areas into 'clean' areas.

"Today, however, legitimate business has become so large and lucrative for organized crime that money flows in both directions; a business enterprise often provides the capital to start or sustain a criminal enterprise."

With such funds, organized crime can sometimes purchase the highly important resource of *power*. Too frequently succeeding, the Mafia is corrupting legislators, mayors, judges, police, and a host of other officials. The result: power to run criminal enterprise with a minimum of official interference and occasionally with a maximum of active official assistance. Where there is organized crime, there is almost always some form of official corruption: payoffs to police, judges, etc.

As a *practical matter*, therefore, businessmen face a disciplined criminal organization enjoying vast resources, minimum exposure to the law (thanks to professional advice and corruption), tenacious permanency (loss of a Boss does not result in the loss of the organization), and effective insularity of its leaders due to the use of buffers or intermediaries.

HOW CRIME-PROOF ARE YOU?

How can you tell if your business is a current target? Some early warning signs are spelled out in the following pages. However, no company can afford to undertake the staggering burden of checking and screening every business contact. Law enforcement agencies recommend that the business community must *assume* that *any attractive* business situation will look equally attractive to the underworld. But certain weaknesses in your operation may sharply reduce the odds of safety for you.

As a quick guide to your proportional vulnerability the odds increase where:

(a) A member of your staff, with access to anything important (inventory, records, influence) is a problem gambler or is imprudent enough to borrow from a loan shark.

(b) A key person is both personally untrustworthy and especially vulnerable to greed.

(c) The union you must deal with is involved with the mob.

(d) The business is especially loosely run and the controls and records sloppy.

(e) The industry has had a history of contact with racketeers. This is particularly true of those industries in which multitudes of smaller business and a weak trade association make "entry" easy and unnoticed.

In addition, many companies are especially vulnerable because of two deficiences:

Inadequate or lax management policies. The company which operates too informally may be unwittingly surrendering control in many important areas. Ask yourself these questions: How often does top management review credit policy? Who handles your labor relations? How long would it take for irregularities in the handling of any part of your business office to come to your attention? Assume the possibility of a key employee who is under pressure from a loan shark; would it be possible for him to involve the company in an unsound credit risk or disclosure of company secrets?

Unwarranted trust in those with whom your company deals. Internal control is half the protection problem, but outside relationships can also be door-openers to organized crime. For example: Do you really have *sufficient information* about the consultant you are about to hire? The trucking firm you use? The realty firm from which you may be leasing? The messenger service you use? The company from which you are leasing cars or trucks? The construction outfit you are about to sign a contract with? The firm that hauls away industrial waste? The catering organization operating your cafeteria? Your new customer or supplier? The union your employees belong to?

RIA recommendation: Realistically, your knowledge in these areas must be less than complete. Detailed and continuing investigation cannot be conducted without disrupting the flow of business and neglecting the normal management functions. But what business *should* do—and often does not do—is make certain it is taking the minimum precaution of a Dun and Bradstreet credit check and periodic top management review of sensitive control points within the company. Laxity in these areas increases both the temptation and the opportunity for crime to get a foothold.

In the following pages we will take a look at the six common strategies used by organized crime for exploitation of legitimate business:

Unfair competitive methods
In-plant gambling
Scam—or the planned bankruptcy
The loan-shark racket
Control through monopoly
Take-over of labor unions.

Preventive measures and counter-moves are discussed later.

"UNFAIR"—TO SAY THE LEAST—COMPETITION

A company losing business to other firms because of syndicate-inspired unfair competition may never realize that it is being taken to the cleaners. While ignorance may be bliss, it can also be highly unprofitable. Assume one of your competitors fits the following description, which, by the way, corresponds to an existing company:

1. Incorporated for over a decade and with sales in the $5- to $10-million category, the firm employs close to 100, pays creditors promptly, maintains a six-figure bank balance, and has satisfactory bank relations.

2. Recent customers include a federal agency, a university, and city and county agencies. Work for these customers was secured on a competitive-bid basis. A spokesman for a federal watchdog unit in Washington was quoted as stating that to the best of his knowledge, the company has been doing a good job; has had no labor problems; and has been right on schedule.

3. The officers and directors of the company have no known criminal records.

Odds are that a prudent executive would not suspect unfair competition on the part of such a company, much less believe that it was linked with the organized criminal underworld. But with a little digging, you could discover that a salaried executive of the above firm does have a criminal record, that his father is reputed to be the Boss of an underworld family, that the executive himself has been identified as a caporegima (Mafia lieutenant), and that from the time he joined the firm several years ago, the annual gross has increased manyfold. Information would also come to light to the effect that the company's consistent low bidding results in part from the absence of serious labor trouble in recent years (despite below-standard wages).

A similar form of unfair competition is inflicted when organized crime sets up *non-union manufacturing plants* to compete in a generally unionized industry. At least six such plants were reputedly established in Pennsylvania and upstate New York by the late underworld Boss Thomas (Three Finger Brown) Lucchese, whose one-time apparent successor-to-be, Antonio (Tony Ducks) Corallo, is currently linked to sweatshop operations in Florida. Corallo, by the way, was indicted along with former New York City Water Commissioner James L. Marcus in connection with an alleged kickback payment for throwing city business to what the FBI describes as a mob-connected company.

RIA caution: Obviously, it can be equally misleading to assume that *every* nonunion company in a widely unionized industry is suspect. Many legitimate businesses have withstood union pressure because personnel policies have kept employee satisfaction high. Prudent checking within the industry can help distinguish these companies from the ones where syndicate control of labor is a critical factor.

Another type of underhanded competition which can injure legitimate business is made possible by the *incredible financial resources of syndicates*, resources permitting them to enter a given market and sustain considerable losses stemming from *below-cost pricing* during the course of driving out competitors. Once a criminal monopoly is achieved, the losses are quickly erased as prices bounce back up again.

Some *wholesalers and retailers* face an especially tough competitive situation when a less scrupulous rival, often mob-established, acts as a conduit for stolen merchandise or for goods obtained as the result of a syndicate-engineered planned bankruptcy. Such goods, of course, are sold at substantial discounts to a bargain-hunting public.

That organized crime's methods of competition are frequently not overly subtle, is well-documented in the case of Long Island air-freight truckers. As one of many similar cases revealed in late 1967 by the New York State Commission of Investigation, a trucker's vehicles were sabotaged and, under pressure from a mob-run Teamsters Local, the trucker's current and potential customers began to drop by the wayside. These customers included two major airlines and a leading air-freight forwarding company. The reason for the harassment by the union local: The trucker's refusal to knuckle under to a mob-directed scheme which would, among other things, have virtually eliminated competition among air-freight truckers serving J.F.K. International Airport. Both airlines and the air-freight forwarder wound up using racketeer-approved truckers.

Implicated in this matter was the secretary-treasurer of Teamster Local 295, Harry Davidoff, who has a criminal record and is an associate of John Dioguardi (Johnny Dio—well known labor racketeer, convicted in 1967 in connection with a planned bankruptcy) and Tony Ducks Corallo, noted above. On the grounds that his answers might tend to incriminate him, Davidoff refused to answer 70 questions at the late-1967 hearing of the New York State Commission of Investigation.

RIA observation: Underworld-related unfair competition in its more subtle, less visible forms is difficult to pinpoint at best—often impossible to prove. It is possible to list some of the potential symptoms, although it must be remembered that no single symptom is "evidence" in and of itself:

1. Employees of a competitor are not unionized, although unions are strong in his area and industry and his wage rate is out of line.

2. Wage rates of a competitor's *unionized* employees are substantially below the average of the area and industry.

3. Competitor frequently secures business for which he did not submit the low bid.

4. Competitor is conspicuously free of labor trouble in relation to the experience of competing firms in the area.

5. Prices of a competitor are so low that even maximum efficiency could not be an explanation.

6. Competitor frequently obtains local government business on a nonbid basis.

RIA recommendations: The presence of one or more of these symptoms is hardly conclusive; but where *several* exist simultaneously, they may be considered *early warning indicators*, signals that you should perhaps do a little digging along the following lines:

Does the competitor employ "consultants"—especially so-called labor-relations specialists—who have criminal backgrounds?

Does the competing company employ anyone in a managerial capacity who has a criminal record?

Are any of the officers or employees of the competitor's union know racketeers or associates of known racketeers?

Are any of the vendors serving your competitors mob-connected?

Answers to such questions frequently can be culled from information already published in the records of Congressional, crime-commission, or other investigative hearings. While the businessman may be reluctant to probe—even in publicly available records—trade associations, as noted later, can be of substantial assistance by procuring, consolidating, and disseminating such information to their members.

But other, easily accessible, sources of information are also available. Dun & Bradstreet or other credit-rating services can sometimes tell you if the management group of a company includes those with criminal backgrounds. And, of course, little or no study is needed to document the more gross instances of unfair competition or mob penetration which hit the local papers. If you're involved with or in the industry which was affected, it is best to take these public episodes as the strongest warning to check into any part of your operations which intersects with the offending operation.

RIA recommendation: If the information you have gathered about criminal-sponsored unfair competition is convincing to you, don't sit on it and hope for the best. For one thing, you will probably be unable to assess what you have learned. But, on the other hand, to ignore your doubts would be folly. Take immediate steps to present your findings to the appropriate authorities. How to do this and what constitutes an "appropriate" authority are explored in a subsequent section. (See page 28.)

IN-PLANT GAMBLING OR HOW TO PUBLICIZE YOURSELF TO ORGANIZED CRIME

In-plant gambling is such a *common* problem that it is often accepted—albeit reluctantly—by management, as "incurable." Objections, when they are raised, tend to focus on the moral implications rather than the business considerations. Yet an innocent-seeming baseball pool may actually be the entering wedge for an underworld invasion of a business.

Some investigators claim that the company free of gambling is the exception, not the rule. And it flourishes where the attitude of top management, typically, is either "I couldn't stop it if I wanted to," or, "What's the harm?"

The "harm" is really two-fold. The first is the damage to efficiency, discipline and productivity, caused by workers roaming about the premises placing bets and discussing the outcome.

But it is the *second* and even more *serious* level of danger which rarely gets attention: Organized crime may take an interest in the wagering activity and assign a bookie to the action. The syndicate can quickly develop additional interests in the firm, because the *syndicate's gambling network doubles in brass as an intelligence system*. In fact, gambling often is used as a door-opener to enable a syndicate to establish a listening post. Information can then be obtained by observation, by eavesdropping, by piecing together employee chit-chat, by forcing an employee with a large gambling debt to pass along information or to leave a warehouse door unlocked.

Gambling-derived information is occasionally used to set up companies for profitable burglaries or hijackings. Or it may result in a "salesman" calling on you and suggesting that it might be a nice idea for the company to buy a few gross of widgets every month. When you reply that the firm really has no need for widgets—or that you're satisfied with your present supplier—your friendly salesman is likely to "clarify" the situation with some such remarks as "I really think purchase of the product will do you a lot of good. You were highly recommended by Joey Mobster."

Point is that a company's willingness to turn its back on the gambling operation enhances its chances of earning a mobster "recommendation" as a "soft" or "useful" candidate for further exploitation. Tolerance makes you an attractive victim.

RIA recommendation: The first step in detecting whether gambling has become a big-time extra-curricular activity within your business is to concede that it *might* be taking place. That you have not yet stumbled on such activity is not necessarily proof of its absence, especially if the plant is located in a sports-oriented area. Be alert to the signs of gambling, such as:

Complaints from wives that workers are not coming home with a full pay envelope.

Garnishment proceedings occurring with inexplicable frequency.

An unusual number of employees congregating or visiting a certain area of the plant at specified times.

An employee who consistently makes the rounds of the various departments, even though his normal duties do not require such activity.

Extensive use of the pay phone by one individual at the same time each day.

Regular frequenting of the plant by a nonemployee.

Discarded basketball-, football-, or baseball-pool slips or other concrete evidence.

If your suspicions of wagering activity are only lukewarm, you may wish to hire a private investigation company to determine discreetly the extent of the problem. However, you should check your union contract before taking this step. In any event, do not use such an investigating agency for mixed purposes such as determining the extent of gambling and the extent of union activity of any kind. In some cases it may be better to seek union cooperation *after* the extent of the problem is definitely established, as outlined in the action section. (See page 21.)

THE PLANNED BANKRUPTCY OR SCAM

An East Coast company goes into bankruptcy, leaving $2,900 to satisfy $300,000 worth of obligations owed to 152 creditors. In Florida, an investigator observes the transfer of merchandise from warehouse to van, which, once loaded, embarks on a circuitous route to a small store several miles away. John Dioguardi, labor racketeer and extortionist, is fined $10,000 and receives a five-year sentence for bankruptcy fraud. What is the connection between these events? They all pertain to the syndicate-engineered phenomenon of the *planned-bankruptcy plot*, or *scam* (supposedly carnival jargon for "scheme").

Though now reluctant to supply specific figures, Justice Department officials in the recent past have estimated the number of syndicate-engineered bankruptcies at more than 200 yearly, each involving as many as 250 or more creditors. A thousand additional scams are said to occur yearly, though not syndicate-connected.

Enforcement officers bemoan the fact that creditor-victims often absorb their losses rather than invest further money or energy in what they consider a "lost cause." Shrugging off a small loss in a syndicate-connected scam is comparable to tolerating blackmail because it's "just a little" blackmail.

The key to success in a mob-engineered scam is the manipulation of *credit*. Scam operators may vary their strategy but nonetheless follow a predictable and usually profitable pattern:

Build up inventory through purchasing goods on credit.

Sell the merchandise for cash, or transfer the goods to a racketeer-run business (e.g., transfer credit-bought meat to syndicate-operated restaurants and hotels).

Conceal the proceeds and fail to pay suppliers.

Maneuver under the protective shield of the Bankruptcy Act when creditors file an involuntary petition in bankruptcy. (Sometimes, however, creditor apathy allows the scam operator to escape bankruptcy proceedings. Occasionally, the scam operator disappears, so that there is no one to bring bankruptcy proceedings against.)

Almost any company is a candidate for becoming a *creditor-victim* of the scam operation. Manufacturer, wholesaler, retailer—all are vulnerable. Usually, but by no means always, the merchandise purchased by scam operators has a *high turnover potential,* is *readily transportable,* and is *difficult to trace.* Pianos, office machines, industrial goods, construction materials, furniture, watches, household appliances, food are among the varied merchandise targets of recent planned bankruptcies. To effect their fraud, racketeers usually select one of the following three strategies:

The three-step scam. Though not as popular as it once was, this plan involves the formation of a new corporation, ostensibly owned by a "front-man," one with no prior bankruptcy or criminal record. To help establish its reputation as a solid credit risk, the company deposits from $40,000 to $60,000 in a bank account ("nut money"). An impressive store and/or warehouse is rented, and an equally impressive name is given the enterprise. To further its credit reputation among suppliers, a public accountant may be asked to prepare a statement of financial condition. Of course, the statement is asterisked, with a footnote that it was prepared without verification—a tip-off to the wary, a well camouflaged pitfall to the careless.

Small orders are placed with several suppliers, along with phony letters praising the business and its progressive management. If references are required, the scam operator supplies the names of a few mob-dominated companies all too happy to vouch for the fledgling enterprise. Suppliers are given the impression that unless they get on the bandwagon soon, there's a chance they might not receive the business. First-month creditors are promptly paid in full. End of step one.

The same routine is followed during the second month of operation, except that first-month suppliers receive only two-thirds of what's due them. *New* creditors are paid in full, though.

The third step begins by the firm ordering large quantities of merchandise from the two previous groups of creditors and perhaps from brand-new ones as well. Frequently, ordered goods are quite inconsistent with the alleged nature of the business. If pressed for a reason, the scam operator may reply that his business is expanding or that he's adding another department. As the merchandise flows in, it is quickly sold or concealed at another location. When unpaid creditors become suspicious and investigate, the scam operators have long since departed. During the operation of the scam, the nut money is gradually withdrawn as payments to fictitious payees.

The same-name scam. In this scheme, the scam team opens a business with a name almost identical to a well-known and reputable company. If, for example, the reputable firm is called XYZ Inc., the scam company may call itself XYZ Sales Inc. Suppliers are thereby misled into believing they are dealing with a subsidiary or branch operation of the reputable enterprise, which has a top-notch credit rating to be sure. This type of planned bankruptcy has a number of advantages over the three-step variety, at least from the viewpoint of the scam operator: Financial statements frequently are not required, nut money deposits need not be as substantial, and precious time is not wasted in establishing a decent credit rating.

The take-over scam. With the same advantages of the same-name strategy, this fraud entails purchasing a going concern with a good credit rating. The purchase involves as little cash as possible, with the balance comprised of what will turn out to be worthless notes. Some surprisingly respectable firms have been taken over through the ruthless pressure of loan sharks from whom management made the mistake of borrowing substantial sums in a period of acute financial stress. Such take-overs may be timed to occur just after a review by a credit-rating company. The fact that new owners are now in the saddle is kept from creditors, and substantial orders are placed with new and old suppliers. Orders are generally far in excess of normal quantities.

Any one of the above basic scams may be centered on the Christmas season, when rush deliveries are commonplace and harassed suppliers often delay making thorough credit checks. Or immediate-delivery orders may be placed for off-season products, scam operators banking on precredit-check shipment by suppliers anxious to obtain business in a normally slack period.

When the front men are still around to answer questions about the bankruptcy, a wide variety of reasons are proffered: "We sold below cost to build volume." "I gambled away the profits." "I was burglarized and all the merchandise—and accounting records—were taken." And so on.

RIA observation: Once a scam is uncovered, it's often difficult to understand how a successful manufacturer or supplier could have been *taken in* by it. The natural eagerness to sell to new outlets—coupled with a lack of awareness of this type of operation—combine to make any supplier a possible dupe.

Tip-offs of an impending planned bankruptcy are many; while no single one is conclusive, the presence of two or more of the following early warning alerts should be sufficient to set into motion a close inquiry by your credit or sales people:

A customer-firm is under new management. Information on the principals is vague.

An account markedly increases order quantities, an increase out of line with the normal pattern.

Goods are ordered that are unrelated to customer's traditional line.

Payment patterns are altered; partial payments increase, time between payments lengthens, or postdated checks or notes of indebtedness supplant customary payment procedures.

Unverified financial statements are supplied.

Personnel with criminal records appear as managers of a company you supply. (Dun & Bradstreet Reports will include this information when known.)

A new account, out of the blue, submits an immediate-delivery-or-don't-bother order.

A customer's bank balance (nut money?) shows a persistent decline.

References do not check out or are firms that are new to you.

Customer's name is almost identical with that of a reputable firm, perhaps with a mailing address on the same street as the latter's.

Should one of your customers cease operations, these *after-the-fact circumstances* may point toward a scam:

Bankrupt's books are missing or woefully incomplete.

Debtor is vague about reasons for the bankruptcy and hesitates to supply information.

Debtor refuses to answer questions on the grounds that to do so would tend to incriminate him.

Bankrupt's place of business is burglarized or destroyed by fire.

Salaries and/or expense accounts of debtor are exorbitant.

Remaining assets are comprised primarily of store fixtures and the like, rather than of the merchandise in which the company normally dealt.

Bankrupt has recently repayed loans.

What the scam racketeers are hoping, of course, is that creditors will not press bankruptcy proceedings. The likelihood of such inaction is enhanced when the bankrupt has ordered relatively small quantities of merchandise from a great many creditors who are geographically dispersed. In such cases, the motive and means for prosecution are reduced appreciably.

Those who engineer bankruptcies also frequently count on creditors routinely approving the shipment of low-value orders ($600 or less, say) without a credit check, the theory being that more profits are gained than lost by such a procedure. While this may be true, scam operators have been known to repeatedly "patronize" companies with such relaxed policies.

The loan-shark racket

Loan-sharking—the lending of money at usurious rates—is a major underworld occupation, so lucrative that it ranks as the second largest source of revenue for oganized crime. This multi-billion-dollar activity is financed largely from gambling proceeds and is a principal weapon by which organized crime batters down the doors of legitimate businesses. So lethal is this weapon that one can say, without qualification, that accepting loan-shark financing is equivalent to cutting your *throat* later, rather than cutting your *losses* now.

Few businessmen would disagree. But this is one trap *no one* ever expects to fall into. Yet there are two basic situations which lead to businessmen finding themselves face to face with loan-shark collectors. Most common are the variety of improvident actions which lead an employee to turn to a loan-shark as his "only way" to bail out of a financial dead-end. Sometimes the employee doesn't even know that he has fallen into this trap. He may think he's taken an emergency loan from a "friend of a friend." Or he may be unaware that his gambling debt has been turned over or discounted by the creditor bookie.

The infinitely more dangerous breach may involve the business itself. Not all trusted executives are immune to the sickness of compulsive gambling or of other indiscretions which can be financially costly. There have also been instances where the principal of a business who has exhausted the legitimate sources of credit faces an emergency and, confident of the ability to turn around given "a little time," reluctantly turns to a lender who is all too eager to provide the funds.

Any one of these "openings" many prove useful to the mob, by providing access to records or a warehouse, or even direct power over the corporation itself.

What makes matters worse, as far as the businessman is concerned, is that loan sharks take particular joy in finding corporate "accounts." As one crime study pointed out, "Loan sharks have constantly used corporate borrowers as a cover, or concealing device. Typical was the instance in which a loan shark took his vigorish (interest payments) in the form of a salary check from an automobile dealer whom he had loaned money. The hoodlum appeared on the corporate books as an outside salesman."

Company accounts are even more attractive in those states whose usury statutes do not apply to corporate borrowers. For example, at the time when New York's usury statutes did not so apply, loan sharks catering to company borrowers were brazenly setting up operations under such covers as First National Service & Discount Corp.

Business owners and employees (white- and blue-collar) can be subjected to a variety of demands by loan sharks, who are determined to collect one way or another:

A Wall Street stock clerk is coerced into a plot to peddle stolen securities.

A trucker is forced to ship stolen property.

A $20,000-a-year V.P. embezzles $200,000 to pay off a loan shark from whom he borrowed in order to gamble.

The mechanics of the syndicates' loan-shark operations is simplicity itself. Typically, the syndicate Boss, with millions at his disposal for loan sharking, allots large sums to each of his chief underlings. They pay the "Boss" 1% "vigorish" weekly, and in turn distribute the money to various low-echelon criminals, charging them 1½%–2½% weekly. These are the loan sharks who make contact with the borrowing public; rates are generally not less than 5% weekly.

So with a $1-million investment, the overall return to the syndicate can easily reach $2.6 million annually. When loan sharks are convinced that a debtor is scraping the bottom of the barrel, a "sit-down" is arranged. This is the underworld's equivalent of *commerical arbitration*, whereby a final payment is negotiated—also known as "stopping the clock."

Occasionally, loan sharks engage the *cooperation of established banks*. This cooperation may be unwitting, or it may result from a bit of corruption. Take the case of Mr. X, who needs $6,000 to tide his business over a slack period. He gives a loan shark a promissory not of $8,000. The loan shark discounts the note at the local bank and remits $6,000 to the borrower. The difference is retained by the loan shark as vigorish, while the borrower is obligated to the bank in the amount of $8,000. A finder's fee for the loan shark may also be involved.

In several rarer cases, loan sharks have received *direct loans* from banks. Thanks to a corrupt loan officer, about $1.5 million was lent to a loan-shark operation in one instance. There has even been one arrangement whereby bank officials allowed loan sharks to make their initial contacts near the "immediate credit department" on the bank's premises.

A relatively new scheme making the rounds is a cross between a loan-shark and scam operation: the *mortgage advance-fee swindle*. Racketeers establish a phony company with a name similar to that of a reputable mortgage-money firm. Ads spread the word that mortgage funds can be obtained. When a prospective borrower—businessman or whoever—expresses interest, the company's representatives guarantee that the money is available but require payment of an advance fee, good-faith money. Upon payment, the swindlers are not to be heard from or found again.

RIA observation: The whole matter of avoiding the loan shark trap is one facet of the larger question of ridding your community of mob-dominated enterprises. Elimination of this menace alone would warrant cooperative steps as outlined in the action section, beginning on page 21.

THE NAME OF THE GAME IS MONOPOLY

One of the most lucrative and sought-after objectives of the organized underworld is control over a given segment of business or industry. And it has gained this objective with unsettling regularity.

There are two sides to the monopoly coin: A company suddenly discovers that it is part of a racketeer-dominated industry, or it finds that it is a *customer* of a syndicate monopoly. In some sections of the country, a very substantial part of the private waste-disposal industry is under the tight operational control of organized crime. Territories are assigned, and all businesses within a territory are at the mercy of the waste-disposal outfit serving that area. There are no competitors to switch to.

How could the syndicate manage to carve out this monopoly? Sometimes they buy competitors, sometimes they force them out. Thanks to the tremendous financial resources of organized crime, mob-backed firms can offer cut-rate prices or loan-shark loans that force competitors either into bankruptcy or into a sell-out frame of mind. As the syndicate gains increasing control, consolidations are effected until only a handful of racketeer-dominated firms remain. At this point, of course, cut-rate prices disappear and territorial agreements are arranged. Should a newcomer attempt to compete, he is effectively "discouraged."

One of the *chief tools* used by organized crime to engineer a monopoly situation is the "*association*." Of course, the formation or control of an association could be an end in itself, such as in cases where tradesmen are advised to ante up substantial dues and join the association, which in return will provide protection for limb and property.

One of the most sobering and recent examples of how the association can serve both as an end as well as a means of achieving a much larger criminal objective is the foothold organized crime has gained in the *air-freight industry*, with the bulk of this activity centering on Kennedy International Airport.

While the story of the air freight mess, as revealed by the 1967 public hearings, is interesting for the sheer dramatics of it all, most important from the point of view of the business community are the valuable lessons to be learned in terms of how to *anticipate, recognize the dangers of,* and *cope* with a similar situation should it develop in your own industry or line of business.

First, and *contrary to the common assumption* that the small or unstable business is the usual target, the characteristic of the air-freight industry that made it such an attractive plum for the organized underworld was the *magnitude of the business*. During 1967, an estimated 500,000 tons of air cargo valued at $6.3 billion were moved through Kennedy International. By 1970, the tonnage figure is expected to increase to 794,000. To cover Kennedy's 4,900 acres (160 of which are occupied by air-cargo facilities) and the airport's 37,000 employees is a Port Authority police force of some 142, of which no more than 41 are on duty during any one shift.

For many trucking firms competing for the airfreight business an essential requirement is *reliability of service*. If pick-ups or deliveries are missed because of labor or equipment troubles, for example, customers have little choice but to take their business elsewhere. Reliability is the *jugular vein* of air-freight truckers, and syndicate operators went right for it.

A series of tip-offs that trouble was brewing in the air-freight industry occurred in the 1960–1965 period when a number of *union "consolidations"* were implemented, which resulted in racketeer-led Teamster Local 295 becoming the dominant union in the air-freight trucking field.

Additional storm clouds began to form in the 1962–1965 period when a number of moves resulted in Jet Stream, an association of employers in the air-freight trucking field. Jet Stream ultimately became a division of the Metropolitan Import Truckmen's Association (MITA), the other division representing waterfront truckers. People such as John Masiello, a reputed lieutenant in the Vito Genovese family, and Anthony DiLorenzo, also linked to the Genovese family, cropped up as consultants to MITA.

The MITA *dues scale* began to *escalate*. Total dues income in 1961 was $9,480; in 1966, the figure reached $75,000. One trucker paid an initiation fee of $5,000 and monthly dues of $1,000. Those reluctant to join MITA had to surmount labor trouble, sabotage, loss of customers.

The situation was equally bad from the *customers' point of view*. Airlines served by MITA truckers were continually pushed around, told by Local 295 to drop this trucker or to hire that one. In July 1965, when an airline tried to switch to a non-MITA company, the former was threatened with the shutdown of the entire airport. A boast? Yes, but one no one would casually dismiss.

The list of problems uncovered is endless: The *airlines* were subjected to *dubious collective bargaining tactics;* air-freight *forwarders* were exploited and manipulated by mob-run MITA and its Local–295 adjunct. One CAB-licensed forwarder was subjected to severe pressures in the form of work stoppages, often related to the choice of trucking firms it did business with. *Thefts* alone at Kennedy increased from $45,000 in 1962 to over $2 million in 1967 (excluding $2.5 million of nonnegotiable stock certificates). Authorities say certain employees at Kennedy have been approached by organized crime and informed that there are outlets for certain merchandise.

RIA observation: The air-freight situation underscores the importance of early action. The near-catastrophe in the air-freight industry took *years* to develop. While sporadic protests were filed with the NLRB, CAB, Port Authority police, FBI, and the like, the prevailing characteristic of the industry was one of *unorganized inaction*. The longer an industry puts off action to combat criminal elements, the greater will be that industry's exposure to fear and violence. To delay action merely allows a danger to transform itself from a threat into a pervasive reality. And as organized crime's incursion into an industry increases so also does the amount of *courage* that managers must summon to combat the threat.

A SPECIAL WORD ABOUT LABOR UNIONS

The role played by the union in the air-freight story is but one example of the way that organized crime seeks, if it can, to use labor as a tool against legitimate business. In other industries as well, crime's growing control over a particular labor union has been *the major factor* in its successful invasion.

Control of a union can be useful to the syndicate in a variety of ways. A syndicate firm can get an important *competitive advantage* (via a sweetheart contract, for example) or the syndicate can use its labor control to force a company to buy "*protection*" against unionization. Either way, the legitimate company can be a sitting duck. A racket-controlled labor union has almost unlimited "advantages" as an instrument of obstruction or harassment. That such a use of the penetrated labor union is equally damaging to both employer and employees only enlarges the tragedy.

Today, the unions are attractive to organized crime not only because of their size and potential power, but also because of the enormous sums of money that flow into union treasuries and welfare and pension funds. Union locals in twenty-five separate areas of industry are purported to be either dominated or "controlled from within" by underworld ties. Given the combination of cash and control over a labor union, crime has a competitive advantage that the average company cannot fight alone.

RIA observation: Law enforcement agencies point out that business was a party to its own problem in this case. The hoodlum strike-breaker was invited in by business to prevent unionization in the early days. Once inside, it didn't take long for the underworld to recognize the fact that it could use its strategic position to play both sides to its own advantage. Today, many companies not only knuckle under to the demand for protection payoffs, they hire so-called "labor consultants" at sizable fees to keep their companies free from labor "problems." Such companies are merely compounding their industry's problems, according to top enforcement people.

According to Alfred Scotti, Chief Assistant District Attorney in charge of the Rackets Bureau in New York, organized crime's influence in the labor area is growing. And the fact that *anyone* can establish an independent union makes the problem tougher.

HOW TO TAKE EFFECTIVE ACTION AGAINST ORGANIZED CRIME

The reluctance of the average businessman to take affirmative action against organized crime is understandable: the problem is both too fantastic to be believed and too big to tackle single-handed.

The *real key* to effective protection is *prevention*. Which means that the most important steps you take are those you take *before* you have direct evidence on infiltration. In the following pages you will find the guidelines for an effective program which can be undertaken at *two levels* simultaneously:

A review and tightening of *internal controls*, to make certain that your company is as "crime-proof" as you like to think it is.

The establishment of an *industry or community group* to tackle the broader prevention program and provide the "watch-dog" function which an individual company cannot carry out effectively on its own.

In addition, you will find practical guidance on *what to do* and where to *go for help*, before, during and after trouble signs are spotted.

Top management's role in reducing the risks

The recent trend toward increased delegation of responsibility and authority down-the-line can seriously reduce a company's ability to lock all its doors against crime. This is particularly true where delegation subtly becomes abdication of authority by top management. There are numerous attractive opportunities for organized crime to gain a foothold in the areas of Purchasing, Sales, Production, Shipping & Receiving—any functional area in which management fails to make periodic checks. The absence of tight management controls is quickly sensed by those on the lookout for an "easy mark."

Actually, what is needed is no more than a firm application of sound management policy. Your purchasing agent need not necessarily be "suspect," for example, for you to evaluate from time to time the reason why certain suppliers are used and why others are not. Playing the role of devil's advocate on occasion is an important management function.

Similarly, where management follows a practice of periodic review and control, it can reduce the possibilities of fraud or irregularity in the Production Department or collusion between truck drivers and receiving clerks in the Shipping Department. A review of your own company will spotlight your vulnerable points and indicate the leaks that should be plugged now before damage occurs.

Internal preventive medicine: avoiding the loan shark

If money is not the *root* of all evil, it is certainly the *route* by which evil can find *easiest entry* to your operations. Since the gambler and the loan shark are often the direct line of contact for organized crime, your company's internal tightening program might well start with an examination of the "locks" on all doors by which they might possibly enter. This includes the *people* who "stand guard" at these doors.

The bad judgment of an individual employee can often boomerang on the entire company. Make certain your employees are aware of the basic cautions regarding the handling of money both their *own* and *corporate funds*. A company-wide educational program might include reminders such as these:

The importance of dealing only with established, reputable sources. If a new lending institution sets up shop in the area, don't blindly put your trust in it just on the hearsay recommendation of a friend. Check out the lender, whether it's a bank, savings and loan outfit, financial consulting concern, or whatever.

Caution against those who emphasize the easy availability of funds, especially in periods of generally tight money.

Steer clear of lenders who are not overly interested in asking about your collateral.

Refuse to do business with any lending outfit that is charging obviously usurious rates.

RIA recommendation: Needless to say, personal financial emergencies will crop up from time to time despite the best laid plans. Encourage employees especially those in *key* positions to discuss such problems with their supervisor or some qualified advisor. There is always a better alternative than that offered by the loan shark. Legion are the people who have tried to buy some time until "things improve" only to find that dealing with a loan shark is virtually the equivalent of stepping on an endless treadmill. Even if things improve later they find that there is no way of taking advantage of it.

Once a key employee is in a position of dealing with a loan shark, the company itself may be in an extremely tough situation. Discharging the employee will not necessarily solve the company's problem. Even if you decide that it is in company's interest to "liquidate his debt" the options can boil down to paying exorbitant loan-shark rates or going to the authorities at the risk of retaliation.

How to get rid of in-plant gambling

Gambling is the next door you may need to consider closing. Unfortunately, campaigns that focus on the hopeless odds or the basic futility of gambling in general, rarely have much lasting impact—unless accompanied by stern disciplinary measures. Management cannot pin all its hopes on an appeal to reason; but neither can it afford to let in-plant gambling go unchecked. Even a strictly *internal* gambling operation can become attractive to an outside bookie.

Not the least consideration—at least from management's viewpoint—is that when a bookie enters the picture, the law is broken, Nevada excepted.

Should you discover that wagering is connected with an outside group or individual, your course of action will take on added urgency. In the latter and far more serious case, don't try to take the matter into your own hands. Keep in mind *two* courses of action: one for the present; the other for the future, to be explored and probably preferred if and when the Internal Revenue Service regains its Supreme Court-curtailed capability of collecting wagering taxes.

Your first step should be to contact the nearest district attorney's or state attorney general's office and explain your problem—even though you may get a lukewarm reception in your state. Some states are more vigilant than others in tracking down the organized-crime implications of gambling. In 1963, for example, over 11,000 gambling arrests were made in the Chicago area; only 17 resulted in jail terms, usually minor. Therefore, if you have any reason to suspect an *interstate gambling operation*, consider informing the nearest *U.S. Attorney*. And in any event, pass along relevant information to the Intelligence Division of the Internal Revenue Service, which may use it to develop a tax evasion case.

Future action may be possible, if the IRS reacquires its Court-removed powers in the wagering tax field. Check with the Intelligence Division of IRS to determine to what extent it has reactivated its past policy of conducting in-plant investigations. Such investigations were conducted in the past if requested by management and if the manpower was available, and if the gambling problem appeared serious enough to warrant the effort. Big advantage of the IRS-conducted investigations was that agents were so skillful that employees were never aware an investigation was going on.

Possibly the *most important reason* why management should take stock of the in-plant gambling situation is that to the degree the activity is permitted to flourish and grow, to that extent is management likely to be in the ironical position of *contributing* to organized crime's largest source of revenue.

How to avoid getting caught in a scam

Your credit department is probably your best line of defense against falling prey to a planned bankruptcy or similar plot to leave you holding the well-known creditor's bag. Since the proverbial ounce of prevention in scam situations is worth at least several pounds of cure, an obvious precaution in minimizing your exposure to scams is to take a hard look at your *credit policies:*

Do you use the services of a credit-rating organization or credit bureau? Do you receive reasonably fast action from such a service?

Should you lower the figure representing the cut-off between orders on which you obtain a credit check before shipment and those on which you do not?

Are you really going to gain much by omitting a credit check and succumbing to a ship-immediately-or-we-cancel order coming out of the blue from a new account?

Are your credit personnel—and salesmen (beware of the too-easy sale)—fully aware of the symptoms portending a scam operation?

If the ownership of a major customer-firm changes hands, and if the principals are not well known to you or to your credit bureau, would it be worthwhile to hire a private investigation company, such as Pinkerton's Inc., to find out just whom you are doing business with?

When you are confronted with a *past-due account*, your first recourse may be to turn it over to a collection agency. When the discovery is made that the account is no longer in business you may be tempted to merely write it off as a tax loss and be done with it, even though you feel you've been defrauded. To close the case at that point, however, has a number of drawbacks, as noted by a Justice Department official. First, such a move can be an obstacle not only to the health of the business community but also to effective law enforcement. Second, scam operations tend to result in credit standards tighter than would otherwise be the case, an outcome which can only put an additional burden on the legitimate customer. And not to be overlooked is the fact that if you prove to be a willing, nonprosecuting victim once, why not a second and third time?

Fighting back against bankruptcy fraud

The enlightened response to bankruptcy fraud is to persevere both in terms of *recouping* as much of your loss as possible and of *prosecuting* those guilty of the fraud. At this juncture, it is wise to consult with counsel regarding the evidence indicating fraud and the legal ramifications of your next moves.

For example, counsel can advise on joining other creditors in the filing of a bankruptcy petition against the debtor and assist in accumulating and presenting evidence of fraud to the trustee or referee in bankruptcy. It should not be assumed that referees or trustees (or their attorneys) in bankruptcy proceedings have the time or resources—or sometimes even the motivation—to investigate all aspects of every case. Creditors must assume responsibility for uncovering concrete evidence of fraud even if the prospect of recovering losses is remote. Formation of a creditors' committee is essential, as is your participation.

The federal laws, other than bankruptcy statutes, under which criminal action can be brought against scam perpetrators are those pertaining to mail fraud; conspiracy; fraud involving use of interstate wire, television, or radio; interstate transportation of fraudulently obtained goods. Creditors, through their committee, should submit any evidence indicating criminal violation to the trustee or referee in bankruptcy during the Section 21(a) examination—a Bankruptcy Act proceeding akin to a general fishing expedition whose purpose is to bring to the attention of creditors, and of officers charged with the administration of the bankrupt's estate, sufficient information to permit intelligent preservation and/or disposition of the estate and effective prosecution if that is indicated.

Frequent bankruptcy-statute criminal violations include concealment of assets (usually cash or inventory items), fraudulent transfer of assets in contemplation of bankruptcy, and the destruction, mutilation, or concealment of books and records. Interestingly, the existence of less-than-adequate records is not a criminal offense.

Upon the presentation of relevant evidence, the creditors' committee should be sure that the trustee or referee in bankruptcy forwards it to the nearest U.S. Attorney. And further follow-up is recommended regarding the intended action of the U.S. Attorney. If you are working outside the context of a bankruptcy petition and creditors' committee, as a minimum it is usually wise to submit relevant evidence to a U.S. Attorney, and—if mail fraud is involved—to the Postal Inspector's Office. Recourse to state or local law may also be available. As indicated previously, *seek advice of counsel beforehand*.

Fraud prevention help from NACM

A very valuable source of help is available through the Fraud Prevention Department of the National Association of Credit Management (NACM). This Department not only supplies an early warning service but also conducts investigations to obtain the information necessary for indictments and convictions in cases of commercial fraud.

Early warning service: A confidential bulletin is issued nearly every week, arming subscribers with information about certain activities of going concerns, activities that call for immediate close scrutiny by credit grantors. These bulletins not only warn against potential frauds but also keep subscribers up-to-date on developments in cases under investigation. With nationwide intelligence derived from Department subscribers, from NACM's affiliated associations, and from law enforcement agencies, the Department's system of timely alerts is one instance where there is surely strength in numbers.

Investigative service: A request for investigation of a possible commercial fraud may be made by any subscriber. The savings in time, effort, and money are obvious. Since 1925, the Department has conducted over 4,000 investigations, which have resulted in more than 3,000 indictments and 1,800 convictions. Ninety-eight cases are currently pending. Investigations are frequently conducted by former FBI agents, located throughout the country. Cases are accepted when they involve possible bankruptcy violations, mail fraud, fraud by interstate wire, interstate transportation of property obtained by fraud—all federal crimes—and the related offenses under state statutes. Close cooperation exists between the Department and law enforcement agencies.

According to the Department: "When the affairs of a suspected fraudulent debtor are administered under the Bankruptcy Act or under the insolvency laws of the various states, the Department's agents cooperate with the attorney for the trustee or receiver, and with the accountant . . . The scope of the investigation conducted by the attorney and accountant into the debtor's affairs can thus be made much broader and more effective, since information essential to the inquiry can be collected from every part of the nation and used to further the official investigation."

Also: "In those insolvencies in which fraud is suspected but which, for one reason or another, do not find their way into the bankruptcy courts or state courts, the Fraud Prevention Department is very often the only practical recourse of defrauded creditors. This is so because the cost to a creditor of an investigation to develop evidence of fraud acceptable to a law enforcement agency generally far exceeds the original loss."

Membership in NACM—effected by joining one of the affiliated associations—is not a prerequisite for subscribing to the services of the Fraud Prevention Department. The annual fee is $100. (For additional information, contact National Association of Credit Management, 44 E. 23rd St., New York, N.Y. 10010.) You may also wish to investigate the services of NACM proper. Among others, these include—

National Credit Interchange. Through 59 service bureaus, assembles and distributes ledger-experience information and other pertinent facts among participating members.

Collection Department. Through 67 NACM-approved collection bureaus, help creditors collect delinquent accounts.

Adjustment Department. Through NACM-approved bureaus, assists creditors in the rehabilitation or liquidation of distressed businesses.

While not reducing the likelihood of your becoming the object of a planned bankruptcy, *credit insurance* may limit the extent of the losses you sustain as the result of a scam or, for that matter, other causes of credit loss. Not available to retailers, the insurance is primarily for the protection of manufacturers, jobbers or wholesalers that sell to the trade; the coverage is also available to certain service organizations, such as advertising agencies. You may collect under your policy either at the time a customer becomes insolvent or when his account becomes past due. *N.B.*: Credit insurance is designed to cover losses over and above those you *normally* sustain. But if a scam operator secretly takes over a well rated company, chances are your credit policy toward that company is liberal. Thus, when the customer suddenly is bankrupt, your credit losses for that year will probably be above "normal."

The role of the trade association

Business associations, organized along occupational, geographic or industry lines, can be of immeasurable assistance to their members in combating the organized underworld. In fact, the cold efficiency of the underworld's *organization* underscores the necessity for a *counterpart* within industry which can be mobilized for *prompt action* at the incipient stages of trouble. Such an organization can do many things which the individual cannot do alone:

It can forward information to the proper enforcement agencies without fear of libel or reprisal;

It can establish the kind of long-range relationship with the law enforcement officials that will make more feedback possible;

It can often force the law enforcement agencies to take more action be more effective; and

By its very existence, it can discourage organized crime from infiltrating in the area.

Because of its knowledge of the field in which its members operate, a trade association is in a position to draw attention to certain *inherent weak spots* that racketeers are likely to probe and it can recommend appropriate precautions. By serving as a *central depository* of criminal intelligence gathered by its members as well as through its own efforts, the trade association is likely to see "the big picture" and to pinpoint the development of ominous situations.

A trade association can *compile a list of racketeers* that in the past have passed themselves off as consultants, financiers (loan sharks), labor leaders, and the like. It can screen the officers and employees of *unions* with which the association's members must deal. If a known felon crops up, danger flags should be hoisted. It can also be elert for any *unusual maneuvering* within the labor field. It can take a hard look at newcomers into the industry or at the new management of established companies. It can keep close watch on those providing key services to its industry or field.

The obvious first step for a trade association is to *establish a crime section,* which might be manned on a part-time basis to begin with. The second is to urge its member companies to designate someone to serve in a *liaison capacity* with this crime unit. The third is to determine those areas where vigilance will result in the highest anticrime payoff. And while all the foregoing is taking place, the association should map out a working relationship with prosecuting and/or investigative authorities.

Association members should channel pertinent data to the crime section and the latter should regularly alert members of special developments and of the nature and methods of organized crime generally.

One prime source of anticrime assistance both for associations and individual businesses is the National Emergency Committee of the National Council on Crime and Delinquency (44 East 23rd St., New York, N.Y. 10010). It is taking action to inform businessmen and business associations of the measures they can take to combat organized crime in particular and, in general, to implement necessary changes in our system of criminal justice.

How and when to cry "help"

When confronted by a representative from the criminal underworld selling widgets, protection, a "sweetheart" union deal, an "association" membership, or whatever, management's response should be to *stall*. Don't agree or disagree with the proposal. Do whatever is necessary to gain *time*. Since this is the usual reaction that racketeers experience from those they approach, an initial stall strategy ought not arouse above-normal suspicions by syndicate personnel. Try to get at least a week's time to "think it over."

Whatever you do, try *not* to succumb to the tempting alternative of "going along" with the deal in the hope that by doing so, you will save a lot of time, trouble and risk that recourse to the law might entail. The many case histories cited in this report clearly demonstrate that once the organized underworld sets an initial hook into a business, additional hooks are bound to follow. A company buys the widgets; next it will be asked to hire a "consultant," to employ relatives of syndicate members, to lease equipment from a syndicate-owned enterprise. And so the process of exploitation and intimidation progresses. What was thought to be the easy *out* soon becomes *a very* difficult, troublesome, and risky *lock-in*.

The best way out may initially appear to be the toughest row to hoe: Stall the hoods and contact the proper authorities.

Whom do you contact? Not the man on the beat; not the chief of detectives; not the chief of police nor local sheriff; not the state trooper. While this may be a gross injustice to over 99% of the personnel within those law enforcement groups, the fact is that corruption within, or political pressures on, police personnel is such that one runs a greater risk than he need take, relatively speaking, of coming up against a roadblock of inaction at best, or of discovering that word got back to the syndicate at worst. Also, police units frequently are so busy that your complaint may not be acted on with the requisite speed. Finally, police are not necessarily the most informed group about the disease of organized crime and, as a result, may not be in the best position to prescribe the cure.

RIA recommendations: The "proper authority" to touch base with is a *prosecuting* authority: a D.A., a state attorney general, a U.S. Attorney, the Organized Crime and Racketeering Section of the Department of Justice. Common sense is required here also. If there has been a recent scandal involving the local D.A.'s office, act accordingly. If you have a trusted legal advisor, sound him out regarding the legal climate of the area. Once contacted, the prosecuting authority can mobilize the appropriate police or investigative units (FBI, local, or state police, etc.) into action. The point is, let the prosecuting authority make whatever contact with police units is necessary. You may want to inform two prosecuting offices: e.g., a D.A. and a U.S. Attorney. Certainly, a U.S. Attorney should be informed if your firm is engaged in interstate commerce or if the nature of the trouble you face has interstate implications. Circumstances may indicate the advisability of also touching base with a local or state crime commission. Whom to contact is a decision you can make *now*—before trouble arrives—and thus save valuable time later. If you belong to a progressive trade association that can carry the ball either for or with you, so much the better.

How to make contact. To be of maximum use to a prosecutor, you will have to identify yourself and supply as many details relating to the trouble as possible: names, dates, conversations, pertinent records. Lack of formal records is a frequent roadblock to an otherwise solid case (such as the absence of a list of goods involved in what you believe to be a mob-engineered fraud). To maximize security, make contact verbally—and not through the company switchboard. If the person you want to speak with is not available, don't leave a message. Call again. At your initial meeting with the prosecutor, you may first want to iron out the ground rules governing action subsequent to your divulging the nature of the complaint or problem. You'll want to be assured that your contact with the prosecuting authority will be kept in the strictest of confidence consonant with an effective solution to the trouble.

Supplying information on an anonymous basis is not as effective: anonymity means that too much detail usually will have to be omitted and prosecution will be stymied. *Facts* are the raw material of enforcing the law; without facts there can be no action. Also, overburdened prosecutors are loath to waste time on marginal cases.

But if a manager is under severe underworld pressure—perhaps involving threats to his family—an anonymous letter is certainly better than nothing. If this is the strategy, send a letter not only to a prosecuting agency but also to the FBI and to a crime commission if one operates within the state. Try to give as many specifics as possible without compromising your identity. Don't simply state there is a bad racketeer situation in such and such an industry; spell out the *nature* of the trouble, *identify* involved syndicate personnel or *companies* if possible.

Many times the mere fact that a crime commission is investigating a certain area is enough to cause racketeers to transfer their attention to less scrutinized fields. In one instance, crime-commission scrutiny of a trade-association racket generated so much heat that the coerced membership dwindled to 17 from 80.

What does cooperation with the law involve in terms of time and cost? According to an authoritative source, cooperation will consume, on the average, less than a week of a businessman's time. This includes answering questions, testifying, gathering records, etc. Costs may include those of travel, legal counsel, loss of potential business because of management's temporary preoccupation with the struggle at hand. But as emphasized previously, the real question is how much *more* time and money would be expended if recourse to the authorities is not taken.

What you cannot expect from the enforcement agencies

Enforcement officers themselves will be the first to admit that they often can provide only limited help. Not only are they hemmed in (as the underworld obviously is not) by the rules of legal procedure, but they are often enlisted too late. Here are a few things the businessman *cannot* expect:

Suppose you suspect Joe Doakes of shady connections. Certainly you should report your suspicions to the proper agency. They will want to know the details and any factual evidence that you can provide. However, they cannot give you clearance that Doakes is O.K. Some District Attorneys tell us that the best they may do in such a case is to say "we have no derogatory information at present." This can be frustrating to the businessman who feels he is risking his own safety by reporting to the law.

Sometimes the evidence of underworld connections seems clearcut, but still the criminal is free to roam on the loose. Enforcement officers cannot prosecute without "admissible evidence" or a case that will hold up in a court of law. Don't expect the local D.A.'s office to clean up your industry on mere "say so" evidence.

Often when a businessman is taken by surprise, he feels that law enforcement officers "should have known" of the presence of a racketeer in the industry or the community. Fact is, that prosecutors and law enforcement personnel are *not business experts*. The businessman himself is in the best position to notice *irregularities* and *peculiarities* that are the warning signs of trouble. In fact, your own delay in reporting such early signals may weaken your position when you finally turn to the enforcement agencies for help. They cannot be expected to carry the entire burden of cleaning out your company or your industry or your community.

How to escalate the war against organized crime

When organized crime invades the business world it does not worry about profits or competition, or any of the normal problems that concern management generally. The only real risk the criminal runs is the *risk of apprehension*. Thus, the business community's efforts should be directed toward *increasing* that risk.

Law enforcement agencies who talked openly with the Research Institute repeatedly emphasized the importance of industry's cooperation in helping them close the net. Charles H. Rogovin, Assistant Attorney General of Massachusetts, points out that there are only 600 law enforcement people in the entire United States at present engaged in the fight against a crime organization whose identified inner-core alone is conservatively estimated to be over four thousand strong.

Other top enforcement people urge businessmen to support the legislation which they say is essential to the successful apprehension of the syndicate leaders:

Electronic surveillance. Enforcement officers generally favor legislation clearly permitting wiretap and eavesdropping devices in cases suspected of involving organized criminals. New York's District Attorney Frank S. Hogan calls such electronic surveillance "the single most valuable weapon in law enforcement's fight against organized crime." Others value such devices as "virtually indispensible to the effective investigation of organized crime."

Immunity. In the words of the President's Commission on Law Enforcement and Administration of Justice: "A general witness immunity statute should be enacted at Federal and State levels, providing immunity sufficiently broad to assure compulsion of testimony."

Crime commissions. Enforcement people would like to see *each* state have its own crime commission, with the power to investigate areas related not only to organized crime but also to the execution and enforcement of the laws of the state and to the conduct of government officers and employees.

Criminal intelligence. Central pooling and sharing of organized crime intelligence among federal agencies and among the various law enforcement units within the states would greatly facilitate law enforcement.

Strengthened labor law. It has been suggested that the federal law be amended to increase the period during which a convicted felon may *not* hold office in any union or trade association from the present period of five years to ten years. Also recommended is the amendment of present legislation to bar any union or trade association from employing a convicted felon *in any capacity* for a period of ten years from the date of his conviction.

Licensing of consultants. State legislation requiring the *licensing* of all persons and companies that are engaged in the business of offering their services as consultants to labor or industry would help to stem the exploitation of legitimate business through this practice.

Other proposals pertain to curbing *loan sharking*, requiring *public disclosure* of those in effective control of a business enterprise, enlisting the assistance of the various regulatory agencies in action against mob-dominated businesses or industries, and allowing as admissible evidence in any criminal prosecution *confessions* which the trial judge determines were given voluntarily.

Proposals such as these merit study by businessmen either individually or through their associations. To the extent that legitimate business takes action interest in shaping the legal environment in which it must function, to that degree is business contributing to its own welfare and survival.

IN SUMMARY

Business must recognize that organized crime is not merely *alive*, but it is *thriving*. And it thrives best on ignorance, laxity and neglect. Every businessman who turns his back on gambling and loan-sharking, who takes his losses on a bankruptcy swindle in silence, or buys labor peace by hiring a syndicate-connected consultant—is lending support to the whole criminal organism.

Some of the first steps may be difficult, even uncomfortable. But business may be runing a greater risk by delay. There's still truth in the old adage that all that is necessary for evil to triumph is for good men to do nothing.

CLEVELAND: NOW—A BOLD PLAN OF SPECIFIC ACTION

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, the city of Cleveland is engaged in a unique plan. Under leave granted, I include a recent editorial comment by television station WJW:

CLEVELAND: NOW—A BOLD PLAN OF SPECIFIC ACTION

Cleveland is on the threshold of greatness. The key to success is an exicting and ambitious master plan that envisions a totally revitalized Cleveland within the next 10 to 12 years at a cost of some $1.5 billion.

Never before in the city's history have its people been afforded a greater opportunity to mold their own future. Never before has there been a greater challenge to reconstruct and redevelop Cleveland in all areas of human endeavor.

Yes, we are enthusiastic about this master plan. Yes, we fully support Cleveland: Now, the first phase of specific action. If you missed Mayor Carl B. Stokes' special report presented on Television 8/this station Wednesday night, here is a brief summary: Cleveland: Now was conceived by the mayor and top civic leaders. It is a $177 million action program based on total commitment by the community. It aims to attack the critical problems in housing, jobs, health and welfare—especially in the inner city—during the next 18 months. Part of the funds will have to come from the private sector—$10 million from the business community and $1.25 million from you, the general public. If these funds can be raised, the bulk of the money could come from the federal government.

Though Cleveland: Now is not a cure-all for the city's many ills, it will provide the momentum to halt the steady decline of our city and open the gateway to a new and better future for all of its citizens. For a start, Cleveland: Now will concentrate on employment opportunities, youth resources, health and welfare, neighborhood rehabilitation, economic revitalization and city planning.

We cannot possibly detail this bold action program in this editorial. But we can urge everyone in this community to commit himself to this greatest of all challenges and opportunities. This plan must succeed. It must not become a political football, another gimmick, or worse, another high-sounding venture destined to die because the people and their leaders failed to live up to the challange.

Mayor Stokes is apparently determined to implement Cleveland: Now. But he cannot master this tremendous task without help from city councilmen, industrialists, financiers, civic and labor leaders, civil rights groups, clergymen and, above all, you, the people of Cleveland.

In short, while the mayor and his administration must lead the way, all of us must rally behind them. Only then will the day come when every Clevelander can proudly proclaim: "Yes, I live in Cleveland, the greatest city in the nation."

JOE MARTIN—GREAT MAN AND GREAT PATRIOT

Mr. BETTS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BETTS. Mr. Speaker, when I first came to Congress, unacquainted with the Washington scene, I supposed that great men like Joe Martin were completely unavailable. I presumed that years of publicity would cause them to insulate themselves from the rest of us. To my surprise, Joe Martin was completely contrary to my expectations. He made himself available to any freshman Congressman for advice, anytime of the day. He met with us and explained to us the complicated and mysterious problems of Congress and congressional life.

He was a warm, friendly, charming person and much of his life, both political and personal, was devoted to helping others. His years of dedicated public service speak out far more eloquently than I can on the great contributions he made to his country and his party.

Joe Martin was a great man and a great patriot. I am proud that he was one of my friends.

SERVING QUIETLY AND HEROICALLY

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, one group of men in the military service who are serving with distinction in Vietnam are the military chaplains. They are ever on the scene to assist our young servicemen with their personal troubles, and too often, assist them in their last moments on this earth. In Vietnam the chaplain's peril has been increased, for because of the nature of the conflict he must go out into the scene of operations and hold many small services to escape enemy retaliation. Hardly ever are large groups of men called together for services for the threat of large-scale casualties is ever present.

The V.F.W. magazine, in its May issue, carried a fitting tribute to the U.S. chaplains which should be borne in mind when one reads of a clergyman assisting draft dodgers or is guilty of breaking the law to protest our presence in Vietnam. I place the above-mentioned article in the RECORD at this point:

THE UNIFORMED CLERGY: AMERICAN CHAPLAINS IN VIETNAM ARE GIVING THEIR LIVES IN SERVICE TO GOD AND COUNTRY

(By C. Brian Kelly)

When President Johnson attended a Williamsburg, Va. church one Sunday last year, the local minister made world headlines by boldly questioning the nation's involvement in the Vietnam war. Recently, another clergyman was indicted for counseling young men to resist our draft laws.

In other widely-publicized incidents, various men of the cloth have invaded Selective Service offices, preached against the Vietnam war, marched, demonstrated and picketed against it.

From this outcry, it would seem that America's clergy as a whole questions the morality of our government's commitment to defend the South Vietnamese against Communist aggression.

But little-publicized is the fact that hundreds of ministers, priests and rabbis are taking an active role in the war as military chaplains. All volunteers, they have left churches, seminaries and other religious centers to join our fighting men on the battlefields of Vietnam.

There, they minister to the needs of young draftees and older professional soldiers in a strange, often ruthless environment far from home and family. There, they have also responded to the needs of a war-ravaged people.

An astonishing number of combat decorations have been earned by the 1,400 unarmed clergymen who have served there. More than three dozen have been wounded; 10 have died while tending to their "parishioners" on the battlefield. An 11th died on the tragic fire aboard the U.S. carrier *Oriskany* off Vietnam.

The chaplain serving in the Vietnam war is sharing the soldier's risks on a greater scale than ever before in America's wars. "There's no difference in the mission," says Maj. Gen. Charles E. Brown, who retired as Army Chief of Chaplains last summer. "The difference is in the method. In Vietnam, you never call any large body of men together for worship. You go out to the small unit and you hold small services—great numbers of them."

Typically, Navy Chaplain Nilus W. Hubble, Hilton, N.Y. was saying Mass not long ago for men in the Fourth Marines near Chu Lai. Twice, a sniper's fire forced the priest to drop to the ground but he kept on anyway.

Less fortunate was Army Chaplain Ambrosio S. Grandea, a 34-year-old Methodist from Baltimore, Md. As he conducted worship near Pleiku last June, a Viet Cong mortar round landed between his portable altar and the first row of his "congregation," fatally wounding him.

"Circuit riding" like America's frontier preachers, clergymen make the rounds of far-flung patrols by helicopter almost daily. Often, they move out with their men into quickly flaring battles with the Communists.

"Frequently, a soldier would be baptized beside a jungle stream with water out of a helmet," Army Chaplain Max Wilt, Holyoke, Colo., a Lutheran, reported. He himself was injured in a helicopter crash near the Cambodian border.

More recently, Navy Chaplain Vincent Capodanno, 38, Staten Island, N.Y., a Catholic priest, found himself in battle with his beloved Fifth Marines in Que Son Valley. He left the safety of a deep shell crater to find wounded men. A mortar shell smashed his right arm and nearly blew his hand off, but still he moved among the wounded to soothe, pray or give the last rites. Finally, a North Vietnamese soldier stepped from the brush with an automatic weapon and cut the priest down from behind.

In another selfless act, resulting in a posthumous Silver Star, Father Michael J. Quealy, 37, a New Yorker who went to Vietnam from a parish in Mobile, Ala., insisted upon joining men of the Army's First Infantry Division under heavy attack northwest of Saigon. In a now famous declaration, the chaplain told senior officers trying to stop him, "My place is with them."

Survivors of the battle reported the unarmed priest administered the last rites over one fallen man, despite steady fire from three enemy automatic weapons. He was killed minutes later as he knelt over another American.

Still another battle casualty was a Jersey City, N.J. priest who accompanied men of the 173rd Airborne Brigade last November in the bloody struggle to take Hill 875 at Dak To. Army Major Charles L. Watters, 40, was with the troopers as they fought their way towards the hill's crest.

At one point, he dashed out and pulled four wounded men to safety, carrying two of them on his shoulders. Later, as he was praying over more of the wounded, he was killed when an American air strike during the close fighting missed its nearby enemy target. At the time of his death he was near the end of one six-month extension of duty and was waiting for approval to add another six-month period.

Altogether, chaplains in Vietnam have earned more than 300 medals for such heroism. The Army alone has bestowed six Silver Stars and another 151 Bronze Stars on them.

One of the Army's Silver Star winners, Captain Billy R. Lord, a Southern Baptist from New Iberia, La. was with a platoon of infantrymen pinned down by enemy fire near Binh Dinh. Now stationed at Ft. Meade, Md. he minimizes his own heroics but hasn't forgotten those "hairy" moments. The trapped men, every one of them wounded, had to dash for safety across 200 yards of rice paddies to a helicopter evacuation pad on the far side of a shallow river.

"One of the guys said, 'Well, let's pray for us, chaplain,'" he recalls. "So, we had a prayer, then we moved out." However, when the decimated platoon reached the chopper pad, the unit's medic, hit earlier in the shoulder, was missing.

It was Lord who waded back across the exposed river to find the stranded man and help him to safety. Then, after the wounded were flown out, Lord remained behind to accompany fresh troops in their search for the bodies of three Americans killed in the fight.

In another case, Navy Chaplain George R. McHorse, a Southern Baptist from Marble Falls, Texas, saw a chopper with 11 men aboard crash in a combat zone. Ignoring both enemy fire and explosions from the burning craft, he tried to pull the men out.

Adds his Bronze Star citation: "It was apparent that no living being could have survived the crash, yet he persisted and would not leave. Dropping to his knees, he offered prayer for the victims and finally had to be led forcibly from the explosive area."

Obviously, the American chaplain in Vietnam is continuing a tradition begun at Valley Forge nearly 200 years ago. He ranges far and wide with his rucksack, his portable altar and, often, a Bible tucked in the sweatband of his helmet.

As a career Army chaplain noted, "In World War II, a chaplain would get together a battalion. Now, to cover those same 500 men, you could need as many as 10 chaplains. They go out to a platoon here, a platoon there."

Similarly, the slain Father Capodanno felt deeply that he should accompany his men in the field. "Wherever the Marines are, Father Capodanno is there, in the water or in mud up to his knees," a friend once remarked.

But there is another side to the chaplain story in Vietnam. At the big U.S. bases, at small airfields, in central towns, these "Soldiers of God" have found much good work to do, including church building, to meet the needs of the American buildup in Vietnam.

Navy Captain Frank R. Morton, a Lutheran from Aliquippa, Pa. and division chaplain for the Third Marines, saw to it that 35 chapels, some of them in tents, were provided for his men after they arrived in Vietnam more than two years ago.

Near An Khe, members of the newly arrived Second Surgical Army Hospital were anxious to erect a chapel. The doctors had little engineering knowledge, but they got together with Chaplain Leo Peacock and created a striking sanctuary called the "Miracle of Peace Chapel." With its 18-inch stone walls, the worship place was designed to serve as a bunker too. But the Americans made a lasting impression on the local Vietnamese by installing a window behind the altar so that passing onlookers could see the services inside.

"We hoped they would then understand why we were there," a unit member explained.

Elsewhere in Vietnam, chaplains and their men have worked together to help the local populace in countless ways. Nearly every U.S. base has taken an orphanage, leprosarium, school or church under a protective wing. Clothing, food, toys, candy, surplus building materials and money go in steady streams to the needy institutions. Under a program organized by Air Force chaplains at Bien Hoa air base, four orphanages, two hospitals, a leprosarium, two convents, two refugee centers and a parish school receive continuous aid from their American neighbors. Just for good measure, the airmen also started a chicken farm at a nearby mental hospital.

The Army's 394th Transportation Battalion at Qui Nhon built a cement-block village for local refugees. Practical "gifts" arranged by U.S. chaplains elsewhere have including pigs, basketball courts, a nursery for one orphanage and a water tower for another, as well as six motorbikes given to local missionary workers for their rural evangelism work.

First and foremost, however, the chaplains serve the American boy away from home and church. Naturally, some of the questions they hear reflect the Vietnam war controversy at home. Nonetheless, Army Chaplain Brown says, "I've never had any soldier ask me, 'Chaplain, what am I doing here?' I have had dozens ask, 'Why don't they turn us loose and let us whip the enemy?' "

Likewise, the Navy's Chief Chaplain, Rear Admiral James W. Kelly, recently returned from Vietnam with the report that American fighting men there feel "a God-centered morality about our involvement."

He added: "The average young marine or sailor does not see the war as honoring our international commitments or containing militant Communism. He sees it as defense of an otherwise helpless people from the horrors of Viet Cong terrorism. He sees his involvement and that of his government as essential and honorable and moral."

Kelly also condemned war protests at home as harmful to the fighting men. "It is both unjust and immoral to strike at the very heart of their strength—their conviction that what they do is both necessary and right—by constantly questioning the propriety and morality of their involvement."

Both Brown and Kelly report high morale and few dissenters among our servicemen in Vietnam. "The American soldier over there realizes what a monster the enemy is," says Brown. "He has a great desire to close with him and destroy him—he knows the enemy has an avowed purpose of murder."

There's little doubt the fighting man finds solace and inspiration from the uniformed clergy. Mourning Father Capodanno, a young marine said, "It was a funny feeling when he was around here—sometimes he would just put his hand on your shoulder and he'd make you feel great." Adds Silver Star winner Lord, "When the men turn around and see you there in the mud with them . . . Well, you just know what their feeling is."

As Brown pointed out, "The Viet Cong carry political commissars, but they don't carry a single chaplain." No one who has served in Vietnam has missed that vital difference.

DISRUPTING THE PUBLIC SCHOOL SYSTEMS

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the May 13 issue of Washington Monitor, a publication of the National School Public Relations Association carried information on a series of demands presented to the Office of Education by the Poor People's March on Washington, D.C. Commissioner Howe stated that he thought the demands were "reasonable requests" and sent a copy of the demands to all chief State school officers and to all superintendents of schools in cities with a population of more than 100,000. Of course, it is not surprising that Commissioner Howe found these demands reasonable, for it will be remembered that it took concerted action on the part of Members of Congress to stop the Commissioner from pushing his busing program and educational parks scheme not too long ago.

Neither is it surprising that the demands advanced programs of additional Federal control and grants. But why the Commissioner chose to use Federal funds to disseminate their demands escapes me. A UPI dispatch appearing in the Washington Star of April 22 quoted the late Reverend Martin Luther King's brother, Rev. A. D. King as saying, regarding the march on Washington:

> We are going to Washington and disrupt Washington so it cannot function unless it does something about the black folk.

The same article quoted a Washington coordinator of the march, Anthony Henry, as saying that they would use the Mall whether permission is granted or not.

I hope those educators who received Mr. Howe's communication will appreciate the extremism of some of the leaders of the Poor People's March. I hope they apply this "disruption" policy to their own schools and school systems.

I place the article, "Poor People's March Lists School Demands," from the Washington Monitor of May 13, issued by the National School Public Relations Association, in the Record at this point:

Poor People's March Lists School Demands

The Poor People's March on Washington, D.C., has presented U.S. Comr. of Education Harold Howe II with a series of demands for radical changes in education policy. The demands, given to Howe during a three-hour meeting with leaders of the march's advance contingent, call for "an end to the preferential treatment given to high salaried administrators, to antiquated and racist state departments of education, and to politicians who generally respond only to white, middle-class constituencies and the pampered schools of suburbia." The statement adds: "We demand that the U.S. Office of Eucation (USOE) and the Dept. of Health, Education, and Welfare (HEW) reverse their priorities to give primary and massive attention to the needs of poor black, brown, and white children and parents—and to the criminally deficient schools these children attend."

HEW, the statement declared, should:

"Abolish freedom of choice of school desegregation plans in the South and adopt clear guidelines which would require and result in the eradication of dual school systems by fall of 1968. . . . A massive program to end Northern urban school segregation should be immediately implemented.

"Establish a national structure and mechanism which provides for continuous input by poor black, brown, and white people in the design, development, operation, and evaluation of all federally funded education programs.

"Increase the accountability of local schools receiving federal assistance by requiring that per pupil expenditures, dropout rates, and reading levels by school and grade be made available to the public on a regular basis.

"Develop a comprehensive federally funded program designed to prepare in-service teachers for certification or recertification and upgrading skills. USOE should establish standards to require that the content of these training programs adequately prepare persons to cope with the needs and programs of poor black, brown, and white urban and rural youngsters.

"HEW should require that all state departments of education develop recruitment and promotional policies which will utilize minority group personnel in key policy-making positions."

A copy of the statement of demands has been sent by Howe to all chief state school officers and to all superintendents of schools in cities with a population of more than 100,000. In an attached memorandum Howe offered this comment: "On the whole, we believe that they are reasonable requests in regard to legitimate complaints, even though they do not recognize the considerable efforts of recent years. . . Finally, let me say that these demands came to all of us at a particularly difficult time in terms of resources to do the job. Not only have local, state, and federal resources for the schools been under severe pressure for economy this year, but also we face in fiscal 1969 (begins July 1, 1968) an impending requirement for major federal expenditure reduction as well as reductions in appropriations and in the authority to obligate funds."

Howe offered his fellow school officials a pledge to "do everything I can to focus the reductions USOE has to absorb in areas which will have minimal effect on programs serving the poor." Then he warned: "From my knowledge of the situation at the present time, I have to tell you that I see the possibility that these programs will suffer some reduction. As firm information on this matter develops, I shall keep you informed so that your planning and ours for the maximum possible service to those with the greatest need can be maintained." Howe asked "for any suggestions you wish to send me."

GOOD MORNING, GOD

Mr. WILLIS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WILLIS. Mr. Speaker, yesterday I was very pleased to have as visitors in my office a number of constituents from my congressional district, who were in Washington to attend an Independent Food Dealers of America Association convention. These constituents were:

Mr. and Mrs. Vincent Cannata.
Mr. and Mrs. Tanos Joseph.
Mr. and Mrs. Lewis F. Morgan.

During the course of their visit, Mr. Joseph, who is an outstanding Catholic layman in Louisiana, presented me with a personal calling card, on the back of which was a prayer entitled, "Good Morning, God." Since I found this prayer very inspiring, I thought I would share it with you. It follows:

Good Morning, God

Good morning God, and thank You
  For the glory of the sun,
Thank You for the health I have
  To get my duty done.
I shall devote the hours of this
  Golden day to You,
By honoring Your Holy Name
  In everything I do.
I shall pursue my daily art,
  Without complaint or fear,
And spend my every effort
  To be friendly and sincere.
I know there have been many days
  That I have whiled away,
But this is one that I will try,
  To make Your special day,
So once more, Good Morning, God
  And please depend on me,
Because I want to honor You . . .
  For all eternity.

SAFETY ON THE JOB

Mr. MEEDS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The **SPEAKER.** Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MEEDS. Mr. Speaker, the Congress in recent years has written an outstanding record in improving safety in our lives.

We have passed the Flammable Fabrics Act, two fine bills strengthening the Coal Mine Safety Act, drug abuse legislation, and a Child Safety Act dealing with dangerous toys and lethal household items. Last year we approved the landmark Highway Safety Act and the Auto Safety Act. Many of these constructive laws were developed by the chairman of the Senate Commerce Committee, Washington's own **WARREN G. MAGNUSON.**

For many years organized labor and others have pleaded for a comprehensive Federal law that will assure safe and healthful conditions in the Nation's workplaces. Largely because labor has persisted and struggled forward, Congress is now giving serious consideration to the Occupational Health and Safety Act of 1968.

The Federal effort to promote job safety has been fragmented and piecemeal. Yes, we do have laws regulating safety on the Nation's railroads and for the airlines. But it just may be safer to fly in a jet than to work on the ground.

Each year 14,500 American workers are killed in job accidents. And 2.2 million of them are disabled, and $1.5 billion in wages is lost. Add to this the $6.8 billion loss the economy suffers each year because of accidents, and add the increasing cost of workman's compensation, and you begin to wonder why Congress has not acted before now.

H.R. 14816, the Occupational Health and Safety Act, is being considered now in the House Select Subcommittee on Labor. As a member of that subcommittee, it is my honor to work in writing the new legislation.

Opposition to the bill has developed, some of it substantive, some of it generated by "scare" information released by otherwise-reputable groups. I am hopeful that we will be able to write some improvements in the bill and then move forward to enact a truly sensible and necessary health and safety law.

The executive council of the AFL–CIO in February adopted a policy statement on H.R. 14816. I believe that this statement, as well as information from all sides, merits the close and careful study of the House of Representatives. Under unanimous consent, I place the statement at this point in the Record, as follows:

Occupational Safety and Health Act of 1968

(Statement by the AFL–CIO Executive Council, Bal Harbour, Fla., Feb. 22, 1968)

Organized labor has for many years called attention to the urgent need for a strong, broad-based federal attack to control or eliminate any factor on the job damaging to workers' health and safety. We have stressed both the problem and the far over-due need for action in policy statements adopted by both the 1965 and 1967 conventions of the AFL–CIO.

The active concern and leadership of organized labor has been a major factor in the formulation of President Johnson's proposal set forth in his manpower message of January 23, "to establish the nation's first occupational health and safety program."

We strongly endorse the President's goal of protecting "every one of America's 75 million workers while they are on the job" by attacking the "source of evil which causes hazards and invites accidents."

America's workers comprise 40% of the population. They pay 60% of the nation's taxes. But 80% of these workers are employed where there is little conventional safety and no occupational health protection whatsoever.

The annual death and accident rate is a grisly reminder of national neglect. Each year 14,500 workers are killed at their jobs; 2.2 million are injured; 250 million man-days of work, $1.5 billion in wages and more than $5 billion in production are lost.

The Administration's proposed Occupational Safety and Health Act of 1968 has been introduced in the Senate by Senator Yarborough (S. 2864) and in the House of Representatives by Representative O'Hara (H.R. 14816). These are identical bills.

This legislation is most welcome and should obtain the strongest support from all elements of organized labor. It will constitute, with a few strengthening amendments and with adequate appropriations for needed research, planning and manpower, the first historic breakthrough toward the long neglected goal of a safe, healthy work environment for every American holding a job. It agrees with the program proposals set forth by organized labor for the past three years. And it will hopefully end an almost unbroken era of inadequate federal and weak, archaic and poorly financed state laws and programs.

The Occupational Safety and Health Act of 1968 will cover 50 million workers in interstate commerce and provide for federal grants-in-aid to qualifying states for planning, demonstration, improved administration and enforcement to meet the Act's objectives.

The Secretary of Labor is directed to conform standards developed under this Act to those of other laws he administers and to coordinate programs of other agencies with those created by this legislation.

Under the proposed Act, the Secretary of Labor will:

1. Establish mandatory safety and health standards affecting interstate and intrastate commerce.

2. Inspect and enforce for violations, assess civil penalties, including closing down of unsafe plants and cancellation of federal contracts, or seek criminal penalties.

3. Encourage and assist states to develop effective occupational health and safety programs, including short-term manpower training programs.

The Secretary of HEW will:

1. Expand research and investigations into occupational hazards.

2. By grant or contract, conduct educational programs to increase the supply of manpower in the occupational health field.

3. Establish management-labor educational programs for prevention and control of occupational hazards.

4. Gather data on occupational diseases for research, standards setting and compliance programs.

5. Assist states in establishing and/or improving occupational health and safety programs.

We urge the following amendments which we believe will strengthen this legislation and ensure a more effective pursuit of its broad aims:

1. Establishing a statutory Center for Occupational Health within the Department of HEW, standing equally with the Center for Air Pollution Control and absorbing the responsibilities of other elements within the U.S. Public Health Department which deal with occupational hazards. Presently, the Division of Occupational Health, which never in history has had statutory existence, is merged with a number of other health related agencies and physically located in Cincinnati, Ohio. This unfortunate situation should be remedied immediately if the responsibilities of the Secretary of HEW set forth in this legislation are to be carried out effectively.

2. Giving the Secretary of Labor the power to pull back any delegation of authority to any state to conduct an occupational health and safety program, if such a state fails to live up to the conditions imposed by the Secretary.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. Hanley (at the request of Mr. Pryor), from 2 o'clock p.m., Wednesday, May 15, 1968, until 12 noon on Monday, May 20, 1968, on account of death in immediate family.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. Edwards of Alabama (at the request of Mr. Railsback), for 60 minutes, today; to revise and extend his remarks and to include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Ichord and to include extraneous matter.

Mr. Betts and to include extraneous material.

Mr. Hosmer (at the request of Mr. Smith of California) to include extraneous material during his remarks in general debate today.

Mr. Harrison (at the request of Mr. Smith of California) to include extraneous material during his remarks in general debate today.

Mr. Saylor to revise and extend his remarks made in Committee of the Whole and to include extraneous matter.

Mr. Johnson of California to revise and extend his remarks made in Committee of the Whole and to include extraneous matter.

(The following Members (at the request of Mr. Railsback) and to include extraneous matter:)

Mr. Clancy.
Mr. Grover in three instances.
Mr. Ashbrook in two instances.
Mr. Wyman in three instances.
Mr. Scherle.
Mr. McCloskey.
Mr. Mize.
Mr. Zwach in two instances.
Mr. Schwengel.
Mr. Esch.
Mr. Winn.
Mr. Battin.
Mr. Hall.
Mr. Scott.
Mr. Hunt in two instances.
Mr. Harvey.
Mr. Mathias of California.
Mr. Wampler.

(The following Members (at the request of Mr. Tunney) and to include extraneous matter:)

Mr. Pool.
Mr. Ottinger.
Mr. Moorhead in four instances.
Mr. Morris of New Mexico.
Mr. Pepper in two instances.
Mr. Culver.
Mr. Resnick in two instances.
Mr. Podell in three instances.
Mr. Moss in four instances.
Mr. Gilbert.
Mr. Cabell.
Mr. Gonzalez in three instances.
Mr. Ashley.
Mr. Eilberg.
Mr. O'Neill of Massachusetts in four instances.
Mr. Evins of Tennessee in four instances.
Mr. Polanco-Abreu.
Mr. Hanley.
Mr. Shipley.
Mr. Brown of California in two instances.
Mr. Minish.
Mr. Ryan in two instances.
Mr. Rodino.
Mrs. Hansen of Washington in two instances.
Mr. Kornegay in two instances.
Mr. Vanik in two instances.
Mr. Rarick in six instances.
Mr. Boland in three instances.
Mr. Nichols.
Mr. Burke of Massachusetts.
Mr. Murphy of New York.
Mr. Green of Pennsylvania in two instances.
Mr. Philbin in two instances.
Mr. Cohelan in three instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 758. An act to amend the Interstate Commerce Act to enable the Interstate Commerce Commission to utilize its employees more effectively and to improve administrative efficiency; to the Committee on Interstate and Foreign Commerce.

S. 3159. An act authorizing the Trustees of the National Gallery of Art to construct a building or buildings on the site bounded by Fourth Street, Pennsylvania Avenue, Third Street, and Madison Drive NW., in the District of Columbia, and making provision for the maintenance thereof; to the Committee on Public Works.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 68. An act for the relief of Dr. Noel O. Gonzalez;

S. 107. An act for the relief of Cita Rita Leola Ines; and

S. 2248. An act for the relief of Dr. Jose Fuentes Roca.

ADJOURNMENT

Mr. TUNNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Thursday, May 16, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1844. A letter from the Deputy Secretary of Defense, transmitting a notification of deficiencies authorized to be incurred for the necessities of the current year in certain appropriations, pursuant to the provisions of subsection (b) of R.S. 3732 (41 U.S.C. 11); to the Committee on Appropriations.

1845. A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting the annual report of the Department for the fiscal year 1967; to the Committee on Education and Labor.

1846. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize the payment of expenses of preparing and transporting to his home or place of interment the remains of a Federal employee who dies while performing official duties in Alaska or Hawaii, and for other purposes; to the Committee on Government Operations.

1847. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission docket No. 314, amended, and for other purposes; to the Committee on Interior and Insular Affairs.

1848. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved, according the beneficiaries third preference and sixth preference classification under the Immigration and Nationality Act, as amended, pursuant to section 204(d) of the act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. S. 1166. An act to authorize the Secretary of Transportation to prescribe safety standards for the transportation of natural and other gas by pipeline, and for other purposes; with amendment (Rept. No. 1390). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. BOLTON:

H.R. 17289. A bill to establish a National Commission on Youth Problems; to the Committee on Education and Labor.

By Mr. CELLER:

H.R. 17290. A bill to amend the Immigration and Nationality Act to facilitate the entry of certain nonimmigrants into the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. EVERETT:

H.R. 17291. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FINO:

H.R. 17292. A bill to provide that any alien in whose behalf a petition for sixth preference is filed under the Immigration and Nationality Act before July 1, 1968, shall be permitted to remain in the United States until a sixth preference immigrant visa becomes available to such alien, and for other purposes; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 17293. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing industrial and commercial facilities in rural areas having high proportions of persons with low incomes, and for other purposes; to the Committee on Ways and Means.

By Mr. HARRISON:

H.R. 17294. A bill relating to the authority of the States to control, regulate, and manage fish and wildlife within their territorial boundaries; to the Committee on Merchant Marine and Fisheries.

By Mr. LENNON:

H.R. 17295. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. LONG of Louisiana:

H.R. 17296. A bill to provide for the election of circuit and district judges under the provisions of the article of amendment to the Constitution proposed by House Joint Resolution 1269 of the 90th Congress; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 17297. A bill to provide for orderly trade in iron ore, iron, and steel mill products; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN:

H.R. 17298. A bill to provide for a national cemetery at Fort Custer, Mich.; to the Committee on Veterans' Affairs.

By Mr. GONZALEZ:

H.R. 17299. A bill to provide for the appointment of the Federal Savings and Loan Insurance Corporation as receiver, and for other purposes; to the Committee on Banking and Currency.

By Mr. HOWARD:

H.R. 17300. A bill to enable baby chick, started pullet, laying hen, and table egg producers to consistently provide an adequate supply of these commodities to meet the needs of consumers, to stabilize, maintain, and develop orderly marketing conditions at prices reasonable to the consumers and producers, and to promote and expand the use and consumption of such commodities and products thereof; to the Committee on Agriculture.

By Mr. KEITH:

H.R. 17301. A bill to provide for an equitable sharing of the U.S. market by electronic articles of domestic and foreign origin; to the Committee on Ways and Means.

H.R. 17302. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. KORNEGAY:

H.R. 17303. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. MATHIAS of Maryland:

H.R. 17304. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

By Mr. MURPHY of New York:

H.R. 17305. A bill to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for acoholics and narcotic addicts, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RARICK:

H.R. 17306. A bill to amend the tariff schedules of the United States with respect to the rates of duty on fresh, prepared, or preserved strawberries; to the Committee on Ways and Means.

By Mr. ROSENTHAL:

H.R. 17307. A bill to provide for a study of the extent and enforcement of State laws and regulations governing the operation of youth camps; to the Committee on Education and Labor.

By Mr. RUPPE:

H.R. 17308. A bill to make available half the revenues from the excise tax on pistols and revolvers to the States for target ranges and firearms safety training programs, and to make the other half of such revenues available to the Federal aid to wildlife restoration fund; to the Committee on Merchant Marine and Fisheries.

By Mr. WYMAN:

H.R. 17309. A bill to provide for an exemption from tax for tobacco products furnished to inmates of certain penal institutions; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. Conyers, Mr. Diggs, Mr. William D. Ford, Mrs. Griffiths, Mr. Nedzi, and Mr. O'Hara of Michigan):

H.R. 17310. A bill to designate certain lands in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges in Michigan as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. FLYNT (for himself, Mr. Brotzman, and Mr. Rhodes of Arizona):

H.R. 17311. A bill to adjust the retirement status of permanent professors at the U.S. Military Academy and the U.S. Air Force Academy; to the Committee on Armed Services.

By Mr. BOW:

H.J. Res. 1272. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1968, and for other purposes; to the Committee on Appropriations.

By Mr. JOHNSON of Pennsylvania:

H.J. Res. 1273. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H.J. Res. 1274. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. GUDE:

H. Con. Res. 777. Concurrent resolution recognizing the importance of the 28th International Congress on Alcohol and Alcoholism to world health; to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIAS of Maryland:

H. Con. Res. 778. Concurrent resolution to establish a joint congressional committee to reexamine the objectives and nature of the foreign assistance programs and the relationship of such programs to vital U.S. interests; to the Committee on Rules.

By Mr. PEPPER:

H. Con. Res. 779. Concurrent resolution to create a joint congressional committee to provide Congress with a plan for legislation to deal with the crisis of the cities; to the Committee on Rules.

By Mr. SHIPLEY:

H. Res. 1174. Resolution concerning investigation of operations of U.S. military credit unions in the European and Pacific commands; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred to as follows:

By Mr. ADAMS:

H.R. 17312. A bill for the relief of Salome Eleria Villanueva; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 17313. A bill for the relief of Antonino Abrignani; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 17314. A bill for the relief of Antonio Mignanelli; to the Committee on the Judiciary.

H.R. 17315. A bill for the relief of Teresa Petralito; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 17316. A bill for the relief of Katina Kapiniari; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 17317. A bill for the relief of Gino Volpi; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 17318. A bill for the relief of Maria Nelly Toscano; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.R. 17319. A bill for the relief of Yoko Jimbu; to the Committee on the Judiciary.

By Mr. ICHORD:

H.R. 17320. A bill to authorize the Secretary of Agriculture to grant an easement over certain lands to the St. Louis-San Francisco Railway Co.; to the Committee on Agriculture.

By Mr. ROONEY of New York:

H.R. 17321. A bill for the relief of Miss Georgina Ongpin Villacorta; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 17322. A bill for the relief of Maria Carcione; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.R. 17323. A bill for the relief of Aggeliki J. Boudouvas; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

316. The SPEAKER presented a petition of the Municipal Council of the City of Clifton, N.J., relative to the weight restrictions on interstate highways, which was referred to the Committee on Public Works.

EXTENSIONS OF REMARKS

A THIRD PRESIDENTIAL CHOICE FOR MID-SOUTH CONSERVATIVES

HON. ALBERT GORE

OF TENNESSEE

IN THE SENATE OF THE UNITED STATES

Wednesday, May 15, 1968

Mr. GORE. Mr. President, Senators will be interested, I am sure, in an article entitled "Conservatives Flock to Another Byrd," published in the Memphis Commercial Appeal of April 27, 1968. The article was written by Mr. Morris Cunningham, a veteran Washington correspondent for the great Memphis newspaper.

I ask unanimous consent that the article, which relates to the distinguished junior Senator from West Virginia [Mr. Byrd], be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Conservatives Flock to Another Byrd

(By Morris Cunningham)

Washington, April 27.—Mid-South conservatives, many of whom are torn between Republican Richard M. Nixon and Southern Democrat George C. Wallace, soon may have a third choice.

Senate sources reported late this week that Senator Robert C. Byrd (D-W. Va.) is seriously considering jumping into the presidential race.

Byrd is said to be encouraged by a sizable response to a Senate speech in which he questioned the wisdom of the late Dr. Martin Luther King's intervention in the Memphis garbage collectors strike.

Unexpected write-ins have put him far ahead of Senators Robert F. Kennedy and Eugene J. McCarthy in a Democratic presidential popularity poll being conducted by a newspaper in his home state.

"I know that he is very seriously considering running," a Senate colleague reported.

Byrd first attracted national attention three years ago when as head of a Senate District of Columbia subcommittee he conducted a hard-hitting investigation of the public welfare program.

The investigation evoked bitter criticism from liberals who deeply resented Byrd assigning investigators to determine whether mothers receiving aid to dependent children were maintaining men in their homes in defiance of D.C.'s "man of the house" rule.

The investigators reported seeing men run out back doors, dive under beds, and jump out windows, in attempts to evade detection and avoid cutoffs of welfare checks.

Despite the liberal outcries, Byrd so conducted the investigation and subsequent D.C. involvements that his Senate colleagues have made him Congress' top man on D.C. affairs, with a strong hand in legislation as well as appropriations.

Taking a consistently conservative view, he blocked almost single-handedly wholesale busing of D.C. pupils and has opposed the whole concept of busing pupils to achieve greater racial integration.

Byrd's conservatism comes naturally. Now 50, he was a teen-ager in impoverished West Virginia during the great depression of the 1930s.

A foster child who saw Christmases come and go without a stick of candy, he collected garbage from neighbors to feed pigs to sell and graduated from high school at the top of his class—only to find he couldn't get a job. He finally got one as a gas station attendant. Later he became a butcher in a mining town's company store.

He drank whisky and joined the Ku Klux Klan. Later, perhaps influenced by his Baptist faith, he gave up both. For years now he has been a teetotaler.

His first venture into politics was as a fiddle-playing candidate for the West Virginia House of Delegates. He won big, and began a pattern of politics and night school college work that continued until, as a United States senator, he earned a law degree at American University here in Washington—cum laude.

Fellow Democratic senators demonstrated their faith and confidence in Byrd last year when they elected him secretary of the Senate Democratic Conference. He defeated Senator Joseph S. Clark (D-Penn.), who had been regarded as an easy winner.

RURAL DEVELOPMENT INCENTIVE ACT OF 1968

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. FULTON of Tennessee. Mr. Speaker, it is written in the Bible that the poor shall always be among us.

This, unfortunately, has been the case throughout recorded history. Yet, the poor are never so present as when they are highly visible. Witness to this fact can be seen in the activities and controversies which have arisen in community action programs throughout the Nation since the inception of the Office of Economic Opportunity; in the growing number of spokesmen who purport to speak for the poor; in the increasing strain on our public welfare roles; and the growing public awareness of this fact, in the banding together of geographically separated groups of the poor to join in concert to illustrate their plight and seek redress.

Another dramatic example of visible poverty is the crowded and sordid conditions which exist in the slums or ghettos of our Nation. These conditions know no bounds of discrimination; they are not deterred by race, color, or creed. In too many tragic instances this visibility has manifested itself in inexcusable, at times irreparable, and often incomprehensible acts of wanton violence.

Great strides have been made in this decade in affording legal status to the constitutional guarantees of human rights. Yet too little, far too little, has been done to afford opportunity for economic improvement with which to make these rights meaningful.

The phenomenon of poverty has no simple explanation. By and large, the poor among us are not poor by choice. They are poor by circumstance and the circumstance for each case may vary in each case. Yet, while we may gain valuable knowledge in study of the causes of poverty, we must move forward with realistic programs for alleviating it.

Geographically, the poor of America can be divided into two groups, the highly visible urban massed poor whose slum homes may be seen briefly by the more affluent and fortunate America as it speeds past over expressways and superhighways, and the invisible rural poor who are seldom seen because of their isolation, yet whose bleak life of deprivation and void of hope is just as real as that of their crowded urban counterpart.

There are 14 million of these rural American poor and they migrate at the rate of 500,000 each year into our crowded cities. The fact of the matter is that the programs we have today simply cannot move fast enough to alleviate existing conditions in our cities. There is little hope, then, that they will be able to accommodate this continuing and growing rural influx.

In recent years, Congress has devoted its attention to the problems of our cities because that is where some of our greatest domestic problems are most visible.

Yet, in the area of poverty, we have neglected a major contributor to these urban problems, the immigration of the rural poor.

The National Commission on Rural Poverty has made an extensive study of this condition and has recommended that efforts be initiated, through economic incentive in rural America, to reverse this immigration to our already overcrowded cities.

In line with many of the recommendations of the Commission, my distinguished colleague from Tennessee, the Honorable Joe L. Evins, has introduced legislation seeking to aid our cities through revitalization of rural America.

His bill, the Rural Development Incentive Act of 1968, designed to stem outmigration from rural America and assist in solution of urban problems, calls for the establishment of tax incentives such as liberalized investment tax credits, accelerated depreciation schedules, and similar steps to encourage or assist firms locating or expanding in rural areas.

There is no man in Congress more fully aware of the many facets of poverty as it affects urban and rural America than the gentleman from Tennessee [Mr. Evins]. Through his work as chairman of the Independent Offices Subcommittee of the House Appropriations Committee, he has a great understanding of the crisis in our cities and has moved forward programs designed to meet this crisis. For more than 20 years, he has represented a district in Congress which is essentially rural. These combined experiences have given him insight not only into the effects of poverty, but to the economics of poverty as they relate and interrelate to the urban and rural poor.

Mr. Speaker, there is no panacea for poverty. But there is nothing, on a case-by-case basis, that will alleviate poverty more rapidly than a job. Not a make-work, Federally sponsored WPA-type job, but a job paying a decent wage and offering economic security and advancement commensurate with a man's ability to produce and improve his productive capacity.

Representative Evins' bill is designed to provide this type of economic opportunity through productive enterprise, which will also spark economic growth. Because I believe this is one of the best bastions from which to launch and carry out the fight against poverty and reduce its terrible cost to productive society, I am pleased today to join with Chairman Evins in cosponsorship of this legislation.

THE NATION SHOULD BE PROUD OF THE RESERVES

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 15, 1968

Mr. THURMOND. Mr. President, the magazine The Officer for May 1968, contains an excellent editorial entitled, "The Nation Should Be Proud of the Reserves."

The editorial states that despite the fact that many Reserve units suffered from neglect, lack of support, and various official acts that tended to discourage Reserve training, there was nothing wrong with the individual reservist. The editorial pays tribute to the men who have been called to active duty and cites the current status of the Reserve Forces in the Army, Navy, Air Force, Marine Corps, and Coast Guard.

In appreciation for the splendid service rendered by our Reserves, I invite the attention of Senators to this excellent editorial and ask unanimous consent

that it be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE NATION SHOULD BE PROUD OF THE RESERVES

The Senate adopted a report last year, supporting its appropriations for the military Reserves, which stated among other things that the record of service of the Reserves, throughout the history of our nation was too vital to require any recital in 1967.

A half dozen years earlier, one of the nation's great military leaders, Admiral Arleigh Burke, had voiced a lack of concern for the attacks being made at the time upon military leaders, asserting that it was perhaps normal in peacetime to "downgrade" the military but that when the country needed its military men and women they always were responsive.

These statements, and the facts they represent, give a little more than reassurance in assessing the action required in the face of a single criticism, in a single magazine, by a single youthful and inexperienced enlisted man. Many of our members have been disturbed by this article and there has been a limited demand that we refute the statements made.

Yet, are these words of calumny really deserving of first class attention? And, are they really opprobrious after all?

We know there is plenty wrong with the nation's reserves. They have long been suffering from neglect, from lack of support, from official discouragement and from various official acts which had many of them in the doldrums. For three years we have been pleading for a better deal for the Reserves.

The Armed Services Committee and the Defense Appropriations Committees of both House and Senate have used a lexicon in charging that the Reserves were being weakened and undermined, and none other than the chairman of the Preparedness Committee of the Senate charged that both the Army Reserve and the National Guard were imprisoned by a "Reign of Terror" with a resultant lack of desired effectiveness.

Yet, in the face of all this, the actual state of the Reserves today—when their country needs them, as we have said all along—stands as the greatest tribute and a badge of the highest honor to them all and to their leaders.

The battle, of course, is the payoff, but let us examine in the few paragraphs of space here what we have in the Reserves today:

MARINES

The Fourth Division/Wing has been developed into an organization of experience and skill, under proven leadership, which gives this nation in the Marine Reserve a fit and ready fighting outfit.

COAST GUARD

Its units, with 18,000 Reservists including 2,000 experienced and highly trained officers, their skills surpassed only by their spirit and dedication, constitute a force ready to go tomorrow—or today.

AIR FORCE

Of the total of 417,000 in the Reserve is a Ready Reserve of 197,000 including 38,000 officers. The 47,000 in units man: 14 airlift wings with 40 assigned groups; 5 aerospace rescue and recovery squadrons; 1 Air Force hospital; 25 medical squadrons; 105 separate medical service flights; 9 aeromedical evacuation squadrons; 14 separate aeromedical evacuation flights; 2 air postal groups of 4 flights each; 12 aerial port squadrons; 1 censorship squadron; 6 military airlift support squadrons; 7 maintenance squadrons, mobile, and 7 supply squadrons, mobile. It has been a fairly well kept secret, but the Air Force Reserve has been in the middle of the Vietnam war for the past two years with a record that rivals any wartime operation.

NAVY

The Navy's Selected Reserve is composed of 126,000 men with "hip pocket" orders, ready ANY HOUR for a call to duty. They are highly skilled and experienced men who know the ships and aircraft to which they are assigned, and who are ready and capable of carrying out their assignments. The Naval Reserve can give to the Fleet tomorrow OR TODAY 12 destroyers in the Atlantic and 4 destroyers in the Pacific, 12 destroyer escorts in the Atlantic and 7 in the Pacific; 9 mine warfare ships in the Atlantic and 3 in the Pacific . . . a total of 47 surface craft. The Naval Air Reserve also can provide for immediate deployment the following squadrons: 20 helicopter, 8 attack, 33 patrol (ASW), 16 carrier (ASW) and 30 transport. The Naval Air Reserve can also augment the fleet squadrons now in existence with the following air units, 10 helicopter squadrons, 12 attack squadrons, 4 fighter squadrons, 30 patrol (ASW) squadrons, 26 transport squadrons, and 14 carrier (ASW) squadrons.

ARMY

The Army Reserve, battered and harassed as it has been, is proud and prideful, reflecting the effectiveness which comes from the peculiar type of combat which it has undergone during the past three years and from which it has emerged with fine spirit as well as skills. Army's Reserve includes 3,450 units, all far ahead of schedule in the reorganization target date for readiness—31 May. The USAR Ready Reserve includes some 35,000 officers in the 260,000 Ready strength, with 80,000 going into the Selected Reserve Force and deployable within 30 days. In the 260-thousand organization are 13 fine training divisions, 3 combat brigades, 2 maneuver area commands, a field army support command, 4 support brigades, 134 COSTAR (combat support) units, and various support units of all types.

These are the pride of the nation's reserves. They need no defense. What they do, and what they stand for, goes far beyond any need for defense or justification.

SOME 3,500 YOUTHS FIND WORK AT JOB FAIR

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. CABELL. Mr. Speaker, the Dallas business community recently worked with local civil organizations to provide a "job fair" for youths seeking summer employment. This was one of the best events of this type that I have heard reported and is a good example of the way a community can go about offering assistance to its young people.

I insert a copy of an article by Tommy Ayres in the Dallas Times Herald of May 12, 1968, describing this event:

SOME 3,500 YOUTHS FIND WORK AT JOB FAIR

(By Tommy Ayres)

A wide grin graced the face of one Charles Richards—he had a job.

Charles is 16. He is a junior at Lincoln High School. He wants to be a doctor. But before Saturday, the prospect of his even attending college was a remote one.

He was one of almost 4,000 Dallas area youngsters who showed up for interviews in a massive summer job signup at the State Fair. More than 3,500 youths were succesful.

As for Charles, he will work this summer for Anderson Clayton Brothers Funeral Home. He will receive $1.60 an hour, for 40 hours a week.

"I am going to save as much as I can," he assured. "I want to go to college and take medicine."

"I wanted a job this summer, and I was going to try to find one," he said. "But I don't know if I could have made it without this."

The scene of the giant Job Fair was the Women's Building at the State Fairgrounds.

From wall to wall stood rows of tables. At the tables sat dozens of employers—interviewing youngsters for jobs, and hiring them.

It was all hectic—and heartening. And it climaxed an all-out effort by the Dallas County business community, the Dallas Chamber of Commerce and Texas Employment Commission, to find jobs for the youth of the area this summer. They were most successful.

The Job Fair was conceived by the Urban League of Greater Dallas, nurtured by the Youth Opportunity Committee and coordinated by the Dallas Chamber of Commerce.

"I know," said Morris Hite, general chairman of the Mayor's Youth Opportunity Committee, "that the employment of these youngsters will be of great benefit to Dallas. Substantial wages will be paid and hopefully, many of these boys and girls will be able to save enough to help them continue their schooling."

All Dallas area youngsters from the ages of 16 and 22 from low-income families were eligible for Job Fair assignments. The applicants were first screened in Dallas County schools. There they were matched and scheduled for interviews with 430 employers offering more than 3,500 jobs at the Job Fair.

State, city and federal agencies provided 529 of those jobs.

The jobs themselves include a wide range—from laborers to bus boy, department store salespeople to paste-up work for computerized type.

Transportation to and from the Job Fair was provided by the Dallas Transit System and various volunteer organizations. Free soft drinks were provided by various bottling companies.

Members of the Texas Employment Commission played a major role, taking over interview responsibilities for 191 of the participating companies.

The National Alliance of Businessmen worked closely with the Dallas chamber in an effort to provide many of the jobs. More than 200 businessmen volunteered to help seek the jobs.

On hand to help with the signups Saturday were a number of members from the Dallas Cowboy football team—among them, Frank Clarke.

"This is something that should have been done a long time ago," he said. "The City of Dallas is responding to a sincere and honest need.

"This program is geared to assist the very kind of people who would be hard-pressed to otherwise find summer jobs," Clarke said. "I think it is a very good thing."

And so does Charles Richards.

THE DOCTRINE OF CIVIL DISOBEDIENCE

HON. ALLEN J. ELLENDER

OF LOUISIANA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 15, 1968

Mr. ELLENDER. Mr. President, on May 1, Judge Fred A. Blanche, Jr., delivered an address, commemorating Law

Day 1968, to members of the bench and bar and to the general public in Baton Rouge, La.

In his speech, Judge Blanche discusses the doctrine of civil disobedience and the logical conclusions and actions which society can reasonably expect to develop from the condoning of such a doctrine. Judge Blanche makes the point that the recent lawlessness, violence, rioting, looting, and murder are the natural outgrowths of conduct described as civil disobedience.

Mr. President, I have said for a good many years in speeches in the Senate Chamber that if our society condoned and encouraged people to break the law merely because they disagreed with those laws, violence, rioting, and even anarchy would result. I do not believe that anyone would disagree with me today.

Judge Blanche's address comes at a time when the Senate is debating the safe streets and crime bill, so I commend the wisdom that is contained in the address to all Members of the Senate. I ask unanimous consent that the complete text of Judge Blanche's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS DELIVERED BY THE HONORABLE FRED A. BLANCHE, JR., AT THE LAW DAY EXERCISES ON MAY 1, 1968, BEFORE THE 19TH JUDICIAL DISTRICT COURT, PARISH OF EAST BATON ROUGE, STATE OF LOUISIANA, AND THE CITY COURT OF THE CITY OF BATON ROUGE, SITTING EN BANC, THE MEMBERS OF THE BATON ROUGE BAR ASSOCIATION AND THE GENERAL PUBLIC AT THE EAST BATON ROUGE PARISH COURTHOUSE, BATON ROUGE, LA.

Two years ago I gave an address at the opening ceremonies of this Nineteenth Judicial District Court where the doctrine of civil disobedience was explored. The doctrine has been preached by many since that address, and now on this spring day which will usher in the summer of 1968 we have seen how the contagious doctrine of nonviolent disobedience of the law has spread into the violent disobedience of the law.

So today I would like to speak to you concerning the widespread use of violence, the logical concomitant of civil disobedience, as the acceptable method of achieving lawful ends. When we contemplate the widespread use of such means, we can then begin to think about violent revolution and the threat of destruction it poses to our entire framework of government and the court itself. Violent revolution is the chosen method of the Communists to bring about political and social change, and lest you suspect that I am somewhat of an alarmist and overfearful of the threat of such a revolution, I will shortly offer you some evidence on the subject.

At the outset you may believe that the threat becomes more meaningful when you consider that except for the protection afforded us by law and order, it will become necessary to protect ourselves; and when that day comes, then a riot could well have turned into a revolution.

It is popular sport to label those who seek social change by means of violence or preach selective disobedience of the laws as Communists. I make no such accusation, as I have no proof of it. However, I attach little significance to labels so long as they advocate the overthrow of our Government of laws by such means.

It may well be that some of our laws are unjust and a change is in order, for law is ever changing, but it is a horse of a different color to accomplish such change by unlawful means. It is unlawful to accomplish a lawful end by unlawful means, and those who preach such a device either wittingly or unwittingly are playing the prelude to violent revolution.

How is it that one can preach on the one hand nonviolent disobedience of a specific law and on the other reasonably expect that all others be obeyed? It cannot be expected and that is excuse enough for the violence that has followed in the wake of such preaching.

I turn now to an examination of the historical developments which led to our present predicament. I need research no farther than your own memory. The handwriting has been on the wall for some time. It started with the freedom of speech decisions of the Supreme Court of the United States, the extension of which was the spawning grounds for peaceful demonstrations which ultimately ended up not so peaceful. The doctrine has been in years past used by labor leaders to commit crimes of violence against the property of their employers and against the persons of their fellow employees until our Supreme Court finally placed restrictions on the doctrine.

Sit-in demonstrations were not the original idea of Dr. Martin Luther King, neither were the mass marches that he has led against helpless cities of the United States. They were no more than a copy of the coercive practices (such as sit-ins and mass picketing) employed by labor unions against their employers.

If that Court can place restrictions on free speech in the field of labor relations, I immediately urge them to do so in the civil rights movement. The object sought to be protected is greater. In the former it was the property rights of some unfair employer. In the latter it is the peace and dignity of whole communities and the protection of our constitutional form of government. So much for the crimes committed under the guise of freedom of speech.

It is not difficult to understand the popularity of the doctrine of civil disobedience. This heresy prospered because the morality of the goals of the civil rights movement has obscured the means by which they are attained. But this doctrine examined in its true light is nothing more than a display of the unlawful for their contempt for law and order.

Many responsible leaders and men of good will, because of these worthy goals, have failed to recognize the consequences that follow selective disobedience of the law. Even when riot came, in its wake, the Vice-President of the United States, Mr. Hubert Humphrey, stated in a visit to New Orleans in 1966 that if he were a Negro, you would have more trouble than you have had already, because (and I quote) "I've got enough spark left in me to lead a mighty good revolt under those conditions."

Mr. Lewis F. Powell, the former President of the American Bar Association, writing on this same subject in the U.S. News & World Report, the October 30, 1967, issue, stated:

"Once lawlessness is tolerated and justified, it seeds upon itself and leads either to revolution or violent repressive measures. It has been said wisely: 'Once you give a nervous, hostile and ill-informed people a theoretical justification for using violence in certain cases, it is like a tiny hole in a dike; the rationale rushes through in a torrent and violence becomes the normal, acceptable solution for a problem. . . . A cardinal fact about violence is that once it is initiated, it tends to get out of hand. Its limits are not predictable.' "

Now was this not prophetic and would you believe black power as falling within the predictable limits? This is a call by the militant leaders of the movement on our unsuspecting Negro population for armed revolt. Over and over again they preach to a "nervous, hostile and ill-informed people" that if they get anything from the white man, they will have to take it by force. Stokely Carmichael has characterized the armed struggle as "the only solution." Wilfred Ussery, number two in command of CORE, has stated that "Armed conflict between black and white can no longer be averted." H. Rap Brown, a native of Baton Rouge, said: "We'll make the Viet Cong look like Sunday School teachers. Violence is necessary."

It was impossible for the average, quiet, peace-loving American citizen hearing these statements to consider them even in the realm of possibility, and they were written off as being no more than the irresponsible statements of some kook or radical. But men and organizations of substance and influence have given comfort to the doctrine. Father Groppi has said: "Morally, I have no argument against the black man's right to use violence." Last October the National Council of Churches sponsored the United States Conference on Church and Society in Detroit, and one of the study groups assigned "The Roll of Violence in the Church" made the suggestion in their report that open violence was a legitimate means by which people can help transform society. What a disservice they do to the kindness and humility of Jesus Christ.

Yes, violence is becoming an acceptable way of resolve. In answer to the freedom rides, white men in certain communities of the south beat the riders and burned up the buses. When civil rights organizers met in churches, white men bombed the churches and killed little children. When a civil rights leader gains prominence, he is murdered by a sniper's bullet. Some were shot and buried like cattle with a bulldozer. Across the river at a jobsite in Plaquemine peaceful picketing was abandoned in favor of chains, clubs and shotguns.

Yes, the weather is getting right as the summer is coming on, and we can reasonably expect rioting, burning and murder. It occurs to me that the white race will be credited by some members of the colored race for the death of Dr. Martin Luther King. Retaliation has occurred and can reasonably be expected in the future, the doctrine of nonviolence notwithstanding. Men are riding around in cars and pick-up trucks with pistols and rifles and shot guns hanging from gun racks, and I am not aware of any hunting season. New marches are being planned like the "Poor People's March" on Washington which ought to number in the millions if all the poor people show up. Yes, not only is the climate right, but both the oppressors and oppressed have arms.

As stated before, the handwriting is on the wall, and from these observations we should all have understood its meaning. It has prompted me to make to you the following recommendations:

First, I recommend the complacent members of both the white and Negro races come alive. I charge them to take leadership of the civil rights movement and take it away from the extremists on both sides. To the members of the Negro race, I charge you that only through lawful means will you obtain the lawful objectives to which you aspire. To the members of the white race, I charge that our greatest sin lies not in our acts of commission but in our acts of omission. The sin is equally as great. Let the law reflect that what we as free, white Americans expect for ourselves we could not in good conscience deny to another. Take your pick—housing, education, public accommodation, employment. The list is long.

Second, I recommend punishment for those who preach disobedience of the law and violence. That seems like a fair limitation on the freedom of speech. Let the law reflect that we will not tolerate these professional agitators who deceive us under the banner of a noble cause.

Third, I recommend that restrictions be placed on the right to demonstrate insofar as that right threatens the safety of persons and their property in chosen communities. That seems like a fair limitation on the freedom of speech. Let the law reflect that we will not tolerate coercion by thousands and tens of thousands of marchers. Surely you will remember that our courts struck down mass picketing by labor unions as not within the bounds of peaceful picketing.

Fourth, I recommend that we accept the full responsibility of our fellow citizens less fortunate than ourselves. We have been giving away tax money by the ton to every nation in the world as a means to combat communism. We had better start giving less to them and more to our own to combat that threat from within. Let the law reflect that we will take care of our own by eradicating slums in poverty-stricken areas, the breeding ground for communism.

Fifth, I recommend that law enforcement officials at all levels redouble their efforts to keep the peace. We owe them the fullest measure of our support, for their failure will shift the responsibility of our own protection to ourselves. If this occurs, a riot will have turned into armed revolution. I recommend that the laws be obeyed, not some of the time but all of the time; and I recommend that they be obeyed by all of the people—the unemployed, those living in ghettos or slums. Those who want their rights and those who have them, white people and black people.

Lastly, to the vast majority of our citizens who have faith in the protection of the law, I give to you this word of comfort, and to those who would take the law into their own hands—the rioters, looters and arsonists—I give to you this warning. You have already been promised by our Mayor-President, the Honorable Woody Dumas, that if caught in such activity you will be shot. The Sheriff of the Parish of East Baton Rouge, the Honorable Bryan Clemmons, and the Chief of Police of the City of Baton Rouge, the Honorable Eddie Bauer, have dedicated themselves to keep the peace at the cost of your life if necessary. The District Attorney, the Honorable Sargent Pitcher, has dedicated himself to prosecute you to the fullest extent of the law, and I, Fred A. Blanche, Jr., as one of the judges of this Honorable Nineteenth Judicial District Court, will promise you the justice which you deserve and will punish you to the fullest extent of the law. To make such a promise is not to prejudge the case. The evidence has been previously submitted by the rioters in the cities of Washington, Cambridge, Philadelphia, Detroit, Newark, Chicago, and others.

The destruction of property and the loss of lives have been observed. The suffering and shame have likewise made their marks in history to our everlasting regret. A government of laws has been challenged. Now, how can we meet it? We can meet it by working together to build a better society with a lawful society that cherishes and respects the lawful rights of all.

STEEL IMPORT CRISIS

HON. RICHARD (DICK) ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. ICHORD. Mr. Speaker, I direct the attention of the Members of the House to an editorial of the St. Louis Globe Democrat on Tuesday, May 14, 1968, which points up the very serious plight of the steel industry in this Nation.

Although I am a firm believer in the principles of free trade, I also believe that trade is a two-way street. Our markets are freely open to many countries today which do not give America the same treatment. It is not reasonable to expect the steel industry to compete with Japan when our hourly wages are $4.65 as compared with Japan's hourly wage of $1.10. There are many other industries in the same position, and this Congress should waste no time in giving at least temporary relief in order to avoid disaster. Under unanimous consent I insert my remarks in the RECORD and include the Globe editorial:

STEEL IMPORT CRISIS

Action must be taken soon to head off a crisis in the steel industry—the flooding of American markets by foreign steel.

Unless something is done, there could be a heavy wave of layoffs in the steel industry by this fall.

Steel imports are grabbing an alarming percentage of the United States market. From 1964 to 1966 foreign steel makers had about 9.6 percent of the total steel sales. Last year the percentage jumped up to 12.5 percent. In 1968 it appears it will be more than 14 per cent.

In 1967 a record 11,500,000 tons of foreign steel came into the United States at the Detroit port of entry alone. This represented a loss of 85,000 job opportunities to American workers.

Locally the influx of foreign steel cost the Granite City Steel Company 600 jobs last year. Salaries and benefits of almost $6,000,000 were lost to Granite City employes.

Steel production in this country remains high only because buyers are increasing inventories in anticipation of a possible steel strike, masking the crisis that can come if the strike is avoided or is of short duration.

What most people don't know is that United States steel production has fallen from 61 per cent of the world output in 1945 to 26 per cent in 1966.

Just 10 years ago our country was the world's largest steel exporter. Today it is the largest importer.

Not to be overlooked is the effect the export-import reversal has had on the critical international payments problem. In 1967 it resulted in a net balance of $1.1 billion of American dollars going out of the country to buy foreign steel. This was almost a third of the total payments deficit.

The basis of the problem is that the world steel industry has a huge surplus capacity. The United States has become a dumping ground for much of this excess. Studies show great amounts of steel coming from Europe are being sold in this country at cost or below.

United States technology is making vast strides in automating steel mills, but it hasn't been able to completely offset the differences in wages. A steel worker in Japan is paid only $1.10 an hour, for example, as compared to $4.65 for his American opposite number.

There appears only one answer in the immediate years ahead. That is for Congress to support legislation that would limit steel imports to the percentage of the United States market they had between the years from 1964 to 1966—about 10 per cent.

This would still give foreign steel makers a big share of the American market, but it would stop the dumping of overseas steel in this country at cost, or below, merely to get rid of excess production.

This should be only a short-run solution until such time as further technological advances and higher wages abroad could restore our competitive position.

Further to delay action could risk a sharp recession in the steel industry, perhaps in a matter of months. Steel imports literally are gobbling up thousands of American jobs every day.

ST. OLAF COLLEGE, NORTHFIELD, MINN.

HON. WALTER F. MONDALE

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 15, 1968

Mr. MONDALE. Mr. President, a number of universities have experienced disorders in the past few weeks. And within the past month nearly every major city in the country has had some type of civil disturbance. Whether in a university community or a big-city ghetto, the disturbances seem to arise from a sense of frustration at the unresponsiveness of an administration or a governing body.

I am happy to report that one college in my State, St. Olaf College, in Northfield, Minn., has exhibited commendable responses. Sixty-nine percent of the St. Olaf students agreed to give up 3 days of meals, the proceeds to be used for improving relations between blacks and whites. Their action inspired a member of the board of regents to donate $50,000 to endow scholarships for Negro students at St. Olaf. It also prompted the faculty to initiate a program of job training in cooperation with such industries as Control Data. Fifty faculty members pledged $250 each for this program.

Individual actions cannot provide all the help needed for the poor, the jobless, and the poorly educated. But they are an indication that people do care, that they can be responsive, and that the frustration which breeds disorder can be avoided.

FAIR INTERNATIONAL TRADE BILL

HON. HORACE R. KORNEGAY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. KORNEGAY. Mr. Speaker, I am joining in the introduction of the fair international trade bill as introduced recently by the gentleman from Florida [Mr. HERLONG].

This bill marks a shift away from rigid protection of domestic industry by recognizing the claim of foreign countries to a fair share of our market. The bill is designed to establish a ceiling over imports while permitting them to participate proportionately in the domestic consumption of any product made subject to a ceiling.

Mr. Speaker, this appears to me to be a very fair approach to the import problem. What is intended and what the bill would accomplish is market participation by imports on an orderly basis rather than their running wild and causing market disruption for our own producers.

In too many instances in recent years imports have started at a moderate level and raced upward, each successive year capturing a rising share of the market. Not only did this rapid upward trend upset the domestic industry; it cast a pall over investment prospects and chilled all plans for expanding production. It brought great pressure to bear on industry to automate, which is to say, to reduce employment by broad-scale worker displacement as a means of warding off yet greater floods of imports.

The result, as in the cotton textile industry before the long-term arrangement went into effect, was declining employment, low profits, retrenchment, and stagnation.

Only after the countries shipping to this country agreed to restrict their exports did the cotton textile industry show improvement. Profits rose to a more attractive level, investments climbed sharply, helped by lower taxes through investment credit and accelerated depreciation, and production and employment rose. Yet imports actually increased, in fact, virtually doubled in 5 or 6 years.

Thus was demonstrated the efficacy of sensible import restraints. There can be little question that if cotton textile imports had not been restricted the principal industry of the southeastern part of the United States would have been ruined.

Yet, it was not necessary to stop imports or to hold them at a specified yardage of cloth. They were allowed to grow. True, they were getting out of hand a year ago because of lax compliance; but the principle of live and let live was demonstrated as a superior approach, both to extreme restriction and rampant invasion of the market by low-cost textiles.

The approach represented by the fair international trade bill has precisely these merits: it is not restrictive except of wild import expansion, and it recognizes the claim of imports to a fair share of the market.

This is better by far than a tariff for at least two reasons:

First. A tariff that would moderate imports from the European countries would leave our market wide open to import from Japan, Hong Kong, and other low-wage areas.

Second. A tariff high enough to restrict or moderate imports from the Orient would exclude most imports from Europe.

Mr. Speaker, I am well aware that in order to export we must import. We all know that to be a self-evident truth; but it does not follow that we must lay our industries open to highly destructive imports. The United States is in fact a better market for imports when it is in a prosperous state. It does not make a good market when some of our major industries are driven to stagnation by unrestricted imports that undersell our own producers.

In recent years our imports of manufactured products have been rising very rapidly. In the textile industry imports of woolen goods have severely disturbed our domestic manufacturers. Imports of steel have risen to an 11- to 12-percent penetration of our market for steel products. We were long exporters of steel on balance. In the past 10 years we have fallen far behind with our exports while imports have risen several fold. In the case of typewriters, sewing machines, and consumer electronics we have been badly trounced; and the trend continues. Our footwear market is being innundated by imports. Numerous other lines of goods are feeling the impact.

There is no valid objection to a rise in imports if the increase is moderate and predictable; and the most important of these is predictability. Predictability is essential to a healthy investment climate. Otherwise investment seeks foreign outlets in preference to the domestic.

Should the industrial activity attributable to our involvement in Vietnam slacken we would find ourselves desperately beset by imports of a growing variety. Our tariffs are already so low that we need expect nothing else. A mere retardation of the Kennedy round such as is offered by some European countries, allowing us to postpone our cuts, while they accelerate their own tariff reductions on our exports, would mean very little. Our present level of tariff is very low and sufficiently low already to offer little restraint to imports. Minor foreign tariff reductions, such as would be involved in the European offer, would cause hardly a ripple.

We have indeed all but abandoned the tariff as a means of regulating imports; but the problem to which the tariff was addressed is still with us. Setting aside a reasonable share of our market through import ceilings offers the most suitable substitute.

Absolute quotas on a variety of products individually arranged, product by product, have been suggested; and it may come to that. However, the approach embodied in the fair international trade bill would be open to all industries on an equal footing and would also be more moderate and yet effective. The bill would not disturb existing quotas.

I hope that many other Members will join in the introduction of this legislation and give it their full support. I trust that hearings will be held by the Ways and Means Committee at an early date. This legislation should stand high on our legislative calendar.

DOMESTIC PROGRAMS STRAINED BY VIETNAM WAR

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 15, 1968

Mr. METCALF. Mr. President, some Members of Congress are gravely concerned with the severe strains placed on our domestic programs by the Vietnam war. Moneys which we have voted for those programs are held in reserve while the external conflict goes on.

The Bureau of Sport Fisheries and Wildlife, in the Department of the Interior, has almost $11 million frozen in a reserve fund. That money was to have been used for construction projects in 12 States plus the District of Columbia. That is the effect of program reduction in fiscal year 1968.

So that other Senators may have the benefit of the breakdown of these figures, I ask unanimous consent that a table on this subject be printed at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

BUREAU OF SPORT FISHERIES AND WILDLIFE—EFFECT OF PROGRAM REDUCTION, FISCAL YEAR 1968

Appropriation item	State and congressional district	Reserve
Construction:		
Blackbird Research Laboratory	Ohio, 5th	$45,000
Wolf Creek fish hatchery	Kentucky, 5th	138,000
Willow Beach fish hatchery	Arizona, 3d	135,000
Valley City fish hatchery	North Dakota, 1st	90,000
Panama City Fishery Research Laboratory	Florida, 1st	160,000
Eastern Fish Nutrition Laboratory	New York, 35th	40,000
Port Aransas Fishery Research Laboratory	Texas, 14th	170,000
Okefenokee Refuge	Georgia, 8th	297,000
WPA development	South Dakota [1]	204,000
Chautauqua Refuge	Illinois, 8th	74,000
UL Bend Refuge	Montana, 2d	63,000
Wichita Mountains Refuge	Oklahoma, 6th	245,000
National Fisheries Center and Aquarium	District of Columbia	9,175,000
Total		10,836,000

[1] Located in several States and/or congressional districts.

Mr. METCALF. Mr. President, continuing with the Department of the Interior, I find that the Federal Water Pollution Control Administration has frozen funds totaling nearly $32 million. I ask unanimous consent that the table listing those funds and their intended use be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION BUREAU—EFFECT OF PROGRAM REDUCTION, FISCAL YEAR 1968

Appropriation item	State and congressional district	Reserve
Buildings and facilities:		
National Marine Water Quality Research Laboratory	Rhode Island, 2d	$1,733,000
Great Lakes Regional Laboratory	Michigan, 2d	2,543,242
Water pollution control laboratory	Boston, Mass. (location not yet specified)	2,582,829
Planning of water pollution control laboratory	Vicksburg-Jackson, Miss. (location not yet specified).	160,000
Acid mine drainage field demonstration activity	Various in Appalachian region	1,274,000
Total, buildings and facilities		8,293,071
Construction grants for waste treatment works	Various, not specified	23,438,000
Total		31,731,000

Mr. METCALF. Mr. President, these tables are not intended to be all inclusive. From time to time, I shall place in the RECORD additional figures identifying reserve funds frozen in other bureaus within the Department of the Interior. What I have listed today is merely a beginning—something for all of us to think about—as we worry about the unfortunate effect the war in Vietnam is having on domestic programs.

PUBLIC LAW 480

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. ZWACH. Mr. Speaker, H.R. 15693 was passed by this body by a vote of 345 to 42. This bill principally extended titles I and II of Public Law 480 for 1 more year. This program was first promulgated and passed by the 83d Congress as a method of implementing the farm program by expanding foreign markets and thus alleviating our then bulging farm surplus problems. It also allowed us the humanitarian opportunity of feeding millions of hungry people overseas. Such a program would help to equate supply with demand. In general, it has been successful in accomplishing some progress toward these worthy goals.

However, proper administration is sorely needed if it is to be fully effective and helpful to domestic food producers. Violent swings and lack of continuity of sales under Public Law 480 create a very severe blow to the building of stable overseas markets, or to the planning by American farmers. Proper administration would help to prevent such violent fluctuations. I refer specifically to the case of dairy products, and submit the following table, at the close of my remarks, to fully document my contention. Public Law 480 sales are listed herein under the column of noncommercial sales.

The irony of this situation is the fact that it was necessary to appeal to both the President and the Secretary of Agriculture last year to have amendments made in the tariffs for dairy products in order to provide some protection for the dairy producers in America.

As you will note, we exported almost eight times the amount of imports in 1964—while in 1965, the ratio dropped to 2 to 1. But the crushing blow is the sorry picture in 1966 and 1967, when imports exceeded exports each year by over 2 billion pounds. The table follows:

[Millions of pounds]

Year	Exports			Imports
	Commercial	Noncommercial	Total	
1964	370	6, 504	6, 874	830
1965	417	1, 422	1, 839	918
1966	780	0	780	2, 775
1967	354	10	364	2, 855

ELEMENTARY AND SECONDARY EDUCATION ACT HELP FOR RETARDED CHILDREN NARRATED BY MARY JANE BODE

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Wednesday, May 15, 1968

Mr. YARBOROUGH. Mr. President, under title III of the Elementary and Secondary Education Act, innovative and exemplary programs shaping the education spectrum are in progress across the Nation. One of these, for retarded children at the Austin State School, in Austin, Tex., is chronicled in an interesting and informative article written by Mary Jane Bode and published in the May 1968 issue of "American Education," the official magazine of the U.S. Office of Education.

Entitled, "You Are My Sunshine," the article successfully conveys the progress made possible through title III.

I ask unanimous consent that the article be printed in the RECORD. There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOU ARE MY SUNSHINE: THIS PLAYGROUND IS MORE THAN PLAY FOR THE HANDICAPPED AT TEXAS' AUSTIN STATE SCHOOL

(By Mary Jane Bode)

"Come on, Harold! Come on!" While teachers and schoolmates shout encouragement, the big shouldered boy runs as fast as his short legs can carry him. It's a funny run, like a goose-stepping soldier trying desperately to get in step, like the run of someone who was learning for the second time.

But Harold never learned to run a first time. He is one of more than 2,400 mentally retarded residents of the Austin State School in Austin, Tex. His mental age hangs far below his 13 years, and he is in a group designated "profoundly retarded."

Harold's lone competitor in the foot race suddenly leaves the dirt track and saunters over to examine the minature castle on the obstacle course. "Come on, Bryan," his supporters urge. But their cheers do not penetrate his consciousness.

A young teacher runs up to him, grabs his hand and, smiling and shouting, runs with him, though she does not mention that Harold has already passed the finish line.

The race, the teachers, and the castle are all part of a project formidably titled, "Functional Concepts in Physical Education Programs for Retardates," funded by a grant under title III of the Elementary and Secondary Education Act of 1965. Now in its second year, the project was designed to develop physical education programs and functional playground equipment for retardates. Already it is changing the behavior patterns of many children at Austin State School.

Stanley, one of the smaller boys yelling loudly if somewhat incoherently for Harold, is seven years old. "He started talking when he entered this program. He had never talked before," said project director Guy M. Owen, a tall, yellow-haired, 27-year-old physical education instructor who joined the project while working on a doctorate at the University of Texas.

"A lot of people thought you couldn't try competition among retardates," Owen continued. "The fact is they like it. They respond to it beautifully."

A short distance up the rolling grounds from the race was a long-time resident of the school, a fellow in his midtwenties. He was singing the same verse of "You Are My Sunshine" over and over, pausing each time to smile as though to audience approval. Two other boys walked close by, but the singer paid them no notice.

"They all used to act autistic," Owen said. "At first, there was no group involvement at all. Once they start moving into the group, we can begin to work with them."

The project has also given the campus a facelifting. Drab tool sheds and corrugated outbuildings have been transformed by the teachers into orange, green, red, and blue eyecatchers, decorated with cowboys and broncos, monkeys at play, and giant paper dolls. In the southeast corner of the 2.5-acre boys' playground is an area that resembles an amusement park. This is the obstacle course, where the children may enter an igloo and climb out its top, run inside a castle, and up and around its balcony and down; scoot over an elephant ramp and across a pig's bridge, and then scramble up a ladder and slide down a slide.

Closer to the dormitories are the rope-climbing and overhead-ladder equipment, the three-level bar hurdle, barrels, and a log obstacle course. Adjacent to that is a 3,000-square-foot multiple court area for relay games, volley ball, deck tennis, and hopscotch. A short, hard-surfaced running track was laid out diagonally to two sandpits so the boys can broad jump from any direction they care to run. (Owen is a realist.)

The swimming area consists of a three-foot-deep pool and a wading pool, separated by a wide concrete slab. There is also a shower pool—a shallow pool of long, rambling, free-form design with shower towers rising from it like giant mushrooms. It was built apart from the playground and adjacent to a dormitory for profoundly retarded children. School physicians certify children for the swimming program separately from their physical education program approvals.

"Swimming is very good for the physically handicapped," Owen said. "We're thinking of building a rolling apparatus to get the cerebral palsied to the shower pool.

Watching and hearing the laughter and healthy excitement of the footrace between Harold and Bryan, one would find it hard to believe that not too many years ago the only sounds heard at Austin State were screams and cries of anguish.

The school, which opened 50 years ago, has always been considered progressive. But "progressive" is a relative term. There had never been sufficient funds or staff to allow any real effort in physical education. "Most of these children never knew how to move before," Owen said. "They didn't know how to use their bodies.'"

Now the Federal grant is helping change all that. With a first-year budget of $100,960 the staff was made up mostly of part-time workers: Six special education undergraduates and six physical education undergraduates as teachers, two gradute students handling curriculum and program, two vocational rehabilitation technicians, two architectural engineers, and two secretaries. Full-time help consisted of a maintenance man and Owen.

It is unusual for title III ESEA funds to be used for construction. Approval was given in this case inasmuch as building the simple equipment was basic to the innovative idea. Less than 20 percent of the first-year budget went for construction; the staff added the imagination and elbow grease needed to turn what was once a dreary pasture into a mini-Disneyland.

The project crew has been working with 400 children, with another 1,000 waiting in the wings. "We're holding these until we know what we really want," Owen said.

The retardates range in age from six to 60. They are divided into four adaptive levels: profoundly retarded, trainable, highly trainable, and educable. Most are trainable.

The first students enrolled in the outdoor program were ambulatory boys, most of them between ages six and 13. Their IQ's fell between 20 and 50. At first they were brought out in groups of eight with two teachers. After a month, one teacher could work with 12 or 14 children.

The groups are scheduled for 40-minute periods, five days a week. "Pick a time, any time of the day," Owen said, "and you'll find them out here."

Getting them out is one of the biggest problems. Owen and his supervisors have to schedule classes according to their part-time teachers' class times, and they have to take students at times convenient to the dormitory attendants and school staff. With the profoundly retarded groups, the student teachers have to join the dormitory "who's got the shoes" scramble before they can even begin the physical education period.

"These children just won't keep their shoes on," laughed instructor Dick Smith, who majors in physical education at the University of Texas when he's not playing professional baseball with the Atlanta Braves' organization. "They take off their shoes, and get them mixed up with the other kids' shoes, and then we have to match shoes and get the right pair on the right boy."

Two teachers led a group of boys out to the fairyland obstacle course. As they all took off in their own running patterns, the boys followed teachers for a time, then teachers followed the boys.

One teacher stopped to discourage a very little boy, about six, from taking punches at someone twice his size.

On the four-square court, a boy sat pulling grass up blade by blade while his group members learned to jump.

"What we're trying to do," Owen said, "is provide an area in which they can develop. We teach the basic movements: walking, jumping, skipping, galloping, walking on toes, leaping. And all the equipment is designed to teach them how to use these movements.

"It's wonderful to watch them learn to use their bodies," he went on. "And when they learn to run, they find it so exhilarating. You know how a toddler acts when he first discovers he can run. He runs and runs every chance he can get.

"A normal child learns many things on his own that a retarded child has to be taught. But because the retardates have the same desires and needs as other children, we found it good strategy to approach this program from a normal child angle.

"They're happier than the average child. They're very loyal. They'll learn your name and call you by name every time they see you. I'm trying to impress the teachers with the importance of responding to this. At any age, a person needs to feel he's accomplishing something."

The teachers work hard with their charges, and the children respond warmly to their encouragement. The student teachers have contributed many good, sound ideas to the project.

Owen and his supervisors use Fridays to evaluate students and teachers, because a continuing evaluation program is considered essential. Every four months, two weeks are devoted to inservice training and discussion.

Owen is also planning a training program for about 250 State school attendants. Already some dorm helpers, who are in the group of highly trainable retardates, are doing workouts with the boys. But the hired attendants will have to be educated to the idea.

"It will be good for the attendants as well as the children," says Owen. "It will fill in a lot of the void of just being in dorms, and make attendants and children happier."

An $11,600 portion of the $69,771 second year project budget is earmarked for construction of a women's playground. Second year plans also call for 18 undergraduate teachers, two half-time construction workers, one architectural engineer, two supervisors, and Owen. And the project has a gift: a Volunteer to America, Elsa Ruiz of La Plata, Argentina, who is teaching deaf retardates and assisting the State school projects by testing Spanish-speaking children.

The women's recreation grounds is a scenic area shaded by stately trees, but play equipment is scarce and in need of repair. A leaf-swamped swimming pool obviously hasn't been used for years.

"It can't be fixed for swimming," Owen said sadly, "but we hope to fix it up for roller skating and volley ball."

Most of the female students are adult, so Owen started thinking of their physical education program along more adult lines. He came up with the idea of a hiking trail, leading from the boys playground, to the women's area and then almost to the northernmost point of the campus—nearly a mile walk.

The older women are working on a fitness program. "They were really out of shape," Owen observed. "But we started the Royal Canadian Air Force program and they were real receptive."

Owen mentioned that teachers were astonished to find that the routine of the RCAF exercise program, which is difficult for many normal people to follow without a book, was memorized quickly by some of the retardates.

An evening program is also in progress for groups of adult male residents, many of whom work in jobs in cafeterias, stores, and schools in the city during the day. Owen is trying to make that program enjoyable as well as beneficial by introducing croquet and golf. Every working person knows it's difficult to get enthusiastic about exercise after a hard day.

"After the older students get along in their programs," Owen said, "we hope to take them to the city park for a hike and a wiener roast as a motivating factor.

The staff is making a photographic history of the project effort. A darkroom has been added to the project office, and members develop black and white photos and slides of significant events.

"We're working on motor development, physical fitness, and the development of sports skills," Owen said, "and we hope to hit on a few other things, such as social and personality development. We're trying to decide on the types of activities that need to be taught to achieve these goals, and hope we can make sound decisions so that all schools can use this information."

One of the group's chief ambitions is to reach the very young retardates (the earliest enrollment age is usually six) who can qualify medically for physical education. Haunted by the sight of grown retardates struggling to learn basic body movements, Owen said, "We think the retarded need to be provided with this equipment and education at an early age, so they can use their bodies."

WHAT SURTAX MEANS TO YOU

HON. THOMAS G. MORRIS

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. MORRIS of New Mexico. Mr. Speaker, the Washington Sunday Star this past Sunday published an article by Sylvia Porter on the proposed 10-percent surtax. This article very clearly and simply outlines what the surtax will mean to us as individuals. For the benefit of my colleagues, I am inserting the article in the RECORD at this point:

WHAT SURTAX MEANS TO YOU

(By Sylvia Porter)

Assume the 10 percent surtax on individual incomes retroactive to April 1 finally becomes law. This would mean an effective surtax rate in calendar 1968 of 7½ percent. How would this affect you, a married taxpayer filing a joint return?

If your income after all deductions and exemptions in calendar 1968 comes to around $8,000, it would mean an income tax increase of about $103.50 this year, which would average out over a full 52 weeks to just under $2 a week.

If your income after all deductions and exemptions this calendar year comes to around $16,000, it would mean an income tax increase of about $244.50, which would average out over a full 52 weeks to about $4.70 a week.

Only if your taxable income is in the $44,000 range, would your tax increase for calendar 1968 mound into the four figures. The total would be $1,054.50 or a bit more than $20 a week.

IMPACT MODERATE

This, mind you, is a surtax. You do not figure it as a regular 7½ percent tax on your 1968 taxable income (income after all deductions and exemptions). You do figure it as a 7½ tax on the tax you report that you owe on your 1968 income.

The essence of this is that the tax surcharge will have a more modest impact on your family financial position than many now believe. Admittedly, in the lower income brackets, even a tax rise of $1 a week is very important and in fact the House-Senate conference committee acknowledges this by exempting from the surtax millions of married taxpayers reporting less than $3,000.

But in the higher income brackets, the impact will be moderate. Even the married taxpayer with $100,000 of income this year will pay only $3,388.50 more, equal to about $65 a week.

IMPLICATION BASIC

Over and beyond the specific dollars-and-cents meaning to you, this surtax will have basic implications.

First, it will help moderate the demand for goods and services and, by so doing, mark the first step back from inflationary price increases and toward reasonable price stability.

Second, the tax increase, plus spending cuts, will be a clear signal to our foreign creditors of U.S. fiscal responsibility and thus will help increase confidence in our dollar's integrity.

Third, the move will help curb today's interest rate up-spiral. There may be no major or quick easing of interest rates but the threat of an intolerable money squeeze will be off.

These fiscal steps will cool the fever in our economy but not put us through the wringer. They represent a belated financial acknowledgement that we have long been fighting a military war.

Here's a table, prepared for me by the Research Institute of America, against which you can match yourself to see how you would make out.

Taxable income	Tax today	7½ percent surtax	Total 1968 tax
$4,000	$620	$46.50	$666.50
8,000	1,380	103.50	1,483.50
12,000	2,260	169.50	2,429.50
16,000	3,260	244.50	3,504.50
20,000	4,380	328.50	4,708.50
24,000	5,660	424.50	6,084.50
28,000	7,100	532.50	7,632.50
32,000	8,660	649.50	9,309.50
36,000	10,340	775.50	11,115.50
40,000	12,140	910.50	13,050.50
44,000	14,060	1,054.50	15,114.50
52,000	18,060	1,354.50	19,414.50
64,000	24,420	1,831.50	26,151.50
76,000	31,020	2,326.50	33 346.50
88,000	37,980	2,848.50	40,828.50
100,000	45,180	3,388.50	48,568.50
200,000	110,980	8,323.50	119,303.50

HANDICAPPED WORKERS OF AMERICA

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 15, 1968

Mr. HARTKE. Mr. President, there is a segment in our working force today whose capabilities are great and who are deserving of greater recognition of their achievements. They are the handicapped workers of America. It is important that all of us take note of the potential and abilities of the handicapped person to compete favorably with employees unincumbered by physical disabilities.

Recently it has come to my attention that members of each age group have become aware of the needs and capacities of the handicapped worker. A good example of this is a well-written essay from a talented young constituent, Miss Nancy Sutherland, of Michigan City, Ind. Miss Sutherland has pointed out some of the challenges being met by our handicapped citizens today.

I ask unanimous consent that Miss Sutherland's essay be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

THE CHALLENGE OF EMPLOYMENT BARRIERS TO THE HANDICAPPED—A COMMUNITY SURVEY

(By Nancy Sutherland)

John Doe, the average American, was born of parents with an average income and inherited average intelligence. He went through grade school, high school, and part of college. He married an average girl and they had three children. He will work at his average job until he retires between the ages of 60 and 65. Chances are you can identify with this person. However, there are Americans who were born of parents with an average income and who inherited average intelligence but are unable to work at an average job—because of a handicap.

In the United States, there are over a half-million people who are classified as physically handicapped.[1] What types of impairments does the term handicapped include?

The dictionary defines the word handicapped as "something that hinders or disadvantages a person." In previous years polio was the disease which resulted in the largest number of handicaps. Since the discovery of the polio vaccine however, this crippling disease has become almost extinct. For example, out of the approximately 12,000 students presently enrolled in Michigan City Area Schools, there is one case of post-polio paralysis. Specialists now attribute the majority of handicaps to four diseases: cerebral palsy, rheumatic fever, epilepsy, and muscular dystrophy. The remaining afflictions are the result of either accidents or congenital malformations. Deafness and blindness are also classified as physical handicaps.[2]

Cures for these diseases are yet to be found, but through the work of such organizations as Easter Seal and the National Society for Crippled Children and Adults control measures have been discovered. Epileptic seizures can be controlled by drugs; rheumatic fever can be controlled by hormones. Physical therapy and training in muscle control can help victims of cerebral palsy and muscular dystrophy. The number of congenital malformations can be decreased, if not completely erased, by better care of women during pregnancy.

With the aid of control measures, it has become possible to educate two-thirds of handicapped children in the United States in regular day school classes.[3] At the present time, the special education program in Michigan City involves 123 students. The main reason for the small number of students is the lack of qualified instructors in our area.[4] The grade school children who are severely handicapped attend the Therapy Center; the others go to school at Knapp Elementary School. A special bus with a hydraulic lift provides transportation for the students. In addition Michigan City schools have a school-home program by which bedridden or hospitalized students are able to "attend" classes through an intercom.[5]

In the education of handicapped children, the instructor's aim is to teach the child to become an independent, self-supporting citizen, rather than to stress academics as in average schools. Thus, vocational training is very important.[6]

In Michigan City vocational training of handicapped students begins in high school. The students have one-half day of classroom work and one-half day of on-the-job training. After graduating from high school, Mr. Newman who is Michigan City's special education instructor on the secondary level, helps the graduates get jobs. Frequently they are employed where they received their vocational training.

When applying for jobs, handicapped people face barriers which do not affect the physically fit. Many employers ask these questions before hiring the handicapped. Is their motivation below normal because of their psychological feeling of inferiority? Is their production rate below normal due to their physical impairment? Are they a safety risk; do they affect company insurance? The answer to all these questions is "No!"

Actually, motivation of handicapped workers is usually above average because they appreciate an opportunity to work. In a survey conducted by The President's Committee on Employment of the Handicapped it was proven that the production rate of handicapped workers is one percent better than the production of unimpaired workers. Also, the percentage of on-the-job injuries was less among handicapped employees than among unimpaired employees.[7]

Several business concerns in Michigan City indicated that their handicapped workers were an asset to their companies. They work hard, they are rarely absent and they are always on time. In addition, handicapped employees do not raise insurance rates. Bill Paul, who is the Personnel Director of Joy Manufacturing Company in Michigan City, confirmed this by saying, "Group insurance rates are set by the number of employees and have nothing to do with the type of employees."

Moreover, handicapped employees usually have very good morale. This is evidenced by Mrs. Story, a bookkeeper employed by Audio Industries Incorporated in Michigan City, who views her handicap as follows: "I am handicapped myself and I have found that it has helped me drive ahead rather than deterred me."

Mrs. Story is one of over a hundred handicapped persons employed by eleven major manufacturing firms in Michigan City. Out of the twenty-four major business concerns in the Michigan City area, these eleven represent the only concerns which presently have handicapped employees. In addition, six companies have indicated their willingness to hire the handicapped. The seven remaining concerns either gave ambiguous, evasive reasons or no reasons at all for their refusal to hire the handicapped.

These statistics show that Michigan City is making considerable headway in dissolving the employment barriers to the handicapped. There is also work being done to dissolve other types of barriers affecting the handicapped. There is a sheltered workshop program in the planning stage which will employ severely handicapped people at a loss for the sole reason of employing them. Environmental barriers are being somewhat dissolved with the building of the new junior high schools and the high school being planned which have no steps.

But much remains to be done. Educating the public on the capabilities of the handicapped is the primary area remaining to be dealt with. There is also a tremendous need for teachers and funds in order to fully develop the potential of the handicapped. Buildings and transportation facilities should be made accessible to the handicapped. Ramps should be installed along with stairways and doors should be made wider.

The Declaration of Independence entitles United States citizens to "life, liberty and the pursuit of happiness." Happiness for a handicapped person is following his vocational goals without educational and employment barriers to restrain him. Doesn't the Declaration of Independence apply to all United States citizens?

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[1] *Help Open the Doors.*

[2] Herbert Yahraes, Gains for Handicapped Children, p. 2.

[3] Romaine P. Mackie, *Education of Crippled Children in the United States,* p. 3.

[4] Richard Surber, Director of Special Education for Michigan City Area Schools.

[5] Ibid.

[6] Richard Surber.

[7] Ray G. Fugal, *The Plus Factors of Hiring the Handicapped.*

THE NERVA PROGRAM

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. MOSS. Mr. Speaker, it is indeed appropriate to review the posture of the NERVA program in light of the enormous needs and commitments currently being shouldered by the citizens of our country. We must consider fully the alternatives available to us in making our determinations, and, in the years to come, we must be proud of the choices we make today.

The NERVA program has been a topic of discussion before congressional committees currently reviewing the NASA budget request. Some people have questioned the justification for it; have said that no mission requirement currently exists for it; and that the so-called "cost/benefit" requirements have not been met.

What seems to be the problem here is to put the NERVA program in proper perspective in relation to the other needs before us—to establish the priorities, if you prefer.

The Vietnam war currently absorbs most of our attention and a good portion of our available funds. We have unrest in the ghettos which we are endeavoring to eliminate. We have disorder and lawlessness in the streets which is of grave concern to us all. We have civil rights problems to resolve. We are having difficulties with our balance of payments, and these have recently placed us under the shadow of a gold crisis and led the President to announce an austerity drive.

And yet, even with all these problems before us, we are experiencing the lowest unemployment and highest income levels in the history of our Nation. At times, all this is very difficult to comprehend.

In addressing ourselves to the national space program, during the past 2 years in particular, we have questioned and taken exception to some of the ambitious programs being sought by NASA. We have criticized some of the ways NASA has managed itself and some of its contractors. Criticism has been levied at NASA's alleged lack of future planning. We are obligated, therefore, to put the NERVA program in its proper perspective.

The growth of any nation, the posture of any nation, is directly related to its aggressive exploitations of new endeavors. Our fathers and forefathers exploited the industrial revolution that made it possible for our Nation to grow as strong and as fast as it did. Under our free-enterprise system, an aggressive people developed mass production techniques, without which we might have not achieved the successful outcome of World War II, or the high employment and incomes we currently enjoy.

For example, consider the history of the airplane in this country. We did not heed the warnings of the Billy Mitchells, the Charles Lindbergs, and other later-to-be distinguished citizens; and, even though the Wright brothers got us started, we were not willing to accept the challenge to exploit the airplane before World War II. Had it not been for our industrial team, with its mass-production capability, which we did exploit, we might well have been unable to achieve that successful end to the war in Europe. If we had not, the Nazi enemy would have had the necessary time to more fully exploit the jet aircraft, which he already had in combat. Just consider, for a moment, the disastrous implications.

The Nation did not accept the challenge to exploit rocketry, which was literally handed to us by Dr. Robert Goddard. This was a "childish scientist" playing with "useless toys." And, when we did recognize the usefullness of rockets, our allies had already suffered, and our postwar potential enemies had scared us to death.

From our experiences in catching up with the airplane, the jet aircraft, rocket propulsion, and, just 10 years ago, space exploration, we learned that the costs far exceeded what should have been necessary—or, at least, we should have learned. This truth is especially clear when we consider how hindsight has always taught us that the exploitation of such new environments and endeavors always forms the basis of our strength in the world, whether it be of a peaceful or military nature.

Although our Nation was the first to harness nuclear energy, history has since revealed to us that Dr. Otto Hahn and his fellow German scientists at the Kaiser Wilhelm Institute in Berlin were right behind us. Had Hitler's regime fully understood the nature of the military potential which Dr. Hahn and his colleagues presented to them, we might not be discussing the NERVA program here today—unless we spoke German.

Fortunately, being mindful of our past, our great scientists, supported by some of our esteemed congressional colleagues, convinced the President and the people of our Nation that we must turn away from our complete involvement in weapons and exploit the peaceful uses of this vast source of energy. As a result, nuclear central-station powerplants are becoming more commonplace every year. Not only is nuclear power playing a fast-growing role in supplying our electrical power, but, based on our projected future needs, it is only by continued exploitation of this energy source that we will be able to meet these demands.

We have successfully been exploiting the use of this energy for our Navy's ships at sea, and have yet to exploit it for our maritime fleet. The progress in much of our medical research has been a result of our exploitation of this energy. Many other examples could be cited.

In the belief that all potential uses of nuclear energy must be aggressively and intelligently pursued to maintain our Nation's supremacy in this field, and in order to strengthen our worldwide posture, the Atomic Energy Commission, supported by Congress, initiated the nuclear rocket program in the 1950's to investigate use of the atom for adaptation to rocket propulsion.

The Los Alamos Scientific Laboratory was given the task of establishing the basic scientific feasibility of the nuclear rocket. The efforts of this highly specialized scientific team produced success. In 1960, the AEC and NASA joined together to establish the utility of the nuclear rocket in space exploration. This effort was heartily supported by the Congress.

From testimony presented before both the House and Senate committees, we have heard that outstanding and remarkable technical accomplishments have been achieved by the Government-industry team given the task to exploit this use of atomic energy.

Just last December, a NERVA test run was conducted that lasted for 1 full hour of continuous, full-power operation—and which could have run much longer if it had been so planned and scheduled. This achievement in testing a primary rocket propulsion device is the most outstanding accomplishment in rocket history in our Nation or in the free world. Remembering that this program was also questioned last year, it is obvious that the feat of last December was accomplished only because Congress made the right choice last year. No other primary rocket propulsion device, either in development or in operation, has ever been operated for more than 20 minutes of continuous operation. And furthermore, this demonstration, which lasted three times longer than that of any other primary propulsion rocket known to us, also was producing rocket performance more than twice that of any existing high-performance rocket known to man. Needless to say, to date, Congress and the Nation have received full value for past confidence and investment. The so-called "cost-benefit" measurement has been satisfied well beyond normal expectation in the NERVA program and this program should most certainly be continued at no less than its planned level.

During this past year, we and NASA have reassessed our ambitious space explorations program because of other pressing needs. As we all know, it has not been our intent to discontinue exploitation of this new environment, but only to balance it with our total needs and desires. As General Schriever recently commented:

> The exception has been found, it appears, to the rule "nothing succeeds like success"—the exception—the American space program.

He was, of course, referring to the 500 successful launches and almost 2,000 hours of manned space flight. And he further stated:

> It might be good for us, in this moment of indecision over our national space program, to remind ourselves that pioneering and discouragement go hand in hand.

However, in the particular case before us, we must keep in mind that we are discussing propulsion—the means by which man is able to conquer, to explore, and to exploit new endeavors on the earth, under the sea, in the air, or in space—a means that predestines the posture of a nation, as well as man's progress.

In light of the overall space program reassessment, the AEC and NASA have reported that they have accordingly realined the NERVA program. Instead of pursuing the flight development of a very large nuclear rocket for use in manned planetary exploration, as discussed before the Congress early last year, they are now oriented toward the development of a nuclear flight rocket in line with existing hardware and facilities, thus minimizing costs while diligently proceeding with the exploitation of this energy source. In future space operations, the NERVA rocket will provide this Nation with more than twice the current capacity to explore this new environment, while at the same time minimizing the total space program investment. Again, this is another benefit we have gained by our past confidence, investment, and support for NERVA program. In other words, we can already take pride in the fact that we did apply proper perspective to the NERVA program in the past.

Once NASA's Apollo program proceeds toward completion and the post-Apollo space exploration programing crystallizes, the use of the nuclear rocket will be established and it will be placed in operation. By continuing our strong support of this program, we have a chance to reduce the normal 6- to 8-year development-to-operation, mission-accomplished, leadtime we have been experiencing on sophisticated systems and missions, and thus reduce the operational program total costs.

So that no one can claim this program is another California "benefit" program, let us point out right now that less than 20 percent of the total dollars spent on the NERVA program are spent in California. The reactor raw material comes from Washington; the fuel fabrication takes place in Pennsylvania and Tennessee; the reactor containers come from

Utah; the advancements in reactor technology come from our esteemed scientists in New Mexico; the large metal ingots for forgings come from Indiana; the large forgings themselves come from Massachusetts; the primary ground handling equipment comes from Connecticut the rocket controls come from Michigan, Minnesota, and Ohio; the facility valves come from Rhode Island; the complex test stand exhaust duct comes from New York; the special remote handling tools comes from Wisconsin; and the testing is conducted in Nevada.

It has been reported to us that all necessary facilities to proceed with this development are already in place and in various stages of operation; that the scientific and technical Government-industry team is still intact; and that we are more than half way down the road toward accomplishment of the original goals set forth, which were supported by AEC, NASA, and the Congress.

The NERVA program, like other advanced programs for the exploitation of atomic energy, is contributing heavily to extending the fringe of our knowledge of this energy source. The total side benefits we will actually realize are hard to specify today. However, extension into the unknown has always benefited man in unsuspected ways. The results of working at the temperature levels and of meeting the basic material requirements of the NERVA program alone will undoubtedly contribute to the more advanced nuclear central station power technology of the 1980's; in advanced aircraft; to our maritime fleet; and who knows—maybe even to mass transportation and a smogless automobile.

By our continued, aggressive, but balanced support of the NERVA program as currently proposed by NASA, we will avoid repeating past mistakes in the high cost of catching up when unforeseen events, either military or peaceful, require it.

In our crystal ball, there are unforeseen events which may have greater impact on our Nation than the national problems we are now facing. They are somewhat clouded over, however, by the current coverage of Vietnam and the unrest at home.

Consider, for example, the Soviet "orbital missile," which has been discussed before various congressional committees. It got press notice when first disclosed by our Defense Department but quickly disappeared from the first 20 pages of our daily newspapers. Who knows for sure that the Soviets have not already violated the Nuclear Test Ban Treaty—that those "orbital missiles" are not "nuclear orbital missiles"?

Also, consider the recent, but not completely authenticated, notices of forthcoming Soviet space spectaculars, of their imminent launching of a nuclear-propelled space vehicle.

Are we again going to hear our citizens cry, Where were we? Congress, what did you do? We are a peace-loving nation, but we have found out in Africa, the Near East, and the Far East that others are not.

With the future propulsion capability that is afforded us by continued, wholehearted pursuit of the NERVA program, we can have almost instant readiness to go out into space at any time, any place, in the shortest possible time. With our full support, we do, in fact, provide the Nation with proper perspective in relation to our total needs; we do provide balanced "cost-benefits"; and, at the same time, give ourselves a tool to do better things tomorrow and the next day.

A CHALLENGE TO THE DISSATISFIED—SERMON BY REV. DR. J. M. McNAIR

HON. CLIFFORD P. HANSEN

OF WYOMING

IN THE SENATE OF THE UNITED STATES

Wednesday, May 15, 1968

Mr. HANSEN. Mr. President, I attended a breakfast meeting last week at which a good friend of mine, David Lawrence, commented upon issues of our times and led a most stimulating discussion.

During the course of his remarks at the breakfast meeting in the Capitol, Mr. Lawrence quoted excerpts from a sermon given by the Reverend Dr. J. M. McNair, of the First Presbyterian Church, Sarasota, Fla.

The sermon points out that some of the experiences we are faced with today were paralleled in the time of Joshua. The text of the sermon, entitled "A Challenge to the Dissatisfied," has a most direct application to what we in this country have in the way of realistic alternatives.

I commend the talk to the attention of Senators and other interested individuals and ask unanimous consent that it be printed in the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

A CHALLENGE TO THE DISSATISFIED

Verses 14–18 of Joshua is that area of the scripture which covers the history of the Jewish nation during the time of its possessing the land of promise. As we notice from the scripture referred to, that the land had at last been occupied. The enemy had been driven back and the Israelites were now in possession of the long awaited promised land. The great leader Moses had died and Joshua had succeeded him in the leadership of the Jewish people.

At this period of history, Joshua himself was now an old man but he had lost none of his heroic ambition, wisdom and ability. One of the first tasks which he had to perform was to allot the land to the 12 tribes which was to be done according to their size and their prestige. Soon all the territory had been assigned. All of the tribes were well satisfied with the allotment with the exception of the powerful tribe of Joseph. Their territory was at the very center of the promised land consisting of the territory between the Jordan River and the Mediterranean Sea.

This included the rich and fertile plain of Sharon which consisted of some of the finest and most productive land in all of Palestine. Yet Ephriam and Manassah, which made the tribe of Joseph, were dissatisfied. Since Joshua belonged to the tribe, they made their complaint more readily thinking that it would be easy to give them a special favor.

If we read these words of complaint, they have a very modern touch. It is almost as though we were reading our morning newspaper concerning the welfare state. That very thing is happening today. We have in our midst a vast number of people who are saying "Give me or we will burn." There are those in our midst who are always wanting to get something for nothing, who are dissatisfied with their inheritance and complain that it is too small and meager or their rights have been overlooked and they feel they have been dispossessed. Let us see what Joshua said to those complaining people.

If we can find an answer we will have a Biblical answer for those who want something for nothing.

The old hero replied: "The record is very interesting," and there is somewhat of a sting in his words. What he is saying is "go up to the high places." Every foot that you subdue shall be yours. They complained. Again Joshua replied.

This, then, is the answer of a man that knew what it was to fight for his inheritance.

Go win your inheritance and you do it by work, toil, ambition, Use your skill, use your ability, use your brain, use your courage, use your muscle. It is high time that we in America were heeding the words of Joshua. It is time that we were putting some muscle into our prayers. Because some have a greater share is no reason why you should have less.

The land of promise is not all occupied. The places of work are not all filled. The wealth of our nation has not all been gathered in and there is plenty of work for everyone to do if he will only put his heart to the task and work. Because one man lives in luxury is no reason why others have to live in poverty.

There is enough for all in the land of plenty and we can secure it by work. It is a foolish philosophy for anyone to say because one man is up the other must be down. The wealth of our land is not in one place or in one bank or in one family or in one nation. Such then is the implication that lies behind the reasoning of this Old Testament warrior. It is very easy for us to slip into the economic lie. It is an economic lie for anyone to say that there is just so much wealth and that if you get more than your share I must get less for mine.

The distribution of wealth cannot be achieved on that basis. We know that wealth does not consist of the amount of money that we have in the bank or in the pocket. Wealth is in the soil and in the air and in the river, in the forest, in the mills and factories. Wealth is in your brain and in your ambition and willingness to work. We must know that this secret of having and possessing is not in getting and dividing and sharing what we now have, but the secret is in creating and developing and discovering the new wealth which is ever ready to be uncovered by work.

It is as Joshua says, "Verily the mountains shall be yours." There is much land still to be possessed.

There is much wealth still to be created and we in America shall get on best by exploring many territories and new wealths instead of quarreling and wanting to divide up the wealth already created.

A few months ago, I made a tour of the laboratory of Thomas Edison at Ft. Myers.

This is the laboratory you recall in which he worked out many of his early experiments and inventions. It was amazing to me to see the crude machinery by which he felt his way to the lightbulb, gramaphone and other inventions that we take as a matter of course. What a high mountain he had to climb, what a new territory he had to explore and what a new wealth he had to uncover.

If he were here today, I am sure he would not complain but would still be exploring new territories, discovering new mountains and uncovering new wealth.

If we had the time we could recall to you many others who began life with empty hands and empty pockets but that toiled and worked to win for themselves that high place of promise they occupy.

May I quote to you a poem along these lines:

> "The tree that never had to fight
> For sun and sky and air and light
> That stood out in the open plain
> That got its share of sun and rain
> Never became a forest king
> But lived and died a scrubby thing.
>
> "The man that never had to fight
> To win his share of sun and light
> That had things always done for him
> By someone else and not by him
> Never became a manly man
> But lived and died as he began."

As I look now in the sunset years of my life, the joy of the struggle for an education is now my finest and fondest memory.

The days of that sacrifice and struggle were good days.

The days of the handouts are never good days. The days of having things always done for us are not creative days, the days when people are provided with crutches are not healthy days. We need to hear again the words of the commandment, "Six days shalt thou labor and do all thy work" is just as binding as to keep the seventh day holy.

We need to hear again the words of Joshua as he says "work for your inheritance." This is why there can be no truce between Christianity and Communism.

The end of Communism is to obtain worldly goods and there are no other goods for the Communist. To get worldly goods they must be seized, they must be taken from those who already have them. The motive of Communism is class hatred, class violence and class war. Anything in fact to enable the have-nots to seize the goods of the haves. Christianity on the other hand asks us not to take but to give, not to seize but to share, not to hate but to love, not to destroy men's lives but to save them.

Christianity calls on men everywhere to work, toil, labor.

So between Christianity and Communism a great gulf is fixed and it is impossible for anyone to be on both sides of that gulf.

This ought to teach you then that Christianity can never be a complacent religion. There are vast areas to be opened up in the realm of Christian living. We all know we are not the Christians that we ought to be. There is still much to be occupied in your Christian loyalty, and deeds and service to your God. There are still new roads to be built on the way to Christian benevolence.

As Christians we have not yet learned to give as we ought to give. Sunday after Sunday I look into the faces of you good people who have come to worship. As I look into your faces, I am conscious of the positions which you occupy in the business and professional and social life of your community.

I also realize what God could do through you for the betterment of our great nation.

Will you not say to the people of America, the dissatisfied everywhere:

"Get thee up to the high mountains.
"Earn your inheritance.
"Work, work, work."

OLD ST. PETER'S TO BE DEMOLISHED—CHURCH THAT CRADLED THREE DENOMINATIONS TO CLOSE DOORS

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. HANLEY. Mr. Speaker, I would like to share with my colleagues an article which appeared recently in the Catholic Sun describing the 120 years of faithful service of St. Peter's Church in Syracuse, N.Y. The article follows:

Old St. Peter's Church To Be Demolished—Church That Cradled Three Denominations To Close Doors

After 120 years of faithful service to three religions, the old but majestic and beautiful edifice of St. Peter's on N. State St. will come, rather, will step down.

FIRST: MAY MEMORIAL UNITARIAN 1844–83

The original Church was built by the Unitarians in 1844 under the able pastorship of Rev. Samuel J. May, after whom it was named. Rev. May was one of the areas most famous historical figures. He took part in the Jerry Rescue and was extremely active during the pre-Civil War days of the abolitionist movement. It was at May Memorial that the Syracuse Boys Club, the first Boy Scout Troop in the area, Dunbar Center, the Syracuse Memorial Hospital and the Syracuse Museum of Fine Arts, had their beginnings.

The building was demolished by a hurricane in 1852 and was later rebuilt at the same site. In 1883 the coming of the railroad caused the Unitarian Congregation to choose a new home at 472 James St. That Church built in 1885 has since been destroyed. So, for a span of about forty years, May Memorial was a spiritual mother to the Unitarians.

THEN: ST. MARK'S 1885–95

On the first of January, 1895, the edifice was sold to the German Evangelical Lutheran Congregation and renamed St. Mark's, or the Church of the Messiah. The "Syracuse Standard" in an article records the first meeting which took place on January 5, 1885:

"St. Mark's Congregation held public services for the first time last evening. A large company was present. Rev. Oberlander of Zion's German Church, preached, his text being Romans III, 16, 18, and the theme being Paul's advice to the Church. He described the life and character of St. Mark and exhorted the congregation to take for a model the Apostle whose name they had chosen for their Church.

The audience listened with close attention. But they, also, after ten years of evangelizing had to find a new home of worship to God.

AND: OLD ST. PETER'S 1895–1955

At this time there were many emigrants arriving from Italy. These needed work as soon as they arrived. Through the efforts of an emigrant by the name of Mr. Thomas Marinelli, these families settled in the City of Syracuse. Mr. Marinelli knew the English language, and so obtained the task of being intermediate for the newly developing railroad. He would go to the ports in New York City and recruit those interested in blazing the trails for the railroads by laying down the tracks. Seeing the pay was good and constrained because of circumstances, many joined up, and so was begun the Italian Colony of Syracuse. Mr. Marinelli opened a travel agency and bank for them.

But there was a need for an Italian Church. In 1890 the Catholic Diocesan authorities realized that the Italian Colony was increasing day by day and unless they were helped they would be lost to the Church. Priests were needed who both spoke the language, and who understood the customs and mentality of these people from the Old World.

With the arrival of, and the pioneering work of Father Mennella and the organizational genius of Father Beccherini, C.S., a missionary of St. Charles, plans to open an Italian Church was formulated. Finally on June 24. 1895, Father Beccherini secured a bank loan and purchased the German Evangelical Lutheran Church of St. Mark at State and Burnet Ave. The cost of the Church was $12,000. But alterations had to be made. Marble, white glittering, would be brought from Italy, their native land, to form the new Altar and Altar rail with its statues of Jesus and the four evangelists. Indeed a thing of beauty. Beautiful religious statues were situated throughout the church auditorium. In the walls of the church were niches with different saint statues presented to the church by various groups of devout persons, who wished in this way to honor the patron saints of their native towns or villages. The large modern lighting fixture hung suspended on a long chain from the center of the ceiling, not mentioning the tablets of the stations of the cross, the confessionals, the oakwood pews and baptismal front. The Church was now ready.

And so, on October 6, 1895, the Church was dedicated and consecrated by Bishop Ludden amid great splendor and rejoicing. Three generations of Italians have passed through the arches of those doors since the dedication. Over 25,000 infants were baptized there. Who could say, or enumerate, how many persons came to worship there? The first Communions, the Confirmations, the couples united in Matrimony? Sinners came to seek pardon and devout entered to pray for perseverance in this new land and to bring up a decent family. Every day for 60 years the Holy Mass was offered to God to placate divine justice, to comfort the living and the dead. Indeed, St. Peter's was the Rock of Ages for these emigrants.

But it also had its problems. The construction by the New York Central Railroad of tracks adjacent to the church presented a new problem to the Church. Religious services were greatly disturbed by passing trains, and the pastor and the congregation decided unanimously to build a new church. The May 17, 1937 fire did not help the situation of an aging structure.

Campaigns were undertaken under the pastorships of the Rev. Angelo Strazzoni and the Rev. Louis Riello, to raise the necessary amount to begin construction. But after twenty-five years of sacrificing and saving, the money was pledged and collected.

Finally, on September 18, 1955, the new St. Peter's was dedicated by the Most Rev. Walter A. Foery, Bishop of Syracuse. The new church is located at 709 James Street and stands firm and strong as a witness to the Faith of a Migrant People—the Italians who came here.

In a short time, the bell on the tower of old St. Peters will be brought back to new St. Peters. We welcome it home. Who knows—we may hear it peeling again in the morning, calling us to worship our God together. The cornerstone also will be returned to us. We thank the St. Vincent De Paul Society and the demolition company for these sentimental relics of the past.

FINALLY: ST. VINCENT DE PAUL 1957–68

What was to be done with old St. Peters? It was a True Mother to Three Religious sects. It had cuddled and cradled them for over a century. Was it to be a simple happy memory of the past? No! It was to serve for over ten years more as a center for the poor, the unfortunate, the destitute and the needy under the patronage of St. Vincent de Paul.

But alas, her time has come. Her years are beginning to show. She shakes and squeaks inside and out, to and fro. Weep not, its been a good building. It has done its part—it has served faithfully. It is one hundred and twenty since!

Soon we will be hearing the thuds of the large steel ball beating away at its curving sides, let us tearfully but joyfully recall the rise and demise of an historical treasured landmark of our city.

What shall we call it? May Memorial? St. Marks? St. Peter's? St. Vincent's? Whatever we say I know will be utterances of high praise for a holy edifice—a true ecumenical structure!

On April 22nd, 1968, the new St. Peter's Church celebrated the 80th anniversary of the Scalabrini Fathers, the Italian Missionary Society for the Emigrants. The large crowd of clergy and faithful was the testimony of a glorious occasion. The Rt. Rev. Msgr. Richard A. Clark substituted for Bish- Scalabrini Fathers for their activity in the op Foery who was unable to attend. After solemn words of thanks and praise to the Diocese, Msgr. Clark recited the Prayer to God for the Beautification of the Servant of God, Bishop John Baptist Scalabrini. The principal speaker, the Rt. Rev. Msgr. Daniel E. Lawler, spoke marvelously and with elegance. His words are so beautiful that we have decided to reprint them. The pastor of St. Peter's, the Rev. Alexander Rinaldo, C.S., must truly be commended for an impressive ceremony, a wonderful evening with clergy and people, and a superbly organized 90th anniversary of the Scalabrini Fathers (Copies of the Prayer for the Beautification of Bishop Scalabrini may be obtained from the rectory of St. Peter's at 709 James St.)

The text of Monsignor Lawler's talk at the 80th anniversary of the Missionary Society of St. Charles, delivered at the new St. Peter's Church on April 22nd, 1968 is hereby reprinted:

"SPIRIT OF SCALABRINI

"It is an old custom to celebrate a silver anniversary, or a golden, or diamond jubilee. But I suppose the question everyone may ask tonight is: 'Why do the Scalabrini Fathers pause to celebrate an 80th anniversary?' Did they forget their Diamond Jubilee five years ago? Or are they rehearsing for their centennial yet 20 years away?

"When I asked that question of Father Rinaldo, he told me to read my Holy Thursday Office very carefully and I would find the answer—and I did. There, in the Book of Psalms, the Holy Writer is chanting the praise of God for the span of man's life and he says, 'The days of our years . . . are threescore and ten years. But if in the strong they be fourscore years . . .' (Ps. 89:10)!

"Fourscore—yes, for the strong the span of a full life is 80 years! Because the Missionary Society of St. Charles is indeed to be numbered among the 'strong,' it deserves the Psalmist's measure of a full life, the span of 80 years, But, like the Church, it is not a life limited by the generations or measured only by its years. Like the Church it is always renewed and so the Psalmist goes on with his song and his says, 'Let the brightness of the Lord our God be upon us and direct . . . the work of our hands.' This, I am sure, is the prayer in the hearts tonight of the priests of the Missionary Society of St. Charles.

"This blessed anniversary brings to mind two blessed links to be noted tonight. One is the bond between the Scalabrini Fathers and the Diocese: and the other, the bond between Bishop Scalabrini and our own day. Let us look at them.

"About Bishop Scalabrini and our Diocese: Between Bishop Scalabrini of Piacenza, and Bishop Ludden of our own Diocese of Syracuse, there is a special bond. For each of them the year 1887 was a Year of Destiny. It was a troubled time on both sides of the ocean.

"In Italy, in the year 1887, Bishop Scalabrini was witness to the heart-breaking needs of thousands of Italian migrants then leaving their beloved Italy, and going to foreign lands without friends, or means, or knowledge of their new surroundings, and without even the consolation of their priests. It was in that year that Bishop Scalabrini founded the Missionary Society of St. Charles. In November two young priests knelt before him as the first to take the vows that would make them the servants and the shepherds of their migrant countrymen in foreign lands.

"There were hardships then in America too. In that same year, 1887, Bishop Ludden was consecrated the first Bishop of Syracuse and chose as his Cathedral our own St. John the Evangelist Church in this very neighborhood. He came to a city and a Diocese struggling with the settling of many new immigrants from the troubled nations of Europe. He observed in a special way the pressing needs of his Italian-born parishioners here scattered through these very streets and he started planning for them at once. Within a few years he had a priest for them and a chapel in the parish hall of St. John the Evangelist Church. There it was that the first Italian colony of Syracuse could assemble to worship God, to teach their children, to find comfort and consolation together in a strange new country—and to plant the seeds for this, the present great parish of St. Peter.

"This warm bond between the Bishop of Syracuse and the sons and daughters of Italy is renewed here tonight in the presence of Monsignor Clark, as the representative of our own Bishop Foery and Bishop Cunningham. And in that same tradition many of the priests of the Diocese are here tonight to join in honoring the memory of a great servant of God, Bishop Scalabrini, and to salute his sons, the Missionary Society of St. Charles.

"Now, about Bishop Scalabrini and our own day: Here in this sanctuary tonight we have a special, personal bond to Bishop Scalabrini in our own Father Strazzoni. Just this weekend I was talking to Monsignor Strazzoni about his happy memories of Bishop Scalabrini. Monsignor Strazzoni was born in the Province of Piacenza; he many times served Bishop Scalabrini's Mass; he sat before him to hear his counsel. And yesterday he said to me, 'Bishop Scalabrini was a great figure in the Church; he was big heart; he was a gentle saint!'

"A 'gentle saint!' Does that not remind you of the word of Sacred Scripture that calls Our Lord the 'Lamb of God' (John 1:29)? But the same Scripture that calls Our Lord the 'lamb of God' calls Him also the 'lion of the tribe of Judah' (Apoc. 5:5) And so too was it with Bishop Scalabrini. Gentle indeed he was but with all his compassion and tenderness there was a vigor, a spark and a spirit that ruled his every action. He was driven day in and day out to take any step, to spend any effort, to face any change that would relieve the pain of the impoverished and the hungry and the lonely and the homeless. Somebody (James Morris) has said that he was 'not only the father of the immigrant but he was the advocate of the poor, the champion of social justice.'

"In this age of Church renewal, in this time of urban struggle, the challenge of change, the call to face the needs of God's people, whatever those needs would be, would find Bishop Scalabrini ready and right at home.

"This great Bishop who saw his humble peasant countrymen abused and exploited in the great cities of America and elsewhere and sent to them his Missionary sons of St. Charles to give them voice and leadership: what would he do today for other minority, suffering people of our own time?

"This great priest, who converted his own dwelling into a soup kitchen to serve 4,000 hungry souls a day: what would he do today for the poor among us?

"This great churchman, who sold his horses, his only means of conveyance about his Diocese, and even his precious chalice in order to provide fuel for the shivering peasants: what would he do for the homeless among us today?

"This great preacher who spoke out firmly against speculators and exploiters taking advantage of his beloved migrants: what would he say of similar injustice and discrimination today?

"This great citizen leader who rallied teams of volunteers in port after port and station after station to meet every ship and train in order to protect the innocent migrants from swindle and crime: what would he do today for those who have no jobs, no skills, no opportunities of a full and healthy life?

"What would Bishop Scalabrini do?—or say? I believe, like Our Divine Master, the 'lamb of God,' he would be gentle; but like our Divine Master, the 'lion of Judah,' he would be strong, firm, sure. To him there would be no difference of race or color or creed. He would remind us all again of what once he called the 'sublime plan.' And what was that 'sublime plan?' This is how he described it to his Missionary sons. It was 'the union of all people under God.' ('The Listening Heart,' Page 64.)

"Tonight at Holy Mass, let us pray that we all may be true to the spirit of Scalabrini, and that the Sons of the Missionary Society of St. Charles may find answer to their prayer from the Psalmist, 'Let the brightness of the Lord our God be upon us and direct . . . the work of our hands.'

"It is of great interest and concern to the editors of this newspaper, and to us that the article regarding the 80th anniversary of the Scalabrini Fathers has been entered into the Congressional Records in Washington for all future posterity to review.

"Of course St. Peter's Church would like to express to The Catholic Sun its sincere thanks for printing of this article on April 11, page 7. Mr. Vieau in particular helped in the preparation with Father Henry Gentile, C.S., Assistant at St. Peters.

"In a special way Mr. John Nave, Commander of the John Vendetti Post No. 1, Italian American War Veterans of the United States be commended and thanked by St. Peter's for his letter to the Honorable James Hanley, Congressman, that it be inserted in the records.

"Of course, Mr. James Hanley, faithful Congressman that he is, will not be forgotten for the kindness shown to the Scalabrini Fathers and their emigrants on that occasion. His words:

"'Mr. Speaker, yesterday, April 22nd, St Peter's Roman Catholic Church, Syracuse, N.Y., was the site for the celebration of the 80th anniversary of the Scalabrini Fathers. This dedicated order of Catholic Priests has left an indelible mark on society. Last week a remarkably impressive article depicting the history and labors of the Scalabrini Fathers appeared in The Catholic Sun. I would like to share that Article with my colleagues.'

"And so it was on April 23, 1968, Tuesday, in the House of Representatives.

"OUR THANKS

"We are most grateful to the Onondaga Historical Association and Varden Studios of Syracuse, for their fine cooperation of photos and background."

NIXON ON CRIME

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 15, 1968

Mr. THURMOND. Mr. President, the May 14, 1968, issue of the Washington Evening Star contains an excellent editorial entitled "Nixon on Crime."

Mr. Nixon is cited as being the only candidate thus far who has made a forthright, clear, and courageous description of the crime problem of the country and the measures needed to deal with it.

Mr. President, I commend this excellent editorial to the Senate and ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NIXON ON CRIME

Richard Nixon's recent statement of his position on crime in this country has been criticized by some as having a political coloration. There is some basis for this. But how could it be otherwise in a presidential election year?

The Nixon statement also sets forth facts pertaining to the dismaying upsurge in crime and is specific in spelling out some of the things he would do to combat crime. These are the sections on which serious attention should be focused.

In the last seven years, Nixon said, crime in this country has increased by a staggering 88 percent although the rise in population has been only 10 percent. Projecting his estimates, the Republican presidential hopeful said that if the present crime rate continues the number of major crimes will double by the end of 1972—less than five years in the future. Certainly the former vice president was not exaggerating when he said that this is a prospect which America cannot accept, and which, if it should be accepted, will convert the metaphorical "city jungle" into a "barbaric reality."

What does Nixon think should be done at a time when crime is increasing almost nine times as rapidly as the population? He does not take the view that there is any one simple answer. But he does come down squarely and firmly in support of the crime bill now being debated in the Senate, and he specifically included in his statement of support two of the bill's most controversial sections. These would authorize the use of wiretaps and electronic devices under appropriate court safeguards in certain serious crimes, and, second, would modify the Supreme Court's Miranda decision relating to the use of confessions.

Those who equate the use of wiretaps and electronic bugs with a police state in full flower argue that, in any event, these devices would be of no help in curbing the ordinary crimes of violence—robberies, murders, burglaries and the like. Perhaps these things would be helpful in dealing with organized crime, they say, but it is not organized crime which makes people afraid to walk the streets at night.

Nixon's answer to that is this: "Organized crime is also directly and deeply involved in street crime. One estimate is that some 50 percent of the street crime in some of our major cities is the work of addicts trying to support their habit—and traffic in illegal narcotics is a major enterprise of organized crime." In the face of this it is almost incredible that the President and Attorney General Clark, who favor use of wiretaps and bugs without any court supervision in "national security cases," would outlaw them in all other kinds of investigations.

The proposed modification of the Miranda decision, if anything, is more offensive than the possible use of wiretaps to the critics of the Senate bill. To listen to them, one would think that the sponsors of this provision are wicked men, bent not only upon subverting the Supreme Court but also upon turning back the clock of justice to the star chamber days. This is so childishly absurd that it does not merit serious debate.

There are two points worth noting, however. One is the comment by Supreme Court Justice White, speaking for himself and Justices Harlan and Stewart: "I continue to believe that the decision in Miranda was an extravagant and unwise interpretation of the Fifth Amendment, and I would prefer that Miranda be abandoned. . . ." Are these justices to be condemned as subverters of the court?

The other point is that it may not be possible for Congress to alter the impact of Miranda through enactment of a statute, which the court could declare unconstitutional. Nixon, though supporting the provision, recognizes this. If it should be impossible to pass legislation which would satisfy the court, he says, then consideration should be given to amending the Constitution.

This Nixon statement strikes us as a forthright, clear and courageous description of the nature of the crime problem as he sees it, and of the measures needed to deal with it. We hope, political year or not, that Messrs. Kennedy, McCarthy, Humphrey and Rockefeller will be no less specific as they continue to stake out their own political claims.

FARMS IN THE SPOTLIGHT

HON. JAMES F. BATTIN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. BATTIN. Mr. Speaker, each week when Congress is in session I send reports to my constituents on issues under consideration. Since the farm program and policies have been under debate during the past 2 weeks, I am this week devoting my report to comments on farm legislation. Under unanimous consent I include this report in the Extensions of Remarks:

YOUR CONGRESSMAN, JIM BATTIN, REPORTS FROM WASHINGTON

MAY 17, 1968.

DEAR FRIENDS: For the past two weeks the nation's farmers have been in the spotlight in Congress. First in debate over appropriations for the Department of Agriculture and now over extension of the Johnson-Freeman farm program. As usual, when farmers are the subject of debate, there is a danger that big-city interests will sacrifice the farmers' interests for the doubtful solutions of urban ills. This year, of course, is no exception and although our farmers are in urgent need of help, there is still a strong movement to limit government assistance in the farm economy.

This week Congress considered recommendations by the Administration for an extension of the current farm program and we heard that this program is the farmers' salvation—without which our rural areas would be pitched into a depression. Many of us who are familiar with the farm economy wonder who has been keeping the news from Mr. Freeman and other Administration spokesmen. Farmers are already suffering a depression and the current farm program has done nothing to change this.

One thing that I have tried to stress in these debates is the importance of farming to the nation—not just to Montana and other farm states. Farming is big business and farmers are working under a large handicap—current government farm policies. We are being pressured now to accept the Johnson-Freeman method of farm supports without change, to disregard the failings of this program and to provide another year's operation to a system that has performed miserably for the past three years.

As Secretary of Agriculture, Orville Freeman has had eight years to prove his touted wisdom in farm matters and the proof is in the results. Freemanized farming has brought an emphasis to low farm prices and has resulted in the virtual abolition of the family-sized farm. When Freeman took office in 1960 there were 4 million farms in America. Since then, one fourth of these farms have gone by the way on the auction block or have been quietly absorbed into large corporation holdings. This seems to be the deliberate goal of Freeman.

It is easy to see what has brought about this gradual, but steady, disappearance of the small farm and the continuing pressure on our rural economy. Farm debt is climbing fast. Farmers buy $5.3 billion worth of equipment yearly. When prices drop, as they have consistently through the Freeman term, farmers can't pay. The only thing they can do then is to borrow money. Debts pile up, they get bigger mortgages and smaller income, pay more interest, go deeper in debt and then finally give up. The majority of farmers in America have been reduced to living off the inflated value of their land. More and more I hear from Montana farmers who are frustrated with pawning all their land and equipment to plant crops that in the end narrowly cover the expense of planting.

Farmers need help from the government to overcome the obstacles that the Department of Agriculture has thrown in the way of profitable production. And while the current farm program has provided price supports and other aid to the farmers. Freeman policies have kept farm commodity prices so low that the price supports are sometimes the only income a farmer receives.

As an alternative to Freeman's programs and policies, I would want to see an Administration in the Department of Agriculture that truly represents the farmer, that works to improve farm prices and that doesn't use doubtful estimates to depress prices when improvement is in sight. As a step in the direction of giving farmers security, a strategic reserve of grains should be established to handle surpluses that depress the grain market almost yearly. This reserve would provide insulation for the market and it would also provide a ready supply of grain for bad years. We have an emergency supply of strategic metals and other products, but not foodstuffs. Because of the possibility of having another Secretary of Agriculture like Orville Freeman, Congress would have to provide safeguards so that these reserves could not be used to influence grain prices in good years.

Besides the farm program extensions, Congress has been considering Department of Agriculture appropriations this month. This issue always brings forth congressmen who see the farm programs as a likely place to economize. It is a hard fight every year to provide government assistance to farmers because the opponents see a $5.9 billion budget which they think goes directly to a small portion of our society. But then $4.3 billion of that budget goes to the general public in food stamps, school lunches, milk, inspection, testing, and overseas food distribution. Only $1.6 billion goes to the front. Looking at the breakdown of the Agriculture budget, you can see who Orville Freeman represents and it is not the farmer.

Sincerely,

——— ———.

RIOT INSURANCE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 15, 1968

Mr. THURMOND Mr. President, the Washington Evening Star of May 14, 1968, contains an Associated Press report on insurance in riot exposed areas.

A spokesman for the American Mutual Insurance Alliance states that insurance companies cannot risk their solvency and the promises they have made to their customers by exposing their assets to unlimited loss. He also pointed out that in order for casualty insurance companies to remain in the urban riot areas, city authorities must take the necessary steps to preserve law and order.

It is not beyond the realm of probability that civil rights sympathizers will soon demand that the Federal Government step in and provide the necessary funds to insure the continuance of riot insurance. In my opinion, this is the responsibility of free enterprise and the appropriate local governmental authorities. When these administrators come to their senses and realize the extent of damage resulting from their permissive attitude toward riots, perhaps they will do more to protect the lives and property of their citizens.

Mr. President, I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection the article was ordered to be printed in the RECORD, as follows:

Responsibility Outlined: Assurances Held Key to Riot Insurance

CHICAGO.—An insurance executive asserted that if property-casualty insurance companies are to remain in urban riot areas for the long pull they must be assured that all necessary steps are being taken to preserve law and order.

"The responsibility for providing a continued insurance market in riot-exposed areas does not rest with insurance companies alone," said H. J. Lowry, president of the American Mutual Insurance Alliance, yesterday. "It is shared with civil authorities, with insurance regulatory officials and with the residents of the affected areas."

Lowry, who also is chairman of the Michigan Mutual Liability Co., Detroit, said officials are learning through experience on how to hold down property losses in riots "but much more needs to be done."

"The story hasn't been told on how many riots have been prevented by effective advance preparations," said Paul S. Wise of Chicago, general manager of the alliance.

Both expressed their views in talks and interviews at the annual meeting of the alliance and affiliated groups.

Lowry said insurance premium rates are based on predictability but that riots are "about the most unpredictable events in our experience."

"You can predict patterns of windstorm and hurricane losses with a fair degree of accuracy," he said, "but riots are entirely unpredictable."

Lowry said that insurance companies which had concentrated their business in areas torn by riots have suffered serious losses.

"If we have five or six Detroit-type riots back to back in the future it would pose a terrible problem," he said.

REINSURANCE SOUGHT

Bills are pending in Congress to provide federal reinsurance for riot loss programs after the first layer of private insurance coverage has been exhausted and state governments have made a contribution.

Lowry said he does not look upon such a prospect with optimism "but we may well discover that we have no other acceptable course open to us."

"The companies cannot risk their solvency, and the promises they have made to other policyholders, by exposing their assets to an unlimited exposure to loss," he said. "Some other sources of payment will have to be found to finance this unacceptable exposure until the losses can be brought back within the limits of predictability."

Mutual companies write about one-third of the property-casualty policies in the United States and stock companies the remainder.

HON. JOSEPH W. MARTIN

HON. SANTIAGO POLANCO-ABREU

RESIDENT COMMISSIONER FROM PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. POLANCO-ABREU. Mr. Speaker, I was privileged more than most upon coming to Congress as a freshman legislator, because for 2 years I served with Joe Martin as a colleague.

Like others, I had become familiar with the reputation of this outstanding Republican leader. It was with some feeling of awe that I first met him; then, this feeling was replaced with one of admiration and respect; then, a feeling of warmth and friendship set in.

Here was a man of unusual accomplishment, who in an instant gave a freshman legislator the feeling that all of us are equal here, merely garbed with different clothes.

His simplicity, then, which I later learned was his characteristic, seemed strangely inconsistent with the stature of the man who had shared the speakership with the great Sam Rayburn.

Still, this was his character, and because it was, this thought has persisted with me:

Few thought of Joe Martin as kingly among men because he was a humble man, but his heart beat in the breast of a powerful man, a leader of men, a man cut from stronger cloth than most leaders.

The years had advanced on Joe Martin when I knew him, but these qualities somehow were still evident.

He served brilliantly in the fruit of his years, both this country and its people and with the highest dedication. I should think that this would be his truest monument.

CIVIL LIBERTIES AND THE POLICEMAN

HON. JACKSON E. BETTS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. BETTS. Mr. Speaker, proper and effective law enforcement has been undercut in recent years by decisions of the Supreme Court and a decline in public support for police officers and their difficult responsibilities. The striving for a balance to assure the civil liberties of the accused has resulted in restrictions on police and a freeing of a number of criminals on minor procedural technicalities. The term "police brutality" has become a slogan for all types of agitators and lessened the active support by the average citizen for his local law-enforcement officers.

This weakening of authority in law enforcement was discussed at considerable length at the Eighth District Conference on Crime and Law Enforcement, which I sponsored in Mansfield on December 4, 1967. As we look ahead to the grim probability of a rising crime rate, increasing incidents of civil disorder and rioting in our cities, the conduct of the police in enforcing the law fairly and equitably without undue judicial restrictions compels consideration of this subject by the Congress.

I am pleased to recommend to my colleagues' attention an excellent essay written by a high school student in my district. Bruce Way attends Mohawk High School in Sycamore, Ohio. His social studies teacher, Robert E. Harmon, referred this paper to me as an example of the intelligence and sound thinking of young people today. I commend Bruce Way for his thoughtful analysis and insights expressed in "Civil Liberties and the Policeman." The dedication to wholesome development and education of the students at Mohawk High School by the faculty should not be overlooked when we commend the accomplishments of their students. I am proud of the educators in the Eighth District and the parents who really care about their children's education. These are strongly reflected in Bruce Way's essay.

Mr. Speaker, I insert this essay at this point in the RECORD:

Civil Liberties and the Policeman

(By Bruce Way)

The belief in "limited government" is, has been, and will continue to be an integral part of the American dream. It was the hatred of the British iron-like rule, supported by the red clad British regulars, that fomented the birth of the American nation. It was the fear of a too strong state and the ensuing dissent that nearly cost the young country its unity in the early days of freedom. And it was the same fear of big government vs. the little citizen that prompted the founding fathers to incorporate the Bill of Rights as the first ten amendments to the new Constitution. Each guarantees a certain right to the people, and each presents itself as a direct limitation on the power of the governing authorities. Two of these, the fourth and fifth, and a third, the fourteenth, added after the Civil War, deal most directly with the subject of this paper; that instrument of the government charged with the direct enforcement of its laws—the American Policeman.

Amendment four reads: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." [1]

The key word, of course, is "unreasonable." It has given rise to convictions and reversals based upon the admissability of evidence acquired without warrants or through accident.

Amendment five reads: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment of indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use, without just compensation." [2]

This has held to be the basis for the greatest controversies. Coupled with the sixth amendment's guarantee of counsel for defense, the fifth has led to the recent crackdown on police procedures during and immediately following arrest.

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[1] The Constitution of the United States, Amendment Four.

[2] Ibid., Amendment Five.

Amendment fourteen (section 1) is a further explanation of the due process clause, relegating it to state authorities:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." [3]

Though the early lawmakers strove hard for a fair and equal system of laws, it was inevitable that some should be contested, for, as society is progressive, so must its law be progressive. It has been the U.S. Supreme Court, as well as the lesser Federal and State Courts, that have recently set a radical slant to the time-honored techniques of the police. Recent Supreme Court decisions have widened protections of accused individuals at the expense of police and prosecutors.[4]

Based on the theory that it is "better to let a few criminals escape than to capture them illegally," [5] the majority consisting of justices Black, Douglas, Fortas, Brennan, and Chief Justice Warren has joined with the lower courts in reversals of several past convictions on technicalities of law and has set down new rules grossly limiting further convictions.

On the subject of confessions, the record dates back as far as 1936. The case of Brown vs. Mississippi saw the conviction reversed on the grounds that unreasonable force was used in extracting the confession. In the 1949 case of Watts vs. Indiana the conviction was reversed on the grounds that it was not wholly voluntary. The 1957 conviction in Mallory vs. the U.S. was reversed on the grounds that the suspect was held unreasonably long before interrogation. And the latest case of controversy was the Supreme Court's reversal of the conviction of Danny Escobedo, sentenced to life imprisonment by the State of Illinois for murder. The Court held that since Escobedo had been denied the right of counsel before questioning, where he subsequently confessed, the conviction was invalid.

The Court also reversed the 1961 conviction of Mapp vs. Ohio ruling that evidence not specifically named in a search warrant is inadmissable.

Chief Justice Warren sent down a list of four rules applicable to all arrests. Based upon the premise that the suspect's right to silence begins in the station house rather than during prosecution, they are (1) the authorities must tell the suspect of his right to remain silent; (2) they must tell the suspect that anything he says may be used against him; (3) they must tell the suspect of his right to counsel, and that the lawyer may be present during interrogation; and (4) that the state will furnish a lawyer if the suspect is indigent.[6]

Justice Warren, himself quoting at great lengths from police manuals and prior decisions, voiced the basic context of the ruling as follows: "As soon as police deprive anyone of freedom in any significant way, he must be told of his rights." [7] Warren further stated that even if there is no physical intimidation involved, the suspect, "in police custody, surrounded by antagonistic forces, and subject to the techniques of persuasion," that have formed the stock-in-trade of the modern interrogator, "cannot be otherwise than under compulsion. The very atmosphere of the police station carries its own badge of intimidation." [8] The Court seems to be handing down the conflicting opinions that the police must be significantly regulated on one hand while simultaneously placing the burden of the convictions squarely in their hands. "If the suspect remains silent, officials must produce convicting evidence through painstaking detective work, 'rather than the cruel, simple expedient of compelling from his own mouth'." [9]

Where bearing out the rights of a few, the Court, as well as others, seems to be dangerously approaching the point where law enforcement will be at best haphazard and fraught with encumbering technicalities, all of which will only serve the guilty party.

While assuming a broadly liberal interpretation of the law as applied to the criminal, the Court has taken a surprisingly strict interpretation of the laws which limit the enforcement officers. The prevailing opinion seems to be that it is better to let a few criminals escape than to capture them illegally. Former Attorney General Nicholas Katzenbach, while speaking proudly in defense of the policemen, nevertheless said, "It is entirely proper to limit what the police may do in the course of an investigation, even if those limitations result in some of the guilty avoiding convictions." [10]

However, even among the High Court itself, the decisions have been far from unanimous, or even harmonious. With Justice John Harlan acting as chief spokesman, the group of White, Stewart and Clark lodged a vehement protest. There was worry that the citizenry might see the police so reduced in effectiveness as to be practically worthless and would attempt to take the law into their own hands. Justice White's written dissent, which has been already borne out by statistics, expressed a strong fear of repetition. "In some unknown number of cases the Court's rule will return a killer, a rapist, or other criminal to the streets . . . to repeat his crime whenever it pleases him." [11]

And the lawmen themselves, those who must live with and function under the new restrictions, are not taking them well. Though powerless to act against the Court, men from Mayor to rookie cop are making their dissatisfaction known.

F.B.I. Director J. Edgar Hoover was among the first. "Certainly the rights of law-abiding citizens deserves as much consideration as the rights of convicted criminals, and when it becomes a question of deciding between lenient treatment of repeating offenders and the safety of the public, fair play alone demands protection of the public." [12]

The policemen seem to have lost, at least momentarily, the basic weapon of their trade. Some authorities feel that confessions are vital in as many as four out of five convictions.[13] The confession now, however, is at best improbable, if not impossible. A lawyer's first advice to a client is silence, and even if the suspect waives his right to counsel and/or silence, the police must "prove" that it was done voluntarily. Los Angeles' Mayor Sam Yorty fears, "This decision deprives us of the cooperation of the person who knows the most about the crime—the one who committed it—and puts the handcuffs on the police instead of on the criminal." [14]

Furthermore, one may add to this the fact that the rules apply only to the officer—there can be no way of "regulating" the criminal's conduct if not by existing laws. And certainly no one can expect the courts to release an apprehended lawbreaker on a mere technicality without encouraging others to crime. Neither can the public expect the lawman to keep operating at peak efficiency as long as his best efforts are turned away by the law. "We have excellent men, but they tell me they're getting discouraged. A cop makes an arrest, then finds that he is the bad guy in court." [15]

The officer is the man of the moment, the one who must analyze and act in an instant to the best of his knowledge. Thad Brown, Chief of the Los Angeles Police, voiced his discontent of the Court's "intolerance." "A 21 year old policeman may have to make a snap decision in a situation that the Supreme Court may take weeks to study—then decide, 5–4, that the officer did the wrong thing." [16]

All-in-all, someone seems to be overlooking the idea the laws are aimed at the lawbreaker in hopes of either removing him from the society or the correction of his problem. By reversing the laws so that the policeman is in the wrong, the court allows the criminal to return and destroys any rehabilitative effects that may have been in existence.

The society that has fostered the law and the criminal, then charged the policeman as the one who must maintain accord, might be expected to allot at least some sympathy if not support to their beleaguered defenders, but such is not the case. The American concept of the police officer has deteriorated to a dangerously low point. They are the instruments of authority, an authority that, in today's affluent society where money can be expected as a cure-all, is becoming greatly resented by the populace.

After all, most people come in direct contact with the police only under unpleasant circumstances, the same circumstances from which they form their opinions. The apathy toward the law has apparently formed the general attitude of "go away and don't bother me—except at times when I need your help. Then you'd better come running—fast." [17]

The policeman is caught in a vicious circle: he is disliked if he takes action and distrusted if he doesn't; if he is perhaps a little extra diligent, the people see him as a Gestapo-type agent, but if he shows occasional permissiveness, he is accused of being in on a shakedown, and if he cracks down on petty crime and the misdemeanant, he is accused of walking away from real trouble, while if he is hard on the more flagrant evils, he is accused of closing his eyes to the obvious.

The overall lot is summed up in the words of Omaha Safety Director Francis E. Lynch when he says, "Police want to be respected—not loved, but at least respected. But your ears would turn red if you listened to what we are called, day after day, on ordinary tours of duty." [18]

Hope for improvement may lie in the likes of Detroit's Ray Girardin, who has built into his department one of the most effective community relations systems to date. The prime basis of Girardin's policy is an open door, open to anyone with or without a beef with the police. He feels, and apparently rightly so, that the best way to allay suspicions on the part of the public is to open the department to their prying eyes.

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[3] Ibid., Amendment Fourteen, Section I.

[4] "The Rising Storm Over Crime and the Courts," *Senior Scholastic* (March 18, 1966), p. 7.

[5] Edwin S. Newman, *Police, the Law and Personal Freedom* (New York, 1964), p. 56.

[6] "Rewriting the Rules," *Newsweek* (June 27, 1966), p. 25.

[7] "New Rules for Police Rooms," *Time* (June 24, 1966), 53.

[8] *Ibid.*

[9] *Ibid.*

[10] "Courts Too Soft on Criminals?" *U.S. News*, LIX (August 16, 1966). 66.

[11] "Rewriting the Rules," *Newsweek*, p. 22.

[12] Lt. Marvin Leonard, Editorial, *Valor*, VI, (Jan.–Feb.–Mar.).

[13] "Rewriting the Rules," *Newsweek*, p. 22.

[14] *Ibid.*

[15] "Crisis Facing the Nation's Police," *U.S. News*, LIX (October 17, 1966), 83.

[16] *Ibid.*

[17] "The Storm Around U.S. Policemen," *Senior Scholastic* (January 14, 1965), p. 14.

[18] "Crisis . . .," *U.S. News*, p. 84.

Programs like Detroit's have carried over into the explosive Civil Rights issue. Any dilemma facing the cop in his own ethnic group is more than doubled when he faces members of another race. Yet using police of the same race as the wrongdoers can only ameliorate the situation slightly.

During Chicago's race trouble of July-August 1966, both white and Negro policemen took an exceptional amount of abuse from their friends and neighbors for their actions in upholding the laws they are sworn to.

The officer's oath leaves little room for personal opinion or feeling. The policeman can only enforce, he may not enact legislation or pass judgment on existing law.

Yet the very duties he is sworn to may be, and have been, causes of violence and rioting. The McCone Commission, established to investigate the Watts rioting, found that all of seven major northern riots were sparked by "police incidents." [19]

Try as he may, an officer can seldom overcome the hatred directed solely at his blue uniform. Southern Negroes, for years subjected to the admittedly over-harsh and discriminate treatment of Southern cops, transfer their accumulated hatred to the Northern police when they move.

It is in the Civil Rights movement, too, that the seeds of most despised word associated with law enforcement are found and nurtured—brutality.

The cry of "police brutality" inevitably resounds wherever and whenever the man of the law is called into action against a mob, and ever more frequently in single, isolated incidents. Some, like Dean Joseph Lohman, Director of the Department of Criminology at the University of California, see brutality as a philosophical/sociological issue.

"The words 'police brutality' mean all the double standards and all the indignities police can subject minority people to in an unlightened community. The police are today in fact less brutal than they have ever been—in terms of physical brutality. But what the people are objecting to is that they reinforce a social order that can be more brutal than the worst physical violence." [20]

One could conceivably draw from such an assumption that the solution to the question is either a total social revolution or anarchy—neither of which finds favor with any levelheaded citizen of any race.

To many others, however, brutality means simply a rough handling, a tone of voice, or even a hard stare. The policeman is empowered to use "reasonable force" in a situation where it is deemed necessary. Yet the interpretation of "reasonable" has in itself been somewhat startling. Two off-duty Chicago officers confronted two Puerto Rican men threatening people with a broken beer bottle. The officers identified themselves then pulled their revolvers. The men attacked both and badly slashed one, but the battery charge was dismissed by a Negro court judge who ruled that the officers used "unreasonable force." [21]

Judging by the above, and a multiple of similar incidents, one becomes aware that it is the policeman himself who is often the victim of the alleged "police brutality."

While an investigation by the Philadelphia Civilian Review Board of 789 complaints of brutality over the past eight years resulted in only 47 recommendations for disciplinary action, an investigation of violence upon officers over the period 1960–63 showed assaults upon one of every ten officers, and 168 murders.[22]

The courts, once the strongest allies of the policeman, have added insult to injury by remaining grossly inconsistent. The Escobedo decision left much room for questions, questions the courts have failed to clarify. Rights of the police and arrestees vary widely from state to state.

Furthermore, says Nicholas Katzenbach, ". . . as cases have presented more and more difficult questions of fairness and propriety, I believe the judges have left the public behind, and, even among judges, the margins of the consensus have been passed." [23]

By and large the policeman remains in a culture unto himself and his fellows, and he may be part of "vanishing America." It is becoming increasingly difficult to attract qualified men to police work. It has become a job where the man must live in the short run. He is underpaid; human life often must assume the proportions of an expendable commodity; his daily work has no set plan, yet is often beset by oppressive boredom. He tends to lose both faith in people and sight of the higher goals of society.

As one New York policeman voiced it, "The cop is the world's leading expert on grubby reality. All people may be equal when they're born, but by the time the cop meets them some are unequal—the ones who are preying on the innocent." [24]

His position now is shaky. Ahead lies another of the long hot summers that has already seen the beginnings of racial revolt. On the docket of some of the nation's highest courts are precedent-setting cases that may have even further devastating effects on the officer's life. And in the cities and suburbs is an ever-cynical populace waiting to pounce on the first wrong move but only grudgingly acknowledging their debt. It is in their hands that the final decision must inevitably rest, "For the instincts of the police, after all, can be no better than those of the society they are sworn to defend." [25]

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[19] Lloyd Shearer, "The Police Crisis in America," *Valor*, p. 9.

[20] "Summer '66: Cops on the Spot," *Newsweek* (June 27, 1966), p. 22.

[21] "Police Brutality—Fact or Fiction?" *U.S. News*, LIX (September 6, 1965), p. 37.

[22] Lt. Marvin Leonard, *Valor*, p. 17.

[23] "Courts Too Soft on Criminals?" *U.S. News*, p. 67.

[24] "Summer '66 . . .," *Newsweek*, p. 25.

[25] Ibid., p. 31.

NEIGHBORHOOD FARMING

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. ZWACH. Mr. Speaker, I am inserting a thought-provoking article on an example of how farmers might increase their efficiency and still lower their machinery capitalization costs. The idea is a modern-day version of the old threshing machine ring, when a group of neighbors combined to buy the machine and tractor.

The author, Warner Christeson, also points out that Farmers Home Administration loans can be made to farm corporations. Such corporations could and have produced some cost-cutting techniques for farmers in their never ending battle against increasing costs.

The column was carried in the Marshall Messenger, published at Marshall, Minn., as follows:

There is more talk about corporations buying up huge tracts of land and crowding out the small farmer than is really taking place. It is a fact that large modern machinery is more efficient than smaller units.

Vernon Paulson, Lyon County Farmers Home Administration supervisor, says that F.H.A. has a loan program where two, three or more farmers can form a cooperative to buy machinery. He says that there are a number of such cooperatives in Minnesota.

One in Lyon County, he said, three farmers bought a large combine with a pickerhead. These farmers not only harvest their own grain, beans and corn, but have time to do custom work as well.

The investment for each farmer is not risky. Certainly, each of the three could not afford a costly combine. It could be that these farmers should also own a portable grain dryer to go with the combine.

Since neighborhood threshing was replaced by combines there has been a trend of farmers working less with each other. Perhaps a return to neighbor cooperation could help retain the small family farm.

I knew a group of farmers in Polk county who bought the largest self propelled combine they could get their hands on. Each then sold his small six foot harvestor. It worked so well with this group that they later bought a potato harvestor together.

Another way small farms can use larger machinery is for each cooperator to buy a piece of large equipment and charge his neighbors a custom rate. He in turn would pay a custom rate for some other operation.

This method has the advantage that one owner may be more concerned about maintenance costs and take better care of the machine.

I mentioned the F.H.A. loan program but as the television ads say others are important in ones financial future. If three or four farmers think that they can agree and need larger more efficient machinery the idea is worth studying.

I know that if I were farming I would like to sit in a comfortable cab of a new diesel tractor pulling five bottoms.

CONGRATULATIONS TO GRADUATES

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. WAMPLER. Mr. Speaker, I am sure we all agree that in this day and age when education is so important to every individual, graduation from high school certainly deserves recognition. I insert the following in the RECORD as an example of how I congratulate those graduating from high school in the Ninth District of Virginia:

Word of your graduation from high school occasions this letter of congratulations and best wishes.

I know this is a proud and happy time for you, your family and friends. I want you to know that I share that pride. Your hard work through the years of grade school and high school has now culminated in your graduation.

I am enclosing a small token in recognition of your achievement. Please accept this with all my best wishes.

My hope and prayers are that God will bless and direct you as you take your place in society as a responsible citizen.

Mr. Speaker, I also enclose a certificate for each graduate which reads as follows:

CONGRATULATIONS

It is my pleasure to congratulate you upon the accomplishment of your graduation. May this day begin a further achievement in the ideals of citizenship in your community and for your country. I sincerely trust that you will continue your quest for increased knowledge.

COST OF LIVING CLIMBS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. HUNT. Mr. Speaker, the cost-of-living increases are admittedly an unfair "tax" on every American and are not selective of any income group, rich or poor. The strong response of the current administration in pressing for a tax increase, however, is negated by its weak initiative to implement steps that will assure the reordering of national priorities within the limits of the Nation's resources and capabilities.

When taxes at all levels of government are perpetually raised, merely to redirect spending authority from the private to the public sector, and become so oppressive as to lose the support and confidence of the American public in the ability of Government to discipline itself, it is time to reevaluate Government's role and assess the achievable short-range objectives with relation to the long-term goals.

The cost-of-living index for March, covering the Philadelphia metropolitan area and including the First District of New Jersey, was recently announced by the Department of Labor's regional office, Bureau of Labor Statistics. The index rose within the month by one-half of 1 percent to the all-time high of 120.7, and represents a 4.5-percent increase since March 1967. In terms of purchasing power, the value of the dollar declined by almost 33 percent in relation to the 1947–49 dollar values, a span of only 20 years. As reported in the Woodbury Daily Times:

> Prices paid for cost-of-living goods and services in the Philadelphia metropolitan area rose sharply by one-half of one percent in March to a level of 120.7 percent of the average of 1957–59 prices, it was announced today by Herbert Bienstock, regional director of the U.S. Department of Labor's Bureau of Labor Statistics.
>
> The rise in the area's index compares with a four-tenths of one percent advance in the previous month.
>
> Leading the rise were food, housing, apparel, used cars, reading and recreation. The rise in food prices accounted for two-fifths of the March increase in the over-all index.
>
> Prices in the Philadelphia area, which includes southern New Jersey, were 4.5 percent higher than in March, 1967. Over the past 10 years, the Philadelphia area index has risen six times between February and March, declined twice, and remained unchanged twice.
>
> PURCHASING POWER DROPS
>
> With the March index at 120.7, the Philadelphia area consumer had to pay $12.07 to buy what $10 purchased in the 1957–59 base period. Expressed as purchasing power, the dollar in March was worth 82.9 cents in terms of 1957–59 dollars and 67.5 cents in terms of 1947–49 dollars.
>
> The food index for the area rose eight-tenths of one percent between February and March. In the food-at-home index, higher averages were reported for cereals and bakery products, up six-tenths of one percent, meats, poultry and fish up 1.2 percent; and fruits and vegetables, up 2.8 percent. Lower were dairy products, down .1 percent and other foods at home, such as canned goods, down .3 percent.
>
> Since March, 1967, retail food prices have risen 4.3 percent, down .3 percent, with the largest year-to-year increases reported for fruits and vegetables, up 11.8 percent, and restaurant meals, up 8.4 percent. Among foods reported higher in March were rump and rib roasts, veal cutlets, pork chops, lamb chops, apples, bananas, oranges, grapefruit, potatoes, and tomatoes. Lower averages were reported for chuck roast, hamburger, bologna, haddock, cucumbers, and salad oil.
>
> APPAREL AND UPKEEP
>
> Between February and March, the apparel and upkeep index rose .9 percent with higher tags reported for men's shoes, women's earrings, cocktail dresses and shoes. Seasonally higher were prices for women's cotton skirts and dresses. Prices were lower for men's slacks and girl's coats.
>
> The transportation index rose 3 percent, reflecting an increase in used car prices, gasoline, and tires. However, lower prices were reported for new cars and airplane fares.
>
> The health and recreation index rose .6 percent with higher average prices reported for medical care and personal care, each up .3 percent, and reading and recreation, up one percent. Prices were higher for beer, movies, whiskey, face powder, television tubes and wine. College tuition fees and hospital room charges were also up. Cigarette prices were lower.

PROTECTING AND PRESERVING THE NATIONAL CAPITAL

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. WYMAN. Mr. Speaker, responsibility to maintain and preserve public safety and public health in the National Capital, rests with the Congress of the United States. Negotiation of a site for the structure of temporary shelters in quantity, with attendant public health problems, sharply increasing local crowding in areas never intended for housing, is discrimination against the rights of all Americans each of whom have a share in their Nation's Capital.

Denial of a permit for such housing is not a denial of the right to peaceably assemble or protest or demonstrate. Far from it. There is a time and place for such activity allowed by law, but temporary shelters next to the National Mall is not such a place nor is the negotiation of such a permit by administration officials anything less than abdication of public responsibility. Congress should have acted here, and it should still act. In this connection I commend the reading of the following article, by Ernest Cuneo, appearing in the Manchester, N.H., Union-Leader of May 5, 1968:

> POWERS OF CONGRESS USURPED: WHY SHOULD APPOINTEES NEGOTIATE WITH MARCHERS?
>
> (By Ernest Cuneo)
>
> WASHINGTON, May 4.—It has been widely advertised by its leaders that there will be a so-called Poor Peoples March on the Congress.
>
> The Congress is to be notified of certain minimum demands. Upon failure to comply, the federal government is to be tied up with sit-ins.
>
> Considering that the framers of the Constitution designed it so that the Congress would be the first of three great divisions of the American Republic, the present proceedings in Washington have long since passed travesty of constitutional law.
>
> The Department of Justice, the Department of Interior and the District Government of Washington have been in constant conference with the leaders of the march. It appears that public parks will be allocated for camping grounds. Counsel is already organized for those arrested.
>
> The most that can be said of the interpretation of the Department of Justice is that it appears to have confused the right peaceably to assemble with demonstrations at the will of the leaders of the march.
>
> There is no such thing as a right to demonstrate. If, for example, the Friendly Sons of Saint Patrick applied for permission to parade Fifth Avenue for so much as two days in a row, such application would be properly denied.
>
> Moreover, the saint of all liberals, Mr. Justice Holmes having declared that free speech does not give the right to cry "fire" in a theatre, it follows that Stokely Carmichael or Rap Brown have no constitutional right to yell for the killing of white people during a riot.
>
> Rioting and burning have taken place in the capital, as well as in other major cities. Quite aside from the persons of the Congress itself, the Library of Congress, containing the title deeds of the republic, along with other documents of immense importance are at the direct center of any widespread rioting on Capitol Hill. The Library of Congress is in trust for all of the world and for generations to come. It is, perhaps, the greatest repository of human knowledge in recorded history.
>
> It was burned in 1814. If it were burned today, it would be a tragedy beyond measure for all of mankind.
>
> It is strange, indeed, therefore, that the Congress itself, which has ultimate jurisdiction, has announced no rules and no procedures for the presentation of the petitions.
>
> The Supreme Court has, the executive branch has but the legislative branch has not.
>
> Should a group announce it would camp outside the Supreme Court until it reached certain decisions, there would be grave alarm.
>
> Should a group declare that it would besiege the White House until certain executive orders were signed, the attempted intimidation of the presidency would receive little support.
>
> But an actual announcement that Congress will be beset causes no ripple at all, and least of all in Congress.
>
> SOLE JUDGE
>
> Worse, the concerned executive departments far from referring the matter to the Congress, appear to be doing little less than mounting a siege of Capitol Hill.
>
> It is within the power of Congress to define and prescribe rules by which citizens may assemble peaceably and petition it as befits their dignity, the dignity of Congress and the dignity of the Republic.
>
> Constitutionally, the Congress is the sole judge of how it will conduct its business. There is no higher power in the land. Ac-

cordingly, certain of the executive departments and the district government, preposterously and presumptuously approach contempt of Congress when they aid and abet those who would interfere with the transaction of its business.

It is little less than an affront to the nation, let alone the Congress, that a handful of appointees, of little or no national status, have actually undertaken to negotiate conditions with the marchers, as if the capital were suing for peace with a powerful invader.

Congress, having the ultimate power, has also the ultimate responsibility for the safety of the capital.

IT IS TIME FOR TAX REFORM

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. GROVER. Mr. Speaker, everyone talks about the weather, but nobody can do anything about it. Everyone talks about taxes, but nobody does anything about it. Somebody can, however, do something about taxes.

The past 50 years have seen dynamic and drastic changes in the structure and activities of government at all levels. But, paradoxically, in a half century, we have permitted the means and wherewithal—our tax structure—to become archaic and replete with inequities.

The distressed call for an increase in taxes—or even the rare call for a decrease in taxes—is always accompanied by the suggestion that tax reform is overdue, a suggestion soon lost in the dust of those running for political cover or the loud overshadowing prophecies of fiscal peril of the proponents.

The following fine editorial in the May 12, 1968, Long Island Sunday Press points up the need for a "massive reappraisal of our entire tax system."

The editorial follows:

IT IS TIME FOR TAX REFORM

Last week was the week of taxes, and the news has been, from the taxpayer's point of view, all bad.

In Washington, the 10% tax surcharge has been approved by House-Senate conferees. To make taxpayers even more unhappy, it will be retroactive to April 1.

In Albany, income, gasoline and cigarette taxes are going up. (There is considerable criticism that they are not going up enough. Fearful of election-year reaction, the legislators evaded a considerable part of the state's fiscal problems by postponing payments to localities this year. We'll pay for this next year—but that's not an election year. This may be good politics, but it is frightful economics.)

In City Hall, Mayor Lindsay has unveiled higher real estate taxes and a revival of the auto use tax. He hasn't talked lately about an increase in the commuter income tax, but the threat hangs there, glaring balefully at Nassau and Suffolk residents who earn their living in the big city.

And in communities all over Long Island, school taxes will go up heavily, adding to a real estate tax burden that is already staggering.

Philip Gardella, a Kew Gardens Hills taxpayer responding to a Press survey summed up a widespread sentiment: "The tax load is getting too heavy to carry. If I try to dump it, I'm a bum, and if I try to keep carrying it, I just may break my back. When is someone going to help the ordinary 9-to-5, five-day-a-week worker like me?"

It's a good question. When, indeed?

The question really cannot be answered, and something positive done, until we have brought the taxing system itself up to date. It is a mess of overlapping, duplicating, contradictory levies which hit many people unfairly and the middle class most unfairly of all.

Our tax structure is shot through with gross inequities and costly collection machinery. New York State, for instance, has dozens of different kinds of taxes. For the Long Islander, there are taxes due Albany, due New York City, due the school district, due the town and the county. One tax is based on how many cigarettes a man smokes, one on how much he drinks, another on how much gasoline he uses, another on his income, another on his real estate and on and on, each requiring governmental machinery to process. If there were a single tax collection each year, this wasteful overlapping could be eliminated, saving both the individual and government time and money.

Perhaps the greatest inequity to the middle class in our tax structure is the property tax itself. The family on a small income or a pension, for instance, pays the same property tax as neighbors who have much larger incomes. Thus, the essential fairness of the income tax is eroded by the real estate tax—and the sales and special use taxes, as well.

In time of inflation, these over burdened families hurt even more because the real estate tax goes up more than their ability to pay.

We need a massive reappraisal of our entire tax system. We haven't had one since the federal income tax was introduced in 1913. The answer might well be abolishing most local and state taxes, including a drastic modification of property taxes, and substituting a wider basic national tax based on ability to pay. This would require an equitable formula for allocation back to the states and localities for their own purposes. And it should include plugging those loopholes that legally allow a handful of men to make untaxed billions through depletion allowances.

This is a touchy political problem, of course, but this is the year to do it. We urge the President, who no longer need worry about political implications, to appoint a commission of outstanding Americans to study our outmoded tax system, to end its inequities and create the machinery needed to pay for the nation's massive and growing needs.

KANSAS JOINS IN OBSERVING NATIONAL SMALL BUSINESS WEEK

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. MIZE. Mr. Speaker, the State of Kansas has joined with the rest of the Nation in observing National Small Business Week, May 12 to 18. The Honorable Robert Docking, Governor of Kansas, has issued a proclamation setting aside this week in Kansas to recognize the contribution made by the small businessmen of our State to the progress and well-being of all Kansans.

As a member of the Small Business Subcommittee of the House Banking and Currency Committee, I feel it appropriate to direct the attention of my colleagues to the Kansas proclamation, and to assure businessmen everywhere that the Congress is aware of the importance of perpetuating the free enterprise system through the thousands of merchants on "Main Street" and the hundreds of manufacturing plants and business enterprises which make our communities prosper. Your success is the basis of the country's success, and we have an obligation to assist you in staying free and healthy and as untrammeled by government interference as possible. The proclamation follows:

PROCLAMATION BY THE GOVERNOR

To the People of Kansas, Greetings:

Whereas, the small businessmen in this State, along with small businessmen throughout the Nation, actively perpetuate the open and competitive marketplace so vital to our free enterprise system; and,

Whereas, small businesses are close to the American consumer, providing much of the goods and the majority of the services we need in our daily lives; and,

Whereas, small businesses offer job opportunities for job seekers of all races and all creeds; and,

Whereas, small businessmen are recognized as leaders in the social and economic development of their own communities; and,

Whereas, small businesses are the source of many innovations in products and merchandising:

Now, therefore, I, Robert B. Docking, Governor of the State of Kansas, do hereby proclaim the week of May 12 through May 18, 1968, as Small Business Week in Kansas, and call upon the Chambers of Commerce, industrial and commercial organizations, board of trade and other public and private organizations to participate in ceremonies recognizing the contribution made by the small businessmen of this State to the progress and well-being of all our people.

Done at the Capitol in Topeka, under the Great Seal of the State this 23rd day of April, A.D., 1968.

ROBERT B. DOCKING,
Governor.
ELWELL M. SHANAHAN,
Secretary of State.

Mr. Speaker, the National Federation of Independent Business, Inc., will be celebrating its 25th anniversary on Monday, May 20. I point to its achievements with special pride because the federation's home office is located in the district which I represent, San Mateo County, Calif.

The federation was founded in 1943 by C. Wilson Harder, who recently received the Small Business Administration's Public Service Award for outstanding service. This award is the highest honor the SBA bestows on individual citizens.

Today Mr. Harder's federation has grown to include nearly a quarter of a million members, making it the largest organization of its kind in the world.

Most of us are familiar with the federation through the efforts of its representatives on Capitol Hill and it publication, the Mandate. The Mandate carries with it a tear-off self-mailer ballot on pending legislation which each individual businessman fills out and which is forwarded to his Representative in Congress. I have received a number of these ballots, and find that they serve to keep me informed on many matters which otherwise might escape careful analysis. Important as they thus are to the legislative process, these ballots, numbering more than 4 million each year, also serve to indicate the personal, active commitment to better government on the part of men of proven independence and ability.

The federation's expressed goal is that our Nation remain the land of opportunity by giving small business fair consideration. I am honored to commend the members and the leadership of the federation on their 25th anniversary of continuing success in promoting free enterprise and small business. I hope we in the Congress can join them in constant efforts to reform and cut back the cumbersome aspects of taxation, paperwork, and bureaucracy which so often occur under our democratic form of government.

A CITIZEN'S PROTEST

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. HALL. Mr. Speaker, recently I received a letter from a constituent in Springfield, Mo., which I believe reflects growing public sentiment concerning the so-called Poor People's March in Washington. In writing, Mrs. Allen Jones of Springfield, Mo., asks the question—

> Whose civil rights are being abused; the ones who are having their homes and businesses destroyed and robbed or the ones who are doing the looting and destruction?

It may come as some surprise to people not living in Washington to realize that the Washington riots have really never stopped. There have been an average of three or four fires set by arsonists each night. Mrs. Jones asks the question, Are you in Washington as helpless as I? It is a disgraceful reflection on the action of administration leaders that the answer seems to be "Yes."

The letter follows:

MAY 6, 1968.

Hon. DURWARD J. HALL,
Longworth House Office Building,
Washington, D.C.

MY DEAR MR. HALL: As an American citizen I protest! I am a white American and I love my country. I do not want our leaders coerced into adopting socialized programs. I do not want our constitution abused! The riots make a mockery of the preamble of our constitution. My husband makes less money than most of the rioters of Washington. However we *do not want* government support. Can't these people see that everything they insist on the government doing for them takes *away* civil rights instead of insuring them? You may consider our family poor because my husband makes eighty dollars a week before anything is taken out. We think we are rich as long as we live in a free country. We think we are rich as long as we can hold our heads high because we are *working* for a living. We think we are rich as long as we have a police force *we* are paying to protect us. We think we are rich because we can go to church and read and worship God even in our home. We think we are rich because we can go anyplace in this country we want without asking the government's permission. We think we are rich because we can read and buy books. I could go on and name countless other reasons we are rich, but it is not necessary. There is one thing that has been taken away, security. My husband works at night and there was a time when I was not afraid to be at home with my two children alone. Times have changed, now if I hear a rumor of Negro trouble in our town I am afraid. I saw a group of teen-age Negro boys walk down our street and again I was afraid. Why do I have to live in fear that a riot will come to our city or community. Why do the people who live in the most troubled areas have to live in fear of life and property all the time? Whose civil rights are being abused; the ones who are having their homes and businesses destroyed and robbed or the ones who are doing the looting and destruction? Why are the police made to look like villains in a melo-drama because they are doing their job and risking their life to uphold the law? Why are they now allowed to *march on Washington* and coerce our leaders? How helpless I feel as an American! I can see the danger of Communism looming in the near future but still I am helpless to stop it! I do love my country and I still hold our constitution dear. I believe in civil rights for everyone, not for a minority group who think civil rights means government support and the right to destroy and loot! Is there any hope? Are you in Washington as helpless as I?

Sincerely,

MRS. ALLEN O. JONES.

DOES THE NAVY HAVE THE RIGHT TO LIE?

HON. JOSEPH Y. RESNICK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. RESNICK. Mr. Speaker, when I originally became interested in the case Lt. Comdr. Marcus A. Arnheiter over a year ago, my main concern was not to determine whether Arnheiter was innocent or guilty, but rather, to determine whether he had had his "day in court," whether he had, in fact, been given a fair hearing in accordance with the Uniform Code of Military Justice.

It was only after I determined that he had not received a fair hearing that I wrote to Secretary of the Navy Paul R. Ignatius and House Armed Services Committee Chairman L. MENDEL RIVERS. Both of these gentlemen replied that "no further inquiry was necessary" in this case.

However, there was ample evidence—including the statements of a number of high-ranking naval officers—which indicated that further inquiry was very necessary in this case. It was at this point that I decided to hold ad hoc hearings.

This inquiry, which I held last week, I believe, proved beyond any doubt, that Arnheiter was not given a fair hearing. In fact, the hearings proved that there was no longer any question of his guilt or innocence, because the Navy had, on three separate occasions, vindicated him.

Throughout the course of these hearings, I repeatedly gave the Navy the opportunity to participate. I urged them to send anyone they chose, to introduce any evidence they chose, to cross-examine any witnesses they chose. They refused.

Instead, they remained on the sidelines and said nothing. Then, after the hearings were concluded, and the Navy felt that it was safe from challenge and cross-examination, in order to counteract unfavorable publicity, they released to the press a statement containing some of the charges which had originally been brought against Arnheiter, and which the Navy's own men had thrown out.

Proof of this is contained in the second endorsement of Vice Adm. Walter E. Baumberger, submitted November 1, 1966. This entire case and the Navy's behavior raises in my mind—and, I am certain, in the minds of many Americans—one very disturbing question. That question is—does the U.S. Navy have the right, for any reason, to lie to the American public?

I respectfully include Vice Adm. Baumberger's second endorsement in the RECORD at this time:

DOES THE NAVY HAVE THE RIGHT TO LIE?

(Second endorsement on Capt. Ward W. Witter, USN, 085147/1100, COMDESRON 11 INVESTRPT Ser 70 of April 27, 1966)

From: Commander Cruiser-Destroyer Force, U.S. Pacific Fleet.
To: Judge Advocate General.
Via: Commander-in-Chief, U.S. Pacific Fleet.
Subject: Investigation to inquire into the circumstances connected with the relief of Lieutenant Commander Marcus A. Arnheiter, USN, 554819/1100, from command of USS *Vance* (DER 387), which occurred on or about 1 April 1966
Reference: (f) COMCRUDESPAC First Endorsement to COMCRUDESGRU, U.S. Seventh Fleet ltr ser 137 of 26 May 1966,
Subj: Detachment of Lieutenant Commander Arnheiter from command of USS *Vance* (DER 387)
Enclosed: (35) Copy of reference (f)

1. Readdressed and forwarded.

2. In paragraph 11 of the Preliminary Statement to the Investigative Report the following statement appears:

"Due to the nature of this investigation, the Investigating Officer has not been able to fix in his mind how he can proceed from testimony, to facts, to opinions and end up at recommendations in the classical pattern of the normal investigation."

There appears an additional statement that many of the opinions are based on matter that could not feasibly be laid out in the "facts section". It is considered that had the Investigating Officer pursued his inquiry in accordance with the dictates of the convening order and conducted the proceedings in strict accordance with the provisions of reference (a), he may have avoided this dilemma.

3. An Investigation is a quasi-legal proceeding designed to determine facts, and, where appropriate, to state opinions based upon factual determinations, and to make recommendations as to the disposition of certain matters relative thereto. This Investigation was convened to inquire "into the circumstances connected with the relief of Lieutenant Commander M. A. Arnheiter from command of USS *Vance* (DER 287)." [It is evident that from its inception the Investigating Officer changed the purpose for which the Investigation was convened—that of determining the factual validity of allegations made against the commanding officer which had occasioned his summary relief—to one of whether he is "the type of officer who deserves command at sea.] . . . (Preliminary Remarks, para 8). It is not surprising, therefore, that in pursuing this objective the Investigating Officer found it necessary to hold long off-the-record "discussions" with Lieutenant Commander Arnheiter to get him to see "the overall problem" (Preliminary Remarks, para 6). Conceding that an inquiry for the purpose of the Investigation was convened is most difficult under ideal circumstances, [the Investigating Officer in his approach unwittingly compounded his already difficult task by injecting himself personally into the role of a "psychologist" rather than that of an impartial finder of fact. Indicative are his improper comments respecting Lieutenant Commander Arnheiter's "vicious exchanges" and "incredulous tones in responses." Well intentioned as

these "illuminating" remarks may be, they are completely improper in the context in which they appear in the record, and indicate a lack of objectivity on the part of the Investigating Officer. Further, the record is replete with instances in which the Investigating Officer either neglected or refused to pursue available evidence concerning specific allegations of misconduct. His findings of fact are for the most part based upon the unsubstantiated opinions of witnesses inimical to Lieutenant Commander Arnheiter.

Particularly noteworthy is the seeming disregard in the findings of fact and opinions of the prerogatives of a commanding officer, of the circumstances surrounding some of his admitted violations of regulations, and the sometimes less than adequate support he had a right to expect from his subordinates.

4. A reinvestigation of the allegations is not deemed practical by the Type Commander. Accordingly, an objective review of this record has been undertaken. Separate findings and opinions respecting incidents into which inquiry was made are submitted below. Additional findings, opinions and recommendations are likewise included. Only those portions of the Investigative Report and the First Endorsement thereto not in conflict with the following are approved. The remaining findings and opinions are disapproved.

5. Towing Motor Whale Boat.

FINDINGS OF FACT

a. That on one occasion during the exit from Song Cau Harbor the ship's motor whaleboat, containing 8 unidentified men and one unidentified officer, was towed behind *Vance* which was advancing at night at an alleged speed of 12 knots in a "choppy" sea. (Encl (22), pg. 20) (Encl (24), pg. 4)

b. That since *Vance's* aluminum boat davits had failed on the ship's last deployment the commanding officer alleges he attempted to tow the boat to save the boat davits and to save time consumed in lowering the boat. (Encl (24), pg. 4)

c. That on another occasion the "speed boat" was towed at night at a speed of 15 knots with one officer and two men embarked. (Encl (11), pg. 38) (Encl (22), pg. 20)

OPINIONS

a. That in the absence of testimony of those persons embarked in the boats, meteorological data, kind of line used, duration of time that boat was towed, nature or urgency of the operation which deemed towing of manned boats advisable, etc., there is insufficient evidence to make a determination of the propriety of these evolutions.

6. Abandonment of Ship's Motor Whale Boat.

FINDINGS OF FACT

a. That *Vance* departed the immediate vicinity of its motor whale boat at night on an undetermined date, in an unidentified area, for an undetermined period of time.

b. That *Vance* departed in order to pursue three unidentified junks. (Encl (9), pg. 3) (Encl (11), pg. 9)

c. That upon apprehending the junks they were tied alongside *Vance* and towed back into the bay where the motor whale boat was picked up. (Encl (11), pg. 9)

d. That the record does not contain ship's logs, charts, testimony of lookouts, testimony of persons embarked in the boat respecting what danger, if any, they were placed in, etc.

OPINIONS

a. That since the mission of *Vance* included pursuit and search of unidentified craft in its area, the evidence of record does not indicate that *Vance's* departure from its whale boat in this instance was improper.

7. Use and Acquisition of Speedboat.

FINDINGS OF FACT

a. That the allegation that the speedboat was used to draw enemy fire thus enabling *Vance* to conduct gunfire support is completely without credible foundation.

b. That the use of speedboats for "patrols" involving search of junks was encouraged by the CORTRON Commander; the ship's motor whale boat was also used for such search and boarding of junks. (Encl (24), pg. 5)

c. The speedboat was used in many instances for recreational purposes.

d. That the speedboat was purchased with the consent of the ship's Welfare and Recreation Committee. (Encl (9), pg. 10 & 13) (Encl (11), pg. 35) (Encl. (21), pg. 5) (Encl (22), pg. 21) (Encl (24), pg. 6)

OPINIONS

a. That there is no evidence indicating that the acquisition by *Vance* of the speedboat from ship's Welfare and Recreation Funds was improper, or that its limited use as a "scout boat" was censurable.

8. Causing False Position Reports to be Transmitted From the Ship Knowing Such Report to be False.

FINDINGS OF FACTS

a. That CSC Qui Nhon required ships operating locally to report their positions every two hours. (Encl (5), pg. 15)

b. That at 1400 and 1600 on an undetermined date in which *Vance* had followed the USS *Mason* (DD 852) which was proceeding to a gunfire support mission, the commanding officer caused a position "other" than *Vance's* actual position to be transmitted to CSC Qui Nhon. (Encl (5), pg. 15)

c. That Lieutenant Generous, the ship operations officer claims that other false posits were sent to CSC Qui Nhon by *Vance*. (Encl (5), pg. 15)

d. That CSC Qui Nhon was not in *Vance's* operational chain of command. (Encl (22), pg. 19)

OPINIONS

a. That the allegedly false posits noted in para b above related a lineal distance difference from the actual position of "several miles; about 10 miles". (Encl (5), pg. 15)

b. That the Commanding Officer, USS *Vance* considered that position reports to CSC Qui Nhon were unnecessary and not required.

c. That CSC Qui Nhon was at all times aware of the general area in which *Vance* operated. (Encl (24), pg. 4)

d. That the general area in which *Vance* operated extended about 105 miles North and South and about 40 miles East and West. (Encl (5), pg. 17)

e. That in the absence from the record of copies of the alleged false position reports ship's log entries. CSC Qui Nhon Regulations and OP-orders applicable to *Vance* it is impossible to determine the extent of the alleged false posits; and that in the absence from the record of any factual definition of CSC Qui Nhon's precise involvement in coastal operations, responsibilities, etc., it is *impossible to determine* whether the false posits, sent by *Vance* hampered related evolutions.

9. Delay in AN/SPS-10 Radar CASREP.

FINDINGS OF FACT

a. That on 31 January 1966, the commanding officer was first informed that the AN/SS-10, surface search radar, was not operating properly, i.e., the drive gear which caused the antenna to turn was slipping. (Encl (24), pg. 11)

b. That it was observed that the seas were rough at the time and that therefore the ship was not a stable platform. (Encl (5), pg. 24) (Encl (24), pg. 11)

c. That the commanding officer ordered that the radar not be used in heavy seas, but that it be placed in standby, for emergency use only. (Encl (24), pg. 11)

d. That the AN/SPS-8 radar was used in place of the AN/SPS-10. (Encl (20) pg. 2)

e. That on 7 February 1966 the commanding officer released *Vance* message 070400z which informed higher authority that AN/SS-10 performance was diminishing in heavy weather. (Encl (24), pg. 11)

f. That on 10 February 1966 the commanding officer released a message casualty report on the AN/SPS-10. (Encl (24), pg. 12)

g. That on about the 20th of February 1966 the radar was rendered operable by the ship's force through the jury-rig method, and, thereafter, it operated satisfactorily for about 45 days at which time the ship entered Manila. (Encl (20), pg. 1)

h. That the evidence of record relating to the precise status of the radar during the period 31 January to 10 February 1966, about 10 days, is not clear and in serious conflict. While some witnesses testified that the radar was totally inoperative during this period, (Encl: (5), pg. 24;) (Encl: (20), pg. 1, pg. 2), the commanding officer alleges that it was only so due to his direction that the radar be placed in standby, for emergency use only (Encl: (24), pg. 12). He further states that it was placed in the standby condition in order that the ship's technicians might be able to work on it and thereby effect repairs or accurately diagnose the situation as one beyond the repair capabilities of the ship's force (Encl: (24), pg. 12).

i. That the commanding officer affirmatively asserts that at no time was the ship's capability adversely affected by the status of the AN/SPS-10 radar. (Encl: (24), pg. 12); and that this contention is unrebutted by evidence of record.

OPINIONS

a. In view of the unequivocal fact that the radar was subsequently repaired at the commanding officer's urging, in a short period of time, and thereafter operated satisfactorily for over 45 days, and in the absence of any clear and convincing evidence that the radar was totally inoperative during the period in question, it is considered that the question of whether the radar was required to have been reported as a casualty is purely academic, and a matter properly within the prerogatives and judgment of the commanding officer. There being no showing to the contrary, it is considered that this incident should not be made the basis for criticism.

10. CTU 70.8.5 Request for list of onboard critical diesel parts

FINDINGS OF FACT

a. That on about 13 March 1966 *Vance* received a message originated by CTU 70.8.5 requesting an accurate inventory of certain critical diesel parts on board. Lieutenant junior grade Edward G. Fuehrer, *Vance's* Engineering Officer, having prepared a message reply reflecting the actual number of parts aboard, expressed to the commanding officer that he hoped the ship would not be robbed of an adequate supply of spare parts. The commanding officer directed Lieutenant junior grade Fuehrer to list what he, Lieutenant junior grade Fuehrer, thought other DER's had. The commanding officer then released a message which did not reflect the actual number of spare parts aboard. (Encl: (10), pgs. 5 & 6) (Encl. (24), pg. 37).

OPINIONS

a. That although the messages released did not reflect the actual number of spare parts aboard, the extent of the messages misrepresentation cannot be determined. The commanding officer's stated purpose with respect to this irregularity, "was to make available. . . . for redistribution the maximum number of such parts that, in the opinion of the (his) Engineering Officer, the ship could possibly provide without gravely undermining (the) ship's ability to carry out her assigned mission". (Encl: (24), pg. 36).

b. That despite his stated purpose, the deliberate omission of a single item, in response to his Unit Commander's request, constitutes censurable conduct. However, since the extent of the misrepresentation is unknown the degree of dereliction cannot be determined.

11. Gunfire Support Missions.

FINDINGS OF FACT

a. That on 30 January 1966, while searching junks, the *Vance* came upon the USS *Bache* which was conducting shore bombardment. The *Vance* inquired as to whether *Bache* required assistance and received a negative reply. *Vance* then proceeded up the coast several miles where she anchored. While scanning a nearby hill the commanding officer asserted that he saw something near a small hut on the hill. He fired an M-1 rifle at the location and thereafter directed that .50 caliber machine gun and 3/50 fire come to bear on the hut. The firing was of several minutes duration. (Encl: (10), pgs. 3 & 7) (Encl: (11, pg. 32) (Encl: (21), pg. 3) (Encl: (24), pg. 48).

b. That *Vance* conducted gunfire support in company with USS *Mason* on an undetermined date.

c. That it was understood that DER's could engage in naval gunfire when the following conditions existed:

(1) When U.S. or friendly forces are under fire, U.S. air or ground spotters are present, and naval gunfire is considered urgent.

(2) When assigned a preplanned fire mission by CTF 115.

OPINIONS

a. That the shore bombardment by *Vance* on 30 January did not fall strictly within the rules of engagement as specified by the Operation Order.

b. That *Vance's* shore bombardment in company with USS *Mason* was directed fire and within the rules of engagement. Accordingly, it is considered that this incident does not warrant criticism.

12. Material Acquisition.

FINDINGS OF FACT

a. That Lieutenant junior grade Williams, the weapons officer, at the direction of the commanding officer, procured 15 M-1 rifles in excess of the ship's allowance. In addition, the commanding officer directed procurement of .22, .38 and .30 caliber ammunition for which the ship had no allowance. (Encl (7), pg. 1) (Encl (24), pg. 14)

b. That the commanding officer directed the weapons officer to procure various items for the ship among which were 24 fifty-five gallon oil drums, to be used for target practice. That Lieutenant junior grade Belmonte eventually was assigned this task, but was unable to obtain authorization for the removal of oil drums that he located on the Naval Base in Guam. Thereafter, he caused them to be brought aboard *Vance* without authorization. (Encl (11), pg. 22)

c. That at the direction of the commanding officer, Lieutenant junior grade Robert H. Gynn, USNR, the supply officer purchased 100 rolls of polaroid, 26 Kodakcolor film mailers, 25 movie film mailers and 50 rolls of black and white "plus X" and an undetermined quantity of 8 millimeter movie film. These items were paid for out of the ship's Optar fund at a cost of about $370.00. The film was expended on various shipboard evolutions, search and siezure of junks, and, allegedly, for other "intelligence purposes."

OPINIONS

a. That procurement of 15 M-1 rifles in excess of the ship's allowance was justified in that they were used to outfit the ship's special fire team. It is considered that exceeding the ship's allowance of such items is not improper where they are legally obtained for a lawful purpose.

b. That although the 24 fifty-five gallon oil drums were obtained without authorization, evidence of record does not support the contention that the commanding officer directed this illegal procurement.

c. That the purchase of about $370,000 in film from Optar funds is authorized. Since the record does not establish that such an expenditure for film prejudiced the ship's capability to procure other more critical items, and no evidence of record that the film was improperly used, the purchase of these items is not considered irregular.

13. Reduction of in-port watch to level below that required by Fleet Commander.

FINDINGS OF FACT

a. That Commander Seventh Fleet Instructions require that at least one-third of the crew be aboard at all times.

b. That prior to a mess night held while *Vance* was in Guam, Ensign Bernard O. Black was directed by the commanding officer to relieve Lieutenant W. T. Generous as command duty officer of *Vance* during the evening. (Encl (5), pg. 1 & 2) (Encl (8), pg. 1).

c. That Ensign Black, as command duty officer, was the only officer aboard for a period of about six hours during which the remainder of the ship's officers attended the mess night of the Naval Base Officers' Club. (Encl (22), pg. 17).

d. That Ensign Black was the ship's junior Ensign and had been aboard for about two months and had occupied the billets of Damage Control Assistant and R-Division Officer. (Encl (8), pg. 1).

e. That *Vance* was tied up to "Sierra" Pier with no ship outboard of her. (Encl (5), pg. 2 & 3).

f. That the engineering plant was in a cold-iron condition; *Vance* had no operational commitments; electrical power was being received from the pier. (Encl (5), pg. 2 & 3).

g. That there is no evidence that the enlisted manning fell to less than one-third or that the enlisted watch set was inadequate.

h. That Ensign Black had readily accessible telephone communications with the Officers Club where the commanding officer and the ship's officers were located. (Encl (5), pg. 3) (Enc (8), pg. 1).

i. That no problems, not easily handled, were encountered by Ensign Black.

OPINIONS

a. The violation of Fleet Regulations is not to be condoned. The "one-third" requirement is obviously designed to ensure a degree of readiness to meet emergencies. The nature of *Vance*'s employment on that occasion, and the otherwise normal manning of inport watch stations tends to mitigate the violation, however.

14. Small Arms firing in the vicinity of junks.

FINDINGS OF FACT

a. That on various occasions the commanding officer did fire both rifles and pistols from the bridge in the vicinity of junks tied up alongside *Vance*.

b. That the commanding officer's targets on these occasions consisted of sea life in the area. (Encl (8), pg 1).

c. That on one occasion the commanding officer fired "ahead" of a junk that had failed to heed the ship's signal to come alongside. (Encl. (15), pg. 3).

d. That without exception the testimony of record attests to Lieutenant Commander Arnheiter's outstanding marksmanship.

OPINIONS

a. Excepting the evidence described in paragraph 14c. above, the commanding officer's firing at sea life in the close proximity of junks alongside *Vance* was imprudent.

15. Signing a fraudulent survey report that was known to be false.

FINDINGS OF FACT

a. That on 5 February 1966 three large motorized junks entered *Vance's* area from the North. (Encl (10), pg. 4).

b. That *Vance* released a confidential message DTG 051242Z February 1966 concerning the encounter. (Encl (24), pg. 3).

c. That each of the junks contained about 30 persons, many of whom were children who appeared to be in ill-health. (Encl (10), pg. 4&5) (Encl (24), pg. 3).

d. That the persons embarked in the junks, claiming to be refugees from a bombed out village, appeared to be hungry. (Encl (10), pg. 6) (Encl (24), pg. 3).

e. That upon being directed by the commanding officer to provide candy for the refugee children, the ship's Supply Officer, Lieutenant junior grade Gynn, informed the commanding officer that it could not be provided from the ship's store unless it was paid for. (Enc (10), pg. 5).

f. That the commanding officer directed the supply officer to provide a full day's supply of canned milk, fruit juices, bread, candy, and toilet paper. (Encl (24), pg. 3).

g. That the commanding officer later ordered the supply officer to survey the candy as "unfit for use" to cover its cost on the records, and that the survey form was signed by the commanding officer, supply officer, and the executive officer.

OPINIONS

a. That in the absence from the record of the *Vance* message, the survey form, the photographs, and testimony of the ship's hospital corpsman, the commanding and supply officers' versions of the incident must be accepted, and that while surveying the candy as "unfit for use" was improper—the insistence by Lieutenant Commander Arnheiter that food and candy be provided under the circumstances was justified and should not be made the subject of censure.

16. Introduction of Alcohol to the Wardroom.

FINDINGS OF FACT

a. That Lieutenant junior grade Gerald J. Prescott, USNR, was presented with a list of cooking wines and brandies that he was to procure for the wardroom (Encl (18), pg. 5). Subsequently, while in Subic Bay, Lieutenant junior grade Prescott purchased $16.00 worth of cherry herring and sherry which was given to the executive officer upon his return to the ship. (Encl (18), pg. 5).

b. That the cherry herring, termed "Guamanian Guava Berry Juice" on the menu, and the sherry were poured over various types of desserts such as peaches, baked apples, strawberry short cake, etc. (Encl (5), pg. 22) (Encl (7), pg. 9).

c. That these alcoholic beverages were kept in the custody of the executive officer and dispensed at the direction of the commanding officer. (Encl (18), pg. 5).

d. That on Christmas, eggnog was provided that was "obviously spiked". (Encl (5), pg. 22).

OPINIONS

a. That the alcoholic beverages were not explicitly revealed as such to the wardroom officers.

b. That the alcoholic beverages did not produce any effects of intoxication or symptoms of the influence of alcohol upon wardroom officers. (Encl (5), pg. 23).

c. That other than the instance in which alcohol spiked eggnog was used on Christmas, no alcohol was introduced for beverage purposes.

d. That the commanding officer was personally responsible for introduction of said alcohol aboard USS *Vance* (Encl (24), pg. 28b), and felt that its use on gourmet dishes upgraded the etiquette and tastes of the wardroom officers.

e. That the introduction of alcoholic beverages for other than medicinal purposes for consumption aboard is contrary to Navy Regulations and cannot be condoned.

17. Alleged Mess Share Discrepancies.

FINDINGS OF FACT

a. That during the month of November the ship's galley was closed, but a mess bill was collected (Encl (18)), pg. 2), which resulted in an increase in the value of the mess share. Although the galley was reopened in December, a mess bill was not collected for this month in order to deplete the high mess share resultant from the month of November in which no expenditures were incurred (Encl (19), pg. 3). In January, at the direction of the commanding officer, the mess treasurer prepared two mess statements. One statement reflected the actual expenses of December, (excluding $150.00 spent for a mess night in Guam) resulting in a mess share of $18.00. The other statement reflected the actual expenses of December plus $150.00 for the mess night, resulting in a mess share of $7.14. (Encl (18), pg. 1) (Encl (14), pg. 6). The mess night in Guam, with its attendant $150.00 expenditure, actually occurred in January. (Encl. (18), pg. 1) (Encl (14), pg. 6). The commanding officer elected to charge the December statement for the January mess night expenditure resulting in a mess share reduction from $18.90 to $7.14.

b. That the commanding officer, pursuant to arrangements made by the prior commanding officer, Lieutenant Commander Wright, remained a guest of the wardroom until 1 January, 10 days after he had assumed command. He joined the mess, however, after he made the election noted above which resulted in reduction of the mess share. The commanding officer then assessed himself an additional $10.00, thereby realizing a "windfall" of $1.85.

OPINIONS

a. That the commanding officer's change in procedures was affected in order that the mess bill for a particular month would be determined on the basis of anticipated expenditures for that month as opposed to collecting for such expenditures the following month.

b. That the commanding officer, as the mess president, may determine and effect methods and policies for management of wardroom funds as his judgment deems appropriate. Accordingly, while the reflection of a January expenditure on a December mess statement may constitute a form of "book juggling", it was manifestly within the prerogatives of the mess president to ordain that accounts will reflect anticipated future expenditures and that wardroom functions will be financed from existing wardroom assets rather than be the subject of a separate later assessment of individual members.

c. That the circumstances described do not indicate that the commanding officer was motivated in this instance by a desire to save himself $1.85.

18. Violation of Ship's Store and Postal Regulations

FINDINGS OF FACT

a. That the commanding officer, while officiating over the inspection of junks alongside *Vance*, requested that he be provided a pair of sun glasses. The ship's store operator reported to the bridge with several pair from which the commanding officer selected one pair, but did not tender payment at the time. (Encl (10), pg. 3) The commanding officer, however, personally paid for the sunglasses later on the same day. (Encl (24), pg. 8)

b. On the occasion of the departure from the ship of a Vietnamese Liaison Officer, the commanding officer directed that the ship's store operator report to the bridge with a ship's cigarette lighter and some soap, which were subsequently given to the liaison officer. The commanding officer directed the ship's store operator to collect for the items from the proceeds of the "boner box". (Encl (24), pg. 8)

c. That following an evening meal it was discovered that the wardroom supply of cigars had been depleted. The commanding officer directed that the ship's store operator report to the wardroom with a box of cigars for the officers. Payment was not tendered immediately but was made on a later occasion from the proceeds of the "boner box". (Encl (10), pg. 3)

d. That upon assumption of command the commanding officer directed that he be provided postage stamps for the mailing of change of command announcements, directing the postal officer to find some authority for obtaining the stamps at government cost. During the next two and a half months the commanding officer repeatedly insisted that the stamps could be paid for by the government while the postal officer asserted that he was unable to find any authority for it. When the commanding officer became satisfied of the validity of the latter fact, he tendered $11.57 to cover the cost of the stamps. (Encl (14), pg. 3 & 4) Prior to this event, the postal officer, Lieutenant junior grade Hamaker, had advanced his own private funds to cover the shortage, (Encl (22), pg. 3) yet no request had been made to the commanding officer for payment. (Encl (22), pg. 4)

OPINIONS

a. That in the above instances the letter of the law was violated. However, as the "credit" extended was minor in nature, not a continuing occurrence, and payment was always tendered, it is considered that there was no attempt or intent to defraud.

19. "Boner Box."

FINDINGS OF FACT

a. The "boner box", initiated by the commanding officer on about 10 January 1966, consisted of a small box into which the ship's officers were required to deposit a quarter (25¢) (to treat all other officers to cigars after dinner) each time they committed various infractions. The offenses for which fines were assessed were determined largely by the commanding officer; however, the "system" was administered by the executive officer. Some of the fines assessed are listed below:

Lieutenant junior grade Meisner.—Improper use of knife at meal—$1.25; Coming to dinner in a sweaty shirt 25¢. (Encl (7), pg. 2)

Ensign Black.—Not taking enough navigational fixes. (Encl (8), pg. 3)

Lieutenant junior grade Gynn.—Substituting green beans on wardroom menu in place of asparagus. (Encl (10), pg. 1 & 2)

Lieutenant junior grade Belmonte.—Coming to 0900 briefings unshaven; improper uniform (wearing T-shirt in WPF) (Encl (11), pg. 17); one of his men answering the commanding officer with "yes sir" vice "aye, aye, sir". (Encl (11), pg. 18).

b. The "boner box" system started about 3 to 4 weeks after Lieutenant Commander Arnheiter assumed command. During its tenure a total of about $30.00 was collected which was spent primarily for cigars for the wardroom officers. (Encl (22), pg. 10) (Encl (24), pg. 4).

OPINIONS

a. In the majority of cases, the fines were assessed for repetition of the types of offenses noted above. (Encl (10), pg. 2) (Encl (22), pg. 43).

b. That the "boner box" was instituted by the commanding officer as a means of correcting breaches of etiquette and for the purpose of emphasizing his desire for more than merely adequate peformance of duty.

c. That the wardroom officers did not object to the purpose of the "boner box", but rather to the means used to correct what in most cases were admitted infractions.

d. That once it came to the attention of the commanding officer that the "boner box" was resented, it should have been discontinued and other measures taken to correct the officers concerned. In the absence of consent by all the wardroom officers the "boner box" concept approaches imposition of punishment without the procedural guarantees set forth in Article 15, UCMJ.

20. Moral Guidance Lectures.

FINDINGS OF FACT

a. That the commanding officer initiated a program of conducting "moral guidance" lectures on the fantail on Sunday mornings, at which attendance of the officers and men was compulsory. Various members of the crew, as well as some of the officers, objected to attending these sessions on the grounds that they were religious in nature and infringed upon the right to free exercise of religion. As the program proceeded, however, the commanding officer played a less active role, various members of the crew being selected to give presentations on subjects relating to morals, leadership, naval character, marriage, and conduct ashore. (Encl (6), pg. 3) (Encl (10), pg. 12) (Encl (11), pg. 21).

OPINIONS

a. That although the nature of the initial lectures did have religious overtones, the tenor of the program subsequently changed to conform with the spirit of General Order 21 to which objection could not reasonably be raised.

21. Alleged Disproportionate Expenditures of Welfare and Recreation Funds.

FINDINGS OF FACT

a. That the commanding officer directed expenditure of Welfare and Recreation funds for the following:

(1) Bus tours of the island of Guam.

(2) Ship's dinner party for the crew in Guam.

(3) Transportation to and from Chapel on Sundays in Guam.

(4) Transportation to swimming pools in Guam.

(5) Beach picnics in Guam.

(6) Tours of Bangkok.

(7) Steak dinners and beer for the crew at the EM Club in Bangkok.

(8) Hiring of independent taxi in Bangkok, controlled by the executive officer, and available for the crew's use.

(9) Hotel accommodations in Bangkok, for officers, chief petty officers, and also used by some enlisted men.

OPINIONS

a. That the commanding officer personally arranged for the preceding recreational activities for the crew in the almost complete absence of recommendations, or action on the part of the Welfare and Recreation Council itself. The two wardroom mess nights were financed exclusively by the wardroom mess. Although Welfare and Recreation funds were not spent on a strictly per capita basis in Bangkok, the preponderance of evidence does not support the insinuation that such funds, overall, were disproportionately expended.

b. There is no evidence of impropriety in the expenditure of Welfare and Recreation funds.

22. Alleged Irregularities of Recommendations for Awards and Medals.

FINDINGS OF FACT

a. That the commanding officer recommended certain officers and men of the *Vance* for various awards and medals. The executive officer recommended the commanding officer for a Silver star.

OPINIONS

a. That, although the record contains many references and allegations that the executive officer was coerced into recommending Lieutenant Commander Arnheiter for an award, the record contains no credible evidence in support of a contention that the recommendations for medals and awards for either the commanding officer or members of the crew were in fact coerced or executed in bad faith.

23. In enclosure (3) the propriety of the procedures utilized by the convening authority in effecting Lieutenant Commander Arnheiter's relief is questioned by his counsel. The same issue was raised by Lieutenant Commander Arnheiter in his reply to the convening authority's letter to the Chief of Naval Personnel requesting sustainment of Lieutenant Commander Arnheiter's relief. For the reasons set forth in paragraph 3 of the First Endorsement thereto, reference (f), the Type Commander is of the opinion that although this Investigation does not contain

sufficient proof of misconduct to justify Lieutenant Commander Arnheiter's relief for cause, the allegations made against him under the conditions then pertaining, justified his relief under the provisions of Articles C–7801, subparagraph 4(d)(2) of reference (b). The foregoing notwithstanding, however, the Type Commander is of the further opinion that the record is clear that sufficient time did exist to have disclosed to Lieutenant Commander Arnheiter the general nature of the allegations at the time he was relieved.

24. A review of the proceedings of this Investigation reveals that during Lieutenant Commander Arnheiter's tenure as commanding officer of *Vance* he exhibited a lack of tact and good judgment in his attempt to achieve commendable goals. It is obvious that many of his methods were not understood and, thus, not supported by some of his subordinates. It is clear that there existed a severe personality conflict between Lieutenant Commander Arnheiter and his operations officer, Lieutenant Generous. With respect to this, Lieutenant Generous' performance was colored to a degree intolerable to Lieutenant Commander Arnheiter, and the overtones resulting undoubtedly contributed greatly to the low state of morale on the part of some of the officers in *Vance*. Inasmuch as the foregoing is in large measure conjectural it is considered that this trait, if other than a personality conflict, will be revealed in Lieutenant Generous' future performance. No further inquiry into this matter as it relates to this case is deemed feasible or desirable. The Type Commander's views on this and other related matters in this case are contained in reference (f).

25. The Type Commander recommends.

a. That Lieutenant Commander Arnheiter's relief for cause not be sustained, but that his relief from command of *Vance* be sustained as for investigation in light of the circumstances then existing.

b. That in view of all the circumstances surrounding this case, that no disciplinary action be taken with respect to those allegations which were proven or admitted.

c. That Lieutenant Commander Arnheiter not be restored to command of *Vance*.

d. That, for the reasons cited in reference (f), he be reassigned to command a DE in this Force to provide an opportunity for reassessment of his abilities.

26. Subject to the foregoing, the proceedings of this Investigation, are approved.

THE REVEREND DAVID A. SWANSON, GUEST CHAPLAIN IN THE HOUSE OF REPRESENTATIVES

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. GROVER. Mr. Speaker, I was privileged to sponsor on yesterday the Reverend David A. Swanson, guest chaplain for the day in the House of Representatives.

Reverend Swanson is pastor of the Trinity Evangelical Lutheran Church at Wyandanch, N.Y., in the New York Second Congressional District. He is a native son of Cleveland Heights, Ohio, a graduate of Upsala College, and the Lutheran School of Theology at Rock Island, Ill.

Prior to his present assignment, Reverend Swanson served at St. Peter's Lutheran Church, Milton, Ky., and a 2-year enlistment with the U.S. Armed Forces.

He brings to my district a new activist spirit and drive for accomplishment not only in his own parish but in our entire community; and yesterday he charged us to be alert to the myriad problems which surround us, to have a compassionate eye and ear for those in difficulty, and to look for constructive solutions for them.

His prayer reads as follows:

Great God, we call this solemn assembly to session not necessarily in Your name, but it is in Your world; something hard for us to admit, and a world hard for You to recognize. We ask that we might have the intestinal fortitude not to be bent over by the pressure of inhuman vested interest; that we have the backbone to stand straight for honest justice; that You pull the plugs out of our ears that we might hear the cries of Your people from the streets of our constituencies; from the nations of Your world; and finally that we may govern as instruments of solutions, not as instruments of problems. For God's sake. Amen.

TEACHING THE VALUE OF LAW AND ORDER

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. WYMAN. Mr. Speaker, implicit in the disorder, disobedience, and virtual insurrection prevalent on so many of the campuses of America at this hour, is the failure over prior years to teach young Americans the strength of precept and principle. Illustrative of this continuing failure of the teaching process is a "teacher's guide" currently being circulated by the Washington, D.C. Teacher's Union, and described in some detail in the following article by John Lofton appearing in the May 8, 1968, issue of the Manchester, N.H., Union-Leader.

The article follows:

WATCHING WASHINGTON: CALL TEACHERS GUIDE "RATIONALE FOR RIOTS"

(By John Lofton)

WASHINGTON.—For persons looking to education as the ultimate solution to this country's racial problems, a most disappointing document is being circulated here among teachers in the District of Columbia.

Euphemistically entitled, "Why Did Washington Burn? A Relevant Lesson Plan and Resources for District of Columbia Teachers," the information contained within the publication is nothing less than a rationale for riots.

Put out by the Washington Teacher's Union, which is the bargaining agent for all teachers in D.C., the "Lesson Plan" begins: "The brutal murder of Dr. Martin Luther King, Jr., demands that teachers everywhere continue to confront the issue of racism in the classrooms. As we all know, the murder of Dr. King should not really be a shock to America, for he is only one of the many freedom fighters who have died at the hands of a white racist society in recent years." (In other words, kids, we are going to discuss the murder of Dr. King but one shouldn't get too worked up about it since assassination of black people is really nothing new for Mr. Charley.)

NO "LAW" OR "ORDER"

Under the first topic of discussion, Vocabulary, the "Lesson Plan" lists among other words, "revolution, rebellion, insurrection, racism, uprising, soul brother, and black power." (Nowhere are the words law, order, responsibilities.)

Under the second topic, "Violent Events in the Contemporary Freedom Struggle," the Plan lists the deaths of Emmet Till in Mississippi in 1956 and others through the death of Dr. King in 1968. (The death of Malcolm X is also mentioned which is odd since Malcolm X was shotgunned by three members of the Black Muslim sect.)

Topic three addresses itself to approaches to resolving the problem of racism in the U.S. with an admonition that those discussing non-violence might find it "very worthwhile" to discuss Dick Gregory's comment that: "Those concerned about justice should start talking about Dr. King's purpose, not about his method." (The idea here presumably is to soft pedal the importance of the nonviolent method and concentrate more on aims.)

CATFISH AND OTHERS

Topic four deals with contemporary forces in the black community and lists among others: Stokely Carmichael, H. Rap Brown, Malcolm X, Rufus (Catfish) Mayfield (former head of the federally funded Pride, Inc., summer job program who just recently said regarding the riots that he had to criticize his own people for the destruction they did in their own neighborhoods. "But I have to applaud some of them," grinned Catfish, "they did go downtown for the first time."), Floyd McKissick and Adam Clayton Powell. The only person who could even be remotely classified as a moderate on the list of 24, was Roy Wilkins, head of the NAACP. Whitney Young, head of the National Urban League, wasn't even listed.

And now we get to the juicy parts of the "Lesson Plan." Part Five is "Washington, D.C., April 1968—Civil Disorder or Insurrection?" On the subject of looting, the plan asks the question: "What about the store owners who have overpriced their goods for years in the black communities?"

BARGAIN OR FIGHT

As for the term "black power," one is referred to a Dr. Charles Hamilton who is quoted in the New York Times as saying, "And it must be clear that whites will have to bargain with blacks or continue to fight them in the streets of the Detroits and Newarks." (And people like Floyd McKissick just can't understand why whites look upon black power as a violent doctrine.)

Part six deals with history and seeks rationalizations for the recent riots.

"In one of his last talks in Washington, D.C., Dr. King told his audience he was not unmindful of the concentration camps the U.S. established for the Japanese-Americans during World War II. This point could be discussed," advises The Plan, "particularly if raised in connection with what has happened to the American Indians. This whole subject raises the question of racial genocide. One should not overlook the rape or 'looting' of Africans from their homeland by the white slave traders who began the tradition of racism in the U.S." (One can bet money, however that those blacks who sold blacks will be overlooked.)

GUERRILLAS IN 1776

And now we come to perhaps the most tortured analogies in the entire document: The comparison of the American Revolution, 1776, and the "Freedom Movement Revolution," 1968.

Just hitting the high spots, The Plan tells us that those Americans who participated in the Boston Tea Party were "looters," that Americans involved in the battle of Lexington and Concord were engaged in "guerrilla warfare" and were "snipers," and that those precipitating the Boston Massacre were "inciting a riot."

"Who is interested in preserving order?" asks The Plan. "Is it the current people who have power and do not want any social change? Do these same people who want order violate civil rights laws every day? Finally, should we even discuss law and order in the same context:"

And herein lies the ultimate danger: That law and order, due to a constant excoriation by some Negro leaders, will become to be looked upon by black people as a white, middleclass value.

When and if this ever comes about, any hope for a conciliation between the races will truly be lost.

CONGRESS AND THE CRIME WAR

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. BROWN of California. Mr. Speaker, since the opening day of this session of Congress I have spoken out on the growing problem of crime in this country. I have cosponsored the President's safe streets and crime control bill, and have sponsored other legislation relating to crime and its consequences. Most of all I have tried to speak rationally on the causes of crime, the differences between crime and political protest and dissent, and the danger of undermining fundamental constitutional protections for the law-abiding citizen in our effort to control the lawbreaking citizen.

Much more needs to be said on all of those matters. In the other body, extended debate is taking place on numerous proposals purporting to relate to the problems of crime, in connection with amendments to S. 917. The Los Angeles Times, Monday, May 6, 1968, in the manner which has come to be characteristic of its editorial page, has spoken out clearly and reasonably on the good and bad aspects of this legislation and the amendments being proposed. Many of us in Congress who strongly desire to strengthen law enforcement and reduce crime may find ourselves unable to support a bill which is encumbered with provisions of dubious worth and doubtful constitutionality.

I commend this editorial to my colleagues as worthy of their careful review and consideration, as follows:

CONGRESS AND THE CRIME WAR

America is clearly losing the war against crime and violence within its own borders.

The richest, most powerful nation in the world is still unable to deal with ever-increasing lawlessness or with the conditions in which it flourishes.

Escalation of serious crime far exceeds both population gains and the ability of local law enforcement to mount an effective counterattack. In slightly more than one year, such crime has increased a chilling 16% throughout the country.

Making U.S. streets safe, therefore, has high priority in the Congress and in the Administration. Although there is deplorable division on meeting the terrible challenges of inequality and poverty, strong support exists in both the House and Senate for action to control crime and violence—whether they be the acts of a lone criminal or a rioting mob.

There is considerable disagreement, however, over the specific steps that Congress should take to protect the public. An example is S. 917, the Omnibus Crime Control and Safe Streets act, now being debated by the Senate.

The product of prolonged sessions by the Senate Judiciary Committee is an admixture of good, weak and bad provisions.

There can be no argument over the need for improving and expanding the crime control efforts by the states and local units of law enforcement. Although the fight against crime must always remain an essentially local responsibility, the federal government should provide more support in a variety of ways.

Title I of the Senate bill authorizes the spending of $400 million over a two-year period on upgrading state and local law enforcement through grants for planning, training, facilities and research.

The remainder of the bill is far more controversial, particularly the highly dubious restrictions on the U.S. Supreme Court's powers of review and the loosening of restraints upon electronic eavesdropping in criminal cases.

But, Title IV of the bill—the long-awaited curbs on interstate traffic in firearms—definitely needs strengthening to include rifles and shotguns in the prohibition of interstate mail order sales.

The Times opposes those sections that would deny to federal courts the right of review of state court decisions dealing with the voluntariness of confessions and the admission of eyewitness testimony as evidence. Although landmark decisions have made the work of the police more difficult, the Senate Judiciary Committee has proposed cures that weigh far too heavily against the accused.

Committee members also went too far in easing bugging rules. Electronic interception would be permitted in cases involving national security, organized crime and certain state crimes upon the granting of court order.

The Times believes that the right of privacy is so precious that only in instances of a threat to national security is electronic surveillance justified.

These defects should be corrected by the Senate to protect the public from danger while not endangering the public's rights. And the members should then turn to finding ways in which the conditions of poverty, discrimination, ignorance and slum housing—the breeding places of crime—can be eradicated.

HATS OFF TO MARYLAND

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. RARICK. Mr. Speaker, every individual freedom-loving American rejoices at the rejection by Marylanders of a proposed new radical constitution.

This was an historic stroke for liberty—a good sign of the awakening of our people.

The Marylanders—subjected to formidable pressures—just were not brainwashed—educated per some—to vote to deny themselves their right to vote for their officials.

Had Maryland accepted this 1313 model constitution—symbolically a tribute to the U.N. Declaration of Human Rights Year—every other State would have immediately come under a well-synchronized attack to surrender individual rights to an unelected minority control by a similar constitutional revision.

Obviously, the majority of Marylanders were repulsed with the idea that their State was being used as an experimental laboratory and their people as guinea pigs.

Our hats are off to Maryland.

I include news clippings from Washington for May 15, as follow:

[From the Washington (D.C.) Post, May 15, 1968]

MARYLAND VOTERS REJECT NEW CHARTER—ONLY DISTRICT OF COLUMBIA SUBURBS IN FAVOR

(By Richard Homan)

Maryland's proposed new constitution was decisively defeated yesterday as voters in all but the two suburban Washington counties rejected it.

With virtually all of the State's surprisingly heavy vote reported, the new constitution was defeated by nearly a 3-to-2 margin.

With all but one of 1535 precincts reporting, the unofficial statewide vote for and against ratification of the new constitution was:

For (43.6 percent)	283, 048
Against (56.4 percent)	366, 438

Montgomery County (107 of 107 precincts):

For (70.5 percent)	68, 832
Against (29.5 percent)	26, 251

Prince Georges (97 of 97 precincts):

For (61.2 percent)	44, 190
Against (38.8 percent)	27, 968

The statewide turnout of more than 600,000 voters—nearly 50 percent of the 1.4 million registered—far surpassed all predictions. In a special election a year ago for delegates to the Constitutional Convention, only 20 per cent voted and in the hotly contested 1966 gubernatorial primary election, 60 per cent voted.

It was a stunning setback for the State's political, civic and business leadership, which heavily supported ratification of the document.

Voting on the Maryland document, drafted during a four-month convention, that ended in January, came after successive defeats of proposed new constitutions by voters in Kentucky, Rhode Island and New York.

Conventions in Pennsylvania, Connecticut and New Jersey successfully revised portions of their state constitutions.

Government experts throughout the Nation had predicted that, if Maryland's new constitution failed, the future would be dim for constitutional revision by the convention method.

A heavier than expected vote in the State's rural areas, failure in the Baltimore area and unexpectedly small favorable margins in the Washington suburbs caused the defeat.

Prince Georges voters supported it by a 3-to-2 margin and Montgomery supported it 7 to 3, but their votes could not offset margins that ran as high as 7-to-1 against the document on the rural Eastern Shore.

Supporters of the constitution had hoped Prince Georges would favor it by a 3-to-1 margin, and were looking for Montgomery to go 4 to 1.

They were not surprised by the Baltimore City outcome—7 to 6 against—nor that of populous Baltimore County, where voters turned it down by a whopping 2-to-1 vote.

Supporters feared Anne Arundel would reject the document, but not by the lopsided 2-to-1 margin the final count showed.

There were immediate discussions among proponents of constitutional reform about the possibility of piecemeal revision of the present 1867 Constitution.

Several sections of the proposed document were non-controversial and, if approved by the General Assembly in a special session, they could go before voters in the fall general election.

The argument has been made, however, that the document's proposals were too interwoven into an integrated structure of government to be considered separately without unbalancing power among the three major branches.

If the governor does not convene a special session, the General Assembly could next consider amendments to the present constitution at its regular session in January, 1969. Amendments proposed then would go on the 1970 ballot.

Gov. Spiro T. Agnew, one of the new constitution's strongest supporters, and Constitutional Convention President H. Vernon Eney both professed surprise and disappointment at the outcome.

"The people of Maryland have spoken and while I view the results of today's election with deep disappointment, I submit that it demonstrates the great strength of our democratic system," Agnew said.

He said that the "need for constitutional reform goes on" despite the defeat and he urged that sections of the document be considered again.

Eney said he was "very, very disappointed and frankly very puzzled," and felt the opponents had used "fears and half truths" to defeat the document.

It was the first time in Marylands history that voters defeated a proposed constitution. The first State constitution took effect by decree in 1776 but the 1851, 1864 and present 1867 constitutions were all ratified by the voters handily.

Though the proposed constitution was approved by 133 of the 142 delegates who drafted it, along with a solid majority of the State's government, political, civic and business leadership, loosely organized opponents successfully campaigned against it.

They appealed to traditional fears of higher taxes, bigger government and undue change.

There was no single divisive item in the document, but its elimination of several elected county offices from constitutional status provided a nucleus of opponents to lead the campaign for rejection.

Statewide associations of sheriffs, registers of wills and court clerks campaigned against it, arguing that by making their jobs statutory—and possibly appointive—the new constitution was removing government from the voter.

Their arguments focused on:

The cost of implementing the document. While two State-fiscal agencies estimated the initial cost at $3 million, opponents charged that the document would cost taxpayers as much as $153 million.

Elimination of some local offices, such as sheriff, register of wills and county surveyor, as constitutional offices. Opponents charged that while these offices could be continued by the legislature, the electorate would have lost the right to select their officers.

New powers for the governor, which opponents asserted could make him a dictator.

Creation of regional governments, which opponents said would reduce local autonomy and add new taxes.

Raising the number of petitioners necessary to place a law on referendum from 3 per cent of the number voting in the last gubernatorial election to 5 per cent. Opponents said this would make referendums a practical impossibility.

Single member districts: Opponents said this would make legislators more parochial, and that it would be easier for special interests to control elections.

Reduction of the size of the legislature, which would leave several counties without a delegate of their own.

Opposition groups operated on a shoestring, while supporters, heavily financed by leading state businesses, mounted a smooth campaign of radio spots, speakers and brochures.

Besides Agnew and his two living predecessors, the proposed constitution had the active support of both U.S. Senators, seven of the eight Congressmen and the Republican and Democratic leaders of both houses of the legislature.

Arrayed against it, besides the courthouse officials in most counties, were legislators from sections of the State under strong Democratic organization control.

Supporters had predicted that a heavy turnout would help them—but they were wrong. Turnout was uniformly heavy throughout the State, and it brought lopsided margins against the proposed constitution in most counties.

The new constitution was an attempt to strengthen and streamline state government and thus permit it to meet contemporary needs.

It would have given the governor new appointive and administrative powers and would have created the office of lieutenant governor. It would have allowed the legislature to meet longer and more frequently and would have established a unified, centrally administered court system with judges named by citizen commissions rather than patronage.

It would have lowered the voting age to 19 and strengthened local government by requiring counties to exercise home rule.

The convention that wrote the new constitution was widely representative of the State's legal, political and civic establishment.

Tawes and former U.S. Sen. J. Glenn Beall were members, as were two former U.S. Congressmen and State Senate President William S. James.

Two college presidents, a former Court of Appeals judge, the head of the state NAACP and the past president of the Maryland League of Women Voters were among the delegates.

The 142 convention delegates were elected on a nonpartisan ballot in June, 1967, with apportionment among counties on the same basis as the House of Delegates.

Before the convention opened, a 21-man commission of top State civic and political figures appointed by Tawes and headed by Eney worked more than two years.

CHARTER VOTE RUNDOWN

Here is a breakdown of the statewide vote for and against the proposed new constitution by Maryland's 23 counties and Baltimore City:

	For	Against
Allegany County: 46 of 46 precincts	3,694	12,537
Anne Arundel: 65 of 65 precincts	15,816	31,007
Baltimore County: 273 of 273 precincts	45,248	88,484
Calvert: 10 of 10 precincts	1,117	2,021
Caroline: 11 of 11 precincts	808	2,383
Carroll: 30 of 30 precincts	2,825	9,112
Cecil: 13 of 13 precincts	1,326	6,512
Charles: 11 of 11 precincts	1,854	4,419
Dorchester: 24 of 24 precincts	1,278	4,392
Frederick: 78 of 79 precincts	3,876	9,972
Garrett: 22 of 22 precincts	900	2,436
Harford: 19 of 19 precincts	6,137	10,487
Howard: 13 of 13 precincts	3,920	5,779
Kent: 11 of 11 precints	486	2,852
Montgomery: 107 of 107 precincts	62,832	26,251
Prince Georges: 97 of 97 precincts	44,190	27,968
Queen Annes: 9 of 9 precincts	907	2,958
St. Marys: 20 of 20 precincts	2,106	3,025
Somerset: 23 of 23 precincts	1,042	3,452
Talbot: 21 of 21 precincts	1,714	3,643
Washington: 43 of 43 precincts	4,150	12,285
Wicomico: 22 of 22 precincts	2,888	6,834
Worcester: 11 of 11 precincts	1,010	2,833
Baltimore City: 555 of 555 precincts	72,874	84,796
Total: 1,534 of 1,535 precincts	283,048	366,438

[From the Washington (D.C.) Post, May 15, 1968]

Defeat of Constitution Stuns Top Maryland Officials

(By Peter A. Jay)

Maryland's top officials, most of whom supported and campaigned for the rejected new constitution, were shocked by the margin of the charter's defeat yesterday and pessimistic about major constitutional reform for years to come.

Leaders of the unsuccessful campaign for ratification, who had almost uniformly predicted that a heavy turnout would guarantee their victory, attributed their stunning defeat to an opposition that played upon the fears of a generally conservative electorate wary of change.

Gov. Spiro T. Agnew and other officials suggested that an effort should be made to incorporate some of the defeated charter's provisions in the existing 1867 Constitution through legislative action, but the size of yesterday's vote left even the most ardent advocates of reform with little hope for the success of such a move.

"It would be an exceedingly difficult task to salvage parts," said H. Vernon Eney, president of the convention that drafted the charter. "To do the work of the convention in bits and pieces would take years."

Eney, who worked four years in behalf of a new constitution, came close to bitterness when he spoke of the tactics of the charter's opponents. "They played on fears and half-truths," he charged.

Opponents and proponents alike agreed that the referendum campaign had touched a great spring of resentment in the voting public, but they disagreed about what that resentment meant.

"Two things defeated it," said St. Mary's Circuit Judge Philip H. Dorsey, Jr., a delegate to the convention and one of the charter's most outspoken opponents.

"People didn't want to lose their right to elect their leaders, and they didn't like the cost of it." The proposed charter would have eliminated as constitutional offices such elected courthouse positions as register of wills, court clerk and sheriff—all courthouse officials who worked hard to get a heavy turnout against the proposed document.

Prince George's County Sheriff William J. Kersey, president of the Maryland Sheriff's Association, said he was "very exuberant" over the defeat of the charter. The proposed constitution, Kersey said, was a product of "so-called powerful machine elements" that used "high-pressure salesmanship" to seek its passage.

Preparation of the defeated constitution cost the State about $4 million. Estimates of the cost that its ratification would have added to the operation of State government varied from $2.5 million to $153 million.

"This is a tough year, a tough time," said J. Hardin Marion, the convention delegate who directed the ratification campaign. "There's a great fear of tax increases, departure from the status quo, any kind of a change."

"The people are upset by the urban crisis. This is a way of flailing back," guessed Carlton R. Sickles, chairman of Prince George's County's delegation to the convention.

It was this resentment against what opponents considered an urban-led reform drive, Sickles and many other former convention delegates said last night, that brought out the heavy vote against the charter which included regional government and anti-discrimination provisions.

Agnew, in suggesting that the General Assembly move to see what could be salvaged from the wreckage of the charter, said he did not "believe that the failure of this particular constitution can be interpreted as a failure for constitutional reform.

". . . it is my hope that the Legislative Council of the General Assembly will shortly consider ways in which we can achieve at least the most imperative reforms through the customary legislative action."

Normally, the Legislative Council would recommend legislation to the next regular session of the General Assembly in January, 1969. Agnew's statement gave no indication that he favored calling a special session to get proposed changes on the ballot this November as amendments to the present Constitution.

House Speaker Marvin Mandel (D-Baltimore) said the Council, the between-sessions arm of the legislature, would "sit down with opponents and proponents and give this thing a cold, hard look." Constitutional changes, he said, "will have to come slowly."

Marion and Eney both agreed that the charter's defeat means that, in Marion's words, "We're stuck with the 1867 Constitution for a generation."

Elizabeth Barnes, the head of the Save Our State (SOS) organization, which led the fight against ratification, said only that she was "very gratified. It was just what I anticipated."

Constitution supporters said they had expected to meet resistance at the polls, but that the size of the opposition vote caught them off guard.

"I'm frankly very puzzled," Eney said. "I thought if we got a turnout of at least 25 per cent of the voters we would win." The actual turnout was nearly 50 per cent.

A GOOD DAY'S WORK FOR A GOOD DAY'S PAY

HON. HORACE R. KORNEGAY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. KORNEGAY. Mr. Speaker, the first contingent of "poor people" has arrived in our Nation's Capital and is now in the process of building their proposed "shantytown" in the shadow of the Lincoln Memorial.

Part of the so-called Poor People's Campaign, as I understand it, is to secure jobs for those who are poverty stricken. I have recently received a letter from a North Carolina employer, that I would like to share with any who might come in contact with any of the poverty marchers. There are five jobs available to any who are willing to work.

And, some of those now marching from the South toward Washington could save themselves the trouble of coming here—if they want a job. They could stop in Raleigh and secure employment by indicating to Mr. Griffin their willingness to work for a living.

The letter I wish printed in the Record is but one of many such pleas I have heard orally from employers, many of whom seek in vain for willing workers. Many of these employers I have talked with do not require any level of skill. All they want are those who are willing to give a good day's work for a good day's pay. In spite of every effort they make to find such employees, they are unavailable.

The letter I refer to follows:

Raleigh, N.C.,
May 13, 1968.

Hon. H. R. Kornegay,
House of Representatives,
House Office Building,
Washington, D.C.

Dear Congressman: I could save at least five (5) Poverty Marchers a long trek to Washington and weeks of inconvenience of living in Shanty-Town on the Mall in Washington if they would accept a job as a semi-skilled worker at $1.62½ per hour, 40 hours per week. This would be a permanent job for males in good health and willing to work.

For the past year and one-half, we have had these jobs open and have been unable to fill them. We have advertised in the newspapers, on billboards, contacted the unemployment offices and private employ-agencies. It would certainly seem that from the vast number of unemployed that are reported in the press and other news media that we could find five (5) people who would want to work. If you should personally meet any of the Poverty Marchers while they are in Washington who are interested in a job in Raleigh, please refer them to me.

Very truly yours,

J. S. Griffin, Jr.

HOUSING SHORTAGE

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. HARVEY. Mr. Speaker, a recent editorial in the Bay City Times, Bay City, Mich., a publication which serves a large area in Michigan's Eighth District, focuses a special emphasis on our Nation's housing problem which has generally been overlooked. The editorial, printed on May 13, 1968, points out that despite the highest wages ever, the building trade has a tremendous shortage of workers.

The newspaper then touched on another disturbing development which has received little publicity. The Department of Labor has announced that 3,340 carpenter apprentices finished a 4-year program in 1966 but that nearly twice as many trainees—7,168—dropped out of the program before it ended. This, again, despite such attractive wages.

President Johnson has called for 6,000,000 new low-income housing units in the next 10 years. While it is indeed very questionable whether money will be available, there is no question whatsoever that there simply is not sufficient labor on hand to take care of such an ambitious Federal program, along with private construction.

The editorial touches on the possibility of automation for the building trade which should be of interest to all Members. The complete editorial follows:

Harsh Realities in Housing Lag

If the nation is to build as many dwellings in the next 50 years as it did in the first 150, as population experts say it must; or even if it is to provide only six million new low-income housing units within the next 10 years, as President Johnson says it must, then something is going to have to give.

The long-depressed housing industry continues in a slump aggravated by three main factors—soaring prices and financing costs, rising labor costs and a worsening shortage of labor.

The money pinch is no news to any person currently buying, or thinking of buying, a new or used home. What may come as a surprise is the fact that despite the highest wages in history—$5.17 an hour for an ordinary laborer in the Cleveland area, for example—a shortage of workers is plaguing builders in most parts of the country.

From 1.5 million housing starts in 1965, the industry fell to 1.2 million in 1966, then crept up to 1.3 million in 1967. The total this year is not expected to improve much above the 1967 figure.

The slump, caused in the beginning by a tight money market, is blamed for driving many skilled workers to steadier jobs in factories and other industries.

According to the U.S. Department of Labor, 3,340 carpenter apprentices finished the four-year program in 1966—but 7,168 trainees dropped out.

Builders point a finger at restrictive union practices, though unions protest that this is no longer true. At least, it is no longer as true as it once was. Lacking really aggressive recruiting programs, it is apparently as difficult to gain, train and retain Negro apprentices as it is white ones.

A little-discussed factor, but one which will eventually have to be faced, is union resistance to automation and jealous guarding of jurisdictional rights that go to ridiculous extremes.

When carpenters refuse to install factory-completed door frames, or painters are not permitted to hammer in protruding nails, or electricians refuse to abandon outmoded knob-and-tube wiring in place of faster methods, unions are displaying as much short-sightedness in the matter of their own self-interest as the English weavers who destroyed spinning jennies in the 18th century.

Plastic-coated wiring, stapled into place, could reduce labor time by one-third and the cost of a house by $250 to $300. Prefabricated plumbing units and other innovations could drastically slash building costs.

Mass production introduced into the tradition-bound building industry would have the same result as it has always had in every other industry. By lowering costs, it would stimulate demand and create far more jobs at better pay than it eliminates.

There is little likelihood that anything, save a general depression, will ever bring prices down to where they were only a few years ago. That is a "solution" no one wants.

But unless something gives, somewhere else, we may be on the way to becoming the richest, worst-housed nation in history.

HUMAN POTENTIAL DAY, OCTOBER 19, 1967

HON. JOE R. POOL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. POOL. Mr. Speaker, Dr. Robert Morris, president of Plano University in Plano, Tex., made a beautiful and meaningful address as the keynote speaker for Human Potential Week on October 19, 1967. I think it is appropriate that his words become a part of the Record of this Congress, for they will have import for each and every Member.

The address referred to follows:

HUMAN POTENTIAL DAY, OCTOBER 19, 1967

(By Robert Morris)

(**EDITOR'S NOTE.—Keynote address: "The Significance of Human Potential Week and of Dedication of the Valentine Auditorium" at the Institutes for the Achievement of Human Potential, October 19, 1967.)**

I always enjoy coming to Chestnut Hill. Here one sees a bountiful nature renewing herself in graceful profusion—not only in a restless material world but in the poignant realm of human development that is even more a reflection of the divine order of all things. As we meet here for the felicitous purpose of this occasion, we see many manifestations of the enduring renovation of the world about us.

The dogwood trees are red today—on their way to their eclipse by the inexorable cycle of nature that will see them bloom again in May. The azaleas are curling in readiness to fade into lifeless particles that will become indistinguishable elements of the landscape. But they too will bloom again when April takes its revenge on December. The sun that shines here now will sink before some of us are home, only to return, more radiant than now, when tomorrow returns.

There are intrusions on this cycle when man or some disorganizing force of nature intervenes and disrupts the orderly mutations that we accept as enduring. A dogwood or a lilac must be felled to make way for an auditorium that will house great events. A lover will pluck an azalea bud to express his affection for the lady of his life. Or more unaccountably, a cruel storm of nature will sweep out of the vernal skies and wash away the blooms even before they burgeon and grow strong. These storms of nature, these seemingly anomolous interventions into the beautiful scheme of things, have always been with us and, I am sure, always will be; hence the blights, hence the dwarfs among the dogwood, hence the azaleas that never bloom.

Great poets have written eloquently of the babe born by means of the miracle of creation, crying first in his mother's arms and moving down the long passage of time in his growth from infancy to boyhood, from adolescence to manhood, destined all the while to have as his journey's end that mysterious exodus "where time and eternity meet and blend". It is man's imperative that he makes that passage the most fulfilling, the most fruitful and the most helpful to his fellow men. In maintaining this high purpose, he must develop himself and those whose lives he has set in motion through the miracle of procreation, toward achievement of the very highest in human potential. Such is his destiny.

But, just as cruel twists of nature will blight or dwarf the dogwood, so also will the events of nature blight a young child embarking on the voyage of life. These are but symptoms as the unpredictable cycle of life that brings in its train alternate tragedies and blessings that defy interpretation as to cause or dessert. Through the ages poets and philosophers have pondered the seemingly indiscriminate incidence of the sweep of these blights and have found no clear answer.

In this area too the intervention of man sometimes thwarts the burgeoning of the child. Such often takes the form of underprivilege with its sapping of the strength necessary to traverse man's developmental pathway, or of over-privilege with its protectiveness that sees a sedulous nurse or protective parent deign not to allow their charge to come to grips with the imperative that nature, unrelentingly, requires of every child in the initial years of life.

As we sift, grope and experiment in this arena, we come to realize that there are at least four ingredients of human development.

First there is the spiritual content of the personality. A hard look at the order of the universe leads one to conclude that there are features of a human being that lives after his mortal flesh has turned to dust. This is the quality that makes man immortal. It is enduring and in the ultimate plan of things this element obviously holds primacy. It behooves us then to enlarge and develop this ingredient of our personality.

The need to develop the body is one of the more obvious and indisputable imperatives. Athletic performances on scores of thousands of baseball diamonds, football fields and gymnasia across the land are probably the greatest testament to our adequate attention to this need. As a consequence, man is growing stronger and living longer. Insurance company statistics amply reflect this story. The progress in this area was never more dramatically impressed on me than recently, when for the first time, I looked with awe on the ruins of ancient Pompeii. With the funereal veil of lava removed from that ancient city, we were able to see preserved, man as he lived just 2,000 years ago—a short fraction of history. Adult human beings then were barely five feet tall. Recognizing this difference we realize that men who loomed large in the great events of the past were, in reality, dwarfs compared with ordinary men of today.

The mind, too, must be developed, and here again man is attending to his commandment. This ingredient of human aggregate has accomplished great things. More secrets of the universe have been unlocked in the last two decades than in the preceding two thousand years. The wondrous outpouring of computers and the revelations of science pertaining to outer space, to oceanography, to medicine and to new and seemingly occult sciences baffle, not alone in their complexity, because they all seem to fit into the simple order of nature, but also in their multiplicity. Man, by and large, is attending to the imperatives of developing his mind.

It is in the fourth dimension, as it were—the neurological—where man has been foundering. He is foundering too in the spiritual realm, but there the problem lies not in the intellect but rather in the will.

Man's ukase in the realm of the neurological includes the tendency to traverse a certain development pathway that cannot be by-passed. The old Polish proverb that warned that you must creep before you can walk had a prophetic ring worthy of the mythical Cassandra.

It is in the area of brain development that modern man has not obeyed the divine imperative and found solutions for ancient ills and blights or even succeeded in utilizing more than a mere fraction of the capacity of his ability to know and to perform. Fortunately for us, two men, Glenn Doman and Carl H. Delacato have emerged from the welter of modern attempts, first empirically and inductively to discover certain basic premises, and then moved from there, deductively and with great imagination, to point to attainable dazzling heights of future potential for all men.

It is the framework of these exciting discoveries that draws us here today.

Governor Raymond P. Shafer of the Commonwealth of Pennsylvania, in the pioneering spirit of William Penn has declared this week to be "Human Potential Week". In doing so, he has put this great state into the *avant-garde* of progress in this vital zone of human progress and fulfillment. His acumen and his foresight will long be remembered as man begins to march down this pathway of advancement.

We are here to raise our voices for the cause of human development and the achievement of human potential in the hope that other men will listen as you listen now at these Institutes, and as we listen at the fledgling University of Plano in Texas, some 1,500 miles away.

But we must do more. It was Rudyard Kipling who wrote dramatically—"Came the Wisper Came the Vision, Came the Power with the Need, Til the Soul that is not Man's Soul Was Lent Us to Lead".

Ideals often become real as they become represented by brick and mortar. Concretization is what makes abstractions applicable to the world of reality.

We are here today to do more than proclaim an ideal in unison with Governor Shafer and thereby honor those two founders of The Institutes who have pointed out so many new pathways. We are here to dedicate an auditorium that will draw thousands and I hope millions—we must remember that a million is but a thousand thousands—of human beings as they grope and wrestle with the exciting precepts of neurological development.

I am sure that the lectures, discussions, the ruminations, the challenging discourses, the hypothetical premises that will emanate from here will illumine and point the way to great accomplishment. I know too that articulate teachers from The Institutes in addition to Glenn Doman and Carl Delacato, Lindley Boyer, Dr. Robert Doman, Dr. Edward LeWinn, Dr. Even Thomas, Dr. Raymond Dart, Dr. Paul Henshaw, Dr. Austin Staley, Dr. Roselise Wilkinson, Dr. Leland Green, Peter Moran, Arthur Sandler, Gretchen Kerr, William Mullineaux and Neil Harvey will enlighten many audiences where we now stand. How often have I wished, as I sat in the old auditorium, with 19 others listening to Glenn Doman lecture, that the audience was a hundred times the 20 we were.

We are grateful to Dorothy Cassard and her husband, Edward, for this beautiful auditorium. Likewise, we are grateful to H. Stuart Valentine, to E. Miles Valentine and Elizabeth Carrit Jordan for their generous assistance and also to Harry S. Valentine who is taking these lights to our greatest metropolitan center. The memory of the late Dora Kline Valentine and Mahlon Kline will glow more vibrantly because of what has been wrought here and by what we dedicate today.

May this day, this dedication and the expatiation of expressed ideals inspire us to go forth and obey one of man's great divine imperatives—elevation of the plateau of human achievement.

IS LAW SUPREME?

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. SCOTT. Mr. Speaker, an editorial in the May 9 issue of the Fairfax Journal-Standard, a newspaper published within my congressional district, is entitled "Is Law Supreme?" The editorial comments on the decision made in the city of Washington during the recent disorders not to use force against the rioters and suggests that oaths of office were violated by the officials who made this decision. It further indicates that the American concept of justice requires the enforcement of all laws fairly and impartially for all. The writer expresses the opinion that officials had no right under their oath of office to suspend the enforcement of laws.

While the editorial is set forth below in its entirety, your particular attention is called to the small paragraph reading:

> Either the law applies to every man in every place at every time, or it does not. If our officials can pick and choose the times and places to enforce the laws, we are living in a new nation and a new time.

The full editorial follows:

Is Law Supreme?

In the recent riots in Washington, a key decision was made that affects all of us. It may well represent a major shift in direction for our society. The decision was to put it quite simply, not to use force against looters—that lives were more important than property.

On its face, there is much to commend the decision. Who, for example, would want to shoot a child for stealing a few soft drinks or a transistor radio?

Yet the decision may indeed have been a legal landmark. The American concept of justice—until now—has been clearly defined, and cast in bronze or carved in stone on courthouses across the nation. Justice is blind. Justice holds a scale in one hand. In the other hand, Justice holds a businesslike sword.

The men who hold public position in our land are tied together with all the others by an intricate system of solemn oaths, usually sworn before some representative of Justice. Each man in our public system, from the President to the policeman on the beat, swears to uphold the laws. Not some laws, or most laws, but *ALL* laws, impartially. Our massive legal establishment harps constantly on the fact that we are a nation based on the rule of law and not the rule of men.

If, perchance, a man such as George Wallace or Barry Goldwater were elected President, he would have to swear to uphold laws in which he does not believe. But no matter, he would be forced to take the oath, and to administer those laws. For that is the rule of law.

But in an hour of crisis, in the Capitol City of the Nation, the very center of this intricate system of oaths and law, we had a rule of men and not a rule of law. The sword of justice was held back. Within a few blocks of the Capitol itself, the White House and the Supreme Court, the shrines where this system has its epicenter, the officials of our government chose to suspend some of the laws.

Quite possibly, our high officials violated the most solemn oaths they are ever called upon to make. Quite probably, every policeman in the riot area violated his sworn oath of service. Almost certainly, minor officials violated their sacred pledges, and passed the word to ignore the law, and to avoid using those weapons which our society has for generations provided to its law-keepers.

We do not propose here to argue the merits of the choices made in Washington during a time of fiery crisis. We do ask that such decisions be made with full realization of what they mean.

If we are to suspend the rule of law, where are we to go? Perhaps the so-called New Left is trying to find the alternatives with its aimless thrashings. Perhaps the hippies are saying there is no alternative except "flower power" with "each man doing his own thing."

Indeed, perhaps the doctrine of "situation ethics" is leading us to a system of "situation law."

What is involved is nothing less than a break with the whole system of Western Civilization and with the Judeo-Christian ethic. As far back as Jesus Christ, the faithful were told to "Give unto Caesar that which is Caesar's . . ." What was Caesar's was the system of Roman Law.

The public debate and action on the Washington riots has failed to grasp the real issue. Petty officialdom automatically rushed to re-establish its place in the rule of law. The outstanding example was a silly letter demanding a cleanup within 24 hours—under penalty of law. Burned-out businessmen probed cautiously for an answer to the question of future protection by the law.

The question is deep and profound. It needs the best minds of legal philosophy. It demands debate in Congress, discussion by candidates for President, decisions from the Supreme Court. If we had a test case, a cause celebre, then perhaps we could get a decision by the old system on whether we are heading for a new system and where it might lead. But we have no such case.

Either the law applies to every man in every place at every time, or it does not. If our officials can pick and choose the times and places to enforce the laws, we are living in a new nation and a new time.

Property, in the end, may not be as important as life in the America of the future. But the American system of life, whatever its weaknesses, is more important than one life, or several. Millions have died to protect it.

Let us not change it without a clear understanding of what we are doing.

CIVIL DISOBEDIENCE SEEN THREAT TO OUR NATION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. EVINS of Tennessee. Mr. Speaker, we have all seen our laws eroded through persistent violations which masqueraded under the guise of civil disobedience and as a result we have seen a breakdown in our traditional concept of law and order.

In this connection Dr. L. Nelson Bell, father-in-law of Evangelist Billy Graham and executive editor of the magazine Christianity Today, recently wrote a column in the magazine pointing out that calculated civil disobedience has ushered in an era of lawlessness and bloodshed that can plunge our Nation into chaos and disorder.

Because of the interest of my colleagues and the American people in this most important matter, I am placing this article in the Record, as follows:

Christianity Today Says: "Civil Disobedience Is Moral Cancer Which Could Destroy Our Nation"

"The lawlessness that has entered our national life through civil disobedience—a concept having the approval of most of the major denominations—can prove to be the moral cancer that will destroy our country."

So writes Dr. L. Nelson Bell, executive editor, in a recent issue of Christianity Today, one of the nation's most widely read religious magazines. Dr. Bell is the father-in-law of evangelist Billy Graham. The editorial follows in full:

"Calculated civil disobedience, seemingly so innocent, has brought in an era of lawlessness and bloodshed that can plunge our nation into unbelievable chaos. The tragic death of Dr. Martin Luther King Jr., and subsequent events bear mute testimony to the uncontrolled forces now unloosed across the land.

"In recent years nearly every major denomination has passed resolutions on civil disobedience defending the principle of resistance to the law and constituted authority while admitting that those who break the law must be prepared to accept the consequences.

"What a few years ago appeared to be a gesture of sympathy toward those engaged in civil disobedience has now developed into support of individuals and movements that are challenging constitutional procedures and encouraging a spirit of rebellion and anarchy. Some churchmen now say openly that there must be revolution, even bloodshed, before there can be a new social order.

"Perhaps this year will prove to be the last chance for general assemblies, conferences, conventions, and the like to take a second look at a philosophy that is able to destroy the foundations of the nation. For if lawlessness prevails, the outlook for America is bleak.

"Civil disobedience can lead to the dissolution of law and order, with anarchy the result. Further, it can lead to revolution. And revolution can open the way to dictatorship, with the resulting loss of freedom and ultimate bondage.

"Riots, bloodshed, arson, loss of life and property—a dismal story—are the result of trying to redress wrongs in the streets rather than in the courts and at the ballot box. In rejecting 'gradualism' with its attending frustrations and disappointments, many are resorting to a senseless rebellion that adds tensions and injustice.

"Writing in Look magazine a few months ago under the title, 'Dissent or Destruction?,' Eric Sevareid observed:

" 'The use of force to express conviction, even if takes so relatively mild a form as a college sit-in that blocks the administration building, is intolerable. When Dr. Martin Luther King, who may well be one of the noblest Americans of the century, deliberately defies a court order, then he ought to go to jail. Laws and ordinances can be changed, and are constantly being changed, but they cannot be rewritten in the streets where other citizens also have their rights' (Look, Sept. 5, 1967, pp. 22, 33; copyright 1967 by Eric Sevareid; used by permission).

"To engage in or condone civil disobedience is to loose a tiger of destruction. The welfare of any nation depends on respect for and enforcement of law. Lawlessness is now prevalent enough to endanger the very life of our nation. Laws that are inadequate or unjust should be changed in the courts and at the polls; they cannot be changed in the streets.

"Furthermore, those who incite riots and disorders, who advocate violent disruption of communities and go about as hatemongers, whether they be members of secret organizations like the Ku Klux Klan, black-power advocates, or something else, should be handled by the law on the basis of their public threats, before they commit violent acts.

"Any person who openly flouts the law should be called to account.

"The hooded organization that engages in terrorism, arson, and bombings should be infiltrated by representatives of the law until its leaders are behind bars and its members scattered into oblivion.

"The wave of civil disobedience that is threatening our national life seems to have paralyzed us into fear and inaction. But unless it is reversed, we face anarchy. No segment of society can be permitted to act above the law and to destroy the things on which a decent society is based.

"We are on the verge of being frightened enough to believe that the outlay of hundreds of billions of dollars is the answer to our problem. No one questions the need to rebuild our cities; but chaos cannot be cured by money. No matter how great the sum. Even if every person in America were put in a mansion, without regard for law and order our problems would continue.

"No one can deny that we have countenanced discrimination and humiliation to such a point that a sense of frustration is inevitable; now this frustration has caused violent reactions. These sins against human beings must cease, and equal opportunities must be available to all. But with these needed changes (and tremendous progress is being made in this direction), respect for law and law enforcement must be maintained.

"This is no plea for maintaining the status quo. It is a plea for recognition that the blindness and unconcern of the dominant segment of our society must be completely changed. And on the other hand, it is an affirmation that any status and rights gained through civil disorder will be gained at too high a price.

"Two centuries ago Edmund Burke, the great English statesman, gave this warning: 'Men are qualified for civil liberties in exact proportion to their disposition to put moral chains upon their own appetites. . . . Society cannot exist unless a controlling power upon will and appetite is placed somewhere, and the less of it there is within, the more there must be without. It is ordained in the eternal constitution of things that men of intemperate minds cannot be free. Their passions forge their fetters.'

"In medicine there is a condition known as 'generalized carcinomatosis,' which, in layman's language, means cancer that has spread over the entire body. At that stage there is no known cure.

"The lawlessness that has entered our national life through civil disobedience—a concept having the approval of most of the major denominations—can prove to be the moral cancer that will destroy our country.

"This is a plea to churchmen, who will be meeting during the coming months, to take stock of what has been loosed upon the land. Civil disobedience is not the 'harmless gesture of protest' it was once said to be. Rather, it has grown into a monster of disorder, riots, and general lawlessness that is eating at the vitals of our national life. It is proving as senseless—and as devastating—as the proverbial 'burning down the barn to get rid of the rats.'

"Some of our most distinguished jurists and law-makers have deplored the actions of various church courts in condoning civil disobedience. Sufficient time has now elapsed to assess the damage; one has but to open his daily newspaper to realize that we totter on the brink of open rebellion.

"Responsible law-makers must do everything they can to eliminate injustice, discrimination, and humiliation. At the same tme, those who administer the law must be supported at all costs.

"The alternative is national disaster."

LABOR REACTS TO UNFAIRNESS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. RARICK. Mr. Speaker, despite the suppression by the major communications bosses, the voice of the members of organized labor was heard loud and clear—protesting the discrimination in patriotic respect by our national leaders to the memory of Gov. Lurleen Wallace.

We can be sure there were many such "unrecorded" incidents which the few in control would prefer to ignore and pretend never happened. These are the boys that mutter about free speech in a free society?

After all, Mrs. Wallace was but an elected American Governor—King was an international appointed figurehead. It matters not what the American people are interested in or want to know about; rather it has become what the news censors will permit the public to see or hear.

Mr. Speaker, I include an article from the May 13 Wall Street Journal and a clipping from the May 15 Washington Post, as follows:

[From the Wall Street Journal, May 13, 1968]

GOVERNOR WALLACE'S DEATH LED TO CAR-PLANT ABSENTEEISM

DETROIT.—High absenteeism sparked by the death of Alabama governor Lurleen Wallace last week briefly closed down several auto plants and cut fractionally into last week's auto output.

Ford Motor Co. said absenteeism reached such high levels last Thursday—the day Gov. Wallace was buried—at its Atlanta, Ga., facility that the plant closed in the afternoon. The unit built only 532 cars out of a scheduled 1,000 that day.

On the same day, absenteeism forced Chrysler to temporarily close its car assembly plant at Belvidere, Ill. At Newark, Del., Chrysler production lines were slowed down when 600 of the plant's 4,600 workers failed to report for work.

General Motors Corp. said none of its plants were closed down nor did absenteeism reach unusual proportions. The company did say though that at one of its facilities, which it declined to identify, there were demands by white workers that the flag be lowered to half mast.

Companies declined to link the surge of absenteeism to white backlash. Industry sources, however, noted that in some cases plant supervisors had been presented with demands for a closedown of operations in memory of Gov. Wallace, an avowed segregationist and wife of former Alabama Gov. George Wallace.

[From the Washington (D.C.) Post, May 15, 1968]

TV NETWORKS ARE DUE TO SAIL INTO A CONGRESSIONAL STORM

Trouble is jumping up on all sides of the broadcasting business and the difficulties that CBS encountered last week before the House Special Subcommittee on Investigations are only a beginning.

For most of the past 20 years, with short timeouts for brief storms created by Newton N. Minow and E. William Henry, broadcasters have counted on a friendly, docile Federal Communications Commission.

Now the FCC is headed for new trouble with the Investigations subcommittee.

A recently issued staff report of the Senate Communications subcommittee furnishes another clue to a Congressional attitude toward the FCC. After reviewing problems created by the "Fairness Doctrine," the report concludes: ". . . the FCC, as a comprehensive device for protecting and defending the public interest, has been largely inadequate."

The FCC's policies are described as "a tattered old quilt that was never meant to warm a king-sized bed like communications today."

Another clue is provided in a recent speech delivered by Rep. John E. Moss (D-Calif.) to the Hollywood Festival of World Television in Los Angeles. Moss, one of the most vigorous of the Investigations subcommittee members, said: ". . . it is one of the true wonders of the world that the American communications industry has survived despite this so-called regulatory agency."

Moss thinks that the FCC should have direct regulatory authority over the networks. To him, the regulation of individual stations but not of networks "Is akin to nations regulating the size of navies by treaties which limit the number of rowboats but not the number of battleships and carriers."

Last week's 15 hours of testimony on the WBBM-TV "Pot Party at a University" was only a preliminary round to the subcommittee's main event with TV networks and the FCC.

WBBM-TV is owned and operated by CBS and the testimony given—under oath—by CBS executives is in direct conflict with other sworn testimony. CBS, one can bet successfully, is due for a return visit to the committee.

NBC, which owns five TV stations, is also likely to make a few appearances. The Investigations Subcommittee staff has already visited Southern California, checking on complaints that NBC newsmen prepared "protest" signs before going to cover a student meeting.

The official denial and explanation by NBC attorneys may have placated the FCC, but they haven't satisfied the congressional committee.

Most amusing, perhaps, is the mild rebuke that the FCC administered to NBC over its annual telecasts of the "Golden Globe Awards" of the Hollywood Foreign Press Association (HFPA).

An article in TV Guide referred to the awards as "a local joke—like wrestling" and even that description was full of kindness. Wrestlers do provide a pretty good show for their fans and openly advertise their competition as an "exhibition."

The FCC, in charitable legalese terms the HFPA as "not an organization of accredited press representatives." It also found that "Golden Globe" awards were reserved for those who would appear—for free—at the telecast.

Not one of these incidents is very important except in judging a regulatory agency's relationship with its licensees. None of them, certainly, squares with the FCC's 1960 programming report that told every broadcaster to make certain "to assure that no matter is broadcast which will deceive or mislead the public."

FRIENDLY TOWN

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. SCHWENGEL. Mr. Speaker, several communities in the First District are participating in the Friendly Town program which will bring underprivileged children from Chicago and Des Moines to help families get a better understanding of our diverse society.

The program also exposes the children to a different environment and to an aspect of American life they might not otherwise learn about.

The Mt. Pleasant News recently carried an article on the program. The Friendly Town program is worthwhile and should be encouraged. I hope it will continue to grow and expand.

The article follows:

YOU MAY JOIN IN FRIENDLY TOWN PROGRAM

Friendly Town, a program which gives families a chance to share their home with underprivileged children from the Inner City of Chicago and Des Moines, will begin its fourth year in Iowa this summer.

The purpose of Friendly Town is to help families share a learning experience with people of different backgrounds in our society.

Any family may request a child. Requests may be made at to the age and sex of the child, but not race. Children are from seven to twelve years old and of all ethnic and racial backgrounds. Applications must be in by June 1st along with a five dollar fee for a Des Moines child or a twelve dollar fee for a Chicago youngster. Fees cover office and traveling expenses.

Families may request more than one child and are encouraged to do so if there are no young children in the immediate family. Requests may also be made for a child the family had the previous year. These applications must be in by May 15, if the child is from Chicago, to allow Friendly Town time to locate the child.

The children will be brought from Chicago and Des Moines to spend July 13–27 with host families. Children from Des Moines will be picked up there by their host family, while those from Chicago will arrive at designated places by train.

The program provides both sickness and accident insurance and each child has had a medical examination.

Student Congregations at Iowa State University, Ames, are sponsors for the program.

Local chairmen for this program are Mrs. Allen Molander, Rural Route, Crawfordsville for the Olds-Crawfordsville-Winfield area and Mrs. Robert Wettach for the Mt. Pleasant-New London area. If you are interested in being a host family for an underprivileged child, please call Mrs. Molander, 254-2478, or Mrs. Wettach, 385-2442, for more information or to request an application blank.

FIFTY YEARS OF AIRMAIL

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. DULSKI. Mr. Speaker, today, May 15, marks the 50th anniversary of airmail. That fact alone would have made the day a significant one and one well worthy of special observance.

But in the United States it is difficult to separate the growth and development of airmail from the coming of age of the aviation industry. They grew up together.

There was developing interest in aviation before the postal service decided to move the mail by air. But it is certainly no exaggeration to say that over the past 50 years airmail has made an incalculable contribution to the progress of aviation.

When the postal service first put mail on airplanes in 1918, aircraft were not considered a particularly dependable mode of transportation.

The courage of the first airmail pilots and the determination of the postal service to make airmail work proved the skeptics wrong.

The postal service was a leader in the use of aviation from the days of the Flying Jenny, through the development of multiengine aircraft, to the superjets of today.

The Post Office marked the 50th anniversary of airmail by issuing a golden anniversary airmail stamp at ceremonies today, presided over by W. Marvin Watson, Postmaster General.

Following is the text of the Postmaster General's remarks:

REMARKS BY POSTMASTER GENERAL WATSON AT AIRMAIL STAMP DEDICATION

I feel privileged that my initial first day ceremony as Postmaster General concerns such an important stamp.

I know the President shares my view, for when I told him of this ceremony, he asked me to give you a personal message. He said, "This Air Mail Fiftieth Anniversary issue reminds all of us of one basic fact of American life.

"Though man's reach may always exceed his grasp, when he has the courage to reach, here in this great land of ours, his grasp has always exceeded his hopes."

I think that expression reflects much of the meaning of America.

This is a land of opportunity and of achievement.

It is a land in which those who search out and seek out opportunity have not only an excellent chance to achieve, but time and time again have achieved far more than they expected.

Certainly this stamp illustrates that point.

A few men had a vision of mail delivered by regular air service. Most thought it the wildest of dreams.

But men with the dream succeeded in transforming that vision into hard fact and brilliant success.

I am proud to note that the Congressional father of air mail, Representative Morris Sheppard, was a Texan.

Congressman Sheppard was familiar with frontiers and difficulties. He knew the nation deserved to have the power of flight fully exploited for the public benefit. His determination and enthusiasm enrolled the support of fellow Members of Congress, many of whom had to convince colleagues about the practicality of a form of transportation some of them had never seen. For in those days the airplane was a form of unidentified flying object.

This tradition of Congressional leadership and initiative has served the Post Office Department well in the past.

It is serving equally well today. Senator Monroney and others in the Congress have consistently fought for progress in the nation's mail service. Senator Monroney, in fact, is to the air mail service of today what Congressman Sheppard was to yesterday.

For that reason, Senator, we have a surprise for you here today.

Yesterday, it was my privilege to present to the air mail pioneers a special flight certificate in honor of their achievements. These awards are the only ones of their kind.

At the same time, the Post Office Department also prepared one other award, also one of a kind.

It is for leadership and support in the highest tradition of the men who first dreamed of air mail.

The Citation reads: "United States Post Office Department hereby recognizes Senator A. S. (Mike) Monroney on this, the 50th Anniversary of the Air Mail Service, for his outstanding contributions to the American people in recognizing the importance of air transportation to the movement of priority mail. Faster and more effective postal service has resulted from programs promulgated at his behest to encourage and accelerate development of the aviation industry."

Senator, on behalf of all of us, it is an honor to make this presentation to you.

It is an honor, as well, to have with us here today so many of those pioneers who first brought the air mail through. These were men whose beacon was a thin line of courage.

Through their example, and that of other air pioneers, the nation began to accept the reality of air transportation. From that small beginning—from that first realization of what once seemed the impossible dream—our nation's aircraft industry grew.

Now we are far from the day when air mail was a matter of faith and valor alone. Now we are truly entering an era which is even beyond the dreams of those men of 50 years ago.

Today, air mail is the most commonly accepted and preferred means. Virtually all first class mail which can be effectively airlifted is now so moved and almost 80 per cent of all letter mail now travels by air. We are rapidly approaching the time when air mail and first class will be merged into a single priority service.

This progress is in the very finest tradition of our nation and in the very finest tradition of those men whose courage and vision made it possible.

Today we commemorate not only an event, but we reaffirm the power of man to harness the laws of nature for the good of all.

Today, we have an aviation industry that is the finest in the world.

Today, we have an air mail service second to none, a service that refuse to rest satisfied with past success but which insists on improving and expanding building from excellence to greater excellence.

And today I am proud to salute all those who have contributed to this great reflection of a dynamic America. They have followed a star. They have fulfilled a dream. They have added a vital chapter to the story of American success.

Mr. Speaker, this was a particularly colorful ceremony, taking place in the Smithsonian Institution near "Old No. 249," a reconstructed version of a U.S. mail airplane of a half century ago.

Old No. 249 was rebuilt by the Air Mail Pioneers and just last weekend completed a historic flight along the original 19-stop transcontinental route from Santa Paula, Calif., to Washington, D.C. Pilot for the 1968 flight was J. W. "Bill" Hackbarth, an airmail pioneer.

The famous mailplane was turned over to the Post Office Department today by Reuben H. Fleet, who was airmail pilot No. 1 and made the first airmail flight back on May 15, 1918.

The historic airplane was accepted for the Department by Frederick E. Batrus, Assistant Postmaster General for Transportation, who immediately turned it over to the Smithsonian for the National Air and Space Museum.

Chairman of the golden airmail anniversary celebration is Gen. Brooke E. Allen, and the event was coordinated by the National Aeronautic Association.

Mr. Fleet, who made the pioneering flight in 1918, has written a vivid recollection of that first flight, as well as other details of those early days of airmail. Following is Mr. Fleet's text:

FIFTY YEARS OF AIRMAIL

(By Reuben H. Fleet)

On Friday, 3 May 1918, the War Department issued an order to its Air Service Aeronautics to inaugurate an Aerial Mail Service between Washington and New York each way every day except Sunday, to depart both terminals at 11:00 a.m., beginning Wednesday, 15 May 1918, with intermediate landing and mail service at Philadelphia by both north and south bound airplanes. Airline distance between north and south terminals—218 miles. The order was issued by Newton D. Baker, the Secretary of War, at the request of the Post Office Department, under direction of Woodrow Wilson, the President of the United States. A. S. Burleson was the Postmaster General; Otto Praeger, Second Assistant Postmaster General, was in charge of transportation of all mail.

Never before had mail been carried in the world by air at an announced time to and from designated places on a schedule operation irrespective of weather. The order came as a complete surprise, although I learned on inauguration day from President Wilson that the Cabinet had been discussing establishment of an Aerial Mail Service for several months, and had called for bids therefor; had received no bids; and upon recommendation of Colonel E. A. Deeds, Air Service Production, that the training would be valuable to Army pilots, had decided to order the Army to fly it.

Agreement to operate the Aerial Mail Service jointly by the War and the Post Office Departments was dated 1 March 1918, and Congress had appropriated $100,000 therefor—we in the Air Service knew nothing of this until the order of 3 May 1918.

From Col. Bane's Dairy: "On 2 May 1918, Lieut. Col. Henry J. Damm and Major Oscar A. Brindley were killed testing the first Liberty engine in a DH airplane at South Field in Dayton, Ohio. Lieut. Col. Thurman H. Bane, Majors Reuben H. Fleet and Albert D. Smith met there, inspected the wreck, and determined the cause of the accident to have been a removed spark plug dropped on the lower wing which trickled back into the V gap formed by the wing trailing edge and the aileron, preventing banking of the airplane when the motor missed and caused pilot Brindley to turn back to the field from which they had taken off. Col. Damm's diary showed, "South Field is too small for this test-flying."

"Major Smith was on crutches with a broken ankle caused by his crash of a Nieuport (imported) airplane, and so I designated Fleet to complete the test of the second Liberty engine in another DH, inasmuch as every delay counted, and the President had announced 'America will win the war with aviation', and that 'this is a war to end all wars and make the world safe for democracy'.

"Fleet insisted that the DH airplane be trucked to Wilbur Wright Field to afford more runway and airfield. There he took off, flew the ship beyond the field's length, took it to 6,000 feet, banked it with gentle and then steeper banks, looped it four successive loops with power on, then stalled it deliberately and kicked it into a spin which he came out of 800 feet from the ground. Upon landing we gave him hell for spinning down so low, until he peeled off his shirt and wrung out the perspiration, remarking that he'd pass up lunch."

As Major J.M.A., A.S.A., U.S.A., I was Executive Officer for Flying Training in the United States, stationed at Air Service Signal Corps Headquarters, with thirty-four flying fields under my Command. Upon recommendation of Colonel H. H. Arnold, I was appointed Officer in Charge of the Aerial Mail Service, in addition to my other duties. On 6 May, Secretary Baker phoned me to come to his office for conference. I reported the Air Service had no airplanes capable of flying non-stop from Washington to Philadelphia or from Philadelphia to New York, and requested postponement to gain more time than eight days to obtain Curtiss JN6H airplanes with double fuel capacity and with a hopper for mail replacing the front seat and the dual control in these airplanes. Secretary Baker invited Secretary Burleson to his office; Burleson went into a rage over the suggestion for deferment, stating he had already announced to the Press that an Army Aerial Mail Service would get started on 15 May, and that it had to start then, even if war work suffered. Secretary Baker was sympathetic with my recommendation but the fact that the Press had been advised that the Aerial Mail Service would start on 15 May was governing, and the War Department had to do it even if its aviators had to land in meadows enroute and retank with gasoline, oil and maybe water.

Without leaving Secretary Baker's office, I telephoned Colonel E. A. Deeds, A.S.P. (Air Service Production), and requested him to order six JN6Hs from Curtiss Aeroplane and Motor Corporation at Garden City, Long Island, New York, which firm was manufacturing trainers for the Army, leaving out the front seat and the front control, and substituting in the front cockpit a hopper to carry mail; also installing in each airplane, double capacity for gasoline and oil, the six airplanes to be delivered to us at Mineola Air Field in eight days.

Curtiss accepted the telephonic order and agreed to have ready the six such airplanes at the sacrifice of suspending delivery of trainers during this period. They proposed to use two regular nineteen gallon gasoline tanks and two regular 2½ gallon oil tanks, hooking together each pair of tanks to double the fuel capacity. The normal range of a Curtis JN6H airplane trainer with a gasoline tank carrying 19 gallons was 88 miles in one hour and twenty minutes at cruising speed of 66 miles an hour, reduced by headwinds and accelerated by tail winds.

I then telephoned my friend Major August Belmont, 65, in New York City, owner of Belmont Park Race Track on Long Island, and requested permission to use his Park for the aerial mail serving New York City, as the Army did not want to interrupt training of aviators in Mineola. Incidentally, my friend Major Hitchcock, 57, was Officer in Charge of Flying at Mineola, (father of Tommy Hitchcock, later partner of Lehman Bros., America's greatest polo-player, killed in an airplane accident in World War II). Major Hitchcock had piloted me on my first flight over New York City and Long Island, helping select sites for airfields, etc., in that area.

On 13 May 1918, I went with five other aerial mail pilots (leaving Lieut. Boyle in Washington) to the Curtiss factory at Garden City, where the mail planes were reportedly ready. Mechanics, engineers, and we worked night and day, and on the afternoon of 14 May two airplanes only were flyable. I had personally selected and detailed for the Aerial Mail Service, R.M.A.'s First Lieutenants Howard Paul Culver, Torrey H. Webb, and Walter Miller, and Second Lieutenant Stephen Bonsal and the Post Office Department had requested that Second Lieutenants James Clark Edgerton and George Leroy Boyle be detailed by us for Aerial Mail Service. Edgerton's father was purchasing agent for the Post Office Department; Lieutenant Edgerton had just graduated from primary instruction as an aviator at Ellington Field. Lieutenant Boyle's father-in-law (to be) was Judge Charles C. McChord, Interstate Commerce Commissioner who had "saved the parcel post for the Post Office Department" against private express companies bidding and fighting in court for the business. The Post Office Department requested that Lieutenant Boyle fly the first aerial mail from Washington, and Lieutenant Edgerton into Washington.

I left Lieutenant Webb in charge at Belmont Park and the Curtiss plant, with Lieutenants Miller and Bonsal helping and in reserve, and instructed Webb to get the other four aerial mail airplanes ready, and fly one from Belmont Park with the aerial mail at eleven the next morning to Bustleton Field, which the Phildelphia postmaster had selected for Philadelphia. Edgerton at Bustleton Field would relieve Lieutenant Webb there and fly on to Washington, while Lieutenant Culver would relay the aerial mail at Bustleton to Belmont Park in New York.

Edgerton, Culver and I left Belmont Race Track for Philadelphia on the afternoon of the 14th. I assigned Culver and Edgerton each an aerial mail plane and I flew an ordinary Jenny trainer without extra fuel tanks because only two aerial mail airplanes were ready by afternoon of 14 May. The weather was frightful; it was so foggy we pilots could not see each other after take-off; the masts of boats in New York Harbor were in fog. I climbed through the fog and came out at 11,000 feet, almost the ceiling of the airplane. I flew by magnetic compass and the sun until I ran out of gasoline and the propeller stopped. I glided in the direction of Philadelphia, and came out of the clouds with 3,000 feet to spare. I selected a farm and landed, buying a five gallon milk can of ordinary gasoline from a farmer. We had lots of trouble pouring it in the gasoline tank without a funnel and without a chamois skin to strain it. Perhaps three gallons got in the airplane and darkness was coming. I inquired where Bustleton was, took off, flew toward it, ran out of gasoline again, and landed in a meadow two miles from Bustleton Field. As no telephone was available, I commandeered a farmer to drive me to Bustleton Field, and sent Culver with aviation gasoline to get the airplane and fly it in.

There were so many things wrong with the airplanes and their motors that we worked all night to get them in better commission; for example, one gas tank had a hole the size of a lead pencil and we had to cork it up with an ordinary bottle cork, as there was no time or facility to repair it. By 8:40 the next morning, one mail machine was flyable and I took it off for Washington, where I landed at 10:35 a.m. at the Polo Field in Potomac Park—the mail was due to start twenty five minutes later.

I had delegated Capt. B. B. Lipsner, A.S.P. (not an aviator), detailed at his request to the Aerial Mail Service by Air Service Production, to have aviation gasoline at the Polo Field in Washington. He failed in his mission and didn't have a drop of gasoline there. We drained gasoline from a British airplane and two other American airplanes that were on the field, and filled therefrom the aerial mail airplane. President Wilson was there with his wife; also Mr. Burleson, Otto Praeger and the Japanese Postmaster General. President Wilson said, "Tomorrow I want to extend this service to Boston." I replied, "Mr. President, please do not order this until we can get the equipment and personnel." He said, "I want you to come to the White House right after the aerial mail airplane takes off and bring Secretary Baker with you."

On the way with Secretary Baker, I asked him earnestly to oppose extension of the service without our having time to prepare, and explained we had had to neglect war operations to handle the existing aerial mail assignment.

Mr. Baker supported me and no announcement of extension of the Aerial Mail Service to and from Boston was then made to the Press. Boston round-trip service was begun on 6 June 1918. The President presented me with a Hamilton wrist watch engraved to commemorate the occasion. The watch and six similar ones for the other six pilots were donated by the Hamilton Watch Company, "manufacturers of the watch of railroad accuracy." My watch still runs and keeps good time.

At this conference the President stated that on Monday (13 May 1918) he had requested Judge Hughes to investigate with the Attorney General the very serious charges of dishonesty and skulduggery connected with the production of aircraft, which possibly was preventing his winning the war with aircraft, since he had appropriated $740 million therefor and announced to the world that America would win the war with aviation. Judge Hughes accepted that very day, 15 May 1918.

On 15 May 1918 the War Department issued the first official description of the Liberty aero-engine.

On 14 May 1918 Congress passed the Overman Act, and, after approving it on 20 May, the President separated the Air Service from the Signal Corps and appointed Major General William L. Kenly (not an aviator) Director of Military Aeronautics, Air Service Aeronautics, U.S. Army.

On 20 May 1918 Secretary of War, Newton D. Baker, detached Colonels S. D. Waldron, Robert L. Montgomery, and Edward A. Deeds, Signal Corps, from their duties in connection with aviation and directed them to report to the Attorney General "for such cooperation and assistance as they can render in the aviation investigation with which the Department of Justice has been charged."

As there was no aviation field in Washington, we had to use the Polo Field in Potomac Park for take-off and landing. It was surrounded by a race track outside of which was a row of beautiful trees about 30 feet high. Four days before the aerial mail was due to start, I requested permission from the Park Commission to cut down a lone, non-symmetrical, ugly and hazardous tree that was out in the field. They asked when we needed the tree removed and I said, "Three days." They said it would take them three months to act. I went to the field and ordered mechanics to cut down the tree 6 inches below the ground, fill over the stump with cinders, tamp it hard and pull the fallen tree outside the race track. Another obstacle was the bandstand at one end of the field, about which nothing could be done. The lone tree had caused Colonel Culver (no relative of Lieut. Culver) to crash and he had been hospitalized for weeks. Colonel Culver was in charge of our important development of radio.

On 18 May, Secretary Baker directed me to report to his office and asked if I had a tree cut down at the Polo Grounds at Potomac Park. When I answered "Yes, Sir," Secretary Baker asked if I didn't know one had to have permission from the Park Commission before cutting down a tree in Washington. I told him the Park Commission had said it would take them three months to act, so I acted. I continued, "I didn't ask for this job, Mr. Secretary, I am in charge of training of all army aviators in the United States, with 34 fields operating and students crashing every hour of the day, so if you want me to run this aerial mail job also, leave me alone and I'll run it!" Secretary Baker said, "You know your business, Fleet—continue to run it and I'll back you from hell to breakfast."

At 10:45 a.m. on 15 May 1918, Lieut. Boyle's fiance, Miss Margaret McChord, was at Potomac Park Polo Field with an armful of red roses. Even as I strapped my map on his leg and gave him the corrected compass course to Philadelphia, she was there to kiss him goodbye and wave him off. He got lost in the air, landed in a plowed field near Waldorf, Maryland, 25 air miles from takeoff, and over on his back, breaking his propeller. He telephoned me at the office of the Second Assistant Postmaster General for instructions. I directed him to bring the mail back to Washington and we sent it by air the next day.

The Post Office Department requested that Lieut. Boyle be given a second chance. On this trip I accompanied him in another airplane 40 miles on the correct compass course, cut my throttle, asked him if he was okeh and could carry on. He yelled back, "I'm okeh." He landed, lost and out of gas, near the mouth of Chesapeake Bay, retanked with gasoline and took off for Bustleton Field. He crashed near Philadelphia Country Club without hurting himself, breaking a wing of his plane. He delivered the mail by truck to Philadelphia.

The Post Office Department then requested that "Lieut. Boyle be given a third chance and, if he fails, the Post Office Department will take responsibility for his failure." Relying on Secretary Baker's statement that he'd back me from "hell to breakfast," I replied, "The request is denied. Lieut. Boyle is relieved of all duty with the Aerial Mail Service and is being sent back to flying school for further training in cross-country flying. If the Post Office Department wishes to place the Aerial Mail Service in proper light before the public, it will take responsibility for Lieut. Boyle's two previous failures; the Chief of the Aerial Mail Service had no voice in Lieut. Boyle's selection." R.M.A. Lieut. E. W. Kilgore was selected to replace Boyle.

While the Post Office Department had also requested Lieut. Edgerton, he certainly "made good." He relayed the mail from Philadelphia into Washington the first day, and it was a wonderful feeling to see him land beautifully at Potomac Park Polo Field, bringing the New York and Philadelphia mail in the afternoon of 15 May 1918.

The Post Office Department asked how much postage it should charge. I inquired if the idea was to make the Aerial Mail self-supporting and if their was a limit. Mr. Praeger said, "We want it to stand on its own feet; our limit is 24 cents," which I then recommended. Such a stamp was printed and used on the first aerial mail letters.

The first four days we were filled with mail and then patronage dropped steadily. We carried ordinary mail up to capacity and reduced postage to eight cents and had new eight cent stamps printed. We equipped the terminal post offices with rubber cancellation stamps "Delivered by Aerial Mail," and the Press and business people began to praise us everywhere. It took four days to get all four legs through without failure and then after ten days with a perfect record, we persuaded Secretary Baker to relieve the Army of Aerial Mail duties, turning over to the Post Office Department temporarily the pilots and mechanics and the airplanes and fields, and Captain B. B. Lipsner, of Air Service Production (no pilot) who requested the detail.

The airplane which Lieut. Webb flew into Bustleton Field and which Lieut. Edgerton relayed to Washington was No. 38278 and that which I flew into Washington from Philadelphia on the morning of the inauguration of the Aerial Mail Service and turned over to Lieut. Boyle was No. 38262. All the aerial mail planes were doped fabric covered as to wings and fuselages, structure being wirebraced. They were open cockpit bi-planes, properly called JN6Hs, each airplane being powered by a Hispano-Suiza 150 horsepower single engine. The front cockpit had a covered hopper for mail, the front seat and dual control having been removed. There were no parachutes; every pilot rode his airplane down to earth on a forced landing. All pilots wore helmets, breeches and leggins, goggles, and leather jackets.

Colonel H. H. Arnold was entirely too busy as Assistant Director of Military Aeronautics, United States Army, to bother with either the Aerial Mail or with the training of aviators. One of his great virtues was that he selected assistants carefully and required them to run their "shows" without questions or assistance. Our country was at war and since Major General William L. Kenly, the Director of Military Aeronautics, was not a flyer, there was lots of work for Colonel Arnold to do with many cablegrams from European fronts and airfields overseas.

There were no maps of much value in existence at the inauguration of the Aerial Mail. Major E. Lester Jones, Chief of our Geodetic Survey, made up maps for us to use. The state maps of New York, New Jersey, Pennsylvania, Delaware and Maryland were all different scales and they showed only political divisions with nothing of a physical nature except cities, towns, rivers, harbors, etc. We had to fold maps of the entire United States in a "strip" to have everything on a uniform scale. Naturally, the maps contained little detail. The magnetic compass was inaccurate and was affected by local metal on the airplane; there were no compass bases to use in compensating each compass. Pilots of this early day had to have a natural sense to fly between given points at a designated hour irrespective of weather. We should, therefore, not criticize Lieut. Boyle too severely for his failures. He simply lacked enough training to do the job and the Air Service could risk no more than two trials to suit the Post Office Department before relieving him for more cross-country instruction.

The whole administration was interested in our experiments and there was no question but that my friend, Colonel Deeds, Air Service Production, was right in recommending that the Aerial Mail Service would be valuable training for our young aviators. Our pilots, however, had had cross-country training and commanded everyone's respect. The Army pilots flew the Aerial Mail for the Post Office from 15 May 1918 to 12 August 1918 when it was taken over by the Post Office Department. I severed my command at the close of the second week, to carry on with other duties.

Mr. Otto Praeger, Second Assistant Postmaster General in charge of transportation of all mail should be credited with fighting hard for Air Mail in our country. He was ably assisted by Chief Clerk, George L. Conner, on 15 Oct. '66, 74, Minister Emeritus, Congress Heights Methodist Church in Washington, D.C. When the Air Mail was turned over to private contractors, they built it fast and well, the Government assisting.

What an age in which to serve! And with such pals!

PACE MAGAZINE SALUTES THE MODERN POLICEMAN

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. EDMONDSON. Mr. Speaker, a few days ago I sent a special report on the law enforcement crisis to the people of my district of Oklahoma.

In this report I pointed out that while we must expect government at the local, State and Federal levels to take all possible steps to strengthen law enforcement and respect for the law, every citizen must make it his business to contribute constructively to this effort.

In this report I suggested the possibility of actively involving boys of the grade school and junior high school levels in law enforcement and an understanding of police problems and solutions through clubs sponsored by the law enforcement agencies. When I was county attorney in Muskogee County, the chief of police and sheriff joined me in sponsoring a highly successful organization of this type called the Junior Officer Corps.

Since mailing this report, I have sent letters to the district attorneys, sheriffs, and chiefs of police in my district suggesting that they explore a general revival of the Junior Officer Corps.

Mr. Speaker, to me it is encouraging to see that our law enforcement officers and agencies are concerned with this matter of gaining understanding and respect from our citizens—and especially our young citizens.

A good example of efforts along this line can be found in Pace magazine of May 1968, in an article entitled "A New Beat for the Modern Cop." This article contains excellent accounts of work police officers are doing with young people in New York City and Tucson, Ariz., and I feel sure that similar efforts are under way in many parts of the country. I would like to have this article printed in the RECORD as a reminder to us all that law enforcement is a demanding, satisfying career, and that real—but often unappreciated—efforts are being made to bring this fact before our young people.

The article follows:

A NEW BEAT FOR THE MODERN COP

The primary responsibility of a policeman still is to maintain law and order, but today he may spend 90 percent of his time in noncriminal-related duties. He must be, in effect, a lawyer, a baby-sitter and a first-aid technician.

He is supposed to apply the same rules to everyone. His job is to enforce the laws on the book whether he thinks they are good or bad.

He took an oath to uphold the laws, to be honest and to render service to mankind. Some cops don't live up to their oath. The bullies and crooks in uniform are too often the ones you hear about. The others do a good job, although it's getting tougher by the day.

An officer who loses his temper or who shoots at the wrong time can touch off a riot that might cost dozens of lives including his own. His saying either too little or too much can guarantee the freedom of a felon when a case goes to court. He is often called dirty names, insulted and harassed. If he breaks under the strain he can put a city to the torch.

Says New York City Police Commissioner Howard R. Leary, "It is sometimes said that police should not have to take oral abuse of the kind that is manifested so often in disturbances. But few policemen would deny that it is better to listen to hours of oral abuse than to change it with a single shot into days or weeks of rioting."

It takes specialized training, a dedication and a feeling for people to be an outstanding policeman. Competent police officers now believe their biggest job is working with communities to build a bridge of respect for law and order. They are starting with children just entering school in an effort to convince a new generation that the cop is a friend and not a bully.

Los Angeles Police Chief Thomas Reddin bosses one of the nation's most effective police departments. It is strong on training, top recruitment and indoctrination into the intricacies of dealing with the volatile social and antisocial elements of a big city. Reddin is among a group of modern police chiefs who believe and instill into their men that most law enforcement can be handled with a smile instead of a gun and a word rather than a whack on the head.

A far-flung search for new men, in which Los Angeles authorities now recruit at military bases where servicemen are being discharged, has helped give Reddin an exemplary force. His rigorous screening process accepts less than 5 percent of the applicants.

Physical fitness and mental alertness are primary requisites for any of the more than 200 different jobs open to men on the LAPD, as Reddin's wide-ranging department is known.

He is constantly campaigning to change the public's idea of the policeman and at the same time to get better pay for his men. When asked about the police image, Reddin says: "We have to change it. The fact is that the policeman is appreciated and the public is behind effective law enforcement. That's what we should get across." Low salary is a common complaint among police authorities nationwide. "The policeman is still at the bottom of the totem pole," says Tucson, Ariz., Chief Bernard L. Garmire.

Noting that almost every police department in the country is at least 10 percent undermanned, Reddin suggests that automobile bumper stickers reading "Support Your Local Police" be changed to "Pay Your Local Police."

The department's entire training procedure has been changed recently. Now an officer goes to school at the Police Academy much like a co-op college student, studying four weeks and working four. This routine is repeated throughout his training, providing a mixture of classroom and beat.

Such refined methods are impossible for many small police departments but Reddin feels that the right kind of campaigns can enlist more local support to finance and improve them.

He recognizes that the old days of cops-and-robbers are gone, when a policeman's job was simple if not always safe, in the past 10 years, it has become much less safe and much more complicated.

Why then would anybody want to be a policeman?

From interviews with officers in various parts of the United States, the answers take several directions. Security is a leading drawing card. In larger cities like Los Angeles and New York a policeman can retire on from 50 to 70 percent of his pay after 30 years of duty. With retirements go extensive health and insurance benefits.

Rookie policemen usually have only a high school education, generally the top requirement for an applicant. But most progressive cities encourage officers to continue their schooling and help pay tuition. The city of Denver will pay up to 90 percent of a policeman's college expenses.

A number of candidates for police jobs still are attracted by the excitement—and the authority—that comes with wearing a uniform and packing a gun. But a large number of police recruits take their oaths and are pinned with their badges because they feel a sense of contributing something to society.

When Patrolman George Polomchak joined the New York Police Department 13 years ago, he was given a pistol and taught how to use it. He was assigned to the 24th Precinct station in Manhattan's Upper West Side, a high-crime area that includes everything from near slums to Riverside Drive penthouses.

"You know, most people think a cop hauls out his gun and shoots at somebody about every other day," Polomchak said during a walking interview around his 25-block beat. "I actually can remember pulling my pistol only half-a-dozen times. And I have never once fired it on the job."

Polomchak and his partner, Robert DeSuzia, are two of New York's 28,000 Police Department personnel, it would be easy for them to get lost in a massive operation in which the city's squad cars travel 43 million miles in a single year. With the pressures on today's policemen, it would also be easy to get discouraged and quit. Polomchak and DeSuzia are too busy for that.

DeSuzia, whose assignment as school liaison officer puts him in touch with hundreds of children and their parents, feels one of the toughest jobs of the modern policeman is getting cooperation from the law-abiding public when something goes wrong.

"It used to be that people wanted to know what they could do to help," he said. "Now they only want you when they need you."

New York is working hard to change the public's image of the policeman.

"We are doing things today that a cop never did before," Polomchak said.

The 24th Precinct took on the job in earnest under Community Relations Patrolman Tom Kelly, with the backing of Precinct Captain Richard DiRoma whose office sometimes is overrun by small fry.

Upstairs in the station house, kids line up for rides on a six-foot-long rocking horse equipped with police saddle and bridle. Comic books, tours, films and lectures are more in evidence than handcuffs.

"Some of these kids come in here asking where the room is where we shoot prisoners and where we beat them," DeSuzia said. "We take away their fear and talk with them about the things a policeman does to help people."

DeSuzia told one group that he hoped some day to have an electric blanket that could be plugged into a squad car's cigarette lighter so that injured persons could be kept warm while awaiting an ambulance. "One kid wrote me, 'Officer Bob, I hope you get your electric blanket.' "

The juvenile-crime rate, although up for the City of New York and for the nation, is down in the 24th Precinct, and the work of the police there must get major credit.

A key to the area's progress is liaison between the police and the populace through a number of community councils and block organizations. During the recent garbage collectors' strike, 24th Precinct police and community councils contributed equal amounts of money to buy big plastic bags for refuse. Their idea soon caught on city-wide, greatly diminishing the possibility of disease.

MARIETTA, GA.—Not long ago Chief Ernest Sanders received a tip "from a reliable source" that moonshine liquor would be transported into his town at a certain hour. He and an officer staked out the delivery spot and at the appointed time the expected individual appeared.

When the man was ordered to halt he bolted into an apartment, not his own, and slammed the door. The officer with the chief broke open the door and the two policemen witnessed their suspect attempting to pour the evidence down the bathtub drain.

The "airtight" bootlegging case was carried to court where the defendant was promptly released by the judge. The officers had failed to obtain a search warrant before entering that apartment.

When the U.S. Supreme Court in the early 1960s dusted off the ancient laws protecting citizens from search and seizure, the rules were given such a liberal interpretation that many policemen feel they have been completely handcuffed in the apprehension and conviction of criminals.

Sanders, who bosses one of the South's best small town (28,000 population) police departments, was philosophical about losing his quarry.

In an interview at the modern new radio-equipped Marietta headquarters, Sanders asked some of his best men to sit in: Clarence (Robbie) Robinson, his training officer who graduated from the FBI Academy; and Officers W. Leon Reese and Dennis Graham, home town young men who "just had a hankering" to be policemen.

"You know, I wouldn't want to go back to the old ways where you could just walk up to the first guy you thought might have done something wrong and throw him in jail," Sanders said.

"Me neither," Graham said. "But you sure do have to be almost a lawyer to be a cop these days."

To learn what a policeman can and cannot do, Reese and Graham attend special classes. In their chief's opinion they have done much to bring up-to-date police methods to a growing city that was a country town a few years ago.

Reese and Graham have a realistic attitude about the maze of new laws which both believe will eventually lead to better police officers. They talked about it outside the hearing of their chief.

"You just can't work this job any more on the basis of pushing anybody around," Graham observed.

He said he gave up a position where he earned almost twice the $440 per month he makes as a policeman.

"Don't ask me why I did it," he added. "I just couldn't tell you except I want to do something worthwhile in my town. I'm planning to make this a lifetime career."

"That's the way I feel about it, too," Reese said. "I tried all kinds of jobs before I took this one. I just kept wanting to do something useful and this seemed to be it."

In a national roundup of the opinions of leading police chiefs, the FBI found that failure to win public support was cited by almost all of them as a major problem.

"Lack of understanding by the public impedes the effort of the police officer and the effectiveness of his ability to do a good job," said Col. Curtis Broston, chief of police in St. Louis, Mo.

"Far too many Americans have only a passive interest in the problems of law enforcement," said Chief John C. Lawton of the District of Columbia police.

Superintendent Calvin F. Hawkinson, chief of police in Minneapolis reported: "Many men retiring from our department tell me it is too discouraging to be policemen these days."

Commissioner Edmund L. McNamara, head of the Boston police, feels that police departments must "sell a good police-community-relations program" and that law enforcement needs to become a real force in every community.

TUCSON, ARIZ.—This city has one of the country's leading police-community programs. Boss of the operation is Chief Bernard L. Garmire, currently treasurer of the International Association of Chiefs of Police.

Only two to four percent of the applicants to the Tucson department ever get into uniform. They must take emotional tests, including a lie-detector exam, to determine their fitness for duties that range from dealing with civil-rights problems to riding herd on big-time organized crime.

Garmire echoes the theme that prevention is the key to solving the crime problem. As is being done in New York, the chief has moved some of his best men into the schools as school resource officers. They have offices in school buildings and spend a considerable part of their time lecturing.

"Let's see your gun," an elementary pupil asked School Resource Officer Robert Sinclair after a recent speech to a class.

"No, son," Sinclair said firmly. "My gun is a weapon and it is made to kill. I never take it out of the holster for fun. It's not something to play with and I don't want you ever to play with a gun."

Sinclair is a cop from head to foot. He wears his uniform to lectures so his charges won't think he is some kind of school counselor.

Sinclair talks with hundreds of children about what their relationship should be with the police officer, the importance of going straight home from school, what to look for in appearance to recognize a suspicious character and the urgency of reporting such persons immediately to the police.

What should a child do if he finds something on the way home from school? Sinclair leads lively discussions about the bounds of honesty and ties the issue directly to the problem of petty thefts from school supplies.

Sgt. Price Fuller, holding a bachelor's degree, is in charge of the SRO program and finds it the most rewarding work he has had in the department. He stayed in police work because he had a horror of "getting stuck in an office somewhere."

Holding officers like Fuller is difficult for Garmire because he can only pay $480 per month starting salary, considerably less than the Arizona Highway Patrol or nearby California departments.

Garmire had to sell the SRO program to parents and school board.

"They were a bit dubious at first but they said, 'Let's try it.' We started in a school that was just about average. We didn't want to get one with all the problems."

The officers selected for the school program were graduates of police-patrol institutes. Then they were taken before a board of principals for actual selection.

Student reaction to the program was overwhelmingly favorable with many looking at the school resource officer with something akin to hero worship. "It has helped everybody," is the common reaction of school administrators. Garmire's officers also study psychological aspects of the student body.

Situations involving such problems as pornographic literature and drugs bring the SRO into the investigation immediately rather than weeks or months later. "Now we can deal with trouble while it's hot," a principal said.

Garmire is not one to cry over the liberalizing by the Supreme Court of constitutional freedoms.

When the Supreme Court handed down a 1963 decision specifying the steps an officer has to take in making an arrest, Garmire was one of the few to speak out for it. "At that time I said it was a blessing in disguise . . . With these decisions every community in the country is going to have to improve the police service. We've been mouthing for professionalism in the police service for many years. It has taken the Supreme Court to force us into professional attitudes and professional training.

"But these decisions have about quintupled police work and this means we are caught on the horns of a dilemma. We have to try to cope with the new situation with the same amount of personnel we had five or ten years ago."

Garmire has just initiated a new 80-hour seminar in community relations for his top officers.

"Remember that your attitude toward the public may be the thing that will cause us to have to use force to stop trouble," he said.

The chief told his men that until they could understand the problems of minority groups "you are not good police officers."

He urged them to show more consideration for the public. Friendliness, too.

"Wave at the kids. It doesn't cost anything."

Garmire sent the seminar home with these words: "Let there be equality in Tucson and let it begin with me."

SCHOOL SAVINGS STAMP PROGRAM

HON. DONALD D. CLANCY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. CLANCY. Mr. Speaker, I should like to call the attention of my colleagues to a very commendable program which has been promoted by the Finneytown Junior Women's Club of Cincinnati, Ohio, in encouraging the students of the Finneytown elementary schools to save and invest in the future of the United States.

This program is built around Stamp Day once a week. Volunteers from the Finneytown Junior Women's Club visit the schools during the lunch period to sell savings stamps. The children are given a special album for accumulating the stamps, and the filled albums are then exchanged for a $25 savings bond at one of the local banks. The school savings stamp program is a project of the Federal Treasury Department, and works in much the same way as the war bond program offered through the schools during World War II.

Since the beginning of this year this program has promoted the sale of over $5,000 in savings stamps in denominations of 10 cents and 25 cents. This clearly demonstrates the great success of this program and the desirability of having this program extended to other areas.

I would like to take this opportunity to congratulate Mrs. Donald Ballentine, the president of the Finneytown Junior Women's Club, and Mrs. Jerry L. Randolph, chairman of the savings stamp program, as well as all of the members of the club who have spent their time in such a worthwhile service to their country and community. I sincerely hope they will expand their program to bring this fine example of thrift and responsibility to many more young people.

In conclusion, Mr. Speaker, a word of commendation is in order for all of the fine students who have participated in this program. Their deep sense of responsibility and civic interest is most laudable.

STUDENT AGITATORS JOIN RANKS OF "POOR" MARCH

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. NICHOLS. Mr. Speaker, evidence is continuing to build up showing that plans are underway to turn the massive demonstration now beginning here into a violent campaign. Apparently, the Attorney General is going to ignore any of this evidence and allow the demonstrators to carry out their plans without interference. Reporter Paul Scott outlined the recruitment of student agitators in this article in the Birmingham News, May 13:

STUDENT AGITATORS JOIN RANKS OF "POOR" MARCH

(By Paul Scott)

WASHINGTON.—The hard-core student agitators, who touched off many of the recent disturbances in the nation's universities, have begun gathering in Washington.

Anxious government security officials are warning that these reckless young demonstrators are being called into the Nation's capital by organizers of the "Poor Army" invasion to ignite a violent confrontation between the invaders and local law enforcement officials.

Many of these militant students, according to government security records, traveled to Cuba in recent years to confer with Castro lieutenants charged with creating revolutionary conditions in the Western Hemisphere.

In New York City the students are being recruited by Robert Collier, former student from Massachusetts convicted in 1965 of a plot to blow up the Statue of Liberty, the Washington Monument, and the Liberty Bell, following his return from Cuba.

Only an alert New York Negro policeman, who infiltrated the Collier group as an undercover agent, aborted their plans.

Collier, who boasts of his personal acquaintance with the late guerrilla warfare expert Che Guevara, has been working on the "Poor Army" march with the Rev. Frederick Douglas Kirkpatrick, of Gambling, La., named by the Southern Christian Leadership Conference (SCLC) as a regional organizer.

Kirkpatrick and Collier are jointly operating from a five-story building in New York, which was turned over by the city's Department of Social Services to a newly formed group headed by Collier.

Stoney Cooks, militant coordinator of student and campus activities for the SCLC, has been traveling around the nation to recruit and to involve students and the campus in the "Poor Army's" campaign.

Cooks, a veteran black militant organizer who came to SCLC as a college student during the 1965 Selma march, has developed work-study seminars and a Free University Institute to be conducted during the campaign in Washington.

He is also arranging for a summer task force of student "volunteers" to follow through on the "Poor Army campaign with assignments to help disrupt both the Democratic and Republican national party conventions in August.

In his campus recruiting, Cooks is promising personal meetings with Stokely Carmichael, the pro-Castro black militant, for students who come to Washington later this month.

Cooks also is handing out an appeal to students to join the "Poor Army" campaign from Dr. Ralph Abernathy, the figurehead leader who replaced Martin Luther King as head of SCLC. The appeal states:

"I urge all students who support this campaign of militant action to join us in Washington as soon as studies and examinations permit.

"We especially need students starting May 27, when we will be building up our demonstrations and preparing for a great march in Washington, May 30. We are encouraging students to come and stay as long as possible, if it becomes necessary to intensify the campaign beyond May 30.

"It was students who were the shock troops through the sit-ins, freedom rides, the Birmingham and Selma movements. We are now confident that students will become the shock troops of this campaign."

A two-way, often competitive, Communist influence has been inserted skillfully into activities of militant American student groups now trying to take over universities.

After prodigious inquiry and double-checking, Federal Bureau of Investigation agents have satisfied Director J. Edgar Hoover that the groups are receiving special Communist backing, consultation and cash contributions.

The competition, although it often follows the same guidelines, is between a veteran Soviet-sponsored students' international and assorted missions in Eastern Europe of the National Liberation Front, the formal identification for the Viet Cong.

Foremost, best-heeled and highly experienced in providing support and advice is the Prague-based International Union of Students (ISU).

Organized by the Soviet Union nearly 23 years ago, it has a worldwide affiliated apparatus. Leadership remains in the hands of professional Russian students in their mid-30s or older, plus equally veteran East Europeans.

Ironically, the ISU has kept itself lily white, excluding African students from high echelons as "undisciplined elements." Suspicion, correspondingly, has kept Viet Cong missions from having a kind of popular-front operation with ISU.

A do-it-yourself method of making Viet Cong flags has been distributed by the ISU, along with instructions on how to make fire bombs. Contributions, in money orders and small but numerous gifts of cash by donors using mail drops across the U.S., have fortified the deficit financing of many demonstrations.

Contacts with the ISU or Viet Cong missions by students are pretty easy. Any student traveling in Eastern Europe who showed a pro-Viet Cong or anti-American involvement knew about access to these offices.

According to U.S. security sources, the decisive battleground on the nation's campuses this year will not be on the front line, where students demonstrate and war with authorities.

Government officials looking on from Washington say that it will be in the struggle to influence the middle-ground uncommitted elements of students and faculty opinion.

The issue, they say, is whether enough general university support will be given to the small minority who conduct sit-ins and carry out campus disobedience.

Past experience, as studied here, would indicate that the next move of the small minority will be to try to get support for their campus activities from national political candidates.

The objective of the Communist infiltrators in the student groups is to make sanctuaries on college campuses for revolutionary activities in nearby communities—especially those with large Negro populations.

REPORT TO THE DISTRICT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. BROWN of California. Mr. Speaker, I plan to send another report to the people of California's 29th District, which I represent, in the very near future. The text of this report follows:

CONGRESSMAN GEORGE E. BROWN, JR., REPORTS FROM WASHINGTON, MAY 1968

SEARCH FOR PEACE IN VIETNAM

The startling and dramatic developments of the past several weeks, beginning with the Presidents announcement that he would not be a candidate for reelection and had ordered a de-escalation of the bombing of North Vietnam, as well as the subsequent discussions getting under way with North Vietnam in Paris, have led to many inquiries regarding my own reaction to these events.

I feel very strongly that these events signal a major change by the President in his plans for the Vietnam war and he is entitled, therefore, to the sympathetic and understanding response of the entire nation for his personal decision to sacrifice his chances for another term as President to the need for national unity and for peace in Vietnam. He is also entitled to receive—and will receive, I am sure—overwhelming support from all citizens for whatever steps he must take to end the war in Vietnam honorably and quickly and to avoid the further sacrifice of American and Asian lives.

I shall give him this support as long as we honestly continue to seek these ends. As you may know, I have been urging just such efforts as we are now making for a period of more than three years.

RIOTS, RIOTERS, POOR PEOPLE, AND OPPORTUNITY

People who had been planning a visit to the nation's capital have asked me if the recent burning and looting has left things in some kind of shambles back here. I want to assure you that the Capitol is still standing (the timbers being used to shore up the west front are necessitated by age, not damage) and a tourist is likely to see very little of the riot area unless he makes a special trip to do so.

At the same time, block after block of the business area in Washington's "ghetto" was devastated following the death of Dr. Martin Luther King and $19 million in insurance claims is stark testimony to the fact that only Los Angeles and Detroit have had more extensive damage done by rioters and looters.

Rioters must be punished

Several months ago I stated that when a man or woman deliberately participates in violence, looting and destruction, he or she must expect to suffer the full penalty of the law for this action. I am a co-sponsor of the "Safe Streets and Crime Control Act," which the House of Representatives has already passed and which the Senate will act on shortly. This legislation is designed to give Federal aid to strengthen local police forces to help make them better able to deal with crime of all types—including riots, rioters and looters.

The civil rights bill which the President recently signed into law included anti-riot provisions which spell out criminal penalties for travelling in or using the facilities of interstate commerce to incite a riot and for manufacturing or teaching the use of firearms or explosives for use in a civil disorder.

Protests are not riots

I do not, however, automatically equate the riots with the protests of the poor people. I do not feel that the riots are wholly caused or can they be prevented by Congressional action or inaction on the host of legislative measures that should be passed to make this United States a better place for all of its citizens to live in.

The conditions that exist in the urban ghetto do, I must say, create a situation where a riot obviously can, has, and probably will occur. Therefore, we must quickly put a stop to any riot that might begin and then we must do our utmost to change those explosive ghetto conditions.

Nor do I believe that rioters are the same people as those who will be arriving in Washington very shortly in the "Poor People's March" that was conceived and planned by Dr. King. These are the people who, along with all the rest of us, would like to see an end to the destruction and are trying to impress Congress with the need for action that would help to eliminate poverty—the poverty that breeds riot-prone areas as well as irresponsible rioters.

LOCAL STUDENT TO WORK IN MY WASHINGTON OFFICE

I feel quite fortunate in that I will have Adina Savin, daughter of Mr. and Mrs. Edwin Savin, of Monterey Park, working as a student intern in my Washington, D.C., office this summer. Adina is a sophomore at the University of Southern California and is a top student, majoring in political science.

PANAMA CANAL ALTERNATE ROUTE

The House of Representatives recently authorized an additional year before the final report is due on alternate routes for a sea-level canal between the Atlantic and Pacific Oceans that might solve some of the problems we are experiencing with Panama over the use of the present canal. It looks as if there is a good possibility that a new route through Colombia could be constructed. A second canal would present us with alternatives we do not have at the present time.

SHOULD TRADITION BOW TO 3-DAY WEEKEND

By the time you read this, Congress probably will have passed a bill that would move Washington's Birthday, Memorial Day, and Veterans Day so that they would always fall on Monday, and establish a ninth national holiday on Columbus Day, which would also be perennially on a Monday. This would assure us of at least five 3-day weekends each year since Labor Day comes on Monday, as well.

New Year's Day, Independence Day, Thanksgiving Day and Christmas were left untouched by the legislation, with Washington's Birthday slated for the third Monday in February, Memorial Day the last Monday in May, Columbus Day the second Monday in October, and Veterans Day the fourth Monday in October.

I suppose that we all have some pangs of conscience when we meddle with tradition such as, for instance, the changing of Washington's birth date. According to the Committee on the Judiciary, which studied the matter, there is a little confusion that surrounds this date, which was reported to have been celebrated on February 12 on one occasion during the Revolution.

Memorial Day, also, is reported to have been celebrated on different dates before it finally settled down to May 30. The Committee felt that Veterans Day, which used to be Armistice Day and is celebrated on the date that the World War I cease-fire was arranged, could be moved to another date since it now traditionally honors the veterans of all wars.

The Committee felt that the inclusion of Columbus Day as a national holiday would be an appropriate means of recognizing the United States as a "nation of immigrants." Thirty-four states already recognize it as a legal holiday.

The Senate has not acted on this proposal as yet. If it finally becomes law, it would not take effect until 1971, giving the various states, industry, and labor an opportunity to make necessary preparations. Legally, the action by Congress would only establish these dates as official holidays for Federal employees and Federal offices such as the post offices would be closed. This, however, sets a general pattern for other offices and is usually followed. Labor agreements often refer to these holidays, also.

BRIEFING ON U.S.S. "PUEBLO" STATUS

Because of what must appear to most of us as inaction on the part of the United States, I requested and received recently a confidential briefing from the man who is heading the State Department's efforts to negotiate with North Korea for the release of the U.S.S. Pueblo and her crew.

The man who is on this unenviable hot spot is Winthrop Brown, former U.S. Ambassador to Korea, and I am convinced that we are proceeding in every way that is reasonable and prudent to effect a safe homecoming for the men who are being held prisoners. Ambassador Brown also assured me that, according to intelligence information that the Department of State feels is quite reliable, the men are in good physical condition and are receiving fairly good treatment.

QUESTIONNAIRE RETURNS COMING IN

The weeks in April which saw the President's announcement of de-escalation in Vietnam, his withdrawal from the election race, Dr. Martin Luther King's death, and the subsequent renewal of violence caused me to delay my annual questionnaire and to make some last minute changes in the questions asked. Therefore, it was a little late in getting to every household in the 29th Congressional District.

The returns are coming in at a heavy pace currently, however, and it appears that the new IBM card format which I used this year is being well accepted by most persons. The principle involved in this card is, by the way, the same principle as is used in the new voting machines in Los Angeles County which will be used county-wide for the first time in the 1968 Primary and General elections.

The machines are simple to use, however, and many areas have already become familiar with them during the recent municipal elections.

This process will enable me to tally and analyze the questionnaire results much more rapidly and at a much lower cost. If you have not yet returned your questionnaire, please do so as soon as possible.

SMALL BUSINESS ADVISORY COUNCIL MEMBERS NAMED

Three 29th District businessmen were recently named to 2-year terms on the Los Angeles Small Business Advisory Council. I was quite pleased, as I had recommended all three to Small Business Administration Regional Director Alvin P. Meyers.

The Advisory Council is composed of 28 members, and serves as the eyes and ears, as well as advisors, for the local Small Business Administration office. Membership is drawn from small businesses, the banking field, and fields related to small business such as labor, news media, chamber of commerce, and the like.

The new members include:

Mr. James Madrid, who is in the auto parts business in Lincoln Heights.

Mr. John Raya, who has an insurance business in San Gabriel.

Mr. Morris Shucart, owner of a stationery firm in East Los Angeles.

Another local businessman, who was named to the Council last year on the basis of my recommendation, is Mr. Rigoberto Diaz, a South El Monte industrialist who lives in Monterey Park.

MORE CHANGES PROPOSED FOR G.I. BILL

The Education and Training Subcommittee of the Committee on Veterans' Affairs recently held two days of hearings on proposed changes to the "Cold War G.I. Bill," which authorizes educational benefits for returning servicemen. I am chairman of this Subcommittee, and among the proposed amendments we are considering are making these same benefits available to widows of servicemen who are killed on active duty and to allow disabled veterans to receive training on a part time basis as well as full time so that they will not be forced to quit their jobs, if they are fortunate enough to be able to work, in order to take advantage of this law. I am the principal sponsor of the latter proposal.

ALLIANCE FOR PROGRESS SHOWS PROGRESS

Last year I voted against the Foreign Aid Appropriations bill because I believe that we have lost sight of the intent and purposes with which this program was begun. Too much is now being used to support our military objectives and too little to truly aid the people of the underdeveloped nations in order to gain economic progress.

One bright spot in this picture, however, is the Alliance for Progress. This is our foreign aid program in Latin America administered through a cooperative effort by almost every Western Hemisphere nation. The future of the Americas is integrally involved with the need for mutual help, friendship, and the true concern of good neighbors in eliminating poverty, hunger, and ignorance throughout these two continents.

A few of the advances that have taken place in Latin America during the seven years since the Alliance was founded are:

The number of children enrolled in primary schools rose from 24 to 36 million.

Primary school teachers graduated annually up from 66,000 to 136,000.

Food production has increased 27%.

Electric power production rose from 60 billion to over 100 billion kilowatt hours.

Number of doctors up 26%, nurses up 60%.

Total road mileage increased by about 16%.

DEPARTMENT OF CONSUMER AFFAIRS

I recently joined in sponsoring a bill that would establish a Department of Consumer Affairs. A number of new laws designed to provide protection for consumers have been passed recently, and several others are under consideration. I reported on a number of these in my last Newsletter to you. However, there is a need for the consumer to have Cabinet-level representation in the Federal government, and the administration of all of the consumer-type activities would be placed under one Department in this bill.

In addition to placing agencies from throughout almost every existing Department and a number of independent agencies under a single jurisdiction, this legislation would give the consumer viewpoint an advocate at the highest levels of Federal administration. It would also authorize surveys and studies which would determine what further needs might exist in the area of consumer interests and protection.

SAN GABRIEL MISSION COMMEMORATIVE STAMP

I have introduced a bill that would authorize the Postmaster General to issue a commemorative postage stamp in 1971 honoring the 200th anniversary of the establishment of the San Gabriel Mission. This commendable effort was begun by the San Gabriel Chamber of Commerce and has been supported by a resolution from the San Gabriel City Council.

The San Gabriel Mission is one of the most significant in the mission chain which played such a vital role in California history. Congressmen Glenard P. Lipscomb and Edward R. Roybal have introduced companion bills. A final decision on this matter will not be made for at least two years.

ARMED FORCES EXPAND POLICE RECRUITING

The Department of Defense is now permitting any law enforcement agency to go directly to military bases for purposes of recruiting police officers. Previously this assistance was restricted to certain major metropolitan area police agencies.

DOD policy will continue to include the discharging of servicemen up to 90 days early if they have written evidence of an employment offer from an appropriate law enforcement agency.

NOTICE

My last Newsletter stimulated a large number of requests for literature. We have tried to fill all requests, and none were ignored. However, in a few cases, the person requesting the literature forgot to include his name and/or his address. Please be assured that if you have not heard from me it is not deliberate . . . and don't hesitate to write again because we are caught up to date on all inquiries that had return addresses.

DELANO'S AWARD-WINNING SCHOOL BOARD

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. MATHIAS of California. Mr. Speaker, we in California are proud of our schools, our teachers, and our students. We think there are none finer anywhere. The Delano Union Elementary School Board, in my district, has just been recognized as one of the outstanding school boards in the country by the Association of Classroom Teachers of the National Education Association. The Delano board is one of the 24 across the country to be honored this year by the NEA's School Board Award program, a program cosponsored and made possible by the Thom McAn Shoe Co.

In a letter to the Delano board, Miss Routh Trigg, the president of the Association of Classroom Teachers commends the board, "for the fine contribution being made to education and also commends the Delano Elementary Teachers Association for its foresight to nominate the Delano Union Elementary School Board. We wish you continued success in your efforts to provide quality education for the youth of your community."

I have a special reason for calling the excellence of the Delano schools to your attention. Several weeks ago a national figure went to Delano and met with leaders of the United Farm Workers Organizing Committee. In his remarks he told his audience that "your children deserve and are entitled to better schools." The people of Delano and the administrators and teachers in the Delano schools were greatly offended by the suggestion that they do not offer excellent and equal educational opportunities for every pupil from every home.

I would like to include here in the RECORD a letter I have received from Norman E. Hefner, district superintendent of the Delano Union Elementary School District. I hope that Mr. Hefner's letter and the NEA award to the district's school board will make it clear to everyone that Delano schools, and indeed all California schools, are proud of their efforts to provide the finest education for every student.

DELANO UNION ELEMENTARY
SCHOOL DISTRICT,
Delano, Calif., March 25, 1968.

Hon. BOB MATHIAS,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR BOB: For some time I have considered writing you. You have visited at least two of our schools and have some first hand information about the efforts expended by our board, community and staff in attempting to provide an instructional program which will more appropriately meet the needs of all young Americans maturing in an age which finds man landing on the moon.

During the last year and one-half the community of Delano has been number one copy on many occasions for the nation's top news media and much of the content of those stories has been distorted, untrue, exaggerated and, incidentally, unrecognizable to those citizens of the community that are unbiased, unprejudiced and, for the most part, un-affected or un-involved personally in the dispute.

Many well-intentioned and sincere persons have been victimized and misled on the basis of partial facts and generalizations about inequities and improprieties in dealing with agricultural laborers nationally which, by nature of the dateline and headquarters of the movement, are mistakenly assumed to be conditions of Delano.

Some persons in high places, have, for one reason or another, come, made a quick observation and then made public pronouncements which have aided and abetted and aggravated this confusion.

It is not the function of this school system, nor is it its intention to become involved in the labor organizational dispute. However, on several occasions speakers favoring the agricultural union movement have made public statements, which by lack of specificity implied that the schools in Delano leave a great deal to be desired in the way of providing for the needs of disadvantaged youngsters. Additionally, there have been several incidents involving officials of the Farm Workers Union and several of our schools where one might question the motives of those provoking the incidents. I must say in all fairness however, that there has been no instance of unfair publicity or unreasonableness resulting from these incidents.

Unless attempts are made by persons in leadership positions to "set the record straight" and challenge those who would distort, discredit, misinform and mislead, then we are begging the cause of justice and right, and opening the door for increased attacks and further misrepresentation of the facts.

This school system, beginning in 1954, established priorities and embarked upon a long range program to make the instructional program more effectively and adequately meet the needs of Mexican-American and disadvantaged children in Delano. Substantial and substantive evidence of the accomplishments and progress in the project are obvious and abundant, as you know, for anyone who would take the time and effort to inquire or visit. Included is a chronological listing of events and projects.

Senator Robert Kennedy, in a speech delivered in Delano on Sunday, March 3, at the ending of the Cesar Chavez fast, remarked in commenting upon areas in which the agricultural worker has not received equal and fair treatment—"your children deserve and are entitled to better schools". The wire services, as I mentioned earlier, carried this with a Delano date line and, more often than not, prefaced direct quotes with such statements as. . . . "told the striking Delano agricultural workers" or "speaking to thousands of Delano's striking farm workers." Millions of TV viewers and readers of metropolitan dailies naturally envision all kinds of deplorable and inadequate school circumstances.

As Thomas Jefferson so astutely commented to the founding fathers "The success of a democracy is directly dependent upon an informed and literate citizen. . . . therefore requiring a strong and comprehensive public school system". This charge was accepted by the board of trustees of Delano Elementary Schools in 1954 when they agreed and decreed that equal educational opportunity for all students required considerably more than equal dollars expended. In fact, it might very well require unequal expenditures in favor of those with handicaps whether they be physical, mental, emotional or socio-economic. They agree that the purpose of the public school is to insure that each student will most nearly meet his potential for becoming a self-actuating and productively independent American citizen assuming all aspects of his rights and responsibilities accorded him by the Constitution and Bill of Rights.

Sincerely yours,

NORMAN E. HEFNER,
Superintendent.

DELANO UNION SCHOOL DISTRICT—LOCAL EFFORTS TO IMPROVE PROGRAM FOR DISADVANTAGED CHILDREN

1950–52. Emergency provisional credentialed people—35%, turnover—40–45%. 1965—provisional credentials—3%, turnover—15%.

1952. Parent-teacher conferences initiated to establish greater home-school rapport. District-wide turnout—60%. Fremont and Ellington—5%. 1965 district-wide turnout—88%, Fremont school—60%.

1953. Master building improvement program initiated.

1953. Mrs. Afton Nance, State Department, invited to assist district in initiating a study to improve instructional offerings.

1954. PTA unit established at Fremont school in hopes of increasing Mexican-American, Negro participation in PTA activities. This unit now as active as any in community—their annual Spanish dinner is the largest PTA money raising project in council.

1954. Long-term program initiated for upgrading the professional staff and improving their status.

1954. Staff visit to experimental school in Visalia operating on Rosenberg grant to learn ways of increasing effectiveness in teaching the Mexican-American child.

1954. Pre-first program initiated.

1959. Teacher visitation day arranged in order that staff might visit Fresno County schools reported to have strong programs for dis-advantaged and bi-lingual children.

1960. Delayed reading program initiated.

1960. Non-graded primary program initiated to provide more individualized and continuous instruction.

1962. Summer school provided for Fremont school, both remedial and enrichment subjects.

1965. "Head Start" program provided—some 210 children participating. First one in Kern County. Judged "one of the most outstanding" visited by a Head Start expert.

1966. Fremont school selected by John I. Goodlad, Dean, UCLA Graduate School of Education, to join 19 other southern California schools in his "League of Cooperating Schools" project. Funded by the I.D.E.A. division of the Kettering foundation.

1967. Albany Park—Valle Vista schools opened. Team teaching complexes with no partitions and carpeted floors.

1968. The Teacher Education Professional Standards division of the NEA visited Albany Park and Valle Vista schools and selected them to join 200 odd demonstration schools across the nation. Schools are selected on the basis of innovative and creative programs and staff practices.

SMALL BUSINESS SUBCONTRACTING CONFERENCE AND WORKSHOP OUTSTANDING SUCCESS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. EVINS of Tennessee. Mr. Speaker, the Small Business Subcontracting Conference and Workshop was held today in the hearing room of the House Small Business Committee.

This conference, sponsored by the Small Business Administration, brought together the giants of industry and representatives of Federal agencies in an effort to accelerate and boost the voluntary subcontracting program for small business.

The meeting was most successful and demonstrated a concern by big business for the welfare and progress of small business.

It was emphasized that big business and small business are complementary in our great free enterprise system—both have their purposes and functions—both have certain economic areas in which they perform best.

Administrator Robert C. Moot of the SBA presented awards to several large industries for assistance to the Nation's small business community by cosponsoring a nationwide series of small business subcontracting conferences:

Aerospace Industries Association of America, Inc., Mr. Karl G. Harr, Jr., president; Electronic Industries Association, Mr. James D. Secrest, executive vice president; National Securities Industrial Association, Mr. Joseph M. Lyle, president; Strategic Industries Association, Mr. Elmer F. Ward, president.

An award for outstanding public service in the furtherance of subcontracting to small business was awarded by SBA to Mr. Frank L. Dobbsin, vice president for materiel, the Boeing Co.

R. E. Dye Manufacturing Corp., Breckenridge, Tex., was named National Small Business Subcontractor of the Year.

Area winners were as follows:

Northeast area, American Standard Products, Inc., Hartford, Conn.; New York area, Lawrence Aviation Industries, Inc., Port Jefferson Station, N.Y.; Middle Atlantic area, Duro Manufacturing Co., Folcroft, Pa.; Southeastern area, Dubie Clark Co., Inc., Toccoa, Ga.; Midwestern area, Comet Tool & Die Co., St. Louis, Mo.; Rocky Mountain area, Lyons Manufacturing Co., Inc., Lyons, Kans.; Pacific coastal area, Vidar Corp., Mountain View, Calif.

Speakers for the conference included Mr. Leo C. Beebe, executive vice chairman, National Alliance of Businessmen, who delivered a ringing address on the responsibility of big business to our cities and their problems.

Other speakers included Senator JOHN J. SPARKMAN, chairman, Senate Committee on Banking and Currency; Mr. Lawrence C. McQuade, Assistant Secretary of Commerce; Mr. Thomas D. Morris, Assistant Secretary of Defense; Mr. George Vecchiett, Director of Procurement, National Aeronautics and Space Administration; Mr. J. H. Hanshue, director of materiel, Lockhead-California Co., Burbank, Calif.; H. H. Hawes, Jr., director of materiel, Ling-Temco-Vought Inc., Dallas; among others.

Mr. Irving Maness, Associate Administrator for Procurement of SBA, presided.

This conference was a symbol of the partnership that must exist between big business and small business if our competitive free enterprise system is to flourish.

I commend those who arranged it—I commend those who participated—I commend the conference purposes and objectives.

TWO DEDICATED TEACHERS RETIRE

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. GROVER. Mr. Speaker, it will be my honor on Friday next at La Grange Hotel, in West Islip, N.Y., to be present at a retirement testimonial for two of my high school teachers, and it is my pleasure to memorialize their productive careers in the RECORD of this great Congress.

In the hurly-burly of rapidly moving world events we often forget much of the past and, sadly, some of the wonderful friends of our youth.

Among those we can never forget are those who impressed us so much, our schoolteachers. And these two men, Sam Dorfler and Leigh Cadwallader, I cannot forget. These dedicated men with 38 years of teaching career have indeed set an example for not only their present and former students, but for the teachers of today.

These men were hard taskmasters, but they exacted both hard work and discipline, but earned the affection of all of us. May they go on to greater successes in whatever their endeavors.

FREEDOM IN CZECHOSLOVAKIA

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. PODELL. Mr. Speaker, once again the ominous movement of troops through the ancient Polish corridor, this time in the direction of the Czechoslovakian border, strikes with terror at the hearts of the people of central Europe. This show of Soviet military force, at the very moment that the people of Czechoslovakia are enjoying new measures of freedom, is clearly calculated to create apprehension among the Czechoslovakian people who can never forget the shocking and coldblooded destruction by the Nazis of their village of Lidice, in June 1942; nor forget the fate of Budapest when Hungary resisted Soviet dictatorship repression in 1956.

At least tentatively the Soviet troop movements in Poland have been described as routine maneuvers. Yet this description must be measured against evident nervousness in both Poland and East Germany over the rising tide of freedom in Communist Czechoslovakia, coupled with sudden and unexplained trips to Moscow by Communist leaders in Czechoslovakia, who have unleashed these new forces of freedom.

Indeed, the Communist leaders in Poland and in East Germany have cause for their nervousness. Ideas of freedom are contagious, and neither Gomulka in Poland, nor Ulbricht in East Germany, can view the future with equanimity, since they have experienced in their own lands and on the part of their own peoples insistent demands for freedom and liberty.

There is a unique relationship between the United States and Czecholslovakia which gives special meaning to events in that country. President Woodrow Wilson played a vital role in the creation of that nation after the end of World War I. Thomas Masaryk, the George Washington of that nation, Eduard Benes, his successor, and Jan Masaryk, his son, maintained intimate official and personal ties with the United States and with the American people.

Even before the Czechoslovakian nation was formally established, the spirit of freedom which inspired the people of that region developed close bonds of affection between them and America. The great Czechoslovakian composer, Anton Dvorak, lived for 3 years in the United States. And it was here that he composed his "Symphony From the New World," a musical work that is as American as the Negro spiritual and as universal as humanity.

That same spirit of freedom is voiced by Karel Capek in his play "R. U. R.," which, with Elmer Rice's "The Adding Machine," stands as the drama's most eloquent indictment of the dehumanizing process of an industrialized and machine oriented society.

In view of the history of that nation and its people, it is hardly surprising that its present leaders are prepared to respond vigorously and affirmatively to popular demands for freedom of speech and press and for freedom to citicize the acts and conduct of governmental officials. The quality of the cataclysmic changes taking place there was clearly set forth at a public ceremony last week by President Ludvik Svoboda, who said:

> We have set ourselves the goal of democratic regeneration of our society. We are setting out to create a new type of socialist democracy, a democracy which will lend support to the full development of the human personality.

These are strange words for a leader of a Communist state and even stranger when accompanied by clear-cut actions pointing in that direction. I know that all Americans hope that the people of this nation will be permitted to move toward their new goals, without pressures of Soviet threats and troop movements. The tragic history of that nation makes it imperative that it enjoy the opportunity to realize the aspirations of its people.

"OILING THE DRAWBRIDGE"—AN ADDRESS BY STEPHEN J. TRACHTENBERG, SPECIAL ASSISTANT TO THE U.S. COMMISSIONER OF EDUCATION, AT THE 11TH WASHINGTON LEGISLATIVE SEMINAR OF THE NATIONAL FEDERATION OF SETTLEMENTS AND NEIGHBORHOOD CENTERS, MARCH 25, 1968

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. BRADEMAS. Mr. Speaker, I believe many Members will be interested in a most informative address by Stephen J. Trachtenberg, special assistant to the U.S. Commissioner of Education, at the 11th Washington Legislative Seminar of the National Federation of Settlements and Neighborhood Centers on March 25, 1968.

Mr. Trachtenberg's remarks point to the essential role that community groups and service organizations are called upon to play in the implementation of recent Federal programs aimed at improving our Nation's schools.

Under unanimous consent I place the address, entitled "Oiling the Drawbridge," in the RECORD at this point:

OILING THE DRAWBRIDGE

A little over 2 years ago when Commissioner Howe took office, the national dialogue about American education was already in full swing. Throughout each session of the 88th, 89th, and 90th Congresses, this conversation continually explored aspects of the expanding, changing role of the schools in our society. The challenge of growth and revision has been sounded by laymen and by persons well-known in the education community, through individual and group panels, conferences, and through the other varied means of communication within the American scene.

In the course of this debate, it has become apparent that, in the past decade, some of our schools have come to be regarded by some of their constituents as institutions resembling fortresses, castles, and even islands. It was striking to note that there were those among the people who thought that the schools had become the means by which some students were isolated from society, rather than the means by which these students were brought to a fuller knowledge of the world in which they live. "Fortresses" and "castles" traditionally have suggested places of refuge against attacking armies. "Islands" have been symbolic of institutions which choose not to know their neighbors. Swift's satire on the wanderings of Gulliver points to the lack of wisdom in such a policy.

I do not think that we will ever return to the isolationistic circumstance. Yet, a few short years ago some observers argued that we had begun to skirt dangerously at the edge of a situation which could have led in some areas of the country to just such an isolation of one of our most singular institutions—our schools.

With the passage of the Elementary and Secondary Education Act of 1965, the Congress began to respond to the voters' articulated demand for action—to see to it that such an isolation never be allowed to take root.

BETTER SCHOOLS FOR LOW-INCOME AREAS AND EARLY CHILDHOOD EDUCATION

Title I of the Elementary and Secondary Education Act of 1965, as you know, established a program for support to local educational agencies based upon the number of children from low-income families residing in the area to be served. Its purpose has been to raise the quality of education and services offered to children in these low-income areas. To date, the progress that has been achieved through this billion dollar program has been remarkable. Many preschool programs have been initiated under this title. They involve the use of teacher-aides in the classroom, community aides to better school-parent ties, specially organized and equipped classrooms, and classes for parents of preschoolers on mental health, proper physical hygiene for children, and things as simple as home-planning and budgeting. More than 9 million disadvantaged children in 80 percent of the school districts in this country have been served through this program. Suddenly both halves of the class got to use Crest!

The most important features of this program, however, cannot, I suggest, be measured quantitatively. It is here, I think, that the positions of those who worry about cost-effectiveness are sometimes mistakenly overstated. I believe that one can't measure human programs and values in terms of dollars expended, with exactly the same precision that one might examine, say, weapons development. For the quiet revolution that Title I has started is just beginning to change the fact of education in our nation's poverty areas. For the first time, because of Title I programs, school administrators, government officials, community leaders, and other public officials have begun to agree that children must be healthy and well-fed if they are to learn and learn well. For the first time, community organizations have realized that the schools have a great need for all the talents that can be put to work to serve school children. Furthermore, for the first time all the schools in a community have jointly examined the routes that might lead to the best possible education for educationally disadvantaged students in their given area. You might say then that Title I of the Elementary and Secondary Education Act of 1965 provided the vehicle to open the doors of the school-fortress and to bring the community into the schools. It has oiled the drawbridge and brought it down.

Title III of the Elementary and Secondary Education Act has also initiated its own revolution, though it could hardly be termed a quiet one. Innovative school programs and services have brought increased educational opportunity to an estimated 10 million children, classroom teachers, and parents. Projects have been funded in areas ranging from preschool education to coordination and integration of urban and suburban school programs. In particular, projects related to national concerns were encouraged under Title III, as some of the most pressing national concerns are to equalize educational opportunities, meet the needs of rural communities, and coordinate all community resources for metropolitan areas.

At this point I would like to discuss three example projects funded this past year under Title III. The first of these is an outgoing project for *Exemplary Education for Early Childhood in* Greeley, Colorado, supported by $352,674 in Federal funds. The purpose of the project is to develop a program in early childhood education which would plan and design curricula for learning, construct individualized programs for the students, develop student teaching programs in conjunction with Colorado State College and retraining programs for teachers and aides. It is hoped that through this project a working model for other school systems will emerge and thus be available for the initiation of other projects in early childhood education.

One of the most important facets of this project has been the coordination with a full-year Headstart program, involving approximately 200 children from deprived areas. The Weld County Community Center Foundation, Colorado State Department of Education, private schools, a new nursery school, the Weld County Welfare Department, the City of Greeley and the Greeley Medical Association have all become involved in this project, as well.

The second project I would like to discuss is one that is still in the planning stages in Sumter, South Carolina. The project is one for establishing *Early Childhood Education Demonstration Schools* and will develop a demonstration center for pre-primary children aged 3 to 5. The purpose of the center is to raise the educational-readiness level of culturally deprived children, to provide a directed teaching setting to prepare teachers, to determine and demonstrate use of parents, staff, and helping agencies, and to demonstrate effective use of facilities, equipment, and materials. This project, once again, will depend largely on coordination with the many and varied resources of the community for its success. Community organizations that will be called upon for assistance include the Sumter Child Study Project, Child Health and Welfare Association, Junior Welfare League, Crippled Children Society, and the Chamber of Commerce to mention just a few of the groups involved.

Finally, I would like to describe a project in Newton, Massachusetts for A Cooperative Program of Education Between Urban and Suburban Schools. This project, which was funded for $259,500, was designed for approximately 200 Boston students. The pupils are from elementary and secondary schools in the city and are attending schools in neighboring suburban communities. Once entered in a suburban school, the children continue with their future education in that community.

As you can see, all of these programs are significant in terms of expanding the concept of education beyond the walls of the neighborhood to include education which encompasses the entire scope of resources in a community. A little over two years ago they were non-existent. Now they are a reality, and, I believe, a first step in a positive direction.

The Elementary and Secondary Education Amendments of 1967 introduced changes to this basic Title III program which are of interest both to community organizations and to the regular school systems. Title III as originally enacted was a program of direct grants from the U.S. Office of Education to the local school districts. Projects were financed solely by the Federal government. State Departments reviewed the projects before final approval was given.

As the law reads today, starting July 1, 1968, State educational agencies will administer 75 percent of the appropriated funds; the U.S. Office of Education will administer only 25 percent. In 1970, State educational agencies will assume full responsibility for administration of the program. Most important, however, is the system authorized by the law for administration of the program. Beginning in 1968, State Advisory Councils, broadly representative of cultural and educational resources of the State, will be established to advise the State educational agency in the preparation of State plans and in policy matters, as well as to review and make recommendations on the action to be taken with respect to each application for a grant under the State plan. This is the point where organizations such as yours become extremely important to the continuation of this high-quality program.

As you might have noticed during my explanation of ongoing projects, many such projects are in the planning stages. The U.S. Office of Education, in carrying out its administrative responsibilities for Title III, relied heavily on advice from outside non-Government consultants and from interested community agencies in deciding which projects to fund and in evaluating the effectiveness of projects. This responsibility will now be shifted to State educational agencies. They will need the assistance of persons interested in reaching children of all ages, and particularly, those children who come from low-income areas. It will be up to community organizations to contribute their special competence to the State Advisory Councils, and to encourage the States to see that projects similar to those that I mentioned continue to be funded. Only through such involvement will the 23,000 school systems of the United States be able to continue their current planning projects as operational programs, utilizing the full resources of the community for the benefit of the students.

Moving on to another program of vital interest in the area of both early childhood education and of better schools for low-income areas, I would like to talk about our Headstart/Follow Through Program which launched 30 pilot programs for the school year 1967–68. The central concept of the Follow Through Program is to bring together the resources of school, community and family to help the child. Among the major criteria for approval of the Follow Through projects were fullest possible social and economic diversity, comprehensive instructional, nutritional, health, psychological and social services, and maximum use of school and neighborhood facilities—recreational, welfare, cultural, and social. Both local education agencies and community action agencies in special cases operate these full-year programs in cities across the nation from Buffalo, New York to Tampa, Florida, and from Morgantown, West Virginia to Salt Lake City, Utah. More than $11 million is slated to be invested in this program during the 1968–69 school year.

From this description of the program, you can see just how the total concept of the community-centered school is evolving, and how important community action is in carrying out these projects, for which we have such great expectations. Once again, I make my special plea for your involvement in bringing about the success of such programs.

Another new program that I would like to explore at this time is the $30 million demonstration program for the most effective means of preventing youth from dropping out of school. Under the legislation included in the Elementary and Secondary Education Amendments of 1967, the Commissioner of Education is authorized to make grants to local educational agencies in urban or rural areas which have a high percentage of children from low-income families and high percentage of dropouts. Funds would be used for projects involving the use of innovative methods systems, materials, or programs which show promise of reducing the number of children who do not complete their elementary or secondary education. Projects must be evaluated for effectiveness and approved by the appropriate State educational agency. Once again, community organizations will play an important role in the operation of this program. Settlements and Neighborhood Centers could be very effective in interviewing students and in encouraging them to participate in the new projects. Perhaps by working together, your organization's representatives and the local school officials could begin to make up for the years wasted by youngsters who drop out of school prematurely.

Finally, the last program I would like to discuss in the area of elementary and secondary education is the Talent Search Program authorized under section 408 of Title IV of the Higher Education Act of 1965. This program provides for grants or contracts with universities and nonprofit private organizations to identify qualified youths of exceptional financial need and to encourage them to complete secondary school. Projects would also encourage students to enter into post-secondary educational training, and would urge secondary school or college dropouts of demonstrated aptitude to re-enter educational programs, including post-secondary school programs. Contracts cannot exceed $10,000 per year.

An example of the work that is being carried out by non-profit organizations under this authority is the project based in Trenton, New Jersey. There, the Trenton Action Bound project is working as one component of United Progress, Incorporated. The project works with 150 underachieving inner-city boys employing the educational theories of the British Outward Bound training, along with intensive guidance services. Strongly alienated youngsters from the Trenton ghetto are given the chance to experience success in activities such as canoeing, mountain climbing, and other strenuous out-of-doors activities. Children are also taken on cultural and scientific excursions, and given guidance in career-planning and post-secondary educational opportunities, as part of the project.

BETTER SERVICES FOR LOW-INCOME COMMUNITIES

Moving to the area of adult education, the Higher Education Act, passed in November, 1965, marked the second major piece of legislation designed to bring the school and the community closer together. Title I of the bill, the Community Services and Continuing Education Programs, was to assist the people of the United States in the solution of community problems such as housing, poverty, government, recreation, employment youth opportunities, transportation, health, and land use. The program is administered through State boards under a State plan which gives grants to colleges and universities to strengthen their community service program.

This year, the Administration is proposing in its Higher Education Amendments of 1968 (H.R. 15067) that 10 percent of the total funds appropriated for this Title be set aside for the purpose of conducting experimental or pilot projects. Grants may be made to both institutions of higher education and to public or private non-profit organizations in the instances when they may make an especially significant contribution.

An example of the kinds of projects supported through this program is one that was conducted by San Diego Junior College in California. The total cost of the program was $50,000; 75 percent supplied from the Federal government and 25 percent supplied from general college funds. The program was designed for older persons to widen self-limiting attitudes and to increase the number of trained workers helping them to overcome unsatisfactory living conditions. The most important feature of the project involved training the staffs of community agencies in the counseling of older persons about social security, Medicare, legal services, and educational and artistic opportunities.

Another project funded under Title I of the Higher Education Act was one conducted by the University of Hawaii. The need for a more informed public regarding policy matters was met with organized public discussions and dialogues on policy issues. Qualified individuals discussed issues on radio, television and in open meetings.

With the passage of the proposed amendment to include organizations outside colleges and universities, the National Federation of Settlements and Neighborhood Centers could actively participate in setting up projects in the communities where such services are so desperately needed.

Still another program in which nonprofit organizations may participate is the $8 million special projects program of the Adult Education Act of 1966. This year, the Administration is proposing in its Partnership for Learning and Earning Act of 1968 (H.R. 15066) that the set-aside for these projects be doubled because they have been so successful. One example of a project conducted by a non-profit private organization is that administered by the Laborers International Union of North America, local 423 (AFL-CIO) Columbus, Ohio. This union local is developing an occupationally-oriented Adult Basic Education program for union members and prospective members. The project is taking place in a learning center in a union hall and is designed to have four cycles. The first cycle includes classes two nights per week using job-oriented materials for instruction in the classes. The teachers, trained for adult basic education, have been oriented to the problems of the trade and of the construction workers. The program is also operating with the close cooperation of union officials, the Columbus Public Schools, and the Ohio State Department of Education.

It is my hope that, if the funding for these projects is doubled, more non-profit private organizations will be involved in projects, such as the one I just described. People outside the regular school system have done much recruitment of students and orientation of teachers in special projects, with innovative approaches to the elimination of adult illiteracy.

Further, the State agencies responsible for adult education (usually the State Departments of Education) also expend funds for special projects which may be conducted through private nonprofit organizations. They, too, find it necessary and wise to consult the officials and memberships of community organizations in formulating special projects for adult education.

I would also like to point out that Title I of the Partnership for Learning and Earning Act of 1968 authorizes $15 million for special projects in the area of vocational education. Local educational agencies would submit project applications to the State agencies responsible for vocational education. State agencies would then forward their approval or disapproval of the projects to the Commissioner of Education who would take the final administrative action.

Although these projects must be funded through local educational agencies, they will be heavily dependent on the communities in which they are located if they are to accomplish the goals set forth in the legislation. Of special interest to an organization such as yours would be the suggestions for work experience programs established under the special projects section. These programs would include cooperative work programs, financial assistance to needy students, and volunteer work of social value to the community. These programs would be a recognized part of the student's educational program with credit, grades and all experience recorded as a part of the student's cumulative record. Preference in compensated work under such programs or projects would be given to students from low-income families.

Finally, I want to list just a few other programs which may be of interest to you. Title IV of the Civil Rights Act is a program administered by the Office of Education to deal with problems occasioned by school desegregation. Technical assistance is provided directly to local school systems by grants to school boards and by short-term or regular session institutes at institutions of higher education. Technical assistance is provided directly to school systems by the Division of Equal Educational Opportunities professional staff assigned to regional offices and to the Washington Office. As of the end of Fiscal Year 1967, 270 grants and institutes projects have been supported.

In addition to providing assistance to school districts through grants to local boards and institutes, the Title IV program supports two other functions which serve the same purpose. Through University Desegregation Assistance Centers, a continuing source of consultation and training expertise is made available to school districts in the university area. Currently 12 such centers are in operation.

State technical assistance units in education agencies are also fully or partially funded under Title IV. Ten State technical assistance units have been established to carry out primary leadership and other responsibility in school desegregation matters.

The programs of the Education Professions Development Act and the Teacher Corps deal with training teachers for all children in the schools, and in particular, with training teachers and subprofessional aides to deal with children in deprived areas. In the future, these teachers and aides will contribute greatly to higher quality education and services for the children of the disadvantaged.

I think that this listing fairly well covers the programs of the U.S. Office of Education of interest to community organizations concerned with higher quality education in the nation's schools, and particular in areas where the standards of living may fall far below the national average. I might add that all of these programs would be greatly enriched by the participation of the members represented here today at the meeting of the National Federation of Settlements and Neighborhood Centers. Your local school board, junior and community colleges, and universities, as well as community action agencies, are the people to contact for information concerning participation in the programs. They are actively seeking assistance in making the concept of a community school—that is, a school where the community feels free to join in and help in this important business of education—a reality. They are trying to build bridges to the island or fortress school, in order to dispel forever the image of locked gates and darkened classrooms from the minds of the American people. They are looking for people to meet them half-way in their search. The rest is up to you.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. SCHERLE. Mr. Speaker, this is the 114th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

POLISH AND JEWISH VETERANS ORGANIZATIONS JOINTLY CONDEMN POLISH ANTI-SEMITISM

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. PUCINSKI. Mr. Speaker, recently two American veterans' organizations, one of Polish-Americans, and one of American Jews, joined in containing the mounting wave of anti-Semitism being presently conducted by the Communist Government of Poland against the Jewish people in Poland.

I am very pleased to include in the Record today a release issued by these two fine American veterans' organizations because it puts into proper perspective the contempt that all Americans have against the present Communist regime in Poland for its scandalous effort to make the Jewish people the scapegoat for its own failures.

The joint release follows:

Polish and Jewish Veterans Organizations Jointly Condemn Polish Anti-Semitism

Washington.—Two American veterans organizations, one Polish-American and one of American Jews, today joined in condemning the mounting wave of Polish anti-Semitism sweeping that unhappy country.

Joseph L. Pudlo, Jr., National Commander of the Polish Legion of American Veterans, U.S.A., and Samuel Samuels, National Commander of the Jewish War Veterans of the U.S.A. decried the vicious scapegoating of the remaining Jews of Poland, the few thousand left after brutal decimation by the Nazis, as allegedly responsible for the ferment in Poland today.

"The common ties that bind our two veterans groups, our Americanism and our service in the uniform of the United States in time of war, emphasize our joint voice crying out against the bloodless genocide threatening Polish Jewry today," stated the two National Commanders.

"On the 25th anniversary of the Warsaw Ghetto uprising, when the brutal Nazi dictatorship murdered most of Warsaw's Jewry while another brutal dictatorship, the Communists, stood by in acquiescence, it is a doubly grievous blow to justice and harmony among men that people should still be persecuted solely because of their faith."

Americans of all backgrounds and men of good will everywhere were urged by the National Commanders of the Polish Legion and the Jewish War Veterans of America publicly to protest the persecution of Polish Jews by the Communists.

National Commanders Pudlo and Samuels also warned against the possibility of the deceptive trap lurking in Gomulka's "offer" to allow Polish Jews to emigrate at will. Too often, warned the two National Commanders, similar Communist "offers" have resulted in the Jews being marked as "enemies of the state" when they signed up for the promised emigration.

The joint statement of the two National Commanders marked the first time that these two national veterans organizations in the United States had joined in a common declaration.

The Polish Legion of American Veterans represent the more than one million Americans of Polish descent who have served the U.S. in American wars.

The Jewish War Veterans of the United States of America is the oldest active war veterans organization in the country.

MULE EXPLOITATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. RARICK. Mr. Speaker, Kipling or someone wrote:

> It ain't the 'eavy 'aulin' wot 'urts the 'osses 'oofs but the 'ammer 'ammer 'ammer on the 'ard 'ighway.

Whether or not the public relations buildup on the rich man's promoted Poor People's March has affected anyone's conscience, one thing is for sure. The mule lovers of America are stirred up and rising in protest.

Imagine 50 poor mules—jerked out of their normal livelihood of doing little or nothing—shod and exploited in the hot sun to walk those blistering hot highways nearly a thousand miles to Washington.

All this just for publicity. Can you imagine the pain those poor mules must by now feel—mile after mile on those newly shod feet. Surely no one, especially poor people, believe in cruelty to animals. Where is the Humane Society? What civil rights for mules?

What disposition will be made of the mules, when and if they survive the trek? Will they be humanely done away with behind the scenes or, as suggested by Congressman Abernethy, be freed to graze on the White House grounds—jackasses with mules—perfect togetherness.

I include a mule report from the Atlanta Constitution for May 12 and Drew Pearson's column of May 15 following my remarks:

[From the Atlanta (Ga.) Constitution, May 12, 1968]

March to Washington: Poor Folks May Be Helped, but What About Those Mules?

I don't know whether the conscience of America has yet been stirred by the Poor Folks' march on Washington, but I do know this: The mule lovers of the country are beginning to rise up.

Mr. Henry Troutman, for example, the noted barrister, who used to plow what, in his time, was known either as a jar-head, or a hard tail, in the deep loamy bottomlands of Northwest Georgia, was particularly moved.

Did anybody know, inquired Mist' Henry, how many blacksmiths it would take to keep shoes on all those mules as they moved over the asphalt and concrete highways from Marks, Miss., to Washington, D.C.

And how many veterinarians it would take to keep rubbing liniment on those mules' sore and aching muscles?

Half of those mules, Mist' Henry said, would be string-halted in no time. It was hard enough to keep a mule shod when he was merely pulling a cotton wagon on the hard pan of a clay road, Mist' Henry said.

You try to walk him down a black-top road and he'd pull up lame or cast a shoe before you could say scat.

The mules' plight also brought a letter from my old friend, Col. John M. Virden, late of the U.S. Air Force, and before that, the son of a noted mule fancier in Bug Tussle, Okla.

"If the mules' feet withstand that long pull from Mississippi, which I doubt, they'll very possibly wind up in the Army's care out at Ft. Myer or Belvoir, where a certain number of the ceremonial horses used in Arlington National Cemetery are cared for," Col. Virden wrote.

"But 50 mules? ! ! Hell, the Army has not seen 50 mules in one bunch since Merrill's Marauders marched out of Ghamo in the Burma campaign of 1944. And we wound up having to eat those mules when they broke down under the heavy packloads of ammo and the mountain guns.

"Mule meat is not bad, about like horse, though maybe a little more coarse-grained and stringier. God knows it beat that water buffalo, which is tougher than sole leather regardless of how you cook it.

"But it was such a pity—for those were the finest mules I'd ever seen, and I grew up with mules. My father bred, and raised mules. I can't remember when we did not have a jack and a herd of brood mares . . . and a bunch of mealy-nosed mule colts every spring.

"Incidentally, in the small world department . . . the other day I was talking to Dr. Keeler, the vet who looks after my tomcat, and he asked me where I was in the war. When I said in the CBI . . . the whole bit out there in confusion beyond imagination . . . Doc. Keeler said 'I took a whole shipload of the finest Missouri mules to Calcutta in late 1943 . . . purtiest animals I ever saw . . . and the meanest; if they couldn't bite me they'd kick me, if they couldn't kick me they'd step on my foot.

"A year later I heard that not one of those fine mules ever came back alive . . . those the damn Army did not work to death they ate. . . ."

"Those were our mules all right. . . . But I doubt if these 'starving poor people' Brother Abernathy is leading into Washington would eat a mule.

"So, somebody had better figure out what to do with 50 Mississippi mules during this camp-in. . . . My deepest sympathy is with them."

Col. Virden and Mist' Henry both spoke so feelingly, that I got the definite impression that the presidential aspirant who makes the greatest impact on the electorate won't be the one who expresses the deepest concern about the plight of the poor folk camping out on the White House lawn; he'll be the one who expresses the greatest solicitude for the mules.

[From the Washington Post, May 15, 1968]

Mules in Washington

(By Drew Pearson and Jack Anderson)

It's been a long time since mules were a problem in the Nation's Capital, but Rep. Thomas Abernethy of Okolona, Miss., is a man who understands mules and is concerned about them.

Rep. Abernethy is a member of the District of Columbia Committee, and when the quartering of the Poor People's March was under discussion he was interested in the quartering of its mules.

"What," he asked Mayor Walter Washington in a hearing, "are you going to do with all those mules the poor people bring in? Where are you going to put them?"

"It is beyond sanitation," replied Mayor Walter Washington. "It may be a police problem."

Rep. Abernethy—"The policemen don't look after the mules. I understand there are 25 teams alone of mules coming up from my state. If all those mules are brought in here, where are you going to put them? What plans are being made to take care of these mules?"

Mayor Washington—"It is a police matter. Chief, do you care to speak on this?"

Chief Layton—"I don't at this moment have any firm information on how many or what they are going to do. Now, of course, if they use mules or horses or animals of that kind to pull a conveyance and they move through the city, through the streets, as with other traffic, there would be no need for any police action. As to housing them, we don't have any facilities in the police department for that."

Rep. Abernethy—"What I have reference to, this deals with the expenditure of funds of either the District or the Federal Government. I don't know who is going to pay for this. I don't think anybody has thought about it. Certainly they are not going to have these mules roaming all over the city of Washington. They have to put them somewhere, someone has to pay for it. I want to know what plans you made to take care of them."

Mayor Washington—"We are not passing it. I thought you were trying to get at a police matter. The matter of how many mules or where they are going to be depends upon where they are going to be established. We have been in touch with the Interior Department and the Justice Department as to the entire matter. This is only one facet of it, the matter of public safety. There have been no permits requested, for instance, although there has been mention of a number of sites."

Rep. Abernethy—"If they bring in as many as we hear they are going to bring, it will cost a lot of money to look after them. Do you feel that the revenue of the District of Columbia should be used for the purpose of taking care of these mules?"

Mayor Washington—"Certainly not. I understand that the matter of their expenses are taken care of by their own resources. When we get a fairer idea of how many and what kind of conveyances, we will be in a better position to deal with it."

Rep. Abernethy—"We have only one fenced-in place in this town capable of holding the mules and it is around the White House grounds."

Mayor Washington—"We don't have any intention of putting them over there."

THE 20TH ANNIVERSARY OF ISRAEL

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. MINISH. Mr. Speaker, 20 years ago today, the independent State of Israel was proclaimed in Tel Aviv after the British mandate of Palestine had ended. Since that day the people of Israel have worked unceasingly and successfully to build a modern, viable nation despite hostility from both their natural and political environments.

As Americans, we all share a sense of gratification in observing the anniversary of Israeli independence. In the strategically important Middle East, Israel stands as a solid bastion of freedom and democracy against the forces of aggression and totalitarianism. The entire free world has a loyal friend and ally in that ancient land that was reborn a short 20 years ago.

To be sure, Israel is a very young nation. But during its 20 years of existence it has performed miracles which would have been considered impossible in 1948 and which are still highly improbable in the Arab States surrounding Israel. Three-quarters of Israel's food is home grown, irrigated land has quadrupled, and cultivated land doubled in the past two decades, 450 new farming villages have been established since statehood, production has quadrupled, and the value of agricultural production has increased tenfold. Much of this agricultural increase has come from lands considered waste prior to the advent of Israel: swamps, deserts, marshes, eroded hills, and areas drained of their productive capacity. The nation of Israel has quite literally turned the desert into a garden.

Israel's economic and cultural progress is due to three factors; the pioneering spirit that inspired immigrants who responded to the challenge of the once desolate area; the feeling of the people that they are partners in the enterprise of rebuilding their ancient homeland; and the skillful use of modern technology and science.

The State of Israel is a peace-loving nation which recognizes the folly and futility of war. Israel realizes her destiny is bound up with that of humanity as a whole and thus has constantly striven to live in peace and cooperation with her neighbors despite their aggressive character.

The United States was the first nation to recognize the State of Israel. Our faith in her has been more than justified. Israel has provided a brilliant example for all the world of stability, progress, and prosperity in a democratic society.

JUDGE BERNARD OSTROVSKY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. VANIK. Mr. Speaker, it is with a great deal of personal sadness that I announce to the U.S. House of Representatives the death of my dear friend, Judge Bernard Ostrovsky of the Cleveland Heights municipal court.

The Greater Cleveland community has suffered a great loss at the passing of Judge Ostrovsky. Bernard had long been active in public affairs in the Greater Cleveland community—having served as a municipal court judge since 1958. Previous to his service on the bench, he was an executive assistant to Cleveland's former mayor, Anthony J. Celebrezze and was assistant law director for the city of Cleveland under the former mayor, Thomas A. Burke. From 1948 until 1952, Bernard Ostrovsky served as Cleveland's superintendent of public relations and research.

In November 1965, as a commemoration of his 50th birthday and 20 years of service in public life, 700 friends, fellow jurists, and municipal officials attended a testimonial banquet in his honor and in tribute to his fine service to our community.

Judge Ostrovsky served in the European Theater during World War II. He has been continually distinguished in his work in highway safety standards, and was a recipient in 1961 of the American Bar Association Traffic Court Award—one of only 41 such awards made in the country. He was an active member of the Cleveland, Cuyahoga County, and Ohio State Bar Associations, the Ohio Municipal Judges Association, the Disabled American Veterans, Jewish War Veterans, and American Legion.

I feel a deep personal loss at the passing of this distinguished American. I wish to convey the sympathy of my wife, Betty, and my family to Adrienne, the judge's wife, his son, Mark, and his four daughters, Teri, Mara, Dena, and Nicole, as well as his brothers, Leonard, Peter, and Edward. There will be a great deal of consolation, I know, to the whole family in the fact that Bernard Ostrovsky has left a record of excellent and dedicated public service as his testament.

ISRAEL'S 20TH ANNIVERSARY

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. O'NEILL of Massachusetts. Mr. Speaker, on this date 20 years ago, the ancient and noble Jewish people returned to Israel. They had been gone for almost two millenia and the "land of milk and honey" was a desert, a wasteland.

On May 15, 1948, the State of Israel was proclaimed. Since that time, we have seen a modern miracle. The desert has bloomed, and borne fruit. A handful of people have grown in number and faced the adversities of man and nature in order to remain free and have a homeland. Jews from all over the world who have not found security or tolerance in many other lands, have come to Israel in order to be free. They have finally found a home and a place where their children could grow up without fear of oppression.

In 1948, at the moment of independence, Israel did not know which nations were her friends. She knew that she had enemies, for they had declared themselves beforehand and vowed her destruction. But almost immediately the United States stepped forward as a friend of Israel. President Harry S. Truman declared to the world and to Israel that the United States recognized the sovereignty of the State of Israel and welcomed her as a sister state of the free democratic nations.

The years intervening has not been easy for Israel. She has had to defend herself by force of arms, and has had to face the economic and social problems concomitant with her policy of accepting all Jews who wish to immigrate. But she has managed to thrive despite all the difficulties. Israel may be considered young at age twenty, but she has called upon the wisdom of centuries of Jewish tradition to guide her in many problems of a developing nation in the 20th century.

She has been fortunate to have many leaders of stature, honesty, and brilliance. Adversity has served more to inspire the people of Israel than it has to defeat them. The Israeli love of freedom and need for survival have helped this small nation rise to each call for sacrifice, dedication, and labor.

It gives me great pleasure today to congratulate Israel on her 20th anniversary and express my hope for the continued friendship between our countries and people.

HERSCHEL C. LIGON TESTIFIES CONCERNING FARM CONDITIONS AND PROBLEMS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. EVINS of Tennessee. Mr. Speaker, Mr. Herschel C. Ligon, president of Registered Farmers Inc., Lebanon, Tenn., recently testified before the House Committee on Agriculture and made perceptive and timely recommendations in regard to agricultural programs.

I want to commend and congratulate Mr. Ligon for his devotion to the cause of the American farmer and American Agriculture, for his untiring efforts to improve programs and conditions in our rural areas.

Because of the interest of my colleagues and the American people in this important subject, I place Mr. Ligon's testimony in the RECORD.

The testimony follows:

STATEMENT OF HERSCHEL C. LIGON, PRESIDENT, REGISTERED FARMERS, INC., BEFORE THE HOUSE COMMITTEE ON AGRICULTURE, MAY 1, 1968

Gentlemen, am honored that you have invited me, a farmer, to testify before you. I think, I represent the only organization in the world, in which you have to be a farmer, to be a member.

My roots are deep in agriculture—my farm, my father's farm and my sister's farm have never belonged to anybody but my family—they were granted from the government of North Carolina. My father's house is the oldest house in Wilson County, having been built in the first administration of George Washington.

One thing that really bothers me is, if this farm economy doesn't change immediately, I will be the last farmer of this family because I can't conscientiously encourage my boys to farm, because they can't make a living—one enters college this fall and the other enters high school. Both are excellent farmers—both would like to be farmers. They can do practically anything on the farm I can—along with my 77 year old father we own and operate 250 acres, breeding registered Poland Chinas, Polled Shorthorns and Hampshire sheep and use no hired labor. Every year it gets harder to make a living and we get deeper in debt. If my wife didn't have a part-time bookkeeping job, we couldn't wear decent clothes.

I am proud of my government—think we have the greatest in the world—am proud I gave it four years of my time in World War II, and many years since in the National Guard and Army Reserve. If my Commander-in-Chief asked me to, I would be willing to come out of retirement and go to Viet Nam.

I well remember the depression of the thirties—my father sold hogs for 3 cents per pound, and I remember his receiving a cream check for a total of 3 cents.

I was most happy to see President Roosevelt begin the federal farm program, which saved the nation's economy by saving the farmer's economy, but for a number of years our federal government has been putting the Registered Farmers out of business. When I use the term Registered Farmers, I mean people who earn at least 75% of their total income from farming.

The federal government has taken all the risk, and I guess it has more than any other profession, out of farming for non-registered farmers. They can't lose—all they lose on their farming operation counter-balances the profit they make on their other businesses, putting them in a lower income tax bracket. In 1965, of the 119 millionaires farming, only 16 paid income tax. Over half the people with a $50,000 or more annual income, with farming operations, showed a loss on their income tax return.

Under the federal farm program, a non-registered farmer can buy a woods, charge the cleaning up off his income tax and under the ASCS program get the federal government to terrace, lime, fertilize, seed, build a pond and fence it. Then he goes to the market with cattle in competition to us Registered Farmers, who don't have the capital to participate in the ASCS program. I repeat, the non-registered farmer can't lose, but when the Registered Farmer loses, it is *gone*.

The nation's average taxpayer is tired of paying taxes every week, and the non-registered farmer using farming for tax write-off. The nation's average taxpayer is also tired of his taxes financing a federal farm program that is putting Registered Farmers out of business, when it was originally established to assist them.

We Registered Farmers propose the federal government adopt the three following proposals as a solution to the farm problem:

1. 100% parity of price for Registered Farmers agriculture products produced and or finished by them and sold on established markets by grade.
2. Not allow non-registered farmers to participate in the federal farm program.
3. Not allow non-registered farmers to use farming as tax write-off.

I have seen it proven from the President's Economic Report that a dollar spent by a farmer puts seven dollars into the nation's economy. I have also seen it proven, from the President's Economic Report, that for the past 16 years, the nation's farmers have been underpaid 422 billion dollars. Multiply that by seven and you get two trillion nine hundred and fifty-four billion dollars the nation's economy has been shorted—to make up for this, the nation had to go in debt a thousand billion.

When farmers have money to spend, much is spent with small business, which is also suffering from this economic situation.

In 1966, all farmers in the country received $3,281,621,070 in ASCS payments. I ask you, what percent of that went to Registered Farmers? I think you will find only a small percentage.

Everybody tells us that RF's solution to the farm problem is the fairest and simplest they have heard—nobody is fighting us. Many ask how many members have we? We are a new organization, and will never have many members, because there are not many people eligible for membership, and this is good because nobody will ever get all farmers to join one organization. The many, many average taxpayers will help get this program adopted because they are in sympathy with Registered Farmers, and they want their tax money put to a better use and they don't want nonregistered farmers using farming for tax write-off.

We RF think, after maybe five years of receiving 100% parity of price and the elimination of the unfair competition, we will bet back on a supply and demand that will bring balanced economy, and we will not have to have a federal farm program.

If surpluses has been the problem, I think you will find most of the surpluses are produced by non-registered farmers, because Registered Farmers do not have the finances and can't afford the risk. I also think you will find surpluses increase when prices are low—100% parity of prices will take care of this. Registered Farmers never try to get rich—all they want is a decent living for their family.

It has been said, we have too many farmers. We do not have a surplus of farmers; we have a surplus of people farming.

Many say the farmer has to become more efficient. I have had experience in other professions besides farming—I say parity of income improves efficiency more than any other thing.

The morale of the Registered Farmer is about as low as it has ever been—something has to be done now to save the family farms, because they go with the American way of life—like pie goes with a picnic.

Many of this nations greatest leaders have come from the family farm, and speaking of this, some of the nation's leading law-makers have farms, but we all know they are the caliber of people that will put first what is best for their nation in solving the farm problem.

I am convinced, as long as there is a world, we will have wars—the best way for us to keep from losing one is to produce the quality soldier it takes to win them—there is no better source of supply than the family farm. The late Sgt. Alvin C. York is an example.

The strongest and greatest society is a balanced society—we need farm boys and girls to keep this balance. How many farm reared boys and girls do you find in the student riots?

The greatest product from the family farm is one that not enough people think about, that is, boys and girls that *will work, know how to work, and above all have good character.*

Since preparing this statement, have been informed my older son Bill has been chosen for the second consecutive year, Middle Tennessee's Outstanding FFA Livestock Farmer with a $11,000 inventory. His closest two competitors had $90,000 and $150,000 inventories respectively.

DETROIT FREE PRESS AWARDED PULITZER PRIZE

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. ESCH. Mr. Speaker, no greater honor can come to any writer than the winning of a Pulitzer Prize. We, of the State of Michigan are indeed delighted that this significant award has been granted to the staff of one of our great newspapers—the Detroit Free Press.

The Pulitzer citation says:

The prize for a distinguished example of local, general or spot news reporting by an individual giving consideration to alertness, resourcefulness and high quality of writing.

Awarded to the Detroit Free Press for its coverage of the Detroit riots of 1967, recognizing the brilliance of its detailed spot news staff and its swift and accurate investigation into the underlying causes of the tragedy.

The Detroit Free Press staffers were rewarded equally for their brilliant spot news coverage and their long and detailed inquiry into the manner in which each of the riot victims died.

In many ways this was the most difficult journalistic assignment domestically during 1967.

While this distinction was given to the entire staff of the Detroit Free Press, the Columbia University Award committee did specifically mention the names: City Editor Neal Shine, Assistant City Editor Curt Luedtke, Washington correspondent Phillip Meyer, and reporters Gene Goltz, William Serrin, Jr., and Barbara Stanton.

Certainly our congratulations should also include Publisher Lee Hills, Editor Mark Etheridge, and Executive Editor Derick Daniels.

The chairman of the editorial board of the Knight newspapers, John S. Knight, was also a recipient of a Pulitzer Prize for his fearless and sound column which also appears in the Detroit Free Press. I do know that most men in public life turn to John Knight's column for its most clarifying evaluation of our national and international problems.

These are all most courageous and able men who have devoted their lives to the public good and are certainly worthy of the commendation of us all.

TRUTH IS COURTS DO IMPEDE CRIME WAVE

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. MOSS. Mr. Speaker, we have all heard many times the pronouncements of those who seek to place the blame for our social ills upon the courts of our land. Only on rare occasions do we find statements of fact which substantiate the continuing increase in criminal convictions resulting from the advancing efficiency of our courts.

Recently California Supreme Court Justice Stanley Mosk cited the fact that felony convictions have increased from 80 percent in 1947 to 87 percent in 1966. This statement prompted the Sacramento Bee to editorialize on May 7 concerning this subject. For the benefit of my colleagues the editorial follows:

TRUTH IS COURTS DO IMPEDE CRIME WAVE

Some critics of this nation's outstanding judicial system have had a field day going about the land feeding the fears of the timid, contending the courts are at fault for all sorts of social ills.

Particularly they blame the courts—and more especially the United States Supreme Court—for "coddling criminals."

One of the most vociferous exponents of this distortion is Max Rafferty, a candidate for the United States Senate from California.

He contends the "great national crime wave started about the time the Supreme Court started interpreting the law the way it thought the law should have been written."

No coddler of facts, this Rafferty.

What is the truth?

California Supreme Court Justice Stanley Mosk recently stated it. In a talk before the Santa Monica Bar Association he said:

"A dispassionate study of authoritative figures demonstrates that our courts are more effective, deterring crime more vigorously and convicting more guilty defendants than ever before in our history."

Official statistics cited by Mosk show the number of persons convicted of felonies in California jumped from 10,209 in 1947 to 32,000 in 1966. Instead of dropping because of court decisions, the percentage of those persons charged with felonies who were actually convicted has jumped from 80 percent in 1947 to 87 percent in 1966.

Despite all the controversial decisions which are supposed to be handcuffing our police, Mosk said, the number of criminal defendants who have pleaded guilty has gone up from 8,190 in 1947 to 23,089 in 1966—the highest in the state's history. These increases are greater than the increase in population.

The true situation is, as Mosk stated it, firm and severe justice is being dispensed in California in spite of those who contend the courts are not alert to the rights of all citizens.

FOOD FOR PEACE: WHAT IT MEANS FOR IOWA

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. CULVER. Mr. Speaker, as a member of the House Foreign Affairs Committee and as a representative of a key agricultural area, I support extension of the Public Law 480 program, also known as food for peace or war on hunger.

By passing this bill, the Congress and the Nation will again demonstrate their determination to help the peoples in the developing countries win their desperate race against hunger, disease, and ignorance. At a time when agricultural production is fighting a grim battle with a booming population growth, this program more than any other gives hope to millions of people throughout the world that the gap can be closed between what is now possible and what can be possible.

Yet this program which has rendered so much valuable assistance to friendly developing nations and to millions of hungry people, has also benefited the American farmer. Under Public Law 480 $17.2 billion of farm commodities have been exported since 1954. This amounts to 25 percent of the total U.S. export of farm products.

Public Law 480 has also meant a great deal to the farmers of Iowa. The last available figures indicate that 10 percent or $41.7 million, Iowa's total export share of the U.S. agricultural export, resulted from Public Law 480. This export under Public Law 480 has been particularly beneficial to our feed grain, livestock and dairy farmers as the export of their products constitutes the largest share of the $41.7 million.

From the beginning the basic idea has been that the eventual goal of each country program should be the development of a commercial market to replace the gifts or concessional sales being made under Public Law 480. In practice this "graduation" theory has been proven over and over again. For example, Japan which during 1956 and 1957 received 30 percent of its farm imports under Public Law 480, increased its dollar purchases from around $300 million to more than $900 million in 1966. Growing cash markets in Israel, Taiwan, Korea, Italy, Spain, and the Philippines and other countries are presently helping our balance-of-payments problems. Indeed, of the 22 nations participating in Public Law 480 programs in 1967, only four had no dollar-payment provision, while six countries moved to payments in dollars or convertible currency.

The importance of developing commercial markets for American agricultural products, is again underscored by the proposed House amendment to this year's legislation which seeks to establish the policy that the United States should get a "fair share" of any growth in commercial agricultural markets in developing nations. I support this amendment as it will serve to promote the best interests of the farmers of Iowa and of the farmers of this Nation as a whole. The Congress cannot expect concessional sales to be made in developing nations by the United States and then have the commercial markets taken by our competitors.

I think, that the American farmer can be both justly proud of and satisfied with, the accomplishments of Public Law 480. This program, which is living testimony to our farmers' productivity, has "changed and is changing the lives and fortunes of millions of people" while at the same time it is helping to maintain a strong domestic farm economy here at home.

GENEVA: CITY OF INTERNATIONAL COOPERATION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. EILBERG. Mr. Speaker, last week I had the opportunity, honor, and pleasure to represent this august body in Geneva, Switzerland, at an important session of the Intergovernmental Commission on European Migration.

It was a highly rewarding personal experience and I hope a satisfactory one for the Congress through the Judiciary Committee, and that is not the subject on which I wish to speak today.

My subject today is Geneva—a fascinating city, legendary for its hospitality to individuals and nations; a city of hope where nations and their representatives mingle in a spirit of fellowship in the search for peace and understanding.

In 1964, Bob Considine, famous feature writer for King Features Syndicate and Hearst Headline Service reduced to words a glowing tribute to this unique city, and to the man who represents the United States with the international organizations there, Ambassador Roger W. Tubby.

Under unanimous consent I include Mr. Considine's article so that my colleagues can join me in a visit to this ancient yet modern metropolis, albeit vicariously.

The article follows:

[From King Features Syndicate, Nov. 19, 1964]

ON THE LINE WITH BOB CONSIDINE

GENEVA.—If man ever learns how to live in peace with his neighbor, this spotless city might well become the first capital of the world, many of the agencies which work in fields calculated to persuade the peoples to stop killing and eating one another already are located here. Their work is often breathtaking in scope and effectiveness, yet all the agencies combined attracted less attention in recent months than Cassius Clay drew with one incarcerated hernia.

Last year more than 3,000 meetings having to do with international cooperation were held here at the Palais des Nations, once condemned to be razed as an upsetting reminder of the collapse of the League of Nations. The Palais is now too small to hold all those groups of many colors and ideological graduations which look to Geneva, a city of scarcely 280,000, as the world's best common meeting ground.

Roger W. Tubby, our ambassador to the European Office of the United Nations and to Other International organizations, calls Geneva an "International smorgasbord of activity." That's virtually an understatement.

It has been the home of the International Red Cross for a century. Your radio, television, telegrams, telephones and a lot of the communicating with satellites passing overhead would not work nearly as effectively if it were not for the International Telecommunication Union, the oldest (99 years) of all of the United Nations family.

Here are a few samples of what some of the other working bodies of UN are doing, on direction from their offices in Geneva:

In September of this year, 3,000 scientists from 70 nations attended the Conference on Peaceful Uses of Atomic Energy. They agreed that the world will run out of coal and oil in 75 years at the present and projected rates of use. Incredible new developments in atomic energy have produced the forerunners of reactors which one day will simultaneously de-salt all the water a city needs, provide all the electric power the city needs, and in the course of "burning" its uranium fuel will breed more plutonium than the original pile of uranium, and has found a way to make the cinders more valuable than the exhausted coal.

Out of conferences such as this one the deserts will bloom, ships will sail endlessly without fuel stops, the seas will be mined for previous ore and other treasures, and harvested for food. Food preserved by a bolt of radiation remains fresh, wholesome, tasty for inconceivably long periods, without refrigeration. In the bursting enthusiasm of the session, Russia pledged to build a fleet of atomic propelled ice-breakers to make the arctic navigable for world shipping the year around.

Ever hear of bilharziasis? More than 20,000,000 inhabitants of the valleys of the Nile, the Tigris and the Euphrates who suffer from it look to the World Health Organization for help—which is always ready and willing. It is caused by tiny worms in human veins. It was described on papyrus 5,000 years ago. Autopsies of mummies have disclosed that the mummified died of bilharziasis thousands of years before there was a western culture.

You seldom hear of yaws either. About 100,000,000 human beings live under the threat of this crippling disease. Since 1950, some 300,000,000 have been examined in internationally-aided campaigns. An astonishing 40,000,000 have been treated with penicillin. In some areas the proportion of active cases has dropped from a whopping 20 per cent of the population to half of one per cent.

The greatest killer in the world today is malaria. Trachoma claims about 400,000,000 victims, filariasis another 200,000,000. All these aches, pains, all the compounded ignorance and suspicion of mankind is being worked on 24 hours a day by the 116 international organizations in Geneva, including the International Organization for Standardization, which standardizes the nuts, screws and bolts without which man can no longer engage in the industrial rebellion.

Who said UN doesn't work?

ISRAELI INDEPENDENCE

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. MURPHY of New York. Mr. Speaker, today we celebrate two decades of Israeli independence. Twenty years ago today a blue and white flag with the Star of David was raised over Israel, thus signaling the birth of a new nation.

Independence for Israel was more than a proclamation and flag raising however. Surrounded by hostile Arab nations, Israel had long been the target for terrorist raids and other acts of aggression. With independence, these acts of aggression increased in intensity; border towns were raided, public works were sabotaged, and the civilian population was subjected to constant harassment and violence. The constant threat of military aggression was compounded by the difficulties of developing a new nation; the arid desert was not friendly to the Israeli farmer, and food was grown only with the maximum of hard work; natural resources were scarce, and the new nation had to depend on foreign imports for much of their supplies.

In spite of these difficulties, however, Israel prevailed, and after visiting Israel a few weeks ago I can say that the progress has been truly remarkable. For in spite of the many handicaps facing this young nation, she has one resource which compensates for every other problem—a vigorous, dedicated, hard-working citizenry. The desert has been turned into a lush farming area by the ingenuity and labor of her farmers; new, modern buildings are rising in many areas; modern highways reach to all parts of the nation.

The military threat has also been repulsed on three occasions, and will be beaten again if the Arab nations are foolish enough to try. For it is obvious that while Israel is one of the smallest nations in the area, it is without doubt the strongest.

But we must not be content to boast of Israel's military might; we must remember that Israel is fighting for survival, and that even one defeat would be fatal; we must remember that the 800 Israel soldiers killed in action in the 6-day war is equivalent to 80,000 Americans being killed in a 6-day period; we must also remember that the Arab nations have been rearmed by the Soviet Union, and that their terrorism and aggression continues each day.

Therefore, our policy in this area should be to seek peace through every means at our disposal, but to be prepared for the possibility of renewed hostilities. We must make sure that the Russian equipped and trained Arab nations are not capable of winning any major battle; only America can insure the continued survival and prosperity of the free democracy of Israel.

RICHARD COTTEN'S CONSERVATIVE VIEWPOINT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. RARICK. Mr. Speaker, Richard Cotten's Conservative Viewpoint, Box 1808, Bakersfield, Calif., is heard nationwide on radio.

Mr. Cotten is a fearless patriot who serves constitutional government well by speaking "loud and clear" on many facts and issues which otherwise would never reach the public.

One of Mr. Cotten's March broadcasts was so clear and forthright that I asked for a copy for my personal use.

I include Mr. Cotten's broadcast, "Loud and Clear," in the RECORD for our colleagues' perusal:

LOUD AND CLEAR

This is Richard Cotten bringing you conservative viewpoint.

Several things need saying. As a nation we find ourselves on a toboggan ride aimed full speed toward eternity. Speaking in the terminology of the computer age, all the "inputs" are present for the total disintegration of the Great Society. Unfortunately, in the cataclysmic occurrences that we are faced with, the innocent will suffer tragically.

I wonder, though, just how "innocent" we truly are. Isn't this "our" government that we allowed to transform our institutions of freedom into a collectivist society? If you point one finger—the index figure—at whatever or whomever you may wish to, take a look at your hand. Three fingers of the hand are pointed directly at you, or if I do the pointing, at me! In other words, do we not get the kind of government we deserve, and did not too many of us listen to the siren song of "come and get something for free"?

So now we will pay. And generations yet unborn will pay. But—if we will keep our eyes on what is really important, someday, again our children or their children will be truly "free."

I am going to try to be just as objective as possible, but I am about to paint a picture that could be pretty bloody. It has to do with values that I believe are of much more importance than whether we have two cars in every garage, full employment, or a so-called "great" society. I am going to try to present my thinking in relatively unemotional terms but yet you must recognize that I am well prepared to accept a concept that maybe the greater number of those now living in America will perish tragically.

First we must decide what is of permanent value! What are the things we should truly cherish? Is it how many horsepower in our automobile, or how many rooms in our home, or whether we are air-conditioned, or whether our speed-boat is faster than our neighbor's? The answer is "No!" Obviously these are not matters of permanent consequence.

Let's take a look in another area. Are these "permanent values" related to college degrees? In other words, simply because our sons and our daughters have graduated from college, is this, alone, something of permanent value which we should cherish? Or should we not look deeper and learn *what* they have learned. And frankly, today we should fear what we may see.

Again, in the realm of permanent values, we are told that we are the "best fed" nation in the world, but we die very young, and many suffer the tortures of the damned as they die, with all nerves severed—that portion they have not been able to remove surgically, strapped to a bed. This could be cancer or some other degenerative disease. So, if we are "healthy", why do we die so tragically?

Another area of permanent concern centers in the matter of race, and this must be approached honestly. Do we honor God by mongrelizing? Did not *He* make the races, place them in their separate areas, and establish the boundaries? This *supposedly*, we believe!

With just these few aspects that I have touched upon—we can see that not only is our government in unbelievably poor shape, but that we also are in very poor shape, unless we can recognize what is of permanent value. We are desperately in need of something in which we can believe.

Every nation has a culture. This is basic. Cannibal nations, complete with witch doctors and burnt offerings and the eating of human flesh, do reflect their "culture." In other words, there are certain things in which they believe.

Our nation, however, deteriorates so rapidly, so tragically, because we have absolutely nothing in which to "believe."

The Universities of which I spoke, admittedly, may give a "degree." But in the process they take your child or mine, and undermine all forms of authority. They train the child away from the parent, away from "narrow nationalism" and away from any fundamental concept of God in which they may have believed. I for one, would tremble to picture the day when I would stand before God, answerable for those precious souls He had placed in my care, if I had simply turned their "upbringing" over to the Universities. Better they washed dishes or joined the navy. (Sometimes you get to do both. I did, as a child of seventeen.)

As a nation we are completely "neutralized", because we no longer have anything in which we can believe! If you confess Jesus Christ as your savior, you are considered old-fashioned or a freak. If you profess pride in your race (irrespective of color—there is absolutely no reason why every "color" should not be encouraged to have pride in itself as a "color" or race) you are a "racist", a "bigot", and not permitted utterance in polite society. Try to imagine a modern youth who would so "honor his father and his mother" that he would publicly acknowledge that he would take no steps without seeking his parents' advice, and that he would respect that advice rather than that of the "liberals" who try to shape his destiny.

We are constantly told we "have never had it so good"—and we listened, tragically. We are suddenly and abruptly being brought to the realization of what happens when a centralized power tries to stay in power—through the use of fiat currency. So I say to you, certain events must take place. Not because I will it so, but because it is already written in the book of Fate. Not because God willed it so, but because we, who were given "freedom", let a centralized form of government take it away. And therefore, before we can even begin to see what must occur, and before we could begin to accept what *must* occur—irrespective of how tragic—we must first decide what is of *permanent* value. We must reaffirm just what "we believe."

First then, and infinitely more important than anything else: Do you believe in Jesus Christ—God in human form—Who died for our sins, so that you need not perish but have everlasting life. If you would but believe? Take that away and you are lending credibility to the liberals' contention that you are only "matter in motion" and if you ARE only "matter in motion", why you might as well be fully utilized by the State (you would be recognizing that the State was God—if God isn't, then surely the State is God) and you would serve "them" in any capacity that they deem necessary!

Never forget that it was the great Fabian Socialist, George Bernard Shaw, who spoke on this subject with complete honesty: His excellent *"Intelligent Woman's Guide to Socialism"* declares:

"I also made it quite clear that Socialism means equality of income or nothing, and that under Socialism you would not be allowed to be poor. You would be forcibly fed, clothed, lodged, taught, and employed whether you liked it or not. If it were discovered that you had not character and industry enough to be worth all this trouble, you might possibly be executed in a kindly manner; but whilst you were permitted to live you would have to live well."

How's that for honesty! Keep in mind that President Johnson has publicly proclaimed himself more of a Socialist than Roosevelt and has constantly worked for socialism under the title, "The Great Society." Oh, how I wish the "masses" that he is wooing with his brand of "Bread and Circuses" (only it is now public housing, free maternity care and an increased Federal check for every live delivery)—oh, how I wish those "masses" could learn what has to happen to *them*, ultimately! "If it were discovered that you had not character and industry enough to be worth all this trouble [feeding, clothing, employing] you might possibly be executed in a kindly manner." That is Socialism, and ultimately, it would be true of The Great Society!

Back to basics. If you do *not* honor Jesus Christ, your Risen Savior, if you believe you are but "matter in motion", why not simply let yourself out of your misery? Why fight it? Why even claim morality? Why not just "take while the taking is good", and then smash it when you get tired of playing? I don't know how else to start any discussion of "permanent values"—these have to start with what *you* believe!

I have a Savior. His name is Jesus, and He has proclaimed His love for me. No power on earth can take that away from me. He wants *you* as well as me, but first, there is something you must do. First, you must believe!

After that, the next steps fall in order very nicely. Recognizing that we "believe", we see that God intended Man to be free! We recognize that probably the greatest single event in all of recorded history was the signing of the Declaration of Independence with the subsequent acceptance of our Constitutional form of government, a government designed to "bind man down with the chains of the Constitution" and therefore to insure that we remain free! But it said nothing about the "Great Society." I recognized that if you were to have the "right to fail" you would also have the "right to succeed." Everything about our Constitutional form of government was the antithesis of the Great Society. Yet we lost sight of the fact that Government cannot "give" anything that it doesn't first "take." We betrayed our heritage.

If we are looking for these "permanent values", we must first turn to Jesus Christ, and then to the Constitution of the United States. And this means we must recognize that anyone who tries to change our form of government, thereby proclaims himself our enemy. This is true of Socialists, whether they call it the "New Deal", the "New Frontier", or the "Great Society." Collectivism, and Centralization of Authority, are our enemies. They are destructive of our Constitution, and it is only the Constitution that guaranteed we should be free.

Poets have proclaimed, *"Breathes there a man with soul so dead who never to himself hath said, 'This is my own, my native land,'"* In other words could there be anyone with "soul so dead" that he does not love his own country? Seemingly there are those who do not, and I mean the leaders of the "Great Society." They want "internationalism"; they vilify those who want "nationalism", and yet they rule us because we have complacently stood by while they captured the purse strings.

I love my land; I love my God; and I am aware that every person holding public office in America has taken a solemn and binding oath to defend our Constitution against all enemies, both foreign and domestic. There is not room for both the Constitution and the Great Society!

The next step in what is of "permanent value" has to do with what we are, "genetically" and organically. It has to do with quality. No, all men are not "equal". Some are giants and some are pigmies. Some have intelligence and in others this is lacking. Some have industry, while others simply leech.

We are told that God made Man in His "own image." This I believe. Yet there are aborigines who still prefer to crawl, rather than to stand, and who have not progressed beyond the Stone Age. I do not accept the concept of evolution. I do accept that Man is made in God's own image.

Yet we are told that He also created the races. The Bible is a very "racist" book and also, I might mention, quite "anti-semitic." but that's another story.

Race has to do with "genetics." If we do not face this situation squarely and honestly, we will all perish. Dr Revilo Oliver expressed the question quite nicely: "Have we, the men of the West, lost the will to live?" To survive, we must answer—immediately. To fail is to perish.

As we seek "permanent values," let us consider the billions upon billions of tiny cells that make up our bodies,—*each one a complete universe!* We must guard what we are so that we do not have "sick cells" and thereby do not subsequently have "sick organs," so that we do not have degenerative disease.

We must watch what we eat, what we drink, and what we breathe, or we shall not have normal, healthy, mentally alert progeny. Every cell in your body is replaced periodically. In general terms, every few years you have an entirely new body. But to keep it well you must stay away from processed foods and you must inhale and drink and eat only that which God gave us. It must be "organic," — not some chemical monstrosity.

We are a sick people, sick at heart, mind and body. We must return to what is basic. And in this brief broadcast, I have tried to sow some seeds.

PART II

I will continue with this evaluation of what I feel must inevitably transpire before we regain control of our Constitutional Republic. I stressed the point that we must first know what we believe before we can hope to resist the collectivist society.

In summation I tried to establish that as a nation we lack conviction; that we are weak and growing weaker—not only physically, but morally and mentally—and above all, we lack the central motivation that inspired our forefathers who founded the Republic: — that deep abiding faith in Jesus Christ and God Almighty.

Secondly we must recognize, as did Gladstone, that ". . . the American Constitution is, so far as I can see, the most wonderful work ever struck off at a given time by the brain and purpose of man." We must realize as we "pledge allegiance to the Flag and to the *Republic* for which it stands," that it is impossible to have both the Republic and "Democracy." We must analyze quietly and carefully, fully cognizant of the implications of our confessed loyalty, that the day may come, in the not too distant future, when you, too, may have the opportunity to ". . . pledge your lives, your fortunes, and your sacred honor," in the defense of a Savior and a Constitution in which you profess to believe.

And thirdly, having rededicated ourselves to both Jesus Christ and the Constitution, we should guard what we are genetically. God—not man—made the races, and those who rush headlong into accept concepts contrary to all that history teaches are making tragic mistakes. God will not be mocked indefinitely.

If satanic forces working constantly to undermine Western Civilization were fully understood, we would realize that one of man's most basic instincts—that of Pride in Race—is being deliberately distorted to cause malice and hatred. Some are beginning to comprehend, although but dimly. God willing, in due course all will understand, and instead of governments insisting on race-mixing, the attributes of each race will be recognized and lauded, and all will be encouraged to develop in their parallel societies. God, not man, made race. This has been recognized throughout all history until now, right this minute in history. But this, too, shall pass, and it would be my prayer that the "sins of the fathers" (and the mothers) not be too numerous, because surely it is the generations yet unborn who will suffer the most tragedy.

In concert with what I have stated, we must guard ourselves "genetically"—or possibly the better word would be "organically." It is now possible to alter the very chromosomes so that for once and all we are altered, unalterably. Chemicals, mostly inorganic and many with hideous side effects, are being forced into our society constantly. The very food we eat, the beverages we drink, and the air we breathe, are contaminated and we sicken and die, under the torture of the damned, because we violate God's natural law. We react to some stupid TV advertisement about processed foods, chemical digestive substances, or some other such deadly nonsense, and then we wonder why we break down and have to line up to have our very organs removed surgically!

Such things affect the whole man; even your God-given brain-power is affected, but that cannot be altered through surgery. Instead we live "half a life," sick but still on our feet—instead of *living* we are simply reacting. And we react mainly to the drivel that is being fed to the nation through the controlled news media. We are sick at mind, we are sick at heart, and we are sick physically. We cannot hope for any lasting victory over any form of tyranny unless we are whole—spiritually, morally, and physically.

Down to basics again. If you accept my premise that we must first honor God, as revealed through Jesus Christ, and secondly that we must "defend the Constitution against all enemies, foreign and domestic," we must see that the moment of truth is fast approaching. Somewhere in the not too distant future, we are going to have to put on the whole armor of God, grasp firmly the torch of liberty, and, if it be God's will, we will have the victory. Don't ever discount His power. Don't *you* decide what he is capable of doing, but do realize that He does *most* of His work through human agencies. That means you and me—if we don't shortchange Him. It is writtten that in due course "every knee shall bow to Him"—right now our human minds might view this as an impossibility. Not so. He does rule and this shall come to pass, but not at a time of our selecting. Let us "occupy" and glorify Jesus and defend the Constitution against all enemies "both foreign and domestic." Keep in mind, everyone holding public office in America has taken a solemn, binding and sacred oath to "defend the Constitution against all enemies, foreign and domestic." Socialism, and socialists, are our "enemies."

Let's keep this simple. The moment of truth is fast approaching. The battle is not between "Communism," per se, and the United States; it is between Humanism, expressing itself in the demand for a One-World Court, a One-World Bank, One-World Government, and the very unique concept first fully developed less than two hundred years ago—the concept of a Limited Government—recognizing that you, the individual, are important in the sight of God, and therefore guaranteeing to keep you Free!

We are selling our freedom for a mess of pottage.

The moment of truth could take several forms, but first let me preface my remarks with these: I do not believe it is important exactly how many survive the pending breakdown in our society. I do not think that having 200 million air-conditioned, chromium-plated, pleasure-seeking United States citizens honors God in any particular fashion. In fact, quite the contrary. It is completely consistent with what I have been trying to develop to suggest that God is vitally interested in Quality! And also, He deals with "remnants" throughout all of recorded history.

We can always repopulate. With man's presumed ability to conquer disease (even as he poisons his environment including the very air he breathes) presumably in very short order, man could repopulate the earth following any major catastrophe. Daily we are told that there are very real dangers of our *over*-populating. So I should not shock too many by a rather brutal assessment that I am not particularly concerned about how many survivors there may be, but rather, I am concerned as to their quality.

Two opposing forces are about to shake the earth in what will probably be the largest battle ever fought in all of recorded history. We must look rather like a David facing a Goliath, but this should not cause us any concern, because it has been said, "If God be for me, who can be against me?" To God will go the Victory.

These two forces, simply stated are "Collectivism" on the one hand, and "Freedom" on the other. Call them what you may, we are in a tug-of-war between those who want to remain free—having Freedom under God; recognizing that Man is important in the sight of God—and those who want to centralize all power into a collectivist, humanistic Society. Now, if we end up in the latter, someone will have surrendered the former, and that person or group of persons would have violated their oath of office to "defend the Constitution against all enemies, foreign and domestic."

We shall fight, and we shall have ultimate victory. Man was not born to be enslaved—not even to the Great Society.

I share with you what I see. I cannot give the exact dates, but I can say that what I suggest is very liable to happen. In fact, it could start happening almost immediately. Furthermore, it may even be that we, the "Men of the West," have lost our "will to live" and, if so, we will not resist tyranny. I am going to make the opposite determination, however, because I think that deep down inside many of us—despite the brainwashing, the fluoridation, and the drugging; despite the oft repeated phrases of "bigot, racist, narrow nationalist, right wing extremist" and all the rest of the garbage—despite all this, I believe that many of us, even possibly most of us, are still dedicated to what our ancestors fought and died for, and that has to do with this irresistible force deep in man's inner being; a driving force—to be free!

PART III

A monetary collapse faces the nation momentarily. The boys with the printing presses have reached the end of their rope and Gold is going to conquer, as it has through all of recorded history. No, I do not worship gold, but I do know it to be an honest measure (albeit subject to dishonest bankers) and there has to be some "medium of exchange." We have violated every economic law known to man and we are going to pay—tragically. The much vaunted Federal Reserve has in no wise mitigated the basic dishonesty of having government manipulate the money supply. It has simply added crime upon crime and charged interest for participating. It also "centralized all authority" over our banking system, so that when the tragic end of the cycle becomes obvious, we have nowhere else to turn. It is no longer a matter of a bank failure. It is now a matter of *the failure of our currency*.

The President of the United States has equipped himself with a set of so-called "Executive Orders" which, stripped of their legal trimmings, simply make him a total dictator, if and when he determines that, *in his judgment*, the nation is faced with either a military—or an economic emergency! What freedoms we have left can be snuffed out in a twinkling. Oh, obviously for the "good of the country." Nevertheless, we could waken to find ourselves in a state of slavery.

The next step is obvious. The "state," meaning this self-proclaimed dictatorship, (the Constitution is subservient to the "Executive Orders") would tell us what we must do; what we must pay for "goods and services," and *that we must accept little pieces of green paper in payment*, irrespective of how little we trust this check-book currency.

On the pleasant side of the ledger this situation cannot continue indefinitely. Some will rebel, bless their hearts, and they may be shot down in the market place, but the idea of resisting tyranny can be very, very catching. We will ultimately resist Federal tyranny, and if we are very fortunate, we may have the opportunity to do so in the election booths. If that is denied us, we will still resist tyranny. Why? Because man was born to be free, and more than any other nation on the face of the globe, Americans know what it is to be free. Oh, I don't mean this generation maybe not even the previous generation, but men yet living can remember before we had the Federal Income Tax; before we had the Federal Reserve Bank; and before we surrendered the election of our U.S. Senators to the same "masses" that elect our Representatives. All the carefully worked out "balance of power" has been thrown into the discard because some sinful weak men turned to the Federal government, thinking somehow the Federal government was going to give them something "for free."

It will not work, this federally imposed tyranny! This centralized form of government will lack the ability to enforce its will for several reasons, but most particularly, because its "power of the purse" will be radically diminished. No longer will it be able to "buy and sell" with approximately one hundred and seventy-five billions of dollars as an annual budget. It will have to rely on some form of real wealth to try to enforce its will upon the nation, because we will no longer be impressed with printing press money.

Reducing it to the simplest form, goods will no longer flow to market and the man on the job throughout industry will no longer continue at his lathe, or his gas pump, or oil well, because he will be out in the country foraging for his family. Yes, mobs will roam the streets. We will form vigilantes. It would be amusing, were it not so tragic, to see the Federal government's "Crime Commission" bewailing the fact that our cities are planning to use strenuous methods to combat mob activities! I would remind the Federal government that governments are instituted among men for one basic reason only—To protect that society! If it cannot do this one simple task, then it will be circumvented, and law-abiding citizens will do what is necessary.

Mobs will roam the streets. And I do not suggest that this will be limited to any particular race or color. We have raised a generation that is sure that the world owes them a living, and if they can't earn it, I believe they will try to take it. Keep in mind the basic prolonged attack we have witnessed upon all considerations of morality. Civilized man wears his mantle of inhibitions very uneasily. It does not take much to bring out the worst in most men, and any major breakdown in our society would undoubtedly herald in a period of unbelievable anarchy.

So be it! We can survive, and again I stress, in God's sight, it must be much more important to deal with *quality* than *quantity*. Did you ever think to dwell on just how very fortunate the Christian is? Through Christ he overcomes the grave, and whether or not he survives this period is of really very minor importance, except possibly to him or her, individually. Why did the Marines at Iwo Jima expose themselves to enemy fire just for the purpose of raising the flag? Because the cause they believed in was more important than self, and because of that, we were led to victory. So too, through Christ, shall we have the final victory. Don't be overcome with fear of what must transpire on the short term. Keep looking for the ultimate victory.

If I am right, we will have two forces contending. Oh, I do not fear "Communism" in the United States for many reasons, most of which should be very obvious. In the first place, the satellite states will revolt and the Bolsheviks will begin to be executed all over Europe, because we are no longer in the business of keeping them going. Slaves will revolt, and when we no longer pump our "foreign aid" into the hands of their captors, the Christian nations of Europe will revolt, and the scourge of communism will be eradicated. I don't doubt this for a minute. If you doubt it, re-study the implications of Hungary.

If I am correct, we will have a federal government become a dictatorship—and as I say, the Executive Orders that presently exist are exactly that and nothing short of it. This Federal government must maintain its payroll in order to proceed with its plans for the "Great Society", which to me is nothing short of slavery. Yet, at that very time, we will not be accepting their printing press money for goods and services and obviously there will be "anarchy."

At this point I believe that we in America can do what no other nation has been able to do. I believe we can lead the world back to sanity. Because, despite some Supreme Court decisions, we are still ruled by a Constitution that does not grant powers, but *limits* powers, and we will re-study the basic fact, that our separate states *are sovereign*, and we will stop looking to Washington for handouts, and get back to the task of maintaining our sovereignty. Each State has a good and adequate State Constitution. Each state also signed the Constitution of the United States, a binding, bi-lateral contract limiting the powers of this centralized authority. There is no legal base for ninety-nine percent of this so-called "law" emanating from Washington, most especially the Supreme Court decisions. We must and will reaffirm our "States Rights" and, doing this, we will regain our sovereignty.

Will this be a neat, orderly process? Of course not, but on the other hand, the alternative is slavery! Some states will do very well, thank you, and others will be sunk in anarchy and terror that probably will have no parallel in all history. But, keep your eye on what is central to our theme. We will turn to our State Houses! We will have emergency sessions. We will restore law and order, and we will emerge a Republic, with the Separation of Powers guaranteed by that most wonderful of documents, the Constitution of the United States.

Let me go back a bit. Following "anarchy" (mobs in the street, rape and looting, burning and pillaging), there will come some form of vigilantes. Ideally, this will be the City-State functioning, or if it is in the hands of politicians, it may be the County. Ideally, the entire chain-of-command from the City, the County, to the State will still be functioning. Incidentally, I do not believe that there will be gasoline, and except for emergency units. I do not believe there will be electricity. When you try to picture what may be occurring during any such time, keep these two factors in mind. It takes years, to be able to develop a capacity to even entertain such a possibility.

Does this sound too rough to you? There is absolutely no reason that all this cannot transpire. In fact, this course (or slavery) always follows the cycle that we find now reaching its climax as the Administration prepares to leave us with an entirely flat currency. Don't dread the conflict. Instead plan to stand up and honor God and the Constitution, knowing that the very highest form of patriotism is—simply expressed—resistance to tyranny! We shall have the ultimate victory!

Communism ("collectivism", "humanism") always knew that victory over our nation was impossible as long as there were forty-eight (now fifty—possibly not wisely) separate states, each with their guaranteed Republican form of government, and a very limited centralized Federal agency. Therefore, and even before the turn of the century, satanic forces were well on the road to changing our form of government into a collectivist society.

General Douglas MacArthur, whom most of us are taught to honor, expressed his fears in this fashion:

"Insidious forces, working from within, have already drastically altered the character of our free institutions. . . . What is our greatest internal menace? If I were permitted but one sentence of reply—but one phrase of warning—it would be: End invisible government based upon propaganda and restore truly representative government based on truth."

We now witness the tragic end results of what has long been happening. Senator William E. Jenner of Indiana also warned us very clearly.

"We have a well organized political action group in this country, determined to destroy our Constitution and establish a one-party state. This political action group has its own political support organizations, its own pressure groups, its own vested interests, its foothold within our Government and its own propaganda apparatus."

These men were right! Insidious forces have been altering our form of government, slowly, quietly, insidiously, depending upon the principle of the "inevitability of gradualism" to keep us in a stupor until all their evil ends were fully accomplished.

But do you know what? They cannot succeed, because Man was born to be Free,—and in the United States we have tasted Freedom and the instruments of our freedom, although now dishonored, nevertheless still exist, and we will turn to them again in our hour of need. There is nothing wrong with America that can not be cured overnight, if we simply erase every law put on the books since the turning of the century. Our Constitution "outmoded"? That is infamous, and patriots will rise to the occasion and restore Constitutional government; the separation of powers, the concept of States Rights, individual responsibility, and fiscal sanity. This is our government, not theirs, and we should be ashamed of having permitted it to be altered while we slept. Thank God we are finally arising.

There is a concept of feudalism which I should touch upon because I do believe it, too, is going to play a role in this coming period of history. I have suggested that as a centralized authority becomes a total dictatorship, it will find it impossible to enforce its will—(I certainly hope so. When I pledge allegiance to the Republic, I mean exactly what I say.)—it will become increasingly oppressive. In the meantime, the looting, raping, sacking and burning will be continuing. Ideally, the City and the County will deal with this, but what will happen when a "liberal" State government works hand in hand with the Federal agency? Then, undoubtedly, you would have vigilantes. Let me say this loud and clear. I do not look for, nor desire, racial warfare. Yes, there will be enough of it, God knows, but not after all involved understand the guiding forces behind our racial animosities. We did live in peace for the better part of a hundred years, and a great many of every race imaginable improved their lot under the American way of life. Many of these will be fully on the side of "law and order" and I pray the leadership will be provided to defeat the plans of all the hidden manipulators who want racial warfare in our cities. Mobs, both black and white, can be manipulated. It is going to be up to our leaders—God-fearing and Constitution respecting leaders of all races—to do what is good for America, so that all will return to sanity.

Feudalism is a concept that is alien to the United States, but it will have a place in the concept which I have been developing. In other words, we do not all live in cities, and with the breakdown in communications (remember I anticipate that there will be no gasoline and possibly no electricity), in certain valleys and mountains, in various remote regions, men will come together for mutual protection, and they will form a protective society. It will be an infant "feudal state" not too unlike Germany during a good part of the last century. Each would protect its own; also each would sign "mutual defense pacts" with its neighboring "principalities." Logically, these would in due course, turn to the County for protection, but it could be that the County Seat might be in a metropolitan area and in the hands of those with an alien philosophy.

Can your mind envision all this happening? Mine can, and I can even derive an element of comfort, because through these steps, I do see a way back to Constitutional government. And remember, *the only alternative is to live under a dictatorial, collectivist, centralized authority* and this would honor neither God, nor your Constitution, and would indeed become abject slavery.

Oh yes, we would have some sort of money. I would respect a "Wooden Nickle" issued by a "City" or a "County" or a "State," if it would only circulate *debt free*. In other words, if it were truly simply a token representing a storehouse of value, and only intended to serve as a receipt and demand for goods and services, — I would gladly honor it. This, in due course, would be backed by the separate sovereign State, and would probably also be accepted in neighboring states, as they too, emerged to victory. Some will, some won't. There would be enormously significant overtones of the "survival of the fittest" during this period, which could be a matter of months; might well be a matter of years; and could conceivably last centuries.

I have no idea what will happen to me. I would pray that when God does call me home He will say, "Well done, good and faithful servant." What more could anyone ask for, than to have an opportunity to glorify God and to defend his loved ones and his country?

In summation, let me state the following: If we are not morally, spiritually, and physically sound, we are nothing! We have our guidelines in Jesus Christ and the Constitution. If we desert them we deserve all that will be happening.

If we truly do love God, and if we do truly "pledge our allegiance to the flag of the United States and to the Republic for which it stands," we will gladly defend both, and will gladly give our lives, if necessary.

It would be well to be willing to make the determination: You may some day die under slavery, but you will never *live* under slavery. In God's good time we are probably here on earth for only a twinkling. Yet He obviously has use for us, if we honor Him and are willing to do His bidding.

Less than two hundred years ago He endowed our Christian Constitutional Forefathers with incredible insight and these men gave us a sacred document which should have guaranteed that we remain free. They did not let us down, nor did our Lord. We, each in our own little ways, permitted the inroads of humanism and socialism, centralization and collectivism, to erode our society. Now the road back is difficult, but not impossible, and He will show us the final victory.

PITTSBURGH HUMAN RELATIONS COMMISSION REPORTS ON GROWING INSURANCE SHORTAGE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. MOORHEAD. Mr. Speaker, on February 1 of this year, the commission on human relations of my home city of Pittsburgh held a daylong hearing on the problems that Pittsburgh homeowners and businessmen were having in obtaining and retaining insurance protection for their property.

The hearing, at which 32 witnesses testified about cancellations, nonrenewals, and exhorbitant rate increases for insurance coverage, was part of a thorough investigation of the property insurance situation in Pittsburgh.

The commission issued a preliminary report on its findings and recommendations for action on March 11. Among other things, the commission found that "the lack of availability of fire and extended coverage insurance for properties in central city areas is national in scope, affecting every major city."

The commission correctly concluded that—

> The unavailability of fire and extended coverage insurance, among other things, destroys credit in predominantly Negro areas, reduces the salability and financing of housing, prevents loans on inventory, and causes loss of employment when a business relocates.

The commission strongly recommended Federal legislation to relieve this situation. They urged prompt enactment of a program like that embodied in H.R. 17003, the Urban Property Protection, Rehabilitation, and Reinsurance Act of 1968, now awaiting action by your Committee on Banking and Currency.

H.R. 17003 proposes to sell Federal reinsurance against riot and civil commotion losses to insurers participating in statewide plans to make basic property insurance available to all homeowners and businessmen whose properties meet reasonable underwriting standards. Properties would be individually inspected under these plans, and could not be denied coverage unless specific physical deficiencies were identified.

For low-income property owners whose properties need repair in order to be insurable, H.R. 17003 extends the section 312 rehabilitation loan and section 115 rehabilitation grant programs to areas where inspections are being made pursuant to the statewide insurance plans.

The bill also provides for extensive participation by the insurance industry and the separate States in sharing insured losses due to riot and civil commotion.

The two problems that H.R. 17003 aims at correcting—the growing shortage of insurance protection in our inner city areas and the threat of catastrophic riot losses to the solvency of insurers—are extremely critical.

To demonstrate the situation in just one of our Nation's many cities, I insert the preliminary report of the Commission on Human Relations of the City of Pittsburgh at this point in the RECORD and commend it to the attention of my colleagues as strong evidence of the need for H.R. 17003, the Urban Property Protection, Rehabilitation, and Reinsurance Act of 1968:

PRELIMINARY REPORT OF THE COMMISSION ON HUMAN RELATIONS OF THE CITY OF PITTSBURGH, IN RE: THE MATTER OF REAL PROPERTY INSURANCE COVERAGE IN THE CITY OF PITTSBURGH

HISTORY

On December 4, 1967, a telegram was received by the Executive Director of the Commission from the Presidents of the Homewood-Brushton Chamber of Commerce, Homewood-Brushton Citizens Renewal Council, and the Homewood-Brushton Community Improvement Association. The telegram stated: "We request an immediate investigation into arbitrary cancellations of insurance coverage on business establishments and churches in Homewood-Brushton. It is our contention that this action undermines the confidence of the community and imposes an unwarranted economic burden on individuals and groups within the neighborhood."

The same day, the Commission directed its staff to conduct the investigation called for but enlarged on the request contained in the telegram to include not only business establishments and churches, but homeowners, tenants, and also the Hill District and Manchester sections of Pittsburgh.

On February 1, 1968, a public hearing was held by the Commission on this question, at which testimony from 32 individuals was received. (The hearing transcript of 183 pages is hereby incorporated into this report by reference and made a part hereof.) In addition, the Commission staff interviewed numerous persons and collected considerable material.

FINDINGS OF FACT

1. The lack of availability of fire and extended coverage insurance for properties in central city areas is national in scope, affecting every major city.

2. In Pennsylvania, the State Insurance Commission began to address itself to this problem in 1965 by urging companies writing fire and extended coverage insurance in Pennsylvania to adopt a program designed to offset the decline in coverage in the urban areas of this State.

3. Effective March 1, 1965, the Middle Department Association of Fire Underwriters issued, under approval from the Pennsylvania Insurance Commission, a new plan called "Schedule No. 33 Sub-Standard Rating Plan." The plan was designed to enable an individual who was refused fire and extended coverage, to request a physical inspection of the property. If no unusual physical conditions were found, a recommendation was to be made for the issuance of a policy at no additional premium.

4. During August of 1967, the State Insurance Commission urged the insurance companies to refrain from widespread cancellations of insurance in our cities, and issued directives to the companies relative to maintenance of detailed statistics on coverage in Pittsburgh and Philadelphia.

5. The "Schedule 33" plan has not been implemented to any significant degree in the Pittsburgh area, and is unknown to many persons in the insurance field operating in this area. The general public is completely unaware of the plan.

6. The State Insurance Commission and the Middle Department of Fire Underwriters were aware of the lack of implementation of the "Schedule 33" plan. On July 1, 1965, the executive manager of the Middle Department advised member companies that ". . . the Insurance Department of Pennsylvania continues to receive complaints of a lack of market. . . ." On September 7, 1965, the executive manager again advised that "The Insurance Department advises it has received an increase in the number of complaints. . . ." On May 23, 1966, the Insurance Commissioner advised the insurance companies that "property owners, as well as civic and municipal groups, have advised the Insurance Department that it is still difficult and sometimes impossible to obtain fire and extended coverage insurance on dwellings. . . ."

7. In the Pittsburgh areas of the Hill District, Manchester, and Homewood-Brushton, insurance companies have taken several approaches in declining to write fire and extended coverage insurance, as follows:

A. *Excessive Premiums*—Companies have refused to renew existing policies unless the insured would consent to the payment of a premium 3, and in some cases, 8 times the prior premium. One example out of many cited at the public hearing was a $7,500 fire and extended coverage policy that was $36.75 for three years and now costs $209.09 for three years, in the Hill District.

B. *Refusal to Renew*—Companies have refused to renew, and the insured has had no source of continuing insurance.

C. *Refusal to write*—Companies have refused to write the policy in the first instance.

D. *Refusal to write in the same amount*—Upon the date of renewal of an existing policy, companies have declined to write the policy in the same amount, agreeing in some instances to only write a policy with one-third of the amount of protection of the prior policy.

8. The decline in insurance coverage has had no relationship to the physical condition of the properties involved, and examples were given at the hearing of properties reported to be in excellent condition, which had been insured for many years, and on which insurance is now not attainable.

9. Insureds have usually not been able to ascertain the reasons for being unable to procure insurance from the brokers, and companies have usually not given the agent or broker the reasons in writing.

10. The decline in fire and extended insurance coverage in the last three years in Negro areas of Pittsburgh has been due to the designation by insurance companies of these areas as high risk, or target areas for riots, notwithstanding that no riot has occurred in these areas.

11. The current condition is aggravated by the fact that insurance companies have always been more selective in writing risks in predominantly Negro areas of this city, years before the riots of the last few summers.

CONCLUSIONS

1. The Commission has jurisdiction to inquire into this matter by reason of Pittsburgh Human Relations Ordinance No. 75 of 1967, Section 7(e) which empowers the Commission to study and investigate by means

of public hearings or otherwise any conditions having an adverse effect on intergroup relations in the City of Pittsburgh.

2. Fire and extended coverage insurance is either unavailable or available at excessive costs with resultant hardship to the insured, in the predominantly Negro areas of the City of Pittsburgh.

3. The unavailability of fire and extended coverage insurance is caused not by any adverse experience in this City or the condition of the property, but rather by an expectancy of what might occur.

4. The unavailability of fire and extended coverage insurance, among other things, destroys credit in predominantly Negro areas, reduces the salability and financing of housing, prevents loans on inventory, and causes loss of employment when a business relocates; all to the financial and social loss of those living in and working in predominantly Negro areas.

5. The effectiveness of programs designed to cope with the problems of Pittsburgh, such as "Model Cities," "leased housing," "turnkey," and others is threatened if property insurance is not available.

6. No existing program has prevented the disappearance of property insurance from the predominantly Negro areas of this City.

RECOMMENDATIONS

And now March 11, 1968, the Commission on Human Relations of the City of Pittsburgh, after investigation and public hearing on the question of the availability of real property insurance in predominantly Negro areas of this City, does hereby issue the following recommendations:

1. Federal Government assistance to resolution of the problem by (a) financial aid to assist homeowners and business owners in rehabilitating their property to bring it up to insurance standards. This aid could either be in the form of a cash grant or a low-interest loan. (b) a reinsurance type subsidy arrangement for the insurance companies who are willing to insure risks in every part of the United States, irrespective of the location of the property.

2. In Pennsylvania, legislation should be immediately enacted authorizing the State Insurance Commission to create a mandatory insurance pool (a) requiring participation by all insurers writing property insurance in Pennsylvania (b) requiring the insurers in the pool to write insurance on any insurable property located anywhere in the Commonwealth (c) setting forth an inspection procedure to determine the insurability of property (d) the State Insurance Commission developing a procedure for the assignment of the risks to pool members when the insured is unable to obtain insurance on his own.

3. As a temporary interim step pending the enactment of necessary legislation at the State level, all property insurers presently doing business in this City should establish a voluntary plan of providing property insurance to all sections of this City.

This proceeding will remain open pending implementation of the above recommendations.

ERIC W. SPRINGER,
Chairman.
DAVID B. WASHINGTON,
Executive Director.

OUR POLICEMEN

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. QUILLEN. Mr. Speaker, an editorial from the Greeneville Sun, Greeneville, Tenn., on May 13, 1968, was dedicated to that great body enforcing the law—our policemen.

I have often felt that the greatest danger in America today is the flagrant violation of law and order. Our policemen and law-enforcement officers are becoming more and more important to us day by day. Our policemen have a difficult job, one that is not envied by any person, yet they carry out their duties faithfully and in the face of many dangers.

This tribute is one they have long deserved, and I thought it should be called to the attention of the readers of the RECORD, as follows:

OUR POLICEMEN

In these troubled times citizens depend more than ever upon local police departments to maintain law and order in their communities.

Ironically, as his job becomes increasingly difficult, subjecting him to dangers and abuse not so common a few years back, criticism of our policemen is becoming an almost standard tactic among some, an almost automatic defense of violence by others.

Almost invariably, when policemen are ordered to disperse massed sitters, demonstrators or others—who are breaking the law—they are afterwards charged with brutality. Too many gullible, well-meaning people are swayed by such charges.

Inevitably upon occasion, there are examples in which law enforcement officers could have performed better. But policemen are not perfect. We are lucky they are as fair as they are—considering what most are paid. They are only humans doing their best in a very difficult job.

And if there are some incidents where very onerous and dangerous duties must be performed, this is—in the final analysis—the product and responsibility, of those who chose to break the law.

To expect everything in such situations to work perfectly, and every human to perform in a perfect manner, and to blame law enforcement officials when that doesn't happen, is unrealistic; in addition, chronic depreciation of our police departments undermines the very fabric of an orderly, democratic society, respect for the law.

SMALL BUSINESS WEEK, MAY 12–18, 1968

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. ASHLEY. Mr. Speaker, on May 1, 1968, Gov. James Rhodes proclaimed the week of May 12 to 18 as Small Business Week in Ohio. I take this opportunity to join with Governor Rhodes in urging all chambers of commerce, boards of trade and other public and private organizations to participate in ceremonies recognizing the great contribution made by small businesses to the progress of Ohio and the Nation.

The Governor's proclamation is as follows:

PROCLAMATION: SMALL BUSINESS WEEK, MAY 12–18, 1968

Whereas, small and independently owned and operated business enterprises supply a large share of the needs and luxuries of the American people; and whereas, in Ohio's metropolitan, urban and rural areas small businesses provide a broad source of diversified employment opportunities, allow individuals new avenues for expression and growth of personal initiative and judgment, and introduce new ideas, methods and products which stimulate our economy; and

Whereas, the Development Department and the many public and private agencies participating in Ohio's Comprehensive Development Program recognize the vital role of the small business in the Ohio economy and the importance of their continued commercial, civil and industrial activity and leadership; and

Whereas, the establishment and expansion of many small businesses in Ohio contributed greatly to Ohio's record industrial expansion in 1967:

Now, therefore, I, James A. Rhodes, Governor of the State of Ohio, do hereby designate the week of May 12–18, 1968, as Small Business Week in Ohio and urge all Chambers of Commerce, Boards of Trade, and other public and private organizations to participate in ceremonies recognizing the great contribution made by small businesses to the progress of Ohio.

In witness whereof, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed at Columbus, this 1st day of May in the year of Our Lord, One Thousand Nine Hundred and Sixty-Eight.

JAMES G. RHODES, *Governor.*

THE 28TH INTERNATIONAL CONGRESS ON ALCOHOL AND ALCOHOLISM

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. GUDE. Mr. Speaker, the 28th International Congress on Alcohol and Alcoholism, a meeting expected to attract the largest attendance ever recorded for a scientific conference in the field of alcoholism, will be held in Washington, D.C., September 15 to 20, 1968.

Conferees at this important health convocation will come from all parts of the world.

Described by planners as the most comprehensive gathering of its kind ever held anywhere in the world, the Congress will be supported by a grant from the National Institute of Mental Health, U.S. Department of Health, Education, and Welfare, in addition to private contributions.

A function of the International Council on Alcohol and Alcoholism, Lausanne, Switzerland, this conference is held every 4 years in a different country. It comes to the United States for the first time since 1920.

Twenty-four organizations are serving as sponsoring and cooperating agencies. These include the U.S. Department of Health, Education, and Welfare, American Medical Association, National Council on Alcoholism, North American Association of Alcoholism Programs, Rutgers Center of Alcohol Studies, General Services Board of Alcoholics Anonymous, the Christopher D. Smithers Foundation, Society for the Study of Social Problems, the American Public Health Association, American Hospital Association, American Nurses' Association, Inc., American Psychiatric Association, American Psychological Association, Canadian Psychiatric Association, International Association of Chiefs of Police, Institute for the Study of Drug Addiction, National Association of Social Workers, Inc., National Association of State Mental Health Program Directors, National Council on Crime and Delinquency, National Tuberculosis Association, North American Judges Association, the Al-Alon Family Group Headquarters, Inc., the Association of State and Territorial Health Officers, the North Conway Institute.

Prominent scientists and others concerned with the prevention, treatment and research in the field of alcoholism will give papers relating to 17 topical areas.

The purposes of the congress are:

First. To present scientific findings in the field of alcohol problems.

Second. To foster closer relationships, improved communications, and other collaboration between the governmental and private groups interested in these medical-social-health problems.

Third. To encourage further research and professional activity in the field.

Fourth. To provide through the mechanism of published proceedings the state of knowledge in reference to biochemical, pharmacological, sociocultural, psychological and medical aspects of alcoholism.

Archer Tongue, director, International Council on Alcohol and Alcoholism has stated that he is pleased that the United States will be the site of the 28th congress because "there is worldwide interest in the research and treatment programs as well as the methods of public education of alcoholism which have been developed in recent years in the United States."

David J. Pittman, Ph. D., director, Social Science Institute, Washington University, St. Louis, Mo., is general chairman. Selden D. Bacon, Ph. D., director, Center of Alcohol Studies, Rutgers University, New Brunswick, N.J., is program chairman. R. Brinkley Smithers, president, Christopher D. Smithers Foundation, is chairman of the patronage committee.

The official languages at the conference will be French and English, with simultaneous translations. Headquarters in Washington will be the Shoreham Hotel.

The central office of the North American Association of Alcoholism Programs will act as congress secretariat.

Mr. Speaker, I believe it appropriate that the U.S. Congress express its hope that the results of this important international conference are successful in helping to alleviate the serious problem which alcoholism poses to world health.

DANGERS OF CIGARETTE SMOKING

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. MOSS. Mr. Speaker, this Congress must ask itself what it intends to do about protecting our citizens. The dangers of cigarette smoking are increasing, as Rodale's Health Bulletin pointed out on May 11, 1968:

> According to the United States Public Health Service, emphysema . . . is reaching "potentially epidemic proportions." Approximately 17,000 Americans become new victims of the disease yearly. Causes of emphysema are not known, but cigarette smoking is believed to be the most significant factor involved and air pollution also plays a role.

My colleagues, we must not shirk our responsibility—we must act to protect the health of our citizens.

Mr. Speaker, it is to me appalling that this Congress can sit idly by while our Nation's health is seriously undermined. I am speaking of our inactivity in the face of the dangers from cigarette smoking. Recently I called to your attention the amazing amounts of money the cigarette industry spends on television advertising; today I point to another frightening statistic—of the top 20 advertisers for radio, three were cigarette manufacturers, who together spent $13,751,000. All this money was spent to further the number of our citizens placed in jeopardy by cigarette smoking. I refuse to believe that this Congress will merely be an inactive participant in this crisis; rather, I am convinced that my colleagues will soon join the 57 Members of this House who have united behind H.R. 11717, a bill that will adequately warn our citizens of the hazards of smoking.

NEED FOR APPROVAL OF OCCUPATIONAL SAFETY AND HEALTH ACT

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. RODINO. Mr. Speaker, on April 4, the Newark, N.J., Star-Ledger described "a series of earth-shaking explosions" which occurred the day before in a Newark plant engaged in the refining of precious metals. This industrial accident took the life of one young man, a 33-year-old foreman who leaves a wife and three small children, and injured 13 others, including nine firemen.

What is more, the explosions released clouds of deadly chlorine gas which threatened the whole community. Police lines had to be set up to keep spectators out of the contaminated area.

It seems that a blower over a chemical tank had stopped for some reason and the foreman was trying to clear it at the time of the explosion. One must conclude from this account that the hazards presented by ventilation failure were not clearly understood or guarded against. If they had been, this tragic accident need not have occurred.

I believe this incident illustrates very clearly the necessity for Federal safety and health standards in such industrial plants, as called for by the proposed Occupational Safety and Health Act of 1968.

Every day, 55 American workers lose their lives in on-the-job accidents, more than 8,500 are disabled, and 27,000 are hurt. Furthermore, the chemical hazards associated with so many industrial processes today, pose a special problem of community danger, as in the Newark incident, and underline the urgent need for Federal action.

SUMMER CAMP SAFETY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. ROSENTHAL. Mr. Speaker, as another summer approaches, millions of parents prepare to send their children to summer camps.

In many cases their children will be in good hands, with excellent supervision, good safety and sanitation standards, and proper equipment.

In some camps, however, there will be risks undertaken unknowingly by the parents and their children, because the camps are unregulated, poorly equipped, and without adequate personnel.

And in a tragic few cases, these defects will mean a child will not return alive from camp, or he will come back with serious injuries.

The sad fact is that we do not even know how many unsafe youth camps there are, or in what States, or even, in any detail, what risks our children face during their vacation.

We only know this:

Twenty States have absolutely no regulations for the safety of children in camps;

Forty States have no rules for camp staff qualifications;

Thirty-one States have overlooked provisions for sanitation and health facilities; and

Twenty-four States have no water safety and equipment regulations.

I introduce today a bill to require the Department of Health, Education, and Welfare to study State and local laws and regulations to see how well they protect our children. The bill would require HEW to report, after 1 year, and in detail, on how adequate the present camp safety protection is and what recommendations the Department makes for insuring the safe operations of youth camps.

Mr. Speaker, this measure builds on an extended earlier attempt to protect our children in camp. The earlier bill, which I cosponsored, would have authorized Federal youth camp safety standards and a program for State adherence and inspection to enforce these standards. Grants would have been available to States to help meet and execute these standards in a statewide plan for youth camp safety.

This bill, introduced in both Houses of Congress last summer, has languished like last summer's rose.

When an agency report was finally received on the House bills this spring, the judgment of HEW was that such measures might be appropriate but, it added:

> We do not now have sufficient information to judge the effect of these programs and in particular whether safety conditions in

youth summer camps are such as to require remedial federal legislation.

Accordingly, we think the first step should be to identify the nature and magnitude of such problems as may exist and to consider whether state and local regulations would be adequate to deal with them.

This bill, Mr. Speaker, will give HEW that opportunity it needs to find out how well present State and local laws are working to protect children in camps.

The only information parents now have on camp safety comes from understandably sanguine brochures, published by the camps themselves, or from short visits parents may make before they commit their childrens' lives to these camps.

This means most parents trust, with a blind hope, that everything will be done properly to safeguard their children. That is not enough.

I hope that early hearings on this bill will enable HEW to gather the information on youth camp safety which we all need badly.

HEMISFAIR 1968

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. GONZALEZ. Mr. Speaker, the current editions of Look and Newsweek magazines show that HemisFair is an excellent exposition and one in which we can all take pride. I am particularly pleased by the review accorded to the film being shown at the U.S. pavilion—a film that is as honest as it is bold, a film that shows that our true greatness is rooted in an ability to see ourselves as we really are, a film that recognizes that half the solution to a problem is to see it, honestly and forthrightly. I believe that my colleagues will be delighted by the comments of the Newsweek reviewer, and the Look article on HemisFair as a whole, and they follow:

[From Newsweek magazine, May 20, 1968]

AMERICA, AMERICA

When the Department of Commerce hired Francis Thompson and Alexander Hammid to make "U.S.," the film now being shown at the United States Pavilion at HemisFair '68 in San Antonio, it had already settled on a perfect puff of a theme: "Confluence U.S.A." What did that mean? A flowing together of peoples, a joining of forces—everything, nothing. World's fair films aren't supposed to mean, they're supposed to *be*, like laughter or morning dew.

Thompson and Hammid had set the style themselves with their enormously popular "To Be Alive!" for the Johnson's Wax Pavilion at the 1964 New York World's Fair and "We Are Young!" for the Canadian-Pacific-Cominco exhibit at Expo '67: multiple screens, myriad smiles, children's games, waving wheat, athletes and other graceful animals in slow motion—and all of it very strong in the joy and warmth sectors. But the world had changed since 1964 and so had Thompson and Hammid. With the Commerce Department's full knowledge and assent they turned the theme of Confluence into a brave and memorable warning that the American people, having come together into the most prosperous civilization on earth, are in deep peril of losing it to their mindless machines and their own jolly, heedless rapacity.

Woodcuts: Conventionally unconventional in form—three screens in three apparently separate theaters that suddenly merge into one—23 minutes long, shot in the bold shorthand of modern documentaries, "U.S." is only revolutionary in the context of its content, but that is more than distinction enough. It begins with the nation's beginnings: virgin forests, pure waters, unseen tribes in an almost empty land. It squeezes all of colonial history into a couple of minutes, but not without surprises. Woodcuts show whites shooting Indians. "U.S." acknowledges that we wanted Indian lands, that part of our incredible growth was built on slavery.

An early biplane becomes the roar of a jet. Manhattan's towers fill the screen. We are plunged into the vibrant, crowded, polluted present. Omnivorous Caterpillars devour the land. The beaches teem with crowds celebrating themselves. The old, unskilled, unneeded, watch and wait. A Negro family moves into the hostile white turf of suburbia. Freeways are streaked with cars. Where are they all going? Where are we going? "We have pinned our hopes on our machines," says W.H. Auden's narration. But machines do not care, and care we must while we can.

"Exciting": When Lady Bird Johnson saw "U.S." she said it lacked "the element of hope." Former Ambassador Edward A. Clark, Commissioner of the United States Pavilion at HemisFair, said, "They had to pass up a thousand good things in America to find one of these bad things to show." He openly loathes the film and still threatens to have it removed from view. But "U.S." also has its powerful supporters. Secretary of the Interior Stewart L. Udall found it "exciting, mature." He was "especially pleased with the conservation message, the danger of Americans destroying their environment." William R. Sinkin, vice-chairman of the fair board, calls it a "great film that just sweeps down on you and says 'Look, America, look at what you're doing to yourself'."

"U.S." does not end on a note of triumph or leave you singing and wanting to skip rope as you leave the theater. It reminds you of big bills coming due, of promises to be kept, and it was made by men who think they can be kept. (One of the three co-directors, Hugh O'Connor, was shot and killed while filming a sequence in a Kentucky strip-mining town, and "U.S." is dedicated to his memory.) When a film like this can be made for a fair and shown to Americans in their government's name, the element of hope survives.

—JOSEPH MORGENSTERN.

[From Look magazine, May 28, 1968]

SAN ANTONIO'S OWN WORLD'S FAIR

HemisFair '68, which opened April 6 in San Antonio, is a comfortable, walkable bite-sized world's fair, a quarter larger than Seattle's in 1962, and about a tenth the size of Expo 67 last summer. It doesn't pretend to be spectacular, and it doesn't establish styles in taste for the next 25 years. What it does offer is air-conditioned fun and knowledge in untiring doses, which can be absorbed in two or three days. As fairs go, it wasn't expensive—governments, industries and individuals invested $200 million. It will start paying off for the city as soon as 7.2 million guests have passed through the gates and, at about $4 apiece, have spent $30 million. This is peanuts, San Antonians claim, against money-losing Montreal's draw of 50 million people in one year and New York's 51 million in two. What's there? Nineteen foreign and 15 industrial pavilions; about 100 price-controlled eating places; an impressive variety of diversions and rides that aren't exhaustingly apart from the "worthwhile" areas; the tallest observation tower in North America; a shaded canal stocked with bass; campy Victorian houses; a fountain visitors can operate; paintings from the Prado in Madrid. HemisFair is a splashy six-month celebration of San Antonio's 250th birthday. It will astonish no one if the aftermath of the party is the business and cultural flowering of America's most gently beautiful old cities.

"This town was Sleepy Hollow," says a San Antonian. "In the '20's, we dropped from first-to-third-largest city in Texas, and all anybody did was roll over and go back to sleep." Another Texan explains that when General Santa Anna rode out of San Antonio in March, 1836, after his victory at the Alamo, he commanded: "Don't do anything until I get back." He went to San Jacinto, was defeated in battle and never returned. But his order nevertheless was strictly observed.

Suddenly, in the mid 1960's, everything changed. In a demonstration of unity that surprised even themselves, San Antonians voted bond issues to start HemisFair. In long-range terms, they were also voting to clear 92 acres of slums, skid row and houses of tattered gentility. The project—two blocks from the Alamo—is being financed mainly by the Federal and state governments, and the paying guests. After the show is over, it will all be turned over to the city, along with the profits. If there are losses, they will be made up privately, but no one expects that.

Whatever the result, the city will get a free legacy, which will include a $15 million convention hall, arena and theater; a mile-long canal and a lake; a $10 million Institute of Texan Cultures that aims to microfilm everything ever written about the state; a central downtown air-conditioning plant; the $5.5 million Tower of the Americas (no one has lost money on a restaurant tower yet); a Tivoli-style pleasure park; a Mini-Monorail and a Sky Ride; acres of garage and exhibition space; and 23 restored Victorian houses that can be converted to restaurants, clubs or shops. New hotels and motels to accommodate upwards of 4,000 people have already gone up; so has the value of land bordering the fair grounds. So has employment (by 10,000) and so have tax collections. W. W. McAllister, Sr., the 79-year-old mayor, can barely contain his jubilation. The San Antonio economy, he predicts, will increase by $40 million in five years, tourist business will double, and within ten years, the population of 730,000 will rise to a million. HemisFair, says James M. Gaines, its chief executive officer, "has mended the heart of a city."

It has done something else: For the first time, it has united in makeshift harmony the three wings of the Texas Democratic party, the two wings of the Republicans, all races (some call San Antonio American-occupied Mexico) and religions. Even Gov. John B. Connally, Jr., the ultraconservative commissioner general, and his political opposite, Congressman Henry B. Gonzalez—who conceived HemisFair—now have a common purpose. The whole city is in a jolly humor. "It's the biggest news here," says Vice President James Shand, "since 'Bet-A-Million' Gates first demonstrated barbed wire in Military Plaza back in the late 1800's."

NINA DEUTSCH AT CARNEGIE HALL

HON. THEODORE R. KUPFERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. KUPFERMAN. Mr. Speaker, Nina Deutsch at the piano is virtuosity personified and her brilliant performance in my district deserves recognition.

She will appear at Carnegie Hall on Thursday, September 26, 1968, in a program which includes: "First Sonata" by Ives, "Ondine" by Ravel, "Papillons" by Schumann, and "32 Variations in C

Minor" by Beethoven and will be presented by Norman J. Seaman.

Nina Deutsch, who performs under the personal direction of George Christianson, is a graduate of Julliard School of Music, has studied piano with Rosina Lhevinne, Sascha Gorodnitzki, and Dorothy Taubman, and chamber music with Artur Balsam and Claude Frank. Miss Deutsch, a native Texan, was recently soloist at Tanglewood in the performance of Oiseaux Exotiques by Olivier Messiaen. Last year she was featured in a series of concerts with the Philadelphia Composer's Forum. Miss Deutsch has given numerous recitals of both traditional and contemporary repertoire in New York, Dallas, Boston, Philadelphia, and Miami.

A BAD DAY FOR THE NAVY

HON. JOSEPH Y. RESNICK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. RESNICK. Mr. Speaker, in the finest traditions of crusading journalism, the press has played a vital role in bringing the case of Lt. Comdr. Marcus Arnheiter to the attention of the American public. Mr. Tom Pray, the world news editor of the Middletown Times Herald Record, Middletown, N.Y., first broke the story, and the editor of this fine paper, Mr. Al Romm, was instrumental in first bringing this case to my attention over a year ago.

Last night's edition of the Washington Star carried another fine commentary on the case in the form of a column written by James J. Kilpatrick. Under unanimous consent, I include Mr. Kilpatrick's article in the Congressional Record at this point:

Arnheiter's "Day" A Bad Time for Navy Brass

Marcus Aurelius Arnheiter, the naval officer who was summarily dumped two years ago as commanding officer of a U.S. destroyer serving off Vietnam, finally got a kind of "day in court" on Capitol Hill last week. It was a bad time for the Navy brass. They were conspicuous by their absence.

The hearings, arranged by New York's Congressman Joe Resnick, were entirely one-sided hearings. All the witnesses were sympathetic both to Arnheiter and to Richard Alexander, the brilliant young naval captain whose career was destroyed when he publicly took Arnheiter's side. This was not Resnick's idea. He repeatedly invited high Navy officials to appear in defense of the Navy's position. No one turned up.

This stone-cold silence was understandable—from the Navy's point of view. The more one studies this distressing affair, the more one is driven to the conclusion that the Navy bungled the Arnheiter case from the very beginning. At half a dozen points along the line, something might have been salvaged by granting Arnheiter the one privilege he has been begging—a Court of Inquiry, or as an alternative, a full-dress court-martial. He was still begging for this last week; and the Navy was still deaf to his pleas.

For those who may have just come in, it should be said that the case arose in December 1965, when Arnheiter took command of the USS Vance at Pearl Harbor. It was his first—and his last—command. Ninety-nine days later, after a slam-bang tour of duty off Vietnam, Arnheiter was summarily detached. He was given one weekend to prepare himself against a bewildering array of malicious charges, cooked up by rebellious junior officers. Then he was subjected to a one-man investigatory hearing, without benefit of witnesses in his own behalf. And professionally speaking, that was the end of Marc Arnheiter.

As last week's hearing made clear, every safeguard provided in the Navy's own regulations inexplicably was ignored. The Navy does not award wartime commands lightly, but neither are such commands lightly revoked. The rules provide explicitly that before so drastic a step is taken, an officer must be fully informed of all charges against him; he must be given counsel and advice toward the correction of his defects. The rules are specially designed, among other things, to protect a commanding officer from the very sort of wardroom conspiracy that was hatched against Arnheiter.

The evidence in this case indicates that Arnheiter inherited a sloppy ship manned by an undisciplined crew. He himself is a spit-and-polish Dutchman, a Naval Academy graduate with an obsessive love of fighting naval traditions. He threw his entire energies into a crash program to revitalize his ship. Doubtless he made mistakes of judgment—mistakes of zeal—but his purpose was high and his methods were succeeding.

Then the ax fell. Since then his principal accusers have dropped out of the Navy. Arnheiter's strenuous efforts to clear his name have branded him a troublemaker; he is beached in San Francisco.

Captain Alexander, convinced that Arnheiter had been shabbily treated, came recklessly steaming to his rescue; Alexander too has been beached.

The top brass keep compounding their errors. One burly captain in the Bureau of Personnel has dropped the snide rumor that Columnist Drew Pearson has sided with Arnheiter because Mrs. Arnheiter is Pearson's niece. They are not related in any way. Another charge emanating from the top brass is that Arnheiter ordered the Vance's guns to fire on a "Buddhist pagoda." Evidence offered at Resnick's hearings totally disproves the charge. A third rumor is that Arnheiter had a "pitcher of martinis" aboard. Utterly false.

Perhaps the saddest testimony last week came from a 22-year-old Texas seaman, John M. Cicerich Jr., who served on the Vance after Arnheiter had been banished. Once Arnheiter left, he said, everything reverted to the old undisciplined patterns. Life on the ship once again was "like living in a prison with convicted toughs."

It is too late for Arnheiter, too late for Alexander. It is not too late, however, for the Navy to make certain that the next time a gung-ho skipper is victimized by junior officers, the skipper is accorded the consideration Marc Arnheiter never had.

MARINE SANCTUARIES STUDY ACT

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. BURKE of Massachusetts. Mr. Speaker, pollution is one of the ugliest byproducts of an industrial society, and control of this menace is one of the most serious problems now being faced by government on all levels. Industrial wastes and byproducts pollute the air, our lakes, our rivers and inland waterways, our coastal marshlands, and our offshore ocean waters. This slow and cumulative poisoning of the natural environment is truly a pervasive problem, affecting all Americans.

Last month, two committees of the House conducted very important hearings on two serious aspects of the pollution problem. Just 2 weeks ago, the Public Works Committee held extensive hearings on the problem of oil pollution in our coastal waters. The source of this pollution is the watercraft, small and large, which ply our coastal seas by the hundreds of thousands every year. Small pleasure craft, fishing boats, barges, and giant oil tankers all play a role. The committee found that stricter standards, stiffer penalties, and faster cleanup machinery were urgently needed.

For a coastal community, exposed to the sea and the pollution it may bring, oil wastes from ships are a passing danger. Offshore oil production is an entirely different kind of danger, with its massive drilling platforms, its huge networks of underwater conduits, and its fleet of supporting vessels. An offshore drilling field presents a fixed and constant danger of large-scale, destructive pollution.

To study this problem, the Merchant Marine and Fisheries Committee held hearings last month on a program which was introduced by my colleague from Massachusetts, Hastings Keith. His program is designed to give the Congress a foundation of knowledge and research on which a long-range plan of protection can be based. This bill, the Marine Sanctuaries Study Act, would provide a 2-year study period, during which government and private scientists can determine the likely effects of oil drilling in virgin ocean waters which are now used exclusively for fishing, recreation, and research and wildlife conservation purposes. This is an essential step, if we are to avoid a dangerous and unpredictable rush of oil developers into these fragile underwater environments.

I would like to bring to the attention of the House, Mr. Speaker, a recent article from the Brockton Enterprise, which recognizes the role that Congressman Keith has played in this effort, and which dramatically points out the race with time that we are facing. Mr. Ed Lyons, in an editorial entitled "Cape Cod and the Fishing Industry in the Balance," says very accurately that those who would insure rational and balanced development of our ocean resources must match the strength and influence of the interests who simply want to make the fastest buck possible. With so much at stake, this is surely a context in which the public interest must prevail.

The text of the article is as follows:

[From the Brockton (Mass.) Enterprise, Apr. 20, 1968]

Cape Cod and the Fishing Industry in the Balance

(By Ed Lyons)

The fishing and conservation interests of New England have hooked up this week in Washington to do battle with one of the slickest industries in the business.

It's the start of a race that could eventually preserve or wipe out not only the rich fishing grounds of Georges Bank but the quaint streets and picturesque shoreline of Cape Cod.

The foe is a formidable one—the oil industry.

Oil companies have had geophysical experts studying the New England waters intensively for the past several years. Some of the experts have been quoted as saying oil is definitely beneath the ocean floor around the Georges Bank area.

This happens to be one of the richest fishing areas in the world with an estimated 12 per cent of the total world catch annually.

Quite naturally the prospect of oil drillings in the area has stirred the fishing industry. In September of 1966 there was a massive fish kill in the Georges Bank area due to a series of explosive charges for exploratory purposes.

The U.S. Geological Survey, which grants permits for these explorations, took steps soon afterward to prevent a recurrence of this tragedy. But the memory lingers on and the oil industry doesn't have the happiest of reputations in fishing ports.

There is also fear on Cape Cod that the oil drilling machinery someday may dot the once untouched shoreline. Then, there is the chance of oil seepage and eventual water pollution.

With the battle lines drawn, Rep. Hastings Keith of West Bridgewater has taken a direct hand in the matter and filed a bill which might lead to creation of certain "marine sanctuaries."

Hearings on the legislation opened last week before the House Oceanography Subcommittee with plenty of support.

Keith's bill would establish a two-year moratorium on any mineral explorations in areas believed to contain valuable ocean resources. The Interior Department would then spend $1 million studying each of these areas to determine what permanent restrictions might be needed.

The bill, quite naturally, is opposed by the oil industry who want to get started with the drillings. Keith fears that if oil is discovered there is no stopping this powerful industry from taking those resources even though the Secretary of the Interior has the power to deny bidding rights on any part of the Continental Shelf.

Keith's stand is this: If an oil company receives the government's permission to search for oil in certain areas and then finds that oil is, in fact, present there, the company may feel it has a "right" to get a return on the money spent for exploration.

The administration, reports New England Review, is opposed to Keith's bill because they claim such studies can be made under existing marine development laws.

Keith maintains that there should be a specific mandate, written into law, which calls for a marine sanctuaries study.

With anything less, Keith is afraid that the fishing interests will be no match for the influential oil industry when it comes to swaying the opinions of federal officials.

But the whole thing is a race, says a New England Review story by Matthew V. Storin.

The oil companies could begin drilling off New England in about four years. It takes that long to clear the intricate federal bidding procedures. A full marine sanctuaries study, on the other hand, will take two years from the time Congress makes appropriations available.

Conservationists and the fishing industry now have a firm grip on the mattter but it might just slip away to the giant oil industry.

Clearly, there must be a resolution on the problem.

Rep. Keith stands like a pioneer against the massive oil industry but he must prevail if Cape Cod is to remain Cape Cod and the fishing industry is to survive.

ISRAEL'S GLORIOUS BIRTHDAY

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. PHILBIN. Mr. Speaker, it is with a sense of satisfaction, pride, and honor that I raise my voice today in this great Chamber in union with other distinguished colleagues to commemorate and celebrate the 20th birthday of the establishment of the brave, young sovereign State of Israel.

I well realize how deeply moved all persons of Jewish blood are as they pause to recall and celebrate the founding of Israel 20 years ago today.

For the Jewish world, spread as it is among all the nations, this was a fabulous, almost unbelievable event, the realization of a dream unfulfilled for centuries, but that now was to become a reality.

Through bitter suffering, privation, sacrifice, and persecution the Jewish people have never lost their faith and never ceased their struggles for nationhood. It was the ultimate achievement of the impossible dream that brought the State of Israel into being.

Driven from pillar to post, outcasts and refugees from many nations, discriminated against, harassed, persecuted, and denied every vestige of human rights, the gallant, enterprising Jewish people lived through one unspeakable tragedy after another.

The suffering visited upon them could not be described. The discrimination and persecution which they sustained had no counterpart in human history.

For centuries they were visited with cruel, ruthless bigotry, racial animosity, irrational jealousy and envy, theft, genocide, and confiscation of their property, the infliction of grossest indignities upon them. Yet, so great was their courage and determination to protect themselves and to set up lawful systems of government, where they could find freedom, shelter and escape from treachery, deceit, calumny and persecution, that in the end they reached their cherished goal of self-determination and liberty.

At that time the memories of the horrible events of the slaughter, wholesale death, and destruction imposed upon them by unspeakable Nazi tyranny were still fresh in the minds of a horrified world and seemed as a nightmare to the afflicted Jews, all their people and the peoples of the world.

Nothing could break the spirit of this great, historic Jewish people. They remained undaunted, infused with a remarkable courage that knew no defeat, an incredible determination which no enemy could shake and no task, objective, or sacrifice, however great, could dim.

It was against this background of unleashed fury and inhumanity that Israel was born.

I can well recall the glorious day and the message I forwarded to President Truman thanking and hailing him for making the announcement, which I and other Members of the Congress had urged him to make, that our country be the first to recognize this brave, indomitable nation as it launched its existence as a sovereign state.

Mr. Speaker, that was 20 years ago at a time when the world was recuperating from the holocaust of World War II and the shocking experiences of Nazi madness that a great new state was born in the ancient land of Palestine.

The State of Israel was proclaimed on May 14, 1948, but the birth of this brave state had complications—deep and serious ones which threatened to extinguish it almost as soon as it came into being and which indeed have plagued it intermittently throughout its short, eventful life.

Situated on a slender strip of land in the middle of the Negev Desert, surrounded on all sides by neighbors openly and militantly resentful of what they consider unwarranted intrusion, Israel could afford precious little time to celebrate its new independence on that fateful May 14, 1948.

On May 15 the day after David Ben-Gurion's proclamation of Israel's creation, the British garrisons withdrew from the country, and the neighboring states put Israel to its first test of strength by launching a series of attacks designed to exterminate their self-proclaimed Jewish enemies. Israel's chances of living even to its first birthday looked dim, indeed, at that time.

But what the enemies had not counted upon was the fierce determination and tenacity of a people who had already passed the ultimate test of survival under the Nazis. Having already endured the unendurable, the Jewish people viewed Israel as the last possible hope of finding a real homeland in the world.

Immigrants from Eastern and Western Europe, from the Middle East and Africa, from nearly every part of the world, having been tossed from country to country, losing family, possessions, and identity on the way, came to Israel and were united in their fight for its survival.

In 1949, after a series of cease-fire negotiations, implemented by the United Nations, four bilateral armistice agreements were signed, and all-out war came to a halt. Israel had won a respite and could turn to its task of creating a homeland out of the desert.

But the halting of all-out war and the establishment of peace are by no means synonymous, and the vast difference between the two have been all too apparent in Arab-Israeli relations. The U.N. Truce Supervisory Organization which began in 1949 to explore the possibilities for establishing a permanent peace has yet to find a solution to Middle East hostilities, the roots of which trace back thousands of years.

As peace probes continue, so too do border raids and sniper incidents which have flared into the major confrontations of 1956, the Suez crisis, and as late as 1967 with the so-called 9 days' war still so fresh in our minds.

It is extremely ironic, and I am certain that this view is shared by many others, that a nation which in 20 short years has turned itself from an overcrowded, desert, refugee camp into the prosperous, industrious and forward-thinking democracy that is Israel today, should still be fighting for its right to exist.

With Israeli dedication and ingenuity, the arid sands of the Negev now feed a growing population of 2.7 million. This is land that was once considered a total waste, not worth anyone's effort to develop it.

With Israeli technological and manufacturing capability, the country now has a gross national product and industrial production rate comparable to those of the advanced economies of Europe.

And with Israeli determination and wisdom gleaned from its people's centuries of hardship, its Parliament, the Knesset, is a dynamic example of democracy, serving as a free and stable government and protecting the rights of all its citizens and all others within its boundaries.

Not content to turn all its resources inward, Israel is beginning to make significant contributions to other developing nations in manpower and technical assistance and economic cooperation. Dozens of countries of Africa, Asia, and Latin America now host Israeli instructors, advisers, and survey missions who are there by invitation to assist in the problems confronting newly emergent and economically depressed countries—problems in which Israel has developed impressive expertise.

Unquestionably, generous, wholehearted U.S. financial support has been of invaluable aid to Israel, particularly during its early, financially precarious years. But Israel has, in turn, provided the United States and the world with an unceasing source of inspiration and hope for the ability of mankind to overcome the most overwhelming challenges, calling for seemingly superhuman strength and spirit.

In this dedicated, inspired struggle for human freedom and justice unexcelled in world history the Jewish people of the United States and other nations have played a truly heroic role by most generous, massive, personal aid and encouragement that constitute one of the finest and noblest examples of group loyalty and unfailing, humane support ever known on this planet. This unselfish assistance was a great morale builder and an effective, material factor, in the saga of Israeli success. It is a story always to be gratefully and proudly recalled by all who cherish personal liberty and freedom.

Israel has proven herself an admirable and responsible member of the international community, and there is no doubt that she deserves to enjoy the blessings of freedom and a permanent and lasting peace. It is the responsibility of every one of us to take whatever steps we can to promote such a peace and to assure a safe, free, secure place in the world for the great State of Israel and its loyal people.

There is no doubt that the conditions in the Mediterranean and the Middle East are cause for very serious concern.

The political conditions, national rivalries and developing animosities have created considerable instability in the area.

Moreover, the penetration and stepped-up activity in the area by the Soviet, the furnishing of military strength to some of the nations, the revival of aggressive nationalistic, hostile conditions and spirit in the area are disquieting.

Our great Nation has been committed from the start to support and help Israel and we will continue in every respect it is necessary to keep this commitment.

It must be understood by all other nations in diplomatic circles that it will be our policy and purpose to support, strengthen and help defend Israel and its people, so that they may have the opportunity they seek of working for a viable peace, pacification, good relations with other nations and the expansion and growth of their own country, so it will be better equipped to protect itself in a dangerous area, sustain its people, provide them with better resources and advantages to carry out the work of free government, expand the areas of opportunity, build up her standards, promote abundance and the wherewithal to carry out selected goals of peace and progress and development to which Israel is pledged in her national aims.

Those of us who are familiar with the military and defense posture of the Middle East well understand the threats to free nations in the area. For these reasons, we must be prepared to maintain our firm friendship with Israel and do everything that has to be done by way of strengthening her position to ward off selfish, territorial and ideological aggressions, and to defend herself against those who might decide to interfere with her free government and her democratic processes, not to speak of her unity and territorial integrity.

This Nation wants to assist Israel and wants to encourage peace and develop friendships helpful in sustaining her ability to maintain herself in an area where aggression is possible and the need for adequate defense on the ground and in the air and on the sea is so very urgent.

I am happy to state that I propose to continue my own strong support and encouragement of Israel in every respect. Israel and the Jewish people are our cherished friends. We will stand with them and for them for peace and freedom.

HUNGER IN AMERICA

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. PODELL. Mr. Speaker, during the past week, attention was sharply focused on the ugly picture of hunger and starvation in the United States. A citizens board of inquiry, headed by Walter Reuther, president of the United Automobile Workers Union, made public a report, which graphically describes the shocking plight of 10 million Americans who are permanently impaired by malnutrition.

At the same time, another report was published disclosing that two out of three children do not participate in the national school lunch program. This report was the product of joint efforts of Church Women United, National Board of the YWCA, National Council of Jewish Women, and the National Council of Negro Women. This report paints an incredible picture showing that in our affluent society, millions of children exist today on grossly deficient diets and that many are permanently consigned to poverty and dependence by resulting physical and mental retardation.

The total result can best be described by Michael Harrington's phrase, in his "The Other America": "Millions cling to hunger as a defense against starvation."

School lunch, school milk, food stamps, emergency food, and medical aid programs are designed to carry out a national commitment to banish hunger from our midst. Yet hunger and malnutrition take their annual toll in terms of maternal and infant deaths, organic brain damage, retardation, and increased vulnerability to disease.

Poverty stricken areas across the Nation report that schoolchildren particularly in the elementary grades, suffer such severe hunger pains that they must either send the children home or to the school nurse. Public hospitals report disturbing patterns of malnutrition among infants and expectant mothers. Many among the 4 million aged poor suffer the pain of constant hunger and resultant debilitating disease.

I have joined in a bipartisan Congressional Coalition to Help Malnourished Americans, to press urgently on every front available to us to alleviate this problem immediately and eliminate it quickly. As an immediate step we have prepared and introduced legislation to establish a Presidential Commission comparable in size, mission, and urgency to the Commission on Civil Disorders. The Commission would be mandated to complete its studies on an emergency basis and report its recommendations to the Nation on January 1, 1969.

It is clear from available information that many State and local governments are not carrying an appropriate share of the load to make existing Federal programs work. On the other hand, it is also clear that some of the Federal programs are so entwined in redtape that they fall far short of their goals. These factors largely account for the fact that less than one-third of poor children who are in school benefit from the school lunch program and that food distribution and stamp programs reach less than one-fifth of the poor.

In view of the established facts, it is no longer sufficient for concerned Americans to adjust to their pangs of conscience by expressing frustration and indignation. Hungry Americans in the midst of plenty presents a cruel paradox that demands highest priority attention and action.

VANISHING VIETNAMESE

HON. DONALD J. IRWIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. IRWIN. Mr. Speaker, I should like to submit for the reading of my colleagues an editorial from today's New York Times. The piece which follows points to one of the very real and difficult aspects which must be contended with during the talks at this point.

The editorial follows:

VANISHING VIETNAMESE

The central issue posed by the opening round of the Paris peace conference is whether Hanoi means what it says when it says it favors an "independent South Vietnam" pending ultimate reunification. Neither a settlement nor even the initiation of meaningful negotiations is possible without accord on this point, which assumes that North Vietnamese as well as American troops will be withdrawn from the South.

So far, Hanoi insists upon American withdrawal but refuses to acknowledge that there are any North Vietnamese troops fighting in the South. At the same time, North Vietnam proclaims that it has the right to aid the Vietcong's fight against the Saigon Government and the "American aggressors." Hanoi insists that "Vietnam is one, the Vietnamese nation is one," in denying charges of aggression by the North against the South.

What does this signify? Hanoi refused to acknowledge the presence of North Vietnamese troops in Laos during the 1961–62 negotiations to neutralize that country. The United States finally agreed to a formula for the evacuation of "foreign" troops, which clearly included the North Vietnamese. But while American troops departed, the North Vietnamese remained. They avoid violation of the 1962 agreement simply by denying that they are—or ever have been—there.

This vanishing—or non-vanishing—act becomes even more disingenuous in Hanoi's proposal for withdrawal of "foreign" troops from South Vietnam, since Hanoi denies that North Vietnamese in the South could be considered foreigners. That Hanoi's persistence in this posture would thwart a settlement is evident. Even more important at the moment it could impede the opening of serious negotiations for many weeks.

Hanoi says it will not negotiate until all the bombing of North Vietnam stops. The United States insists on "a sign" that American de-escalation has been "matched by restraint on the other side," particularly in the area of the Demilitarized Zone.

For the United States, Hanoi's admission of responsibility for its military operations in the South is at least as important as restraint in those operations. Otherwise, there can be no discussion of a ceasefire or the "pulling apart" of contending forces in the DMZ, as suggested by Ambassador Harriman, a step that later might be applied elsewhere in the country. Neither the withdrawal of North Vietnamese divisions nor control measures to prevent their return can be negotiated while Hanoi denies it has any divisions in the South.

What the United States must face, however, is that it is proposing a symmetrical restraint. Leaving its own hands free in the South, the United States is demanding—for a cessation of bombing in the North—limitations on Hanoi's operations in the South that the bombing never could impose.

A procedural proposal to discuss a freeze of all external forces in South Vietnam at present levels after bombing of North Vietnam is halted would be the best way to test Hanoi's willingness to admit its presence and take reciprical measures of restraint in South Vietnam.

SPECIAL DRAWING RIGHTS

HON. ED REINECKE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. REINECKE. Mr. Speaker, last Friday this House passed H.R. 16911—special drawing rights—by a vote of 236 to 15. I joined the majority in giving approval to this bill so that the original rules of operation of the Bretton Woods Agreement of 1944 could be changed to allow for the issuance of a new international monetary asset to supplement gold and the regular reserve currencies.

In reviewing the reasons for any affirmative vote last Friday, I came to an inescapable conclusion; namely, that I had no real alternative to supporting the bill. Why? Was the need to expand our international monetary reserves so urgent that we had to vote to suspend the regular rules of procedure in introducing legislation and then to allow only 2 hours of debate on this legislative proposal? Was the need to solve our international payments deficit so urgent that we had to rush headlong into an affirmative vote on H.R. 16911? Has the outflow of our gold due to the latest attack on the pound and the dollar become so disastrous that we had to resort in all haste to the creation of "paper gold"?

These were all factors that influenced our thinking. The time limit on debate also prohibited most of us from discussing the pros and cons or even stating our own position.

At best this subject of special drawing rights is so intricate that one would have to look deep underneath the economic philosophy for creating a new monetary asset out of nothing to understand the reasons for creating it all. I voted to give our congressional approval so as to give our Director on the International Monetary Fund Board the legal support to go ahead and demonstrate our willingness to set the whole procedure in motion. Our subscription to the IMF amounts to 21.8 percent of the total subscribed by all nations, but it requires 85-percent approval from the 107 subscribing signatories to the IMF before the Directors of the Fund can issue the first series of special drawing rights.

This whole question of SDR's—as they are commonly called—has been under discussion long before our own international balance-of-payments deficit became so acute and we had to disgorge such large quantities of gold to redeem our dollars. Since the end of World War II, with the ever-increasing world population, there came a concomitant increase in world economic activity. As the number of independent nations increased, so did the amount of international financial transactions. International trade has more than tripled since 1945 and the question of world liquidity in terms of gold and reserve currencies has become one of paramount importance. As we all know, the dollar is the world's foremost reserve currency, but instead of keeping dollars, the tendency in many nations has been to change these into gold. And there is not enough gold in the world to redeem all our dollars currently held by other nations as part of their reserves.

Thus, it was that over 5 years ago our Treasury officials asked the International Monetary Fund to initiate a study of methods for increasing the world's monetary reserves—that is in addition to gold and dollar reserves. First, the finance ministers of the ten major industrial nations issued a report on the creation of monetary assets; then our own congressional Joint Economic Committee studied the question in detail and stated that the problem was getting urgent in view of our own international deficits. In other words, our own international position was being stretched too thinly. Something more than gold and dollar reserves was needed as a supplement to international currencies.

The plan that evolved concerned the issuance of special drawing rights according to the subscription totals of IMF members. Periodically, the Board of Governors of the IMF would issue these special drawing rights which would be taken in lieu of gold or dollars or other reserve currencies. Stated in terms of the gold content of a dollar, they would be equal to dollars or gold. They would supplement each nation's original subscription to the Fund and thereby create automatically an expanded source of credits for international payments. This increased monetary liquidity on a worldwide basis would therefore help to obviate the request for gold from us.

Subject to Senate approval of our action, the United States will be the first nation to give approval to the new scheme and thus set in motion the expected approval by other IMF members.

As I said before, the IMF Board of Governors has recommended this action. The 10 foremost industrial nations have expressed approval. Our Joint Economic Committee has given its support. Our House Committee on Banking and Currency has unanimously reported this bill. Our House Ways and Means Committee pushed the bill to the head of its agenda. Now the House has approved it overwhelmingly. Perforce I had to vote for it. My own hope is that our own efforts to reduce our international deficits will be so successful that we will have little need for these special drawing rights. I supported the vote to initiate action and am confident that future results will prove beneficial to our international transactions.

MRS. DORIS M. WEBBER, NEW JERSEY LEGAL SECRETARY OF THE YEAR

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. HUNT. Mr. Speaker, over the years I have known few people as dedicated and affable as Mrs. Doris M. Webber, of Westville, N.J., recently named the New Jersey Legal Secretary of the Year.

I have watched Mrs. Webber grow up, having known her since high school, and her story is one of hard work, determination, integrity, and success. In addition to her many other accomplishments, she holds a law degree from Rutgers University where she attended night school for 6 years.

Mr. Speaker, it is my privilege to take this opportunity to commend Mrs. Webber, for whom I have the greatest respect and have always known to be a fine Christian lady and an outstanding citizen in all walks of civic endeavor. She is an asset to her community and I am pleased to know her as a friend.

GUNS—THEIR ASSOCIATION WITH CRIME

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. GREEN of Pennsylvania. Mr. Speaker, some weeks ago, I addressed a weekly column to newspapers in my district to the grave problem of gun control legislation. I was pleased to receive the following statement from Thomas F. McDermott, president, Police Chiefs Association of Southeastern Pennsylvania:

GUNS—THEIR ASSOCIATION WITH CRIME

(By Thomas F. McDermott)

To the wavering mind opportunity for successful crime keenly prompts a temptation to the unlawful act. Money or valuables exposed and unwatched or carelessly displayed may, on many occasions, turn an honest person into a thief. The fast automobile and the ready or easily obtained revolvers are in themselves opportunities. These two held in unauthorized possession stimulate in the mutinous imagination possible ventures of unlawful success.

Without the gun most of the great and small of the more daring robberies would never be attempted. Does anyone think the Brink robberies would have been attempted without guns; can anyone visualize the holdups committed on armored cars, banks, payrolls, and even the small storekeeper without the revolver or shotgun being used.

Millions of instruments, the sole purpose of which was to kill human beings, were manufactured and distributed (scattered would be a better word) throughout the United States last year. The same thing happened the year before and the year before that.

The chief beneficiaries are the unscrupulous mail-order dealers who sell to anyone who has the money, and even to those who do not have the full price. The prospective purchaser can send a down payment, receive his gun—then commit a holdup, and then forward the balance owed.

Believe me, it is just as simple as that; of course, the applicant or purchaser must send a signed statement to the effect that he is twenty-one or over, not an alien, never been convicted of a crime, not under indictment, not a fugitive, or a drug addict. Laughable—isn't it? to even believe that anyone whether he be a convicted felon, drug addict, insane or partly sane, would so state on his request to purchase, when everyone knows there is no check made on the purchaser by the distributor.

Many companies advertise for sale every kind of a gun and rifle available from a U.S. 30–06 Springfield and Garand 30–06 automatic rifle; Fleetwood pump shotgun, down to a .22-calibre six shooter magnum for $1.00 down and the balance in twenty-two weeks. All you need is the names of two companies you have had credit with. Surely a convicted thief or drug addict is never going to advise someone from whom he is buying on credit that he is a felon or an addict. All that is needed is to send $1.00, lie like hell, and receive your gun.

My personal opinion is that the dealers handling business of this kind care little whether the guns fall into the hands of criminals or not. The dealers cannot be so naive that they believe the tremendous amount of guns they ship all go into legitimate channels and not into the hands of those who should never possess a gun.

According to crime statistics six of every nine persons slain in the United States last year died from a bullet. These people might still be walking the streets if it were not for these makers and dealers. How many other unfortunates will fall maimed and crippled before something is done to put a stop to this practice.

The methods employed by the gun interests to defeat legislation is crafty. Whenever further regulation of firearms is suggested, usually following on a series of atrocious crimes, there is an equally emotional rebuttal from sportsman and patriots who like to quote the Bill of Rights. And when this is done as loudly as it is done by all the gun clubs it has a tendency to cause the lawmakers to become afflicted with severe cases of foot-dragging. These same defenders of liberty argue that the reputable householder has a right to protect his home and business. Much care these objectors have for the reputable citizens. A great many persons are injured every year in private homes by "I didn't know it was loaded" accidents. In cases of holdups and burglaries, "Who has the advantage, the armed citizen or the felon?" The felon of course! The storekeeper cannot keep his gun in his hand or treat every customer as a suspect. In the experience of the writer it is better for the citizen not to run if a firearm is ever pointed at him close range, be he in his place of business or his home, and most of all not reach for, or try to get a firearm to protect himself. His best chance is to stand still, and under no circumstances start to run—if he should do so the age-old instinct of the hunter will press the trigger. The revolver is, in itself, an urge to kill.

One thing I think should be clarified and seems to have been forgotten whenever the subject of gun regulation arises. From my experience covering over thirty years in law enforcement, local gun dealers were always and still are cooperative with the police department, and it was a rare occasion if ever, that a legitimate dealer in Philadelphia violated our gun regulation laws. So it should be pointed out that the lethal weapons that fall into the hands of irresponsible, unstable youngsters and convicted criminals, drug addicts, etc. are not to be charged to our legitimate dealers but to those unscrupulous mail order dealers who sold over two million firearms last year, giving America the distinction of being the most gun-wielding nation on earth for illegal purposes.

SHIPLEY FAMILY HONORED BY MARYLAND SENATE

HON. GEORGE E. SHIPLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. SHIPLEY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following Maryland Senate Resolution 79, adopted by the Maryland Senate on March 7, 1968:

SENATE RESOLUTION 79

(By Senator Steffey)

Senate resolution congratulating the Shipley family upon its 300th anniversary

Whereas, Adam Shipley settled near the present site of Millersville in Anne Arundel County in 1668; and

Whereas, his progenies have been distinguished attorneys, teachers, physicians, journalists, clergymen, bankers, statesmen, sportsmen and businessmen in Maryland; and

Whereas, in 1925 an organization named The Shipleys of Maryland was formed which consists of descendants of Adam Shipley and presently there are 500 members of the organization; and

Whereas, in celebration of the 300th anniversary of Adam Shipley's settlement in Maryland a three day reunion will be held on May 24th through 26th, 1968 during which a marker will be dedicated at the site of Adam Shipley's homestead in Anne Arundel County; now, therefore, be it

Resolved by the Senate of Maryland, that congratulations be extended the Shipley family upon its 300th anniversary, and be it further

Resolved, that copies of this Resolution be sent Dr. E. Roderick Shipley of Linthicum Heights, President of the Shipleys of Maryland and Mrs. Henry R. Granger, of Baltimore, Chairman of the Tercentenary Committee.

By the Senate, March 7, 1968.

J. WATERS PARRISH,
Secretary.

WASHINGTON'S INSURANCE PROBLEMS POINT OUT NEED FOR FEDERAL RIOT REINSURANCE LEGISLATION

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. MOORHEAD. Mr. Speaker, in today's edition of the Washington Post, staff writer Carl Bernstein reported that insurance policies of at least 100 firms doing business in the District's riot-affected areas have been canceled since last month's disorders.

Mr. Bernstein notes that aides to Albert F. Jordan, the city's Superintendent of Insurance, estimate the number of such cancellations to be more than 200.

The Post article also reports refusal by insurance companies to renew expiring policies and to write new business in the riot-affected areas of the city.

The situation in Washington is identical to that in hundreds of other cities across the Nation. Increasing numbers of homeowners and businessmen either cannot obtain, cannot afford, or cannot hold on to insurance protection for their property.

Cancellations, nonrenewals, and tremendous rate increases on insurance are causing great emotional and economic hardship in our inner city areas, for insurance is essential to both the security of people's investment in their property and the credit they need to improve their homes or expand their businesses.

The insurance companies who cancel, refuse to renew, and greatly increase their rates are not entirely to blame for this situation. The threat of riot losses beyond their financial capacities has forced the companies to limit their coverage in areas they consider riot prone or which have already suffered riot damage. Policyholders and stockholders must have some assurance that their claims will be paid and their investments protected, and the companies have no way of predicting what riot losses might be if they overextend themselves.

Mr. Bernstein quotes Superintendent Jordan as saying that District insurers and property owners alike "are in for very big trouble" unless Congress acts quickly on the riot reinsurance legislation now before it. Cancellations will increase with each day of delay.

The Subcommittee on Housing of your Banking and Currency Committee has reported this legislation by a 12-to-1 vote. H.R. 17003, the Urban Property Protection, Rehabilitation, and Reinsurance Act of 1968, would meet the problems described above by providing for the sale of Federal riot reinsurance to insurers participating in statewide plans to make basic property insurance available to all homeowners and businessmen with insurable property.

The Senate Banking and Currency Committee today reported out an omnibus housing bill including riot reinsurance provisions similar to those in H.R. 17003. The bill is expected to pass soon.

I urge my colleagues to give their support to efforts to secure quick action on H.R. 17003. As an indication of the gravity of the problems the bill seeks to remedy, I insert Mr. Bernstein's article from the Washington Post at this point in the RECORD:

FIRMS IN RIOT AREA LOSING INSURANCE

(By Carl Bernstein)

The insurance policies of at least 100 firms doing business in riot-affected areas of the city have been canceled, the District superintendent of insurance said yesterday.

The superintendent, Albert F. Jordan, said that his office is receiving "five to ten complaints of cancellations a day," and that "more than 100" cancellations have been verified.

Aides in Jordan's office estimated that the actual number of cancellations—many reports are still being checked—probably exceeds 200.

Jordan, who described the number of insurance cancellations here as "very serious," said that "we are in for very big trouble" unless Congress moves quickly to establish a National Insurance Development Corp., to aid underwriters suffering losses from rioting.

Mayor Walter K. Washington's appeal to insurance companies to refrain from either canceling or refusing to renew policies in the ghetto, Jordan said, "has been something less than successful."

Also, the Superintendent said, the Mayor's effort to convince underwriting firms that they should voluntarily pool their resources against future losses in slum areas has been "hampered by delays."

The Mayor's pooling plan, which he presented to insurance companies April 29 as a stopgap measure to protect ghetto firms until Congress acts on the National Insurance Development Corp. proposal, will be the subject of a meeting today between Jordan and industry representatives.

According to Jordan, no firms in riot-affected areas reported insurance cancellations "in the first few days" after April's civil disturbances here. "Then we started getting a few," he said, "and now we're getting more and more. The problem is getting worse, obviously."

Jordan said the number of cancellations is "compounded" by an undetermined number of refusals to renew policies in slum areas, "as well as the fact that no other company will pick up insurance on a man who has been canceled because of the riot."

Jordan, who said the "more than 100 cancellations" verified by his office have been attributed to eight insurance companies, commented that "the great majority" of underwriting firms "are trying to cooperate with us the best they can."

Members of Jordan's staff said they are checking reports that about ten other companies have canceled policies. More than 270 insurance firms are licensed to do business in the District.

Jordan said that "no company has engaged in wholesale cancellations of their policies in ghetto areas," but added "no company wants to write new policies in the riot areas either."

Jordan identified the eight companies known by his office to have canceled policies as the Aetna Casualty & Surety Co. of Hartford; the Hartford Mutual Co. of Blair, Md.; the Home Insurance Co. of New York; the Phoenix Assurance Co. of New York; the Zurich Insurance Co. of Chicago; the Northwestern National Insurance Co. of Milwaukee; the Grain Dealers Mutual Insurance Co. of Indiana, and the Firemen's Insurance Co. of Washington, D.C.

Most of the stores where insurance was canceled were small retail establishments, with liquor stores the hardest hit, according to Jordan. He did not list specific businesses.

Jack Veatch, president of the District Association of Insurance Agents, said yesterday that he is "not surprised" by the number of cancellations. He said the industry is "trying to be as fair as possible." Like Jordan, Veatch called for national legislation to provide a reinsurance pool for ghetto businesses.

Herbert M. Pasewalk, vice president of the Firemen's firm here, said that his firm is "trying to cooperate" with Mayor Washington's request but that "we've got to live, too." He said Firemen's has canceled most of its policies in which stores were damaged or looted during rioting, but said the firm "will not engage in wholesale cancellations in the ghetto." Representatives of the other seven companies could not be reached for comment yesterday.

In a related development yesterday, a local drycleaning firm filed suit in U.S. District Court against an insurance company it says will not pay off claims because Washington's disturbances constituted a "civil insurrection."

The suit, for $500,000 in damages, was filed by Aristo Cleaners and Dyers, Inc., against Royal Exchange Assurance of America, Inc. Aristo claims that the April disturbances were not an insurrection but a "riot" and thus the firm's losses should be covered by its policy with Royal Exchange.

NORTHWEST TIMBER AND A DISTRICT OF COLUMBIA PLAYGROUND

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mrs. HANSEN of Washington. Mr. Speaker, last week, Mrs. Lyndon Johnson dedicated the Buchanan School Plaza in the District of Columbia. The new plaza transformed an area of broken concrete and weeds into a delightful playground for children and adults of the community. One of the special features of the plaza is that it will be a round-the-clock community facility that can be used for sports, theater, dancing, music, and even water activities. Of special interest to me is that the climbing posts—so challenging to small children—are made of Douglas-fir timber from the woods of the Pacific Northwest.

I am pleased that such a beautiful and useful natural resource of my part of the country will serve such an important function here in the Nation's Capital.

For the benefit of all Members who are interested in recreation and community development, with permission, I insert in the RECORD the remarks delivered by Mrs. Johnson at the dedication ceremony:

REMARKS OF MRS. LYNDON B. JOHNSON AT THE DEDICATION OF THE BUCHANAN SCHOOL PLAZA, WASHINGTON, D.C.

Mrs. Astor, Mayor Washington, children, and many friends, thank you for inviting me here today to share a moment very important to this school, to this neighborhood, and to the whole city of Washington.

What an exciting place this is! I have been coming by here ever so many times in the past months, watching Buchanan Plaza grow and take shape, but not until today could I have imagined the full transformation that has taken place.

I remember so well a couple of years ago when a very outstanding and perceptive citizen of this city—he was housing commissioner at that time, but you all know his name, Walter Washington—took me by this building. The building itself was good in design, but it was surrounded by a sad area of broken concrete and weeds.

He took someone else there, too, a lady who is an outstanding friend of children—Mrs. Vincent Astor—and she decided right then that Buchanan School should become a place of variety and delight—a place where children could play and invent games; and adults share and enjoy—a playground for all ages.

Mrs. Astor not only gave the very generous sum of money to create the Plaza, but she tried to put herself in your place—what would a child at Buchanan enjoy? She was a wise and skilled adviser in every phase of the Plaza's development. She selected designers of talent and imagination who could invent a world of high adventure and challenge—child-size.

Many people had a hand in making Buchanan a very special place. One of our Congresswomen—Julia Hansen—tells me how proud she is that your climbing posts are made from Douglas Fir timber from the woods of the great northwest.

There is lots and lots of soft sand—two feet of it, I believe—underfoot, and daring young climbers will find that they can travel up high around the entire play area without touching the ground.

No fences are needed, because the basketball court is sunken—here—below ground level. And this is not only a basketball court. By its very shape and facilities, it can be used for theater, dancing, for music, for water play, for producing your own programs.

For while Buchanan Plaza belongs first and foremost to this school, it also belongs to everyone in the neighborhood. It is a place where all ages can come together, and find when they get there that there is lots to do.

Since our Committee for a More Beautiful Capital was formed a little over three years ago, we have devoted particular attention to improving the physical surroundings of public schools in the city. We have done so to make the school a place of pride in the neighborhood. We have done so out of the belief that children will respond affirmatively to improvements they can see, and touch, and take part in.

Most of all, we have done so to demonstrate the practicality of excellence in school and recreation facilities. Who can put a price tag on boredom? Who can add up the cost of unchallenged energies?

A long time ago, I married a school teacher. And one of the many things that he has taught me is that children grow best with the best facilities and the best instruction.

Buchanan Plaza is the wave of the future. School yards must not be locked at 3:00 p.m. They must not have forbidding fences that shut the community out and shut the children in. Outdoor time is learning time, just as much as the hours spent in the classroom. Play facilities must offer wide variety, and lots of challenges, so that young people stretch and grow—emotionally, as well as physically. They must be attuned to the tempo of our times—and how fortunate we are to have the people who see this need and are filling it.

This kind of round-the-clock community playground is a new and constructive answer to the urban problem.

And so, to you and children like you who will come here after you, we dedicate Buchanan School Plaza to your growth and happiness.

THE UN-AMERICANS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. RYAN. Mr. Speaker, the House Committee on Un-American Activities recently made headlines—a consummation which it has never been reluctant to achieve—by issuing a report entitled "Guerrilla Warfare Advocates in the United States," which collected assorted statements from extremist publications and recommended a series of unconstitutional measures to deal with the conspiratorial plot it envisioned.

One proposal involves the use of South African-style identity passes for ghetto inhabitants. Another would suspend constitutional guarantees for arrests and detention of suspected "guerrillas." A third would set up concentration camps.

It is the height of irony that a committee of Congress which claims to monitor un-American activities should make a proposal so alien to America as concentration camps. That is typical of the use to which this committee puts the $375,000 which the House so benevolently bestowed upon it.

I urge my colleagues to read the editorial from this morning's Washington Post of May 15, entitled "These Detention Camps," which follows:

THESE DETENTION CAMPS

That there are still Americans gullible enough to take the House Un-American Activities Committee seriously is attested by the current small hubbub over concentration camps. A report issued recently under the aegis of the Committee suggested that the "'guerrilla warfare" allegedly advocated by what Chairman Willis calls "mixed Communist and black nationalist elements" should be countered by treating their activity as an insurrection amounting to a "state of war" so that those responsible could be confined in "detention centers" authorized under the McCarran Act of 1950. The report made a characteristic contribution to interracial tension and distrust giving rise to widespread rumors that the centers have already been constructed and are awaiting Negro occupancy.

Representative John Culver, a somewhat maverick member of the Committee who persists in a futile effort to save it from itself, wrote to the Department of Justice regarding the McCarran Act detention camps. He received and put into The *Congressional Record* on Thursday a letter from Assistant Attorney General Yeagley saying that six detention centers were constructed and maintained for a few years after passage of the McCarran Act (a HUAC offspring) but that they were completely abandoned in 1957; use of them for Negroes or anybody else would be, according to Mr. Yeagley, "absolutely unconstitutional."

Attorney General Ramsey Clark has now added to this clarification by asserting categorically: "There are no concentration camps in this country. There are no plans to prepare any concentration camps in this country. No concentration camps are needed in this country." That seems clear enough. All that remains unclear is how an Un-American Activities Committee could conceive of concentration camps as "American."

PRESS ALSO ON SPOT IN VIETNAM WAR

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. EDMONDSON. Mr. Speaker, the war in Vietnam has been a misunderstood conflict, and certainly some of our national misunderstanding must be blamed on press coverage of that war. Whether this coverage is a result of ignorance, pessimism, cynicism, a mistrust or dislike of President Johnson, or a combination of these and other reasons, I am not able to say.

Columnist Joseph Alsop, writing for the Washington Post of Sunday, May 12, has explored this situation in depth, and I believe he is able to fairly assess the activities of his fellow journalists in Vietnam. His discussion is written with candor, and he recognizes his own misevaluations, as well as those of others.

This column by Mr. Alsop was quite enlightening to me, and I would like to have it appear in the RECORD.

The column follows:

PRESS CAN'T WIN IN VIETNAM WAR

(By Joseph Alsop)

Because of the Vietnamese war, the American press and its allied media now appear to be between a very rough rock and a very hard place. For a newspaperman who remembers with relish and some pride no less than 36 years of active reporting, it is a dreadful thing to have to say. Yet if we win the war, as I still think we shall, both the press and the allied media will certainly look inconceivably foolish. And if we lose the war, the press will just as certainly be blamed—whenever the horrible inquest begins that will surely follow the first defeat in war in American history.

There you have both rock and hard place, simply and crudely defined. Both the hard place and the rock result from the tone and character of the reporting from Vietnam, of the endless published analyses of Vietnamese developments, and of the interminable editorializing about the war, by all but a minority of those engaged in these pursuits. This does not mean for one moment that the vast majority of reporters, editorial writers and the rest are not courageous, industrious and honorable men, who have sought to tell the truth according to their lights. But it does mean that for one reason or another, to which I shall try to come later, the part of the truth most of them have told has conveyed an exceptionally misleading picture of the whole truth.

The easiest way to gauge how totally misleading that picture has been is to glance at the amazing letter that Arthur Schlesinger Jr. published on March 22 in The Washington Post. The letter was a plea, no doubt honestly anguished, for the immediate evacuation of Khesanh. Schlesinger began by accusing Gen. William C. Westmoreland of "repeating the fatal error of the French (by placing) a large body of troops out in the hills where they can be surrounded and cut off." This, exclaimed Schlesinger, "is precisely what we have succeeded in doing at Khesanh. Today, 500 American soldiers are surrounded and cut off by 20,000 of the enemy, every night creeping and burrowing further in toward their target."

DISMISSED WESTMORELAND

Putting on a borrowed Field Marshal's hat, Schlesinger then explained that no "people in their senses" could possibly "suppose that airpower will now 'save' Khesanh in case of attack." He contemptuously dismissed General Westmoreland as a "tragic and spectacular failure." He included the usual sneer at President Johnson. And so he reached his grand climax, as follows:

"Yes: airpower is one vital difference between Khesanh and Dienbien-phu. For, if airpower cannot save Khesanh, it may still save the men in Khesanh. Let us (use airpower to evacuate Khesanh), before enemy antiaircraft batteries interdict our flights, before enemy mortars destroy our landing strip, before enemy shock troops overrun the base. Let us not sacrifice our brave men to the folly of generals and the obstinacy of Presidents."

In short, Schlesinger was firmly convinced, as late as March 22, that Khesanh and its defenders were sure to be overrun. If his conviction had not been absolute, he would hardly have risked writing such a letter, which he can hardly look back upon today without novel self-doubts. But—and here is the rub—much of the American press and most of the allied media need only read the Schlesinger letter to see themselves, as in a mirror. He was perhaps overeager to believe the worst, and he seems to have taken very poor military advice. But he was above all misled by his informants; and his chief informants, one may be sure, were the front pages and the television shows. "The agony of Khesanh" was one of the current phrases, and others might be cited.

TEDIOUS BATTLE

What, then, was it really like, and what actually happened? To begin with, Khesanh was no more agonizing, though it was a damned sight more tedious and long drawn out, than any other combat experience. We had four battalions in Khesanh—the 26th Marine regiment plus a battalion of the 9th Marines—and the South Vietnamese, of whom Schlesinger appears not to have heard, had the equivalent of two battalions. Like any battle, Khesanh produced its honored dead, for that, alas, is what battles always do. But between the beginning and the end of the seige, the American units at Khesanh actually lost, in killed, not many more than 200 men, whereas a single battalion of Marines lost 70 killed—about one third of the comparable losses of four battalions at Khesanh in the recent hard and heroic fight for Daido, which lasted only a few days.

At Khesanh, again, the American casualties mainly resulted from enemy artillery and mortar fire, rather regularly described as "infernos of incoming." And this was a fairly curious phrase for an enemy rate of fire that averaged only 192 artillery and mortar rounds per day throughout the seige. When I was there for a bit more than a day, for instance, the Khesanh base took 154 incoming rounds. That was a bit below average, but it is still worth noting that except for four badly misaimed rounds fired at the landing zone when I was waiting for a departing helicopter, I actually heard a grand total of three incoming rounds. And despite other infirmities, I am not yet deaf, and the tough and able Khesanh commander, Colonel David Lownds, kindly allowed me to accompany him on a long tour on foot around the whole big base, with the exception of South Vietnamese positions and the hill-outposts held by our Marines beyond the perimeter.

FAILURE OF GIAP

The truth is, indeed, that one of the major but untold stories of Khesanh was the astonishing failure of General Vo Nguyen Giap's logistical planning for his artillery. Besides mortars, Giap had caused to be emplaced, with infinite labor, a minimum of 210 artillery tubes—some estimates go as high as 370 tubes—on a long arc from Co Roc in Laos, along the DMZ, to Cap Muy Le on the coast. Giap had the guns, in short; but at Khesanh and along the DMZ his really ludicrous average rate of artillery fire, again excluding mortars, was less than one round per gun per day in the period of the siege.

Nor is that the end of the story, by any means. On March 21, the day before Schlesinger published his letter, the last of the serious assaults on Khesanh was attempted. It failed in a most sanguinary fashion because of our Marines' courage and the terrible power of our air and artillery. There were either three, or four, or five such attempts in the course of the siege—the number is disputed among the Marines themselves—and all failed in the same manner.

The failure of the last assault, so beautifully coordinated with the Schlesinger letter about Khesanh being "over-run," seems to have been the signal for the withdrawal into Laos of one of the two besieging North Vietnamese divisions, the 325C. This was, in fact, the beginning of the end of Giap's ambitious plan. Despite the inability of "people in their senses" to imagine anything of the sort, air power was already starting to break the Khesanh siege when Schlesinger wrote his letter; for it was the air that hurt the enemy most cruelly and forced the 325C to withdraw to lick its wounds. The situation of the besiegers at that time can be gauged from one of the pitiful little diaries that the North Vietnamese troops quite often keep. The diary, of a private named Vu Xuan Mau, was picked up outside the Khesanh perimeter after the siege was formally and finally broken in the first days of April. Mau's last entry was: "At Khesanh on March 23, a day full of bitter hardships and bloodshed."

MASS BURIALS DISCOVERED

The agony of Khesanh was in reality experienced, not by our brave, hardy but relatively fortunate men in the combat base, but by the unhappy wretches like Private Mau. They were condemned to endure close on three months of incessant and terrible B–52 strikes, plus other air attacks, plus the kind of artillery fire that is maintained by U.S. guns with full logistical support. And what they endured took a fearful toll.

When the 1st Battalion of the 9th Marines moved out from the perimeter on April 4, prisoners of war immediately began to be taken, documents far more important than poor Mao's diary began to be found, and mass burials began to be discovered. The most careful analysis of all the resulting data has now revealed that the two enemy divisions at Khesanh, the 325C and the unfortunate 304th, which had to hang on to the end, almost certainly lost a total of about 10,000 men in the course of the siege. And in the grim mathematics of war, an exchange of 200-plus Americans (and a proportional number of South Vietnamese) against 10,000 North Vietnamese regulars, is the very opposite of a "tragic and spectacular failure."

Once again, moreover, that is by no-means the end of the story. Unless General Vo Nguyen Giap is stark, staring mad, the siege of Khesanh was unquestionably no more than one part of a much larger, more ambitious military plan, the Tet offensive. And we should give thanks on bended knee that General Giap saw fit to tie up two of his divisions at Khesanh as part of his Tet plan. In the entire morass of nonsense published about Tet, very little indeed has been said about the one really dangerous situation that the offensive temporarily produced.

This was in the two most northerly provinces of South Vietnam. Here much was written about the long, rough battle for Hue; but almost no attention was given to the disturbingly precarious supply situation caused by bad weather, the weight and persistence of the enemy attack, and the resulting breaks in all the usual supply lines. The position might well have become really unmanageable—the two most Northerly provinces might even have been partly overwhelmed—if Giap had massively increased the weight of his attack in the two-province area, by using the two divisions that were fruitlessly tied up at Khesanh.

TOO LITTLE, TOO LATE

He saw his error soon when the Hue fighting began. He took two battalion apiece from the two divisions at Khesanh, and he marched them south to aid his troops at Hue; but this was too little and too late. Whereas if General Westmoreland had not committed that "tragic and spectacular" error of refusing to abandon Khesanh, two additional North Vietnamese divisions would have been freed, pre-Tet, for other uses in the two Northern provinces; and if that had happened, the consequences would surely have been grave.

Compare, then, these hard facts concerning Khesanh and the fighting there with the picture of Khesanh conveyed by Arthur Schlesinger, who is, after all, an exceedingly intelligent albeit, a violently partisan man. Remember, too, that this disparity between the reality in Vietnam and the picture given to the folks back home has been a standard phenomenon throughout much of the war. Countless examples might be cited, but one more must suffice. The most instructive, probably, is the constant denigration of ARVN that was a pre-Tet fashion in large sectors of the American press. This even earned a mention in dispatches by General Westmoreland for the newspaper that claims preminence and one of the leading agency reporters in Vietnam.

In a message to the Defense Department, General Westmoreland adressed himself to one of the real puzzles of the Tet offensive: how on earth General Giap could have based his whole plan on the stated expectation of a "general uprising" by the urban population and of widespread defections among the ARVN units. On the second point, General Westmoreland noted that Giap had demonstrably been lied to, on an enormous scale, by the special "troop proselytizing" apparatus of the VC. But he added that he could hardly blame General Giap for being deceived, since the lies of the VC "troop proselytizing" apparatus had appeared to be so largely confirmed by the great American newspaper and the famous press association mentioned above. With mild irony, he concluded that these latter must now appear in Hanoi as important participants in a big American deception-plan—for there were no defections anywhere, and almost all of the ARVN units, 'though understrength because of the national holiday, fought very well indeed at Tet.

R. F. K. SPEECH BRINGS ANGER

Meanwhile, however, the denigration of ARVN had already fed back into the American political scene. In a Senate speech, for instance, Sen. Robert F. Kennedy described the South Vietnamese troops as "skulking and malingering while our Marines carried the burden of the battle for Hué. The news of the Senator's speech reached Vietnam while I was in I Corps, and I have rarely seen angrier men than the Marine officers who had fought in Hué along with South Vietnamese. Nor was this surprising. In their impact on an obstinate enemy, and in the sacrifices they made themselves, the South Vietnamese in the Hué battle performed almost identically with our own Marines.

They had, for example, 7704 men engaged, and they took 2134 casualties, suffering losses almost exactly proportional to our losses which were happily quite substantially smaller, since we had substantially fewer men engaged.

Furthermore, the South Vietnamese in Hue were fighting under heavy handicaps, as compared with our men. They almost wholly lacked the tanks and other big weapons that gave our units much greater organic firepower. Their arrangements for replacements were much more primitive than ours; and after the first days of sharp contact, not a few ARVN battalions had to fight on, and did fight on, after they had been reduced to 200 men or less. Furthermore, they were frequently called upon to attack, and regularly did attack, when they had to traverse over a hundred yards of the enemy's field of fire before they could bring their own weapons to bear.

That highlights another point of great significance, that was wholly omitted from the pre-Tet denigrations of ARVN. Briefly, General Westmoreland saw trouble ahead, and asked for M–16 rifles and other improved equipment for ARVN as long ago as 1965. For budgetary reasons, apparently, action on Westmoreland's request was long deferred by Secretary of Defense Robert S. McNamara. Thus, on the one hand, the ARVN units have always been immeasurably weaker than our units, in organic firepower, in all sorts of back-up resources, and above all, in mobility—and they will still be much weaker, despite the M–16 rifles that are now being provided at long last. And on the other hand, there was a long period when the ARVN units even had substantially less firepower than the newly re-equipped VC and North Vietnamese units.

KOREAN STORY AGAIN

Here we have the story of Korea all over again; for the Korean divisions were also denigrated during much of the Korean war, whereas their main weakness arose from the simple fact that they had been grossly under-armed by their American suppliers. This does not mean, to be sure, that ARVN has ever been an ideal army, or that better weapons and more mobility will automatically make ARVN into an ideal army. When President Johnson finally intervened in earnest in Vietnam, ARVN was already a defeated army, and every ARVN officer knew as much. It takes some time to bring back a defeated army to a state of self confident proficiency. It takes even more time, too, to implant a fully modern military system in a traditional Asian society; and this process was not really completed in Korea until President Chung Hee Park finally came to power. Patience is always needed in such matters. But instead of patience we have too often had the kind of shameful injustice Senator Kennedy was led to commit.

When I ask myself why Sen. Kennedy and so many others have been so regularly misled on so many key points concerning the war, I confess to a certain bewilderment. The fashions of the moment certainly have much to do with it. What has happened in Vietnam in this war resembles, on a vastly larger scale, what happened in the press hostel in Chungking in the war years in China. The fashion then was to make heroes of those virtuous agrarian reformers, Mao Tse-tung and his bloody-minded friends; and just about the only American reporter to avoid making an ass of himself by refusing to follow the fashion was Arch Steele of the old "Herald Tribune." Then too, in the Diem years in Vietnam, certain newspapers acquired what can only be called a vested interest in disaster; and since these were the Saigon bureaus with the greatest continuity, they had great leverage with later-comers. Then again, among younger newspapermen particularly, there is a strange new theory that all American officials and most American military officers are joined together in a vast conspiracy to gull the home folks, which it is the reporter's duty to attack and expose, as though he were attacking and exposing corruption in City Hall. It seems an odd approach to an American war, but it is certainly there.

NOT A HOPELESS WAR

This does not mean for one moment that the pessimists have always been wrong, or that the minority of optimists have always been right. As I look back over my own coverage of the war, I think I have been broadly right about the war's larger patterns, both when I was very much more gloomy than any of my colleagues in the year prior to the American intervention, and after the intervention when I have been more hopeful than most. On the other hand, although I think I got the patterns right, I am well aware that I have sometimes been over-optimistic about the war's time-frames—in part, as over-reaction to the sort of stuff that was so widely written about Khesanh. Yet the fact remains that this has never been, and it is not now a hopeless and unending war; and conveying just this impression has been the main thrust of far too much of the reporting, analyzing and editorializing.

So we get back to that rock and that hard place. Concerning the hard place, it must first of all be remembered that the Hanoi war-leaders' aim has always been to win the war in Washington, by the impact in America of their seeming success in Vietnam, just as the Viet Minh won the French war in Paris rather than at Dienbienphu. Here it is worth noting that the official Hungarian Communist newspaper some time ago published extracts from a strikingly interesting lecture on Dienbienphu, given by General Vo Nguyen Giap during a visit to Hanoi by Hungarian Foreign Minister Endre Sik.

"The battle of Dienbienphu," Giap was quoted as saying, "was essentially the last desperate exertion of the Viet Minh . . . Had we not been victorious there . . . our armed forces were on the verge of complete exhaustion . . . We had to put everything on one card." There are many reasons for believing, and Douglas Pike and all the other truly informed analysts in fact believe, that the motives for the Tet offensive were that Hanoi was in serious danger of losing the war of attrition, and therefore "had to put everything on one card." A major publication that at first reported the Tet offensive in the most lurid and gloomy terms, more recently came round to the view that Tet was a military defeat but a "psychological" success for the enemy. Yet if Tet was a "psychological" success, this was almost solely because the offensive's military motives, its true military results and most of its local effects were in the main painted in colors in America that had few recognizable links with the basic realities in Vietnam.

TO DESPERATE LENGTHS

That was the reason, of course, why Tet was so profound a shock to American opinion. Having put so much "on one card" at Tet, the Hanoi war planners are plainly going to the most desperate lengths, in order to try the same thing all over again. What the outcome will be, and above all, how it will be represented here at home, none can foretell. What the Hanoi war leaders will do if their next attempt fails or is aborted, also cannot be foretold precisely—although it is clear that they will then be in very bad trouble in South Vietnam.

Again, one cannot foretell with precision the effect of the talks, the partial bombing halt, and any future extension of the bombing halt, either in time or in area—but it is clear that the Hanoi war leaders are already beginning to exploit to the full the reduction of pressure, the release of resources by the partial bombing halt and the general easing of their situation that these factors have produced. Unless the President is very firm and very clear-minded, all this may perhaps produce exceedingly worrying consequences on the battlefield, at any rate for a certain period.

The main thing is that the war-situation has at length begun to have a strongly climactic smell. Hence, if the American people have the sturdiness and resolution not to imitate the French, an acceptable end of the war should therefore come into sight eventually, whether at the negotiating table or in other ways. Meanwhile the trouble is that a near-French mood, God save the mark, has been created in many quarters in America. But if this mood leads to final defeat, and there is a subsequent inquest—as there will surely be—the inquest cannot take the form it did last time. There will be no unlucky foreign service officers to serve as convenient victims, although they had far less influence on events and displayed considerably better judgment than most of the denizens of the Chungking press hostel. In the next round (which Heaven forfend), the press and the allied media can hardly avoid being front and center. And if there is a next round, the American people's notable distaste for defeat in any form will probably insure even more injustice and ugliness than we experienced in the last round.

So I can only hope that instead of the hard place we get the rock—which means a great many people looking idiotically silly because we have finally won the war they said could not be won.

THE WORLD WE MUST SHARE

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. O'NEILL of Massachusetts. Mr. Speaker, every generation worries about its children. We read the papers and wonder if we have taught our children the things they should know, if we have set a good example, if they will be able to assume the responsibilities of adulthood when the time comes.

I think that in many cases the young people of our Nation have already assumed those responsibilities and taken up the burden of a social duty. One young man, James Clark Abbott, has demonstrated his concern for the good of our country.

Jim is a senior at James Blair High School in Williamsburg, Va. He has been active in many school organizations. As a leader of his school he was asked to address the congregation of the First Baptist Church of Williamsburg on April 21, 1968.

I believe his speech will be a source of inspiration to all Members of the House and, with consent, I include it in the RECORD at this point:

THE WORLD WE MUST SHARE

(Text of speech delivered by James C. Abbott to the congregation of the First Baptist Church of Williamsburg, Va., April 21, 1968)

"I would first like to thank you, the members of this church for allowing me to participate in this worship service. I feel that it is a landmark in our continuing search for peace and understanding when a member of one race can speak freely in a church whose membership is composed largely of members of another race. After accepting Mrs. Alexander's invitation to speak here this morning I began to ponder and to search my soul for a topic which I could speak in honesty and from the inner regions of my heart. I didn't want to come here and spout off a lot of meaningless words just to impress you, as I strongly feel that any opportunity of contact in fellowship between the people of this country and the peoples of this world should be used to its fullest extent. Finally, after several hours of soul searching, I arrived at the topic of . . . "The World We Must Share." It is my belief that God Almighty has put the Americans, the Russians, the Chinese, the French, all of us on this world to serve him as best we can. In his commandments, he has asked that we join together and live peacefully as brothers, and that we love thy neighbor as thyself. He asked that all of his people share this world . . .

In this country, he has asked us to share a land that is over 3,000 miles long and over 2,300 miles in width. A land that is fertile in natural resources, a land that has always been, and is today, rich with intelligent minds. In fact, over 90% of the scientists who ever lived, are alive today; and over 85% of the Ph.D.'s that have ever been granted, have been granted since World War II. However, instead of sharing this land, we have transformed it into a land where today, over 32 million Americans live in dilapidated housing; a land where 14½ million Americans under the age of 17 do not have a proper diet because of poverty; a land in which 70% of the people live on only 1% of the land. The Lord has put over 200 million Americans on this world to share this land. This number increases each day by some 6400. By the year 2000, there will be well over 300 million people striving to make a decent living off of this land. We complain today about our problems with air pollution, lack of food, adequate housing, and jobs. What will our problems be like in the year 2000? Many of us in this room today, will be in our thirties and forties, and it will be up to us to face these problems and to find solutions for them.

Yes, we do have our problems today, but hasn't every generation since time began had it's share of problems? I believe, as did the late President Kennedy who once said, "Our problems are made by man . . . therefore, they can be solved by man." Yet, each generation must produce it's own leaders and answers to solve their problems. Since our country's beginning less than two hundred years ago we have produced such leaders as: George Washington who brought purpose and courage to our country during a time when it was plagued by enemy forces. Abraham Lincoln rose during the Civil War to unite the States that were torn by the war. In 1932 Franklin Roosevelt said, "I look across the land, and I see 10 million Americans, ill fed ill housed, and ill clad." Through his congressional acts he helped to remedy many of these problems. In recent history, John Kennedy renewed the sense of courage and faith in the American people with his firm stands in the Cuban missile crisis, and the Berlin crisis. I feel, that as long as we have faith there will always be people ready to answer the call of duty that is sounding constantly throughout the world.

As for our present time, let us begin to ask ourselves today, "what will historians say in the years to come of the sixties?" In one sense, it is too soon to talk of the sixties for much of the drama remains to yet be played out. Nevertheless, certain things are already clear about this decade. The sixties have been an age in which the youth have expressed more than ever before their beliefs and convictions. It has been an age of hippies and anti-war protestors. And sadly enough, it has been an age of hypocrisy, as President Johnson once put it, "to strike the chains of a slave is noble. To leave him the captive of the color of his skin is hypocrisy." To be certain, the sixties will be remembered as a time when people searched their souls about morals, civil rights, and war. It is safe to say also, that the sixties will go down in history as the age of the Vietnam war. Even though this war did not really begin to affect this country and the world until this decade was half over. Of course, there is now some hope that the sixties will end in peace. That, my friends, is up to you, to me, and to the leaders of the world.

On Monday night of this week, Senator Fred Harris, who served as a member of President Johnson's National Advisory Commission on Civil Disorders, told a group of area residents and William and Mary students that the Number one problem in America today is not the Vietnam war, the monetary crisis, or the population explosion, but the Number one problem is racism. Senator Harris said that racism is also the Number one mental health problem that we face today in America. It is always accompanied by violence and it cripples far more people than does any other disease.

Let us today, in the presence of God, honestly ask ourselves the question, "what can I do to help in better sharing this country and this world?" I sincerely believe that we, as Americans, must reach out and learn to understand each other. We must also reach out and understand the Communists and other peoples, and that they too, must do the same. Earlier this year at James Blair, we initiated a project called "project communique." It was our hope that by sending copies of the *Blarion*, our school newspaper and copies of the *Virginia Gazette* to high schools around the world that we might open lines of communication between our students and students in other countries. Through these lines of communication, we hope to exchange ideas both political and social.

If we are to share this world, I feel that we must strive to make this "the golden age of understanding." However, we cannot sit idly by and hope for this understanding to take place. We must act now, in Williamsburg, in Virginia, and in the United States. What greater day to act? What greater age to begin understanding than now, when half of our country is a slave to hate and the other half is free to understanding? It is regretful that our forefathers did not begin this "golden age of understanding," but let this not discourage us. Let us begin to understand so that those who follow us can live in complete freedom. Let us all pray to God that the understanding so badly needed today need not come from the lessons of war and defeat and from riots in our streets, but rather from the belief in our American way of life and through the orderly process of our Government, ruled by the minds of our free citizens.

On the local level, I feel the people of Williamsburg should be commended on their performance during the past several years. To my knowledge, I know of not one racial incident in the past three years that would mar this city's racial history. Perhaps, we here, in this colonial capitol, situated in the birthplace of our country, are on the right road to understanding and to sharing this world. Let us stay on this road, and work to improve it where necessary, and let us oppose any outsiders who would attempt to destroy this road. Next year, Williamsburg's two high schools will merge into one. In many cities throughout our country today, a similar merger would be met with firm opposition and would have to overcome great obstacles. However, I believe that I speak quite honestly when I say from a student's standpoint, the consolidation is understood by the students and is being supported generally by them.

During the past week, students from both schools have met to nominate possible leaders for next year's James Blair student government. As I participated in those meetings, I could not help but feel a sense of pride in the youth of this area. For it was deeply encouraging to me to see students from a mainly Negro school, and students from a mainly white school working together, as one body for the betterment of the one school that they will form next year. I also feel that the student government elections to be held this week, will be based on ability and not on color. I saw this at the nominating meetings and I have sensed it in the students. I am sure that the combined efforts of these students and their parents will provide a school system in which an equal education is assured for all.

Recently, our Nation was saddened by the brutal slaying of the Reverend Martin Luther King, Jr. On the night of his death, I sat at my desk until the early hours of the morning, and I wondered, and I worried about the significance that his death would have on our country's future. I realized then, more than ever, that for years, the people of this country have been increasing the divisions that had already existed in our country. And I remembered the words of President Lincoln when he said, "A house divided against itself, cannot stand." Would Reverend King's death plunge our Nation into a disastrous civil war? I asked myself this over and over again. Or would it unite the races and encourage all our people to create a kind of a land where men may be firm in their convictions and speak their beliefs without running the risk of being murdered. Before retiring on that fatal night, I wrote a short eulogy dedicated to Martin Luther King. I have shown it to no one, and I would like to read it to you this morning:

EULOGY FOR A KING

"Martin Luther King, was a Negro. He, was an American. John F. Kennedy was a white. He was also an American. Today, these two Americans are dead. They are not dead because of the color of their skin. They are dead because they stood firm in their convictions. Twice in the past five years. America has mourned the needless loss of a leader. Is this kind of America the land of the free and the home of the brave

" 'I have gone to the mountain top, I have seen the glory of the coming of the Lord.' How many ages hence will these words live on? Words spoken by a man who had not yet reached the peak of life, For this life was mercilessly ended by an assassin's bullet. A man who preached equality for all, And believed in violence for none. Martin Luther King has now returned to the mountain top that he spoke of only twenty four hours before his death. May he rest in peace."

In his 1963 March on Washington, Reverend King said, "I have a dream today, I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low. The rough places will be made plain and the crooked places will be made straight. And the glory of the Lord shall be revealed and all flesh shall see it together. This is our hope with this faith we shall be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will one day be free. This will be the day when all of Gods children will be able to sing with new meaning:

"My country tis of thee,
Sweet land of liberty,
Of thee I sing:
Land where my fathers died,
Land of the pilgrims pride,
From every mountain side
Let freedom ring."

Martin Luther King had a dream for America and as he said it was "a dream deeply rooted in the American dream." America should rededicate itself to Martin Luther King's dream. As in the words of Bob Dylan:

"How many roads must a man walk down
before he's called a man?
How may seas must a white dove sail before he sleeps in the sand?
How many times must the cannon balls fly
before they're forever banned?
How many years can a mountain exist before it's washed in the sea?
How many years can some people exist before they're allowed to be free?
How many times can a man turn his head
and pretend that he just doesn't see?
How many times must a man look up before he can see the sky?
How many ears must one man have before
he can hear people cry?
How many deaths will it take till he knows
that too many people have died?"

On Christmas Day of 1967, Lou Harris released a survey that asked both white and black people it they thought that there could one day be harmony between the races. The results of the survey showed that 53% of the white people asked said no; 10% of the white people were undecided. But 67% of the Negroes asked, said that they thought there could be harmony. This survey is evidence that the Negro people are willing to overcome this white racism, and to begin understanding.

The words "we shall overcome" have often been used by Negroes to signify their determination to be equal. Only until recently has it been that I have found the real meaning of this song. I had always thought that it meant that we shall overcome and defeat the white people. As Khrushchev once said, "We will bury you!" But the song has deeper meaning than that. I think that it means we will overcome prejudice, hate and fear. This song should be sung by every American, it should become a musical symbol of what America stands for. For it is only then, only when we the peoples of all the world have overcome this hate, prejudice, and fear . . . then we will be able to share this world.

I have also had a dream. I dream that one day the people of not only this country, but those of every nation in this world will be able to say . . .

"Free at last, free at last, thank God Almighty, we're free at last." Thank you.

MRS. VAN WYE OF CEDARHURST DONATES PAINTING TO HOUSE WIVES

HON. HERBERT TENZER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. TENZER. Mr. Speaker, on May 15, 1968, a painting entitled "Flowers of Joy" was unveiled in the House of Representatives Family Room. Mrs. Bea Van Wye of Cedarhurst, N.Y., one of my constituents and a dear friend, is the artist who donated her work in honor of the wives and families of the Members of the House.

It was a historic occasion for Long Island and we are very proud of Bea Van Wye and her contribution which has beautified the Family Room of the House.

The dean of the House of Representatives, the Honorable Emanuel Celler, unveiled the work of art and the distinguished Speaker of the House, the Honorable John W. McCormack, accepted the painting on behalf of the House of Representatives.

I want to express my appreciation to the Clerk of the House, the Honorable Pat Jennings, who served as master of ceremonies. I regret that due to illness, I was unable to personally congratulate my dear friend Beatrice Van Wye.

Mrs. Tenzer joins me in thanking Bea Van Wye for her thoughtful gift to the Members of Congress, their wives and families. I am proud to have one of Mrs. Van Wye's works—a painting of a scene overlooking the United Nations Building—hanging in my congressional office.

I also want to thank Col. Zetta Jones, a charming woman, who coordinated the arrangements for dedication ceremonies.

It must be very gratifying for Mrs. Van Wye to know that the wives of House Members will enjoy her painting in the Family Room and that the people of Long Island and the Fifth Congressional District are very proud of her.

FEDERAL FUNDS AND CAMPUS RIOTS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 15, 1968

Mr. THURMOND. Mr. President, the May 14, 1968, issue of the Evening Star of Washington, D.C., contains an article entitled "Federal Funds and Campus Riots," written by David Lawrence.

Mr. Lawrence states that the House of Representatives has passed a measure that will prohibit the granting of Federal loans and scholarships to students who are involved in a serious obstruction of college activity.

Liberals are protesting against the bill as a misuse of Government power, but they forget that the U.S. Government has been using the same method for the last few years by requiring colleges and universities to obey the regulations concerning racial discriminaton.

In order to enlighten the opponents of the proposed legislation, I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

FEDERAL FUNDS AND CAMPUS RIOTS

(By David Lawrence)

Does Congress have the right to stipulate that federal loans and scholarships shall not be granted to any students who are involved in a "serious obstruction" of college activity? The House of Representatives has passed such a measure and has sent it to the Senate. Protests against the bill are being voiced on the theory that this is a misuse of government power.

But, strangely enough, the United States government has been employing precisely this method for the last few years in requiring colleges and universities to obey the regulations concerning racial discrimination issued by the government or else lose the benefit of federal funds in everything from student loans to construction and equipment grants.

When the Department of Health, Education and Welfare began to threaten the withdrawal of federal funds from educational institutions because they were allegedly failing to comply with the "law of the land," the so-called "liberals" were silent. Today they are denouncing the House bill which seeks to withhold federal funds in order to punish college students who defy constituted authority.

A brief editorial in the New York Times yesterday which criticized the House bill will be welcomed by educators who have hitherto gotten little support in their opposition to the employment of federal funds as a form of blackmail. The editorial says:

"The threat by the House to punish rebellious college students by cutting them off from federal loans and scholarships is a dangerous excursion into political primitivism. The disregard of campus democracy by a minority of disruptive and irresponsible students at Columbia and elsewhere in no way justifies such congressional vendettas in direct conflict with democratic freedoms. Campus stability must be safeguarded by sound reforms on the part of the academic community and by enforcement of its own democratic rules, not by governmental threats of fiscal sanctions.

"It is deeply disturbing that so many politicians appear to think of federal subsidy of students as an indulgent uncle's benefaction. In reality, the extension of educational opportunities is at least as vital to the future health of the nation as it is to the personal careers of individual students. But, more important, to turn federal stipends into a device to regulate student views and behavior is to stoop to methods generally associated with totalitarian states. Such action can only give support to those extremists among today's students who charge that the campus is doing the mercenary bidding of a repressive establishment.

"Federal interference with higher education is an intolerable violation of academic freedom. To permit such instrusions would undermine the nation's security far more severely than the disruptive insurrection of irresponsible youths."

The foregoing commentary will be read with interest by the administrators of many colleges and schools which have been struggling in the last few months with problems growing out of racial imbalance. For the federal government has cut off funds from four colleges since Jan. 1, 1967—all of them private institutions. Eighteen hospitals have been deprived of federal money or have been threatened with its loss.

Federal funds constitute a powerful lever in compelling comformity with the views of governing authorities on how education should be conducted. The Times editorial, therefore, will be regarded in many parts of the country as a recognition of the fact that the power to grant or withhold federal funds permits a kind of blackmail and cannot be tolerated, no matter how worthy the objective.

There are plenty of laws on the statute books which can be used to punish students who are disorderly, seize private property or disrupt the operations of colleges, just as there are laws prohibiting racial discrimination. It should not be necessary to threaten to withhold federal funds as a means of securing compliance with the ordinances of a city or the laws of a state or the preservation of order.

CRUCIFIXION CITY, U.S.A.

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. RARICK. Mr. Speaker, the human time bomb—called a poor people's march—now festers in our Nation's Capital, thanks to a permit granted by national leaders.

For while talking poverty, it takes unusual direction for its support and maintenance—a sort of guarantee that it must go off.

The poor folks nucleus is now to be reinforced by college students—including the Columbia University destroyers; lawyers are setting up a service scheme to prevent arrest and intimidate law officers from acting except in the most serious cases and a "brain-washing" hate university is to be set up to indoctrinate those who permit themselves to be used and duped.

A real production to commemorate 1968, the anniversary of the Declaration of Human Rights. U Thant and his United Nations planners must be proud of their operation to belittle the United States. See my remarks in the daily Congressional Record of March 20, 1967, page A1386.

This invasion should be decried with vigor by all decent Americans. Most poor people I know are loyal patriotic Americans. Being poor does not make one cantankerous, seditious, nor immoral. Most poor people would not be caught dead with the majority of this crowd of disloyalists hiding under a poor people's sheet.

This is no resurrection city—they are not planning a rebirth of America; rather they are dead set at destroying the image of the United States of America at our Nation's Capital.

"Insurrection City," yes, but a more fitting and proper name would seem to be "Crucifixion City."

I include several local news clippings over the past few days following my remarks:

[From the Washington (D.C.) Evening Star, May 14, 1968]

SOME 5,000 COLLEGIANS EXPECTED TO JOIN MARCH

(By John Mathews)

At least 5,000 to 6,000 college students are expected to come here as active participants in the Poor People's Campaign, beginning with the massive march planned for Memorial Day, a campaign official said yesterday.

The students—many of them likely to be fresh from activist campaigns on their own college campuses—will stay for weekends, weeks or all summer, said Stoney Cooks, coordinator for student and campus activities of the Southern Christian Leadership Conference.

Cooks, a three-year veteran of SCLC civil rights campaigns, personally has visited 93 college campuses since last Dec. 26, ranging from predominantly Negro colleges in the South to Harvard, Yale, Columbia, New York and Boston Universities.

The students and many of their teachers will form the nucleus of a "Poor People's University" that plans classes in nonviolent tactics as a preparation for student participation in campaign demonstrations and in such subjects as the economics of poverty, racism, capitalism as a system and the relation between the Vietnam war and poverty.

Potential faculty members include Kenneth Clark, the noted psychologist; singers Harry Belafonte and Joan Baez; David Dellinger, organizer of the march on the Pentagon last fall; Ivanhoe Donaldson the Student Nonviolent Coordinating Committee and Michael Harrington, the writer and social critic.

Speakers to be invited range from Henry Ford and John Gardner, the former Secretary of Health, Education and Welfare, to comedian Dick Gregory and Todd Gitlin and Tom Hayden, former presidents of Students for a Democratic Society, the militant campus group.

Students, most of whom are not expected until after they complete exams during the next two weeks, are being asked to sign a pledge of nonviolence.

Campus recruiters are asked in an instructional leaflet to impress on students that the Poor People's Campaign will not be a repeat of the October march on the Pentagon "where we got beat on the head and then sent home. Now we're staying, a nonviolent army of tens of thousands, until we get a constructive response to the plight of the poor."

Cooks said it is hoped also that lectures and discussions at the "Poor People's University," which "may meet under the trees," will inspire students to return to their home communities and campuses to mount similar local confrontations. SCLC is planning a collegiate-level organization to continue the Poor People's Campaign, Cook said.

Another educational component of the campaign, the "Freedom School" for participants in the march—children, young persons and adults—was described yesterday at a luncheon of the Educational Press Association at the Pitts Motel.

Charles W. Cheng of the Washington Teachers Union, who is directing the "Freedom School," said the school probably will be operating by the end of the week after residents of "Resurrection City" express their ideas on its format.

(At one point, Cheng referred to the shanty town near the Lincoln Memorial as "insurrection city," producing smiles and laughter from campaign leaders.)

"Our education philosophy is going to deal with racism, poverty and oppression and the filthy war in Vietnam," he added.

District public school officials yesterday still were awaiting word from the city legal office on what obligation, if any, city schools have to school-age children with the campaign.

Corporation Counsel Charles T. Duncan, representing Mayor Washington at the symbolic driving of the first stake for the shanty town yesterday, said his office is considering the issue. But he added that campaign participants probably would fall in the category of nonresidents who have to pay tuition if they want their children enrolled in public schools.

[From the Evening Star, Washington, D.C. May 12, 1968]

Legal Advice Memo Prepared for Poor March Participants

A detailed memorandum—and telephone number for legal aid—is being distributed by the Washington Legal Services Committee for participants in the Poor People's Campaign who might be arrested.

The Rev. Ralph David Abernathy has warned that acts of civil disobedience may be committed at some point during the protest if action is not taken on their demands. Abernathy so far has not revealed what form the acts may take.

Following is the advice being given those arrested:

"1. When you are arrested, try to find out and remember who saw your arrest and what you are charged with. Remember the arresting officer's name (or badge number.) If you become the object of brutality, again try to find out and remember who saw it and who did it and tell your attorney.

"2. The police may not search you before you are arrested unless you consent. If you consent, they can use anything they find against you. If you are searched with or without your consent, remember who did it and what they took and tell your attorney.

"3. Remain Silent. The police must warn you that you have the right to remain silent. Any statement that you make may be used against you. Aside from giving the police your name, speak only with your attorney or his agent which we will provide for you. Do not sign any statements. The police may not use any means to force you to say anything.

"4. You have the right to any attorney and the right to have that attorney with you at any time the police question you. We have attorneys for you. Make no statements, either oral or written, before you talk to the attorney. Speak only with the Poor People's Campaign's Attorneys. Also, if the police should order you into a line-up you have the right to have your attorney there too. Demand that he be there.

"5. You have the right to call your attorney. The phone number is ————. Call this number as soon as possible after you are arrested.

"6. You must be taken into court without unnecessary delay after your arrest or on the next day on which the court is in session. You have the right to have your attorney there. If a Poor People's Campaign attorney is not there, politely tell the judge that you have an attorney and don't want any attorney but a Poor People's Campaign Attorney and that you want him there before you say anything."

(The telephone number was deleted by the Star because it could not be verified yesterday.)

[From the Washington (D.C.) Evening Star, May 13, 1968]

Urban League To Give Facts on March

The Washington Urban League has opened a rumor control center to operate seven days a week from 8 a.m. to midnight for the duration of the Poor People's Campaign.

David Rusk said the center will be similar to that operated during the April riots by the league but will make "a greater effort to run down rumors to their sources."

The basic purpose will be to provide the public with accurate information about the campaign's purposes, plans and activities, Rusk said, and dispel misinformation.

The center will operate from the league's Neighborhood Development Center at 1009 New Jersey Ave. NW. In addition to using statements from government and Southern Christian Leadership Conference sources, the league said it will have a "network" of volunteer two-man teams present at campaign activities to provide accurate accounts.

The number for the public is 628–7011.

[From the Washington (D.C.) Post, May 15, 1968]

Poor People's University Planned To Specialize in Study of Poverty

(By Bernadette Carey)

Organizers of the Poor People's Campaign are working with a committee of faculty members at area colleges to set up a Poor People's University.

The special school for the study of poverty, its problems and tactics for its elimination, hopes to enroll between 5000 and 7000 people, predominantly among the college students expected to come to Washington to join Campaign demonstrations.

It is scheduled to open May 29, and to run through the remainder of the Campaign.

Supporters of the program have already met with representatives of the consortium of five area universities (American, Catholic, George Washington, Georgetown and Howard), and have requested use of classrooms, dormitories and other facilities on their campuses.

The universities are expected to respond to those requests at a meeting tonight.

"We know that lots of young people who are planning to come here for the Poor People's Campaign, have very poor reasons for coming," explained Stoney Cooks, 25-year-old coordinator of campus and student activities for the Southern Christian Leadership Conference, and originator of the idea for a Poor People's University.

"But we hope to use even their vague interest to get them involved in our movement—not just while they're here, but in our summer task force for youth, and after they've returned to their schools and communities."

Cooks said the courses will include such titles as "Welfare Regulations and Qualifications," and "The Negative Income Tax," to "The Psychology of Racism," and "The Corporate Establishment."

Though many leaders of organizations participating in the campaign would act as teachers and leaders of discussion groups the proposed university also hopes to have a corps of experts such as author Michael Harrington, Ebony magazine editor Lerone Bennett Jr., and Bayard Rustin, director of the A. Philip Randolph Institute.

Cooks said the university would require no qualification for prospective students, and that poor people and young people not currently enrolled in any college would be eligible.

"We hope to provide housing and some meals for those participating," he added. "But we are asking that those students who can afford it bring money of their own."

Cooks identified the members of the faculty committee working with him on the university as: Grady Tyson and Bernard Ross of American University, Sister Mary Gerald of Trinity College, Cynthia Thomas of Georgetown U, Clifton Jones and Roy D. Jones of Howard, Mal Harris of George Washington and Sister Mary Frieda of Catholic U.

[From the Washington (D.C.) Evening Star, May 13, 1968]

Marching to a New Drum

(By Mary McGrory)

In the summer of 1963, when it became apparent that Negro leaders could not be dissuaded from their march on Washington, the Kennedy administration took it over.

Certain members of Congress warned of horrors to come. Some Southerners feared for American womanhood and warned women to stay home.

But the sponsorship of the march was heavily sprinkled with clergy, promising strict control. The Archbishop of Washington, Patrick A. O'Boyle, on seeing the advance script of the chairman of the Student Non-Violent Coordinating Committee, John Lewis, threatened to withdraw if such a fiery speech were delivered. It was enough to cause Lewis to moderate his remarks.

MILITANTS SCORNFUL

Those were, in retrospect, the innocent days of the civil rights movement. Today's black power militants look back with contempt on that sun-lit gathering as "a Sunday school picnic."

President Johnson cannot take over the Poor People's Campaign for fear of creating a precedent for other invading armies. He has been beseeched by certain members to use his influence to call off the march, which has occasioned what Sen. Jacob K. Javits, R-N.Y., calls "apprehension bordering on hysteria."

Atty. Gen. Ramsey Clark has promised that "the law will be enforced."

But Sen. John McClellan, D-Ark., has been thundering that militants have infiltrated the poor and are "bragging that they will not leave Washington without new wardrobes which they will acquire when the looting starts."

FEAR OF THE UNKNOWN

The fear of this march is the fear of the unknown. Its purpose was not clearly defined even by its originator, Dr. Martin Luther King Jr., whose murder touched off the disturbances still vivid in the minds of the shaken capital.

King evidently hoped to reassert his precarious hold on the civil rights movement by a kind of ultimate demonstration of what he called "militant nonviolence." Now his heir, Dr. Ralph Abernathy, a less gifted orator and politician, seems to be using the march as a means of consolidating his succession.

His hapless promise of May 2 to "turn Washington downside up and upside down" is much quoted by those who expect the worst.

Nobody knows now many people are coming or how long they will stay. One thing that is clear is that an encampment of strangers is bad for business. Nervous townspeople are unwilling to purchase goods that seem imminently subject to the arsonist's torch.

CONTROL QUESTIONABLE

The Southern Christian Leadership Conference is in charge. It is an organization of admirable spirit, but of such notorious inefficiency that its members are expected to be late for the last trump.

Its ability to cope with the firebrands and thieves expected to be attracted by the proceedings is questionable.

While Congress as a whole subscribes to the view that the march can bring nothing but disaster, some few have taken a constructive line.

Sen. Charles H. Percy, R-Ill., has promised to receive any delegates from his home state. He thinks it is incumbent on lawmakers "to listen, and not just talk."

[From the Washington (D.C. Post, May 15, 1968]

THE FEDERAL DIARY—ROLE OF U.S. EMPLOYEES IN MARCH TOLD BY CSC

(By Jerry Kluttz)

Federal employes were told yesterday that they are generally free to participate in the Poor People's Campaign either as individuals or as marshals but they also were warned of its possible hazards.

In addition, they were advised not to distribute printed material on the march on Government property or to use agency bulletin boards for march posters, and that they cannot work for the marchers on Government time.

These guidelines, issued by the Civil Service Commission, will be used to determine agency and employe participation in the campaign.

As a general rule, CSC declared employe participation would not have an adverse affect on their jobs. It noted this same position was taken in last October's march on the Pentagon and the recent signing by employees of the Vietnam peace petition.

But it cautioned employes not to participate if the march should be directed against their agencies "in such a way as to constitute the public criticism" of the agencies and their programs.

"This is especially advisable," CSC stressed, "if the employe occupies a position in which his official duties require him to recommend or directly support the policies or operations being criticized. For such an employe publicly to criticize the policies which it is his duty to make and support, would compromise his value as an employe."

CSC warned that employes would face disciplinary action if they became involved in improper conduct in connection with the march. On this point it wrote:

"It also is important to keep in mind that even if an employe's participation in a march or demonstration is otherwise permissible, if a disturbance breaks out or the event becomes disorderly to the point where violations of law occur, and the employe becomes involved to the extent that adverse notoriety results or he is arrested, the employe will be held responsible for his conduct.

"If in such case the facts establish improper conduct on the part of the employe, he can be disciplined for it. The fact that it ensued from what was expected to be an orderly demonstration would be no excuse."

In prohibiting the use of agency bulletin boards for march posters, CSC held that the Poor People's Campaign is a "means of petitioning the Congress. The principal announced purpose of the march is to persuade the Congress to enact laws to aid in ending poverty. Agencies in the executive branch are not authorized to aid any private group in petitioning Congress by lending the use of executive branch facilities."

CSC further ruled that an employe on duty "cannot devote official time to participate in the march in a private capacity." It added, however, that "some officials and employes can participate in matters concerning the march" when authorized by their superiors.

Those employes who wish to participate in the march in a private capacity, CSC decided, "may be granted annual leave on the same basis as it is granted for other purposes, that is, when the employe can be spared without undue interruption of the agency's work."

The National Association of Government Employes says it will go to court if the Environmental Science Services Administration withdraws recognition from its New York union local, because members staged a demonstration there.

Some of the Weather Bureau employes who are NAGE members, are facing five-day suspensions for their activities, which the Bureau says violated the Government's labor-management executive order. NAGE President Kenneth T. Lyons says the agency, in effect, has sentenced the employes before they have been found guilty. Lyons says his union will not participate in hearings scheduled on the matter.

[From the Evening Star, Washington, D.C., May 13, 1968]

TWO VIEWS OF THE POOR'S CAMPAIGN

(By Haynes Johnson)

The Poor People's Campaign has barely begun, but already it is proving educational.

That is one way of saying it is, so far, still something of all things to all people—with no one yet entirely sure of its goals or direction.

It has not realized the fears felt by so many. Neither has it come and conquered in some great emotional surge. The hard problems still lie ahead.

To those charged with over-all responsibility, the Washington officials and the congressmen, it remains a test of their ability to maintain calm in the face of rumors and uncertainty. To the Ralph Abernathys and other Southern Christian Leadership Conference members, it continues to be an opportunity for redressing old grievances and a challenge to the quality of their leadership.

THREE ORDINARY VIEWS

But those are the views from the top. For a more personal—and probably more useful—lesson, take the example of three persons who came to the grounds near the Lincoln Memorial yesterday where the poor will be housed.

The first two are Negroes. Both are 15, both ninth-grade students who left school as soon as they heard of the move north.

Until last week Lorine Doggan and Clara Deal had never been more than 20 miles away from their home in Crenshaw, Miss., population 1,382. Now they have seen half the country, and the Nation's Capitol.

They have also arrived at some conclusions.

"In every city that we went, there was bad places," said Lorine. "Like here."

And, of Washington, Clara added:

"I was expecting more. I was expecting it to look better than it really does. We wasn't expecting to see no slum areas. Some places here are badder than some places in Mississippi.

"All of this stuff in the streets, you know, paper and rags and trash and all that. But the worst was the alley we saw near that church where we stayed. O-o-o-h!"

Her friend interrupted:

"I'd say that the people here in Washington, they are just like the people in Mississippi. I thought Washington would be prettier than it was."

Neither, however, seemed disillusioned. One said, "We're glad we came." The other said she planned to stay "as long as possible."

Clearly, they believe their campaign will help them. They may be wiser about the country, but they have no doubt about themselves or about their people.

That is not the case with that other face in the crowd yesterday. He is a doubter, and a cynic. He came to observe, and he left apparently convinced that he had found what he already suspected—that the Poor People's Campaign is a sham.

It was late in the afternoon, and from all corners on the green adjoining the Reflecting Pool came the sound of hammering. The tools were being wielded by an odd assortment of workmen: Men and women in straw hats and sombreros, a Negro youth in a sweatshirt bearing an inscription "Sock Soul," and a young white girl in a white lace party dress.

They were putting up the structures for what is officially called "Resurrection City, U.S.A.," certainly one of the more grandiose names of our times.

HE DOESN'T GET IT

While all the work proceeded with earnest energy, this white man stood with his arms folded, looking on the scene and gratuitously volunteering his views in a stream of conversation.

"It's like the State Fair, isn't that it?" he said. "They're all on a holiday, isn't that it? I'll bet you there's not a one of them couldn't get a job if he wanted to. Where are they really from, anyway? And who's paying for all that lumber? That costs something, I'll tell you, I'll bet the Federal Government's giving it away.

"I'm in the feed and fertilizer business, north of Indianapolis, and we need good men who are willing to work. Now you look at them. If they'd just put that energy to work they could really get somewhere.

"You understand, I'm not against Negroes. We're not against them in Indiana. They have their place, but this thing—I mean, I just don't get it."

After much more of the same, he strolled away, shaking his head, assured he had learned his part of the truth.

[From the Evening Star, Washington, D.C., May 13, 1968]

Construction of Resurrection City Under Way

(By Lee Flor)

The main construction work on Resurrection City for the Poor People's Campaign "camp-in" was to start today after the Rev. Ralph David Abernathy drives in the first stake to mark off a tent site.

The builders of the "city"—on a site south of the Reflecting Pool—started work Saturday and by late yesterday had most of the material there for the residents.

The volunteer workers brought the prefabricated plywood and frame material to the site and left it under guard overnight.

Nash Castro, regional director of the National Park Service and John Wiebenson, the architect for the Southern Christian Leadership Conference's shelter program, worked on last-minute revisions at the site.

Because trees dominate part of the site, the orderly plans for rows of plywood and canvas tents and bathing structures may be changed slightly. Wiebenson and the hundreds of volunteer workmen are expected to improvise as they go along, changing their plans and remaining flexible.

The workmen today want to run water connections from fire hydrants so men working on the city can have drinking water. The first temporary toilets were put in place yesterday, but larger chemical toilets were expected to be brought to the field today.

The builders want to have enough construction finished by tonight so that some of the tents may be occupied.

By tomorrow, the builders want the first 250 sleeping units to be completed for the first 1,300 residents. They expect to have up to 3,000 persons living in the area covered by a park permit—a 15-area plot between the Reflecting Pool, 17th Street, Independence Avenue and the Lincoln Memorial.

Campaign leaders said they expect to have 3,000 residents by the end of the week, filling the 15 acres, and believe they will have to ask for additional living space.

Preliminary plans call for a central tent, about 60 feet by 90 feet, to serve as a cafeteria-dining hall. Food is to be prepared outside the area and brought to the tent.

Later the builders expect to erect a more permanent dining hall. Also, a small city hall and maintenance shop are to be built.

The large "town hall" type meetings for the residents, however, are expected to be held on the west steps of the Reflecting Pool patio.

Engineers and volunteer diggers yesterday were unable to locate the old sewer pipes that were left in the ground after World War II asbestos-shingle temporary office buildings were torn down.

Late today, tomorrow or on Wednesday, the builders want to bring in a large ditch-digging machine, both to excavate for temporary sewage lines and to find the old sewer pipes.

The sewage lines will be used for bathwater only—not for toilets.

Wiebenson said the chemical toilets would be cleaned every day, and trash and garbage would be hauled away every evening. There are large colonies of rats in the park area and the City's builders want to avoid feeding them.

The City designers drew blueprints that showed an art gallery to display paintings by the poor dramatizing poverty. Also, tentative plans call for later construction of an ornamental gate for an entrance to the City.

The City will have two "fire lanes" in the center, with space for fire trucks to get quickly to any plywood-canvas structure. In the center, between the fire lanes, will be located the dining hall, play area for children, the City hall, maintenance shops and general communications equipment such as loudspeakers and bulletin boards.

Striking an offbeat note yesterday, one observer of the campaign brought a truck with lettering proclaiming that the world was coming to an end.

The truck, without license plates, was parked in the southwest corner of the tent-city site.

The truck's message warned that 1968 is the year that a major catastrophy will strike. In sequence, there will be wind, earthquakes, tidal waves, and fires, the truck warned.

[From the Washington (D.C.) Post, May 15, 1968]

Marchers Move In, Hint a Long Stay

(By Willard Clopton Jr.)

"Resurrection City USA" acquired its first settlers and a zip code yesterday, as hints were given that the poor people's shantytown by the Reflecting Pool could become a semi-permanent encampment.

"We may be here two or three years," the Rev. James Bevel, a top official of the Southern Christian Leadership Conference, said at an afternoon press briefing.

The Rev. Bernard Lafayette Jr., national coordinator of the Poor People's Campaign, told newsmen that the protesters are prepared to ignore the June 16 expiration date for the permit that allows them to camp on West Potomac Park.

"The permit may run out, but we will not be run out," he said and added: "We got our permission to stay here from the American Indians."

About 600 camp-in participants, most of them from Mississippi, are in Washington now. Five other caravans of demonstrators are moving toward the city from other regions of the country but none is due to arrive before Thursday.

At the camp site, the banging of hammers competed with the overhead roar of jetliners, and by nightfall more than 100 plywood-and-plastic shanties had been erected.

A Campaign spokesman said that at least 200 persons would be living in the structures by last night.

One postal official said the settlement had been tentatively assigned the zip code of 20013. But another said the matter of mail delivery was still being worked out.

A wooden barricade went up at the camp entrance yesterday and Campaign marshals politely shooed away reporters and other outsiders.

Several explanations were given.

"We are not animals in a zoo, but people trying to establish a nonviolent community," said the Rev. A. E. Sampson, an SCLC field director. Mr. Bevel said it was to keep the work crews from being distracted, while Mr. Lafayette said it was to prevent injuries to visitors.

One nonparticipant admitted was Stokely Carmichael, former chairman of the Student Nonviolent Coordinating Committee, who made a smiling, hand-shaking visit to the scene during the afternoon.

Mr. Bevel later described Carmichael as "a friend and brother . . . one of the very important and outstanding black leaders in the country."

Early in the day, Sen. Charles H. Percy (R-Ill.) dropped by to don a carpenter's apron and pound a nail into a shelter.

He again endorsed the Campaign and said that as long as it is kept nonviolent and reasonable, "We must be receptive, we must listen and we must learn."

At the press briefing, Mr. Lafayette restated the SCLC aim of maintaining order. The campground, he said, "will be a nonviolent city—the first we know of in the United States."

Mr. Bevel said the protesters will practice "political psychiatry" on the Nation's leaders and "educate" them on the need to eliminate poverty now.

In another action, the National Capital Area Child Day Care Association said it would continue its day-care program for the marchers' preschool children at Sacred Heart Church, 16th Street and Park Road nw.—until the families can move into the camp site.

Meanwhile, representatives of the National Welfare Rights Organization met with officials of the Department of Health, Education and Welfare to discuss pending welfare amendments to the Social Security Act, to which they object.

Dr. George A. Wiley, head of the Organization, said later he would call for protest demonstrations throughout the country when the amendments take effect July 1.

At Resurrection City, the first arrivals were busy getting acquainted with their new surroundings.

One Mississippi woman ran her hand across the plywood walls and commented: "This is okay. It's better than what we have at home."

The youngsters darted here and there and scampered across piles of lumber. One woman started to cuff her unruly son but was restrained by another mother, who said, "Uh-uh, no violence now."

Five in March to District of Columbia Hurt in Clash With Detroit Police

Detroit.—A leader of the Poor People's Campaign says Detroit mounted police rode into a group of 15 marchers—including Milwaukee civil rights leader Father James Groppi—and injured five of them, none seriously.

Groppi was not injured.

About 100 members of the Midwest contingent of the march on Washington were in front of Detroit's downtown Cobo Hall yesterday protesting police efforts to remove a stalled automobile.

A march leader, Abraham Rice of Chicago, said he had been ordered by police to move the stalled communications car, equipped with a public address system.

When police tried to move in with a tow truck to remove the car, Rice ordered a group of marchers to surround it.

Then, Rice said, police moved in with clubs swinging.

Five persons were taken to Detroit General Hospital with bruises and cuts. All were treated and released.

About 200 police reinforcements quickly arrived, but they stood back while Southern Christian Leadership Conference marshals moved marchers back inside Cobo Hall.

The crowd dwindled from about 3,500 to about 1,000 as some of the march participants began tearing legs from folding tables to use as makeshift weapons. Marshals persuaded them to drop the table legs and there were no further incidents.

Police Insp. Anthony Bertoni, responsible for the district in which the incident occurred, could not be reached for comment. He was closeted in a conference with Police Commissioner Ray Girardin, a police spokesman said.

DEPARTURE DELAYED

Leaders of the march decided to delay their departure from Detroit until mid-afternoon. They had planned to leave for Cleveland at 9:30 this morning.

A spokesman for the committee handling local arrangements said SCLC officials would meet with Detroit Mayor Jerome Cavanagh this afternoon to discuss last night's clash.

In a telegram to Cavanagh, the SCLC president, the Rev. Ralph David Abernathy,

said he sent three aides to Detroit after he learned of the injuries resulting from what he called "a mounted police charge in a situation lacking any provocation on the part of the demonstrators."

GLORIFIED PANHANDLING—WITH A GUN

Rev. Abernathy, the illustrious leader of the Shantytown Ramble, strongly resented and denied a report of *The Washington Post* that he had said the purpose of the invasion was "to shake up the do-nothing honkies" in government.

The *Post* reporter said the quote was accurate. It would appear in character for the porcine imitator of Carmichael and Brown, for he subsequently announced to the country that in Ralph D. Abernathy, "you've got hell on your hands."

Not if Washington responds as it should to the usurpation of public property with its great risk of violence in the capital. The only honkies who are scared of him are the appeasers who don't want to offend the minority group he claims to represent. These and the forgotten honkies (and Negroes) who own businesses and property in a city already gutted by fire and a Roman holiday of pillage.

Despite a variety of laws strictly limiting the use of public parks and other areas in Washington, Abernathy has announced that he will decide where the Shack City is to be and will drive the first nail Monday. Congress will not be consulted.

They will make their own laws, squat where they please, certain in their own minds that official Washington won't lay a hand on them but even if it does decide to get tough, they still win. If Washington is intimidated, it's a victory. If Washington cracks down, as it should, it's still a victory, by the dim lights of such as Abernathy.

The arrangements announced by the National Park Service Friday and Saturday to permit a campsite for a limited number and for a limited time near the Lincoln Memorial is a surrender by officials who had opposed such use of parks.

The last time a camp-in in Washington occurred for pressure purposes was the Bonus Army march of 1932. The veterans, demanding benefits, camped in the Anacostia area, far from the Mall, until Army troops broke up the demonstration.

There is no assurance that the surrender of the Mall will restrict squatters even to that area or that they will pay any attention to any time limit. Congressional Quarterly, in a special dispatch received yesterday, reported:

"Leaders of the Poor People's Campaign definitely plan acts of civil disobedience in the event Congress fails to act promptly on their demands.

"Officials of the campaign told CQ that such acts as 'lie-ins' on Washington's major streets and 'walk-arounds' in the city's department stores were some of the methods currently being contemplated. Another, they said, was a decision not to seek a permit for the campsite for their demonstration.

"The Rev. Bernard Lafayette, national coordinator for the campaign, used an old adage he said had been coined by the late Dr. Martin Luther King Jr., to explain the group's rationale for acts of disobedience."

"'Take a traffic light,' he said. 'When the light is red, emergency vehicles such as ambulances go through without breaking the law. When we come before Congress, we hope the light is green. But if the light is red, then we will have to go through some red lights.'"

What will be the result, aside from probable violence, of the biggest act of mob duress Congress has ever faced?

Congressional Quarterly reports that, based on a survey of Congress, the march will not accomplish much.

Among the invaders' many demands is a modification of welfare laws: specifically, repeal of the 1967 ceiling on the number of families that can receive welfare aid for families with dependent children and the requirement that welfare recipients take part in work-training.

The major demand put to Washington by Rev. Abernathy is that Congress establish a guaranteed minimum income. This stands "no chance of enactment this year," CQ says flatly.

And the outlook is as dim, or almost so, for much of the glorified panhandling which characterizes the begging and threatening.

No rational person makes light of the plight of the genuinely poor, but they are being used, to a large extent, as a front for those who are really saying nothing more than that the country owes them a living whether they want to work or not. Behind all the demands is the stated or implied threat of mass violence.

In the Great Depression, with unemployment a national plague, the number on relief reached a peak of 8,000,000 (in 1938). A generation later, in a booming economy, there are now almost 10,000,000 on relief. Many are of course cases af authentic need and helplessness. But many are not.

As a *U.S. News & World Report* puts it in an analysis of the welfare situation: "Many seem to prefer it to work."

The top organizer of the march told a rally recently that campaigners can go to Washington one night and be on welfare the next day. The Rev. James Bevel advised his listeners: "We gonna go to Washington and demonstrate, get on welfare and go to jail."

Surprisingly enough, his legal advice is apparently sound. Just the other day, District lawyers argued before the U.S. Supreme Court that if a lower court decision is allowed to stand, one which knocked out Washington's one year welfare residency requirement, the city would be deluged with welfare demands by members of Abernathy's Army.

Robert Kneip, assistant corporation counsel for the District, told a congressional committee that a three-judge decision last November, outlawing residency requirements, made it possible for demonstrators who flood the District, establish domicile (for which read shanty) and express an intention to remain, to be eligible for welfare.

Thus they will be paid public money for disrupting public business and intruding on public property. Further, they may in effect be subsidized for participating in a grand orgy which might put Washington to the torch again.

Small wonder that more and more Americans are getting sick of it all. The spectacle of the Capital of the free world, of the most powerful nation on earth, cowering before a mob which says, "Down with everything but handouts," will be too much.

The question is: Will Washington cower? Or will it react as it would if the city were selected for the unauthorized national encampment of the Ku Klux Klan?

GARBAGE EXPLOSION

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 1968

Mr. OTTINGER. Mr. Speaker, the American public has been exposed in recent years to much discussion of the problems and hazards of air and water pollution. Certainly no one can argue that these problems are not serious and pressing.

Almost hidden from public view, however, has been the problem of solid waste disposal. The problem has not been hidden from county and city government officials—far from it. I would venture to say that there is not one Member of this House who does not have a serious waste disposal problem in his district today. The number and magnitude of these crises is going to increase geometrically, and we are going to have to start doing something about them—now.

The Office of Solid Waste Disposal in the Public Health Service is looking for solutions to the problem. The Bureau of Mines is looking into the problem of what to do with junked cars. I commend their efforts—but at the same time I must say that they and we are only scratching at the surface of the question.

The magnitude of the problem is illustrated in an article in yesterday's New York Post, written by Sylvia Porter, and talking about the magnitude of the problem. Miss Porter is performing a valuable service in calling this to the attention of the public, and I am hopeful that other respected public leaders will also take steps to bring the matter before their supporters. Informed public discussion of this problem can only have a most salutary effect.

I commend this article to the attention of my colleagues:

GARBAGE EXPLOSION

(By Sylvia Porter)

It was a garbage strike in Memphis which provided the background for the assassination of Dr. Martin Luther King Jr. It was a garbage strike in New York which led to a profoundly important confrontation between Gov. Rockefeller and Mayor Lindsay. Garbage suddenly has become big-time social-economic news—and for understandable reasons. Consider:

If yours is an "average" family, you throw out about 20 pounds of vegetable parings, beer cans, soda bottles and other rubbish every day.

The U.S. population as a whole now discards a staggering 440,000 tons of rubbish every day, and 160,000,000 tons every year.

The amount of rubbish we are throwing away has been increasing at about twice the rate of our population increase, with the total of junk and garbage being thrown into the national rubbish bin up 60 per cent since 1950.

Our national refuse disposal bill has now reached $3 billion a year. Of this amount, the cost to municipalities, and thus to the taxpayers, is $1.5 billion a year. This makes refuse collection and disposal the third biggest item in the U.S. municipal budget, exceded only by the costs of schools and roads. The rest, another $1.5 billion, represents the costs of private refuse disposal to consumers and commercial establishments. What's more, refuse disposal costs are sure to continue to spiral upward.

City after city is running out of space for garbage dumping and sanitary landfill. Aggravating the space problem is the trend toward no-deposit-no-return bottles and the throw-away of just about everything. And the push to reduce air and water pollution is making many of our old garbage disposal techniques either obsolete or illegal.

The garbage problem is now reaching crisis proportion yet in this area of our lives we still are using virtually no modern ingenuity or automation to solve it.

What new approaches to the garbage problem should we be exploring far more aggressively, to save either space or money? Here is a sampling of experimental methods:

In one Tokyo suburb, loads of refuse are compacted into cubes, encased in concrete and sold as construction blocks.

In a few U.S. cities, the heat from refuse incineration is being converted into steam or electricity for municipal use, resulting in significant cost savings.

In Metarie, La., outside New Orleans, a combination incinerating and by-product processing plant is now being completed in which refuse is sorted by magnets and other devices into usable by-products. Among them are cans, which can be used in copper recovery systems; bottles, which can be re-used in making glass products; and organic matter which is processed into a variety of salable soil conditioners. In the process, the volume of pure refuse which must be disposed of by other means is reduced to only about 20 per cent of the original tonnage. Similar refuse by-product plants have been built in at least three other U.S. cities: Mobile, Ala., St. Petersburg, Fla., and Houston, Tex.

A modern garbage disposal method which works in one place may not work in another. But the crucial point is that we must begin moving away from our primitive disposal methods. If we don't, warns John Valianos, president of the Arizona Biochemical Company, which is building the new Louisiana plant, "we'll face not only inundation by the contents of our garbage pails, but also incalculable public health and pollution hazards which will make today's soaring economic costs seem insignificant."